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# SENATE—*Thursday, May 14, 1970*

The Senate met at 10:30 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Lord God Almighty, guide, we pray Thee, all those to whom Thou has committed the Government of this Nation, and grant to them at this time special gifts of wisdom and understanding, of counsel and strength; that, upholding what is right and following what is true, they may obey Thy holy will and fulfill Thy divine purpose, through Jesus Christ our Lord. Amen.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 13, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Iowa (Mr. HUGHES) is recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from Iowa yield to me briefly, without losing the floor or any of his time?

Mr. HUGHES. I yield.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

## U.S. PATENT OFFICE

The assistant legislative clerk read the nomination of Robert Gottschalk, of New Jersey, to be First Assistant Commissioner of Patents.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and without objection, it is confirmed.

The assistant legislative clerk read the nomination of Lutrelle F. Parker, of Virginia, to be an examiner in chief, U.S. Patent Office.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

## U.S. MARSHAL

The assistant legislative clerk read the nomination of Donald D. Hill, to be U.S. marshal for the southern distict of California.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

Mr. MANSFIELD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, the President will be so notified.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Senator from Iowa (Mr. HUGHES) is recognized.

## S. 3835—INTRODUCTION OF COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

Mr. HUGHES. Mr. President, I rise this morning to introduce, for myself, the Senator from New York (Mr. JAVITS), the Senator from Utah (Mr. MOSS), and 35 other Senators from both parties, the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970."

I send the bill to the desk and ask unanimous consent that it be referred to the Committee on Labor and Public Welfare, with the understanding that the subject matter contained in section 403 of the bill will be rereferred to the Armed Services Committee, should that be the desire of that committee; that the subject matter contained in section 405 of the bill be referred to the Judiciary Committee, should that be the desire of that committee; and that the subject matter contained in title V of the bill be referred to the Finance Committee, should that be the desire of that committee.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The bill will be received; and, without objection, the several unanimous-consent requests will be granted.

The bill (S. 3835) to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism, introduced by Mr. HUGHES (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. HUGHES. I thank the Chair very much.

Mr. President, I also ask unanimous consent that, at the end of my remarks, a section-by-section analysis of the bill be printed and that the bill itself be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. HUGHES. Mr. President, I ask unanimous consent to add to the list of cosponsors the name of the Senator from California (Mr. MURPHY).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUGHES. Mr. President, the introduction of this legislation is, as I see it, a historic and symbolic event.

In testimony before the Senate Subcommittee on Alcoholism and Narcotics, Dr. Roger Egeberg, our Government's ranking doctor, termed alcoholism the Nation's No. 1 health problem.

The latest estimates indicate that 9 million Americans suffer from the compulsive overuse of alcohol. I personally believe the number is much greater than that.

It is also estimated that alcoholism costs our society from $4 to $7 billion in economic waste annually.

I am talking now about loss of time and mistakes in industrial production, all the way from management to the production line. I also believe that that figure is very low.

Alcoholism is now rated the fourth major killing illness in America.

No responsible authority, to my knowledge, doubts that it is the Nation's most neglected and costly illness.

Its impact on our society in terms of wasted lives, broken homes, destruction of youth, and general misery and heartache is beyond any calculation.

This deadly illness, which gives people of all ages and social strata the compulsion to poison their bodies and minds, has a direct and devastating impact on families of alcoholics, affecting a total of perhaps 30 to 40 million persons in the United States.

So we are now talking about roughly 50 million Americans who are affected by alcoholism in this country.

Add to that those who are victimized by what alcohol makes alcohol abusers do—the victims of highway accidents, the victims of crime in which alcohol was a contributory factor, and the employers whose business operations are crippled by absenteeism and inefficiency resulting from alcohol abuse.

Put these facts and figures together and it is apparent that alcoholism is a problem of our entire society.

It should be equally apparent that it will take a total effort of our society to control it.

I would point out, as I have previously in this body, that there have been estimates that one out of every seven beds in our mental institutions are occupied by an alcoholic; that one out of every six beds in our veterans hospitals is occupied by an alcoholic; that 60 percent of the men in our prisons and reformatory institutions are there because of crimes committed while under the influence of alcohol; and that over 25,000 deaths a year on our highways are directly attributable to alcohol abuse and alcoholism.

In recent decades, we have learned a great deal about the problem of alcoholism.

We now know that alcoholic patients can recover their health.

We know that, with the proper treatment and help, they can overcome the habit and the addiction.

We know how to help patients control their illness so that they can live normal and productive lives.

We know how to launch effective programs of prevention, so that people in America can realize that alcohol is a devastating drug, the most widely abused drug in America today.

But all of the light that has been shed on the problem of alcoholism in our society will be the light that failed, unless we take action along the lines indicated—on a massive, all-out scale.

We have tragically refused to meet this challenge thus far. We have simply nibbled at the corners of the problem, relegated it to a status indicating unimportance, and let people continue to die or to be shunted here and there in the dark recesses of the streets and homes of America.

To get the job done will require an enormous amount of coordinated effort at all levels of government—and very sizable outlays of money. There is no patent, painless solution. There is no shortcut.

To sum it up, we know the critical nature of this problem; we know that it is growing at a rapid rate; we know that we must face the problem realistically sooner or later—or, if we do not, it will ultimately destroy the health and well-being of our society.

We know what we must do. We simply have not done it.

The bill we are introducing today is the vehicle by which the Congress can face the realities of the situation from the standpoint of the Federal Government, and can offer leadership to other levels of government in America, and to private organizations in this country.

The legislation is unprecedented in its dimension and in its comprehensiveness.

It would establish the administrative structure and authorization for a massive, diversified, inclusive Federal campaign to treat, control, and prevent alcoholism in the United States.

Cosponsoring the bill along with Senator JAVITS and Senator MOSS are Senators ANDERSON, BAKER, BAYH, BIBLE, BROOKE, BURDICK, CANNON, CRANSTON, DOLE, EAGLETON, FULBRIGHT, GOODELL, GURNEY, HARRIS, HART, HARTKE, HOLLINGS, INOUYE, KENNEDY, MANSFIELD, MCGEE, MCINTYRE, METCALF, MONDALE, MONTOYA, MURPHY, PACKWOOD, PERCY, PROUTY, RANDOLPH, SCHWEIKER, SMITH of Illinois, SPARKMAN, WILLIAMS of New Jersey, and YARBOROUGH.

The bill has the active support of the North American Association of Alcoholism programs, which represents State and local government groups dealing with alcoholism, and of the National Council on Alcoholism, composed of citizen organizations throughout the Nation in the field of alcoholism.

The bill we are presenting is a very complex piece of legislation dealing with a subtle difficult, and unglamorous problem.

There are no easy solutions. Perhaps more than any other illness, alcoholism afflicts the whole man and the whole society.

It has devastated almost every nation and every culture in the world from the beginning of recorded history. It disrupts the family and cripples the economy. It is a progressive, insidious disease which, for thousands of people, ends finally in insanity or death.

John W. Gardner, former Secretary of Health, Education, and Welfare, has said:

> No other national health problem has been so seriously neglected as alcoholism. Many doctors decline to accept alcoholics as patients. Most hospitals refuse to admit alcoholics.

And, I might add, they still do today, in spite of the protestations of their association representatives.

> Available methods of treatment have not been widely applied. Research on alcoholism and excessive drinking has received virtually no significant support.
>
> The atmosphere of moral disapproval surrounding the entire subject, and the deplorable custom of treating alcoholics as sinners or criminals have obscured the nature of the problem.
>
> But now we recognize that alcoholism is an illness—no more moral or immoral than tuberculosis or schizophrenia—and that our ways of dealing with that illness have been shockingly inadequate.

As Mr. Gardner states, it has now been authoritatively established that alcoholism is a disease, and not just a weakness which the sufferer can cure if he has the will to do so.

We accept this concept in the abstract; but when we are confronted with specific cases, we are inclined to slip back into the old medieval prejudices which insist on regarding alcoholism as a crime.

The first step in alleviating the problem of alcoholism is to disabuse ourselves of this attitude of moral condemnation. We do not condemn epileptics, diabetics, or cancer victims. But when we speak of an alcoholic who has got well and learned to control his compulsion, we are still apt to call him a "reformed" alcoholic.

We do not speak of a "reformed" diabetic. The proper term for an alcoholic who has been restored to health and learned to control his problem is, of course, "recovered" alcoholic, because he has recovered from his disease.

In testimony before the Senate Subcommittee on Alcoholism and Narcotics, we were told by representatives of the American Hospital Association, the American Medical Association, and the American Psychiatric Association that all three of these organizations have officially accepted the concept that alcoholism is an illness and a major health problem.

But, in point of fact, society still refuses to accept alcoholism as a disease. What do you do with a drunk? Arrest him, throw him in jail? Above all, get him out of sight. Walk around him with disgust, if he is lying on the street. If he fell there with a heart attack, we would rush the most modern medical treatment to his side, so that he might possibly have a chance to live. But the alcoholic could lie there and die, as people, in disgust, walk around him.

Our system of dealing with alcoholics is a revolving door. We put the person suffering from the illness in jail. We throw him in the tank. If he dries out overnight, he is released, with a raging thirst to resume his role as a costly and difficult problem for society.

I am talking here, of course, about the indigent man or woman—the man or woman on the street. I should point out that such persons represent only about 3 percent of the alcoholics in America. Most alcoholics are hidden in the comfort of their suburban homes. They are not lying on the street, but are hidden in the upstairs room, with their families secretly trying to cope with the problem, ashamed to seek assistance that should be readily available.

We have made incredible progress in the past generation in many of our

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health problems. We have developed the Salk vaccine. We have made notable headway in cancer treatment and research, and may be, in fact, on the verge of breakthroughs in these areas. We have done wonders in controlling heart disease. We have tamed tuberculosis as a major health problem.

But in the commonplace, accessible area of alcoholism, we have fallen flat on our faces. We have failed to make more than a small dent in the treatment, control, and prevention of a killing illness that is as widespread and as familiar as the common cold.

My distinguished colleague, Senator JAVITS, pointed out at hearings of the Special Subcommittee on Alcoholism and Narcotics that he and the Senator from Utah (Mr. MOSS) representing a completely bipartisan effort, "have been trying since 1966 to establish alcoholism as an acknowledged illness which needs to be treated on the basis of medical care, research, and rehabilitation."

If any Government program has a sound economic rationale, the programs called for by this legislation must lead the list. For every dollar invested in controlling alcoholism, we can save $10 to $100 in the ultimate cost to our society. There is no investment on the stock market that can match this one in the certainty of the return.

The Crime Commission reported in 1965 that one out of every three arrests—some 2 million in all—were for public drunkenness. In urban areas, that figure rises to over 50 percent of all arrests. Consider the intolerable burden this places on the courts, the police, and the corrections system, all of which are already overburdened with increasing crime.

A recent California study of more than 2,000 felons concluded:

> Problem drinkers are more likely to get in trouble with the law because of their behavior while drinking or because they need money to continue drinking.

Problem drinking is "the No. 1 problem on our highways," according to Dr. William Haddon, Jr., former Director of the National Highway Safety Bureau. Approximately 50 percent of all highway fatalities can be attributed to problem drinking.

A report by the U.S. Department of Transportation to the Congress in 1968, entitled "Alcohol and Highway Safety," stated:

> The use of alcohol by drivers and pedestrians leads to some 25,000 deaths and a total of at least 800,000 crashes in the United States each year. Especially tragic is the fact that much of the loss in life, limb, and property damage involves completely innocent parties.

The extent to which alcoholism cripples industry in America is established but not generally recognized. In a work force of over 58 million employees in business, industry, and civilian government today, more than 2 million—or 5.3 percent—are estimated to be alcoholics.

I would like Senators to keep in mind that for the estimates I have been giving of chronic alcoholics, there are at least an equal number of borderline problem drinkers who have not yet reached the point of calling themselves or being diagnosed as alcoholics. This means that we could double the figure I gave earlier of families involved and total people involved, and that number would be raised to almost 75 million Americans whose lives are touched or subject to being touched by alcoholism. I have hardly met a man, woman, or child who, somewhere in their family, does not have a problem of alcohol.

The National Council on Alcoholism puts the annual cost to employers of an estimated 2,697,000 untreated alcoholic cases as $4,267,033,000—and these are low estimates. The costs of alcoholism are attributable to absenteeism, accidents, sickness, benefit payments, lowered morale, and damaged customer and public relations.

In an article in Business Management of January 1969, it was estimated that the cost to industry may run as high as $7 billion yearly. In fact, I might mention that a friend of mine told me never to buy an American car that came off the production line on Monday, for the simple reason that there were too many hangovers on Monday, and the probability is that you would get a lemon, because of the ineffectiveness of the workers as a result of the weekend.

Obviously the cost in human suffering, anxiety, humiliation, impoverishment, broken families, and destroyed lives cannot be calculated. I could go on and on about emotionally disturbed children and family members in situations in which the mother or father, or both, were chronic alcoholics or problem drinkers.

There is no more acute social concern in America today than our apprehension about the frightening growth of drug abuse and narcotics addiction among our children and youth.

Anguished parents whose sons and daughters are on drugs ask: "Where did it begin?"

In our alcohol-oriented society, we do not really want to know the truth. This would stir up guilt feelings about our own self-indulgence in adult America. Most parents are inclined to place the blame on marihuana.

But from my own observations in the field and from testimony given in our subcommittee hearings in cities from Los Angeles to New York, I have learned that most of the youngsters who are on drugs or narcotics got started with the most widely abused drug of all—alcohol—and that was the beginning, if we want to go back to the beginning.

I recall the case of one 15-year-old boy who died, within the past year, from an apparent overdose of drugs. It developed that over a period of time, he had volunteered to be a "guinea pig" among his high school chums. He would experiment with taking all of the unidentified pills and other drugs they could swipe. If he got a "high" out of the drug and did not get sick, then the others could feel that it was safe to try the unknown substance.

But this 15-year-old was reported to have said that he enjoyed the "high" he got out of alcohol more than any pill or any drug he could find.

He went to other drugs simply because it was easier to conceal what he was doing from his parents, who had punished him severely when they had discovered he was using liquor.

Research shows that teenagers tend to follow adult models in their drinking patterns. The average age at which students have their first drink is 13, although they have probably tasted alcohol as early as age 10.

Mr. President, let me make it plain that I am not advocating a return to prohibition. We have been through the Volstead Act nightmare.

I am simply asking that we face the problem of alcohol abuse in our society realistically, before it destroys the health and stability of our society, which it is well on the road to doing.

Obviously if we do not have the strength and self-reliance as a people to face up to this familiar, solvable problem, we might as well forget about our other major critical problems, such as peace, poverty, and racial equality. How on earth will we ever be able to solve those?

It is interesting to note that the Soviet Union has recently shown great apprehension about the mushrooming problem of alcoholism in their society. They are desperately attempting to cope and deal with it.

It would be ironic if the United States and the Soviet Union, these two great superpowers, become locked into another contest like the nuclear arms race—a contest to save the health and stability of their respective societies from the debilitating and destructive effects of alcohol abuse.

But this might well become the reality.

And I might point out that our success or failure in controlling the deadly illness of alcoholism in our society has an important bearing on our national security as well as our public health and well-being.

Mr. President, I wish to express to this body my appreciation for the shared concern of my colleagues about this problem. As can be seen by the number of cosponsors of this measure, it is a bill in which there is great interest. Congress will later be called upon to put its money where its mouth is, or the structure of the proposed legislation itself will not be effective.

EXHIBIT 1

### SECTION BY SECTION ANALYSIS—COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT OF 1970

#### TITLE I—FINDINGS AND DECLARATION OF PURPOSES

*Section 101*—finds that alcohol abuse can seriously impair health, and can lead to alcoholism; that alcoholism is an illness or disease that requires treatment through health rehabilitation services; that a comprehensive and coordinated approach is needed; that existing laws have not been

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adequate to prevent alcohol abuse or to provide sufficient education, treatment, and rehabilitation of alcoholics; that increasing education, treatment, and rehabilitation services, and closer coordination of efforts, offer the best possibility of reducing alcohol abuse and alcoholism; that a major commitment of health and social resources and government funds is required to institute an adequate and effective Federal program for the prevention and treatment of this problem; that present Federal programs for alcohol abuse and alcoholism are relegated to a low level of priority and remain uncoordinated within the government; that alcoholism has not been handled effectively in regard to those for whom the Government has special responsibilities; that existing Federal research, social, health, and rehabilitation laws have not adequately been used to attack alcohol abuse and alcoholism; that lack of Federal leadership and funding has also contributed to the failure of public and private State and local agencies to recognize their responsibilities for meeting these problems; that dealing with public inebriates as criminals has proved expensive, burdensome, and futile, since criminal law is ineffective to deter what are basically major health and rehabilitation problems; that removal of public intoxication from the criminal system and establishment of modern public health programs for the medical management of alcohol abuse and alcoholism facilitate (1) early detection and prevention of alcoholism and the treatment and rehabilitation of alcoholics, (2) diagnosis and treatment of concurrent diseases, and (3) assistance with underlying psychological and social problems; that handling alcohol abusers and alcoholics through rehabilitative programs relieves the police, courts, correctional institutions, and other law enforcement agencies of a burden that interferes with the protection of citizens.

*Section 102*—declares that a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism shall be established within the National Institute of Mental Health to coordinate Federal alcohol abuse and alcoholism programs and to administer the programs and authorities established by this Act; that major Federal action and assistance to State and local programs shall be undertaken to encourage planning, coordination, statistics, research, training, and education with respect to the alcohol problems, and to provide equal access to care, treatment, and rehabilitation for all alcoholics; that other Federal legislation providing for Federal assistance in research, prevention, treatment, or rehabilitation in the fields of health, education, welfare, rehabilitation, and highway safety shall be more fully utilized to reduce alcohol abuse and alcoholism.

### TITLE II—DEFINITIONS

*Section 201*—for the purposes of this Act—"alcohol abuse" means any use of any alcoholic beverage that results in intoxication which endangers persons or property; "alcoholic" means any person whose consumption of any alcoholic beverage consistently causes him physical, psychological, or social harm; "alcoholism" means the illness or disease characterized by a person's consumption of any alcoholic beverage to an extent that consistently causes him physical, psychological or social harm.

Other definitions include those for the terms "commissioner," "emergency medical services," "inpatient services," "Institute," "intermediate care services," "outpatient services," "prevention and treatment."

The remaining definitions are routine.

### TITLE III—NATIONAL INSTITUTE FOR THE PREVENTION AND CONTROL OF ALCOHOL ABUSE AND ALCOHOLISM

#### *Establishment of the Institute*

*Section 301*—establishes a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the National Institute of Mental Health to administer the programs and authorities assigned to the Secretary by this Act. Remaining sections of this title set out the responsibilities of the Institute and the qualifications of its personnel.

#### *Administrative functions of the Secretary*

*Section 302*—sets out the assisting of other Federal agencies in developing and maintaining prevention, treatment and rehabilitation programs; the evaluation of adequacy and appropriateness of the provisions relating to the prevention and treatment of alcohol abuse and alcoholism of all State health, welfare, and rehabilitation plans submitted to the Federal Government; the administering of grants and contracts; and any other action consistent with the intent and objectives of this Act.

#### *Planning functions of the Secretary*

*Section 303*—sets out the planning functions of the Secretary. They include the development of a detailed and comprehensive Federal alcohol abuse and alcoholism control plan to implement the objectives and policies of this Act; the evaluation of existing alcohol education materials; the development of model alcohol abuse and alcoholism control plans and legislation for State and local governments; the providing of assistance and consultation to State and local governments and private organizations, agencies, institutions, and individuals with respect to the prevention and treatment of alcohol abuse and alcoholism; and the promotion throughout the country of public health procedures for the treatment of alcoholics as alternatives to present criminal procedures.

#### *Coordination functions of the Secretary*

*Section 304*—sets out the coordination functions of the Secretary. They include assistance of the Civil Service Commission, the Department of Defense, the Veterans' Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services for alcohol abuse and alcoholism; service as consultants to courts, departments and agencies, including those responsible for programs affected by Title V of this Act; coordination of all Federal health and rehabilitation efforts to deal with alcohol abuse and alcoholism; encouragement and assistance of State and local government programs and services as well as public and private agencies, institutions, and organizations; stimulation for more effective use of existing resources and services; cooperation with appropriate federal departments and agencies to develop a policy consistent with this Act with regard to federal employees who are alcohol abusers or alcoholics; and assistance of state and local governments in coordinating programs among themselves.

#### *Statistical functions of the Secretary*

*Section 305*—sets out the statistical functions of the Secretary. They include the gathering and publishing of statistics pertaining to alcohol abuse and alcoholism, and the promulgation of rules and regulations specifying uniform statistics, records, and reports.

#### *Research functions of the Secretary*

*Section 306*—sets out the research functions of the Secretary. They include the carrying out and encouragement of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treatment of alcohol abuse and alcoholism; encouraging and assisting others in conducting all forms of research, investigation, experiments, and studies relating to the toxicology, pharmacology, chemistry, and effect on the health, of alcohol abuse and alcoholism; coordination of the research conducted by the Institute with that done by other departments and agencies; establishment of a research register; availability of research facilities and resources of the Administration to appropriate authorities engaged in special studies related to this Act; awarding of grants to, and contracts with universities, hospitals, laboratories, agencies, institutions, organizations, and individuals for such research; establishment of an information center on such research; establishment and maintenance of a research fellowship program; investigation of methods for detection of alcohol levels; protection for individuals who are the subjects of such research, and evaluation of existing and proposed new programs and services for the prevention and treatment of alcohol abuse and alcoholism.

#### *Training functions of the Secretary*

*Section 307*—sets out the training functions of the Secretary. They include establishment of training programs for professionals and para-professionals; encouragement of such programs by state and local governments; and establishment of training fellowships.

#### *Educational functions of the Secretary*

*Section 308*—sets out the educational functions of the Secretary. They include development of model curricula for instructing children and for use by parent-teacher associations, adult education centers, private citizen groups, or other State or local sources, for instruction about alcohol abuse and alcoholism; preparation of a broad variety of educational materials for use in all media; establishment of a variety of learning units for use by Federal officials and state and local agencies on the causes of, and treatment for alcohol abuse and alcoholism; serving as a clearinghouse for the collection, preparation and dissemination of all information relating to alcohol abuse and alcoholism; recruitment, training, organization, and employment of professionals and para-professionals to organize and participate in programs of public education in relation to alcohol abuse and alcoholism; coordination of activities carried on by the Federal government relating to the health education aspects of alcohol abuse and alcoholism; and the undertaking of such other activities as may be important to a national program of education relating to alcohol abuse and alcoholism.

#### *Reporting functions of the Secretary*

*Section 309*—sets out the reporting functions of the Secretary. An annual report to Congress, specifying actions taken and services provided under each provision of this Act, and an evaluation of their effectiveness is required. Additional reports, as requested by the President of the United States or by Congress and appropriate recommendations to the President of the United States and Congress are also required.

### TITLE IV—PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM FOR FEDERAL EMPLOYEES, MILITARY PERSONNEL, VETERANS, AND FEDERAL OFFENDERS

#### *Alcohol abuse and alcoholism among Federal Government employees*

*Section 401*—provides for the prevention and treatment of alcohol abuse and alcoholism among Federal government employees, by establishing that the Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Institute and other Federal agencies, appropriate policies and services for the prevention and treatment of alcohol abuse and alcoholism among Federal employees. That such employees will retain the same employment benefits as persons afflicted with illness, not losing pension, retirement or medical rights; that the Secretary shall be responsible for fostering similar alcohol abuse and alcoholism prevention, treatment and rehabilitation services in State and local govern-

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ments and in private industry; and that no person may be denied Federal employment or a Federal license or right solely on the ground of prior alcohol abuse, except in regard to extremely sensitive positions.

### *Health and disability insurance plans for Federal employees*

*Section 402*—provides that all health and disability insurance policies and plans for Federal employees shall cover acoholism in the same way as other health problems, illnesses, and diseases that are not self-inflicted.

### *Alcohol abuse and alcoholism among military personnel*

*Section 403*—provides that alcoholism shall be regarded as a physical disability and shall not be regarded as the result of intentional misconduct or willful neglect; that an alcoholic shall retain the same rights and benefits as any other person afflicted with illness, and shall not lose pension, retirement, medical or other rights because of alcoholism (this shall be retroactive); that medical care provided to military personnel and their dependents shall include appropriate treatment and services for alcohol abuse and alcoholism.

### *Alcohol abuse and alcoholism among veterans*

*Section 404*—provides that appropriate treatment facilities and services for alcohol abuse and alcoholism shall be made available within Veterans Administration hospitals as a matter of high priority; that alcoholism during military service shall be regarded as a service-connected disability, and shall not be regarded as due to willful misconduct; that Section 602 of Title 38 of the United States Code is amended to add "or alcoholism" in the title and in the body of the section after the word "psychosis"; and that a dishonorable discharge prior to the effective date of this Act shall not bar a veteran from treatment if the discharge was the result of alcohol abuse or alcoholism.

### *Alcohol abuse and alcoholism among Federal offenders*

*Section 405*—provides that any person charged with a criminal offense under Federal law and who appears to be an alcoholic shall, after police processing and consultation with counsel, promptly be taken for emergency medical services, where he shall either be admitted as a patient or transported to another appropriate health facility for treatment and diagnosis; that upon admission as a patient, such person shall immediately be examined to determine whether (1) it is probable that he is not an alcoholic, and (2) he is in need of emergency medical services; that any such person may be detained as long as is necessary to complete this diagnosis, and emergency medical treatment, but no longer than three days after which he shall be released and handled as in any other criminal case; that the services established by this Act shall be used by the Bureau of Prisons and the Board of Parole for alcoholic offenders placed on work release, probation, parole, or other conditional release; and that the Secretary and the Bureau of Prisons shall cooperate in establishing alcoholism prevention and treatment services in Federal correctional institutions.

### *Provision of services*

*Section 406*—provides that the treatment and rehabilitation services authorized by this title may be provided at any available facility, including but not limited to Public Health Service Hospitals, Veterans Administration hospitals, public and private general hospitals, community mental health centers, and public and private alcoholism treatment and rehabilitation centers; that care and treatment for veterans shall be provided where possible in Veterans Administration hospitals; that the Secretary may contract with any appropriate public or private agency, organization, or institution that has proper and adequate facilities and personnel.

### *Confidentiality of records*

*Section 407*—provides that all patient records prepared or obtained pursuant to this Act, and all information contained therein, shall remain confidential, and may be disclosed with the patient's consent only to medical personnel and only for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his alcoholism; that disclosure may be made for purposes unrelated to such treatment or benefits upon order of a court after application showing good cause therefor (in determining this the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards); that no such records or information may be used to initiate criminal charges against a patient under any circumstances; that all patient records and all information contained therein relating to alcohol abuse or alcoholism prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his alcoholism.

## TITLE V—PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM UNDER FEDERAL HEALTH, WELFARE, AND REHABILITATION PROGRAMS

### *Medicare and medicaid*

*Section 501*—provide that an alcoholic shall be regarded as a sick or disabled person eligible for treatment under medicare and medicaid; that Section 1396a of Title 42 of the United States Code is amended to add: "(a) (31) include provisions for prevention and treatment of alcohol abuse and alcoholism."

### *Social security*

*Section 502*—provides that an alcoholic shall be regarded as eligible for disability benefits under the Social Security Act, as amended, and benefits shall not be barred on the ground that alcoholism is a self-inflicted disability.

### *Economic opportunity*

*Section 503*—provides that alcohol abuse and alcoholism shall be a matter of high priority for programs undertaken under the Economic Opportunity Act of 1964 as amended.

### *Vocational rehabilitation*

*Section 504*—provides that an alcohol abuser or alcoholic, or a facility or program or service for the prevention or treatment of alcohol abuse or alcoholism, shall be eligible for funds made available pursuant to chapter 4 of title 29 of the United States Code; that Section 35(a) of title 29 of the United States Code is amended to add: "(15) provide for the uses of vocational rehabilitation in the prevention and treatment of alcoholism."

### *Welfare*

*Section 505*—provides that alcohol abuse and alcoholism shall, for the purposes of all Federal welfare programs and all State welfare programs that receive Federal participation, be regarded as a major health and economic problem; that State and Federal agencies charged with administering such welfare programs shall take action to reduce the incidence of financial indigency and family disintegration caused by alcohol abuse and alcoholism, and shall provide for treatment and rehabilitation services for those persons enrolled in welfare programs whose financial eligibility for such assistance results, in part or in whole, from alcohol abuse or alcoholism; that alcohol abuse or alcoholism prevention and treatment programs for persons enrolled in such welfare programs whose financial eligibility for such assistance results, in whole or in part, from alcohol abuse or alcoholism, shall, if approved by the Secretary, be eligible for 75 per centum Federal funding; that applications for funds under this subsection shall be made by the State agency charged with administering the aid program, which may conduct the program or may contract with any other appropriate State agency or private organization for the provision of any of the designated services; that persons otherwise eligible for such welfare assistance shall not be ineligible for such assistance because of alcohol abuse or alcoholism; that any person whose financial eligibility for assistance results, in whole or in part from alcohol abuse or alcoholism, shall be provided the services of appropriate treatment and rehabilitation services upon certification by a responsible medical officer that (1) the service will more likely than not be appropriate for the recipient, and (2) that the services can accommodate the recipient; that after such certification, participation by the recipient in the program shall be a requirement for continuing eligibility for such assistance, in the absence of good cause for nonparticipation; that a certification by the director of the facility that the recipient is no longer amenable to treatment shall constitute such good cause; that any alcohol abuse or alcoholism treatment facility as a medical institution within the meaning of section 306(a) of title 42 of the United States Code; that the Secretary promulgate regulations specifying how benefits shall be used to contribute to the costs of treatment and rehabilitation of an alcohol abuser or alcoholic receiving welfare assistance; that any recipient of welfare assistance whose inability to work or to participate in a work training program is the result of alcohol abuse or alcoholism shall be excused from such participation on condition that he accept rehabilitation services and treatment made available to him; that the Secretary shall promulgate regulations and offer technical assistance to States in providing programs of education about alcohol abuse and alcoholism for children of school age and adults responsible for them, and appropriate treatment for children damaged mentally or physically as a result of alcohol abuse or alcoholism on the part of adults with whom they have significant contact.

### *Highway safety*

*Section 506*—provides that each State highway safety program approved pursuant to the Highway Safety Act of 1966 shall include provisions for the prevention and treatment of alcohol abuse and alcoholism among licensed drivers; that each program shall provide for screening, diagnosis, and treatment coordinated with and integrated into comprehensive community health and rehabilitation planning; that statistics shall be maintained with regard to the incidence of alcohol abuse and alcoholism among licensed drivers and individuals involved in automobile accidents whether alcohol abuse was a probable factor or not; that highway safety research conducted pursuant to that Act shall include research with respect to the prevention and treatment among licensed drivers; that any Federal funds used

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to assist State and local governments in the prevention and treatment of alcohol abuse and alcoholism among licensed drivers shall be expended for the purpose of education, treatment, and rehabilitation, and not for the purpose of punishment; and that such funds shall be expended for programs and services that are coordinated with and integrated into comprehensive community and health and rehabilitation programs and services.

### *General*

*Section 507*—provides that alcohol abuse and alcoholism shall be regarded as a health problem, disorder, sickness, illness, disease, disability, or other similar term, for purposes of all Federal legislation relating to health, welfare, and rehabilitation programs, services, funds, and other benefits; that any Federal legislation providing for medical assistance, medical care, treatment, rehabilitation, or other similar services, shall be regarded as including programs and services for the prevention and treatment of alcohol abuse and alcoholism.

## TITLE VI—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS AND COMPREHENSIVE STATE PLANS

*Section 601*—provides that Section 246 (a) of title 42 of the United States Code is amended to add: "(L) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem, such plan to (i) estimate the number of alcohol abusers and alcoholics within the various areas within the state and the extent of that health problem, (ii) establish priorities for the improvement of the capabilities of State and local governments and public and private agencies, institutions, and organizations with respect to prevention and treatment of alcohol abuse and alcoholism, and (iii) specify how all available community health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal and State legislation, are to be used for these purposes."

### *State hospital and medical facilities construction plans*

*Section 602*—that Section 291c(a) of title 42 of the United States Code is amended to add: "(4) to projects for construction and modernization of facilities for prevention and treatment of alcohol abuse and alcoholism;" that Section 291d(a)(4) of title 42 of the United States Code is amended to add: "(F) the facilities needed to provide adequate services for the prevention and treatment of alcohol abuse and alcoholism."

### *State mental health centers plans*

*Section 603*—provides that Section 2684 of title 42 of the United States Code is amended to add: "(11) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem;" that Section 2691(c) of title 42 of the United States Code is amended by inserting after "mental illness," the following "alcohol abuse or alcoholism," and by inserting after "mentally ill patients," the following: "alcohol abusers or alcoholics,".

### *Grants and contracts for the prevention and treatment of alcohol abuse and alcoholism*

*Section 604*—provides that the Secretary is authorized to make grants and enter into contracts for the prevention and treatment of alcohol abuse and alcoholism to assist State and local governments and public and private organizations, agencies, institutions, or individuals to meet costs of constructing, equipping, and operating treatment and rehabilitation facilities, to conduct research, demonstration, and evaluation projects, to provide education and training for professional personnel, including medical, psychiatric, and social welfare personnel; to recruit educate, train, organize, and employ community alcohol abuse and alcoholism prevention and treatment personnel; to provide services in correctional and penal institutions for the prevention and treatment of alcohol abuse and alcoholism; to provide services for the prevention and treatment of alcohol abuse and alcoholism among juveniles and young adults; to provide programs and services for the instruction of interested individuals relating to the causes, effects, prevention, and treatment of alcohol abuse and alcoholism, and provide services for outpatient counseling of alcohol abusers or alcoholics; to develop or evaluate curricula on alcohol abusers and alcoholism prevention and treatment including the preparation of improved and new curricular materials; to develop or evaluate a program of dissemination of curricular material; to provide training programs on alcohol abuse and alcoholism for teachers, counselors, and other educational personnel; to provide community education programs on alcohol abuse and alcoholism; to enable a State government agency to assist local education agencies in the planning, development, and implementation of alcohol abuse and alcoholism education programs; to develop educational material and programs about the prevention and treatment of and problems arising from alcohol abuse and alcoholism, for use or distribution by mass media. Such programs shall not exceed 90% of the cost of the program or project; grants to meet costs of compensation of personnel in treatment and rehabilitation facilities shall not exceed eight years in duration, shall not exceed 90% of the cost for the first two years of the program or project, and shall be reduced during the following years.

An amount, not to exceed 5% of the amount appropriated pursuant to this Act is made available to cover up to 100% of the costs of local planning efforts; and an amount, not to exceed 1% of the amount appropriated pursuant to this Act is made available for evaluation of the programs authorized by this title.

### *Application for federal assistance from units of local government and private organizations*

*Section 605*—provides that administering the provisions of this title the Secretary shall require coordination of all applications for programs in a State, and in view of the local nature of alcohol abuse and alcoholism shall not give precedence to public agencies over private agencies or to state agencies over local agencies; that all applications from within a State may be reviewed and commented upon by the State agency responsible for administering the State comprehensive plan for treatment and prevention of alcohol abuse and alcoholism, if such an agency exists; it also establishes the administrative and budgetary criteria which must be met by those seeking funds under this title.

### *Approval by National Advisory Mental Health Council*

*Section 606*—provides that grants made under this title may be made only upon the recommendation of the National Advisory Mental Health Council.

### *Administration of grants and contracts*

*Section 607*—provides that recipients of assistance under this Act keep such records as may be prescribed by the Secretary, and provides that the Secretary and the Comptroller General may audit and examine relevant books, etc. of such recipients.

*Section 608*—provides that payments under this title may be made in advance or by way of reimbursement, and in such a way as the Secretary may determine.

*Section 609*—provides that no funds shall be available under this title to any public or private agency unless the funds are used by the recipient to supplement and, to the extent practical, increase the level of funding for the program for which the funds are being sought.

*Section 610*—provides that whenever the Secretary finds failure to comply with the terms of a grant or contract made under this title, he shall terminate payments until he is satisfied that there will no longer be any failure to comply; that the exclusive remedy of anyone adversely affected by a final action of the Secretary under the preceding subsection of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. The procedures and conditions of filing such a petition are set out.

### *Admission of alcohol abusers and alcoholics to private and public hospitals*

*Section 611*—provides that alcohol abusers and alcoholics shall be admitted to and treated in private and public hospitals solely on the basis of medical need and shall not be discriminated against because of their alcoholism; that no hospital that violated this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary; that no such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing; that any action taken by the Secretary pursuant to this section shall be subject to judicial review as in the preceeding section.

## TITLE VII—THE SECRETARY'S ADVISORY COMMITTEE ON ALCOHOL ABUSE AND ALCOHOLISM

*Section 701*—provides that the Secretary shall appoint an Advisory Committee on Alcohol Abuse and Alcoholism to consist of eighteen qualified persons, including leaders from the general public representing business, medicine and government as well as leaders who have a major concern for alcohol abuse and alcoholism; that the Advisory Committee shall advise and consult with the Secretary and the Institute and assist them; that the Secretary shall appoint a Chairman who shall serve a one-year term but may be re-appointed; that the members of the Advisory Committee shall serve without compensation, except for expenses, for terms of three years; that the Committee shall meet at least once every two months and shall consult with various agencies and groups.

*Section 702*—provides that the Committee may appoint one or more technical consultants from experts throughout the country to assist in evaluating the progress of the Institute.

*Section 703*—provides that the Committee shall employ a full-time director with a secretary, who shall not be employees of the Institute, to assist the Committee and coordinate its activities.

*Section 704*—provides that the Committee shall consider at least the following matters: the establishment of goals and priorities for the alcohol abuse and alcoholism programs of the Department; the development of policy concerning the role of the Federal government in the development of alcohol abuse and alcoholism programs; formation of structures and methods through which the programs developed or in effect at the Federal, State, or local levels might have the broadest impact; and, review of allocation of funds and personnel for the implementation of these programs.

## TITLE VIII—INTERGOVERNMENT COORDINATING COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

*Section 801*—provides that for the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to alcohol abuse and alcoholism, of coordinating such Federal efforts with State and local governments, and of developing an enlightened policy and appropriate programs for Federal employees for the prevention and treatment of alcohol abuse

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and alcoholism and the rehabilitation of alcoholics, there is hereby established an Intergovernment Coordinating Council on Alcohol Abuse and Alcoholism consisting of the Commissioner who shall serve as Chairman, the executive director of the Secretary's Advisory Committee on Alcohol Abuse and Alcoholism, four representatives of Federal departments or agencies, and five representatives of State and local government departments or agencies; that the President shall designate the four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the five representatives of State and local government departments and agencies; that the Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions.

*Section 802*—provides that the Coordinating Council assist the Secretary and the Institute in carrying out its function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with alcohol abuse and alcoholism; assist the Institute in carrying out its function of coordinating such Federal efforts with State and local governments; engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent alcohol abuse and alcoholism; implement programs for the rehabilitation of Federal employees who are alcohol abusers or alcoholics; and, develop and maintain any other appropriate activities consistent with the purposes of this Act.

### TITLE IX—GENERAL

*Section 901*—provides that the Secretary may promulgate regulations, pursuant to subchapter II of chapter 5 of title 5, United States Code, to implement this Act.

*Section 902*—provides that if any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

*Section 903*—provides that there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act; that any appropriated funds shall remain available until expended.

*Section 904*—provides that Section 7352 of title 5 of the United States Code is hereby repealed; that paragraph (3) of subsection 8102(a) of title 5 of the United States Code is hereby repealed; that paragraph (2) of subsection 2504(d) of title 22 of the United States Code is hereby amended to repeal the clause "or unless intoxication of the injured volunteer is the proximate cause of the injury or death."

*Section 905*—provides that this Act shall take effect upon the expiration of one hundred and eighty days following the date of its enactment.

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### EXHIBIT 2

### S. 3835

A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970".

### TITLE I—FINDINGS AND DECLARATION OF PURPOSES

SEC. 101. The Congress hereby finds that—

(a) Alcohol abuse and alcoholism are rapidly increasing throughout the country. Alcohol abuse can seriously impair health and can lead to alcoholism. Alcoholism is an illness or disease that requires treatment through health rehabilitation services.

(b) Alcoholism treatment and control programs should, whenever possible, be community based; provide a comprehensive range of services, including emergency treatment, under proper medical auspices on a coordinated basis; and be integrated with and involve the active participation of a wide range of public and nongovernmental agencies.

(c) Existing laws have not been adequate to prevent alcohol abuse or to provide sufficient education, treatment, and rehabilitation of alcoholics. Increasing education, treatment, and rehabilitation services, and closer coordination of efforts, offer the best possibility of reducing alcohol abuse and alcoholism. A major commitment of health and social resources and Government funds is required to institute an adequate and effective Federal program for the prevention and treatment of alcohol abuse and alcoholism.

(d) Present Federal programs for alcohol abuse and alcoholism are relegated to a low level of priority and remain uncoordinated within the Government.

(e) Federal officials have failed to effectively handle alcoholism among those for whom the Government has special responsibilities—civilian employees, military personnel, veterans, Federal offenders, American Indians, and Alaskan Natives.

(f) Existing Federal research, social, health, and rehabilitation laws have not adequately been used to attack alcohol abuse and alcoholism. Lack of Federal leadership and funding has also contributed to the failure of public and private State and local agencies to recognize their responsibilities for meeting these problems.

(g) Dealing with public inebriates as criminals has proved expensive and burdensome. The criminal law alone is ineffective to deter what are basically major health and rehabilitation problems.

(h) Establishment of modern public health programs for the medical management of alcohol abuse and alcoholism facilitate (1) early detection and prevention of alcoholism and effective treatment and rehabilitation of alcoholics, (2) diagnosis and treatment of other concurrent diseases, and (3) uncovering and providing assistance with underlying psychological and social problems.

(i) Handling alcohol abusers and alcoholics primarily through health and other rehabilitative programs relieves the police, courts, correctional institutions, and other law enforcement agencies of an onerous burden that interferes with their ability to protect citizens, apprehend law violators, and mantain safe and orderly streets.

SEC. 102. The Congress declares that—

(a) There shall be established and maintained within the National Institute of Mental Health of the Department of Health, Education, and Welfare, a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism, through which the Secretary shall coordinate all Federal health, rehabilitation, and other social programs related to the prevention and treatment of alcohol abuse and alcoholism and administer the programs and authorities established by this Act.

(b) Major Federal action and Federal assistance to State and local programs shall be undertaken to engage in and encourage planning, coordination, statistics, research, training, and education with respect to alcohol abuse and alcoholism, and to provide equal access to humane care, effective treatment, and rehabilitation for all alcoholics regardless of their circumstances.

(c) In addition to the funds provided for under this Act, other Federal legislation providing for Federal or federally assisted research, prevention, treatment, or rehabilitation programs in the fields of health, education, welfare, rehabilitation, and highway safety shall be utilized to reduce alcohol abuse and alcoholism.

### TITLE II—DEFINITIONS

SEC. 201. For the purposes of this Act—

(a) "Alcohol abuse" means any use of any alcoholic beverage that results in intoxication which endangers persons or property.

(b) "Alcoholic" means any person whose repetitive use of alcohol causes him physical, psychological, or social harm.

(c) "Alcoholic beverage" includes alcoholic spirits, liquors, wines, beer, and every liquid or fluid, patented or not, containing alcoholic spirits, wine or beer which is capable of being consumed by human beings and produces intoxication in any form or in any degree.

"(d) "Alcoholism" means any condition characterized by the repetitive use of alcohol to an extent that causes the drinker physical, psychological, social, or social harm.

(e) "Courts" includes all Federal courts, including any United States magistrate.

(f) "Department" means the Department of Health, Education, and Welfare.

(g) "Emergency medical services" includes all appropriate short term services for the acute effects of alcohol intoxication which (1) are available twenty-four hours a day, (2) are community based and located so as to be quickly and easily accessible to patients, (3) are affiliated with, and constitute an integral (but not necessarily physical) part of, the general medical services of a general hospital, and (4) provide detoxification and other appropriate medical care and treatment, professional examination, evaluation, diagnosis, and classification with respect to possible alcoholism, and referral for other treatment and rehabilitation.

(h) "Inpatient services" includes all treatment and rehabilitation services for alcohol abuse and alcoholism provided for a resident patient while he spends full time in a treatment institution.

(i) "Institute" means the National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism within the National Institute of Mental Health and the Department of Health, Education, and Welfare.

(j) "Intermediate care services" include all treatment and rehabilitation services for alcohol abuse and alcoholism for a resident patient while he spends part time in a treatment institution (including but not limited to a halfway house, hostel, or foster home) which is community based and located so as to be quickly and easily accessible to patients.

(h) "Outpatient services" includes all treatment and rehabilitation services (including but not limited to clinics, social centers, vocational rehabilitation services, welfare services, and job referral services) for alcohol abuse and alcoholism provided while the patient is not a resident of a treatment institution, which are community based and located so as to be quickly and easily accessible to patients.

(1) "Prevention and treatment" includes all appropriate forms of educational programs and services (including but not limited to radio, television, films, books, pamphlets, lectures, seminars, workshops, conferences, adult education, and school courses); planning, coordinating, statistical, research, training, evaluation, reporting, classification, and other administrative, scientific, or technical programs, or services; and screening, diagnosis, treatment (emergency medical care, inpatient, intermediate care, and outpatient), vocational rehabilitation, job training and referral, and other rehabilitation programs or services.

(m) "Secretary" means the Secretary of Health, Education, and Welfare.

(n) "State" includes the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands, in addition to the fifty States.

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## TITLE III—NATIONAL INSTITUTE FOR THE PREVENTION AND CONTROL OF ALCOHOLISM

### ESTABLISHMENT OF THE INSTITUTE

SEC. 301. (a) There is hereby established within the National Institute of Mental Health of the Department of Health, Education, and Welfare, a National Institute for the Prevention and Control of Alcohol Abuse and Alcoholism, to administer the programs and authorities assigned to the Secretary by this Act. The Secretary, acting through the Institute, shall develop and conduct a comprehensive health, education, research, and rehabilitation program for the prevention and treatment of alcohol abuse and alcoholism.

(b) The Institute shall be under the direction of a Director who shall be appointed by the Secretary.

(c) The Institute and its programs and services shall be staffed with an adequate number of personnel, who shall possess appropriate qualifications and competence, and some of whom may be recovered alcoholics. Prior criminal arrests or convictions shall not be a bar to such employment.

(d) In recognition of the increased responsibilities assigned by this Act, the title of the National Institute of Mental Health is hereby changed to the National Institutes of Mental Health.

### ADMINISTRATIVE FUNCTIONS OF THE SECRETARY

SEC. 302. It shall be the duty of the Secretary, acting through the Institute, with respect to his administrative functions to—

(a) assist Federal departments and agencies in the development and maintenance of appropriate prevention, treatment, and rehabilitation programs and services in accordance with section 304(a) of this Act;

(b) review and provide in writing an evaluation of the adequacy and appropriateness of the provisions relating to the prevention and treatment of alcohol abuse and alcoholism of all comprehensive State health, welfare, and rehabilitation plans submitted to the Federal Government pursuant to Federal law, including but not limited to those submitted pursuant to section 35(a)(15) of title 29 and sections 246(a)(2)(L), 291c(a)(4), 1396a(a)(31), and 2684(11) of title 42 of the United States Code;

(c) administer the grants and contracts authorized under title VI of this Act; and

(d) administer any other service or program, or take any other action, consistent with the intent and objectives of this Act.

### PLANNING FUNCTIONS OF THE SECRETARY

SEC. 303. It shall be the duty of the Secretary, acting through the Institute, with respect to his planning function to—

(a) develop a detailed and comprehensive Federal alcohol abuse and alcoholism control plan to implement the objectives and policies of this Act. The plan shall be submitted to Congress as soon as practicable, but not later than one year after the enactment date of this Act. Other responsibilities of the Secretary, as set out in this Act, shall not be interrupted or delayed pending the initial development of such a plan. The plan shall be reviewed annually and submitted to Congress with any appropriate revisions as part of the Secretary's annual report. The Secretary shall, in developing the comprehensive Federal plan, consult and collaborate with all appropriate public and private departments, agencies, institutions, organizations, and individuals. The plan shall specify how all available health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal legislation, are to be utilized;

(b) carry out a complete evaluation of existing and ongoing alcohol education materials and programs, and alcohol abuse and alcoholism prevention campaigns;

(c) develop models of alcoholism treatment and rehabilitation legislation for State and local governments, which utilize the concepts incorporated in this Act;

(d) develop model alcohol abuse and alcoholism control plans for State and local governments, utilizing the concepts incorporated in the comprehensive Federal plan. The model plans shall be reviewed on a periodic basis and revised to keep them current. They shall specify how all types of community resources and existing Federal legislation may be utilized;

(e) provide assistance and consultation to State and local governments and private organizations, agencies, institutions, and individuals with respect to the prevention and treatment of alcohol abuse and alcoholism; and

(f) encourage and promote, throughout the country, public health procedures for the treatment of alcoholics as alternatives to present criminal procedures.

### COORDINATION FUNCTIONS OF THE SECRETARY

SEC. 304. It shall be the duty of the Secretary, acting through the Institute, with respect to his coordinating functions to—

(a) assist the Civil Service Commission, the Department of Defense, the Veterans' Administration, and other Federal departments and agencies in the development and maintenance of appropriate prevention, treatment and rehabilitation programs and services for alcohol abuse and alcoholism pursuant to title IV of this Act;

(b) serve in a consulting capacity to all Federal courts, departments, and agencies, including those responsible for programs affected by title V of this Act, and to be responsible for assisting in the development and coordination of a full range of programs, facilities, and services available to them for education, diagnosis, planning, counseling, treatment, and rehabilitation with respect to the alcohol abuse and alcoholism problems they encounter;

(c) coordinate all Federal social, health, rehabilitation, and other efforts to deal with alcohol abuse and alcoholism including but not limited to those relating to vocational, rehabilitation, manpower development and training, older Americans, law enforcement assistance, highway safety, economic opportunity, health research facilities, mental retardation facilities, and community mental health centers, juvenile delinquency, health professions educational assistance, hospital and medical facilities, social security, community health services, education professions development, higher education, Federal employee health benefits, comprehensive health planning, elementary and secondary education, the civil service laws, and laws providing for the treatment and discharge of the members of the Armed Forces and support and treatment of veterans of the Armed Forces;

(d) encourage and assist State and local government programs and services, and programs and services of public and private agencies, institutions, and organizations for the prevention and treatment of alcohol abuse and alcoholism;

(e) stimulate more effective use of existing resources and available services for the prevention and treatment of alcohol abuse and alcoholism;

(f) cooperate with the Secretary's Advisory Committee on Alcohol Abuse and Alcoholism, the Federal Intergovernment Coordinating Council on Alcohol Abuse and Alcoholism, the Civil Service Commission, and other appropriate Federal departments and agencies, to develop a policy consistent with this Act with regard to Federal employees who are alcohol abusers or alcoholics, involving appropriate programs and services for the prevention and treatment of alcohol abuse and alcoholism among such employees; and

(g) assist State and local governments in coordinating programs among themselves for the prevention and treatment of alcohol abuse and alcoholism.

### STATISTICAL FUNCTIONS OF THE SECRETARY

SEC. 305. It shall be the duty of the Secretary, acting through the Institute with respect to his statistical functions to—

(a) gather and publish statistics pertaining to alcohol abuse and alcoholism;

(b) promulgate regulations specifying uniform statistics to be obtained, records to be maintained, and reports to be submitted by public and private departments, agencies, organizations, practitioners, and other persons with respect to alcohol abuse and alcoholism. Such statistics and reports shall not reveal the identity of any patient or alcoholic or other confidential information.

### RESEARCH FUNCTIONS OF THE SECRETARY

SEC. 306. It shall be the duty of the Secretary, acting through the Institute with respect to his research functions to—

(a) conduct and encourage all forms of research, investigations, experiments, and studies relating to the cause, epidemiology, sociological aspects, prevention, diagnosis, and treatment of alcohol abuse and alcoholism;

(b) conduct, and encourage and assist others to conduct, all forms of research, investigation, experiments, and studies relating to the toxicology, pharmacology, chemistry, and effects on the health, of alcohol abuse and alcoholism;

(c) coordinate such research with research conducted by other Federal and State and local agencies, public and private agencies, institutions, organizations, and individuals. To facilitate this activity the Secretary shall establish and maintain a complete and current register of all practitioners and other qualified investigators engaged in any form of research on alcohol abuse and alcoholism;

(d) make available research facilities and resources of the Secretary to appropriate authorities, health officials, and individuals engaged in special studies related to the purposes of this Act;

(e) make grants to, and contracts with, universities, hospitals, laboratories, agencies, institutions, organizations, and individuals for such research;

(f) establish an information center on such research, which will gather and contain, and disseminate where appropriate, all available published and unpublished data and information. All Federal departments and agencies shall send to the Secretary any unpublished data and information pertinent to the cause, prevention, diagnosis, and treatment of alcohol abuse and alcoholism and the toxicology, pharmacology, epidemiology, and incidence of alcohol abuse and alcoholism, and studies, reports, and other research on other alcohol problems such as those pertaining to traffic safety, and the Secretary shall make such data and information widely available;

(g) establish and maintain research fellowships in the administration and elsewhere, and provide for such fellowships through grants to public and private agencies, institutions, and organizations;

(h) investigate methods for the more precise detection and determination of alcohol levels in the blood stream, or by analysis of breath or other means, and publish on a current basis uniform methodology and technology for such detections and determinations;

(i) any information obtained through investigation or research conducted pursuant to this section shall be used in ways so that no name or identifying characteristics of any person shall be divulged without the approval of the Secretary and the consent of the person concerned. Persons engaged in research pursuant to this section shall protect the privacy of individuals who are the subject of such research by withholding from all persons not connected with the conduct of such research the names or other identifying characteristics of such individuals. Persons engaged in such research shall protect the privacy of such individuals and may not be compelled in any Federal, State, civil, criminal, administrative, legislative, or other proceeding to identify such individuals; and

(j) evaluate existing and proposed new programs and services for the prevention and treatment of alcohol abuse and alcoholism.

### TRAINING FUNCTIONS OF THE SECRETARY

SEC. 307. It shall be the duty of the Secretary, acting through the Institute, with respect to his training functions to—

(a) establish training programs, including interdisciplinary and bilingual training programs for professional and paraprofessional personnel with respect to alcohol abuse and alcoholism;

(b) encourage the establishment of training courses, including interdisciplinary and bilingual training programs, for professional and paraprofessional personnel by State and local governments with respect to alcohol abuse and alcoholism; and

(c) establish and maintain training fellowships in the Administration and elsewhere, and provide for such fellowships through grants to public and private institutions.

### EDUCATIONAL FUNCTIONS OF THE SECRETARY

SEC. 308. It shall be the duty of the Secretary, acting through the Institute, with respect to his educational functions to—

(a) develop model curricula which reflect social, geographic, and economic variables of the alcohol abuse and alcoholism problem, and which include relevant data and other information, for utilization by elementary and secondary schools for instructing children about alcohol abuse and alcoholism;

(b) develop model curricula which reflect social, geographic and economic variables of the alcohol abuse and alcoholism problem, and which include relevant data and other information, for utilization by parent-teacher associations, adult education centers, private citizen groups, or other State or local sources, for instructing parents and other adults about alcohol abuse, and alcoholism;

(c) prepare a broad variety of educational material, for use in all media and to reach all segments of the population, that can be utilized by public and private agencies in educational programs with respect to alcohol abuse and alcoholism;

(d) establish a variety of learning units including relevant data and other information, on the causes and effects of, and treatment for, alcohol abuse and alcoholism, for Federal law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officers, and other law enforcement personnel), Federal welfare, vocational rehabilitation, military, veterans, civil service, transportation, economic opportunity, housing personnel, and other Federal officials who come in contact with alcohol abuse and alcoholism problems;

(e) develop a variety of learning units including the provision of relevant data and other information, on the causes and effects of, and treatment for, alcohol abuse and alcoholism for use by appropriate State and local government and private agencies, institutions, and organizations, for State and local law enforcement officials (including prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials, and other law enforcement personnel), State and local welfare, vocational rehabilitation, veterans, civil service, transportation, economic opportunity, and housing personnel, and other State and local officials and community leaders.

(f) serve as a clearinghouse for the collection, preparation and dissemination of all information relating to alcohol abuse and alcoholism, including State and local alcohol abuse and alcoholism treatment plans, availability of treatment resources, training and educational programs, statistics, research, and other pertinent data and information. Preparation and dissemination of such data and information shall reflect the social, geographic and economic variables of the alcohol abuse and alcoholism problem;

(g) recruit, train, organize and employ professional and other persons, including recovered alcoholics, to organize and participate in programs of public education in relation to alcohol abuse and alcoholism;

(h) coordinate activities carried on by all departments, agencies, and instrumentalities of the Federal Government with respect to health education aspects of alcohol abuse and alcoholism;

(i) promote the implementation of bilingual education programs in carrying out the provisions of this section; and

(j) undertake such other activities as the Secretary may consider important to a national program of education relating to alcohol abuse and alcoholism.

### REPORTING FUNCTIONS OF THE SECRETARY

SEC. 309. It shall be the duty of the Secretary, acting through the Institute, with respect to his reporting functions to—

(a) submit an annual report to Congress, which shall specify the actions taken and services provided and funds expended under each provision of this Act and an evaluation of their effectiveness, and which shall contain the current Federal alcohol abuse and alcoholism control plan;

(b) submit such additional reports as may be requested by the President of the United States or by Congress; and

(c) submit to the President of the United States and to Congress such recommendations as will further the prevention, treatment, and control of alcohol abuse, and alcoholism.

## TITLE IV—PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM FOR FEDERAL EMPLOYEES, MILITARY PERSONNEL, VETERANS, AND FEDERAL OFFENDERS

### ALCOHOL ABUSE AND ALCOHOLISM AMONG FEDERAL GOVERNMENT EMPLOYEES

SEC. 401. (a) The Civil Service Commission shall be responsible for developing and maintaining, in cooperation with the Secretary and with other Federal agencies and departments, appropriate policies and services for the prevention and treatment of alcohol abuse and alcoholism among Federal employees, consistent with the purposes and intent of this Act. Such policies and services shall make optional use of existing governmental facilities, services, and skills. Government employees who are alcohol abusers or who are alcoholics shall retain the same employment and other benefits as other persons afflicted with health problems and illnesses, and shall not lose pension, retirement, medical, or other rights. A good faith attempt shall be made to find appropriate nonsensitive work within the Government during the employee's rehabilitative treatment, rather than placing him on sick leave: *Provided*, That acceptance of appropriate treatment shall be required as a condition of continued work.

(b) The Secretary, acting through the Institute, shall be responsible for fostering similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation services in State and local governments and in private industry.

(c) No person may be denied or deprived of Federal employment or a Federal professional or other license or right solely on the ground of prior alcohol abuse, except with regard to extremely sensitive positions specified in regulations promulgated by the Secretary.

### HEALTH AND DISABILITY INSURANCE PLANS FOR FEDERAL EMPLOYEES

SEC. 402. All health and disability insurance policies and plans for Federal employees shall cover alcoholism in the same way as other health problems, illness, and diseases that are not self-inflicted.

### ALCOHOL ABUSE AND ALCOHOLISM AMONG MILITARY PERSONNEL

SEC. 403. (a) For purpose of chapter 61 of title 10 of the United States Code, alcoholism shall be regarded as a physical disability and shall not be regarded as the result of intentional misconduct or willful neglect. An alcoholic shall retain the same rights and benefits of any other person afflicted with illness, and shall not lose pension, retirement, medical, or other rights because of alcoholism. This subsection shall be retroactive.

(b) The medical care provided to military personnel and their dependents pursuant to chapter 55 of title 10 of the United States Code shall include appropriate treatment services for alcohol abuse and alcoholism.

### ALCOHOL ABUSE AND ALCOHOLISM AMONG VETERANS

SEC. 404. (a) Appropriate treatment facilities and services for alcohol abuse and alcoholism shall be made available within Veterans' Administration hospitals as a matter of high priority.

(b) For purposes of chapters 11 and 17 of title 38 of the United States Code, alcoholism during military service shall be regarded as a service-connected disability, and shall not be regarded as due to willful misconduct.

(c) Section 602 of title 38 of the United States Code is amended to add "or alcoholism" in the title and in the body of the section after the word "psychosis."

(d) A dishonorable discharge prior to the effective date of this Act shall not be a bar to treatment for alcoholism if the discharge was the result of alcohol abuse or alcoholism.

### ALCOHOL ABUSE AND ALCOHOLISM AMONG FEDERAL OFFENDERS

SEC. 405. (a)(1) Any person charged with a criminal offense under Federal law and who appears to be intoxicated or an alcoholic shall, after preliminary police processing and an opportunity to consult with counsel, promptly be taken for emergency medical services and diagnosis where he shall either be admitted as a patient or transported to another appropriate health facility for treatment and diagnosis. Upon admission as a patient, such person shall immediately be examined to determine whether (A) he is an alcoholic, and (B) he is in need of emergency medical services. Any such person may be so detained as long as is necessary to complete this diagnosis and emergency medical treatment, but in no event longer than three days after his admission. He shall then be released and shall be handled as in any other criminal case.

(b) The services established by this Act shall, when appropriate, be used by the Bureau of Prisons and the Board of Parole for alcoholic offenders (including persons sentenced under the Federal Youth Corrections Act, chapter 402 of title 18 of the United States Code) placed on work release, probation, parole, or other conditional release. The Secretary and the Bureau of Prisons shall cooperate in establishing alcoholism prevention and treatment services in Federal correctional institutions.

### PROVISION OF SERVICES

SEC. 406. The treatment and rehabilitation services authorized by this title may be provided at any available facility, including but not limited to Public Health Service hospitals, Veterans' Administration hospitals, public and private general hospitals, community mental health centers, and public and private alcoholism treatment and rehabilitation centers. Care and treatment for veterans shall be provided where possible in Veterans'

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Administration hospitals. The Secretary may contract with any appropriate public or private agency, organization, or institution that has proper and adequate facilities and personnel in order to carry out the purposes of this Act.

### CONFIDENTIALITY OF RECORDS

SEC. 407. (a) All patient records prepared or obtained pursuant to this Act, and all information contained therein, shall remain confidential and may be disclosed, with the patient's consent, only to medical personnel and only for purposes of diagnosis and treatment of the patient, or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his alcoholism or, for research purposes, to public or private research organizations, agencies, institutions or individuals whose competence and research programs have been approved by the Secretary. Disclosure may be made for purposes unrelated to such treatment, benefits or research upon an order of a court after application showing good cause therefor. In determining whether there is good cause for disclosure, the court shall weigh the need for the information sought to be disclosed against the possible harm of disclosure to the person to whom such information pertains, to the physician-patient relationship, and to the treatment services, and may condition disclosure of the information upon any appropriate safeguards. No such records or information may be used to initiate criminal charges against a patient under any circumstances.

(b) All patient records and all information contained therein relating to alcohol use or alcoholism prepared or obtained by a private practitioner shall remain confidential, and may be disclosed only with the patient's consent and only to medical personnel for purposes of diagnosis and treatment of the patient or to Government or other officials for the purpose of obtaining benefits due the patient as a result of his alcoholism.

## TITLE V—PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM UNDER FEDERAL HEALTH, WELFARE, AND REHABILITATION PROGRAMS

### MEDICARE AND MEDICAID

SEC. 501. (a) An alcoholic shall be regarded as a sick or disabled person eligible for treatment under medicare and medicaid (the Social Security Amendments of 1965 as amended).

(b) Section 1396a of title 42 of the United States Code is amended to add:

"(a) (31) include provision for prevention and treatment of alcohol abuse and alcoholism."

### SOCIAL SECURITY

SEC. 502. An alcoholic shall be regarded as eligible for disability benefits under the Social Security Act, as amended, and benefits shall not be barred on the ground that alcoholism is a self-inflicted disability.

### ECONOMIC OPPORTUNITY

SEC. 503. Alcohol abuse and alcoholism shall be a matter of high priority for programs undertaken under the Economic Opportunity Act of 1964 as amended.

### VOCATIONAL REHABILITATION

SEC. 504. (a) An alcohol abuser or alcoholic, or a facility or program or service for the prevention or treatment of alcohol abuse or alcoholism, shall be eligible for funds made available pursuant to chapter 4 of title 29 of the United States Code.

(b) Section 35(a) of title 29 of the United States Code is amended to add:

"(15) provide for the uses of vocational rehabilitation in the prevention and treatment of alcoholism."

### WELFARE

SEC. 505. Alcohol abuse and alcoholism shall, for the purposes of all Federal welfare programs and all State welfare programs that receive Federal participation, shall be regarded as a major health and economic problem.

(a) State and Federal agencies charged with administering such welfare programs shall take action to reduce the incidence of financial indigency and family disintegration caused by alcohol abuse and alcoholism, and shall provide for treatment and rehabilitation services for those persons enrolled in welfare programs whose financial eligibility for such assistance results, in part or in whole, from alcohol abuse or alcoholism.

(b) Alcohol abuse and alcoholism prevention and treatment programs and services for persons enrolled in such welfare programs whose financial eligibility for such assistance results, in whole or in part, from alcohol abuse or alcoholism, shall if approved by the Secretary under the same procedure and criteria used for approving programs under title VI of this Act, be eligible for 75 per centum Federal funding participation. Application for funds under this subsection shall be made by the State agency charged with administering the aid program, which may conduct the program or may contract with any other appropriate State agency or private organization for the provision of any of the designated services.

(c) Persons otherwise eligible for such welfare assistance shall not be ineligible for such assistance because of alcohol abuse or alcoholism. Any person whose financial eligibility for such assistance results, in whole or in part, from alcohol abuse or alcoholism, shall be provided the services of appropriate treatment and rehabilitation services upon certification by a responsible medical officer that (1) the services will more likely than not be appropriate for the recipient, and (2) the services can accommodate the recipient. After such certification, participation by the recipient in the program shall be a requirement for continuing eligibility for such assistance, in the absence of good cause for nonparticipation. A certification by the director of the facility that the recipient is no longer amenable to treatment shall constitute such good cause.

(d) Any alcohol abuse or alcoholism treatment facility shall qualify as a medical institution within the meaning of section 306(a) of title 42 of the United States Code. The Secretary shall promulgate regulations specifying how such welfare benefits shall be used to contribute to the costs of treatment and rehabilitation of an alcohol abuser or alcoholic receiving welfare assistance so far as practicable without imposing undue hardship on him or his family.

(e) Any recipient of welfare assistance whose inability to work or to participate in a work training program is the result of alcohol abuse or alcoholism shall be excused from such participation only on condition that he accept appropriate treatment and rehabilitation services made available to him.

(f) The Secretary shall promulgate appropriate regulations and offer technical assistance to States in providing, as part of the services rendered under section 705 of title 42 of the United States Code, programs of education about alcohol abuse and alcoholism for children of school age and adults responsible for them, and appropriate treatment for children physically or mentally damaged or otherwise affected as a result of alcohol abuse or alcoholism on the part of adults with whom they have significant contact.

### HIGHWAY SAFETY

SEC. 506. (a) Each State highway safety program approved pursuant to the Highway Safety Act of 1966 shall include provisions for the prevention and treatment of alcohol abuse and alcoholism among licensed drivers. Each such program shall provide for early screening, diagnosis, and treatment for alcohol abuse and alcoholism among intoxicated drivers, coordinated with and integrated into comprehensive community health and rehabilitation planning. Statistics shall be maintained with respect to the incidence of alcohol abuse and alcoholism among licensed drivers and individuals involved in automobile accidents, and whether alcohol abuse or alcoholism was a probable factor in any automobile accident. Highway safety research conducted pursuant to that Act shall include research with respect to the prevention and treatment of alcohol absue and alcoholism among licensed drivers.

(b) Any Federal funds used to assist State and local governments in the prevention and treatment of alcohol abuse and alcoholism among licensed drivers shall be expended for the purpose of education, treatment, and rehabilitation, and not for the purposes of punishment. Such funds shall be expended for programs and services that are coordinated with and integrated into comprehensive community health and rehabilitation programs and services.

### GENERAL

SEC. 507. Alcohol abuse and alcoholism shall be regarded as a health problem, disorder, sickness, illness, disease, disability, or other similar term, for purposes of all Federal legislation relating to health, welfare, and rehabilitation programs, services, funds, and other benefits. Any Federal legislation providing for medical assistance, medical care, treatment, rehabilitation, or other similar services, shall be regarded as including programs and services for the prevention and treatment of alcohol abuse and alcoholism.

## TITLE VI—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

### COMPREHENSIVE STATE PLANS

SEC. 601. Section 246(a) (2) of title 42 of the United States Code is amended to add:

"(L) provide for services for the prevention and treatment of alcohol abuse and alcoholism, commensurate with the extent of the problem, such plan to (i) estimate the number of alcohol abusers and alcoholics within the various areas within the State and the extent of the health problem caused, (ii) establish priorities for the improvement of the capabilities of State and local governments and public and private agencies, institutions, and organizations with respect to prevention and treatment of alcohol abuse and alcoholism, and (iii) specify how all available community health, welfare, educational, and rehabilitation resources, and how funds, programs, services, and facilities authorized under existing Federal and State legislation, are to be used for these purposes."

### STATE HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION PLANS

SEC. 602. (a) Section 291c(a) of title 42 of the United States Code is amended to add:

"(4) to projects for construction and modernization of facilities for prevention and treatment of alcohol abuse and alcoholism;".

(b) Section 291d(a) (4) of title 43 of the United States Code is amended to add:

"(F) the facilities needed to provide adequate services for the prevention and treatment of alcohol abuse and alcoholism;".

### STATE MENTAL HEALTH CENTERS PLANS

SEC. 603. (a) Section 2684 of title 42 of the United States Code is amended to add:

"(11) provide for services for the prevention and treatment of alcohol abuse and

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alchoholism, commensurate with the extent of the problem."

(b) Section 2691(c) of title 42 of the United States Code is amended by inserting after "mental illness," the following: "alcohol abuse or alcoholism," and by inserting after "mentally ill patients," the following: "alcohol abusers or alcoholics,".

### GRANTS AND CONTRACTS FOR THE PREVENTION AND TREATMENT OF ALCOHOL ABUSE AND ALCOHOLISM

Sec. 604. (a) The Secretary, acting through the Institute, is authorized to make grants and enter into contracts for the prevention and treatment of alcohol abuse and alcoholism to assist State and local governments and public and private organizations, agencies, institutions, or individuals to—

(1) meet the costs of constructing, equipping, and operating treatment and rehabilitation facilities, including but not limited to emergency medical, inpatient, intermediate care, and outpatient facilities for alcohol abusers and alcoholics, and to assist them to meet, for the temporary periods specified in subsection (b) of this section, a portion of the costs of compensation of personnel for the initial operation of such facilities, and of new services in existing facilities for alcohol abusers and alcoholics;

(2) conduct research, demonstration, and evaluation projects, including surveys and field trials, looking toward the development of improved, expanded, and more effective methods of prevention and treatment of alcohol abuse and alcoholism;

(3) provide education and training for professional personnel, including medical, psychiatric, vocational rehabilitation, and social welfare personnel, in academic and professional institutions and in postgraduate courses, about the prevention and treatment of alcohol abuse and alcoholism, and provide training for such personnel in the administration, operation, and supervision of programs and services for the prevention and treatment of alcohol abuse and alcoholism;

(4) recruit, educate, train, organize, and employ community alcohol abuse and alcoholism prevention and treatment personnel to serve with and under the direction of professional medical, psychiatric, vocational rehabilitation, and social welfare personnel in alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs. Prior alcohol abuse or alcoholism and prior criminal arrests or convictions shall not be a bar to such employment;

(5) provide services in correctional and penal institutions for the prevention and treatment of alcohol abuse and alcoholism;

(6) provide services, in cooperation with schools, law enforcement agencies, courts, and other public and private agencies, for the prevention and treatment of alcohol abuse and alcoholism among juveniles and young adults. These services, where feasible, shall include curricula for alcohol education in elementary and secondary schools, and among parents and other adults;

(7) provide programs and services, in cooperation with local law enforcement agencies, the courts, and other public and private agencies, for the instruction of law enforcement officers, prosecuting attorneys, court personnel, the judiciary, probation and parole officers, correctional officials and legal aid, public defender, and neighborhood legal services attorneys with respect to the causes, effects, prevention, and treatment of alcohol abuse and alcoholism. Such programs and services shall include, where possible, a full range of services available to State and local courts for diagnosis, counseling, and treatment for alcohol abuse and alcoholism for persons coming before the courts;

(8) provide services for outpatient counseling of alcohol abusers and alcoholics to include employment, welfare, legal, education, and other assistance, in cooperation and coordination with welfare and rehabilitation personnel;

(9) develop or evaluate curricula on alcohol abuse and alcoholism prevention and treatment, including the preparation of new and improved curricular materials for use in elementary, secondary, college, and adult education programs;

(10) develop or evaluate a program of dissemination of curricular material;

(11) provide training programs on alcohol abuse and alcoholism (including courses of study, institutes, seminars, films, workshops, and conferences) for teachers, counselors, and other educational personnel;

(12) provide community education programs on alcohol abuse and alcoholism (including courses of study, institutes, seminars, films, workshops, and conferences) especially for parents and other adults in the community;

(13) enable a State government agency to assist local education agencies in the planning, development, and implementation of alcohol abuse and alcoholism education programs; and

(14) develop educational material and programs about the prevention and treatment of, and problems arising from, alcohol abuse and alcoholism, for use or distribution by any form of mass media.

(b) The amount of any Federal grant made under subsection (a) of this section, except with regard to certain grants made under paragraph (1) of subsection (a), shall not exceed 90 per centum of the cost of the program or project specified in the application for such grant. The amount of any Federal grant made under paragraph (1) of subsection (a) of this section to meet costs of compensation of personnel may be made only for the period beginning with the first day for which such a grant is made and ending with the close of eight years after such first day; and such grants may not exceed 90 per centum of such costs for each of the first two years after such first day, 80 per centum of such costs for the third year after such first day, 75 per centum of such costs for the fourth and fifth years after such first day, and 70 per centum of such costs for each of the next three years after such first day.

(c) An amount, not to exceed 5 per centum of the amount appropriated pursuant to the provisions of this Act for any fiscal year, shall be available to the Secretary to make grants to local public or nonprofit private organizations to cover up to 100 per centum of the costs (but in no case to exceed $100,000) of projects for assessing local needs for programs of services for alcoholics or narcotic addicts, designing such programs, obtaining local financial and professional assistance and support for such programs in the community, and fostering community involvement in initiating and developing such programs in the community. In no case shall a grant under this subsection be for a period in excess of one year; nor shall any grant be made under this subsection with respect to any project if, for any preceding year, a grant under this subsection has been made with respect to such project.

(d) An amount, not to exceed 1 per centum of the amount appropriated pursuant to the provisions of this Act, shall be available to the Secretary for evaluation, directly or by grants or contracts, of the programs authorized by this title.

### APPLICATION FOR FINANCIAL ASSISTANCE FROM UNITS OF LOCAL GOVERNMENT AND PRIVATE ORGANIZATIONS

Sec. 605. (a) In administering the provisions of this title, the Secretary shall require coordination of all applications for programs in a State and, in view of the local nature of alcohol abuse and alcoholism, shall not give precedence to public agencies over private agencies, or to State agencies over local agencies.

(b) Each applicant from within a State, upon filing its application with the Secretary, shall submit a copy of its application for review by the State agency responsible for administering the State comprehensive plan for treatment and prevention of drug abuse, if such agency exists. Such State agency shall be given not more than thirty days from the date of receipt of the application to submit to the Secretary, in writing, an evaluation of the project set forth in the application. Such evaluation may include comments on the relationship of the project to other projects pending and approved and to the State comprehensive plan for treatment and prevention of drug abuse. The State shall furnish the applicant a copy of any such evaluation.

(c) Approval of any application by the Secretary, including the earmarking of financial assistance for a program or project, may be granted only if the application substantially meets a set of criteria established by the Secretary that—

(1) provide that the activities and services for which assistance under this title is sought will be substantially administered by or under the supervision of the applicant;

(2) provide for such methods of administration as are necessary for the proper and efficient operation of such programs or projects; and

(3) provide for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

### APPROVAL BY NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Sec. 606. Grants made under this title may be made only upon the recommendation of the National Advisory Mental Health Council established by section 217(a) of the Public Health Service Act.

Sec. 607. (a) Each recipient of assistance under this Act pursuant to grants or contracts entered into under other than competitive bidding procedures shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant or contract, the total cost of the project or undertaking in connection with which such grant is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of such recipients that are pertinent to the grants or contracts entered into under the provisions of this Act under other than competitive bidding procedures.

Sec. 608. Payments under this title may be made in advance or by way of reimbursement and in such installations as the Secretary may determine.

Sec. 609. No funds shall be available under this Act unless the Secretary first determines that there is satisfactory assurance that (A) the services to be provided will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) in, services that would otherwise be provided, and (B) Federal funds made available under this part for any period will be so used as to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third party health insurance payments, that would in the absence of such Federal funds be made available for the program for which funds are being sought under this Act by the applicant, and will in no event supplant

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such State, local, and other non-Federal funds.

Sec. 610. (a) Whenever the Secretary finds a failure to comply with the terms of a grant or contract made or entered into under this title, he shall, after reasonable notice and opportunity for a hearing, terminate payments until he is satisfied that there will no longer be any failure to comply.

(b) The exclusive remedy of anyone adversely affected by a final action of the Secretary under subsection (a) of this section is to appeal to the United States court of appeals for the circuit in which it is located by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary thereupon shall file with the court the record of the proceeding on which he based his action, as provided in section 2112 of title 28 of the United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or set it aside, in whole or in part, temporarily or permanently. Until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts shall be conclusive if supported by substantial evidence, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari as provided in section 1254 of title 28 of the United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

### ADMISSION OF ALCOHOL ABUSERS AND ALCOHOLICS TO PRIVATE AND PUBLIC HOSPITALS

Sec. 611. (a) Alcohol abusers and alcoholics shall be admitted to and treated in private and public hospitals on the basis of medical need and shall not be discriminated against solely because of their alcoholism. No hospital that violates this section shall receive Federal financial assistance under the provisions of this Act or any other Federal law administered by the Secretary. No such action shall be taken until the Secretary has advised the appropriate person or persons of the failure to comply with this section, and provided an opportunity for correction or a hearing.

(b) Any action taken by the Secretary pursuant to this section shall be subject to such judicial review as is provided by section 609(b) of this title.

## TITLE VII—THE SECRETARY'S ADVISORY COMMITTEE ON ALCOHOL ABUSE AND ALCOHOLISM

Sec. 701. (a) The Secretary shall appoint an Advisory Committee on Alcohol Abuse and Alcoholism to consist of eighteen qualified persons, including (1) leaders from the general public representing such areas as business and industry, professional and public training and education, medical and paramedical training, law, religion, State and local government, public health, labor, urban affairs; and (2) representative leaders from those with major concern for alcohol abuse and alcoholism, including voluntary associations, governmental groups, and the universities. Some members of the Advisory Committee must be recovered alcoholics. The Advisory Committee shall advise and consult with the Secretary and the Institute and assist them in carrying out the provisions of this Act.

(b) The Secretary shall appoint a Chairman, who shall serve a one-year term but may be re-appointed. The members of the Advisory Committee shall serve without compensation, except for expenses, for terms of three years, staggered so that three vacancies occur every year A member may be reappointed if, in the judgment of the Secretary, his special competencies are required by the Committee.

(c) The Committee shall meet at least once every two months, and may meet more often. It shall consult at regular intervals with representatives of the Secretary, the judiciary, corrections, probation, vocational rehabilitation, public welfare, parole, Economic Opportunity, the Department of Transportation, the Department of Housing and Urban Development, the Department of Defense, Veterans' Administration, the Civil Service Commission and such other agencies as may become involved in a total effort to attack alcohol abuse and alcoholism.

Sec. 702. The Committee may appoint one or more technical consultants from experts throughout the country to assist in evaluating the progress of the Institute so that it will have the best possible comprehensive programs for combating alcohol abuse and alcoholism.

Sec. 703. The Committee shall employ a full-time executive director with a secretary to assist the Committee and coordinate its activities.

Sec. 704. The Committee shall consider at least the following matters:

(a) the establishment of goals and priorities for the alcohol abuse and alcoholism programs of the Department;

(b) the development of policy concerning the role of the Federal government in the development and promotion of alcohol abuse and alcoholism programs;

(c) formation of structures and methods through which the programs developed or in effect at the Federal, State, or local levels might have the broadest impact; and

(d) review of allocation of funds and personnel for the implementation of these programs.

## TITLE VIII—INTERGOVERNMENT COORDINATING COUNCIL ON ALCOHOL ABUSE AND ALCOHOLISM

Sec. 801. (a) For the purpose of coordinating all Federal Government prevention, treatment, and rehabilitation efforts with respect to alcohol abuse and alcoholism, of coordinating such Federal efforts with State and local government efforts, and of developing an enlightened policy and appropriate programs for Federal employees for the prevention and treatment of alcohol abuse and alcoholism and the rehabilitation of alcoholics, there is hereby established an Intergovernment Coordinating Council on Alcohol Abuse and Acoholism consisting of the Secretary who shall serve as Chairman, the executive director of the Secretary's Advisory Committee on Alcohol Abuse and Alcoholism, four representatives of Federal departments or agencies, and five representatives of State and local government departments or agencies.

(b) The President shall designate the four representatives of Federal departments or agencies who shall serve on the Coordinating Council, and shall appoint the five representatives of State and local government departments or agencies. The State and local government representatives shall serve for terms of five years, staggered so that one vacancy occurs each year. A State or local government representative may be reappointed immediately after serving less than a full term, and may be reappointed after a five-year hiatus after serving a full term.

(c) The Coordinating Council may appoint such technical consultants as are deemed appropriate for advising the Council in carrying out its functions.

Sec. 802. The Coordinating Council is authorized and directed to—

(a) assist the Secretary in carrying out his function of coordinating all Federal prevention, treatment, and rehabilitation efforts to deal with alcohol abuse and alcoholism;

(b) assist the Secretary in carrying out his function of coordinating such Federal efforts with State and local governments;

(c) engage in educational programs among Federal employees, and in other appropriate activities, designed to prevent alcohol abuse and alcoholism;

(d) implement programs for the rehabilitation of Federal employees who are alcohol abusers or alcoholics; and

(e) develop and maintain any other appropriate activities consistent with the purposes of this Act.

## TITLE IX—GENERAL

Sec. 901. The Secretary may promulgate regulations, pursuant to subchapter II of chapter 5 of title 5, United States Code, to implement this Act.

Sec. 902. If any section, provision, or term of this Act is adjudged invalid for any reason, such judgment shall not affect, impair, or invalidate any other section, provision, or term of this Act, and the remaining sections, provisions, and terms shall be and remain in full force and effect.

Sec. 903. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Any appropriated funds shall remain available until expended.

Sec. 904. (a) Section 7352 of title 5 of the United States Code is hereby repealed.

(b) Paragraph (3) of subsection 8102(a) of title 5 of the United States Code is hereby repealed.

(c) Paragraph (2) of subsection 2504(d) of title 22 of the United States Code is hereby amended to repeal the clause "or unless intoxication of the injured volunteer is the proximate cause of the injury or death."

Sec. 905. This Act shall take effect upon the expiration of one hundred and eighty days following the date of its enactment.

Mr. MOSS. Mr. President, will the Senator yield?

Mr. HUGHES. I am happy to yield to the distinguished Senator from Utah.

Mr. MOSS. Mr. President, I have listened with care to the very powerful, articulate, and eloquent statement made by my colleague, the Senator from Iowa (Mr. Hughes).

I wish to express my appreciation for his great leadership in the field of finding a solution to the pressing problem of alcoholism. He generously made reference to earlier efforts that have been made in this field in which I was involved; but I say today, to him and to this body, that with the added drive, leadership, and scope of the work done by the Senator from Iowa, we now have before this body, introduced by him today, a vastly broader, deeper, and more comprehensive bill than any suggested before.

Mr. President, it is a great satisfaction to join today with the Senator from Iowa (Mr. Hughes) and the Senator from New York (Mr. Javits) in introducing a bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism. Thirty-five of our colleagues have joined with us in cosponsoring the bill which is indicative of the enormous concern in the Senate about this tragic problem and the necessity of mounting a full-scale and intensive attack on it.

For the bill which we are introducing today does attack the illness of alcohol-

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ism on a broad front. Its passage would place the Federal Government at the helm of a coordinated, high priority drive to strike at alcholism in all of its aspects—through research as to causes, financial assistance to prevent and treat the disease, and full-scale educational programs to acquaint the public of its dangers. It has a sweep far beyond anything attempted before. I am convinced that its benefits will be boundless.

I am particularly moved to hail this measure for a strong, inclusive attack on alcoholism because I introduced, in 1965, the first Senate bill to place a locus of responsibility for alcoholism in the Federal Government, and in 1967, joined with the Senator from New York (Mr. Javits) in sponsoring the alcoholism control bill, some sections of which were incorporated in community mental health centers bill of the 90th Congress. Senator Javits and I joined again this session in sponsoring S. 1997. But the bill we are introducing today vastly expands the scope and content of S. 1997.

I commend the Senator from Iowa (Mr. Hughes) for the extensive hearings which he held to provide the information necessary to draft this enlarged attack on alcoholism, and I am grateful for his dedication to its purpose. I pledge to him and to my other colleagues my strong support in getting it passed at the earliest possible date.

Mr. President, from the remarks made by the distinguished Senator from Iowa in making his introduction, I believe that we can begin to comprehend the real depth of the problem which is so pervasive in our society and which has been ignored or shunted aside for so long that it has had tremendous impact on the well-being of our people.

I am in hearty agreement that the time is long past due when we must make a full-scale attack on the problem, to find ways to treat, rehabilitate, and educate the people as to the use of alcohol in order to improve their health and well-being.

Again, I commend the distinguished Senator from Iowa for his great leadership in this field.

Mr. HUGHES. I thank my distinguished colleague from Utah and wish particularly to express my appreciation to him for the fact that without his pioneering work and that of the distinguished Senator from New York (Mr. Javits), which they did on a bipartisan basis, we would not have the bill today on the floor of the Senate. Much of that work was done in years gone by. We are in great debt to the Senators from Utah and New York for their contributions in this field. We very much appreciate their continuing support and work for this breakthrough in American medical history—which is really what we are looking for.

Mr. CRANSTON. Mr. President, I am pleased to cosponsor the proposed Federal Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970. Senator Hughes has performed an enormous public service in conducting, through the Special Subcommittee on Alcoholism and Narcotics, of which he is chairman, the very thorough indepth study which has culminated in the introduction of this comprehensive legislation to deal with the major social and health problem of alcohol abuse and alcoholism.

We are all generally aware of the existence of an alcoholism problem in the United States, but the real dimensions of the problem have not been widely understood and have never attracted the necessary attention and resources to deal with it. Although it has been estimated that alcoholics number as many as 9 million adult Americans, according to a recent survey by researchers at George Washington University, and alcohol has been implicated in fully half the Nation's 50,000 traffic fatalities each year, appropriate professional attention and facilities have not been made available to the vast majority of alcoholics and alcohol abusers.

Experts who deal with the problem—in the medical, legal and social welfare fields—find themselves ill-equipped by training and orientation to recognize and deal with alcoholism and alcohol abuse. Although alcoholism is increasingly viewed as a complex, chronic illness, there is still comparatively little medical research into the basic causes and components of the disease.

Senator Hughes' comprehensive bill would authorize much-needed programs of research, education, treatment, and rehabilitation, and would focus and coordinate national attention on ways of approaching and overcoming this serious national health problem.

While I am in agreement with much that this bill seeks to do, I find that I must offer caveats on a number of provisions of the bill similar to those I outlined in my statement on March 9, 1970, when I joined in cosponsoring S. 3562, Senator Hughes' bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence. Many of these provisions deal with veterans matters which are under study by the Subcommittee on Veterans' Affairs, of which I am chairman, and I would like to have an opportunity to discuss them with appropriate officials in the Veterans' Administration and elsewhere.

For a discussion of these and other provisions which I believe require further study and reflection, I refer Senators to my remarks of March 9, 1970, on page 6453 of the Congressional Record.

In both human and economic terms, there are few other public investments which will return such substantial savings as the kind of broad, creative, and comprehensive attack on alcoholism proposed by Senator Hughes. A national commitment to overcome this problem is long overdue, and the bill introduced by Senator Hughes today provides the basic framework around which we can work to build and carry out that commitment.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Illinois (Mr. Percy) is recognized at this time.

Mr. GRIFFIN. Mr. President, with the agreement of the distinguished Senator from Illinois (Mr. Percy), I ask unanimous consent that the distinguished Senator from California (Mr. Murphy) be recognized for 5 minutes at this point, prior to the special order of the Senate regarding the Senator from Illinois.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Michigan? The Chair hears none, and the Senator from California is recognized for 5 minutes.

## PROPOSED RESOLUTIONS TO CUT OFF MILITARY FUNDS TO PRESIDENT NIXON

Mr. MURPHY. Mr. President, I should like to associate myself with the remarks made yesterday on television and in the press by the distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. Stennis), when he objected to the proposed resolutions to cut off the availability of funds to be used in pursuance of the war in Indochina as planned by the President of the United States.

The series of suggested resolutions which will be designed to restrain or restrict the powers of the President in the conduct of this inherited war in Vietnam, Cambodia, and Laos, seems to me to be ill-advised, ill-timed, and certainly not in the best interests of the possibilities and powers of the United States to conduct the plan of the President to bring this war to an honorable and permanent end.

It is an unfortunate design to impair the ability of the Commander in Chief to execute his obligations under the Constitution, and to bring these unfortunate and inherited hostilities to a just conclusion as quickly as possible.

It may be perfectly proper and conceivable that, sometime in the future, there should be consideration of imposing congressional restraint and control on the executive branch in the matter of declarations of war, undeclared wars, police actions, or any other strange circumstances which might be contrived and in which we might find ourselves involved. But it seems to me to be the worst possible timing to raise this question when we find ourselves on the brink of what might be the most successful and important military action of the past 5 years when measured in terms of saved American lives—punishment inflicted on the enemy, disruption of the enemy's supply lines and his communications, when we are told that our military actions are moving ahead with such great success, and in such a way as to make it impossible for him to continue to fight. Hopefully, of course, these effects should also bring the enemy to the conference table quickly, at long last in a meaningful way.

Mr. President, we presently find ourselves in a needlessly protracted and, I believe, unpopular, and undeclared war in which the enemy's entire hope of success rests on the possibility of dividing our opinion at home, which is being done constantly through the use of propaganda, and destroying our national commitment and determination to carry out our obligations to our friends in South Vietnam, Cambodia, Laos, and Thailand.

I am glad to see, lately, that this has all been considered as one war. It has always been one war. Those who would have divided our people, I am afraid, have tried to do so with the idea of creating unnecessary confusion.

The method chosen to restrict or restrain our Commander in Chief is the unusual one of threatening to cut off his funds, based on the power of Congress to deny the use of the purse. I cannot understand the moral basis for this. Consequently, I certainly would not be part of such a move which would say, in effect, that having sent our fighting men halfway around the world on a military commitment, we had then suddenly decided there should be no funds, or a restricted amount of funds, for them to carry out their mission.

I have the greatest sympathy and understanding for those who desire to bring about the end of this war. I was among those who objected to our involvement, in the first place. I have been on record continuously, begging that the civilian advisers to past administrations allow our military experts to conduct the war in the way in which they suggested, which would have brought it to a quick and certain ending. In my humble opinion, this war should have been over 3 years ago.

Mr. President, I yield to no one in my aversion to the unnecessary and wasteful killing which has taken place, as well as to the waste of materiel and the dollars which could be better used for worthwhile programs here at home.

I repeat, therefore, that I am unalterably opposed to any proposals which would shackle the President at this time in his efforts to end the killing.

I shall continue to support and work for the President's plan to withdraw our men under those conditions which I believe will insure that justice is preserved, and that there will be less likelihood, and less possibility of new Vietnams in the future.

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## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for 45 minutes.

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## S. RES. 409—SUBMISSION OF A RESOLUTION RELATING TO THE CAMBODIAN INCURSION

Mr. PERCY. Mr. President, in recent years, as a result of the commitment of American troops to combat in Vietnam, and in recent days, as a result of the commitment of American troops to combat in Cambodia, many Senators, many Representatives, many Americans have felt that American Presidents have strained and, in some instances, actually gone beyond their constitutional powers as Commander in Chief of the Army and Navy. There is much concern that the constitutional powers of Congress in warmaking have been seriously eroded.

The Presidents have received heavy criticism for the imbalance in warmaking powers created when the Nation's Armed Forces are moved into action without the consent of Congress. I would submit, however, that—if criticism is in order—the criticism must be shared by the Congress which has passively allowed its constitutional prerogatives to be eroded for so long.

There is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities, except that the President, as Commander in Chief, was empowered to repel sudden attacks. During the past several weeks I have gone back over the proceedings of the Constitutional Convention to better understand the intention of our Founding Fathers.

During the course of the debate on warmaking powers, James Madison of Virginia and Elbridge Gerry of Massachusetts challenged the phrase "to make war" which had been the focus of discussion. They moved to change the phrase from "make war" to "declare war," contending that this would leave to the President the power to repel sudden attacks. This motion was agreed to by a vote of 8 to 1.

The Constitution ultimately named the President as Commander in Chief of the Army and Navy, and empowered him to make treaties with the advice and consent of Congress. To Congress were allocated the power to levy taxes for the common defense, to declare war, to raise and support armies, to provide and maintain a navy, and to make rules for the government and regulation of the land and naval forces.

When, at the Convention, Pierce Butler of South Carolina had suggested that the warmaking power could be safely vested in the President, Mr. Gerry replied that he never expected to hear in a republic a motion to authorize the Executive alone to declare war. As I have mentioned, the Madison-Gerry motion was adopted, limiting the war-initiating power of the President to repelling sudden attacks.

But that is the limit of the Constitution's mandate in regard to warmaking powers. Nowhere does the Constitution specify whether, under what circumstances, or by whose decision the Armed Forces can be sent into battle when Congress has not declared war and there has been no sudden attack on the Nation.

At the beginning of our constitutional history, the primary responsibility of Congress in the initiation of war was frequently proclaimed and acted upon. President Adams, in 1798, concerned about French threats to American shipping, waited until Congress provided the authority to move. Alexander Hamilton had advised the administration, in a letter to Secretary of War James McHenry, as follows:

> In so delicate a case, in one which involves so important a consequence as that of war, my opinion is that no doubtful authority ought to be exercised by the President.

In 1801, in his opinion on the Amelia case, Chief Justice John Marshall stated that the "whole powers of war" were vested in Congress.

That same year, Tripoli declared war on the United States when the United States refused to pay tribute in exchange for safe passage of American ships. President Jefferson moved ships to the Mediterranean with orders limiting them to self-defense and the defense of other American ships. He told the Congress that he felt obligated to take only defensive actions because he was "unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense."

During a dispute with Spain in 1805, President Jefferson renounced the use of force, saying that he thought it was his duty to await congressional authority "considering that Congress alone is constitutionally invested with the power of changing our position from peace to war."

In equally unequivocal statements, President Monroe and Secretaries of State John Quincy Adams and Daniel Webster, stated that the initiation of war is a prerogative of Congress. President Monroe wrote:

> The Executive has no right to compromit the nation in any question of war.

Adams wrote that under the Constitution "the ultimate decision" belongs to Congress. Webster stated:

> I have to say that the war-making power rests entirely with Congress and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another.

In 1846, when President Polk moved troops into territory disputed between this country and Mexico, resulting in hostilities, Congress reluctantly declared war after the fact. Later, when the House of Representatives was resolving to thank Zachary Taylor, the victorious general, an amendment to the resolution stated that the war "was unnecessarily and unconstitutionally begun by the President of the United States." Former President John Quincy Adams, then a Member of the House, and future President Abraham Lincoln voted for the amendment which was adopted by a vote of 85 to 81, but later dropped.

In 1857, Secretary of State Lewis Cass responding to a British request to send ships in support of an expedition to China, wrote to the British Foreign Office that—

> Under the Constitution of the United States, the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken.

President Buchanan made the point as forcefully when he asked Congress for authority to protect transit across Panama in 1858. In his message to the Congress on December 6 of that year, he said:

> The executive government of this country in its intercourse with foreign nations is limited to diplomacy alone. When this fails it can go no further. It cannot legitimately resort to force without authority of Congress, except in resisting and repelling hostile attacks.

In 1900, President McKinley sent thousands of American troops to suppress the Boxer Rebellion in China and to rescue Western nationals in Peking. Although he was accused of acting without congressional authority, Congress had already adjourned and, because it was an election year, there was no interest in returning for a special session.

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In 1911, President William Howard Taft sent troops to the Mexican border, but conceded that only Congress could authorize sending troops across the border. In a message to Congress, President Taft said:

> The assumption of the press that I contemplate intervention on Mexican soil to protect American lives or property is of course gratuitous, because I certainly doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express Congressional approval.

Since the turn of the century, Presidents have used military force more freely, moving troops in support of foreign policy decisions and in reply to particular situations. Thus, an incursion was made into Mexico in pursuit of the bandit, Pancho Villa, in 1917. President Wilson sent marines to fight in Haiti and Santo Domingo. President Truman sent hundreds of thousands of troops to fight in Korea. All these actions were taken by the Executive without congressional authority.

Of course, questions about the division of powers and the Congress' prerogatives have been raised most strongly in connection with the sending of U.S. troops into the Dominican Republic and Vietnam. Until Congress passed the Gulf of Tonkin resolution, the use of American troops in combat in Vietnam was totally without congressional approval.

At this time the incursions into Cambodia have raised fears of expanded Southeast Asian war. Even though I believe President Nixon had full authority for these actions, I think Congress must examine its relationship to the Executive in regard to warmaking powers. The fact remains that the division of warmaking powers is not adequately defined in the Constitution to cover contemporary circumstances when there is no declaration of war and no sudden attack. I believe that a better definition is required, and that it would be a service to both Presidents and Congresses, but most of all to the people—for it is the people who must pay in blood and treasure for the wars we undertake.

Last year the Senate took an important step toward redressing an imbalance of powers between the executive and legislative when it overwhelmingly passed a resolution on national commitments which stated that commitments to foreign powers require affirmative action of both branches. It is logical now to redress the imbalance which has arisen in the warmaking powers as a result of the Nation's Armed Forces being committed to combat activities without the approval of Congress.

Because I believe that congressional approval should be required for the combat use of the Armed Forces, I am now submitting a resolution expressing the sense of the Senate on combat use of U.S. Armed Forces as an instrumentality of foreign policy. The requirement for congressional approval for any combat activity does not preclude a necessary, immediate response, pending congressional approval, to a clear and direct attack upon the United States, its territories or possessions, or upon forces of the United States, where they are lawfully deployed pursuant to treaty or other specific congressional authorization.

I deeply believe that the dilemma in definition of powers must be resolved. I have consulted in recent days with two of our Nation's most distinguished constitutional lawyers, Prof. Philip B. Kurland of the University of Chicago Law School and Prof. Alexander Bickel of Yale University Law School. Professor Kurland believes that the Congress has a responsibility now to clarify the warmaking powers. Professor Bickel contends that—

> The erosion of Congressional control over exercise of the war power has resulted in a Constitutional imbalance which needs urgently to be ratified.

I have also discussed this important matter with a number of my distinguished colleagues on the Senate Foreign Relations, Armed Services, and Judiciary Committees. It is their overwhelming consensus that it would be in the best interests of the country that the Senate have an open debate soon on this fundamental question bearing so heavily on Presidents and Congresses since the founding of the Republic, but as yet unresolved. I do not seek to impose my own solution, although I will speak strongly for it. More important is to open the debate, to bring out all opinions, and to come to a decision which expresses the sense of the Senate in the most definite terms possible, thereby giving clearer definition to the relative roles of the executive and the legislature in war making. I would hope to have a close working relationship with the executive branch of Government during the course of these deliberations.

Mr. President, I send to the desk a resolution expressing the sense of the Senate regarding the combat use of U.S. Armed Forces as an instrumentality of foreign policy.

The resolution reads as follows:

S. Res. 409

Whereas the Senate has resolved that certain national commitments of the United States require affirmative action by both the Executive and Legislative branches of the United States Government; and

Whereas the use of the armed forces in combat in foreign countries necessarily has an important effect on international relations: Now, therefore, be it

*Resolved*, That in order that the Congress may properly exercise its constitutional powers regarding the use of the armed forces of the United States whenever the use thereof directly involves the foreign relations of the United States and the foreign policy of the United States generally, it is declared to be the sense of the Senate that the President should not utilize the armed forces of the United States in interventions abroad for any combat activity without the express consent of the Congress except where the use of such forces is necessary, pending Congressional approval, to respond to a clear and direct attack upon the United States, its territories or possessions, or upon forces of the United States that are lawfully deployed pursuant to a treaty or other specific Congressional authorization.

The PRESIDING OFFICER (Mr. Moss). The resolution will be received and appropriately referred.

The resolution (S. Res. 409) was referred to the Committee on Foreign Relations.

## ORDER OF BUSINESS

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. TALMADGE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Pursuant to the previous order, the Senator from Georgia is recognized.

## FAMILY ASSISTANCE ACT OF 1970—AMENDMENT TO CHANGE TITLE TO "WELFARE EXPANSION ACT OF 1970"

### AMENDMENT NO. 624

Mr. TALMADGE. Mr. President, I submit today an amendment to H.R. 16311, an act which has been approved by the House of Represenatives and referred to the Senate Finance Committee. My amendment would change the name of H.R. 16311 from the "Family Assistance Act of 1970" to the "Welfare Expansion Act of 1970".

Mr. President, I send the amendment to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. Moss). The amendment will be received and appropriately referred.

The amendment (No. 624) was referred to the Committee on Finance and ordered to be printed.

Mr. TALMADGE. Mr. President, the introduction of this amendment is not a facetious gesture. My purpose is to attempt to clarify the issues involved in the debate of H.R. 16311. This legislation has been sold to the American people as welfare reform. The press refers to the bill as the President's welfare reform bill. My objective is to point out that the administration's bill should not be called welfare reform because it does not really provide welfare reform. The outstanding characteristic of this bill is its extension of benefits to 15 million additional Americans. Supposedly, the bill would eliminate inequities by expanding welfare to the so-called working poor.

The Senate Finance Committee searched in vain for the reform features of the act when Secretary Finch and his assistants testified before the committee. My idea of welfare reform is a program for upgrading the skills of welfare recipients and getting them into the mainstream of the American economy.

We hear a great deal about the lack of dignity inherent in our present welfare system. I would be the first to agree that our welfare system is demeaning, that it has serious inequities, and that we should attempt meaningful reform. However, I do not believe that we can devise a system where a welfare recipient will have full dignity and self pride. I do not believe that anyone can feel a great deal of satisfaction with himself unless he is a working, productive, self-sufficient member of society.

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Therefore, the chief thrust of any welfare reform bill must be an attempt to get people off the welfare rolls and onto the payrolls. Welfare benefits should go only to those individuals who are aged, blind, or disabled, or to able-bodied individuals who have children and who are unable to find employment.

Unfortunately, many States have been so lax in the administration of their welfare programs that many able-bodied individuals are receiving benefits and are much better off than their neighbors who work at low wages.

By extending benefits to the working poor, the bill would admittedly eliminate some of the inequities of the present system. However, the bill would at the same time create more inequities.

Worst of all the act would establish a new principle. It would establish, by an act of Congress, the principle of a guaranteed annual income. Welfare would now be considered a right. In the past, the drive to work has always been one of the strongest drives of the American citizens. Part of this drive can be attributed to the fact that in the past anyone who did not work had little chance of even obtaining decent food to eat.

We must remember that the tastes and mores of each generation are shaped in response to the requirements made on that generation and the opportunities available to it. If we establish for all time the principle that everyone has a right to a decent standard of living, whether he works or not, then we will have largely destroyed the incentive to work for a great number of lower income Americans.

When questioned about the guaranteed income aspect of the act, the administration responds that this act does not provide a guaranteed annual income because of the work requirement. Under an amendment added in the Ways and Means Committee every recipient must register for work.

However, that is as far as it goes. All that is required as a prerequisite of getting benefits is that the applicant sign his name to a piece of paper saying that he is available for work.

During the Finance Committee's hearings, I questioned the Secretary at some length to determine whether the work requirement had any teeth in it. In fact, the work requirement provisions of the new administration program is even less mandatory than the language of the old work incentive program, a program which has been a dismal failure because few people have been certified and trained and placed in productive jobs.

In my mind, the key feature which distinguishes a guaranteed annual income plan from real welfare reform is a meaningful work requirement together with adequate job training and job placement. Without these features the administration plan is little more than a guaranteed annual income plan, or a welfare expansion plan.

Many people were amazed that the President has proposed such a revolutionary welfare expansion plan as this. It seemed inconceivable that a Republican President would propose legislation which would establish the principle of a guaranteed annual income.

I submit that the President has been badly misinformed and deluded about the true impact of this legislation. The act has been sold to the press and to the American people as "workfare" rather than welfare. It has been touted as a bill which would get people off the welfare rolls by providing a real incentive to work. Amazingly enough, the bill passed the House on this basis.

It was not until the bill was subjected to the penetrating analysis of the Senate Finance Committee that its basic flaws were uncovered.

It is easy to see how our President, who sometimes must work 18 or 20 hours a day on the crisis on Southeast Asia, could be misled by some of his aides who are anxious to sell their welfare expansion program. Of course, he would not have time to examine all of the details of the program and to become fully familiar with the impact of such legislation.

I believe that the President's advisers have done him a great disservice by persuading him to propose this Welfare Expansion Act. They have done him an additional disservice by attempting to manufacture evidence to support this ill-conceived proposal.

In my mind, it is inconceivable that such a revolutionary proposal as this should be introduced by the administration without at least one pilot program to show that it would work. It is true that one such pilot program has been begun. However, contrary to press accounts, this program proves nothing.

We read glowing accounts of "the New Jersey Urban Experiment." According to the press this experiment proves that the administration's plan will work.

I believe that an article in the New York Times magazine written by Fred J. Cook is very revealing on this point. This article, entitled "When You Just Give Money to the Poor," is extremely favorable to the New Jersey experiment and indicated that the experiment really proves something. However, the statistics cited in the article do not support this contention. I found this article quite interesting because of its account as to how the statistics were compiled. At this point I think that it is revealing to quote directly from the article:

> The Nixon proposal went into deep freeze in the conservatively controlled House Ways and Means Committee, and early this year committee sources began complaining that the President's plan would encourage shiftless recipients to live a life of leisure on the dole. The income-maintenance idea seemed to be in trouble, and the White House—through its intellectual in residence, Daniel Patrick Moynihan—sought to counter the objections. They turned to Wilson for ammunition.
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> "I sat down to write a report," Wilson recalls with a rueful grin, "and I took it to Pat Moynihan. Pat jumped all over me. He stomped around the room, waving his arms, that Irish temper of his flaring. "Wilson," he said, "you mean to tell me that you've had a $5-million experiment running in New Jersey for almost two years now and you don't know what you've got?"
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> "I tried to explain that you had to let the experiment run its course before you could evaluate your data. "Wilson," Pat snorted, "the fact is that you haven't got any answers. Why don't you have answers? That's the trouble with you economists—you never have any facts until it is too late."
>
> "He got me so mad that I said, 'Damn it, I'll get some answers.'"
>
> This confrontation took place on a Thursday. Wilson returned to his office and, as he says, "stewed" about the decision he had to make all the rest of that day and most of Friday. The first sizable group of families in the experiment had been getting aid for only about 15 months. Wilson doubted whether this was enough to show any positive trends; he was afraid that a premature compilation of data might jeopardize the whole experiment—but he decided, with the political pressures what they were, that he had to chance it.
>
> So on Friday afternoon he telephoned Dave Kershaw in Princeton and ordered him to collate all the information available on the first 509 test families in the Trenton area. The group included 364 families who had been receiving assistance and 145 in the control group.

The article goes on to describe that data on the experiment was frantically assembled, and the experiment director is quoted as being surprised at uncovering such "definite trends."

So it is apparent that the project director threw together some data in response to a mandate from Moynihan. Anyone who has done any work with statistics knows that it is possible to prove all sorts of things with different statistical methods if one has to do so.

The results of the New Jersey experiment published by the Office of Economic Opportunity are certainly inconclusive. It proves the wisdom of the project director's original contention that you have to let an experiment run its course before you can evaluate data. Although the experiment is a 3-year program, the statistics used in the data create more questions than it answers.

I do not see how the administration can possibly contend that a 10-month experiment on 509 families in a particular area of the country proves that a multibillion-dollar program covering 25 million people will work.

Mr. President, since so much has been printed in the press about the glorious results of the New Jersey graduated work incentive experiment, I believe that the printed results offered by the Office of Economic Opportunity should be given wider circulation so that the American public will have a better chance to see for themselves whether this experiment proves anything. Therefore, I ask unanimous consent that the OEO publication be printed in the RECORD at this point.

There being no objection, the statement of preliminary results was ordered to be printed in the RECORD, as follows:

## PRELIMINARY RESULTS OF THE NEW JERSEY GRADUATED WORK INCENTIVE EXPERIMENT

### INTRODUCTION

The Office of Economic Opportunity in 1968 initiated an experimental project in New Jersey to measure the effects of a program that assures families a minimum income level in a manner designed to protect their incentive to work.

This experiment is being conducted by the University of Wisconsin, Institute for Research on Poverty in conjunction with Mathematica, Inc., a Princeton, N.J., research firm. One of the purposes is to study test families to determine the degree to which income maintenance payments increase or reduce work effort. The income maintenance payments are reduced as a family's other income rises, and the experiment is carefully designed to assure that the earning of income always profits rather than penalizes the beneficiary. The experiment, which is being financed by more than $5 million in grants, will be completed at the end of 1972.

The first significant data from the New Jersey project have now been analyzed. These data would be valuable under any circumstances, for their implications would suggest ways to reform our welfare system. But they have assumed particular importance in recent months because the operation of the New Jersey experiment in many ways is similar to the operation of the Family Assistance Program proposed by the President.

Two important differences between the New Jersey experiment and the Administration program, however, should be kept in mind in evaluating this data. First, the New Jersey experiment contains no requirement that participants accept work training or a job to receive benefits. Secondly, it does not provide the extensive day care facilities that are an integral part of the President's program.

The addition of these two provisions as proposed in the Family Assistance Program would be expected to have a positive effect on work incentive. Therefore, we can assume that the New Jersey data give a conservative estimate of the trends that could be expected were all elements of the President's Family Assistance Program implemented.

The New Jersey data now available were gathered from August, 1968, through October, 1969, in Trenton, Paterson, and Passaic from 509 of the 1,359 participating families. They are based on the experiences of 364 families receiving various levels of support payments and a control group of 145 families not receiving payments. The control group is used for purposes of comparison with the experimental group, since their characteristics at the beginning of the experiment were similar to those of the experimental group. We can therefore tell whether the payments have had any effect at the end of the experiment by looking at any differences between the two groups.

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### CONCLUSIONS

This experiment was specifically designed to provide evidence about the effects such a program would have for the person it is designed to assist, give realistic cost estimates, and offer suggestions for implementation.

We believe that these preliminary data suggest that fears that a Family Assistance Program could result in extreme, unusual, or unanticipated responses are unfounded.

Furthermore, we believe these preliminary data from the New Jersey project indicate that a Family Assistance Program is practical. The data suggest that:

1. There is no evidence that work effort declined among those receiving income support payments. On the contrary, there is an indication that the work effort of participants receiving payments increased relative to the work effort of those not receiving payments.

2. Low income families receiving supplementary benefits tend to reduce borrowing, buy fewer items on credit, and purchase more of such consumer goods as furniture and appliances.

3. The Family Assistance Program, excluding the Day Care Program and Work Training provisions, can be administered at an annual cost per family of between $72 and $96. Similar costs for the current welfare system run between $200 and $300 annually per family.

### RESULTS

The data were analyzed for the purpose of gathering preliminary information on four questions (Chart I):

How is work incentive affected by supplementary assistance payments?

How does such assistance affect the spending behavior of the beneficiaries?

What are the effects of the higher income levels on family stability?

What are the estimated administrative costs of the proposed Family Assistance Program?

### CHART I—AREAS OF INFORMATION

A. Work effort.
B. Spending behavior.
C. Family stability.
D. Administrative costs.

### CHARACTERISTICS OF FAMILIES IN THE EXPERIMENT

Chart II reflects the characteristics of the families in the experimental group at the beginning of the project.

As this chart shows, the average test family had 5.8 members, nearly one-fourth had eight or more family members, and nearly 70 percent had children younger than 6. The average age of the male head of household was 35.6 years. About 36 percent of the families were white, another 36 percent were black, and the remainder were principally Spanish-speaking Puerto Ricans.

The majority of participants in the test group rented apartments from public and private landlords and the majority had less than a high school education. Sixty-three private landlords and the majority had less than a high school education. Sixty-three percent of the heads of household who were employed worked as skilled workers and 35 percent as unskilled laborers. All but 8 percent of the heads of household were employed and 66 percent of those who were employed usually worked full time. The average family income at the beginning of the experiment was $4,248 per year, and this income is being supplemented during the experiment by an average benefit of $1,100 per year per family.

### CHART II—CHARACTERISTICS OF FAMILIES IN EXPERIMENT

Average family size is 5.8 persons.
36 percent are Black.
36 percent are White.
28 percent are Spanish-speaking.
81 percent did not graduate from high school.
8.6 years is the median education level.
63 percent are skilled workers.
35 percent are unskilled workers.
992 percent are employed.
Average family income, $4,248.
Average level of benefits, $1,100.

### ALTERNATIVE WORK EFFORT BEHAVIOR

Chart III (not printed in the RECORD) shows two alternative extremes of possible work effort behavior.

Line A shows the pattern that would be followed by a participant who reduced his work effort dollar for dollar as the supplementary benefits increased, until his work effort reached zero. Thus his total income remained the same, although he had completely stopped working. This is, of course, the maximum possible disincentive effect.

Line B shows the pattern that would be followed by a participant whose work effort remained constant. The payments had no effect on his incentive to work.

### ACTUAL WORK EFFORT BEHAVIOR

Chart IV (not printed in the RECORD) indicates actual work effort on the part of the participants. On the basis of these data, we can say that work effort did not decline for the group analyzed, but rather that it followed a pattern close to Line B on Chart III. There is, in fact, a slight indication that the participants overall work effort actually increased during the initial test period.

### CHART V—ACTUAL WORK EFFORT BEHAVIOR

[In percent]

| | Control | Experimental |
|---|---|---|
| Percent of families whose— | | |
| Earnings increased | 43 | 53 |
| Earnings did not change | 26 | 18 |
| Earnings declined | 31 | 29 |

### INCOME PATTERNS OF EXPERIMENTAL GROUP

The trend toward increased work effort is further apparent in Chart V (not printed in the RECORD) which shows a very slight rise in the average monthly income of the 364 test families.

The monthly income, which includes earnings as well as supplementary benefits, increased from an average of $340 at the beginning of the experiment to $381 during the tenth month, reaching a low of $358 and a high of $388.

### ATTITUDES TOWARD WORK

In-depth interviews with participants indicate that the low-income individual is *strongly* motivated toward work.

As shown in Chart VI, the majority indicated that they aspire for a better job and are willing to move to another city or take training even if it meant a pay cut in order to get that better job. The majority also indicated that they are willing to work two jobs to support their families. Of all the factors influencing work choice, job security was ranked twice as high by participants as any other job factor, including wages, working conditions, or job interest.

These responses from the participants indicate that supplementary income assistance will not reduce their work effort.

### CHART VI—ATTITUDES TOWARD WORK

Aspire for a better job, 65 percent.

Would move to another city for a good job, 56 percent.

Would take training with pay cut to get better job, 55 percent.

Would work two jobs, 60 percent.

Job stability is *twice* as important as any other aspect of job.

Low income people are *strongly* work motivated.

### CHANGES IN BORROWING BEHAVIOR

This raises the question: How do beneficiaries' behavior patterns change as their incomes increase? The answer: They seem to borrow less and to purchase more durable goods.

Chart VII shows that the experimental group borrowed less while receiving supplementary assistance payments than did the control group which, of course, received no supplementary assistance.

Only 40 percent of those in the experimental group increased their borrowing, compared to 53 percent of those in the control group. Meanwhile, 24 percent of those in the experimental group actually borrowed less, as compared to only 18 percent of the control group.

This could indicate that those in the experimental group are paying back loans to a greater degree and buying items on time less than their control counterparts who are not receiving payments.

### CHART VII—CHANGES IN BORROWING BEHAVIOR

[In percent]

| | Control | Experimental |
|---|---|---|
| Borrowing increased | 53 | 40 |
| No change in borrowing | 29 | 36 |
| Borrowing declined | 18 | 24 |

### MAJOR CONSUMER PURCHASES

Chart VIII indicates that the supplementary assistance payments not only helped the experimental group to borrow less, but also allowed those families to make some major purchases.

Twice as many families in the experimental group purchased furniture as did families in the control group, while purchases of television sets and other major appliances also increased in the experimental group.

The data indicate that furniture dominated purchases among younger families, while major appliances were the most frequent choice of older families.

CHART VIII—MAJOR CONSUMER PURCHASES

| Purchases | Percent of families who purchased given items | |
|---|---|---|
| | Control | Experimental |
| Furniture | 4.8 | 9.6 |
| TV | 9.7 | 12.2 |
| Other major appliances | 6.2 | 8.0 |
| Other | 10.3 | 10.7 |

### FAMILY STABILITY

Another important question is whether an increase in income would decrease the divorce, separation, and desertion rate among families.

While the experiment was not designed to specifically address this question, data presented in Chart IX suggest that an increase of income of the levels examined in the experiment has little impact on family stability. The change in family composition in the New Jersey sample to date has been approximately the same in both the control and the experimental groups. Of the 364 families in the experimental group, only 54 changed in composition because of desertion, death, divorce, or separation. This evidence must be taken as extremely tentative since the causes of family instability clearly include more than income alone and the experiment has been underway for only a short time.

This finding of lack of change in family stability differs from information from the U.S. Bureau of Census shown in Chart X which reports that family stability increases significantly as income rises.

Clearly, we need further information on this question, information that may be provided during the remaining two years of the New Jersey experiment.

CHART IX—FAMILY STABILITY

[In percent]

| | Control | Experimental |
|---|---|---|
| Husband present at start of program | 92 | 94 |
| Husband not present at start of program | 8 | 6 |
| Husband present at end of program | 86 | 85 |
| Husband not present at end of program | 14 | 15 |

CHART X.—FAMILY STABILITY BY INCOME LEVEL[1]

| Family income | Proportion of stable marriages | |
|---|---|---|
| | Nonwhite | White |
| No income | 39 | 58 |
| $1 to $999 | 50 | 65 |
| $1,000 to $2,999 | 56 | 74 |
| $3,000 to $4,999 | 58 | 78 |
| $5,000 to $6,999 | 63 | 81 |
| $7,000 to $9,999 | 68 | 82 |
| $10,000 and over | 69 | 85 |

[1] Stable families refer to marriages in which men have been married only once and wife is present.

Source: U.S. Population Census, 1960, Marital Status, Table 6.

### ESTIMATED ADMINISTRATIVE COSTS

Estimated administrative costs of the proposed Family Assistance Program based on similar costs in the New Jersey experiment are reflected in Chart XI.

These costs are relatively low because the Family Assistance Program would be virtually self-administering. After an initial personal contact, approximately one-half of the beneficiaries can be expected to fill out and file their reporting forms with no additional help. An additional 30 to 40 percent can be expected to complete the necessary reporting following a second or third contact. The remainder will probably require regular supervision.

The estimated costs include the submission of monthly reports on family size, earnings, and other sources of income. The benefits could be adjusted each month with benefit payments made every two weeks.

The estimated total cost per family for this type of administration is $72 to $96 per year, exclusive of work training and day care costs. This figure compares to the estimated cost of $200 to $300 per family per year for the existing welfare system, also excluding the costs of training and services.

CHART XI—ESTIMATED ADMINISTRATIVE COSTS

| Category: | *Annual cost per family* |
|---|---|
| Field office operations | $23–29 |
| General inquiries from recipients. | |
| Assistance in filing income report forms. | |
| Follow-up on address changes. | |
| Reports to the central office. | |
| General administration | 36–48 |
| Payment calculations. | |
| Check writing and mailing. | |
| Audit. | |
| Appeals procedures. | |
| General supervision and program review. | |
| Supplies and services | 13–19 |
| Forms and clerical supplies. | |
| Postage. | |
| Computer time. | |
| Office rentals and equipment. | |
| Total annual cost per family | 72–96 |

### DESCRIPTION OF EXPERIMENT

These preliminary data are abstracted from one of two major experiments now being sponsored by the Office of Economic Opportunity in its effort to determine the effects of an income support system on work incentive.

These data are from the New Jersey urban experiment, which includes 1,359 families in Trenton, Passaic, Paterson, and Jersey City, New Jersey, and Scranton, Pennsylvania. All families in the urban experiment are headed by males between the ages of 20 and 58. Because knowledge of the effects of such support payments on other types of families is also important, the second experiment includes 835 rural families in Duplin County, North Carolina, and Pocahontas and Calhoun counties, Iowa. The rural experiment includes both male- and female-headed households and family heads who are older than 58. Both experiments are being directed by the University of Wisconsin Institute for Research on Poverty, which has subcontracted some of the work to Mathematica, Inc., a New Jersey research firm.

In both experiments, the income guarantee is scaled to reduce as other income rises, but to assure beneficiaries that the earning of income will always profit rather than penalize them. Two variables are applied to the income guarantee scale. The first variable increases the amount of income guarantee to 50, 75, 100, or 125 percent of the poverty line. For a family of four, this poverty line for the purposes of the experiments is $3,300 per year. The second variable reduces supplementary payments as other income rises. This amount is expressed as the equivalent to 30, 50, or 70 percent of other income.

Mr. TALMADGE. The statistics most often referred to in the New Jersey Experiment are the statistics which supposedly show that earnings increase when a family is given Government payments. These statistics indicate that 53 percent of the 364 families receiving various levels of support payments increased their earnings. According to the OEO figures, only 43 percent of the control group—the group of 145 families who did not receive payments—increased their earnings.

If only 15 additional families in the control group had experienced an increase of earnings of $1 per month, the results would have been the same for the control group that it was for the experimental group. In other words, the addition of only a few dollars a month would have completely changed the results of the celebrated New Jersey Experiment.

Mr. President, I submit that a 10-percent difference in two groups which are so small in one tiny section of this Nation of 200 million people proves nothing. The OEO figures do not tell us how much earnings increased generally in the area in which the experiment was conducted. I would assume that most employees would experience some increase in earnings over a 10-month period without putting forth any increased work or initiative. Everyone knows that earnings have increased rapidly in the past few years. In fact, anyone who did not experience an increase in earnings over the past year would be losing out, because inflation has increased the cost of living over 6 percent in the past year.

Another significant point is the fact that 92 percent of the family heads who participated in this minuscule experiment were already employed. The OEO figures gave us no indication of the increase in work effort among individuals who are not employed. We have no indication as to whether a guaranteed annual income plan will provide an incentive for welfare recipients to get off the welfare rolls and on the payrolls.

In more than one place the OEO conclusions are not supported by the evidence. The OEO concludes that low-income people are strongly work motivated. I would agree that low-income individuals who are working for low wages in the New Jersey area are strongly motivated. If they were not strongly work motivated they would be on the welfare rolls, for in many cases they can have more disposable income through welfare than by holding down a job. The OEO statistics, however, are based on individuals who hold down a job and not on individuals who are receiving welfare rather than working.

It might be contended that while the OEO experiment does not prove that family assistance payments will increase the incentives to work, it does prove that such payments do not prevent people from working. I submit, Mr. President, that there is no comparison between the administration plan, which would establish a guaranteed annual income on a nationwide basis, and the New Jersey experiment in giving money to a few selected families over a 10-month period. In the New Jersey experiment the Government was merely making temporary grants to a few people. With the enactment of H.R. 16311, we would be establishing a new principle, the principle that everyone has a right to a certain level of income whether he works or not. I believe that once this principle is established, there will be a substantial change in people's attitude toward work.

In my view, the inadequacy of the OEO figures is typical of the administration's efforts in regard to H.R. 16311. I do not have time in this speech to go through the multiple inadequacies of this welfare expansion legislation but I think one point is especially significant.

Over 6 months ago, when the administration was testifying in favor of the family assistance plan before the House Ways and Means Committee, Congresswoman GRIFFITHS asked Secretary Finch to list all the places in the bill where the Secretary is given authority to decide policy and issue regulations and to indicate what the regulations might be in every case. This was an especially important question because there are over 30 delegations of authority in the act. This information was never provided to the Ways and Means Committee.

When the Senate Finance Committee hearings were held over a half a year later, I asked if Secretary Finch could furnish this information. The Secretary indicated that he had been working on some regulations for day care but that he did not have the information which Mrs. GRIFFITHS had requested. He promised to furnish it for the record, but at the time this speech is being made, the material requested has not yet been received by the Senate Finance Committee.

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Therefore, it appears that not only does the Secretary not know how he would administer this multibillion-dollar plan, he does not even care to try to determine how he will administer it.

As presently written, the act assures only one thing. It assures that there will be a guaranteed cash benefit level. There is no guarantee of job training and job placement. As a matter of fact, the Secretary indicated that they have not even tried to grapple with the problem of placing welfare recipients in jobs—a key point in administration rhetoric.

If the bill is to have meaning and if it is to be a bill which I can support, there will have to be substantial changes. The delegations of authority will have to be changed to provisions of law. More importantly, there must be some process which will assure that maximum emphasis will be given to job training and job placement.

I commend to the attention of the Senate a bill, S. 3156, the Employment Opportunity Tax Act of 1969, which I introduced last November.

The bill I introduced would provide a 10-percent tax credit to industries which would conduct a job training program. The tax credit would be available only to employers who provide on-the-job training and who keep the employee on the job after he is trained. Another important feature of my bill is a provision for a 10-percent tax credit for employers who hire an individual through the work incentive program of the Social Security Act. At the time I introduced this bill, I realized that the work incentive program enacted in 1967 had been a dismal failure. Few individuals were enrolled in training programs and even fewer had actually been placed in productive jobs.

In most cases, individuals who are currently on the welfare rolls are not the best employment risks. Therefore, if we are to encourage industry to hire these individuals, we must give tax credit.

During President Nixon's campaign, he urged the adoption of tax incentives as a means of promoting more effective job training. There is no more appropriate place for tax incentives to be considered than in conjunction with the President's family assistance plan.

If the administration is to make good on its rhetoric about workfare rather than welfare, it must secure the adoption of an amendment which will actually place welfare recipients in productive jobs.

It must substitute meaningful legislation for the 30 delegations of authority in H.R. 16311. Only when this is done can the act be characterized as welfare reform rather than welfare expansion.

When the Senate Finance Committee sent the family assistance plan back to the drawing board, I requested that the administration give thorough consideration to my tax incentive approach and that it write meaningful work requirements into the bill.

Press reports have indicated that the administration plans to make very little changes in its program.

Mr. President, I hope that these reports are erroneous. I hope that the administration will reconsider some of the fundamental premises of its plan and that it will give real consideration to my tax incentive approach.

Mr. President, as best I can determine the facts from research by my staff, our Government now has some 19 Federal agencies conducting some 39 different training programs. They are a complete mystic maze, and not even Members of the U.S. Senate can determine how many there are, how effective they are, or whether or not they are producing the desired results.

I know that some of these training programs are doing a good job. In many instances, however, they train individuals for nonexistent jobs. In other instances, they send them off to work camps at vast cost—in excess of $8,000 a year—and they return without a job, without any increased talent, without any increased education, only to resume going on welfare rolls or walking the streets of our principal urban areas.

If we have a partnership between Government and business, we can train people for jobs then in being; and when they get through training, they will be trained for a particular job. They will be on the payroll. They will become taxpayers rather than beneficiaries of the taxes of working people throughout the country.

I do not believe that the overwhelming majority of American people want to work in order to provide a living for people who choose not to work. That is not the American way. I think the overwhelming majority of the American people believe in doing everything they possibly can for those who cannot work. We want to help the aged. We want to help the blind. We want to help the disabled. We want to help the dependent children. But I do not believe that the American people believe that we ought to tax all our citizens, and that those people who choose to work and desire to work should be required to support the individuals who do not want to work.

Therein, I think, is the great weakness of the program that the President has submitted. Should the program not be revised as the Committee on Finance has directed, we will have to do some extensive rewriting on our own initiative. Only if this bill is changed to provide real reform can I support it.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. TALMADGE. I yield to the distinguished Senator from North Carolina.

Mr. JORDAN of North Carolina. Mr. President, I commend my distinguished colleague, the Senator from Georgia, for the fine speech he has made and the facts he has brought out.

I am in full accord with the amendment he has submitted with respect to the tax incentive. It is the only sensible approach I know of to the problem of hiring those who do not have jobs. An employer who would hire people to train them would normally hire them in the community where the unemployed live, and he would hire them for a job they would have permanently after learning to run the job.

One of the reasons why employers have not done more of this in the past is that, under the wage and hour laws today, a trainee must be started at the minimum wage scale. The employer carries them along for several months. The trainee probably proves inefficient and nonproductive, and the employer has to let him go, so he has wasted that much money. Therefore, employers are prone not to hire that particular class of people. If an employer has to hire trainees, he hires the most apt trainees, high school graduates, the most intelligent, so that it will cost him the least to train them for a job he wants them to keep. An employer who hires people and trains them at his expense wants to keep those employees, because he has paid for training them.

If there is some tax incentive, as the Senator from Georgia has pointed out, by which the Government would share part of the training cost, the employer would be much more apt to hire people who are less likely to be easily trained over a period of time than he would be to take the brightest ones he could find in the area.

Mr. TALMADGE. I certainly concur with the Senator. The Senator has had broad experience in hiring employees, and I know that he speaks with the voice of wisdom in this field.

No employer is going to employ someone when he thinks the employee's productivity will be less than the cost of hiring him. If we can have a partnership between Government and private business, as the Senator has pointed out, we can have a training program that will work. When the employee gets through training he will have a job; he will already be working. He will become a taxpayer when his training period is over.

In my own State I visited a number of industries in searching for answers to this problem and I found many programs that were working exceedingly well.

For example, in the Albany area I found people operating sophisticated equipment and making automobile tires. A few years ago they were plowing behind a mule and some of them were unemployed. Their educational skills were very low. Their working skills were low prior to training.

Then I went to the Dublin area and I saw people making furniture that was shipped all over the world. These were people who had come from agricultural areas, who had come from the farms, with limited education.

I went to Augusta, Ga., and I saw people making sophisticated surgical equipment and dressings and things of that type. Just a few months before they had been unemployed or underemployed.

So I know that a training program of this type will work. I have seen the results. I think that is what our Government should do to get people off the welfare rolls, to make productive, useful, and self-respecting citizens of them, so that they can contribute something to society rather than be the beneficiaries of the other taxpayers of America .

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield for a question?

Mr. TALMADGE. I am delighted to yield.

Mr. JORDAN of North Carolina. In the Senator's survey of the plants he visited, did he not find that the employers who hired these people hired them for a particular job; that when these people were trained, the employers needed them?

Mr. TALMADGE. Exactly.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. TALMADGE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TALMADGE. They first made arrangements with the vocational-technical schools in the community to work with them and help train these individuals. As soon as these individuals were trained in these vocational-technical schools, the employer had a job for them that day. They went to work that day. They are still working. They are taxpayers now. They have some pride in what they are doing. They have self-respect. They have the respect of the community. They are no longer beneficiaries of tax funds, but they are taxpayers themselves.

Mr. JORDAN of North Carolina. The Senator did not find that the company making automobile tires started training people to work in a furniture factory, did he?

Mr. TALMADGE. No.

Mr. JORDAN of North Carolina. Neither did he find the opposite.

Mr. TALMADGE. They taught the trainee to operate a specific piece of machinery, to do a specific thing.

Mr. JORDAN of North Carolina. And when the person was trained, he had a permanent job.

Mr. TALMADGE. Exactly.

Mr. JORDAN of North Carolina. He became a citizen of that community, and he is happy in that job because he became a part of that institution, whatever it is.

Mr. TALMADGE. The Senator is correct.

Mr. JORDAN of North Carolina. The Senator has delivered a fine and wise speech, and in my opinion his approach is the way out of this problem.

Mr. TALMADGE. I appreciate the remarks of the Senator, and I appreciate his contribution.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. TALMADGE. Mr. President, I ask unanimous consent that there be a period for the transaction of routing morning business, with a 3-minute limitation on statements therein.

Mr. EASTLAND. Mr. President, will the Senator withhold that request?

Mr. TALMADGE. Yes.

Mr. EASTLAND. Mr. President, I ask unanimous consent to speak for 6 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. TALMADGE. Mr. President, I ask unanimous consent that, at the conclusion of the speech of the distinguished Senator from Mississippi (Mr. EASTLAND), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi is recognized for 6 minutes.

## THE FOREIGN MILITARY SALES ACT—SUBMISSION OF AMENDMENTS

### AMENDMENT NO. 625

Mr. EASTLAND. Mr. President, I send to the desk an amendment, and I ask unanimous consent that it be printed and lie on the table.

The PRESIDING OFFICER (Mr. Moss). Without objection, the amendment will be received and printed, and will lie on the table.

The amendment (No. 625) was received and ordered to lie on the table.

Mr. EASTLAND. Mr. President, I oppose the pending legislation for a number of very basic reasons.

My opposition is based on the firm belief that this action comes at the wrong time and is directed toward the wrong President.

This President has already reduced—substantially—the number of Americans engaged in Vietnam and has announced another withdrawal of 150,000 of our GI's.

Further, the operation he ordered against areas under the complete control—for an extended period of time—of the Hanoi Communists is aimed directly at the achievement of the goal toward which we strive—the safe disengagement and removal of our fighting forces from Vietnam.

Any first-year student at West Point, Annapolis, or in an ROTC program—provided that some ROTC units survive the vicious attack that has been launched against this concept, which has done so much for our country—any of these students can state, with absolute certainty, that the denial of logistical support to an enemy is the first rule of warfare.

The capture—by American and South Vietnamese troops—of enormous amounts of weapons, ammunition, and other material will cripple Hanoi's capabilities over a wide operational front—furnish time for the orderly development of the Vietnamization program—and—most important of all—contribute to the security of our own forces.

Mr. President, I ask unanimous consent to have printed in the RECORD a tentative list of the equipment which has been captured.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

*Military update of Cambodian operations, May 13, 1970*

Latest cumulative data:

| | |
|---|---|
| Individual weapons captured | 7,274 |
| Crew-served weapons captured | 1,012 |
| Rice (tons) | 2,390 |
| Rice (man-months) | 105,160 |
| Rocket rounds captured | 9,025 |
| Mortar rounds captured | 13,231 |
| Small-arms ammunition captured | 8,375,925 |
| Land mines captured | 1,200 |
| Bunkers destroyed | 3,294 |
| Vehicles destroyed or captured | 171 |

NOTE.—The above figures are tentative cumulative results as reported by Hq, MACV.

Mr. EASTLAND. Mr. President, this President has stated—publicly and repeatedly—his determination to bring our soldiers and sailors home at the earliest possible date. I am convinced that he is working very hard to attain this end, and I am equally convinced that his foremost concern—as the program moves ahead—is maximum support and safety for every man who wears our uniform and whom this Nation sent to Asia.

Therefore—I repeat—I shall vote against this legislation because it would do what the President is already doing. It comes before us in the wrong administration and at the wrong time in relation to the protection of American forces committed to combat in the region and with regard to the safe withdrawal of these forces.

However, Mr. President, in the event that this legislation is adopted, it is, in my view, the clear duty of the Senate and of this country to remember each of those American boys who are, today, enduring cruel captivity as prisoners of war of the barbarous regime which rules from Hanoi.

These men—who have suffered to the limit of human endurance at the hands of their Communist captors—deserve what they have earned at the hands of the land they fought to defend.

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We are solemnly obligated, Mr. President, legally, morally, and in the name of honor and decency, to stand by these men even as they stood by America.

We must not forget them, we cannot abandon them, our principles and our tradition forbid us to forsake them.

Mr. President, I have offered an amendment to the pending legislation, which would stay and enjoin any action under the terms of the legislation until the President of the United States has successfully arranged and obtained the release and safe return to their families and to their country of every American prisoner of war presently held by the Vietnamese Communists.

America—with President Nixon in the forefront—prays and strives for peace. Americans long for a cessation of fighting and dying—of separation and hardship.

This truly great Nation—with her record of unparalleled generosity to all mankind—would see Woodrow Wilson's dream become reality—"not a balance of power, but a community of power—not organized rivalries, but an organized common peace."

However, Mr. President, we must deal—not with noble dreams but with harsh facts created by the Communist masters in Hanoi, Peking, and Moscow.

I submit that President Nixon—confronted, as he is, with the cold calculations, callous aggression, and endless maneuvering of the latter-day oriental khans—is pursuing—with all his strength—our great goals of bringing peace to the Far East and bringing our troops back home.

I hope that Congress will support our Commander in Chief in his desire and his effort to restore and to maintain peace in the Far East, the Middle East, and across the earth.

I believe that the defeat of the pending legislation is in the best interests of the United States. I believe—also—that if this legislation is aprpoved, my amendment must be included in order that we keep faith with those who offered their lives for us—in order that this Nation continue to be recognized around the world as the home of a brave and decent people who will never turn their backs on their own.

I assert—Mr. President—that when the American servicemen who have borne the battle in Vietnam with uncommon valor and dedication return to our shores, that they all return together—the soldier, the sailor, the airman, and the prisoner. All who have served and suffered side by side have earned this right and deserve no less.

### AMENDMENT NO. 626

Mr. DOMINICK. Mr. President (Mr. HUGHES), I am going to be quite brief because, as I understand it, we are operating under morning business rules.

I am concerned over this matter, and so are many other people, as to the reaction which has occurred to the Cambodian episode.

For many years, I have been saying that the action of Presidents Kennedy and Johnson in injecting ground troops into Vietnam was a fundamental mistake, that I hoped we could get them out as soon as possible, and that we have to deal with everything which has been imposed upon us by the action of the two prior Presidents.

As a result, I was delighted to have President Nixon turn that around and begin to withdraw troops and promise to withdraw more.

The action now going on, he has stated, will be completed by July 1, that American forces will be withdrawn from Cambodia and, at that time, we can continue with the program of withdrawing an additional 150,000 troops from South Vietnam.

Accordingly, Mr. President, I send to the desk at this time an amendment, which I would ask be printed in the RECORD at the conclusion of my remarks, and that it be printed and lie on the table.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, the amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD at the conclusion of the remarks of the Senator from Colorado.

Mr. DOMINICK. Mr. President, the amendment specifically backs up what the President is saying. It provides that after July 1 we will not authorize the use of funds for the introduction or the retention of American forces in Cambodia, except where it may be necessary to protect the lives of our men in South Vietnam.

The amendment would act prospectively instead of retroactively. It would follow along the assurances we have received from the President. It would retain some jurisdiction in Congress over what future action may be.

In my opinion, the amendment will neither hamper the President in preserving the lives of those ordered into combat nor will it do anything to hinder the increase in the Vietnamization program which the President has already announced.

As a result, it is my hope that my amendment can be brought up as, perhaps, a substitute for the amendment reported from the Committee on Foreign Relations.

At the appropriate time, I intend to bring up the amendment and have it debated.

The text of the amendment is as follows:

### AMENDMENT No. 626

On page 4, line 24, strike out section 7, and insert in lieu thereof the following:

"SEC. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

" 'PROHIBITING USE OF AMERICAN GROUND COMBAT TROOPS IN CAMBODIA

" 'SEC. 47. In accord with the expressed statements of the President of the United States, none of the funds authorized by this or other Act shall be used after July 1, 1970, to finance the introduction or retention of American ground combat troops into Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.' "

Mr. PEARSON. Mr. President, in this morning's New York Times, there is an article published, under a Washington dateline, indicating that American and western intelligence sources report 100 Soviet pilots have been sent to the UAR, so that it is part of a military advisory force now numbering 8,000 to 10,000 men.

Mr. President, the widening conflict in Southeast Asia has obscured, for the most part, a dangerous escalation of force and intervention in the Middle East.

The Arab-Israel conflict and the cold war confrontation between the great powers represents the greatest danger to world peace because of the possible involvement of either Soviet or U.S. forces.

The participation of Soviet pilots as a part of the Egyptian defensive air command has not only had a serious effect on the balance of forces there, but could very well provide the spark which could ignite an ever consuming and ever widening war of global proportions.

Mr. President, while Mr. Nixon is being criticized for a move into Cambodia, it seems to me only fair to recall his restraint and caution in denying last March the Israeli request for additional Phantoms and Skyhawks. The President's decision to deny this request sought to reduce the dangers and the tensions in the Middle East. Furthermore, Mr. President, the administration's decision was made not only in the face of domestic and political pressure, but against the background of huge military aircraft purchases by the Arab nations. These new inventories of military jets were not as dangerous as their numbers implied, we understand, because the Arab nations, particularly the United Arab Republic, lacked trained pilots and competent personnel. Now that limitation has apparently been removed.

President Nixon has ordered a full review of the strategic balance in the Middle East. The State Department is asking Moscow for an explanation of its purpose and intent. But, in the meantime, the Congress should be prepared for the prospect that additional military aid to Israel is essential if a balance of force is to be maintained.

I suggest, Mr. President, that this Government should seek to provide this assistance if found to be necessary on an international and multilateral basis. Indeed the call from Israel was for international assistance.

Mr. President, the Soviet Union may not want war in the Middle East, but they also do not want peace. The Kremlin's policy is not aimed at returning peace and stability in that part of the world, but in establishing a strong Soviet sphere of influence in the Arab nations—particularly in the United Arab Republic. This policy which has led to direct Soviet intervention in the form of Soviet Mig pilots represents immense dangers. Nasser's threat to President Nixon on May 2; King Hussein's criticism of U.S. policy and his move toward the Soviet Union of May 4; and Prime Minister Meir's vow to fight the Russian pilots if necessary a day or so later are more than verbal eruptions, but are manifestations of a deteriorating condition, as we learn of repeated and stronger attacks across the Suez Canal and the Jordan River.

To repeat, Mr. President, serious as may be the problems in Southeast Asia, circumstances in the Middle East and the

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new developments there warrant our immediate and continued attention.

Mr. President, I ask unanimous consent that the article published in the New York Times of Thursday, May 14, 1970, to which I have referred be printed at this point in the RECORD, and I thank the courtesy of the Senator from South Dakota.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### 100 RUSSIAN PILOTS REPORTED IN EGYPT FLYING INTERCEPTORS

(By William Beecher)

WASHINGTON, May 13.—American and other Western intelligence sources report that about 100 Soviet pilots have been sent to the United Arab Republic in recent weeks to man three or four squadrons of jet interceptors.

The sources say that this is in addition to 70 to 80 Russian pilots who have long been training Egyptian fliers in Egypt. The new complement of pilots is reported to be part of a military advisory force that now numbers 8,000 to 10,000 men.

Military and diplomatic sources have also provided the following reports on new Soviet activity in Egypt:

Approximately 100 pilots and their maintenance crews were transferred to Egypt from assignments with three or four operational squadrons in Russia. Some of the latest model MIG–21's were flown in as well, and other aircraft were borrowed from the Egyptian Air Force.

The 8,000 to 10,000 Soviet military advisers in Egypt, up from a total estimated at 2,500 to 4,000 men before the build-up, are said to include entire air defense missile and antiaircraft artillery crews, maintenance men and communications specialists.

Twenty SAM–3 air defense missile sites under construction would contain 160 missile launchers when they are completed. Some estimates suggest that for a really effective defense of military bases in the Alexandria, Cairo and Aswan Dam areas, the Russians might want to expand to 40 SAM–3 sites.

One unconfirmed report is that the Russians have moved in an armored brigade of troops to provide ground defenses against possible Israeli commando raids on the missile sites.

The Russian pilots are believed to be operating from a number of airfields west of the Nile River, from Alexandria to well south of Cairo. They often scramble into the air when radar shows Israeli planes are heading toward the Suez Canal, which is only three to five minutes flying time from Cairo.

#### ISRAELI-SOVIET CLASH FEARED

To date no direct engagement between Israeli and Soviet jets has been reported.

The principal concern of many Nixon administration officials is whether the Russians will decide to take over primary responsibility for air defense of all Egypt, including the west bank of the Suez Canal. If this happens, Defense and State Department officials fear Israeli jets will be sure to clash with Soviet jets.

For the time being, Israel is forgoing deep raids into the Cairo-Alexandria region to avoid a direct confrontation with Soviet pilots and antiaircraft missile crews.

#### INFORMATION SKETCHY

American and Western intelligence sources concede that information on the precise shape of the Soviet build-up in Egypt is sketchy and in some details open to dispute.

For example, Israeli officials recently provided the United States with tape recordings of intercepted radio transmissions that included 200 excerpts attributed to Russian pilots.

American sources say these recordings included duplications and do not demonstrate that there are now more than 200 Soviet pilots flying missions in Egypt. Presumably much of the independent United States information on the presence of Soviet pilots also comes from intercepted communications.

American analysts believe the Russians decided to deploy some of their own air defense ground and air crews out of fear that continued Israeli air raids deep into Egypt could undermine President Gamal Abdel Nasser.

The Russians are also said to have been angered by an Israeli air strike several weeks ago near Helwan, nine miles south of Cairo, in which some Russian military advisers were reported to have been killed and others wounded. This incident has not been publicly mentioned by the Russians, the Egyptians or the Israelis.

Meanwhile, the Nixon Administration is considering whether to provde additional F–4 and A–4 fighter-bombers to Israel.

Abba Eban, the Israel Foreign Minister, is coming to Washington next week, apparently to renew his country's plea for arms and economic assistance. Israel is believed to be seeking 25 to 50 F–4 Phantom jets and 100 A–4 Skyhawks.

## ORDER OF BUSINESS

Mr. McGOVERN. Mr. President, I ask unanimous consent that I be recognized at this time for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENATOR McGOVERN ADVISES LEGION AND VFW COMMANDERS TO QUIT PLAYING POLITICS

Mr. McGOVERN. Mr. President, I want first of all to have printed in the RECORD two news releases—the first, a joint statement issued by the commander of the American Legion and the commander of the Veterans of Foreign Wars on yesterday after, according to press reports, they were escorted to the Senate Press Gallery by the Republican floor leader, the distinguished Senator from Pennsylvania (Mr. SCOTT).

The second statement was issued earlier on February 28 at Jefferson City, Mo., by the commander of the VFW, Mr. Gallagher

I urge all Members of Congress who have not seen these statements to reflect on them carefully and then consider that they were actually made in the name of veterans who have risked their lives for this country. I frankly am shocked and appalled that two Americans who claim to speak for veterans could utter such un-American statements. So before I comment further on the statements, I ask unanimous consent that they be printed at this point in the RECORD.

There being no objection, the news releases were ordered to be printed in the RECORD, as follows:

### JOINT STATEMENT BY AMERICAN LEGION NATIONAL COMMANDER J. MILTON PATRICK AND VETERANS OF FOREIGN WARS NATIONAL COMMANDER RAY GALLAGHER

WASHINGTON, D.C. In the name of the more than six million members of the American Legion, the Veterans of Foreign Wars, and their Auxiliaries, we condemn the actions of those Senators who would tie the President's hands by withholding funds from his efforts to bring the war in Southeast Asia to an honorable conclusion with safety for our troops assured.

The proposals of these individuals amount to a declaration of surrender to communist forces, and constitute a stab in the back for our boys in combat.

We would remind these Senators that they are directly responsible for the presence of United States forces in Vietnam. They owe these troops and their country no less than full support for the President's plan—so far successful beyond the imagination—to bring the conflict to an honorable conclusion with complete safety for our troops.

We specifically criticize Senators Church, Cooper, Fulbright, McGovern, and others who follow their actions as prime movers of legislation which would assure the humiliation of the United States and pose a direct threat to the safety of our forces disengaging from the Vietnam Conflict.

We are urging the Congress and all Americans to unite and support our President and our forces in Southeast Asia.

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JEFFERSON CITY, MO.—The national commander of the Veterans of Foreign Wars said Saturday the United States might have to resort to a "police state" to contain the militant left wing.

Raymond A Gallagher, a Redfield, S. Dak., lawyer, told newsmen that America's is a Government by majority and warned of the dangers of the militant minority.

Gallagher was in Jefferson City to speak before State VFW officials.

"Sometimes, the minority must yield to the majority," Gallagher said. "So far they have not. Instead, they go out into the streets and demonstrate, destroying buildings, even people.

"If the minority continues to refuse to yield, the only alternative is some type of power structure to force them," Gallagher said. "I hate to see this country develop into some type of police state, but, to have security for our people, it may be necessary."

Of the defendants in the "Chicago Seven" trial, Gallagher said, ". . . you can't have a mockery like we had in Chicago because they are dedicated to destroying the system. They aren't concerned with the courts unless the courts rule with them. But when the court or Government rules against them, they rebel violently. This has to be stopped."

"This is still a major form of Government," he said, "and the majority should be in control—not the minority." He said those on the militant left have vowed to continue their tactics "until they make the majority conform to the minority. This isn't the American way of life."

Mr. McGOVERN. Mr. President, I want to admonish Mr. Martin Patrick, the commander of the Legion, and Mr. Ray Gallagher, the commander of the VFW, to quit playing politics with the veterans organizations and betraying the best interests of U.S. veterans.

These fellows claim to be speaking for more than 6 million members of the American Legion and the VFW. I have been a member of both of those organizations for 25 years, and neither Patrick nor Gallagher speaks for me. Nor do they speak for large numbers of combat GI's who have communicated their views to me and other Senators.

I regard the views of these self-styled foreign policy experts as nonsense that no reasonable person would give a second thought. Let them extol the virtues of the Nixon foreign policy, if they wish. Let them distribute their political propaganda in the Senate Press Gallery escorted by the Republican floor leader, if they wish. But they ought to take off

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their veterans organization caps when they stop speaking for veterans and begin playing politics.

If Gallagher and Patrick are really interested in the welfare of veterans, they had better quit attacking Senators on foreign policy issues and concentrate on securing bipartisan support for veterans' programs. Certainly they have no right to play politics with the Legion and the VFW. If they are really interested in saving the lives of young Americans and the honor of our Nation, they should urge that we stop wasting American blood and prestige trying to save corrupt dictators in Southeast Asia. Instead of attacking Senators who are trying to end this foolish mistake that our leaders have made in blundering into the jungle of Asia, they should be joining with us to get our forces out of the morass that is weakening our country and needlessly slaughtering our young men.

The Senators they criticized—including the Presiding Officer, the Senator from Iowa (Mr. HUGHES) and others—are engaged in a thoughtful patriotic effort to restore a measure of congressional responsibility for the warmaking operations of our Government as intended by the Constitution. Patrick and Gallagher ought to be defending the Constitution instead of attacking Senators who are trying to reclaim constitutional government.

Let me add one final word directed specifically at Mr. Gallagher's statement at Jefferson City, Mo. Mr. President, how could any American citizen, and especially a lawyer, make this statement that Mr. Gallagher made while wearing a VFW cap:

> If the minority continues to refuse to yield, the only alternative is some type of power structure to force them. I hate to see this country develop into some type of police state, but, to have security for our people, it may be necessary.

Mr. President, that is plain unadulterated Hitlerism. It is this kind of police state mentality that destroyed the freedom of the German people and brought on World War II. It is this type of dictatorial arrogance that I fought against as a bomber pilot in World War II. What gives Mr. Gallagher the notion that he speaks for the majority, and second, even if his assumption is right, what kind of Americanism does he represent when he says the majority has the right to smash the constitutional freedom of expression of the minority by establishing a police state?

What was World War II all about if it was not to establish freedom for people, whether they were of the minority or the majority?

Instead of spending his time issuing news releases in the Senators' Press Gallery, Mr. Gallagher had better read the American Constitution. I would suggest that he also read the charter of the Veterans of Foreign Wars. He does not seem to know what World War II was all about, let alone what we ought to be doing to prevent world war III.

Mr. President, because of the wild distortions of the amendment I and 20 other Senators have cosponsored—Republicans and Democrats alike—to end the war in Southeast Asia and because of the difficulty in getting a simple explanation of the amendment carried in the press, I ask unanimous consent that the text of that amendment be printed at this point in the RECORD.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

On page —, line —, insert the following:

SEC. —. (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: *Provided*, That funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces: *And provided further*, That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to the Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

Mr. McGOVERN. Mr. President, I would ask Senators to please note that this amendment provides specifically for the safe and systematic withdrawal of our forces, for the exchange of prisoners, for asylum for those Vietnamese who might feel threatened by the withdrawal of American forces and to please note also that it specifically provides that if the President and the Congress jointly find that more than a year's time is needed to withdraw our forces systematically and safely, the withdrawal time can be provided by joint declaration of the Congress and the President.

Mr. President, what is wrong with giving Congress some right to work with the President in making a declaration as to the commitment of American forces in foreign countries? Is that not what the Constitution is all about?

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. McGOVERN. I shall yield in just a moment.

This amendment is a formula for saving American lives and American honor. It is a formula for restoring constitutional government. It was drafted by patriotic Senators, most of whom have fought for their country in previous wars and all of whom know far more about what America really stands for than either Gallagher or Patrick have yet manifested in their foolish statements.

Mr. President, I conclude by reading a letter I received, typical of many letters I have received, last October 29 from 31 members of a combat platoon in Vietnam, the Third Platoon, Company D, Second Battalion, 502d Regiment, First Brigade of the 101st Airborne Division, one of the crack American forces fighting in Vietnam. It will take me just a moment to read this letter which is signed by all members of this platoon except one man. It reads:

OCTOBER 28, 1969.

Hon. GEORGE MCGOVERN,
*Senate Office Building,*
*Washington, D.C.*

OUR DEAR SENATOR MCGOVERN, Congressmen, and fellow Americans: The third platoon asks you to give audience and consideration to the opinions and attitudes of some front-line G.I.'s here in Viet Nam. We invite you to listen to us who are fighting the war which is causing so much debate in America. We are decidedly and entirely in favor of peace in Viet Nam and systematic and rapid withdrawal of American troops from this country. We support and appreciate the tireless efforts of those who strive so diligently to advance the cause of peace. We were especially heartened by the Moratorium Day observance this month. We are pleased that the force against the war has reached this extent on such a wide base of public opinion. We were not disappointed and disillusioned, as some have claimed, by this demonstration of disenchantment with U.S. policy in Viet Nam and those who perpetuate this policy. We, in fact, would like you to consider this letter as our contribution in observance of the Moratorium.

We are sick of bloodshed, tired of body counts and lists of war dead and casualties. We are tired of listening to empty and unfulfilled promises to end the war. We want peace, and we want it now. America has been in Viet Nam too long; it is time to leave. We hope that President Nixon and our national leaders will hear and consider our plea to end the war.

These are our feelings; now America knows how one group of men feels on the other side of the Pacific. And we are sure there are many more who feel the same way. We want to encourage those of you who are working for peace to continue your efforts. We thank you for what you have done in the past.

Thank you for listening to us.

With hope for peace for all men in the very near future, we are

Peacefully yours,

Third Platoon: Pfc. Ted H. Mowrer, Sp4. John A. von Mertschinsky, Pfc. Kenneth C. McKim, Pfc. John O. Mendey, Jr., Pfc. Carl M. Morris, Pfc. Mark W. Trace, Pfc. Bruce W. Shaw, Sp. 4 David B. Patterson, Pfc. Edward Dickout.

Sp4. James E. Shetler, Pfc. Juan A. Trevino, Pfc. Larry C. Howerd, Pfc. Roger Harris, Pfc. Albert Martell, Jr., Pfc. Ernesto Perez, Pfc. Jaime Lopez, Pfc. Asdrubal Trujillo Diaz, Sp4. Robert D. Winders, Pfc. Fred Seniours, Pfc. Roland W. Blair.

Pfc. Rickey J. Shelton, Sgt. Alberta Cummings, Sp4. Danny W. Witt, Pfc. Gary L. Wagner, Pfc. Curtis Ross, Sgt. Robert J. Boland, Sp4. Daniel J. Pike, Pfc. Gary W. Mendoza, Sp4. Thomas Turling, Sp4. Patrick E. Harmon, Sp4. Ron L. Sanders.

Mr. President, as I have said, this letter was signed by each member of that platoon representing men from all parts of the United States.

Mr. PELL. Mr. President, will the Senator yield?

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **McGOVERN**. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes so that I may yield to the Senator from Rhode Island, and then, if he wishes, to the Senator from Michigan.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **McGOVERN**. I yield to the Senator from Rhode Island.

Mr. **PELL**. Mr. President, I commend the Senator from South Dakota for the statement he has made. I think all of us in this body are aware of the fact that no one here has a better war record than the Senator who just spoke. His is a particularly brave and gallant one.

I speak as one who fought in World War II. I came back in a hospital ship. I was sick, not wounded. However, many of us who fought in World War II are among those who have taken a strong lead in trying to bring this war to an end.

With respect to our patriotism being impugned, those of us who joined the military service prior to Pearl Harbor would join again if our country was similarly threatened. But, now we know our country is following the wrong policy, which is based on the wrong moral principles, and is following the wrong strategy. It is not correct to question us on our patriotism. I think the Senator is correct in what he said.

I have often thought if we had a draft starting at an older age and we had to go back to fight our body would be less buoyant in supporting the policies we do.

With respect to patriotism, with regard to our generation, I look at those 4 or 5 years taken from our lives. Those of us who came back were improved by that experience, but those who were killed will never be with us again. And the wounded will never be the same again. It is reprehensible to accuse us of a lack of patriotism.

I thank the Senator for yielding, and I commend him for his statement.

Mr. **McGOVERN**. I thank the Senator from Rhode Island.

The **PRESIDING OFFICER**. The time of the Senator has expired.

Mr. **STENNIS**. Mr. President, will the Senator yield to me?

I ask unanimous consent that I may proceed for 3 minutes on my time.

Mr. **McGOVERN**. I yield.

The **PRESIDING OFFICER**. The Senator from Mississippi is recognized.

Mr. **STENNIS**. Mr. President, I have not read all of the statement to which the Senator referred and I did not know until now that the Senator from South Dakota was mentioned in the statement by name. I regret exceedingly that anything said even by implication, challenged the integrity or patriotism of the Senator from South Dakota, or any of the others mentioned.

Mr. **McGOVERN**. I know the Senator has conducted himself that way all along.

Mr. **STENNIS**. I refer to the Senator from South Dakota or any other Senator. I cannot feel that the statement represents the deliberate thoughts of those two great organizations or that of their two representatives. I believe in some way it was written by some aide and was not carefully scrutinized or fully examined. I do not see how it could represent deliberate opinion.

I have the opposite view to the Senator about the merits of this proposed amendment, but certainly I do not approve, and I totally disapprove statements that the Senator has read.

Mr. **McGOVERN**. Mr. President, I appreciate all that the Senator has said, but part of the indignation I feel is that these two gentlemen claim they were speaking for over 6 million members of the VFW and the American Legion. I am a lifetime member of those organizations and I know they are not speaking for me or thousands of other combat GI's who have written to me, and doubtless they have written to the Senator and other Senators over the last few years, and they are members of those organizations referred to, and who disagree with our present policies.

We should be able to discuss the issues without talking about stabbing our boys in the back. No Senator is going to advocate that course.

Mr. **STENNIS**. I think the Senator is correct. I want to add this thought. The Senator said Congress has a place with respect to this Cambodian matter. I think it certainly does have a place but I believe right now, this being a part of the war in South Vietnam, our place is to refrain from passing these amendments that put restrictions on the Commander in Chief, and I shall elaborate on that thought later.

Mr. **McGOVERN**. I do not want to take the Senator's time now. However, I am puzzled as to why he does not support an effort to give Congress a greater voice under the Constitution in the committing of American forces across foreign frontiers. It seems to me, even if the Senator's argument were presumed to be right, that we should make different commitments, and it would be closer to a correct interpretation of the Constitution.

Mr. **STENNIS**. In reply to the Senator I would say that the war is on, the battle is being fought, our boys are being sent into battle every day, and when that is going on it is not the proper time for suggesting an ultrastrict construction of the Constitution. I want to end the war, but not restrict the President in his battle over the sanctuaries. The destruction I shall later outline will help our fighting men.

The **PRESIDING OFFICER**. The time of the Senator has expired.

## SOME ADDED THOUGHTS ABOUT VIOLENCE

Mr. **YOUNG** of Ohio. Mr. President, Bill Gold, nationally known columnist of the Washington Post, in its issue of Thursday, May 7, commented on the fact that on the campus as well as in Southeast Asia violence is escalating.

Bill Gold's column, the District Line, is always tremendously interesting. His recent column is really outstanding. Mr. President, the thoughts about violence expressed by Bill Gold are so timely and are such superior editorial comments that I ask unanimous consent that this column be inserted in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 7, 1970]

### THE DISTRICT LINE: SOME ADDED THOUGHTS ABOUT VIOLENCE

(By Bill Gold)

On campus and off, violence is escalating. Violence always escalates.

It doesn't settle much—only things like who will suffer the greatest hurt. The real issues always remain to be settled through peaceful negotiation.

I wrote about these things, again, the last time students at the University of Maryland engaged in violence. Many undergraduates wrote back, again, to "explain" things to me.

Among these letters was one from New York University signed by Paul Miller. It ended with these words:

"When the university fails to respond to students' opinions and needs, the students are then compelled to such other types of uprisings as sit-ins, students strikes and building takeovers. By using such tactics students hope to make their views heard by those who normally close their ears to student opinion . . . Until those who control the universities realize that the prime responsibility of those institutions is to the students who attend them, then such undesirable uprisings shall continue."

Let's test that language and "reasoning" with a few substitutions. Let us pretend that I am the dean of the university, and that I say to the students: "When students fail to respond to the opinions and needs of the dean, the dean is compelled to use such tactics as ordering all your heads shaved, the compulsory wearing of ties, jackets, bras, girdles and long dresses, and a 9:30 p.m. curfew. Also 10 lashes with a bullwhip, just as a reminder. These things may be slightly irrational or illegal, but by using such tactics I hope to make my views heard by those who normally close their ears to the opinions of deans. Until those who want to use the services of this university realize that its prime responsibility is to the adult community that built it and pays for it, these repressive measures will have to continue. You have compelled me to do these things."

Students who become outraged at this turnabout can congratulate themselves on having just bridged the communications gap. Now they know how adults feel when students use this kind of tortured reasoning in an attempt to justify illegal or irrational acts.

Students who have "demanded" the right to be heard and the right to make changes could benefit from listening to an adult viewpoint with regard to their demands.

They might keep in mind that the Constitution gives us a right to speak, not a guarantee that anybody will listen. Or that we'll get our way.

People have a right to advocate, not a license to jam their views down the throats of others.

One who fails to get his own way does not, if he values the respect of adults, throw a tantrum or consider himself compelled to resort to violence. He simply recognizes that there are many disappointments, delays and defeats in life, and that one must learn to live with them as he continues to work toward the goals he believes in.

Young people are understandably preoccupied with their own problems, but if they took a broader view of education they would realize that almost everybody shares their concern about it.

When student days are finished, we marry and begin raising students of our own. Then, long after the last of the brood is through college, adults continue to pay for schools. Everybody pays property taxes (albeit sometimes in the form of rent). Some contribute

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extra money and effort to universities out of personal gratitude for their own educations, some because they see education as man's best hope for a better life.

Whatever our status, most of us are concerned. And involved. The student who understands that he has no under-30 monopoly on these qualities is far more likely to contribute to the solution than to the problem.

Such a student might even develop a degree of sympathy for adults who cheerfully accept the burden of providing good schools for their children. He might see them as people of good conscience who do the best they can to formulate sound policies and select respected professionals to serve as their administrators.

This is not to say that an understanding student would always agree with the adult community. But surely he would be less likely to ascribe base motives and stupidity to adults, or to force violent confrontations—or to challenge the Establishment to a battle unto death and then scream "Pigs!" when blood flows.

Violence always escalates. It doesn't settle much, just things like who will suffer the greatest hurt. The real issues always remain to be settled through peaceful negotiation.

Mr. YOUNG of Ohio. This is recommended reading not only for my colleagues who have not already read the column, but for all Americans who are so deeply concerned and have reason for that concern over the escalation and intense increase of violence not only in Vietnam and now in Cambodia but also here at home.

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## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. The hour of 12:30 having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The BILL CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

## ORDER FOR FURTHER ROUTINE BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, notwithstanding the fact that the unfinished business has been laid before the Senate, the Senate may continue with the transaction of routine morning business for a brief period.

The PRESIDING OFFICER. Without objection, it is so ordered.

What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I do not believe any Senator wishes to speak further with respect to routine morning business.

Mr. YOUNG of Ohio. Mr. President, I wish to speak for about 2 minutes.

Mr. BYRD of West Virginia. I yield to the Senator from Ohio.

## BRAVE MEN HAVE DIED IN VIETNAM

Mr. YOUNG of Ohio. Mr. President, all Americans are grateful that our astronauts returned to earth safely. We are proud that the Nation's resources and ingenuity were used to their fullest to save the lives of these three brave men. During the time that astronauts Lovell, Haise, and Swigert were in space, some 141 equally brave young Americans lost their lives in an undeclared civil war in Southeast Asia and 692 were wounded, some maimed for life. Comparatively little mention of that from the White House.

Remember? Richard Nixon in campaigning for the Presidency in 1968 proclaimed to audiences throughout the country that he had a secret plan to end the war in Vietnam and to bring the boys home. Those who listened to him, saw him on television making this promise and read his statements in news accounts believed him. Without a doubt, Richard Nixon was elected President because many voters believed he had a secret plan and if elected President our involvement in a war in Vietnam would be ended. Well, that is still Nixon's secret. Instead of ending the war in Vietnam, 16,000 American fighting men have invaded Cambodia. In addition, our war planes have been bombing Cambodia incessantly in recent weeks. We have violated the neutrality of Cambodia. Instead of bringing our boys home, our fighting in Vietnam has ben escalated and expanded in Laos and more recently in Cambodia. Unfortunately, Army intelligence furnished President Nixon has proved as wrong as it was in 1950 when General MacArthur relied on Army intelligence that the Chinese would not enter the North Korean war even if we invaded North Korea. We did that. Then thousands of Chinese troops crossed the Yalu into North Korea and our soldiers were forced back into South Korea with heavy losses.

The generals of the Joint Chiefs of Staff informed President Nixon that the main headquarters of the Communist forces enabling them to wage offensive war was but 21 miles inside of Cambodia. Those generals were wrong as usual. Now they give the lame excuse that the headquarters is a mobile headquarters somewhere in Cambodia.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14465) to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLER of California, Mr. TEAGUE of Texas, Mr. KARTH, Mr. HECHLER of West Virginia, Mr. FULTON of Pennsylvania, Mr. MOSHER, and Mr. ROUDEBUSH were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H.R. 17138. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries and for other purposes; and

H.J. Res. 1232. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

## HOUSE BILL REFERRED

The bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes, was read twice by its title and referred to the Committee on the District of Columbia.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3479. A bill to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands (Rept. No. 91–867).

By Mr. BELLMON, from the Committee on Interior and Insular Affairs, with amendments:

S. 885. A bill to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the Treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission Docket Numbered 314, amended, and for other purposes (Rept. No. 91–870).

By Mr. PASTORE, from the Committee on Commerce, with an amendment:

S. 3558. A bill to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting (Rept. No. 91–869).

## REPORT ENTITLED "THE FEDERAL JUDICIAL SYSTEM"—REPORT OF A COMMITTEE (S. REPT. NO. 91–868)

Mr. TYDINGS, from the Committee on the Judiciary, pursuant to Senate Resolution 47, 91st Congress, first session, submitted a report entitled "The Federal Judicial System," which was ordered to be printed.

## BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HUGHES (for himself, Mr. JAVITS, Mr. MOSS, Mr. ANDERSON, Mr. BAKER, Mr. BAYH, Mr. BIBLE, Mr. BROOKE, Mr. BURDICK, Mr. CANNON, Mr. CRANSTON, Mr. DOLE, Mr. EAGLETON, Mr. FULBRIGHT, Mr. GOODELL, Mr. GURNEY, Mr. HARRIS, Mr. HART, Mr. HARTKE, Mr. HOLLINGS, Mr. INOUYE, Mr. KENNEDY, Mr. MANSFIELD, Mr. MCGEE, Mr. MCINTYRE, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. MURPHY, Mr. PACKWOOD, Mr. PERCY, Mr. PROUTY, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SPARKMAN, Mr. SMITH of Illinois, Mr. YARBOROUGH, and Mr. WILLIAMS of New Jersey):

S. 3835. A bill to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism; by unanimous consent referred to the Committee on Labor and Public Welfare; and, by unanimous consent, when reported from that committee, if desired by the following committees, then referred to the Committee on Armed Services, Committee on the Judiciary, and the Committee on Finance.

(The remarks of Mr. HUGHES when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. MURPHY:

S. 3836. A bill for the relief of Esperanza Lobos; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. ALLOTT) (by request):

S. 3837. A bill to include the Secretary of Commerce and the Secretary of Housing and Urban Development as members of the Water Resources Council; and

S. 3838. A bill to prevent the unauthorized manufacture and use of the character "Johnny Horizon," and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. JACKSON when he introduced the above bills appear later in the RECORD under the appropriate headings.)

By Mr. CHURCH (for Mr. MAGNUSON) (by request):

S. 3839. A bill to require load lines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes; and

S. 3840. A bill to revise and improve the laws relating to the documentation of seamen; to the Committee on Commerce.

(The remarks of Mr. CHURCH when he introduced the bills appear later in the RECORD under the appropriate heading.)

By Mr. JAVITS:

S. 3841. A bill to remove the requirements of section 101(b)(1)(F) of the Immigration and Nationality Act that a citizen must be married in order to petition for immediate relative status to be accorded to his adopted child; to the Committee on the Judiciary.

(The remarks of Mr. JAVITS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MCGEE (for himself and Mr. FONG):

S. 3842. A bill to improve and modernize the postal service and to establish the U.S. Postal Service; to the Committee on Post Office and Civil Service.

## S. 3837—INTRODUCTION OF A BILL TO INCLUDE THE SECRETARIES OF COMMERCE AND HOUSING AND URBAN DEVELOPMENT AS MEMBERS OF THE WATER RESOURCES COUNCIL

Mr. JACKSON. Mr. President, on behalf of myself and the ranking minority member of the Committee on Interior and Insular Affairs (Mr. ALLOTT), I introduce for appropriate reference, a bill to include the Secretary of Commerce and the Secretary of Housing and Urban Development as members of the Water Resources Council.

This proposal was submitted and recommended by the Water Resources Council, and I ask unanimous consent that the bill and executive communication accompanying the draft bill be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred; and, without objection, the bill and executive communication will be printed in the RECORD.

The bill (S. 3837) to include the Secretary of Commerce and the Secretary of Housing and Urban Development as members of the Water Resources Council, introduced by Mr. JACKSON, for himself and Mr. ALLOTT, by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs and ordered to be printed in the RECORD, as follows:

S. 3837

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 101 of the Water Resources Planning Act (42 U.S.C. 1962a) is amended to insert, immediately after "the Secretary of Health, Education, and Welfare," the words "the Secretary of Commerce, the Secretary of Housing and Urban Development,".

The communication presented by Mr. JACKSON is as follows:

WATER RESOURCES COUNCIL,
*Washington, D.C., April 9, 1970.*

HON. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Attached to this letter is a copy of proposed legislation which would amend the Water Resources Planning Act, P.L. 89–80, to include the Secretary of Commerce and the Secretary of Housing and Urban Development as full members of the Water Resources Council. The statutory members of the Council now consist of the Secretary of Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, and the Chairman of the Federal Power Commission (42 U.S.C. 1962a; 49 U.S.C. 1656(a)).

At the present time, the Secretaries of Commerce and of Housing and Urban Development are non-statutory "associate" members of the Council. This status does not give them the privileges and responsibilities of statutory membership; the Secretaries cannot vote and their roles are essentially advisory.

The Department of Commerce has statutory responsibilities for fostering industrial expansion and economic development which require substantial use of water and related land resources. A number of the agencies in the Department have a special expertise in the comprehensive planning of these resources.

The Department of Housing and Urban Development has contributed much to the Council by providing a link between planning for river basins and planning for the concentrated urban population centers. The new Flood Insurance Program, set up under the Housing and Urban Development Act of 1968, will require extensive coordination with all flood damage prevention programs, for which the Council has major responsibilities.

Both of these Departments are now represented on the river basin commissions which have been set up under Title II of the Water Resources Planning Act. They also have membership on most of the field coordinating committees, and on many of the Council's administrative and technical committees.

Full membership in the Council for the Secretaries of Commerce and of Housing and Urban Development should better enable the Council and these Departments to carry out their statutory responsibilities for the coordination, planning, and development of water and related land resources.

The proposed change from associate to full membership on the Council would not require any increase in expenditures.

The Bureau of the Budget advises that there is no objection, from the standpoint of the Administration's program, to the submission of this proposal for the consideration of the Congress.

Sincerely yours,

WALTER J. HICKEL,
*Chairman.*

## S. 3838—INTRODUCTION OF A BILL TO PREVENT UNAUTHORIZED USE OF THE CHARACTER "JOHNNY HORIZON"

Mr. JACKSON. Mr. President, on behalf of myself and the ranking minority member of the Senate Interior and Insular Affairs Committee (Mr. ALLOTT), I introduce, for appropriate reference, a bill to prevent unauthorized use of the character "Johnny Horizon."

This legislation has been submitted and recommended by the Department of the Interior, and I ask unanimous consent that the bill and executive communication accompanying the proposal be printed in the RECORD at this point in my remarks.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred; and, without objection, the bill and executive communication will be printed in the RECORD.

The bill (S. 3838) to prevent the unauthorized manufacture and use of the character "Johnny Horizon," and for other purposes, introduced by Mr. JACKSON, for himself and Mr. ALLOTT, by request, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3838

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior may establish and collect use or royalty fees for the manufacture, reproduction, or use of the character "Johnny Horizon," originated by the Bureau of Land Management and announced in the July 3, 1968, issue of the Federal Register (33 Fed. Reg. 9677) as the official symbol for a public service antilitter program to maintain the beauty and utility of the Nation's public lands.

SEC. 2. The Secretary of the Interior shall deposit into a special account all fees collected pursuant to this Act. Such fees are hereby made available for obligation and expenditure for the purpose of furthering nationwide antilitter campaigns.

SEC. 3. Chapter 33 of title 18 of the United States Code is amended by adding a new section to be known as section 714, as follows:

"§ 714. 'Johnny Horizon' character or name.

"As used in this Act, the name or character 'Johnny Horizon,' means the representation of a tall, lean man, with strong facial

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features, who wears slacks and sport shirt buttoned to the collar (both green, when colored), no tie, a field jacket (red, when colored), boot-type shoes (brown, when colored) and who carries a backpack, which was originated by the Bureau of Land Management, United States Department of the Interior, as the official symbol for a public service antilitter program to maintain the beauty and utility of the Nation's public lands.

"Whoever, except as authorized under rules and regulations issued by the Secretary of the Interior, knowingly manufactures, reproduces, or uses the character 'Johnny Horizon', or any facsimile thereof, or the name 'Johnny Horizon' as a trade name or mark, or in such a manner as suggests the character 'Johnny Horizon', so that such use is likely to cause confusion, or to cause mistake, or to deceive, shall be fined not more than $250 or imprisoned not more than six months, or both.

"This section shall not make unlawful the use of any such emblem, sign, insignia or words which was lawful on the date of enactment of this Act.

"A violation of this section may be enjoined at the suit of the United States attorney, upon complaint by the Secretary of the Interior."

SEC. 4. The analysis of chapter 33 immediately preceding section 701 of title 18 is amended by adding at the end thereof:

§ 714. "Johnny Horizon" character or name.

SEC. 5. The rights in the name and character "Johnny Horizon" shall terminate if the use by the Secretary of the Interior of the name and character "Johnny Horizon" is abandoned. Nonuse for a period of two years shall constitute abandonment.

The communication presented by Mr. JACKSON is as follows:

U.S. DEPARTMENT
OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., Apr. 30, 1970.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Enclosed is a draft of a proposed bill "To prevent unauthorized use of the character 'Johnny Horizon', and for other purposes." We recommend that the proposed bill be referred to the appropriate Committee for consideration, and we recommend that it be enacted.

Litter is a major and expensive public problem. Rapid and continuing increases in the number and mobility of the American people and in their participation in all kinds of outdoor recreation are adding to the problem each year. Estimates put the annual cost to the American taxpayer of cleaning up trash at over $500 million.

The litter problem is particularly acute on the public lands of the United States, because of their great expanse and the lack of intensive supervision of their use. On the average, each district manager of the Bureau of Land Management is responsible for multiple-use activities on 2,800,000 acres of land. The annual cost of cleaning up careless littering, such as unauthorized dumpsites and roadside litter, is estimated to exceed 15 million dollars. To combat the growing flood of careless litter, to clean up the public lands, and to keep them clean, without large expenditures of public funds, the Department of the Interior, through the Bureau of Land Management, in June 1968 launched an intensive public service antilitter program. The theme of the program is "This Land is Your Land—Keep it Clean." It is designed to involve all users of the lands in the antilitter campaign, and to give them a sense of identity with the program.

To serve as a symbol for the program, the Bureau of Land Management created "Johnny Horizon", a representation of a rugged outdoorsman who loves our forests, deserts, mountains, lakes, streams, and terrain. Literature and litter bags imprinted with the campaign motto have been distributed to schools, civic groups, and other organizations. Cooperative cleanup activities have resulted in outstanding success of the campaign in its first year. For example, the Bureau of Land Management in cooperation with a 4-wheel drive association, was able to accomplish nearly $40,000 worth of cleanup on the Imperial Sand Dunes of southern California through volunteer efforts of members of the organizations.

The total value of voluntary services resulting in cleanups in fiscal year 1969 is estimated to be $100,000. As the program gains momentum, the value of these cleanup efforts is expected to increase sharply. Planned and projected voluntary cleanup activities during the fiscal year 1970 are estimated to be worth from $2 to $3 million. This includes thousands of man days of volunteer work.

As a symbol of the spirit and conscience of every American who loves and enjoys the land and wants to protect it, Johnny Horizon has proved of wide appeal to all classes and ages of Americans. Keep America Beautiful, Inc., a non-profit organization, supported by the Advertising Council, considers this one of the outstanding programs in the United States. Program materials include "Clean-camp Commendation" certificates and State and District Office awards.

On July 3, 1968, by notice published in the *Federal Register* (33 Fed. Reg. 9677), the symbol of Johnny Horizon was established as the official symbol for the public service antilitter program. Use of the symbol without authorization was proscribed. We have authorized firms to produce litter bags imprinted with the Johnny Horizon symbol and theme for sale to various organizations. We have not charged a fee for this privilege. A copy of the manufacturer's material is enclosed.

Interest in Johnny Horizon continues to grow. There are possibilities for increased sales of litter bags and sales of various other items bearing the Johnny Horizon symbol—hats, shirts, boots. We estimate that license revenues will be at the $15,000 level after the first year, increasing to a annual rate of $50,000 or more, at the end of five years. The attached draft bill would provide specific statutory authority in the Department of the Interior to license the use of the Johnny Horizon symbol, for a fee. Use of the symbol without authority would be subject to fine or imprisonment. The draft provides further that the Secretary shall deposit all fees so collected in a special account, which shall be available for furthering nationwide antilitter campaigns.

The program appears to be developing in the same manner as "Smokey Bear", which is provided for in 18 U.S.C. 711. These are the kinds of "small, splendid efforts that make headlines in the neighborhood newspaper", which President Nixon called for in his inaugural address.

The Bureau of the Budget has advised that this legislative proposal is in accord with the President's program.

Sincerely yours,

HARRISON LOESCH,
*Assistant Secretary of the Interior.*

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## S. 3839 AND S. 3840—INTRODUCTION OF TWO BILLS, RELATING TO LOADLINES ON U.S. VESSELS AND REVISION OF LAWS RELATING TO THE DOCUMENTATION OF SEAMEN

Mr. CHURCH. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), and at the request of the Secretary of Transportation, I introduce, for appropriate reference, two bills. The first is a bill to revise and improve the laws relating to the documentation of seamen. I ask unanimous consent that the bills, the letters of transmittal from the Secretary of Transportation, and the accompanying section-by-section analyses be printed in the RECORD.

The second is a bill to require loadlines on U.S. vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes.

The PRESIDING OFFICER (Mr. BELLMON). The bills will be received and appropriately referred; and, without objection, the bills, letters, and analyses will be printed in the RECORD.

The bills, introduced by Mr. CHURCH (for Mr. MAGNUSON), by request, were received, read twice by their titles, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

### S. 3839

A bill to require load lines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the International Voyage Load Line Act of 1969.

SEC. 2. The Secretary of the department in which the Coast Guard is operating (hereinafter referred to as "Secretary") shall enforce the provisions of this Act and prescribe regulations to carry out its provisions. With the consent of the Secretary of the Treasury, the Secretary may utilize officers of the Bureau of Customs to enforce this Act and the regulations established hereunder.

#### DEFINITIONS

SEC. 3. As used in this Act—

(1) "new ship" means a vessel the keel of which is laid (or which is at a similar stage of construction) on or after July 21, 1968; and

(2) "existing ship" means a vessel which is not a "new ship".

#### APPLICABILITY

SEC. 4. (a) This Act applies to vessels which—

(1) arrive at any port or place within the jurisdiction of the United States from foreign ports;

(2) make voyages between foreign ports (except foreign vessels engaged in such voyages); or

(3) depart from any port or place within the jurisdiction of the United States for a foreign port.

(b) This Act does not apply to—

(1) ships of war;

(2) pleasure craft not used in trade or commerce;

(3) fishing vessels;

(4) existing ships of less than one hundred fifty gross tons;

(5) new ships of less than seventy-nine feet in length;

(6) vessels which navigate exclusively on the Great Lakes; or

(7) vessels operating on sheltered waters between ports of the United States and neighboring countries as provided in any treaty of the United States.

(c) A vessel which voluntarily obtains load lines shall be treated as a vessel subject to this Act until its load line certificate is surrendered and its load line marks removed.

(d) This Act does not abrogate any provisions of treaties or conventions in effect, which are not in conflict with the Interna-

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tional Convention on Load Lines 1966, and to which the United States is a signatory.

SEC. 5. Determination of load lines; issuance of certificate; prohibition.

(a) The Secretary shall prescribe load lines, the marking thereof and associated condition surveys for vessels subject to this Act to indicate the maximum safe draft to which each may be loaded, giving due consideration to, and making differentials for the service, type, and character of each vessel.

(b) Load lines shall be permanently and conspicuously marked and maintained in the manner prescribed by the Secretary. Upon completion of survey requirements and a finding that the load line is positioned and marked in the manner prescribed, the Secretary shall issue a load line certificate, to the master or owner of the vessel, which shall be carried on board the vessel.

(c) A load line shall not be established or marked which is above the actual line of safety.

### APPOINTMENT OF SURVEYORS; REVOCATION

SEC. 6. The Secretary may—

(1) appoint the American Bureau of Shipping, or any other United States non-profit-making corporation or association for the survey or registry of shipping, to determine that a vessel's condition is satisfactory and whether its load line is positioned and marked in the manner prescribed by the Secretary and thereupon to issue a load line certificate;

(2) at the request of a shipowner, appoint a corporation or association for the survey or registry of shipping, or an officer of the United States, to determine that a vessel's condition is satisfactory and its load line is positioned and marked in the manner prescribed by the Secretary and thereupon to issue a load line certificate; and

(3) revoke an appointment under this section at any time.

### EXEMPTIONS

SEC. 7. When a vessel subject to this Act is shown to be entitled to an exemption from the provisions of this Act by an international agreement to which the United States is signatory, a certificate of exemption shall be issued to the vessel, and carried in lieu of the certificate required by section 5 of this Act.

### RECOGNITION; NON-APPLICABILITY

SEC. 8. (a) When it is found that the law and regulations in force in a foreign country relating to load lines are equally effective as this Act and the regulations hereunder, or when a foreign country subscribes to an international load line agreement to which the United States subscribes, the markings and certificate thereof of a vessel of the country shall be accepted as complying with the provisions of this Act and regulations hereunder. The control of such vessels shall be as provided in the applicable international agreement.

(b) Subsection (a) does not apply to vessels of foreign nations which do not similarly recognize the load lines prescribed under this Act.

### LOADING RESTRICTIONS; RECORDATION

SEC. 9. (a) No vessel subject to this Act may be so loaded as to submerge the prescribed load line, or to submerge the point where an appropriate load line under the Act and the prescribed regulations should be marked.

(b) The master of a vessel subject to this Act shall, after loading but before departing for a voyage by sea from any port or place in which this Act applies, record in the official log book or other permanent record of the vessel a statement of the relative position of the prescribed load line mark applicable at the time in question with respect to the water surface, and of the actual drafts of the vessel, forward and aft, at the time, as nearly as they may be ascertained.

### DETENTION OF VESSELS

SEC. 10. (a) When the Secretary has reason to believe that a vessel is about to leave a port in the United States or its possessions in violation of this Act or the regulations hereunder, the Secretary may, upon notifying the master or officer in charge of the vessel, order the vessel detained.

(b) Clearance required by section 4197 of the Revised Statutes, as amended (46 U.S.C. 91), shall be refused or withdrawn from any vessel so detained until correction of deficiencies.

(c) The master or officer in charge of a vessel may petition the Secretary, in a manner prescribed by regulation, to review the detention order.

(d) Upon receipt of a petition, the Secretary may withdraw the detention order, modify it, or require independent surveys as may be necessary to determine the extent of deficiencies. Upon completion of his review, including results of any required independent surveys he shall affirm, set aside, or modify the detention order.

(e) The owner of a vessel is liable for any costs incident to a petition for review and any independent surveys if the vessel is found to be in violation of this Act or the regulations hereunder.

### PENALTIES FOR VIOLATIONS

SEC. 11. (a) Except as otherwise provided in this section, the owner and the master of a vessel found in violation of this Act or the regulations thereunder, are each liable to a civil penalty of not more than $1,000 for each day the vessel is in violation.

(b) Each person, if the owner, manager, agent, or master of a vessel who knowingly allows, causes, attempts to cause, or fails to take reasonable care to prevent the violation of subsection 9(a) of this Act or the regulations thereunder, is liable to a civil penalty of not more than $1,000 plus an additional amount of not more than $500 per inch of unlawful submergence.

(c) For any violation of subsection 9(b) of this Act or the regulations thereunder, the master of the vessel is liable to a civil penalty of not more than $500.

(d) Any person who knowingly causes or permits the departure of a vessel from any port or place within the jurisdiction of the United States or its possessions in violation of a detention order pursuant to section 10 of this Act, shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(e) Any person who causes or allows the concealment, removal, alteration, defacement, or obliteration of any mark placed on a vessel pursuant to section 5 of this Act and the regulations thereunder, except in the event of a lawful change or to escape enemy capture in time of war, shall be fined not more than $2,000 or imprisoned not more than two years or both.

(f) For any penalty under this section the vessel is also liable.

(g) The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General.

SEC. 12. Act, March 2, 1929, C. 508, 45 Stat. 1493; Act, May 26, 1939, C. 151, 53 Stat. 783; and section 1 of Act, August 31, 1962, Public Law 87-620, 76 Stat. 415, are hereby repealed.

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## S. 3840

### A bill to revise and improve the laws relating to the documentation of seamen

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,* that this Act may be cited as the "Seamen's Documentation Act."

### DEFINITIONS

SEC. 2. As used in this Act—

(1) "master" means the person having command of a vessel;

(2) "seaman" means a person employed or engaged on board a vessel in any capacity; and

(3) "Secretary" means the head of the department in which the Coast Guard is operating.

### MERCHANT MARINER'S DOCUMENTS

SEC. 3. The Secretary shall, under regulations prescribed by him, issue merchant mariner's documents for the identification of seamen and the certification of ratings for which they have qualified.

### MERCHANT MARINER'S DOCUMENTS; CONTENTS

SEC. 4. Each merchant mariner's document shall identify the person to whom it is issued, contain a notation as to his nationality, and specify the ratings for which he has qualified. It shall contain such additional information as the Secretary may prescribe.

### VESSELS REQUIRING MERCHANT MARINER'S DOCUMENTS AND SHIPPING AGREEMENTS

SEC. 5. (a) Unless otherwise provided, sections 6(a) and 7(a) of this Act apply to—

(1) vessels documented under the laws of the United States;

(2) undocumented vessels belonging in whole or in part to a citizen of the United States or any corporation created under the laws of the United States, or of any State, territory, or possession thereof, or of the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone; and

(3) public vessels of the United States operating as merchant vessels.

(b) Sections 6(a) and 7(a) of this Act do not apply to—

(1) vessels of less than 100 gross tons;

(2) vessels on which the crew is entitled by custom or agreement to share in the profit or result of the voyage;

(3) fishing vessels;

(4) yachts; or

(5) vessels engaged exclusively in trade on the navigable rivers of the United States.

### MERCHANT MARINER'S DOCUMENTS; REQUIRED

SEC. 6. (a) A seaman may not be engaged in the crew of a vessel to which this subsection applies unless he is a holder of a merchant mariner's document and exhibits it at the time he is engaged.

(b) Whenever in his judgment the public interest requires, the Secretary may extend the provisions of subsection (a) to such additional classes of vessels and to such waters as he designates.

(c) If the Secretary finds that the application of subsection (a) is not in the public interest, he may suspend it or exempt a vessel from its provisions upon such conditions as he specifies.

### SHIPPING AGREEMENTS; REQUIRED

SEC. 7. (a) The master of each vessel to which this subsection applies, before proceeding on a voyage—

(1) between the United States and a foreign country;

(2) between places in one or more foreign countries; or

(3) between a place in any State, territory, or possession of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, or the Canal Zone and a place in another of those jurisdictions not adjoining;

shall make an agreement in writing with each seaman in the crew.

(b) The agreement shall state the nature, and so far as practicable, the duration of the intended voyage and the port or country in which the voyage is to terminate or the term of time for which each seaman is engaged, as the case may be. The agreement may include any other matter not contrary to law to which the parties agree.

### *Collective bargaining not impaired*

SEC. 8. This Act does not affect the right of seamen to bargain collectively.

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### ENGAGEMENTS VOID WITHOUT AGREEMENT

Sec. 9. The engagement of a seaman contrary to section 7 of this Act is of no legal effect. A seaman so engaged may leave the service of the vessel at any time and is entitled to compensation at the highest rate being paid at the port where he was engaged for the position for which he was engaged, or the rate agreed to at the time he was engaged, whichever is higher.

### FOREIGN AND CERTAIN INTERCOASTAL VOYAGES

Sec. 10. (a) In the case of a vessel on a voyage between the United States and a foreign country (other than Canada, Bermuda, the West Indies, or Mexico), or a voyage between a place on the Atlantic Ocean and a place on the Pacific Ocean, the written agreement required by section 7 of this Act shall be in the form and contain the items of information that the Secretary may prescribe and shall state—

(1) that each seaman agrees to perform his duties to the best of his ability and to obey the lawful orders of the master, or any person who may lawfully succeed him, and those of the vessel's officers and supervisory personnel acting under the authority of the master and by whom the seaman is supervised in matters relating to the vessel;

(2) that the master agrees to receive, consider, and accord appropriate action to the legitimate complaint of any seaman presented in a reasonable manner and at a reasonable time; and, as the agent of the owner or operator of the vessel, to pay each seaman compensation at the agreed rate; and

(3) any rules of conduct that may be agreed upon which may include the time each seaman is to report on board.

(b) A qualified official designated by the Secretary shall supervise the engagement and discharge of the crew—

(1) for each voyage on which subsection (a) applies; and

(2) if the master or owner of the vessel so requests, for any other voyage on which a written agreement is required by section 7 of this Act.

(c) Before a crew is engaged under subsection (b) the master shall exhibit on the vessel at a place accessible to the crew, a copy of the agreement to be entered into, less the items pertaining to individual seamen.

(d) Notwithstanding any other provision of law, the first clause of section 596, and sections 593 through 595, 597, 600, 603, 604, 625 through 628, 644 and 651 of title 46 apply in the case of a seaman whose engagement is supervised by a qualified official under clause (2) of subsection (b).

### WRITTEN EVIDENCE OF SERVICE UPON DISCHARGE

Sec. 11. Each master required by section 7 of this Act to make a written agreement with a seaman shall, upon discharge of the seaman, provide him with written evidence of his service prepared in the manner and form prescribed by the Secretary. However, it may not contain any reference to the seaman's ability or conduct.

### FOREIGN ENGAGEMENTS AND DISCHARGES

Sec. 12. The Secretary shall, subject to the concurrence of the Secretary of State, prescribe procedures for the engagement and discharge of seamen outside the United States.

### SERVICE RECORDS

Sec. 13. The Secretary shall maintain a service record for each holder of a merchant mariner's document.

### PUBLICATION OF STATISTICS

Sec. 14. Service records maintained by the Secretary are not public records. However, the Secretary may—

(1) provide information from a seaman's record to the seaman or his designee, or to any organization established by an employer and a collective bargaining agent of the seaman to provide the seaman with welfare, pension, vacation, or training benefits; and

(2) prepare and publish statistics and other data extracted from the records that the Secretary considers pertinent or useful.

### CREW REPORTS

Sec. 15. To ensure compliance with the laws and regulations relating to the engagement and discharge of seaman and the manning of vessels, and to provide information necessary to maintain service records for holders of merchant mariner's documents, the Secretary may require masters of vessels to submit reports in a form and manner to be prescribed by the Secretary.

### OFFICIAL LOGBOOK; REQUIRED ENTRIES

Sec. 16. (a) An official logbook shall be carried on board each vessel on a voyage to which section 10(a) of this Act applies. The Secretary may prescribe the form of the official logbook. The master of the vessel shall make, or cause to be made therein, entries concerning the following matters:

(1) Each conviction of a member of the crew by civil authority and the punishment imposed.

(2) In the manner specified in section 702 of title 46, each offense committed by a member of the crew for which it is intended to prosecute or to enforce a forfeiture.

(3) Each offense for which punishment is imposed on board, and the punishment imposed.

(4) A statement of the conduct, character, and qualifications of each seaman in the crew or a statement that he declines to give an opinion of those particulars.

(5) Each case of illness or injury occurring on board to a member of the crew, which results in his incapacitation for 72 hours or longer, and a description of any treatment given to him on board.

(6) Each death on board and the cause thereof.

(7) In the case of collision, a statement thereof, and the circumstances under which it occurred.

(8) Such other matters as are required by law or by the Secretary.

(b) Completed official logbooks shall be retained, transferred, or otherwise disposed of as the Secretary may prescribe.

### OFFICIAL LOGBOOK; MODE OF MAKING ENTRIES

Sec. 17. Each entry required to be made in the official logbook, unless otherwise required by law—

(1) shall be made as soon as possible after the occurrence;

(2) if not made on the day of the occurrence, shall be dated and show the date of the occurrence;

(3) if relating to an occurrence happening before the vessel's arrival at her final port of discharge, shall be made not later than 24 hours after arrival; and

(4) shall be signed by the master, and by the chief mate or some other member of the crew.

### VIOLATIONS; PENALTIES; PROCEDURES

Sec. 18. Whoever violates section 6, 7, 10, 12, 15, 16, or 17 of this Act, or a regulation prescribed thereunder, is liable for a civil penalty of not more than $2,000 for each offense. The Secretary may assess and collect any civil penalty incurred under this Act and, in his discretion, remit, mitigate, or compromise any penalty prior to referral to the Attorney General.

### DELEGATIONS, REGULATIONS, AND FEES

Sec. 19. The Secretary may—

(1) delegate, and authorize successive redelegations of, and of the duties or powers conferred on him in this Act; and

(2) subject to section 553 of Title 5, prescribe regulations to carry out this Act;

(3) prescribe a reasonable fee for any document issued or any report, statistics, or data provided under this Act.

### AMENDMENTS TO OTHER LAWS

Sec. 20. (a) Section 4612 of the Revised Statutes, as amended (46 U.S.C. 713), is amended by striking out the schedule and tables following the text.

(b) Section 10 of the Act of June 26, 1884, as amended (23 Stat. 55; 46 U.S.C. 599), is amended—

(1) by amending subsection (b) to read as follows:

"(b) It shall be lawful for any seaman to stipulate, in writing, at the time he enters into a shipping agreement, for the allotment of a portion of the wages he may earn (1) to his grandparents, parents, wife, sister, brother, or children; (2) to an agency duly designated by the Secretary of the Treasury for the handling of applications for United States Savings Bonds, for the purpose of purchasing such bonds for the seaman; (3) for deposits to be made in an account opened by him and maintained in his name at a Federal or state credit union or at a savings institution in which such accounts are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation; or to any other allottee that the Secretary authorizes by regulation."; and (2) by striking out the second paragraph in subsection (e).

(c) The Act of August 19, 1890, as amended (26 Stat. 320; 46 U.S.C. 563, 2nd paragraph) is amended to read as follows:

"The clothing of a seaman is exempt from attachments and liens. Whoever detains a seaman's clothing or any license, certificate of registry, or merchant mariner's document issued to a seaman by the Coast Guard shall be fined not more than $500 or imprisoned not more than six months, or both."

(d) Section 434 of the Tariff Act of 1930, as amended (46 Stat. 711; 19 U.S.C. 1434), is amended by striking out the words "crew list, its".

(e) Section 435 of the Tariff Act of 1930, as amended (46 Stat. 711; 19 U.S.C. 1435) is amended by striking out the words "that a list of the crew need not be delivered, and".

(f) Section 4 of Public Law 89–99 (79 Stat. 424; 46 U.S.C. 444) is amended by striking out the period at the end and adding the words "or the Seamen's Documentation Act," in place thereof.

(g) Section 5 of Public Law 89–99 (79 Stat. 424; 46 U.S.C. 445) is amended by inserting the words "or the Seamen's Documentation Act," immediately following the words "or supplementary thereto,".

(h) Whenever used in any other law with reference to documentary evidence of a seaman's rating, "certificate of service", "certificate of service or efficiency", and "certificate" are considered to mean a certification of that rating on a merchant mariner's document issued under this Act.

### LIMITED PURPOSE AND EFFECT

Sec. 21. The legislative purpose of this Act is to revise and improve documentation and record keeping pertaining to seamen. Except as expressly provided by this Act it does not affect the relationship between the master and the crew of a vessel, or abrogate or diminish, in any way, the authority of a master, or the rights of any seaman relating thereto.

### REPEALS

Sec. 22. The following laws are repealed except with respect to rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Act.

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| Revised statutes section | Revised statutes section | Revised statutes section |
|---|---|---|
| 4290 | 4510 | 4522 |
| 4291 | 4511 | 4523 |
| 4292 | 4512 | 4548 |
| 4501 | 4513 | 4549 |
| 4502 | 4514 | 4551 |
| 4503 | 4515 | 4553 |
| 4504 | 4516 | 4568 |
| 4505 | 4517 | 4573 |
| 4506 | 4518 | 4574 |
| 4507 | 4519 | 4575 |
| 4508 | 4520 | 4576 |
| 4509 | 4521 | 4595 |

| Date | Chapter | Section | Statutes at large | |
|---|---|---|---|---|
| | | | Volume | Page |
| Feb. 27, 1877 | 69 | 1[1] | 19 | 250 |
| June 26, 1884 | 121 | 19, 20, 27 | 23 | 58 |
| June 19, 1886 | 421 | 2 | 24 | 80 |
| Mar. 3, 1897 | 389 | 1, 3, 19 | 29 | 687 |
| Dec. 21, 1898 | 28 | 1, 2, 14 | 30 | 755 |
| Feb. 14, 1900 | 19 | 1 | 31 | 29 |
| Apr. 26, 1906 | 1875 | | 34 | 137 |
| Mar. 4, 1915 | 153 | 1 | 38 | 1164 |
| June 25, 1936 | 816 | 3 | 49 | 1934 |
| Mar. 24, 1937 | 49 | 1, 2 | 50 | 49 |
| June 16, 1938 | 467 | 3 | 52 | 754 |
| Oct. 17, 1940 | 896 | 1, 2 | 54 | 1200 |

[1] Only the part amending R.S. 4290, 4513, 4522, 4575.

EFFECTIVE DATE

SEC. 23. This Act shall become effective on the first day of the sixth month following the month in which it is enacted.

The letter accompanying Senate bill 3839 is as follows:

THE SECRETARY OF TRANSPORTATION,
*Washington, D.C., April 7, 1970.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To require load lines on United States vessels engaged in foreign voyages and foreign vessels within the jurisdiction of the United States, and for other purposes."

The draft bill is submitted to implement the provisions of the International Convention on Load Lines 1966, which the United States has accepted and which came into force on July 21, 1968. The convention recognizes developments in the maritime industry since the drafting of the International Convention respecting Load Lines 1930, and the new regulations annexed to the 1966 Convention reflect these changes. The enclosed draft bill would provide for the implementation of these changes in the United States and to this end would replace existing authority commonly referred to as the "Foreign Load Lines Act", which would be repealed.

The existing law which requires load lines on certain vessels of 150 gross tons or more, would be supplanted for new vessels, by load line requirements based on a vessel's length. This is the major substantive change in the bill. The proposal follows the 1966 Convention in setting forth the vessels to which the load line requirements are applicable and in enumerating vessels excepted. With the exception of a new section dealing with certificates of exemption as provided for in the Convention, the remaining provisions of the draft bill parallel existing sections 2 through 8 of the Act of March 2, 1929, which were generally in need of editorial revision.

The draft bill would authorize the Secretary of the department in which the Coast Guard is operating to prescribe regulations for determining load lines. He would also be responsible for enforcing the provisions of the Act, and to this end use of the officers of the Bureau of the Customs with the consent of the Secretary of the Treasury, is provided for. Provision is also made for the determination of the position and manner of marking of load lines by the American Bureau of Shipping or other United States non-profitmaking organizations for the survey of registry of shipping and for the recognition of load line certificates issued by other nations which extend reciprocity to U.S. load line certificates.

Other provisions of the draft bill make it unlawful for a vessel to be so loaded as to exceed the maximum safe draft provided under the regulations and permit the detention of a vessel about to depart in an overloaded condition. The master of a vessel subject to the Act is required to record the ship's draft and position of the load line mark prior to the departure of a vessel from any port or place to which this Act applies.

Civil penalties are provided for violation of the Act or any regulations issued thereunder. The Act would also make it a crime to knowingly permit a vessel to depart from any port in violation of a detention order and to cause or allow the alteration of prescribed load line marks.

In the preamble to the 1966 Convention, the contracting governments state their intention "to establish uniform principles and rules with respect to the limits to which ships on international voyages may be loaded having regard to the need for safeguarding life and property at sea." The proposal being submitted therefore, does not apply to vessels which engage in coastwise trade, or which navigate exclusively on the Great Lakes, and existing authority requiring load lines on vessels engaged in these trades would not be affected.

The enactment of this proposed bill would not impose any additional budgetary requirement upon this Department.

It would be appreciated if you lay this proposal before the Senate. A similar proposal has been submitted to the Speaker of the House of Representatives.

The Bureau of the Budget has advised that there is no objection from the standpoint of the Administration's program to the submission of this proposed legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

The letter and analysis, accompanying S. 3840, are as follows:

THE SECRETARY OF TRANSPORTATION,
*Washington, D.C., April 15, 1970.*

Hon. SPIRO T. AGNEW,
*President of the Senate,*
*Washington, D.C.*

DEAR MR. PRESIDENT: There is transmitted herewith a proposed bill "To revise and improve the laws relating to the documentation of seamen", together with a section-by-section analysis.

This proposed bill would supplant the statutes pertaining to seamen's identification certificates, the engagement and discharge of seamen, shipping articles (employment agreements), Coast Guard maintained seamen's records, and official log books for vessels. A similar proposal was submitted to the 90th Congress and introduced as S. 3759 and H.R. 18547. Since then there have been consultations with various interested elements of the maritime industry and a continuing assessment of the Department's role in the activities covered by the proposed legislation. The enclosed bill is the resulting refinement of the earlier proposal.

The statutes to be replaced are an interrelated maze of laws enacted piecemeal during the years between 1872 and 1940 to cope with a number of separate and distinct conditions. They are replete with inconsistencies and redundancies as well as undesirable voids and are completely out of tune with the needs of today's maritime industry.

All of the statutes to be replaced by the proposed bill relate to the business of documenting seamen and the permanent recording of critical information concerning them. The Coast Guard's central record activities regarding seamen laboriously maintained under the existing statutes, face increasing problems in discharging their vital part in establishing the work experience qualifications of seamen and their entitlement to higher ratings and various health and pension benefits and in filling the needs of Federal maritime-related agencies for data pertaining to seamen.

The primary source of information on American maritime manpower is the Coast Guard's system of identification documents issued to seamen as supplemented and updated by information collected in the shipboard engagement and discharge process. Certificates of discharge issued to seamen at the termination of each voyage are a principal source of information. Unfortunately the present statutory scheme, especially the form of "Shipping Articles" prescribed for use on foreign voyages, does not lend itself to modern, efficient paperwork and record keeping. A modern system to collate accurate data for rapid retrieval and evaluation is vital to proper planning for a healthy peacetime merchant marine.

The Coast Guard's statutory functions associated with the engagement and discharge of seamen and related record keeping are now performed at an annual cost of $1,100,000. The detailed and rigid statutory forms and procedures from another era imposed by the existing statutes prevent the use of modern paperwork and record keeping procedures. Retrieval of information from existing records is both slow and costly.

The proposed bill would establish a concise and orderly scheme dealing with the various elements of seamen's documentation—identification, qualifications, and service. It would replace the detailed restrictions of the existing statutes with provisions setting forth basic guidelines for the comprehensive seamen's documentation program to be administered through the Coast Guard.

Enactment of the proposed bill would allow the immediate introduction of modern procedures and business practices commonly used elsewhere in the Government without any increased Government costs. It would also make possible the eventual introduction of an automated data processing system.

The Bureau of the Budget advises that there is no objection from the standpoint of the President's program to the submission of this draft legislation to the Congress.

Sincerely,

JOHN A. VOLPE.

SECTION-BY-SECTION ANALYSIS OF A BILL TO REVISE AND IMPROVE THE LAWS RELATING TO THE DOCUMENTATION OF SEAMEN

(Related sections of existing sections of Title 46 U.S. Code that would be amended or replaced are indicated in parentheses following the analysis of the corresponding section of the bill.)

*Section 1* contains the short title.

*Section 2* defines certain terms used in the Bill. The definitions are consistent with those in closely related existing statutes. "Secretary" would mean the Secretary of Transportation or, when the Coast Guard is operating as a service in the Navy, it would mean the Secretary of the Navy.

*Section 3* provides for the issuance of a single standard document for the identification of United States seamen and for the certification of their ratings. Provisions for the licensing of qualified ship's officers have been part of the Federal statutes for over 100 years. It was not until 1936 that American seamen received any form of certificate that would identify them as members of the

U.S. Merchant Marine. Also, commencing in 1936, unlicensed seamen were issued "certificates of service" as evidence of their special shipboard qualification. In 1937, "certificates of identification" came into being. Several years later, without statutory change, these two "certificates" were combined in a single document called a "United States Merchant Mariner's Document". The Merchant Mariner's Document, in use today, also serves as a passport for American seamen on vessels in the foreign trade.

The 1937 Act that created the certificate of identification gave the seaman an option. In lieu of a certificate of identification he could receive the "continuous discharge book" which served him both as a means of identification and a cumulative record of his shipboard employment. Over the years, this option has been exercised by a very limited number of seamen. Today the Merchant Mariner's Document is not only issued in place of the certificates but also as a companion document to the seaman electing to receive a continuous discharge book. In addition to giving statutory recognition to the Merchant Mariner's Document as a replacement for both the certificate of identification and the certificate of service, this section would discontinue the issuance of continuous discharge books. (The records of service that would be established under section 12 would replace the cumulative records now kept in the "books".) (46 USC 643(a) (part) and (h)).

*Section 4* prescribes the minimum information to be included on Merchant Mariner's Documents. (46 USC 643(a) (part) and (b)).

*Section 5* identifies the kinds of vessels on which the crew members must be holders of Merchant Mariner's Document (§ 6(a)) and on which written agreements of employment are required for certain voyages (§ 7(a)). Subject to the specific exemptions listed in subsection (b), these requirements apply generally to U.S. flag vessels, regardless of whether or not they are Federally documented, and to public vessels that operate in commercial service. (46 USC 566 (part) and 643(a) (part) and (i)).

*Section 6* requires the possession of a Merchant Mariner's Document for employment in the crew of commercial vessels of 100 gross tons or larger (except those specifically exempted by § 5(b)). Subsection (b) authorizes the Secretary to extend this requirement to other vessels when the public interest requires. Under subsection (a) a vessel would be required to employ persons who possessed Merchant Mariner's Documents except in those situations for which the Secretary had prescribed a relaxation under subsection (c). (46 USC 569, 643(c) (part), 643b). Today possession of a Merchant Mariner's Document is required by section 121.01 of title 33 of the Code of Federal Regulations for employment on the vessels to which this section would apply. That regulation, based on section 191 of title 50, U.S. Code, is applicable only during periods of national emergency as proclaimed by the President. The application of that regulation would no longer be limited to national emergencies if this section is enacted.

*Section 7* requires that written agreements be executed between the master and the crew of commercial vessels of 100 gross tons or larger on foreign voyages and coastwise voyages between non-neighboring States.

Subsection (b) requires that the agreements contain a description of the period of employment and provides that they may contain any other lawful terms which the parties agree to (46 USC 564 (part), 574 (part)).

*Section 8* recognizes the existence of "collective bargaining" and its relationship to shipping agreements required by this Act.

*Section 9* provides legal remedies for the seaman who is improperly taken into vessel's employ in violation of the preceding section. (46 USC 575 and 578).

*Section 10* requires that shipping agreements for (1) foreign voyages (except for those to certain nearby countries), and (2) intercoastal voyages be prepared in the format prescribed by the Secretary and contain a number of specific provisions. (46 USC 564 (part), 713 (Table A)).

Subsection (b) requires a qualified official (shipping commissioner) to supervise engagements and discharges on voyages covered by subsection (a). (46 USC 565, 641 (part), 643(e) (part), and 643 (k) (part)). It also permits the same supervision of engagements and discharges on coastwise and nearby foreign voyages at the option of the master or owner of the vessel (46 USC 563 (1st paragraph)).

Subsection (c) requires public display of the terms of the agreement before a crew is actually engaged under the supervision of the qualified official. (46 USC 577).

Subsection (d) provides for the application of certain enumerated laws pertaining to seamen's wages to coastwise and nearby foreign voyages when a master or owner exercises his option to have the engagement and discharge of his crew supervised by a qualified official under subsection (b)(2). (46 USC 563 (part of 2d paragraph)).

*Section 11* requires masters of vessels on voyages for which written agreements are required, to provide crew members with documentary evidence of their service on his vessel in a form to be prescribed by the Secretary. Masters are prohibited from including on the document any evaluation of the crew members' conduct on their performance. (46 USC 643(e) (part) and (k) (part)).

*Section 12* provides authority for the Secretary to prescribe procedures for the engagement and discharge of seamen overseas during foreign voyages. Under existing statutes it is contemplated that such engagements and discharges be performed in the presence of an American consul, if there is one available, or reported to the consul at the vessel's next port of call where there is one available. This section of the Bill would allow the Secretary and the Secretary of State to jointly develop and implement procedures for overseas transactions. (46 USC 569, 570).

*Section 13* requires the Secretary to maintain a service record for each documented seaman. (46 USC 643(f) (part)).

*Section 14* prohibits publication or disclosure of information about a named seaman from his record of serivce except to the seaman and certain of his identified representatives. It authorizes the Secretary to use such information for statistical purposes and to publish useful data derived from seamen's records of service. (46 USC 643 (f) (part)).

*Section 15* authorizes the Secretary to require the submission of reports to assist him in the proper enforcement of the laws relating to the engagement and discharge of seamen and the manning of vessels with qualified crews and to provide information necessary to maintain seamen's service records. In cases where the engagement and discharge of crews are supervised by Federal officials under section 10(b) of the Bill most of the necessary information will be assembled by that official. This section provides a means for collecting the information from vessels not serviced by Federal officials under section 10(b). (46 USC 643(k)(part) and (l)).

*Sections 16 and 17* replace the existing 46 USC 201 and 202 relating to official log books. Section 16 requires log books to be maintained on voyages on which engagements and discharges are supervised by a Federal official (e.g., foreign and intercoastal). It prescribes seven required log book entries and authorizes the Secretary to prescribe other matters about which entries should be made, in addition to certain matters prescribed elsewhere by statute. (46 USC 201, 202).

*Section 18* prescribes civil penaltites for violations of the principal provisions of this Bill. It also prescribes the means for enforcement of those penalties and vests the Secretary with discretionary power in the disposition of those penalties. (46 USC 203, 567, 568, 575, 577, 641, 643 (k) and (l)). Existing suspension and revocation authority under 46 USC 239 would also be available as a means of enforcing the provisions of this Bill.

*Section 19* authorizes the Secretary to delegate responsibility for administration of the Bill and to prescribe regulations for its implementation. (46 USC 643(j)). It also authorizes a reasonable fee to cover the cost of issuing merchant mariner's documents and providing informative reports and statistics authorized by section 14 of the Act.

*Section 20(a)* eliminates the statutory form for "Shipping Articles" in the foreign and intercoastal trade. Under section 9(a) the Secretary will, subject to the specific requirements of that section, prescribe the form. (46 USC 713 (schedules)).

*Section 20(b)* amends the statute relating to seamen's allotments by—

(1) providing for allotments to be made "at the time" a seaman enters into a shipping agreement rather than requiring it to be included in the formal agreement;

(2) eliminating the no longer existent "postal savings" from the list of approved allottees and adding "brothers" and "Credit Unions";

(3) authorizing the Secretary to add to the list of approved allottees; and

(4) eliminating the requirement that Shipping Articles be presented to Customs for their examination before they clear the vessel to depart on a foreign voyage. (46 USC 599).

*Section 20(c)* amends the statute relating to (1) the engagement of seamen in the coastwise trade by shipping commissioners at the option of the vessel and (2) the exemption of seamen's clothing from liens. It eliminates the former, now covered by section 10(d), and perpetuates the latter. This section also extends the penalty for wrongful detention of a seaman's clothing to cover his Merchant Mariner's Document and marine licenses. (46 USC 563 (proviso)).

*Sections 20(d) and (e)* amend the statutes pertaining to the entry of vessels from foreign voyages to eliminate the requirement that the master deliver a crew list to the customs house. Under the International Convention on Facilitation of International Maritime Traffic and its Annex (TIAS 6251), "a crew list dated and signed by the master or some other ship's officer duly authorized by the master" may serve the function of "providing public authorities with information relating to the number and composition of the crew on the arrival and departure of a ship." To meet the requirements of this multilateral agreement that became effective with respect to the United States on May 16, 1967, and to provide for our own domestic needs, the Bureau of Customs, the Immigration and Naturalization Service and the Department of Transportation have jointly developed a standard form for crew lists, which when filed with a vessel's inward manifest, meets the operational needs of the Bureau of Customs.

*Sections 20(f) and (g)* amend the statutes relating to scientific personnel on oceanographic research vessels so as to preserve the application of those statutees in cases where this Act replaces provisions of Title 53 of the Revised Statutes or laws amendatory or supplementary to that title.

*Section 20(h)* makes it clear that a notation of a seaman's rating on the Merchant's Document issued to him is the official documentary evidence of his qualification for that rating in lieu of the separate certificates issued under prior statutes.

*Section 21* disclaims any intention of disrupting the relationship between masters and their crews or the rights provided seamen for their protection and benefit under the laws affects by this Bill.

*Section 22* repeals existing statutes replaced by this Bill and several related statutes superseded by Reorganization Plan No. 3 of 1946. The 1946 Reorganization Plan transferred the statutory functions of individual "Shipping Commissioners" to the Commandant of the Coast Guard. Through Reorganization Plan No. 20 of 1950 and section 6(b) of the Department of Transportation Act (49 U.S.C. 1655(b)) those functions are now vested in the Secretary of Transportation. It also repeals existing statutes requiring a crew list to be delivered to the customs house before clearance may be granted for a foreign voyage.

*Table showing where sections of the Revised Statutes and the Statutes at Large that would be repealed by this section may be found in the U.S. Code*

| Revised statutes—section: | *Title 46, United States Code section* |
|---|---|
| 4290 | 201 |
| 4291 | 202 |
| 4292 | 203 |
| 4501 | 541 |
| 4502 | 542 |
| 4504 | 543 |
| 4509 | 546 |
| 4506 | 548 |
| 4507 | 549 |
| 4508 | 545 |
| 4509 | 561 |
| 4510 | 562 |
| 4511 | 564 |
| 4512 | 565 |
| 4513 | 566 |
| 4514 | 567 |
| 4515 | 568 |
| 4516 | 569 |
| 4517 | 570 |
| 4518 | 571 |
| 4519 | 577 |
| 4520 | 574 |
| 4521 | 575 |
| 4522 | 576 |
| 4523 | 578 |
| 4548 | 605 |
| 4549 | 641 |
| 4551 | 642 |
| 4553 | 645 |
| 4568 | 665 |
| 4573 | 674 |
| 4574 | 675 |
| 4575 | 676 |
| 4576 | 677 |
| 4595 | 542a |

| Statutes at large | | | | | Title 46, United States Code, section |
|---|---|---|---|---|---|
| Date | Chapter | Section | Volume | Page | |
| 1877: Feb. 25 | 69 | 1 | 19 | 250 | 201, 566 576 676. |
| 1884: June 26 | 121 | 19 | 23 | 58 | 572. |
| | | 20 | | | 573. |
| | | 27 | | | 541. |
| 1886: June 19 | 421 | 2 | 24 | 80 | 563 (1s. par.), 646. |
| 1897: Mar. 3 | 389 | 1 | 29 | 687 | 549 |
| | | 3 | | | 677. |
| | | 19 | | | 564. |
| 1898: Dec. 21 | 28 | 1 | 30 | 755 | 569. |
| | | 2 | | | 576. |
| | | 14 | | | 665. |
| 1900: Feb. 14 | 19 | 1 | 31 | 29 | 201. |
| 1906: Apr. 26 | 1875 | | 34 | 137 | 542. |
| 1915: Mar. 4 | 153 | 1 | 38 | 1164 | 569. |
| 1936: June 25 | 816 | 3 | 49 | 1934 | 643. |
| 1937: Mar. 24 | 49 | 1 | 50 | 49 | 643. |
| | | 2 | | | 643. |
| 1938: June 16 | 467 | 3 | 52 | 754 | 643a. |
| 1940: Oct. 17 | 896 | 1 | 54 | 1200 | 643. |
| | | 2 | | | 643b. |

*Section 23* provides for an effective date six months after enactment to allow for the implementation of modernized engagement, discharge, and reporting procedures.

## S. 3841—INTRODUCTION OF A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT TO REMOVE THE REQUIREMENT THAT ONLY MARRIED COUPLES MAY PETITION FOR IMMEDIATE RELATIVE STATUS TO BE ACCORDED TO THEIR ADOPTED CHILD

Mr. JAVITS. Mr. President, I introduce for appropriate reference a bill to amend section 101(b)(1)(F) of the Immigration and Nationality Act to remove the requirement that only married couples may petition for immediate relative status to be accorded to their adopted child to allow all qualified Americans to so apply.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred.

The bill (S. 3841) to remove the requirements of section 101(b)(1)(F) of the Immigration and Nationality Act that a citizen must be married in order to petition for immediate relative status to be accorded to his adopted child, introduced by Mr. JAVITS, was received, read twice by its title and referred to the Committee on the Judiciary.

Mr. JAVITS. Mr. President, under present law, a U.S. citizen and spouse may adopt a foreign child under the age of 14 or an orphan or a child whose sole or surviving parent is incapable of providing for the child—and has irrevocably released the child for emigration and adoption—and the U.S. citizen may file a petition with the Attorney General to have the adopted child accorded immediate relative status. If the petition is approved by the Attorney General, the child, if otherwise qualified for admission as an immigrant, is admitted to the United States without regard to the numerical quota limitations of the Immigration and Nationality Act.

However, the definition of "child" for the purposes of the act is limited in section 101(b)(1)(F) to a child adopted abroad or brought over to the United States for adoption by a U.S. citizen and spouse. Under this definition, if a child is adopted by only one parent, he or she would not be considered a child for purposes of the immigration law, and the parent could not petition the immediate relative status for the child. If only one parent adopts a foreign child, that child can be considered a child under section 101(b)(1)(E) of the act if the child is under 14 years of age and the parent has legal custody or resides with the child for a period of 2 years. This would require the single parent to move to the child's home country for a 2-year period before becoming eligible to petition for immediate relative status for the child.

The legislation I have introduced would remove the present distinction between married and unmarried U.S. citizens. It would allow an unmarried individual to adopt a foreign child and petition for immediate relative status on the same basis as a married couple. It makes no other change. There is no reason that an unmarried, though eligible, person should be discriminated against by making that person wait for a long period before the foreign child is able to come to the United States under the applicable quota. As long as the preference exists, it should be available to all eligible parents regardless of marital status.

## ADDITIONAL COSPONSOR OF A BILL

S. 2308

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONTOYA) be added as a cosponsor of S. 2308, to amend title 38, United States Code, to provide for the payment of an additional amount of up to $100 for acquisition of a burial plot for the burial of certain veterans.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

## SENATE RESOLUTION 409—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE REGARDING THE COMBAT USE OF U.S. ARMED FORCES AS AN INSTRUMENTALITY OF FOREIGN POLICY

Mr. PERCY submitted a resolution (S. Res. 409) expressing the sense of the Senate regarding the combat use of U.S. Armed Forces as an instrumentality of foreign policy, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. PERCY when he submitted the resolution appear earlier in the RECORD under the appropriate heading.)

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 14, 1970, he presented to the President of the United States the enrolled bill (S. 3778) to change the name of the Kaysinger Bluff Dam and Reservoir, Osage River Basin, Mo., to the Harry S. Truman Dam and Reservoir, Mo.

## AUTHORIZATION OF A FAMILY ASSISTANCE PLAN—AMENDMENT

AMENDMENT NO. 624

Mr. TALMADGE submitted an amendment, intended to be proposed by him, to the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under

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the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. TALMADGE when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

## AMENDMENT OF FOREIGN MILITARY SALES ACT—AMENDMENTS

### AMENDMENT NO. 625

Mr. EASTLAND submitted amendments, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which were ordered to lie on the table and to be printed.

(The remarks of Mr. EASTLAND when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

### AMENDMENT NO. 626

Mr. DOMINICK submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. DOMINICK when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

### AMENDMENT NO. 627

Mr. CHURCH submitted amendments, intended to be proposed by him, to House bill 15628, supra, which were ordered to lie on the table and to be printed.

### AMENDMENT NO. 628

Mr. GORE submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. GORE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

### AMENDMENT NO. 629

Mr. GORE submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

## ADDITIONAL COSPONSORS OF AN AMENDMENT

### NO. 620

Mr. CHURCH. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Illinois (Mr. PERCY) and the Senator from Indiana (Mr. HARTKE), be added as cosponsors of Amendment No. 620 to H.R. 15628, to amend the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

## NOTICE OF HEARING ON GOVERNMENT LAND CLAIMS BILL

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 3292. This bill deals with Government land claims in Arizona and California.

The hearing will be held on May 25, 1970, at 10 a.m., in Room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the RECORD should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, Room 6306, New Senate Office Building.

## NOTICE OF HEARING ON JUDICIAL REVIEW OF INTERSTATE COMMERCE COMMISSION DECISIONS BILL

Mr. TYDINGS. Mr. President, as chairman of the Judiciary Committee's Subcommittee on Improvements in Judicial Machinery, I wish to announce a hearing for the consideration of S. 3597. This bill deals with judicial review of decisions of the Interstate Commerce Commission.

The hearing will be held on May 22, 1970, at 10 a.m., in Room 6226, New Senate Office Building.

Any person who wishes to testify or submit a statement for inclusion in the RECORD should communicate as soon as possible with the Subcommittee on Improvements in Judicial Machinery, Room 6306, New Senate Office Building.

## CORRECTION OF NOTICE OF HEARINGS ON S. 3678, FOREIGN BANKING SECRECY

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent that a statement by Senator PROXMIRE announcing the correction of notice of hearings on S. 3678, Foreign Banking Secrecy, be printed in the RECORD at this point.

### CORRECTION OF NOTICE OF HEARINGS ON S. 3678, FOREIGN BANKING SECRECY

Mr. PROXMIRE. Mr. President, on May 12, 1970 I announced that the Subcommittee on Financial Institutions of the Committee on Banking and Currency will hold hearings on S. 3678, a bill to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury and for other purposes.

At that time I stated that the hearings will be held on June 1, 2, 3 and 4, 1970. However, there has been a change in the Committee schedule, and I wish to announce that instead of holding these hearings on the aforementioned dates, the Subcommittee on Financial Institutions will conduct the hearings on Monday through Friday, June 8 through 12, 1970. Hearings will begin each day at 10 A.M. in room 5302 New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Kenneth A. McLean, Senate Committee on Banking and Currency, room 5300, New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

## ADDITIONAL STATEMENTS OF SENATORS

## THE TREATMENT OF OUR PRISONERS OF WAR A TRAVESTY ON HUMAN DECENCY

Mr. GRIFFIN. Mr. President, for the past several weeks we have heard much talk across this land of ours about human decency and human dignity. For the most part, this talk has been aimed as criticism of our own Government and our own system.

Great concern is being expressed throughout America about humanity and the humane treatment of people.

But not enough is being said in behalf of one small segment of humanity which suffers daily from inhumanity. I refer to the 1,500 or so Americans being held prisoners of war in North Vietnam.

The women and children, who are the families of these prisoners, do not comprise a large number of our citizens. But their suffering is so acute and so deep—and so long drawn out—that their sorrow far outweighs their numbers.

I can conceive of little that can be more tragic than the sight of a woman pleading to know whether she is a wife or a widow. Counter to every precept of human dignity, the Communist leaders of North Vietnam have steadfastly refused to accept even the most minimal responsibility for the proper care of the men they have captured during the course of the Vietnamese war.

Under the agreed standards of humane treatment they are supposed to notify the Government of the men captured that they are being held and where they are being held. They are also supposed to provide medical care and an adequate diet for the men. Finally, they are supposed to allow at least limited communications between the men and their families.

We do not know for sure what kind of treatment the Americans being held captive are getting from the Communists. We do not know because we have little or no information about most of these men.

Failure of the Communists even to notify the U.S. Government that the men have been captured is a clear violation of the humane treatment provisions concerning prisoners of war. And refusal of the Communists to allow them to write to their families or receive letters from their families is a gross dereliction of duty to humanity.

It would be my hope that the emotional outpouring generated by events in Southeast Asia will not be confined to attacks upon our own Government. Surely, some of it should be directed at the people in Hanoi in the interest of our American prisoners of war.

## CHAIRMAN TRAIN WARNS OF SERIOUS ENVIRONMENTAL POLLUTION FROM SST

Mr. PROXMIRE. Mr. President, on May 12 the Subcommittee on Economy in Government of the Joint Economic Committee heard testimony from Russell Train, Chairman of the President's Council on Environmental Quality, and from Gordon MacDonald, a member of that Council. The bulk of their testimony was addressed to the environmental consequences of proceeding with development of the supersonic transport. The information which Mr. Train and Dr. MacDonald gave us is so vital and so timely that I feel it should be made more readily available to all Members of Congress and to the public.

Mr. Train discussed two crucial environmental issues: The airport noise we must expect from the SST and the possibly very damaging atmospheric effects of the SST. With respect to the airport noise question, Mr. Train announced to us a commitment by the administration that—

> The guidelines with respect to noise certification of the supersonic civilian transport should assure that the noise environment in the vicinity of airports at the time of the introduction of supersonics will not be degraded in any way.

In the course of questioning it became clear that in order to fulfill this commitment to avoid degradation of the noise environment, it will in all probability be necessary to prohibit the SST from landing at most of our existing major airports. Let me quote Mr. Train:

> I believe that if we set our standard for the supersonic aircraft in a way which insured that the noise environment in and around our airports will not be degraded, that it will be exceedingly difficult if not impossible for the SST as presently designed and the Concorde as we now know it to operate from U.S. airports.

Continued funding of a prototype of a plane which will probably not be able to operate from existing U.S. airports seems, in my judgment, absurd. I asked Mr. Train and Dr. MacDonald what technical progress was being made in overcoming this airport noise problem. Mr. Train replied:

> The present level of research in sideline noise, as well as the other environmental problems and uncertainties to which I have referred, is not at a level that we think it should be.

Dr. MacDonald added:

> Using current technology, the chances of obtaining an economically viable airplane and meeting what we propose as the noise criterion are slim. However, there are alternatives ahead that might very well lead to a quieter engine.

Mr. President, I submit that Congress would be wise to refrain from appropriating any more funds for prototype construction until these "alternatives ahead" have materialized.

With respect to the effect of SST flights on the upper atmosphere, Mr. Train and Dr. MacDonald made it abundantly clear that we simply do not know at this time what these effects might be. Substantial additional moisture will be introduced into the stratosphere. This moisture may destroy some fraction of the ozone in the atmosphere, leading to an increase in the ultraviolet radiation which reaches the earth. This moisture may also increase our cloud cover. Again I quote Mr. Train:

> The increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate . . . The effects should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports.

Dr. MacDonald concurred:

> This is potentially such a significant problem that we really must understand it before proceeding in any way to alter the water vapor content of this part of the atmosphere.

Again, I submit that Congress should listen to the administration's own experts. We should wait until these atmospheric effects have been much more thoroughly evaluated before we continue with the development of a supersonic transport.

Finally, Mr. President, I would like to point out that the agency responsible for SST development, the Department of Transportation, has not submitted the documentation on the environmental effects of this program which is required under section 102 of the National Environmental Policy Act of 1969. Congress should insist that this act be complied with before considering appropriation requests for this or any other program with major environmental consequences.

I ask unanimous consent that Mr. Train's testimony before the Subcommittee on Economy in Government be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE RUSSELL E. TRAIN, CHAIRMAN, COUNCIL ON ENVIRONMENTAL QUALITY, BEFORE THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT OF THE JOINT ECONOMIC COMMITTEE, MAY 12, 1970

Chairman Proxmire, members of the Committee: As Chairman of the Council on Environmental Quality I am responding to your invitation to discuss environmental considerations which should enter into Federal transportation expenditure decisions and specifically the decision as to development of the supersonic transport. I am accompanied by Dr. Gordon J. F. MacDonald, a member of our Council and a scientist with considerable background in the scientific issues involved.

At the outset I should make clear that the mandate of the Council under the National Environmental Policy Act is to advise the President concerning the *environmental* aspects of Federal government programs and activities. The goal of the Act is to assure that, to the greatest extent practical, environmental considerations are given careful attention and appropriate weight at all stages of the planning and decision-making process in every agency of the Federal Government. We recognize, of course, that environmental considerations are not the only considerations relevant to this process.

I turn now to the views of the Council on Environmental Quality on the environmental considerations that would be relevant to the development of a fleet of supersonic transports. The question of a civilian supersonic transport is important in its own right but has a broader significance because of the problems and opportunities that we as a nation face in the years ahead. In the case of the supersonic transport our great technological strength provides us with an opportunity to make a significant advance in aviation. Yet we must assess whether such progress in aviation represents progress for society—for our whole society. We must at all times be careful that we do not pursue technology simply for the sake of technology simply for its own sake—but rather for its contribution to human welfare. There is a growing awareness that, with certain technological advances, come social and environmental costs that are difficult to quantify but that must be taken into consideration. What is true for aviation is also true for many other technologies. In the years ahead we must assess the full consequences of technological advance well ahead of the deployment of that technology.

Before proceeding to a brief discussion of the specific environmental aspects of the development of a supersonic fleet, I wish to emphasize four points:

1. The Administration's program is for the design, development, fabrication, assembly and a hundred hour flight test of two identical prototype supersonic transportation aircraft. In and of themselves the two prototype models would not give rise to environmental problems provided appropriate precautions are taken with regard to their test flights.

2. The final decision with respect to the production of further supersonics will depend on a number of factors, including economic and foreign policy aspects, as well as enviornmental considerations. The Administration's program has carefully separated prototype development from possible future commercial production. I would hope that before the time that a decision must be made with regard to production, we will be in a position to assess correctly the environmental costs of full-scale production and operation. In the decision to proceed with prototype development, it has been implicit that a decision to proceed with commercial production would not be made in the absence of a satisfactory resolution of environmental problems.

3. The U.S. Government, together with a few other nations, has taken the environmental lead throughout the world in prohibiting supersonic flights over any land area of the United States. The proposed rules issued by the Federal Aviation Administration governing overland flights effectively forbid flights at speeds which would produce a detectable boom at the ground.

4. The environmental problems I will discuss are of concern not only to the United States but also to those nations that are proceeding with the development of supersonic transports, to those nations whose airlines might fly a supersonic transport and indeed to all nations of the world. I will return to this point.

At present the most significant unresolved environmental problem I see for the supersonic transport is the high level of noise in the vicinity of airports. Because of its relatively steep degree of climb, the SST will actually create less community noise in the direction of its flight path than present subsonic jet aircraft. The SST also generates less noise on approach. However, the current design of the U.S. supersonic transport and of the Concorde leads to a noise field radiated perpendicular to the runway, called "sideline noise," that is substantially greater than that of the conventional subsonic jets. In terms of the measures used by the Federal Aviation Administration to assess annoyance, the SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747. In terms of noise pressure, the sideline noise level would also be substantially higher than that of subsonic jets meeting the FAA requirements.

I doubt that communities adjacent to our large international airports will accept this added noise burden if it should extend beyond airport boundaries—a circumstance which seems likely in the case of most existing airport facilities. This is a view that I believe is shared by a majority of those responsible for the operation of airports. Furthermore, the discomfort and hazard to those actually on the airport site—both passengers and service personnel—will require careful attention.

It has been suggested that the sideline noise problem can be solved by:

1. Technical improvements to the airplane.
2. Confining noise to the airport.
3. Converting communities near airports into industrial or commercial areas.
4. Developing new airports.

With regard to technical improvements, it is doubtful that current technology can produce the required lowering of noise levels and still carry a viable payload. If indeed new technology is to be the solution of the future, then there should be greater emphasis on research and development of a quieter engine.

As to the other possible solutions, I do not think it is practicable to confine the noise

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projected by the SST to the airport. Most airports were designed many years ago and were not built in such a way as to minimize the effects of sideline noise. Redevelopment of areas near airports would require an investment on the order of billions of dollars; it seems unrealistic to assume that the country would undertake investment of such magnitude simply to provide for the supersonic transport. Doubtless, some new airports must be constructed to facilitate the traffic volume forecast by 1980. Adequate land planning in such cases could mitigate sideline noise. At the same time, we believe it important to establish now and maintain the principle that the noise environment in the vicinity of all our airports is not to be degraded in any way. Furthermore, the problem of sideline noise at airports is not just a domestic matter. Other countries are developing supersonic transports with comparable high sideline noise characteristics and they will, without question, wish to use our airports. Further, noise problems at international airports abroad will be as severe as our own.

I now turn to a potential problem which has not received the attention it deserves. The supersonic transport will fly at an altitude between 60,000 to 70,000 feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides and particulate matter. This part of the atmosphere is to a substantial extent isolated from the rest of the atmosphere. For example, on the average, 18 months are required for a water molecule introduced into the atmosphere at 65,000 feet to find its way to the lower atmosphere. A fleet of 500 American SST's and Concordes flying in this region of the atmosphere could, over a period of years, increase the water content by as much as 50 to 100 percent. This could be very significant because observations indicate that the water vapor content of the stratosphere has already increased about 50 percent over the last five years due presumably to national processes, although there is a possibility which should be researched that subsonic jets have been contributing to this increase.

Water in this part of the atmosphere can have two effects of practical significance. First, it would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature. Calculations on the magnitude of this increased temperature are most uncertain but probably it would be on the order of .2 to .3° F. Secondly, water vapor would react so as to destroy some fraction of the ozone that is resident in this part of the atmosphere. The practical consequences of such a destruction could be that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased. As in the case of surface temperature, we do not have adequate knowledge on which to make secure judgments as to the practical significance of the effect of water on the ozone. Finally, the increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate.

Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before *any country* proceeds with a massive introduction of supersonic transports.

There are other potential adverse environmental consequences of supersonics; for example, the effect of sonic booms over water on ship crews and passengers and on nesting birds on isolated islands. However, I will not discuss these as I have tried to confine my remarks to what I consider the two most important issues—namely, noise in and around airports and atmospheric effects.

In view of the known and potential environmental impacts of the operation of a fleet of supersonic transports, I make three specific, positive proposals for environmental protection at this time.

1. The guidelines with respect to noise certification of the supersonic civilian transport should assure that the noise environment in the vicinity of airports at the time of the introduction of supersonics will not be degraded in any way. As technology advances, permitted noise levels should be reduced and these reductions likewise applied to the supersonic transport.

2. We should increase substantially the level of investment in research on the environmental problems associated with the SST. Our knowledge about the environmental effects of the supersonic is clearly inadequate. Far greater emphasis should be devoted to research and development programs leading to an engine having a substantially reduced noise level. Further, an integrated research should be undertaken as to the effects of the chemical constituents introduced by the supersonic transport into high altitudes. Such a research program should include not only determining current changes in this part of the atmosphere but projected changes resulting from supersonic transport operations.

3. The United States should take the initiative in discussing present and potential environmental problems of SST operations with other nations. Discussions should certainly take place among those countries currently developing supersonic transports. Further, the whole issue of the supersonic transport and its environmental consequences should be considered for the agenda of the United Nations conference on the environment to be held in 1972.

This Administration endorses my first proposal and regulations to this effect will be issued. I have discussed the second and third proposals within this Administration and can report very definite agreement in principle. However, the shortness of time has simply made it impossible, in view of budgetary and related considerations, to obtain final, formal clearance.

In assessing the feasibility of SST operations we should accept the likelihood that other nations will come to be as concerned about the environmental consequences as we are, and that there will be a "domino effect" from our own environmental protections. Our prohibition against sonic boom over U.S. territory and our concern about airport noise, for example, will surely be echoed abroad. I think it essential that the SST not be considered simply as a domestic issue. By its very nature, its implications are worldwide in scope, and it is important that we approach the matter as an international concern. Those of us who possess the capacity for developing and introducing new technologies into the world have a very special responsibility for insuring in advance that such technologies do not, on balance, create serious long-term environmental emergencies for the world as a whole.

All of this is to say, as I mentioned at the outset, that we are entering an age when there is a determination that the impact of new technology on the environment be examined closely. We will continue to keep the environmental aspects of SST development under review and I know that the Departments share our concern that degradation of the environment must be avoided.

I repeat that the current program is for prototype development only. The Administration remains committed to the view that commercial development of the SST will not be undertaken unless and until the significant environmental problems and uncertainties are satisfactorily resolved.

## AIR AND WATER POLLUTION CONTROL

Mr. DOLE. Mr. President, on February 10, 1970, the President of the United States summoned this Nation to act now to preserve and protect our environment. In his message to the Congress, the President did not seek to assess blame for the severe problems we face. He stressed that the damage to our environment resulted "not so much from choices made, as from choices neglected; not from malign intention, but from failure to take into account the full consequences of our actions."

President Nixon emphasized that we could succeed only through the cooperation of Government at all levels and "with the aid of industry and private groups."

Yesterday, the International Paper Co. announced it will spend $101 million over the next 4 years in a companywide program to control air and water pollution at all of its operating mills and plants.

I feel it is particularly noteworthy that all International Paper Co. mills will have both primary and secondary waste water treatment systems and that they will remove 99 percent of all particulate matter from their plant emissions.

Mr. President, this type of constructive action by the private sector must be encouraged if we are to reach the goal outlined by President Nixon:

> The rescue of our natural habitat as a place both habitable and hospitable to man.

I ask unanimous consent that a press release describing the International Paper Co.'s program be printed in the Record.

There being no objection, the press release was ordered to be printed in the Record, as follows:

### International Paper Co.'s Program

New York, May 13, 1970.—International Paper Company will spend $101 million over the next four years to complete its program to control air and water pollution at all of the company's U.S. mills and plants, Edward B. Hinman, President and Chief Executive Officer, announced today at the annual meeting of shareholders here.

The company-wide program will provide every operating mill with primary and secondary waste water treatment systems, utilize the latest technology to remove from the air over 99% of all particulate matter coming from its pulp and paper mills, and adapt new technical developments to control mill odors.

Mr. Hinman pointed out that in the last five years alone the company has spent more than $23 million at existing mills and plants on facilities designed solely to improve water and air conditions. Many other capital investments for projects other than those specifically for pollution control have had related beneficial impact on environmental conditions, he added.

One such program, for example, involves the construction of a $76 million pulp and paper mill in Ticonderoga, New York, to replace an old mill there.

The new Ticonderoga mill will include the most modern water and air treatment facilities ever installed in North America. Purified water from the treatment system will be diffused in Lake Champlain in such a way that the biological and esthetic values will not be altered. The mill is also expected to be virtually odor-free. The old Ticonderoga pulp mill will be shut down by the end of 1970 as the new mill starts up. Remaining operations at the old mill will be phased out late in 1971.

The company said that by 1974, highly efficient water treatment systems will be installed at all of the company's operating pulp and paper mills in the United States.

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These treatment systems will remove all settleable solids from waste water and enable the company to meet standards for biological oxygen demand. Water so treated does not adversely affect the complicated life chain in natural waters from bacteria to plankton to plants and fish life.

The company reported that projects totaling $33 million of the $101 million program have actually started. As a result of programs conducted in past years, I–P now has primary water treatment at 12 of its 18 mills and some form of secondary treatment at 6 mills. Projects now under way include secondary treatment systems to be installed at I–P mills in Georgetown, South Carolina; Panama City, Florida; Mobile, Alabama; Moss Point, Mississippi; Corinth, New York; and Jay, Maine. A secondary water treatment system has just been completed at the company's mill in Pine Bluff, Arkansas.

Programs related to air improvement to be started this year will involve mills at Natchez, Mississippi; Tonawanda, New York; Panama City, Mobile, Georgetown, and Jay.

Between 1971 and 1974 similar water and air treatment will be installed or modernized at the other operating mills of the company in the United States. Of the $101 million program announced today the company expects that a total of $45 million will have been invested in water treatment systems and that an additional $56 million will have been invested in applying the latest technological developments to the control of all emissions to the air, including the pungent odor characteristic of kraft paper mills.

Mr. Hinman told shareholders today, "All of these activities are part of your company's commitment to a cleaner, better America. Our program is not designed merely to meet the requirements of existing legislation—this is a program to do what is right as industrial citizens in our communities and our nation—in keeping with our stated policy. We believe that we can complete this program for a better environment without interrupting our planned growth or adversely affecting achievement of our profit objectives."

In discussing I–P's programs in support of the national search for a quality environment, Mr. Hinman also noted that the company was deeply involved in environment and ecology in its role as owner and manager of millions of acres of timberland.

He said that the company has a staff of professional foresters who are trained ecologists and conservationists.

"Good forest management, which is their job, is good environmental practice", Mr. Hinman said. "Well managed tree farms, in addition to producing the continuous crops of trees essential to our business, provide many environmental benefits as well. Under our programs of multiple use many of the benefits of the managed forest are available to be shared by the public."

Among these benefits he listed are: the role of the forest in preventing erosion, collecting rainfall for later release as pure water into streams and lakes; the food and shelter provided by young, growing forests for wildlife; the road systems built and maintained by the company, which provide forest access for recreationists as well as protection against forest fires; the natural beauty of the company's widespread forest areas, and the lesser known function of a forest in its normal growth process of absorbing carbon dioxide from the air and releasing oxygen.

## WALTER REUTHER, A LABOR STATESMAN

**Mr. NELSON.** Mr. President, history will recall Walter Reuther as a man of action, of principle, and of passion for the troubles of his fellow man.

He will be remembered as a dynamic labor negotiator, a pioneer for social reform, an advocate for union solidarity, and an outstanding American.

His achievements for organized labor ranged from the first profit-sharing plan to a cost-of-living escalator in UAW contracts. While the membership of the United Auto Workers grew to 1.6 million employees, Reuther succeeded in increasing wage scales of his members from the $5 a day in Henry Ford's day to the current level of more than $5 an hour in wages and fringe benefits.

But his contributions to the Nation far surpassed the boundaries of normal labor activities. He was on the forefront of struggles to improve human relations. He stood firmly and proudly on the forward ranks of civil rights marches and placed his full weight behind efforts to eliminate all barriers for full citizenship to all Americans, whether union members or not.

I was privileged to speak at last month's UAW annual convention at which Reuther was reelected for his 13th term as president. The convention was a spirited one, one that reflected the urgent need to improve the quality of life for every citizen. With Reuther's strong leadership, the convention delegates strongly endorsed measures to rid our environment of air and water pollution and to take steps to make all citizens aware of the potential effects of an ecological disaster.

At this same convention, Reuther and his membership put industry on notice that the UAW was as concerned about pollution within the factory as the pollution emerging from the smokestacks or sewer pipes. High on the bargaining agenda for this summer's negotiations with the automobile manufacturers are strong safeguards against occupational health and safety hazards. This is a long neglected area and one desperately deserving action by Congress. Accomplishments in this vital area will be a fitting tribute to Walter Reuther—an outstanding labor statesman.

I ask unanimous consent to have printed in the Record an article entitled "Walter Reuther: Union Pioneer With Broad Influence Far Beyond the Field of Labor," written by Damon Stetson, and published in the New York Times of May 11, 1970; an article entitled "Labor Movement Desperately Needs Reuther Pressure for Social Justice," written by Frank Mankiewicz and Tom Braden, and published in the Washington Post of May 12, 1970; an editorial entitled "Pioneer in Social Creativity," published in the New York Times of May 11, 1970; and an editorial entitled "Walter Reuther," published in the Washington Post of May 12, 1970.

There being no objection, the items were ordered to be printed in the Record, as follows:

### Walter Reuther: Union Pioneer With Broad Influence Far Beyond the Field of Labor

(By Damon Stetson)

Walter Philip Reuther went to work as a bench hand at the age of 16 and rose to become a labor leader who had a major impact on the economic, social and political affairs of his time.

A crusader for a better world, he cast a shadow far beyond the 1.3-million-member United Automobile Workers and the Congress of Industrial Organizations, which he had headed.

His ascendancy in the labor movement marked a break with the approach of the old line union leaders who were interested primarily in winning a few cents more an hour for their members.

Mr. Reuther challenged not only labor but the country—and sometimes the world—to seek new and broader horizons.

"The unfinished business of this century," he said, "is the problem of maintaining full employment in an expanding economy based upon the fair and healthy relationship between wages, prices and profits . . .

"Either we shall use our new machines and technology to help us create security and dignity in the construction of a brave new world, or the impact of jet propulsion technology upon a huffing and puffing model T distributive system will dig our economic graves."

Mr. Reuther, boyish-looking even at the peak of his career, had red hair and was of medium height and solidly built. He was a cool, iron-nerved fighter; a shrewd, hard-driving negotiator; an ambitious social reformer and an articulate public relations man who sold his ideas with the fervor of a missionary.

Legend has it that after a heated bargaining session, the late William Knudsen, then head of the General Motors Corporation, turned to Mr. Reuther and said:

"Young man, I wish you were selling used cars for me."

"Used cars?" Mr. Reuther asked.

"Yes," said Mr. Knudsen, "used cars. Anyone can sell new cars."

In a world in which backslapping was often considered requisite to success, Mr. Reuther was no backslapper. He was not fond of jesting; he frowned on poker; he was frugal in his personal habits; he wore his wedding ring; he eschewed alcohol and didn't smoke.

#### FULL OF IDEAS

He always crackled with ideas that drove to the heart of contemporary issues. By day, he would scribble them on a pad on his desk—usually cluttered with books and reports—in his office in Solidarity House, the U.A.W. headquarters on the banks of the Detroit River at 8000 East Jefferson. At night, he would spring from bed to jot down a new thought.

A newspaperman, noting Mr. Reuther's capacity for speechmaking and conversation, said that he was the only man who could reminisce about the future. Another said, "Ask Walter the time, and he tells you how to make a watch."

Although some people considered him cold, Mr. Reuther inspired an almost fanatical loyalty among his subordinates and was admired and liked by many in high places, including President Kennedy, Adlai E. Stevenson, Eleanor Roosevelt and Vice President Hubert H. Humphrey.

Some of Mr. Reuther's admirers regarded him as a Moses who had led the working man to pioneering achievements at the bargaining table—pensions, pay increases based on the cost of living and productivity rises; supplementary unemployment benefits, profit-sharing and early retirement.

But James R. Hoffa, imprisoned president of the International Brotherhood of Teamsters, considered him an antagonist more deadly than all anti-Hoffa industrialists combined. There was a basic clash of philosophy between Mr. Reuther and Hoffa. For Hoffa, unions were always a business with the basic aim of achieving fatter pay envelopes. But Mr. Reuther rejected the cash-register approach alone and always argued that labor should seek to build a better world.

In the late nineteen-fifties, when corrupt

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unions came under fire, Mr. Reuther supported George Meany in the clean-up of organized labor and the ouster of Hoffa and the Teamsters from the A.F.L.–C.I.O.

John L. Lewis, President emeritus of the United Mine Workers, once described Mr. Reuther as "a pseudo-intellectual nitwit." Gov. George Romney of Michigan, former president of the American Motors Corporation, once said that Mr. Reuther was "the most dangerous man in Detroit."

In 1946, Mr. Reuther, who was then 39, was elected to the presidency of the United Automobile Workers and six years later was elected president of the Congress of Industrial Organizations.

An architect of the subsequent merger of the C.I.O. and the American Federation of Labor in 1955, Mr. Reuther became a vice president of the A.F.L.–C.I.O. and a member of its executive board. He also served as head of its industrial union department.

In the years that followed, Mr. Reuther did not see eye to eye with George Meany, president of the merged labor group, and the feud culminated in July, 1968, when the auto union withdrew from the A.F.L.-C.I.O., moribund and undemocratic.

In the ensuing year, Mr. Reuther laid the groundwork for a revitalized labor organization involving a merger of the auto union and the International Brotherhood of Teamsters. That merger brought the Alliance for Labor Action into being on May 26, 1969, with 3.6 million members.

At one point in 1962, Mr. Reuther, displeased with what he believed was the stagnation of the labor movement, considered challenging Mr. Meany's leadership, but the showdown did not materialize.

In the summer of 1963, Mr. Reuther and Mr. Meany had differences over the Civil Rights March on Washington. Mr. Reuther strongly supported the march, but the A.F.L.-C.I.O. executive board, although expressing sympathy with civil rights objectives, refrained from endorsing the march itself.

### U.A.W. HALTS ITS DUES

The showdown between the two labor leaders came in the spring and summer of 1968 after years of disagreement over the direction and structure of the merged labor movement.

In March, the U.A.W. president called for a special convention "to modernize and revitalize" the A.F.L.–C.I.O. executive board. The 29-member board agreed, but only on the conditions that the U.A.W. attend and "accept the democratically arrived-at decisions of such a convention."

Mr. Reuther rejected the conditions and, to apply pressure on the AFL–CIO, began withholding the U.A.W.'s $1 million annual dues. On May 17 the auto union was suspended for the nonpayment of dues.

The final break occurred on July 3, when the auto union cut its last tie with the 14-million-member A.F.L.–C.I.O. Mr. Reuther charged at the time that the parent body's leadership had become complacent and undemocratic.

Nearly seven months later, on Feb. 24, 1969, the A.F.L.–C.I.O. issued a 40,000-word white paper answering the charges accusing Mr. Reuther of misrepresentation, evasion and falsehood in what was called a two-year campaign of vilification by the auto union leader.

Ignoring the criticism, Mr. Reuther went ahead with plans to rehabilitate labor. On May 26, the auto union and the teamsters—the nation's two largest independent unions—merged in the Alliance for Labor Action with the objectives of organizing office and industrial workers not represented by the A.F.L.–C.I.O. It was also to direct its efforts toward political and social action.

The auto union leader, who always envisioned a greater day for mankind although frequently deploring his present plight, was an inveterate optimist. He looked forward to the day when the worker would spend less time at his job and more time working on a concerto, a painting or in scientific research.

"Technological advances will make that possible," he said. "In the future, an auto worker may work only 10 hours at the factory. Culture will become his main preoccupation. Working for a living will be sort of a hobby."

When will this golden age of factory workers-composers begin? he was asked.

"I don't know," Mr. Reuther replied, grinning. "But it'll come sooner than the National Association of Manufacturers expects."

### BROAD UNION ROLE

To Mr. Reuther the theory that a union's only job was to raise wages and improve working conditions was obsolete. Through the years he was busy with production and pricing problems, consumer projects, cooperative movements, civil rights, politics and world affairs, all of which he believed were the legitimate concern of a modern union.

He contended that a worker's economic needs were inseparably connected with politics.

"The surest way to guarantee that your ice box is filled with good food," he said, "is to see that the ballot box is filled with good votes on Election Day."

Mr. Reuther was always an earnest exponent of political action by the trade union movement. As an officer of the U.A.W., the C.I.O. and the A.F.L.–C.I.O., he was an active participant in political campaigns—mostly in directing strategy rather than in speechmaking or work in the hustings. The political action programs of the U.A.W. were unusually well organized and well financed in Michigan and other areas where the U.A.W. was strong.

He supported President Roosevelt in 1936, 1940 and 1944; President Truman in 1948; Adlai Stevenson in 1952 and 1956; President Kennedy in 1960, President Johnson in 1964, and Vice President Humphrey in 1968.

### QUESTION ON OBJECTIVES

During negotiations with General Motors on one occasion, a company official raised a question about Mr. Reuther's objectives. A sharp exchange ensued.

"If fighting for a more equal and equitable distribution of the wealth of this country is socialistic," Mr. Reuther said, "I stand guilty of being a Socialist."

One of the most persistent threads running through Mr. Reuther's thinking was the demand for a greater voice for organized labor in industrial planning. Too often, he maintained, industrial leaders were interested in keeping production down as a means of keeping prices up.

### VIEW ON AUTOMATION

Mr. Reuther grew increasingly concerned about the impact of automation. Once, he walked through a Ford plant and saw scores of machines with only a few workers watching master switchboards.

"Somebody said to me," he later recalled, " 'How are you going to collect union dues from all these machines?' And do you know what I said? I said, 'That's not what's bothering me. What's bothering me is, how are you going to sell Ford cars to all of these machines?' "

Mr. Reuther did not oppose automation, but he did contend that a balance ought to be achieved between the greater capacity made possible by automation and the people's purchasing power. And he felt that unions, industry and the government must find ways to employ workers displaced by machines.

An outstanding objective of Mr. Reuther's union career was the attainment of a guaranteed annual wage for workers. Such a guarantee, he declared, would attack the problems of mass unemployment at the root by shifting to the employer the cost of unemployment.

In March 1953, he said that his union would demand, and if necessary, strike to achieve a guaranteed annual wage in the 1955 negotiations. At that time, Mr. Reuther and the union did not succeed in getting precisely what he had sought, but they did negotiate a precedent-setting supplementary unemployment benefit plan.

Under it, laid-off workers received payments from a fund built up through company contributions. The combination of unemployment insurance and the supplementary benefits meant that workers received about two-thirds of their regular take-home pay during layoffs. In subsequent negotiations, the benefits were improved.

Quite appropriately, Mr. Reuther was born Sept. 1, 1907 the eve of Labor Day. His grandparents had come to this country in 1892 to save their son Valentine from military conscription in Bismarck's Germany. They settled in Effingham, Ill.

Mr. Reuther's father, Valentine Reuther, moved to Wheeling, W. Va., but lost none of his parents' evangelical Lutheranism and economic liberalism. The elder Reuther was working for $1.50 a day and was running the local brewers union. He served as head of the Ohio Valley Trades and Labor Assembly and at one time ran unsuccessfully for Congress on the Socialist ticket.

There were five children in the Reuther family—Theodore, Walter, Roy, Victor and Christine. On Sunday afternoons, when the dishes were finished, Valentine Reuther organized family debates on social problems. His sons learned their lessons well.

At 16 Walter Reuther quit school and became an apprentice at 40 cents an hour in the corrugating plant of the Wheeling Steel Corporation.

The seven-day-a-week job denied him the opportunity to attend the Sunday afternoon family debates, so he decided to mobilize a protest against Sunday and holiday work. Consequently he was fired and at that early stage had won a reputation as a youthful agitator.

At 19, Mr. Reuther went to Detroit. His first job was on a 13-hour midnight shift at the Briggs Manufacturing plant. Next he talked his way into a job as a tool and die craftsman at $1.05 an hour at the Highland Park plant of the Ford Motor Company. Within a few years he was bossing 40 men and was among the most highly paid mechanics in the company.

But the yeast of ambition was working in him. Averaging only a few hours of sleep a night, he finished high school at evening sessions at Fordson High School in Dearborn. Next he enrolled at Wayne University in Detroit which he attended for three years, majoring in economics and sociology.

When Norman Thomas ran for President as a Socialist candidate in 1932, Mr. Reuther mounted the soapbox, although he later repudiated the party as unresponsive to American needs. He and his brother Victor led a campaign against the establishment of a Reserve Officers Training Corps on the Wayne campus. But Mr. Reuther's activities of those days did not deter the university from conferring an honorary Doctor of Laws degree on him 18 years later.

In 1932, in the midst of the Great Depression, Mr. Reuther was laid off by Ford because, he said, of his union activities. He and Victor decided to tour the world. With about $450 each, they sailed from New York in steerage on an odyssey that lasted until 1935.

### WORKED IN SOVIET UNION

They toured auto plants in England, cycled across the Continent and for nearly two years worked in a Ford-built plant in Gorki before they continued on to China and home.

Walter Reuther became a foreman in the Soviet plant but acquired no fondness for Communism, which he later fought so suc-

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cessfully in the U.A.W. He did, however, admire the Soviet people and their adaptation of new technical ideas.

On his return to Detroit, Mr. Reuther found a job in a tool and die shop and later at the Ternstedt plant of General Motors. He promptly joined the U.A.W.'s West Side Local 174, which was weak at the time because of workers' fears of reprisals for joining.

In 1936 Mr. Reuther was elected a delegate to the U.A.W.'s convention in South Bend, Ind. The treasurer gave him $5 for expenses—it was all the local had—and he hitchhiked to the convention.

### LED SIT-DOWN STRIKES

Mr. Reuther became president of his local but was fired from his job after he asked for a raise. Subsequently he and Victor led the first of the sitdown strikes at the Kelsey-Hayes plant on the West Side. The success of the demonstration spurred organization, and the local's membership jumped from 78 to 2,400.

By late 1936 the auto workers felt strong enough to tackle General Motors, the key to organizing the industry. The sit-downs in Flint, Mich., began after Christmas in 1936 and quickly became the center of one of the bitterest and most decisive struggles in labor history.

Mr. Reuther rushed a group of West Side volunteers to Flint to assist in the drive, which resulted in February, 1937, in recognition by General Motors of the U.A.W. as bargaining agent for the company's workers.

The Chrysler Corporation recognized the union a few weeks later, and the union's membership began to approach 500,000.

The Ford Motor Company, however, had announced that it would never recognize the U.A.W. On a cloudy afternoon in May, 1937, a group of U.A.W. members, bearing handbills, rode out to the sprawling Rouge plant of Ford in Dearborn. They climbed the concrete steps of the overpass between the plant and the parking lot.

### ATTACKED BY GOONS

Mr. Reuther, by that time on the U.A.W. payroll, was one of the leaders. As he stood on the overpass, a voice rang out, "You're on Ford property."

Goons mobilized by Ford quickly rushed forward, pulled Mr. Reuther's coat over his head, bounced him down the steps, slugged him and left him bleeding on the ground below.

The bitter struggle that followed has been immortalized in labor history and pictures as the "Battle of the Overpass" but Ford held out against recognizing the U.A.W. until 1941.

In those hectic years of organizational activity, the U.A.W. had adopted the sitdown as an organizing technique of singular effectiveness, but the Supreme Court ruled in 1939 that the sitdown was "an illegal seizure of buildings in order to prevent their use by their employers in a lawful manner."

In the late nineteen-thirties, as the U.A.W. grew in size and power, so did Communist influence within the union. Mr. Reuther, then a member of the executive board, and his faction thought it necessary to face and end Communist domination of the union.

Mr. Reuther became an anti-Communist symbol and rallying point. At the 1940 C.I.O. convention (the U.A.W. had joined in 1939), which displaced John L. Lewis as president, Mr. Reuther embraced President Roosevelt's pre-war policy of aiding the Allies and denounced Communists as "colonial agents for a foreign government."

### WAR-TIME ROLE

At the 1941 U.A.W. convention, the Reuther brothers pushed through an anti-Communist resolution and captured 12 of 20 seats on the executive board. However, R. J. Thomas, who was not particularly sensitive to the Communist threat of infiltration, remained as president, and George Addes, who had been charged with following the Communist line, stayed as secretary-treasurer.

When war came and auto production became war production, Mr. Reuther attracted more and more national attention. He declined several offers of Government posts in Washington; instead, as a union leader, he helped keep auto workers in line on a no-strike pledge and induced them to give up extra pay for Sunday, night and holiday work and proposed an increased role for labor in management through industrial councils.

With the return of peace, he entered a long controversy with the union's demand for a 30 per cent increase in pay without an increase in the price of cars.

By this time he had a well-deserved reputation as an astute strike strategist, and in this dispute he evolved what came to be known as the "one-at-a-time" strategem or the whipsaw tactic. It was based on the belief that competition among the auto industry's Big Three—Ford, Chrysler and General Motors—was stronger than their distrust of the union. This ploy was used repeatedly in later years and proved well nigh unbeatable at the bargaining table.

The other tactic put forward by Mr. Reuther at that time was his demand for a "look at the books." This shocked not only industry but also some labor leaders, who felt that it was the union's job to win money and management's job to decide whether the stockholders or the public paid the bill.

General Motors rejected his wage demands and his request for a look at the books. He responded by calling a strike of 200,000 workers. After a stoppage of 113 days Mr. Reuther finally settled for a wage increase of 18½ cents an hour.

### VICTORY AND DEFEAT

The March, 1946, convention of the U.A.W. at Atlantic City was bedlam. Mr. Reuther had decided to run against Mr. Thomas for the presidency. Both sides arrived with their dukes up. There were battles on the boardwalk and in bars.

The party faithful tried to save Mr. Thomas, but Mr. Ruether won 4,444 to 4,320. While Mr. Reuther's supporters were celebrating, however, left wingers captured two-thirds of the executive board, thereby making Mr. Reuther's victory a hollow one, indeed.

It was a hard, frustrating year, but at the 1947 convention Mr. Reuther swept in his own ticket by a 2-to-1 vote and took firm control of the executive board of the union.

Back in Detroit, he initiated a drive for a more perfect union—firing Reds and drones, driving lottery operators from the factories and preparing for a militant stand at the bargaining table. He and his wife, May, were living at the time at 20101 Appoline Street in a brick and frame house they had purchased for $7,750.

### GUNMAN'S VICTIM

It was in the kitchen of that home, on an April night in 1948, that Mr. Reuther was gunned down by a would-be assassin, who fled in the darkness. Buckshot from both barrels of a shotgun, fired at close range, struck the U.A.W. president in the chest and right arm.

For three months, Mr. Reuther was in a cast. He never recovered the full use of his arm, but through therapy and exercise he strengthened it so that he could gesture—somewhat awkwardly—and he was able to write, grasping a pen or pencil in an unusual, splay-fingered fashion.

Characteristic of his determination was the way he reacted to the injury. For hours he squeezed a sponge and pulled at the numb fingers. Resuming his former hobby of cabinet-making, he painfully forced his right hand to hold a hammer and to drive nails.

During his prolonged hospitalization, he became interested in medical problems, and by the time he was released, wearing a brace, he had a new kind of hospital insurance plan worked out. Subsequently, he and the U.A.W. led the way in the development of the Community Health Association in Detroit, a comprehensive hospital and medical program.

The executive board of the U.A.W. offered a $100,000 reward for information leading to the conviction of Mr. Reuther's assailant. Five years later a hood confessed that he had driven the would-be killer's car the night of the attack. He named two other men, but before the trial he gave police the slip and left the country, ending the case.

### BROTHER ALSO ATTACKED

Thirteen months after the shooting of Mr. Reuther, a similar attack was made on his brother, Victor. His collarbone was fractured by a shotgun blast, and his right eye was destroyed.

In the course of his aggressive career, Walter Reuther had obviously made enemies, but it was never determined whether his assailant and his brother's were personal enemies, gangsters upset over his antigambling efforts, Communists or others.

The lack of convictions in any of the cases, however, accounted for the elaborate security system set up by the union to protect the Reuthers.

Walter Reuther, for many years afterward, always had a bodyguard at his side when he appeared in public, and he and his family moved from the city to the safety and seclusion of a new home in Rochester, a suburb 35 miles from Detroit.

He had bought the core of the house for $10,000 and then added improvements, many by himself, to the modern redwood home with its bulletproof picture windows.

From the road, a passerby could see only a nondescript white farmhouse, a tall steel-wire fence and a padlocked gate. The white building was really a barracks manned by an armed guard, and the fence was watched by four big dogs.

### SHUNNED LUXURY

Although the unusual character of Mr. Reuther's hideaway made it seem elaborate, it was not a lavish or expensive home. In fact, he went to considerable pains to dispel any speculation that he lived in or sought after luxury.

He disliked wearing a tuxedo, ground his teeth over meetings of the executive board of the A.F.L.-C.I.O. at a plush hotel in Miami Beach, and fussed over what people might think.

His salary as president of the U.A.W. was $29,500 a year, which was low by comparison with leaders of many other unions much smaller and less affluent.

### PRISONER EXCHANGE SOUGHT

In 1961, Mr. Reuther served as a member of the Tractors for Freedom Committee, which sought unsuccessfully to exchange 500 agricultural tractors for 1,214 Cubans taken prisoner in the April landings in Cuba. Serving with him were Mrs. Franklin D. Roosevelt, as honorary chairman; Dr. Milton S. Eisenhower, then president of Johns Hopkins University, and Joseph M. Dodge, a Detroit banker at that time.

The widely publicized attempt brought 70,000 pieces of mail in response to the committee's appeal for funds. But the deal struck a snag when Premier Fidel Castro of Cuba demanded large and costly bulldozers, the release of political prisoners in the United States and finally $28-million in cash or its equivalent in tractors.

The Tractors for Freedom idea was praised for its humanitarian objectives but criticized by some as a move to capitulate to blackmail by Premier Castro.

Mr. Reuther directed the 1948 auto negotiations from the hospital room where he was recovering from his wounds. A contract

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with General Motors incorporating an annual wage improvement factor (based on productivity increase) and a cost-of-living escalator clause brought more fame.

In 1949, his union and the United Steelworkers of America blazed a new trail by negotiating employer-financed retirement pensions and expanded health and welfare benefits.

That same year Mr. Reuther served as chairman of a C.I.O. delegation that went to London and helped found the anti-Communist International Confederation of Free Trade Unions.

In 1953, Mr. Reuther achieved flexibility under a five-year contract (1950 to 1955) by introducing the "living document" theory. This held that a contract was not a static document but a living compact obligating both parties to work out any problems that might develop during its term.

The first step toward a guaranteed annual wage was achieved in 1955 when he and his staff negotiated the precedent-setting agreement with the Ford Motor Company that provided for special jobless benefits supplementing those paid by state funds.

### CONTINUED TO PIONEER

In the bargaining field, Mr. Reuther and the U.A.W. continued to pioneer in the nineteen-sixties. In 1961, the union negotiated a profit-sharing plan with the American Motors Corporation, the first in the automotive industry.

In 1964, the union won huge new contracts from the auto companies, providing for earlier retirement, bigger pensions, improved wages, longer vacations and more holidays. Under terms of the agreement a worker could retire after reaching 55 any time his age and length of service totaled 85 years.

The pact also provided for retirement at age 62 without reduction in benefits and a special retirement benefit under which a man 60 years old, with 30 years service, could retire on $381 a month. His pension, including Social Security, would drop to $316 a month when he reached 65.

The settlements of 1964 did not come, however, without strikes at General Motors and Ford. The issues were not terms of the national economic agreements but local working conditions and problems. Mr. Reuther and other U.A.W. leaders, sensing a restiveness about local matters, insisted that these be settled before national agreements were signed.

In the 1967 auto negotiations the U.A.W. struck Ford for two months. The settlement, described by Mr. Reuther as "the most substantial contract ever to be negotiated in any corporation in the industrial field in the United States," provided for a guaranteed annual income plan, sizable wage increases, higher pensions and improved medical coverage. The union subsequently negotiated similar contracts with both General Motors and Chrysler.

Mr. Reuther's wife, the former May Wolf, was a quiet, red-haired woman who frequently traveled with him to union conventions but never shared his public attention.

When she met Mr. Reuther in 1933, she was a 23-year-old teacher of health and physical education at Trowbridge Elementary School in Detroit, "It was simply a 'How do you do' thing," she recalled.

After the first meeting, Mr. Reuther left Detroit for three years. When he returned in January, 1936, he met Miss Wolf on a streetcar where "we talked unions until my stop," she said. After a three-month courtship, they were married on Friday, March 13, 1936.

Mrs. Reuther gave up teaching and worked for the union full-time without pay as a secretary. The couple lived with Mrs. Reuther's parents for the first five years of their marriage.

Mrs. Reuther, a trim, 5-foot 4-inch woman who preferred tailored suits when accompanying her husband at union functions, occupied much of her time with civic affairs in the Detroit area, including children's aid and mental health associations, the Girl Scouts and parent-teacher activities.

The Reuthers resided in Rochester, a Detroit suburb, where they often received friends but were not given to partying. Their time together was often limited by union activities, but Mrs. Reuther recalled that there was time to teach her husband to dance.

Friends said that on the day the Reuthers were married, they dashed from the wedding to a union meeting, where Mr. Reuther was to speak.

"The stories may exaggerate how much time we courted at union meetings," Mrs. Reuther said, "but I know if I hadn't been interested in unions we would never have married."

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### Labor Movement Desperately Needs Reuther Pressure for Social Justice

(By Frank Mankiewicz and Tom Braden)

He was 62 years old when he died, but Walter Reuther was the youngest man in the labor movement from the day he entered it until his shocking death Saturday night.

If any young people of passion and concern and commitment want to go into the labor movement today, it is because of the example and image that radiated from Reuther. In a movement increasingly old and tired and frozen in a conservatism more intransigent than most of business, Reuther remained contemporary. He was one of the first idealists in American labor—and stayed to become the last.

As the UAW—with more than a million and a half members—pulls itself together to face what seems an almost inevitable fall crunch with General Motors, its members—and the nation—can reflect on the extraordinary economic strength of the union.

For the UAW, Reuther achieved the noncontributory pension—now widespread in the industry, but denounced at the time as socialism or worse by many of the men who pay him homage today.

By the early '50s, it was Reuther, and Reuther alone, who was talking about a guaranteed annual wage for autoworkers, and the cries of anguish from businessmen and politicians—this time the socialism was "creeping"—were loud and shrill. But, combined with unemployment insurance under the label of SUB—supplementary unemployment benefits—the annual wage was secured. It was, in a curious way, the forerunner of President Nixon's welfare reform plan, which now calls for a guaranteed annual wage, not for autoworkers alone but for everyone.

The "escalator clause" was another Reuther first for a national union contract, and secured not only a measure of protection from inflation for the workers, but a sizable degree of labor peace as well.

But the economic advances for the UAW—and the rest of the labor movement—were far from the measure of the man, and it is not for them that Walter Reuther will be remembered. He knew—and he repeated the thought in almost every public appearance—that as labor gained in power it shriveled in its soul. "Technical competence," he said in one of his last speeches, "is not enough. It must be matched by compassion and a commitment to social justice."

His idealism, and his politics, were old-fashioned in the best sense. His commitment to racial integration—on the job and off—was total and evangelistic, and he never yielded to the chic modernism—abroad even in liberal circles—that "integration is dead."

Around the country there are hundreds of thousands of men and women who know the power of that passionate commitment. Laundry workers, grape pickers, garbagemen—whenever an organizing drive was on for the outcasts of labor, Reuther and the UAW could be counted on to help, with money and organizing talent.

The failure of the AFL–CIO merger to maintain the momentum of social justice must have been Reuther's greatest regret. The labor movement, he observed when he took the UAW out of the federation, had lost its soul. After all, in the foreign field, it had been Reuther who pioneered international activity to fight the threat of Communist infiltration at the service of a monolithic movement. It was Reuther who urged that the effort be abandoned when that movement shattered and left the AFL–CIO with a sterile sloganeering anti-communism at the service of militarism and reaction.

In the last week of his life, this view of the sterile foreign policy of the AFL–CIO was confirmed when George Meany, virtually alone unnoticed, almost reflexively supported the invasion of Cambodia. When construction unionists armed with iron pipes savagely attacked unarmed and peaceful demonstrators in New York, Reuther must have wept.

All of his adult life, Walter Reuther was a public witness to all that is best in us—to that decency that informs the American legend. We cannot afford to lose many more.

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### Pioneer in Social Creativity

The death of Walter P. Reuther is an even more substantial loss for the nation than it is for the labor movement. A social innovator of great creativity, he was the most zealous union proponent of the concept that labor must go forward with the community and not at the expense of the community.

When the crash of a private plane cut short his life, he was dedicating much of his energies to forging a broad coalition in support of universal health insurance. He was also working closely with many of the nation's foremost industrialists in seeking to apply space technology to the mass production of housing.

He showed enormous personal courage and dynamism in the bitter battles that marked the birth of the United Automobile Workers more than three decades ago. Over the years he was principally responsible for making that union not only economically powerful but a fountainhead of beneficial ideas for all labor. His most notable monuments in this regard are a comprehensive program of social security under the union label and a model system of safeguards for union democracy.

In the larger labor movement his influence was unhappily circumscribed by the increasing frustrations Mr. Reuther felt over his inability to push aside George Meany as head of the combined A.F.L.–C.I.O. The feud of these two strong unionists prevented the merger of which both were principal architects from ever achieving its full potential for national good. Yet Mr. Reuther's complaints of A.F.L.–C. I.O. stagnation and social sterility were predicated on far more than personal pique or ambition. In foreign policy and civil rights he blazed inspiring new trails.

His death on the eve of his union's crucial negotiations with the Big Three automakers could prove extremely injurious to the total economy in this volatile period. But the void will be greater still in the realms of idealism and social inventiveness.

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### Walter Reuther

It was hard to resist Walter Reuther. He took you by storm, by charm, by agility in argument, by the unrelenting force of his own certainties, by the infectious exuberance

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of his personality. Politicians, industrial potentates, peers in the labor movement fought him and usually succumbed to him in one way or another. He left his imprint upon the social and economic life of the United States more indelibly, perhaps, than any political figure in his time, Franklin Roosevelt excepted. He was part labor leader, part social reformer, part evangelist. But it was always through the labor movement, as the responsible head of the United Auto Workers Union, that he functioned. He understood that the welfare of workers was inseparable from the welfare of the national community.

Nothing seemed insurmountable to Walter Reuther. So he was ceaselessly putting forward romantic, imaginative schemes. He proposed when America got into World War II a fantastic idea—which came to be known as the Reuther Plan—for converting the machine tools of the automobile industry into instruments for manufacturing airplanes; it resulted in the greatest air armada ever known. He sought for the workers he represented not merely pay increases but a share in the productivity of industry—a share even in industrial planning—that would ensure for them a full participation in the potentialities of the American economy. He was an extraordinarily shrewd, resourceful and tough bargainer for all sorts of innovations initially derided and resisted by industry—pension plans, productivity raises, profit sharing, long-term contracts, health and welfare benefits, increased leisure time, a guaranteed annual wage.

Reuther made the UAW a fighting force for social ends beyond the special interests of its members. He led it into the acceptance of fair employment formulas; and he made it a spearhead of the drive for civil rights. He appealed to the best instincts of his followers and of his countrymen generally. "The unfinished business of this century," he said, "is the problem of maintaining full employment in an expanding economy based upon the fair and healthy relationship between wages, prices and profits . . ."

In short, he thought of labor unions as a movement rather than a business. As president of the Congress of Industrial Organizations, as an architect of that group's merger with the American Federation of Labor and as vice-president of the combine, he sought, against rather obdurate odds and with scant success, to revitalize the labor movement and to focus its attention on larger goals than mere wage increases. Failing in this, he took his union out of the AFL–CIO to form a new alliance. He leaves an immense estate to his heirs. There is very little of fortune in it because he valued frugality more than indulgence. But there is a rich bequest of idealism, of optimism, of social statesmanship. And, as always, all Americans are among his beneficiaries.

## TEXTILE IMPORTS

Mr. TALMADGE. Mr. President, earlier this month, the Department of Commerce released figures on textile imports for March 1970. It is an understatement to call them alarming.

Imports of cotton, wool, and manmade fiber textiles in March reached a record 367 million square yards. For the first quarter of this year our textile imports totaled 1,021,000,000 square yards equivalent. This is one-third higher than the level for the comparable period of 1969.

At current rates, textile imports would reach almost 4.1 billion square yards in 1970, a 14-percent increase over last year's record volume. Our textile trade deficit would soar to $1.3 billion as compared with almost $1 billion in 1969.

Four countries accounted for 57 percent of our total imports during the first quarter of 1970—Japan, Hong Kong, Taiwan, and Korea.

All of this points up the essential need for restraints on our textile and apparel imports now. We cannot continue to sacrifice large chunks of this basic industry to foreign producers simply because of the large wage gap between the United States and other textile-producing nations and because of the fact that the American market remains open while the markets of other developed countries remain closed.

Hearings on trade policy are underway right now before the House Committee on Ways and Means. Pending before that committee is legislation offered by the chairman, Mr. MILLS, and more than 180 additional Members of the House. I am a cosponsor of an identical bill in the Senate.

This measure will do the job. It is reasonable in its approach and fair in its treatment of foreign textile-producing nations. It encourages and accommodates negotiated agreements. It does not require that textile imports be sharply reduced.

In testifying on this measure before the Committee on Ways and Means, administration spokesmen have asked that action on it be deferred "for several weeks." They contend that there are reasons to believe that a successful negotiation can be concluded in a matter of weeks.

I consider such a position disappointing. The efforts of the administration to negotiate a satisfactory comprehensive agreement—and we must have comprehensive limitations—with Japan, Korea, and Taiwan have been frustrated for over a year. I find it difficult to understand what recent developments have occurred which generate any kind of optimism in a successful negotiation.

It seems to me that a more consistent and stronger position would be for the administration to support H.R. 16920. Certainly, its bargaining position would be vastly strengthened.

But regardless of whether substantive negotiations are underway, this Congress should proceed promptly to pass this legislation, because it specifically exempts from the application of the bill any country which has entered into an agreement with the United States.

We are past the point where we can afford to indulge in further conversation on this subject. Prompt action is required if we are to obtain a reasonable solution to our critical textile import problem.

I ask unanimous consent that there be printed in the RECORD an article regarding the Commerce Department's report on U.S. textile imports, published in the Washington Evening Star of May 11.

There being no objection, the article was ordered to be printed in the RECORD as follows:

### U.S. IMPORTS OF TEXTILES SET NEW RECORD IN MARCH

NEW YORK.—U.S. textile imports reached a record high of 367 million square yards equivalent in March, according to the Commerce Department.

The department said the March total, including cotton, wool and man-made fiber textiles, topped the level for February 1970 by 20 percent and also exceeded the March 1969 level, when imports were unusually high following settlement of dock strikes.

For the first three months of 1970 textile imports totaled 1,021 million square yards equivalent, one-third higher than the same period of 1969, which was affected by the dock strike, the department said.

Imports from Japan, Hong Kong, Taiwan and Korea constituted 57 percent of the total during the 1970 quarter, the department said, a one-fifth larger proportion of total textile imports than in the 1969 quarter.

## BRUNO V. BITKER: A TRUE CHAMPION OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, the recent hearings held on the Genocide Convention by a special Foreign Relations Subcommittee marked the first Senate consideration of this important treaty in over 20 years. Until this year, when Senator CHURCH's subcommittee held hearings on the treaty, the Genocide Convention had largely languished in the back of our national conscience.

Many distinguished and dedicated people have labored long and hard to bring this vital treaty to the attention of our country's legislators and citizens. I am extremely proud that Mr. Bruno V. Bitker, a distinguished Milwaukee attorney, is a member of this group of concerned Americans.

His extensive background in human rights is an extraordinary example of dedicated effort and limitless devotion.

Bruno Bitker's initial involvement with the Genocide Convention stems from his active participation in the United Nations Association at the time this treaty was drafted by the U.N. From 1947 to 1956 he was a member of the original Governor's Commission on Human Rights. He has also served as chairman of the Wisconsin Advisory Committee to the U.S. Commission on Civil Rights, and in this capacity devoted his enormous talents to securing equal rights for all our citizens. In 1965, he chaired the Human Rights Panel at the White House Conference on International Cooperation.

Mr. Bitker was intimately involved in the planning and events of Human Rights Year 1968. He was selected by President Johnson as a member of the President's Commission for the Observance of Human Rights Year 1968 and served on the Commission's Special Lawyer's Committee. This important committee, which was headed by Justice Tom Clark, carefully considered the treaty-making power of the Senate in regard to human rights treaties. In addition to these impressive activities, Mr. Bitker represented the United States at the United Nations International Conference on Human Rights that was held in Tehran in 1968.

Mr. Bitker's involvement in the field of human rights also extends to the American Bar Association. He is a member of the Committee on World Order Through Law and the Section on Individual Rights and Responsibilities, two very important and influential ABA committees that have considered the

Genocide Convention. As such, Mr. Bitker was involved in preparing the reports of both these committees recommending ABA endorsement of the convention.

Mr. Bitker is also serving on the National Advisory Committee of the Ad Hoc Committee on the Human Rights and Genocide Treaties. The ad hoc committee is an important organization of citizens concerned with the efforts to guarantee international protection of human rights.

His testimony at the recently completed Senate hearings on the Genocide Convention presented a compelling argument for Senate ratification.

The record of Bruno Bitker in the field of human rights is a record of achievement, devotion, and unsurpassed dedication to this vital cause. For myself, both as a U.S. Senator from Wisconsin and as one involved in the efforts to secure Senate ratification of the human rights treaties, I take great pride in his monumental accomplishments in this area. Bruno Bitker has truly been a champion of human rights for all people.

## FIFTIETH BIRTHDAY CONGRATULATIONS TO THE LEAGUE OF WOMEN VOTERS

Mr. BURDICK. Mr. President, this spring the League of Women Voters celebrated its 50th anniversary of outstanding public service. Since it was organized in late March 1919 the league has become one of the most constructive forces in our system of participatory democracy. Perhaps no other organization in these years has been more consistently and progressively identified with the public interest.

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In the last 10 years the league has issued more than 3½ million publications on national problems in addition to vast quantities of reports on State and local issues. More important than the quantity of its output has been its quality. For the hallmark of the league is that it studies a problem before taking a stand and that its conclusions avoid partisanship, ideologies, and popular fads.

Millions of what the league calls "woman hours" have been devoted to informing voters as to candidates and issues and to studying constitutional revision, fair apportionment, sound fiscal policies, and legislative programs. The leaguers are well known at city councils, school boards, and planning bodies all over the country. At the moment they are devoting a great deal of energy to a drive against water pollution, to working for equality of opportunity in education, employment, and housing, and to the reform of the electoral system.

The league was founded by Mrs. Carrie Chapman Catt, whose statesmanlike leadership in the fight for woman suffrage, as president of the National American Woman Suffrage Association, finally saw victory with the passage of the 19th amendment in 1919. At the close of the association's victory convention in Chicago early in 1920, even before the required three-fourths of the States had ratified the amendment, Mrs. Catt convened the first congress of the League of Women Voters. Women had won the vote; now they must learn to make wise and effective use of it, she had determined.

She told the women:

> We are going to be a semi-political organization, we want to do political things. We want legislation. We are going to educate for citizenship. . . . Be a partisan, but be an honest and independent one. Important and compelling as is the power of the party, the power of principle is even greater.

Mrs. Catt could take great pride in the way the league has fulfilled her early vision. May I congratulate its members on an outstanding record of achievement and urge the support and cooperation of citizens everywhere for its vitally important work.

## THE RISE IN UNEMPLOYMENT

Mr. MOSS. Mr. President, last week the Labor Department announced that the rate of unemployment continued to rise during April and now stands at 4.8 percent, up from 4.4 percent in March. This is the sharpest monthly rise in the rate of unemployment in 10 years—since the economic recession of 1960.

Coincident with this rise I received word that the Provo-Orem area in my State has been classified by the Department of Labor as having "substantial unemployment." This means that the rate of unemployment has risen above 6 percent and is expected to remain there for at least the next 2 months. The Geneva Steel Works is operating well below its capacity, and below its output of last year. There has also been a reduction in employment by the manufacturing industries in the Provo-Orem area, particularly in the electronics and sewing industries.

The Department of Labor had previously classified the Brigham City and Beaver areas of Utah as having "substantial" unemployment. Nine areas are classified as having "persistent unemployment": Heber City, Kanab, Manti, Moab, Nephi, Panguitch, Park City, Price, and Roosevelt. For these areas the rate of unemployment has averaged 6 percent or more for at least the last year.

The Utah Department of Employment Security estimates that the overall rate of unemployment in Utah for April was 5.5 percent on a seasonably adjusted basis. This is up sharply from the rate of 4.8 percent in March.

These figures distress me greatly.

Mr. President, almost 4 million people in this country are now looking for jobs and cannot find them. We had 300,000 more at the end of April than we had in March. This may not mean very much to those who hold a job, and feel they are secure in it, but the statistics are very real and personal to those who are out of work and to their families who look to the future with uncertainty. And the figures I have quoted do not include those who have become discouraged at not finding work, and who have dropped out of the labor force. If these people and their families are taken into consideration, the distress out across our country becomes even more evident—and more acute.

There are a number of disturbing factors about the rapid increase in unemployment. There are, for example, some people who are still working, but have had to take a cut in pay. They do not show up as statistics in unemployment figures, but their impact is felt in lessened buying power.

Again, the sudden spurt in unemployment is coming just prior to the end of the school year when many of our young people will be looking for summer jobs to help finance their education. The sudden drying up of jobs is going to hurt them, and it may result in unhappy changes in plans for school next fall.

The full effect of these concurrent events will not be felt for some time to come, but feel them we will, unless we can somehow turn our economy upward again, and put our people back to work.

If unemployment were our only problem, I would not be so apprehensive, but, as Senators well know, our rising rate of unemployment is coupled with high interest rates and rising prices—galloping inflation. Prices are rising at the annual rate of 6.6 percent—a faster rate of increase than the rate which skyrocketed prices in 1969. Interest rates continue at or near record highs. We now have the worst of both worlds—we have double economic jeopardy—inflation and unemployment.

Mr. President, the administration says that it has been trying to cure inflation and that unemployment is one of the side effects—undesirable, but necessary.

There is an old saying about curing the disease but killing the patient. Our present economic policies seem to be killing the patient without even curing the disease.

I am hopeful that the Administration will reappraise its economic policies so that all of our citizens can find jobs and enjoy economic security.

## SENATOR SMITH OF ILLINOIS LAUDS ERNIE BANKS, A GREAT CHICAGOAN

Mr. SMITH of Illinois. Mr. President, on Tuesday a great Chicagoan, a great gentleman, and a great sportsman reached a significant milestone. With the smooth sweeping swing that has thrilled Chicago Cubs fans for nearly two decades, Ernie Banks stroked the 500th home run of his major league career.

It has been a long and glorious career since September 20, 1953, when Ernie hit his first major league home run off Gerry Staley in St. Louis.

Going into this season, Ernie had played more games—2,417—been at bat more times—9,116—got more total bases—4,577—driven in more runs—1,586—and clouted more extra base hits—984—than any Cub player in history. Further, Ernie is second only to the legendary Cap Anson in the number of hits and doubles by a Cub. Last year Cub fans voted Ernie the title of the greatest Cub player in history. For many years Ernie has been "Mr. Cub"—the unofficial mayor of Chicago.

Ernie's excellence on the playing field is matched by his excellence as a citizen. He has long been a community leader admired by all Chicagoans.

Ernie has not just been a great slugger. He is one of the great defensive players of all time. At shortstop Ernie had a fluid grace, a wide range, and a strong arm sufficient to power a throw from deep short in time to nip even a fast runner. Since moving to first base he has been a consistent standout performer.

It is wonderful that Ernie hit his 500th home run in what he likes to call "the friendly confines of Wrigley Field." One of the reasons Chicagoans have been able to enjoy Ernie's playing for so many years—and will continue to enjoy it for many more—is that the Cubs do not play night baseball at Wrigley Field.

It is generally acknowledged that daytime baseball is easier on the players. It is hard to measure these things, but most baseball people are agreed that the players who call Wrigley Field home are apt to be able to extend their playing careers a little longer than other players who cannot play 81 home games under the warm afternoon sun. For this reason, all of us who have enjoyed Ernie's long career should give special thanks to the owner of the Cubs, Mr. P. K. Wrigley.

It is well known that many of the years Ernie has spent with the Cubs were not exactly great years is terms of team winning. Nevertheless, Ernie managed to be named the most valuable player in the National League two consecutive seasons.

His hard hitting during these difficult years was all the more remarkable considering the weak hitting of some of his teammates. Great sluggers usually have the benefit of a hard-hitting team. This prevents the opposing pitchers from "pitching around" the sluggers. Ruth and Gehrig, Hodges and Snider, Aaron and Matthews—baseball history abounds with similar examples of great sluggers whose successes owed much to each other. But for many years Ernie was virtually alone as a major threat in the Cub lineup. This makes his hitting—and his unfailing good cheer—all the more remarkable.

The ball Ernie hit will be sent to the Baseball Hall of Fame in Cooperstown, N.Y. The time will come when Ernie will be a member of that Hall of Fame. Our only hope is that he will not become a member too soon. He cannot be admitted to the Hall of Fame until after he has retired, and we hope that will not be for some time.

Ernie has always said that he will not retire until he has played in a world's series. I certainly hope he will not retire just as soon as he has played in a world's series. The 1970 Cubs are doing well this year, and could very well wind up in the series this fall. But they are a fairly young team, so they might need the seasoning—and hard hitting—of Ernie in the 1971 series, and a few more after that.

Mr. President, all Cubs fans hope that Ernie Banks goes right on making life miserable for another generation of National League pitchers.

One think is certain: Ernie Banks will always have a special place in the hearts of all Chicagoans.

## COMMENDATION OF GUAM BRANCH, NATIONAL INSTITUTE OF NEUROLOGICAL DISEASES AND STROKES

Mr. BURDICK. Mr. President, on February 3, 1970, the Legislature of the Territory of Guam adopted a resolution relative to commending the Guam branch of the National Institute of Neurological Diseases and Strokes for its extremely important research work in the debilitating and widely prevalent Guam diseases of amyotrophic lateral sclerosis—lytico—and Parkinsonism dementia.

I ask unanimous consent that the resolution as adopted be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

### Resolution by the Guam Legislature

Relative to commending the Guam Branch of the National Institute of Neurological Diseases and Strokes for its extremely important research work in the debilitating and widely prevalent Guam diseases of Amyotrophic Lateral Sclerosis (lytico) and Parkinsonism Dementia

Be it resolved by the Legislature of the Territory of Guam:

Whereas, the tiny territory of Guam is cursed with the highest prevalence in the world of two dire and dreadful disorders, one being Amyotrophic Lateral Sclerosis, locally known and feared as "lytico", a disease ultimately fatal after a painful and long protracted illness, and Parkinsonism Dementia, an apparently related disease equally debilitating; and

Whereas, in response to this tragicly high incidence of such nerve disorders, the National Institute of Neurological Diseases and Strokes has set up on Guam a research center to find out all it can about these diseases, their prevalence in Guam, their causes, their treatment, and hopefully, their cure, which research center has carried out its task with remarkable diligence and care, and although no cure for these diseases has yet been discovered, there is no question but what this center has considerably ameliorated the lot of those unfortunate persons suffering from these disorders in the territory; and

Whereas, since the diseases strike young and old alike and without any discernable pattern, it is a matter of extreme urgency that the research center continues its activity in seeking a cure, the thought of the victims of these diseases being without the care and attention of the Research Center being heartbreaking since their only hope is in the care and treatment they receive from the Center; now therefore be it

Resolved, that in view of the foregoing, the Tenth Guam Legislature does hereby on behalf of the people of Guam express the highest commendation and sincerest gratitude to the Guam Research Center of the National Institute of Neurological Diseases and Strokes for the magnificent and absolutely vital research work it is carrying out in the task of ultimately providing effective treatment and care for those terrible nerve disorders with a higher prevalence in Guam than anywhere else in the world, Amyotrophic Lateral Sclerosis and Parkinsonism Dementia; and be it further

Resolved, that the Speaker certify to and the Legislative Secretary attest the adoption hereof and that copies of the same be thereafter transmitted to the Secretary of Health, Education, and Welfare, to the Surgeon General, U.S. Public Health Service, to the Director, National Institutes of Health, to the Director, National Institute of Neurological Diseases and Strokes, to the Director, Research Center, Guam Branch, to the Chief, Epidemiology Branch, NINDS, to Guam's Washington Representative, and to the Governor of Guam

Duly and regularly adopted on the 3rd day of February, 1970.

James T. Sablan,
*Legislative Secretary.*
Edward S. Terlaje,
*Vice Speaker.*

## DISCHARGE OF WILLIAM WOESTENDIEK FROM WETA

Mr. DOLE. Mr. President, the firing of Bill Woestendiek as editor of WETA's "Newsroom" has generated a great deal of publicity, much of it critical of the station.

In order to gain some perspective, I obtained copies of minutes of WETA's last board meeting before Woestendiek was fired, the statement issued by the WETA executive committee following the firing and a dissenting statement issued by two members of the committee, and copies of editorials and news stories which immediately followed the firing.

In order that Senators may have the opportunity to read this material, I ask unanimous consent that it be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

WETA Television/26
*Washington, D.C., April 23, 1970.*

To Trustees of the Greater Washington Educational Television Association.

We are enclosing, for your prompt reading, preferably in the order listed, the following:

1. Minutes of the Board Meeting held February 11, 1970 (note page 3, Mr. Woestendiek's statement). These minutes will be approved at the Board meeting to be held May 20, 1970.
2. Statement issued by the Executive Committee of GWETA, following a Special Meeting held at 4 P.M. on April 22, 1970, in the Offices of the Federal City Council.
3. Corporation for Public Broadcasting News Release, April 20, 1970, "Public TV Viewing High".
4. Closing Statement by Mr. Kampelman on *Washington Week in Review*, April 23, 1970.

(Mrs.) Edmund D. Campbell,
*President.*

### The Greater Washington Educational Television Association, Inc.

In the absence of Dr. Kampelman, who had been unavoidably delayed, Mrs. Campbell called the meeting to order and suggested that items 1 and 4 on the agenda be reversed so that the report of the General Manager and the introduction of staff could proceed at once. Since there was no objection to this, Mrs. Campbell called on Mr. McCarter to give his report on Newsroom, WETA-FM, and the proposed new communications building.

Mr. McCarter described, as "the most significant happening at WETA", the final development of Newsroom, scheduled to go on the air Monday evening, March 16, 7:00 to 8:00 p.m. This will be a live, daily, Monday through Friday broadcast of news, with in-depth information and analysis. The program, as previously announced, is being supported for two years by grants from The Ford Foundation and the Corporation for Pubic Broadcasting. He introduced the Edi-

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tor-in-Chief of Newsroom, Mr. William J. Woestendiek, an editor of nationally known newspapers and magazines, including the Long Island, N.Y., daily *Newsday; The Houston Post; Think,* the I.B.M. magazine; and *This Week* magazine, a nationally syndicated newspaper supplement (ceased publication 1969).

Most recently, Mr. Woestendiek has been named the second recipient of the Corporation for Public Broadcasting Distinguished Fellowship Award.

Mr. Woestendiek explained the Newsroom operation in some detail and said that the program would be divided into two major categories, people and places. Showing a model (made by Dr. Jack Hunter) of the City Room as it will look in Studio A, he described how Newsroom would operate in this setting, explaining that the eleven reporters on the Newsroom staff will not all be on camera every night, but will be helping in some way with the program each night. Mr. Woestendiek said more than 200 applications had been received from reporters in the Washington area, and from other parts of the country. There has been great enthusiasm shown, not only from the people who have been hired, but from others who are not available for the program. Mr. Woestendiek named some of the reporters who have been employed:

Warren Unna, *The Washington Post.*

David A. Jewell, *The Washington Post.*

Victor W. Maerki, Managing Editor-News, WVNY-TV, Burlington, Vt.

Peter A. Janssen, Education Editor, *Newsweek.*

Mr. Woestendiek stated that they have encountered a problem in finding good black reporters and women reporters. Although they have received applications from several who are interested, definite commitments have not yet been made. A number of people have indicated an interest in appearing weekly or bi-monthly. They are:

Tom Wicker, *New York Times,* Associate Editor.

Paul Lisagor, *Chicago Daily News,* Washington Bureau Chief.

Hugh Sidey, *Time* Magazine, Washington Bureau Chief; *Life* Magazine, Columnist.

In response to Mr. Woestendiek's request for questions from the Board, the following ensued:

Q. Is the whole program going to be live?

A. Yes, it will be live, from 7 to 8:00 p.m., replayed at 11:00 p.m.

Q. Will you have videotape slots at one time or another?

A. Some of it will be taped, but we will have people coming into the studio to talk and, preferably, we hope to keep it live.

Q. Will it be almost exclusively national or exclusively local?

A. It will not be exclusively either. It will be a local program, since Washington news is local and a locally oriented newsroom, since it is coming out of Washington.

Q. Are we going to send it to EEN?

A. This has not yet been decided. It will begin as a local Washington newsroom.

Q. What will happen to WWIR?

A. Mr. McCarter answered that it will be completely untouched because of its popularity.

Mr. Woestendiek went on to explain the format of NEWSROOM and how it will work:

"The reporters will go out in the morning on a story that has been decided upon by the Air-Editor-in-Chief. Their material will be used to relate the whys-and-whats of the news of the day, usually with film and still photos, when available, to tell the story."

Dr. Kampelman noted that a liaison committee of the Board, chaired by Mr. Austin Kiplinger, had been appointed to work with the NEWSROOM staff. The members of the committee will be available to view the tapes of programs, to critique them, and to make suggestions. Mr. Woestendiek had to leave at this point to attend a luncheon meeting regarding a newsroom staff appointment.

Dr. Kampelman called on Mr. McCarter to introduce the report on the new building. He recalled that the NEWSROOM studio, as seen in the model referred to previously by Mr. Woestendiek, had been built within the walls of Studio A. Studio B, although small, must now accommodate all other "in-house" productions. The radio operation will be conducted from the Arlington tower site. Four new offices have just been completed in unused space on the roof of the present structure at 2600—4th Street, N.W. It is becoming imperative that plans get under way for the provision of more space. The staff and Hugh Newell Jacobsen, the architect who has drawn the preliminary plans for a building in the Southwest waterfront area of Washington, have made a study of an unused warehouse located on Grace Street, N.W., between M Street and the C&O Canal in Georgetown.

Mr. McCarter stated that we are now operating in approximately 25,000 sq. ft. of building, and, with newsroom and the radio operation, we should have approximately 75,000 sq. ft. of building to handle these operations. To Mrs. Mann's question as to how much space could be added at the present location, Mr. McCarter answered that, since Howard University owned the property, they alone could make the decision as to how much we could build on. There is, actually, very little land remaining between the buildings and the athletic field.

Dr. Kampelman stated that, besides the needs of WETA, there are three other major activities here in Washington that could be housed with us: 1) Public Radio; 2) the Washington Office of NET; and 3) Public Broadcasting Service. To the question, "How long before the 75,000 sq. ft. is needed?" Dr. Kampelman answered, "Right now. It had been hoped that a decision on site could be made shortly."

Another question, "Is potential expansion into the future a major consideration here?", was answered by Dr. Kampelman. "It is a consideration, but we should not be expanding much beyond this. We cannot have more than 2 TV stations and a radio station." Mr. McCarter elaborated on our pressing need for expansion, and added that we are keeping Mr. John W. Macy, Jr., President of CPB, informed as to the progress on building plans.

Mr. McCarter reported that WETA is moving right now on many fronts in the Washington community. Channel 26 is, indeed, a public communications nerve center: broadcasting for schools and for homes; speaking to the medical community; becoming an outlet for entertainment; a public service outlet; and, now, bringing news and news analysis. We have a TV station 8 years old; an FM radio station (the most powerful in this metropolitan area—75,000 watts), which will go on the air in a month; we are investigating the 2,500 megacycle field, which will probably play a major role in school broadcasting in the future; we have Channel 32 waiting for implementation and, in short, this organization has been plunged into the midst of the educational revolution taking place in the country. Mr. McCarter also reported that in January of this year, WETA had its largest membership contribution month in the history of the station—$50,000. Mr. McCarter cited the success of the televised City Council hearings (the number of people watching these hearings surprised everyone), and FORSYTE SAGA and Sesame Street have been spectacular successes. WETA has had its problems. There have been programs that people have not liked (our telephone log is our audience temperature indicator); and financing continues to be the magnificent potpourri of television.

Mrs. Campbell introduced Mr. Charles I. Cassell, newly appointed to represent the Board of Education, District of Columbia, on the Board of GWETA.

Dr. Kampelman introduced Mr. Lloyd McNeill, Jr., a new Board member, and welcomed Dr. George H. Williams, President of American University, to his first Board meeting. He also announced that the Executive Committee meetings are held on the second Wednesday of each month, and reminded the Board that the Executive Committee meetings are open to all Trustees.

Dr. Kampelman gave a report on the recent grants that have been made to WETA. The HEW grant of $88,000 for radio equipment; the NBC grant of $280,000 over a 5-year period (the first payment was made in December 1969, and the second in January of this year); the NEWSROOM grant from The Ford Foundation and CPB of $1,200,000 a year for a 2-year period; the renewal for the 3rd year of the INCO grant of $40,000, underwriting the Sunday program schedule. This grant is acknowledged by on-air announcements stating that the programs are brought through the courtesy of INCO. And, a grant from Eastern Airlines of $7,500 to underwrite the STOCK MARKET REPORT, shown each day, Monday through Friday, from 12 Noon to 1:00 p.m.

It was reported that the Executive Committee had reviewed the question of categories of contributing memberships, had decided to continue the $15 individual membership and $25 family membership, and to initiate a patron contribution category of $100 and a sponsoring membership of $1,000 a year. A discussion followed concerning the idea of going to business organizations for underwriting. No decision was made, but, it was generally felt that "WETA should be receiving more help from Washington business." Mrs. Campbell thanked those who had responded to her letter asking for contributions to keep SESAME STREET on the air on Saturdays, and reported that SESAME STREET will be on until the end of May.

Mr. McCarter reported that the Evening Star Broadcasting Company has an application to build a new facility and tower on Connecticut Avenue. WETA has indicated an interest in joint occupancy of this tower and has found the company sympathetic to the proposal—free use of the tower by GWETA, if and when they are able to construct it.

Correspondence, read by Mrs. Campbell, included:

(1) A letter from the brother of the late Paul Niven, Jr., closely associated with WETA as NET's reporter-correspondent, in which he quoted Paul's written comment:

"Here in Washington, the educational station has grown, despite the UHF handicap, from a shoestring operation to a highly professional one and a significant force in the community."

(2) A letter from Dr. Henry S. Robinson, Jr., Chairman of the Public Safety Committee of the District of Columbia City Council, thanking WETA for telecasting the Public Hearing on Marijuana on Saturday, January 17, 1970.

(3) Dr. John A. Sessions' letter of resignation from the Board due to the expiration of his term on the Board of Education, District of Columbia.

(4) A letter from Mr. McCarter extending a welcome on behalf of the GWETA.

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### Statement Issued by the Executive Committee of GWETA Following a Special Meeting Held at 4 P.M. on April 22, 1970 in the Offices of the Federal City Council

1. The Executive Committee of WETA unanimously expresses its confidence in Mr. William J. McCarter as Vice President and General Manager, and expresses its appreciation to him for his outstanding services to the community and the station.

2. The Executive Committee, by a vote of 11 to 2, approved and ratified the action of Mr. McCarter in relieving William Woesten-

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diek of his duties as Editor of WETA's Newsroom program.*

3. In arriving at his decision, Mr. McCarter properly consulted with the Chairman; with the Vice-Chairmen, Dr. Lloyd H. Elliott and Mr. Stephen Ailes; with Mr. Austin Kiplinger, Chairman of the Special Newsroom Liaison Committee, appointed by the Board of Trustees some months ago; and with Mr. James M. Mitchell, Chairman of the Trustees' Program Committee.

4. Mr. McCarter's decision was based on his judgment as to how best to preserve the independence, objectivity, integrity and reputation of the Newsroom program, and was in no way related to outside pressures or partisan political considerations. Nor was the decision related to any dissatisfaction with Mr. Woestendiek's performance as Editor of the Newsroom program.

5. Public broadcasting has a special responsibility, under Congressional mandate, to maintain a high standard of independence and impartiality, free of outside political or commercial pressures. Clarity is necessary as to proper standards in public broadcasting. The Executive Committee will appoint a special committee to consult with the staff and with journalists and other experts in the community and elsewhere, with the view of recommending a set of guidelines by which WETA, as a public television station, might judge any other similar problems that now exist, or may later arise, and which WETA can make available to avoid any future misunderstandings.

*Members of Executive Committee in attendance:* Mr. Stephen Ailes, Mr. Stuart Beville, Mrs. Elizabeth Campbell, Mr. G. Yates Cook, Dr. Lloyd H. Elliott, Mr. Ernest Feidler, The Hon. Patricia R. Harris—Dissent, Mr. Garfield Kass—Dissent, Mr. Austin Kiplinger, Dr. Wm. Stuart Nelson, Rev. Daniel E. Power, S.J., Mr. Mark Sullivan, Jr., Mr. William J. McCarter—Abstained, Dr. Max M. Kampelman—Abstained.

*Voting in absentia: Mr. James M. Mitchell.*

*Out of town:* Marcus Cohn, Esq., Mr. Laurence Wyatt.

*Members of the Board present:* Dr. Richmond D. Crinkley, Mrs. James H. Mann.

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### STATEMENT BY WILLIAM J. MCCARTER, VICE PRESIDENT AND GENERAL MANAGER OF WETA/CHANNEL 26, WASHINGTON, D.C.

The decision with respect to the NEWSROOM program was made by me as station general manager on my own responsibility and after consultation with station management and members of the NEWSROOM liaison committee of the WETA Board of Trustees: This committee is chaired by Mr. Austin Kiplinger.

The action would have been the same had a member of Mr. Woestendiek's family accepted employment of this nature with other national public officials, but especially anyone involved in national public policy.

Speculation as to political or other pressures touching this decision are completely untrue.

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### STATEMENT BY WILLIAM J. MCCARTER, VICE PRESIDENT AND GENERAL MANAGER OF WETA/CHANNEL 26, WASHINGTON, D.C.

William Woestendiek, editor of WETA's NEWSROOM, has been relieved of his active duties with that program pending further consideration of his status by WETA.

It has been announced that Mrs. Woestendiek was recently hired as the Press Secretary to the wife of a national public official and is on their private payroll.

We have great respect for Mr. Woestendiek, but this station's action was necessary to avoid any possible charge of bias or influence which might affect the program. The action was also necessary to avoid any relationship that might arouse public concern which could compromise the credibility of the program or its participants.

Effective Monday, April 20, Ben W. Gilbert, Associate Editor with the Washington Post will appear as Guest Editor of NEWSROOM.

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### STATEMENT OF GARFIELD KASS AND PATRICIA ROBERTS HARRIS, MEMBERS OF THE EXECUTIVE COMMITTEE OF THE BOARD OF TRUSTEES OF GWETA, APRIL 22, 1970.

We are in profound disagreement with the action taken by Channel 26 in relieving Mr. William Woestendiek of his responsibilities as Editor of Newsroom.

We believe that on a policy matter of this sort, involving an issue about which reasonable men may disagree, the Executive Committee should make a decision before definitive action is taken by the Station management.

We are in total disagreement with the reason given for relieving Mr. Woestendiek of his duties. The separate professional lives of spouses is a right to which both men and women are entitled, and we believe that Mrs. Woestendiek had the right to accept any lawful employment and that her husband had the right to retain his employment.

Whatever may be the spiritual union of man and wife, their professional independence must be protected, and Channel 26 had no right to interfere with this independence.

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[From the Washington Post, Apr. 20, 1970]

### WETA: LEANING TOO FAR OVER BACKWARD

Martha Mitchell, wife of Attorney General Mitchell, is given to moments of exuberance in which she has expressed herself vigorously, some would say excessively, on a variety of public issues, and in ways which we presume do not reflect considered administration policy. The Attorney General has been very good about this, in our view—not that it is necessarily any of our business. He has been loyal and relaxed, taking the view that there is no automatic connection between what his wife says or does as a private citizen and his role as a public official. Recently he hired a former newspaperwoman, Kay Woestendiek, as press secretary for his wife, presumably in an effort to help keep this distinction clear. Whereupon, Mrs. Woestendiek's husband William was summarily fired from his job as editor of WETA's "Newsroom" show, on the grounds that his wife's job with Mrs. Mitchell somehow endangered the show's "credibility." There is fine irony in this: Mr. Mitchell hires a press secretary for the presumed purpose of helping maintain the line between his public life and his wife's private life, and WETA sacks the press secretary's husband for fear that his professional life would be compromised by his wife's job.

"Every time there would be a story from that part of the administration," said William J. McCarter, general manager of the local public broadcasting station, "people would make the connection over and over. It would eat away at us."

Nonsense. WETA has every good reason to maintain its independence of mind. But if that is what it takes, its independence of mind must be in a pretty soggy state. It has been flatly denied that the decision was made under the influence of outside pressure, notably from Fred W. Friendly, television adviser to the Ford Foundation, which supports the "Newsroom" show. The finger points, instead to pressure from the WETA staff. But this only makes it worse; assuming that it was an inside job, the decision was still Mr. McCarter's and what he is saying, in effect, is that WETA cannot keep its balance unless it controls the wives of its employees. In our view, President Nixon made a lot more sense on this same issue when he declined, after one of Mrs. Mitchell's more outspoken contributions to the public dialogue, to take responsibility for the wives of members of his cabinet. In these matters there are sometimes hard choices—between what people will think and what is right. James Thurber had it about right in the moral he wrote to one of his famous fables. You might just as well fall flat on your face, he said, as lean too far over backward.

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[From the New York Times, Apr. 20, 1970]

### MARITAL CENSORSHIP

Even if this were not the year of women's liberation, there would be a ludicrous quality to the controversy that led to the ouster of William Woestendiek as editor of a news feature program on Washington's educational television station. The station says it feared a "conflict of interest" was created by the decision of Mr. Woestendiek's wife to go to work as press secretary for Mrs. Martha Mitchell, the outspoken wife of the Attorney General. Establishing such a guilt-by-marriage standard is as silly as it is outrageous. Someone ought to educate the educational TV officials responsible in common sense.

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[From the Washington Evening Star, Apr. 21, 1970]

### THE FLAP AT WETA

In firing William Woestendiek as editor of "Newsroom," the managers of WETA got confused about two things: A man and his wife.

Woestendiek was discharged because his wife took a job as press agent for Martha Mitchell, wife of the Attorney General. Woestendiek's bosses were embarrassed about this, fearing for the "credibility" of the foundation-supported experiment in news broadcasting. There was no hint that Woestendiek's own handling of the news was affected or was likely to be affected by his wife's choice of employment. If Woestendiek had been regarded as so pliable, he would not have held the succession of responsible news positions he has had.

So it was the matter of appearances that bothered WETA. The controversy that Mrs. Mitchell's utterances regularly provoke was seen as rubbing off on Mrs. Woestendiek and, in turn, on her husband and the television program. WETA in this view, should avoid not the real possibility of a conflict of interests but the vague appearance of such a possibility. The better to fend off evil-minded critics.

WETA, in holding Woestendiek to account for his wife's method of earning pin money, accepted the ancient myth that wives are extensions of their husbands, doing only what they are told. It's an idea that was out of date at the time of Adam and Eve. In this age of aggressively liberation-minded women, the old-fashioned concept is downright dangerous.

The rulers of WETA should treat Woestendiek as an individual—married or not—and reconsider his status. This would be more in keeping with an effort to chart new ways in broadcast journalism.

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### THE FLAP AT WETA

SIR: I wish to correct a serious error in recent news stories implying that I urged the management of WETA to fire Bill Woestendiek as editor of Newsroom after his wife accepted a job as Martha Mitchell's press secretary.

Throughout last week the only thing I urged the management of WETA to do was to reach a decision on a very difficult issue as quickly as possible. As long as the issue remained unresolved, the morale of Newsroom was subject to erosion. I personally believed that Mrs. Woestendiek's job presented a conflict of interest with her husband's job—and I regret that the Woestendieks were unable to resolve the conflict themselves.

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*See attached Statement of Garfield Kass and Patricia Roberts Harris.

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To my mind the situation here was very special. First, WETA is a public broadcasting station, with a particular charge to remain impartial and fair in its news treatment. Second, Newsroom was a new program and needed to establish its own credibility. Third, Martha Mitchell was a controversial news personality in her own right, with a reputation for trying to influence news and public policy. Fourth, Mrs. Woestendiek's job was "press secretary"—presumably she would be working directly with the news media.

Because of the combination of these circumstances, I believed that there was a journalistic conflict of interest—adversely affecting Newsroom—as long as Mrs. Woestendiek remained in her job.

Peter A. Janssen.

The Greater Washington Educational Television Association, Inc.

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Sir: In your editions of April 22 you carried a story by Star staff writers Jack Kneece and Ronald Sarro regarding the previous night's broadcast by the WETA Newsroom staff about the firing of editor William Woestendiek.

The story said that Woestendiek's ". . . firing was pushed by two of the program's staffers, Peter Janssen, 33 and David Jewell, 34."

This is inaccurate and untrue.

Inaccurate because this was not, as your report stated, "a salient part. . ." of the program.

Untrue because Janssen and I did not push for the firing of Woestendiek.

What we did was to urge the management of the station to "resolve" the problem of conflict of interest that we and seven other staffers agreed existed regarding Woestendiek.

This is precisely what we said on the broadcast, nothing else.

The notion that a staff reporter, or even two staff reporters could somehow engineer the firing of a top editor, is, to my mind, a romantic one.

David A. Jewell,
*WETA, Inc.*

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Sir. Your TV critic, Bernie Harrison, showed much more wisdom and perception in commenting on "The Flap at WETA" than did your editorial writers.

Mr Harrison correctly pointed out that television—particularly public television—has a unique responsibility to avoid even the slightest potential conflict.

No one has questioned Mr. Woestendiek's integrity, but I certainly question his judgment. I do not see how even the most inexperienced reporter could fail to see that when Mrs. Woestendiek took the job with Mrs. Mitchell, she was inevitably compromising Mr. Woestendiek's position and that of Newsroom, a potentially outstanding program.

Much more could be said, much of which has been sloppily reported in the press. The point which Mr. Harrison perceived and your editorial writers did not is that appearances are important—and they should be.

Hal Price.

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Sir. Bernie Harrison asserted that "public television carries a unique responsibility to avoid all possible conflicts, slight as they may seem to be, and establishing this as a value (as educational television ventures into the news area) is fundamental. It was an unhappy thing to have to do, but—in this reporter's judgment—necessary."

Question? Why is it more necessary for educational television to avoid all possible conflicts in the news area than it is for commercial TV or for newspapers, for that matter?

If Mr. Woestendiek had a conflict (which I don't believe he had) why then doesn't WETA fire Walterene Swanston, whose husband works for Senator Cranston, and remove from his job as a news program moderator Max Kampelman, who has been actively engaged in Democratic politics for a number of years?

I believe Mr. Harrison should speak to these matters, also, in the interests of consistent, if not objective, reporting.

Barbara Estridge.

Chevy Chase, Md.

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Sir. If the present self-generated furore going on at WETA buries it, it will have been worthwhile.

I saw about a 15-minute portion of a discussion of a group of movie producers on WETA. I accidentally wandered into it because William Buckley was on the program. If I were to relate any part of the discussion, your newspaper would consign the letter to the waste-basket. It was not fit for print nor was it fit to be considered a part of any television program. If they call that kind of programming educational—it is no wonder the kids can't read.

Mrs. Alice T. Deisroth.

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Sir. The firing of Woestendiek is yet another example of the power of a select few liberals in dictating the policies of our news media.

It is not enough to insist that all employes be liberals; now they are not even allowed to marry people of possibly conflicting opinions.

Is this called freedom of the press?

Janet D. Lapey, M.D.

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### The WETA Dismissal

You suggest that TV station WETA was "Leaning Too Far Over Backward" when it relieved William Woestendiek from active duty as editor-in-chief of its sensitive "Newsroom" program because his wife accepted a job as press secretary to the ebullient Martha Mitchell.

Do you really think that The Washington Post would have retained its own executive editor in his sensitive position under similar circumstances? Not really!

Edmund D. Campbell.

Washington.

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I am amazed and disgusted that WETA–TV has reportedly "relieved" an editor because of his wife's employment. It is reprehensible enough when a man is persecuted for his own political views (as opposed to his actions). But WETA has carried the process a step further! What business is it of theirs what any of their employees' spouses do, so long as it is legal. McCarthyism is obviously not limited to the right wing.

Barry T. Crickmer.

Falls Church.

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Did pure partisan pique prompt WETA–TV to fire William Woestendiek after his wife was hired by Martha Mitchell, as some Republicans have inferred? My experience suggests not. It is possible that the station's management meant what it said in essence: "Newsroom" personnel shall not be "compromised" by any taint of political affiliation.

When Woestendiek and company were recruiting staff, I presented my credentials as a seasoned newspaperman and free-lance writer. But I also mentioned having campaigned for Senator McCarthy and Senator Morse in '68. WETA replied that my "political identification" disqualified me from being considered for the new panel. The station did not want to gamble on hiring anyone who could be accused of "bias."

I'm of the mind that WETA's policy is self-damaging, prejudicial, pusillanimous and silly, for several reasons. (WTOP–TV's Frank Mankiewicz has proved that political work doesn't turn an experienced journalist into a partisan propagandist for the rest of his days. Conversely, political virginity assures neither reportorial independence-of-mind nor competence. And, let's face it, "absolute objectivity" doesn't exist anyway.) But WETA executives deserve some credit—if only for continued consistency—in demanding their staff stay as professionally chaste as Caesar's wife, especially when they might incur the wrath of Mitchell's.

Philip Kopper.

Washington.

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[From the Washington Daily News, Apr. 21, 1970]

### Kids Stood Up To Be Counted

(By Jack Mann)

Channel 26, which to its everlasting credit also presents Sesame Street, last night presented "a thoro, professional journalistic report" on why Bill Woestendiek was fired as editor of its experimental news broadcast, Newsroom.

At the end of the hour Mr. Woestendiek was just as fired, for what he called "guilt by marriage"—his wife's employment as press aide to Martha Mitchell, wife of the U.S. Attorney. But Mr. Woestendiek felt better about it.

He felt that he had enjoyed an exhilaration permitted few men: that his truth had gone marching on.

"They said my wife's job compromised the program," Woestendiek said. "Now I know it can't be compromised. Those kids stood up to be counted."

#### ON THE LINE

The first of the kids who stood up was Columbus Smith, who is 26 and covers things like sewage disposal. He had listened while two members of the staff Woestendiek put together recited how Martha Mitchell had "emerged as a strong public figure," and how Mr. Woestendiek conveyed "an almost studied indifference" to the conflict-of-interest peril that was obvious to the WETA management.

Obvious, at least, to staff reporters Peter Janssen and David Jewell, who volunteered at a staff meeting yesterday morning to do the obsequies on Mr. Woestendiek. Mr. Jewell capsuled Mrs. Mitchell: she took a stand in favor of abortion; somebody called her "our female Spiro Agnew"; she called in the night for the crucifixion of Sen. Fulbright.

"It was the sense of the staff," Mr. Janssen said, "that there was a problem. We felt we were compromised."

Columbus Smith, who held his cool as a Green Beret first lieutenant for a year in Vietnam, but perspires under the hot lights while delivering a report on reconversion of sewage into drinking water, held still while Mr. Janssen told of an "increasing crescendo of Martha Mitchell stories . . . gabby things."

Staff reporter John Morton was to say later that there had been undue emphasis on "the irrelevant parts of Mrs. Mitchell . . . the silly, talky things," and Ben Gilbert, Mr. Woestendiek's successor as moderator of the panel, was to say that they were relevant because Mrs. Mitchell was in the papers and would continue to be.

But none of this was to happen until Columbus Smith, who was sitting there "thinking it was a filibuster," and being "real close to quitting, right on the air," broke his silence. That happened when Mr. Janssen found "irony" in the fact that Sen. Fulbright, whose crucifixion Mrs. Mitchell had sought, joined the protest of Sen. Mark Hatfield, R.-Ore., against Woestendiek's dismissal.

(Smith resigned this morning. His letter of resignation expressed "ranking doubts as to the qualifications of Channel 26 to be in the news business.

("It has never been made clear enough by the management," the letter said, "that the firing was not politically motivated. Regardless of motivation, the move was a tremendous, insensitive overreaction which has totally undermined my confidence in the station.")

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He had asked at the morning meeting, Mr. Smith said in a slightly quavering voice, that Mr. Woestendiek be included in the broadcast. "There are at least five of us," Mr. Smith said, "who asked that Bill not be fired. . . . The two most violently opposed to him gave this report. . . . That is most distasteful to me. . . . Is Martha Mitchell an enemy of Newsroom, or just a public figure?"

"It is obvious," Mr. Jewell said, "that we (he and Mr. Janssen) were the only ones who pushed for a decision by the management."

An intra-WETA source had said that a secret ballot would have resulted in a vote of 7–3, perhaps 8–2, in favor of keeping Woestendiek. The estimate seemed realistic as the silent majority around the table was heard.

"I don't like the idea that these two people did the story," Vic Maerki said, "but they did a good job."

Steve Northrup, as young as Columbus Smith, said the firing was "a grievous mistake." He mispronounced "grievous," but he said it twice.

Warren Unna said he considered Kay Woestendiek's job "screwy, nutty," but added that a man didn't have the right to control his wife. WETA's work, he said, should be a function of "our own credibility and integrity."

"Guest editor" Gilbert agreed: "We should be judged by what we put on the air."

"That's the standard I wanted to be judged by," Mr. Woestendiek said after viewing the program.

Of the report of "staff pressure," reporter Walterene Swanson said: "I didn't know it existed."

"That this was a staff consensus was not true," said Rudy Pyatt.

"It's beautiful," Mr. Woestendiek said. "The staff couldn't have thrown me a champagne party that would have made me feel more bubbly. The show isn't mine any more, but I know it's a good one, because it's a good staff. That's satisfying."

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## "Pressure" Is Denied in WETA Firing

(By John Mathews)

The general manager of WETA, Channel 26, yesterday labeled as "untrue" reports that "political or other pressures" led to the dismissal of the editor of the educational television station's experimental "Newsroom" program.

The editor, William Woestendiek, was "relieved" of his duties because his wife, Kay, was hired April 10 as the press aide for Atty. Gen. John Mitchell's outspoken wife Martha.

Four other participants on the program, upset at Woestendiek's firing, turned in their resignations yesterday, United Press International reported. They are Tom Wicker, associate editor of The New York Times; Hugh Sidey, White House correspondent for Life magazine; Bonny Angelo, Time magazine; and Charles McDowell, Jr., Richmond (Va.) Times-Dispatch.

Walter J. McCarter, WETA's general manager and vice president, said in a statement yesterday that the same action would have been taken if a member of Woestendiek's family had "accepted employment of this nature with any national public official, but especially anyone involved in national public policy."

The general manager said the decision to fire Woestendiek was made after he, McCarter, met with the station's general management and a board of trustees committee headed by publisher Austin Kiplinger.

McCarter acknowledged, however, that before making his decision he had consulted with Fred W. Friendly, former CBS producer and an official of the Ford Foundation, which supports the Newsroom program, and with Max M. Kampelman, Washington lawyer and lobbyist who is chairman of the WETA board and a close associate of former Vice President Hubert H. Humphrey.

The general manager said Friendly had called him and made no recommendation on the possible conflict of interest situation.

### AWARE OF SITUATION

McCarter said Kampelman, vacationing in the Virgin Islands, was aware that the situation was developing and "might have leaned the other way" regarding the firing of Woestendiek.

There had been speculation among staff reporters of the Newsroom program that Kampelman, closely identified with the Democratic Party, had a part in acting against Woestendiek because of his wife's connection with the Republican administration.

Sen. Mark Hatfield, R-Ore., yesterday cused the station of undermining freedom of the press and applying a "double standard since other members of its staff and the station's board have ties with the Democratic leadership."

The station's 67-member board has a number of former Johnson administration appointees including Stephen Ailes, a board vice chairman who formerly was Secretary of the Army. Several board members, however, are Republicans.

Hatfield went on to charge that the firing of Woestendiek also "puts WETA in the position of setting out to punish the attorney general's wife, and that this is outrageous."

He concluded that the "quickest way to destroy public support for educational television is to intimidate or fire newsmen and executives for political reasons."

Yesterday, Woestendiek said he would not accept another assignment from the station.

"It's not easy to give up a $50,000-a-year job, because you think there are certain basic individual human rights human beings must have," Woestendiek said.

The station yesterday was bombarded with telephone calls from viewers, who according to one source, overwhelmingly criticized the firing.

In a telephone interview, Friendly acknowledged that he had talked with "both parties" to the issue, but had made "no decision or recommendation."

### BIG FORD GRANT

Ford has given nearly $1 million in grants to support the experimental program on which reporters and an editor discuss news stories. Friendly said that once a grant is made the local station has full control.

Mrs. Woestendiek, formerly women's editor of the Houston Post, was hired by Mrs. Mitchell as a press aide following a controversial call by the attorney general's wife to the Arkansas Gazette.

McCarter said he felt it would be appropriate for the Newsroom program, now headed by "guest editor" Ben W. Gilbert, who resigned Tuesday as associate editor of the Washington Post, to have a full report on its Monday night show of the Woestendiek firing. "I think Bill should be invited to appear," he added.

The program is seen weeknights at 7 p.m. and is rebroadcast at 11 p.m.

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[From the Washington Post Apr. 25, 1970]

## Where Was the "Pressure"?

(By Lawrence Laurent)

"Newsroom," the controversy-scarred television experiment at Channel 26, still has 22 months to run under a new editor. The change of editors, from William J. Woestendiek to Ben W. Gilbert, came after 26 programs and was "the most agonizing decision I've ever had to make," says the station's vice president and general manager, William J. McCarter.

The agony began April 10, when Woestendiek's handsome, blond wife, Kay, accepted a job as press secretary to Martha Mitchell, wife of the Attorney General. Almost daily, for the following week, McCarter asked Woestendiek to resolve a "conflict of interest" between the editor's job and his wife's job.

McCarter is a soft-spoken executive with a reputation for gentle persuasion. But he couldn't budge Woestendiek, who said—and still says—no conflict existed.

What deepened the controversy and set off high speculation was McCarter's own attempts to explain the decision to "relieve" Woestendiek. On at least three occasions, he used the phrase "outside pressure" as one of his reasons.

At Channel 26, where a major source of operating funds is donations from the public, the phrase "outside pressure" usually means "public response," either by telephone or by mail. To McCarter, it also meant "pressure" on "Newsroom" reporters who said they were being teased about Mrs. Woestendiek's job. Reporters also complained to McCarter that news sources were drying up because of the "conflict of interest."

What is clear, by now, is that the "outside pressure" came neither from the "Newsroom" source of funds (the Ford Foundation) nor from McCarter's main source of authority (WETA board chairman Dr. Max M. Kampelman).

Both Dave Davis and Fred W. Friendly of the Ford Foundation declined even to offer advice to McCarter. Friendly told him, "It is a station matter."

Kampleman advised McCarter to delay the decision. "Hold your horses," he said, and wait to see if Mrs. Woestendiek's job actually did affect the "Newsroom" editor's news judgment.

McCarter's top executives, program director Dr. Jack Hunter and news director Lincoln Furber insisted that Woestendiek must resolve the "conflict" and quickly. "I felt," McCarter recalled, "that the entire future of public television was riding on my decision."

McCarter consulted at least five members of his Board of Trustees. The strongest view came from editor-publisher Austin Kipplinger, whose father, the late Willard M. Kipplinger, was mainly responsible for the creation of WETA-TV.

Kipplinger insisted that all "Newsroom" personnel must be "free from any suspicion of bias, based on any personal or family involvement with sources of news." He added that all journalists must separate participation in an event from reporting the event.

McCarter has been living in physical pain for the past four weeks, the result of surgery to repair the achilles tendon in his right ankle. He is in a cast and hobbling, painfully, on crutches.

The decision to "relieve" Woestendiek was also painful, but he made it and he made it alone.

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[From the Evening Star, April 29, 1970]

## "Newsroom" Firing Poses Foundation Trouble

(By Richard Wilson)

A $50,000-a-year newsman for the local educational television station, WETA, has been fired because his wife went to work as a public relations woman for Mrs. Martha Mitchell. Conflict of interest was supposed to be the reason.

This has caused a tremendous flap in media circles but for other reasons the discharge of William Woestendiek, editor of the station's "Newsroom," came at an extremely inopportune time for the big foundations. The Ford Foundation is one of the supporters of WETA and its TV adviser, Fred W. Friendly, has told a House subcommittee that he had nothing to do, as was originally thought, with firing the husband of Martha Mitchell's press agent.

As it happened, certain influential officials in the Nixon administration, apparently with the President's encouragement, were at the time beginning to burn with indignation over foundation-financed "sharp-shooting and second guessing" of the Republican administration in Washington.

The firing of Woestendiek was taken as confirmation that the intellectual and political climate fostered by foundation financing is hostile to the administration. It goes farther than that. Some of the President's advisers think that Democratic castouts from the Kennedy-Johnson era have found haven in foundations, universities and international organizations, from which protected positions they have launched a tax-exempt assault on the political, economic and social structure of the country.

They are accused of clandestine political activities, and writing books and articles and turning out speeches for their allies on Capitol Hill in a concerted attempt to blacken the administration and promote a series of liberal causes ranging from unilateral disarmament to the advancement of educational television and dissolution of the military-industrial complex.

A good deal of research data has been drawn together to show that such accusations are well supported. This should be useful to the Treasury Department in drawing up regulations to implement the new limitations voted by Congress on foundation financing of politically related causes and institutions. So it is plain that the WETA officials could not have picked a worse time to protect their intellectual purity from any subtle marital taint by the wife of the attorney general secondhand.

Mrs. Mitchell, it has been pointed out, might well have been equally as concerned that the husband of the press agent who was supposed to protect her was directing news from educational television.

Whatever the merits of that controversy, it does serve to bring to public attention the impressive emigration of the Kennedy-Johnson clique into the shielded and well-heeled cloisters of the privately controlled educational and charitable foundations.

We start right at the top with Robert S. McNamara, president of the World Bank, who is a trustee of both the Ford Foundation and the Brookings Institution and an honorary associate of the Kennedy Institute of Politics.

The list becomes much longer and includes dozens of former officials in the Ford Foundation, the Brookings Institution and other establishments which are offering critiques on national policy which sometimes send Nixon up the wall.

Some of the Nixon people call the foundation experts a "shadow government" and the "academic-foundation complex."

Poor Woestendiek, having gotten used to a $50,000-a-year job, need not despair. A foundation may come along to finance his celebrations but he probably wouldn't like the work as well with H. L. Hunt, the Texas defender of our freedoms.

## DECLINE OF THE MERCHANT MARINE

**Mr. MAGNUSON.** Mr. President, I have frequently expressed my grave concern about the decline of our merchant marine. Many Senators share that concern and, as was discussed on the floor last week, it now appears that we have taken action to enhance our maritime capability and restore this Nation to its rightful position on the seas.

However, the segment of our merchant marine that is perhaps in the most serious trouble is the passenger fleet. Most of our passenger ships are laid up, and this will result in a loss to the Nation of an important defense resource, a favorable item in our balance of payments, and many job opportunities. The administration's proposed new maritime program does not include our passenger fleet. On the day the program was announced last October, I urged the Secretary of Commerce and the Maritime Administrator to spare no effort in attempting to develop solutions for this grave problem. They assured me that they would do so. In the meantime, the Committee on Commerce has developed some measures which have subsequently become law and will provide some limited relief to our remaining passenger ships.

The importance of passenger ships to our national security was recently highlighted by a thoughtful article in the April 1970 issue of Navy, the magazine of the Navy League of the United States. The author of the article, Dr. Robert Kilmarx, is the Director of Soviet Seapower Study, Center for Strategic and International Studies, Georgetown University. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### U.S. PASSENGER FLEET—THE BROKEN LINK

(By Robert Kilmarx)

In the 1950s, when the strategic concept of "massive retaliation" was the order of the day, and conventional forces were relegated to a distinctly secondary place, America's passenger fleet was strong and many elegant liners plied the trade routes. In the 1960s when the shift was made to a flexible strategic force, with the emphasis being placed on non-nuclear response, the very ships necessary to transport that response were, in increasing numbers, being laid up, or deactivated.

It is a grim, and dangerous paradox that when we did not plan to use them there were over fifty U.S. flag passenger liners in operation, but now, when we are very much in need of them there are only 13; and in a few years there very likely will be none.

First to become idle was the American Export-Isbrandtsen Lines liner *Atlantic* in October 1967. She was joined in August-November 1968 by the *Constitution* and *Independence*. Then Moore-McCormack laid up the *Argentina* and *Brazil* in September of 1969. Finally, in November, the majestic *United States* was placed on the inactive list. Today, they lie lifeless at out-of-the-way piers in Baltimore, Jacksonville and Newport News, their hope for future use at best uncertain.

The *Independence* and her sister liner the *Constitution* sailed lucrative routes to Europe and to the Mediterranean during their heyday; the *Independence* carried 1080 passengers and a crew of 580—the passenger list was usually full. Now, only a crew of two lives aboard. Her withdrawal from service came at a most inopportune time, occurring just as Soviet penetration of the Mediterranean by political, economic, military and psychological means was going into high gear. This is not an isolated situation, quite the contrary, it has been a sad pattern of commercial retreat when a strong posture was needed.

#### FEW OPERATING

The only U.S. flag passenger ships still operating in the east coast are the Grace Line's *Santa Rosa* and the *Santa Paula*, each of which can carry only about 300 passengers, and four smaller ships capable of handling 125. Part of the reason these ships are able to operate lies in the fact that they are not truly "luxury liners," although they are most comfortable, since they carry cargo as well as people. Even such combination ships have had problems, for they too are required by law to adhere to specific routes.

Cruise shipping, which would seem to be the answer, is impossible on a full time basis, for without a definite route schedule ships are not eligible for government subsidy, and without subsidy they cannot remain economically feasible. Hence, great liners tied up at piers.

On the west coast the story is the same, although one ship, the Matson Lines *Lurline* operates without subsidy—the only American flag vessel to do so from either coast. Oceanic Steamship Company, a Matson subsidiary, still sails two combination ships to Australia and American President Lines has three combination ships operating from the west coast. The sands of time are running out, however; these ships have not been operating on a year round basis and one has already been sold.

#### NO PROVISION

The future holds out little hope for improvement since President Nixon's proposed legislation for our Merchant Marine, which may soon be enacted, does not contain any provisions directly relatnig to the U.S.-flag passenger ship industry. To the Administration passenger ships pose a disturbing dilemma, for management feels that they have beccme an economic liability. To continue their operation is only to sustain intolerable losses—counting government subsidy, the losses in 1968 totaled $60 million. These losses have been produced by high operating costs and the failure to achieve parity with foreign competitors through operating subsidy, as well as the lack of suitability for cruising, under existing statutes. Nothing short of amendment of the 1936 act, which established the present subsidy structure will resolve the problem and there is strong political opposition to such a move in some quarters. The result is that the United States, at a time when it needs passenger ships not only for commercial, and "show-the-flag" reasons but for very valid defense reasons, finds itself locked into a system whose change would create great political problems.

As important as labor and other operational costs, as well as statutory restrictions have been in producing the problem, by far the most devastating onslaught to America's passenger fleet has come from the country's commercial aviation—which transports people for less money more quickly. That "quickly" is not necessarily a virtue is obvious in the cruise trade, but still must be considered on a point-to-point liner.

Fewer than 15 per cent of all travelers on the North Atlantic route went by air in the 1950's. Since then, with the availability of jet aircraft the figures have reversed—and are even worse—passengers ships on this route now carry only a 7 per cent share of this travel market.

#### NATIONAL NEED

Clearly, without commercial justification, the only basis remaining to continue the operation of passenger ships would be a national need declared by the federal government, to insure that sealift is at hand to transport our armed forces in case of a future conflict.

Arguments about the contribution of the U.S. flag passenger ships to the United States' image abroad, to our national prestige, to our balance of payments or to other less tangible values of state apparently have not proved persuasive enough to bring change. There is, however, one argument that must be persuasive enough if we are to fulfill our defense requirements—these ships are necessary to move troops and the materials those troops need.

The Department of Defense, however, has not come to the passenger fleet's aid and has not offered military justification for insuring the availability of these ships and their replacement in the years ahead. This is attributable primarily to the still prevalent belief, inherited from Secretary McNamara's administration, that air transport can satisfy anticipated requirements supported by

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limited sealift that may be obtained from the Military Sea Transportation Service, the National Defense Reserve Fleet (NSDF) and chartered foreign vessels.

The subsidiary concept of "effective control" of foreign flag vessels, that are not U.S. owned, only chartered was fostered by McNamara while Secretary of Defense and unfortunately, its ghost still haunts the corridors of Congress and the Pentagon. This, despite the overwhelming evidence that the tenuous ties of a charter arrangement do not meet the sound needs of defense planning. The validity of the argument against "effective control" receives daily reinforcement from the actual experience of the Viet Nam war. It is also worth remembering that when in 1967 the Suez Canal was closed airlift measures were not sufficient and cries went out for help from foreign vessels.

These experiences make it clear that there are absolute defense needs which can only be met by ships wholly owned by, and available to, the United States to meet the contingencies of mobilization at whatever level they occur.

The U.S. passenger fleet, with its capability to move troops is a definite part of this picture, and its increasing malaise a subsequent weakness in the defense network. The threatened demise of the U.S. flag commercial passenger ship industry puts a difficult burden on Department of Defense planners. For a while they may count on the U.S. passenger ships now tied up at U.S. docks—most of them are in good condition and have been adequately maintained. The ships, however, are aging. The *United States* and *Independence* are about 20 years old. The *Argentina* is even older having served as a troopship in World War II before undergoing conversion to a liner starting in 1947. Should the industry conclude there is no future possibility of a profitable commercial market for their utilization they may end up as floating hotels or in the Reserve Fleet, or attempts may be made to sell them abroad. In any case, they would not be readily available in an emergency.

### NO REPLACEMENTS SEEN

No replacements are in sight. The Maritime Administration seems disposed to permit their passing, looking to the day when further subsidies for passenger ship operations would not have to be paid. Also the Maritime Administration does not seem inclined to grant construction subsidies for replacements, and ship purchases from abroad with subsidy are illegal.

The Military Sea Transportation Service will not provide the answer in the 1970's. Only three transport ships (TAPS) are presently operational in MSTS. There are about 16 additional TAPS in the Maritime Administration Reserve Fleet, or in the process of being transferred from MSTS. After having been employed in carrying Allied troops, these 3 ships are also to be deactivated after the Viet Nam war to join the NSDF, this means they would not be ready for 90 to 120 days. Their reactivation would require extensive warning time in case of a future crisis—time that will not exist. The experiences of Viet Nam revealed that many National Defense Reserve Fleet ships were in worse condition than expected and crew shortages and subsequent delays also have been a continuing problem. There is no reason to think things would be easier in the future. The aging NSDF is a disappearing asset (it is now about 25 years old). By 1978, it may be no more. The interests of the Military Sea Transportation Service for follow-on vessels, too, have run into major problems, partly because of budgetary constraints and industrial concern about government competition.

At the same time as the passenger capability has dropped our amphibious forces have been hard hit. Active amphibious sealift ability has been markedly reduced because of budgetary cutbacks. A number of the U.S. Navy's LWAs, LPAs, LSDs and LSTs are being deactivated or scrapped during the fiscal years '70–'71. The Navy's amphibious sealift capability, therefore, is being reduced from two marine expeditionary forces to about 1 and one-third. It will be some time before new LHAs are available, thus the danger exists of a major gap in quick reaction, amphibious sealift performance, as well as follow-on seaborne logistic support, especially to areas of the world where port facilities might not be adequate. There it might be essential to have barge-type ships, with roll on-roll off capability, carrying 800 to 1000 troops or more with organic equipment.

### MAIN "TRADES"

The sealift capability from many of the new commercial containerized ships also is restricted because of their non-self-sustaining characteristics. They are designed primarily for the major trade routes and not for carriage to underdeveloped countries. Even with the incorporation of defense features, as is planned, their role may be markedly restricted unless guided by a comprehensive Department of Defense sealift program for the 1970's.

One of the problems is adequate DOD sealift planning: planners apparently have not effectively tackled some key issues of strategic mobility. As Vice Admiral Lawson P. Ramage told the Naval War College on 6 February, 1969, ". . . I have been appalled in recent months to discover how many senior officers of all services particularly those who are intimately concerned with forward planning, have no real conception of the problems of moving troops and equipment to the objective area."

A number of Pentagon military planners agree that some measure of sealift is essential, but they worry about where it may come from in the years ahead and cannot estimate how much will be required with high confidence.

### AIRLIFT INADEQUATE

In spite of the availability of C–141 and C–5 air transports, the adequacy of an "airlift only" doctrine in the new military strategy is seriously questioned by many knowledgeable military spokesmen. Contingencies that can be envisaged might call for the employment of U.S. military forces under circumstances in which the landing of troops by air and their marriage to unit equipment in the theatre might not be feasible. Insuperable problems may arise because of the vulnerability of the aircraft and of the landing sites, or their lack of availability; problems of overflight rights and the requirements of supporting logistic bases in nearby territory may arise. The very magnitude and character of required operations may preclude airlift alone.

A further reason for concern is the inadequate support in Congress for forward floating deployment of military equipment. Approval for Fast Deployment Logistic ships was never obtained, and the danger even exists that the forward base supplies that have been used up in the Viet Nam war will not be replaced. The problem will be compounded as more of our forces are withdrawn from the Far East and Europe.

There seems to be ample justification for the comments about sealift contained in President Nixon's foreign policy statement. When he was discussing NATO strategy in his statement, "Strategy for Peace" last month, he included the following, "Questions have been raised concerning whether, for example, our logistic support . . . our airlift and sealift capabilities are sufficient to meet the needs of the existing strategy." The answer to these questions may be "not sufficient" but the difficulty may turn out to be the strategy.

### COUNTER-REACTIONS

Since the operational meaning of a particular strategy is dependent upon capabilities, constraints such as these are alarming—and symptomatic. They could markedly limit not only our willingness to defend our allies but even our capabilities, if the will could be found. In the case of some of our allies and friends, such constraints could help to create counterreactions. They could be forced to decline to act in their own defense with inadequate means. They may accommodate to threats so that hopeless defense efforts would not be necessary. Some might even turn to the Soviets for assistance.

The fact that the Soviet Union now is at least equal and probably will become superior in some measure in strategic offensive, nuclear warfare capabilities puts an increased burden on the current credibility of conventional forces, supported by sealift. These should not be wanting. Serious danger exists that the Soviets, mindful of the changing military balance and suffering from ideological hardening and unstable, weak political leadership, may seek unanticipated opportunities for quick international political gain, when no response from the United States is expected. For the Soviet Union is turning more to an external global policy, while U.S. priorities are turning inward.

Flexible response in many contexts could thus become a hollow shell. The prospect of denial of conventional military options to the President in future contingencies and the political price that may have to be paid for such denial should be cause for great concern. Insufficiency even in sea transport can undermine a successful "Strategy for Peace."

## SENATOR JAVITS PRAISES NATIONAL TV PRESENTATION ON VIETNAM BY SENATORS GOODELL, HATFIELD, McGOVERN, CHURCH AND HUGHES

Mr. JAVITS. Mr. President, the compelling and reasoned articulation of the critical need to end the Vietnam war, presented by Senators Goodell, Hatfield, McGovern, Church, and Hughes in their Tuesday night television broadcast to the Nation, was an excellent contribution to the current national debate on U.S. policy in Indochina. As a Senator who has worked closely on many occasions with these same Senators to gain peace in Vietnam, I wish to make clear my strong support for their stated objective of establishing how the Congress can contribute effectively to end the Vietnam war. The question for Senators like myself who agree on the policy objective is whether the amendment sponsored by this group is the best means for the Senate to invoke from the legislative and constitutional standpoints.

It is my hope and expectation that further consultation between the amendment's sponsors and other Senators like myself will lead to a procedure which will make possible the support of a solid majority in the Senate. Senators Goodell, Hatfield, McGovern, Church, and Hughes have rendered an outstanding public service in the cause of peace through their broadcast to the Nation and in submitting their important legislative amendment to the Senate.

## CONCLUSION OF FURTHER ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, further morning business is concluded.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the **bill (H.R. 15628) to** amend the Foreign Military Sales Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time under the Pastore germaneness rule begin running as of now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I address myself to the pending bill, particularly that part thereof known as the Church-Cooper amendment.

Referring to the area involved in Cambodia where we have crossed over the line to get at the sanctuaries, I requested the Department of Defense this morning to give me the actual figures, down to and including the latest available, with reference to just what had happened there since that part of the battle started, with reference to the capture of supplies, ammunition, and matters that go to make up military equipment, as well as the manpower situation.

About an hour ago the Secretary of Defense sent me this statement, which I shall read for the information of the Senate. I think it has a special place, too, in the RECORD.

Mr. President, in my opinion, during the few short days that this part of the battle has been going on, which is distinctly and essentially a part of the war in Vietnam, I think it has been relatively highly successful. I read this statement, a summary statement of the activities:

> On the basis of current reports of the amounts of enemy supplies and equipment located so far in Cambodia by South Vietnamese and American forces, the weapons alone are sufficient to equip about 20 enemy battalions. More than 7,000 rifles and 1,000 crew served weapons (e.g., mortars and machine guns) have been captured, along with more than 8 million rounds of small arms ammunition, which would have supplied these 20 battalions for upwards of a thousand battalion-size attacks.

Those are enormous figures. Continuing the statement:

> Food supplies located so far comprise almost five million pounds of rice, the basic food for Southeast Asia. This rice would have fed the entire enemy force in III and IV Corps in South Vietnam for 5 months.

We know that the III and IV Corps cover a very considerable area in South Vietnam. I wish that this had been given in terms of square miles, but that area is an important area, and a considerable area in square miles.

I quote again:

> Twenty-two thousand mortar and rocket rounds have been found. This amount of munitions would have supplied about 3,000 fire attacks in South Vietnam of the same intensity that the enemy has been conducting in recent weeks—about seven rounds per attack.

That refers to the small, quick, rapid mortar and rocket attacks that they have been very successful in. This would have taken care of 3,000 such attacks.

I continue the quotation:

> More than 5,400 enemy have been killed in Cambodia and about 1,400 have been detained. If earlier estimates of about 40,000 enemy troops in Cambodia are correct, this loss by the enemy means that about 17 percent of his Cambodian forces have been destroyed.
>
> Loses by the enemy thus far in terms of men, munitions, and supplies will indeed have a significant effect on his future operations.

That is the end of the statement.

Mr. President, that means that, almost within throwing distance of the line between South Vietnam and Cambodia, and really a part of the battlefield that our men are fighting on, and have been, all these arms and munitions and battle supplies have been found which could have been used and would have been used in the course of months. Certainly they would have been used against our men and the troops of South Vietnam.

Call it what we will about where the boundary line is, or what strict construction of the Constitution of the United States requires, this is a very significant thing, highly helpful to our position, enabling the saving of a great number of lives of our men and those of the allies. As a matter of fact, it is the first big thing that has been done in a long time that really does substantially contribute to the bettering of our position there.

Yes, Mr. President, it is true I am a strict constructionist of the Constitution. But the time has long since passed for making a strict construction here, when we have been sending these men into battle for months and years, and still are, right this minute—right this minute—not as a part of an act of aggression, but as a part of an action, now, of receding and trying to pull out.

It is under those conditions, and for those reasons—and because blood is being spilled, and lives lost, and will continue to be as a result of the use of just such ammunition as we are destroying here—that I say, let us not stay our hand now, and thus send the enemy word that, "You will never be subjected to this again."

I hope we can pull out. I wish we could pull out tomorrow, out of Cambodia, and stay out forever. But I know as long as we are there, engaged in these battles, we ought not to be sending word to the enemy, "We are going to leave you alone hereafter as far as this area is concerned."

That is what we will be doing if we pass a law saying that our Commander in Chief is prohibited from doing anything like this again, regardless of the circumstances, unless he can get another law passed.

There are a lot of things about this war that are not pleasing to me. We have made plenty of mistakes. But I pray we will not make this mistake. Not this one, sending such glad tidings to our adversaries, not only those in Hanoi, but those who are allied with them—Peking, Moscow, and others—that we are going to tie a part of our other hand behind us, and we are not going to proceed unless another law can be passed.

Mr. President, I believe that when all these facts are exposed, and this has sunken into the commonsense of the American people, their verdict will be, "No; do not do it."

This is not a time to be stepping in here and stopping a procedure of battle that has every evidence of being highly profitable. There is no reason to promise now that we will never do it again unless we can get a law passed.

Mr. GRIFFIN. Mr. President, I wish to commend the distinguished Senator from Mississippi. Once again he has demonstrated that he is not only very learned and knowledgeable, but he is also a statesman as he rises at this point in the history of our country to say some things that ought to be said now on the floor of the Senate.

I am as concerned as any Senator about the prerogatives and the powers of the Congress, and particularly of the Senate.

But I do not understand the argument of some who support the amendment and variations thereof being talked about today. The Constitution says Congress shall have the power to declare war. Any Senator is perfectly within his rights if he wishes to introduce a resolution to declare war, or to argue the point that war ought to be declared or ought not to be declared, because the Constitution does say that Congress has the power to declare war.

It should be noted, however, that a declaration of war is a very broad policy declaration on the part of the Congress. On the other hand, the Constitution gives the President, as Commander in Chief of the Armed Forces, the responsibility for military decisions, strategy, tactics, and so forth. In Congress we cannot, and should not, attempt to make battlefield decisions, or to draw precise lines or to make decisions regarding the time or scope of a battle, nor should we try to direct the Commander in Chief specifically with regard to how battles should be conducted, or exactly where they should be conducted. Such decisions are beyond the constitutional powers of Congress and it would not be in the interests of the United States for the Congress to attempt to make such decisions. I am very much concerned that the amendment before us gets into that territory and that area of decisionmaking—areas which are appropriately and properly left to the Commander in Chief.

As one Senator, I would not favor a declaration of war at this particular time, under these circumstances. At an earlier point I think that might have been a question properly to be put to the Senate. It is somewhat of a moot question now, because under the facts as they have developed, we are as a matter of fact engaged in a war with North Vietnam and the Vietcong.

We are not engaged in a war with Cambodia. We have not invaded Cambodia, as some of the critics say over and over again. We are not challenging the Government of Cambodia. We are not contesting the Armed Forces of Cambodia. In fact, we are not even on territory that the Government of Cambodia has occupied or controlled during recent years.

In Cambodia we are involved in hostilities with the same enemy and we are fighting him on territory and on geography that the enemy, and not the Government of Cambodia, has occupied and controlled during recent years.

As we consider these amendment res-

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olutions, particularly the so-called Church-Cooper amendment, it is important to keep in mind that one person is absolutely essential to the hope of negotiating a peaceful settlement of this war, and one person is absolutely essential to the success of an orderly withdrawal of our troops. Of course, that person is the President of the United States.

The credibility of the President of the United States is very important. That the President of the United States should be believed; that others realize that he means what he says and says what he means, is of utmost importance—not only in the United States, but more important, as far as the enemy is concerned. Because if the Senate should infer by the adoption of this amendment that we doubt, or do not believe the President, then how can we expect the enemy to believe what the President of the United States is saying?

Such an inference would not only be very damaging to the prospects for peace, but it would also be very unfair, I submit, to this President who has been cautious and very careful in his statements concerning the Vietnam war.

He has not made overly optimistic statements about our progress in the war. He has made no promises that he has not felt firmly convinced he could keep. On the basis of his record so far, surely this President is entitled to some good faith support on the part of Congress. He is entitled to the benefit of the doubt, particularly because the credibility of the President of the United States is so essential to the goals that we all want.

So, I believe the distinguished Senator from Mississippi is performing a great service today when he points out the dangers that are inherent in the amendment we are considering.

Even if we were to draft an amendment which was precisely tailored to the exact and actual intentions of the President, it seems to me that it would be a mistake to adopt such an amendment. We would be tying our own hands needlessly in a way that would serve the enemy, and would make it more difficult to negotiate with the enemy. I am sure the enemy would be delighted if we were to announce that we are going to tie our own hands in this way.

So I hope that, as this debate goes on, that Senators and the people will consider carefully what is at stake here. I hope and trust that the Senate will not take any action which will have the result of impeding the President in his efforts to withdraw our troops on an orderly basis and to negotiate a settlement of this conflict.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I am about to suggest the absence of a quorum, and I think Senators should be put on notice that this will be a live quorum.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 145 Leg.]

Allott
Baker
Bellmon
Byrd, W. Va.
Church
Cook
Cooper
Curtis
Dole
Fannin
Fulbright
Griffin
Hansen
Hollings
Hruska
Hughes
Javits
Magnuson
Mansfield
McGee
Miller
Packwood
Prouty
Proxmire
Schweiker
Scott
Sparkman
Thurmond

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett), the Senator from Massachusetts (Mr. Brooke), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Maryland (Mr. Mathias), the Senator from California (Mr. Murphy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER (Mr. Hollings). The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allen
Anderson
Bible
Boggs
Burdick
Byrd, Va.
Case
Cotton
Cranston
Dominick
Eagleton
Eastland
Ellender
Ervin
Fong
Gore
Gurney
Hart
Hartke
Hatfield
Holland
Inouye
Jackson
Jordan, N.C.
Jordan, Idaho
McCarthy
McClellan
McGovern
McIntyre
Metcalf
Moss
Muskie
Nelson
Pastore
Pearson
Pell
Percy
Randolph
Smith, Maine
Smith, Ill.
Spong
Stennis
Stevens
Symington
Talmadge
Tower
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER. A quorum is present.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be adopted en bloc.

Mr. GRIFFIN. Mr. President, I reserve the right to object, and at the request of other Senators, and in my own behalf as well, I am constrained to object.

Mr. MANSFIELD. Does the Senator object to considering the Cooper-Church amendment, which I assume is what he is directing his objection against? That is on the bill. That is one of the amendments put in the bill by the committee. It was done so regularly, through democratic and senatorial procedure, and I just wonder if there is going to be a stall against considering the Church-Cooper amendment in view of the conditions which face the Senate and the country today or whether we should consider the business which confronts this body.

Mr. GRIFFIN. Mr. President, if the distinguished majority leader will yield——

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I certainly do not intend to indicate any objection to consideration of the amendment. Perhaps I misunderstood the majority leader's request. It was a unanimous request that it be adopted. Was it not?

Mr. MANSFIELD. That is right; that the committee amendments be adopted en bloc—the amendments which were reported favorably by the Committee on Foreign Relations, which happens to have jurisdiction of this particular bill.

Mr. GRIFFIN. Then I would respond to the distinguished majority leader in this way: Certainly, it is very much in order to consider committee amendments when they come before the Senate, and the Senator from Michigan is only preserving a right which is in accordance with the normal procedure, as I understand it. The Senate can, of course, adopt committee amendments by unanimous consent, but very frequently we do not do so; and when such an amendment is not adopted by unanimous consent the Senate is then in a position to vote on it.

Mr. MANSFIELD. Mr. President, I understand the objection raised by the distinguished Senator. I would say that usually, as a courtesy to a committee, almost always, committee amendments are offered and accepted en bloc.

I call up the first committee amendment.

Mr. STENNIS. Mr. President, will the Senator yield to me for a matter of information?

Mr. MANSFIELD. Yes.

Mr. STENNIS. As the Senator from Mississippi understood, the Senator's unanimous-consent request was that the amendments be adopted en bloc.

Mr. MANSFIELD. Yes.

Mr. STENNIS. As the Senator from Mississippi understands, the request was that they be agreed to all together.

Mr. MANSFIELD. That is right. Then, of course, the bill would be open to amendment.

Mr. STENNIS. But the Cooper-Church amendment would already be adopted.

Mr. MANSFIELD. It is in the bill, and it would be subject to amendment with the committee amendments—the same procedure as followed by the distinguished chairman of the Committee on Armed Services as to his proposals when they come out in legislative form, out of his committee.

Mr. STENNIS. If the Senator will yield further, of course the Senator from Montana knows there is divided opinion here about the Cooper-Church amendment. There was divided opinion in the Foreign Relations Committee on it. The Senator from Mississippi does not know whether it is going to take the turn of just a vote up or down on the Cooper-Church amendment, or the proposal of a substitute, or whether there will be a proposed amendment to that amendment. Certainly until something more could be known, the Senator from Mississippi would share with the Senator from Michigan the idea of objecting.

I point out that the Senator from Mississippi does not want to unduly delay the matter, but simply to delay it for the sake of debate or understanding. This is a far-reaching matter. It has been out of the committee only a short time, and they have done a lot of fine work on it.

So it is something we cannot agree to en bloc, or agree to have go by with just slight debate.

Mr. MANSFIELD. Mr. President, I think the Senator from Mississippi is under an illusion if he thinks we are trying to get by on the basis of a slight debate. We are not. We are facing up to a grave constitutional question, which I think the Senate should be unanimously behind, because it is the Senate's responsibility and authority, in my opinion, which is at stake. I am surprised that there are Senators who would place the position of this body in a secondary position. This is a most important issue, and I call up the first amendment.

The PRESIDING OFFICER. The clerk will state the first committee amendment.

The assistant legislative clerk read as follows:

On page 2, line 13, after the word "exceed", strike out "$275,000,000 for the fiscal year 1970 and not to exceed $272,500,000 for each of the fiscal years 1971 and 1972;" and insert "$250,000,000 for each of the fiscal years 1970 and 1971";";

The PRESIDING OFFICER. The question is on agreeing to the first amendment.

Mr. GRIFFIN. Mr. President, I am going to make a point of order of no quorum, unless a Senator is ready to speak.

Mr. MANSFIELD. No, make the point of no quorum, and we will have a live quorum. We have something pending before the Senate now on which a vote can be taken, and on which discussion should be had.

Mr. GRIFFIN. I suggest the absence of quorum.

Mr. MANSFIELD. And, Mr. President, for the information of the Senate, this will be a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 146 Leg.]

Boggs
Burdick
Byrd, W. Va.
Church
Cook
Cotton
Cranston
Dominick
Ellender
Ervin
Gore
Griffin
Hansen
Holland
Hollings
Jordan, N.C.
Jordan, Idaho
Mansfield
McIntyre
Nelson
Pastore
Pell
Percy
Prouty
Schweiker
Stennis
Symington
Thurmond

The PRESIDING OFFICER. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bible
Byrd, Va.
Case
Cooper
Curtis
Dole
Eagleton
Eastland
Fannin
Fong
Gurney
Hartke
Hatfield
Hruska
Hughes
Inouye
Jackson
Javits
Magnuson
McClellan
McGee
McGovern
Miller
Moss
Muskie
Packwood
Pearson
Proxmire
Randolph
Scott
Smith, Maine
Smith, Ill.
Sparkman
Spong
Stevens
Talmadge
Tower
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

The PRESIDING OFFICER (Mr. Cranston). A quorum is present.

Mr. MANSFIELD. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment beginning on page 2, line 13.

Mr. MANSFIELD. Mr. President, would the Chair please have the amendment stated?

The PRESIDING OFFICER. The clerk will state the amendment.

The Legislative Clerk. On page 2, line 13, after the word "exceed", strike out "$275,000,000 for the fiscal year 1970 and not to exceed $272,500,000 for each of the fiscal years 1971 and 1972";" and insert "$250,000,000 for each of the fiscal years 1970 and 1971";

Mr. WILLIAMS of Delaware. Mr. President, I would hope that the Senate would accept the amendment. It does reduce the amount from $275 million to $250 million. It would restrict it to fiscal year 1970, which is about ended now and just for 1 year, 1971. This was all approved, as I recall, pretty much unanimously by the committee, and I would, therefore, certainly hope that the amendment would be agreed to.

Mr. MANSFIELD. Mr. President, I would hope that the Senate would follow the advice of the distinguished Senator from Delaware because this is a reduction. It was approved unanimously in the committee. If we could have a voice vote, fine; otherwise, I will ask for the yeas and nays.

Mr. HANSEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Was the committee, in placing this amendment in the bill, unanimous in its action?

Mr. CHURCH. The committee was unanimous.

Mr. HOLLAND. From both sides of the aisle?

Mr. CHURCH. From both sides of the aisle.

Mr. HOLLAND. Then what is the reason for a request for a rollcall vote on this amendment?

Mr. MANSFIELD. The reason is that some Members desire a rollcall vote, even though it was agreed to unanimously in committee. What the reason for the rollcall vote is, I do not know. Personally, I would as soon have a voice vote.

Mr. HOLLAND. Is there any insistence upon a rollcall vote, in view of the fact that this was the unanimous action of the committee?

Mr. WILLIAMS of Delaware. No. I did not ask for it.

Mr. HOLLAND. I notice the Senator from Tennessee expressing himself over there. Is there any objection to having a voice vote?

Mr. BAKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Tennessee will state it.

Mr. BAKER. Is my understanding correct that the yeas and nays have been ordered?

The PRESIDING OFFICER. They have been ordered.

Mr. BAKER. Then it would take unanimous consent to withdraw the request for the yeas and nays?

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. Mr. President, I ask that unanimous consent. If anyone wants a rollcall vote, all they will have to do is to object.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Florida?

Mr. HANSEN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the committee amendment beginning on page 2, line 13.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Sena-

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tor from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Louisiana (Mr. Long), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett), the Senator from Massachusetts (Mr. Brooke), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Maryland (Mr. Mathias), the Senator from California (Mr. Murphy) and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from Maine (Mrs. Smith) is detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from Massachusetts (Mr. Brooke), the Senator from New York (Mr. Goodell), the Senator from South Dakota (Mr. Mundt), the Senator from California (Mr. Murphy), and the Senator from Maine (Mrs. Smith) would each vote "yea."

The result was announced—yeas 70, nays 3, as follows:

[No. 147 Leg.]

YEAS—70

Aiken
Allen
Allott
Anderson
Baker
Bellmon
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cotton
Cranston
Curtis
Dole
Dominick
Eagleton
Eastland
Ellender
Fannin
Fong
Gore
Griffin
Gurney
Hansen
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Inouye
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Miller
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—3

Ervin
Thurmond
Tower

NOT VOTING—27

Bayh
Bennett
Brooke
Cannon
Dodd
Fulbright
Goldwater
Goodell
Gravel
Harris
Hart
Kennedy
Long
Mathias
McCarthy
Metcalf
Mondale
Montoya
Mundt
Murphy
Ribicoff
Russell
Saxbe
Smith, Maine
Stennis
Williams, N.J.
Yarborough

So the amendment on page 2, line 13, was agreed to.

The PRESIDING OFFICER. The clerk will state the next committee amendment.

The legislative clerk read as follows:

On page 2, line 19, after the word "thereof", strike out "during the fiscal year 1970 shall not exceed $350,000,000 and during each of the fiscal years 1971 and 1972 shall not exceed $385,000,000", and insert "shall not exceed $300,000,000 for each of the fiscal years 1970 and 1971".

Mr. WILLIAMS of Delaware. Mr. President, this would reduce the amount of credit sales by $50 million. Again, as I recall, it was approved unanimously by the committee, and I hope the Senate will approve the amendment.

Upon request, I ask for the yeas and nays so that the conference will know the position of the Senate.

Mr. PASTORE. I ask for the yeas and nays, Mr. President.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the second committee amendment on page 2, beginning on line 19. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. Bayh), the Senator from Nevada (Mr. Cannon), the Senator from Connecticut (Mr. Dodd), the Senator from Arkansas (Mr. Fulbright), the Senator from Alaska (Mr. Gravel), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Hawaii (Mr. Inouye), the Senator from Massachusetts (Mr. Kennedy), the Senator from Louisiana (Mr. Long), the Senator from Minnesota (Mr. McCarthy), the Senator from Montana (Mr. Metcalf), the Senator from Minnesota (Mr. Mondale), the Senator from New Mexico (Mr. Montoya), the Senator from Connecticut (Mr. Ribicoff), the Senator from Georgia (Mr. Russell), the Senator from Mississippi (Mr. Stennis), the Senator from New Jersey (Mr. Williams), and the Senator from Texas (Mr. Yarborough) are necessarily absent.

I further announce that, if present and voting, the Senator from Indiana (Mr. Bayh), the Senator from Connecticut (Mr. Dodd), the Senator from Oklahoma (Mr. Harris), the Senator from Michigan (Mr. Hart), the Senator from Louisiana (Mr. Long), and the Senator from Connecticut (Mr. Ribicoff) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Utah (Mr. Bennett), the Senator from Massachusetts (Mr. Brooke), the Senator from Arizona (Mr. Goldwater), the Senator from New York (Mr. Goodell), the Senator from Maryland (Mr. Mathias), the Senator from California (Mr. Murphy), and the Senator from Ohio (Mr. Saxbe) are necessarily absent.

The Senator from South Dakota (Mr. Mundt) is absent because of illness.

The Senator from New Hampshire (Mr. Cotton) and the Senator from Colorado (Mr. Dominick) are detained on official business.

If present and voting, the Senator from Utah (Mr. Bennett), the Senator from Massachusetts (Mr. Brooke), the Senator from New York (Mr. Goodell), the Senator form South Dakota (Mr. Mundt), the Senator from Colorado (Mr. Dominick), and the Senator from California (Mr. Murphy) would each vote "yea."

The vote was recapitulated.

After some delay:

Mrs. SMITH of Maine. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The regular order is called for.

The result was announced—yeas 64, nays 7, as follows:

[No. 148 Leg.]

YEAS—64

Aiken
Allen
Anderson
Baker
Bellmon
Bible
Boggs
Burdick
Byrd, Va.
Byrd, W. Va.
Case
Church
Cook
Cooper
Cranston
Dole
Eagleton
Ellender
Fannin
Fong
Gore
Griffin
Gurney
Hansen
Hartke
Hatfield
Holland
Hollings
Hruska
Hughes
Jackson
Javits
Jordan, N.C.
Jordan, Idaho
Magnuson
Mansfield
McClellan
McGee
McGovern
McIntyre
Miller
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Prouty
Proxmire
Randolph
Schweiker
Scott
Smith, Ill.
Sparkman
Spong
Stevens
Symington
Talmadge
Tydings
Williams, Del.
Young, N. Dak.
Young, Ohio

NAYS—7

Allott
Curtis
Eastland
Ervin
Smith, Maine
Thurmond
Tower

NOT VOTING—29

Bayh
Bennett
Brooke
Cannon
Cotton
Dodd
Dominick
Fulbright
Goldwater
Goodell
Gravel
Harris
Hart
Inouye
Kennedy
Long
Mathias
McCarthy
Metcalf
Mondale
Montoya
Mundt
Murphy
Ribicoff
Russell
Saxbe
Stennis
Williams, N.J.
Yarborough

So the second committee amendment, on page 2, beginning on line 19, was agreed to.

The PRESIDING OFFICER. The clerk will report the final committee amendment.

The Legislative Clerk. On page 4, line 21, insert the language down to and including line 21 on page 9.

The committee amendment is as follows:

Beginning on page 4, after line 20, insert as follows:

Sec. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

"Sec. 47. Prohibition of Assistance to Cambodia.—In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

"(1) retaining United States forces in Cambodia;

"(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in support of Cambodian forces."

Sec. 8. Unless the sale, grant, loan, or transfer of any International Fighter aircraft (1) has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam. For purposes of this section, "International Fighter aircraft" means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91–121 (relating to military procurement for fiscal year 1970 and other matters).

Sec. 9. (a) Subject to the provisions of subsection (b), the value of any excess defense article given to a foreign country or international organization during any fiscal year shall be considered to be an expenditure made from funds appropriated for that fiscal year to carry out the provisions of part II of the Foreign Assistance Act of 1961, and at the time of the delivery of that article a sum equal to the value thereof shall be withdrawn from such funds and deposited in the Treasury as miscellaneous receipts.

(b) The provisions of subsection (a) shall apply during any fiscal year only to the extent that the aggregate value of all such articles so given during that year exceeds $35,000,000.

(c) For purposes of this section "value" means not less than 50 per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

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At the top of page 7, insert a new section, as follows:

Sec. 10. (a) No excess defense article may be given, and no grant of military assistance may be made, to a foreign country unless the country agrees—

(1) to deposit in a special account established by that country the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to that country, an amount equal to 50 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

(B) in the case of a grant of military assistance to be made to that country, an amount equal to 50 per centum of each such grant; and

(2) to make available to the United States Government, for use in paying obligations of the United States in that country and in financing international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961, such portion of the special account of that country as may be determined, from time to time, by the President to be necessary for any such use.

(b) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), shall not be applicable to the provisions of this section.

On page 8, after line, 2 insert a new section, as follows:

Sec. 11. (a) In considering a request for approval of any transfer of a defense article to another country under section 505 (a) (1) and (a) (4) of the Foreign Assistance Act of 1961, and section 3(a) (2) of the Foreign Military Sales Act, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country.

(b) The President shall not consent to the transfer by any foreign country or person to a third or subsequent country or person of any defense article given, loaned, or sold by the United States, or the sale of which is financed by the United States (through credit, guaranty, or otherwise), unless the foreign country or person which is to make the transfer first obtains from the country or person to which the transfer is to be made an agreement that such country or person will not give, sell, loan, or otherwise transfer such article to any other foreign country or person (1) without the consent of the President, and (2) without agreeing to obtain from such other foreign country an agreement not to give, sell, loan, or otherwise transfer such article without the consent of the President.

Sec. 12 (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for any purpose shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation authorizes the obligation or expenditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superseded except by a provision of law hereafter enacted which specifically repeals or modifies the provisions of this section.

Sec. 13. For purposes of sections 9, 10, and 11—

(1) "defense article" and "excess defense articles" have the same meanings as given them in section 644 (d) and (g), respectively, of the Foreign Assistance Act of 1961; and

(2) "foreign country" includes any department, agency, or independent establishment of the foreign country.

Mr. GRIFFIN. Mr. President, the Chair said "the final committee amendment." Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, is the amendment now pending?

The PRESIDING OFFICER. The amendment is now pending.

The question is on agreeing to the amendment.

Mr. HOLLAND and Mr. HANSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HOLLAND. Mr. President, I would like to address a question to the Senator now handling the bill. I note that part of the amendment; namely, section 10, beginning at the top of page 7, and extending to the end of that section—indeed, extending to the bottom of page 9, I think—relates in part to what is called "excess defense article" and "excess defense articles."

I ask the handler of the bill if he can supply for the Record a statement as to whether that term includes captured materiel, captured by our forces or coming into the possession of our forces, from the raids of the sanctuaries, or otherwise.

Before I conclude my question, I note that on page 9, beginning with line 15, there is a provision which reads: "defense article" and "excess defense articles" have the same meanings as given them in sections 644 (d) and (g), respectively, of the Foreign Assistance Act of 1961"—which act we do not have before us.

I would like the Record to show, therefore, what is meant by the terms "excess defense article" and "excess defense articles" in this bill, as to whether or not that term covers captured materiel, arms and other captured material of use to armed forces.

Mr. CHURCH. First, Mr. President, I ask that the pertinent provisions of the law referred to in section 13 of the pending bill—section 644 (d) and (g), respectively, of the Foreign Assistance Act of 1961—appear at this point in the Record.

There being no objection, the sections of the statute referred to were ordered to be printed in the Record, as follows:

Sec. 644. Definitions.—As used in this Act—

* * * * *

(d) "Defense article" includes:

(1) any weapon, weapons system, munition, aircraft, vessel, boats, or other implement of war;

(2) any property, installation, commodity, material, equipment, supply, or goods used for the purposes of furnishing military assistance;

(3) any machinery, facility, tool, material, supply, or other item necessary for the manufacture, production, processing repair, servicing, storage, construction, transportation, operation, or use of any article listed in this subsection; or

(4) any component or part of any article listed in this subsection; but

shall not include merchant vessels or, as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011), source material, byproduct material, special nuclear material, or atomic weapons.

* * * * *

(g) "Excess defense articles" mean the quantity of defense articles owned by the United States Government which is in excess of the mobilization reserve at the time such articles are dropped from inventory by the supplying agency for delivery to countries or international organizations as grant assistance under this Act.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. CHURCH. One minute, please. I would like to finish my statement.

Mr. HOLLAND. I have another question also.

Mr. CHURCH. I believe that these two provisions of the law should appear in the Record, so that they are available for everyone to read.

Mr. HOLLAND. Since they are not available now, will the distinguished Senator state for the Record whether the provisions of the pending bill to which I have referred, "excess defense article" and "excess defense articles," include or exclude captured materiel and goods of military usefulness?

Mr. CHURCH. Although the committee did not raise that particular question, the two provisions of the law seem to be sufficiently inclusive to embrace captured weapons.

However, the Senator raises a question for which I am not now prepared to give a precise answer. We shall endeavor to get that answer, and as soon as we have it, I will inform the Senator, and place the answer in the RECORD.

Mr. HOLLAND. Mr. President, if the Senator will yield further, while I am not in a position to make any commitment as to my position on this amendment whatever at this time, I would hope, regardless of what that position may be, that the provision of this amendment is not so broad as to preclude our Armed Forces in the field from supplying to allies or those who are defending themselves in Cambodia or in Laos with guns, ammunition, and material of all kinds which have been captured from the North Vietnamese or the Vietcong.

Mr. CHURCH. I can reassure the Senator on that particular point. As he knows, a certain quantity of AK-47's which were captured from the North Vietnamese and the Vietcong in Vietnam have already been transferred to the new Cambodian Government.

The amendment does not prohibit the transfer of weapons of that kind to Cambodia. It addresses itself, rather, to a prohibition against American military advisers. The committee left out any reference to such weapons because it was not the committee's intention to exclude the transfer of small arms to Cambodia. It was our intention, rather, to prevent us from getting involved in an escalating type of military assistance program that would necessitate our supplying Cambodia with American military advisers and other military personnel.

Mr. HOLLAND. Mr. President, if the Senator will yield, I appreciate his frankness. I call attention, however, to the fact that unless there be limiting words either in the amendment now proposed or in the provisions of the earlier act, military equipment which had been captured might or might not be covered, and it would seem to me that the wise course would be to have included specific language on that point.

I thank the Senator for yielding.

Mr. CHURCH. I appreciate the Senator's having raised this point. We will supply him with an answer. If there is any ambiguity, it will be cleared up.

Mr. HOLLAND. I thank the Senator. May I say, speaking only as one Senator, I would much prefer to have our troops in the field, with proper authority from their field commanders, given the authority to transfer such captured materiel to people fighting for their own lives against the same people who are fighting us, the Communists, rather than simply have it destroyed or brought back to where it would have to be stored.

Mr. COTTON. Mr. President, will the Senator yield me 1 minute?

Mr. CHURCH. I am happy to yield.

Mr. COTTON. Mr. President, I would like the RECORD to show that the Senator from New Hampshire missed this last rollcall because he understood the Appropriations Committee was diligently trying to report the education appropriation bill, and because he reported to that committee and could not get back up here in time to vote. That is the reason, and I would like to have it appear so in the RECORD. This Senator will not make the mistake of being so punctual and faithful in his committee attendance in the future.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. YOUNG of North Dakota. I ask the distinguished Senator from Idaho if there is any intention to modify section 12. As it is now written, it would raise havoc with many appropriations that are related to the subject matter of the bill.

For example, it would exclude any money to operate the overseas schools for the education of the children of military personnel. It would make impossible payments to widows of recently deceased Members of Congress. In the first two appropriation bills that have been passed by the other body, there are at least a dozen items that would be adversely affected by this provision as it is now written.

Mr. CHURCH. Mr. President, the question the Senator raises has nothing to do with the Cooper-Church amendment. Instead, his question refers to the problem that came before the Senate last year when we were considering the foreign aid authorization bill and the Foreign Aid Appropriations Act. The Senator will recall that at that time we were asked to appropriate more money than the Senate and the House of Representatives had authorized in the Foreign Aid Act, and this amendment was intended to change that in such a way that appropriations hereafter will not exceed authorization bills.

The points the Senator raises have been included in the amendment's language which extends beyond foreign aid or the field of foreign military sales. I understand that the distinguished majority leader and the chairman of the committee (Mr. FULBRIGHT) are amicable to restricting this provision so that it will merely apply to foreign aid and to foreign military sales. That would eliminate the problems to which the Senator refers.

Mr. YOUNG of North Dakota. I would have no objection to that. Otherwise, I think the provision raises so many problems I would have to object to it.

Mr. CHURCH. Mr. President, I send to the desk two perfecting amendments to section 12, and ask that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated.

The legislative clerk read as follows:

On page 9, line 1, strike out "for any purpose" and insert in lieu thereof "for foreign assistance (including foreign military sales)".

On page 9, line 8, after "appropriation" insert "for foreign assistance (including foreign military sales)".

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. HANSEN. Mr. President, may I ask the Senator a question? I did not follow where the amendments were to be made. Are they to be inserted on page 9?

Mr. CHURCH. Right here; yes.

Mr. HANSEN. Mr. President, a little while ago, I asked for recognition, and the distinguished senior Senator from Idaho had made a unanimous-consent request, and, because there was competition with his voice on the floor, I was unable to hear what the request was. Would the Senator be kind enough to tell me what it was?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The request was that the two amendments be considered en bloc.

Mr. HOLLAND. Mr. President, if the Senator will yield, since his proposed amendments apply to the amendment which we are going to consider tomorrow, since I think there are serious questions in connection with that amendment, which I would not want to see frozen by the adoption of any amendments today, I hope that the vote on the proposed amendment to the amendment may also be put off until tomorrow, so that we can see it as it is printed in the RECORD and find out just what its effect would be.

May I say to my distinguished friend that I also am concerned about another thing. As the Senator knows, the Constitution permits appropriations for the armed services to be made for 2 years, and the proposed amendment, I notice, in one or more places applies to appropriations pursuant to this act or to any other act, which would cover appropriations made last year.

I hope that any proposed changes to this particular lengthy amendment would be deferred until we have a chance to see them. We are asked to vote for them, without even understanding what is in them.

Mr. CHURCH. Mr. President, in view of the objection raised by the distinguished Senator from Florida, I withdraw the amendment, and ask that it be printed. Copies of it will be available for Senators tomorrow.

I also ask unanimous consent that the text of the amendment, as proposed, be printed at this point in the RECORD, so that it will be available to all who read the RECORD tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

The amendment is as follows:

On page 9, line 1, strike out "for any purpose" and insert in lieu thereof "for foreign assistance (including foreign military sales)".

On page 9, line 8, after "appropriation" insert "for foreign assistance (including foreign military sales)".

Mr. HOLLAND. I express my sincere appreciation to the Senator. I am not at all certain that I shall object in any way to the amendment, but I want to know what we are doing. As the Senator knows, if we vote on an amendment to this committee amendment, that part of the committee amendment becomes frozen, and I think that would be unwise; and I am glad he agrees.

Mr. CHURCH. I am happy to oblige the Senator. In so doing, I point out to him that the amendment in question does not relate to the prohibition of assistance to Cambodia which Senator COOPER and I have offered.

Mr. HOLLAND. I thank the Senator for his consideration.

Mr. CHURCH. Mr. President, I ask unanimous consent that the names of

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the distinguished Senator from Illinois (Mr. PERCY) and the distinguished Senator from Indiana (Mr. HARTKE) be added as cosponsors of the Cooper-Church amendment. There are now 32 Senators cosponsoring the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

## ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent, if it has not already been granted, that when the Senate adjourns today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later, this order was modified to provide for an adjournment until 11:30 a.m. tomorrow.)

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mrs. SMITH of Maine. Mr. President, will the Senator yield for a brief statement on Cambodia?

Mr. CHURCH. I would be happy to yield the floor at this time to the Senator from Maine.

Mrs. SMITH of Maine. I do not care to have the floor. It will only take me about a minute. I will take the floor, if that is the Senator's wish.

Mr. CHURCH. I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Mrs. SMITH of Maine. Mr. President, yesterday I received a joint letter from the majority leader and the minority leader to me, in my position as ranking member of the Committee on Armed Services, urging that the committee give highest priority to legislation on Cambodia.

The letter had a tone of extreme urgency with respect to "the highest national interest."

But there seemed to be no particular urgency in the delivery and transmission of the letter because while the letter was dated May 7, 1970, it was not delivered to my office until 6 days later on May 13, 1970.

The Post Office Department cannot be blamed because the letter was placed in the "inside mail" box and did not leave the premises of the Senate in its transmission and delivery.

Apparently we need to reactivate the Pony Express and assign it to service with the U.S. Senate on matters of urgency of "the highest national interest."

Mr. MANSFIELD. Mr. President, I have sent for a copy of the letter which the distinguished senior Senator from Maine wrote to me on yesterday, which was hand delivered by her administrative assistant. I sent her a reply in which I expressed my regrets and apologized. I think I should make the RECORD clear.

That letter was written on the seventh, on a Thursday, and I signed it on the seventh. I do not know who is to blame for it. I do not think the Post Office Department is to blame. I am sorry that it did take that long to be delivered.

I think the Senator from Maine was right in raising the questions she had because of the slowness in receiving a communication from the joint leadership. I am personally sorry that I did not think of using Senate pages to deliver the letter at that time. I apologize to the distinguished Senator for any inconvenience or embarrassment it may have caused.

I also sent the following letter to the other Senators, who were likewise delayed in getting the mail—to the chairman of the Appropriations Committee, the President pro tempore of this body, the senior Senator from Georgia (Mr. RUSSELL); to the distinguished senior Senator from North Dakota (Mr. YOUNG), the ranking Republican member of the Appropriations Committee; to the distinguished Senator from Mississippi (Mr. STENNIS), the chairman of the Armed Services Committee; to the distinguished Senator from Arkansas (Mr. FULBRIGHT), the chairman of the Committee on Foreign Relations; and to the distinguished Senator from Vermont (Mr. AIKEN), the dean of the Republicans in this Chamber, the ranking Republican member of the Committee on Foreign Relations. Those five Senators received this reply. I will read the letter to Senator AIKEN:

> DEAR GEORGE: Please accept my apologies for the letter sent to you by the minority leader and me under date of May 7th which was not delivered until today, May 13.
>
> I am indeed sorry that there was this delay in delivery. I do not think it is the fault of the Senate mail service. We should have used a page to deliver the letter. I am deeply sorry and I hope you will accept my apologies for any inconvenience and embarrassment this may have caused you.
>
> With best personal wishes, I am
>
> Sincerely yours,
>
> MIKE MANSFIELD.

Mrs. SMITH of Maine. Mr. President, may I say to the distinguished majority leader that no apologies are necessary as far as I am concerned. I wondered about the urgency of the matter, first; but, second, I wondered what the value of the inside mail service in the Senate is to us in the Senate if it cannot be depended upon more than that was. I took it to be an extreme urgency, but apparently it was not that urgent.

Mr. MANSFIELD. Mr. President, the Senator is mistaken. It was a matter of some urgency. I had thought it would be delivered that night. I did send the letter in plenty of time. Unfortunately, that was not the case.

I just want to again publicly extend my apologies to the Senator from Maine and to set the record straight so far as the Senator from Maine is concerned.

Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

## ORDER FOR ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of the Senate convening at 12 noon tomorrow, the Senate adjourn, upon the completion of business today, until 11:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR COOK TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and the disposition of the reading of the Journal tomorrow, the distinguished Senator from Kentucky (Mr. COOK) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. DOLE. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield for questions.

Mr. DOLE. Mr. President, on Tuesday of this week, the junior Senator from Kansas submitted an amendment which I may offer as substitute language for the so-called Church-Cooper amendment. At that time I said, and repeat today, that I applaud the sincere efforts, of the Senator from Idaho, the Senator from Kentucky, and other sponsors of the Church-Cooper amendment; but I also share the concerns of others in this Chamber regarding the right of any President to protect American troops.

I am wondering whether the Senator from Idaho has had on opportunity to study the proposed amendment that I submitted on Tuesday. It reads:

> In line with the expressed intention of the President of the United States, no funds authorized or appropriated pursuant to this Act or any other law shall be used to finance the introduction of American ground combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress, except to the extent that the introduction of such troops is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

This was commonly known in the other body as the Findley amendment. It was adopted by the other body and later dropped from the Military Sales Act.

It occurs to me this language does, in essence, what the authors of the Church-Cooper amendment intends to do or proposes to do. At the same time it does give the President that right, the right which he might have in any event, to protect American troops remaining in South Vietnam.

I take this opportunity to exchange my views with those of the Senator from Idaho, if he has any comment to make.

Mr. CHURCH. I would say, first of all, to the Senator that the substitute he proposes would, in my judgment, render the Cooper-Church effort meaningless. If this language is adopted, the Senate will merely be making an idle gesture.

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With all deference to the Senator, the exception he recommends provides a loophole big enough to drive the Pentagon through.

If we are to make a serious effort, within the constitutional powers of Congress, to establish the outer perimeters on American penetration into Cambodia, it will be necessary, then, to adopt the language that the committee approved, or something very close to it.

The proposed substitute offered by the distinguished Senator from Kansas is unacceptable. It would gut the amendment, rendering it meaningless.

Mr. DOLE. Let me say to the Senator from Idaho that that is not the intent of the Senator from Kansas. I am wondering, with reference to the Senator's amendment, would he concede, notwithstanding the language in the amendment, that the President has the constitutional power and the constitutional right and obligation to take any action he felt necessary to protect American troops.

Mr. CHURCH. I would say to the Senator that Senator COOPER and I have drafted our amendment in such a way as not to challenge the rights the President may have, under the Constitution, to act as Commander in Chief. We have also taken great pains to draft the amendment in such fashion as to assert powers that we believe are vested by the Constitution to the U.S. Congress. We have merely provided that the money appropriated by Congress shall not be available for the purpose of retaining American troops in Cambodia, or for the purpose of setting up an escalating military assistance program that could lead to an entangling alliance with the new Cambodian regime. These are the objectives of the amendment. They clearly fall within the power of Congress. They simply hold the President within the limits of his declared policy but, if he should decide later that these limits need to be exceeded, that the United States should extend its occupation of Cambodia, or enter into an obligation to come to the military assistance and defense of the Cambodian Government, then he would have to come back to Congress, present his case, and ask Congress to lift the limitations.

That kind of procedure reasserts the responsibilities the Constitution vests in Congress, powers which Congress should have been asserting down through the years.

With all deference to the distinguished Senator from Kansas, if we were to substitute his amendment in place of this amendment, we would merely be making an empty gesture.

Mr. DOLE. Mr. President, let me say and make it very clear that I share some of the reservations of the distinguished Senator from Idaho, and so stated at the outset publicly, that I hope our efforts in Cambodia were to protect American troops, and to keep the Vietnamization program on schedule, not an effort to shore up the Lon Nol government. Thus, I share the concern of the Senator from Idaho, the Senator from Kentucky, and others who have joined as cosponsors; but the point is that, notwithstanding the language in the Senator's amendment, or consistent with the language in the Senator's amendment, does the Senator from Idaho agree or disagree that the President, as Commander in Chief, notwithstanding the passage of the amendment and the enactment of the amendment as part of the Military Sales Act, would still have the power, under the Constitution, to go back into Cambodia or any country to protect American troops?

Mr. CHURCH. Whatever authority the President has under the Constitution, Congress cannot take from him. That is, however, only one side of the coin. The other side has to do with the authority of Congress, as vested in it by the Constitution. The Cooper-Church amendment is designed to assert that authority in such a way as to keep the present Cambodian operation within the limits declared by the President as his objective. It is idle for us to write language regarding the President's own constitutional authority. That is why we have avoided any reference to the President or to his responsibilities as Commander in Chief. We have confined our amendment to that authority which belongs to Congress—determining how and where public money can be spent.

Further, the Senator mentioned, in connection with his proposed amendment, that the Senate had earlier passed an amendment, which became law, limiting the expenditure of funds in regard to the introduction of American ground combat troops into either Laos or Thailand.

That amendment passed this body on December 15, 1969. It reads as follows:

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

We did not then go on to say—

> . . . except to the extent that the introduction of such troops is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

It was not thought necessary, then, to say that. It is not necessary now. Whatever power the President has under the Constitution we cannot take from him. But we can establish limits on the expenditure of public money, so that, if he wants to exceed those limits, he must then come back to Congress, present his case, and ask us to lift the limitations.

Mr. SYMINGTON. Mr. President, will the Senator from Idaho yield?

Mr. DOLE. Mr. President, will the Senator from Idaho yield further?

Mr. CHURCH. I promised to yield to the Senator from Missouri. I shall then be happy to yield further to the Senator from Kansas.

Mr. SYMINGTON. Mr. President, for personal reasons, it was not possible for me to be on the Senate floor on December 15 last. I am interested in an article from the newspapers on that day, which pointed out that the White House endorsed the amendment with respect to Laos and Thailand as being consistent with administration policy in Southeast Asia. The article quoted the minority leader as saying:

> . . . After a White House meeting that President Nixon had told the Congressional Republican leaders that the prohibition, adopted yesterday by the Senate was "definitely in line with Administration policy."
>
> Ronald L. Ziegler, the Presidential secretary, gave added emphasis to the Administration's acceptance of the Senate move by saving the White House regarded the prohibition as an "endorsement" rather than a "curbing" of Administration policy.
>
> The amendment to the defense appropriations bill, adopted yesterday by a 73–17 vote, states: "In line with the expressed intention of the President of the United States, none of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."
>
> This wording, it was disclosed today, was approved by the White House in advance of adoption.
>
> In the wake of the Senate action, the amendment, hastily drafted during a secret session on American military involvement in Laos, was being subjected to varying interpretations as to its significance and impact.
>
> Senator Frank Church, Democrat of Idaho, the principal author of the amendment, described it as a "reassertion of Congressional prerogatives" in foreign policy, designed to make clear that the President could not commit combat troops to Laos or Thailand without the specific consent of Congress.

I have been in that part of the world many times, and do not see any major difference between the terrain and problems of any of those various countries; or differences with respect to what is or is not the authority of the President, or of the Congress, with respect to our relationships with said countries.

Does the Senator agree?

Mr. CHURCH. Mr. President, I agree wholeheartedly. As the Senator well knows, there lies within Laos as much of a threat to our forces as lies within Cambodia. In Laos, the Communist supply lines extend down the Ho Chi Minh trail. When we prohibited the use of any funds in the military appropriations bill for fiscal year 1970 for the purpose of introducing American ground combat troops in Laos, there was no outcry from the White House that this was undermining presidential authority or conveying a message to the world that we were trying to tie the President's hands. Yet, the same principles were involved then as are involved now.

All of a sudden, we are told that a series of ominous developments will occur if the Senate rouses itself from its lengthy slumber and begins to assert some of its constitutional authority.

Mr. SYMINGTON. Mr. President, I appreciate what the able Senator says, because this latest venture seems comparable to the point of similarity. It was in October that we found out, whereas the ground war in Vietnam was being deescalated openly, the air war over Laos was being heavily escalated in secret.

I am sure everyone wants to see hostilities out there lessened, and the whole business terminated at earliest opportunity.

Mr. President, I worry about all this sudden apprehension over the amendment now being offered by the able Senator from Idaho because of the parallel aspect of the amendment that everyone seemed to agree on last December, only a few months ago.

I am especially worried because the people did not know what was going on in Laos until we finally got our hearings out to the public in April, many months after the testimony had been taken.

When it comes to Cambodia, no one in the Congress, to the best of my knowledge—and I am on both of the committees primarily involved—knew anything about it until well after our troops were in combat in Cambodia.

I hope that any apprehension on the part of any Senator with respect to Cambodia—an apprehension that was conspicuously lacking with respect to Laos or Thailand last December—does not mean there will be more wars out there; or that we will have more combat instead of less.

I thank the Senator.

Mr. CHURCH. Mr. President, I thank the distinguished Senator from Missouri. I agree with him that the action we in the Senate took last December came following disclosures made in executive session dealing with the extent to which we had been committed in Laos, without our having even been informed.

Basic constitutional questions are at issue here. Are we going to permit our Government to slide relentlessly toward all power being concentrated in the hands of one Chief Executive?

Are we going to permit our Government to become a Caesardom, or are we going to reassert the authority that the Constitution placed in Congress?

That is the fundamental issue. I find it very hard to understand why objection is being raised, when the limitations we seek to impose are so reasonable, so modest, and so much in conformity with the President's own declared purposes.

And it also raises the same question that the Senator from Missouri posed here earlier. Is there something else the President has in mind? Are we going still further, or returning to Cambodia again and again?

If that is the case, then all the more reason for setting the outer limits and for requiring the President to come here and seek our advice and consent concern any move that would involve us still deeper in the morass of Southeast Asia.

Mr. SYMINGTON. Mr. President, I heard the Vice President of the Government of South Vietnam on the television this morning. The net effect of what he had to say was that he did not have any intentions of stopping at any particular line in Cambodia.

It seems to me this is another illustration of why the limitation on what we supply, as presented in this amendment, is so important. General Ky is going right ahead in Cambodia, based on what it was said he asserted this morning.

I wish that the statement made by our distinguished Ambassador to South Vietnam in executive session before the Foreign Relations Committee only this morning, and in reply to my bringing this interview up could be printed in the RECORD at this point. Of course, it cannot be. But I must say the whole Indochina operation is becoming increasingly disturbing.

I have never taken the floor before to criticize in this way the conduct of this war by this Administration; but I just do not want to see our people again in the position where they think we are doing one thing, only to find out later we were actually doing another.

I am puzzled about current policy of the United States, all over the world. Only a few days ago—I believe earlier this week—I went to a meeting in the House Office Building attended by many distinguished Members of the Congress.

Among those who talked in very strong fashion in support of now supplying badly needed planes to the State of Israel were the distinguished minority leader of the Senate, the Senator from Pennsylvania (Mr. SCOTT), and the distinguished minority leader of the House of Representatives, Representative FORD.

They assured the group gathered at this luncheon of their full support of Israel when it came to selling them the planes in question; good, because this is the only country that could sell them these modern planes, except for France and the Soviet Union.

I heard this morning also that 168 young Americans were killed last week in Southeast Asia. That is many more than have been killed for many weeks, as a result of these new offensives in Cambodia.

In effect for justification for our being in the Far East we are told the wars in Indochina are important to the security of the United States. We must defend this country against Communist satellites in that part of the world.

If it is important for us to defend the United States and all other countries of the free world against Communist satellites in the Far East, why is it not to our own interest, especially when we are the only country willing and able to do so, to sell airplanes to the one country that without any American military, the only country I know of so fighting without our assistance, is fighting Communist satellites in the Middle East?

This is one of those peculiar twists in the foreign policy of the United States that is not entirely clear to me.

Mr. President, let me commend the able Senator from Idaho. I listened for many hours to him and our colleague on the other side of the aisle, the senior Senator from Kentucky, when they drafted this amendment. I am glad to support it especially in that I note the able majority leader and the ranking Republican, not only of the Foreign Relations Committee, but of the Senate, are now also cosponsors.

Whereas I have full respect for the authority under the Constitution of the President of the United States, I have equal pride, under the advise-and-consent clause of the Constitution, for the prerogatives and rights of the Congress of the United States, of which I am a Member.

I thank my able friend.

Mr. CHURCH. Mr. President, I very much thank the Senator for his splendid contribution to the debate.

I remember, apropos of the Senate's action last December in limiting the use of public money for the purpose of introducing American ground combat troops into Laos, that we took that action after we finally learned the facts. Things have come to a sorry pass in this country when neither the American people nor the Congress is even told that our country is being involved overtly in combat in a foreign country.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CHURCH. I shall yield to the Senator in just a moment.

What was true with respect to Laos is also true of Cambodia. We tried to find out what was planned for Cambodia. Twice the Secretary of State came to meet with the Committee on Foreign Relations, once on April 2 and again on April 27. At neither time were we told, nor was it hinted to us, that the President intended to order American troops into Cambodia.

Mr. SYMINGTON. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. SYMINGTON. Would the Senator have included Cambodia in his resolution last December if he had had the remotest conception that we would be attacking Cambodia at this time?

Mr. CHURCH. If anyone had suggested that Cambodia was on the list, there is no question in my mind that Cambodia would have been added to Laos and Thailand. I am sorry it was not. Perhaps if we had added it then, we would not be faced with this serious crisis now.

Mr. President, I yield to the Senator from Kansas.

Mr. DOLE. I take issue with the word "attack" used by the distinguished Senator from Missouri. I also remind him that another great Missourian, former President Truman, went into Korea without the consent of Congress.

Let me say to the Senator from Idaho that I supported and voted for the resolution on Laos and Thailand. The Senator knows the language of my substitute is almost identical with the language drafted with great care by the Senator from Idaho and others, except it has one additional provision.

Does the Senator believe the President, whoever he may be, has a right, notwithstanding whatever Congress might do, to protect American troops?

Mr. CHURCH. As I said before and will say again, whatever right the President has, is vested in him by the Constitution.

It is not within the legislative power of Congress to deny him that right. That is not what we are trying to do here. We are trying to assert the rights we have under the Constitution.

Mr. DOLE. I concur in that.

Mr. CHURCH. If the Senator would stop where we stopped in December and suggest, in line with what we have already done, that in the case of Cambodia, we adopt a similar amendment which would read:

> In line with the expressed intention of the President of the United States, no funds authorized or appropriated shall be used to finance the introduction of American ground

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combat troops into Laos, Thailand, or Cambodia without the prior consent of the Congress—

Then I would consider it as a substitute. It is the final language that undoes the limitation.

The final proviso reads, "except to the extent that the introduction of such troops is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam."

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CHURCH. I shall yield to the Senator in a moment.

It is our responsibility here to set limits with respect to the spending of public money. We cannot undertake to define the President's power, but we can undertake to set limits on the expenditure of public funds. If the President feels those limits should be exceeded, let him come here and make his case.

Mr. DOLE. I appreciate the Senator's expertise. The Senator is an expert in this area and I wish to ask this question. In the event the Cooper-Church proposal passed, as in the case of the amendment last December, which was by a vote of 73 to 17, as I recall, does the Senator believe that takes away any right of the President or gives him more rights than he had under the Constitution? In the Senator's opinion would it mean that he had a right to protect American troops, if it meant crossing a border into Laos or Thailand? What is the Senator's best judgment?

Mr. CHURCH. My best judgment is that he did not send troops into Laos, which it was recommended that he do, because he recognized that Congress had established limits in the law with respect to Laos and Thailand. In other words, if we assert our authority, we can establish limitations which the President will respect. If he feels the need, he will come here and present his case. That was the role Congress was authorized to fulfill in regard to war and peace until we abdicated our authority, placing most of it in the President's hands. We do very little nowadays except vote the money, while leaving it to the President to decide who, where, and when we shall fight.

We have reached the point, however, where we must reassert our constitutional powers. We must now recognize that Congress must recover its authority in those areas that mean the most to the country, such as war and peace, and ultimately, the life and death of this Republic.

Mr. DOLE. Does the Senator from Idaho agree or disagree that a President, whether it be President Nixon or some other President, has the right under the Constitution to protect American forces? Does the Senator agree that he has this right, or does the Senator believe he does not have this right? Perhaps we can work out some accommodation on the language if we can agree.

Mr. CHURCH. I repeat to the Senator what I have said before, because it is the only way I know to say it. I do not believe the power lies with the Senate or the House of Representatives, or both bodies of Congress, to define the President's authority under the Constitution. That would be an act of futility.

On the other hand, we can move affirmatively within the bounds of our own powers, and that is what this amendment is designed to do. But if you "fudge" it up, then it is an empty gesture, and the Senate becomes nothing more than a fudge factory.

Mr. DOLE. I would like to ask the Senator, What happens if we agree to the amendment and then, the President finds it necessary to move troops across a boundary line? Is he then faced with another confrontation with Congress because we would not make clear what the President's rights might be in that case?

Mr. CHURCH. There is no doubt in my mind that if ever the safety of American troops is involved, then the President can make his case and the Congress will quickly move to do whatever is necessary to support the President in his efforts to safeguard American troops. There is no problem along these lines. That is a decision which should be shared between the President and the Congress, as the Constitution intended. It is not a decision which lies exclusively in the power of one man. The President can always come up here and present his case. If we draw no limits, then it is open to him to act alone, which he has been doing, and which his recent predecessors have been doing. In fact, it is this process which has gotten us stuck so fast in a bottomless bog in Southeast Asia.

Mr. DOLE. In the face of imminent danger to American troops, the Senator says the President must come to Congress and request the authority from Congress to give protection to these American troops?

Mr. CHURCH. I have said, and I do not think it is necessary to say it again——

Mr. DOLE. I feel it is necessary and beyond that vital.

Mr. CHURCH. That if the President should act under his authority, as vested in him by the Constitution of the United States, this authority cannot be diminished or withheld from him by Congress; but we also have authority that we can assert, and that it is the objective of the Church-Cooper amendment.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. GORE. I have listened with a great deal of interest to this colloquy, which deals with a fundamental constitutional question. I would like briefly and impromptu to express some views.

The genius of our system is that we have coordinate, coequal branches of government, with checks and balances one upon the others and the others upon the one. The warmaking powers are vested in the legislative and the executive. A war cannot be waged except with the support of both.

By the rationale advanced by my distinguished and able friend the junior Senator from Kansas, the President would have the authority to launch an attack upon China tomorrow, or tonight, or at this moment, without the approval of Congress. China is a sanctuary, indeed the greatest sanctuary of the war, to the enemy in Southeast Asia. It supplies rice, ammunition, the supplies, equipment, and materiel of all sorts. So by that reasoning, by that rationale, without the approval of the elected representatives of the people, the Congress, indeed, even without any consultation with them, the President could say, it is in the interest of saving American lives, the lives of those who are now in Vietnam, to bomb, to attack, to eradicate the sanctuary in Red China.

Would not that be just as logical, just as constitutional, as what we have just heard?

Mr. CHURCH. I must concede that it would. The Senator's argument underscores the fact that the authors of our Constitution never envisioned that a President, on his own decision, would send American troops to a war in a distant, foreign country.

The whole purpose of placing the war power in the hands of Congress was to make certain that such a fateful decision would be formulated by the representatives of all the people, including the President, and not by the Chief Executive alone. Why, the framers of the Constitution would turn in their graves if they knew how the shared responsibility, which they provided in that document, has eroded away.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. GORE. This seems to the senior Senator from Tennessee a strange interpretation for one who is a self-proclaimed strict constructionist. I must say that I was struck by the lack of logic, by the lack of reasoning, by the absence of principle, when the President said to a group of Representatives and Senators, at which conference I was sitting beside the distinguished senior Senator from Idaho, that he would not go farther than 35 kilometers without the approval of Congress. I thought that strange. A President who, without the approval or even consultation with Congress, had ordered an invasion of a sovereign country by thousands of American troops was yet telling representatives of the people that he would not invade farther than 20 miles without the approval of Congress.

What is the difference in principle between 20 miles and 30 miles, or the whole country?

Mr. CHURCH. It escapes me.

Mr. GORE. The tragic mistake was ordering the invasion, the crossing of the boundary of a small neutral country. When the reaction in the country and in the world was adverse then to placate the Congress he promises about 50 of us that he will not invade farther than 20 or 21 miles without the approval of Congress and that all U.S. troops would be withdrawn from Cambodia by June 30, 1970. But now that the Congress wishes by this resolution to take his promise at face value, a lobbying effort is undertaken and the propaganda minions are unloosed to accuse those of us who wish to be strict constructionists of the Constitution where war or peace and the lives of American boys are con-

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cerned of being unpatriotic. Deplorable, perfectly deplorable.

Mr. CHURCH. I thank the Senator from Tennessee for his comments.

Mr. PELL. Mr. President, will the Senator yield?

Mr. CHURCH. I yield to the Senator from Rhode Island.

Mr. PELL. Along the line of the previous questions and points, when the patriotism of those of us who support this amendment, who believe our present policies wrong, is questioned by the two largest veterans' organizations, I think it is of interest to note that 82 percent of the sponsors of the amendment under discussion are veterans, as opposed to 71 percent in this body as a whole. I think it is an interesting statistic.

Now I would like to ask the Senator, who, as a lawyer, is more educated in the law than I am, and is also versed in international law, what is the difference between the sanctuaries in Thailand from which our bombers move and the sanctuaries in Cambodia from which the North Vietnamese move.

Mr. CHURCH. The difference is that the Thai sanctuaries are ours and the Cambodian sanctuaries are theirs.

[Laughter in the galleries.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER. The galleries will be in order.

Mr. PELL. I thank the Senator for that correct reply.

What would be the difference in international law if, just as we, the big brother of South Vietnam, have moved into Cambodia to extirpate North Vietnam's sanctuaries, let us say China, as big brother of North Vietnam, offered to extirpate our sanctuaries in Thailand. So far North Vietnam has intelligently resisted the blandishments of China, but suppose one day she succumbed. Would there be any difference in international law?

Mr. CHURCH. I say to the Senator that the sequence of possibilities he suggests exposes the weakness of the decision that the President has made to strike against the Cambodian sanctuaries. After all, all of Indochina behind the enemy lines constitutes the enemy's sanctuary, and, as the Senator has observed, we have our sanctuaries, too, in Thailand, in the sea around the Indochina peninsula—dominated entirely by American naval forces—and even, in a sense, in the air above the battleground, which is also dominated by American air forces.

If this war becomes a pursuit of sanctuaries, then, if past experience is any guide, our thrusts will be met by enemy counterthrusts, and the danger, of course, is that this will force a spreading of the war, perhaps beyond our imaginations.

Mr. PELL. I would like to ask another question of the Senator in the field of law, where I need perhaps to be educated a little more.

It has seemed to me that in the last few days that a new dimension has been added to the Cambodian invasion, or involvement, or incursion, or whatever we wish to call it, in that we are now not only involved on the land and in the air, but we are also involved on the sea. We in the Committee on Foreign Relations took some note of that fact, and actually strengthened the amendment of the Senator from Idaho to cover the sea forces on the river. But at that time events were moving so fast that we did not realize that what seems to be a blockade would be extended at sea.

As I understand it, now there is what is called a protective patrol, which, from my memory of service in World War II, means a blockade, around Cambodia and South Vietnam up to the DMZ line.

In other words, we are treating Cambodia more sternly, when it comes to a naval blockade or whatever we call it, than we are Hanoi and Haiphong, which seems odd.

I was wondering if the Senator's recollection is the same as mine, that a blockade usually means war, is considered as an act of war or can be considered as an act leading to war.

Mr. CHURCH. The Senator is correct.

Mr. PELL. And, in order to be legal, does it not have to be effective, in other words total?

Mr. CHURCH. I would not attempt to pass judgment upon the legality of a blockade. The actual effectiveness of a blockade depends upon its totality.

Mr. PELL. All of these questions on which I am being educated bear out the necessity for the passage of the amendment under discussion, and I further affirm my delight and pride in being one of the cosponsors.

Mr. CHURCH. I thank the Senator very much for his generous comment.

Mr. HOLLINGS. Mr. President, will the distinguished Senator yield?

Mr. CHURCH. I am happy to yield.

Mr. HOLLINGS. Would the distinguished Senator pass on the legality as to the effecitve date? Is the intent, since it is an appropriations act, not until July 1? Is that the intent?

Mr. CHURCH. No; the amendment is written in such a way that it would take effect upon its enactment into law; that is, it would take effect immediately after signed into law by the President.

Mr. HOLLINGS. So, then, in that provision, for example, on page 5 at lines 4 and 5, "it is hereby provided that, unless specifically authorized by law herethat we now have in course in Cambodia after enacted, no funds authorized or appropriated pursuant to this Act or any other law," since the moneys presently being expended for the military activity are being expended under "any other law," it would, immediately upon signature, cut off funds for the present military activity in Cambodia at this time, or prior to July 1?

Mr. CHURCH. I would like to clarify that for the distinguished Senator.

Mr. HOLLINGS. Yes.

Mr. CHURCH. The amendment goes into effect upon enactment, but the amendment provides that no funds shall be appropriated, or no appropriated funds shall be used, for certain purposes. So the effect of the amendment has to be considered in the light of those purposes.

The first purpose is against retaining American forces in Cambodia. If it were to happen that this amendment could be affixed to this bill, could go to conference, could survive conference, and then go to the President for his signature before the current operations are finished——

Mr. HOLLINGS. Right.

Mr. CHURCH. The language of the bill would still be such as to permit the President to complete the present operation.

The amendment prohibits American forces from being retained, in Cambodia. The President has said he does not intend to retain American forces in Cambodia. He has assured the country that they will be coming out within the next few weeks, and that he will withdraw all American forces from Cambodia, in any case, on or before July 1 of this year.

So the amendment is drafted to permit him to proceed with the present engagement within the confines of his own declared policy. It would, however, prohibit him from changing that policy and retaining American forces in Cambodia, without first obtaining congressional consent.

Mr. HOLLINGS. But on page 5, that number, which is "retaining," is succeeded by No. (2), which says "paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any U.S. personnel in Cambodia.

Mr. CHURCH. As instructors. This is the second objective of the amendment, which is to prohibit the use of funds for sending American military advisers and instructors into Cambodia in support of Cambodian forces. According to the President, there are none there now.

The President has stated, moreover, that the only military assistance he has thus far approved has been the transfer of small arms to Cambodia. Our purpose is to prevent that modest military assistance program, which involves no American personnel, from escalating into the transfer of sophisticated weapons, requiring American instructors and American advisers. This would move us into Cambodia as we moved into Vietnam, first with a modest military assistance program, then with military instructors, advisers, and personnel, and finally with combat troops.

Mr. HOLLINGS. Obviously, from the Senator's answer, he understands it clearly. But in this use of terminology, where some say we are "withdrawing" and others say we are "invading," we cannot tell which direction we are headed. Would the Senator object to a July 1 effective date, since he says all this is going to end by July 1 and since this is an appropriation act for the next fiscal year, and that is what the Senator intends and the President intends? Would that be all right?

Mr. CHURCH. I certainly would give it serious consideration. I would want to discuss it with other sponsors and cosponsors of the amendment.

This particular point came up in committee hearings. I want to tell the Senator the reasons that we decided not to put the actual date into the amendment so that he will understand why it was that a specific date was not included.

The first reason was that it might be

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construed as an approval of the action, which concerned some members of the committee very gravely.

Second, it was felt that a dateline, though it is the President's own declared dateline, might be held up as a manacle to the President which would prevent him necessary latitude of a week or two if developments in the field made that desirable.

We wanted to give him all the flexibility he should reasonably have, while still taking him at his word, that we decided not to insert the date.

However, an argument can be made on the other side of that proposition; and I know the argument, I respect it, and I say to the Senator that any suggestion along that line would be one that we would seriously reflect upon.

Mr. CHURCH. Mr. President, I know that the Senator from Kansas wishes the floor, and I will not detain him much longer.

I do think it is interesting, however, in view of the questions he posed earlier, to remember that in 1846 President Polk sent American forces into disputed territory in Texas which precipitated the clash that began the Mexican War.

Abraham Lincoln was then a Congressman from Illinois, and he took strong exception to the Presidential decision that led to our involvement in the Mexican War. He wrote some memorable words concerning the Constitution and the intended limits on Presidential discretion in the matter of war. I should like to read those words to the Senate. Abraham Lincoln wrote:

> Allow the President to invade a neighboring nation whenever *he* shall deem it necessary to repel an invasion, and you allow him to do do so, *Whenever he may choose to say* he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix *any limit* to his power in this respect, after you have given him so much as you propose.
>
> The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings have always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our convention understood to be the most oppressive of all kingly oppressions; and they resolved to frame the Constitution that *no one man* should hold the power of bringing this oppression upon us.

I yield the floor.

Mr. DOLE. Mr. President, I am aware of that quotation by Lincoln, and I am aware that he lost the next election. I am not certain it was because of his position on that issue.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. CHURCH. I think it was. I think he did, indeed, lose the next election because he stood on a constitutional principle that he felt was more important.

Mr. DOLE. Mr. President, let me remind the Senator from Idaho, as I stated on Tuesday—and again today—that I approve in part, of his efforts. I know of his sincerity and that of the senior Senator from Kentucky.

Everyone, with the exception of some 17 Members, supported the Senator from Idaho's amendment on December 15 of last year with reference to Laos and Thailand. I have quickly reviewed the debate on that amendment, and find no reference at all to protection of American troops. Of course, there was no reference to Cambodia because at that time Sihanouk was still in power, and it is understandable why we did not concern ourselves with that country at that time.

I can also understand why we did not address ourselves at that time to the very vital question—and perhaps the overriding question—in my mind and that of other Senators, and that is the protection of American troops and what right the President may have in respect thereto. We all recognize, and say publicly—that we should not be involved in another Vietnam, whether it be in Laos, Thailand, Cambodia, or wherever. But I remind my colleagues that President Nixon has kept the faith. He has kept his promises with reference to South Vietnam. He has announced troop withdrawals, and he has carried out each troop withdrawal on schedule—in fact, in some cases ahead of schedule.

It appears that in our efforts to circumscribe the powers of the President, we are saying to the President, in this instance, "Even though you say you will disengage from Cambodia on July 1, even though you are reducing the war in Vietnam, even though you have deescalated the bombing, even though you have reduced the number of troops by 115,000 and have announced another reduction of 150,000 since January 20, 1969, you are not to be trusted." So it is incumbent upon us, in the U.S. Senate and in the U.S. House of Representatives, not to literally handcuff the President of the United States.

We can always rely on the Constitution. I trust we always may have that right. It seems, however, that we should have some position on the vital question: Do we or do we not believe that the President of the United States, when American troops are threatened with imminent danger, has the right to move to protect them?

The language of my substitute, which I may offer as a substitute for the so-called Cooper-Church amendment, is identical for the most part to the language drafted by the senior Senator from Idaho last December. It contains just one proviso and one exception:

> Except to the extent that the introduction of such troops is required as determined by the President and reported promptly to Congress to protect the lives of American troops remaining within South Vietnam.

Let me make it very clear that I share the concern expressed by the distinguished Senator from Idaho and do not want to become involved in a war in Cambodia. I would reject being in Cambodia to shore up the Lon Nol government. I do believe, however, we must give this President, or any President, the right to protect American troops who may remain in South Vietnam.

Therefore, the junior Senator from Kansas feels that either through some substitute language or some provision added to the so-called Cooper-Church amendment, it should be made clear that this Congress recognizes that right of the President. I say to my friend from Idaho that it appears that by him not commenting directly on the question, I assume that one may see it either way—either the President has that right or the President does not have that right.

It also appears we are in general agreement as are most Members of this body concerning some of the basic purposes of the Cooper-Church amendment. But there are some—I count myself in that group—who want to make certain that the President of the United States, the Commander in Chief by the Constitution and the Chief Executive Officer by the Constitution, has that right when he determines it is necessary to protect the lives of American troops remaining within South Vietnam.

Extreme arguments can be made that perhaps the largest sanctuary is Red China or that there may be other sanctuaries in Laos or Thailand, and that this language could be used to undo what Congress feels it should do.

But if this issue is seriously considered, then what is really the question and what is being said to the American people is that this Congress lacks faith in the credibility of this President. But I would say again that the President of the United States, since January 20, 1969, has kept faith with the American people with reference to South Vietnam. He has kept his promise on troop withdrawals. The level of troop reduction is now 115,000 below the level when he took office. He has announced an additional troop reduction of 150,000, and that will be carried out on schedule.

The purpose of my exchange with the Senator from Idaho is to determine whether there may be some common ground or some area where not only the President can be accommodated, but also the consensus of Congress.

I recognize the power of Congress under the Constitution to declare war and the power of Congress to appropriate money. I am aware of the 2-year prohibition and know the purpose of that prohibition and agree with it.

Mr. President, the junior Senator from Kansas also recognizes that this issue has been raised ever since the time of George Washington—in almost every administration since then. Thus it seems, and I would hope that in the debate on the pending amendment perhaps some broad agreement can be reached. I would, therefore, again ask the Senator from Idaho, in all sincerity and with great respect, whether he believes, knowing the Constitution as he does, and knowing the rights and powers of the Congress and the President as he does, whether he believes that, in the event of danger to American troops and the need to protect the lives of those troops, does the President have that right?

Would the distinguished Senator from Idaho comment on that?

Mr. CHURCH. I would be very happy to comment. Is the Senator going to continue his remarks?

Mr. DOLE. Yes.

Mr. CHURCH. We are, then, going back again over the old ground——

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Mr. DOLE. Let me say ahead of that——

Mr. CHURCH. I can answer the Senator. I will answer the Senator. The President of the United States, acting as Commander in Chief, has, in the past, and will in the future, take action he feels necessary to protect American troops in the field. We could not deny him his powers under the Constitution to do that, if we tried. But, we are not trying to do that with this amendment.

It is wrong to characterize this amendment as handcuffing the President of the United States.

It is wrong to cast it in the light of not trusting the President of the United States.

There was a reason that the Constitution vested certain responsibilities in Congress when it came to war and when it came to control of purse strings. Our Founding Fathers thought that that authority could better be exercised by many men rather than only by one man.

All this amendment attempts to do is to impose certain limits upon the use of public money, which is the prerogative of Congress. The amendment looks to two objectives; namely, one prohibits use of money to retain American forces in Cambodia—which the President says he does not intend to do; and, second, it prohibits the use of money to get us entangled in a new military alliance with the Cambodian regime in Phnom Penh.

Congress has that right. If the President later thinks that these restrictions on the use of public money should be lifted, then he can come here and make his case and we can decide.

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But the insistence that, somehow, the exercise of the powers which were vested by the Constitution in Congress is an affront to the President of the United States, seems to me to be the most demeaning of all possible arguments that could be made where the integrity of Congress is concerned.

That is why I say to the Senator—and I have answered him several times over regarding it—that I think it is as plain as it can be, that we intend neither to handcuff the President nor to interfere with his right to act within his responsibilities under the Constitution, nor do we intend to raise questions concerning the sincerity of his purposes.

We simply undertake to impose, on our own responsibility, certain limits as to the use of public money. I think the time has come for us to do that.

If, indeed, the President should decide at a later date to plunge this country even more deeply into Southeast Asia, then I think he should come to Congress and ask for our consent.

That would be, I think, the result of this amendment. And I think it would be a healthy result for the institutions of this Republic.

Mr. DOLE. Mr. President, I thank the senior Senator from Idaho. Again, I believe there can be some area of accommodation here. I am certain that the Senator from Idaho is aware of the broad support that was enjoyed by him, on both sides of the aisle, last December for his amendment with reference to Laos and Thailand.

Therefore, if that language was adequate in December of 1969, it should be adequate in May of 1970.

It also occurs to me, there could be that same broad support simply by restating the Laos and Thailand amendment to read:

> In line with the expressed intention of the President of the United States, no funds which shall hereafter be authorized or appropriated pursuant to this act, or any other law, shall be used to finance the introduction of American ground troops into Cambodia without prior consent of Congress.

Or perhaps some other language, just to make certain we protect the rights of those there at the present time. Because, as stated earlier, I supported the Senate amendment last December. I recognize the rights of Congress and its responsibilities under the Constitution. I would hope that, during the course of this debate, some agreement with reference to the pending amendment, or some substitute language therefor can be reached.

But, I repeat, whatever we may feel in this Chamber, I believe the American people would interpret action by the Senate, if the pending amendment were to be adopted, as a direct slap at the President of the United States for taking the action he deemed was necessary on April 30, to accomplish two things, to protect the lives of American troops and to keep the Vietnamization program on schedule.

Mr. President, it will be some months before we know whether the President's judgment was correct.

It will be several months before we know whether American lives were saved, and whether casualties were, in fact, reduced.

It will be several months before we will know whether, because of the action in Cambodia, the Vietnamization program can be kept on schedule.

Thus, whatever the intention may be—and I question no one's motives—but whatever the intentions may have been at the time, it appears clearly now that this amendment confronts the President of the United States, who has said time and again that on July 1, or before, all American troops will be withdrawn from Cambodia, and appears to question his judgment and his word as Commander in Chief.

I appreciate the response by the senior Senator from Idaho, and would assume from his response that he might agree, in the event of danger to American troops, that the Commander in Chief could use such powers he has under the Constitution, to do what he thinks appropriate to protect the lives of American troops, or other Americans for that matter.

Accordingly, I say to my distinguished colleague from Idaho, perhaps some accommodation can be made, to demonstrate to the American people that Congress wants to share the responsibility, that it has an obligation to share the responsibility, but in doing so, it will not take an indirect slap at the Commander in Chief, whoever he may be.

Mr. CHURCH. Mr. President, I have just one final word this afternoon. I believe that the discussion has made it clear that the central issue involved here has to do with the constitutional powers of the Congress and the President in the matter of a foreign war.

In the May 14 edition of the Washington Post, a very impressive and scholarly article, written by Merlo J. Pusey, is published. It is entitled "Presidential War: The Central Issue."

The article is of such quality that it should be called to the attention of all Senators.

Mr. Pusey writes:

### PRESIDENTIAL WAR: THE CENTRAL ISSUE

(By Merlo J. Pusey)

It would be a pity if the serious constitutional issue underlying the current protests against the war should be lost in the cyclone of threats, anti-Nixonisms and obscenities. However clumsy they may be in articulating it, the students do have a legitimate complaint. They face the possibility of being drafted against their will for service in a presidential war.

All the talk about pigs, revolution and smashing the establishment fails to alter the fact that, in one basic particular, the dissenters are the real traditionalists. Madison and Jefferson would have understood the anger on the campuses against the dispatch of young men to war in Southeast Asia at the dictation of one powerful executive. Madison and his colleagues wrote into the Constitution a flat prohibition against such a concentration of power. Yet it now seems to be accepted as standard American practice.

President Nixon reiterated his claim to the war power the other night in his news conference in explaining that none of his advisers was responsible for the invasion of Cambodia, he said:

"Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advice of those, and I made this decision."

The question of going to Congress for the decision or even of discussing the matter with congressional leaders appears not to have been considered. The result of the decision was to extend the war to another country. By any interpretation that may be placed upon it, this was a grave involvement for the nation. Most of our Presidents would have deemed it imperative to go to Congress for authority to take such a step.

Now the administration is resisting the attempt of the Senate Foreign Relations Committee to cut off funds for military operations in Cambodia. The committee has carefully tailored its restriction so as not to interfere with the President's avowed intention of clearing the sanctuaries and then withdrawing the American forces. But this has met with opposition from the State Department on the broad ground that actions of the Commander in Chief should not be subject to statutory restrictions.

There are several interesting phrases in this letter which Assistant Secretary Dabid H. Abshire sent to the Foreign Relations Committee. He contends that Congress should not limit military spending in such a way as to "restrict the fundamental powers of the President for protection of the armed forces of the United States." The implication seems to be that the President has authority to send our armed forces anywhere in the world, for purposes which he thinks appropriate, and then to take whatever additional action he may think necessary to protect those forces. Under this reasoning, it seems, no one can do anything to stop a presidential war.

This view of the war power is not, of course, unique with the Nixon administration. President Truman made even more expansive claims to unlimited presidential power, and LBJ was not far behind. Mr. Nixon's State Department is merely mouth-

> ing what has become accepted doctrine in the executive branch. But it is an outrageous doctrine that flies into the face of the letter and spirit of the Constitution and is repugnant to the basic concepts of democracy.
>
> There is no principle about which the founding fathers were more adamant than denial of the war power to a single executive. After extended debate they gave Congress the power to raise and support armies, to control reprisals and to declare war, which, of course, includes the power of authorizing limited war. The President was given authority to repel sudden attacks, but there is nothing in the Constitution which suggests that this can be legitimately stretched to cover military operations in support of other countries in remote corners of the world.
>
> In a literal sense, therefore, it is the students—or at least the nonviolent majority among them—who are asserting traditional, constitutional principles. It is the State Department which is asserting a wild and unsupportable view of presidential power that imperils the future of representative government.
>
> Somehow the country must get back to the principle that its young men will not be drafted and sent into foreign military ventures without specific authority voted by Congress. That is a principle worth struggling for. Congress now seems to be groping its way back to an assertion of its powers, but its actions are hesitant and confused, as if it were afraid to assume the responsibility for policy-making in such vital matters of life and death.
>
> Of course Congress is at a great disadvantage when it tries to use its spending power to cut off a presidential war for which it has recklessly appropriated funds in the past. In these circumstances, the President is always in a position to complain that the result will be to endanger our boys at the fighting fronts. Congress seems to have discovered no sound answer to that warning.
>
> But Congress could stop presidential wars before they begin by writing into the law firm prohibitions against the building of military bases in foreign countries and the dispatch of American troops to other countries without specific congressional approval. If Congress is not willing or able to devise some means of restoring the war power to the representatives of the people, we may have to modify our system of government so that the President would become answerable to Congress for abuses of power. In the light of our Vietnam experience, it seems highly improbable that the country will long continue to tolerate unlimited power in one man to make war.

Mr. President, it is this very objective, the objective of setting the limits to prevent our present incursion into Cambodian territory from becoming an unlimited new front in an expanded war in Southeast Asia that this amendment is offered. We can set limits now if we will only act. We can set these limits in strict accordance with the President's declared policy if we will only act. Then, should the time ever come when the President thinks a further extension of the war is justified, he would be obliged to come back to Congress, as he should have done in the first place, and lay his case before us. That was the kind of sharing of power the Constitution contemplated. It is time we got back to it in this country.

AMENDMENT NO. 628

Mr. GORE. Mr. President, I submit an amendment which I send to the desk and ask that it be printed and lie at the desk.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. GORE. Mr. President, this amendment proposes to strike from lines 5 and 6 page 1 of the pending amendment the words "expedite the withdrawal of American forces from . . ." and insert in lieu thereof the following words: ". . . facilitate a negotiated peace in . . ."

The section presently reads as follows:

> In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided . . .

As I would amend it, it would read as follows:

> In order to avoid the involvement of the United States in a wider war in Indochina and to facilitate a negotiated peace in Vietnam, it is hereby provided . . .

What I seek to do by this amendment is to draw a clear distinction between a negotiated peace, on the one hand, and the policy of "Vietnamization," so called, which we have had since June of last year and which has not brought an end to the war and during the existence of which this country has suffered more than 50,000 casualties on the other hand.

Mr. THURMOND. Mr. President, adoption of the amendment being debated here today would prevent the President of the United States from taking future actions he might deem necessary to insure the safety of our 400,000 troops remaining in Vietnam.

Furthermore, tying the President's hands in the proper exercise of his role as Commander in Chief of our committed military forces, would certainly hamper the chances for success of the Vietnamization program.

In this connection it could delay the return home of some 150,000 more U.S. troops scheduled to come out of Vietnam by next spring. The President has promised faithfully to carry out this withdrawal but if we restrict him he may be unable to follow through.

Many argue President Nixon had no right to attack the Communist sanctuaries in Cambodia. It is my contention he had an obligation to do so. In taking this action he will undoubtedly reduce our casualties over the next year and also insure continued success of the Vietnamization program.

This limited action in Cambodia is within the range of power of the President as Commander in Chief of our Armed Forces. He was executing a constitutional prerogative, clearly supported by history. His power under article 2 of the Constitution as Commander in Chief is broad and sweeping. Many Presidents have committed American forces to combat in foreign countries without a declaration of war by the Congress. These operations, for the most part, did not involve an act of war by the United States against the country involved but were measures to protect American interests, personnel or troops. Most of these operations met with the approval of the governments whose territory was involved. And further, the vast majority of these operations were limited in nature and scope, as is our present involvement in Cambodia.

Our fighting men have moved into foreign territory many times. In recent history President Truman sent U.S. forces into Korea and we fought there for several years without a declaration of war. President Eisenhower sent American forces into Lebanon and President Johnson sent them into the Dominican Republic and South Vietnam.

Generally accepted rules of international law support the President in the Cambodian operation. As a matter of international law when a neutral country like Cambodia cannot maintain its neutrality, and when the result threatens the lives of U.S. forces nearby, then the right of self-defense is clearly recognized.

The Cambodian operation is a limited military operation and it has been extremely successful. Can anyone in this Chamber deny that this action will, in the long run, reduce American and allied casualties in South Vietnam?

It seems to me the results of the operation to date should amply answer that question. As of today the Pentagon reported the following information:

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|---|---|
| Enemy killed | 5,404 |
| Detainees | 1,431 |
| Individual weapons captured | 7,540 |
| Crew-served weapons captured | 1,071 |
| Rice (tons) | 2,499 |
| Rice (man months) | 109,956 |

"Man months" means the number of men who could live on that rice for a month.

| | |
|---|---|
| Rockets (each) captured | 9,405 |
| Mortars (each) captured | 13,384 |
| Small arms ammunition captured | 8,474,425 |
| Land and personnel mines captured | 1,384 |
| Bunkers destroyed | 3,318 |
| Vehicles destroyed or captured | 178 |

In the face of these figures, how can critics of the President dispute the fact this operation was needed, was successful, and will save American lives as well as shorten this war?

Mr. President, while the general thrust of this amendment argues for U.S. detachment from Cambodia, its provisions go much further. A brief examination of the amendment clearly supports this fact.

In paragraph 1 the amendment prohibits "the retaining of United States ground forces in Cambodia." This simply would prevent the use of American forces in Cambodia for any purpose at any time. It is unwise to tell the Commander in Chief and the military leaders in the field that the enemy operating from across the street can come over and attack you, but you cannot cross the street to his side in self-defense. There is no clear line defining this border and the present Cambodian Government is opposed to the use of their territory by North Vietnam as a military base to launch attacks against a friendly neighbor. President Nixon has described the Cambodian operation as limited in scope, and he predicts withdrawal of all our forces by July 1.

The President also stated any further operations into Cambodia to destroy the

Communist sanctuaries there will be conducted by the South Vietnamese. However, suppose a South Vietnamese force of several thousand should make a raid into the sanctuary areas of Cambodia and should be trapped and threatened with annihilation. This amendment would tie the hands of the President and the military leaders in such a situation to the extent they would be unable to launch a rescue operation should it be required.

Further, who is to say that the present Cambodian Government will not collapse and thereby open Cambodia to unrestricted use by the North Vietnamese? In such an event should we prevent the President from striking massive buildups of enemy troops who are poised to thrust into South Vietnam and kill American soldiers remaining there? I will not be a party to such a restriction.

In paragraph 2 of the amendment the United States is prohibited from "paying compensation or allowances of, or otherwise supporting, directly or indirectly, any person in Cambodia who, first, furnishes military instruction to Cambodian forces; or second, engages in any combat activity in support of Cambodian forces."

Mr. President, the committee report on the Military Sales Act to which this amendment is affixed, states the purpose of this paragraph is to prohibit involvement of the United States in support of the Cambodians through the use of advisers or military instruction.

The President has already made it clear that such action is not presently necessary or desired. Furthermore, the Cambodian Government has not requested such support. Nevertheless, if the safety of our remaining forces in Vietnam would be enhanced by such action it seems unwise to me for the United States to telegraph to the world it would not undertake any steps in sanctuaries which threaten our fighting men in South Vietnam.

Paragraph 3 of the Cooper-Church amendment prohibits the United States from "entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or persons to engage in any combat activity in support of Cambodian forces."

This paragraph could bring into question the legality of our support to the South Vietnamese Government should they decide their national security would be strengthened by providing military instruction or support to the Cambodians. These two countries are fighting the same enemy, the North Vietnamese, so why should the South Vietnamese be denied the right to work with their allies against a common enemy?

The Foreign Relations Committee report on this paragraph states its purpose is to "prohibit the United States from doing indirectly what cannot be done directly," such as paying for the services of "mercenaries or others who, without this provision, could be brought in to aid the Cambodian forces."

Mr. President, I submit we are supporting the South Vietnamese, and if their security is threatened by North Vietnamese forces in Cambodia, why should we withdraw our aid if they find it necessary to strike the enemy sanctuaries there as is presently being done? Such an action by the South Vietnamese would surely aid the Cambodians, and this paragraph apparently would prevent any forces supported by the United States from aiding the Cambodians.

If the South Vietnamese deem it necessary to their own security to work with the Cambodian forces in defeating a common enemy, why should the United States stand in their way? That is what the whole Vietnamization program is about—allowing the people of these threatened and invaded countries to fight their own wars as best they can.

Finally, paragraph 4 raises another serious question. As stated in the amendment, it would prohibit "supporting any combat activity in the air above Cambodia by U.S. air forces except the interdiction of enemy supplies or personnel using Cambodian territory for attack against or access into South Vietnam."

In connection with this paragraph I raise this question: Who is to say where the North Vietnamese weapons of war are headed and for what use? Are these supply movements against the South Vietnamese or the Cambodians?

Mr. President, if we pass this amendment it will undermine the President in carrying out his constitutional duty to do his utmost to provide for the protection of our fighting men. Its passage would wreck any chance we might have left to obtain a just solution in South Vietnam by peaceful negotiations.

Finally, passage of this amendment would be met by jubilation in Hanoi, Moscow, Peking, and other Communist capitals throughout the world, as it would signal the waving of a white flag to the forces of tyranny and oppression.

Surely the Members of this body must realize that passage of this amendment would tie the hands of the President and Commander in Chief in many crucial areas which might not even be visualized in this debate. Its passage could deny him options which at some later time might be critical to the safety of our remaining forces in South Vietnam.

The Senate might be interested in knowing that during the War Between the States President Lincoln's conduct of the war did not always meet with favor from the Congress. As a result the Congress established a committee in January 1862, known as the Committee on the Conduct of the War.

This committee told President Lincoln how to manage the war, and there was considerable political meddling in military affairs. In his book titled "Lincoln or Lee," Author William Dodd wrote the committee "hounded the President" on the conduct of the war despite the great burdens on the President at that time.

Mr. President, we should avoid any such parallel in these modern times. The people of this country elected President Richard Nixon Commander in Chief in 1968. In 1972 they will have an opportunity to approve or disapprove of his conduct while in office. It would be nothing less than tragic if the legislative branch tries to take upon itself the dictating of military decisions clearly within the purview of the President.

Let us not make the U.S. Senate a war room from which we dictate tactics and strategy to a Commander in Chief who has pledged to Vietnamize this war. He has kept every pledge made concerning Vietnam. Some 150,000 of our troops have been successfully withdrawn and another 150,000 will be out by next spring.

The previous administration kept saying the war would end soon. President Nixon has made no such pledge, but he has pledged to gradually reduce our involvement. He does not desire an expansion of the war. He favors the opposite. It would be a tragic mistake to tie his hands and proclaim to the enemy that which he has been unable to win on the battlefield may now be won in the United States.

Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "President's War Power Threatened," written by David Lawrence and published in the Washington Evening Star of May 13, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Evening Star, May 13, 1970]

### PRESIDENT'S WAR POWER THREATENED

(By David Lawrence)

For the first time in American history, the Senate Foreign Relations Committee has ignored not only the spirit but also the letter of the Constitution. It has approved an amendment to a bill which, if accepted by the Senate and the House, would deprive the commander-in-chief of the armed forces—namely, the President—of his power to conduct military operations. In the midst of a war, a congressional committee recommends a law to withhold funds unless its methods and restrictions are followed.

The principle is important to the security of the United States, which has joined with other countries—twice in Europe and twice in Asia—to prevent communism from taking over small countries and eventually dominating the free world.

By a vote of 9 to 4, the Senate committee has begun to say to the President that no matter what contingencies may arise, he must pursue a specified course with respect to Cambodia. He is being told to follow the rules outlined by the committee in connection with operations that the President feels are necessary to protect the remaining American troops in South Vietnam. Other senators are proposing modifications, and administration supporters are suggesting some, too.

Assistant Secretary of State David M. Abshire, in a letter to the committee, said that, while the amendment reported out by the committee coincides with the intention of the President concerning the limited role of American forces in Cambodia, "we do not consider it desirable that actions of the commander-in-chief should be subject to statutory restrictions."

Nobody knows just what the North Vietnamese may do after a substantial number of American combat troops have been withdrawn from South Vietnam. There is a possibility that attacks will be launched from bases in Cambodia and North Vietnam, and that the South Vietnamese will need all the help they can get in thwarting them. The President, as commander-in-chief, needs a free hand in dealing with military contingencies. This has always been the rule.

The amendment voted by the Senate Foreign Relations Committee would bar not only the use of U.S. combat troops in Cambodia but the employment of American advisers and instructors. The President, however, has to look at the problem on a long-range basis.

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He must be sure that the American troops who are left in Vietnam for the time being are not threatened by any major offensive, for this could mean the loss of many lives.

Nixon has said that by July 1 our troops will be out of Cambodia. The enemy has not started any offensives that could interfere with such a decision, but, in a war, nobody knows when or from what direction an attack may come. This is why the commander-in-chief must have the widest discretion in the use of troops and equipment.

Interference by Congress in the actual operation of the armed forces is a serious thing at any time. But nowadays the Communists can derive much encouragement from such a situation. They may feel inclined to take chances on the theory that the President will not dare to return any troops to Vietnam once they have been removed. A big assault might therefore be launched by Hanoi against the remaining Americans and the South Vietnamese after a major part of the U.S. forces have been withdrawn.

There has been plenty of opposition in Congress by isolationists before wars began. But during a war no attempts have been made actually to impair military movements on the use of armies or navies. This has been left to the judgment of the commander-in-chief.

It may be that if a constitutional convention is called some day, as has been proposed in recent years, a new amendment will be offered to restrict the powers of Congress so that there can be no possible right to interfere with the flow of appropriations necessary to maintain a military operation in the midst of a war. For once the commander-in-chief has committed troops in an expedition designed to thwart an international enemy like the Communists and to prevent eventual attacks on the United States itself, the power to deal instantly with developments must be, as heretofore, within the discretion of the President.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW, AND RECOGNITION OF SENATOR STENNIS AFTER REMARKS OF SENATOR COOK

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on tomorrow, at the conclusion of the remarks of the able Senator from Kentucky (Mr. COOK), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes; and that immediately following the transaction of routine morning business, the unfinished business be laid before the Senate, and that the able junior Senator from Mississippi (Mr. STENNIS) be then recognized for not to exceed 1 hour.

The PRESIDING OFFICER (Mr. BELLMON). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

## MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S. 2999 An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes.

## CONTINUING APPROPRIATIONS, FISCAL YEAR 1970

Mr. BYRD of West Virginia. Mr. President, I ask that the Chair lay before the Senate the message from the House of Representatives on House Joint Resolution 1232.

The PRESIDING OFFICER laid before the Senate the joint resolution (H.J. Res. 1232) making further continuing appropriations for the fiscal year 1970, which was read twice by its title.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I have been asked by the able Senator from Louisiana (Mr. ELLENDER), who is the acting chairman of the Senate Appropriations Committee, and who is presently presiding over a meeting of the Appropriations Committee, to present this joint resolution to the Senate. It has been cleared with the minority. As I understand it, there is no objection from the minority to the consideration of this matter at this time.

That being the case, I shall proceed with a brief statement which was prepared by Senator ELLENDER, and which he has asked that I read in his stead.

Mr. President, this joint resolution is absolutely necessary in order to avoid payless pay days for Government employees and the interruption of veterans' readjustment benefit payments.

The second supplemental appropriation bill, 1970, passed the House of Representatives on May 7 and it was received and referred in the Senate on Monday, May 11. The President has submitted additional budget estimates to the Senate for consideration in connection with this appropriation bill, and these budget estimates were filed at the desk here in the Senate on May 11. It is obvious that the Committee on Appropriations is going to have to hold additional hearings to give appropriate consideration to this bill. Consequently, the bill cannot be considered on the floor of this body in the very near future. The bill as it passed the House provides funds for pay increases and also for veterans' readjustment benefit payments.

Senators will recall that salaries of Government employees were increased effective July 1, 1969. In addition, there was a 6-percent retroactive pay increase effective generally on December 27, 1969. None of the appropriation bills which were enacted into law for fiscal year 1970 provided funds to finance these pay increases, but the increased payments have been made to personnel throughout the fiscal year, as authorized, for these two pay increases. As a result, practically the entire Federal Government will be out of funds at some time in the near future. The first agency to be affected is the Bureau of Commercial Fisheries in the Department of the Interior, which the committee has been advised will not be able to meet its payroll on May 13. Under the circumstances, it would appear that orderly procedure would require the Senate to consider this continuing resolution at this time.

No new employees can be employed under the resolution, nor can any new contracts or programs be instituted. Likewise, it does not permit the expansion of any continuing program. It is designed merely to avoid disruption of the Federal Government. The resolution does not make any appropriations; it merely authorizes the utilization of funds which are already contained in the second supplemental appropriation bill as it passed the House of Representatives. Further, a provision in the resolution reads: "All expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization" provided by the second supplemental appropriation bill.

Mr. President, I urge the adoption of this joint resolution.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 1232) was read the third time, and passed.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. GORE. Mr. President, when, last year, the Senate adopted an amendment to prohibit the use of U.S. ground troops in Laos and Thailand, it did not occur to the Senator from Tennessee nor to other Senators with whom I have spoken that it would be advisable to include the small, neutral country of Cambodia in that prohibition.

We now see that it might have been very advisable to do so. Indeed, it now appears that, except for that amendment, Laos might have been invaded.

However that be, we are well advised, now, of the unprecedented interpretation given by President Nixon to the Constitution with respect to the war-making powers. So I offer a substitute amendment to prohibit the use of funds herein authorized for invasion of either Laos or China. I send the amendment to the desk, and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, a motion will be made shortly to adjourn until tomorrow.

On tomorrow, the Senate will convene at 11:30 a.m. Immediately after the disposition of the reading of the Journal, the able Senator from Kentucky (Mr. COOK) will be recognized for not to exceed 30 minutes, following which there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

Upon completion of the routine morning business, the unfinished business will be laid before the Senate, at which time the able Senator from Mississippi (Mr. STENNIS) will be recognized for not to exceed 1 hour.

### ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 49 minutes p.m.) the Senate adjourned until Friday, May 15, 1970, at 11:30 o'clock a.m.

### CONFIRMATIONS

Executive nominations confirmed by the Senate May 14, 1970:

#### U.S. PATENTS OFFICE

Robert Gottschalk, of New Jersey, to be First Assistant Commissioner of Patents.

Lutrelle F. Parker, of Virginia, to be an examiner in chief, U.S. Patent Office.

#### U.S. MARSHAL

Donald D. Hill, of California, to be U.S. marshal for the southern district of California for the term of 4 years.

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# HOUSE OF REPRESENTATIVES—*Thursday, May 14, 1970*

The House met at 12 o'clock noon.

Dr. Beverly Felty, pastor of Ghent United Methodist Church, Norfolk, Va., offered the following prayer:

Eternal God, we come to Thee because we are misguided without Thy guidance, we are weak without Thy strength, we are unable without Thy competence. Help us to remember that whether we deal with outer space or the inner man, Thy laws govern. Speak Thy word to each one of us now. As we attempt to deal with unrest and dissension within our land help us to keep perspective. Cause us to remember that often better things come through the birth pangs of struggle. Lead us to understand anew that in a world of instability Thou art stable, that even though change is all about us Thy truth abides, that even though the will of men is strong, Thy will will be done.

Grant us Thy peace. Amen.

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### THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to bills of the Senate of the following titles:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2208. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes;

S. 3011. An act to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes; and

S. 3818. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

### REV. BEVERLY FELTY

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Speaker, it has been a great joy and privilege for me today that the opening prayer was given by my pastor, the Reverend Beverly Felty, of Ghent United Methodist Church, in Norfolk, Va. He has been the minister at Ghent for 4 years, and is the first minister in over 35 years to be asked to stay for a fifth year. Reverend Felty and his fine family, his wife Margaret, his daughter Gwen, and his son Mike, are highly thought of by the congregation, and it is my privilege to claim him as a close personal friend, as well.

I am confident that the message in his prayer today brought the same inspiration to the House that Reverend Felty brings to us at Ghent every Sunday. His goodness and faith strengthen us all.

### PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS—1971

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the Department of Interior and related agencies appropriation bill for fiscal year 1971.

Mr. REIFEL reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

### PERMISSION FOR POST OFFICE AND CIVIL SERVICE COMMITTEE TO FILE REPORT ON H.R. 17070—UNTIL MIDNIGHT MONDAY

Mr. DULSKI. Mr. Speaker, I ask unanimous consent that the Post Office and Civil Service Committee has until midnight Monday to file a report, together with supplemental and minority views, on H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

### CONSTITUENT MAIL RUNS 98.7 PERCENT AGAINST THE PRESIDENT'S INVASION OF CAMBODIA

(Mr. KOCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOCH. Mr. Speaker, there has been a spontaneous outpouring of letters from my constituents expressing their views on the President's invasion of Cambodia. To date, I have received 4,787 letters; 4,728, or 98.7 percent of those letters, oppose the President's decision; 59, or 1.3 percent, support the President's action.

The emotional content of these letters exceeds anything I have received on any subject since taking office 17 months ago. The bitterness, outrage, and despair of my constituents reinforces my remarks made on the floor of this House 2 weeks ago when I said that President Nixon has shown utter contempt for the overwhelming desire of the American people to get our troops out of Southeast Asia.

The letters continue to inundate my office. Every day that passes makes clear that the President, in his press conference of May 8, did not calm their fears nor halt their criticism.

A large number of the letters also strongly protest the killing of the four Kent State students and accuse the President and Vice President of consciously dividing this country for their own political gain. Those condemning the intemperate speeches and actions of the President and Vice President support my contention that there has been a terrible abuse of the awesome power of the Presidency.

I now will urge my constituents to write the President so that he may know that his Pentagon's body counts in Vietnam and his party's telegram counts at the White House are objectionable and unacceptable.

### COME AND DEMONSTRATE WHERE THE ACTION IS—LETTER FROM VIETNAM

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PASSMAN. Mr. Speaker, I would like to read into the RECORD a letter that one of my brave young constituents, serving with the Army in Vietnam, wrote to his parents.

Hello: Today is the 6th of May. In six more days I go to Chu Lai for stand down for three days. So, by the time you get this letter, I should be in Chu Lai. I guess all that you hear on the news lately is about Cambodia. If I were to try to explain it, it would take forty pages. All I can really say is that I was there with the First Division for eight months. I know that area and place. It was something that had to be done. I only wish they had done it much earlier. I guess you know that when we pulled out of the area they started hitting everything. We had kept them across the line and should have done something then. But, now is better than never.

I hear all about the anti-war demonstrations in the news (burning and killing). I can only say if they want to fight send them all over here. Let them demonstrate where the action is. Maybe they will feel a little different when they get shot at and cannot shoot back because ole "Charlie" has gone back to his R & R center across the Cambodian and Laos Borders. And that's exactly what it is over there, a R & R Center and resupply center for the Communists. It is about time we finally did something about it.

Well, I guess you know how I feel. I hope I do not have to bust any heads when I get home. Anyway, it is sickening to know how so many people feel. If they are so damn sore, they are right by demonstrating, but let them come over and find out for sure.

Well, I guess I had better close. Not much happening around here today. Be home soon.

Sp4C. WILLIAM L. PERKINS.

## FURTHER CONTINUING APPROPRIATIONS, 1970

**Mr. MAHON.** Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 1232, making further continuing appropriations for the fiscal year 1970, and for other purposes.

The Clerk read the title of the joint resolution:

The **SPEAKER.** Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1232

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That there are hereby appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds for the several departments, agencies, corporations, and other organizational units of the Government such amounts as (1) may be necessary to cover salaries, compensation, and pay (including pensions, retired pay, and veterans' readjustment benefits) for the fiscal year 1970, and are provided for in the Second Supplemental Appropriations Act, 1970, as passed by the House of Representatives May 7, 1970, and (2) may be necessary for the activities for which disbursements are made by the Secretary of the Senate, and by the Architect of the Capitol for Senate items, to the extent and in the manner which would be provided for in the supplemental estimates therefor submitted to the second session of the Ninety-first Congress House Document Numbered 91–272).

SEC. 2. Except as otherwise provided in clause (2) of section 1 of this joint resolution, appropriations made by this joint resolution shall be available to the extent and in the manner which would be provided by the Second Supplemental Appropriations Act, 1970, and all expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever such Act is enacted into law.

**Mr. MAHON.** Mr. Speaker, I move to strike the last word.

Mr. Speaker, this is a continuing resolution to make available certain funds contained in the second supplemental appropriation bill for the fiscal year 1970 in order to avoid possible payless paydays for civilian and military personnel and to make sure that readjustment benefit payments to veterans who are students and who were recently granted a retroactive increase will be paid on a timely and orderly basis.

Pension and retired pay funds in the suplemental bill are also covered by the joint resolution.

The supplemental bill is now pending in committee in the other body. While we do not of course know just what may develop, it now seems likely that the bill may not be enacted into law in time to avoid some disruptions to scheduled payroll and benefit payments.

The joint resolution was reported to the House this morning. It was a unanimous report from the Committee on Appropriations.

**Mr. GROSS.** Mr. Speaker, will the gentleman yield?

**Mr. MAHON.** I yield to the gentleman from Iowa.

**Mr. GROSS.** Is this the first continuing resolution this year? Are we getting an early start on continuing resolutions?

**Mr. MAHON.** This is for the remainder of the current fiscal year 1970, which ends in about 6 weeks. It is a means of making sure the Government does not encounter payless paydays and that veterans' payments are made on a timely basis.

**Mr. GROSS.** It is made necessary in substantial part by the pay increases which were voted by Congress earlier this year?

**Mr. MAHON.** Yes, and also as a result of increased benefit payments to returning veterans and for other veterans and benefit payments.

**Mr. GROSS.** The reference in the resolution to the Architect is in relation to pay, is it, or are there other obligations?

**Mr. MAHON.** That relates to the Senate Office Building. In line with the practice, that item was not in the supplemental bill as passed by the House, so it was necessary to refer to the budget estimate, which is what the language does.

**Mr. GROSS.** The Senate Office Building? Are they building a new Senate Office Building?

**Mr. MAHON.** This refers to pay costs of employees engaged in maintaining and operating the Senate Office Building.

**Mr. GROSS.** For the operation of the Senate Office Building?

**Mr. MAHON.** That is correct.

**Mr. GROSS.** It is included because of comity?

**Mr. MAHON.** It was not in our version of the supplemental bill. The general practice is to leave it to the other body to insert items relating solely to housekeeping costs of that body. Similarly they leave to the House the question of determining the requirements for housekeeping costs of the House.

**Mr. GROSS.** And we always lean over backward in consideration of the other body?

**Mr. MAHON.** In respect to determination of housekeeping requirements of the other body, I would say that is the general practice.

Mr. Speaker, under leave to extend, I include excerpts from the committee report in more detailed explanation of the joint resolution:

> This joint resolution is intended as a stopgap measure to avoid possible payless paydays for Government employees and interruption of veterans' benefit payments in the event the Second Supplemental Appropriation Bill, 1970, H.R. 17399, is not enacted in a timely enough fashion.
>
> The House passed that bill on May 7. Additional supplemental estimates were submitted to the Senate on May 8. This fact, plus the likelihood some hearings may be held in the other body on House actions on the supplemental bill, plus the added probability of conference time, make it seem certain that the bill will not become law in time to avoid delays in some payroll and benefit checks. The committee has been given to understand that there is an especially acute timing problem on veterans' readjustment benefit payments as a result of the recently enacted Veterans' Education and Training Amendments Act.
>
> Government agencies have been operating on a deficiency basis since the beginning of the fiscal year 1970 last July on account of the so-called comparability pay raises under Public Laws 90–206 and 90–207. Supplemental funds for these added costs are contained in titles I and II of the second supplemental bill.
>
> But the day of possible payless paydays for Government employees was hastened somewhat by the recent enactment of Public Law 91–231—the so-called 6-percent retroactive pay bill, effective generally back to December 27, 1969. Supplemental funds for these added costs are contained in title III of the second supplemental bill.
>
> The regular appropriations for fiscal 1970 did not make specific provision for any of these salary increases. But the increased payments have of course been made to personnel throughout the fiscal year in the first instance and more recently in the case of the 6-percent pay raise.
>
> In addition to the timing problem for veterans' benefit payments (supplemental funds for this are in the second supplemental bill), information available from the executive branch indicates that payless paydays will begin to arrive shortly. Pay periods are on a staggered basis, so additional paydays will come along as time goes by. It seems probable from the information at hand that there will be a number of these before the second supplemental bill can reasonably be expected to become law.
>
> In these circumstances, a stopgap resolution seems to be the orderly solution to assure that everyone who is entitled to receive salary or compensation will do so at their regularly scheduled times.
>
> This joint resolution does not authorize any new employees.
>
> This joint resolution does not increase the pay of anyone.
>
> This joint resolution does not authorize any new contracts to be entered into.
>
> This joint resolution does not initiate any new programs.

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This joint resolution does not permit expansion of any existing programs.

The sole purpose of the joint resolution is to avoid disruption and delay in respect to otherwise authorized salary and compensation payments.

The joint resolution does not make additional appropriations. That is, it does not add to what the House has already passed upon in the second supplemental appropriation bill, 1970. Rather, it is in the nature of a limited advance against what has already been voted by the House for salary and specified compensation purposes heretofore authorized by separate law. (Note.—The minor exception to this is with respect to salary items for Senate housekeeping costs in H. Doc. 91–272 which were, in accord with custom, not in the House bill.) On this latter point, in the words of the joint resolution:

"Appropriations made by this joint resolution shall be available to the extent and in the manner which would be provided by the Second Supplemental Appropriations Act, 1970, and all expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever such Act is enacted into law.

The accompanying joint resolution as to scope and purpose is in all substantial respects identical to a similar resolution of a year ago when the Government was faced with some payless paydays as a result of delay in finalization of the second supplemental appropriation bill, 1969, late in the fiscal year 1969. That joint resolution became Public Law 91–31.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## GENERAL LEAVE TO EXTEND

Mr. BOW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the joint resolution just passed.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

## ADDITIONAL COSPONSORS FOR BILL TO LIMIT EXPENDITURES FOR SOUTH VIETNAM AND PROVIDE FOR WITHDRAWAL OF AMERICAN FORCES BY JUNE 30, 1971

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, I rise to announce that we now have 73 House cosponsors of H. Res. 1000, the resolution that sets forth the expenditure limitation on money for U.S. military effort in South Vietnam. It would provide for the withdrawal of all American combat and support troops from Vietnam by June 30, 1971.

I hope the people of the country will urge their Congressmen—and all the candidates running for the Congress this year—to indicate their support for H. Res. 1000.

## PROTEST DEMONSTRATIONS

(Mr. ZION asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZION. Mr. Speaker, some very dangerous subversive elements are being injected into campus demonstrations. We must warn those who feel tempted to join protest movements of the possible consequences of their actions.

I recently received a copy of an instruction sheet that was provided to student demonstrators at Purdue University in Lafayette, Ind. This sheet tells how to make the most effective use of Molotov cocktails, how to shut down the electric power, how to disrupt the telephone system and the radio communications. The sheet also gives instructions on how to elude police dogs, how to administer ammonia-balloon bombs, how to make slingshots that shoot bolts, how to wreck railroad trains, and how to introduce chemicals into university residence hall water supplies.

Does this sound like the actions of well-meaning students? Or does this sound like deliberate anarchists at work? The dangerous subversives who are organizing these activities travel from campus to campus. Their purpose is to drive a wedge between decent students and their parents, between law-enforcement agencies and youngsters who have never been in trouble, and between misguided citizens and their Federal Government.

It is time we recognize that some of these campus disorders are not led by children playing pranks. They are the deliberately planned activities of a tiny minority of dangerous criminals who want to overthrow the American Government and all of its institutions.

I deeply fear that the majority of well-meaning students who would merely exercise their peaceful right of dissent may be made the pawns of these few.

## CONFERENCE REPORT ON S. 952, PROVIDING FOR APPOINTMENT OF ADDITIONAL DISTRICT JUDGES

Mr. CELLER submitted the following conference report and statement on the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 91–1086)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That (a) the President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the northern district of Alabama, one additional district judge for the middle district of Alabama, one additional district judge for the district of Arizona, two additional district judges for the northern district of California, three additional district judges for the central district of California, three additional district judges for the southern district of California, one additional district judge for the district of Colorado, one additional district judge for the middle district of Florida, two additional district judges for the southern district of Florida, three additional district judges for the northern district of Georgia, one additional district judge for the southern district of Georgia, two additional district judges for the northern district of Illinois, one additional district judge for the eastern district of Kentucky, one additional district judge for the western district of Kentucky, two additional district judges for the eastern district of Louisiana, one additional district judge for the western district of Louisiana, two additional district judges for the district of Maryland, two additional district judges for the eastern district of Michigan, one additional district judge for the eastern district of Missouri, one additional district judge for the district of Nebraska, one additional district judge for the district of New Jersey, one additional district judge for the district of New Mexico, one additional district judge for the eastern district of New York, three additional district judges for the southern district of New York, one additional district judge for the northern district of Ohio, one additional district judge for the southern district of Ohio, six additional district judges for the eastern district of Pennsylvania, two additional district judges for the western district of Pennsylvania, one additional district judge for the district of Puerto Rico, one additional district judge for the district of South Carolina, one additional district judge for the western district of Tennessee, one additional district judge for northern district of Texas, one additional district judge for the eastern district of Texas, one additional district judge for the southern district of Texas, one additional district judge for the western district of Texas, one additional district judge for the eastern district of Virginia, and one additional district judge for the southern district of West Virginia.

(b) The existing district judgeship for the middle and southern districts of Alabama, heretofore provided for by section 133 of title 28 of the United States Code, shall hereafter be a district judgeship for the southern district of Alabama only, and the present incumbent of such judgeship shall henceforth hold his office under such section 133, as amended by subsection (d) of this section.

(c) The existing district judgeship for the district of Kansas, the existing district judgeships for the eastern district of Pennsylvania, and the existing district judgeship for the eastern district of Wisconsin, created by section 5 of the Act entitled "An Act to provide for the appointment of additional circuit and district judges, and for other purposes", approved March 18, 1966 (80 Stat. 78), and amended by the Act of September 23, 1967 (81 Stat. 228), shall be permanent judgeships and the present incumbents of such judgeships shall henceforth hold their offices under section 133 of title 28 United States Code, as amended by subsection (d) of this section. The Act of September 23, 1967 (81 Stat. 228), and section 5 of the Act of March 18, 1966 (80 Stat. 78), are repealed.

(d) In order that the table contained in section 133 of title 28 of the United States Code will reflect the changes made by this section in the number of permanent district judgeships for certain judicial districts and combinations of districts, such table is amended to read as follows with respect to those districts:

| “Districts | |
|---|---|
| Alabama: | Judges |
| Northern | 4 |
| Middle | 2 |
| Southern | 2 |
| Arizona | 5 |
| * * * * * | |
| California: | |
| Northern | 11 |
| * * * * * | |
| Central | 16 |
| Southern | 5 |
| Colorado | 4 |
| * * * * * | |
| Florida: | |
| * * * * * | |
| Middle | 6 |
| Southern | 7 |
| Georgia: | |
| Northern | 6 |
| * * * * * | |
| Southern | 2 |
| * * * * * | |
| Illinois: | |
| Northern | 13 |
| * * * * * | |
| Kansas | 4 |
| Kentucky: | |
| Eastern | 2 |
| Western | 3 |
| * * * * * * | |
| Louisiana: | |
| Eastern | 10 |
| Western | 4 |
| * * * * * | |
| Maryland | 7 |
| * * * * * | |
| Michigan: | |
| Eastern | 10 |
| * * * * * | |
| Missouri: | |
| Eastern | 3 |
| * * * * * | |
| Nebraska | 3 |
| New Jersey | 9 |
| New Mexico | 3 |
| New York: | |
| * * * * * | |
| Southern | 27 |
| Eastern | 9 |
| * * * * * | |
| Ohio: | |
| Northern | 8 |
| Southern | 5 |
| * * * * * | |
| Pennsylvania: | |
| Eastern | 19 |
| * * * * * | |
| Western | 10 |
| Puerto Rico | 3 |
| * * * * * | |
| South Carolina | 5 |
| * * * * * | |
| Tennessee: | |
| Western | 3 |
| * * * * * | |
| Texas: | |
| Northern | 6 |
| Southern | 8 |
| Eastern | 3 |
| Western | 5 |
| * * * * * | |
| Virginia: | |
| Eastern | 6 |
| * * * * * | |
| West Virginia: | |
| * * * * * | |
| Southern | 2 |
| * * * * * | |
| Wisconsin: | |
| Eastern | 3. |

Sec. 2. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the district of New Jersey. The first vacancy occurring in the office of district judge in that district shall not be filled.

(b) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the middle district of Pennsylvania. The first vacancy occurring in the office of district judge in that district shall not be filled.

(c) The President shall appoint, by and with the advice and consent of the Senate, one additional district judge for the eastern district of North Carolina. The first vacancy occurring in the office of district judge in that district shall not be filled.

Sec. 3. (a) The President shall appoint, by and with the advice and consent of the Senate, one additional judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause.

(b) In order to reflect and implement the changes made by subsection (a) of this section, section 24 of the Revised Organic Act of the Virgin Islands is amended to read as follows:

“Sec. 24. (a) The President shall, by and with the advice and consent of the Senate, appoint two judges for the District Court of the Virgin Islands, who shall hold office for terms of eight years and until their successors are chosen and qualified, unless sooner removed by the President for cause. The salary of a judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the district court, the chief judge of the Third Judicial Circuit of the United States may assign a judge of the municipal court of the Virgin Islands or a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The Compensation of the judges of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States.

“(b) The judge of the district court who is senior in continuous service and under seventy years of age shall be the chief judge of the court and shall have power to appoint officers of the court when and as provided in section 756 of title 28, United States Code. The division of the business of the court among the judges shall be made as prescribed in section 137 of that title.

“(c) The Attorney General shall appoint a United States marshal for the Virgin Islands, to whose office the provisions of chapter 33 of title 28, United States Code, shall apply.”

Sec. 4. (a) Section 128(a) of title 28, United States Code, is amended to read as follows:

“EASTERN DISTRICT

“(a) The Eastern District comprises the counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreill, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

“Court for the Eastern District shall be held at Spokane, Yakima, Walla Walla, and Richland.”

(b) Section 128(b) of title 28, United States Code, is amended to read as follows:

“WESTERN DISTRICT

“(b) The Western District comprises the counties of Challam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

“Court for the Western District shall be held at Bellingham, Seattle, and Tacoma.”

Sec. 5. Section 92 of title 28, United States Code, is amended to read as follows:

“§ 92. Idaho

“Idaho, exclusive of Yellowstone National Park, constitutes one judicial district.

“Court shall be held at Boise, Coeur d'Alene, Moscow, and Pocatello.”

Sec. 6. Section 118(a) of title 28, United States Code, is amended to read as follows:

“EASTERN DISTRICT

“(a) The Eastern District comprises the counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, Philadelphia, and Schuylkill.

“Court for the Eastern District shall be held at Allentown, Easton, Reading, and Philadelphia.”

Sec. 7. The second sentence of section 117 of title 28, United States Code, is amended to read as follows:

“Court shall be held at Coquille, Eugene, Klamath Falls, Medford, Pendleton, and Portland.”

Sec. 8. Section 93(a) of title 28, United States Code, is amended by striking out “Court for the Western Division shall be held at Freeport.” and inserting in lieu thereof “Court for the Western Division shall be held at Freeport and Rockford.”.

Sec. 9. The third sentence of section 94(b) of title 28, United States Code, is amended to read as follows:

“Court for the Indianapolis Division shall be held at Indianapolis and Richmond.”.

Sec. 10. The second paragraph of section 89(c) of title 28, United States Code, is amended by inserting “Fort Lauderdale,” immediately after “shall be held at”.

Sec. 11. Section 102(b)(1) of title 28, United States Code, is amended by striking out at the end thereof “and Lansing” and inserting in lieu thereof “Lansing, and Traverse City”.

Sec. 12. (a) Paragraph (1) of section 123 (c) of title 28, United States Code, is amended by inserting “Haywood,” immediately after “Hardin,”.

(b) Paragraph (2) of such section is amended by striking out “Haywood,”.

Sec. 13. Section 41 of the Act of March 2, 1917 (ch. 145, 39 Stat. 965; 48 U.S.C. 863), is repealed.

Sec. 14. Section 753 of title 28, United States Code, is amended as follows:

(1) The first sentence of subsection (e) is amended by striking out “at not less than $3,000 nor more than $7,630 per annum”.

(2) A new subsection (g) is added to read as follows:

“(g) If, upon the advice of the chief judge of any district court within the circuit, the judicial council of any circuit determines that the number of court reporters provided such district court pursuant to subsection (a) of this section is insufficient to meet temporary demands and needs and that the services of additional court reporters for such district court should be provided the judges of such district court (including the senior judges thereof when such senior judges are performing substantial judicial services for such court) on a contract basis, rather than by appointment of court reporters as otherwise provided in this section, and such judicial council notifies the Director of the Administrative Office, in writing, of such determination, the Director of the Administrative Office is authorized to and shall contract, without regard to section 3709 of the Revised Statutes of the United States, as amended (41 U.S.C. 5), with any suitable person, firm, association, or corporation for

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the providing of court reporters to serve such district court under such terms and conditions as the Director of the Administrative Office finds, after consultation with the chief judge of the district court, will best serve the needs of such district court."

SEC. 15. (a) Chapter 51 of title 28, United States Code, is amended by adding after section 795 thereof the following new section:

§ 796. Reporting of court proceedings

"The Court of Claims is authorized to contract for the reporting of all proceedings had in open court, and in such contract to fix the terms and conditions under which such reporting services shall be performed, including the terms and conditions under which transcripts shall be supplied by the contractor to the court and to other persons, departments, and agencies."

(b) The analysis of chapter 51 of title 28, United States Code, is amended by adding at the end thereof the following new item:

"796. Reporting of court proceedings."

And the House agree to the same.

EMANUEL CELLER,
PETER W. RODINO,
BYRON G. ROGERS,
WILLIAM M. MCCULLOCH,
RICHARD H. POFF,
*Managers on the Part of the House.*

JAMES O. EASTLAND,
JOHN L. MCCLELLAN,
JOSEPH D. TYDINGS,
ROMAN HRUSKA,
HUGH SCOTT,
*Managers on the Part of the Senate.*

### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute. The Senate recedes from its disagreement to the amendment of the House, with an amendment which is a substitute for both the Senate bill and the House amendment. The differences between the House amendment and the substitute agreed to in conference are noted below except for minor technical and clarifying changes made necessary by reason of the conference agreement.

### ADDITIONAL PERMANENT DISTRICT JUDGES

The first section of the Senate bill authorized 67 new permanent district judges and the first section of the House amendment authorized 54 new permanent district judges. The conference substitute authorizes 58 new permanent district judges, 4 more than was authorized in the House amendment. The 4 new judges not in the House amendment are authorized as follows:

(1) Middle district of Florida.—The Senate bill authorized 2 new judges and the House amendment authorized no new judges. The conference substitute authorizes 1 new judge.

(2) District of Maryland.—The Senate bill authorized 2 new judges and the House amendment authorized 1 new judge. The conference substitute authorizes 2 new judges.

(3) District of Nebraska.—The Senate bill authorized 1 new judge and the House amendment authorized no new judges. The conference substitute authorizes 1 new judge.

(4) Southern district of West Virginia.—The Senate bill authorized 1 new judge and the House amendment authorized no new judges. The conference substitute authorizes 1 new judge.

### DIVISION REALINEMENT

The House amendment contained a provision not in the Senate bill which moved Panola and Shelby Counties in Texas from the Tyler division of the eastern district of Texas to the Marshall division of that district. The conference substitute conforms to the Senate bill.

EMANUEL CELLER,
PETER W. RODINO,
BYRON G. ROGERS,
WILLIAM M. MCCULLOCH,
RICHARD H. POFF,
*Managers on the Part of the House.*

## THE DOMINO THEORY

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, it is my duty today to announce the discovery of a new "domino theory" that says in essence, if you disregard the advice of Gen. Douglas MacArthur and go into the quicksand of an Asian country, like a domino you will fall into the quicksand of another Asian country next to it.

## PERMISSION FOR SUBCOMMITTEE NO. 5, COMMITTEE ON THE JUDICIARY, TO SIT DURING GENERAL DEBATE TODAY

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that Subcommittee No. 5 of the Committee on the Judiciary may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## THE LATE HONORABLE PARKE MONROE BANTA

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, with a great measure of sadness I rise to officially report to the House the passing on Wednesday, May 13, 1970, of a former Member, the Honorable Parke Monroe Banta, who represented the district I now represent from 1947 to 1949.

I know that all of his former colleagues in the House join me in extending deepest sympathy and condolences to his widow, his three daughters and their families.

The last rites for Mr. Banta will be held this afternoon in Potosi, Missouri, in the Methodist Church.

## HOMECOMING DAY FOR CONGRESS

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr. Speaker, for some time I have been trying to get the chairman of the Committee on House Administration, the gentleman from Maryland (Mr. FRIEDEL), to bring out a resolution, and he says he is working on it, and he is ready for it to come out, to establish a homecoming day for Congress so that all former Members can come back, and let us suspend the rules and permit them to come down and to give them whatever time is available for the number who are present so they can tell us how they are getting along.

Mr. Speaker, I have talked with several former Members, and they are all enthused over the idea. As the Members know, they are now having a series of luncheons, periodically, so I think it would be a great thing for us to do to establish a day each year designated as Homecoming Day for those who served with us, and who have gone on out—and most of whom are doing better than they did when they were here.

Mr. GROSS. Mr. Speaker, will the gentleman from Alabama yield?

Mr. ANDREWS of Alabama. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, will the gentleman from Alabama provide the tea and crumpets to go along with his suggested meeting?

Mr. ANDREWS of Alabama. Would I provide what?

Mr. GROSS. The tea and crumpets to go with it?

Mr. ANDREWS of Alabama. The tea and crumpets?

Mr. GROSS. Yes.

Mr. ANDREWS of Alabama. I will provide the crumpets if the gentleman will provide the tea.

## AUTHORIZING PRINTING OF ADDITIONAL COPIES OF "REPORT OF SPECIAL STUDY MISSION TO SOUTHERN AFRICA"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1087) on the concurrent resolution (H. Con. Res. 520), authorizing the printing of an additional 1,000 copies of House Report No. 91-610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa," for the use of the Committee on Foreign Affairs of the House of Representatives, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

### H. CON. RES. 520

*Resolved by the House of Representatives (the Senate concurring)*, That an additional one thousand copies of House Report 91-610, Ninety-first Congress, first session, entitled "Report of Special Study Mission to Southern Africa" be printed for the use of the Committee on Foreign Affairs of the House of Representatives.

The SPEAKER. The gentleman from Pennsylvania is recognized.

Mr. BOW. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman from Ohio.

Mr. BOW. Mr. Speaker, will the gentleman tell us the cost of this?

Mr. DENT. The cost of this particular resolution is $1,125.37.

Mr. BOW. Mr. Speaker, if the gentleman will yield further, will the gentleman, in presenting the other resolutions he has to present, provide us with the costs of those also?

Mr. DENT. All of the resolutions?

Mr. BOW. All of them.

Mr. DENT. I will be happy to do so.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR PRINTING AS A HOUSE DOCUMENT TRIBUTES OF MEMBERS OF CONGRESS TO THE SERVICE OF CHIEF JUSTICE EARL WARREN

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1088) on the concurrent resolution (H. Con. Res. 537), providing for the printing as a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 537

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed, with an appropriate illustration, as a House document, a compilation of tributes by Members of the House and the Senate in the Halls of the Congress, to commemorate the years of service of Chief Justice Earl Warren on the occasion of his retirement from the Supreme Court.

SEC. 2. There shall be printed and bound as directed by the Joint Committee on Printing four thousand five hundred copies, of which one thousand seven hundred and ninety copies shall be for the use of the House Administration Committee, two thousand one hundred and ninety-five shall be for the use of the House of Representatives and five hundred and fifteen copies for the use of the Senate.

SEC. 3. Copies of such document shall be prorated to Members of the Senate and the House of Representatives for a period of sixty days, after which the unused balance shall revert to the respective Senate and House document rooms.

Mr. DENT. Mr. Speaker, for the information of Members of the House, the cost of this resolution is $2,962.67.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DENT. I yield to the gentleman.

Mr. GROSS. Would the gentleman be good enough to tell us who insisted on this publication?

Mr. DENT. There was really no insistence. It was introduced by the gentleman from California (Mr. CORMAN) and there were only two opposing votes.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## COMPILATION OF WORKS OF ART AND OTHER OBJECTS IN THE U.S. CAPITOL

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1089) on the concurrent resolution (H. Con. Res. 578) authorizing the reprinting of a "Compilation of Works of Art and Other Objects in the U.S. Capitol," as a House document, and for other purposes, and ask for immediate consideration of the concurred resolution.

The Clerk read the concurred resolution as follows:

H. CON. RES. 578

*Resolved by the House of Representatives (the Senate concurring)*, That there be reprinted with black and white and color illustrations and with emendations as a House document a "Compilation of Works of Art and Other Objects in the United States Capitol", as prepared under the direction of the Architect of the Capitol; and that there be printed thirty-six thousand two hundred and fifty additional copies of such document, of which ten thousand three hundred copies shall be for the use of the Senate, twenty-one thousand nine hundred and fifty copies shall be for the use of the House of Representatives, and four thousand copies for the use of the Architect of the Capitol.

Mr. DENT. Mr. Speaker, for the purpose of information, the exact cost of this resolution is not available at this time, but it has been estimated that the cost is $76,800.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING CERTAIN PRINTING FOR THE SELECT COMMITTEE ON CRIME

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1090) on the concurrent resolution (H. Con. Res. 580) authorizing certain printing for the Select Committee on Crime, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 580

*Resolved by the House of Representatives (the Senate concurring)*, That there shall be printed for the use of the Select Committee on Crime of the House of Representatives ten thousand additional copies of House Report Numbered 978 of the Ninety-first Congress, second session, entitled "Marihuana".

Mr. DENT. Mr. Speaker, for the purpose of information, the cost of this resolution is $1,821.30.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## PRINTING AS A HOUSE DOCUMENT THE HISTORY OF THE COMMITTEE ON AGRICULTURE

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1091) on the concurrent resolution (H. Con. Res. 584) relative to printing as a House document a history of the Committee on Agriculture, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 584

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed, with illustrations, as a House document a brief history of the House Committee on Agriculture, and materials relating to it, in connection with its one hundred and fiftieth anniversary (1820-1970).

SEC. 2. In addition to the usual number, there shall be printed five thousand copies of such document for use of the Committee on Agriculture.

SEC. 3. Seventy-five copies shall be bound with a buckram cover and gold lettering for the use of the Committee on Agriculture.

Mr. DENT. Mr. Speaker, for the purpose of information, this particular resolution costs $2,295.19.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## SUMMARY OF VETERANS LEGISLATION REPORTED, 91ST CONGRESS

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91-1092) on the concurrent resolution (H. Con. Res. 585) authorizing certain printing for the Committee on Veterans' Affairs, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution as follows:

H. CON. RES. 585

*Resolved by the House of Representatives (the Senate concurring)*, That there shall be printed for the use of the Committee on Veterans' Affairs of the House of Representatives fifty-six thousand one hundred copies of a publication entitled "Summary of Veterans Legislation Reported, Ninety-first Congress", with an additional forty-three thousand nine hundred copies for the use of Members of the House of Representatives.

Mr. DENT. For the purpose of information, this resolution costs $3,882.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING PRINTING OF "INVESTIGATION OF STUDENTS FOR A DEMOCRATIC SOCIETY, PART 7-A (RETURN OF PRISONERS OF WAR, AND DATA CONCERNING CAMERA NEWS, INC., 'NEWSREEL')"

Mr. DENT. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Report No. 91-1093) on the resolution (H. Res. 1006) authorizing the printing of additional copies of hearings entitled "Investigation of Students for a Democratic Society. Part 7-A (Return of Prisoners of War, and Data Concerning Camera News, Inc., 'Newsreel')", and ask for immediate consideration of the resolution.

The Clerk read the resolution as follows:

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H. Res. 1006

*Resolved*, That there shall be printed concurrently two thousand additional copies of the hearings held December 9–11, and 16, 1969, entitled "Investigation of Students for a Democratic Society, Part 7–A (Return of Prisoners of War, and Data Concerning Camera News, Inc., 'Newsreel')" for the use of the Committee on Internal Security.

Mr. DENT. Mr. Speaker, for the purpose of information, the resolution costs $1,108.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## CALL OF THE HOUSE

Mr. THOMPSON of Georgia. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. BOGGS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 119]

Anderson, Tenn.
Ashbrook
Ashley
Baring
Biaggi
Bingham
Blanton
Blatnik
Brademas
Brasco
Brooks
Brown, Calif.
Bush
Button
Byrne, Pa.
Celler
Chappell
Chisholm
Clark
Clay
Cohelan
Collier
Conyers
Culver
Cunningham
Daddario
Dawson
Dickinson
Edwards, La.
Esch
Fallon
Farbstein
Flynt
Fraser
Frelinghuysen
Frey
Gallagher
Gray
Green, Oreg.
Griffiths
Gubser
Hall
Halpern
Hanna
Hansen, Wash.
Harvey
Hays
Hébert
Heckler, Mass.
Horton
Hull
Kirwan
Kluczynski
Kuykendall
Kyros
Lennon
Long, La.
McCarthy
McCloskey
McEwen
McFall
McMillan
Mann
Melcher
Meskill
Minshall
Mollohan
Moorhead
Morse
Morton
Mosher
Olsen
Ottinger
Pelly
Podell
Powell
Price, Tex.
Purcell
Reid, N.Y.
Schadeberg
Scheuer
Schneebeli
Sikes
Skubitz
Steiger, Wis.
Stokes
Stratton
Stubblefield
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Tunney
Waldie
Whalen
Wilson, Bob
Winn
Yatron

The SPEAKER. On this rollcall 332 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## RESIGNATION FROM COMMITTEE

The SPEAKER laid before the House the following resignation from a committee:

Washington, D.C.,
*May 13, 1970.*

Hon. John W. McCormack,
*Speaker of the House,*
*Washington, D.C.*

Dear Mr. Speaker: It has been an honor and a privilege to work with the many fine men who are members of the Merchant Marine and Fisheries Committee on which I have served during the 90th and 91st Congress.

My association with the members and the benefit of their counsel will always mark a high point in my career.

The problems which come before the Committee have been challenging and the work rewarding. New fields have been explored, and new technological knowledge has been gained.

However, I wish to submit my resignation effective today.

Respectfully,
Daniel E. Button,
*Member of Congress.*

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

## PERMISSION FOR COMMITTEE ON ARMED SERVICES TO FILE A REPORT ON H.R. 17604, UNTIL MIDNIGHT FRIDAY

Mr. RIVERS. Mr. Speaker, I ask unanimous consent to have until midnight, Friday, May 15, to file a report on H.R. 17604.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

## PERMISSION FOR COMMITTEE ON PUBLIC WORKS TO FILE A REPORT ON H.R. 15712, UNTIL MIDNIGHT FRIDAY

Mr. EDMONDSON. Mr. Speaker, I ask unanimous consent that the Committee on Public Works may have until midnight on Friday, May 15, 1970, to file a report on H.R. 15712, to amend the Public Works and Economic Development Act of 1965, to extend the authorizations for title I through IV through fiscal year 1971.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

## DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS, 1971

Mr. MADDEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1004 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1004

*Resolved*, That upon the adoption of this resolution it shall be in order to move, clause 6 of Rule XXI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, and Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, and all points of order against the provisions contained under the following headings are hereby waived: "Law Enforcement Assistance Administration" beginning on page 19, line 14 through line 19; "Economic Development Administration" beginning on page 23, line 5 through line 23; "National Bureau of Standards beginning on page 29, line 7 through line 16; "Maritime Administration" beginning on page 30, line 13 through page 33, line 12; "Arms Control and Disarmament Agency" beginning on page 43, line 8 through line 12; "Commission on Civil Rights" beginning on page 43, line 14 through line 17; and "Small Business Administration" beginning on page 45, line 17 through page 46, line 10.

The SPEAKER. The gentleman from Indiana is recognized for 1 hour.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Smith), pending which I yield myself 30 minutes.

Mr. Speaker, House Resolution 1004 waives points of order against the consideration of H.R. 17575, making appropriations for the Departments of State, Justice, Commerce, the Judiciary, and related agencies for fiscal year 1971. Otherwise the bill could not have been considered today because it would not have been in compliance with clause 6 of rule XXI, which provides that printed hearings and the committee report must have been available at least 3 calendar days before an appropriation bill is considered in the House.

Due to the fact that the authorization bills have not been signed into law, points of order are also waived against certain provisions of the bill contained under the following headings: "Law Enforcement Assistance Administration," page 19; "Economic Development Administration," page 23; "National Bureau of Standards," page 29; "Maritime Administration," page 30; "Arms Control and Disarmament Agency," page 43; "Commission on Civil Rights," page 43; and "Small Business Administration," page 45.

Mr. Speaker, I urge the adoption of House Resolution 1004.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 1004 has been explained in minute detail, also the bill, by the gentleman from Indiana. I concur in his remarks and urge adoption of the rule.

Mr. GROSS. Mr. Speaker, will the gentleman from California yield?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

I want to say that, as with the Independent Offices Appropriation bill we have had all too little time to get into the hearings on this bill.

Here are four volumes of hearings, and the gentleman can see they are not small volumes. I believe they contain between 4,000 and 5,000 pages. It has been difficult in the short time we have had, as evidenced by the waivers of points of order on this bill, to profit by the extensive hearings that were held. I commend the chairman (Mr. Rooney) and the Subcommittee on Appropriations which handles these various departments and agencies of Government for the exhaustive hearings they have conducted. But here we are with practically no time to read the hearings and profit thereby.

I would suggest, as I did to the gentleman from Tennessee (Mr. Evins) in connection with the independent offices appropriation bill, that hereafter as the various volumes are completed they be released so that we may have some time in which to peruse them.

Mr. SMITH of California. May I say to the distinguished gentleman from

Iowa that once again the Rules Committee is attempting to help in connection with the legislation and consideration of it so that eventually we can adjourn this year before December 23.

In February our distinguished Speaker—for which I commend him very highly—called a meeting of the leadership on both sides and of the chairmen and ranking minority members of all the committees. At that time each committee discussed the legislation and the procedures and how many bills they thought they would have before the Rules Committee. We particularly wanted to know, because as the gentleman will recall a couple of years ago we set a cutoff date. Following that, the gentleman from Texas (Mr. Mahon) chairman of the Appropriations Committee, submitted a time schedule to the committee as to the time when the Appropritions Committee would consider the bills. This bill was supposed to have been reported on Friday, May 15, and considered on May 19. So they are ahead of schedule.

We are attempting to cooperate. I certainly understand the predicament of the gentleman from Iowa. I guess we will have to see what the Senate does and where we go with the other body, and maybe later on we will have to have a supplemental, but we will never get out unless we cooperate on this schedule.

Mr. GROSS. Mr. Speaker, will the gentleman yield again?

Mr. SMITH of California. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I am not criticizing the Rules Committee. I understand the facts of life that the gentleman mentioned, and I realize that the authorization bills covering many of the appropriations in this bill have not been finally approved, and therefore, if we are going to get the appropriation bills through in any reasonable time, this method must be adopted.

I only urge that the subcommittees of the Appropriations Committee certainly under these circumstances should release their hearings as they become available so that we may have the benefit of them, if there is any benefit to be gained.

Mr. SMITH of California. I appreciate the gentleman's suggestion.

Mr. ROONEY of New York. Mr. Speaker, will the distinguished gentleman from California yield?

Mr. SMITH of California. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Speaker, in this particular case the hearings were released practically upon receipt from the Government Printing Office. The Justice-Judiciary volume was released to the press and was available to all the Members of the House on Wednesday, May 6; the State Department hearings were available on Thursday, May 7; the Commerce hearings, on Friday, May 8; and the Related Agencies volume on Saturday, May 9.

There has been some trouble this year, as we all know, with the Government Printing Office getting our printing out. This has contributed to the delay in getting some of these hearings available for the Members of the House.

Mr. SMITH of California. Mr. Speaker, I thank the gentleman from New York.

Mr. Speaker, I urge adoption of H.R. 1004.

I do not have any further requests for time.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. O'Hara).

Mr. O'HARA. Mr. Speaker, I should like to inquire of the gentleman from Indiana or of the gentleman from New York, the chairman of the subcommittee, when the report of this bill became available to the Members of the House?

Mr. ROONEY of New York. On Saturday last.

Mr. O'HARA. Was it filed on Saturday?

Mr. ROONEY of New York. No; it was printed and available on Saturday.

Mr. O'HARA. Of course, as the gentleman knows, the difficulty with that is that the document room does not open up until some time Monday. If the report is available on Saturday the Members of the House generally are not able to get it until Monday, and usually not until around noon Monday. In any event, the date on the report is May 12.

Mr. ROONEY of New York. That is the date on which the full Committee on Appropriations met and approved this bill.

Mr. O'HARA. Then the report could not have been available before then, could it?

Mr. ROONEY of New York. Yes; it was.

Mr. O'HARA. It is like "Alice in Wonderland." You will remember the Queen of Hearts said, "Sentence first, and then verdict."

Here we had the report before the committee had acted.

Mr. Speaker, I rise for the purpose of agreeing with the gentleman from Iowa.

If we examine the procedures of the Committee on Appropriations generally, they are subject to some legitimate criticism because time after time the committee obtains until midnight Friday to file a report. The rules require that reports be available for 3 days, and the 3-day requirement is met then on Saturday, Sunday, and Monday. The Members of the House do not have an opportunity to see the report until around noon on Monday. Then on Tuesday we are confronted with the bill.

It is virtually a fait accompli. It makes it difficult for Members even to know what is in the bill, much less how to go about amending it.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. MADDEN. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. O'HARA. This is no criticism of the gentleman from New York. It seems to be the regular practice. I believe we ought to change that regular practice. I do not believe we ought to do it on this particular rule or on this particular bill, because that would imply some criticism of the chairman of the subcommittee, and I do not intend any, because I do not believe he has done anything for which he ought to be criticized.

I do believe the House ought to take a good, long, hard look at appropriations procedures so that Members will have a fuller opportunity to know what is in these very important bills before they are actually brought to the floor.

Mr. MADDEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. Gibbons).

Mr. GIBBONS. Mr. Speaker, as has been said here, the chairman of the Appropriations Committee announced on March 17 what the schedule would be for the remainder of this year. I had hoped he would be here on the floor, because I was going to commend him, since he is ahead of schedule now. In fact, we are ahead of the schedule set out for this particular bill, which was May 18, since here we are on May 14 considering it.

I want to commend also the gentleman from New York (Mr. Rooney) for getting his work done in such proper time, and so well done, as normally it is well done.

I do want to register the objection, Mr. Speaker, to the very accelerated way we are considering this. My staff advises me that we were not able to get the committee report until yesterday, and the hearings until Tuesday. There are some 4,000 pages, as the gentleman from Iowa pointed out, a very detailed questioning of the witnesses.

This is a very important matter. I know the distinguished chairman, the gentleman from New York, and his subcommittees, did a workmanlike job on it. I do hope in the future we can have a greater amount of time.

Again I wish to commend the gentleman from Texas for keeping his committee on the ball and being 4 days ahead of time.

Mr. Chairman, give us a little more time to read that wonderful prose that you get out over there so perhaps we can participate more meaningfully in the discussion of this most important matter.

Mr. ROONEY of New York. Will the distinguished gentleman from Florida yield?

Mr. GIBBONS. I am glad to yield to the gentleman.

Mr. ROONEY of New York. I think the gentleman from Florida will find that these printed hearings will be good reading from now to the end of the year.

Mr. GIBBONS. I am sure they will, but I would like to have the opportunity and I am sure all of the other 434 Members of the House would like to read it before we vote on the bill rather than after.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

XUM

Mr. ROONEY of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided between and controlled by the distinguished gentleman from Ohio (Mr. Bow) and myself.

The SPEAKER pro tempore (Mr. Rostenkowski). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York.

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates as Chairman of the Committee of the Whole the gentleman from Pennsylvania (Mr. Dent) and requests the gentleman from Illinois (Mr. Price) to temporarily assume the chair.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17575, with Mr. Price of Illinois (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN pro tempore. Under the unanimous consent agreement, the gentleman from New York (Mr. Rooney) will be recognized for 1 hour and the gentleman from Ohio (Mr. Bow) will be recognized for 1 hour.

The Chair now recognizes the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, this bill making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for fiscal year 1971 contains a total in new obligational authority of $3,106,956,500, which is a reduction of $136,948,500 in the total amount of the budget estimates. The amount allowed is an increase, however, of $574,087,800 over the total appropriated to date for the current fiscal year. The following table is a résumé of the committee's action:

| Department or agency | New budget (obligational) authority, fiscal year 1970 (enacted to date) | Budget estimates of new (obligational) authority, fiscal year 1971 | New budget (obligational) authority recommended in the bill | Bill compared with— New budget (obligational) authority, fiscal year 1970 (enacted to date) | Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1971 |
|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| Department of State | $404, 132, 100 | $452, 534, 000 | $447, 381, 800 | +$43, 249, 700 | −$5, 152, 200 |
| Department of Justice | 809, 738, 000 | 1, 127, 510, 000 | 1, 117, 223, 000 | +307, 485, 000 | −10, 287, 000 |
| Department of Commerce | 779, 726, 000 | 1, 007, 170, 000 | 949, 203, 000 | +169, 477, 000 | −57, 967, 000 |
| The Judiciary | 121, 026, 200 | 134, 341, 600 | 132, 956, 300 | +11, 930, 100 | −1, 385, 300 |
| Related agencies | 418, 246, 400 | 522, 349, 400 | 460, 192, 400 | +41, 946, 000 | −62, 157, 000 |
| Total | 2, 532, 868, 700 | 3, 243, 905, 000 | 3, 106, 956, 500 | +574, 087, 800 | −136, 948, 500 |

Titles I and II of the second supplemental appropriation bill for 1970 as passed by the House contained an additional $119,013,200 for the various departments and agencies covered by the bill for the current fiscal year, thus making the actual increase $455,074,600.

The largest increase in this bill is for the Department of Justice. There is included an additional $267,326,000 over the comparable amount provided for the current fiscal year. This is recommended by the committee to combat crime, violence, drug addiction, racial discrimination, unlawful exploitation of the consumer, and unconscionable pollution of our natural resources.

The next largest increase in the bill is for the Maritime Administration. We have an increase of $194,292,000 in new obligational authority which we recommend.

Now, to proceed to the first of the Departments concerned, to wit, the Department of State. The total amount recommended in the bill for the Department of State is $447,381,000. This is a decrease of $5,152,200 below the total amount of the budget estimates. However, it is an increase of $43,249,700 in new obligational authority over the amount appropriated to date for the current fiscal year and is an increase of $26,678,700 when the increases included in the second supplemental appropriation bill, 1970 as passed by the House are taken into consideration.

The first of the items and the largest for the Department of State is that entitled "Salaries and expenses." There is included in the bill the amount of $220.1 million to provide the necessary funds for the formulation and execution of the foreign policy of the United States, including the conduct of diplomatic and consular relations with foreign countries, the conduct of diplomatic relations with international organizations, public information and related activities.

The amount recommended by the committee is a decrease of $395,600 below the appropriation for the current fiscal year when the proposed Pay Act supplemental is taken into consideration and is a decrease of $300,000 below the amount of the budget estimates.

The decrease below the appropriation for the current fiscal year is due to employment reductions ordered by the present and previous administrations.

In order to clear some of the misleading information disseminated concerning the Passport Office, detailed testimony was taken in respect to its staffing. This testimony appears at pages 249 through 263 of part II of the printed hearings. This testimony discloses that in the past 4 fiscal years the Passport Office not only received every position which was requested of the Congress by the Department for that Office, but also was granted 24 positions over and above such request.

Mr. GROSS. Mr. Chairman, would the gentleman care to yield now or at a later time?

Mr. ROONEY of New York. I shall be glad to now yield to the distinguished gentleman from Iowa.

Mr. GROSS. How did the State Department come out on its representation allowances—the wining and dining fund this year?

Mr. ROONEY of New York. Exactly the same as it has for the last 6 years.

Mr. GROSS. A sum of $993,000?

Mr. ROONEY of New York. That is the amount.

Mr. GROSS. The price of food and drink did not go up?

Mr. ROONEY of New York. The distinguished gentleman from Iowa and I should be among the first to know that it has gone up, but we have enough in the appropriation.

Mr. GROSS. Well, I just want to be sure that the State Department is well taken care of in what the gentleman has described in the past as "the tools of the trade."

Mr. ROONEY of New York. We like for them to soberly pursue their duties as we do here in the House of Representatives.

Mr. GROSS. This is part of foreign policy?

Mr. ROONEY of New York. Oh, yes.

Mr. GROSS. I see.

Now, I note that under the educational exchange program, it states, "not to exceed $10,000 for representation expenses; not to exceed $1,000 for official entertainment." What is the difference between representation allowance and official entertainment?

Mr. ROONEY of New York. One is in the United States, the other is abroad. The representation allowance is for activities abroad, and the entertainment money is for use in the United States.

Mr. GROSS. It takes then, $11,000 to provide for the wining and dining for those in the educational program?

Mr. ROONEY of New York. No. As I have previously explained to the distinguished gentleman from Iowa, this is the Coca-Cola and cracker fund.

Mr. GROSS. Oh, it is?

Mr. ROONEY of New York. These are exchange students, you know, and we do not wine and dine them.

Mr. GROSS. But it will provide Coca-Cola and crumpets, or crackers?

Mr. ROONEY of New York. Well, I do not believe we need to go into those details.

Mr. GROSS. I see. But the $11,000 is for entertainment of one kind or another?

Mr. ROONEY of New York. It is.

Mr. GROSS. Does not this contribute to our deficit balance of payments to spend this kind of money abroad?

Mr. ROONEY of New York. Hardly.

Mr. GROSS Hardly?

Mr. ROONEY of New York. Yes.

Mr. GROSS. Well, we will be getting down to the balance-of-payments business later in this bill. I thought that it was deemed necessary to spend $4 million a year to promote tourism in the United States, because of the outflow of money and this seems to run rather somewhat counter to that.

Mr. ROONEY of New York. No. This is only $11,000. This would not raise a ripple on the pond.

Mr. GROSS. Even so, it is $11,000.

Mr. ROONEY of New York. Well, I will have to concede that.

Mr. GROSS. Yes.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I will be glad to yield to the distinguished gentleman from Ohio.

Mr. BOW. Mr. Chairman, in regard to that $11,000, we have authorized more than that today out of the Committee on House Administration to print booklets, including some for the former Chief Justice. I do not think the items we have been talking about will have much effect on our balance of payments.

Mr. ROONEY of New York. I hope the distinguished gentleman from Iowa will not lose sight of the fact that the taxpayer has been well looked after in this bill to the extent of a reduction of $136,948,500.

The next item I would like to make reference to is the International Boundary and Water Commission, United States and Mexico. Here we have a construction item, and included therein is a very important $3,800,000 for the lower Rio Grande flood control improvement program recommended by the distinguished gentleman from Texas (Mr. DE LA GARZA) and $400,000 for the Tijuana River flood control.

With regard to the International Fisheries Commissions, the committee has allowed the sum of $2,505,800, which includes $1,352,000 recommended by the distinguished gentleman from Michigan (Mr. CEDERBERG) for the Great Lakes Fishery Commission.

Now, to get to the Department of Justice, assuming there are no further questions with regard to what we have covered up to now, the total amount contained in the bill for the Department of Justice is $1,117,223,000, which is an increase of $267,326,000 over the total appropriations for this Department for the current fiscal year, including the funds contained in titles I and II of the second supplemental appropriation bill for 1970, as passed by the House.

The largest increase is for the Law Enforcement Assistance Administration for which a total of $480 million is provided in the bill, an increase of $212 million over the current year's appropriation.

The committee has again recommended the appropriation of the full amount of the budget estimates for the Federal Bureau of Investigation and for the Bureau of Narcotics and Dangerous Drugs.

The full amount of the budget estimate has been provided for the Immigration and Naturalization Service, with the single exception of funds requested for some fence construction at $1.14 an inch, which the committee denied.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the gentleman.

Mr. SCHEUER. Is it not true that the administration requested $19 million for the National Institute of Law Enforcement and Criminal Justice in effect to apply science and technology to improve our criminal justice system? Is it not also true that in the committee report it was mandated that additional funds requested for research and development should be used for increases in the action grant programs, which in effect denies those funds to the National Institute of Criminal Justice?

Mr. ROONEY of New York. The committee felt that the action grant programs are far more important.

We need policemen to keep law and order—and not professors writing books and creating expensive nonproductive studies—I have a list of them here if the gentleman wants to discuss them later on.

Mr. SCHEUER. Yes, I would be very happy to.

Mr. ROONEY of New York. The committee, mind you, has allowed the entire amount for the Law Enforcement Assistance Administration, to wit, $480 million.

Mr. SCHEUER. I just want to make it clear to my colleague that while the committee provides the amount requested for Law Enforcement Assistance Administration, it does not provide the amount requested by the Attorney General for the National Institute of Law Enforcement and Criminal Justice.

Mr. ROONEY, of New York. I feel confident that the Attorney General and the Department of Justice will be satisfied with the action of the committee regarding this $480 million.

Mr. SCHEUER. May I simply point out to my colleague that the Attorney General on March 31 said that he could see the day when the Institute would receive 10 percent of the funds of LEAA, which would be in the area of $48 million.

His request was only for $19 million and this was reduced by the action of the committee to $7 million.

Mr. ROONEY of New York. No, $7.5 million. Perhaps some of us speak to different people and get different impressions.

Mr. SCHEUER. This is a quote of something from the Attorney General of the United States.

Mr. ROONEY of New York. Oh, I am not denying the quote—and I think the gentleman would not deliberately misquote the Attorney General.

Mr. SCHEUER. I thank the gentleman.

Mr. ROONEY of New York. Now we shall proceed to the Department of Commerce.

Mr. GROSS. Mr. Chairman, before doing that will the gentleman yield?

Mr. ROONEY of New York. I am glad to yield to the distinguished gentleman from Iowa.

Mr. GROSS. Would the distinguished gentleman from New York comment—since this present subject is dealing with Federal prisons—would the gentleman comment on the attempt to get money from the Federal Government for the construction of prison facilities at a cost of what was it?—$64,000 per inmate.

Mr. ROONEY of New York. That is correct—and there is no money in this bill for that construction.

Mr. GROSS. I want to commend the gentleman for stopping it, for any such figure is ludicrous.

Mr. ROONEY of New York. The details of this, I may say, if the gentleman will permit me, are to be found in the printed hearings.

Mr. GROSS. Yes, I had the opportunity to glance at the printed hearings. I did not have the chance to read as much as I would have liked to, but I want to again commend the committee, and especially the chairman, for denying this kind of expenditure for this purpose.

I also noted in the hearings that they asked for—what was it—three-quarters of a pound of meat per day for every inmate in a federal prison.

Mr. ROONEY of New York. Well it appears that, we must have our penal prisoners better fed than the poor citizens who believe in obeying the law who are not in prison. That, apparently, is the theory.

Mr. GROSS. I trust that the committee denied them the increase they asked for this purpose, because this morning I took the time to call the Department of Agriculture and found that the average daily trimmed meat consumption in the United States is less than half a pound. As I understand it, the request for the additional funds to provide three-quarters of a pound of meat for every Federal prisoner would provide meat that was less the bone, less the gristle, and less the fat. I say again that the average consumption of meat in this country by our citizens, the daily per capita input of meat, is slightly less than a half pound each. I certainly want to again commend the committee for the denial of funds for purposes of that kind. If Federal prisoners were to be better fed than the citizens of this country, particularly those in the lower income brackets, it would be a pretty sad day.

Mr. ROONEY of New York. The colloquy with regard to this subject is to be found at pages 1054 and 1055 of the printed hearings.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Ohio.

Mr. BOW. I wondered whether my distinguished friend from Iowa found in the hearings also, in addition to the fresh meat that we were asked to provide for the prisoners, the fact that funds were requested in this bill to provide prisoners with fresh orange juice instead of canned. I wonder if the gentleman also noticed that they requested two gymnasiums. If we give them better than the national average in food, including fresh orange juice, we may find that when they get out of prison, things will not be as good and they will break the law again just to get back in.

Mr. GROSS. Mr. Chairman, will the gentleman yield further?

XUM

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. That information is astounding. It means that I am going to have to continue reading these hearings in preparation, I guess, for next year.

Mr. ROONEY of New York. I have said they would make good reading for the rest of this year.

Mr. GROSS. I found some good reading up to this point. I assume the gymnasiums account for some of the $64,000 per inmate that was requested in the construction of new facilities.

Mr. BOW. If the gentleman will yield further, I am sorry but the $64,000 is for new buildings. This does not include the gymnasiums. These were requested from other areas. No, the $64,000 suite with fresh orange juice and fresh meat above the national average does not include the 2 gymnasiums.

Mr. GROSS. Yes, without any gristle, bone or fat. Again I commend the committee for the action they took.

Mr. ROONEY of New York. Mr. Chairman, the budget request for the Department of Commerce for fiscal year 1971 totals $1,007,170,000 in new budget obligational authority, for which the committee recommends a total of $949,203,000 in this bill. In addition, $194,348,000, the amount of the budget estimate, is included for liquidation of contract authority. The total recommended is $57,967,000 less than the requested appropriation. But there is a net increase of $129,923,000 over the total appropriated for the current fiscal year, including funds in titles I and II of the second supplemental appropriation bill for 1970 that was passed by the House. This increase is largely attributable to funds included to support the new maritime program.

As to the Economic Development Administration, the total request for fiscal year 1971 comes to $263,000,000. The amount recommended in the bill is $251,300,000, a reduction of $11,700,000 from the total requested. It is an increase of $2,818,000 over the 1970 appropriation, including funds for increased pay costs included in title II of the second supplemental appropriation bill of 1970, as passed by the House.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. KYL. Mr. Chairman, I want to see if I understand exactly what the report indicates in regard to EDA. Is it not true that funds were transferred from the Economic Development Administration to regional development programs?

Mr. ROONEY of New York. To the regional action planning commissions, I will say to the gentleman.

Mr. KYL. To the regional planning commissions?

Mr. ROONEY of New York. Yes.

Mr. KYL. In other words, then, the appropriation here, if we included those planning commissions, would result in a substantially larger increase for this area of spending from that the gentleman indicated?

Mr. ROONEY of New York. There is $29 million included in this bill for the regional action planning commissions.

Mr. KYL. Yes. And this actually could be considered a part of the EDA as it was originally constituted.

Mr. ROONEY of New York. As it was up until this time, yes.

Mr. KYL. Mr. Chairman, I thank the gentleman.

Mr. ROONEY of New York. Mr. Chairman, for the Office of Minority Business Enterprise in the Department of Commerce, Salaries and Expenses, the sum of $1,850,000 is included in the bill. This amount is to provide for expenses of carrying out Executive Order 11458, dated March 5, 1969, which established the Office of Minority Business Enterprise. This sum is the full amount of the revised budget request and is $556,000 more than the appropriation for the current fiscal year, including funds in title II of the second supplemental appropriation bill for 1970, as passed by the House.

There is included the amount of $4,500,000 for the U.S. Travel Service.

There is also included the sum of $196,750,000 in the four appropriation items which make up in the Environmental Science Services Administration.

Included therein, the committee has provided—and I am brought to say this by the very recent tragedy in Lubbock, Tex.—for a program which will give the highest priority to the Nationwide Natural Disaster Warning System.

To proceed to the Maritime Administration, the funds provided in the bill will provide for approximately 19 new ships by way of construction subsidies. It will also provide funds to keep the nuclear ship *Savannah* sailing rather than to lay it up.

If there are no questions with regard to the judiciary, I shall proceed to the "Related agencies."

There is included $460,192,400 in new operational authority for these 13 agencies. This is a reduction of $62,157,000 from the budget estimates, and an increase of $27,464,000 over the total appropriated for the current fiscal year.

As to the Arms Control and Disarmament Agency, it might be interesting to read the third paragraph on page 23 of the report:

> The Committee is at a distinct loss to understand how color television sets and new electric refrigerators purchased with the American taxpayers dollars, and installed in the private offices of those in the upper echelons of this agency, will materially contribute to arms control and disarmament activities. The discussion in connection therewith is set forth on pages 20 and 28 of Part IV of the printed hearings.

When we got to that and inquired as to why they would want $400 apiece brandnew color television sets, we were informed that they wanted them to hear President Nixon at his press conferences, and at that point President Nixon had not had a press conference since last January.

We did not inquire as to what they were going to put in the brand new refrigerators. I thought they were pretty highhanded in doing what they did and using the taxpayers' money for such purposes.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Would they come back down to their offices at night to see those night press conferences on television?

Mr. ROONEY of New York. Now the gentleman is asking me a question I cannot answer.

Mr. GROSS. It is incongruous to think they would have to have a color television set in their offices downtown in order to see a night Presidential press conference.

Mr. ROONEY of New York. They could have gotten a $12 radio and heard it over the radio.

Mr. GROSS. Yes; they certainly could.

Mr. ROONEY of New York. But color television is highly interesting.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. KYL. The gentleman would admit there are some things to be seen on color television sets, and some things which could be taken from the refrigerator, which could be disarming.

Mr. ROONEY of New York. The horse racing, I am told, is very good on Saturday afternoon in color.

Mr. GROSS. In living color.

Mr. ROONEY of New York. Also included in this bill is $3.2 million, the amount of the budget estimates, for the Commission on Civil Rights.

I do not agree as to the action of the majority of the committee in every respect, so far as this bill is concerned, and I am entitled to that privilege. They have taken some actions which did not follow my recommendations. That is the privilege of the members of the subcommittee. This is a democratic subcommittee. I supported the full amount for the antitrust division, Community Relations Service, Civil Rights Education, Equal Employment Opportunity Commission and for funds necessary to carry out the provisions of section 406 of the Economic Opportunity Act of 1964 as requested by the Small Business Administration.

Now we get to the Small Business Administration, where we have provided $220,290,000 which is an increase of $26,225,000 over the total appropriated for the current fiscal year.

Mr. GROSS. Mr. Chairman, will the gentleman yield on that point, as to the SBA?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Iowa.

Mr. GROSS. Did the gentleman in the hearings before his subcommittee get into any of the manipulations that have been going on in connection with the Maine sugar industries and the attempt to go down to Norfolk, Va.?

Mr. ROONEY of New York. The Maine sugar refinery business was the doing of the Economic Development Administration, Department of Commerce, whereas the Old Dominion Sugar business in Vir-

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ginia is the doing or the attempted doing—let me put it that way—of the Small Business Administration.

Mr. GROSS. Did the committee get into that to any extent?

Mr. ROONEY of New York. Yes. I am not sure but I have a sneaky idea they are not going ahead with the lease guarantee for that one in Virginia. Would the gentleman from Ohio more or less agree with me on that?

Mr. BOW. If the gentleman will yield, I agree with my chairman. They probably will not.

Mr. ROONEY of New York. They did not know of the fiasco with the taxpayers' money in Maine over the building of the sugar refinery.

Mr. GROSS. And especially so when there are privately operated sugar refineries excess to needs now.

Mr. ROONEY of New York. I have a couple of big ones in my congressional district. There are sugar refineries in Boston. There is no reason to go into Maine to wean those down Easters away from growing Maine potatoes, to grow sugar beets in competition with I do not know how many States of the Union.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Florida.

Mr. BENNETT. I notice the talk is about something beyond the point I was particularly interested in. On page 25 there is a listing of the Subversive Activities Control Board. Did they justify their continued existence before the committee? I understand their jurisdiction has been greatly hampered. I wonder what their jurisdiction now is?

Mr. ROONEY of New York. They have practically no jurisdiction at the present time. As I said to the distinguished gentleman from Illinois (Mr. YATES) in the full committee, they are in a standby position.

We have been told by administration officials, that they wanted us to go ahead with this appropriation because they were going to find new duties for the Board. I do not know what duties they will find for them. But I do not think it is a function of this committee to cut their appropriation out completely. We have them down to bare bones, and we do have to pay salaries to the Presidential appointees.

Mr. BURLESON of Texas. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I am happy to yield to the gentleman.

Mr. BURLESON of Texas. At the top of page 44 there is an item which has to do with the Equal Employment Opportunity Commission. There is a total of $14,313,000 involved there. It is my understanding that this Commission having to do with employment opportunities has been holding some hearings, the third of which is scheduled for Houston, Tex., on or about June 1.

Mr. ROONEY of New York. I think they are down in Houston, Tex., right now, because the chairman tried to get me from Houston and I tried to call him back in Houston only yesterday and last night.

Mr. BURLESON of Texas. They are probably down there getting several floors of one of the hotels in order to house the people who will be there for this hearing.

It is my understanding under the 1964 Civil Rights Act that the Commission is authorized to hold hearings, and they have subpena powers to do so, on the basis of charges preferred. In these hearings no charges are preferred, but they have a letter of "invitation" out to some 27, as I recall it, businesses and labor unions to come into these hearings and to bring their records, as it is a public hearing, and to divulge their inner operations under inquiry and investigation. I am wondering where the authority comes to this Commission to be holding such hearings. It is an ultra vires proceeding.

Mr. ROONEY of New York. This was one of the items I was referring to when I said that the committee would not follow my judgment insofar as the amount recommended was concerned. I recommended the full amount requested for the Equal Employment Opportunity Commission rather than the $14,313,000 included in this bill. I think they are a necessary Commission and that they produce a lot of good insofar as our minority people in the United States are concerned.

Mr. BURLESON of Texas. I am not complaining, if the gentleman will yield further, about the existence of the Commission. I am complaining about their operation. I think they are indulging in an illegal operation. These people who have been invited to these hearings have not asked for my advice, and as I said the other morning in the happy hour, in a 1-minute speech, I have never been in contact with those people, I ended up my remarks by saying that the only way this sort of an ultra vires proceeding will be stopped is for people to ignore their invitation and not appear. As far as I can determine the law, they have no authority to hold this kind of hearing.

Mr. ROONEY of New York. They have done a lot of good, I must say. Under my friend Cliff Alexander as chairman of this Commission, they held hearings in New York and found out that the great New York Times, that ultraliberal newspaper, had all of about three Negro reporters out of over two hundred reporters. And no Puerto Rican reporters at all.

Mr. BURLESON of Texas. Mr. Chairman, the point I am making is that if they have a complaint filed against any business or any labor organization or any individual and his employment practices, that is one thing. They do have then—there is no question about it—the right to hold hearings and the subpena powers, duces tecum powers, to produce records, and make a proper investigation.

But where no complaint has been filed, to call people in to open up their records at a public hearing mind you, they do not as far as I can determine, have any such authority. To spend taxpayers' money to conduct this sort of investigation is to me totally unreasonable.

Mr. BOW. Mr. Chairman, would the distinguished gentleman from New York yield to me at this point?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Ohio (Mr. Bow).

Mr. BOW. I am delighted that the distinguished gentleman from Texas has raised this question. This is one of those items in the bill with which, I am afraid, my distinguished chairman does not agree. He has very strongly supported the items concerned with civil rights and our committee has overruled him at times. But let me tell you something about this Equal Employment Opportunity Commission.

If I may, Mr. Chairman, if you will yield further, the 1965 appropriation was $2,250,000. That is a lot of money. But in this pending bill there is $14,313,000. Yet they are complaining that we did not give them enough. In other words, in a 6-year period this outfit has grown by 6½ times its original size. Their authorized strength has increased from 314 positions in 1967 to 780 positions in 1970, and this will continue to increase. Yet, in April of this year they had 98 vacancies. And, they are still complaining that we did not give them enough money. Perhaps we have given them a little too much money.

The gentleman raised some question as to what they accomplish. I would like to read a recent item concerning this Equal Employment Opportunity Commission. I am reading from the Wall Street Journal, a reputable newspaper, of March 10, 1970:

> Telling Polish Jokes about fellow employees may be illegal. An employer who tolerated ridicule of a Polish steelworker's national origin violated the Federal ban on job discrimination, the Equal Employment Opportunities Commission rules. The joke-tellers said the Polish worker was hypersensitive.

So, this Commission has done an outstanding job in that they have found that telling Polish jokes is a violation of the law.

Mr. ROONEY of New York. I thoroughly agree with that decision. I have read a copy of that alleged joke and I resent it very, very much on behalf of my constituents of Polish birth and descent.

Mr. BOW. I knew the gentleman from New York would because he has a great many constituents of Polish origin in his district and has good reason to feel the way he does about it.

Mr. BURLESON of Texas. Mr. Chairman, I am not complaining about this Commission alone. However, this operation is most repugnant and most flagrant. I am not complaining about whether it is a precedent or not, it is certainly an example of a Federal agency encroaching—and there is already enough encroachment legally—on the people of this country—by Federal agencies. But here is an invitation to every Federal agency to go out over this country and hold ultra vires proceedings without any authority to do so.

Mr. Chairman, if we are going to be governed by fiat in this country, we might as well adjourn this Congress and

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turn it over to them, something we have already done to a very great degree.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Illinois.

Mr. YATES. Mr. Chairman, I would point out to the gentleman that the bill makes available to the Subversive Activities Control Board approximately $400,000 to carry on its activties. What activities does the Subversive Activities Control Board carry on now that the courts have stripped it of all its functions?

Mr. ROONEY of New York. Well, I explained that to the gentleman from Illinois thoroughly, I thought, before the full committee, and I again referred to it just a while ago.

I am told they have to be kept in a standby status.

Mr. YATES. They are now in mothballs?

Mr. ROONEY of New York. Yes, mothballs, or something like mothballs.

Mr. YATES. But the White House has asked for these funds?

Mr. ROONEY of New York. I sought to get an OK from the White House to eliminate the request.

Mr. YATES. Well, the gentleman is correct. The Board has nothing to do. It should be abolished.

Mr. ROONEY of New York. Mr. Chairman, I reserve the balance of my time.

Mr. BOW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to speak briefly in support of this bill.

My distinguished friend from New York, our chairman, has again given us a fine explanation of the details of this bill. He chairs the committee carefully, and is thoroughly familiar with the programs supported by funds provided in it. There is little more to say except to highlight one or two points.

The report indicates, as the Members will notice, that the agencies included have been reduced by $136,948,500. I believe this is a responsible reduction, and this committee has generally recommended a substantial reduction from the budget request. We have tried to balance priorities in this bill, and it represents a compromise. We are not all in agreement on each amount contained herein, but we are in agreement that this is a good bill. The bill should be passed without amendment, although I am sure the gentleman from New York, the chairman of the committee, would have preferred higher amounts for the several items in the bill concerned with civil rights.

Mr. Chairman, the State Department's budget is particularly interesting. This bill provides for the third consecutive reduction in employment. By the end of fiscal year 1971 a total of 1,675 employees will have been removed from the rolls of this agency. It is to credit of this committee that we have been able to reduce this agency within the budget requirements that we have. And, it is to State's credit that they have been able to continue to meet their responsibilities with this substantial reduction in staff.

The bill also provides an increase of $5 million for educational exchange.

In the Department of Justice we have provided an increase of $212 million for Law Enforcement Assistance Administration, and the full amount requested by the FBI.

This bill also contains a substantial increase, the full amount requested, for the Bureau of Narcotics and Dangerous Drugs. These funds should improve and strengthen our national effort against the continued increase in crime throughout the country.

We have also provided, except for the fence mentioned by the gentleman from New York, the full amount requested by the Department of Immigration and Naturalization. They do an excellent job. It may be of interest to note that the committee heard testimony that there is a 17-percent increase in the number of persons that arrived at air and seaports last year. And, we now have 80,000 Cuban refugees in the United States, who will become eligible for citizenship during the next 2 years. This is representative of the increasing workload of this Agency.

In the Department of Commerce we have increased the appropriation for ship construction.

The distinguished gentleman from New York increased the amount for this purpose last year, but it was deleted on a point of order because at that time, they were not authorized.

I am pleased to say that the President has signed the bill yesterday. The ships are now authorized and we can now build them.

On this question of ships, I again point out what I believe is a sad state of affairs—that the American flag is no longer flying in the Atlantic and on many of the seas of the world on passenger ships.

We have beautiful passenger ships tied up in storage and I hope that in next year's bill we can provide the necessary funds to assist in returning these passenger ships to active service. There is no justifiable reason why one can see Soviet passenger ships, but no American vessels in the Port of Montreal or many other ports in the world. The *United States* is tied up—the *Argentine* and *Brazil* are tied up. The *Constitution*, the *Independence* and the *Atlantic* are tied up, and I could name others.

We have only two ships on the Pacific that I know are still in operation—the *Cleveland* and the *Wilson*. It is indeed unfortunate for this country that most of our passenger ships are no longer in service.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. GROSS. I notice in the hearings on Business and Defense Service Administration, Department of Commerce, you had before you one William D. Lee, who wanted eight new positions and a $100,000 increase, apparently, to "develop a unique base of information on U.S. consumption and trade of manufactured goods."

Now just what does that mean?

Mr. BOW. I am sorry that I cannot tell the gentleman what it means. But I can tell the gentleman this—they got absolutely nothing. Does that help to answer your question?

Mr. GROSS. This and other requests from this gentleman indicate the committee was completely justified in giving him nothing.

Mr. BOW. That is what he got.

Mr. McCLORY. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman.

Mr. McCLORY. Mr. Chairman, while it is somewhat unclear from the Appropriation Committee report, it appears that the committee has refused to approve any increase in funding for the National Institute of Law Enforcement and Criminal Justice, the research and development arm of the Law Enforcement Assistance Administration.

In fiscal year 1970, the House-Senate conference approved $7.5 million for the Institute. This was considerably less than was requested, and I opposed that action. For fiscal year 1971, the Department of Justice requested $19 million for the third year of operation of the Institute. The Appropriations Committee, while approving the full amount of the budget request for the Law Enforcement Assistance Administration, said:

> The additional funds requested for research and development shall be used for an increase in the action grant program.

In other words, Mr. Chairman, the committeee is saying, although we approve of a huge increase in funds to fight crime, we will not provide 1 cent more than last year's amount for criminal research and development.

Attorney General Mitchell appeared before the House Judiciary Subcommittee that was considering the authorization for LEAA and in answer to a question about the National Institute, he stated:

> To a great extent, the field of criminal justice is an uncharted field. Hopefully, the Institute will provide us with the beacon and the way.

He added, and I am paraphrasing:

> One of the functions that the Institute can be most hopeful with is to evaluate how LEAA's money is being spent to insure that their programs are worth the money and to insure that they produce the results that we expect. . . . In the field of probation and parole, especially, we need additional statistics and study. It is through appropriate studies . . . that the Institute, if it is properly funded and properly directed, can go a long way in this total overall program.

The Institute's research program for the present fiscal year, through June 1970, encompasses the following areas of inquiry: First, the development of new equipment and hardware such as burglary alarm systems; improved personal radios for foot patrolmen; equipment to provide improved night vision; and equipment to allow for the remote detection of the presence of narcotics; second, the development of improved communications for reporting crime; third, the development of improved criminal identification procedures such as voice prints, and advanced techniques in the field of fingerprints; fourth, the study of recidivism; fifth, studies in the fields of corrections,

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riot control, and civil disorders; organized crime; narcotics; and white collar crime.

These are only a partial listing of the kinds of things the Institute has been doing, and, Mr. Chairman, I sincerely believe that we in the Congress will be making a serious mistake if we add funds for action grants to the States and cities without providing the research and development necessary to support intelligent expenditure of the action money.

I just want to inquire whether or not in your opinion there is in the $480 million appropriation an intention to limit the National Institute so that none of these funds would be available to it?

Mr. BOW. This question was brought up by the gentleman from New York with our chairman, and someone was speaking at the table so that I did not hear what my chairman had to say on this issue. I would, therefore, prefer to yield to my chairman to answer your question.

Mr. ROONEY of New York. There is more than enough carried in this bill, within the $480 million, to provide for this so-called Institute.

There is $7.5 million included and they not entitled to a nickel more.

Mr. BOW. Does that answer the gentleman's question—there is $7.5 million provided in the bill.

Mr. McCLORY. In my opinion, that would not be enough.

The Attorney General gave very emphatic testimony in behalf of the Institute. The administration did request $19 million. I would hope that that amount might be available out of the $480 million.

Mr. BOW. I would prefer to yield again to my chairman on this issue.

Mr. ROONEY of New York. I should like to refer to page 915 of the printed hearings. As printed at that page, the following colloquy took place:

> Mr. ROONEY. I will ask once again, with regard to the Institute, just what have you developed to date of any significant value?

This is after spending $10 million—

> Mr. ROGOVIN. As to something which can be presented in its physical form and operational, sir, there is no such item or no such device. What there is, is promise.
>
> Mr. ROONEY. Thank you, gentlemen.

So the committee decided that we would turn over the $480 million for the purpose of real law enforcement to meet the problem of crime in the streets in this country.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further for another brief statement, then I shall close——

Mr. BOW. I yield to the gentleman from Illinois.

Mr. McCLORY. It seems to me we are very deficient in authorizing funds for research in the extremely volatile and critical area of crime. I should like to point out, if I may, that on the agenda for the work of the National Institute just this year, the current year, there is the development of new equipment and hardware, such as burglar alarm systems, improved personal radios for foot patrolmen, equipment to provide improved night vision, equipment to detect the presence of narcotics, and a great many other subjects.

Mr. BOW. The gentleman may insert this information in the RECORD. I have no objection to his doing this. What we have done is to provide money to fight crime in the streets. That is the important thing. I do not know how long we are going to continue to research these things. We have spent, and are continuing to spend, a substantial amount on research. The question is how much.

I believe we also cannot lose sight of the extent of crime on the streets that exists today. This is also important. We have already spent significant amounts of moneys on research.

There is one other point I would like to call to the attention of the Members of the House. At times my distinguished chairman has been accused of not recommending enough money for the Community Relations Service—a Department of Justice program concerned with racial problems. As a matter of record, the gentleman from New York (Mr. ROONEY), has worked to obtain as much for the Community Relations Service as he possibly could. He was for approving the full request. But some people have still complained that he does not do enough. One of those who has attacked him on this subject is the former Attorney General of the United States, Ramsey Clark. This is much to my surprise, because whenever Mr. Clark appeared before the committee he was treated very well by the gentleman from New York. So we were surprised to find Mr. Ramsey Clark complaining about the chairman not providing enough for the Community Relations Service. We therefore took a close look at their request and our committee reduced the request over the objections of Mr. ROONEY.

Now a very interesting thing has developed. Although Mr. Clark may have been very interested in full funding of the Community Relations Service, $5,200 was used from that fund to paint his portrait to hang in the Justice Department halls. Instead of being used to resolve and prevent racial disorder that he was so interested in, $5,200 was used to paint his portrait. I believe this should be called to the attention of the House. He has attacked our chairman, and I point out that these funds were not used for the purpose for which they were appropriated, but for the purpose of painting Ramsey Clark's portrait.

I yield back the balance of my time.

Mr. BURKE of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Massachusetts.

Mr. BURKE of Massachusetts. On page 25 of the report the statement is made that—

> The sum of $550,000 is included in the bill for the necessary expenses of the Special Representatives for Trade Negotiations.

Then later down on the same page we find that $3,845,000 is provided for the carrying out of the responsibilities of the Tariff Commission and also the trade negotiator.

The major responsibility of this Commission is to assess the impact of foreign trade policies of the United States and of other countries on domestic industries and to provide reports to the President, the Congress, and the public on these matters.

I was wondering if in the hearings either the trade negotiators or the Tariff Commission indicated why they have not been able to do something about the terrific drop in our trade balance. In 1965, we had a trade surplus of over $7 billion, and in the year 1969, the trade surplus will be $1,300,000,000. If that continues going down at the present rate, in 1975 we will have a trade minus balance of about $5 billion. What are they doing with the money we are giving them?

Mr. BOW. The committee was very concerned about this issue and went into it in great detail, just as I am sure the gentleman's Committee on Ways and Means has also studied this problem. We have expressed our concern and provided funds to study the problem. I am not convinced these organizations have done as much as they should, and I believe they ought to be doing more on this issue. Let me assure the gentleman that they have had sufficient funds. Funds have not been the problem.

Mr. BURKE of Massachusetts. Mr. Chairman, I would like to make one observation. On the textile trade there is an imbalance of $200 million, and in the shoe industry an imbalance of $1,400,000,000, for a total imbalance of $1,600,000,000 in these two industries, so I would hope that the committee would have these Tariff Commission and trade negotiation people come forward with some testimony about actually what they really are doing with the money we are giving them.

Mr. BOW. I know the gentleman is concerned about the textile and shoe industries. I am concerned about the bearing industry, the steel industry, and the ceramic industry. Ceramic wall tile is a very important industry in my area and they have been having trouble. The other day the World Bank provided a loan to the Philippines to expand their tile industry. Little of this is sold in the Philippines; most of it is shipped here. What we are doing is establishing plants around the world through the assistance of international banks, so that foreign countries can manufacture articles to send back here, compete with our industry, and put our people out of work. I believe it is also happening in the shoe and textile industries.

It is time we became alert to this problem and exercise our responsibility in the House. I quite agree with the concern of the gentleman, and we will ask the Commission about it.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. BOW. I yield to the gentleman from New York.

Mr. ROONEY of New York. Mr. Chairman, it should be realized that the first of these two items, the Special Representatives for Trade Negotiations, is a creature of the President of the United States, whereas the Tariff Commission is a creature not only of the President of the United States, but also of the Congress. I am afraid they are just waiting until the Ways and Means Committee of the House does something about the problems of the textile and shoe industries. I am now confident we are going to have some needed legislation out of the Ways and Means Committee.

Mr. BURKE of Massachusetts. Mr. Chairman, if the gentleman will yield further, I may say I asked the question to find out if they are carrying out their responsibilities, and so far, according to the reports and the testimony we are getting this week before the Ways and Means Committee, there seems to be some laxity on the part of some of them.

Mr. ROONEY of New York. Mr. Chairman, I am confident that this problem of textiles and shoe manufacture is in good hands when it is in the hands of the distinguished gentleman from Massachusetts.

Mr. BOW. Mr. Chairman, I agree this problem is in good hands in the Ways and Means Committee. I agree also that, under the Constitution, the Tariff Commission is a creature of the Congress. The Congress sets import duties and tariffs. This is our responsibility. We established the Tariff Commission, but over the years much of their authority has been taken away and given to the executive department. I think this is wrong. There should be a strong Tariff Commission assigned this responsibility. The Congress has the responsibility of setting tariffs. I hope the gentleman's committee will do that.

I hope our committee will go into the question of what the Tariff Commission is doing and why.

I am concerned that there appears to be an overlapping between the Department of Commerce and the Tariff Commission making the same studies and along the same lines.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am pleased to yield to my colleague on the subcommittee, the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. I thank the gentleman for yielding.

As long as we are discussing the balance of payments, I believe we might briefly discuss the problem of cutting off exports of nonstrategic materials. Our committee has steadfastly opposed this type of activity. For the last few years I thought the Department was in full agreement with us.

You may recall that 4 or 5 years ago they cut off exports of walnut logs and hides. We have never completely regained that market. But, only about a week ago, they announced another suspension of exports of hides. Apparently they are starting another drive to cut off the export of nonstrategic material.

I believe the members of our committee are pretty well agreed that cutting off exports also very drastically affect the balance of payments and is, under the present circumstances, inexcusable.

Mr. BOW. I thank the gentleman for his contribution.

Mr. ZWACH. Mr. Chairman, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Minnesota.

Mr. ZWACH. I thank the gentleman for yielding.

I know this bill funds the regional development programs. I am particularly concerned with the upper Great Lakes regional program, and I know of their fine work. I want to commend the ranking minority Member, the chairman, and the subcommittee for funding of this regional program.

In this day of environmental problems, I commend the committee for its foresight.

Mr. BOW. I thank the gentleman for his statement.

(Mr. CELLER (at the request of Mr. ROONEY of New York) was granted permission to extend his remarks at this point in the RECORD).

Mr. CELLER. Mr. Chairman, I understand that this appropriations bill provides $480 million in appropriations for fiscal year 1971 for the Law Enforcement Assistance Administration in the Department of Justice.

The Law Enforcement Assistance program was authorized in enabling legislation approved by the Congress in 1968. Under the terms of that legislation, funding authority is limited in amount and duration. As a matter of fact, the continuation of this grant-in-aid program to the States and cities requires statutory authority for fiscal 1971 and succeeding years.

A subcommittee of the House Committee on the Judiciary has held 12 days of hearings concerning the administrative structure of this grant-in-aid program as well as the amount needed for future funding. This subcommittee now has under executive consideration the formulation of its legislative recommendations.

I am hopeful that this subcommittee, and subsequently the Committee on the Judiciary, will favorably report legislation authorizing fiscal 1971 appropriations on the order of $750 million in place of the $480 million which is contained in the appropriations bill before us. If this greater amount of Federal appropriations is ultimately approved by the Congress—and such an increase in Federal financial commitment today appears essential if we are effectively to control and curb crime in our streets—I know that the Appropriations Committee will lend a sympathetic ear to a request for additional funds.

Mr. ROONEY of New York. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California (Mr. ANDERSON).

Mr. ANDERSON of California. I thank the gentleman from New York (Mr. ROONEY) for yielding and I commend him and his distinguished colleagues on the committee for their work on H.R. 17575—especially the appropriation under title III for the Maritime Administration.

Mr. Chairman, I support this measure which appropriates $199.5 million for ship construction in fiscal year 1971. This is an important and necessary step in the right direction.

Last year, we authorized $145 million for this program, yet, we actually spent only $15 million. This was hardly enough to sustain, much less upgrade, our sagging Merchant Marine.

Congress must insure that the United States regains its position of maritime preeminence. There can be no doubt that this position has declined. Our merchant fleet has deteriorated to a degree shocking for a nation so dependent on the seas as we are for national security and economic prosperity. Two-thirds of the fleet is over 20 years old. The average age of the entire U.S. fleet—including Government-owned ships in the reserve fleet—is 22 years.

With this bill, we are signaling a movement toward revitalizing our shipbuilding industry. Nineteen new ships will be constructed in U.S. yards. The effects on the U.S. economy when ships are constructed abroad is well illustrated by a report recently published by the American Council of Shipbuilders. This report shows what happens every time a $20 million ship is built abroad, instead of in an American shipyard. According to the council, American industry loses at least $60 million worth of business; $14.4 million tax dollars are lost; American workers lose $9.7 million in wages.

Mr. Chairman, I am pleased with this bill; however, we must proceed at a more rapid pace if we intend to regain our position of maritime preeminence. In the next few years, we will witness the deactivation of many of our older, obsolete ships. These ships must be replaced with the most modern and efficient in the world.

Mr. ROONEY of New York. I should like to answer the distinguished gentleman by saying that so far as I am concerned I would furnish a subsidy to build at the rate of 30 ships a year rather than the 19 ships provided for in this bill.

Mr. ANDERSON of California. I agree with the gentleman from New York. Our goal for the next 10 years is the construction of 300 ships and, like the gentleman from New York, I was hoping for 30 new ships in fiscal year 1971. However, I feel that this bill is a constructive step in the right direction and I commend the gentleman for his diligence and hard work.

Mr. ROONEY of New York. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I am going to offer an amendment later on which would in effect reinstate the intent of the administration, expressed by the Attorney General, that of the $480 million allocated to the Law Enforcement Assistance Administration, $19 million be applied to research and development and to the application of existing technology to our criminal justice system. Let me say, in quotes, "The transfer

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of technology and other scientific developments to applications within the criminal justice system."

Our good colleague on the Republican side, Mr. Bow, said he thinks we have wasted a lot of money on law enforcement research. The fact is we have not even started yet.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentleman from Ohio.

Mr. BOW. If you understood me to say that I thought we had wasted the money, I should like to correct this impression. My point is that I believe we are supporting enough research in 1971 at the level recommended by the committee. A substantial amount of this kind of research has been done. Certainly not all of it was wasted.

Mr. SCHEUER. I thank the gentleman for that clarification.

I do not know where it has been done, but the fact is it has not been done.

The fact is that our law enforcement systems are still operating in the quill pen era. We have not begun to apply the science technology we have developed for our space and military efforts and our industrial plants to the business of law enforcement. We heard some snide remarks made that law enforcement should be run by cops and not by professors. Of course, it should be run by police professionals, but the people in our country who are most eager for improved law enforcement equipment and techniques are the law enforcement professionals themselves. They are crying for help and deluging the National Institute for Criminal Justice for research projects that will help them to do the job better. I suggest to the gentleman from New York, the distinguished chairman of the subcommittee, that it was these so-called professors working for IDA, the Institute for Defense Analysis, who developed the atomic bomb and the fantastically sophisticated science technology that we use in the military. It was these so-called professors who developed our space travel, and it is the same so-called professors, in quotation marks, again who can apply our fantastic science and technology to the business of making the policeman's job easier, safer, and more effective. We are in the gas light era of law enforcement, and we ought to give our police professionals, 400,000 of them in this country, the benefits of every kind of science technology in our power so they can do their job the way they and we want them to do it.

Mr. CEDERBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I thank the gentleman for yielding.

I too want to speak on the subject of funds for the National Institute of Law Enforcement and Criminal Justice. As the author of the amendment which resulted in this Institute, I want to remind the Members that this was indeed the action of the Congress. This was an amendment which we in the House put into the omnibus crime bill of 1968. We did it because we wanted to provide the leadership, the guidance and the direction to State and local law enforcement officials around the country. We were convinced then that this was an appropriate Federal role. Certainly we do not want a Federal police force. However, the Federal Government should encourage the best talents to devote time and study to the solution of problems connected with criminal justice and then disseminate the results of the studies among State and local law enforcement officials. Also, we must recognize that law enforcement and criminal justice are, in the words of the Attorney General, an uncharted field. If we did not have the great research facilities we have with regard to health, science and defense we would not have the capability that we have in those fields. Yet in the field of criminal justice we are operating, for the most part, in the dark. If we want to act responsibly and meet our responsibilities as the national lawmaking body, we should devote our principal emphasis to the support of the National Institute.

May I say this, also: One of the key recommendations, of the Association of Chiefs of Police is for support for the National Institute. In other words, local law enforcement officials recognize that in the performance of their jobs they need this kind of a Federal facility. I cannot see any logic or reason why in appropriating funds for the Law Enforcement Assistance Administration, we should restrict the Attorney General in his use of the funds.

I believe he should be allowed to use the funds in a manner which can best serve the needs of the Nation in enforcing the criminal laws and in reducing crime.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. Surely, I yield to the gentleman from Iowa.

Mr. GROSS. I thought one of the best contributions to law and order which has been made in a good many days and made the other day by the construction workers in New York.

Mr. McCLORY. I am sure that a lot of people would disagree with the statement made by the gentleman. I would say this: I think the National Institute can perform a great service in providing ways and means through which disorders and disruptive acts such as have occurred in New York and elsewhere can be avoided. In addition, the institute can provide instruction in the handling of riots and community relations, positive steps to bring about law enforcement, not simply repression which seems to be on the minds of some. It is a broad field requiring careful, intelligent and scientific study and development. That is the reason why I think that this Federal agency has a wonderful opportunity to provide a great national service.

Mr. Chairman, I am hopeful that this course will be followed. In other words, in my own case I want it known that when I vote for this bill and the $480 million for the Law Enforcement Assistance Administration, I am voting with the expectation that they will have the right to use the funds as they see best, including the $19 million the Department of Justice and the President have requested for the National Institute.

Mr. Chairman, I want to thank the gentleman from New York (Mr. SCHEUER) for his generous remarks. In addition, I want to pay tribute to the gentleman for his support of the National Institute principle and for the leadership which he has shown in this area. I want to compliment the gentleman on the very useful and well-written volume which he prepared on the overall subject of improved law enforcement—and particularly on those chapters dealing with the subject of the National Institute.

Mr. MIZELL. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from North Carolina.

Mr. MIZELL. Mr. Chairman, it should be obvious to all of us that the atmosphere in this Nation today is right for the passage of any type of legislation that will assist crime-fighting agencies. The crime rates across this country are increasing at a phenomenal rate, and I think you will agree that the most effective ingredient for suppressing crime is the local law enforcement agency.

Federal funding to State and local law enforcement in the past has been used in a very responsible manner by the police departments in North Carolina. Our cities face the same economic problems that are plaguing most all metropolitan areas across the country, and money from local sources is not available to train, equip, and man the police departments so that they might make an effective dent in the rising crime rate.

The $480 million included within this bill that is earmarked for State and local law enforcement, is vitally needed.

This Congress, to date, has failed to pass an effective anticrime bill, and crime is one of the tragic and major issues of the day. While we are awaiting strong and effective anticrime legislation, the least we can do, as Representatives of the people, is give some financial assistance to out-of-State and local police agencies.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I yield to the gentleman from New York.

Mr. SCHEUER. I would simply like to congratulate my colleague, the gentleman from Illinois (Mr. McCLORY), for the great leadership that he has shown in supporting this legislation at the outset. I think the gentleman has earned the gratitude of all of us and indeed of the country.

I would like to quote a sentence or two of the testimony of the Attorney General when he appeared before the House Judiciary Committee on March 12 of this year in which he said:

> The National Institute is funding a broad range of research projects. These involve law enforcement, the courts and corrections. Most of these projects relate to the type of crime problems most prevalent in the cities.

Now, it is quite true that many of these projects have not reached the stage of fulfillment. But, I have not noticed on

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the floor of this House anyone criticizing research and development on jet aircraft or space travel or any of the other sophisticated research programs carried on by our space and military agencies just because that at any one particular point in time they are not completed. They are funded until completed. We do not cut off their funds in the early stages of development because they only show promise.

Mr. CEDERBERG. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I thank my colleague from Michigan for yielding to me.

I have a few words I would like to express to my colleagues in the House concerning this bill. I think, by and large, the subcommittee and its chairman have done a workmanlike job in bringing to the floor a reasonable appropriation request to fund the activities covered under the bill.

My remarks, however, are going to be critical of one aspect of it and they are intended only to be constructive. I hope they will be supported by those who can hear my voice.

I wish to direct the attention of my colleagues to that portion of the bill dealing with funds for the activities of the Department of Justice and more particularly to those sections dealing with the National Institute of Law Enforcement and Criminal Justice. A careful or even a cursory review of the bill indicates that the total sum requested by the Department of Justice to fund its activities has been recommended in the bill. But I think everyone here should be aware of the fact that within this total fund there has been some shuffling of priorities, that the committee did not recommend some of the things requested by the Department of Justice, but increased other items that were not requested by the Department of Justice.

The large increase provided this year is to fund the activities of LEAA.

A part of the Law Enforcement Assistance Administration is the National Institute of Law Enforcement and Criminal Justice. The Law Enforcement Assistance Administration is a product of the Judiciary Committee and many of my friends here on the floor today participated in the development of that act.

Many will recall that we felt in the committee, and it was later ratified and confirmed here on the floor, that there was a need for some separate agency to help the units of law enforcement develop techniques to do their job. If we are going to pump hundreds of millions of dollars into the States on a grant block basis someone must give guidance to the States to see that their efforts are not duplicated; to see that money is not wasted on needless projects, and to give them guidance on new techniques, new technologies, new weaponry, new ways in which to enforce the law. We all agree with that. The agency to perform that function is the National Institute of Criminal Justice. It requested $19 million to carry on its activities. The Attorney General requested $19 million to carry on the activities of that agency. Mr. Rogovin, Director of LEAA, requested $19 million to carry on the activities of that agency.

Mr. Ruth, Director of the National Institute, requested $19 million. Everybody agrees. But the subcommittee did not agree. The testimony of the subcommittee dealing with this subject covers only a page or two, and I question whether or not the subcommittee has considered the matter in the depth. They have cut it back to $7.5 million.

Let me tell you what they have denied. Refer if you will to page 874 of the hearings, and let me tell you what the subcommittee feels this agency should not do. It should not conduct additional research to the tune of $3 million on the development of weapons systems. Have not the tragic incidents of the last few days indicated that the police need an innovative and more appropriate weapons system for riot control? They have indicated the money should not be spent to develop voice print techniques, vehicle sensors, narcotics sensors. All of these things are needed.

Ladies and gentlemen, this is only part. I ask you to refer to pages 874 and 875 to indicate what this subcommittee has indicated should not be spent.

Well, what to do about it? Our colleague, the gentleman from New York, will at the appropriate time offer an amendment. The amendment deserves support. It does not increase the total spending in this bill, it merely indicates that of the $480 million, $19 million of it, the amount requested by the Attorney General and the Director of LEAA, and the Director of the National Institute, be allocated for these research functions. It is an entirely reasonable amendment, and deserves your support.

If, however, for one reason or another, this amendment fails, I hope that the chairman of the subcommittee, when this matter goes to conference, will review his position on this subject and will give serious consideration to removing the restrictive language contained in the report which prohibits additional spending for necessary research in this field.

I urge my colleagues, when the time comes, to support the amendment to be offered by the gentleman from New York (Mr. SCHEUER) for the good of law enforcement in this country.

Mr. CEDERBERG. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, a few days ago I noticed a picture in a Washington newspaper of one of the Justices of the Supreme Court, William O. Douglas, who was pictured in the driveway of his home beside an automobile with a license plate indicating it was a Government-owned vehicle. I called the General Services Administration and ascertained that Mr. Douglas apparently has on call a Government-owned automobile, and driver, to transport him from home to work, and from work—if you can call it that—to his home again.

I just wondered what sort of practice is going on—if it has come to the attention of the committee—whether automobiles are being supplied to Justices of the Supreme Court who, at $60,000 a year, it seems to me, ought to be able to furnish their own transportation just as Members of Congress and most of the other Government employees have to do.

Is there anything in this bill—and I ask either the chairman or the ranking member of the committee—is there anything in this bill to provide automobiles for Justices of the Supreme Court, other than the Chief Justice, who I know, is furnished an automobile.

Mr. ROONEY of New York. There was a request for $600 a year per automobile to lease eight automobiles and that item is not included in this bill. That has been denied.

Mr. GROSS. I again thank and commend the chairman and the committee for turning down this request. I say again that the Justices of the Supreme Court are paid sufficiently to provide their own transportation. I hope that the General Services Administration will see to it that the vehicles which they operate are not used for the purpose for which at least that one has been, and apparently is being used.

I note under Mutual Education and Cultural Exchange, for which the cookie pushers wanted $40 million—and I do not know exactly what the committee gave to them—that there are some outstanding examples of expenditure. For example, an assistant professor of history at the Univeristy of Minnesota went to Kiev University in Russia last fall to study and I quote "Dneiper River Trade, Seventh to Fourth Centuries B.C."

I note we are paying the freight for a University of Minnesota professor to spend 6 weeks at the Leningrad University making recordings of "eye movements," whatever that is.

Then there is an assistant professor of linguistics at the Inter-American University of Puerto Rico who has been paid to study "intonation among Soviet linguists" at Leningrad University.

Then there is also a Cornell University associate history professor who was sent to Leningrad University this year to study the "characteristics of Russian civil servants from 1750 to 1860."

Now what in the world are we doing raiding the taxpayers to send these people to Russia, and why are we sending them over there for purposes of this kind?

Mr. CEDERBERG. I think, if the gentleman will yield, this entire program has been looked at by our subcommittee very hard. We cut them in past years. We think the new administrator is doing a very, very good job and so this year we went along with an increase.

As to these specific instances, I am not sufficiently acquainted with them to know of their importance to the academic community or to the students who may be studying under these professors.

Mr. ROONEY of New York. Mr. Chairman, if the destinguished gentleman from Iowa will yield, I think the principal reason for the increase in the funds for this mutual education exchange program is the fact that we have a new Assistant Secretary of State in charge of the program named John Richardson.

Mr. Richardson seems like a down-to-earth sort of gentleman. We are expressing, by increasing this appropriation, our confidence in Mr. Richardson, that he is going to do a good, sensible, worthwhile job. I do not believe we will have to worry about any more obscene or pornographic plays being sent abroad.

Mr. GROSS. Of course, I would say to the gentleman, I am not particularly concerned in the likes and dislikes of Mr. Richardson. This sounds to me like a nice vacation trip to Russia—a foreign junket of some kind.

Mr. ROONEY of New York. They are nice trips, of course they are.

Mr. GROSS. I do not know about the down-to-earthness of Mr. Richardson, but I do know this kind of business costs money.

I do know that this is taxpayers' money that is being spent, and I am a little surprised that the committee would increase the appropriation in view of the uses for some of the money apparently will be wasted.

Mr. ROONEY of New York. I think that there were much nicer trips when we had the *United States*, the *America*, the *Constitution*, and the *Independence* on the North Atlantic.

Mr. GROSS. Well, apparently these are not a hardship assignment.

Mr. ROONEY of New York. Oh, no.

Mr. GROSS. Or else they would not be taking off in the numbers they are, and I have read only a few of these from the hearings.

Mr. ROONEY of New York. This is first class.

Mr. GROSS. The committee has increased contributions for various international organizations, including the U.N.; is that correct?

Mr. ROONEY of New York. Yes. I am sorry the gentleman reminds me of that, but we are confronted with a situation in which all we could do by denying funds would be to become arrears in our dues to these organizations, and I do not think we should do that. If the legislative committee, the Committee on Foreign Affairs of the House, or the Foreign Relations Committee of the Senate, decided to discontinue our membership in these organizations, that would be one thing, but I do not think that is the prerogative of this committee.

Mr. GROSS. Would it be bad if we should be in arrears in our contributions to some of these high-flying outfit?

Mr. ROONEY of New York. I believe that it probably would.

Mr. GROSS. I assume the gentleman knows that other countries are about $200 million in arrears in their contributions and assessments to the United Nations and its so-called specialized agencies. The $200 million is no inconsequential amount of money. I do not know that it would be any crime or shame if we were to become delinquent. Perhaps it would get some of them in a mood to pay what they owe.

Mr. ROONEY of New York. I am surprised my distinguished friend from Iowa does not agree with me that we should keep our credit in good shape.

Mr. GROSS. Our credit is not in very good shape and with this appropriation of $144 million——

Mr. ROONEY of New York. That is only part of it.

Mr. GROSS. I know it is only part of it.

Mr. ROONEY of New York. There is plenty more in the foreign aid bill.

Mr. GROSS. Yes, my friend is exactly right, there is plenty more. That is what I am concerned about. I do not know that our credit is so good, and it is going to get worse if we continue to spew out our money in this fashion. If we do not get our long nose out of every activity in foreign countries our credit is going to be a whole lot worse. Our Treasury is strapped. It is busted, and we are borrowing money hand over fist at high interest rates. I just do not understand why we have to continue when other foreign countries are not underwriting their share of the expenses of the United Nations and its various agencies. Why should we increase our contribution in light of that situation?

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield to me?

Mr. ROONEY of New York. I yield to the gentleman from Michigan.

Mr. CEDERBERG. The gentleman is a member of the Foreign Affairs Committee, and I think this would be a good subject for him to take up with his committee.

Mr. GROSS. The gentleman from Iowa has raised that issue repeatedly in the Foreign Affairs Committee but, of course, I am only one vote in that committee.

Mr. CEDERBERG. I just want the gentleman to know that I agree with the chairman, the distinguished gentleman from New York, that there is not much we can do about it, but I think if the gentleman from Iowa persists in his committee, he might just some day get some results.

Mr. GROSS. I do not know how the authorizing legislation is worded, but it probably says "not to exceed" a certain amount, and, if so, that means your committee could use the pruning knife. That is my hope. I cannot entertain any hope with respect to the Foreign Affairs Committee.

Mr. CEDERBERG. I think the gentleman will find that that is not the language——

Mr. GROSS. I beg your pardon?

Mr. CEDERBERG. That it does not state, as you stated, "not to exceed" a certain amount.

Mr. GROSS. I said that I do not know, but most of them say "not to exceed" a certain amount. This is the only place I can repose any hope, that is, in the Appropriations Committee. I have little or no hope that the House Foreign Affairs Committee will cut anything dealing with handouts to foreign countries.

Mr. CEDERBERG. When your committee decided we had to be a member of the club, then we had to pay the dues. That is part of our obligation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. VAN DEERLIN. Mr. Chairman, H.R. 17575 contains $400,000 for continuing design and engineering studies for the proposed Tijuana River flood control project.

I understand that $200,000 of the $800,000 previously appropriated for this purpose has been, or is being, diverted to make up a deficit in the international sanitation project to jointly serve Nogales, Ariz., and Nogales, Mexico.

The Appropriations Committees of both House and Senate have been advised of this action and have given their approval.

I, too, support this transfer of funds, since I understand that in itself it will cause no delay in the Tijuana River project, which will benefit an extensive area in my own district.

The International Boundary and Water Commission, in charge of the U.S. portion of the project, advises me that the amounts previously appropriated could not have been spent on schedule in any event, because of the current limitation on expenditures for public works.

Congress will, however, have to make up the $200,000 deficiency that now exists in the Tijuana River account, and I am confident this will be done at the earliest possible moment to assure timely completion of preconstruction activity and an early start on actual construction, which must be carefully coordinated with work to be undertaken on the Mexican side of the border.

I am happy to add my vote for passage of H.R. 17575.

Mr. BOLAND. Mr. Chairman, the community of Bondsville in the town of Palmer, Mass., lost some 500 jobs during the windy night of October 4, 1968, when a devastating fire wiped out the Bondsville mill complex and its six industries, valued at $10 million, including machinery.

I joined with Senators EDWARD M. KENNEDY and EDWARD W. BROOKE, and then Gov. John A. Volpe, in requesting the Economic Development Agency in the Department of Commerce to investigate the sudden rise in unemployment in the area because of this tragic fire. Subsequently, the town of Palmer was declared eligible for EDA assistance because of its high unemployment.

At our request, the EDA Portland, Maine, regional office team, headed by Arthur Doyle and including Ed Gleed, economic planning assistant and Tom Markham, Massachusetts contact representative, met with the Palmer Board of Selectmen in Palmer and Boston, and with the members of the Palmer Overall Economic Development Committee. These men, and personnel in the EDA Washington office, have been most cooperative and helpful in assisting town officials prepare the Palmer overall economic development plan and considering the town's application for technical assistance.

The Hon. Robert A. Podesta, Assistant Secretary of Commerce for Economic Development, advised me on November 3, 1969, that EDA had approved a $16,000 technical assistance planning grant to Palmer so it could help plan for industrial growth. The study for the Palmer Overall Economic Development Committee recommended the development of an industrial park in Bondsville to attract industry and replace the 500 jobs lost in the October 4, 1968, fire.

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The committee has filed for public works grants with EDA so that the Bondsville industrial park can be developed. It is my understanding that the Portland regional EDA office is completing its review of the Palmer application. However, the Portland office is now being phased out, and its function is in the process of being transferred to a newly established Northeast EDA regional office in Philadelphia. I do hope that this transfer of EDA functions from a New England office to the Mid-Atlantic States area will not cause unnecessary delay in the processing of the Palmer EDA public works grant application.

Mr. Chairman, I express this concern now because it has been some 20 months since the disastrous Bondsville fire and 500-job loss, and the town of Palmer will lose its EDA eligibility designation next June 30. I hope that EDA will complete its Washington review of the Palmer application before the designation expires, and that approval and funding for the urgently needed public works grants to Palmer will be made in this fiscal year.

I include, at this point in the Record, correspondence and telegrams concerning Palmer's EDA applications for the technical assistance study and public works grants:

Town of Palmer,
*May 9, 1969.*

Congressman Edward P. Boland,
*House of Representatives,*
*Washington, D.C.*

My Dear Mr. Boland: On behalf of the residents of Palmer, we wish to express appreciation of your efforts in trying to solve the problems which resulted from the October 4, 1968, Bondsville mill fire.

The Overall Economic Development Program Committee formed by the Selectmen of the Town of Palmer to seek Federal assistance has been concerned thus far with E.D.A. help. Our technical assistance application will be filed on or about May 10, 1969, in connection with this.

We believe that although not directly the concern of our O.E.D.P. functions, the problem of what to do about the ruins left standing in Bondsville, with their attendant health and safety hazards to say nothing of the depressing appearance to the people of this community, is our next logical area of concern.

We would appreciate your putting us in touch with the appropriate governmental agencies that might approve of assistance in resolving this situation.

Respectfully yours,
OEDP Committee,
Mitchell Dobek,
*Chairman.*

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August 1, 1969.

Hon. Robert A. Podesta,
*Assistant Secretary for Economic Development, Department of Commerce.*

Dear Mr. Secretary: I am writing on behalf of the Overall Economic Development Program Committee for the Town of Palmer, Massachusetts, which has applied for a technical assistance grant. It is my understanding that the application has been processed in the Portland, Maine, Regional Office and is now in the Technical Assistance Section of EDA in Washington.

As you know, the community of Bondsville in the Town of Palmer experienced a sudden rise in unemployment last October due to the tragic Bondsville fire which destroyed an industrial complex in the village. Subsequently, the Town of Palmer was declared eligible for EDA assistance because of its high unemployment. Your Economic Development Team in Massachusetts and in the Portland Regional Office have been most cooperative and helpful in meetings with the Palmer Board of Selectmen and with members of the Overall Economic Development Committee.

It became clear last November at the first of these meetings that the Town of Palmer would need technical assistance for long range economic planning in the community. I cannot stress how important this technical assistance grant means to the future economic health of the area. I am sure that if the proper study is made that some of the old industries will rebuild and new job creating industries can be directed to Palmer.

I urge favorable consideration of the application filed by the Town of Palmer and I will appreciate your advising me the present status of this application.

Thanking you for your consideration and with every good wish, I am

Sincerely yours,
Edward P. Boland,
*Member of Congress.*

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The Assistant Secretary
of Commerce,
*Washington, D.C., August 13, 1969.*

Hon. Edward P. Boland,
*House of Representatives,*
*Washington, D.C.*

Dear Mr. Boland: Thank you for your letter of August 1 concerning the Overall Economic Development Program Committee for the Town of Palmer, Massachusetts, which has applied for a technical assistance grant.

The request for technical assistance is now being evaluated by the Office of Technical Assistance and we are making every effort to reach an early decision.

Sincerely,
Robert A. Podesta,
*Assistant Secretary for Economic Development.*

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Palmer, Mass., *October 16, 1969.*

Hon. Edward P. Boland,
*House of Representatives,*
*Washington, D.C.*

Dear Congressman Boland: We have had no progress on our E.D.A. application for a technical assistance grant.

Kindly employ resources of your office to insure earliest possible acceptance.

Copies sent to Senator Kennedy and Senator Brooke.

Thomas W. Haley,
*Board of Selectmen.*

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Hon. Thomas W. Haley,
*Palmer Board of Selectmen, Town Administration Building, Palmer, Mass.:*

Have checked EDA again concerning Palmer's Technical Assistant grant. Understand application cleared for approval. Formal announcement should come soon.

Edward P. Boland,
*Member of Congress.*
Edward M. Kennedy,
*U.S. Senate.*

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The Assistant
Secretary of Commerce,
*November 3, 1970.*

Hon. Edward P. Boland,
*House of Representatives,*
*Washington, D.C.*

Dear Mr. Boland: We are pleased to inform you that the Economic Development Administration has approved a $16,000 grant to help plan for industrial growth at Palmer, Massachusetts.

The Overall Economic Development Planning Committee for the town of Palmer is the applicant for the Federal funds. They will be used to help the Committee draw up a long-range plan to stimulate growth and create new jobs in the community. Palmer lost 500 jobs in October 1968 when a fire destroyed a complex housing the community's six industries.

The first phase of the project will include an evaluation of potential industrial sites in the community and a consideration of industries likely to locate at Palmer if one of the sites were developed as an industrial park.

If the first phase of the study determines that an industrial park is economically feasible, a master plan for the development of the park will be prepared as phase two of the project.

Palmer will carry out the industrial development study in connection with long-range planning aimed at commercial, residential and recreational growth.

The community will provide $2,500 to complete the $18,500 total cost of the project announced today.

We will continue to work with the Palmer Overall Economic Development Planning Committee to help assure that this program brings the maximum benefit to the residents of the area.

Sincerely yours,
Robert A. Podesta,
*Assistant Secretary for Economic Development.*

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Office of the
Assistant Secretary of Commerce,
*Washington, D.C., February 20, 1970.*

Hon. Edward M. Kennedy,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Kennedy: This is in response to the inquiry of February 12 from yourself and Congressman Boland concerning the Town of Palmer, Massachusetts, and their Economic Development Administration Technical Assistance application.

We are making every effort to have this study under contract and completed prior to the Town's possible redesignation by EDA. Hopefully, the results of this feasibility study will provide the necessary information to assist the Town in the preparation of a Public Works application.

Your continued interest in EDA's program is appreciated; and if we may be of further assistance, please contact us.

Sincerely yours,
Richard L. Sinnott,
*Special Assistant to the Assistant Secretary for Economic Development.*

Mr. ROONEY of New York. Mr. Chairman, we have no further requests for time.

Mr. BOW. Mr. Chairman, we have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

### SALARIES AND EXPENSES

For grants, contracts, loans, and other law enforcement assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, including departmental salaries and other expenses in connection therewith, $480,000,000.

### AMENDMENT OFFERED BY MR. SCHEUER

Mr. SCHEUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Scheuer: Page 19, line 19, strike out the period and insert in lieu thereof the following: ", of which not less than $19,000,000 is to be allocated to the National Institute of Law Enforcement and Criminal Justice."

XUM

(By unanimous consent, Mr. SCHEUER was allowed to proceed for 5 additional minutes.)

Mr. SCHEUER. Mr. Chairman, this is a very simple amendment to implement the request of the administration as expressed by the Attorney General in his budget published on page 869 of the House hearings, to allocate to the National Institute for Law Enforcement and Criminal Justice $19 million out of the $480 million that is being appropriated for the Law Enforcement Assistance Administration.

The Attorney General in his testimony before the committee, in describing the National Institute, said:

> There are two other programs in the Law Enforcement Assistance Administration which should offer direct benefit to the cities: our academic assistance program, and the National Institute of Law Enforcement and Criminal Justice.
>
> The National Institute is funding a broad range of research projects involving law enforcement, the courts, and corrections. Most of these projects relate to the type of criminal problems most prevalent in our cities.

Mr. Chairman, I would like to describe for a moment some activities in which the National Institute is engaged.

First. Stranger-to-stranger street crime, particularly robbery, assault, and vandalism in the cities.

Second. Burglary, particularly in the home and small business establishment.

Third. Control of the narcotic addict and the traffic in narcotics.

Fourth. Those kinds of violent disorder which prevent a necessary level of orderly functioning within our communities and our major social and government institutions.

Fifth. Organized crime, particularly those aspects that foster violence, drug addiction, corruption, and loss of confidence in government processes.

In addition to these areas, the Institute is endeavoring to define needs that only a national organization could address. This important role will lead to Institute programs based upon the following concepts:

First. Development of defined policies and coordinated activity of the various Federal agencies engaged in research in crime and criminal justice.

Second. Development of criminal law revision processes that include broader inquiries into goals, needs, and costs.

Third. Establishment of a national criminal justice reference service.

Fourth. Establishment of a standards and evaluation service for law-enforcement equipment and facilities.

Fifth. The transfer of technology and other scientific developments to applications within the criminal justice system.

Sixth. Continuous evaluation of Institute and other LEAA programs.

Seventh. Development of research activity by State criminal justice planning agencies, and by private research organizations working closely with operating criminal justice agencies in the larger urban areas.

Eighth. Development of an expanded research community in the areas of crime, crime prevention, and criminal justice.

At the present time the Justice Department is the only Federal agency without a research and development center.

Is it not extraordinary that in this day and age they still have young ladies sitting around comparing and identifying fingerprints? They have not yet applied the computer to instantaneously identify fingerprints, when any worthwhile scientist will tell us the necessary techniques are easily within our reach.

Is it not extraordinary that the 40,000 police jurisdictions in this country still do not have a national police communications network? The airwaves are so overloaded with competitive and duplicating police bands that police communication between towns and villages in the same State, not to mention the same region, is difficult or even impossible.

Let us also consider the police vehicle. We have developed specialized land vehicles for each branch of the military. But what have we given our police professionals, the 400,000 men who are responsible for maintaining the harmony of our society? We give them a family car with a two-way radio and a blinker on top that is vulnerable to any hoodlum who has an icepick to deflate the tires, who has a match to set it on fire, who has a baseball bat to smash in the windshield, or who, if he has two or three or four friends, can turn it over entirely.

Why do we not fund General Motors or one of the other automobile companies, in cooperation with an outstanding law enforcement agency, to design a police vehicle that does justice to the 400,000 men in our country who are trying to carry out perhaps the most agonizingly difficult and frustrating job in the world in our tension-laden cities.

I find it difficult to understand how the chairman of the subcommittee, who comes from my city, the most troubled city in the country, can fail to understand how desperately we need to have the insight of our social scientists and the application of every bit of science and technology to the problem of law enforcement and crime prevention.

Mr. ROONEY of New York. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to my colleague from New York.

Mr. ROONEY of New York. Perhaps it is because the gentleman from New York now in the well has had no experience whatever in law enforcement, whereas the gentleman from New York presently at the microphone has had four and a half years of experience as assistant district attorney of Kings County.

Mr. SCHEUER. Let me mention that, No. 1, I am a lawyer, and, No. 2, I have been thinking about this National Institute since I first came to the Congress in 1965. I wrote a book on law enforcement which was reviewed very favorably by the International Association of Police Chiefs, by the Attorney General of the United States, and by the International Association of Police Law Professors. I am considered by some to have a rudimentary understanding of some of the problems facing our law-enforcement officials.

It is not surprising to me that the law-enforcement agency representing the "cops," the International Association of Police Chiefs, is enthusiastic about the Institute.

Quinn Tamm, executive director of the International Association of Police Chiefs, has testified on innumerable occasions for the Institute. Prof. Robert Sheehan, president of the National Association of Police Professors, has testified repeatedly on the necessity for more knowledge. The Attorney General himself said that we definitely need more knowledge about crime and how to deal with it more effectively. The President's adviser, Pat Moynihan, said that we urgently need to know more about crime.

I do not think there is a thinking individual in the United States who is satisfied with the present state of our knowledge about crime—how to deter it; and if we cannot deter it, how to prevent it; and if we cannot prevent it how we can apprehend the criminal more readily; and after that how we can prove his guilt or innocence, as the case may be, far more expeditiously than we are now.

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. Yes; I yield to the gentleman.

Mr. WIGGINS. I, of course, support the gentleman's amendment for the reasons stated during general debate. Let me add that the select committee of this House appointed to investigate crime certainly concurs in the judgments expressed by the gentleman from New York. One of the clear findings of the committee is that there is a need for additional research. We fully support the gentleman's amendment.

Mr. GUDE. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman.

Mr. GUDE. I would like to commend the gentleman for his amendment and offer my full support.

Mr. SCHEUER. Perhaps the most significant expression of distaste for the Institute came in debate a few moments ago when the chairman of the subcommittee said that law enforcement should be run by the police officers and not by professors. Of course it should be, but it is the police officers themselves who are most urgently searching for help. They have come to the National Institute from all parts of the country for help, wanting also to participate in the development programs of the National Institute. The way the Institute works is to set up consortiums which involve an effective local police agency and a competent private sector group. It grants to such a consortium a contract to develop the anticrime devices and techniques that we urgently need.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I am happy to yield to the gentleman.

Mr. SMITH of New York. I thank the gentleman for yielding.

I would like to support his amendment. It seems to me with the research and development that the Department of Justice is asking for this Institute it might be very possible that breakthroughs are very near which could save the police departments of the country and the people of this country a great deal of money in this war on crime.

Mr. SCHEUER. Let me give my distinguished colleague from New York my thanks and appreciation for those kind words and give him an example of the kinds of things which we are looking for.

The Institute is now working on improving the apprehension of criminals.

Through the development of hardware and other equipment, the Institute can assist police efforts to apprehend persons engaged in street crime. Such innovations will be carefully evaluated to assure effectiveness in achieving goals at reasonable economic and social cost. Examples are: the development of robbery and burglary alarm systems linked directly to police communications centers; improved and coordinated aerial and ground mobility systems for police; improved portable personal transceiver radio for the patrolman; provision of performance information for police use in acquiring night vision equipment; improved police weapons system including incapacitation without lethal danger, and so forth.

Mr. ROONEY of New York. Mr. Chairman, I rise in opposition to the pending amendment.

Mr. Chairman, it was the consensus of this committee which has dealt with the Department of Justice and law enforcement for many, many years that more funds should be furnished for action grants, for police departments, particularly in the gentleman's State of New York, rather than for increased research studies.

The committee is not opposed to research and development. A total of $7.5 million was provided in the current year and another $7.5 million is included in the present bill. That can and should provide for considerable research and development.

I can readily understand the interest of the gentlemen from New York in this particular baby. Let me assure the gentleman that we have not reflected upon its paternity nor even hinted that it may have been born out of wedlock. But it is a problem child. It has not been undernourished. In fact, it has been well fed to the tune of over $10 million so far without the $7.5 million included in this bill. But what has it accomplished? I have already read you the printed testimony of Mr. Rogovin on this subject.

Nothing concrete or of value has resulted. We do feel this baby should learn to walk before giving it a plane to pilot. There has been study after study and report after report. Now, for instance, we have a study of the social psychology of architectural design for defensible space, a feasibility study of the exclusionary rule, the ex-offender as a parole officer——

Mr. SCHEUER. Mr. Chairman, will my colleague yield?

Mr. ROONEY of New York. Not at this time.

We have a study of the mentally abnormal offender. Where? In Sweden. We have an attempt to enhance the accuracy of classification of sex offenders through measuring pupillary and other autonomically mediated responses; augmentation of moral judgment in the adolescent juvenile delinquent, and so on and so on ad infinitum, page after page of these sort of studies made at the expense of the taxpayers.

So your committee felt that instead of using money for this sort of thing, we should use the money to help law enforcement by furnishing equipment to the police officers in the various States of the Union.

Mr. BOW. Mr. Chairman, will the gentleman yield?

Mr. ROONEY of New York. I yield to the distinguished gentleman from Ohio.

Mr. BOW. I oppose the amendment which has been offered by the gentleman from New York (Mr. SCHEUER) in which he says not less than $19 million is to be allocated for the National Institute.

Now, I believe $7.5 million was provided for the current year and there may have been some carryover from that. But let us assume that under the language of this amendment the Department of Justice determined they could not use $19 million in this National Institute——

Mr. ROONEY of New York. And I have a definite idea, if the gentleman will permit, that they might not use all of it.

Mr. BOW. Well, I say that if they do not use it, then they are reducing the $480 million that we are providing for safe streets.

What this amendment would actually do is reduce the funds available for safe streets by whatever amount the Department of Justice could not use.

I think this amendment should be defeated, because I very much doubt that they could use the $19 million.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. BOW. Mr. Chairman, I move to strike the requisite number of words.

I said to my distinguished chairman, that in my opinion this amendment should be defeated. This amendment could circumvent the will of our committee and the will of this Congress by making it possible to reduce the amount that can be used to make the streets of America safe.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. BOW. I am pleased to yield to the gentleman from New York.

Mr. SCHEUER. I would simply state on the point of giving the administration and the Attorney General the flexibility that they wanted that they asked for our consent to use up to $19 million of that $480 million for the National Institute. If they do not use it, then they do not use it, but the National Institute would be permitted——

Mr. BOW. No. Your amendment states that $19 million is to be allocated to the National Institute. If the National Institute did not use this amount you would have then reduced the $480 million available by whatever amount was not used.

Mr. SCHEUER. Would my colleague support this amendment if I added language to incorporate that?

Mr. BOW. No, I could not, but the effect of your amendment, as now worded, must be considered.

Mr. SCHEUER. That problem can be solved if we simply add that a specified portion should be available for the LEAA. We are talking about only 4 percent of the appropriations for LEAA. So if it would seem appropriate to my colleague, I would be very happy to insert words stating that any unexpended balance shall be yielded back by the National Institute.

Mr. BOW. We have provided $480 million, and it should be used for the purpose for which the committee determined necessary and appropriate, not used for this national institute.

Mr. SCHEUER. This is a simple example of imprudently tying the hands of the Attorney General.

Mr. BOW. Mr. Chairman, I do not yield any further, and I yield back the balance of my time.

Mr. WIGGINS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I do not intend to take the full 5 minutes, but since the question of flexibility has arisen I think we all ought to be aware that the language of the report induces rigidity into this bill, and takes away the flexibility that should be available to the Attorney General.

I refer specifically to the language on page 13 of the report in the second major paragraph, which says:

> The additional funds requested (for the Institute) for research and development shall be used for an increase in the action grant program.

In other words, the funds shall not be used for research and development. This is to deny to the Attorney General the right to use any part of this proposed $19 million in excess of $7.5 million for anything except action grants.

I am quite sure the gentleman from New York would be happy to leave the Attorney General with complete flexibility, and to have this sentence stricken from the report, but it is there. We have to deal with it, and his amendment is in response to it.

Frankly, no one here wants greater flexibility in the Attorney General in spending the $480 million than I do, but it has been the committee in its report that has taken away that flexibility from him, and that has occasioned the amendment offered by the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from New York.

Mr. SCHEUER. Mr. Chairman, I simply want to thank my colleague for discussing specifically the problem to which this amendment is addressed; namely, to give the Attorney General and the administration the discretion to use up to the $19 million which they requested from this Congress for the work of the National Institute.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to ask the distinguished chairman of the subcommittee, the gentleman from New York (Mr. Rooney) several questions:

First, is the $480 million included in this item the total amount requested by the President for the so-called Safe Streets Act?

Mr. ROONEY of New York. If the distinguished gentleman from Michigan will yield, it is every penny of the request of the Attorney General and the President.

Mr. GERALD R. FORD. The $19 million for this particular earmarking was requested by the Department of Justice?

Mr. ROONEY of New York. That is true.

Mr. GERALD R. FORD. The committee has allocated, by committee report action, $7.5 million?

Mr. ROONEY of New York. That is correct.

Mr. GERALD R. FORD. The gentleman from New York (Mr. Scheuer) wants to earmark out of the $480 million, $19 million.

Mr. ROONEY of New York. That is correct.

Mr. GERALD R. FORD. If the $19 million earmarking becomes law, and during the fiscal year the Attorney General wants to spend only $12 million out of the $19 million, then the remaining $7 million cannot be used for any other purpose?

Mr. ROONEY of New York. That is correct.

Mr. GERALD R. FORD. Under the committee procedure, when you recommend a total amount of $480 million and in the committee report suggest that only $7.5 million be used for this purpose—if there is a change and the Attorney General wants to spend more than $7.5 million, is it possible for the Attorney General to come to the subcommittee or to the committee and get authority to spend more than $7.5 million?

Mr. ROONEY of New York. Of course, that sort of thing is done frequently.

Mr. GERALD R. FORD. So the committee procedure gives more flexibility and it gives every dollar to the Attorney General for that purpose?

Mr. ROONEY of New York. Exactly so, and the committee feels confident that this action being proposed by the committee of providing $7.5 million for this Institute will be satisfactory to the Attorney General.

Mr. GERALD R. FORD. It primarily does give flexibility and at the same time expresses the view of the committee to the Attorney General. But if there is a change of circumstances, the committee can remove the $7.5 million limitation?

Mr. ROONEY of New York. Exactly so.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman.

Mr. SCHEUER. May I ask our distinguished subcommittee chairman, the gentleman from New York, how an informal act of the committee can overrule the express will of the Congress? If they pass this bill and approve the committee report, what would be the procedure by which in the course of the upcoming fiscal year the Attorney General could be enabled to spend $19 million.

Mr. ROONEY of New York. I can only say to my friend that the answer is obvious.

Mr. GERALD R. FORD. Mr. Chairman, I can say to the gentleman from New York, having served on the Committee on Appropriations for 14 years, that I have had some experience with the precise question raised by the gentleman from New York.

A committee recommendation in a committee report does not have the authority of law. A committee recommendation in a report is subject to reprograming, with the concurrence of the committee.

Mr. SCHEUER. And what would the procedure be?

Mr. GERALD R. FORD. The procedure is for the Bureau of the Budget or the Department of Justice to send a written request to the chairman of the Committee on Appropriations who refers it to the chairman of the subcommittee. The subcommittee may request testimony from individuals in the Department who want to make a change. My experience is, and has been, that in the main if a good case can be made, the committee's recommendation in the committee report is revised under a reprograming procedure. This is a much more flexible procedure than that recommended by the amendment of the gentleman from New York (Mr. Scheuer).

Mr. SCHEUER. May I respond briefly by saying that one of the problems that the National Institute has is recruiting top experts from the private sector and law enforcement schools to develop this consortium.

If all it has is a level of $7.5 million of funding, it cannot gear up to spend $19 million and cannot create the programs. Nobody is going to work with them. They cannot even hire the kind of sophisticated planning and capability that they need to put such a $19 million program in effect. In essence, it becomes an exercise in futility.

Mr. GERALD R. FORD. This is the point. The Department of Justice requested $19 million and in the total of $480 million, the $19 million is there.

If the Department of Justice finds that they can pursue programs and employ personnel over and above the amount of $7.5 million, I am sure the gentleman from New York (Mr. Rooney) and the gentleman from Ohio (Mr. Bow) and the subcommittee will be responsive. They will listen to the testimony, and I am sure they will make adjustments if necessary.

The gentleman's amendment takes away all of the flexibility and it says if you do not spend $19 million, then the differential cannot be used for any other purpose.

### SUBSTITUTE AMENDMENT OFFERED BY MR. SMITH OF NEW YORK FOR THE AMENDMENT OFFERED BY MR. SCHEUER

Mr. SMITH of New York. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. Smith of New York as a substitute for the amendment offered by Mr. Scheuer: Page 19, line 19, strike out the period and insert in lieu thereof the following: "of which not more than $19,000,000 may be allocated to the National Institute of Law Enforcement and Criminal Justice."

The CHAIRMAN. The gentleman from New York is recognized for 5 minutes.

Mr. SMITH of New York. Mr. Chairman, I shall not take 5 minutes. The purpose of the substitute amendment is to restore flexibility in this matter of allocating funds for research and development in the National Institute of Law Enforcement and Criminal Justice to the Department of Justice, according to the Department's request for funds, and would make it then unnecessary for the Department of Justice and for the National Institute of Law Enforcement and Criminal Justice to come back to the committee if they found that they could indeed spend the $19 million or any part thereof over and above the $7½ million. They would not then be required to come back to the committee because the funds are there, and this would restore to the Department of Justice the entire flexibility in the use of this whole $19 million.

Mr. SCHEUER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New York. I yield to my colleague from New York.

Mr. SCHEUER. I think the amendment is excellent and I am very happy to accept it.

Mr. SMITH of New York. I thank the gentleman very much.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. Smith) for the amendment offered by the gentleman from New York (Mr. Scheuer).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCHEUER. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. Scheuer).

The amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### COMMISSION ON CIVIL RIGHTS

#### SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $3,200,000.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, under title IV of the Civil Rights Act of 1964, the Office of Education carries out a vital program of technical assistance and grants to school districts which are desegregating voluntarily or according to law.

Through the years, the title IV program has helped hundreds of school districts throughout the country meet their constitutional obligation.

For the fiscal year 1971, the administration requested $24 million for the title IV program. The House Appropriations Committee reduced that request to $19 million.

Manifestly, this is not the time to cut back on the availability of Federal assistance to school districts which are obliged to desegregate under Federal court orders. The problems incident to the desegregation process are too difficult and complex. Unless sufficient Federal aid is provided, so as to encourage school districts to get on with the job, we may find that much of the local impetus behind the desegregation effort dries up.

The Office of Education title IV program is being besieged by hundreds of requests from school districts to provide needed grant funds and technical assistance in this area. A pattern has developed where the Federal courts, in ordering desegregation, are directing that school districts apply for title IV assistance in drafting and implementing desegregation plans whch are educationally sound and meet the requirements of the law. The Under Secretary of the Department of Health, Education, and Welfare testified that during the calendar year 1970, requests for assistance from school districts are expected to double.

The law requires an end to discrimination. And from an educational point of view, school districts should be encouraged to reduce and end the racial isolation which prevails in public education. Under these circumstances it is crucial that the Federal Government provide the necessary expertise and support, to permit school districts to fulfill their responsibilities.

I am advised that the $5 million cutback in the pending legislation would reduce the number of local school staff trained through university desegregation assistance centers by 10,000; it would reduce by 23 the number of Federal staff prepared to render direct technical assistance; and technical assistance would not be available through four State education agencies originally anticipated.

The committee testimony presented by the Health, Education, and Welfare Under Secretary on this appropriation is included at this point in the Record.

### Civil Rights Education

Mr. Chairman and members of the committee, it has just been a short time since I appeared before you regarding our request for a 1970 supplemental for Title IV of the Civil Rights Act. That request is aimed specifically at the special problems facing the more than 1,350 school districts either now or expected to be under court order to desegregate by next fall. The 1971 budget for Title IV which we are now discussing has a much broader purpose. It deals with the total program on the National basis for fiscal year 1971, and will include—

Additional school districts, North and South, will be seeking Federal assistance in their efforts to initiate desegregation action during 1971.

And further assistance to school districts which, although they may have completed the initial phases of desegregation in earlier years, have residual problems involving curriculum, teacher training, student-faculty relations, or other problems.

By 1971 we expect an increase in the number of de facto school districts who, on their own initiative will be making an effort to eliminate desegregation.

### INCREASES IN REQUESTS FOR ASSISTANCE

Let me attempt to give you some very specific actions which you have a right to expect from us about what has been done with your support in the past and what we expect will be the demands upon us in the coming fiscal year.

In calendar year 1967, all direct assistance services funded under this appropriation received about 1,400 requests for help. In calendar year 1968, this number of requests from all sources almost tripled to 4,000; and, a total of 6,223 requests were received during the calendar year 1969. We anticipate that the calls for help from the school districts of our country will almost double again in 1970. This growth in the number of total school districts seeking Federal assistance results first from a steady growth in the number of school districts initiating desegregation actions and, within that number, more and more of them have been turning to the Federal Government for advice and assistance. It is quite clear to us that the growth in the number requesting help has been because the word has spread that such assistance does help them in the solution of their problems. This is evident in the number of desegregation plans developed by our technical assistance specialists at the request of local school districts. In 1968, 411 such plans were developed compared to 864 this past year. This kind of operation obviously is not the typical kind of Federal grants program. The creation of these plans require direct personal service to each requesting district from collecting data and preparing attendance zone maps to presenting recommendations at public hearings. Such personalized service requires several days of staff time and, in larger districts, sometimes requires weeks at a time. Assistance is not limited to a plan simply for the reassignment of students and teachers. School districts are concerned about what should be done after desegregation as well as during. Such concerns include:

How to prepare the community, students, teachers, administrators, and service staffs, and

How to assure that the quality of education will be maintained at a high level by improving instructional practices, curriculum, grouping procedures, extracurricular activities, and instructional materials.

### *Assistance resources*

The Department of Health, Education, and Welfare is committed to a local State-Federal partnership in resolving difficult human problems such as school desegregation. Accordingly, this appropriation request includes funds to support 19 local university centers and 36 State department of education assistance units and 140 grants to local school boards. These various assistance resources offer options to the local school district in its search for help and assures that the assistance role in school desegregation will not be reserved to the Federal Government alone.

### *University centers*

University assistance centers are located at institutions of higher education. They provide a year-round, non-government source of consultation and training expertise to districts in the university service area. In addition to direct assistance with desegregation planning, these centers conduct short-term training programs for school personnel. In 1969, over 50,000 school employees from 661 districts received such training.

### *State units*

State departments of education assistance units generally include a small staff of two or three specialists who offer direct assistance in desegregation to school districts, and, equally important, attempt to muster other State resources to aid local districts with desegregation. Six additional State departments units are planned for fiscal year 1971.

### *Local grants*

Grants are available directly to local school boards to enable them to initiate inservice training programs for school personnel and to employ advisory assistance in planning and implementing desegregation. An additional 30 local grants are planned for fiscal year 1971. The assistance made possible by the Title IV program can have a profound effect on the improvement of educational opportunities for large numbers of America's youth. It is a positive program—The kind which we increasingly plan to emphasize in Federal efforts to cope with complex and difficult problems of our society. I have asked for this privilege of appearing before you today to emphasize the increased importance the Administration is placing on this program of assistance to school districts facing desegregation.

### *Summary of request*

In summary, Mr. Chairman, this appropriation request totals $24 million for fiscal year 1971 to be used as follows:

$10 million for approximately 140 grants to local school boards;

$4,740,000 for 19 university desegregation assistance centers;

$3,060,000 for 36 State department of education assistance units;

$500,000 for approximately 10 university training institutes; and

$5,750,000 for technical assistance and administration. This concludes my prepared statement, Mr. Chairman. We will be glad to try to answer any questions that you or Committee members wish to ask.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### United States Information Agency

### SALARY AND EXPENSES

For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act (75 Stat. 527), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil service and classification laws, of (1) persons on a temporary basis (not to exceed $20,000), (2) aliens within the United States, and (3) aliens abroad for service in the United States relating to the translation or narration of colloquial speech in foreign languages (such aliens to be investigated for such employment in accordance with procedures established by the Director of the Agency and the Attorney General); travel expenses of aliens employed abroad for service in the United States and their dependents to and from the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); entertainment within the United States not to exceed $500; hire of passenger motor vehicles; insurance on official motor vehicles in foreign countries; services as authorized by 5 U.S.C. 3109; payment of tort claims, in the manner authorized in the first paragraph of section 2672, as amended, of title 28 of the United States Code when such claims arise in foreign countries; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; employment of aliens, by contract, for service abroad; purchase of ice and drinking water abroad; payment of excise taxes on negotiable instruments abroad; purchase of uniforms for not to exceed fifteen guards; actual expenses of preparing and transporting to their former homes the remains of persons, not United

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States Government employees who may die away from their homes while participating in activities authorized under this appropriation; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, scriptwriting, translation, and engineering services, by contract or otherwise; maintenance, improvement, and repair of properties used for information activities in foreign countries; fuel and utilities for Government-owned or leased property abroad; rental or lease for periods not exceeding five years of offices, buildings, grounds, and living quarters for officers and employees engaged in informational activities abroad; travel expenses for employees attending official international conferences, without regard to the Standardized Government Travel Regulations and to the rates of per diem allowances in lieu of subsistence expenses under 5 U.S.C. 5701–5708, but at rates not in excess of comparable allowances approved for such conferences by the Secretary of State; and purchase of objects for presentation to foreign governments, schools, or organizations; $165,433,000: *Provided*, That not to exceed $110,000 may be used for representation abroad: *Provided further*, That this appropriation shall be available for expenses in connection with travel of personnel outside the continental United States, including travel of dependents and transportation of personal effects, household goods, or automobiles of such personnel, when any part of such travel or transportation begins in the current fiscal year pursuant to travel orders issued in that year, notwithstanding the fact that such travel or transportation may not be completed during the current year: *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be exchanged or sold pursuant to section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), and the exchange allowances or proceeds of such sales shall be available for replacement of an equal number of such vehicles and the cost, including the exchange allowance of each such replacement, shall not exceed such amounts as may be otherwise provided by law: *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the United States Information Agency is authorized, in making contracts for the use of international shortwave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities.

Mr. GROSS. Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, if I may have the attention of the gentleman from New York, I note, among other things, that five of the nine so-called culture centers in India that are under the administration or control of the U.S. Information Agency are being closed next Monday, and that ought to provide a saving.

I note, too, that the USIA lost $9 million in the circulation of a magazine in Russia, and another $6.5 million in circulation of a magazine in Poland.

I also note that somebody in USIA has given a set of the Encyclopaedia Britannica to somebody in Hong Kong. I do not know who got it, or who gave it, but it is under the administration of the USIA.

Mr. ROONEY of New York. Mr. Chairman, will the distinguished gentleman yield?

Mr. GROSS. I yield to my friend from New York.

Mr. ROONEY of New York. Is it the gentleman's point that they should have given the Encyclopaedia Americana in Hong Kong rather than the Encyclopaedia Britannica?

Mr. GROSS. That would have been helpful.

Mr. ROONEY of New York. It is a far better encyclopedia.

Mr. GROSS. But I do not understand why American taxpayers should give anybody a set of encyclopedia in Hong Kong, a British colony.

Mr. ROONEY of New York. I would have to agree with the gentleman.

Mr. GROSS. It is suggested by another member that a copy of Evergreen magazine might have been sent.

Mr. ROONEY of New York. The gentleman knows why the New York Times continually knocks my brains out, does he not? It is because I reduced their sales over the years. At one time the New York Times sold $225,000, I believe, worth of giveaway subscriptions to the overseas edition of the New York Times each year. That is now down to about $5,000 a year. If one takes that $200,000 plus and spreads it over a period of 10 or 15 years, they have all the reason in the world to be angry with the gentleman from New York. That is the reason why I cannot get my name in that newspaper.

Mr. GROSS. I appreciate the fight the gentleman has made and I would hope he could also get the distribution of these yatching magazines stopped, if he has not already done so. I do not know why we should be distributing publications concerning yachting to people all over the world.

Mr. ROONEY of New York. I can tell the gentleman, having served on this subcommittee all the years I have, there was a time when the Slick magazine which is somewhat similar to Life, called Amerika, in the Russian language, was produced and sold at a profit. Now and for many years past it has cost the taxpayers of this country very substantial sums of money.

Mr. GROSS. I must say to my friend from New York, that I am disappointed that this particular appropriation has been increased by about $1.5 million. It would be my hope that next year, if they do not show improvement in the administration of the U.S. Information Agency, the committee would give them a good healthy cut. Perhaps that would get them started along the right course.

Mr. ROONEY of New York. There are no additional employees in this appropriation for salaries and expenses. These increases come about mostly because of our having voted pay raises for our Federal employees.

Mr. GROSS. The gentleman means that he and others voted for the pay increases.

Mr. ROONEY of New York. And I also went along over the years with the gentleman from Iowa when it came to the letter carriers and postal workers. Is my memory incorrect?

Mr. GROSS. Yes; I am afraid it is, up to this point.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. ROONEY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I should like at this time, at the culmination of months of work, hard work, 5 days a week, to thank the members of my subcommittee and my staff, Mr. Howe and Mr. Mizelle, for their help and patience with me in getting this bill ready for the consideration of the House today.

Mr. ROONEY of New York. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House, with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DENT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House, with the recommendation that the bill do pass.

Mr. ROONEY of New York. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BOW. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 321, nays 14, not voting 94, as follows:

[Roll No. 120]

**YEAS—321**

**Abbitt**
**Adair**
**Adams**
**Addabbo**
**Alexander**
**Anderson, Calif.**
**Anderson, Ill.**
**Andrews, Ala.**
**Andrews, N. Dak.**
**Annunzio**
**Arends**
**Aspinall**
**Ayres**
**Beall, Md.**
**Belcher**
**Bell, Calif.**
**Bennett**
**Berry**
**Bevill**
**Biester**
**Blackburn**
**Blanton**
**Boggs**
**Boland**
**Bolling**
**Bow**
**Bray**
**Brinkley**
**Brock**
**Broomfield**
**Brotzman**
**Brown, Mich.**
**Brown, Ohio**
**Broyhill, N.C.**
**Broyhill, Va.**
**Buchanan**
**Burke, Fla.**
**Burke, Mass.**
**Burleson, Tex.**
**Burlison, Mo.**
**Burton, Calif.**
**Burton, Utah**
**Byrnes, Wis.**
**Cabell**
**Caffery**
**Carter**
**Casey**
**Cederberg**
**Celler**
**Chamberlain**
**Chappell**
**Clancy**
**Clawson, Del**
**Clay**
**Cleveland**
**Collins**
**Conable**
**Conte**
**Corbett**
**Corman**
**Coughlin**
**Cowger**
**Cramer**
**Crane**
**Daniel, Va.**
**Daniels, N.J.**
**Davis, Ga.**
**de la Garza**
**Delaney**
**Dellenback**
**Denney**
**Dennis**
**Dent**
**Devine**
**Diggs**
**Dingell**

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Donohue
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Edwards, Calif.
Edwards, La.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Feighan
Findley
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Foreman
Fountain
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Gonzalez
Goodling
Green, Pa.
Griffin
Grover
Gude
Hagan
Haley
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harrington
Harsha
Hastings
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Koch
Kyl
Landgrebe
Landrum
Langen
Latta
Leggett
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Mizell
Monagan
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Hara
O'Neill, Mass.
Passman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Pollock
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roudebush
Roybal
Ruppe
Ruth
Ryan
Sandman
Satterfield
Saylor
Scherle
Scheuer
Scott
Sebelius
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Stephens
Stuckey
Sullivan
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Charles H.
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion

NAYS—14

Abernethy
Camp
Colmer
Dorn
Dowdy
Fisher
Fuqua
Gettys
Gross
Hansen, Idaho
Montgomery
O'Konski
Patman
Rarick

NOT VOTING—94

Albert
Anderson, Tenn.
Ashbrook
Ashley
Baring
Barrett
Betts
Biaggi
Bingham
Blatnik
Brademas
Brasco
Brooks
Brown, Calif.
Bush
Button
Byrne, Pa.
Carey
Chisholm
Clark
Clausen, Don H.
Cohelan
Collier
Conyers
Culver
Cunningham
Daddario
Davis, Wis.
Dawson
Derwinski
Dickinson
Esch
Fallon
Farbstein
Flynt
Ford, William D.
Fraser
Frelinghuysen
Frey
Gray
Green, Oreg.
Griffiths
Gubser
Hall
Harvey
Hays
Hébert
Horton
Kirwan
Kluczynski
Kuykendall
Kyros
Lennon
Long, La.
McCarthy
McCloskey
McClure
McFall
McMillan
Mann
Meskill
Minshall
Mollohan
Moorhead
Morgan
Morse
Morton
Mosher
Olsen
O'Neal, Ga.
Ottinger
Railsback
Reid, N.Y.
Rivers
St Germain
Schadeberg
Schneebeli
Schwengel
Sikes
Steiger, Wis.
Stokes
Stratton
Stubblefield
Talcott
Thompson, N.J.
Thomson, Wis.
Tunney
Vigorito
Waldie
Whalen
Wilson, Bob
Winn
Yatron
Zwach

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Frelinghuysen.

Mr. Albert with Mr. Bob Wilson.

Mr. Hébert with Mr. Morse.

Mr. Rivers with Mr. Hall.

Mr. Moorhead with Mr. Harvey.

Mr. Lennon with Mr. Don H. Clausen.

Mr. Biaggi with Mr. Horton.

Mr. Brasco with Mr. Minshall.

Mr. Barrett with Mr. Morton.

Mr. Kluczynski with Mr. Esch.

Mr. Byrne of Pennsylvania with Mr. Schadeberg.

Mr. Carey with Mr. Button.

Mr. Daddario with Mr. Mosher.

Mr. Morgan with Mr. Meskill.

Mr. Fallon with Mr. Cunningham.

Mr. Farbstein with Mr. McCloskey.

Mr. O'Neal of Georgia with Mr. Ashbrook.

Mr. Sikes with Mr. Frey.

Mr. St Germain with Mr. Collier.

Mr. Gray with Mr. McClure.

Mr. Flynt with Mr. Thomson of Wisconsin.

Mr. Olsen with Mr. Schwengel.

Mr. Clark with Mr. Bush.

Mr. McFall with Mr. Gubser.

Mr. Thompson of New Jersey with Mr. Reid of New York.

Mr. Vigorito with Mr. Schneebeli.

Mr. Blatnik with Mr. Railsback.

Mr. Ashley with Mr. Betts.

Mr. Brooks with Mr. Davis of Wisconsin.

Mr. Cohelan with Mr. Steiger of Wisconsin.

Mr. Mollohan with Mr. Talcott.

Mr. Culver with Mr. Whalen.

Mr. Stubblefield with Mr. Derwinski.

Mrs. Griffiths with Mr. Kuykendall.

Mr. Anderson of Tennessee with Mr. Winn.

Mr. Baring with Mr. Dickinson.

Mr. Stratton with Mr. Zwach.

Mrs. Green of Oregon with Mr. William D. Ford.

Mr. Mann with Mr. McMillan.

Mr. Waldie with Mr. Conyers.

Mr. Fraser with Mr. Stokes.

Mr. Bingham with Mrs. Chisholm.

Mr. McCarthy with Mr. Dawson.

Mr. Long of Louisiana with Mr. Kirwan.

Mr. Kyros with Mr. Brademas.

Mr. Brown of California with Mr. Yatron.

Mr. Tunney with Mr. Ottinger.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. ROONEY of New York. Mr. Speaker, I ask unanimous consent that I may revise and extend the remarks I made today during consideration of the bill just passed and include therewith tables and miscellaneous matter.

I also ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

## ELECTION TO COMMITTEE

Mr. MILLS. Mr. Speaker, I offer a privileged resolution (H. Res. 1010) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1010

*Resolved,* That Charles H. Griffin, of Mississippi, be, and he is hereby, elected to the standing committee of the House of Representatives on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM FOR WEEK OF MAY 18

(Mr. ARENDS asked and was given permission to address the House for 1 minute.)

Mr. ARENDS. Mr. Speaker, I take this time for the purpose of inquiring of the acting majority leader, the gentleman from Louisiana, if he will kindly advise us as to the legislative program for the balance of this week and next week.

Mr. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. ARENDS. I am glad to yield to the gentleman.

Mr. BOGGS. At the conclusion of consideration of the International Travel Act of 1971, it is my intention to go over until Monday.

The program for next week is as follows:

On Monday the Consent Calendar followed by three suspensions:

S. 2624, the Customs Courts Act of 1970;

S. 1508, relating to the retirement of justices and judges; and

H.R. 3328, Soboda Indian Reservation water supply.

There is also S. 2315, to restore the Golden Eagle program to the Land and Water Conservation Fund Act under an open rule with 2 hours of general debate.

On Tuesday there will be the call of the Private Calendar to be followed by H.R. 17619, Department of the Interior and related agencies appropriation bill for fiscal year 1971; and H.R. 17405, the Atomic Energy Commission authorization under an open rule with 2 hours of general debate.

On Wednesday there is scheduled for the consideration of the House H.R. 17604, the military construction authorization for fiscal year 1971, subject to a rule being granted.

And H.R. 15073, bank records and foreign transactions, under an open rule with 2 hours of general debate.

For Thursday and the balance of the week the program is as follows:

H.R. 17550, the Social Security Amendments of 1970, subject to a rule being granted.

H.R. 15424, to amend the Merchant Marine Act of 1936, subject to a rule being granted.

And, House Resolution 796, amending the Rules of the House of Representa-

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tives relating to financial disclosure, to be considered under an open rule with 1 hour of general debate.

Of course, conference reports may be brought at any time and any further program may be announced later.

In addition, Mr. Speaker, I ask unanimous consent to have printed in the RECORD at this point a list of six bills that have been reported unanimously by the Committee on Ways and Means. The chairman of that committee, the distinguished gentleman from Arkansas (Mr. MILLS), has indicated that one day next week he may seek to call up these bills by unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The bills referred to follow:

H.R. 6854, free entry of peal of bells for Smith College;

H.R. 8512, suspension of duty on L-Dopa;

H.R. 14720, suspension of duty on manganese ore;

H.R. 16199, working capital fund for the Treasury;

H.R. 16940, suspension of duty on electrodes for use in producing aluminum; and

H.R. 17241, suspension of duty on copper.

Mr. ARENDS. I thank the gentleman from Louisiana for this information with reference to the program for next week.

Mr. BOGGS. I would like to say to the gentleman that in light of the very heavy schedule for next week there is a possibility of a session on Friday next.

Mr. ARENDS. I thank the gentleman.

## AUTHORITY FOR THE CLERK TO RECEIVE MESSAGES AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday next, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bill and joint resolution duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## ADJOURNMENT TO MONDAY NEXT

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## INTERNATIONAL TRAVEL ACT OF 1961

Mr. MATSUNAGA. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 939 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 939

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider without the intervention of any point of order the amendment recommended by the Committee on Interstate and Foreign Commerce now printed on page 4, line 4 through page 7, line 8 of the bill. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Hawaii is recognized for 1 hour.

Mr. MATSUNAGA. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 939 provides an open rule with 1 hour of general debate on H.R. 14685. It also waives points of order against the amendment recommended by the Committee on Interstate and Foreign Commerce now printed on page 4, line 4 through page 7, line 8 of the bill because this amendment is not germane to the bill as originally introduced.

The purpose of H.R. 14685, as amended, is to increase the appropriation authorization for the U.S. Travel Service, to grant new authority to the Service, and to create a National Tourism Resources Review Commission.

The appropriation authorization would be increased from the existing $4.7 million per fiscal year to $15 million for each of fiscal years 1971, 1972, and 1973.

New authority would be given to the Secretary of Commerce to allow him to make matching grants to States, cities, and regional groupings of States or any public or private nonprofit groups for the purpose of the act. He would be authorized to enter into contracts with profitmaking organizations for joint projects with the Government; make awards of merchandise manufactured and purchased in the United States to foreign travel agents and tour operators as an incentive for their promoting travel to the United States by residents of foreign countries.

A Commission would be established which would be charged with the responsibility of determining the domestic travel needs of the people of the United States and of visitors from other countries at the present time and to the year 1980; determining the travel resources of the United States available to satisfy such needs now and to the year 1980; determining policies and programs which will insure that the domestic travel needs of the present and the future are adequately and efficiently met; determining a recommended program of Federal assistance to the States in promoting domestic travel; and determining whether a separate agency of the Government should be established to consolidate and coordinate tourism research, planning, and development activities presently performed by different existing agencies of the Government.

The Commission would be composed of 15 members—eight from various Government agencies and seven to be appointed by the President from private life. The Commission would report its findings and recommendations within 2 years of the enactment of this legislation and would cease to exist 60 days after the submission of its report. The appropriation authorized for the Commission would be $250,000.

Mr. Speaker, I urge the adoption of House Resolution 939 in order that H.R. 14685 may be considered.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. MATSUNAGA. I would be happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman to what does the waiver apply? Does it apply to all the committee amendments, or to specific ones, would the gentleman say?

Mr. MATSUNAGA. The waiver applies just to those sections appearing in italics on page 4. If the gentleman will look at the bill, he will find on page 4, line 4, the sections in italics, through page 7, line 6 of the bill.

This was a part of a bill which I had introduced separately, and which was made a part of this bill.

Mr. GROSS. But the waiver of points of order does not go to section 6 to be found on page 3, beginning on line 14?

Mr. MATSUNAGA. No; it does not, because this is considered germane to the original bill as it was introduced.

Mr. GROSS. I thank the gentleman.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 939 makes in order for consideration of H.R. 14685, as amended, under an open rule with 1 hour of general debate.

The purpose of the bill is to increase the authorizations of the U.S. Travel Service, which is charged with promoting foreign travel to the United States, to grant new authority to the Travel Service, and to create a National Tourism Resources Review Commission.

Under the International Travel Act of 1961, the U.S. Travel Service is charged with the responsibility of developing and carrying out a program to stimulate and encourage travel to the United States by foreign nationals as a means of promoting good will, and also to help alleviate our balance-of-payments situation, caused to some degree by the number of Americans traveling abroad each year. The Travel Service has been carrying out this responsibility. In addition to its Washington headquarters, it operates offices in London, Paris, Frankfurt, Tokyo, Sydney, Sao Paulo, and Mexico City.

The committee believes an expanded program is needed in this field. Presently, $4,700,000 is being spent annually. The Travel Service suggests a $15 million a year program, and on page 5 of the report projects its plans under such an appropriation. The committee has recommended this scope in its reported bill.

The bill authorizes appropriations of $15 million for fiscal 1971, 1972, and 1973, in line with the expanded program outlined by the U.S. Travel Service.

The bill also grants additional authority to the Secretary of Commerce to enable him to: First, make matching grants—of up to 50 percent of the cost—to local, State, or regional groups promoting tourism to their area; second, make awards to foreign travel agents and tour operators as an incentive to promoting travel to the United States by foreign nationals; and, third, enter into contracts with profitmaking organizations for joint projects of travel promotion.

Finally, the bill creates a National Tourism Resources Review Commission of 15 members, eight from executive departments involved in the field, plus seven members, appointed by the President, from private life who are knowledgeable in the field. The Commission is required to report to the President and the Congress within 2 years and then cease to exist. The authorization for the Commission is $250,000.

The Commission is to: first, determine the domestic travel needs of citizens and visitors from abroad now and up to the year 1980; second, determine what travel resources the United States has available to meet these needs, now and up to 1980; third, determine what policies and programs are needed to insure travel needs will be met; fourth, determine a recommended Federal program of assistance to the States in promoting domestic travel; and, fifth, determine whether a new agency should be established to coordinate tourism research, planning, and development activities which are now carried out by several agencies within the executive.

The bill has administration support. There are no minority views.

I have no further request for time but I reserve the balance of my time.

Mr. MATSUNAGA. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes.

The SPEAKER pro tempore (Mr. Pepper). The question is on the motion offered by the gentleman from West Virginia (Mr. Staggers).

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14685, with Mr. Slack in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. Staggers) will be recognized for 30 minutes, and the gentleman from Illinois (Mr. Springer) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. Staggers).

Mr. STAGGERS. Mr. Chairman, H.R. 14685 would amend the International Travel Act of 1961 and would create a National Tourism Resources Review Commission.

The amendments to the International Travel Act are designed, first, to increase the appropriation authorization from the present level of $4.7 million a year to $15 million for each of the fiscal years 1971, 1972, and 1973; and, second, to grant new authority to the Secretary of Commerce. The new authority would allow the Secretary, first, to make matching fund grants to States, cities, and regional groupings of States, for the purposes of the Act; second, to enter into contracts with profitmaking organizations for joint projects with the Government; and, third, to make token awards of U.S. merchandise to foreign travel agents and tour operators.

The U.S. Travel Service, established by the International Travel Act of 1961, is charged with developing, planning, and carrying out a comprehensive program to stimulate and encourage travel to the United States by residents of foreign countries. In the past decade tourism has developed into one of the most dynamic forces in the world economy. In 1961, there were 6.3 million international tourist arrivals in the United States. In 1968, the number of world tourist arrivals in the United States had increased to almost 11 million—a change of 74.6 percent in the space of 7 years. This represents an average annual rate of growth of 10.9 percent.

Visits to the United States by international visitors not only promotes friendly understanding and good will among peoples of foreign countries and of the United States, but also helps to reduce the travel deficit in our international balance of payments. International tourism receipts, not only account for the largest single item in world trade; they are growing at a faster rate than the value of total world exports. In 1968, we earned more money and received more visitors than any other travel destination. In that year, the 10.9 million foreign visitors to our country spent an estimated $2.030 billion. Yet, at the same time, the more than 18 million U.S. citizens who traveled abroad spent $3.907 billion. This resulted in a travel deficit of $1.877 billion in our international balance of payments. As the current Director of the U.S. Travel Service, C. Langhorne Washburn, testified in our hearings, the funds spent on these travel promotion programs are really an investment in promoting good will and improving our balance of payments.

H.R. 14685 also would create a National Tourism Resources Review Commission composed of 15 members—eight of them representatives from eight different Federal agencies and departments with interest in travel promotion, and seven of them public members appointed by the President. The Commission would be charged with making a thorough study of our existing programs to promote travel to and within the United States and would make recommendations for changes in those programs and coordination of our Government's travel promotion efforts. An appropriation of sums not to exceed $250,000 is authorized by the bill, and the Commission would be required to submit its report together with recommendations to the President and the Congress not later than 2 years after the date of enactment of the legislation.

Mr. Chairman, the amendments to the International Travel Act of 1961 have been requested by the Department of Commerce. The creation of a National Tourism Resources Review Commission has been supported by the private and governmental witnesses who appeared or filed statements in our hearings. No objections to the bill have been received by the committee. I urge passage of H.R. 14685.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I am happy to yield to the gentleman from Iowa.

Mr. GROSS. Over what period of time did the gentleman say there was a deficit in the balance of trade attributable to tourism in foreign countries? Over what period of time?

Mr. STAGGERS. The figures I gave were for 1968.

Mr. GROSS. One year?

Mr. STAGGERS. Yes, sir.

Mr. GROSS. How long does the gentleman think it would take, with an expenditure of $15 million a year or less, to reverse that deficit with the grandiose setup that he proposes here?

Mr. STAGGERS. I am not proposing this. The administration has proposed this to us. I think it is a good proposal. The small amount that we would spend, if it does anything to promote travel in the United States, would help. In the last 7 years, from 1961 to 1968, we have found that the amount spent is a very small part of the amount which came into this country. We have a deficit, as I have said, of almost $2 billion in the balance-of-

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payments for travel. If we could get any part of that $2 billion back, this would be a small outlay.

Mr. GROSS. You would at least hope to recover the $15 million; is that correct?

Mr. STAGGERS. Yes; I think we could expect that and many times more in the first and second years and in the years to come.

Mr. GROSS. The gentleman is not prepared to say when we could wipe out the deficit. The gentleman really does not think that we could wipe out the deficit with travel agencies, with a superduper travel agency in this country, does he? You do not think that will wipe it out, do you?

Mr. STAGGERS. No; I have no expectations that it will. I will say this to my colleague from Iowa, the fact is that if we do something in the direction proposed, we will not only help to reduce the deficit, but we will create good will across the world.

Mr. GROSS. The gentleman used the word "token"——

Mr. STAGGERS. Token award.

Mr. GROSS. Token award. What is a token award?

Mr. STAGGERS. Oftentimes in the United States we have given to industries a flag, an "E" for effort, or something like that. That is something we hope to do with travel agencies abroad. We would give them something that has been made in this country for their effort in helping to get people to travel to this country.

Mr. GROSS. You do not, then, intend to hold raffles in connection with plane rides or bus rides for foreigners visiting this country?

Mr. STAGGERS. No.

Mr. GROSS. Or bingo games?

Mr. STAGGERS. No.

Mr. GROSS. You do not intend to give away automobiles or maybe some Kentucky bourbon or something of that kind?

Mr. STAGGERS. No.

Mr. GROSS. A token is a flag?

Mr. STAGGERS. That is my understanding.

Mr. GROSS. It would be a U.S. flag, I take it.

Mr. STAGGERS. It would be something made in the United States.

Mr. GROSS. We have spent a considerable amount of money on this travel agency, have we not, and what have been the results up to this point for the money we have already spent?

Mr. STAGGERS. I just gave them a moment ago. I cannot attribute all of the results to the money spent. This agency started in 1961. Since 1961 tourists coming into this country have increased in number. In 1961 international tourists in this country numbered 6.3 million, and in 1968—and that is the period for which we have the statistics—they numbered almost 11 million. That is an increase of 74.6 percent. However, we do not attribute it all to this legislation.

Mr. GROSS. Did they exclude from those tourist figures all the foreigners that have been brought to this country at our expense to teach, student exchange programs, and so forth? Do all the foreigners who come in go into that list?

Mr. STAGGERS. This is international tourists, so I would assume they would be excluded.

Mr. GROSS. They would be excluded?

Mr. STAGGERS. I would think so, under this definition.

Mr. GROSS. The gentleman has $15 million in this bill. The gentleman is aware, is he not, that we just passed a bill about 30 minutes ago which provided $4.5 million for this purpose?

Mr. STAGGERS. I am.

Mr. GROSS. How can the House now give approval to $15 million instead of $4.5 million?

Mr. STAGGERS. The present bill is only on the question of authorization. This is only my speculation, but I have understood that if this bill passes, the administration hopes to go before the other body and get the appropriation at a little higher rate.

Mr. GROSS. I waited with bated breath for someone who supports this bill to get up and offer an amendment to push the appropriation bill up from $4.5 million to $15 million. If no one else does, I will offer an amendment for $4.5 million, to make it conform to what the House did a few minutes ago. I hope the gentleman will accept the amendment, because he voted for the bill, and he was surely aware of the amount he was approving in that bill.

Mr. STAGGERS. As I said to the gentleman from Iowa, it is my understanding that when this bill passes, the administration will go before the other body and ask for more money.

Mr. WOLFF. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from New York.

Mr. WOLFF. Mr. Chairman, on page 2, line 15, it says:

> May enter into contracts with private profit-making individuals, businesses, and organizations for projects designed to carry out the purposes of this Act . . .

How are those contracts to be entered into? Are they to be by competitive bid?

Mr. STAGGERS. In my opinion it would be subject to the requirements of the law, just as any other contracts entered into by the Department of Commerce.

Mr. WOLFF. These are, in fact, promotional contracts?

Mr. STAGGERS They would have to be, and certainly they would have to be entered into as contracts with someone who would carry out the purposes of the act itself.

Mr. WOLFF. What I am concerned about is the fact that there would be more than one firm that is committed to bid on these contracts.

Mr. STAGGERS. I am certain that it would be open for anyone to bid. It would be under the existing laws as to contracts entered into by the Secretary of Commerce.

Mr. SPRINGER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the International Travel Act has been with us since 1961. Its purpose has been to promote travel to and within the United States by foreign nationals. As part of a larger trade liberalization package it was meant to improve or even equalize the balance of payments in the field of tourism. Americans love to travel, and our country has consequently suffered badly in the exchange. We have spent many more times the money abroad than has come to us from the same source.

Aside from this economic consideration it has always been desirable that we promote the attractions of our country and encourage citizens of other lands to visit and appreciate them.

Under the Travel Act the United States Travel Service has attempted to do this with modified success. Material has been produced and distributed. Offices have been maintained in a few countries. The effort, however, has suffered from the beginning from underemphasis. It has been like telling an airplane pilot to fly low and slow. It cannot be done. Industry would spend more to promote a new mouthwash than we have seen fit to spend to promote our entire Nation to people around the world.

The time has come when we should expand the effort into a fullscale, meaningful campaign. If it does not pay off and show rather dramatic results, then it should be ditched entirely, not just left limping along. Since 1961, and except for the first year—at $3 million—the program has had a level authorization of $4.7 million. With this money seven very modest regional offices have been maintained in various countries. The bill under consideration today would change this level of effort by raising the authorization to $15 million per year for the next 3 years. No doubt some of the same things done in the past will be continued but they will be improved and expanded.

In addition to firing up old efforts the bill makes provision for entirely new activities which should aid in creating the kind of promotion we hope for. USTS will be permitted to make matching grants to States, cities, and regional groups and other public and private nonprofit groups with good ideas for promotion of their particular areas. It may also enter into contracts with private concerns for the carrying out of promotional projects or materials. In addition, merchandise can be used as incentives to foreign travel agents for pushing U.S. travel.

The whole idea behind this additional authority is to make it possible to find new ideas and capitalize upon them. I am sure that anyone here can, without difficulty, think of some organization in his area which would have something to offer in attracting visitors. Most areas have done a fine job in attracting our own citizens. To do the same kind of thing for foreign travelers will take an extra effort, a somewhat different approach and the cooperation of the Federal Establishment through the Travel Service. It is the intention of this legislation to give foreign traveler promotion the old college try.

Since we have not tried this all-out approach before, it behooves us to observe closely what happens as a guide to future action. There undoubtedly is still much we do not know about tourism as it applies to foreign visitors. For this reason the bill also provides for a Na-

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tional Tourism Review Commission. While our increased effort goes forward this body will study all aspects of tourism. It will look to see just what we have to offer and how best to offer it. It will make recommendations for programs at all levels. Consideration can also be given to the desirability of creating a separate agency within the Government to deal with the broad subject of tourism.

The Commission I have mentioned will consist of 15 members. Seven will be appointed by the President and eight will represent agencies of the Federal Government. The Department of Commerce will supply the logistic support and no more than $250,000 may be used in appropriations. The Commission will report in 2 years, and this will give the Congress time to determine what kind of effort is needed to realize the most from tourism.

I am personally enthusiastic about the increase in effort being made here and now through the Travel Service, and I am equally enthusiastic about the study which should help us define, refine and possibly reorganize our activities in the very important field of tourism. I recommend the legislation.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. SPRINGER. Yes, I yield to the gentleman.

Mr. GROSS. And, of course, no small part of what the foreigners get from U.S. tourists comes from junketing Members of Congress and their staffs and families and so on and so forth; is that not true?

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Mr. SPRINGER. May I say to my colleague from Iowa I have noted that there have been Members traveling from my own committee. I do not know what words the gentleman uses and I do not use the word "junketing." The members of our committee who have traveled have been working committees. I have watched many from others——

Mr. GROSS. About all of them?

Mr. SPRINGER. Just a moment. Let me finish this because I do not want any misunderstanding. I have watched other subcommittees and members from other committees in the same city that I happen to be on another matter and they worked 8 hours a day. I do not know whether the gentleman wants to term that junketing or not. There may be others doing what the gentleman likes to term junketing but I have not had that experience. But, if the gentleman wishes to term it that, that is certainly his prerogative.

Mr. GROSS. When they go over there they spend money, do they not?

This Government has been in and out and around about on this issue of Americans spending money traveling abroad as well as Americans not spending their own money.

We had a President preceding the present President who tried to put the lid on foreign tourism by Americans, but the first thing we knew the members of his own family had broken the ranks. They were over there touring and shopping, and that was the end of that.

So, I do not know where we stand in this business. I do not know how much money it is going to take to subsidize foreign visitors to get them to this country. It is a cinch no great mass of foreigners will come here and pay the high hotel rates and high transportation costs. I do not know what it is going to take, how many hundreds of millions of dollars to prepare some kind of subsidized program to entice them to come over here.

Does the gentleman have any idea what this will involve in the end?

Mr. SPRINGER. No; I am saying to you what they are asking for is $15 million for a 3-year period.

Mr. GROSS. $15 million a year for 3 years?

Mr. SPRINGER. That is right.

Mr. GROSS. That is $45 million in total, with no assurance that we will get anything back.

Mr. SPRINGER. In cases where we have invested the money in such a program we have realized a return. I was just telling the gentleman that there are more Scandinavians who fly from that area to Chicago, Ill.; to Indiana, to Michigan, and other States in that area because they are settled by people from Scandinavia. There is also the State of Iowa, where these people visit.

In other words, 60,000 people year before last came over here from those countries and a large part of it was the result of the promotion of the SAS program, because that is the airline with the Scandinavian countries. But I still say they are simply starving to death with reference to a promotional program and I agree with them. When I talked with them I had to agree with them and when I saw what kind of exhibition we had in the new travel tourist building in Stockholm and saw this little bitty spot up there. I felt very badly about it.

I said to my distinguished colleague from Iowa and I say it again, let us either do this program right or let us abolish it. If the gentleman wants to take the position of abolishing the program, that is his privilege. I do not think it ought to be abolished. I think it ought to be promoted and we are trying to do it on a reasonable basis. We are trying to do a good job.

In the Department of Commerce they are struggling to come up with a good program. We went down there and saw the efforts which they were making and I thought it represented an excellent start.

However, if the gentleman insists that there is not any benefit to be obtained from such a program, he is entitled to his own opinion. But I do say let us either do it right or not at all.

Mr. GROSS. I am unable to understand why foreigners cannot come under their own power to see this country.

Mr. SPRINGER. For the same reason, may I say, that my daughters and their friends go through the Sunday New York Times to look for the bargains in travel. They try to pick out the bargains in these other countries. They certainly do not pick out the ones in this country. There is no such advertising program to attract their attention. They are looking for those places they would like to go.

The same thing has to be built up in the minds of people who live in other countries if you are going to do any good with it.

Mr. GROSS. The Lord knows we have spent enough money wet-nursing foreigners all over the world. They ought to know where the United States is located; they have heard something about us, or else we have spent billions—untold billions of dollars around the world for very little purpose.

Mr. SPRINGER. Let me say I do not think the gentleman meets the question at all. This is strictly a promotion of travel in an effort to reverse our imbalance of payments. I think that if we are going to do it this is about the minimum program that I could think of. Our committee went over it extensively, carefully, and in every single way we could, and we finally came up with this kind of budget, and may I say the budget is worked out as carefully as anything could be done. But I do want to say that I respect the gentleman for his opinion about it, and I am sure he is entitled to it.

(Mr. KEITH (at the request of Mr. SPRINGER) was granted permission to extend his remarks at this point in the RECORD.)

Mr. KEITH. Mr. Chairman, one of the fastest growing items in world trade is international tourism. Astonishingly, in 1968, tourism accounted for almost 15 percent of the total value of world trade.

In light of this growth, every nation in the world has come to recognize the importance of tourism to its national economy and its balance-of-payments positions. Many nations, including most of our European friends, have conducted vigorous and competitive programs to attract a greater share of the international travel market.

Unfortunately, our Nation is relatively new to this activity. It was only in 1961 that we first established an international travel promotion bureau in the Commerce Department. And, that agency has since remained one of the most underfunded of any major national effort to attract foreign tourists. As a result, the United States ranks 26th in terms of national support for travel development programs.

However, despite this serious underfunding, the U.S. Travel Service in the Commerce Department has managed to establish a basic, working partnership between the Government and the American travel industry. Nevertheless, much needs to be done in terms of enhancing this partnership and enlisting the resources of the States and cities to bring more foreign visitors to the United States. The need for an increased effort is clear: In 1969, our travel deficit was $2 billion. Such a deficit can only worsen our overall balance-of-payments position.

Of course, we could always adopt a restrictive international travel and trade policy. Such a development, though, would undo all we have tried to accomplish since World War II in the area of more liberalized international trade. On a more positive note, we can increase our earnings of foreign exchange by promoting exports and by encouraging foreign tourists to select the United States as a travel destination.

In my view, the legislation before us today is such a positive step in the direction of rectifying our international payments position. This bill provides the USTS with the necessary tools to increase our earnings of foreign exchange. It will involve the States, cities, and regions in foreign travel promotion through a new grant-in-aid program, and it will develop a more active participation by private industry, allowing the Travel Service to enter into joint industry contracts. Finally, this legislation will establish a joint industry-Government travel resources review commission to recommend new approaches in the field of travel promotion.

Mr. Chairman, H.R. 14685, at a minimum additional cost, promises to put this Nation at last on an equal competitive footing with other countries in the international effort to attract tourist dollars. This bill is a needed one and I urge my colleagues to join me in supporting its passage.

Mr. STAGGERS. Mr. Chairman, I yield 7 minutes to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of H.R. 14685 which would amend the International Travel Act of 1951 in certain particulars in order to improve our balance-of-payment position by further promoting travel to the United States. I wish at the outset to commend the gentleman from West Virginia (Mr. STAGGERS) and the committee which he chairs, for the expeditious, reporting of this important legislation.

I am pleased to report that the provisions relating to the establishment of a 15-member National Tourism Resources Review Commission were adapted from my bill, H.R. 12646, which was designed to strengthen our tourism program as it relates to both international travel and domestic travel. The Commission would be composed of one representative from each of eight departments and agencies of the Federal Government plus seven individuals appointed by the President from the private sector who are experts in tourism. The Commission would probe existing travel resources, determine the travel needs of our own citizens and of visitors from abroad in the decade ahead, and recommend policies and programs which would best meet such needs.

This is a big order and the proposed Commission would require considerable time to do an adequate job. Accordingly, the bill we are considering allows 2 full years for the study to be completed.

The main thrust of H.R. 14685 clearly is to make tourism a major industry in the entire United States. The most attractive feature of this objective is that tourism can be built up as a major industry with the least investment for the greatest return. We learned this in Hawaii some years ago.

In 1958, less than 12 years ago, only 171,588 tourists visited Hawaii. This represented an increase of only 2 percent over the preceding year. The total visitor dollar expenditure in the Islands amounted to an estimated $82 million.

Also in 1958, the territorial legislature appropriated $500,000 for use by the Hawaii Tourist Bureau, a quasi-public agency, in promoting Hawaii's tourist industry. As a consequence, in the course of 1 short year the number of tourists to Hawaii jumped to 243,216, an increase of 42 percent. These visitors spent an estimated $109 million in Hawaii. This meant that by an expenditure of one-half million dollars the Territory of Hawaii increased its income from visitors by $27 million, a net gain of $26½ million, all in the course of 1 year—a wise and profitable investment, indeed.

In 1960, the State legislature increased its annual appropriation to $750,000, and the number of visitors to Hawaii rose in 1961 to 319,422. They spent $137,000,000.

By 1968, the State legislature had increased its appropriation for the promotion of tourism to $1,478,500, and the number of visitors to the Aloha State had climbed to a phenomenal 1,364,228 persons who spent over $460,000,000. The visitor increase in 1969 over 1968 was 13 percent.

If this type of tourist development could be conducted on a national scale, whereby visitors to this country from foreign lands could be increased in proportion to the increase enjoyed over the past decade by the State of Hawaii, we would have no need to be concerned over the deficit in our balance of payments.

A notable fact is that about 200,000 of Hawaii's 1969 visitors came from Oceania and Asia. About 60,000 came from Japan alone. Another significant fact is that 30 percent, or nearly one-third of the 1,364,228 visitors, were members of organized groups. This points to the promotional aspects of developing the full potentialities of tourism as a new national industry.

Tourism lends itself to a dual classification, international and domestic. International tourism is important to the United States for several reasons. In the first place, it helps to improve our balance-of-payment position. Foreign visitors in 1968 spent a total of $2 billion in the United States, including $260 million paid to U.S.-flag carriers. The 1969 figures are expected to exceed this total.

There is also the intangible benefit to be gained from foreign tourism. This is the international goodwill which is fostered when foreign visitors come to see how we live and get to know us better. Recent Government surveys, one of which was conducted at the Honolulu International Airport, reveal that departing foreign visitors are most favorably impressed with the warmth and friendliness of the American people. We may safely conclude on the basis of these findings that international understanding could be greatly improved by having greater numbers of ordinary citizens from all parts of the world visit our country.

Finally, there is the incalculable benefit to be derived from having foreign visitors exposed to American-made goods, particularly as an aid to the marketing of our goods abroad.

These benefits were recognized by Congress when it enacted the "International Travel Act of 1961." This landmark legislation created the U.S. Travel Service in the Department of Commerce and constituted the first step toward the establishment of an effective tourism program. The time has come for Congress to expand and strengthen the 1961 law in order that tourism would mean not only the stimulation and encouragement of travel to the United States by residents of foreign countries, but also the stimulation and encouragement of travel within the United States by our own citizens who would otherwise travel abroad.

Mr. Chairman, we are all deeply concerned about the deficit in our balance of payments. If Hawaii's experience is to be taken as an indication of what will happen here in the United States if we should pass this bill today, I can almost guarantee to you that we will have no more concern over our deficit in our balance of payments.

Mr. SPRINGER. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Georgia (Mr. THOMPSON).

Mr. THOMPSON of Georgia. Mr. Chairman, I would like to say this, that the gentleman who just preceded me has presented a number of arguments which are quite valid. You know, there is a product called Coca-Cola that is made in my hometown. It is a good product. But that product has been made by one thing, and one thing alone, and that is advertising.

We in this country have some mighty fine States and we have some mighty good products, but if we do not tell the rest of the world about these products, they are going to believe these headlines that they may see about student disorders and about all the riots on the campuses or whatever it may be.

Hawaii is ideally situated to draw people from Japan. The per capita income in Japan is increasing each and every year so that more and more people have money to travel. Jet airplanes make it very feasible for the people to travel, not only to Hawaii from Japan, but on to the United States. The $1¾ billion deficit we have in travel certainly can be reduced, but it can be reduced only by promotion.

What does this bill do? It provides an incentive for the States themselves to get into the act. If they are willing to put up as much money as the Federal Government is, we can provide some grants to some of the State agencies, and then they can advertise in foreign countries for tourists to come to their particular State. If other States in our union do not like that advertising, then they can advertise and put up some of their money to try to get tourists to their State. By so doing, we will be helping the balance of payments.

There is one statement that the gentleman from Hawaii made that I think should be impressed upon the minds of all, and that is this point. When visitors from foreign lands visit the United States, they normally go away with a very good feeling in the pits of their stomachs, and it helps our foreign affairs and our foreign relations. We need to have more exchange of visitors in the United States. We need to have people from foreign countries come and see what we are like first-hand. This program is designed to encourage that kind of activity.

But there is another part of this bill which is new. It was the original idea of the gentleman from Hawaii. That is the creation of the Commission known as the National Tourist Resources Review Commission. What is this Commission going to do? They are going to evaluate not only our international travel, our trying to get people into this country, but they are also going to evaluate means of keeping people at home, means of keeping our dollars in our own country to promote, within the United States, the advantages of the United States. So when a person who might otherwise decide that he wants to go to Pango-Pango, Australia, or elsewhere, it may be that he might be convinced that there is something he would like to visit in the United States more, and the dollars would stay in this country. I think that is a very useful part of this particular bill.

I had occasion to take a trip to Mexico City at the taxpayers' expense. I guess perhaps you could call it a junket. It was a working trip. I visited the Tourist Bureau in Mexico City and I talked to the people a little about what they were doing. They showed me some information that they were putting into the glove compartments of automobiles that were being sold in Mexico City. The new car dealers were inserting a packet about the United States, encouraging automobile trips to the United States.

I said, "This is great. How many are you getting up?"

They said, "Unfortunately, we have only $172,000 a year and we are not able to have enough printed to go into all the automobiles." But there are many places in Texas, New Mexico, Arizona, California, and the States all the way to Chicago that these people would like to visit, and by putting that little incentive in the glove compartments of automobiles, the owners are inspired to think, "Well, I can make a trip to the United States. I can make it in my automobile." Money will be made available in here for advertising and promotion, items that are needed such as this.

There is another factor which may not be considered. Europe, of course, is competing for the tourist dollar with us in South America. A South American has the choice of either coming here or going to Europe. European countries are spending millions and millions of dollars trying to promote tourist travel to Europe. Why? Because they want the money of the tourists.

Well, it is time that we started wanting some of this money and started doing something about it.

But, as with anything in the business world, it takes money to create the market. Just as the Coca-Cola Co. cannot tell us specifically what Coca-Cola they may sell because they put a sign over Joe's Drive-In saying "Drink Coca-Cola," they also know if they did not have that sign over Joe's Drive-In and many other signs in other places, they would not be selling as many Coca-Colas as they now sell.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

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Mr. PICKLE. Mr. Chairman, some of us had reservations when this bill was before the committee, not so much with respect to the funds that might be appropriated, because if we are going to have an effective program, we have to have a sufficent amount of money, but we were concerned about the new sections that were being added to the International Travel Act. In the first instance, in clause 5, it says a State or political subdivision may enter into these contracts with the agency on a matching grant basis, and then the Secretary is authorized to establish such policies and standards as he may need to carry out the provisions of the act.

When we go to clause 6, it says that if he does not think it is sufficient to carry out the provisions of clause 5, he can then enter into an agreement with private profitmaking organizations.

I wonder why that section in the bill, on page 2, which reads:

> The Secretary is authorized to establish such policies, standards, criteria, and procedures as he may deem necessary or appropriate for the administration of this clause,

is not also provided for in clause 6? It seems to me it would give the Secretary very broad authority and discretion if he wanted to enter into agreements with private profitmaking organizations. Am I to assume that the reason that was not included in clause 6 is that the Secretary would be bound by certain rules in the granting of contracts?

Mr. STAGGERS. Yes; the gentleman is correct. The Secretary is bound by the present law in making any contract. Where there is any appropriated money involved, he must first advertise and then seek competitive bids. The Secretary must do that.

Mr. PICKLE. Then if he enters into any agreement or contract with a private profitmaking organization, he must follow rigid rules; that is, competitive bids and competitive contracts?

Mr. STAGGERS. That is right. He must first advertise and then have competitive bids.

Mr. PICKLE. I think that should be understood by everybody, that he cannot summarily enter into contracts.

I wonder if we have not left too broad the provision in clause 6 that says he may enter into contracts with private profitmaking individuals and businesses and organizations. This bothered many of us on the committee, because we felt that was too broad. I wonder how we might have an understanding as to what kind of organization this would refer to. Would it just mean anybody or any kind of organization the Secretary wanted to make a contract with?

Mr. STAGGERS. I do not see how the Secretary can exclude anyone who has a legitimate business and can do the job. Of course, they would have to show they could do the job first. That would have to be part of the contract.

Mr. PICKLE. Is the chairman saying it would be assumed that any organization which the Secretary might enter into an agreement with would have to have some affinity or some association with the travel business, and that it would not be just wide open, but it would be those organizations which were related to the promotion of travel?

Mr. STAGGERS. I do not know how anyone could bid on this unless he is experienced in this line, and the Secretary could say whether he could do the job.

I am sure that by existing law the Secretary would be prohibited from going out and getting somebody who was not qualified. I am sure that the notice for bids and the contract itself would require qualifications.

Mr. PICKLE. I doubt it is made plain that an organization would have to qualify; I do not believe it is made plain in the bill. I believe they ought to have to qualify. This is one of the things which concerned me. Perhaps by legislative history or at some amendment we can make it plain that those private organizations involved ought to be those which would be familiar with and associated with the promotion of travel, and not just leave it as wide open as the open skies. I hope such an amendment may be offered.

Mr. SPRINGER. Mr. Chairman, I have no further request for time.

Mr. STAGGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. PEPPER).

Mr. PEPPER. Mr. Chairman, I am, of course, very strongly in favor of this measure because I come from what we like to believe is one of the leading tourist areas in the United States. This will mean much to my part of the country.

It is my opinion it is no less significant to the country than it is to any particular part of the country. Members do not always appreciate that the travel deficit of the United States in 1968, the last year for which we have complete figures, as given a minute ago by the distinguished chairman, was almost $2 billion. That means Americans traveling abroad spent almost $2 billion more than people from abroad spent in the United States.

Heretofore we have been limited to a little more than $4 million a year for funds which might be expended by the travel service. We are coming now to a more rational realization of what this travel service and funds expended wisely under its direction can mean toward diminishing the balance-of-payments deficit of our country. That is very important to the economy of America.

This I believe is a measure which will contribute far and much toward reducing our balance-of-payments deficit and toward stimulating the economy and the progress of our country.

Mr. HANNA. Mr. Chairman, it is particularly relevant that we should be discussing today the expansion of our international travel promotion program. This morning's papers carried the disturbing report that an official announcement would soon be made disclosing a sizable balance-of-payments deficit in the first quarter of 1970. The deficit is apparently in the liquidity balance.

Anyone familiar with the factors in our balance-of-payments deficit realizes one of the most serious is our negative tourist dollar posture. And it is precisely the tourist dollar that weighs heavily in the liquidity factor. Foreign tourists visiting America, using American carriers provide the United States with substantial liquid exchange. However, foreign tourist expenditures in the United States do not come close to equaling American tourist expenditures in foreign countries. As a result, the tourist component in our balance-of-payments posture continually is in the negative. For the specific details on this matter, I refer my collaegues to the hearings on H.R. 14685. The U.S. Travel Service has provided detailed material on how the tourist dollar significantly affects the balance-of-payments picture.

In light of this, our discussion today is most important. For when the softening balance of payments is put into the perspective of our worsening domestic economy, we begin to realize that positive and dramatic action is required on a large number of fronts.

Promoting foreign travel to the United States, while it will not solve our complex and deepseated economic problems, can nevertheless help. I have already pointed out the serious impact of the tourist dollar on our balance-of-payments position. Another factor is the demonstrated velocity of the tourist dollar. Each dollar spent by a visiting foreign tourist has an impressive turnover rate. These dollars generate productivity and expansion.

Given these two factors, it is extremely important that the House give its approval to the amendments to the International Travel Act. The measure before us represents a substantial breakthrough in our thinking. Since its inception in the early 1960's, our travel promotion program has virtually been hobbled by inadequate funds, inattention from public leaders, and restrictive guidelines.

During 1964, it was my privilege to serve on the Select Subcommittee on Tourism. During that time, our investigations led us to the same conclusions that are finally reflected in the measure now before us. The conclusions we reached 6 years ago emphasized the need to intensively and intimately involve private enterprise in travel promotion. We, at that time, pointed out the necessity of developing new and imaginative programs designed to attract foreign tourists to the United States.

These ideas are incorporated in the bill we are now considering. For the first time, USTS will be able to enter into contracts with private companies. In its report, the committee emphasized "the necessity of mobilizing private resources in a truly coordinated national effort to increase our foreign exchange earnings from tourism."

It said:

> To a great extent, the motivation on the part of U.S. industry is present. What is hindering the efforts in this area are technical difficulties that prohibit the Department of Commerce from undertaking joint projects with industry because it lacks direct authority for such undertakings.

This bill would solve the problems of mobilizing private resources.

The committee report also noted that it "believes that the Federal Government's role in travel promotion should be one of innovation, planning, direction, coordination and evaluation." I consider this to be a most important and encouraging point of view. The committee backs up its concern with a virtual tripling of the USTS funding authorization.

Following the thinking of the committee, and based upon my earlier experience with the Select Subcommittee on Tourism, I believe I can suggest one course which definitely would be in line with current opinion.

Over the past 8 years I have served as a director on the board of the nonprofit American Host Foundation. The program has brought a large number of European teachers to the United States. The teachers have been entertained by families throughout America. The success of this program has given birth to a new and very innovative idea that is now being developed, on a nonprofit basis, by the director of the American Host Foundation. He is proposing, and I firmly share his confidence, that a nationwide host program of foreign visitors would substantially stimulate tourism. He is calling the program "Meet the Americans."

This new program, already in the initial development stages, offers the kind of innovative and imaginative prospects emphasized in the Commerce Committee report. It offers an opportunity for a positive Government-private enterprise cooperative effort that can stimulate an increase in the number of foreign visitors to the United States.

Some private companies have already indicated an interest in helping move the program along to the takeoff point. Limited Government support with these private companies could make the Meet the Americans concept a reality much more quickly than provided for in the present schedule.

Let me at this point present a few of the details on the Meet the Americans approach toward stimulating tourism and meaningful contacts between Americans and visitors from foreign lands.

There is at the moment no Government agency nor private organization to which a foreigner may write in order to arrange to have a home stay with an American family during a visit to our country. Through the experiences of the American host program, which provides for month-long stays with American families for visiting European teachers, we have learned that the possibility of spending a few days as the guest of an American family provides a great incentive for Europeans to make a trip to our country.

The Meet the Americans program will maintain a central file which will contain the names and addresses and other pertinent information regarding any American family in the United States who is willing to have any visiting foreigner as a guest in their home for a period of 1 or 2 weeks.

Foreigners who wish to arrange to spend some time with an American family will make application to the Meet the Americans headquarters; the applicant will be interviewed by staff volunteers; the applicant will be matched with a family that would be compatible; applicant and host family will then correspond for a minimum period of 3 months prior to the visit of the foreigner. The mechanics as outlined here have proven to be effective during the 8 successful years of operation of the American host program.

During the past 8 years, many national organizations have endorsed the American host program and have adopted it as an international relations program recommended to local chapters. The finest example of this type of national cooperation is the United States Jaycees, whose 6,000 local chapters throughout the United States are all encouraged by their national organization to be active participants in the program. In addition, American Host relies strongly upon the following organizations: Kiwanis International; Junior Women's Clubs of California; and the Church Women United of New York State.

The realistic expectation of the Meet the Americans program is to have a central file of more than 100,000 families within 12 months of the time the program is launched. There is also every reason to believe that an eventual registration of 1 to 2 million host families is not unrealistic.

During the last 8 years, there have been many discussions with Europeans in order to learn why they choose to spend their vacation periods in areas other than the United States. The overriding consideration governing their decision against a visit to the United States appears to be a "fear of the unknown." This fear of the unknown revolves primarily around monetary considerations. Regardless of the strenuous efforts made by the U.S. Travel Service and the U.S. travel industry, most Europeans still think of accommodations in the United States as being far too expensive for their pocketbooks.

The Meet the Americans program will solve this problem through the relationship established by correspondence between the prospective foreign visitor and the American family with whom 1 week will be spent during the visit to the United States.

The Meet the Americans program will be tied in primarily with 3-week excursion visits to the United States during periods other than the peak travel months of the summer. The visiting foreigner will spend 1 week with his American host family and the other 2 weeks he or she will be following the usual tourist itinerary.

The experience in the American Host program during the past 8 years has illustrated very vividly that visitors to our country who spend time living with American host families return to their homelands with many of their previous misconceptions dispelled and, even more importantly, with the feeling that they have established a warm and meaningful friendship with many Americans.

Over a period of years we can probably expect at least 1 percent of the 40,000,000 American families to respond to and enroll in our Meet the Americans program. Conservatively speaking, this provides 400,000 host families that we can expect to be active in our program. When each of these host families entertains one for-

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eign couple for 1 week each year, we are speaking in terms of 400,000 visitors per year who will be given the incentive to come to our country. Once again a conservative estimate would tell us that each visitor will spend a minimum of $1,000 for transportation and accommodations in the United States which gives us a $400,000,000 per year foreign traveler expenditure in the United States.

These are, of course, just preliminary estimates. The point is this is the type of new program that can address itself to the economic issues I raised earlier. This program effectively reflects the new thinking suggested by the measure today. Meet the Americans has the real potential of promoting understanding and the American culture on a massive scale. And finally, but most important, it provides an avenue for effective private-Government cooperation, although its character should remain private and nonprofit, in achieving a wide variety of important goals.

I am most encouraged by the measure before us. It represents a policy I have been advocating since entering Congress. I am confident that the bill will serve as a catalyst to both private enterprise and the USTS to jointly develop the kind of programing and promotion that I have described in my report on Meet the Americans.

Mrs. MINK. Mr. Chairman, I rise in support of H.R. 14685, legislation to promote travel to the United States and to establish a National Tourism Resources Review Commission.

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This legislation increases the authorized funding of the U.S. Travel Service from the existing $4.7 million per fiscal year to $15 million for fiscal years 1971, 1972, and 1973, and grants the Secretary of Commerce new authority to promote our travel industry.

In addition, the House Committee on Interstate and Foreign Commerce with wisdom acted to accept the proposal offered by my distinguished colleague from Hawaii, the Honorable Spark M. Matsunaga, for the creation of the National Tourism Commission.

The Commission among other duties would fill the much-needed role of determining the domestic travel needs of the people of the United States and of visitors from other countries at the present time and to the year 1980, and to make recommendations.

I am sure that the Commission will perform invaluable service in stimulating and developing travel for the benefit of all of our States. The experience of Hawaii has shown just how effective promotional efforts can be in developing a productive tourist industry.

In 1960 Hawaii spent $750,000 in public funds to promote tourism and the number of visitors rose in the following year to 319,422 persons who spent $137 million. By 1968 we had increased our appropriation for this to $1.4 million, and this drew 1,364,228 persons who spent more than $460 million.

Thus, a relatively small investment can play immense dividends. It is important that our Nation make this effort, for currently our citizens are contributing to the adverse U.S. position on balance of payments. Figures show that last year our country took in $2 billion from foreign visitors while U.S. tourists spent $4.7 billion abroad.

Potentially, the world travel market is about $20 billion. We need to increase our percentage of this and encourage our own people to see their country with its many great attractions and historical points. This legislation before us today will help on both needs.

I believe this bill will be of great benefit to Hawaii and to our other States by launching a great promotional campaign over the years ahead for United States travel. Many will be coming to see the fabled profile of Diamond Head and our storybook chain of islands in Hawaii, while others will be traveling to places of interest all across our land from coast to coast.

Let us act now to take this important step forward in the travel field, a move that will pay immense dividends. I recommend the adoption of H.R. 14685.

Mr. MURPHY of New York. Mr. Chairman, I find the $2 billion travel gap and the fact that 25 nations outspend us in tourist promotion to be compelling arguments for support of H.R. 14685.

However, I believe there is another imperative, which gained additional force with the selection yesterday of Denver and Montreal as the 1976 Olympic cities.

In 1976 the United States is planning to celebrate its 200th birthday. While the scope of the observance has yet to be defined by the President, it can be expected that it will be the biggest foreign visitor attraction ever created by the United States. Prior to yesterday's action by the International Olympic Committee, it had been estimated foreign visitors to the United States in 1976 might reach as high as 30 million, which would be a 141-percent increase over last year. The traffic to Denver and Montreal for the Winter and Summer Olympic Games can be expected to add significantly to earlier projections.

Canada was faced with a similar situation in preparation for the highly successful Expo for '67 and one of the first actions taken by the Government was increasing the annual appropriation for the Canadian Government Travel Bureau—the USTS counterpart—from $3 million to $10 million several years prior to the exposition.

We know from Canada's experience that our preparation for attracting and facilitating the visits of citizens from abroad in 1976 should be underway now.

We have talked of the inevitability of a U.S. travel deficit. However, I believe 1976 offers us the real potential of putting the U.S. travel account in the black. Approval of H.R. 14685 will make achievement of that goal possible.

This measure also includes a most important section, drafted and guided to this floor by my good friend and colleague, Mr. Spark Matsunaga of that beautiful tourist mecca, Hawaii. I speak of his National Tourism Review Commission which would be charged with reporting its findings to Congress within 2 years after the date of enactment. This vital 15-member Commission is a needed step if we are to promote and enhance travel, and alleviate our balance-of-payments problem. I wish to thank Mr. Matsunaga personally for his contribution to this valuable piece of legislation.

Mr. FASCELL. Mr. Chairman, I wish to add my enthusiastic support to H.R. 14685, which would strengthen the Federal Government's program to promote travel to the United States from foreign countries.

My State, Florida, is well aware of the tremendous economic importance of tourism. Indeed, it is one of our most important industries, and in 1968 accounted for expenditures within Florida of $5.5 billion. When 1969 data are all reported and analyzed, it will surely be even more.

H.R. 14685 would increase the present authorization of $4.7 million a year for the encouragement and promotion of tourism to the United States from foreign countries. This authorization was established in the International Travel Act of 1961, and has never been increased.

Now, we are being asked to increase this amount to $15 million. I heartily endorse this increase for a number of reasons.

First of all, tourism is big business. I have already noted the extent of tourist spending in Florida. Throughout the United States, it is estimated to total $30 billion or more a year.

The International Union of Official Travel Organizations, headquartered in Geneva, Switzerland, has just released data on worldwide travel for pleasure. The International Travel Union estimates that in 1969, a total of 153 million persons participated in foreign travel, representing an increase of 8 percent over 1968. Their combined expenditures were estimated at $15.3 billion, or a rise over 1968 of 9 percent. This represents a record level of spending for international tourism.

This rise in international tourism and spending came about, according to the International Travel Union, as a result of the general growth in world economic activity; plus a generally more stable political climate in Europe; and renewed foreign travel by Americans.

Mr. Chairman, I think the third reason for the growth of international tourism—the renewed foreign travel by Americans—should give us pause for some reflection.

American travel and expenditure in foreign countries contributes significantly to the total and to our balance-of-payments deficit. By this token alone, we should do everything we can to promote a reverse flow of international travelers and travel dollars to the United States.

For many years we have suffered a so-called travel gap—the difference between what Americans spend abroad, plus what they spend on foreign air and steamship lines getting there, and what foreign visitors spend here, plus the fares they pay U.S.-flag carriers to get here. Back in 1961, when the U.S. Travel Service was established in accordance with the International Travel Act, the travel gap was just over a billion dollars. It has nearly doubled to $2 billion. At this level, the travel imbalance aggravates our entire balance-of-payments problem.

It seems to me that it is good commonsense to spend dollars in an effort to reverse this trend and bring the U.S. travel balance into a better position.

And, it is good business sense to effect a vigorous program toward tapping that $15 billion plus international travel market. These travelers are going some place. We have a large, attractive, marvelously varied country which has appeal to nearly all international travelers. It follows that we should be promoting the United States as strongly as practicable.

There is another factor also. This involves that most illusive and intangible of all elements in this day and age—international good will. I can think of no better way of earning international good will among foreign nationals than to have their rank and file come to our shores and rub shoulders with our rank and file, learning how we really live and work and think. It does work. In survey after survey, our visitors from abroad have indicated that the most pleasant part of their visit was getting to know the "friendly" American people.

Mr. Chairman, these are the reasons why we should increase the authorization for our international travel promotion effort—to redress our large and growing travel payments gap; to tap a significantly large travel market; and to generate a considerable amount of international good will, and I might add, at no extra direct expense to the Government.

The key to the success of such a program is promotion—alert, imaginative promotion.

Florida is no stranger to promoting its tourist attractions abroad. Our promotion has run alongside that of the U.S. Travel Service in European media.

This bill, H.R. 14685, provides for a matching program to encourage all the States to participate more fully in this worthwhile promotional effort. I agree with the Commerce Committee that in a country so large and diverse, each State, region, and city knows best its attractions and features, and that to best coordinate this knowledge with the Federal effort, a matching grant program as provided here is in the public interest.

Mr. Chairman, let me add just a few further statistics to indicate what tourism means to Florida. In 1968, some 20 million tourists visited my State, plus an additional 6.3 million not classified as tourists because they came on business, or were en route to points outside the United States. It was the 20 million tourists who spent a total of $5.5 billion, a figure I had mentioned earlier.

Of the 20 million tourists, 539,367 came from Canada. Accordingly, we are happy that the expanded program includes promotion in Canada.

Equally significant, a total of 171,000 of the tourists to Florida came from foreign countries other than Canada.

These totals of visitors from Canada and from other foreign countries are impressive. But, by no means are they to be considered a ceiling above which we cannot climb. Because with the accelerated promotion which the proposed authorization provides for, plus the additional effort to be generated among the States, we can and should enjoy a surge of visits from foreign travelers.

Mr. Chairman, I urge passage of H.R. 14685 as a sound investment.

Mr. PEPPER. Mr. Chairman, the bill we have before us presents us with an opportunity to acknowledge the need for Federal assistance in the promotion of tourism. Being from an area which depends so greatly on tourists for its very existence, I am especially aware of the significance of this measure. The proposals are, however, so far reaching that all parts of this Nation will benefit economically and socially, and I believe this bill deserves the support of all parts of our country.

The direct economic benefit of the foreign tourist and the alleviation of our balance-of-payments deficit is matched only by the good will and understanding that these projects will promote. With the enactment of this legislation we will have come one step further in realizing the potential of the vast natural and human resources of our country. It is to our own benefit that we share them with the world.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### H.R. 14684

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 3 of the International Travel Act of 1961 (75 Stat. 129; 22 U.S.C. 2121–2126) is amended by changing the period at the end of clause 4 of subsection (a) to a semicolon, and by inserting after such clause the following:

"(5) upon the application of any State or political subdivision or combination thereof, or private or public nonprofit organization or association, may make grants for projects designed to carry out the purposes of this Act if he finds that such projects will facilitate and encourage travel to any State or political subdivision or combination thereof by residents of foreign countries. No financial assistance will be made available under this clause unless the Secretary determines that matching funds will be available from State or other non-Federal sources and in no event will the amount of any grant under this clause for any project exceed 50 per centum of the cost of such project. The Secretary is authorized to establish such policies, standards, criteria, and procedures and to prescribe such rules and regulations as he may deem necessary or appropriate for the administration of this clause;

"(6) may enter into contracts with private profitmaking individuals, businesses, and organizations for projects designed to carry out the purposes of this Act whenever he determines that such projects cannot be accomplished under the authority of clause (5) of this subsection;

"(7) may make awards of merchandise manufactured and purchased in the United States to travel agents and tour operators in foreign countries as an incentive for their promotion of travel in the United States by residents of foreign countries. The Secretary is authorized to establish such policies, standards, criteria, and procedures as he may deem necessary or appropriate for the administration of this clause."

Sec. 2. Section 6 of such Act is amended to read as follows:

"Sec. 6. There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act, which shall be available without regard to the provisions of law set forth in sections 501 and 3702 of title 44 of the United States Code. When so specified in Appropriation Acts, amounts for printing of travel promotion materials are hereby authorized to be made available for two full fiscal years."

Sec. 3. Section 7 of such Act is renumbered "Sec. 8." and a new section 7 is inserted to read as follows:

"Sec. 7. As used in this Act, the term 'United States' and the term 'State' are defined to include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

### COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 3, strike out lines 8 through 15 and insert in lieu thereof the following:

"Sec. 6. For the purpose of carrying out the provisions of this Act, there is authorized to be appropriated not to exceed $15,000,000 for each of the fiscal years ending June 30, 1971, June 30, 1972, and June 30, 1973. Funds appropriated under this section shall be available without regard to the provisions of sections 501 and 3702 of title 44 of the United States Code. Funds appropriated under this section for printing of travel promotion materials are authorized to be made available for two fiscal years."

### AMENDMENT OFFERED BY MR. GROSS TO THE COMMITTEE AMENDMENT

Mr. GROSS. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. Gross to the committee amendment: On page 3, line 16, strike out the figure $15,000,000" and insert "$4,500,000".

Mr. GROSS. Mr. Chairman, I thought the gentleman from Hawaii (Mr. Matsunaga) lived in Hawaii when he was at home, but apparently he lives in a dreamland, because he said that the enactment of this bill would wipe out the deficit in the balance of payments. Well, the deficit in our balance of payments will amount to about $9 billion this year, and at the present rate the deficit next year will probably be about $8 billion. Not even the most starry-eyed optimist would expect to wipe out more than a fraction of that amount with foreign tourists.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield?

Mr. GROSS. Yes. I yield to the gentleman.

Mr. MATSUNAGA. I have heard of Hawaii being spoken of as the "Paradise of the Pacific." I am glad that the gentleman thinks Hawaii, where I live, is dreamland. I assure you that men who have dreams and men who pursue those dreams will accomplish the dreams.

We can make tourism in the United States as great an industry on a nation-

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wide scale as we in Hawaii have made tourism an industry in Hawaii.

Mr. GROSS. And the gentleman from Georgia spoke of the foreigners who have come to this country and have had joy in the pits of their stomachs when they leave. Well, they ought to, because many of those have come for the purpose of obtaining more foreign aid in one way or another. I remember only recently when we discovered that 10 persons were brought here from a foreign country where we are going to send our Peace Corps. The 10 are to teach 27 American Peace Corps-ites to speak their language when the English language is in common usage in that country. Those 10 came to this country financed out of Peace Corps funds.

Mr. Chairman, I have offered this amendment because less than an hour ago nearly all of you voted for the State, Justice, Commerce, judiciary, and related agencies appropriation bill, and no one got up—not a soul—and offered an amendment to raise the $4,500,000 in that bill to $15 million. You all voted for $4,500,000 and you all had the opportunity to offer an amendment to bring it up to $15 million, knowing that this bill was coming on immediately behind it. All I am asking you to do is to put this bill back to what you approved a few minutes ago for the very same program. That is all.

Mr. MATSUNAGA. Mr. Chairman, will the gentleman yield at that point?

Mr. GROSS. Yes. I yield.

Mr. MATSUNAGA. The gentleman knows that the appropriation measure which was considered on this floor a little while ago was brought up on a waiver of points of order by the Committee on Rules.

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Mr. GROSS. The gentleman from Hawaii knows that all he had to do was get up on the floor and offer an amendment to the $4.5 million in the bill that he voted for. All he had to do was to offer an amendment to triple it to $15 million.

Mr. MATSUNAGA. It would have been subject to a point of order if I had done that.

Mr. GROSS. No; it would not have been.

Mr. MATSUNAGA. Without the authorization measure.

Mr. GROSS. The point of order went only to the protection of the bill itself. That is all. It was so that the appropriation bill could be considered. You could have offered an amendment had you wanted to do so.

Mr. MATSUNAGA. Will the gentleman yield further?

Mr. GROSS. Yes.

Mr. MATSUNAGA. The gentleman certainly knows that without the authorization and without the passage of this bill which authorizes the increase an amendment certainly would have been subject to a point of order.

Mr. GROSS. That is the way we considered the bill. The rule was adopted and protected that provision in the bill providing for all appropriations. That is all. The gentleman could have offered an amendment to increase or decrease the money figure. Amendments were offered to various provisions in the bill.

Mr. Chairman, I say again that it will be incredible if the House, which voted only an hour or so ago for $4,500,000 for this very same program now turns around and voted to triple it to $15,000,000 a year, and a total of $45,000,000 for the next 3 years.

My amendment holds this spending to $4,500,000—the figure you just approved in the appropriation bill. I urge that the amendment be adopted.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. STAGGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Iowa mentioned the previous appropriation bill which was just passed and the fact that an appropriation of $4.7 million was approved. However, that was made under the existing authorization of $4.7 million. An amendment to increase the appropriation over $4.7 would have been subject to a point of order because there was no authorization for it, and you could not put it in without an authorization. We are bringing in the authorization now. I am sorry we are late. I would say to the gentleman from Iowa that we have tried to get it on the floor for a couple of weeks but we have been unable to do so. I am satisfied that the administration will want the appropriation increased when it goes to the other body.

Mr. Chairman, I believe that there are some additional points which are of significance and which I think we ought to take into consideration. I have reference to the remarks which were made by the gentleman from Hawaii (Mr. MATSUNAGA). Hawaii started with a simple budget of $500,000 in 1958 and its tourism brought in about $82 million. They have increased their budget since that time. Last year they had a budget of $1.4 million, and their income from tourism was $460 million.

Mr. Chairman, I would hate to cut this request. I would hate to cut off my potential of developing income from tourism. I would hate to be accused of cutting off some of the income that might come into this country as a result of this program.

I do believe this program has great potential or I would not be for it. I believe the administration is justified in asking for it. I believe we ought to advertise our country and the things we have to the rest of the world.

I support the committee amendment.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

The SPEAKER resumed the chair.

The SPEAKER. The Chair will receive a message from the Senate.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a joint resolution of the House of the following title:

H.J. Res. 1232. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

The SPEAKER. The Committee will resume its sitting.

## INTERNATIONAL TRAVEL PROMOTION

The Committee resumed its sitting.

Mr. SPRINGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment.

I am not sure what the budget for the State of Hawaii is, but I will wager that if they are spending $1 million out of their budget that what we are requesting here, percentagewise, is infinitesimal out of our own budget in comparison to what the State of Hawaii has been doing to promote tourism in that State.

May I say that all of this is not going to be done by the Federal Government. We think our program is good. However, a part of it involves the State of Hawaii, the State of Florida, the States of New York and California which also have sizable amounts in their budgets for the promotion of tourism and people coming into this country.

What we are doing here with $15 million is really a very small payment if you compare it with those four or five States.

If you take the portion which is allotted for the promotion of tourism in comparison with their total budgets, our figure here is indeed small. But if we are going to go along in the same old way we have been with $2 million, $3 million, or $4 million, then I say let us quit the whole thing; let us abandon it completely because we would not be accomplishing anything.

If we are going to do this job, let us get it on the right track and do it right.

I said the last time when this matter was up for the consideration of the House that I was not coming in here again to support a program that would not do the job.

Mr. Chairman, we have gone into this matter thoroughly. We think this is the beginning. But if you are going to go backward in this program, then as far as I am concerned I want to abandon it; I think we are wasting our money if we do it as it has been conducted in the past. I thought, based upon the debate in our committee, that we had done a pretty good job of digging into the facts.

It looked to me as if, from all the information that we could get as a committee, from all that our staff told us, that it was simply being starved to death. I do not see any hope for the program unless we can start putting it at some figure which we consider to be a very minimal and a very reasonable figure to go ahead with it. And although I do respect my colleague, the gentleman from Iowa—and I know how deeply the gentleman feels about the question of public expenditures—I believe that the amendment should be defeated.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not usually get up for proposals, "Coca-Cola proposals" such as this, or other amendments to the bill, but I want to make a few observations. We have, in almost every country in the world, U.S. Information Centers. Could we not just give them a few cards describing our tourist attractions, and let them hand them out over there?

I am one who believes that this Nation had better start taking a little time to breathe, and to reflect.

When I was just a boy, I traveled a great deal. We did not have much time to go to school, so I was out on the highways and on the seaways of this world when I was 12 years of age. I used to see things that I thought I would never come to encompass in my time in the United States as a Member of the legislature, or the Congress. Tourism is a great business, but usually tourism as such is in many instances the mainstay of certain types of countries.

When we started to discuss this matter, we began by saying that we were going to at least let the world know that we have a Boulder Dam, and that we have a few other great things like the Grand Canyon. We started out, if I remember correctly, with $450,000—I may be wrong in my figure—and we are now up to $15 million. I want to tell you that tourism in its best time in history will never take the place of the jobs we are losing each day by the actions of this Congress and the actions of our Government all over the world.

Are we sitting here thinking that we are going to build this country into a new paradise like Hawaii, our great State? Hawaii is a—I was going to say a natural tourist trap, but I will not—Hawaii is a natural tourist attraction, and people go there. Why, I was in Hawaii before they ever thought of tourism for the United States as an industry. Are we ready to replace our great industrial complex with not even 1 minute's thought and believe that tourism is going to do for the whole of the United States what it has done for Hawaii or Miami? And Miami—all it ever was was a tourist attraction.

These are places that are natural attractions. You do not have to tell people about Hawaii. They used to go there from all over the world; I was there when I was 12 or 13 years old, and I could hardly read or spell the word "Hawaii." I was not attracted there by any advertising. You could advertise certain sections of Appalachia with all the money you have, and you will never get a tourist there. What we have got to do is quit this fooling around, and start getting down to brass knuckles and recognize there is nothing more valuable than production, service, and jobs in this country.

In view of the vast number of citizens who are on public assistance, we have the greatest unearning population that there ever was ever in any country on the face of the earth. Now you are going to have a few more unemployed because another plant is being shut down.

Mr. FRIEDEL. Mr. Chairman, will the gentleman yield?

Mr. DENT. I would prefer the gentleman wait until I am through. I know that Baltimore likes tourism too, because they have got a few boats coming in every now and then.

Mr. FRIEDEL. Mr. Chairman, I think the gentleman is confused on why I wanted him to yield.

Mr. DENT. I believe, and I want it thoroughly understood, that $15 million is not anything. $15 million is nothing when you spread it out and spend a little, wee bit for Miami and a little bit for Harrisburg—and, incidentally, we have the Susquehanna River there, a beautiful place; we even have a couple of bridges going across it.

Pittsburgh is a city of bridges. Have you ever been there? You ought to go there. Go up on Lookout Top there and you can see the most beautiful scene you have ever seen in your life. There are beautiful hotels and dancing girls—not quite as good as in San Francisco because we dress them a little more in our county and in our State. But, nevertheless, what I am trying to say to you is that next year or the year after the request will be for $25 million.

This is exactly what will happen. You are saying we are going to spend this money and these tourists are going to come here and they will make the expenditure worthwhile.

Let me tell you something. About 50 percent of the tourist money that comes here will go to European foreign airlines. To begin with, foreigners do not have our airline tickets, unless they have them before the flight, because they have every advantage of the foreign airline. When foreigners want to get a passport to come to the United States, they cannot get one until they show their airplane tickets. The traveler must have foreign airline tickets or he will not get a passport, unless he knows somebody. I know because I have tried it.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(Mr. DENT asked and was given permission to proceed for 2 additional minutes.)

Mr. DENT. Mr. Chairman, it is all right to spend $15 million, but do not come around here and tell me how we are going to make billions of dollars from this expenditure. Do not ever get that idea that this country can get rich on tourism.

What you had better start thinking about is our industrialism. What you had better start thinking about is that every dime we spend to bring in tourists, and all the money that tourists brings in, will be sent right back out of the United States when the next shipload of Scotch whisky or Volkswagens or the Yamaha motorcycles arrive.

I want you to understand that I am deeply moved on this question because I have watched this country of ours deteriorate in its industrialization and in its industrial strength since I have been a Member of the Congress. For the last 12 or 13 years I have been on this floor speaking on the subject of imports and our declining industrialization once or twice or three times every month, and many times I am only a lonely voice. But now you tell me that the shoe is pinching. In Massachusetts the shoe was pinching their foot so badly that they got 170 Members to put in a bill to set voluntary quotas for textiles and shoes. I put it in, too. I put in every bill that will do something to bring trade out into the open.

But let me ask you a question. Do you think I am going to stand on this floor and allow you, without fighting with every ounce of strength in my body, to pass a bill to protect textiles and shoes and, yet, leave out my people who work in the glass industry and the mushroom industry and the steel industry and the aluminum industry?

The people in Hawaii are hoping that in some way they are going to get tourists to come in and make their tourist trade pay. Certainly, so far as Hawaii is concerned, I would vote for the $15 million in a minute because Hawaii has the tourist attractions and the people who know how to handle tourists. But not all States are so well endowed. We are not, so they take us.

Believe me, when I say to you Members of this Congress that there are not many more days left for any of us to talk about our industrial complex because the strength that we talk about so boldly does not exist here at all.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. GROSS) to the committee amendment.

The question was taken; and on a division (demanded by Mr. GROSS), there were—ayes 12, noes 28.

So the amendment to the committee amendment was rejected.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

### COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Committee amendment: Page 4, after line 6, insert the following:

SEC. 4. (a) There is established a commission to be known as the National Tourism Resources Review Commission (hereafter in this section referred to as the "Commission") composed of fifteen members as follows:

(1) One representative of the Department of Agriculture designated by the Secretary of Agriculture.

(2) One representative of the Department of Commerce designated by the Secretary of Commerce.

(3) One representative of the Department of the Interior designated by the Secretary of the Interior.

(4) One representative of the Department of State designated by the Secretary of State.

(5) One representative of the Department of Transportation designated by the Secretary of Transportation.

(6) One representative of the Civil Aeronautics Board designated by the Chairman of the Board.

(7) One representative of the Federal Maritime Commission designated by the Chairman of the Commission.

(8) One representative of the Interstate Commerce Commission designated by the Chairman of the Commission.

(9) Seven individuals appointed by the President from private life who are informed about and concerned with the improvement, development, and promotion of United States tourism resources and opportunities or who are otherwise experienced in tourism research, promotion, or planning. The President shall designate one of the individuals appointed by him to serve as Chairman of the Commission.

(b) The Commission shall make a full and complete study and investigation for the purpose of—

(1) determining the domestic travel needs of the people of the United States and of visitors from other countries at the present time and to the year 1980;

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(2) determining the travel resources of the United States available to satisfy such needs now and to the year 1980;

(3) determining policies and programs which will insure that the domestic travel needs of the present and the future are adequately and efficiently met;

(4) determining a recommended program of Federal assistance to the States in promoting domestic travel; and

(5) determining whether a separate agency of the Government should be established to consolidate and coordinate tourism research, planning, and development activities presently performed by different existing agencies of the Government.

The Commission shall submit a comprehensive report of its activities and the results of such study and investigation, together with its recommendations with respect thereto, to the President and to the Congress not later than two years after the date of enactment of this section. The Commission shall cease to exist sixty days after the date of the submission of its comprehensive report. The comprehensive report of the Commission shall propose such legislative enactments and administrative actions as in its judgment are necessary to carry out its recommendations.

(c) The Secretary of Commerce shall make available to the Commission such secretarial, clerical, and other assistance as the Commission may require to carry out its functions under this section. The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance it deems necessary to carry out its functions under this section; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by its Chairman.

(d) (1) A member of the Commission who is an officer or employee of the United States shall serve without additional compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission.

(2) A member of the Commission from private life shall receive $100 per diem when engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties.

(e) There are authorized to be appropriated such sums, not to exceed $250,000, as may be necessary to carry out the provisions of this section.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. GERALD R. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, today we have the opportunity to take significant steps toward a goal urged by every sector of the U.S. travel industry—a national tourist office worthy of this country's potential in international tourism and equal to the challenge of an ever-growing deficit in foreign travel exchange.

International travel today is the single largest item in world trade—estimated at $15.3 billion.

As usual, the U.S. tourists made the biggest contribution to that figure and the result in 1969 was more than a $2 billion deficit in international exchange.

That deficit has been with us for a long time but I am not prepared to accept it as a permanent condition. I believe the potential of the United States as an international tourist destination is such that this deficit can be cut—without any more attempts by government to interfere with the free movement of American citizens.

I share the view of the U.S. travel industry, as expressed in hearings on H.R. 14685, that these proposed amendments to the International Travel Act of 1961 are a necessary and overdue step. I am satisfied these proposed changes will contribute to a betterment of the U.S. position in international tourism.

Any reluctance I may have felt in earlier years to expand the budget and programs of the U.S. Travel Service has been overcome by the strong performance of USTS under the direction of C. Langhorne Washburn.

It is Director Washburn's theory, and one with which I strongly concur, that the promotion and facilitation of international tourists are primarily the responsibilities of private industry, the cities and States and that the role of Federal Government is to act as a catalyst and a coordinator.

I am confident the recent performance of USTS is assurance that we can look upon passage of H.R. 14685 as a good investment.

### AMENDMENT OFFERED BY MR. MATSUNAGA

Mr. MATSUNAGA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MATSUNAGA: On page 2, line 16, after the word "organizations" add the following: ", engaged in the travel or travel-promotion business,"

The CHAIRMAN. The gentleman from Hawaii is recognized.

Mr. STAGGERS. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the distinguished Chairman.

Mr. STAGGERS. I am in favor of the amendment offered by the gentleman from Hawaii. I know of no objection on this side to the amendment. I think it is a clarifying amendment and I would be in favor of it.

Mr. SPRINGER. Mr. Chairman, will the gentleman yield?

Mr. MATSUNAGA. I yield to the gentleman from Illinois.

Mr. SPRINGER. We have no objection to the amendment. We believe it is in order.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Hawaii.

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STAGGERS: Page 3, immediately after line 3, insert the following:

SEC. 2. Section 3 of such Act (22 U.S.C. 2123) is amended by adding at the end thereof the following new subsections:

"(c) Each recipient of assistance under clause (5) of subsection (a) of this section shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(d) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under clause (5) of subsection (a) of this section."

And renumber the following sections accordingly.

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD. It is a simple amendment and I will attempt to explain it.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. STAGGERS. Mr. Chairman, the amendment would require grant recipients to maintain accounting records. The amendment would also make those records available to the Secretary and the Comptroller General of the United States for the purpose of audit and examination. This is a usual provision. We have had it in other bills of this type—such as the Clean Air Act. I think it was an oversight that we did not include it in this bill.

Mr. CEDERBERG. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CEDERBERG. Mr. Chairman. I will try not to take the 5 minutes. But as a member of the Subcommittee on Appropriations charged with the responsibility of funds for the U.S. Travel Agency, I can only say this, that they must have done a much better job before the legislative committee in justifying an authorization increase three times above what it is now to $15 million than they did when they came before us to justify their expenditure of money.

I appear here not as one who is opposed to the Travel Agency. I think the Travel Agency has a function it can perform. But I will say this: Over the past number of years we on our subcommittee have had some serious reservations regarding appropriating the funds, and we have not been giving up to the authorization. Just this afternoon we passed a bill that would provide $4.5 million for the Travel Agency. And I believe that is what it was last year. But we have looked with some concern regarding these expenditures, and I just do not believe, with the fiscal condition the country is in now, we can justify going forward with a three-times increase in the authorization for this travel service.

I have been around and visited a few of these travel places around the world, too. I recall going into our visa section

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in Rome and checking with them over there and finding out just who the people were who were coming over here. Really what you have is a large number of people who are business travelers or of that type who come over anyway. But you would be most amazed at the number of other people who come over from other countries who have relatives in the United States. What happens is that a large number of these people who are coming over under this kind of situation cannot afford to come. So some American relative sends them the good, hard American dollars to come over, and then they use those dollars to buy tickets on a foreign airline to come here.

But if we think that this travel agency is doing anything for the balance-of-payments program, we are just plain wrong, because the facts just will not justify it.

I would even go along with some increase in the authorization, maybe to $7 million, but I tell Members right now I am going to vote against this bill if I am given a chance, because I do not believe we can justify a threefold increase in the authorization.

If it is any comfort to Members, if this bill passes, I doubt very, very much that our subcommittee is going to give anywhere near the appropriation that is going to be authorized in this bill. That does not mean that we are not for promoting travel, but travel is being promoted anyway, not only by the Government, but by private organizations as well. But how could this authorizing committee increase this three times? It is beyond my comprehension.

I intend to vote against this bill, because I think it has gone way beyond what this authorization ought to be.

Mr. GROSS. Mr. Chairman, if the gentleman will yield, I agree, especially since within the last hour or hour and a half we passed an appropriation for only $4.5 million.

Mr. CEDERBERG. I suppose if this bill had been passed first, we would have been pressed more in the subcommittee to increase it. I am not sure they justified it up to $4.5 million when they came before us.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. STAGGERS).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair (Mr. SLACK), Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes, pursuant to the House Resolution 939, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. KYL

Mr. KYL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman from Iowa opposed to the bill?

Mr. KYL. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. KYL moves to recommit the bill H.R. 14685 to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. KYL) there were—ayes 23, noes 29.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 173, nays 88, not voting 168, as follows:

[Roll No. 121]

YEAS—173

Abbitt
Alexander
Anderson, Calif.
Anderson, Ill.
Annunzio
Arends
Aspinall
Ayres
Belcher
Bennett
Boggs
Bolling
Brinkley
Brown, Ohio
Broyhill, Va.
Burke, Mass.
Cabell
Carter
Casey
Chamberlain
Clausen, Don H.
Cleveland
Colmer
Conte
Cowger
Cramer
Daniel, Va.
Daniels, N.J.
Davis, Ga.
de la Garza
Dingell
Donohue
Dorn
Downing
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Evans, Colo.
Feighan
Findley
Fish
Fisher
Flood
Foley
Ford, Gerald R.
Fountain
Friedel
Fulton, Pa.
Galifianakis
Gallagher
Garmatz
Giaimo
Gonzalez
Gray
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hathaway
Hawkins
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Hosmer
Howard
Hungate
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Kastenmeier
Kazen
Kleppe
Long, Md.
Lowenstein
Lukens
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
Madden
Mahon
Mailliard
Marsh
Matsunaga
Meeds
Melcher
Mikva
Miller, Calif.
Minish
Mink
Monagan
Moss
Murphy, Ill.
Natcher
Nedzi
Nelsen
Obey
O'Hara
O'Neill, Mass.
Patman
Patten
Pelly
Pepper
Perkins
Philbin
Pickle
Pike
Poage
Powell
Preyer, N.C.
Price, Ill.
Pryor, Ark.
Quie
Rees
Reid, Ill.
Reifel
Reuss
Rhodes
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rooney, Pa.
Roth
Roybal
Ryan
Satterfield
Saylor
Shriver
Sisk
Skubitz
Smith, Calif.
Springer
Staggers
Stanton
Stuckey
Sullivan
Symington
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Vander Jagt
Waggonner
Watts
White
Whitehurst
Widnall
Wiggins
Wright
Wyatt
Wyman
Young
Zablocki
Zwach

NAYS—88

Adair
Andrews, Ala.
Beall, Md.
Bevill
Biester
Blackburn
Bow
Bray
Brown, Mich.
Buchanan
Burleson, Tex.
Burlison, Mo.
Byrnes, Wis.
Caffery
Camp
Cederberg
Clawson, Del
Collins
Conable
Crane
Dellenback
Dennis
Dent
Duncan
Eshleman
Flowers
Foreman
Gettys
Goldwater
Goodling
Griffin
Gross
Grover
Gude
Hagan
Haley
Hechler, W. Va.
Hull
Hunt
Jacobs
Jonas
Jones, Tenn.
Kee
Kyl
Landgrebe
Langen
Latta
Lloyd
Lujan
Macdonald, Mass.
Martin
Mathias
May
Michel
Miller, Ohio
Mills
Mize
Montgomery
Myers
Nichols
O'Konski
Passman
Pettis
Pirnie
Poff
Pollock
Price, Tex.
Pucinski
Randall
Rarick
Rooney, N.Y.
Roudebush
Ruth
Scott
Sebelius
Slack
Snyder
Steed
Stephens
Vanik
Wampler
Watson
Whalley
Wold
Wolff
Wydler
Yates
Zion

NOT VOTING—168

Abernethy
Adams
Addabbo
Albert
Anderson, Tenn.
Andrews, N. Dak.
Ashbrook
Ashley
Baring
Barrett
Bell, Calif.
Berry
Betts
Biaggi
Bingham
Blanton
Blatnik
Boland
Brademas
Brasco
Brock
Brooks
Broomfield
Brotzman
Brown, Calif.
Broyhill, N.C.
Burke, Fla.
Burton, Calif.
Burton, Utah
Bush
Button
Byrne, Pa.
Carey
Celler
Chappell
Chisholm
Clancy
Clark
Clay
Cohelan
Collier
Conyers
Corbett
Corman
Coughlin
Culver
Cunningham
Daddario
Davis, Wis.
Dawson
Delaney
Denney
Derwinski
Devine
Dickinson
Diggs
Dowdy
Dulski
Edwards, Calif.
Edwards, La.
Esch
Evins, Tenn.
Fallon
Farbstein
Fascell
Flynt
Ford, William D.
Fraser
Frelinghuysen
Frey
Fulton, Tenn.
Fuqua
Gaydos
Gibbons
Gilbert
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Hall
Harvey
Hastings
Hays
Hébert
Horton
Jarman
Karth
Keith
King
Kirwan
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Leggett
Lennon
Long, La.
McCarthy
McClory
McCloskey
McFall
McMillan
MacGregor
Mann
Mayne
Meskill
Minshall
Mizell
Mollohan
Moorhead
Morgan
Morse
Morton
Mosher
Murphy, N.Y.
Nix
Olsen
O'Neal, Ga.
Ottinger
Podell
Purcell
Quillen
Railsback
Reid, N.Y.
Riegle
Rivers
Rosenthal
Rostenkowski
Ruppe
St Germain
Sandman
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Shipley
Sikes
Smith, Iowa
Smith, N.Y.
Stafford
Steiger, Ariz.
Steiger, Wis.
Stokes
Stratton
Stubblefield
Taft
Talcott
Thompson, N.J.
Thomson, Wis.
Tiernan
Tunney
Udall
Ullman
Van Deerlin
Vigorito
Waldie
Watkins
Weicker
Whalen
Whitten

Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wylie
Yatron

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Hébert for, with Mr. Ashbrook against.

Mr. Hays for, with Mr. Berry against.

Mr. Morse for, with Mr. Denney against.

Mr. Corbett for, with Mr. Minshall against.

Mr. Fallon for, with Mr. Clancy against.

Mr. Thompson of New Jersey for, with Mr. Devine against.

Mr. Rostenkowski for, with Mr. King against.

Mr. Horton for, with Mr. Schneebeli against.

Mr. Kluczynski for, with Mr. Watkins against.

Mr. Morton for, with Mr. Flynt against.

Mr. Blatnik for, with Mr. Williams against.

Mr. Frelinghuysen for, with Mr. Burton of Utah against.

Mr. Long of Louisiana for, with Mr. Broomfield against.

Mr. Clark for, with Mr. Quillen against.

Mr. Daddario for, with Mr. Scherle against.

Mr. Olsen for, with Mr. Kuykendall against.

Mr. Button for, with Mr. Schadeberg against.

Mr. Jarman for, with Mr. Wylie against.

Mr. Morgan for, with Mr. Mayne against.

Mr. Conyers for, with Mr. Brown of California against.

Mr. Reid of New York for, with Mr. Dickinson against.

Until further notice:

Mr. Addabbo with Mr. Davis of Wisconsin.

Mr. Baring with Mr. Frey.

Mr. Murphy of New York with Mr. Andrews of North Dakota.

Mr. Biaggi with Mr. Gubser.

Mr. Celler with Mr. Sandman.

Mr. Rivers with Mr. Hall.

Mr. Ashley with Mr. Harvey.

Mr. Gilbert with Mr. Steiger of Arizona.

Mr. Green of Pennsylvania with Mr. Bell of California.

Mr. Carey with Mr. Meskill.

Mr. Byrne of Pennsylvania with Mr. Coughlin.

Mr. Karth with Mr. Railsback.

Mr. Brooks with Mr. Betts.

Mr. Adams with Mr. Esch.

Mr. Abernethy with Mr. Derwinski.

Mr. Brademas with Mr. Hastings.

Mr. Tiernan with Mr. Burke of Florida.

Mr. Anderson of Tennessee with Mr. Mosher.

Mr. Kirwan with Mr. Taft.

Mr. Barrett with Mr. Cunningham.

Mr. Bingham with Mr. Riegle.

Mr. Landrum with Mr. Keith.

Mr. Kyros with Mr. Brock.

Mr. Rosenthal with Mr. McCloskey.

Mr. Blanton with Mr. Collier.

Mr. Charles H. Wilson with Mr. Ruppe.

Mr. Chappell with Mr. Mizell.

Mr. Vigorito with Mr. Brotzman.

Mr. Cohelan with Mr. Schwengel.

Mr. Brasco with Mr. McClory.

Mr. Culver with Mr. Smith of New York.

Mr. Lennon with Mr. Broyhill of North Carolina.

Mr. Albert with Mr. Stafford.

Mr. Boland with Mr. Steiger of Wisconsin.

Mr. Dulski with Mr. Bush.

Mr. Leggett with Mr. MacGregor.

Mr. Delaney with Mr. Bob Wilson.

Mr. Purcell with Mr. Talcott.

Mr. Shipley with Mr. Winn.

Mr. Stubblefield with Mr. Thomson of Wisconsin.

Mr. Podell with Mr. Weicker.

Mr. St Germain with Mr. Whalen.

Mrs Green of Oregon with Mr. Stokes.

Mr. Sikes with Mrs. Griffiths.

Mr. Fulton of Tennessee with Mr. Fuqua.

Mr. Ottinger with Mr. Diggs.

Mr. Edwards of Louisiana with Mr. Dowdy.

Mr. Fascell with Mr. William D. Ford.

Mr. McCarthy with Mrs. Chisholm.

Mr. Burton of California with Mr. McMillan.

Mr. McFall with Mr. Clay.

Mr. Corman with Mr. Mollohan.

Mr. Moorhead with Mr. Gaydos.

Mr. Nix with Mr. Fraser.

Mr. Van Deerlin with Mr. Yatron.

Mr. Tunney with Mr. Ullman.

Mr. Udall with Mr. Koch.

Mr. Mann with Mr. Edwards of California.

Mr. Smith of Iowa with Mr. Stratton.

Mr. O'Neal of Georgia with Mr. Whitten.

Mr. Waldie with Mr. Scheuer.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee on Interstate and Foreign Commerce be discharged from further consideration of a similar Senate bill (S. 1289) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes, and I ask for its immediate consideration.

The clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. BURKE of Massachusetts). Is there objection to the request of the gentleman from West Virginia?

Mr. GROSS. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

## GENERAL LEAVE TO EXTEND

Mr. SPRINGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## SENATOR EDMUND MUSKIE, LEADER AND FIGHTER FOR ENVIRONMENTAL QUALITY

(Mr. WRIGHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WRIGHT. Mr. Speaker, Senator EDMUND MUSKIE's record as a sincere perspicacious, and effective leader in the fight for environmental quality is so well established that it needs no defense, either in Congress or out.

The juvenile, gratuitous, and fulsome flutter of personal criticism launched against the Senator yesterday by a group of self-appointed overseers was mildly amusing to those of us who for years have watched the Senator at close range as he has led the often thankless fight for clean air, pure water, and a wholesome environment.

All recruits are welcome to the cause. It would be helpful, however, if they first learned to recognize who is on what side.

The verbose fulmination against Senator MUSKIE's truly unassailable efforts is about as smart as a football rooky who thinks the way to win games is to tackle his own quarterback.

For years I have participated with Senator MUSKIE in Senate-House conference committees on various environmental bills, particularly bills relating to water quality. Anybody who described ED MUSKIE as a man who "avoids conflict and unfavorable odds" might as well refer to heavyweight champion Joe Frazier as "a 97-pound weakling."

On occasion after occasion, year in and year out—sometimes to my own exasperation—I have watched ED MUSKIE doggedly and determinedly hold the line for what he regarded as a principle when everyone else was ready to compromise for an easier solution.

In matters of environmental quality, Senator MUSKIE has invariably championed the cause of the strongest possible bills with the most stringent penalties against those who would pollute the water or the air of the United States. On occasion, quite frankly, I have felt that he was almost too tough.

Instead of blaming the deficiencies of the Air Quality Act of 1967 on him, the eager detractors might reflect that, except for Senator MUSKIE, there might not even be an Air Quality Act.

No doubt some good can arise from any citizen's analysis of the deficiencies of legislation. But to blame the very people who are doing the most to strengthen our legislative safeguards is utterly stupid, counter-productive, and self-defeating.

On the water pollution amendments passed earlier this year, ED MUSKIE kept the conference committee in session for a matter of months—not weeks, but months—because of his absolute insistence upon the strongest possible penalties for those who pollute the waters by oil.

To characterize Senator MUSKIE, or the Senate Public Works Committee chairman, Senator RANDOLPH, as men devoted to the so-called "corporate viewpoint" is simply to talk through one's hat, obviously without knowledge of or reference to the facts.

Along with our own able and hardworking colleagues, Congressman JOHN BLATNIK and Congressman BOB JONES, Senators MUSKIE and RANDOLPH have been real leaders in the continuing struggle for environmental quality in America. Time and again, these men have seen the need for action long before it was publicly realized and have pioneered in this vital legislative struggle.

Because of such leadership, we now authorize $1.25 billion annually for the water pollution abatement program—25 times the annual figure at which we launched this program in 1956.

Let us welcome all new recruits to the continuing war against pollution, but let them avoid firing small arms against our own generals who have been directing and winning the battles.

If they actually want to make a positive contribution, their harassment might be better directed at polluters, or at those who have done nothing to help.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I congratulate the gentleman from Texas on his

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very excellent statement and associate myself with his remarks.

I, too, deplore the unjustified charges made against Senator EDMUND S. MUSKIE, of Maine, in the Nader Task Force Report on Air Pollution.

Senator MUSKIE is a well-respected Member of this Congress. For nearly a decade he has addressed this Congress and this Nation in his inimicable and soft "down East" voice on the perils of water and air pollution. Many of us here in this body have joined with Senator MUSKIE in that fight.

Mr. Speaker, I do not have to remind the country that Senator MUSKIE's voice has been heard.

Look at the record: the Clean Air Act of 1963 and the Air Quality Act of 1967. These laws were produced in the Senate by the subcommittee Senator MUSKIE chairs, the Senate Subcommittee on Air and Water Pollution, established in 1963.

This was pioneer legislation, and the American people owe a debt of gratitude to Senator MUSKIE for his effective, aggressive, and constant fight in environmental pollution control.

On behalf of the people of the Second Congressional District of Massachusetts, which Senator MUSKIE has visited many times as Governor and Senator, I want to take this opportunity to commend him for his valiant and never-ending campaign to write more effective laws for the abatement and complete control of water and air pollution.

Mr. Speaker, I include at this point in the RECORD with my remarks Senator MUSKIE's statement of yesterday, and his fact sheet answering points raised by the Nader Task Force Report on Air Pollution:

### STATEMENT BY SENATOR EDMUND S. MUSKIE AT A NEWS CONFERENCE, MAY 13, 1970

Yesterday I made a brief statement on the Nader report.

Since then my staff has made available to me a more complete analysis of that report.

Inasmuch as the report focusses on the Air Quality Act of 1967, it may be useful to briefly review the history of that legislation and then invite your questions.

The Subcommittee on Air and Water Pollution was established in 1963. Our initial activity involved the Clean Air Act of 1963, and the Water Quality Act, which passed the Senate that year.

In the seven years that have passed, we have been constantly and continually involved in the hard, and often frustrating work of producing ever tougher and, hopefully, more effective public policy to deal with environmental pollution.

We have produced staff reports which have been widely hailed for their quality. We have held public hearings in all corners of the country, to call attention to the problem, to invite wide discussion of legislative proposals, and to stimulate public interest and concern.

We have had to fight public apathy, industry resistance, and Presidential and Congressional reluctance to appropriate the necessary funds.

Our method has been to press ahead with legislation as rapidly as we could develop viable legislative approaches which could command the necessary public and legislative support. We have made progress.

We need to make more progress. The current surge of public interest has encouraged us to introduce a wide range of proposals to strengthen our laws—those dealing with air, water, and solid waste.

It may be useful to include at this point a chronological catalog of the Subcommittee's efforts over the past seven years: See accompanying chronology.—

These efforts have had the consistent support of conservation groups as well as conservation-minded public and civic leaders across the country. Our hearing records are replete with their testimony and expressions of approval.

It would be well to point out that much of this legislation was pioneering legislation.

Ideas were constantly solicited and offered for new legislative techniques, new kinds of planning and control mechanisms and institutions, to enable us to come to grips with the problems effectively. Many of these ideas were necessarily experimental and untried. The objective, however, was always clear—to do a better and more effective job.

The Air Quality Act of 1967 involved many such ideas.

The central issue with which we grappled in writing that law had to do with two different approaches to the achievement of air quality: National emissions standards, or rational ambient air quality standards tied to national criteria defining the health and welfare effects of specific pollutants.

The issue is complex and technical. There is, to this day, disagreement between knowledgeable people who agree on the objective of clean air, as to which would be the most effective approach.

The committee chose the second approach—not for the dark, secret, conspiratorial reasons suggested by the Nader report—but for the following reasons:

1. National emissions standards were described as *minimal* standards, which we feared might tend to find acceptance as *maximum* controls, and result in inadequate standards.

2. Such standards would apply only to industries which could be regarded as "national" polluters. They would not apply to other sources which contribute to degradation of the air in our real problem areas.

3. Certain control techniques are not available on a nationwide scale. For example, low-sulfur fuels are not available in sufficient supply for use everywhere in the country. As we press forward with research to deal with sulfur oxides, the low-sulfur fuels ought to be made available to the severe problem areas.

4. The national emissions standards approach would take as much time to implement as the second approach.

There was long discussion of these approaches in committee and with representatives of the Department of Health, Education and Welfare.

When the decision was finally taken, there was not universal agreement.

Implementation of the Air Quality Act has not proceeded as rapidly as possible. Designation of control areas has been slow. The agency has been understaffed and under-funded for this purpose. These conditions would have impeded the other approach as well.

We intend to strengthen the law this year. Hearings have been held and completed. We are in the process of marking up the bills. We welcome constructive suggestions from any source, including the Nader report.

We have learned a great deal about this problem and about the ways to deal with it over the last seven years.

Experience has disclosed shortcomings in the legislation we have enacted.

An aroused public finally gives us the support to move even more rapidly and effectively.

And so we are in a better position to write better laws. We will do so, and we welcome Mr. Nader's interest.

### SUBCOMMITTEE ACTION ON AIR POLLUTION LEGISLATION SINCE 1963

The following lists the activities of the Subcommittee on air pollution legislation from 1963 to the present:

1963: The Subcommittee considered 7 air pollution bills, held 9 days of hearings, 3 Executive Sessions and published one Committee report (S. Rept. 638). In this year the Clean Air Act was passed.

1964: The Subcommittee heard 125 witnesses during 11 days of hearings. In October 1964 "Steps Toward Clean Air" was published.

1965: The Subcommittee considered 2 bills, heard 37 witnesses during 7 days of hearings, held 2 Executive Sessions and published 2 Committee reports (S. Reports 128, 192). During this year the first amendments to the Clean Air Act were passed.

1966: The Subcommittee considered 3 air pollution bills, heard 16 witnesses during 5 days of hearings, held 2 Executive Sessions and published one report (S. Rept. 1361). The Clean Air Act was further amended.

1967: 3 bills were considered. The Subcommittee heard from 113 witnesses during a total of 23 days of hearings—5 days of these were held jointly with the Commerce Committee. 2 Executive Sessions were held and one report (S. Rept. 403) was published. The Air Quality Act was passed.

1968: The Subcommittee considered one bill (S. 3031) and held 2 days of joint hearings on external combustion engines with the Commerce Committee with 12 witnesses testifying.

1969: This year was spent on oil pollution legislation. No hearings or Executive Sessions. Section 104 of the Clean Air Act was extended and S. 3229 proposed.

1970: This year the Subcommittee has heard from a total of 51 witnesses during 12 days of hearings—3 of which were joint hearings with the Commerce Committee.

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### FACT SHEET ON THE NADER TASK FORCE REPORT ON AIR POLLUTION MAY 13, 1970

*Report:* "Point by point the Air Quality Act of 1967 follows the path spelled out by the MCA pamphlet. Three techniques, each designed to buy precious time cheaply, merit special dicussion. They explain why the Air Quality Act sits well with business . . ." (X–2)

*Fact:* Neither Senator Muskie nor any member of his staff recalls the "MCA pamphlet." Industry witnesses in 1970 have objected to the regional approach and have called for national ambient air quality standards.

*Report:* "Congress in 1967 . . . shifted the heavy burden of proof to the breathing public . . . Congress made operation of the federal law contingent upon the issuance of air quality criteria—" (X–6)

*Fact:* The criteria are scientific descriptions for the purpose of informing the public. They have nothing to do with any "burden of proof."

*Report:* "Senator Muskie's speech must have heartened industry, despite lip service which indicated a great impatience . . ." (X–21)

*Fact:* From that speech: "We need to set a national clean air goal which says that, as far as it is within our control, no emissions will be permitted which cause the quality of air to deteriorate below acceptable health standards. What this suggests is that we no longer limit our efforts by trying simply to set emissions standards on a plant-by-plant basis, hoping that the net result will be reduced air pollution . . . (We) need to include considerations of subtle, long-term effects of pollutants on our health and well-being."

*Report:* "Johnson, Middleton and others from NAPCA and CPEHS were summoned to a meeting with Senator Muskie and his aides." (X–42)

*Fact:* Senator Muskie was not present at that meeting, nor were they "summoned."

*Report:* "In April . . . the 'private hearings' were held. A series of informal meetings to scrutinize the bill with industry representatives was arranged by the staff . . . The debates in these private conferences, therefore, thrashed out details of the issues raised in Muskie's speech . . ." (X–25)

*Fact:* Meetings were held before, during and after the hearings on S. 780—with representatives of industry, conservation groups, other public interest groups and Federal, State and local government agencies. No decisions were made in these meetings, and no deals were consummated. Questions raised in the hearings were explored in greater depth. Technical information not provided in the hearing was discussed. A frank exchange of views between members of the majority and minority staff and representatives of interested organizations took place.

*Report:* "The sense of urgency and definitiveness for which Johnson had been striving was drained from the reports (the criteria document). Middleton, with a tremendous boost from Senator Muskie, succeeded in toning down the report." (X–44)

*Fact:* The focus on a single number (80 $\mu g/m^3$ for particulates,) in the documents as producing adverse health effects would have, in fact, become a floor below which industry could prevent standards from being set. It would have effectively created a uniform national standard. Because there is no single-number focus, regions have submitted proposed standards as low as 65 $\mu g/m^3$.

*Report:* "Legislation must be founded on the principle of reducing atmospheric contamination to the greatest extent technologically possible." (XI–13)

*Fact:* This is the basic philosophical difference between the Nader Task Force and Senator Muskie. Senator Muskie believes that public health, not what is technological feasibility, should determine what people must breathe. Even if a maximum application of technology is achieved, not all sources will be controlled to a point where the public health and welfare is adequately protected. The Air Quality Act is based on the conviction that the important goals are the preservation and enhancement of the quality of the air and a guarantee that the ambient air quality will protect the public. This will mean *more* than emission controls that are technologically feasible. It will mean plant shutdowns, fuel substitution, land-use planning and careful site location in addition to emission controls. But it will mean that the quality of the air is safe.

*Report:* "The new legislative scheme, sired originally by the Manufacturing Chemists Association and later adopted by Senators Muskie (D-Maine) and Randolph (D.-W. Va.) breathed a fresh breath of stale air into a declaration of purpose repeated in almost every piece of federal pollution legislation passed in the last decade: that the prevention and control of air pollution at its source is the primary responsibility of the States and local governments . . ." (VI–49).

*Fact:* This language, which the Task Force Report indicates came from a booklet published by the Manufacturing Chemists in 1952 first appeared in Federal pollution law in 1948 when the Congress first acted on water pollution. Similar language appeared in 1955 air pollution legislation. Also, the above language is in the statement of findings of the Clean Air Act, the purpose of which is "to protect and enhance the quality of the Nation's air . . ."

*Report:* "The (air) carriers were told that unless agreement was reached with the state to develop a retrofitting schedule by February 9, 1970, the case would proceed to trial. Despite the assist from the FAA, the airlines suffered a substantial setback . . . Then Senator Muskie, in a speech on the Senate floor, denounced the efforts of the FAA to protect the airlines from state law."

*Fact*: Senator Muskie's Senate floor speech was on December 10, 1969, at which time he introduced legislation to require control of jet aircraft emissions.

*Report*: "Such pressures would tend inevitably to drive an entire industry in the direction of its most responsible member, and could lead to uniform pollution control standards, the bete noire of American industry. (IV–23).

*Fact*: On Wednesday, March 18, 1970 Mr. Fred Tucker—testifying on behalf of a majority of the steel industry—told the Subcommittee on Air and Water Pollution: "We support in principle the provisions of Senate bill 3466, section 107, for the establishment of National Air Quality Standards."

On Friday, March 20, 1970 Mr. Samuel Lenher—testifying for Du Pont—stated: ". . . we endorse the concept of national ambient air quality standards proposed in Section 107 of S. 3466."

*Report*: "The national ethic against air pollution must be translated into a policy of 'maximum use of technology down to zero profits.'" (p. 4–5).

*Fact*: Past experience has shown that pollution control costs, as well as costs of business, have been passed directly to the consumer.

*Report:* "The Philadelphia Zoo is bounded on one side by the Schuylkill Expressway and on the other by busy Girard Avenue. In 1964 Senator Edward S. Muskie's Subcommittee was told of . . . deaths at the zoo." (p. I–21)

*Fact:* This evidence and other information provided the Subcommittee on Air and Water Pollution during hearings in 1964 were the basis for the motor vehicle emission control legislation introduced by Senator Muskie in 1965 and enacted that year.

*Report:* "Suffice to say at this point, however, that the problem has not been solved. Despite a large, though still inadequate, increase in funding for air pollution activities from a few million dollars in the 1950's to a projected $112 million dollars in 1970, the Federal presence and the federal leadership have been minimal" (I–36)

*Fact:* It is correct that the problem of air pollution has not been solved—nor did the Subcommittee expect that it would be in 2 and one-half years. Inadequate manpower (NAPCA has fewer people today than in 1968) and inadequate funding have limited effective implementation of the program. Appropriations have lagged behind authorizations by nearly $350 million over three years, including this year's budget request.

*Report:* "Federal (auto emission) standards are consequently at least two years behind those of California." (II–28)

*Fact:* The 1970 Federal standards for motor vehicles are identical to California's standards for carbon monoxide and hydrocarbons emissions. California is one year ahead of the Federal government in the control of evaporative emissions and three years ahead in the control of oxides of nitrogen.

*Report:* "Certification (of compliance with auto emission standards) is not mandatory under Federal law, but it has obvious advantages for the manufacturer and that is why it is in the law." (III–8)

*Fact:* The "obvious advantage" to the manufacturer is simply that no car can be sold without certification.

*Report:* "But NAPCA has no authority to inspect production line vehicles, . . . (III–9)

*Fact:* Sec. 206 of the Clean Air Act provides that the "Secretary shall test, or require to be tested, *in such manner as he deems appropriate* any new motor vehicle . . ." (Emphasis added.)

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## DISTRICTS WHERE BIG FARM PAYMENTS GO

(Mr. FINDLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FINDLEY. Mr. Speaker, today I am appealing to the 50 Congressmen who represent the districts in the Nation receiving the largest amount of Federal farm program payments to help break a legislative impasse by supporting a responsible limit on farm payments.

My district is one of the 50.

Here is the text of a letter I sent today to the other 49 Congressmen:

> I intrude upon your time with this letter because I firmly believe you are in a select group of Congressmen which can save American agriculture from a serious legislative impasse. I hope you can give thought to this appeal.
>
> Like myself you represent one of the 50 Congressional districts in the nation where farm payments reach the largest total. Details (based on 1969 information) are attached showing the facts about these districts including yours and mine.
>
> As you know, big payments to farmers of substantial means—more than any other factor—have put farm programs in disrepute with almost all citizens urban and rural alike.
>
> This disrepute hurts rural America:
>
> First, it restricts to a trickle funds for pressing legitimate rural needs, like grants for village water-sewer systems, loans to cooperatives, aid to housing, economic development, research, watershed, and other conservation programs. With farmers getting nearly $4 billion a year in direct payments much of it in scandalously large portions, enthusiasm for other rural programs is naturally blunted.
>
> Second, it puts in serious question the enactment of any farm bill this year. The no-bill prospect is unappealing to anyone genuinely concerned for the welfare of American agriculture. Nevertheless, sentiment is such that I believe the House will not pass a farm bill at all unless it contains a responsible limit on payments.
>
> If you and your colleagues in the select group of Congressmen to which this appeal is directed will use your influence in behalf of a reasonable payment limit the impasse can be broken.
>
> Although several, like myself, are hardly in the agricultural policy power structure of the House, the group otherwise is formidable.
>
> It includes the chairman and nine of the other 50 members of the Appropriations Committee; the chairman and five of the other seven members of the Appropriations Subcommittee on Agriculture; and a total of sixteen of the 35 members of the Committee on Agriculture.
>
> Each of us can fully justify support for a payment limit in terms of the wishes of our own constituency. Close examination will show, I believe, strong support for a responsible payment limit even in the districts where average payments are the highest. Even there farmers collecting more than $20,000 a year in payments are but a fraction of the total. A farm-magazine survey last year in the cotton belt showed 71 per cent of the farmers want a payment limit. Of these, 79 per cent wanted an annual payment limit of $20,000 or less.
>
> It's interesting to note that in the district where the payment total was the greatest ($152,277,201) the money, evenly divided, would provide $1,472 for each family of four in the entire population of the district, or $12,045 per census farm if divided evenly among all the farmers in the district.
>
> Of the 50 House members whose districts are included in the attached listings, 13 voted affirmative on the most recent record vote for a payment limit. This was a help, but not enough.

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I hope others will add their support. In so doing we will not only help to bring about a needed reform in farm legislation but do much to create a more favorable climate for other programs necessary and vital to rural America."

Mr. Speaker, the top 50 districts received $2,296,173,063 in 1969 which is 62.2 percent of all payments made in all 435 congressional districts. In addition, 61.3 percent of all feed grain payments, 73.2 percent of all wheat program payments, and 64.2 percent of all cotton program payments went to these 50 districts.

Of the members representing the top 50 districts in volume of payments received, 27 voted against establishing a limit on farm program payments in the vote on the USDA appropriations bill in 1969. Thirteen voted yes, four were paired no, and six did not vote.

While 16 members of the House Committee on Agriculture are among the top 50 districts, 10 of those members are in the top 25 districts. The chairman of the Appropriations Committee and the chairman of the Agricultural Appropriations Subcommittee are also both in the top 25 listing.

Surprisingly the largest average cotton payments were not made to farmers in the traditional Southern cotton-producing States. The top three average cotton program payment districts were Arizona's Second District with an average payment of $25,105; California's 18th District with an average payment of $11,502; and California's 16th District with an average of $11,501. Both California districts are represented on the House Agriculture Committee.

At the same time, the largest average feed grain program payments are not in the Midwest, the Nation's traditional feed-grain-producing area, but are in the same districts as the largest average cotton program payment districts. Arizona's Second District feed grains payments averaged $5,335; California's 16th District averaged $4,491; and California's 18th District averaged $4,273. Fourth and fifth average ranked feed grains program payment districts were Texas' 18th District with an average of $4,031 and New Mexico's Second District with an average payment of $3,956. Typical Midwest districts averaged around $2,000 or less. The 20th District of Illinois which I represent had an average feed grain program payment of $1,661.

The top three wheat program districts, likewise, are not in the heart of the Great Plains. The top three average districts in wheat program payments in 1969 were Washington's Fourth District with an average payment of $5,613; New Mexico's Second District with an average payment of $4,184 and California's 18th District with an average wheat program payment of $3,647.

I am continuing research into the location and distribution of large payments.

I recently announced my intention to introduce again a payment limit amendment to the farm bill. The bill is expected to be approved soon by the House Committee on Agriculture. My amendment would limit the maximum payment any person can receive to $20,000 annually.

I have sought to have a limit placed on maximum farm program payments since 1967. Twice in 1969 the House of Representatives approved by wide margins an amendment to limit farm payments to a reasonable size only to have the plan defeated by the Senate and in the conference.

I place below three tables:

1969 ASCS TOTAL AND INDIVIDUAL PROGRAM PAYMENTS BY SELECTED CONGRESSIONAL DISTRICTS

| Congressional district | Total ASCS payments [1] | Total 1964 census farms [2] | 1969 feed grain program | | 1969 wheat program | | 1969 cotton program | | Other payments |
|---|---|---|---|---|---|---|---|---|---|
| | | | Payments | Farms | Payments | Farms | Payments | Farms | |
| Texas—18 | $152,277,201 | 12,642 | $66,723,381 | 16,654 | $38,379,659 | 14,085 | $41,697,283 | 12,167 | $5,476,878 |
| Kansas—1 | 139,800,357 | 32,214 | 40,419,288 | 45,341 | 94,457,152 | 51,402 | | | 4,923,917 |
| Texas—19 | 110,374,230 | 9,782 | 19,628,217 | 9,341 | 2,778,268 | 2,919 | 85,990,155 | 15,174 | 1,977,590 |
| Nebraska—3 | 108,724,670 | 41,705 | 68,965,664 | 38,253 | 32,098,710 | 31,813 | | | 7,660,296 |
| North Dakota—2 | 84,761,347 | 24,560 | 13,884,999 | 25,689 | 63,198,023 | 30,606 | | | 7,678,325 |
| North Dakota—1 | 76,642,448 | 24,276 | 19,313,449 | 25,929 | 49,856,763 | 30,048 | | | 7,472,236 |
| Nebraska—1 | 76,282,795 | 33,727 | 61,254,953 | 34,530 | 12,729,761 | 23,155 | | | 2,298,081 |
| Montana—2 | 61,096,497 | 16,470 | 3 901,354 | 7,218 | 48,959,408 | 13,460 | | | 8,235,735 |
| Oklahoma—6 | 59,950,180 | 26,116 | 6,962,742 | 17,669 | 46,477,108 | 31,149 | 4,068,596 | 4,361 | 2,447,734 |
| Iowa—7 | 57,939,938 | 28,287 | 55,382,632 | 25,086 | 517,588 | 1,433 | | | 2,039,684 |
| Minnesota—2 | 55,988,140 | 29,202 | 53,854,581 | 25,525 | 821,982 | 4,785 | | | 1,311,577 |
| Iowa—6 | 55,266,876 | 28,187 | 51,929,133 | 24,954 | 26,075 | 309 | | | 3,311,668 |
| Arkansas—1 | 52,825,857 | 19,248 | 976,219 | 2,538 | 978,742 | 2,666 | 50,243,496 | 21,075 | [3] −564,313 |
| Iowa—3 | 50,922,316 | 24,679 | 49,429,026 | 21,986 | 4,158 | 158 | | | 1,489,132 |
| South Dakota—2 | 49,538,359 | 22,468 | 16,080,016 | 16,284 | 26,640,859 | 16,655 | | | 6,817,484 |
| Minnesota—6 | 47,225,607 | 33,043 | 38,600,255 | 27,107 | 1,535,514 | 7,865 | | | 7,089,838 |
| Mississippi—2 | 39,868,000 | 29,492 | 4,555,903 | 10,959 | 332,897 | 299 | 41,471,627 | 20,187 | [3] −1,087,661 |
| Mississippi—1 | 44,821,756 | 19,387 | 2,370,386 | 5,865 | 177,895 | 317 | 41,374,387 | 11,009 | [3] −448,546 |
| South Dakota—1 | 43,186,240 | 27,235 | 32,161,031 | 24,796 | 6,396,049 | 12,427 | | | 4,629,160 |
| Texas—17 | 41,243,352 | 23,315 | 1,572,037 | 9,883 | 3,721,857 | 7,558 | 23,927,751 | 10,825 | 12,021,707 |
| Missouri—6 | 40,352,572 | 27,845 | 33,729,180 | 22,465 | 4,852,933 | 12,756 | | | 1,770,459 |
| Colorado—3 | 39,455,904 | 10,677 | 15,171,657 | 9,883 | 20,543,810 | 9,820 | | | 3,740,437 |
| Washington—4 | 39,225,062 | 14,535 | 1,577,750 | 3,259 | 33,009,162 | 5,881 | | | 4,638,150 |
| Missouri—10 | 38,873,642 | 27,845 | 12,693,486 | 13,723 | 4,715,359 | 13,311 | 16,083,709 | 11,973 | 5,381,088 |
| California—18 | 37,979,717 | 7,100 | 1,576,742 | 369 | 991,856 | 272 | 32,632,407 | 2,837 | 2,776,712 |
| Iowa—4 | 35,490,620 | 27,488 | 33,746,053 | 19,933 | 60,905 | 460 | | | [3] −387,459 |
| Minnesota—7 | 35,434,278 | 31,989 | 15,686,725 | 22,639 | 11,778,685 | 18,160 | | | 7,968,868 |
| Kansas—5 | 34,411,600 | 29,434 | 9,441,818 | 16,203 | 17,334,271 | 23,373 | 387 | 1 | 7,635,124 |
| Oklahoma—4 | 34,040,168 | 16,031 | 4,041,200 | 10,162 | 15,375,815 | 12,494 | 13,269,201 | 11,322 | 1,353,952 |
| New Mexico—2 | 33,719,012 | 8,000 | 10,250,898 | 2,591 | 6,037,225 | 1,443 | 12,631,472 | 3,874 | 4,799,417 |
| Illinois—22 | 29,572,319 | 13,472 | 24,136,313 | 14,799 | 4,726,169 | 11,438 | | | 709,837 |
| Illinois—23 | 29,042,316 | 21,977 | 19,251,545 | 16,410 | 8,660,110 | 17,101 | | | [3] −67,892 |
| Tennessee—8 | 28,955,466 | 21,807 | 6,836,469 | 11,387 | 173,267 | 964 | 21,016,863 | 19,352 | 928,867 |
| Idaho—2 | 28,649,227 | 16,395 | 1,426,288 | 2,513 | 19,306,044 | 11,744 | | | 7,916,915 |
| California—16 | 27,857,260 | 10,455 | 2,088,417 | 465 | 448,339 | 196 | 22,886,517 | 1,990 | 2,433,987 |
| Arizona—2 | 27,795,731 | 2,477 | 2,347,572 | 440 | 641,272 | 281 | 23,423,361 | 933 | 1,383,526 |
| Kansas—2 | 27,199,280 | 19,402 | 14,178,880 | 13,810 | 12,342,377 | 16,711 | | | [3] −820,095 |
| Mississippi—4 | 26,924,781 | 28,912 | 4,037,647 | 10,624 | 71,250 | 159 | 22,310,331 | 12,271 | [3] −1,063,613 |
| Texas—15 | 26,032,457 | 6,470 | 1,311,300 | 1,235 | | | 23,848,668 | 11,157 | 872,489 |
| Minnesota—1 | 25,577,992 | 17,793 | 23,753,168 | 15,333 | 475,258 | 3,219 | | | 1,349,566 |
| Indiana—2 | 25,143,961 | 10,300 | 21,609,227 | 10,311 | 2,615,775 | 6,103 | | | 918,959 |
| Missouri—9 | 25,051,691 | 24,189 | 18,837,563 | 17,245 | 5,786,988 | 13,930 | | | [3] −1,251,548 |
| Missouri—4 | 24,550,328 | 19,097 | 17,584,279 | 14,977 | 4,735,324 | 12,013 | 65 | 1 | 2,230,660 |
| Texas—13 | 23,810,010 | 12,088 | 2,690,226 | 5,203 | 5,315,745 | 7,654 | 12,234,686 | 6,900 | 3,569,353 |
| Iowa—2 | 23,394,158 | 16,076 | 21,958,420 | 12,616 | 1,913 | 28 | | | 1,433,825 |
| Louisiana—5 | 23,120,016 | 14,605 | 798,319 | 1,914 | 366,513 | 252 | 21,504,790 | 9,247 | [3] −743,470 |
| Alabama—8 | 22,607,507 | 13,584 | 4,964,889 | 11,131 | 461,058 | 1,950 | 16,614,373 | 13,169 | [3] −146,016 |
| Illinois—21 | 22,464,121 | 20,195 | 14,914,399 | 13,418 | 5,794,631 | 10,454 | 132,834 | 89 | 1,622,257 |
| Illinois—20 | 22,386,900 | 16,103 | 17,121,894 | 10,310 | 3,924,941 | 8,044 | | | 1,340,065 |
| Iowa—1 | 21,318,881 | 14,613 | 21,752,691 | 10,811 | 160,181 | 746 | | | [3] −1,506,276 |
| Total | 2,296,173,063 | 1,026,989 | 987,486,261 | 731,786 | 620,795,644 | 504,066 | 527,362,959 | 199,911 | 140,521,770 |

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[1] Total ASCS 1969 program payments for counties and States as provided by USDA county listing sheets.

[2] A "census farm" is all land owned and/or operated by a single operator. A "program farm" s a unit historically recorded and numbered as a farm even though it may be only part of a larger operation.

[3] A negative figure under "Other payments" indicates that the sum of individual program payments—feed grain, wheat, cotton, and ACP—are greater than the indicated total payments made in the respective counties within the district. There is no immediately available information as to the discrepancy.

AVERAGE PAYMENTS PER PROGRAM FARM FOR 1969 ASCS FEED GRAIN, WHEAT, AND COTTON PROGRAMS IN SELECTED CONGRESSIONAL DISTRICTS

| Congressional district | 1969 feed grain program | | 1969 wheat program | | 1969 cotton program | |
|---|---|---|---|---|---|---|
| | Average payment | Farms | Average payment | Farms | Average payment | Farms |
| Texas—18 | $4,031 | 16,654 | $2,725 | 14,085 | $3,427 | 12,167 |
| Kansas—1 | 891 | 45,341 | 1,838 | 51,402 | | |
| Texas—19 | 2,101 | 9,341 | 952 | 2,919 | 5,667 | 15,174 |
| Nebraska—3 | 1,803 | 38,253 | 1,009 | 31,813 | | |
| North Dakota—2 | 541 | 25,689 | 2,065 | 30,606 | | |
| North Dakota—1 | 745 | 25,929 | 1,659 | 30,048 | | |
| Nebraska—1 | 1,774 | 34,530 | 550 | 23,155 | | |
| Montana—2 | 541 | 7,218 | 3,637 | 13,460 | | |
| Oklahoma—6 | 394 | 17,669 | 1,492 | 31,149 | 933 | 4,361 |
| Iowa—7 | 2,208 | 25,086 | 361 | 1,433 | | |
| Minnesota—2 | 2,110 | 25,525 | 172 | 4,785 | | |
| Iowa—6 | 2,081 | 24,954 | 844 | 309 | | |
| Arkansas—1 | 385 | 2,538 | 367 | 2,666 | 2,384 | 21,075 |
| Iowa—3 | 2,248 | 21,986 | 263 | 158 | | |
| South Dakota—2 | 987 | 16,284 | 1,600 | 16,655 | | |
| Minnesota—6 | 1,424 | 27,107 | 195 | 7,865 | | |
| Mississippi—2 | 416 | 10,959 | 1,113 | 299 | 2,054 | 20,187 |
| Mississippi-1 | 404 | 5,865 | 561 | 317 | 3,758 | 11,009 |
| South Dakota-1 | 1,297 | 24,796 | 515 | 12,427 | | |
| Texas-17 | 159 | 9,883 | 492 | 7,558 | 2,210 | 10,825 |
| Missouri-6 | 1,501 | 22,465 | 380 | 12,756 | | |
| Colorado-3 | 1,535 | 9,883 | 2,092 | 9,820 | | |
| Washington-4 | 484 | 3,259 | 5,613 | 5,881 | | |
| Missouri-10 | 925 | 13,723 | 354 | 13,311 | 1,343 | 11,973 |
| California-18 | 4,273 | 369 | 3,647 | 272 | 11,502 | 2,837 |
| Iowa-4 | 1,693 | 19,933 | 132 | 460 | | |
| Minnesota-7 | $466 | $22,639 | $649 | 18,160 | | |
| Kansas-5 | 583 | 16,203 | 742 | 23,373 | $387 | 1 |
| Oklahoma-4 | 398 | 10,162 | 1,223 | 12,494 | 1,171 | 11,322 |
| New Mexico—2 | 3,956 | 2,591 | 4,184 | 1,443 | 3,261 | 3,874 |
| Illinois—22 | 1,631 | 14,799 | 413 | 11,438 | | |
| Illinois—23 | 1,173 | 16,410 | 506 | 17,101 | | |
| Tennessee—8 | 600 | 11,387 | 180 | 964 | 1,086 | 19,352 |
| Idaho—2 | 568 | 2,513 | 1,644 | 11,744 | | |
| California—16 | 4,491 | 465 | 2,287 | 196 | 11,501 | 1,990 |
| Arizona—2 | 5,335 | 440 | 2,282 | 281 | 25,105 | 933 |
| Kansas—2 | 1,027 | 13,810 | 739 | 16,711 | | |
| Mississippi—4 | 320 | 10,624 | 448 | 159 | 1,818 | 12,271 |
| Texas—15 | 1,062 | 1,235 | | | 2,138 | 11,157 |
| Minnesota—1 | 1,549 | 15,333 | 148 | 3,219 | | |
| Indiana—2 | 2,096 | 10,311 | 429 | 6,103 | | |
| Missouri—9 | 1,092 | 17,245 | 415 | 13,930 | | |
| Missouri—4 | 1,174 | 14,977 | 394 | 12,013 | 65 | 1 |
| Texas—13 | 513 | 5,203 | 695 | 7,654 | 1,773 | 6,900 |
| Iowa—2 | 1,741 | 12,616 | 68 | 28 | | |
| Louisiana—5 | 417 | 1,914 | 1,454 | 252 | 2,326 | 9,247 |
| Alabama—8 | 446 | 11,131 | 236 | 1,950 | 1,262 | 13,169 |
| Illinois—21 | 1,112 | 13,418 | 554 | 10,454 | 1,493 | 89 |
| Illinois—20 | 1,661 | 10,310 | 488 | 8,044 | | |
| Iowa—1 | 2,012 | 10,811 | 215 | 746 | | |
| Top 50 districts | 1,349 | 731,786 | 1,232 | 504,066 | 2,638 | 199,914 |

Source: U.S. Representative Paul Findley (R-Ill.) from data supplied by the Departments of Agriculture and Commerce.

TABLE 3. CONGRESSIONAL RECORD FARM PAYMENTS INFORMATION

March 24, 1970—Page 9177—Rep. Findley statement regarding intention to offer amendment to limit payments for farm programs.

March 24, 1970—Page 9129—The listing of payments by volume as entered by Rep. Conte.

March 26, 1970—Page 9632—Rep. Findley statement and list by state and county of payment recipients who received $25,000 or more in 1969.

April 13, 1970—Page 11306—Rep. Findley statement, table, and listing by state and county of payment recipients who received between $15,000 and $24,999 in payments in 1969.

CONGRESSIONAL RECORD, vol. 15, pt. 8, p. 10867—Study by Dr. John Schnittker regarding economic savings by implementation of a payment limitation.

CONGRESSIONAL RECORD, vol. 15, pt. 10, p. 13287—The names of the nation's farmers by state and county which received $25,000 or more in federal farm program payments in 1968.

CONGRESSIONAL RECORD, vol. 15, pt. 10, p. 13720—Debate on the Appropriations Bill and a $20,000 limit.

CONGRESSIONAL RECORD, vol. 15, pt. 11, p. 14039—Debate on a limit of $20,000, continued.

CONGRESSIONAL RECORD, vol. 15, pt. 12, p. 15321—The results of a Louisiana State University study showing Southern farmers, without a cotton program, would not switch to soybeans.

CONGRESSIONAL RECORD, vol. 15, pt. 12, p. 15865—Statement of Dr. John Schnittker that he favors a $5,000 payment limitation.

CONGRESSIONAL RECORD, vol. 15, pt. 13, p. 17462—Rep. Findley placed the number of farmers by state and county in the Record who had received $5,000 and over in 1968, total paid to farmers, and participation in food aid programs by people with less than $3,000 income annually.

CONGRESSIONAL RECORD, vol. 15, pt. 21, p. 27953—Placed results of a poll by Southern Farmer magazine showing that Cotton Belt farmers favor a payment limit.

CONGRESSIONAL RECORD, vol. 15, pt. 21, p. 28180—Arguments for and against the payment limit.

CONGRESSIONAL RECORD, vol. 15, pt. 23, p. 31965—Contents of a letter and tables sent to Sec'y Hardin pointing out beneficial results of a payment limit for both farmers and taxpayers.

## POPULATION-MIGRATION PROBLEM CONFRONTING RURAL AND SMALLTOWN AMERICA

(Mr. SEBELIUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SEBELIUS. Mr. Speaker, for some time now it has become obvious that the pressing problems of urban America are directly related to the population-migration problem that is confronting rural and smalltown America. In order to provide long-range solutions to the problems of our cities, we obviously need a more even distribution of our population throughout our country.

President Nixon has stated:

> The population of our country is likely to grow by 50 per cent in the next 30 years. After an era in which people have moved steadily from our rural areas to our now overcrowded cities, we must do what we can to encourage a more even distribution of our population.

Today, I am introducing legislation that in the short run would provide better transportation, urgently needed economic benefits and increased employment in our rural areas in the Midwest. In the long run, this legislation would encourage a reversal of our current population migration and help to provide relief to our overcrowded cities.

This legislation specifies the following highways shall be designated under the provisions of section 103(d) of title 23 of the United States Code as part of the National System of Interstate and Defense Highways:

First, U.S. Highway 36 from its intersection with National Interstate Highway Bypass 465 by Indianapolis, Ind., to Strasburg, Colo., paralleling U.S. Highway 36;

Second, U.S. Highway 81 from Interstate 35W at Salina, Kans., north to its intersection with Interstate 90;

Third, U.S. Highway 54 from its intersection with Interstate 235 at Wichita, Kans., to the intersection with Interstate 40 at Tucumcari, N. Mex.;

Fourth, U.S. Highway 50 from its intersection with U.S. Highway 81 by Newton, Kans., to the intersection with Interstate 25 at Pueblo, Colo; and

Fifth, U.S. Highway 83 from McAllen, Tex., to the intersection with Interstate 94 east of Bismarck, N. Dak.

This legislation would be of great help in offsetting the current farm income crisis through increased employment opportunity, jobs in roadbuilding and economic benefits to supporting industries such as steel, aggregates, cement, bituminous materials, and construction equipment and machines.

Long-range benefits would involve economic development and revitalization of our rural and smalltown areas. Modern transportation inspires economic growth.

The most obvious benefits of this highway improvement and expansion of course involve transportation. Deliveries will be faster, truck operation more productive. Industry will be encouraged to locate in spacious, clean-air country where modern routes would provide production, assembly, and distribution lines. Business and vacation travel will take much less time and there will be greater comfort and less strain in driving in that part of our country where long-distance driving is a daily occurrence.

Perhaps most important, modern highways in our rural areas would mean expanded economic opportunity in areas where people prefer to live—our Nation's countryside. Given adequate economic opportunity and a favorable living environment, large numbers of families will leave our crowded cities and choose to rear their families in rural and smalltown America.

## ACTIVITIES ON COLLEGE CAMPUSES

(Mr. SCOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SCOTT. Mr. Speaker, I would like to share with my colleagues a well-thought-out letter from a constituent with regard to activities on our college campuses and to also insert in the RECORD part of an assortment of material delivered to my office by another constituent as having been distributed to his son at American University.

There is no doubt that a student or any other American should be able to express himself to his elected Representative and we all agree with the constitutional right of peaceable assembly. However, the literature which I am submitting for the Record indicates that our students are being used as tools by Communists and anarchists. Of course, this is a strong statement but I would urge that you read the material being distributed on the campuses. It speaks for itself.

Many students have come to my office and I want them to continue to come when they have something to say, but I am going to attempt to counsel them regarding the dangers of their activities. It seems reasonable that when there is carnival-like atmosphere or mob psychology existing on campuses, the danger exists that the average student, with his natural desire for adventure, will be drawn into that activity and may unintentionally become a participant in unlawful action.

Therefore, I believe we, as the national Representatives of these students, should counsel with them, their faculties, and administrators in an effort to put the overall picture of student activity in proper perspective.

Colleges and universities should be seats of learning and places where students can acquire knowledge necessary to become good citizens and leaders in this complex world. We have a responsibility to guide and counsel them against permitting themselves to be unwittingly used by those who would destroy this Nation which provides them with the greatest opportunity any individual has been offered by any other nation in the history of the world.

The material is inserted below and I urge each Member to see what is being distributed on our college campuses:

Alexandria, Va.,
*May 8, 1970.*

Hon. William L. Scott,
*House of Representatives,*
*House Office Building,*
*Washington, D.C.*

Dear Mr. Scott: Regarding the latest "student protest," I, one of the millions of American adults who work to support this nation, now address my very strong protest to you, my congressman.

I protest that it is time to expose the myths and mis-statements on the part of political figures and the news media regarding these "student protesters."

David Dellinger, Jerry Rubin, Kuntsler, and their ilk are not students; they are not children; they are agitators whose purpose is to use student dupes to accomplish the overthrow of our form of government. Far from being the most intelligent young people in the history of our country, these students who are making a career into their thirties and forties of creating situations to excuse violent eruptions are among the most ignorant, undisciplined, and un-idealistic "young" people in the history of our country. That they should be allowed to use terrorist tactics to try to direct the policies and actions of our elected government bodies is intolerable.

Many of these protesters do not belong in college because they do not have the self-discipline necessary to acquire an education. Further, a part of their ignorance is due to the calculated misteaching of leftist professors who have deliberately brainwashed them. And their lack of personal discipline is due to parents who have glutted them with material goods and neglected their spiritual and emotional nurture. They are dedicated only to having their own way, as in this latest maneuver of closing the universities across the country indefinitely, a punitive measure devised with the help of leftist professors and administrators and directed at the majority of students who have refused to cooperate in their irresponsible activities.

These student protesters have caused injuries to numerous policemen and national guardsmen who are asked by their government to lay their lives on the line to protect others' lives and property. No concern has been expressed for these men; instead they and their families have been treated with contempt and vilification.

The "frustrated" protesters have caused millions of dollars of damage to private property, which is the basis of our system of economy and government: including the lifework of professors and research groups. No sympathy is expressed for these men either!

These so-called idealists have interfered with the right of a majority of students across the countrv to attend classes. They have denied freedom of speech to speakers, classmates, and professors who disagree with their views. They have committed physical violence on faculty members who refused to support their actions, and threatened their families and homes.

Such students are not children. They are claiming adult privileges when they try to tell other people how to act and what to think. Let them then be prepared to take the consequences of the violence they instigate. (Instead of running crying to the nearest television cameraman when some of them get hurt.) And let their parent sadly come to realize that while they may have been thrilled when junior and his sister ran their families to suit their whims, there are a great many adults throughout this country who are not charmed by the danger of having these immature and arrogant students destroy our country.

I have talked with refugees from countries that have suffered the overthrow of their governments through student revolutions. They watch in horror and prayerful disbelief as they see the same thing happening here, while public figures abet the violence with weak excuses for the "frustrated children."

Enough is enough.

When David Dellinger states that their purpose is to force a strike of all segments of our economy in conjunction with the protest activities of the "students" in the manner that was done in Paris, the time is long past due for responsible members of congress to put a stop to this whole campaign of the destruction of our form of government.

It is time for responsible public men, men in government, men in congress, to speak plainly to the students, to their professors, and to campus administrators and tell them positively that any further acts of violence will not be tolerated.

The so-called generation gap is the worst of the myths, a handy excuse for being unwilling to stop the protests that always end up in violence. What is the reality is a deliberate stoppage of communication by the students and their cunning leaders who assert that no one may be heard except themselves.

A complete investigation should be made of what has been going on in our universities during the past twenty years. Where students have legitimate grievances against university rules channels of two-way communication should be set up.

But the continued use of students by political adventurers both on and off the campus must be stopped *at once.*

Very truly yours,
Mrs. G. F. Morris.

[From the Challenge, May 6, 1970]

### Defeat U.S. Bosses at Home and in Asia; Nixon, Kennedy, Rockefeller, Fulbright, Agnew and Lindsay—Two Sides of the Same Imperialist Coin

It is obvious U.S. bosses never had any intentions of getting out of Vietnam. The reason for this is simple—*profits!* Experience has shown bosses will fight to the last drop of workers' blood to maintain and expand profits. We have learned the hard way that bosses will *kill* many of us right here if we try to interfere in their profit grabs, just as they *murdered* four students in Ohio. These *murders* can be laid right at the feet of the Nixon-Agnew axis. Only a few days ago Nixon gave the green light to his killers when he called students who opposed the war "bums."

We have seen all Presidents—whether liberal or conservative—wipe out even more people when they fought the system. Remember how the troops were called out to slaughter hundreds of black workers when they rebelled? Did any of the bleeding heart liberals protest? They O.K.'d it in the name of "law and order." When workers strike militantly against bosses and their maximum profits, workers are attacked by troops, cops, and all sorts of company finks. During the General Electric strike bosses had their agents drive trucks right into the picket lines in Schenectady and called out the National Guard in several states. In the postal strike troops were used to help bust the strike.

Has anyone ever heard their own boss say, "let's give up our profits"? Does anyone seriously believe a bosses' politics—liberal as opposed to conservative—indicate he would give you more than the right time? If we want the U.S. to get out of Vietnam and out of our lives we can't rely on any section of them. The Fulbrights, Kennedys, Lindsays are all bosses' agents. If they differ in tactics with the Nixons, its only about how to screw the people more. In a strike some bosses rely more on goons, others on bribes. Most use all types of coercion.

You can't talk the bosses out of profits. Negotiations, whether in Paris or Washington, are illusory. Only the power of the working class and its allies can win anything.

By relying on our own efforts we can win! This year strikes among electrical workers, teachers, teamsters, and in the Post Office system have shown the bosses to have feet of clay. The postal strike just about brought the system to a dead stop in a few days. Now bosses are sweating out a possible massive auto strike at the end of the summer. An auto strike could beat the stock market into the computer machines. Workers can buck the system, and only they have the power to win.

Another example of bosses' weakness is the need to push dope like bubble gum among G.I.s to get them to go into battle. One major G.I. rebellion in Vietnam would just about topple the U.S. war machine. G.I. rebellions are occurring in a small way. Bigger ones could come, and the bosses are relying on dope and coercion to head them off.

Students and intellectuals must learn to unite with workers to win. By relying on liberals at home and various kinds of opportunists abroad they will never win (One recent example is Prince Sihanouk. He has now become the darling of the "left." Only months ago he was killing communists and guerrilla fighters in Cambodia, while he was demanding the NLF respect Cambodia's neu-

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trality. At that point he was demanding the NLF get out of Cambodia. Now he would like to use all progressive people around the world to help restore him to power. Why should we be made suckers for him or the liberals who always oppress the people?) How come in Lindsay's N.Y.C. garment workers are just about the lowest-paid workers in the country? Most garment workers are black and Puerto Rican. Every time they fight to improve their conditions the bosses call in the cops, and Lindsay sends them!

Another example of the opportunist liberal is Cordier, head of Columbia University. His background is one of faithful service to the bosses. While mouthing platitudes against Nixon's war tactics he is busy oppressing thousands of black, Puerto Rican and white workers at Columbia. Recently, a black worker, Mr. Johnson, was murdered by boss neglect, when he was decapitated in an accident. The board of trustees at Columbia, headed by Cordier, are busy cheating Mr. Johnson's widow and five children out of legitimate compensation. Do you really believe him when he mouths off about oppression in Vietnam while he is screwing and killing workers at Columbia?

The answer to all this isn't a mystery. Instead of us supporting this boss as opposed to that boss, lets get rid of all bosses, and their system. There can be no negotiations with murderers and agressors. It's the profit system which means endless exploitation. Socialism means the dictatorship of workers over bosses. It means an end to imperialism and racism. At the moment we are calling for:

1. Unity of workers and students in opposition to the bosses' war in southeast Asia.

2. Unified support for the striking teamsters, auto workers, postal workers and all workers.

3. A national student strike against the war in southeast Asia and the murder of the Kent State students. We must guarantee this strike ourselves and not be fooled by moratoriums called by "liberal" college administrators. Militant picket lines must be maintained to shut the schools down until all demands are met.

4. A general strike to support the postal workers if they strike again or a general strike if the auto workers hit the bricks.

ROBERT KENNEDY

"Nearly all Americans share with us the determination to remain in Vietnam *until we have fulfilled our commitments* . . . (no division) will erode American will and compel American withdrawal." (Robt. F. Kennedy, New York Times, 3/3/67) (Our emphasis)

SENATOR MC CARTHY

McCarthy's stand was identical:

He said at Fond du Lac that U.S. troops probably would remain in Vietnam for a "long, long time" even if there is an armistice in the fighting. "I would expect there would be formal arrangements to say who would be there and in how many numbers." (*Boston Herald Traveller*, 3/26/68)

AGREE WITH "OLD," 54, AND "NEW" NIXON

". . . If the French withdrew, Indochina would become Communist-dominated within a month. . . . It is hoped that the United States will not have to send troops there, but if this government cannot avoid it, the Administration must face up to the situation and dispatch forces." (V.-P. Richard Nixon, *New York Times*, 4/17/54)

AND THE LIBERAL NEW YORK TIMES

*"Government must be extended to the villages where all too often . . . Communism obtains.* And the time is short. Geneva fixed July, 1956, as the date for all-Vietnam elections. These really will never be held . . . the noncommunist south cannot afford the slightest risk of defeat." (*New York Times*, our emphasis, 3/12/65.)

The same Ohio National Guard that shot three striking teamsters in Cleveland was sent to murder the students at Kent State. Workers and students: unite to defeat the class enemy!

WAR FOLLOWS THE $

"Late in the 1940's—and with increasing speed all through the 1950's and up to the present—. . . In industry after industry U.S. companies found that their overseas earnings were soaring, and that their return on investment abroad was frequently much higher than in the U.S. As earnings (abroad) began to rise, profit margins from domestic operations started to shrink; costs in the U.S. climbed faster than prices, competition stiffened as markets neared their saturation points." (*Business Week*, April 20, 1963, p. 70.)

". . . America is today the leader of a world-wide anti-revolutionary movement in defence of vested interests. She now stands for what Rome stood for. Rome consistently supported the rich against the poor in all foreign communities that fell under her sway; and, since the poor always and everywhere have been far more numerous than the rich, Rome's policy made for inequality, for injustice, and for the least happiness of the greatest number. America's decision to adopt Rome's role has been deliberate. . . ." (Arnold Toynbee, *America and the World Revolution.*)

And Senator McGee of Wyoming summed it up:

"That empire in Southeast Asia is the last major resource area outside the control of any one of the major powers on the globe." (Speech in U.S. Senate, 2/17/65.)

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[From the Student Mobilizers, May 9, 1970]

## THE ANTIWAR UNIVERSITY STRIKE

### WHAT TO DO NEXT

At a Student Mobilization Committee press conference on May 7, 1970 student strike leaders from all parts of the country presented the following proposal for adoption and action by the student strike committees in every city and on every campus. The purpose of this proposal is to provide a focus for the next steps forward in the national student strike. Take this proposal up in all strike committees! Act on it now!

The past week has seen the beginning of a campus strike of proportions unprecedented in the country's history. Originally a spontaneous response to the Nixon administration's extension of the U.S. ground war in Southeast Asia into Cambodia, the strike wave attained its present scope and intensity after four of our fellow students at Kent State University were killed by the Ohio National Guard.

The strikes on the campuses have been accompanied by a revulsion of incalculable intensity among the people of the country as a whole at the escalation of the war and at the Kent massacre. This revulsion offers us the possibility of reaching out to build an antiwar movement vastly greater in numbers and in power than any yet seen.

On a growing number of campuses the strike has advanced from "shut it down" to "open it up" as the antiwar university. The campus facilities have begun passing into the hands of the campus community—students, faculty members and campus workers. They are using these facilities as centers from which to organize and mobilize in effective action this daily mounting antiwar sentiment of the population as a whole. This is a revitalization of the colleges and the beginning of their reconstruction in accordance with the proclaimed humanistic goals of higher education.

The established ruling authorities of some campuses now on strike have declared "their campuses closed." They hope thereby to split the campus community into a "responsible" part that will meekly do their bidding and go home, and the "bums" which they hope to turn into targets of government violence. This attempt to divide the campus community must be defeated.

1. We call on the campus communities now in control of campus facilities to maintain that control and to preserve the broadest student-faculty unity in the face of all attempts to divide them.

2. We call on the campus communities that have not yet taken control of their campus facilities to do so and to join with their sisters and brothers across the country in utilizing the facilities to mobilize noncampus communities against the war.

3. We call on the united campus communities to reach out into all communities—into the neighborhoods, the labor unions, the Afro-American and other third world organizations, the churches and synagogues, the women's groups, the political associations, the military installations—and organize the new united antiwar movement that will have the power to actually compel an end to the killing abroad as well as at home.

4. In particular, we call on the students, faculty members and other campus workers to utilize all campus facilities to build mass street demonstrations throughout the country on May 30. These can be the mightiest active expressions of popular opposition to a war in the Nation's history. Spread the strike! Establish the antiwar university! Take the antiwar message to the American people! Make May 30th the most massive actions in our history! No more victims—Vietnam, Cambodia or Kent! Bring all the GI's home from Indochina now!

Stay on strike! Open it up! Create antiwar universities as organizing centers for the movement!

Reach out to the people! From an immense majority of students to the power of immense masses in action!

Into the streets! Strike! Demonstrate! Rally! Build toward the next crescendo—May 30.

To SMC from VNUS-Hanoi: Text of a telegram received by the SMC from the Vietnam national union of students:

May first, second, third, fourth more than 100 U.S. planes bombed populated areas of Nghan Quangbinh provinces killing, wounding many civilians including children. Those new violations of DRV sovereignty and recent invasion of Cambodia by U.S.-Saigonese troops are intensifying spreading war in whole Indochina. Please develop mass actions opposing Nixon's war escalation urging immediate withdrawal all U.S. troops.

WE NEED YOUR HELP

Antiwar universities lack one thing that is available to ordinary schools: There are no rich alumni giving us money.

— Please send me more information about the SMC and its projects.

— I want to organize an SMC at my school.

— Enclosed is a donation of $———.

1029 Vermont Ave. N.W. #907
Washington, D.C. 20005

We need your help to continue building the strike movement and expanding the antiwar movement. Please send us a donation today.

Name———————————————
Address———————————————
City——————— State———————
Zip——————— Phone———————
School and/or Org.———————————

ALLISON KRAUSE, JEFFREY MILLER, SANDRA LEE SCHEUER, AND WILLIAM SCHROEDER

Arthur Krause, the day after his daughter Allison was killed at Kent State: "She resented being called a bum because she disagreed with someone else's opinion. She felt war in Cambodia was wrong. Is this dissent a crime? Is this a reason for killing her? Have we come to such a state in this country that a young girl has to be shot because she disagrees deeply with the government?"

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### EYEWITNESSES COMMITTEE FORMED

Students at Kent State University who were present at the scene of the national guard massacre have formed a Committee of the Kent State Massacre Eyewitnesses. The committee is sending witnesses of the shooting to meetings all over the country to tell exactly what happened and to help build support for the student strikes and further the work of the national student antiwar movement.

While Kent State is still closed down and evacuated, the committee will be based in Cleveland. For information or speakers, write or call:

Committee of the Kent State Massacre Eyewitnesses,
c/o Cleveland Area Student Mobilization Committee to End the War in Vietnam,
2102 Euclid Avenue,
Cleveland, Ohio 44115,
Phone: (216) 621-6516.

### HOW TO DO IT

The student antiwar movement has reached a new peak. On campuses across the country it has won an immense majority to its views, not only in words, but in action, in the most massive student strikes in American history.

Where do we go from here? How can we keep up and accelerate the momentum that has been generated so far?

The task before us now is to expand out from our campus base, to use the campuses to reach out into the rest of the community and build the same kind of massive actions by the whole population. We can do this, not by abandoning the universities, but by utilizing them: using the facilities, the resources, the prestige of the university.

We have a right to demand all the facilities of the university because we and our faculty allies are the university. In comparison to the traditional resources of the antiwar movement, the university facilities now available seem almost limitless. These include everything from office space and telephones to printing facilities, the campus newspapers and radio stations, and the talents of all sectors of the university. There is no reason to overlook any department or building if it can be of use to the movement in any way.

In Chicago the Art Institute became the design center for the city-wide strike. At Wayne State the school paper became the strike paper. At Antioch the school radio became the strike broadcasting center for the region. At campuses everywhere the university phones opened up a vastly expanded national communications network.

In transforming the university into an organizing center for the antiwar movement, it is inevitable that the traditional role of the university also be transformed. At Wayne State University in Detroit, as many as fifty new strike classes were set up—on subjects like Black studies and the real history of Southeast Asia. This is a valuable educational tool for the movement and a proper way for the university to discharge its function.

An obvious goal is the elimination of all forms of campus complicity with the war effort. The administration must be forced to give its binding agreement to the complete elimination of ROTC, war and counter-insurgency research, etc. This can be enforced by committees of students looking into the contracts and records of research carried out in all the departments. Get the facts. Open up the books. No war research can go on at an antiwar university.

At Wayne State, the university facilities have been used to print hundreds of thousands of leaflets for distribution to the population as a whole, including special leafletings at factories. Teachers unions have been won over to supporting the student strikes in places such as the University of Florida and Washington, D.C. In Massachusetts, the student strikers are mobilizing to place a statewide antiwar referendum on the ballot to let the people vote on the war and make it clear that the majority of the population is totally against it.

The university must be opened up to the community. Leaflets should invite factory and office workers to join us in discussions on campus; and if they will not come to us, we should go to them, by offering to have strike representatives speak to union meetings, for example. Similarly, GIs can be informed that the campus is completely open to them and invited to make use of it to print their own leaflets, consult with law students or faculty about problems with the brass, or simply enjoy a non-military atmosphere during their off-duty time. Black and Third World people should be encouraged to come to the campus, join in our antiwar activities, and organize their own.

To move beyond the campuses successfully means that our words and actions will have to be clear, precise, and aimed at *convincing* and mobilizing the masses of people. This is hardly a time to isolate the movement by engaging in individualistic thrashing actions which allow the media to portray us as mindless vandals. If we are to draw in new layers of the population we need massive demonstrations, rallies, and educational efforts, both on the campuses and in the streets.

A movement such as this clearly cannot function according to any individual's dictation. At Wayne State, daily mass meetings make all the decisions. It is this participation in decision-making that keeps thousands of students involved and feeling, correctly, that they have a real stake in the continuation of the movement. And it is this massive, visible, democratic procedure that gives the movement the authority to demand the use of all university facilities.

The wave of strikes on campus has demonstrated clearly the tremendous power of student masses in action. By utilizing the universities we have won, we can now unleash the much greater power of the mass of the entire people. As we continue our action in the coming days, a major goal should be to transform Memorial Day, May 30, from a glorification of war to a day of the most massive protest ever against the war in Indo-China.

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### RULERS INVADE CAMBODIA, MASSACRE U.S. STUDENTS: BLOOD AND NIXON

The Nixon administration's criminal adventurist imperialist aggression into Cambodia and the new brutal bombings of North Vietnam are a final outrage in America's war against the just struggle of the Vietnamese working people for the liberation of their country. The slaughter at Kent State University in Ohio is a declaration of war upon students as the most outspoken dissenters against American foreign policy. This outrage shows that when provoked, the Administration will treat those at home who would oppose its imperialist aggression with the same callous brutality as it has shown the Vietnamese. The reality of the violence of American capitalism abroad and in the ghettoes at home has been harshly and dramatically brought home to all students.

This violence does not come from the evil or mistaken notions of a few politicians, as the liberals would have us believe—rather it is a violence politically motivated, directed against political dissent—it is the violence of capitalism which feels its power is threatened. For many students have begun to realize that the war in Vietnam is no "mistake" in U.S. foreign policy but is part of the need of American capitalism, as the backbone of world imperialism, to prevent social revolutions throughout the world.

The working class must lead the struggle!

The Spartacist League has long insisted on the need for labor strikes against the war. We have raised the demand for a general antiwar strike of workers and students, and have struggled to see this demand adopted within the labor and radical student movements. It is crucial now for the masses of students to seek to link up their strike with workers, and it is crucial now for rank and file militants to raise the anti-war strike demand in their unions!

The reason for this should be clear. American capitalism's life blood is the profits made by exploiting the labor of the working class. This was sharply dramatized in the recent brief postal strike which severely threatened the economy's stability and forced Nixon to resort to troops to demoralize the strikers and intimidate popular support. Economic power lies in the hands of industrial, transportation and communications workers. And in the final analysis economic power is political power.

The student movement, isolated from the working class, will either shatter into frustrated, demoralized and adventuristic fragments and, like the Panthers, face savage repression by a government which feels it can attack them with impunity. The deepening political radicalization of students can be clearly seen in the cogent demands raised in many of the university strikes—demands for the freeing of all political prisoners, an end to war research and ROTC on campus, and an end to political intimidation, along with the demand for the immediate unconditional withdrawal of all U.S. troops and "advisers" from Southeast Asia.

Only the working class, because of its economic power, can lead an effective anti-war struggle. Only the class-conscious workers can lead the struggle to defeat capitalism. The unprecedented national student strike now under way is extremely important. The students' unity and militancy themselves pose a threat to the Administration, but it is its potential for sparking the working class into revolutionary motion (as happened in France in May 1968) which is its greatest importance.

Workers whose job conditions and falling real wages force them continually into conflict with the bosses must see as essential to their own interests the fight to end the bosses' imperialist war and to break from the bosses' warmonger political parties to form a party of labor. These struggles—like struggles for militant economic demands—will necessitate the replacement of the treacherous union bureaucracies which seek at every turn to tie the workers to the status quo (like "labor statesman" George Meany, who completely endorses Nixon's war policy, and his more devious, left-talking counterparts like Reuther) by rank and file workers' control. A working class which joins the political combativeness of the radical student protesters with their own tremendous militancy is the only force which can decisively defeat the imperialists.

### SINO-SOVIET SELLOUT

Faced with the U.S. invasion of Cambodia, the Soviet Union and China satisfied themselves with a few threats to increase their half-hearted military aid to the NLF forces. Where, we ask, is the massive military support to repel the vicious imperialist aggressor in Indochina? Why instead have the Russians sent enormous military aid to the corrupt incompetent capitalist government of Egypt? The Maoist rush to hail Sihanouk, former "neutralist" liberal prince, betrays the anxiety to avoid the urgent demands of the Indochinese situation and return to petty border quarrels and "national priorities." The North Vietnamese government's cowardly and vague threats about postponing negotiations in Paris also show their hypocrisy as Communist "internationalists." In face of the invasion into Cambodia and renewed bombings of the North, what possible excuse could be found for remaining in Paris to negotiate?

All the Stalinist leaderships have once again demonstrated that their primary con-

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cerns are with their own narrow needs in consolidating their own power. The Stalinist dictum of "socialism in one country" is seeing another tragic enactment. The gains of the anti-capitalist revolutions of Russia, China, etc. can be safeguarded not by diplomatic maneuvering and deals but only by the victory of the Indochinese Revolution and the destruction of capitalism in the advanced industrial nations—the U.S., Western Europe, Japan—whose economic and military capacities hold the key to world socialism and world peace. By their denial of a truly proletarian internationalist perspective, the Stalinist bureaucracies show themselves as a best friend to the bloody Nixon administration.

All Indochina must go Communist!

For a labor-student general strike against the war!

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### THE STRUGGLE HAS JUST BEGAN

The student strike marks a change from protesting the war to forcing it to stop.

Can the war be stopped? Yes!

Despite the apparent power of the men in Washington, it is not they but we the people who do the country's work and fight its wars. The only way to stop the war is a general strike against the war. If we refuse to work and fight, the war must stop and the way is opened to the end of the daily oppression and violence suffered by all of which the war is only the most spectacular example.

The strike is in your hands.

We have taken over our campuses; we have the power to keep them. We must plan to occupy them and use them for our own purposes for the summer. At Princeton and other colleges, the administration has been forced to grant credit for the year without final exams; solidarity on your campus may win this too. If not, continue to occupy the school and allow exams and degrees to be given by permission of the students, under their administration, in rooms and at times designated by them.

We must use the campus as a base for continuing the struggle through the summer: for closing down draft boards; educating the community; guarding beleaguered Panther headquarters; supporting workers' strikes; spreading the strike. Invite the community onto the university for which they have paid and make student housing available to young workers and blacks.

We must keep the direction of our strike in our own hands. All important decisions should be debated and carried out by the striking students themselves. Coordinate with other bodies of strikers but don't let self-appointed leaders and bureaucratic organizations take over the strike in the name of leadership and coordination. Only a movement which can move from the base can survive when national leaders are busted.

Not only students are outraged by the war and its effects. Under reflex patriotism there lies in a national wave of discontent. War-related inflation, unemployment and drop in real wages threaten to generate the greatest strike wave in 25 years. Government-business authority and priorities have already been challenged by the G.E. and rubber strikes, as well as the postal and teamster wildcats—half-a-million people are currenty out as a result of the teamster strike.

This week members of United Auto Workers Local 422 called for a sick-out against the war. Their call said: "Isn't 44,000 dead G.I.'s enough?

We elected Nixon to get out of Vietnam. Now he is into Cambodia.

He is doing this against the wishes of the people.

Even Congress can't seem to stop this insanity.

We pay for the war.

We and our sons have to fight and die in it. And we are the only ones who can end it.

How? By striking. The American people haven't given up control yet.

We are sick of the war and we are sick of Nixon's arrogance.

Call in sick Friday.

Yes, this is a new step for us. We've never done anything like it before. But we, as working people, have a responsibility to make ourselves heard.

U.A.W. Members Local 422 for survival.

Students visited every factory in the Cambridge area Wednesday with leaftlets calling for a sick-out against the war. Liaison committees should be developed in every occupied university to communicate daily with the employees of each major enterprise in the university area. This is just what the French students did in the General Strike of May 1968. We should talk with workers individually, getting to know them, as well as leafletting.

The following is the major part of the Cambridge students' leaflet to the area workers:

"It is clear today who is responsible for the violence in America: those who have widened the war by sending 50,000 American boys into Cambodia; those who used troops to break the postal workers' strike and sent the National Guard to occupy the highways of Ohio to break the Truck Drivers' fight for a decent wage; those who allowed the National Guardsmen to murder 7 students and wound scores of others at Kent State; those who imprison and murder Black Panthers and other dissenters; those who oppress all of us every day through inflation, high taxes, low wages, and poor working conditions; those who control our work and its product with thought for nothing but their own profit.

"The Student Strike is an act of resistance against these forces of violence and destruction. Nixon lied to you about Cambodia; he lies to you about the students. We have acted not because we do not value education, but because we refuse an education which trains officers and strategists; that equips us only to serve business interests as technicians and managers making your work more profitable for them and unbearable for you; that produces 'scholars' cut off from social realities.

"The students' action is a step in this direction, but we are not so crazy as to believe that students by themselves have the power to end the evils that oppress us all. This can come about only when all of us act together to take power over our lives from those who wield it today."

Spread the strike. Spread the strike. Spread the strike.

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## CONTRACT AWARD BY NASA TO GENERAL ELECTRIC

(Mr. BEALL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BEALL of Maryland. Mr. Speaker, on April 23 I took the floor to bring to the attention to the Members of the House the award of a contract by the National Aeronautics and Space Administration to the General Electric Corp. for phase D of the application technology satellite.

At that time, it was pointed out that on the basis of the information I had received, a reexamination of the award was advisable because it appeared that perhaps the General Electric Corp. had been unfairly favored over the other competitor, the Fairchild Hiller Corp., and that there were serious irregularities involved throughout the procurement process.

In order to protect Dr. Thomas Paine, the Director of the National Aeronautics and Space Administration from the charge of favoritism because he happened to be a 17-year employee of the General Electric Corp., I suggested that a complete examination be made by the General Accounting Office. The Fairchild Hiller Corp. filed a formal protest and an investigation is currently underway. In the meantime, in order to prove the allegations made in their protest, it is necessary that the Fairchild Hiller Corp. have made available to them certain information contained in the General Electric proposal. The information requested is material that should normally be open to public examination under the provisions of the Freedom of Information Act.

I include at this point in the RECORD a letter writen by Fairchild Hiller to Dr. Paine requesting this information:

MAY 1, 1970.

DR. THOMAS O. PAINE,
*Administrator, National Aeronautics & Space Administration, Washington, D.C.*

DEAR DR. PAINE: As you know, Fairchild Hiller Corporation by letter dated April 10, 1970 formally protested to the Comptroller General NASA's selection of the General Electric Corporation for the award of the ATS procurement. Subsequently, Fairchild has been requested to furnish the General Accounting Office with additional information concerning the basis for this protest. In this connection, we have requested that certain documents relating to the final phase of the selection process be furnished to allow Fairchild to further document its protest. This request has already been forwarded to NASA by GAO representatives, on April 22, 1970.

This letter confirms that request and constitutes our formal request under the *Freedom of Information Act*, 5 USC 552, and NASA's implementing regulations, 14 CFR 1206.100 that the following described documentation be made available for inspection and review by authorized representatives of Fairchild Hiller Corporation:

(1) The original technical and cost proposals submitted by GE dated approximately September 17, 1969;

(2) The revised proposals submitted by GE dated approximately December 22, 1969;

(3) The final revised proposal submitted by GE approximately March 6, 1970;

(4) The initial Source Evaluation Board Report submitted to Dr. Paine in conjunction with the SEB's February 4 briefing to Dr. Paine as well as the final Source Evaluation Board Report preliminary to the April 7 briefing. We would also like to review the Briefing Charts prepared by Goddard for these presentations to Dr. Paine;

(5) The recommendation and findings of the negotiator and the decision of the contracting officer to accept and consider GE's late proposal submitted approximately March 6, 1970.

In view of the time requirements set by GAO for deciding this protest, it is respectfully requested that your decision as to the availability of the above listed documents be communicated to me at the earliest possible date. Since Fairchild cannot determine the fees which may be required in connection with the inspection and review of these documents, it is also requested that NASA determine such fees and advise Fairchild as soon as possible.

The requested documents are the proper subject of disclosure under the circumstances of this request as well as the pertinent provisions of the Freedom of Information Act and the implementing NASA regulations. GE's proposals have been submitted in connection with a competitive procurement, do not contain classified information, and, as far

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as we are aware, are not in any way confidential. However, to the extent specific pages in the proposal contain proprietary data properly identified and marked as such, these pages may be omitted. Moreover, the requested NASA internal documents are those falling into a category which would be the subject of discovery in the course of litigation with NASA or the United States Government.

In view of the urgency of this request, please call me at (301) 948-9600 as soon as your decision can be made.

Sincerely,

JOHN F. DEALY,
*Vice President—General Counsel.*

The information requested in this letter of May 1 had been orally requested of the National Aeronautics and Space Administration through the GAO on April 22.

In spite of the fact that the last paragraph in this letter states the urgency of a reply, no acknowledgement had been received as of May 12 and Fairchild Hiller wrote another letter which I am including at this point in the RECORD:

FAIRCHILD HILLER CORP.,
OFFICE OF THE GENERAL COUNSEL,
*May 12, 1970.*

Dr. THOMAS O. PAINE,
*Administrator, National Aeronautics and Space Administration, Washington, D.C.*

DEAR DR. PAYNE: Reference my letter to you dated May 1, 1970 (and hand carried to your office that day) requesting access to certain information pertinent to Fairchild's protest against the award of the ATS procurement to General Electric Corporation. In that letter reference is made to the fact that Fairchild's initial request for pertinent ATS documentation was made to GAO on April 21, 1970 and forwarded to your organization by GAO on April 22, 1970. My letter of May 1, 1970 emphasizes the urgency of Fairchild's request and asks that my office be contacted by telephone once your decision is made.

I am deeply disturbed both as a lawyer and as a businessman that our requests for documentation have gone unanswered through today's date—a period of approximately 20 days. The items Fairchild is requesting are those to which it is entitled access under the provisions of the Freedom of Information Act, 5 USC 552 and NASA's own implementing regulations, 14 CFR 1206.100. I cannot understand the reluctance of your organization even to reply to our request.

Prior to selection of GE for the ATS award and immediately after the award, Fairchild executives sought a meeting with you in order to discuss the serious irregularities and inadequate source selection procedures we believe had occurred in the program. Both these requests were turned down, thereby leaving us no recourse but to protest formally to the Comptroller General of the United States. Concurrently with our protest you also requested GAO to investigate this procurement and to analyze the procedures utilized.

For there to be any objective evaluation of the issues raised by Fairchild Hiller in this protest, it is imperative that the pertinent documentation relating to the procurement (GE's and Fairchild Hiller's September, December and February/March proposals; the formal Report of the SEB required by NASA regulations; the decision of the Contracting Officer to accept GE's late proposal as required by NASA regulations) be subjected to objective scrutiny by all interested parties. As we have told GAO, Fairchild Hiller has no objection to GE reviewing all the documentation Fairchild is permitted to review, including Fairchild's proposal. Consistent with your request to GAO that a full review be conducted of NASA's procurement procedures on this program, it is inconceivable to me why NASA has not released the appropriate documentation for review, particularly when Fairchild is entitled to access pursuant to a recently enacted Federal statute.

In this connection it is also pertinent to reemphasize that the information contained in both contractors' ATS proposals was paid for by the United States Government as part of the Phase B/C effort and, consequently, does not involve any of the proprietary and confidential issues associated with a proposal prepared at the contractor's own expense. Moreover, if GE's proposal does contain specific proprietary data properly identified as such, we have stated our position that such data may be excluded from that made available for review. Finally, the selection of GE as contractor for the ATS procurement has already been announced by your office; as a consequence, a refusal to release GE's proposal on the ground it might impair NASA's negotiations would not have merit.

With regard to the internal NASA documentation requested—the SEB formal Report and the findings of the Contracting Officer on acceptance of the late proposal—these are formal documents required to be prepared by NASA regulations and are discoverable at law. Accordingly, under the Freedom of Information Act, they should be made available to Fairchild.

I also wish to restate that we will pay any reasonable fees required by NASA for duplication or other expenses associated with review of these documents.

NASA's decision on the ATS has been challenged on what we believe to be meritorious grounds. The specific language of the Freedom of Information Act, the public policy underlying that statute and the implementing NASA regulations as well as basic concepts of fundamental fairness mandate that the documentation requested in our May 1, 1970 letter be made available for review. Moreover, the data must be made available for review promptly so the results of that review can mesh in with GAO's timetable.

For the aerospace industry and the public at large to have faith in the public servants who administer the substantial procurement funds appropriated by Congress, it is imperative that a cloak of secrecy not be thrown over a procurement whenever the procedures of an executive department are questioned. If NASA's selection were proper and Fairchild's position erroneous, the best way to discover this is through a review of the pertinent documentation by the contending parties. NASA has had that opportunity; all we are asking is a similar opportunity for Fairchild.

I request again that you have your office contact me by phone at (301) 948-9600 as soon as you have made your decision.

Sincerely,

JOHN F. DEALY,
*Vice President—General Counsel.*

The final paragraph of this letter again stresses the urgency for a reply, and on May 13, by telephone, the Fairchild Hiller Corp. was advised that the request had been denied.

Mr. Speaker, one can only draw two conclusions from this action. First, there is a deliberate effort on the part of the National Aeronautics and Space Administration to delay; or, second, this is an effort to cover up the alleged irregularities. I think it is a shocking thing when a public agency throws the cloak of secrecy over its own records which, under a preexisting law, not only a protester but any member of the public is guaranteed the right of examination.

In order to maintain the integrity of the appeal procedure in the award of Federal contracts, I would hope that the National Aeronautics and Space Administration would see fit to make information available and cooperate in any way to assure a fair hearing on a matter involving the commitment of $50 million of taxpayers' money.

## LETTER FROM VIETNAM SERVICEMAN

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. THOMPSON of Georgia. Mr. Speaker, each of us has received letters from constituents which, like a searchlight in the dark, clearly illuminated issues being debated before this body and stated the question more logically than any Member during hours of debate and colloquy. I have received such a letter from the mother of a serviceman now serving in Vietnam. Her son's words, quoted in her letter, should answer any question raised by antiwar protestors, students, academicians, and Members of this and the other body. He wrote as follows:

> Mother, please write our Congressman, our Senators and our President and let them know that I and many, many other servicemen in Viet Nam are behind him in his decision to go into Cambodia. It will shorten the war and could save Southeast Asia from Communism. You don't know how it's been to fight someone who, when he gets tired or starts getting beat runs across some line and laughs at you because you can't come after him. He can come back anytime he wants to, and you have to wait for him. Now, we're the cat and he's the mouse. By crushing them in Cambodia, it means that a lot more Americans will come back alive from Southeast Asia.

Further, this young man said that the Cambodian operation means that—

> A lot more people in Southeast Asia can sleep without the fear of losing a child or an oldest son unwillingly, or to watch their family shot for not wanting to be Viet Cong. It means not having to sleep with the fear of being waked up by a mortar or rocket attack.
>
> Oh, God bless our President, and I pray that our country will back him. But my country is full of selfish and close-minded people. They've never tasted war, or had to live with the threat of being shot or having to do what they're told at gunpoint. Maybe our people have too much freedom, for they seem to abuse it. Today it's what you want that's right, not what's right is what you want. May God forgive our self-minded country.

Mr. Speaker, I am not eloquent enough to comment further on this fine young man's words. I think it is enough to say that he makes me proud to be his Congressman and proud that I, too, am standing behind the President.

## WALTER F. REUTHER

(Mr. KARTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KARTH. Mr. Speaker, to the free world's troubles last week was added the sorrow of the tragic passing of Walter Philip Reuther and his wife, May.

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Many who had not ever met him are mourning the death of Walter Reuther because they knew him as the champion in humanity's struggle for equality, economic justice, but above all, personal dignity.

As one active in the labor movement and politics, I was inspired by his dedication to the service of his fellow man and awed by his many restless visionary plans for progress which stimulated public discussion and eventually action to meet problems. Among the more celebrated, germinal "Reuther plans" were those for the production of bombers at the beginning of World War II, the construction after the war of prefabricated houses in idle airplane plants, and foreign economic development. At his death he was engaged in drafting, with others, a whole new concept in national health care.

The scope of his vision was truly global. In the unsettled period after World War II, he devoted serious attention to helping European labor organizations throw off the shackles of political parties so that they could bargain freely and better serve the economic needs of European workers. History attests to the importance of the contribution which a strong labor movement made to the reconstruction of postwar Europe. Walter Reuther knew well that strong and vigorous trade unions are the most effective weapon yet devised to combat totalitarianism. So through the years Walter Reuther, with his brother Victor, continued their efforts to encourage trade unionism in Asia, Africa, and South America—wherever bands of workers needed the touch of their organizing genius.

Broad and visionary as were his interests, Walter Reuther never forgot that the source of his strength was the United Automobile, Aerospace, and Agricultural Implement Workers of America. He, together with his brothers, Roy and Victor, dedicated their lives to building this union. In turn, the Reuther brothers, spurred by the greatness of this dynamic, if sometimes obstreperous, organization, provided inspired leadership.

It was Walter Reuther who led the union negotiating teams in bargaining with certainly the most obdurate corporation managements in the world. Marshaling his immense store of economic data and his incisive logic, Walter Reuther through the years helped bring, not only to the automobile industry but also to the workers in the mass production enterprises of America, such benefits as higher wages, better working conditions, improved vacations, company-paid health insurance, pensions, profitsharing, supplementary unemployment compensation benefits, guaranteed annual wage and productivity and cost of living increases.

But more important, the UAW, under Walter Reuther, brought the brotherhood of man to the automobile factories. This union, not without internal rumblings, not only abolished job discrimination because of race or sex, but had vigorously promoted the concept of integration not only in its industry but for the community as a whole.

In these important efforts, Walter Reuther was long associated with such leaders as Mrs. Eleanor Roosevelt, A. Philip Randolph, Roy Wilkins, Thurgood Marshall, and Martin Luther King in "building bridges" of understanding between people.

It was Walter Reuther's social idealism which set the UAW policy of making union progress with the community and not at the expense of the community. It was not in Walter Reuther to take a "public be damned" attitude. Observers remember that in yet another inflationary period auto union negotiators offered to scale down their wage and benefit demands if the auto companies would reduce prices, but to no avail.

Walter Reuther not only participated in the public discussion of political, social, and economic issues, but insisted that the union at every level involve itself in community affairs. The UAW's citizenship and legislative program stands as a monument to enlightened union activity in this country.

There is so much that needs improvement in our society and Walter Reuther was restless to get at the job. He was impatient with the established labor movement because it has failed to organize the unskilled in the cities and on the farms. The Alliance for Labor Action, which he was in the process of building with the Brotherhood of Teamsters, was his attempt to stimulate the organization of the unorganized.

The crash near Pellston last Saturday ended a flight which was to further the building of the UAW family education camp at Black Lake, Mich. It was the cherished hope of Walter Reuther that the center recruit and educate young people for union responsibilities so that the UAW can continue to grow in spirit and to pace the American labor movement as a force for social and economic progress in America. The Center is a living monument to Walter Reuther's irrepressible optimism that through education and his type of idealism the world can be made a better place in which to live.

Humanity is better for Walter Reuther's having lived. What greater tribute can one man pay to another?

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## INCREASING STABILITY IN THE MEKONG DELTA

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, a few days ago I called the attention of the House to an article by Joseph Alsop concerning the progress that is being made by the Saigon government in the Mekong Delta. Today I call to the attention of my colleagues a recent article by Rowland Evans and Robert Novak entitled, "Increasing Stability in Mekong Delta Is Cheering Development for Saigon." They point out the following:

> The single greatest reason to hope that South Vietnam may ultimately be kept from Communist domination is the vital Mekong Delta, where the Vietcong have been losing the guerrilla war for over a year and may well have lost it entirely by the end of 1970.

In this former Communist stronghold, it is reassuring to know that such progress as this is being made. This is a great new successful development in our struggle for peace in Vietnam and for freedom and self-determination there.

Mr. Speaker, I insert at this point in the RECORD the entire article by Mr. Evans and Mr. Novak:

### INCREASING STABILITY IN MEKONG DELTA IS CHEERING DEVELOPMENT FOR SAIGON

(By Rowland Evans and Robert Novak)

KIEN HOA PROVINCE, SOUTH VIETNAM.—The single greatest reason to hope that South Vietnam may ultimately be kept from Communist domination is the vital Mekong River delta, where the Vietcong have been losing the guerrilla war for over a year and may well have lost it entirely by the end of 1970.

This remarkable turnabout is not reflected by the small-unit battles fought daily throughout the delta and has nothing to do with body counts of enemy dead, still regarded by too many U.S. officers as the measure of success. Rather, the prospect of victory in the delta stems from the fact that the Vietcong are being systematically pushed out of populated regions into the wilderness. The vast majority of the delta's hamlets belong to the Saigon government, even at night.

Such control exactly reverses the situation prevailing from 1963 to the 1968 Tet offensive, when three-fourths of the delta's hamlets were Communist-controlled. This heavily populated, lushly fertile rice basket of Indochina provided the Vietcong recruits (occasionally whole battalions) with food and a secure rear area for the rest of South Vietnam.

Thus, deterioration in the delta affects the whole Communist war plan. Without the delta, the war becomes increasingly an external matter—Northern men and supplies infiltrated through Laos and (until the present U.S. offensive) Cambodia. Though the Northerners effectively use guerrilla tactics, this is not the true guerrilla war in the Mao formula where support of the population is essential.

The Vietcong's loss of population control is damagingly pronounced here in Kienhoa Province, whose half-million people and rice fields once bulwarked insurgency. The Saigon government has extended its presence through new outposts manned by territorial forces so that only 15 per cent of Kienhoa's population is under Communist control—and that number is being whittled down.

More important, there are signs the South Vietnamese and their Americans finally are learning about guerrilla war. Recently in Kienhoa, Communists launched a mortar barrage against a government outpost from a firing position in the middle of the adjoining hamlet. Two years ago, this would have invited immediate air and artillery retaliation wrecking the hamlet—precisely the Vietcong's intention. This time, however, the government forces held their fire, realizing population support outweighs body count.

The result has been an inarticulate, glacially slow change in the people of the delta. Where once there was overwhelming support of the Vietcong, there is now little enthusiasm for either side but a growing feeling that life may be safer and more prosperous under government control.

A striking example is Mocay district in Kienhoa Province. Reputed to be the birthplace of the Vietcong and still dangerous country, Mocay district seethes with some 935 Communist troops and contains the delta's last heavily populated area run by the Vietcong (comprising more that half the district's population).

Nevertheless, Mocay is not what it once was. The district (including a trading center called "VC Market" by the Americans) for years was a Communist rest and recuperation spa, logistical center and general headquarters for the province. Government forces

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moved into VC Market last October as hostile villagers, long ruled by the Vietcong, looked on sullenly.

Since then, however, schools, health clinics and other social welfare programs have scaled that hostility at least down to passivity.

Against this optimistic picture is the nagging feeling that the exposed outposts may be hit by a coordinated Communist offensive, in one stroke running two laborious years of pacification. The numbers are against it. The 44,000 Communist troops in the delta are outnumbered 10 to 1 by government forces (there have been no American units since the 9th Division moved out in 1969). With local recruiting down, infiltration barely maintains Communist forces at that level. Of course, any degree of success enjoyed by the current U.S.-South Vietnamese operations in Cambodia will reduce this external Communist danger to the delta.

This effective end to the delta guerrilla war scarcely means peace. Hanoi can and probably will maintain pressure indefinitely through infiltration, and the Vietcong infrastructure—the secret guerrilla government—maintains itself under-ground. But, especially when compared with the economic and political fragility we have reported from Saigon, the Mekong delta is one of growing stability.

## DEATH OF POLISH GEN. WLADYSLAV ANDERS

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I am sure all of the Members of the House received with great sadness the news of the death of Gen. Wladyslav Anders, wartime commander of Poland's Armed Forces who fought with the Allies in World War II. General Anders died in England Tuesday. I am sure that this news comes to us with great sadness for, indeed, General Anders was one of the truly great champions of freedom and liberty. He led the heroic Polish troops throughout World War II. He will be always known for his great leadership during the terrific battle at Monte Cassino in 1944 during the Allied offensive in Italy when crack German units were entrenched in the mountain, and in the monastery crowning the mountain, and were barring the way toward Rome.

General Anders' 2d Corps, was given the task of capturing the stronghold. After days of bombardment and bombing the attack was started on May 11, 1944. A week later General Anders and his men stormed the last battlement to hoist the Union Jack and the Polish flag side by side on the summit.

It is ironic that he died exactly 26 years after leading the battle at Monte Cassino.

He was a great help to the Congress in 1952 when, under the leadership of the distinguished gentleman from Indiana (Mr. Madden) who was chairman of the Select Committee on the Katyn Forest Massacre, an investigation was conducted to determine the guilt for the murder of the Polish Army officers.

General Anders provided us with some of the most important testimony and evidence showing that it was the Soviet Union that cruelly massacred more than 14,000 Polish Army officers in the Katyn Forest in Smolensk, Russia.

I am sure that the whole world mourns the death of this great champion of freedom and liberty and pays him special tribute because of the great contribution he and his soldiers made to the cause of freedom and liberty during World War II.

It is ironic that General Anders, after his heroic battle throughout World War II and the great contribution that he made to allied victory, he and his soldiers were not permitted by the Communists to return to their native Poland and live the rest of their lives in their native land.

So I am calling the attention of this House today with a heavy heart to the loss of this great soldier and son of freedom.

Mr. Speaker, I wish to include in my remarks the following news article which appeared in today's New York Times about General Anders death:

General Anders, Polish War Hero—Exile Commander in Chief Dies—Took Monte Cassino

London.—Gen. Wladyslav Anders, who commanded Polish troops who fought with the Allies in World War II, died in a hospital here Tuesday after suffering an apparent heart attack. He was 77 years old.

The tall, lean, veterans of many campaigns, eight times decorated, led the Polish second corps in World War II. After the war ended he chose exile in Britain with thousands of other Poles rather than return to a Communist-ruled Poland.

Born of Polish parents in Lithuania, then a Russian province, in August 1892, he was the son of a high official in the Russian Government. After studying mechanical engineering at Riga, he entered the Czar's Army and commanded a cavalry squadron at the outbreak of World War I, in which he was wounded five times.

After the war and Polish independence, he led a Polish cavalry squadron in the Polish-Russian fighting of 1919–20.

When Germany invaded Poland in 1939, he commanded a cavalry brigade. Nearly trapped in East Prussia, he was wounded once more in fighting his way out. Then, as Russian troops entered eastern Poland, he received his seventh and eighth wounds as his brigade tried to reach Hungary.

Captured, he spent 20 months in solitary confinement in prison in Moscow. In 1941, after the German invasion of the Soviet Union, he was freed and appointed commander of the Polish forces in the Soviet.

He organized Polish prisoners of war freed from Soviet camps into units making up more than five divisions. Then he went to the Middle East with them.

(As he recruited his army, General Anders and his staff also compiled evidence of the conditions under which the Polish prisoners of war had been held, including the massacre of several thousand Polish soldiers in Katyn Forest, near Smolensk, by Soviet soldiers, which had been attributed to German troops by the Soviet Union.

General Ander's "Free Polish" Army was strongly anti-Soviet, and a second, pro-Soviet army of Polish emigrees was formed by Moscow, which then disowned General Ander's corps. After the war, he continued to hold the title of Commander in Chief of the Polish Forces in Exile.)

General Ander's name will long be linked with the bitter struggle for Monte Cassino during the 1944 Allied offensive in Italy, when crack German units entrenched on the mountain and in the monastery crowning it were barring the way to Rome.

His Polish second corps was given the task of capturing the stronghold. After days of bombardment and bombing the attack was started May 11, 1944. A week later, General Anders and his men stormed the last battlement to hoist the Union Jack and the Polish flag side by side on the summit.

## DEATH OF GEN. WLADYSLAV ANDERS

(Mr. MADDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MADDEN. Mr. Speaker, I wish to associate myself with the remarks of my colleague, Congressman Roman Pucinski, in paying tribute to a great soldier and statesman who passed away in London on Monday of this week.

General Wladyslav Anders fought in World War I as a young soldier in the Polish Army side by side with the Allied armies including our own soldiers. He has been a leader and a fighter for Polish freedom, self-government, and against tyranny of the Communist tyrants during his adult years.

I first met General Anders as chairman of the Special Congressional Committee which held hearings in this country, London, and Europe in 1952. The Communist massacred over 14,000 of the Polish intelligentsia in the winter of 1939–40 at the time of the enslavement of Warsaw by the Communist.

At the time of the Katyn Forest Massacre, General Anders was incarcerated in solitary confinement, in a Moscow prison where he had spent 20 months. He was freed after the German invasion in 1941 and became the commander of Polish forces for the remainder of the war.

General Anders organized an army of freed Polish war prisoners. The Polish 2d Corps, as the army was called, fought alongside the Allies in Africa and Italy.

General Anders was honored by the American, English, and French Governments for his service.

In 1946 the Polish Communist government stripped General Anders of his nationality, accusing him of "activities detrimental to the state."

Mr. Speaker, General Anders devoted his life to the cause of Poland and he was a great aid to our committee when we held hearings in London and Europe exposing the true facts regarding the Katyn Forest Massacre.

Not only the people of Polish extraction but all people who believe in freedom and self-government can be, indeed, thankful that we have had such fighters for freedom as General Anders and his name will go down in history for generations to come and revered by all people who love freedom and liberty.

## CRAMER PROPOSES LONG-RANGE PROGRAM IN FEDERAL-AID HIGHWAY ACT OF 1970, H.R. 17620

(Mr. CRAMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. CRAMER. Mr. Speaker, today myself and 14 of my colleagues introduced H.R. 17620, which is a bill for enactment of the Federal-Aid Highway Act of 1970. Legislation must be enacted this year to provide authorizations for the Federal-aid ABC program and for public domain roads for fiscal years 1972 and 1973. Legislation must also be enacted to approve the 1970 Interstate System cost estimate. This has to be done before any funds can be apportioned to the States this year for construction of the Interstate System. The 1970 Interstate System cost estimate shows that completion of the 42,500-mile system will cost $13.37 billion more than that indicated by the 1968 cost estimate, of which the Federal share is $11.86 billion. The 1970 estimate is based upon 1968 unit prices, and if the present average unit price escalation of 5 percent per year continues until the system is completed the Federal share of the cost of the system will be increased about $5.26 billion, for a total additional cost of $17.12 billion in excess of sums now authorized to be appropriated. This bill authorizes the appropriation of such additional $17.12 billion over the 5-year period from 1972 through 1976.

When the current Federal-aid highway program was commenced in 1956, the Congress intended that the Interstate System be completed as nearly as practicable over a 13-year period. However, because of increasing costs, adding miles to the system, and other reasons, approximately 70 percent of the system has been completed during the past 14 years. Although the Interstate System constitutes only a small part of the approximately 900,000 miles of the Federal-aid highway systems and constitutes still a lesser portion of the 3.7 million miles of public highways, roads, and streets of the Nation, it is the backbone of the entire highway network of this country, and its early completion is essential to meet our transportation and national defense requirements and to support the economy and development of the Nation. For these reasons, the bill provides for only 2 additional years of authorizations beyond that provided by existing law, rather than stretching out authorizations over a longer period of time. Since the Interstate System is now about 70 percent completed, I believe that we should make every effort to finish the system as early as possible and thereafter give major attention to other highways that are in critical need of improvement.

The 1970 National Highway Needs Report, submitted to the Congress by the Secretary of Transportation on January 30, 1970, shows that approximately $320 billion worth of improvements need to be made on all the public highways, roads, and streets of the Nation during the next 15 years, of which sum $195 billion is needed for improvement of the Federal-aid systems alone. Improvement of the Federal-aid primary and secondary systems and their extensions within urban areas have not kept pace with the improvement of the Interstate System over the past 14 years. A substantial backlog of highway improvement, which is essential to meet the growing demands of the highway system for safe, efficient, and economical transportation, has accumulated during this time, and we should direct our energies to correcting these deficiencies just as soon as the Interstate System can be completed. There is also need for a new Federal-aid urban system and for more comprehensive treatment of the total urban highway transportation requirements, including highway oriented mass transportation. Emphasis should be given to solving these urban problems as the Interstate System is completed.

I had hoped that the Congress would pass this year a comprehensive "after 1975" highway program, so that necessary planning could be undertaken timely, and costly stops and starts avoided in the transition from the current highway program to the one that will follow. However, reports and information furnished to the committee are not presently adequate to serve as the basis for enactment of a detailed program.

The bill directs the Secretary of Transportation to develop, in cooperation with State highway departments and local governments, and to report to Congress in January of 1972, specific criteria for the functional realinement of the Federal-aid systems and detailed recommendations for a continuing Federal-aid highway program for the 15 year period from 1976 through 1990, together with estimates of the costs of such a program and recommendations for its financing.

In recognition of the urgent need to enlarge the ABC program and to solve critical urban transportation problems, even in advance of completion of the Interstate System, my bill would commence certain programs now. An additional annual authorization of $100 million is provided for expenditure on the Federal-aid primary and secondary systems and their extensions within urban areas for a spot improvement program to eliminate, on a priority basis, safety hazards at those high accident locations which have been so identified under the highway safety program. The bill also directs the establishment of a new Federal-aid urban system within standard metropolitan statistical areas and, in addition to authorizing the use of certain ABC program funds on this system, authorizes the annual appropriation of an additional $100 million for the improvement of such system.

In further recognition of the need to treat urban highway transportation requirements in a comprehensive fashion, I believe it is essential to promote the improvement and use of urban highway public transportation systems. If comfortable, convenient, attractive, and safe buses operate over well-planned routes and on schedules that meet the needs of the people, many persons in metropolitan areas who drive their automobiles to work and to shop may be induced to use public transportation. To the extent that highway mass transportation vehicles actually replace automobiles, highway capacity is increased, the same as if additional highway traffic lanes were built to accommodate more cars. In my opinion the Federal-aid highway program should be made more flexible and adaptable to meet the needs of individual communities, whether it involves construction of conventional highways or highways of new and innovative design or by providing the assistance needed to make urban transportation systems really effective. My bill authorizes States to utilize apportioned Federal-aid highway funds to finance the Federal share of the cost of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, bus terminals, bus storage and parking areas and facilities.

Federal-aid highway funds could be used for such purposes only when such use avoids the construction of highway projects, when the capacity thereby created for the movement of people is at least equal to that which would be provided by the avoided highway projects, and when the actual amount of Federal funds to be so expended for highway public transportation does not exceed the actual amount of the Federal share of the cost of the avoided highway construction projects. Thus, to the extent that the needed additional capacity can be provided by public mass transportation, rather than through the construction of additional highway facilities for use by motor vehicles generally, the expenditure of a limited amount of highway funds would be authorized.

In the interest of highway safety and in an effort to reduce the intolerable loss of life which we are now experiencing on the highways of the Nation, the bill provides for a mandatory program for the reconstruction and replacement of unsafe bridges and for the mandatory elimination of railway-highway grade crossing hazards. It is essential that greater emphasis be given to safety considerations in the construction, operation, and maintenance of the highway systems of the Nation. Highway accidents are now one of the major causes of death and injury in this country. More young people, 35 years of age and under, are killed by highway accidents than from any other cause.

In 1969, highway accidents accounted for 56,400 fatalities, 2 million injuries, and $13 billion in economic losses. We suffered more fatalities on the highways of this Nation just last year than our Armed Forces have suffered in combat in Vietnam during the past 10 years. I hope that these two provisions, along with the additional authorizations for a spot improvement program and an upgrading of the highway safety program, will help reduce this highway carnage.

The Committee on Public Works commenced hearings on April 21 on legislation for enactment of a Federal-Aid Highway Act, and these hearings will probably continue through the first week of June. It is my hope that this bill will provide a basis for enlarging the scope of these hearings and will serve as the focal point for testimony on the new provisions contained in this bill.

A section-by-section analysis of the bill follows:

## SECTION-BY-SECTION ANALYSIS OF H.R. 17620

### SECTION 1. SHORT TITLE

Provides that the Act may be cited as the Federal-Aid Highway Act of 1970.

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### SECTION 2. REVISION OF AUTHORIZATION OF APPROPRIATIONS FOR INTERSTATE SYSTEM

Authorizes the appropriation of an additional $17.12 billion for completion of construction of the Interstate System. The 1970 Interstate System Cost Estimate shows that, based upon 1968 unit prices the total estimated cost of the Interstate System is $69.87 billion, which is an increase of $13.37 billion over the 1968 Interstate System Cost Estimate. Of this increase, the Federal share is $11.86 billion and the States' share is $1.51 billion.

If construction costs continue to escalate at approximately 5% per year, the total cost of the Interstate System will be approximately $75.72 billion, which is a total increase over the 1968 cost estimate of $19.22 billion of which the Federal share is $17.12 billion and the States' share is $2.1 billion. Existing law authorizes the appropriation of funds consistent with the 1968 cost estimate.

The $17.12 billion additional authorization contained in this bill is spread over a five-year period as follows:

[In billions]

| Fiscal year | Authorizations in existing law | Authorizations in this bill | Authorization increases in this bill over existing law |
|---|---|---|---|
| 1972 | $4 | $5 | $1 |
| 1973 | 4 | 6 | 2 |
| 1974 | 2.225 | 6 | 3.775 |
| 1975 | 0 | 6 | 6 |
| 1976 | 0 | 4.345 | 4.345 |
| Total |  |  | 17.120 |

Note: The Highway Revenue Act of 1956, as amended, will have to be amended this year to extend the Oct. 1, 1972, termination date on revenues to the highway trust fund, otherwise all of the Federal-aid highway funds authorized for fiscal year 1972 cannot be apportioned this year, as required by law. If this bill is enacted into law, consideration should also be given by the appropriate committees of the House to providing additional revenues to the highway trust fund to meet expenditures that will result from the apportionment of funds authorized by this section.

### SECTION 3. AUTHORIZATION OF USE OF COST ESTIMATE FOR APPORTIONMENT OF INTERSTATE FUNDS

Approves the use of the apportionment factors contained in the 1970 Interstate System Cost Estimate (House Document 317, 91st Congress) for the apportionment of Interstate funds authorized to be appropriated for fiscal years 1972 and 1973.

### SECTION 4. EXTENSION OF TIME FOR COMPLETION OF SYSTEM

This is a conforming amendment made necessary by authorizing the appropriation of Interstate funds for two additional fiscal years and to direct the Secretary to make two additional Interstate System cost estimates: one to be submitted to the Congress in January of 1972 and the other in January of 1974.

### SECTION 5. HIGHWAY AUTHORIZATIONS

Authorizes the appropriation of funds for each of the fiscal years 1972 and 1973, in the same amounts as authorized by existing law for fiscal year 1971, for the Federal-aid primary and secondary systems and their extensions within urban areas (the ABC program) and for public domain roads, except that the authorization for the ABC program for each of the fiscal years has been increased from $1.1 billion to $1.2 billion. This additional $100 million will be apportioned to the States in the same manner as ABC program funds are now apportioned and will be available to the States only for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways on the Federal-aid primary or secondary systems or their urban extensions which have high accident experiences or high accident potentials. These additional funds are to assist the States in taking corrective action at high accident locations which are so identified through implementation of the highway safety program standard for identification and surveillance of accident locations.

This section would also authorize the appropriation of $100 million for each of the fiscal years 1972 and 1973, for the Federal-aid urban system, which is a new system to be established pursuant to section 7 of the bill. This is a $100 million increase over the authorizations contained in existing law for fiscal year 1971.

### SECTION 6. HIGHWAY SAFETY

The provisions of this section recognize the administrative reorganization of the Federal Highway Administration which occurred on March 22, 1970, and provides the statutory authority necessary to establish a new Federal Highway Traffic Safety Administration, with an Administrator, at the same organizational level as the other Administrations within the Department of Transportation.

Responsibilities for carrying out the provisions of the Highway Safety Act of 1966 are divided between the Federal Highway Administration and the Federal Highway Traffic Safety Administration, the same as has already been accomplished administratively by the Secretary.

The Highway Safety Act of 1966 provides that the funds authorized to be appropriated for fiscal years 1967, 1968, and 1969 for State and local highway safety programs be apportioned among the States 75 per centum on the basis of population and 25 per centum as the Secretary in his administrative discretion deems appropriate, and that thereafter funds for such safety programs shall be apportioned as Congress shall subsequently provide by law. This section authorizes the apportionment of funds to the States, 75 per centum on the basis of population and 25 per centum on the basis of public road mileage.

After December 31, 1970, the Secretary shall not promulgate any standards for State and local highway safety programs that do not relate to safety program elements for which standards have been previously promulgated. unless specifically authorized to do so by statute hereafter enacted.

The appropriation of funds for carrying out the Highway Safety Act of 1966 are authorized separately for those functions to be administered through the Federal Highway Administration and through the Federal Highway Traffic Safety Administration as follows:

For highway safety programs administered by the Federal Highway Traffic Safety Administration, $75 million for each of the fiscal years 1972 and 1973; and for highway safety programs administered by the Federal Highway Administration, $30 million for each of such fiscal years, of which $15 million is authorized to be appropriated from the Highway Trust Fund. (This total annual authorization of $105 million for each of the fiscal years 1972 and 1973 is an increase of $5 million over that authorized by existing law for fiscal year 1971.)

For highway safety research and development administered by the Federal Highway Traffic Safety Administration, $30 million for each of the fiscal years 1972 and 1973; and for that administered by the Federal Highway Administration, $10 million for each of the fiscal years. (This total annual authorization of $40 million for each of the fiscal years 1972 and 1973 compares with $37.5 million authorized by existing law for fiscal year 1971.)

Authorization for appropriations for fiscal years 1970 and 1971 is repealed, for no appropriations have been made, and none are planned to be made, under this authority.

### SECTION 7. FEDERAL-AID URBAN SYSTEM

This section directs the establishment of a new Federal-aid urban system in each standard metropolitan statistical area and provides that routes on this system and projects for the improvement of such routes shall be selected, and proposed specifications for such projects shall be determined, by the State highway department and local officials in cooperation with each other.

In addition to the $100 million authorized to be appropriated for the Federal-aid urban system by section 5 of this bill, not to exceed 50% of the amounts apportioned to each State for extensions of the Federal-aid primary and secondary systems within urban areas may be expended for projects on the Federal-aid urban system.

As a part of the future highway needs report that is required by existing law to be submitted to the Congress in January of 1972, the Secretary is directed to report to the Congress the Federal-aid urban system as designated, and, in cooperation with the State highway departments and local road officials, prepare and submit to Congress a detailed estimate of the cost of constructing all Federal-aid systems.

The apportionment of funds authorized to be appropriated for the Federal-aid urban system is to be made on the basis of the population in standard metropolitan statistical areas. The Federal share of the cost of projects on the Federal-aid urban system is the same as that for the ABC program, i.e. 50%, plus the sliding scale in public lands States.

### SECTION 8. URBAN HIGHWAY PUBLIC TRANSPORTATION

This section authorizes the use of funds that are apportioned to each State for extensions of the Federal-aid primary and secondary systems within urban areas and for the new Federal-aid urban system to finance the Federal share of the cost of projects for the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities, bus terminals, bus storage and parking areas and facilities, if such projects will avoid Federal-aid highway construction and will provide capacity for movement of persons at least equal to that which otherwise would be provided by the avoided highway construction, and if the actual amount of the Federal share of the cost of such project does not exceed the actual amount of the Federal share of the cost of the avoided highway construction.

The Federal share of the cost of urban highway public transportation projects is the same as that for the ABC program, i.e. 50%, plus the sliding scale in public lands states.

Routes and schedules of public mass transportation systems receiving assistance under the provisions of this section shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of title 23, United States Code.

### SECTION 9. BRIDGE RECONSTRUCTION AND REPLACEMENT

Each State is authorized to use not more than 10% and is required to use at least 5% (unless the Secretary determines that 5% exceeds the needs of the State) of all sums apportioned for the ABC program for fiscal year 1972 and each subsequent fiscal year to pay the Federal share of the cost of reconstruction or replacement of bridges that cross waterways and are on either the Federal-aid primary or secondary system, if the existing bridge is unsafe because of structural deficiencies, physical deterioration, or functional obsolescence. It is estimated that this section will apply to approximately 465

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bridges, the reconstruction or replacement of which will cost approximately $2 billion.

The Federal share of the cost of any project for the reconstruction or replacement of a bridge under this section is 90%, or that applicable to the ABC program, whichever is the larger.

The Secretary is required to report annually to the Congress on projects approved under this section together with his recommendations relating to bridge reconstruction and replacement.

### SECTION 10. ELIMINATION OF RAILWAY-HIGHWAY GRADE HAZARDS

Existing law authorizes the use of up to 10% of all Federal-aid highway funds apportioned to each State to be used to pay the entire cost of the elimination of railway-highway grade hazards. The amendment contained in this section would not change the provision of existing law but would add thereto the requirement that not less than 5% of all sums apportioned to each State for the ABC program (unless the Secretary determines that a lesser amount will meet the needs of the State) shall be used for the elimination of railway-highway grade hazards.

### SECTION 11. CONSTRUCTION OF REPLACEMENT HOUSING

The Secretary is authorized to approve as a part of the cost of highway construction projects the construction of new housing and the acquisition and rehabilitation of existing housing to serve as replacement housing for individuals and families displaced by the highway construction, when no replacement housing is available and cannot otherwise be made available (either by public housing agencies or private enterprise) and when the highway construction cannot be undertaken unless replacement housing is made available.

Whenever practicable, State highway departments shall utilize the services of State or local governmental housing agencies in such construction, acquisition, and rehabilitation of replacement housing.

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### SECTION 12. ELIMINATION OF SEGMENTS OF INTERSTATE SYSTEM NOT TO BE CONSTRUCTED

The Secretary, on July 1, 1972, would be required to remove from the Interstate System any segment for which the State has not established a construction schedule, within the period of availability of funds authorized to be appropriated, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met. Several segments of the presently designated Interstate System located within metropolitan areas have become controversial in recent years, and final decisions have not been made by State and local officials either to construct such segments or to request their removal from designation as a part of the Interstate System. In the meantime, these segments are included in the Interstate System cost estimates. As the time for completion of the Interstate System becomes shorter, the necessity for making such determinations becomes more critical, and this section is intended to require that final decisions be made within the next two years as to whether or not to build such segments.

### SECTION 13. VIRGIN ISLANDS HIGHWAY PROGRAM

This section authorizes the appropriation of $2 million for each of the fiscal years 1971, 1972, and 1973 to pay up to 50% of the cost of construction of a system of arterial highways in the Virgin Islands. 3% of the sums authorized to be appropriated for each fiscal year shall be available for expenditure by the Virgin Islands only for research, investigations, studies, and development, and an additional 2% of the sums authorized to be appropriated may be used for such purposes. The Secretary of Transportation is also authorized to provide technical assistance to the Virgin Islands in the establishment of a highway department.

Although the Virgin Islands' highway system is not being made a part of any Federal-aid system and is not a part of a Federal-aid highway program financed by the Highway Trust Fund, all of the provisions of law relating to Federal-aid highways (other than those relating to apportionment formulas and limiting the expenditures of funds to the Federal-aid system) shall apply.

### SECTION 14. TRAINING PROGRAMS

Federal-aid highway funds apportioned to the States for the ABC program and for the Federal-aid urban system would be made available by this section to finance the Feueral share of the cost of training programs to provide equal employment opportunities during periods of the year when on-the-job training cannot be carried on because highway construction work is shut down. The training under this section is supplementary to on-the-job training conducted by contractors during the construction season.

The Federal share of such training is the same as that provided for the ABC program, i.e. 50%, plus the sliding scale in public lands states.

### SECTION 15. FUTURE FEDERAL-AID HIGHWAY PROGRAM

Requires the Secretary of Transportation to develop, in cooperation with State highway departments and local governments and to include in the 1972 Highway Needs Report, specific criteria for the functional realignment of the Federal-aid systems and detailed recommendations for a continuing Federal-aid highway program for the 15-year period from 1976 through 1990, together with estimates of the costs of such a program and recommendations for its financing.

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## NATION PAYS DESERVED TRIBUTE TO WEST ROXBURY, MASS., MEDAL OF HONOR RECIPIENT—LT. COMDR. THOMAS KELLEY

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, today the highest award which a grateful nation can bestow upon one of its citizens, the Congressional Medal of Honor, was presented to Lt. Comdr. Thomas G. Kelley, of West Roxbury, Mass., at a White House ceremony.

Lt. Comdr. Thomas G. Kelley has distinguished himself by his dedication and bravery.

At this point I insert for the Record the following news items detailing the courageous acts of Lieutenant Commander Kelley.

I further include the citation and other biographical data and a summary of service and other decorations and medals awarded to Lt. Comdr. Thomas G. Kelley in the Record:

[From the Boston Herald Traveler, May 14, 1970]

### West Roxbury Navy Hero in Viet Gets Medal of Honor Today

Washington.—President Nixon today will present the Medal of Honor to the second Massachusetts Navy man to be honored with the nation's highest tribute for heroism in Vietnam.

Lt. Comdr. Thomas Kelley, son of Mrs. Elizabeth Kelley of 20 Meredith St., West Roxbury, was officially notified yesterday that he would be the recipient of the award.

But Comdr. Kelley, a 1960 graduate of Boston College, reflected little upon the action on June 15, 1969, which brought him the honor.

Helping his mother pack for the trip to Washington he told newsmen, "I wish there's one thing you'd put in any story. My father, the late John Basil Kelley, was the principal of the William Blackstone School in the West End and the James Chittick School in Mattapan. It would please my mother."

Comdr. Kelley, a Boston native, and graduate of Boston College High School, was cited "For conspicuous gallantry and intrepidity at the risk of his life and beyond the call of duty" when he directed his eight assault craft of River Assault Division 152 in repelling a strong enemy attack.

The citation reads that despite "sustaining serious head wounds," Comdr. Kelley ordered seven of his craft to provide protection for one of the flotilla which was disabled.

Kelley, unable to move or speak into a radio, gave commands through one of his men and remained exposed on the deck of his craft until the battle had ended.

A Navy officer since 1960 after his graduation from Officer Candidate School at Newport, R.I., Comdr. Kelley, his wife and three daughters have been living in Kaneohoe, Hawaii, since his return from Vietnam.

But yesterday, as the Kelleys packed to go to Washington for today's ceremonies, another ceremony may have been temporarily set aside, but not forgotten.

Comdr. Thomas Kelley, U.S. Navy, Medal of Honor winner, also celebrated his 31st birthday.

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[From the Boston Globe, May 14, 1970]

### Hub Man Wins Medal of Honor

The afternoon was warm, too warm as usual and not at all pleasant on a river in Vietnam. It was the aftrnoon of June 15, 1969.

Lt. Comdr. Thomas Kelley of West Roxbury had reached his 30th birthday just a month earlier and just a week ago had been given command of River Assault Division 152.

One of the eight assault craft under his command broke down and then the shells began to fly from the brush and jungle around them. It was an ambush.

In the next few minutes Kelley's actions would win him the Congressional Medal of Honor which President Nixon will present to him today on the White House lawn.

He ordered the remaining seven boats to form a protective circle around the disabled boat, as wagon trains did a century ago crossing America.

An enemy rocket made a direct hit on Kelley's little ship, seriously wounding him in the head and knocking him to the deck.

He was bleeding badly and unable to get up or speak clearly into the radio but he managed to relay his orders through another man, direct fire until his men silenced the enemy guns.

Kelley became the eighth Navy man and the second from Massachusetts to win the Congressional Medal for action in Vietnam.

He is a 1956 graduate of Boston College High School and a 1960 graduate of Holy Cross, the same year in which he received his commission in the Navy.

Kelley's father, the late John Basil Kelley was principal of the William Blackstone School in the West End and the James J. Chittick School in Mattapan.

Kelley's mother, Mrs. Elizabeth Kelley of 20 Meredith St., West Roxbury will be at her son's side today when he receives the medal.

The officer is married to the former Gwen Qualey of Charleston, S.C. The couple have three daughters and have been living in Kaneohoe, Hawaii.

### The President of the United States in the Name of the Congress Takes Pleasure in Presenting the Medal of Honor to Lt. Comdr. Thomas G. Kelley, U.S. Navy, for Service as Set Forth in the Following Citation

For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty on the afternoon of 15 June 1969 while serving as Commander River Assault Division 152 during combat operations against enemy aggressor forces in the Republic of Vietnam. Lieutenant Commander (then Lieutenant) Kelley was in charge of a column of eight river assault craft which were extracting one company of United States Army infantry troops on the east bank of the Ong Muong Canal in Kien Hoa Province, when one of the armored troop carriers reported a mechanical failure of a loading ramp. At approximately the same time, Viet Cong forces opened fire from the opposite bank of the canal. After issuing orders for the crippled troop carrier to raise its ramp manually, and for the remaining boats to form a protective cordon around the disabled craft, Lieutenant Commander Kelley, realizing the extreme danger to his column and its inability to clear the ambush site until the crippled unit was repaired, boldly maneuvered the monitor in which he was embarked to the exposed side of the protective cordon in direct line with the enemy's fire, and ordered the monitor to commence firing. Suddenly, an enemy rocket scored a direct hit on the coxswain's flat, the shell penetrating the thick armor plate, and the explosion spraying shrapnel in all directions. Sustaining serious head wounds from the blast, which hurled him to the deck of the monitor, Lieutenant Commander Kelley disregarded his severe injuries and attempted to continue directing the other boats. Although unable to move from the deck or to speak clearly into the radio, he succeeded in relaying his commands through one of his men until the enemy attack was silenced and the boats were able to move to an area of safety. Lieutenant Commander Kelley's brilliant leadership, bold initiative, and resolute determination served to inspire his men and provided the impetus needed to carry out the mission after he was medically evacuated by helicopter. His extraordinary courage under fire, and his selfless devotion to duty sustain and enhance the finest traditions of the United States Naval Service.

### Biographical Data

LCDR Thomas Gunning Kelley, USN, 643569/1100.

Date of Birth, 13 May 1939.

Place of Birth, Boston, Massachusetts.

Religion, Roman Catholic.

Next of Kin: Wife, Gwen Qualey Kelley, 45-243A Kokokahi Place, Kaneohe, Hawaii 96744.

Children, Elizabeth M. Kelley (daughter) DOB 2 July 1963, Jame M. Kelley (daughter) DOB 11 April 1966, Catherine M. Kelley (daughter) DOB 22 Aug 1964, address same as wife's.

Mother, Elizabeth Kelley, 20 Meredith Street, West Roxbury, Massachusetts 02132.

Brother, Jonh B. Kelley, 18 Uplands Road, Winthrop, Massachusetts 02152.

Schools, Randall G. Morris Grammar School, September 1944–January 1949; Blessed Sacrament Grammar School, January 1949–June 1952; Boston College High School, September 1952–June 1956; Holy Cross College, September 1956–June 1960, Degree BS in Economics.

### Summary of Service

15 Jun 20, Enlisted in USNR at Boston, Mass. (for six years).

June 60–Oct 60, Officer Candidate School, Naval Base, Newport, Rhode Island.

14 Oct 60, Commission as Ensign.

18 Oct 60–19 Dec 60, Naval Communication School, Newport, Rhode Island.

20 Dec 60–8 Sep 63, USS *Pandemus* (ARL–18).

9 Sep 63–27 Sep 63, Staff, Commander Mine Squadron Four.

7 Oct 63–11 Mar 64, Naval Air Technical Training Center, Glynco, Georgia.

27 Mar 64–18 May 64, USS *Davis* (DD–937).

21 May 64–6 Jun 66, USS *Stickell* (DD–888).

14 Jul 66–16 Aug 68, Destroyer Development Group Two.

26 Sep 68–5 Nov 68, Naval Inshore Operations Training Center, Mare Island Vallejo, Calif.

15 Nov 68–8 June 69, River Assault Squadron Nine.

8 Jun 69–15 Jun 69, River Assault Squadron Fifteen.

Jun–26 Aug 69, Naval Medical Administrative Unit U.S. Army Tripler General Hospital (hospitalized outside CONUS).

26 Aug 69–present, Staff, CINCPACFLT.

### DECORATIONS AND MEDALS

Navy Commendation Medal with two gold stars and Combat "V" Purple Heart, Combat Action Ribbon, Navy Unit Commendation (River Assault Flotilla One), National Defense Service Medal, Armed Forces Expeditionary Medal (Dominican Republic), Vietnam Service Medal with two bronze stars and Republic of Vietnam Campaign Medal.

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## SECRETARY STANS AND MINORITY BUSINESS ENTERPRISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CONTE) is recognized for 20 minutes.

Mr. CONTE. Mr. Speaker, on Monday, May 18, the Secretary of Commerce, Maurice H. Stans, will meet with Baltimore industrial, financial, and minority community leaders to explain the programs and policies of the Office of Minority Business Enterprise and urge their cooperation in exploiting to the fullest the opportunities created by that office.

That such a meeting is scheduled is in itself not startling because since the Office of Minority Business Enterprise was created the Secretary has made similar visits to nine cities across the Nation—with three repeats in New York—and has discussed the program in 65 addresses before meetings and seminars in an effort to enlist the cooperation and win the understanding of industry and minority groups.

These activities, I believe, are demonstrative of the Secretary's full commitment to planning and implementing a program which will encourage and assist blacks, Mexican Americans, Puerto Ricans, Indians, and others to become members of our Nation's business and industrial community. He has won the admiration and respect of many groups and individuals in these meetings and deserves our praise for his active efforts to bring these programs to the local level.

The impact of his presence and the effectiveness of his work is reflected in some of the newspaper reports which I now am introducing:

[From the Washington Star, Feb. 10, 1970]

### United States and 23 Firms Will Open D.C. Black Capitalism Drive

(By Philip Shandler)

A major program to increase business ownership among blacks in Washington has been initiated by the federal government.

The effort was announced today by Commerce Secretary Maurice Stans. It includes:

Establishment of four business investment corporations with total loan power of some $2 million.

Commitments by 23 retail and service firms—mostly franchisers—to help launch 89 affilitates.

The depositing by the Post Office Department of a substantial sum in an interracial bank, the United Community Bank.

A $550,000 grant to the National Business League, a Negro association headed by local businessman Berkeley Burrell, to expand its program of management and technical assistance.

A $150,000 grant to the Mayor's Economic Development Committee for the continuation of its research and planning.

Opening an office at 1601 11th St. NW as a local outlet for the activities of the federal "black capitalism agency," the Office of Minority Business Enterprise.

It is the first such office in the country.

Stans, in whose department President Nixon put the office a year ago to stimulate and coordinate minority entrepreneurism, announced the local efforts at a conference the government was holding today with District community and business leaders at the Departmental Auditorium.

At a meeting this morning with about 50 neighborhood and black business leaders, Stans encountered strong skepticism about the ability of the government to deliver on its commitments. But he emphasized that now—regardless of past experience—no more is being committed than can be delivered.

Mayor Walter E. Washington, who spoke at the press conference with Stans, said he too has had to deal with frustrated hopes. But he said the program "seems realistic." He said he does not believe the government is "offering a pancea" and added:

"The important thing is to give hope with what you have."

The Washington meeting was the second in a series of local sessions to showcase the Minority Business Enterprise program.

The first was held last month in Boston; others are planned in Los Angeles, San Francisco, Dallas and New York.

The four business investment corporations are what the government has designated as the Minority Enterprise Small Business Investment Corporations, patterned after small business investment corporations.

Each corporation puts up at least $150,000, while the government provides $300,000. The total is then used to lever substantially more money from banks, for a pool of funds to lend budding minority businesses.

The investment program and the efforts to stimulate commitments by franchisers comprise the two principal thrusts of the government's activity in creating minority ownership.

The 23 firms whose D.C. commitments were announced today included McDonald's, Rayco, Dunkin' Donuts, UniRoyal, Southland Corp. (7-Eleven stores), Penn-Jersey and H&R Block. Most of the new franchises would be in food and car service businesses but they also include enterprises in swimming pools, uniforms, paint and management assistance.

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[From the Washington Post, Feb. 6, 1970]

### Minority Business Program Faces Test of Its Sincerity

(By William Raspberry)

The black community's assessment of the administration's minority business program, if I read it correctly, is that the President talks a good game but has little intention of substantial delivery.

The evidence includes the departure, in apparent disgust, of some of the men who were supposed to help develop the program. It also includes the establishment of an Of-

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fice of Minority Business Enterprise (OMBE) without giving it any money to put minority members into business.

But OMBE officials say the program has more going for it than black detractors admit. They hope to prove it over the next several months in a number of cities, including Washington.

Locally, the first big pitch at moving from words to action will come next Tuesday when officials of OMBE, the Small Business Administration and other federal agencies meet with representatives of the black community.

The agenda, according to Commerce Secretary Maurice Stans, will include discussions of "resources, information and business opportunities, as well as innovative approaches to minority business development."

One of the points that officials will try to make is that while OMBE hasn't any money to put up for business ventures, that wasn't the agency's purpose in the first place.

OMBE's major role is to pull together whatever resources already exist, come up with ideas for generating new resources and provide the coordination that can bring the resources and aspiring minority businessmen together.

George Pantos, OMBE's deputy director and one of the organizers of Tuesday's session, thinks the agency is performing that job rather well.

He points out, for instance, that OMBE has had a good deal of success in getting commitments from major businesses and industries to help establish minority members in business. (Nearly 100 such opportunities—in franchising, service stations, auto dealerships and clothing stores—have been established in the Boston area alone.)

Pantos mentioned a popular restaurant chain that usually requires its franchise holders to put up at least $20,000 "front-end money," a sort of down payment-entry fee.

The chain has agreed, through OMBE's urging, to make it possible for a minority businessman to acquire a franchise for as little as 2 per cent of the normal "front end" requirement—or even to waive it entirely under certain circumstances.

It is this kind of leverage with big business that gives OMBE its best chance for success, Pantos feels.

He also lays stress on some clever devices OMBE has coined for generating hard-to-come-by minority investment capital.

The major device is the Minority Enterprise Small Business Investment Company (MESBIC). Under the MESBIC plan, a corporation can put up as little as $150,000, have it matched two-for-one by SBA funds and thereby create a low-interest loan pool of $450,000 for minority businessmen.

But it goes even beyond that. If the money is used in conjunction with SBA's program of 90 per cent loan guarantees, the original investment of $150,000 could create capital resources of more than $2 million, Pantos said.

But so far, Secretary Stans and OMBE officials are talking largely about plans.

The best test of the administration's sincerity and effectiveness will come when significant numbers of aspiring minority businessmen say "show me."

That could come soon after next Tuesday.

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[From the New York Post, Mar. 3, 1970]

## Minority Biz Plan Unveiled

(By Chris Williams)

Secretary of Commerce Stans today unveiled a White House plan to give minority group businessmen here a healthy share of multimillion-dollar government contracts.

The program is designed to put black and Puerto Rican entrepreneurs on a firm footing by providing easy loans for enterprises and making federal contracts available with a minimum of red tape.

It is coupled with an effort by 28 local firms that have promised at least 300 "opportunities"—ranging from auto dealerships to food franchises—to members of minority groups.

### SO FAR $17.7 MILLION EARMARKED

In a press conference at the Upper Manhattan Branch of the YWCA, 361 W. 125th St., Stans said.

"This program is in accordance with President Nixon's order to all governmental agencies to increase the involvement of minority group contractors and suppliers in the federal procurement program.

"To date $17.7 million has been earmarked for this purpose for the current fiscal year with a goal of $100 million for 1971."

### WILL MEET

"With teamwork, I am confident we will achieve the Administration's objective of providing methods through which members of the nation's minorities will participate productively in our American business and industrial economy."

Stans said he would meet with business leaders and representatives of minority groups here throughout the day to go over details.

He said the program was one of a series being instituted in major cities across the country.

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[From the New York Times, Mar. 4, 1970]

## Stans Outlines Plans for Minority Business—Commerce Secretary Lists A Series of Objectives

(By Leonard Sloane)

Secretary of Commerce Maurice H. Stans returned to Harlem yesterday to announce a series of Government and private programs designed to provide business opportunities to members of minority groups.

Exactly three months after he met with 25 black leaders in Harlem to outline Administration plans for fostering minority business, he held a larger meeting at the Uptown Branch of the Young Women's Christian Association on 125th Street to describe the accomplishment of specific programs that had been promised.

These programs—as outlined to the businessmen, to a news conference immediately thereafter and to a luncheon meeting with 50 top corporate officials at the 399 Park Avenue offices of the First National City Bank—included the following:

The agreement by 28 national franchising companies to provide 300 franchises to Negroes in the New York area. "If these 300 opportunities are taken up, I'm sure we'll get another 300 very quickly," he added.

The establishment of three, "and maybe four," minority-enterprise small-business investment companies here, as part of the Commerce Department's Office of Minority Business Enterprise's efforts to develop sources of venture capital for minorities. He said that the corporations sponsoring the new MESBICs are the International Telephone and Telegraph Corporation, the Pioneer Properties Company and B.L.E.D.C.O.

The forthcoming institution in New York of Small Business Administration action on minority loan applications within three days. This . . . procedures for funding applications has been tested successfully in Chicago, Mr. Stans said, and will substantially increase the activities of the administration's local office.

"This is an interim step to the evolution of a total program," said Mr. Stans. "I intend to devote a good part of my time as Secretary of Commerce to this program."

In an address prepared for delivery last night to the Economic Club of New York, the Commerce Secretary continued to express his belief that more blacks and Puerto Ricans must be brought into the nation's economic mainstream.

"So long as only 85 per cent of our people can participate in our system, we will never have full understanding of it, full respect for it or full assurance that it will survive," he told the audience at the Waldorf-Astoria Hotel.

He also announced that a procurement conference will be held here on April 6 to give minority group contractors and suppliers information about bidding for Federal contracts. The Administration has already earmarked $17.8-million in the current fiscal year for government purchases from black and Puerto Rican companies, Mr. Stans observed, with $100-million set as the goal for 1971.

Later, in a question-and-answer period, Mr. Stans said he believed the present level of the economy should be "sustained" and that he did not see any reason for it to go lower.

Mr. Stans said he thought the profit squeeze would continue a while longer but "should begin to ease later this year".

"You can believe the President when he said we are not going to permit a recession."

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[From the Boston Globe, Jan. 27, 1970]

## MESBIC—Key To Unlocking $250 Million Fund To Aid Non-White Business

(By Thomas Ohphant)

You can now add MESBIC to the confusing mix of programs developed by the Federal government to tap the resources of business to aid the nation's ghettoes.

The initials stand for Minority Enterprise Small Business Investment Companies and, as the term implies, they are an application of the leveraging principles of SBICs to the needs of businesses owned by non-whites.

The MESBIC program, christened Project Enterprise, is one of the first major efforts of the Office of Minority Business Enterprise, a ten-month-old unit of the Commerce Department.

Of all the programs started since the government first became serious about aiding non-white businesses about two years ago, this one is easily the most innovative and promising.

To set up a MESBIC, a private group must put up a minimum of $150,000. This figure is then matched on a two-for-one basis with a loan from the Small Business Administration, bringing the minimum initial MESBIC capitalization to $450,000.

Since small business investment companies only put up the equity portion of a loan to an aspiring entrepreneur, their loans in turn make possible much larger loans from banks.

The early experience of the MESBICS has shown, according to the Commerce Dept., than banks will often lend about $4 for every one dollar the MESBIC puts up. This means that each dollar the private MESBIC group raises can mean $15 in loans in non-white businesses. In this year of tight money and tight Federal budgets, that kind of leverage effect is very nice to see.

So far, nearly 30 MESBICS have been formed around the country, four of them in Massachusetts, and Commerce Secretary Maurice Stans has set his sights on 100 by this June 30.

Using 15-for-one leveraging, the achievement of even this limited goal would make about $225 million available eventually to help establish minority-owned businesses.

When the program began, Sec. Stans was able to set aside $15 million at the S.B.A. for loans to get the first batch of 100 MESBICS funded. This was no small achievement, by the way, since at the time S.B.A. loans to regular SBICs had been frozen by the Budget Bureau as part of the anti-inflation effort.

Last week, however, it became clear that MESBICS may be getting even more money. This cheery development stems from a bill passed by Congress just before the Christmas recess at the behest of the SBIC industry, which will bring $70 million in S.B.A. loan funds to SBICs of all kinds by the end of the current fiscal year.

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The Budget Bureau is still keeping its plans for these precious funds secret, but a Commerce Department source told the Globe that MESBICS will be getting a "significant" share of the pie.

Despite its great promise, the MESBIC program is not without faults.

Perhaps the most glaring one is the requirement that a private group put up $150,000 on its own. This makes it unlikely that black people will have control over very many MESBICS.

Sure enough, when one looks at the first list of these companies, he finds the sponsors are dominated by the likes of Philips Petroleum, International Industries, and Prudential Insurance. There are exceptions, including one block-owned MESBIC here in Boston, but they likely will be few and far between.

The Commerce Department's stock in block communities around the country is thus not very high, but it could rise if a way could be found to place black businessmen in operating command of the MESBIC's.

Just such a plan surfaced in Boston during Sec. Stans' visit here two weeks ago. It was drafted in rough form by Samuel Tyler III, the urban affairs man for Associated Industries of Massachusetts.

Tyler's idea is designed ultimately to breathe life into one of the Boston business community's most conspicuous failures to date in the ghetto arena, the Boston Orban Foundation.

This organization was formed with a vast amount of publicity nearly two years ago to help form black business locally. Its announced goal was to raise $2 million, but it has never approached that.

At last count, it had raised less than $350,000, not all of which had even been lent. Last week, one local businessman described the foundation as "dead on its feet."

What's more, it is leaderless. It has no executive director, and its chairman up until a month ago was Robert Slater, who has since dropped out of sight after resigning as head of John Hancock.

Tyler's idea envisages a foundation with $2 million and a board of trustees for general leadership composed of "downtown" financial and corporate executives.

However, his idea is to add an operating executive committee composed of black businessmen, overseeing the work of an executive director who would have to be comfortable both downtown and in Roxbury.

With aid from the S.B.A. and local groups like Action for Boston Community Development, the revived foundation would operate five MESBIC's, each capitalized at $500,000, in the following fields—housing development firms, large retail establishments, manufacturing companies, small shops and service businesses, and construction companies.

Remembering the leverage effect, this $1.5 million would mean more than $20 million for local minority-owned businesses. In addition, there would be $500,000 available as an emergency fund to help existing companies get through rough spots.

Tyler's excellent idea has already been picked up by other members of Boston's highly motivated "underground of corporate urban affairs specialists. However, to get anywhere it will need support at much higher levels of the city's business establishment.

Whatever happens, the bank presidents, brokerage house partners, and corporate executives had better move soon to raise the money any serious effort in this field requires. As things stand now, their reputation in Roxbury could hardly be more tarnished.

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[From the Boston Herald-Traveler, Jan. 14, 1970]

### Boston-Area Firms Assure Commerce Chief of Minority Aid

(By Earl Marchand)

Secretary of Commerce Maurice H. Stans spent a conference-filled day in Boston yesterday, drumming up "opportunities" in business for minority group members.

Then he reported that he already had been given "commitments which assure 99 minority business opportunities in franchising, gasoline service stations, automobile dealerships and menswear stores in the Boston metropolitan area."

The commitments, Stans said, came from 23 businesses and industries in the area.

The 61-year-old head of commerce told reporters that this was just a start by the Nixon administration in its attempt to put minorities into the mainstream of American economic life.

He said he would be making trips similar to yesterday's Boston visit "to 20 to 25 major cities in the next six months."

His activity here began Monday night when the secretary talked with about 50 persons from government agencies. Yesterday morning he discussed minority activity with about 100 business and financial leaders. Following a noon press conference he met with about 50 minority leaders.

His busy day precluded a scheduled walking tour of Roxbury. With Stans on the Boston visit were Under Secretary Rocco C. Siciliano and Abraham S. Venable, director of the Office of Minority Business Enterprise.

Stans is working on minority opportunity through the Office of Minority Business Enterprise (OMBE), a division of the Commerce Department created by President Nixon last March.

OMBE, Stans said, faces this situation: While minority groups make up 15 per cent of the population, they own less than three per cent of the nation's businesses and only one-half of one per cent of the total assets of business.

OMBE, according to Stans, is operating on the premise that four factors will lead to successful minority business enterprises:

Realistic opportunities; adequate capital; assistance to management after the business is begun, and a qualifiable individual to run the business.

OMBE is providing the first three ingredients, and it is up to the minority communities to present their qualifiable individuals, Stans said.

A goal of $301 million in federal government loans, grants and guarantees has been set for the current fiscal year to aid minority business, the Secretary said.

HE ASKED local financial and corporate organizations to create new sources of venture capital through the Small Business Administration (SBA) program. It was also reported that the SBA more than doubled its loans to minority businessmen in 1969 over 1968.

Under the plan to increase opportunity for minority businessmen, the federal government—as a consumer—expects to play a big role.

"We have established a goal of $100 million in fiscal 1971 in federal contracts for minority businessmen for the purchase of supplies used by the government," Stans said.

Stans said that a successful program could help "relieve discontent" among the minorities.

"We cannot have 15 per cent of the American society left behind by the mainstream," he noted. "It is not enough that they have a regular job and a regular salary. There must be opportunity so they can have a chance to be an owner . . . a capitalist . . . a success story."

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[From the Dallas Times Herald, Mar. 9, 1970]

### Stans Tells Plans To Aid Minorities

(By Richard Curry)

Several developments aimed at providing opportunities and expanding sources of venture capital for potential minority businessmen in Dallas were revealed here Monday by Secretary of Commerce Maurice H. Stans.

Dallas industrial, financial and minority community leaders meeting in an all-day series of sessions with Stans and other federal officials were urged to utilize to the fullest the opportunities presented and to be prepared to apply others now in the planning stage.

Stans also announced that the Dallas Negro Chamber of Commerce has been designated as his department's first associate office. This means that the Dallas chamber will, in effect, act as a field office in providing information to minority groups.

Stans spoke briefly early Monday at the first meeting of a new organization called the Dallas Alliance for Minority Enterprise, comprised of businesses, individuals and organizations interested in promoting minority enterprise.

While in Dallas Stans announced these developments:

23 businesses and industries here have made commitments which assure 69 minority business opportunities in the Dallas area, ranging from automobile dealerships through a wide variety of franchises.

Four groups of Dallas business and community leaders have organized Minority Enterprise Small Business Investment Companies. These are University Computing Co., Bonanza International, Daniel Investment Co. and the Business School of SMU.

Appointment of C. Carmon Stiles, deputy director of the Department of Commerce field office in Dallas, to offer assistance and advice to potential businessmen in contacting corporations, financial institutions and government agencies.

"We must make it possible for any individual to have his own business if he wants it," Stans told a press conference. "That kind of opportunity must be available to everyone regardless of background or ethnic origin."

Stans characterized the economy as being in a "controlled slowdown." He said he expects there will be evidence of a slow-down in the rate of inflation within the next few months.

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[From the Dallas Morning News, Mar. 10, 1970]

### Minority Programs Launched

(By Al Altwegg)

"No city we have been in is as far advanced in its concepts of dealing with the problem (of helping develop more minority business enterprise) as is Dallas."

With that statement, Secretary of Commerce Maurice Stans kicked off the first minority business workshop held on the SMU campus Monday as the first project of the new organization called DAME, the Dallas Alliance for Minority Enterprise.

During his day-long visit to Dallas to promote the government's minority enterprise programs, Secretary Stans also made around half-dozen announcements:

1. Twenty-three firms and industries have made specific commitments offering 60 minority business opportunities in the Dallas area most of them franchised operations ranging from auto dealerships to food shops.

2. Four groups have already taken steps to organize the new risk-capital firms called MESBICs (Minority Enterprise Small Business Investment Companies). One, formed by Sam Wyly's University Computing Company, is already in business and has committed its first loan, it was announced Monday. (Hilary Sandoval Jr., highest ranking Mexican-American in the government and head of the Small Business Administration, accompanies Stans on his Dallas visit.)

3. A Dallas area procurement conference is going to be held here in May to let minority businessmen know what they can sell to various government agencies and how to go about doing it.

4. C. Carmon Stiles, deputy director of the U.S. Department of Commerce field office in Dallas, has been appointed specifically to give assistance and advice in that office to minority entrepreneurs seeking help.

5. The Economic Development Administration of the Department of Commerce has joined in funding Venture Advisors Inc. of Dallas, an organization founded by Wyly and dedicated to giving advisory help to small Dallas businesses run by black or Mexican-American enterprisers.

6. The Dallas Negro Chamber of Commerce, with offices at 2834 Forest Ave. and headed by Dallas black businessman Joe W. Kirven, has been designated as the Department of Commerce's first "associate office" to make it easier for minority groups to get Office of Minority Business Enterprise (OMBE), the Commerce arm promoting minority enterprise for the Nixon administration.

Speaking at the Dame workshop at SMU Monday morning—a similar presentation was made to Dallas white businessmen Monday afternoon—Stans pointed out that the members of many minority groups in the United States—not just black, but the Mexican-Americans in Texas and California, the Puerto Ricans in other parts of the country, the Indians, the Eskimos, and some even smaller minorities—are far behind in the race.

"Our purpose is to see that they have at least an equal chance at the starting line," Stans said.

He stressed that the minorities constitute about 15 per cent of the U.S. population but own less than 3 per cent of the business enterprises and control less than one-half of one per cent of the business assets.

Speaking of the OMBE program, Stans said:

"This is not a welfare program. It's an opportunity program, to offer the minority members the same opportunities that whites have, the opportunity to succeed or fail."

Stans reminded his listeners that after two years, 50 per cent of white enterprises are no longer around, having been bought out or given up or having gone bankrupt.

"We have to recognize that there will be failures. But we can't just hand out money to everyone. We have to see that any individual has an equality of opportunity."

Addressing himself to the reasons why such a program should be undertaken and promoted, Stans noted three in particular:

1. The social reason: "It's just right, fair, equitable. It's the thing to do, to see that those people who have been left behind should be given a chance to catch up."

2. The economic reason: "As long as only 85 per cent of our people have opportunity, we will never develop the full potential of this nation's economy. Just the security of a job and a weekly paycheck is not enough. These people must have a chance to be owners."

3. "And another reason is the self-interest of the business community, of the entire society, which dictates this should be done. We will not be able to preserve our economic system unless we have understanding of it by all of the people. We must bring the 15 per cent in the minorities to a full understanding of the system, to have full confidence in the system, and that they cannot reach until they are owners."

Stans concluded in ringing tone, "We're trying to prove to everyone in this country that there is such a thing as the American dream, and that it's available to them as well as to anyone else."

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[From the Los Angeles Herald-Examiner, Feb. 17, 1970]

### MINORITY BUSINESS AID SET

Secretary of Commerce Maurice H. Stans has announced 110 minority business opportunities are available in Los Angeles through the Office of Minority Business Enterprise (OMBE).

Beginning two days of meetings with community and business leaders here, Stans met with newsmen at the downtown Hilton Hotel yesterday to outline the OMBE program's local operation.

"At least 200 franchising companies have guaranteed us 5000 opportunities across the country," Stans said, "and we have 110 firm commitments right here in Metropolitan Los Angeles."

Created by President Nixon in March, 1969, OMBE has designed a four-point formula for minority business success.

"We've seen it takes a lot more than money," Stans said. "It takes first, a qualifiable individual; second, a realistic opportunity; third, adequate sums of money, and fourth, technical and managerial assistance."

OMBE will look to the local communities to screen individuals who might be qualifiable (trainable) and refer them to the program, he said.

"Then government programs will work with the community, local businesses and the individual," he explained, "and we figure our success should match the national average of 50 per cent for new businesses."

Approximately half, he said, would either fail, sell out or merge with other businesses within the first two years.

Various government and private funds will provide the "seed" money to get started, Stans said, and the balance will be borrowed from banks with 90 per cent Small Business Administration insurance.

Mexican-Americans and other minorities will be served by the program, as well as blacks, Stans said.

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[From the Los Angeles Times, Feb. 17, 1970]

### STANS DISCLOSES MINORITIES BUSINESS PLAN—REPORTS 28 FIRMS OFFER AID

Secretary of Commerce Maurice H. Stans brought word of the Nixon Administration's "minority enterprise" program here Monday with announcement of 110 business opportunities for local residents.

Stans told a press conference at the Statler that the offer of chances for members of minorities to get started in business had come from 28 firms, including franchise operations and oil and auto companies.

The commerce secretary explained that what was "black capitalism," one of Mr. Nixon's campaign promises, had been expanded to include all minorities under the Office of Minority Business Enterprise.

Stans came here for a two-day series of meetings and seminars with business representatives of the black, brown and white communities. He will meet today at the Western White House with more than 50 newspaper editors, then with the heads of local federal offices to explain the program.

His hope is to unite the resources of the federal government with representatives of the minority community and local business to find eligible persons, provide business opportunities, training—if necessary—and funding to start new businesses.

Stans said financing will be provided, in part, by local organizations called Minority Enterprise Small Business Investment Companies.

So far there are four such groups here. They are Fluor Corp., International Industries, Freedom Diversified Investment Co., and San Fernando Investment Co.

Each of the organizations puts up money which is matched two to one by the federal government. This sum is used in turn to provide seed money for the new business and then money is borrowed from banks.

Thus, Stans said, the $200,000 offered without profit by Fluor becomes $600,000 when matched, then balloons into about $3 million after bank loans.

According to the commerce secretary, there are 50 such groups nationwide. He expects 100 MESBICs by June 1 with a total of $300 million to generate business among minorities.

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[From the Detroit Free Press, Apr. 14, 1970]

### MINORITY BUSINESS AID PRAISED

By David C. Smith

Detroit has advanced faster than any other U.S. city in developing minority business, Secretary of Commerce Maurice H. Stans said here Monday.

Stans was in Detroit for a day long conference with black and white business leaders detailing federal programs for promoting black businesses.

He also addressed a joint meeting of the Economic Club of Detroit and the Society of Manufacturing Engineers (SME). The SME is conducting a week-long technical conference and tool show at Cobo Hall.

Stans departed from the main thrust of his Detroit appearances to rap the Teamsters strike. He said the walkout is "contradictory to the administration's program to hold down on inflation."

While deploring the Teamster action, Stans said, he didn't feel the administration should "get in any further" than it has at this point.

Stans said that Detroit's emphasis on developing minority business opportunities undoubtedly was spurred by the 1967 riot and subsequent formation of leadership organizations such as the Inner City Business Improvement Forum and New Detroit Inc.

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[From the Detroit News, Apr. 11, 1970]

### STANS TELLS OF PROGRESS OF MINORITY BUSINESSES

Secretary of Commerce Maurice H. Stans, who is touring the nation to promote a program of aid to "minority" business enterprises, said Detroit appears to be "further advanced" in this type of activity than any of 10 major cities he has visited.

Stans met here yesterday with several groups of leading white and black business executives. James M. Roche, chairman of General Motors Corp., presided over one of the programs, held at the Engineering Society of Detroit.

Stans told of recent steps which have been taken by private business and the government to aid business ventures started by members of minority groups who have been "left behind" by the rest of the economy. He said these people include not only blacks, but also Indians, Spanish speaking Americans and Eskimos.

Stans particularly discussed a program, started by the Commerce Department last November, to establish what are called Minority Enterprise Small Business Investment Companies, or MESBIC's.

Under the program, an established business or other organization can form a MESBIC as a subsidiary company, contributing at least $150,000 in initial capital. This starting capital is matched on a two-for-one basis by the Small Business Administration, thereby tripling the capital base.

In addition the SBA will guarantee up to 90 percent of additional financing in the form of bank loans. The effect of this, Stans said, is to make available $15 in operating funds for every $1 originally invested.

Nationally, Stans said, 82 MESBIC's already have been formed, and he predicted that a goal of 100 by the end of the government's current fiscal year on June 30 will be easily reached.

Michigan has four MESBIC's thus far, the largest being one previously announced by General Motors Corp. GM's contribution to get the project started was $1 million. The SBA will add another $2 million, and bank loans are expected to increase the total to $15 million.

Other MESBIC's in the state were started by Urban Design Development Corp., 415 Brainard, Detroit; Michigan Franchise Systems Inc., 16000 West Nine Mile, Southfield; and Garrard & Co., Saginaw.

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The MESBIC's will seek qualified persons in minority groups who need both financial and technical assistance and lend them the money and the management counseling needed to go into business. These enterprises won't necessarily be in the same field as the sponsoring company.

Thus, MESBIC firms sponsored by General Motors won't necessarily be connected with the automotive industry.

Roche said several MESBIC proposals had been made to General Motors and "now that we're in operation we are going to give it everything we've got." (The charter for GM's operation was presented to Roche by Stans at yesterday's meeting.)

Roche said General Motors actually is encouraging minority enterprise in other ways besides the MESBIC program.

"We have been attempting to work with minority interests who have the technical skills and the possibilities of becoming suppliers," Roche said. This represented "preferential treatment" for the minority businessmen, Roche said, but he pointed out that once they get the initial opportunity to do business with GM "they have to have the ability to be competitive in price and quality, and anyone who goes into business today has to recognize that."

Roche also said: "We have instructed all of our people in a written policy statement to look for products and services (from minority enterprises) that can be used in our plants."

Stans said that in addition to the four MESBIC's which have been formed in Michigan, these steps have been taken to help minority enterprises here:

Thirty-five companies with franchising operations "have made commitments which assure a minimum of 62 minority business enterprises in the Detroit area."

A program to provide management assistance to firms requiring it has been established by the Commerce Department in cooperation with a black organization, the Booker T. Washington Business Association.

A specialist from the Commerce Department, George R. Campbell, has been assigned full time to aid minority businessmen. His office will be in the Federal Building in Detroit.

A "procurement conference" will be held in Detroit in October, on a date yet to be announced, to explain how minority contractors and suppliers can do business with the government.

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[From the San Francisco Examiner & Chronicle, Apr. 5, 1970]

### MINORITIES WINNING FIGHT

(By Lindsay Arthur)

A snowstorm of paper work engulfs the Administration's efforts to find and help finance potential entrepreneurs among the minorities.

Actual new businesses are hard to locate.

Maurice H. Stans, a Californian who is secretary of commerce, is the sparkplug for the effort to bring America's blacks, browns and yellows into the economic mainstream, raise their living standards and widen the doors of opportunity.

More than six weeks have elapsed since he came to San Francisco—one of many trips to major cities—to sell a three-part program of capital development, construction awards and procurement contracts.

The interviewing was assigned to the Commerce Department's San Francisco office.

Philip Creighton, regional manager, says 200 persons have been screened.

"We are the catalysts," he says. "We interview and refer these people to other agencies, organizations and businesses."

One is the San Francisco Chamber of Commerce.

David A. Marcelle, assistant manager, says his office functions as a clearing house, matching opportunities and talent.

#### BEFORE VISIT

The chamber's effort predates Stans' visit.

"We try to persuade businessmen to grab a hold," says Marcelle.

"The federal government's direct endorsement gave the program a priority, a national label that makes easier the job of winning local commitments.

The Small Business Administration is a second point of referal. Asked for tangible results, Donald McLarnan, regional administrator, cites these:

A minority-owned company here has just received $636,000 contract to manufacture export packaging.

A black proprietorship won a $684,000 award to make leather mail bags.

A similar firm was awarded a $296,000 contract to build metal hand trucks for the Post Office.

"These supply awards ordinarily go to large concerns," says McLarnan. "We went after them for the minority people."

Stans places great faith on the Minority Enterprise Small Business Investment Company as a way of lifting social and economic levels.

There are a half dozen in formation but not one "Mesbic" has been licensed in the six weeks.

A third point is PACT (Plan for Action for Challenging Times.)

Mrs. Del Behrend, small business counselor, is on leave from Bank of America as PACT's director of business and economic development.

Asked the effect of Stan's visit, she says: "As go-between for the business and the minority communities we have been swamped. We have had twice the normal number of inquiries."

#### $1 MILLION

This six-year-old business development organization since last August has "packaged" $1 million in loan applications and is working on a similar volume.

A high priority has to be given now to keeping afloat the minority businesses already started.

Tight money, she explains, has created cash problems for all business—white, black and yellow.

"But the Stans visit did help," she adds. "The troops got the message in the government agencies."

#### PAPER PROJECT

Critics call the minority ownership idea a "paper project."

"The paper work is fantastic," says one insider. "As the word spreads there will be more people competing for available funds and more red tape."

But there is little discouragement. John Dukes, executive director of the Economic Opportunity Council, says he hears few complaints about the lack of "visible progress."

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## INTERNATIONAL TRADE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PRICE) is recognized for 15 minutes.

Mr. PRICE of Texas. Mr. Speaker, I have long been in favor of free international trade. But in trade, as in life, unbridled freedom often creates more problems than it solves.

In the past decade, this Nation has witnessed a dramatic increase in the inflow of certain foreign goods and products. Up to a point, these imports have enhanced our standard of living. Unfortunately, however, they have reached such levels in certain classifications that they have burdened rather than benefited our economy.

Imported textiles and footwear are two areas which are of particular concern to me. In recent years, these inexpensively produced imports have become a glut on domestic markets. As a result, American textile and footwear industries are attempting to compete under extremely adverse competitive conditions. Foreign manufacturers typically have significantly lower production, labor, and marketing costs than do American manufacturers. In addition, importers can stagger their imports by volume and by time period, thereby greatly disrupting American markets and making it impossible for domestic businessmen to produce and market their own products on an orderly basis.

Beset with increasing pressures from foreign textile and footwear importers, some manufacturers have been forced to go out of business. This has added to rising unemployment rates, cut back domestic job markets, and lowered Federal tax revenues. While these effects are measured in purely economic terms, the real tragedies lie in the human misery created when a father or a husband finds himself displaced by the effects of unfair foreign competition, and as a result is unable to meet his personal and family obligations.

Mr. Speaker, foreign businessmen should simply not be allowed to continue using their lower production, wage, and marketing cost advantages as a bludgeon to add to the internal economic problems this country is already facing.

Ideally, this situation should be resolved through multinational trade agreements. Unfortunately, the lure of making a quick and easy profit at the expense of American merchants and workers has blinded certain foreign nations to the realities of international commerce.

In an effort to facilitate a solution to this problem, I am today joining other concerned Members in introducing legislation to provide for orderly trade in textile articles, articles of leather footwear, and to ease the economic import on domestic markets. Hopefully, this proposal will help set the stage for the consumation of appropriate multinational trade agreements. However, if the executive branch fails to promptly arrive at a set of international agreements reasonably designed to permit appropriate levels of imports to enter this country on a scheduled quota basis that will not disrupt domestic markets and will not harm our U.S. businessmen and workers, then I submit Congress has the responsibility to take strong decisive remedial action.

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## PROBLEMS OF FAMILIES OF MISSING AND CAPTURED SERVICEMEN MUST BE SOLVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WILLIAMS) is recognized for 15 minutes.

**Mr. WILLIAMS.** Mr. Speaker, amid the current controversy over the Cambodian extension of the continuing conflict in Indochina all too little mention seems given to U.S. servicemen listed as missing in action or captured in Southeast Asia.

It was March 1964, when the first U.S. Army adviser was captured by the Vietcong. Today, 6 years, 2 months, and 328,119 total U.S. casualties later, the Department of Defense tells me the number of U.S. servicemen missing in action or captured in Southeast Asia stands at 1,579.

The Department of Defense also tells me 22 of these 1,579 men have been so listed for more than 5 years. It tells me that, because of the viciously sadistic attitude of the Communist enemy, it has actual knowledge of the capture of only 450 of these men, and, worse, that the enemy has openly acknowledged capturing only around 450.

If this is a dramatic indictment of the inhumanity of the Communists, it is, at once, dramatic suggestion of the suffering of the Americans they have captured. But it is also poignant indication of the anguish of the families of these same men missing or captured.

Even as the Communist enemy continues to choose to flagrantly violate the most basic human rights of these men whom it holds captive by pointly refusing to adhere to the Geneva Conventions of which the enemy is a signatory, so, too, does that enemy continue to choose to flagrantly violate the most basic human right of their families here at home: the very right to know whether their men are dead or alive.

Some of these men have children whom they have never seen. The children of others have been compelled to endure the formative years of their lives without remembering their fathers' voices or their faces.

Even as some of these children have moved from preschool to school age, others have moved from high school to college age. Like their mothers, all of these children carry a burden of which no one can truly relieve them; it is much too deep, too intimate. To these children, it is even innate.

We must, however, do whatever we can to lessen their hardship in at least through obvious areas: education, housing, and related family business affairs. It is toward this end that, today, I am introducing two bills.

The first bill would accomplish two things: It would extend to children of men listed as missing in action or captured in Southeast Asia the same educational benefits to which orphans of war veterans are now entitled; and it would extend to the wives of these men the right to a Government-guaranteed loan to which widows of men killed in service and of men who die of service-connected disabilities are now entitled.

The second bill would extend powers of attorneys which, otherwise, might have been terminated, in order to permit the wives or parents of these men to do things in the servicemen's behalf which, by powers of attorney, these men had granted them to do.

Many of these men signed powers of attorney which authorized their wives to take such actions necessary to manage real and personal family property and conduct such business affairs as may be required in their absence.

Many of these instruments, however, contained expiration dates which have expired during the period in which these men have become listed as missing or prisoners of war.

Consequently, their wives have been unable to obtain loans, sell houses, or conduct routine, but vital, family business transactions in their war-cast roles as both mother and head of family. Other wives will suffer this same totally unfair fate when their terms of powers of attorney expire.

This, quite obviously, is an inequity which begs loudly for the remedy which this bill would provide; this remedy which the Congress must hasten to provide to these people who, already, suffer more than their share of the awful hardship of this long-drawn out and controversial conflict.

I am introducing these bills in this body because I consider them instruments of utmost urgency toward the essential goal of giving relief to the problems suffered by these innocent victims of U.S. involvement in Southeast Asia and because it is imperative that this effort be coordinated and expedited via the combined full force and impact of the House and Senate.

Thank you.

## TRIBUTE TO HON. EUGENE B. CROWE, FORMER MEMBER

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 10 minutes.

**Mr. HAMILTON.** Mr. Speaker, I am saddened to announce to the Members the death of the Honorable Eugene B. Crowe, who served in the House in the 72d and four succeeding Congresses.

Mr. Crowe came from the heart of America and he believed deeply in its values: Integrity, industry, and concern for his fellow man.

He was a politician in the finest sense of the word. He had a profound appreciation and respect for the democratic process. He understood it, used it, and enhanced it.

He served as Indiana's Ninth District Representative during 10 momentous years in this Nation's history, and he played a part in this country's desperate climb from the depths of depression to economic health. The impressions of those years never left him, and he never lost his concern for the welfare of the people.

He was honored in many ways during his lifetime, but no accolade could sum up the daily contributions he made to his community, his State, and his Nation.

I shall never forget how, at the age of 90, he was still pushing and cajoling and persuading others to support his favorite community projects: A new highway, better health facilities, or more water conservation and control projects.

I am grateful for the life of Eugene B. Crowe. I am often asked in my trips around the Ninth District of Indiana, "How can I help my community or my State?" I do not know of a better answer than, "Be like Eugene B. Crowe."

I know the Members join with me in offering condolences to Mr. Crowe's family and friends.

## INTRODUCING A BILL TO DEAL WITH INCREASINGLY CRITICAL PROBLEMS OF UNRESTRICTED ELECTRONIC IMPORTS

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. BOLAND) is recognized for 20 minutes.

**Mr. BOLAND.** Mr. Speaker, startling new increases in the importation of electronic products are threatening the jobs of hundreds of thousands of workers throughout the United States. Imports have reached genuinely alarming levels—levels unprecedented in this country's history. Each time importation inches upward, employment in the domestic electronics industry moves commensurately downward. An ample supply of cheap labor gives foreign manufacturers a staggering advantage over domestic ones, allowing them to take a larger and larger share of the U.S. market each year.

Working men and women across the country—just one example is the membership of Local 1500 of the International Brotherhood of Electrical Workers, the union at General Instrument Corp.'s Sickles Division in Chicopee, Mass.—are losing their jobs because of this tide of imported electronic products.

They face a dual threat: The dramatic rise in the importation of foreign manufacturer's products, and an equally dramatic rise in the number of domestic manufacturers relocating abroad.

I and my distinguished colleague from Massachusetts, SILVIO O. CONTE, are today introducing legislation to limit electronic imports.

I want to emphasize that the bill—supported by the International Union of Electrical Workers, the International Brotherhood of Electrical Workers, and the International Association of Machinists—is not just another piece of shortsighted protectionist legislation.

Quite to the contrary, it provides for the orderly growth of electronic imports within a framework of fair competition.

It would allow domestic and foreign suppliers to compete for the consumer's dollar in a way that is eminently just to both.

The bill differs in two ways from legislation Mr. CONTE and I have introduced in the past. First, it updates the years cited in the enacting clauses of the earlier bills. Second, and far more significantly, it strikes a provision that would provide special preferences to foreign supply nations that encourage U.S. investment. These are precisely the nations that are luring away domestic electronic operations, jeopardizing workers here in the United States.

Plainly, Mr. Speaker, there are benefits to this country as well as to the importing countries in the development and

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growth of foreign trade. To achieve such benefits certain domestic problems can be tolerated. What has happened in the electronics field, however, is that the growth of imports has been so substantial as to severely dislocate the domestic industry, putting many workers out of jobs and virtually eliminating domestic production of such basic consumer items as radios and black-and-white TV receivers. What makes this uncontrolled situation particularly undesirable is that the price advantage of the imported products largely rests upon the low labor costs involved in the foreign production.

Most of the electronic consumer products are finding expanding domestic markets. There is certainly room for an orderly growth in imports that will not continue the serious adverse domestic impact of the recent past. This bill will provide a framework for such an orderly growth of imports. American manufacturers who want to continue manufacturing electronic consumer goods in this country deserve such a bill. American workers whose livelihood is at stake need such a bill. Most of all, this country needs such a bill to avoid further aggravation of an already serious problem.

Section 1 of the bill provides that the total quantity and value of any consumer electronic product and accessories of foreign manufacture that may be imported—or released from storage—for domestic consumption in any calendar year shall not exceed the quantity or value in which that product was imported—or released from storage—for domestic consumption in 1966. The proviso specifies that if the domestic consumption of an article increases—or decreases—more than 5 percent from the 1966 level, then the ceiling on imports of that article will be adjusted in an amount proportionate to the change in domestic consumption.

Section 2 of the bill parallels section 1 with respect to electronic components of foreign manufacture of the types used in the manufacture of consumer electronic products. The base period here is the average for the 3 calendar years 1964–66 inclusive.

Section 3 of the bill provides that during the year in which the bill becomes effective the formulas utilized in sections 1 and 3 of the bill shall be applied but the amount of the base domestic production used to calculate the maximum on imports shall be reduced to the proportion of the base year or years consumption which corresponds to the proportion of the calendar year remaining in which this bill is enacted.

Section 4 of the bill provides that the Secretary of Commerce shall allocate to importing countries a share of the allowable imports of consumer electronic products and components of particular types based upon the amount of past imports of such products by such countries during a representative period. The Secretary is permitted in his allocation to give due account to special factors which have affected, or may affect, the trade in any types of electronic articles. The Secretary is to give special favorable weight in the allocation process to foreign countries which have no greater restrictions on imports into their countries from this country of electronic consumer products and components than are imposed by this country upon their imports of such articles. The Secretary is to certify to the Secretary of the Treasury the allocations made under this section.

Section 5 of the bill provides that the Secretary of Commerce, upon any interested party's application, determine whether domestic production of any article involved in this act in conjunction with imports allowed under this act is adequate to meet estimated annual consumption of the article. If a deficiency in domestic production is found, the Secretary is to determine the increase in imports that is required to eliminate the deficiency on the next calendar year, and to certify his determination to the Secretary of the Treasury.

Section 6 authorizes the President to enter into agreements with foreign countries to provide for orderly and equitable access to our domestic markets in accordance with this act. In accordance with any such agreements, the President may by proclamation adjust the amounts of imports allocated to foreign countries pursuant to this act.

Section 7 of the bill provides that the release into our domestic markets of imported articles covered by this act shall be regulated on a quarterly basis.

Section 8 of the bill provides that the determinations of the Secretary of Commerce and President under the act shall be final.

Section 9 provides that the bill is effective upon enactment.

Mr. CONTE. Mr. Speaker, I am pleased to join my good friend and colleagues, EDWARD P. BOLAND in introducing a bill which deals with the increasingly critical problem of unrestricted electronics imports.

This bill is basically identical to H.R. 9274 which I introduced on March 20, 1969, with one major difference; we are deleting from section 4 of the earlier legislation language which would have authorized the Secretary of Commerce to give special preference to countries such as Taiwan because they have permitted unrestricted U.S. private investment in their countries. Such a provision makes no sense today.

As I said recently (CONGRESSIONAL RECORD, Mar. 25, 1970, p. 9373), the growing trend to build plants abroad in cheap labor markets poses a serious and intolerable threat to American jobs.

I am pleased that this new bill has the unqualified endorsement of three major unions affiliated with the AFL–CIO; the International Union of Electrical Radio and Machine Workers—IUE; the International Brotherhood of Electrical Workers—IBEW; and the International Association of Machinist—IAM.

In addition, I want to mention that there is also concern about the trend to build abroad among industry leaders. Prominent among them is Mr. Robert C. Sprague, chairman of the board of Sprague Electric Co., in North Adams, Mass. For some time Mr. Sprague has been working vigorously to discourage his colleagues in the electrical industry from going abroad.

Mr. Speaker, I intend to testify in support of this legislation during the pending foreign trade hearings being held by the Ways and Means Committee. I am increasingly confident that, with the support of both labor and management, we will soon be in a position to deal effectively with this problem.

## GENERAL LEAVE

Mr. CAFFERY. Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks in the RECORD and include extraneous matter on the special order today by the gentleman from Massachusetts (Mr. BOLAND).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

## SCHWENGEL OFFERS AMENDMENTS TO IMPROVE DEPARTMENT OF AGRICULTURE CONSERVATION AND POLLUTION CONTROL PROGRAMS

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHWENGEL. Mr. Speaker, I stated yesterday that I would introduce a bill to amend legislation authorizing two of our most widely used and effective conservation programs: The Agricultural Conservation Program, which applies to farmland in the 50 States, Puerto Rico, and the Virgin Islands, and the watershed protection and flood prevention program—Public Law 566—which also is applicable in approved upstream watershed projects throughout the country.

These amendments, in the bill which I have introduced, will make these conservation programs even more effective public instruments for conserving our soil, water, woodland, and wildlife resources, reducing floods, stabilizing streamflows, beautifying the landscape, and of at least equal importance, abating agriculture-related pollution and otherwise protecting and enhancing the quality of our environment.

### SITE ACQUISITION AND WATER QUALITY IN PUBLIC LAW 566 WATERSHEDS

Section 1 of this bill deals with two special needs which should be solved by amendments to the Watershed Protection and Flood Prevention Act, or Public Law 566. The enactment of this section will authorize local organizations to use Federal funds available to them, other than those appropriated for the purpose of Public Law 566, to acquire land, easements, and rights-of-way needed in watershed projects. This is now denied, except for public recreation or fish and wildlife developments. Therefore, the local sponsoring organizations cannot use on such projects—and, so, must forfeit—any funds that may be available to them from other Federal programs, if they are to receive assistance under Public Law 566.

In addition, Federal cost sharing for water quality management is precluded in Public Law 566 watershed projects, even though aid for mainstream projects may be available under other Federal programs. This limiting difference should be eliminated, and would be under this bill. Much is lost unless water quality begins as far upstream as possible. Omitting water quality maintenance from Public Law 566 projects—which can now help sponsoring organizations develop, manage, and utilize water and associated land resources in these watersheds—is a mistake which should be corrected without delay. Including such additional authority will lead to more significant benefits to downstream water quality as well.

### AGRICULTURAL CONSERVATION PROGRAM

Sections 2 and 3 of my bill deal with the grassroots agricultural conservation program, which is a most important and effective force for conservation in my State of Iowa. And throughout the Nation more farmers rely on it from year to year to help them install their conservation plans, than on any other farm program. Each year about a million American farmers use ACP resources to help them do more soil, water, woodland, and wildlife conservation work than they could or would otherwise do. This Congress broadened the ACP authority to permit using ACP funds for conservation practices primarily for pollution abatement, thus giving this program even greater potential for good.

The ACP was started early in 1936, as a successor to the Agricultural Adjustment Administration programs of 1933–35. Its crop adjustment provisions were a significant part of its contribution for the first 8 years of its existence. But since 1943 only the conservation-stimulating and cost-sharing provisions of the program have been authorized by the Congress.

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Actually, the heart of this program's contribution was the adoption by the Congress in 1936 of the principle that farmers and the public have a joint responsibility for natural resources conservation on privately owned farmland. ACP became the vehicle through which all citizens—who are ultimately dependent upon our land and water resources—could join with farmers, ranchers, and woodland owners in actually doing something significant and concrete about the Nation's soil, water, woodland, and wildlife conservation problems.

Research had found certain conservation measures were effective; education and information had helped farmers know that conservation was important to them; and conservation technology had demonstrated that these measures could be adapted to and made to serve individual farm needs. It remained for the stimulus or incentive to be provided that would cause—and make it possible for—many individual farmers and farmer groups all across the Nation to move conservation from a "know-how" to an "applied-on-the-land" status. This has been and continues to be ACP's basic role.

All this time, from 1936 to 1970, the Congress has provided for this program on a year-to-year, or 1-year-at-a-time, commitment basis. A great percentage of the farmers, ranchers, and woodland owners across the country have developed conservation farm plans with their soil and water conservation district. They know what they need to do—and want to do—over a period of years.

But generally, farmers have not had the assurance that the American public is fully committed to sharing with them in the planned conservation of the natural resources on which agriculture and many other industries ultimately depend. They have not had the assurance that the public wants the protection and enhancement of our environment that the ACP helps to provide. The time has come to give that assurance.

### LONG TERM COST-SHARING AGREEMENTS

The enactment of this bill, specifically its section 2, would do this by a simple amendment to the Soil Conservation and Domestic Allotment Act. It would permit the Secretary of Agriculture to enter into long-term ACP agreements with agricultural producers. He could share the cost, within congressional authorizations, of approved conservation measures carried out on their farms during a specified period of years.

The Department of Agriculture has stated that the planning and carrying out of comprehensive conservation programs on farms could be even more beneficial to our Nation if farmers could enter into agreements which would assure them assistance for installing conservation measures over a longer period of time than 1 year. Many farmers are willing and able to enter into such agreements if offered the opportunity to do so.

In the past, long-term agreements have been restricted to limited-area programs such as the Great Plains conservation program and the Appalachian land stabilization and conservation program, and special purpose programs such as the conservation reserve, cropland conversion, and cropland adjustment programs. Long-term agreements for conservation work would be made available, as they should be, throughout the country upon enactment of this bill.

The agreements would permit farmers in all areas to plan more effectively the application of needed practices, arrange for financing, and fit the proposed conservation measures into their farming systems. Effective conservation practices oftentimes consist of components or measures which must be carried out in sequence or in proper combination if they are to fulfill successfully their conservation function and to protect the public interest.

In some cases these components must be carried out in consecutive years, and long term agreements will pemit the Secretary to commit funds for the entire project, giving the farmer an assurance that assistance will be available as needed until the planned project is completed. The resulting completion of the conservation work started will insure that the public will get more conservation returns per dollar expended.

This legislation would authorize the Secretary to enter into these long term agreements for a period not exceeding 10 years. Annual agreements would continue to be available to farmers who, by virtue of limited tenure or for other reasons, do not desire to enter into long-term agreements. The level of expenditures in any one year, including those required for the first year of long term agreements and those required for the annual ACP payments, would be limited to the amount specified annually by the Congress in the appropriation act as the authorized size of the agricultural conservation program for the succeeding year.

In carrying out the provisions of this legislation, it is anticipated that the Secretary would issue such regulations as are necessary. In general these regulations should provide that: First, the agricultural stabilization and conservation elected county committee will negotiate an agreement with the farmer or rancher for the application of the conservation practices; second, the Agricultural Stabilization and Conservation Service will make the decision as to what practices will receive cost-sharing and in what amount; third, the Soil Conservation Service will assist the farmer or rancher in cooperation with his local soil and water conservation district to develop or update a conservation plan for his farm, including any sequence necessary to the successful functioning of the practices; fourth, the technical assistance needed for proper installation of practices will be performed by appropriate technical assistance agencies such as the Soil Conservation Service and the Forest Service; and fifth, the Agricultural Stabilization and Conservation Service will administer the agreement and make the payments due the farmer.

Mr. Speaker, this new and long-needed authorization for long-term agreements should be extended to the agricultural conservation program.

### ADVANCING COST-SHARES WHEN EARNED

The final change that I am recommending, in section 3 of the bill, is another which will increase the effectiveness of the ACP.

Under section 8(b) of the Soil Conservation and Domestic Allotment Act, the Congress has given the Secretary of Agriculture authority to make payments: First, to vendors for conservation materials and services, and second, to agencies which supply technical assistance to farmers, ranchers, and woodland owners for carrying out ACP practices, in advance of the appropriation. Section 391 (c) of the Agricultural Adjustment Act of 1938 now permits the Secretary to borrow $50,000,000 to make these advance payments. The total amount plus interest is repaid when appropriated funds become available.

The present $50,000,000 is inadequate even for the original purpose intended. Since 1963, it has not been possible to pay all vendors who furnished conservation materials and services, when the Government commitment was due and otherwise payable. It has been necessary to establish a limit on the amount of such payments in each State. I have proposed to increase this amount to fully fund our obligation to the vendors, soon after our payments become due for their materials or services. In addition, and equally important, I propose that this fund be made adequate to provide these same payments—and the same treatment—to the farmers who earn cost-share payments before the appropriated ACP funds become available. I propose that a $150,000,000 maximum be established to take care of this dual purpose. Of course, only the amount actually needed within the congressional authorization for such payments would be borrowed. This should not be done until the funds are actually needed, thus keeping interest charges to the very minimum.

This increase in authorization will allow the participating farmer who is willing to conserve the Nation's resources for present and future generations and abate pollution from runoff into our streams, lakes, and estuaries, to receive payment without delay under the cost-sharing agreement he has made with his Government. As it is now, he does not receive this money until it is appropriated the following year. Consequently, we have been asking our landowners and operators to make these investments on credit for up to a year or more.

The period in which practices may be carried out under a single year's program extends from July 1 to December 31 of the next succeeding year. This is a period of 18 months, and 12 or more of these pass before appropriated funds become available.

It is my sincere belief that the great progress our Nation has made in conserving our renewable natural resources could be made even greater by this amendment to allow us to pay farmers these public cost-shares promptly upon completion of the practices. This will not require earlier or greater appropriations than has been the practice in the past.

My bill will not only stop a discriminatory procedure of paying the vendor or Government agency, but not the farmer, soon after they incur their costs. It will also encourage more timely application of these sound soil and water conserving and pollution abating practices which protect and improve our environment. It makes very little economic or political sense to have to spend vast sums of tax dollars to clean up our rivers, harbors, and lakes, and not spend a small fraction of that amount—something like $1 a year per person—to prevent this siltation and other pollution at their source. And simple fairness, as well as other considerations, demands that we meet these obligations to program participants when the obligations become due.

Mr. Speaker, I include a copy of the bill at this point in the RECORD:

H.R. 17631

A bill to amend the Watershed Protection and Flood Prevention Act, as amended, the Soil Conservation and Domestic Allotment Act, as amended, and the Agricultural Adjustment Act of 1938, as amended

*Be it enacted in the Senate and House of Representatives of the United States of American in Congress assembled*, That the Watershed Protection and Flood Prevention Act, as amended (68 Stat. 666; 16 U.S.C. 1001 et seq.), is further amended as follows:

(1) Paragraph (1) of section 4 is amended by inserting after "without cost to the Federal Government" the words "from funds appropriated for the purposes of this Act."

(2) Clause (A) of paragraph (2) of section 4 is amended by striking out "or recreational development" and inserting in lieu thereof a comma and the following: "recreational development, or water quality management, but the Secretary shall not bear any portion of the cost of works of improvement for water quality management in any case in which such works of improvement are to be provided as substitutes for adequate treatment or other methods of controlling waste at the source".

(3) Clause (B) of paragraph (2) of section 4 is amended by striking out the first proviso and all that follows thereafter, and inserting in lieu thereof the following: "*Provided*, That, in addition to and without limitation on the authority of the Secretary to make loans or advancements under section 8 of this Act, the Secretary may pay for any storage of water for anticipated future demands or needs for municipal or industrial water included in any reservoir structure constructed or modified under the provisions of this Act not to exceed 30 per centum of the total estimated cost of such reservoir structure where the local organization gives reasonable assurances, and there is evidence, that such demands for the use of such storage will be made within a period of time which will permit repayment within the life of the reservoir structure of that part of the cost of such water supply storage which is to be borne by the local organization: *Provided further*, That the local organization shall agree, prior to initiation of construction or modification of any reservoir structure including such water supply storage, to repay not less than 50 per centum of the cost of such water supply storage for anticipated future demands: *And provided further*, That the part of the cost to be borne by the local organization shall be repaid within the life of the reservoir structure but in no event to exceed fifty years after the reservoir structure is first used for the storage of water for water supply purposes, except that (1) no repayment of such cost need be made until such supply is first used, and (2) no interest shall be charged on such cost until such supply is first used, but in no case shall the interest-fee period exceed ten years. The interest rate used for purposes of computing the interest on the unpaid balance shall be determined in accordance with the provisions of section 8 of this Act."

(4) Subsection (4) of section 5 is amended to read as follows:

"(4) Any plan for works of improvement involving an estimated Federal contribution to construction costs in excess of $250,000 or including any structure having a total capacity in excess of twenty-five hundred acre-feet (a) which includes works of improvement for reclamation, irrigation, or the prevention, control, and abatement of water pollution, or which affects public or other lands or wildlife under the jurisdiction of the Secretary of the Interior, (b) which includes Federal assistance for floodwater detention structures, or (c) which includes features which may affect the public health, shall be submitted to the Secretary of the Interior, the Secretary of the Army, or the Secretary of Health, Education, and Welfare, respectively, for his views and recommendations at least thirty days prior to transmission of the plan to the Congress through the President. The views and recommendations of the Secretary of the Interior, the Secretary of the Army, or the Secretary of Health, Education, and Welfare, as the case may be, if received by the Secretary prior to the expiration of the above thirty-day period, shall accompany the plan transmitted by the Secretary to the Congress through the President."

SEC. 2. Subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 163; U.S.C. 590(h)), is further amended by adding a new paragraph at the end thereof as follows:

"In carrying out the purpose of subsection (a) of section 7, the Secretary may enter into agreements with agricultural producers for periods not to exceed ten years creating obligations in advance of appropriations, not to exceed such amounts as may be specified in annual appropriation acts. Such agreements may be modified or terminated by mutual consent if the Secretary determines such action would be in the public interest. The Secretary also may terminate agreements if he determines such action to be in the national interest and gives public notice in ample time to give producers a reasonable opportunity to make arrangements for appropriate changes in use of their land."

SEC. 3. Subsection (c) of section 391 of the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31; 7 U.S.C. 1391(c)) is amended as follows:

(1) by striking out "$50,000,000" and inserting in lieu thereof "$150,000,000"; and

(2) by inserting immediately before the word "pursuant" in the first sentence thereof the words "and payments".

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## ON STUDENT VISITS

(Mr. SCHWENGEL asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHWENGEL. Mr. Speaker, in recent days, I have had the opportunity, as have all the Members of Congress, to speak at length with college students on the question of American involvement in Southeast Asia, and on the broader issue of the responsiveness of American Government to the needs and wishes of students. By listening with avid interest, I found the students who visited my office, with a very few widely scattered exceptions, to be irreproachable both in terms of their demeanor and of their intelligence and concern. I have commended them all for wanting to do the right things in the right ways. I have observed to them that violence, disruption of school activities, and destruction of property is wrong.

I have always maintained, and I still do, that the vast majority of college students are political moderates. This feeling was most certainly backed up by those students who I talked to. Mr. Speaker, we in this arena must be more aware than we are that moderation is a virtue and we must therefore encourage moderation by working with the moderates in our society wherever they are. It was Pascal who said that "to go beyond the bounds of moderation is to abandon humanity" and St. Paul, according to King James version, said that "Every man that striveth for mastery is temperate in all things."

These young people were as aware, if not more so, of the goings-on here in Washington as their elders. In addition to their natural concern for their own part in the war, they also demonstrated a very real concern for the people of Southeast Asia, and for the cause of unifying our Nation.

Mr. Speaker, let me repeat that I was greatly impressed by these students. Their sincerity was evident, and I appreciated it. But this same sincerity also worries me. For the students I talked to spoke of a radicalizing of the moderate students. They spoke of great frustration on the campuses. They spoke of not being able to understand the ways of a huge Federal Government seemingly far removed from them. They were always willing to listen to reason, to hear explanations of the problems we, as legislators, face. But they were always worried about the continued unresponsiveness of Government.

I, too, was worried. Not because the Government is so totally unresponsive, though that criticism can be made. Not because I have been coerced by student violence, though a small minority perpetrate it constantly. Simply because a generation needs to have its faith revived. It is a well-intentioned generation, one with enormous power to do good or evil. I call on all Members of Congress to help direct the energies of this generation in the proper direction. We can help simply by sitting down and listening, explaining to them, and reasoning with them. This gives our young people a chance to be heard, which is all they ask, and a chance to learn. This to them is a great need. The students of America would thus soon learn that the system is responsive to correctly applied pressure, and that the duty as well as the prerogative of a citizen is to apply that pressure. Let us all join in this, the crusade to rebuild the faith of our young people, who are our future.

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## AFTER 5 YEARS IN VIETNAM

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, I have been steadfastly opposed to our ever-widening involvement in the war in Vietnam. I disagreed vehemently with President Johnson's escalation of the war. I urged the cessation of the bombing of North Vietnam. I pleaded for a negotiated settlement. I urged a ceasefire, and withdrawal of our troops by the end of 1970. I have voted against funds for any extension of the war. I vehemently opposed the invasion of Cambodia. I am anguished by the senseless killing of students. I have always supported the right of peaceful dissent. I am greatly encouraged by the many hundreds of letters I have received protesting this war.

The following are statements I have made on the floor of the House in the 91st Congress voicing my opposition to the war:

[From the CONGRESSIONAL RECORD, Mar. 26, 1969]

### VIETNAM IN 1969: OUR MOST URGENT PROBLEM

Mrs. MINK. Mr. Speaker, the Vietnam war continues as the most urgent and pressing problem facing our country. That it must be ended and soon, there can be no doubt. The real question is the willingness of the American people to accept the realities of this war, and to acknowledge that indeed the political issues must be left to the people of South Vietnam to resolve by themselves. This is what President Johnson said when he reiterated so often the right of self-determination as belonging to the South Vietnamese. It appears still to be the position of the new Nixon administration. This I feel is the crux of the problem as well as the heart of the solution.

I am greatly encouraged to hear that despite all indications of a military escalation following the Tet observances, that private talks are now endorsed by both our Government and the Thieu-Ky Saigon regime. If indeed the military aspects can be resolved by the United States and North Vietnam, then it will fall upon the leaders of the NLF and the South Vietnamese Government to resolve the internal political issues concerning the future governance of South Vietnam. This is the prospect for peace that promises the greatest hope so that we shall be able as a nation to return to the real priorities of this century.

The peace conference in Paris must succeed. The military pressures within our country to escalate the war must be subdued. Instead we must use all our efforts to persuade our policymakers that indeed the people of this country are prepared to accept terms of settlement which will bring an end to our military commitment, by stages if necessary, and which will reserve to the people of South Vietnam the responsibility for determining the form and content of their future government. Once this determination is agreed upon, then I would hope that the United Nations would be called upon to preserve the stability of the settlement which has been achieved.

The formula for peace in Vietnam seems so obvious to me. I hope that it is as equally obvious to our new administration.

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[From the CONGRESSIONAL RECORD, Oct. 14, 1969]

### SUPPORT FOR MORATORIUM AND TROOP WITHDRAWAL

Mrs. MINK. Mr. Speaker, all of America is watching this moratorium. I join it as my witness to peace.

I have every confidence that this day will have a profound meaning for this Nation.

I know that the vast majority of the American people want the war to end. In 1965 our goal was a military victory. Our leaders could not see that a land war could not be won. They could not comprehend that a half million soldiers backed by a hundred billion dollars could not bring this enemy to his knees. They would not accept the fact that this was a civil war of divided peoples of one nation. Slowly we turned our national purpose to that of protecting the right of self-determination with a declaration that once the fighting stopped we would be prepared to accept the verdict of a free and open election.

This is still today the posture of America. Despite the denials and protestations of the President and his advisers, we have begun a deliberate withdrawal of our troops. Called by any other tactical name, it remains a staged withdrawal, albeit modest but nevertheless I believe if properly supported by the people of this country, it will herald the final act towards the end of our involvement of manpower in this tragic episode of our history.

President Thieu declared last week to his National Assembly that his country is prepared to accept the complete removal of American men by the end of December 1970. To make this withdrawal a byproduct of peace is the mission of the Paris talks. It is my hope that the President will call for a cease-fire, surely not any more unthinkable than the bombing halt which was called by President Johnson during the waning hours of his tenure. With a cease-fire and a programed withdrawal of our troops, there can be affirmative steps taken to implement our pledge for free and open elections monitored by agreed upon third parties. Two years ago the suggestion of talks that included the Vietcong were viewed by those who made our policies as irresponsible defeatism. Today the Vietcong is part of the peace negotiations in Paris. Let us not close our minds to the progress that we have made to recognize the realities of this conflict. Let us not by impatience and incontinence lose this continuing momentum for peace. Let us express with all our fervor our anxiety over this war, but never lose sight of the progress that has been made in yielding to the demands of the people when expressed in righteousness. Nothing is to be gained by defamation and desecration. Prod and prick the conscience of our leaders, and their actions will be sure and steady and we will at last have won this measured victory for peace and tranquility.

The President's statement that he will not be affected by this moratorium belies the truth. Much has already been affected; the stretch out of the October draft calls for November and December; the push on draft reform and Executive order affecting graduate students; the announcement of General Hershey's removal; the recall of Henry Cabot Lodge for new briefings for the peace conference; President Thieu's acceptance of a complete withdrawal by December 1970; the early announcement of an additional 40,000 troop withdrawal by Christmas.

Secretary of State Rogers went on television for the first time to proclaim that both sides are deescalating the war and that Mr. Nixon's policies are therefore making "tremendous progress." This claim was immediately refuted by Senator GOODELL of Mr. Nixon's own party, who candidly pointed out that token deescalation of the war at the present rate would leave American troops still in Vietnam 7 years from now.

President Thieu of South Vietnam has said he is willing to accept a complete withdrawal of American troops by December of 1970. December of 1970 should be the outside limit of our participation.

We must, as a people, begin to face certain facts regarding Vietnam. One, this war is one of the longest and costliest in our history, in terms of battlefield dead. We have been in Vietnam for 6 years. Forty thousand Americans have died. The monotonous promise our generals have repeated so often —that the "turning point" is "just around the corner"—has proven false, year after year. We must decide to accept the reality of Vietnam and insist upon its immediate resolution.

Despite massive American aid, the South Vietnamese have been unable to win physical control of their country. One may rationally ask, Why? If the people of South Vietnam themselves supported their Government, it seems that the war would have been won long ago. The fact that it has not been won indicates that the people do not support our effort. The new word "Vietnamization" of the war is no real answer to the problem which the people of Vietnam must face. Because our men are brought home and the conflict is "Vietnamized" does not mean an end to the killing and dying. To contribute to a lasting peace we must assure the people of South Vietnam a government which truly reflects their views.

I favor an immediate cease-fire, and an end to the fighting on both sides. The President has already taken the first step; unilateral withdrawal on a phased basis. The first stage of the President's withdrawal was the pullout of 25,000 men without any reciprocal action being sought or given by the other side. Next we will have an estimated 40,000 additional troops withdrawn by the end of the year.

Some military planners assume that the situation in Vietnam can be stabilized by continuing slow withdrawals for 2 years and then leave a continued American commitment of about 200,000 troops. General Gavin's enclave theory now begins to appear to be our goal. The view contemplates maintaining this huge garrison in South Vietnam premanently like Korea. We must not allow

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this to occur again; the withdrawal should be complete and on a permanent basis.

In doing this we must press for a political solution to the war that will guarantee the right of the South Vietnamese people to self-determination through the ballot box. This means that we cannot support claims by any faction to the absolute right to govern. We must firmly declare ourselves as being for the people of South Vietnam and not one particular segment or regime.

A standstill cease-fire is an absolutely vital step. This would freeze control over the land as it now stands. An election could be called for all areas of South Vietnam with adequate supervision and a new government for the entire country could be quickly installed.

At this point we should call for the admission of both Vietnams into the United Nations so that the U.N. peacekeeping forces could be made responsible for the safety of the people from further interventions across each other's borders.

It is futile to talk on and on about the mistakes of the past. What we must do is to look to the future and that is what I believe that this moratorium is supposed to do. The vilifying of our leaders leads to nothing. We must as well declare a moratorium on that. But there must never be a moratorium against honest dissent and disagreement against the policies of our own Government. We must continue by discussion and debate to arrive at a national policy which is supported by the American people.

There is no way that we can bring back the dead. What we can do to make their sacrifice a meaningful monument is to consecrate by our actions a rededication of our Nation's power and resources to the perfection of our way of life and to the determination that there shall never again be another Vietnam.

When we speak of what this Nation has lost as a result of 4 years of war, the dead buried beneath the grass of a solemn cemetery, is of course not only absolute but the greatest loss of all. It does not seem fair to me to talk about the problems of the living in the same breath. But to mourn the dead without a vision for the future is also to abdicate our duty to fight for the precious qualities of life yet to be realized by millions in our own country. It is to these pressing priorities that we must forcefully and determinedly direct our attention.

The needs of our decaying cities and poverty areas are starkly obvious to anyone who cares to look around at what is happening in the United States. Most of these problems are due to the fact that the Vietnam war is siphoning off about $30 billion a year that could otherwise be used for helping our people at home.

This drag on our national resources is reflected in sharp budget cuts in nearly every domestic program this year. Our spending billions of dollars in the war in Vietnam has created a gap between what is needed for education, for health and housing, mass transportation, job training and welfare, eradication of poverty, food for the hungry, and our other human needs, as compared with the funds available. Congress authorized $11 billion more in the last fiscal year for these programs than it was able to find the money for. In the current year, we have been considering an administration budget that is $18.5 billion less than what was authorized. In these 2 years alone, the funding deficit will be more than $30 billion. Ironically just the same as the cost of the war in Vietnam.

The American people are beginning to realize the size of the crisis situation created by this gross misallocation of national resources. The Department of Health, Education, and Welfare budget was cut this year by $1.2 billion.

The budget request for the Office of Education was $5 billion less than the amount which had previously been authorized by Congress. In other words, we had approved education programs at a level of $7 billion, but our budget called for only $2.1 billion expenditure.

I submit that we can no longer afford to allow our Nation's education needs to go unmet. The House was able to add $1 billion to the education budget a few months ago when the bill came to the floor, but this still leaves us $4 billion short. After our action the President issued a statement vowing not to spend the money even if Congress approves it. The American people must be alert to denounce this twisted concept of what is most urgent, and I hope that you as students concerned with our concepts of national priorities will take cognizance of whatever actions the President takes.

Last week the National Advisory Council on Education Professions Development sent a report to the President expressing their deep concern over the absence of Federal initiative in the field of education. They reminded the President that while Commissioner Allen was pronouncing how every child had the "right to read," the Department he heads was being ordered to cut $8 million of a meager $13 million program to train teachers of reading. The Council admonished the President that it was concerned by not only a reduction in funds but by an absence of direction and planning. The Council said:

"In dramatic fashion, these decisions and actions add up to default on the proclaimed responsibility of the Federal government to act as a partner with the other levels of government in supporting the nation's educational enterprise. When the States in the last 2 years increased their expenditures for higher education by 38% and for elementary and secondary education by 28% . . . we find that Federal government is cutting back."

The Council continued:

"We sense a worsening climate in American schools and colleges . . . we assert that present national conditions are deleteriously affecting the studies, the hopes, and the convictions of a wide and responsible segment of the educational community. A new and ugly cynicism and anti-intellectualism is infecting American education. Repressive measures will not arrest this trend, and may even accelerate it; positive and affirmative leadership promptly to end the war and to address forthrightly our domestic problems can do so.

"Too many of our young are concerned by what they are against . . . the war, racism, poverty, corruption. . . . We feel that the growing dismay and cynicism of our youth could develop into a calamity of devastating proportions. It would be unfortunate if our political leadership were to take the position that a response to the dissatisfaction of the past—or the yearnings for a different kind of future—must await the ending of the war. . . . It is now we must plan. It is now we must act. . . . If politics is the art of the possible then our political leaders have a special opportunity to demonstrate to the young that the nation can envision a future of hope and that we can translate that vision to tangible policies and sensible priorities."

So much for education. The same thing can be said for the abortive effort to wage a war against poverty. Envisioned as a $10 billion program it now struggles for survival with only $2 billion. Over 50 Job Corps centers were closed down in June and behind these empty buildings lie the hopes and dreams of thousands of youth shattered because we lack the needed funds. Doubtless more programs will be discontinued under this agency as our war against poverty slows down to a near halt.

And what about our environment? Our rivers and streams are increasingly being clogged by pollution. And we do not have long to reverse this trend. The Federal Government has two major programs in this field—one to set standards of clean water so that the various cities and States will have goals to shoot for, and another program to provide them with grants to construct pollution control facilities so that they can meet the standards.

As it has been working out, we have given the States and cities clean water standards but not the funds to meet them. In fact, the Government agency in charge of the program says that $8.2 billion is needed over the next 5 years to avert a catastrophe. Last year some 1,500 of our small cities had no waste treatment plants whatever. Currently there is a backlog of 4,600 applications by municipalities for funds under the clean water program. This year's budget request was for only $214 million for this vital program. Concerned Members of the House battled to approve the full $1 billion which had been previously authorized, and while we were not entirely successful in this effort we did get the amount raised to $600 million. This was a small victory in our fight to restore a rational sense of national priorities in the United States.

Recently information crossed my desk that the urban renewal program "pipeline" is jammed with some $2 billion in unfunded requests from cities desperately trying to relieve urban blight. We are years behind schedule in this area even if we made these funds available now.

All across the board in our Federal programs we see retrenchment, cutback, and unfulfilled promises. Seventy-five percent of our public works projects are to be deferred. Medical and health research funds have been drastically cut. All new national parks programs have been delayed. Medicare is cut by $65 million, housing and urban development by $74 million, and model cities by $75 million. This is how people are being deprived of vital programs as the war continues.

So we can agree on the monetary benefits that will come from termination of the war. Or can we? The President's military advisers have said that the Defense Department has a backlog of projects which need to be funded. If the Pentagon has its way, it will absorb all of the funds we are told that would become available once the war is ended. Our stockpile of munitions and new armaments of war will build up once again.

It will be up to us to mount a campaign to save the $30 billion for our domestic programs. The ABM alone could cost up to $50 billion, despite the fact that it will be obsolete before it is built. The Pentagon has begun corresponding escalation in the development of our MIRV system. Again, the American people will pay an extraordinary amount for maintaining this balance of terror. I hope you will continue to watch carefully the direction and emphasis of our national budget. Is it essential that we land on Mars before we feed our hungry and shelter our poor? Can we afford a supersonic aircraft priced at $1 billion which is incapable of flying over land because of the sonic boom, before we have built our roads and airports on the ground?

Fortunately, the picture is not all bleak. In fact we have made significant inroads. This year's 29-day debate on the ABM was the longest military debate on record. Six Senators who voted for the ABM in 1968 switched in 1969.

Public opposition to the Pentagon policies caused Secretary of Defense Laird to initiate in August a reduction of more than $1 billion himself in defense spending during the current fiscal year. Previously, $1.1 billion had already been cut. And the Senate voted to cut back by another $2 billion. And so $4 billion have been saved.

When I think of all the programs which I would like to see funded and which could be funded with $30 billion, the urgency of ending the war in Vietnam becomes even more pressing. We must spend our resources to feed the hungry, to provide adequate housing and health care, to build better transportation systems so that the poor may live in suburbia as well and abandon the inner city hovels of filth and vermin, to expand the provisions of medicare, to increase the benefits of the elderly under social security to a realistic minimum which can assure them of a decent life, to expand the parks and recreational centers of our country, and to guarantee that all who seek education can have that opportunity without excessive financial burdens.

I have a dream like Dr. Martin Luther King, to build a newer world like Robert Kennedy. I seek a moratorium for peace in order that we may achieve the greatness that is this promised land. I believe that we have the capacity to create our society as a function of ethical and moral commitment. We must not therefore only pursue the single goal of the end of the war in Vietnam, but we must continue our efforts to improve the lives of our citizens.

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[From the Congressional Record, Nov. 5, 1969]

### Call for a Cease-Fire and Withdrawal by December 1970

Mrs. Mink. Mr. Speaker, I would like to commend the gentleman in the Well, the gentleman from New York (Mr. Ryan) for his distinguished leadership in calling the attention not only of this House, but the attention of the Nation to our very grave concern about the lack of clear enunciation on the part of the President of our policy in Vietnam.

Mr. Speaker, I listened with great care and anticipation to the President's message to the Nation on his plan for peace in Vietnam. Like many who expected to hear the details of his plan I was sorely disappointed. I had hoped that after over 1 year's waiting the country would at last be told what his plan for peace would be.

President Thieu in October told his National Assembly that his country was prepared to accept the complete removal of American men by the end of December 1970. I had hoped that President Nixon would reaffirm this statement in his speech of November 3. He pledged withdrawal but without a timetable of hope for the American people. The argument that such a timetable would stifle negotiations in Paris is specious, because withdrawal is itself admitted. If the President had affirmatively stated the plan for withdrawal indeed it would have had the effect of focusing the Paris talks on the essential issues of how to implement the principle of self-determination which the President says is the only goal which is nonnegotiable. Instead, with the veiled threat of more fighting implicit in the unwillingness of the President to announce his plans for troop withdrawal, I believe that we have moved further from the prospects for peace and effective self-determination in South Vietnam.

I take this time today to urge the President to call for a cease-fire, and a withdrawal of all American troops at least by December 1970 subject only to necessary safeguards for the safety of our men. The President has stated that he will not be persuaded by people who take to the streets to demonstrate their opposition to his policy. But he asks for the "silent" voices to respond. He is moved by the wires and letters he has received in support of his policy. I would therefore urge that all those who believe that this Nation is capable of greater initiatives for peace respond to the President's call, and immediately write him urging a cease-fire and a promise of withdrawal of all troops at least by the end of 1970. Indeed I am convinced that the "silent majority" is for an absolute plan for peace, now.

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[From the Congressional Record, Dec. 1, 1969]

### Opposing Pro-Nixon War Resolution

Mrs. Mink. Mr. Speaker, I rise in opposition to the rule and urge this House to vote against it that we might have an opportunity to fully debate the matter of our policy in Vietnam. This is the first such resolution to come before the House since I have been privileged to serve as a Member. Yet it comes to us under a closed rule which prevents the offering of any amendments. The resolution itself was subject to only 90 minutes of discussion in the House Committee on Foreign Affairs, and no hearings were held. From the explanations that I have heard, and more particularly from the news articles that I have read about this resolution, it is being represented as an endorsement of President Nixon's policy as stated in his November 3 speech. President Nixon himself stated as much when he made his unprecedented appearance before the House on November 13.

On November 3 President Nixon told this Nation:

"We have offered the complete withdrawal of all outside forces within one year. We have proposed a cease-fire under international supervision."

But House Resolution 613 does not make a single mention of this offer of complete withdrawal; nor does it make any reference to the proposal of cease-fire under international supervision. By this glaring omission, does this House fail to support the President in this regard? I believe it does leave this impression, and therefore its adoption without these two important provisions contributes nothing materially toward our present drive for peace.

House Resolution 613 speaks only of supporting the President in his efforts to negotiate a just peace in Vietnam, acknowledges our peaceful overtures, supports the principles of free elections by the people of South Vietnam and our willingness to abide by them, and urges the Government of North Vietnam to do the same.

President Johnson in the joint declaration of Honolulu on February 8, 1966, stated our "commitment to the search for just and stable peace." That declaration said:

"The United States is pledged to the principles of the self-determination of peoples, and of government by the consent of the governed. It therefore gives its full support to the purpose of free elections proclaimed by the Government of South Vietnam."

On September 29, 1967, in a speech before the National Legislative Conference at San Antonio, Tex., President Johnson reiterated his willingness to negotiate a settlement by saying:

"We and our South Vietnamese allies are wholly prepared to negotiate tonight. I am ready to talk with Ho Chi Minh, and other chiefs of state concerned, tomorrow. I am ready to have Secretary Rusk meet with their Foreign Minister tomorrow. I am ready to send a trusted representative of America to any spot on this earth to talk in public or private with a spokesman of Hanoi."

On March 31, 1968, President Johnson said:

"We are prepared to move immediately toward peace through negotiations. So, tonight, in the hope that this action will lead to early talks, I am taking the first step to de-escalate the conflict. We are reducing—substantially reducing—the present level of hostilities. And we are doing so unilaterally, and at once."

On October 31, 1968, President Johnson discussed the progress of talks in Paris, and said:

"Now, as a result of all of these developments, I have now ordered that all air, naval and artillery bombardment of North Vietnam cease as of 8 a.m. Washington time, Friday morning. I have reached this decision on the basis of the developments in the Paris talks. And I have reached it in the belief that this action can lead to progress toward a peaceful settlement of the Vietnamese war."

My point in setting forth the statements of our policy by President Johnson is to show that House Resolution 613 which is now before us is nothing more than an affirmation of the policy of the former administration. Had the House had an opportunity to vote its approval of President Johnson's efforts on October 31, 1968, in a resolution identical to House Resolution 613, I would have welcomed the opportunity to vote for it.

But it comes now a year too late. It comes at a time when we have a new administration with new directions indicated by the very words of the President in his speech of November 3, 1969.

Words in a resolution which reflect only policies of the past administration serve no purpose and degrade the new steps which have been taken which, I believe, are important and which chart for us new initiatives for peace. We cannot fail in this opportunity to clearly state our support for a systematic withdrawal of all our troops. The President told us in his speech of November 3 that such an offer had been made. How can we say we support the President if we adopt a resolution which makes no mention of our support of the orderly withdrawal of our troops?

I hope this House will vote down the previous question so that amendments can be offered. Without the changes that I have suggested, without new substantive statements of our present policy, it reflects nothing of this new administration and is devoid of meaning. I hope this House does not demean its image as the greatest deliberative body in the world by refusing to allow for a meaningful debate which could lead to the formulation of a resolution which is supportive of our new initiatives for peace.

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[From the Congressional Record, Dec. 2, 1969]

### Vietnamization Is Not Withdrawal

Mrs. Mink. Mr. Chairman, President Nixon said on November 3 that he believed "that one of the reasons for the deep division about Vietnam is that many Americans have lost confidence in what their Government has told them about our policy." He went on to say:

"The American people cannot and should not be asked to support a policy which involves the overriding issues of war and peace unless they know the truth about that policy."

I wholeheartedly concur with this statement. This House should heed his admonition. It is precisely this reason which has forced me to conclude that it is equally illegitimate to expect this House to support a policy of such magnitude as the life or death of our American men unless we know the whole truth about that policy.

It is pretended that by the November 3 speech the Nixon policy regarding Vietnam became an established fact. Try to walk through its maze.

The President started by saying that, "The great question is: How can we win America's peace?"

Yet he offered the traditional challenge of why we should continue the war. He said:

"A nation cannot remain great if it betrays its allies and lets down its friends. Our defeat and humiliation in South Vietnam would without question promote recklessness in the councils of those great powers who have not yet abandoned their goals of world conquest."

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He said he was opposed to "immediate withdrawal of all American forces." He qualified this later in his speech by saying he was opposed to "the precipitate withdrawal of American forces."

But then he said:

"We have offered the complete withdrawal of all outside forces within one year."

So one concludes that he only opposes precipitate withdrawal, and that 1 year is not precipitate.

He said:

"I choose instead to change American policy on both the negotiating front and the battlefront."

But on the negotiating front he said that no progress whatever in the negotiation "has been made except agreement on the shape of the bargaining table." He stated:

"There can now be no longer any question that progress in negotiations depend *only* on Hanoi's deciding to negotiate."

He said that he has "put into effect another plan to bring peace—a plan which will bring the war to an end regardless of what happens on the negotiating front."

He described this plan which he called the Nixon Doctrine, and said that—

"When you are trying to assist another nation to defend its freedom, U.S. policy should be to help them fight the war but not fight the war for them."

This is his plan for the battlefront; not peace but more war, waged by the Vietnamese with our arms, our material and our money. He has evidently all but abandoned the negotiating table as futile; and his peace plan called "Vietnamization" only means more war, not peace.

The only remaining consolation is that his plan could mean the return of all American combat forces. He said he has a plan worked out "in cooperation with the South Vietnamese for the complete withdrawal of all U.S. combat ground forces and their replacement by South Vietnamese forces on an orderly scheduled timetable."

He stated that the "rate of withdrawal will depend on developments on three fronts. One—progress which can be, or might be made in the Paris talks, the other two factors—are the level of enemy activity and the progress of the training program of the South Vietnamese forces."

I hope you have all noted that none of these three factors which will determine our rate of withdrawal is in our control. Hanoi could decide this issue by continuing to stall the Paris talks, and by accelerating the level of enemy activity. Or South Vietnam could prevent our early withdrawal by falling down on the training program. I hardly call any of these prospects as positive affirmative action for peace on our part. Withdrawal on this basis is not our policy but someone else's.

The November 3 speech is full of so many contradictions in and of itself without even trying to compare it to the May 14 speech of the President, which others have done to their great consternation.

I take this time to analyze the President's speech because it has been noted as the justification for adopting House Resolution 613. A quick reading of House Resolution 613 will reveal that it contains nothing on the central issues discussed by the President in his November 3 speech as I have outlined.

House Resolution 613 states no new positions taken by President Nixon. It merely restates the Johnson policy in effect since 1966. What function is served to adopt a resolution which is purely historical, without any new steps for peace?

The President is correct when he says that American confidence is harmed when we do not speak the truth. The truth today is that withdrawal, like "stop the bombing of North Vietnam" of a few years ago, is controversial and therefore we are asked to blind ourselves to its reality.

I happen to support the President's offer of complete withdrawal of all outside forces within 1 year. I would vote for House Resolution 613 only if it embodied this principal of withdrawal. Such a resolution would be meaningful and would contribute to the unity which the President wants by confirming our new initiatives for peace. Without facing this truth House Resolution 613 is but an empty gesture and will further exacerbate our lack of specific national goals in our pursuit for peace.

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[From the CONGRESSIONAL RECORD,
May 6, 1970]

### INVASION OF CAMBODIA IS UNCONSTITUTIONAL

Mrs. MINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, four students died this week because we continue to believe that we can solve our problems with guns and bullets.

I do not support President Nixon's Vietnamization policy because it is obviously based upon a military plan still wedded to the belief that we can solve Vietnam's problems with guns and tanks and bombs.

Serious efforts at negotiations have been abandoned. Ambassador Lodge has not even been replaced since his resignation last fall.

We resumed the bombing last week without any announcement as to the reasons for this so-called retaliatory action. President Nixon on April 30 neglected to mention this important escalation which had at that time already been ordered to take place the following day.

It is almost forgotten that the talks began in Paris because we stopped the bombing of North Vietnam 18 months ago.

The bombing of North Vietnam together with the invasion of Cambodia can be no less than an escalation of the war designed to pursue more vigorously the military plan for total victory. There cannot be any other explanation or justification for this coordinated step-up of military activity.

The five sanctuaries which purportedly constituted the emergency which threatened our men in Vietnam have proven so far to be only rice-filled small weapon storage bunkers which would have remained no less through the monsoons while Congress could have exercised its constitutional duty to determine whether an invasion of Cambodia was consistent with our national interest.

The issue we must face today is whether we believe in the Constitution of the United States. Can we surrender our responsibility to exercise our judgment in these matters which affect the lives of our men overseas?

We can no longer rely upon the Tonkin Bay resolution to justify our failure to assume our constitutional duty.

We are faced with a new military adventure across the borders into another country. We must decide today whether we sanction this escalation. There can be no shirking of this responsibility. The Constitution states that the Congress alone has the power to declare war. We have the opportunity today to reinstitute this rightful responsibility in the House of Representives.

Do we seek to wage more war or do we insist upon a negotiated settlement of this conflict?

I urge this House to support the Leggett amendment which firmly establishes the right of Congress to determine the issue of whether this war is to be extended into Laos, Thailand, or Combodia.

Until April 30 it was the hope of all Americans that the announced withdrawal of American troops from Vietnam meant that the end was in sight. The only debate was on whether it was being done soon enough and for the right reasons.

On April 20 we were told that 150,000 more men would be withdrawn by May of 1971.

But 10 days later this announcement was shattered when the President told the Nation that in order for this withdrawal to be effectuated, it was necessary to invade Cambodia.

The President told us on April 30 that: "The American policy has been to scrupulously respect the neutrality of the Cambodian people—and that for the past 5 years we have provided no military assistance whatever and no economic assistance to Cambodia."

He went on to further state that "for the past 5 years North Vietnam has occupied military sanctuaries along the Cambodian frontier."

He told us "that for 5 years neither the United States nor South Vietnam has moved against those enemy sanctuaries because we did not wish to violate the territory of a neutral nation."

It is my firm view that what has been the policy of our Nation for the past 5 years regarding Cambodia was a sound policy and that any change in such a long-standing policy should be the responsibility of the Congress of the United States.

Therefore, I urge the adoption of the Leggett amendment.

The following are bills and resolutions that I have sponsored:

### H. CON. RES. 187

(Offered on March 26)

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of Congress that the United States should begin to reduce its military involvement in Vietnam.

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### H. RES. 606

(Offered on Oct. 20, 1969)

Whereas we believe the time has come for those of us with differing views on the conflict in Vietnam to reach agreement as to the best method of terminating our involvement; and

Whereas there are those of us who have supported the American role in Vietnam not out of desire for territorial gain or international prestige but as a commitment to the people of South Vietnam that they might freely determine for themselves their own future. We believe that our purpose in going to Vietnam has been an honorable one. We are convinced that history will report our efforts as having served a noble cause in staving off the imposition of a government by hostile force of arms on a people unable to defend themselves. We believe, however, that we have accomplished the limited objectives for which we committed our troops, and that having accomplished these objectives, the time has come to end our combat presence; and

Whereas there are those of us who believe that our commitment to the South Vietnamese Government and our participation in the Vietnam war have been wrong and not in our national interest; that our military actions have endangered the world's security and have placed us all in perilous danger of a Third World War; that our country cannot be the policeman of the world; that the Vietnam war has caused great damage to our Nation's prestige around the world and created bitter division at home. We have been distressed by the continued deaths in a war in which we think the United States should never have become involved, and we have pressed in the past for a deescalation of hostilities and the pursuit of a policy of withdrawal: Now, therefore, be it

*Resolved*, That irrespective of our positions, we are of one mind that the further expenditure of American lives in Vietnam is intolerable; and be it further

*Resolved*, That we therefore join in urging that the President:

1. Announce a date at which time United States forces will stop their firing, except when fired upon—bearing in mind that the safety of our men is of paramount importance;

2. Call on the Government of North Vietnam and the National Liberation Front to reciprocate at the appointed time by discontinuing their own hostile activities; and

3. Undertake immediate steps for accelerated troop withdrawal, consistent with the safety of Americans troops; and be it further

*Resolved*, That we believe these combined steps would provide an opportunity for the beginning of a permanent cease-fire and an end to the killing in Vietnam. The opportunity is here for a peace initiative. Let us not lose it and more American lives. After so much has been risked in the pursuit of war, let us not be afraid to take a chance for peace.

### H. Res. 704

(Offered on Nov. 13, 1969)

Resolved, That it is the sense of Congress that the United States Forces in South Vietnam should be systematically withdrawn on an orderly and fixed schedule—neither precipitate nor contingent on factors beyond our control—to extend only over such period of time as shall be necessary to (a) provide for the safety of United States Forces, (b) secure the release of American prisoners of war, (c) assist any Vietnamese desiring asylum, and (d) enable the United States to make an orderly disposition of its facilities in South Vietnam.

### H. Res. 730

(Offered on Nov. 26, 1969)

*Resolved*, That the House of Representatives urges the President to negotiate a just peace in Vietnam, expresses the earnest hope of the people of the United States for such a peace, calls attention to the numerous peaceful overtures which the United States has made in good faith toward the Government of North Vietnam, approves and supports the principles that the people of South Vietnam are entitled to choose their own government by means of free elections open to all South Vietnamese and supervised by an impartial international body, and that the United States is willing to abide by the results of such elections, and urges the President to call upon the Government of North-Vietnam to announce its willingness to honor such elections and to abide by such results and to allow the issues in controversy to be peacefully so resolved in order that the war may be ended and peace may be restored at last in Southeast Asia.

### H. Res. 963

(Offered on Apr. 30, 1970)

*Resolved*, That it is the sense of the House of Representatives that the United States refrain from any military action in Cambodia.

### H. Res. 1008

(Offered on May 13, 1970)

*Resolved*, That in the absence of a declaration of war, it is the policy of the House of Representatives that fiscal year 1971 Defense expenditures in South Vietnam should be limited to only that amount required to carry out the safe and orderly withdrawal of all American combat and support troops from South Vietnam by the end of fiscal year 1971 (June 30, 1971). Be it further

*Resolved*, That no funds in the fiscal year 1971 Defense budget are to be used to finance the operation of any American combat or support troops in Cambodia or Laos.

Mr. Speaker, on May 6 and 7, 1970, I voted against the motion for the previous question in order to express my support for the Leggett, Reid, and Boland amendments which would have cut off all funds in fiscal year 1971 to finance the American invasion of Cambodia. I was joined by 145 of my colleagues in the House on May 6, 1970. We will continue to offer this amendment to all bills coming before the House which are germane.

Mr. Speaker, both houses of the State of Hawaii Legislature adopted resolutions opposing the invasion of Cambodia. The resolutions read as follows:

### Senate Resolution 325

Requesting the President of the United States to withdraw military troops and arms commitments to Cambodia

Whereas, the military involvement of the United States in Vietnam has resulted in much tragedy and discord in the nation; and

Whereas, the frightful and disillusioning hostilities in Vietnam have torn families apart, brutally deprived young men, husbands, fathers, sons and brothers of their lives and future, and caused youth to resist the draft and suffer exile and prosecution; and

Whereas, the spread of warfare throughout Indochina and the commitment of the United States military troops and arms to Cambodia by President Nixon does not end the war but further subjects the Nation to continuing loss of life and human misery; and

Whereas, the military involvement of the United States in Southeast Asia is unwarranted world policing and contrary to our humanitarian ideals; now, therefore

Be it resolved by the Senate of the 5th Legislature of the State of Hawaii, Regular Session of 1970, that the President and the Congress of the United States be and are hereby requested to immediately cease all military activities in Cambodia; and

Be it further resolved that duly certified copies of this Resolution be sent to the President of the United States, the Honorable Richard M. Nixon; the President of the United States Senate, the Honorable Spiro T. Agnew; and the Speaker of the United States House of Representatives, the Honorable John W. McCormack.

### House Resolution 377

Disapproval of the United States Presidential action of combat troop commitments to Cambodia

Whereas, the United States military involvement in Vietnam is a regrettable situation, causing much anguish, loss of lives, and dissension in the Nation; and

Whereas, the spread of hostilities throughout Indo-China and the commitment of several thousand United States combat troops to Cambodia by President Nixon will not only result in continuing American deaths and suffering but may also be a likely prelude to the involvement of the United States in a major war; and

Whereas, the commitment of combat troops to Cambodia, which did not request such assistance, is a misuse of power by the United States, which, through its President is erroneously and unwisely assuming the posture of world police; and

Whereas, the economic resources and manpower of the United States, already severely taxed by the Vietnam war, are not inexhaustible, and should not be thoughtlessly expended; now, therefore,

Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, that this body disagree with and disapprove of the commitment of the United States combat troops to Cambodia and respectfully requests the President to reconsider his action; and

Be is further resolved that duly certified copies of this Resolution be sent to the Honorable Richard M. Nixon, President of the United States.

## WASHINGTON POST REVEALS MASSIVE POLITICAL SLUSH FUNDS COLLECTED BY BANKS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

**Mr. PATMAN.** Mr. Speaker, for a long time, many of us have been aware that the big banks around the Nation were gathering huge political slush funds as an adjunct to their lobbying campaigns.

This morning, the Washington Post, in a story bylined by Morton Mintz, details the growing activities of the commercial banking industry nationwide.

Bank campaign groups apparently are assessing the banks for political contributions based on their deposits. In other cases, according to Mr. Mintz' story, the banks are making direct assessments on their employees for campaign contributions.

The banks are apparently making no secret of the purposes behind these political solicitations. The Washington Post story makes it plain that these contributions are being used to promote special interest legislation and candidates who are willing to carry the banks' position forward.

It is no coincidence that this increased political activity comes at a time when the big banks are attempting to kill legislation which would provide effective regulation of one-bank holding companies. And it is no coincidence that these activities are surfacing at a time when the big banks are attempting to protect their swollen profits created by the highest interest rates in the history of the Nation.

It appears that a portion of these high interest rates being paid by the American public are actually going into political slush funds.

Mr. Speaker, the Washington Post story raises grave public questions. Should the banking industry—which has been given great powers by the Congress and the various States—be allowed to raise and manipulate huge political funds? This industry—through its banking powers—already asserts a tremendous influence across the land. Now they have moved into direct political action to augment their already awesome power.

Mr. Speaker, the activities contained in the Washington Post article also raise serious legal questions. The political fundraising seems to be occurring within the corporate structure of these banks. The Corrupt Practices Act, of course, prohibits corporations, including banks, from making political contributions and expenditures in behalf of political candidates. Someone should take a hard look at these activities and determine whether they are within the law governing political campaign contributions.

Mr. Speaker, I place in the Record a copy of this article with the headline "Banks Solicit Political Funds," and a second article with the headline "California Bankers Offer Tips for Handling Lawmakers":

[From the Washington Post, May 14, 1970]

### Banks Solicit Political Funds

(By Morton Mintz)

Last April 3, 19 senior officers of the National Bank of Commerce in Seattle sent out a letter to their junior colleagues.

The message, under the letterhead of the "League for Good Government," cited the growing burden on a small number of officers in meeting the requests for financial support from "political parties, candidates and committees promoting special interest legislation . . ."

While reminding younger officers that political contributions by banks "are prohibited by law," the letter appealed:

"It now has become apparent that a wider degree of participation is imperative and we want to extend a cordial invitation to you to join us in this important civic responsibility."

The letter—and similar solicitations obtained by The Washington Post—is one of the rarely seen pieces of hard evidence that banks across the country have internal organizations which ask officers to contribute portions of their salaries to candidates for federal, state and local officers.

The solicitation letters come to light at a volatile point in the history of relationships between the banking and political communities.

Last week, a prestigious committee on congressional ethics, appointed by the Association of the Bar of the City of New York, reported that at least 96 of the 435 members of the House are executives, directors or stockholders in banks or other financial institutions.

And on Tuesday, the Senate Banking and Currency Committee begins hearings on the most important piece of banking legislation since 1933, when Congress acted to bar commercial banking from all other lines of business.

The bill before the Senate committee, already passed by the House over the objection of the largest banks, is aimed at one-bank holding companies. Banks have used such holding companies in recent years to become conglomerate business enterprises.

The existence of organized fund-raising efforts within banks has been closely guarded information. Some executives were willing to discuss them in phone interviews. Other bankers, however, reacted to a reporter's questions first with astonishment, then, with questions of their own. How had the newsman learned about a particular organization? What was his purpose in inquiring?

"Why do you want to know?" asked E. L. Carpenter, chairman of Central National Bank of Cleveland, another billion-dollar institution which ranks 50th in deposits.

Central's fund-raising mechanism is also benignly named: the "Good Government Program." The Union Bank of California, which has $1.7 billion in deposits and ranks 26th, calls its organization the "League for Good Government."

A neutral name, the "Robert C. Isban Special Account," is used by the Manufacturers Hanover Trust Co. of New York City, which with deposits of $10.4 billion is the Nation's fourth largest. Isban is a deputy comptroller.

And a group of Texas bankers set up a "trust" and requested that checks be sent to "Mr. A. C. Verner, Trustee, P.O Box 1241, Lubbock, Texas 79408."

Whatever the organizations are called, they usually specify precisely the amounts of money desired.

The Texas group, for example, set a sliding "contribution formula" that relates the total resources of a bank to the suggested combined donation of its officers.

For banks with resources totaling less than $2.5 million, the recommended combined donation was "at least" $50. For the largest banks, those with resources exceeding $500 million, the suggested combined gift was "at least" $2,000.

Sponsors of the trust say their hopes were disappointed. Had they been fulfilled, $250,000 would have been the minimum donated in Texas.

Applied to all of the banks in the country, the same "contribution formula" would have made at least $6.3 million available to candidates.

California's Union Bank, which has 430 officers, suggests contributions of one-half of one percent of the portion of annual salary above $10,000 and below $30,000, and one per cent of salary exceeding $30,000.

Manufacturers Hanover said it invites "no fixed amount" from its approximately 1,100 officers.

Cleveland's Central National proposed an "average contribution" of one-quarter of one per cent of base salary.

The 19 Seattle bank executives suggested contributions at a rate geared to annual income. A National Bank of Commerce official earning $12-$15,999 would pay 0.35 per cent ($42 to $56). If he earned $16,000–$18,999 he would pay 0.4 per cent ($64 to $76). For officials in the top bracket of $30,000 or more the recommended rate is 0.7 per cent, or $210 or more.

The National Bank of Commerce, with deposits of more than $1.1 billion, ranked 44th in the nation as of last Dec. 31.

Bert L. Sellin, vice president for new business and co-ordinator of the "League for Good Government," said in Seattle that the bank's solicitation program is "not unusual."

Similarly, Harry J. Volk, board chairman of Union Bank, said in Los Angeles that political fund-raising by groups such as his "Good Government Associates" is "common practice in California banks," and in other businesses, as well.

None of the bankers interviewed by The Washington Post, however, was willing to identify any financial institution with such programs other than his own.

All of the solicitation letters obtained by this newspaper emphasized, sometimes with underlining, that contributions would be "completely voluntary."

In Los Angeles, Volk said the Union Bank exerts "absolutely no pressure. No one has to give a dime . . . anyone in financial difficulties is urged not to give."

Told of a subordinate who—in an unsigned statement—claimed to fear that he would be secretly blacklisted or considered uncooperative, Volk said the complainant must be a "crank" or "some kind of a nut" whose anonymous charges were "completely improper and wrong."

In Seattle, Bert Sellin said flatly that the National Bank of Commerce applies "no compulsion." Asked if a young officer might be concerned that a failure to contribute could jeopardize his career, Shellin said that was out of the question.

"We're a pretty independent bunch of guys out West," he said. "Maybe they don't think that way back East."

Back East, deputy controller Robert Isban—the man with the special account—said that independence was valued just as highly at Manufacturers Hanover. There is, he said, "absolutely no compulsion."

The bankers supported the denials with statements that their requests for contributions were frequently met with outright refusals or with donations smaller than the suggested ones, although in Seattle some donations have exceeded the sums requested for years.

In Lubbock, Texas, A. C. Verner, president of the First National Bank, said the trust had raised "nothing like" the desired minimum of $250,000.

Similarly, Union Bank's Harry Volk said that "a relatively small amount was raised, unfortunately."

Other bankers gave like disclaimers. But none was willing to say precisely how many dollars were raised or spent.

"In our small way, we contributed a few bucks," a "token" of perhaps $100 for a candidate, Volk said.

In every case, high public purposes were ascribed to the fund-raising.

Central National Bank of Cleveland initiated its "Good Government Program" in 1963 "out of a deep concern for the preservation of our liberties and our economic system," chairman Carpenter said on June 13, 1969 in a memo to "all key men."

In Texas, seeking donations to the trust for "statewide races, and in some cases, other than statewide races," C. Glynn Lowe, president of the First National Bank of Paris, Texas, said in a letter dated last March 12:

"The bankers of Texas have become aware of the need to support political candidates they believe will best serve in the interest of the public and the economic climate."

Lowe, in a phone interview, refused to name any of the candidates. Neither would any of the other bankers.

However, trustee Verner said in Lubbock that no money was given to any candidate in a race for federal office. Specifically, he said, none went to Lloyd M. Bentsen Jr., who on May 1 defeated incumbent Ralph Yarborough in a race for the Democratic nomination for the U.S. Senate.

Bentsen is president of an insurance company which owns an estimated half-million dollars worth of stock in Texas banks.

At Manufacturers Hanover, vice president-comptroller Colin MacLennan and Isban, his deputy, said that a small unit of top-ranking officers allocates donated funds, the bulk of which go to mayoral and state candidates, dinners and the like.

A Union Bank letter dated July 19, 1966, said its "Good Government Associates" gives "entirely nonpartisan" support to candidates "who are sympathetic with American banking and the free enterprise system." The letter was signed by Harry Volk.

The other day, Volk told a reporter that the sole standard for deciding if a candidate merits a contribution is whether he gives "intelligent, fair" consideration to banking legislation.

While declining to identify any such candidates, Volk did name, as a hypothetical example of a deserving candidate, former Sen. A. Willis Robertson (D-Va.), a conservative who was chairman of Senate Banking and Currency.

Volk said Robertson was a "very understanding and great senator and a dedicated American."

During the 1966 primary, a group of bankers in Richmond called in local businessmen to invite contributions to Robertson's campaign because he had bottled up a truth-in-lending bill "and would keep it bottled up."

Volk, in the interview, said he opposes any legislation that "would preclude the banking system from growing as it is supposed to."

Drawing an analogy with the newspaper business, he said he would expect The Washington Post Co. to consider giving money to defeat "someone running in opposition to a free press." Volk volunteered the information that he is a director of the Times Mirror Co., publisher of the Los Angeles Times.

A fund-raising group of another kind is the Bankers Congressional Committee, which along with other groups, is represented in Washington by H. Vernon Scott.

The committee chairman, L. Shirley Tark, chairman of the Main Street Bank in Chicago, said the group seeks legislation to make savings and loan associations and mutual savings banks pay taxes on an equal basis with commercial banks.

In a report filed with the Clerk of the House, the committee said that in 1968 it gave a total of $8,425 to candidates for the House and Senate.

Some of the listed contributions were as small as $50. The two largest, $1,000, went to Reps. John C. Watts (D-Ky.) and Al Ullman (D-Ore.). Both are members of the Ways and Means Committee, which writes tax legislation for the House. In all, the bankers group contributed to 13 of the 25 members of the committee. Four members got $500 each.

### CALIFORNIA BANKERS OFFER TIPS FOR HANDLING LAWMAKERS

A "Political Handbook for Bankers," a copyrighted publication of the California Bankers Association, contains numerous practical tips for its members. Here are a few:

"Mere volume of mail alone, rarely—if ever—sways a politician. Pressure groups have become so proficient in running off 'canned letters' and flooding legislators with them, that this technique is no longer effective. The legislator is very sophisticated today and it's what's inside the envelope that influences his thinking."

"The CBA often sends out samples of correspondence which are for your guidance only. These should always be rewritten in your own words."

"Everyone is suspicious of friends or business associates who only drop around when looking for a favor. It's human nature. And politicians share that suspicion. Some elected officials have become cynical about such favor seekers and it's not uncommon to hear them reply: 'Where were you at primary time or election time when I needed workers and money?' . . . The first rule in contacts with legislators then, is to make contacts when you have nothing to ask."

If a legislator invited by local bankers to a cocktail party and dinner "requires overnight accommodations, they should be complimentary and very pleasant without being pretentious. Further thoughtfulness can be displayed by having a basket of fresh fruit or another appropriate gift delivered to his room before his arrival. Flowers should be sent if his wife accompanies him . . . The news media should not be invited to these functions, but it is possible they will show up . . . it should be made clear to them that the legislator's remarks are strictly 'off the record.' "

The 26-page handbook concludes with a "Political Effectiveness Test for Bankers." If answered "yes," each of two declarations gives five points and each of nine gives 10 points. Any one who scores 80 or more points out of a possible 100 rates as "excellent."

Among the 10-point declarations: "I contributed money to a candidate during the last election," "I worked for a candidate during the last election," and "Bankers in our area sponsored a dinner during the last year honoring a legislator."

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## AFL–CIO BLASTS NIXON'S ECONOMIC FAILURES

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. PATMAN.** Mr. Speaker, on Tuesday, the AFL–CIO executive council issued a detailed analysis of the failure of the Nixon administration's economic policies with special emphasis on the administration's lack of action to bring down high interest rates.

Mr. Speaker, I quote from the policy statement:

The need for increased low- and moderate-income home construction, at reasonable interest rates, is not being met, forcing the government to initiate interest-subsidy programs that reward high interest rate policies at taxpayers' expense, in order to prevent the complete collapse of home-building. Small and medium-sized businesses have been hit by a lack of available credit at reasonable interest rates. The inability of local governments to obtain low-interest loans is resulting in postponing construction of needed schools, hospitals and other facilities, while available credit is being drained off for less-urgent investments and dubious objectives.

Mr. Speaker, the AFL–CIO calls attention to the fact that the 91st Congress, over objections from the Republican side of the aisle, voted broad standby credit controls. The President, as the statement points out, has failed to use these powers despite the highest interest rates in our history.

This legislation was originated in the House Banking and Currency Committee and it gives the President full power to control interest rates and all other aspects of credit transactions. Yet the President sits idly by, doing nothing while unemployment and interest rates climb.

Mr. Speaker, the AFL–CIO executive council's policy statement should be must reading for all Members of the Congress. I place a copy of this statement in the RECORD:

### THE NATIONAL ECONOMY

The Administration's campaign against inflation has been a complete failure. Prices have gone up, unemployment has grown, and the nation has crossed the threshold of recession.

The time has obviously come for the Administration to abandon its bankrupt economic policies before the already grave damage to American living standards snowballs.

In April, unemployment soared to 4.8% of the labor force or close to 4 million workers—equalling the sharpest month-to-month rise since the 1960 recession. The jobless rate for Negro workers shot up to 8.7%; for teenagers, to 15.7%. In the four months since last December, 1.1 million workers were added to the swelling ranks of the unemployed—victims of the Administration's deliberate policy to slow production and employment.

Millions of additional workers have seen their paychecks shrink as the spreading effects of the squeeze on the economy has brought production cutbacks and reductions in working hours.

But living costs have continued to mount. The Consumer Price Index has risen at a yearly rate of about 6% since December.

The buying power of the weekly after-tax earnings of the average non-supervisory worker in private employment—about 48 million wage and salary earners—is less than last year and below 1965.

With unemployment rising sharply and industry operating at merely 79½% of its productive capacity, there is no classical inflationary condition of widespread shortages of goods and manpower that could justify government measures of severe, general economic restraint.

The Administration's policy—with the highest interest rates in 100 years—has been discriminatory, as well as ineffective, in combating the rapid rise of prices. It has cut urgently needed residential construction—with housing starts down from a yearly rate of 1.9 million in January 1969 to 1.4 million last March. It has hit the expansion of state and local government facilities and smaller businesses. In addition, skyrocketing interest rates have raised costs and prices all along the line to the consumer—adding to inflationary pressures.

Moreover, this blunderbuss policy has not curbed business profiteering, while it boosts bank profits. Cuts in government appropriations, as those for medical schools which threaten to continue the shortage of medical personnel, will continue the soaring rise of medical costs. And the tight monetary squeeze has not curtailed the credit inflation of the banks, with their lines of credit to the blue-chip corporations and wealthy families for lendable funds.

The banks have been permitted to evade the monetary squeeze. In 1969, for example, the international banks increased their "borrowings" from their foreign branches by $7 billion and even modest government regulations were not imposed until September. Bank holding companies issued $4 billion in promissory notes last year—and are continuing to issue such commercial paper, at present—at very high interest rates, free of government regulation.

Thus, while credit for needed production, such as housing, has been drying up—or if available at all, at extortionate interest rates—business loans of the large banks are up 5% from a year ago. The nation's major banks have been extending loans for such operations as conglomerate take-overs, gambling casinos, unnecessary inventory accumulation and a continuing boom of business investment in new plants and machines, while more than 20% of industry's existing capacity stands idle.

Even if the money supply should ease somewhat, there is no assurance that such utter misallocation of available credit by the banks and other financial institutions will not continue or that interest rates will not remain at high levels.

The regular operations of the banks and other financial institutions are not meeting America's needs. Moreover, they have been adding a high-interest rate credit-inflation to the business profit-inflation of the 1960s.

The time is long overdue for a sharp change in the nation's economic policies. The pace of rising prices must be slowed, without a growing army of unemployed. The urgent need is not last week's reduction of margin requirements for purchases in the stock markets to stimulate increased speculation.

The government must channel available credit, at low interest rates, to where it is needed and curb the inflationary expansion of credit for purposes that are less important to society.

Last December, Congress passed a bill entitled "Lowering Interest Rates, Fighting Inflation, Helping Small Business and Expanding the Mortgage Market"—which grants broad authority to the President for selective measures to curb the specific causes of credit inflation, while expanding credit for needed facilities and business operations. It provides the government with flexible means to re-balance the nation's credit structure and to finance housing, schools, hospitals and other community facilities at low interest rates.

More than four months have passed and still the President has not exercised this authority.

The need for increased low- and moderate-income home construction, at reasonable interest rates, is not being met, forcing the government to initiate interest-subsidy programs that reward high interest rate policies at taxpayers' expense, in order to prevent the complete collapse of home-building. Small and medium-sized businesses have been hit by a lack of available credit at reasonable interest rates. The inability of local governments to obtain low-interest loans is resulting in postponing construction of needed schools, hospitals and other facilities, while available credit is being drained off for less-urgent investments and dubious objectives.

So prices continue to rise rapidly; layoffs and production cutbacks are spreading; urgent social needs are not being met.

Therefore we recommend the following steps to take America out of recession and end inflation:

1. Confronted by the President's failure to use his authority, we urge the Congress to direct the Federal Reserve system to estab-

lish selective credit controls, maximum interest rates on specific types of loans and the allocation of available credit to where it will do the most good for America.

2. To meet the goal of 26 million new and rehabilitated housing units in ten years, the government should also require that a portion of such tax-exempt funds as pension, college endowment and foundation funds, as well as bank reserves, be invested in government-guaranteed mortgages.

3. To curb the price-raising ability of the dominant corporations, government action is needed to curtail the continuing high rate of business mergers, which has been greatly increasing the concentration of economic power in a narrowing group of corporations and banks.

4. The specific causes of soaring pressures on living costs, such as physicians' fees, hospital charges, housing costs and auto insurance rates, should be examined for the development of practical, sensible measures to dampen these pressures.

If the President, after exercising that authority voted him by Congress, determines he needs additional authority and decides that the situation warrants extraordinary overall stabilization measures, the AFL–CIO will cooperate, so long as such restraints are equitably placed on all costs and incomes—including all prices, profits, dividends, rents and executive compensation, as well as employees' wages and salaries. We are prepared to sacrifice as much as anyone else, as long as anyone else, so long as there is equality of sacrifice.

## THE LATE GEN. WLADYSLAV ANDERS

(Mr. ROONEY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROONEY of New York. Mr. Speaker, all of us were saddened yesterday to read of the death of Gen. Wladyslav Anders in London. All of us mourn the loss of one of the truly great heroes of contemporary history, because today a grateful world must pay him parting tribute.

Residing in London as an exile from his beloved Poland, General Anders was a living personification of the gallantry and courage manifested by the thousands of Polish freedom-loving people who too, were forced to flee Nazi brutalities and Communist enslavement of their homeland. Even in death the heroism of General Anders will be remembered and revered by the saddened multitude of his adoring countrymen.

The death of General Anders is particularly painful to me not only because of my close friendship with so many Polish Americans for whom he was such an inspiring idol, but more because of the privilege I have had to know him personally.

Mr. Speaker, I am grateful indeed that within the past year I had the rare good fortune to participate in the moving ceremonies last August commemorating the 25th anniversary of the battle of Monte Cassino in Italy.

Standing in the historic old monastery made sacred by the heroic Polish Army under the world-famed General Anders, I was moved to tears as surviving Polish war veterans paid homage to their fallen comrades. Most illustrious of these war veterans in attendance was Lt. Gen. Wladyslav Anders.

I shall never forget the opportunity which was mine at the close of these impressive ceremonies to chat with General Anders. Even more vivid will be my memory of General Anders rising from his invalid's chair at the conclusion of my remarks to thank me publicly for my statement and for the greetings which I brought from the American people.

I was privileged on that day last summer to meet a great many other Polish notables as well as many Italian dignitaries in attendance at that historic meeting, but none impressed me so much as General Anders. To me he represented the highest in man's devotion to a mighty cause for the betterment of mankind.

Mr. Speaker, I am sure that all the Members of this body join me in expressing our deep sorrow in the passing of a great worldwide hero. I am sure too that all America joins us in expressing our deepest condolences to his wife and the family who survive him and to the friends who so intensely mourn him.

I know that our fine Polish-American organizations will make plans for paying further tribute to this illustrious hero. It will be fitting indeed for this Government and its people to keep the memory of Lt. Gen. Wladyslav Anders alive and to remember ever his magnificent deeds.

## THE GENOCIDE CONVENTION

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, after 20 years of delay and postponement the Senate Committee on Foreign Relations is again considering the ratification of the Genocide Convention. For those who witnessed and understand the heinous crime of genocide in Central and Eastern Europe, this convention is most vital in towns of its politico-moral force to prevent a repetition of what occurred in the totalitarian environments of Nazi Germany and Soviet Russia. Dr. Raphael Lemkin, a former Polish jurist who coined the term genocide and basically fathered this convention, consistently emphasized to the time of his death in 1959 that this special type of crime is only possible in a nondemocratic environment.

In recent testimony before a special subcommittee of the Senate Foreign Relations Committee, this special form of crime was emphasized. As one who worked closely with Dr. Lemkin on the ratification of this treaty, Dr. Lev E. Dobriansky of Georgetown University stressed that with "no conflict in relation to our constitutional framework or our form of government, this convention is a legal suit of clothes patterned to fit the body of genocidal crime, which has appeared time and time again in environments different from ours." The testimony contains many other insights that the author acquired from Dr. Lemkin. For present enlightened discussion on this important subject I commend this testimony to the careful reading of our citizens and colleagues in the Senate. Dr. Dobriansky's suggestion for an official tribute to the late Dr. Lemkin in the event of the treaty's ratification is well taken.

The material follows:

### TESTIMONY IN SUPPORT OF SENATE RATIFICATION OF THE GENOCIDE CONVENTION

(By Dr. Lev E. Dobriansky)

Mr. Chairman and distinguished Members, I am deeply grateful for this opportunity to testify again in support of Senate ratification of the Genocide Convention. It was my privilege twenty years ago to offer in both empirical and legal dimensions extensive testimony in favor of the convention (*The Genocide Convention*, Hearings, Committee on Foreign Relations, U.S. Senate, 1950, pp. 319–413). It was also my memorable and precious privilege to know intimately, down to August 28, 1959, and to work closely on the ratification of this treaty with Dr. Raphael Lemkin, who may veritably be called the father of this convention.

For the record, I don't hesitate to state that this truly great person actually sacrificed his life and treasure for the advancement of this vital convention, and we of the Ukrainian Congress Committee of America are everlastingly proud of our close association with him and the many opportunities he afforded us in subsidizing and assisting his educational and humanitarian efforts. I sincerely feel that it is not in any measure of excessive laudation to suggest at this point that if and when, and on its own merits, this treaty is ratified by the Senate, a special tribute in Congress and by our Government, both here and in the United Nations, be posthumously made in honor of the founding and pioneering work of this man.

#### SOME PRELIMINARY OBSERVATIONS IN PERSPECTIVE

Although my profession is not that of law, I can say that the training and informal schooling I received from my close relationship with Dr. Lemkin have equipped me in some degree to testify on the legal aspects of this treaty. If anything, to the best of my ability I can strive to transmit the insights, perceptions and wisdom he implanted as concerns the solid legal structure and content of the convention. However, in this compressed statement, before dwelling on these essential aspects, I should like to make a few preliminary observations to place the subject in proper and accurate perspective, along with some generally unknown facts to be stated for the record. After all, law, as indeed economics, political science, psychology or any other humanistic discipline, cannot be viewed in a vacuum of events and surrounding developments.

My first perspectival observation is that it is almost in the nature of a national disgrace that the United States, which at the end of the 40's was in the vanguard of the movement for an international treaty against the crime of genocide and was one of the first to sign the treaty, has, in sharp contrast to 75 other states, not as yet ratified it. The reasons for this ironical development are, of course, many, but the fact remains that in this area, not to mention others, we lapsed in moral and political leadership in the world at large. However, in this, as in other areas, better late than never.

Among the various reasons for this unfortunate delay, undoubtedly the most prominent has been the political chaff and sophistical extraneities that cumulated about an objective consideration of the convention. Twenty years ago, opponents of the convention admixed it with civil rights, the threat to states rights, charges of genocide against negroes, a plot against our form of government, and a whole assortment of sophistry as to the constitutionality and legal perils of the treaty. Today, much of this chaff is being re-expressed in old and some new forms, such as American genocide in Viet-

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nam, mass rioting and deaths, the Black Panthers, and even poverty.

For the record, let me state that in 1954, following a radio/TV program on the Georgetown University Forum, Dr. George A. Finch, one of the panelists and a leading ABA opponent to the convention, let his hair down to inform Dr. Lemkin and me how he and Messrs. Rix and Schweppe managed to have the treaty tabled up till then ("Genocide: Fact and Convention", G.U., June 10, 1954). Despite the overwhelming evidence in support of the convention, they were able to convince Chairman Tom Connally that the treaty would not prevent communist genocide and would be used against us. Furthermore, at this time, it will be recalled, the Bricker Amendment emerged as an additional obstacle to the Genocide Convention, which some opponents to the treaty even today are making use of. Yet, in all truth, I can testify that Senator Bricker himself admitted to Dr. Lemkin that he saw no inconsistency or discrepancy between the treaty and our Constitution.

Happily, this present attempt to separate the chaff from the wheat has received powerful assists from President Nixon's endorsement, in reality taking off from where President Truman began, from the legal positions of our Secretary of State and Attorney General, and from the studied output of the American Bar Association's section on individual rights and responsibilities, not to mention the four-vote negative margin. In keeping abreast of all these developments, however, one cannot but conclude that all the pros and cons heard these past two decades were said and recorded in the 1950 Senate hearings. Nevertheless, it is important now to dispel some of the more prominent misconceptions held with regard to the convention by concentrating on the very essence of the meaning of genocide itself and the essential conformities of the treaty with our constitutional framework and limits.

### MEANING AND COMFORTABLE PREDICTION

In an attempt to compress here the fundamental issues surrounding this treaty, the categories of (1) facts and meaning (2) the legal suit of clothes and (3) moral force for rule under law and justice will be found helpful and implementative. Concerning the facts or the empirical basis of the matter, most of the evidence was well supplied in the 1950 hearings, with appropriate emphasis placed on the far more extensive record of Soviet Russian genocide than that of the Nazi German one. This accumulated evidence is significant for two reasons: (a) it constitutes the experiential foundation for the meaning of genocide and (b) it determines objectively the legal suit of clothes necessary to fit the body of the crime.

Derived from this massive experience in genocide, the meaning is clearly stated in Article II of the convention. I submit that most, if not all, of the confusion and misunderstanding that has emerged in relation to this treaty can be attributed to an insufficient grasp of the meaning of genocide as conveyed in this article and, ultimately, to an unfamiliarity with the evidence. Aside from the enumerated acts of commission, the crux of the meaning is found in the words "with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such." Thus, obviously, Hitler's campaign against the Jews, Stalin's destruction of the Ukrainian Catholic and Orthodox Churches, deportations, man-made famine etc., Mao's assault upon the Tibetans—these and numerous other examples clearly spell genocide. The intent to destroy in whole or in part, and regardless of motivation or purpose, was realized overtly in the act itself.

There is a distinctive and substantial difference between genocide and homicide, whether singular or multiple. That difference lies in the crux of the meaning given above. The loose and indiscriminate bandying about of the term twenty years ago and again now to cover such phenomena as lynching, "the killing of one person or a thousand," mass deaths resulting from wartime bombing operations, terrorism and guerrilla warfare, revolutionary activity or even "driving five Chinese out of town" is a measure of the misconception that has prevailed. The term has, of course, been prostituted in the political warfare lexicon of our enemies both abroad and at home. Covered adequately by other criminal statutes, these and similar acts are not in themselves genocidal where "intent to destroy, *in whole or in part*, a national, ethnical, racial or religious group, *as such*" is on evidence non-existent. The objection is often raised that the meaning excludes political groups. Here, too, acts of treason against a state, whether legitimately governed or no, whether they involve mass killing or no, are not in themselves genocidal and are covered by other laws. It is evident, therefore, that the whole thrust of both Articles II and III is against this special, differentiated type of crime that entails the destruction, in whole or in part, each of the entities mentioned.

Once one grasps the meaning of genocide and the uncivilized and barbarous content of the act, denying the apolitical right of self-preservation as a group itself, it should be evident that the commission of genocide is well nigh impossible in a free, open democratic society. Historically and logically, genocide is a cancer associated with totalitarian, autocratic and imperio-colonialist environments, as characterized by Soviet Russia within the USSR, Nazi Germany and Red China. In brief, it can be said that this treaty bears no objective relevance to our environment as presently constituted; it carries heavy weight, however, for our politico-moral leadership in the world at large for the prevention and punishment of this special, heinous crime.

With the definitional premise given in effect in Articles II and III, the treaty is formulated like a legal suit of clothes to fit the body of this crime and is predicated on this premise in conformity with our constitutional framework. Article IV thus logically addresses itself to the punishment of persons involved in genocide and acts pertaining to it "whether they are constitutionally responsible rulers, public officials or private individuals." The objection that the treaty "is directed largely toward individuals rather than nations and opens a new concept of international law whereby domestic crimes would be converted to international crimes by treaty law" is a specious one. Who can indict a nation and its countless innocents for genocide or any other crime? Specific individuals in government or beyond can only be punished, and on this the treaty stands on solid, moral ground. As for the supposedly new concept, it should be pointed out first, that the worst cases of genocide, both under the Nazis and the Soviet Russians, have been international in character and, second, that many domestic subjects of lesser intensity in antisocial conduct and the denial of human rights have properly been subjects of international concern, as witness treaties dealing with slavery, narcotics, inheritance rights and the like, not to mention the protection of the lives of seals and migratory birds.

Articles V and VI, dealing respectively with enabling legislation and trial by a competent tribunal, seem to be subjected to more distortion and misinterpretation than all others subsequent to the premisal articles. Fears about foreign dictation to our Congress, the self-executing power of the treaty, and criminal prosecution without necessary legislation are totally unfounded. Article V, by specifying an undertaking to enact in accordance with the respective constitution the necessary legislation to give effect to the provisions of the convention, clearly shows that the treaty is not self-executing, nor does it mandate or require any specific legislation. With equal explicitness, Article VI stipulates trial before a "tribunal of the State in the territory of which the act was committed" or by an international tribunal accepted by the parties involved. Contrary to prevalent distortions of fact and interpretation, this provision has nothing to do with the International Court of Justice, the so-called World Court; it would not deprive an American citizen of his constitutional right to a trial by jury if the act were committed here; nor, here again, does it mandate any American participation in an international tribunal, were one to be created. And even this would at some later date be subject to treaty and Senate advice and consent.

So with Articles VII, VIII and IX, concerning respectively extradition, calling upon the United Nations, and submitting disputes to the International Court of Justice, the language is perfectly clear and does not justify the propagandized misinterpretations made of them. Extradition is accommodated where treaties are already in force between the U.S. and other countries, and in cases of genocidal involvement Congressional legislative implementation may be required. Article VIII simply allows a country to call upon organs of the U.N. for the prevention of acts of genocide, and under the Charter even they are restricted jurisdictionally. And Article IX permits submission of disputes to the "World Court" which would be concerned solely with questions of interpretation only and not with decisions on genocidal cases. Thus circulated fears about extradition for "political crimes," U.N. subsumption of national sovereignty, dictation by the World Court and similar fiction are groundless here, too.

### RATIFICATION FOR POLITICO-MORAL FORCE

Our failure to ratify this treaty twenty years ago has made us vulnerable to charges of insincerity, has in many parts of the world weakened our moral stance as our enemies skillfully propagandized this supposed insincerity, and has deprived us of the full politico-moral force and power that we could avail ourselves of in the use of international law as an instrument both for our primary national interest and world peace, justice and the rule of law. This failure can be redressed now by Senate ratification of the Genocide Convention.

I reiterate—and as Dr. Lemkin taught me—the crux of the issue is a vivid awareness of the nature of genocide, the presence of which in a free, democratic environment is tantamount to a squared circle. With no conflict in relation to our constitutional framework or our form of government, this convention is a legal suit of clothes patterned to fit the body of genocidal crime, which has appeared time and time again in environments different from ours. To reiterate, as some did twenty years ago and do today, that the convention will not prevent totalitarian regimes from perpetrating genocide misses the crucial point of this basically humanitarian action, not to mention the fatalistic omniscience the prediction enlists. Such perpetration may be or it may not be, but it cannot logically be denied that in this inter-nation-building of law for rule with justice, the convention generates an accruing strength of deterrence that, with definable consequences, may well secure the prevention of this grotesque crime. Lest we forget, technology and economic potency far from exhaust the reservoir of power in a nation; ultimately, they give way to politico-moral forces, such as this convention embodies to sustain and intensify our responsibilities in world leadership.

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## PUBLIC FINANCING OF THE SST

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, we are painfully aware that consistency is not one of the hallmarks of the art of government and politics. A particularly good example of the right hand not knowing what the left hand is doing was in evidence on May 13 when the administration sent two witnesses before the Joint Economic Committee to talk about Boeing's big boomer—the SST.

Attempting to show that all the bases had been touched, the President sent Judge Train—Chairman, Environmental Quality Council—to the committee with a carefully worded statement regarding the SST and its potential adverse environmental effects. Had Judge Train stuck strictly to the "environmental" problem, he would not have had to suffer the indignity of a contradiction from another administration witness. The bulk of Judge Train's prepared testimony dealt with the truly staggering adverse implications of building "a fleet" of SST's; nevertheless, he did venture into the realm of finances and said:

> The administration's program has carefully separated prototype development from possible future commercial production.

Later before the committee, Transportation Under Secretary Beggs said:

> The SST program will require a very sizable investment, from both the public and private sectors.

In order to present both sides of the story and prove my point that the administration was speaking with two diametrically opposed voices, I have incorporated the statements of Judge Train and Under Secretary Beggs as part of my remarks.

If our colleagues are interested in the overwhelming "environmental reasons" against building the SST, I heartily recommend Judge Train's comments. On the other hand, if our colleagues are looking for reasons to support the building of the SST, I recommend they disregard Under Secretary Beggs' testimony. If his statement is the best the administration can do in justifying the SST boondoggle—and I suspect it is—I predict the environmentalists are going to win a major battle this year.

The two statements follow:

### STATEMENT OF THE HONORABLE RUSSELL E. TRAIN

Chairman Proxmire, members of the committee, as Chairman of the Council on Environmental Quality I am responding to your invitation to discuss environmental considerations which should enter into Federal transportation expenditure decisions and specifically the decision as to development of the supersonic transport. I am accompanied by Dr. Gordon J. F. MacDonald, a member of our Council and a scientist with considerable background in the scientific issues involved.

At the outset I should make clear that the mandate of the Council under the National Environmental Policy Act is to advise the President concerning the *environmental* aspects of Federal government programs and activities. The goal of the Act is to assure that, to the greatest extent practical, environmental considerations are given careful attention and appropriate weight at all stages of the planning and decision-making process in every agency of the Federal Government. We recognize, of course, that environmental considerations are not the only considerations relevant to this process.

I turn now to the views of the Council on Environmental Quality on the environmental considerations that would be relevant to the development of a fleet of supersonic transports. The question of a civilian supersonic transport is important in its own right but has a broader significance because of the problems and opportunities that we as a nation face in the years ahead. In the case of the supersonic transport our great technological strength provides us with an opportunity to make a significant advance in aviation. Yet we must assess whether such progress in aviation represents progress for society—for our whole society. We must at all times be careful that we do not pursue technoloy simply for the sake of technology—simply for its own sake—but rather for its contribution to human welfare. There is a growing awareness that, with certain technological advances, come social and environmental costs that are difficult to quantify but that must be taken into consideration. What is true for aviation is also true for many other technologies. In the years ahead we must assess the full consequences of technological advance well ahead of the deployment of that technology.

Before proceeding to a brief discussion of the specific environmental aspects of the development of a supersonic fleet, I wish to emphasize four points:

1. The Administration's program is for the design, development, fabrication, assembly and a hundred hour flight test of two identical prototype supersonic transportation aircraft. In and of themselves the two prototype models would not give rise to environmental problems provided appropriate precautions are taken with regard to their test flights.

2. The final decision with respect to the production of further supersonics will depend on a number of factors, including economic and foreign policy aspects, as well as environmental considerations. The Administration's program has carefully separated prototype development from possible future commercial production. I would hope that before the time that a decision must be made with regard to production, we will be in a position to assess correctly the environmental costs of full-scale production and operation. In the decision to proceed with prototype development, it has been implicit that a decision to proceed with commercial production would not be made in the absence of a satisfactory resolution of environmental problems.

3. The U.S. Government, together with a few other nations, has taken the environmental lead throughout the world in prohibiting supersonic flights over any land area of the United States. The proposed rules issued by the Federal Aviation Administration governing overland flights effectively forbid flights at speeds which would produce a detectable boom at the ground.

4. The environmental problems I will discuss are of concern not only to the United States but also to those nations that are proceeding with the development of supersonic transports, to those nations whose airlines might fly a supersonic transport and indeed to all nations of the world. I will return to this point.

At present the most significant unresolved environmental problem I see for the supersonic transport is the high level of noise in the vicinity of airports. Because of its relatively steep degree of climb, the SST will actually create less community noise in the direction of its flight path than present subsonic jet aircraft. The SST also generates less noise on approach. However, the current design of the U.S. supersonic transport and of the Concorde leads to a noise field radiated perpendicular to the runway, called "sideline noise," that is substantially greater than that of the conventional subsonic jets. In terms of the measures used by the Federal Aviation Administration to assess annoyance, the SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747. In terms of noise pressure, the sideline noise level would also be substantially higher than that of subsonic jets meeting the FAA requirements.

I doubt that communities adjacent to our large international airports will accept this added noise burden if it should extend beyond airport boundaries—a circumstance which seems likely in the case of most existing airport facilities. This is a view that I believe is shared by a majority of those responsible for the operation of airports. Furthermore, the discomfort and hazard to those actually on the airport site—both passengers and service personnel—will require careful attention.

It has been suggested that the sideline noise problem can be solved by:

1. technical improvements to the airplane.
2. confining noise to the airport.
3. converting communities near airports into industrial or commercial areas.
4. developing new airports.

With regard to technical improvements, it is doubtful that current technology can produce the required lowering of noise levels and still carry a viable payload. If indeed new technology is to be the solution of the future, then there should be greater emphasis on research and development of a quieter engine.

As to the other possible solutions, I do not think it is practicable to confine the noise projected by the SST to the airport. Most airports were designed many years ago and were not built in such a way as to minimize the effects of sideline noise. Redevelopment of areas near airports would require an investment on the order of billions of dollars; it seems unrealistic to assume that the country would undertake investment of such magnitude simply to provide for the supersonic transport. Doubtless, some new airports must be constructed to facilitate the traffic volume forecast by 1980. Adequate land planning in such cases could mitigate sideline noise. At the same time, we believe it important to establish now and maintain the principle that the noise environment in the vicinity of all our airports is not to be degraded in any way. Furthermore, the problem of sideline noise at airports is not just a domestic matter. Other countries are developing supersonic transports with comparable high sideline noise characteristics and they will, without question, wish to use our airports. Further, noise problems at international airports abroad will be as severe as our own.

I now turn to a potential problem which has not received the attention it deserves. The supersonic transport will fly at an altitude between 60,000 to 70,000 feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides and particulate matter. This part of the atmosphere is to a substantial extent isolated from the rest of the atmosphere. For example, on the average, 18 months are required for a water molecule introduced into the atmosphere at 65,000 feet to find its way to the lower atmosphere. A fleet of 500 American SST's and Concordes flying in this region of the atmosphere could, over a period of years, increase the water content by as much as 50 to 100 percent. This could be very significant because observations indicate that the water vapor content of the stratosphere has already increased about 50 percent over the last five years due presumably to natural processes, although there is a possibility which should be researched that subsonic jets have been contributing to this increase.

Water in this part of the atmosphere can have two effects of practical significance. First, it would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature. Calculations on the magnitude of this increased temperature are most uncertain but probably it would be on the order of .2 to .3° F. Secondly, water vapor would react so as to destroy some fraction of the ozone that is resident in this part of the atmosphere. The practical consequences of such a destruction could be that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased. As in the case of surface temperature, we do not have adequate knowledge on which to make secure judgments as to the practical significance of the effect of water on the ozone. Finally, the increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate.

Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before *any country* proceeds with a massive introduction of supersonic transports.

There are other potential adverse environmental consequences of supersonics; for example, the effect of sonic booms over water on ship crews and pasengers and on nesting birds on isolated islands. However, I will not discuss these as I have tried to confine my remarks to what I consider the two most important issues—namely, noise in and around airports and atmospheric effects.

In view of the known and potential environmental impacts of the operation of a fleet of supersonic transports, I make three specific, positive proposals for environmental protection at this time.

1. The guidelines with respect to noise certification of the supersonic civilian transport should assure that the noise environment in the vicinity of airports at the time of the introduction of supersonics will not be degraded in any way. As technology advances, permitted noise levels should be reduced and these reductions likewise applied to the supersonic transport.

2. We should increase substantially the level of investment in research on the environmental problems associated with the SST. Our knowledge about the environmental effects of the supersonic is clearly inadequate. Far greater emphasis should be devoted to research and development programs leading to an engine having a substantially reduced noise level. Further, an integrated research should be undertaken as to the effects of the chemical constituents introduced by the supersonic transport into high altitudes. Such a research program should include not only determining current changes in this part of the atmosphere but projected changes resulting from supersonic transport operations.

3. The United States should take the initiative in discussing present and potential environmental problems of SST operations with other nations. Discussions should certainly take place among those countries currently developing supersonic transports. Further, the whole issue of the supersonic transport and its environmental consequences should be considered for the agenda of the United Nations conference on the environment to be held in 1972.

This Administration endorses my first proposal and regulations to this effect will be issued. I have discussed the second and third proposals within this Administration and can report very definite agreement in principle. However, the shortness of time has simply made it impossible, in view of budgetary and related considerations, to obtain final, formal clearance.

In assessing the feasibility of SST operations we should accept the likelihood that other nations will come to be as concerned about the environmental consequences as we are, and that there will be a "domino effect" from our own environmental protections. Our prohibition against sonic boom over U.S. territory and our concern about airport noise, for example, will surely be echoed abroad. I think it essential that the SST not be considered simply as a domestic issue. By its very nature, its implications are worldwide in scope, and it is important that we approach the matter as an international concern. Those of us who possess the capacity for developing and introducing new technologies into the world have a very special responsibility for insuring in advance that such technologies do not, on balance, create serious long-term environmental emergencies for the world as a whole.

All of this is to say, as I mentioned at the outset, that we are entering an age when there is a determination that the impact of new technology on the environment be examined closely. We will continue to keep the environmental aspects of SST development under review and I know that the Departments share our concern that degradation of the environment must be avoided.

I repeat that the current program is for prototype development only. The Administration remains committed to the view that commercial development of the SST will not be undertaken unless and until the significant environmental problems and uncertainties are satisfactorily resolved.

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### STATEMENT OF JAMES M. BEGGS

Mr. Chairman and members of the Committee: I appreciate this opportunity to appear before you today to discuss the program for the development of a supersonic transport.

First, I would like to describe briefly the nature of the SST program and its progress. The objective of the program is to develop a supersonic airliner which is safe for the passenger, economically sound for the world's airlines, and superior in operating performance to competing supersonic aircraft.

The SST is designed to be the fastest commercial airplane flying during the next two decades. It will fly above 60,000 feet, carry about 300 passengers, have a range of over 4,000 miles, cruise at 1,780 miles per hour, three times the speed of today's jets, and be equipped by the most powerful engines ever built. It will be designed for utmost passenger comfort and will be equipped with the most modern safety features.

The SST program will require a very sizeable investment, from both the public and private sectors. The Federal investment, however, is designed to be self-liquidating, with royalties on production sales set at a figure that provides for the return of the full prototype investment with the sale of the 300th airplane. The manufacturers and the airlines are sharing in the costs of the program under an arrangement which provides an incentive for diligent pursuit of program objectives.

The SST program has been subjected to careful evaluation at each critical point of its development. The program was given a particularly intensive review last year, both by the new Administration and the Congress. The Administration's review culminated in a decision by President Nixon last September to proceed with the program. The Congress approved this decision in December by appropriating the funds necessary to continue the program.

The Committee has asked the Department to discuss the public costs and benefits of the Federal investment in the development of a supersonic transport. I should note at the outset that this type of program is not susceptible to a traditional quantitative benefit/cost analysis. The many intangible factors involved simply defy qauntification. Nonetheless, the benefits and costs of the program have received careful scrutiny and a great deal of effort has been devoted to weighing and balancing the various elements involved. I doubt that any Federal investment has ever been subjected to more extensive and intensive analysis.

While I cannot quantify all of the costs and benefits of the program for the Committee, I can review the considerations involved in the President's decision to proceed. The President referred to two of these when he announced his decision: first, the future of American leadership in air transportation; and, second, the opportunity to make a massive stride forward in transportation art.

For many years the United States has dominated the free-world aircraft market. More than 80 percent of the total commercial fleet was built in this country. If we do not choose to compete for the market for the supersonic family of aircraft, we stand to lose the preeminence we have enjoyed in this field and the accompanying economic and political benefits.

This preeminence, of course, is not the only factor. Also involved are the impact of changes in the health of our aircraft industry on persons who work in the industry, the importance of maintaining a high level of competence in this area of technology, and the effect on our balance of payments.

With respect to the balance of payments issue, there are uncertainties in any assessment of the over-all impact of the SST. In terms of aircraft imports and exports, however, the picture is relatively clear. Of the 500 U.S. SST sales now projected, we estimate that 270 would be to foreign carriers. The sale of these aircraft and spare parts abroad would produce $11.5 billion in export revenues over a 13-year period. In the same period, we estimate the U.S. airlines would buy about 60 Concordes at a total cost of $1.4 billion, for a favorable net balance of $10.1 billion.

Without a U.S. SST in being or on the way, U.S. carriers, for competitive reasons, would import about 300 Concordes by 1990, at a cost of 7 billion U.S. dollars flowing out of the country. Offsetting that flow to some degree would be exports of about $1.3 billion in additional subsonic jets that could be sold if a U.S. SST were not available. The difference, combined with the $10.1 billion in gold flow that would otherwise be earned through the sale of U.S. SST's overseas adds up to a possible net loss of $15.8 billion for the United States.

On the issue of employment, we estimate that the production program will result in the direct employment of 50,000 persons. The work will be spread throughout the country, touching most of the 50 states. Because it is difficult to predict what the labor needs will be throughout the production stage—both in the technical and unskilled areas—the extent of the benefit attributable to the employment factor is indeterminable. On balance, however, it is a plus factor.

On the technological side, the SST program provides a seed-bed for the application of advanced technology. The SST program has already been responsible, for example, for advances in titanium fabrication techniques applicable to other sectors of our industrial society.

Another significant, but intangible factor to be considered is that of enabling travellers to move between distant points at supersonic speeds. Man has always sought ways to speed up communication, and the fact is that the supersonic transport is the next step in that process, whether the United States builds it or not. And this is not simply a case of providing an added convenience or commercial benefit to be realized by a selected group of individuals—it concerns the impact that another step in the shrinking of the globe has on the outlook of man and his way of life. The United States SST presents an opportunity to make a giant stride in this regard.

In the environmental field, noise and sonic boom present the greatest difficulty. Both are being vigorously attacked along technological as well as regulatory lines. We believe the environmental consequences of the SST in these areas can be minimized.

I know of no major technical program where the environmental issues have been given more consideration than the SST program. Government studies of environmental effects over the last several years have significantly influenced the design of the SST. Smokeless engines, work on improved noise suppression devices, and the incorporation of a fixed horizontal stabilizer to provide high lift performance for community noise reduction are but a few examples of this design influence. Results of sonic boom studies have provided the basis for the current FAA rulemaking action providing for the prohibition of boom-producing supersonic flight over populated areas.

In conclusion, Mr. Chairman, an extensive evaluation of the costs and benefits of the SST has been made. Many of the elements involved, however, cannot be assigned a monetary value because of their intangible nature. Therefore, in the final analysis, the decision to proceed with the SST program had to rest on a combination of informed judgments, technical evaluations and economic studies. In our view, the President and the Congress exercised sound judgment and the public interest has been served thereby.

Mr. Chairman, that concludes my prepared statement. Now I will be happy to answer any questions you may have.

## TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the Record.)

**Mr. MILLER of Ohio.** Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the largest producer of fresh poultry in the world. In 1966 the United States produced 3,445,000 metric tons of poultry. This is five times more than produced by France, the second ranked nation.

## WALTER REUTHER

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

**Mr. PEPPER.** Mr. Speaker, our Nation has lost another great citizen with the tragic death of Walter Reuther. He was a man of passion and compassion. He fought so hard for the principles in which he believed, and he maintained leadership of a great union because he served his members well. Yet he was not all fire and ice. In his depth of kindness to others, he maintained constant interest in a project that he sought to visit when his plane crashed. All of us who knew his interest in the Black Lake, Mich., adult education and recreation center were aware that Walter Reuther had rejected proposals that it be named for him. We note with approval that the United Auto Workers will now honor him as he would not permit while he lived.

I, for three decades, cherished the friendship of Walter Reuther. He was a man of honor and of high principles. He brought vigor and energy to the causes he supported, but he also brought intelligence and wisdom to the problems of those causes. Many of us mourned years ago when he was gunned down, yet he rallied his strength to reject that incident as a barrier to his efforts.

His idealism remained a banner to rally all good men as he continued his useful life. That banner still flies high after his death.

Mr. Speaker, I also expressed my sentiments about Walter Reuther in a telegram I sent to Victor G. Reuther, who invited me to attend the memorial services for Walter Reuther on May 18 in Detroit:

> You will please accept my deepest thanks for your invitation to attend memorial services for Walter Reuther on Friday, May 15 and my profound regret that circumstances have arisen which prevent my being with you. I have respected and esteemed no man higher than Walter Reuther. He has left an indelible imprint upon his time and age in his leadership of labor and of those who want and have worked for a better country and a better world. He has caused innumerable men, women and children to walk on higher ground, to see new visions of the future and to feel a new sense of inspiration and brotherhood in their hearts. His love of his fellowman and his crusading courage will long move other men to noble deeds and meaningful victories. Walter was my cherished friend for more than three decades and I shall ever honor his memory, Mrs. Pepper joins me in sending deepest sympathy to you and all of his loved ones.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Kluczynski (at the request of Mr. Albert), for today and the remainder of the week, on account of official business.

Mr. Flynt (at the request of Mr. Boggs), for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Hammerschmidt) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Conte, for 20 minutes, today.

Mr. Price of Texas, for 15 minutes, today.

Mr. Williams, for 15 minutes, today.

(The following Members (at the request of Mr. Caffery) to address the House and to revise and extend their remarks and include extraneous matter:)

Mr. Hamilton, for 10 minutes, today.

Mr. Boland, for 20 minutes, today.

Mr. Gonzalez, for 10 minutes, today.

Mr. Ichord, for 60 minutes, on May 21.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Conte to revise and extend his remarks made in Committee of the Whole and to include extraneous matter.

Mr. Pepper during the consideration of H.R. 14685 and to include extraneous matter.

Mr. Gray and to include extraneous matter in two instances.

(The following Members (at the request of Mr. Hammerschmidt) and to include extraneous material:)

Mr. Burke of Florida.
Mr. Nelsen.
Mr. Watson in two instances.
Mr. Springer.
Mr. Conte in three instances.
Mr. Riegle.
Mr. Goodling.
Mr. Scherle in two instances.
Mr. Quie.
Mr. Wyman in two instances.
Mr. Roth.
Mr. Brock.
Mr. Widnall.
Mr. Ruppe in two instances.
Mr. Crane.
Mr. Price of Texas in three instances.
Mr. Broyhill of Virginia.
Mr. Weicker.
Mr. Brotzman.
Mr. Hogan.
Mr. Zwach.
Mr. Myers.
Mr. Broomfield in two instances.
Mr. Don H. Clausen.
Mr. Wydler in two instances.
Mr. Whalen.
Mr. Robison in two instances.
Mr. Duncan in two instances.
Mr. Derwinski.
Mr. Gerald R. Ford.

(The following Members (at the request of Mr. Caffery) and to include extraneous matter:)

Mr. Alexander in two instances.
Mr. Hamilton in 10 instances.
Mr. Scheuer in two instances.
Mr. Corman.
Mr. Addabbo.
Mr. Burton of California.
Mr. Fisher in three instances.
Mr. Rooney of Pennsylvania.
Mr. Marsh in two instances.
Mr. Fascell in two instances.
Mr. Udall in two instances.
Mr. Anderson of California in three instances.
Mr. Eilberg in three instances.
Mr. Patten.
Mr. Jacobs.
Mr. Abbitt.
Mr. Rodino.
Mr. Burke of Massachusetts.
Mr. Edwards of California.
Mr. Rarick in five instances.
Mr. Daniel of Virginia.
Mr. Meeds.
Mr. Olsen in two instances.
Mr. Boland in two instances.
Mr. Karth in two instances.
Mr. Hanna in two instances.
Mr. Friedel in two instances.
Mr. Green of Pennsylvania in two instances.

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Mr. Dulski in eight instances.
Mr. Fuqua.
Mr. Nedzi in two instances.
Mr. Helstoski in two instances.
Mr. Ryan in four instances.
Mr. Stephens in two instances.
Mr. Stratton.
Mr. Harrington in two instances.
Mr. Gonzalez in two instances.
Mr. Hicks in two instances.
Mr. Rooney of New York.
Mr. Minish.
Mr. Symington.
Mr. Pickle in three instances.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2208. An act to authorize the Secretary of the Interior to study the feasibility and desirability of a national lakeshore on Lake Tahoe in the States of Nevada and California, and for other purposes; to the Committee on Interior and Insular Affairs; and

S. 3011. An act to establish a revolving fund for the development of housing for low- and moderate-income persons and families in the District of Columbia, to provide for the disposition of unclaimed property in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

## ENROLLED JOINT RESOLUTION SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 1232. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes.

## ADJOURNMENT

Mr. CAFFERY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 34 minutes p.m.) under its previous order the House adjourned until Monday, May 18, 1970, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2058. A letter from the Assistant Administrator for Legislative and Public Affairs, Agency for International Development, Department of State, transmitting a report on the programing and obligation of contingency funds for the third quarter of fiscal year 1970, pursuant to the provisions of section 451(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2059. A letter from the Assistant Secretary of the Interior, transmitting copies of proposed extensions of two concession contracts for the provision of concession facilities and services for the public in Grand Canyon (North Rim), Zion, and Bryce Canyon National Parks, and Cedar Breaks National Monument, during 1970, pursuant to the provisions of 67 Stat. 271, as amended (70 Stat. 543); to the Committee on Interior and Insular Affairs.

### Received From the Comptroller General

2060. A letter from the Comptroller General of the United States, transmitting a report on action being taken by the Department of Defense to achieve closer adherence to established policy for providing household furniture in the United States; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CELLER: Committee of Conference. Conference report on S. 952 (Rept. No. 91-1086). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 520. Concurrent resolution authorizing the printing of an additional 1,000 copies of House Report 91-610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa" for the use of the Committee on Foreign Affairs of the House of Representatives (Rept. No. 91-1087). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 537. Concurrent resolution providing for the printing as a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren (Rept. No. 91-1088). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 578. Concurrent resolution authorizing the reprinting of a "Compilation of Works of Art and Other Objects in the U.S. Capitol," as a House document, and for other purposes (Rept. No. 91-1089). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 580. Concurrent resolution authorizing certain printing for the Select Committee on Crime (Rept. No. 91-1090). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 584. Concurrent resolution relative to printing as a House document a history of the Committee on Agriculture (Rept. No. 91-1091). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Concurrent Resolution 585. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs (Rept. No. 91-1092). Ordered to be printed.

Mr. DENT: Committee on House Administration. House Resolution 1006. Resolution authorizing the printing of additional copies of hearings entitled "Investigation of Students for a Democratic Society, part 7-A (Return of Prisoners of War, and Data Concerning Camera News, Inc., 'Newsreel')" (Rept. No. 91-1093). Ordered to be printed.

Mr. MAHON: Committee on Appropriations. House Joint Resolution 1232. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes (Rept. No. 91-1094). Referred to the Committee of the Whole House on the State of the Union.

Mrs. HANSEN of Washington: Committee on Appropriations. H.R. 17619. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91-1095). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 17550. A bill to amend the Social Security Act to provide increases in benefits, to improve computation methods and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes (Rept. No. 91-1096). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of title XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. HANSEN of Washington:

H.R. 17619. A bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. CRAMER (for himself, Mr. Harsha, Mr. Grover, Mr. Cleveland, Mr. Don H. Clausen, Mr. McEwen, Mr. Duncan, Mr. Schwengel, Mr. Schadeberg, Mr. Denney, Mr. Zion, Mr. McDonald of Michigan, Mr. Hammerschmidt, Mr. Miller of Ohio, and Mr. Snyder):

H.R. 17620. A bill to authorize appropriations for the fiscal years 1974 through 1976 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

By Mr. ASPINALL (by request):

H.R. 17621. A bill to modify the boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT:

H.R. 17622. A bill to provide for annual reports concerning price increases in Government contracts and failures to meet contract completion dates; to the Committee on Government Operations.

H.R. 17623. A bill to amend title 5, United States Code, to provide for continuance of civil service retirement disability annuity in all cases in which the annuitant is not 100-percent recovered from his disability, irrespective of the earning capacity or income of the annuitant; to the Committee on Post Office and Civil Service.

By Mr. BERRY:

H.R. 17624. A bill to provide (1) that the United States shall pay the actual cost of certain services contracted for Indians in the States of Minnesota, North Dakota, South Dakota, Washington, Idaho, and Wisconsin; and (2) for a more equitable apportionment between such States and the Federal Government of the cost of providing aid and assistance under the Social Security Act to Indians; to the Committee on Interior and Insular Affairs.

By Mr. BOLAND (for himself and Mr. Conte):

H.R. 17625. A bill to provide for an equitable sharing of the U.S. market by electronic articles of domestic and of foreign origin; to the Committee on Ways and Means.

By Mr. DULSKI:

H.R. 17626. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

H.R. 17627. A bill to amend the Antidumping Act, 1921, as amended; to the Committee on Ways and Means.

By Mr. HAGAN:

H.R. 17628. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. McDADE (for himself, Mr. Corbett, Mr. Dent, Mr. Esch, Mr. Flood, Mr. Fulton of Pennsylvania, and Mr. Yatron):

H.R. 17629. A bill to amend the act of August 31, 1954, relating to the control and extinguishment of outcrop and underground fires in coal formations, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OTTINGER:

H.R. 17630. A bill to prohibit any National Guard unit from being assigned civil disturbance duty unless there is a prior finding that such disturbance requires its presence and that such unit is appropriately trained for such duty; to the Committee on Armed Services.

By Mr. SCHWENGEL:

H.R. 17631. A bill to amend the Watershed Protection and Flood Prevention Act, as amended, the Soil Conservation and Domestic Allotment Act, as amended, and the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture.

By Mr. SEBELIUS (for himself, Mr. Shriver, Mr. Mize, Mr. Reifel, Mr. Berry, and Mr. Findley):

H.R. 17632. A bill to provide for the designation of certain highways as part of the National System of Interstate and Defense Highways; to the Committee on Public Works.

By Mr. VANDER JAGT (for himself, Mr. Anderson of Illinois, Mr. Hogan, Mr. Kuykendall, Mr. Melcher, and Mr. Roe):

H.R. 17633. A bill to encourage States to establish abandoned automobile removal programs and to provide for tax incentives for automobile scrap processing; to the Committee on Ways and Means.

By Mr. WYDLER:

H.R. 17634. A bill to amend title I of the Elementary and Secondary Education Act of 1965 to require that programs and projects assisted thereunder be for the benefit of children from low-income families; to the Committee on Education and Labor.

By Mr. BOLAND:

H.R. 17635. A bill, to define the authority of the President of the United States to intervene abroad or to make war without the express consent of the Congress; to the Committee on Foreign Affairs.

By Mr. BROYHILL of North Carolina (for himself, Mr. Thompson of Georgia, Mr. Zwach, Mr. Sandman, Mr. Williams, Mr. Johnson of Pennsylvania, Mr. Saylor, Mr. Duncan, Mr. Hunt, and Mr. O'Konski):

H.R. 17636. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. FUQUA:

H.R. 17637. A bill to amend the peanut marketing quota provisions to make permanent certain provisions thereunder and for other purposes; to the Committee on Agriculture.

By Mr. KARTH:

H.R. 17638. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. OLSEN:

H.R. 17639. A bill to amend the Railroad Retirement Act of 1937 so as to permit certain individuals retiring thereunder to receive their annuities while serving as an elected public official; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself and Mr. Olsen):

H.R. 17640. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. PODELL (for himself, Mr. Udall, Mr. Mikva, Mr. Rees, Mr. Clark, and Mr. Powell):

H.R. 17641. A bill to amend the Community Mental Health Centers Act to authorize assistance for States and public and nonprofit private agencies for the establishment of narcotic addict rehabilitation, research, and maintenance centers in community mental health centers and other licensed facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PRICE of Texas:

H.R. 17642. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. RARICK:

H.R. 17643. A bill to repeal the Credit Control Act; to the Committee on Banking and Currency.

By Mr. WATTS:

H.R. 17644. A bill to provide floor stock refunds in the case of cement mixers; to the Committee on Ways and Means.

By Mr. WILLIAMS:

H.R. 17645. A bill to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war; to the Committee on Veterans' Affairs.

H.R. 17646. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war; to the Committee on Veterans' Affairs.

By Mr. WOLFF:

H.R. 17647. A bill to prohibit the use of any nuclear weapon in Southeast Asia unless Congress first approves such use; to the Committee on Armed Services.

By Mr. WOLD:

H.R. 17648. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. MAHON:

H.J. Res. 1232 Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes; to the Committee on Appropriations.

By Mr. HELSTOSKI:

H.J. Res. 1233. Joint resolution to create a temporary Joint Congressional Committee to investigate and report to Congress on the shooting of students at Kent State University, Kent, Ohio, by members of the Ohio National Guard; to the Committee on Rules.

By Mr. WEICKER:

H.J. Res. 1234. Joint resolution designating July 12, 1970, as "Salute to Armed Forces in Vietnam Day"; to the Committee on the Judiciary.

By Mr. YATES:

H.J. Res. 1235. Joint resolution to restrict certain defense expenditures for fiscal year 1971 without a declaration of war; to the Committee on Foreign Affairs.

By Mr. BROTZMAN (for himself, Mr. Broomfield, and Mr. Cowger):

H. Con. Res. 614. Concurrent resolution expressing the sense of Congress that the question of the maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations; to the Committee on Foreign Affairs.

By Mr. MacGREGOR:

H. Con. Res. 615. Concurrent resolution for peace in Vietnam; to the Committee on Foreign Affairs.

By Mr. TUNNEY (for himself, Mr. Brown of Michigan, Mr. Brown of California, Mr. Edwards of California, Mr. Fraser, Mr. Friedel, Mr. Karth, Mr. Leggett, Mr. Farbstein, Mr. Nix, Mr. Ottinger, Mr. Rees, and Mr. Waldie):

H. Con. Res. 616. Concurrent resolution providing for a joint session of Congress on Friday, May 22, 1970; to the Committee on Rules.

By Mr. ROYBAL:

H. Con. Res. 617. Concurrent resolution providing for a joint session of Congress on Friday, May 22, 1970; to the Committee on Rules.

By Mr. TIERNAN:

H. Con. Res. 618. Concurrent resolution providing for a joint session of Congress on Friday, May 22, 1970; to the Committee on Rules.

By Mr. MINISH:

H. Res. 1011. Resolution relative to the use of funds in the fiscal year 1971 for troops in Cambodia, Laos, and Vietnam; to the Committee on Foreign Affairs.

By Mr. PODELL (for himself, Mr. Udall, Mr. Mikva, Mr. Rees, Mr. Clark, and Mr. Powell):

H. Res. 1012. Resolution expressing the sense of the House of Representatives with respect to the establishment of an international consortium under the auspices of the United Nations for the purpose of controlling illicit traffic in certain drugs and limiting the market supply of such drugs; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. McCloskey, Mr. Barrett, Mr. Brasco, Mr. Burke of Massachusetts, Mr. Daddario, Mr. Dawson, Mr. Diggs, Mr. Eckhardt, Mr. McCarthy, Mr. Nix, Mr. Powell, and Mr. Rogers of Colorado):

H. Res. 1013. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RODINO (for himself, Mr. Howard, Mr. Roe, and Mr. Daniels of New Jersey):

H. Res. 1014. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. ROGERS of Colorado:

H. Res. 1015. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. ST GERMAIN:

H. Res. 1016. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. UDALL:

H. Res. 1017. Resolution to set an expenditure limitation on the American military effort in Southeast Asia and for other purposes; to the Committee on Foreign Affairs.

By Mr. BROWN of California:

H. Res. 1018. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. DANIELS of New Jersey:

H. Res. 1019. Resolution for the safe and orderly withdrawal of American combat troops from South Vietnam; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. Fraser, and Mr. Celler):

H. Res. 1020. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN of California:

H.R. 17649. A bill for the relief of Antonio Mascaro and Giuseppa Mascaro; to the Committee on the Judiciary.

By Mr. DE LA GARZA:

H.R. 17650. A bill for the relief of Patrick J. O'Connor; to the Committee on the Judiciary.

By Mr. OLSEN:

H.R. 17651. A bill for the relief of Emile Georges Cochand and Marjorie Almo Cochand; to the Committee on the Judiciary.

By Mr. RARICK:

H.R. 17652. A bill for the relief of Luz Maria Cruz Aleman Phillips; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII,

381. The SPEAKER presented a memorial of the Legislature of the State of Hawaii, relative to a proposed amendment to the Constitution of the United States to preserve the reciprocal immunities of tax exemption, which was referred to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

480. By the SPEAKER: Petition of the Pittsburg County Choctaw Council, McAlester, Okla., relative to repeal of the Choctaw Termination Act; to the Committee on Interior and Insular Affairs.

481. Also, petition of the 22d Saipan Legislature, Saipan, Mariana Islands, Trust Territory of the Pacific Islands, relative to reintegration of the Marianas District with the U.S. territory of Guam; to the Committee on Interior and Insular Affairs.

# EXTENSIONS OF REMARKS

## KNOW THE SEA

### HON. WARREN G. MAGNUSON

OF WASHINGTON

IN THE SENATE OF THE UNITED STATES

*Thursday, May 14, 1970*

Mr. MAGNUSON. Mr. President, Rear Adm. O. D. Waters, Jr., Oceanographer of the Navy, delivered the keynote address Tuesday, May 12, at the opening of the U.S. Navy Symposium on Military Oceanography, held this year at the U.S. Naval Academy with the Naval Ship Research and Development Laboratory as host.

A year ago, it will be recalled, the annual symposium was held at the Seattle Center Playhouse, Seattle, with the Applied Physics Laboratory of the University of Washington as host. Admiral Waters also keynoted that symposium.

The admiral's address this year at Annapolis discussed in some detail budget cuts in naval oceanography which have resulted in programs being curtailed or slowed down, abandonment of new starts and retardation of coastal and deep ocean surveys.

On the other hand certain important technological improvements were noted and there have been major advances in forecasting services and increased emphasis on Arctic and Mediterranean requirements.

Mr. President, Admiral Waters has presented a factual, up-to-the-minute account of the status of naval oceanography which will, I am sure, interest all of us.

I ask unanimous consent that his keynote address before the U.S. Navy Symposium on Military Oceanography be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

KNOW THE SEA TO CONTROL THE SEA

(By Rear Adm. O. D. Waters, Jr.)

Mr. Chairman, Gentlemen: Last year at our Symposium in Seattle I promised you some beautiful spring weather for our meeting here in Annapolis and you can see that I delivered.

These predictions of course should be simple for me when I have able meteorologists on my staff to advise me. Actually however, for this long range stuff I depend mostly on the Farmers Almanac.

Once more I want to thank all of you who took time to research and prepare the papers to be delivered here and to all of you who have traveled here to listen and learn and to take part in the discussions.

At this point I want to express my appreciation to Mr. H. V. Nutt, the General Chairman, and members of his staff from our host organization, the Naval Ship Research and Development Laboratory, and to Admiral James Calvert for making the fine facilities of the Naval Academy available to us.

As you know the stress this year is on the immediate problems of our Fleet operators and what oceanography can do to help solve them.

Fortunately, as sponsor of this 7th Annual Symposium, all I was aksed to do was give a short keynote address. Keynote I take to mean a few words about the purpose of the meeting, and some optimistic generalities about past accomplishments and future prospects. I don't intend however to do either.

What we have done in the past and are doing now is known to you and I suppose we must be doing something right or we wouldn't still be here.

As to the future I cannot speak with the optimism that I felt a short year ago.

The war we are fighting on two fronts—the bitter military battle abroad and the frustrating combination of poverty, pollution and inflation at home—has served to put us in a holding pattern in many areas.

I have no doubt that we will eventually solve our problems and win our wars, but meanwhile the keynote for the government is economy. Major budget cuts are being taken by the Defense Department and Oceanography has to take its share. This means that many new starts had to be abandoned, survey ships laid up and many programs that were near to fruition have had to be curtailed or slowed down.

I am going to say just a few words about some of those programs—for we seek to protect those most vital to the Fleet—and then I will let the experts take over.

First let me explain for the benefit of some of you new to the field, that Naval Oceanography spans a very broad range of effort—perhaps described best by our three major management categories of Ocean Science; Ocean Engineering and Development; and Oceanographic Operations, which includes our Environmental Prediction Services. All of these areas are represented on the agenda here, and many of the symposium subjects of course include more than one category.

I want to give the status of some of the highlight programs—efforts which we consider of major importance to the Fleet. Programs that we have worked on for a long time, programs where in some cases we are on the brink of significant accomplishments on the verge of putting the results at your disposal.

In the matter of surveys. We have reached what is known to the trade as Indian Springs Low Water in our capabilities for both coastal hydrographic surveys and deep sea oceanographic surveys, as the last of our military manned survey ships have been stricken this fiscal year. We have four MSTS manned replacements being delivered in the next 14 months, but until they are well shaken down we will be pursuing only very limited coastal surveys, primarily off South Korea.

The next big increase in capability will have to await the completion of development of our high speed coastal survey system which promises to enhance such operations by a factor of 6 or more. We need it—JSOP requirements translate into hundreds of ship years of effort. ASW/USW surveys in support of the SQS-26 and BQQ-2 sonars will be intermittent. We will give full support to Project CAESAR, to insure timely data in support of that project, but as things now stand we will have few resources to apply against other oceanographic survey requirements.

We will continue our Polaris/Poseidon support at a steady level, although that level is not adequate to the need. We hope to obtain funds by FY-72 at the latest for the conversion of an additional survey platform which will help immensely in later years. We have contracted with the Coast and Geodetic Survey for about ten ship-months of effort this year, which has relieved the pressure, but next year's funding does not allow this option. Even to generate the contract funds this year we had to give up one of our two aging gravity survey ships.

We have also lost one of our two magnetic survey aircraft, and until fiscal year 1972 when a P-3 type aircraft is shaken down and replaces the remaining plane, we will be curtailing our magnetic surveys supporting ASW and nautical charting.

Many of you have heard that we have laid up relatively new ships, and indeed we do have three small ones in reduced readiness status at MSTS in Brooklyn. We will not be able to reactivate the ships very soon for their original purpose, but we are seeking to place them where the Navy, and if possible our oceanographic programs will benefit from them. We hope to see one operating directly for the Naval Undersea Research and Development Center, San Diego, supporting all that laboratory's projects, while others may go to universities if their operation can be funded by the National Science Foundation, or perhaps to our allies, where we will reap the benefit of the research they support, and perhaps be able to execute joint projects with them.

These have been the operational areas impacted. Let me speak briefly of R&D. Our efforts centering on Deep Submergence have noted milestones, but many have also undergone significant modification. Our man in the sea effort, for example, is no longer habitat oriented, but rather is being conducted as a cautious, three phase project utilizing a Mark II Deep Dive System. The modified project will achieve virtually all the original objectives, however. We do not intend to refurbish the habitat until we launch our extended depth Man in the Sea project, probably in 1973.

Our Deep Submergence Search Vehicle project has been redirected towards the long lead time technology, and fiscal 70 funding is being stretched to cover 71 effort. We feel confident that a successful development is within our grasp, but the fiscal climate is just not right. Our related Deep Ocean Technology, or DOT, project continues to receive emphasis, especially in the areas of hull materials, and auxiliary equipment, and we look to that project to keep us in maximum readiness to respond to many deep ocean system requirements when funding allows.

As you know the first DSRV was launched in January, and tests have been successful so far. We expect to implement an interim rescue capability by this time next year, if the current construction program for the catamaran ASR holds. The nuclear research vehicle NR-1 has also recently completed a highly successful shakedown cruise, obtaining much oceanographic data of interest.

Our salvage capability continues to improve, and last month, in a test of the Mark One deep dive system, Navy divers worked at 650 feet depths very successfully for three hours. We are attempting to implement a serious effort on a large object salvage system, a project which has been on the back burner for several years, for again the technology seems to be within our grasp.

The backbone of the submarine finding brigade, the USNS MIZAR, just excelled again by finding the French sub EURYDICE. It is remaining in the area at the request of the French to seek the sub MINERVE, lost over a year ago. MIZAR, with its NRL scientists, is a truly remarkable platform, but it is only one system and there is a big ocean out there. Disasters will have to occur serially, not concurrently, or our lack of resources will come home to haunt us.

In recent years we have been able to mount some really intensive field experiments concerning the environment and its relation to underwater sound. These in turn have led to substantial successes in modeling the environment, and we are on the verge of great things in this area. But progress will depend heavily on our continuing strong program of at-sea experimentation, as well as on an increased density of routine environmental data reports from ships at sea.

This improvement in modeling has been paralleled by a major step in forecasting services to the Fleet, with the introduction by the Naval Weather Service of its ASRAP and SHARPS products. We feel that we are on the right track and intend to concentrate on the further evolution of the systems.

Turning for the moment from functional to geographic areas, I'll mention that the states of our knowledge of both the Arctic and Mediterranean have recently been bucked against our requirements, and as a result both areas are to receive increased emphasis immediately.

To this decision, many of us say "high time," but in fact our low level programs have formed a solid foundation for the expanded effort. For example, there have been some exciting improvements in sea ice reconnaissance and forecasting, using both satellite and aircraft sensors and we have given a high priority in recent years to the military construction which has upgraded the Navy's Arctic Research Lab.

There are other important milestones on the horizon such as the coming into operational status of our two new submersibles SEA CLIFF and TURTLE, and the delivery of our catamaran research ship HAYES, the AGOR 16, which will greatly enhance the acoustics research capability of the Naval Research Laboratory.

There are also a large number of requirements, both existing and forecast, with which we must come to grips. I have tried to set a background for you to use in the discussions to follow, for requirements are expected to permeate almost every agenda item. I have tried not to sound too pessimistic, for we still wield a major capability. It is of the utmost importance that requirements continue to flow from the Fleet, for only through the knowledge of such requirement can decisions on the resources to fulfill them be made. However, it is equally important that the priority of those requirements be carefully assigned and regularly reviewed, and that requirements for such effort as the fleet deems most vital to its current and future operation be pushed by them and at every level of the Naval Establishment, in order to insure that the oceanographic program which is accomplished is of maximum benefit. As I've tried to indicate also, there is daylight at the end of the tunnel, but the tunnel is a long one—for us, probably, fiscal 73 will see the first relief.

I'll close by reiterating that our problems are no different from those of the rest of the Navy. We are all caught in the draw-down. However, in times like these we in Oceanography must really produce more, for knowledge and exploitation of the environment are one important key to improved performance by the ships which are left in the operating forces. Further, much of what we do can only be done in peacetime, when the environment is accessible. These factors dictate our continuing efforts to insure a place in the Navy for a strong oceanographic program.

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## IMPROVING THE QUALITY OF HUMAN LIFE

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ANDERSON of California. Mr. Speaker, there has been a growing awareness in past months concerning the quality of human life, environmental decay, pollution, and associated areas.

Such growing awareness displayed by the public is necessary and praiseworthy in the support of needed programs and for effective involvement on a personal level. This notable concern and support should be a reassurance to many of my colleagues who have struggled for years to enact major new legislation to clean up the environment. It has been convincingly demonstrated that the American people are squarely behind such efforts.

I recall a number of years ago when I was in the California Legislature, our fight against polluters of our streams, rivers, and seashores. I was a member of the first Legislative Committee on Pollution and we wrote some of the basic California antipollution legislation now on the books. However, I distinctly remember the general public's sentiment at that time. Air pollution or smog was considered by many as only a Los Angeles problem. Water pollution was felt to be the normal result of a large number of people and industry and there was not much you could do about it.

I am pleased with today's general awareness of the pollution problem. In the short 17 months that I have been a Member of Congress, I have served on the Public Works Committee and the Subcommittee on Rivers and Harbors. Most of the water pollution legislation is sent to this committee. We have been active and have worked hard in studying and proposing much significant legislation.

A few weeks after I took office, and following the oil leak at Santa Barbara and the flood disaster in California, I went to California with a special committee and observed at firsthand the oil pollution in the Santa Barbara Channel. Shortly thereafter, I coauthored legislation which became the Water Quality Improvement Act of 1969 which established, for the first time, liability of those responsible for oil spills. This act was basically a product of our Public Works Subcommittee.

Further measures upon which Congress has acted and I endorsed are the following:

Forty-five million dollars under the Clean Air Act for research on fuels and motor vehicle engines for the year 1970. This bill when implemented will help develop necessary facts and recommendations in the interest of low pollutant automobile emission.

Eight hundred million dollars for sewage plant facilities in cities and counties throughout the Nation. Since the administration had recommended only $214 million, this was a significant step ahead.

The Endangered Species Act, prohibiting the importation and interstate shipment of endangered species of fish and wildlife.

Twenty-seven million dollars for research in saline water conversion.

The addition of two California forest areas to the national wilderness system.

The National Environmental Policy Act which established that it was the policy of the United States to create and maintain conditions under which man and nature can exist in productive harmony. To guide this policy we have created a Council of Environmental Policy. In the title of the act, we recognize that "each person should enjoy a healthful environment and has a responsibility to contribute to the preservation and enhancement of the environment."

The conspiracy suit against the automobile manufacturers was of major concern. A group of Congressmen, of which I was part, contended that auto manufacturers conspired to limit research and the production of effective anti-emission devices. Our effort to bring the case to an open trial failed, but our action, I believe, awoke manufacturers to the concern.

The above measures outline some of the major legislation Congress has passed and steps we have taken to insure environmental quality. My colleagues are aware of the environmental problem. Therefore, I am confident they realize the need to pass even more effective legislation. I urge them now to consider measures that are pending before various committees and to expedite their arrival to the floor of the House for consideration and passage.

I was disappointed in the failure of an amendment that would have established minimum standards and controls for jet airplane emissions. Nevertheless, those of us who worked and spoke on the floor for its passage were pleased to make the impression upon our colleagues of the necessity for discussing and considering such important proposals.

I submit to my colleagues a list of bills now pending before the House which I am cosponsoring and I solicit their consideration for approval and final passage:

H.R. 14867, to provide national standards governing emissions from stationary sources and provide penalties for violation of these standards.

H.R. 10555, to provide for the Urban Mass Transportation Trust Fund.

H.R. 13339, to prohibit the distribution, sale, or shipment of the chemical compound commonly known as DDT.

H.R. 16713, to require the federal government to purchase a certain number of low-emission vehicles in order to encourage automobile manufacturers to start manufacturing such a vehicle.

H.R. 15290, The Environmental Quality Education Act which would authorize the Commissioner of Education to establish educational programs to encourage an understanding of policies and support of activities designed to enhance environmental quality and to maintain ecological balance.

H.R. 17516, the Low Emission Vehicle Act of 1970 which will ban pollution causing internal combustion engines in motor vehicles after January 1, 1975.

H.R. 17528, the California Marine Sanctuary Act which will prohibit further leasing for the extraction of oil and gas in those portions of the Outer Continental Shelf which are seaward of the California marine sanctuaries.

These bills, if passed, would be major steps in meeting the challenge to human life posed by the manmade causes of environmental decay. It appears there has been enough rhetoric on the subject of environmental quality. Congress is aware. The American people are aware. Now it is time for taking the necessary action and applying the means we have at our disposal. The people are looking to us for leadership. It is high time we acted upon those measures now pending before the House which would manifest that leadership.

## CENTRAL ISSUE IN STUDENT WAR PROTEST

### HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

*Thursday, May 14, 1970*

Mr. MOSS. Mr. President, Merlo J. Pusey, writing in the Washington Post today, has cut through the morass of comment and condemnation on student protest on the war in Southeast Asia and put his finger on the central issue as the students see it: Should young men be sent to fight in a military venture without the specific authority voted by Congress?

Mr. Pusey holds that the dissenters of today are traditionalists who would have been understood by Madison and Jefferson. They question the constitutionality of a Presidential war.

No one can condone the disorder, destruction, and outright anarchy which have been associated with the student protests. We all mourn the deaths which have occurred. But it would be unwise indeed to refuse to look beneath the protests for the reasons which have caused it—to refuse to face the central issue.

Mr. Pusey discusses this central issue with great perception. I ask unanimous consent that his column be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### PRESIDENTIAL WAR: THE CENTRAL ISSUE

(By Merlo J. Pusey)

It would be a pity if the serious constitutional issue underlying th current protests against the war should be lost in the cyclone of threats, anti-Nixonisms and obscenities. However clumsy they may be in articulating it, the students do have a legitimate complaint. They face the possibility of being drafted against their will for service in a presidential war.

All the talk about pigs, revolution and smashing the establishment fails to alter the fact that, in one basic particular, the dissenters are the real traditionalists. Madison and Jefferson would have understood the anger on the campuses against the dispatch of young men to war in Southeast Asia at the dictation of one powerful executive. Madison and his colleagues wrote into the Constitution a flat prohibition against such a concentration of power. Yet it now seems to be accepted as standard American practice.

President Nixon reiterated his claim to the war power the other night in his news conference. In explaining that none of his advisers was responsible for the invasion of Cambodia, he said:

Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advice of those, and I made this decision.

The question of going to Congress for the decision or even of discussing the matter with congressional leaders appears not to have been considered. The result of the decision was to extend the war to another country. By any interpretation that may be placed upon it, this was a grave involvement for the nation. Most of our Presidents would have deemed it imperative to go to Congress for authority to take such a step.

Now the administration is resisting the attempt of the Senate Foreign Relations Committee to cut off funds for military operations in Cambodia. The committee has carefully tailored its restriction so as not to interfere with the President's avowed intention of clearing the sanctuaries and then withdrawing the American forces. But this has met with opposition from the State Department on the broad ground that actions of the Commander in Chief should not be subject to statutory restrictions.

There are several very interesting phrases in this letter which Assistant Secretary David H. Abshire sent to the Foreign Relations Committee. He contends that Congress should not limit military spending in such a way as to "restrict the fundamental powers of the President for protection of the armed forces of the United States." The implication seems to be that the President has authority to send our armed forces anywhere in the world, for purposes which he thinks appropriate, and then to take whatever additional action he may think necessary to protect those forces. Under this reasoning, it seems, no one can do anything to stop a presidential war.

This view of the war power is not, of course, unique with the Nixon administration. President Truman made even more expansive claims to unlimited presidential power, and LBJ was not far behind. Mr. Nixon's State Department is merely mouthing what has become accepted doctrine in the executive branch. But it is an outrageous doctrine that flies into the face of the letter and spirit of the Constitution and is repugnant to the basic concepts of democracy.

There is no principle about which the founding fathers were more adamant than denial of the war power to a single executive. After extended debate they gave Congress the power to raise and support armies, to control reprisals and to declare war, which, of course, includes the power of authorizing limited war. The President was given authority to repel sudden attacks, but there is nothing in the Constitution which suggests that this can be legitimately stretched to cover military operations in support of other countries in remote corners of the world.

In a literal sense, therefore, it is the students—or at least the nonviolent majority among them—who are asserting traditional, constitutional principles. It is the State Department which is asserting a wild and unsupportable view of presidential power that imperils the future of representative government.

Somehow the country must get back to the principle that its young men will not be drafted and sent into foreign military ventures without specific authority voted by Congress. That is a principle worth struggling for. Congress now seems to be groping its way back to an assertion of its powers, but its actions are hesitant and confused, as if it were afraid to assume the responsibility for policy-making in such vital matters of life and death.

Of course Congress is at a great disadvantage when it tries to use its spending power to cut off a presidential war for which it has recklessly appropriated funds in the past. In these circumstances, the President is always in a position to complain that the result will be to endanger our boys at the fighting fronts. Congress seems to have discovered no sound answer to that warning.

But Congress could stop presidential wars before they begin by writing into the law firm prohibitions against the building of military bases in foreign countries and the dispatch of American troops to other countries without specific congressional approval. If Congress is not willing or able to devise some means of restoring the war power to the representatives of the people, we may have to modify our system of government so that the President would become answerable to Congress for abuses of power. In the light of our Vietnam experience, it seems highly improbable that the country will long continue to tolerate unlimited power in one man to make war.

## LEADING AMERICAN BUSINESSMAN EXPRESSES CONCERN OVER INDOCHINA POLICY

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. HANNA. Mr. Speaker, I would like to include in the RECORD today a copy of a letter I received from Mr. Fred Stein, chairman of the executive committee of Standard & Poors Intercapital, Inc. Intercapital is among the Nation's largest investment-management organizations.

Mr. Stein's letter reflects the views of a number of America's business leaders who have voiced their concern over present administration policy in Indochina. There is an increasing willingness on the part of business leaders, like Mr. Stein, to courageously express their views and then follow up their opinions with positive and constructive action.

I particularly want to call to the attention of my colleagues the paragraph in Mr. Stein's letter that begins with the question—"What should be done here

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and now?" The proposal made by Mr. Stein is certainly deserving of the attention of the concerned business community. Particularly relevant is the point he makes when he suggests:

> I think that we, as businessmen and, to some extent, representing the leadership of the business community, must remove emotion from the issue and merely state the facts, so that every American can understand and comprehend what is really happening in this country.

I commend Mr. Stein's thoughts to my colleagues and to the leaders of America's business community:

> STANDARD & POOR'S INTERCAPITAL, INC.,
> *May 6, 1970.*
>
> Mr. HAROLD WILLENS,
> *National Chairman, The Businessmen's Education Fund, New York, N.Y.*
>
> DEAR HAROLD: This, I am ashamed to admit, is the first letter of this type I have ever written. Recent developments have created a sense of panic, shock and frustration in me and many of my friends and associates. My response to this condition is a strong desire for action—logical action which will make others aware of the state of the nation and possibly move many people in the country, aside from the students, to create such pressures on the Administration that it dramatically changes its present disastrous course of action.
>
> The President's support base has been centered in what has been euphemistically called the "silent majority". This broad body of Americans has responded defensively to a variety of factors, more through a lack of enlightment than through an endorsement of present policies.
>
> I spent ten years in the labor movement prior to following a career in finance and feel that I have a reasonable understanding of the working man's attitude today. I submit that this is, to some extent, a self-serving comment, but my only intention is to do something that will benefit the country.
>
> I think the "silent majority" has kept to his last and has worked hard to attain a reasonable level of creature comforts and living standards. I believe that his outlook is somewhat distorted and that much of his reaction to the Administration centers around the fact that a large portion of tax receipts goes to support welfare or similar programs and somehow makes its way into the hands of minority groups who get for nothing what he must work hard to achieve. I further believe that if he understood that *the principal* contributory factors to inflation and the present high tax structure are expenditures related to the military establishment and Viet Nam, his attitude could be easily altered.
>
> The burden of the protest against the war has fallen onto the shoulders of the students, where, in many cases, radical elements have ascended to leadership positions. This immediately enabled the Administration to smear *all* of the students with the taint of radicalism. In my opinion, it is the failing of people like ourselves to make our voices heard more vigorously that has contributed mightily to the present polarization.
>
> What should be done here and now? I believe that today the communications media provides us with a very effective method of getting the story across to the public, and I further believe that businessmen, educators and a variety of people of similar stature should now align themselves with the broad body of students, educators and Congressmen and really carry this appeal and our story to the public. Many of us interface with major corporations which can sponsor a program factually documenting the tremendously negative impact on the economy and on the society that the war in Indochina has wrought. Further, this program could document the benefits to the economy and the relatively stronger position of the United States and its western allies vis-a-vis the red bloc, had we not been forced into this illogical confrontation in Indochina.
>
> I think that we, as businessmen and, to some extent, representing the leadership of the business community, must remove emotion from the issue and merely state the facts, so that every American can understand and comprehend what is really happening in this country. I would be happy to do anything I can to find the people to create this program. I believe that they are available in objective areas, such as corporate economists, foundation economists, and people without a major axe to grind, but rather with a sense of dedication to the United States—a dedication that in no way, shape or form makes them sympathetic to communism. As you know, the Administration has been allowed to place all opponents of the war in a position which makes this opposition appear sympathetic to communism.
>
> In short, I am saying it is time for us to put the issues as they really are, and I think a major, prime time program *factually* documenting the argument that can be set forth by a logical presentation could be an effective turning point. I look forward most anxiously to your response.
>
> Sincerely,
>
> FRED STEIN.

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## ARMED FORCES DAY SHOULD EQUAL ANY PROTEST

### HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. BURKE of Florida. Mr. Speaker, the Nation's Capital has seen an outpouring of demonstrators against the war and against our leadership. Some have called our sons, who battle the Communists in Southeast Asia and who offer their lives, murderers. Some have desecrated our flag while shouting vile, four-letter abuse at honest patriots, and waved the Vietcong and Communist flags while burning our own Stars and Stripes.

I am already on record decrying this kind of Communist-led anti-Americanism.

I have no objection to protest with dialog as its aim as distinguished from anarchy, but to me it is about time for our young Americans to demonstrate faith in our country and respect for their fellow young Americans who serve in the peacekeeping forces of our Nation.

Saturday, May 16, is Armed Forces Day. I hope that every American remembers the spirit of '76, Tripoli, the hills of San Juan, the Alamo, Pearl Harbor, the beaches of Normandy, Iwo Jima, the cold winds of Korea—and will pause to honor the men of our Armed Forces who, when called upon, have never failed to protect our Nation wherever or whenever its people or security was threatened.

The display of the American flag is one way of our paying respect to those we honor. Fly it on Armed Forces Day—at your home, on your lapel, all over America—and be proud of it every day.

President Harry Truman declared Saturday, May 20th of 1950, as the first Armed Forces Day, saying:

> The Armed Forces, as a unified team, are currently performing at home and across the seas tasks vital to the security of the nation and to the establishment of durable peace.

President Truman noted we should spend one day a year "in paying tribute to the Armed Forces as the servants and protectors of our Nation."

Now, 20 years later, President Richard Nixon has declared Saturday another Armed Forces Day. Our military forces must still act to protect our shores and to bring peace and freedom to others who are attacked by the forces of communism which would subject them to totalitarian oppression.

The President said in his declaration to honor the Armed Forces:

> The men and women who today wear a military uniform have earned the respect and admiration of the American people. In bitter combat in Vietnam, on lonely sentry duty in Korea, in countless other outposts around the world and at our important installations at home, they serve us all and they serve us well.

He continued, and I for one join in his statement:

> For what they have done and will continue to do, we are all grateful.

On this Saturday, the hundreds of Army, Navy, Air Force, Marine, and Coast Guard facilities around the world will hold "open house" that the mothers and fathers, the wives and children, the friends, may see and understand a little more of our servicemen's daily work. I hope you take this opportunity to visit with them. I hope you take the time to meet these clean-cut youngsters who are our sons and daughters. Then the flag will fly with more meaning for you.

I cannot help but comment on the news that I have heard today that a few midshipmen at the U.S. Merchant Marine Academy say they will refuse to march in the annual New York City Armed Forces Day parade that has been planned. These midshipmen are receiving a free education, at the taxpayers' expense, and indicated by their acceptance to the Academy full understanding of their responsibility to their country. Their action violates all sense of duty and responsibility. I hope their commanders act with dispatch and severity in meting out punishment for those who refuse to obey an order. Such attitudes, if permitted in wartime, could cost the lives of others.

More important than their action and attitude is that of those who would pass it off as a "sign of the times." It is dangerous and a radical, insurgent, and anarchistic, and traitorist type of approach contrary to one's responsibility as an American to our Nation and its people.

There is no longer room in America for this type of tolerance of this basis of freedom of speech or protest.

I urge the millions of patriotic Americans who are the great majority in this country to join with our President and other leaders in honor of our Armed Forces which is composed of those who are and have contributed to our national security and defense and upon whose loyalty all of us depend.

## CAN AN "IRREVERSIBLE" TREND BE REVERSED?

## HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ZWACH. Mr. Speaker, one of the few bright aspects of countryside America is the work being done in our resource conservation and development projects.

One of the first such projects in the entire United States was the west-central Minnesota resource conservation and development group in our Minnesota Sixth Congressional District.

I insert in the CONGRESSIONAL RECORD, an article about the west-central Minnesota resource conservation and development which appeared in the St. Cloud Visitor of April 13, 1970:

### CAN AN "IRREVERSIBLE" TREND BE REVERSED?

(By John Warren)

Deserted small towns. Ghost towns. And more and more family farms going out of business. More and more people leaving farms and small towns for the cities. Will this be the way things will go locally in the years ahead?

Not if the active members of the West Central Minnesota Resource Conservation and Development Project have their way. In five years the group has helped develop 158 project measures which will provide 1557 man years of employment, increase the annual gross income of the area by $35,310,700 and materially increase the quality of local life.

The West Central Minnesota RC&D was one of the first ten pilot projects awarded in the United States. The project ties in with the interest of area citizens in counteracting "diminishing population and a critical loss of young people due to the lack of good job opportunities and modern civic facilities."

#### IT BEGAN BY "ACCIDENT"

Just how did the West Central Minnesota RC&D get started? It all began by accident. Howard K. Peterson of Benson heard about legislation which approved the formation of groups to revitalize farms, small towns and even cities. Peterson realized that his area was a depressed area and had some real poverty problems. He also felt that the establishment of a local RC&D group would help solve the problems.

To get the whole thing moving Peterson, with the help of others, began by seeking the assistance of the county board and the soil conservation board. Since the original plan was to include five counties, this meant the meeting of ten different boards. (In some cases it was necessary to form non-existing boards so that the legal requirements could be met.)

The five original counties involved were Ottertail, Wadena, Pope, Swift and Kandiyohi. The newly joined group then applied to the governor for his endorsement. He approved, and later the U.S. Secretary of Agriculture also approved, the application. So the West Central Minnesota RC&D was formed. (Since then Grant County, Douglas County, Todd County and Stevens County have been added, to include more than 5 million acres of land.)

To serve as key employee of the group, Bill Oemichen was named project coordinator. "There were no guidelines. It was wide open. The possibilities for action were limitless. Yet the very breadth of opportunity made it difficult for Oemichen to know where to start," said Jerry Bechtold, project board member.

With the encouragement of the RC&D board, Oemichen resurrected some ignored resource studies and with other staff help updated and added to them. Then when the area situation was properly studied, the time came for improvement. Citizens were encouraged to come up with ideas. The challenge caused local people to suggest 400 possible projects. Already about half of these have been completed. Projects varied in nature: a dam for the improvement of a village park; a building complex for the low income groups; an extensive irrigation survey.

Once a suggestion for a project came from the citizens, the West Central Minnesota RC&D started the wheels turning. Research was initiated. Experts contacted. Studies of the prospects of proposed plans made. Bill Oemichen, the project coordinator, had to be a "living encyclopedia," knowing where to get facts and figures for the interested citizens.

#### THEN RC&D DROPS OUT

But once a project was started, the local people concerned took over from the RC&D. The people set up their own board and operated independently. "I can't overemphasis the uniqueness of this kind of grass roots development," said board member Bechtold. "The people find out that they work at all kinds of things that they alone are responsible for, and which they can do essentially by themselves, with whatever technical help they decide to ask for." Bechtold calls RC&D projects "flexible," saying they can take off in almost any direction "with a project constantly feeding itself as new elements are added.

#### AN EXAMPLE

One tremendously promising project of RC&D originated from the people of the Sebeka area. Those interested citizens wondered if the aspen forests of the area could be used to supply paper. They thought of the possibility of establishing a paper mill there. But there were problems. Aspen did not make a good quality paper. Still RC&D project coordinator Bill Oemichen told the citizens about a lab process which was being tested by government scientists. The process promised to convert aspen into an acceptable quality paper. The citizens had their aspen tested by the scientists. The result: good quality paper.

The citizens, encouraged, dug in with more planning, aided by the RC&D staff. Experts were called in to make studies. It was found a paper plant could be built in Sebeka. And the factory could operate independently of a water supply. Also, the supply of aspen was plentiful enough to justify a factory. The trees would require no seed beds or special labor to be replaced. And it would take only 40 years to grow replacements (as opposed to 70 years needed to regrow Northern pine).

So the Sebeka area citizens, after much work, along with RC&D assistance, are planning a $35,000,000 pulp mill there. The increased annual gross income from this mill is expected to be $18,000,000.

Twenty-four million dollars needed for the construction of the plant will be made available, provided that an applied-for loan of $15 million is granted by the federal government.

Local RC&D board member Jerry Bechtold said, "I find it hard to get words to describe it. It's like a wild dream. The scope and magnitude of the projects so far has been fabulous. I just didn't think some of these projects were possible. The potential is absolutely fantastic. And it involved local people. People who didn't care before are going great guns on the projects."

#### OTHER EXAMPLES

And how much is "great guns?" At a meeting of the West Central Minnesota RC&D various projects came to light.

John Bohmer, a Brooten banker, said the soil of his area was formerly called a "scourge". Now irrigation has helped. One farmer reaped 90 bushels of corn last year while a nearby neighbor—without irrigation—obtained 10 bushels per acre.

Why? Studies began by the RC&D revealed a source of water underground which looked like a huge lake. The water supply would be enough for a dry year. Today more than 10,000 acres are under irrigation in the Bonanza Valley with more than 50,000 expected in the next ten years.

With the help of this project Bohmer said a great potential for other crops such as cucumbers, strawberries, potatoes and other vegetables could be developed. Then in turn the farmers could again turn to the RC&D for the prospects of local marketing. New plants and businesses could be built. And schools can teach agri-irrigation. There seems to be no end to the possibilities.

"The Brooten area may be a low income area now, but it will soon prosper," Bohmer said. "We see a potential increase of $5,000,000 in the Bonanza Valley."

Staples is trying the irrigation project also according to Dr. Duane Lund, superintendent of schools in the community. Dr. Lund expressed his interest in "developing new crops that adapt to irrigation." He added that he will experiment with raising wild rice and cranberries.

The Staples educator talked about "the great untapped potential of teachers. They are no longer temporary citizens, but they settle down in the community. Use them, not only for Sunday School or CCD, but also in the Chambers of Commerce and industrial development projects. Make teachers feel a part of the community and its development," the educator said.

Staples teachers made the new paved lighted airport there. They helped develop the snowsled race track, ("The best in the USA"), the ski slip and ski jump, Dr. Lund said.

Other aspects of Staples are being developed, he added. The seventy-year old opera house will be restored, with opera returning to the town. Staples will also host the Minnesota Symphony.

The state's great potential for tourists was not being developed enough, claimed William Peters, Glenwood resort owner. "We must sell Minnesota recreation better," he said.

Peters reported how the West Central Minnesota RC&D helped him plan the renovating of his resort. A golf course was suggested as an added tourist tempter. The land for the golf course site was originally heavily wooded, swampy, with creeks and springs. With Conservation Department help (contour mapping) an artificial lake was created, offsetting the former water problem.

The golf course helped. "On July 4, 1966, room occupancy at our resort was 30%. On July 4, 1968, room occupancy was 100%, and people had to be turned away," Peters said.

Bruce Hommerickhaus of the forestry department gave further details of the proposed Sebeka paper plant. He said that the plant might well produce an estimated 720 tons per day. He added 1,100 to 1,200 people will have a direct economic return from this mill. Speaker Rife said the paper mill would stimulate "other collateral business interests, including a satellite converting plant, a ready mix cement plant, a new blacksmith machine shop, a trucking firm to operate 24 hours a day—decreasing the state's welfare role and increasing income taxes both state and federal in these counties."

#### FUTURE PROSPECTS

Such fabulous projects as the Sebeka paper mill highlight the vast possibilities for local development, aided by the RC&D task forces. So the immensely promising RC&D unit seems headed for even more powerful impacts on the development of our local resources.

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And people are hopeful about RC&D. Said Orville Berry, area conservationist, St. Cloud, "I think this is the way we have to approach our rural and urban problems. We've got to get the local people to analyze the resources and to develop them. I think it's the greatest thing to ever hit the rural communities."

Father Elmer Torborg, diocesan director of rural life, is enthusiastic about the local RC&D. "It has made tremendous progress in just five years. The future is very bright, and the projects promise unlimited possibilities," said the priest. He could foresee the possibility that small family-type farmers of the area could make a livelihood from trees, and feels RC&D not only helped to develop the area economically but in all aspects.

Farmers, small town businessmen, small town concerns—all working together to build up and revitalize the rural economy. Can some of the unhealthy rural economic signs be reversed.

Local RC&D supporters think so. "This is it," said one fervent farmer. "This lets us do it, and gives us a chance to roll up our sleeves and go to work. At last, we have a say. And I'm gonna have plenty to say. I tell you it'll save us all."

Today West Central Minnesota RC&D projects is one of 54 operational projects in the nation. They are all designed to improve predominantly rural areas through a combination of local initiative and leadership with technical and financial assistance from local, state and federal sources.

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## A PRESIDENT'S RESPONSE TO STUDENTS' DEMANDS

### HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

**Mr. WEICKER. Mr. Speaker, I would hope that as many as take the time to read the Congressional Record would spend a few minutes in evaluating the recent remarks of President Homer Babbidge of the University of Connecticut. At a time when so many of our leaders in education, Government, business, and labor seem to construct their utterances on foundations of the angers around us, it is to the credit of this sensitive educator that he continues to work for solutions within the boundaries of compassion, commonsense, and the democratic process.**

**The remarks follow:**

Statement of President Homer D. Babbidge, Jr.

Last Thursday I told the people of Connecticut that in my judgment "the quality, scope and motivation of the present student strike movement are dramatically different . . . from previous demonstrations of student protest." I acknowledged then that it was "evident to me that recent national and international developments (had) caused intense concern among a very substantial number of university students," and I made a point of reassuring the public that the student efforts were "being responsibly led."

I have already responded, in a telegram to the President of the United States, to the central national issues which I believe prompted the strike on this campus. I am on record with my conviction that "the ability of our universities to continue to function responsibly and peacefully will . . . depend largely upon speedy disengagement" in Cambodia and Vietnam.

Since that time, however, I have received from the University of Connecticut Strike Coalition Committee a list of additional demands, and, despite the tenuous connection of some of these demands to the original strike motivation, I have promised to respond.

Several items in the Committee's document call attention to an area of concern which, though scarcely mentioned by the leaders of the strike at its inception, I am pleased to respond to. I am referring to those additional passages which note the educational, economic, and employment disadvantages suffered by many of our citizens.

I should like to remind the community that the educational and economic inequities that interfere with decent human opportunity and racial respect are at the top of my personal list of concerns.

I would also remind the community that for some months now, the highest official priority of our Board of Trustees has been to work for better educational opportunities for minority group students, to increase financial aid capabilities for the economically disadvantaged, and to improve employment opportunities for members of minority groups at all levels of the University. In our efforts to work out these policies and put them into effect, we have been guided by responsible leadership from the black community here—students, faculty and staff.

Three of the latest demands on this general subject refer to matters on which we can already report real progress. As an institution we have increased minority group enrollments dramatically for the past several years; we are providing supportive programs now, and we are developing still others; we are now seeking additional funding for economically and physically handicapped students. We have doubled our commitment of financial assistance for disadvantaged students for next year.

Vigorous efforts to recruit minority group professional staff are yielding results; we are now one of the largest employers of minority group professional people in the state. Our efforts to recruit non-professional minority group people have been less successful, and I am quite prepared to commit the University to a yet more vigorous effort. We have for some time been working with leaders in the black community to devise a construction contract policy to ensure the employment of minority group workers on state projects. All these efforts continue, and will, with community support, be accelerated. Our black community has systematically been kept informed of our progress.

But in all of these minority-group-related demands, and especially in the first, I see not a local but a state-wide problem. The need for special institutions of higher education for minority group people in urban locations is properly a concern not just of the University, but of the entire state and its full system of higher education. Because I have been impressed by their ability, I am convinced that the whole state could benefit from the help of our black leadership. I have therefore conferred with the Chancellor of the Commission for Higher Education, and he has assured me he will provide for our black leadership a statewide forum in which to present its views, a forum to include the Commission for Higher Education itself, the state college system, the state community college system, the State Scholarship Commission, and all the other agencies which must share in the solution of these massive problems. We cannot solve all of these problems alone, but we can now and we *will* contribute importantly to their solution.

For my part, I wholeheartedly endorse these minority-group-related demands.

Of the war-related group of demands, two items are of especially intense concern to the University Community: defense research and ROTC.

I have directed the University's Officer of Research Development to stop immediately the submission of any new applications for research support from agencies of the Department of Defense. Such new submissions will be renewed only if a policy governing them which is generally acceptable to the University community at large is formulated.

The discontinuation of ROTC is not so simple a matter. Quite apart from my personal view that ROTC is appropriate on this campus, the University Senate has rejected a motion "to abolish ROTC" by a vote of 41–14, with 4 abstentions.

In accordance with another action of the University Senate, efforts are under way to bring credit instruction in ROTC-related courses wholly under the academic control of civilian faculty. Chairman John Brand of the Senate Committee on Curricula and Courses and Dean Kenneth Wilson have conferred with the Department of Defense officials in Washington, and they assure me they are confident that we *can* accomplish this shift from military to academic control of all credit work related to achieving military commissions, as stipulated by the Senate.

I think I can predict with confidence that any ROTC program in which such control is not established will be discontinued.

In the face of these considerations, it would clearly be improper for me to take any unilateral action at this time to change our relationships with the two ROTC programs.

The proposal for a day care center is one to which I am quite prepared to commit myself. Although the University is not a foundation and cannot divert public funds to an independent agency, it should be in a position to offer necessary services to its employees. I will do all I can to see that the need for a day care facility is met.

The strike committee has also expressed fear of academic losses for students facing final examinations, now only a week away. The University Senate at its meeting on Friday allayed the fears of most students and adapted its academic procedures so that the involved, the confused, and the uninvolved alike will be protected. These regulations are being distributed separately, and every student should familiarize himself with them on Monday. The Senate has responded more than fairly.

The students have also entered in their document a plea that legal responses be withheld in cases of unlawful behavior. They attach this plea to their demand that persons already arrested be similarly exempted from customary processes in the courts.

It is strange to me that persons whose sense of outrage or anger is such that they are moved, in the face of clear policy and warning, to break the law or to violate university policies, are then reluctant to accept the consequences. Whether this demand is born of regret or an effort to have it both ways, I cannot tell. Those who do mean to bargain for immunity are perhaps at best second-guessing their resolve. I could recall from Mahatma Ghandi or Martin Luther King, Jr. no such nervous appeals for exemption from the hardships which befell their efforts to correct more oppressive and severe human injustices. But I do recall that Dr. King observed:

> "In no sense do I advocate evading or defying the law, . . . That would lead to anarchy. One who breaks an unjust law must do so openly, lovingly, and with a willingness to accept the penalty."

The strike leadership has also raised questions about the possible effects on University employees, if they were on their own initiative to suspend performance of their ordinary duties. I should point out that this

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matter has been raised only by students. To the best of my knowledge thus far, our staff have themselves in no way suggested any such dereliction. Any employee of the state who purposely fails to meet his obligations to the state will, of course, be held accountable by the state.

Having responded to the demands of the Strike Coalition, let me offer a word of warning. When people say they seek to make this an institution for all the people, or one that will serve the interests of all the people, I hope they mean it. Any unilateral presumption on the part of students to speak for all the people of Connecticut will predictably earn the resentment of the people of this state. I trust that members of our community will not make the supreme error of trying to force upon others—within or without the University—their notions of what all must believe in or support. That kind of arrogance can first close minds and then institutions.

Many earnest students have asked that I reveal to the community more than I have of my personal views on the issues that most concern our striking students. There are many reasons, ranging from what is called personal style to a perhaps old-fashioned sense of official responsibility, that discourage me from trying to influence the views of those who are here to learn and discover for themselves.

But lest they think me unfeeling or uninterested, let me say this much:

I am painfully conscious of the social, racial, economic and other inequities that characterize the world of human affairs. I seek peace. I know that our legal system is an imperfect bridge to justice. I know that many institutions—including our own—are unresponsive. I consider that in choosing the life's work I did, I was contributing to the remedy of these deficiencies. I consider that in trying to preserve the sanity of this community, and to keep this University functioning, I am in fact, working toward those ends.

I can honestly say that I believe I understand the foundation causes of the student strike, I support many of them, and in either public or private capacities will continue to support them.

But I cannot support the strike.

In October of 1968 I spoke the following words: I repeat them tonight because I still believe them:

"As President of the University of Connecticut, I must believe that this institution deserves to be preserved; that it embodies essential values that must endure. I regret of course, that I cannot, in the pursuit of my duty to preserve and strengthen the University, be anybody's hero. I regret that I cannot give emotional satisfaction to those of you who want me to lead the protest or to those of you who want me to squelch it. My job is to keep the doors open—to treat with decent respect the views of protestors and squelchers alike—and to try and keep either one or both from destroying the institution and the institutional values I am pledged to serve."

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## A CHRISTIAN'S DUTY TO GOVERNMENT IN TURMOIL

### HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. BROCK. Mr. Speaker, I would like to share a very thoughtful and timely message delivered recently by the Reverend Ben Haden at the First Presbyterian Church in my hometown, Chattanooga, Tenn. I insert the following in the RECORD:

[From the Chattanooga News-Free Press, May 12, 1970]

### A CHRISTIAN'S DUTY TO GOVERNMENT IN TURMOIL

(By Ben Haden)

There's a great deal of confusion today about all the translations of the Scriptures. But perhaps no translation has brought the Scriptures more alive than the Living New Testament. It is to that translation that I turn so that no word because of Old English will be misunderstood:

"Be careful how you behave among your unsaved neighbors; for then, even if they are suspicious of you and talk against you, they will end up praising God for your good works when Christ returns.

"For the Lord's sake, obey every law of your government: those of the king as head of the state.

"And those of the king's officers for he has sent them to punish all who do wrong, and to honor those who do right.

"It is God's will that your good lives should silence those who foolishly condemn the Gospel without knowing what it can do for them, having never experienced its power.

"You are free from the law, but that doesn't mean you are free to do wrong. Live as those who are free to do only God's will at all times.

"Show respect for everyone. Love Christians everywhere Fear God and honor the government." First letter of the Apostle Peter, Chapter 2, Verses 12–17.

#### BIOPSY OR AUTOPSY?

It's a good time to take a biopsy from a living organism—before we do an autopsy on a dead organism.

Most people who do a biopsy on this nation come to the conclusion of the doctor who says, "It's idiopathic." And "idiopathic" means he doesn't know. Nothing like it before—not a semblance of anything similar to it—it's unnamed; it's not denied; it just can't be specified what it is.

Let's do the biopsy. Kevin Moran—you must have heard of Kevin—senior—University of California. Involved in the riots just last month.—April, 1970. Shot—at first report, by a sniper; but then it developed it was by a policeman. Shot while he was trying to prevent the burning of the Bank of America in the little town of Isla Vista adjacent to the University of California at Santa Barbara. Trying to prevent the burning of the same Bank of America that had been completely burned 60 days earlier by the same students.

#### INNOCENT

Kevin Moran—you must have heard about him. He has a mother who loved him—a father who had centered hopes in his life—only 60 days from graduation—an innocent. But strangely enough, no flag was lowered on any campus. No high official interrupted the duties of his office to attend the memorial service. The name passed us by and isn't even included in the biopsy that most of us will do on this nation.

Police brutality? No, as a matter of fact, quite by accident. Did they honestly think at first it was a sniper? Yes, they did; but it turned out not to be. Strangely enough, doing what was right, trying to prevent arson.

Kevin Moran—you must have heard about him. But you didn't.

#### KENT STATE

Now then, there's been further tragedy. Two girls and two boys—the same age as Kevin—attending Kent State have died. Television and newspapers have joined in saying, "They were slain for the right of dissent." But from that biopsy I totally dissent.

And that biopsy is what worries me about our nation. On Sunday, May 3, 1970, the highest official in the state of Ohio—James Rhodes, governor—issued an emergency decree applying to the town of Kent. "No outdoor meeting of any description in the city or on the campus will be allowed." At the request of local officials, National Guardsmen were sent in.

Early Sunday evening, 1,500 students attempted a march on the campus. They were dispersed with tear gas. Later the same evening at an intersection, 1,200 of them had a sit-in. They were finally dispersed by the same National Guardsmen.

Monday breaks. A good clear day—and the weather has a lot to do with it. May 4, 1970. Again in apparent violation of the same emergency order by the highest official of the state, an estimated 2,000 students have a meeting—congregate—on the campus of Kent State.

For 45 minutes by bullhorn—that electronic medium that you can't ignore—they are told, "You have no right to be here. You are in violation of the decree of the governor of this state. You are ordered to disperse. You are not to remain."

They do not disperse. Then for five minutes they are told, "If you do not disperse, tear gas will be used." They do not disperse.

#### GUARDSMEN

Then the guardsmen advanced on the campus. I don't know why, but all guardsmen apparently are assumed to be my age. I've never figured that out, but I realized how "over the hill" I was at that point. These guardsmen, as I understand it—19, 20, 21, 22, 23—were exactly the same age as the students they were confronting.

Now then, we turn to testimony. I don't know the reliability of the testimony, but he is a student. From 150 yards away with a kaleidoscopic view from the window of a dormitory, this is what he says he saw—dateline: White River Junction, Vermont (Associated Press), James Young—20.

"Thirty of the guardsmen separated from the others, marched up the green and down the hill and were confronted by 2,000 students. The guardsmen surrounded those actually discharging the tear gas. They discharged it toward the students. The students pitched the tear gas grenades back and forth on several occasions. The guardsmen ran out of tear gas. The students had not dispersed.

Now then, the guardsmen turned in apparent terror and started back up the hill from whence they'd come. Thirty guardsmen. And before they got to the top of that hill—according to James Young, 20, Kent State student—they were met by students at the top of the hill and suddenly surrounded. And from a distance of 20 feet students then lobbed at them pieces of concrete, lengths of pipe, and rocks.

They were out of tear gas. In the opinion freely expressed by this student, "If it came to hand to hand combat, I feel they would have been torn limb from limb."

#### "I SAW THEM FIRE"

"At that point," he said, "I saw them fire in the air. I was unaware that some had fired straight ahead."

Are these innocents?—and I am not talking about the tragedy—please remember that! My heart would be just as broken as the heart of any parent. After all, he's not my child because he's where he's supposed to be. He's simply my child.

But were they where they were supposed to be? Were they "slain for the right of dissent"? Were they where they were in violation of law?

Why is it necessary that a governor issue an emergency decree unless it is foreseeable that masses of people charged up on any

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subject are likely to act in an irrational and dangerous manner? For what protection was the decreee issued? Property? or people? or both? That's a good question.

Kevin Moran—never heard of him! But you've heard of Kent State. The news media can't seem to determine the size of their student body. The lowest estimate is 19,000; the highest, is 22,000 students. Whatever the accurate figure is and I've seen four estimates—never more than one-sixth of the student body was involved in any of it.

### ANOTHER STRIKE

You say, "Have you ever seen anything like this?" Yes. I was on a campus where all the students shut down the university and where hatred flared as I have never seen it. There were only two students on that campus who did not participate in that strike or endorse it. They knew the venom of the tongue, pressure; and it wasn't easy. I can testify to it because I was one of the two.

In October in Chicago two blocks from where I was staying—one man made a tragic mistake. The mistake was to step out of his building. Thirty-five, two children, attorney by profession. He was hit by a pipe in the back of the neck. Then by a college student from an Ivy League college—he was kicked in his back and the front of his body so that he will be paralyzed for the rest of his life from the neck down. No one lowered the flag to half mast; and he was where he was supposed to be—on the streets of a protected city in the United States.

And the Illinois commission that has investigated the 74 injuries and the 284 arrests during those two days have concluded this was insurrection—and that's their terminology.

### THE LEADER

I can remember a fraternity brother—smartest man I ever knew. He publicly told off his high school principal when he was 14. He drank rum when he was 14. He was an alcoholic when he was 14.

Now later at the University of Texas it was announced that most of the men were being called into military service. So they had a beer party. These men toasted every city they could think of—particularly Berlin and Tokyo, where they all swore they'd meet. Just an innocent beer party in the basement of a fraternity house.

But would you believe that this same fraternity brother—for all his brilliance—was the one who suggested, "Let's go to the Kappa sorority house." Everyone responded to his leadership.

Well, now, it so happened, it was past midnight. When the men got to the sorority house, the leader had no idea what he wanted to do. He looked around and suggested, "Let's get a stepladder." He got a stepladder. He determined he was going to enter forcibly, if need be, the sorority house on the second floor and get himself a girl. Just drunk talk—but he was ready to do it.

And the girls frantically yelled, "Get away, get away!" Somebody pushed the ladder; he fell and broke his arm. Twenty-five young men were there—most of them seniors, and most of them seeking a commission and eligible to receive a commission. All but this man suffered expulsion or suspension; but he had "pull." He was graduated and commissioned.

### RESULT

To this day I will periodically run into someone from that party—who followed the lead of one drunken man—but whose life is not the life he was cut out to lead—or earning what he was cut out to earn—and who lost the commission for which he had worked for four years. All because of the suggestion of one man.

I know the tragedy of mob rule and the end of such men. At 42 this dear, dear friend of mine—the drunk—was finally eaten up from the inside by the rum.

What is the Apostle Peter talking about? He says, "Listen—you're Christians"—Christians today are faced with exactly the same problem. "You're Christians—if you don't watch how you act—you'll discredit Christ. You claim you're free and not under the law. That's right—you're free and not under the law. Your freedom is the freedom to obey the law, not to violate it. And you are to fear God and you are to honor the government, and you are to obey the king and you are to obey his underlings."

### WHAT KIND?

"Well," you ask, "was it a good government?" No, it stank. It was decayed. "Was it a Christian government?" No, it was pagan. "Were the laws always just laws?" No, many of them were unjust laws.

For instance, with impunity a father could look at a newborn child as though it were a cat. He could decide he didn't want a girl and turn his thumb down, and they would drown her just like a cat. That's what you could do under the government.

Yet the Apostle Peter says "Obey every ordinance of this government—under which you live—this Roman, pagan government." Why? "Because you have the freedom to obey under Christ and this is the order of the Lord." Does that make sense.

Are businessmen the only men threatened today by disorder? I think you would be interested in knowing the results of a University of California poll. A research team polled 60,447 faculty members across the United States. You know what the faculty members across the United States said? 80 per cent of them said, "We consider violence on the campus a threat to academic freedom." Get that. Then, I feel like saying, "Just a little honesty please!"

### THREAT

Let me say they are completely right; it is a threat. In Japan they have gone to the ultimate. There a Ph. D. has to sneak into his room. It's not a union card—it's a sneak card! And when he gets to his room, he has to defend the chair in which he sits—he has to defend his right to teach the class. The Ph. D. has to defend against the accusations: "You're stupid! Why do you teach us? Why shouldn't we be teaching you? Why do you run this class? Why do we pay tuition to come to this university?" Absolute violence in the classroom in Japan today—among these people most noted for discipline and progress in business.

Yet the faculty members in the U.S. say something quite different in public, don't they? And I somewhat feel like the Bostonian who observed, "Frankly, if it comes right down to the guts of it—I would rather be ruled by the first 1,000 names in the Boston telephone director than by the Harvard faculty." And I'm not sure he doesn't have something.

### DISHONESTY

You see, it's a threat to everyone. And this dishonesty has permeated all of us—not just the campus. The biggest businesses in this nation have spent millions of dollars on television trying to communicate one basic idea—"You can trust us because we have integrity in our business." In the past few years many have signed consent decrees to the effect we have fixed prices against the public and the government. And that's dishonest; and it's time we called it what it is—crooked!

And union hands are not clean. Every man who called in recently in the "sick out" of the air controllers was committed as an employe of the federal government not to strike. And that was dishonest.

Now in the New York Times in the composing room during this negotiating period, they are getting production for seven out of 24 hours. The rest of the time on the job is spent in "extended chapel meetings." The New York Times estimated this past week that it has lost in advertising revenue—from ads that could not be set with that limited available production—$2.5 million. That's not honest.

And the logical extension of it you can see in the Paris riots of two years ago. There the men in certain Parisian composing rooms took this position: "You will not set into type any stories except those stories that we approve to be set in type. We'll be the editor—we'll be the publisher—we'll be the newspaper." That's the logical extension. And that's not honest.

And it didn't begin in the streets. It began in the Christian Church. That's the tragedy of it all. You're doing a biopsy?—begin here. Because we preach the grace of God—you can violate the law because you're not under it?

Any man looking to the keeping of the law for his salvation is up the creek. He should be grateful he is not under the law, because he can never meet the standard. The standard under the Biblical law is perfection. But any man who is out from under the Biblical law is under the command of Christ. But this does not mean he can violate the law—as the Christian Church has so often taught. It obligates him to obey the law.

### HONOR IT

This is why the Apostle Peter says, "Listen, you fear God and you obey the government. It is not the government you elected. It is a tyrannical government. It's a dictatorship. You don't have any say-so—any feedback. But it is the government. And you honor it."

Does that sound strange? My stomach has been turned in the past few years when I have heard people say, "Johnson's not my president"—he was mine. "Kennedy was never my president"—he was mine. "Eisenhower was never my president"—well, he was mine. "Nixon is not my President"—well, he's mine. And his successor will be mine—independent, Republican or Democrat—and he will be the commander in chief of the nation of which I am a part.

Honor thy father, honor thy mother. Honor thy mother? Because she's always rational? Because she never gives you an order that is not proper? Because she never makes an illegitimate demand upon you? Because she never overreacts? Or simply because she's your mother? Because you see, it's of her bone that you have bones! It's of her flesh that you have flesh!

Any man who does a biopsy on this nation and comes up with "idiopathic"—doesn't know his history. Any man who claims he doesn't know what's wrong doesn't know the Christian Church. The Christian Church is teaching today that a Christian should not obey an unjust law. That's not what the Christian's Bible says. That makes every man his own president—his own commander in chief—his own Congress—his own Supreme Court.

### FALLACY

I know the fallacy of man. I know the fallacy of law. I know the fallacy of politics. And so do you. But you know something? As long as we choose to be ruled by men, we live under fallacious men subject to all the weaknesses we have in our own lives.

Fear God and honor the government or you will soon do an autopsy on the whole nation. We have a God who has promised: a nation that dishonors him, he can wipe as clean as a dish so that when it is remembered—even the United States of America—people's ears will tingle just at the remembrance.

When we speak of the innocents—let's be sure they're innocent. When we speak of law—let's obey it. And when we speak of Christ, remember, he's the one that taught it. Let's be honest with ourselves. If we don't obey, we will perish.

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## THE WHY BEHIND CAMPUS DISORDERS

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### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. QUIE. Mr. Speaker, in recent days our interest and concern has been dramatically drawn to the Nation's campuses. Through the impressive influx of students to Capitol Hill, we have learned much about the feelings of college students. But we also struggle to understand why the very institutions to which we entrust the rational search for truth have erupted with violence, dangerous emotionalism, and organizational breakdown. Before we can be sure how best to remedy these unfortunate events, we must gain better insights into the reasons behind them. Adequate prognosis must precede therapy.

One of the very best analyses of the why behind the unprecedented activities we see on many campuses was prepared by Dr. Alex C. Sherriffs, professor of psychology at the University of California, Berkeley. Dr. Sherriffs presented the paper which follows at a recent Rational Debate Seminar sponsored by the American Enterprise Institute on May 6, 1970. He is qualified not only as a psychologist, but as a former vice chancellor of student affairs at Berkeley.

Mr. Speaker, for all those who seek to understand the traumas of adolescence in a society of adults preoccupied with "youth adulation," who wonder how we have come to confuse the three look-alikes of the American right to dissent, adolescent rebellion, and revolution; and who are puzzled about the vacuum left by the well-meaning but silent majority, I heartily recommend that they give serious thought to this brilliant and timely paper.

The paper follows:

### IS THE PRESENT ANXIETY ABOUT PUBLIC EDUCATION JUSTIFIED? (EMPHASIS: HIGHER EDUCATION)

(By Dr. Alex C. Sherriffs)

The American citizen has learned to expect much from his educational institutions. This is a high compliment to the performance of these institutions in the past.

Our institutions are expected to carry out high societal purposes:

(1) to transmit man's knowledge of man, his make-up, his environment, his culture, his history, his ideas, his dreams, and his failures. Human beings, unlike the monkey, do not need to start from scratch with each successive generation. Man can ensure a continuity of civilization, and his educational institutions are among the most important vehicles for doing so.

(2) to stimulate curiosity so as to open doors to learning, to teach students how to ask useful questions, to explore with them ways to seek and to evaluate evidence, and to communicate the significance of bias in the process of reaching conclusions.

(3) to develop in the young the basic tools necessary for learning, for communicating, and for effective living.

(4) to function within a framework which accepts and values individual and group differences, which shuns as goals indoctrination and homogenization, and which works to provide for each individual the opportunity to develop to his capacity.

(5) to account for the fact that man has always needed to believe in, belong to, or work for something bigger than himself.

(6) to provide rich experience with mature teachers and scholars who serve youth as models for adulthood.

The American citizen learned to value highly his educational institutions. They functioned importantly for the society, the culture, and the individual growing student. As a reward to educators and to ensure that their job could be well done, three significant privileges were given: tenure, academic freedom, and unusual independence in hiring and promoting individual faculty members. We entered the 1960s with the academic profession in highest esteem. Its requests were seldom denied; its budget needs grew—and were met substantially, and in good spirit.

Thus it was. But it isn't now. Why?

The answer is, in part, because of the words and behaviors of a highly visible few in the education establishment. The public has no way of knowing how many these few represent, but the public does know that it doesn't hear from those who feel as it does. It is as though the intellectuals have turned against the very functions of education which they had helped educate the public to value and expect. The public reads in the newspaper, hears on the radio, and sees on television professors who only deride and mock the very culture which they were expected to transmit. And the public hears too often from those who are receiving or have just received the best education our society can provide, that this same society must be destroyed.

The public becomes aware, as it reads the college newspapers brought home by its student young, that there are many who are not working to open doors to learning but who, rather, are demanding conformity to their own personal positions and who will shout down, harrass, and in some cases even refuse to teach those who express independent thought.

Instead of hearing of the needs for developing the fundamental tools necessary for learning, the public now hears from the campus an emotional call to action by youth—even before they are prepared through rational means to know why or how. Emotions are touted by too many as a legitimate substitute for reason.

Appreciation of individual and group differences—with all the richness that they provide a society—rather than a demand for a homogenizing conformity is characteristic only of a mature democratic society composed of mature citizens. At least, this is what most of us were taught in the past. It is not surprising, then, that the public is now confused, and often shocked, by the demand from intellectuals (of all people) for a one-think foreign policy, one-think sexual codes, simplistic explanations of racial tensions—and the demands of so many of these intellectuals that we be just like them.

The public sees its children being overwhelmed by totally negative attacks on U.S. institutions and officials, on democratic principles, and on campuses. In some quarters, even God is dead. What is left when the cynics, the critics, and the activists are done? Man needs something bigger than himself. The public does not know how few nor how many cynics there are, but there is only silence from other educators in rebuttal.

Those who have had delegated to them the important tasks of representing a society and of providing models of adulthood for youth have been most prone to imitating the young, emulating them, and seeking popularity rather than respect.

One cannot say often enough that those who engage in behavior patterns which disillusion the citizens of a democratic society are probably a "small percentage". "Probably", for the voices who speak for democracy are an even smaller percentage. The names of Riesman, Hook, Bettelheim, and Hayakawa are now well known, but mostly because they sing solo parts.

The changes in education have gone along with changes in society as a whole, to be sure. But, education's changes have preceded, rather than followed, society's. The changes have been dramatic, they have been massive, they are for our society quite unprecedented, and they have occurred in a very short period of time. Within an autobiographical frame of reference, I find it sobering. . . .

It is sobering to feel a need to remind audiences of certain fundamentals of human nature, and of the alternate ways that man can live together—in some form of democracy, totalitarianism, or anarchy.

It is equally sobering to need to point out—and not only to youth—that without shared values, attitudes, codes, and some restraints, man is no more than an animal.

We are fortunate to have a society in which we determine our own restraints. In this democratic society, we make our own laws and can change them at will—majority will. We also choose our own leaders and can remove them by majority vote. In short, we determine our own goals within a remarkable system. Perhaps fewer than one percent of all human beings have experienced the degree of self-determination that we enjoy. How strange that today we are forced to argue for the survival of that dignity.

Perhaps the basic challenge to our society has always been to balance freedom for the individual with freedom for others, too. The danger is that we will not work together to maintain that delicate balance, but will, as we today become polarized, allow ourselves to be represented only by those who advocate license—or freedom without responsibility—and by those who say we must have no freedom at all.

Democracy is fragile. Even in the best of times, its health requires that the majority participate actively in its processes. When too many "drop out," then those extremists who never could have won in fair competition for the political and social stage may find themselves on that stage alone—and in charge. It is no accident that in his *Republic*, Plato's most pessimistic dialogue was on democracy, and that the one which followed immediately was on despotism.

Who does not feel concern who compares our situation six years ago with our situation today?

Six short years ago in California, for example, higher education had universal respect. But today, we find a public outraged by, and fearful of, those on the campus—for they have organized and launched political and social action from within the people's own educational institutions.

Six years ago, no one dreamed that buildings would be captured, property destroyed, and official files rifled by some of the most educated of our youth.

Six years ago, neither students nor members of the faculty had kidnapped, captured, or held hostage representatives of a democratic society, whether Trustee, college president, or dean.

Six years ago, no one dreamed of a bombing on a campus. Recently, there was a fifteen-month period during which we had nearly ninety campus-related bombings in California alone. By 1969, members of the faculty of the University of Washington found themselves compelled to say in "the Seattle Statement":

". . . To condone acts of physical violence on the ground that they are mere exercises in freedom of speech is therefore to strike at the very foundations of academic freedom. The use of force and violence for purposes of intimidation is not freedom of speech but its very antithesis. To blur the distinction is to call in question the whole theory of democratic discussion. . . . Arson, assault and battery, the deliberate destruction of

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scientific and other equipment, the looting of files of research notes and personal papers, the forcible occupation of buildings to obstruct the performance of university functions, the invasion of classrooms and the intimidation of students—these are not forms of speech at all, they are overt acts, obviously punishable as such. In society at large these are felonies or misdemeanors. In a university community, they are something more—they amount to a betrayal of freedom itself."

Six years ago, leaders on our campuses were working to effect an "open forum policy" so that students could hear firsthand the widest variety of opinions and attitudes from visiting speakers, including Communists. Today, on those same campuses, it is extremely difficult for the moderate, the responsible liberal, or the conservative to be heard at all.

Six years ago, it would not have occurred to a speaker that in almost any adult audience there would be a sizable number whose children were on drugs. Today, a speaker is uninformed if he does not maintain that assumption.

In six short years, our campuses have moved a long way—a long way from their original definition and high purpose, a long way from their position of public respect and confidence. How did this happen?

There are, perhaps, as many explanations offered for our recent societal upheaval as there are observers to it. Each individual will weigh heavily those factors which he, because of bias, training, or life experience, sees of greatest import. But it has become clear to most of us that our anguish does not arise from a single cause. In my own analysis, I would stress at least five aspects which had to be present for our campus problems to have exploded with such apparent suddenness.

First, there had to be a majority of the public who were silent, confused, and even misinformed about matters as fundamental as the meaning of the behavior of their own children. But also, for the seeds of unrest to have found such fertile soil on the campuses, there had to be highly motivated, hostile, and articulate cliques of irresponsible faculty members on a number of them. These exercised unusual influence because of the immobilization of their general preoccupied and timid colleagues. It was necessary, in addition, that the campus administrators be generally incapable of coping with irresponsibility and militancy both because of personal factors and because of currently accepted "styles" of administration. It was necessary, too, that extremist groups and individuals, always present in our society, find themselves essentially without competition for the political stage, and thus achieve for themselves success upon success—often to their own great surprise. Finally, there were and are the actions, reactions, counter-actions, and counter-reactions that developed from this brew and which spiral the issues and the people into new and increasingly dangerous arenas.

What is the silent majority? Even a casual look reveals some things that are different these days about the citizens of our society—both young and old. There are too many examples of a lack of participation in normal affairs by great numbers of people, and of large numbers failing to support cultural values. Cultural values survive only when the people support them. One need not be a profound student of democracy to understand the implications of the following:

Two hundred classmates observed a bully taunt one of their number, then knee him in the groin, and finally use his toe repeatedly to remove that boy's eyeball. Not *one* of the two hundred cried "Stop", not one tried to get others to help separate the participants, and not one went for help. Ten years ago, it could not have happened. Two hundred classmates at a middle-class school would not have watched as though observing a television screen, and they would not later have explained their behavior as did these two hundred: "I am not my brother's keeper", or "It was not my fight", or "I didn't want to get involved."

Age is not the explanation, for equally clear were the implications when thirty-eight adults in New York simply watched from their apartment windows as a woman was stabbed to death. Three episodes of stabbing were involved, it all took thirty-five minutes, and the woman died horribly. Yet not one of the thirty-eight known observers so much as phoned for the police.

The fact that a very small percentage of students votes in student body elections should concern us deeply. So should the voting record of adults in school district elections.

The tiny attendance of students at campus meetings for outside speakers (except for extravagantly controversial ones) is paralleled by the usual nonattendance of most faculty at meetings of their colleagues, and by the nonparticipation of the public at most meetings of college boards of trustees or of local school boards.

Can we say anything about the "silent majority" other than the fact that it is silent?

There has been considerable research about youth. It tells us of current characteristics which partially explain how it is that so many have neither the strength nor the equipment to stand up individually for their convictions. Though better trained intellectually, they are found to be mode isolated as individuals and more lonely. Their friendships are shorter in duration and more superficial in nature. David Riesman, author of *The Lonely Crowd*, reports that, during the past ten years, students average fewer friends each year. Thus, they lack the experiences to mature socially and emotionally as rapidly as generations did before.

Researchers also say that more youth show themselves less capable of postponing gratifications, less able to tolerate probabilities and shades of gray, and more demanding of absolutes.

Investigators generally agree that youth, as a group, is having problems with authority. And, as one of these investigators noted, how could it be otherwise when they have had *so very little experience with it?* Too many parents act with permissiveness not resulting from a particular theory of child rearing, but rather as a response to uncertainty and fearfulness about their own roles as adults.

And the communication between the young is poor indeed. An illustration in my own experience says a great deal:

One Saturday afternoon, a rooting section crowd became a mob and behaved in ways far beyond the acceptable. On the following Monday, I asked a class of four hundred—many of whom had participated—to indicate their attitudes about the debacle. I was a psychologist whose specialization was youth. I asked them to indicate by show of hands, "was the rooting section great", "could it stand a teeny bit of improvement", or "was it poor"? I took the vote on "great" first. A number of hands went up here and there; the other class members were anxiously looking around like the audience at a tennis match during a fast volley. "What was in?" was clearly the question on their minds. Soon, hands were going up around hands that were already up—the "ripple effect". In three minutes, eighty-three percent were voting "great".

Then I asked for an anonymous paper in which they were to tell me how it was great and how it might be greater. In the secrecy and privacy of those papers, *eighty-six percent* now stated that the rooting section was so bad it should be abolished! And over fifty percent stated, "But what's the use of my feeling this way when I'm the only one?"

I could give all too many examples of this kind of behavior—"in" voting before the group, standing for positions absolutely contrary to personal and private belief.

Let me note here that youth is not without cultural values, but merely is too often unable to express them. A number of factors have worked together to cause our young to be so immobilized in standing for their own feelings, to cause them to be so oriented to what is "in" for the group, to cause them to be incapable of dealing with the minority who now dominate the stage—political and social; the stage that they, the majority, have deserted.

It is worthy of note that:

(1) These youngsters are the first children raised by parents who were unsure of their role as parents—even of their rights as parents; the first parents in history who, instead of depending on their feelings, had to "look it up" in a book!

I can give an illustration of the effect:

I gave an anonymous questionnaire to almost 1,000 sophomores. Two of the questions asked were: "Do you love your parents?" and "Do you respect your parents?" Ninety-three percent checked "yes" to the first question. Only fifty-one percent checked "yes" to the second question. I called in every eighth student to ask, "Can you help me to understand the differences between ninety-three percent and fifty-one percent?" One girl's response covers most of their answers:

"Sure, I love my parents. They mean well. But respect . . .? When I was in a social club at Berkeley High, I came home one day and told my mother that our club was going to have its overnight party at our house. Mother turned pale. I told her that chaperones were no longer 'in', and she turned paler. I hoped she would say, 'No, you aren't,' and get me out of it, because I didn't have the courage to say no to the others of my own age. If she said 'no', I could have blamed her—I thought that's what mothers were for.

"Instead, Mother phoned the parents of the other girls and asked what she should do. I listened. She thought it was wrong, but . . . she was afraid I'd be unpopular. She thought it was wrong, but . . . she didn't want me to be 'different'. She thought it was wrong, but . . . she didn't want my fifteen-year-old girlfriends to think she was 'square'. In short, my mother had to discover what her values were—and what mine were to be—by a telephone poll."

Youngsters need adults to be models, to respect, to argue with, and to test. They need a point of view. They need adults who believe in themselves and in something. The young can decide what to become, and what not to become, only by observing real adults. They can learn little that is good from observing Jello—whether in the form of parents, deans of students, teachers, or even clergymen.

(2) Also very difficult for youth—and hard on adults, too—is a current cult: the adulation of youth in America. For a child to become an adult, he must, of course, go through what we call "adolescence". This is a period during which the youngster learns where his parents leave off and he begins. He must develop a separateness which enables him to know whether *he* believes something or is merely imitating his parents' belief, whether *he* desires something or has been told by his parents that it is desirable. All of us learn from parents much of what to be like and what not to be like. But, to the adolescent struggling with his dependency needs, it is a matter of "is it me speaking, or am I speaking for them?"

To go through an adolescent separateness—which is often more symbolic than real—the age group members tend to conform to one another, especially in matters which

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are almost "tribal" in nature: for example, in costume, dance, folk heroes, music, and language. The particular expressions of each adolescent generation have caused parents and teachers alike to shake their heads in dismay. This is as it should be, for it gives the adolescent a kind of independence in action, but without total revolt.

My own parents were ideal during my adolescence. Mother thought my dirty cords meant that I was unclean; she fussed. Both parents believed my swing music to be loud and barbaric, and Mother would often play a little Brahms hoping it would rub off on me. Both were embarrassed by the jitterbug, and they worried that I would never learn to use the King's English. It was ideal. We had our separateness. And it was not necessary for me to take drugs to get a reaction. Later, when I felt that I had discovered "me", I noticed that my parents had "matured" during my psychological absence.

But how is it today? Too often, adults imitate their adolescents. Daughter puts on a mini-skirt, Mother follows suit. Likewise, Father says "cool" to prove he is one of the boys. Both parents learn the Twist and progress to the Watusi.

Adolescence is a time when youngsters should be somewhat separate, but it is also a time when they need to know that there is strength and understanding in the adults. Now, instead—and for the first time in our history—the youngster looks over his shoulder and feels, "My God, here they come again."

By their imitative behavior, adults are saying to youth, "You've got it made", and this is unnerving to the young. To become adult is almost to lose position and status.

And, outside the family, other adult models—many teachers, clergymen, school and college administrators including deans of students—behave in the same imitative ways; and they are representatives of our society and its institutions. They claim expertness as well as adulthood. Yet too many of them prefer peace and popularity to respect. Too many think of the normal expression of authority as a burden, though delegated to them because of the position they hold by a democratic society. A number confuse authority and authoritarian; they reject the former in a manner that smacks of the latter.

(3) Progress has brought great good for young and old alike. It also has had its costs. At the turn of the century, most youngsters in growing up had experience with real responsibility and real challenge in relation to the family's work. Over ninety percent of American families were engaged in agriculture. Their children had experience with a variety of adult models doing real work for real purposes and goals. Today, only seven percent of families produce all of our goods and fiber.

At the turn of the century, there was also ample opportunity for youth in commerce or industry, for work with purpose. It was even necessary to pass child labor laws to keep them in school or at home. Today, if all students wanted such experiences, we would fail them, for, thanks to automation and business know-how, we scarcely have jobs for all heads of household.

In 1900, only nine percent of seventeen-year-olds were in school; now there are well over ninety percent.

Today, for many, responsibility and challenge are found only in relation to grade point average. And for many, work is only for one's own pleasures—a transistor, a record player, a sports car.

The cost in judgement, in confidence born of experience, and in the concept of earning one's way or of work well done when this has not been a meaningful part of life, can be measured only indirectly. Observation tells us that the cost is high.

(4) Affluence has contributed to some of our problems. Particularly, affluence leads to a certain arrogance in some youth—an expectation to receive, even though giving little in return. And the comforts and certainties of affluence also result, sadly, in an unsureness that one could succeed if faced with a challenge.

Middle class youngsters generally are given what they want—sometimes even before they know they want it. Parents too often can't think of reasons to deny them. In giving, parents tend to forget it is more satisfying for youngsters to build, to grow, to contribute, and to participate than simply to be spectators, and recipients of the accomplishments of others.

Affluence, of course, has affected adults as well as children, and it should not be surprising that like spoiled children we also have spoiled adults who simply and irresponsibly take what they want without comprehending what they are doing. It should not be surprising, either, that some middle class youngsters on the campus take the law into their own hands and interpret our value for freedom as granting them personal license.

(5) Another of the forward moves in our society which has produced its own backlash is the explosion in man's knowledge about himself and the world around him. It has been estimated that man has learned more in the past decade than in his entire previous history and that he will learn more in the next decade than in all that went before.

It it not necessary to dwell on the many good things that have accrued to mankind because of informational advances. But, ironically, the silencing effect of this same knowledge explosion too often goes unmentioned. More and more, individuals are becoming dependent on the so-called "experts" for judgments rather than trusting their own information and wisdom.

(6) These days, Americans act as though change, even when it results in instability, is an end in itself. Paradoxically, human beings need a sense of permanence and stability in order to be strong enough to be adventurous, to stand apart from a group, and to take a chance—even though it might result in ridicule or error. Down through the ages, man has sought and profited from identification with a purpose bigger than himself. He has sought immortality, real or symbolic.

When it becomes modern and stylish for members of the clergy to become activists in pursuit of their own personal socio-political beliefs, while still identifying themselves with their religion, then many become less sure of themselves and of their relation to religion, but note!—astrology then becomes the mode! Why else the intense fascination with the zodiac? When representatives of the church attack the very symbols of the church, youth does not become irreligious. Human needs don't disappear, and so youth's search turns to Zen, mystical experience, drugs, and quasi-private cults.

(7) Increasingly large, aloof, and distant government has led to a citizenry whose members are becoming less and less involved. It is no wonder they are called "the silent majority".

There are other important factors, too, which have reduced the level of participation—on and off campus. I believe the public's confidence in its schools has been shaken because, in part, the symptoms of the silenced generation have been particularly evident on the campus. The faculties who were assumed by the public to be the leaders and societal representatives among us have shown up very poorly. Further, there are those in the academic community who have chosen to exploit the majority. Those on the campus know it. Those off campus are fast learning it. I think it is important, too, to recognize that the voices from the education establishment are often mouthing only simplistic explanations for campus politicization and turmoil—explanations which the public does not find plausible and which the public sees as self-serving.

It is correctly said that the quality of our educational institutions depends upon their faculties. What has been the quality of faculty behavior in relation to the unrest which has so reduced public confidence?

It requires little though to conclude that, for a campus to be in trouble, there must be members of the faculty who are both irresponsible and influential. It should be obvious that administrators do not fear students, for students have an average stay on a campus of a little over two years, they are young, relatively inexperienced, and easily influenced. The fiction that our campus problem is simply a student problem is a fiction born because of its convenience to both the faculty and the administration. Too often both would have the public believe that society was facing a "new breed" of student rather than a power grab by certain elements within some of our faculties. It is estimated that, at one time or another, one in every ten students has become involved in campus disorders—but often as a tool for his elders. On this point, David Riesman notes:

> I can think of very few colleges that have had serious student movements without faculty participation. Even though students on both the left and the right like to feel that they are independent of us adults, they are in some ways dependent on adult support. What one finds in some universities is that faculty members have tended to exploit student protest in pursuit of their own grievances or their own settling of scores with administrators. (*Psychology Today*, October, 1969)

In order to understand how an element of the faculty could behave in ways alien to the whole tradition of the academic community, it is necessary to understand that never before have our faculties been so pampered—nor so young.

Since Sputnik, and until recently, the faculty stood upon a pedestal of public adoration. Education was America's answer to Russia's challenge for the minds of men through scientific achievement. Then with student populations exploding and the production of PhDs several years behind the need, the recruiting of faculty became an endeavor competing favorably with the recruiting of football players. Young scholars who had been singled out because of their brightness during early school years were sought and fought over as graduate students—with fellowhips, scholarships, and teaching-assistantships as the bait. As their PhDs were completed, these young scholars were wooed once again by institutions which competed with offers of high salaries, tenure, and, significantly, lower and lower teaching loads.

In the late fifties and early sixties, some of our major institutions added to their faculties as many as a third of these intensely pursued youngsters each year. It was not long before a prevailing majority on the faculties on many of our campuses were "young Turks" who had no investment in the traditions or history of the campus which employed them. Too often, they came in search of a congenial research setting with an aura of prestige, but without a compensating desire to either serve or teach more than necessary. They soon had tenure and thereafter felt little concern for administrative response to irresponsibility.

It is human, when so sought after and so favored, to accept one's own importance. Humility is not nurtured by such conditions. There is yet another occupational hazard that we should note here. PhDs know about one specific area as much as, or more than, any other human being—at least for a few months after writing their theses. And PhDs,

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like other people, because they are human, tend to generalize. There is a strong tendency for them to think that their expertise in a specific area automatically relates to a broad general wisdom. Probably no profession is more prone to making absolute pronouncements about general matters on which it has no more specific information than the rest of the population than academia.

Given these characteristics, and recognizing that the silent majority exists in the faculty as well as in the rest of society, those faculty members, often the younger ones, who believe that the world is too complex for the average citizen, or who associate themselves with particular social or political movements, can and have used their genius—and their students—to further their own ends against the best interests of both their more passive colleagues and our society.

They also have used their influence to recruit new faculty members who share their ideological persuasions. In many institutions, new faculty members are nominated by present staff members, and administrative rejection of such nominations is extremely rare.

A final comment to the layman who has been so patient and who has tried so hard to understand. The academic society is a remarkably closed society. It has its own codes, and demands conformity on many matters. There are few professions that can compete with this one in the exercise of discipline on its members. It also is a profession whose members readily band together, regardless of whatever internal differences, against all outside intervention—even constructive criticism. Already feeling superior to those of less intellectual achievement, criticism from the outside is seen, even by many of the more moderate members, as without justification, wrong, and a dangerous precedent.

We find today a clear illustration of self-fulfilling prophesy. Some faculty groups act almost compulsively to upset the citizens who are the parents of the children on their campuses and the providers of their facilities and livelihoods. All the while, these same educators utter grave predictions of a "right-wing reaction" against the campuses. As some of the faculty escalate their insults, the public becomes ever more ready to lash out—but it is the public as a whole, and not a special element within it, not just parents or the anticipated "right-wing reactionaries".

A third critical element in our campus problems is the campus administrator. Here the difficulty is as fundamental as who he is, and where he comes from. Most administrators were functioning with apparent success only a few years ago. But not today. One must realize that administrators, to be successful for their institutions and for the society whose institutions these are, must be able to wear two hats with relative comfort: They must represent the public interest and the well-being of their students and faculty. This was not difficult when the public interest coincided with faculty goals—unbiased quality education. In those times, the administrator was a coordinator, an interpreter, a fund-raiser, often a mediator within the campus community, and generally a figurehead. Now, the situation is more difficult. The public's basic desires haven't changed, but a visible segment of the faculty is using the institution for political purposes, is demanding the right to exercise its bias in the classroom, and is milking the prestige of the institution for its own personal goals.

Through the administrators, members of the faculty were able to convince a friendly public that it was in the interest of society that they be allowed to pursue the truth wherever it might lead, just so long as they did not tip the scales in the direction of personal bias. The public's acceptance of this was described as "academic freedom". Today, the public is being asked by some to redefine academic freedom in order to grant license to the widest range of behaviors for the faculty and even for students. But a counter voice is absent.

What has happened to the role of an administrator is easy to see. Almost all present administrators have been chosen from the ranks of the faculty, after faculty screening. The wives of these administrators have friends who are, for the most part, faculty wives. The administrator himself was hired originally as a faculty member by faculty members. He depended on them for increases in rank and salary. He, like the faculty member, has been subject to the demands of the academic subculture all of his adult life. It is a rare human being who can wear two hats effectively in an emotionally and ideologically polarized situation, especially when he sees himself as a member of only one of the parties in conflict.

His role is even more difficult because the faculty distrusts administrators, aware of the other hat they might wear. The public tends to distrust academic administrators because it sees them as ignoring their responsibility to the public interest.

A fourth ingredient is made up of the coercive groups which have often been visible leaders of episodes of violence. Tactically and motivationally, the similarities between these groups are greater than their differences. They are alike in that they would never have held the stage if the majority were functioning, if the faculty were united and responsible, and if the administrators had wisdom and courage. They are alike in that they intend to seize power, or to destroy. They advance causes not to achieve them, but to produce conflict. They are, by and large, well organized and disciplined, and apparently have means of communication and travel superior to that of those they attack. Their pattern has been first to analyze friction points on individual campuses, then to seek out support in strategic places on the campus and in the surrounding community. Certain faculty members, clergymen, sympathetic media people, and indigenous radicals or reflex liberals fill the bill. They push constantly, and they push for more than is possible. They wait for a mistake. As soon as it's even slightly credible, they invoke some greater "cause". The issue may have been visitation rights in girls' rooms; it soon becomes an issue of freedom of assembly, or speech, or academic freedom. They simplistically paint the administrators and those of society who would support lawful processes as rigid, authoritarian, and out of step with the times. Usually, they set up the battle plan so they win either way: for example, if there is capitulation in relation to a sit-in, they control the building and move forward with new demands; if the administration holds firm and eventually calls for outside help, the militants contrive and then point to police brutality. They are willing to nibble, one issue at a time, because each success ensures a greater likelihood for the next success. This is a strategy of takeover. It is, in their own words, revolution.

The public watches in fear and anger, for the progress of the militants has been rapid and far-reaching—far-reaching enough so that many thousands of parents have youngsters who have been caught up in the tactics, if not the ideologies. The public's response becomes less dispassionate with each passing month.

Some faculty members have begun to voice their concerns, too. In the January, 1970, issue of *Measure*, we read:

> Not that we believe that violence has stopped, will stop, or will be stopped without a hard, protracted struggle. The wrecked office of the President of the Massachusetts Institute of Technology is one of the newer reminders that violence walks in our midst; and for those Professor Hope-for-the-Bests who think that red-painted obscenities in the Institute's rugs should be explained away as mere aberrations of prolonged adolescence, there is the equally reprehensible and hideous reminder put before us by Princeton's 34-year-old revolutionary sociologist Charles W. Wheatley, who is quoted in *Time* as saying: "Older faculty are ineducable when it comes to the revolution, the movement. They won't be shot, you know; a little island will be found for them some place."

I think it is vital today to differentiate between three look-alikes: adolescent rebellion, the American right to dissent, and revolution. They may look alike, but they are not, and many people who should know better get them confused.

I have described adolescent rebellion as an essential, healthy stage between childhood and adulthood. It can only be destructive if, on the one hand, it is treated with total rigidity, or, and this is more likely these days, it is not resisted at all and thus misses its value for teenagers who must go to more extreme behaviors to achieve an appropriate adult response.

The American right to dissent is worth preserving at any cost. It represents the strength of our society. It is dissent which ensures that there are civil liberties and civil rights, that there is individuality, and that there can be the potential for constructive change.

Revolution is neither growth nor a form of dissent. It is something far different. In this society, it is an effort by a few to thwart the will of the majority and to do so by destroying the democratic system itself.

Finally, there are myths which circulate in society and are supported by too many people of influence who simply parrot them without thinking things through. Some of these myths are given credibility by sincere individuals who simply cannot or do not wish to comprehend what is happening. This all-out attack on our democratic system is a "first" for us, after all.

Though the public has been remarkable in its ability to sense the basic problem, some of the myths that the public believes, or half believes, have served to make people unsure enough of themselves to keep them from responding consistently or appropriately.

I have already talked to the facts which belie several of the more prevalent fables of our time. For example, the myth that it is primarily the students who are engaged in unrest is both an oversimplification and a distortion.

The myth that we are experiencing a "generation gap" that is nearly a chasm has done great harm. It has caused many people of all ages to become self-conscious in their relationships rather than to be themselves. If one will but listen, youth's dilemma is almost the opposite. Adults have put youth in the role of leader, have tried to remove a gap essential to the process of maturation—that is, adolescence.

Somewhat related is the false belief that students are falling over themselves in their desire to participate in governing the universities. An anonymous faculty member describes it this way:

". . . delusion that trouble will never come and that having come, it will do no permanent harm are, in fact, children in a large family of sturdy misconceptions. None among them has led to stranger consequences than the supposition that the majority of students are deeply interested in governing every aspect and dimension of the schools at which they enroll. Columbia's experience in this respect would be pathetic, if it were not also heroic. Administrators, faculty and students at Columbia came away from their great ordeal of May and June 1968 persuaded that a university is a community of sorts, that it should be governed by a body of elected representatives, and that these representatives should include elected student representatives empowered to vote. But in October 1968, a well-advertised meeting called at Columbia to air the question of the proposed University Senate was attended by less than 100 persons. In November 1968, the student turnout at elections was the lowest in recent years.

"According to the *Columbia Forum*, 'Only 14 percent of those eligible in the College (394 students) and 4 percent of the graduate students (166 students) voted.' The faculty Executive Committee leading the drive to place Columbia under the rule of a Senate accommodated to the imagined fact of student interest took these warnings to heart and so conducted its subsequent operation as to *develop* student interest. In the course of creating the very thing they had believed already existed, the Committee distributed 25,000 48-page pamphlets concerning the future Senate. A faculty leader is quoted in the *Forum* as having said: 'Someone from the Executive Committee . . . spoke to groups from every student body in every division. I remember one night when there was one member of the Executive Committee on every floor of the dorms, right before the vote.' By such means, student participation in the vote to ratify the Senate scheme was raised to 40.9%.

"What would have happened, it may be asked, if the Executive Committee had not haunted the dorms and strained the mimeograph machines? The answer appears to have been given this autumn at a neighboring institution, Queens College, in the City University of New York, which has strong claims to being the campus most disrupted in 1969, its administration building having served as a traffic center and dormitory for student 'activists,' both white and black, for weeks on end, with time out for Easter recess. In consequence of its troubles, Queens conceived an Academic Senate, to be ratified or rejected by a week-long vote. The vote was conducted with the help of the Honest Ballot Association. The polls were open from 9 to 9 through five weekdays and till noon on Saturday. The issue was thoroughly publicized. Yet out of 24,429 students, 2,724 voted, or about 11%. Asked to comment on the turnout, a member of the Queens faculty said, for publication in these columns, 'The idea that most of the students want this change is baloney—if I may call the sausage by its name.' " (*Measure*, December 1969.)

We hear over and over again that "students have real grievances". The statement is usually followed by another, "Though, of course, I don't condone their tactics." Involved here is a half myth, half truth. But those who speak of student grievance usually have been fooled, at least partially, by the issues put forth by the militants. These issues are not the real grievances.

It is becoming increasingly clear that students do have real grievances, for they suffer an unconscionable neglect by faculty members on many campuses. The meaning of the ever-lighter teaching load does not escape students. The office hour so often unmet by the faculty member says something, too. The absentee full professor and the more often present teaching assistant attest to the same thing. Teaching students is not, in the minds of many faculty members, the primary purpose of the university or of their careers.

Research and scholarship which bring status in academe have left little time for students. However, there has yet to be a "demonstration" or violence around this issue. It would seem more likely that, feeling frustrated and disappointed after working for years to get to college only to find there an impersonality born of disinterest, these students are more likely to be caught up in somebody else's "demonstration", if only to let off steam in relation to the "system" which has failed them.

For some time, we have listened to a chorus which tells us that in the younger generation there is a "new morality". Usually, we are also told that we should adjust to it. The "new morality" has been preached so effectively that the new generation, as well as the old, believes it to exist. The *College Poll* finds that seventy-five percent of students believe that most students, whether male or female, engage in sex relations before marriage. In surveys of my own, I have found that senior college women, for example, when asked to estimate the percentage of senior women who have had premarital sexual intercourse also predict on the average that same seventy-five percent. However, recent studies by Freedman and Halleck, as well as others, indicate that the percentages are in fact between twenty and twenty-two. In the 1950s, Kinsey—and later Ehrmann—reported similar findings. If the data on sexual behavior in the sixties surprise you, then this, itself, is evidence of the effectiveness of a myth.

There are other data on youth which stand in interesting relation to popular belief. For example, from the *College Poll* we learn that eighty-seven percent of students stated in 1968 that they did not believe violence of any kind is ever justified in bringing about change in the college or university. Eighty percent believed that students who break the law on campus should be arrested and expelled. Seventy-three percent reported believing in God or in a Supreme Being. Eighty percent believed that voluntary ROTC belongs on the campus. Seventy-six percent favored campus participation in defense contracts. And sixty-seven percent voted favorably on the CIA.

It becomes clear that generalizations have been made on the basis of the behavior of student extremists and by the wishful thinking of some emotionally involved observers of the campus scene.

It is important to note, however, that there are some startling differences in the attitudes of the thirty percent of the seventeen-to-twenty-three age group who are in college as compared with the seventy percent of the same age group who are not. According to the Yankelovich poll for the Columbia Broadcasting System, when asked whether they would welcome *more* emphasis on law and order, fifty-seven percent of college students said yes, while eighty percent of those youths not in college so responded. Twice as many in college indicated they would welcome more sexual freedom—forty-three percent as compared to twenty-two percent. While sixty percent of those not in college believed patriotism to be very important, only thirty-five percent of college youth agreed. Saying that they easily accept the prohibition against marihuana were forty-eight percent of college students, while seventy-two percent of noncollege youth so responded. Where we are given data on the parents, we find that youths not in college are quite similar to their parents in those attitudes which relate to our mores. Those in college are less so. It can be said that, though there is generally little evidence of a generation gap, there is considerable evidence of a cultural gap effected by only a few years on the college campus.

As 1969 closed, there were predictions of efforts among the militants to "cool it" for the time being. An election year, a desire to get public support for the eighteen-year-old vote, and recent effective legal actions against violence were among the reasons. Also, man's growing concern with his environment and with the disastrous effects of drugs on his children will occupy much of his attention.

As we all know, the "cool" was short-lived, and campuses and their surrounding communities are now being subjected to even worse violence than before. And the public is more afraid and more angry than before.

I have taken some time to say that the causes of our present discontent are several and complex. Because time is limited, some aspects have been neglected and exceptions to generalizations sometimes have been ignored.

The public's confidence in higher education is lower today than probably ever before in this country. Many of our institutions have in fact been deflected from their pursuit of society's highest goals.

When we address ourselves to the all-important question, "How do we improve this difficult situation?" our behavior will depend on our understanding of the causes of the symptoms we hope to treat.

To the extent that confusion within the public is a part of our problem, the people should be provided accurate information. Evidence must be substituted for fantasy, facts for myths. The full complexity of the campus crisis must be communicated. We have suffered too long with simplistic interpretations. The majority must be allowed to learn, where this is the case, that it is in fact the majority. It is important that the public see that those who represent them are individuals who are spokesmen for basic educational and societal values. The variety of channels for citizen effectiveness must be made apparent to those who have for too long remained uninvolved in their social institutions. It is ironic that while some groups have developed sophisticated ways to get around or even to injure our democratic system, all too many citizens need a course in Applied Civics 1–A.

To the extent that the representatives of the people have been preoccupied with the activists and have related to their "demands" as a point of departure, it becomes evermore important that educational boards and commissions become effectively accountable to the citizenry.

To the extent that administrators are part of our problem, appointments to such positions should take into account the difficulties of the position for those who are too closely dependent on a constituency at one pole in a societal difference of opinion. Possibilities for finding administrators who are management-oriented and above politics must be improved.

To the extent that elements of the faculty represent an important part of our problem, appropriate administrative support for the many responsible faculty members, a reevaluation of tenure policies, and a program to ensure a better acceptance of the teaching function are all essential.

Many administrators have been reflexly responsive to the demands of the militant faculty few. If only they would listen to the many—and there are many. On April 23, 1970, we read of a survey of the attitudes of 60,447 university and college faculty members: "More than 80 percent of the respondents held that 'campus demonstrations by militant students are a threat to academic freedom'. More than 76 percent agreed either strongly or with reservations that 'students who disrupt the functioning of a college should be expelled or suspended.' . . . the survey was taken during the 1968–69 academic year."

Coercive groups must be controlled so that they do not interfere with the rights of others. Implementation of relevant legislation and regulations is important, as is the education of students and the citizenry as to the true meaning of the militants' behavior. Policy decisions by campus leaders must not result from coercion. Otherwise, matters become far worse.

Students in general need to be educated as to what present seventeen-to-twenty-three year olds are like. They don't know. They must receive appropriate interest and attention from faculty members and administrators. They must see that even those who behave normally will be listened to. They should be used in advisory capacities where they have competence. But they should not find themselves being pandered

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to. Giving them responsibilities for which they are not ready and in relation to which they cannot represent other students is not a kindness. They know that those who would buy their support are insincere.

Further, institutions should never *require* students to belong to organizations if those organizations are ones which will take positions in their name on political or social affairs. The authority of the state or community must not be used to force a student to support attitudes alien to his own beliefs. In this regard, the present *requirement* on many campuses that students belong to a "student government" and support a so-called "student press" becomes suspect.

These are some of the directions necessary, in my opinion, if there is to be a reduction in the present anxiety about public higher education. As has been made abundantly clear, I believe that the anxiety has real bases and will not disappear as a result of any token solutions. In the months ahead, many constructive steps must be taken both on and off the campus. Neither town nor gown alone can solve our crisis.

The presumably broader question has been raised, "How relevant is educaton in America today?" Whatever one's answers might have been in normal times as to curriculum, course content, class size, teacher training, student mix, and academic goals, answers today depend upon the prior questions: will education be free of violence, coercion, and bias, and will it be appropriate to a free society committed to majority decision.

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## CONGRESS VETOED BY BUDGET BUREAU ON REA FUNDS

## HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ALEXANDER. Mr. Speaker, the Bureau of the Budget, that leviathan of the executive branch, has again turned a deaf ear to pleas to release electric loan funds to the Department of Agriculture for use by rural electric cooperatives throughout the country. It must be pointed out again that this program was established by the Congress, that these funds were appropriated by the Congress and, it was the will of the Congress that these funds be used for their specified purpose.

Instead, these funds and, indirectly, the will of the Congress has been vetoed.

The REA has contributed much to the development of our country. It has not only made life easier for hundreds of thousands of rural residents, but it has probably made the most significant contribution of any group or organization in this country to the goal of population stabilization. The REA has also made a significant contribution to a national understanding and appreciation of rural America and rural Americans.

Recently, a series of advertisements were placed in national publications by the National Rural Electric Cooperative Association. These advertisements discussed factually, succinctly, and informatively the conditions faced in rural America. I would like to include one of these advertisements as an example of the contributions being made by this outstanding organization and these dedicated people.

WHEREVER YOU LIVE

You have a stake in rural America.

Fifty years ago our nation was half rural, half urban. Now 70 percent of our people are crammed onto just one percent of our land.

Through the years, as millions have deserted the countryside in search of a better life in the city, problems have been heaped on problems.

And what have we got today? Smog, pollution and traffic jams in the cities. Abandoned farmsteads and empty stores in the country. And economic and social ills in both. We could have planned more wisely.

*Now* is the time for us to decide on our national policy . . . what we want our country to be like 30 years from now when we'll have 100 million people added to our population.

We must decide if we want to go on piling more and more people into small amounts of space . . . or if we want to provide a better balance of opportunity . . . creating more jobs and building community facilities where millions want to live, work and play . . . in the countryside.

The consumer-owners of America's nearly 1,000 rural electric systems call upon our President, our Congress, and our country's leaders to adopt An Agenda for Rural America—a national agenda relevant to the total welfare of our nation . . . relevant to the future . . . relevant to the great potential of America's spacious countryside—with these priorities.

We urge the President to appoint a National Coordinator for Rural Community Development . . . and we urge consolidation and upgrading of existing community development programs now administered by many different Federal agencies.

We urge development and implementation of programs to meet the following urgent problems of rural America and its people.

*Rural Housing.* Over half the nation's substandard homes—more than four million—are in rural America. Many who live in these homes are old. Many are poor.

*Community Facilities.* Nearly 30,000 rural communities are without adequate water systems . . . about 45,000 without sewer systems. Thousands lack medical centers, libraries, good schools, recreation programs.

*Jobs and Training.* Few of the nearly 14 million new jobs created in the last 15 years were in rural America. And rural unemployment figures in many areas run nearly 18 per cent, compared to a national average of about four per cent.

*Low-Cost Credit.* The effects of high interest are most sharply felt in the countryside when there is a chronic shortage of capital for housing and community and industrial growth.

Action *now* on this Agenda for Rural America will lead toward the solution of many of our nation's ills—in the cities and in the rural areas. The urgency of these problems demands the best efforts of us all, acting together with Federal, state and local governments, as well as the private organizations in urban *and* rural America.

Across the land, the members, directors and employees of the nation's nearly 1,000 consumer-owned rural electric systems are providing leadership in their communities . . . leadership to develop central water systems, start housing programs, spearhead drives for community colleges and recreation projects, and much more. And all the while rural electric systems continue to supply low-cost, dependable electric power to even the most remote areas.

But the welfare of America—all America—is everyone's responsibility. So, wherever you live . . . whatever you do . . . whoever you are . . . you, too, have a stake in rural America.

These people deserve our support. The Congress has recognized the contribution being made by our rural electric cooperatives. In my opinion, it is time for the administration to come to the same realization.

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## TRIBUTE TO CHAIRMAN DULSKI

## HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. UDALL. Mr. Speaker, few Members of this House have had heavier responsibilities in the last 16 months than the able chairman of the House Post Office and Civil Service Committee, our colleague, Mr. DULSKI of New York.

The future of the world's biggest business, the U.S. Post Office system, and hundreds of millions of dollars are involved in the deliberations of his committee. Understandably, the administration, the well-organized mail user groups, transportation interests, and the several employee organizations which represent 700,000 postal employees have pressed hard for inclusion or exclusion of specific provisions which each considered harmful or helpful to its own interests. There have been sharp arguments and widely divergent views, all of them pressed with vigor upon our chairman. Buffeted by all these pressures and in the midst of perhaps the most difficult and responsible job of his life, he has remained fairminded, open to reasonable suggestions, and has presided with dignity and honor.

I believe that before this year is out we will have substantial, significant, and meaningful postal reform, and Chairman DULSKI will deserve much of the credit.

Writer Mike Causey in today's Washington Post pays high tribute to Chairman DULSKI for his patience in handling a potentially explosive situation. Mr. Causey's column follows:

[From the Washington Post, May 14, 1970]

MAIN NAVY PERSONNEL TO BEGIN MOVE

(By Mike Causey)

Who Goofed? Rep. Thaddeus J. Dulski (D-N.Y.) is upset because a lot of people have said and written that the March postal strike wouldn't have happened if his Post Office and Civil Service Committee hadn't dragged its feet on postal reform.

Dulski, who normally has a low boiling point, ought to be mad. The fact is that the strike probably would have happened anyhow, and Dulski's group didn't prompt it.

This time a year ago, several postal employee unions were loudly proclaiming that the administration's postal corporation plan would mean the end of the world, cut their ties with Congress, and probably lead to a strike.

The Nixon administration announced its plan to veto any pay bill that didn't have the White House brand of postal reform attached, and the stage was set. If Dulski's group had approved an administration-style bill when some people think it should, the strike probably would have come during the Christmas rush, and have been even worse.

Because Dulski was a model of patience, nursing the postal reform bill for over a year despite some rebuffs by his Committee, it appears that the unions and the administration will get most of what they want this year.

This isn't a fluff piece to get in Dulski's good graces. This column has a long history of locking horn's with Dulski and other members. We've knocked them about bill-writing procedures, travel expenses and the like. And it is bound to happen again.

But this time we'd like to come to Dulski's defense. He has probably done more than any man in the House to get the administration and unions to smoke the peace pipe and head off future strikes. If he deserves anything on this one it's a medal, not brickbats for supposedly triggering a mail strike.

## THE COURAGE OF THE PRESIDENT

### HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. GOODLING. Mr. Speaker, the air is heavy with voices that are challenging the wisdom of President Nixon in cleaning up Vietcong sanctuaries along the Cambodian border.

Once in a while, however, a message with a ring of recognition rather than condemnation pierces this heaviness, sounding out loud and clear. One such message written by Mr. Charles Gould appeared in the May 1, 1970, issue of the San Francisco Examiner under the title "The Courage of the President." Because this article presents a unique viewpoint on President Nixon and the Cambodian situation, I insert it into the RECORD so that it will come to the attention of a broad range of citizens:

THE COURAGE OF THE PRESIDENT

(By Charles L. Gould)

President Nixon did not take the fighting to Cambodia.

The Viet Cong and the North Vietnamese did.

In both world wars hundreds of thousands of American troop fought across Europe.

They were not concerned with invisible national boundaries. They were concerned with meeting the enemy and destroying him.

In 1917 and again in 1941 our nation made open declarations of war. War-time rules were imposed at home. Dissent was stifled. Battle goals were established. And power at our command was used to achieve them.

Had we fought Hitler as we have fought Hanoi, our troops would still be mired down in the battlefields of Europe. Or—we would be saluting the swastika.

For six long years our men have fought in Vietnam under a weird, one-sided code of Marquis of Queensbury rules.

Our men were not permitted to fight to achieve victory. Our fighting men and their allies were not permitted to pursue the enemy into North Vietnam. They were not permitted to pursue the enemy into Laos and Cambodia.

Thus the enemy was given the right of initiative. He could pick the time and place and method of his attacks. He could strike and run.

Our men could lose but they could not win.

The danger of the fighting escalating into a world-wide conflagration was our alibi for not defining the enemy's defeat as our goal.

The danger that the war would erupt on a global scale was present the moment we committed our first fighting man to the conflict.

The same danger is implicit in each of the pacts we have with fifteen nations of Europe and with numerous other nations in Asia and the Middle East.

These pacts were established to protect weak friends and allies from the repeatedly declared aggressive aims of the communists.

All should recognize that the danger of a third world war is ever-present. This danger was born the moment following World War II that the Communists again restated their goals of global domination.

If World War III comes it will come when the Communists believe the time is right.

They may believe the time is right if our country is so hopelessly divided that we—as a people—fail to support our President in supporting our fighting men as he did last night.

Let it be clear that President Nixon has not established victory as a goal in Vietnam. Months ago he mapped plans for honorably extricating our troops from the conflict and turning the defense of South Vietnam over to the forces of that nation. He has not changed those goals.

However, if the Viet Cong and the North Vietnamese were permitted to expand and perpetuate their sanctuary in Cambodia, President Nixon saw grave danger that his carefully planned timetable of de-escalation would be destroyed.

He saw a stepped-up threat to the safety of our fighting men. He saw the danger of expanded war through failure to act.

He acted with courage and statesmanship. He merits our support.

## REFERRING THE NEUTRALITY OF CAMBODIA AND THE HUMAN RIGHTS OF THE CAMBODIAN PEOPLE TO THE UNITED NATIONS

### HON. DONALD G. BROTZMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. BROTZMAN. Mr. Speaker, I am today introducing, along with the distinguished gentleman from Michigan (Mr. BROOMFIELD) and the distinguished gentleman from Kentucky (Mr. COWGER), a concurrent resolution expressing the sense of the Congress that North Vietnam's violations of the neutrality of Cambodia and the human rights of the Cambodian people be referred to the United Nations.

On May 7, 1970, I introduced a resolution reaffirming Congress' role in matters affecting grave national issues of war and peace. The resolution I now introduce represents a positive exercise of our constitutional mandate.

President Nixon and Secretaries Rogers and Laird have repeatedly stated that our present involvement in Cambodia is for the sole purpose of protecting allied forces in South Vietnam as they withdraw. I have concurred in the carefully delineated steps taken by the President. However, when American troops withdraw from Cambodia in the next few weeks, they will leave behind them the unresolved threat to international peace posed by the presence of North Vietnamese and Vietcong troops in violation of Cambodian neutrality and the human rights of the Cambodian people.

I believe these unresolved threats to Cambodia and her people should be referred to the United Nations, the body created to maintain international peace and promote human rights. Article 34 of the U.N. Charter states that "any member may bring any dispute to the attention of the Security Council." Mr. Speaker, I feel the United States, pursuant to article 34, should bring the Cambodian matter to the Security Council with the objective of formulating a plan to assure the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people.

## NORTH VIETNAM VIOLATES CAMBODIAN NEUTRALITY

### HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. BROOMFIELD. Mr. Speaker, I am pleased to join with the distinguished gentleman from Colorado (Mr. BROTZMAN) and the distinguished gentleman from Kentucky (Mr. COWGER) in introducing a concurrent resolution expressing the sense of Congress that North Vietnam's violations of the neutrality of the Cambodian people be referred to the United Nations.

As a former U.S. delegate to the United Nations, I have frequently emphasized the need for greater U.N. involvement in the conflict in Indochina since that organizations was created to maintain international peace and promote human rights.

The President's decision to move against North Vietnamese forces in Cambodia was the result of long and repeated violations of Cambodian neutrality by the Hanoi government. When our present involvement in Cambodia is ended within the next few weeks, the threat to international peace and the human rights of the Cambodian people posed by the presence of North Vietnamese and Vietcong forces will remain.

The United Nations has devoted a great deal of its energies since Human Rights Year in 1968 to steps which could be taken to secure the better application of existing humanitarian international conventions.

The 24th General Assembly received recommendations for implementation of such steps.

The 23d General Assembly, acting upon the recommendation of the International Conference on Human Rights, established an investigatory committee to look into alleged violations of human rights in the occupied territories of the Middle East following the June 1967 war. It would appear that similar action would be appropriate in Cambodia.

Article 34 of the U.N. Charter states that "any member may bring any dispute to the attention of the Security Council." In keeping with its constitutional responsibility, Mr. Speaker, I believe that the Congress should recommend that the President request the Security Council to take up this matter with the objective of formulating a plan to assure the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people.

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## RESIGNATION OF ANTHONY J. MOFFETT

### HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. MEEDS. Mr. Speaker, the extent to which the administration has lost touch with the youth of America may be exemplified by the resignation of Anthony J. Moffett as Director of the Office of Students and Youth in the U.S. Office of Education. Mr. Moffett supported young people who sought to change American education constructively. He tried to give them and their ideas access to and impact on Federal education policy. Unfortunately, the increasingly repressive character of the administration undercut his efforts.

I sympathize with the feeling of frustration which Mr. Moffett must have experienced in carrying out, under severe handicap, the duties of his office. His statement of resignation sums this up very well. Since some of my colleagues may not have had an opportunity to see Mr. Moffett's statement, I am inserting it in the RECORD at this point:

STATEMENT OF ANTHONY J. MOFFETT

In September, 1969, Commissioner of Education, James E. Allen, Jr., established an Office of Students and Youth. I was named director of that office which the Commissioner called "an advocate for youth within the Office of Education." Events since then, and particularly within the past ten days, have convinced me that this advocacy function is untenable within the Nixon Administration. I am today resigning from my position.

When the Office of Students and Youth was created, it appeared to offer young people a unique opportunity to influence both Federal education policy and the educational system as a whole. Since September a large number of young people—students, drop-outs, and others—have worked within the office, within the system to be sure. Most of our attention has been focused on giving support to young people seeking to constructively change education. We have met with youth throughout the country, given technical assistance to youth-run education programs, placed young people on Office of Education committees, worked to increase student involvement in other education agencies, public school systems, and universities. Most important of all, we have sought to give young people and their ideas access to and impace on federal education policy. But the increasingly repressive character of this administration has undercut our efforts.

The recent remarks by the President concerning student protestors were most instrumental in my decision. For they confirmed what thousands of students have believed or suspected for some time: namely, that the President and his most trusted advisors do not view themselves as leaders of *all* of the American people; that they do not have the best interests of youth in mind; and, most tragically, that they will sanction even the most vicious tactics against young people and other legitimate political dissenters.

In the midst of this disastrous Administration posture, the most natural ally for youth within the Federal government, the Department of Health, Education, and Welfare, has failed to play enough of a leadership role. High-ranking Department officials have often been more concerned with protecting what they perceived to be the political interests of the President, the Secretary, and the Commissioner of Education, than with effectively serving the Department's constituents—the young people of America. But our staff has been generally satisfied with the Secretary and Commissioner.

As recently as March 31, 1970, the President, in a memorandum for heads of executive departments and agencies stated:

"How well we communicate with youth and seek the advantage of their abilities will influence our effectiveness in meeting our responsibilities."

Through his irresponsible statements of the past week—the labeling of student protestors as "bums," the attempt to blame the Kent State tragedy on violent dissent—the President has exposed the above statement as mere rhetoric. He has demonstrated that he does not understand young people, and that he does not wish to communicate with them. And students across the country are saying "enough, enough" to his shortsighted policies. I support their non-violent protest and can no longer continue to serve in an Administration which seeks to discredit it.

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## THE BREMERTON SUN ON CAMBODIA

### HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. HICKS. Mr. Speaker, at a time when our Nation is deeply concerned over President Nixon's expansion of the war into Cambodia, one of the most thoughtful appraisals of the President's decision I have read appeared in the May 5 edition of the Bremerton, Wash., Sun. I wish to bring the Sun's editorial to the attention of my colleagues:

ARE WE COMMITTED TO A NEW "DOMINO THEORY"?

President Nixon may have, as it seems, convinced a majority of Americans on the wisdom of his decision to expand the Vietnam War into Cambodia. In spite of the elaborate and careful arguments cited in its support, some aspects of the President's announcement are more perplexing the longer considered.

One day he was on television assuring us that Vietnamization of the war is proceeding apace and that 150,000 more American troops would be returned home within a year. Ten days later, he was on television again to announce a whole new direction to the war—an assault on North Vietnamese sanctuaries inside Cambodia—citing no development significant enough to warrant such a reversal. Subsequent announcements confirm the renewal of bombing of North Vietnam—later terminated—and additional waves of U.S. assault troops in Cambodia.

The administration explains that the new military operations were taken in order to defend a country from aggression. The North Vietnamese, it is said, are now attacking Cambodia from sanctuaries. Yet the President acknowledged the North Vietnamese have been in Cambodia for more than 5 years.

The North Vietnamese attacks on the Cambodian army seem not properly construed as an invasion. This military action results from the changed political relationship between the Cambodian and North Vietnamese governments brought about by the overthrow of Prince Sihanouk. This is a matter between those two countries; the dispute does not necessarily demand U.S. involvement.

An additional reason—and perhaps the compelling one—given by the President is that the North Vietnamese sanctuaries in Cambodia present a real danger to United States troops in South Vietnam. Still, he presented far from compelling evidence that American lives are more endangered now than in the past.

The President said the offensive would save American lives and shorten the war by forcing North Vietnam to agree to a negotiated peace.

That is the same false logic which has dictated every other American decision in this conflict, such as the decision to commit American combat troops in 1964 and the decision to bomb North Vietnam in 1965.

Unfortunately, the result of all of them has been only to increase American casualties and prolong the war. If the Russian attitude expressed yesterday by Premier Kosygin is genuine, that seems likely to be the case again.

It is also unfortunate that the President chose to couch his announcement in terms of America's honor and its position as a first-rank world power. His words were disturbingly reminiscent of Lyndon Johnson's statement that he was not going to be the first American President to lose a war.

It the end, if this offensive is no more effective than all those others, we may be required to accept a settlement without a victory, surely, and possibly without honor except in our own eyes. Eventually, it seems almost certain to us, the President is going to have to prepare the nation for that kind of settlement.

But Mr. Nixon's decision to mount large-scale attacks against Cambodia and to renew the bombing of North Vietnam makes it clear that that time is not in sight.

Instead, we are committed apparently to a "domino theory" of sanctuaries; that is, that as an assault on one sanctuary proves fruitless, we seek out another sanctuary.

And the last domino, obviously, is Red China.

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## FREMONT POLICEMEN HONORED

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. EDWARDS of California. Mr. Speaker, on Saturday evening, May 9, I was honored by being selected as the keynote speaker at the awards banquet honoring the top 20 police pistol marksmen in the State of California. This fine group is honored yearly after arduous competition as the "Governor's 20." The contest was sponsored by the California Police Combat Shooters Association.

The awards banquet was especially pleasing to me this year because eight of the Governor's 20 pistol marksmen were members of the Fremont Police Department whose chief of police is that splendid officer, John Fabbri.

Mr. Speaker, I wanted to share my thoughts on this occasion with my colleagues in the House of Representatives because of the extraordinary achievements of these eight police officers. Fremont is a city of approximately 100,000 inhabitants and yet these eight officers of the Fremont Police Department won out over police officers of every city in California, the largest State in the Union with a population in excess of 20 million people.

My congratulations go to all of the Governor's 20 but especially to the eight outstanding officers of the Fremont Police Department whose names follow: Sgt. Robert Pellern, Sgt. Robert Meyers, Detective Richard Cox, Reserve Officer Jerry Teixeira, Patrolman Dan Feliciano, Patrolman Karl Trettin, Detective Ed Montgomery, and Patrolman Cal Robertson.

## ISRAEL NEEDS JETS

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. EILBERG. Mr. Speaker, with the introduction of Russian pilots and crews into the forces of the United Arab Republic, the situation in the Middle East is rapidly deteriorating. The arguments advanced previously for selling, and I emphasize the word selling, these planes to Israel are more relevant now than ever before.

The presence of a credible Israeli deterrent in the Middle East is necessary to convince the Arabs and their Russian patrons that peace talks are the only path to a meaningful settlement of that conflict. This deterrent, experience has proven, discourages the possibility of a wider war and improves the chances for peace.

I also caution those who draw parallels between the Middle East crisis and other international problems. While the U.S. ambition has consistently been peace through negotiations, our national interests dictate the use of sophisticated and various responses in pursuit of this goal; measures which are relevant, applicable, and effective in the region concerned.

With the unanimous consent of my colleagues I commend to their attention an editorial from the Philadelphia Inquirer of Thursday, May 14, entitled "More of Same in Mideast":

### More of the Same in Mideast

Tuesday's lightning armored strike by Israel against the "al Fatah" corner of Lebanon, on the southwestern slopes of Mount Hermon, may or may not have accomplished its military objectives, but it just set off more of the same, tired routine in the United Nations.

Acting on Lebanon's request for an emergency meeting, the Security Council went through its paces and came up with a demand that Israel withdraw forthwith.

It voted 13–2 against an American amendment which would have required both sides—including the Arab guerillas based in the area—to cease the fighting.

Now that Israel has withdrawn its forces, it would seem that chapter has been closed. But the regularity with which the Security Council ignores raids by Arab guerillas and chastises Israel will continue to bear witness to U.N. bias.

All of which might be shrugged off, except that this time Syria, Iraq and the Lebanese Government participated on the side of the guerillas (although with what effect is moot) and the action was hotter and more damaging.

Coincidentally, it has been reported that U.S. Sixth Fleet commanders are becoming genuinely worried about the Soviet naval squadron in the Mediterranean.

The latter has recently become more than a token "presence"; it is an active threat to North Atlantic Treaty Organization forces, whose role in a real Mideastern blowup would be vital.

Among other conclusions to be drawn from this juxtaposition of events and potential events, it seems to us, is that this country would do well to reconsider—quickly—the continuing delay in the sale of Phantom jets to Israel.

With Russian pilots already flying what are nominally United Arab Republic MIGs, those Phantoms in friendly hands—before, not after, they are needed—could be an important factor in keeping the "balance" balanced.

The U.N., it appears, will never do anything in that line of its own volition.

## TWO BUFFALO, N.Y., WINNERS FOR MEDICAL REPORTING

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DULSKI. Mr. Speaker, there were two Buffalo, N.Y., winners today as the annual Albert Lasker Medical Journalism awards were presented at a luncheon in New York City.

Buffalo's educational television station, WNED–TV, was honored for its program "Smoking and Health: The Tar Factor." This station has been providing an outstanding service for our area with its many special programs. Clearly, the award is richly deserved.

Miss Judith Randal, a native of Buffalo, won the award for her weekly syndicated newspaper column which is distributed to newspapers across the country by the Washington Star Syndicate.

Miss Randal is an excellent medical reporter for the Washington, D.C., Evening Star and I am including with my remarks an article published in the May 13 edition of the Star:

### Star's Medical Reporter Wins Lasker Award

Judith Randal, medical reporter for The Star, was named today as winner of the $2,500 Albert Lasker Medical Journalism Award in the newspaper field.

Miss Randal and other Lasker award winners for 1970 will be presented their awards at a luncheon in New York tomorrow.

Sen. Edward M. Kennedy, D-Mass., will be the luncheon speaker, substituting for Walter P. Reuther, United Auto Workers president who was killed in a plane crash Saturday.

The 1970 Lasker award for newspapers goes to Miss Randal for her weekly column, syndicated as part of the "Washington Closeup" column published in The Star and other newspapers served by The Washington Star Syndicate.

Other award winners were Gene Bylinsky, associate editor of Fortune magazine, for his article, "Biochemical Clues to Mental Illness"; Isaac Kleinerman, producer of the CBS program, "The First Ten Months of Life"; Station WNED–TV, Buffalo, N.Y., for the program, "Smoking and Health: The Tar Factor"; Lester Cooper, producer of the program, "Heart Attack," for the ABC television network, and Station WITI–TV, Milwaukee, Wis., for the program, "A Change of Heart."

Miss Randal came to The Star in 1967 from the Newhouse National News Service in Washington, where she covered medicine and the biological sciences. Before that, she had been a freelance writer in New York City, contributing to Harper's, Think, The Reporter and other publications.

She is the author of "All About Heredity," a book for children on genetics, and served for a time as children's science editor for Macmillan Co.

A native of Buffalo, N.Y., Miss Randal grew up in New York City. She is a graduate of Wellesley College and was a fellow in the Columbia University School of Journalism's advanced science writing program.

Earlier honors for Miss Randal include this year's Claude Bernard Science Journalism Award, given by the National Society for Medical Research in the category of newspapers of more than 100,000 circulation.

## MERLO PUSEY ON PRESIDENTIAL WARS

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. HAMILTON. Mr. Speaker, I want to bring to the attention of my colleagues the following article by Merlo Pusey, which provides a penetrating discussion of the current debate over the role of Congress in foreign policy:

### Presidential War: The Central Issue

(By Merlo J. Pusey)

It would be a pity if the serious constitutional issue underlying the current protests against the war should be lost in the cyclone of threats, anti-Nixonisms and obscenities. However clumsy they may be in articulating it, the students do have a legitimate complaint. They face the possibility of being drafted against their will for service in a presidential war.

All the talk about pigs, revolution and smashing the establishment fails to alter the fact that, in one basic particular, the dissenters are the real traditionalists. Madison and Jefferson would have understood the anger on the campuses against the dispatch of young men to war in Southeast Asia at the dictation of one powerful executive. Madison and his colleagues wrote into the Constitution a flat prohibition against such a concentration of power. Yet it now seems to be accepted as standard American practice.

President Nixon reiterated his claim to the war power the other night in his news conference. In explaining that none of his advisers was responsible for the invasion of Cambodia, he said:

"Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advice of those, and I made this decision."

The question of going to Congress for the decision or even of discussing the matter with congressional leaders appears not to have been considered. The result of the decision was to extend the war to another country. By any interpretation that may be placed upon it, this was a grave involvement for the nation. Most of our Presidents would have deemed it imperative to go to Congress for authority to take such a step.

Now the administration is resisting the attempt of the Senate Foreign Relations Committee to cut off funds for military operations in Cambodia. The committee has carefully tailored its restriction so as not to interfere with the President's avowed in-

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tention of clearing the sanctuaries and then withdrawing the American forces. But this has met with opposition from the State Department on the broad ground that actions of the Commander in Chief should not be subject to statutory restrictions.

There are several very interesting phrases in this letter which Assistant Secretary David H. Abshire sent to the Foreign Relations Committee. He contends that Congress should not limit military spending in such a way as to "restrict the fundamental powers of the President for protection of the armed forces of the United States." The implication seems to be that the President has authority to send our armed forces anywhere in the world, for purposes which he thinks appropriate, and then to take whatever additional action he may think necessary to protect those forces. Under this reasoning, it seems, no one can do anything to stop a presidential war.

This view of the war power is not, of course, unique with the Nixon administration. President Truman made even more expansive claims to unlimited presidential power, and LBJ was not far behind. Mr. Nixon's State Department is merely mouthing what has become accepted doctrine in the executive branch. But it is an outrageous doctrine that flies into the face of the letter and spirit of the Constitution and is repugnant to the basic concepts of democracy.

There is no principle about which the founding fathers were more adamant than denial of the war power to a single executive. After extended debate they gave Congress the power to raise and support armies, to control reprisals and to declare war, which, of course, includes the power of authorizing limited war. The President was given authority to repel sudden attacks, but there is nothing in the Constitution which suggests that this can be legitimately stretched to cover military operations in support of other countries in remote corners of the world.

In a literal sense, therefore, it is the students—or at least the nonviolent majority among them—who are asserting traditional, constitutional principles. It is the State Department which is asserting a wild and unsupportable view of presidential power that imperils the future of representative government.

Somehow the country must get back to the principle that its young men will not be drafted and sent into foreign military ventures without specific authority voted by Congress. That is a principle worth struggling for. Congress now seems to be groping its way back to an assertion of its powers, but its actions are hesitant and confused, as if it were afraid to assume the responsibility for policy-making in such vital matters of life and death.

Of course Congress is at a great disadvantage when it tries to use its spending power to cut off a presidential war for which it has recklessly appropriated funds in the past. In these circumstances, the President is always in a position to complain that the result will be to endanger our boys at the fighting fronts. Congress seems to have discovered no sound answer to that warning.

But Congress could stop presidential wars before they begin by writing into the law firm prohibitions against the building of military bases in foreign countries and the dispatch of American troops to other countries without specific congressional approval. If Congress is not willing or able to devise some means of restoring the war power to the representatives of the people, we may have to modify our system of government so that the President would become answerable to Congress for abuses of power. In the light of our Vietnam experience, it seems highly improbable that the country will long continue to tolerate unlimited power in one man to make war.

## POLISH CONSTITUTION DAY

### HON. SAMUEL S. STRATTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. STRATTON. Mr. Speaker, last week millions of Americans joined in paying tribute to the proud and brave people in Poland on the occasion of the 179th anniversary of the adoption of the Constitution of Poland. That inspiring document, modeled after our own Constitution, has, since May 3, 1791, demonstrated the democratic ideals and zeal for liberty that have been a part of the heritage of the people of Poland, as well as those of Polish descent living here in this country.

This year Polish Constitution Day happens to coincide with the 25th anniversary of the Katyn massacre, that vicious slaughter of some 4,000 Polish officers and intellectuals by the forces of the Soviet Union. That massacre was just another incident in the long and tragic history of Poland's repression by neighboring totalitarian governments who have at various times regarded the traditional love of freedom in Poland to be a threat to their dictatorial regimes.

So on May 3, Constitution Day, we have all paused to reaffirm our belief in the validity of that spirit of freedom which is still active behind the Iron Curtain in Poland, and our conviction that that spirit will ultimately triumph. We all look forward to the day when the democratic Constitution of Poland will again govern that land and when the brave, proud people of Poland will once again be free.

## TWENTY-TWO YEARS OF ISRAELI STATEHOOD

### HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. MINISH. Mr. Speaker, on May 15, 1948, the establishment of the State of Israel was proclaimed by David Ben Gurion, head of its provisional government. To observe the sovereignty of Israel, the last of the British garrison withdrew on that date.

I should like to mark Israel's anniversary by reminding my colleagues of the current situation in this beleaguered nation. Israel, a small state with 2½ million people, has to contend with the aggression of the Arab world. Since its independence, to which it was entitled, it has been attacked thrice in joint actions by its Arab neighbors, who have pledged to drive Israel into the sea.

Mr. Speaker, I sincerely hope that the Arab's willful destruction of Israel will not occur. We in the Congress are reminded of the almost 6 million European Jews eradicated by the Nazis. Such inhumanity must not be repeated in the Mideast.

It is known that Soviet pilots are manning squadrons of jet interceptors within the United Arab Republic. These Russian pilots are reported to be part of an 8,000 to 10,000 military advisory force sent by Russia to assist the Arabs. Moreover, Mig-21's and SAM-3 air defense missile sites are also reported to be part of the Arab defense system.

The administration has considered the sale of F-4 Phantom jets and A-4 Skyhawks to Israel. I hope it will recognize that the Israeli-Arab dispute is not a question of territory or politics or economics, but of existence, Israel's existence.

The Arabs have admitted their unwillingness to negotiate a peaceful settlement with Israel, and seek only to destroy her. Furthermore, the Russians are the UAR's willing ally.

Mr. Speaker, the promised land of the Bible, the Canaan to all Jews, is Israel. For more than 18 centuries world Jewry was in the Diaspora, dispersed everywhere. But always their thoughts and hopes centered on Israel.

Now they have a sovereign nation, and she asks only to be permitted to live peacefully and without threat in a land she has turned from arid desert into fruitful abundance.

Let us, then, on the occasion of Israel's 22d anniversary of her independence, do more than pay lip service to her needs.

## SENATOR WILLIAMS SAYS "THANK YOU" FOR HOUSING HONORING "JAY" SMITH

### HON. EDWARD J. PATTEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. PATTEN. Mr. Speaker, many public housing projects thoughout the Nation bear the names of individual citizens who, in one way or another, worked to provide more adequate shelter for moderate- and low-income individuals.

On May 10, it was my good fortune to participate in the dedication ceremonies for Jeannette Smith Village in Carteret, N.J. Like others there, I was deeply moved. The decision to honor Jeannette—or "Jay" as she was nicknamed—Smith was a thoroughly appropriate action which warms the hearts of all those who knew Jay and of her work here in Washington.

Mrs. Smith was well-known in the Capitol City for her work with Mrs. Marie McGuire in the public housing programs first in the Housing and Home Finance Agency and later in the Department of Housing and Urban Development. She was also known as a good citizen with a keen eye for social injustice and skill in efforts to overcome those injustices.

And she was the sister of Senator HARRISON "PETE" WILLIAMS.

Together, they worked for better housing. Senator WILLIAMS, a member of the Senate Banking and Currency Committee, took a deep and personal interest in all forms of housing and urban development; and he showed special concern for housing for the elderly.

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Jay Smith was one of those Federal executives who seemed always to go to the heart of the matter when she saw an application for housing. She always asked: What will these units mean for the people who will someday live in them?

For these reasons, I was pleased indeed when the Housing Authority of Carteret decided to dedicate new housing for the elderly in honor of Mrs. Smith. The ceremony on May 10 was especially poignant because within the past year Jay Smith was taken from us. Vital and very much concerned about the work that yet remained to be done, she fell victim to a stroke.

Senator WILLIAMS was the principal speaker at the ceremonies in Jay Smith's honor. He offered thanks for himself and for his family. His speech should be remembered. I include it in this RECORD at this point:

### REMARKS AT THE DEDICATION OF JEANNETTE SMITH VILLAGE—CARTERET, N.J.

(By Hon. Harrison A. Williams)

My first duty here today is to extend my heartfelt thanks to John Sudia, Director of the Carteret Housing Authority.

I have been told that John has worn out two automobiles running back and forth between Carteret and Washington, D.C., to get approval on housing projects here within the last few years.

And now that he's deeply involved in an urban renewal project, he fully expects to have a third loss on his hands any day now.

Ed Patten knows just how persuasive John can be when he *does* get to Washington. When we see Sudia coming, we know that he wants to put us to work.

But we know that John's work is *worth* doing.

And then, too, John, Ed, and I have a friend in Washington.

She is Marie McGuire, and she has two precious gifts.

She can move bureaucratic mountains.

She can see people through the paper work.

Those of you who knew my sister Jay, may know that she worked with Marie.

And what a team they were.

Jay was never one to let dust gather on an application for a housing project. She would look at it all: the statistics. the criteria, the financing requirements And somehow she came back to only one question:

What will this project mean to the people it is meant to serve?

Marie always asks that question, too.

In fact, Marie, you can take credit for making a sometimes singlehanded effort to bring the human touch to public housing.

Marie and Jay weren't overwhelmed with paper and red tape—they cut thru it all to its meaning of people in homes—homes they didn't have and needed so much. They wouldn't settle for mere shelter. They insisted that life, and hope, thrive in these buildings.

The close working relationship between Marie and Jay was accepted, I suppose, as an everyday fact of life in Washington over the years.

But Marie, at the memorial services to Jay on that hilltop overlooking the Potomac just a few months ago, you told us what it was all about.

You let us know what Jay had contributed to your life.

You let us know what Jay had contributed to her work.

And now here today, we dedicate housing which bears my sister's name.

I know her concern about people will be felt here.

She is a partner with all who thought to plan and construct these buildings.

She is a partner with everyone who will ever live here.

You know, perhaps my personal involvement in today's ceremonies has made me see more clearly that any successful project depends upon good faith by good people.

We in Washington can authorize all the programs in the world, but it takes more than Congressional intent to make them work.

Unless neighbors work for neighbors, we can't have successful housing or anything else that is intended to meet local needs.

And unless a man like John Sudia can work day in and day out to help municipal officials and county officials to see why a clear need exists—and why it must be met—we'll have much spelling out of goals, but no action.

I know that this is a dedication, and that you have done Jay and her family great honor by remembering her today. And perhaps I should speak only of pleasant things. But somehow I feel that I would violate the spirit of this day if I did not talk about several matters that trouble me.

You may know that I serve on the Senate Committee on Banking and Currency.

We have the responsibility to act on many programs related to community development, housing among them.

Over the past 11 years, I have heard the witnesses at hearings. I have read the reports about housing shortages. I have worked on the bills. And the Committee has acted time and again to broaden our national commitment to housing. And we paid special heed to the needs of the elderly. We know that they are caught in unique pressure.

But, after these 11 years, I must say that I am deeply concerned about the yawning gap between our needs and our progress.

Worst yet, I am concerned about what appears to be a waning of commitment over the past year and a half.

Within recent months I have come face to face both with need and with evidence of watered-down commitment.

It began when I asked the staff of the Senate Committee on Aging to look into the problems faced by churches and other nonprofit organizations in general when they try to provide housing for the elderly. We looked into other programs, too; but our major focus was on housing.

Here's what we found.

Potential sponsors of housing from many parts of the nation have told us of their troubles:

Unsympathetic municipal governing bodies who saw no need at all to "subsidize" housing for the elderly.

Federal red tape and unresponsive jargon issued in the name of policy.

Confusion about federal intentions: Just last year, the Department of Housing and Urban Development made a major power play to end one very useful program for nonprofit sponsors and substitute another which had drawn widespread criticism.

Despite the criticism, however, that older, and better, program is being phased out.

There are many other difficulties. But let's think for a moment about what happens when the sponsors are unsuccessful—and the project never does get off the drawing board.

Just a few weeks ago in Ocean Grove, I received direct evidence on that subject.

There, at a hearing by the Committee on Aging, we heard from churchmen and officials who know that for every such failure, many older people in their communities live in mounting desperation.

We heard about widows and widowers who lived alone in old houses on which they paid high taxes.

They cannot keep up with all the housekeeping needed for the home. They are just about able to pay the taxes, and so many cut down on prescription drugs and even food to pay those taxes.

Many would like to move into smaller quarters.

But there are no places to be had at prices they can afford.

Three different witnesses at the Ocean Grove hearing told us of finding persons dead in their homes. They were living lives of isolation. They were living in want. And they died alone and unnoticed.

That is what housing for the elderly is all about. It is literally a matter of life and death.

Waiting lists on housing for the eledrly can be tragic documents. Names are crossed off, not because they have been accepted, but because their waiting time had run out.

I've spoken about the dark side of the housing picture because I believe that every American should know what may be happening in his own community.

Today, however, we are celebrating a success story.

We are celebrating a partnership of government and people.

And, in the years ahead, there will be other success stories, other people served, other needs seen.

But for me and my family—this Village—these buildings—will have special meaning. You have given your good will to someone who was dear to us, and we thank you.

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## CAMBODIAN INVASION WEAKENS OUR MIDDLE EAST POSTURE

## HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. RYAN. Mr. Speaker, today's New York Times reported that the Soviet Union has sent approximately another 100 pilots to the United Arab Republic to man three or four squadrons of Mig 21 jet interceptors. This brings the total Soviet strength in Egypt to 8,000 to 10,000 men, plus 20 SAM–3 air defense missile sites which, when completed, will contain 160 missile launchers.

Meanwhile, the Nixon administration continues to refuse to sell Israel the planes she desperately needs and which would insure that the balance of power in the Middle East would be maintained despite Soviet attempts to upset it. And, by its preoccupation with the misguided invasion of Cambodia, the administration is encouraging these new and dangerous Soviet moves in the Middle East.

The passive reaction of the administration to the introduction of SAM–3 missiles in Egypt and the deployment of Soviet pilots in the Egyptian air is extremely dangerous. The tragedy is that now, combined with the "evenhandedness" guiding the State Department, there is also the Cambodia affair which ties the administration's hands. As Joseph Kraft writes in his column today in the Washington Post:

> Delay is necessary because the Nixon Administration has been too obsessed with Cambodia to think about anything else.

And Joseph Kraft correctly concludes that, contrary to the administration's claim, the Cambodia decision has weakened America's position around the world, especialy in the Middle East. As he says:

> One weak response, to be sure, doesn't mean the end of the world. But it shows

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that the claim about Cambodia strengthening the American hand around the world is contemptible. It is, in fact, only slightly less contemptible than the suggestion that the blame for this country's weakened condition should fall on those who protested, rather than those who undertook, the wholly unnecessary move in Cambodia.

Because it is highly relevant to the decisions that are being made at this time, I include at this point in the RECORD Joseph Kraft's informative article from the May 14, 1970, issue of the Washington Post. In particular, I call attention to the last three paragraphs, in which Mr. Kraft zeroes in on the relationship between the invasion of Cambodia and our inability to deal effectively with the Middle East situation. The article follows:

[From the Washington Post, May 14, 1970]

### CAMBODIA WEAKENS U.S. HAND AS SOVIET GAINS IN NEAR EAST

(By Joseph Kraft)

The quaint conceit that President Nixon's Cambodian plunge strengthens this country's global stance encounters reality in the Near East. And the result of the meeting is dismal.

For the Russians are blandly deepening their penetration of Egypt in ways that cause Colonel Nasser to flex his muscles anew. But the United States faces this challenge from a position of weakness unmatched since the Moscow-Cairo axis started building 15 years ago.

The basic facts are well known. In the past few months the Russians have become the mainstay of Egyptian air defense. They have set up new surface-to-air missiles—the SA-3—around Cairo and Alexandria. They have supplied crews to man these weapons.

In addition, Soviet pilots are flying MIG 21 jets on operational, as distinct from training, missions. While the exact nature of these missions is in some doubt the Soviet pilots are rising whenever Israeli pilots penetrate Egyptian territory beyond the Suez Canal Zone. In effect, the Russian's are protecting Egypt's hinterland.

Thus protected, Colonel Nasser, after the usual fashion of the gambler, has had a sudden access of confidence and courage. He has stepped up the attrition raids that take such a heavy toll of Israeli manpower. "We've been here for seven thousand years, and we'll be here seven thousand more," he boasted to one recent visitor.

The Israelis have so far been cautious in response. They have not flown sorties in the area now patrolled by Soviet pilots. Defense Minister Moshe Dayan has expressed interest in getting a cease-fire. But this restrained attitude will be maintained only if there is some indication that Israel does not stand alone—that she has American support.

As to Washington, nobody here doubts that the latest Soviet move represents a challenge and a potential threat to the peace. Nobody doubts that Israel will once more act alone if some kind of American help is not forthcoming. Nobody doubts that if Washington sits on its hands there will be some further Soviet move to penetrate Egypt—perhaps the stationing of the SA-3 missiles and their Russian crews in the Canal Zone within easy range of Israeli guns.

But with all these dangers implicit in inaction, Washington has been looking the other way, dodging conclusions, playing for time. Thus a massive intelligence analysis is under way to determine exactly the nature of the new mission assigned to Soviet pilots in Egypt. Moscow was asked by Ambassador Jacob Beame—who doesn't exactly have the clout to make strong demands—for an explanation of the new assignment for the Soviet pilots. When the first explanation was found to be too vague, he was sent back for more.

In the long run, everybody concedes that the President will be obliged to take some action. The best guess is that Israel will be offered more planes and credits, and perhaps a closer working arrangement in defense. But this will be done quietly and with little public stir—slipped over the transom, as it were.

What this means is that the American response in the Near East will be a weak response—slow in coming and almost invisible. No doubt there are good reasons for this weakness.

Delay is necessary because the Nixon administration has been too obsessed with Cambodia to think about anything else. The Congress and much of the country have been so upset by Cambodia that any blaring forth of new undertakings would excite a hostile reaction. But that only says that the weak response in the Near East is rooted in conditions created by the Cambodian strike.

One weak response, to be sure doesn't mean the end of the world. But it shows that the claim about Cambodia strengthening the American hand around the world is contemptible. It is, in fact, only slightly less contemptible than the suggestion that the blame for this country's weakened condition should fall on those who protested, rather than those who undertook, the wholly unnecessary move in Cambodia.

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## DEDICATION OF RICHARD B. RUSSELL AGRICULTURAL RESEARCH CENTER

## HON. ROBERT G. STEPHENS, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. STEPHENS. Mr. Speaker, on last Saturday, May 9, ceremonies were held in my hometown of Athens, Ga., dedicating the new Federal Food Utilization Laboratory. It was not only a program for that purpose but was also an occasion to honor our senior—and beloved—Senator from Georgia, the Honorable RICHARD B. RUSSELL, for whom this Agricultural Research Center has been officially named. Master of ceremonies was Dr. C. H. Neufeld, director of the Richard B. Russell Agricultural Research Center.

After a pleasant presentation of music by the Georg Teleman University of Georgia Barogue Ensemble, Mayor Julius F. Bishop of Athens, welcomed the crowd of some 400 people and Dr. Fred C. Davison, president of the University of Georgia, thanked Senator RUSSELL for his long and devoted service to advancement of agricultural research in Georgia and in the United States.

The main address of the day was delivered by Secretary of Agriculture, Hon. Clifford M. Hardin. Secretary Hardin was appropriately introduced by Dr. George W. Irving, Jr., administrator in Washington of the Agricultural Research Service. Because of the fitness of Secretary Hardin's dedication remarks, I include them in full in the CONGRESSIONAL RECORD.

Secretary Hardin introduced his comments by reading the following telegram from President Nixon:

THE WHITE HOUSE,
*May 9, 1970.*

Hon. CLIFFORD M. HARDIN,
*Care Richard B. Russell Agricultural Research Center-College Station Road, Athens, Ga.:*

The Richard B. Russell Agricultural Research Center bears an illustrious name—one which stands for much that has brought pride and honor to the State of Georgia and to the Nation. I know that the results achieved at this center will improve the quality of living for people of the Southeast and indeed, throughout the world during the years ahead. It is fitting these benefits should continue to come to us in the name of an outstanding and dedicated public servant, RICHARD B. RUSSELL.

RICHARD NIXON.

### ADDRESS OF SECRETARY HARDIN

It is appropriate for us to gather here today to dedicate a superb new laboratory for agricultural research in honor of the man who has made its existence possible.

Years ago, Senator Richard B. Russell foresaw the need for a laboratory such as this in order to meet the new and very difficult problems caused by changing to a different kind of agriculture here in the Southeast. He maintained interest in this facility when it seemed that it could never possibly materialize as he envisioned it. He persisted in his efforts to make others see the need . . . and the benefits . . . of such a laboratory.

And once the decision was made to build, Senator Russell fought for money for personnel, for programs, and for additional unforeseen expenses as the need arose.

This splendid facility—with all that it promises for the agriculture of this area and the Nation—is a lasting tribute to Senator Russell's long concern for agricultural research. He has been a strong friend of the Department of Agriculture and a strong supporter of agricultural research.

The Richard B. Russell Agricultural Research Center is the newest of five regional laboratories of the Department's Agricultural Research Service. Their primary mission is to conduct utilization research on agricultural commodities—to develop new and expanded uses for these commodities, including greater efficiency of usage. Included in this work is the search for methods of preserving and protecting the native good qualities of farm products. The research explores all outlets for processed products—for foods, feeds, clothing, shelter, industrial chemicals and equipment, the whole vast range of man's needs.

Let me review briefly how this Center came into being.

Eight years ago, during Fiscal Year 1962, the Senate at the request of Senator Russell began hearings on the need for a facility in the Southeast to conduct utilization research on the agricultural crops of that region. In September 1963, Senator Russell officially proposed the Center to the Senate. Arguments for a new facility in the Southeast were based on (1) the shift from cotton to diversified agricultural crops, (2) the rise of meat and poultry production and the simultaneous needs for more vital foodstuffs, (3) the changing labor supply with a consequential need for mechanical harvesting and new crop varieties suitable for such practices, (4) the increasing production of oilseeds, (5) the growing need for more processing of agricultural products to give farmers additional returns, and (6) the need to supply processed products tailored to meet the specific needs of domestic and foreign markets.

Funds for the new Center were included in the 1964 Agricultural Appropriations Bill. Architectural plans were developed and construction was begun late in 1966. The build-

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ing is now essentially complete. A skeleton staff of 19 people moved into the building last May. Now, one year later, I understand that the staff consists of about 100 people. When completely staffed, the Center will employ about 500 people, 150 of whom will be senior scientists.

A few words about the organization of the Center. The Richard B. Russell Agricultural Research Center is a part of the Agricultural Research Service under Dr. George Irving. The work here is divided into seven groups. There are three commodity groups—fruits and vegetables; animal products; and feeds, forages, and oilseeds. And there are four groups that might be called support groups—engineering, pharmacology, biochemistry, and product evaluation.

Even though work will be concentrated on crops and on poultry and livestock products important here in the Southeast, the findings will have an impact across the Nation and the world.

This Center will have a strong cooperative State-Federal program under which the Southern State Agricultural Experiment Stations and other divisions of the Agricultural Research Service will work jointly toward the solution of major regional problems.

In this effort, scientists from other State and Federal organizations will work at the Center where this is feasible and advantageous to the research. This kind of close cooperation will enable us to bring an unusually wide range of scientific disciplines to bear on solving agricultural problems. In fact, I understand that this Center will include the widest range of scientists of any laboratory in the Department of Agriculture.

As Dr. Davison (Dr. Fred C. Davison, president, University of Georgia) has indicated earlier, a very close cooperation already exists with the University of Georgia. Some 23 faculty and graduate students of the University's Botany Department are housed in the Center, conducting cooperative research with the scientists here. The programs of the Center and of the University are adding up to be more than the sum of the individual efforts as a result of this cooperation.

Dr. Neufeld (Dr. C. H. Harry Neufeld, Director of the Center) has contacted the other Southern State Agricultural Experiment Stations to explore the possibilities of their also joining this exciting research adventure. These relations with the other Stations will make the work of this particular Center more meaningful to all the States of this region.

Cooperative State-Federal ventures such as these have long been encouraged and emphasized by the Agricultural Research Service. State-Federal research cooperation has been basic to Department policy, and to whatever success we have achieved in agriculture. It will be basic to any success that we may achieve in the future.

Athens, Georgia is an ideal site for this Center. It has the advantages of close association with the University of Georgia, including its excellent academic staff and atmosphere, library facilities, and graduate school. It is centrally located with respect to the Southeastern region, to existing Department field stations, and to the strong research underway in Georgia and nearby States.

As far as this facility itself is concerned, surely it is one of the most splendid and best equipped of its kind in the world. It cannot fail to impress. I understand this white limestone building houses 145 laboratories and 58 constant temperature rooms, several of them completely equipped for low-temperature studies. I also understand that the pharmacological facilities here are among the most advanced in the world. And, of course, this very attractive 400-seat auditorium that we are in speaks for itself. The location of this Center, on top of the highest hill in Athens, is superb.

The Richard B. Russell Agricultural Research Center is indeed a magnificent structure—a fitting tribute to the man who played the predominant role in its inception, development, and realization.

And now it is my special pleasure to unveil a portrait of Senator Russell. This portrait, which was painted by Mrs. Carolyn Heery Berry, was a gift of the architects Heery and Heery, who did such a splendid job of designing the building. Mrs. Berry is the daughter of Mr. C. Wilmer Heery. Senator Russell's portrait will be mounted in the lobby of the Center.

Senator RUSSELL was recognized after the address and he expressed his appreciation for the honors accorded him. He gave the epitome of his philosophy on research when he stated that he had always advocated the ideal of the need to "develop new things and expand old ideas."

To conclude this impressive ceremony another Georgian of whom we are all proud was called upon by Dr. Neufeld. This was my friend and constituent, J. Phil Campbell of Oconee County, Ga., the Under Secretary of Agriculture for the United States. He told of the help that Senator RUSSELL had always been when Mr. Campbell was Georgia's Commissioner of Agriculture and how fitting it was to dedicate the new facility in the name of RICHARD B. RUSSELL.

Among those who attended the event were Mrs. Clifford Hardin, wife of the Secretary; Mrs. J. Phil Campbell, Jr., the Under Secretary's wife; Mr. Michael McCloud and Mr. Dan Tate of Senator TALMADGE's staff; Charles Campbell, Powell Moore, Proctor Jones, and Mrs. Phil Prichett of Senator RUSSELL's staff; Cecil Chapman, head of Georgia's Soil Conservation Service; L. W. Eberhardt, head of Georgia's Cooperative Extension Service, Paul Holmes, ASC program head; C. Wilmer Heery, senior architect for the building, and Mrs. Heery, John McDuffie, farmers home administrator for Georgia, and a host of other dignitaries and friends of Senator RUSSELL.

The entire program was a wonderful tribute to a great American. I am glad to have had a part in honoring Senator RUSSELL.

## WHY GOD!

## HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. HELSTOSKI. Mr. Speaker, the full tragedy of war never completely reaches our hearts until we hear from a relative or neighbor who has lost a loved one on the field of battle.

It brings home forcibly the need for bringing to a rapid and complete end the military action in the Far East and the launching of an all-encompassing effort to prevent future wars.

I believe that most know that I am firm in my convictions that we, as a nation and a people, should not be in Vietnam and Cambodia and should never have gone there militarily, but it has not made me forget those who did answer the call of their country and in many instances when they did not believe in our participation in Vietnam.

Mr. Speaker, these men and their loved ones are the heroes and victims of this turbulent era—the victims of what I consider the poor and questionable judgment of too many chief executives of this Nation.

For those who seem to forget the youth who have been sent to Vietnam and their loved ones at home, I place before them in the RECORD the following letter and poem received from a constituent and neighbor, Mrs. Helen W. Vander Heide, whose 20-year-old son, Pfc. Gerard J. Walker, was drafted on July 16, 1969, and killed in Vietnam on December 26, 1969.

DEAR MR. HELSTOSKI: It is the worse event a mother can endure when her only son is killed in battle. Part of this is what I went through when I first heard of it and as time goes on I just can't forget.

It can't be classified as a poem and I am sure there is many a one who wouldn't read it, but I'm sure every mother in my position will understand.

Perhaps, you can publish this for Memorial Day and make parents realize while they still have their children talk, listen, be interested in their whereabouts, guide them and most of all show them love and respect, I am

Respectfully,
HELEN W. VANDER HEIDE.

WHY GOD

When a man in uniform knocks upon your door and asks,
Are you the mother of,—you know he need not say no more.
For you just stand in shock and cry, Oh God please, God no!
It's at this very moment that life seems so unreal
You look at him and say, are you sure that it's my boy?
With heavy heart and bowed head, he says just one word, yes.
You walk away in a daze with just one thought in mind.
Oh, God, please answer me, why did it have to be.
It's now that I must realize his future dreams are past
But the twenty years I've had with him will never, never pass.
As time goes on I'm remembering more and sometimes hate comes through
But I know I should be grateful for he is now at peace.
Although my heart is heavy as I ask God to help me through
Perhaps some day he'll answer me why it had to be.

## A MEANINGFUL INVOCATION

## HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. WYMAN. Mr. Speaker, at a recent public function in my Congressional District, one of my outstanding constituents, a civic leader in her own right, Mrs. Nettie Kemp of East Kingston, N.H. was called upon to give the invocation. Her prayer was so significantly appealing in all humility and wisdom that I include it in the RECORD at this point so it may be shared with others who realize that in this time of enormous stress the citizens of this great Nation still seek and depend upon divine guidance:

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Dear Heavenly Father, We thank thee for the privilege of meeting here in these pleasant surroundings. We pray for our President and those who have been elected to Public Office. Help them to exert moral leadership and to stand visible and uncompromising for what is right and decent in government. Keep us mindful that Liberty is not only to be loved but to be lived; that Freedom does not mean the right to do as we please, but rather the responsibility to do what is right. Protect us from our enemies without and from weakness and self destruction from within. In all decisions and crisis of the coming days, grant that we may remain one nation under God indivisible with liberty and justice for all. Amen

## JOHN F. KARCH

### HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. BROYHILL of Virginia. Mr. Speaker, under leave to extend my remarks, I would like to call to the attention of my colleagues a more constructive approach to the sentiment now being expressed by some of the young people today. First Lt. John F. Karch, USMC, has returned from a combat tour in Southeast Asia. While he is not in support of the administration's policy in Southeast Asia, the primary purpose of his suggestion is in the hopes it will help the young people in a more civilized and constructive approach in expressing their disagreement in the future.

The remarks follow:

REMARKS BY JOHN F. KARCH

One year ago, I returned from a combat tour in Southeast Asia. I did not agree with the former Administration's policies in that theater, and I am stunned at the systematic blundering and the periodic refighting of the same battles which is even more prevalent in this Administration's strategy. Now we have even further involvement in Cambodia. Still, I am highly indignant toward criticism without constructive suggestion.

Having been on the receiving end of both "bitch speeches" of youth leaders, and NVA and VC ordinance on numerous occasions, I equate these factors but draw the distinction that while the former breeds bitter resentment, the latter inspires sheer terror. Neither is enjoyable or tolerable within the limits of acceptance as generated by life in this country. And for those who are unable or just too stubborn to recognize fact, this is a relatively damn fine country.

I certainly feel, as do many of the "silent majority" who have undergone the same experiences, that there does exist a meaningful realization of what freedom and life are, and which is being lost amid present youth unrest. I feel quite strongly that it is extremely unfortunate that the university "intelligentsia", sheltered beneath the non-responsible shield of idealism afforded by the environment of academic security, have lacked such fundamental perception in attempting to come to grips with reality. Herein lies the Administration-Youth gap.

Students must bring their education and idealism to bear upon experience, and government should encourage this and provide opportunities for it to be accomplished. It is only in this way that constructive alteration of social injustices may be facilitated by channeling and controlling youthful assertiveness and free thought. The continued rape of our society and its institutions by a few emotionally aroused radicals is not the answer.

There must be a way of rectifying such a situation at an expense which certainly would not surpass that created by damages, police forces, clean-up, and so forth caused by present massive demonstrations, confrontations, and killings. One suggestion would operate on the principle of learned experience similar to government intern programs, but with an optimal representation of campuses throughout the nation.

Some guidelines for such a program, hereafter referred to as SAFE—Student Association For Education—are as follows:

1. Each class—sophomore, junior, and senior—would elect one or two campus representatives to SAFE.

2. The graduating class, prior to graduation, would elect an appropriately oriented representative to the SAFE Nation's Congress.

3. This national member would reside in Washington for one year and would participate in Congressional and Senatorial functions, under the cognizance of their state's representatives in the Capitol.

4. National representatives would periodically meet to pass resolutions on relevant issues arising from feedback from the campus representatives, and would submit a valid referendum to Congress.

5. National representatives would be paid by the government a predetermined salary and allowances. This is not to imply government control of the stabilizing attitude and esprit of the organization.

6. The responsibilities of the organization and the national representatives would be enumerated in an appropriate constitution drafted by SAFE and primarily encompass the coordination of campus and national issues and activities.

Thus, dissenting students have a responsive voice in government among their own generation, while other students, who want to receive the education for which they have paid, are afforded a safe opportunity without fear of federal or faculty responsiveness to a relatively few obnoxious protestors creating such further social injustices as closing down our institutions of learning.

The present situation of students and sympathizers who are infatuated with a fad of revolutionary hysteria, demonstrating about the streets of Washington and other cities, emotionally exercising their freedom of expression while confining the freedom of others toward business, entertainment, and so forth, appears a rather inequitable way of providing a point of contention. The place of the student, initially but certainly not entirely, is primarily in the classroom where knowledge can be gained to combine with realistic experience; and *then* changes in the social environment can be effectively made. At present, this country has a minority of loud-mouthed "maggots" who are feeding, although superficially healthfully, upon the decaying flesh of the festering wounds of our society without providing a constructive healing process. Changes must and will come about, but not within the present divisions of dissention. This is one suggestion in the right direction.

## THE 179TH ANNIVERSARY OF POLISH CONSTITUTION

### HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. GREEN of Pennsylvania. Mr. Speaker, I wish to call the attention of the Congress and the American people to this 179th anniversary of the May 3 constitution in Poland. This constitution was adopted in 1791. It created one of the first constitutional governments on the continent of Europe. The significance of this holiday should be understood by every American.

The history of the Polish people has not been one of continued individual freedom. They have been subjected to numerous invasions and tyrannous foreign dictatorships. Their struggle has often been quiet. Even today they are fighting to regain the natural rights and liberties which have been denied them by the tyranny of communism.

But the will of the people as the source of political power in civil society has survived even under Communist domination. The ideals of local government and judicial autonomy of private ownership and free enterprise, of religious freedom, of access to public office and the responsibility of elected officials, are still valued highly by the people of Poland. These are the concepts of government which the Polish people first wrote into their constitution in 1791, and which they have continued to uphold since that time. It is important for Americans to remember a constitution as old as our own which to millions of Poles still symbolizes freedom.

## HOUSE RESOLUTION 91 ADOPTED IN DELAWARE

### HON. WILLIAM V. ROTH, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ROTH. Mr. Speaker, in Dover, Del., the House of Representatives of the 125th General Assembly of the State of Delaware recently adopted House Resolution 91, which, among other things, supports the right of every human being to express his faith in God and Bible publicly without fear or threat of censure.

This resolution, in my view, is deeply significant and of far-reaching importance and I consider it an honor to be among those to whom a copy of this formal expression of the will of the representatives of the citizens of Delaware was forwarded.

It is also my pleasure at this time to commend to all Members the full text of the resolution which follows:

HOUSE RESOLUTION NO. 91, RELATING TO DECISIONS OF ASTRONAUTS REGARDING RELIGION

Whereas, the attention of the House of Representatives of the 125th General Assembly has been called to the efforts of Madeline Murray O'Hara to invoke censure upon America's astronauts; and

Whereas, Mrs. O'Hara recently obtained 27,000 signed letters protesting the decision of the astronauts to read the Bible as a Christmas message to the world from their spacecraft while orbiting the moon in December of 1968; and

Whereas, Mrs. O'Hara plans to present these letters to the National Aeronautics and Space Administration with a demand that the astronauts be publicly censured for their act, and that any further demonstrations of faith by public leaders be prevented; and

Whereas, Mrs. O'Hara has been successful in earlier efforts to influence national policy on behalf of her "religion" which she avows to be atheism; and

XUM

Whereas, the House of Representatives of the 125th General Assembly is disturbed by the efforts of Mrs. O'Hara to impose her personal crusades upon the general public;

Now therefore, be it resolved, by the House of Representatives of the 125th General Assembly of the State of Delaware, that it make known its deep appreciation and whole-hearted support of the Astronauts' decision to read the Bible from the Spacecraft as they orbited the moon during December of 1968, and

Be it further resolved, that the House of Representatives of the 125th General Assembly supports the right of every human being to express his faith in God and Bible publicly without fear or threat of censure; and

Be it further resolved, that a copy of this Resolution be entered upon the Journal of the House and a copy forwarded to National Aeronautics and Space Administration, to President Richard M. Nixon, and to U.S. Senators J. Caleb Boggs and John J. Williams, and to U.S. Representative William V. Roth, Jr.

## EDITORIAL ON INCOME SUPPLEMENTS

## HON. ARNOLD OLSEN

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. OLSEN. Mr. Speaker, I wish to call your attention to a recent editorial by WCBS–TV which casts new light on the question of income supplements. A study cited in the editorial indicates that supplementing a poor worker's income may actually provide him with motivation to work more, not less. I commend it to my colleagues and to include it in the RECORD:

WCBS–TV EDITORIAL: WELFARE REFORM

One misconception about people is that they are basically lazy. For years, it has been assumed that given the choice between more work and more leisure, most workers would choose more leisure. But that's not really the case.

Now, it is true that back in the days when Warren Harding was in the White House, steel workers put in a twelve-hour day, and an eighty-four hour week. Today, of course the 40-hour week is standard. But statistics show, that the work week for most people is getting longer because of overtime. In 1941, for example, the average work week in manufacturing was slightly over 40 hours. In 1965, it was 41 hours, and rising.

What's the reason for this? Well, according to some economists who have studied this phenomenon, the reason is this: Men are likely to choose more work than more leisure when extra income is the reward. People these days tend to place a higher value on goods that they can buy than on time off.

This fact is not only pertinent for understanding what motivates the industrial worker, or the white-collar worker but it also appears to be meaningful in terms of the low-income workers, even the welfare family. For recent studies of low-income families in New Jersey suggest that they, too, will choose to work harder when extra income is provided. This study by the Office of Economic Opportunity tests one of the basic concepts in President Nixon's welfare reform program. That concept is that direct federal assistance should be provided, up to a point, to supplement the income of the working poor.

Some people feared, reasonably enough, that if poor workers received income supplements from the Federal Government, they'd simply get lazy, and work less. Though results of the study are not final, they do suggest that poor people are as motivated as most of us. Those receiving experimental income supplements tended to work harder, not less, the study showed.

In our opinion, the implications of this study weaken the long-cherished notion that income assistance stifles ambition. New data suggest the opposite is true. They suggest another reason why Congress should approve without delay legislation providing income supplements as a reform of our welfare system.

## ILLINOIS EDITOR ON KENT STATE

## HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. SPRINGER. Mr. Speaker, the editor of the Coles County Times-Courier in Charleston, Ill., last week commented editorially on the tragedy at Kent State University. I would like to share his views with my colleagues in the House.

The editor, Buryl F. Engleman, made this observation:

> We do not mean to sit in judgment of the administration of Kent State University. But the failure of many institutions to act with firmness has made it easier for the revolutionaries to expand their efforts.

Elsewhere in the editorial Mr. Engleman notes that the tragedy affected him probably more than anyone else in his community because three generations of his family "have been connected with Kent State."

Mr. Engleman was being modest about his family's "connection" with Kent State. The fact is that his late father, Dr. J. O. Engleman was president for 10 years from 1928 to 1938 and Engleman Hall on the university's campus in northeastern Ohio is named for him. Buryl himself taught for several years at Kent State and his wife Thelma is a graduate of that university. His son Jim also has been a member of the Kent State faculty. The editorial follows:

MUSINGS OF AN EDITOR

(By Buryl Engleman)

Perhaps no campus violence in the United States has had a more shocking and saddening effect on the nation than Monday's incident at Kent State University in northeastern Ohio in which four students—two of them coeds—were killed in gunfire from National Guardsmen.

Half a score additional students were seriously wounded and others were injured in the general melee. The eye-witness account of the disturbance in yesterday's newspaper was both sickening and frightening.

The incident no doubt affected the writer more deeply than anyone else in the community, although several Kent State alumni and former faculty members have served or are serving on the Eastern Illinois University faculty. However, three generations of our family have been connected with Kent State.

Educators, politicians, and others are seeking to fix the blame for the tragedy, as if some one individual were to blame. This, of course, is absurd.

President Nixon said that the tragedy "should convince educators and students that when dissent turns to violence, it invites tragedy."

There is no comfort in the President's remarks, but it tends to broaden the basis for blame. Certainly university administrators who have shown more inclination to yield to demands of lawless revolutionaries rather than place the highest priorities on protecting the rights of the vast majority of students who came to college to learn, has made it easier for lawless militants to stir up campus after campus.

We do not mean to sit in judgment of the administration of Kent State University. But the failure of many institutions to act with firmness has made it easier for the revolutionaries to expand their efforts.

The National Guardsmen cannot be blameless, for they fired without an order to do so, according to their commander, who added—perhaps in mitigation—that they felt their lives were endangered.

The rioters assembled contrary to rules and refused to disband when ordered to do so. The National Guard had been summoned by business men to restore peace after rioters had damaged the downtown district.

It hasn't been made clear whether the victims of the shooting were bystanders or part of the mob. When armed troops are required there's no such thing as a safe spot in the area for onlookers.

There are a great many obvious lessons to be learned from the incident—lessons for the revolutionists, rioters, university administrators, guardsmen and onlookers.

"When dissent turns to violence, it invites tragedy."

## SOME STUDENTS ARE DOING CONSTRUCTIVE THINGS IN THEIR COMMUNITIES

## HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. PRICE of Texas. Mr. Speaker, I am pleased to report that there are students in America who are doing constructive things in their local communities rather than being out in the streets trying to tear our country down.

I insert at this point the following letter I recently received from members of the Sunray High School Health Council of Sunray, Tex., which is in the heart of the congressional district I represent:

SUNRAY INDEPENDENT SCHOOL DISTRICT,
*Sunray, Tex., May 5, 1970.*

Hon. BOB PRICE,
*U.S. House of Representatives,*
*Washington, D.C.*

DEAR MR. PRICE: The students in our school are in the process of organizing the Sunray High School Health Council. Our purposes are to educate ourselves, the students in our grade schools, and the adults of our community in areas of smoking, drug abuse, alcoholism, pollution, cancer, heart disease, tuberculosis and emphysema.

We have borrowed "Smoking Sam" from the top of Texas Tuberculosis and Respiratory Disease Association and are now demonstrating to our students the amount of smoke, tar and nicotine that "Smoking Sam" has in his clear glass lungs as the result of his smoking. "Smoking Sam", a mannequin, actually smokes filter-tipped cigarettes.

We are planning to sponsor a "No Smoke Day" in Sunray. We plan to ask all smokers in Sunray to give up cigarettes on that day. We will ask that these smokers donate the money they save to our organization. A part of the money will be used to take care of our local expenses. The rest will be donated to a health organization, possibly the Top of Texas Tuberculosis and Respiratory Disease Association.

We are hopeful that our idea for high school health councils will "catch on" and spread to other schools. We plan to seek invitations to visit surrounding schools to give our "Smoking Sam" program and we plan to offer our assistance in helping students of other schools organize similar high school health councils.

We tell you these things so you will know the request we are making of you is a well founded one that may be conducive to much good on the scene in America today.

Our request is for free materials concerning the areas of health indicated above. We must build a library for ourselves so our information is accurate and reliable. We believe you will be willing and able to assist us in this.

Very truly yours,
Sunray High School Health Council,
Margaret Walker,
*President.*
Kathy Gamblin,
*Vice-President.*
Leslie Teaff,
*Secretary.*

## SPEECH BY SENATOR BIRCH BAYH

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. JACOBS. Mr. Speaker, I insert the following remarks delivered by Senator Birch Bayh of Indiana, before the Anti-Defamation League in New York City on May 11, 1970:

### Speech by Senator Birch Bayh

These are trying times in which we live. The institutions of America are under extraordinary attack. I need hardly remind this audience of the decade of violence behind us—from Selma to Detroit, from Berkeley to Columbia—and of the terrible cycle of violence breeding repression and repressions breeding violence.

Surely, America cannot tolerate the constant threat of violent revolution. But every intelligent American must realize by now that we cannot, merely by imprisoning a few extremists in our society, respond to the voices of question and criticism—honest questions, legitimate criticisms—which a great many Americans have raised.

It has often been said that this administration is in tune with the policies of our time, that America is exhausted from the efforts we have made in the cause of social progress over the past decade. Go slow is the word in the legislative area of people programs. But history tells us that leaders who abdicate their responsibility to lead, who refuse to face problems when they should be faced, eventually reap a bitter harvest of contempt for their lack of forthrightness. Frightened by innovation and dismayed by dissent, the present administration strives for mediocrity. Unable to break free of conformity and conventionality to deal effectively with the nation's problems, it becomes ever more obsessed with security. That this administration might fear revolution is understandable. For as President John F. Kennedy once said:

"Those who make peaceful revolution impossible will make violent revolution inevitable."

When year after year this nation seems incapable of arresting the deterioration of its cities; incapable of cleaning up its streets; incapable of halting a war that has cost us 40,000 men; incapable of stopping the growth of crime and the fear all of this breeds, it is not unreasonable to expect that a good many citizens will explode in violent rage as a result of persistent and apparently hopeless frustration.

Undeniably the violent war on society is being escalated by those who insist the only way to reform the system is to destroy it and start afresh. Those who engage in such violence must be dealt with firmly. But the most serious danger to America today comes not from the activities of young militants, but from the magnitude of the backlash that may result from the increasing polarization of our society.

The first symptom of insecurity is unrealistic fear of unorthodoxy. It attaches itself to administrations that lack any clear sense of purpose and direction and it spreads like a malignant growth in the body politic. Because of fear there is public acceptance of seemingly small sacrifices and insignificant relaxations of time honored rules of law and justice. Zealous men in well intentioned law enforcement shortcuts undermine the very foundations of liberty.

History has shown that oppresson very frequently has innocent origins. For as the great Justice Louis D. Brandeis once observed, "The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well meaning but without understanding."

Certainly President Nixon, Vice President Agnew, Attorney General Mitchell and other leading members of the administration are well meaning men. But they are also zealous men and the zeal of this administration exceeds both its wisdom and its understanding.

I do not minimize the need to put the full force of the law against terror and violence. But more vigorous law enforcement is at best a partial palliative, not a permanent cure for the problems of crime and violence. The cure is to eliminate the causes of frustration before it builds to explosive proportions. Unfortunately the remedies of this administration are essentially designed to suppress, not to relieve.

The New York Times recently quoted one of President Nixon's domestic advisers as saying, "We are facing the most severe internal security threat this country has seen since the depression. It wouldn't make a bit of difference if the war and racism ended overnight. We're dealing with the criminal mind, with people who have snapped for some reason." Such a statement indicates both lack of wisdom and lack of understanding.

A recent Harris poll conducted for CBS disclosed the disturbing fact that more than 50 percent of those Americans interviewed indicated a willingness to dispense with the Bill of Rights. So we cannot count on a frightened populace to restrain those well meaning, zealous men in high places who might be tempted to engage in insidious encroachment on our constitutional rights through lack of understanding.

But many of us in the Senate and in the House of Representatives are disturbed by what we perceive to be an unhealthy trend toward suppression. My colleague Senator Ervin of North Carolina is a man with a very hearty respect for the Constitution and the Bill of Rights. After a detailed examination of the Administration's 400 page D.C. Crime Bill, Sam Ervin labeled it "the most repressive, near-sighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented."

Why was Senator Ervin, certainly no knee jerk liberal, so disturbed? Because the Administration's bill provides for preventive detention, no knock searches, extensive wiretapping, lowered age limits for juvenile court and changes in the burden of proof in juvenile cases. The bill even includes a provision requiring every citizen who sues a policeman for false arrest to pay the policeman's lawyer—even if the policeman acted illegally and the citizen wins his case.

In its zeal without wisdom approach to combating crime, the administration has recently given serious consideration to a proposal that the state begin massive psychological tests of all six year olds to uncover "delinquent character structure." This 1984 scheme, reminiscent of some Orwelliam nightmare, called for those children in whom the government detected "violent and homicidal tendencies" to get treatment and guidance and finally, if they failed to respond, a place in a government camp. The Department of Health, Education and Welfare eventually rejected the proposal because it could all too clearly result in preordained doom for a child because of what he saw in an ink blot. But the frightening thing is that the President took the proposal seriously enough to ask HEW Secretary Robert Finch to study it and report on the "advisability of setting up pilot projects embodying some of these approaches."

One provision in the Organized Crime Bill authorizes federal grand juries to issue reports on "noncriminal misconduct" by public officeholders, on organized crime and on proposed changes in laws or governmental policies and to report publicly. By allowing grand juries to make public evidence that falls short of what is required for a criminal charge the proposal allows men to be tried in secret and presents opportunities for prosecutors to use grand juries for political harassment.

Since the function of law is to assure liberty it is imperative that each of us scrutinize carefully each official request for more authority undertaken in the name of security. Arrests for investigation have been held unconstitutional, but the Attorney General has recently proposed something that looks ominously similar in purpose.

He has asked that the police, on obtaining a court order, be empowered to require anyone they have reasonable grounds to suspect of a crime "to submit to nontestimonial identification procedures." These procedures would include fingerprints, palmprints, footprints, measurements, blood specimens, urine samples, hair samples, handwriting examples, voice samples, photographs and lineups.

The Fourth Amendment says a person can be arrested only if there is probable cause to believe him guilty of a crime. And currently, only after a person has been arrested can be subjected to identification procedures such as those described. Our society has an obligation not only to protect itself, but to protect a heritage of individual freedom. The vagueness of the term "reasonable grounds" which is substituted for "probable cause" and the broad range of the proposed examinations make the possibility of federal investigators using the law for fishing expeditions aimed at citizens they consider undesirable all to likely.

There was a time in America when if you paid the postage to send a first class letter you could be relatively sure no one would read it until it reached the person you sent it to. And there was a time in America when it was accepted that a gentleman was someone you could count on not to read someone else's mail. Of course, in those days you could also talk on the telephone with considerable confidence that no one was listening to what you said. And you could conduct confidential conversations in the privacy of your office or home without fear that a policemen had planted a bug there to record the conversation.

But times change and recently the Postmaster General issued a new regulation authorizing the opening of mail without the addressee's permission.

Army Captain Christopher H. Pyle, who served for two years with the Army Intelligence Command has disclosed that almost 1,000 plainclothes Army investigators have been keeping tabs on civilian political activities throughout the country. The surveillance program includes the collection and analysis of data on almost all forms of political protest activity and their leaders. According to Captain Pyle, Army intelligence agents attend political rallies, protest marches and other gatherings disguised as newsmen and students. Indeed, the existence of a microfilm file on civilian dissenters maintained by the counter-intelligence division of the office of the Army Chief of Staff for Intelligence has been confirmed by Thaddeus Beale, Undersecretary of the Army.

The Civil Service Commission maintains a blacklist containing the names of at least 1.5 million Amercans who *might*, at some time, have been involved in what federal investigators term "subversive activity." No fixed standards are used in compiling the list. One does not have to be either arrested, charged or convicted of subverting the U.S. Government to be included on the list. And inclusion on the list effectively disqualifies you for federal employment. Much of the information gathered by investigative agencies and stashed away in government files is evaluated, uncorroborated, untrue and unimportant. The potential for misuse of this information is immense and frightening.

And Americans will not sleep any easier for the knowledge that a White House political operative, Clark Mollenhoff, has indiscriminate access to confidential income tax returns despite federal law and regulations designed to protect the individual taxpayer's right to privacy.

History has taught us that whenever any nation allows the freedom of its press to be circumscribed by government, the liberty of its people has suffered.

It was Thomas Jefferson who said, "Were it left to me to decide whether we should have a government without newspapers, or newspapers without government, I should not hesitate a moment to prefer the latter."

But this administration has a deep seated mistrust of the press and has worked assiduously to undermine public confidence in a free press while at the same time launching a concentrated effort to intimidate the news media. The Vice President in particular has specialized in attacks on the press.

In the wake of the Senate's rejection of Judge G. Harrold Carswell's nomination to the Supreme Court the Vice President ascribed that rejection to the fact that the "liberal media" had "snowed" a lot of unsuspecting Senators.

The International Press Institute, representing some 1,600 publishers and editors in non-communist countries, has had considerable experience with the fragile nature of the concept of freedom of speech. Last January, in its annual review of press freedom around the world, the institute said Vice President Agnew presented "the most serious threat to the freedom of information in the Western World."

The intimidation inherent in the Vice President's attack on the news media is reinforced by the actions of other members of the Nixon Administration. Members of the White House staff, Ronald Ziegler and Herbert G. Klein have routinely called television stations in advance of presidential speeches to ask about plans to comment on the speech and inquire about what any planned editorial commentary is likely to be.

When Eric Sevareid gave an interview to a station in Phoenix, Arizona, following the Agnew speech attacking the networks some months ago, a member of the Federal Communications Commission, Leonard Weinless, called the station personally to ask for an audio tape of the interview. Just three days after he took office last October, Dean Burch, Chairman of the FCC, telephoned TV network executives personally to ask for transcripts of their commentaries on President Nixon's November 3 Vietnam speech.

In 1969 and 1970, the Justice Department has served subpoenas demanding records from reporters of the *New York Times*, *Life*, *Newsweek*, CBS and *Fortune Magazine* concerning the sources of their information.

In view of all this, it is easy to understand why newsmen everywhere might feel intimidated—despite denials by the administration that any intimidation was intended.

There has been an insidious effort made to equate dissent or disagreement with criminal attitudes or lack of patriotism.

Lacking understanding, well intentioned men zealously pursue a course that endangers both our nation's stability and the liberty of our people. President Nixon took office promising to bring us together. But the specialty of this administration seems to be polarization of the American people by playing on their frustrations, prejudices and fears. We were promised lowered voices, but we receive the shrill, divisive rhetoric of the Vice President. We were promised an end to an odeous war, but we receive an expansion of the conflict. We were promised an end to domestic turmoil, but we receive an escalation of violence that leaves a University campus littered with the bleeding bodies of dead and dying students. And when we protest all of this well meaning men, lacking wisdom, move to stifle dissent.

To be sure it is not always popular or good politics to speak out, to object. All of us might do well in these troubled times to remember the comment of Pastor Niemoller a quarter of a century ago in Nazi Germany.

". . . They came after the Jews. And I was not a Jew. So I did not object.

"Then they came after the Catholics. And I was not a Catholic. So I did not object.

"Then they came after the trade unionists. I was not a trade unionist. So I did not object.

"Then they came after me. And there was no one left to object."

Let the record show that I object. I object to the demagogic divisive, and dangerous course we are pursuing and I hope that you do.

I object to the effort to pit one American against another, black against white, young against old, poor against affluent, North against South. I object to efforts to mute those who disagree. I object to anything less than an all out effort to finish the unfinished business of America—the business of making this country truly beautiful again, truly a land of equal opportunity for each and every mother's son and daughter the business of restoring love, not hate, compassion, not selfishness—the business of finding meaningful peace in our neighborhoods, our nation and our world.

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## PRESIDENTIAL WAR: THE CENTRAL ISSUE

## HON. JOSEPH E. KARTH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. KARTH. Mr. Speaker, in today's Washington Post there appeared a column by Merlo J. Pusey concerning the growing constitutional threat posed by the expanding powers of the executive branch of our Government.

Because his views are well stated, I am now inserting them in the RECORD so as to share these important considerations with my colleagues.

The article follows:

### PRESIDENTIAL WAR: THE CENTRAL ISSUE

(By Merlo J. Pusey)

It would be a pity if the serious constitutional issue underlying the current protests against the war should be lost in the cyclone of threats, anti-Nixonisms and obscenities. However clumsy they may be in articulating it, the students do have a legitimate complaint. They face the possibility of being drafted against their will for service in a presidential war.

All the talk about pigs, revolution and smashing the establishment fails to alter the fact that, in one basic particular, the dissenters are the real traditionalists. Madison and Jefferson would have understood the anger on the campuses against the dispatch of young men to war in Southeast Asia at the dictation of one powerful executive. Madison and his colleagues wrote into the Constitution a flat prohibition against such a concentration of power. Yet it now seems to be accepted as standard American practice.

President Nixon reiterated his claim to the war power the other night in his news conference. In explaining that none of his advisers was responsible for the invasion of Cambodia, he said:

"Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advice of those, and I made this decision."

The question of going to Congress for the decision or even of discussing the matter with congressional leaders appears not to have been considered. The result of the decision was to extend the war to another country. By any interpretation that may be placed upon it, this was a grave involvement for the nation. Most of our Presidents would have deemed it imperative to go to Congress for authority to take such a step.

Now the administration is resisting the attempt of the Senate Foreign Relations Committee to cut off funds for military operations in Cambodia. The committee has carefully tailored its restriction so as not to interfere with the President's avowed intention of clearing the sanctuaries and then withdrawing the American forces. But this has met with opposition from the State Department on the broad ground that actions of the Commander in Chief should not be subject to statutory restrictions.

There are several very interesting phrases in this letter which Assistant Secretary David H. Abshire sent to the Foreign Relations Committee. He contends that Congress should not limit military spending in such a way as to "restrict the fundamental powers of the President for protection of the armed forces of the United States." The implication seems to be that the President has authority to send our armed forces anywhere in the world, for purposes which he thinks appropriate, and then to take whatever additional action he may think necessary to protect those forces. Under this reasoning, it seems, no one can do anything to stop a presidential war.

This view of the war power is not, of course, unique with the Nixon administration. President Truman made even more expansive claims to unlimited presidential power, and L.B.J. was not far behind. Mr. Nixon's State Department is merely mouthing what has become accepted doctrine in the executive branch. But it is an outrageous doctrine that flies into the face of the letter and spirit of the Constitution and is repugnant to the basic concepts of democracy.

There is no principle about which the founding fathers were more adamant than denial of the war power to a single executive. After extended debate they gave Congress the power to raise and support armies, to control reprisals and to declare war, which, of course, includes the power of authorizing limited war. The President was given authority to repel sudden attacks, but there is nothing in the Constitution which suggests that this can be legitimately stretched to cover military operations in support of other countries in remote corners of the world.

In a literal sense, therefore, it is the students—or at least the nonviolent majority among them—who are asserting traditional, constitutional principles. It is the State Department which is asserting a wild and unsupportable view of presidential power that imperils the future of representative government.

Somehow the country must get back to the principle that its young men will not be drafted and sent into foreign military ventures without specific authority voted by Congress. That is a principle worth struggling for. Congress now seems to be groping its way back to an assertion of its powers, but its actions are hesitant and confused, as if it were afraid to assume the responsibility for policy-making in such vital matters of life and death.

Of course Congress is at a great disadvantage when it tries to use its spending power to cut off a presidential war for which it has recklessly appropriated funds in the past. In these circumstances, the President is always in a position to complain that the result will be to endanger our boys at the fighting fronts. Congress seems to have discovered no sound answer to that warning.

But Congress could stop presidential wars before they begin by writing into the law firm prohibitions against the building of military bases in foreign countries and the dispatch of American troops to other countries without specific congressional approval. If Congress is not willing or able to devise some means of restoring the war power to the representatives of the people, we may have to modify our system of government so that the President would become answerable to Congress for abuses of power. In the light of our Vietnam experience, it seems highly improbable that the country will long continue to tolerate unlimited power in one man to make war.

## UNITED AIRCRAFT AND THE ENVIRONMENT

### HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DADDARIO. Mr. Speaker, the concern about the environment and our Nation's continuing efforts to build toward the future deserve full attention, for it is only through the efforts of all of us that we can succeed. I was therefore pleased when an industry in my district—the United Aircraft Corp.—recently sent to me a statement by its president, Arthur E. Smith, to make me aware of activities which the corporation has engaged in with respect to the environment and I offer it for the RECORD so that all Members may know of what one corporation has done in more than 25 years:

UNITED AIRCRAFT AND THE ENVIRONMENT

Environmental pollution has become a matter of overriding public concern in recent months.

For United Aircraft Corporation, it has been an area of concern, attention, and action for more than 25 years.

Specific measures by United Aircraft to control emissions from its industrial processes began in the mid-1940s with the installation of special equipment to remove atmospheric contaminants resulting from machining operations.

We have been active in pollution control ever since then. It was 20 years ago, for example, that we built facilities to treat liquid industrial wastes in an effort to safeguard waterways from pollution.

As our operations have grown in size and complexity, we have regularly reviewed, extended, and strengthened these programs. Today we believe United Aircraft's anti-pollution activities are unmatched in scope and sophistication by any in the state and in our industry.

We have spent millions of dollars on pollution control, and plans are already being implemented which call for our expenditure of several million dollars more on measures to further refine and improve these controls. Because Connecticut is where most of our operations are carried out, the main thrust of our anti-pollution efforts understandably has been in this state.

Counter-pollution work is in progress at all our plant sites. In time, money, and manpower, our heaviest anti-pollution investments have gone into our plant in East Hartford because it is our largest, with more people, more processes, and more machines than all our other Connecticut facilities combined.

Let us consider, first, smoke emissions. There are two main sources of such emissions at United Aircraft. One is the exhaust from our jet engines while they are on test. The other is from our central boiler houses, used primarily for heating our facilities.

We constantly monitor and control smoke emissions from our boilers to make sure that, barring temporary equipment failure, they fall well below limits fixed by state regulations. At our largest boiler house, in East Hartford, we have put in such smoke control measures as photoelectric sensing, automatic alarms and recorders, closed-circuit television, particle collectors, and the use, in part, of natural gas as fuel during much of the year.

Automatic devices measure the density of smoke going up the stacks and sound an alarm to alert operators when the density is rising so that necessary adjustments can be made while the emissions are still within permissible limits. The time, duration, and density of the smoke are recorded automatically, providing a permanent record for use in making any improvements that may be shown to be necessary.

These are not new measures by any means. Smoke density indicators and recorders have been on our boilers since 1943.

When we undertook a major expansion and modernization of the powerhouse in 1965, at a cost of $4.7 million, pollution control was a key consideration in the planning and design. The two large boilers we bought then were ordered with mechanical collectors that remove tiny particles from the exhaust before it goes into the air outside. A centrifugal effect is imparted to the exhaust, forcing solid particles out of the gas stream for collection before the exhaust is released into the air.

These two big boilers also were equipped at that time to burn natural gas in addition to fuel oil. More and more, we are using natural gas because of the clean exhaust that it yields. Our plans call for equipping our older boilers, to, with natural gas capability. When this is done we plan to use fuel oil only during those periods when the supply of natural gas is insufficient to meet our needs.

In 1965 we initiated an engineering program to reduce the smoke sent out in the exhaust from the engines we manufacture. The project was highly successful. It resulted in the redesign of the combustion chamber for our most widely used commercial engine, the JT8D turbofan, so that now those being delivered exhaust hardly any smoke. Engines with the new combustion chamber entered production in early 1970, and the airlines are beginning to retrofit their jet fleets with the improved combustor in a program to reduce smoke around airports.

United Aircraft spent more than $6 million on the research and development that went into the reduced-smoke combustion chambers. From what they learned in this work, our engineers were able to incorporate smoke-reducing advances in the design of our newest commercial engine, the JT9D turbofan, which powers the big Boeing 747 superjet. As a result, the 747s now flying are virtually free of engine smoke.

Our success in reducing the exhaust smoke from airborne engines is paying off on the ground, too. The engine that gives off less smoke in flight also emits less smoke while undergoing ground tests. Through this single step, the company has reduced emissions from engines being tested at the East Hartford plant by about 75 per cent.

The most conspicuous emissions from our plant are the large white billows that rise from the test cells. These plumes are actually only steam, not smoke at all. They result from the testing of certain military engines equipped with afterburners. When these engines are tested, the temperature within the test house stack reaches a level that would cause the concrete house to break up if it were not cooled. For the brief period that the afterburner is operating, water is injected into the exhaust for cooling. The water quickly turns into steam and creates the mushrooming white billows so conspicuous to observers. This steam is harmless and, despite reports to the contrary, does not hide smoke, since afterburning engines are not smoke producers.

Perhaps it should be pointed out here that an aircraft gas turbine engine produces only about one-tenth of the pollution produced by an automobile engine per pound of fuel. The reason for this is that the aircraft engine represents a much cleaner and more efficient combustion process. That is why many persons concerned with pollution from motor vehicles are showing such interest in the turbine as an eventual replacement for the internal combustion engine.

The manufacturing processes that are conducted with our plants are classified as light industry, with machinery driven by individual electric motors that do not contaminate the environment in which they operate. Where certain processes create dust and oil mists, control devices have been installed to remove contaminants. We began installing these devices more than 25 years ago. The Pratt & Whitney Aircraft division alone has more than 800 air pollution control units in operation in its factory areas, representing a total value of about $6 million.

Mechanical scrubbers have been installed, and more are on order, to cleanse gaseous discharges before they are released into the air. The plant engineering staffs constantly monitor the sources and points of industrial emissions. This enables them to spot and correct potentially troublesome areas quickly.

Even as United Aircraft contributes to the cleanup of Connecticut's air, the corporation is simultaneously embarked on a large-scale project in water pollution control to augment the extensive measures we have had in force for years. This program involves substantial improvements and advances in the industrial waste treatment systems at our plants in East Hartford, North Haven, Southington, and Middletown.

I think the corporation can take a modest pride in what it has done for years as a matter of normal practice on this subject of waste treatment. We have long had special plants and programs for treating and disposing of liquid industrial wastes, and these have had the approval of state and local authorities. We built these plants in 1950. They are valued at about $3 million.

In 1963 a Congressional committee touring New England on the water pollution control problem visited our facilities and rated them among the most advanced in the region at that time.

With passage of the Clean Water Act by the Connecticut General Assembly in 1967,

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new standards were established for use of the state's water resources. To meet these standards, we are now planning to spend another $6 million on a modernization program that will incorporate the latest pollution control techniques. This new construction is directed toward updating our pretreatment and treatment systems so that they conform in all respects to the higher state standards. In developing plans for these projects, we have worked in cooperation with the state's Water Resources Commission, which has given its approval to our program. The new facilities are scheduled to go into operation beginning in 1971, providing even greater filtration, screening, and contaminant removal than at present. They will cost about a million and a half dollars a year to operate, in addition to the capital expenditure.

In all that we are doing and planning, we do not claim to have solved all the problems. But we do emphasize that anti-pollution is a continuing and concerted undertaking at United Aircraft, as it has been for many years. We have an effective program that is producing good results. We believe we have made significant progress and we are confident that additional progress will continue to be made.

## THE PROPER WAY

### HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DANIEL of Virginia. Mr. Speaker, I insert in the RECORD an exchange of letters between a father and son from my district. These letters come to grips with many aspects of a serious issue in our Nation today. This parent demonstrated the kind of patient understanding, yet firmness, which I believe his son sought. By responding promptly, intelligently, and seriously, the father proved that he was proud of and appreciated his son's maturity in seeking in the proper manner answers to questions which disturbed him.

I would encourage parents and others to use their knowledge and wisdom to bridge the generation gap.

The letters follow:

DEAR MOM AND DAD: As you know, this week has been one of strife for our country. Many demonstrations have occurred and 7 student lay dead at Kent State in Ohio, 4 of them as innocent bystanders. Here at W and M we have just finished a memorial service for these seven students. I am not a campus radical as you know but I do ask you this one thing: Please notify Dan Daniel and Sen. Byrd of your dismay of the action taken by the National Guard and urge them to take some action against the National Guard so that a tragedy like this may never happen again. It could happen here at W and M and I could lay dead in the streets, instead of seven people that we have never known.

I would also like for you to take under consideration the question of the U.S. invasion of Cambodia. Remember when Russia invaded Czechoslovakia and how everyone here screamed bloody murder? In essence I think that we have done the same thing even though Pres. Nixon says that it is only a short war. Dad, as you know this country does not need to overextend itself again as it has in Vietnam. At the present time the stock market is falling and there is a general recessional period in our economy. We can not afford another 1929 because the tension among the people is too great to withstand such. I really think that if we had a depression that our form of government could not prevail. This is not good. We must as Americans stand up and fight for our Nation.

Therefore, I am asking you two as voters to carefully consider the present actions of our government both in Cambodia and Kent State. I ask you this out of honor because I am myself baffled at the present situation and I think that with your guidance that we can work out something in order to help our nation get back on its feet.

May God always be with us as we pray for Peace in the world today.

Your son,

——— ———.

DEAR ———: Received your very fine letter and feel proud that you are doing some adult thinking about the conditions and changes in our country. The incident at Kent State was a very serious and tragic thing and should not have been allowed to happen, but who could have prevented it? Not the National Guard, not your mother or I, Nor your President. Only students, faculty and college officials can do that. What would you have done if you had been one of the National Guardsmen surrounded by several hundred students throwing rocks, bricks and closing in on you? You speak of innocent students, what were they doing in the front line of the mob? Are you sure none of these demonstrators haven't been used by some elements who would destroy America?

About Vietnam and Cambodia. I have to ask you to please draw your own conclusions but only after you have given it more thought. Neither you or your schoolmates have had to fight yet and I hope you won't ever have too. But if we do not stop the communists World march in places like Vietnam we'll have to try and stop it here in this country. Read back over the U.S. History and see similar actions Spanish American War over Cuba, War with Mexico, French and Indian War, showdown with Russia over missiles in Cuba, Berlin airlift, etc. Our America can not afford the luxury of isolation, if it does it will be surrounded by a sea of communism. You compare the invasion of Cambodia with Czechoslovakia. Would you permit someone to kill your friends and relatives and run into a house in which you were forbidden to enter. This was not happening in Czechoslovakia and still isn't nor will it. Communist forms of government cannot tolerate close inspection, people are not allowed to think for themselves. If your university were located in Czechoslovakia would you be allowed to demonstrate?

Your concern over a possible depression is noteworthy. I agree we cannot afford another 1929. I only ask you to dig far enough back to note that the 1929 depression was worldwide, not just in the U.S. It may be that this decline is a temporary thing; let's hope so anyway. Our government can prevail through any recession, the first was 1789, some in the early 1800's and how about the aftermath of the Civil War, the early 1900's and more recent about 1950. Look over the economics of these periods, I believe your confidence will rise.

Your recognition of need for guidance is the first step in becoming a good citizen and a leader of the world of tomorrow. This is part of growing in stature and maturity. Surely you must question, but the right to question also carries the obligation to support the decisions of your country once they are made. Isn't this the democratic way of life? This is the greatest nation on earth and it can overcome any crisis it faces if the people of the country will support their elected officials. You can make your voice heard by such letters as you have written and believe me, we do take you seriously. . . . I am sure if every young person at Kent State had taken the time to write his parents such a letter no one would have been killed.

In this letter I have not given you the answers to all the things that are baffling. I don't have all the answers. Only by discussing these questions and looking for answers together can we achieve what you and all people desire—peace. We must stand up and fight but as a nation and not a divided people.

Again let me say I am proud of your letter.

Love always,

——— ———.

## FSU PRESIDENT'S ADDRESS RELEVENT FOR OUR TIMES

### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. FUQUA. Mr. Speaker, Dr. Stanley Marshall has been inaugurated as the president of the Florida State University in Tallahassee, Fla.

This proud institution has found the right man at the right time for the right place in this period of challenge for our colleges and universities. In his inaugural remarks, Dr. Marshall pointed out the role of the university in contemporary society in its relations with its students, its faculty, and the world at large.

Stan Marshall is an outstanding educator and brilliant administrator. Under his direction, I believe that our great Florida State University will continue on its path to greatness among the educational institutions of our Nation.

Because I feel that he has so much to say to the Nation at large, I commend his remarks for your reading and contemplation:

THE PRESIDENTIAL ADDRESS BY DR. STANLEY MARSHALL

My subject this morning is taken from a verse by John Masefield and first spoken by him at the University of Sheffield, England in 1946. The title is "There are Few Earthly Things More Splendid than a University." Mr. Masefield wrote: "In these days of broken frontiers and collapsing values, when the dams are down and the floods are making misery, when every future looks somewhat grim, and every foothold has become something of a quagmire, wherever a university stands it stands and shines. To be a member of one of these great societies must ever be a glad distinction."

I believe that the university in America, even though subjected to greater stresses and facing greater challenges than it has in the past hundred years, still stands and shines and I count it a glad distinction this morning to be the President of the Florida State University.

I shall not attempt to conceal my disappointment at President Wexler's absence here today, for I had looked forward eagerly to hearing her speak on the future of the university in America. She is a creative thinker and a brilliant speaker who, as a college president and longtime college administrator, has had experience in every significant phase of higher education administration. Her sensitivity to people and issues and her quick and fertile mind have enabled her to acquire in a few years more geniune wisdom and understanding about higher education than many presidents acquire in a lifetime. It is unfortunate for the University and for our guests and a little sad for me that the unfortunate events of this past week at Hunter College have caused her to cancel her plans to be here.

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In my remarks I shall express some of my views on the presidency of the Florida State University and the quality of leadership I hope to provide. I will do this in the context of some of the most pressing problems confronting the University today.

I am certain I speak for both President Wexler and myself when I say that most college presidents today have a larger stock of problems than of solutions. My preoccupation for most of the past year has been problem solving, and there has been too little time for thoughtful reflection—a situation which I hope will not continue indefinitely. But I have decided to speak more of problems than of solutions and this decision is based on more than the way I have spent my time in recent months; it is tied up with my belief that most of the problems facing the universities today will not be solved at the president's desk. If they are solved at all, it will be by the action of students and faculty and staff working with the administration—yes, and with parents and alumni and Regents and legislators and the public. For the concerns of the American university are bound up with the concerns of society and the solutions to our problems on the campuses will very likely come with the solutions to other, more pervasive problems.

As a preface to my statements on some of our problems, I would like to emphasize that the *contemporary university* is an institution that is in serious need of *contemporary administration*. There has been a tendency in the past to view the university as so different from other agencies of society as to stand apart from them in terms of its management needs. It is an organization of scholars, by definition, more interested in scholarship than in the internal workings of the institution. In fact, many institutions have subscribed to the doctrine of "the less administration the better". If ever that principle applied that time has surely passed. For the university today stands as a highly diversified and complex organization that is as much in need of management as any other such organization. It is true that the university differs in important ways from other institutions that produce products or render other types of services, and these fundamental differences shape our policies and influence our decisions. But neither these differences nor other factors can be permitted to obscure the simple fact that the university too is in need of efficient and effective administration. We now see clearly that to deny a university effective management is indeed to impede its function as a community of scholars.

Administration of a university refers to its direction as an institution and does not imply any interference with individual inquiry or ideas on the part of students or faculty. Indeed the function of management is to facilitate teaching and research and service through effective resource allocation and the provision of adequate equipment, facilities and efficient supporting services. Effective administration, therefore, requires responsible long term, as well as shorter range institutional planning, including the development of objectives and programs. The organization must be appropriately structured and responsibilities carefully assigned. There must be systems to provide for gathering, processing and communicating information for evaluation and analysis. The many publics of the university must be fully informed. Adequate financial resources for the operation of the institution must be determined, justified, obtained and efficiently utilized.

Most important of all are the people in the university. Not only must we continue to have outstanding faculty and students, but also exceptional administrators who possess the capacity, the energy and the motivation to help lead the university in America, and this one in particular, into the very forefront of American educational institutions.

The effective management of a large and complex institution in the context of today's restless and changing environment is a challenging assignment. The present administration of this University, mindful of its responsibility and respectful of the problems we face, welcomes the challenge. There is much to be done and this is a time for action. This administration will endeavor to shape events and not wait to be shaped by them.

This is not a time for timidity in the administration of our universities. We will plan, organize, analyze and consult. But, we will also act and I suppose that it will surprise few in this audience to hear me say that this administration may commit more sins of commission than omission.

Of the major problems now facing universities, I should like to call your attention to four of the most important and most troublesome:

(1) The need for institutional and system-wide planning.

(2) The role of students in university governance.

(3) The difficulty of keeping the university free from partisan politics as it becomes increasingly involved in social action.

(4) The problem of obtaining the necessary public support—financially and otherwise—for higher education.

First, I should like to discuss the matter *of Institutional and System-wide Planning.*

The essential first step in any effort at institutional planning is to define the university's central mission. Historically, universities have done too little of this—they have generally grown in whatever direction seemed natural. The points of growth have been determined by the strength and influence and aggressiveness of individual members of the faculty or, in some cases, of departments. This method has not been all bad for it reflected to some degree a kind of academic organic evolution in which the fittest survived and prospered. In some cases, however, growth and prosperity were a function not so much of the strength of the faculty as they were of the availability of financial support from various agencies outside the university. It is commonly recognized in American universities that programs in the natural sciences have been stimulated by the massive support provided by the Federal Government since about the mid-fifties.

The time has come when we in the University must plan our own future. Difficult as it will be, I see no alternative to a system in which faculty and administration with student participation will undertake an analysis of the roles of the university—the roles it is uniquely qualified to fill and the strengths it brings to each role in terms of people and resources. This will require us to make harder decisions than we have ever before been called upon to make.

The decisions to be made on a system-wide basis will hardly be any easier. Such a decision, for example, may result in resources being channeled to one university in support of a specified program. On the other hand, support for a similar program may be withheld from another institution on the basis that there are resources available for only one strong program of that type in the entire university system.

This does not imply, of course, that there is room in our state university system for only one strong program in each of the major fields of study. We have two law schools and we are now building a second school of medicine. We have and will continue to need schools of education, for example, in all of our universities. But one does not need programs, especially graduate programs, in some of the fields where the occupational needs are less in every university in the system and, in some cases, one program for the entire system will be enough. Only in this way can the system develop the peaks of excellence it must have for only in this way can the necessary level of financial support be provided.

While this kind of cross-program comparison and analysis will require a new level of system-wide involvement, we must be very careful to preserve the ingredients which give to this and all other universities their own peculiar character, their distinction; in fact their very mission. For it has been the university in America that has been the central focus and the genius of higher education, not a consortium of universities. The university itself must retain its viability and to a considerable degree its independence for these elements are very important at the personal level and are an inseparable part of the spirit of intellectual curiosity and free inquiry.

From an operational standpoint, the task will be to bring administrative officers and faculty and students together from the several universities to engage in planning which will surely test our maturity and patience and our commitment to the common good—and our understanding of the financial and political facts of life.

I am certain from this description that you understand now why I have chosen to focus on problems today rather than their solutions.

Related closely to the mission of each university are its policies on the admission of its students. The two are tied together in this fashion: a university which admits a student ought to have an academic program suited to his needs and interests and if it does not, it probably should encourage the student to go elsewhere. It is this match between the university's students and its programs that constitutes its mission.

A good deal is being said today about open admissions' policies; these are generally defined as policies which grant admission to any student who has a high school diploma. The great concern is that the colleges and universities, having admitted a more heterogeneous group of students, will not be able to match them with meaningful academic programs. When the university fails to do this, many students will drop out or perhaps even worse, will stay in and pursue programs of study which meet neither the needs of society or the student's interests.

Our obligation, it seems to me, is to do something purposeful and constructive for all of the students we admit. We must make it clear in advance what it is we think we can do and then accept only those students who will likely benefit from what we have to offer. This would be too narrow a policy, I suppose, for a single university to adopt, but for a state system, it seems to me to be eminently logical, fair, and economical. If the needs of an applicant cannot be met here, there should exist in a system as large and diverse as ours, something for him at another institution.

What I am arguing for then is a system of education that is broad enough and based on a philosophy of education for all, which will solve the problem of open admissions by providing something for everyone. Let me hasten to add that I do not believe everyone should go to college. I believe, in fact, that too high a percentage of our young people are probably going to college now. We have neglected vocational and technical training in this country to a shocking degree with unhappy consequences both to the individual and society. Society needs more and better services in plumbing, brick laying, auto repair and certainly in the more highly technical fields needed to support the professional scientists and engineers. But that is a separate, if closely related matter, and one I shall not explore further here. My point is that if we are committed to education of our young people as a worthy enterprise, the choice we face should not be between accepting students for study in programs they do not need or want and rejecting their applications; instead we should define the missions of our institutions clearly enough that we will know and the students will know just who it is we are prepared to serve. If the educational system is viewed in total in our state; that is, if all of the post-high school institutions are involved together in a coordinated plan of education to meet the needs of the individual and of society, then the problem of open admissions shouldn't be a problem at all. The problem should simply be one of getting the students enrolled in the right program in the right institution—and that, in a society that is able to send men to the moon, ought to be manageable. In Florida where we have an outstanding program of junior and community colleges within commuting distance of virtually the whole state, an emerging and very promising program in vocational and technical education, and a large high-quality system of senior universities, it most certainly ought to be manageable. Such a concept is based on the belief that society will benefit from more education, not less, and that the people will be willing to pay for it if they can see its benefits.

Let me now talk about *Student Involvement.*

I should like first to make some comments about the involvement of students in the governance of the university. I start with the premise that student involvement is essential. If one accepts this it follows that a formal student government organization is highly desirable. There is no doubt in my mind that if we did not have a student government—as some institutions do not—the faculty and administration would create one. Certainly it is better to have that organization come from the students.

But that raises the very serious question of how a greater percentage of our students can be involved in the governance of their university. Decisions are made in the administrative offices every day which relate directly to the well-being of our students. The opinions and desires of students are paramount considerations and in many cases we assume that we know what students want and need, but history has shown that we are not always right. The same thing applies to a considerable degree, I am sure, to decisions made by student government.

It is understandable that students who come here for an education prefer to spend most of their time getting it. Many feel they cannot take time from serious academic pursuits to serve on committees or devote significant time to student activities. Others, of course, refrain from this kind of participation for less serious reasons. But the question remains: How can this university improve the quality of the students' educational experiences by more meaningful involvement in decision making in the university?

The interest I have in this question is based not only on my desire for fair and dignified student representation in university governance; it is in part self-serving for I believe that a university that is governed with student participation is likely to provide a more progressive and orderly educational environment.

A second problem in this area is that of change in the method and relevance of education. The most compelling messages I hear from students are those asking that we do a better job in their education. They recognize that the world has changed dramatically and they are concerned whether formal education can change rapidly enough to prepare them to make a contribution in this world. They respect the faculty for their professional competence and they admire the role faculty play at the cutting edge of progress in their fields of specialization. They are disappointed, however, at the slow rate of change in which the ways teaching and learning occur. The question then is how can we change educational content and method fast enough to accommodate to the changes in society and the demands of our students without risking serious damage to the university, to the things it does so well now, and to the invaluable contributions it makes in our society.

I believe the answer lies in increasing student involvement, not with "keeping students in their place."

In Gian Carlo Menotti's play, "The Leper", the queen, speaking to the townspeople about her leper son who has been banished from the kingdom and now returns to protest the terrible ostracism, he says, "Having failed to make him useful you have made him dangerous." Those words seem to apply both to the role of the university and to the students in it. There are those who believe we have failed to make the university useful in the sense of maintaining it as an institution relevant to the world in which it exists and responsive to the needs of the society of which it is a part.

They believe that it is this absence of usefulness that has made the university dangerous as they believe it to be. Much the same thing can be said for student involvement.

Whatever our view of students, they are a highly significant segment of society and in a short time will sit in the chairs we now occupy. Surely we can involve them in meaningful and proper ways in running the enterprise for which they will soon have full responsibility.

The picture nationally seems to me to be more hopeful than a year ago. The hope lies both in the evidence displayed by society in general and universities in particular in being more responsive to young people, and in a growing realization on the part of young people that change can be both orderly and effective. My own experience with students convinces me that their basic values are very much the same as those of my generation, and I have a feeling of confident optimism for the future of the university and the country. The third problem is that of *The University in Society.*

In speculating on the role of the University, I find myself in a mild quandary. My inclinations are those of the activist; for reasons having more to do with my personal physiology than anything else, I think. I am blessed—or plagued, depending on your point of view—with a rather strong tendency to be personally involved in whatever is going on—and I might add that the tenets of good administration demand that I curb this to some degree and I try continually to do so. As an extension of my activist outlook, I feel the need to involve the University in the problems of the world at large. The University, I reason, is a collection of very able people with expertise in a very large number of specialized fields which relate directly to society's problems. Its faculty and students have social consciences that are easily pricked and many of them are by nature easily moved to action. The concerns of universities generally include such pressing problems of society as education, health and welfare, business, economics, law enforcement, labor relations, and many others. So the place of the University, as an agency to deal with society's problems, has considerable appeal and my own propensities support such a role.

At the same time I recognize serious limitations on the University as an agent for social change and the constraints upon it in this regard come more sharply into focus almost daily. Thus, my quandary. It is a dilemma that I share with others in the academic community and it is not likely to be resolved easily or soon. There are few problems of greater importance to the health and well being of universities and I should like, therefore, to analyze this one at some greater length at this time.

At the heart of the matter is academic freedom, which by my definition is the right which the university must guarantee its faculty to pursue truth and to speak it regardless of the views of society on the matter at hand. This right derives from the advanced state of knowledge and understanding that scholars possess in their own areas of expertise and is not related to the fact that they work in something called a university. If such people are threatened or coerced, the university must vouchsafe their freedom as academicians; for if we failed to do so, freedom would be curbed, the university would be prostituted, and society would be the loser.

Academic freedom then must be defended at all costs—and from whatever direction the danger comes. There has always been danger from certain elements in society whose vested interests would be served by curtailing truth. These oftentimes, but not always by any means, appear in the form of politicians who believe their role in government gives them the right to regulate the professional actions of faculty. For the most part, the universities and those who would restrict their rightful freedom seem to have accommodated to one another pretty well. There is no doubt that academic freedom in this country is far more secure than it was a generation ago.

The danger I want to discuss now—and thus I introduce problem number three—is the threat to the university that comes from the responses of faculty to popular issues. The threat to the university comes when any group in it with special interests attempts to turn the university into an instrument for its own cause. If the university is a community of scholars with the freedom to differ with anybody, including their colleagues, and to express their beliefs as individuals whose individual scholarship is their license to profess, then I do not see how the university can adopt any collective or corporate position on public issues not related to the operation of the university itself, no matter how strong are the merits of a given position.

Ever since the birth of the university in the Middle Ages, the rights and freedoms of scholars have been of vital importance to the university and to society. For a very long time the position has been widely accepted that individual faculty freedoms rest on the firm tradition that the collective university does not take stands on ideological and political issues and that there is no freedom for the individual if a group within the university by one means or another commits the whole of the university to one political or social cause. In line with this doctrine, faculty may take group stands only on those matters directly related to their own group mission and on which they presumably have group expertise.

It has always been assumed that scholars have the same right not to get involved with worldly matters as others have to do so. Irving Kristol, who is Henry Luce, Professor of Urban Values at New York University, put it in these terms. ". . . I do not see how a 'community of scholars' ", he said, "can collectively and institutionally decide either to abstain from politics or to participate in politics in a particular fashion. That kind of decision making is precisely what a 'community of scholars' is incapable of if it is to remain true to its self definition. For in order to make such decisions it would have to become a political community—which is to say that power would be the focus of organization. A leadership would have to be instituted; modes of selecting this leadership would have to be established; formal channels of communications between leaders and members would have to be defined; a system of judicial restraint, constraints, and punishments would have to be erected; an administrative hierarchy would be needed to carry out the decisions—and so on and so on."

So I have no doubt that many, indeed most, of those who ask that the university become involved in political issues are, indeed,

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moved by strong social consciences and an urgent sense of crisis—the first commendable and the second accurate. They believe that the learned men in our universities should be contributing more to the solution of our problems. In this I join them, but I believe resolutely that to engage the corporate university in political issues will serve both to divide and to confuse it and will destroy the freedoms it has earned down through the centuries.

But this analysis leaves completely unanswered the question of how the university can use its resources collectively for the betterment of society. I believe there are ways this can be done and I believe that we should move more promptly to increase such involvement.

If the University is to train and educate people to serve in the real world, it should be engaged actively in the problems of the real world—indeed, it is. Medical interns treat real people; prospective teachers practice on real students in real classrooms; and I have observed that our law students spend a good deal of time in the courtrooms in Tallahassee and in the halls of the Capitol. Thus, the principle of using the world as a laboratory is well established. What we need to do now is to use it more broadly and more effectively. There is no community in the land where the resources of the university—its faculty and students—could not be profitably used to help solve people's problems: Illiteracy, more intelligent consumership, help in starting small businesses, urban planning, improved law enforcement—and so on. If we have been able to send our students into the schools to teach children, to participate in faculty meetings, to help develop curriculum materials, without getting them involved in the educational issues in those communities which have political overtones—and there are many—I do not see why we cannot do so in many other areas. I will concede that extending the range of community laboratory experience may cause us to exercise some restraint when we become involved in some areas of public concern, but I am convinced it can be done and the benefits to the university and to society would be well worth the risk.

There is another way in which the universities can serve society and this too has been well tested. It is by contracting to provide services. This often takes the form of research but in addition, universities have historically provided a wide variety of services to the public schools, for example, assistance in development of curriculum materials. The colleges of agriculture have down through the years played an important role in the improvement of farming in this country by the services they have contracted with the state and federal governments to provide to farmers. This kind of service has recently been extended to a variety of services in urban settings, particularly in dealing with the problems of the ghettoes. Some of these projects, no doubt, are the products of political decisions and may indeed involve politics in one way or another. I am not suggesting in this section, that universities be so timid as to refuse to touch anything that smacks of controversy; I am only proposing that we be prudent in the things we do in the community at large.

### SUPPORT FOR THE UNIVERSITY

The fourth and last problem to which I should like to call your attention has to do with the support universities must have if they are to continue the job of educating our young people and contributing to the progress of the nation through research, development, and other services.

If the universities are to meet the demands made upon them, they will require expanded resources. But educational programs will be competing for resources with programs in other vital areas. Programs for medical care, for housing, for cultural facilities, for recreation, and for improving the quality of the environment will be heavy claimants on the national pool of money and talent. Education, it appears to me, will be less likely in the future to lay special claim to a share of the nation's resources on the basis of some unique character or relationship to our people. We will have to compete with other agencies in the most direct sense and the burden will rest primarily on those of us who are teachers and administrators to explain to the public the benefits to be derived from supporting the educational system we represent. We can expect to be judged critically, and in some cases harshly, and in all candor it is my opinion that the climate generally is less friendly to education today than it has been in some time. The reasons for this are another matter and represent another set of problems which I shall make no attempt to discuss today.

The meaning of this, though, is that we must find better ways to have people understand the missions and the methods of our institutions. My contacts with Florida Legislators this spring have convinced me that we have not done a good job of defining our needs and describing our purposes to the legislators or the public in our own state. I suppose it is true to some degree with all of those whose programs depend on legislative appropriations, but I have observed over the years that those of us in education sometimes seem to believe that somehow money will be made available if our cause is just. What we fail to take into account is that the people of Florida have just as much right to have poor universities as to have poor highways. Just as those who believe in good highways, including the professional highway people, are energetic in convincing the legislature and the public of the benefits of good roads, we must be persuasive with respect to the benefits of good universities.

Let there be no misunderstanding of the present quality of Florida's universities. The legislators, on behalf of the people, have made it possible for us to establish a quality system of higher education, and I see no reason to believe there will be a willful change of sentiment in this regard. If we are effective in expressing the case for good education, I have no doubt that the people of Florida will see to it that the university system is supported in such a way as to carry on a solid, adequate program of instruction for our students. But I am equally confident that only when substantial private financial support is added to tax support can we create a distinguished university system. The difference between a good university and one of distinction—that which I call the margin of excellence—must come from funds from the private sector—from individuals, foundations, and corporations. Florida State University has begun an aggressive pursuit of funds from private sources and it will continue and accelerate its efforts along those lines. In my opinion, there is no reason for us to be timid about this or to apologize for asking for private support. By the end of this decade, over 80% of Americans who go to college will be in publicly supported—more accurately called publicly assisted—colleges and universities. This simply means that if we are going to provide high-quality education for the majority of our students, we must provide it where they are—in the public universities.

In the past it has been widely believed that private individuals and businesses and industry should be the private hunting ground of the non-public universities since the public institutions get their monies from taxes. In my opinion this rationale is completely without foundation today. This year Florida State University will receive 53% of its support from the state Legislature, and the figure nationwide is about 50%. Some of the nation's private universities in some years obtain considerably more than half of their operating budgets from tax sources. The main source, of course, is the grants and contracts they have with the Federal Government, but in many cases state governments also provide support to private colleges. It is clear, therefore, that substantial tax monies are going to private institutions and I have no quarrel with that. I only make the point that the public ones have the moral right now to seek private funds, and if they expect to achieve excellence most will have to do so.

This is not so much a problem as a challenge. There appears to be no real difficulty in knowing what to do or how to do it; it is largely a matter of tooling up for the effort and of applying the hard work and good salesmanship to make it succeed.

Finding solutions to the four problems I have described and many others will be the agenda for this administration for some time to come. I hope there is no misunderstanding my optimism about the prospects for finding solutions. For optimistic and confident of Florida State's bright future, I am. No small part of my confidence rests upon the shoulders of the University's new vice presidents who are as able and dedicated a group of university administrators as I have ever seen. The problems of the transition of the presidency here have been compounded by the changes in the offices of the vice presidents, but the opportunity for a new president to build anew from the group up is rare among American universities. Clearly, it places upon me a greater responsibility for the welfare of the university in the years ahead. The high quality of the other administrative officers enables me to accept this responsibility with eager enthusiasm.

Much of the dialogue within and about the university by those outside, including the media, has in recent months dealt heavily with the transition in leadership, the selection of new administrative officers, and with some of the important changes in student life on the campus. The hour has now come for us to devote our attention to the challenges that lie ahead. I hope we will look upon today, especially the media, as a turning of the corner in our view of the university and from this point forward our thoughts and energies should be directed to the future.

In my opening comments in referring to John Masefield's verse, I said that I count it a glad distinction to serve as the President of the Florida State University. The existence of the problems I have described in this presentation, if anything, makes it more so. I earnestly believe that; and I contemplate my service to this institution, at a time when the problems are heavy and the job demanding, with joyous anticipation. My reasons for feeling this way are expressed in precisely the right words in the rest of John Masefield's verse which I quoted from earlier and which I shall now read to you in its entirety:

> "In these days of
> broken frontiers
> and collapsing values,
> when the dams are down
> and the floods are
> making misery,
>
> "When every future
> looks somewhat grim
> and every ancient foothold
> has become
> something of a quagmire
> Wherever a University stands,
> it stands and shines,
>
> "Wherever it exists,
> the free minds of men,
> urged on to full
> and fair enquiry,
> may still bring wisdom
> into human affairs.
>
> "There are few earthly things
> more beautiful
> than a University. . . .
>
> "It is a place where
> those who hate ignorance
> may strive to know,

"Where those
Who perceive truth
May strive
To make others see;

"Where seekers
And learners alike,
Banded together
In the search for knowledge,
Will honour thought
In all its finer ways,

"Will welcome
Thinkers in distress
Or in exile,
. . . Will uphold ever
The dignity
Of thought and learning
And will exact standards
In these things.

"They will give
To the young
In their impressionable years,
The bond
Of a lofty purpose shared,
Of a great corporate life
Whose links
Will not be loosed
Until they die.

"They give young people
That close companionship
For which youth longs,
And that chance
Of the endless discussion
Of the themes
Which are endless,
Without which youth
Would seem a waste of time.

"There are few things
More enduring
Than a University.

"Religions may split
Into sect or heresy;
Dynasties may perish
or be supplanted,

"But for century
After century
The University
Will continue,

"And the stream of life
Will pass through it,

"And the thinker
And the seeker
Will be bound together
In the undying cause
Of bringing thought
Into the world.

"To be a member of one
Of these great societies
Must ever be
A glad distinction."

And I pledge to you, the members of the University community, the Board of Regents and the people of Florida, that I shall endeavor to make this University endure and to stand and shine; for indeed there are few earthly things more beautiful than a university.

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## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

## THE GOOD OLD DAYS?

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. WYMAN. Mr. Speaker, recently there was published in the Manchester, N.H., Union-Leader, an anonymous poem addressed to "old folks, USA." Both humorous and nostalgic in a dual aspect I commend it to readers of the RECORD:

Remember when hippie meant big in the hips,
And a trip involved travel in cars, planes and ships?
When pot was a vessel for cooking things in
And hooked was what grandmother's rug may have been?
When fix was a verb that meant mend or repair.
And Be-In meant merely existing somewhere?
When neat meant well-organized, tidy and clean.
And grass was a ground cover, normally green?
When groovy meant furrowed with channels and hollows
And birds were winged creatures, like robins and swallows?
When fuzz was a substance, real fluffy, like lint.
And bread came from bakeries—and not from the mint?
When roll meant a bun, and rock was a stone.
And hang-up was something you did with the phone?
It's groovy, Man, groovy, but English it's not.
Methinks that our language is going to pot.—
—Author Unknown.

## ALL WE ARE SAYING IS, GIVE NIXON A CHANCE

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DERWINSKI. Mr. Speaker, certainly anyone recognizing the complications the President inherited and continues to face in Southeast Asia, recognizing the heavy burden that falls upon anyone who serves as our President, would objectively judge Presidential decisions after the results are in rather than with knee-jerking reactions. This is the theme of an editorial in the Sunday, May 10, Harvey, Ill., Tribune, which I believe represents the type of thinking of grassroot Americans which is too seldomly reflected in the Washington or New York press.

The editorial follows:

[From the Harvey (Ill.) Tribune,
May 10, 1970]

ALL WE ARE SAYING IS, GIVE NIXON A CHANCE

President Nixon announced Friday night that all American troops and advisors would be out of Cambodia by the end of June. This announcement should serve as proof that the President is sincere when he says that he is not interested in escalating the Viet Nam war into a Southeast Asian confrontation.

The President has already withdrawn 115,000 troops from Viet Nam and has promised to remove another 150,000 troops this year. In so doing, he will have cut the number of American soldiers in Viet Nam in half in less than a year since assuming office and the responsibilities of the war.

Mr. Nixon has accepted the full responsibility for his Cambodian decision, using his belief that millions of South Vietnamese will be killed unless we can arrive at a suitable peace arrangement there. We wonder if those critics of the President would assume the responsibility for those millions of lives if an immediate troop withdrawal was enacted and the administration's fears were realized.

Almost all Americans want us out of Viet Nam, including President Nixon. The question is how best to accomplish that goal, protect the American soldiers there while doing it and ensure that millions will not be killed after we have left.

Fortunately, none of us has to make the decisions that mean life or death in such circumstances. We agree with the lyrics of the student protest song . . . "All we are saying, is give peace a chance" . . . but, we would also urge that we give our President a chance. And, while no one should judge all students by the one who throws the rock, no one should judge all Presidents by the same criteria.

We are convinced that President Nixon will not escalate the war in Viet Nam and contrary to his critics, we think his Cambodian action proves just that point. We would urge all who protest to look beyond the rhetoric of the peace movement in the streets and analyze the peace movement going on in the White House.

## YOUR CONGRESSMAN JOHN MYERS WANTS YOUR OPINION

### HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. MYERS. Mr. Speaker, in each succeeding Congress it has been my practice to poll the people of the Seventh Congressional District of Indiana on major issues in Congress. I have reported the results of the questionnaire to my colleagues in the Congress and to the President of the United States. My theme is "Your Congressman JOHN MYERS wants your opinion" because that is my sincere request of my constituency. In the next few days I will be mailing the 1970 poll and as soon as the results are in and tabulated, I plan to again inform my colleagues and the President of the results. The special questionnaire reads as follows:

YOUR CONGRESSMAN JOHN MYERS WANTS YOUR OPINION

QUESTIONNAIRE 1970

DEAR FRIEND: With many important issues now being debated in the 91st Congress, I again turn to you for your opinions.

Please consider carefully your answers to these questions. Knowing your views will be a great benefit in helping me effectively represent you. Results will be tabulated and made known to the Congress and the President.

Whatever your political affiliation, it is my hope you will take a few minutes to answer the questionnaire and return it to me. I am looking forward to hearing from you.

Sincerely,

JOHN MYERS,
*Your Congressman.*

1. Do you believe our selective service system should be:

(a) Retained as is.

(b) Abolished in favor of an all-volunteer army.

(c) Based on a lottery system without deferments.

2. Do you favor a government-guaranteed annual wage as a means of eliminating poverty?

(a) Yes.

(b) No.

(c) Undecided.

3. Which do you believe should take preference in efforts to control inflation?

(a) Raise income taxes.

(b) Reduce federal spending.

(c) Wage and price controls.

4. What course do you favor in Vietnam:

(a) Administration plan for orderly withdrawal of troops.

(b) Immediate withdrawal of all troops.

(c) Seek complete military victory.

5. In dealing with the possession and use of marijuana, do you favor:

(a) Easing and eliminating federal minimum penalties.

(b) Increasing the penalties.

(c) No change in present laws.

6. With regard to the question of granting 18-year-olds the vote in national elections, do you favor:

(a) A change by amendment to the Constitution.

(b) A change by act of Congress.

(c) No lowering of voting age.

7. Should the Federal government promote rural development through programs of economic incentives and aid to private industry to help create jobs in rural areas?

(a) Yes.

(b) No.

(c) Undecided.

8. Do you support Congressman Myers' legislation providing strict controls over pollution of our environment?

(a) Yes.

(b) No.

(c) Undecided.

9. Do you support efforts by the Administration to reach an enforceable arms control agreement with the Soviet Union?

(a) Yes.

(b) No.

(c) Undecided.

10. Do you favor ending federal aid to individual students found guilty of disrupting classes or other normal college operations?

(a) Yes.

(b) No.

(c) Undecided.

11. Concerning the operation of the Post Office Department, should Congress reorganize the Department by

(a) Changing it to a non-profit public corporation,

(b) Allowing private industry to take over postal functions, or

(c) Granting present postal authorities additional control with specific Congressional oversight.

12. How would you rate President Nixon's overall performance since he took office?

(a) Excellent.

(b) Good.

(c) Not so good.

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## KNOXVILLE SOLDIER IN VIETNAM SENDS POEM TO COUNTER PROTESTS

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DUNCAN. Mr. Speaker, I wish all of the students, and everyone else, who are protesting our involvement in Southeast Asia would read the following letter from a young soldier from Knoxville, Tenn.

Sp. Bobby W. Adkins is in Vietnam helping to fight a war for peace while the enemy he faces is getting help from young people his own age here at home. This young man understands war and he is very realistic in summing up the situation.

KNOXVILLE SOLDIER IN VIETNAM SENDS POEM TO COUNTER PROTESTS

EDITOR, THE NEWS-SENTINEL:

I am presently stationed in Tay Ninh Province with the 1st Air Cavalry Division. My home is in Knoxville, and I used to deliver your newspaper.

I am writing you because of the increased and insistent demonstrations that are occurring in the U.S. concerning this war. I feel that I have come across something—a poem—that may make a few people think before they act. People don't seem to really think about the American lives that have been lost here in 'Nam, and those that will be lost before this war ends. This poem seems to "tell it like it is" for those people who demonstrate against what we are doing over here.

I didn't enlist in the Army, but I do believe that while we are in this war we should do all we can to end it as soon as possible. This push the Army—mainly the Cavalary—has going now, may help bring an end to this war before more Americans have their lives interrupted and then ended like so many have already.

Please print this poem. Maybe some people will change their minds and back President Nixon in this campaign. I hope it does something for the dissenters and protesters. If they want to protest about this war, let them spend one week with a Grunt unit here in Vietnam. I doubt if many of them would still want to protest how we are fighting this war. They would probably protest the NVA and VC methods instead.

A MAN A SOLDIER

Take a man, make him a soldier.
Put his kind alone 12,000 miles from home.
Empty his heart of all but the blood
Make him live in sweat and mud.
This is the life we soldiers must live
And our souls to the devil we give.
And you peace boys back home don't have a care,
You don't know what it's like over here.
You have a ball without really trying,
While over here men are dying.
You burn your draft cards and march at dawn,
You put your signs on the White House lawn,
You want to ban the deadly bomb,
You say there's no war in Vietnam.
Use your drugs and have your fun,
And refuse to lift a gun,
You say there's nothing in it for you
And we're supposed to die for you.
I'll hate you till the day I die,
When I hear again my buddy's cry.
I see his arm a bloody shred,
And I hear the medic say
"This one's dead."
It's quite a price he had to pay
Not to live another day.
He had the guts to fight and die,
He paid the price but what did he buy?
He bought your life by losing his,
But what do you care what a soldier gives?

Thank you for your time and interest. I hope people will eventually wake up. I don't want to live under Communism.

SP/4 BOBBY W. ADKINS.

HH & Battery, 2nd Battalion (AM), 19th Artillery
1st Cavalry Division (AM)
APO San Francisco, Calif. 96490

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## TRIBUTE TO LOREN C. BARTON

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ANDERSON of California. Mr. Speaker, today at Leuzinger High School in Lawndale, Calif., the citizens of that community will gather to pay tribute to Loren C. Barton. Mr. Barton is retiring this year, after many years of dedicated professional service to his community and to education. He has been associated with education in the Los Angeles area for 35 years.

Mr. Barton began his teaching career in 1935 at Washington Intermediate School in Hawthorne, Calif., where he taught until 1937. From 1937 until 1941, he was an instructor of physical education at Crozier Junior High School, Inglewood, Calif. He was a teacher and supervisor of physical education of the Hawthorne School District, Hawthorne, Calif., for 5 years from 1942 to 1947. In 1947, he began his tenure at Leuzinger High School in Lawndale, Calif., and in 1951, he became assistant principal. He has served in this position for the past 19 years.

Mr. Barton served on the PTA Council of Lawndale and as a member of the Coordinating Council of the Case Conference Committee.

He represented the Centinela Valley Secondary Teachers' Association on the legislative, credentials, and salary committee and also served as treasurer of the Centinela Valley Teachers' Credit Union.

The retiring assistant principal has been paid the high tribute of an honorary life membership in the California Congress of Parents and Teachers. Students have recognized his devotion by dedicating a school annual to him. In further recognition of his concern for the young, he has been awarded the Order of Merit from the Boy Scouts of America.

Mr. Barton is well qualified as a teacher and has worked hard to acquire the necessary credentials. He received his AA and junior certificate from Compton Junior College in 1933 and his degree in education from UCLA in 1935. Between the years 1938 to 1953 he studied to acquire his M.S. in education at USC.

He has been active in many organizations associated with education. He is a life member of the UCLA Alumni Association, and a member of the USC General

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Alumni Association. He belongs to the California Teachers' Association and the California Association of Secondary School Administrators. He is also a member of the National Association of Secondary School Principals and the Centinela Valley Secondary Teachers' Association.

In addition, Mr. Barton is active in other community activities. He is a past president of the Hawthorne Optimist Club. He is a member of the Parent Teacher Association, the YMCA, the Boy Scouts of America, and the Girl Scouts of America.

His hobbies include ham radio operation as well as being a journeyman machinist and journeyman plumber. He is vice president of the Malibu Bowl Land Investment Corp. and a member of the National Association of Watch and Clock Collectors.

Loren C. Barton is an active and dedicated citizen. His contributions to his community and to youth are many. I invite my colleagues to join me in congratulating Loren C. Barton, my friend and a great citizen, for his outstanding service to his fellow man.

### WALTER REUTHER

## HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DADDARIO. Mr. Speaker, Walter Reuther will be deeply missed by everyone involved in the labor movement. That he was a tough bargainer, a predictable innovator, and a constant guardian of his constituents is unchallenged. But the tragic loss of Walter Reuther will be felt on a much wider scale. He will be missed by all Americans for these were, in a larger sense, his constituents also.

To merely say that he was a progressive is to detract from a man who committed his life to a movement through which the welfare of the worker could be improved and the decency of all men maintained. This required the ability to move beyond special interests; to seek out the best in people and encourage them to act together for higher social purposes.

Walter Reuther understood the needs of the Nation and the unattended peoples because he had lived and worked with them. Forty cents an hour, 13-hour days, and 7-day workweeks were understood by him because he had experienced them.

But the elimination of these oppressive conditions did not blunt his desire to improve the quality of life for the working man. Pension benefits, profit sharing, and a guaranteed income plan were just some of the milestone accomplishments negotiated by Mr. Reuther for the UAW.

And there were others, too. For no direct benefit to his union, he led the way in civil rights, the war against hunger, and efforts to provide adequate health care for the Nation. His service was marked by distinction and dedication to the best interests of the people of this Nation. I extend my deepest sympathy to his family.

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# SENATE—*Friday, May 15, 1970*

The Senate met at 11:30 o'clock a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, who has been the hope and help of many generations, and who in all ages hast given men the power to seek Thee and in seeking Thee to find Thee, grant to us here a vivid sense that Thou art with us. Give us a clearer vision of Thy truth, a greater faith in Thy power, and a more confident assurance of Thy love.

We beseech Thee, O Lord, by Thy grace to mend our broken Nation, and to bring reconciliation of man with man and of government with people.

When the way seems dark, give us grace to walk in the light we have; when much is obscured, make us faithful to the little we can clearly see; when the distant scene is clouded, give us courage to take the next step; when insight falters and faith is weak, help us to repay Thee in love and loyalty, in tenderness and compassion, for our souls' sake and the welfare of the people.

Hear us, O God, in whom we trust now and forever. Amen.

### DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 15, 1970.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
*President pro tempore.*

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 14685. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; and

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 520. Concurrent resolution authorizing the printing of an additional 1,000 copies of House Report 91–610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa for the use of the Committee on Foreign Affairs" of the House of Representatives;

H. Con. Res. 537. Concurrent resolution providing for the printing as a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren;

H. Con. Res. 578. Concurrent resolution authorizing the printing of a "Compilation of Works of Art and Other Objects in the U.S. Capitol," as a House document, and for other purposes;

H. Con. Res. 580. Concurrent resolution authorizing certain printing for the Select Committee on Crime;

H. Con. Res. 584. Concurrent resolution relative to printing as a House document a history of the Committee on Agriculture; and

H. Con. Res. 585. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

### ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes; and

H.J. Res. 1232. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

### HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred or ordered to be placed on the calendar, as indicated:

H.R. 14685. An act to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes; ordered to be placed on the calendar; and

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes; to the Committee on Appropriations.

### HOUSE CONCURRENT RESOLUTIONS REFERRED

The following concurrent resolutions were severally referred to the Committee on Rules and Administration:

H. Con. Res. 520. Concurrent resolution authorizing the printing of an additional 1,000

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copies of House Report 91-610, 91st Congress, first session, entitled "Report of Special Study Mission to Southern Africa for the use of the Committee on Foreign Affairs" of the House of Representatives;

H. Con. Res. 537. Concurrent resolution providing for the printing as a House document the tributes of the Members of Congress to the service of Chief Justice Earl Warren;

H. Con. Res. 578. Concurrent resolution authorizing the printing of a "Compilation of Works of Art and Other Objects in the United States Capitol," as a House document, and for other purposes;

H. Con. Res. 580. Concurrent resolution authorizing certain printing for the Select Committee on Crime;

H. Con. Res. 584. Concurrent resolution relative to printing as a House document a history of the Committee on Agriculture; and

H. Con. Res. 585. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 14, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, pursuant to the previous order, the Chair recognizes the Senator from Kentucky (Mr. Cook), for not to exceed 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield, without losing his right to the floor or any of his time?

Mr. COOK. I yield.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of certain measures on the calendar, beginning with Calendar No. 895 and concluding with Calendar No. 869.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## MERLIN DIVISION, ROGUE RIVER BASIN PROJECT, OREGON

The bill (H.R. 780) to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-856), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PURPOSE OF THE MEASURE

The purpose of H.R. 780 is to authorize the construction, operation, and maintenance of the Merlin division of the Rogue River Basin reclamation project in Josephine County, Oreg. The Merlin division is a multiple-purpose water resource development for the purposes of serving irrigation water to more than 9,000 acres, for public outdoor recreation, fish and wildlife conservation, area redevelopment, and flood control.

### BACKGROUND

The Secretary of the Interior's feasibility report on the Merlin division was transmitted to the Congress on January 2, 1964, and has been printed as House Document 202, 88th Congress. A bill to authorize construction of the project (S. 51, 90th Cong.) passed the Senate on December 8, 1967, but was not acted upon in the House.

The Subcommittee on Water and Power Resources held a hearing on June 30, 1969, on S. 804, a bill introduced by Senator Hatfield, for himself and Senator Packwood, which is similar to H.R. 780. At that time the Department witnesses recommended that further studies of the project plan be carried out to achieve a more economical design and better financial arrangements. Those studies were performed at the committee's request and the results were transmitted to the committee by the Department's letter of April 2, 1970, which is reprinted in this report.

H.R. 780 passed the House of Representatives on April 20, 1970.

### PLAN FOR DEVELOPMENT

The plan of development for the Merlin division will provide for optimum utilization of the flows of a major tributary of the Rogue River through construction of Sexton Dam and Reservoir on Jumpoff Joe Creek. The dam, an earthfill structure about 205 feet high, will create a reservoir with a total capacity of 39,000 acre-feet and a surface area of 660 acres. The required right-of-way is primarily undeveloped public lands without scenic or other natural values of important consequence. Minor amounts of privately held lands are likewise undeveloped. Water will be conveyed through a closed-pipe distribution system to the individual delivery points in the service area where it will be available under sufficient pressure for sprinkler irrigation. Sexton Reservoir has a regulatory capability to serve 9,260 acres of designated lands and an added increment of approximately 2,000 acres which have not yet been specifically identified and provided for in the distribution system cost estimates.

The plan of development will also provide recreational facilities for public use for camping, boating, and other water sports activities. Fish and wildlife enhancement in the reservoir will be achieved by the installation of a fish hatchery as a part of the project, to be used for raising of trout for stocking the reservoir. Mitigation of otherwise project-caused fishery damages will be accomplished by providing a minimum release to the stream from the reservoir.

### FINANCIAL AND ECONOMIC ANALYSIS

The estimated construction cost of the Merlin Division is $28,470,000. This cost reflects recent design changes in the distribution system and updating of estimates to July, 1969 price levels. The investment cost, which also includes $282,000 of assigned costs of the Federal Columbia River power system, totals $28,752,000 and is allocated among the project purposes as follows:

| | |
|---|---|
| Irrigation | $21,958,000 |
| Flood control | 1,390,000 |
| Recreation | 2,550,000 |
| Fish and wildlife conservation | $785,000 |
| Unassigned reservoir storage | 2,069,000 |
| Total | 28,752,000 |

Annual operating costs are estimated to be $135,500.

Annual project benefits are evaluated at $2,151,700. The project has a ratio of annual benefits to annual cost of 1.87 to 1.00 over a 100-year period of analysis.

The irrigation water users will repay all operating costs and in addition $5,785,000 of the investment costs allocated to irrigation. Financial assistance of $15,891,000 will b provided from Federal Columbia River power system revenues. Recreation and fish and wildlife conservation costs will be shared by non-Federal entities in accordance with the provisions of the Federal Water Projects Recreation Act (79 Stat. 213).

The project repayment analysis utilizes a formula for determining an irrigation pumping power rate which assures repayment without interest of an equitable portion of the overall power investment of the Federal Columbia River power system and associated operating costs. This is compatible with the traditional reclamation policy that irrigation investment be returned without interest. It will not adversely affect the rates or the repayment schedule for the commercial power investment of the system.

### NEED FOR THE PROJECT

The Merlin division area and its surrounding environs in Josephine and Jackson Counties, Oreg., are substantially dependent on the timber industry as a source of economic activity. This industry has, in recent years, been chronically depressed and underutilized. At the present time, it is undergoing an acute depression, with the insured unemployment rate in Josephine County approaching 18 percent of the labor force. The paramount need of the community is an alternate source of employment and economic activity for its underutilized land, water, and labor resources. This can be afforded in large measure through the development of water resource projects providing for irrigation of the arable lands in the valley of the Rogue River and its tributaries. Assured water supplies will also enable greater land utilization based on residential development by in-migrants attracted by the scenic, climatic, and recreational amenities of southern Oregon.

Specifically, the development of the project will result in an assured water supply for more than 9,000 acres of land susceptible to the production of fruit and berries, including the well-known Medford pears, and the forage and pasture base for a greatly expanded livestock and dairy industry. Tourism and recreation will be benefited by the opportunities for enjoyment of the reservoir fishery and water sports potential of Merlin Reservoir conjunctively with the existing resources of the area.

### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends that H.R. 780 be enacted.

## YAKIMA TRIBES

The Senate proceeded to consider the bill (S. 3337) to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47-A, 162, and consolidated 47 and 164, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 2, after line 3, strike out:

Sec. 2. Any part of such funds that may be distributed per capita under the provi-

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sions of this Act shall not be subject to Federal or State income tax. No portion of any of the funds distributed in accordance with the provisions of this Act shall be subject to any lien, debt, or attorney fees except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or the United States.

And, in lieu thereof, insert:

SEC. 2. Any part of such funds that may be distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax; and any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

So as to make the bill read:

### S. 3337

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the funds appropriated by the Act of October 31, 1965 (79 Stat. 1133, 1152), to pay judgments to the Yakima Tribes of the Yakima Reservation in Indian Claims Commission dockets numbered 47–A and 162, and by the Act of July 22, 1969 (83 Stat. 49), is consolidated dockets 47 and 164, together with interests thereon, after payment of attorney fees and litigation expenses, may be advanced, expended, invested, or reinvested for any purpose that is authorized by the tribal governing body and approved by the Secretary of the Interior.

SEC. 2. Any part of such funds that may be distributed per capita under the provisions of this Act shall not be subject to Federal or State income tax; and any per capita share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–859), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE

The purpose of S. 3337, introduced by Senators Jackson and Magnuson at the request of the Yakima Tribes, is to provide for the disposition of three awards totaling $2,210,991.40 awarded to the Yakimas by the Indian Claims Commission. The awards represent, for the most part, compensation for the value of reservation lands omitted through erroneous surveys of the boundaries of the Yakima Indian Reservation established by the treaty of June 9, 1855.

#### NEED

Funds to satisfy the awards in dockets 47–A and 162, in the total amount of $110,991.40, were appropriated by the act of October 31, 1965 (79 Stat. 1133, 1152), and the funds to cover the award in consolidated dockets 47 and 164, in the amount of $2,100,000 were appropriated by the act of July 22, 1969 (83 Stat. 49, 62). Attorney fees have been allowed in the total amount of $221,099.14, or 10 percent of each award. A total of $1,999,013.44 has been invested in U.S. Treasury bills.

Under a provision carried in each annual appropriations act for the Department of the Interior, however, the money cannot be used until specifically authorized by the Congress. S. 3337 would give such authorization. On December 1, 1969, the tribes adopted a two-part plan for the use of the $2,100,000 award in consolidated dockets 47 and 164. They favor reserving $250,000 for a scholarship trust fund, with the interest to be used for tribal scholarships, and the remainder distributed per capita, which will amount to about $300 a share. Tribal membership on September 16, 1969, totaled 5,748 persons. The tribes' position is that a substantial portion of their annual income, nearly $3,500,000 already goes toward ongoing social and economic development plans and projects, and they request that Congress authorize a per capita distribution of these judgment funds.

S. 3337 also covers the awards in dockets 47–A and 162, in the total amount of $110,991.40. These funds will be available for tribal purposes.

#### AMENDMENT

The committee has adopted a substitute for section 2 of the bill as introduced. The new section would provide that any per capita distribution that may be made shall be nontaxable and, further, that shares payable to minors or those under legal disability shall be protected under procedures adopted by the Secretary of the Interior. Language stating that "No portion of any of the funds distributed in accordance with the provisions of this act shall be subject to any lien, debt, or attorney fees except delinquent debts owed by the tribe to the United States or owed by individual Indians to the tribe or the United States" has been stricken. Provisions of this kind have been removed by Congress from all distribution bills enacted in recent years. Indians ought not to be encouraged to escape payment of just debts. Such immunity may also severely limit the availability of credit to Indians. The justification of the Department of the Interior for retaining this provision has not been supported by facts. The committee knows of no reason for treating Indians in a different fashion than non-Indians.

#### COSTS

No increase in Federal expenditures will result from the enactment of S. 3337.

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## HYDROELECTRIC PROJECTS ON MIDDLE SNAKE RIVER

The Senate proceeded to consider the bill (S. 940) to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 10 years, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 3, after the word "unless", strike out "otherwise hereafter"; on page 2, line 2, after the word "the", strike out "ten-year" and insert "eight-year"; and in line 6, after the word "such", strike out "ten-year" and insert "eight-year"; so as to make the bill read:

### S. 940

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, unless authorized by Congress, no license or permit shall be issued nor shall any application for a license or permit be accepted for filing under the Federal Power Act (41 Stat. 1063; 16 U.S.C. 791–823), as amended, with respect to that reach of the Middle Snake River running between Idaho and Oregon and Idaho and Washington extending from Hells Canyon Dam to a point at river mile 146.5 above the mouth of the Snake River where the Asotin Dam project was authorized by the Flood Contral Act of 1962, during the eight-year period immediately following the date of the enactment of this Act: *Provided,* That nothing herein shall change or affect, for the purposes of any action which may be taken subsequent to such eight-year period, the present status, equities, positions, rights, or priorities of any party or parties to an application for license or permit pending before the Federal Power Commission on the date of enactment of this Act: *And provided further,* That nothing herein shall preclude the completion of any hearing or the completion of the record of any proceedings pending before the Federal Power Commission on the date of enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–858), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE OF THE MEASURE

The purpose of this legislation is to suspend the authority of the Federal Power Commission to accept applications or grant licenses or permits under the Federal Power Act (41 Stat. 1063 as amended) for the construction of hydroelectric power projects on the reach of the Middle Snake River extending along the Idaho—Oregon and Idaho—Washington borders for 100 miles between the existing Hells Canyon Dam and the authorized Asotin Dam.

#### BACKGROUND

Between the existing Hells Canyon dam of the Idaho Power Co. and the site of the Asotin dam which is authorized for construction by the Corps of Engineers, the Snake River runs through the deepest gorge on this continent. Three major tributaries enter the Snake within this 100-mile reach, the Imnaha, Salmon, and Grande Ronde Rivers. Topographic relief in the area varies from peaks above 9,000 feet above sea level to less than 800 feet along the Snake River at Asotin. The canyon is more than a mile deep at some locations.

The narrow rocky gorge and rapid fall of the stream which contribute to the scenic value of the area also provide a number of excellent sites for hydroelectric dams. A number of dams and combinations of dams have been studied and proposed by Federal and non-Federal entities over the years. From Hells Canyon dam downstream, the more significant dams which have been discussed are:

| Dam: | *River mile (from Columbia River)* |
|---|---|
| Hells Canyon | 247 |
| Pleasant Valley | 213 |
| Appaloosa | 198 |
| Low Mountain Sheep | 192 |
| High Mountain Sheep | 189 |
| Nez Perce | 186 |
| China Gardens | 172 |

#### HISTORY OF DEVELOPMENT

Studies of this reach of the Snake River have been undertaken intermittently since the early 1900's for recreational, navigation, and multiple-purpose development. A comprehensive plan encompassing studies by both the Department of the Interior and the Corps of Engineers was completed in 1948. The report identified the Mountain Sheep site just above the mouth of the Salmon River as an alternative to the Nez Perce site below the Salmon which had been studied by the Corps of Engineers but which would seriously affect the anadromous fish run in the Salmon River.

Another joint report was prepared in 1954 which proposed construction of the Mountain

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Sheep and Pleasant Valley Dams by the Bureau of Reclamation.

The Federal Power Commission granted a license in 1955 to the Idaho Power Co. to construct a low Hells Canyon Dam as well as the Brownlee and Oxbow Dams upstream on the Snake River.

The Corps of Engineers was authorized to construct the Asotin Dam by the Flood Control Act of 1962. Construction funds have not yet been appropriated. The feasibility of including a navigation lock in the initial construction of the Asotin Dam is presently being studied.

### PENDING FPC ACTION

In 1954, the Pacific Northwest Power Co. (PNP); a subsidiary of Pacific Power and Light, Portland General Electric, Montana Power, and Washington Water Power; filed for a preliminary permit to develop a combination of low Mountain Sheep and Pleasant Valley dams. The FPC granted the permit (Project 2173) in 1955.

Later in 1955, the company filed a license application. Hearings were held in 1956, the Examiner recommended licensing in 1957, but the Commission denied the license in 1958 (19 FPC 126). The Commission's denial was based upon a determination that the Nez Perce project would be better adapted to a comprehensive regional development plan and would have more flood control and power benefits. The Commission was then of the view that the fish passage problem presented by the Nez Perce high dam below the Salmon River could be solved.

Later in 1958, the company filed application for license to construct a High Mountain Sheep Dam (Project 2243). Also in 1958, the Corps of Engineers completed a report on the Columbia River and tributaries which recommended a number of alternatives for development of the Middle Snake River including High Mountain Sheep and Nez Perce Dams.

In 1960, the Washington Public Power Supply System (WPPS), a joint operating agency composed of 16 public utility districts in the State of Washington, filed application for the Nez Perce project (Project 2273). The FPC consolidated the two applications for hearings which opened in November 1960 and closed in September 1961.

The Secretary of the Interior commented to the Commission that because of the fishery problems and because of the power which would become available from the Columbia River Treaty with Canada, "we believe that it is unnecessary at this time, and for some years to come to undertake any project in this area."

In April of 1962, a Corps of Engineers report was transmitted to the Congress on "Water Resources Development of the Columbia River". It reflected negotiations among the Federal agencies and concluded that High Mountain Sheep dam or an alternative should be authorized for construction by the Bureau of Reclamation. The Secretary of Army similarly recommended to the FPC that, because of Federal interests in the area, the Commission should recommend Federal construction of the High Mountain Sheep dam.

The opinion of the Presiding Examiner issued in 1962, and the Commission's decision of February, 1964, (31 FPC 247) nevertheless granted PNP a license to build High Mountain Sheep and denied a license to WPPS for either site. Following a re-hearing on intervention by the Secretary of the Interior, the Commission on April 30, 1964, affirmed granting of the license. The High Mountain Sheep dam was considered by the Commission to be the best comprehensive development which would avoid fish passage problems to the Salmon River.

The license was appealed to the U.S. Court of Appeals for the District of Columbia by the Secretary and WPPS. The Court affirmed the FPC decision on March 24, 1966. A petition for writ of certiorari was granted and the Supreme Court announced its decision on June 5, 1967. (387 U.S. 428). In a divided decision the Court remanded the project to FPC.

The Court's decision was based upon the following general points:

Refusal of the Commission to take testimony of the Secretary of Interior regarding Federal development.

Lack of adequate consideration of fisheries and recreation aspects by the Commission.

Interior's recommendation of deferral for fishery studies.

Lack of determination by FPC of the public interest as opposed to benefit to the licensee, and lack of consideration of all aspects of public concern rather than only the regional ability to use the power.

In July of 1967 the FPC ordered further hearings which were convened in Lewiston, Idaho, and in Portland, Oreg., in September 1968, and in Washington, D.C. beginning in January of 1970.

In 1967, PNP and WPPS entered into an agreement to undertake joint development of the High Mountain Sheep project and amended their applications to be treated as single joint application.

In May 1968, Secretary of the Interior Udall presented the Department's position to the FPC. He opposed the licensing of High Mountain Sheep Dam and proposed instead Federal construction of a combination of a Dam at the Appaloosa site and a Low Mountain Sheep Dam—both above the confluence of the Snake and Imnaha Rivers. The Secretary's position was based upon the impact on fisheries, the need for power, and the Federal interest in operation of the Columbia River system.

In February 1969, the Secretary and the applicants filed a joint motion for continuance of FPC proceeding to permit time for the Secretary to seek congressional authorization of Federal construction of a multiple purpose development including a plan for financial participation by the Pacific Northwest utilities interested in power development. Successive motions led to a continuance until August of 1969 to permit the present administration to review the proposal.

On August 12, 1969, Secretary Hickel notified the FPC that he concluded that it is in the public interest to oppose construction of any project at this time. He called for a moratorium of 3 to 5 years for studies of the highest and best future development of the Middle Snake.

### PRESENT LEGISLATION

S. 940, introduced by the Senators from Idaho, would prohibit the Federal Power Commission from issuing any license or permit or from accepting any application for a license or permit concerning the reach of the Snake River from Hells Canyon Dam (river mile 247) to river mile 146.5 (approximately the Asotin Dam site). As amended by the committee, the measure would impose the prohibition for a period of 8 years immediately following the date of enactment.

The bill further provides that the present status and rights of applicants would remain unaffected after the moratorium and that the FPC may complete its pending hearings.

The reach of the Snake River which is included within the prohibition extends downstream to approximately the location of the proposed Asotin Dam site. The provisions of the measure would have no effect, however, upon the status of the Federal Asotin Dam which was authorized by the Flood Control Act of 1962 (76 Stat. 1193).

The Subcommittee on Water and Power held a hearing on S. 940 on February 16, 1970.

### COMMITTEE AMENDMENTS

The committee amended the bill and the title to reduce the term of the prohibition on licensing from 10 years to 8. The moratorium was initially introduced as S. 4025, 90th Congress in September of 1968. At that time, the 10-year moratorium would have generally coincided with the moratorium on studies of transbasin water diversions established under the provisions of the Colorado River Basin Project Act (82 Stat. 885).

The committee's amendment would have the effect of restoring the term of the prohibition as originally intended.

The committee also made a clarifying amendment to line 3 of page 1.

### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends that S. 940, as amended, be enacted.

Mr. JORDAN of Idaho. Mr. President, this bill, S. 940, sponsored by me and my distinguished colleague (Mr. CHURCH), would prohibit FCC licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 8 years.

This is not merely restrictive legislation to impede development; rather it is designed to accomplish a brief breathing spell in development of a working river that courses through Idaho's heartland, providing lifegiving water, irrigated green space, public recreation, and clean hydroelectric energy from border to border of the Gem State. If the legislation is enacted, the river remains unimpaired as a rich natural resource, but needed time will be provided to complete ecological and engineering studies that will help insure a sound decision on the future utilization of this reach of the Snake River.

In recent decades, six major hydroelectric developments have been proposed for this 100-mile stretch of the river, and FCC hearings are nearing completion on one proposal to build a dam at the High Mountain Sheep site. A proviso of the bill protects the status and rights of the applicants involved in this FCC licensing application and permits completion of the pending hearings.

My interest in this legislation was generated primarily by the recognition that the Snake River and its tributaries represent the major surface water resources remaining to meet future water requirements in a tremendous arid and semiarid area in Idaho and eastern Oregon. To maintain the existing, albeit pitifully small acreage of irrigated green space in this area, and to provide water for new homes, farms, industry, gardens, lawns, and shade trees, and to serve parks and outdoor recreation playgrounds and to meet other requirements, more water will be needed in future years. Of this there is no doubt; planning studies now going forward in State and Federal agencies will only confirm the size of this need.

This legislation keeps open the options for an adequate future water supply and for a properly managed river resource. These environmental decisions must be made from the best information available and without unnecessary haste. To this end, I recommend affirmative action on this moratorium legislation.

Mr. CHURCH. Mr. President, I believe that S. 940, the bill to prohibit for 8 years the licensing by the Federal Power Commission of hydroelectric projects on the

Middle Snake River in Idaho, is one which is urgent in nature.

I have cosponsored this measure with my colleague from Idaho, Senator JORDAN, because we believe that the time should be provided for further appraisal of the Middle Snake in the context of the changing need.

In my view, the necessity for this moratorium is pressing because of the application for construction of a hydroelectric project on the Middle Snake which is pending before the Federal Power Commission.

I am presently persuaded that the construction of a hydroelectric dam on the Middle Snake would not contribute greatly to the development of Idaho. The power would be sold almost entirely outside the State to large urban centers. An alleged benefit to the fishery has yet to be proved or even accepted by the best informed sportsmen groups.

If the dam were to involve a Federal contribution, congressional appropriations for water development projects are limited and it is very important to arrange our priorities in such a way that multipurpose projects, which include irrigations, navigation, and flood control benefits as well as electric power and which contribute most to the general growth of our economy, are built ahead of those projects which contribute the least.

The Middle Snake has a long history of conflict in the private versus public power field. I will not go into a detailed chronology. The record, however, is replete with divided and opposing appraisals. Even now there are questions as to the location of the damsite. Meanwhile, there has been a growing movement against any dams in the canyon and for establishment of this section of the Snake as a recreational river preserved in its natural state.

A bill for this latter purpose has been introduced and is pending before the Senate Parks and Recreation Subcommittee.

Mr. President, this is a magnificent stretch of the river in a canyon deeper than the Grand Canyon of the Colorado. The Seven Devils Peaks rise 8,000 feet above waters that often churn white between sheer walls of rock. This is a wild and remote area where thousands of deer and elk graze in the wintertime and which is the natural habitat for cougar, bear, coyote, and other wildlife. Salmon, steelhead, bass, and the mighty sturgeon abound in the river. Migratory waterfowl, wild turkeys, golden eagles, partridge, grouse, and many other birds flock here. Domestic livestock also graze in the area.

Hells Canyon is internationally known to white water boatmen. Many visitors reach the canyon by jet boats from Lewiston, Idaho, or down steep trails from the Idaho or Oregon sides.

Along the river are many fine campsites some of them ancient Indian stopping places with archeological and anthropological importance.

There are other sound reasons for advocating a moratorium. We need more time to assess the possibility of preserving the start of the salmon and steelhead runs. These contribute not only to the burgeoning recreation industry for transient sportsmen but also to the pleasure of life in our State for many thousands of our citizens.

Another few years should bring us vital answers that we can only guess at now.

Finally, there is the consideration which must be given to the likelihood that nuclear technology will continue to advance. Its pace in recent years has been such that a hydroelectric dam without the enhancement of other public benefits might well be rendered obsolete before it is even completed. There are other alternative sources for power under examination.

When there are so many multipurpose projects that could be completed in the interim, it seems hardly sensible to rush to judgment on building a single-purpose or, at most, a dual-purpose dam in this critical stretch of the river.

Mr. President, we are not prejudicing the issue in seeking this moratorium. We ask only for sufficient time to make sure that this great resource is finally dedicated to its highest and best public use.

That is the purpose of the bill, and I hope the Senate will approve it today.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 8 years."

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### INTER-TRIBAL COUNCIL, INC., MIAMI, OKLA.

The Senate proceeded to consider the bill (S. 886) to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla., which had been reported from the Committee on Interior and Insular Affairs with amendments on page 1, line 6, after the word "States,", insert "except oil, gas, and other minerals therein,"; and on page 2, at the beginning of line 2, insert "township 27 north, range 24 east, lying north"; so as to make the bill read:

S. 886

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Secretary of the Interior shall convey, without monetary consideration, to the Inter-Tribal Council, Incorporated, Miami, Oklahoma, all right, title, and interest of the United States, except oil, gas, and other minerals therein, in and to the land more particularly described in subsection (b) of this section consisting of 114 acres more or less.

(b) The land referred to in subsection (a) is more particularly described as follows:

South half of the northwest quarter and that part of the north half of the southwest quarter of section 21, township 27 north, range 24 east, lying north of the centerline of highway numbered 60, Indian base and meridian, containing 114 acres, more or less, in Ottawa County, Oklahoma.

SEC. 2. Upon conveyance to the Inter-Tribal Council, Incorporated, Miami, Oklahoma, of the land referred to in the first section of this Act such land shall be subject to taxation to the same extent as any real property in private ownership in Ottawa County, Oklahoma, and notwithstanding any other provision of law shall be freed of all restrictions which might otherwise attach to such real property by reason of Indian ownership, including but not limited to restrictions on use, management, and disposition.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-859), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### EXPLANATION

The purpose of S. 886 is to authorize and direct the Secretary of the Interior to convey 114 acres of surplus Federal land in Oklahoma to an organization known as the Inter-Tribal Council Inc. This is a nonprofit organization incorporated under the laws of the State of Oklahoma in 1968 by the leaders of the Seneca, Quapaw, Peoria, Modoc, Ottawa, Shawnee, Miami, and Wyandotte tribes to promote the general health and welfare of the tribal members. The Articles of Incorporation show that the 24 directors consists of three members each from the eight Indian tribes. The corporation will encourage labor-oriented industries to locate on this acreage, thus raising the socioeconomic level of the tribal members residing in the area through the creation of jobs and better housing.

This land was purchased in the 1930s and 40's by the Federal Government for $6,587 and used for farming and dairying operations at the Seneca Indian school until these operations were discontinued 8 years ago. The entire acreage is presently excess to the needs of the Bureau of Indian Affairs. The site appears to be favorably located for industrial purposes. The council does not own other land.

This bill will transfer Government-owned lands presently valued at $25,500 to a nonprofit State corporation without payment of consideration. This organization has no money to pay for this land.

#### AMENDMENTS

The committee has adopted two amendments. The first would except from the conveyance and retain in the United States all minerals, including oil and gas, within the 114-acre parcel. The second amendment, recommended by the Department of the Interior, is merely a technical one to correctly identify the land in question.

#### COST

As explained previously, the present value of this Government-owned land is $25,500. Although it is customary to including language in bills of this nature directing the Indian Claims Commission to determine the extent to which the value of the land should or should not be set off against any pending claim, it has not been done in this bill due to the virtual impossibility of making an equitable determination where eight tribes are involved.

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### FORT BELKNAP INDIAN RESERVATION, MONT.

The Senate proceeded to consider the bill (S. 786) to grant all minerals, including coal, oil, and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with an amendment on page 1, after line 2, strike out: "That the portion of section 6 pertaining to

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minerals of the Act of March 3, 1921 (41 Stat. 1355), is hereby amended to read as follows:

"Sec. 6. Any and all minerals, including oil and gas,"; and, in lieu thereof, insert: "That the last numbered paragraph of section 6 of the Act of March 3, 1921 (41 Stat. 1355, 1358–1359), is hereby amended to read as follows:

"Any and all minerals including oil and gas and lands chiefly valuable for the development of water power";

So as to make the bill read:

S. 786

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the last numbered paragraph of section 6 of the Act of March 3, 1921 (41 Stat. 1355, 1358–1359), is hereby amended to read as follows:

"Any and all minerals, including oil and gas and lands chiefly valuable for the development of water power, on any of the lands to be allotted hereunder are reserved in perpetuity for the benefit of the members of the tribe in common and may, with the consent of the Tribal Community Council, be leased for mining purposes in accordance with the provisions of the Act of May 11, 1938 (52 Stat. 347; 25 U.S.C. 396 a–f), under such rules, regulations, and conditions as the Secretary of the Interior may prescribe: *Provided*, That leases or mining permits may be entered into pursuant to section 6 of the Act of March 3, 1921 (41 Stat. 1355), with the consent of the tribal council and under such rules, regulations, and conditions as the Secretary of the Interior may prescribe, but no lease shall be made for a longer period than ten years and as long thereafter as minerals are produced in paying quantities: *Provided, however*, That until the same shall be leased, any Indian being the head of a family and having rights on such reservation may take coal from any of the tribal lands for his own domestic use."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–860), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PURPOSE

The purpose of the bill is to amend the act of March 3, 1921, which provided for allotment of lands on the Fort Belknap Reservation, to provide for the reservation of all minerals for the benefit of tribal members in common.

### NEED

The 1921 act reserved to the Gros Ventre and Assiniboine Tribes for a period of 50 years all minerals, including oil and gas, on lands allotted pursuant to the act, but reserved to the Congress the right to extend the period within which such reserved tribal rights would otherwise expire. It also provided for 10-year leases with right of renewal for a like period. It further provided for setting aside for tribal use those lands chiefly valuable for the development of water power. At the expiration of 50 years from the date of approval of the act, unless otherwise ordered by the Congress, the minerals will become the property of the individual allottee or his heirs. S. 786 reserves the minerals in perpetuity for the benefit of the tribe.

The 1921 act provided that no mining lease could be made for a period longer than 10 years, but a right of renewal for an additional period of 10 years could be granted to a lessee upon such terms and conditions as the Secretary of the Interior might prescribe. That lease term is much less attractive to lessees than the one provided for in the 1938 Indian Mineral Leasing Act which specifies a term not to exceed 10 years and so long thereafter as minerals are produced in paying quantities.

There has been no appreciable benefit from the mineral reservation to the Indians of Fort Belknap since the 1921 act because of lack of interest in the area. The full potential for mineral production on the reservation is not known. However, the committee believes the tribes should be accorded the opportunity to fully develop their mineral resources. The tribes have requested enactment of this legislation which will permit exploration, development, and extraction of minerals to the benefit of the tribe as a whole.

### AMENDMENT

The committee adopted a technical amendment recommended by the Department of the Interior in the attached report.

### COST

No additional expenditure of Federal funds will result from the enactment of S. 786.

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## WASHOE TRIBE

The Senate proceeded to consider the bill (S. 759) to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif., which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 1, after line 7, strike out:

Township 12 north, range 19 east, Mount Diablo meridian, California, section 36, lots 5, 6, that portion of lot 7 lying in the northwest quarter southwest quarter, and lot 9 containing 101.23 acres, more or less.

And, in lieu thereof, insert:

Township 11 north, range 20 east, Mount Diablo meridian, California, section 20, south east quarter southeast quarter and section 29, northeast quarter northeast quarter, containing 80 acres, more or less."

On page 2, after line 4, insert a new section, as follows:

Sec. 2. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

So as to make the bill read:

S. 759

*Be it enacted by the Senate and House of Representatives of the United States to America in Congress assembled*, That all of the right, title, and interest of the United States in the following described public domain land located in Alpine County, California, are hereby declared to be held by the United States in trust for the Washoe Tribe of Nevada and California:

Township 11 north, range 20 east, Mount Diablo meridian, California, section 20, southeast quarter southeast quarter and section 29, northeast quarter northeeast quarter, containing 80 acres, more or less.

Sec. 2. The Indian Claims Commission is directed to determine, in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–861), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PURPOSE

The purpose of S. 759, introduced by Senator Bible, would be to grant to the Washoe Tribe of Indians of Nevada and California a trust title to 101.23 acres of vacant public domain in Alpine County, Calif., to provide a new reservation land base for approximately 250 Washoe Indians who reside in the Woodfords community in Alpine County, and enable them to participate in a mutual-help housing program. As amended, the bill would set aside 80 acres of public domain in Alpine County, Calif., to carry out a program to assist certain Washoe Indians.

### NEED

The members of the Woodfords community are descendants of Washoe Indians who have resided in this area for generations. Twenty-one of their ancestors received public domain allotments many years ago. As a result of sales and the issuance of patents in fee all except five of these allotments have gone out of Indian ownership and these five are badly fractionated by heirship. Many of the families are occupying portions of the remaining allotments as squatters.

These Indians live in deplorable conditions although considerable attention has been called to their plight in recent years. Not only is housing inadequate, but the domestic water source is contaminated and inconvenient, and there is a lack of waste disposal facilities. Water is presently obtained from unprotected sources, either a stream or a poorly developed spring. None of the structures used for housing have inside plumbing. All of the housing is overcrowded and of very inferior quality. Concerted efforts have been made by the Indians and local officials without success to include these Indians in program to improve their living conditions.

The use of the heirship land as a base for a housing program has been considered. However, the heirs are reluctant to donate their land for this purpose. The location of these allotments is such that they would not be suitable for a housing program even though the present owners agreed that they be so used.

Without a land base it has been impossible for the Indians to develop community programs through which they can improve their situation. Since they and their ancestors have lived in Alpine County for generations, they are understandably opposed to locating elsewhere.

The Washoe Indian Tribe consists of members residing in four Indian communities: Carson Colony, Dresslerville Colony, the Washoe Ranches in Nevada, and the Woodfords community in California. Each of the communities in Nevada has a land base, tribal land held by the United States in trust for the use and benefit of the tribe. The tribe has established a housing authority and this same authority could and would function in California for the benefit of the Woodfords community if it obtains a land base. The fact that the land on which the housing project would be located is held in trust by the United States will be the final factor enabling the tribal housing authority to qualify the project for assistance from the Department of Housing and Urban Development.

The tribal council has requested the enactment of the legislation for the benefit of their members in Alpine County so that members may avail themselves of this mutual-help housing program. The State of California by Senate Joint Resolution 16 has memorialized the President and the Congress to enact such legislation. Because of the extreme concern for the welfare of the Woodfords people and the obvious need for relief, the committee recommends enactment of this legislation.

### AMENDMENTS

The committee has adopted two amendments. The first one strikes the land description and inserts a new land description in accordance with the Department of the Interior's recommendation. The second amendment adds a new section 2, suggested by the Bureau of the Budget, which directs the Indian Claims Commission to determine the extent to which the value of the title conveyed should or should not be set off against any claim before the Commission.

### COST

The Department of the Interior was unable to furnish the committee an appraisal with respect to the value of the 80-acre tract. Nor did they have a site or development plan prepared.

## COLLEGE HOUSING DEBT SERVICE GRANTS

The joint resolution (S.J. Res. 196) increasing the authorization for college housing debt service grants for fiscal year 1971 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 401(f) (2) of the Housing Act of 1950 is amended by striking out "$4,200,000" and inserting in lieu thereof "$6,800,000".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-863), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The joint resolution would provide for an additional $2,600,000 authorization for college housing interest subsidy grants. This legislation is necessary to provide the authority needed to meet the budget requests for fiscal year 1961, now pending before the Congress. The Appropriations Committees of both Houses of Congress are working on the budget request for fiscal year 1971 and need the additional authorization if the full budget request for college housing is to be approved.

The interest subsidy proposed for fiscal year 1971 would be adequate to finance a $300 million college housing construction program—the same level we have had for the past several years.

In the Housing and Urban Development Act of 1969, because of rising construction and interest costs, the Congress approved an additional $4.2 million of authorization for a cumulative total through fiscal year 1971 of $24.2 million.

Interest costs, however, have continued to rise and it is currently estimated that the program levels authorized by Congress for 1970 will require a supplemental contract authorization. In order to carry out the congressional intent and to maintain the program at the $300 million level, the additional $2.6 million is necessary.

The following table shows the use of the interest subsidy for the past few years:

| | |
|---|---|
| Contract authority in appropriation acts: | |
| Fiscal year 1969, enacted | $5,500,000 |
| Fiscal year 1970, enacted | 6,500,000 |
| Fiscal year 1970, proposed supplemental | 5,500,000 |
| Fiscal year 1971, budget estimate | 9,300,000 |
| Total requirements through fiscal year 1971 | $26,800,000 |
| Contract authority included in sec. 401 of Housing Act of 1950, as amended | 24,200,000 |
| Additional authority required | 2,600,000 |

Together with the $4,200,000 provided in the Housing and Urban Development Act of 1969, the additional amount to become available on July 1, 1970, would be $6,800,000.

## FISHERIES LOANS

The bill (S. 3102) to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 4(c) of the Fish and Wildlife Act of 1956 (70 Stat. 1121), as amended (16 U.S.C. 742c(c)), is further amended by changing the date "June 30, 1970" to "June 30, 1980" where it appears three times.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-862), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE OF THE LEGISLATION

The bill, introduced at the request of the Department of the Interior pursuant to Executive Communication of September 26, 1969, would accomplish this purpose by extending the life of the fisheries loan fund an additional 10 years, from June 30, 1970, until June 30, 1980.

### BACKGROUND AND NEED FOR THE LEGISLATION

The original authority for the fisheries loan fund was contained in the Fish and Wildlife Act of 1956. It was provided to assist in maintaining and upgrading the U.S. fishing fleet due to the fact that other sources of long-term financing for fishing vessels were not available.

By February 28, 1970, a total of 1,091 loans for nearly $28 million had been approved. Estimated annual losses from bad debts have been held to less than 1 percent of the average annual outstanding balance of loans.

The need for this loan program is even more critical at the present time than in 1956 when the act was first passed. High interest rates and general loan difficulty, coupled with the uncertainties of fishing, would place the fishing vessel operator in a nearby hopeless position without this assistance. The current demand for such fisheries loans is unprecedented requiring the Department of the Interior's Bureau of Commercial Fisheries to establish in October 1961 a limit of $40,000 per transaction.

Under the present act the authority to make loans expires on June 30, 1970. All money then in the fund and all collected thereafter will be paid into the general fund of the Treasury. However, this bill would avoid covering such funds into the Treasury as miscellaneous receipts by permitting the continuation of the loan fund through extension of its present authority and life for an additional 10 years until June 30, 1980.

The fisheries loan fund has made it possible for over 1,000 vessels to be constructed, purchased, upgraded, or kept in the fishery. Interest collections have been sufficient to pay the program costs and losses, so the only expense to the taxpayer has been the interest on funds appropriated many years ago.

### CONCLUSION

In view of the small cost and the tremendous benefits of this program, your committee recommends the enactment of this bill.

### COST

The extension of the loan program proposed by this legislation involves no additional authorization to appropriate Federal funds, which was set at $20 million in 1958 to provide initial capital. Therefore, there should be no additional cost.

## SENATE JOINT RESOLUTION PASSED OVER

Senate Joint Resolution 173, a joint resolution authorizing a grant to defray a portion of the cost of expanding the United Nations Headquarters in the United States was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The joint resolution will be passed over.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, the next bill, Calendar No. 868, is the bill now pending, H.R. 15628, to amend the Foreign Military Sales Act. The only bill left on the calendar to be called at this time is Calendar No. 869.

## FEDERAL YOUTH CORRECTIONS ACT

The bill (S. 3564) to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 5014 of title 18, United States Code, is amended by inserting ", or an examiner designated by the Division," after the words "of the Division".

SEC. 2. Section 5020 of title 18, United States Code, is amended by deleting the words "or a member thereof" and inserting in lieu thereof ", a member thereof, or an examiner designated by the Division".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-866), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE

The purpose of the bill is to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders.

### STATEMENT

The bill was introduced on the recommendation of the Department of Justice.

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In its message to the Congress recommending the legislation, the Department of Justice said:

The Youth Corrections Act provides for a Youth Correction Division within the Board of Parole. That Division, composed of members of the Board of Parole as designated by the Attorney General, makes recommendations concerning the treatment and correction policies for committed youth offenders, orders the release of offenders on parole, the return to custody for further treatment of those who do not succeed when conditionally released, and the unconditional release of those who are successful for at least 1 year on parole.

Another function of the Division is to interview youth offenders after initial commitment and upon return to custody. Sections 5014 and 5020 of title 18, United States Code, provide for members of the Division to conduct these interviews. This proposal would permit the Division to designate examiners to perform this function.

Presently, examiners are used by the Board of Parole for interviews with adult offenders. However, since the Youth Corrections Act provides for Division members to interview youth offenders, it is necessary to obtain a waiver by an offender if an examiner is to interview him. If a youth offender does not consent to a waiver, his interview must be delayed until a Division member can visit the institution where he is confined. This results in even greater delays when the youth offenders involved are confined in adult-type institutions.

The Board of Parole would like to institute a new program with examiners conducting a majority of the interviews with youth offenders as well as adult offenders while Board members remain in Washington to confer and make final decisions based on the information provided by the examiners. This program, which would be greatly facilitated by the enactment of this proposal will make the operation of the Board and the Youth Division much more effective and efficient.

The Task Force on Corrections of the President's Commission on Law, Enforcement and Administration of Justice recommended the use of examiners along the lines proposed here.

The Department of Justice urges the early introduction and prompt enactment of this measure.

The Bureau of the Budget has advised that the submission of this recommendation is consistent with the administration's objectives.

The committee believes that the bill is meritorious and recommends favorable consideration.

Mr. MANSFIELD. Mr. President, I thank the distinguished Senator from Kentucky (Mr. Cook), for his forbearance and patience.

Mr. President, I ask unanimous consent that the unobjected-to measures from the calendar which were passed this morning not have the rule of germaneness made applicable to them, but that the rule of germaneness start with the laying before the Senate of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HAYNSWORTH, CARSWELL, AND BLACKMUN: A NEW SENATE STANDARD OF EXCELLENCE

Mr. COOK. Mr. President, with the confirmation of Judge Harry A. Blackmun by the Senate this week, I believe we have come to the end of an era in Supreme Court history. In many respects, it has not been a proud period in the life of the U.S. Senate or, for that matter, in the life of the Presidency. Mistakes have been made by both institutions.

The Supreme Court of the United States, nevertheless, remains as the most prestigious institution in our Nation and possibly the world. For many years public opinion polls have revealed that the American people consider being a member of the Supreme Court is to hold the most revered position in our society. I am glad the High Court is held in such regard by our people. It is an indication of the respect Americans hold for the basic fabric of our stable society—the rule of law.

To the extent that the recent controversial period has eroded respect for our legal institutions, it has been a disaster. There could not have been a worse time for an attack upon the legal system in this country than in the past year when tensions and frustrations about our foreign and domestic policies literally threatened to tear us apart. Respect for law and the administration of justice has at various times in our history been the only buffer between chaos and order. During the past year this pillar of our society has been swaying in the breeze of both justified and unconscionable attacks. It is time the President and the Congress helped to put an end to the turmoil.

The President's nomination of Judge Harry Blackmun and the Senate's responsible act of confirmation is a first step. But before we move on, I think it important to attempt to review the events of the past year and to determine what meaning, if any, they have had. I have drawn some conclusions about what the proper role of the Senate should be in giving its advice and consent to Supreme Court appointments and I will offer my suggestions today.

Circumstances placed several of us in the middle of the controversies of the past year. In my own case, election to the Senate in 1968 and subsequent appointment to the Judiciary Committee brought my initial introduction to the practical application of article II, section 2 of our Constitution which reads, in part, that the President shall "nominate, and by and with the advice and consent of the Senate, shall appoint . . . judges of the Supreme Court."

The senatorial attack on the Johnson nomination of Justice Abe Fortas to be Chief Justice and its success in blocking the appointment had set some precedent for senatorial questioning in an area which had, with one exception, largely become an exclusively Presidential prerogative in the 20th century. The period of senatorial assertion had begun.

The resignation of Justice Fortas further intensified the resolve of the Senate to reassert what it considered to be its rightful role in advising and consenting to Presidential nominations to the Supreme Court.

It was in this atmosphere of senatorial questioning and public dismay over the implication of the Fortas resignation that President Nixon submitted the name of Judge Clement F. Haynsworth, Jr., of South Carolina, to fill the Fortas vacancy. Completely aside from Judge Haynsworth's competence, which was never challenged, he had a number of problems from a political point of view, given the Democrat-controlled Congress.

Since he was from South Carolina he was immediately considered to be an integral part of the so-called southern strategy which was receiving quite a lot of press comment at that time. His South Carolina residence was construed as conclusive proof that he was a close friend of the widely criticized senior Senator from that State, STROM THURMOND, whom, in fact, he hardly knew. Even though I had not determined how I would vote at this early stage in the proceedings, such an attack against the nominee rather than the nominator, in whose mind the southern strategy would be, if it existed, offended my fundamental sense of fairness.

In addition, labor and civil rights groups mobilized to oppose Judge Haynsworth on philosophical grounds. I might have had some problems along these lines myself if I had concluded that philosophical considerations were relevant. However, after an examination of the historic role of the Senate, I concluded that the relevant inquiry of this body should be into the issue of qualifications—not philosophy. Senator EDWARD KENNEDY expressed my feeling well when he said to conservatives during the floor debate on the Thurgood Marshall nomination:

> I believe it is recognized by most Senators that we are not charged with the responsibilities of approving a man to be Associate Justice of the Supreme Court only if his views always coincide with our own. We are not seeking a nominee for the Supreme Court who will express the majority view of the Senate on every given issue, or on a given issue of fundamental importance; we are interested really in knowing whether the nominee has the background, experience, qualifications, temperament and integrity to handle this most sensitive, important, responsible job.

The ethical questions which were raised about Judge Haynsworth, I concluded, were certainly relevant to the proper inquiry by the Senate into qualifications for appointment. Also, distinction and competence would bear upon the question of qualifications, but Judge Haynsworth's ability was conceded even by his opponents and thus was never a factor in the debate. We were left in the Haynsworth case, then, with the task of determining whether he had violated any existing ethical standards before we could completely satisfy the requirement that he be qualified for elevation to the High Court.

First, it was essential to ascertain what, if any, impropriety Judge Haynsworth had committed. So, I looked to the facts. The controlling statute in the situations where judges might potentially disqualify themselves was 28 United States Code, which reads:

> Any Justice or Judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in

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his opinion, for him to sit on the trial, appeal, or other proceeding therein.

In addition, Canon 29 of the American Bar Association Canons of Judicial Ethics was pertinent in that it provided:

> A judge should abstain from performing or taking part in any judicial act in which his personal interests are involved.

The first instance cited by Judge Haynsworth's opponents as an ethical violation was the much celebrated labor case, ***Darlington Manufacturing Co.*** v. ***NLRB***, 325 F. 2d 682, argued before and decided by the fourth circuit in 1963. The facts showed that a vending machine company, Carolina Vend-A-Matic, of which Judge Haynsworth had been one of the original incorporators 7 years before he went on the bench, had a contract to supply vending machines to one of Deering-Millikin's plants. At the time Judge Haynsworth went on the bench in 1957, he orally resigned as vice president of the company but continued to serve as a director until October 1963, at which time he resigned his directorship in compliance with a ruling of the U.S. Judicial Conference. During 1963, the year the case was decided, Judge Haynsworth owned one-seventh of the stock of Carolina Vend-A-Matic.

Suffice it to say that all case law in point, on a situation in which a judge owns stock in a company which merely does business with one of the litigants before him, dictates that the sitting judge not disqualify himself. As John P. Frank, the leading authority on the subject of judicial disqualifiaction testified:

> It follows that under the standard federal rule Judge Haynsworth had no alternative whatsoever. He was bound by the principle of the cases. It is a Judge's duty to refuse to sit when he is disqualified, but it is equally his duty to sit when there is no valid reason not to . . . I do think is it perfectly clear under the authority that there was virtually no choice whatsoever for Judge Haynsworth except to participate in that case and do his job as well as he could.

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The second situation which arose during the Haynsworth debate was the uproar caused by opponents over the fact that he sat in three cases in which he owned stock in a parent corporation where one of the litigants before him was a wholly owned subsidiary of that parent corporation. These cases were ***Farrow*** v. ***Grace Lines, Inc.***, 381 F. 2d 380 (1967); ***Donohue*** v. ***Maryland Casualty Co.***, 363 F. 2d 442; and ***Maryland Casualty Co.*** v. ***Baldwin***, 357 F. 2d 338 (1966).

Consistently ignored during the outrage expressed over his having sat in these cases were the pleas of many of us to look to the law to find the answer to the question of whether Judge Haynsworth should have disqualified himself in these situations. Instead, the opponents decided, completely independent of the controlling statutes and canons, that the judge had a "substantial interest" in the outcome of this litigation and should, therefore, have disqualified himself. Under the statute, 28 United States Code 455, Judge Haynsworth certainly had no duty to step aside. The two controlling cases in a situation where the judge actually owns stock in one of the litigants, not as here where the stock was owned in the parent corporation, are ***Kinnear-Weed Corp.*** v. ***Humble Oil***, 403 F. 2d 437 (5th Cir. 1968), and ***Lampert*** v. ***Hollis Music, Inc.***, 105 F. Supp. 3 (1952). These cases interpret "substantial interest" to mean "substantial interest" in the outcome of the case not in the litigant. And here Judge Haynsworth not only did not have a "substantial interest" in the outcome of the litigation, he did not even have a "substantial interest" in the litigant, his stock being a small portion of the shares outstanding in the parent corporation of one of the litigants; there was, therefore, clearly no duty to step aside under the statute.

But was there a duty to step aside in these parent-subsidiary cases under Canon 29? The answer is an unequivocal "no." The only case available construing language similar to that of Canon 29 is found in the disqualification statute of a State In ***Central Pacific Railroad Co.*** v. ***Superior Ct.*** 296 PAC 883, the State court held that ownership of stock in a parent corporation did not require disqualification in litigation involving the subsidiary. Admittedly, this is only a State case but significantly there is no Federal case law suggesting any duty to step aside where a judge merely owns stock in the parent where the subsidiary is before the court. Presumably, this is because such a preposterous challenge has never occurred even to the most ingenious lawyer until the opponents of Judge Haynsworth arrived on the scene.

Therefore, Judge Haynsworth violated no standard of ethical behavior in the parent-subsidiary cases except that made up for the occasion by his opponents to stop his confirmation.

There was one other case in the Haynsworth proceedings which must be recalled, ***Brunswick Corp*** v. ***Long***, 392 F. 2d 337. The facts of this case were briefly as follows: On November 10, 1967, a panel of the fourth circuit including Judge Haynsworth heard oral argument in the case and immediately after argument voted to affirm the opinion of the district court. Judge Haynsworth, on the advice of his broker, purchased 1,000 shares of Brunswick on December 20, 1967. Judge Winter, to whom the task of writing the opinion had been assigned on November 10, the day of the unanimous decision, circulated his opinion on December 27. Judge Haynsworth noted his concurrence on January 3, 1968, and the opinion was released on February 2, 1968. Judge Haynsworth testified that he completed his participation, in terms of the decisionmaking process, on November 10, 1967, approximately 6 weeks prior to the decision to buy Brunswick stock. Even if one concedes that Judge Haynsworth sat while he owned Brunswick, he did not have a "substantial interest" in the outcome of the litigation under 28 U.S.C. 455, and certainly he did not have a "substantial interest" in the litigant itself.

There were other trumped-up charges against Judge Haynsworth but these I have recounted were the major factors used to defeat him. It is clear to any fair-minded reader that the judge violated no existing standard of ethical conduct, just the one created for the occasion by those who sought to defeat him for political gain. As his competence and ability were unassailable, the opponents could not attack him for having an undistinguished record of achievement. The only alternative available was the hope that they could first create a new standard; second, apply this new standard to Haynsworth retroactively making him appear to be insensitive; third, convey the newly created appearance of insensitivity to the people by way of the press; and fourth, sit back and wait until the politicians in the Senate responded to an aroused public.

As I said in a speech on the floor of the Senate on November 14, 1969, the Senate was, in essence, denying Clement Haynsworth a fair trial—a trial based upon the law and the facts as they existed, not the law and facts as contrived. I also remember that I pointed out that the Supreme Court, which the opponents had admired so greatly, had built its reputation for fairness by protecting the little man against what would have been the popular will if a vote were taken. I say this because a recent Gallup poll revealed that the American people did not even believe in the guarantees of the Bill of Rights. It was the Supreme Court of the past 15 years which stood as a buffer against public opinion to retain the constitutional guarantees to which all individual Americans are entitled. Yet the Senate of the United States could not rise above a public aroused by insinuation and innuendo to give a nominee for that same Court, which has done so much to protect individual liberty, a fair trial.

Mr. President, it was a low point in the history of the U.S. Senate.

Subsequent to the defeat of Judge Haynsworth, President Nixon sent to the Senate the name of Judge G. Harrold Carswell of Florida and the fifth circuit. He, too, had an initial problem in that he came from the South and was also considered to be a part of the southern strategy. This should have been, as it should have been for Haynsworth, totally irrelevant to considerations of the man and his ability. But, surely, it had an effect.

I was troubled at the outset of the hearings over reports of statements Judge Carswell had made as a youthful candidate for the legislature. But remembering the relevant inquiry of the Senate, as I saw it, I limited my examination to the issue of qualifications. As I pointed out earlier, there are several factors which describe what I call my Haynsworth test:

Competence, achievement, temperament, judicial integrity, and nonjudicial record.

Judge Haynsworth would not have passed my Haynsworth test had he, in fact, been guilty of some ethical impropriety—that is, if his judicial integrity had been compromised by violations of any existing standard of conduct. His competence, achievement, temperament, and the record of his life off the bench had never been questioned, but a breakdown in any of these areas might have been fatal also.

The judicial integrity, which I have described as a violation of existing standards of conduct for Federal judges, was never in question in the Carswell proceedings, since he owned no stocks and had not been involved in any business ventures through which a conflict might arise. Certainly, his nonjudicial record was never questioned, nor was that a factor raised against any nominee in this century to my knowledge. When I refer to nonjudicial activities I make reference to such potential problems as violations of Federal or State law or such personal problems as alcoholism. In other words, debilitating factors unrelated to sitting on the bench.

However, all the other factors making up my Haynsworth test were raised in the Carswell case and caused me some problem from the later stages of the hearings up to and until the vote.

First, as to the question of competence, Judge Carswell had been reversed while a U.S. district judge more than twice as often as the average Federal district judge in the country. Reversal percentage alone, without interpretation, might not have been significant, but Judge Carswell's reversals included an overwhelming number of cases in noncontroversial stable areas of the law where his sole duty was to accurately interpret and apply the law as laid down by higher authority.

Second, in the area of achievement, he was totally lacking: He had no publications, his opinions were rarely cited by other judges in their opinions, and he had not developed judicial expertise in any area of the law.

His temperament was certainly questionable. There was unrebutted testimony that he was hostile to a certain class of litigants—namely, those involved in litigation to insure the right to vote to all citizens regardless of race pursuant to the Voting Rights Act of 1965.

And, finally, a telling factor was his inability to secure the support of his fellow judges on the fifth circuit. To the contrary, all fifth circuit judges had supported Judge Homer Thornberry when he was appointed in the waning months of the Johnson Presidency, even though that was not considered an outstanding appointment by many in the country. And, of course, all the judges of the fourth circuit had supported Judge Haynsworth. I considered it highly unusual and significant that Judge Carswell could not secure the support of his fellow judges, especially when one considers that they assumed at that time that they would have to deal with him continually in future years should his nomination not be confirmed. This was, of course, prior to his decision to leave the bench and run for political office, thus confirming my worst suspicions about his devotion to being a member of the Federal judiciary.

My conclusion about Judge Carswell was that he fell short of the mark in three of the five criteria which I have labeled my Haynsworth test. This conclusion compelled a no vote. As we know, Judge Carswell was not confirmed.

President Nixon then sent to the Senate the name of Judge Harry A. Blackmun of the eighth circuit. Judge Blackmun had an initial advantage which Judges Haynsworth and Carswell had not enjoyed—he was not from the South. Once again in judging the nominee, I applied the Haynsworth test. The following were my conclusions.

Judge Blackmun's competence, temperament, and a nonjudicial record were quickly established by those charged with investigating the nominee, and were, in any event, never questioned, as no one asked the Judiciary Committee for the opportunity to be heard in opposition to the nomination.

In the area of achievement or distinction, Judge Blackmun had published three legal articles: "The Marital Deduction and Its Use in Minnesota," Minnesota Law Review, December 1951; "The Physician and His Estate," Minnesota Medicine, October 1953; and "Allowance of In Forma Rapueris in Section 2255 and Habeas Corpus Cases," 43 FRD 343 (1968).

In addition, at the time of his confirmation, he was chairman of the Advisory Committee on Research to the Federal Judiciary Center and a member of the Advisory Committee on the Judge's Function of the American Bar Association Special Committee on Standards for the Administration of Criminal Justice.

Also, he had achieved distinction in the areas of Federal taxation and medicolegal problems and was considered by colleagues of the bench and bar to be an expert in these fields.

The only question raised about Judge Blackmun was in the area of judicial integrity or ethics. Judge Blackmun, during his years on the eighth circuit, sat in three cases in which he actually owned stock in one of the litigants before him. *Hanson* v. *Ford Motor Co.*, 278 F. 2d 586 (1960); *Kotula* v. *Ford Motor Co.*, 338 F. 2d 732 (1964); and *Mahoney* v. *Northwestern Bell Telephone Co.*, 377 F. 2d 549 (1967). In a fourth case, *Minnesota Mining and Manufacturing Co.* v. *Superior Insulating Co.*, 284 F. 2d 478 (1960), Judge Blackmun, exactly as Judge Haynsworth in Brunswick bought shares of one of the litigants after the decision but before the denial of a petition for rehearing.

Mr. President, you will remember that Judge Haynsworth's participation in Brunswick was criticized as showing insensitivity to judicial ethics but Judge Blackmun, who did exactly the same thing in the 3M case was not so criticized.

As I pointed out earlier, Judge Haynsworth never sat in a case in which he owned stock in one of the litigants but, rather, three cases in which he merely owned stock in the parent corporation of the litigant-subsidiary, a situation not unethical under any existing standards, or even by the wildest stretch of any imaginations, except those of the anti-Haynsworth leadership.

Judge Blackmun, on the contrary, committed a much more clearcut violation of what we might label the Bayh standard. He actually sat in three cases in which he owned stock in one of the litigants. Senator Bayh ignores this breach of his Haynsworth standard with the following interesting justification:

> He discussed his stock holdings with Judge Johnson, then Chief Judge of the Circuit, who advised him that *his holdings did not constitute a "substantial interest" under 28 U.S.C. 455* and that he was obliged to sit in the case. There is no indication that Judge Haynsworth ever disclosed his financial interests to any colleague or to any party who might have felt there was an apparent conflict, before sitting in such a case.

Judge Haynsworth did not inform the lawyers because under existing fourth circuit practice he found no significant interest and, thus, no duty to disclose to the lawyers. And, Judge Blackmun did not inform any of the lawyers in any of the cases in which he sat, either. Judge Blackmun asked the chief judge his advice and relied upon it. Judge Haynsworth was the chief judge.

Chief Judge Johnson and Chief Judge Haynsworth both interpreted the standard, as it existed, not as the Senator from Indiana later fabricated it. That interpretation was, as the supporters of Judge Haynsworth reported it. According to Chief Judge Johnson, 28 U.S.C. 455, as reported by Senator BAYH, meant:

> That a judge should sit regardless of interest, so long as the decision will not have a significant effect upon the value of the judge's interest.

In other words, it is not interest in the litigant but interest in the outcome of the litigation. But even if it were interest in the litigant, the interests of Blackmun were de minimis and the interests of Haynsworth were not only de minimis but were one step removed—that is, his interest was in the parent corporation where the subsidiary was the litigant. And the case law is, as I pointed out earlier, that in the parent-subsidiary situation there is no duty to step aside.

As Mr. Frank pointed out to the Judiciary Committee during the Haynsworth hearings, where there is no duty to step aside, there is a duty to sit. Judge Haynsworth and Judge Blackmun sat in these cases because under existing standards, not the convenient ad hoc standard of the Haynsworth opponents, they both had a duty to sit.

The Senator from Indiana also argues that since Judge Blackmun stepped aside in *Bridgeman* v. *Gateway Ford Truck Sales*, No. 19,749—**February 4, 1970**, arising after the Haynsworth affair, a situation in which he owned stock in the parent Ford which totally owned one of the subsidiary litigants, he has "displayed a laudable recognition of the changing nature of the standards of judicial conduct." Well, of course, Judge Blackmun stepped aside after seeing what Judge Haynsworth had been subjected to. Haynsworth did not have a subsequent opportunity to step aside in such situations since the Bayh rule was established over his "dead body." I am certain that Judge Haynsworth is now complying with the Bayh test to avoid further attacks upon his judicial integrity just as Judge Blackmun did in Bridgeman.

Finally, what conclusions can be drawn of this time in the history of our highest court and, for that matter, the history of our country.

First, I think it is safe to say that antisouthern prejudice is still very much alive in the land and particularly in the Senate. Although, I would not say that this alone caused the defeat of Haynsworth and Carswell, certainly it was a factor. The fact that so many Senators were willing to create a new ethical standard for Judge Haynsworth in November 1969, in order to insure his defeat and then ignore even more flagrant viola-

XUM

tions of this newly established standard a mere 6 months later in May 1970, can only be considered to smack of sectional prejudice.

Another ominous aspect of the past year's events has been that we have seen yet another example of the power of the press over the minds of our people. In saying this, I do not accuse the working press of distorting the news. They were simply reporting to the Nation the accusations of the Senator from Indiana and others. These accusations were interpreted by an uninformed public to be conclusive proof of Judge Haynsworth's impropriety. The press must remain unfettered, but we must have the courage to stand up to those who would use it for their own narrow political advantage to destroy men's reputations, and more importantly, the reputation of our judicial system including the Supreme Court itself. Fundamental standards of fairness require that such unconscionable efforts not pass into the history books unrebutted.

Some good, however, has come from this period. Senatorial assertion against an all-powerful Executive, whoever he may be, whether it is in foreign affairs or in Supreme Court appointments, is good for the country. Such assertions help restore the constitutional checks and balances between our branches of Government, thereby helping to preserve our institutions and maintain our individual liberties.

Out of all this, what has the Executive learned? Well, President Johnson learned that the Senate would be very reluctant ever again to approve the nominations of personal friends and cronies to the Nation's highest court. President Nixon learned that a high degree of competence would now be required of all nominees and that merely having sat on the Federal bench and avoiding being censured or impeached would not be enough evidence of the requisite distinction for elevation to the Supreme Court.

XUM

And what has the junior Senator from Kentucky learned about the proper role of the Senate in regard to Supreme Court nominations? Well, quite a lot more than he knew in the beginning, which was nothing.

As a result of my deep involvement in this year of rejected and approved Supreme Court nominees, I have attempted to draw a standard which I believe the Senate should apply to these nominations, and I recomend them to this body.

At the outset, let us discard the philosophy of the nominees, philosophy should not be considered by the Senate. This happened quite often in the 19th Century and the result was to make a political football out of the Supreme Court. The President is elected by the people presumably to carry out a certain program. The Constitution gives to him the power to nominate. If the nomination power had been given to the Senate, as was once considered during the debates at the Constitutional Convention, then it would have been proper for the Senate to consider philosophy. The Senate's role, as I see it, is to advise and consent to the nomination, and thus, as the Constitution puts it, "to appoint." This, I believe, taken within the context of modern times, means an examination into the qualifications of the President's nominee.

In examining the qualifications of a candidate for the Supreme Court, I suggest the use of the criteria which I outlined earlier, and let me repeat them.

First, the nominee must be judged competent. He should, of course, be a lawyer, to my way of thinking, although the Constitution does not require it. Judicial experience might satisfy competence, although I would certainly not restrict the President to naming sitting judges. Legal scholars as well as practicing lawyers might well be found competent.

Second, the nominee must be judged to have obtained some level of achievement or distinction. After all, it is the Supreme Court of the United States we are considering—not the police court in Hoboken, N.J., or even a U.S. district or circuit court. This can be established by writings, but lack of publications alone would not be fatal. Reputation at the bar and bench would be significant. Quality of opinions if a sitting judge, or appellate briefs if a practicing attorney, or articles and other publications if a law professor, might establish distinction. Certainly, the acquisition of expertise in certain areas of the law would be an important plus in establishing the level of achievement of the nominee.

Third, temperament could be significant in some cases. Although difficult to establish and not as important as the other criteria I am suggesting, temperament might become a factor where, for example, a sitting judge was hostile to a class of litigants or abusive to lawyers in court.

Fourth, the nominee, if a judge, must have violated no existing standard of ethical conduct. If the nominee is not a judge, he must not have violated the canons of ethics and statutes which apply to the standard of conduct required of members of the bar.

Mr. President, fifth, and finally, the nominee must have a clean record in his nonjudicial or nonlegal life. He should be free of criminal conviction and not possessed of deliberating personal problems, for example, alcoholism or drug abuse. However, this final criteria would rarely, if ever, come into play, due to the intensive personal investigations customarily employed by the Executive before nominations are sent to the Senate.

In conclusion, this is what I have called my "Haynsworth test." I pass it along to my colleagues for what use they choose to make of it in the future. I have tried to exercise my individual judgment in advising and consenting to presidential nominees to the Supreme Court in a responsible manner.

These guidelines, I now leave behind, a fitting epilog, I hope, to an unforgettable era in the history of the Supreme Court.

The PRESIDING OFFICER (Mr. HANSEN). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the junior Senator from Kenutcky may have some additional time, not to exceed one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. HRUSKA. Mr. President, it is not often that the Senate has been privileged to listen to as thoughtful and as constructive an analysis of a very trying and distressing chapter in its distinguished history.

I think that we have had that privilege today. I should like to commend the junior Senator from Kentucky for that analysis. This logical approach, Mr. President, is typical of the Senator from Kentucky.

He has shown during his tenure on the Judiciary Committee a sound understanding of the law and a good grasp of legal principles. He has repeatedly shown his power of analysis. He and I do not always arrive at the same conclusion. This does not diminish my respect for him but reaffirms my appreciation for his keen intellect and powers of reason. I always listen carefully to his arguments.

Generally, he has made a splendid contribution to the work of the Judiciary Committee.

His conclusion and observations are sound and logical. They do set the record straight concerning Haynsworth and Blackmun in some very substantial respects.

Mr. COOK. Mr. President, I thank the Senator.

Mr. SPONG. Mr. President, will the Senator yield

Mr. COOK. Mr. President, I yield to the distinguished Senator from Virginia.

Mr. SPONG. Mr. President, the junior Senator from Kentucky has, I believe, rendered the Senate a service by his remarks this morning. Perhaps I am prejudiced with regard to some of his observations. In the cases of Judge Haynsworth and Judge Carswell, he and I arrived at the same conclusion for many of the same reasons.

In outlining what Senator COOK has called his "Haynsworth test," he has spelled out the factors to be considered in the role of advise and consent for Supreme Court nominations. During the Haynsworth debate, I stated the following:

> In discussing earlier nominations, I have stated—in defining my own views of the role of advise and consent—that judicial philosophy and partisan politics have no place in the consideration of a nominee for the Supreme Court. A Senator should review carefully the nominee's qualifications—his background, experience, integrity, and temperament, mindful that this is the Nation's highest judicial tribunal and that minimal standards are not the yardstick by which a nominee should be measured.

I spent several hours analyzing those cases in which it was contended Judge Haynsworth should have disqualified himself, and concluded that his failure to do so did not rise to the level of ethics.

On last Tuesday I supported Judge Blackmun. I did so mindful that he had participated in three cases in which he owned stock in one of the litigants. Having determined that Judge Haynsworth had breached no ethical standards, I reached the same conclusion with regard to the circumstances surrounding Judge Blackmun's participation.

Again, I commend the Senator from Kentucky for his remarks. I am sure that many of us hope that this rather sad period of history for both the Senate and the Supreme Court, beginning with Justice Fortas' nomination and concluded this week with the Blackmun confirmation will become ancient history. Nevertheless, the record concerning these nominations has been improved by Senator COOK's contribution this morning.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. COOK. Mr. President, I yield now to the junior Senator from Tennessee.

Mr. BAKER. Mr. President, I commend the distinguished junior Senator from Kentucky on his excellent discussion of the role of the Senate in the exercise of its constitutionally mandated function to advise and consent to the nomination of a Supreme Court Justice. I believe that Senator COOK has demonstrated great diligence in his efforts on the Judiciary Committee and on the Senate floor on questions involving recent nominations.

As we all are aware, four of the last six nominations to the Supreme Court that have been submitted to the Senate by Presidents Johnson and Nixon have become embroiled in serious controversy. Throughout this period of time there has been considerable discussion as to the role of the Senate in the performance of its advise and consent function. Dispute has arisen with regard to the limits of authority of the Senate in confirming or rejecting a nomination of the President.

Of course, the Constitution provides that it is the right and duty of the President to submit to the Senate a nominee of his choosing. If the Senate believes that it is not wise or advisable that a nomination be confirmed it has the constitutional responsibility to reject the nominee. For the Senate to do otherwise would be an abdication of its constitutional responsibility, a responsibility that was intended to be real, not nominal or apparent.

I believe that it is important that we consider in conjunction with the remarks of the junior Senator from Kentucky the underlying reasons for the failure of the Senate to confirm the nominations of Fortas, Thornberry, Haynsworth, and Carswell. In rejecting these nominees was the Senate motivated merely by bitter partisan political prejudice? I am sure that some of that was present with regard to each of the nominations.

Was the Senate involved with regional or sectional prejudice? I am sure that some of that was involved, but it was not determinative.

I respectfully submit that they were not the underlying reasons. There is one other reason that is of even greater importance.

I believe that it is clear that in recent years the Supreme Court has demonstrated a spirit of activism and has at times competed for the role of the legislative branch of our Government. Supreme Court decisions have altered our country's course and have directly affected the way that each of us lives. In this situation I do not find it surprising that the Senate, in the exercise of its advice and consent power would carefully scrutinize the men who have been nominated to sit in judgment on decisions that directly affect the life of every American.

In making a careful examination of each nominee, I do believe, however, that we must take great care to avoid political and regional bias and to avoid the application of double standards.

May I be so bold as to suggest that if the Supreme Court has moved into the area of social conduct with greater activism, then the Court, I happen to think, has inadvertently assumed the role of at least a quasi-legislative department of the Government.

I think it is not unlikely, nor even unreasonable, that the Senate of the United States as one of the departments of the legislative branch should then consider the nominees for that Court and that branch of the Government in a little different way than it has in the past.

We tend, I believe, to view nominees to the Supreme Court now as at least quasi-legislators rather than as judges.

I once again reserve the right to say whether that is good or bad, as the case may be. I do not say whether that is good or bad, but I suggest that it is an underlying and principal reason for the way in which we in the Senate now view the nomination of any man for the Supreme Court of the United States.

I think it is important that the Senate carefully consider the consequences of reviewing nominees on some basis other than the Haynsworth test advocated by the Senator from Kentucky. Viewing the court as quasi-legislators is undertaking a most ambitious task, because it is sailing then free of any fix on any star. It has laid aside precedent, the implied mandate of the Constitution itself, and has taken on the responsibility of judging whether a nomination is right or wrong.

I suggest that that test is one that does not devolve on the judiciary, who under the rule of law, judge on the theory of stare decises, and on precedent. When the Senate begins to judge on something other than rule of law or precedent and starts to judge whether it is desirable or undesirable that a person sit on the Supreme Court in terms of probable legislative, quasi-legislative or sociological impact, we have taken on a great task indeed. It may be that the Senate is capable of discharging that responsibility but I think it is imperative we know what we set about because it is urgently important that we provide men of competence and ability to sit on the court, and that we recognize that if we are to exercise the great undertaking of judging rightness or wrongness of a nomination on some basis or other than the rule of law, we must comport ourselves on the same basis, and I respectfully suggest we have not.

I commend the distinguished Senator from Kentucky. I have said privately and I now say publicly that if I were called upon to choose the most effective Members of the Senate, I would include him in that number. I thank the Senator for yielding.

Mr. COOK. I thank the Senator.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. ALLEN. Mr. President, the distinguished junior Senator from Kentucky has made a most learned and scholarly address on the history of Senate consideration of nominations by President Nixon to the Supreme Court. He has prepared and submitted to the Senate a most interesting criterion to be used for the consideration of future nominees to the Supreme Court. The distinguished Senator from Kentucky is to be commended for this address. He has carefully weighed each statement and each word that has gone into the address.

I do not question any fact to which the distinguished Senator calls attention. I am deeply distressed and grieved with respect to at least two statements he makes. No issue is taken with the accuracy of those statements, although I am distressed, and I must say frankly I somewhat resent the fact that these statements can correctly be made.

I refer first to the statement:

> First, I think it is safe to say that anti-Southern prejudice is still very much alive in the land, and particularly in the Senate.

Also, I refer to the statement:

> Jack Blackmun had an initial advantage which Judges Haynsworth and Carswell had not enjoyed—he was not from the South.

Mr. President, I think it is a sad commentary on the feeling in the Senate and the feeling in the land if a nominee for the Supreme Court is to be considered in a less favorable light by the Senate if he does come from the South. The Southern States were readmitted to the Union, although, of course, at the time of the start of the conflict, it was argued that the States could not secede; but, at any rate, they were readmitted to the Union some 100 years ago. We pledge allegiance to the flag of the United States of America and to the Republic for which it stands, one Nation, under God, indivisible, with liberty and justice for all.

We do not ask special treatment for our section of the country. We do not ask any special favors or any different application of the laws. Far from it, we are asking at all times for uniformity, uniformity in the matter of school desegregation, uniformity in the matter of civil rights legislation, voting rights legislation, and we say that we are willing to abide by any standard that is applied uniformly throughout the country. We believe that it is wrong for an able judge from a southern State to be denied confirmation by the Senate simply because he comes from the South.

I notice that the distinguished Senator from Kentucky has called attention to the fact that—

> So many Senators were willing to create a new ethical standard for Judge Haynsworth in November 1969, in order to insure his defeat and then ignore even more flagrant violations of this newly-established standard a mere six months later in May 1970 can only be considered to smack of sectional prejudice.

We hope that the next nominee to the Supreme Court will be a judge from the South, possibly a State court judge. We hope that if that does take place and such a nominee is submitted to the Senate that there will not be any antisouthern bias as the distinguished Senator from Kentucky says exists in the Senate and throughout the land. Our people pay our Federal income taxes, we send our boys off to fight in Southeast Asia, and I might say that the State of Alabama has had 1,000 of its sons lay down their lives for our country in Vietnam since the start of that unfortunate conflict.

It is a matter of record that the southern Senators support a strong military policy for this country. We maintain law and order and adhere to the precept that all Americans are equal before the law.

So we wonder why there is any antisouthern feeling in the country and in the Senate, and we hope that, if that feeling has existed all through this time, very soon now that feeling will cease to exist. We hate to be in a body where there is feeling against the Members from our section of the country, and it is deplorable when that situation can correctly be said to exist.

I want to commend the distinguished Senator from Kentucky, whose State lies near a northerly Southern State, and who, I am sure, has many southern instincts and feelings. We appreciate those comments and welcome them, but I am hopeful that the feeling that the Senator calls attention to will cease to exist and that the Members of the Senate from other sections of the country will recognize that the South is a part of the Union and that we are entitled to equal application of the laws.

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We are entitled to have our nominees to the Federal judiciary considered on their merits, and not have two strikes against them just because they come from the South.

I think the distinguished Senator from Kentucky has rendered a real service in pointing out the existence of this feeling. Only by pointing it out and getting to the bottom of it will we be able to eliminate it. I hope there is early elimination of that feeling.

I thank the Senator for yielding to me.

Mr. COOK. Mr. President, I want to thank the distinguished Senator from Alabama and advise him that I have a sister who is a constituent of his, so I want him to know that we are much closer than he might think.

Mr. President, before I yield back the floor, I would be remiss if I did not express appreciation to Mr. Mitch McConnell, in my office, who has attended with me every Judiciary Committee hearing since the nomination of Judge Burger. We have talked about this on many occasions. We have talked about the degree of standards and the formula we should have. It was through his efforts that I became convinced to do this. I would be remiss if I did not thank him for his effort and performance, and really his ability, which resulted in bringing these remarks to the floor this morning.

Mr. HOLLINGS. Mr. President, I want to commend the distinguished Senator from Kentucky (Mr. COOK) for his excellent analysis of the recent Supreme Court nominations and bringing this information to the permanent record of this body.

This thorough discussion and examination certainly underscores the major issues and considerations the U.S. Senate must evaluate when reviewing the qualifications of a nominee to the Supreme Court of the United States.

I would congratulate the Senator for his cogent remarks which place this critical issue into perspective.

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## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, are we in the morning hour?

The PRESIDING OFFICER. Under the previous order, the Senate is conducting morning business.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for about 7 or 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## JOHN GRAVES

Mr. MANSFIELD. Mr. President, it is my sad duty to report to the Senate the death of a trusted, effective, and efficient former employee of this institution, Mr. John Graves.

He began his Senate career some years ago, as an elevator operator while studying at a local university. In 1963, he was appointed to the majority cloakroom. His talent and dedication won him rapid promotion and he was made assistant secretary for the majority.

Some months ago, he became physically incapacitated because of a serious back ailment. His illness was a long and painful one and resulted in the end, in his retirement for disability. It was with a sense of shock that those of us who knew him and were closely associated with him, who liked him, who valued his friendship, were informed, just an hour or so ago, of his passing.

He was a very good official of the Senate. He performed his duties with courtesy, grace, and dignity. I know that he will be missed by all Members of the Senate, and not just by the Senator from Montana, now speaking.

I extend to his wife, Karen, and to the other members of his family the deepest sympathy and condolences of the Senate.

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## RESERVE OFFICERS TRAINING CORPS PROGRAM

Mr. MANSFIELD. Mr. President, one institution that has come under particular attack on the American campus is the Reserve Officers Training Corps program. The ROTC is a manifestation of the Defense Department's presence on the campuses. As such, it is a convenient target for the frustration which has been engendered by the tragic and unending involvement in Indochina.

I do not believe in violence, either personal or against property as a form of protest. I do not believe in acts of destruction. Whatever the frustration with respect to the war in Indochina, the burning of ROTC installations is inexcusable and is destructive not only of property but of the rights of other students.

The law with respect to the ROTC program on campus was changed in the 88th Congress from a mandatory program on some campuses to one of local option, with each State or institution within each State permitted to make its own option with respect to ROTC. The overwhelming effect is that the ROTC is now elective. A student participating does so because he freely chooses to join. This right of students to participate in ROTC should be honored and respected.

I believe the students who become military officers by way of colleges rather than through the regular academies provide a significant and far-reaching civilian influence in the military services. They add a civilian input to the branch in which they serve. They give a very desirable dimension of civilian leadership. The students who choose the ROTC path serve their country and their fellow students very well. The option to follow the way of ROTC should be preserved. It is a valuable ingredient in retaining a civilian controlled military force in this Nation.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I highly commend the Senator's presentation. I wholeheartedly agree with every major point he made in his fine statement. It challenges the better thoughts of the American people, and I think much good will come from the statement.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. WILLIAMS of Delaware. Mr. President, I want to join the Senator from Mississippi in commending the Senator from Montana on the statement he just made. I think it would be well for the students of America to read the statement and take it close to heart.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, I commend strongly the distinguished Senator for what he has just said. I want to add, or perhaps accentuate, one thought. I think the continuance of the ROTC activities on campuses is not only of great importance to those students on the particular campuses who wish to equip themselves to serve their Nation in time of war in the event their service is needed, but I think it is a very, very important ingredient of the entire defense structure of our Nation, because in any war of any size that we have ever had, at least in my experience, we have found that the Reserve officers exceed in numbers those of the Regular branches of the military services.

It seems to me that it would serve as not only a great disservice to the areas represented in the schools where ROTC is sought to be excluded, but a great disservice to our Nation, because our Nation needs the services of ROTC trainees coming from every part of the Nation, so that every part of the Nation may feel that it has its own part in the Armed Forces of our Nation, and in those who lead those Armed Forces as Reserve officers in time of grave national need.

I strongly commend the distinguished majority leader, and think that what he has said is in support of a strong and secure United States of America.

**Mr. MANSFIELD.** I thank the distinguished Senator. May I just emphasize the main points in the statement I have made today?

First, to the best of my knowledge, it is not forced on any university or college.

Second, no student to the best of my knowledge is forced to enroll in any ROTC course.

Then I wish to emphasize the civilian input to the various branches in which the ROTC officers serve, the very desirable additional dimension of civilian leadership, and the significant and far-reaching civilian influence in the military services which results. To quote the last line of my prepared remarks again: It is a valuable ingredient in retaining a civilian controlled military force in this Nation.

## THE PROPOSED DECLARATION OF WAR

**Mr. MANSFIELD.** Mr. President, in the Billings, Mont., Gazette of May 4, 1970, there was published an editorial calling for the introduction in the Congress of a declaration of war in Southeast Asia and then the defeat of this measure. The proposition is advanced as a way of bringing the tragic war in Indochina to an end. I have studied the editorial very carefully. It has the merit of blowing away the chaff and going to the constitutional question which is involved. In a sense, it suggests a shortcut to the end which the President and everyone else seeks.

The editorial is entitled "Declare It a War—Or Get Us Out," and reads as follows:

> Everybody who wants to declare war, stand up and be counted.
>
> It's come to that in the Southeast Asian mess.
>
> Whatever you call it, that's a war we are getting deeper and deeper into.
>
> So let's make it constitutional.
>
> The Constitution says it is the Congress' prerogative to declare war. A declaration of war thereby should be introduced in the Congress and fully debated by that body.
>
> If it passes, the Congress should immediately institute all the wage, price and rationing controls of any full-scale war. The effects should be felt by every man, woman and child in this nation.
>
> If it does not pass, then the U.S. should pull out of what immediately becomes an unconstitutional action. A vote on a declaration would give the people a voice through their representatives.
>
> The Gazette therefore calls upon Sen. Mike Mansfield, the state's senior representative in the Congress, to introduce a declaration of war upon the Communist forces in Southeast Asia.
>
> And then, Mike, lead Congress in beating it!

I find, however, that I cannot follow this course. The consequences would be a legal chaos which might well jeopardize the hundreds of thousands of Americans who are already in Vietnam and have now been involved in Cambodia through no doing of their own but rather because of what seems to me to be the excessive stretching of the Constitution by two successive administrations.

While I want to make clear my sympathy with the intent of this editorial, I think the way to work effectively toward its objective is to pass the Cooper-Church amendment which is now pending in the Senate. If we take this step in balanced and strict constitutionalism, we will also be taking the first step back out of the morass of Vietnam.

Mr. President, even though I have read the editorial in full, I ask unanimous consent that the editorial previously referred to be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### DECLARE IT A WAR—OR GET US OUT

> Everybody who wants to declare war, stand up and be counted.
>
> It's come to that in the Southeast Asian mess.
>
> Whatever you call it, that's a war we are getting deeper and deeper into.
>
> So let's make it constitutional.
>
> The Constitution says it is the Congress' prerogative to declare war. A declaration of war thereby should be introduced in the Congress and fully debated by that body.
>
> If it passes, the Congress should immediately institute all the wage, price and rationing controls of any full-scale war. The effects should be felt by every man, woman and child in this nation.
>
> If it does not pass, then the U.S. should pull out of what immediately becomes an unconstitutional action. A vote on a declaration would give the people a voice through their representatives.
>
> The Gazette therefore calls upon Sen. Mike Mansfield, the state's senior representative in the Congress, to introduce a declaration of war upon the Communist forces in Southeast Asia.
>
> And then, Mike, lead Congress in beating it!

## THE REMARKABLE MR. HOOVER

**Mr. HOLLAND.** Mr. President, in a recent issue of the Polk County Democrat, Bartow, Fla., my hometown paper, there appeared an editorial entitled, "Glad He's Ours."

This editorial speaks of the Director of the Federal Bureau of Investigation, the Honorable J. Edgar Hoover, who has headed that department for a span of some 46 years and continues to furnish the strong leadership required of this vastly important organization.

I should like to quote one paragraph of this editorial:

> Most Americans will agree on this point: we're glad he's on our side.

I ask unanimous consent that the editorial be printed in the RECORD at this point as part of my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### GLAD HE'S OURS

> Take him any way you like, J. Edgar Hoover is one of the most remarkable men of this century.
>
> Forty-six years ago, at the age of 29, he was appointed head of what was then a comparatively little-known section of the Dept. of Justice. It had been created in 1908 and after 16 years was a useful if not spectacular arm of federal law enforcement.
>
> Under Hoover's direction, the set-up was re-organized in 1934, and one year later became officially known as the Federal Bureau of Investigation. Thus, the tough, close-mouthed Hoover is the only head the FBI has had.
>
> Under government policy, he would have been required to retire in 1965 at the age of 70. President Lyndon Johnson waived the requirement. President Richard Nixon has continued to do so.
>
> Hoover, today almost as much of a recluse as Howard Hughes, had nothing to say to the press on this anniversary date except that he has "no intention whatsoever" of retiring. He hasn't granted a personal interview since late 1968, and speaks publicly almost entirely through the monthly FBI news letter. In this letter, Top G-Man Hoover delivers strongly-worded opinions on major topics of the day, particularly in connection with law enforcement.
>
> He runs a taut department that is more feared and hated by the nation's criminals than any other branch of law enforcement.
>
> Like any rugged individual, Hoover is not universally popular even with the law-abiding majority of this nation's citizens. Even his enemies, though, will agree that he is a man dedicated to his job—and one who is highly successful at getting results.
>
> At an age when most men are gratefully anticipating approaching retirement, if they haven't already stepped out of active service J. Edgar Hoover plans to stay in harness.
>
> Eight Presidents, from Coolidge to Nixon, have kept him on the job. Presidential candidates who have made one of their planks a promise to fire Hoover from the FBI, haven't even been able to win their party's nomination.
>
> Most Americans will agree on this point: we're glad he's on our side.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. SPONG) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

### PROPOSED LEGISLATION TO AMEND THE FOREIGN SERVICE BUILDINGS ACT, 1926, AS AMENDED

A letter from the Deputy Assistant Secretary for Congressional Relations, Department of States, transmitting a draft of proposed legislation to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations (with an accompanying paper); to the Committee on Foreign Relations.

### PROPOSED LEGISLATION TO AMEND THE CIVIL SERVICE RETIREMENT LAWS

A letter from the Acting Director, Administrative Office of the U.S. Courts, transmitting a draft of proposed legislation to amend

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the Civil Service Retirement Laws to authorize the payment of an annuity to a secretary of a justice or judge of the United States on the same basis as an annuity to a congressional employee or former congressional employee (with accompanying papers); to the Committee on Post Office and Civil Service.

## PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

A resolution of the Legislature of the State of New York; to the Committee on Armed Services:

"RESOLUTION No. 68

"Concurrent resolution of the Senate and Assembly of the State of New York memorializing Congress to cede jurisdiction over the lands of Fort Totten to the state of New York for hospital facilities and park and recreation purposes

"Whereas, There is an evergrowing need for hospital, park and recreational facilities for the people of this state and our war veterans; and

"Whereas, At the present time at Fort Totten there is a portion of lands thereon not in use, which would be ideal for such facilities; and

"Whereas, The area surrounding Fort Totten is readily accessible to a greater number of the residents of our state particularly those living in Manhattan, the Bronx and on Long Island; and

"Whereas, Many of the finest practitioners in the medical field live in this part of our great state; and

"Whereas, The establishment of a medical center by the state in conjunction with the creation of a veterans' hospital and the further establishment of park and recreational facilities on these lands presently occupied by Fort Totten would be a step in the right direction to provide such needed medical and recreational facilities for our citizens and veterans; and

"Whereas, It is the sense of the people of the state of New York as manifested by the considered judgment of their duly elected representatives that the unused lands at Fort Totten can be readily adapted by the federal and state governments for such purposes now, therefore, be it

"*Resolved (if the Senate concur)*, That the Congress of the United States be and it is hereby respectfully memorialized to enact with all convenient speed such legislation as may be necessary to cede to the state for such purpose jurisdiction over such lands, and such other legislation as may be necessary to authorize the creation of a veterans' hospital at Fort Totten; and be it further

"*Resolved (if the Senate concur)*, That copies of this resolution be immediately transmitted to the Secretary of the Senate of the United States, the Clerk of the House of Representatives of the United States, and to each member of the Congress of the United States duly elected from the State of New York.

"By order of the Assembly,

"DONALD A. CAMPBELL,
"*Clerk.*

"By order of the Senate,

"ALBERT J. ABRAMS,
"*Secretary.*"

A resolution of the Senate of the State of Hawaii; to the Committee on Foreign Relations:

"S. RES. No. 325

"Resolution requesting the President and Congress of the United States to immediately cease all military activity by U.S. personnel in Cambodia.

"Whereas, the military involvement of the United States in Vietnam has resulted in much tragedy and discord in the Nation; and

"Whereas, the frightful and disillusioning hostilities in Vietnam have torn families apart, brutally deprived young men, husbands, fathers, sons and brothers, of their lives and future, and caused youth to resist the draft and suffer exile and persecution; and

"Whereas, the spread of warfare throughout Indo-China and the commitment of United States military troops and arms to Cambodia by President Nixon does not end the war but further subjects the Nation to continuing loss of lives and human misery; and

"Whereas, the military involvement of the United States in Southeast Asia is unwarranted world policing and contrary to our humanitarian ideals; now, therefore

"*Be it resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970,* That the President and Congress of the United States be and they are hereby respectfully requested to immediately cease all military activity by United States personnel in Cambodia; and

"*Be it further resolved,* That duly certified copies of this Resolution be sent to the President of the United States, the Honorable Richard M. Nixon; the President of the United States Senate, the Honorable Spiro T. Agnew; and the Speaker of the United States House of Representatives, the Honorable John W. McCormack."

A concurrent resolution of the Legislature of the State of Florida; to the Committee on Foreign Relations:

"HOUSE CONCURRENT RESOLUTION No. 3758

"A concurrent resolution urging the President of the United States, the Secretary of Defense, and the Congress of the United States to make every possible effort to obtain the release and repatriation of the American prisoners of war held captive by North Vietnam

"Whereas, there is an important military and psychological struggle occurring today in Southeast Asia, and

"Whereas, many fine and brave men have given up their lives and their freedom on behalf of their country, and

"Whereas, thirteen thousand of these brave Americans have been captured by the North Vietnamese and imprisoned, and

"Whereas, the State of Florida feels a deep concern for the health and physical well-being of these men, and

"Whereas, in recent weeks the North Vietnamese have taken only slight notice of the entreaties of the concerned wives and mothers of these servicemen for information about the welfare of their husbands and son, and

"Whereas, the State of Florida feels that if the President and Congress of the United States indicate to the North Vietnamese their intense concern and interest in these men it will expedite the early release of these prisoners, Now, therefore, be it resolved by the House of Representatives of the State of Florida, the Senate Concurring:

"That Richard M. Nixon, President, United States of America, Melvin Laird, Secretary of Defense, and the Congress of the United States of America, are respectfully requested to demonstrate to the Communist leaders of the Republic of North Vietnam the feeling of the American people, all of whom strongly desire the immediate release and repatriation of all American prisoners now held by North Vietnamese forces in Southeast Asia.

"Be it further resolved that copies of this resolution signed by the officers of the House of Representatives and of the Senate of the State of Florida be dispatched to the President of the United States, the Secretary of Defense, the Speaker of the House of Representatives, and the Vice President of the United States as Presiding Officer of the Senate."

A resolution of the House of Representatives of the State of Hawaii; to the Committee on Labor and Public Welfare:

"HOUSE RESOLUTION No. 45

"House resolution requesting block education grants to the State of Hawaii from the Federal Government

"Whereas, the State of Hawaii would benefit by the adoption of a plan proposed by the Education Commission of the States, which would provide for block education grants to the States and would convert the ten per cent federal income surtax to aid to schools; and

"Whereas, it has been suggested that one-fourth of the money from the surtax go to education in 1970, some $2.75 billion; that half of the money—estimated at $5.5 billion—go in 1971, and in 1972 some nine billion dollars or seventy-five per cent go to education, until in 1973 all of the surtax money—about $14 billion—be spent on schools; and

"Whereas, the State of Hawaii concurs with the concept put forth by the Educational Commission of the States for a "Universal school system in America—a system offering free quality education to every person from the second or third year of his life through grade fourteen"; now, therefore,

"*Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970,* That it request the federal government, to institute a program of block education grants to the State of Hawaii; and

"*Be it further resolved,* That certified copies of this Resolution be transmitted to the President of the United States, to the Speaker of the House, President of the Senate, members of the Hawaii Congressional delegation and the Secretary of Health, Education and Welfare."

## ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, May 15, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Appropriations, with amendments:

H.R. 16916. An act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–871).

By Mr. FULBRIGHT, from the Committee on Foreign Relations, with amendments:

S. Con. Res. 64. Concurrent resolution to terminate certain joint resolutions authorizing the use of the Armed Forces of the United States in certain areas outside the United States (Rept. No. 91–872).

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

S.J. Res. 144. Joint resolution to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportuni-

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ties for Indian children attending these public schools (Rept. No 91–874)

### PROTECTING PRIVACY AND RIGHTS OF EXECUTIVE BRANCH EMPLOYEES—REPORT OF JUDICIARY COMMITTEE ON S. 782 (S. REPT. NO. 91–873)

Mr. ERVIN. Mr. President, from the Committee on the Judiciary I report favorably, with amendments, the bill (S. 782) to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy, and I submit a report thereon.

The committee's approval of the bill is a major step toward enactment of a law to protect certain liberties which citizens who work for the Federal Government possess under the Constitution.

I believe that the fact that this bill is sponsored by 55 Senators and has such widespread support proves that it contains an idea whose time has come: That Congress has a duty to assure by law that simply because he works for government a citizen may not be coerced by that government in personal matters having nothing to do with his employment. Rather, his community activities, his thoughts, habits and beliefs and his personal family relationships are protected by the first amendment, and S. 782 is an effort to implement the guarantees in that amendment.

It is significant that this bill provides further protection to the right not to act in political matters, as well as the right to act; to the right to keep silent as well as the right to speak; to the right to agree as well as the right to dissent.

The purpose of the bill is to prohibit indiscriminate executive branch requirements that employees and, in certain instances, applicants for Government employment:

Disclose their race, religion or national origin;

Attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment;

Report on their outside activities or undertakings unrelated to their work;

Submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs;

Support political candidates or attend political meetings;

The bill would make it illegal to coerce an employee to buy bonds or make charitable contributions;

It prohibits officials from requiring him to disclose his own personal assets, liabilities, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest;

It would provide a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings;

It would accord the right to a civil action in a Federal court for violation or threatened violation of the Act, and it would establish a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the Act and to determine and administer remedies and penalties.

S. 782 is sponsored by 55 Senators. Except for subcommittee amendments providing certain exemptions for the CIA, NSA, and FBI, it is identical to S. 1035, approved by the Judiciary Committee in 1967.

This bill of rights for citizens who work for, or apply to work for, the Federal Government, was cosponsored by 54 Members of the Senate in the last Congress. When it came to the floor on September 13, 1967, it won overwhelming Senate approval by a 79 to 4 formal vote, and after absentee approvals were recorded, the total vote was 90 to 4.

Although S. 1035 died in a House Post Office and Civil Service Subcommittee in the last Congress, I believe prospects are much brighter for passage this year. Both major party platforms and position papers by both presidential candidates in 1968 pointed to a bipartisan commitment to further legislative protection for employee privacy of the nature of S. 782. The bill has been endorsed by every major employee association and union and has won widespread support from individual employees and other citizens throughout the country. Over a period of 4 years, the editorial support from major and smaller newspapers has been encouraging and enthusiastic.

I am hopeful that it will receive the same support by the Senate this year and that it will be speedily approved by the House.

It is my belief that the bill can and should be enacted without delay.

The cosponsors of the bill are Senators BAYH, BIBLE, BROOKE, BURDICK, BYRD of Virginia, CHURCH, COOK, COOPER, DODD, DOLE, DOMINICK, EAGLETON, FANNIN, FONG, GOLDWATER, GRAVEL, GURNEY, HANSEN, HARTKE, HATFIELD, HRUSKA, INOUYE, JORDAN of North Carolina, JORDAN of Idaho, MCCARTHY, MCGEE, MCGOVERN, MCINTYRE, MAGNUSON, MATHIAS, METCALF, MILLER, MONTOYA, MUNDT, MURPHY, MUSKIE, NELSON, PEARSON, PERCY, PROUTY, PROXMIRE, RANDOLPH, SAXBE, SCHWEIKER, SCOTT, SPARKMAN, SPONG, STEVENS, TALMADGE, THURMOND, TOWER, TYDINGS, WILLIAMS of New Jersey, and YARBOROUGH.

The PRESIDING OFFICER (Mr. SPONG). The report will be received and the bill will be placed on the calendar; and the report will be printed.

### REPORT ENTITLED "DEVELOPMENTS IN AGING, 1969"—REPORT OF A COMMITTEE (S. REPT. NO. 91–875)

Mr. WILLIAMS of New Jersey, from the Special Committee on Aging, pursuant to Senate Resolution 316, February 16, 1970, submitted a report entitled "Developments in Aging, 1969," together with minority views, which was ordered to be printed.

### EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. RANDOLPH, from the Committee on Public Works:

Brig. Gen. Frank C. Camm, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission.

### BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HRUSKA:

S. 3843. A bill for the relief of Armando Alimenti and his wife, Victoria Salazar Alimenti; to the Committee on the Judiciary.

By Mr. WILLIAMS of New Jersey (for himself, Mr. BENNETT, Mr. BIBLE, and Mr. MCINTYRE):

S. 3844. A bill to require under the supervision of the Securities and Exchange Commission a full and fair disclosure of the nature of interests in business franchises, and to provide increased protection in the public interest for franchises in the sale of business franchises; to the Committee on Banking and Currency.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. MOSS:

S. 3845. A bill for the relief of Eva Semnani; to the Committee on the Judiciary.

By Mr. PROXMIRE (for himself and Mr. NELSON):

S. 3846. A bill to authorize certain uses to be made with respect to lands previously conveyed to Milwaukee County, Wis., by the Administrator of Veterans' Affairs; to the Committee on Labor and Public Welfare:

(The remarks of Mr. PROXMIRE when he introduced the bill appear later in the RECORD under the appropriate heading.)

### S. 3844—INTRODUCTION OF FRANCHISE FULL DISCLOSURE LEGISLATION

Mr. WILLIAMS of New Jersey. Mr. President, on December 9, 1969, as chairman of the Small Business Subcommittee on Urban and Rural Economic Development, I announced public hearings on the Impact of Franchising on Small Business. I thought it important to schedule these hearings, for as American business enters the 1970's, the significant marketing phenomenon of this century is the amazing growth of franchising. Within the last 5 years, the number of franchisors has more than tripled. Today there are over 1,000 companies offering franchises to potential entrepreneurs who are snapping them up at the rate of 40,000 per year. This means that in the next decade, there will be approximately 500,000 new franchisees complementing the existing 600,000 franchisees now doing business.

Currently, franchising accounts for over $90 billion per year in annual sales or 10 percent of our gross national product. If franchising continues its present rate of growth into the 1970's, by the end of the decade it will account for $165 billion in sales annually.

Mr. President, franchising is not a marketing fad. It is not a flash in the pan, here today—gone tomorrow. Nor is it an overinflated business balloon, ready to burst at any time.

The concept of franchising is basically sound. It has matured and all signs point to its continuing a healthy growth and expansion on a large scale. The field of franchising is extremely wide, as it covers business opportunities ranging from the sale of burial vaults to the performance of erotic theatrical drama.

But, Mr. President, this $90 billion a year distribution system is totally unregulated either by the Federal or State governments.

As many of my colleagues in the Senate know, my Small Business Subcommittee on Urban and Rural Economic Development just concluded 6 days of public hearings on the impact of franchising on small business. We have received over 700 communications from franchisees complaining about abuses within this system. We heard testimony from 43 witnesses who gave the subcommittee a wealth of valuable information on all aspects of franchising.

While the great majority of franchisors operate their businesses in a legitimate, ethical fashion, con artists and swindlers have been drawn to franchising by its sheet popularity. They have infiltrated this distribution system and are using it to exploit the innocent would-be small businessman who wants to own a piece of the American dream and become his own boss.

During our recent hearings, we found astonishing instances of outright fraud and deception perpetrated by unscrupulous franchisors on innocent potential small businessmen.

They make false and grossly misleading claims through poorly regulated but highly profitable advertising in respectable national newspapers and magazines.

They promise high incomes, good locations, excellent training, and quality products to the prospective franchisee.

They use high pressure tactics at franchise trade shows.

They operate in the same manner as con men have always operated—promise everything—deliver nothing. They merely separate the investor from his money by selling him a franchise that is worth little or nothing and then they move on to the next victim. And in the typical con artist fashion, they attack the vulnerable and the weak. In selling their worthless franchises, they approach the senior citizens and the aspiring minority entrepreneurs with hard-sell promises of riches and success. They seek out the unsophisticated at franchise trade shows and lure them into the back alleys of franchising with similar claims of big profits.

There is an understandable need for a truly effective industry-wide code of ethics. Our hearings showed clearly that the leaders in franchising, in their desire to ride the crest of the current profit wave, left the system defenseless against the invading "blue suede shoe boys" by their failure to implement effective self-policing machinery.

I would much prefer to see the industry regulate itself, but it simply has not happened. And at this late date, too much is at stake to gamble on self-regulation in the near future.

The only course of action to provide protection for the potential franchise holder and to restore an ethical balance to franchising is legislative action at either the State or Federal level.

I believe franchising, by its very unique nature, should be regulated by a properly drawn Federal law.

Therefore, Mr. President, I am today introducing a bill that will better protect and better inform potential small business franchisees by requiring franchisors to make a full and complete disclosure of their business practices.

My bill, the Franchise Full Disclosure Act of 1970, will require all franchisors to submit important financial and other relevant business data to the Securities and Exchange Commission for approval prior to the lawful sale of any franchise.

Under this bill, any franchise sale is voidable at the franchisee's option if he was not given a copy of the registered information at least 48 hours prior to the time he signed the contract. This provision will help eliminate the "hot box" treatment so commonly used at franchise shows.

My bill makes it unlawful for a franchisor to make false or misleading statements or representations in selling a franchise. This provision is designed to cut down or eliminate another form of franchise abuse we discovered—fraudulent or sucker-bait advertising. The SEC is given the injunctive power to prevent false and deceptive advertising.

Another feature of this bill requires a franchisor to disclose any financial arrangements made with a celebrity or public figure for the use of his name in connection with any of the franchisor's business operations.

Aside from the civil causes of action a franchisee can bring, my bill also provides for criminal penalties for persons who will fully violate its provisions.

I submit that my Franchise Full Disclosure Act will enhance the entire concept of franchising by forcing the swindlers out, while truly assisting the legitimate operators.

No honest franchisor has anything to fear from my bill, as it will assist, rather than harm him by making more investment opportunities available in the future.

I should also make this fact perfectly clear: my bill will not guarantee the successful operation of a franchise—only hard work and perseverance can do that.

Nor will it resolve all of the problems in franchising—only hard work by the franchisors, in cooperation with their franchisees, can do that.

But I can guarantee that my legislation will provide the first real step toward insuring the continuation of a dynamic economic force within our private business sector which may well set the pattern of small business growth for the future.

There is ample precedent for this type of legislation, as the Securities Act of 1933 and the Interstate Land Sales Full Disclosure Act of 1968 have been relatively successful attempts by Congress to protect the investor. My bill is intended to accomplish the same results in the hybrid marketing phenomenon known as franchising.

Mr. President, I ask unanimous consent that my bill be printed in full in the Record at this point.

The PRESIDING OFFICER (Mr. Allen). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3844) to require under the supervision of the Securities and Exchange Commission a full and fair disclosure of the nature of interests in business franchises, and to provide increased protection in the public interest for franchises in the sale of business franchises, introduced by Mr. Williams of New Jersey (for himself, Mr. Bible, Mr. Bennett, and Mr. McIntyre), was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 3844

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SHORT TITLE

Section 1. This Act may be cited as the "Franchise Full Disclosure Act of 1970".

### FINDINGS AND PURPOSE

Sec. 2. The Congress finds and declares that it is in the public interest to enact protective legislation against fraud and other practices which have developed in the interstate and nation-wide sale of a wide variety of business franchises by the use of the mails and instrumentalities of interstate commerce. The Congress further finds that in consequence of fraud and other practices numerous purchasers of business franchises have suffered substantial losses as a result of the failure or omission by franchisors to provide full and complete disclosure concerning the prior business experience of the franchisor, the nature of the franchisor-franchisee relationship, the nature of the franchise contract, the prospects of the franchised business and other facts essential to a businessman's determination of the desirability and profitability of the franchise. In consequence of the above findings, the Congress determines that it is in the public interest to (1) require that each prospective franchisee be provided with the information necessary to make an intelligent decision regarding franchises being offered for sale, (2) prohibit the sale of franchises that may lead to fraud or involve the likelihood that the franchisor's promises will not be fulfilled, and (3) provide such administrative, civil, and criminal remedies as are necessary to make such requirements and prohibitions effective.

### DEFINITIONS

Sec. 3. As used in this Act—

(1) The term "Commission" means the Securities and Exchange Commission.

(2) The term "person" means an individual, corporation, partnership, joint venture association, or incorporated organization.

(3) The term "franchise" means a contract or agreement, either expressed or implied, oral or written, between two or more persons under which (A) a franchisee is granted the right to engage in the business of offering, selling, or distributing goods or services under a marketing plan or system prescribed in substantial part by the franchisor, (B) the operation of the franchisee's business pursuant to such plan or system is substantially associated with the franchisor's trademark, service mark, trade name, logotype, advertising, or other commercial symbol designating the franchisor or its affiliate, and (C) the franchisee is required to pay, directly or indirectly, a franchise fee. Unless specifically stated otherwise, such term includes an area franchise as hereinafter defined.

(4) The term "franchisor" means a person who grants a franchise.

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(5) The term "franchisee" means a person to whom a franchise is granted.

(6) The term "area franchise" means any contract or agreement between a franchisor and a subfranchisor whereby the subfranchisor is granted the right, for a consideration given in whole or in part for such right, to sell or negotiate the sale of franchises in the name of or in behalf of the franchisor.

(7) The term "subfranchisor" means a person to whom an area franchise is granted.

(8) The term "franchise fee" means any fee or charge that a franchisee or subfranchisor is required to pay or agrees to pay for the right to enter into a business under a franchise agreement, including but not limited to, any such payments for such goods or services.

(9) The term "sale" or "sell" includes any contract of sale or disposition of a franchise, or interest in a franchise, for value. The term "offer", "offer for sale", or "offer to sell" includes any attempt or offer to dispose of or solicitation of an offer to buy a franchise, or an interest in a franchise, for value.

(10) The term "interstate commerce" means trade or commerce in franchises or transportation or communication relating thereto among the several States, or between the District of Columbia, any territory of the United States, or any foreign country and any State, territory, or the District of Columbia, or within the District of Columbia.

(11) The term "territory" means the Commonwealth of Puerto Rico, the Canal Zone, the Virgin Islands, and the insular possessions of the United States.

(12) The term "registration statement" means the statement provided for in section 6 and includes any amendment thereto and any report, document, or memorandum filed as a part of such statement or incorporated therein by reference.

(13) The term "write" or "written" shall include printed, lithographed, or any other means of graphic communication.

(14) The term "prospectus" means any prospectus, circular, notice, advertisement, lettter or communication, written, or by radio or television, which offers any franchise for sale or confirms the sale of any franchise, except that (A) a communication sent or given after the effective date of the registration statement shall not be deemed a prospectus if it is proved that prior to or at the same time with such communication a written prospectus meeting the requirements of section 9 was sent or given to the person to whom the communication was made, and (B) a notice, circular, communication, or letter in respect of a franchise shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of section 9 may be obtained, and does no more than identify the franchise, state the price thereof, state from whom it can be purchased, and such other information as may be prescribed by rule or regulation of the Commission.

### AUTHORITY TO EXEMPT FRANCHISES

Sec. 4. The Commission may from time to time by its rules and regulations, and subject to such terms and conditions as it may prescribe, exempt any class of franchises if it finds that the enforcement of this Act with respect thereto is not necessary in the public interest or for the protection of franchisees by reason of the small amount involved or the limited character of the offering.

### PROHIBITIONS RELATING TO SALE OF FRANCHISES; VOIDABILITY OF CONTRACTS OR AGREEMENTS

Sec. 5. (a) It shall be unlawful for any franchisor, subfranchisor, or agent thereof, directly or indirectly, to make use of any means or instruments of transportation or communication in interstate commerce or in the mails—

(1) To sell or offer for sale any franchise unless a registration statement with respect to such franchise is in effect in accordance with section 8, and a printed prospectus, meeting the requirements of section 9 is furnished the prospective franchisee at least forty-eight hours in advance of the signing of the contract or agreement for sale by the franchisee.

(2) In selling or offering for sale any franchise—

(A) to employ any device, scheme or artifice to defraud;

(B) to obtain money or property by means of a material misrepresentation with respect to any information included in the registration statement or the prospectus or with respect to any other information pertinent to the franchise and upon which the franchisee relies, or

(C) to engage in any transaction, practice or course of business which operates or would operate as a fraud or deceit upon a franchisee.

(b) Any contract or agreement for the purchase of a franchise covered by this Act shall be voidable at the option of the franchisee, if a prospectus meeting the requirements of section 9 is not furnished the prospective franchisee at least forty-eight hours in advance of his signing such contract or agreement.

### REGISTRATION OF FRANCHISES

Sec. 6. (a) Any franchises may be registered by filing with the Commission a registration statement meeting the requirements of this Act and such rules and regulations as may be prescribed by the Commission in furtherance of the provisions of this Act. A registration statement shall be deemed effective only as to the franchises specified therein.

(b) At the time of the filing of the registration statement the franchisor shall pay to the Commission a fee of not more than $1,000, which the Commission shall by rules and regulations determine.

(c) The filing of a registration statement or of an amendment thereto shall be deemed to have taken place upon receipt thereof accompanied by the payment of the fee required by subsection (b).

(d) The information contained in or filed in any registration statement shall be made available to the public under such regulations as the Commission may prescribe and copies thereof shall be furnished every applicant at such reasonable charge as the Commission may prescribe.

### INFORMATION REQUIRED IN REGISTRATION STATEMENT

Sec. 7. The registration statement shall contain the information and be accompanied by the documents specified in schedule A, except that the Commission may by rules and regulations provide that any such information or document need not be included in respect of any class of franchises if it finds that the requirement of such information or document is inapplicable to such class and that disclosure fully adequate for the protection of investors is otherwise required to be included within the registration statement. Any such registration statement shall contain such other information and be accompanied by such other documents as the Commission may by rules and regulations require as being necessary or appropriate in the public interest or for the protection of investors.

### EFFECTIVE DATE OF REGISTRATION STATEMENT AND AMENDMENTS THERETO

Sec. 8. (a) Except as hereinafter provided, the effective date of a registration statement shall be the twentieth day after the filing thereof or such earlier date as the Commission may determine having due regard to the public interest and the protection of purchasers. If any amendment to any such statement is filed prior to the effective date of such statement, the registration statement shall be deemed to have been filed when such amendment was filed; except that an amendment filed with the consent of the Commission, prior to the effective date of the registration statement, or filed pursuant to an order of the Commission, shall be treated as part of the registration statement.

(b) If it appears to the Commission that a statement or any amendment thereto is on its face incomplete or inaccurate in any material respect, the Commission shall so advise the franchisor within a reasonable time after the filing of the statement or amendment, but prior to the date the statement or amendment would otherwise be effective. Such notification shall serve to suspend the effective date of the statement or the amendment until thirty days after the franchisor files such additional information as the Commission shall require. Any franchisor, upon receipt of such notice, may request a hearing and such hearing shall be held within twenty days of receipt of such request by the Commission.

(c) If at any time subsequent to the effective date of a registration statement, a change shall occur affecting any material fact required to be contained in the statement, the franchisor shall promptly file an amendment thereto. Upon receipt of any such amendment the Commission may, if it determines such action to be necessary or appropriate in the public interest or for the protection of purchasers, suspend the registration statement until the amendment becomes effective.

(d) If it appears to the Commission at any time that the registration statement includes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, the Commission may, after notice and an opportunity for hearing (at a time fixed by the Commission) within fifteen days after such notice, issue an order suspending the effectiveness of the registration statement. When such statement has been amended in accordance with such order, the Commission shall so declare and thereupon the order shall cease to be effective.

(e) The Commission is empowered to make an examination in any case in order to determine whether an order should issue under subsection (d). In making such examination, the Commission, or any officer or officers designated by it, shall have access to and may demand the production of any books or papers of, and may administer oaths and affirmations to and examine, the franchisor, subfranchisor or any agents or any other person, in respect of any matter relevant to the examination. If any such franchisor, subfranchisor, agent, or person fails to cooperate, or obstructs or refuses to permit the making of an examination, such conduct shall be proper ground for the issuance of an order suspending the registration statement.

(f) Any notice required under this section shall be sent to or served on the franchisor or his authorized agent.

(g) A franchise offering shall be deemed duly registered for a period of one year from the effective date of the registration. The registration may be renewed for additional periods of one year each. The registration renewal statement shall be in the form and content prescribed by the Commission and shall be accompanied by an amended offering prospectus. Each such renewal registration statement shall be accompanied by the fee prescribed by the Commission.

### INFORMATION REQUIRED IN PROSPECTUS

Sec. 9. (a) A prospectus relating to franchises shall contain such of the information contained in the registration state-

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ment and any amendments thereto as the Commission may deem necessary. A prospectus shall also contain such other information as the Commission may by rules and regulations require as being necessary or appropriate in the public interest or for the protection of purchasers.

(b) The prospectus shall not be used for any promotional purposes before the registration statement becomes effective, and then only if it is used in its entirety. No person may advertise or represent that the Commission approves or recommends the sale of any franchise. No portion of the prospectus shall be underscored, italicized, or printed in larger or bolder type than the balance of the statement unless the Commission requires or permits it.

### CIVIL LIABILITIES

SEC. 10. (a) In case any part of a registration statement, when such part becomes effective, contains an untrue statement of a material fact or omits to state a material fact required to be stated therein, any person acquiring a franchise covered by such registration statement from the franchisor, subfranchisor, or agent thereof, during such period as the statement remains uncorrected (unless it is proved that at the time of such acquisition he knew of such untruth or omission), may sue at law or in equity, in any court of competent jurisdiction, the franchisor, subfranchisor, or agent.

(b) Any franchisor, subfranchisor, or agent who sells a franchise—

(1) in violation of section 5, or

(2) by means of a prospectus containing an untrue statement of a material fact or omitting to state a material fact required to be stated therein,

may be sued by the purchaser of the franchise.

(c) The suit authorized under subsection (a) or (b) of this section may be brought to recover damages up to three times the cost of the franchise, including reasonable attorney's fees and reasonable court costs.

(d) Any person who becomes liable to make payment under this section may recover contribution as in cases of contract from any person who, if sued separately, would have been liable to make the same payment.

### JURISDICTION OF STATE AUTHORITIES

SEC. 11. Nothing in this Act shall affect the jurisdiction of any State or territory of the United States, or the District of Columbia, over any franchise or any person.

### REVIEW OF ORDERS

SEC. 12. (a) Any person aggrieved by an order of the Commission may obtain a review of such order in the court of appeals of the United States, for any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within sixty days after the entry of such order, a written petition praying that the order of the Commission be modified or be set aside in whole or in part. A copy of such petition shall forthwith be transmitted by the clerk of the court to the Commission, and thereupon the Commission shall file in the court the record upon which the order complained of was entered, as provided in section 2112 of title 28, United States Code. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged before the Commission. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material, and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The jurisdiction of the court shall be exclusive and its judgment and decree, affirming, modifying, or setting aside, in whole or in part, any order of the Commission shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28 of the United States Code.

(b) The commencement of proceedings under subsection (a) shall not, unless specifically ordered by the court, operate as a stay of the order of the Commission.

### LIMITATION OF ACTIONS

SEC. 13. No action shall be maintained to enforce any liability created under section 10 unless brought within two years after the discovery of the untrue statement or the omission, or after such discovery should have been made by the exercise of reasonable diligence, or if the action is to enforce a liability created under section 10(b)(1), unless brought within two years after the violation upon which it is based occurred. In no event shall any such action be brought by a franchisee more than three years after the sale of the franchise to the franchisee.

### CONTRARY STIPULATIONS VOID

SEC. 14. Any condition, stipulation, or provision binding any person acquiring any franchise to waive compliance with any provision of this Act or of the rules and regulations prescribed thereunder shall be void.

### ADDITIONAL REMEDIES

SEC. 15. The rights and remedies provided by this Act shall be in addition to any and all other rights and remedies that may exist at law or in equity.

### POWERS OF THE COMMISSION

SEC. 16. (a) The Commission shall have authority from time to time to make, amend, and rescind such rules and regulations as may be necessary to carry out the provisions of this Act, including rules and regulations governing registration statements and prospectuses, and defining accounting, technical and trade terms used in this Act. Among other things, the Commission shall have authority, for the purposes of this Act, to prescribe the form or forms in which required information shall be set forth, the items or details to be shown in the balance sheet and earnings statement, and the methods to be followed in the preparation of accounts, in the determination of depreciation and depletion, in the appraisal or valuation of assets and liabilities, in the differentiation of investment and operating income, and in the preparation, where the Commission deems it necessary or desirable, of consolidated balance sheets or income accounts of any person directly or indirectly controlled by the franchisor. No provision of this Act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule or regulation of the Commission, notwithstanding that such rule or regulation may, after such act or omission, be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

(b) Whenever it shall appear to the Commission that any person is engaged, or is about to engage, in any acts or practices which constitute or will constitute a violation of this Act, or any rule or regulation prescribed thereunder, it may in its discretion, bring an action in any district court of the United States, United States court of any territory, or the United States District Court for the District of Columbia to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices to the Attorney General who may, in his discretion, institute the necessary criminal proceedings under this Act.

(c) Whenever it shall appear to the Commission, either upon complaint or otherwise, that the provisions of this Act, or any rules or regulations prescribed thereunder, have been or are about to be violated, it may, in its discretion, either require or permit such person to file with it a statement in writing, under oath, or otherwise, as to all the facts and circumstances concerning the subject matter which it believes to be in the public interest to investigate, and may investigate such facts.

(d) For the purpose of any investigation, which in the opinion of the Commission is necessary and proper for the enforcement of this Act, any member of the Commission, or any officer or officers designated by it, are empowered to administer oaths and affirmations, subpoena witnesses, take evidence and require the production of any books, papers, or other documents which the Commission deems relevant or material to the inquiry. Such attendance of witnesses and the production of such documentary evidence may be required from any place in the United States or any territory at any designated place of hearing.

(e) In case of contumacy or refusal to obey a subpoena issued to any person, the Commission may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda and other records and documents. Such court may issue an order requiring such person to appear before the Commission, or any officer designated by it, there to produce records, if so ordered, or to give testimony touching the matter under investigation or in question. Any failure to obey such order of the court may be punished by the court as a contempt thereof.

(f) No person shall be excused from attending and testifying or from producing books, papers, contracts, agreements, or other documents before the Commission, or in obedience to the subpoena of the Commission or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of him, may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

### HEARINGS

SEC. 17. All hearings shall be made public and may be held before the Commission or an officer or officers of the Commission designated by it, and appropriate records thereof shall be kept.

### JURISDICTION OF OFFENSES AND SUITS

SEC. 18. The district courts of the United States, the United States courts of any territory, and the United States District Court for the District of Columbia shall have jurisdiction of offenses and violations under this Act and under the rules and regulations prescribed pursuant thereto, and concurrent

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with State courts, of all suits in equity and actions at law brought to enforce any liability or duty created by this Act. Any such suit or action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, or in the district where the offer or sale took place, if the defendant participated therein, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found. Judgments and decrees so rendered shall be subject to review as provided in sections 1254 and 1291 of title 28 of the United States Code. No case arising under this Act and brought in any State court of competent jurisdiction shall be removed to any court of the United States. No costs shall be assessed for or against the Commission in any proceeding under this Act brought by or against it in any court.

### UNLAWFUL REPRESENTATIONS

SEC. 19. The fact that a registration statement with respect to any franchise has been filed or is in effect shall not be deemed a finding by the Commission that the registration statement is true and accurate on its face, or be held to mean that the Commission has in any way passed upon the merits of or given approval to such franchise. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing.

### PENALTIES FOR VIOLATIONS

SEC. 20. Any person who willfully violates any provision of this Act, or any rule or regulation promulgated thereunder, or any person who willfully, in a registration statement filed under this Act, makes any untrue statement of a material fact or omits to state any material fact required to be stated therein or necessary to make the statements therein not misleading, shall upon conviction be filed not more than $5,000 or imprisoned not more than five years, or both.

### JURISDICTION OF OTHER GOVERNMENT AGENCIES

SEC. 21. Nothing in this Act shall relieve any person from submitting to the respective supervisory units of the Government of the United States information, reports, or other documents which may be required by law. The filing of a registration statement hereunder shall not be deemed to confer any immunity from liability for violation of any other laws.

### SUBSTITUTE SERVICE OF PROCESS

SEC. 22. Each franchisor or subfranchisor which is registered or applying for registration under this Act shall furnish to the Commission, in a form prescribed by or acceptable to it, a written irrevocable consent and power of attorney—

(1) designating the Commission as an agent upon which may be served any process, pleadings, or other papers in any civil suit or action, brought in any appropriate court in any place subject to the jurisdiction of the United States, which (A) arises out of any activity in any place subject to the jurisdiction of the United States in connection with a course of business, and (B) is founded directly or indirectly upon the provisions of this Act; and

(2) stipulating and agreeing that any such civil suit or action may be commenced upon the service of process upon the Commission, and that such service of any process, pleadings, or other papers upon the Commission shall be taken and held in all courts to be as valid and binding as if due personal service thereof had been made.

### SCHEDULE A

(1) The name of the franchisor, the name under which he intends or is doing business, and the name of any parent or affiliated company that will engage in transactions with franchisees.

(2) The name of the State or other sovereign power under which the franchisor is organized and the location of the franchisor's principal place of business.

(3) The names and addresses of the directors or persons performing similar functions and the chief executive, financial, accounting and principal executive officers, chosen or to be chosen, if the franchisor is a corporation, association or other entity; of all partners, if the franchisor is a partnership, and of the franchisor if the franchisor is an individual.

(4) A statement disclosing whether any person identified in the registration statement

(a) has been convicted of a felony, or pleaded nolo contendere to a felony, or been held liable in a civil action by final judgment, if such felony or civil action involved fraud, embezzlement, fraudulent conversion, or misappropriation of property; or

(b) is subject to any currently effective order or ruling of any State or federal agency.

Such statement shall indicate the court, date of conviction or judgment, or any penalty imposed or damages assessed.

(5) The general character of the business actually transacted by the franchisor for the past five years, and the business to be transacted by the franchisor.

(6) Recent financial statements of the franchisor. The Commission may by rule or regulation prescribe the form and content of financial statements required under this Act, the circumstances under which consolidated financial statements may be filed, and the circumstances under which financial statements shall be certified by independent certified public accountants or public accountants.

(7) A copy of the franchise agreement proposed to be used.

(8) A statement of the franchise fee charged, the proposed application of the proceeds of such fee by the franchisor, and the formula by which the amount of the fee is determined if the fee is not the same in all cases.

(9) A statement describing any payments or fees other than franchise fees that the franchisee or subfranchisor is required to pay to the franchisor, including royalties and payments or fees which the franchisor collects in whole or in part on behalf of third parties.

(10) A statement of the conditions under which the franchise agreement may be terminated or renewal refused, or repurchased at the option of the franchisor.

(11) A statement as to whether, by the terms of the franchise agreement or by other device or practice, the franchisee or subfranchisor is required to purchase from the franchisor or his designee services, supplies, products, fixtures, or other goods relating to the establishment or operation of the franchise business, together with a description thereof.

(12) A statement as to whether, by the terms of the franchise agreement or other device or practice, the franchisee is limited in the goods or services offered by him to his customers.

(13) A statement of the terms and conditions of any financial arrangements when offered directly or indirectly by the franchisor or his agent.

(14) A statement of any past or present practice or of any intent of the franchisor to sell, assign, or discount to a third party any note, contract, or other obligation of the franchisee in whole or in part.

(15) A statement of available earnings of past and present franchises.

(16) A statement of the number of franchises presently operating and proposed to be sold.

(17) A statement as to whether franchisees and subfranchisors receive an exclusive area or territory.

(18) A statement setting forth such other information as the Commission may require.

(19) A statement setting forth such information as the franchisor may desire to present.

(20) A statement of any compensation or other benefit given or promised to a public figure arising, in whole or in part, from the use of the public figure in the name or symbol of the franchise.

(21) When the person filing the registration statement is a subfranchisor, the statement shall include the same information concerning the subfranchisor as is required from the franchisor pursuant to this schedule.

**Mr. BENNETT.** Mr. President, today I am joining with the Senator from New Jersey (Mr. WILLIAMS) as a cosponsor of the Franchise Full Disclosure Act. By my cosponsorship, I am not supporting all of the provisions of the bill but I am supporting the basic concept of the bill which is to provide disclosure of information about a franchise to a prospective franchisee. If the prospective buyer has sufficient factual information about a franchise, he can then make a rational decision based on the facts disclosed whether or not to enter a new field of business. In the absence of such information, he may very well make a decision based on inflated claims and irresponsible representations. Much of the information required under this proposal if already required by the Securities and Exchange Commission when a franchise company files for a stock offering. I see no reason why this same information should not be disclosed to the prospective franchisee and thus help those desiring to own their own business make better decisions.

Franchising itself as a system of marketing has made great strides in recent years. Figures show that there are presently over 1,000 firms offering franchises, and recent hearings before Small Business Subcommittee on Rural and Economic Development of the Select Committee on Small Business revealed that franchising accounts for more than $90 billion in annual sales of goods and services. The franchising system is vital to our economy—especially to the small businessman. In fact, Donald Brewer, Deputy Administrator of the Small Business Administration, has said:

> Franchising fosters the entrepreneurial spirit of America. For members of minority groups and for those in rural America who now are deprived of the opportunity to own their own business, franchising may well be their shining opportunity and, possibly, their port of last hope. We, therefore, believe the Federal Government should do everything appropriate to assist those Americans who have the necessary spirit and enterprise to operate a successful franchise establishment.

I believe the time has come for us to seriously consider appropriate legislation to assure that full disclosure of material facts is provided to prospective franchisees and hope that as a result of further consideration, we may work out any problems which may be contained in this proposal.

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## S. 3846—INTRODUCTION OF A BILL RELATING TO A NEW RECREATIONAL CENTER FOR MILWAUKEE COUNTY

**Mr. PROXMIRE.** Mr. President, on behalf of Senator NELSON and myself, I am introducing legislation today that will

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enable Milwaukee County to arrange for construction of a new recreational Pladium. This legislation will permit the county to lease property for this purpose to a nonprofit corporation without violating the provisions governing the original conveyance from the Federal Government. The land is presently owned by the county.

Since this bill explicitly restricts the lease of this land to recreational or civic use, and since Milwaukee County paid 50 percent of fair market value at the time it purchased the property, this transaction will be perfectly consistent with the Morse formula which protects Federal property rights.

Mr. President, the Pladium will be an outstanding asset to Milwaukee County. In addition to providing facilities for the Milwaukee Bucks, it will be a year-round site for hockey, boxing, indoor track, concerts and stage shows, and other activities. By utilizing the most modern assistance and advice on every aspect of development—from acoustics to television camera placement to soil testing—the Milwaukee County Pladium will provide the ultimate in recreational facilities.

Construction of the Pladium will mean a tremendous increase in the county's entertainment capabilities, and will provide a healthy supplement to downtown Milwaukee's convention facilities. And the presence of a beautiful and exciting entertainment and sports center will greatly enhance the pride and community spirit of the entire Milwaukee area. Its close proximity to the Milwaukee County Stadium means that 11,000 parking spaces already owned by the county will be available to Pladium spectators. And its location near a modern expressway in the geographical and population center of the county insures that the Pladium will be easily accessible to all.

I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3846) to authorize certain uses to be made with respect to lands previously conveyed to Milwaukee County, Wis., by the Administrator of Veterans' Affairs, introduced by Mr. PROXMIRE (for himself and Mr. NELSON), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3846

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, notwithstanding any provision of the Act entitled "An Act to authorize the Administrator of Veterans' Affairs to convey certain lands and to lease certain other lands to Milwaukee County, Wisconsin", approved September 1, 1949 (63 Stat. 683), or the Act entitled "An Act authorizing the Administrator of Veterans' Affairs to convey certain property to Milwaukee County, Wisconsin", approved August 27, 1954 (68 Stat. 866)—

(1) Milwaukee County, Wisconsin, is authorized to lease all or any part of the land conveyed to it pursuant to such Acts subject to the following conditions—

(A) such land or part thereof may be leased by Milwaukee County only to a nonprofit corporation, which corporation shall construct and equip on such land structures, facilities, and other permanent improvements useful for either public recreational purposes, general civic purposes, or both such purposes; and

(B) after completion of the improvements specified in subparagraph (A) above, such lands or parts thereof shall be leased back to Milwaukee County.

(2) Neither the lease of lands pursuant to paragraph (1) nor the use therefor for public recreational purposes or general civic purposes, shall be deemed to be grounds for the reversion to the United States of the title to the lands conveyed to Milwaukee County pursuant to such Acts.

SEC. 2. The Administrator of Veterans' Affairs shall issue such written instruments as may be necessary to bring the conveyances made to Milwaukee County, Wisconsin, on January 11, 1950, and April 19, 1955, pursuant to the Acts referred to in the first section of this Act, into conformity with such first section.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 15, 1970, he presented to the President of the United States the following enrolled bills:

S. 856. An act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States, and for other purposes; and

S. 2999. An act to authorize, in the District of Columbia, the gift of all or part of a human body after death for specified purposes.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENTS

### AMENDMENT NO. 630

Mr. HOLLINGS submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

### AMENDMENT NO. 631

Mr. WILLIAMS of Delaware submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

## ADDITIONAL STATEMENTS OF SENATORS

## INVASION OF OFFICE OF SECRETARY FINCH

Mr. TALMADGE. Mr. President, on Wednesday of this week the office of Secretary of Health, Education, and Welfare Robert H. Finch, was subjected to an invasion.

The invaders were not representatives of a foreign government; they were not militant college students. Mr. Finch's office was invaded and occupied by a group which called themselves the National Welfare Rights Organization.

This group of lawbreakers came to Secretary Finch to demand their "rights"—a $5,500 per year income with no strings attached. Chanting their slogan of "$5,500 or fight," these professional welfare recipients swooped down upon Secretary Finch and subjected him to all manner of insults—calling him a pig.

The Secretary was a model of courtesy and forbearance. He calmly bore the indignity of this intrusion for about an hour before leaving his office.

Finally, after 21 demonstrators had occupied the Secretary's office for more than 8 hours, the demonstrators were arrested on disorderly conduct charges.

About 100 welfare activists again invaded the Department of Health, Education, and Welfare yesterday. This group indicated its intention of causing repeated disruptions in Washington and all over the country. The group has made clear its intent to bully Congress into voting a $5,500 welfare handout.

Mr. President, these disgusting exhibitions should provide a lesson for us all.

They point out the fact that the administration's guaranteed income plan can cause the Congress and the administration nothing but trouble. Under the administration's bill the guaranteed annual income level is set at $1,600 per year.

As I have previously pointed out on the floor of the Senate, the important aspect of the administration's program is not the income level, but the fact that the bill, if enacted, would establish by act of Congress the principle of a guaranteed annual income. Once this principle is established, Congress and the administration will be subjected to unbearable pressure from such groups as the National Welfare Rights Organization.

The Senators who support a guaranteed annual income of $1,600 or a minimum of $3,600 should beware. Although they are the "heroes" of today, they will be the "pigs" of tomorrow if they do not support the impossible demands of groups such as the NWRO.

Already, the administration estimates that the $1,600 minimum benefit level will entail an additional Federal expenditure of $4.4 billion annually. As I pointed out in the Finance Committee hearings, the $4.4 billion figure is far too low to be considered realistic. If the administration's plan were changed to a $3,600 minimum benefit level, we would have to spend $20.7 billion additional dollars in order to underwrite these benefits.

Under this benefit level at least 76 million Americans would qualify for welfare.

Under a $5,500 benefit level, well over half the country would receive welfare.

Mr. President, already our Government is spending $30 billion annually on Federal aid to the poor. I believe in doing everything reasonable to help the poor of this Nation to help themselves. I believe in providing assistance to those who are unable to help themselves.

However, I am unalterably opposed to any plan which insures a guaranteed annual income for everyone, whether he works or not.

I will not be a party to passing legislation which will subject this Congress and subsequent Congresses and every administration to intimidation by a mob which will always demand more money.

Mr. President, I ask unanimous consent that a news article from the Evening Star of May 14 be printed in the RECORD.

There being no objection, the article

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was ordered to be printed in the RECORD, as follows:

### SIT-IN STAGED AT FINCH OFFICE

(By David Holmberg)

Demanding that Health, Education, and Welfare Secretary Robert Finch make a "commitment" against U.S. policy in Southeast Asia and for higher welfare benefits, 21 demonstrators occupied his office for more than eight hours yesterday before being arrested on disorderly conduct charges.

The demonstrators, most of them members of the National Welfare Rights Organization and led by its director, Dr. George Wiley, filed peacefully out of Finch's 5th floor office at 7:50 p.m., shouting their slogan "$5500 or Fight." A few college students who had joined the demonstration were among those arrested.

The slogan referred to the demonstrators' demand for a guaranteed annual income of $5,500 for a family of four.

They also asked for cuts in military spending, particularly in Southeast Asia, an end of foreign subsidies, closing of tax loopholes, a curtailing of "high expense accounts" for government office holders, and an increase in corporation taxes.

Finch, in a brief press conference following a mid-afternoon meeting with a representative of the NWRO, said many of the demonstrators' demands were not within the jurisdiction of his department. He noted that the administration has called for a $1,600 minimum income, which would be supplemented with additional payments by individual states.

The secretary, who labeled the takeover of his office "totally inappropriate" and "counter productive," said the demonstrators appeared to "Think that all things can be solved at the federal level, and this is not realistic."

Undersecretary John G. Veneman, who sat in on the session with Finch, then reported back to the demonstrators, who acknowledged that some of their demands were out of the range of the department but emphasized that their main concern was a commitment from Finch against the war and for the $5,500 plan.

"All we get from Finch," Wiley told Veneman, "is a lot of soft soap, and the appearance of liberalism . . . If Agnew can speak up, why can't he?"

With the demonstrators shouting their support, Wiley then repeated an earlier statement that the "occupation" would not end until Finch made a commitment on the war and on the guaranteed annual income plan.

#### OFFICIALS READ RULES

Veneman then withdrew, but returned two hours later along with General Service Administration officials and U.S. marshals to inform the demonstrators they would have to leave when the building was closed for the day a half-hour later. Finch had noted earlier that GSA regulations required the building be cleared at the end of the working day.

The officials, reading from GSA regulations, ignored the demonstrators' shouts of, "get Finch in here."

After dismissing the press from the secretary's office, the officials then engaged in a lengthy negotiation with the demonstrators over the terms of their arrest. They were finally held on a violation of the city code, which carries a penalty of $50 fine or 30 days in jail. They could have been held under a federal statute with a maximum penalty of a $100 fine or 6 months in jail.

#### BRIEF SCUFFLE

The demonstrators were taken to a waiting paddy wagon and greeted with shouts of "power to the people" from about 50 other protestors who had held a vigil in support of those in Finch's office throughout the day. Police arrested one youth following a brief scuffle after those arrested had been taken away.

The occupation of the secretary's office began at 11:30 a.m., when about 15 of the protestors burst in while Finch was being interviewed by two reporters.

Finch, according to an HEW spokesman, reacted "calmly" to the intrusion.

Wiley seated himself in the secretary's large leather chair and the demonstrators then held an hour's discussion with Finch, emphasizing their demands relating to the war and to welfare benefits.

#### POLICY DIRECTIVES

Finch left his office for an appointment at about 12:30 p.m. and the demonstrators then spent the next seven hours shouting out the window to their supporters outside, confronting HEW officials who wandered in, lounging on the office's leather chairs and plush blue carpet, and watching the secretary's color television set.

Mrs. Beulah Sanders, of New York, a vice chairman of the NWRO, occupied the secretary's leather chair most of the day, and was labeled "Secretary Sanders" by Wiley, who said that "policy directives" would be issued by the NWRO during the occupation of the office.

Mrs. Sanders conferred with her fellow demonstrators on strategy, read documents on the secretary's desk, and ate the peanut butter and jelly sandwiches which NWRO members had supplied for the occasion.

The NWRO leaders continued to maintain throughout the afternoon that they would occupy the office indefinitely. One demonstrator said mattresses were available and, referring to the food which was placed on a mahogany table next to the secretary's ornate desk, said: "For once NWRO came prepared."

## DAILY OKLAHOMAN'S ARTICLE DEROGATORY OF SENATOR SMITH OF MAINE

**Mrs. SMITH of Maine.** Mr. President, recently the Daily Oklahoman, morning newspaper of Oklahoma City, Okla., published a derogatory article by its Washington correspondent, Allan Cromley, against me. The article was seriously erroneous as to significant facts and seriously fallacious in its interpretative speculation.

That it was derogatory is not unusual—for I have had my share of press attacks. That, in its derogation of me, it was defensive of a hometown boy is somewhat understandable.

But misrepresentation of such a specific fact as to the time of day is inexcusable—premising derogatory speculation on such an obvious misrepresentation of time further compounds the journalistic irresponsibility—and failure to publish a refutation of the misrepresentation reveals calloused journalistic rejection of fair play.

Shortly after publication of Mr. Cromley's derogatory, erroneous, and fallacious article, my assistant wrote E. K. Gaylord, editor of the Daily Oklahoman, specifying the error and fallacy. Most newspapers grant space opportunity for rebuttal, but the Daily Oklahoman did not in this case. Wednesday the Washington office of the newspaper stated that the letter of my assistant had not been published.

Since the readers of the Daily Oklahoman have not been given the truth in this matter, I ask unanimous consent that the letter from my assistant to the editor of the Oklahoman be printed in the RECORD. It is possible that the truth in this manner may get through to some residents of Oklahoma City who read the CONGRESSIONAL RECORD as well as to the Members of the Oklahoma congressional delegation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 24, 1970.

E. K. GAYLORD,
*Editor, the Daily Oklahoman,*
*Oklahoma City, Okla.*

DEAR MR. GAYLORD: One of your readers sent Senator Smith a clipping from your editorial page on which appeared Mr. Cromley's piece on Senator Smith.

There are certain inaccuracies in his account but I will confine myself only to the last three paragraphs of his piece.

He states that Senator Smith found out about the Harlow calls "at about 11:20 a.m." and then in the next two paragraphs he speculates that, on the basis of that timing, and on the basis of anger at the Harlow calls, she made her decision after that time because I said she made her decision "about lunch time."

Mr. Cromley is in error as to the time and, therefore, in error as to his speculation based upon that erroneous time.

The truth is that Kenneth E. BeLieu states that he received the erroneous report at 11:20 a.m. while he was talking to Mr. Harlow. I so stated this to Mr. Cromley and this is how he got the 11:20 a.m. time.

The further truth is that Senator Smith did not learn of the calls of Mr. Harlow until 12:40 p.m. (one hour and twenty minutes later) when Senator Brooke so informed Senator Smith. Thus, the fallacy of Mr. Cromley's speculation is illustrated.

For your further information, when Mr. BeLieu called on Senator Smith the day after the vote to express his regrets about the incident, he showed both Senator Smith and me his pre-vote tally prediction sheet (drawn up before his 11:20 a.m. talk with Mr. Harlow) on which he had predicted that Senator Smith would vote *against* Carswell.

If you have the slightest doubt about the accuracy of what I have stated in this letter, I invite you to ask Mr. BeLieu and Senator Brooke if my statements about them are inaccurate. For their information, I am sending them a copy of this letter.

Sincerely,

WILLIAM C. LEWIS, Jr.,
*Executive Assistant to Senator Smith.*

## STEWARDESS SERVICE BY SCHEDULED AIRLINES IS 40 YEARS OLD

**Mr. RANDOLPH.** Mr. President, today, May 15, marks the 40th anniversary of the introduction of stewardess service by U.S. scheduled airlines. Four decades ago eight stewardesses took to the air in eight 20-passenger trimotor aircraft—the Boeing 80A—operated by Boeing Air Transport, a predecessor company of today's United Airlines. Now approximately 34,000 stewardesses fly for U.S. airlines in domestic and international service in planes carrying up to 360 passengers, with as many as 14 stewardesses covering their needs in a single flight.

Soon the other airlines then in existence—most of which were parent companies of those we know today—saw the value of the stewardess in creating public confidence in air transportation and began adding them to their flights. Today, of course, the stewardess is an indispensable feature of the passenger-service pattern of the entire airline industry.

I believe the ability to create "public

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confidence" has been the outstanding quality of the airline stewardess. One of the reasons for this feeling of confidence is that the early stewardesses had to be registered nurses. And they had to be registered nurses not only because such training and experience were considered advantageous in the event of air sickness or other illness in flight, but, as one of the airline officials of the day said:

> We want institutionally trained persons accustomed to discipline, since discipline is paramount at all times.

Today, that philosophy is still paramount. The airlines spend many millions of dollars a year training their stewardesses in such disciplines as the theory of flight, emergency procedures, first aid, and psychology. To familiarize them with their life aloft, stewardess trainees become oriented in exact models of the galleys and cabin sections in which they will fly.

From this tradition of training and discipline has emerged yet another quality that characterizes the girls who make air travel so attractive. That quality is "courage."

In the context of the Nation's stewardesses, I think that the late Ernest Hemingway's definition of courage is most applicable:

> Grace under pressure.

It is in recognition of this spirit that I call attention to the U.S. scheduled airline industry in saluting airline stewardesses on their 40th anniversary of service to the public.

## RIGHTS OF WAR PRISONERS VIOLATED

Mr. **BELLMON**. Mr. President, for some time, now, I have heard a lot about the rights of various people and groups. There has been a lot of talk in the Senate about the rights of Congress and the rights of the President. Much has been written and said in the media about the rights of student dissenters and the rights of students who want to study.

But, Mr. President, I hear almost nothing about the rights of a small group of Americans—the 1,500 men who are being held prisoners by the North Vietnamese.

These men have served their country well in battle. They serve now as prisoners.

Under international agreements to which all civilized nations subscribe, prisoners of war are to be treated in such fashion as to preserve at least their minimum rights. These include medical care, an adequate diet, notification of their families—through their Government—and communication between prisoners and families.

The North Vietnamese have violated these rights as a matter of consistent policy for over 5 years. There are Americans lost in action back in 1965 who, we believe, are still being held by the North Vietnamese. I say we believe they are being held because we do not actually know whether they are or not. The Communists have never notified this Government, nor any international agency such as the Red Cross, nor have they permitted communication between these men and their families.

The international code governing treatment of war prisoners is at best a bare-bones system of protection. It is designed only to protect these otherwise helpless men, to prevent them from being used as political hostages, and to insure their safety.

Where possible, the Communists have violated every aspect of this code. They have used prisoners to make propaganda broadcasts. They have suggested to American women concerned over the fate of their husbands that it might be possible to get the information they so desperately want by turning against their own Government.

Mr. President, in discussing human rights in this Chamber, let me suggest strongly that the rights of this particular segment of humanity not be overlooked.

These men have served America. Americans cannot desert them.

## RETROACTIVE DENIAL OF BENEFITS FOR NURSING HOME PATIENTS

Mr. **WILLIAMS** of New Jersey. Mr. President, today the medicare extended care program is in serious danger of complete abandonment by nursing homes. More than 500 nursing homes have already withdrawn from the program.

A major reason for this critical problem is the retroactive denial of benefits to elderly persons by fiscal intermediaries. In many instances, this occurs several weeks after the patient enters the extended care facility after proper certification by his attending physician.

During the past few weeks, I have received dozens of complaints from patients, physicians, and nursing homes concerning the hardships that this practice can produce.

On May 7, the Subcommittee on Long-Term Care, of the Committee on Aging, under the chairmanship of the Senator from Utah (Mr. Moss), held a hearing on this problem and related issues.

A statement by Dr. Frederick Offenkrantz, medical director of the Health and Extended Care Center in Crawford, N.J., aptly described the severity of this matter and the dilemma for the parties affected.

So that Senators can have further information about this urgent problem, I ask unanimous consent that the written testimony by Dr. Offenkrantz and my statement at the hearing be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

### STATEMENT BY FREDERICK W. OFFENKRANTZ, MEDICAL DIRECTOR

Mr. Chairman, Members of the Committee:

My name is Frederick M. Offenkrantz. I am a physician, the Medical Director of the Cranford Health and Extended Care Center in Cranford, New Jersey. This is a Facility operated by the non-profit New Jersey Rehabilitation Care Foundation as one of a number of projects designed to give the most advanced long-term care possible in areas of New Jersey, extending from Princeton to the inner-city ghetto of Newark. The foundation's basic purpose is to serve people who might not otherwise be able to afford or obtain such long-term care.

As I am sure the committee knows, Extended Care is post acute general hospital institutional care, designed to cut down on the days required in an acute hospital. The E.C.F. patient needs both medical and skilled nursing care beyond that of simple custodial care.

My purpose in coming here is to, on behalf of our patients, protest the number and method of Medicare cutoffs at our facility through our fiscal intermediary, New Jersey Blue Cross. Within the past year there have been over 50 such cut-offs, and only recently we were notified of 18 such terminations in one day. The tempo appears to be increasing, apparently by design, and I am here to protest these actions on the following bases:

1. Every cut-off was made despite referrals from general hospitals whose utilization review procedures embody referrals to E.C.F.'s. Further, in every instance a referring physician from a general hospital certified to the need for E.C.F. care. These patients are involuntarily sent to us from their hospitals in accordance with the Medicare rules.

2. Cut-offs were made with total disregard to the certification by the attending physician at the Cranford facility as to need for E.C.F. care, plus a pre-admission review by the Administrator, the very capable and experienced Director of Nursing, and by the Medical Director.

3. The Utilization Review Committee of this non-profit community facility is comprised of, among others, a physiatrist, the medical director and a practitioner of many years standing not admitting patients to this facility. In each instance of retroactive cut-offs, this committee had certified to the necessity of additional E.C.F. care, within the guide lines from the Social Security Administration as best we can interpret them, plus our mutual judgment.

4. In many cases, no portion of the patient's chart, except for an initial check list was requested or reviewed by the individual making these cut-offs, which of course, should be medical judgments.

5. In every instance the cut-off was made retroactive up to as much as seven weeks from the date of our notification, sometimes this was to the date of the patient's admission to this facility. In several instances the date of cut-off was actually after the death of the patient.

6. In many instances the attending physician has flatly refused to order discharge of patients following these cut-offs. Because of the severity of the patients' illnesses, these physicians felt strongly that discharge would constitute malpractice. I must call your attention to the fact that if this constitutes malpractice on the part of the attending physician, it constitutes malpractice on the part of the intermediary in so ordering, contrary to our combined medical advice. Since many of these victims came from poor areas, many being inner-city ghetto residents from Newark and Elizabeth, New Jersey, they cannot afford the charges; and as a non-profit facility, are deeply in debt because of those denials which are made long after we, in all good faith and honesty, have rendered the service.

7. Despite repeated efforts, no appeal to reason, no appeal for review and no appeal to professional judgment or humanitarian need has been entertained by the New Jersey Blue Cross Plan or the Social Security Administration.

8. In no instance during my almost two years of tenure as the Medical Director, has a physician from the intemediary or the U.S.A. contacted me regarding a cut-off. This, in my opinion, constitutes a serious defect in the entire program. It permits unnamed persons to effect virtually a life and death decision on these patients, whose require-

ment for additional care is certified to by referring physicians, treating physicians, consultants, and utilization review physicians at this extended care facility.

May I beg the indulgence of this committee in reviewing my background, to explain my qualifications for appearing before you with this appeal. I am by training a pathologist, graduated from Bucknell University and the Columbia College of Physicians and Surgeons. In addition, I hold a Master's Degree in Public Health Legislation from Columbia University.

My attention to the problems of pathology which are inherently those of diagnosis and the course of disease; or, in the aged, the course of multiple diseases; has given me interest in several associated activities. The one in which I appear before you is that of the admission, treatment, supervision and discharge of the geriatric patient under Medicare. In the opinion of the Foundation leadership, which comprises trained educators and administrators in the Health Field, a pathologist so interested constitutes a proper and valuable medical person to objectively evaluate the sick and afflicted geriatric patients being admitted for E.C.F. care. It was felt that having someone trained exclusively in the evaluation of illness rather than subjectively in the treatment of patients was a step towards fully scientific, objective procedure. This was intended to assist the treating physician along the path of every scientific requirement on behalf of the Medicare statutes. We attempted to avoid, by such guidance, the possibility of subjective over-involvement of a treating physician with his patient.

Appearing before you as I do now, I find that my more than 20 years of relationship with scientists within and outside of government gives me an interesting basis for comparison with medical supervision for E.C.F.'s under Medicare. As I have indicated to this committee, there is a remarkable lack of scientific approach, medical control, and generally accepted medical attitude on the part of our intermediary and/or S.S.A., towards the admission, care and discharge of patients in E.C.F.'s. I will be pleased to discuss this to whatever extent this interests the commitee. However, I can only conclude that judgments on the part of the government and its agent are being made by incompetent, unskilled, disinterested, uninformed or misguided personnel. Further, the custom in most large organizations, either government or private, is to open avenues of appeal and discussion to those who might question, on a scientific basis, the original medical phenomena described. Such avenues appear closed in total administration of this program. If they are open, we have been unable to find them.

If I may digress with relevancy for a moment I would also point out my service of over 6 years as a Medical Officer in the Army during World War II. More than half of this was spent in the southwest Pacific area of command. For a great part of this time, during the early 1940's, I was the sole laboratorian and public health officer in the more forward areas of the U.S. Army effort. On two occasions the unit which I commanded was responsible for very unpalatable decisions involving our Australian hosts. In the first, it was my duty to label the entire water supply of Townesville, Australia as contaminated and unfit for our troops use. In the second, the largest single epidemic of botulism poisoning was discovered and diagnosed by my command through autopsy, following the death of several American servicemen from contaminated food. In each instance, I was the recipient of questions and communiques from the ranking medical officer in that area, one of which resulted in a meeting with General MacArthur on the water problem. Even here, being subject to the explicit direction of higher command, there was discussion and suggestion with regard to scientific medical problems but at no time was I issued a directive as to mode of thinking or judgment to be stated.

I am at a loss, therefore, having functioned for many years under the authoritarian arrangements of the military and the rather strongly-held opinions of other agencies such as the F.D.A. to understand the mechanics of this governmental program which appears to operate only by fiat. Nowhere in government or public services does the question of human life and well-being become a matter of large numbers and special concern as it does with the Medicare admission to hosiptals and E.C.F.'s. The citizens affected here are not young people with tremendous powers of recovery. They are geriatric patients in whom errors of judgement can very well be fatal. Obviously, the Congress recognized this by giving the final authority for hospital and E.C.F. stay into the hands of the medical profession, with appropriate and fully acceptable safeguards involving systems of review and certification. The question of a patient's stay in our E.C.F. comprises the considered judgement of as many as ten different unrelated, and, often, unknown to each other, physicians. How can all of this be discredited at the whim of a clerk or young nurse functioning in Baltimore or Newark for the thousands of E.C.F. patients in New Jersey and elsewhere?

Other government agencies, up to, and including the staff of Douglas MacArthur have always seen fit to obtain the judgment of medical officers with regard to those problems in their jurisdiction and to accept that judgment if the physician, upon discussion, could sustain his beliefs. Why then do the administrators of the E.C.F. component in Medicare with life maintenance at stake, afford no such discussion to any of the physicians involved and, to my knowledge, refuse reversal upon appeal in almost every instance. Appeals of all types are handled in an unprofessional and frequently insulting manner in our area.

There is inherent in this problem, gentlemen, a further contradiction which may make this entire situation indeed the farce it is rapidly becoming. If S.S.A. and the fiscal intermediary can successfully cut-off the patients in E.C.F. certified to by competent medical judgment, why may they not then refuse payment to the attending physicians who cared for the patient during the interval subsequently cut-off? Logically, this should follow. If the patient should not have been in the E.C.F. by the judgment of the intermediary, contrary to the opinions of the physician, does not the fee, for professional attendance upon that patient, to the doctor, become cut-off also? This has not happened to my knowledge.

The system of doctors in authority checking upon doctors in attendance upon patients has worked reasonably well in medical education, accredited hospitalization, all forms of medical insurance and in governmental agencies. Where does S.S.A. and the fiscal intermediary derive the privilege of negating all of these activities over and over again? I am certain that in cases I have drawn to your attention the will of the Congress with regard to the Medicare patient receiving proper and just E.C.F. attention is being thwarted.

Please accept this urgent plea from a physician who has come to see this program as the life-giving activity it is. Please look at this problem. Look at the patients who are being cut-off in what appears to be a cold, inhuman, and unjust manner. These people helped to build the greatest nation on earth. They have been given a promise by that nation. Please senators help us keep that promise.

I beg you to trust the physicians participating in this type of patient care and evaluation. They are healing the elderly, sick and disabled; returning them to a status of self care so as not to be the great burden on family and community so frequently seen. They are doing this well below the 100-day limit envisioned by the Medicare Act.

I pledge to you my support in making this program work. But neither I nor the doctors can do anything when people of inadequate background are able to upset our best judgment with immunity from basic factors, such as reference to a patient's medical record, including utilization review, or an appeal by the patient's attending physician.

Mr. Chairman, I am deeply honored that you would take the time to hear me today, and I hope, I pray, that I have spoken in an effective manner on behalf of our patients who have suffered under this program's administration.

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### Remarks by the Honorable Harrison A. Williams Before the Subcommittee on Long-Term Care of the U.S. Senate Special Committee on Aging, May 7, 1970

Thank you, Senator Moss, for aptly describing our mutal interest in the matters before your Subcommittee today. Since you have a full witness list, I will be brief.

First, however, I must take a moment to thank you personally for the outstanding and dedicated contributions that you are making to the Committee's overall work.

You are also to be commended for seeking clearcut answers this morning concerning the impact of recent regulations which may have the effect of dismantling the Medicare extended care program—a program which you have worked so hard to develop as an effective alternative to costly hospital care.

Reports to this Committee from nursing home patients and staff personnel express deep concern principally over two regulatory changes. One directive prohibits reimbursement under Medicare for nursing home patients who are merely custodial. Although these individuals may need an extension of the type of care previously received during their hospital stay, payment can be made only if they have rehabilitative potential.

Another restriction permits reimbursement under Medicare only if a patient comes within the meaning of "skilled nursing home care." Several directors at extended care facilities, including one of our witnesses this morning, have criticized this limited definition as being artificial and arbitrary.

This hearing today, I believe, is particularly timely and appropriate. During the past six months, it is reported that more than 500 nursing homes throughout the country have refused to admit Medicare patients. Others are cutting back on the number of Medicare patients that they will admit.

At issue is the practice by certain insurance intermediaries of denying eligibility under Medicare to nursing home patients long after they have been admitted.

This situation is reaching crisis proportions for extended care facility administrators, staffs, patients, and their families.

Nursing homes are in a quandary because of inconsistent and confusing decisions by fiscal intermediaries concerning eligibility and entitlement to reimbursement for covered services. When Medicare benefits are denied retroactively, extended care facilities receive no payment for services they have already rendered in good faith, unless, of course, they can collect from the patient or his family. In order to avoid the risk of denied payment, nursing homes by the hundreds are dropping out of the Medicare program.

For most extended care facilities, it is extremely difficult to determine with any degree of certainty which patients will be covered. This is true although a competent physician certifies in writing that the patient needs extended care. Because of this problem, many doctors are reluctant to refer needy patients to nursing homes for extended care—even though such care would be of important therapeutic value and less costly than continued hospitalization.

The net effect is to increase hospital stays and to reduce days of nursing home care, although this care may cost the Government only one-third of the amount for hospitalization. Many physicians believe that it is preferable to leave the patient in a hospital for convalescence rather than to submit him to such uncertainty. However, shaving one hospital day from Medicare's national average could result in a savings of $400 million.

Unfortunately, in the middle of this "no-man's land" is the unsuspecting patient. At the time of admission, no patient can be absolutely certain of having his bills paid by Medicare, even though he has been certified by his physician. Moreover, this risk for payment of non-covered services by the patient is substantial, since only about one-half of the claims for nursing home care last year were approved. This problem is particularly onerous for the poor and near-poor elderly who are especially hard-hit by these unanticipated bills. In many instances, their financial resources are completely wiped out.

Because of this urgent problem, confusion and widespread public misunderstanding have developed over extended care. Most elderly patients believe Medicare will cover 100 days of post-hospital care provided:

They have been in a hospital for at least 3 days in a row before admission to the extended care facility.

They are admitted within 14 days after leaving the hospital, and

Their doctor certifies that they need extended care for further treatment of a condition treated in the hospital.

However, little effort has been made to inform the public adequately about the program's limitations, such as the coverage for "skilled nursing care" but not for "custodial" care.

Consequently, families and patients become upset, especially if their doctor or the nursing home assured them of coverage. And who can blame them for being upset! A retroactive cut-off in coverage of benefits can mean a charge of well over a thousand dollars in many instances.

Yet, a large number of attending physicians have refused to discharge patients following a denial of their claims. To do so, in their judgment, would be tantamount to malpractice. The result is a vicious circle in which no one is happy.

The patient is angry because his claim will not be reimbursed.

The attending physician is upset because his decision has been overruled by a non-professional, who may not fully understand the medical exigencies of the situation.

And, the extended care facility is frustrated because they have rendered services, but have not been paid.

With this in mind, I am sure, Senator Moss, that your Subcommittee will seek answers to many perplexing questions:

What can be done to correct the present uncertainty for older persons in need of nursing care?

How can more effective procedures be developed to assure extended care facilities of reimbursement for services which they perform?

Should a non-professional have the power to overturn the medical judgment of the physician?

## BROTHERHOOD AWARD TO DR. LAWRENCE DAVIS, PINE BLUFF, ARK.

Mr. FULBRIGHT. Mr. President, one of my State's outstanding citizens, Dr. Lawrence Davis, of Pine Bluff, was recently honored as the recipient of the Brotherhood Award given by the Arkansas Council of the National Conference of Christians and Jews.

This is a well-deserved tribute, for Dr. Davis has rendered many years of service to his community and the State and has made a notable record as president of Arkansas A. M. & N. College.

Mr. President, I ask unanimous consent that an editorial entitled "Dr. Davis' Honor," published in the Arkansas Gazette of May 9, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### DR. DAVIS' HONOR

It was a memorable moment for Dr. Lawrence Davis on Thursday night when he became the seventh recipient of the brotherhood award given by the Arkansas Council of the National Conference of Christians and Jews. The annual award dinner is a large, impressive affair attended by distinguished community leaders representing a cross-section of the state.

It is especially memorable when one of these honors of such special significance is won in Arkansas, in the South by a Negro. Dr. Davis, president of AM and N college, has come a long way from the year 1929 when as a boy he shined shoes in a barber shop in McCrory, Ark., for Dr. Davis, as for other Negroes, it has been an especially hard road as well as a long one and, for this reason, the success and recognition he has earned is all the sweeter.

In the future in Arkansas, and elsewhere in the country, there is fresh hope for a day to come when a success story like Lawrence Davis's will be no more exceptional for men of one color than for men of another. The hope is refurbished on each occasion when men and women of good will gather, as they did at the NCCJ dinner, to declare that there must be full room and an equal welcome for all of us in the American society.

## EXPANSION OF WATER RESOURCES RESEARCH ACT

Mr. JORDAN of North Carolina. Mr. President, 6 years ago, Congress recognized the need for Federal assistance to individual States in development and management of their resources and approved the Water Resources Research Act to initiate that program.

If the need was apparent then, it is even more obvious now with water pollution emerging as one of the Nation's most pressing domestic problems.

Proposals have now been offered in both the Senate and House for expanding the research program and enlarging its scope as a means of finding new ways of coping with that problem.

Because I support the concept and want to see its potential more fully utilized, I invite the attention of the Senate to the way in which the program is already being utilized in my own State of North Carolina.

For that purpose, I ask unanimous consent to have printed in the RECORD a letter from Dr. David H. Howells, director of the Water Resources Research Institute at the University of North Carolina, outlining the purpose and progress of that agency. I hope the information it contains will be useful to Senators in their assessment of the program-expansion proposals.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE UNIVERSITY OF NORTH CAROLINA,
*Raleigh, N.C., May 1, 1970.*
Hon. B. EVERETT JORDAN,
*New Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR JORDAN: Recent bills introduced into Congress to amend the Water Resources Research Act of 1964 (S. 3553 and H.R. 15957, 16274, 16279, 16285) re-emphasize the importance of this act to the individual states in the development and management of their water resources. The bills would increase the authorized annual allotment from $100,000 to $250,000 and authorize programs for the transfer of research results into practice. We deeply appreciate the support given to this pending legislation by you, Senator Ervin, Representative Taylor, Representative Galifianakis and other members of the North Carolina Congressional Delegation.

The Water Resources Research Institute in North Carolina is a unit of the Consolidated University of North Carolina and is located on the campus of North Carolina State University at Raleigh. All senior colleges and universities in the state are encouraged to participate in its program and research is now being conducted on the campuses of N.C. State University at Raleigh, the University of North Carolina at Chapel Hill, Duke University and East Carolina University.

The Water Resources Research Institute of the University of North Carolina works hand in hand with the N.C. Department of Water and Air Resources and other agencies in the formulation of research studies responsive to the state's water resource problems. A twenty-five man advisory committee representative of state and federal water agencies, private industries, agriculture and local government provides program guidance and review.

The North Carolina Institute has pioneered in efforts to bring the research capabilities of a state's universities to bear on state water problems. Methods used include symposia and conferences, workshops, study committees and a steady initiative toward continuing the dialogue with state agencies and other research users to improve university program. A great deal of progress has been made and we are convinced that Title I of the Water Resources Research Act of 1964 authorizes the most effective possible use of federal funds for water resources research. This program has been very effectively administered by the Office of Water Resources Research, U.S. Dept. of the Interior. Maximum latitude has been given to the states in the development of programs unique to their particular problems. The principal limiting factor has been the size of annual allotment which present legislation limits to $100,000. As small as it is however it has generated state support of water resources research which did not exist prior to the Act. In North Carolina, for example, the state legislature is now appropriating approximately $150,000 per year to the Institute—50% in excess of the federal allotment.

All research now underway at the Institute is highly relevant to water resource problems in North Carolina. Some examples are as follows:

### WATER RESOURCES PLANNING

Land development in the vicinity of large reservoirs such as the New Hope and Falls of the Neuse is a major problem in resource development and utilization. Contiguous development interacts with the primary purposes of the reservoirs and is one of the most important determinants of the quality of secondary benefits. Demand for reservoir shoreline usage is increasing rapidly. This extends from mass recreational usage to the increasing demand for home sites and even industry. Conflicts between uses of the reservoir and shoreline development can become very acute. The operating cycle of many res-

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ervoirs interacts with and frequently determines the desirability of shoreline land uses. Shore-line development may restrict access to the water and hinder primary purposes of the reservoir. The limited knowledge of the processes of development of land in the vicinity of reservoirs has restricted the extent to which these factors are taken into account prior to development. The Institute is supporting the development of a forecast model for the testing of alternative policy mixes for their effectiveness in promoting desirable land development patterns around multipurpose reservoirs.

Water demands are expected to increase by at least a third in the next decade and the search for dependable sources of usable water must be intensified. One major, logical place to concentrate the search is in the headwaters of North Carolina streams. These arise in areas where forests comprise the dominant vegetation. Enough knowledge about streamflow behavior in relation to land treatment has been accumulated to justify an attempt at economic evaluation of increases in water yield and quality which might be anticipated from the application of this information to municipal watersheds in North Carolina. The Lake Michie watershed serving the City of Durham is being used as a study site for this purpose.

North Carolina has the potential for the development of a major waterbased recreation industry. As the public use and demand for this type of recreational activity continues to accelerate, the absence of rationale for estimating the recreation output of natural and artificial bodies of water leaves an ever-widening gap in the credibility of resource development plans. Reliable information on the capacity of water bodies to support recreation is essential to the compilation of recreation resource inventories, management plans, programs, budgets, and cost-benefit comparisons. A project to formulate concepts and methodology for estimating the volume of recreation use which can be properly supported by reservoirs is now nearing completion.

Research and planning associated with the water resources of North Carolina require rapid access to climatological and hydrological data. During the past three years, the Institute has provided funds for the acquisition of these data from ESSA and USGS and conversion to computer storage at the Triangle Universities Computer Center. The system will retrieve records from storage by element, location, area and period—including streamflow, rainfall, temperature, snowfall and evaporation and includes programs for statistical analysis. The system is being made available to state water agencies for use in water resource planning and management.

### GROUND WATER MANAGEMENT

To most North Carolinians, the ground water difficulties related to phosphate mining in Beaufort County symbolize the state's water crisis. Protection of the ground water supply from salt water intrusion is essential to the continued development of Eastern North Carolina. An Institute project involves the construction of a computer model that can be used to forecast and evaluate the response of ground waters to alternate strategies of development. It is being carried out in close association with the North Carolina Department of Water and Air Resources.

The Outer Banks are of great importance to the state for their recreational value and protection of the mainland from the open seas. A key factor on both counts is the continued availability of a fresh water supply for domestic use and the growing of dune grasses for dune stabilization. It is imperative that a determination of the fresh water supply be made and that criteria for safe yield be determined to avoid overdraft resulting in salt water contamination. One method of determining the amount and movement of fresh water is to model a cross-sectional area of the Outer Banks. If this model can be used to predict fresh water in one cross-sectional area, other areas can be easily modeled in the laboratory and expensive field investigations eliminated. Such a project is being carried out by the Institute in close cooperation with the District Office, U.S. Geological Survey.

Present drainage practice in the coastal plain threatens the destruction of 1½ million acres of organic soils through oxidation because of overdainage. Drainage plans should provide for water control—keeping the water level sufficiently low for agricultural use and high enough to prevent severe drying and oxidation. In the case of mineral soils, high productivity cannot be attained without proper irrigation and drainage. The extent to which the agricultural potential of the coastal plain is realized will depend upon good water management in both organic and mineral soils. Yet, no criteria exist for surface drainage, surface irrigation, or subsurface irrigation in this area. A study to develop such criteria is now underway.

### WATER QUALITY MANAGEMENT

The waters of lakes and impoundments undergo seasonal, chemical, and biological changes which materially transform the quality of the water. Streams flowing into impoundments which carry municipal and industrial waste treatment plant effluents and land runoff may supply sufficient quantities of nitrogen and phosphorus to permit explosive growths of algae. Excessive algal growths can restrict the use of impounded waters for recreational and other purposes. The release of deep water through the dams, unless suitably mixed with surface water, may discharge water of inadequate oxygen content for the support of downstream aquatic life. Tributaries to the New Hope Reservoir now under construction, carry large quantities of nitrogen and phosphorus and lead to the development of a management plan for the New Hope Reservoir to prevent adverse effects and loss of beneficial uses because of water quality deterioration.

The Pamlico River estuary will be markedly changed as a result of phosphate mining and related industrial and population growth. The quality of estuarine waters is important because of their value as fishery nursery areas, for commercial and sport fisheries, and recreational use. Institute studies of the effects of increased phosphorus and nitrogen levels on the quality of the Pamlico estuary are providing the information necessary for state regulation of water use and waste control in this area.

The demand for electric power is doubling every ten years. Fossil and nuclear-fueled steam electric power production involves the disposal of massive volumes of heated cooling waters into North Carolina waters. Only limited information is available concerning the impact of increased temperatures on aquatic ecosystems. A study of temperature effects on whole ecosystems is expected to contribute to the setting of realistic temperature standards for estuaries receiving thermal wastes from electrical generating plants.

Some sections of North Carolina are now confronted with water quality problems requiring the highest possible degree of waste treatment to comply with water quality standards in receiving streams. In this situation the role of runoff from rainfall over urban lands in the management of water quality assumes increasing importance. The relatively small incremental reductions in municipal and industrial wastes derived from adding advance waste treatment to conventional treatment facilities may be masked by wastes from land runoff. The impact of all sources of wastes capable of degrading water quality—controllable or not—must be understood if rational economic decisions are to be made. An Institute study of pollutants contributed to the Research Triangle area by rainfall runoff from a typical urban watershed in Durham, North Carolina is providing useful new information for water quality management.

The use of pesticides in agriculture continues to be intensive—including the persistent chlorinated hydrocarbons. Surface and ground waters must be kept free of these chemicals. A recent study developed a recommended pesticide monitoring system for North Carolina waters for use by the State Department of Water and Air Resources. A current project will determine pesticide runoff from cotton growing which utilizes large amounts of DDT and toxaphene as well as certain herbicides and will provide information useful for water quality management in areas draining agricultural lands.

It is widely believed that agricultural fertilizers are a prime source of nitrogen and phosphorus enrichment of lakes, reservoirs, and estuaries which is producing excessive quantities of algae and other nuisance aquatic plants. However, there are almost no quantitative data on the amounts contributed by agriculturally applied fertilizers. If agriculture is an important source, it is possible that adjustments in fertilizer usage and in cropping systems can be made to maintain high crop production and yet reduce loss to surface waters. If it is not a significant contributor, this fact should be established and corrective efforts directed toward municipal and industrial sources. A current investigation will better define the direct contribution of fertilizers to nitrogen and phosphorus contamination of surface and subsurface runoff and consequent enrichment of streams and lakes.

In North Carolina, the wastes from farm animals are equivalent to the domestic wastes from a population of more than 15 million. A study is now being directed toward a better characterization of these wastes and the development of design standards for animal waste disposal systems.

Most municipal sewerage systems handle industrial as well as domestic wastes. The industrial waste component has rapidly increased in recent years. Municipal charges for receiving and treating these wastes are generally related to the metered water sold, not the amount and strength of the waste. Because of this, there is little incentive for industry to reduce its wastes through inplant control measures and the net output of treated wastes from municipal systems is higher than it need be regardless of the degree of treatment provided. The Institute is investigating industrial response to sewer surcharges and related social gains to assist local government in the setting of water and sewage charges more in keeping with current needs.

A research program which seeks relevance to water resource problems must be built upon a foundation which includes the characterization of the problems and related research needs, knowledge of what has been done and is being done and techniques for assuring that research results are made available to prospective users in forms that are comprehensible to the variety of disciplines and levels of skill involved. The North Carolina Institute has initiated a special study to further strengthen the present capability to identify research needs and transfer of research results into practice. One of the principal weaknesses of federal water resources research programs lies in this area and failure to develop more effective means severely limits the utilization of current research output. While some progress is being made—the state is severely handicapped by the limited amount of the present $100,000 annual authorization, which is far too small for research alone irrespective of related needs to facilitate the utilization of new research information.

The proposed amendments are imperative to a sustained research effort on state water problems and the efficient utilization of new

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information now being generated by all federally supported water research programs.

Sincerely yours,

**David H. Howells,**
*Director.*

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## ARLEN R. WILSON, CASPER, WYO., COMMISSIONED A FOREIGN SERVICE OFFICER

Mr. McGEE. Mr. President, Mr. Arlen R. Wilson, of Casper, Wyo., has recently been commissioned a Foreign Service officer of the United States. Today, I pay tribute to Mr. Wilson for success in achieving this highly competitive and difficult attainment. I am delighted that Wyoming has a new representative in the Foreign Service Officer Corps and to know that it is a man of the caliber of Arlen Wilson.

Mr. Wilson is the son of Mr. and Mrs. Bernard D. Wilson, of Casper, a graduate of Natrona County High School there, and of Casper College. He received his B.A. from Oklahoma State University in 1964 and an M.A. from the Univesity of Wyoming in 1967. He is fluent in Spanish.

His wife, the former Donna Neely, is, like Mr. Wilson, a Casperite who attended Casper College, was graduated from Oklahoma State, and received an M.A. degree from the University of Wyoming.

Mr. President, I congratulate this young couple on their decision to serve the United States in the Foreign Service. We gain by their decision.

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## BRUNO BITKER THOROUGHLY COVERS THE QUESTION OF "INCITEMENT TO COMMIT THE CRIME" IN REGARDS TO THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, last month Mr. Bruno Bitker, a prominent Milwaukee lawyer with an outstanding record in the field of human rights, testified before a special foreign relations subcommittee convened to consider the Genocide Convention. Mr. Bitker's presentation to the subcommittee dealt convincingly and forcefully with the major arguments that have been raised against the treaty.

The section of this testimony dealing with "incitement to commit the crime" deserves special emphasis. This particular point has been greatly confused and distorted by opponents of the treaty, who contend that this provision of the Genocide Convention would rob Americans of their rights to free speech.

Mr. Bitker conclusively demonstrates that this argument has no merit, and that American citizens will have all the protections now available under the first amendment if the Senate ratifies the Genocide Convention. He focuses on the crucial distinction between advocacy of a crime, which is protected by the first amendment, and incitment to commit a crime, which the first amendment does not protect. And he concludes that the opponents of the treaty have failed to distinguish between the two in their specious argument.

Mr. Bitker's testimony is an informative and comprehensive discussion of the legal aspects of the Genocide Convention which clearly outlines the provisions of this important treaty.

Mr. President, I ask unanimous consent that a portion of Mr. Bitker's testimony be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

### Hearings on Genocide Convention

(Testimony of Bruno V. Bitker)

Mr. Chairman and Members of the Committee: I appear today as a private citizen in support of the Senate's advice and consent to ratification of the Genocide Convention.

I am a practicing lawyer in Milwaukee, Wisconsin. As a member of the U.S. National Commission for UNESCO, and the chairman of its Human Rights Committee, I would like to file with this Committee a statement concerning the resolution adopted by the Commission at its annual meeting on March 30, 1965, urging ratification of the Genocide Convention. I would like, also, to file a copy of the resolution of the Milwaukee Bar Association, dated March 21, 1969. The Milwaukee Branch of the Federal Bar Association has adopted a similar resolution.

#### THE SPECIAL COMMITTEE OF LAWYERS

In 1968 I served on the President's Commission for the Observance of Human Rights Year and was a member of its Special Committee of Lawyers under the chairmanship of Justice (Retired) Tom C. Clark. This latter committee included members of the Federal Court, law professors, the present and former presidents of the American Bar Association, and other practicing lawyers knowledgeable in this field. Its Report in Support of the Treatymaking Power of the United States in Human Rights Matters was released in October 1969. The brief deals with the basic legal and constitutional questions respecting all of these treaties rather than with any specific treaty. I believe it answers all the fundamental questions that might be raised. In the words of Justice Clark in his letter of transmittal:

"I would like to reiterate here, however, our finding, after a thorough review of judicial, Congressional and diplomatic precedents, that human rights are matters of international concern: and that the President, with the United States Senate concurring, may, on behalf of the United States, under the treaty power of the Constitution, ratify or adhere to any international human rights convention that does not contravene a specific Constitutional prohibition."

Because of its pertinency to the issue now before you, I secured and would like to leave with the Clerk sufficient copies of the Clark Report for each member of the Committee.

What I have to say beyond what has been said in that Report relates to specific questions which may effect the Genocide treaty per se.

#### CONSTITUTIONAL POWER TO ENTER INTO TREATIES

The treaty making power documented in the Clark Report, is almost unlimited so long as it does not rise above the Constitution. The rule has been frequently stated by the Supreme Court and is thus summarized in Geofrey v. Riggs, 133 U.S. 258, 267 (1890):

"It would not be contended that it extends so far as to authorize what the Constitution forbids, or a change in the character of the government or in that of one of the States, or a cession of any portion of the territory of the latter without its consent. But with these exceptions, it is not perceived that there is any limit to the questions which can be adjusted touching on any matter which is properly the subject of negotiations with a foreign country."

See, too, the brief analysis by Professor Lous Henkin in 63 A.S.I.L. April 1969, p. 272 on the broad interpretation of the power.

#### INTERNATIONAL CONCERN OR DOMESTIC CONCERN

There has been a suggestion that if a matter is of domestic concern it excludes it as a proper subject for a treaty. The rule has long been to the contrary. The United States has frequently exercised its treaty making power on a subject over which the Congress has also exercized its power domestically.

In the original hearings of this Senate Committee in 1950 on Genocide the then Solicitor General of the United States cited various subjects of local concern which have also been covered by treaties. (81 Congress, 2d Sess.; Hearings on Executive O, Jan. 23, 1950, p. 25) A list thereof was also included in the 1967 hearings before this Committee on the Slavery Treaty. (90th Congress, 1st Sess. pt. 2, p. 87)

The recognized authority which obliterates any notion that a local or domestic interest bars it from being one of international interest is the Supreme Court decision of 1920 in Missouri v. Holland 252 U.S. 416. The question was on the right of a state to the sole control over the killing of migratory birds as against the asserted national power to deal with the subject through an international treaty. Presumably this decision which upheld the treaty power should have resolved the issue. But those who object to a treaty on the basis of the domestic versus international basis, in effect seek to overthrow the Court's decision and impose a presently non-existent limitation on the President and the Senate.

It has been said many times, but it should be repeated, that since the country has been able to exercise its power to protect the lives of birds through treaties, it should not hesitate to attempt to prevent mass murder of human beings by international agreement.

#### ALL GROUPS NOT COVERED

When the Senate originally considered this matter, strenuous objections were advanced on the ground that another group, "political group" was not protected. Article II, which defines the crime, provides that it shall protect every "national, ethnical, racial or religious group". More recently the same notion that the definition is not broad enough has been advanced as a fatal objection to ratification.

The covered groups are so broadly inclusive that it is difficult to understand this as supporting rejection of the treaty. There appears no basis for asserting that the exclusion of any group would be legally fatal. It is true that the United States, during the initial drafting stages, would have included "political group". However, during the extensive deliberations at the UN it became obvious that not only was there the difficult problem of defining a "political group", but insistence on inclusion presented a serious obstacle to the ratification of the Convention by a large number of States. Accordingly the Sixth Committee of the General Assembly did not include it. It did, however, add "ethnical" groups to the rest of the list. As thus reported out by the Sixth Committee, the General Assembly unanimously adopted it.

#### IMPLEMENTING CONGRESSIONAL ACTION REQUIRED

Some thought has been expressed concerning the possibility that the treaty might be self-executing. If this would have been a valid objection, it does not exist because the specific terms of the Convention make it non-self executing. Article V required the parties "to enact, in accordance with their respective Constitutions, the necessary legislation to give effect" to the Convention and "to provide effective penalties for persons guilty of the punishable acts under Article III."

### INCITEMENT TO COMMIT THE CRIME

One of these punishable acts is the "direct and public incitement to commit Genocide". Objectors to making Genocide an international crime cite this provision as an infringement of our constitutional guarantees of free speech and free press. It is hard to conceive that Congress would adopt statutes abridging the 1st Amendment guarantees. But if it actually happened, the U.S. Courts would prevent enforcement. Congress could, of course, adopt legislation to punish incitement to commit the criminal act. This has long been recognized as proper. In objecting on this ground the objectors have failed to distinguish between advocacy, which is protected, and incitement to commit a crime, which is not. Thus in *Frohwerk* v. *U.S.*, 249 U.S. 204, 206 (1920) the Court said:

"The 1st Amendment, while prohibiting legislation against free speech as such, cannot have been, and obviously was not intended to give immunity for every possible use of language. We venture to believe that neither Hamilton nor Madison, nor any other competent person then or later, ever supposed that to make criminal the counseling of a murder within the jurisdiction of Congress would be an unconstitutional interference with free speech".

In a more recent case, *Brandenburg* v. *Ohio,* (395 U.S. 444, 447, 1969) the Court said: ". . . the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation except where advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action".

In any event, absent the Article requiring implementing legislation by the Congress, the rule has long been that a treaty alone will not suffice for a criminal prosecution. As was said in Over The Top, 5 F. 2d; 838, 1925: "It is not the function of treaties to enact the fiscal or criminal law of a nation. For this purpose no treaty is self-executing".

## GEN. WLADYSLAW ANDERS: POLISH NATIONAL HERO

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from Connecticut (Mr. DODD), I ask unanimous consent that a statement prepared by him entitled "Gen. Wladyslaw Anders: Polish National Hero" be printed at this point in the RECORD.

There being no objection, the statement by Senator DODD was ordered to be printed in the RECORD as follows:

### GEN. WLADYSLAW ANDERS: POLISH NATIONAL HERO

Mr. DODD. Mr. President, I join the entire Polish people in mourning the death yesterday in London of General Wladyslaw Anders, a great Polish patriot and military leader whose name has become synonymous with continued resistance to the Communist subjugation of his motherland.

In Connecticut and throughout the nation, wherever there are Polish-American communities, there will be mourning. For General Anders was more than a Polish hero. In his lifetime it is no exaggeration to say that he had become a symbol of the Polish nation.

General Anders fought against the Nazis and the Russians when they invaded Poland in 1939, in the wake of the Hitler-Stalin pact. He remained a prisoner of war in Russia until mid-1941 when the Nazi invasion of the Soviet Union and the imperative need of Western help obliged Stalin to release the surviving Polish POW's.

Originally, the Russians thought they could get General Anders to organize a Polish army which would fight on the Russian front against the Nazis. But when Anders began looking around for the Polish officers whom he knew to be prisoners of war, he discovered that some 10,000 of them had mysteriously disappeared. As subsequent events revealed, they had been massacred on the orders of Stalin in the Katyn Forest.

Because he was convinced that the Polish army in Russia would be destroyed after Moscow had used it, General Anders persuaded the Allies to urge the removal from the Soviet Union of former Polish POW's and Polish civilians who had been incarcerated in slave labor camps. In a remarkable political and logistical operation, a Polish army more than 100,000 strong was moved out of the Soviet Union via Iran, Iraq and Israel, to the Italian front which had just been opened up.

It is not commonly realized that, after the British and Americans, the Polish army which General Anders commanded was the third largest army to participate in the war on the Allied side.

The heroism of the Polish army in Italy is a legend which those of us who lived through those difficult times will never forget. In the historic battle of Monte Cassino, where the Germans had held out for many weeks against attacking Allied forces, it was the Polish army which finally seized the castle on top the mountain after storming up its bloody slopes; and in doing so, they opened the way to Rome for the Allied forces.

General Anders' death is a sad blow to the Polish exile community and to all men who cherish freedom throughout the world.

In recognition of the very great contribution which he made to the Allied cause in World War II, I have today written to the Postmaster General of the United States urging that the Post Office issue a commemorative stamp in honor of Gen. Wladyslaw Anders. I earnestly hope that this proposal will meet with the approval of the Citizens' Stamp Advisory Committee.

## SENIOR CITIZENS MONTH THE NO. 1 ISSUE

Mr. WILLIAMS of New Jersey. Mr. President, May has become the Senior Citizens Month each year. By paying heed during this month to the many contributions made by the elderly to our society—and by focusing our attention on new or chronic problems—units of government and private organizations contribute much to national understanding of important issues affecting aged and aging Americans.

It is my earnest hope that, at all observances this year, adequate attention be given to the major issue facing 20 million older Americans today. I am referring, of course, to inadequate retirement income.

Over the past year, the Special Committee on Aging has conducted hearings and received reports on the "Economics of Aging: Toward a Full Share in Abundance." As chairman of that committee, I have been much impressed by the weighty evidence of widespread income inadequacy among older Americans. There can be no doubt that a retirement income crisis exists in this Nation. There can be no doubt that it affects a majority of Americans of age 65 and up.

But the retirees of today are not the only Americans affected by our lack of full national commitment to reforms in retirement income. Today's workers—the retirees of the future—stand to suffer from the same problem in future decades unless hard decisions and major changes in policy are made.

That point was forcefully and eloquently made in a working paper published last week in conjunction with the final committee hearings on the economics of aging. It was prepared by Mr. Nelson Cruikshank, president of the National Council of Senior Citizens and former director of the Social Security for the American Federation of Labor-Congress of Industrial Organizations.

Mr. Cruikshank's report should be must reading for today's breadwinners, men and women now so beleaguered by bills and expenses of all kinds that they may give far too little thought to retirement income.

But Mr. Cruikshank, in a report addressed directly to them, shows today's workers that they have good reason to support major reforms in social security as a vital foundation for other advances in retirement income maintenance.

His report, entitled "The Stake of Today's Workers in Retirement Income," cannot be reproduced in its entirety here. But I ask unanimous consent that the concluding statements from that paper be printed in the RECORD.

In addition, Mr. President, I wish to thank publicly the many task force members who prepared working papers or other documents for the hearings conducted during the last year on the economics of aging. They, and dozens of witnesses, gave generously of their time and expertise. The consultant for the study, Miss Dorothy McCamman provided the patience, tact, and extensive knowledge needed to bring many facts and people together for this effort.

At the close of the hearings on May 6, I submitted a statement which makes several observations about the study and about the next steps that should be taken. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

### CONCLUSION: THE NEED FOR BOLD REFORM

Our Social Security program, when enacted 35 years ago, was a bold and forward-looking step for a nation acutely suffering from a gigantic depression. But most of the steps to improve the program over the years have been far from bold. These actions—and the 15-percent increase in benefits is the most recent of a long line of examples—have been aimed primarily at alleviating the all too obvious hardship of a retired population that was struggling to keep abreast of rising price levels.

In combination, these efforts have not attempted to tap the Nation's rising productivity or to keep benefits abreast of our rising standard of living. They have instead perpetuated the depression philosophy which gave birth to our social security program.

Bold new steps are long overdue, steps that would immediately enable today's retirees to share in the abundance they helped to create and that would assure to future retirees—today's workers—an income that is adequate in relation to their standard of living prior to retirement. Such assurances can be provided only through major improvements in our time-tested social security system.

To provide such assurance requires a *meaningful increase* in benefit levels. The benefit level has not been significantly raised since 1950 when, after a long period during which only minor adjustment had been made, benefits were increased by an average of 77 percent. The two decades since have been marked by dramatic increases in productivity, earning capacity, costs, and standards of

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living. It is time now for a major overhaul in the benefit structure and financing of the system.

A carefully designed plan for social security reform has been proposed by Senator Williams and Congressman Gilbert and their numerous cosponsors in their identical bills (S. 3100 and H.R. 14430). The proposal includes:

An immediate increase of 5 percent in monthly cash benefits with a further 20-percent increase effective January 1, 1972. This two-step increase would raise the minimum benefit to $120 a month in 1972. The maximum benefit (now approximately $190 a month) would go to $340 a month in 1974.

Thereafter, automatic increases geared to increases in living costs.

A widow's benefit at age 65 equal to the husband's benefit.

Improved benefits for workers retiring before age 65.

Liberalized disability benefits.

An increase from $1,680 to $1,800 a year in earnings permissible for retirees without loss of any social security benefits and a liberalization in the treatment of earnings above $1,800.

Elimination of the monthly premium—slated to rise to $5.30 this July—for Medicare part B (doctor insurance).

Extension of Medicare to out-of-hospital prescription drugs.

Coverage under Medicare of disabled persons under age 65.

Earnings up to $15,000 a year credited for social security benefits with benefits based on 10 years of the 15 years of highest earnings.

A more equitable financing method through a higher earnings base for payroll taxes and through a gradually increasing Government contribution eventually equal to approximately one-third the total cost of the cash benefits program.

These major improvements in Social Security would immediately greatly enhance the economic security of workers already retired. Equally important, they would make long-range changes appropriate to the dynamic nature of our economy. Through this major reform, today's workers can come closer to realizing their full stake in retirement security.

### Concluding Statement: Senator Williams

The committee of aging, after a year of hearings and research, now concludes its study of the "Economics of aging: Toward a full share in abundance."

And I think we may say that we have provided solid, startling evidence on the nature and dimensions of the retirement income crisis in this Nation.

Witness after witness has told us that the committee has performed an important service by putting the facts together, and by telling the Nation that every American, no matter what his age, has a stake in our deliberations.

We have tried to show that today's crisis, affecting the great majority of the more than 20 million persons past 65 today, will continue and worsen unless major reforms are made.

That point should sink deeply into the national consciousness. And it is now up to the committee to issue a report which will do just that.

Just yesterday, a witness told us that the grimness of the news on college campuses and in Cambodia might well cause many Americans to feel that problems of aging should be set aside for the time being. The elderly should wait their turn.

But then the witness declared—and I agree with him—that the elderly have waited long enough. Their future is now. If our Nation is not able to recognize and deal with one of the most fundamental and deep-rooted problems of our time—widespread poverty among a third of our aged population and widespread want among a large proportion of the remainder—then our nation will be weakened. And if our inaction continues, weakness will cause bitterness and despair, not only among the elderly, but among younger people who will dread, with good cause, the prospect of economic helplessness in old age.

Just this week, the House Ways and Means Committee approved a 5 percent, across-the-board increase in social security. Among the other provisions was much-needed liberalization of the earnings limitation, or retirement test, and 100 percent benefits for widows.

I certainly endorse these changes. But I think that we in this Nation would make a grave mistake if we do not press for more.

We need a cost-of-living adjustment benefit for future changes.

Within the next two years, we need to raise benefit levels by another 20 percent.

We should put general revenues to wise use to broaden certain social security benefits.

And there is also much to do on medicare.

Even these reforms will deal only with a few of the problems described to this committee during the past year. But they are essential.

The committee has a formidable set of hearings in which many other suggestions for action are made. The Congress—and the people of this Nation—can be sure that this committee will give those recommendations careful attention in the weeks and months ahead.

## THE TOTAL ENVIRONMENT

Mr. EAGLETON. Mr. President, last month we observed Earth Week. We must not forget the concern for our environment now that that week is passed. The Senator from Maine (Mr. Muskie), chairman of the Subcommittee on Air and Water Pollution, spoke both at Harvard University and the University of Pennsylvania for Earth Week observances. Senator Muskie has focused the attention of the Senate and the Nation on problems of environmental pollution since 1963. Moreover, he has led the effort to establish effective programs of pollution control. Until only recently, his was a lonely effort.

During Earth Week, the Senator addressed himself to the concern that we not let environmental protection become just a fad—and that we not let it obscure our deep commitment to ending this ever-widening Indochina war and to securing racial justice and harmony at home. Mr. President, I ask unanimous consent that excerpts from his remarks be printed in the Record.

There being no objection, the excerpts were ordered to be printed in the Record, as follows:

### Power of Environmental Conscience

(Excerpts from the remarks of Senator Edmund S. Muskie, Democrat of Maine, at Harvard University teach-in, Cambridge, Mass., April 21, 1970)

I do not want to take up very much time this evening with formal remarks. I do not think you have come to hear me talk about my legislative program, about what I have done in the past, or about what the President has not done this year.

That is not the point of this program and it should not be. There are some much more fundamental issues that we should discuss.

First, I want to define for you what I think the environmental crisis means.

It means that we must outgrow our traditional way of solving problems one at a time—each in its own limited context—and unrelated to side effects.

It means that we must rethink what we mean by "cost", what is economical or not economical, or what we can afford or cannot afford to do.

It means, at bottom, that our old value systems—whatever may be said for or against them—no longer respond to our needs or fit goals relevant to our future.

Those who believe that the environmental crisis related to trees and not people are wrong.

Those who believe that we are talking about the Grand Canyon and the Catskills, but not Harlem and Watts are wrong.

And those who believe that we must do something about the SST and the automobile, but not ABM's and the Vietnam War are wrong.

We pay twenty times more for the Vietnam War than we pay for water pollution control. We pay twice as much for the SST than we pay for air pollution control. And we pay seven times as much for arms research and development than we pay for housing.

These are some of the first changes we have to make. These changes are part of the fight to save the environment.

But the entire challenge is not one of national priorities and federal spending. Other priorities are involved. They are personal priorities that all of us have shared in the past and that all of us must change. We must do nothing less than forge a wholesale change in our attitudes and our values. This will not be easy. It will not be for motherhood and apple pie. It will not be a summertime war.

We have become an industrialized and technologically sophisticated society. Yet we persist in our faith in the old frontier ethic—belief in infinite expansion and unlimited growth. Now all of us face an internal and personal frontier. It is a moral frontier, defined by our willingness to cut back our selfish exploitation in favor of selfless conservation.

We ought to rethink our concepts of growth and prosperity and progress in light of the kind of society we want to achieve.

Our goal has never been to create a society where human greatness took a back seat to economic growth and technological change. We have sought a society where men could live in harmony with their environment and in peace with each other. In many respects, our growing economy and our mushrooming technology have moved us toward that goal. But in too many other ways, the costs of unrestrained and uncontrolled growth have caught up with us.

If economic growth means rivers that are fire hazards, we had better redirect economic growth.

If prosperity means children dying of lead poisoning, we had better redistribute prosperity.

And if progress means technology that produces more kinds of things than we really want, more kinds of things than we really need and more kinds of things than we can live with, we had better redefine progress.

We are not powerless to effect these changes.

We must go to the ballot box with an environmental conscience and elect leaders who have made a commitment to a healthy total environment.

We must go to stockholders' meetings with the power of proxies, as Campaign GM seeks to do, and require industries to change their ways of doing business.

And we must go to the cash register with the power of our dollars and buy from industries that do not pollute.

If one phrase can characterize our traditional outlook as Americans, that phrase has been "there's more where that came from."

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We have thought that there was always more of everything. But now the time is coming—or it is here—when there is no more—

No more clear air or clean water;

No more room for our garbage and trash;

No more patience for poverty; and,

No more tolerance for energy-sapping wars, overseas or at home.

Whether or not we can find ways to achieve fundamental change in a free society is the acid test of a democratic experiment.

The environmental conscience may be the way to turn the nation around. All we need is hard-headed decisions to save our own skins.

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### A Whole Society (Excerpts From the Remarks of U.S. Senator Edmund S. Muskie, Democrat of Maine, at the Philadelphia Earth Week Rally, Fairmount Park, April 22, 1970

One hundred and eighty-three years ago, a small group of men gathered in this city in an effort to bring order out of chaos. They met in the shadow of failure. America had won her independence but was now in danger of breaking up into small and quarrelsome states. Their objective was to build "a more perfect union."

We have met in this city to help build a *whole society*—for we have seen the birthright of a free nation damaged by exploitation, spoiled by neglect, choked by its own success, and torn by hatred and suspicion.

The Founding Fathers did build "a more perfect union." They created a nation where there was none, and they built a framework for a democratic society which has been remarkable for its successes. We are now concerned with its failures.

We have learned that their creation was not infallible, and that our society is not indestructible.

We have learned that our natural resources are limited and that, unless those limitations are respected, life itself may be in danger.

We have also learned that, unless we respect each other, the very foundations of freedom may be in danger.

And yet we act as though a luxurious future and a fertile land will continue to forgive us all the bad habits which have led us to abuse our physical and our social environment.

If we are to build a whole society—and if we are to insure the achievement of a life worth living—we must realize that our shrinking margins of natural resources are near the bottom of the barrel.

There are no replacements, no spare stocks with which we can replenish our supplies.

There is no space command center, ready to give us precise instructions and alternate solutions for survival on our spaceship earth.

Our nation—and our world—hang together by tenuous bonds which are strained as they have never been strained before—and as they must never be strained again.

We cannot survive an undeclared war on our future.

We must lay down our weapons of self-destruction and pick up the tools of social and environmental reconstruction.

These are the dimensions of the crisis we face:

No major American river is clean anymore, and some are fire hazards.

No American lake is free of pollution, and some are dying.

No American city can boast of clean air, and New Yorkers inhale the equivalent of a pack and a half of cigarettes every day—without smoking.

No American community is free of debris and solid waste, and we are turning to the open spaces and the ocean depths to cast off the products of our effluent society.

We are horrified by the cumulative impact of our waste, but we are told to expect the use of more than 280 billion non-returnable bottles in the decade of the seventies.

Man has burst upon the environment like an invader—destroying rather than using, discarding rather than saving, and giving the environment little chance to adapt.

We have depleted our resources and cluttered our environment—and only recently have we been shocked by the enormity of our errors.

As long as Americans could escape the confines of the soot and clutter of our cities, the voices of those who were trapped and the warnings of those who understood were never really heard.

Pollution was isolated by the size and openness of America. A river here, a forest there, a few industrialized cities—these examples of environmental destruction seemed a small price to pay for prosperity.

This was the frontier ethic: America pushing ahead and getting ahead. We had an unlimited future under "manifest destiny."

Now we find that we have over-reached ourselves. The frontier ethic helped us build the strongest nation in the world. But it also led us to believe that our natural and human resources were endless, that our rivers could absorb as much sewage as we could pour into them, that there was automatic, equal opportunity for everyone, that our air would always be clean, and that hunger and poverty were always a temporary condition in America.

Early in the life of our country, we were absorbed in harnessing the energy of a people and the resources of the land and water.

But we are finding today—hopefully in time—that we have done much more than harness our resources; we have conquered them and we are on the verge of destroying them in the process.

We moved and changed and grew so fast that tomorrow came yesterday.

Man has always tended to use up his resources, but never have so many used up so much. We have behaved as if another Creation were just around the corner, as if we could somehow manufacture more land, more air, and more water when we have destroyed what we have.

We have reached the boundaries of the land, and the tide of our civilization has now washed back into our cities.

Today's frontier is internal and personal. We now face—collectively and individually—a moral frontier.

That frontier is the point at which we are willing to cut back selfish exploitation in favor of selfless conservation.

That frontier is marked by the extent of our concern for future generations. They deserve to inherit their natural share of this earth—but we could pass on to them a physical and moral wasteland.

We have reached a point where (1) man, (2) his environment, and (3) his industrial technology intersect. They intersect in America, in Russia and in every other industrial soicety in the world. They intersect in every country which is trying to achieve industrial development.

On this day, dedicated to the preservation of man's earth, we confront our deteriorated environment, our devouring technology, and our fellow man. Relative harmony has become the victim of a three-cornered war—a war where everyone loses.

Our technology has reached a point where it is producing more kinds of things than we really want, more kinds of things than we really need, and more kinds of things that we can really live with.

We have to choose, to say no, and to give up some luxuries. And these kinds of decisions will be the acid test to our commitment to a healthy environment.

It means choosing cleaner cars rather than faster cars, more parks instead of more highways, and more houses and more schools instead of more weapons and more wars.

The whole society that we seek is one in which all men live in brotherhood with each other and with their environment. It is a society where each member of it knows that he has an opportunity to fulfill his greatest potential.

It is a society that will not tolerate slums for some and decent houses for others, rats for some and playgrounds for others, clean air for some and filth for others.

It is the only kind of society that has a chance. It is the only kind of society that has a future.

To achieve a whole society—a healthy total environment—we need change, planning more effective and just laws and more money better spent.

Achieving that whole society will cost heavily—in forgone luxuries, in restricted choices, in higher prices for certain goods and services, in taxes, and in hard decisions about our national priorities. It will require a new sense of balance in our national commitments.

Consider the national budget for 1971. That "balanced budget" represents unbalanced priorities.

That budget "balances" $275 million for the SST against $106 million for air pollution control.

That budget "balances" $3.4 billion for the space program against $1.4 billion for housing. And that budget balances $7.3 billion for arms research and development against $1.4 billion for higher education.

It does not make sense to say we cannot afford to protect our environment—just yet.

It does not make sense to say that we cannot afford to win the fight against hunger and poverty—just yet.

It does not make sense to say we cannot afford to provide decent housing and needed medical care—just yet.

We can afford to do these things, if we admit that there are luxuries we can forgo, false security we can do without, and prices we are willing to pay.

I believe that those of you who have gathered here to save the earth are willing to pay the price to save our environment.

I hope, however, that your view of the environment will not be a narrow one.

The environmental conscience which has been awakened in our nation holds great promise for reclaiming our air, our water and our land. But man's environment includes more than these natural resources. It includes the shape of the communities in which he lives; his home, his schools, his places of work, and those who share this planet and this land.

If the environmental conscience which has brought us together this day is to have any lasting meaning for America, it must be the instrument to turn the nation around. If we use our awareness that the total environment determines the quality of life, we can make those decisions which can save our nation from becoming a class-ridden and strife-torn wasteland.

The study of ecology—man's relationship with his environment—should teach us that our relationships with each other are just as intricate and just as delicate as those with our natural environment. We cannot afford to correct our history of abusing nature and neglect the continuing abuse of our fellow-man.

We should have learned by now that a whole nation must be a nation at peace with itself.

We should have learned by now that we can have that peace only by assuring that all Americans have equal access to a healthy total environment.

That can mean nothing less than equal access to good schools, to meaningful job opportunities, to adequate health services, and to decent and attractive housing.

For the past ten years we have been groping toward the realization that the total environment is at stake.

We have seen the destructiveness of poverty, and declared a war on it.

We have seen the ravages of hunger, and declared a war on it.

We have seen the costs of crime, and declared a war on it.

And now we have awakened to the pollution of our environment, and we have declared another war.

We have fought too many losing battles in those wars to continue this piece-meal approach to creating a whole society.

The only strategy that makes sense is a total strategy to protect the total environment.

The only way to achieve that total strategy is through an Environmental Revolution—a commitment to a whole society.

The Environmental Revolution must be one of laws, not men; one of values, not ideology; and one of achievement, not unfulfilled promises.

We are not powerless to accomplish this change, but we are powerless as a people if we wait for someone else to do it for us.

We can use the power of the people to turn the nation around—to move toward a whole society.

The power of the people is in the ballot box—and we can elect men who commit themselves to a whole society and work to meet that commitment.

The power of the people is in the cash register—and we can resolve to purchase only from those companies that clean themselves up.

The power of the people is in the stock certificate—and we can use our proxies to make industries socially and environmentally responsible.

The power of the people is in the courts—and through them we can require polluters to obey the law.

The power of the people is in public hearings—where we can decide on the quality of the air and the water we want.

And the power of the people is in peaceful assembly—where we can demand redress of grievances—as we are doing here today and all across the land.

Martin Luther King once said that "Through our scientific and technological genius we have made of this world a neighborhood. Now through our moral and spiritual genius we must make of it a brotherhood."

For Martin Luther King, every day was an Earth Day—a day to work toward his commitment to a whole society. It is that commitment we must keep.

## AIRCRAFT CARRIER FLEET

Mr. CASE. Mr. President, during last year's debate on the military procurement authorization bill, the Senator from Minnesota (Mr. Mondale) and I raised some basic questions about the use of attack aircraft carriers and the proper size of the carrier fleet. As a result of this debate, an amendment was adopted requiring the creation of a joint House-Senate Armed Services subcommittee to make a complete and comprehensive study of the Navy's carrier program.

On April 23, 1970, this subcommittee issued a report recommending the funding of a new attack carrier—the CVAN 70—in fiscal year 1971. This recommendation was made despite the fact that the subcommittee concluded that there is "as yet no acceptable formula" for determining the relative cost-effectiveness of sea-based versus land-based tactical air power; and the recommendation was made despite the subcommittee's admission that it was unable "to resolve the question of the number of carriers" needed by the end of the decade.

Senator Mondale and I have already stated our objections to the subcommittee's recommenation. We both believe that such a recommendation is unjustified in light of the subcommittee's inability to answer the most fundamental questions concerning the carrier fleet.

On April 8, 1970, Senator Mondale testified before this joint subcommittee. In his testimony, he raised some basic questions about the Navy's insistence on maintaining a 15-carrier fleet and about the need to fund an additional carrier prior to fiscal year 1975.

I ask unanimous consent that the following items be printed in the Record:

First, Senator Mondale's testimony of April 8, 1970, before the Joint House-Senate Subcommittee on CVAN-70;

Second, the subcommittee's report;

Third, Senator Mondale's statement on that report.

There being no objection, the items were ordered to be printed in the Record, as follows:

### Testimony of Senator Walter F. Mondale Before Armed Services Subcommittee on CVAN-70—April 8, 1970

Mr. Chairman: I appreciate the opportunity to testify before this Subcommittee.

Your study of the Navy's attack carrier program is of vital importance. Literally billions of dollars are at stake in determining the proper carrier force level needed to meet various defense contingencies.

At the outset, I want to make it clear that I do not advocate the elimination of the attack carrier from our fleet. Nor have I ever advocated such a position.

Rather, it has been my contention that there is little justification for a fleet of fifteen attack carriers. While carriers have played an important military role in the past, and can continue to do so in the future, the available evidence clearly indicates that fewer than 15 carriers are needed to carry out this role.

The issue, then, which Senator Case and I raised last year—and which I assume you will consider—involves the determination of the number of carriers required in the foreseeable future and the timing of the building and replacement program to maintain the carrier fleet.

The specific question facing Congress this year is whether to begin funding for the CVAN-70, which would be our fourth nuclear attack carrier. I believe that a thorough analysis of the present carrier force level will lead to the conclusion that Congress should authorize no funds for the CVAN-70 until FY 1975, at the earliest.

Before dealing with the more specific issue of funding the CVAN-70, I would first like to discuss my reasons for questioning the continued reliance on a fleet of fifteen attack carriers.

### THE LACK OF RATIONALE FOR A 15-CARRIER FLEET

#### *Origin of current force level and carrier's present role*

It is generally thought that the force level of 15 carriers originated with the Washington Naval Disarmament Treaty of 1921. This treaty allotted 15 "capital ships" to the United States Navy. When the battleship became virtually obsolete in World War II, the carrier became the capital ship, and the Navy switched from a fleet of 15 battleships to one of 15 carriers.

Since the end of the Second World War, the Navy has maintained, with few exceptions, a fleet of at least 15 attack carriers. This number has been exceeded in only 5 of these years.

During last year's Senate debate on this issue, it was argued that the 15-carrier fleet is a myth and that the actual number of carriers has greatly fluctuated in the past 25 years. But at that time, I pointed to the results of a study by Dr. Desmond Wilson—a Naval Historian employed by the Center for Naval Analysis—showing that the modal number of attack carriers since 1946 has been 15. I am submitting a copy of this study for the record. (See attachment I.)

It is evident, then, that this number "15" is a legacy of the past, maintained without reference to the changing role of the carrier, the changing international situation, or the changing weapons against which the carrier must defend itself. The advocates of 15 attack carriers—like their predecessors who defended the battleship—are following a path of tradition rather than reason.

After World War II, the attack carrier became a force in search of a mission. There were no other surface fleets to engage, and the very existence of the Navy was threatened by the competition of new long range aircraft capable of delivering nuclear payloads. The Navy responded to these events by seeking justification for the attack carrier in strategic nuclear warfare. It appeared to the Navy planners that if the carrier task force was to survive as a major offensive weapon, it would have to get into the business of strategic bombing.

With the advent of land and sea-based missiles such as the Minuteman and the Polaris in the early 1960's, the carrier no longer had any role as part of our nuclear retaliation forces. The Defense Department's posture statement of February 4, 1964, concluded that by 1966, the U.S. would "have a large enough number of strategic missiles in place" to relieve the carrier forces of their strategic retaliatory mission.

Faced with the loss of the *strategic* retaliatory role, the Navy began to emphasize the carrier's potential tactical role in providing air support for ground troops, maintaining air superiority, and destroying supply lines. However, the argument that 15 attack carrier task forces is needed to provide sea-based tactical air power throughout the world is not a persuasive one in view of these changing circumstances.

#### *Land versus carrier-based air power*

It is true that where land based air power is not immediately available or where political constraints limit the use of land bases, the carrier may well serve as a *complement to* our overseas bases. But where the carrier clearly *competes with,* rather than complements, land based air power, the role of the carrier must be justified on the basis of its effectiveness and its efficiency.

On these criteria, the maintenance of 15 carrier task forces for the provision of tactical air support around the world appears to be both wasteful and ineffective.

(a) *Overlap and Duplication.*—In the first place, the sustained use of carrier sorties duplicates and overlaps existing and potential U.S. capability for providing land-based tactical air power.

Carrier task forces are assigned to the two major "trouble areas" of the world—9 are available for the Western Pacific and 6 for the Mediterranean. But it is quite clear that our capacity to deploy land-based tactical air power is more than adequate in these areas, as well as in most other parts of the globe where peace or U.S. interests may be threatened.

The United States Air Force maintains 23 wings of tactical fighters and bombers in active forces at home and abroad.

The geographic spread of overseas bases either operated by, or available to, the United States gives us an impressive land-based

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tactical capability, especially in the Mediterranean and the Western Pacific. In Europe, the U.S. alone—not including NATO forces—has bases in 6 countries, with over 400 tactical aircraft, at least 4 of those bases are within striking distance of the Mediterranean. In the Pacific, we have bases in 7 countries, with over 800 tactical aircraft.

Furthermore, our capacity for creating new land bases as needs arise is almost limitless. There are at least 1000 overseas civilian air fields which the Air Force, within three days time, claims it can convert to a fully equipped tactical air base using the "pre-positioned kits" of the Bare Base Support Program.

These existing and potential bases do not tell the full story of the effectiveness of our land-based tactical air forces. Another important factor is that the range of modern tactical aircraft is between 2 and 3 times greater than that of the older jets.

Secretary McNamara, in calling for a reduced carrier fleet, pointed out in the Defense Department's February 1964 posture statement that "the increasing range of land-based tactical aircraft has reduced our requirement for forward based air power." This increased range is expanded even further by the use of mid-air refueling. Consequently, our overseas land-based planes are capable of reaching many more targets than they were even 10 years ago; and U.S. based tactical aircraft can be operational anywhere in the world in a short period of time.

The Navy contends that the reduction in the number of our bases justifies the need for a 15-carrier fleet. While these bases have decreased from 119 in 1957 to 47 at the present time, the number of tactical air wings has increased from 16 to 23 during the same period. More important, the greatly increased range of these planes—both in the U.S. and overseas—means that far fewer land bases can provide ample tactical air support in any areas of potential conflict. And the Bare Base Support Program enables the U.S. to supplement existing land bases to the extent that it is necessary to do so. Even with fewer overseas land bases, then, carriers still overlap and duplicate our land-based capability.

This point about overlap and duplication was dramatically illustrated in a September 1969 letter and memorandum from the Department of the Air Force to Senator Hatfield. Senator Hatfield asked whether the loss of overseas land bases had jeopardized the Air Force's tactical air capability. The Air Force responded that "the capability of USAF tactical air has in no sense been diminished by land base activations." The memorandum to Senator Hatfield also contained an extremely significant statement about the over-all capability of land-based tactical air power, which reads as follows:

"There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas."

I am submitting for the record a copy of this letter and the accompanying memorandum. (See attachment II.)

The Navy, of course, rejects this evaluation by the Air Force of its tactical air capability. It continually relies on the loss of overseas land bases as a primary justification for a 15-carrier fleet.

Thus, the Navy argues that a carrier can always be counted upon for tactical air support in a limited engagement where land bases may not be available because of political constraints. To be sure, there may be times, as in the early days of the Korean War, where land bases are actually held by enemy forces, and carrier-based air support may be a valuable temporary complement to nearly all land bases.

But how much of our over-all defense capability should be devoted to that unlikely possibility where we might be called upon to defend a nation and, at the same time, be denied the use of its bases for tactical support? And, if the commitment arises out of a multi-nation treaty, such as SEATO, should there not be land bases available to us in at least some of these nations in the treaty organization? If we need carrier-based air power to allow us to meet foreign commitments in areas where the U.S. is denied the use of land base, or it may well be that there is something amiss about the nature of these commitments.

In 1969 Congressional testimony, the Chief of Naval Operations stated that "the carrier will be necessary in the future if the U.S. is to have the flexibility and the selectivity of operations in areas *without first having to make some political arrangement to do so*" (emphasis added). While Senator Case will discuss the foreign policy questions arising from the use of carriers, it should be noted that the carrier's capacity for unilateral action can cause serious problems for the United States.

But leaving aside these foreign policy implications, the Navy's contention that the potential loss of overseas land bases justifies the present carrier force level is a "red herring". Such an argument is only responsive to those critics of the carrier program who favor the elimination of all attack carriers from the fleet.

However, this argument is *not* a relevant response to those of us who have called for a reduced carrier fleet and a delay in the funding of CVAN–70. For in taking such a position, we are acknowledging that *some* carriers are needed (perhaps 10 or 12, or perhaps less) to ensure flexibility in our over-all tactical air capability. And since a delay in the funding of CVAN–70—or a reduction of the present force level—will not impair this flexibility, it makes no sense to use the loss of a base in Lybia as a justification for maintaining 15 carriers. We will still have more than enough carriers to meet this type of contingency.

(b) *Cost.*—More important than overlap alone, however, is the vastly greater cost of carrier-based air power. The Navy itself concedes that the carrier fleet accounts for 40% of its total budget.

The cost of building an attack carrier rose from about $83 million in World War II to $171 million during the Korean War. The original end cost estimate for the first Nimitz-class carrier, the CVAN–68, was $427.5 million; that figure has now risen to $536 million.

But even this figure is not the final chapter on the cost of this carrier. The Navy acknowledges that "if improvements in shipbuilder efficiency do not compensate for the higher than budgeted escalation of labor and national costs which has been occurring, the end cost will increase." A Defense Department official and others have estimated that the cost of this carrier and the CVAN–69 (approved last year) could each run as high as $700 million. That amounts to a cost escalation of 600% since World War II, which is quite high even considering the decreased value of the dollar.

Since the precise cost of a modern nuclear carrier is so difficult to pin down, I strongly recommend that this Subcommittee undertake a study to determine the true cost of these ships. Such a study should also include an analysis of the cost comparisons between land and sea-based air power.

We do know that the cost of the carrier itself is just the beginning of the story. The Navy only operates the carrier with a task force, consisting of various escort and logistical ships. And every carrier is equipped with an air wing.

The Navy estimates a $1.4 billion procurement cost for a nuclear carrier task force—consisting of the carrier and 4 destroyer escorts. The air wing costs an additional $409.5 million—bringing the total procurement cost for the task force—which does not include operating costs, basing costs, and other logistical ships—to $1.8 billion. Needless to say, these costs will often run a great deal higher.

But even this is not a complete picture. For the Navy normally deploys two task forces "on station" in the Mediterranean and three in the Western Pacific on a continual basis. For every carrier task force "on station", two must be held in reserve as backups, since the normal rotation time of a carrier is 4 months. Since each task force contains an air wing, the Navy must pay for 3 wings to keep one "on station." The investment cost of maintaining one nuclear task force on continued deployment, therefore, amounts to a multiple of 3 times the cost of one carrier task force—or $5.4 billion.

These of course, are capital costs, and do not include the operating cost of each carrier. During last year's debate, Senator Ellender supplied valuable data showing that the *annual* operating cost for 16 attack carriers is over $1.5 billion. I am submitting for the record a copy of the chart detailing those costs. (See attachment III.)

The question of the proper attack carrier force level is therefore extremely important. For it is determined that a smaller force level is needed, we will not only save the investment and operating costs of additional carriers, but the cost as well, of numerous escorts, support ships, and air wings.

A land base is a far cheaper operation. According to the Air Force, a base in the Pacific can be built for $53 million; the Bare Base Support Program can convert an existing civilian runway for about $36 million.

The high cost of carrier based air power must be viewed in relation to its effectiveness. The Navy has failed to demonstrate the cost-effectiveness of carrier air power.

For example, we know that the two carrier task forces "on station" in the Mediterranean are capable of providing a maximum of 150 offensive sorties per day. But what is the military significance of this number of sorties? Since we are flying almost 1000 offensive sorties per day in Vietnam, it is clear that 150 sorties would only be of marginal value in a conflict of similar size in the Mediterranean. Given this fact, it is important to determine whether the Navy's policy of continually maintaining a certain number of carriers "on station" is worth the costs.

(c) *Vulnerability.*—The reliance upon carrier rather than land-based air power is made even more questionable by the high degree of vulnerability of the carrier in light of modern weaponry. Carriers are vulnerable to attacks by submarines, aircraft, ship-to-ship and air-to-ship missiles.

Submarines pose a particularly ominous threat to carriers. Because of the very rudimentary nature of anti-submarine warfare, there is very little a carrier can do to defend itself adequately from submarine attacks. The Navy has acknowledged in Congressional testimony that one of the primary missions of the large Soviet submarine fleet is anti-carrier warfare.

Rapid technological innovations in missile development have made the carrier unusable in all but the most limited conflicts. The lethal nature of even the older missiles, such as the Soviet STYX, was recently demonstrated when an Egyptian PT boat sunk an Israeli destroyer with a single STYX. Both the Soviet and the American arsenals contain far more advanced anti-ship missiles, with greater range and higher speed.

Unique to the Soviet inventory, according to the Chief of Naval Operations, is the guided cruise missiles. The Navy estimates that 16% of the Soviet fleet carry 400 nautical mile cruise missiles designed primarily for use against land or sea targets.

In his testimony last year before the Senate Armed Forces Committee, Secretary of

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the Navy John H. Chafee spoke of the "wide scope and gravity" of the missile threat to our surface fleet:

In an effort to counter the surface forces, the Soviet Union is developing the capabilities of the terminal-homing cruise missile which may be launched from aircraft, surface units, surfaced submarines, or land sites, at short or long ranges . . . our capability to defend against a cruise missile attack continues to concern us, but we are moving forward with programs directed toward significant long-term improvements.

During secret briefings by the Navy last year, I was told of the rapid advances in missile technology which have led to the development of highly sophisticated anti-ship missiles capable of extremely high speeds. Thus, a vessel designed for combat in World War II will be increasingly threatened by a wide variety of dangerous anti-ship missiles. The implications of this threat should be carefully reviewed, both as to the current and projected state of the art in anti-ship warfare and as to the carrier's capacity to respond to the threat.

The carrier is not completely defenseless against existing threats. Rather, the ever present fear of enemy attack causes the carrier task force to concentrate its resources on defense, thereby substantially reducing its offensive capability. This idea was best expressed in a 1966 dissertation on attack carriers by Desmond Wilson of the Center for Naval Analysis. In Dr. Wilson's words:

"Most of the carriers' usefulness when functioning in support of a land campaign during a limited war appears to be significant only under conditions of little or no submarine opposition. It is a matter of some doubt that the carrier force could continue providing combat sorties in support of a land campaign if the task force commander had to worry about air or submarine attacks."

As Wilson observed, effectiveness of the carrier task forces in limited war is closely related to the problem of vulnerability, which in turn is conditioned by the "rules" of "limits" by which the war will be fought. Threats of escalation, such as the introduction of submarines or aircraft, can diminish carrier effectiveness:

By forcing carriers to stay far at sea, thus diminishing the fuel available to the aircraft for combat purposes; and

By requiring continual movement of the carriers from area to area, thereby preventing it from staying in one locale to provide continual air support.

James Field, a Naval Historian, noted that a carrier task force, in fear of enemy attacks, cannot successfully participate in a campaign of interdiction. He wrote that in Korea, for example, "logistic considerations and the dangers of air and submarine attack made it undesirable for carriers to operate for more than two days in the same location."

Perhaps the most crucial limitation on the carrier's effectiveness is that the threat of attack diverts potentially offensive carrier sorties to defense of the task force. Thus during the World War II and the Korean War, 23% of the total combat sorties flown from carriers were defensive. This contrasts with 2.7% flown by planes from land bases during the Korean War.

Fears and uncertainties concerning an enemy's anticarrier warfare potential also affects the "rapid responsiveness" of the attack carrier, which is its strongest attribute. Wilson noted that uncertainties as to weapons, belligerents, and the "limits" of the war did in fact impede carrier deployment early in the Korean conflict. Future limited wars will also be surrounded by "uncertainties as to who will fight and with what weapons."

Because of the tremendous investment in a carrier and its task force and because of the recognition of the vulnerability of the carrier under certain conditions, the Navy is naturally hesitant to commit the carrier to a conflict or potential conflict. Once committed, the ever present fear of enemy attack may prevent the carrier from serving as an effective sea-base for tactical air strikes.

It should be emphasized that the threats which have limited a carrier's responsiveness and effectiveness in past wars are far more dangerous today. And since Naval doctrine, as Wilson points out, "as yet says nothing about treating the attack carrier as expendable in a limited war", there is every indication that the carrier will be even less effective in future conflicts with a sophisticated enemy.

The Navy, however, refuses to fully recognize the vulnerability of carriers. Its planning for the use of carriers illustrates this fact.

The Navy assumes that the carrier will be a vital participant in the full range of conventional conflicts—the relatively minor Dominican Republican type, the "mid-range" Vietnam type, and the full-scale conventional war—whatever that would be in this nuclear era.

By allocating to itself such a major role in such a range of possible conflicts, the Navy is refusing to acknowledge that events have changed the proper role of the carrier since 1945 by limiting the "scenarios" in which carriers can be effective.

When engaged in a major conventional war with a sophisticated enemy, the carrier task force will be exposed to a complete range of anti-carrier weapons. While the Soviet Union represents the greatest military threat to the carrier, other countries possess various weapons designed for anti-carrier warfare. Many of these weapons have been supplied to other nations by the Soviet Union, including such items as long-range bombers, MIG 21's, the STYX and other anti-ship missiles, and long-range conventional submarines.

There are therefore relatively few "scenarios" in which you can imagine a carrier free from threats of enemy action and thus able to function effectively in an offensive tactical capacity. This is not to say that the carrier has no role in a conflict where the enemy has some anti-carrier capability. But as the capability increases, so does the threat, and carriers simply do not operate effectively in such an environment.

The Navy is quick to remind us that land bases for tactical aircraft are also vulnerable to enemy attack. This is of course true. Land bases are subject to attack by aircraft and missiles; in addition, they are uniquely subject to ground attack and artillery, particularly in a guerrilla war as in Vietnam.

But in examining the relative vulnerability of land and sea-based tactical air power, we must look at their relative effectiveness. The historical record strongly suggests that land bases are less inhibited than carriers by the *threat* of attack and that they are capable of delivering more offensive sorties.

The threat of enemy attack also makes the carrier less desirable from a cost point of view. It has been estimated that at least one-half of the cost of a carrier task force is allocated for carrier defense. This high allocation of resources to defense sharply raises the cost of each carrier-based offensive sortie. In return for this large investment in carrier defense, we have carrier task forces which, in all probability, would be of little value against high-level threats . . . and are overly-oriented toward defense against low level threats.

In response to these arguments about the carrier's vulnerability, Admiral Moorer, the Chief of Naval Operations, told a VFW Convention that "in some 50 wars or near wars since 1946, we have not lost a carrier or had one damaged owing to hostile action." At my request, the Navy sent me a classified list of these "wars or near wars", and I am submitting a copy for the record. (See attachment IV for declassified version.)

The list includes 6 "wars or near wars" in which a carrier was merely "alerted" and was not actually present. In at least half of the total incidents, the carrier was only remotely involved, and the alleged enemy had absolutely no capacity—and usually no desire—to damage an attack carrier. Thus, the list included such "wars or near wars" as the "Haiti disorders" and the "Zanzibar riots." The original classified list submitted by the Navy included other incidents of this type, but the Navy refused to declassify several of them.

The fact that the Navy would resort to this type of argument in response to questions concerning the carrier's vulnerability may be indicative of their uneasiness about this problem. In any event, these questions still remain.

This list is interesting for another purpose. With the exception of Korea, Vietnam, and a few other events, the list demonstrates the relatively minor nature of the carrier's use since World War II. Based on this record of the carrier's rather limited role, a serious question can be raised as to whether 15 attack carriers are really necessary to perform this role.

*Failure of other nations to build carriers*

It may well be that all of these considerations explain the reluctance of the Soviet Union (and almost every other nation) to rely on attack carriers. In fact, the United States is the only major military power with an attack carrier in its fleet. Neither the Soviet Union or China has built a single attack carrier, and neither plans to do so.

According to a 1969 Report by the Seapower Subcommittee of House Committee Armed Services, the Soviet Union in recent years has built over 500 surface ships in 20 classes. The Report states that the Soviet Union "is developing a massive, well-balanced program in virtually all phases of seapower."

The U.S. Navy not only agrees with this assessment—it constantly stresses the growing menace of the Soviet's surface fleet. Only the absence of attack carriers prevents the Soviet fleet from surpassing ours, according to the Navy. The Chief of Naval Operations recently stated that these carriers "are the key to our present superiority", and that "with too few, or none" in the U.S. fleet, "the Soviets would probably be the leading Naval power."

Even assuming that carriers are the key to our Naval superiority, it is obvious that we do not need as many as 15 carriers to maintain this superiority.

If the carrier is really such a vital ship, the Soviets must not be aware of this fact. They have not constructed a single attack carrier and they have no plans to do so. Since the Soviets are currently in the midst of a massive shipbuilding program and since they obviously have the technological capability to build carriers, their decision to rely on other surface ships cannot be due to limited resources.

The U.S. Chief of Naval Operations offered the following explanation for the Soviet failure to build attack carriers: "Geography, more than any other reason has kept the Soviets out of the aircraft carrier business. The routes of egress from Soviet Naval bases to the open oceans, are by way of choke points, controlled by other powers. For an aircraft carrier such a situation could spell disaster in a shooting war. If the Soviets were to gain control of the points, however, the situation might change."

But this constriction of egress from Soviet Naval Bases to the open seas has not deterred the Soviets from building a large number of almost every other type of surface war ship. If the Soviets can move their carriers and destroyers through those "choke points", then why would a carrier pose a different problem? It would seem that Soviet Naval planners have decided that attack carriers simply are not worth their enormous cost.

XUM

The Navy implies on occasion that the Soviets are developing a carrier fleet. But the fact is that the Soviet Navy has only two helicopter carriers, and the Soviets apparently have no intention of building the larger attack carriers.

Regardless of the reasons for the Soviet decision not to build attack carriers, our Navy cannot have it both ways. Either carriers are not that vital to a surface fleet and the Soviet Navy is a threat without them *or else* the Soviet's surface fleet is not a significant Naval threat.

### *Failure of Navy to recognize complementary role*

All of these arguments are not intended to prove that there is no need for attack carriers. Indeed, carriers can serve as a complement to land-based air power—but primarily in limited conflicts where land bases are not immediately available.

Despite the Navy's recognition that carriers should be complementary to land-based air power, it has been unwilling to accept the fact that the need for carriers is reduced where there is ample land-based air capability.

Carriers, for example, were useful in the beginning of the Vietnam conflict when land bases were still limited. But a serious question can be raised whether the Navy's *continuing* level of involvement in the Vietnam conflict—once sufficient land bases were constructed there—reflects as much the need to give the Navy a "piece of the action" as a reasoned military judgment.

The designation of 6 carrier task forces to the Atlantic and 9 to the Pacific also attests to the Navy's unwillingness to recognize the complementary nature of carrier-based air power. Commenting on the Mediterranean task forces, Desmond Wilson wrote:

"With the subsequent development of land-based air covering NATO's southern flank, and with the later introduction into the region and coverage of the region by the sea and land-based missile systems, the Sixth Fleet may have become increasingly redundant. It almost certainly became increasingly vulnerable with the marked growth of the Soviet nuclear capability, along with submarine, aviation, and missile delivery systems."

But even this type of fleet development can be carried out with less than 15 attack carriers. To begin with, the Navy claims that 15 attack carrier task forces are required to keep 5 continually "on station"—2 in the Mediterranean and 3 in the Western Pacific. While the Navy points out that the rate of "on station" deployment has actually been higher in the past, they continue to insist that 3 task forces are needed to maintain one "on station" throughout the year. This method of deployment is explained as arising from the need to rest the crew, make necessary repairs, and take care of other logistical problems.

The Navy does concede that, but for the need to relieve the crew, a carrier task force could remain "on station" for a longer period of time. However, they have never satisfactorily explained why the relief of the crew should force the carrier to be withdrawn from forward deployment.

The Navy itself has successfully dealt with this problem in the operation of Polaris Submarines by using what is called a "blue and gold" crew concept—the submarine stays on active duty and the crew is simply rotated. By this method, a Polaris sub is able to stay on active duty for a significantly longer time than the carrier. And yet, the Navy has failed to adapt this method or a similar one to the attack carrier. Such a procedure would make it possible to deploy 5 task forces "on station" with a reduced attack carrier fleet.

Furthermore, it should be pointed out that the Navy's carrier fleet is not limited to attack carriers. There are, in addition, 4 smaller carriers, used primarily for antisubmarine warfare. These carriers are capable of handling several types of tactical jet fighters, and one of them is being currently used in Vietnam in an "attack capacity."

Surely, such carriers could be used to supplement the existing attack fleet in many cases where limited tactical air power is called for. And if carriers are going to be used for evacuating citizens and for the other relatively minor missions depicted in the Navy's list of "wars or near wars" then these smaller carriers are more suited for this purpose than the modern attack carrier, It becomes all the more difficult, therefore, to justify the beginning of a brand new attack carrier in light of the overwhelming cost of a fleet which actually numbers 19.

### *The "one for one" replacement policy*

The Navy not only opposes any delay in the funding of CVAN–70; it also maintains that as each new carrier enters the fleet, only one of the oldest carriers should be retired.

But the attack carriers which have joined the fleet since the mid-1950's are almost double the size of the older carriers, are equipped with the most modern aircraft, and, therefore, have far greater capability for tactical air than the oldest carriers which they replace. The Navy has stated that the nuclear carrier air wing is tactically more than twice as effective as that of the World War II carriers.

For the record, I am submitting copies of two charts prepared by the Navy. The first lists all active attack carriers. The second illustrates the tactical air capacity of each class of attack carrier. This chart clearly demonstrates that the newest classes have far more tactical air capability than the World War II carriers. (See attachement V for 2nd chart.)

But since the Navy has followed a "one for one" replacement policy in the past, the actual capacity of the carrier fleet in terms of providing tactical airpower is far greater than the 15 carrier force level would imply. The Navy's carrier replacement policy would, therefore, more accurately be described as a "two for one" policy—an escalation in fact, of the carrier force level. Even if the Navy can support a case for replacing the older carriers with nuclear carriers, there is no reason why at least two of the older carriers could not be replaced as each new carrier joins the fleet.

This increased capability of the carrier fleet means that today's 15 attack carriers can deliver more tactical air support than the 15 carriers which comprised the fleet in the mid-1950's.

That is why Secretary McNamara relied on the increased capability of the newer carriers as a justification for reducing the size of the carrier fleet. Unless it is assumed that the need for tactical air power has substantially increased in the past fifteen years, a decision to defer the building of an additional nuclear carrier will not endanger national security.

### *The emerging criticism of present carrier policy*

These questions about our present carrier policy have been expressed in the past by Defense and other government officials, as well as by military historians.

There has been serious criticism within the Pentagon of the attack carrier force level. Much of this debate has been kept from public view. For example, the Defense Department's Office of Systems Analysis has often recommended cuts in the attack carrier fleet, but the studies underlying these recommendations have not been made public.

One such study conducted by the Office of Systems Analysis was orally summarized for me last year. This study showed that over a 10 year period, the carrier based wing costs almost $1 billion more than a land-based wing. I urge this Subcommittee to obtain this study, as well as others which may be available.

Criticism of present policy did come to light in the Defense Department's posture statement for fiscal 1965—presented by Secretary McNamara on February 4, 1964—which called for "some reduction in the number of attack carriers by the early 1970's." The factors underlying this decision were the increased tactical air capability of modern carriers and modern carrier-based aircraft, the end of the carrier's role as part of our strategic nuclear forces, and the reduced need for forward based airpower due to the increased range of land based tactical aircraft.

Criticism of the carrier force level from within the Defense Department has persisted. Dr. Arthur Herrington, a Department official, questioned the size of the carrier fleet in a recent speech at the Naval War College (published in the September 1969 issue of *The Naval War College Review*.) He said:

"Today we still plan a 15-(attack carrier) force for the future. Yet over this 25-year period we have seen: a polarization of the world into Communist and non-Communist camps, and lately an increasing fragmentation of both; the development of the Marshall Plan, NATO, the conversion of our enemy in the Pacific, Japan, to an ally, and the conversion of our old ally, China, to an enemy; a doubling of the size of the attack carrier; nuclear propulsion; jet aircraft and nuclear weapons. In truth, 15 attack carriers (or 15 capital ships in the U.S. Navy if you will) appears to be close to an 'eternal verity' in U.S. military planning."

The most revealing admission of the Pentagon's own doubts about the justification for 15 attack carriers can be found in a Departmental Statement filed last year with the Joint Economic Committee. Representative Moorhead of that Committee asked the Defense Department to explain the necessity for a force of 15 attack carriers. "It is very difficult," a Department spokesman wrote in reply:

"To determine the precise division of effort between land-based and sea-based forces which will meet our worldwide commitments at the least cost. The program supported by the previous administration included 15 attack carriers. In response to a directive by the National Security Council to examine alternative General Purpose Force strategies, we are currently reassessing both the total requirement for tactical aircraft to meet each alternative strategy and the relative costs and effectiveness of different mixes of land-based and sea-based aircraft. Pending completion of this study, we are not recommending any major changes in the previous program."

When asked to justify a 15-carrier force level, the Defense Department tells a Congressional Committee that the matter is under study. In the meantime, we are asked to spend millions of dollars to maintain this force level, until Defense officials find the time to determine the proper size of the attack carrier fleet.

Other high level government officials directly responsible for defense planning have also expressed doubts about our carrier policy. Charles Schultze, a former Director of the Bureau of the Budget, testified before the Joint Economic Committee that the request for an additional attack carrier was the first item to be examined in eliminating unnecessary military expenditures.

Similar reservations have also been expressed by military strategists and military historians. In a lengthy case study on the evolution of the attack carrier, Dr. Desmond Wilson raised serious questions about the justification for 15 attack carriers. Dr. Wilson is presently at the Center for Naval Analysis and I recommend that he be called as a witness before this Subcommittee.

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### RECOMMENDATION FOR DELAYING FUNDING OF CVAN-70

On the basis of the preceding arguments, I believe this Subcommittee should recommend a delay in the funding of CVAN-70 until FY 1975, at the earliest.

The Navy opposes any delay in the funding of this carrier for two reasons.

The first reason was presented by Secretary Laird in the FY 1971 posture statement:

"The Navy considers it important to proceed with advance procurement for CVAN-70 in FY 1971 . . . to avoid having to shut down the Special Nimitz-class carrier nuclear component production lines. Such a shutdown," the Secretary stated, "would further increase the cost for CVAN-70, if we decide later to proceed with it."

Before accepting this assertion by the Navy, it should first be determined whether the companies which produce the nuclear components for the Nimitz class carriers also produce nuclear components for our submarines. I believe they may. If this is the case, then it might be possible to keep the carrier component production lines open indefinitely by using them to produce components for submarines and other nuclear vessels—since the need for the latter type of nuclear components will exist for at least several years. Alternatively, the component production lines for these other ships might be adaptable to the carrier components at some later date.

I do not pretend to be an expert in these matters. But I think it might be possible to delay funding the CVAN-70 for several years without increased costs as a result of closing component production lines.

However, even if such a delay would cause a rise in the final cost of CVAN-70, it would be better to accept this increase rather than to fully fund the carrier in the next two years. For his carrier will cost at least $600 million, and probably will run much higher; and this does not include the cost of the air wing, as well as the cost of escort ships comprising the carrier task force.

Thus, instead of spending at least $1 billion in the next two years to buy a carrier which is not needed, the more responsible action would be to delay in the funding of this extremely expensive ship. While the Navy has not specified the loss which it claims will result from such a delay, I do not believe that it can be significant compared to the budgetary and economic impact of a billion dollar plus Federal expenditure over the next two years.

Aside from these reasons, there is something very troublesome about justifying a major military program on the basis of the need to keep production lines open. Such a justification could be used as an excuse for continuing almost any type of weapons system, regardless of military necessity. In the case of this carrier, it is quite possible that subsequent events will make it unnecessary to begin funding even in FY 1975.

The Navy's reason for opposing any delay in the funding of CVAN-70 does not rest on this argument of increasing costs. The Navy contends that "regardless of the attack carrier force level that may be decided upon in the future," funding for this ship cannot be delayed. The assumption underlying this contention is that a substantial percentage of the attack carrier fleet will soon become obsolete if the Navy's current building program is not maintained.

But the truth is that the request for funding CVAN-70 in FY 1971 is based on the Navy's conception of a proper carrier force level. And the force level which the Navy favors calls for *more than* 12 modern attack carriers.

Consider these facts about the present carrier fleet:

(1) Excluding the oldest carriers, the attack carrier fleet consists of one nuclear carrier (the Enterprise); 8 Forrestal carriers; and 1 Midway which has just completed modernization.

(2) The two Nimitz-class nuclear carriers which have already been funded will both have joined the fleet by 1976.

(3) Under the Navy's "rule of thumb" that an attack carrier is obsolete after 30 years, the oldest of these carriers—the Midway—will not be obsolete until 1980; the oldest of the remaining carriers is the first Forrestal, and it will not become obsolete until 1985.

By 1976, then, the carrier fleet will consist of 12 fully modern attack carriers. To maintain a fleet of this size, we will not need to replace the oldest of these carriers—the Midway—until 1980. Given the 5-year lead time required to build an attack carrier, it will therefore not be necessary to fund the Midway's replacement until FY 1975.

That is why my recommendation to delay the funding of the CVAN-70 until *at least* FY 1975 assumes that at the maximum, the force level should consist of 12 modern carriers. It may well be that fewer than 12 carriers of this type will be required to meet future defense contingencies. But unless it is assumed that more than 12 modern carriers are needed, there is no valid reason for funding CVAN-70 before FY 1975.

The Navy is incorrect, in my opinion, in saying that a determination of the proper carrier force level is irrelevant in deciding whether to fund the CVAN-70 at this time. We would be ignoring our obligation to the already hard-pressed American taxpayer if we approve such a huge expenditure in the next two years without first making this determination.

If the Navy believes that the CVAN-70 should be funded now, then it must show why more than 12 modern attack carriers are required. The burden is, and should be, on the Navy, and this burden should not be disregarded because of the Navy's assertion that force level decisions are irrelevant to the funding of CVAN-70.

In determining whether the fleet should consist of more than 12 of these carriers, the following points should be considered.

To begin with, each carrier over 12 should be evaluated in terms of how it adds to the tactical air capability of the carrier fleet. We know that one carrier can provide a maximum of 150 offensive sorties per day—which has only marginal military significance in a conflict such as that in Vietnam, where we are flying over 1,000 such sorties per day. The question, then, is whether this limited increase in tactical air capability is worth the high cost of another carrier task force.

Even if it is considered necessary to increase our overall tactical air capability, this can be accomplished without funding an additional carrier. The fact that a land base is significantly cheaper than a carrier task force means that we can acquire more tactical air capability by investing in a land-based operation rather than in a 13th modern carrier task force. In short, if our aim is to buy the best defense at the least possible cost, we must take into account this cost-differential between land- and sea-based air power.

It should also be kept in mind that the decision to delay the CVAN-70 funding—thereby relying on a fleet of 12 modern carriers—will not impair our flexibility to provide carrier-based air power where land bases are unavailable. A 12-carrier fleet will more than enable us to meet such contingencies, and it is difficult to see how an additional carrier adds very much to this capability.

And finally, I again call your attention to the Air Force letter of September, 1969, addressed to Senator Hatfield. The Air Force statement that the U.S. has sufficient land-based tactical air capability in Southeast Asia and Europe to meet a major contingency in effect means that no carriers are needed in those areas. If we accept the Air Force evaluation, then it is clear that even a 12-carrier fleet is far too large.

It may be argued that this statement by the Air Force should be disregarded, since it is merely a reflection of the long-standing Air Force-Navy controversy over the role of land- versus sea-based air power. But before rejecting this evaluation as "anti-Navy propaganda," I urge you to consider whether or not the Navy's insistence on funding the CVAN-70 in FY 1971 might also be classified as the effort by one service to maintain its position—with little regard for military realities.

In short, the Congress is faced with conflicting claims: on the one hand, the Air Force asserts that carriers are essentially redundant in furnishing tactical air power; on the other hand, the Navy claims that the CVAN-70 is badly needed within the next several years and that the fleet must include more than 12 modern attack carriers. Without thorough investigation, I do not believe we can reject as self-serving the claim of one service, while accepting the claim of another service as the complete truth.

My own view is that the truth lies somewhere between the two conflicting claims: while *some* modern carriers might be required, there is little justification for more than twelve and even less justification for the continued maintenance of a 15-carrier fleet.

Regardless of whether this Subcommittee shares my view, you are still faced with these conflicting claims. And the Department of Defense has never adequately resolved this particular conflict. We know the Air Force position. We know the Navy position. But we do not know the Defense Department's position.

The National Security Council's study now underway may define the proper "mix" between carrier and land-based air power. But that study will not be completed until September, 1970, and it may be delayed even further. The existence of such a study, however, should not relieve the Defense Department of its own duty to present Congress with a rational and coherent plan for providing tactical air power.

I hope that this Subcommittee, before recommending the funding of CVAN-70 in FY 1971, will insist on a consistent position by the Executive Branch and will then attempt to strike a balance between these two claims by determining the proper carrier force level. If the Navy is unable to demonstrate a clear need for more than 12 modern carriers, the prudent course would be to delay the funding of CVAN-70.

ATTACHMENT I

TABLE XIV.—ACTIVE CARRIER FORCE (1946-64) (ATTACK CARRIERS OR THEIR EARLY EQUIVALENTS)[1]

| Year | Atlantic/ Mediterranean | Pacific | Total |
|---|---|---|---|
| 1946 | 7 | 11 | 18 |
| 1947 | 9 | 6 | 15 |
| 1948 | 7 | 5 | 12 |
| 1949 | 7 | 5 | 12 |
| 1950 | 9 | 2 | 11 |
| 1951 | 9 | 6 | 15 |
| 1952 | 10 | 7 | 17 |
| 1953 | 9 | 9 | 18 |
| 1954 | 9 | 8 | 17 |
| 1955 | 7 | 10 | 17 |
| 1956 | 6 | 9 | 15 |
| 1957 | 6 | 8 | 14 |
| 1958 | 6 | 9 | 15 |
| 1960 | 6 | 9 | 15 |
| 1961 | 6 | 9 | 15 |
| 1962 | 6 | 9 | 15 |
| 1963 | 6 | 9 | 15 |
| 1964 | 6 | 9 | 15 |

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[1] See app. A for complete listing of carrier force by ship type.

### ATTACHMENT II

DEPARTMENT OF THE AIR FORCE,
*Washington, D.C.*

Hon. MARK HATFIELD,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HATFIELD: A few days ago, Mr. Michaelson of your Staff asked the Air Force to provide you with information regarding air bases overseas, quick construction of bases and the performance capability of the F–16. More specifically, I understand your questions were:

1. What is the number of overseas air bases the Air Force has relinquished since the Korean War; why were these bases given up; and has the loss of these bases jeopardized the USAF tactical air capability?

2. What is meant by the "Kit" method of quick construction of land bases as briefly described in the August 25 edition of the *Washington Post?*

3. What is the capability of the Air Force's new air superiority fighter, the F–15?

Although an attempt was made to keep the answers to these questions unclassified, to be completely responsive, an additional classified answer was required for the F–15 because some of the performance parameters of the aircraft was classified and similarly, a portion of the information relating to base closures is classified.

If we can be of any further assistance, please call.

Sincerely,

JOHN MURPHY,
*Major, USAF.*

### MAJOR BASE CLOSINGS

Of the major air bases closed since the Korean War (attachment 1), only those in Morocco, France and Saudi Arabia could be classified as involuntary or political closures. All others and some in France were closed because they either were no longer needed or were closed for economic reasons. Dhahran, Saudi Arabia retains a USAF presence. Many of the bases were used by the Strategic Air Command and as auxiliary bases for tactical air units. Although listed as major installations, those designated "AFB" and "ASN" were not used to base tactical flying units on a permanent basis.

None of the other base changes to date have jeopardized contingency plans nor prevented the formulation of contingency plans to meet current commitments. There are enough land air bases in Southeast Asia and Europe to base all the tactical fighter aircraft which the Joint Chiefs of Staff estimate are required to meet a major contingency in those areas.

In addition, as demonstrated in Attachment 2, there are airfields all over the world that are adequate to support tactical air combat operations. There are more than 1,700 Free World airfields with runways 5,000 feet or longer and there are 685 airfields with runways 8,000 feet or longer. Any nation which requests the assistance of U.S. military forces can be expected to permit use of its airfields. The Air Force is developing bare base equipment which will provide the capability to deploy to any base which has a runway, taxiways, ramp space and potable water source.

In summary, the majority of the land air bases that have been inactivated were not needed or were closed to decrease expenses, although some were closed for political reasons. The capability of USAF tactical air has in no sense been diminished by land base inactivations. Attachment 3 summarizes the number of inactivated and operational USAF bases and the Free World airfields.

### ATTACHMENT III

### ATTACK AIRCRAFT CARRIERS

| Number and name | Date commissioned | Capability to operate all modern aircraft | Capability to operate F–14 aircraft | Total crew | Estimated annual operation cost (millions) |
|---|---|---|---|---|---|
| CVA–14, Ticonderoga[1] | 1944 | No | No | 3,625 | $62.7 |
| CVA–19, Hancock | 1944 | No | No | 3,625 | 62.7 |
| CVA–31, Bon Homme Richard | 1944 | No | No | 3,625 | 62.7 |
| CVA–34, Oriskany | [2] 1950 | No | No | 3,625 | 62.7 |
| CVA–41, Midway[3] | 1945 | All but RA–5C. | Yes | 3,417 | 85.4 |
| CVA–42, Roosevelt | 1945 | do | Yes | 3,417 | 95.4 |
| CVA–43, Coral Sea | 1947 | do | Yes | 4,474 | 102.3 |
| CVA–59, Forrestal | 1955 | Yes | Yes | 4,948 | 106.9 |
| CVA–60, Saratoga | 1956 | Yes | Yes | 4,948 | 106.9 |
| CVA–61, Ranger | 1957 | Yes | Yes | 4,948 | 106.9 |
| CVA–62, Independence | 1959 | Yes | Yes | 4,948 | 106.9 |
| CVA–63, Kitty Hawk | 1961 | Yes | Yes | 4,952 | 108.4 |
| CVA–64, Constellation | 1961 | Yes | Yes | 5,022 | 108.4 |
| CVAN–65, Enterprise | 1961 | Yes | Yes | 5,499 | 115.0 |
| CVA–66, America | 1965 | Yes | Yes | 4,952 | 108.4 |
| CVA–67, Kennedy | 1968 | Yes | Yes | 4,952 | 108.4 |
| Total |  |  |  | 70,977 | 1,510.1 |

[1] To become a CVA (ASW carrier) when the "Midway" joins the fleet in fiscal 1970.
[2] Construction stopped for about 5 years following World War II.
[3] Now undergoing $202,300,000 conversion. To rejoin the fleet during fiscal 1970.

### ATTACHMENT IV

### SUMMARY OF WARS/NEAR WARS SINCE 1946

(The following list represents only major/minor conflicts or crises where U.S. Naval units were involved as prime factors, alerted or redeployed.)

*Place, date, and event*

Turkey, April 1946: USSR-Iran hostilities and USSR-Turkey diplomatic tensions; Naval unit deployed as affirmation of U.S. intentions to shore up Turks against Soviet imperialism.

Trieste, July 1946: Trieste ownership dispute; U.S. and British Naval units dispatched to scene with open warfare imminent. Commenced Adriatic Patrol which lasted until Trieste issue resolved in 1954.

Greece, September 1946: Political crisis. Naval Units visit requested by U.S. Ambassador. One carrier was on the scene.

Indochina War, November 1946–July, 1954: Naval units employed in evacuation, assistance, alert status. Three carriers on the scene during latter stages of the conflict.

Israel, June 1948–April 1949: Naval units assigned UN mediator for the Palestine Truce Evacuated UN team eventually in July.

Greek Civil War, 1946–49: Presence and alert. Carriers deployed in the Mediterranean during period of crisis.

Korea, 1950–53: Ten carriers engaged in combat operations during the period of the conflict.

Tachens Crisis, July 1954–February 1955: Evacuation of civilians/military personnel. Five carriers on the scene.

Vietnam Guerrilla War, September 1955–Present: Presence, assistance, combat operations. During the period between February 1965 to date a total of 15 attack carriers have conducted combat operations.

Red Sea, February 1956: Naval unit patrols established in view of developing Suez Crisis.

Jordan Tension, May 1956: Provided presence. Two carriers alerted and deployed to the eastern Mediterranean.

Pre-Suez Tension July 1956: Two carriers alerted.

Suez War October-November 1956: Evacuation, provided presence. Two carriers on the scene, two additional carriers alerted and deployed from East Coast.

Jordan Crisis, April 1957: External conspiracy charged with intent to subvert Jordan. Naval units dispatched. Three carriers on the scene.

Kinmen Island, July 1957: Communist shelling. Naval units dispatched to defend Taiwan. Four carriers on the scene.

Haiti Disorders, June 1957: Alert, surface patrols.

Syria Crisis, August-December 1957: Provided presence. Two carriers on the scene.

Lebanon Civil War, May 1958: Support operations. Three carriers provided air cover for marine landings.

Jordan/Iraq Unrest, August–December 1958: Alert, surveillance, surface patrol.

Cuba Civil War, December 1956–December 1958: Evacuation, provided presence. One carrier on the scene.

Quemoy-Matsu Crisis, September–October 1958: Evacuation, combat operations. Three carriers on the scene, two additional carriers alerted.

Panama Invasion, April 1959: Provided presence.

Berlin Crisis, May 9, 1959: Two carriers alerted and brought to an advanced state of readiness.

Nationalist China-Communist China Crisis, July 1959: Provided presence. Two carriers on the scene.

Panama Demonstrations, August and November 1959: Alert.

Laos Civil War, December 1960–May 1961: Provided presence. Three carriers on the scene.

Congo Civil War, July 1960–August 1963: Alert, evacuation.

Caribbean Tension, April 12, 1960: Alert, air and surface patrols.

Guatemala-Nicaragua, November 1960: Air and surface patrols. One carrier on the scene, one additional carrier alerted.

Bay of Pigs Crisis, May 1961: One carrier alerted.

Zanzibar Riots, June 1961: Alert.

Berlin Crisis, September 1961–May 1962: Two carriers alerted and brought to a higher state of readiness.

Dominican Republic, November 12, 1961: Air and surface patrols. One carrier on the scene.

Guantanamo Tension, January and July 1962: Alert, provided presence.

Guatemala, March 1962: Alert, provided presence. Two carriers alerted.

Thailand, May 1962: Provided presence. Two carriers on the scene.

Quemoy-Matsu Crisis, June 1962: Provided presence. Three carriers on the scene.

Cuban Missile Crisis, October–November 1962: Provided presence and intervention. Eight carriers on the scene.

Yemen Revolts, February–April 1963: Alert, provided presence, surface patrols.

Laos Tension, April 1963: Provided presence. Two carriers on the scene.

Jordan Crisis, April 1963: Provided presence, surface patrols. Two carriers on the scene.

Caribbean Tension, 1963: Alert, air and surface patrols. One carrier alerted.

Vietnam Civil Disorders, August, September and October 1963: Air and surface patrols. Two carriers on the scene.

Dominican Republic, September 1963: Alert.

South Vietnam Crisis, November 1963: Following death of President Diem. Provided three carriers on the scene.

Indonesia-Malaysia, December 1963: Alert, provided presence. Two carriers alerted.

Panama, January 4, 1964: Alert, provided presence and evacuation.

Guantanamo Tensions, April 7, 1964; Provided presence, surface patrols.

Panama, May 1964: Provided presence.

Dominican Republic, June and July 1964; Air and surface patrols.

Tonkin Gulf, August 1964: See item 9.

Dominican Republic, April 1965: Intervention and combat operations. Two carriers alerted.

Arab-Israeli War, June 1967: Provided presence. Covered evacuation of U.S. citizens. Two carriers on the scene.

Pueblo Capture, January-April 1968: Redeployment of force; maintained presence in area to take actions as directed. Three carriers on the scene (five carriers participated).

EC-121 Loss, April 1969: Redeployment of forces: maintained presence to take actions as directed. Four carriers on the scene.

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## ATTACHMENT V

### NOMINAL AIR WING COMPLEMENTS

*Enterprise/Kitty Hawk/Forestal classes*

2 Fighter Squadrons (F-4).

2 Light Attack Squadrons (A-7).

1 Attack Squadron (A-6)

1 Electronics Warfare/Tanker Squadron (EKA-3).

1 Airborne Early Warning Squadron (E-2).

1 Reconnaissance Squadrom (RA-5C).

1 Rescue Squadron Detachment (UH-2).

Total A-4 equivalents, 132.

*Midway class*

2 Fighter Squadrons (F-8) F-4s assigned when available.

2 Light Attack Squadrons (A-7).

1 Attack Squadron (A-6).

1 Electronics Warfare/Tanker Squadron (EKA-3).

1 Airborne Early Warning Squadron (E-2).

1 Reconnaissance Squadron (RF-8G).

1 Rescue Squadron Detachment (UH-2).

Total A-4 equivalents, 108.

*Hancock class*

2 Fighter Squadrons (F-8).

3 Light Attack Squadrons (A-4).

1 Electronics Warfare/Tanker Squadron (EKA-3).

1 Airborne Early Warning Squadron Detachment (E-1B).

1 Reconnaissance Squadron Detachment (RF-8G).

1 Rescue Squadron Detachment (UH-2).

Total A-4 equivalents, 83.

*Nimitz class (the air wing listed below is planned for the Nimitz in fiscal year 1973)*

2 Fighter Squadrons (F-14).

2 Light Attack Squadrons (A-7).

1 Attack Squadron (A-6).

1 Tanker Squadron (KA-6).

1 Electronics Warfare Squadron (EA-6).

1 Airborne Early Warning Squadron (E-2).

1 Reconnaissance Squadron (RA-5C).

1 Rescue Squadron Detachment (UH-2).

Total A-4 equivalents, 152.

(NOTE.—The *types* of aircraft which can be operated by a carrier depend primarily upon the flight deck and its installations such as the catapults, arresting gear and elevators. Ship-installed support facilities also limit aircraft types which can be operated. The *number* of aircraft which can be carried depends upon deck area and the mix of types. Some types of aircraft are considerably larger than others, and a smaller total of generally larger aircraft can be physically accommodated. The smallest tactical aircraft in the U.S. Navy's carrier inventory is the A-4 Skyhawk. Therefore, for standardization purposes, the Navy expresses carrier aircraft capacity in terms of A-4 equivalents.)

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## REPORT OF THE JOINT SUBCOMMITTEE OF THE HOUSE OF REPRESENTATIVES AND SENATE COMMITTEES ON ARMED SERVICES ON THE STUDY FOR THE CVAN-70

### STATUTATORY REQUIREMENT

This report responds to the requirement set forth in the Military Procurement Authorization Act for fiscal year 1970 (Sec. 402 of Public Law 91-121). The provision is as follows:

"SEC. 402. (a) Prior to April 30, 1970, the Committee on Armed Services of the House of Representatives and the Senate shall jointly conduct and complete a comprehensive study and investigation of the past and projected costs and effectiveness of attack aircraft carriers and their task forces and a thorough review of the considerations which went into the decision to maintain the present number of attack carriers. The result of this comprehensive study shall be considered prior to any authorization or appropriation for the production or procurement of the nuclear aircraft carrier designated as CVAN-70.

"(b) In carrying out such study and investigation the Committees on Armed Services of the House of Representatives and the Senate are authorized to call on all Government agencies and such outside consultants as such committees may deem necessary."

### BACKGROUND

The cited statutory study requirement resulted from a House-Senate conference agreement to delete, from the fiscal year 1970 procurement program recommended by the Department of the Navy, an item proposing the procurement of the long leadtime items required for the construction of a new nuclear-powered attack aircraft carrier, the CVAN-70.

### SUBCOMMITTEE ACTION

Pursuant to the statutory requirement, the following members were appointed by the respective chairmen of the Armed Services Committees to serve on this special subcommittee;

From the Senate Committee on Armed Services: Senators John C. Stennis, Stuart Symington, Henry M. Jackson, Strom Thurmond, John G. Tower, and George Murphy.

The House members designated were Charles E. Bennett, Samuel S. Stratton, and Robert T. Stafford.

By unanimous consent of the group, Senator Stennis and Congressman Bennett served as co-chairmen.

The subcommittee in its desire to fully discharge its statutory responsibilities agreed to solicit the expert testimony of those individuals who by their previous identifications with this complex subject matter, could make a meaningful contribution to the subcommittee's effort.

These individuals, except in a few instances, accepted the invitation of the subcommittee to participate in this study and appeared as witnesses in the following order.

April 7, 1970—Hon. John H. Chafee, Secretary of the Navy; Adm. Thomas H. Moorer, Chief of Naval Operations; Rear Adm. James L. Holloway III, CVAN program coordinator.

April 8, 1970—Senator Walter F. Mondale and Congressman William S. Moorehead, Senator Case submitted a statement for the record.

April 10, 1970—Adm. Thomas H. Moorer, Chief of Naval Operations, and Rear Adm. James L. Holloway III, CVAN program coordinator.

April 13, 1970—Dr. Desmond P. Wilson, professional staff member, Center for Naval Analyses.

April 15, 1970—Gen. Earle G. Wheeler, Chairman of the Joint Chiefs of Staff, and Vice Adm. H. G. Rickover, Deputy Commander for Nuclear Propulsion, Naval Ship Systems Command.

April 16, 1970—Dr. William W. Kaufmann, senior fellow, Brookings Institution, on leave as professor at Massachusetts Institute of Technology.

The testimony received by the subcommittee during its proceedings will be printed, and except for deletions made necessary by national security considerations, will be published in its entirety as a public document. The subcommittee, in fulfillment of its statutory obligation, has completed its hearings and study of the past and projected costs and effectiveness of attack aircraft carriers and their task forces, and the considerations which went into the decision to maintain the present number of attack carriers.

### THE CARRIER STUDY AND ITS RELATION TO THE CVAN-70

The statute provides for a comprehensive review of the entire concept of naval attack carrier forces. The subcommittee recognizes that implicit in the study requirement is the necessity for determining whether to provide congressional approval for the ultimate construction of a nuclear aircraft carrier identified as the CVAN-70.

### THE PRESIDENT'S RECOMMENDATIONS

The President, in his budget message to Congress for fiscal year 1971, specfically recommended that he be provided authority to procure long leadtime construction items for the CVAN-70 in the amount of $152 million.

The presidential budget message contains the following statement with respect to the requested funds for long lead items:

"The Budget also provides for additional large assault ships for our amphibious forces, together with funds for advanced procurement related to construction of the third nuclear-powered *Nimitz* class attack carrier. However, the advance procurement funds for the third carrier will not be obligated until completion of studies in progress to assess future requirements for attack carriers."

### THE SECRETARY OF DEFENSE'S RECOMMENDATIONS

The Secretary of Defense, in presenting to the Congress the fiscal year 1971 procurement program for the Department of Defense, strongly urged congressional approval of the President's request on the CVAN-70.

Subsequently, the Secretary of Defense, while recognizing the necessity for completion of the National Security Council review, has reaffirmed his support of the CVAN-70 in a letter to the chairman of the Senate Armed Services Committee on April 3, 1970, when he said:

"The requirements and commitments of the current strategy make it necessary, in my judgment, for this Nation to proceed with the construction of this final ship of a three-ship construction program first laid out in fiscal year 1967."

### THE JOINT CHIEFS OF STAFF RECOMMENDATIONS

The Joint Chiefs of Staff have unanimously endorsed construction of the CVAN-70 despite the fact that there exists a difference of opinion among the service chiefs as to the number of carriers we should have in our carrier force in future years.

### CONCLUSION AND RECOMMENDATION OF THE SUBCOMMITTEE

As a consequence of the extensive hearings conducted by the special Senate-House subcommittee as directed by section 402 of Public Law 91-121, a majority of the Senate Members and all of the House Members strongly recommend that the Congress approve the request of the President for the funding of long leadtime construction items on the CVAN-70 for fiscal year 1971.

Findings on which the subcommittee's recommendations are based include the following:

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### ON ROLES AND MISSIONS OF CHARTER

The attack aircraft carrier has in the past and will into the foreseeable future, continue to perform a vital and indispensable role in insuring the control of our sealanes essential to our commerce. Our industrial operations could not last more than a very short time if our strategic materials were to be cut off from overseas.

In addition, carrier air forces are able to provide tactical air in support of land forces operating far beyond existing American air bases or where such bases have been rendered inoperative. In particular, with the current emphasis on reducing American commitments abroad in both Europe and the Pacific, the highly mobile carrier provides a unique means of providing American air power in distant locations without establishing bases and installations ashore.

### MODERNITY OF CARRIER

The attack aircraft carrier, like every other major weapon system of our national defense, is subject to obsolescence induced by age and advancing technology. Therefore, like all other weapons systems, the attack carrier system must be modernized on a timely basis despite the significant costs involved.

The following table is an illustrative example of the relative capabilities of old and modern attack carriers, by class, reflecting single strike capabilities and air ordnance, jet fuel, and steaming endurances without replenishment:

| | Hancock | Midway | Forrestal | Nimitz |
|---|---|---|---|---|
| Commissioning periods | 1944–50 | 1945–47 | 1957–68 | 1972— |
| Single strike capability | 1.0 | 1.3 | 1.6 | 2.0 |
| Ordnance endurance | 1.0 | 1.4 | 2.5 | 3.8 |
| Jet fuel endurance | 1.0 | 1.8 | 2.6 | 5.2 |
| Steaming endurance | 1.0 | 1.0 | 1.0 | (1) |

[1] Virtually unlimited.

### COMPARATIVE COSTS OF CARRIER AND LAND BASED TACTICAL AIR

The subcommittee attempted to satisfy the statutory requirement for the study of past and projected costs of the attack aircraft carriers and their task forces. Several different analyses were presented to the subcommittee on this matter comparing sea-based tactical aviation with land-based tactical aviation.

It is significant that the Department of Defense advised the subcommittee that even though the comparative costs of the various alternatives have been under study for some time by the Department of Defense, there is no agreed-upon position within the Department on this matter.

To illustrate the difficulties encountered by the subcommittee in attempting to address this question, General Wheeler, Chairman of the Joint Chiefs of Staff, stated:

"Now this is an extremely complex problem, and the reason it is complex is that you have to figure out what you are going to charge off against the cost of land-based tactical air versus what you charge off against sea-based tactical air, and depending upon what you charge off, you come up with these varying figures.

"I must say that I don't regard any of these studies myself as being definitive, and they certainly are not convincing to me as a basis for making a judgment as to the need for sea-based tactical air."

In view of these circumstances, it is evident to the subcommittee that there is as yet no acceptable formula for accurately quantifying and measuring the precise cost-effectiveness of land-based versus sea-based tactical airpower.

### ON THE NUMBER OF CARRIERS

The Defense budget for fiscal year 1971 supports a force of 15 attack carriers plus the one additional CVS (antisubmarine warfare) carrier authorized for use as an attack carrier during the Vietnam war. Unless there is a substantial change in our international commitments and the Vietnam war, the subcommittee supports the number of carriers provided for in the President's budget for fiscal year 1971.

The subcommittee was unable to resolve the question of the number of carriers that should be provided to our Armed Forces in the 1975–80 time frame, an issue which will be influenced by the degree of modernity of the carriers in being. This question also involves future foreign policy decisions which remains to be determined.

The subcommittee, in consideration of the full range of carrier capabilities including modernity and the exceptional advantages of nuclear power, is of the opinion that the long lead funds for the CVAN–70 should be approved.

Senators: John C. Stennis, *Co-chairman;* Henry M. Jackson; Strom Thurmond; John G. Tower; and George Murphy.

Representatives: Charles E. Bennett, *Co-chairman;* Samuel S. Stratton; and Robert T. Stafford.

### ADDITIONAL STATEMENT OF SENATOR JOHN C. STENNIS

I fully support the concept of adding the CVAN–70 to our attack carrier fleet and personally think the leadtime items should be provided for in the fiscal year 1971 authorization bill. As stated before I will not be in a position to make a firm recommendation for including this additional carrier in the fiscal year 1971 authorization bill until there is a firm request therefor by the executive branch.

### MINORITY VIEWS

One of the primary reasons for the establishment of this Joint Senate-House Armed Services Subcommittee on the CVAN–70 Aircraft Carrier (appointed pursuant to sec. 402 of Public Law 91–121) was the desire of the Congress to have a joint committee conduct a study and review of the entire matter of force levels and costs with respect to attack carriers. It was presumed that in connection with any new carrier the Congress would have a firm position from the administration. The budget message, however, states that "the advance procurement funds for the third carrier will not be obligated until completion of studies in progress to assess future requirements for attack carriers."

Without any clear direction from the executive branch, and because of (1) the high cost of this proposed additional nuclear aircraft carrier; (2) the possibility that a review by the National Security Council of strategic and tactical force levels will result in the recommendation of a future carrier force level which would not necessitate the construction of the CVAN–70 at this time for the 1975–80 time frame; (3) increasing evidence that we must give more recognition to such growing domestic needs as education, housing, control of various forms of pollution, and so forth; and (4) the growing financial crisis incident to further depreciation in the purchasing power of the dollar, I wish to withhold my decision with respect to recommending the authorization of long leadtime items for the CVAN–70 until we have the opportunity to review the results of this report from the National Security Council with respect to overall national strategy for the 1975–80 period, including the proper attack carrier force level.

Senator STUART SYMINGTON.

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### STATEMENT OF SENATOR WALTER F. MONDALE, DEMOCRAT OF MINNESOTA

A Senate-House Armed Services Subcommittee has recommended funding for a fourth nuclear attack carrier, the CVAN–70. This recommendation was made despite the fact that the Executive Branch has stated that funds for this carrier will not be obligated until the National Security Council completes its present review of strategic and tactical force levels. Their study will not be completed until September, 1970, at the earliest.

I want to commend Chairman Stennis for his position on this important issue. While the Chairman supports the concept of adding CVAN–70 to our carrier fleet, he has stated that he will not make a firm recommendation for funding this additional carrier in FY 1971 until there is a firm request to do so from the Executive.

I also commend Senator Symington, who feels that the results of the National Security Council study should be considered before deciding the question of funding the CVAN–70.

But the Subcommittee itself wants to fund this carrier now. It bases this recommendation on a report released on April 23, 1970, which was required by last year's Military Procurement Authorization Bill. It is my belief that this report fails to fulfill the Congressional requirement for a complete and comprehensive study of the Navy's attack carrier program.

The law called for a study of the carrier's cost-effectiveness. The Subcommittee concluded that there is "as yet no acceptable formula" for determining the cost-effectiveness of land-based versus sea-based tactical air power.

The law called for a review of the present carrier force level. The Subcommittee concluded that it was "unable to resolve the question of the number of carriers" needed by the end of the decade.

Yet, the Subcommittee's inability to resolve these basic and crucial questions did not prevent it from "strongly recommending" the funding of CVAN–70 in FY 1971. According to the report, "the attack carrier system must be modernized on a timely basis despite the significant costs involved."

This is a conclusion based more on instinct than analysis. It is completely unjustifiable to recommend funding for a fourth nuclear carrier without first determining the proper carrier force level.

For the decision to build this carrier can only mean one thing—that we favor a fleet or *more than* 12 modern attack carriers.

An examination of the present carrier fleet demonstrates this fact:

1. Excluding the oldest carriers, the attack carrier fleet consists of one nuclear carrier (the Enterprise); 8 Forrestal carriers; and 1 Midway which has just completed modernization.
2. The two Nimitz-class nuclear carriers which have already been funded will both have joined the fleet by 1976.
3. Under the Navy's "rule of thumb" that an attack carrier is obsolete after 30 years, the oldest of these carriers—the Midway—will not be obsolete until 1980; the oldest of the remaining carriers is that first Forrestal, and it will not become obsolete until 1985.

By 1976, then, the carrier fleet will consist of 12 fully modern attack carriers. To maintain a fleet of this size, we will not need to replace the oldest of these carriers—the Midway—until 1980. Given the 5-year lead time required to build an attack carrier, it will therefore not be necessary to fund the Midway's replacement until FY 1975.

If this subcommittee believes that the CVAN–70 should be funded now instead of later, it must show why more than 12 modern attack carriers are required. There is no such showing in this report.

I will not be a party to this fund now, justify later philosophy. If neither the Subcommittee or the Executive is able to determine whether we need more than 12 modern attack carriers, Congress abdicates its

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constitutional duty by issuing a signed check for one more nuclear carrier.

I want to make it clear that I do not advocate the elimination of all attack carriers. Nor have I ever advocated such a position.

But I do believe that the Congress must have clear justification for funding a 13th modern carrier task force before approving a potential expenditure of more than $2 billion. Without this justification, it is unconscionable to ask the already hard-pressed American taxpayer to bear the burden of such an expenditure.

## HITCHING POST INN, CHEYENNE, WYO.

Mr. McGEE. Mr. President, the Hitching Post Inn, in Cheyenne, Wyo., is one of the excellent examples of first-rate, full-service travel facilities in my State. It is an old but ever-progressive institution, under the management of Mr. and Mrs. Harry Smith and their son Paul.

Recently, the Tourist Court Journal carried a significant article which tells something about the philosophy of the Smiths and how it has led to success in a demanding business. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### WHY "LADY LUCK" SEEMS TO SMILE ON THE HITCHING POST INN

(By Ray Sawyer)

At first appraisal, it would appear that "Lady Luck" has smiled generously upon the 165-unit Hitching Post Inn, Cheyenne, Wyo., and its operators, Harry and Mrs. Smith, and their son, Paul. This full-service, resort-type operation features luxurious rooms; lavish restaurant, meeting lounge and entertainment facilities; indoor and outdoor swimming pools; a health club; and other guest conveniences.

And the Smiths bring to it an enormous amount of talent and experience. Smith, who might be labeled general manager, has been at the helm guiding its course for some 33 years. His wife, Mildred, who oversees the motel facet of the operation, has been with it since their marriage 29 years ago, and contributes, among other things, a remarkable knack for interior decorating. And Paul Smith, who serves as manager of the restaurant and lounge, grew up with the business and holds a Hotel & Restaurant Admin. degree from Michigan State Univ.

Pretty lucky setup, wouldn't you say? But when you zoom in for a close look at this operation and its operators, it doesn't take very long to discover the brand of luck it, and they, have been blessed with. It is probably best described by one successful old sage who, when told by an observer how lucky he was to be amassing such an estate, replied, "I find that the harder I work, the luckier I get." And as a result of applying the same formula, with careful attention to the demands of the traveling public, the Smiths find themselves entering their fifth decade at their original site with "excellent" ratings in both the *AAA Tour Book* and the *Mobil Travel Guide*.

Smith's father began the operation in 1930 with 24 units, a service station and a grocery store. At that time, motel rooms were quite bare, displaying only a bed and mattress. Guests brought along their own linens and towels, and used outside shower and toilet facilities.

In 1937, the elder Smith passed away, and young Harry was faced with the monumental decision of whether to continue in his chosen profession of civil engineering—he was employed with the Bureau of Reclamation—or to enter the motel business. His first impulse was to sell the property. But after a great deal of soul-searching, he decided to "change horses at midstream" and become a motel operator. "You could see the industry begin to pick up at that time," he says.

And enter it in earnest, he did. From the outset, he was continually adding to and updating the property, leading it ahead of its competition through every phase of automobile travel. "He's just a frustrated engineer—always building and adding something," laughs Mrs. Smith.

Looking back at the Thirties, Smith recalls that hot-and-cold running water was what made a motel modern for a time. "Then, guests began to demand inside showers and toilets," he says. "For a while, this was what set you off from the competition. Next, it was cooking facilities, and then tubs and showers."

With World War II came OPA restrictions and the scarcity of building materials, and the operation came to a near standstill. However, during this dormant period, the Smiths formulated plans for food service, feeling the coming need for an on-premises facility. They felt that a first-class operation could no longer afford to send its guests out looking for food.

They began with a small dining facility, which proved an instant success both with motel guests and local residents. It was so successful, in fact, that two weeks after it was opened, all the equipment—stoves, dishwashers, everything—had to be replaced with larger models.

Next came a larger dining room and a cocktail lounge. Then, two more public rooms were added. "We began to see the future of renting public rooms for meetings and conventions," says Smith. "And we wanted to be ready. Everything was carefully planned in advance."

Today, as has been the case since their inceptions, both the motel and food service segments of the operation are pacesetters. And the Smiths attribute this success to several factors.

Perhaps the most important is their attitude toward criticism. "We love it," says Mrs. Smith. "Paying attention to it and doing something about it is what has kept the business going, rather than falling behind and deteriorating. And it has kept new places from coming in and setting us back."

For example, adds Smith, "A lot of motel people say AAA is too critical. Our feeling is this. We know we are pretty good. But the AAA inspectors see all of the rooms in the country, and they can tell us how we can improve and get better with their comments on our shortcomings. People don't come here because we are Harry and Mildred Smith. They come because of what we offer them."

Comments from guests, both oral ones at the desk and those written on the large, attractive comment slips placed in the rooms, are also welcomed and used to advantage. "These often clue us in on things we wouldn't learn from any other source," says Mrs. Smith. "We compile a statistical report from them each year, in an effort to find additional ways to make improvements."

Visiting other properties and looking at them from a guest's viewpoint has also been another important contributor to their success. "The things we like—that make it easier or more comfortable for us as guests—we try to incorporate," she says. "Most of our extras are not original. For example, we saw the bedside TV switches and bathroom telephones—or the 'hot lines'—at a place in San Francisco."

Still another key factor in their success is their continuing efforts to give their guests the best service they can provide. "I've learned that anything that is good for the guest is a pain in the neck for the operator," says Smith. "A lot of owners fight this. But we believe—whether or not it is actually true—that the customer is always right. He pays the bills. We don't have any money without him.

"So we try to look at this thing from his point of view rather than ours. And since it's the conveniences that matter to him, we try to think of ways that will make it easier for him while he is here. Some of these services are quite expensive—courtesy buses taking guests to and from the airport, or downtown, or wherever they want to go; hiring several high school boys to show them their rooms and carry their bags for them; night maid service for studio rooms. But you have to look at your place as part of a total operation.

"A lot of people think you can retire into this business," says Smith. "Well, it's a hell of a thing to retire into. If you really want to keep your business up—and everything revolves around service—it requires a lot of hard work."

Taking an active part in trade associations has also been very important in the Smiths' success. "Just go to the facilities of a man who gets out to meetings and is active in motel organizations, and you can see the improvements he makes from year to year," he says.

The Smiths, and their business, have also profited greatly from the trade publications, he adds. "Tourist Court Journal and the others keep you alert. Many operators don't subscribe to them. They live out there in a world of their own. Before you know it, they're outdated or out of business, unless they have an unusual situation."

How has this constant striving to improve and this never-ceasing sensitivity to guest needs paid off for the Smiths and their business? For their part, it has resulted in an 83.3% annual occupancy—including a torrid 4-month average rate for the summer season of 97.1%—as well as a continually growing revenue picture. And from the guest's standpoint, they have long since come to know that they can always expect to find the very latest in accommodations and facilities at the Hitching Post Inn.

Decor is very important, Mrs. Smith points out, and you have to keep changing with the trends or you become dated. For one period—six to seven years—knotty pine was the vogue in the area. Then, everything went to stark modernism. As these changes occur, she adds, you have to tear out the old and replace it with the new.

Women, she says, read the house and garden magazines and are more color conscious than ever before. Rather than the "home-away-from-home" concept, they remember a motel and want to come back when it "has given them a lift" with its color and decor; when it has given them ideas for their homes. So, she pores over these magazines to keep in constant touch with the trends, incorporating their ideas where possible into her interiors.

In her new guest room color schemes, for example, she is adding the new olive greens and burnt oranges, with gold carpets, which are so popular now. "Also, darker colors are coming back for the walls," she adds. "We may go into this a little. However, we can use dark colors on spreads, drapes, carpets, lamps, etc., and get the same overall effect, while retaining the advantages of lighter walls."

Furniture stylings at the Hitching Post are the currently very popular Mediterranean and the ever-popular French Provencial. Carpets, bedspreads, pictures and drapery colors are varied from room to room to give each individuality.

"Decor can be changed somewhat merely by varying the style of hardware on the furnishings," she says. "And finish-wise, you are safe if you use a pretty grain of walnut. This gives you a rich feeling of elegance, and you can't go too far wrong."

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All furnishings, with the exception of chairs—desks, bed headboards, nightstands, cabinets, vanity counters, etc.—are made on the premises by one of the maintenance men, a Latvian cabinetmaker. "He is an artist with Formica, and uses it everywhere," says Smith. "He never catches up with all the work we have. He also makes the restaurant furnishings—the tables, counters, bars and other pieces."

The Smiths are very careful about furniture purchases, since they are located in a region with a high elevation—6,200 feet. "We can't buy anything made on the West Coast," says Smith. "It isn't dried enough in the kilns and tends to dry out and crack at this altitude. We have experienced some losses in the past, learning this. We have to buy from the Carolinas, Michigan or New York."

Mattresses and boxsprings are by Englander. "Providing the best you can buy in these two items is the most important thing you can do in a commercial lodging facility," Mrs. Smith says emphatically. "To the guest, the true test of a motel's quality is made when he gets in bed."

Linens are percale by Dan River. And all bedspreads are from the deluxe lines of Bates and Cannon. "These are fairly costly," she points out. "But in the long run, they hold up much better. People sit on beds, and our spreads don't look crumpled or soiled as a result."

"Our pillows are Old Prejudice, made of goose down," she adds. "We also keep a few foam rubber pillows on hand for those who request them."

Draperies, including blackouts, are purchased locally on a bid basis. "We try to do as much business here in the community as we possibly can," she says. "The town has supported us wonderfully, and this is one way we can show our appreciation."

Casements are also used with the draperies. "Our guests seem to like them," she comments.

Room carpets are all-wool, primarily by Masland, while acrilon and other synthetics mostly by Barwick—are used in public areas and in the indoor corridor leading to them from the new 90-unit addition. "In this high altitude," says Mrs. Smith, "you can't use nylon because of the static electricity."

Mrs. Smith used to spend a great deal of money on expensive carpeting. "But," she says, "I found that $15-a-yard carpet burns just as easily as that which costs $8–$9 a yard. I would rather change carpets in the units more frequently, giving guests something new and fresh more often. The cheaper—but good—carpeting gives me that flexibility."

Walls are plaster-finished and painted an off white. "I also used to use a lot of very expensive wall coverings—$12–$15-a-roll grass cloth and other types," she says. "But we would come in at the end of the tourist season and find gouges here and there. And when you made repairs they didn't match the rest of the wall. This became quite costly.

"Now, we just use a good, flat paint. You can come in in a half-day's time and freshen up entire walls and rent the rooms the same night. You can keep them always looking new. I would rather put money into expensive draperies, bedspreads and things like that than into expensive wall coverings."

Dresser tops hold RCA or Zenith TV sets, locked into Formica swivel units made by the cabinetmaker. "I don't like wall-mounted TV racks," says Smith. "The sets look like they are going to fall off any minute."

Other room facilities include: generous mirrors by Syraco, New York; small refrigerators by Acme and Norcold; Muzak control units, which feature additional settings for local radio stations; and sleek, slim-line closets, which feature a long shelf and louvered folding doors.

Convenient vanity areas include Formica-covered counter-cabinets housing sleek, colorful double lavatories. Wrought-iron dividers extend from countertops to ceilings. "By using dividers and not closing the vanity off," says Smith, "you get the impression of a much larger room."

An additional lavatory, large enough to provide guests with plenty of room for their grooming devices, is found in the bathroom. Plumbing is by American-Standard and Crane.

Tub/shower combination feature shower curtains of heavy white duck, which are changed and cleaned daily in the motel's on-premises laundry. "We don't like the plastic curtains," says Smith. "They blow against you and are annoying. Ours are old-fashioned, but they eliminate this problem." "They are purchased from Valiant Products and Standard Textile on a bid basis," adds Mrs. Smith.

"We have one room with a glass sliding shower door," says Smith. "I've yet to see one of these in a motel that doesn't have a lot of filth down in the track. It takes a terrific amount of time to clean them, and the maids just won't do it. These units look good and cost more—they're different—but they are a very poor investment."

Bathroom walls are covered with tile all the way to the ceilings. "We've used every conceivable wall-covering material made for bathrooms, but none has stood up like tile," he says. "The fancy synthetic materials don't breathe, and the corners start to curl and the walls peel."

The Hitching Post was the first motel in the state to install air conditioning. Individual GE "Narrowline" units are used, installed flush with the outside of the buildings. Their protrusion to the inside of the rooms is covered via wall-finished encasement, which serves to break the wall and add to the appearance of the room. Maintenance has been minimal, and two extra units are kept on hand for emergencies.

Central water heat is provided. Both heat and cooling work off the same Robertshaw air-controlled room thermostats. Thus guests can have either at any time of the year. And to add further to their comfort, Smith has fixed windows so they can be opened for fresh air.

"Air-controlled thermostats cost about $40 extra per room to install," he adds. "But I recommend them over electric ones. There is less maintenance." These operate via air from the thermostats actuating dampers in the air-conditioning units through tubing connecting them.

"The most important thing you can do to insure peak efficiency and prevent problems with air-conditioners is to keep the filters clean," he says. "Most of the problems you have are the result of clogged, dirty filters." So he uses washable filters, and during the tourist season he has the maids to remove them and wash them out in the lavatories once a week, and change them at least every other week.

A special accommodations problem is created for a first-class operation in a small, but famous capital city like Cheyenne: that of providing suites, though they are rarely requested. As such, it is important to have rooms that can be rented individually each night. But, it is still necessary to have elaborate, multi-room suites for the many top celebrities—movie and TV stars, political dignitaries and others—who come to town from time to time.

The Smiths have worked out a very good solution to this problem. Eight-foot long connecting sliding doors have been installed in side walls of a series of units in the new addition, allowing the creation of two- to four-room suites, any of the series of which can be quickly converted into offices, meeting or press rooms, or whatever is called for.

Room-to-room soundproofing is achieved via the use of two layers of ⅝-inch sheetrock on each side of the walls. The first layer is nailed to 2x4 frames, while the second is pasted directly over this to avoid sound conduction. And a special effort is made to avoid backing up electrical plugs. This 2½ inches of solid matter, coupled with nearly four inches of dead air space between the walls, does the job as well as any other method, including the staggered stud-insulation one, he says.

The only two-story section, the 90-unit new building, is of brick-and-reinforced concrete construction. Slabs between the floors, along with carpeting, provide the necessary floor-to-ceiling soundproofing.

To reduce noise from the corridor, the maintenance men added rubber stripping around room doors prior to installation. Along the bottoms, they routed out a track and installed a spring-operated mechanism which pushes the rubber stripping tightly downward against the sills when the doors are closed.

Noel E. Pool, Salt Lake City, Utah, architect, has handled the design for new construction for the Hitching Post for the past 15–20 years. Final plans are drawn up by local architect, John Freed.

"Cleanliness is your greatest asset in a motel," says Mrs. Smith. And this facet of the operation is capably handled by Marilla Russell, a former maid and manager of the motel laundry. In constant contact with both Mrs. Smith and motel manager Delmar Peterson, she is given full rein over her department, handling all areas of responsibility, including hiring and firing of maids. "This prevents the problem of having two or three people running around telling the maids what to do, creating confusion," says Mrs. Smith.

Maids work a full eight-hour day, cleaning an average of 9½ rooms each. "We recently figured that it costs us $1.45 per room for maid service, not counting laundry and other costs," she says. "That's a little high, but we're getting very clean rooms. We are very meticulous, and demand that the rooms be kept spotless. The house keeper checks them every day, and the manager and I spot check them from time to time."

"We require our maids to vacuum room carpets every day," adds Smith. "Sometimes they get a little lax about this, but not very often. Our beds are detached from the wall-mounted headboards and are on rollers to make it easier for them to move them out of the way for this."

An added touch of cleanliness, as well as luxury, is provided by the use of three sheets on all beds—one on the mattress and one on each side of the blanket above it. "This keeps the blankets more sanitary," she says, "and they don't have to be cleaned as often."

"Spring housecleaning" is done in the winter when occupancy is at its lowest. Two or three rooms are taken out of service at a time, and the maids clean them completely. Men are hired to do nothing but shampoo carpets. Drapes and pillows are taken to the laundry to be tumbled. And bedspreads are sent out to be drycleaned.

An on-premises laundry, installed 15 years ago to allow key maid help to be retained during the off season, now runs full time the year around, handling cleaning for both the motel and restaurant. Equipment includes: a Huebsch Dryer, an American Compact Folder, a 200-pound Dyna Washer, two Troy Laundrites—one, a 40-pound model, and the other, an 80-pound one—an American Casadex extractor and washer, a Western extractor and a Chicago Flatwax.

Though they don't use no-iron linens, the Smiths feel they are saving time and money by operating their own laundry. In addition to the convenience of having it when they want it, savings result from the volume handled and the avoidance of time-consuming counting in and counting out, necessary when a commercial laundry handles it. They also feel that they are saving 12c per bed, or 24c per room, since the third sheet used on beds can be thrown in at no extra overhead cost.

Continuous up-grading and adding to the facility have, of course, been a prime factor in the motel's long-term success. Plans and projects are always under way.

In underlining the importance of upgrading, Smith cites the experiences of the city's largest hotel. It went broke, he says, because while business was so good to it, guests were neglected. Air-conditioning and other conveniences they demanded weren't put in. "They found us," he says, "and we took care of them. The process didn't take place overnight. It took 10–12 years. Now, we also have the Lions and Kiwanis Clubs, which used to meet at the hotel."

Numerous projects have highlighted never-ending refurbishing programs. For example, while they were launching their new restaurant right after World War II, the Smiths realized kitchens were no longer necessary in rooms. They took advantage of this situation by gutting the units a few at a time, and starting from scratch to enlarge them into the former kitchen areas.

Four years ago, while adding a 30-unit wing, roofs of existing buildings were enlarged and new cedar-shake shingles added, greatly enhancing their appearance. The new wing was enlarged an additional 30 units two years ago, and another 30 last year. (Note that we didn't say a final 30; nothing has remained final at the Hitching Post!—Eds.)

Rooms themselves are remodeled 10 at a time. Everything is normally ripped out except the 2x4's. "They get new doors—everything," says Smith.

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While adding the new wings and connecting them with the public areas, it was decided to include: an inside corridor—the first for a motel in the state—to protect guests from inclement weather; an indoor swimming pool; and a health club, with saunas and exercise rooms (complete with bicycles, etc.) for both men and women.

One project in the planning stage is the addition of carpeting at poolside. He is reluctant to use indoor/outdoor carpeting, stating that all he has seen gets stained. He is considering Astro-Turf, which, he says, costs $12 per yard.

Color TV was also added a few sets at a time, until now it is found in all of the rooms. "Guests are not directly asking for it," he says. "But it brings them in. They just expect it."

Sources of guests are observed very carefully, both from comments at the desk and from those on comment slips. "Our four main sources are: the highway signs, AAA, Best Western and appearance," he says.

Primary promotional efforts are made via an attractive, colorful airport display, a four-color brochure, an ad in the *AAA Tour Book* and highway signs. "In earlier days, we used to put so much on our signs," he recalls. "It took us 15 years to get away from that—it's a waste. Who can read it all driving by at today's speeds? And why put TV on it? The guest wouldn't expect you not to have it.

About 80% of the business in summertime is handled via credit cards and travelers checks. "We have to send out for change to operate with, he says. "Our business has become all paper work."

In addition to honoring the big three credit cards, two bank cards and two oil cards, he also issues one of his own. These are issued to regulars after checking their credit on the office ledger.

The big advantage of credit card business, he says, is that people spend more freely with them than they would "if they had to reach in their pockets for hard cash. You're giving away 4% overall," he adds, "but you're bringing in much more money. You have to look at the overall picture."

Today, the operation has 122 employees, with that figure hiked an additional 25–30 at the height of the season. More are employed in the restaurant phase than in the motel.

"Help is a catastrophe here like everywhere else," he sighs. "The housekeeper is battling the problem every day. She keeps two girls busy just breaking in new maids. Some will work three or four months, and then find an excuse not to show up so they can draw unemployment."

In an effort to encourage employees on a long-term basis, an incentive program has been set up. Department heads get end-of-the-year bonuses. Those who have been with the motel three or four years get Blue Cross and Blue Shield insurance policies, compliments of the management. "Sometimes you wonder if these things are doing any good," he says. "But I think they are necessary."

Despite the bigness of the operation, the Smiths make a special effort to provide a personal, friendly touch. "We get more comments on the homey atmosphere here than on anything else," he says.

"We train our people to be friendly at the desk, and to learn names and try to learn a few of the idiosyncracies of our regular guests," adds Mrs. Smith. "If they like special facilities—bedboards, foam rubber pillows, etc.—we prepare their rooms this way and have them ready when they arrive."

Every guest who attends a convention at the Hitching Post finds waiting for him on his dresser when he arrives an "Eye Opener." This is an attractive cardboard pack with handle, imprinted with the motel's trademark. It contains two or three liquors in small bottles of the size served to passengers on commercial airline flights, plus a package of nuts. A handwritten note welcoming him to the motel, signed personally by Smith, is inserted in its side.

For parties of six or more, the names of each attendant are printed on match covers which are placed on the tables when they are set up. The printing is done in a matter of minutes by the package liquor store operator with a small printing machine.

Fresh flower centerpieces are placed on tables for all parties, no matter what the season. "We're sort of a special problem to the florists at times," says Mrs. Smith.

And at Christmas time, the motel and public areas become a winter wonderland. About $15,000 worth of decorations, including 100,000 miniature Italian lights, are now used. And some $2,000-$3,000 worth are added to them each year. "In one of the large public rooms," says Mrs. Smith, "we have as many as six trees, each displaying about 5,000 lights. People come from all over the state to see our decorations."

The Smiths have been by-passed on one side, but this doesn't overly excite them. "With the reputation we've built, people will still come here," Smith says confidently. "When we are totally by-passed, it will have some effect on breakfast and some of our tourist lunch sales. But if we lose in one area, we just have to work a little harder somewhere else."

And that should provide no hill for "steppers" like the Harry Smiths. They've been working hard for four decades now. That's why they appear to be so darn lucky as they begin the fifth one.

## JOHN GRAVES, OKLAHOMAN

Mr. BELLMON. Mr. President, as an Oklahoman I have a special feeling of shock and sorrow at the passing of John Graves.

John, who was from Clinton, Okla., was well known to members of my office staff. He was in our office only yesterday discussing some legislative matters.

He performed his job as assistant secretary to the majority in a calm, efficient manner, and he impressed many as a dedicated employee of the Senate prior to his recent retirement because of his illness.

My heartfelt sympathies are with his loved ones, and I share with other Senators, on both sides of the aisle, the sadness that accompanies the loss of this former employee.

## SENATOR PERCY SPEAKS TO YOUTH ABOUT SOUTHEAST ASIA WAR

Mr. COOPER. Mr. President, the senior Senator from Illinois (Mr. PERCY) delivered an eloquent statement on May 8 concerning the crisis which faces this country because of the war in Southeast Asia. It is a very personal statement in which Senator PERCY outlines what he intends to do to meet the crisis faced by this country. Addressing the youth of the country, Senator PERCY concluded his speech with this plea:

> So I would say to you in closing: Do not despair of us, do not abandon your country and its future in this crucial hour. Continue to prod us into action, to give us the benefit of your unique appreciation of this nation's moral obligations. Dissent vigorously—but peaceably and within the broad parameters of our constitution, and I pledge to you that we will respond.

I ask unanimous consent that Senator PERCY's remarks be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY SENATOR CHARLES H. PERCY

MAY 8, 1970

You have come here today because you are angry—over an undeclared and tragic war in Southeast Asia that has been escalated sharply in the past 10 days, and over the inexplicable and indefensible killing and wounding of young people last Monday on the campus of Kent State University.

I share your anger. I opposed every escalation of the debilitating conflict in Vietnam during Democratic Administrations, and I would therefore, oppose just as vigorously any expansion of the war into Cambodia. I had thought we were on the road to withdrawal from a war unrelated to our own vital interests and national security. Now I am astonished and appalled to find that it has been widened into another country without Congressional approval.

But I believe that the abrupt turnabout in Southeast Asia—however misguided—and the shooting by American troops of American students exercising a constitutional right—repugnant as it may be to our national conscience—do not entirely account for your presence here today. You are as aware as I am, I think, that my generation has almost completely lost contact with yours, and that this may be our last chance for reconciliation.

As you pour into Washington this weekend, representative of millions of students across the land, I fear that you are on the verge of total alienation. This nation may be about to lose the allegiance of its young people, the millions of Americans between 18 and 30. It is a terrifying thought.

It does no good today to deplore once more the loss of our lives, our treasure and our international reputation in South Asia. It is fruitless to lament again the plight of the poor, the hungry, the disenfranchised, those deprived of their civil rights. It is not enough to speak out against the inflammatory rhetoric, much of it emanating from the highest levels of government, which has driven moderates into the radical camp, transformed progressives into revolutionaries.

You have heard enough words. What you want is action, evidence that your voices have the power to shape the policies of the national government.

Today I offer you some specific promises:

First, I promise that I will work to redefine and clarify the war-making powers of the President and the Congress. We in Congress have the constitutional power to declare war, but it is necessary to go back through six Administrations—to World War II in the Roosevelt Administration—to find a war that has been declared by Congress.

Since the end of that declared war the United States has lost scores of thousands of men killed and wounded and upwards of 200 billions of dollars in undeclared conflicts, skirmishes, police actions—pick your own term—in Korea, the Dominican Republic and Southeast Asia. And there are no statistics available on the clandestine adventures—in Cuba, Guatemala, the Congo, Indonesia.

Second, I will introduce a resolution stating that it is the sense of the Senate that no American forces—land, sea or air—may be sent into combat without the express consent of the Congress, except in response to a direct and obvious attack.

Third, I have decided to co-sponsor and will work for enactment of a proposal calling for the repeal of the Gulf of Tonkin Resolution, the shaky instrument that has been used to justify countless escalations of a dreadful war.

Fourth, I have decided to co-sponsor and work for enactment of an amendment that would cut off funds for the Cambodian incursion.

Fifth, in order to give impetus to the legitimate aspirations of young people to play a forceful role in the formulation of national policy I am today urging the presidents of all American colleges and universities to suspend classes for at least one week prior to next fall's congressional elections to permit the nation's millions of college students to actively campaign for the candidates who will best represent their views. Coupled with this massive demonstration of political action we must press to give the franchise to 18 year olds. If it takes a constitutional amendment, so be it and let us get on with it. Young men and women must participate directly in the electoral process, making our officials and institutions more responsive.

Now that I have outlined my proposals, I would like to ask something of you. I urge you with all the force I can summon to shun and help prevent the violence that will only retard progress toward our common goals.

Violence is a form of self-indulgence, providing momentary release at the expense of the long-range aspirations we share. Violence: arson, damage to life and property—should be condemned and treated as the criminal acts they are, whether it be the wanton destruction of a scholar's life work or the death of innocent student by-standers. It can only lead to further polarization of this already battered but still great nation, and destroy our opportunity to represent your views effectively.

I do not say that you have not been provoked—verbally and physically—by a generation that too frequently mistakes your idealism for intellectual arrogance and ignores your laudable aims while concentrating on superficial matters, such as hair length and beads. But I do know that more violence will only turn the generation gap into an unbridgeable chasm.

If you feel today, in an almost unprecedentedly depressing week in our national life, as if all of your protests have been unavailing, I wish to disagree with you. I speak as a member of one institution, the United States Senate, and I can tell you that you are being heard. The message is loud and clear, and I hope you will not allow it to be muted by the tragic events of the past several days. Moreover, I believe that the President has heard and is listening now. I believe that he wants to end this war. I believe that the ending will be hastened.

In some measure, your dissent has been responsible for a formidable number of actions we have taken. With your support, we have begun to give military appropriations the scrutiny they deserve, to weigh the need for advanced military hardware against pressing human needs and cut billions from the defense budget without compromising our national security. The Senate also has turned back an attempt to emasculate the Voting Rights Act of 1965 and succeed in having it renewed. It has greatly expanded programs to feed the hungry, another high national priority. It has just rejected a second Supreme Court nominee, one who exhibited lack of sensitivity to the aspirations of all Americans for full membership in American society.

I do not mean to dwell on our accomplishments, for so much remains undone, but only to offer you hope. I see in Secretary Hickel's courageous letter to the President a growing understanding in the Executive Branch that this Administration will never win your support through benign neglect. In the appointment of Judge Blackmun to the Supreme Court, I see a reassuring sign that the court will regain the integrity and public trust it must have.

I state unequivocally that there is hope. This remains the greatest form of government devised by man. It was forged in a revolution and the fervor of that revolution has nourished it over two centuries. It can move it again, but only if the great energies are used with restraint, and genuine care for our future. A bloodbath would only restore the tryanny that we have rejected since the first days of the Republic.

So I would say to you in closing: Do not despair of us, do not abandon your country and its future in this crucial hour. Continue to prod us into action, to give us the benefit of your unique appreciation of this nation's moral obliagtions. Dissent vigorously—but peaceably and within the broad parameters of our constitution, and I pledge to you that we will respond.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which the clerk will state.

The Bill Clerk. An act (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. What is the pending question?

The PRESIDING OFFICER. The pending question is on the last committee amendment on military sales.

Mr. HOLLAND. Mr. President, continuing my inquiry, I understood at the time of our adjournment yesterday that the distinguished manager of the bill, the Senator from Idaho (Mr. Church) had just offered a further amendment which had become the pending business. Am I correct or incorrect in that understanding?

The PRESIDING OFFICER (Mr. Spong). The Chair is advised that the Senator from Idaho withdrew that amendment, or those amendments.

Mr. HOLLAND. I thank the Presiding Officer.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Mississippi (Mr. Stennis) for a period not to exceed 1 hour.

Mr. STENNIS. Mr. President, I understand that the Senator from Ohio (Mr Young) had a matter with which he wished to proceed briefly as in the morning hour.

Mr. YOUNG of Ohio. I thank the Senator from Mississippi.

Mr. STENNIS. Just a moment; we will have to see about it. I would be glad to yield to the Senator now, if we can work it out under the rules of the Senate, but we are in the position of having before us the pending business, which requires the application of the rule of germaneness.

Mr. YOUNG of Ohio. May I say to the Senator from Mississippi, I was really waiting in the Chamber here to speak for about 5 minutes in the morning hour, but I was called out by the majority leader to discuss a matter with him. I can speak later, or if the Senator will yield to me for 5 minutes, without taking any of his time, I can speak now.

Mr. STENNIS. The Senator from West Virginia has certain responsibilities here, Mr. President; I yield to him to explain the situation.

Mr. BYRD of West Virginia. Mr. President, I appreciate the thoughtfulness of the Senator from Mississippi, but I would be bound to object to any transaction of routine morning business, during the next 3 hours, now that the unfinished business has been laid before the Senate.

Mr. YOUNG of Ohio. All right, I can wait.

Mr. BYRD of West Virginia. I say this hoping that the Senator from Ohio (Mr. Young) will appreciate the situation I am in. May I say, incidentally, that I came to the Chamber with some morning business of my own that I wanted to discuss, but now I, too, must abide by the rule until the 3 hours have elapsed.

Mr. YOUNG of Ohio. I will abide by the rule also, and present my matter later.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for his usual understanding and forbearance.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may ask for

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a quorum call without losing my right to the floor—and I add that I do not expect this to be a live quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, my remarks today will be addressed, of course, to the pending amendment to the pending bill, and specifically to the amendment proposing restrictions on the President of the United States in his conduct of the very unfortunate war in South Vietnam.

I do not propose to attempt to review the entire war. I was opposed to our going in there with military power, but I have since supported it without any exception. I will support the men, without any restriction whatever, as long as they are called on to fight. But I am very deeply concerned that we get out as soon as we possibly can.

Also, I wish to make clear that my position all along has been—and is now—that I do not favor our going into Cambodia, or extending this war for Cambodia's protection. They may deserve it, but I do not think we can extend it that way. I am not in favor of our trying to sustain and protect a government there. I think that would involve us in Cambodia's war, and it is already involved in one to a degree. I do not favor—and I have let this be known all the time—furnishing any appreciable American arms to Cambodia, if for no other reason than that means sending trainers and advisers, and that means involvement.

However, we are now technically on Cambodian soil—and this is something that I have favored before now—for the primary purpose of destroying the ammunition dumps, the military supplies, the food supplies, the weapons, and the manpower that have a large role in the war in South Vietnam. That area is as much a part of the battlefield of South Vietnam as a man's nose is a part of his face. For years we have had this extraordinary situation where, in many places, our adversaries—and they are exceptionally tough fighters in this type of war—could take refuge in Cambodia for safety, for replenishment, for rest. The same spots were being used for storage of the supplies of the type I have mentioned. They could fight us, and have fought us, over and over in Vietnam, inflicting severe damage on us, and great loss of our manpower, and then run away and regroup and fight another day, often over the same territory, again and again and again.

According to the common sense and judgment I have, we cannot win—we cannot even bring to a conclusion—the war in a successful way if we have to conduct the war under those terms.

When I speak about the President in this speech, I am not so much talking about Mr. Nixon as I am about the power of a President and his duties and responsibilities under the Constitution. Frankly I am glad that we have a President who had the courage to take this step, if his judgment was that he should take it. I think that thus far he has conducted himself about it in a very fine way, and in a way that already has proved to be very effective and very helpful. I want to read briefly the main points from a statement that I read yesterday, and this is the most recent one I can get, as to the losses of our enemies there.

We have already captured and taken over and control, or have destroyed, in these sanctuaries, enough equipment to supply 20 enemy battalions. This includes more than 7,000 rifles, 1,000 crew-served weapons—meaning mortars and machineguns—along with more than 8 million rounds of small arms ammunition, which would have supplied 20 battalions for upward of a thousand battalion-sized attacks.

I do not recall at this time how many men are in their battalions, but theirs are smaller than ours. This is calculated on the basis of 20 battalions, and this would supply them to make about a thousand battalion-sized attacks of the kind they have been making on us.

Food supplies located so far comprise almost 5 million pounds of rice, which we know is the basic food there; and that is enough rice to feed the entire enemy forces now in the III and IV Corps area of South Vietnam for 5 months.

Twenty-two thousand mortars and rocket rounds have been found, an amount large enough to supply about 3,000 fire attacks in South Vietnam of the same intensity that the enemy has been conducting in recent weeks. More than 5,400 of the enemy have been killed in Cambodia and over 1,400 captured. If early estimates of about 40,000 enemy troops in Cambodia are correct, 17 percent of their forces in Cambodia have already been destroyed.

Mr. President, I want to make sure that it is very clear that I have nothing except the highest regard for the motives and intentions of those who propose and support the pending amendment. I make no attack on them. It is unfortunate that some of them have been called by name in an unfavorable way. That is very uncalled for and unfortunate. I do not believe it represents the sentiments of the organizations they represent.

Now, Mr. President, this does involve very strong opinions as to who is correct in this very involved and far-reaching issue.

I do not think there is any more important question, especially in world affairs, than that concerning the power of the President of the United States, his constitutional duties, his prerogatives, and his authority.

One phase of it which has not been understood or discussed very frequently is the power and the duties of the President as Commander in Chief. That is just not an idle term. Those who wrote the Constitution could not at first agree how the Commander in Chief should be chosen. They finally wrote into the Constitution that the President of the United States should be the Commander in Chief. There was strong objection to that at the time, but it was adopted, and it has worked very well.

The President of the United States is the only Commander in Chief we have. He must carry out that role. It is a role which is known all over the world by, adversary and friend alike. They know that he is our Commander in Chief.

That is why it is so serious to think about passing legislation that would tie his hands or limit him so that he could not act as a military Chief Commander until he had come down here to Congress and sought a law and obtained its passage. Everyone knows what our enemies would do in the meantime. We know that they would be given enough notice so that they could change their plans, get away, change their policy, or do almost anything else they wanted to do.

Mr. President, the question we are debating involves strong and emotional issues of what is right and wrong; but it involves also significant questions of the power of the President, as Commander in Chief, and his constitutional prerogatives and authority.

At the threshold of this issue is one basic and fundamental fact which must be clearly recognized and understood; otherwise confusion and misunderstanding will surely result. That fact is that by the action we took in Cambodia, we have not—I repeat, we have not—assumed or undertaken any new national commitment whatsoever. We have not committed ourselves to military support for the Cambodian Government. Nor have we promised shipments of American arms or committed ourselves to send military advisers. Mr. President, I am opposed to all of those steps. We have acted pursuant to and entirely within the context of an existing commitment. Within that framework, we have taken a military step, a campaign and a series of actions designed and intended to better our position in the war in South Vietnam and to reduce American and allied casualties. This all-important fact should be kept in mind as the debate continues.

I am not an expert on military matters and how to fight a war, but I have been close to the subject for some time. I believe that withdrawal of our troops will not be successful unless steps like that are taken. I do not believe that we can permit the sanctuaries to be left with immunity.

Personally, I think that if we do tie the hands of our Commander in Chief, so that he would have to get a law passed in order to go forward, that will be like sending a hot message to our enemies, "Come on back. Start building up as much as you please again. We are not going to come back so far as U.S. forces are concerned." Thus, they will be back for certain, and back up close to the line, too.

If the pending amendment is adopted, that is what will happen.

We are now attempting to legislate with respect to a battle which is actually being fought now—today—near the Cambodian-South Vietnamese border. By the assurances which have been given us by our highest officials, from the President on down, we know that the present action is limited in scope, limited in purpose, limited in geography, limited in size, and limited in time. I submit to all Senators that, under the cir-

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cumstances, there is no precedent in all history for Congress to outline, limit, or define the perimeter of a battlefield here in the halls of the Congress. I believe this is the first time it has ever been undertaken. That is exactly what we will be trying to do, in this Chamber, to form the perimeter of a battlefield, where the battle is already in progress and men are dying today—I repeat, today.

If we are going to do that, we should draw every one of those men out immediately, not only from Cambodia but also from Vietnam. We cannot have it both ways at once. That is clear to me.

I believe that as this sinks into the minds of the American people, concerned as they are and vexed as they are about this war, their thoughts will be, "Do not stay the hands of our Commander in Chief. If we are going to stay there at all, do not put bonds on him; instead come out altogether."

I know of no one in this body who wants to increase the hazards to our young men in Vietnam and Cambodia. Of course not. It is a matter of judgment. I am glad that we have a President who had the courage to act on the facts as he saw them.

If we adopt this amendment, it would be unthinkable and an affront to reason and to the President.

Mr. President, I am not thinking in terms of President Nixon. I am thinking in terms of a constitutional American Commander in Chief, a constitutional Chief Executive who has been chosen by the people and who is known throughout the world as our Commander in Chief, who know that he is the only American who can carry out that role. We cannot put in a substitute for Mr. Nixon just because we do not like his judgment.

Mr. COOPER. Mr. President, will the Senator from Mississippi yield at that point, or would he prefer to finish his remarks first?

The PRESIDING OFFICER (Mr. EAGLETON). Does the Senator yield?

Mr. STENNIS. My remarks are not long. I should like to finish them, and then I will be happy to yield to the Senator from Kentucky.

I want to make it clear that I think Congress has the power—I am not arguing that Congress does not have the power—to withhold an appropriation. We can just vote nay on an appropriation.

My position is that when a man is Commander in Chief, as long as he is exercising a judgment that is within reason—that would not apply in a case of a man that happened to be insane—as Commander in Chief, he is the only one that we have to make decisions. We have no one else. It is a matter of either or nothing, as I see it, in backing him up in these unusual and extraordinary conditions.

I know fairly well about the present President's feelings of responsibility in this war as a whole. I do not think it is necessary to say this, but I will say it anyway. If I did not feel that the President is absolutely, down-to-earth honest in trying to use his best judgment, based on the best advice he can find, and that he is dedicated in this matter regardless of politics—it was a long chance that he took politically—and if I was not satisfied with those things, then I would be driven to some other conclusion and believe that something else had to be done.

I am impressed with his attitude in the matter. I am impressed with his judgment. And I give some value to his experience in handling these difficult questions and decisions.

I say that not to build up the President. He does not need any building up. It is something that I decided ought to be said to the American people. They are being told a lot of things about this situation, some of which are misleading.

As I say, I am glad that he had the will to move against these sanctuaries. Under these facts, I concur in his judgment.

The President never told me this, but I have been convinced for some time that to make the Vietnamization and the withdrawal program work, we must not give immunity to these sanctuaries. Therefore, I think action against them was necessary.

As a practical matter, the Congress, acting through its control of the purse strings, may have the power to hamstring and inhibit the President in directing military operations which he deems necessary for the safety of our ground forces and from exercising the full range of his powers as Commander in Chief.

Simply because we have this power does not, however, make its exercise either just or wise. As a matter of fact, I know of no instance in recorded history when any Congress has even seriously considered restricting the power to the extent that this resolution would when American fighting men are engaged in battle on foreign soil and are actually on military missions, putting their very lives in jeopardy while this debate is going on.

I remember as a youngster the debates in this Chamber following World War I. Woodrow Wilson was then President. A majority of the Members of Congress were involved in this effort, and I think it stirred the Nation. However, no one was then being sent forth to die. The battles and the shooting were over, no men were dying on the battlefields. We have altogether a different situation today.

I find it difficult to believe that we really want to convert the Senate of the United States into a war room and to try to direct battle, prescribe tactics, control strategy, draw boundaries, and otherwise to usurp the responsibilities and the prerogatives of the President and our military leaders. This is not a proper function of the Congress; and it should not be. And I do not believe that it ever will be.

We can be certain if we pass this amendment and advertise to the world that, as far as American troops are concerned, the Vietcong and the Northvietnamese can reoccupy and roam the sanctuaries of Cambodia at will and without fear of attack, there will be unrestrained jubilation in Moscow, Peking, Hanoi, and every other Communist capital in the world.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I have requested that I be permitted to finish my prepared remarks.

Mr. FULBRIGHT. I am sorry.

Mr. STENNIS. Mr. President, we can also be sure that the negotiating power of the President of the United States, as far as his ability to bring this war to an end by negotiation will be reduced to nothing—absolutely nothing.

I heard the astronauts describe how the gages went down to zero when they had the explosion. The astronauts realized what that meant concerning their chances of getting back or surviving. And I think that the passage of the pending amendment will restrict the power of the President as a negotiator to that same level—zero.

The question is asked repeatedly why this amendment should not be adopted if the plan is that in the future the South Vietnamese only will be utilized to clean out the sanctuary areas. This is a legitimate question and there are several answers to it. In the first place, the exact meaning of the amendment with reference to the use of South Vietnamese troops in Cambodia is unclear—particularly if they are receiving financial, logistic, and materiel support from the United States. Second, it would tie our hands in a wide variety of possible emergency situations which might arise. For example, if a South Vietnamese force of several thousand, or several hundred, should make a raid into the sanctuary areas of Cambodia and should be trapped or threatened to be overrun by enemy troops, this amendment would tie our hands to the extent that we would not be able to send an American relief force to their assistance even though they might be just a few miles over the Cambodian border from South Vietnam. Obviously, such a situation would be untenable and I do not believe the sponsors of this amendment would even sanction such a development.

I think that if we are going to stay in South Vietnam and try to bring this war to a conclusion, we ought not to publicly announce our intentions and carve into the written law of the land this limitation on the powers of the President of the United States as Commander in Chief. Instead of protecting our men, prohibiting the President from sending them back if he thinks it necessary will have the opposite effect.

Going back to the constitutional question involved, I do not know of any sound, legal basis or any real and valid precedent for that which is being proposed here. Under article 2 of the Constitution the President is made Commander in Chief of the Armed Forces. As early as *Fleming* v. *Page,* 50 U.S. 602, 614 (1850), the U.S. Supreme Court held that the responsibility of the President under article 2 is "to direct the movement of the naval and military forces placed by law at his command and to employ them in the manner he may deem most effectual.

As the President indicated in his speech on April 30, the activity in Cambodia is designed to clean out major North Vietnam and Vietcong occupied sanctuaries which for many years have served as bases for attack on American and South Vietnamese forces in South Vietnam. The

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President indicated that this exercise of this responsibility as Commander in Chief of the Armed Forces, was considered necessary to defend the security of American men, which, in turn, was essential to accomplish his basic purpose of assuring the continuing success of the withdrawal program, to end the war in Vietnam, to reduce American casualties, and to win a just peace. It seems to me that we would be taking a rather rash and reckless step to enact an ironclad statute which would absolutely deny him the funds to do what he thinks is necessary along these lines.

The broad and sweeping powers of the President as Commander in Chief have not always demanded a declaration of war by the Congress. There are many instances where this was not done. We fought an undeclared war with France in our early days; we fought an undeclared war with the Barbary pirates in the early days; Marines have landed on foreign shores many times; we went into Korea under President Truman's directions; under President Eisenhower we landed in Lebanon; and there are many other instances which could be cited where similar actions were taken without a declaration of war. There is a great deal of precedent to support the Commander in Chief in taking the action President Nixon took in making the thrust into Cambodia.

As far as I can ascertain, the nearest thing to a precedent along these lines was the adoption of the amendment to the defense appropriation bill last year—which now appears as section 643—providing that—

> In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground troops into Laos or Thailand.

Aside from the fact that this is far less restrictive than the proposed amendment, at that time the American troops were not on the mission which the statute was designed to prevent and were not engaged in the prohibited combat. Incidentally, I opposed that amendment and voted against it. But there was no one being sent into battle, no battle was going on, men were not called upon to die in those battles, and that is the big distinction, as a practical matter, from the conditions today.

While the Cooper-Church amendment and its general thrust is somewhat similar to the President's expressed intention concerning our limited role in Cambodia and the completion of our operations by July 1, there are certain elements of it which raise serious questions and which could affect adversely the President's policy on Vietnamization and the steady withdrawal of American combat forces from Vietnam. Therefore, I think that it would be wise to look at the provisions of the amendment.

Before I leave that point, I wish to say with respect to the subject of declarations of war, I remember standing within a few feet of where I am now standing when word came that President Truman had sent our Armed Forces into Korea. I realized very clearly then that that act, within itself, even though I supported the concept of the United Nations, was a terrific precedent and that it might plague us. But I also noted that, for many years after I came here, the idea of the issuance of a declaration of war by Congress was laughed at and scoffed at as being old-fashioned and out of the times; why, it was ridiculous. Some of you remember that. I can give names and I can almost give dates, if you want me to.

Most of the thought behind all of these alliances that we signed up for, whereby we tried to underwrite everything all over the world, was based partly on the idea that declarations of war were old-fashioned and out of date. There is very much concern about it now. I am glad there is. I hope we can bridge that gap as a general proposition, but now it is too late with respect to South Vietnam. We stood here and sent all of those men over there to fight and now we talk about a declaration of war, and some say, "We ought to declare war." We are now on the way out. It is too late in this war. We are on the way out; we are withdrawing. We are trying to cover our withdrawal and make it safe for ourselves and our allies.

Paragraph one of the amendment clearly would prohibit the presence of any U.S. forces in Cambodia, whether as advisers, combat troops, or otherwise.

Paragraph two would prohibit payment of the compensation or allowances, directly or indirectly, of any U.S. personnel in Cambodia furnishing military instruction to the Cambodian forces or engaging in any combat activity in support of Cambodia forces.

Paragraph three would prohibit our entering into any contract or agreement to provide military instruction in Cambodia "or to provide persons to engage in any combat activity in support of Cambodian forces." This could be construed to prevent our support, financial and otherwise, of any South Vietnamese activity in providing instruction to the Cambodians or of combat activity by the South Vietnamese in support of Cambodian forces. Since all operations of the South Vietnamese military forces are supported by us with finances, logistics, and materiel, it would appear that this portion of the amendment might even prevent the armed forces of South Vietnam from making forays against the sanctuary areas, thus assuring that the enemy could reoccupy these areas without any molestation at all.

I say that is a possible interpretation. If this proposal is going to be passed that language should be clarified.

Paragraph four raises a very serious problem, since it would deny funds for funding any combat activity in the air above Cambodia in support of Cambodian forces. In interdicting trails and supply routes it will be impossible to tell whether the air combat activity and the interdiction was in support of the South Vietnamese forces, the U.S. forces, or Cambodian forces. That is the reason I thought we should have defeated the amendment last year. Obviously, any interdiction of enemy supplies as they move down the trail and into the pipeline would be of benefit to all of the enemies of the North Vietnamese and the Vietcong—the United States, South Vietnam and Cambodia.

Thus, even if one should agree with the general purpose of the amendment, it would appear that the language should be modified so as to bring about clarification to make its purpose and application clear beyond doubt. Certainly the Senate should not take any action which should in any way diminish the power of the President to act for the protection of the United States and its troops and, therefore, at the very least, this amendment should be revised to make clear that the President has the right to take any necessary action in emergency situations to protect the lives of American troops remaining within the Republic of Vietnam.

I think that it is very important that we stop and consider carefully what we are now asked to do. There is a serious question here of the separation of powers, and a serious question of whether or not it is either prudent, necessary, or wise to place such limits and restrictions on our military operations along the South Vietnamese-Cambodian border. The prohibitions we are asked to legislate may very well be of great aid and assistance to the enemy and could well result in added American casualties.

At the very least the adoption of this amendment will telegraph our plans to the enemy and let him know that, as far as American troops are concerned, he can operate in the Cambodian sanctuary areas with immunity. In addition, it will put the President in a legal straitjacket with respect to military operations directed against enemy forces in such sanctuaries and would tie his hands to an extent which to me is unthinkable.

I do not totally discount the South Vietnamese troops, but I have been hearing numerous optimistic reports about their improvement for many years. However, I believe by now there is improvement, and very substantial improvement. It is enough to give hope to me that, before too long, they may have the military strength to stand on their own. But not now. This Cambodian action is going to be a good test for them, all right. Not now—it is too early. We may have to continue to raid these sanctuaries, and it is not necessary to publish the fact that we will not. If we do they will know that they are taking no chances.

If we do adopt this amendment, the result will be, I believe, that the North Vietnamese forces will move back to the base areas as rapidly as possible and use them once again as launching pads for attacks against United States and South Vietnamese forces within South Vietnam. Guerrilla activities based in Cambodia against South Vietnam sooner or later will be stepped up and the main forces will be again concentrated in these areas in preparation for possible massive attacks into South Vietnam. Cambodia will once again become a vast enemy staging area and the springboard for attacks on South Vietnam along 600 miles of frontier; it will be a refuge where enemy troops can return from combat without fear of retaliation. North Vietnamese

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men and supplies could then be poured into Cambodia, not only jeopardizing the lives of our men but the Armed Forces and people of South Vietnam as well.

That would just be encouraging them. We would be encouraging those conditions by putting here, in the cold stone of written, published law, our intention to cut the Commander in Chief off from this avenue of action.

Therefore, I would think that the passage of the resolution in its present form would inevitably result in increased American casualties. The President and Secretary of State have made it clear that the action we have taken has not been for the purpose of expanding the war in Cambodia, or for increasing our commitments, but for the purpose of ending the war in Vietnam and winning the just peace we all desire. I do not think that the Senate of the United States should stand in the way of the President taking that action which is necessary to provide for the defense of American forces and for success of the Vietnamization program.

I believe that is the issue. I believe the choice is to let the President go on with this program or just pull them all out and abandon South Vietnam. There may be a few Senators that would propose that we abandon that mission now. I believe, however, they would be very few.

I think that we should realize that the mission against Cambodia is planned to be short and brief for a specific purpose. The President has assured us that all American troops will be withdrawn by July 1, and he has also assured us that we have no commitment whatsoever to go to the aid of or to the support or defend the Cambodian Government. The Secretary of State reemphasized this on May 13.

Someone said to me, "Well, this amendment just takes him at his word" No, it does not. It repudiates his word. It refuses to take his word. It kicks him right in the face. It says, "No, we won't take your word. We are going to box you in here, in the cold letter of the law. You are not to make another move in this direction without coming in here and making a request, and then we will debate it. Or take it to the House, and it may come from there to us, and it will come back here and we will debate it in the normal process."

What is the enemy going to be doing in the meantime? They are already prepared. They already have this long notice. We would have then the saddest of all the words: "Too late. Too late."

I say the choice we have here is to go on with the Vietnamization program and withdrawal—which the President is doing well so far—or stripping him of his authority to carry it out, or pulling out of South Vietnam entirely.

We all know that since late 1965 Cambodia had played a major role in Hanoi's strategy for taking over South Vietnam. The Vietnamese Communists have made use of its territory for tactical sanctuary, for base areas, storage depots, for infiltration of personnel, and for shipment of supplies. They have also procured arms, food, and other supplies from Cambodian sources.

The sanctuaries have played a key role in Hanoi's response to the Vietnamization and pacification programs. Because of their existence, especially the sanctuaries in southern Cambodia along the III and IV Corps frontiers, Hanoi has always been able to mass hostile forces in close proximity to major South Vietnamese population concentrations. Not only did this enable the enemy to make hit-and-run raids across the border; it enabled him to pose a continuing threat to South Vietnamese internal security that the progress of pacification and Vietnamization could not entirely irradicate.

The violation of Cambodia's neutrality by the North Vietnamese and the Vietcong over a period of many years, and the inability of Cambodia to expel them by force or otherwise give us the right, under international law, and under basic considerations of self-defense, to strike the enemy in his sanctuaries on the soil of the unwilling and reluctant host nation.

I have no questions about that. That is just common, crossroads commonsense. If my neighbor lets someone use his backyard as an arsenal to make attacks on my family, then I have to attack that arsenal regardless of whether it is on my side of the land line or on his side. I am compelled to do so by self-defense and by every motive and basic consideration of human nature. The ground which he permits—or perhaps he cannot help it—to be used as an arsensal for destroying me loses the sanctity that would otherwise be his because it is his home.

Therefore, I think it would be well for us to look at the objectives which we have in mind in the operations against the Cambodian sanctuary areas. First, from a tactical standpoint, the objective is to destroy enemy supplies, enemy facilities, enemy logistics support, and enemy storage areas which have been used for years to attack allied soldiers in South Vietnam. That has been the trouble; we could not get them out of these sanctuaries. The long-term objective is to hasten withdrawal of American troops, to speed up Vietnamization, and to reduce American casualties.

Because of the approach of the monsoon season, if the operation was to be undertaken, it had to be undertaken at this time. This was not an "invasion" of Cambodia in any sense of the word but purely a protective measure we finally decided on taking—finally, after all these years—against the sanctuaries which will be terminated very soon.

While Congress may have the power to limit the areas in which our forces may operate by riders on appropriation bills and by otherwise barring the expenditure of funds, this procedure does not recommend itelf to logic. It certainly should not do so without a full understanding of the impact and ramifications of what it is doing. We must be concerned with the impact on American casualties, the Vietnamization program, the pacification program, and the withdrawal of American troops.

I submit that the passage of the amendment will not help in any manner in protecting the lives of American military men, the Vietnamization program, and our plans for troop withdrawal. As a matter of fact, tying the President's hands with regard to Cambodian operations would severely jeopardize the Vietnamization program and the present plan to withdraw 150,000 American troops over the next year.

We had just as well forget this withdrawal, in my humble opinion, if we are going to turn these sanctuaries back over to their former immune status. That would result because of the operational advantage that would be afforded again to the North Vietnamese in striking against the South Vietnamese and American forces from the privileged sanctuaries in Cambodia.

I think the seriousness of the situation has been illustrated and dramatized since the President announced the 150,000 troop withdrawal plans. No sooner had he made this announcement than a broad expansion of the Cambodian sanctuaries was started by the North Vietnamese. They were attempting to create a continuous 600-mile stretch of Communist-controlled territory along the Cambodian-South Vietnamese border—a springboard for attacks against our troops in South Vietnam and a refuge and safe haven where enemy troops could return without retaliation. This buildup was accompanied by an actual invasion of Cambodia after the overthrow of the longtime government of Sihanouk.

I think it would be a great mistake to tie the President's hands at a time when rapid and direct response is necessary to protect the lives of our 400,000 troops fighting for our country's interest in South Vietnam. In entering Cambodia all the United States and South Vietnamese forces have done is to exercise the right of collective self-defense which is restricted in extent, purpose, and time, and, for the large part, is confined to border areas where the Cambodian Government has long since ceased to exercise any effective control and which has been completely occupied by the Communist forces.

I return now briefly to the constitutional question involved. I think it is essential that the President be able to issue orders to military units, and to take necessary steps to bar any hostile move against American bases or against our own troops stationed either at home or abroad. I think his position as Commander in Chief of the Armed Forces necessarily gives him the power to take such action and I think that the Senate and the Congress would be ill advised to attempt to deprive him of it, especially under these circumstances.

It appears to me that this amendment invades areas of responsibility which are and properly should be reserved by the Constitution to the President alone. As Commander in Chief the President has the primary responsibility for directing the operations of the armed services, either within our country or outside of it. Reasonable men may very well disagree about the wisdom of his actions, but it would appear both from the Constitution and from historical precedents that the President has the power to send U.S.

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military forces abroad when he deems it to be in the national interest. As John Marshall noted when a Member of the Congress in 1799:

> The President is the sole organ of the Nation in its external relation and the sole representative with foreign nations.

I think that is a significant point, not just from the military standpoint, but that he is the sole organ—the sole organ of the Nation, both as Executive and as Commander in Chief. When we close his mouth or cut off his power, there is no substitute that we can put in his place. Who is going to be a substitute? Are we, the Congress, going to be the substitute?

Even leaving aside such pertinent matters as the Tonkin Gulf resolution and the SEATO pact, I think there is a sound legal basis for what the President has done. His power as Commander in Chief under article 2 of the Constitution, as already cited, is broad and sweeping. Historically, it has not always required a declaration of war by the Congress, as I have illustrated.

Therefore, Mr. President, I believe that we would commit a grievous error, especially now, if we enact into cold, hard law this proposed limitation on the powers of the Commander in Chief while our fighting men are still in battle. From my position and from my understanding of the problem I must warn the American people against being stampeded, against coming to quick conclusions, against going over the brink in support of this resolution, prompted by the desire we all share, including its sponsors, to bring the war in Vietnam to an end just as soon as possible. We have a serious and difficult problem in South Vietnam but we should not allow this to cause us to go over the brink and cut and run without stopping to reason. We must and should take time to give this grave question serious and complete second thoughts.

That term is a favorite of mine. I believe the second thought of the American people is nearly always sound. Their first thought may be emotional or impulsive, but give them time for that complete second thought, and if they have the facts, they will come up with sound reasoning.

As I have said, I believe that the action against the sanctuary areas in Cambodia was a necessary step in order to protect our men on the battlefields of South Vietnam and to insure the success of our planned withdrawal program. I hope that both the Congress and the public will show forebearance and patience and will await further developments with respect to the action which the President has taken in what I believe to be a sincere and limited effort to destroy the sanctuary areas and thus hasten the end of the war and the speedier return of our American troops.

Mr. President, I believe that this amendment, the Cooper-Church amendment, though offered with the finest motives, has potential military mischief in it. I believe it involves chances that we are not prepared to take. I hope and believe the solemn judgment of this body will be to reject the amendment.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I had said I would yield to the Senator from Kentucky. At this point I yield to him.

Mr. COOPER. I expect to speak on this subject on Monday. Between now and then, I shall be able to read carefully the speech of the distinguished Senator, although I have heard the major part of his address. But I thought I should explain at this time, to him and other Senators present, the purpose of the amendment.

I say with all deference to the distinguished chairman of the Armed Services Committee that during his speech—and I know it has been a very honest speech, because it comes from an honest man—I do not believe he has delineated precisely the effect of this amendment, first, as it affects the constitutional powers of Congress and the President and, second, as to its policy implications.

I think I can tell the Senator the intended purpose of the amendment, the intention of the sponsors of the amendment, and they are the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), as well as myself. We are concerned about the situation in Southeast Asia and also we are appreciative of the President's intentions and constitutional powers. We have worked to prepare an amendment which is applicable to the circumstances in Southeast Asia, and to the constitutional powers of both the President and the Congress.

There are two purposes of this amendment. The first purpose is expressed in subsections (2), (3), and (4). The purpose is to prohibit all U.S. forces from becoming involved in a war in Cambodia, for Cambodia, for any government in Cambodia, for any Cambodian military forces.

What is the constitutional basis to support the first purpose? We have tried in this amendment to assert the powers of the Congress. We do not attempt to construe the powers of the President, except in one respect, our purposes to prohibit funds for a war for Cambodia, for its forces, for any government, and as I have said, it does prohibit the support of any U.S. forces on the soil of Cambodia, in support of Cambodia, and Cambodian forces without the approval of the Congress.

Further, subsection (3) provides that we shall not employ, through contract or agreement, the citizens or nationals of another country to fight in Cambodia, for Cambodia, or their forces; because if that were done, and even though our forces were not in Cambodia, the United States would be committed to their support, and inevitably, I believe, we would be drawn into a war for their support, as we have been drawn over 20 years to the support of South Vietnam.

The Senator stated—and many have stated in their comments on this amendment, that we are inhibiting the constitutional powers of the President to protect the lives of American soldiers. Of course, this argument has great appeal. It has appeal to me. The President of the United States, as Commander in Chief, does have large wartime powers. But I do not believe this power can be employed to enter a new war in another country—for Cambodia—particularly when there is no obligation, no treaty obligation, no obligation under the SEATO Treaty, which Cambodia denounced. Certainly, we have no obligation to engage in the self-defense of Cambodia. And it would be extreme to enter a larger, expanded war in Cambodia upon the basis of the protection of our forces.

The President has great powers as Commander in Chief in wartime to protect our Armed Forces. With respect to this power, this amendment would not limit, except in one respect, and I want to be frank about the exception. It would say to the President "We respect your power to defend our forces and to protect their lives, but you cannot use that power to enter into another war in another country without the consent of Congress."

The President has said, with respect to all these issues that it is his intention to carry out the purpose of section 1, which would prohibit the retention of U.S. forces in Cambodia. He has said at the White House that the outer limit was 7 weeks or July 1, and nearly 2 weeks have passed. I respect his statement, and I believe that he intends to do what he has said. He said, also, that he did not intend that the United States should become engaged in a war for Cambodia, and I respect that statement.

But there are forces and events outside the control of the President of the United States, and certainly of Congress, which—against the best intentions—could make it impossible to carry out those intentions if we remain in Cambodia. I hope this will not happen. I hope the purpose of the President is realized. But we have the duty to do what we can to see that forces beyond the President's control may not happen. If there should be a change in the government in Cambodia, would we support the new government? If Sihanouk is placed in northern Cambodia and is recognized by the U.S.S.R. as he has now been recognized by Communist China, should we support the present government or a successor government and become engaged in a civil war? If the North Vietnamese and the Vietcong move larger concentrations of forces, flanking the sanctuaries, does it then follow that we would stay, to fight in the area, and defeat the express purpose of the President to move out in a fixed time limit?

I say with great respect to the Senator—and the Senator knows how I feel about him—that many of his arguments gave me the impression that likelihood of being involved in Cambodia would occur. The Senator asked: If we clean out the sanctuaries and they are established again, what will we do? The most effective way to protect the sanctuaries after they have been cleaned out would be to stay in or near the sanctuaries; but a new flank, and new sanctuaries to the west would be established. The logic is that in the worst of events, we could be compelled to stay in a country to which we have no obligation at all.

Ours is a limited amendment. We respect the President's authority. In our section 4 we do not seek to limit the

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President's use of air forces to protect our troops in South Vietnam from supplies and personnel coming from the Vietnamese and Vietcong. We do not attempt to define his power to protect our forces. He has wide powers, and he can exercise those powers; and after those powers have been exercised, we in Congress can do nothing.

This stalemate has occurred in other situations in our history, and when it comes, the power of each branch is unclear. As the great writers have said, the best that can be done is to try to respect each other, to reach some accommodation. And this our amendment would do.

Without trying to delineate his powers, we are saying to him, "Mr. President, with great respect for you, if this amendment becomes law, you cannot use the authorized and appropriated funds of the United States to become involved in a larger and wider war in Cambodia." It shows our respect for him. It also shows our respect for our obligations and duties as Senators. I have supported the President's program of Vietnamization. It represents a change from the policies of the past and represents what I consider to be an irreversible policy to bring our forces home.

Mr. President (Mr. CRANSTON), we do not sanction the Cambodian operation in the amendment but, likewise, we do not condemn it. I must say, in all honesty, that any amendment adopted will be taken by some to mean that it was designed to embarrass or criticize the President. I suppose that is impossible to correct.

I argue that, in respect of our own powers, we have moved reasonably to assert the constitutional authority and duty of the Congress, to prevent as I am sure the President wishes to prevent widening of the war and a war for Cambodia.

We do not try to limit the constitutional powers, except as I have stated, of the President in or for the future. I believe, upon reflection, that every Member of the Senate—I do not know—but I believe all Members of the Senate would say, "The people want an end to the war, the Senator from Mississippi wants an end to the war, and we all want the war to be ended."

We do not end it by widening it into a new war in another country, or into an expanded area. As quickly as we can, we want to remove the danger of being bogged down in Cambodia. We want to exercise our powers and our duty as Members of the Senate to assist the President in the ending of the war.

Mr. STENNIS. I am glad to have yielded to the Senator from Kentucky and I certainly expect to listen to his presentation on Monday next.

If I could just reply to one point the Senator made, about the rebuilding of the sanctuary, my point there was that if we put it into a published law that we were not going to have U.S. forces intervene to do it, I believe that that would make it much more highly probable that they would come back almost immediately.

Mr. COOPER. The President himself has said that.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I compliment the Senator from Mississippi on his remarks today. He has done much to put this whole question in its proper perspective. I join him in emphasizing that while some of us may question the wisdom of approval of the pending Church-Cooper amendment we certainly do so with no thought of questioning the motives of those who sponsor the amendment.

It can be universally agreed in the Senate as to its intended objective; namely, to bring about an end to the hostilities not only in Cambodia but also in Vietnam and to get our men out of that area. We may differ as to procedure, but I think that should be emphasized, but I am glad the Senator from Mississippi made that point.

Mr. STENNIS. I think the Senator speaks for all of us in that way.

Mr. WILLIAMS of Delaware. Now, Mr. President, in discussing the pending amendment, as the Senator from Kentucky pointed out, it is effective immediately upon enactment. Thus, we are assuming, if we vote on the amendment today, that we are willing for it to be put into effect today. Reading the amendment, I believe the interpretation has been generally accepted to mean just that.

The amendment provides—

> * * * no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of:
>
> "(1) retaining United States ground forces in Cambodia.
>
> "(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any person in Cambodia who (a) funishes military instruction to Cambodian forces; or (b) engages in any combat activity in support of Cambodian forces.

Mr. President, I think we will all agree that while the initial movement into Cambodia was not to help the Cambodian Government, nevertheless it will help it. We cannot say that our destruction of these sanctuaries either directly or indirectly does not help the Cambodian Government. Thus we are speaking of the present situation in Cambodia.

As the pending amendment has been interpreted, and I think it has been an interpretation which has been accepted by the sponsors of the amendment, it would accelerate that objective by stopping the compensation of American personnel who were in Cambodia upon the date of enactment of the amendment and would also stop any other allowances for those men until they were brought out of Cambodia, back into South Vietnam, or to American soil.

I believe, therefore, that the effect of the amendment would be that the moment it was enacted—and we are voting on it in good faith, figuring it to be passed by the House and signed by the President—we would be saying that American troops and personnel who were drafted into the Army, who did not ask to be assigned to Vietnam, who did not ask to have to march into Cambodia, who went there under orders—they certainly would be subject to court-martial if they would not go—but we say here the moment this amendment is passed, "You draw no further pay. You draw no further military pay. Your family allowances are likewise stopped until you are withdrawn and completely out of Cambodia."

Mr. President, I believe that is rather harsh treatment. I think we have the cart before the horse when we figure to hold as hostages, these men who are defending the principles of the American Government abroad. I do not believe that by any line of reasoning we can justify such action.

Yet I say that as one who wants to bring this war to an end as quickly as possible and as much as anyone else does.

I believe that as long as one American boy is assigned anywhere in the world and wears the American uniform the full resources of his country should be back of him until he is brought safely home.

I do not believe that 5,000 miles away, in the security of the Capitol, drawing our pay daily, we can say to these men, "You are not going to get paid until you get out of Cambodia."

I raise another question. This stops the "allowances" as well as making them ineligible for any pay during the time they are on Cambodian soil.

Assume that the President accepts this amendment and he calls for an immediate withdrawal. Some say that could be done in a week. Maybe in 3 days, but suppose it were in one day. That would be stretching the imagination, of course. But suppose one of the men gets killed on the way out of Cambodia or is maimed for life; the pending amendment if approved would say that he would not be eligible for any allowances or any compensation even if he were disabled on the way out after this becomes law. In other words, such a man would be eligible to receive nothing under this law or any other law, he will not receive any allowances or compensation until he gets back onto Vietnamese soil.

That is not beyond the line of reason, should this be passed in its present form.

In my opinion if there are those in the Senate who feel that the good faith of this country could best be demonstrated to our own citizens as well as to nations abroad that we are going to withdraw our troops from Cambodia as the President has promised, by a monetary factor, then instead of placing the salaries and family allowances of our servicemen as hostage why not place our own salaries in escrow? Why do we not, as Members of Congress, simply say that we will lay our salaries on the line and draw no pay until we get our American troops out of Cambodia?

That would certainly show the good faith of Congress and show it in a much better way than making monetary hostages of our soldiers and their families. Surely the Senate will not stop furnishing them with military supplies that may be necessary to get them back out of the Cambodian area. They did not ask to go in that war zone.

Certainly we are not going to stop sending them supplies. Yet under this amendment there will be no supplies until they get out, whether food, military equipment, or other supplies. There will be no pay for either the men or their families.

We will be telling them that if they get killed or maimed getting out their benefits are repealed by the Congress should this amendment be adopted. I repeat, if Congress really wants to enact a monetary penalty, it should put its salary on the line. If we want to go further we can do it until we get them safely home from both Cambodia and Vietnam.

I venture to say if that procedure were followed we would find one of the hardest working Congresses in history in the interest of peace.

**Mr. STENNIS.** Mr. President, the Senator has made an overwhelming argument.

**Mr. COOPER.** Mr. President, will the Senator yield?

**Mr. STENNIS.** I yield.

**Mr. COOPER.** Mr. President, the logic of the Senator's argument is that Congress should never do anything.

**Mr. WILLIAMS of Delaware.** No.

**Mr. COOPER.** I would like to finish, with all deference. The only certain constitutional power that Congress has over a war is through its power of the purse strings. That is all.

It can pass resolutions. We can through sense of the Senate resolutions and sense of the House resolution express our positions to the Executive. But if he thinks we are incorrect, he does not have to follow our suggestions. The purse is our power.

Mr. President, the Constitution did not give the Congress the power lightly. The Constitutional Convention made a distinction between the King of England and the President of the United States. The King of England had the power both to declare war and to raise armed forces for war.

The Constitution gave to Congress the power to raise and support an army and navy.

The logic of the argument the Senator makes is that we can never use this constitutional power, because he says the soldiers will not be paid and their wives, their widows and children, will not receive allowances.

That decision would be a matter for the President.

If the Congress passes this amendment, it will then be a matter for the President to decide whether it shall be followed. If by some mischance, there was a period of time when this was not observed or any other factor intervened to affect the rights of our servicemen, that matter could be corrected. We respect our servicemen. I know that Congress and the President of the United States would see that such a situation would not remain.

We are trying to deal with the large question of avoiding another war. That far overshadows these objections.

**Mr. WILLIAMS of Delaware.** Mr. President, I respect the position of the Senator from Kentucky. And I do not advance this in a critical manner, but that is the mathematical effect of his amendment.

I voted for limitations of the President's power in a proposal last year which would restrict the assignment of troops in Laos and Thailand. But troops were not there at that time. That was against the future prospect of the assignment of troops.

We have a situation today where there are troops in Cambodia at this time. I want them out as quickly as possible. But it will take time to get them out.

The President has said that all American troops will be out of Cambodia by the end of June. I accept his word as having been given to the American people in good faith.

After the amendment passes, it would take a few days to get them out. This amendment would not be effective July 1 or June 30, or anything like that. It would be effective immediately upon enactment. We would be cutting off all pay and allowances immediately.

I want these troops withdrawn as soon as possible; however, it takes some time to do that, and during that time this loss of their pay can happen.

I think this point should be clear.

I agree that the power of the purse is in the hands of Congress, and perhaps directing that power in certain directions would have influence on the Government.

Rather than using the power of the purse to withhold pay from the boys in Vietnam and Cambodia who are there through no fault of their own, let us put our own salaries on the line and put them on the line as a demonstration of our good faith. We should not put their pay on the line.

I think it would be most unfortunate for the families of the servicemen to feel that they are being cut off from all benefits under any circumstances regardless of how short this period may be.

I question the effect of such action on the morale of our troops. If we could do this today for troops in Cambodia we could do it tomorrow in Vietnam. Does anyone dare suggest we stop the pay of all military personnel in Southeast Asia?

There is tremendous sentiment in favor of bringing them home as soon as possible. However, is this any way to treat these men when we sent them there?

As one who is concerned about the situation in Cambodia I express again that I have not changed my position on that matter. I wish we had not gone in there; but we did go in, and we are there. And now that those men are there, as far as I am concerned every resource of the Government will stay in back of them until they are brought home. That is the number one job. As far as I am concerned they will get not only their full pay and full allowances but also all the supplies they need until they are brought home.

I will cooperate in bringing them home as quickly as we can. I want them to get out of that area. I shudder to think what it would do to the morale of these men and of their families if they knew that the Senate proposes to cut off their pay on the basis that we do not think they should be there.

That is the effect of the amendment, and I hope that Congress will give this serious consideration before it votes.

**Mr. FULBRIGHT.** Mr. President, will the Senator yield?

**Mr. STENNIS.** Mr. President, I yield to the Senator from Arkansas.

**Mr. FULBRIGHT.** Mr. President, I was planning to ask another question. However, with respect to the last question, the Senator from Delaware has been here a long time. I am amazed that he thinks this would go into effect immediately upon passage.

As a matter of fact, the Parliamentarian would tell us that it could not possibly go into effect immediately. If we pass the amendment today, it could not go into effect tonight. There are other procedures to be followed. This measure would have to go to the House. There would no doubt be a long, drawn-out conference with the House. Then the Commander in Chief—about whom the Senator from Delaware has such unlimited respect—has to sign the measure to make it a law.

He would not sign it before the men were out. It would be a very simple matter to bring them out. He put them there. It would be a very simple matter to correct that. He ought to bring them out. He has already publicly and privately stated that he would bring them out.

The President assured us on television that he would bring some of them out this week and that all of them would be out before the 1st of July.

Under the procedures followed by the Government, there is not one chance in 10,000—in fact, I would say there is no chance at all—that this would be signed in such a way as to go into effect, and in any way prejudice the rights of the soldiers there. I say that, assuming that the President told the truth about his intentions.

I think this is the most irrelevant argument that one could make. I cannot imagine why anyone would make such an argument. I have never heard the Senator from Delaware, in the 20 years I have been in the Senate, make an argument with no more substance than that.

The Senator from Delaware knows the provision would not go into effect until the President signed the bill. That would not be today, tomorrow, or next week. The Senator knows that as well as anyone.

Mr. President, in the opening speech of the Senator from Mississippi, he evidences a little disbelief and distrust in what the President said, certainly what he said at the White House, where I was present with a great many Members of Congress—some 50 Members—and what he said later in his press conference.

The Senator is saying throughout his argument that he does not believe the President intends to bring these soldiers out.

I do not understand how he reconciles his arguments. If he believes the President why does he think this amendment is not in order? I would like to hear the Senator reconcile these apparent contradictions.

**Mr. STENNIS.** Any suggestion that I disbelieve the President or do not believe the President is totally wrong. I suppose the Senator is referring to the President's statement about withdrawal of the troops.

**Mr. FULBRIGHT.** That is right. He made it on two or three different occasions.

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**Mr. STENNIS.** I said it in my principal argument. I said that some persons had said to me, "We are taking the President at his word," and I am referring to proponents of the amendment. I said, "I think the very opposite is true. I think you are totally rejecting his word. You are telling him, 'Even though you said you are going to do this we are going to pass a law, and put it in cold law, that you will have to do this and then we are going to fix it where you will have to come back here and get another law passed before you can make another move with U.S. troops with regard to sanctuaries.' "

That is the way I see it. The Senator can argue the other way but that is my view.

**Mr. WILLIAMS of Delaware.** Mr. President, will the Senator yield so that I can make a statement with respect to the earlier statement by the Senator from Arkansas?

**Mr. STENNIS.** I had promised to yield to the Senator from Arkansas. I would like to yield to him further.

**Mr. WILLIAMS of Delaware.** I would like to clarify the Senator's statement. I do not want him to remain confused too long.

**Mr. FULBRIGHT.** I do not think I am confused about the process of enacting a law.

**Mr. WILLIAMS of Delaware.** I want to say he is confused.

**Mr. FULBRIGHT.** I have never seen a bill enacted without it first going to the other body and then to the President.

**Mr. WILLIAMS of Delaware.** Will the Senator yield on that point?

**Mr. FULBRIGHT.** I do not have the floor. I want to propound another question.

**Mr. STENNIS.** Mr. President, I yield briefly to the Senator from Delaware.

**Mr. WILLIAMS of Delaware.** Mr. President, the Senator from Arkansas makes much of the fact that this proposal will not become law when passed by the Senate and that the President can either sign it or delay it. I recognize the President can veto it. Likewise it can go to the House; the conferees could be weeks in reaching an agreement, and by that time the President's statement that they would be out by July 1 would be reached and it would have no effect.

But on the other hand, the House could accept this amendment without a conference, and it could be put on the President's desk in the next few days.

I proceed on the premise that the Senator from Arkansas and his supporters are acting in good faith and want this bill acted upon today.

The Senator from Arkansas knows the procedures. When we vote on this measure we are voting on it—or I assume the Senator from Arkansas is—in good faith and on the premise that it goes into effect promptly. It becomes effective upon enactment.

**Mr. FULBRIGHT.** That is absolutely silly, if I may say so. I never voted anything——

**Mr. STENNIS.** Mr. President, I have the floor.

**Mr. FULBRIGHT.** He knows better than that.

**Mr. WILLIAMS of Delaware.** I am not questioning the good faith of the Senator from Arkansas.

**Mr. FULBRIGHT.** Will the Senator yield to me?

**Mr. STENNIS.** Mr. President, let me say this. I am not trying to hold the floor indefinitely. I am willing to yield to anyone who has a question.

**Mr. FULBRIGHT.** I asked the Senator a long time ago to yield and he declined.

**Mr. STENNIS.** Let me finish my statement, if I may.

The Senator from Arkansas asked some time ago to be yielded to but I had already promised the Senator from Delaware I would yield to him.

I yield gladly to the Senator from Arkansas.

**Mr. FULBRIGHT.** Mr. President, to make the RECORD clear I am quoting the President's words in his press conference. I do not think there is the slightest doubt he said this.

> The action actually is going faster than we had anticipated. The middle of next week,—

This was last week—

> . . . the first units, American units, will come out. The end of next week, the second group of American units will come out. The great majority of all American units will be out by the second week of June, and all Americans of all kinds, including advisers, will be out of Vietnam (the President meant Cambodia) by the end of June.

That is what he said. Is the Senator saying that the President does not mean it? I am bound to say that this question of taking not just this Executive, but his predecessor, at their word and in good faith is a question that has bothered us for a long time. But the Constitution was not based on the certainty that everything would be done in good faith. That is why we have the provisions of the Constitution.

I do not believe the Senator said that it is not within our constitutional authority to pass this measure. He made no such argument. It is a matter of judgment, is it not?

**Mr. STENNIS.** I said earlier we had the naked power to cut off the funds.

**Mr. FULBRIGHT.** The constitutional power.

**Mr. STENNIS.** To cut off funds.

**Mr. FULBRIGHT.** That is right.

**Mr. STENNIS.** But when it comes to exercising that power in a way to risk the Commander in Chief's right while a battle is going on and men are being killed, the wise use of our constitutional power to withhold appropriations would be not to withhold them.

The wisdom is written in between all of these lines of our Constitution. We try to exercise it the best we can.

**Mr. FULBRIGHT.** If I may say, under the conditions which prevail and, in view of the President's statement, it would not have the effect of restricting pay while the battle is going on. This measure prohibits use of funds to retain them there. This is an effort to carry into effect, into law, the words of the President.

He said that not only in his press conference but also to the Representatives and the Senators who were invited to meet with him. This statement was obviously designed by the President to reconcile the Congress and the public to this move, which he took without any consultation with the Senate. It was an effort to bring about acceptance of something that was already done.

It seems to me that it is not only our right but it is our duty to take him at his word and to put this promise in language that is unmistakable in intent. The Senator from Kentucky and the Senator from Idaho were extremely careful to restrict this to Cambodia, as the Senator knows. I and others would like to see the same approach taken with respect to getting out of Vietnam. But for reasons that are too complex to go into now, this was a minimum step, taking the President at his word.

Unless you do not believe the President, I do not see how one could say that this could interfere with combat operations because the President said they would all be out of Cambodia and back in Vietnam soon. If you do not believe the President, that is an additional reason why you should support this amendment. If you really have a suspicion that he does not mean what he says, then by all means every Senator should support it; to do otherwise would betray our fundamental duty.

**Mr. STENNIS.** Instead of a matter of distrust, there are two very practical answers to the point the Senator raises. First, I know this is a legislative formula that was put together and it shows ingenuity, and skill, and timing. But here are two practical points in this timing. I do not see how any President can call to a day certain when a battle will be over or can assume there will not be reverses and new facts developed to make him, as a matter of reason, want to change that timetable.

**Mr. FULBRIGHT.** He has already done that.

**Mr. STENNIS.** Just a moment. He has made an estimate of when he thinks it will be prudent to withdraw.

I know that adversity can develop, and if he cannot make it, no one would want him to do that in the face of causing a disaster to our men.

**Mr. FULBRIGHT.** Well——

**Mr. STENNIS.** That is one element, if I may finish. No. 2, it is proposed to freeze in here what his future action may be, regardless of what may develop there, or as to any other sanctuary. It is proposed to require the President to come before Congress and get a law passed before he can use his judgment as Commander in Chief, and that would give 30 to 60 days' notice to the enemy that the President wanted power to destroy the sanctuaries; therefore, they would just move out in advance.

So, as a practical matter, without going into what would happen on the battlefield, those are logical answers to the point the Senator makes.

As I see it, that is just as serious a matter as it could possibly be.

**Mr. FULBRIGHT.** With regard to the first comment, the President set the date. The committee did not. The Senator from Kentucky did not set the date. Moreover, the President can retain that power by not signing the bill. He could go another week. But what the Senator

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is doing is confirming what I fear, that the President did not mean it when he said our forces would be out by the first of July. It was just an estimate, and it could turn out to be next December or a year from now. That is what I meant when I said the Senator is really saying that he does not believe the President is serious about the July first deadline.

Mr. STENNIS. The Senator put words in my mouth that are false. I repudiate them.

Mr. FULBRIGHT. The Senator said that it was just an estimate.

Mr. STENNIS. I said that the President cannot guarantee that date. Just as commonsense, as I said, he does not know what is going to develop. Facts could develop where he would be disloyal to his oath and criminal in high office if he did not keep them there longer, if it was necessary to protect them and our other boys. So I think we are arguing an academic question.

Mr. FULBRIGHT. I agree with the Senator that the President does not know what is going to happen. That is the reason why we have grave reservations about his taking that action, because he does not know what is going to happen. But he himself chose to use that argument and to lay out a program of withdrawal. I do not see how in the world a Senator can object to a provision that takes him at his word.

As to the Senator's second point, that there may be moves against other sanctuaries, that is exactly what some of us fear. It is amazing to me to hear the Senator from Mississippi make this argument, when he has been one of the strongest advocates of a strict construction of the Constitution and for upholding the rights of the Senate. Over the years, I have stood with him in other matters regarding other constitutional questions. I have often spoken at some length with the Senator. I have always insisted, as has the Senator from Mississippi, on the rights of the Senate. He has wanted the Senate to assert its proper constitutional role. Now he simply wants to arrogate to the Executive the right to make very grave decisions for which Congress also has a responsibility. He points out that there may be other sanctuaries. They may be in China. According to the Senator, if the President wants to go in, he should have the freedom to do so. I reject that thesis.

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If the President wants to go into any other sanctuary, all we are saying is, "Consult Congress; confer with us." This is consistent with the commitments resolution passed last year. The Senator from Mississippi supported it. He was of great help in getting it passed. His statements in support of its passage were very useful. Now, because we are in trouble, it seems to me that he is willing to abdicate the responsibilities of the Senate.

What is wrong with what is proposed? If the President wanted to go into another sanctuary—in China or into Laos—why should he not come and ask the approval of the Senate? I think he should. I am surprised that the Senator from Mississippi does not think he should consult with this body.

Mr. STENNIS. Pass the resolution, or the amendment, the way it is written, and we create a field day for our enemies to have sanctuaries wherever they want to and as strong as they wish, and they would be running the show, and we would have to send many more men into South Vietnam or abandon the present program of withdrawal. I stated that before the Senator got the floor.

Mr. FULBRIGHT. I cannot understand it——

Mr. STENNIS. That is my opinion about it. The Senator said I have always exalted the role of the Senate——

Mr. FULBRIGHT. The Senator used to.

Mr. STENNIS. May I make my statement? Before the Senator came to the Chamber, I referred to the power to declare war. I have been around long enough to have heard many powerful statements made in behalf of the commitments we made; that it was old-fashioned and the requirement of a resolution by Congress to declare war was actually scoffed at. I do not remember the Senator from Arkansas making that statement.

Mr. FULBRIGHT. No, the Senator does not.

Mr. STENNIS. I do not suggest that, but I have never been satisfied and I am not happy about what has occurred in South Vietnam without a declaration of war, and have mentioned that a good many times. But that bridge has long since been crossed, and to come back now and try to recall time is something we cannot do.

Before the Senator came into the Chamber, I based my support on the destruction of the sanctuaries on this proposition: I think that our withdrawal program will soon be imperiled if we let all these sanctuaries continue and operate with impunity, which the adoption of the amendment would allow. So it is a matter of our program of trying to get out of there that is involved.

Another thing is that if we adopt this amendment, I think we almost totally destroy the negotiating power and prospects of the President of the United States. So far as this war is concerned, there will be no more chance in that field.

So I am satisfied in the logic of my viewpoint, based on those two conclusions. I think, of the two, the last one is the stronger. That is why I do not believe the American people, when they understand it, will ever put up with it. They will say, "No, no. Do not restrict the President of the United States. He is the only voice we have. He is the voice."

Mr. FULBRIGHT. Let me ask the Senator one more question: Aside from the withdrawal, the President said these troops are not going to go farther than 21 miles. He said that positively when we met with him at the White House. It has also been said publicly. Now it is claimed that this amendment would tip off the enemy; that it would be cause for rejoicing in Moscow. How can the Senator say that when, on the one hand, he says the word of the Commander in Chief is law and we should not question it, and, on the other hand, he says by doing this we are putting restrictions on the President?

Mr. STENNIS. According to the argument of the Senator, he does not need this amendment. He does not need the law. He has already said it.

Mr. FULBRIGHT. I did not quite say that. I did not say I trust the word of the President, or that we should——

Mr. STENNIS. How about the Senator himself? Does he believe him?

Mr. FULBRIGHT. No; I do not think he knows for sure that all our forces will be out by July 1. Just as the Senator from Mississippi said a while ago, he does not know what is going to happen. In my opinion the President made these promises to the American people in order to try to reconcile them to what I think was an imprudent action. Now it is the duty of the Senate to take him at his word and to write his promise into law. The reason why we have a Constitution and a Senate is that we cannot do the business of this country solely on personal promises. Our system is founded on rule by law. That is what the Constitution is all about.

I know other Senators have some questions for the Senator from Mississippi. I would like to ask one final question, however. Is it fair to conclude, that in the Senator's view, if the President decided, next month or next year, without any consultation with or approval of the Senate, that in order to protect the lives of our soldiers in Vietnam it was necessary to invade Laos and get at the sanctuaries there, such action would be perfectly proper?

Mr. STENNIS. That depends on circumstances somewhat, but I say as long as we are staying in Vietnam, sending men in there to sacrifice their lives, I will never agree to having the President cut off from using his judgment to attack the sanctuaries.

They are no more a part of a foreign country than my backyard is at home, in view of the circumstances that they have been used as an arsenal against us for years, and they are not under the control of this foreign country.

So we do not attack this other country; we attack the arsenal that is permitted to be used there, or maybe they cannot help themselves. We go after the arsenal.

Mr. FULBRIGHT. Then he could clearly attack China without consulting the Senate or the House; he could attack China on the same theory. That approach is a complete abdication of the role of the Senate. I cannot believe that the people of this country want to so emasculate our constitutional system.

Mr. STENNIS. The Senator has gotten so far from where the war is that I cannot follow him. I am not going to follow him to China, just as I cannot follow his logic. The Senator is a very persuasive orator and a skillful legislator.

Mr. FULBRIGHT. Mr. President, I appreciate that. It is the first time anyone has ever said that.

Mr. STENNIS. But I cannot go along with him.

I believe I promised to yield to the Senator from Wyoming next.

Mr. HANSEN. I thank the distinguished Senator from Mississippi.

First of all, Mr. President, I compliment the Senator for having presented a very scholarly dissertation here, on facts all of which are germane to the consideration of the proposal now before us.

Mr. STENNIS. I thank the Senator.

Mr. HANSEN. I rise to ask two questions.

First, I am somewhat confused. I tried to understand what the Senator from Arkansas was saying, and it seemed to me that, in response, in colloquy, to the distinguished senior Senator from Delaware, what the distinguished Senator from Arkansas was really saying was that, while there may be some danger in the immediate implementation of this Cooper-Church amendment, we need not be too fearful, because at the very least it will take a few days.

I had thought that the sponsors of the amendment and others were convinced that there was merit in it. I presumed that they wanted to get it passed as expeditiously as possible; that they feel that, with its passage, the Congress of the United States would be asserting its right, within the limits of the Constitution to draw the line, to say what moneys may be appropriated and where they may be spent in prosecution of wars which may have been initiated by the President of the United States.

My confusion arises out of the fact that I can only gather, I can only assume—it is a judgment on my part—that the distinguished Senator from Arkansas just is not quite that sure. He is not quite sure that he wants to have this law passed and become effective immediately, because, as was pointed out by the distinguished Senator from Delaware, there are some dangers. It just could be that someone might be killed over there, and he might be the father of two or three children, and neither they nor his wife—if I understand the amendment correctly—would have any rights at all; the United States, once this amendment is passed, if it is passed, would automatically vitiate all of the rights, all of the privileges and the guarantees that the Congress of the United States from time to time has written into law so as to be certain that our fighting men will be given the protection and the security that the Government of the United States is capable of giving them.

That is my first impression. It does leave me a little bit confused as to how quickly we should pass this amendment, if it should be passed at all.

But, getting down more specifically to the point——

Mr. COOPER. Mr. President, will the Senator yield to me at that point?

Mr. HANSEN. I am happy to yield.

Mr. COOPER. The Senator asked a question about the meaning of my amendment. I want him to be clear about it.

The PRESIDING OFFICER. The Senator from Mississippi has the floor.

Mr. STENNIS. Mr. President, I do not want to hold the floor to the exclusion of anyone else. I believe I have a duty to yield, and I want to, for questions.

Mr. COOPER. I shall just take a minute.

Mr. STENNIS. I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I want the Senator from Wyoming to know that the amendment means exactly what it says. Upon enactment of the amendment into law, when passed by the Senate and House of Representatives, and on signature by the President, it would mean exactly what it says—no U.S. forces would be retained in Cambodia, and we would reach that objective by the power we have of the purse string. I want that to be clear.

Mr. HANSEN. May I ask the Senator——

Mr. COOPER. Let me add one thing. The Senator has moved away, now—I say this with great respect, as between two friends—from the clear objective purpose of the amendment, which is to stay the damage of getting into a new war in Cambodia.

We do not challenge the power of the President to protect our forces wherever they are, and I shall always uphold that power, which he properly has. But I do not believe this power of the President can be used for entering in a new war, removed from the original war, upon the basis of the protection of our troops.

Mr. HANSEN. Would it be the wish——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Wyoming?

Mr. STENNIS. Yes, I yield to the Senator from Wyoming.

Mr. HANSEN. Would it be the hope and purpose of the distinguished Senator from Kentucky that this amendment might be adopted and enacted into law just as quickly as possible?

Mr. COOPER. Yes, because I think the operation is dangerous.

Mr. HANSEN. Would it be fair to assume, and am I correct in understanding, that in that respect the Senator's feeling about the amendment—and I do appreciate the clarification he has given—insofar as the support of one of the important sponsors is concerned, seemingly does not square precisely with what the distinguished Senator from Arkansas said? I gather that he sees some danger in the immediate implementation of this amendment. But insofar as the distinguished Senator from Kentucky is concerned, it would be his wish and desire that it might be enacted into law as quickly as possible; am I correct about that?

Mr. COOPER. I think, practically speaking, it is not going to be. It must go the lawful route—Senate, House, and to the President.

Mr. HANSEN. But the Senator hopes it would be?

Mr. COOPER. But I hope it would be, because I think it is much more dangerous for the United States to be in that operation. I think the safety of our force will be better protected by getting out at the earliest possible date.

Mr. HANSEN. Would I be right in assuming further that it is the wish and the fervent hope of the distinguished Senator from Kentucky that Congress might exert a right that has not been overused, at least before we venture into any new wars anywhere? Would the Senator go so far as to say before we enter into any new wars?

Mr. COOPER. Anywhere? No, because——

Mr. HANSEN. The Senator would not go that far?

Mr. COOPER. Because some areas might be important to the security of this Nation. I do not believe the South Asia war is.

Mr. HANSEN. Then what the Senator is saying is that the only danger that he sees to this country now is if we get into war in Cambodia?

Mr. COOPER. No, I think there are dangers in other areas.

Mr. HANSEN. Would the Senator be kind enough to identify the other areas?

Mr. COOPER. There are many other dangerous spots in the world.

Mr. HANSEN. Would the Senator name some, for my edification?

Mr. COOPER. The Middle East is a dangerous spot.

Mr. HANSEN. Would the Senator express the same philosophy with respect to the Middle East?

Mr. COOPER. I hope we will not have to get into war in the Middle East.

Mr. HANSEN. I hope so, too.

Mr. COOPER. But I think we are in a war that is not necessary to our national security. The other situations, I hope we will be able to protect against.

Mr. STENNIS. Mr. President, may I say a word? I am delighted to yield to my friends. I am afraid, however, that I am imposing on the Senate.

I do not believe the Senator from Wyoming had propounded his second question. Did the Senator have another question in mind? I yield to him for that question.

Mr. HANSEN. I thank my colleague. I do want to raise this second point, Mr. President, which I have touched upon already.

There are numerous references in the RECORD—and I think the distinguished senior Senator from Montana, the majority leader, spoke about it yesterday—about this not being idle debate, that it should not be taken lightly, that it posed a very serious constitutional question. As I recall, I think those were about his words.

I can read them. He said:

> Mr. President, I think the Senator from Mississippi is under an illusion if he thinks we are trying to get by on the basis of a slight debate. We are not. We are facing up to a grave constitutional question, which I think the Senate should be unanimously behind, because it is the Senate's responsibility and authority, in my opinion, which is at stake. I am surprised that there are Senators who would place the position of this body in a secondary position. This is a most important issue, and I call up the first amendment.

Mr. MANSFIELD. Mr. President, may I say that that is a correct quotation. [Laughter.]

Mr. HANSEN. Mr. President, I would like it noted that I read very well.

I could not agree more than I do with my distinguished and respected colleague, the Senator from Montana. It is a serious question. I think it transcends, if we are going to debate this issue in terms of the constitutional conflict or the outer limits of the constitutional

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questions, on the one hand, what is the authority of the President of the United States—how far does it extend; into what areas may he go; what may he spend—and, on the other hand, what are the constitutional prerogatives reserved to Congress. Where may we properly draw lines, and where may we say, or in what degree may we say, that funds shall be spent?

So I agree, as I have agreed many times, with my distinguished friend, the Senator from Montana, that this debate should not be taken lightly.

My second question is this: If it is a constitutional question, and I think it is, it seems to me that we ought not to limit the debate upon one geographic area; because, if we want to raise that question, should we not raise the question as to the propriety of Congress to say, before we start war in any other place—whether it is Cambodia, whether it is China, whether it is Timbuktu. Would it not be well, if we are concerned to say before the President can start an incursion into any other area, let him come to Congress and seek the permission which our contention is we alone can give him?

I would like to explore that at the appropriate time. I do not want to take too long now. But that does concern me very much.

Mr. STENNIS. That is a very good question, indeed. I will just undertake to answer it briefly, because of time.

I think we are talking about two different things. There is the ordinary declaration of war, or the ordinary going into a country. But we are talking about an extraordinary situation here, in that we are already in war, whether declared or not. We are already in battle. Men are daily going to their deaths. The arsenal that the President very effectively attacked is one of the main sources of the enemy's supplies, military equipment, food, and everything else that goes to make war. So, to my mind, there is a great difference in those two situations.

May I just say a word about the point that the Senator from Delaware made about time. Incidentally, yesterday, it was not the Senator from Mississippi who wanted a short debate. I was objecting to the en bloc unanimous consent agreement then. I think it is very reasonable to say that the Senate could have passed this measure yesterday afternoon, if there had not been opposition. The proponents would have made some good points about it and would have been willing to let it go through, and then the Senate would have lost control of it. So one might say that it had passed the Senate and, so far as the Senate was concerned, it was on the way to the White House.

Mr. WILLIAMS of Delaware. That is exactly what I was trying to say, and I understand there may be a vote this afternoon on this question. I hope there will be. The sooner we dispose of this question the better it will be for our country.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I had promised to yield to the Senator from Tennessee, who has been waiting for quite some time, and also to the Senator from Wyoming, who has been waiting.

Mr. MANSFIELD. May I say to the Senator that I hope the Senator from Delaware was not serious in what he said about a vote this afternoon, because many Senators are absent, on the word of the joint leadership. If that came to a point, we would have to act accordingly.

Mr. WILLIAMS of Delaware. I will not press it. I was just expressing the hope. I will abide by the decision of the Senator from Montana. He can rest assured of that. Personally I had hoped that we could have disposed of this bill today, and as far as I am concerned I am ready to vote.

Mr. STENNIS. I yield to the Senator from Tennessee.

Mr. BAKER. I thank the Senator from Mississippi.

Mr. President, I believe I have been on the floor of the Senate since just after the Senator from Mississippi commenced his excellent presentation, and I am happy to say that I heard the entire colloquy between the Senator from Mississippi and the Senator from Arkansas, the distinguished chairman of the Committee on Foreign Relations, and the colloquy between the Senator from Mississippi and the senior Senator from Kentucky (Mr. COOPER), who is not now in the Chamber. I had hoped that he would be here when I made my next observations, and I conveyed to him the fact that I wanted to do so. I expect that he will return shortly. What I am about to say is something that I feel strongly about, and I am sure that he will give it his attention in the record; and it does not require a reply at this time.

With that preface, I should like to point out something that does not need to be underscored, I am sure. The Senate is dealing with a deadly serious business. The Senate is concerned with the life and death of American men and the credibility of our foreign policy. We are not engaged in any constitutional confrontation. We are engaged in the exercise of partial jurisdiction and partial power that the Constitution spells out, which provides that there will be an appropriate competition between the Senate and the Executive on the shaping and the formation and the implementation of foreign policy. The federal system is riddled with partial jurisdiction and overlapping jurisdiction and competition for authority and uncertainty as to the extent of that authority. It has worked and served us well. However, I do not think we ought to consider that we have something unique in a confrontation between the President and the Senate. We do not. We have a matter of judgment to exercise.

As was pointed out by Senator COOPER today, as I recall his statement, the sole authority of the Senate is the power of the purse. That is not quite right. It is almost right. That probably is our principal one. But then there is the partial jurisdiction on the authority of Congress—the House and Senate—to declare war, to raise armies, to limit their size, and to otherwise inject our judgments into the business of foreign relations and foreign affairs.

That brings me to the point at hand. I thank the Senator from Mississippi for yielding to me so that I can make this observation.

As I understand, it is the contention of the distinguished Senator from Delaware that this amendment could be passed today by the Senate, promptly passed by the House, promptly signed by the President, and could have, I believe, the unintended effect of depriving American soldiers in Cambodia of pay and benefits. He says that could happen, and I think he is right. The distinguished Senator from Arkansas, the chairman of the Committee on Foreign Relations, says no, it could not happen; that it has to go to the House and has to be signed by the President, and that takes time; and he is right, also. What it really boils down to is that it could happen but it probably will not. But that is not the issue.

The issue here is that, if we are really to exercise our partial and overlapping jurisdiction in foreign affairs in a substantial way, it is time we stopped shoveling smoke. It is time we stopped exercising our emotions, and it is time we got down to the business at hand. In this instance, we would do it by deciding, yes, it is possible that this could be the unintended effect of this amendment; and, therefore, we, as word merchants, as legislators, those who deal with the language and translate it into effective organic law, should see what we could do about it, to prevent that unintended effect.

So I would suggest to the Senators who have moved this amendment that if they really want to meet the problem, we need not do it with an extended debate on this floor. We can do it simply by amending the amendment in an appropriate way, to recognize the partial and overlapping jurisdiction in foreign affairs, to recognize that we do not want unintended effects, to recognize that we do not have a constitutional confrontation; but, most of all, to signal to the people of the United States that in these troubled times we are not going to try to inflame passions but, rather, to quiet them. We can. It is entirely possible. But I do not think we are doing that this afternoon.

Mr. McGEE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am sorry I could not yield to the Senator from Wyoming before. I am happy to yield to him now.

Mr. McGEE. Mr. President, I want to thank my colleague from Mississippi for yielding to me. I did not intend to inject myself into this debate this afternoon at all, but I was here, fascinated by the colloquy taking place.

It seems to me that now is the time for a long pause in taking an important step such as this, because of what we have been through. But we have had a chance to learn from the past 5 or 6 years. I daresay that none of us—hopefully—is immune from the lessons of recent years—especially the senior Senator from Wyoming.

I can recall well how, in the first critical test of our role as leaders of the world in the 1950's, those of us in the liberal

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community were groping for some middle ground in exercising our responsibility between the "massive retaliation" that John Foster Dulles was talking about on the one hand, which meant nuclear weapons, and "Fortress America" on the other.

It was then that we felt crowded into a position of at least weighing the dimensions of a limited, undeclared war. Our belief was that in the nuclear age we did not dare take the risk of a declared war unless it was total war. "The war, whatever that means, hopefully, that will never occur.

To fend off the holocaust of nuclear warfare on the one hand and the ridiculousness of such a policy as "Fortress America" on the other, we thought it was better to learn from World War II, from the experiences with Japan, which began to nibble at Manchuria and then to dominate Asia, which involved us in war as a result of Pearl Harbor; from the experiences with Hitler, who nibbled away at the Versailles Treaty until he occupied the Rhineland in violation of that treaty, and involved us all in world war at such terrible cost. So it is understandable that our generation sought some alternative. That alternative was a limited war without a declaration.

That is what I think poses the problem now with us today.

Under the Constitution of the United States, our Founding Fathers never envisaged such an exigency as that, and understandably so. They envisaged a declaration of war in what would be today an old-fashioned war. There are a great many gray areas in question as to the role of the Senate which derive from the circumstance of an undeclared war.

I must confess, as a student of the problem, that I am not sure to this day whether we, as a free society, can wage an undeclared war.

We are spending a great deal of time on this subject here today. We are caught up in where we are, for better or for worse. I think it would behoove us all to devote more of our energies, and all the foresight that we can mobilize to figure out how we best should conduct the role of the Senate in this nuclear age in its relationships with the President of the United States.

I made this petition last summer when we were debating the commitments resolution, feeling that it served no real cause to try to correct the past, or to repeal history, if you will, Mr. President (Mr. COOK); but, instead, to try to learn from the past, in setting up guidelines as to where we should go from here and how we best should proceed.

The problem that this becomes is one of definitions. Whatever else, however we got in there, whether it is right or wrong in each man's conscience, it would appear to me to be that the fact is: We are there. We are in combat. We have been in combat, at great cost and blood, for a long time. We cannot repeal all of that. Therefore, the question has to be, in the light of an undeclared war which is underway: What is the responsible role of the Senate?

I submit, Mr. President, that that role is not one of trying to tie the President's hands, to try to shackle his initiative, to try to curb his options, even as he is in the midst of trying to withdraw with responsibility. To me, that is the ultimate of foolishness, if not national irresponsibility.

I just think that the time of the Senate must be addressed to the potentials of the future. I do not think it should be addressed to the catastrophes of the past. It is too late for that.

Therefore, let us not hobble the President at this moment.

Mr. President, I would leave my fellow Senators with this one additional thought. A part of our difficulty comes from the earlier suggestions made by some of our colleagues here that, somehow, what was happening in Southeast Asia was a civil war between the Vietnamese. They were so confining it in their definitions, that it was Vietnam alone that was involved. The news media and all the others have fallen into that rut. They ignored the fact that it was a Southeast Asian affair, that it was an Indochina conflict from the very first.

Thus, we have seen the efforts to try to separate out of the picture Cambodia or Laos, as though they were somewhere on the moon, in the Sea of Tranquillity, and to contend therefore, that another series of events similar to those we have been through in South Vietnam was about to unfold.

Mr. President, we cannot isolate Cambodia from Vietnam, and we cannot isolate Laos from it. They were a part of the whole conflict from the very first. They have been involved in that conflict every day since the buildup in the Southeast Asian war.

Thus, to try now to pretend that Cambodia was somewhere else and unrelated, and that Laos was somewhere else and unconnected, does us a disservice. We play tricks on each other if we speculate in that context.

Thus, I would say, if we only could resolve in this body not to risk, jeopardize, or give away an opportunity for the President to slow down and disengage from this miserable conflict in Southeast Asia in some responsible way, we could be addressing ourselves instead, to what do we do in the nuclear age, the next time we are faced with this test. We will be faced with it. It will not go away, because we have resolved ourselves as to Cambodia and Laos, or whatever else. It will be here again. It may be here right now—in the Middle East, say. It may come in Burma. It may come somewhere else. We have no choice about those things. We cannot predetermine them. But, we are here in this world today. We are in the position which makes a difference as to how the world will go. I would hope, Mr. President, that we would, indeed, marshal more of our intellectual resources, of our capabilities in colloquy, of our honest search for the answers down the road ahead, rather than shackling the blame on the road behind in terms of what the Senate, under our constitutional system, should do.

I have no doubt that in terms of this war, that, had it been successfully concluded in a year or 18 months, Members of this body would have been bragging about how the Senate of the United States approved the Gulf of Tonkin resolution and participated in that decision, and they would be seeking the credit for that resolution; but, because of the mystery of the Orient, because of the vagaries of the new kinds of conflict that guerrilla warfare has raised in the East, and because of all the other pressures and the timetables in the world crowding in on us, it did not go as Republicans and Democrats would have preferred. It turned out to be much more complicated and much larger than partisan politics, even larger than Presidents of the United States, or the American people as a whole.

For that reason, I would express my desperate wish that we not take a step here that will, in fact, jeopardize the leadership role of the President of the United States as Commander in Chief in the midst of a conflict, when we should be readdressing ourselves to his proper role in cooperation with the Senate in all future such decisionmaking processes in the kind of world in which we live.

Mr. President, I apologize for intruding at this time of the afternoon. The Senator from Mississippi has been very generous in yielding this time to me, and I thank him very much.

Mr. STENNIS. Mr. President, I thank the Senator from Wyoming for his timely and fine remarks.

Mr. President, I want to yield the floor in a few minutes, anyway, but I have about a 1-minute statement to make at this time. Does the Senator from Wyoming wish me to yield to him?

Mr. HANSEN Mr. President, I would like to make some observations. If it would suit the desires of the distinguished Senator from Mississippi better, I would be very happy to wait until he has concluded.

Mr. STENNIS. Mr. President, I had indicated to the Senator from Idaho that I would yield the floor before very long. I think I should not wait too long. If the Senator has a question or two, I should be happy to yield to him for that purpose, but not for a speech.

Mr. HANSEN. Mr. President, I do not wish to make a speech at this time.

Mr. STENNIS. Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I express my sincere gratitude to my distinguished colleague, the senior Senator from Wyoming, for bringing this question back into perspective. I think it is very easy for us to lose sight of what we are talking about. I believe the observations the Senator has made this afternoon could not have been more clear.

I think what is bothering some Senators is that the President of the United States has the authority and responsibility and, I daresay, the exclusive authority and responsibility of directing our men in battle.

I grant that most of us are not privy to his next move. Apparently that is irritating to some. It is not to me. I happen to think that he must have access to information which obviously, for many good reasons, will be denied most of us.

We are not apprised of his next move. We do not know what will happen. We would like to be able to say, "Yes, we knew what was going to happen, because we were called to the White House," or, "He appeared before the Foreign Relations Committee last week and said that he was going into Cambodia."

He has not done that.

We are fighting the same enemy that we have been fighting in Vietnam for the last several years, the very same enemy. It does not matter whether we are fighting him in South Vietnam or in Cambodia or in the South China Sea. Wherever it is, it is the same enemy.

The second point I make is that all the President did by ordering the incursion into Cambodia was to deny the enemy longer the exclusive decisionmaking responsibility of saying where we are going to fight. He no longer has that choice.

I think it was a very worthwhile move. I hope that Senators will be persuaded by the good logic and good judgment of the senior Senator from Wyoming and my distinguished colleague, the Senator from Mississippi.

**Mr. STENNIS.** Mr. President, I shall take just a minute or two and shall then yield the floor.

I know that a good deal has been said in all sincerity about the President's failing to contact and let others know about this movement into these sanctuaries.

It is very unfortunate, but there are many ways for information to get out. Those of us who are experienced around here could not conceive of a President, on a matter that he thought was delicate and where secrecy was of the utmost value to our side, coming before the Armed Services Committee or before any other committee or telling a great number of people about his plans.

There are times when things just have to be done in war and they have to be done in secrecy.

I want to make this further point. Mr. President, I stand on the proposition, not a constitutional matter about the war being declared or not declared, or strict construction or liberal construction of the Constitution.

I stand on the fact that for practical purposes this move into Cambodia against those sanctuaries and against this arsenal was necessary and it seemed certain to be necessary to that kind of withdrawal program of the men who are already there and doing the fighting.

It was the judgment of the President of the United States that this was a move to get us out of South Vietnam.

I say again that I am thankful he had the courage and the nerve to venture into this field that was uncertain politically and every other way. However, he thought it was necessary to carry a military point.

For us now to come along and to cut him down and to put restrictions on him because of a time element, I think, is wholly beyond our proper role. I do not believe that it will be done.

Mr. President, I yield the floor.

**Mr. HANSEN.** Mr. President, because of its pertinency to the question the Senate is considering, I ask unanimous consent that an editorial from the May 14 issue of the Washington Star be inserted in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### PRESIDENTIAL POWERS

The Cooper-Church amendment, passed this week by the Senate Foreign Relations Committee, if approved by both houses, would cut off funds for future American military activities in Cambodia. The Senate and the House should give extremely careful consideration to all of the implications of the proposal.

Since the amendment could not come into force before the President's July 1 deadline for the return of all American troops from Cambodia, the proposal's supporters may be motivated by one or more of the following convictions:

1. They may fear that the President intends to violate his own deadline.
2. They may suspect that, if the Cambodian incursions are as successful as they appear to be, Mr. Nixon may be tempted to repeat the move at a later date.
3. They may feel that there is domestic political capital to be made out of a move which could be unconstitutional and in any event would be difficult administratively to enforce, and hence would be of little effect.
4. In an attempt to preserve and enhance senatorial prerogatives, they may wish to challenge the President's power to wage undeclared wars anywhere on the globe without prior congressional approval.

Both the State Department and the Pentagon are leery of the proposal, as well they might be. They see it as restricting the President's power as Commander in Chief and endangering his ability (in the State Department's words) "to take action to protect the lives of American troops within the Republic of Vietnam."

The issue is too complex to be dealt with adequately in this space. As a preliminary judgment, however, it is our view that passage of the Cooper-Church amendment in its present form would be unwise. The alternative to an undeclared war in at least some situations would be not peace, but a declared war. The existence of secret treaties between the nuclear powers and their client states under such circumstances would greatly increase the chances of a global holocaust.

And that is something no thinking person wants.

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## RESULTS OF THE CAMBODIAN SANCTUARY OPERATION

**Mr. HANSEN.** Mr. President, I ask unanimous consent that a tabulation of the results of the Cambodian sanctuary operation as of 8 a.m. May 15, 1970, be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

| Total operations | | 24-hour change |
|---|---|---|
| Individual weapons | 8,102 | +562 |
| Crew served weapons | 1,046 | −25 |
| Bunkers destroyed | 3,410 | +92 |
| Machinegun rounds | 6,867,639 | +6,251 |
| Rifle rounds | 1,614,364 | +1,327 |
| Total small arms ammunition (rounds) | 8,482,003 | +7,578 |
| Grenades | 13,442 | +599 |
| Mines | 1,448 | +64 |
| Antiaircraft rounds | 4,072 | (1) |
| Mortar rounds | 13,857 | +527 |
| Large rocket rounds | 874 | +5 |
| Smaller rocket rounds | 8,980 | +444 |
| Recoilless rifle rounds | 9,541 | +123 |
| Rice (pounds) | 5,492,000 | +494,000 |
| Man months | 120,824 | +10,868 |
| Vehicles | 193 | +15 |
| Boats | 40 | (1) |
| Enemy KIA | 5,614 | +210 |
| POWs (includes detainees) | 1,478 | +47 |

[1] Unchanged.

### MANY HISTORICAL PRECEDENTS

**Mr. HANSEN.** Mr. President, I was astonished to read in the New Yorker magazine this morning an unsigned article stating that President Nixon is the first President "in the history of the United States deliberately to order American forces to invade another nation on his own, without seeking congressional approval and support."

This is the kind of flagrant and deliberate misstatement of fact designed to feed the flames of rhetoric which surround our present position in Southeast Asia. This, I believe, is a great disservice to the entire Nation and demonstrates the extremes to which some segments of the media will go in their zealous search for partisan advantage.

It has been indicated in the Washington Post, which reprinted the statement, that it was written by Richard Goodwin. I find this hard to believe because, of all people, Mr. Goodwin should know better. He was sitting in the White House at the time former President Lyndon B. Johnson sent American marines storming ashore in the foreign nation of Santo Domingo and then advised Members of Congress after it was a fact.

Mr. Goodwin claims to have read history. If, indeed, he wrote this particular article, he must be aware that it flouts every chapter of the history of 20th century America.

I recall for him, as did the senior Senator from Illinois (Mr. PERCY), yesterday on page 15519 of the RECORD, some historical facts.

Back in 1917 President Wilson sent American troops into Mexico in pursuit of the bandit, Pancho Villa, who was using Mexican territory as a sanctuary from which to launch attacks on American citizens and American troops. He did not seek prior congressional approval.

President Wilson sent troops into Santo Domingo in 1916, also without consulting Congress.

President Truman ordered American troops into action in Korea without prior consultation with Congress.

President Johnson, as I mentioned earlier, used American troops in Santo Domingo and consulted Congress only after he had moved.

President Johnson sent American planes to the attack in North Vietnam after the now-famous Tonkin Gulf incident in 1964—and reported to Congress the next day.

There have been incidents large and small over the years in which American Presidents, when American lives were threatened, have used American troops to protect those lives without first consulting Congress.

In none of these incidents was Congress consulted until after the act had taken place. Frequently, when secrecy and surprise are important, it cannot be, without endangering the success of the operation.

The debate is still going on in this Chamber about the prerogatives and responsibilities of the President. This debate has been going on for over a century and will go on as long as the Republic stands.

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I do not feel that these discussions are well served by this kind of deliberate passion-arousing editorial comment.

### CROSS-BORDER RAIDS WILL REDUCE CASUALTIES

Mr. President, it was with deep sorrow that I read the casualty figures for last week—168 Americans killed in action. It grieves me that this figure is the highest we have suffered in 8 months.

Many of these casualties are attributable to the American raids across the Cambodian border to wipe out the Communist sanctuaries. So far these raids have been remarkably successful. They have destroyed much of the enemy's present capability to mount the kind of offensive which he has mounted in Vietnam in the past.

We all remember the horror of the Tet offensive in early February of 1968, and the dreadful toll that it took. That offensive, which was launched from these very Cambodian sanctuaries, killed 943 Americans, and wounded over 4,000 Americans.

It is to prevent just this sort of freewheeling, unpredictable attack across the line into Vietnam that the Cambodian incursions were inaugurated.

Whether or not these raids against enemy fire bases succeed depends not alone on the men—the brave young Americans—directly on the line and in battle. Their success also depends in a great sense on the support these men receive from back home. We cannot fail them now. We must not.

Mr. McGEE. Mr. President, the pending amendment, which would deny to the President the use of appropriated funds for the conduct of the war in Southeast Asia after specified cutoff dates, raises grave constitutional questions.

We find ourselves today at a point in our national life when feelings among the people are at high pitch, when vital segments of our society are split from the rest by discord and dissidence, when our Armed Forces are engaging an enemy. It is at this crucial juncture that we are faced with legislation calling upon the Senate to resolve in a few days' time a question of high national policy on which opinions throughout our history have been divided.

The amendment, in effect, states that U.S. war power resides in the Congress, that the power of the purse may legitimately be extended in such a way as to shape the course of a war in which we are already deeply involved.

I oppose this position. I believe the framers of the Constitution meant it when they said that the President shall be the Commander in Chief of the Army and Navy of the United States. I believe they meant it when they said that the Congress shall declare war, not make war. The language is clear.

However cloudy the issues may be surrounding an undeclared war in the nuclear age, the fact is that for several years we have been engaged in armed combat.

The authority to respond with speed and dispatch in foreign affairs when military force is required and regress after it has already been committed, should vest in the Office of the President. He is elected by all the people. He commands our military power. He has unique access to classified information. He has, and ought to have, the constitutional power to send U.S. military forces abroad when he deems such action to be in the national interest. Thus, the burden of the pending decision in this body is less that of the war in Southeast Asia, than it is one of political science; of responsible self-government.

My studies show political scientists agreed that, early in our history, if we had not seen the need for centralized control, the new Nation would have been split apart by rancorous factionalism.

The leaders of the Thirteen Colonies repelled by the arbitrary authority of the English king and his colonial governors, launched the Nation upon its new life without a chief executive. Events demonstrated the urgent need for central control when the new nation proved unable to deal with the chaotic overlapping of state jurisdictions resulting from the Articles of Confederation. National authority has been given the President ever since, with only weak Presidents shrinking from its use.

And so I find the present the wrong time to establish as congressional policy interpretations of the Constitution which 200 years of history do not substantiate.

Never in our history has it been a function of the Senate to advise and consent on operational military decisions made by the Commander in Chief.

Never in our history have we conducted a war by committee.

And on many different occasions prior to World War II, U.S. Presidents have ordered undeclared acts of war.

The Congress is the greatest deliberative body in the world, but as a military leadership group, notoriously unable to arrive at rapid decisions, it could become a multiheaded monster if it attempted to second-guess the conduct of a war.

The American people's distrust of the powers of the President, derived from our national memory of the tyranny of George III, becomes especially evident when a President's application of power in the national interest fails to yield immediate success. Particularly at those times, our ingrained distrust of centralized power becomes vocal. We hear cries that the President is becoming much too powerful. But when his use of his authority is successful, we tend to congratulate ourselves on his wisdom.

Today, only wishful thinking can lead to the notion that an assertion of congressional war power will resolve the problem of our involvement in Southeast Asia. I think we must recognize that our trouble there stems not from divided authority to conduct the war, but from the fact that so far we have failed to achieve our objectives.

In considering these grave questions, we must start from where we are. We cannot amend history. We cannot repeal it. We cannot, in good conscience, pin the rap on the past, charging the President with usurpation of power because our efforts have resulted in an apparently unwinnable war. No power has been usurped. On the contrary, historic precedent has been followed.

The Congress passed the Tonkin Gulf resolution in good faith, agreeing then on the course of action proposed by the President. And now, we do not enhance our stature if we blame the system, the division of powers, or Presidential deception for our tragic lack of success; and, so concluding, tie the hands of the Commander in Chief as he tries to deal with one of the most difficult military situations in our history.

I ask the Senate to reject the amendment but I thank its sponsors for reminding us that we must now shape a meaningful role for the Senate in determining the future direction of our foreign policy. As decrying the past is fruitless, so looking ahead can enhance the Senate's part in determining where we go from here. We must anticipate the next crisis; we must begin to address ourselves to restructuring the function of Congress in foreign affairs. Surely we can learn from the past; surely we must apply its lessons to the months ahead before it is too late.

Perhaps we should seek a sharper delineation of war power. Perhaps the future will require changes and redefinitions. I would be more than willing to explore all possibilities.

Clearly, we must address ourselves well in advance of crises to the broad outlines and directions of American policy. If we do this, we will have acted far more constructively and influentially than we would be curtailing the President's authority in the midst of crisis and after the fact.

Mr. CHURCH. Mr. President, although I was unable to be present during the earlier portions of this afternoon's discussion, I have listened with great interest to the debate during its final phases.

I must state frankly that I have been left to wonder what amendment is being discussed.

The arguments I have heard bear little relationship to the pending amendment as Senator COOPER and I drafted it. I believe it might be well to reconsider just what it is that this amendment does. In order to put an amendment of this kind in its proper perspective, often it is best to think about the things it does not do.

It does not raise questions about the credibility of the President of the United States. It accepts the President at his word. How that could possibly raise doubts in this body, in this country, and throughout the world is hard for me to understand.

The President has said to the American people and to the world that the Cambodian operation is limited in time, limited in scope, and limited to particular objectives. We in the Senate accept those limits.

All that the Cooper-Church amendment undertakes to do is to draw a line right where the President has drawn it in Cambodia. Our amendment limits the use of public money for certain purposes to go beyond that line.

That is not contradicting the President of the United States; that is merely asserting the right that properly belongs in the Congress.

If the President should decide in the future that he wants to carry out a policy committing the United States still farther into Cambodia, or if he should decide he wants to commit the United States to the obligation of defending the Cambodian regime with an elaborate entanglement through a military assistance program, he then should come back to Congress, make his case, and ask Congress to lift the limitations.

If that is a novel, unprecedented proposition, then I ask those who have raised questions about this amendment to consult the Constitution of the United States. I ask them to consult the history of the United States when time and time again Presidents have come to Congress before carrying this country into a foreign war and have asked for congressional consent.

Warmaking was supposed to be a shared responsibility. The framers of the Constitution did not conceive the Presidency to be an autocracy. They never intended that one man, as President, should have all the power to decide where, when, and under what circumstances the United States would fight. They never intended that he alone should pass upon the vital questions of war and peace which would involve the life or death of this Republic. No, indeed. The framers of the Constitution and Presidents for nearly two centuries, in adherence to the provisions of the Constitution, have recognized that Congress has its role to play, as well as the President, when it comes to the matter of war.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. CHURCH. Mr. President, I shall be happy to yield to the distinguished Senator from Florida. I know he has raised a particular question, and I do have some replies for him. I do not want to delay this matter further, but allow me to complete my thought.

A distinguished columnist, Mr. Tom Wicker, writing in the New York Times of May 14th, has put this question into its proper perspective, and, in light of the debate we have heard today on the floor, I would like to quote excerpts from the Wicker article, and then I shall ask that the entire article be printed in the RECORD. Afterward, I will be glad to yield to the distinguished Senator from Florida.

Mr. Wicker writes in part:

Thus understood, the powers of the Presidency should not be at issue in the controversy over the so-called Church-Cooper amendment to the military sales bill. That amendment would only prohibit the use of appropriated funds for a particular Presidential policy—that is, for retaining American forces in Cambodia, for supplying military advisers or mercenaries to the Cambodian Government or for any combat air support of Cambodian forces.

Congress clearly has the right to limit a President's policy in such a fashion—just as, for instance, it has the right to say that foreign aid shall be given in loans rather than in grants, or that most-favored-nation trade treatment shall not be given to certain nations. Last winter, President Nixon agreed to Congressional limitations on the use of groundtroops in Laos and Thailand. And no one would suggest that when a President asks Congress to *endorse* his policy—as in the Tonkin Gulf resolution or the Mideast resolution requested by President Eisenhower—Congress would not have the right to reject it instead.

Passage of the Church-Cooper amendment in the Senate alone would be a strong psychological limitation on Presidential policy; if the House adopted it also, it would be a legislative mandate. President Nixon could veto it, but that would seem to belie his own pledges to withdraw from Cambodia; besides, if the amendment can be passed in the House in an election year, a Presidential veto would probably fly dangerously in the face of public opinion.

Nevertheless, this would not be a restriction on *the powers of the Presidency*, and that is the essential point. Senator Hugh Scott pointed out the other day that the President's "power to defend the country" as Commander in Chief is indisputable; so is his duty to defend the lives and safety of American troops, and—in Browning's phrase—"to decide what are military necessities" and devise means to meet them. Nothing in the Church-Cooper amendment changes or can change that.

COMMANDER IN CHIEF'S RIGHT

For that reason, it would be superfluous to add to the amendment the exemption that the President could act in Cambodia when "required to protect the armed forces of the United States." That is always the Commander in Chief's duty and right and was, in fact, the justification invoked by Mr. Nixon for the Cambodian invasion. If he did not need the specific authority of such language two weeks ago, he would not need it in the future.

Similarly, what Mr. Nixon did in Cambodia then, he still could do—if as Commander in Chief he judged military emergency required it—were the Church-Cooper amendment to become law. That amendment would not make it impossible for the Commander in Chief to take extraordinary action when necessary or to give a "full, faithful and forceful performance" of his duties; rather it would place a limitation on Presidential policy that Congress is fully entitled to order.

Mr. President, I believe the Wicker piece is an excellent commentary on the basic constitutional questions at issue here, and it is of such quality that I ask unanimous consent that the entire article entitled "In the Nation: Curbing the Man, Not the Office," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### IN THE NATION: CURBING THE MAN NOT THE OFFICE

(By Tom Wicker)

WASHINGTON, May 13.—As the Senate moves toward a vote on limiting military operations in Southeast Asia, a clear distinction needs to be made between *the powers of the Presidency*, on the one hand, and the particular policy of a particular President, on the other. About the first, Congress can do nothing by statute; about the second, it can do much, if it will.

The powers of the Presidency are stated and implied in the Constitution. That document states that the President is, among other things, the Commander in Chief of the Army and the Navy; and that statement implies a whole range of actions that a Commander in Chief must or may take.

Lincoln, for instance, construed his powers so broadly that, in Wilfred Binkley's description, in the emergency of secession he "proclaimed the slaves of those in rebellion emancipated. He devised and put into execution his own peculiar plan of reconstruction. In disregard of law he increased the Army and Navy beyond the limits set by statute. The privilege of the writ of habeas corpus was suspended wholesale and martial law declared. Public money in the sum of millions was deliberately spent without Congressional appropriation."

Lincoln was able to do this largely because, as his Senate spokesman, Browning of Illinois, brilliantly stated: "When the Constitution made the President Commander in Chief of the Army and Navy of the United States it clothed him with the incidental powers necessary to a full, faithful and forceful performance of the duties of that high office; and to decide what are military necessities and to devise and to execute the requisite measures to meet them, is one of these incidents."

PARTICULAR POLICY AT ISSUE

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Congress clearly has the right to limit a President's policy in such a fashion—just as for instance, it has the right to say that foreign aid shall be given in loans rather than in grants, or that most-favored-nation trade treatment shall not be given to certain nations. Last winter, President Nixon agreed to Congressional limitations on the use of ground troops in Laos and Thailand. And no one would suggest that when a President asks Congress to endorse his policy—as in the Tonkin Gulf resolution or the Mideast resolution requested by President Eisenhower—Congress would not have the right to reject it instead.

Passage of the Church-Cooper amendment in the Senate alone would be a strong psychological limitation on Presidential policy; if the House adopted it also, it would be a legislative mandate. President Nixon could veto it, but that would seem to belie his own pledges to withdraw from Cambodia; besides, if the amendment can be passed in the House in an election year, a Presidential veto would probably fly dangerously in the face of public opinion.

Nevertheless, this would not be a restriction on the power of the Presidency, and that is the essential point. Senator Hugh Scott pointed out the other day that the President's "power to defend the country" as Commander in Chief is indisputable; so is his duty to defend the lives and safety of American troops, and—in Browning's phrase—"to decide what are military necessities" and devise means to meet them. Nothing in the Church-Cooper amendment changes or can change that.

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Similarly, what Mr. Nixon did in Cambodia then, he still could do—if as Commander in Chief he judged military emergency required it—were the Church-Cooper amendment to become law. That amendment would not make it impossible for the Commander in Chief to take extraordinary action when necessary or to give a "full, faithful and forceful performance" of his duties; rather it would place a limitation on Presidential policy that Congress is fully entitled to order.

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Mr. CHURCH. Mr. President, I am happy to yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I have numerous articles bearing on that same point that I shall refer to later.

It was my understanding last night when we were about to adjourn that we were discussing in particular section 12 of the pending bill which was an amendment coming from the Committee on Foreign Relations. At that time, from a casual reading of that amendment, I was of the impression that it went much too far. At that time the Senator from Idaho offered an amendment, or a group of amendments which were to be considered en bloc, which he felt might correct the committee amendment which is section 12 in the bill.

I requested and the Senator from Idaho very courteously agreed that we would not have a vote upon this amendment last night so that we might see it as printed in the RECORD and might have a chance to decide what was the better course.

For the purpose of the RECORD, I will read the controlling part of section 12:

> SECTION 12(a). Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated for any purpose shall be available for obligation or expenditure—
>
> (1) unless the appropriation thereof has been previously authorized by law; or
>
> (2) in excess of an amount previously prescribed by law.

There are other parts of the amendment, but I think the Senator will agree those are the controlling portions. I noted from the report that the purpose of this amendment was to deal with a situation which existed late last calendar year when we were debating the foreign aid appropriations bill. I quote one section from page 13 of the committee report which reads as follows:

> Section 12 is a product of the debate in the Senate last year concerning an attempt to appropriate $54,500,000 above the appropriation for military aid to provide F-4 fighter aircraft to the Republic of China.

Now, so far as the Senator from Florida is concerned, he understands that the purpose of section 12 is, as stated in the report, to prevent such a situation as occurred last year in which various items, not only the item for Taiwan, mentioned in the report, but an item for South Korea and an item for the school involved, all were in the foreign aid bill which were not authorized by the foreign aid authorizing legislation.

I would like to ask first whether I am correct in my understanding that the purpose of section 12 was to prevent the reoccurrence of that sort of situation by preventing items from coming into the appropriation for foreign aid that had not been authorized.

Mr. CHURCH. The Senator is entirely correct.

Mr. HOLLAND. I understand from reading the RECORD, that the amendments proposed by the Senator from Idaho, mentioned by him yesterday afternoon, and courteously withdrawn by him, provided as follows: The Senator from Idaho proposed that section 12 be modified by striking out, on page 9, line 1, the words "for any purpose" and inserting in lieu thereof "for foreign assistance (including foreign military sales)"; and, on page 9, line 8, inserting the words "for foreign assistance (including foreign military sales)" after the word "appropriation."

I understand, therefore, that the purpose of these proposed changes of section 12 of the bill, as offered by the Senator from Idaho, is to limit section 12 to matters under the jurisdiction of the Committee on Foreign Relations of the Senate and applicable to the foreign aid bill. Is that correct or not?

Mr. CHURCH. The Senator again is completely correct.

Mr. HOLLAND. Consequently, this restrictive language on appropriations would have no effect at all if the amendment suggested by the Senator from Idaho to section 12 were adopted with respect to Public Law 480, which deals with food for peace and is under the jurisdiction of the Committee on Agriculture and Forestry, or with other programs for which jurisdiction lies with other standing committees of the Senate. Am I correct in that understanding?

Mr. CHURCH. I again fully concur with the Senator.

Mr. HOLLAND. In addition to nullifying any appropriation for the Taiwan jets, or for the Republic of Korea—which is not mentioned in the report, and which was left in the bill last year—would this language apply to any other programs in the foreign assistance field?

Mr. CHURCH. Only those covered by the Foreign Assistance Act and the Foreign Military Sales Act.

Mr. HOLLAND. In other words, the sole purpose of section 12, if amended as now proposed by the Senator from Idaho, would be to make it improper, and indeed illegal, to include in the foreign aid bill——

Mr. CHURCH. In the foreign aid appropriations bill.

Mr. HOLLAND. In the foreign aid appropriations bill, items which had not been specifically authorized either in the Foreign Assistance Act or in the act providing for sales of military goods?

Mr. CHURCH. The Senator is correct.

Mr. HOLLAND. I call attention to the fact that there was an item last year in the appropriation bill which became law, which was not authorized, entitled "Hospital and Home for the Aged in Zichron-Yaakov" coming under the division entitled "American Schools and Hospitals Abroad," which was in the bill and which was not affected. Am I correct in that statement?

Mr. CHURCH. Yes. However, let me remind the Senator that with respect to authorizations for schools and hospitals abroad the Foreign Assistance Act simply authorizes a lump sum amount of money and does not undertake to specify particular schools. Although they are mentioned in the report, they are not listed in the legislation itself.

Mr. HOLLAND. I had understood that this particular item was not authorized. Perhaps I am in error. In any event, that item in the amount of $650,000 was allowed to remain in the bill.

I want to make it clear that if any amounts covered by that appropriation have not been committed or expended, or those covered by the Korean amount have not been committed or expended, they are not affected by the amendments now offered by the Senator from Idaho.

Mr. CHURCH. There would be no difficulty on either score, because with respect to the Korean item the total amount in the final bill did not exceed the total amount in the authorization legislation, and the same is true with respect to the school and hospital item. In neither case would this amendment, in its perfected form, affect either the Korean aid or the aid allocated to the particular school to which the Senator refers.

Mr. HOLLAND. In other words, there is no effort, in section 12 of the pending bill, if it be amended by the Senator from Idaho, to be retroactive in its effect upon any of the appropriations contained in the foreign aid appropriation bill of last year, even though there were these two rather important items which were not authorized.

Mr. CHURCH. The Senator is correct.

Mr. HOLLAND. I thank the Senator. I think he has taken a very constructive method of reducing the coverage of section 12 so that it does apply to the jurisdiction of the Committee on Foreign Relations, of which he is an important member, and does not becloud the jurisdiction of other committees and other fields of activity of the Congress.

Insofar as the Senator from Florida alone is concerned, he would have no objection to the adoption of the amendments as now suggested to section 12, nor to the adoption of section 12 if it be so amended. He does, however, want to remind his distinguished friend that that attitude by the Senator from Florida may not at all coincide with that of the body at the other end of the Capitol, because, as the Senator knows, by securing a rule against points of order from their Rules Committee the House places in bills, including the foreign aid appropriation bill, items which are not covered by authorization bills. The Senator is aware of that fact; is he not?

Mr. CHURCH. I am aware of it; and, of course, if this amendment, in its perfected form, is affixed to the Military Sales Act, it would have to be agreed to by the House of Representatives before it would have any effect.

Mr. HOLLAND. I thank the Senator for his courtesy. I think we understand each other perfectly.

If the Senator wishes to ask for the temporary setting aside of the principal amendment and the consideration of this amendment, at least the Senator from Florida would have no objection to following that course.

Mr. CHURCH. I would like very much to proceed. However, I am informed that the distinguished majority leader has an interest in this particular item, and he has asked that no action be taken until he can make some comments of his own. So, in deference to his wishes, we will not call for a vote at this time on this particular amendment. However, I am very glad that we have been able to work out the questions that the Senator from

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Florida had in mind to his satisfaction. His support is important in obtaining the passage of this measure.

Mr. HOLLAND. The Senator from Florida's agreement to support section 12 as amended is no indication of his attitude with regard to other features of the bill. I would hope that the Senator did not have any such idea in mind.

Mr. CHURCH. That idea did not occur in even the tiniest part of my mind. Nevertheless, I appreciate the Senator's support with reference to section 12.

Mr. HOLLAND. I do think, since it appears that there will be no final action on the amendment this afternoon and that it will have to go over, it would be well to have clearly expressed in the Record just what the amendments mean and just how they will restrict—and I think they should restrict—the coverage of section 12 in the bill as it was originally intended.

Mr. CHURCH. Mr. President, while the distinguished Senator from Florida is still in the Chamber, perhaps I could raise with him another point that was of concern to him yesterday. The Senator will remember that yesterday afternoon he raised the question of whether captured enemy weapons were included in the definition of "excess defense articles" contained in section 644(g) of the Foreign Assistance Act.

I replied that, although the committee did not study this particular point, in my opinion the definition in the law was sufficiently broad as to embrace captured enemy weapons. The matter has been checked into further, as I promised the Senator it would be, and it is clear that captured weapons are considered like other public property and thus fall within the scope of the definition of "excess defense articles."

As to the application to Cambodia of the restriction in section 9 on the amount of surplus arms that can be given away without counting against military aid, there is no cause for concern. It would have no practical effect since the valuation of surplus arms, for purposes of this section, is "not less than 50 per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States." Captured enemy weapons, of course, are not paid for in dollars and cents but in the lives of American soldiers. So the ceiling would not in any way limit the amount of enemy weapons that could be given to Cambodia or any other country, if that country were otherwise eligible to receive U.S. military aid.

Mr. HOLLAND. I thank the Senator. What disturbed me was this: The immense amount of small arms and larger arms and ammunition that has been reported as being captured in the raids into Cambodia indicated that there would be a very great logistics problem in getting them out. We have had indication also that Cambodian armed forces have very badly needed such weapons, and that already some of the captured weapons have been turned over to them, if the newspaper reports are accurate.

I would hope, if there are people there fighting the Communists, as we are, and they are in need of arms, and we have no use for those arms, that rather than go to the trouble of carting them out, which is an immense task, or go through the process of destroying them, which itself is an immense task, we would make them available to the fighting tribesmen.

I judge from what the Senator has just said that if the commander in the field and those in control of our operations in Southeast Asia decide that that is the wise course; this measure, if enacted, would not in any way prevent their so doing.

Mr. CHURCH. The Senator is correct.

Mr. HOLLAND. I thank the Senator. I am glad he has raised this additional point.

Mr. CHURCH. Mr. President, I call the attention of the Senate to an editorial entitled "Cambodian Withdrawal," published in the New York Times of May 14. It reads as follows:

### Cambodian Withdrawal

> The debate that has opened on the Cooper-Church amendment now gives the Senate a chance to vote a proposal that would bind President Nixon to his promise of withdrawing American troops from Cambodia. It would also make sure that he did not send them back without Congressional consent.
>
> These reasonable objectives deserve reasoned discussion, not the "stab in the back" and "jubilation in Moscow" rhetoric employed in an attempt to discredit the amendment yesterday by some Administration supporters.
>
> Administration arguments that the measure would hamper the President in his constitutional responsibility to take action to protect American troops merely confuse the issue. Nothing in the proposal would keep the President from carrying out the present Cambodian operation, all the more so since repeated statements by Mr. Nixon and Defense Secretary Laird assert that the operation is ahead of schedule and proceeding successfully. Mr. Laird, in fact, has publicly dismissed as unnecessary military pleas for more time to search for Communist arms in the sanctuary bases.
>
> What the Cooper-Church amendment would do is cut off funds to retain American troops in Cambodia after the current operation is completed on June 30. It would also prohibit American advisers or air support for Cambodian forces.
>
> However, the sponsors of the proposal have not attempted to bar limited arms aid for Cambodia nor American air interdiction of Communist supply lines through Cambodia to South Vietnam. Neither is there any attempt to rule out American air support to South Vietnamese forces should they return to Cambodia at a future date, although President Nixon has said that air support for the current South Vietnamese operation would halt by the end of next month.
>
> The importance of the Cooper-Church amendment is twofold. It gives the Senate an opportunity to put on record the strong opposition within that body to a prolongation of military operations in Cambodia. And it would announce the Senate's determination to reassert Congressional prerogatives in foreign policy and defense, areas marked in recent decades by Presidential dominance—and tragic errors.
>
> The real constitutional issue differs from the one the Administration is trying to make. The Constitution vests control over the nation's warmaking power in both the President and the Congress. No one can doubt the need for Presidential decisionmaking when split-second questions of nuclear war or peace may be involved. But there never has been such urgency in the Presidential decisions on Vietnam and Cambodia, now under challenge.
>
> By adopting the Cooper-Church amendment and thus reassuring its right to be consulted before the country is taken into war again, Congress will strengthen not weaken the American position in the world. What Vietnam has shown is that it is a war undertaken without popular consent that undermines American credibility abroad, not the opposite.

This is as good a summation of the real question at issue here as any that I have seen.

A moment ago the Senator from Rhode Island (Mr. Pell) indicated that he might want to obtain the floor.

Mr. PELL. No; I just wondered whether the Senator would yield for a question or a query.

Mr. CHURCH. I am happy to yield.

Mr. PELL. I wonder if the Senator is as struck as I am with the fact that under our system of government it is rather hard, sometimes, for the people of our country to make their will known, if the President is in opposition.

Under a parliamentary democracy, we have the vote of confidence, and upon a failure in it, the representatives go back to the people. Even in the Soviet Union, certainly the opposite of a democracy, a committee form of government exists where, if there is a consensus within the committee that the head of government is going too far in an incorrect direction, he is quietly nudged aside, as we have seen happen to Mr. Khrushchev and his predecessors. But with our system, there is very great difficulty in the majority will expressing itself except at 4-year intervals.

We also have the question of what is the majority will. How do you weigh the intensity of feeling?

We have at this time, it seems to me, a very dangerous situation developing within the country, developing with great intensity of feeling—one might call it decibels, if such a term could be used relating to emotion—decibels of emotion of high intensity and high anguish on the part of many young people who believe they are not being heard, that there is no dialog or communication, and who want to see some action taken.

At the same time, I think there is a majority opinion in the Nation that somewhat apathetically believes these decisions are best left to the President alone—the old idea of "father knows best."

This is a situation that can lead to real confrontation and real violence, unless some means are found of permitting the high decibel emotions of our younger people also to vent.

To my mind, the adoption of this amendment, which I am so glad to be supporting, would be a very real step in the direction of letting those who feel that their emotions or their views are being expressed but are not being heard, believe that they are being heard.

Mr. CHURCH. I completely agree with the Senator. It would be a tragedy if the Senate were to fail to adopt an amendment that is as modestly conceived as this.

As the Senator knows, he and I have opposed this war for years.

Mr. PELL. If the Senator will yield on that point, I must throw a bouquet to the Senator from Idaho, because he was

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earlier than I in his public opposition to this war, when very few had the courage to raise their voices. And, alas, some of those who did raise their voices are no longer with us—a fate that I hope does not await the Senator from Idaho and me.

Mr. CHURCH. The Senator is very kind.

Every time the American people have had a chance to express their commonsense judgment on this war out in the Balkans of Asia, they have said, "Cool it."

In 1964, the Senator will recall, the main issue in the election between Mr. Johnson and Mr. GOLDWATER revolved about the issue of the war. Mr. Johnson said again and again that Mr. GOLDWATER was trigger happy; he was a defoliator; he was inclined to rash judgment; and, furthermore, that Asian boys should fight Asian wars. Repeatedly, Mr. Johnson said he was not about to send American boys 10,000 miles to Asia to fight a war that Asians should be fighting for themselves.

Because of his campaign pledges, Mr. Johnson received an unprecedented landslide victory. Within a few weeks, however, he began to send American troops into Vietnam, which led Mr. GOLDWATER later to observe that Johnson had won the election and then adopted the Goldwater foreign policy.

Four years later, the American people again had a chance to express themselves on the matter of the war, which by then had grown into an enormous American engagement on the mainland of Asia, involving more than half a million American troops, costing in excess of $100 billion and nearly 40,000 lives, with a quarter of a million more Americans maimed and wounded. Again the American people had a chance to choose a candidate. And who was chosen? The man who assured the country that he had a secret plan for ending the war. I do not think anyone suspected that that would be Cambodia.

So there is reason for frustration. All these years have passed. Each time the American people have voted, they have tried to say to the President of the United States, "Our commonsense tells us this is a war we ought to end," as so many put it, "either win or get out." Neither has occurred.

As a result, millions of Americans have lost confidence in the institutions of the country, in the responsiveness of government to the people's felt need, even to the people's opinion. This, of course, is especially so as it relates to the young people who are being forced to fight this war, a war that millions of them believe to be an unnecessary, mistaken, even a wrongful war.

Mr. PELL. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. PELL. I recall the phrase of the Senator from Idaho—a very correct and just one—when he said a year or so ago that we, speaking here as members of the same political party, must wear the hairshirt for a while because it was under our party's auspices that this war moved up to its present grand scale.

I think that we also should give a bouquet to President Nixon, in that until a few weeks ago things were really getting better. The number of men in Southeast Asia in combat, and of our soldiers there, was less. The number of deaths was less. The number of engagements was less. We seemed to be going in the right direction—not so fast as the Senator from Idaho and I would have liked, but we were going in the right direction.

A few of us were a little worried that we might be left with a rather permanent Korea garrison situation there. But we could cross that bridge when we came to it. Then, rather suddenly, this event occurred a few weeks ago. This caused the excitement in the country as a whole, and it is for this reason that this amendment is needed so very much.

The President, quite honestly—this goes beyond partisan considerations—had done a much better job with regard to liquidating the war than our party had succeeded in doing for the several previous years.

Mr. CHURCH. Again, I want to say that I agree with the Senator.

I have had and have expressed my reservations on the Vietnamization policy. Nevertheless, I have always been at pains to point out that I found myself less opposed to the policy that Mr. Nixon seemed to be embarked upon than I had been previously opposed to Mr. Johnson's policy. The latter policy was one of escalating our involvement in the war and the former was one of deescalating our participation. All of that has now been thrown into the most serious doubts by the latest decision of Mr. Nixon to send American troops into a new theater of war in Southeast Asia.

Mr. PELL. Raising the question of Vietnamization brings up another point. While we do not want to see American young men killed, we do not want to see any young men killed, if possible. To put it very crudely, what Vietnamization really means is to substitute young Vietnamese being killed for young Americans being killed. While, as an American father, I think that is preferable, I do not think either is desirable particularly as it has become so much our war. The problem we face here is that if we had not intervened in the beginning, had permitted the election to occur that should have occurred in 1958, there would have been no war at all. So Vietnamization itself is not an end, and I think we should recognize that fact.

Mr. CHURCH. I agree with the Senator. I want to get back to the original point he made, that public confidence in our political institutions is at stake here. During previous years, the direction of protest, demonstration, and antiwar effort was pointed at the White House. When 250,000 young Americans came to the Capital last November, hardly any of them came up to Capitol Hill. They all turned their backs on the Capitol and went down and faced the White House. They recognized that we had permitted enormous powers to be concentrated in the President's hands, and unless they could convince the President, they had no chance. Congress was irrelevant.

That was the pattern of the protest until the distinguished Senator from Kentucky (Mr. COOPER) and I went to the press galleries a couple of weeks ago and suggested that the time had come for Congress to begin to use some of its power, so long overlooked, for the purpose of establishing the outer limits to American participation in this widening war. Ever since, for the first time, attention has been directed at Congress. Indeed, Congress has been rediscovered. The issue is whether we can summon up the resolution to use the powers which were meant to be not only lodged in Congress, but also exercised by Congress.

If we fail to do that, on a proposal so modest as the one now pending, which merely takes the President at his word and says, "No further, without coming back and making your case and securing congressional consent," then what are our young people going to think about Congress? Are they going to think that it is alive at all, or dormant?

Mr. PELL. If I may interject, I do not believe they have a very high opinion of Congress now.

Mr. CHURCH. If they do not have a high opinion of Congress now, it is because we have given little cause for them to feel that way. But, if, on this occasion, we can arouse ourselves from our lazy slumber, begin to assume our responsibilities to the American people under the Constitution, then I think that respect for Congress will rise again, and nothing could be healthier for the well-being of the institutions of this Republic.

Perhaps, in the long run, this revival will be more important than the actual limiting effect of the amendment itself.

Mr. PELL. If the Senator will yield to me for one last comment, it would also make apparent to the younger people that they can work within the system. Yet, what so many of them are concerned with is that they cannot see any signs of success from working within the system. They do not realize that some of their efforts can be counterproductive. But they are beginning to realize that violence, the kind which occurred at the University of Maryland yesterday, is counterproductive, that it turns middle America further "off," rather than further "on."

Another very interesting change in tactics, not in strategy, is the increasing realization of our young people that beards—which I have always rather envied but never had the courage to grow—long hair and weird costumes turn people more "off" than "on."

We find that perhaps, in part, because they see signs of possible success in this amendment, the young people are getting cut-rate haircuts now and are going around canvassing neighborhoods in support of the adoption of this amendment. We must remember that these young people, 30 years from now, will be the leaders in this country—not those who are sitting on their hands and doing nothing now—but this group will work within the system or will be pushed outside, and the leaders of this group, will have more conviction that they can work within the system.

Mr. CHURCH. I agree again with the distinguished Senator from Rhode Island. If we want to take the war protests off the streets, if we want to stop the violence, if we want to still the spirit of revolution on campuses north, south,

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east, and west, the way to do it is to demonstrate that here in the Halls of Congress representative government still lives.

Mr. BYRD of West Virginia. If the able Senator will yield at that point, let me say that I may vote for the Cooper-Church amendment but not on that pretext.

Mr. CHURCH. The Senator's support for the amendment, if he so decides to vote for it, is very welcome indeed. But with regard to the argument I made as being a pretext, even though the Senator may——

Mr. BYRD of West Virginia. Let me say, if the distinguished Senator will yield, that I have not made up my mind as to whether I shall vote for or against the amendment. But, if I decide to vote for the amendment, it will never be because of threats of demonstrations, or violence in the streets, or on the campuses. If it is to be adopted on that basis, then I will not vote for it.

Mr. CHURCH. May I say, with respect to the Senator's statement, that I believe he misunderstands the point I made.

Mr. BYRD of West Virginia. I may have. I hope that I have.

Mr. CHURCH. If that is so, it is because I did not state it as well as I should have stated it.

Mr. BYRD of West Virginia. I thank the able and distinguished Senator from Idaho.

Mr. CHURCH. It was certainly not because Congress is bending to any such threats, but because the place to settle this question is in the Halls of Congress, not in the streets.

Mr. BYRD of West Virginia. I agree to that. Nothing can ever be settled in the streets, and there is no justification for riots, mobs, or campus violence.

Mr. CHURCH. That was the argument I was making. I may have left the wrong impression.

Mr. BYRD of West Virginia. I am sorry if I misunderstood.

Mr. CHURCH. I thank the Senator for bringing it to my attention.

Mr. BELLMON. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Oklahoma.

Mr. BELLMON. I have a couple of questions I should like to ask the Senator from Idaho, if he is agreeable.

I seem to sense, since the arguments made in the Senate in the last couple of days, a rather broad agreement on the objectives in Southeast Asia. I believe that everyone is agreed that we want to end the war and get our troops out of there as rapidly and as honorably as possible.

There seems to be a difference of opinion as to how this can be accomplished. I was pleased to hear the Senator say that the President of the United States has acted to cool the war there, with withdrawal of troops and the other steps which he has taken. But apparently there is a difference of opinion as to whether the action in Cambodia is, in fact, going to hasten disengagement or will prolong the war. That is the heart of the difference, as I understand it. Is that the way the Senator understands it?

Mr. CHURCH. Every Senator may have his own appraisal of the wisdom of the Cambodian venture. However, the purpose of the amendment is not to quarrel with the President on the stated objectives of the Cambodian operation. In other words, it establishes the same limits that the President himself has set on the policy. It does not attempt to argue the case for or against the wisdom of the policy.

Mr. BELLMON. Does the Senator from Idaho look upon the destruction of the sanctuaries in Cambodia as a new and different war or as a different phase of the same war? What is his opinion?

Mr. CHURCH. The sanctuaries have been in existence in Cambodia for many years. They are not new. They have been used by the Vietcong and the North Vietnamese as depots, as resting areas, and as bases for a long while. President Nixon had full knowledge of the existence of the sanctuaries at the time he developed his Vietnamization policy. In fact, 10 days before he sent American troops into Cambodia, he broadcast to the American people that the Vietnamization policy was working and assured the American people that he was confident it would succeed. At that time, and at all previous times, that policy had been based on acceptance of the existence of these particular sanctuaries.

I want to emphasize to the Senator that the sanctuaries have been in existence for a long period of time and that up until 2 weeks ago our policy had been based upon an acceptance of their existence.

Mr. BELLMON. My reason for asking the question was that if the Senator looks upon the Cambodian operation as a new and different war, I can understand his feelings that perhaps the President should have come to Congress and discussed the matter; but if it is simply a new phase of the same war, then, to me, it becomes a tactical decision which the Commander in Chief has complete authority, even the responsibility, to make. Does not the Senator agree with that feeling?

Mr. CHURCH. I believe that we could get into an argument over semantics when we discuss whether this is a part of the same war or is a new war. It is striking at sanctuaries which have long existed. In that sense, it is a part of an old war—a new opening in an old war. But in another sense, it is the opening of a new front. International boundaries are being crossed that had not been previously crossed in the war. This raises a whole new set of risks for the United States.

Mr. BELLMON. Mr. President, these boundaries have been crossed repeatedly by the enemy, I understand.

Mr. CHURCH. Yes. However, they have not heretofore been crossed by the forces of the United States. And the risks that are involved in this policy have to be considered by Congress. Up until now, the President has set very definite limits upon the operation. This amendment accepts those limits. If this were to become a first step in a deepening involvement of the effort in Cambodia, then I think the risks would be so grave that Congress should pass judgment upon the wisdom of such a new and deepening involvement. It would mean, or could mean, the assumption of a new national commitment to the defense of another foreign government.

It could mean the beginnings of an escalating military assistance program which could lead us, step by step, into the same kind of quagmire in Cambodia that exists for us today in Vietnam.

These are the risks. Yet, if Congress establishes an outer limit and then insists upon its right to participate in any decision that would extend our involvement farther into Cambodia, we reduce the risks.

Mr. BELLMON. Mr. President, it occurs to me that it was perhaps for this very reason that President Nixon has circumscribed the area that he plans to operate in in Cambodia, to ally these fears and concerns.

Therefore, I feel that, perhaps, the Senator's fears are not well founded. The President said very clearly that he does not plan to become involved in either a lengthy or a large war in Cambodia.

Mr. CHURCH. I agree with the Senator. The President's motives, sincerity, or purpose are not in question here. I know he does not want or desire to become deeply embroiled in Cambodia. I remind the Senator, however, that the whole history of this war is a succession of presidential decisions made, not just by the present occupant of the White House, but by his predecessors.

Each of these Presidential decisions has been taken with great sincerity. Each has been taken with the belief that just one further step would somehow solve the problem and permit us to extricate ourselves from further involvement in an interminable war.

Yet we have found that the validity of these decisions has not only been wiped out by subsequent experience, but that one experience tends to lead to another—and still another—in a sequence of events which completely mires us down in the Southeast Asian quagmire.

This happened in Vietnam, and each time, I remind the Senator, the President was perfectly sincere. Each time he thought that this one more step was all that would be necessary; each time events proved him to be wrong.

In the light of that experience, I think it is incumbent upon Congress not to permit the same sorry sequence to occur in Cambodia. There is a risk that it will. That is not a reflection upon the President's honesty or sincerity. It recognizes, however, the experience that we have had in the past and attempts to avoid that experience in the future.

Mr. BELLMON. Mr. President, I heard the view expressed by a Senator this afternoon that he did not trust the President. He feels that the resolution is necessary because he does not believe the things that President Nixon is saying. This is not the position of the Senator from Idaho.

Mr. CHURCH. No. It is not my position at all. I think that we should learn from experience.

Mr. BELLMON. I would like to say that I am one who does trust President

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Nixon. I believe that he has kept his promises to the Senate and to the people of the country. I feel that he will do so again.

While I agree with the intent expressed by the Senator from Idaho, I look upon the resolution as, perhaps, an unintended but an unfortunate slap at the President, which may have a very detrimental effect upon the effectiveness of the President, whether the Senator intends it in that way or not.

Mr. CHURCH. Mr. President, I do not see how that could happen. I remember when Congress imposed certain limits upon the use of certain funds by prohibiting the introduction of ground forces into Laos and Cambodia. The President did not say that was a slap at him. In fact, he said that was in accordance with his expressed policy. He accepted the action of Congress and signed that limitation into law.

No Senator on that side of the aisle or on this side, or anyone outside the Halls of Congress or in the White House, indicated then that Congress had somehow affronted the President. I do not see how anyone can really argue that we now affront him by simply accepting his policy and saying, "These are the limits that we think ought to be set. You have declared the limits, and if at any later date you think that we should go beyond those limits, come back and present your case and ask Congress to lift the limitations."

I find it hard to see how an argument could be made that this action in any way constitutes a slap at the President.

Mr. BELLMON. Mr. President, the language the Senator used just now appeals to me a good deal. If that language could be included in the amendment and if we could say we support the President in the decision he has made and endorse the Cambodian operation, I think it would make a great deal of difference in the effect this would have upon the President's effectiveness and his ability to continue this operation as the Commander in Chief.

The very fact that Congress passed a resolution last year that said to the President, "We shall not become involved in military operations in Laos or Thailand," and did not specifically mention Cambodia, could be interpreted, it seems to me, as the green light to go into Cambodia if the President saw fit to do so, which he has now done.

Could the Senator tell me why Cambodia was not included in the resolution?

Mr. CHURCH. Yes. I remember it very well. At the time, no one conceived of an American military operation in Cambodia. The Cambodian Government was then seemingly secure under Prince Sihanouk. He had pursued a neutralist policy. Indeed, we had reestablished relations with his Government—and that had been done, incidentally, under President Nixon—and we had, in so doing, accepted the neutralist policy and position of the Cambodian Government.

No one conceived then that any military operation would be undertaken against Cambodia, and I am sure that none was even contemplated at the time. But if anyone had suggested it on the floor of the Senate that day, I am quite certain that a majority of Senators would have been willing to vote the same restriction against the use of American ground forces in Cambodia, as was voted for Laos and Thailand.

I think that is the explanation. The CONGRESSIONAL RECORD of December 15, 1969, will bear that out.

Mr. BELLMON. Mr. President, if that is the case, I would certainly feel that it was fortunate that the President did not find it necessary to come to the Senate and ask for permission to go into Cambodia, because that would have certainly resulted in lengthy debate, would have given our enemy ample time to strengthen his defenses, and undoubtedly would have cost this Nation heavily in deaths and suffering for men engaged in South Vietnam.

I shall make one further comment; then I shall not take any more of the Senator's time. I agree with what the Senator from Idaho said he is attempting to accomplish by the resolution, but I seriously doubt the wisdom of trying to set the President's feet in concrete in the way this resolution would.

The fact that a year ago we were not able to anticipate what might happen in Cambodia and therefore did not foresee the necessity of including Cambodia in the prohibitions on military action in Laos and Thailand indicates to me that these are uncertain times; and no one had the vision to look ahead to see what could develop in the months and years from then.

I think President Nixon has adopted a plan for winning the peace in Southeast Asia for a long time to come. Even if I did not think so I would not vote for this resolution, since I think it would damage President Nixon in his efforts to find a way for peace in Southeast Asia.

### BAD ARGUMENTS BY INTELLIGENT MEN

Mr. President, many years ago the distinguished priest and scholar, John Courtney Murray, wrote an article entitled "The Bad Arguments Intelligent Men Make." I have forgotten what the substance of the article was; but the title seems to me to be perfectly applicable to those who support the Cooper-Church amendment. They are distinguished, loyal, and intelligent men; but, in my opinion, they have made a bad argument in seeking to deny to the President the funds needed by him to carry out his responsibility as Commander in Chief to take measures he deems necessary to insure the security of the U.S. forces in the field.

Before I attempt to refute the argument that is at the heart of this amendment, let me first present certain facts relating to the present Cambodian action in particular and to constitutional responsibilities in general. These facts are so obvious that it may seem a waste of time to repeat them, yet, they are essential to full understanding of the situation.

First, the United States of America at this moment has military operations being conducted in Cambodia. American servicemen are there now. It is essential to establish this obvious point, for on it hinges an important constitutional consideration to which I will refer later.

Second, the Constitution of the United States has distributed between the executive and the legislative branches of government various powers relating to the procurement and deployment of the Nation's Armed Forces.

Congress is given the power in article 1 "to raise and support Armies," and "to provide and maintain a Navy." The same article provides that Congress may raise money to "pay the debts and provide for the common Defense and general Welfare of the United States" and that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." Finally, of course, Congress is given the power to declare war.

As for the executive branch, the Constitution provides that:

> The President shall be Commander-in-Chief of the Army and Navy of the United States.

Basic, elementary facts, one of the present—we now have troops fighting in the field—and two historical—the constitutional provisions pertaining to the legislative and executive responsibilities in regard to our Armed Forces.

Now, keeping these basic points in mind, let us examine the Cooper-Church amendment. It is important enough to give its fundamental points in detail.

I quote from the language of the amendment:

> "SECTION 47. Prohibition of Assistance to Cambodia.
>
> "In order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of:
>
> 1. Retaining United States forces in Cambodia.
>
> 2. Paying the compensataion or allowance of, or otherwise supporting directly or indirectly any U.S. personnel in Cambodia who (a) furnishes military instruction to Cambodian forces; or (b) engages in any combat activity in support of Cambodian forces.
>
> 3. Entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or persons to engage in any combat activity in support of Cambodian forces.
>
> 4. Conducting any combat activity in the air above Cambodia in support of Cambodian forces.

Now, apart from the obviously dangerous limitations put on Presidential action, this amendment would have other adverse effects.

The headlines "Prohibition of Assistance to Cambodia," which is the title of section 47, would deal a very great blow to the Lon Nol Government.

The effects of passage upon the upcoming Djakarta Conference of Asian Nations would be very bad. We now have hopes for some quite positive results from this Asian initiative. In my opinion, passage would almost assure the failure of the conference.

The encouragement that passage of this amendment will give to the enemy will probably mean that a final negotiated settlement will be substantially delayed.

Putting the enemy on notice, by this amendment, of just which options we have denied ourselves, means that they can deploy their forces and direct their efforts much more efficiently, with a consequent increase in U.S. casualties and a possible slowdown in the withdrawal timetable.

I know that to some of the distinguished and intelligent men, even these adverse effects—clear as they are—would not seem sufficient reason to prevent such an amendment.

That is why I am convinced that a Constitutional argument can and must be made to demonstrate the inadvisability of the Cooper-Church amendment. What it would do to our men in the field and to the entire situation in Indochina is, to me, regrettable; but perhaps even equally regrettable is what the amendment would do to the Constitution of the United States and its clearly defined division of powers.

The Constitution assigns to the President alone the responsibility of Commander in Chief, and this gives him the duty to take those measures that he deems necessary to insure the security of the United States forces in the field. This amendment would represent an interference with the Executive Power granted to the President in Article II. The President cannot accept the denial of legitimate options that in some contingencies he may judge necessary to fulfill his Constitutional responsibilities.

There are those who question the authority of the President to send troops into Cambodia without approval of the Congress. Perhaps the Congress should re-examine the process by which this nation goes to war. However, to undertake to do this at a time when mens' lives are in jeopardy on the battlefield is to place them into even greater danger and to invite national chaos at home.

The fact is that there is a long line of precedents in which the Presidential power as Commander in Chief was exercised so as to cause American armed forces to engage in hostilities with the armed forces of another nation without a declaration of war by Congress. Presidents McKinley, Taft, and Wilson took actions of this sort, and, of course, the action taken by President Truman in Korea is the most well-known example.

But the Cooper-Church amendment speaks to a fundamentally different point: its ultimate danger is not in that it seeks to deny funds to carry on the war, but in that it raises the question of the Constitutional distribution of powers between the Congress and the President.

This amendment would seek, by attaching conditions to appropriations bills, to regulate the disposition of armed forces already in the field.

Such conditions would be militarily and constitutionally disastrous. I cannot imagine any Congressman voting to stop a President from attempting, by tactical moves, to break the will of an enemy against which we have already sent troops in the field. Indeed, Congress has never, in almost two hundred years of its existence, taken such an action. Why? Because Congress has known—and I am deeply convinced knows today—that it is the prerogative of the President to determine the best methods to assure the safety of our national forces.

In effect the Cooper-Church amendment is an attempt by Congress to make short-range, tactical decisions as to how a military operation should be conducted.

Those who claim that the President's actions violated Cambodia's neutrality must be reminded of an elementary principle of international law: if a neutral nation, invaded by a foreign power, has not taken sufficient means to rid itself of that power, any nation threatened by the invaders has the right to use military force to protect itself. In short, Cambodian neutrality was violated by the North Vietnamese not by the Americans; the Cambodians did little or nothing to stop this violation over a period of years; the United States has every legal right to damage the power of the invaders of Cambodia, since that power is being directed at our troops.

The Cooper-Church amendment is another example of good intentions leading to bad conclusions. The Senators who back this measure want an end to war. But I cannot think of a more damaging and ultimately catastrophic method of ending this war than to bring about a Constitutional crisis and to confuse our troops in the field by delegating to the myriad voices of Congress the Constitutional responsibility that should and must sound from the strong voice of the President.

Mr. CHURCH. Mr. President, I thank the Senator for his comments. I want to reply once more that the Cooper-Church amendment is consistent with the Constitution. The Constitution states that the responsibility for war should be shared by Congress with the President. The effect of our amendment would simply be "If you want to go beyond the boundaries which you have set and thus involve the United States in a still deeper war in Indochina, then it is proper for you to come back to Congress and make your case."

That is what the Constitution intended. Why Congress abdicated from its role, I am unable to justify. This is a reassertion, it seems to me, of a prerogative that belongs in Congress, and we must not let it atrophy. If we do, the time will come when this Republic will die the way the Roman Republic died. When the Roman Senate failed to assert its responsibilities, the aggrandizement of power brought the Roman Emperors to control the Government.

I would not want to see that happen in the Senate of the United States, yet there is much evidence the same thing is happening to us as happened in the Roman Senate many centuries ago.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, does the able Senator yield the floor?

Mr. CHURCH. I yield to the distinguished Senator from West Virginia.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

## ORDER FOR ADJOURNMENT TO MONDAY, MAY 18, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATION FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT OR THE HOUSE OF REPRESENTATIVES AND FOR THE ACTING PRESIDENT PRO TEMPORE TO SIGN DULY ENROLLED BILLS DURING THE ADJOURNMENT OF THE SENATE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the President of the United States or the House of Representatives, and that the Acting President pro tempore be authorized to sign duly enrolled bills during the adjournment of the Senate until Monday, May 18, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AUTHORIZATION FOR COMMITTEES TO FILE REPORTS TOGETHER WITH MINORITY, INDIVIDUAL, OR SUPPLEMENTAL VIEWS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate until Monday, May 18, 1970, all committees be authorized to file reports, together with any minority, individual, or supplemental views.

The PRESIDING OFFICER. Without objection, it is so ordered.

## STATEMENT OF SENATOR WILLIAMS OF NEW JERSEY ON DEATH OF JOHN GRAVES, FORMER ASSISTANT SECRETARY TO THE MAJORITY

Mr. BYRD of West Virginia. Mr. President, I have been requested by the able Senator from New Jersey (Mr. WILLIAMS) to ask unanimous consent, and I do so now, that a statement by him with respect to the death of John Graves, former assistant secretary to the majority, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT BY SENATOR WILLIAMS OF NEW JERSEY

It was with a deep sense of sorrow that I learned of the sudden death of John Graves, former assistant secretary to the majority. During his 6 years of service in this key post, his great ability and charm won him many friends. Working long hours and always under the pressure of Senate business, his courtesy and sense of humor were unfailing. I, for one, relied on his judgment and advice on many occasions and always found his assistance invaluable.

It was a loss when his difficult health problems forced him to leave the staff of the Senate, an institution which he had served so loyally and loved so well. His sudden death at a time when he was looking forward to a new career is a genuine tragedy. My deepest sympathy goes to his wife, Karen, and to his children, Cody and Caroline, to whom he was a devoted and loving father. As they grow older, they can take genuine pride in their father who, in a life so untimely ended, served his country well.

## IRRESPONSIBLE MILITANTS TAKE OVER OFFICE OF SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Mr. BYRD of West Virginia. Mr. President, I was shocked and dismayed to read in the press on Thursday that irresponsible militants had been allowed to take over the office of the Secretary of Health, Education, and Welfare. Text and pictures described the bizarre event, with one photograph showing an insolent interloper lolling back in the Secretary's chair, his feet propped on the Secretary's desk, with Mr. Finch sitting elsewhere.

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Mr. President, what is happening to our country? Are Federal officials now expected to turn the other cheek to every insult that is heaped upon them? Is there no end to such senseless appeasement?

There will be no end to such appeasement unless men in positions of responsibility respond vigorously to challenges such as this. Secretary Finch may have been well-intentioned in seeking to give the intruders in his office an opportunity to speak, But, if the press reports are correct, nothing was accomplished by his tolerance except to reinforce the general impression that now exists that a mob can get away with anything it wishes to do.

These people came bursting into his private office, occupied it, took over the telephone and instead of attempting to establish any meaningful dialog about their problems—or his—they shouted down everything he had to say. Much was made in the press of his forbearance. And I am sure it did take cool nerve to sit there and take the abuse he took from the invaders.

But likeminded hoodlums would be considerably more impressed, I am sure, if he had had the intruders bodily thrown out. I would not expect him to attempt to do it. That is what we have police and security forces for—to preserve order. Government cannot function—just as our colleges and universities cannot function—when mobs are permitted to take over and do whatever they want to do.

It should be obvious to even the most unobservant, Mr. President, that people of the sort who accosted Mr. Finch will go as far as they are permitted to go. There is no give and take with them. It is take, take, take—while everybody else is expected to give, give, give.

This country has had enough of the namby-pamby treatment of people who have no respect for the necessary, orderly, social and legal and constitutional processes. A little righteous indignation is called for. The soft answer will not turn away wrath when the object of those who are shouting is simply to create confusion and disorder and fear.

I was as much encouraged to read in the papers of a Virginia college president's response to hooliganism this week as I was discouraged by Mr. Finch's response to it.

At Virginia Tech, at Blacksburg, President T. Marshall Hahn, Jr., ordered the immediate arrest and suspension from the university of a hundred campus protesters who seized a building and occupied it overnight. "Anarchy must be dealt with," he said, and he is right.

Not only did this courageous college head clear the building forthrightly; he also notified the students to get their belongings and leave, and further told them that if they came back on campus they would be deemed trespassers. This is good if this college president does not backdown—as so many other have done.

Clearly the people who seized the HEW Secretary's office were trespassers, and in my judgment they should have been dealt with as such. There is no point in dignifying and condoning trespass by pretending that it provides some needed forum for an exchange of viewpoints. It does nothing of the sort.

Whatever "exchange of views" went on in Mr. Finch's office will, in the longrun contribute more to our problems than to their solution. If citizens wish to express their views to officials of Government—and this they most certainly have the right to do—they should do it in an orderly and civilized manner. We have had enough of talk-ins and shout-ins, and we do not need any more HEW-ins.

It is not too late, Mr. President, for strong leaders to reverse the tide that is running against civilized institutions, but the hour grows late.

The episode in the HEW Secretary's office ought to be a warning to all, not only of what can happen, but what almost surely will happen, unless Government officials end their pusillaimous pussyfooting on questions of law and order.

I do not wish to be overly critical of Secretary Finch. The indications are that he did what he thought was the best thing to do under the circumstances. Second-guessing at a distance is easy when one is not suddenly faced with such a situation as he faced. The point I wish to make is not one of personal criticism. It is, on the contrary, the fact that the great mass of our people are often ahead of their representatives in Government on many important issues, and I believe that the people are ahead of the Government now in their desire and determination to bring about the restoration of a lawful and orderly society.

The American people, I believe, are thoroughly fed up with disturbances, disorder, and destruction, and they want an end to these things. The sorry spectacle of a Cabinet officer being treated as a subservient hostage in his own office by a rag-tag band will not be reassuring to them.

Mr. President, in saying this, I realize that any public official who speaks out against this sort of mob rule runs the risk of being subjected to the same kind of outrage. But it is not our duty to remain silent for fear of having recrimination visited upon ourselves.

When members of such a rag-tag band come into one's office and try to take it over, as they took over Mr. Finch's office, it is one's responsibility as a public official to have such intruders promptly and unceremoniously removed by the police. If we do, we will have less of it in the future. I think it is long past the time—if there were ever a time—when representatives of the Government should timidly submit to this kind of abuse and harassment. The longer we put up with it, the more we will have of it.

I ask unanimous consent to have printed in the RECORD the news story entitled "Finch Takes Abuse Calmly as Protesters Seize Office," written by Haynes Johnson, and published in yesterday's Washington Post.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### FINCH TAKES ABUSE CALMLY AS PROTESTERS SEIZE OFFICE

(By Haynes Johnson)

Robert Finch had ben speaking with two reporters in subdued but serious tones yesterday about the gravity of American problems at home and abroad when the door to his office suddenly burst open.

"Can I help you?" the Secretary of Health, Education and Welfare said, rising from a chair in a corner of the room with a startled look on his face. There was no response as a group of 17 protesters, black and white, young and middle-aged, men and women, took command of his office. They had "liberated" it.

For the next hour, while Finch sat calmly listening and occasionally responding, the group denounced him personally and the Nixon administration generally. They appropriated the Secretary's desk and his telephone, shouted angry warnings and railed against American intervention in Cambodia and the lack of money to deal with domestic problems.

The group was led by George Wiley, executive director of the National Welfare Rights Organization, and included among its ranks a number of welfare mothers from Philadelphia and several students from American University in Washington.

Also in the group were Beulah Sanders and Etta Horne, leaders in the welfare rights group.

"This is one of our ways of striking at the administration's policies," Wiley said. "We've liberated Secretary Finch's office."

Throughout the hour, Wiley sat in Finch's large chair behind his desk using the Secretary's telephone while Finch remained seated in an easy chair next to a sofa across the room. Several times, when the phone rang an HEW aide took the phone from Wiley to answer Finch's calls. The aide also nervously turned over copies of letters and memoranda on Finch's desk.

Finch himself remained coolly unperturbed no matter how loud the language or abusive the words. The only visible display of emotion was when he gripped the arm of his chair tightly at a particularly angry retort.

Finch was talking to two reporters from The Washington Post about recent critical events when his office was taken over.

Wiley began the confrontation by telling Finch that the American intervention into Cambodia was a case of spending more U.S. dollars for death. "We're here because we're worried about money for life," he said.

Some protestors carried leaflets saying "stop the war and feed the poor"; others wore welfare rights campaign buttons carrying the slogan "5500 or fight." That refers to the organization's demand for a guaranteed annual income of $5,500 for a family of four. The Nixon administration has proposed a plan that would include a $1,600 annual minimum income for a family of four.

Although the group demanded that Finch and the administration adopt its plan, the discussion ranged far beyond that one issue.

"Secretary Finch, do you have children?" one black welfare mother asked.

"Yes," he answered quietly.

"Would you like to see your son be sent to a war that he might not come back from without even a just cause?" she said.

"I'm as anxious that we terminate this war as you are," Finch said, in even tones.

"What are you going to do about it?" he was asked.

He attempted to explain that he understood how they felt, and that he was convinced President Nixon's Cambodian decision would shorten the Vietnam war and bring home Americans sooner. They were not persuaded.

He was accused of being a "flunky for President Nixon," and was asked:

"Are you afraid of Nixon?"

"No," he said.

The Secretary was asked again about his view on the larger guaranteed annual income, and he replied:

"I'm proud of the part I've played in getting this welfare reform started."

Again, the subject of the war intruded. The

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Nixon administration was sending young Americans to die overseas while other Americans were dying of starvation here at home, one woman said loudly.

"All I can say to that is I want that war over as badly as anyone in this room," Finch said.

The remarks from the protesters grew angrier—and noisier. Many were speaking at once.

"Our leadership in this country is failing the people, and this country is heading for destruction," one woman shouted.

"What would you do if one of your children had been one of the Kent students?" another cried.

"I hope when they drop the bombs they drop one right here on this office, and one right on the White House," said another.

There were remarks about "Tricky Dickie" and about the President being "sick in his head," about genocide and official repression, about crime and narcotics, schools and the cost of living, unemployment and the high cost of sending men to the moon.

Over and over, Finch was accused of being a "yes man," or a "puppet" for the administration.

"Be your own man," he was told more than once.

At one point, Finch began to respond by saying, "If you don't think I realize these problems are so deep and real then . . ." But his answer was lost in the rising response of the protesters.

Finch never raised his voice. Nearly an hour had elapsed when he asked: "Who else has not had a chance to speak here?" By then, the first group had been joined by nine more protesters. Several spoke up about the same points that had been raised previously.

Finally, Finch stood up. Several minutes later, at about 12:35 p.m., he walked out of the room. As he left, a woman shouted out of his window, "power to the people."

The group remained, insisting they would not leave until the war in Indochina is ended and the $5,500 annual income figure is met. Later in the afternoon, Finch met with two members of the group and received a list of demands.

Last night, 21 demonstrators who refused to leave were arrested and charged with disorderly conduct. In a statement issued by HEW, Finch said:

"This is a department concerned with the general health, education and welfare of 204 million Americans—including the poor. Today's attempt to disrupt the business of the department was counterproductive."

Earlier, outside his office, Finch had summed up the day to a reporter by saying:

"It's very difficult. I like to let them have a chance to sound off. It's hard for them to see all the complexities. Some of them are genuine hardship cases, and some are hardcore exploiters.

"I keep trying to tell them: I'm doing what is politically possible."

Mr. BYRD of West Virginia. Mr. President, I also ask unanimous consent to have printed in the Record a story which appeared, likewise, in yesterday's Washington Post, written by Nancy L. Ross, and which has reference to a pie-throwing incident which occurred on Capitol Hill when a young witness shoved a whipped cream pie in the face of a gray-haired member of the U.S. Commission on Obscenity and Pornography.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Pornography and Pie: Obscenity Hearings on Capitol Hill

(By Nancy L. Ross)

Rhetoric gave way to slapstick on Capitol Hill yesterday when a young witness shoved a whipped cream pie in the face of a gray-haired member of the U.S. Commission on Obscenity and Pornography.

The pie-thrower was 28-year-old Thomas K. Forcade, projects coordinator for the Underground Press Syndicate, which claims to represent 200 radical press members with a circulation of 6 million. He was protesting "this unconstitutional, unlawful, prehistoric, obscene, absurd, Keystone Kommittee."

The victim was Dr. Otto N. Larsen, professor of Sociology at the University of Washington. He held his temper and even managed a weak smile as the whipped cream dripped down the left side of his face and onto his shirtfront.

Forcade had been invited to testify at the commission's final public hearing at the New Senate Office Building.

The bearded witness, who calls himself a minister of the Church of Life, arrived with about a dozen followers, dressed in hippie garb. While they passed around copies of underground newspapers, Forcade read a prepared statement strewn with obscenities and demanding complete freedom of the press. Every other paragraph ended with the refrain, "F— off, and F— censorship!"

During a momentary silence the 3-year-old daughter of one of Forcade's group startled the Commission by echoing the first phrase of the refrain in a not-so-wee voice.

After finishing his statement, Forcade put on a record of Bob Dylan's "Something is happening, but you don't know what it is, do you, Mr. Jones?" The Commission's Chairman William B. Lockhart asked him if he had anything more to say, adding, "I would rather listen to you talk than to the record." Forcade replied he was allowed 20 minutes by the commission's rules and that the music was part of his testimony. Two of the commissioners tried to suppress smiles, while the other seven sat in stony silence or looked at their watches.

Forcade denounced the commission in these words: "This Keystone Kommittee, engaged in a blatant McCarthyesque witch hunt, holding inquisitional 'hearings' around the country is the vanguard of the Brain Police, Mind Monitors, Thought Thugs, Honky Heaven Whores grasping to make thought criminals out of millions of innocent citizens. You are 1984, with all that implies."

For a moment it seemed more like the movies of the '20s.

When Larsen challenged Forcade's charges, the latter brought a large box to the front of the room and started passing out leaflets hailing "Pie Power!" These quoted old-time moviemaker Mack Sennett on pie-throwing techniques. Then, from about one foot away, Forcade pushed the gooey white mess in Larsen's face.

Two policemen nearby were caught off-guard. Larsen calmly muttered something about not wishing to engage in a "physical altercation" with Forcade and went off to wash.

Later Larsen termed it a "minor incident" but added he was "glad he (Forcade) did what he did in response to my question because it suggests on which side the inquisition is being held." He said that as a university professor he had had considerable experience with (such youths) and stood up to them because he was "not going to let them run the show."

Forcade walked out of the building in the company of police but was not arrested.

The incident topped off a lively day on which commissioners heard from a broad spectrum of citizens. They included not only concerned parents, but also a member of a nudist organization, an unwed black mother and an evangelist.

Paul Burnett lamented that the last of the "family" nudist magazines had gone out of business April 1. Rose Crawford, who introduced herself as an "unemployed, alienated unwed mother," deplored the absence of blacks on the commission. (She erred; there is one black.) She noted nothing had been done about (the smut shops) on 14th Street "until the black community took it into their hands" (during the 1968 riots).

Most of those who characterized themselves as concerned citizens testified in favor of stronger controls or stronger enforcement of existing laws on obscenity and pornography.

One housewife, and mother of three, aged 4 to 14, took an opposite viewpoint. Mrs. David Suddeth of Bowie, Md., contended that since obscenity cannot be defined, it should not be the object of any legislation. "I find violence much harder to censor for my children than sexuality would be because there is so much violence in the mass media. Sexual pleasure and depictions thereof are not evil or obscene, and I do not hide them from my children."

In essence, she agreed with Dr. Mary Calderone, executive director of the Sex Information and Education Council of the U.S. Mrs. Calderone astounded at least one member of the commission by stating "Playboy magazine is very good sex education."

When the Rev. Winfrey C. Link, a Methodist minister from Tennessee, asked whether he had heard correctly, she said she knew many physicians who encouraged adolescents to read it.

Dr. Calderone explained it was good sex education to picture a woman's body as beautiful and to discuss Playboy philosophy because she knew that children saw through the sex-as-a-plaything concept and repudiated it.

A considerable part of the testimony yesterday concerned the lack of evidence to support a conclusion that exposure to pornography leads to antisocial behavior. Mrs. Walter V. Magee, president of the General Federation of Women's Clubs, which include 6 million members across the country, said she was convinced of the relationship even without a study and urged the commission to set up community guidelines on smut.

At one point she told of a GFWC program whereby club members buy two copies of magazines suspected of being salacious, read them and make a complaint. Dr. Larsen quipped that enough women of this type could keep the pornographers in business.

John Pemberton, testifying for the American Civil Liberties Union, doubted the cause-and-effect proposition and denounced all controls except for publicly displayed material such as billboards. ACLU opposes pending "obscenity in the mails" legislation.

Arthur A. Magnasson, a member of the obscenity enforcement division of the New Jersey State Sheriffs Association for 20 years called Washington one of the biggest smut areas in the country after Los Angeles and New York. He said he is convinced that pornography causes antisocial behavior, and he blamed the increase of smut in New Jersey mainly on motion pictures. "Ten years ago at least a skin flick was heterosexual; today they're based on the worst sicknesses."

The Commission on Obscenity and Pornography was established in October 1967 to analyze existing laws, determine distribution methods, study the effects of pornography and obscenity on the public and particularly minors, and make legislative or administrative proposals for controlling smut "without in any way interfering with constitutional rights."

This spring it invited national organizations to give their views on the gravity of the situation and a proper definition of the terms. Hearings were held in Los Angeles earlier this month.

## ADJOURNMENT TO MONDAY, MAY 18, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that

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**the Senate stand in adjournment until 12 o'clock noon on Monday next.**

**The motion was agreed to; and (at 4 o'clock and 33 minutes p.m.) the Senate adjourned until Monday, May 18, 1970, at 12 o'clock noon.**

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## NOMINATIONS

**Executive nominations received by the Senate May 15, 1970:**

### PUBLIC HEALTH SERVICE

**The following candidates for personnel action in the Regular Corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:**

#### I. FOR APPOINTMENT

*To be surgeons*

**Arnold B. Barr**
**John W. Flynt, Jr.**
**James W. Justice**
**James A. Rose**
**Heino Rubin**

*To be senior assistant surgeons*

**Joel G. Breman**
**David Cammack**
**Andrew G. Dean**
**Virden A. Dohner**
**George E. Hardy, Jr.**
**Ralph H. Henderson**
**Charles A. Herron**
**Donald R. Hopkins**
**Andrew E. Horvath**
**Stuart H. Lessans**
**Albert R. Lorbati**
**Gary R. Noble**
**Robert S. Northrup**
**William G. Prescott**
**Jeremy A. Stowell**
**Gerold V. van der Vlugt**
**Karl A. Western**

*To be senior assistant dental surgeons*

**Gary A. Kellam**
**Francis Y. Kihara**
**Preston A. Littleton, Jr.**
**William D. Straube**

*To be nurse officers*

**Josephine J. Hedrick**
**Ruth E. Reifschneider**
**Lawrence J. Welding**

*To be sanitary engineers*

**Kay H. Jones**
**George C. Kent**

*To be senior assistant sanitary engineers*

**James M. Conlon**
**Charles F. Costa**
**John M. Smith**
**William J. Wandersee**
**Charles W. Whitmore**

*To be assistant sanitary engineer*

**Thomas R. Horton**

*To be scientists*

**Richard W. Gerhardt**
**Stanley Glenn**
**Harold G. Scott**
**Robert T. Taylor**

*To be sanitarians*

**Ramon E. Barea**
**John H. Brandt**
**John L. Dietemann**
**Harold E. Knight**
**Jack H. Lair**
**James W. Pees**
**Robert L. Sanders**
**James L. Shoemake**
**David R. Snavely**
**Charles S. Stanley**

*To be senior assistant sanitarians*

**Wayne A. Bliss**
**William S. Clinger**
**Theadore H. Ericksen, Jr.**
**Conrad P. Ferrara**
**Michael D. Flanagan**
**Larry O. Garten**
**Sidney J. Gault**
**Edwin O. Goodman**
**Thomas C. Jones**
**Douglas H. Keefer**
**William A. Kingsbury**
**Donald L. Lambdin**
**Eugene W. Lewis**
**Frank S. Lisella**
**Stanley F. Little**
**Donald L. Mallett**
**Truman McCasland**
**Jon R. Perry**
**Donovan C. Shook**
**Charles J. Wells**
**William R. Wheatley**
**John C. Yashuk**

*To be veterinary officers*

**Denny G. Constantine**
**Leo A. Whitehair**

*To be senior assistant veterinary officer*

**James D. Small**

*To be senior assistant pharmacists*

**Robert J. Branagan**
**Gary M. Fast**
**Bobby L. Golden**
**John T. Harlowe**
**Edmund F. Kropidlowski**
**William E. Rutledge**
**Jerome C. Short**

*To be assistant pharmacists*

Frank J. Nice
Gerald A. Stock, Jr.
Earl L. Wunder

*To be assistant therapist*

Gene A. Diullo

*To be health services officers*

Robert W. Carrick
Owen L. Ellingson
Dwight W. Glenn
Frederick E. Hamblet
Robert J. Lyon
William J. O'Malley
LaVert C. Seabron
Robert Sullivan
William K. Young, Jr.

*To be senior assistant health services officers*

Roger L. Anderson
Reuben A. Baybars
Raymond D. Beaulieu
David A. Brashear
Norman E. Childs
Coy A. Davis
Gerald L. Geis
Aubrey M. Hall, Jr.
James C. McFarlane
David N. McNelis
James F. McTigue
Alan Palmer
Pantelis G. Rentos
Michael A. Ricciutti
Ralph E. Shuping
Donald R. Soeken
Robert F. Swiecicki
Wilbur F. Van Pelt
Joel G. Veater

*To be assistant health services officers*

Joseph S. Arcarese
Steven Brecher
Selden C. Hall, Jr.
Karen K. Schilder
Mark O. Semler
Dennis R. Shipman

### U.S. ARMY

The following-named officers for temporary appointment in the Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3442 and 3447:

*To be brigadier general*

Col. Frederick Charles Krause, 549–12–6572, Army of the United States (lieutenant colonel, U.S. Army).

Col. William Johnston Maddox, Jr., 577–28–8085, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Howard Tackaberry, 555–26–9701, Army of the United States (major, U.S. Army).

Col. John Terrell Carley, 426–78–1673, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jack Wilson Hemingway, 462–12–6043, U.S. Army.

Col. Conrad Leon Stansberry, 490–44–7980, U.S. Army.

Col. George Anthony Rebh, 373–18–6025, U.S. Army.

Col. James McKinley Gibson, 010–12–8443, U.S. Army.

Col. Wilburn Clarence Weaver, 453–14–5443, Army of the United States (lieutenant colonel, U.S. Army).

Col. Jeffrey Greenwood Smith, 257–30–8277, U.S. Army.

Col. John Haygood Morrison, Jr., 254–03–9333, Army of the United States (lieutenant colonel, U.S. Army).

Col. Albert George Hume, 322–14–0581, Army of the United States (lieutenant colonel, U.S. Army).

Col. Sidney Gritz, 717–09–0044, Army of the United States (lieutenant colonel, U.S. Army).

Col. Arthur Siegman Hyman, 306–12–9482, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Gillespie Hill, Jr., 516–24–4439, Army of the United States (lieutenant colonel, U.S. Army).

Col. Ernest Paul Braucher, 330–10–3593, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Raymond Pierce, Jr., 289–18–8319, U.S. Army.

Col. Harry Herbert Hiestand, 418–16–0755, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Frederick Hughes Cutrona, 134–07–0488, U.S. Army.

Col. Orlando Carl Epp, 512–10–0894, U.S. Army.

Col. Samuel Vaughan Wilson, 223–22–6784, U.S. Army.

Col. Frank Earl Blazey, 464–26-2742, Army of the United States (lieutenant colonel, U.S. Army).

Col. Olin Earl Smith, 236–16–2006, Army of the United States (lieutenant colonel, U.S. Army).

Col. Tom Mercer Nicholson, 287–03–9753, U.S. Army.

Col. Bates Cavanaugh Burnell, 561–54–2806, Army of the United States (lieutenant colonel, U.S. Army).

Col. Louis John Schelter, Jr., 081–32–3007, Army of the United States (lieutenant colonel, U.S. Army).

Col. Homer Duggins Smith, Jr., 462–03–8363, Army of the United States (lieutenant colonel, U.S. Army).

Col. George Elmer Wear, 522–18–0670, U.S. Army.

Col. Oliver Beirne Patton, 234–22–5699, U.S. Army.

Col. Ronald James Fairfield, 330–18–3127, Army of the United States (lieutenant colonel, U.S. Army).

Col. Eugene Michael Lynch, 391–16–4571, Army of the United States (lieutenant colonel, U.S. Army).

Col. Winfield S. Scott, 039–09–3623, Army of the United States (lieutenant colonel, U.S. Army).

Col. Carter Weldon Clarke, Jr., 212–40–4800, Army of the United States (lieutenant colonel, U.S. Army).

Col. James Alva Munson, 507–10–3990, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Edward Fitzpatrick, Jr., 032–05–0115, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Edward McConnell, 092–12–8607, Army of the United States (major, U.S. Army).

Col. Carroll Edward Adams, Jr., 035–14–1876, Army of the United States (lieutenant colonel, U.S. Army).

Col. Patrick William Powers, 561–54–7517, Army of the United States (lieutenant colonel, U.S. Army).

Col. Daniel Vance, Jr., 386–18–6003, Army of the United States (major, U.S. Army).

Col. Albion Williamson Knight, Jr., 265–20–4468, Army of the United States (lieutenant colonel, U.S. Army).

Col. Max Etkin, 502–05–9249, Army of the United States (lieutenant colonel, U.S. Army).

Col. Dean Van Lydegraf, 544–12–6995, U.S. Army.

Col. Alton Gustav Post, 473–16–2488, Army of the United States (lieutenant colonel, U.S. Army).

Col. Richard Wesley Swenson, 285–18–8834, Army of the United States (lieutenant colonel, U.S. Army).

Col. Edward Francis Gudgel, Jr., 403–22–8571, Army of the United States (lieutenant colonel, U.S. Army).

Col. Raymond Oscar Miller, 420–52–5538, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Benedict Desmond, 021–14–6954, U.S. Army.

Col. Richard Gregory Fazakerley, 553–22–0262, Army of the United States (major, U.S. Army).

Col. Joseph Corbett McDonough, 145–18–1676, Army of the United States (lieutenant colonel, U.S. Army).

Col. John William Vessey, Jr., 703–07–1974, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Ember Sterling, 521–22–2777, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Crouse Burney, Jr., 025–14–3721, Army of the United States (major, U.S. Army).

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Col. George Bernard Fink, 521-28-7313, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Alan Hoefling, 396-38-0355, Army of the United States (lieutenant colonel, U.S. Army).

Col. Joseph Charles Kiefe, Jr., 144-18-5590, Army of the United States (major, U.S. Army).

Col. Robert Haldane, 131-14-7236, Army of the United States (lieutenant colonel, U.S. Army).

Col. Donn Albert Starry, 510-22-2130, Army of the United States (major, U.S. Army).

Col. Elmer Raymond Ochs, 322-20-3690, Army of the United States (major, U.S. Army).

Col. Hal Edward Hallgren, 361-12-7064, Army of the United States (lieutenant colonel, U.S. Army).

Col. Andrew John Gatsis, 224-52-6620, Army of the United States (lieutenant colonel, U.S. Army).

Colonel Rutledge Parker Hazzard, 421-22-2258), Army of the United States (lieutenant colonel, U.S. Army).

Col. Lynn Wood Hoskins, Jr., 408-22-8027, Army of the United States (lieutenant colonel, U.S. Army).

Col. Louis Joseph Prost, 272-14-7202, Army of the United States (lieutenant colonel, U.S. Army.

Col. Henry Herman Bolz, Jr., 339-12-9183, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Edward Stannard, 720-18-0673, Army of the United States (major, U.S. Army).

Col. Stan Leon McClellan, 562-24-6033, Army of the United States (lieutenant colonel, U.S. Army).

Col. Louis Rachmeler, 562-54-9072, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Garnett Waggener, 490-44-8300, Army of the United States (lieutenant colonel, U.S. Army).

Col. Thomas Willard Bowen, 431-26-2155, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Ralph Bushong, 535-14-8703, Army of the United States (lieutenant colonel, U.S. Army).

Col. John Scholto Wieringa, Jr., 150-12-9131, Army of the United States (lieutenant colonel, U.S. Army).

Col. Samuel Grady Cockerham, 425-34-0437, Army of the United States (lieutenant colonel, U.S. Army).

Col. Charles Dwelle Daniel, Jr., 260-60-1991, Army of the United States (lieutenant colonel, U.S. Army).

Col. Wallace Keith Wittwer, 541-16-6670, Army of the United States (lieutenant colonel, U.S. Army).

Col. John David Lewis, 074-16-9221, Army of the United States (lieutenant colonel, U.S. Army).

Col. Paul Eugene Smith, 350-18-7159, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Willoughby Williams, 577-28-6295, Army of the United States (lieutenant colonel, U.S. Army).

Col. Robert Gibbons Gard, Jr., 449-36-3971, Army of the United States (major, U.S. Army).

Col. Edward Charles Meyer, 205-18-3616, Army of the United States (major, U.S. Army).

Col. Joseph Key Bratton, 472-24-0434, Army of the United States (major, U.S. Army).

Col. Alfred Bradford Hale, 093-22-4582, Army of the United States (major, U.S. Army).

*To be brigadier general, Women's Army Corps*

Col. Elizabeth Paschel Hoisington, 107-18-6373, U.S. Army.

The following-named officers for temporary appointment in the Army of the United States to the grades indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

*To be major general, Medical Corps*

Brig. Gen. Spurgeon Hart Neel, Jr., 415-09-2779, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Colin Francis Vorder Bruegge, 410-64-0788, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Carl Wilson Hughes, 490-22-3522, Army of the United States (colonel, Medical Corps, U.S. Army).

*To be brigadier general, Medical Corps*

Col. Robert Morris Hardaway, III, 586-60-4321, Medical Corps, U.S. Army.

Col. Edward Henry Vogel, Jr., 453-16-5528, Medical Corps, U.S. Army.

Col. Robert Bernstein, 086-18-8814, Medical Corps, U.S. Army.

*To be brigadier general, Army Nurse Corps*

Col. Anna Mae McCabe Hays, 204-01-1015, Army Nurse Corps, U.S. Army.

The following-named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

*To be brigadier general, Medical Corps*

Maj. Gen. James Arista Wier, 400-54-1473, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Colin Francis Vorder Bruegge, 410-64-0788, Army of the United States (colonel, Medical Corps, U.S. Army).

Brig. Gen. Thomas Joseph Whelan, Jr., 026-18-7748, Army of the United States (colonel, Medical Corps, U.S. Army).

The following-named officers for temporary appointment in the Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3442 and 3447:

*To be major general*

Brig. Gen. Daniel Arthur Raymond, 081-32-3762, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Alden Burke, 446-01-6906, Army of the United States (colonel U.S. Army).

Brig. Gen. Robert Davis Terry, 303-18-8547, Army of the United States (colonel, U.S. Army).

Brig Gen. William Edgar Shedd III, 579-52-8246, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Samuel Blanchard, 579-14-7196, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Wolcott Ryder, Jr., 031-30-0381, Army of the United Stattes (colonel, U.S. Army).

Brig. Gen. Winant Sidle, 118-10-9740, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Russel Kraft, Jr., 126-12-7279, Army of the United States (colonel, U.S. Army).

Brig. Gen. Elmer Parker Yates, 224-52-8485, Army of the United States (colonel, U.S. Army).

Brig. Gen. Donnelly Paul Bolton, 334-09-9687, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Smith Coleman, 574-12-7805, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Butner Clay, 081-32-8083, Army of the United States (colonel, U.S. Army).

Brig. Gen. Raymond Patrick Murphy, 516-05-5618, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Gray Wheelock III, 330-18-7694, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Glenn Appel, 316-07-9528, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Warren Pezdirtz, 226-46-8806, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Sammet, Jr., 355-09-1179, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Philip Holm, 472-10-6270, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Edward Potts, 441-18-9483, Army of the United States (colonel, U.S. Army).

Brig. Gen. Marshall Bragg Garth, 229-07-5324, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Winthrop Barnes, 400-44-3906, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Eugene McLeod, 443-12-4875, Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent Henry Ellis, 511-16-2327, Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Carl Schrader, 354-03-0832, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas Wright Mellen, 553-16-5253, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Vance Galloway, 245-60-7143, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. C. J. Le Van, 545-16-7620, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Carter McAlister, 404-16-6944, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Frederic Ellis Davison, 578-18-4092, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Holloway Cushman, 578-14-7429, Army of the United States (colonel, U.S. Army).

Brig. Gen. Fred Ernest Karhohs, 313-12-5977, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. Robert Creel Marshall, 081-32-6336, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Joseph Ursano, 079-14-6895, Army of the United States (colonel, U.S. Army).

Brig. Gen. Donald Volney Rattan, 443-10-8559, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. John Charles Bennett, 136-32-3600, Army of the United States (lieutenant colonel, U.S. Army).

Brig. Gen. George Washington Putnam, Jr., 004-12-8769, Army of the United States (colonel, U.S. Army).

Brig. Gen. Sidney Michael Marks, 369-14-6463, Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur Hamilton Sweeney, Jr., 577-28-7139, Army of the United States (colonel, U.S. Army).

Brig. Gen. James Cliffton Smith, 258-14-5196, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Woodland Morris, 219-07-4387, Army of the United States, (colonel, U.S. Army).

Brig. Gen. Hubert Summers Cunningham, 519-12-4302, Army of the United States (colonel, U.S. Army).

Brig. Gen. Harold Robert Parfitt, 176-32-1174, Army of the United States (colonel, U.S. Army).

Brig. Gen. Clarke Tileston Baldwin, Jr., 224-52-3193, Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack Alvin Albright, 426-78-1436, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh Richard Higgins, 300–07–9203, Army of the United States (colonel, U.S. Army).

Brig. Gen. Thomas McKee Tarpley, 320–34–6372, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frederick James Kroesen, Jr., 153–18–6515, Army of the United States (colonel, U.S. Army).

Brig. Gen. Ernest Graves, Jr., 081–32–8109, Army of the United States (colonel, U.S. Army).

Brig. Gen. Herbert Joseph McChrystal, Jr., 420–52–7314, Army of the United States (lieutenant colonel, U. S. Army).

The following named officers for appointment in the Regular Army of the United States to the grade indicated, under the provisions of title 10, United States Code, sections 3284 and 3306:

*To be brigadier general*

Brig. Gen. Elmer Parker Yates, 224–52–8485, Army of the United States (colonel, U.S. Army).

Maj. Gen. Burnside Elijah Huffman, Jr., 257–07–8732, Army of the United States (colonel, U.S. Army).

Brig. Gen. Winant Sidle, 118–10–9740, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Glenn Appel, 316–07–9528, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Howard Elder, Jr., 229–05–3378, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Sammet, Jr., 355–09–1170, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Alden Burke, 446–01–6906, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Smith Coleman, 574–12–7805, Army of the United States (colonel, U.S. Army).

Brig. Gen. Henry Carl Schrader, 354–03–0832, Army of the United States (colonel, U.S. Army).

Brig. Gen. Vincent Henry Ellis, 511–16–2327, Army of the United States (colonel, U.S. Army).

Brig. Gen. George Washington Putnam, Jr., 004–12–8769, Army of the United States (colonel, U.S. Army).

Brig. Gen. John Winthrop Barnes, 400–44–3906, Army of the United States (colonel, U.S. Army).

Brig. Gen. Daniel Arthur Raymond, 081–32–3762, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Russel Kraft, Jr., 126–12–7279, Army of the United States (colonel, U.S. Army).

Brig. Gen. Raymond Patrick Murphy, 516–05–5618, Army of the United States (colonel, U.S. Army).

Brig. Gen. Robert Davis Terry, 303–18–8547, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frank Butner Clay, 081–32–8083, Army of the United States (colonel, U.S. Army).

Brig. Gen. Charles Wolcott Ryder, Jr., 031–30–0381, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Edgar Shedd III, 579–52–8246, Army of the United States (colonel, U.S. Army).

Brig. Gen. Donnelly Paul Bolton, 334–09–9687, Army of the United States (colonel, U.S. Army).

Maj. Gen. Jack Carter Fuson, 490–44–9040, Army of the United States (colonel, U.S. Army).

Maj. Gen. Salve Hugo Matheson, 552–18–1733, Army of the United States (colonel, U.S. Army).

Brig. Gen. Marshall Bragg Garth, 229—07–5324, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Edward Potts, 441–18–9483, Army of the United States (colonel, U.S. Army).

Brig. Gen. Frederic Ellis Davison, 578–18–4092, Army of the United States (colonel, U.S. Army).

Brig. Gen. Theodore Antonelli, 045–12–3195, Army of the United States (colonel, U.S. Army).

Brig. Gen. Arthur Hamilton Sweeney, Jr., 577–28–7139, Army of the United States (colonel, U.S. Army).

Brig. Gen. Jack Alvin Albright, 426–78–1436, Army of the United States (colonel, U.S. Army).

Brig. Gen. Hugh Richard Higgins, 300–07–9203, Army of the United States (colonel, U.S. Army).

Brig. Gen. William Eugene McLeod, 443–12–4875, Army of the United States (colonel, U.S. Army).

Brig. Gen. Joseph Warren Pezdirtz, 226–46–8806, Army of the United States (colonel, U.S. Army).

Brig. Gen. Sidney Michael Marks, 369–14–6463, Army of the United States (colonel, U.S. Army).

### U.S. Navy

Capt. Carl O. Holmquist, U.S. Navy, to be Chief of Naval Research in the Department of the Navy for a term of 3 years with the rank of rear admiral.

The following named officers of the Navy for permanent promotion to the grade of rear admiral:

LINE

Maurice H. Rindskopf
James D. Ramage
William E. Kuntz
William H. House
James C. Longino, Jr.
Vincent P. Healey
Allen A. Bergner
Robert R. Crutchfield
Walter D. Gaddis
Ralph E. Cook
David F. Welch
Jerome H. King, Jr.
Douglas C. Plate
Martin D. Carmody
William J. Moran
James B. Osborn
John B. Davis, Jr.
Parker B. Armstrong
Jack M. James
Michael U. Moore
William R. McClendon
Leo B. McCuddin
Sam H. Moore
William M. Harnish
Leslie H. Sell
Thomas R. McClellan
James C. Donaldson, Jr.
Tazewell T. Shepard, Jr.
Kenneth C. Wallace
John K. Beling
George C. Talley, Jr.
Shannon D. Cramer, Jr.
Robert E. Adamson, Jr.
William W. Behrens, Jr.
Raymond J. Schneider
David H. Jackson
Burton H. Andrews

CIVIL ENGINEER CORPS

Henry J. Johnson
John G. Dillon

DENTAL CORPS

John P. Arthur

### U.S. Army

The Army of the United States officers named herein for appointment as permanent professors, U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 and 4333.

*To be professor of physics*

Lt. Col. Wendell A. Childs, 416–40–1180, ordnance.

*To be professor or social sciences*

Lt. Col. Lee D. Olvey, 256–46–6800, Armor.

### In the Air Force

Col. Robert R. Lochry, 562267544FR, for appointment as Permanent Professor, U.S. Air Force Academy, under the provisions of section 9333(b), title 10, United States Code.

The following Air Force officers for appointment in the Regular Air Force, in the grades indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with dates of rank to be determined by the Secretary of the Air Force:

*To be captain (chaplain)*

Borre, Robert J., 353260509.
Dabrowski, George J., 048460736.
Daley, Neil F., 369226837.
Dane, Warren T., 561527221.
Foster, Lowel D., 259402017.
Heather, Thomas V., 346285217.
Hutsler, Charles R., 494304129.
Massey, Reese M., Jr., 248465921.
Matthews, Larry A., 305363708.
Merrell, Robert E., 262382116.
Richardson, Thomas E., 357247929.
Sims, Melvin T., Jr., 427525965.
Telfer, Paul A., 093320988.

*To be first lieutenant (chaplain)*

Boyles, Lemuel M., 550446544.
Burnette, Robert R., 400409521.
Christianson, Thomas N., 502346147.
Coltharp, Bruce R., 455405589.
Hellstern, John R., 514369619.
North, James J., Jr., 028301496.
O'Keefe, Francis J., 021267374.
O'Malley, John J., 322247209.
Strickhausen, Leslie W., 421502492.
Whelan, Gerald M., 273302772.
Williams, Stephen J. C., 294268918.
Zimbrick, Edward C., 501280472.

*To be captain (judge advocate)*

Burgan, Jack A., 307386069.
Canellos, Ernest C., 057329423.
Giaimo, Christopher J., 099309096.
Hemingway, Thomas L., 545568945.
Kuhnell, Ludolf R., III, 460382194.
Lamport, Joe R., 504429234.
Losey, Franklin W., 402548895.
Negron, Victor H., 467369152.
O'Connor, William E., 294280438.
Roan, James C., Jr., 499368612.
St Martin, Norman R., 030223552.
Swerdlove, Arthur P., 118221893.

*To be first lieutenant (judge advocate)*

Adams, Joel E., 247663243.
Bailey, Theron S., 479520958.
Benesch, Wayne C., 526607417.
Brewer, James C., 239602888.
Broderick, Phillip R., 585010732.
Carlton, Daniel A., 266661082.
Carroll, Fred M., 527469364.
Carson, George II, 243660380.
Cole, Robert L., 437549672.
Elder, George P., 278387637.
Foster, Perry T., 463601983.
Fox, Henry H., 264587527.
Gallington, Daniel J., 193301077.
Hawley, Bryan G., 501382138.
Hawse, Lionel A., 349321307.
Heimburg, Charles B., 265660898.
Hilliard, John E., 462665903.
Houston, Bruce R., 065343991.
Hovey, Robert J., 502429995.
Jackson, Grover G., 500446245.
Jacobson, Robert D., 565566947.
Jones, Lawrence L., 434640529.
Kansala, Dennis E., 517467849.
Keeshan, James H., Jr., 454588364.
Keller, Robert W., 129322808.
Kelly, Thurman A., 509304886.
Lingo, Robert S., 505465066.
Love, Joseph D., 402522549.
Marr, Michael E., 215385820.
Mayer, John W., 143344555.
Maynard, Jay W., 127324253.
McCormick, Joseph A., 444425890.
McFarlane, Robert E., Jr., 512420684.
McGee, Brian E., 043322568.
McGrady, Michael S., 525807631.
Mesh, Richard I., 096324129.
Mitchell, Paul C., 538404753.
Moholt, Thomas J., 516460644.
Moore, Donald L., 333349358.
Morton, David L., 310403225.
Nooney, James F., 277367416.
Nunn, Leslie E., 307441117.
ONeill, Philip F., 520323858.
Palochak, John B., III, 198321730.
Pavarini, George F., 132323598.
Peltonen, John E., 002308139.
Perry, Kent T., 515427119.
Ponzoli, Ronald P., 267583368.
Powell, Stephen J., 261720541.
Poythress, David B., 256643685.
Robbins, Ford M., 476466189.
Rogers, Peter N., 032325108.
Sharpe, Samuel S., 577529676.

Shea, Gerald C., 041340966.
Shepherd, William N., 262628310.
Smith, William R., 444401753.
Uskevich, Robert J., 041349980.
Vickery, Harold K., Jr., 013329427.
Waller, Charles W., 458705314.
Woerner, Harold C., Jr., 240700675.

*To be captain (dental)*

Meade, Thomas E., 525803418.
Sano, Lawrence N., 024301133.
Walters, Glenn R., 244460288.

*To be first lieutenant (dental)*

Barrickman, William A., III, 166362080.
Benning, Allen N., 567567039.
Cumbey, James L., 247583106.
Dinitz, Fred P., 052327278.
Fielding, Daniel E., 220381834.
Harrell, Connie J., 585012494.
Huff, Thomas L., 485465399.
Hutchinson, John W., 189321938.
Lawless, John E., 355348941.
Masin, William J., 289389060.
Monske, Lane A., 546564551.
Page, Dennis G., 345343883.
Record, Paul W., 267460581.
Rossmeisl, Roman W., 475505750.
Schad, George W., 305429163.
Shannon, John W., 264563753.
Spray, John R., 413662985.
Storby, Gene L., 484503306.

*To be major (medical)*

Jennings, James F., 347242441.
Kelley, Ira M., 429484631.

*To be captain (medical)*

Aclin, Richard R., 429683393.
Beck, Roger A., 526484985.
Benson, Bennett N., 413583817.
Bickel, Rudolf G., 374361293.
Bladowski, John R., 144283388.
Booth, Donald J., 389346374.
Borota, Ray W., 372361087.
Bristow, John W., 550501541.
Buttemiller, Robert, 350323375.
Cabreraramirez, Lorenzo, 580807009.
Callen, Kenneth E., 486361821.
Carroll, Herma G., Jr., 409584130.
Carter, Robert L., 325306437.
Caudill, Robert G., 536366389.
Conrad, Larry L., 315384820.
Davies, Chesley R., 528388516.
Duggar, Perry N., 421386312.
Edwards, David A., Jr., 452564227.
Fielding, Steven L., 528580673.
Fitzhugh, William G., 578546935.
Foshee, William S., 418529620.
Frank, Sanders T., 045302611.
Giacobazzi, Peter F., 538325675.
Goodson, John P., 243541299.
Gregg, Paul T., 233589488.
Hagen, William M., 566424710.
Harlan, John R., 522403844.
Heffron, John P., 537344692.
Hoff, Ted E., Jr., 483403913.
Holmes, James H., 551485732.
Jackson, Arnold J., 428745653.
James, Richard E., 540429003.
Kirk, Clifford C., Jr., 411606737.
Krege, John W., 265507179.
Kutnick, Joel, 261645363.
Longnecker, Morton F., Jr., 314365164.
Lovelance, Raymond E., 283324064.
Lykes, Frederick F., 451660536.
May, Gerald G., 373408698.
May, Robert O., 425807757.
Mazzola, Robert D., 144348205.
McCray, David S., 432729684.
McDonough, Gilbert L., 201263618.
McGee, James W., IV, 238605949.
McGovern, Thomas B., 497423852.
Michaelson, Edward D., 265604049.
Mosman, John D., 518408064.
Munsell, William P., 459545078.
Nielsen, Mark W., 395407425.
Payne, John F., 259500237.
Pearson, Harve D., 453622381.
Plager, Stephan D., 267486671.
Ramey, Ralph, Jr., 403406080.
Ransom, Richard W., 409545330.
Ray, John W. C., 254604874.
Reay, Donald T., 528468368.
Riveracorrea, Hector P., 580589617.
Ruggeri, Robert W., 046262373.
Simpson, Charles L., 225503791.
Singal, Sheldon, 275340649.
Singer, Karl L., 537403020.
Snider, William J., 500443289.
Spence, Michael B., 316407587.
Staker, Lynn L., 518405328.
Stetten, Maynard L., 372360699.
Stieg, Richard L., 095285849.
Suedka, William T., 572460580.
Taylor, William M., 114280278.
Tobias, Thurman E., 299306055.
Totaro, Ralph J., 053329823.
Ulrich, Richard A., 160340719.
Verwest, Hadley M., Jr., 502448870.
Wankmuller, Robert T., 104282630.
Wiesmeier, Edward Jr., 060305323.
Willard, James E., 486408115.
Wooddell, William J., 236585456.
Wunder, James F., 503483188.
Yeste, Dixon, 265683802.

*To be first lieutenant (medical)*

Barrett, Robert T., 162289914.
Becker, David W., Jr., 519462875.
Beman, John W., Jr., 508407252.
Burke, Pat S., 427841495.
Dietz, James W., 269323476.
Garcia, Raymond, 140320937.
Garrott, Thomas C., 427820474.
Goryl, Stephen V., 372404525.
Gralino, Bernard J., Jr., 457749415.
Green, Charles E., 526640172.
Gripon, Edward B., 467727639.
Hawley, William J., 512405912.
Henriksen, Douglas G., 535344947.
Hopkins, Ralph D., Jr., 260624123.
Howington, Jerry W., 249603659.
Jacobs, Robert L., Jr., 416503263.
Jernigan, John F., 408704341.
Kay, James E., 249661774.
Leffingwell, Donald O., 515364933.
Linehan, Timothy E., 540483936.
Luetje, Charles M., II, 500422043.
Masters, Charles J., 120269072.
Moore, Terence N., 217408847.
Murphy, Matthew P., II, 453369419.
O'Brien, Michael W., 266011095.
Parker, Christopher S., 418527343.
Parrish, Jerry A., 450641103.
Plummer, Jon K., 563506678.
Prochazka, James V., 362447040.
Rector, William R., 449644502.
Reider, Daner R., 175329106.
Riherd, Leslie M., Jr., 429806905.
Robertson, Adam D., 432723691.
Sharp, John R., 521529285.
Shepard, Martin J., 513421844.
Sorauf, Thomas J., 397388338.
Spigel, Stuart C., 113344128.
Stewart, Ralph W., 308441419.
Taylor, Richard R., Jr., 456602300.
Torma, Michael J., 434588587.
Trick, Lorence W., 567547925.
Wasserman, James M., 280342036.
Wertz, Andrew W., 288366115.
Whetsell, Douglas W., 249763164.
Wood, Neil L., Jr., 427823937.

*To be captain (nurse)*

Brant, Alice M., 236501710.
Murray, David, 116309912.
Tuck, Robert R., 243442608.
Warner, Luella, 242525686.
Wilkerson, Eleanor R., 488402713.

*To be first lieutenant (nurse)*

Aldridge, Patricia D., 241548673.
Alred, Lorene F., 227467134.
Anderson, Ruth A., 537369647.
Baareman, Karen S., 374446905.
Baker, Jean E., 186322224.
Barbito, Angelia, 050303991.
Barger, Deloras Z., 377425530.
Birdlebough, Sandra I., 567563083.
Bishop, Elaine R., 246584012.
Black, Gloria A., 005428791.
Blanchard, Kay L., 393445726.
Bowar, David R., 503340567.
Brinson, Phillis A., 317406723.
Brooks, Rochelle B., 084344068.
Brown, Claire P., 034301568.
Buckley, Pamela A., 011341347.
Burniston, Karen S., 306389416.
Burton, Georgia G., 225481915.
Buxton, Sarah J., 541444477.
Cade, Martha J., 298327621.
Caldwell, Nancy L., 391366810.
Cantu, Lupita, 454682704.
Casterline, Arline, 193320429.
Castlen, Virginia A., 257626387.
Chura, Virginia M., 398426051.
Conley, Margaret A., 472481419.
Cook, Virginia V., 381345680.
Cooper, Elaine G., 006408688.
Corbett, Adele E., 153322598.
Culkin, Grace A., 264646765.
Degnan, Patricia A., 041363191.
Dinsmore, Carole A., 207324436.
Donahue, Joanne T., 553566486.
Dude, Allen G., 024320252.
Duplantis, Ruby A., 433542120.
Dutt, Delores J., 479504417.
Elliott, Michele A., 520481928.
Fitzhenry, Margaret A., 183343837.
Fleming, Rochelle A., 556569226.
Foster, Helen C., 413600581.
Fournier, Deborah E., 005407094.
Fritts, Mary C., 413622034.
Furtak, Loretta J., 204343338.
Gaebler, Barabara A., 274387142.
Garner, Patricia C., 16132876.
Geis, Lauretta S., 226523578.
Gemma, Elaine M., 021305274.
Gersz, Lorraine F., 049364920.
Gokee, Henry F., 538367420.
Green, Arlene R., 204322810.
Hawkins, Garrie O., 283400435.
Henderson, Robert D., 429765001.
Hester, Patricia A., 191341726.
Holmes, Karen L., 353384954.
Hughes, Ellen A., 051325507.
Jaco, Richard G., 318367762.
Jewell, Jean A., 298363355.
Jewell, Mary M., 270341911.
Jones, Frances P., 429789200.
Kliesen, Joyce E., 509467809.
Knight, Anna M., 060329294.
Korte, Marjorie M., 383361696.
Kunzie, Karen L., 008349033.
Kurdelski, Patricia A., 309441550.
Lafrance, Sandra L., 453740156.
Lees, Virginia K., 054348386.
Lemaire, Carol V., 463527056.
Littlejohn, Mary K., 264745362.
Lloyd, Florence A., 256681437
Loftiss, Diane, 411662584.
Lunceford, Marilyn Y., 515324232.
Martelle, Conita K., 510424927.
Mathews, Abby J., 489547400.
McCloud, Craig R., 359344976.
McDaid, Tarran K., 367445033.
McHale, Susan M., 134384743.
McLaughlin, Anne M., 154300385.
McMillan, Shirley A., 502406211.
Metzgar, Barbara A., 410700275.
Michaud, Claire A., 021326548.
Miguel, Ruth E., 273423994.
Miller, Linda B., 519469493.
Minterfering, Georgann, 025346201.
Moore, Judith H., 229566158.
Moore, Terry R., 461607492.
Munshower, Dorothea, 203341130.
Myrick, Barbara A., 428808091.
Neubert, Barbara M., 104368800.
Noble, Leslie A., 562569063.
Norton, Patricia, 001305902.
O'Donnell, Madge M., 220368302.
Ontko, James P., 203301304.
Otto, Pauline E., 495408253.
Phelan, Mary L., 352305859.
Phillips, Sylvia J., 256582337.
Pollard, Brenda E., 178348963.
Pool, Richard R., 326346321.
Prince, Arysetta F., 350346744.
Ramsborg, Glen C., 505569060.
Ratajczak, Christine A., 069369789.
Ravella, Patricia C., 136344847.
Read, Janice, 036281401.
Reed, Leonard D., 410704184.
Reilly, Carol A., 135324348.
Ritzhaupt, Hazel M., 540466751.
Rosenbery, Nancy J., 273368840.

Ruble, Craig E., 221240990.
Runda, Mary A., 313406348.
Russell, Edith M., 237688464.
Sabinash, Gloria R., 468501677.
Sarracco, Elizabeth, 048323832.
Saulsberry, Linda M., 449706089.
Scarano, Linda M., 152347712.
Semrad, Louis, Jr., 110305161.
Shutts, Monica A., 266629165.
Sobieski, Catherine A., 364383924.
Somers, Pauline E., 516487743.
Spivey, Christine, 287388917.
Sprague, Judith P., 021287209.
Stratton, Maureen, 039261465.
Strauss, Nancye E., 223566717.
Swafford, Vivian A., 411682765.
Swallow, Linda L. Z., 010346162.
Swint, Kathleen A., 301348783.
Tharpe, Mary E., 275402644.
Thurmer, Sandra L., 473444852.
Tokarz, Patricia A., 300360068.
Tracy, Anora I., 510423558.
Troutman, Frederick W., 519425642.
Vaida, Charles T., 048325557.
Vanpelt, Roberta J., 083368317.
Vehik, Carole S., 193361590.
Walker, Jill K., 530268938.
Warner, Jane M., 040342889.
Weaver, William R., 410580023.
Westberry, Mary E., 255604012.
Wheeler, Mary A., 506523382.
Whelihan, Ethel M., 114349738.
Willis, Juanita M., 254562171.
Willoughby, Charleen K., 527489965.
Wilson, Shirley A., 420606188.
Witte, Arlene L., 313420566.
Woods, Fannie E., 237604190.
Zimmer, Ervin O., 354340881.
Zweck, Robert L., 481469605.

*To be second lieutenant (nurse)*

Jacobs, Gary L., 502508774.

*To be captain (medical service)*

Anderson, Claire J., 023248051.
Betron, Richard E., 363320257.
Borngasser, Frederick J., 102324310.
Briggs, Edward, 432582657.
Brown, Ross C., 045228166.
Butterworth, Bernal G., 300243612.
Curtis, Keith W., 523447397.
Fairless, David S., 447303469.
Garver, Ralph R., Jr., 216303551.
Green, Kenneth E., 241501114.
Jonas, Stephen A., Jr., 206261601.
Knowles, Harold D., 431486695.
Marquis, Don B., 557403810.
Murphy, Roy C., 265369729.
Nadell, Avrom P., 106269316.
O'Donnell, Philip F., Jr., 313262320.
Powell, George F., Jr., 229347467.
Rasco, William D., 565641368.
Rolfes, George C., 298282879.
Smith, Thomas L., 405389759.
Sorem, David N., 512285405.
Stanley, George H., 306327094.
Tenbarge, Ronald W., 310405471.
Vandherpen, John, 262442073.
Watkins, Charles H., 455583446.
Wisner, Preston H., 136288732.

*To be first lieutenant (medical service)*

Angell, Albert D., III, 150283773.
Ausmus, Duane G., 472404701.
Casto, Graden J., 232602238.
Couser, David G., 485467770.
DeGroot, Edward B., III, 575400472.
Fox, David M., 044322538.
Grabowski, John J., Jr., 185346258.
Griffin, Richard W., 569544732.
Harmon, Lloyd C., 287367191.
Heuckendorf, Richard P., 478441638.
Hoch, Francis L., 183327818.
Hutchison, Gordon L., 128288925.
Iverson, Jerry M., 474483846.
Kenschaft, Robert B., 163348301.
Lee, Donald E., Jr., 324380118.
Loftus, Thomas, 201340798.
MacDonald, George R., 573528985.
Martin, Howard L., Jr., 440405972.
Murrell, Warren P., Jr., 435586797.
Stephen, Frederick R., 242649165.
Terry, Wayne G., 033248273.
Turk, Herbert A., Jr., 555629524.
Vago, Frederick A., 205320652.

*To be second lieutenant (medical service)*

Boyd, James F., 257688458.
Cunningham, Terence T., III, 552588617.
Downing, Dennis R., 542501218.
Erwin, James L., 284401847.
George, Charles L., Jr., 303461282.
Griffin, Arland G., 030342825.
Huggins, William C., 301348739.
Hurt, Eric L., 224589730.
Lott, Larry K., 248784974.
Mackie, Kenneth J., Jr., 557583306.
Marsh, Peter H., 344367571.
Montero, Lloyd A., 433643643.
Parry, George M., 085349844.
Pettigrew, Alan G., Jr., 223582130.
Powell, George R., 576467736.
Powers, William J., 154346800.
Russell, Sydney S., III, 459720516.
Sample, Kenneth F., 543462425.
Stephenson, John R., 459528233.
Upton, Thomas L., 507548735.
Vocks, Joseph T., 490485958.

*To be major (veterinarian)*

Boyd, Dale D., 432206507.
Shuman, Donald G., 515180415.

*To be first lieutenant (veterinarian)*

Ayers, Kenneth M., 452544770.
Beleau, Marshall H., 439562340.
Bowman, Gary L., 299362194.
Boyd, Robert C., 452700725.
Brown, Bobby G., 417608252.
Bryan, Richard K., 250642854.
Clothier, Eugene R., 509440181.
Cramlet, Stephan H., 567566805.
Gunter, David F., 425862966.
Hansen, Jon O., 508403996.
Harwood, Baxter, 551468315.
Jewell, Asa H., Jr., 004449056.
Kent, Warren W., Jr., 419540188.
Leftwich, Marion W., Jr., 466702805.
Long, Donald M., 513401148.
Mammell, Bruce H., 440421099.
Mann, David R., 521607817.
McIntosh, Dennis K., 467589494.
Meisegeier, Larry R., 391447027.
Ross, Donald L., 454680884.
Schaad, Lawrence E., 332368065.
Smith, William B., 255627927.
Thomas, Manuel A., Jr., 547542248.
Voelker, Frank A., 475465482.
Walker, Dewayne H., 471488558.
Wiley, George L., 510441849.

*To be major (biomedical sciences)*

Beatty, Maxine, 485221644.
Deuel, Kenneth H., 184244006.
Devincentis, Joseph G., 123186079.
Fraser, Ella J., 013265026.
Larsen, Reed M., 529162325.
McDonald, Maynard R., 468320183.
Pilmer, Richard B., 553367192.
Steffen, Robert, 552342335.
Verhagen, Paul C., 316263564.

*To be captain (biomedical sciences)*

Baran. Francis V., 151182142.
Connolly, Francis J., 111280330.
Carson, Jane S., 180329704.
Coyne, Robert V.. 473327456.
Deutch, James A., 559504855.
Esters. Lavada, 416489243.
Foley, Thomas J., Jr., 206147545.
Gibbons, William D., 013302386.
Knight, John F., 266488487.
McMurdo, Gordon C., 030222517.
Mikesell, George W., Jr., 174223992.
Mockler, Nedd D., 047267818.
Murphy, John G., 271241702.
Rodes, Grover C., 265469019.
Sparks, George P., 006287594.
Spence, Kenneth J., 542302949.
Steinkerchner, Raymond E., 299304165.
Suggs, Harry J., 242382582.
Talley, Allen J., 424460800.
Titzel, Gene E., 533301884.
Trusty, Ronald D., 485288985.
Williams, Carlton R., 189265025.

*To be first lieutenant (biomedical sciences)*

Abdo, Joseph C., 568442985.
Baum, Marvin G., 014309583.
Brady, Barbara J., 522480661.
Buckman, John B., III, 044320498.
Bukovac, Ruby P., 362404252.
Campbell, Donald H., Jr., 030347614.
Cheek, Chandler S., 467503989.
Daley, Peter S., 116324721.
Davis, James E., 427829892.
Delancey, Gary W., 505486781.
Ellis, Sharon L. M., 505461716.
Gibeau, John K., 504303562.
Haddon, Rayburn S., III, 532363972.
Krimm, Bernard F., 223542598.
Lerroco, Eric F., Jr., 430700030.
Mudge, Stephanie E., 232693945.
Obrien, Patrick J., 555444268.
Patterson, William E., 251626436.
Pierson, Wayne P., 485443744.
Robinson, John S., 001323637.
Rudolph, Russell R., 338365455.
Scally, Margaret A., 496466114.
Schneider, Robert F., 152304129.
Snedecor, Susan A., 545663442.
Terrell, Sharon C., 267749916.
Williams, Jerry R., 412642479.

*To be second lieutenant (biomedical sciences)*

Anderson, Herman B., Jr., 228503027.
Anthony, Nicholas C., 156345794.
Aycock, Arthur C., 266660482.
Baughman, Mary A., 233685954.
Benline, Terry A., 172363745.
Biegert, Eugene A., 457780086.
Carter, Fred W., III, 566622567.
Colenzo, Salvatore J., 077346079.
Ebbe, Christopher E., 497488374.
Gallagher, Frank P., III, 436603007.
Grand, Ronald S., 545608816.
Hablitzel, Thomas L., 523529227.
Harris, Joe L., 441447847.
Harris, Ronald J., 082344199.
Holley, Clarence I., 425782579.
Hutcherson, John R., 291382261.
Koistinen, Darrel W., 390423619.
Krull, Allan H., 117340863.
McCracken, James E., Jr., 403608460.
McIntyre, Thomas H., 156300299.
Moran, Jeanne R., 404623376.
Naugle, Dennis F., 189347629.
Parker, David P., 275406631.
Pearson, Timothy J., 503503169.
Raebiger, Carol A., 180326316.
Rosato, Louis W., Jr., 010340743.
Smith, John H., 099348648.
Strozier, Eugene F., 421581971.
Swede, Benjamin M., 484486219.
Vance, Dwight A., 447468196.
Wagner, Lyle N., 353329457.
Weinstock, Sue A., 282443022.
Weyers, George R., 507526476.

*To be first lieutenant (medical specialist)*

Stoner, Regina C., 479424551.

The following distinguished graduates of the Air Force officer training school for appointment in the regular Air Force in the grade of second lieutenant, under the provisions of section 8284, title 10, United States Code, with dates of rank to be determined by the Secretary of the Air Force.

Bentley, Peter T., 504505858.
Bock, Charles H., 487521847.
Collins, Peter, Jr., 043426136.
Cookerly, David H., 304468983.
Curley, Michael J., 547627312.
Duran, Donaghey E., 454704359.
Egnatchik, Michael R., 117384612.
Hanna, Thomas G., II, 512463191.
Odom, Larry W., 258683427.
O'Sullivan, Thomas V., Jr., 029326047.
Sullivan, James M., 375487097.
Wampole, David F., 185367860.
Wargo, Ronald P., 209340815.
Webster, Russell J., 513444972.
Wood, Steven R., 330385637.

# EXTENSIONS OF REMARKS

## ADDRESS BY MR. R. BUCKMINSTER FULLER

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## HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. GERALD R. FORD. Mr. Speaker, the views of Mr. R. Buckminster Fuller are usually original in approach and always stimulating. He gave a very interesting speech at the Navy League's Oceanic Maritime Symposium last February, a transcript of which has just become available. It follows:

KEYNOTE ADDRESS BY R. BUCKMINSTER FULLER AT NAVY LEAGUE OCEANIC-MARITIME SYMPOSIUM, FEBRUARY 17, 1970

Thank you very much. I always find it necessary when I am greeted so warmly, and hear myself spoken of in a way that I hardly recognize, to point out that I am confident the only reason I have ever been heard of is because I set out to deliberately be a comprehensionist, in a world that seems to be completely preoccupied with specialization. I became a comprehensionist because, by good fortune, I did go into the Navy and I did get to the Naval Academy in a special course at the time of World War I. One of the things that impressed me very much was that Alfred North Whitehead at Harvard, who had come to us from Europe pointed out that Harvard was instituting a new phase of advanced education. He said that, whereas the advanced scholar at the European University could find the authorities on various specialized subjects—and did make it their business to find them—there were no specialized schools as part of the general university. But Harvard was the first to institute completely separate specialized schools, with separate campuses, separate faculties and separate buildings in graduate schools. Whitehead pointed out that America applauded, and one school after another, first the private schools and then the public schools, copied this specialization.

America liked the idea of all-star teams and felt that the development of advanced expertise would mean that we would have great stars and that this would be very good for the commonwealth. But Whitehead brilliantly pointed out that the stars who were selected for specialization were the brightest ones and we deliberately tried to persuade them to go on to graduate schools. These individuals, particularly the scientists, were specialized, with all their energies focused on their narrow fields. In other words, they went out linearly. Though this gave them great linear acceleration, it also resulted in creating ever increasing separation, one from the other. This specialization did not permit them to integrate their work, which is what society hoped they would do. Thus, because we had deliberately sifted out the bright ones and made them specialists, and the specialists couldn't put their own work together, the task of putting things together was left to the not-as-bright, and that is pretty much the way it is in our world today. The more specialized, the more brilliant the work of the specialists, the less effective and competent seems the ability to make our total world work, since this same brilliant work requires more generalized political positions.

At any rate, at the Naval Academy I found this strategy of education being completely reversed. There, they were sorting out the bright ones and deliberately setting out to make them generalists, with capabilities in many directions. This made me think a whole lot. It was very clear, for example, that three quarters of our earth was covered with water and that the waters were outside the laws of any of the lands. The water areas of the earth were therefore occupied by whoever was able to master them, since no sovereignty could be expressed over this three quarters of the earth. There would be simply one great master, and great wealth was to be realized through such mastery by those who were simply able to dispose of the others.

As we were brought up in our history, we learned of the great empires, Ghengis Khan, The Roman Empire and Alexander. All these empires grew up when Man was thinking of the earth as a flat surface. An empire in those days was a postage stamp, a rough-edged postage stamp of civilization. Outside of it you encountered very unreliable people, wild people, and then beyond, you came to the dragons.

It was never pointed out to us in our history that the British Empire was the first spherical empire. Nor that the others were planar empires. And because they were planar empires they went to infinity. Because they went to infinity the number of variables that would be operative in an infinite system would infinite in number and if you didn't like what was going on, there was always a chance you could find one of the gods who would take care of it. People had a whole lot of hope in those days.

160 years ago Thomas Malthus, the first economist in the history of Man, was receiving the vital statistics from a closed system, from the spherical British empire. Because of the closed system, his data showed that humanity apparently is reproducing itself much more rapidly than it is producing to support itself.

Later, in Malthus' second book, printed in 1810, we found that Man seemed to be reproducing himself at a geometrical rate and producing the support only at an arithmetical rate. We have from Thomas Malthus the first closed system, seemingly scientific, statement that there was not nearly enough to go around, and man was designed to be a failure. Only relatively few can survive. Those who survived in those days were the "ins" of their time. They were the masters of what we call the British Empire, not merely the British Isles. They were masters of the world; they commanded the seas. They had the most unsinkable of the fleets.

The British took their scientists around the world to see what resources there were in this closed system. Darwin was amongst them. Darwin was able then, with other biologists, to identify what seemed to be all the living species. He found great interrelatedness among the designs of species, and Darwin developed his theory of evolution.

I want you to realize that Darwin could not have developed a theory of evolution in a planar earth that went to infinity, because he would have had to include dragons to the nth power. You can only have this kind of competent thinking when you realize you have closed systems and know what the closed system is. Thus, we have in the last century Malthus making seemingly scientifically clear that there was nowhere nearly enough to go around in this closed system, and we have Darwin explaining his theory of evolution and survival of the fittest. At this same time, those masters of the earth by virtues of their mastery of the seas were saying that they were apparently the best informed and the most powerful, and therefore the fittest.

After a century and a half of this kind of thinking in state craft, nobody yet knows just how much or how many could really be supported. Despite various alliances, the working assumption is that Armageddon is inevitable because there is not enough to go around. For the young individuals who had the muscle, it was: better get your sword while you can because if you don't claim yours while you are strong you will rot in the slums where men die at the average age of twenty-seven. Even some at the Naval Academy are still carrying a sword. This precept carried over to the mass organization of States, looking out for the Armageddon each carrying its sword or gun.

Now there have evolved some new conditions for man and strangely enough as a consequence of our own Navy. The fundamental something I find is the great difference between the ways of thinking about the sea and about the land. It is in no way understood by our world's society at large, 99.9% of man being landed. And I find that even though the Navy thinks in a characteristic way, they themselves do not realize the difference in the way they think from the way the landed man thinks.

But I would like to point out that on the land men who had found a place where they seemed to be able to prosper found themselves having to guard it. There were a great many who had not been prospering who came their way very hungry and who would give their life to displace them.

So the great strategy of survival on the land had been by fortification. You built a fortress around a well and put up strong walled granaries. When you saw people coming who were going to bother you, you took all your food inside and left nothing outside. The people arrived hungry and you who were eating well inside watched from your walls. When they were good and weak, then you went out and decimated them. That worked very well for thousands of years. On the land men thought of their security in terms of the width—the heavier the walls and the higher the walls, the bigger the grain bin—the bigger, the bigger—the more secure. And that is still the primary thinking of our fellow men.

But if you went to sea in a stone boat, it wouldn't do you any good. At sea, there is no law outside of your own. If you have two great men, with two great aspirations at sea, clearly whoever wants to run the show sends the other man to the bottom.

Granted that Archimedes discovered his beautiful principle of displacement in a bath tub; on land, men had learned about floating earlier. Two ships of the same size, displacing the same amount of water, were understood to float exactly the same amount of weight. You see your rival building a ship on the ways. He has learned from the sea, as you have, various tricks and knows this to be the right size ship for him, it is going to be a beauty. And you know what the length is, you know what the beam is, you know what the draft is, and, thus, very easily, you know all she can weigh. So, you can build one the same. But, if you know, as a result of sailing around the world, that in a place called Sitka, the spruce trees make better spars, you know that in a place like the Philippines you can get better fibers for your ropes and in Egypt, better sails, your ship need not be quite the same. When you're stalking your enemy forty miles over the curvature of the earth and you wait to make contact, and when it is really blowing and he has to take off the sails because his mast is not as strong and his ropes are not as strong as yours, he is the one who goes to the bottom. Whoever then, with the same weight, could do the most with the least was the one who stays on top. And you never knew until contact who had found the strongest ropes. In other words, at sea everything depends on doing *more* with *less*.

Whoever had the best gear so that in the shortest time sail could be gotten on or off, whoever had most energy in the muscles on board his ship, the most adequate metabolic support, whoever could get the most out of a pound and a minute and an erg is the one who is going to prevail. That's all there was to it then. The Sea was the most extraordinary laboratory of engineering for doing more with less, and really doing more with less was such a fundamental secret of navies that this is the secret you found necessary to hide. Anybody could see the size of your ship but they didn't know what you could do with that kind of tonnage. So this is the most classified thing we had and drawings were methodically done away with as fast as you built your ship. So there is not a book, there is not a chapter, there is not a sentence in any book about economics about doing more with less.

And this is the very essence of the Navy. And then, of course, it became the essence of the air because in the air we had to do even more with less because your aircraft couldn't float. She had to be pulled through the sky at hurricane speed to give her lift. And you had to do more with less weight of engine and weight of fuel and so forth. Once in the air, the doing more with less became an even more prodigious battle.

The doing more with less that came out of Navy and air has changed our world. In this century we've gone from less than one percent of humanity to forty percent of humanity enjoying a higher standard of living than any king we knew of before the 20th century. This is despite the fact that during that time the resources per capita has been continually decreasing. The way we got to taking care of forty percent of the people was by doing more with less. And this is not in the economics books. It is not in general policy either. This is what was hidden away. That is why I want to emphasize the curve of doing more with less today while we are thinking about the seas today and what is opening up on the oceans for mankind. As we get going horizontally around our world, gravity is giving you brakes and stops you. A child learns quickly he can run and stop very fast. When he starts falling out of a tree, gravity is pulling him, there are no brakes. Man is very careful about the vertical coping with nature. With ships we have been obliged to keep this vertical constraint always in mind.

On the land, our automobiles are so ill-designed conceptually that we have killed more people with automobiles in this country than we have killed by all the warring men have done in all history. Just think of it. But the sea's threat of gravity was so great that men designed those ships very, very carefully. And man at sea has been very thoughtful of the other man at sea, the dramatics of that gravity are so great. With airplanes it is even more so. Now we really cope with it vertically in our rocketry, due to the dramatic awareness in our hearts of the power of gravity. The weight and the compactness of what you do has to be so great that we do so much with so little in that rocketry, and we do it so well, that astronauts of the various countries are almost getting into the kind of mileage we have done with air without the loss of one life. Not one life. This is how well it's been done. Just think of what we have accomplished there with so little weight and the reliability that has been established.

So I say that out of the curve of doing more with less, there is a fall-out. We had generators in the Navy for about twenty years before we had enough excess power to begin to sell it to the towns; then they just simply put it back into the candles. This old pattern of the land is simply so archaic, you can't find anybody who knows what a building weighs. I have met with architects all around the world and I say "Would you please tell me what the building we're in weighs?" Anybody? No hands. "Just roughly within a hundred thousand tons?" No tons. If you don't know what a building weighs, you certainly don't know what your performance per pound is. I just want to point out that in our land economics we are not using any of the thinking that went into the sea. And it has been entirely a fall-out of the sea that is making man a success on the land today. First electricity. We had refrigeration on our battleships twenty years before it came out on the land. We were making steel in the blast furnaces for our ships fifty years before we put a piece of steel in a building on the land. All this great change has come from the sea.

There is great promise here, and the reason I am stressing this is that it bears on how to begin to think about what we are going to do about our world, and our world is in a mess. It is a horrible mess. You find the men on the land very short sighted. People on the land think in terms of agriculture, they think of this year's crop. This year's profit. When you do something at sea, you plan. Preparing a Navy was a design-science undertaking that takes at least twenty-five years; a generation. And there's not a single thing in the Navy you pick off a tree. It all had to be designed. The most extraordinary, comprehensive, anticipatory design.

And now a word on our astronomy. I find our society today talks about predictions as if it were something very new. But the astronomers have been able for a long time to be able to tell just what each one star is going to be doing for many thousands of years. That's why you can have a planetarium. Our universe is fantastically reliable—both macrocosmically and microcosmically. But here is little man on our little planet. The way air travel and air navigation is conducted it doesn't matter whether it is an Ethiopian flying it or an Indian. The power structure goes out the window once you are in the sky. The reliability is just magnificent. The integrity of navigation is absolutely transcendental to the sovereignty of nations. When we land the ground control takes over. There is a little preference given to the airlines over the private plane here. When you go through the customs gate, then all hell breaks loose.

Throughout the universe, the only part that is unreliable is here at the surface of our earth. Man is behaving very badly in his great ignorance. He thinks with the short sightedness of agricultural undertakings when to do anything really important you have to think at least twenty-five years ahead. Our governments come in for four years and so forth. Nobody has the authority to think really in a very big way, except in terms of the defense—outside the country. So, navies did think in big ways. They thought in enormous ways. Their thinking has been magnificent. The point we should remember on our planet earth curve is that all unexpected improvement is fallout of that competent long distance thinking.

We have gotten to the point where forty percent of humanity is being taken care of at a higher standard of living than anybody has ever known. Were it not for the preoccupation in a negative way of Russia and the United States for arming against each other, Russia's production could have affluence, truly affluence, and they would like to have it, after all their five year planning. Their fine productivity is still going into making weapons against everybody. If Russia is relieved from that, we will have more than fifty percent affluent. The majority of humanity would be affluent for the first time in the history of man. So long as ninety-nine percent were desperate, you always had a revolution. You couldn't help it. But with more than fifty percent successful, we have a very different volition. Where the majority is successful, they realize they can never be happy till everybody is taken care of and we may have a very different switch in the situation.

We are coming to that critical moment. When we go by the fifty percent point which will be somewhere in the early 70s, if we survive on the earth at all, then we will have politicians beginning to say how do we make the rest of man successful in the very shortest time. Up until now, I think we have been given a very great cushion for our ignorance on earth. I would like you to think a little bit of how ignorant we still are, because man tends to be very, very vain. But as a sailorman, you don't kid yourself. You don't pretend you know how to get through that fog if you haven't got a compass. You don't kid yourself. So I just pointed out to you that scientists had five hundred years to get themselves adjusted to the idea the world was round and they haven't done anything about it. They all still see the sun setting. And does anybody use the words "up and down?" Anybody in this room that doesn't use the words "up" and "down?" Show hands. Okay. The words "up" and "down" were invented to accommodate the concept of a flat earth going to infinity. All lines perpendicular to a flat surface only go in two directions—up and down.

We haven't adjusted at all to that new kind of a world that is a spherical world. We have known this theoretically for a long time, but we don't do anything about it in our senses, nor do we change any of our habits. We say we got on very well like this before, we are going to keep right on. If it is a flat earth, then again it goes to infinity. You have infinite room to pollute. You don't have to worry about pollution. And it has been your experience that it's so big that you always found more resources after exhausting the known ones. But as a closed system, no!

You'd think that with our moon undertaking, we might really have had kind of a breakthrough with our senses. But Conrad spoke to the people of the world about being up here on the moon and the President congratulated the astronauts on going up to the moon and getting back here down to earth. And we hear people saying, "never mind that space up there now, let's get down to earth." You should say "where's that?" "Where is down to earth?" That's our flat concept still coming through. Anybody who says you must be practical, lets get down to earth doesn't know what he's talking about. Don't listen to him, ever.

This is the mood you have to go into here talking about our resources. Man, in his great ignorance has gone on polluting thinking of all that room. With infinite space, it's all right to be short-sighted. For this year's profits, we're out to burn up all of our fossil fuel. But why worry about our great-great grandchildren. It takes a good profit to get re-elected president of the board. The Lord has allowed us to be ignorant up to now so we would have enough experience to really learn something.

By now we should have had enough experience to really learn something: To discover that our strength is not in our muscles; that our strength is in our minds; To discover the principle of leverage; To learn how to put levers one behind another around a wheel, put it under the waterfall; How to organize nature to develop work for us. Because all we mean by wealth is the ability to regenerate life on earth. I have asked many, many audiences around the world the following:

"No matter what you think what wealth is, and I am sure everybody in this room has a little different idea about what wealth is. Is there anybody in this room who will disagree with me when I say that no matter

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how much you have of it, you can't alter one iota of yesterday?" I never see any hands.

You can forget about yesterday if you want to think about wealth. It has something to do with today and tomorrow. It is a capability. And all it really means is the ability to regenerate life, this is metabolics. It is the mind, the metaphysical mind, and master of the physical.

We also in our great ignorance talk about the United States as a nation. We are not a nation, we are the most cross-bred phase of humanity. We are beginning to be world man. We are a little of all humanity. There have been pools of cross-breeding world man, India and Mexico before us. And in Mexico you see every shape of face, every shape of head, and every shade of color; there's no race. We have a new world man and cross-breeding on this continent and we have a lot of opportunity now. The resources are so abundant as to allow us to be very ignorant and to make enough experiments to find by trial and error what we really have of any importance. And what we have is a mind. And we are really going to have to start using the mind now or we'll all perish very shortly.

I like to think that with our fellow men around the world we had great friendship until recently. In no time at all that friendship had deteriorated. There is a very negative atitude toward people on this continent. I don't suppose that everybody in America realizes how we've fallen out of esteem because we seem to be so shortsighted. I travel around the world and find this to be the case. Since we are shortsighted, we were very fortunate to inherit all the experience of those before us. Just remember that in China in 400 B.C. they had quaternary alloys. We inherited the information on the isolation of the chemical elements—only two of the 92 chemical elements were isolated in this country. We inherited all those kinds of capabilities. And the world has been looking to us askance, because we are very powerful and seemingly falling into the bad habits of yesterday's sovereignty. Just as the old people who had learned it wouldn't work any more were giving it up, we were seemingly stressing our great power.

I think it is very important to begin to talk more about our oceans. I see our oceans as the great teacher that taught us engineering, taught us navigation, forced us to really develop mathematics, forced us to use the capabilities of the mind. The little man on that boat feels awfully tiny on that sea. If he doesn't really use this thing, he's lost. Now consider all of humanity are passengers aboard our little space ship earth, superbly supplied, superbly designed. So superbly designed that it has been able to support humanity for four million years without even knowing it was aboard ship. That's quite a design! To be foolproof for four million years. But it's not infinitely foolproof.

So it would be very great if the message goes out from America that the world's people are shipmates who have for the moment suffered considerable setbacks simply due to the fact that we have been slow in achieving an adequate wage for humanity so humanity could enjoy universally the benefits. A seaman can think of the kind of things we can do that would be of very great importance. Society, all around the world, is doing all the right things for the wrong reasons. We have been backing up into our future. This is particularly true to the oceans. We have developed the atomic submarine in a very big way, first here and now Russia, for the wrong reasons, to be sure, but another fallout from the sea.

The submarine is a very big affair—you want to take a cargo from Buenos Aires to Europe, you couldn't change anywhere, you couldn't swap your goods and trade at sea. Two ships could not dock beside each other. They would perish. But with a submarine we get down below the turbulence and we can change cargoes at sea. We could have underwater cities anywhere around our earth. If we begin to have underwater transfer of our world resources, I think all the sovereignties would just break down. Their customs are broken.

Once you realize there are now in your hands the tools to really use the kind of mind you have as a seaman, it is time to begin to try to make the old world work. And I do travel enough around the world to tell you this. I'm sure most of you really know it, but I find myself in meeting with the Russians, with Norman Cousins committee, with the Russian Academy of Science, there is a very good will and the thinker, the intellectual, everywhere agrees as to the will of man to try to cooperate and to try to make things work. Here I think of the sea as a great safety factor, of the great design of man on earth to have still this three-quarters of the earth which was almost unapproachable by man reserved for the last chapter. Having made a mess of the earlier part, the sea is still there and great, even though we have robbed it of so many of those whales and other things.

I am going to discuss a map. As a sailor, I found it important to be able to see our earth without the distortions we get with mercator and polyconics, polar asmuthals and whatever. I found a method of transferring the data from a sphere to a plane without any visible distortion of the relative shape or the relative size of any of the parts, and without any breaks in the continental contours. The dymaxion map. This shows one world island and one world ocean without any visible distortion. If you cut it and round its edges, it makes an icosahedron. If you look at that icosahedron alongside the globe you will find no discrepancy between them. The data, the way it seems to read, reads just the way the globe does. Here some day is one world island and one world ocean, and that one world ocean is then waiting for all of us to find our final great support.

For very long, the poles have been frozen. Man has not thought tactically in terms of the north pole. Even though very spectacular things have been done, we don't think that way very much yet. While we can negotiate the pole very readily today, we have had the enmity between Russia and North America, so we don't think of it in this way. But look again at this map. One can reach ninety-five percent of humanity from anywhere in America without going near the Atlantic or Pacific. Here is one way; this is a "strip map" of our tomorrow.

It is fortunate that in a sense that our oceans will be abandoned. We have already seen passenger ships decline very, very suddenly. And what will be the significance of a Port of New York or of San Francisco in terms of a north-south air axis. There are great investments in a place like New York and San Francisco and they will fight very hard to try to keep traffic coming their way. But it is not in the new traffic pattern; they are side shows. People will get to New York to see the theater but not on their way to Europe. We will learn to accept this new orientation and to see the ocean as a great garden around that one world island.

Coloring is an important dimension of a map. Coloring on my map is the weather. We typically have weather reported to us in its extremes—the highs and the lows, the wetness or dryness or coldness or hotness. But you find the real difference between, one place and another, however, for instance is how cold does it get, not how hot does it get. The cold pole of the northern hemisphere gets as warm in mid-summer at noontime as does equatorial Africa. But equatorial Africa never gets as cold as it does in Northern Siberia. Hot is very universal. Cold is unique and the colder it gets the more annual variation you have, the more kinds of environment you have to adjust to.

So if you are born in Africa near Lake Victoria, you'll invent a boat to cross it. But if you were born in more northern latitudes, in the summer you invent a boat and in the winter you invent sleds and ice skates. Invention is precipitated by the confrontations man has. The central Arctic bullseye, in which is the temperature control, the climate control, of the northern hemisphere affects almost all of humanity. Australia, South America and the bottom of Africa are exempt. All the rest is in the Northern Hemisphere. If I put color dots on the map as the colors of men's skins around the world, you will find they correspond exactly to the weather. The colder it gets, the whiter they get, the hotter it gets, the blacker they get. If you have to hibernate and you have to inbreed as people did for thousands of years under those special conditions, you get bleached out. They also need hair to cover them when they have to take off their clothes, and they're out in the sun. And just look at the African, look at his hands and the bottoms of feet. They're white. And there's no race.

We have men who have been inbreeding for long periods, isolated from one another, getting very special characteristics. And your sailor man kept going around the world, cross-breeding with all of them and he's a kind of swarthy inbetween.

I've spent a long time belaboring these points. I do find it a practical matter with the kind of competence we have today to consider floating cities that are not going with the waves. The waves are simply going through them. A very practical matter. It would be very easy to go down below the turbulence and have submarine cities. Also very easy within protected waters to have floating cities. And we probably will do a lot of that. Cities have been designed completely anarchistically. We have all our urban troubles—and people don't even know what the buildings weigh. Everybody does things independently.

When you design a ship, one man designs it. She's organic. And when she becomes obsolete you melt her up and make a much better one. But we don't have this kind of logic on the land. And that kind of logic is going to have to prevail in the land. I like the kind of thinking that we do as sailors, and as cross-breeding world man. As we talk to our fellow man and the word gets around the way we are thinking, we are not thinking in yesterday's ignorant way. No longer do we believe it's got to be you or me. We have discovered in our kind of technology it is very practical to consider all of us. We are going to all have to survive or none. And the kind of technology and the kind of attitude out of which that will come is the kind of attitude which has come out of the sailor man.

## OBSERVANCE OF RUMANIAN INDEPENDENCE

### HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. BOW. Mr. Speaker, Rumanians throughout the free world celebrated this week the achievement of Rumanian independence on May 10, 1866.

Unfortunately, no such celebration could be conducted in Rumania where the regime has tried unsuccessfully to eradicate memories of the days when Rumanians were truly independent and the masters of their own destiny.

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Americans of every background should join in observance of this occasion, and in contemplation of the chain of events that led to the loss of Rumanian freedom following the Second World War.

The tremendous reception given President Nixon by the people of Rumania during his visit there is evidence of the strong bonds of affection that unite our two peoples. It was evidence also of the hope that Rumania may once again be free of Communist imperialism. I share that hope and I trust that the knowledge of our sympathy and moral support gives strength to the people of Rumania.

## CAMBODIA WEAKENS U.S. HAND AS SOVIET GAINS IN NEAR EAST

### HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. FRIEDEL. Mr. Speaker, last week I spoke out several times against the President's intervention in Cambodia, reflecting my concerns and those of my constituents over a further expansion of the war in Indochina. At that time, I pointed out the dangers of a burgeoning conflict in that area and the impact we are feeling now at home.

The world spotlight, however, can swing too far in one direction. While the Nation struggles with domestic outcry and dissent over Cambodia, we neglect the ominous developments in the Middle East. Israel fights on almost all her borders. Soviet pilots have joined the air forces of Egypt. While we look elsewhere, the Russian fox entrenches himself in the Middle East.

Mr. Speaker, there is a very real distinction between American involvement in Indochina and our time-honored commitments to the State of Israel. In the first instance, I believe that the United States has mistakenly supported countries and regimes that are unstable or just beginning to develop. In the second, in the Middle East, this country has preserved its friendship with a duly constituted democratic society in Israel since its very foundation in 1948.

Our priorities are very clear, but we have developed a blind side to the dangers that face Israel. The situation worsens by the day in the Middle East, but we remain caught up in the frustrations and anger of Southeast Asia. We must look to our friends.

Mr. Speaker, an excellent column along this line of thought appeared in the Washington Post this morning. I wish at this time to cite the article by Joseph Kraft entitled "Cambodia Weakens U.S. Hand as the Soviets Gain in the Near East" and have it included at this point in the RECORD:

CAMBODIA WEAKENS U.S. HAND AS SOVIET GAINS IN NEAR EAST

(By Joseph Kraft)

The quaint conceit that President Nixon's Cambodian plunge strengthens this country's global stance encounters reality in the Near East. And the result of the meeting is dismal.

For the Russians are blandly deepening their penetration of Egypt in ways that cause Colonel Nasser to flex his muscles anew. But the United States faces this challenge from a position of weakness unmatched since the Moscow-Cairo axis started abuilding 15 years ago.

The basic facts are well known. In the past few months the Russians have become the mainstay of Egyptian air defense. They have set up new surface-to-air missiles—the SA-3—around Cairo and Alexandria. They have supplied crews to man these weapons.

In addition, Soviet pilots are flying Mig 21 jets on operational, as distinct from training, missions. While the exact nature of these missions is in some doubt, the Soviet pilots are rising whenever Israeli pilots penetrate Egyptian territory beyond the Suez Canal zone. In effect, the Russians are protecting Egypt's hinterland.

Thus protected, Colonel Nasser, after the usual fashion of the gambler, has had a sudden access of confidence and courage. He has stepped up the attrition raids that take such a heavy toll of Israeli manpower. "We've been here for seven thousand years, and we'll be here seven thousand more," he boasted to one recent visitor.

The Israelis have so far been cautious in response. They have not flown sorties in the area now patrolled by Soviet pilots. Defense Minister Moshe Dayan has expressed interest in getting a cease-fire. But this restrained attitude will be maintained only if there is some indication that Israel does not stand alone—that she has American support.

As to Washington, nobody here doubts that the latest Soviet move represents a challenge and a potential threat to the peace. Nobody doubts that Israel will once more act alone if some kind of American help is not forthcoming. Nobody doubts that if Washington sits on its hands there will be some further Soviet move to penetrate Egypt—perhaps the stationing of the SA-3 missiles and their Russian crews in the Canal Zone within easy range of Israeli guns.

But with all these dangers implicit in inaction, Washington has been looking the other way, dodging conclusions, playing for time. Thus a massive intelligence analysis is under way to determine exactly the nature of the new mission assigned to Soviet pilots in Egypt. Moscow was asked by Ambassador Jacob Beame—who doesn't exactly have the clout to make strong demands—for an explanation of the new assignment for the Soviet pilots. When the first explanation was found to be too vague, he was sent back for more.

In the long run, everybody concedes that the President will be obliged to take some action. The best guess is that Israel will be offered more planes and credits, and perhaps a closer working arrangement in defense. But this will be done quietly and with little public stir—slipped over the transom, as it were.

What this means is that the American response in the Near East will be a weak response—slow in coming and almost invisible. No doubt there are good reasons for this weakness.

Delay is necessary because the Nixon administration has been too obsessed with Cambodia to think about anything else. The Congress and much of the country have been so upset by Cambodia that any blaring forth of new undertakings would excite a hostile reaction. But that only says that the weak response in the Near East is rooted in conditions created by the Cambodian strike.

One weak response, to be sure doesn't mean the end of the world. But it shows that the claim about Cambodia strengthening the American hand around the world is contemptible. It is, in fact, only slightly less contemptible than the suggestion that the blame for this country's weakened condition should fall on those who protested, rather than those who undertook, the wholly unnecessary move in Cambodia.

## THE NEED FOR HANDGUN CONTROL

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. MIKVA. Mr. Speaker, I include in the RECORD an article from the April 23, 1970, edition of the Wall Street Journal, by Mr. Alan L. Otten, entitled "Poor Protection." The article concisely summarizes the case that I have already made before this body for comprehensive legislation to put a stop to the senseless proliferation of handguns in our increasingly violence-prone society.

Not only is the handgun the all-time favorite American murder weapon, accounting for two of every three homicides, but it has become the key element in nearly one-third of all robberies. In the latter case the easy availability of second-hand pistols and revolvers virtually insures the professional thief, narcotics addict, or rapist the instant courage he requires. Even those law-abiding citizens who seek assurance of self-protection through the gun in the bureau drawer are tragically mistaken. Statistics show that the most probable victim will be another family member, not the would-be thief, who naturally prefers to work in an empty house or apartment, or relies on the element of surprise.

The legislation I have introduced in this regard, H.R. 16250, would go far to curb the dangerous boom in the production and sale of handguns, which can scarcely be justified for sporting purposes. I pray that we will not need further proof in the form of a rising toll of injuries and deaths, or the spectacular assassination of some public figure, to move the Congress to establish realistic nationwide control over access to handguns. The article follows:

[From the Wall Street Journal, Apr. 23, 1970]

POLITICS AND PEOPLE: POOR PROTECTION

(By Alan L. Otten)

WASHINGTON.—One of the capital's favorite phrases, often abused, is the one about "an idea whose time has come." Over the years, the time apparently came for such diverse notions as civil rights and nuclear test bans, Medicare and clean air, and scores more.

Somehow, the time has never seem to come for one particular idea: Tough Federal controls over guns, especially handguns. Yet the arguments for few proposals are as solidly convincing as are those for tight restraints on handguns. And to underscore the paradox, the most compelling argument may be the deep danger handguns pose to the very people who buy them for self-protection.

A national gun control law was enacted in 1968, after the assassinations of Martin Luther King and Robert Kennedy, but it is narrow and hole-filled. It forbids mail-order and interstate gun shipments to individuals, the importation of cheap foreign guns, gun ownership by the criminally convicted. Basically, though, it leaves to the states and cities such matters as store sales and private transfers of second-hand guns.

Only a few local governments have made any serious gun control efforts, and these have been frustrated by the ease of buying guns in neighboring jurisdictions with weak laws or none at all. Legally or illegally, just about anyone who wants a gun can still manage to get one.

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Proposals to control rifles and shotguns are at least debatable; they are used widely for hunting and sports, comparatively rarely in crime. But pistols, revolvers and other handguns have little sporting purpose, and are overwhelmingly the favored weapon for violent crime and violent death.

Two of every three homicides are committed with firearms, practically always handguns; since 1963, the number of gun killings has risen 48%, while the number of homicides with other weapons has increased 10%. Handguns are by far the favored weapons for political assassinations, for killing police. Nearly one of every four aggravated assaults and one of every three robberies now employ guns, practically always handguns, and here, too, the percentage rises year after year.

The reason for this increasing resort to handguns is simply that there are more of them around. Once a standard item of clothing in the Old West, "the great equalizer" gradually became less widely owned. It began to become more common again after World War II, when thousands of GIs brought home captured pistols as souvenirs, and postwar movies and TV made a hero of the man with the gun—the cowboy, sheriff, soldier, spy, even the debonair crook.

But the really big handgun boom has been in the last few years. Between 1962 and 1968, while the annual sale of long guns was doubling, the annual sale of handguns quadrupled. By 1968, there were an estimated 24 million handguns in civilian hands, with another 2.5 million being manufactured or imported each year.

And the reason for the spread of handguns is also obvious: Fear. The man on the street fears for his own safety in the midst of soaring crime and urban rioting. Store owners and other businessmen arm to deter holdups. Families arm to guard themselves and their possessions from the robber, the rapist, the rioter.

These frightened gun buyers now provide a swelling lobby against gun controls, reinforcing the hunters and right-to-bear-arms champions who fear that tight handgun curbs would merely be the entering wedge for curbs on all guns. They argue self-righteously and strenuously that "the criminal will always manage to get a gun, so why shouldn't we have them for our own protection?"

Two things are wrong with this argument, however. First, the criminal won't always manage to get a gun. Experience in the few places that have tough gun laws here and abroad strongly suggests that they may keep many a person from crime, or at least turn him to less deadly weapons. In England and Wales, where there are tough gun controls, only 6% of robberies were carried out with guns in 1967, compared to 37% in the U.S.

The other thing wrong with the "let-us-have-guns" argument is that most guns are no protection at all. The home a burglar enters is usually empty or asleep; the burglar, a recent Federal study notes, "is more likely to steal the home-defense firearm than be driven off by it." Most robberies (robberies involve personal contact, whereas burglaries don't) occur away from home; since the gunowner rarely carries the gun with him, it's not much protection there. Home robbers usually manage to take the resident by surprise, depriving him of any chance to use his gun. "The burglar avoids confrontation, the robber confronts too swiftly," the Federal study declares.

The gun in the bureau drawer is far less likely to protect the owner than to endanger him and his family. The husband riddles the two-timing wife. The mixed-up kid evens the score with the too-tough parent. The drinking buddies' argument comes to a violent conclusion. The gun goes off accidentally while Dad is cleaning it, or while Sonny is showing it off to his schoolmate. Fully half of all gun killings occur within the family, 80% among family or friends.

Maintains the National Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower: "The armed segment of our population is paying a heavy price in accidents and in the shooting of family members, friends, and acquaintenances for whatever deterrent effect possession of self-defense firearms may be providing."

The Eisenhower Commission is merely the latest in a procession of Presidential and other prestigious study groups recommending tightly restrictive licensing that denies handguns to all but police and other security personnel and perhaps store owners in high crime areas. The Commission also recommended, as others before it, a crash program to develop a nonlethal weapon—one that would instantly incapacitate an attacker for 30 minutes or so while police were summoned, but would not kill or maim.

With such a weapon to rely on, average citizens might gradually swing behind tight gun curbs. Until then, however, new gun control moves will be fiercely fought by frightened men and women who believe that by arming, they add to their own safety.

"The time has come to bring the handgun under reasonable control," Mr. Eisenhower's commissioner conclude. It would be nice to think they're right, but all signs are to the contrary. Gun control is one idea whose time seems to keep slipping further into the future.

## PAUL R. HANDLERY DAY

### HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. MILLER of California. Mr. Speaker, Mr. Paul R. Handlery, president of the Handlery Hotels and prominent civic leader, has been selected as recipient of the 1970 honor award given by the San Francisco Friends of the National Jewish Hospital and Research Center. This recognition is given for his outstanding community service and rigorous effort in behalf of the medically indigent.

The National Jewish Hospital opened its doors on a free, nonsectarian basis in 1899. It operates under the unique motto:

> None may enter who can pay . . . none can pay who enter.

The guiding philosophy of its founders and supporters is that pain knows no creed. We in California have benefited from the hospital's philosophy to the extent of 196,000 patient-days of free care for the treatment of emphysema, tuberculosis, asthma, cystic fibrosis, and other chest diseases.

Its program of treatment, research, rehabilitation, and education is dedicated to protecting mankind's birthright to breathe. Because of its contributions in the field of medicine, the World Health Organization of the United Nations has recognized the National Jewish Hospital as its world center for the study of respiratory diseases.

The resolution passed by the senate of the State of California that June 3, 1970, be observed as "Paul R. Handlery Day" in California is a highly deserved tribute to a man who has contributed so much of himself and his resources toward furthering these humanitarian efforts. I am happy to join with other Californians in honoring Mr. Paul Handlery for his unselfish devotion to such a worthy cause.

## NIXON'S POSTAL PLAN FOLLOWS BRITISH LEAD

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. UDALL. Mr. Speaker, the April 24, 1970, edition of the Arizona Daily Star contained a column by Philip Wagner which compared the current situation regarding reform of the Post Office Department with the experiences over the years of the British Post Office.

In a number of respects, the recent proposals for postal reform that we are now considering follow a course that has already been taken in Britain and their goals and ours are much the same.

We can learn much from the innovations and experiences of the British in this area and I would like to insert this article, entitled "Nixon's Postal Plan Follows British Lead," for the interest of my colleagues:

NIXON'S POSTAL PLAN FOLLOWS BRITISH LEAD

(By Philip Wagner)

WASHINGTON.—The first Nixon effort to reform the postal service fell by the wayside, for two main reasons. One is that Congress has always enjoyed its domination of the Post Office Department—the power to set postal rates, determine various types of postal service (including those that are free), set wage rates and play politics with the rank and file. The other is that postal employes have enjoyed it too, being convinced that they can do better for themselves by lobbying politically than by negotiating with a business-type management.

The postal strike shook those traditional attitudes, on both sides. And in that one respect it may have been a good thing. As the administration was quick to see, it offered postal reform a second chance if the promise of a substantial wage increase were coupled with a second try at revamping the structure of the service.

When the President sent up his special message on the subject last week, most attention was focused on the proposed new 8-cent rate, on the promised raise in postal pay, and on its proposal for collective bargaining with binding arbitration. But the real guts of the message is the plan to abolish the politics-saturated Post Office Department, recognize the postal service for the commercial operation it really is, and give it the autonomy it must have if it is ever to become a self-supporting and accountable operation.

True, it would still not have the legal form of a public corporation. But it would go a long step in that direction. It would have the independent managerial authority and flexibility (including the power to innovate and raise investment capital) which it has never had up to now.

In this respect, the new Nixon plan follows the course of postal reform in Britain, but a third of a century behind. Which is appropriate in a way, because the British have always been the postal innovators.

It was the British who dreamed up the notion of flat-rate postage for letters to and from any part of the country. It was an Englishman, Sir Rowland Hill, who invented the postage stamp—every stamp collector knows about the first postage stamp, the Penny

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Black, which went into service in 1840 and so as a by-product founded philately as well.

For nearly a century after that the British Post Office was an ordinary revenue department of the government under the postmaster general. As an organization subject to the whims of politics it suffered the same kinds of disability as our own political postal service until finally, in the early Thirties, the British had the good sense to admit that the Post Office was basically a commercial operation gave it a degree of financial freedom.

After some twenty years of this, Parliament went further and gave it sufficient authority to balance its income and outgo; and in 1961 it was actually cast loose from the Exchequer, which is to say the Treasury. But it was still a government department, with a political postmaster general, a minister, and close dependence on Parliament.

Finally last fall, and with a minimum of fuss, it was cast loose completely from politics. It became a public corporation, fully accountable for its operations, with a nonpolitical board of directors and a chief executive, under a minister with little more than liaison powers between the corporation and the government. It does not depend on appropriations but must pay its way and make a profit as well. It may set rates, negotiate wages, borrow for capital purposes and even manufacture equipment.

There is one big difference between the British and the American situation. The British embraces more. It not only operates the mails but operates "telecommunications," which is to say the telephone and telegraph system, and it is involved in several other operations as well, notably data processing (for hire) and the GIRO money transfer system. These are basically different from letter carrying, being "capital intensive,' whereas letter carrying with its big corps of postmen, postmasters, sub-postmasters and so on is "labor intensive." There is much more chance for technological improvements in the one set of operations than in the other. Hence they are separately administered, and their financial goals are different too. The telephone system is expected to earn an 8½ per cent profit on assets, but letter carrying has the more modest goal of 2 per cent annually on expenditures.

Nevertheless, the new autonomous structure does give the post service an opportunity to move as rapidly as managerial and technical improvements can be devised toward a more efficient and less labor-intensive service—something that has never been possible under the politically dependent and basically irresponsible management of the American system. Assuming that Congress goes along with the President's new set of proposals, we can learn much from the British experience.

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## ASIAN SPECIALISTS CONDEMN THE INDOCHINA WAR

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. FRASER. Mr. Speaker, I was impressed by the statement just released by a few of the Nation's outstanding authorities on Asia. These scholars who have studied the people and the history and the politics of this area for years are deeply aware of the tragic mistake President Nixon is making in that area.

WASHINGTON, D.C.

As specialists on East and Southeast Asia, we are appalled at the statement released Tuesday by twelve professors from George Washington University and other Washington area institutions declaring full support for President Nixon's recent actions in Indochina.

In Wednesday's *Washington Post*, Professor Charles Moser, a professor of Slavic languages, is quoted as saying that the President's decision to move into Cambodia was "an extremely reasonable one, and deserves the support of reasonable men."

We disagree completely. We believe that the so-called temporary military action in Cambodia can only escalate the scope of the conflict, render less probably any negotiated settlement, make almost impossible efforts at political accommodation inside South Vietnam, and generally promote around the world an image of official American recklessness and irresponsibility.

We call upon all academic area specialists to declare their support for the Hatfield-McGovern Amendment cutting off military appropriations for the Cambodian intervention in thirty days, the war in Laos at the end of 1970, and in Vietnam by no later than June 30, 1971.

George Kahin, Professor of Government, Cornell University, Daniel Lev, Professor of Political Science, University of California, Berkeley, David Marr, Professor of Asian Studies, Cornell University, William Liddle, Professor of Political Science, Ohio State University.

Truong Buu Lam, Professor of History, State University of New York, Stoneybrook. James Scott, Professor of History, University of Wisconsin, Herbert Phillips, Professor of Anthropology, University of California, Berkeley, Benedict Anderson, Professor of Government, Cornell University, Donald Voth, Professor of Sociology, Southern Illinois University.

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## ISRAEL

### HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DADDARIO. Mr. Speaker, on May 15 the State of Israel will celebrate the 22d anniversary of its independence.

Since that community of people has joined the larger community of free men, they have displayed a spirit and a courage that has made possible the preservation of a culture and fulfillment of the dreams of millions.

This Nation, and Israel's friends all over the world, can be proud to have supported that nation from its inception. But we must be continually alert to the present dangers, and their implications, and insure continued assistance to her.

The first 22 years have seen the tiny country move from an underdeveloped desert to a flourishing nation. Marked by such progress, Israel has set an example for all.

But these early years have also been marked by deep and serious challenges. At times that nation has been subject to a state of siege. Presently, the tension in the Mideast has risen to the point where all international order is jeopardized. Our response to this situation should continue to be a policy enlightened by the commitments of this Nation to those people. By continuing to extend support to this embattered nation we will insure her the right to exist; and the bond of affection between us will continue to grow.

So on celebrating this 22d anniversary, I wish her a future of prosperity and I hope that this spirit of independence and cause of freedom continues to be championed by the American people.

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## U.S. MOVE TO CLOSE LAKES LAB COULD CRIPPLE ANTIPOLLUTION EFFORTS

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DULSKI. Mr. Speaker, at a time when there is wide concern, finally, about the increasing damage to our environment by pollution in particular, it is distressing to see the Federal Government closing down key antipollution installations.

Yet, such is the case on the Great Lakes where the Department of Interior is literally gutting the work of the Bureau of Commercial Fisheries, which has been performing an outstanding service on the Great Lakes for some years through its several laboratories and research facilities.

This is the same Bureau whose laboratory developed the vital techniques for controlling the sea lamphrey and the alewife which have done appalling damage in the lakes.

The Government has been giving liberal lipservice to its antipollution efforts, but the closedown of the Bureau's work on the lakes is an inexcusable step in the opposite direction.

It is a rebuff to the Congress which appropriated funds for biological studies of the pesticide pollution problem, only to have the funds frozen by the administration's austerity program. Other funds have been rechanneled to ocean research.

Despite the obvious pollution crisis in the Great Lakes and the repeated bemoaning of the problem at many levels of Government, the cold fact is that the concern for the Great Lakes pollution problem retains a low priority in domestic considerations of this administration.

The background of the work of the Great Lakes laboratories is well detailed in an article published in the Michigan Journalist of the University of Michigan and reprinted in the May 6 edition of the Buffalo, N.Y., Evening News, as follows:

U.S. MOVE TO CLOSE LAKES LAB COULD CRIPPLE ANTIPOLLUTION EFFORTS

ANN ARBOR, MICH., May 6.—With increasing concern for the natural environment reflected in public opinion and political rhetoric, it seems inconceivable that the foremost laboratory studying the environmental and fishery problems of the Great Lakes—a lab which developed techniques for reducing the specter of the sea lamprey and the alewife—is about to be sacked.

Yet, if the Bureau of Commercial Fisheries continues its present budgetary and bureaucratic reshuffling, Great Lakes research will at best receive a crippling blow.

The Great Lakes are the world's largest and most valuable freshwater source. Once

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their waters welcomed drinking, swimming, commercial and sport fishing, and aesthetic admiration. Man cannot survive without fresh-water. The Great Lakes are dying examples of man's ignorance and knowing abuse of this fact.

### DEAD FISH ON BEACHES

Lake Erie is a vast, silent sewer. Atlantic salmon, lake trout, whitefish, blue pike, and yellow perch, useful species which once comprised 85 per cent of the total fish taken in these lakes, now comprise less than 5 per cent and some species have been wiped out. Carp and sucker, low-value "trash" fish, now abound. Alewife dieoffs periodically supply our beaches with millions of pounds of stinking, poisonous meat.

The sea lamprey, after twenty years of parasitic ravaging of native Great Lakes fish, now threatens the recent coho salmon programs in Lakes Huron and Ontario. And, in the spring of 1969, the federal Food & Drug Administration seized 34,000 pounds of commercial Great Lakes salmon, declaring that its high pesticide content was dangerous to human health.

In the midst of this ecological nightmare, the Bureau of Commercial Fisheries (BCF) is preparing to break up the most effective, expert scientific force ever to focus on the problems of the Great Lakes.

### TO PHASE OUT PROGRAMS

The activities of the BCF, an agency of the U.S. Department of the Interior, in the Great Lakes region are essential to sound, ecological management of these tremendous bodies of fresh water.

The BCF supports the Great Lakes Fishery Laboratory and the Exploratory Fishing and Gear Research facility in Ann Arbor; four research ships on the Great Lakes field stations on Lake Erie, Huron, Michigan and Superior; and an impressive collection of scientific equipment.

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In February, however, the BCF initiated action to phase out all of its operations concerned with the Great Lakes. Before July 1, 1970, the budget for Great Lakes' work had to be cut by $400,000—nearly a third. Ernest D. Premetz, the BCF's deputy regional director for the Great Lakes, said that dismissal notices have been sent to 19 of the 82 people on the research staff. Nine of those receiving notices are professional biologists.

### REDUCTIONS ARE MADE

As of July 1, 1970, the regional BCF office in Ann Arbor will be closed; the Great Lakes Fishery Lab will drop from the budget of $1.2 million to $376,000; the Exploratory Fishery & Gear Research facility will be all but gutted (one man, $15,000 budget); all other functions, such as the technology lab in Ann Arbor, will be reassigned to other areas within a year.

William M. Terry, BCF's acting deputy director, said that its Great Lakes research program could not escape reductions. President Nixon's budget for next year, Mr. Terry pointed out, has reduced the agency's budget from $52 million to $45 million.

A BCF budget document stated that $1.5 million of this $7 million cut in agency funds will be absorbed by "low-priority biological research programs not critical to programs planned for major emphasis."

### LAB CUT TO $350,000

Since commercial fishing on the Great Lakes has been in steady decline, the BCF intends to transfer its responsibilities in the Great Lakes area to the Bureau of Sports Fisheries & Wildlife (BSFW). The BCF can then concentrate entirely on oceanic research. On the surface, this transfer doesn't appear significant.

But the BSFW will have only $350,000 to run what has been a million dollar operation. The Great Lakes Fishery Laboratory will receive only $20,000, a fraction of its previous funds.

In effect, the BSFW will take charge of empty buildings, unmanned equipment, and complicated research projects that have been abandoned midway.

The money Congress has already authorized to the BCF for Great Lakes research is being rechanneled to oceanic research. It is extremely unlikely that the Appropriations Committee will duplicate these funds for the Great Lakes work of the BSFW.

### LACKS RESEARCH APPROACH

One Ann Arbor biologist argues that even if the BSFW received a budgetary boost, which is doubtful, the agency doesn't have the necessary research approach.

The traditional research philosophy of the BSFW, he said, has been aimed at sport fisheries only and has tended to focus on immediate problems. The present Great Lakes team of the BCF is concerned with the lakes as a total environment. The BCF team recognizes the lakes as ecosystems.

This basic ecological outlook stresses the inseparable interrelations and interactions, between the living organisms of the lakes and their non-living environment. By studying individual fish as well as fish populations, then the BCF team can often identify subtle but important changes within the lakes themselves. The fish serve as indicators.

The total team approach that has been nurtured by the scientists at the Great Lakes Fishery Laboratory and other BCF facilities around the lakes has enabled them to warn of impending dangers.

### TO CUT BUDGET $244,000

These scientists alerted the public to the sea lamprey threat in the 1930's, the alewife threat in the early 1950s, the pollution threat in Lake Erie in the late 1950s.

Dr. G. Y. Harry, director of the Great Lakes Fishery Lab in Ann Arbor, said that the lab must cut its budget by $244,000 before July 1, 1970. To comply with the cut, eleven lab employes will be released by May 30.

The history of the Great Lakes Research Lab illustrates the tragic crisis found so often in resource management. Over 30 million pounds of lake herring were taken from Lake Erie in 1924. Two years later, only three million pounds were taken, not nearly enough to sustain the industry. Lake herring were rapidly disappearing from the lake. With the downfall of commercial herring fishing serving as a warning, the federal government recognized Great Lakes Fishery Investigation as a legitimate budgetary item.

The depression of 1933 decimated the budding research movement until about 1947.

### LAMPREY FUND BOOSTED

Another crisis was required to rejuvenate interest in the Great Lakes. During the 1940s, the sea lamprey invaded the upper Great Lakes through the Welland Canal.

The lamprey went wild in its new favorable environment and quickly destroyed the populations of lake trout in Lakes Huron and Michigan. Other species were seriously affected by this snake-like parasite The process was repeating itself in Lake Superior when controls developed by the research lab began to be effective.

In 1950, Great Lakes Fishery Investigations funds jumped from $32,000 to $287,000—thanks to the lamprey.

The Great Lakes Fishery Investigation team, which operated from totally inadequate facilities, developed a method of electric shock for handling lamprey, and later a very specific poison in lamprey control.

Finally, in 1963, Congress supplied $1.5 million to construct a federal Great Lakes Fishery Laboratory on the campus of the University of Michigan. By September 1965, Great Lakes scientists had a functional and complete research unit.

Soon after moving into the new lab, the biologists became concerned about pesticide contamination in Great Lakes fish. In 1965 they began a program to monitor pesticide content in fish.

The program was hardly substantial, but, as Dr. Harry put it, "almost all the information you read about concerning pesticides in the Great Lakes has come from the Great Lakes Fishery Lab."

### $176,000 VOTED FOR LAB

As anxiety increased over pesticides in the lakes, Congress appropriated an additional $125,000 for biological studies of the problem by the lab. Now this money is being withheld as part of the federal austerity program. The Food & Drug Administration is also withholding Great Lakes salmon from the commercial market because their DDT content is too high.

During the summer of 1967 millions of pounds of alewives clogged the intake waters of industrial plants along the southern part of Lake Michigan and destroyed the recreational value of its beaches. This little fish was an intruder into the Great Lakes from the Atlantic Ocean.

With the destruction of large predator fish by sea lampreys, the alewife was able to realize its great potential for population growth. It was first reported in Lake Michigan in 1949. By the time of the great dieoff of 1967 about one-half of the total weight of all fish in Michigan consisted of alewives.

The massive alewife kill of 1967 convinced Congress that an alewife problem existed. In 1969, Congress saw fit to appropriate $176,000 to the Great Lakes Fishery laboratory to monitor adequately the abundance of alewives and to determine the factors which caused the dieoff.

Dr. Harry indicated that the lab is just now getting its alewife study of the ground. The recent actions of the BCF guarantee that the lab's alewife program will never become airborne.

### THEIR JOBS ON THE LINE

U.S. Rep. Mervin Esch of Ann Arbor is trying to save the BCF's research activities involved with the Great Lakes. His protests alone, understandably tempered by his membership in the Republican party, have not been enough and will not be enough to stop the elimination of these indispensable scientific services.

"Surely this administration does not intend to drain the vitality of the country's only major freshwater research facility," Rep. Esch has said.

As budgetary casualties, the Great Lakes will be here to remind all of us in this region just where the present priorities lie. The flight to alter this ranking will be exceedingly difficult because, as one BCF official who disagrees with the move has said, "Many of the scientists fighting this thing are fighting with their jobs on the line."

## MARYLAND COPTER PILOT DIES IN VIETNAM

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. LONG of Maryland. Mr. Speaker, CWO Robert W. Gardner, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD.

### COPTER PILOT DIES IN AIR CRASH IN VIETNAM

CWO Robert W. Gardner, 22, of Wheaton, was killed when his helicopter was shot down April 27.

"He said he was over so that the kids with long hair could have the freedom to demonstrate here," Donald M. Gardner said yesterday about his son.

"He was home on a 30-day leave earlier this month and there were demonstrations, and I remember him saying that's what he was fighting for—freedom," his father said.

The chief warrant officer had already had two helicopters "shot from under him" and expressed foreboding about his return to Vietnam April 18, his father said.

It was not immediately known to Mr. Gardner where his son's helicopter crashed. All four members of the crew were killed.

Mr. Gardner had been in Vietnam since February, 1969, and was serving an extra six month hitch there when he was killed.

He was a member of the 3d Platoon, of the 281st Assault Helicopter Company, stationed in NhaTrang in the Central Coast region. His unit supplied Special Forces camps.

#### HOT ROD FAN

Born in Washington, he grew up in Wheaton, where he graduated from Wheaton High School in 1965. He attended Montgomery County Community College and the University of Maryland before joining the Army in 1967.

A hot-rod enthusiast, Mr. Gardner owned a dragster, which he named "Honest Injun." He was a familiar figure at local drag races and in 1967 he raced in the Hot Rod International in Pomona, Calif.

Besides his father and mother, he is survived by three brothers, Ronald Gardner, of Kansas City, Mo., and Steven and Paul Gardner, both at home.

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## LETTER FROM INDOCHINA

## HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. HARRINGTON. Mr. Speaker, the steadily worsening situation in Southeast Asia and particularly the introduction of American ground combat troops into Cambodia are both alarming and repugnant. Our invasion of Cambodia can only serve to get us more deeply involved in an unending, enervating, and immoral conflict unless we act now to take back our constitutional prerogatives and to prohibit further involvement in Southeast Asia. In this regard, I would like to bring to my colleague's attention an article by Robert Shaplen entitled "Letter from Indochina" which appeared in the May 9, 1970, issue of the New Yorker magazine.

The article traces the events surrounding the widening conflict which is now being referred to not as American involvement in Vietnam, or the Vietnam war, but a situation so broad that it is termed the Indochina war. It is the thesis of this article that the United States is not moving toward disengagement. Rather, the present Cambodian action sets the stage—indeed necessitates—further attacks of this nature. I share Mr. Shaplen's fears.

The article recounts the abysmal failure of the Nixon administration in attempting to win a war that is subject only to political settlement.

Mr. Shaplen states:

> The prospects for peace are . . . gloomier than ever. And what is happening in Saigon today, on the government side, scarcely improves the outlook. The rebellious attitude of South Vietnamese students and war veterans, and the friction between President Nguyen Van Thieu and the National Assembly, which has worsened the already bad economic crisis, threaten to cancel the gains that have been made in the country over the past year.

Mr. Shaplen concludes that the present problems in Saigon can only aggravate the problems surrounding an American withdrawal and more importantly will create a broader war that will further intensify the painful disillusionment of the American people in their Government. This is the real cost of the present action—the alienation of more and more Americans from their system of government. We cannot afford to fight a war abroad which is destroying us at home.

The full text of the article follows:

### LETTER FROM INDOCHINA

(By Robert Shaplen)

SAIGON, May 2.—In the entire Indo-China area during the last two months, the Communists of Peking and Hanoi have been given, and have employed to their advantage, a whole new set of options and opportunities, which, it seems, President Nixon's use of American strength in Cambodia will do little to alter. The events that have, so far, worked against us began with the overthrow of Prince Norodom Sihanouk of Cambodia by pro-Western generals and politicians, then continued with this group's almost immediate errors of judgment and action—particularly its brutal actions against Cambodia's Vietnamese minority and its overeagerness to join battle with much stronger and more experienced Communist forces—and included renewed heavy Communist pressure in Laos and a serious deteriorating political and economic situation in South Vietnam. In that country, although our stated policy of Vietnamization was reaffirmed when the President announced, on April 20th, the withdrawal—against the advice, not surprisingly, of his generals—of another hundred and fifty thousand men in the next year, the "low profile" our policymakers have sought to maintain had been elevated considerably even before the President's speech on Cambodia by our shipment of arms to Phnom Penh and by our troops' increasing involvement in operations around the Cambodian border. When conditions are as volatile as they now are, it is difficult, if not impossible, to be guided by something as vague as the doctrine enunciated by the President on Guam last July, emphasizing our intention of limiting our involvement and depending on Asian initiatives. Now, instead of Vietnamization, we are faced, in effect, with a new Indo-Chinazation, including the possibility that both Laos and Cambodia may soon be dominated or controlled by the Communists. This belatedly brings into clear focus the problem we have all along refused to face—the unrealism of fighting an isolated war in one small country in the middle of a large racially mixed area without sufficient understanding of the over-all political or military consequences.

The principal beneficiaries of recent events would appear to be the Chinese Communists. Peking is the military and political bulwark behind the emerging new Indo-China United Front Against American Imperialism, created after a meeting on April 24th and 25th somewhere in China. This hastily called "summit conference of the Indo-China peoples," apparently convened at Sihanouk's instigation, forged an alliance of the New Revolutionary Movement in Cambodia, headed by the ousted Prince, with the Hanoi regime and the already established Communist rebel governments of South Vietnam and Laos.

With their growing support of insurrectionary movements in Thailand and Malaysia, and to a lesser extent, in Burma and the Philippines, the Chinese are now in a stronger position to control the revolutionary apparatus throughout Southeast Asia than they have been at any time since 1965, when the Vietcong were stopped by American troops from winning the Vietnamese war and when the Peking-backed coup in Indonesia failed. The response so far of the non-Communist Asian states to the new crisis has been slow; Indonesia has called for a meeting at which Thailand, Japan, and about fifteen other Asian nations can discuss the matter, but that is all. While the Americans have found themselves being inexorably drawn into Cambodian operations, in which the chances for any sort of decisive military engagement will probably prove as evanescent as they have for ten years in South Vietnam, Peking and Hanoi have determined to gain as much as possible from the confused state of affairs.

There is little reason to expect them to cease doing so, particularly in Cambodia, especially in view of Hanoi's decision, indicated in enemy documents, to "re-guerrillaize" the war in South Vietnam and to prolong the conflict there until after the departure of the bulk of American forces. No one with any experience in Vietnam, including Hanoi's top experts, has minimized the difficulties of achieving this goal, but no one doubts the will of the Communists or their patience and endurance. In any event, the recently increasing number, in several South Vietnamese provinces, of young men abducted and sent to North Vietnam for training and indoctrination underlines the long-term approach that Hanoi has again adopted. Another indication of this is the vast amount of matériel that has poured down the Ho Chi Minh Trail from the North during the last several months.

Only about twenty per cent of this traffic has been interdicted by American bombing. The coup in Phnom Penh has momentarily denied the North Vietnamese access to the southern Cambodian ports of Sihanoukville, Kep, and Ream, through which most of the Chinese matériel used in the Mekong Delta of South Vietnam was previously shipped with the agreement and profitable connivance of the Sihanouk regime. However, the Communist forces in Cambodia are showing every intention of trying to regain access to those ports and supply routes. In the meantime, they are already extending the branches of the Ho Chi Minh Trail deeper into Laos; through the border area where Laos, Cambodia, and South Vietnam come together; and farther into Cambodia, as well as into the Vietnamese Highlands and the Delta.

This extension, though it will be no easy feat, will undoubtedly serve to strengthen the arguments of the American military leaders who have been against halting the bombing of the Trail in Laos—in return for which Hanoi and its local Communist supporters of the Pathet Lao have indicated their willingness to limit military operations in that country and to start political negotiations there, which would inevitably lead to stronger Communist representation in any new coalition government. This is bound to come eventually anyway, and some Americans have felt that a break in the Laotian situation now could produce some movement in the deadlocked peace talks in Paris, and perhaps bring to an end at least some of the fighting in Vietnam. The intense mixture of political accommodation and competition would certainly continue, accompanied by terrorism and guerrilla warfare, but the Americans would be out of it sooner rather than later. The whole series of developments in Cambodia, Laos, and Vietnam scarcely encourages any of the recently expressed hopes for the summoning of another Geneva conference to collectively neutralize the former Indo-China states. The French have once more suggested this, and the Russians briefly put out a similar idea, then backed away from it. Even if the Americans obtain some fresh support from the Russians, who undoubtedly are unhappy about the benefits that Peking is deriving from the new situation, no new Geneva conference could conceivably get off the ground without the participation of the North Vietnamese and the Chinese.

The Cambodian coup must first be viewed in the light of the country's relations with Vietnam and the Vietnamese. The traditional enemies of the Cambodians have always been the Vietnamese, who for centuries threatened to take over the remnants of the once great Khmer Empire and would have done so by the middle of the nineteenth century had not the French moved in to colonize Indo-China. Sihanouk, a member of the Khmer royal family, after winning Cambodia's independence from France in 1953, stepped down as king to become both an active head of state and a father figure to his six million Khmer "children." He built roads and schools, but at the same time he permitted the country to slip deeper and deeper into an economic abyss. He set up a series of inefficient state-run enterprises, including everything from a gambling casino to cement factories and banks, but a large share of whatever profits there were went into the pockets of Sihanouk's friends in and around the royal palace. Politically, the bouncy Prince ran the nation with the help of a few relatives and associates, while his handpicked Sangkum, a nationalist "movement" that convened twice a year, dominated the National Assembly. He failed to create any firm administrative lines between the palace and the Sangkum, on the one hand, and the people, on the other. Between there was a growing political gap, increasingly filled by discontented civil servants, students unable to find jobs, and a small group of powerless intellectuals. The thirty-thousand-man Army, controlled at the top by pro-Sihanouk officers, was both restive and resentful in the middle and lower echelons. It engaged in little or no military activity—in fact, it hardly kept its mixed array of weapons clean—and this is an important reason for its present inability to contend with the Communists.

Until two or three years ago, when the Vietnamese Communists and Chinese Communists, working through a handful of Khmer agents, incite local rebellions against his rule, Sihanouk countenanced with silence or bland denials the use of Cambodia as a haven for North Vietnamese Communist troops, who moved back and forth at will between Cambodia and South Vietnam. He sought to distract his people's attention from the Vietnamese incursions by denouncing the United States and by touting "the unity of the Indo-China people." He frequently described China as his "greatest friend," though his relations with Peking cooled somewhat after the Communist-inspired uprisings.

As Hanoi and the Vietcong became more brazen in their use of Cambodia, building hospitals, rest camps, and complex jungle bases there, Sihanouk had to admit what was going on. By mid-1969, he was forced to acknowledge that between forty and fifty thousand Communist troops were spread out over eight or nine Cambodian provinces, about half of the troops in the usually deserted northeastern border areas and the rest farther south, particularly in the mountainous region of the Elephant Range, just northeast of Sihanoukville and across from Vietnam's Mekong Delta. He then denounced the Communist incursions and showed less hostility toward the Americans; in fact, he even called upon them to maintain "a presence in Southeast Asia" after the end of the Vietnam war.

Secretly, he accepted American intelligence obtained in various ways—including infrared aerial photographs, electronic sensors on the border, and reports by agents and prisoners—which enabled him to pinpoint Communist troops and installations, and he used this material in making diplomatic complaints to the Vietcong and to Hanoi, both of which, along with an impressive list of Communist and non-Communist nations, maintained legations in Phnom Penh. (The United States was allowed to send a small mission back there last year after a four-year hiatus.)

However, through Chinese middlemen, he continued to sell the Vietnamese Communists large quantities of rice and medicine, and he also allowed the arms traffic between Sihanoukville and Vietcong areas in South Vietnam to continue, siphoning off—as a cut in kind—about twenty per cent of all the Chinese-made AK-47 automatic rifles and ammunition that passed through the country. In spite of his growing displeasure over the Vietnamese incursions, Sihanouk had given the diplomatic representatives of the Vietcong embassy status, equal to that of the North Vietnamese government. Meanwhile, characteristically, he was saying privately that once the Communists took over his country he would be finished but that if the Cambodians had to live under some form of Communism the Chinese variety would be better than the Vietnamese.

Sihanouk's alternating moods of euphoria and despair proved both emotionally and physically debilitating—to him as well as to his associates. Increasingly, he showed signs of hysteria. He travelled annually to France to rest for a month or more and try to lose weight. Through the years, he had often used these absences for political purposes, playing off his left-wing and right-wing opposition against each other back home. In the spring of 1967, for example, when the head of the present government, General Lon Nol, was Prime Minister, and when left-wing disturbances in several provinces had led to a crackdown of sorts, Sihanouk came home, fired Lon Nol, and took over as head of a "special government." He thereby averted what at that time might have developed into a coup.

A serious automobile accident suffered by Lon Nol may have delayed its happening. Sihanouk then named three members of the Assembly—Hu Nim, Khieu Samphan, and Hou Youn—as leaders of a Communist conspiracy against him. The three men soon fled, either into the jungle, to North Vietnam, or to China. What is now interesting is the fact that these same three men, described by Sihanouk as his bitter personal enemies, have been mentioned by Peking as "leaders" of the movement against the new Lon Nol government, and are probably now somewhere in Cambodia. This offers further evidence that Sihanouk is more a captive of Peking today than a spearhead of an independent government-in-exile, or that at best he is regarded by the Chinese as a useful figurehead—albeit somewhat of a nuisance. Peking is obviously aware of Sihanouk's deep-seated hatred and fear of all Vietnamese. Despite his temporary collaboration with Hanoi and the Hanoi-controlled Laotians and South Vietnamese, the Chinese are also aware that the North Vietnamese or the Vietcong would destroy Sihanouk at their convenience.

It is in the perspective of this brief history of Sihanouk's role that the events of the last two months must be analyzed. Last September, a month after Lon Nol had agreed to become Prime Minister again, but with stronger powers, Sihanouk sought to test his own prerogatives as chief of state by getting four ministers who were sympathetic to him to resign. He expected this to lead to the fall of the government, but Lon Nol balked. He conferred more and more frequently with his former classmate and longtime friend Prince Sisowath Sirik Matak, a counsin of Sihanouk's, who, after ambassadorial tours of duty in Tokyo and Manila, had returned to Phnom Penh last summer to become First Deputy Prime Minister.

There is considerable evidence that Lon Nol and Sirik Matak had been scheming together for at least three years to overthrow Sihanouk, but the actual hard planning for the current coup probably began last December. By that time, Sirik Matak and Lon Nol had further clipped Sihanouk's wings by putting into effect a number of new legal measures, including one that brought tax receipts directly into the government treasury instead of into the office of the chief of state, and another shutting down the Phnom Penh gambling casino, which had long been a source of profit for the palace. Early this January, Sihanouk announced that he would leave for France. He anticipated that Lon Nol would find it impossible to deal with the country's growing economic crisis and would box himself in politically, thereby leaving the way open for Sihanouk, the indispensable man, to return and once again take over. But this time it didn't work out.

To begin with, Lon Nol and Sirik Matak moved to dismantle a number of state enterprises that Sihanouk had established. They also liberated from government shackles a good part of the foreign trade, eased domestic trade restrictions, and allowed various foreign nations to open banks. And they created a new currency issue, which would prevent the Vietcong from using counterfeit Cambodian money to buy supplies. On March 8th and 9th, demonstrations broke out against the Vietcong in the eastern province of Svay Rieng, where villagers, with the help of Cambodian troops, seized weapons from Vietnamese guerrillas. On March 11th, there were demonstrations against the North Vietnamese and Vietcong Embassies in Phnom Penh. In the next few days, as Sihanouk's supporters began to rally, Sirik Matak emerged as the strong man of the coup, and insisted on settling the issue of Sihanouk's future role as quickly as possible. Meanwhile, on a French television program, Sihanouk denounced the campaign that he said was being mounted to take his country into the American "imperialist camp" just when he was planning to visit Moscow and Peking en route home in order to urge the Russians and the Chinese to persuade the Vietnamese Communists to quit Cambodia—an unlikely eventuality under any circumstances.

At this juncture, however, Sihanouk panicked. Lon Nol and Sirik Matak had sent him word in Paris that they were dispatching two emissaries to see him there. These men were supposed to tell him that he could return to Phnom Penh in the role of chief of state if he accepted what had already been implied as early as the previous summer and was now made explicit—that he would no longer run things single-handed in his old manner. Sihanouk responded by cabling that he would not receive anyone, and was off to Moscow and Peking. Had he returned to Cambodia and appealed directly to the public, or had he simply stayed in Paris for the time being, he would have stood a better chance of regaining at least part of his power. By March 18th, the coup was given formal approval by a well-staged vote of the National Assembly, before which Sirik Matak played a recorded speech of Lon Nol's listing Sihanouk's sins. Unanimously, the Assembly dismissed Sihanouk as chief of state and named Cheng Heng, the head of the Assembly, in his place. Sihanouk had by now been in Moscow four and a half days. He received the news of his deposition from Premier Aleksei Kosygin a few hours before he left for Peking. He took it calmly, and spoke vaguely about forming a government-in-exile. His mission to Moscow

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had, predictably, been a failure. While the Russians had given him a royal welcome and had commended his professions of continued Cambodian neutrality, they had shown no willingness to intercede with the Vietcong and Hanoi, which were already about to close their embassies in Phnom Penh.

In Peking, Sihanouk rapidly slipped further into the Communist camp. He labelled his dismissal as chief of state illegal, insisting that it could take place only by national referendum. He denounced the actions that had been taken in his absence as motivated by the "personal ambitions and greed" of his rivals and as backed by the Central Intelligence Agency of the United States, which had long been his bete noire. (There is no evidence that the Americans participated in the coup or that they were even apprised of it until a few hours before it took place, although they were undoubtedly aware of what might happen and did nothing to try to prevent it.)

In Saigon, there was considerable difference of opinion among American officials as to whether the effects of the coup would be advantageous or disadvantageous. (These doubts mounted even as joint South Vietnamese-Cambodian military operations were launched in Cambodia.) As the Cambodians began massacring Vietnamese residents of Cambodia, and demonstrating their growing inability to handle the rapidly deploying Communists—who dispersed over a wider area both for their own protection from South Vietnamese air and ground attacks and in order to mount fresh assaults against the ill-prepared government in Phnom Penh—the American doubts about the usefulness of the coup and about the ability of the Lon Nol government to sustain itself grew even stronger.

In Peking, Sihanouk, typically poured forth a series of frenzied and contradictory statements. "I have absolutely no intention of seeking to resume power, which, in fact, I have lost, or of retaining the now absurd title of head of state of Cambodia," he said first. Then he pledged himself to "participate in the sacred struggle our people will wage from inside and outside the country to obliterate this coup d'etat and restore legality and democracy." A few days later, he said, "I am an unlucky man, with a bad destiny," and excoriated "the reactionary group of Lon Nol, Sirik Matak, Cheng Heng, and their American masters." In this message, he called not only for a new government but for a "National Liberation Army," which he promised to support.

Sihanouk's Chinese hosts played it cool. They received him and praised him without embracing him. Premier Chou En-lai expressed their attitude clearly when he said, early in April, "The Chinese government and people firmly support the just stand taken by Prince Norodom Sihanouk . . . and they consistently support the policy of independence, peace, neutrality, democracy, and defense of state sovereignty and territorial integrity pursued by him." This could hardly have given Sihanouk the sort of encouragement he sought; nor could he have been pleased by an announcement that the Chinese had designated the same three Cambodian assemblymen he had denounced three years before as members of this New Revolutionary Movement.

It is to the Prince's credit that he was able so quickly to arrange the summit meeting in the last week of April with Prince Souphanouvong, head of the Laotian Patriotic Front; Nguyen Huu Tho, chairman of the National Liberation Front of South Vietnam; Pham Van Dong, the Premier of North Vietnam; and some fairly sizable and impressive delegations. Following long diatribes against United States imperialism, the leaders of the conference pledged "reciprocal support" while promising to respect each one's policies concerning "the liberation and defense of his country." This was broad enough to satisfy all those present without committing them to anything drastic or new. Despite the show of solidarity, Sihanouk remained, ideologically, the odd man out, in more ways than one, and he must have sensed it. Whether or not he secretly makes a visit to Cambodia over the next few weeks, he has little choice right now but to spend most of his time either in Peking or, if the Chinese let him go there, in Paris. In either case, as he continues to orbit in Communist-controlled space, his chances of ever reassuming his special neutral role in Cambodia are slight. Should the Lon Nol government fail to survive, Sihanouk may gain the satisfaction of having his previous intricate balancing act, with all its acrobatics, justified by history, but there will probably be no encores.

While the situation in Cambodia is, at best, precarious for Lon Nol, the situation in Laos remains perilous for the neutralist government. Since Premier Souvanna Phouma's rejection last June of an indication from Hanoi that if the Americans stopped bombing the Ho Chi Minh Trail it would be willing to talk about a military and political settlement, the Communist military forces have attacked more strongly than at any time since 1962. Having replied to the North Vietnamese ambassador's proposal in May by saying that the North Vietnamese would have to withdraw all their forces (then numbering fifty thousand, and now closer to seventy-five thousand) from Laos before the American bombing would stop, Souvanna Phouma allowed General Vang Pao, the leader of the Mei tribal army that is the country's only reliable fighting force—and that is supported by the C.I.A.—to move onto the Plaine des Jarres, in north-central Laos, which has been held since 1964 by the Communists. With the help of American bombers, Vang Pao began what turned out to be a considerable counter-escalation of the war in Laos. The North Vietnamese were driven eastward off the Plaine, losing a vast amount of equipment and supplies. By the end of the year, they had been regrouped and reinforced, and in January they began their own counterattack, which has now imperilled Vang Pao's two major bases, Sam Thong and Long Cheng, adjacent to the Plaine. No fewer than fourteen North Vietnamese and Pathet Lao battalions are occupying that area today.

The Communists can probably capture both sites (they took Sam Thong in March and then lost it again), though at a considerable cost in casualties—which Vang Pao, despite the fact that he has suffered heavy losses himself, is still capable of inflicting. A second move the Communists can make is to try to interdict the whole area between Vientiane, the administrative capital, and Luang Prabang, the royal capital, just to the west of the Plaine des Jarres. Another possible Communist move is an attack against the town of Paksane, on the Mekong River, west of the Laotian Panhandle and the main area of the Ho Chi Minh Trail complex. Such an attack would threaten both the heart of Laos and neighboring Thailand. The seizure by Communist forces on April 30th of the town of Attopeu, west of the Ho Chi Minh Trail, is clear proof of the determination of the North Vietnamese to widen their Trail complex by safeguarding the route south from Laos into Cambodia via the Sekong River. Attopeu lies between the plateau and the Sekong, and as long as the Laotian government held it, traffic along the river could be interdicted. Despite several attacks on Attopeu over the past years, the Communists had never been so bold as to grab it, and the fact that they have now done so emphasizes as nothing else could their need to find new supply routes into Cambodia, now that they no longer have Sihanoukville.

In the last two or three weeks, the Communist offensive has been held back by rains in the North, which came earlier than usual this year. The North Vietnamese battalions are also suffering, as they did last year, from illness and from a shortage of supplies—a problem that has been aggravated by the Vientiane government's removal of most of the population in and around the Plaine. In the past, these people were impressed as porters by the North Vietnamese troops. Moreover, the rains helped lift the smog, abetted by brush fires at the end of the dry season, that had restricted allied air attacks; in the last few weeks, the planes have been hitting hard again at the now overextended North Vietnamese lines.

Early in March, the central committee of the Laotian Patriotic Front, which is the political arm of the Pathet Lao, offering Souvanna, at Hanoi's instigation, a peace plan that included, as before, a demand for complete American military withdrawal, plus a demand for disavowal by Laos of any foreign military alliances, and for an election to set up a National Assembly and create "a democratic government"—pending which there would be "a consultative conference and a provisional coalition government" embracing all parties. This is essentially the same program that the Communists have offered South Vietnam. Souvanna, in his reply, repeated what he had said before—that the North Vietnamese consistently have violated the Geneva accords of 1962 in Laos and have invaded the country in force.

He then declared that he was ready to a cease-fire and to the immediate withdrawal of all foreign troops, under the supervision of the International Control Commission, and to "a meeting of the interested parties, in a place to be determined, to discuss thoroughly all points of difference and to seek an equitable and definite solution, taking into account national interests only, without interference in the internal affairs of neighboring countries, which is the very condition of neutrality." This seemed more an amendment than a rejection of the Communists' offer. In a number of interviews recently, Souvanna has said that the area of Laos through which the Ho Chi Minh Trail runs is virtually uninhabited and as far as he is concerned is of no real national value, that the North Vietnamese can have it, and that it is up to Washington and Hanoi to decide what to do about stopping the bombing. In the last month and a half, the Russians and the Americans have exchanged messages in which Moscow countered an American request for new consultations on Laos with a demand that the Americans stop the bombing first. All this has left things pretty much as they were.

Meanwhile, American opinion has been further aroused by the gradual disclosure—through leaks, and finally the release of a partial transcript of the secret Senate hearings on Laos—of the details of the American involvement in Laos since 1964. Despite the fact that relatively little has now been disclosed that had not been known before, if only unofficially, the reaction in the United States was to increase sentiment against any further involvement in Laos or Cambodia. Unfortunately, whatever chances existed for halting the bombing of the Ho Chi Minh Trail—even for a trial period—have been diminished as a result of our intervention in Cambodia. To stop the bombing now, the American military argue, would give the North Vietnamese total freedom to pour supplies and troops not only into Laos and South Vietnam but also into Cambodia. Because of the longer route involved, the military maintain that they can interdict thirty or more per cent of the traffic rather than the current twenty per cent.

In view of North Vietnam's determination to dominate Laos as well as South Vietnam and Cambodia, and of China's approbation and supervision of this course, it seems that there is little the United States can do except persuade Souvanna Phouma to restore the coalition with the Communists that fell apart

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in 1964. The low-level American counterinsurgency support in Laos has bought time but not space, and as far as the United States is concerned the situation is not likely to improve, no matter how many more alternating dry-season and wet-season offensives and counter-offensives take place.

The recent Cambodian events simply aggravate the Laotian situation, since the widening of the war serves the Communists better than it does either the new Cambodian government or the Americans. However, there are signs that the Communists are aware of the dangers of overextending themselves in Cambodia, too, and that they need time to create their own rebel political structure there. They may threaten Phnom Penh, but they are not expected to actually attack it; they seem more interested in consolidating their new military strength within the country and then creating an equivalent of the Provisional Revolutionary Government in South Vietnam. If Lon Nol collapses, they will naturally move swiftly to take over, but they would almost certainly prefer a coalition deal in Cambodia, as in Laos, since it offers them the best and safest road to power.

Whatever the previous opportunity for or the advisability of big new ground and air attacks on Laos and Cambodia in order to "win" the war in Vietnam, as once urged by the military, there is no likelihood that such an effort can now succeed. The announced primary objective of our first Cambodian attack, the headquarters of COSVN—the Communists' Central Office for South Vietnam—has so far proved elusive, and will probably continue to do so, since reliable reports indicate that it was moved at the time of the coup against Sihanouk. Negotiation is still the best way out, but it still takes two to negotiate. Since neither Hanoi nor Peking wants negotiations at present—they certainly want to wait and see which way Cambodia turns—that leaves only the Russians as a source of leverage, and Moscow has continued to vacillate. The Russians are scarcely in a position to persuade their Chinese antagonists to begin talks, and since the coup in Cambodia the Soviet influence over the North Vietnamese is probably less than it was.

The prospects for peace are thus gloomier than ever. And what is happening in Saigon today, on the government side, scarcely improves the outlook. The rebellious attitude of South Vietnamese students and war veterans, and the friction between President Nguyen Van Thieu and the National Assembly, which has worsened the already bad economic crisis, threaten to cancel the gains that have been made in the countryside over the past year. It has become fashionable in Vietnam to maintain—and it is basically correct—that the psychological and political benefits gained by the Communists in the 1968 Tet offensive were dissipated by the huge losses they suffered and by the fact that the Saigon government, though belatedly, became aware of its opportunity to pull itself together. Some improvements were indeed made, but today the situation, aggravated by rampant inflation, has become more serious than ever, both economically and politically.

Ironically, the coup in Cambodia and its aftermath have given the Communists an unexpected physchological boost similar to the one they received from the Tet offensive, and at far less physical cost. What was regarded as a pro-Western move could prove to be the final blow to the American effort to withdraw from Vietnam in orderly fashion. The ugly racial aspect of the situation, with Vietnamese not only killing each other in Vietnam and in Cambodia but killing and being killed by Cambodians, could set off a new bloodbath, which in the long run would mostly benefit the Communists (although the attempt to create interracial unity at the Indo-China People's Conference suggests that the Communists are also aware of the dangers of racial upheaval).

If everything now comes unhinged, those who have urged the United States to admit failure in Southeast Asia and to gain stature by withdrawing completely will win new support at home. If things somehow stick together in Cambodia and Laos and the war simply drags on, but in a broader area, it will surely get messier, and public opinion in the United States will be more sharply divided and more painfully disillusioned than ever. At the moment, nothing is clear or certain. Correspondents cover the war in Cambodia by riding down dangerous roads on Hondas or in air-conditioned Mercedes-Benz sedans hired in Phnom Penh for inflated sums. (A dozen reporters have been captured by the Communists so far.) In Laos, the correspondents chase the elusive Vang Pao around in hired planes. In Vietnam, they ride helicopters by day and are briefed in Saigon at dusk with computerized statistics about population control and body counts. Less and less makes sense. The war—or wars—has become as unreal and macabre as a bad trip in the East Village.

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## IMPORT THREATS

## HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. MOLLOHAN. Mr. Speaker, I call your attention to the following editorial which appeared in the April 14, 1970, issued of the Weirton, W. Va., Daily Times.

It points out all to well why this country must adopt immediate and adequate safeguards against imported steel products, especially those from Japan.

As the editorial so aptly explains it, "The chief threat to American markets comes from Japan. While broadening their export trade throughout the world they have maintained a rigid closed-door policy toward imports and foreign investments."

The article said the Japanese can produce and ship steel products to this country more cheaply than we can produce them ourselves because "their wage rates are low."

Mr. Speaker, action must be taken now to protect this country's steel industry and insure that it will not continue to be hurt by these cheap imported goods.

The editorial follows:

[From the Weirton Daily Times, Apr. 18, 1970]

### IMPORT THREATS

National Steel Corporation, of which Weirton Steel is a division, produced 8,853,000 tons of steel in 1969, but in just two months this year foreign steelmakers shipped into the United States 1,478,000 tons of steel products.

The imports for January and February of this year represent an increase of 37.2 percent over the same months of last year.

The dollar value of the imports of the first two months this year was $224,710,000 or 64.5 percent higher than the $136,584,000 worth of steel imported in the same two months last year.

The trend of shipping higher grade and more expensive steels into the United States also gained momentum since the first of the year.

The chief threat to American markets comes from Japan. While broadening their export trade throughout the world they have maintained a rigid closed-door policy toward imports and foreign investments. Their wage rates are low and they can compete very easily with steel industries of other nations.

Just this month, Japan's two leading steel producers, Yawata and Fuji, merged to become the Nippon Steel Corp., second largest in the world next to U.S. Steel. Together last year the two companies produced 31.5 million tons of steel, or 36 percent of Japan's entire output.

Officials of Nippon hope to overtake U.S. Steel by 1972. The Japanese in 1968 agreed voluntarily to limit their shipments to the U.S. to 5,200,000 tons a year, but they have found new markets in Europe and China to bolster home markets that are rising fast.

American steel industries, meantime, have a problem of diminishing returns on their production.

While the U.S. steel industry set records in 1969 for steel production, mill shipments and dollar volume of sales, it earned less money than it did in 1968. Of each sales dollar, net profit was only 4.5 cents, lowest since 1962's. 4.04 cents. The 1968 figure was 5.3.

The steel industry's new income was $966 million last year, down 10.5 percent from 1968's 1.08 billion.

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## RON MOSCATI SNAPS SERIES OF REMARKABLE PHOTOGRAPHS

## HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DULSKI. Mr. Speaker, it has been said that a picture is worth a thousand words.

Like other sayings, this is only a generalization—but it often is true.

Readers of the Buffalo, N.Y., Courier-Express in my home city were treated recently to a remarkable series of photographs by one of the newspaper's staff photographers, Ron Moscati.

Many of you may have seen one or two of the pictures since they were given national distribution on the Associated Press wirephoto network.

The pictures were deserving of impressive handling—and they were given such display—in the Courier-Express as well as in other newspapers and periodicals.

Ron Moscati demonstrated the capabilities and sensitivities of an outstanding pictorial journalist in his assignment. He arrived on the scene of a house fire along with the city firemen. For metropolitan newsmen house fires usually are routine assignments.

This fire was fatal to 1-year-old Charlotte Ellis who was found in a second-floor bedroom by Lt. Fred Larson of Engine Co. 9. Lieutenant Larson carried the child to the street and administered continuous artificial respiration until an ambulance arrived. The child was reported still alive when taken from the scene, but died later in a hospital.

### FATHER WATCHES HELPLESSLY

Ron Moscati captured on film the anguish of the infant's father as he watched helplessly as Lieutenant Larson administered mouth-to-mouth resuscitation. The picture was a vivid front-page feature.

The same fire provided another dramatic scene when Ron saw a fireman

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leaning from a second-story window, yelling to his colleagues on the ground. Ron kept snapping as the firemen ran into position beneath the window to help break the fall as the firemen plunged earthward while flames licked at his body.

Ron Moscati caught a series of four spectacular pictures of: First, the fireman leaning from the window; second, beginning his plunge from the window as his colleagues raced to position with extended arms; third, the pileup of firemen on the ground after the impact; and fourth, two colleagues helping the injured fireman from the scene.

The dramatic factors of these tremendous photographs is perhaps expressed as well as any by Buffalo Fire Commissioner Robert B. Howard Jr., who said:

> Dr. (Joseph) Manch (Buffalo schools superintendent) and (City Court) Judge H. Buswell Roberts told me on Sunday morning that the human relations promotional value of the pictures could not be purchased for a million dollars.

To Ron Moscati, I offer my hearty congratulations for a double-barrelled outstanding photographic accomplishment. And my congratulations, too, to the Courier-Express for giving these great pictures the prominent display which they deserved.

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## ISRAEL AND THE WORLD

### HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. EILBERG. Mr. Speaker, on Sunday May 10, 1970, at Independence Mall, Sixth and Market Streets, Philadelphia, in the very shadow of Independence Hall, a birthday party was held. The occassion was the 22d birthday of the state of Israel. It was sponsored by the Philadelphia Branch of the Rabbinicial Assembly, the United Synagogue of America, the National Women's League, and the National Federation of Jewish Men's Clubs, Middle Atlantic Region.

Excitement at the rally was increased because many youngsters representing various organizations around the city of Philadelphia had marched to Independence Mall with pledges of monetary support for Israel from the entire community based upon their completion of the march. The program of the day was impressive, including important religious and lay leaders in the community, as well as all of the U.S. Congressmen from the southeastern Pennsylvania area and important representatives of the news media.

The program was particularly moving on this important Israeli holiday because the tempo of the struggle for her survival in the Middle East has increased with the Russian invasion of the Arab states in the area.

One of the most moving statements made on this memorable day was delivered by Rabbi Jacob Chinitz of Beth Ami Synagogue. This forceful orator, I am glad to say, is the leader of a significant congregation in my congressional district.

I submit for the RECORD his statement which in many parts is truly inspirational. His remarks follow:

### ISRAEL AND THE WORLD

This 22nd birthday of the State of Israel can be celebrated in private—and it can be celebrated in public.

According to a verse in the book of Numbers it should be private: "Behold, here is a people that dwells apart, and is not reckoned among the nations." In one sense, privacy and solitude, isolation, are forced on Israel. Beginning 22 years ago as the child of nations united, with its birth certified before its birth took place—the only state in history thus blessed in advance of its own creation—today Israel finds itself outvoted, outvetoed, in the UN by Arab, by Soviet bloc, by so-called Third World nations.

If we have to celebrate alone, our thoughts and memories, our emotions and dreams are rich and ancient and souring. If no one else knows or understands, we know what it means to pick up the harps of psalmody laid down by the rivers of Babylon 25 centuries ago.

We know what it means to pray in a Jewish Jerusaleum at the locus of Judaism's faith, the remnant point of Solomon's Temple mount.

We know what it means to see the bones of Auschewitz flourishing in the Valley of Jezreel and upon the hills of Judaea.

We know what it means, if no one else knows, to concretize, to embody, in earth and flesh and blood, and brains and brawn too, in university and town council, in the Kenesset and in the Beth Hakenesset, the political dreams of Herzl, the ethical will of Ahad Haam, the messianic yearnings of Luria, the liturgical hymns of David, the dying visions of the Six Million martyrs and the ten thousand heroes of Israel's casualties, memorialized today.

It is not statehood that we idolize—and let not neighboring theologies thus misconstrue our Israel. It is not military skill that we glorify—and let not our children be misled by the prattling of proletarian mobs. It is not flags that we worship.

We celebrate today the 22nd birthday of a faith restored to its heart and a people restored to its womb and a history reset on its track.

But according to another verse, in the Deuteronomy, this celebration should be public. "For this is your wisdom and understanding in the eyes of the peoples, who will hear of all these laws, and they shall say: this is truly a wise and understanding and great nation."

Israel in its insularity, Israel in its unique isolation, is yet part of this world and intimately involved with its crises and in its destiny. And so on this birthday we invite many parties to our party.

We invite the Arab people and the Moslem religion. What threat have a hundred years of Zionism and 22 years of Israel held out to you? Have we destroyed your holy places? Have we imperiled any of your 14 Arab states? Have we driven or threatened to drive your people into the sea? The 15th Palestinian state that you are now talking about—how was this nationalism created if not by Zionism and partition and the state of Israel?

It is your own state of Jordan that swallowed up East Jerusalem and the West Bank in 1948, the territory that was envisioned in the UN plan as the Arab state of Palestine and an internationalized Jerusalem. Have we brought other than health, and hospitals, and science, and a higher standard of living to the Middle East? Would there have been a Haganah and would there have been a Tzahal, Israel's Defense Forces, if not for the attacks and the threats of annihilation that you have directed against us from the Hebron of 1930 to the Israel of 1970?

We invite the socialists and the progressives of the world to our party. Where have voluntary, humanistic collectives been established more successful and more moral than the Kibbutzim of Israel? It is a labor government that rules in Israel. Is Mapai deserving of your radical epithets and topsy-turvy criticism?

We invite the Russians to our party. You voted for partition on November 29, 1947. You provided the arms for defense in 1948 and 1949. Why do you threaten to destroy us today? Are Arab dictatorships and monarchies really more in tune with the memory of your hero Lenin, whose centennial you have just observed, than the social democracy of Israel?

We invite the British to our party. In 1917 you issued your Balfour Declaration, the modern counterpart to the declaration of Cyrus with which the Jewish Bible, the Tanach, ends: Who from among all his people, may the Lord his God be with him, and let him go up. Though later you kept us out with your white papers, though you hoped for our defeat and death before we were born, we forgive you. Come and celebrate with us in a land where your parliamentary procedure is practiced, where your common law is part of the legal system, where your language is second to our Hebrew reborn.

We invite the French who helped us in 1956, and for the decade 56–66. You turned against us in 1967. But we invite you back. The ideals of your revolution live among us in our egalitarian and free society.

We invite all Conservatives who wish to conserve human values. Come and celebrate the conservation of one of the oldest human traditions. Where have ideals and values, and human life, and natural resources been conserved as they have been in Israel and its restored soil?

We invite the revolutionaries, including our own radical Jewish youth, who are interested in change in favor of human values. Consider the revolutionary change in the condition of the Jewish people: exterminated between 1939 and 1945, threatened with further genocide in 1948, 1956, 1967, losing by attrition and assimilation its authentic identity and way of life. From this stage to the stage of self-determination, self-defense, and self-expression in a land which is now capable of self-expression through the restoration of its ancient children.

We invite the Black community. If you can understand what it means to grasp for emancipation after 400 years of slavery, can you not understand what it means to reach for freedom after 2,000 years of slavery in the Diaspora?

We invite the Christian religion. We gave you your New Testament. Your savior was born one of us. He preached to the children of Israel, now regathered in the land of Israel, which gave birth to your faith as well as ours. Why do you not glory in prophecy fulfilled?

Above all, we invite America, the America of Independence Hall, the America of 1776, which took inspiration in its founding from the fount of our Bible, and which, in turn, served as the inspiration for declaration of Atzmaut, independence, proclaimed by Ben Gurion and his colleagues on May 14, 1948, the fifth of Iyar, 5708.

As an ancient people, we know the evils of war, of materialism, of conformity, of anti-intellectualism, of race and religious hatred. To the extent that these are present in America we grieve and we criticize. But as an ancient people, having seen and suffered under all the empires of history, having lived under and survived all political systems, we know that America, with all its faults, is the best

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that ever was and is. If we plead for peace, in Southeast Asia, or in the Middle East, we shall never raise the flag of the enemies of America.

We feel that the freedom for the spirit of man born in this Independence Hall almost 200 years ago, and the freedom reborn in Israel 22 years ago, travel along parallel lines. A big wheel run by faith, for the vast free world of mankind, and a little wheel run by the grace of God, for the Jewish people.

God bless America. God bless Israel. God bless mankind.

## TALKIN' LIBERAL HEGEMONY BLUES (WITH A NOTE OF OPTIMISM)

## HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DUNCAN. Mr. Speaker, I have just read an interesting article in the New Guard magazine which discusses conservatism and liberalism in our colleges and universities. I would like to place this in the RECORD at this point:

### CONSERVATISM AND COLLEGE TEACHING—TALKIN' LIBERAL HEGEMONY BLUES (WITH A NOTE OF OPTIMISM)

(By John P. East)

Today in American colleges and universities political "liberalism" is the established *Weltanschauung*. This is hardly a new or startling finding, and in fact it is so commonly known that, in the words of the lawyer, we need not "prove" it, we may simply take "judicial notice" that it is so. The noted sociologist Seymour Lipset has written recently, "Intellectuals, academics . . . in the United States tend as a group to be disproportionately on the left. They are either liberal Democrats or supporters of left-wing minor parties."[1]

In those academic disciplines where the discussion of politics is central, political science and history, the liberal-left dominance is greater than it is in the whole of academe. In my discipline of political science, and to a lesser extent it is true of history departments, conservatism, either of traditional or libertarian strains, is represented by an exceedingly small group of professors. Qualitatively they may be significant, but quantitatively they are not.

An unorthodox, yet revealing, method of underscoring this liberal-left dominance is to note some of the typical material I have received as a professor of political science. Obviously the senders had obtained lists of college and university faculties from various sources (perhaps the American Political Science Association or the American Historical Association), and mailed out their material on the valid assumption that the recipients would likely be of a liberal-left persuasion.

For example, periodically I receive a letter from Robert M. Hutchins, President of the Center for the Study of Democratic Institutions, inviting me to join "the Center," and to receive *The Center Magazine*. In his letter Hutchins advises, "At the Center, distinguished guests like . . . Arnold Toynbee . . . Senator J. William Fulbright . . . Arthur J. Goldberg . . . and U Thant meet with staff members like Harry Ashmore . . . Linus Pauling . . . and Rexford G. Tugwell. The result is a continuing dialogue [sic]. . . . As you can imagine, these discussions are lively, the observations and conclusions arresting and thought-provoking."

An attached brochure informs the reader, "Many [sic] viewpoints are represented in the output of the Center, but Center adopts none as its own [!]," and that tapes of Center convocations are available for "regular use in classrooms." The key word is "classrooms," and the receiver of the letter is expected to take it from there. Hutchins concludes his letter with this postscript: "Please forgive us if you are already a member of the Center. . . . This invitation has been mailed to selected lists which cannot always be checked to eliminate duplication. We hope that you will understand. . . ." The "selected lists" are, of course, lists of college and university faculty members in the crucial disciplines of political science and history, and when Hutchins pleads for "understanding" he will probably get it, for he knows his academic clientele well.

*Commentary Magazine* periodically sends out an announcement to political science professors in which the teacher is encouraged to require his students to buy reprints of articles for classroom use that have appeared in *Commentary*. The reprints are by "many of the world's best writers," including Arthur M. Schlesinger, Jr., Richard N. Godwin, Paul Goodman, and Michael Harrington. The announcement lists nearly one hundred colleges and universities that are using the reprints. If the professor requires his students to participate, he will receive a free subscription to *Commentary*. The editors of this liberal publication clearly know "where the ducks are."

C.O.P.E. sent out a letter to all members of the American Political Science Association. Signed by C.O.P.E.'s national director, the letter to me stated, "It occurs to me that you might be interested in informing your students of organized labor's role in politics, particularly those students majoring in political science. If you would be interested in having a C.O.P.E. representative address one or several of your classes, may I suggest that you write to me. . . ." C.O.P.E., knowing the academic mind, overtly seeks access to the classroom.

One of my favorites is the form letter sent out during the 1968 campaign to the academic community by Barbara Tuchman and Henry Steele Commager on behalf of the National Committee for an Effective Congress. In the letter to me I was urged to send my contribution "today" because "such Senators as Fulbright, Church, Morse, McGovern and Nelson could go down before racists, isolationists [!], cops and bombs zealots or, at best, standpat non-entities." I was warned that unless contributions were made I could expect to see "arch-conservatives," "drum-beating war candidates," and "extremist right-wing organizations" gain a "stranglehold on all important legislation." The letter was tailor-made for the liberal mind that dominates academe.

As a member of the American Political Science Association, I received a letter in 1968 from the Deputy Chairman for Research and Publications of the Democratic National Committee. This letter informed me that "as practicing political scientists, many of you will undoubtedly be working actively in the Democratic Party in your communities during the coming Presidential Campaign year. I hope that you will feel free to contact me for research materials, flyers, pamphlets, and other types of campaign documents that you can put to good use in your political work or *in your classes*." The italics are mine, and again we have a case of a liberal organization asking liberal academe to give it access to the classroom.

Never to be found flagging in the struggle for things liberal, the *New York Times* through its Book and Educational Division has mailed out to professors a brochure of their new filmstrip series which will "challenge and inform young minds." The teacher is urged to use the filmstrips in the "classroom." Again, we are back to the classroom, and the potential subscriber is told that the first film is entitled "Behind the Bamboo Curtain" in which such questions as "Why Chinese Communism is compatible with China's national heritage" will be answered. One doesn't have to get the film to see the picture.

I have only brushed the surface in illustrating the types of material I receive as a professor of political science. Similar types of material are not received from conservative sources. Is it a matter of neglect on the part of conservatives? Probably not. It is a matter of knowing the political complexion of the academic community. Conservatives would be wasting advertising dollars in mass mailings to academe, which is dominated by the liberal-left. It is a liberal market and the advertisers know it.

### THE EFFECT OF LIBERAL DOMINANCE

The most crucial effect of faculty liberalism is upon the students. There are studies indicating that colleges and universities have a liberalizing effect on young people.[2] As Seymour Lipset puts it, "Universities clearly do have a liberalizing effect, so that there is a gradual shift to the left."[3] It is hardly surprising that liberal faculties would produce liberal students.

The problem goes beyond that to the radicalism of the student New Left. Here we confront that chronic malady of the liberal in which there are "no enemies on the left." This problem has been recently stated by University of Chicago Professor Theodore Lowi, himself a liberal:

"Liberals are famously capable of handling demands that originate from their right. Their defenses are well organized, their responses are facile yet firm, their knowledge of what is negotiable and what is nonnegotiable is unmistakably clear. In contrast, liberals are almost completely incapable of handling demands that issue from their left. Complaints from the left confuse the liberal. Complaints from the left automatically weaken him by implication that he is not liberal enough. Demands from the left make him feel illegit. And the liberal feels this way regardless of the actual, substantive character of the demands. Facing left, the liberal frankly cannot distinguish a good demand from a bad one, for voices from the left remove his bearings."[4]

When student New Left radicalism erupts on a campus, for the reasons Lowi outlines, the liberal scholars are often put to rout in disarray. For example, if SDS members were identifiable young fascists, the liberal professoriate would resolutely meet the threat and subdue it (and rightly so). However, because SDS fanaticism is of leftist origins the liberal professors are frequently put to flight. Liberal dominance of our faculties then not only has the effect of sanctioning New Left radicalism, but accelerates its growth by being innately incapable of moving against it. As M. Stanton Evans, among others, has pointed out, it is not surprising that we have a minority of student radicals today on our campuses.[5] In view of the politics of academe, it is amazing we do not have more of them, and that they have not surfaced sooner. Conservatives need to be thankful for little things.

Liberal dominance of the faculties means a shutting out of conservative thought and ideas. Students are likely to know who Arthur Schlesinger, Jr., and John Kenneth Galbraith are, and they are almost certain to know of Che, Fidel, Ho, Malcolm X, Goodman, Sartre, Cleaver, and Marcuse. Their teachers have prepared them well. On the other hand ask them about Kirk, Burnham, Voegelin, Strauss, Hazlitt, Tonsor, Molnar, Herberg, Possony, Kinter, or any figure af-

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filiated with contemporary conservative thought, and the likelihood is great they will have never heard of them. At best they may know of Buckley (who doesn't?), but the image they will have of him is usually unfavorable. Why this ignorance and distortion? The liberal faculties have ignored these figures, and when they do refer to them it will be disparagingly.

One of the most appalling manhandlings of conservative thought I have encountered of late is the statement by Professor Thomas Greer in his widely used paperback text, *A Brief History of Western Man*. Greer informs his student readers, "Drawing upon the political tradition of Edmund Burke, the Fascists asserted that the state is a living entity, transcending the individuals who compose it."[6] One could weep silently at philosophical illiterates who cannot distinguish between Burke and Mussolini, but we must cry out with anguish that they should write our textbooks.

As suggested by Greer's book, liberal dominance of the academy means the text books reflect that fact, for the textbook publishers know their market. Neil McCaffrey, head of the Conservative Book Club and Arlington House, was asked, "Does Arlington House ever intend to invade the textbook field?" He answered, "Not in the foreseeable future. First, the educationist hierarchy tends to buy its books only from established textbook publishers. It's a tight field, very hard and costly to break into. *Even more important, the educationist hierarchy would not be sympathetic to a conservative publisher.*"[7]

A further effect of liberal dominance and the absence of conservative voices on the campus, is to frame the discussion of political issues for the students in terms of liberal versus radical. No conservative alternative is offered. For example, at one campus a committee made up of faculty and students had the responsibility of selecting guest speakers who would be paid out of student fees. One heated committee debate was over whether to invite Mrs. Martin Luther King, Jr., or Leroi Jones, with liberals preferring the former and radicals the latter. Conservative representation on the committee could have suggested George S. Schuyler, but as already suggested such voices are rare in the academic world.

A profound effect of faculty liberalism has been, in the words of Russell Kirk, the growth of "Behemoth University" in America with all of its ugly side effects. With liberal faith in mass education the emphasis in higher education has too often been on size rather than quality with the resulting impersonality and IBM syndrome of the modern campus. This has been a contributing factor to student radicalism, for it fosters rootlessness and alienation. Conservative guidance would have stressed quality over quantity, the personal over the impersonal, it would have kept research and teaching in proper balance, and because of this emphasis it is doubtful that anomie and alienation would have blossomed so extensively on the modern campus.

Under liberal guidance "Behemoth University" has tended, in its lust for quantity over quality, to emphasize "things," whereas under conservative influence the emphasis would more likely have been on ideas and "the life of the mind." Where the campus liberal has encouraged direct political "action" and "involvement," the conservative, if present, would have encouraged thought, contemplation, and reflection, and he would have resisted the politicizing of the campus for any point of view. To illustrate this latter point, it is difficult to conceive of a conservative calling for a politicized campus for the support of his Vietnam policy. He would prefer to keep the campus forum open, neutral, and competitive to facilitate orderly discussion of issues within a framework of academic freedom.

Finally, where liberal education theory has been preoccupied with the "now" and the "relevant," the conservative would more likely have stressed the long view philosophically and historically, and he would have encouraged appreciation of "the permanent things." But alas conservative, influence on the campus has not been sufficiently pronounced in recent decades, and the liberal-left has presided over the rise of "Behemoth University."

### WHY LIBERAL DOMINANCE?

A question I am asked frequently by non-teaching conservatives is why the liberal-left so heavily dominates our college and university faculties. The question is simple and obvious, but the answers are complex and elusive.

Going back to the Enlightenment, the Renaissance, and even beyond, we find the roots of contemporary liberalism which have brought it into ascendancy and dominance in Western intellectual thought. In addition to the Renaissance and the Enlightenment, we find its origins in gnosticism, scientism, utilitarianism, Marxism, positivism, pragmatism, secularism, hedonism, materialism, and other "isms" that have gone into the making of what today we call contemporary American liberalism.

It is beyond the scope of this article to analyze these ingredients and to delineate their respective contributions to contemporary liberal thought. It will have to suffice to note that they have been dominant themes in Western thought in recent centuries, and they are foundation stones of modern Western liberalism. In brief, *intellectual thought* (not necessarily the work-a-day world of the proverbial "man in the street") in our times has been heavily liberal, and so it is not surprising that colleges and universities, which by mission and function are expected to be "intellectual," would reflect in stark form a liberal hue. As to why the world of the intellectual liberalism has taken root and evolved over recent centuries is a complex matter of intellectual history clearly outside the principal concern of this brief essay. For present purposes, I am saying it is a matter of historical record that liberal dominance in intellectual thought has come about, and it is not surprising this fact is reflected strongly in our colleges and universities, the centers of our intellectual life.

One is still plagued, however, with the nagging question of why liberal dominance is so utterly disproportionate in academe compared with American thought and life in general. We have conservatives in journalism, the professions, business, practical politics, and throughout American culture generally. Indeed, a broadly defined conservatism may well be the dominant theme of American life. Certainly it is clear that the liberal-left professoriate is hardly representative of "mainstream" America. Why is the imbalance so great and so pronounced?

The problem is more fruitfully approached not by concentrating on why liberals move into academic work (why shouldn't they; it is an honorable and challenging profession), but rather by focusing on why conservatives shy away from college and university teaching.

To begin with, the graduate schools, which train our future faculties, are overwhelmingly liberal and they attract and reproduce their own kind. This vicious circle is difficult to break. At best the graduate school environment for the conservative is usually a neutral one, and sometimes it can be hostile. Too often liberal academe equates liberalism with intelligence, and conservatism with lack of same. The end result is to discourage conservative students from entering graduate work in such crucial disciplines as political science and history where this formula is more likely to be honored.

Furthermore, the academic world is heavily bureaucratized and socialized, and unappealing to the conservative. It may be questionable whether college and university organizations are any more bureaucratized than the modern business corporations, but it is true that they can be highly socialized in terms of economic rewards. The difference between "top" and "bottom" salaries at a given institution are often not great, and salaries over-all are held at levels lower than comparable jobs in private industry. If college and university salaries were based upon a "free market," they would increase dramatically, for clearly today a college education is a "service" or "commodity" in great demand. But the libertarian spirit of the free market is anathema to the liberal professoriate, and it would prefer lower salaries to a breach of faith regarding its sacred economic theories. This is not an economic setting sufficiently challenging to many conservatives.

Part of the blame for conservative absence on the compus must be placed upon American conservatism itself, which is heavily rooted in the narrow confines of economic conservatism or *laissez-faire* capitalism, and its growth beyond those roots has been qualitatively but not quantitatively impressive. Many of our most talented conservatives in America have been caught up in either creating or servicing the great industrial-technological revolution that has preoccupied America over the past century. This point was personally brought home to me by a close and brilliant conservative friend who is now a partner in one of America's leading law firms. He was a *Phi Beta Kappa* undergraduate in history, and graduated first in his law school class. He told me, "I would rather be a third-rate lawyer than a first-rate history professor." The priority is clear, and I feel it reflects in a personalized way the narrow economic base of much of American conservatism, and its rejection of a more broadly-based cultural conservatism.

I find my non-teaching conservative friends in their frenzied lives of maintaining and serving the great American industrial-technological apparatus (I agree that someone must do it, but why not make the liberals do some of this dirty work?) live almost wholly in a world of "action" in which "the life of the mind" is at best a remote dream. In this regard their life style is not much different from the liberal world where action takes priority over thought, contemplation, and reflection. There can even be a subtle anti-intellectualism in which books and "ideas" are considered hallmarks of the effete to the "dynamic" young executive "on the go."

In discoursing with nonacademic conservatives, I have found they are likely to be readers of the *Wall Street Journal* and *U.S. News and World Report*, and these and similar publications are their principal sources of "conservative" ideas. They will usually know of William F. Buckley Jr., but will probably have read little of his work. There is some chance they may know of James Jackson Kilpatrick, John Chamberlain, and M. Stanton Evans, and be vaguely familiar with their editorial stance. The nonteaching conservative may know of such free-market exponents as Milton Friedman, Ludwig von Mises, or Henry Hazlitt, but the odds are not great. Finally, and most revealing, there is little chance that the nonacademic conservative is familiar with such figures as Russell Kirk, Eric Voegelin, Richard Weaver, James Burnham, Leo Strauus, or other conservative figures of comparable stature.

In short, too much of American conservatism is an intuitive, narrowly based economic conservatism with at best an additional exposure to popular conservative editorial writers. But when it comes to the cultural conservatives of the stature of Kirk, *et al.*, Amer-

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ican conservatives know little. "Getting and spending" exacts a heavy toll. Because it lacks cultural breadth and depth, American conservatism itself is partially to blame for the dearth of conservative teachers on our campuses. Unfortunately, to a considerable extent it lacks the intellectual content to nuture potential young teachers.

### NEEDED: CONSERVATIVE TEACHERS

The need for conservative faculty members is compelling. I am not calling for an infusion of ideologists of the right into academe, but I am agreeing with Professor Stephen J. Tonsor's observation that "The ideological and cultural uniformity of higher education in America is a disgrace. Why is it that our colleges and universities have conformed themselves over the past two decades to the orthodoxy of secular liberalism?"[8] Like Tonsor I am calling for political pluralism and diversity within our faculties. I am contending that we need conservatives, whether they are of traditional or libertarian bent or a mixture of both, to enter the teaching profession at the college and university level. We need scholars in the classroom who will defend, in the words of M. Stanton Evans, ". . . traditional values . . . the free enterprise economy . . . [and who will offer] reasoned opposition to the menance of communism. . . ."[9]

Before conservative America can nurture young teachers it will have to broaden its cultural base beyond merely economic conservatism. A good start has been made in this direction through such publications as *The National Review, Modern Age, The Intercollegiate Review, University Bookman, Triumph,* THE NEW GUARD, *Human Events,* and *The Freeman*. An impressive recent addition to broadening the cultural base of American conservatism is the Conservative Book Club of Arlington House.

We need to encourage our talented undergraduate conservatives to enter college teaching. Why not? It is an honorable profession, the financial rewards in it have improved significantly in recent years, and *above all,* opportunity for service to the country and conservative principles in general is unexcelled, for as Lincoln put it, "The philosophy of the classroom today, is the philosophy of Government tomorrow."

Unfortunately there is evidence that some leading conservatives no longer feel the struggle on the campus is worth the effort. Russell Kirk has recently written, ". . . wild horses couldn't drag me back to permanent residence on the typical campus."[10] Similarly, prior to his recent entry into the partisan political arena, former Professor Philip M. Crane wrote, "If there were a genuine hope of reforming the university from within, conservative professors could take the lack of promotions, minimal pay raises, cramped offices, paper work, committee overloads, suppression in the journals, prejudice in the reviews as a small price to pay to achieve the restoration of the academy. But the prospect of internal reform appears remote."[11] It appears that Kirk and Crane are conceding conservative defeat on the campus.

Is American conservatism willing to concede the loss of higher education to the liberals and radicals? If so, a great and tragic watershed in the history of the Republic has been passed. The struggle today on our campuses for the minds of the young is spirited and vital. If you will, this is where the action is. If conservatives are willing to concede this crucial battle, I fear they will ultimately lose the war. This battle is too significant to be forfeited.

I do not agree with Crane that the matter is as desperate as he describes it. It is bad, but not that bad. Indeed, if my own personal experience is any guide, I have found a considerable amount of liberal openness to a conservative teacher. It is true that one becomes something of "the house" conservative, but there is still enough of the libertarian spirit in much of academic American liberalism that it will listen to a statement of the conservative viewpoint.

I have been called upon frequently to debate and defend conservative positions on campuses in my area, and often the forum has been provided by the liberals. For example, I was asked to debate publicly a liberal professor on the evening of the October 15 Moratorium on the proposition: "Resolved: The United States should immediately and unilaterally withdraw from Vietnam." I took the negative position, and we had an exceptionally large student turnout. Here was a forum provided by liberals and radicals who often look in vain for conservative opposition on the campus. One neighboring college called upon me to substitute for Secretary of State Dean Rusk (!), who had to cancel his appearance at the last moment. I am not exactly in a league with Dean Rusk, but the campus in question was desperate to find anyone with academic credentials who would defend American policy in Southeast Asia. Here again, the forum was provided by liberals. American conservatives must avoid paranoia about the American campus, for afterall they have left the playing field, and frequently the liberal looks in vain for his natural American opposition.

In brief; "the harvest is plentiful, but the laborers are few. . . ."

FOOTNOTES

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[1] Daniel Bell and Irving Kristol (eds.), *Confrontation: The Student Rebellion and the Universities* (New York: Basic Books, Inc., 1969), p. 47.

[2] Ibid., pp. 47, 55; Jeffrey Hart, *The American Dissent: A decade of Modern Conservatism* (Garden City, N.Y.: Doubleday & Co., Inc., 1966) pp. 171–175; Allan Brownfeld (ed.), *The New Left* (Washington, D.C.; U.S. Government Printing Office, 1968), pp. 214–215.

[3] Bell and Kristol (eds.), *op. cit.*, p. 55.

[4] Quoted in "To the Left of the Professors," *Human Events,* March 1, 1969).

[5] For Evan's excellent statement on this, see Brownfeld (ed.), *op. cit.*, pp. 214–215.

[6] Thomas H. Greer, *A Brief History of Western Man* (New York; Harcourt, Brace & World, Inc., 1968), p. 523.

[7] From an interview in *Human Events,* (May 20, 1967), 9. (Italics added.)

[8] Stephen J. Tonsor, "Alienation and Relevance," *National Review,* (July 1, 1969), p. 661.

[9] M. Stanton Evans, "A Generation of Growth," *Human Events,* April 12, 1969), p. 52.

[10] Frederick Wilhelmsen (ed.), *Seeds of Anarchy: A Study of Campus Revolution* (Dallas: Argus Academic Press, 1969), p. 28.

[11] Philip M. Crane, "Conservatives in the Academy," *Human Events,* (April 12, 1969), p. 56.

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## TRIBUTE TO MRS. BETTY McCALL ZOROTOVICH

### HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ANDERSON of California. Mr. Speaker, on May 23, 1970, the community of San Pedro, Calif., will be honoring Mrs. Betty McCall Zorotovich upon her coming retirement after 32 years of teaching in the Los Angeles Harbor area. I wish to take this opportunity to commend her and share with my colleagues the following information about this noteworthy woman:

Betty Zorotovich was born in Imperial, Calif., October 28, 1908. Her parents were Thaddeus Dale McCall and Cora Faure McCall. Her father was born and raised in Texas. He was employed by International Harvester and became their representative in Mexico for a number of years. The family moved to the Imperial Valley and became one of the pioneering families in that area when it was first settled. There were five other children in her family: Thad, Bob, deceased, Carlos, Johnny, and Dulcie.

Betty graduated from Imperial High School in 1925, and graduated from UCLA in 1929 with an A.B. degree, majoring in economics. She obtained her teaching credentials from UCLA in 1938.

On June 29, 1929, Betty married Nicholas Zorotovich in San Gabriel, Calif. They later had two children, Virginia Mae and Nicholas Dale. Virginia is now married to Comdr. Jack Hyde and has given the Zorotovichs four grandchildren: Jack Elgin, Nicholas Craig, Leslie, and David. Nicholas Dale presently teaches at the San Pedro High School and has also given his parents four grandchildren: Pamela, Nicholas Scott, Kathi Ann, and John Patrick.

In 1938 Betty began teaching at Gompers Junior High School in Los Angeles. After a short period there, she transferred to Dana Junior High School in San Pedro where she has taught ever since. In the beginning of her teaching career, she taught English and history. In the mid-1940's she taught art and became chairman of the art department. In the late 1940's, she became interested in why many children of seemingly normal or above-average intelligence could not read. Mrs. Zorotovich began using the kinesthetic method developed by Dr. Fernald, and has used this method and expanded it in her work with remedial reading. She has since become one of the outstanding teachers of remedial reading and has conducted workshops for other teachers in this area. Today hundreds of young people in San Pedro can read more proficiently because of her devotion to them. In recent years she has continued to teach English, history, and remedial reading.

In the late 1940's she helped to establish the Art Patrons of San Pedro to coordinate the efforts of the local artists, writers, thespians, and photographers. She served as the first president of the group, and at one time it was the second largest such group on the Pacific coast. She helped to organize the Writers' Guild of San Pedro and has served as president of the group. She was named an honorary member of the Ephebian Society because of the extensive work she did in the organization along with Mr. Zorotovich. She also served as president of the Ephebians at one time.

Betty is a member of Delta Kappa Gamma, an honor organization for outstanding women educators. She is now president-elect of Alpha Beta chapter.

Betty plans for retirement include some travel, especially in Mexico, with her husband, Nicholas.

I wish to join the entire community of San Pedro in commending Betty Zorotovich for her outstanding contribution to her community and wish her many years of fruitful and happy retirement.

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## ISRAELI CRISIS

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## HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. SCHEUER. Mr. Speaker, on April 30 I met with Assistant Secretary of State Joseph Sisco to be briefed on the worsening crisis in the Middle East, from which he had just returned. For the benefit of my colleagues, I am inserting an article on this briefing into the Record:

[From the Day Jewish Journal, May 4, 1970]

### America Must Sell 125 Planes to Israel Because of the Danger of Soviet Interference

(Interview with Mr. Jacobson. Congressman Scheuer's report of the interview we had with Mr. Sisco, the Assistant Secretary of State.)

The meeting was held with Mr. Sisco, in Mr. Sisco's office. Even though the meeting was an informal meeting it lasted for one hour and was the first meeting that Mr. Sisko had with a representative since he has been home from the middle east.

Congressman Scheuer, Bronx Congressman gave his wonderful opinion and also the opinion of many high American officials that the United States has no alternative but to declare openly that Russia is helping Egypt and the Arabian countries. That Russia is testing the United States by sending pilots to Egypt. Nixon must make a very quick and decisive decision. High officials in the Nixon administration are of the opinion that the United States has no other alternative but to send one hundred and twenty-five planes that Golda Meir has requested from Mr. Nixon.

These opinions have been made after the official of the United States government found out that Russia has sent from two thousand to three thousand military technicians to Egypt. They are the advisers and workers to the entire missile system.

The Russians also sent around one hundred pilots, members of the Russian Air Force to be ready to counter attack the Israeli attacks to the mideastern military machine. The situation in Israel is very serious. The interference from the Soviet Union is a challenge to the United States and to see how far the Nixon administration will go.

Many officials of the State Department feel that the only way that the United States can show Russia that we will not let Israel down is to send the much needed planes to Israel.

Congressman Scheuer also stated that the (Big Four) who have been trying to find a solution to the problem are not succeeding. U Thant is not sympathetic to Israel and the situation is hopeless as long as Russia and Syria and the similar nations are members of the United Nations.

Congressman Scheuer also stated that there is only one way to clarify our stand with Russia and that is the United States will not sit idly while the security of Israel is in danger and to help is to send, as soon as possible, without hesitation, the planes to the State of Israel.

Congressman Scheuer sent a telegram to President Richard Nixon on this matter and Congressman Scheuer hopes that very soon the Nixon administration will make this wise and only decision and send Israel the help she so desperately needs, so that she can hold off the attacks of Egypt which only really started with the Russian interference in the middle east.

## MEDICAL STUDENTS AND FACULTY OPPOSE WAR IN CAMBODIA AND VIETNAM

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## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. FRASER. Mr. Speaker many students and faculty members from the Nation's medical schools have been stopping by offices on the House and Senate sides during the last few days to express their opposition to the war in Cambodia and Vietnam.

I am placing in the Record the excellent statement prepared by this group on the history of their effort and the plans they have for forming a "medical Alliance for Political Action":

### Medical Alliance for Political Action (MAPA)

Medical students, faculty, and administration represent a national constituency heretofore unrepresented politically in Washington. This group has accepted this muteness without question during the past years. Always viewed as members of the great silent majority due more to the group's apathy than ideas, we have galvanized around certain issues which we cannot, in good conscience, continue to ignore.

Last week a group of first-year medical students from Yale decided that we must temporarily suspend classes to address ourselves to these issues. Business as usual had to stop for a time. But what to do with this allotted time was a question whose answer was not immediately apparent. After much discussion, we formed two groups, one to focus on local issues and one committed to a national effort. The idea of yet another mass march on Washington seemed a worn-out and ineffective way of making our views known. So we agreed to come to Washington to confront those in power and to tell them how we of the medical community feel about the Indo-China War, the oppression of minority groups at home, and the stifling of dissent.

We also agreed that if we could get representation from several medical schools, our position would be that much stronger. Carloads of students and faculty were sent out to various medical schools around the East Coast to gain their support, and information about our proposed endeavor was mailed to every medical school in the United States.

We have been in Washington for the past three days, and we estimate that upwards of 600 Medical, dental, and nursing students, faculty, and administrators have come to join our effort, with delegates from as far away as the Midwest and; seven the West Coast. The magnitude of this effort, especially in view of the short time in which it was put together, is testimony to our broad base of support. We have been heard here in Washington, and we will continue to be heard.

We understand now the need for our voice to be heard beyond this three day period. Representatives from the major medical delegations have met and decided to form an organization to carry out such a purpose. This organization will be named the Medical Alliance for Political Action, and will include not only medical students, faculty, and administration, but also all other health related professionals who feel their political opinions have not been expressed by any previous voice in the medical community.

## SOVIET-U.S. CARGO SERVICE

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## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. RARICK. Mr. Speaker, a Soviet subsidized steamship company now seeks to bid for a scheduled cargo service contract to the United States.

Obviously but another prestige display to propagandize Soviet Sea Power.

But who can underbid government owned and subsidized vessels operated with "scab" labor?

Several newsclippings follow:

[From the Evening Star, May 12, 1970]

### Reds Seek Pacific Run

(By Stephen M. Aug)

A Soviet shipping company has served notice it intends to compete with United States and Japanese shipping lines in the lucrative Pacific trade at cut-rate prices, the chairman of the Federal Maritime Commission says.

If the plan goes through, the Far Eastern Steamship Co. would be the first Russian-owned firm to operate regularly scheduled cargo service to the United States in 20 years—or since the outbreak of the Korean War.

Mrs. Helen Delich Bentley, FMC chairman, told newsmen yesterday the firm had applied to the commission on April 28 and plans to begin the service June 1.

She said the rates to be charged average 13 percent below those charged by shipping companies that belong to the Trans-Pacific Freight Conference, an international rate-making association. Some of the rates are 47 percent below conference charges.

Under federal law the commission has the power to block such a plan if it believes there is danger of a rate war that would be detrimental to U.S. trade and commerce. The commission is expected to act next week—but Mrs. Bentley would give no indication of what action it would take.

#### COMPLICATION CITED

Complicating matters, she noted, is the fact "we are entering a period of negotiations with the Russians and trade, of course, is one of the areas" under discussion.

The state-owned firm, Mrs. Bentley said, plans to provide a general cargo service—ranging from trucks and cars to electronic instruments and sake—between 11 Japanese ports and four U.S. West Coast ports: Los Angeles, Portland, San Francisco and Seattle.

The company, which has head offices in Vladivostok, plans to begin with three ships. Although the number is small, Mrs. Bentley said "it's a sign that the Russians are going into the third flag trade on a pretty large basis," and "it very well could take cargo away from American flag ships." Third flag shipping means entry of an outside nation into trade between two other nations.

#### MAY NEED ICC OKAY

The Russian company plans to attract tonnage which might otherwise move through Atlantic or Gulf Coast ports, and it has filed for approval of overland common point rates. Such rates presumably would require Interstate Commerce Commission authorization. An ICC spokesman said no application has been filed there.

Although no Russian vessel has provided regularly scheduled service to the United States since the outbreak of Korean hostilities, there is no federal law that would prevent it. The FMC may act only if rates would have detrimental effects on trade. But in

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order to enter any U.S. port—13 are authorized to receive Communist bloc vessels—a Russian ship must notify the State Department several days ahead of arrival. If shore leave for the sailors is sought, a list must be sent ahead 21 days before arrival. Fueling also requires government permission.

Mrs. Bentley said the application from FESCO follows about six months of discussions between the Soviet Union and the State Department. She added that the White House has since been told. There has been no reaction from the Japanese government, she said.

EIGHT U.S. LINES

Currently, eight U.S. lines provide regular service to Japan. They are American Mail Line, American President Line, Matson Line, Pacific Far East Line, Sea Land Service Inc., States Steamship Co., Waterman Steamship Corp. and United States Lines. Japanese lines also are involved in the trade.

Mrs. Bentley said none of the Soviet ships anticipating entering the trade is known to be specially equipped to carry containerized shipments.

She said also it was not known what commodities the Russians plan to take out of the United States. No export tariffs have been filed. She speculated the vessels might pick up outbound cargo at Vancouver, B.C., which currently is regularly served by Soviet vessels.

Mrs. Bentley, who has long felt the United States must match or be ahead of Russian merchant vessel activities, said she believes the Russians are "trying to expand their merchant marine all over. As the Russians become stronger in their merchant fleet their seapower strength grows." She called the move "another reason why we must build merchant ships."

[From the Washington Post, May 12, 1970]

RUSSIA SETS JAPAN-U.S. SEA SERVICE

A Russian steamship company plans to begin regularly scheduled service between Japanese and U.S. ports, the chairman of the Federal Maritime Commission announced yesterday. This is the first time since the Korean War Russian ships have attempted to enter U.S. oceanborne commerce, FMC chairman Helen Delich Bentley said.

Mrs. Bentley said she interpreted the Russian move as another indication that country is expanding its merchant marine activities all over the world.

Far Eastern Steamship Co. (FESCO Lines), a Russian flag service company, has filed a proposed freight rate with FMC, Mrs. Bentley said. The proposed rates would average about 13 per cent below the group of ships now serving that route, she said.

FMC's staff has been asked to prepare a report for the Commission indicating whether the proposed rates could set off a rate war which could be "detrimental to U.S. trade and commerce." If the Commission decides a rate war is possible, it can hold hearings and possibly issue a cease and desist order.

The Russian line must have a freight rate approved by FMC before it can enter U.S. trade. FESCO Lines plans to begin the service June 1. FMC's initial decision on the rates will probably come next week, Mrs. Bentley said.

Presently, there are no U.S. cargo ships regularly serving Soviet ports, she said.

## WILL DISBELIEF GET AMERICANS?

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. HOGAN. Mr. Speaker, I would like to call to the attention of my colleagues a very interesting article by Jenkin Lloyd Jones which appeared in the Evening Star on Saturday, May 9, 1970, entitled "Will Disbelief Get Americans?"

This column discusses the repeated emphasis of the mass media on those who refuse to bear arms in defense of this country rather than praise for our American forces who are defending this country with their lives every day in Southeast Asia.

I insert this into the RECORD at this point:

WILL DISBELIEF GET AMERICANS?

(By Jenkin Lloyd Jones)

I've been reading the May 5 Look magazine—the one with the big cover picture showing Joan Baez and her husband, David Harris, over the caption, "A family kept apart by conscience."

And there's quite a story about it all, with poignant pictures of the loving couple and the baby, and with brave letters from prison where Dave is doing three years for refusing the draft.

Those pictures took up so much space, in fact, that some pertinent items must have been squeezed out of Joan's biography. Like, for example, the fact that she was up to her eyebrows in radical causes long before we were involved in Vietnam. Look simply describes her as "a gentle anti-militarist."

Well, I know some other young couples who have been "kept apart by conscience." I know one young mother who lost her husband in a Vietnam battle and whose life was a double hell for weeks afterward as Yippie and Weatherman types called her up in the middle of the night, laughing, cursing and taunting her.

There are many thousands of young couples kept farther apart than Joan and Dave because the husbands had too much conscience to bug out and run to Canada. And if jail is onerous, so is an advance command post in the jungle, and jail's safer.

What is really going to be interesting is whether this great and powerful nation is going to be able to survive the steady and incessant drumfire of sympathy in much of the mass media for those who would refuse to bear its arms. However inadvertent this editorial selection may be, what can be the end effect except to raise a generation conditioned for surrender?

"The Ideological War Against Western Society" was a series of lectures delivered last winter at Rockford College in Illinois by an Englishman, Arthur A. Shenfield, visiting professor of economics.

Schenfield's thesis is that it is time sophisticated people detected the difference between social criticism designed to correct evils and social criticism designed to undermine national morale. He says:

"If one finds that men attack minor evils but either ignore or bless major evils; or that men attack minor forms of a particular evil but ignore or bless major forms; or that men attack an evil when they find it in one place but ignore or bless it when they see it in another place, then one may conclude that their purpose is not to destroy evil but to destroy the society that harbors the evil they choose to attack. The behavior of many of the ideological critics of Western Society fits this description.

"If the assault on the alleged evil in a society is conducted in such a manner as to deprive it of its self-respect, of its pride in its past and of recognition of its achievements, one may conclude that the purpose of the assault is not to remove the evils but to destroy the society.

"If the assault on these alleged evils takes a form calculated to persuade the society to abandon its will to defend itself against aggression, one may conclude that the critics are waging a war primarily against the society itself.

"Finally, if the assault on the alleged evils is calculated not to remove or diminish them but to aggravate them, one may conclude that either the intelligence or the motive of the critics is suspect."

It is curious how selective the fingerpointing is among many of our home-grown caterwaulers. The alleged massacre of 100 Vietnamese at My Lai is cited as proof of America's degradation while nothing is said of the 5,000 corpses found in the mass graves at Hue after the Communist Tet offensive.

Demands that we dismantle our "military-industrial complex" seem to ignore the fact that all arms are produced in military-industrial complexes, including those of the Soviet Union and Red China.

Cries that we must "take risks" for peace come from those who appear unaware that we started taking risks with our fast repatriation of troops in 1945 and that into every weakness Communist power flowed.

The claim that work on our antiballistic missile system would be "provocative" seems to overlook the Soviet Union's feverish work on its own antiballistic missile system, nor are the critics apparently worried about what would happen to mankind if a totalitarian power ever achieved overwhelming nuclear blackmail.

Finally, what is there in the militant left's policies on America's race problems that is designed to do anything else than exacerbate tensions and rip apart the fabric of American society?

Bob Dylan sings, "You Don't Know What's Going On—Do You, Mr. Jones?" It's time Mr. Jones found out.

## LOYALTY DAY—MAY 1, 1970

## HON. WILLIAM B. WIDNALL

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. WIDNALL. Mr. Speaker, on May 1, of this year, I enjoyed the privilege of participating in the Loyalty Day observance of the Hasbrouck Heights, N.J., Post 4591 of the Veterans of Foreign Wars. The main speech at the ceremony was given by Comdr. Harry J. Beck of Montvale Memorial Post 10161, V.F.W. I thought it was especially well done and the content of his eloquent talk was worthy of the attention of all of our people in the United States.

Commander Beck has for some time been dedicated toward carrying the meaning of loyalty throughout the Nation and he has made a real contribution by his devotion and dedication.

I am including at this time a copy of his address that evening:

LOYALTY DAY—MAY 1, 1970

You're sitting in an airplane—you're in the take-off pattern—waiting! Planes are landing—planes are leaving—Your pilot awaits the signal from the traffic controller. The traffic controller watches intently the big radar scan with its total area picture of all traffic patterns—this one holding over Sandy Hook—that one holding over Lakehurst—this one coming in on Runway No. 3, another, your flight sitting on No. 4—30 seconds—the incoming on No. 3 touches down—the controller sees an opening—signals your pilot, and 1 minute and 20 seconds later you're safely airborne!—Did you ever doubt it for a minute?—Of course not! Or you wouldn't be there!

You had faith in the pilot's skill—more than that—you had faith in the skill of the traffic controller to correctly interpret the changing patterns on the big picture before

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him and you had faith in his ability to make the right decision that would see you safely on your way.

President Richard M. Nixon is our National Traffic Controller—He has his eye on the big World Wide picture before him—watching the changing patterns—a commitment here (Laos)—a withdrawal there (Vietnam)—now a commitment to Cambodia!—

We cannot see the total picture as he sees it—But we must have faith that what he is doing is right for the good of all of us—We wouldn't think of telling the air traffic controller how to do his job.—For God's sake let's not tell the President how to do his. What he needs now more than ever is our faith—What he needs now as never before—is our loyalty.

Let's take a look at that word loyalty. The dictionary defines loyalty as being steadfast in allegiance to one's country, government, or sovereign; faithful to a person, ideal, or custom. However accurate, this is a rather naked explanation of the meaning of the word.

To me it means much more. To me loyalty is that quality which prompts a person to be true to the thing he understands. It means definite direction, fixity of purpose. Loyalty supplies power and poise. It is a quality woven through the very fabric of one's being and it makes that thing to which you are loyal, yours. Loyalty gives success to those who are true to the cause which they undertake. Loyalty is positive, it is active—it's alive!

Now we know the meaning of that word with which we name this day. We know also its opposite, disloyalty, so ably demonstrated by the dissidents and the misguided who march in May Day parades, among other things. There is another word, however, that presently concerns us more, and that word is unloyalty. Unloyalty is very much more common than disloyalty. Unloyalty means simply—indifference.

This word concerns us greatly because it describes a very large segment of the population of our country; a segment which our President calls the Silent Majority. These people would probably resent it if you told them they were unloyal . . . yet that is what they are. They're inactive, passive, indifferent. They are also the balance of power that can make the difference between winning or losing the fight against the divisiveness that now splits our great nation. They must be awakened, they must be activated, and they must be given to know that if they don't stand up now and be counted while they are still free men, before too long someone else will count them as slaves.

We in the V.F.W. do our best to sound the call to these people through our Operation Speak Out . . . and we do a good job. But lately the impetus seems to have lessened. I hear comments like, "Every time I mention something like 'respect for the Flag' I'm called a Flagwaver" or "When I say a teacher who doesn't say the Pledge of Allegiance in school might be leftist oriented I'm called a witch hunter." Well there's nothing wrong with Flagwaving! It's a darn sight better than flag burning or flag spitting or flag trampling! And as for a teacher who doesn't say the Oath of Allegiance in school—I sure as hell wouldn't call him 100% American!!!

It's fashionable, and calculated—and to some degree effective, for liberals, intellectuals and pseudo-intellectuals to deride your loyalty by describing it in obtuse or exaggerated terms to make you feel like an extremist. They use words like Flagwaver or Fascist. Another tack is to generalize a specific to make your logic look faulty.

For example, when a teacher in our school system wore a black armband on Moratorium Day last October, I told the principal the man was suspect as he was displaying un-American behavior. The principal's reply was "You guys think every teacher is a Communist." In the first place, it wasn't 'you guys'—I alone made the accusation. And in the second place it wasn't all teachers, it was one lousy punk who is obviously aiding the enemy's effort. Needless to say I now have my eye on the principal.

I realize we face obstacles never faced by those brave and determined men who fought so hard to give us freedom. We fight a much more difficult fight. At least they knew who their enemy was and anyone found assisting the enemy was hanged. Today the enemy's unknown agents are all about us, he could be a neighbor, or a coworker. And as for assisting the enemy—how do you hang a Television Network?

There is an old saying—hard work is not easy. If we are to be successful we must work at it. We must be active, we must speak out, we must be aware, and above all we must spread our influence. Teddy Roosevelt said, "No man is worth his salt who is not ready at all times to risk his body, to risk his well-being, to risk his life, in a great cause." We had a great cause once—we who fought in World War II—we risked our bodies, and we risked our well being—and we put our lives on the line. We have a great cause still, ours is the cause of freedom—ours is the cause of restoration of Love and Respect for our Flag, ours is the cause of Honor and Unity.

When you go home tonight, take a good hard look in the mirror and ask yourself, "Are you worth your salt?"

Written by: Harry J. Beck, Commander, Montvale Memorial Post No. 10161, V.F.W.

Delivered on: Loyalty Day May 1, 1970, at Hasbrouck Heights Post No. 4591, V.F.W.

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## WHITE COLLAR CRIME

## HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. BURTON of Utah. Mr. Speaker, in further amplification of the speech by Assistant Secretary of the Treasury Rossides which was inserted in the RECORD yesterday, I would like to enter herein an article entitled "White-Collar Crime" from the March 30, 1970, issue of Barron's which also indicates concern over the same banking measure, H.R. 15073:

### WHITE-COLLAR CRIME; MUST ALL U.S. CITIZENS PAY FOR THE SINS OF A FEW?

"On Capitol Hill, where sheer survival virtually guarantees distinction of sorts, Rep. Wright Patman, who has stood for the First Congressional District of Texas since 1928, long ago gained fame as a tireless champion of cheap money and lost causes. Like some latter-day William Jennings Bryan, the Texarkana Democrat, who also happens to be chairman of the House Banking and Currency Committee, eloquently has denounced the American Bankers Association as a 'greedy lobby' . . . In his epic struggle with the vested interests, Rep. Patman over the years has launched a series of protracted, and generally fruitless, investigations into the nefarious activities of tax-exempt foundations and commercial banks. Much of his pet legislation has either died in committee or fallen short of passage. . . . Since the 'Thirties, when he helped pass the veterans' bonus and terrorized the rapacious chain stores, the aging Populist has been long on threats and promises but short on performance. However, even Wright Patman can't lose them all."

Since these lines first appeared in print (Barron's, June 6, 1966), the Texan has launched upon what in his league at any rate look perilously like a winning streak. With the help of homebuilders and mortgage lenders, Rep. Patman (whose name graces more than one notorious piece of legislative price-fixing) that same year succeeded in slapping ceilings on the return paid depositors by thrift institutions and commercial banks, a move which heavily penalized the saver of small means and led to massive disruption of the flow of mortgage funds. Now the Congressman is up to more mischief, which, thanks to the skillful demagoguery of all those in favor and the weakness of the opposition, stands an ominous chance of becoming law.

Known as H.R. 15073, and innocently titled "A bill to . . . require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes," the measure aims at helping the authorities track down illegal transactions made by U.S. citizens abroad. "The foreign bank with its secret accounts," so Robert M. Morgenthau, former U.S. District Attorney, current Deputy Mayor of New York City and gubernatorial hopeful, recently told the Patman Committee, "is the place where the organized underworld and the purportedly respectable businessman meet."

What irresistible targets, especially in an election year, for politicians-on-the-make. Mr. Morgenthau, who apparently commands a worshipful press as well as a powerful Congressional ally, is apt to make the most of it. Yet the legislation—not to mention the sensationalism from which it has sprung—smacks as much of fraud as anything the D.A.'s office has uncovered. There has been a handful of prosecutions for illegal acts involving the use—or abuse—of foreign banking facilities. Of these Mr. Morgenthau has made a federal case; from them, in testimony distinguished (as we shall see) for inaccuracy and bias, he also has conjured up a frightening, and largely illusory, wave of "white collar crime." To combat the evil, he and others are pushing an ill-conceived, wretchedly drawn bill (it has gone through over a dozen drafts) which would give hardened criminals no pause. It would vastly increase the cost of doing legitimate business, destroy the last vestiges of financial privacy (by compelling banks to photocopy and keep for official inspection records of all checks drawn by every depositor), and, by raising doubts abroad about the ultimate aim of such authoritarianism, jeopardize the global standing of the dollar. Political ambition may not be a crime, but it could be a national disaster.

If so, one need not seek far for the villains of the piece. Messrs. Morgenthau and Patman for years have been working hand-in-glove. In 1968, with the former's approval, the latter introduced a bill to prohibit Americans from doing business with foreign banks operating under laws which permitted (or mandated) secrecy. Cooler heads, noting that the ban would apply not only to Switzerland but also to the Bahamas, Lebanon, Panama and West Germany, finally prevailed. The pending measure takes a different tack. It gives the Secretary of the Treasury broad discretion to require banks to keep records of each check, draft or similar instrument offered for collection or deposit, as well as ascertain the identity of payer and payee. In addition, the Treasury could require the filing of reports by anyone taking out of the country U.S. currency or coin in sums exceeding $5,000 at a clip or $10,000 in a calendar year U.S. citizens also would have to report all transactions with foreign financial agencies which refuse to open their books to Washington. Thus, the long arm of the law finally would reach out for "persons holding positions of responsibility and power in the business and financial world," who, accord-

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ing to Mr. Morgenthau, use foreign bank accounts to "cheat on taxes, trade in securities in violation of our securities laws, trade illegally in gold, perpetrate corporate and other frauds and hide the fruits of their white collar crimes."

Quite a bill of particulars. On close scrutiny, however, it grows rather less impressive. The ex-D.A. claims credit for the indictment of "more than 75 persons" on such charges, and the "referral of dozens of cases" to the Internal Revenue Service. Then he goes on to estimate: "For each case we prosecuted there were roughly six cases where we had specific information that a crime had been committed, but we were unable to prosecute either because we lacked the resources . . . or because the evidence we had was inadmissible in court." Without a shred of evidence, he sweeps on to the grand conclusion: "For each potential case we uncovered, there were thousands of other cases of criminal conduct cloaked by secret foreign accounts which were not touched by our investigations."

Numbers games aside, Mr. Morgenthau makes a better prosecutor than witness. In any case, his latest testimony drew scathing rebuttal from the New York Clearing House Association. Thus, Mr. Morgenthau discussed an incident allegedly involving the Hamburgh branch of Chase Manhattan which didn't exist at the time. He charged that U.S. banks are opening branches in Nassau "obviously because of the convenience which its secret bank accounts offer to Americans to unload cash. . . ." In fact, as the association tartly observed, U.S. banks establish branches in the Bahamas in order to acquire Eurodollar deposits. Time after time, in his allegedly expert testimony, Mr. Morgenthau displayed a lamentable ignorance of business and banking. "The direct connection between the provisions of the bill," the association said, "and much of Mr. Morgenthau's testimony is far from clear."

Just so. As matters stand, Swiss bank accounts, numbered or otherwise, are open to scrutiny when the alleged offense is punishable under Swiss law. Violations of securities acts and regulations, purchases of gold and tax evasion simply aren't regarded as crimes, a point of view which, in the light of the high esteem the Swiss financial community enjoys throughout the civilized world, might give legal zealots over here something to think about. Be that as it may, H.R. 15073 will scarcely deter the criminal element. Persuasive testimony on this score was offered by Carl W. Desch, senior vice president of First National City Bank and spokesman for the 10 member banks of the New York Clearing House Association.

He stated: "It should also be kept in mind that criminals are masters at avoiding regulatory procedures and that the provisions of the bill can easily be circumvented. For example, Chapters 2 and 3 of Title II of the bill relate to transactions in coin or currency but say nothing about travelers checks or bearer bonds which are, of course, as easy to negotiate abroad as currency. Other methods which readily come to mind include the transfer of funds by mailing or transporting cash abroad, the so-called courier system; the transfer of funds by the purchase of foreign exchange or commodities or silver for future delivery and sale of the contract abroad; the transfer of funds by the purchase of a check or draft from a commercial bank, a savings bank or a savings and loan association; the transfer of funds abroad by underinvoicing commodities exported or by the issuance of letters of credit in favor of an agent abroad, kickbacks and so forth. Some of these methods involve the banking system; some of them involve the banking system in a manner that would leave no trail; and others would not involve the banking system at all."

Mr. Desch, whose statement got scant coverage in the press, made several other telling points. While testimony before the Committee focused "almost exclusively on foreign transactions," he pointed out, H.R. 15073 covers a staggering number of domestic dealings. He estimated that in 1970 the U.S. banking system will handle over 20 billion checks, each of which on average will pass through two-three institutions. Hence the measure would require banks to make at least 20 billion—perhaps as many as 50 billion—photocopies per year, equivalent to over 160 million pounds of "little pieces of paper." Such a requirement, needless to add, would be exceedingly costly and time-consuming for banks and their customers.

Dollars-and-cents aside, the pending legislation constitutes a shocking invasion of privacy. Prior to the latest version available as we went to press (the 13th or 14th), it authorized the Treasury, without subpoena, to scrutinize all financial records. True, that provision applied only to uninsured banks (like Brown Brothers Harriman, for example) and, for the moment, has been dropped. However, it could reappear in some future draft and it would set an alarming precedent. As Mr. Desch observed: "Legislation authorizing government officials to browse at will among records of financial institutions would raise substantially the same sort of constitutional and ethical questions as legislation authorizing law enforcement authorities to listen in at random on telephone conversations or to open letters to sample their contents." As to the broad record-keeping requirements, the association spokesman was equally incisive: "I wonder whether this measure is not analogous to requiring the Post Office to open and record the contents of every piece of mail passing through it or requiring the phone company to tape every conversation going over its lines."

Finally, Mr. Desch warned, H.R. 15073 could go far toward lessening the appeal of the U.S. dollar as a reserve and trading currency. "Foreigners other than official institutions keep many billions of dollars, perhaps as many as six billions, on deposit in the United States. We believe that legislation which would make less private the records affecting the accounts in which such large sums are held would be viewed with alarm by a substantial number of foreigners, the vast majority of whom we would assume are entirely honest. Similarly, extensive reporting requirements as to currency and banking transactions would seem to many foreigners to be the beginning of exchange controls . . . Any legislation which would shake foreign confidence that the dollar is a freely spendable store of value would have the gravest repercussions indeed."

So much for H.R. 15073, the case against which we find compelling. One last comment on those who espouse such draconian measures may be in order. In the Language of Dissent, Lowell B. Mason, maverick bureaucrat, observed that whenever so-called crimes against the state (or the people) begin to loom as more heinous than crimes against the individual or person, society is moving down the road to serfdom. Thus, in the Soviet Union, rapists and thieves "were treated with tolerance and circumspection. On the other hand, those accused of violating the state's political or economic commands were sentenced to death or exiled to Siberia without any semblance of trial." Again, to quote Ralph Nader, "If you want to talk about violence, don't talk of the Black Panthers. Talk of General Motors." We don't expect Mr. Morgenthau to change his mind about "white collar crime"; he plainly has too big a stake in it. We can only hope that Congress will have sober second thoughts.

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## BATTLE OF NEW MARKET MEMORIALIZED

## HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. MARSH. Mr. Speaker, today—May 14—there was dedicated on the New Market Battlefield at New Market, Va., in my congressional district, one of the most unusual memorial facilities in the United States. This facility is a hall of valor, honoring the memory of the corps of cadets of the Virginia Military Institute who fought as a corps in the Battle of New Market on May 15, 1864.

The purpose and nature of this memorial and the Battle of New Market are more fully described in two newspaper articles that appeared in the Richmond, Va., Times-Dispatch on May 10, 1970, and I would like to call them to the attention of the Members.

At a time when great violence and unrest is marking so many American campuses, I would pay a special tribute to the corps of cadets at the Virginia Military Institute, which has not been the scene of campus disorder.

Since its founding, VMI has furnished to America trained leaders. In each of the wars in which this country has engaged in which VMI men have served, they have performed in keeping with the courage and spirit exemplified by the corps at the Battle of New Market.

The newspaper articles follow:

[From the Richmond Times-Dispatch, May 10, 1970]

### BATTLE OF THE BOY HEROES—CENTER TO HONOR SKIRMISH

(By Gene Carrow)

NEW MARKET.—Although the battle here on May 15, 1864, was a sidelight to a vastly larger campaign, a sidelight has kept its memory alive outside the detailed footnotes of studies intended primarily for historians.

Robert E. Lee, grappling with the 100,000-man Federal army of Ulysses S. Grant and the crucial Wilderness Campaign to the east, could spare no reinforcements for Major Gen. John C. Breckinridge, faced with a smaller Union threat in this Shenandoah Valley area.

Ordered north from Dublin, in Pulaski County, to meet the 6,500-man Federal force under Major Gen. Franz Sigel that threatened Confederate supply lines at Staunton at Lee's left flank, Breckinridge was forced to alert all available troops as he rushed north.

Along with the battle-hardened regulars available, Breckinridge called out the Corps of Cadets at the Virginia Military Institute in Lexington.

Breckinridge intended to use the cadets as a last reserve, as supply guards, but, as the battle wore on, the cadets moved from a third Confederate line into the hot front line of the battle.

After holding down a position against the main Federal counterattack to the left-center of the Confederate line, the cadets played a full role in the final Confederate charge that broke the Union line and sent Sigel's troops retreating back toward Mt. Jackson.

The 247 cadets formed approximately one-sixteenth of the Confederate fighting force at New Market, but the stories of their part in the fighting grew as the years passed.

Writing in 1912, historian Edward R. Turner disagreed with the myths that had

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grown around the teen-aged troops, but he minced no words about his opinion of the role they had played in the fighting.

"They did not rally the Confederate army, nor stem a route, nor capture unaided a powerful battery under impossible circumstances," Turner wrote. "But at a critical moment, they did conduct themselves in a manner beyond all praise."

Turner called the cadets' participation in the Confederate charge that broke the federal line "one of the most remarkable episodes of the Civil War, or, indeed, of any war . . . that in the first battle in which they had ever served they should do what they did is almost beyond belief."

The young cadets, as they joined Breckinridge's main force in Staunton on May 12, had been taunted by the war weary regulars, according to most accounts of their muddy march up from Lexington. After the battle, came praise from Breckinridge, from Confederate legislators in Richmond and even from Union commanders whose troops had opposed them in the field.

In the battle, 57 of the cadets fell. Of this number, five died on the field and five more were later to die of the wounds they had received during the day's fighting.

In an annual ceremony, the 10 who died are still honored by VMI cadets. On each anniversary of the battle, with the Corps in formation, the names of the 10 are called. As each name is sounded, a representative of the company in which that cadet served answers, "Died on the field of honor."

Since 1964, another memorial to the cadets who fought at New Market has been taking shape, a fully-developed park on a part of the field where they joined hardened Confederate veterans in pushing back the Federal attempt to take the Valley.

The 160-acre tract that forms the memorial includes the Bushong House, around which the cadets advanced in moving up to the Confederate front line.

The ground over which the left flank and center of the Confederate line launched its final, successful charge of the afternoon also forms part of the memorial site left to VMI by George R. Collins, a 1911 VMI alumnus who died in 1964, barely a month after the battle's centennial.

In addition to the land, Collins's handwritten will also contained a $3 million bequest to cover the development and maintenance of the land as a memorial park.

The full development is costing approximately $1.25 million, according to James J. Geary, director of the battlefield memorial. Interest from the rest of the fund will be used to maintain the site, he explained.

The primary emphasis in developing the park site was to restore it, as nearly as possible, to the view it would have presented in 1864.

Certain concessions—parking lots, signs, lots, instructional signs, scenic overlooks and graveled walkways—were made for the benefit of visitors.

Others were forced by 20th Century innovations. Interstate route 81 left a pedestrian underpass as the only direct route from the main portion of the tract to about 20 acres on the east side of the highway, and, contrary to the first hopes of park officials, overhead telephone wires could not be buried, though they were moved close to the interstate highway and away from the main portion of the park.

In the absence of a permanent visitors' center, one of the two front rooms in the Bushong House was turned temporarily into a small theater for the showing of a 12-minute prize-winning film that takes the cadets from Lexington through the New Market battle. The other front room became a temporary display room, and the rest of the 19th Century farmhouse was turned into quarters for a caretaker.

With the completion of the new visitors' center, to be officially dedicated at ceremonies at 11 a.m. Thursday, the exhibits and rows of chairs will make way for Civil War period furniture. The exhibits now in the Bushong House will join a host of others in the large display rooms of the new center and the modest drawing room theater will be replaced by a full 120-seat auditorium.

Original plans called for the park, complete with the new visitors' center and museum, to be ready by May, 1967. As it turned out, the opening came about two months late, without the specially built visitors' center.

The decision to open before the center-museum was complete was made, only after much thought, in January, 1967, commented a park official.

On July 1, 1967, when the memorial park first opened to the public, it was complete, even down to four full-size model Civil War cannon. Two of the imitation 19th Century Napoleon 12-pounders were cast of iron, but two others were made of fiberglass from moulds taken from the authentic Civil War field-piece that sits in front of the Harrisonburg municipal building.

The original plans for the park's development will be realized with the finishing of the sprawling visitors' center and museum, which will be named The Hall of Valor.

In addition to the large theater where the 12-minute color film, "New Market—a Field of Honor," will be shown, a second, smaller theater will offer "Stonewall's Valley," a new color film that delves into the personality of the troop commander and traces his 1862 campaign through the Valley.

A room adjacent to the large theater will feature exhibits relating to the Battle of New Market and a large, circular display room is to contain pictures and three-dimensional displays that trace the key movements of the war.

While it aims at nothing less than providing a capsule view of the entire Civil War, the Hall of Valor commemorates the cadets' participation in the 1864 battle here. "Through honoring them," Geary explained, "the museum will pay tribute to the role of youthful valor on both sides of the Civil War and in all the nation's other conflicts."

As it has taken shape over the past year, the museum-center represents the fourth design developed by architects for the memorial. The first three submitted, though approved by the VMI Board of Visitors, were turned down by the State Art Comission. At least two were formally rejected.

Two of the rejected designs called for a large, basically square building. A third was roughly circular in shape. All three designs were for clean-line, architecturally modern buildings.

Now a bright orange, the steel sheeting and structural members that form the walls and braces of the core will turn dark in a rusting process that will provide a maintenance-free surface as natural oxidation progresses.

Like the crater of a volcano, the ribbed core stands slightly above the surrounding hills.

Similarly, like the eruption of a new volcano, slow but sure and deadly, Union and Confederate troops converged on the town in 1864, almost casually at first, but fiercely and decisively as the muddy Sunday in May wore on.

For most historians, the struggle waged here between almost 4,500 Confederates and 6,500 Union soldiers is only a footnote to the Wilderness Campaign.

That the battle was fought in New Market was basically an accident. Neither Maj. Gen. Sigel, commander of the Union forces, nor Maj. Gen. Breckinridge, the Confederate commander, chose this town more than hours before the battle as a place to fight.

The forces that met here had to clash. Sigel had been sent south by Gen. Grant to cut the supply line formed by the Central Railway connection in Staunton. Eventually, he would link forces with the 10,000 troops under Brig. Gen. George Crook, who was advancing into Southwest Virginia.

If the forces that met here were destined to meet, they could have as logically fought the battle for the Valley at a number of different locations between Staunton and Mt. Jackson.

Pausing in Staunton on May 10 for two days, Breckinridge considered waiting near there for Sigel to bring his troops south, down the Pike. Again, after moving through Augusta and Rockingham counties, the Confederate commander again waited for Sigel, trying to lure him beyond New Market.

For Breckinridge, commander of the smaller of the two forces, luring Sigel's force into battle against prepared positions on prechosen ground would have been sound; it would have helped offset the numerical advantage that belonged to Sigel.

For a different reason, Sigel was also playing a waiting game.

When his army left Winchester on May 1, no sizable Confederate force stood in his way. The only relatively large mass of troops were 1,600 cavalry and mounted infantry, commanded by Brig. Gen. John D. Imboden.

Moving rapidly, Imboden's men chopped up flanking forces numbering 500 and 300 that Sigel had sent to the east and west to cover his advance. Imboden struck at the front of Sigel's force as it moved into Woodstock, and through the rest of Sigel's march, Imboden's troops continued the harassment of the larger federal force.

At Woodstock, Sigel got a break. He captured the Confederate telegraph station there and, with it, the news that Breckinridge was moving north to oppose him. His reaction to the news set a pattern that ultimately cost him the campaign. He sent out a heavy advance force, splitting the troops he had. The advance force would remain ahead of his main body throughout the campaign, and fresh Union troops would be marching from Mt. Jackson into New Market even as the battle on May 15 was drawing to a close.

On the 14th, as Breckinridge hoped to draw Sigel south beyond New Market, Sigel hoped Breckinridge would come further north and fight near Mt. Jackson.

The compromise was a bold one for the Confederate commander. All of the heavy fighting occurred north of New Market. Breckinridge threw nearly all of his available troops into what became a single front line as the afternoon wore on. After one uncoordinated attempt at assaulting Sigel's line and a Union counterattack that failed to break the Confederate line, a final, concerted Confederate attack cracked the Federal position in the late afternoon, and Sigel began a retreat that ended when he recrossed the Shenandoah River and destroyed the bridge behind him.

If it could have been fought as well elsewhere, the battle could also have been forgotten as easily as larger, more impressive battles have been.

Local people have remembered. It was their fight. Some of their ancestors took part in it, others watched. When it was over, they dealt with the wounded.

Of the town's residents, one contemporary newspaper account commented: "A better people . . . does not live. The ladies stood in the doors of their dwellings with refreshments for the wounded and hungry soldiers as they came from the battlefield, and some of them assisted in dressing and binding up the wounds of the poor fellows . . . Private parlors were cheerfully given up to the wounded."

To honor those who fought for the Confederacy, New Market ladies in 1867 organized the "Women's Memorial Society of the Lost Cause." They chose the date of the battle as their Memorial Day.

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WOODSON'S RALLY: IT MARKS THE SPOT WHERE HEROES FELL

NEW MARKET.—At a quick glance, the monument to "Woodson's Heroes" at the northeast corner of the Bushong House yard seems like little more than a boundary marker.

A small piece of granite atop a low cairn of cemented gray fieldstone, it manages in four lines of simple poetry to tell the story of the unit that probably had the highest percentage of casualties of any fought in the battle of New Market.

The inscription on the stone reads:

> This rustic pile
> The simple tale will tell:
> It marks the spot
> Where Woodson's Heroes fell.

The stone, placed on the battlefield in 1905 by two men who had been members of the company when the battle was fought, James H. Dwyer and W. R. Fallis, comes close to telling the historical truth.

"Six dead, 54 wounded, and five fit for duty," reported the company's acting adjutant on the morning after the battle. The small unit attached to the 62nd Virginia regiment during the battle had come a long way to fight an old enemy.

A number of the men in the unit had faced troops commanded by Franz Sigel, the Union commander at New Market, in battles fought earlier, in the west.

On May 15, 1864, after having been captured and then exchanged for captured Union troops, the Missourians again found themselves fighting Sigel and from one of the hottest parts of the Confederate front line.

If the company of Missourians stayed with the 62nd through the entire battle, they moved up in the first abortive attack on the Federal line early in the afternoon.

It was during that attack, according to George H. Smith, that the 62nd lost probably more than four-fifths of the 241 men killed and wounded during the day's fighting—nearly half the unit's strength when the battle began.

It was after the 62nd withdrew to reform and wait for other Confederate units to come up on its flanks that most of the Missouri unit's casualties were sustained, according to James H. Dwyer, in a letter published in a 1910 issue of the "Shenandoah Valley."

"The federals ran a four-gun battery forward and over, enfilading the 62," Dwyer noted, and Woodson's company moved forward to the point where the marker is located.

"From that point," his letter states, the Missourians "shot the gunners from their pieces so as to almost silence the battery. This was, however, at the loss of almost all of their men."

Dwyer, wounded in the battle, married Ada Sprinkle "who had cared for him when wounded," stated an article in the May 25, 1905 issue of the "Shenandoah Valley."

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## EFFORT TO ELIMINATE WATER, AIR, AND ODOR POLLUTION

### HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. DON H. CLAUSEN. Mr. Speaker, one of this Nation's foremost manufacturers of paper and paper products yesterday made an announcement that I feel should be brought to the attention of every Member of the Congress who is concerned with the quality of the environment.

President Edward B. Hinman of the International Paper Co., announced at the annual stockholders' meeting that his company will spend $101 million over the next 4 years in an effort to completely eliminate water, air, and odor pollution.

I would like to take this opportunity to congratulate Mr. Hinman and his company for their very graphic and positive demonstration of genuine concern for the environment.

I urge my colleagues to take the time to read of this tremendous effort by a segment of private enterprise to deal with one of the most pressing problems facing our Nation.

The announcement referred to follows:

INTERNATIONAL PAPER COMPANY ANNOUNCEMENT

(By Edward B. Hinman)

NEW YORK.—International Paper Company will spend $101 million over the next four years to complete its program to control air and water pollution at all of the company's U.S. mills and plants. Edward B. Hinman, President and Chief Executive Officer, announced today at the annual meeting of shareholders here.

The company-wide program will provide every operating mill with primary and secondary waste water treatment systems, utilize the latest technology to remove from the air over 99% of all particulate matter coming from its pulp and paper mills, and adapt new technical developments to control mill odors.

Mr. Hinman pointed out that in the last five years alone the company has spent more than $23 million at existing mills and plants on facilities designed solely to improve water and air conditions. Many other capital investments for projects other than those specifically for pollution control have had related beneficial impact on environmental conditions, he added.

One such program, for example, involves the construction of a $76 million pulp and paper mill in Ticonderoga, New York, to replace an old mill there.

The new Ticonderoga mill will include the most modern water and air treatment facilities ever installed in North America. Purified water from the treatment system will be diffused in Lake Champlain in such a way that the biological and esthetic values will not be altered. The mill is also expected to be virtually odor-free. The old Ticonderoga pulp mill will be shut down by the end of 1970 as the new mill starts up. Remaining operations at the old mill will be phased out late in 1971.

The company said that by 1974, highly efficient water treatment systems will be installed at all of the company's operating pulp and paper mills in the United States. These treatment systems will remove all settleable solids from waste water and enable the company to meet standards for biological oxygen demand. Water so treated does not adversely affect the complicated life chain in natural waters from bacteria to plankton to plants and fish life.

The company reported that projects totaling $33 million of the $101 million program have actually started. As a result of programs conducted in past years, I–P now has primary water treatment at 12 of its 18 mills and some form of secondary treatment at 6 mills. Projects now under way include secondary treatment systems to be installed at I–P mills in Georgetown, South Carolina; Panama City, Florida; Mobile, Alabama; Moss Point, Mississippi; Corinth, New York; and Jay, Maine. A secondary water treatment system has just been completed at the company's mill in Pine Bluff, Arkansas.

Programs related to air improvement to be started this year will involve mills at Natchez, Mississippi; Tonawanda, New York; Panama City, Mobile, Georgetown, and Jay.

Between 1971 and 1974 similar water and air treatment will be installed or modernized at the other operating mills of the company in the United States. Of the $101 million program announced today the company expects that a total of $45 million will have been invested in water treatment systems and that an additional $56 million will have been invested in applying the latest technological developments to the control of all emissions to the air, including the pungent odor characteristic of kraft paper mills.

Mr. Hinman told shareholders today, "All of these activities are part of your company's commitment to a cleaner, better America. Our program is not designed merely to meet the requirements of existing legislation—this is a program to do what is right as industrial citizens in our communities and our nation—in keeping with our stated policy. We believe that we can complete this program for a better environment without interrupting our planned growth or adversely affecting achievement of our profit objectives."

In discussing I–P's programs in support of the national search for a quality environment, Mr. Hinman also noted that the company was deeply involved in environment and ecology in its role as owner and manager of millions of acres of timberland.

He said that the company has a staff of professional foresters who are trained ecologists and conservationists.

"Good forest management, which is their job, is good environmental practice", Mr. Hinman said. "Well managed tree farms, in addition to producing the continuous crops of trees essential to our business, provide many environmental benefits as well. Under our programs of multiple use many of the benefits of the managed forest are available to be shared by the public."

Among these benefits he listed are: the role of the forest in preventing erosion, collecting rainfall for later release as pure water into streams and lakes; the food and shelter provided by young, growing forests for wildlife; the road systems built and maintained by the company, which provide forest access for recreationists as well as protection against forest fires; the natural beauty of the company's widespread forest areas, and the lesser known function of a forest in its normal growth process of absorbing carbon dioxide from the air and releasing oxygen.

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## CHICAGO'S NOISE ORDINANCE

### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. PUCINSKI. Mr. Speaker, today, our modern environment is being drowned deaf in a sea of noise. The constant din of noise pollution that surrounds us is frazzling our nerves and endangering our health and the situation is getting worse.

My own city of Chicago has responded to the urgent need to control noise pollution, by enacting a noise and vibration control ordinance. Chicago is one of the leaders in applying modern scientific

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technology to this problem as well as providing rigid enforcement procedures. I recently inserted in the Congressional Record remarks made by the distinguished participants at the Chicago Hearing Society's Symposium on Environmental Noise. I am including in the Record today, remarks delivered at the same conference by H. W. Poston, the Commissioner of Chicago's Department of Environmental Control:

### Chicago's Noise Ordinance: The Environmental Control Department's Responsibility

(By H. W. Poston)

There are 2.5 billion tons of raw materials used each year to produce the goods consumed by the people of this country. This amounts to 13 tons per capita per year. As these materials are put into use and enter a state of obsolescence, they in turn are disposed of either into the air, the land, or the water.

Also, in the cycling process, the transportation, manufacturing, use and disposal of these products create noise. And it is the problems of noise and waste disposal that concerns the Chicago Department of Environmental Control.

In this presentation, the Chicago Noise and Vibration Control Ordinance is examined and discussed as it applies to the abatement and control of noise pollution. Pointed up are some of the obstacles preventing rigid enforcement not only of the Chicago Noise Ordinance, but similar ordinances in other cities throughout the nation. Recommendations are made for studies needed in specific areas to determine the noise profile of Chicago. Such a study would be designed to be applicable to the noise problem in any similar metropolitan area.

This presentation will conclude with a summary of the activities comprising the noise abatement program of the Chicago Department of Environmental Control.

Historically, control of noise has been the direct province of the public nuisance statute or ordinance. Action was taken to restrain or seek damages from the offending source. There was zoning to restrict land by area to some form of residential, commercial or industrial use.

Chicago was one of the first cities to apply scientific advances in noise measurement to land use zoning ordinances. Maximum noise limits in decibels at each octave band have been established for residential and business districts that border each of the three types of manufacturing zones.

Chicago's Noise and Vibration Control Ordinance covers eight types of noise and defines their limitations by time and distance:

(1) Vocal and musical instruments, both private and commercial.

(2) Steam whistles.

(3) Factories using pneumatic hammers.

(4) Mechanical apparatus in building or construction operations.

(5) Boisterous behavior that disturbs the peace.

(6) Transportation and loading of metal.

(7) Motors on vehicles in excess of five tons.

(8) Vibration-producing equipment.

According to the ordinance, persons violating any of the provisions shall be fined not less than five dollars and not more than 200 dollars for each offense.

Chicago's Noise Ordinance, which is rather typical of the other large metropolitan ordinances, does not cover the following:

(1) Transportation sources such as aircraft, elevated and subway trains, trucks in non-residential areas, and private automobiles; (2) Stationary sources such as demolition and construction activities; garbage and refuse collection; home appliances and power tools; background noise in office, plant and recreational settings.

The phenomenal rise in the number of these sources, their extension in our daily lives, and the fact that most ordinances of large cities do not deal with these sources, account for much of the frustration that exists over the noise problem. In the past, Chicago noise complaints have been investigated by the Department of Buildings, and recorded by the Zoning Bureau along with other zoning violations. Surprisingly, the number of complaints over the past several years has been minimal—usually during the the summer months when doors and windows are open.

Nearly all have been from residential areas that border on industrial zones. The offenders have been cooperative in remedying the situations, and most of the problems were minimized by simple techniques, such as the use of shields, partitions, baffles, mufflers, or simple rearrangement of the sound source.

There is some indication that the rate of complaints is picking up. Since the first of the year, the Environmental Control Department has already received a dozen or more complaints. These were about exhaust fans, garbage and refuse collection, outdoor scrap metal loading, punch press operations, and the elevated trains. These complaints are currently under investigation and remedial action.

Obviously, these few complaints do not reflect the extent of the noise problem in Chicago. A Northeastern Illinois Planning Commission Study of aircraft noise showed that between 1963 and 1969 the Federal Aviation Administration Community Relations Division and O'Hare Control Tower received a total of 656 complaints from surrounding communities.

Within Chicago, I am sure that additional complaints are registered with other agencies, such as the Police Department. The Department of Environmental Control expect an increase in the number of complaints as word of its newly assumed responsibility reaches the public.

In planning a noise control and abatement program, we are faced with a number of problems. First of all, we lack recent information on the true nature of Chicago's noise, its characteristics, its sources, how it is perceived and what effects it may have—both physically and psychologically. Most of the information on noise effects is from industrial studies, and is inadequate for designing community noise abatement programs.

The noises in mechanized industries—as a group—have higher, more intense levels than those found in the residential community. Furthermore, these higher levels of industrial noise typically provide daily continuous or recurrent types of exposure which can last for a worker's lifetime on the job. In contrast, the more significant community and home noises are usually intermittent and infrequent in their occurrence. Nonetheless, noises found in the community and home can reach levels comparable in some instances to those found in industrial workplaces. Indeed, rock-n-roll music enthusiasts and residents living under the flight path of a nearby airport can experience the same sound levels as those noted for the noisiest pieces of industrial equipment.

The initial step in a comprehensive community noise control program is to determine the extent and nature of the problem. For immediate purposes, a more detailed study of noise must be done. Such a survey would include a description by zones, block areas, census tracts or other geographical boundaries, of the acoustical character of noise, namely, spectral distribution, duration, complexity of tones, onset duration, intensities, occurrence rates during day and night, and background levels. The contribution of all these factors, both singularly and in combinations, must be ascertained.

The last attempt to define Chicago's noise problem was a study made in 1947 by the Armour Research Foundation. This survey only covered three areas: *traffic noise, noise in the vicinity of industrial plants* and *residential area noise*. The results of this study were used to establish a basis for "tolerable levels" and for ordinances dealing with noise abatement. Since 1947, however, changes have occurred in the City of Chicago which have drastically changed noise exposures. Some of these changes include:

(1) The elimination of street cars and replacement with buses on city streets.

(2) The establishment of a subway system in the city.

(3) The building of expressways coupled with the handling of large numbers of vehicles on the city streets.

(4) The changeover from propeller driven to jet aircraft, a greatly increased number of flights and the establishment of O'Hare Airport.

(5) The increase in use of power tools and equipment by the "householder."

Because of these changes, a new survey is needed to determine the noise profile of Chicago. Hopefully, such a survey will measure the following:

(1) The noise exposure of passengers using all forms of mass transportation, including buses, "L", subway trains and railroads.

(2) The overall contribution of transportation system noise to surrounding residential, commercial and industrial properties.

(3) The contribution of noise from construction work.

(4) The noise contribution of industrial and commercial properties to surrounding residential areas.

(5) Noise levels in areas where people spend leisure time, including shopping centers, sporting events, entertainment, and recreational areas.

(6) Noise produced by citizens themselves; including various types of power equipment, such as mowers.

(7) Noise exposures resulting from appliances and other sources within the home.

Extensive data on the characteristics of noise, however, will not be sufficient to determine the acceptance or tolerance of these sounds. Psycho-social factors play just as important a role in the evaluation of a noise problem. The fact that a sound can, simultaneously be noisy yet acceptable tells us that at least two different dimensions must be used to analyze noise. Responses to noise may be governed by the following factors: (1) the average noise level, (2) the degree of fluctuation in sound level, (3) expectation or anticipation of the sound, (4) necessity of the source of sound, (5) the amount of pure tones present, (6) background levels, (7) randomness in time, impulsiveness and acceptance by peer groups, (8) the degree of speech interference, apprehension, and unpleasant associative imagery, such as visual cues or odors.

None of these factors, except the impulsive sounds and the pure tone, have been included in any of the ordinances governing community noise for there is no way as yet to account for them in quantitative terms. However, these factors are important in real-life community situations. And in many cases, they govern the acceptability of the noise source in the community.

The results of the Northeastern Illinois Planning Commission's analysis of the noise complaints around O'Hara airport and other studies conducted in 1968, give support to the idea that these non-quantifiable factors are important. The proximity of aircraft take-offs and landings causes large, noticeable changes in level, raises the speech interference level to unacceptable levels, introduces pure tones, is often random, is a single readily identifiable source, carries with it unpleasant associations, and often creates apprehension.

From these studies, however, there appear to be some guidelines for the community. In general, a new noise or an intermittent noise that is about twice as loud as the existing

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background noise, will generate widespread complaints in most neighborhoods. When the intruding noise becomes three to four times as loud as the background noise, there is little doubt that threats of legal action or actual legal measures will follow. There can be exceptions. Where the new noise is similar to the existing community noise and creeps up slowly, the change will go unnoticed. How do we know? Well, this is just what happens between 2:00 a.m. and 9:00 a.m. There is usually a doubling of the continuous noise, and transient noises rise often to four to six times that of the early morning quiet.

This leads to the question of how much leadway we can give to community noise. If we prepare regulations for community noise and allow industry and air-conditioning noise to be about equal to the present neighborhood background, then the sum of all of the new noises will be three to five decibels greater than it was. As soon as we are all acclimated to this noise level, a new noise survey will show that we can increase the level a bit because no one will notice a small increase. This has been called the "creeping ambient." There is one immediate roadblock to an ever-increasing spiral. The community will react as soon as the continuous noise in the community begins to interfere with speech communications in the residential neighborhoods.

Another part of the overall noise control and abatement program for Chicago should be to revise and update the city noise ordinance in light of the knowledge gained from the studies on community noise profiles, effects and public response. Some types of noise not covered by the ordinance have already been discussed. Undoubtedly, these gaps will be filled.

Enforcement of the ordinances will be another problem. Sound cannot be separated from environment in that sound intensity is a function of distance, and a decibel is a limited standard measurement, that is, it measures the intensity but not acceptability of sound. A new system of complaint investigation and enforcement will have to be developed before adequate controls can be realized. Other cities which have tried to initiate noise control, based on traditional concepts of ordinances and measurements, have begun to realize that a new system is necessary.

For example, New York State in July, 1965, became the first in the United States to enact a highway anti-noise statute. The New York State law defines a measurable noise limit which can be enforced against motor vehicles creating excessive or unusual noise. On the books, this law looks fine. But field enforcement is difficult in noisy areas and the New York statute can be enforced only in areas near toll stations where traffic is moving slowly and trucks are at a proper distance from each other. During the first year, only about 15 truck drivers were arrested. Some reduction in extremely noisy trucks has been achieved, but the improvement is barely noticeable since the volume of traffic has increased.

Most states have motor vehicle statutes or codes requiring mufflers on automobiles and trucks to prevent excessive or unusual noise. These statutes, many times fail to spell out *quantitative measures in decibels* at which violations would occur. Thus, the statutes are for the most part extremely difficult to enforce and are, therefore, not rigidly carried out.

California recently adopted comprehensive highway anti-noise legislation that would prohibit noise levels in excess of 82 decibels for passenger cars and 92 decibels for trucks and buses. This state is taking somewhat of a different approach to enforcement. In Beverly Hills, for example, police base arrests on their own sense of hearing, but a test in an open field is available if questions are raised.

Another goal for the Department of Environmental Control, not only in terms of a noise program, but for all environmental problems, is the strengthening of communication and cooperation between other municipal agencies, as well as private and governmental agencies at the local, state and federal levels. Practically every City Department has some interest and responsibility in the control of noise. Indeed, the cooperation of all parties concerned is a necessary step in achieving control over a problem as diffuse in origin as noise.

To set an example for others to follow, the City of Chicago can do a great deal to alleviate noise generated by municipal operations. Uniform city codes should be enacted concerning the requirements, construction and maintenance of housing, and the problem of elimination of airborne construction noises.

Planning and new concepts in elimination of noise by design is another area where the Department of Environmental Control can become involved. We look forward to continuous cooperation with the Department of Urban Renewal, Model Cities, and the Northeastern Illinois Planning Commission in providing adequate noise control in areas designated for development and improvement.

We must not forget that we are treading on new ground as we develop noise control programs. There is a paucity of information about how to plan and about the effects of contemporary episodic and ambient noise levels on people. Essentially all of the current literature in the practice of urban planning is silent on the subject of noise. A few texts make polite passing reference to the growing presence of noise in cities, but fall back on citations of typical zoning and nuisance controls which have long since been outrun by the noise of newer technology. Accordingly, city planners and cities themselves have at best a limited perspective on the problem of environmental noise and means to respond to public pleas for greater peace and quiet.

Machinery now exists in many metropolitan areas for applying more enlightened planning. Pursuant to Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, all applications for Federal assistance for many projects of a metropolitan scale, including highways, airports, mass transportation facilities, open-space acquisition, and land conservation, must be submitted to a metropolitan or regional agency for review. Such agencies are now in existence in more than 200 metropolitan areas, and several are experienced in applying noise projection technology in the development or urban planning policy. We hope to learn a great deal from these agencies.

Federal law authorizes the Department of Housing and Urban Development to make grants "in order to assist State and local governments in solving planning problems resulting from the increasing concentration of population in metropolitan and other urban areas . . . ." Noise is one of the problems that would be covered under this law, and we shall try to take advantage of the grant program, while developing an effective noise control program.

Another area in which the Department of Environmental Control is concerned is research on the effects of noise. A number of research efforts are now underway in Chicago and we are presently trying to collect the information generated by these projects. Based on the data (or lack of data) provided by current research, the next step would be to develop additional projects in cooperation with other agencies, such as the Board of Health, and organizations, such as the Chicago Hearing Society.

And finally, a public education and information program must be devised to inform the community of the hazards of noise, and the ways of preventing, avoiding, controlling the source of the problem.

In summary, then, the seven following activities will comprise the Enivronmental Control Department's Noise Control and Abatement Program:

(1) Definition of the noise problem by survey of its sources and effects.

(2) Establishment of an efficient complaint and investigation system.

(3) Promotion of new legislation and revision of the noise ordinance.

(4) Development of new enforcement procedures.

(5) Cooperation and communication with all relevant governmental agencies and private organizations in planning a noise program.

(6) Design of research projects, and

(7) Implementation of a public education and information campaign.

In conclusion, I assure you that the members of the Department of Environmental Control are aware of the urgency to improve environmental conditions and will intensify their efforts to enforce and control pollution in the city for the welfare of four million Chicagoans. Your help is needed to accomplish this goal.

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## SONS OF NORWAY

## HON. JOHN J. ROONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ROONEY of New York. Mr. Speaker, upon reading the April 23, 1970, issue of the Nordisk Tidende, I was very much impressed with a front page story by Arnold Folkvard entitled "From a Humble Start Sons of Norway Became Nationwide."

Under the permission, heretofore granted me by unanimous consent, I am pleased to share this interesting article with my colleagues:

### FROM A HUMBLE START SONS OF NORWAY BECAME NATIONWIDE

(By Arnold Folkvard)

"75 years ago on January 16, 1895, eighteen young Norwegians met in a vacant store on the North side of Minneapolis and organised Sons of Norway.

If these 18 men could but see what their organization has grown to become! I know they could be proud indeed but I am equally as certain that they would be full of disbelief that their small group could have grown to such proportions.

The original purpose of these 18 young men was basically simple—

To create and preserve interest in the Norwegian language and to labor for the development, enlightenment and progress that conduces to honest citizenship in order that the Norwegian people in this country may be properly recognized and respected, and since it was a time of depression, to render each other assistance when the need arose.

They had no intention of forming an international or even nationwide organization. Their aim was to fill an immediate want and to confine their activities to their own locality.

So thoroughly did the young society Sons of Norway do its job that it soon attracted attention among compatriots in other parts of Minneapolis and eventually the country.

After three years, in 1898, the second link was formed in the fraternal chain and then a third link formed in 1900. That same year, delegates from the three lodges instituted a Supreme Lodge and Sons of Norway was truly underway.

By 1903 twenty lodges were established, all in Minnesota. This same year the Supreme convention decided to make the entire United States its field of operation, and permission was granted to sell insurance and organize lodges in North Dakota and Wisconsin.

At this time an organization with similar aims and purposes was formed on the West Coast and it was inevitable that consolidation would eventually take place. After years of correspondence and mutual visitations and consolidation of the Midwest and Pacific Coast orders was consummated in 1910.

In the meantime 1909 saw the first lodge organized in Chicago, followed closely by the first East Coast lodge, organized in Brooklyn on January 6, 1911. This was Faerder Lodge No. 109, still very active with its over 600 members.

In August 1912, District Lodge No. 3 came into being, and that same year women were admitted into Sons of Norway as social members, and a wise move it was for what would Sons of Norway be without the ladies?

The growth of Sons of Norway is a story in itself.

From a membership of 18 in 1895 we are now approximately 55,000 strong. The amazing part of the story is that while many organizations of similar nature have in the last 10 to 15 years diminished in strength or have completely collapsed, ours, the Sons of Norway is having its finest period of growth.

I normally avoid statistics for they can be most dull, but just to demonstrate the tremendous growth of our order, I cite the following comparisons:

In 1895 we had 18 members and I'm in doubt as to the amount of insurance in force but it must have been insignificant.

43 years later, in 1938, we had 22,000 members and 10½ million dollars insurance in force.

At year 1969 we have approximately 55,000 members and 75 millions insurance in force.

In 5 years time (1965 through 1969) an increase in membership of some 57% and an increase of insurance in force of over 100%. This is a tremendous achievement.

WHAT IS THE FUTURE OF SONS OF NORWAY?

This of course is an unknown, but we can only assume that the fantastic strides we have made over the past 5 or 10 years are only a beginning. We have, I am convinced, only scratched the surface. Certainly changes will have to be made, changes in organization, changes in thinking. . . .

Some we can foresee and I'm sure many that we are unable to visualize at this time.

With immigration at a virtual standstill, we must depend more and more upon 2d, 3d and even 4th generation Norwegians to help fill our ranks. We may be forced in the future to liberalize our requirements for membership by Non-Norwegians.

We must make a concerted effort to entice our children and indeed our grandchildren into the Sons of Norway. However, to do this and not change some of our thinking would be foolish, for their interest would soon be lost. Many of our lodges will have to streamline the business portion of our meetings so these will be enjoyable rather than tiring. I know that few, if any of today's youth will put up with business meetings of three hours duration, and this still occurs in all too many lodges.

We must adjust our social activities to be of interest to the younger members. I don't imply that we should cater to their every whim but, we must recognize that their tastes are not necessarily the same as ours and without the youth our future would not be too bright.

We must convince our members, particularly the younger ones, to take active part in our lodge activities, serving as officers, serving on the various committees.

We must develop programs of interest in our social activities and our cultural endeavors. We must encourage building programs for one of the best ways to create enthusiasm within a group is to give them something worthwhile to work for.

Let us promote charitable projects within our communities for this will benefit our image in the community at large and attract the attention of other Norwegians and bring them into our fold.

Let us support our Benevolent programs for regardless of the society in which we live with social security, hospitalization plans, medical and surgical insurance, Medicare, etc., we are a fraternal group and to a great degree, "our brothers keeper".

The future of Sons of Norway is bright indeed. With progressive thinking on the Supreme, District and Local lodge levels we are bound to progress. The future of Sons of Norway is up to US.

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## ANNUAL PROGRESS REPORT TO CONSTITUENTS

## HON. DONALD W. RIEGLE, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. RIEGLE. Mr. Speaker, when I was first elected to the Congress, I pledged to my constituents in the Seventh District of Michigan that I would send back to them annual reports on the activities of the Congress. Such a report would give these citizens the opportunity to review the efforts of their Congressman over a 12-month period.

I have just completed the annual progress report, part I for 1969–70, and will soon be mailing it to every person in the Seventh District of Michigan. The text of this annual report follows:

YOUR ANNUAL PROGRESS REPORT FROM CONGRESSMAN DON RIEGLE, 1969–70—PART I

DEAR FRIEND: This last year—early 1969 through early 1970—has seen a new testing period for our country, our institutions, our political system, and ourselves. The old comfortable view that problems are separate from each other and belong to someone else—just doesn't work any longer. This old compartmentalized view has given way to a new sense that all problems and all people are interrelated and interdependent.

In the past, we looked at poverty, schools, jobs, pollution, transportation, crime, etc., as problems which just affected some of the people some of the time. Now we see and we feel issues that cut all across society—the war, the uncontrolled cost of living, our educational system in turmoil, public disorder, loss of confidence in our institutions, enlarging gaps between young and old, destruction of our environment, and so on. We now see that these are all connected and affect all the people all the time.

So I want to give you an in-depth summary of our work in Congress this past year—what we have done and what we're doing now. This report will cover many subjects and so will come in two separate newsletters—this one and a second one to follow in a few weeks. As always, this job in Congress belongs to all of us and I need your ideas and thoughts.

DON RIEGLE.

REFORMING CONGRESS—A PRIME TARGET FOR OVERHAUL

*The problem.*—The Congress today, for many reasons, is not up to the job required of it. It is out-dated, inefficient and not responsive to the urgent realities we face as a nation. Congress has moved too slowly, avoided many issues, rammed other measures through without study or meaningful debate, and continues to have ethics scandals. The great issues of our time go begging for attention while Congress often bogs down in nit-picking.

At the root of this crisis are outdated rules, procedures and organizational methods designed 200 years ago. Congress is badly handicapped by the seniority system which automatically makes the oldest surviving member of a committee the chairman. Thus, today in the House we have seven committee chairman in their seventies and two in their eighties. Some are unable to work a full day—and use work methods that are hopelessly inefficient and out of date. Common sense tells us that the best man on the committee should be the chairman—whether he's 75, or 55 or 35. If a man at age 52 is the best equipped to become the committee chairman he shouldn't have to wait 25 years until he's 77 and his older colleagues have died to become committee chairman.

Also, Congress—the people's branch of government—has surrendered too much power to the executive branch and the Supreme Court. Worst of all, Congress is continuing to lose the confidence of a concerned and well-informed public. Because of this more and more people—particularly the young—are looking "outside the system" for answers. Congress must overhaul itself and come into the 20th century.

*Our action this year*

Working in the forefront of the drive for Congressional Reform;

Testified before the House Rules Committee urging strong reform;

Continuous discussion to get grassroots citizens to join the fight;

Travel throughout the country to urge new people to run for public office—in both political parties; and

Speaking out strongly on the issues to reassert the independent voice of the Congress.

*Part of the answer*

Change the seniority system—while experience is important, so is leadership based on ability, energy, performance, determination to do the job. We should elect committee chairmen.

Open all hearings and congressional work to public review—*except* where national security and personal privacy must be maintained.

Establish an on-going mechanism for reform—a bipartisan committee that recommends new methods and improvements.

Provide more resources for Congress to do its job—staff, information, computer analysis, etc.

Reach new and better decisions on National priorities and goals.

*You can help.*—Congressional reform can move ahead but only if enough citizens want it and speak out. You can help—by writing a letter to Speaker John McCormack, Minority Leader Gerald Ford, or Chairman of the House Rules Committee, William Colmer—Capitol, Washington, D.C. These gentlemen are in the position to help change the rules and make Congress more effective.

TASK FORCE ON CAMPUS DISORDERS

Last year, Congressman Riegle and five others organized 22 House members to visit college campuses and investigate the problems and causes of campus disorder. They felt that unrest and violence were disrupting our educational system and that we did not

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clearly enough understand the nature of this turmoil and alienation among young people.

Congressman Riegle headed one of six teams that visited colleges in California. Congressman Riegle was an eye-witness when bayonets and helicopters spraying tear gas were used against student demonstrators. The California team talked privately with students, faculty, administrators, and local public and law enforcement officials.

Major conclusions and recommendations included:

There are some campus revolutionaries that advocate and use violence. They must be apprehended and held accountable under the law. The greater problem however is the non-violent vast majority of students who are seriously concerned over the difference between the promise and the performance of today's American system—educational, business, political, etc. to reach these legitimate student concerns we must deal more directly with the war, equality of opportunity, and other issues which are hurting the country.

There is great need for real educational reform to make learning more relevant to the issues and needs of a rapidly changing world.

Violence and violation of rights of others cannot be a legitimate form of protest. At the same time, university officials and law enforcement officials must be far more sensitive to the conditions which breed lack of trust and, ultimately, violence. Ignoring explosive problems or repressive measures which treat innocent and guilty alike can force the majority of students into greater alienation.

The media and politicians have often made the campus unrest problem worse by distorting and polarizing public understanding of our universities and students.

Reform the draft (this has now begun)—in part due to the action of this Task Force.

Lower the voting age—we are now fighting for this and other methods of providing young people greater opportunities to work within the system.

We would be happy to mail you a copy of the full report if you write to our Flint or Washington office.

### UPGRADING SOCIAL SECURITY

In recent months, I met with many hundreds of our senior citizens and received thousands of letters and calls from others. The message was loud and clear—our senior citizens just cannot live a secure, safe, and full life on the present social security payment—especially when the cost of living continues to eat up their limited income.

After much delay in Congress, I am pleased to report that we were able to fight for—and win a 15% across the board increase—effective January 1, 1970. But this is not enough, other changes are still needed. I will continue to fight for these changes and have introduced legislation which would:

Provide automatic future increases based on increases in the cost of living;

Increase the income limitation ceiling to $3,000;

Make the first $5,000 in income exempt from all Federal taxes;

Make eligible for Medicare those disabled senior citizens now receiving social security;

Increase benefits for widows and dependents; and

Protect VA pensions from social security increases.

### NEW STUDENT INTERN PROGRAM

During the year over 40 college and high school students from Michigan and other parts of the country have worked on public projects and studies through our Washington and Flint offices—such things as:

Flint Model Cities Program and investigation of local urban renewal;

Problems facing senior citizens;

Drug abuse among young people;

Stopping the pollution of Lake Michigan and Potomac River; and

Cost of living in Michigan and auto industry employment

These students *work full time at their own expense* for three weeks to three months each.

"These young people make an excellent contribution to public problem solving and we will continue our intern program at full capacity this year. Most young people today are willing to work hard to try to improve things constructively by investing their own time and energy. Our Congressional office will continue to be open to any volunteer, of all ages."

### SPECIAL CASE—A VETERANS HOSPITAL

At the request of members of the Buick UAW Local 599 last year, Congressman Riegle was asked to investigate alleged unsatisfactory conditions at the Ann Arbor Vets Hospital. Mr. Riegle's office made an unannounced tour which found many unsatisfactory conditions and determined that the situation at the hospital needed urgent attention and improvement. Congressman Riegle made a report to the Chief Medical Director of the Veterans' Administration in Washington requesting that an official inspection team be sent—unannounced—to evaluate the hospital and its services. As a result, the VA sent Congressman Riegle a list of significant changes and improvements which would be made. Because a group of local citizens cared enough to petition their Congressman, that hospital is now updating and improving its facilities. And of course we are continuing to watch the condition there—so the old problems don't return.

### RIEGLE BILLS INTRODUCED

Tax reform and plugging tax loopholes.

Increasing social security benefits.

Resolution calling for humane treatment of U.S. prisoners of war.

Reform of the Congress.

Study of effects of TV violence on children.

Safeguards and restrictions against obscene mail.

Resolution supporting the President's Vietnamization program and U.S. troop withdrawal.

Termination of Gulf of Tonkin war-making authority as of December 1970.

Tax credits to train and employ the handicapped.

National emergency telephone number for citizens reporting crimes.

### RIEGLE VOTES IN CONGRESS

*Issue, Riegle vote, House vote*

Full funding for water pollution control: Yes—Defeated.

President Nixon's draft reform bill: Yes—Passed.

Increased funding for education: Yes—Passed.

Reduce farm subsidies to max $20,000 per farmer: Yes—Defeated.

Tax reform: Yes—Passed.

Special education programs on drugs and drug abuse: Yes—Passed.

Extend the 10% income surtax: No—Passed.

Mine safety regulations: Yes—Passed.

Extra $1 billion for unbudgeted battleships: No—Passed.

$96 million for supersonic transport plane: No—Passed.

Direct election of the President: Yes—Passed.

Establish Council on the Environment: Yes—Passed.

Funds for ABM deployment: No—Passed.

Increase G.I. education and Vet benefits: Yes—Passed.

Reduce voting rights enforcement in South: No—Passed.

Increase social security benefits: Yes—Passed.

Sustain President's veto of the HEW bill: Yes—Passsed.

Commission on Population Growth Problems: Yes—Passed.

Provide authority for settling railroad strike: Yes—Passed.

### VIETNAM WAR—ENDING U.S. INVOLVEMENT

The President has taken some encouraging steps to turn the war and the nation-building effort back to the Vietnamese where it belongs. But Congress—after 8 years—has still not faced up to *its* constitutional responsibility to decide when the U.S. should engage in war and what our national priorities should be.

The facts are:

1. The war goes on at the rate of nearly 100 American men killed per week, 5,000 deaths per year, 30,000 injuries, and some 23 billion ($460.00 for every American family of 4 in 1970).

2. It is not certain that the present South Vietnamese government can win the support of its people and build a nation with or without U.S. blood and money. This is one reason why I think the South Vietnamese must steadily assume all military responsibility, with all American combat and support troops removed.

3. The deep political, social, and economic roots of the conflict are spreading in Cambodia and Laos. Eventually, there will have to be a political solution to these problems by the Asians themselves. Our own national security involvement cannot be based on these unstable internal conditions in S.E. Asia. We must not get drawn into Laos or Cambodia.

4. The $23 billion cost of the Vietnam war is the number one factor blocking our ability to hold down the cost of living, attack crime, improve education, clean-up our environment, and deal squarely with the urgent problems that weaken our nation at home.

A recent witness before the Appropriations Committee said proudly "my wife is safer in Saigon than Washington, D.C." What a sad admission—more evidence that we better clear up our own back yard before we go 13,000 miles away to tell other people how to live.

In light of these facts, we are leading two Vietnam initiatives in Congress at this time.

One—Asking Congress to amend the Gulf of Tonkin Resolution of August 10, 1964 to terminate any implied war-making authority as of December 31, 1970. The Administration which originally opposed this idea has now declared itself neutral, properly leaving the matter for Congress and the people to decide.

Two—Asking Congress to accept its legal constitutional obligations by making a decision on how long the U.S. should continue to pour American blood and money into Vietnam. Our resolution would require Congress to fund U.S. Vietnam forces only at the level required to have all U.S. combat and support troops out by July 1, 1971. These steps are actually required if we are to follow the Constitution.

(a) U.S. Constitution: *Article I, Section 8.* Congress shall have power . . . to declare war . . . to provide for the common Defence and general Welfare . . . to raise and support Armies, but *no Appropriation of Money to that Use shall be for a longer Term than Two Years* . . .

(b) Alexander Hamilton, in the *Federalist Papers*, arguing for ratification of the Constitution: "The legislature . . . obliged to this provision, once *at least* in every two years, to deliberate upon the propriety of keeping a military force on foot; and to declare Their sense of the matter, by a formal vote in the face of their constituents. *They are not at liberty to vest in the Executive department permanent funds for the support of an army, if they were even incautious* *enough to be willing to repose in it so improper a confidence.*

These actions are not intended as a challenge to the President; on the contrary, we believe they coincide with his expressed desire, and that of most Americans, to de-Americanize the Vietnam war within a reasonable period of time. Both McCloskey and Riegle supported President Nixon's resolution last fall which endorsed the Administration policy of orderly withdrawal and search for a just peace.

### THE SEVENTH DISTRICT CONGRESSIONAL SEAT AND THE U.S. SENATE

Earlier this year there were many people around the state who expressed interest in—and speculated about—my running for the U.S. Senate this November. After deep and searching reflection, and with mixed feelings, I concluded that it was best that I not run for the Senate in 1970.

It is an honor to have been among those considered for the U.S. Senate. In this respect my intent was, and will remain, to work vigorously with all who wish to make our political system more effective. Citizen government is a tough and vital job which we all must carry on—and your part in it is just as important as mine or anyone else's. The issues, and needs of our country are larger than any individual's, so we've got to pitch in and work together to get the job done.

### NEIGHBORHOOD MEETING

Especially in these times, it is important that every person have his or her own chance to speak out—or find out—about national issues or individual problems that relate to the government. He should be able to do this without having to use a middleman, or having to belong to a special interest group. Because it is not always convenient for people to come to the Congressional office, Congressman Don Riegle and his staff have established a new service of local area get-togethers with citizens that will systematically cover every neighborhood and community in our district. So far, the neighborhoods covered have been the City of Flint, and major parts of Burton, Mt. Morris, Genesee and Flint Townships—other areas will be covered soon.

The way it works is this: Congressman Riegle will send a postcard to your home saying when and where he will be in your area—and inviting you to get together—usually in the local area shopping center; although during the summer, we will again use the Congressional mobile office trailer.

Watch for the one in your area so that you can talk directly with Don Riegle about the things that matter most to you.

### WORK IN GENESEE AND LAPEER

This year, being in close touch with our district meant coming home many times during the year, meeting with thousands of constituents and many groups, as well as maintaining a vigorous district office at 425 Detroit St. in Flint. Even with telephones, press and mail, there just is no substitute for getting with people personally and exchanging ideas and concerns about our community and country. Here are some of the Congressman's local meetings this last year.

UAW Chevrolet Local 659.
G.I. Wives Club of Flint.
Fisher I Plant.
Dedicated Davison City Hall.
Dedicated Fenton High School.
Genesee County Tax Reform Association.
Central Christian Church.
New citizens group.
Bendle High School, Lewis School.
Clio homecoming.
Lapeer Day.
Professional Engineer Association.

### THIRD ANNUAL G.I. KIDS' CHRISTMAS PARTY

This was a heart-warming success for the kids and their families because so many people and local groups pitched in. Each family tape recorded a personal message to their dad or brother, which was then sent air mail in time for Christmas. Games, refreshments, and gifts were there for every child along with Santa Claus and Bozo the clown. Special thanks for help go to Mr. Thomas McCall, volunteer chairman, local UAW unions, VFW posts, radio and TV stations, etc.

This is only one of the many ways we can express our deep gratitude to those families and young men who serve our country—and are away at Christmas.

### MODEL CITIES—A CHANCE FOR PROGRESS

Congressman Riegle, along with county and city officials, announced a HUD grant of $3,577,000.00 to Flint-Genesee Model Cities program. After a year of local planning, now follows the first year of action.

Performance, and the ability of diverse public and private groups to work together will determine the future of Model Cities. Unlike other government sponsored programs, which depend on Federal involvement, the success or failure of Model Cities will be entirely a product of local initiatives and a desire on the part of all groups to make the program work.

### YOUR HOT-LINE TELEPHONE—USE IT IF YOU NEED TO

Remember, anytime you need to reach Congressman Riegle or his staff in Washington about an important government-related problem or issue—you can do so by telephone—at no charge to you by coming in to your District Congressional office and using the Hot-Line phone to Congressman Riegle's Washington office.

### NOT PRINTED AT GOVERNMENT EXPENSE

These newsletters are not printed at government expense—any and all contributions will help greatly in continuing this newsletter service. If you wish to help, make check payable to "7th District Newsletter"—425 Detroit St., Flint, 48502—our thanks to those that have helped in the past.

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## WHEN TREASON PROSPERS—ENEMIES ARE UNKNOWN

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. RARICK. Mr. Speaker, military courtesy has assumed new dimensions. The Department of the Army now offers guided tours of U.S. military installations to military officers from Soviet and Communist bloc countries.

The 1970 foreign military attaché tour group included Russian Maj. Gen. Mikhail I. Stolnik and other officers from the Communist Warsaw Pact satellite countries.

The "friendship" tour, according to the official Army brochure published in conjunction with the tour, included a flight by Special Air Mission—SAM—C-135 aircraft from Andrews Air Base to Pope Air Base, N.C.

At Fort Bragg, the "guests" observed a dress rehearsal of Exercise Brass Strike.

At Fort Benning, Ga., an airborne/pathfinder demonstration, leadership reaction course, weapons firing, observed rangers in action, observed Highley village search, and ambush demonstration—a mock Vietnamese village search.

The guests departed Fort Benning en route to Fort Rucker, Ala., by U.S. Army helicopters. At Fort Rucker, they had a visit of maintenance training for an orientation and tour of training facilities. Also, static display and briefing on all rotary aircraft. Observed airmobile operation. Observed and inspected armed aircraft including the Mohawk and Bulldog.

The tour of U.S. training and defense installations proceeded:

To Cape Kennedy: A Kennedy Space Center briefing—tour of flight training building—tour of vehicle assembly building—and launch control center—tour of crawler transporter—tour of pad A launch site.

To Fort Bliss, Tex.: A briefing on U.S. Air Defense Center and Fort Bliss. Briefing on role and mission of U.S. Army Air Defense School. Briefing on 1st Advanced Individual Training—AT—Brigade activities, demonstration of forward area weapons, observed Chaparral/Vulcan training, automatic weapons training, Hawk missile briefing and demonstration, and briefing and firing of all air defense artillery forward area weapons.

To Fort Hood, Tex.: A briefing on Project Masster, display of major items of armor equipment, and observed accuracy firing demonstration.

To U.S. Military Academy at West Point: Tour of academy. Retreat parade.

One wonders what thoughts passed through the minds of our men who were ordered to demonstrate in front of military representatives of Communist nations, including Russia—whose cadre, arms, and equipment are being used to kill and maim their buddies in Vietnam—and perhaps in the future against them.

Morale must be at an all time high when U.S. taxpayers play host to the enemies' military representatives while over 40,000 of their sons are dead and a war is yet to be won.

What reciprocal benefits can our fighting men expect in return? Release of our POW's? Cessation of Russian supplied arms and equipment? A promise not to "bury us?"

One can but guess what the mothers, fathers, widows, sweethearts, and children of over 40,000 unsung heroes must feel at this infamous mockery of our people.

Mr. Speaker, I include several newsclippings and the official military tour program in the RECORD:

[From the Washington Post, Apr. 25, 1970]

### SOVIET GENERAL, OTHERS TO TOUR FT. BENNING

FT. BENNING, GA.—A Soviet major general and officers from half a dozen Warsaw Pact countries will be among foreign military attaches who will tour the huge infantry training center here next week.

The attaches will spend three days at Ft. Benning and will be shown American infantry weapons and tactics, including a search of a simulated Vietnamese village, an Army information officer said.

He said the group of 49 Washington-based military attaches will arrive here Tuesday as part of a nationwide tour.

They will go later in the week to the Army aviation center at Ft. Rucker, Ala., for a look at Army helicopter training and tactics used in Vietnam.

Maj. Gen. Mikhail Ivanovich Stolnik will head the Soviet delegation, he said.

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[From the Alexandria-Pineville (La.) Town Talk, Apr. 30, 1970]

### RED GENERALS VISIT

Soviet Maj. Gen. Mikhail Stolnik is welcomed at Fort Benning, Ga., by Maj. Gen. Orwin Talbott, commanding general. Some 49 Washington-based officers, including six Warsaw Pact military attaches, arrived for a two-day tour of the U.S. infantry installation.

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### FOREIGN MILITARY ATTACHE TOUR 1970

DEPARTMENT OF THE ARMY,
*Washington, D.C.*

GREETINGS FROM THE ASSISTANT CHIEF OF STAFF FOR INTELLIGENCE, DEPARTMENT OF THE ARMY

On behalf of the United States Army, I take great pleasure in extending a most cordial welcome to those members of the Corps of Military Attaches participating in the 1970 Military Attache Tour. It is our hope that your visits to our military installations and civilian communities will be both enjoyable and of professional value.

I personally look forward to accompanying you during the first week of the tour. Major General Freund, my Deputy for Intelligence Support, will join the tour on 2 May and accompany you during the second week.

J. A. MCCHRISTIAN,
*Major General, GS, ACofS for Intelligence.*

### ITINERARY—MILITARY ATTACHE TOUR, 1970

Sponsor: Department of the Army.

Visitors: Foreign Military Attaches Accredited to Department of the Army.

Escort officers: Major General J. A. McChristian, Assistant Chief of Staff for Intelligence (26 April–3 May 1970).

Major General J. F. Freund, Deputy for Intelligence Support Office of the Assistant Chief of Staff for Intelligence (2 May-8 May 1970).

Colonel H. B. Lane, Chief, Foreign Liaison Office.

Lieutenant Colonel D. E. Gaston, Foreign Liaison Office.

Lieutenant Colonel J. M. Hamilton, foreign liaison office.

Major Charles R. Ray, Foreign Liaison Office.

Major E. Sanchez, ACSI–I, OACSI, (Spanish Linguist).

Medical Officer: Captain Daniel Teres, Andrew Rader Army Clinic, Fort Myer, Virginia.

Washington, D.C., Contact Officer: Lieutenant Colonel Charles R. Rawlings; Foreign Liaison Office, OACSI.

### NOTES

1. All attaches and escort officers are requested to wear name tags, provided by the Foreign Liaison Office, during all visits and official social functions.

2. If a foreign officer does not have the uniforms listed in the itinerary, he is requested to wear the equivalent uniform of his service.

3. All times listed in the itinerary are local.

4. Those attaches wishing to visit the United States of Mexico while in the El Paso area should have their passports available at that time.

### DATE AND LOCAL TIME, ACTIVITY

*Sunday, April 26*

1400—Assemble in the Distinguished Visitors Lounge, Military Airlift Command (MAC) Terminal, Andrews Air Force Base. Dress: Duty Uniform (Army Green). A group photograph will be taken prior to departure.

1500—Depart Andrews Air Force Base via Special Air Mission (SAM) C–135 Aircraft for Pope Air Force Base, North Carolina. Flying Time: One hour.

1600—Arrive Pope Air Force Base. Met by a representative of Commanding General, XVIII Airborne Corps.

Quarters: Holiday Inn, Fayetteville, North Carolina 28301.

*—Enroute via bus to quarters.

1750—Assemble in motel lobby. Dress: Duty Uniform (Army Green).

1800—Enroute via bus to Officers' Open Mess, Fort Bragg, North Carolina.

1830—Official Reception/Buffet hosted by General John L. Throckmorton, Commander in Chief, United States Strike Command.

*—Enroute via bus to quarters.

*—Balance of evening at leisure.

*Monday, April 27*

*—Breakfast at leisure.

0820—Assemble in motel lobby. Dress: Duty Uniform (Short sleeve khaki shirt and trousers).

0830—Enroute via bus to Fort Bragg, North Carolina.

0900—Arrive York Theatre, Fort Bragg, North Carolina.

*—Observe Dress Rehearsal of Exercise "Brass Strike".

1230—Lunch at VIP Mess Tent, Drop Zone "Sicily".

1530—Enroute via bus to quarters.

1630—Leisure time.

1820—Assemble in motel lobby. Dress: Duty Uniform (Army Green).

1830—Enroute via bus to Fort Bragg Officers' Open Mess, Fort Bragg, North Carolina.

1900—Reception and Dinner hosted by Lieutenant General and Mrs. John J. Tolson, III, Commanding General, XVIII Airborne Corps.

*—Enroute via bus for quarters.

*—Leisure time. Request attaches pay motel bill prior to retiring.

*Tuesday, April 28*

*—Breakfast at leisure.

*—All baggage to be packed and placed on beds in motel room.

0920—Assemble in motel lobby. Dress: Duty Uniform. (Short sleeve khaki shirt and trousers).

0930—Enroute via bus to Pope Air Force Base, North Carolina.

1015—Depart Pope Air Force Base, North Carolina via SAM C–135 Aircraft for Lawson Army Airfield, Fort Benning, Georgia. Bade farewell by a representative of Commanding General, XVIII Airborne Corps. Flight time: One hour and fifteen minutes.

1130—Arrive Lawson Army Airfield. Met by Major General and Mrs. Orwin C. Talbott, Commanding General, United States Army Infantry Center.

1130—Quarters: Holiday Inn of Columbus—Airport, Columbus, Georgia 31904.

*—Enroute via bus for Fort Benning Officers' Open Mess.

1200—Official luncheon hosted by Major General Orwin C. Talbott.

1330—Enroute via bus to Infantry Hall.

1340—United States Army Infantry Center and United States Army School Activities Briefing.

1405—TV Briefing and Tour.

1425—Tour of the Infantry Hall.

1445—Enroute via bus to Eubanks Field.

1455—Airborne/Pathfinder Demonstration.

1600—Enroute via bus to quarters.

1620—Leisure time.

1830—Assemble in motel lobby. Dress: Uniform/Informal (Summer White).

1840—Enroute via bus to Supper Club, Officers' Open Mess, Fort Benning, Georgia.

1900—Official Reception and Dinner hosted by Major General and Mrs. Orwin C. Talbott.

*—Enroute via bus for quarters.

*—Balance of evening at leisure.

*Wednesday, April 29*

*—Breakfast at leisure.

0820—Assemble in motel lobby. Dress: Duty Uniform (short sleeve khaki shirt and trousers).

0830—Enroute via bus for Dixie Village.

0900—Observe the Leadership Reaction Course.

0955—Weapons Firing.

1130—Luncheon hosted by a designated representative of the Commanding General, United States Army Infantry Center, at the Supper Club, Officers' Open Mess.

1230—Enroute via bus for Ranger Training Area.

1300—Observe Rangers in Action.

1350—Enroute via bus for Higley Village.

1410—Observe Higley Village Search and Ambush Demonstration.

1520—Enroute via U.S. Army helicopters to quarters.

1550—Leisure time.

0750—Assemble in motel lobby. Dress: Civilian/Informal.

1930—Official Social Event hosted by the Chamber of Commerce, Columbus, Georgia. (Place and details to be announced).

*—Enroute via bus for quarters.

*—Leisure time. Request attaches pay motel bills prior to retiring.

*Thursday, April 30*

*—Breakfast at leisure.

*—All baggage to be packed and placed on beds in motel room.

0750—Assemble in motel lobby. Dress: Duty Uniform (Short sleeve khaki shirt and trousers).

0800—Enroute via bus to Lawson Army Airfield.

0845—Depart Lawson Army Airfield via United States Army helicopters for Cairns Army Airfield, Fort Rucker, Alabama. Bade farewell by Major General Orwin C. Talbott. Flight time: One hour and 15 minutes. Retard watches one hour.

0900—Arrive Center Parade Field, Fort Rucker, Alabama. Met by Major General Delk M. Oden, Commanding General, United States Army Aviation Center and Commandant, United States Army Aviation School.

Quarters: Holiday Inn, Dothan, Alabama 36302.

*—Enroute via bus to United States Army Aviation School.

*—Initial Orientation presented by Assistant Commandant, United States Army Aviation School.

1000—Visit Department of Maintenance Training for an orientation and tour of training facilities.

1130—Enroute via bus to the Officers' Open Mess.

*—Attaches from Australia, Ethiopia, Greece, Iran, Italy, Korea, and Norway meet with their student officers in the lounge of the Officers' Open Mess.

1145—Official luncheon hosted by Major General Delk M. Oden.

1300—Enroute to Hooper Range, United States Army Aviation Center.

1320—Static Display and briefing on all rotary aircraft.

1415—Enroute to Longstreet Range, United States Army Aviation Center.

1430—Observe airmobile operations.

1515—Observe and inspect armed aircraft including the Mohawk and Birddog.

1600—Enroute via United States Army helicopters to quarters.

1630—Leisure time.

1820—Assemble in motel lobby. Dress: Uniform/Informal (Summer White).

1830—Enroute via bus to Fort Rucker Officers' Open Mess, Fort Rucker, Alabama.

1900—Official Reception and Dinner hosted by Major General and Mrs. Delk M. Oden.

*—Enroute via bus to quarters.

*—Leisure time. Attaches are requested to pay motel bills prior to retiring.

*Friday, May 1*

*—Breakfast at leisure.

*—All bags are to be packed and brought to the motel lobby.

0630—Assemble in motel lobby. Dress:

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Duty Uniform (Short sleeve khaki shirt and trousers).

0640—Enroute via bus for Old City Airport, Dothan, Alabama.

0645—Depart Dothan Old City Airport via United States Army helicopters for Eglin Air Force Base, Florida. Bade farewell by Mayor General Delk M. Oden. Flight time: 1 hour and 15 minutes.

0800—Arrive Eglin Air Force Base, Florida. Transfer to United States Air Force SAM C-135 Aircraft. Depart Eglin Air Force Base for Cape Kennedy Air Force Station, Florida. Flight time: 1 hour and 10 minutes. Advance watches one hour.

1030—Arrive Cape Kennedy Air Force Station Skid Strip, Kennedy Space Center, Florida. Met by a representative of the Director of Center Operations, Kennedy Space Center.

1045—Visit Cape Kennedy Air Force Station to include United States Air Force Museum, Astronaut Memorial and Titan III Missile.

1200—Official luncheon at Headquarters, National Aeronautics and Space Administration, Kennedy Space Center hosted by a representative of Center Operations.

1300—Kennedy Space Center Briefing.

1340—Tour of Flight Crew Training Building.

1410—Tour of the Vehicle Assembly Building and the Launch Control Center.

1500—Tour of the Crawler/Transporter.

1525—Tour of Pad A (Launch Site of Apollo XIII).

1545—Enroute to Cape Kennedy Air Station Skid Strip.

1605—Depart Cape Kennedy Air Station Skid Strip via United States Air Force SAM C-135 Flight for Miami International Airport, Miami, Florida. Bade farewell by a representative of Center Operations, Kennedy Space Center. Flight time: 45 minutes.

1650—Arrive Miami International Airport, Miami, Florida. Met by Colonel Roseman, Commanding Officer, 31st Artillery Brigade (Air Defense).

Quarters: The Carillon Hotel, Miami Beach, Florida.

*—Enroute via bus to quarters.

1930—Reception hosted by a Miami Beach Civic organization. Dress: Uniform/Informal (Summer White).

*Saturday, May 2*

*—At leisure in Miami Beach, Florida.

*Sunday, May 3*

*—Breakfast at leisure.

0950 (*)—Assemble in hotel lobby. Dress: Casual Civilian Clothes and Bathing Suit.

1000 (*)—Enroute via bus for Hobe Sound, Florida.

1200 (*)—Picnic and Swimming Party hosted by Major General and Mrs. Joseph A. McChristian, Assistant Chief of Staff for Intelligence. Dress: Casual Civilian Clothes and Bathing Suit for those desiring to swim.

1700 (*)—Enroute via bus to quarters.

1900—Leisure time in Miami Beach, Florida for the balance of evening.

*—Attaches are requested to pay hotel bills prior to retiring.

*Monday, May 4*

*—Breakfast at leisure.

*—All bags should be packed and placed on beds in hotel rooms.

0935—Assemble in hotel lobby. Dress: Duty Uniform (Short sleeve khaki shirt and trousers).

0945—Enroute via bus to Miami International Airport.

1045—Depart Miami International Airport via United States Air Force SAM C-135 Aircraft for El Paso International Airport, El Paso, Texas. Flight time: 3 hours and 40 minutes. Luncheon served enroute. Retard watches two hours.

(*) Optional for those attaches wishing to attend.

1230—Arrive El Paso International Airport, Transient Terminal, El Paso, Texas. Met by Major General Richard T. Cassidy, Commanding General, United States Army Air Defense Center and Fort Bliss.

Quarters: Holiday Inn, El Paso—Downtown, El Paso, Texas 79901.

*—Enroute via bus to Building No. 2, Fort Bliss.

1300—Welcome by Commanding General, United States Army Air Defense Center and Fort Bliss.

1305—Briefing on United States Air Defense Center and Fort Bliss.

1325—Briefing on the Role and Mission of the United States Army Air Defense School.

1340—Enroute via bus to Training Area No. 17.

1400—Briefing on the 1st Advanced Individual Training (AIT) Brigade Activities.

1410—Demonstration of Forward Area Weapons.

1430—Coffee Break and Visit of Static Display of Equipment.

1450—Enroute via bus to the Chaparral/Vulcan Park.

1455—Observe Chapparal/Vulcan Training.

1510—Enroute via bus to the Automatic Weapons Park.

1515—Observe Automatic Weapons Training.

1530—Enroute via bus to quarters.

1600—Leisure time.

1850—Assemble in motel lobby. Dress: Uniform/Informal (Summer White).

1900—Enroute via bus to the Officers' Open Mess, Fort Bliss, Texas.

1930—Official Reception and Dinner hosted by Major General and Mrs. Richard T. Cassidy.

*—Enroute via bus to quarters.

*—Leisure time.

*Tuesday, May 5*

*—Breakfast at leisure.

0750—Assemble in motel lobby. Dress: Duty Uniform (Short sleeve khaki shirt and trousers).

0800—Enroute via bus for Fort Bliss, Texas.

0830—Hawk Missile Briefing and Demonstration.

*—Hercules Missile Briefing and Demonstration.

1200—Official luncheon hosted by Major General Richard T. Cassidy.

1330—Enroute via bus to the McGregor Redeye Range, New Mexico.

1445—Briefing and Firing of all Air Defense Artillery Forward Area Weapons.

1545—Enroute via bus to quarters.

1700—Arrive quarters.

1820—Assemble in motel lobby. Dress: Civilian Casual Clothes and Bathing Suits.

1830—Enroute via bus to Officers' Open Mess.

1900—Informal Swimming Party and Buffet Dinner hosted by Major General Richard T. Cassidy.

*—Enroute via bus to quarters.

*—Leisure time. Attaches are requested to pay motel bills prior to retiring.

*Wednesday, May 6*

*—Breakfast at leisure.

*—All bags are to be packed and placed on beds in motel rooms.

0750—Assemble in motel lobby. Dress: Duty Uniform (Short sleeve khaki shirt and trousers).

0800—Enroute via bus to El Paso International Airport, El Paso, Texas.

0830—Depart El Paso International Airport Transient Terminal, via United States Air Force SAM C-135 Aircraft for Gray Army Airfield, Fort Hood, Texas. Bade farewell by Major General Richard T. Cassidy. Flight time: 1 hour and 25 minutes. Advance watches one hour.

1100—Arrive Gray Army Airfield. Met by a representative of Commanding General of III Corps and Fort Hood.

Quarters: Cowhouse Motor Hotel, Kileen, Texas.

*—Enroute via bus to Officers' Open Mess.

1200—Official luncheon hosted by Major General John Norton, Deputy Project Director, Project Masster.

1315—Enroute via bus to Building 38 North, Fort Bliss.

1345—III Corps Command Briefing.

1415—Briefing on Project Masster.

1445—Enroute via bus to 1st Armored Division Parade Ground.

1450—Display of major items of Armor Equipment.

1545—Observe Accuracy Firing Demonstration.

1615—Enroute via bus to quarters.

1630—Leisure time.

1820—Assemble in motel lobby. Dress: Civilian Informal.

1830—Enroute via bus for the Officers' Open Mess, Fort Hood, Texas.

1900—Official Reception and Barbecue hosted by Major General and Mrs. John Norton.

*—Enroute via bus for quarters.

*—Leisure time. Attaches are requested to pay their motel bills prior to retiring.

*Thursday, May 7*

*—Breakfast at leisure.

*—All bags should be packed and brought to motel lobby.

1005—Assemble in motel lobby. Dress: Duty Uniform (Army Green).

1015—Enroute via bus for Gray Army Airfield, Texas.

1045—Depart Gray Army Airfield via United States Air Force SAM C135 Aircraft. Bade farewell by a representative of Commanding General III Corps and Fort Hood. Luncheon served enroute. Flight time: 2 hours and 45 minutes. Advance watches one hour.

1430—Arrive Stewart Airport, Newburgh, N.Y. Met by a representative of Superintendent, United States Military Academy (USMA).

Quarters: Holiday Inn of Newburgh, Newburgh, New York.

*—Enroute via bus to United States Military Academy.

1500—Greeted by Major General William A. Knowlton, Superintendent, United States Military Academy.

1530—Visit the United States Military Academy.

1710—Retreat Parade.

*—Enroute via bus to quarters.

*—Arrive quarters and leisure time.

1920—Assemble in motel lobby. Dress: Uniform/Informal (Summer White).

1930—Enroute via bus to the West Point Army Mess, United States Military Academy.

2000—Official Reception and Dinner hosted by Major General and Mrs. William A. Knowlton, Superintendent, United States Military Academy.

*—Enroute via bus to quarters.

*—Leisure time. Attaches are requested to pay motel bills prior to retiring.

*Friday, May 8*

*—Breakfast at leisure.

*—All bags packed and placed on beds in motel rooms.

0820—Assemble in motel lobby. Dress: Duty Uniform (Army Green).

0830—Enroute via bus for the United States Military Academy.

0900—Continue visit of the United States Military Academy.

1200—Luncheon in Corps of Cadets Mess Hall.

*—Farewell by Superintendent, United States Military Academy.

1300—Enroute via bus for Stewart Airport, Newburgh, New York.

1345—Depart Stewart Air Force Base via United States Air Force SAM C-135 Aircraft for Andrews Air Force Base, Maryland. Bade farewell by a representative of the Superintendent, United States Military Academy. Flight time: 55 minutes.

1450—Arrive Andrews Air Force Base, Maryland.

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## JACK RICE OF CANTON, OHIO

### HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

**Mr. BOW. Mr. Speaker, Jack Rice of Canton, Ohio, is a businessman deeply concerned by the problems that face small business including inflation, the emphasis on consumer legislation, and the relationships between big and small business. Mr. Rice recently made the keynote address at the annual meeting of the National Appliance and Radio-TV Dealers Association of which he is the treasurer. His remarks afford insight into the attitudes and problems of American businessmen. I include the address as follows:**

ADDRESS BY JACK RICE

In 1965 at the NARDA convention in Hollywood Beach, Florida probably the most exciting banquet speaker ever to address us held forth on the platform talking on the subject of the demise of the independent retailer. The speaker, Mr. E. B. Weiss, contended that we as independents were doomed because of the buying power, merchandising ability and in short just the financial resources of the big chains and mass merchandisers.

Now 1965 has come and gone, 1966, 1967, and 1968 have brought with it booming sales, primarily I feel as a result of inflation and a super psyic'd up economy, not from actual economic strength. We have all witnessed staggering leaps in our gross sales because of the customers demand for color television which merely substitutes $500–$600 dollar units for what we used to sell for $200–$250 dollars.

But now we have entered the 70's, the government and the economists have decided to cool off the economy, our suppliers by and large have caught up with their plant expansions and now can ship more goods than our customers will eagerly buy. Our employees have demanded and received more than just compensation for their increased cost of living. Our landlords, utilities and anyone else who sells us anything that we use in our business are catching up by higher prices with their need for more money to pay their bills too. Our suppliers are drastically cutting costs wherever possible even at the expense of cheaper product, less protective shipping cartons, fewer and fewer services to help us sell the product and while those manufacturers that for years we have known and loved and trusted, still stand behind us and the products they sell us, they seem to be standing further and further behind us and it's getting so that anymore when you need them you can't see them because they're so far behind. Dealers large and small are left to fight their own battles with freight companies for example, who have found the cheapest way to handle freight damage is to pay as few claims as possible.

Certainly not least important is the fact that today to borrow money to run our business we must pay from 33%–45% more to the bank or finance company. In short, ladies and gentlemen, at the beginning of the 70's we face the upward pressure on the cost of doing business and a strong downward pressure on our ability to increase the prices we charge. In short we face as never before the disappearance of a thing called gross margin which is just another way of saying what Mr. Weiss said, a disappearance of the independent retailer.

The appeal of a Jean Dixon or Edgar Casey is to be able to predict the future before anyone else can see it. I hesitate to give E. B. Weiss such clairvoyance but I'm afraid the above reasons are why his prediction has not come true sooner and that unless we remaining independent appliance dealers don't act dramatically and swiftly the early 1970's will mark the rapid decline of the independent appliance dealer.

Not to be a prophet of doom nor a purveyor of old cliches but at this point I must insert the old chestnut about the college professor who on the first day of class told each student to look at the man to his right and to his left because one of them would not be there by the time graduation rolled around. If we are to avert a further ⅓ to ½ decline in the number of independent appliance dealers we must begin now at this convention, today, to plan for the future so that we are not the one who disappears and does not graduate.

In any planning for the future, a prudent businessman must recognize there is no ironclad foolproof method. It doesn't matter whether you use a computer, slide rule or just an "educated seat of pants" method, it all depends on those overworked ingredients, judgment and common sense. These cannot be intelligently exercised without the facts before you—past and present. There is an old Mennonite or Amish saying that "we grow too soon old and too late smart." We know the future is inevitable. It will be an outgrowth of the present, which in turn developed out of the past. So what is happening in the appliance business? Many aggressive hard-working dealers have flunked out. Many more are on the ragged edge. Many of the remaining successful dealers are waiting, hoping for some big chain to take them out of the rat race and buy them out.

In the meantime, the debate goes on between the professors and the politicians as to whether we're in a "downturn" or a "recession." Some people are even beginning to whisper depression. And while we're waiting to see if Mr. Nixon's battle with inflation will be any more successful than the historic noble experiment of prohibition 50 years ago, the retailer is sinking. What the retailer wants to know is not what we're in but how long it will last.

The retailer is caught between the rising cost of doing business and the drop in sales. He isn't going to get any help from Washington, the manufacturer, the Federal Reserve, or the Federal Trade Commission.

Washington will compromise almost every wage demand resulting in another round of increases all around. The manufacturer in turn will raise prices in an attempt to cover rising costs. The Federal Reserve will tiptoe thru the tulips with the interest rate making everyone think a big cut is coming, but actually it will be just enough for you not to give up hope. The Federal Trade Commission will look the other way while the same old abuses continue.

When things get tough, everybody wants to pass a law. Well, let's just take a look at what this Congress has done for us so far this session:

Two year extension of the office of economic opportunity. (Now that ought to give you a few big ticket sales.)

Voted 1.86 billion in foreign aid. (If you had a store in Japan you might get some help.)

Passed a relief and reform tax act. (Very little reform and absolutely no relief.)

Upped social security benefits 25%. (Just hang on a few more years and you'll be OK.)

Passed a 4.8 billion dollar extension of major federal programs for public housing, urban renewal, etc.

A 610 Million Dollar appropriation for the food stamp program for fiscal 1970 was adopted.

Passed a bill limiting debt increase to 12 billion dollars.

There are many more good things congress is working on—and, oh yes, last but by no means least, congress doubled the President's salary, voted itself a 41% boost in salary with party leaders getting extra money hiked the pay of the Vice-President, House Speaker, Federal judges, cabinet members and others.

It is a little hard to see how inflation will be curbed with congress free-wheeling like it is. One thing it means higher taxes, which go right into everyone's cost of doing business.

Wages are going up industry by industry. This affects you not only in your own operation but hikes the cost of everything you buy.

Another matter of concern to every appliance dealer is the flood of imports. Should you fight them or join them? It's a cinch we can't ignore them. Some dealer in your town will handle them so your manufacturer has to put you in a competitive position.

Recently some radio reporters covering the Amalgamated Clothing Workers rally at Chicago to protest the flood of Japanese-made imports came up with red-faces. They were all using Sony tape recorders to report the event.

If I were to sum up our present situation, I would say:

Everything going up but profits. Profits are down.

Unemployment is going up.

Buying power is at a standstill.

Wages are going up.

Prices are going up.

Not a very bright picture for an appliance dealer to make a buck.

Competition and short profits will force you to cut costs—such as Labor, materials, advertising, you'll have to get value received for every cent you spend—you'll have to be selective about inventory—you've got to have something to sell—your manufacturer or distributor has got to come up with "deals."

Nader's Raiders and Mrs. Knauer are going to be much in the news fighting for the consumer. They may get the Federal Trade Commission off dead center, but don't wait for them.

We as individual independent appliance dealers, as the most powerful trade association in the United States and as just concerned citizens should turn the whole idea of consumer protection around. It is not a problem of consumer protection but a problem of consumer education. We are not telling the story often enough, loud enough or to the right people. For example do the retail sales people on your sales floor tell every customer how to use every product immediately after every sale. The most important benefit to any customer is ease of use and knowledge beforehand eliminates problems after the fact. The most expensive way to run a business is to be putting out fires all the time so the best way and maybe the only way to substantially cut the cost of doing business is to do these things better on the front end.

Don't be misled, consumerism is also the only important issue whether we condemn RCA for servicing non-RCA televisions. When RCA begins servicing non-RCA products in your market think twice before you condemn the whole thing as the end of the independent service department. If they can hire and train men, run trucks, inventory parts, keep records, et cetera, cheaper and more efficiently than we can, then we do not deserve to get the business. What are more likely the facts is they do all the things you and I do but charge more money for them. The threat to your or my service is the guy who doesn't know what his service is worth and there-

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fore sells his soul for less than it is worth. RCA can actually provide an umbrella under which we can all get more for the service we know to be better, faster and more personalized than theirs.

What is important here is the interest of the customer and we must serve her needs the best way we know how but demand that we get paid every dime we are entitled to whether it is cash or warranty credit from the manufacturer.

In addition to consumer protection or consumer education if you will, there is also an up to now almost forgotten area of dealer protection and for that matter manufacturer protection. Here again it is more education rather than protection. I refer specifically to franchising or how shall a dealer or supplier be allowed to run his business and sell his products?

Consumerism and the franchise could be the two hottest corridor discussions of this convention. You know about them already and many of us have talked of little else since we arrived.

There are two extremely important comments I want to make about the franchise namely 1) what it is and 2) what it does or doesn't do. A franchise is only a plan, but a plan if it is used to its best potential is still quite something. A franchise is not a license to plot out an area of geography, sit down, and wait for the promised land. The coal miners and now the plumbers and electricians have used a form of labor franchise to so restrict the size of market and therefore drive up the cost of their services that today most coal is automated at the mine and we see modular construction and mobile home growing by leaps and bounds. You and I as intelligent independent appliance dealers should never be party to any franchise that does not realistically look at the market and set out clearly in writing what each party is to do and what standard of performance is expected from each and every party.

At this convention you have heard and will hear much discussion on the government attempt to change the way Magnavox does business. Now I fear that much more heat than light will be generated on this subject before an eventual compromise is worked out or before the federal chargers go galloping off to knock down some other straw windmill. Now I have never been a franchised Magnavox dealer and most likely never will be but I want to make this abundantly clear that if Magnavox loses this fight to sell their products in the planned orderly manner they choose every other manufacturer will also lose and every independent dealer will in the long run be the biggest loser of all because every brand name manufacturer follows at least some of the ideas and practices used by Magnavox.

There is nothing that has made me prouder of NARDA unless it be the strong stand taken against Sears than the very quick and very clear support your trade association made for one company against a great big government. Every independent appliance dealer is fortunate in having a strong trade association. The trade association is strong because it provides services to help its members succeed and survive.

But your NARDA membership is only as valuable as you make it. The cost of doing business survey, forms for which have just gone out to every member for 1969 is the only accurate composite guide or bench mark to judge the success or failure of our individual businesses. The more dealers who participate the more valuable the survey. NARDA is the only trade association that offers such a complete variety of computer programs covering all facets of our business. NARDA's activity in dealer education with the oldest most successful Institute of Management in Washington to the more numerous symposium programs offered in every part of the country to the enthusiastically received School of Service Management which I hasten to point out at this moment has had two back to back years of door busting attendance with every dealer who attended paying every dime of his own way without a handout, dole, or scholarship from any manufacturer. I could not begin to list all the activities that your trade association does for you but I would sum up by saying that whatever you ask NARDA to do for you NARDA has the means, the man-power and the methods to help you do it.

While our industry has a lot of headaches now and in the balance of the 70's we will survive if we are alert and diligent, work hard, think smart and use those two things I spoke of earlier, judgment and common sense.

So . . . as an industry and a nation we have a lot of work to do in the next decade, a lot of energy to expend. No one can say exactly how we shall go about solving all the problems lying ahead, but it's a safe bet that we WILL. We've always turned our difficulties into opportunities and advantages.

You often hear people fret about the future. They have doubts that the country will survive, they think we're going soft, weak-kneed. We Americans often under-estimate ourselves and our determination to take things that are wrong and put them right, no matter the cost. We are hypercritical. We gripe about each other, our system, our government, institutions we have built up. Yes, even about prosperity.

This isn't a weakness, it's a strength—this tendency we have to find faults in ourselves. It shows our aspirations . . . for perfection. By ticking off our faults, we draw attention to them and correct them.

Let's look at ourselves in perspective, tote up our strengths: Our wealth is the greatest in history, the envy of the world. We take it for granted. And individually, we try to increase it. Our productive capacity is enormous. It's based on ingenuity, the ability of free men to find better ways to produce and distribute. Our profit system is the incentive, the carrot, for improvement. Many scorn it, but soon discover that it works where other systems fail. We still have poverty, too much of it, but even our poorest are in better shape than the poor in most other nations of the world. And we're working at THIS . . . not out of shame but from a sense of fairness. Our people are compassionate, openhanded, willing to share . . . they beef about charities, but then they dig down and give generously.

Our school system, education, is worth special mention because it is perhaps our GREATEST asset, our best insurance for the future. Today nearly 60 million people are full-time students . . . about 30% of total population. Also over 40% of all college-age youngsters go on to college (20 years ago, one out of 14). This gives you the dimension of our educational set-up. The training of young minds makes education an ECONOMIC resource, ranking ahead of machines. That's a definite plus.

And add all the other assets. Your job, business. Your family. Your freedom to move about. Freedom to follow your interests anywhere. Freedom to speak your mind, vote, take a vacation, go to church, study. We have faults, too, plenty. You know them, everyone knows them. They are driven home to us every day, in the news and public discussions.

The tide of criticism by the young, the radicals, dissidents, as painful as it is will actually turn out to be a blessing in disguise. They are the first step toward finding new ways to solve the problems themselves. It's the mark of a free society, not shared by dictatorships, a sure sign that we don't consider the United States a finished society. Never will, in fact. And that's a good thing. It means we are willing to change, to grow, to work toward something better.

If you were there at that convention in 1965 you may remember that it was Mr. Weiss's contention that the independent would come back stronger than ever by banding together and even co-operating on such things as buying, advertising, and financial management. In short what he was saying 5 years ago was that in order to remain independent, every dealer in the room had to surrender some of his independence. I remember that convention in 1965 because I sat down the platform from Mr. Weiss. That was the first year I was elected to the board of NARDA. Since then I have been in contact with the best minds in our industry and because they have been willing to co-operate, share and especially surrender some of their knowledge and vast amounts of their time I have learned a little how to run a better business in Canton, Ohio.

You and I have the power to solve these problems, because the retailer controls the methods or manner of distribution of appliances, Televisions and Stereos.

Ladies and gentlemen you have the best minds in our industry together here in one room. If we use them we can solve our problems today and any and all of the even greater problems that will come tomorrow.

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## UNEASY PEACE UNDER PRINCE SIHANOUK HAS BEEN REPLACED BY WAR IN CAMBODIA

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. FRASER. Mr. Speaker, the people of the United States and of our Government lack knowledge and understanding about Cambodia. This has been an important factor leading to President Nixon's decision to invade Cambodia.

The complex forces within Cambodia kept in balance by the enormous popularity of Prince Sihanouk before his overthrow are well described in an article in the Eastern Economic Review for April 9, 1970. It is written by T. D. Allman and is entitled "When Khmers Kill Khmers."

### WHEN KHMERS KILL KHMERS

(By T. D. Allman)

PHNOM PENH.—The euphoria of political victory among Cambodia's new leaders and their followers has given way to a degree of soberness which may or may not conceal genuine apprehension at the crises—domestic and international—the government reaped for itself by suddenly deposing the man who created Cambodia's unique national life style. Certainly apprehension and even more melancholy emotions recently have overtaken many foreign observers here and some Cambodians as well.

"We probably shall look back on these days as the opening phases of the Cambodian civil war," one diplomat here said gloomily, as he reviewed the course of the demonstrations. He may not have been exaggerating. Although reports last week of Vietcong columns advancing on Phnom Penh were false, for the first time since independence in 1953, Cambodians were killing Cambodians, travel through the countryside was restricted and sometimes dangerous, and the Phnom Penh government's hold on the rural population was in doubt.

The average Cambodian wants most of all to live in peace, but already he is being urged to choose sides. On the government side are the army, most of the business class, the aristocracy, the intellectuals and government functionaries. Ranged against the new gov-

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ernment are some 40,000 Vietnamese troops—who so far have taken only a small role in the anti-government movement—the tiny Khmer Rouge guerrilla movement, and most importantly, a sizable but unknown proportion of Cambodia's six million peasants who still see Sihanouk as a god-king and the nation's only leader.

There is much speculation here that the series of pro-Sihanouk demonstrations last week, mostly in provinces near the Vietnamese border, may have been organised by the Vietnamese communists. Government soldiers shot and killed between 80 and 100 Cambodians, none of them carrying firearms. Significantly, no Vietnamese was killed. And observers here say that the government would face opposition in the provinces even if the communists stayed aloof.

One Cambodian official conceded: "It is still not considered an unpatriotic thing to demonstrate on behalf of Sihanouk. The people in the villages do not understand the mistakes he made. They are still blinded by him and susceptible to pleas to cause trouble."

The most serious threat yet to the new government's authority came last week in the province of Kampong Cham, a rubber-rich area northeast of Phnom Penh with a large indigenous Vietnamese population.

In three days of demonstrations, which finally ended in what amounted to a government massacre of perhaps 50 people, Cambodians for the first time turned on the new government and its officials. The trouble began on March 25 and 26 when Cambodians poured into the provincial capital—a French colonial style river town—carrying pro-Sihanouk banners and shouting anti-government slogans. Provincial authorities asked the army for 24 hours to put down the demonstrations peacefully.

Although authorities arrested hundreds, all except the small number of Vietnamese among them were released after a few hours detention and a strong lecture on the virtues of the new regime. The soft measures were designed to convert the demonstrators, and it was perhaps an indication of the new government's naivete that they failed.

On the night of March 26, more than a score of vehicles, mostly buses and lorries began moving on Phnom Penh by two different routes, carrying several thousand demonstrators bearing Sihanouk photographs and singing patriotic songs. They reached the two bridges leading over the Tonle Sap and Tonle Bassac into Phnom Penh before dawn, and camped for the night.

The next morning the new regime's hopes of peacefully consolidating its hold on the country turned to blood. Although many of the demonstrators dispersed peacefully, Cambodian soldiers opened fire at both bridges when some of the demonstrators tried to cross into the capital. The government later claimed only two were killed, but responsible estimates run as high as 20.

The worst violence occurred later the same day back in Kampong Cham where thousands of enraged Cambodians sacked the provincial headquarters and burned down the court house. A magistrate and two members of the national assembly were killed. By the time the army had restored order that evening, at least 30 Cambodians had been fatally wounded, with some estimates of the dead running much higher. There were also disturbances reported on the road between Phnom Penh and Kampong Cham, and French plantation managers began evacuating their families by air to Phnom Penh.

The next day the disturbances continued in the province of Takeo, south of Phnom Penh, where thousands of peasants lined the roads, waving knives and matchetes and stopping traffic. At least a dozen were killed by army gunfire in Takeo during the next 48 hours, and the full toll may never be known because many seriously wounded villagers were taken back to their homes, where they may have died. Sporadic demonstrations were also reported in the area around Kampong Speu, on the road to Sihanoukville.

In official accounts of the incidents, the government claimed that most demonstrators dispersed peacefully, and accused the Vietcong of inciting the people to violence. Most observers here agree communist agents, mostly Vietnamese working in rubber plantations near Kampong Cham, helped to organise the move on the capital. Communist agents reportedly played radio speeches of Prince Sihanouk on tape recorders urging the people to rise up against the government. The government claimed that the communists killed several lorry drivers when they refused to hand over their vehicles. Most of the demonstrators, by the time they reached Phnom Penh, seemed thoroughly confused. Some claimed that they had come to rescue Prince Sihanouk and Queen Kossomak, whom they had been told were being held captive in the Royal Palace. Others believed that Prince Sihanouk was waiting for them at Camchar Mon, his official residence, to give them guns to defend the country. A government report claimed that 85% of the demonstrators had been forced to come to Phnom Penh against their will, that 15% had been coming here on normal business and that only 5% were determined to cause trouble.

Observers here are less certain that the Vietnamese were involved in the demonstrations at Takeo. "The question of communist instigation," one diplomat said, "is basically irrelevant. You can assume that the Vietcong will do what they can to harass a hostile government. The point is that before they never had much opportunity to cause trouble because the country was united around Sihanouk. Now there are divisions to exploit."

If the degree of bloodshed was an indication of how deep the divisions here now run, then the country is indeed in for bad times. "The people hate the Vietnamese, but they love Prince Sihanouk," said another diplomat. "Now the government is calling Sihanouk a traitor, and Sihanouk himself is threatening to regain power with the help of the Vietnamese. There must be total disorientation in the villages. For decades, they were secure. Now they don't know which end is up."

While the government had its hands full putting down the pro-Sihanouk demonstrations, Vietnamese communist troops also put increasing military pressure on government troops near the border. According to government reports, they also infiltrated into positions that would permit them to cut several main road and river links between Phnom Penh and Sihanoukville and the Vietnamese frontier.

Communist troop movements and attacks do not yet constitute open war but observers, although they think the government has exaggerated the menace, find the increased communist attacks nearly as ominous as the demonstrations. The threat, they say, lies not so much in the possibility of direct communist attacks against Phnom Penh and the other main towns but in the fact that the entire military accommodation with the communists, which for years left Cambodia in peace, may be breaking down.

"If you had a map of Cambodia with red pins in it representing communist troops and their positions, nothing much would have changed since Sihanouk was ousted," said one military source. "Those troops have always been there. It is the attitude that has changed. Before, the Cambodians and the Vietnamese coexisted. When there was fighting it was usually because the Cambodians decided to make a show of force. The communists had orders to lie low. Now it is the communists who are making the show of force, and, of course, they are much stronger."

No one here is willing to say that after the demonstrations and the Vietnamese military attacks all hope is gone for negotiations between the new government and the Vietnamese. But most observers here say that with the North Vietnamese and the South Vietnam Provisional Revolutionary government embassies closed, the government trying to cut the rice trade with South Vietnam, and Sihanouk inciting the people to violence over Radio Peking, the accommodation Sihanouk and the communists worked out has been disrupted, probably irrevocably.

"I don't think we will see any big battles right now," said one longtime French resident of Phnom Penh. "But we will see fighting along the borders, we will see more demonstrations, we will have at the beginning a smallscale guerrilla war, and some of the major roads will be cut."

"In short," added another Western observer, "the truce has ended. We have gone from uneasy peace to partial war. This creates a great strain on the government, and on the people. The communists probably hope that this tension will permit Sihanouk to return to power. If he does not come back, they will be in the position of either negotiating or fighting—as they wish—with a weak government discredited by popular demonstration and unable to hold its own on the battlefield."

But if the new regime is aware of the implications of the mounting military and political problems it faces, it has not so far shown in the public composure of its chief officials. In public appearances and press interviews, Prime Minister Lon Nol and Deputy Prime Minister Prince Sisowath Sirik Matak have appeared calm, confident and unemotional.

Although invective against Prince Sihanouk has grown more strident, and appeals for the support of the people more frequent and flowery, most people here, including government officials, seem convinced things are going as well as can be expected.

Riding a wave of anti-Vietnamese nationalism, the government has passed a Riel 9,800 million budget, which includes increases for military expenditures. The government has continued its programme of economic liberalization by increasing bank interest rates and ending government monopolies in most manufacturing enterprises. Following a call for reservists and veterans to rejoin the army, small groups of young and middle-aged men have appeared for voluntary induction into the army. Although government buildings have been sandbagged, road blocks set up on the major highways, and more and more soldiers are seen in the streets, Phnom Penh and most of countryside remain calm. There have been no increases in prices, no hoarding, and the government claims, no flight of capital from the country.

Can the government hang on? Most observers here think so, though some of them fear at the price of a continually deteriorating situation.

"Every day that Sihanouk does not return," one Cambodian official argued, "he becomes more discredited. He has hurt himself by staying so long in Peking, and by throwing his lot in with the communists. We are going to have trouble now. But it is better to deal with these problems now than to have left things the way they were."

To have left things the way they were would have meant, in essence, to leave Prince Sihanouk in control. "This government has made a lot of mistakes," concluded another observer. "But it has made only one fundamental error—throwing out Sihanouk. The Cambodian people, politically, are among the least demonstrative in Asia, so despite the demonstrations, the killings and the bad military situation, everything seems more the same than changed. But this is not right. Cambodia in recent days has changed more than during the previous 10 years. And the change has not been for the better."

## LEGISLATIVE REORGANIZATION ACT

## HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. RUPPE. Mr. Speaker, I have just handed to the clerk a motion to discharge the Committee on Rules from further consideration of H.R. 11475, a bill to improve the operation of the legislative branch of the Federal Government, and for other purposes, which was referred to that committee on May 20, 1969.

I take this action in the face of reports that the Rules Committee has announced that it will schedule for action by the House its own version of the Legislative Reorganization Act of the 1960's. Indeed, I take my action because of the rumored imminence of the scheduling of a bill that in my view may be unacceptable, particularly at the present time when young people all across this troubled land are seriously questioning whether our democratic system can really be made to work. If the contents of the bill to be reported by the committee are similar to those of the print published by the committee last fall, I want to put myself on record as opposing that kind of so-called reform legislation as worse than no bill at all for raising false expectations that meaningful reform had occurred.

I am informed that a copy of the committee's version of the bill will be available next week. While this puts me in the position of attempting to criticize a piece of legislation I have not seen, it also puts me in the position of serving notice on the committee that any bill weaker than H.R. 11475 is unacceptable to this Member of Congress.

Mr. Speaker, I want to emphasize that the action I take today is individually motivated. Each Member of the House will have to consult his own conscience on the question of discharging the Committee on Rules from further consideration of this bill. I would like to underscore my own preference for regular order and normal procedure in ordinary times. My action stems from a recognition that these are not ordinary times. We certainly are not witnessing regular order on most college campuses, and it seems to me that normal procedure in the House of Representatives has brought very little fruition on the subject of congressional reform.

I direct the attention of my colleagues to the brief history of H.R. 11475. This bill is the result of a compromise between the bill introduced on February 5, 1969, by our former colleague Donald Rumsfeld, H.R. 6278, and cosponsored by 122 Republican members, and H.R. 10426, introduced by the Honorable THOMAS REES and cosponsored by more than threescore members of his party. All three of these bills are derived from the bill passed by the Senate carrying out recommendations of the Joint Committee on the Organization of the Congress in its final report dated July 1966.

Mr. Speaker, I am just fed up with procrastination on the question of taking some positive steps toward modernizing the legislative branch of the Federal Government. H.R. 11475 is not the ideal answer to our problems. I consider it the minimal reform package we can enact and say with a straight face that we have really done something constructive about congressional reform. But H.R. 11475 is a step forward, at least, and I am not sure that the package rumored to be forthcoming from the Rules Committee is genuine progress. Unless the bill reported by the Rules Committee is roughly equivalent in strength to the recommendations made by the joint committee 4 years ago and passed by the Senate on March 7, 1967, I think there is a real danger in adding to the present and growing discontent in America. I do not believe we can sell people on the idea that we have changed very much by enacting a few minor reforms.

Mr. Speaker, I know the young people of this country understand the necessity for congressional reform. It would be the cruelest hoax, at a critical moment in the Nation's history when its young citizens are trying so hard to believe in the viability of the democratic process, to pass a watered-down reorganization package. I understand that one committee version even fails to provide for a permanent Joint Committee on Congressional Operations which would have continuing responsibility for upgrading procedures for handling the Nation's business. It would be indefensible, it seems to me, to go to the public in a congressional election year claiming that we had really made a difference in the way Congress operates by enacting changes in procedure that are reform in rhetoric only. And it seems to me a dereliction of responsibility on our part as Members of Congress to continue to fail to act because we say that congressional reform has no constituency.

Mr. Speaker, I invite my colleagues to affix their signatures to my petition, but if no name appears on this motion but my own I will still feel that I have taken a forthright stand and presented tangible evidence of my own concern that we put before the House a really meaningful congressional reform bill.

I include the full text of H.R. 11475:

### H.R. 11475

A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act, divided into titles, parts, and sections according to the following table of contents, may be cited as the "Legislative Reorganization Act of 1969".

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## TITLE I—THE COMMITTEE SYSTEM

### RULEMAKING POWER OF SENATE AND HOUSE

SEC. 101. The following sections of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

### PART 1—PROVISIONS APPLICABLE TO BOTH HOUSES

### COMMITTEE PROCEDURE

SEC. 102. (a) Section 133(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190a) is amended by adding at the end thereof the following new sentences: "If the chairman of any such committee, after the expiration of three days following his receipt of a written request of at least three members of the committee, refuses or fails to call a special meeting of the committee within seven calendar days from the date of said request, then upon the filing with the clerk of the committee of the written and signed request of a majority of the committee for a called special meeting of the committee, the committee shall meet on the day and hour specified in said written request. It shall be the duty of the clerk of the committee to notify all members of the committee in the usual way of such called special meeting. If the chairman of the committee is not present at any committee meeting, the senior member of the majority party who is present shall preside at that meeting.".

If the chairman of the committee is not present at any committee meeting, the senior member of the majority party who is present shall preside at that meeting.".

(b) Section 133(b) of that Act is amended to read as follows:

"(b) Meetings for the transaction of business of each such committee, other than the conduct of hearings, shall be open to the public except when the committee by a majority vote orders an executive session. Each such committee shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any such committee upon any measure, or any amendment thereto, shall be announced publicly at the conclusion of that meeting, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting or who voted by proxy.".

(c) Section 133(c) of that Act is amended by adding at the end thereof the following new sentences: "In any event, the report of any such committee upon a measure or matter which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate or House of Representatives, as the case may be, is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing thereof.".

(d) Section 133(d) of that Act is amended by adding at the end thereof the following new sentences: "No vote shall be taken with respect to any measure, or any amendment thereto, by any such committee unless a majority of the members thereof are actually present. No vote of any member of any such committee with respect to any measure, or any amendment thereto, may be cast by proxy, unless such committee adopts a rule or rules permitting the casting of votes by proxy and unless such rule or rules require that proxies shall be in writing and be given only for a specified measure or measures, including any amendment or amendments thereto.".

(e) Section 133 of that Act is amended by striking out subsections (e) and (f), and inserting in lieu thereof the following:

"(e) If, at the time of approval of a measure or matter by any such committee, any member of the committee gives notice of intention to file supplemental or minority views—

"(1) upon completion of the preparation of a proposed report of such committee upon such measure or matter, a copy of such proposed report shall be transmitted promptly by the clerk of the committee to each member of the committee;

"(2) within two calendar days (excluding Saturdays, Sundays, and legal holidays) after receipt of such proposed report, each such member shall be entitled to file with the clerk of the committee in writing the supplemental or minority views of that member with respect to that measure or matter;

"(3) all such views so filed by one or more members of the committee shall be included within and shall be a part of the report filed by the committee with respect to that measure or matter; and

"(4) the report of such committee upon such measure shall be printed in a single volume which shall include all supplemental or minority views which have been submitted at the time of the filing of the committee report, and shall bear upon its cover a recital that supplemental or minority views are included as a part of the report.

Nothing contained in this subsection shall preclude—

"(A) the immediate filing and printing of a committee report unless a timely request for the opportunity to file supplemental or minority views has been made as provided by this subsection; or

"(B) the filing by any standing committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by such committee upon such measure or matter.

"(f) No measure or matter shall be considered in either House of the Congress unless a committee report thereon has been available to the Members of that House for at least three calendar days (exclusive of Saturdays, Sundays, and legal holidays) prior to the consideration of such measure or matter in that House. If there have been hearings held on any such measure or matter so reported in either House, the committee reporting such measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to Members of that House prior to consideration of the measure or matter in that House. This subsection shall not apply to—

"(1) any measure for the declaration of war, or the declaration of a national emergency, by the Congress,

"(2) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved by one or both Houses of Congress, and

"(3) any privileged report as described in clause 22 of rule XI of the Rules of the House of Representatives in the Ninety-first Congress.

"(g) Each such committee which, in any year beginning on or after January 1, 1970, requires authorization for the expenditure of funds in excess of the amount specified by section 134(a) of this Act shall offer one annual authorization resolution to procure such authorization. Each such annual authorization resolution shall include a specification of the amount of all such funds sought by such committee for expenditure by all subcommittees thereof during that year and the amount so sought for each such subcommittee. In order to make public full and complete information regarding the total annual authorized expenditures of committees, the report accompanying the annual authorization resolution shall include—

"(1) a specification of the amount or amounts of expenditures which the committee is authorized annually to make under permanent law other than the annual authorization resolution,

"(2) a statement disclosing the total of the annual amount or amounts so authorized under permanent law, and

"(3) the total amount of proposed expenditures for which authorization is sought under the provisions of the annual authorization resolution.

The annual authorization resolution of any such committee of either House of the Congress for each year beginning on or after January 1, 1970, shall be offered not later than February 15 of that year, except that, whenever the designation of members of standing committees of that House occurs during the first session of any Congress at a date later than February 15, such resolution may be offered by any standing committee of that House at any time within thirty days after the date on which a majority of the members of such committee have been designated during that session. After the date on which an annual authorization resolution has been offered by any such committee in any year, or the last date on which such committee pursuant to the preceding sentence may offer such a resolution, whichever date occurs earlier, such committee in any year may procure authorization for the expenditure of funds in excess of the amount specified by section 134(a) of this Act only by offering a supplemental authorization resolution. Each such supplemental authorization resolution shall specify with particularity the purpose for which such authorization is sought, and shall contain an explicit statement of the reason why authorization for the expenditures described therein could not have been sought at the time of, or within the period provided for, the submission by such committee of an annual authorization resolution for that year. The minority shall receive fair consideration in the appointment of staff personnel pursuant

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to any such annual or supplemental resolution.

"(h) Each such committee shall cause to be printed annually the rules then in effect which govern the proceedings of that committee. Such rules shall be so printed by each such committee in each year not later than the last day on which such committee pursuant to subsection (g) may offer its annual authorization resolution for that year. When so printed, a copy of such rules shall be transmitted promptly to each member of the committee by the clerk of the committee, and such rules shall be available for public inspection in the office of the clerk. The proceedings of each subcommittee of any such committee shall be conducted in conformity with the rules governing proceedings of the full committee.

"(i) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.".

### COMMITTEE HEARING PROCEDURE

SEC. 103. (a) Part 3 of title I of the Legislative Reorganization Act of 1946 is amended by inserting therein, immediately after section 133 thereof, the following new section:

### "COMMITTEE HEARING PROCEDURE

"SEC. 133A. (a) Each standing, select, or special committee of the Senate and the House of Representatives, and each subcommittee thereof, shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee or subcommittee upon any measure or matter at least one week before the commencement of that hearing unless the committee or subcommittee determines that there is good cause to begin such hearing at an earlier date.

"(b) Each hearing conducted by each such committee or subcommittee shall be open to the public except when the committee or subcommittee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, the committee or subcommittee may permit, as a public service and solely under such rules as the full committee may adopt, the broadcasting, telecasting, and photographing by still and motion pictures of that hearing, or the recording and filming of that hearing for later broadcasting or telecasting, except that—

"(1) no witness may be required, against his will, to give evidence or testimony while the broadcasting or telecasting of that hearing is being conducted or while a recording or filming of that hearing is being made for later broadcasting or telecasting; and

"(2) no on-the-spot broadcasting or telecasting of that hearing may be conducted under commercial sponsorship, but this prohibition shall not be construed to prevent the broadcasting or telecasting of that hearing as a part of regularly scheduled news broadcasts or telecasts under commercial sponsorship.

"(c) Each such committee or subcommittee shall require, insofar as practicable, all witnesses appearing before it to file in advance written statements of their proposed testimony and to limit their oral presentations to brief summaries of their argument.

"(d) Whenever any hearing is conducted by any such committee or subcommittee upon any measure or matter, the minority of the committee shall be entitled, upon request by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

"(e) The foregoing provisions of this section do not apply to the Committee on Appropriations of the Senate and the Committee on Appropriations, the Committee on Rules, and the Committee on Standards of Official Conduct, of the House of Representatives.".

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by inserting—

"Sec. 133A. Committee hearing procedure."

immediately below—

"Sec. 133. Committee procedure.".

### COMMITTEE POWERS

SEC. 104. Section 134(c) of the Legislative Reorganization Act of 1946 (2 U.S.C. 190b(b)) is amended to read as follows:

"(c) Except as hereinafter provided, no standing committee of the Senate or the House shall sit, without special leave, while the Senate or the House, as the case may be, is in session. The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations of the Senate or to the following committees of the House of Representatives: the Committee on Appropriations, the Committee on Government Operations, and the Committee on Rules. Any other standing committee of the Senate may sit for any purpose while the Senate is in session if consent therefor has been obtained from the majority leader and the minority leader of the Senate. Any other standing committee of the House of Representatives may conduct a hearing while the House is in general debate if consent therefor has been obtained from the Speaker and the minority leader of the House, but the authority contained in this sentence does not permit the conduct of any hearing by any such other standing committee during any period in which a measure is being read for amendment under the five-minute rule. In the event of the absence of any such officer or leader, the consent of such officer or leader may be given by a Member of that House of which such officer or leader is a Member designated by him for that purpose. Notwithstanding the provisions of this subsection, any standing committee of the Senate may sit without special leave for any purpose as authorized by paragraph 5 of rule XXV of the Standing Rules of the Senate.".

### LEGISLATIVE REVIEW BY STANDING COMMITTEES

SEC. 105. (a) Section 136 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190d) is amended to read as follows:

### "LEGISLATIVE REVIEW BY STANDING COMMITTEES

"SEC. 136. (a) In order to assist the Congress in—

"(1) its analysis, appraisal, and evaluation of the application, operation, administration, and execution of the laws enacted by the Congress, and

"(2) its formulation, consideration, and enactment of such modifications of or changes in such laws, and of such additional legislation, as it deems necessary or appropriate,

each standing committee of the Senate and House of Representatives shall review and study, on a continuing basis, the application, operation, administration, and execution of those laws, or parts of laws, the subject matter of which is within the jurisdiction of such committee.

"(b) Each standing committee of the Senate and House of Representatives shall—

"(1) conduct the reviews and studies required generally by subsection (a) of this section;

"(2) analyze, appraise, and evaluate reports and other data of the Comptroller General of the United States, and of any other officer or agency of the Government, which are pertinent to reviews, studies, programs, projects, and other matters within the purview of this section and may request the Comptroller General to investigate any report on any matter relating to the receipt, disbursement, and application of public funds under such laws;

"(3) kept currently informed with respect to the regulations, procedures, practices, and policies of the Government pertaining to the application, operation, administration, and execution of the laws, and parts of laws, the subject matter of which is within the jurisdiction of the committee.

"(4) conduct such activities as are necessary and appropriate to carry out the general review and study policies of the committee under this section, including reviews of programs of grants-in-aid referred to in section 252(c) of the Legislative Reorganization Act of 1969; and

"(5) obtain current information regarding—

"(A) the progress, status, and results of reviews, studies, programs, and projects conducted under this section,

"(B) the regulations, procedures, practices, and policies of the Government referred to in subparagraph (3) of this subsection, and

"(C) all other matters within the purview of this subsection.

"(c) Each standing committee of the Senate and House of Representatives is entitled to employ a Review Specialist as a member of the professional staff of such committee in addition to the number of members of such professional staff to which such committee otherwise is entitled. Such Review Specialist shall be selected and appointed by the chairman of such committee, with the prior approval of the ranking minority member, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position. Such Review Specialist shall, under the joint direction and supervision of the chairman and the ranking minority member, assist the committee in the performance of its review functions under this section.

"(d) Each standing committee of the Senate and House of Representatives shall submit, not later than March 31 of each year beginning on or after January 1, 1970, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year. Such report shall include—

"(1) an analysis of the reviews, studies, programs, and projects of the committee under this section:

"(2) an appraisal and evaluation of the application, operation, administration, and execution of the laws, and parts of laws, the subject matter of which is within the jurisdiction of the committee; and

"(3) such other matters within the purview of this section as may be appropriate to carry out the purposes of this section.

Each such committee shall omit in such report all matters which, in the opinion of the committee, should not be made public in the interest of the national security.

"(e) Within ten days after the submission of all such reports to the Senate and House of Representatives, respectively, the President of the Senate, with respect to the reports submitted to the Senate, and the Speaker of the House of Representatives, with respect to the reports submitted to the House, shall transmit such reports to—

"(1) the President, with respect to matters concerning the executive branch;

"(2) the Director of the Administrative Office of the United States Courts, with respect to matters concerning the judicial branch;

"(3) the Commissioner of the District of Columbia, with respect to matters concerning the municipal government of the District of Columbia; and

"(4) the heads of other appropriate agen-

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cies, corporations, and instrumentalities of the Government.

"(f) As used in this section, the term 'Government' includes the municipal government of the District of Columbia.

"(g) The foregoing provisions of this section do not apply to the Committee on Appropriations, and the Select Committee on Standards and Conduct, of the Senate and the Committee on Appropriations, the Committee on Rules, and the Committee on Standards of Official Conduct, of the House of Representatives.".

(b) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 136. Legislative oversight by standing committees."

and inserting in lieu thereof—

"Sec. 136. Legislative review by standing committees.".

### CONFERENCE REPORTS

SEC. 106. (a) The section caption of section 135 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190c) is amended to read as follows:

### "CONFERENCE REPORTS"

((b) Section 135 of that Act is amended by adding at the end thereof the following new subsections:

"(c) Each report of a committee of conference shall be printed as a report of each House of the Congress. As printed in each House, each such report shall be accompanied by an explanatory statement prepared jointly by the conferees on the part of both Houses. Each such statement shall be sufficiently detailed and explicit to inform both Houses as to the effect which amendments or propositions contained in such report will have upon the measure to which it relates. If any conferee on the part of either House desires to submit to the House of which he is a Member an additional individual explanatory statement with respect to any such report to that House, such individual statement may be filed as an appendix to and may be printed together with, the explanatory statement of the committee of conference contained in the conference report to that House of which such conferee is a member, if such individual statement is available at the time of the filing of the report of the committee of conference to that House.

"(d) If time for debate in the consideration of any report of a committee of conference upon the floor of either House of Congress is limited, the time allotted for debate thereon in that House shall be equally divided between the political party having the greatest number of members, and the political party having the second greatest number of members, of the House.".

(c) The item relating to section 135 contained in the table of contents of that Act is amended to read:

## TITLE II—FISCAL CONTROLS

### RULEMAKING POWER OF SENATE AND HOUSE

SEC. 201. Part 3 and part 5 of this title are enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply; and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) With full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

## PART 1—BUDGETING AND FISCAL INFORMATION AND DATA

### DATA PROCESSING SYSTEM

SEC. 202. The Secretary of the Treasury and the Director of the Bureau of the Budget, in cooperation with the Comptroller General of the United States, shall develop, establish, and maintain, insofar as practicable, for use by all Federal agencies, a standardized information and data processing system for budgetary and fiscal data.

### STANDARD CLASSIFICATIONS

SEC. 203. (a) The Secretary of the Treasury and the Director of the Bureau of the Budget, in cooperation with the Comptroller General, shall develop, establish, and maintain standard classifications of programs, activities, receipts, and expenditures of Federal agencies in order—

(1) to meet the needs of the various branches of the Government; and

(2) to facilitate the development, establishment, and maintenance of the data processing system under section 202 through the utilization of modern automatic data processing techniques.

The initial classifications under this subsection shall be established on or before December 31, 1971.

(b) The Secretary of the Treasury and the Director of the Bureau of the Budget shall submit a report to the Senate and the House of Representatives on or before September 1 of each year, commencing with 1970, with respect to the performance during the preceding fiscal year of the functions and duties imposed on them by section 202 and subsection (a) of this section. The reports made under this subsection in 1970 and 1971 shall set forth the progress achieved in the development of classifications under subsection (a) of this section, and the reports made in years thereafter shall include information with respect to changes in, and additions to, classifications previously established. Each such report shall include such comments of the Comptroller General as he deems necessary or advisable.

### AVAILABILITY OF DATA

SEC. 204. The Comptroller General shall provide information to the Congress, as provided in this section, on the location and nature of data available in the various Federal agncies with respect to programs, activities, receipts, and expenditures of such agencies. Upon request of any Member of the House or Senate, of any committee of either House, or of any joint committee of the two Houses, the Comptroller General shall—

(1) furnish to such Member, committee, or joint committee information as to the location and nature of such data, and

(2) to the extent feasible, prepare for such Member, committee, or joint committee summary tables of such data.

### COST EFFECTIVENESS STUDIES

SEC. 205. The Comptroller General shall have available in the General Accounting Office employees who are expert in analyzing and conducting cost effectiveness studies of Government programs. Upon request of any committee of either House or of any joint committee of the two Houses, the Comptroller General shall assign, on a temporary basis, employees of the General Accounting Office to assist such committee or joint committee, or the staff of such committee or joint committee—

(1) in analyzing cost effectiveness studies furnished by any Federal agency to such committee or joint committee, or

(2) in conducting cost effectiveness studies of programs under the jurisdiction of such committee or joint committee.

### CURRENT BUDGET INFORMATION

SEC. 206. (a) After the submission of the budget for any fiscal year by the President, the Comptroller General shall collect information and data available in the various Federal agencies with respect to changes in the figures shown in such budget as submitted, including changes caused by—

(1) new or supplemental requests for appropriations;

(2) the enactment of appropriation Acts, or the action of either the House or Senate on appropriation bills, or of the Committee on Appropriations, of the House or Senate on appropriation bills or requests for appropriations;

(3) increases or decreases in expenditures of prior appropriations;

(4) increases or decreases in revenue receipts or estimated revenue receipts; and

(5) increases or decreases in expenditures or estimated expenditures by reason of the enactment of laws (other than appropriation Acts).

(b) The Comptroller General shall, from time to time, furnish a report showing revised budget information and totals to reflect the information and data collected by him under subsection (a) to each Member of the House and Senate, each committee of the House and Senate, and each joint committee of the two Houses. All such reports shall identify, to the extent necessary, the sources of the information and data reflected in the revised budget information and totals.

(c) Upon request of any Member of the House or Senate, any committee of either House, or any joint committee of the two Houses, the Comptroller General shall, to the extent feasible, prepare and furnish to such Member, committee, or joint committee tabulations of such budget information and data as collected pursuant to this section.

### POWERS AND DUTIES OF COMPTROLLER GENERAL

SEC. 207. (a) The Comptroller General shall establish within the General Accounting Office such office or division, or such offices or divisions, as he deems necessary to carry out the functions and duties imposed on him by the provisions of this part.

(b) The Comptroller General is authorized to obtain the services of individual experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not in excess of $200 per diem. Not more than fifteen such experts and consultants may be so employed at any one time and no expert or consultant may be so employed for more than one hundred and twenty days during any calendar year.

(c) The Comptroller General shall include in his annual report to the Congress information with respect to the performance of the functions and duties imposed on him by the provisions of this part.

### CONSTRUCTION

SEC. 208. Nothing contained in this part shall be construed as impairing any authority or responsibility of the Secretary of the Treasury, the Director of the Bureau of the Budget, and the Comptroller General of the United States under the Budget and Accounting Act, 1921, as amended, and the Budget and Accounting Procedure Act of 1950, as amended, or any other Acts.

### DEFINITION

SEC. 209. As used in this title, the term "Federal agency" means any department, agency, wholly owned Government corporation, establishment, or instrumentality of the Government of the United States or the government of the District of Columbia.

## PART 2—THE BUDGET

### SUPPLEMENTAL BUDGET INFORMATION

SEC. 221. (a) Section 201(a) of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 11), is amended by adding a new subparagraph as follows:

"(12) as to each proposal for new legislation in the budget involving creation or expansion of any function, activity, or authority, and to be in addition to those functions, activities, and authorities then existing, a tabulation showing the amount proposed in the Budget for appropriation and for expenditure for the ensuing fiscal year and the estimated appropriation required on account of such proposal in each of the following four fiscal years during which such proposal is to be in effect."

(b) Section 201 of the Budget and Accounting Act, 1921 (31 U.S.C. 11) is amended by striking out subsections (b), (c), (d), (e), and (f), and inserting in lieu thereof the following:

"(b) Not later than June 1 of each year, beginning with 1970, the President shall transmit to the Congress a supplemental summary of the Budget transmitted in January of such year for the ensuing fiscal year with his recommendations. Such supplemental summary shall reflect all changes relating to that fiscal year which have occurred since the transmittal of the Budget, including changes caused by—

"(1) revisions in estimates of expenditures and receipts,

"(2) estimated expenditures and proposed appropriations which were not included in the Budget as transmitted,

"(3) appropriations enacted after transmittal of the Budget, and

"(4) the enactment of laws (other than appropriation Acts) after the transmittal of the Budget.

Such supplemental summary also shall contain current information with respect to items covered by paragraph (8) and clauses (2) and (3) of paragraph (9) of section 201 (a) of the Budget and Accounting Act, 1921.

"(c) On or before June 1 of each year, the President shall transmit to the Congress, in such form and detail as he may determine—

"(1) summaries of estimated expenditures, for the four fiscal years following the ensuing fiscal year for which the Budget was transmitted in January of such year, which will be required under continuing programs which have a legal commitment for future years or are considered mandatory under existing law, and

"(2) summaries of estimated expenditures in fiscal years following such ensuing fiscal year of balances carried over from such ensuing fiscal year.

"(d) The Budget shall include information showing the gross amount of expenditures and estimated expenditures of all programs of the Government.".

(b) Subsections (c) and (d) of section 201 of the Budget and Accounting Act, 1921 (as amended by subsection (a)) shall apply only with respect to the Budget transmitted to the Congress for the fiscal year ending June 30, 1970, and for succeeding fiscal years.

## Part 3—The Appropriations Process

### Committee Hearings

Sec. 231. (a) Each hearing conducted by the Committee on Appropriations of the House of Representatives or the Senate, or any subcommittee of those committees, shall be open to the public except when the committee determines that the testimony to be taken at that hearing may relate to a matter of national security, may tend to reflect adversely on the character or reputation of the witness or any other individual, or may divulge matters deemed confidential under other provisions of law or Government regulation. Whenever any such hearing is open to the public, the committee or subcommittee may permit, as a public service and solely under such rules as the full committee may adopt, the broadcasting, telecasting, and photographing by still and motion pictures of that hearing, or the recording and filming of that hearing for later broadcasting or telecasting, except that—

"(1) no witness may be required, against his will, to give evidence or testimony while the broadcasting or telecasting of that hearing is being conducted or while a recording or filming of that hearing is being made for later broadcasting or telecasting; and

"(2) no on-the-spot broadcasting or telecasting of that hearing may be conducted under commercial sponsorship, but this prohibition shall not be construed to prevent the broadcasting or telecasting of that hearing as a part of regularly scheduled news broadcasts or telecasts under commercial sponsorship.

(b) The Committee on Appropriations of the House and the Committee on Appropriations of the Senate shall, within thirty days after the transmittal of the Budget to the Congress each year, hold hearings on the Budget as a whole with particular reference to—

(1) the basic recommendations and budgetary policies of the President in the presentation of the Budget, and

(2) the fiscal, financial, and economic assumptions used as bases in arriving at total estimated expenditures and receipts.

(c) In holding hearings pursuant to subsection (b), the committees shall receive testimony from the Secretary of the Treasury, the Director of the Bureau of the Budget, the Chairman of the Council of Economic Advisers, and such other persons as the committees may desire.

(d) Hearings pursuant to subsection (b) shall be held in open session. A transcript of all such hearings shall be printed and a copy thereof furnished to each Member of the House or Senate, as the case may be.

(e) Hearings pursuant to subsection (b), or any part thereof, may be held before joint meetings of the two committees.

(f)(1) Section 138 of the Legislative Reorganization Act of 1946 (2 U.S.C. 190e) is repealed.

(2) Title I of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—
"Sec. 138. Legislative Budget.".

### BUDGET REVIEW

Sec. 232. The Committee on Appropriations of the House, and the Committee on Appropriations of the Senate, shall review the Budget transmitted for each fiscal year for the specific purpose of examining and reviewing those programs for which estimated expenditures or proposed appropriations contained in the Budget would be made by, or be under the control of, two or more Federal agencies.

### COMMITTEE ACTION

Sec. 233. (a) No vote shall be taken in the Committee on Appropriations of the House of Representatives or the Senate with respect to any measure, or any amendment thereto unless a majority of the members thereof are actually present. No vote of any member of any such committee with respect to any measure or any amendment thereto may be cast by proxy unless such committee adopts a rule or rules permitting the casting of votes by proxy and unless such rule or rules require that proxies shall be in writing and be given only for a specified measure or measures, including any amendment or amendments thereto.

(b) The report of the Committee on Appropriations of the House or the Senate as the case may be accompanying each appropriation bill shall include an analysis of the major factors taken into consideration by the committee in reporting the bill and recommending the appropriations contained therein. In any case in which any cost effectiveness analysis or study of any program for which funds are appropriated in the bill has been furnished by any Federal agency to any committee of the House or Senate or any joint committee of the two Houses, or has been made by any such committee or joint committee such report shall also state the consideration given by the Commitee on Appropriations to such analysis or study and shall inform the Members of the House or Senate, as the case may be, where they may obtain copies of such analysis or study.

(c) In the case of any bill reported by the Committee on Appropriations of the House or the Senate which makes supplemental or deficiency appropriations for any fiscal year, the report accompanying such bill shall include a complete explanation of the nature of the request for such appropriation and the reason such request was not made or could not have been made for inclusion in the regular appropriation bill for such fiscal year, or could not be withheld for inclusion in the regular appropriation bill for the following fiscal year.

### PASSAGE OF BILLS

Sec. 234. The question of the final passage in both the House and the Senate of any general appropriation measure reported by the Committee on Appropriations of the House or Senate shall be decided by a yea-and-nay vote.

### ROLLCALL VOTE REQUIRED ON MEASURES CHANGING COMPENSATION OF MEMBERS OF CONGRESS

Sec. 235. (a) No bill or joint resolution containing a provision increasing or decreasing the rate of compensation of Members of Congress shall be passed by the Senate or House of Representatives unless (1) such increase or decrease in compensation is set forth as a separate proposition from any other provision in the bill or joint resolution, and (2) such proposition shall have been approved by the Senate or House of Representatives, as the case may be, by a yea-and-nay vote.

(b) As used in this section, "Member of Congress" means a Senator, Representative in Congress, and the Resident Commissioner from Puerto Rico.

## Part 4—Utilization of Reports of General Accounting Office

### ASSISTANCE TO COMMITTEES

Sec. 241. At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall explain to, and discuss with, the committee or joint committee making the request, or the staff of such committee or joint committee, any report made by the General Accounting Office which would assist such committee in connection with—

(1) its consideration of proposed legislation, including requests for appropriations, or

(2) its review of any program, or of any activities of any Federal agency, which is within the jurisdiction of such committee or joint committee.

### REPORTS TO COMMITTEES

Sec. 242. (a) Whenever the General Accounting Office submits any report to the Congress, the Comptroller General shall deliver copies of such report to—

(1) the Committees on Appropriations of the House and Senate,

(2) the Committees on Government Operations of the House and Senate, and

(3) any other committee of the House or Senate, or any joint committee of the two Houses, which has requested information on any program or part thereof, or any Federal agency, which is the subject of such report.

(b) At the request of any committee of the House or Senate, or of any joint committee of the two Houses, the Comptroller General shall make available to such committee or joint committee a copy of any report made by the General Accounting Office which was not delivered to such committee or joint committee pursuant to subsection (a).

### AGENCY REPORTS

Sec. 243. Whenever the General Accounting Office has made a report which contains

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recommendations to the head of any Federal agency, such agency shall, in connection with the first request for appropriations for that agency submitted to the Congress more than sixty days after the date of such report, submit a written statement to the Committees on Appropriations of the House and Senate of the action taken by such agency with respect to such recommendations.

### PART 5—LEGISLATIVE COMMITTEES

#### COST ESTIMATES

SEC. 251. (a) The report accompanying each bill or joint resolution reported by any committee of the House or Senate shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one-year period, and

(2) a comparison of the estimate of costs described in paragraph (1) made by such committee with any estimate of costs made by any Federal agency in the executive branch of the Government, or

(3) a statement of the reasons why compliance by the committee with the requirements of paragraphs (1) and (2) is impracticable.

(b) It shall not be in order in either House to consider a bill or joint resolution if such bill or joint resolution was reported in that House after the effective date of this section and the report of the committee of that House does not comply with the provisions of subsection (a).

#### APPROPRIATIONS ON ANNUAL BASIS

SEC. 252. (a) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction shall, in recommending the enactment of legislation, endeavor to insure that all continuing programs of the Government are designed, and all continuing activities of Federal agencies are carried on, so that appropriations therefor will be made annually.

(b) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction over any continuing program for which appropriations are not made annually shall, from time to time, review such program to ascertain whether such program could be modified so that appropriations therefor would be made annually.

(c) Each committee of the House and Senate, and each joint committee of the two Houses, which has legislative jurisdiction over any program under which grants-in-aid are made, shall periodically make a complete review of such program.

#### COMMITTEE JURISDICTION

SEC. 253. (a) For purposes of the provisions of this Part, a committee of either House, or a joint committee of the two Houses, shall be considered to have legislative jurisdiction over any matter only if, under the rules of the respective Houses, legislation relating to such matter is referred to such committee and such committee is authorized to report and recommend the enactment of such legislation, except that the Committees on Appropriations of the two Houses shall not be considered to be legislative committees.

(b) For purposes of the provisions of section 251 of this Part, the members of the Joint Committee on Atomic Energy who are Members of the House shall be treated as a committee of the House, and the members of the Joint Committee who are Members of the Senate shall be treated as a committee of the Senate.

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## TITLE III—SOURCES OF INFORMATION

### PART 1—STAFFS OF SENATE AND HOUSE STANDING COMMITTEES

#### COMMITTEE STAFFING AND RELATED PROVISIONS

SEC. 301. (a) Subsection (a) of section 202 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(a)), is amended to read as follows:

"(a) Each standing committee of the Senate and House of Representatives (other than the Committee on Appropriations of each House) is authorized to appoint by majority vote of the committee not more than six professional staff members in addition to the clerical staffs. Such professional staff members shall be assigned to the chairman and the ranking minority member of such committee as the committee may deem advisable, except that whenever a majority of the minority members of such committee (other than the Committee on Standards and Conduct of the House of Representatives) so request, two of such professional staff members may be selected for appointment by majority vote of the minority members and the committee shall appoint any staff members so selected. A staff member or members appointed pursuant to a request by the minority members of the committee shall be assigned to such committee business as such minority members deem advisable. Services of professional staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of professional staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request. Professional staff members authorized by this subsection shall be appointed on a permanent basis without regard to political affiliations and solely on the basis without regard to political affiliations and solely on the basis of fitness to perform the duties of the office. Such professional staff members shall not engage in any work other than committee business and no other duties may be assigned to them.".

(d) Subsection (c) of such section 202 (2 U.S.C. 72a(c)) is amended to read as follows:

"(c) The clerical staff of each standing committee of the Senate and the House of Representatives (other than the Committee on Appropriations of each House), which shall be appointed by a majority vote of the committee, shall consist of not more than six clerks to be attached to the office of the chairman, to the ranking minority member, and to the professional staff, as the committee may deem advisable, except that whenever a majority of the minority members of such committee (other than the Committee on Standards and Conduct of the House of Representatives) so requests, one of the members of the clerical staff may be selected for appointment by a majority vote of such minority members and the committee shall appoint any staff member so selected. The clerical staff shall handle committee correspondence and stenographic work, both for the committee staff and for the chairman and ranking minority member on matters related to committee work, except that if a member of the clerical staff is appointed pursuant to a request by the minority members of the committee, such clerical staff member shall handle committee correspondence and stenographic work for the minority members of the committee and for any members of the committee staff appointed under subsection (a) pursuant to request by such minority members, on matters related to committee work. Services of clerical staff members appointed by majority vote of the committee may be terminated by majority vote of the committee and services of clerical staff members appointed pursuant to a request by the minority members of the committee shall be terminated by the committee when a majority of such minority members so request.".

(c) Such section 202 is amended by striking out subsection (h), and by adding after subsection (f) the following new subsections:

"(g) In any case in which a request for the appointment of a minority staff member under subsection (a) or subsection (c) is made at any time when no vacancy exists to which the appointment requested may be made, the person appointed pursuant to such request may serve in addition to any other staff members authorized by such subsections and may be paid from the contingent fund of the Senate or House of Representatives, as the case may be, until such time as such a vacancy occurs, at which time such person shall be considered to have been appointed to such vacancy.

"(h) Staff members appointed pursuant to a request by minority members of a committee under subsection (a) or subsection (c), and staff members appointed to assist minority members of subcommittees pursuant to authority of Senate or House resolution, shall be accorded equitable treatment with respect to the fixing of salary rates, the assignment of facilities, and the accessibility of committee records.

"(i)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, or the Committee on House Administration in the case of standing committees of the House of Representatives, within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, to make studies or advise the committee with respect to any matter within its jurisdiction.

"(2) Such services in the case of individuals or organizations may be procured by contract as independent contractors, or in the case of individuals by employment at daily rates of compensation not in excess of the per diem equivalent of the highest gross rate of compensation which may be paid to a regular employee of the committee, including payment of such rates for necessary travel time. Such contracts shall not be subject to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5) or any other provision of law requiring advertising.

"(3) Any such consultant or organization shall be selected by the chairman, after consultation with the ranking minority member of the committee. The committee shall submit to the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, information bearing on the qualifications of each consultant whose services are procured pursuant to this subsection, including organizations, and such information shall be retained by that committee and shall be made available for public inspection upon request.

"(j)(1) Each standing committee of the Senate or House of Representatives is authorized, with the approval of the Committee on Rules and Administration in the case of standing committees of the Senate, and the Committee on House Administration in the case of standing committees of the House of Representatives, and within the limits of funds made available from the contingent funds of the respective Houses pursuant to resolutions, which shall specify the maximum amounts which may be used for such purpose, approved by such respective Houses, to provide assistance for members of its professional staff in obtaining specialized training, whenever it determines that such training will aid it in the discharge of its responsibilities.

"(2) Such assistance may be in the form of continuance of pay during periods of training or grants of funds to pay tuition, fees, or such other expenses of training, or both, as may be approved by the Committee on Rules and Administration or the Committee on House Administration, as the case may be.

"(3) A committee providing assistance under this subsection shall obtain from any employee receiving such assistance such agreement with respect to continued employment as it may deem necessary to assure that it will receive the benefits of such employee's services upon completion of his training.

"(4) During any period for which an employee is separated from employment with a committee for the purpose of undergoing training under this subsection, such employee shall be considered to have performed service as an employee of the committee at the rate of compensation received immediately prior to commencing such training (including any increases in compensation provided by law during the period of training) for the purposes of—

"(A) subchapter III (relating to civil service retirement) of chapter 83 of title 5, United States Code,

"(B) chapter 87 (relating to Federal employees group life insurance) of title 5, United States Code, and

"(C) chapter 89 (relating to Federal employees group health insurance) of title 5, United States Code.".

(d)(1) Subsections (e) and (f) of section 105 of the Legislative Branch Appropriation Act, 1968, are amended to read as follows:

"(e)(1) Subject to the provisions of paragraph (3), the professional staff members of standing committees of the Senate shall receive gross annual compensation to be fixed by the chairman ranging from $15,721 to $25,671.

"(2) The rates of gross compensation of the clerical staff of each standing committee of the Senate shall be fixed by the chairman as follows:

"(A) for each committee (other than the Committee on Appropriations), one chief clerk and one assistant chief clerk at $6,766 to $25,671, and not to exceed four other clerical assistants at $6,766 to $11,741; and

"(B) for the Committee on Appropriations, one chief clerk and one assistant chief clerk and two assistant clerks at $17,512 to $26,671; such assistant clerks as may be necessary at $11,940 to $17,313; and such other clerical assistants as may be necessary at $6,766 to $11,741.

"(3) No employee of any standing or select committee of the Senate (including the majority and minority policy committees and the conference majority and conference minority of the Senate), or of any joint committee the expenses of which are paid from the contingent fund of the Senate, shall be paid at a gross rate in excess of $25,671 per annum, except that—

"(A) four employees of any such committee (other than the Committee on Appropriations), who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $26,865 per annum, and two such employees may be paid at gross rates not in excess of $28,000 per annum; and

"(B) sixteen employees of the Committee on Appropriations who are otherwise authorized to be paid at such rate, may be paid at gross rates not in excess of $26,865 per annum, and two such employees may be paid at gross rates not in excess of $28,000 per annum. For the purpose of this paragraph, an employee of a subcommittee shall be considered to be an employee of the full committee.

"(f) No officer or employee whose compensation is disbursed by the Secretary of the Senate shall be paid gross compensation at a rate less than $1,194 or in excess of $28,000, unless expressly authorized by law."

(2) If the annual rate of basic pay for positions in level V of the Executive Schedule under section 5316 of title 5, United States Code, is increased effective on or before May 31, 1969, to $30,000 or more, subsections (e) and (f) of section 105 of the Legislative Branch Appropriation Act, 1968, as amended by paragraph (1) of this subsection are further amended, effective on the first day of the month following the effective date of such increase in the rate for positions in level V, by striking out "$25,671", "$26,865", and "$28,000" wherever they appear and inserting in lieu thereof "$28,860", "$29,054", and "$30,248", respectively.

(e) The additional professional staff members authorized to be employed by a committee by the amendment made by subsection (a) of this section shall be in addition to any other additional staff members authorized, prior to January 1, 1970, to be employed by any such committee.

(f) This section shall not be construed to prevent the appointment of additional professional or clerical staff members, as the case may be, pursuant to the request of the majority of the minority members of any committee of the Senate or House of Representatives in any case in which the total number of professional or clerical staff members, as the case may be, is in excess of the total number of professional or staff members authorized by section 202 of the Legislative Reorganization Act of 1946.

## Part 2—Legislative Research Service

### IMPROVEMENT OF LEGISLATIVE RESEARCH FACILITIES OF CONGRESS

Sec. 321. (a) Section 203 of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 166), is amended to read as follows:

### "LEGISLATIVE RESEARCH SERVICE

"Sec. 203. (a) The Legislative Reference Service in the Library of Congress is hereby continued as a separate department in the Library of Congress and is redesignated the 'Legislative Research Service'.

"(b) It is the policy of Congress that—

"(1) the Librarian of Congress shall, in every possible way, encourage, assist, and promote the Legislative Research Service in—

"(A) rendering to Congress the most effective and efficient service,

"(B) responding most expeditiously, effectively, and efficiently to the special needs of Congress, and

"(C) discharging its responsibilities to Congress;

and

"(2) the Librarian of Congress shall grant and accord to the Legislative Research Service complete research independence and the maximum practicable administrative independence consistent with these objectives.

"(c)(1) After consultation with the Joint Committee on the Library, the Librarian of Congress shall appoint the Director of the Legislative Research Service. The basic pay of the Director shall be at a per annum rate equal to the rate of basic pay provided for level V of the Executive Schedule contained in section 5316 of title 5, United States Code.

"(2) The Librarian of Congress, upon the recommendation of the Director, shall appoint a Deputy Director of the Legislative Research Service and all other necessary personnel thereof. The basic pay of the Deputy Director shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, but without regard to section 5108(a) of such title. The basic pay of all other necessary personnel of the Legislative Research Service shall be fixed in accordance with chapter 51 (relating to classification) and subchapter III (relating to General Schedule pay rates) of chapter 53 of title 5, United States Code, except that—

"(A) the grade of Senior Specialist in each field within the purview of subsection (e) of this section shall not be less than the highest grade in the executive branch of the Government to which research analysts and consultants with out supervisory responsibility are currently assigned; and

"(B) the positions of Specialist and Senior Specialist in the Legislative Research Service may be placed in GS–16, 17, and 18 of the General Schedule of section 5332 of title 5, United States Code, without regard to section 5108(a) of such title, subject to the prior approval of the Joint Committee of Congress on the Library, by record vote of a majority of the members of the Joint Committee, of the placement of each such position in any of such grades.

"(3) Each appointment made under paragraphs (1) and (2) of this subsection and subsections (e) and (i) of this section shall be without regard to the civil service laws, without regard to political affiliation, and solely on the basis of fitness to perform the duties of the position.

"(d) It shall be the duty of the Legislative Research Service, without partisan bias—

"(1) upon request, to advise and assist any committee or Member of the Senate or House of Representatives and any joint committee of Congress in the analysis, appraisal, and evaluation of legislative proposals, or of recommendations submitted to Congress by the President or any executive agency, and otherwise to assist in providing a basis for the proper evaluation and determination of legislative proposals and recommendations generally;

"(2) upon request, or upon its own initiative in anticipation of requests, to collect, classify, and analyze in the form of studies, reports, compilations, digests, bulletins, indexes, translations, and otherwise, data having a bearing on legislation, and to make such data available and serviceable to committees and Members of the Senate and House of Representatives and joint committees of Congress;

"(3) upon request, or upon its own initiative in anticipation of requests, to prepare and provide information, research, and reference materials and services to committees and Members of the Senate and House of Representatives and joint committees of Congress to assist them in their legislative and representative functions;

"(4) to prepare summaries and digests of bills and resolution of a public general nature introduced in the Senate or House of Representatives; and

"(5) upon request made by any committee or Member of the Congress, to prepare and transmit to such committee or Member a concise memorandum with respect to one or more legislative measures upon which hearings by any committee of the Congress have been announced, which memorandum shall contain a statement of the purpose and effect of each such measure, a description of other relevant measures of similar purpose or effect previously introduced in the Congress, and a recitation of all action taken theretofore by or within the Congress with respect to each other measure.

"(e) The Librarian of Congress is authorized to appoint in the Legislative Research Service, upon the recommendation of the Director, Specialists and Senior Specialists in the following broad fields:

"(1) agriculture;

"(2) American government and public administration;

"(3) American public law;

"(4) conservation;

"(5) education;

"(6) engineering and public works;
"(7) housing;
"(8) industrial organization and corporation finance;
"(9) international affairs;
"(10) international trade and economic geography;
"(11) labor and employment;
"(12) mineral economics;
"(13) money and banking;
"(14) national defense;
"(15) price economics;
"(16) science;
"(17) social welfare;
"(18) taxation and fiscal policy;
"(19) technology;
"(20) transportation and communications;
"(21) urban affairs;
"(22) veterans' affairs; and
"(23) such other broad fields as the Director may deem appropriate.

Such Specialists and Senior Specialists, together with such other employees of the Legislative Research Service as may be necessary, shall be available for special work with the committees and Members of the Senate and House of Representatives and the joint committees of Congress for any of the purposes of subsection (d) of this section.

"(f) The Director is authorized—

"(1) to classify, organize, arrange, group, and divide, from time to time, as he deems advisable, the requests for advice, assistance, and other services submitted to the Legislative Research by committees and Members of the Senate and House of Representatives and joint committees of Congress, into such classes and categories as he deems necessary to—

"(A) expedite and facilitate the handling of the individual requests submitted by Members of the Senate and House of Representatives,

"(B) promote efficiency in the performance of services for committees of the Senate and House of Representatives and joint committees of Congress, and

"(C) provide a basis for the efficient performance by the Legislative Research Service of its legislative research and related functions generally;

and

"(2) to establish and change, from time to time, as he deems advisable, within the Legislative Research Service, such research and reference divisions or other organizational units, or both, as he deems necessary to accomplish the purposes of this section.

"(g) In order to facilitate the study, consideration, evaluation, and determination by the Congress of the budget requirements of the Legislative Research Service for each fiscal year, the Librarian of Congress shall receive from the Director and submit, for inclusion in the Budget of the United States Government, the budget estimates of the Legislative Research Service prepared separately by the Director in detail for each fiscal year, as a separate item of the budget estimates of the Library of Congress for such fiscal year.

"(h) (1) The Director of the Legislative Research Service is authorized to procure the temporary services (not in excess of one year) or intermittent services of individual experts or consultants (including stenographic reporters) and persons learned in particular field of knowledge—

"(A) by contract as independent contractors without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other law requiring advertising, or

"(B) by employment in the Legislative Research Service without regard to the civil service and position classification laws, at rates of pay not in excess of the per diem equivalent of the highest rate of basic pay set forth in the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary travel-time.

"(2) The Director of the Legislative Research Service is authorized to procure by contract, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5) or any other law requiring advertising, the temporary services (not in excess of one year) or intermittent services of educational, research, or other organizations of experts and consultants (including stenographic reporters) and persons learned in particular fields of knowledge.

"(i) In order to facilitate its performance of any function specified in this section, the Legislative Research Service may—

"(1) prepare information for machine processing;

"(2) process information by machine by performing mathematical or logical operations thereon, selective retrieval, integration, or other machine operations; and

"(3) prepare for presentation or other use information processed by machine.

The Service may acquire automatic data processing equipment and employ personnel needed for any activity authorized by this subsection.

"(j) The Director of the Legislative Research Service shall file with the Joint Committee of Congress on the Library at the beginning of each regular session of Congress a separate and special report covering, in summary and in detail, all phases of activity of the Legislative Research Service for the immediately preceding fiscal year.

"(k) There are hereby authorized to be appropriated to the Legislative Research Service each fiscal year such sums as may be necessary to carry on the work of the Service.".

(b) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 203. Legislative Reference Service."

and inserting in lieu thereof—

"Sec. 203. Legislative Research Service.".

JOINT COMMITTEE ON THE LIBRARY

SEC. 322. Section 223 of the Legislative Reorganization Act of 1946 (2 U.S.C. 132b) is amended to read as follows:

"JOINT COMMITTEE ON THE LIBRARY

"SEC. 223. (a) The Joint Committee of Congress on the Library shall consist of the chairman and four members of the Committee on Rules and Administration of the Senate and the chairman and four members of the Committee on House Administration of the House of Representatives.

"(b) In order to provide for the expeditious and efficient consideration of matters within the jurisdiction of the Joint Committee, including review of the operations of the Legislative Research Service, the Joint Committee is authorized to employ one professional staff member and not to exceed two employees as members of the clerical staff of the Committee. Such professional and clerical staff members shall be appointed by majority vote of the Committee, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties of their positions. The staff, under the joint direction and supervision of the chairman and the vice chairman, shall assist the Committee in the performance of its review functions with respect to matters within the general jurisdiction of the Committee and shall perform such other duties as may be prescribed by the Committee. The chairman and vice chairman shall fix their compensation at rates authorized by section 202(e) of this Act. The Committee may terminate the employment of the members of the professional and clerical staff as it may deem appropriate.

"(c) The expenses of the Joint Committee shall be paid out of the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers signed by the chairman of the Joint Committee.

"(d) In order to provide the Congress with current information regarding the operation of the Legislative Research Service and regarding other matters within the general jurisdiction of the Joint Committee, the Joint Committee shall submit to the Senate and House of Representatives an annual report with respect to—

"(1) the activities of the Legislative Research Service, and

"(2) such other matters within its jurisdiction as it deems appropriate.".

REPEAL OF OBSOLETE LAW RELATING TO THE ABOLISHED OFFICE OF COORDINATOR OF INFORMATION

SEC. 323. House Resolution 183, Eightieth Congress, relating to the Office of the Coordinator of Information of the House of Representatives, as enacted into permanent law by section 105 of the Legislative Branch Appropriation Act, 1948 (61 Stat. 377; Public Law 197, Eightieth Congress), is repealed.

### PART 3—ADDITIONAL PROVISIONS PROVIDING INFORMATION FOR THE HOUSE OF REPRESENTATIVES

RULEMAKING POWER OF HOUSE OF REPRESENTATIVES

SEC. 331. Section 332 of this part is enacted as an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change those provisions of the Rules of the House of Representatives enacted by such section at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

CHANGES IN EXISTING LAW TO BE SHOWN IN INTRODUCED HOUSE BILLS AND JOINT RESOLUTIONS; DIGESTS OF INTRODUCED HOUSE BILLS AND JOINT RESOLUTIONS; AVAILABILITY OF AMENDMENTS OF TWENTY-FIVE OR MORE WORDS

SEC. 332. Rule XXI of the Rules of the House of Representatives is amended by adding at the end thereof the following new clauses:

"7. In each public bill or joint resolution presented for introduction in the House, which amends or repeals a provision of the United States Code or District of Columbia Code codified as positive law or which amends or repeals any other provision of a public law, all proposed new matter shall be underlined and, when printed, shall be in italic type and all matter proposed to be omitted shall bear a horizontal line through the center and, when printed, shall be in linetype. In each amendment to a bill or joint resolution which sets out for the first time a section being amended or repealed, any new matter to be added and any matter to be omitted shall be indicated by the author of the amendment and shall be printed in the same manner as though the section as amended or repealed were a part of the original bill or joint resolution and being printed for the first time. When an entire title of a code or a public law is repealed as part of a codification or recodification or when an entire title, part, chapter, or other division of a title of a code or other general law is repealed, the sections comprising such title, part, chapter, or other division shall not be set forth in the bill or joint resolution or amendment in linetype, when printed. The provisions of this clause also apply with respect to a bill or joint resolution as reported by a committee. This clause does not apply to—

"(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

"(B) any executive decision, determina-

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tion, or action which would become, or continue to be, effective unless disapproved by one or both Houses of Congress.

"(8) No public bill or joint resolution shall be introduced unless it is contained in a cover attached by the Legislative Counsel of the House and is accompanied by a digest, prepared and attached to the bill or joint resolution by the Legislative Counsel, showing the changes in law proposed by the bill or joint resolution and containing a summary of its contents. If any public bill or joint resolution is present for introduction which does not comply with this clause, the bill or joint resolution shall be returned to the Member or Resident Commissioner who presented it. The digest shall be printed in the bill or joint resolution, as introduced, beginning on the first page thereof.

"(9) Whenever a public bill or joint resolution is amended in the House, the Clerk shall request the Legislative Counsel to prepare an amended digest and cause it to be printed on the first page of the bill or joint resolution as amended. The digest shall be amended to show changes in the existing law which are proposed by the bill or joint resolution as amended with any material changes in the digest indicated by the use of appropriate type.

"(10) If a material error in a printed digest is brought to the attention of the Legislative Counsel, he shall prepare a corrected digest which shall show the changes made in the digest as provided for amendments to bills or joint resolutions. He shall deliver the corrected digest to the Clerk. If the correction warrants it in the opinion of the Speaker of the House, a corrected print of the bill or joint resolution as introduced shall be ordered with the corrected digest printed thereon.

"(11) No amendment to a public bill or joint resolution proposing to add twenty-five words or more to the bill or joint resolution shall be in order unless and until a copy of the proposed amendment has been made freely available for distribution to the Members. The amendment shall be read in its entirety by the Clerk prior to action thereon.".

### QUARTERLY REPORTS OF SALARIES PAID FROM CLERK HIRE ALLOWANCES OF MEMBERS

SEC. 333. In addition to any other reports required by law, the Clerk of the House of Representatives shall transmit to the Committee on House Administration, at the close of each quarter of each calendar year, beginning with 1970, a report of the name, the nature of the services performed, the time employed, the position title, the total amount of salary in each quarter, and the per annum aggregate pay rate, of each employee paid from the clerk hire allowances of Members of the House of Representatives and the Resident Commissioner from Puerto Rico. Such report shall be printed as a House document and such document shall be made available under regulations prescribed by the committee.

### PERIODIC PREPARATION BY HOUSE PARLIAMENTARIAN OF SIMPLIFIED VERSIONS OF HOUSE PRECEDENTS

SEC. 334. The Parliamentarian of the House of Representatives shall prepare, compile, and maintain on a current basis and in cumulative form, at the beginning of each Congress commencing with the Ninety-second Congress, a condensed and up-to-date version of all of the parliamentary precedents of the House of Representatives which have current use and application in the House, together with informative text prepared by the Parliamentarian and other useful related material in summary form. The Parliamentarian shall have such matter printed for each Congress on pages of such size and in such type and format as he deems advisable to promote the usefulness of such matter to the Members of the House and shall distribute one printed copy thereof to each Member and make such other distribution of such printed copies as he deems advisable. In carrying out this section, the Parliamentarian may appoint and fix the pay of personnel and utilize the services of personnel of the Library of Congress and the Government Printing Office.

## TITLE IV—CONGRESS AS AN INSTITUTION

## PART 1—JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

### ESTABLISHMENT OF JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

SEC. 401. (a) There is hereby created a Joint Committee on Congressional Operations (hereafter in this part referred to as the "Joint Committee").

(b) The Joint Committee shall be composed of twelve members as follows:

(1) six Members of the Senate, appointed by the President pro tempore of the Senate; two from the Committee on Government Operations of the Senate, two from the Committee on Rules and Administration of the Senate, and two from among the remaining Members of the Senate (including but not limited to members of the committees referred to in this paragraph); and

(2) six Members of the House of Representatives, appointed by the Speaker of the House of Representatives; two from the Committee on Government Operations of the House of Representatives, two from the Committee on House Administration of the House of Representatives, and two from among the remaining Members of the House of Representatives (including but not limited to members of the committee referred to in this paragraph).

(c) Of each class of two members referred to in subsection (b), one shall be from the political party having the greatest number, and one shall be from the political party having the second greatest number, of Members of the Senate, or of the House of Representatives, as the case may be.

(d) Vacancies in the membership of the Joint Committee shall not affect the power of the remaining members to execute the functions of the Joint Committee and shall be filled in the same manner as in the case of the original appointment.

(e) The Joint Committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The Chairman during each even-numbered Congress shall be selected by the Members of the House of Representatives on the Joint Committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the Joint Committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member. The vice chairman shall not be of the same political party as the chairman.

### DUTIES OF JOINT COMMITTEE

SEC. 402. (a) The Joint Committee shall—

(1) make a continuing study of the organization and operation of the Congress of the United States and shall recommend improvements in such organization and operation with a view toward strengthening Congress, simplifying its operations, improving its relationships with other branches of the United States Government, and enabling it better to meet its responsibilities under the Constitution of the United States;

(2) make a continuing study of automatic data processing and information retrieval systems with a view to determining the feasibility of the use of such systems in the operations of the Senate or the House of Representatives, or both, and make such recommendations with respect to the use of such systems as the Joint Committee may deem appropriate; and

(b) The Joint Committee shall exercise all functions vested in it by sections 406 and 407 of this part.

(c) Except as provided in subsection (d) of this section, the Joint Committee shall report, from time to time to the Senate and the House of Representatives its recommendations with respect to matters within the jurisdiction of the Joint Committee.

(d) In addition to the studies and activities of the Joint Committee under subsection (a) of this section, the Joint Committee shall—

(1) conduct a study of each of the matters described in subparagraphs (A) to (H), inclusive, of this subsection; and

(2) submit to the Senate and House of Representatives, within the time limit specified with respect to that study, a report of the results of that study, together with the recommendations of the Joint Committee, as follows:

(A) a study of the procedures of both Houses in connection with citations for contempt of Congress;

(B) a study of the facilities, including gallery facilities, available to the public in its visits to the United States Capitol and the means of improving such facilities in order to present to the public an informative view of the Congress;

(C) a study of the role of the Congress, and the exercise, application, and effect of its authority, with respect to the engagement of the Armed Forces of the United States in armed conflict in overseas areas without a formal declaration of war by the Congress;

(D) a study of the problems relating to the application, operation, and enforcement of the provisions of section 1913 of title 18, United States Code, relating to lobbying with appropriated funds;

(E) a study of the procedures of the Senate and the House of Representatives in connection with contested elections in their respective Houses.

The report and recommendations of the Joint Committee with respect to each of the studies described in subparagraphs (A) to (H), inclusive, of this subsection shall be submitted to the Senate and House of Representatives within the time limit specified with respect to that subparagraph of this subsection in which that study is described, as follows:

(i) subparagraphs (A) and (B)—not later than one year after the effective date of this section;

(ii) subparagraphs (C), (D), and (E)—not later than two years after such effective date;

### POWERS OF JOINT COMMITTEE

SEC. 403. The Joint Committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times during the sessions, recesses, and adjourned periods of Congress, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths and affirmations, to take such testimony, to procure such printing and binding, and to make such expenditures, as it deems advisable. The Joint Committee may make such rules respecting its organization and procedures as it deems necessary, except that no recommendation shall be reported from the Joint Committee unless a majority of the Joint Committee assent. Subpenas may be issued over the signature of the chairman of the Joint Committee or of any member designated by him or by the Joint Committee, and may be served by such person or persons as may be designated by such chair-

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man or member. The chairman of the Joint Committee or any member thereof may administer oaths or affirmations to witnesses.

STAFF OF JOINT COMMITTEE

SEC. 404. (a) In carrying out its functions under subsections (a) and (c) of section 402 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation and solely on the basis of fitness to perform their duties, not more than six professional staff members and not more than six clerical staff members;

(2) to prescribe their duties and responsibilities;

(3) to fix their compensation at rates authorized by section 202(e) of the Legislative Reorganization Act of 1946; and

(4) to terminate their employment as the Joint Committee may deem appropriate.

(b) In carrying out its functions under section 406 of this Part, the Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform the duties concerned, such additional personnel as the Joint Committee deems necessary;

(2) to prescribe their duties and responsibilities;

(3) to fix their compensation at rates authorized by section 202(e) of the Legislative Reorganization Act of 1946; and

(4) to terminate their employment, as the Joint Committee may deem appropriate.

(c) In carrying out any of its functions under this Part, the Joint Committee is authorized to utilize the services, information, facilities, and personnel of the departments and establishments of the Government, and to procure the temporary (not to exceed one year) or intermittent services of experts or consultants or organizations thereof by contract at rates of pay not in excess of the per diem equivalent of the highest rate of basic pay of the General Schedule of section 5332 of title 5, United States Code, including payment of such rates for necessary traveltime.

RECORDS OF JOINT COMMITTEE

SEC. 405. The Joint Committee shall keep a complete record of all Joint Committee actions, including a record of the votes on any question on which a record vote is demanded. All records, data, charts, and files of the Joint Committee shall be the property of the Joint Committee and shall be kept in the offices of the Joint Committee or such other places as the Joint Committee may direct.

TRANSFER OF FUNCTIONS

SEC. 406. There are transferred to the Joint Committee all of the functions, records, and property of the Joint Committee on Disposition of Executive Papers, created by the Act approved July 7, 1943 (57 Stat. 380), and such joint committee is hereby abolished.

OFFICE OF PLACEMENT AND OFFICE MANAGEMENT

SEC. 407. (a) There is hereby established for the Congress an Office of Placement and Office Management which shall be subject to the supervision and control of the Joint Committee. The Joint Committee is authorized, by record vote of a majority of the members of the Joint Committee—

(1) to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform his duties, a Director of the Office of Placement and Office Management to serve as the head of the staff of the Office;

(2) to prescribe his duties and responsibilities;

(3) to fix his compensation at a rate authorized by section 202(e) of the Legislative Reorganization Act of 1946; and

(4) to terminate his employment, as the Joint Committee may deem appropriate. Subject to the prior approval of the Joint Committee, the Director shall appoint and fix the compensation of such personnel as may be necessary to carry out the duties of the Office under this section.

(b) It shall be the duty of the Office, upon request, to assist Members, committees, and officers of the Senate and House of Representatives seeking competent personnel with specified qualifications and to furnish advice and information with respect to office management procedures. In carrying out the provisions of this sectioon, the Office shall—

(1) operate as a central clearinghouse for applications for employment with the Congress;

(2) test the qualifications of individuals submitting such applications for employment;

(3) furnish advice and information to Members, committees, and officers of the Senate and House of Representatives, on request, with respect to better office management practices and efficient utilization of office equipment; and

(4) maintain, for the benefit of such Members, committees, and officers desiring detailed office studies to improve the efficiency of their operations, a list of private management concerns capable of rendering such service on request.

(c) Nothing in this section shall be held or considered to require the use of the facilities of the Office by any Member, committee, or officer of the Senate or House of Representatives, if, in the opinion of such Member, committee, or officer, the use of such facilities is inappropriate.

EXPENSES

SEC. 408. The expenses of the Joint Committee shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Joint Committee, upon vouchers approved by the chairman.

PART 2—AUTHORITY OF OFFICERS OF THE CONGRESS

AUTHORITY

SEC. 421. (a) Any officer of the Congress having responsibility for the supervision of employees, including employees appointed upon recommendation of Members of Congress, shall have authority—

(1) to prescribe a period of training to be completed by any such employee prior to or upon his assignment to duties;

(2) to promulgate rules and regulations governing the performance by any such employee of his assigned duties;

(3) to remove or otherwise discipline any such employee (A) who fails or refuses to complete satisfactorily the period of training referred to in paragraph (1), or (B) who fails or refuses to abide by rules or regulations referred to in paragraph (2) or otherwise fails to perform his assigned duties in a satisfactory manner.

(b) As used in this section, the term "officer of the Congress" means an elected officer of the Senate or the House of Representatives who is not a Member of the Senate or House, the Architect of the Capitol, and the Postmaster of the Senate.

CAPITOL POLICE

SEC. 422. (a) The Capitol Police Board is authorized and directed to formulate a plan for converting the Capitol Police force to a professional force which shall operate under rules and regulations promulgated by the Capitol Police Board. In the formulation of such plan, consideration shall be given to the feasibility of providing for the operation of such force on the basis of standards for personnel which are the same as the standards for personnel of the Metropolitan Police force of the District of Columbia. Such plan shall include provisions for giving members of the existing Capitol Police force such additional instruction and training as the Capitol Police Board shall deem necessary to improve the quality of their performance, and for replacing such members with persons recruited solely on the basis of their fitness to perform police duties.

(b) The Chief of Police of the Metropolitan Police force of the District of Columbia shall provide the Capitol Police Board with such information and assistance as it may require in carrying out its duties and responsibilities under this section.

(c) The Capitol Police Board shall make a report to the Senate and House of Representatives at the earliest practicable date setting forth the plan formulated pursuant to this section, together with its recommendations for any legislation necessary to effectuate such plan.

SENATE AND HOUSE PAGES

SEC. 423. (a) A person shall not be appointed as a page of the Senate or House of Representatives—

(1) unless he agrees that, in the absence of unforeseen circumstances preventing his service as a page after his appointment, he will continue to serve as a page for a period of not less than three months; and

(2) until complete information in writing is transmitted to his parent or parents, or to his legal guardian, with respect to the nature of the work of pages, their salaries, their working conditions (including hours and scheduling of work), and the housing accommodations available to pages.

(b) A person shall not serve as a page of the Senate or House of Representatives—

(1) before he has completed the twelfth grade of his secondary school education; or

(2) except in the case of a chief page, telephone page, or riding page, during any session of the Congress which begins after he has attained the age of twenty-two years.

(c) The pay of pages of the Senate shall begin not more than five days before the convening of a session of the Congress or of the Senate and shall continue until the end of the month during which the Congress or the Senate adjourns or recesses, or until the fourteenth day after such adjournment or recess, whichever is the later date, except that, in any case in which the Congress or the Senate adjourns or recesses on or before the last day of July for a period of at least thirty days but not more than forty-five days, such pay shall continue until the end of such period of adjournment or recess.

(d) The pay of pages of the House of Representatives shall begin not more than five days before the convening of a session of the Congress and shall continue until the end of the month during which the Congress adjourns sine die or recesses, or until the fourteenth day after such adjournment or recess, whichever is the later date, except that, in any case in which the House adjourns or recesses on or before the last day of July in any year for a period of at least thirty days but not more than forty-five days, such pay shall continue until the end of such period of adjournment or recess.

(e) (1) There are hereby repealed—

(A) section 243 of the Legislative Reorganization Act of 1946 (2 U.S.C. 88a);

(B) the proviso in the paragraph under the heading "Education of Senate and House Pages" in title I of the Urgent Deficiency Appropriation Act, 1947 (2 U.S.C. 88b);

(C) the proviso under the heading "Senate" and under the caption "Office of Sergeant at Arms and Doorkeeper", which relates to the pay of pages of the Senate, in the Legislative Branch Appropriation Act, 1952 (65 Stat. 390; Public Law 168, Eighty-Second Congress; 2 U.S.C. 88c); and

(D) the proviso under the heading "House of Representatives" and under the caption "Office of the Doorkeeper", which relates to the pay of pages of the House of Representatives, in the Legislative Branch Appropriation Act, 1949, as amended (62 Stat. 426, 78 Stat. 1084; Public Law 641, Eightieth Congress, Public Law 88-652; 2 U.S.C. 88c).

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(2) Title II of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—"Sec. 243. Senate and House pages.".

(f)(1) Subsection (b) of this section shall become effective on January 3, 1970, but the provisions of such subsection limiting service as a page to persons who have completed the twelfth grade of secondary school education shall not be construed to prohibit the continued service of any page appointed prior to the date of enactment of this Act.

(2) The repeal of existing law by subsection (e)(1)(A) and (B), and the amendment made by subsection (e)(2), of this section shall become effective at the end of the 1969–1970 school year.

### CAPITOL GUIDE SERVICE

SEC. 424. (a) There is hereby established an organization under the Congress of the United States to be known as the Capitol Guide Service which shall be subject to the direction, supervision, and control of a Capitol Guide Board consisting of the Architect of the Capitol, the Sergeant at Arms of the Senate, and the Sergeant at Arms of the House of Representatives.

(b) The Capitol Guide Service is authorized and directed to provide guided tours of the interior of the United States Capitol Building for the education and enlightenment of the general public, without charge for such tours.

(c) The Capitol Guide Board is authorized—

(1) with the prior approval of the Joint Committee on Congressional Operations, to appoint, on a permanent basis, without regard to political affiliation, and solely on the basis of fitness to perform their duties, a Chief Guide, an Assistant Chief Guide, and such number of guides as may be necessary to carry out effectively and efficiently the activities of the Capitol Guide Service;

(2) to prescribe their duties and responsibilities;

(3) to fix and adjust, from time to time, their respective rates of pay at single per annum (gross) rates, with the prior approval of the Joint Committee on Congressional Operations; and

(4) to terminate their employment as the Board deems appropriate.

(d) The Capitol Guide Board shall—

(1) prescribe a uniform dress, including appropriate insignia, which shall be worn by personnel of the Capitol Guide Service when on duty; and

(2) from time to time as may be necessary, procure and furnish such uniforms to such personnel without charge to such personnel.

(e) The Capitol Guide Board shall establish and maintain and, from time to time, may revise, a system of annual and sick leave for employees of the Capitol Guide Service.

(f) An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of his official services.

(g) The Capitol Guide Board may detail personnel of the Capitol Guide Service to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with the inauguration of the President and Vice President of the United States, the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives, and other special or ceremonial occasions in the United States Capitol Building or on the United States Capitol Grounds which require the presence of additional Government personnel and which cause the temporary suspension of the performance of the regular duties of the Capitol Guide Service.

(h) With the prior approval of the Joint Committee on Congressional Operations, the Capitol Guide Board shall prescribe such regulations as the Board deems necessary and appropriate for the operation of the Capitol Guide Service.

(i) The Capitol Guide Board may take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or removal from employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulation prescribed by the Board pursuant to this section.

(j) The expenses of the Capitol Guide Service shall be paid from the contingent fund of the House of Representatives, from funds appropriated for the Service, upon vouchers approved by the Capitol Guide Board.

(k) Section 2107 of title 5, United States Code, relating to the definition of "congressional employee", is amended—

(1) by striking out the word "and" at the end of paragraph (7);

(2) by striking out the period at the end of paragraph (8) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding at the end thereof the following paragraph:

"(9) an employee of the Capitol Guide Service.".

(l) Section 8332(b) of title 5, United States Code, relating to creditable service for retirement purposes, is amended—

(1) by striking out the word "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu thereof a semicolon and the word "and";

(3) by adding immediately below paragraph (6) the following paragraph:

"(7) subject to sections 8334(c) and 8339(h) of this title, service performed on and after February 19, 1929, and prior to the effective date of section 424 of the Legislative Reorganization Act of 1969, as a United States Capitol Guide."; and

(4) by inserting at the end thereof the following sentence: "The Civil Service Commission shall accept the certification of the Capitol Guide Board concerning service for the purpose of this subchapter of the type described in paragraph (7) of this subsection and performed by an employee.".

(m) Section 8348(g) of title 5, United States Code, does not apply with respect to annuity benefits resulting from the enactment of this section.

(n) The initial appointments, under authority of this section, of personnel of the Capitol Guide Service shall be effective on the effective date of this section. The Capitol Guide Board shall afford, to each person who is a member of the United States Capitol Guides immediately prior to such effective date, the opportunity to be appointed, at a per annum (gross) rate of pay determined by the Board, with the approval of the Joint Committee on Congressional Operations, to be fair and equitable under the existing circumstances, to a comparable position in the Capitol Guide Service without reduction in level of rank and seniority. For the purposes of the initial appointments of such persons, the appointments and number of such persons shall be considered to have been authorized and approved for the Capitol Guide Service under subparagraph (1) of subsection (c) of this section.

(o) The United States Capitol Police Board shall transfer, on the effective date of this section, to the Capitol Guide Board, all personnel records, financial records, assets, and other property of the United States Capitol Guides, which exist immediately prior to such effective date.

(p) As soon as practicable after the effective date of this section but not later than the close of the sixtieth day after such effective date, the Capitol Guide Board shall, out of the assets and property transferred under subsection (o) of this section, on the basis of a special audit which shall be conducted by the General Accounting Office—

(1) settle and pay any outstanding accounts payable of the United States Capitol Guides.

(2) discharge the financial and other obligations of the United States Capitol Guides (including reimbursement to purchasers of tickets for guided tours which are purchased and paid for in advance of intended use and are unused), and

(3) otherwise wind up the affairs of the United States Capitol Guides,

which exist immediately prior to such effective date. The Capitol Guide Board shall dispose of any net monetary amounts remaining after the winding up of the affairs of the United States Capitol Guides, in accordance with the practices and procedures of the United States Capitol Guides, existing immediately prior to the effective date of this section, with respect to disposal of monetary surpluses.

## PART 3—CONGRESSIONAL ADJOURNMENT

### CONGRESSIONAL ADJOURNMENT

SEC. 433. (a) This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it shall be considered as part of the rules of each House, respectively; and such rule shall supersede other rules only to the extent inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner, and to the same extent as in the case of any other rule of such House.

(b) Section 132 of the Legislative Reorganization Act of 1946 (2 U.S.C. 198) is amended to read as follows:

"CONGRESSIONAL ADJOURNMENT

"SEC. 132. (a) Not later than the last day in the month of July in each year, the two Houses shall adjourn—

"(1) sine die, or

"(2) to a day certain subsequent to August 31 of such year, which shall be fixed by concurrent resolution adopted in each House by rollcall vote.

"(b) This section shall not be applicable in any year if on the last day of July of such year a state of war exists pursuant to a declaration of war by the Congress.".

## PART 4—APPOINTMENT OF POSTMASTERS

### APPOINTMENT OF POSTMASTERS BY POSTMASTER GENERAL

SEC. 441. Section 3311 (relating to method of appointment of postmasters) of title 39, United States Code, is amended to read as follows:

"§ 3311. Method of appointment

"(a) The Postmaster General shall appoint postmasters at post offices of the first, second, and third classes in the competitive civil service without term. He shall make the appointments in accordance with the civil service laws and rules by—

"(1) competitive examinations; and

"(2) promotions from within the postal service.

"(b) The Postmaster General shall appoint postmasters at post offices of the fourth class without term.

"(c) Notwithstanding any other provision of law but subject to subsection (g) of this section, the Postmaster General shall make each appointment to a position of postmaster at a post office of any class without regard to any recommendation or statement, oral or written, with respect to any person who requests, or is under consideration for, appointment to a position of postmaster of any class, made by—

"(1) any Member of the Senate or House

of Representatives (including the Resident Commissioner from Puerto Rico);

"(2) any elected official of the government of any State (including the Commonwealth of Puerto Rico) or of any county, city, or other political subdivision of such State or Commonwealth;

"(3) any official of a National, State, county, or municipal, or other local political party; or

"(4) any other individual or organization.

"(d) Notwithstanding any other provision of law but subject to subsection (g) of this section, a person or organization referred to in subparagraph (1), (2), (3), or (4) of subsection (c) of this section is hereby prohibited from making or transmitting to the Postmaster General, or to any other officer or employee of the Federal Government, any recommendation or statement, oral or written, with respect to any person who requests, or is under consideration for, appointment to a position of postmaster at a post office of any class. The Postmaster General and any other officer or employee of the Federal Government, subject to subsection (g) of this section—

"(1) shall not solicit, request, consider, or accept any such recommendation or statement; and

"(2) shall return any such recommendation or statement, if written, received by him, appropriately marked as in violation of his section, to the person or organization making or transmitting the same.

"(e) A person who requests, or is under consideration for, appointment to a position of postmaster at a post office of any class is hereby prohibited from requesting or soliciting any such recommendation or statement from any person or organization within the purview of subparagraph (1), (2), (3), or (4) of subsection (c) of this section. Any person making such solicitation or request, knowing the same to be in violation of this subsection, is disqualified for appointment to the position of postmaster concerned.

"(f) Each application, information, or other form of the Federal Government used in connection with an appointment to a position of postmaster at a post office of any class shall contain appropriate language, in conspicuous and legible type in contrast by typography, layout, or color with other printing in the form, informing the applicant, or person under consideration, for such appointment, of the provisions of this section.

"(g) This section shall not be held or considered to prohibit—

"(1) the solicitation, acceptance, and consideration by the Postmaster General or other authorized officer or employee of the Federal Government, or

"(2) the furnishing and transmission to the Postmaster General or such authorized officer or employee by any other individual or organization.

of any statement with respect to a person who requests, or is under consideration for, appointment to a position of postmaster, if—

"(A) the statement is furnished pursuant to a request or requirement of the Postmaster General and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of an employee in the postal service who is under consideration for promotion to a position of postmaster in accordance with subparagraph (2) of subsection (a) of this section;

"(B) the statement is furnished by an individual or organization referred to in subparagraph (4) of subsection (c) of this section pursuant to a request made by an authorized representative of the Federal Government solely in order to determine whether the person who requests, or is under consideration for, appointment to a position of postmaster meets—

"(i) the loyalty, suitability, and character requirements for employment with the Federal Government;

"(ii) the residence requirements for postmasters imposed by section 3312 of this title; or

"(iii) both; or

"(C) the statement is furnished by a former employer of the person who requests, or is under consideration for, appointment to a position of postmaster, pursuant to a request of the Postmaster General, and consists solely of an evaluation of the work performance, ability, aptitude, and general qualifications of such person during his employment with such former employer.".

### VACANCIES IN POSITIONS OF POSTMASTER

Sec. 442. Section 3315 (relating to the filling of vacancies in positions of postmaster) of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The prohibitions, restrictions, and related provisions of section 3311 of this title governing the appointment of postmasters also shall apply with respect to the interim appointment, assignment, or designation of any person in accordance with subparagraphs (1) to (4), inclusive, of subsection (a) of this section.".

### VACANCIES ON RURAL ROUTES

Sec. 443. Section 3338 (relating to the filling of vacancies on rural routes) of title 39, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) The prohibitions, restrictions, and related provisions of section 3311 of this title governing the appointment of postmasters also shall apply with respect to the appointment of any person to a position of rural carrier and the application and assignment of any rural carrier with respect to any rural route.".

### SAVING PROVISION

Sec. 444. The amendments made by this Part shall not affect the status or tenure, on the effective date of this Part, of—

(1) postmasters in office;

(2) persons appointed, assigned, or designated in accordance with subparagraphs (1) to (4), inclusive, of section 3315(a) of title 39, United States Code; and

(3) persons holding positions of rural carrier.

## Part 5—Payroll Administration in the House of Representatives

### CONVERSION OF PAY TO AGGREGATE RATE BASIS IN HOUSE OF REPRESENTATIVES

Sec. 471. (a) Whenever the rate of compensation of an employee, except an employee subject to the House Employees Position Classification Act (2 U.S.C. 291 and following), whose compensation is disbursed by the Clerk of the House of Representatives is fixed or adjusted on or after the effective date of this section, such rate as so fixed or adjusted shall be a single per annum gross rate which is a multiple of $199.

(b) (1) The Clerk of the House of Representatives shall convert, as of the effective date of this section, the rate of compensation of each employee whose compensation is disbursed by the Clerk and, immediately prior to such date, was fixed at a basic rate with respect to which additional compensation was payable by law, to the lowest per annum gross rate which is a multiple of $199 and which is not less than the aggregate rate of compensation (basic compensation plus additional compensation provided by law) which such employee was receiving immediately prior to such date.

(2) The Clerk of the House of Representatives shall adjust, as of the effective date of this section, the rate of compensation of each employee, except an employee subject to the House Employees Position Classification Act (2 U.S.C. 291 and following), whose compensation is disbursed by the Clerk and, immediately prior to such date, was fixed at a single per annum gross rate which is not a multiple of $199, to the lowest per annum gross rate which is a multiple of $199 and which is not less than the per annum gross rate of such employee immediately prior to such adjustment.

(c) The Clerk of the House of Representatives shall prepare, establish, and maintain a compensation schedule of single per annum gross rates for all employees whose compensation is disbursed by the Clerk, except employees subject to the House Employees Position Classification Act (2 U.S.C. 291 and following). Such compensation schedule shall be designated the "House General Schedules" and have the symbol "HGS".

(d) The clerk hire allowance of each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall be at a single per annum gross rate—

(1) which is a multiple of $199;

(2) from which the aggregate of the payments to employees of single per annum gross rates of compensation at any one time shall not be at a rate in excess of such single per annum gross rate of clerk hire allowance; and

(3) which shall be determined on the basis of the population, as currently estimated by the Bureau of the Census, of the constituency of such Member or Resident Commissioner within one of the following categories, as applicable—

(A) a population of less than 500,000, or

(B) a population of 500,000 or more.

An employee shall not be paid compensation from such clerk hire allowance at a single per annum gross rate in excess of $23,482.

(e) The Clerk of the House of Representatives initially shall convert, as of the effective date of this section, to two single per annum gross rates, the two per annum basic rates of clerk hire allowance of the Members of the House of Representatives and the Resident Commissioner from Puerto Rico provided pursuant to section 11(a) of the Legislative Appropriation Act, 1956 (2 U.S.C. 60g–1), and any other provision of law supplementary thereto, as in effect immediately prior to the effective date of this section, in a manner, as determined by the Clerk, as follows:

(1) with respect to constituencies the population of which is less than 500,000, in a manner which constitutes the most favorable single projection, of the per annum basic clerk hire allowance rate applicable to those constituencies to a per annum gross clerk hire allowance rate, which may be attained by any Member or the Resident Commissioner, if his constituency is within such population category, and

(2) with respect to constituencies the population of which is 500,000 or more, in a manner which constitutes the most favorable single projection, of the per annum basic clerk hire allowance rate applicable to those constituencies to a per annum gross clerk hire allowance rate, which may be attained by any Member or the Resident Commissioner, if his constituency is within such population category.

A per annum gross clerk hire allowance rate determined under subparagraph (1) or subparagraph (2) of this subsection shall be adjusted, if not a multiple of $199, to a per annum gross rate which is a multiple of $199 and which is not less than the rate determined under such subparagraph. A per annum gross clerk hire allowance rate as finally determined (or adjusted if necessary) under this subsection shall be the initial per annum gross clerk hire allowance rate of each Member and the Resident Commissioner representing the constituency to which such rate is applicable.

(f) Each allowance for personal services of employes from which payments of compensation are disbursed by the Clerk of the House of Representatives, other than a clerk

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hire allowance under subsection (d) of this section, shall be at a single per annum gross rate—

(1) which is a multiple of $199; and

(2) from which the aggregate of the payments to employees of single per annum gross rates of compensation at any one time shall not be at a rate in excess of such single per annum gross rate of such allowance for personal services of employees.

(g) The Clerk of the House of Representatives initially shall convert, as of the effective date of this section, to a single per annum gross rate, each per annum basic rate allowance for personal services of employees from which payments of compensation are disbursed by the Clerk, as in effect immediately prior to the effective date of this section, other than a basic rate clerk hire allowance referred to in subsection (e) of this section, in a manner, as determined by the Clerk, which constitutes the most favorable single projection of such per annum basic rate allowance for personal services of employees to a per annum gross rate allowance which may be attained by the authority having jurisdiction over such basic rate allowance for personal services. A per annum gross rate allowance for personal services determined under this subsection shall be adjusted, it not a multiple of $199, to a per annum gross rate which is a multiple $199 and which is not less than the rate determined under this subsection prior to such adjustment. A per annum gross rate allowance for personal services as finally determined (or adjusted if necessary) under this subsection shall be the initial per annum gross rate allowance for personal services of the authority concerned.

(h) Section 202(e) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(e)), is amended to read as follows:

"(e) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee of the House of Representatives shall be paid compensation at a single per annum gross rate, to be fixed by the chairman, which does not exceed the highest rate of basic pay, then currently in effect, of the General Schedule of section 5332(a) of title 5, United States Code, adjusted, if such highest rate of basic pay of the General Schedule of such section of title 5 is not a multiple of the multiple dollar figure then currently in effect with respect to the House General Schedule of single per annum gross rates of compensation disbursed by the Clerk of the House, to the lowest single per annum gross rate of compensation which is a multiple of such then currently effective multiple dollar figure and which is not less than such highest rate of basic pay of the General Schedule of such section of title 5.".

(i) (1) This subsection is enacted as an exercise of the rulemaking power of the House of Representatives with full recognition of the constitutional right of the House of Representatives to change the rule amended by this subsection at any time, in the same manner, and to the same extent as in the case of any other rule of the House of Representatives.

(2) Clause 29(c) of rule XI of the Rules of the House of Representatives is amended to read as follows:

"(c) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee of the House shall be paid compensation at a single per annum gross rate, to be fixed by the Chairman, which does not exceed the highest rate of basic pay, then currently in effect, of the General Schedule of section 5332(a) of title 5, United States Code, adjusted, if such highest rate of basic pay of the General Schedule of such section of title 5 is not a multiple of the multiple dollar figure then currently in effect with respect to the House General Schedule of single per annum gross rates of compensation disbursed by the Clerk of the House, to the lowest single per annum gross rate of compensation which is a multiple of such then currently effective multiple dollar figure and which is not less than such highest rate of basic pay of the General Schedule of such section of title 5.".

(j) In any case in which the rate of compensation of any employee or position, or class of employees or positions, the compensation for which is disbursed by the Clerk of the House of Representatives, or any maximum or minimum rate with respect to any such employee, position, or class, is referred to in or provided by statute or House resolution, and the rate so referred to or provided is a basic rate with respect to which additional compensation is provided by law, such statutory provision or resolution shall be deemed to refer, in lieu of such basic rates, to the per annum gross rate which an employee receiving such basic rate immediately prior to the effective date of this section would receive (without regard to such statutory provision or resolution) under subsection (b) (1) of this section on and after such date.

(k) Each Member of the House of Representatives and the Resident Commissioner from Puerto Rico shall certify any rearrangements or changes of salary schedules of employees in his office, in writing to the Clerk of the House, on or before the tenth day of any month in which such arrangements or changes of salary schedules are to become effective. The Clerk of the House shall disburse the compensation of such employees in accordance with such rearrangements or changes of salary schedules.

(l) No employee whose compensation is disbursed by the Clerk of the House of Representatives shall be paid compensation at a single per annum gross rate which is less than $1,194, unless expressly authorized by law.

(m) Except as otherwise provided in this section, the foregoing subsections of this section shall not be construed to—

(1) limit or otherwise affect any authority for the making of any appointment to, or for fixing or adjusting the compensation for, any position for which the compensation is disbursed by the Clerk of the House of Representatives; or

(2) affect the continuity of employment of, or reduce the compensation of, any employee whose compensation is disbursed by the Clerk of the House.

(n) There are hereby repealed—

(1) the first section of the Act entitled "An Act to increase clerk hire, and for other purposes", approved December 20, 1944 (58 Stat. 831; Public Law 512, Seventy-eighth Congress; 2 U.S.C. 60g); and

(2) section 11(a) of the Legislative Branch Appropriation Act, 1956 (2 U.S.C. 60g–1).

(o) All provisions of law inconsistent with this section are hereby superseded to the extent of such inconsistency.

### PART 6—MISCELLANEOUS

### USE OF HOUSE CONTINGENT FUND TO PAY SALARIES OF EMPLOYEES PAID FROM CLERK HIRE ALLOWANCES OF MEMBERS AND ABSENT FROM DUTY BECAUSE OF ILLNESS, INJURY, OR DISABILITY

SEC. 481. (a) The contingent fund of the House of Representatives is made available to pay, in lieu of payment from the applicable clerk hire allowance, the salary of each employee—

(1) whose salary is disbursed from the clerk hire allowance of a Member of the House of Representatives or the Resident Commissioner from Puerto Rico;

(2) with respect to whom a written statement is submitted to the Clerk of the House by such Member or Resident Commissioner to the effect that such employee is currently absent from duty, and has been absent from duty for a continuous period of at least thirty days, because of his illness, injury, or disability, accompanied by a verification by a qualified physician of such illness, injury, or disability; and

(3) whose salary has been disbursed from the clerk hire allowance of such Member or Resident Commissioner for a period of at least one year, without break in service, immediately prior to such absence.

(b) Payments of salary to an employee from the contingent fund of the House, in lieu of payment from the applicable clerk hire allowance, under this section shall be made only for a period beginning on the first day of the first month following the submission to the Clerk of the House, by the Member or Resident Commissioner concerned, of the written statement described in subsection (a) (2) of this section and ending at the close of—

(1) the day on which the Clerk receives written notice from such Member or Resident Commissioner that the employee has returned to duty, that the injury, illness, or disability of the employee no longer exists, or that the degree of such illness, injury, or disability no longer warrants payments of salary to such employee from the contingent fund of the House, or

(2) the sixth month following the commencement of such payments,

whichever first occurs.

(c) Payments of salary to an employee from the contingent fund of the House under this section shall be made—

(1) without reduction in or charge to the clerk hire allowance of the Member of Resident Commissioner concerned who has submitted the written statement described in subsection (a) (2) of this section, and

(2) at a rate not more than the rate which the employee was receiving from such clerk hire allowance immediately prior to the beginning of the period for which payments of salary are made to such employee from the contingent fund of the House under this section.

(d) An employee is not entitled to receive payment of salary under this section and compensation for illness, injury, or disability under any other provision of Federal law covering the same period of time; but this provision does not bar the right of such employee to the greater benefit conferred by this section or other provision of Federal law for any part of the same period of time.

(e) The Committee on House Administration shall prescribe such regulations as may be necessary to govern the operation and administration of this section.

### STATIONERY ALLOWANCES OF REPRESENTATIVES

SEC. 482. The stationery allowance, as authorized by law, for each Member of the House of Representatives and each Resident Commissioner shall hereafter be available only for (1) purchases made through the House stationery room of stationery and other office supplies for use for official business, and (2) reimbursement upon presentation, within thirty days after the close of the session for which the allowance is provided, of receipted invoices for purchases elsewhere of stationery and other office supplies (excluding items not ordinarily available in the House stationery room) for use for official business in an office maintained by a Member in his home State. Any part of the stationery allowance which remains unobligated at the end of the session for which it is available shall be withdrawn from the revolving fund established by the Legislative Branch Appropriation Act, 1948 (61 Stat. 366; 2 U.S.C. 46b–1), and covered into the general fund of the Treasury.

## TITLE V—REGULATION OF LOBBYING

### DEFINITION OF COMPTROLLER GENERAL

SEC. 501. Section 302(d) of the Federal Regulation of Lobbying Act (2 U.S.C. 261(d)) is amended to read:

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"(d) The term 'Comptroller General' means the Comptroller General of the United States."

MULTIPURPOSE CONTRIBUTIONS AND EXPENDITURES

SEC. 502. (a) The caption of section 305 of the Federal Regulation of Lobbying Act (2 U.S.C. 264) is amended by changing "CLERK OF HOUSE" TO READ "COMPTROLLER GENERAL".

(b) Subsection (a) of such section is amended—

(1) by changing "Clerk" to read "Comptroller General"; and

(2) by adding at the end thereof the following new sentence:

"Where contributions are received or expenditures made in part for the purposes described in subparagraphs (a) and (b) of section 307 of this title and in part for any other purpose, the statements required to be filed by this subsection shall include only that part of the amount of any such contribution or expenditure which was for the purposes described in such subparagraphs, except that if the relative proportions cannot be ascertained with reasonable certainty, such statements shall show total receipts and expenditures together with an estimate by the registrant of the part thereof which was for the purposes described in such subparagraphs, and an estimate of the part thereof which was for other purposes.".

(c) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 305. Statements to be filed with Clerk of House."

and inserting in lieu thereof—

"Sec. 305. Statements to be filed with Comptroller General.".

FIVE-YEAR PRESERVATION OF RECORDS

SEC. 503. Section 306 of the Federal Regulation of Lobbying Act (2 U.S.C. 265) is amended—

(1) by changing "Clerk" to read "Comptroller General" all four times it appears therein;

(2) by striking out "of the House of Representatives"; and

(3) by changing "two" to read "five".

SUBSTANTIAL PURPOSE CONTROLLING

SEC. 504. Section 307 of the Federal Regulation of Lobbying Act (2 U.S.C. 266) is amended—

(1) by changing "to be used principally" to read "a substantial part of which is to be used"; and

(2) by changing "the principal" to read "a substantial".

CONTINGENT FEES; BROADCASTING

SEC. 505. (a) The caption of section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) is amended by changing "SECRETARY OF THE SENATE AND CLERK OF THE HOUSE" to read "COMPTROLLER GENERAL".

(b) Subsection (a) of section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267(a)) is amended—

(1) by changing "Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers" to read "Comptroller General and shall give to that officer"; and

(2) by changing "Clerk and Secretary" to read "Comptroller General".

(c) Such subsection is further amended by inserting immediately after the first sentence thereof: "Any person required to register pursuant to this subsection in connection with any activities for which he is to receive a contingent fee shall, before doing anything for which such fee is to be paid, file with the Comptroller General, in such detail as he may require, a description of the event upon the occurrance of which the fee is contingent, and, depending on the arrangement, a statement of the amount of the fee either in terms of a dollar amount or in terms of percentage of recovery. A copy of any such contingent fee contract may be filed with the Comptroller General by any registrant, and shall be so filed at the request of the Comptroller General.".

(d) The next-to-last sentence of such subsection is amended by changing "publications in which he has caused to be published" to read "publications, or any broadcasting stations, in or from which he has caused to be published or broadcast".

(e) Such subsection is further amended—

(1) by inserting "any licensed radio or television broadcasting station or" before "any newspaper or other";

(2) by changing "newspaper or periodical" to read "broadcasting station, newspaper, or periodical";

(3) by inserting "or broadcasts" before "news items, editorials,"; and

(4) by inserting "broadcasting station," before "newspaper, periodical, or individual,".

(f) Subsection (b) of such section (2 U.S.C. 267(b)) is amended by changing "Clerk of the House of Representative and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly," to read "Comptroller General of the United States shall be compiled by him and transmitted to the Speaker of the House of Representatives and the President of the Senate".

(g) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 308. Registration with Secretary of the Senate and Clerk of the House."

and inserting in lieu thereof—

"Sec. 308. Registration with Comptroller General.".

ADMINISTRATION BY COMPTROLLER GENERAL

SEC. 506. (a) Sections 310 and 311 of the Federal Regulation of Lobbying Act are respectively redesignated as sections 311 and 312.

(b) That Act is amended by inserting therein, immediately after section 309 thereof, the following new section:

"POWERS AND DUTIES OF THE COMPTROLLER GENERAL

"SEC. 310. The Comptroller General as the agent of the Congress shall—

"(1) develop and prescribe methods and forms for the filing of reports and statements required by this title, and promulgate regulations for the administration of this title;

"(2) make available for public inspection all reports and statements filed pursuant to this title;

"(3) ascertain whether any persons have failed to file reports or statements as required by this title, or have filed incomplete or inaccurate reports or statements under this title, and notify such persons that they are obligated to file such reports or statements in compliance with the requirements of this title;

"(4) refer to the Department of Justice for appropriate action any information coming to his attention, through complaints or otherwise, of any failure to register, or the filing of any false, improper, or incomplete registration or information under this title;

"(5) make such studies and transmit to the Congress such recommendations as the Comptroller General may deem to be necessary or appropriate to further the objectives of this title;

"(6) retain for a period of not less than five years each report and statement filed under this title, and during such period, make such reports and statements, or true and correct copies thereof, available as public records open to public inspection; and

"(7) transmit to the Congress annually a full and complete report on the administration of this title.".

(c) Title III of the table of contents of the Legislative Reorganization Act of 1946 (60 Stat. 813) is amended by striking out—

"Sec. 310. Penalties.

"Sec. 311. Exemptions."

and inserting in lieu thereof—

"Sec. 310. Powers and duties of the Comptroller General.

"Sec. 311. Penalties.

"Sec. 312. Exemptions.".

VIOLATION OF REGULATIONS

SEC. 507. Section 311 of such Act (that is, the section which, prior to the redesignations made by section 506 of this Act, was section 310 of the Federal Regulation of Lobbying Act, 2 U.S.C. 269) is amended—

(1) by striking out "(a)" in subsection (a) thereof;

(2) by inserting "or any regulation of the Comptroller General issued pursuant to this title," immediately before "shall, upon conviction," in the first sentence thereof; and

(3) by striking out subsection (b) thereof.

TITLE VI—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 601. This Act shall take effect as follows:

(1) Section 201 of title II, Parts 1, 4, and 5 of title II, Part 2 of title III, Parts 1 and 2 of title IV, and section 301(d) of Part 1 of title III shall take effect on the thirtieth day after the date of enactment of this Act.

(2) Title I, Part 2 and 3 of title II, title III (except section 301(d) thereof), Parts 3, 4, and 5 of title IV, and title V shall take effect on January 1, 1970.

(3) Part 5, and section 481 of Part 6, of title IV shall take effect on the first day of the third month which begins after the date of enactment of this Act.

(4) Section 482 of Part 6 of title IV shall take effect with respect to the stationery allowance for the first session of Congress beginning after the date of enactment of this Act.

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## UNIVERSITY OF UTAH STUDENTS SUPPORT THE ESTABLISHMENT

## HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. BURTON of Utah. Mr. Speaker, the May 10 issue of the Salt Lake Tribune contained a full-page paid political advertisement entitled: This ad serves notice to all that the silent majority has had enough. The ad contains the names of several hundred University of Utah students and it reads as follows:

As students of the University of Utah in Salt Lake City, we wish to make it absolutely clear that we do not support—in fact we resolutely oppose—the loud and disruptive activities of those self-styled "patriots of the New Left" who think that the calling of a general strike or the take-over of a University are the only ways in which change can be wrought in America today.

We believe in America, and we believe in the democratic processes and the institutions of government established among us.

We recognize that no society is without its problems, but we do not believe that our government and our society are inherently unresponsive to the problems that exist among us. We believe, rather, that the lines of communication can and must be maintained between young and old, rich and poor, black and white, and between the governors and the governed, and that through rational discussion and legitimate methods, order can be preserved and grievances remedied. To these ends we remain firmly and irrevocably committed.

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## ANTHONY HARRIGAN PROVIDES SOUND ADVICE

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## HON. ALBERT W. WATSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. WATSON. Mr. Speaker, during the past few months there has been an intensification of the various arguments used for strategic arms limitations and other manifestations of dismantling the Nation's defensive preparedness. Unfortunately, there always seems to be a certain naivete which permeates this type of discussion, and while I certainly would not impugn the motives of any person sincerely interested in world peace, as indeed every sensible citizen is, we must remember that our adversaries have rarely, if ever, negotiated in good faith. Therefore, it is reassuring to have the good advice of experts like Mr. Anthony Harrigan, who have achieved great scholarship in both foreign policy and military preparedness.

Mr. Harrigan is known and respected by a number of our colleagues. We should all sit up and take notice of his wise counsel, especially during the critical days that lie ahead on the arms discussions. Thus, I want to call to the attention of the Congress and the Nation a very perceptive and thought-provoking article that Mr. Harrigan has prepared for the American Security Council on current attempts to weaken our military posture. It is as follows:

### A PROFILE OF DEFEATISM: DISMANTLING THE NATION'S DEFENSES

(By Anthony Harrigan)

History shows that soft thinking and faint-hearted leadership form a path to national destruction. Students of the Roman civilization point to the Roman Senate's loss of the will to win as a major cause of the downfall of the empire. At the last, the Senate seemed to serve the barbarian aggressors rather than the national interest of Rome.

A generation ago, the representatives of the French people took refuge in a Maginot Line mentality, saying that the shift in the strategic balance to Nazi Germany would not endanger France. They rejected appeals for stronger defenses, arguing that new cycles of weapons took money needed for social purposes and insisting that there was no absolute security in more weapons. They sought peace through negotiation and favored concessions such as were made at Munich.

#### ANTI-PREPAREDNESS SENTIMENT

Today, many thoughtful Americans are deeply concerned that a similar mood is settling over the United States. They are alarmed at the growth of the anti-preparedness sentiment in the U.S. Senate and the impact of this sentiment upon sections of public opinion. They fear a rapid decomposition of American morale as a result of defeatism among men in high places—defeatism masked as a "struggle for peace."

For many months, senator after senator has chipped away at various features of the nation's defenses—at aircraft carriers, the C-5A transport, the Army's new battle tank, military aid to allies, anti-ballistic missiles, selective service, ROTC, fighter-bombers, and numerous other weapons and programs basic to the security of this nation. Companies which produce weaponry needed for national safety have been libeled as merchants of death. American soldiers in the field, fighting an utterly unprincipled enemy that resorts to trickery and terrorism, have been criticized for making the tough battlefield decisions that combat troops must make if they hope to stay alive.

This harassment of the nation's defense forces apparently is only the beginning. Some people, it seems, won't be satisfied until the American defense establishment is dismantled. In this connection, it is instructive to review the massive opposition to the ABM (anti-ballistic missiles) and MIRV (multiple warhead missiles).

#### PRESSURE TO CUT DEFENSES

Pressure for a slowdown in America's defense effort is intense and comes from many sources. For example, a group of Americans met at Arden House, Harriman, N.Y., March 31-April 2 under the auspices of the American Assembly of Columbia University to consider arms limitation. At the conclusion of their meeting they issued a statement, saying: "We ask the President to defer for six months the impending deployment of multiple independently targetable re-entry vehicles (MIRV.)"

The MIRV missiles constitute one of the few areas in which the United States is ahead of the Soviet Union. A U.S. halt at this time might probably give the Soviets a chance to catch up with the United States. Thus a halt could well be a military technological disaster for the United States.

The American Assembly describes itself as a "non-partisan education institution." But consider the signers of the anti-MIRV statement. One of them was Adam Yarmolinsky, former assistant to Secretary of Defense Robert S. McNamara. Mr. Yarmolinsky was a guiding spirit behind the campaign to muzzle the military in the early 1960's. Another signer was Dr. George W. Rathjens of the Massachusetts Institute of Technology, a leading contributor to Sen. Edward Kennedy's anti-ABM book published in 1969. Two other contributors to the Kennedy volume also signed the American Assembly report. A close reading of the entire list of signers shows that it was a "stacked deck" and blatantly partisan.

#### BUNDY'S VIEWS

Arguments against a strong stand on national defense find innumerable outlets. McGeorge Bundy, former adviser in the Kennedy and Johnson administrations and now president of the Ford Foundation, testified in Washington on the "arms race." Predictably, he urged suspension of deployment of offensive and defensive strategic weapons. He was quick to recommend American concessions, saying for instance, that "if we are to get any early limit on SS-9 (Russian missile) deployment, we ourselves must put MIRV on the bargaining table." Mr. Bundy's most curious statement, however, was his comment that "there are times and topics for toughness with Moscow, but the Strategic Arms Limitation talks in April is not one of them." That will strike many citizens as strange advice. Mr. Bundy recommends that the U.S. not be tough in talks that affect the security—the lives—of the American people. Does he imagine that the Soviets will cease to be tough in their demands?

An air of unrealism permeates the statements of anti-preparedness elements in the country. Congressman William S. Moorhead of Pennsylvania said in April that he saw no need for the U.S. to maintain 15 aircraft carriers "since none of the communist nations have any attack carriers." One wonders whether Rep. Moorhead meant what he said. Does he believe the U.S. should scrap the weapons system in which it has a clear lead over the Soviet Union? The interior logic of his statement is that the U.S. shouldn't maintain carriers because it has an advantage over the Soviets in carrier deployment. That's a sure prescription for second class status in the world, if not outright defeat by the USSR.

#### NAIVETÉ IN THE SENATE

For naiveté, Americans have only to read the comments of Sen. Edward W. Brooke (R-Mass.). In a recent Senate debate on the ABM and MIRV, Sen. Brooke remarked: "I believe that the Soviet people certainly cannot want to continue the spending of billions of dollars on nuclear weapons when they could best put that money to better use."

Since when have the wishes of "the Soviet people" ever mattered for anything in the shaping of Soviet policy or programs.

Certainly, Sen. Brooke must be aware that there is no representative government—no voice of the people—in the Soviet Union and that the party, military and organizational hierarchs make all the decisions, irrespective of what the people want. Indeed, there is no free press and no freedom of petition, so the real desires of the Soviet peoples cannot even be articulated or find expression at the national level. Thus Sen. Brooke's question can be seen as an extraordinary piece of irrelevance, which is damaging because it obscures the nature of the threat facing the United States.

The thought process of the members of the anti-preparedness bloc understandably strike realistic citizens as strange indeed. Take, for example, the statement of Sen. Edmund S. Muskie (D-Maine) that "more nuclear weapons do not buy more security." Statements to this effect have been issued by many of the opponents of new defensive systems. What does Sen. Muskie mean? Is the statement logical? Suppose a senator were to say "more hospitals don't buy better medical care." Would anyone believe him? Logically, nuclear weapons are as to national security as hospitals are to medical care. In the case of weaponry, there is an additional element, namely that the adversaries of the United States—the enemies of American freedom—are increasing their stock of nuclear weapons. Relatively, therefore, the U.S. has a smaller stockpile of nuclear weapons. The logical conclusion to be drawn from this situation is that America's security is diminishing. Hence the need for the ABM, MIRV and other offensive and defensive systems.

#### THE BREZHNEV VIEW

The intense antagonism to strengthened American defenses has even reached the point where the editors of *The New York Times* assert (as they did in reference to the opening of the SALT talks April 16) that "hopes for halting the nuclear missile race ride for the moment with the Soviet delegation." *The Times* followed this up with Leonid Brezhnev's statement that prospects for the SALT talks would be favorable "if American opinion succeeds in overcoming resistance by the arms manufacturers and the military." It is interesting to wonder what might have been the U.S. public reaction in 1941 if a leading American newspaper had indicated the U.S. was doing nothing to halt an arms race and quoted the Imperial Japanese government as saying that peace prospects would be good if American shipbuilders and the military could be overcome.

It is unfortunate that the editor of *The Times* don't share the realistic views of C. L. Sulzberger, *The Times'* chief correspondent. In a dispatch from Belgium this spring, Mr. Sulzberger declared: "The menace against America is being heightened while Moscow seeks to continue the impression that it sticks to the Khrushchev era strategy. . . . More and more ICBMs are aimed at the United States which is increasingly in the front line."

Such is the situation the United States faces in the world today. The American people live in a global environment of increasing danger from the nuclear-armed Soviet Union.

The facts of the changing strategic balance have been spelled out to the President, the Secretary of Defense, the House Armed Services Committee and authoritative strategic studies groups in the U.S. and Western Eu-

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rope. Nevertheless, the anti-preparedness claimants choose to ignore the accumulation of facts concerning the nuclear and missile threats. Perhaps the most extraordinary aspect of the entire anti-preparedness drive is the extent to which the disarmers are willing for the country to go. The battle against the ABM and MIRV—and the campaigns against conventional weapons such as aircraft carriers, transport planes and heavy tanks—is but a prelude to the central assault on America's basic deterrent power against communist aggression.

THE M'GOVERN VIEW

Sen. George McGovern (D-S.D.) revealed the full scope of the disarmers hopes and plans April 9 in debate in the Senate on an anti-MIRV resolution. For the first time, a member of the Senate anti-preparedness bloc called for dismantling of a key portion of the nation's defenses against Soviet aggression.

"I think we are forced to consider this year," said Sen. McGovern, "whether it would not be wise to allow the phasing out of the entire fixed site ICBMs. At the very least we should forego expenditures on futile improvements in the Minuteman force pending an investigation of whether land-based missiles can be a viable component of our retaliatory forces in the future." He called for a flat prohibition on funds for the Minuteman procurement program.

There's no mistaking Sen. McGovern's intent, for he emphasized that he favors "phasing out" the Minuteman. Hopefully, the meaning of this statement will not be lost on the American public. The Minuteman missiles are an absolutely indispensable element in the nation's defense against surprise Soviet nuclear attack on the United States. If the Minuteman force were eliminated, the American people would be naked to direct and disastrous destruction at the hands of the men in the Kremlin.

That a member of the U.S. Senate would make such an appalling proposal is a frightening revelation of the lengths to which the anti-preparedness bloc is prepared to go. It would almost seem that some members of this bloc have concluded that the struggle against the Soviet empire is hopeless and, secretly, are prepared to make the American people adjust and accommodate themselves to Soviet domination.

The McGovern statement plainly indicates that the pressure is on for unilateral disarmament by the United States—a one-sided abandonment of nuclear defenses which would leave the United States weak and ultimately helpless. It is hard to believe that the American people approve of unilateral disarmament or accept the idea of a Soviet victory in the cold war. Yet that is the direction in which Sen. McGovern and other disarmers and defeatists are pushing the United States. The American people must make their voices heard. They must support national defense programs if the Munich men of our time are not to triumph.

## AUGUSTA: LIVE AMMUNITION

## HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. CLAY. Mr. Speaker, the Kerner Commission told the Nation that violence in the urban areas comes about from the elements of poverty, hunger, and unemployment which lay bare and exposed to combustion in a racist society. Monday, May 11, we witnessed such an explosion in Augusta, Ga. When it was over, six black citizens were dead.

Tuesday, May 12, I wired the Attorney General of the United States requesting that the FBI be sent into Augusta to determine whether Federal law specifically, the Civil Rights Act of 1964, were violated by the Augusta, Ga., police force during and/or prior to the outbreak of violence which resulted in the deaths of six black citizens. I asked that Federal authorities determine who was responsible for the death of the black prisoner which gave impetus to the ensuing violence.

I am appalled by the Augusta incident and I am deeply distressed that the National Guard, under the command of Gov. Lester Maddox, was sent into the area with live ammunition with no clear-cut instructions upon its use. And I am fearful that the black population of the State of Georgia will suffer further oppression at the hand of its admittedly racist Governor.

I applaud the Washington Post for contributing some timely perspective and concern for the violence and death which rocked the southern city of Augusta, Ga. I commend to the attention of my colleagues the following editorial carried in the Washington Post, May 14, 1970:

AUGUSTA: LIVE AMMUNITION

*Suddenly an officer leveled his revolver and fired a single shot into the store. At the back, the remaining looter crashed to the floor, a bullet in his head. An enormous jar of candy topped and fell, showering him with red, white and blue gum balls.*

*"God damn you honkies you killed one of my brothers," cried the man in custody.*

*"Shut your Goddamned mouth," snapped a patrolman, "I'd like to see you try and run."*

*"It looked like he went for a gun," said the patrolman who shot the man. . . . Other patrol cars pulled up.*

*"Who got him?" asked the newcomer. The man in the first car looked away. None spoke.*

*"It's a senseless waste of life," said patrolman C. C. Simmons, one of the original officers on the scene. "It's a damn shame. But what could we do?" (UPI report from Augusta in Wednesday's Washington Post.)*

In Augusta, Ga., a quiet Southern city noted largely for its golf course, racial violence in the past day or two has so far left several human beings shot to death and dozens more injured. We say "so far" because—despite an edgy calm—Georgia's amiable governor, Lester Maddox, the man who was catapulted from nonentity to the governorship by brandishing an ax-handle at Negroes who sought to patronize his restaurant, seems to have little aversion to enlarging the toll. He sent the National Guard to restore order in Augusta, saying as though it were engaged in some sort of turkey shoot, "They're going in with live ammunition. We're not going to tolerate anarchy in this state."

Well, of course, no governor can tolerate anarchy, since the preservation of public order is the first imperative of any government. But neither should he foment it, and public order, history has made plain, depends upon a general sense that the laws are equitable and are being equitably enforced. When any segment of a population has reason to know that it is the victim of across-the-board injustice and oppression, it is likely—especially in a land where freedom is openly extolled—to rebel and to resort to violence.

Governor Maddox and his Guardsmen may have been strong-stomached enough to bring the violence under control in Augusta. But they have, at best, applied a bandaid to an abscess. The infection is still there. And the governor apparently has no understanding of its causation. The killing of a 15-year-old black boy, allegedly by cellmates in an Augusta jail, seemed to have touched off the riot, was not actually its cause, according to Mr. Maddox. He has a simpler, traditional, all-purpose explanation. It was a "planned thing," he says, "a Communist conspiracy."

The governor, who does not seem to be a particular imaginative man, has never stopped to consider, we suppose, what it must mean to black people in Georgia to see the stars and bars of the Confederacy flying over the statehouse as part of the state flag. He has never troubled to reflect much, we surmise, as to what it means to black people to see inequality in social life, in economic opportunity, in schooling and even in law enforcement, practiced, condoned and supported by the highest authority in the state. He has never asked himself evidently, what it would be like, if one were a black man, to see a white, avowedly racist governor in the governor's mansion.

There is the live ammunition, Governor. Rancor, frustration, an awareness of injustice are far more menacing to law and order than a trumped up "Communist conspiracy." There is too much live ammunition in Augusta, and it spells death. The problem in Augusta is to live—and let live.

## MORE ON CANADA

## HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. KOCH. Mr. Speaker, the estrangement existing between the youth of our country and its elders over the war in Vietnam continues. Draft resistance is on the increase. Emigration of our draft-eligible youth to Canada is unabated. Ultimately, we will have to deal with this painful problem and consider what options should be made available to these young people.

I have heretofore placed in the RECORD the statements of church and synagogue leaders. Today, I would like to add the comment of a prince of the church, Richard Cardinal Cushing, as well as a report of a young American now exiled in Canada at this point.

FROM THE EASTER SERMON OF HIS EMINENCE, RICHARD CARDINAL CUSHING

Would it be too much to suggest this Easter that we empty out our jails of all the protesters—the guilty and the innocent—without judging them; call back from over the border and around the world the young men who are called "deserters," drop the cases that are still awaiting judgment on our college youth? Could we not do all of this in the name of life, and with life hope, both of which we celebrate at Easter? Wherever our young people, even for reasons we do not know, stand in need of mercy let us reach out to them. The fruit of Easter is reconciliation and so much of our world remains unreconciled; the hope of Easter is our salvation and so many are waiting to be saved.

I call upon all those who hear these words to seek and find new life for their weary souls, and to offer new life to others in the spirit of this great feast.

[From the New Republic, May 16, 1970]

GO NORTH, YOUNG MAN—THE NEW EXODUS

(By Roger Williams)

(NOTE.—Roger Williams, 27 years old and married, has lived in Canada the past year. He is author of a forthcoming book, The Reflections of an American Exile.)

MONTREAL, CANADA.—Meeting recently with a delegation of Canadian Mennonites, Pierre Elliott Trudeau was urged not to close Canada's borders to military deserters from

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draft. Despite the pejorative label the de- "other countries." (Can one imagine Nixon meeting with Mennonite pacifists?) The prime minister replied that the government had no such intention: "I, too, hope Canada will become a refuge from militarism." As the northward exodus continues, that is what Canada is becoming. The exact number of deserters and draft resisters residing in Canada is unknown, though the figure 60,000 has become "enshrined," as one conservative MP put it, and has been carried south by the N.Y. *Times* and by Rep. Edward Koch (D, N.Y.). The conservative figure is "at least 30,000." Qualified observers in Canada's three largest cities insist there are many more than that.

Vance Gardner, director of the Montreal Council to Aid War Resisters, bases his extrapolation on immigration department tables which show approximately 14,000 male, draft-age *landed immigrants* from the U.S. here now. He concludes, along with Jim Wilcox of the Ottawa anti-draft group, Bill Hertzog of the American Deserters Committee in Montreal and Bill Spira of the Toronto Anti-Draft Programme that the national figure is three or four times that, since a great many young men *don't* become landed immigrants. They move through the underground, work illegally, live off money they've brought with them or have sent, generally hang around and don't bother to apply for official immigrant status. The largest agglomeration of draft resisters and deserters is to be found in the cities. Mr. Gardner also points out that there are many thousands of young American males studying at Canadian universities, perhaps ten thousand across Canada; most are eligible for the draft. Few plan to return to the U.S. if and when they are called.

The Toronto Anti-Draft Programme has counseled some ten to twelve thousand young men during its three and a half years. Groups in Vancouver, Montreal and Ottawa—there are two active counseling and assistance groups in each city—together have seen at least 20,000 young Americans in the past four years. These figures do not take into account the many who don't need assistance and stay clear of these groups.

The sharp increase during the past year in the number of "political refugees," as they are coming to be called, is attributable to a change in policy on the deserter question. (Not only have more deserters-resisters been coming here, but general American immigration to Canada is rising. This last year there was a 14 percent increase over 1968 in the number of Americans of all ages and sexes who have immigrated to Canada; for the second year in a row, the northward flow is larger than the number of Canadians moving south. America has gone from first place to second, ranking behind Great Britain, in the list of nations that provide immigrants to Canada.) In the past 12 months beginning May 22, 1969, when Canada decided to accept U.S. military deserters as landed immigrants, all the counseling groups report handling at least twice as many men as before. The number of draft resisters remains constant and deserters now make up one-half to two-thirds of all the men these organizations see. Contrary to the Pentagon's announcement (Dec. 31, 1969) that there are 576 deserters in Canada, the American Deserters' Committee in Montreal has counseled 700 in the past nine months. Three times as many go to Toronto and twice as many to Vancouver. A reasonable estimate of the number of American deserters in Canada would be five to eight thousand.

Although many deserters are not qualified for white collar jobs, and thus threaten blue-collar Canadians in a country already beset with unemployment, Canadian support seems as strong as it was when the nation was only confronted with draft-dodgers, a harmless appellation, in a country with no serters are stuck with and highly publicized cases of criminal acts—assault, armed robbery—the deserters have found nearly as much public sympathy as they have in Sweden. (Perhaps more. The Swedes recently asked a Canadian NATO delegation: "How do you get away with allowing American deserters into Canada? You wouldn't believe the amount of pressure put on us by the U.S. when we admitted deserters—the pressure from the Americans that we *still suffer*.") The Canadian government first clarified its policy on desertion several months after a delegation of anti-draft leaders, churchmen, National Democratic Party MPs, civil servants and lawyers presented their petition and brief to Allen MacEachen, Minister of Immigration. A young Liberal MP from Montreal, Marcel Prudhomme, brought together parliamentary support for a study session caucus, and ultimately word went out that deserters were not to be turned back at the border as visitors and were to be treated the same as other applicants when applying for immigration.

The draft dodger question and now the deserter issue seem to be ready-made pegs on which Canadians can hang their anti-Americanism. Despite pressure overt or covert, to return all these young men like a good friendly neighbor, Canada hasn't done so.

Conservatives and liberals use the deserter-resister issue to assert Canadian independence. They smile and point out that nothing in Canadian law prevents their nation from accepting servicemen still in the active service of their respective countries. They remind outsiders that America accepted Canadian deserters as immigrants before World War II. Canada hostile to the U.S.? Never! The government is simply enforcing its laws and making sure its policies are implemented impartially.

An indication of public attitudes toward deserters is the recent outcry over the handling of three American deserters by the Royal Canadian Mounted Police in British Columbia. The deserters were taken to the border and turned over to U.S. authorities. One of the young men escaped and returned to Canada where he told his story to the press. Members of parliament and several Canadian dailies pressed for an investigation. A federal inquiry in April accused the RCMP and local immigration officers of illegal action. While the government fretted over RCMP interference with "the letter of immigration law," the Montreal *Star* editorialized on the "spirit of its enforcement." "Canada's liberal policy towards United States military deserters is apparently being undermined by the zealousness of law enforcement officers in this country . . . the deserters' welcome has become tarnished." The *Star's Weekend*, a Sunday supplement included in 39 Canadian papers, recently featured a very sympathetic cover article on the American deserters, focusing on the ADC in Montreal, and ran an editorial in defense of that article and in response to a number of critical letters denouncing "the creeps," "cowards" and so on. Frank Lewis, the editor, drew a parallel between the deserters and the United Empire Loyalists who settled Ontario during the American Revolution. He asked rhetorically how these Canadians would have regarded their own forebears and then he asked Canadians to recall "one of the most memorable quotes of the decade: 'I had to obey the rules of war and my flag. I am ready.' Those were the last words of Adolph Eichmann."

As the position of the American emigrés, especially the deserters, becomes more secure and the counseling and aid groups are more and more able to count on many liberal MP's, several Conservatives, the New Democratic Party, the media and the gracious acceptance by the Canadian people, young men denounced by the Vice President of the United States as common criminals are turning to political activism. There is now less and less hesitancy to use the word exile and to call oneself that, though there is a commensurate sensitivity to Canada's official attitude, which is to encourage immigration for the betterment of Canada. Forming exile communities is not the best way to become integrated into Canadian life. This exile-immigrant contradiction will not be soon resolved. Toronto's newly-formed "Red White & Black," growing out of the Union of American Exiles, now defunct, encompasses the contradictions in an attempt to "bridge the gaps—cultural, social, economic, organizational, educational, political—between the expatriate and the exile, the idea and the act, the old involvements with the crisis in the U.S. and the new involvements with Canadian life." This ambivalence, stemming from the resister-deserter having been an organizer, a radical, in the U.S. out of love of country, and now having to become a good Canadian concerned with Canada, appears in print in *Am Ex* (American Exile), an exile magazine published independently every month in Toronto. In Montreal, the American Deserters' Committee makes room for young men who never intend to return to the U.S., and also for those who still look south. The ADC sends its materials south through ties with the coffee house projects and the GI press, and encourages GI resistance within the army, with Canada as an option when a soldier faces either the stockade or Vietnam.

Unity comes on the question of amnesty. No one wants it, though reasons for disparaging the idea differ. Individuals and groups concerned primarily with bringing the young refugees into Canadian life, making sure they are an asset and not a political liability, know that to discuss amnesty or work for it is to impinge on the welcome here—"What? Isn't Canada good enough for you?"—and to psychologically disorient the newcomer, distracting him from taking Canada and his new life seriously. These groups know that there has *never* been an amnesty in the U.S. Likewise, the politicized, the radicals who *do* want to go back, or who think of themselves *only* as temporary residents, are insulted by the very discussion of amnesty, as Rep. Edward Koch was surprised to discover during his visit here last fall. The analogy to Nazi Germany is drawn: Willy Brandt didn't ask for, nor would have accepted, amnesty from the Third Reich, and yet his civil rights as a German citizen were eventually restored as were those of thousands of others. Amnesty implies guilt, they say, and they do not feel guilty.

## LEGAL ASPECTS OF INTERMODAL TRANSPORTATION

### HON. FRED B. ROONEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ROONEY of Pennsylvania. Mr. Speaker, recently one of this country's outstanding regulators, Judge Whitney Gillilland, Vice Chairman of the Civil Aeronautics Board, addressed the National Academy of Sciences-National Research Council on the legal aspects of intermodal transportation. He has outlined the CAB's power and views on this important subject. I insert Judge Gillilland's remarks in the Record at this point:

STATEMENT BY WHITNEY GILLILLAND

I welcome this opportunity to appear here today since the Board, like this group, is highly sympathetic toward finding improved ways to facilitate intermodal transportation.

As I understand the invitation, members of the three regulatory commissions have been asked to present "a view of the National

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Transportation Policy respectively of the agencies as it is determined by statute, custom, administrative decisions, court decisions, and otherwise." The Declaration of Policy to be found at section 102 of the Federal Aviation Act is in most respects similar to the National Transportation Policy which governs the Interstate Commerce Commission, but unlike that policy it does not specifically direct fair and impartial treatment for competing modes. It does not forbid it either. It simply says nothing about it. However, it does direct the Board to bend its efforts towards encouraging and developing an air transportation system adapted to our national needs. Indeed, the strength of the promotional language is such as to render it unique among transportation regulatory statutes.

Nevertheless, the Board has always regarded the development of an appropriate air transportation system as embracing efforts to increase intermodal transportation of freight by surface and air. Our reasoning has been that the full promise of air cargo can be achieved only by facilitating the movement of freight between transportation modes. Cargo cannot make a complete journey from the door of the shipper to the door of the consignee by air.

On the other hand, international aviation is inherently free of many of the impediments applicable to intermodal surface transportation. I understand that, if a shipment travels by surface between an inland U.S. city like Denver and a foreign port like Rotterdam, it will be transported by land and water carriers which are regulated by separate agencies and which may be subject to separate schemes of liability, documentation, and rate-making. Aviation is obviously different: today's jet aircraft can carry cargo nonstop from Denver to Rotterdam in a matter of hours. Both airlines and air freight forwarders can thus provide shipper-to-consignee international freight service at single-factor rates, with simplified shipping documentation, and with single-carrier liability.

Board-authorized "air transportation" typically includes not only airport-to-airport line-haul but also extensive pickup and delivery services. Although both truckers and airlines combine to provide this transportation, the typical "intermodal" problems are not present. This is because Congress sought to avoid a jurisdictional conflict by exempting from ICC regulation motor transportation "incidental to transportation by aircraft,"[1] while requiring air carriers to file with the Board all rates and charges "in connection with * * * air transportation."[2] The Board's regulations allow air carriers to file tariffs covering pickup and delivery services to any place within a 25-mile radius of the airport or the city limits. In addition, the Board adopted a 1964 regulation which allows carriers to ask for permission to file tariffs coverning pickup and delivery services beyond the 25-mile zone.[3] Air freight forwarders in 14 airport cities have filed tariffs for pickup and delivery services to communities located up to 68 miles beyond the airport cities. Since these pickup and delivery services are provided by air carriers, they can be offered at single-factor rates, under single bills of lading, and with single-carrier liability.

For service beyond the pickup and delivery areas, the Federal Aviation Act (section 1003) allows airlines and surface common carriers to establish through service and joint rates. In the case of common carriers subject to the Interstate Commerce Act, the airlines and ICC-regulated carriers must file their rates with their respective commissions, which have jurisdiction over the rates through a joint regulatory board. Under this statutory mechanism, airlines and truckers offer coordinated truck-air transportation to 3329 communities located away from our major airport cities.

In addition, the Board has exercised its licensing powers in a manner designed to encourage intermodal transportation. For many years, the Board has freely authorized surface forwarders and regional motor carriers to become air freight forwarders. More recently, the Board has begun permitting long-haul motor carriers to become air freight forwarders on an experimental basis.[4] And the Board has also permitted common control of air freight forwarders and ocean carriers.

This is not to say that the Board has unfettered discretion to endorse everything which may promote intermodal transportation. There are, for example, statutory inhibitions on the Board's power to license a single transportation company operating both aircraft and surface vehicles or vessels. When Congress enacted the Civil Aeronautics Act of 1938, it followed the pattern of the Motor Carrier Act by precluding a surface carrier from acquiring an air carrier unless the surface carrier shows that it can use aircraft to public advantage in its operations.[5] The Board has recognized that this statutory provision controls where a surface carrier seeks to "acquire" a direct carrier; and the Board has applied what it deemed to be the provision's policy where a surface carrier requests a license to operate its own aircraft. Following this line of reasoning, a Board examiner recently ruled that U.S. Steel Corporation, because of its affiliation with railroad common carriers, should not be allowed to acquire Johnson Flying Service, a direct air carrier.[6]

It is to be noted that the statute does not in terms preclude a surface carrier from entering air transportation by means other than acquisition of an air carrier, nor forbid the acquisition of a surface carrier by an air carrier, although such transactions require submission to the Board and must meet public interest tests. After a substantial early period of internal dispute, the Board settled to a position based on the context and history of the Act. This is, in substance, that the policy of the Act precludes approval where significant conflicting interests adversely affecting air transportation may be present.[7] Accordingly, it has been the practice of the Board to deny applications of surface carriers for licenses to enter direct air transportation, and likewise to deny air carrier applications for approval of surface carrier acquisition, except in limited cases where it appears that prospects of meaningful competition between modes are slender and conflicts of interest remote.

The Board has two cases presently before it in which this long-standing doctrine, or its limitations, may again be put to the test. In the first of these,[8] Overseas National Airways, Inc., a supplemental carrier, proposes to create a wholly-owned foreign subsidiary which, in turn, will own and operate a passenger cruise vessel. The applicant sought a disclaimer of jurisdiction or, alternatively, approval. The examiner denied relief on conflict of interest grounds and the case is now before the Board for review.

In the second of these,[9] Trans World Airlines, Inc., proposes the acquisition by a majority-owned TWA subsidiary of two corporations operating cruise vessels. It likewise seeks disclaimer of jurisdiction or, alternatively, approval. This case is in its preliminary stages.

Another limitation on the Board is the statutory prohibition against air freight forwarders filing joint rates with ICC-regulated motor carriers. The 1968 "Trade Simplification Bill," which the Department of Transportation sponsored, proposed to eliminate this limitation; and the Board supported that legislation. Indeed, the Board has consistently joined with other agencies to support legislation (such as the tripartite joint board proposals and the "trade simplification" bills) aimed at improving the existing system.

I am aware that some persons concerned with existing impediments to intermodal transportation have suggested that the only solution is to merge the CAB, the ICC, and the FMC into a single independent transportation agency or into the Department of Transportation. Whatever the pros and cons of such a proposal, and there are obviously several of each, I believe experience has demonstrated that many intermodal problems may be solved or lessened under the present regime, particularly by cooperative effort, and that each of the agencies concerned has a most important responsibility to devote continuing and assiduous attention to them. First, the agencies can act within existing law to develop compatible regulatory schemes covering intermodal transportation. To illustrate, when the Board adopted its 1964 regulation covering extended pickup and delivery areas, it did so pursuant to consultation with ICC. There is no reason why similar consultations between the agencies cannot produce similar accommodations, including a single set of simplified tariff rules and regulations. Second, although statutory restrictions obviously cannot be resolved by interagency consultations, the agencies can jointly sponsor specific remedial legislation such as the Trade Simplification Act, above referred to.

Finally, it would appear that one of the best ways to eliminate many of the impediments to coordinated international transportation may be through international agreements. In the aviation industry, the Warsaw Convention has imposed a unified system of carrier liabilities, and the air carriers have thus been able to use a standardized air waybill. I am told that the European nations have proposed a draft Combined Transportation Convention which would govern intermodal transportation and which would establish rules of documentation and of liability. Although I also understand that the draft convention requires revision, an international agreement in this area would be a major step forward.

It is, of course, not possible to foresee at this point whether a measure to establish a single transportation regulatory agency will be adopted or even serioulsy proposed. Furthermore, it is not possible to anticipate the structure of such an agency, or whether its capabilities might be greater or less than those enjoyed by the existing agencies. However any of those questions might be answered, it is clear that there are in fact many capabilities to facilitate intermodal transportation within the existing regime which have proven fruitful when exercised, offer potentials for future use, and should continue to be exploited aggressively until and unless better means are found.

FOOTNOTES

[1] Interstate Commerce Act, Part II, § 203 (b) (7).

[2] Federal Aviation Act § 403(a).

[3] Law Motor Freight, Inc. v. CAB, 364 F. 2d 139 (1 Cir. 1966); National Motor Freight Traffic Assoc., Inc. v. CAB, 374 F. 2d 266 (D.C. Cir. 1966). Certiorari was denied in both cases on May 15, 1967, 387 U.S. 905.

[4] ABC Air Freight Co., Inc., *et al.* v. CAB, 419 F. 2d 154 (2 Cir. 1969), *cert. denied.* —— U.S. —— (March 30, 1970).

[5] Federal Aviation Act § 408(b).

[6] Harllee Branch Jr., *et al.* and United States Steel Corporation, Docket 20946, *et al.*

[7] American Export Lines—American Export Airlines, 3 CAB 619 (1942), 4 CAB 104 (1943); Pan American Airways Co. v. CAB, 121 F. 2d 810 (1941); Air Freight Forwarder Case, 9 CAB 473 (1948); Pacific Air Freight, 17 CAB 561 (1953); Modern Air Transport, 32 CAB 137 (1960).

[8] Docket 21047.

[9] Docket 22136.

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Footnotes at end of speech.

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## THE LATE JEAN HOXIE

## HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. NEDZI. Mr. Speaker, my hometown, Hamtramck, Mich., has long been a major city in the tennis map of the world.

The major reason for this eminence was one remarkable woman, Mrs. Jean Hoxie, who taught tennis—and character—to thousands of Hamtramck youngsters and to famous persons at home and abroad.

A few days ago, Mrs. Hoxie died in a tragic accident. She was my friend and I would like to have her remembered by this Nation, for which she did so much. Accordingly, under leave to extend my remarks in the RECORD, I set forth below a series of articles describing more fully Mrs. Hoxie's extraordinary record and extraordinary personality:

[From the Detroit Free Press, May 8, 1970]

### SHE TAUGHT PERFECTION

She was a tough girl, Jean Hoxie, but you knew the reason she was such a stern coach was because she loved her young people so much she couldn't stand their being second-rate.

So she drove them hard, by the thousands, keeping them banging at the wall hour after hour. If their tennis balls were worn and their old rackets loose in the strings it didn't matter. They would just be better when they acquired decent equipment.

And first-rate they became, making Hamtramck somewhat the tennis capital of the world. Tennis coaching is an unlikely field for somebody to gain international prominence in, but Mrs. Hoxie made it and was just as non-nonsense with Gen. Franco as she was with the east side kids who worshipped her.

She spent most of her 72 years urging her students in pursuit of perfection. They sweated and complained but a lot of them became champions and the rest are very hard to beat. They'll never forget her.

[From the Detroit Free Press, May 7, 1970]

### BRASH JEAN HOXIE—SHE WAS BEAUTIFUL

(By George Puscas)

Jean Hoxie is dead. A thousand men who believed they were her one special man, mourn.

She was the most loved woman this town had seen in her time.

She was short and stout with a face weathered by 71 years of summer sun. She had a voice loud and gravelly and a manner brash and demanding.

She was beautiful.

She had nestled in her palm, men like Bill Ford, George Romney, Ralph McIlvenny and Soapy Williams, and countless others who reacted to her whim.

You had to wonder why.

She was frequently outrageous. She would stroll noisily into the sports department here, plant a kiss on my cheek, announce that her tennis kids were upstairs getting their picture taken.

"I'm leaving for South America in two days," she would say, "so make sure the picture is in the paper tonight. I want to take the clipping with me."

She got away with it. Invariably.

She was an out-and-out tennis huckster. No game has known a better one. She taught her game, preached it, sold it.

But she was something more.

She was salvaging people long before sociologists thought it might be a fine idea.

She was Old World discipline with a hard-as-a-hammer exterior and a marshmallow heart.

That's why the guys all loved her. The girls, many of them, were not always so sure.

Memorial Park in Hamtramck sits alongside Jos. Campau in an area that once was rat-a-tat-tat and booze and broads. It was that way when Jean arrived in the 1930s.

Occasionally, she'd tell about it.

"There's nothing fancy about this neighborhood now," she'd say. "But in those days, it was much worse. Kids were hungry and aimless, and so were their parents.

"It all seems so simple now. But remember, in those days and in that area, kids were embarrassed to be seen with a tennis racquet in their hands.

"I won them over by collaring the gang leaders and forcing them to play against my kids. When they say how futile they were, they'd lay off. Some of them even joined us. They know who they are."

Over the years, the Hoxie Hamtramck tennis crew won more than 100 national championships. There was nothing mystical about her technique. It was simply work. Work until the feet blistered, the hands puffed, the mind dulled. Hour and hour, days on end, through winter and summer.

There were kids who played for Jean and her husband, Jerry, who died two years ago, who swear they hated her. Now, having moved through college or into Hoxie-promoted jobs, they say they owe whatever they are to her.

I remember sitting with Peaches Bartkowicz in a restaurant across from Memorial Park several years ago. I'd taken Peaches there because Mrs. Hoxie always interrupted her kids' conversations, making sure they'd say the right thing.

"You practice six hours a day every day," I said to Peaches. "Doesn't a 17-year-old girl occasionally think about boys?"

From behind me, came the Hoxie voice.

"She's got plenty of boys right here to play tennis with," said Jean. "She can date when she's 25."

Not surprisingly, perhaps, most of the girls who once rose to prominence at Hamtramck drifted away from the game after graduation. It's a bit different with the Hoxie men, who remain devoted, and grow more appreciative with the passing years.

Ted Jax, once a Hoxie teen great, was in tears Wednesday morning when we came off the courts at Bloomfield Tennis House. He'd just heard the news of Mrs. Hoxie's death.

"Do you people ever make mistakes on things like this?" he asked, almost pleading.

Jax had kidded in the past about Jean and her ways.

"She's really something," he said. "She calls up and tells me there is something I absolutely have to do. Right away. I tell her I'm busy, I have lessons to teach and other plans.

"She always comes on with that line, 'Other people did it for you once and don't you forget it.' I know they did, so I do it. I know I wouldn't be where I am now without her."

The little guys and dolls, the seven- and eight-year-olds, had a special adoration for Jean.

She'd line them up in her office to inspect their hands and faces and then demand her nickel-a-week payment.

"That nickel really works," she said. "At the end of the summer, the racquet is theirs. One dollar for a 20-dollar racquet. But the nickel makes them aware that they have something at stake. So they don't miss a practice."

When the collection was done, the line began anew, each kissing Mrs. Hoxie good-by for the day.

She never had children of her own, though her home on the riverfront almost always is occupied by a dozen or more boarding youngsters.

She never really regretted the lack of a personal family.

"Have you ever noticed," she told me once, "how closely attached young boys are to their high school coaches?

"Most coaches are closer to the kids than the fathers and mothers. It stays that way for years afterward.

"I've had a thousand kids of my own."

A thousand and more of her special ones mourn.

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[From the Detroit News, May 6, 1970]

### COACH JEAN HOXIE KILLED—RUN OVER BY OWN CAR

(By Joe Dowdall)

Jean Hoxie, Michigan's internationally famous tennis teacher, was killed in Midland today by a stroke or heart attack which caused her to be run over by her own auto.

Mrs. Hoxie, 71, was the surviving member of the team of Jean and Jerry Hoxie—a coaching combination which taught royalty, made champions of youngsters and put Hamtramck on the world tennis map.

She was backing her car out of the driveway at her Midland home, en route to a tennis class at Northwood Institute, when she was stricken.

The attack, termed a "circulatory spell" by Dr. Donald J. Cline, the Midland County deputy medical examiner, caused Mrs. Hoxie to fall from her moving car.

The car, according to witnesses, continued backing in a tight circle and ran over Mrs. Hoxie before Dean Stellas, a sophomore from Glenview, Ill., was able to stop the car after it had hit a parked station wagon.

Mrs. Hoxie had helped more than 300 youngsters to national and international tennis championships with her tireless energy and driving and forceful teaching methods.

In recent months she had been the tennis coach of Northwood Institute, where the tennis field house was named for her.

Mrs. Hoxie's most recent tennis protege was Peaches Bartkowicz, a 20-year-old Hamtramck girl who has the famed Wimbledon championship among her crowns.

Mrs. Hoxie met her late husband, Jerry, on the tennis court in 1925 and together they formed the most successful of husband-wife coaching teams. He died in 1967 at 65.

Wealth or poverty meant little to the Hoxies.

"Start 'em young and keep them interested in the game is the way to develop champions," the gruff but kind Mrs. Hoxie used to say when asked the secret of her success with youngsters.

"All it takes is for a kid to have a tennis-racket and a ball and the determination to stay with it. I'll take them to the wall of an alley garage or to the wall of one of the finest tennis houses and have them hit and hit and hit the ball.

"A wall is the best teacher. You work at it until you know exactly what you, the racket and the ball are going to do every time. Then you play someone else."

This was the method Mrs. Hoxie used on Fred Kovaleski, who was to become her first player of national stature. Other top-flight players who followed were Allen Hetzeck, Ted Jax, Ken Angyal, Ray Senkowski and Chuck Brainard.

Elaine Lewicki and June Slack, preceded Miss Bartkowicz as Mrs. Hoxie's girl champion.

In the early 30's and the 40's, Mrs. Hoxie led Hamtramck High School netters to 15 state championships in 16 years. She coached at Hamtramck High and in the city's recreation program for 30 years.

Her fame took Mrs. Hoxie on 22 trips around the world. She taught King Paul of Greece, two daughters of Queen Juliana of the Netherlands, the nephew of the late King

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Farouk of Egypt, the Crown Prince and Princess of Japan and, more recently, Mrs. Jacqueline Kennedy Onassis.

Yet she treated her pupils alike, either at an exclusive tennis club or on the playgrounds of Hamtramck. She had the driving force of a Marine Corps drill sergeant.

"Discipline, that's what make champions," Mrs. Hoxie said. "I'm not a Mrs. Hitler, but you got to impregnate winning."

Mrs. Hoxie insisted that all her pupils practice long hours daily. "If it rains, practice inside somewhere. If it's hot, practice harder. Then you'll be ready to play when you have to in a match and the weather won't affect you as much."

Yet after a tireless session dictated from her throne on a wooden bench overlooking the courts, Mrs. Hoxie would gently wipe the sweat from one of her youngsters and softly praise the child's improvements.

"I work all my pupils hard," Mrs. Hoxie once said. "But out of every 100 students you get one champion—and 99 good players. I'm a fundamentalist and I teach and insist that all my players be fundamentalists."

She had no peer as a tennis coach of youngsters. Only Mrs. Hoxie knew how many championships her proteges had won.

Mrs. Hoxie was named to the Michigan Hall of Fame in 1966 and was honored as the Sportswoman of the Year in 1969 by the United Foundation. She had enough "testimonial dinners" alone to keep a normal person on the run.

"The older I get, the more I enjoy living," was her creed right up to her final moment, a moment spent en route to teach tennis to another crop of youngsters.

Mrs. Hoxie's body will be brought to Detroit by the William R. Hamilton Funeral Home. It will handle the arrangements, which are still incomplete.

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### HOXIE'S "CHILDREN": ROMNEY'S YOUNGSTERS

(By Curt Sylvester)

Jean Hoxie coached tennis over most of the world. She coached royalty and she coached the kids on the playgrounds of Hamtramck.

None of them forgot her. Some of them loved her. A few disliked her. But all of them respected her and her death Wednesday brought shock to all of them.

"I'm greatly shocked at Jean Hoxie's tragic untimely death" said former Michigan governor George Romney now the Secretary of Housing and Urban Development.

"It is regrettable that young people will miss her inspiration as an unequaled instructor in the sport she loved and her great qualities as a human being.

"In addition Jean was a dedicated American and a great asset to Detroit, Michigan, and the country. Our whole family mourns her loss."

Both the former governor and his wife, Lenore, had taken instruction from the lively little woman who put Hamtramck on the world tennis map.

Detroit Lions' owner William Clay Ford was another of the Hoxie students who was jolted by her death.

"I'm really shocked," said Ford. "She called me yesterday (Tuesday) to invite me as her guest to the Hall of Fame banquet next week. She was a grand woman.

"I've known her for 30 or 35 years," said Ford. "She taught me and both of my daughters. I used to go with her to the National Juniors and other tournaments."

Ralph McElvenny, president of the Michigan Consolidated Gas Co., has been a booster of the Hoxie tennis program for 20 years.

"She's one of the great sports figures in America," said McElvenny. "She was a friend of American presidents and of the Khrushchevs.

"She was a great leader of young people. She did a tremendous amount of good because all of her 'children' were not only fine tennis players—they were good citizens. Their court manners were perfect and they were always clean . . . not like a lot of tennis players that are spoiled brats."

Although Mrs. Hoxie was known and loved by the Romneys and the Fords, she was probably best known by the youngsters she taught on the playgrounds, where she turned out one great player after another.

Ray Senkowski, a former Wimbleton player, a two-time All-American at Michigan and now the pro at Franklin Racquet Club, was one of her favorite pupils.

"People could not help but respect the kind of dedication she had for the causes she believed in," said Senkowski. "And, what she was doing was, through tennis, building character in the young people she dealt with.

"She and her husband never had any children of their own," Senkowski added. "All of us were her children . . . the hundreds of children that grew up in Hamtramck felt they were our second parents.

"He was a real student of the game and she was the finest fundamentalist—getting young kids started—in teaching tennis in the United States. She generated enthusiasm and interest."

Another of her students was Ken Angyal, a former Notre Dame star, former pro at the Lakeshore Tennis House and now an English instructor at Wayne State University.

Mrs. Hoxie's demand for perfection didn't always make her proteges love her, according to Angyal.

"I wouldn't say, except for some rare cases, it was love," said Angyal. "But it was family loyalty. She didn't especially care if a kid had great ability. As long as you'd come back she'd take you."

Angyal recalled fondly how he met Mrs. Hoxie some 25 years ago, the way in which she probably "hooked" most of her tennis pupils.

"I just lived next door to the park and went out to play one day," Angyal remembered. "This crazy lady started bossing me around and I went back every day—she just got me hooked on it.

"I think most of the kids will tell you she was more like a mother than a coach."

### MRS. HOXIE'S LAST PLANS—ARRANGED OWN RITES

(By George E. Van)

Jean Hoxie would have been pleased by the tribute given by Arthur Turner, president at Northwood Institute, of Midland, at the final services for the great Hamtramck tennis teacher yesterday.

The final rites were just as she had arranged them. Her life as a perfectionist was extended after death.

More than 350 persons jammed the William R. Hamilton Funeral Home on Cass Avenue. They were there because they had known Mrs. Hoxie's compelling influence and personality.

People like William Clay Ford, who had worked with Mrs. Hoxie on programs to help the young idea in tennis. She also taught Ford youngsters.

And she also taught Semon Knudsen's children, and he was there, along with G. Mennen Williams, Jerry Cavanagh, Nick Kerbawy and a veritable who's who of the Detroit area's tennis great and tennis small for the last 40 years.

Turner had been requested to "handle my sendoff" by Mrs. Hoxie and a moving tribute it was. The request also included that the 12 stalwart pallbearers be from Northwood. And some of these had been among her tennis proteges at Hamtramck High School.

"Jean became a tradition in her own lifetime," said Turner. "She taught that play is work and worked at it. She left a legacy of integrity, honesty and pride in everything one does. . . . She was a builder of champions."

'A racquet, a ball and a wall." That was Mrs. Hoxie's oft-repeated basic teaching tenet that served as a cornerstone of a career that made her famous internationally.

And her proteges hit the ball back forever in a never-ending routine of shots.

"It was a hard discipline but one that produced champions," said Henry Collins, Hamtramck High School principal and a lifelong friend of Mrs. Hoxie.

Most of those who knew that discipline and profited thereby were in the chapel. Some were too far away to make it. One of her greatest, Fred Kovaleski, now lives in Australia. Peaches Bartkowicz, now an internationalist, was in the south of France.

But Peaches' young sister, Plums, was there. So were many other players who made Mrs. Hoxie a living legend, stars like Ed Roszak, June Stack, Walter English, Al Hetzek, Ed Angyal, Esther Politizer, John Wagner, John Reindel, Ray Senkowski, Del Russel and Jack Cornish.

There is a line from a Roman philosopher that fits Jean Hoxie.

"Not only is there an art in knowing a thing, but also a certain art in teaching it."

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## MANPOWER TRAINING

## HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ROYBAL. Mr. Speaker, on April 29, Mr. Gordon Nesvig, the personnel director of Los Angeles County, representing the National Association of Counties, testified before the House Select Subcommittee on Labor on the various manpower training bills before that committee. His testimony called for a reorganization of manpower training programs to provide decentralized administration and more flexible funding. He also stressed the need for a larger role for county officials in the planning, coordination, and implementation of manpower programs, especially because of the development of so many new programs throughout an existing patchwork of agencies.

In summarizing his testimony, Mr. Nesvig pointed to specific principles that should be incorporated in any reform manpower bill. His major recommendations included: First, a guaranteed job after training; second, local control, determination of an area prime sponsor to be made by the area's elected officials so that the program can focus on total areawide needs; third, automatic pass-through of funds for all metropolitan areas; fourth, specific emphasis on public service employment; fifth, 1-year advance appropriations; sixth, 4-year authorizations, with specific figures written into the legislation—at the very least 2-year authorizations; seventh, elimination of categorical programs and assigned slots; eighth, automatic increase of funds when unemployment reaches a certain level; ninth, control by the Governor of all State-administered manpower programs; and 10th, a simplified payment plan for enrollees in any program.

Mr. Nesvig's testimony follows:

### Statement on Behalf of the National Association of Counties By Mr. Gordon Nesvig, Director of Personnel, Los Angeles County, Calif., Before the House Select Subcommittee on Labor

Mr. Chairman and members of the Subcommittee, my name is Gordon Nesvig, and I am Director of Personnel for Los Angeles County, California. I am here today representing the National Association of Counties and its 21,000 members in support of H.R. 13472, the Manpower Training Act of 1969. In addition to my prepared statement, which I would like to submit for the record, I would like to share with the Subcommittee some of our general opinions and local experiences in dealing with the myriad of Manpower programs that, because of their fragmented and uncoordinated nature, have failed to make an impressive dent in local unemployment levels.

Manpower training and development—that name we have created to round up a vast array of programs and concepts—is inextricably linked with such other equally broad fields as welfare and unemployment. We have separated these huge problems from each other merely to look at them in manageable places, but we must never forget that they are greatly intertwined. On the other hand, we cannot allow the vastness of the whole problem, which we might call poverty, to overwhelm us and thereby keep us from doing anything at all to overcome it.

The report of the National Advisory Commission on Civil Disorders recognized the crucial implications of unemployment for public economic policy. In the words of this report: "Unemployment and underemployment are among the most persistent and serious grievances of our disadvantaged minorities. The pervasive effect of these conditions on the racial ghetto is inextricably linked to the problem of civil disorders." On the local level, we are well aware of the problems of the poor, the economically and socially disenfranchised, the unemployed, and the underemployed. They beseech us daily for services and assistance. Yet, it seems that every time the Federal government has looked into the unemployment and manpower problems facing all of us, it managed to create dozens of manpower programs with different requirements, techniques, aims and rewards—and each responsible to different federal agencies, funded from different sources, and administered by every type of public or private agency we could manufacture. It appears that every time we saw a problem, we created a new program which was supposed to handle it, without regard for existing programs or consideration for the new program's ability to fill the newly observed need.

In an attempt to deal with this excessive proliferation of categorical programs, duplicative administrative systems and an overcentralized and uncoordinated manpower programs system, the Administration has proposed a comprehensive new Manpower Training Act. As set forth in H.R. 13472, this Act would:

(1) "consolidate major manpower development programs;

(2) "provide flexible funding; and

(3) "decentralize administration of manpower services to states and metropolitan areas."

The National Association of Counties strongly endorses these basic principles of Manpower Reform.

Faced, the way we are, on the local level with providing services for an ever-expanding community need, we too have been looking for ways of making manpower programs meet the needs of our citizens in ameliorating their personal plight, and in strengthening the basic public economy.

The National Association of Counties, meeting recently at their annual Legislative Conference in Washington, D.C., discussed policy positions relative to any national manpower programs reform. A National Task Force on Manpower presented basic principles of reform that would be necessary to make any manpower program viable. At the top of a list of ten positive principles that any manpower bill should have, was a guaranteed job after training.

Although data are sparse supporting the notion that a "training only" program is the least desirable of all manpower programs, several observations can be made:

(1) Occasionally, programs are initiated for training areas where there are no severe shortages;

(2) Occasionally, prospective employers do not know the existence of such training programs and do not hire the graduates; conversely, the graduates are unable to find employers with jobs;

(3) Frequently, the training is not pertinent to the job requirements of prospective employers, i.e., the training is generic, rather than specific;

(4) Training stipends are considerably lower than reasonable income standards, and people are unable or are loathe to remain in a training program, especially when there is no guarantee of a job at its end;

(5) Training programs without specific jobs create a new kind of person: the "professional program participant," who either voluntarily or involuntarily moves from one program to another, but never to a job.

Juxtaposed against this is the program which insures having a job at its end. Such a program not only provides an inherent enticement to the participant to complete the program, but it provides to the participant a direct means of coping with, and overcoming the "system." The person in a job begins to acquire that valuable commodity known as experience. He acquires both seniority and rights for vacation and other purposes. And, most important of all, he becomes essentially self-sufficient, or is launched in that direction.

The JOBS Program and other programs are beginning to build upon what was learned from earlier manpower programs of various kinds, including, for example, the New Careers Programs. Although the New Careers Programs provided wages for participants (as well as training money), it did not have built into it a guarantee. Administrators were not compelled to find the ways and means of keeping new careerists. Although such guarantees are not yet attached to any manpower program, the fact that some programs urge employers to hire first and train afterwards, is very attractive. Many unknowns are removed, and the process of recruitment for manpower programs is made a little more easy. The "job first" concept insures a somewhat greater return for the manpower dollar.

It is not suggested herein that all programs without job guarantees be terminated. The basic thrust of the argument here is that programs which provide for the immediate or early hiring of participants are very attractive. There are many communities and many situations in which other kinds of programs must be pursued.

Also high on the list of our basic manpower development principles, and a way of solving needs of the first principle, is the need for specific emphasis on public service employment. State and local governments engage in a vast and growing number of activities, ranging from education to air and water pollution control. In 1965, State and local governments spent $87 billion and employed nearly 7.7 million workers. Over the ten-year period from 1955 to 1965, expenditures rose by $30 billion, and employment grew by 3 million. In the coming years, state and local governments will be called on to supply even more services. Population growth and rising personal incomes will be partially responsible, along with demands for more urban redevelopment, better fire and police protection, less crowded schools, and improved medical care and facilities. County government is becoming increasingly important in the furnishing of these services to the people.

There seems to be an increased confidence of the people in the ability of counties to perform functions efficiently, as a result of reorganization and modernization of county structures in many areas. But probably most important is the realization that counties are logical areas for the performance of area-wide functions, resulting in a quite noticeable trend toward transferring functions from smaller units of government. In an attempt to provide an expanding variety of services to the community, county government has felt the strong pressures for manpower development. In the five-year period from 1962 to 1967 alone, the total employees of all the counties in the United States increased 24% as compared to an increase of 15.5% for all the municipalities. If county services are to expand to meet the growing needs, then financial and program support will be essential. Public service employment must be developed in order to allow for job development and improved governmental services at the local level.

Identifiable potential jobs could be created in almost every department of county government to provide and expand the services that counties do not provide now, but are being asked to respond to every day. Los Angeles County's various human services departments could immediately absorb 2,200 New Careerists to be utilized in our service delivery systems. Half of the identified potential jobs would provide services that the County does not provide now. The remainder would be expanding the outreach of services traditionally available from the agencies, but limited because of manpower shortages. These service jobs are not "make work" jobs—rather, they are a response to the crying needs of the community, and I dare say that each of our 3,049 counties could cite similar examples. Gentlemen, the need is there. We would definitely support a major program to create hundreds of thousands of public service employment jobs.

The National Association of Counties has always operated under a basic principle that elected officials with their responsibility to the electors, must control programs within their jurisdiction. Operating from that basic premise, we believe that the determination of an area prime sponsor (as defined in this bill) should be determined by the area's elected officials so that the program can focus on total metropolitan areawide needs. And, in the same light, we believe that state-administered manpower programs should be controlled by the Governor.

As elected officials, you are well aware of the need for programs that are responsive to the needs of the citizens. Responsibility can best be guaranteed through the auspices of elected officials at each level of our federal system. As we explained earlier, county government is increasingly responding to the areawide needs of our citizens. With the continuing out-migration of people and industry to the suburban areas of the nation, it seems logical to conclude that counties will continue to have a large role in the developing and providing of job opportunities for the unemployed city dweller. Statistically, almost half (113) of the 233 Standard Metropolitan Statistical Areas (SMSA's) are single county jurisdictions. An additional 40 SMSA's are composed of two counties. And, if we are to avoid continued proliferation of programs, then we should turn to the county as a responsive level of government to coordinate areawide manpower program contracts at the local level. If it is a major objective of this bill to decentralize and coordinate manpower programs at the state and local levels, then it is of prime importance to place control in the hands of elected officials. And, specifi-

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cally, the determination of an area prime sponsor should be made by the area's elected officials so that the program can focus on the total areawide needs, and be responsive to the community. We also recommend automatic pass-through of funds to metropolitan areas.

Of major concern to all levels of government is realistic planning and evaluation. In order to develop viable programs, we at the local level need built-in advanced planning conditions. Too often we have found ourselves actively engaged in a manpower training program that is meeting the needs of the community, only to have federal funds to that project discontinued and the programs closed short of their promised goals. This type of situation could be averted by providing for multiple year funding so that planning and some continuity can be built into each project.

The National Association of Counties recommends that all Manpower Training programs have one-year advance appropriations and four-year authorizations, with specific figures written into the legislation at the very least for two-year authorizations. Gentlemen, we don't feel that this is an inordinate request. Congress has for years endorsed advanced planning concepts in various building programs; it is time that we systematically plan programs for people with at least the same type of advance guarantee.

The concept of automatic increases of funds when unemployment reaches a certain level would strengthen the ability of all manpower programs to meet the continually changing needs of the community.

It is also important that we avoid developing National programs that all local communities must fit their needs to. This could be avoided by the elimination of categorical programs and assigned slots. Every community's needs are different. This national program should allow for innovative programs on the local level.

Let us not simply mandate a national program, but allow for the exploration of innovative concepts beyond strict categorical projects.

And finally, our Association recommends that a simplified payment plan be established for enrollees in any program. This would relieve added administrative problems and make manpower programs more responsive to needs of the enrollees. This would also cut down on the present tendency for enrollees to shop around from one program to another, in order to receive better benefits, rather than the appropriate training.

Next, let me cite more specific conditions and concerns within my own county.

Within the past 30 years the cost of governing Los Angeles County has soared from $94,333,218 to $1,771,142,559, larger than most States' budgets. Well over one billion dollars of that increase occurred in the last decade. Our primary source of revenue is the Real Estate Tax, now close to $10 per $100 assessed valuation.

If county services are to expand to meet the growing needs, financial support will be essential.

Although the Federal manpower commitment has grown from approximately $50 million in first year appropriations for the Manpower Development and Training Act of 1962 to about $2.5 billion in Federal manpower legislation only eight years later, a substantial reduction in unemployment and underemployment and concomitant poverty depends to a considerable extent upon more adequate manpower policy and programs.

During this period in which the Federal Government has increased by 50 times the financial resources devoted to manpower development, we have seen very little improvement on the local level. As a matter of fact, since we began participating in manpower training programs in 1965, the size of the programs funded locally has actually diminished.

Just a few months ago, one of our work experience programs was closed down completely. The program had some operational problems, but we worked them out. We developed a modified program design working cooperatively with our local Community Action Agency people. But the Labor Department said there were no funds and the program would have to be cut. We got local approval to resubmit it, but even though everyone locally thinks it looks good the Labor Department is crying poverty. Somebody ought to tell them how they can get hold of some of that two and one-half billion dollars. We only need one ten-thousandth of it for this project.

Our experience with Federal manpower programs to date has resulted in much frustration and has pointed out major inadequacies in the administration of the Federal manpower program.

As a matter of fact, there is no Federal manpower program. There are bits and pieces of a program which are administered by several departments; OEO, LABOR, HEW, HUD, DEFENSE, and perhaps others that we don't even know of. The program is further fragmented among various bureaus within these departments.

There seems to be little coordination of Federal agencies' funding, even when funds are available from different bureaus within the same department. Duplicate projects are funded, State and local agencies are circumvented, and programs proliferate without a cohesive design. This leads to ineffective use of resources and limited capability to establish information and evaluation systems for future planning.

When Secretary of Labor George P. Shultz testified before the House Committee on Education and Labor last month, he stated that the proposed Manpower Training Act of 1969 was a proposal for comprehensive manpower legislation which would "break new ground by creating a new framework for a constructive partnership between Federal, State and local governments in the spirit of New Federalism."

Supporters of the present State vocational education system immediately expressed concern that the bill did not include sufficient assurances that vocational education would be given preferential status in providing skill training and, further, that the bill could interfere with the independent status of State vocational education systems.

It is this kind of provincialism at the Federal level which makes it impossible for us to coordinate programs at the local level. When we first read the Vocational Education Amendments of 1968, we were impressed with their far-reaching implications, and saw potential applications of these new funds which could support our Neighborhood Youth Corps Program and our New Careers Program. The legislature had recognized the need for the development of close, cooperative systems between employers and training institutions, and there was a heavy emphasis on the development of New Careers models.

We attended the State hearings on implementation of the bill and saw that the plan was to keep the money with the Vocational Education people. We expressed an inerest in participation but got no response. We were told we would be contacted when the guidelines were completed.

On December 23, 1969, we learned through a magazine article that the guidelines had been out for some time and that the deadline for submitting proposals for experimental programs under Part D of the VEA of 1968 was January 1, 1970. We sent a telegram to the U.S. Office of Education that day requesting a copy of the guidelines and an extension of the deadline. We received a call from Washington on December 29, 1969 informing us that the guidelines were on the way but that there could be no extension on the January 1, 1970 deadline.

This may point out a related problem. Information flow between Federal, State and local agencies gets delayed, sidetracked and distorted. This is true not only where new programs are involved, but also for established programs.

Local agencies feel shut out of the planning process and are resistant to information demands which they do not fully understand. Federal agencies do not get timely or accurate information on local programs and local needs.

We had a program funded under Title V of the EOA of 1964. We operated the program for about nine months before we saw the guidelines. During the second year, we had to re-vamp the program to meet the guidelines. We just about got through doing this when in the third year the program was cancelled. The program was being coordinated through the State. We sent reams of information to them without understanding their use. We never knew what the State needed, what the Federal Government needed, or whether the information was getting through. We subsequently found out that the program people in Washington did not get accurate information or what was going on.

Our Neighborhood Youth Corps Program offers another example of the need for improved communications. The Labor Department has never really understood the capability of this program. They consistently refer to NYC out-of-school as an aging vat. They have no systematic way of keeping informed on local programs. Locally we see NYC as an innovative tool for engaging youth who have dropped out of the education and employment system. But we have been fighting restrictive guidelines for the last four and one-half years.

We currently have what appears to be the beginning of an effective model for engaging drop-outs and other estranged youth. Basic and remedial education programs are tied to work experience. Youth can explore a variety of worker roles in over twenty-five occupational areas. An in-service group counseling program which is well accepted by the youth helps them to integrate the work and education experience into a cohesive self-development and career planning program.

All NYC work site supervisors participate in a special inservice training program to prepare them to work more effectively with their enrollees. Our success rate seems to be growing from 40% to almost 50%, and we are well on our way to our goal of 75% successes this year.

We learned recently, however, that the Labor Department wants to transfer many of the program functions to the State Employment Service (now a part of the new California Department of Human Resource Development). Apparently Labor knows little of our local efforts and feels it is time to try something new. Locally, the Employment Service has not even demonstrated the capability of reaching disadvantaged youth, let alone counseling them. When the Labor Department cut the age limit for out-of-school NYC youth from 22 to 18, the Employment Service could not fill our program recruitment needs. We had to develop our own recruitment program through our Welfare and Probation Departments. We have learned from our NYC enrollees that the Employment Service does not have a good image or reputation in the disadvantaged community. These youth are discouraged by red-tape and bureaucratic run-around.

Referrals made to us by the Employment Service frequently demonstrate a failure to meet individual applicant needs and abilities. Applicants are encouraged to accept whatever the counselor has a job order for,

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even if it is not at all suitable for the individual.

There is an inadequate utilization of available resources, both within the Employment Service itself and within the Community. This is apparent when we try to use the Employment Service as a resource for placement of job ready youth outside of our own employment system. Although this should logically be the role of the Employment Service, we have had to set up our own job development function in order to provide outside employment opportunities for youth in addition to County employment.

Of the various programs we are participating in, our NYC program has been in operation the longest. We are quite proud of the model which has evolved, but it has evolved under the most adverse circumstances. A quick description of these circumstances may give you an understanding of the types of problems which are common to all of our Federally funded Manpower programs.

The one year Federal funding cycle and the delay in passing the appropriations bill has resulted in erratic funding periods. During one fiscal year, the program was renewed five times. This meant the development of five budgets and the negotiation of five contract modifications. In several of these periods slot allocations were changed and new guidelines introduced. This makes it impossible to plan effectively.

As the program grew more successful, the size of the program shrank. We went from an allocation of 1200 trainee slots in 1965 to 199 slots today. The erratic funding periods and concomitant poor planning, coupled with the diminishing program size and uncertain assurance of program continuance made it difficult to maintain staff morale and keep all persons associated with the NYC program motivate toward meeting its goals.

With this climate established, it was hard to cope with conflicting guidelines and frequent changes in program requirements.

The most burdensome changes were in the area of information requirements. Federal information requirements were apparently established prior to availability of specific information or program structure, goals, etc. As Washington learned that the information they were getting did not meet their needs, new demands were made. Much time was lost in the redesign of data collection and processing subsystems. Information requirements usually exceeded the budgeted staff's capability. Important data may not have been documented in the early stages of a program. Inputs were based on rough estimates rather than documented data. During all of this, the strategists in Washington were accumulating data on local programs and concluding that NYC appeared to be nothing more than an aging vat for youth.

Their conclusion amazes us, especially in light of the nature of the data collected. It seems to a great extent the Federal emphasis is on documenting how money is being spent rather than on accumulating information that would be useful in evaluating success with respect to program goals.

In September of 1967, the County of Los Angeles entered into an agreement with the local Community Action Agency to operate a New Careers project which was a part of the Concentrated Employment Program in Los Angeles. We had gained some experience with the New Careers concept using enrollees from our NYC program and enrollees from a local community action project called the Neighborhood Adult Participation Project. We felt that the concept would be as effective as it was creative. After over two years of experience, we now think that New Careers, if viewed as an approach instead of a specific project, has greater implications for improving the responsiveness of government and reducing the problems of poverty than anything else that has come out of the War on Poverty.

New Careers is more than an anti-unemployment measure. It is an approach for meeting projected manpower shortages in human services, while at the same time improving the quality of those services. The idea that persons from the client system can provide useful service to the client system is not new and has been implemented in various settings, including the more popular Alcoholics Anonymous and Synanon. What is new is the idea that this new source of manpower for the human services can be developed through a planned sequence of work experience and training, and that this process can become an alternate route of entry into many professional service occupations. In the process, we establish college accreditation for life experience, specific work experience and in-service training. At the same time, we influence educational institutions to make educational content more relevant to student employment needs, develop a variety of alternate models for dispensing knowledge and evaluating learning processes, tie educational services more closely to learning styles, and develop closer working relationships between education and employment resources.

There is currently concern that large bureaucracies have evolved to a point where they are no longer responsive to the needs of the publics they serve. The January–February, 1969 issue of the Public Administration Review has a symposium on Alienation, Decentralization and Participation. In addition to the need for change in the kinds and quality of services rendered, the articles in this symposium postulate a need for structural change in governmental systems to make them more responsive to the needs of the total constituency.

New Careerists are demonstrating that they can become the change agents for bringing about organizational adjustments. Their sensitivity and first-hand awareness of needs and their intolerance of procedures which put process before purpose enable them to critically evaluate gaps in service and pressure the system internally for the much needed change.

From a personnel management point of view, this approach enables us to make the most effective use of available human resources. It enables us to establish new routes of entry into professional occupations, leading from jobs which can be performed by indigenous community aides to the full professional level. Service objectives and goals must be reassessed. Jobs at all levels need to be re-evaluated and re-designed. Minimum requirements must be tied more realistically to job performance demands. Training needs must be more readily identified and tasks allocated to the lowest level at which they can be effectively performed. At the same time, competing models can be established to determine the cost effectiveness of alternate service delivery systems.

We were glad to see that our legislators in Washington were also aware of the potential of New Careers. As you know, although the Administration had asked for a simple two-year extension of the poverty program, the bill that was approved by the House contained some new provisions added by the House Committee. The Committee Report singled out New Careers and Operation Mainstream as having "experienced an unusually high degree of success and usefulness." These two programs were removed from Title I–B in the bill and given special separate status in a new Part E of Title I. The bill specifically earmarks $110,000,000 for the programs, double the amount requested by the Administration, with $50 million going to New Careers and $60 million to Mainstream.

We'd like, at this point, to touch briefly on some of the highlights of our New Careers experience. In the first place, this experience has enabled us to provide employment and promotion opportunities to the poor, and to make our services more responsive to the need of the poor. More importantly, it has identified new areas of service that the County can get engaged in which could alleviate, and possibly eliminate, many of our burgeoning urban problems. But these services go beyond the revenue resources of the County. Although $50 million is twice what the Administration asked for on a national level for New Careers, we could use $10 million of that money in County Government right now to develop 2,000 New Careers jobs. This would include a movement into non-human service occupations as well as expansion in the traditional human service areas of health, medicine, mental health, welfare, probation, law-enforcement, community organization, and human relations, and would require a permanent Federal subsidy which could grow to $120,000,000 a year and 10,000 jobs by 1975.

Currently, our experimentation in New Careers has focused on the County's traditional human service areas. Limited fiscal resources from the Concentrated Employment Project, and the local Mexican-American Opportunity Foundation programs have thus far only allowed us to test the impact that the introduction of a non-professional service worker will have on a services traditionally provided for by professionals. Even so, the results are encouraging.

The East Los Angeles Child and Youth Clinic was established in 1968 under a grant from the U.S. Department of Health, Education and Welfare for the purpose of developing new ways to provide optimum total health services for children in specified disadvantaged areas and for their families. Though equipped in staff and facility to handle a considerable segment of the immediate neighborhood in the East Los Angeles area, the professional staff at the Clinic anticipated accurately that a problem of first priority would be to establish their presence in the "barrio" and to develop an image as a haven for local families with children that were ill. To solve this problem, the Clinic proposed the introduction of a Community Health Worker as an integral part of their staffing pattern. The function of this worker, or Health Assistant as the title came to be, would be to assist the professional staff to spread the word in the local neighborhood about services available at the Clinic, and to make patients feel comfortable and accepted when they appeared.

Within a few months after a dozen Health Assistants had joined the staff, the Clinic was overwhelmed with new patients. Far more patients, by the way, than their statistical data had led them to believe should have needed their service within the established geographic boundaries. This result has caused the Clinic to consider substantial adjustments in its service approach, including the expansion of its New Careers staff in number and in the areas of service they will provide.

In March of 1967, the Probation Department established the RODEO (Reduction of Delinquency Through Expansion of Opportunity) project. The hypothesis was that juvenile offenders, who would normally be assigned for residence in a probation camp, could, in many cases, be maintained in their own community under special supervision with at least equally successful results and at considerably lower costs to the County. The special conditions of supervision in this case called for a reduction of the caseload of a Probation Officer. It also meant a change from the traditional one-to-one counselling role of the professional to that of a catalyst for the redistribution of community and family resources, in order to provide the ward with maximum support in his readjustment. The professional's traditional role, as the counselor, behavior model and expediter for the juvenile, to a great extent was reassigned to a responsible, mature, sub-professional adult from the ward's own community, who demonstrated an ability to provide more realistic behavior goals and to teach the ward how to take advantage of available personal and community resources.

The results after the first year of experimentation in South Central Los Angeles indicated that this approach was successful in all respects. It was determined that in controlling recidivism patterns normally expected of juvenile offenders and in re-establishing the juvenile with the positive institutions in society, school, employment, etc., this approach was more successful than either the camps programs or traditional supervision methods. In rough figures, each juvenile participant in this project represented a dollar savings of $1200 per year to the County in services provided by the staff when compared to the costs of his residence in a Camp. This was in spite of the fact that the reduction of caseload ratios and attachment of New Careers staff is a substantially more expensive staffing pattern than the department's traditional supervision program.

Probation Department has since then increased its utilization of the "RODEO method", and has introduced New Careerists in various other programs with comparable success.

The Department of Hospitals, has only recently begun participation in New Careers, but indications are that this Department will be among the most enthusiastic participants in this area. At present, New Careerists in our hospitals are being trained to improve the communication and understanding between patient and physician. Physicians who serve in our hospitals, especially "Big General" (Los Angeles County-USC Medical Center, largest General Hospital in the United States, 2377 beds, and trains the majority of physicians in the Southern California area), are beginning to question the specialist system in medicine as that system which affects the care provided residents of disadvantaged areas. Ghetto residents, because of cultural and economic deprivation, view the field of medicine as a resource of the last resort, to be used only in cases of impending death or serious illness or accident. Cast into an enormous, impersonal facility to be served after hours of agonizing waiting by a corps of busy, ever-changing, necessarily curt professionals, they find little motivation to continue participation in their medical care program. Increasing numbers of "no-shows" to follow-up clinics and return of patients to the hospital due to poor after-discharge treatment reflects the little worth that is attached to the service provided by the impersonal specialist after specialist.

New Careerists are being trained as Nurses Aides, Clinic Aides, Pharmacy Aides, etc., primarily responsible for assisting the patient to communicate more accurately and completely the source of their complaints to the doctor. They are valuable to the doctor in explaining after treatment care and motivating the patient to continue on the rehabilitation program by using the idiom and language most effectively understood by the patient. Use of New Careerists has helped uncover a peculiar heart disease characteristic to patients that have immigrated from a specific location in Mexico to Los Angeles. This research, which may lead to a cooperative project between Mexican and American health agencies, was almost impossible to conduct without the New Careerists' help.

A patient who leaves our County Hospital with a chronic or potentially recurrent ailment is rarely followed without his own initiative, outside of an outpatient clinic or when he relapses and returns in an ambulance. The Department of Hospitals is not staffed with follow-up, outreach personnel and yet, this function, or rather the lack of it, is probably a major cause of the overburdening of its in-patient services. The development of a manpower resources, recruited from within the patient population, and adequately trained, could provide this function and relieve many of the related problems.

The newly arrived residents were reluctant to share their immigration information with professionals because they feared that this would have an adverse effect on their alien status. New Careerists, former aliens themselves, and conversant in immigration laws, were able to alleviate these fears and complete the research.

Sixty percent of the prescriptions issued at the hospital's pharmacies can now be labelled and explained in Spanish as a result of cooperation between a multi-lingual computer and bilingual New Careerists.

The hospitals are facing the critical point in the problem of the shortage of physicians. Medical schools are increasingly unable to graduate enough doctors to fill the enormous need now reflected in the service problems of our facilities. The prospect for improvement of this situation in the traditional way is dim. Medical administrators are seriously considering a comprehensive re-evaluation of the existing roles played by medical and technical staff in hospitals to determine to what extent nonprofessionals, well-trained and seasoned with sound experience, can alleviate this problem.

The Department of Public Social Services is staffed with New Careerists as part of the services function in thirteen districts in the County. Their involvement ranges from being interpreter, assistant counselor and resource agent to assuming in some areas almost total responsibility for serving a full caseload of clients requiring minimum services. The DPSS has demonstrated that a well-trained New Careerist can successfully relieve the professional Social Worker from his inappropriate traditional roles of family and client counselor, housing and employment agent, and budget advisor. This adjustment in roles allows for more profitable utilization of the conceptual skills of the college graduate to deal with the broader problems of relieving the local causes of deprivation. It also results in more extensive and relevant services to the client provided by the New Careerists since the New Careerist himself, often a former client, brings a wealth of experience in the hard techniques of surviving on a welfare budget.

The Department has also seen the value of the New Careerist as a vehicle for more effective communication of the interest of the agency in the welfare of the client. Complaints that used to either go unanswered or were handled by routine response are now more effectively handled personally by the New Careerist, and as a result, fewer appeals are being submitted by frustrated clients.

Based on their positive experiences, the Department, as with most of our New Careers Departments, is able to speculate on the expansive potential that the New Careers concept holds for dramatically decreasing the breach between its long-range service objectives and its ability to meet them with traditional service approaches. Rather than concentrating efforts on remedial welfare services, the department would, with sufficient staff and funds, be able to enter the areas of preventive and rehabilitative welfare services. Already, New Careerists are helping to identify how their unique role can be instrumental in reducing the epidemic of the welfare and poverty cycle. With more support in planning staff and program manpower, the agency could begin to more effectively attack many of the root problems of the disadvantaged.

Homemakers, heretofore assigned to assist with the physical maintenance of a disabled client's home, represent a natural vehicle for the extension of these preventive welfare services in the home. Trained in techniques of home health care, asepsis, employment counseling, budget management, preventive health care, they will be equipped to identify and deal with idiosyncracies of the welfare family that contribute to their continuance on the welfare rolls. They can provide, in the most effective manner, the kind of positive direction to welfare families that our service professional cannot afford to offer because of their overwhelming workload.

The Probation Department sees the New Careers concept as among the most successful methods of meeting its responsibilities as currently legislated. With the freedom of fully supported research, many of the premises postulated during the RODEO experience could be developed and tested as a basis on which to expand and increase the effectiveness of its services.

The Mental Health Department, faced in this decade with the responsibility of combatting a serious urban malady—emotional illness anticipates that its role as an agency will change from that of a consultant to a *provider* of service. The immediate focus will be to deal with patients who may be a danger to others or to themselves. But a total and effective assault on the problems of mental health by this department calls for a massive expansion of its area of responsibility. It calls for training hundreds of auxilliary, non-professional technicians to not only be available to deal with persons with a critical need, but also to identify symptoms of impending emotional crises and connect those persons with the appropriate resources to secure professional treatment.

Our recreation and parks establishment recognizes the critical role it must play more aggressively to solve the problems of the cities. Youth, whose contact with the establishment is marginal, the potential delinquent or school dropout, needs recreational activities designed especially for him. Los Angeles, already crippled with the least amount of park area per capita of any city in the nation is unable, because of the budget limitations, to make maximum use of the park and recreation areas available with imaginative and non-traditional experimentation, plus the wherewithal to buy the public service manpower needed to implement these approaches. The Department of Parks and Recreation, as with all our human service departments, could begin to meaningfully utilize the available manpower in our disadvantaged communities in an earnest effort to eradicate the ills of our country.

Although we see a great deal of promise in New Careers and have met with some short-run successes, this program, like NYC, has been plagued with problems created by poor Federal administration.

Over the past few years, we have developed 450 permanent New Careers jobs in County departmental budgets. This has enabled us to hire over 90 percent of our program graduates. Since continued participation requires the commitment of local funds as well as increased Federal revenues, it is necessary that the hypotheses regarding program benefits be systematically assessed, and that the social and economic effects be carefully weighed so that priorities for the allocation of available funds can reasonably be set.

How can this be accomplished with sporadic funding cycles, program extensions of two to three months, no planning money, no evaluation money, no technical assistance, poor communications through a multitude of levels in the Federal system as well as the State and local prime sponsor?

From the onset, we contended that New Careers was an inappropriate program for funding through CEP. A portion of the available overhead was siphoned off to support elaborate job development and referral systems which were not required in New Careers. The user agency hires all of the trainees. All resources should be available to the public employer as they are to the private employers in MA–5 contracts in the JOBS Program.

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The CEP boundaries cause restrictive restraints to program expansion. Participating departments want to hire indigenous aides from other poverty neighborhoods which they serve. Our Model Neighborhood staff is required by HUD to use residents of the Model Neighborhood. The CEP boundaries are contiguous with, but do not overlap, our Model Neighborhood boundaries. Federal guidelines indicate that CEP boundaries can be expanded to include Model Neighborhoods but Labor says we have to work through the local Sponsor and the local Sponsor says the guidelines won't permit it.

There is talk at the Federal level of improved coordination and communications, and improved program linkages. The elaborate time-consuming systems which have been worked out for coordination appear to require more effort than a simple call to an operating agency to identify program progress and needs. The only reward evident in these systems is that they shelter the program funders in Washington from the critical review and analysis of local program operators.

In the midst of all of our coordination locally, we have been unable to get our Manpower Director invited to the local CAMPS group.

NYC youth who complete their stay in the program and who demonstrate capability for New Careers training cannot be referred to our New Careers Program because they generally do not live in the CEP target area.

The cutback in age limit from 22 to 18 on the NYC out-of-school program leaves us with limited programming capability to accommodate 18 to 22 year olds. The Federal programs which were to fill the gap are not yet operational.

An NYC youth who has completed his stay and is not yet job ready must be referred back to the State Employment Service. Even if an additional few months might prepare him for a permanent job with the County, program time limits require termination. So youth are referred back to the Employment Service where they are re-routed and reshuffled. It is no wonder why they soon throw in the towel and drop out of the job market; another hidden statistic that keeps the unemployment figure from looking bad.

In the midst of all this confusion, we are being approached constantly by various Community Action Agencies within the County who are looking to develop employment programs with us, or by community groups which have been funded by a CAA, but have no job-training placement opportunities for the slots they have received. Can they use County departments to train their enrollees? This could result in a County District Office having 15 trainees from ten different programs, all of which have slightly different schedules, job site demands and reporting requirements.

While these requests are being evaluated (and consistently turned down), the County is unable to get an adequate number of slots to justify a minimum size administrative staff that could organize and implement a comprehensive manpower program within County government.

The establishment of WIN as a new part of the national manpower effort which operates apart from, but coordinates with, other elements of the Manpower Program demonstrates another splintering of the total manpower effort.

A whole new level of bureaucracy has been established to coordinate WIN placements. The Employment Service staff get welfare referrals whom they process, counsel and refer to other manpower program centers where they are processed, counseled and referred on to operating programs. To the maximum extent possible, WIN will use the existing resources of NYC, CEP, MDTA, JOBS, etc. The WIN Program also provides for development of additional work experience and training sites beyond those available through existing resources.

The County has been working with the Employment Service to identify possible WIN enrollee placements. But there is no money available to support in-service training efforts, or to cope with the administrative problem of separation of programs within County government so as to ensure individual program standards are being met, evaluate results, and fulfill appropriate reporting demands. All of the available funding support in FY 1969 went to the State to support the new WIN bureaucracy in the Employment Service and to provide for training through the State Department of Vocational Education.

The $21,325,000 available to California in FY 1970 is similarly earmarked. It is no wonder that few employers have been able to make the commitment to participate. Because of our limited revenue resources for training purposes, we can only participate in a marginal way. It is too bad that the model recognized by the Labor Department as being effective in the private sector's JOBS Program ("put the entire training job into the hands of the employer"), is seen by Labor to be inoperative in the public sector.

If the County, as a large employer (over 65,000 employees), were funded directly to provide training and employment for 2,000 persons, a coordinated system could be developed in which we could accept referrals from WIN, CEP, CSES, Welfare, Probation, etc. and provide a resource for the training and hiring of their referrals. This would avoid the splintering of programs within an employment source, and enable that employment source to focus all of its resources on the problems of training and hiring. Although the concept of coordination is essential, we have been coordinating at the wrong level. When we set up coordinating agencies, coordination gets confused with administration. Perhaps we ought to think in terms of facilitating, rather than coordinating.

Of the 23,781 eligible welfare recipients we have referred to WIN, only 9,500 have been accepted for participation. About 6,200 of this 10,000 are currently participating in some type of program or training activity. The number placed in permanent jobs since the program began one and a half years ago is approximately 2,400, of which some 900 have been removed from welfare as a result of this employment.

The WIN model appears to be heading in the same futile direction as many of the previous programs; training jobs with no commitment for permanent jobs. Our welfare recipients and "hard core" unemployed have heard that before. "When the funding goes, the job disappears." And round and round we go till the next program.

An independent local task force set up by the County's Commission on Delinquency and Crime discovered in 1968 that of some 8,000 plus Federally funded training jobs, only about 400 had permanent job security tied into the program. (About 300 of these were in our New Careers Program.)

The trainees in the various programs had been in and out of many "training jobs" that folded over the past few years. Thousands of Head Start jobs were created only to prepare community people for nonexistent careers. The jobs just weren't there. The large employers were not sufficiently involved in the planning and program implementation processes, etc., etc.

There needs to be a recognition, which the Manpower Bill of 1969 doesn't seem to make, that the identification and development of real jobs must be tied to any job-training efforts.

## THE ANTIWAR DEMONSTRATION IN ITHACA MEANS CLEANUP WORK

## HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ROBISON. Mr. Speaker, I was most pleased and encouraged to note an article in the Ithaca, N.Y., Journal relative to the efforts of some 350 Cornell University students to protest U.S. involvement in Southeast Asia by cleaning up and painting two buildings housing the Ithaca YMCA and the Mental Health Adult Day Center. This type of protest, vividly illustrating what these students feel "war funds" can and should do "back home," should not go unheralded, and I commend the following article to my colleagues' attention:

### Antiwar Demonstration Here Means Cleanup Work

The Ithaca YMCA and Mental Health Adult Day Center sport brighter faces today after some 350 Cornell students labored to clean and paint both buildings Saturday in protest of American involvement in Southeast Asia.

While thousands of their fellow students massed in Washington, D.C. to demonstrate against the war, those here armed themselves with paint brushes as well as placards in an effort to point out the cost of the war—an estimated $752 per hour—to Tompkins County residents.

"Our aim is to dramatize what the Vietnam war costs . . ." said Cyrus Fishburn, one of the demonstration's organizers. "I hope that the money and labor spent here today will show Ithacans what could be done if their money now being thrown into a war machine could be redirected to more useful community activities."

Financed by the Cornell Vietnam Mobilization Committee, the students began their demonstration with a noon-hour march from Cornell's Willard Straight Hall to the YMCA at 202 E. Buffalo St. While more than 40 from the overflow crowd moved on the Day Center, at the northwest corner of Meadow and State Sts., and to Stewart Park, the remainder grabbed cleaning rags, sandpaper, rakes, and shears and set to work on the building.

* * *

Why here and not on lawns near the White House?

"I feel that I should have gone to Washington, but since I couldn't I thought I'd do my best to demonstrate," said Cornell graduate student Robert Lowenstein.

"We wanted to show the public some constructive action, but this doesn't mean we're not supporting the march in Washington," added Eleanor Weisman, a 19-year-old freshman from Tulsa, Okla.

"This was a way we could participate with something in the community," agreed Ellen Rathje, a freshman from Cortland. "We hope to make people realize we want to do something peaceful and nonviolent."

In their splashdown at the YMCA the students tackled every sort of job from washing to landscaping.

"It's amazing, isn't it; and they'll do anything no matter how grimey," said a surprised Jack Hagaman, executive director of the YMCA. "They were tremendously good kids who did a hard job."

When that job was finished some five hours later, the second floor of the YMCA was paneled; floors were sanded and varnished; walls,

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the entranceway, and a large portion of an exterior brick wall were painted; the Y's stone facade had been wire-brushed; and the surrounding shrubbery was pruned. * * *

Those students who moved to the Day Center were equally active.

Setting their signs—labeled with such slogans as "$750 an Hour Goes to the War—See What It Can Do at Home"—against the building's red brick wall, the students waded into clean-up efforts.

Contributing an estimated $400 in labor, they washed windows, painted doors, built shelves, and hung window shades in face-lifting the building.

". . . It's a great way of people pointing out the need for concern in one's own community; the students do care," said Mrs. Midge Waldman, executive director of the Day Center. ". . . Translating this into human terms is much more difficult to put into words . . . and certainly the 'price tag' goes beyond measurement."

While students labored at the clean-up efforts at the Y and Day Center, others canvassed the city itself distributing literature on American involvement in Southeast Asia and soliciting signatures for a petition to Rep. Howard Robison calling for an end to the Vietnam war.

## POLISH CONSTITUTION DAY

## HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. BOLAND. Mr. Speaker, continuously threatened by territorial conflicts, Poland in the 18th century was an uneasy nation. Her geography left her with few natural defenses, and powerful nations on either side, Russia and Prussia. When Russia and Austria became involved in a war against the Ottoman Turks, the pressures against the Poles were lessened on one side. Then Prussia entered an alliance with Great Britain and Holland against the Russians, which provided the Poles a sense of security not felt in years.

Added to this unstable situation were the reforms which grew from the French Revolution, and the radical ideas of freedom and liberty that came from the new democracy arising in Western Europe. In 1788, the Polish Diet began deliberations on new, vitally needed political reforms which had been at least partially postponed because of the external threats to the nation. In early 1791, after 3 years of debate, discussion, and argument—under a renewed threat from the Russians, who were in the final stages of their war with Turkey—the Diet began the final drafting of a new constitution.

In the middle of the year, King Stanislas read the constitution to an immense crowd of Diet members and citizens. He believed that the constitution would make Poland one of the most liberal and modern states in Europe. The response to the document was of overwhelming approval, and national pride rose as King Stanislas swore allegiance to the constitution.

The newly established freedoms of Poland were perceived as a threat to her Russian neighbor, then under the strong leadership of Empress Catherine II. On April 8, 1792, the Russian armies invaded Poland, and, within a year, they had destroyed not only the constitution but the country as well. On September 23, 1793, Poland was partitioned between the Prussians and the Russians, and the constitution of May 3, 1791, was dead.

The memory of that short period of democracy and freedom remained with the Polish people; liberty-loving Poles anxiously await the day when once again Poland, under a democratic constitution, will rejoin the council of democratic nations.

## SILENT MAJORITY

## HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. LOWENSTEIN. Mr. Speaker, the "silent majority" is threatening to go the way of the silent movie.

A lot of people whose silence was mistaken for consent are no longer holding their tongues in the wake of President Nixon's decision to invade Cambodia. The outcry can be heard throughout the land; but it is naturally loudest on the campuses, where the President has succeeded in mobilizing an overwhelming majority of students against his policies. It can no longer be imagined, even by an administration not distinguished by the firmness of its touch with reality, that antiwar feeling is confined to a minority of students at a minority of schools.

Illustrative of the extent of the disaffection with the war and the President's handling of it is an eloquent statement by Neil A. Oxman, student body president at Villanova University. The statement, which appeared in the New York Times on May 13, is signed by student governments and student leaders at colleges not previously noted for antiwar protests:

### SILENT MAJORITY

MR. NIXON: For almost two years American citizens have been deceived and intentionally misled concerning our country's policy of war in Southeast Asia. Lyndon Baines Johnson left office with the realization that an aggressive policy in Viet Nam was no longer acceptable to the American people. In your every speech both before and after your inauguration, you pledged unstinting efforts to gain peace in Southeast Asia. The Congress of the United States, at your behest, allowed two years to pass, during which time peace was ever promised and never delivered. The end result of these promises has not been peace, but rather a re-escalation of the war, and an illegal, immoral, unsupported invasion of neutral Cambodia.

At present with the country in turmoil, we, as American citizens, feel it our moral obligation to state irrevocably our opposition, not only to the unwarranted invasion of Cambodia, but to the entire Southeast Asian war. We must further decry the shroud of deception you have allowed to grow around all your actions. Primarily, we refer to your war policy and the usurpation of delegated constitutional authority you have adopted to forward your policies.

Rather than add fuel to the present campus unrest by rioting, we are asking every concerned American to help foster the defeat of your policies through constitutional means. We are asking every American to write to his or her congressman, expressing not only dissatisfaction with your Cambodia decision, but voicing support for the bill now being proposed by Senators Hatfield, Goodell, Hughes, McGovern, and Cranston. This bill (H.R. 17123) will not only force a firm declaration of war or complete withdrawals from Cambodia within 30 days after its passage, but will also require that all funds delegated to Southeast Asia after December 30, 1970 be designated as strictly for troop withdrawal. Finally the bill will provide for the removal of all troops from Southeast Asia no later than June 3, 1971.

Possibly Mr. Nixon, you should allow yourself to realize that there are many Americans who will no longer seek peaceful means to halt the war. At Kent State, at the University of Maryland, and at many other campuses, this fact has been painfully and tragically realized.

Upon you, Mr. Nixon, must the complete onus of responsibility fall. As Commander-in-Chief total liability for those killed or injured in Indo-China rests with you. As President the wanton slaying at Kent State and strife on many other campuses must lie on your conscience.

We no longer appeal to you as our President or our leader, but as a human being with an interest in the life of every person in this country.

Respectfully,

NEIL A. OXMAN,
*President, Student Body, Villanova University.*

Student Union, Boston University, Boston, Massachusetts.

Student Government Association, University of Bridgeport, Bridgeport, Connecticut.

Association of Bucknell Students, Bucknell University, Lewisburg, Pennsylvania.

Student Government Association, William A. Navero, President, Canisus College, Buffalo, New York.

Drew University Community, Drew University, Madison, New Jersey.

Student Government Association, Joseph George, Vice President, Georgetown University, Washington, District of Columbia.

Student Government Association, Leonard A. Perrett, President, Kings College, Wilkes-Barre, Pennsylvania.

Student Government Association, Leanne Mells, President, Marymount Manhattan College, New York, New York.

Student Government Association, David McKenzie, President, La Salle College, Philadelphia, Pennsylvania.

Strike Committee, Rensselaer Polytechnic Institute, Troy, New York.

Student Government Association, Newton College of the Sacred Heart, Newton, Massachusetts.

Student Government Association, Debbie Rifenbury, President, Rosemont College, Rosemont, Pennsylvania.

Student Government Association, Robert Barry, President, University of Scranton, Scranton, Pennsylvania.

Student Body, Vassar College, Poughkeepsie, New York.

Student Government Association, Dale Saffir, President, Harcum Junior College, Bryn Mawr, Pennsylvania.

Student Association, Nancy Terrill, President, College of William and Mary, Williamsburg, Virginia.

Chaplains Office, Villanova University, Villanova, Pennsylvania.

Student Congress, Mark A. Billington, President, Providence College, Providence, Rhode Island.

Colby College Community, Colby College, Waterville, Maine.

Student Government Association, Chas. Dougherty, President, St. Bonaventure University, Olean, New York.

Student Body, Bryant College, Providence, Rhode Island.

John Gunn, Member Villanova University Senate, Villanova, Pa.

Student Government Association, James Seward, Chairman, College of the Holy Cross, Worcester, Mass.

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## PLAN FOR PEACE DEVISED AT MACALESTER COLLEGE

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. FRASER. Mr. Speaker, the frustrations that we share over present administration policies in Southeast Asia have led a group of students from Macalester College to develop a plan for bringing about an end to the war.

They call for the United Nations to take control of all peace-keeping efforts by initiating and maintaining a cease-fire. They ask the U.N. to send in a supervisory force and to create an Indochina Relief Agency. The plan is endorsed by more than 1,000 members of the academic community.

Students at the University of Minnesota are similarly initiating new activities of persuasion and protest. I would like to place into the Record this article from the Minneapolis Tribune:

### For Southeast Asia: Macalester Group Offers Peace Plan

A group of Macalester College students, who said they sought a "viable alternative" to present United States involvement in Southeast Asia, Tuesday proposed that the United Nations send a supervisory force to Indochina to effect and maintain a cease-fire.

The proposal also calls for an international conference of all nations involved, and the creation of a U.N. Indochina Relief Agency.

Student spokesmen announced the proposal at a news conference. They said the proposal was written by about 20 Macalester students, and that it has been endorsed by more than 1,000 students, faculty and administrators.

The plan calls for the U.N. supervisory force to implement the withdrawal of "all external forces." Student spokesmen said that included United States forces, and North Vietnamese forces in South Vietnam and Cambodia.

They said they think North Vietnam is now weak and might accept such U.N. solutions to the war intervention.

In other developments on area campuses yesterday:

Leaders of the strike committed at the University of Minnesota announced plans yesterday for a mass "graduation ceremony" Thursday on the mall in front of Northrop Auditorium.

The event—announced at a noon rally by Evan Stark, one of the strike leaders—would symbolize the graduation of students from the traditional university to the Strike Experimental College."

Meanwhile, Thursday of this week and a day in each of the next three weeks were officially designated as "days of reflection" at the university.

A student-faculty committee said that Thursday, May 20, May 26 and June 3 will be days of special activities. The committee recommended that classes be suspended or excused and that Civil Service employes also be allowed to participate.

The faculty of St. John's University in Collegeville, Minn., voted yesterday to give students the option of ending their semester studies immediately to work for peace or finishing the normal academic year. Those who quit now will get a grade of incomplete, to be made up later. The Rev. Coleman Barry, president, said the university is not on strike.

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## "LOVE-PEACE" BECOMES "HATE AMERICA" THE PSYWAR CONTINUES

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. RARICK. Mr. Speaker, Americans are not told that a psychological war is being waged in our country—a non-shooting war—which the enemy is daily prosecuting to the fullest.

The technique of thesis and synthesis, and the "slide-off" manipulations and distortions of Communist education are explained by J. Edgar Hoover in his book, "Masters of Deceit." Education in this misapplication is a weapon in the battle.

Failing to understand Red techniques, many do not understand the development and exploitations of incidents such as Kent State, Cambodia, Augusta, and Jackson State as emotional "hate America" propaganda to further confuse and divide our people against the real enemy.

The initial psychological thrust was to indoctrinate impressionable youth that love is synonymous to peace and that love-peace is imperative to life. Since hate is the opposite of love, and war the opposite of peace, all who do not participate in the love-peace movement are to be regarded as haters and warmongers.

To transfer the abhorrence of war into a hatred of country, it was then only necessary to relate incidents such as would identify the horrors of war with our own country. Kent State and Jackson State—the National Guard; Cambodia—the military; Augusta—the police department. The over exposure of these incidents served as the means to transfer hate of the war to hate of our country—our system of government and everyone who supports it.

In the minds of these psycho-indoctrinated young people most adults, including parents, are made the enemy and their every effort for reason is regarded as repression.

Overlooked is the common enemy—communism—the root cause of all. How long—how long—how long.

Mr. Speaker, "Sensing the News" by Thurman Sensing, executive vice president of Southern States Industrial Council, carried a straightforward plea for action. And his paper follows:

### Sensing the News: Behind the Kent State Riot

(By Thurman Sensing)

Leftists and liberals in the United States and around the world already are trying to portray the slain students at Kent State University in Ohio as heroic workers for peace, whereas in fact they were part of an ugly and brutal mob engaged in transforming a university into a scene of anarchy and bloodshed. The deaths were tragic, yes, but understandable—violence begets tragedy.

There are notable exceptions to this praise of the rampaging mob at Kent State. One in particular is a newspaper of Johannesburg in far away South Africa which described Kent students as "silly asses" who were "stirred up by anarchists and Red agents to oppose the war effort in Vietnam and Cambodia"—a very true observation.

Had the National Guardsmen failed to defend themselves, they might have been stoned to death. One can be sure that the leftists and the liberals wouldn't have shed any tears for dead Guardsmen—no more than they weep for the many policemen who have died in the line of duty, defending communities against anti-war demonstrators and other political hoodlums.

Glorification of the four dead protesters—members of the campus mob—is not without design. Radical elements seek an opportunity to marshal opinion against Guardsmen, policemen, and regular soldiers. The objective of the radicals is to force disarmament of troops and police forces, even as in the propaganda treatment of the My Lai incident in Vietnam they seek to discredit and undermine the morale and combat effectiveness of American troops in Southeast Asia.

If the leftists and liberals succeed in disarming the Guardsmen, if they manage to shift the blame to those who were protecting law and order, then the forces of revolution will have scored a tremendous victory. For the safety of the country, it is imperative that the American people stand behind the Guardsmen, in Ohio and in the other 49 states. They are the people's shield against the revolutionists in our midst.

Bloody insurrection by revolutionary elements seems much nearer than anyone expected a year or so ago. The involvement of several thousand students at Yale University in protests against the trial of Black Panthers accused of murder and kidnaping, shows how far the country has gone towards the mindless chaos sought by those who hate the United States and seek its destruction from within. At Yale, almost an entire university went beserk, with faculty members and even the President of the institution lending prestige to the Panther cause—a display of academic irrationality unprecedented in American history.

Obviously the time for mild measures of law and order is past. The mob attack on the National Guardsmen at Kent State University shows that vicious, open revolution confronts us as a result of permissiveness in dealing with the hoodlums who have established sanctuaries on college and university campuses.

The time has come for legislation and governmental action of the most comprehensive kind so as to eliminate the evil that threatens the survival of our free country.

As Vice President Spiro T. Agnew said in a recent address in Florida, the problem of the disturbed universities is not for the Philosophy Department or the English Department, but the Justice Department. It may take scores of additional U.S. attorneys and hundreds of extra FBI agents, but no effort should be spared in apprehending and prosecuting those who have engaged in criminal leftist activities on college and university campuses in recent weeks. The possibility of mass sedition trials should be seriously considered, for that is the condition the country now faces.

The first target of governmental action should be the rioters who attacked the National Guardsmen at Kent State University. They and others like them should be the subject of legal action. In college after college, the need is to locate and root out the radicals, whether in the student body or on the faculty. It may be that the states and the federal government will have to enact new laws to accomplish that purpose. If need be, the states should call special sessions of their legislatures to get the laws necessary

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to keep the peace and protect decent people against the political hippies who believe they can burn public buildings, loot stores, and bombard police and Guardsmen with rocks and other missiles.

The time is past for half-way measures. The country is on the verge of a crisis in which its very future and survival are involved. Every effort should be exerted now to crush the criminal leftists who seek to paralyze and then take over the United States.

## KENT STATE STUDENT SPEAKS

### HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ROBISON. Mr. Speaker, one of my constituents, Mr. George T. Atwood of Horseheads, N.Y., a graduate student in psychology at Kent State University, has written, for the Elmira, N.Y. Star-Gazette, a most interesting account and analysis of the tragic events of late at Kent State. His fine article is worthy of widespread consideration, and I include it here in the RECORD for that purpose:

"OHIO HAS PLAYED INTO MILITANTS' HANDS"

(By George T. Atwood)

Although the events I am writing about took place in Ohio, I feel that they have implications which effect everyone everywhere.

I am a student at Kent State. I was not present at the shooting Monday. (I was in a shopping center several miles outside of town, spread-eagled across my car with a riot gun and two .38s pointing at me. Somebody told the police I had a gun. I didn't.)

I have been a college student or living among college students at six different schools during eight out of the past 11 years.

I do not claim to know everything that led up to the shooting. I doubt that anyone ever will know, but I can say something about the students at Kent, about the sorts of people and attitudes that must necessarily have been involved.

Much has been said about agitators, about people who define "democracy" as their right to impose their own ideas on the rest of us, about people who practice the art of organizing "demonstrations" and rioting for their own ends. These people exist; make no mistake of it. But there simply were not thousands of "agitators" on the commons at Kent Monday.

Among those who have supported the various anti-war activities are people who have been taken in by the pro-Hanoi propagandists, people who have been swept up in the emotionality of the current college atmosphere, conformists, people who are desperately afraid of being sent to Vietnam and people who have lost friends and relatives in the war.

There are also true pacifists who fully understand the implications of their philosophy and people who have honestly reviewed the evidence and believe that American involvement in Indochina is self defeating.

These, then, are the people who, doubtless, were on the commons when the Guardsmen opened fire.

Also present, we may assume, were the curious, the excitement seekers, the people who think that "throwing rocks at the pigs is a groove, man" and, apparently, a few people who had started across campus to go to classes, which were still being held, and who got caught when the trouble started.

There were people with uncommon understanding and there were self-righteous bigots.

I was last on campus Sunday afternoon. Students and Guardsmen were talking and joking together. Less than 24 hours later, the Guard had fired into a mass of the students.

Students are friendly people, but they tend to think highly of themselves, overly so, I feel. "The people," to many students, means themselves and anyone who agrees with them. Because of their somewhat arrogant attitude, students often are rather inconsiderate and imperceptive of the point of view of others, their protestations of love and brotherhood to the contrary.

In addition, "the revolution" is supposed to be fun. And it is fun, so long as it is the "pigs" who are getting hurt.

When students begin to get hurt, it becomes another matter.

This student egocentricism, which must have played a part in the tragic estrangement which occurred between the students and the Guardsmen, and certainly has done a great deal towards developing the alienation between the students and a large part of their society, is not the students' fault.

Our entire educational system, with considerable aid from the society as a whole, has taught the students that the academically successful are truly superior people. Their teachers, products of the same system, often see themselves in the same way, and the arrogance of the teacher passes on to the student. Faculty members, and others, while claiming to deplore student violence, give it support by treating the violent students as heroes, hoping, apparently, that violence may help to force worthwhile change—meaning, of course, the change which they themselves advocate—a form of dishonesty inconsonant with the intellectual ideals which these faculty claim to represent.

The student is in no position to see that he is being used and misled in this way because our educational system does not teach him to think critically.

What it teaches as "critical thinking" is, in reality, various currently stylish ideas which pass as "critical thought."

Wednesday, in a series of comments made by some other Kent students, you published a statement to the effect that militant students "have very firm beliefs" and "are incredibly dedicated." This statement, as it was written, seemed to imply that the dedication to the belief justifies that belief and any action which is taken from it.

This sort of thinking is disturbingly familiar on college campuses.

If an Ohio National Guardsman were to say that he had fired into the students, and explained that he sincerely believed that the demonstrators were doing grave disservice to humanity, and that only by shooting them could he put an end to the injustice of their action, we would not accept his dedication as justifying his act.

Yet, we seem willing to accept the dedication of the militants as justifying theirs.

So far, I have attacked student attitude for contributing to tragedy. However, in no way does the student contribution shift the blame from Ohio public officials for perpetrating tragedy. I did not know any of the slain students and I cannot possibly feel anywhere near the bitterness which their friends and families must feel today, but I am bitter all the same.

If the troops did, in fact, fire without orders, stated or implied, the officials are, at the very least, guilty of culpable negligence for sending unsteady troops into an explosive situation. I'm not even going to talk about the possibility that the troops fired on order.

Governor Rhodes of Ohio has stated his belief that the Kent State riots were not wholly spontaneous. As I indicated earlier, I suspect that his belief is correct.

The Governor also likened student rioters to Hitler's brownshirts. Considering that, in the three days prior to the shooting, students had wrecked a part of downtown Kent, burned the ROTC building, attacked and beat firemen trying to extinguish the blaze, stage an obviously planned raid on a university-owned airfield, doing considerable damage, stoned the police and Guardsmen, hospitalizing several, were apprehended carrying firearms, and threatened to burn any businesses which did not display anti-war signs, and considering that, elsewhere around the country, student extremists have intimidated, beaten and killed students and others who have oppose them, Governor Rhodes' simile seems to have substance.

After the shooting, though, it is doubtful that many will listen to the Governor's charges of fascism.

From news reports and public statements in the days and months preceding the Kent disaster, I got the feeling that Governor Rhodes and other state officials were acting out of anger.

I applaud officials who are firm in their support of public order, but this firmness must stem from honest conviction, not from rage because the official considers the disorder to be an affront to his dignity, or because he wants to make a grandstand play to please "the voters back home." Too often, I think, public officials act from the wrong motives, and the result is that they help to destroy the order which they purport to uphold.

Kent State could be an excellent example of this. The day before the shooting, Governor Rhodes vowed to "eradicate the radicals."

In 30 seconds, his National Guard did more to advance the cause of these radicals at Kent than all of the radicals themselves have been able to do in their entire lifetimes.

Ohio has played into the militants' hands. The militants now have four martyrs to wave at us. Ohio has four murdered students on its head.

I can appreciate how people are offended and frightened by the growing campus disturbances.

I am offended and frightened too. After all, I'm living in the middle of it.

I am often upset when the disturbances are allowed to grow, unchecked or when instigators are turned loose to instigate again.

There are times when I really feel like getting a baseball bat and breaking somebody's head, but I realize that a large part of the militant program is designed to get me upset and frightened enough that I lash out in panic. I know that when I act out of hatred and fear, I am beaten.

## DISCRIMINATION BY TAX-FREE MANIPULATION

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. RARICK. Mr. Speaker, the tax-free foundations continue to make news in their own newspapers.

I insert the following newsclippings from the Washington Post:

MEYER FOUNDATION GIFTS TOTAL $837,300 FOR '69

The Eugene and Agnes E. Meyer Foundation yesterday announced that grants totalling $837,300 were made in 1969 for support of community services, education, health and the humanities.

George Washington University received the largest single grant, $100,000, for development of new medical school facilities.

The Meyer foundation was begun in 1944 with funds provided by Eugene Meyer, former chairman of the board of The Washington Post, and his wife.

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Community services accounted for the largest of the grants, $341,000. Among agencies receiving funds were Bonabond, Inc., $10,000; the Fides Neighborhood House, $2,000; and the Friends of the Juvenile Court, $12,000.

Also receiving funds in this category was the Law Student in Court Program, granted $20,000. This project, made possible by a 1968 change in court rules, allows third-year law students to represent indigent defendants in small claims and landlord and tenant cases in the Court of General Sessions.

Washington Area Business Service, Inc., which seeks to bring about minority business ownership by providing a number of advisory and technical services, was granted $25,000.

In educational programs, the foundation made $274,300 in grants, giving $10,000 to Washington Preschools, Inc.; $7,000 to The Teachers, Inc., and $40,000 for annual scholarship grants.

Humanities' grants, totalling $72,000, went to the National Ballet Society Inc., $15,000; the Shakespeare Festival of Washington, $5,000; the Washington Community School of Music, Inc., $10,000; and to a number of other cultural groups.

### Stern Fund Aids Law Firm To Tackle Social Problems

(By Carol Honsa)

A new public interest law firm that will tackle Washington area problems through the courts will open here in July with a $150,000 grant from the Philip M. Stern Family Fund.

The new Stern Community Law Firm will be headed by George Washington University law professor Monroe H. Freedman, a lawyer long involved in civil rights and civil liberties issues here.

Public interest legal firms generally press class action or test cases involving broad social problems, like education or welfare reform, affecting large groups of people besides the individual plaintiffs.

Already contemplated are suits challenging restrictive adoption policies, pollution by federal agencies and private industries here, unequal city services in Wahington neighborhoods, and zoning and land-use policies adversely affecting the environment.

Stern, whose family fund will pour virtually all its available money for the coming year into the venture, said the law firm would seek "reform, not relief" through class action suits or individual cases with broad public implications.

Instead of trying to remedy one person's particular problem, he explained, the law firm would take legal action to change the institutions or practices that cause such hardships for people in general.

"Our mandate is to make waves and rock boats," said Freedman, who will start operations with a staff of three top-ranking June law graduates.

Freedman will take leave without pay from his teaching duties to direct the law firm, which will be located near the GWU campus.

The Stern grant will actually go to the Lincoln Memorial Congregational Temple at 1701 11th St. NW, where the Rev. Channing E. Phillips, a Democratic national committeeman, was pastor until his resignation took effect Sunday. The church in turn will engage the law firm for public interest litigation.

"The church saw it as a vehicle for extending its ministry into use of legal procedures for providing justice," Mr. Phillips said.

Mr. Phillips, who remains in the Lincoln Temple congregation, and three other church members will sit on the law firms seven-member governing committee along with Freedman and Mr. and Mrs. Stern.

The committee will define, in effect, the "public interest" and decide which cases the law firm will pursue.

Freedman expects the firm to become immediately embroiled in a challenge to a section of the legal profession's canon of ethics that forbids lawyers to solicit clients. Freedman, who thinks the prohibition is unconstitutional, said the firm will openly seek out clients with cases involving issues of broad public interest.

The establishment of the new firm coincides with a period of growing militancy among lawyers, particularly aggressive young attorneys, who see the courts as an instrument for social reform.

Taxpayer-supported legal programs such as the Neighborhood Legal Services Program actively advocate the interests of the poor, while organizations like the Washington Research Project and Center for Law and Social Policy study, issue reports, and litigate on broad social issues.

Freedman said the Stern-sponsored community firm differs from such groups in its independence from clients' fees or public funds; its emphasis on D.C. area problems, and its focus on lawsuits instead of studies and reports.

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## CREATING A WELFARE CLASS

## HON. WATKINS M. ABBITT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

Mr. ABBITT. Mr. Speaker, there has been a great deal of discussion in recent weeks relative to the family assistance program on which the House acted several weeks ago.

I opposed this bill when it was before the House and am now even more convinced that if this program is enacted, it will be a giant step toward socialism in America.

Many of those who advocate passage of this program contend that it is a vast improvement over the situation which now exists. It is true that there are some features of the bill that may give some indication of temporary improvement in some limited fields but the overwhelming purpose and impact of the bill is, in my opinion, a step toward more Government control, more Federal handout, and a great expansion of the welfare rolls.

There appeared in the April 27 edition of the Lynchburg News, Lynchburg, Va., a very fine editorial which outlines the principal objections to this legislation. I wish to include with my remarks the text of this editorial and commend it to the reading of the Members of the House.

The editorial follows:

### Creating A Welfare Class

The U.S. House of Representatives last week passed beyond the point of no return on the road to Socialism when it approved President Nixon's revolutionary "Family Assistance Act." This radical, wholly untried plan provides for a guaranteed Federal payment of $1,600 plus $800 in food stamps each year for a family of four—in addition to state subsidies. Before the Senate approves the bill, and it is expected to, the guaranteed payments are expected to be boosted to around $2,500. Pressures are already being applied to increase that to $5,000.

With one stroke, the Nixon plan adds between 13 and 15 million more people to the 10 million already on welfare! The added cost for the first year is estimated at $5 billion, but even the supporters of the bill admit that is ridiculously low. Opponents of the plan claim it will cost an additional $12 to $15 billion a year—above the present welfare costs which now run about $72 billion annually for Federal, state and local governments. That $72 billion, of course, comes out of taxes.

Federal figures show that the number of people receiving some sort of welfare assistance increased 52 per cent and the cost of welfare programs increased 211 per cent—all in the past 10 years! With the Nixon plan, welfare costs within five years conceivably could reach $100 billion a year.

#### MOST INSIDIOUS FEATURE

The horrendous cost, which must be borne by the working public, is not the most insidious feature of the bill. That feature destroys all incentive to get off welfare and, as the direct result, creates a gigantic welfare class permanently living off the wages of the working public.

Under the bill, welfare recipients can earn up to $720 a month without losing any benefits. They would lose 50 cents in Federal subsidies for each $1 earned above $720 a month until the family income reaches $3,920 a year. At that point the Federal subsidy would cease.

However, because of various formulas for qualifying for food stamps, cutoffs in state supplemental funds, and Federal, state and local taxes, a welfare recipient who takes work could wind up losing some 80 cents in welfare subsidies out of each dollar he earns. This means, frankly, that it would not pay him to work. It encourages full dependency on welfare.

However, because of various formulas for qualifying for food stamps, cutoffs in state supplemental funds, and Federal, state and local taxes, a welfare recipient who takes work could wind up losing some 80 cents in welfare subsidies out of each dollar he earns. This means, frankly, that it would not pay him to work. It encourages full dependency on welfare.

#### DISCOURAGES WORK

The bill does contain a provision that all able-bodied adults will be required to take jobs or job training. The original bill contained the word "suitable" work, but this was changed to "available" work. But no one expects this will really change anything, for there are too many loopholes through which able-bodied adults can avoid work.

Moreover, as Federal statistics themselves show, the work provisions would have little effect on those now on welfare rolls. Of the nearly 10 million now receiving welfare assistance, exactly half are children and thus exempted from work. Another 1 1-2 million are mothers—also exempted. Two million are aged—exempted; 728,000 are disabled—exempted; 80,000 are blind—exempted.

This leaves some half-million persons, or 1–19th of those now on welfare, who are not exempt. Of the 13 to 15 million additional persons added to the welfare rolls, more adults are expected in the "able-bodied" class, and thus more will be expected to take work. The cutoff in Federal subsidies, however, discourages such work.

#### OTHER PROGRAMS FAILED

The program has never been tested. But in 1967, New York City experimented with a project which offered far greater work incentives to some 200,000 persons. The program lasted two years, during which the heads of some 8,000 families went to work. At the end of two years, only 235 actually worked themselves off welfare rolls.

Moreover, the current Work Incentive Program (WIN) which is similar to the Nixon plan, has proved a miserable failure.

The prospects of welfare recipients work-

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ing themselves off the rolls, therefore, are even less for the Nixon plan than for the other two—which means the working people of this country must expect to pay some $100 billion a year for welfare which encourages people not to work.

Moreover, instead of reducing the monumental welfare department bureaucracy, the Nixon plan actually adds a whole new bureaucracy under the Social Security Administration. In addition, the bill legitimizes and institutionalizes welfare by making it a "right."

A total of 243 Congressmen voted for this plan to create a permanent, expanding welfare class of some 25 million at the onset. There are less than 80 million people working in this country today. Those 80 million are to be taxed to support the 25 million—plus pay for all other Government expenses and programs. The bill, in effect, makes the working people forced laborers.

Of Virginia's 10 Congressmen, Republicans Richard Poff of the Sixth District, William Wampler of the Ninth and G. William Whitehurst of the Second, voted for the bill. Republican Joel Broyhill did not vote, but was paired for the bill. The remaining six, five Democrats and one Republican, voted against it. It was significant that just about every wild-eyed, knee-jerk liberal in the House in both parties voted for it, while, with a few exceptions, conservatives of both parties voted against it.

## WALTER REUTHER—THE LEGACY OF LEADERSHIP

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 14, 1970*

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Mr. MIKVA. Mr. Speaker, Walter Reuther's death at any time would have been a tragic loss to American labor and to the country. His passing while in the prime of his leadership is an especially poignant tragedy in these times which cry out for the kind of forceful and creative frontliner that was Walter Reuther.

At 63, Reuther was still a young man—filled with the spirit and zeal of idealism, traveling the length and breadth of the country to educate, convince, persuade, and negotiate for the fulfillment of the American dream for all Americans, with the same innovation and conviction which he had brought to bear in his fight for the rights and security of American labor for more than a half-century. He leaves behind 63 years of achievement for his union, the U.A.W., and for the American labor movement. He also leaves his mark on almost all major issues of our time. As a great labor leader, he had earned the name of a great national leader as well.

He touched so many people. They touched him back. He carried journeyman cards in so many fields of endeavor. His credentials were unimpeachable among so many different groupings—hostile groups like those he fought and won out over so frequently; suspicious groups like the young and the black and the brown; inarticulate groups like the poor and the immigrant. He knew power and he understood the powerless.

At mid-century, Walter Reuther could have looked back with pride on his achievements as one of the most innovative and tireless architects of the American labor movement. But for Walter Reuther, this was not enough. Just as he stood at the front of the sitdown strikers in the auto plants of Detroit in the 1930's, so he stood with equal conviction and vigor before the garbage strikers of Memphis in the 1960's. He could have stood on the relatively quiet shores of a mature labor movement and said, "I have done enough." But just as he was willing to face popular disfavor and personal danger when labor was at the height of its struggle for the basics of a decent life in America, so he was willing to face controversy—often to generate and then transcend it—in the fight for a decent life for all Americans.

Always at the forefront of the battle for social justice and equality for all men, often far ahead of his time, Reuther was not content to be a voice crying in the wilderness. Through the force of his personality and with his characteristic combination of evangelical zeal and hardheaded practicality, he performed one of the greatest, and as he well knew, difficult tasks of leadership—to educate, persuade, convince—to show that the goals he sought for the poor and dispossessed of the 1960's were intimately intertwined with the well-being and future security of his own union.

To battle for a responsive and humane political system, to oppose the waste of human lives at home and abroad, to stand among the first to demand what has now become a familiar cry—the reordering of our priorities—did not represent a departure from his position as a labor leader. It was rather in dedication to his membership and to the highest values and goals of the American labor movement, that he took these stands and faced the storms of controversy on the most serious and difficult issues of our time.

Reuther never sought to stand in the way of industrial technological progress and innovation: as technology is a major adjunct to a productive economy and as a productive economy is vital to the well-being of his membership, Reuther did not seek to deny to industry and labor alike the benefits of technological progress. Rather than fight progress, he sought to ameliorate its problems.

Reuther championed union participation in industrial planning to ease the dislocations of automation, and a guaranteed annual wage for workers, culminating in the achievement of the supplementary unemployment benefit plan whereby workers receive about two-thirds of regular take-home pay during layoffs. But it is also characteristic of his breadth of vision that Reuther saw the problems of modern technology not simply in terms of their effect on the security and purchasing power of the American worker, but in the context of a deadly dilemma: man must rule technology or technology will rule man.

As a leader in the fight for conservation and environmental quality, and an outspoken critic of technology as a tool of the arms race and as a force for destruction of mankind, Reuther was characteristically ahead of his time.

The legacy of the labor movement had been the fight for justice, equality, and security for the workingman of America; but as the movement grew to maturity in the 1950's and 1960's, Reuther was deeply concerned that these values would be subordinated to skirmishes for higher wages and more benefits alone. Reuther sought a wider view.

In economic terms, he sought to encompass union demands for higher wages and benefits within the context of what was best for the economy in general, in recognition that the economic health of American labor was inseparable from the health of the whole economic system. In social and political terms, he knew that denial of civil rights to the black man and security to the Nation's poor would be paid for in an era of civil unrest and political repressions that would threaten to tear apart the fabric of our society.

From his position at the head of one of the Nation's most powerful unions, Walter Reuther waged a tireless battle on behalf of those yet to share in the benefits which had been gained by his own membership.

When he felt that his own union, while associated with the AFL–CIO, was moving back from the frontlines in the fight for justice and equality, he led UAW's withdrawal from that organization, of which he had been a major architect slightly more than a decade before. He was keenly aware that a living wage, decent working conditions, and a better quality of life for the auto workers would be but fragile achievements were the country to be plunged into general social and political strife.

Walter Reuther's life had been dedicated to working within the system. He was a man respected and admired by the establishment—indeed, he was very much a part of it—yet he gained some of his most dedicated friends from among the alienated. As a champion of the poor and dispossessed, he sought not simply to bring people into the establishment, but to bring the establishment in line with the needs of the people.

He made the system work better. He understood that it did not work at all for some, that it did not always work for others, and that it did not work the way it was supposed to unless it worked for all the people.

Walter Reuther sought justice for his fellow man all his life. Surely he is entitled to justice for himself now.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 15, 1970*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

# HOUSE OF REPRESENTATIVES—*Monday, May 18, 1970*

The House met at 12 o'clock noon.

Rev. J. Kenneth Soderquist, Gethsemane Evangelical Lutheran Church, Port Allegany, Pa., offered the following prayer:

O merciful Father in Heaven, of whom is all earthly rule and authority, graciously regard Thy servants, the President of the United States, the members of the judiciary, the Members of the legislative bodies, especially the Members of the House of Representatives, that they may have wisdom and insight to govern in such a way as to bring blessing upon blessing to all our people. We pray that we as a people may walk in Thy peace all the days of our lives. Bestow Thy heavenly peace and concord upon all the nations of the earth, that they may serve Thee. Grant unto us Thy word and spirit that dwelling in our hearts we may have wisdom, for we pray in Thy name. Amen.

## THE JOURNAL

The Journal of the proceedings of Thursday, May 14, 1970, was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.;

S. 786. An act to grant all minerals, including coal, oil, and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes;

S. 886. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.;

S. 940. An act to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 8 years;

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act;

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets Nos. 47–A, 162, and consolidated 47 and 164, and for other purposes;

S. 3564. An act to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders; and

S.J. Res. 196. Joint resolution increasing the authorization for college housing debt service grants for fiscal year 1971.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Thursday, May 14, 1970, he did on May 15, 1970, sign the following enrolled bill of the House:

H.R. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

## REV. J. KENNETH SODERQUIST

(Mr. JOHNSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. JOHNSON of Pennsylvania. Mr. Speaker, it is a great honor and a great pleasure for me to have been honored today by having the Reverend J. Kenneth Soderquist, pastor of the Gethsemane Lutheran Church, of Port Allegany, Pa., as a guest Chaplain of the day.

The town of Port Allegany, Pa., is in McKean County, in my district, and is a very fine, progressive, and friendly community. The Gethsemane Lutheran Church is one of the oldest Lutheran churches in this area, having been established in 1882, and it now has a congregation membership of 184.

Reverend Soderquist was born in Buffalo, N.Y., but was raised in Jamestown, where he met his lovely wife; namely, Dawne, whom he married in 1951. They are the proud parents of a delightful young daughter named Cheryl, who is 10 years of age, and is in the fifth grade of the Port Allegany Area School.

Reverend Soderquist attended Augustana College and Seminary, Rock Island, Ill., and the Gethsemane Lutheran Church in Port Allegany is the third church of which he has been the pastor.

He is a member of the Port Allegany School Board and is a past president of the Rotary Club of Port Allegany. He has been honored by having been elected the dean of the Warren McKean district, western Pennsylvania, West Virginia synod of the Lutheran Church of America.

We in our area are proud of Reverend Soderquist and the work that he is doing in this chosen field, and it was a great pleasure for me to honor him at the Nation's Capital today.

## CLIFFORD R. HOPE, REPRESENTATIVE FROM KANSAS FOR 30 YEARS, PASSES ON MAY 16, 1970

(Mr. SHRIVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHRIVER. Mr. Speaker, it is with a heavy heart and a sense of great personal loss that I inform the House and my colleagues of the passing of my friend and distinguished Kansan, Clifford R. Hope, who served with distinction in the U.S. House of Representatives for 30 years.

Cliff Hope died on Saturday, May 16, and funeral services will be held in his hometown of Garden City, Kans., Tuesday at 2 p.m.

My colleague, Mr. SEBELIUS, who now represents the congressional district formerly served by Congressman Hope, has remained in Kansas to attend the final rites.

Cliff Hope came to Congress in 1927, and he represented one of the largest wheat growing areas in the country. His interest and knowledge of agriculture was reflected in the major farm legislation which he was instrumental in drafting.

He was ranking Republican on the Agriculture Committee for most of his legislative career and twice served as committee chairman.

He was responsible for the original Soil Conservation Act of 1935 and the Farm Credit Act of 1953 which are keystones to conservation and farm progress in our Nation. Cliff Hope was in the forefront of the effort to set high-price support for farmers and to maintain the Nation's soil conservation programs.

His expertise in agriculture was recognized by President Eisenhower who called upon him to serve as chief campaign adviser on farm policy. He also had been chairman of the farm division of the Republican National Committee during the 1936 campaign of another able Kansan, Alf Landon.

At the end of the 84th Congress, 30 years after he was first elected to the House, he decided to retire. But his support of agriculture and Kansas wheat farmers was unending. He became president of Great Plains Wheat, Inc., of Garden City, Kans., and was instrumental in promoting wheat exports.

He wrote a column for the Harris Publications in Kansas which was widely read and highly regarded.

Cliff Hope was born in Iowa on June 9, 1893. He attended public schools and Nebraska Wesleyan University, Lincoln, Nebr., and was graduated from Washburn Law School in Topeka, Kans., in 1917, and was admitted to the bar the same year.

During World War I he served as a second lieutenant with the 35th and 85th Divisions in the United States and France. He commenced the practice of law in Garden City in 1919.

His political career began in 1921 when he was elected to the Kansas House of Representatives and later was to serve as speaker pro tempore and speaker.

Mr. Speaker, it is always difficult to say goodby to a good friend. We have lost such a friend in Cliff Hope. The farmers of this Nation have lost a good friend and supporter. We in Kansas have lost a distinguished son. The Nation has lost a great public servant who made a lasting contribution as a representative of the people.

Mrs. Shriver and I join in expressing our heartfelt sympathy to Mr. Hope's family, his son Clifford, Jr., who also has had a distinguished career of serv-

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ice in the Kansas Legislature, and his daughter, Mrs. Frank West.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman.

Mr. ALBERT. Mr. Speaker, I was shocked to learn of the death of Cliff Hope with whom I served on the Committee on Agriculture for many years.

Cliff's long and distinguished record of service in the House of Representatives was the equivalent of that of any Member who has served in this great body during my lifetime. He was not only the leading authority in the field of agriculture in the House of Representatives, and I think in the country, but his legislative record was broad based. He was a big man. He was a great man. He was honest. He was sincere. He was modest. He was kind. He was one of the finest and noblest men I have ever known.

Mr. Speaker, I join my friend, the gentleman from Kansas and his colleagues in expressing my own sorrow and Mrs. Albert's sorrow over the death of a friend and a great American.

Mr. ASPINALL. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman.

Mr. ASPINALL. Mr. Speaker, I wish to join with my distinguished friend, the gentleman from Kansas, and the majority leader, Mr. ALBERT, in paying tribute to the late Clifford Hope, a distinguished former Member of this body.

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When I first came to the Congress, Cliff Hope spoke for the Republican side of the House Committee on Agriculture and the present majority leader spoke for the majority side of the Committee on Agriculture. As far as I was concerned, their positions on matters of legislation almost without fail or caution got my support, especially so when they were together which I might say was most of the time.

Also, I served with Clifford Hope on the Missouri River Basin Survey Commission, and I found him to be as constructive, and as effective, and as talented in that work as he was here in the Congress of the United States.

Mr. Speaker, we have lost a great friend. I know of no one who, in my opinion, was more esteemed and more effective and accepted by the Members with whom he served. Clifford Hope was possessed of a gentle and winning personality. In company with my colleagues, I wish to express my condolences and sympathy to his family. The Nation is a better land because Clifford Hope walked and worked a while with us.

Mr. MIZE. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman.

Mr. MIZE. Mr. Speaker, the Nation has suffered a tragic loss, for a great Kansas statesman has passed from this life. The Honorable Clifford R. Hope, a Representative in Congress from Kansas for 30 years, died in Garden City on Saturday, May 16, 1970.

Mr. Hope was born in Birmingham, Van Buren County, Iowa, on June 9, 1893. He graduated from the Washburn Law School of Topeka in 1917 and was admitted to the Kansas bar that same year.

Mr. Hope served as a second lieutenant with the 35th and 85th Divisions in the United States and France during the First World War. Upon return from the war, Mr. Hope commenced the practice of law in Garden City and subsequently served in the Kansas House of Representatives from 1921 to 1927. He served as speaker pro tempore in 1923 and as speaker of the house in 1927.

Elected to the 70th Congress as a Republican, Mr. Hope served in this House for 30 years before retiring in 1957. During his tenure here, Congressman Hope established himself as one of the most distinguished farm legislators the Nation has ever produced. Millions of farmers and other citizens from rural America are in his debt, for Mr. Hope was largely responsible for the landmark Soil Conservation Act of 1935, the Farm Credit Act of 1953, and many other important measures.

Mr. Hope served twice as chairman of the House Agriculture Committee. His philosophy of farm legislation guides us to this day and I think it is fair to say that Americans owe their abundance of food and fibre and their position as the world's premier agricultural export Nation to Clifford Hope as much as any man that has ever lived.

The force of his intellect, the sincerity of his position, the substance of his convictions have led to a prosperous agriculture, an agriculture with vitality and resilience and capacity to adapt to changing technological conditions.

For all our current problems, for all the apparent differences of opinion on agricultural policy, we know that Clifford R. Hope built the plane of reference from which we proceed today. He established, as much as any other man, the proposition that American agriculture must be made secure from the vicissitudes of a widely fluctuating market price, that to neglect farmers was to invite economic ruin not only for agriculture but for the entire Nation.

In his later years, Mr. Hope maintained an active interest in the development of farm policy and in other great national issues before the Congress. He was often a guest editorialist in leading Kansas newspapers and his views were very welcome to those of us currently representing Kansas in this body.

Mrs. Mize and I convey our deepest sympathy to Congressman Hope's family at this time of loss.

Mr. Speaker, today's Washington Post carried an excellent article on the distinguished career of Clifford R. Hope. I insert the Post article in the RECORD at this point, as follows:

[From the Washington Post, May, 18, 1970]

### Ex-Lawmaker C. R. Hope Dies

Former Rep. Clifford R. Hope (R-Kan.), who drafted major farm legislation during 30 years in the House and who was reportedly President Eisenhower's first choice for Secretary of Agriculture, died Saturday in Garden City, Kan. He was 76.

Born in Iowa and raised on a farm, Mr. Hope had represented one of the largest wheat growing areas in the country. He had lived in Garden City since his retirement in 1957 and had been hospitalized since suffering a stroke in February.

One of President Eisenhower's chief campaign advisers on farm policy, he was responsible for the original Soil Conservation Act of 1935 and the Farm Credit Act of 1953.

A close friend of Kansas Gov. Alf M. Landon, Republican presidential condidate in 1936, Mr. Hope had also been chairman of the farm division of the Republican National Committee in 1936.

He was the ranking Republican on the Agriculture Committee for most of his legislative career and twice served as Committee chairman. He was often described as a loyal Republican but a firm believer in bipartisan farm programs, and he fought to set high price support for farmers and to maintain the nation's soil conservation programs.

Mr. Hope was cool to many of the Eisenhower administration's proposed farm policies and on more than one occasion opposed the decisions of Agriculture Secretary Ezra Taft Benson.

At one point during the farm price support war in Congress, Mr. Hope appeared with Harold R. Lovre (D-S.D.) before the House Rules Committee and accused the Republican administration of using "high pressure" and "misleading tactics" in its all-out efforts to kill high supports.

Mr. Hope later joined Democratic Rep. Harold D. Cooley of North Carolina in taking the case for mandatory high supports to the nation.

The House Agriculture Committee, of which they were the ranking Republican and Democratic members, demanded and got equal time to answer them. Vice President Richard M. Nixon and Agriculture Secretary Benson. The Vice President and Benson had previously presented the administration's views on national television.

Although he frequently joined Democrats on farm issues, Mr. Hope was a strong defender of the Republican 80th Congress against the attacks by President Truman.

Mr. Hope said during the 1948 campaign that some Democratic leaders were making "inaccurate and misleading" charges against the farm record of the 80th Congress.

He defended the record of the 80th Congress on farm legislation as being good and said, "I want to make it perfectly clear, however . . . that in the main it is the result of the work of both Republicans and Democrats and both parties are entitled to credit."

As a member of the Republican "truth squad" in 1952 that followed President Truman around the nation, Mr. Hope again came to the defense of the 80th Congress.

Shortly after Mr. Truman had told an audience that corn bringing $1.60 a bushel under his administration's price-support program would bring only $1.18 under the Republican sliding-scale plan, Mr. Hope fired back.

The Kansan said that the nation was operating under the same farm program, with some amendments that was passed by the Republican 80th Congress. If it had not been for the 80th Congress, Mr. Hope said, the support level would have dropped "sharply."

Mr. Hope also replied to Mr. Truman's charge that the nation would lose its allies and face Russia "alone" if the Republicans won the election.

The country's most successful foreign policy, Mr. Hope said, was enacted by the 80th Congress and included aid to Greece and Turkey, the Marshall Plan and the Vandenberg resolution, which he said was the basis for the North Atlantic Treaty Organization.

When Mr. Hope said he would retire at the completion of his term in 1957, the Washington Post editorialized of him on Des. 2, 1955:

"The announcement by Rep. Clifford R. Hope of Kansas that he will retire at the end of his present term will be received with regret by Republicans and Democrats alike.

"Mr. Hope has been a valuable member of Congress for almost three decades, and he has earned the respect of members on both sides of the aisle.

"From the beginning of his service in the House he has been a member of the Agriculture Committee and twice its chairman.

"As the senior Republican on the Committee, he has played a significant role in agriculture legislation and has often been consulted by Republican and Democratic presidents.

"Like so many men who have risen to high positions in the House, he has never been a partisan first; he has always worked closely with men in both parties.

"At a time when the efforts to devise a satisfactory agricultural policy are of such paramount importance, his influence will be sadly missed . . ."

Mr. Hope is survived by a son, Clifford Jr. of Garden City, with whom he practiced law after leaving Congress, and a daughter, Mrs. Frank West, of the New York City area.

Mr. RHODES. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Arizona.

Mr. RHODES. Mr. Speaker, with a deep sense of personal loss, I join my colleagues in recognizing the fact that we have lost a very good and esteemed friend in the passing of a great former Member of this body, Clifford R. Hope of Kansas.

I have known Cliff Hope ever since 1934. He was a friend of my father, and later when I came to serve in the House of Representatives, he was a very good friend of mine.

Everything that the majority leader has said about the standing of Mr. Hope in the science of agriculture is certainly true. There was no person in public life or in private life whose expertise in agriculture was more respected than that of Clifford R. Hope.

But even more importantly than that, Clifford Hope demonstrated in the best way it was possible to demonstrate it that he had a deep capacity for friendship. He was a man who always kept his word, was always kind, considerate, honorable, and just to his friends and to his associates.

Mr. Speaker, we shall miss Clifford Hope and I join with my colleagues in extending to his family the deepest sympathy of Mrs. Rhodes and myself.

Mr. BRAY. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Indiana.

Mr. BRAY. I also wish to express my deep regret at the passing of Cliff Hope. I had known of Cliff Hope a long time before I came to Congress through a member of my family in Kansas. I got acquainted with him early after I became a Member of Congress, and he gave me much good advice. I became well acquainted with his work in the small watershed legislation, of which he was the author. I would say he was one of the finest, and one of the most capable gentlemen and legislators that I have ever known.

Mr. LANDRUM. Mr. Speaker, will the gentleman yield?

Mr. SHRIVER. I yield to the gentleman from Georgia.

Mr. LANDRUM. I, too, wish to express my deep regret at the passing of Clifford Hope. Early in the first year of my service in the Congress, in 1953, I came to know Mr. Hope. I watched his activities as chairman of the Committee on Agriculture and found that Cliff Hope, though occupying a position as a Republican Member of Congress, was perhaps one of the truly nonpartisan Members of Congress. He believed in America and believed in seeing all parts of it prosper.

During my first term here he organized a trip throughout the agricultural section of the southern part of the United States. Traveling in Georgia, and particularly in south Georgia, he made such an impression on the citizens in that area with his keen grasp of their problems and his fine understanding of what this business of politics in America is all about that afterward many said if Clifford Hope were to come to Georgia, he could be elected to almost any office he wanted to run for.

He was always friendly, as my warm friend JOHN RHODES has just said. He had a very deep capacity for friendship. He was one of the finest men I have had the pleasure of knowing since the time I came to Congress.

I extend to his family my deep sympathy at his passing.

Mr. POAGE. Mr. Speaker, Cliff Hope was one of the greatest of the agricultural great. Not a great many present Members of this House had the privilege of serving with the Honorable Clifford R. Hope—longtime Congressman from Garden City, Kans. I did enjoy that privilege.

I looked upon Cliff Hope as one of my finest and closest friends, and I was priviliged to continue to call him my friend until his untimely passing. Cliff Hope was a great man by any measure. He was honest, sincere, and intelligent. He worked with a great deal of success to make America a greater and a better land.

He and I were not of the same political party, but I ofttimes explained to the people of my own State that had he lived south of the Red River, I am sure we would have had the same party affiliation. While he believed as I do that political parties provide possibly the best means of preserving our type of government, and while he was entirely loyal to the Republican Party, he never lost sight of the fact that his basic obligation was to all Americans.

On two separate occasions he served as chairman of the Agriculture Committee. He was fair, dignified, and cooperative with all his fellow Members. No Member was more generally respected and loved. As a member and as chairman of that committee, Cliff Hope served our country and served it well. When he felt that his family obligations required his presence at home, he voluntarily retired from the political arena, but he never lost his interest in agriculture, in our Government, or in our people.

Those of us who knew him best feel a keen sense of loss at his passing. But we also feel a sense of pride that we were privileged to call this great, good man our friend.

## GENERAL LEAVE TO EXTEND

Mr. SHRIVER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the subject of the loss of this great American.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

## PERMISSION FOR SUBCOMMITTEE ON TERRITORIES, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, TO SIT DURING GENERAL DEBATE TODAY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Territories of the Committee on Interior and Insular Affairs be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## WYATT ADVOCATES AMERICAN UNITY

(Mr. WYATT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYATT. Mr. Speaker, it is impossible to observe what has happened in the United States during the last 2 weeks without being awed, frightened, and discouraged with the shrill voices on all sides, and the acts of lawlessness in various degrees throughout the country.

Our crying and urgent need is to unite, to work together in harmony, to find solutions we all seek to our most pressing problems.

So I say, regardless of our agreement or disagreement with the basic wisdom of the administration's decision involving Cambodia, the decision has been made. Both the President and the Secretary of Defense have given firm assurances that American troops will be out of Cambodia by June 30. No congressional action is possible to shorten this period.

Under these circumstances, I would call on all Americans, regardless of political party or previous convictions, to now unite behind President Nixon. We can share his hope and aspirations that the Cambodian venture will achieve its announced purpose of shortening the war, and hastening the day all of our troops can safely be returned from Southeast Asia.

Responsible dissent is an integral part of our democracy. But advocates of disunity should now see that the quickest way to end this war, and to permit us to turn our full attention to our pressing domestic needs, is to demonstrate our support for President Nixon. This is the only clear way to effectively resolve the crisis of today.

## CHANGE IN LEGISLATIVE PROGRAM

(Mr. RHODES asked and was given permission to address the House for 1 minute.)

Mr. RHODES. Mr. Speaker, I have taken this time to inquire of the distinguished majority leader if there is any change to be made in the program for today.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the distinguished acting minority leader and upon his request and the request of the gentleman from Illinois (Mr. ANDERSON), we have removed from the program for today the bill S. 2315, to restore the golden eagle program to the Land and Water Conservation Fund Act.

This request came as a result of a request to the leadership and to the chairman of the committee from the gentleman from Pennsylvania (Mr. SAYLOR) the ranking minority member.

After discussing the matter with the distinguished chairman of the committee and the Republican leadership, we have decided to drop the matter from the program today.

Mr. RHODES. Mr. Speaker, I thank the majority leader for his consideration.

The request of the gentleman from Pennsylvania was made because of the necessity that he have some dental work completed which had been started over the weekend. He is absolutely unable to be here today. I appreciate the consideration of the majority leader in this matter, as, I am sure, does the gentleman from Pennsylvania.

XUM

## NOW TRAGEDY AT JACKSON STATE COLLEGE

(Mr. RYAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN. Mr. Speaker, the slayings of two black students at Jackson State College in Jackson, Miss., last week, and of six black Americans shot in the back in Augusta, Ga., was unconscionable and intolerable. Their deaths are further evidence of the climate of violence which this administration has helped loose upon the land.

Instead of following its rhetoric about "bringing us together," the administration has further polarized our society to the point that the four young men and women at Kent State share together with their brothers in Augusta and Jackson a tragic and needless death.

The administration's gutting of the school desegregation movement has simiiliarly exacerbated racial tensions, which certainly were paramount in Jackson and Augusta. Instead of moral leadership, there has been political maneuvering. Instead of a clear commitment to enforcement of the civil rights laws, this administration has undermined an aggressive program by the Civil Rights Division of the Department of Health, Education, and Welfare and has opposed extension of the Voting Rights Act in its present effective form.

There is a climate of despair in this country. Progress has become an illusion; our problems have become factors in political equations, to be ameliorated only if there are votes to be had.

And the slain young men and women at Augusta, Jackson State, and Kent State are martyrs to this desperation. For their deaths show in stark tragedy the tortuous state of this Nation, where dissent is met with repression and violence and hope is stifled by bloodshed.

## CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

## GOLD AND SILVER ARTICLES—CONSUMER PROTECTION

The Clerk called the bill (H.R. 8673) to protect consumers by providing a civil remedy for misrepresentation of the quality of articles composed in whole or in part of gold or silver, and for other purposes.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## AUTHORIZING SECRETARY OF INTERIOR TO APPROVE AN AGREEMENT ENTERED INTO BY THE SOBOBA BAND OF MISSION INDIANS

The Clerk called the bill (H.R. 3328) to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation.

Mr. HALL. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## U.S. PARTICIPATION IN THE 1972 UNITED NATIONS CONFERENCE ON HUMAN ENVIRONMENT

The Clerk called House Resolution 562, expressing the sense of the House of Representatives that the United States should actively participate in the 1972 United Nations Conference on Human Environment.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask someone in connection with this bill what it is going to lead to by way of cost to the taxpayers.

Mr. FASCELL. Mr. Speaker, this will lead to the normal conference costs of sending a mission or delegation to Stockholm. As far as the product of the conference is concerned, we do not have any way of knowing it in advance. Costs relating to that product would be subject to whatever authorizing process the Congress would require—but not as far as the conference itself.

Mr. GROSS. Is it open ended as far as the number taking this junket to Stockholm, Sweden? Is it open ended as to the numbers and open ended as to the amount of money to be spent for that purpose?

Mr. FASCELL. There is no limitation as far as the resolution is concerned with respect to U.S. participation. That is an executive decision.

Mr. GROSS. I thought the House only last week passed a bill which would cost $45 million to allegedly promote tourists to come to this country as an element in reducing the deficit in our balance of payments. How does this square with sending a nice, big, fat delegation over to Stockholm, Sweden, for this purpose?

Mr. FASCELL. As the gentleman from Iowa knows, we try to get as many of the international conferences held in the United States as we possibly can. We are trying to do our best to get them held here in this country, to help on our balance of payments. The one on the environment, set for June 1972, was agreed upon some time ago.

Mr. GROSS. Why does this go to Stockholm, Sweden? They have the facilities in New York at the United Nations. They have plenty of facilities there to hold a convention or a conference on the environment or almost anything one can think of. They have the room and the facilities. We do not have to put up money to go to Stockholm, Sweden, to finance transportation and the keep of a big delegation. It would be much more economical, and the money would stay in this country if held in New York. Why go to Stockholm?

Mr. FASCELL. The gentleman of course is correct. The conference could have been held at the U.N. Headquarters in New York or in Geneva, but it so happens the United Nations accepted the invitation from the Swedish Government to hold it in Stockholm. The Swedish Government, as the host government, will bear the basic costs of the conference. The delegations from the various countries will bear their own.

Mr. GROSS. We probably would not miss a thing if we did not go to this Stockholm meeting, would we?

Mr. FASCELL. I do not agree with the gentleman on that. It is obvious that environmental questions today are not bounded by county or state or even national borders. It would do us very little good to clean up the environment in the United States if everybody else would continue polluting the oceans as fast as we attempt to clean them. I believe it is extremely important to bring international recognition to the very, very difficult problem of preventing further deterioration of the environment which is obviously going to require international cooperation of the very highest order.

Mr. GROSS. According to the dictionary, the environment is not confined to pollution. Environment can mean a lot of things. Environment is a nice, big circus tent, in my opinion, that can cover all kinds of sins and errors of omission and commission.

I do not believe we would miss a thing if we did not go to Stockholm for this thing. We are spending millions and millions of dollars in this country on the subject of environment.

I just do not understand why there is not at least some limitation as to how many are going to this thing and what it is going to cost, particularly in the light of the bill which was passed only last week, to spend $45 million to bring foreign visitors to this country.

Mr. FASCELL. The gentleman raises a point as to limitations on appropriations for the purposes of international conferences. That is not the subject matter of this legislation. That would be something which would have to be considered in the basic legislation. We do as a nation participate in a great number of international conferences. It does cost quite a bit of money. We are a big nation. We have a lot of problems. We are a part of the world.

Frankly, I do not know if we would do ourselves any good by staying out of international conferences. I believe that where we can make contributions reasonably, we should. We have to leave it to the executive branch, to the President, to use his best judgment with respect to sending a proper delegation.

I agree with the gentleman from Iowa, so far as the subject matter and the scope of the conference is concerned; it is broad. The question of the environment, ecology, the impact of industrialization on mankind and of mankind on the environment is as broad as mankind itself.

Mr. GROSS. Going beyond the immediate conference in Stockholm, does the gentleman have any idea as to what this is going to cost in the future? I believe he will admit that some kind of an international setup is going to grow out of this meeting in Stockholm, and then we will be assessed for dues to the club, plus contributions—that is the way things go in the United Nations—until it rolls up into a costly bill of goods.

I wonder if we could not delay this until we could get some kind of a handle on the number that are going and the expenditure necessary for the purpose of sending them over there and back, together with a look beyond the conference into what this is getting us into.

Mr. FASCELL. I do not think we ought to do that with respect to this resolution which simply indicates the interest of the Congress in U.S. participation in this conference. We are going to participate in it anyhow. An action of this body would not stop that participation, since, as a member nation of the United Nations, we are already participating and paying our share of the cost of that organization and its preparations for the conference.

As far as an international regime which may or may not grow out of this conference is concerned, I have no knowledge of that. I doubt that any international regime is necessary or that there will be additional expenses. But if there are such expenses, they will be either subject to approval by way of a treaty, ratified by the Senate, or our normal appropriations process. If the product of the conference should call for expenses over and above our present participation in the United Nations, such expenses would be subject to normal authorization and appropriation processes. The report on the resolution before us specifically states that this measure should not be construed as authorizing any expenditures either for the conference or for programs and projects that may emanate from it. So there is an ample safeguard here.

We can pass this resolution indicating the knowledge and consent of the Congress with respect to the importance of the problem and say that the United States welcomes an opportunity to participate in this conference.

We are trying very, very hard to address ourselves to the problem of a deteriorating environment. Many nations of the world are not only not as cognizant of this problem as we are but are really not willing as yet to participate in solving it from the standpoint of their own internal programs. Therefore, it would seem to me that this proposed conference is in our own best interests.

Mr. GROSS. I am one Member of the House of Representatives who is of the opinion that we have already done far too much by way of wet nursing foreign countries. It is about time we stop. If they are not interested in so-called environment in their countries, then I could look forward, if this is what we are embarked upon, I could envision a pretty good appropriation for this outfit before we get through with it. This is not necessary. The meeting will not be held until 1972. Is that correct?

Mr. FASCELL. That is correct. There will be no appropriation made for this purpose unless we agree to it. What we seek to do here is to call this conference to the attention of the world community. We are spending a lot of money in our country on redeeming and safeguarding our environment and I just do not know how much more we will have to spend. Obviously what we spend is affected by what other countries do. We are seeking here to get their cooperation and get them to spend some of their money on problems which affect us, because it is obvious, with all of the money we would spend, we cannot by ourselves, for example, clean up the Great Lakes, which border on Canada. We cannot stop pollution of the Atlantic or the Pacific Oceans by ourselves. We cannot stop the pollution of the air by ourselves. We have to get the cooperation of these other countries to do that.

Mr. GROSS. What is the gentleman saying? That the Swedes will help us to clean up the Great Lakes?

Mr. FASCELL. No, sir.

Mr. GROSS. Mr. Speaker, I think this discussion has gone far enough.

I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## REPEALING SECTION 7 OF THE ACT OF AUGUST 9, 1946 (60 STAT. 968)

The Clerk called the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968).

There being no objection, the Clerk read the bill as follows:

H.R. 380

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 7 of the Act of August 9, 1946 (60 Stat. 968), which limits inheritance or devise of restricted or trust property of deceased members of the Yakima Tribes to enrolled members of those tribes of one-fourth or more degree of Indian blood, is hereby repealed, but such repeal shall have no effect on the estates of Yakima Indians who died prior to this date.

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 380 is to repeal section 7 of a 1946 statute that restricts the right to inherit trust property of deceased members of the Yakima Tribes. Section 7 limits the inheritance of trust land on the Yakima Reservation to enrolled members of the Yakima Tribes who have one-fourth degree or more of Yakima blood, with one exception.

This section, which is applicable only to the Yakima Reservation, is an exception to the general law, which provides that the inheritance of trust lands on Indian reservations is governed by the law of the State in which the reservation is located. When the pending bill is enacted, this general law will apply again to the Yakima Reservation, as it did before 1946. Yakima is the only reservation for which restrictive legislation of this kind has been enacted.

Section 7 works unfairly. Many Yakima Indians have intermarried with neighboring tribal Indians. Some of the families live on the Yakima Reservation and some of them live on the neighboring reservations. These are Indian families, but the husband and wife belong to different tribes. Their children frequently can be enrolled in either tribe. A single family may enroll part of its children in one tribe and part of its children in the other tribe. When a parent dies owning an interest in a Yakima Reservation allotment, the children enrolled at Yakima may inherit, but their brothers and sisters who are enrolled in neighboring tribes may not inherit. They are "disinherited" by the enrollment requirement of the 1946 statute. The same rule applies to other direct and collateral relatives—grandparents, grandchildren, uncles, cousins, and so forth—who happen not to be enrolled at Yakima.

In the 794 estates probated between 1946 and June 30, 1966, 287 enrolled Yakima Indians were prohibited from inheriting because they did not have the required quantum of Yakima blood; and 494 unenrolled heirs, including husbands, wives, and children, were excluded because they were not enrolled members of the tribe.

The impact of the present law is forcefully illustrated by the following example: A Yakima woman died leaving two sons enrolled on the Warm Springs Reservation. Her sons could inherit only her Warm Springs property valued at $420; her sons could not inherit the Yakima property valued at $3,270, and it went to four cousins of the fifth degree. There are many similar examples.

Although other Indians may not inherit Yakima property, Yakima Indians may inherit property on other reservations. This has caused great dissatisfaction, and other tribes in the Northwest are threatening to seek retaliatory legislation which will prevent Yakimas from inheriting land on the reservations of these other tribes. Our committee believes that the Yakima law is bad, and that the problem should not be compounded by enacting more laws of the same kind for other tribes.

The inheritance of allotted land on an Indian reservation is not an internal matter to be determined by the tribe. Title to allotted lands is private property created pursuant to Federal law, and since the General Allotment Act of 1887 the Federal law has required the right to inherit such private property to be determined by the law of the State where the property is located. This is Federal law and not internal tribal law. The Yakima Tribe has no right to adopt a different rule as a matter of internal tribal law.

It should be noted that the 1946 law does not prevent the owner of a trust allotment on the Yakima Reservation from selling it or giving it away during his lifetime to anyone he chooses. Although he may sell it or give it away, he may not devise it by will to a person of his choice. There is no logical basis for this distinction. If an Indian is free to sell or give his land to a non-Yakima he should be equally free to transfer it to a non-Yakima by will.

The Yakima Tribal Council has attempted to justify section 7 on the ground that the tribal lands were originally allotted to members of the tribe, and that only members should be eligible to inherit the allotted lands in order to keep the ownership of the reservation in Yakima hands. If the allotted lands cannot be recovered by the tribe itself, the argument goes, they should at least be kept in the ownership of tribal members. It would, of course, be possible for the Congress to restore allotted lands to the tribe by a statute that prohibits the inheritance of any allotment on the Yakima Reservation and provides for its escheat to the tribe on death of the owner. This would be a drastic approach which Congress has never seriously considered. Section 7 has proved to be almost as drastic in actual practice by disinheriting close family members and passing title to distant relatives.

The committee sympathizes with the desire of the Yakimas to keep the ownership of their reservation in Yakima hands to the maximum extent possible. It is unfair and discriminatory, however, to seek that result by disinheriting by statute persons who otherwise would be heirs-in-law. The tribe should purchase the interests of non-Yakima, rather than ask the United States to prohibit the inheritance. In other words, although the end sought by the Yakima Tribal Council is proper, section 7 of the 1946 act is not a proper means to accomplish that end.

The enactment of this bill to repeal section 7 of the 1946 act will not affect the other provisions of the act which relate to the rules for enrollment as members of the tribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## INCLUDING MADISON COUNTY IN THE NORTHERN JUDICIAL DISTRICT OF FLORIDA

The Clerk called the bill (H.R. 5981) to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida.

There being no objection, the Clerk read the bill as follows:

H.R. 5981

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 89 of title 28, United States Code, is amended—

(1) by inserting after "Liberty" in the first paragraph of subsection (a) the following: "Madison,"; and

(2) by striking out "Madison," in the first paragraph of subsection (b).

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

## BIOLOGICAL PRODUCTS LICENSING

The Clerk called the bill (H.R. 15961) to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet the licensing requirements of this section.

There being no objection, the Clerk read the bill as follows:

H.R. 15961

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 351 of the Public Health Service Act is amended by inserting after "antitoxin," each time such word occurs, the following: "vaccine, blood, blood component or derivative, allergenic product,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## LEASE AND TRANSFER OF TOBACCO ALLOTMENTS

The Clerk called the bill (H.R. 14306) to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended.

There being no objection, the Clerk read the bill as follows:

H.R. 14306

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 316 (a) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(a) Notwithstanding any other provision of law, the Secretary, if he determines that it will not impair the effective operation of the tobacco marketing quota or price support program, may permit the owner and operator of any farm for which a tobacco acreage allotment (other than a Burley, dark air-cured, fire-cured, Virginia sun-cured and cigar-binder, type 54 or 55 tobacco acreage allotment) is established under this Act to lease all or any part of such allotment or quota to any other owner or operator of a farm in the same county for use in such county on a farm having a current tobacco allotment or quota of the same kind."

SEC. 2. Section 316(b) of the Agricultural Adjustment Act of 1938, as amended, is amended to read as follows:

"(b) Any lease may be made for such term of years not to exceed five as the parties thereto agree, and on such other terms and conditions, except as otherwise provided in this section, as the parties thereto agree."

SEC. 3. Section 316(e) is amended by striking the period and inserting in lieu thereof the following: ": *Provided,* That in the case of cigar-filler tobacco types 42, 43, or 44, not more than 10 acres of allotment may be leased and transferred to any farm."

SEC. 4. Section 316(g) of the Agricultural Adjustment Act of 1938, as amended, is hereby repealed.

SEC. 5. Section 317(f) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out in the parentheses in the fifth sentence the language "Burley tobacco, or other".

SEC. 6. Section 703 of the Food and Agriculture Act of 1965 (79 Stat. 1210) is amended by striking out in the last sentence thereof the language "except in the case of burley tobacco, and other kinds of tobacco not subject to section 316,".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER. This concludes the call of the Consent Calendar.

## CONFERENCE REPORT ON DISTRICT JUDGESHIP BILL TO BE BROUGHT UP TOMORROW

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I have requested this time for the purpose of making an announcement.

Mr. Speaker, the distinguished chairman o fthe Committee on the Judiciary advises that he will call up the conference report on the District judgeship bill tomorrow.

## THE LATE HONORABLE MRS. LOUISE GOFF REECE

(Mr. QUILLEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include editorials.)

Mr. QUILLEN. Mr. Speaker, I am deeply grieved and saddened to announce the passing of a former Member of the House and a very dear and close friend, Mrs. Louise Goff Reece. Mrs. Reece died last Friday in a Johnson City hospital and she was buried Sunday in Johnson City, Tenn.

The variety of Mrs. Reece's capabilities were always a source of amazement to me. As a Member of Congress, Mrs. Reece had a great depth of understanding of the problems facing our country. As the wife of a former Congressman, the late B. Carroll Reece, she always extended a friendly greeting and a helping hand.

Her character and her qualities were such that she attracted a broad area of affection and appreciation. By her passing she leaves another great heritage for those of us who survive her, a wonderful example of character, which we should all emulate.

Many of you will remember Mrs. Reece as a former colleague who served in this distinguished chamber for slightly less than two years after her husband, the Honorable B. Carroll Reece, also a longtime distinguished member of this body, died.

Her close friends back home remember her as their devoted servant. She was a great American, a great lady, and a great leader who stood strongly by the principles of sound and honest government.

I also knew her as a warm individual, an able, devoted, and kindly woman. I knew her as a gentle, but strong woman. And I knew her to be frank, but fair and forthright, and compassionate.

Mrs. Reece had many admirers and I was one of them. Very quiet, patient, and even-tempered in disposition, Mrs. Reece was rarely stirred to anger. She handled problems in stride, was diplomatic, and had a charming personality.

A woman of deep convictions, Mrs. Reece was wrapped up in her political life although she officially represented the people of the First Congressional District for a period to fill the unexpired term of her husband.

However, Mrs. Reece served the people of the First District and Tennessee long before she ever served in the House of Representatives.

With her death, I have suffered a deep personal loss. Mrs. Reece's contributions to America and the people who live in this wonderful country will long live in the minds of those who entrusted her.

To me, Mrs. Reece was an idealist and realist, combining the best features of both attributes in a balance too seldom found in leaders of this or any other time. Her love and devotion for her fellowman are shining examples for others to follow.

What Mrs. Reece leaves behind is a massive contribution to mankind. The esteem, prestige, and influence she gained will long be remembered.

Editorials concerning Mrs. Reece's death appeared in the Johnson City Press-Chronicle and the Knoxville Journal which I feel accurately reflect the esteem in which she was held by the people of the First Congressional District. I include these very fine editorials in my remarks:

### MRS. LOUISE GOFF REECE

Mrs. Louise Goff Reece, who died Thursday night in Johnson City, was both an able companion to her famous husband and a business and political leader in her own right.

Her husband, B. Carroll Reece, served the First Congressional District in Congress for 35 years. For many years he was one of the top Republican leaders in the nation. In addition to serving on such important bodies as the House Rules and Armed Services committees.

After Mr. Reece's death in 1961, Mrs. Reece was elected to fill out his unexpired term in Congress. And throughout her own political career she followed closely the ideals and policies of her late husband. She declined reelection in 1962 but continued to be an important and respected figure in First District and national politics.

She was also respected as a businesswoman. She had wide interests in Tennessee and West Virginia. And she and her husband were fitting symbols of traditional First District Republicanism.

Mrs. Reece leaves a rich legacy of unwavering devotion to her party, her state and her nation.

### A GREAT WOMAN

The Carroll Reece era in politics was two-dimensional from the start.

There was the Congressman, dominant in the First District, influencing mightily the course of events in the State of Tennessee, and standing high in national leadership.

And there was the wife, born and bred to politics, knowledgeable in the intricacies of public affairs, co-formulator of decisions and strategies.

The two made an unbeatable team. They did nearly everything they set out to do. They gave the First District and Tennessee national focus. They were professionals, in the good sense of the word. They built a political empire that endures, even though its leaders are gone.

When the Congressman died in 1961, it was natural, and inevitable, that Mrs. Reece should succeed him in office—and this she did, winning overwhelmingly against token opposition.

And in Washington she saw to it that there was continuity of performance. "My votes," she said, "will be like those of my husband." They were—and so, likewise, was the service rendered. Her husband was known for his meticulous attention to every letter, every request, every appeal from the people back home. Mrs. Reece became known for these things, too.

Ill health forced her retirement from Congress, but she continued her interest in public affairs, maintained her official ties with the national Republican organization, and looked after the family's extensive banking and business interests.

She was, by any reckoning, an outstanding woman—astute in politics, enterprising in business, gracious in social endeavor, and loyal in friendship.

In later years she rejoiced in helping establish the C. Carroll Reece Memorial Museum at East Tennessee State University. She wanted the Museum to stand as a permanent memorial to her husband. It will do that—and it will stand also as a permanent reminder of the wife who stood so stalwartly and faithfully at his side.

My wife and I join in offering our condolences to her daughter and son-in-law, Col. and Mrs. George Marthens, their children, and other members of the family, in this time of sorrow.

## GENERAL LEAVE

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the late Honorable Louise Goff Reece.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## CALL OF THE HOUSE

Mr. STAFFORD. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 122]

Abernethy
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Ayres
Baring
Barrett
Beall, Md.
Bell, Calif.
Biaggi
Bingham
Bow
Brademas
Brown, Calif.
Brown, Ohio
Buchanan
Burke, Fla.
Bush
Byrne, Pa.
Carey
Casey
Chisholm
Clark
Clay
Cohelan
Conyers
Corbett
Corman
Crane
Culver
Daddario
Dawson
Dent
Dickinson
Diggs
Dorn
Dulski
Eckhardt
Edwards, Ala.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Fulton, Tenn.
Gaydos
Gettys
Giaimo
Gilbert
Goldwater
Green, Oreg.
Green, Pa.
Gubser
Halpern
Hansen, Idaho
Harrington
Harsha
Hays
Jones, Tenn.
Keith
Kirwan
Koch
Langen
Long, La.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McFall
McMillan
Mann
Meskill
Mikva
Minshall
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, N.Y.
Nix
O'Hara
O'Neal, Ga.
Ottinger
Patten
Pepper
Philbin
Podell
Pollock
Powell
Purcell
Reid, N.Y.
Reuss
Rivers
Rooney, N.Y.
Rooney, Pa.
Roudebush
Ruppe
Ruth
St Germain
Sandman
Saylor
Scheuer
Schneebeli
Sebelius
Shipley
Smith, Iowa
Smith, N.Y.
Stanton
Stokes
Stratton
Stubblefield
Sullivan
Taft
Talcott
Tunney
Ullman
Watkins
Watson
Whalen
Whalley
Widnall
Wilson, Bob
Wold
Wright
Yatron
Young

The SPEAKER pro tempore (Mr. ALBERT). On this rollcall 292 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## PERMISSION FOR COMMITTEE ON RULES TO FILE PRIVILEGED REPORTS

Mr. COLMER. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

## HEARINGS BEFORE SUBCOMMITTEE NO. 4 OF THE HOUSE COMMITTEE ON THE JUDICIARY

Mr. ROGERS of Colorado. Mr. Speaker, I would like to announce that Subcommittee No. 4 of the Committee on the Judiciary has scheduled public hearings to be held on Thursday, June 4, 1970, at 10 a.m. in room 2237, Rayburn

House Office Building, on the following proposals:

H.R. 17080, to amend section 35 of the Bankruptcy Act (11 U.S.C. 63) and sections 631 and 634 of title 28, United States Code, to permit full-time referees in bankruptcy to serve as part-time U.S. magistrates, and for other purposes.

H.R. 17081, to amend title 18, United States Code, to provide for the protection of U.S. probation officers.

Those wishing to testify or to submit statements for the record should address their requests to the Committee on the Judiciary, House of Representatives, room 2137, Rayburn House Office Building.

## REPRESENTATIVE TO PARIS PEACE NEGOTIATIONS

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, last week, I recommended to President Nixon that he name a new representative to the peace negotiations in Paris. I suggested to the President that a new representative would be an essential ingredient in our attempts to get the talks off dead center. I also suggested that the appointment be someone of world-wide stature, someone who, though not a career diplomat, was nonetheless familiar with the ways of international diplomacy, someone who was respected and admired by all Americans, young and old. My recommendation was the Reverend Theodore Hesburgh, president of Notre Dame University.

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Father Hesburgh, as we all know, is Chairman of the U.S. Civil Rights Commission, and a permanent representative on the International Atomic Energy Agency. He is a scholar of wide note and has been the recipient of honorary degrees from over two dozen colleges and universities.

Subsequent to my recommendation to the President, I had a long talk on the phone with Father Hesburgh. He was surprised by my suggestion, but, although he did not wish to be presumptuous, he said that if it were the President's desire, he would gladly serve.

I have communicated this information to all my colleagues and to the press and public and the reaction to date has been most favorable. I would again urge my colleagues, if you agree with my contention that new imagination and new ideas are needed at the peace table, to communicate your views to the President.

## THE CUSTOMS COURT ACT OF 1970

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2624) to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes, as amended.

The Clerk read as follows:

S. 2624

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—JUDICIAL ACTIONS IN CUSTOMS CASES

SHORT TITLE

SEC. 101. This title may be cited as "The Customs Courts Act of 1970".

APPEALS FROM CUSTOMS COURT DECISIONS—JURISDICTION

SEC. 102. Section 1541 of title 28 of the United States Code is amended to read as follows:

"§ 1541. Appeals for Customs Court decisions

"(a) The Court of Customs and Patent Appeals has jurisdiction of appeals from all final judgments or orders of the United States Customs Court.

"(b) When the chief judge of the Customs Court issues an order under the provisions of secion 256(b) of this title; or when any judge in the Customs Court, in issuing any other interlocutory order, includes in the order a statement that a controlling question of law is involved as to which there is substantial ground for difference of opinion and that an immediate appeal from its order may materially advance the ultimate termination of the litigation, the Court of Customs and Patent Appeals may, in its discretion, permit an appeal to be taken from such order, if application is made to it within ten days after the entry of the order: *Provided, however,* That neither the application for nor the granting of an appeal hereunder stays proceedings in the Customs Court unless a stay is ordered by a judge of the Customs Court or by the Court of Customs and Patent Appeals or a judge of that court."

APPEALS FROM CUSTOMS COURT DECISIONS—PROCEDURE

SEC. 103. Section 2601 of title 28 of the United States Code is amended to read as follows:

"§ 2601. Appeals from Customs Court decisions

"(a) A party may appeal to the Court of Customs and Patent Appeals from a final judgment or order of the Customs Court within sixty days after entry of the judgment or order.

"(b) An appeal is made by filing in the office of the clerk of the Court of Customs and Patent Appeals a notice of appeal which shall include a concise statement of the errors complained of. A copy of the notice shall be served on the adverse parties. When the United States is an adverse party service shall be made on the Attorney General and the Secretary of the Treasury or their designees. Thereupon, the Court of Customs and Patent Appeals shall order the Customs Court to transmit the record and evidence taken, together with either the findings of fact and conclusions of law or the opinion, as the case may be.

"(c) The Court of Customs and Patent Appeals may affirm, modify, vacate, set aside, or reverse any judgment or order of the Customs Court lawfully brought before it for review, and may remand the cause and direct the entry of an appropriate judgment or order, or required such further proceedings as may be just under the circumstances. The judgment or order of the Court of Customs and Patent Appeals shall be final and conclusive unless modified, vacated, set aside, reversed, or remanded by the Supreme Court under section 2106 of this title."

PRECEDENCE OF AMERICAN MANUFACTURER, PRODUCER, OR WHOLESALER CASES

SEC. 104. Section 2602 of title 28 of the United States Code is amended to read as follows:

"§ 2602. Precedence of American manufacturer, producer, or wholesaler cases

"(a) Every proceeding in the Court of Customs and Patent Appeals arising under section 516 of the Tariff Act of 1930, as amended, shall be given precedence over other cases on the docket of such court, except as provided for in paragraph (b) of this section, and shall be assigned for hearing at the earliest practicable date and expedited in every way.

"(b) Appeals from findings by the Secretary of Commerce provided for in headnote 6 to schedule 8, part 4, of the Tariff Schedules of the United States (19 U.S.C. 1202) shall receive a preference over all other matters."

DUTIES OF CHIEF JUDGE; PRECEDENCE OF JUDGES

SEC. 105. Section 253 of title 28 of the United States Code is amended to read as follows:

"§ 253. Duties of chief judge; precedence of judges

"(a) The chief judge of the Customs Court, with the approval of the court, shall supervise the fiscal affairs and clerical force of the court.

"(b) The chief judge shall promulgate dockets.

"(c) The chief judge, under rules of the court, may designate any judge or judges of the court to try any case and, when the circumstances so warrant, reassign the case to another judge or judges.

"(d) Whenever the chief judge is unable to perform the duties of his office or the office is vacant, his powers and duties shall devolve upon the judge next in precedence who is able to act, until such disability is removed or another chief judge is appointed and duly qualified.

"(e) The chief judge shall have precedence and shall preside at any session which he attends. Other judges shall have precedence and shall preside according to the seniority of their commissions. Judges whose commissions bear the same date shall have precedence according to seniority in age."

SINGLE-JUDGE TRIALS

SEC. 106. Section 254 of title 28 of the United States Code is amended to read as follows:

"§ 254. Single-judge trials

"Except as otherwise provided in section 255 of this title, the judicial power of the Customs Court with respect to any action, suit or proceeding shall be exercised by a single judge, who may preside alone and hold a regular or special session of court at the same time other sessions are held by other judges."

PUBLICATION OF DECISIONS

SEC. 107. Section 255 of title 28 of the United States Code is redesignated as section 257 and is amended to read as follows:

"§ 257. Publication of decisions

"All decisions of the Customs Court shall be preserved and open to inspection. The court shall forward copies of each decision to the Secretary of the Treasury or his designee and to the appropriate customs officer for the district in which the case arose. The Secretary shall publish weekly such decisions as he or the court may designate and abstracts of all other decisions."

THREE-JUDGE TRIALS

SEC. 108. There shall be a new section 255 of title 28 of the United States Code as follows:

"§ 255. Three-judge trials

"(a) Upon application of any party to a civil action, or upon his own initiative, the chief judge of the Customs Court shall designate any three judges of the court to hear and determine any civil action which the chief judge finds: (1) raises an issue of the constitutionality of an Act of Congress, a proclamation of the President or an Executive order; or (2) has broad or significant implications in the administration or interpretation of the customs laws.

"(b) A majority of the three judges designated may hear and determine the *civil* action and all questions pending therein."

TRIALS AT PORTS OTHER THAN NEW YORK

SEC. 109. There shall be a new section 256 of title 28 of the United States Code as follows:

"§ 256. Trials at ports other than New York

"(a) The chief judge may designate any judge or judges of the court to proceed, together with necessary assistants, to any port or to any place within the jurisdiction of the United States to preside at a trial or hearing at the port or place.

"(b) Upon application of a party or upon his own initiative, and upon a showing that the interests of economy, efficiency, and justice will be served, the chief judge may issue an order authorizing a judge of the court to preside in an evidentiary hearing in a foreign country whose laws *do not prohibit* such a hearing: *Provided, however,* That an interlocutory appeal may be taken from such an order pursuant to the provisions of section 1541(b) of this title, subject to the discretion of the Court of Customs and Patent Appeals as set forth in that section."

### JURISDICTION OF THE CUSTOMS COURT

SEC. 110. Section 1582 of title 28 of the United States Code is amended to read as follows:

"§ 1582. Jurisdiction of the Customs Court

"(a) The Customs Court shall have exclusive jurisdiction of civil actions instituted by any person whose protest pursuant to the Tariff Act of 1930, as amended, has been denied, in whole or in part, by the appropriate customs officer, where the administrative decision, including the legality of all orders and findings entering into the same, involves: (1) the appraised value of merchandise; (2) the classification and rate and amount of duties chargeable; (3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury; (4) the exclusion of merchandise from entry or delivery under any provisions of the customs law; (5) the liquidation or reliquidation of an entry, or a modification thereof; (6) the refusal to pay a claim for drawback; or (7) the refusal to reliquidate an entry under section 520(c) of the Tariff Act of 1930, as amended.

"(b) The Customs Court shall have exclusive jurisdiction of civil actions brought by American manufacturers, producers, or wholesalers pursuant to section 516 of the Tariff Act of 1930, as amended.

"(c) The Customs Court shall not have jurisdiction of an action unless (1) either a protest has been filed, as prescribed by section 514 of the Tariff Act of 1930, as amended, and denied in accordance with the provisions of section 515 of the Tariff Act of 1930, as amended, or if the action relates to a decision under section 516 of the Tariff Act of 1930, as amended, all remedies prescribed therein have been exhausted, and (2) except in the case of an action relating to a decision under section 516 of the Tariff Act of 1930, as amended, all liquidated duties, charges or exactions have been paid at the time the action is filed.

"(d) Only one civil action may be brought in the Customs Court to contest the denial of a single protest. However, any number of entries of merchandise involving common issues may be included in a single civil action. Actions may be consolidated by order of the court or by request of the parties, with approval of the court, if there are common issues."

### REPEAL OF SECTION 1583—REVIEW OF DECISIONS ON PROTESTS

SEC. 111. Section 1583 of title 28 of the United States Code is repealed.

### TIME FOR COMMENCEMENT OF ACTION

SEC. 112. Section 2631 of title 28 of the United States Code is amended to read as follows:

"§ 2631. Time for commencement of action

"(a) An action over which the court has jurisdiction under section 1582(a) of this title is barred unless commenced within one hundred and eighty days after:

"(1) the date of mailing of notice of denial, in whole or in part, of a protest pursuant to the provisions of section 515(a) of the Tariff Act of 1930, as amended; or

"(2) the date of denial of a protest by operation of law pursuant to the provisions of section 515(b) of the Tariff Act of 1930, as amended.

"(b) An action over which the court has jurisdiction under section 1582(b) of this title is barred unless commenced within thirty days after the date of mailing of a notice sent pursuant to section 516(c) of the Tariff Act of 1930, as amended."

### CUSTOMS COURT PROCEDURE AND FEES

SEC. 113. Section 2632 of title 28 of the United States Code is amended to read as follows:

"§ 2632. Customs Court procedure and fees

"(a) A party may contest denial of a protest under section 515 of the Tariff Act of 1930, as amended, or the decision of the Secretary of the Treasury made under section 516 of the Tariff Act of 1930, as amended by bringing a civil action in the Customs Court. A civil action shall be commenced by filing a summons in the form, manner, and style and with the content prescribed in rules adopted by the court.

"(b) There shall be a filing fee payable upon commencing an action. The amount of the fee shall be fixed by the Customs Court but shall be not less than $5 nor more than the filing fee for commencing a civil action in a United States district court. The Customs Court may fix all other fees to be charged by the clerk of the court.

"(c) The Customs Court shall provide by rule for pleadings and other papers, for their amendment, service, and filing, for consolidations, severances, and suspensions of cases, and for other procedural matters.

"(d) The Customs Court, by rule, may consider any new ground in support of a civil action if the new ground (1) applies to the same merchandise that was the subject of the protest; and (2) is related to the same administrative decision or decisions listed in section 514 of the Tariff Act of 1930, as amended, that were contested in the protest.

"(e) All pleadings and other papers filed in the Customs Court shall be served on all the adverse parties in accordance with the rules of the court. When the United States is an adverse party, service of the summons shall be made on the Attorney General and the Secretary of the Treasury or their designees.

"(f) Upon service of the summons on the Secretary of the Treasury or his designee, the appropriate customs officer shall forthwith transmit the following items, if they exist, to the United States Customs Court as part of the official record of the civil action: (1) consumption or other entry; (2) commercial invoice; (3) special Customs invoice; (4) copy of protest; (5) copy of denial of protest in whole or in part; (6) importer's exhibits; (7) official samples; (8) any official laboratory reports; and (9) the summary sheet. If any of the aforesaid items do not exist in the particular case, an affirmative statement to that effect shall be transmitted as part of the official record."

### PRECEDENCE OF AMERICAN MANUFACTURER, PRODUCER, OR WHOLESALER CASES

SEC. 114. Section 2633 of title 28 of the United States Code is amended to read as follows:

"§ 2633. Precedence of American manufacturer, producer, or wholesaler cases

"Every proceeding in the Customs Court arising under section 516 of the Tariff Act of 1930, as amended, shall be given precedence over the other cases on the docket of the court, and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way."

### NOTICE

SEC. 115. Section 2634 of title 28 of the United States Code is amended to read as follows:

"§ 2634. Notice

"Reasonable notice of the time and place of trial before a judge of the Customs Court shall be given to all parties to any proceeding under rules prescribed by the court."

### BURDEN OF PROOF; EVIDENCE OF VALUE

SEC. 116. Section 2635 of title 28 of the United States Code is amended to read as follows:

"§ 2635. Burden of proof; evidence of value

"In any matter in the Customs Court:

"(a) The decision of the Secretary of the Treasury, or his delegate, is presumed to be correct. The burden to prove otherwise shall rest upon the party challenging a decision.

"(b) Where the value of merchandise is in issue:

"(1) Reports or depositions of consuls, customs officers, and other officers of the United States and depositions and affidavits of other persons whose attendance cannot reasonably be had, may be admitted in evidence when served upon the opposing party in accordance with the rules of the court.

"(2) Price lists and catalogs may be admitted in evidence when duly authenticated, relevant, and material.

"(c) The value of merchandise shall be determined from the evidence in the record and that adduced at the trial whether or not the merchandise or samples thereof are available for examination."

### ANALYSIS OF IMPORTED MERCHANDISE

SEC. 117. Section 2636 of title 28 of the United States Code is amended to read as follows:

"§ 2636. Analysis of imported merchandise

"A judge of the Customs Court may order an analysis of imported merchandise and reports thereon by laboratories or agencies of the United States."

### WITNESSES; INSPECTION OF DOCUMENTS

SEC. 118. Section 2637 of title 28 of the United States Code is amended to read as follows:

"§ 2637. Witnesses; inspection of documents

"(a) In any proceeding in the Customs Court, under rules prescribed by the court, the parties and their attorneys shall have an opportunity to introduce evidence, to hear and cross-examine the witnesses of the other party, and to inspect all samples and all paper admitted or offered as evidence, except as provided in section (b) of this section.

"(b) In an action instituted by an American manufacturer, producer, or wholesaler, the plaintiff may not inspect any documents or papers of a consignee or importer disclosing any information which the Customs Court deems unnecessary or improper to be disclosed."

### DECISIONS; FINDINGS OF FACT AND CONCLUSIONS OF LAW; EFFECT OF OPINIONS

SEC. 119. Section 2638 of title 28 of the United States Code is amended to read as follows:

"§ 2638. Decisions; findings of fact and conclusions of law; effect of opinions

"(a) A decision of the judge in a contested case shall be supported by either (1) a statement of findings of fact and conclusions of law, or (2) an opinion stating the reasons and facts upon which the decision is based.

"(b) The decision of the judge is final and conclusive, unless a retrial or rehearing is granted pursuant to section 2639 of this title or an appeal is made to the Court of Customs and Patent Appeals within the time and in the manner provided in section 2601 of this title."

### RETRIAL OR REHEARING

SEC. 120. Section 2639 of title 28 of the United States Code is amended as follows:

"§ 2639. Retrial or rehearing

"The judge who has rendered a judgment or order may, upon motion of a party or upon his own motion, grant a retrial or a rehearing, as the case may be. A party's motion must be

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made or the judge's action on his own motion must be taken, not later than thirty days after entry of the judgment or order."

### REPEAL OF SECTIONS 2640, 2641, 2642—REHEARING OR RETRIAL; FRIVOLOUS PROTEST OF APPEAL; AMENDMENT OF PROTESTS, APPEALS, AND PLEADINGS

SEC. 121. Sections 2640, 2641, and 2642 of title 28 of the United States Code are repealed.

### EFFECTIVE DATE

SEC. 122. (a) This title shall become effective on October 1, 1970, and shall thereafter apply to all actions and proceedings in the Customs Court and the Court of Customs and Patent Appeals except those involving merchandise entered before the effective date for which trial has commenced by such effective date.

(b) An appeal for reappraisement timely filed with the Bureau of Customs before the effective date, but as to which trial has not commenced by such date, shall be deemed to have had a summons timely and properly filed under this title. When the judgment or order of the United States Customs Court has become final in this appeal, the papers shall be returned to the appropriate customs officer to decide any remaining matters relating to the entry in accordance with section 500 of the Tariff Act of 1930, as amended. A protest or summons filed after final decision on an appeal for reappraisement shall not include issues which were raised or could have been raised on the appeal for reappraisement.

(c) A protest timely filed with the Bureau of Customs before the effective date of enactment of this Act, which is disallowed before that date, and as to which trial has not commenced by such date, shall be deemed to have had a summons timely and properly filed under this title.

(d) All other provisions of this Act shall apply to appeals and disallowed protests deemed to have had summonses timely and properly filed under this section.

### MISCELLANEOUS AMENDMENTS

SEC. 123. (a) The analysis of chapter 11 of title 28 of the United States Code, immediately preceding section 251 of such title, is amended by striking the caption of section 254 and substituting therefor the caption, "Single-judge trial.", by striking the caption of section 255 and substituting therefor the caption "Three-judge trials." and by adding the following captions at the end of the analysis of that chapter:

"256. Trials at ports other than New York.
"257. Publication of decisions."

(b) The analysis of chapter 93 of title 28 of the United States Code, immediately preceding section 1541 of such title is amended by striking the caption of section 1541 and substituting the caption "Appeals from Customs Court decisions."

(c) The analysis of chapter 95 of title 28 of the United States Code, immediately preceding section 1581 of such title, is amended to read as follows:

"Sec.
"1581. Powers generally.
"1582. Jurisdiction of the Customs Court."

(d) The analysis of chapter 167 of title 28 of the United States Code, immediately preceding section 2601, is amended to read as follows:

"Sec.
"2601. Appeals from Customs Court decisions.
"2602. Precedence of American manufacturer, producer, or wholesaler cases."

(e) The analysis of chapter 169 of title 28 of the United States Code, immediately preceding section 2631 of such title is amended to read as follows:

"Sec.
"2631. Time for commencement of action.
"2632. Customs Court procedures and fees.
"2633. Precedence of American manufacturer, producer, or wholesaler cases.
"2634. Notice.
"2635. Burden of proof; evidence of value.
"2636. Analysis of imported merchandise.
"2637. Witnesses; inspection of documents.
"2638. Decisions; findings of fact and conclusions of law; effect of opinions.
"2639. Retrial or rehearing."

## TITLE II—ADMINISTRATIVE PROCEEDINGS IN CUSTOMS MATTERS

### SHORT TITLE

SEC. 201. Titles II and III of this Act may be cited as "The Customs Administrative Act of 1970".

### AMENDMENT OF SECTIONS

SEC. 202. Unless otherwise provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or provision of the Tariff Act, the reference shall be considered to be made to a section or provision of the Tariff Act of 1930, as amended (19 U.S.C. 1202 et seq.).

### EFFECTIVE DATE

SEC. 203. Titles II and III of this Act shall take effect with respect to articles entered, or withdrawn from warehouse for consumption, on or after October 1, 1970, and such other articles entered or withdrawn from warehouse for consumption prior to such date, the appraisement of which has not become final before October 1, 1970, and for which an appeal for reappraisement has not been timely filed with the Bureau of Customs before October 1, 1970, or with respect to which a protest has not been disallowed in whole or in part before October 1, 1970.

### APPRAISEMENT, CLASSIFICATION, AND LIQUIDATION PROCEDURES; COLLECTIONS AND REFUNDS; LIMITATIONS

SEC. 204. (a) Section 500 of the Tariff Act (19 U.S.C. 1500) is hereby amended to read as follows:

"SEC. 500. APPRAISEMENT, CLASSIFICATION, AND LIQUIDATION PROCEDURES.—

"The appropriate customs officer shall, under rules and regulations prescribed by the Secretary—

"(a) appraise merchandise in the unit of quantity in which the merchandise is usually bought and sold by ascertaining or estimating the value thereof by all reasonable ways and means in his power, any statement of cost or costs of production in any invoice, affidavit, declaration, or other document to the contrary notwithstanding;

"(b) ascertain the classification and rate of duty applicable to such merchandise;

"(c) fix the amount of duty to be paid on such merchandise and determine any increased or additional duties due or any excess of duties deposited;

"(d) liquidate the entry of such merchandise; and

"(e) give notice of such liquidation to the importer, his consignee, or agent in such form and manner as the Secretary shall prescribe in such regulations."

(b) Section 488 of the Tariff Act (19 U.S.C. 1488) is repealed.

(c) Section 505 of the Tariff Act (19 U.S.C. 1505) is amended to read as follows:

"SEC. 505. PAYMENT OF DUTIES.—

"(a) DEPOSIT OF ESTIMATED DUTIES.—Unless merchandise is entered for warehouse or transportation, or under bond, the consignee shall deposit with the appropriate customs officer at the time of making entry the amount of duties estimated by such customs officer to be payable thereon.

"(b) COLLECTION OR REFUND.—The appropriate customs officer shall collect any increased or additional duties due or refund any excess of duties deposited as determined on a liquidation or reliquidation.

### REPEAL OF SEPARATE APPRAISEMENT PROCEDURE; VOLUNTARY RELIQUIDATIONS

SEC. 205. Section 501 of the Tariff Act (19 U.S.C. 1501) is amended to read as follows:

"SEC. 501. VOLUNTARY RELIQUIDATIONS.—

"A liquidation made in accordance with section 500 or any reliquidation thereof made in accordance with this section may be reliquidated in any respect by the appropriate customs officer on his own initiative, notwithstanding the filing of a protest, within ninety days from the date on which notice of the original liquidation is given to the importer, his consignee or agent. Notice of such reliquidation shall be given in the manner prescribed with respect to original liquidations under section 500(e)."

### DUTIABLE VALUE

SEC. 206. Section 503 of the Tariff Act (19 U.S.C. 1503) is amended to read as follows:

"SEC. 503. DUTIABLE VALUE.—

"Except as provided in section 520(c) (relating to reliquidations on the basis of authorized corrections of errors) or section 562 (relating to withdrawal from manipulating warehouses) of this Act, the basis for the assessment of duties on imported merchandise subject to ad valorem rates of duty or rates based upon or regulated in any manner by the value of the merchandise, shall be the appraised value determined upon liquidation, in accordance with section 500 or any adjustment thereof made pursuant to section 501 of the Tariff Act: *Provided, however,* That if reliquidation is required pursuant to a final judgment or order of the United States Customs Court which includes a reappraisement of imported merchandise, the basis for such assessment shall be the final appraised value determined by such court."

### PROTESTS

SEC. 207. Section 514 of the Tariff Act (19 U.S.C. 1514) is amended to read as follows:

"SEC. 514. FINALITY OF DECISIONS; PROTESTS.—

"(a) FINALITY OF DECISIONS.—Except as provided in section 501 (relating to voluntary reliquidations), section 516 (relating to petitions by American manufacturers, producers, and wholesalers), section 520 (relating to refunds and errors), and section 521 (relating to reliquidations on account of fraud) of this Act, decisions of the appropriate customs officer, including the legality of all orders and findings entering into the same, as to—

"(1) the appraised value of merchandise;

"(2) the classification and rate and amount of duties chargeable;

"(3) all charges or exactions of whatever character within the jurisdiction of the Secretary of the Treasury;

"(4) the exclusion of merchandise from entry or delivery under any provision of the customs laws;

"(5) the liquidation or reliquidation of an entry, or any modification thereof;

"(6) the refusal to pay a claim for drawback; and

"(7) the refusal to reliquidate an entry under section 520(c) of this Act,

shall be final and conclusive upon all persons (including the United States and any officer thereof) unless a protest is filed in accordance with this section, or unless a civil action contesting the denial of a protest, in whole or in part, is commenced in the United States Customs Court in accordance with section 2632 of title 28 of the United States Code within the time prescribed by section 2631 of that title. When

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a judgment or order of the United States Customs Court has become final, the papers transmitted shall be returned, together with a copy of the judgment or order to the appropriate customs officer, who shall take action accordingly.

"(b) Protests.—

"(1) In general.—A protest of a decision under subsection (a) shall be filed in writing with the appropriate customs officer designated in regulations prescribed by the Secretary, setting forth distinctly and specifically each decision described in subsection (a) as to which protest is made; each category of merchandise affected by each such decision as to which protest is made; and the nature of each objection and reasons therefor. Only one protest may be filed for each entry of merchandise, except that where the entry covers merchandise of different categories, a separate protest may be filed for each category. In addition, separate protests filed by different authorized persons with respect to any one category of merchandise that is the subject of a protest are deemed to be part of a single protest. A protest may be amended, under regulations prescribed by the Secretary, to set forth objections as to a decision or decisions described in subsection (a) which were not the subject of the original protest, in the form and manner prescribed for a protest, any time prior to the expiration of the time in which such protest could have been filed under this section. New grounds in support of objections raised by a valid protest or amendment thereto may be presented for consideration in connection with the review of such protest pursuant to section 515 of this Act at any time prior to the disposition of the protest in accordance with that section. Except as otherwise provided in section 557(b) of this Act, protests may be filed by the importer, consignee, or any authorized agent of the person paying any charge or exaction, or filing any claim for drawback, or seeking entry or delivery, with respect to merchandise which is the subject of a decision in subsection (a).

"(2) Time for filing.—A protest of a decision, order, or finding described in subsection (a) shall be filed with such customs officer within ninety days after but not before—

"(A) notice of liquidation or reliquidation, or

"(B) in circumstances where subparagraph (A) is inapplicable, the date of the decision as to which protest is made.

"(c) Limitation on Protest of Reliquidations.—The reliquidation of an entry shall not open such entry so that a protest may be filed against the decision of the customs officer upon any question not involved in such reliquidation."

### REVIEW OF PROTESTS

Sec. 208. Section 515 of the Tariff Act (19 U.S.C. 1515) is amended to read as follows:

"Sec. 515. Review of Protests.—

"(a) Administrative Review and Modification of Decisions.—Unless the request for an accelerated disposition of a protest is filed in accordance with subsection (b) of this section the appropriate customs officer, within two years from the date a protest was filed in accordance with section 514 of this Act, shall review the protest and shall allow or deny such protest in whole or in part. Thereafter, any duties, charge, or exaction found to have been assessed or collected in excess shall be remitted or refunded and any drawback found due shall be paid. Upon the request of the protesting party, filed within the time allowed for the filing of a protest under section 514 of this Act, a protest may be subject to further review by another appropriate customs officer, under the circumstances and in the form and manner that may be prescribed by the Secretary in regulations, but subject to the two-year limitation prescribed in the first sentence of this subsection. Notice of the denial of any protest shall be mailed in the form and manner prescribed by the Secretary.

"(b) Request for Accelerated Disposition of Protest.—A request for accelerated disposition of a protest filed in accordance with section 514 of this Act may be mailed by certified or registered mail to the appropriate customs officer any time after ninety days following the filing of such protest. For purposes of section 1582 of title 28 of the United States Code, a protest which has not been allowed or denied in whole or in part within thirty days following the date of mailing by certified or registered mail of a request for accelerated disposition shall be deemed denied on the thirtieth day following mailing of such request."

### PETITIONS BY AMERICAN MANUFACTURERS, PRODUCERS, OR WHOLESALERS

Sec. 209. Section 516 of the Tariff Act (19 U.S.C. 1516) is amened to read as follows:

"Sec. 516. Petitions by American Manufacturers, Producers, or Wholesalers—Value and Classification.—

"(a) The Secretary shall, upon written request by an American manufacturer, producer, or wholesaler, furnish the classification, and the rate of duty, if any, imposed upon designated imported merchandise of a class or kind manufactured, produce, or sold at wholesale by him. If such manufacturer, producer, or wholesaler believes that the appraised value is too low, that the classification is not correct, or that the proper rate of duty is not being assessed, he may file a petition with the Secretary setting forth (1) a description of the merchandise, (2) the appraised value, the classification, or the rate or rates of duty that he believes proper, and (3) the reason for his belief.

"(b) If, after receipt and consideration of a petition filed by an American manufacturer, producer, or wholesaler, the Secretary decides that the appraised value of the merchandise is too low, or that the classification of the article or rate of duty assessed thereon is not correct, he shall determine the proper appraised value or classification or rate of duty, and notify the petitioner of his determination. All such merchandise entered for consumption or withdrawn from warehouse for consumption more than thirty days after the date such notice to the petitioner is published in the weekly Customs Bulletin shall be appraised or classified or assessed as to rate of duty in accordance with the Secretary's determination.

"(c) If the Secretary decides that the appraised value or classification of the articles or the rate of duty with respect to which a petition was filed pursuant to subsection (a) is correct, he shall so inform the petitioner. If dissatisfied with the decision of the Secretary, the petitioner may file with the Secretary, not later than thirty days after the date of the decision, notice that he desires to contest the appraised value or classification of, or rate or duty assessed upon, the merchandise. Upon receipt of notice from the petitioner, the Secretary shall cause publication to be made of his decision as to the proper appraised value or classification or rate of duty and of the petitioner's desire to contest, and shall thereafter furnish the petitioner with such information as to the entries and consignees of such merchandise, entered after the publication of the decision of the Secretary at such ports of entry designated by the petitioner in his notice of desire to contest, as will enable the petitioner to contest the appraised value or classification of, or rate of duty imposed upon, such merchandise in the liquidation of one such entry at such port. The Secretary shall direct the appropriate customs officer at such ports to notify the petitioner by mail immediately when the first of such entries is liquidated.

"(d) Notwithstanding the filing of an action pursuant to section 2632 of title 28 of the United States Code, merchandise of the character covered by the published decision of the Secretary (when entered for consumption or withdrawn from warehouse for consumption on or before the date of publication of a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, not in harmony with the published decision of the Secretary) shall be appraised or classified, or both, and the entries liquidated, in accordance with the decision of the Secretary and, except as otherwise provided in this chapter, the final liquidations of these entries shall be conclusive upon all parties.

"(e) The consignee or his agent shall have the right to appear and to be heard as a party in interest before the United States Customs Court.

"(f) If the cause of action is sustained in whole or in part by a decision of the United States Customs Court or of the United States Court of Customs and Patent Appeals, merchandise of the character covered by the published decision of the Secretary, which is entered for consumption or withdrawn from warehouse for consumption after the date of publication of the court decision, shall be subject to appraisement, classification, and assessment of duty in accordance with the final judicial decision in the action, and the liquidation of entries covering the merchandise so entered or withdrawn shall be suspended until final disposition is made of the action, whereupon the entries shall be liquidated, or if necessary, reliquidated in accordance with the final decision.

"(g) Regulations shall be prescribed by the Secretary to implement the procedures required under this section."

### REFUNDS AND ERRORS

Sec. 210. Section 520(c) of the Tariff Act (19 U.S.C. 1520(c)) is amended by—

(a) striking the words "the Secretary of the Treasury may authorize a collector to" and substituting the words "the appropriate customs officer may, in accordance with regulations prescribed by the Secretary,";

(b) striking the word "appraisement," wherever it appears in paragraph (1); and

(c) deleting "sixty" and substituting "ninety" and deleting "ten" and substituting "nine" in paragraph (1).

## TITLE III—MISCELLANEOUS AMENDMENTS

### TECHNICAL AND CONFORMING AMENDMENTS

Sec. 301. The Tariff Act of 1930, as amended (19 U.S.C. ch. 4), is further amended as follows:

(a) Section 305 (19 U.S.C. 1305) is amended by—

(1) striking the word "collector" in the first paragraph and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the term "the collector" where it first appears in the second paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer".

(b) Sections 311, 315, 432, 434, 438, 441, 443–447, 449–450, 452–455, 457, 485, 490, 492, 496, 521, 555, 562, 584, 586, 609, 613, and 614 (19 U.S.C. 1311, 1315, 1432, 1434, 1438, 1441, 1443–1447, 1449–1450, 1452–1455, 1457, 1485, 1490, 1492, 1496, 1521, 1555, 1562, 1584, 1586, 1609, 1613, and 1614) are amended by striking the word "collector" wherever it appears in the sections and inserting in lieu thereof "appropriate customs officer".

(c) Section 401 (10 U.S.C. 1401) is amended by—

(1) striking subsections (h), (i), and (j);

(2) redesignating subsections (k), (l), (m), and (n) as subsections (h), (i), (j), and (k), respectively, and amending redesignated subsection (i) to read as follows:

"(i) Officer of the Customs: Customs Officer.—The terms 'officer of the customs' and 'customs officer' mean any officer of the Bureau of Customs of the Treasury Department (also hereinafter referred to as the 'Customs Service') or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized by law or designated by the Secretary of the Treasury to perform any duties of an officer of the Customs Service."

(3) adding a new subsection (l) to read as follows:

"(l) SECRETARY.—The term 'Secretary' means the Secretary of the Treasury or his delegate."

(d) Section 402a (18 U.S.C. 1402) is amended by—

(1) striking the word "appraiser" wherever it appears in the section and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "APPRAISER'S" in the heading of subsection (b) and inserting in lieu thereof "CUSTOMS OFFICER'S".

(3) striking the words "subject to review in reappraisement proceedings under section 501" and inserting in lieu thereof "subject to protest in accordance with section 514".

(e) Sections 448, 493, and 608 (19 U.S.C. 1448, 1493, and 1608) are amended by striking the term "the collector" where it first appears in each section and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in each section and inserting in lieu thereof "such customs officer".

(f) Section 451 (19 U.S.C. 1451) is amended by—

(1) striking the word "collector" where it appears the first time in the section and inserting in lieu thereof "appropriate customs officer";

(2) striking the word "collector" where it appears the second time in the section and inserting in lieu thereof "such customs officer"; and

(3) striking the word "collector" where it appears the third time in the section and inserting in lieu thereof "appropriate customs officer".

(g) Section 467 (19 U.S.C. 1467) is amended by striking the words "collector of customs" and inserting in lieu thereof "appropriate customs officer".

(h) Section 482 (19 U.S.C. 1482) is amended as follows—

(1) subsection (e) is amended by striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(2) subsection (f) is amended by striking "collector of customs or the person acting as such, or by his deputy" and inserting in lieu thereof "appropriate customs officer".

(i) Section 484 (19 U.S.C. 1484) is amended as follows—

(1) subsection (a) is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer";

(2) paragraph (1) of subsection (c) is amended by striking the term "the collector" where it first appears in the paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" where it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer";

(3) paragraph (2) of subsection (c) is amended by striking the term "The collector" and inserting in lieu thereof "The appropriate customs officer" and by striking the term "the collector" wherever it appears in the paragraph and inserting in lieu thereof "such customs officer";

(4) subsection (g) is amended by striking the term "collector or the appraiser" and inserting in lieu thereof "appropriate customs officer";

(5) the second and third sentences of subsection (j) are amended by striking the word "collector" and inserting in lieu thereof "customs officer"; and

(6) The fourth sentence of subsection (j) is amended by striking the term "a collector" and inserting in lieu thereof "a customs officer" and by striking the terms "the collector" and "such collector" and inserting in lieu thereof "such customs officer".

(j) Section 491 (19 U.S.C. 1491) is amended by striking the words "by the appraiser of merchandise and sold by the collector" and inserting in lieu thereof "and sold by the appropriate customs officer".

(k) Section 499 (19 U.S.C. 1499) is amended as follows—

(1) the first sentence is amended by striking the word "appraiser" and inserting in lieu thereof "appropriate customs officer";

(2) the second sentence is amended by striking the term "The collector" and inserting in lieu thereof "Such officer";

(3) the fifth sentence is amended to read: "Such officer may require such additional packages or quantities as he may deem necessary.";

(4) the sixth sentence is amended to read: "If any package contains any article not specified in the invoice and, in the opinion of the appropriate customs officer, such article was omitted from the invoice with fraudulent intent on the part of the seller, shipper, owner, or agent, the contents of the entire package in which such article is found shall be subject to seizure, but if no such fraudulent intent is apparent, then the value of said article shall be added to the entry and the duties thereon paid accordingly.";

(5) the seventh sentence is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer"; and

(6) the last sentence is amended by striking the words "appraiser's return of value" and inserting in lieu thereof "appraisement" and by striking the words "value returned by the appraiser" and inserting in lieu thereof "appraisement".

(l) Section 502 (19 U.S.C. 1502) is amended by striking the words "appraiser, deputy appraiser, assistant appraiser, or examiner of merchandise" and inserting in lieu thereof "customs officer".

(m) Section 506 (19 U.S.C. 1506) is amended as follows:

(1) paragraph (1) is amended by striking the term "the collector" where it first appears in the paragraph and inserting in lieu thereof "the appropriate customs officer" and by striking the term "the collector" where it thereafter appears in the paragraph and inserting in lieu thereof "such customs officer"; and

(2) paragraph (2) is amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

(n) Section 509 (19 U.S.C. 1509) is amended by striking the term "Collectors and appraisers" and inserting in lieu thereof "Appropriate customs officers".

(o) Section 510 (19 U.S.C. 1510) is amended by—

(1) striking the words "or a division of such court," the first time they appear;

(2) striking "or an appraiser, or a collector" and inserting in lieu thereof "or an appropriate customs officer";

(3) striking "an appraiser" and inserting in lieu thereof "an appropriate customs officer, or";

(4) striking the words "or a division of such court," the second and third times they appear; and

(5) striking "or appraiser or collector" and inserting in lieu thereof "or appropriate customs officer".

(p) Section 511 (19 U.S.C. 1511) is amended by—

(1) striking the words "or an appraiser, or person acting as appraiser, or a collector" and inserting in lieu thereof "or an appropriate customs officer";

(2) striking the term "the collectors" and inserting in lieu thereof "customs officers"; and

(3) striking the term "the collector" and inserting in lieu thereof "the appropriate customs officer".

(q) Section 512 (19 U.S.C. 1512) is amended by—

(1) striking the word "collector" and inserting in lieu thereof "customs officer"; and

(2) striking the word "collectors" and inserting in lieu thereof "customs officers".

(r) Section 513 (19 U.S.C. 1513) is amended by striking the word "COLLECTOR'S" in the heading thereof and inserting in lieu thereof "CUSTOMS OFFICER'S" and by striking the words "collector or other" wherever they appear in the section.

(s) Section 523 (19 U.S.C. 1523) is amended by striking the word "collectors'" and inserting in lieu thereof "customs officers'".

(t) The fifth sentence of section 557(b) (19 U.S.C. 1557(b)) is amended by striking the words "an appeal for reappraisement under section 501" and inserting in lieu thereof "a protest contesting an appraisement decision in accordance with section 514".

(u) Section 560 (19 U.S.C. 1560) is amended by striking the words "collector or other".

(v) Section 563 (19 U.S.C. 1563) is amended by—

(1) striking the term "collectors of customs" and inserting in lieu thereof "appropriate customs officers"; and

(2) striking the word "collector" and inserting in lieu thereof "customs officer".

(w) Section 564 (19 U.S.C. 1564) is amended by striking the term "collector of customs" and inserting in lieu thereof "customs officer".

(x) Section 565 (19 U.S.C. 1565) is amended by—

(1) striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "collector" wherever it thereafter appears in the section and inserting in lieu thereof "customs officer".

(y) Section 595 (19 U.S.C. 1595) is amended by striking the words "collector of customs or other".

(z) Section 602 (19 U.S.C. 1602) is amended by—

(1) striking the word "COLLECTOR" in the heading and inserting in lieu thereof "CUSTOMS OFFICER"; and

(2) striking the word "collector" where it first appears in the section and inserting in lieu thereof "appropriate customs officer" and by striking the word "collector" wherever it thereafter appears in the section and inserting in lieu thereof "customs officer".

(aa) Section 603 (19 U.S.C. 1603) is amended by—

(1) striking the word "COLLECTOR'S" in the heading thereof and inserting in lieu thereof "CUSTOMS OFFICER'S"; and

(2) striking the words "collector or the principal local officer of the Customs Agency Service" and inserting in lieu thereof "appropriate customs officer".

(bb) Section 604 (19 U.S.C. 1604) is amended by striking the word "collectors" and inserting in lieu thereof "customs officers".

(cc) Section 605 (19 U.S.C. 1605) is amended by—

(1) striking the word "collector" and inserting in lieu thereof "appropriate customs officer"; and

(2) striking the word "collector's" and inserting in lieu thereof "customs officer's".

(dd) Section 606 (19 U.S.C. 1606) is amended by striking the words "collector shall require the appraiser to" and inserting in lieu thereof "appropriate customs officer shall".

(ee) Sections 607 and 610 (19 U.S.C. 1607 and 1610) are amended by—

(1) striking the words "returned by the appraiser"; and

(2) striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

(ff) Section 612 (19 U.S.C. 1612) is amended as follows:

(1) the first sentence is amended by striking the term "the collector" where it first appears and inserting in lieu thereof "the appropriate customs officer"; by striking the words "by the appraiser"; by striking the term "the collector" where it thereafter appears and inserting in lieu thereof "such officer"; and by striking the words "within twenty-four hours after receipt by him of the appraiser's return";

(2) the second sentence is amended by striking the term "the collector" and inserting in lieu thereof "such officer"; and

(3) the third sentence is amended by striking the word "collector" and inserting in lieu thereof "customs officer".

(gg) Section 617 (19 U.S.C. 1617) is amended by striking the word "collector" and inserting in lieu hereof "customs officer" and by striking the words "or customs agent."

(hh) Section 618 (19 U.S.C. 1618) is amended by striking the words "customs agent, collector, judge of the United States Customs Court, or United States commissioner," and inserting in lieu thereof "customs officer".

(ii) Section 623 (19 U.S.C. 1623) is amended by striking the term "collectors of customs" and inserting in lieu thereof "customs officers".

(jj) Section 641 (19 U.S.C. 1641) is amended by striking the words "collector or chief" wherever they appear and substituting therefor "appropriate".

(kk) Section 648 (19 U.S.C. 1648) is amended by striking the term "Collectors of customs" and inserting in lieu thereof "Customs officers".

SEC. 302. The last paragraph of so much of section 1 of the Act of August 1, 1914, as relates to the Customs Service, as amended (38 Stat. 623; 19 U.S.C. 2), is amended to read as follows:

"The President is authorized from time to time, as the exigencies of the service may require, to rearrange, by consolidation or otherwise, the several customs-collection districts and to discontinue ports of entry by abolishing the same or establishing others in their stead. The President is authorized from time to time to change the location of the headquarters in any customs-collection district as the needs of the service may require."

SEC. 303. Section 2 of the Act of March 4, 1923, as amended (19 U.S.C. 6), is amended by—

(a) striking the first and second sentences and inserting in lieu thereof the following: "Any officer of the customs service designated by the Secretary of the Treasury for foreign service, shall, through the Department of State, be regularly and officially attached to the diplomatic missions of the United States in the countries in which they are to be stationed, and when such officers are assigned to countries in which there are no diplomatic missions of the United States, appropriate recognition and standing with full facilities for discharging their official duties shall be arranged by the Department of State."; and

(b) striking the words "and employees" in the last sentence of the section.

SEC. 304. Section 2619 of the Revised Statutes, as amended (19 U.S.C. 31), is amended to read as follows:

"A bond to the United States may be required of any customs officer for the true and faithful discharge of the duties of his office according to law."

SEC. 305. Section 2620 of the Revised Statutes, as amended (19 U.S.C. 32), is amended to read as follows:

"The amounts, conditions for filing, and procedures for the approval of bonds required of customs officers shall be set forth in regulations prescribed by the Secretary of the Treasury."

SEC. 306. Section 8 of the Act of August 24, 1912, as amended (19 U.S.C. 50), is amended by striking the term "Collectors of customs" and inserting in lieu thereof "Customs officers".

SEC. 307. Section 2654 of the Revised Statutes, as amended (19 U.S.C. 58), is amended by striking the word "Collectors" and inserting in lieu thereof "Customs officers".

SEC. 308. Section 251 of the Revised Statutes (19 U.S.C. 66) is amended by striking the word "collectors" and inserting in lieu thereof "customs officers".

SEC. 309. Section 3 of the Act of June 18, 1934, as amended (19 U.S.C. 81c) is amended by—

(a) striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer"; and

(b) striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

SEC. 310. The Act of June 28, 1916 (19 U.S.C. 151), is amended by striking the term "collector of customs" and inserting in lieu thereof "appropriate customs officer".

SEC. 311. Section 202(a) of the Act of May 27, 1921 (19 U.S.C. 161(a)) is amended by striking the word "report".

SEC. 312. Section 208 of the Act of May 27, 1921 (19 U.S.C. 167), is amended by striking the term "collector" where it first appears in the section and inserting in lieu thereof "appropriate customs officer" and by striking the term "the collector" wherever it thereafter appears in the section and inserting in lieu thereof "such customs officer".

SEC. 313. Section 209 of the Act of May 27, 1921, as amended (19 U.S.C. 168) is amended by—

(a) striking the words "appraiser or person acting as appraiser" where they first appear in the section and inserting in lieu thereof "appropriate customs officer";

(b) striking the words "report to the collector" where they first appear in the section;

(c) striking the words "each appraiser or person acting as appraiser" and inserting in lieu thereof "such customs officer"; and

(d) striking the words "and report to the collector".

SEC. 314. Section 210 of the Act of May 27, 1921, as amended (19 U.S.C. 169), is amended by—

(a) striking the words "appraiser or person acting as appraiser" and inserting in lieu thereof "appropriate customs officer";

(b) striking the term "the collector" and inserting in lieu thereof "such customs officer"; and

(c) striking the words "appeal and" and "appeals and".

SEC. 315. Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 261), is amended by striking ", and any customs officer who may be designated for that purpose by the collector of customs,".

SEC. 316. Section 5 of the Act of February 13, 1911, as amended (19 U.S.C. 267), is amended by—

(a) striking the words "inspectors, storekeepers, weighers, and other"; and

(b) striking the term "collector of customs" wherever it appears in the section and inserting in lieu thereof "appropriate customs officer".

SEC. 317. Section 3111 of the Revised Statutes (19 U.S.C. 282) is amended by striking the words "other or" and by striking the words "the collector or other" and the words "a collector or other" and inserting in lieu thereof in each instance the word "an".

SEC. 318. Section 3126 of the Revised Statutes (19 U.S.C. 293) is amended by striking out "collectors" and inserting in lieu thereof "appropriate customs officers".

SEC. 319. Sections 2863 and 3087 of the Revised Statutes, as amended (19 U.S.C. 341 and 528), are amended by striking the word "collector" and inserting in lieu thereof "appropriate customs officer".

SEC. 320. The Act of June 16, 1937 (19 U.S.C. 1435b), is amended by—

(a) striking the words "collector of customs, or any deputy collector of customs designated by him" and inserting in lieu thereof "appropriate customs officer"; and

(b) striking the words "jointly by the Secretary of Commerce and".

### REPEALS

SEC. 321. The following laws are hereby repealed:

(a) section 2613 of the Revised Statutes, as amended (19 U.S.C. 5);

(b) the last paragraph of so much of section 1 of the Act of July 5, 1932, as relates to the Bureau of Customs (47 Stat. 584; 19 U.S.C. 5a);

(c) section 3 of the Act of March 4, 1923 (19 U.S.C. 7);

(d) section 2629 of the Revised Statutes, as amended (19 U.S.C. 8);

(e) section 2625 of the Revised Statutes, as amended (19 U.S.C. 9);

(f) section 2630 of the Revised Statutes, as amended (19 U.S.C. 10);

(g) section 2632 of the Revised Statutes, as amended (19 U.S.C. 11);

(h) the Act of February 6, 1907, as amended (19 U.S.C. 36);

(i) section 2633 of the Revised Statutes (19 U.S.C. 37);

(j) section 7 of the Act of March 4, 1923 (19 U.S.C. 51); and

(k) sections 1 and 2 of the Act of August 28, 1890 (19 U.S.C. 63).

The SPEAKER pro tempore. Is a second demanded?

Mr. WIGGINS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

Mr. KASTENMEIER. Mr. Speaker, I yield 5 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New York (Mr. CELLER), one of the authors of the legislation.

(Mr. CELLER asked and was given permission to revise and extend his remarks and to include extraneous matter.)

Mr. CELLER. Mr. Speaker, the efficient and effective functioning of the Federal courts has always been a matter of primary concern to the Judiciary Committee. Today we are asking the House to consider favorably S. 2624, a bill to modernize the procedures in the Customs Court and the related administrative processes in the Bureau of Customs so that this court can better manage its rapidly expanding workload.

In July 1969, I introduced H.R. 12691 to improve the judicial machinery in the customs courts by amending the statutory provisions relating to judicial action and administrative proceedings in customs matters. My colleague, the senior minority member of the committee, Mr. McCULLOCH, introduced an identical bill. In addition, my distinguished colleague from Virginia (Mr. POFF), the ranking minority member of Subcommittee No. 3, introduced identical legislation.

Also in July 1969, Senators TYDINGS and HRUSKA introduced identical legislation in the Senate, S. 2624. A slightly

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amended version of this bill was passed by the Senate in December 1969. It is this version, with some technical and corrective amendments, that we are recommending for passage by the House.

As is evident from the bipartisan sponsorship of this legislation in both the Senate and the House of Representatives, the proposal to modernize the Customs Court procedures is a bipartisan effort. Our concern, regardless of party, is to improve the administration of justice in the Customs Court.

The reforms in procedures contained in this are long overdue. The Customs Court was created in 1926 as the successor to the Board of General Appraisers, an administrative agency established in 1890 to relieve the Federal district and circuit courts of the heavy burden of customs litigation. However, the powers, procedures, and duties of the Customs Court remained the same as that previously possessed by the Board of General Appraisers. For the most part, this court has continued to function almost as an administrative tribunal despite the fact that in 1956 Congress enacted legislation making the Customs Court an article 3 court.

The Customs Court is a national court with exclusive jurisdiction over all customs cases. In the fiscal year 1969, more than 75,000 cases were filed with this court; however, because of its outmoded procedures, the court has been unable to keep up with its mounting caseload. By the end of fiscal year 1969, the court had a backlog of more than 430,000 cases. After 80 years, it is time for Congress to act. We must eliminate the out-of-date procedures which now govern the operations of the Customs Court and replace them with modern judicial procedures that will permit the court to perform its important functions effectively and efficiently.

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I wish to make it clear for the record that this bill in no way affects rates of duties nor the substantive provisions of laws relating to the basis of duty assessment. It will have no commercial or financial impact on our international trade.

I urge that the Members of this House join in the bipartisan efforts of the majority and minority parties to enact this legislation.

Mr. WIGGINS. Mr. Speaker, I yield 2 minutes to the ranking minority member of the committee, the gentleman from Ohio (Mr. McCulloch).

Mr. McCULLOCH. Mr. Speaker, I join with the able chairman of the House Judiciary Committee, in urging passage of S. 2624. This legislation is needed if the U.S. Customs Court is to continue to perform the important functions that it has been given by the Congress under recent legislation, which made it a constitutional court.

The Customs Court has exclusive nationwide jurisdiction over all customs cases. As the volume of imports into the United States has grown, it has been matched by a corresponding growth in the work of the court. Thus in fiscal year 1964, the Customs Service collected over $1.8 billion in duties; in fiscal year 1969, customs duties amounted to over $3.25 billion. The caseload of customs cases increased accordingly. In fiscal 1963, the Customs Court received about 35,000 new cases; in fiscal year 1969, this figure had increased to over 75,000 cases.

The inability of the court, saddled as it is with outmoded procedures dictated by laws passed as far back as 1890, is reflected in the statistics of pending cases. Thus at the end of fiscal 1963, 186,000 cases were pending in the Customs Court; at the end of fiscal 1969, there were over 431,000 cases pending.

This situation cannot be permitted to continue unchecked. Failure to act will eventually result in a flood of paper that will overwhelm the Customs Court. The legislation I introduced in July 1969, H.R. 12921, to remedy the defects which presently burden this article III court does not substantially differ from the legislation presently under consideration in the House in S. 2624.

Fortunately the court, the Government, the importers, and the Customs Bar, have been aware of this dire situation and have joined in considering measures to solve this problem. The legislation before the House reflects the combined experience and wisdom of these various groups. Although there is no unanimity on all of the details of the bill, there is a general consensus among all groups concerned that the basic principles and procedures embodied in the legislation will enable the court to cope with its mounting backlog of old cases and the rising tide of new cases.

I wish to stress, as did my distinguished colleague, the gentleman from New York, that this legislation, as it has been considered by both the Senate and the House Judiciary Committee, is in no sense partisan legislation. Both parties are concerned solely with the efficient and effective performance of our judicial system. The Customs Court is an important element in that system. We are all agreed that this legislation is both necessary and desirable. I urge a favorable vote for the legislation.

Mr. KASTENMEIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this legislation, as has been stated, is to modernize the procedures in the Customs Court and the related administrative processes in the Bureau of Customs so that the court and the Bureau will be better able to cope with their tremendous work loads.

S. 2624 was introduced at the request of the administration. It is the product of several years of work on the part of the Customs Court, the Departments of Treasury and Justice, and the Federal Judicial Center, in consultation with representatives of importers, customs brokers and the customs bar. Its passage through the Senate without a dissenting voice marks it as the product of intensive bipartisan study.

Identical House bills were introduced by the chairman of the Committee on the Judiciary, the gentleman from New York (Mr. Celler), by the ranking minority member on the committee, the gentleman from Ohio (Mr. McCulloch), and by the gentleman from Virginia (Mr. Poff), indicating the wide support enjoyed by the measure on the House side as well.

In addition to these departmental and congressional endorsements, this legislation enjoys the support of the Departments of State and Commerce, the Judicial Conference of the United States, and the Chamber of Commerce of the United States.

It should also be noted that witnesses before the subcommittee representing the American Importers Association, and the Association of the Customs Bar, although they requested certain amendments to S. 2624, by and large made it clear that they preferred the bill as passed by the Senate to no reform at all.

Furthermore, the Departments of Treasury and Justice advised the committee that these Departments support the legislation as amended by the Senate.

The Senate made two principal changes. They made mandatory the provisions of the bill calling for a filing fee, payable at the commencement of a civil action in the Customs Court, the minimum of which would be $5. The other body also limited the scope of the authority of the chief judge who might order that evidentiary hearings could be held abroad.

The heart of the problem that gave rise to this legislation is that a number of general statutory provisions affecting both the court and the Bureau in terms of their procedures have become outdated and tend to distort the relationship between the administrative agency and the court tend to make the court merely an extension of the administration's arm rather than the judicial tribunal which it is intended to be.

Despite its increased productivity, the Customs Court in recent years has suffered an unconscionable increase in its backlog.

It is our opinion that obsolete but mandatory procedures are largely responsible for the inability of the court to keep abreast of its intake.

It is very important to stress that the subject legislation studiously avoids any substantive changes in the customs law, as indicated by the gentleman from New York (Mr. Celler), but does relate exclusively to improvements in procedures—both with respect to the administrative stage and with respect to judicial review—for the determination of duty liability.

The bill has three titles, title I to be cited as "The Customs Courts Act of 1970"; and titles II and III, to be cited as "The Customs Administrative Act of 1970."

Mr. Speaker, the present backlog of 431,000 cases at the end of the fiscal year 1969 can be attributed to a number of factors. They include the increase of imports into the United States, a new set of tariff schedules, and a more aggressive attitude on the part of American importers and manufacturers in challenging customs decisions.

However, the outmoded procedures contribute more to the backlog growth than anything else.

In clear and simple terms, the procedures that the existing statute require to be used to dispose of customs matters in the Bureau and in the court are, as I said, out of date and inefficient.

The major defects in the present law include the following:

First. It is necessary to have two separate proceedings to determine appraisement and classification issues involving the same article of merchandise.

Second. There is no provison for administrative review of appraisement actions by the Bureau of Customs.

Third. The period of time for importers to file appeals or protests is so unrealistically short that they are virtually compelled to file them as a protective measure.

Fourth. Protests denied by the Bureau are automatically referred to the Customs Court.

Fifth. The Customs Court lacks statutory authority to charge a filing fee for commencing an action in the court.

Sixth. Three judges must try a protest case.

Seventh. Single-judge decisions in appraisement cases can be appealed to a three-judge division of the Customs Court before final appeal to the Court of Customs and Patent Appeals.

Eighth. Written decisions must be prepared in all cases decided by the Customs Court.

Ninth. Classification cases tried in ports outside of New York are heard by single judges but can only be decided by a three-judge division.

These outmoded provisions of the law prevent the Bureau and the court from managing their affairs effectively. These agencies require better management tools to discharge their responsibilities under the law.

S. 2624 would remedy these deficiencies in the following respects:

First. The Bureau of Customs will liquidate an entry in a single proceeding which will decide all issues, including appraisement and classification.

Second. The period of time in which an importer can appeal for further administrative review of a bureau decision will be extended to 90 days.

Third. The Bureau will have additional power to reliquidate an entry on its own initiative and thereby correct administrative errors.

Fourth. The Bureau will have a maximum period of 2 years in which to consider a protest and dispose of it on its merits, with written notice of denial of protest required to be mailed to the importer.

Fifth. An importer will be able to obtain accelerated disposition of his protest by the Bureau by filing a request for such acceleration.

Sixth. The period of time in which to request judicial review of an administrative decision in the Bureau will be extended to 180 days.

Seventh. An importer, in order to obtain judicial review, will be required to file a summons in the Customs Court.

Eighth. The court will be required to establish a filing fee of at least $5 and not in excess of the filing fee for commencing a civil action in the U.S. district court, presently $15.

Ninth. There will be a single judicial proceeding in which all issues, including both appraisement and classification, will be considered.

Tenth. A single-judge will try the usual kinds of cases.

Eleventh. The chief judge will be authorized to designate three-judge trials of cases involving constitutional questions or other important matters.

Twelfth. The judges will have the option either to prepare opinions or statements of finding of fact and conclusions of law.

Thirteenth. Cases will be tried outside of New York by a single judge.

Fourteenth. The intermediate three-judge appellate proceeding in appraisement cases in the Customs Court will be eliminated and replaced by direct appeals to the Court of Customs and Patent Appeals.

Mr. Speaker, it is my firm belief that when the Bureau and the court are equipped with these up-to-date management tools, they will be able to meet their increasing responsibilities and growing workload. Representatives—at least the vast majority of representatives—of the importing industry, the bar and the court share this belief. They have worked closely with the Departments of Justice and Treasury in preparing this bill and, despite differences of view on some details, they have supported and endorsed the basic principles embodied in S. 2624. I urge its adoption.

Mr. McCLURE. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. Yes; I yield to my friend, the gentleman from Idaho.

Mr. McCLURE. I want only to express one concern I have, and that is one question with respect to this bill. Section 119, paragraph (a) which appears on page 15 of the bill, refers to the findings of fact and conclusions of law or written opinion. It is again referred to on page 21 of the report, and I think the gentleman referred to it in two or three places in his statement, the latter one of which was under point No. 12 of proposed solutions.

I believe it has been our experience that oral opinions of judges sometimes are not supported by a sufficient statement of facts upon which that decision is based, and this has led to problems in other court proceedings. I believe the gentleman stated in point No. 12 that it could be supported either by a written opinion or by written facts and conclusions, but the report states that it can be supported or ordered simply orally from the bench without in either instance being in writing except as reported by the court reporter. If the latter is true, it would seem to me that this might lead to the kind of judicial uncertainty that has plagued other courts at other times in our history.

Mr. KASTENMEIER. The gentleman's point is well taken. We assume that when the judge does decide orally rather than write his opinion, that he makes it in the form of a statement for the court and that it will be reduced to typewriting for the record by the reporter. I furthermore state that these cases are appealable.

Mr. McCLURE. Mr. Speaker, will the gentleman yield further?

Mr. KASTENMEIER. I yield to the gentleman from Idaho.

Mr. McCLURE. I would assume it would be the intention of the committee that this decision from the bench, unsupported by written conclusions or findings of fact, would be one that would be used rather guardedly by the court and would not be used in complicated cases where the statements would be essential to a determination of the court's decision.

Mr. KASTENMEIER. I believe the gentleman has made a correct statement at that point, and I would agree. I think the compelling fact, however, that there are so many pending cases—431,000 approximately—would militate against the older practice of requiring in every case a written opinion.

Mr. McCLURE. Mr. Speaker, will the gentleman yield further?

Mr. KASTENMEIER. I yield to the gentleman from Idaho.

Mr. McCLURE. I commend the gentleman for his statement and I support the action that is being taken by the committee. I think it is a very constructive step forward, but I did want to express my concern that if the judges applied this procedure rather loosely, we would eventually get ourselves back into a situation in which more time would be consumed than we are now attempting to save.

Mr. KASTENMEIER. I appreciate the gentleman's statement. It is not the intention of the committee to recommend, as far as the construction of this particular section is concerned, any loose interpretation.

Mr. WIGGINS. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I will be very brief. As has already been indicated, this is the work product of two administrations. It is bipartisan in this body. It was bipartisan in the other body, which it passed without a dissenting vote.

The legislative history traces its origin back to the 89th Congress, when in 1966 representatives from the Department of the Treasury met with the legislative committee and the Bureau of Customs and out of that precipitated what is now titles II and III of the pending legislation.

The bill will permit the Bureau of Customs to use up-to-date administrative procedures and methods of administrative review. The Bureau's plans for a single, continuous procedure in deciding all issues in any entry of merchandise and for a more effective and more independent administrative review within the Bureau should give assurance to the importers that their protest and claims have been carefully considered and objectively reviewed. Hopefully, this will lead to an increase in the number of cases finally determined at the administrative level and a reduction in the number of cases brought into the Customs Court.

Should customs reject a claim, the importer will have 180 days in which to file an action in the Customs Court. This should enable him to carefully consider whether judicial review is warranted under the circumstances. This extended period for filing suit should eliminate many of the hasty protective appeals for reappraisement and protests which produced so many unnecessary cases.

The major changes made by S. 2624 in Customs Court procedures are designed to remove impediments to the efficient functioning of the court and to provide it with the necessary powers to deal effectively with its large caseload.

One significant change eliminates the automatic referral of cases from the Bureau to the court. Under the bill, the Bureau will be authorized to employ administrative principles and procedures similar to those of other Government agencies. When the Bureau has taken final administrative action, the claimant seeking judicial review must take affirmative action to get into court.

The importer will initiate this action by filing a summons in the Customs Court. The court will provide a single judicial procedure in which all issues, including appraisement and classification, will be heard, considered, and decided. Importers will be able to include in a single cause of action all entries of merchandise presenting common issues. The court will have full authority to order actions consolidated or severed, as circumstances warrant.

A minimum filing fee of $5 for commencing an action in the Customs Court is provided for by this bill, but the court is granted discretionary authority to set any higher figure not exceeding the filing fee in the District Court, presently $15. The filing fee should have two worthwhile effects:

First. It should cause potential litigants to carefully consider the advisability of bringing suit; and

Second. Litigants, in order to minimize fees, will have a monetary inducement to consolidate numerous importations involving the same issues into one cause of action.

The effect of the fee, therefore, should be to reduce substantially the number of cases filed in the Customs Court each year.

The next big judicial improvement is the requirement that cases normally be tried by a single judge. This means that classification cases, which constitute 60 percent of the court's work, will no longer require a three-judge trial. The three-judge panel will be permitted only for cases involving constitutional questions or serious issues in the administration of the customs laws.

Another major improvement in judicial administration is the provision to relieve the judges of the Customs Court of the mandatory and inflexible requirement to render their decisions in writing, with a statement of the reasons therefor and the facts on which the decision is based, in every contested case. The Customs Court is a court of record, and all decisions of the judges, whether oral or written, are taken down by the court reporter. They are, therefore, available for report and publication.

In addition, under the bill, the judge will have the option of supporting his decision by either a statement of findings of fact and conclusions of law or by an opinion stating the reasons and the facts upon which his decision is based.

The bill will also make a significant advance in the trial of cases in ports outside of New York. Single judges will now be able to hear and decide these cases. This will eliminate the present practice of having a single judge hear classification cases in ports outside New York and then report the case for decision by a three-judge division, no one of whose members may necessarily have been the judge who heard the case.

Finally, under the bill, appeals from all cases decided by the Customs Court will go directly to the Court of Customs and Patent Appeals. This will eliminate the present intermediate appeal procedure in which single-judge decisions in appraisement cases are reviewed by a three-judge division in the Customs Court, with further appeal to the Court of Customs and Patent Appeals.

There are, of course, numerous other areas of improvement of judicial administration in the Customs Court to which this bill addresses itself. All of them are directed toward the elimination of recognized and admitted deficiencies and shortcomings in the existing law. My distinguished colleague, the gentleman from Wisconsin, has referred to them in his remarks, so there is no need to repeat them.

The net effect of this bill is to modernize the court's procedures and strengthen its powers to manage its business in the most effective and expeditious fashion. These reforms are necessary and long overdue. I urge the House to act favorably on S. 2624.

Mr. WIGGINS. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I join with my colleagues who have previously spoken to indicate a general support of this bill. They certainly are to be complimented for the manner in which they have handled this very complicated subject.

Mr. Speaker, there is a dearth of expertise in this House of Representatives on the subject of customs legislation. The committee is to be commended for the effort it has made to modernize the procedures for our Customs Court. But its efforts are not perfect. Because by its very nature this leigslation is complicated, I think it especially behooves the Members to listen to those who have by reason of their profession developed an expertise absent in this House.

I think the membership ought to know that the Customs Bar and a great many importers are not all that happy with the bill. They share my view that the bill represents progress, but that it is not perfect, and were we here under other procedures, it could profitably be amended.

More particularly Mr. Speaker, the opposition of those who must deal with this legislation on a daily basis centers around the imposition of a filing fee. Section 113 of the bill, on page 11, imposes a filing fee of not less than $5 nor more than the filing fee for commencing a civil action in the U.S. District Court.

I think the immediate response of most Members would be: Why should not they pay a filing fee? All other litigants do. But the membership should be aware there is something very special about a proceeding before the Customs Court. The issues in such a proceeding normally involve but two points: First, the evaluation of the item imported, and second, the classification to be imposed on that item.

I think all Members realize that a shipment from overseas may involve hundreds and hundreds of items each having a different value and accordingly each a different valuation. Therefore, in order to avail himself of this act, an importer must pay a filing fee with respect to each item. We should be aware that this legislation may indeed affect the price of commodities which are imported into this country.

Further, Mr. Speaker, the history of this act indicates that a filing fee was tried once before.

It did not work. The Congress in its wisdom found it necessary to repeal a law providing for a filing fee in customs court cases.

In the months ahead we may have to undo the filing fee imposed in this legislation.

Recognizing, Mr. Speaker, that this matter is before us now under suspension and that no amendments to the legislation are in order, I can only appeal to the very distinguished members of this subcommittee and urge that they carefully monitor this legislation if it becomes law to see whether or not an unconscionable burden is imposed upon importers and, of course, upon those consumers who buy their products, by the imposition of this filing fee.

I conclude, Mr. Speaker, by indicating my support for the legislation, but my reservation concerning the imposition of a filing fee.

Mr. POFF. Mr. Speaker, will the gentleman yield?

Mr. WIGGINS. I am happy to yield to the gentleman from Virginia.

Mr. POFF. Mr. Speaker, it is the usual practice in any court to charge a filing fee for bringing an action. It is an accepted cost in the operation of a business. In this regard, an importer is no different from any other businessman who must resort to the courts. Yet the customs court is the only court we know of that does not impose a filing fee.

It has been contended that it is unfair to require an importer to pay multiple filing fees when he is regularly importing the same article of merchandise and is contesting each denial of his protest with respect to that article. To take care of this situation, a special provision has been included in section 110 of the bill, amending title 28, United States Code, section 1582(d), which permits the importer to minimize his filing fees; he can consolidate all his protests that raise a common issue and that have been denied within the preceding 180 days into a single cause of action and thus pay only a single fee.

Congress has never imposed a filing fee for commencing an action in the customs court. Under the Tariff Act of 1913, a filing fee of $1 was imposed as a condition for filing a protest required for administrative review with the Bureau of Customs. This provision was repealed by Congress in 1922.

There is no similarity between the fee for filing a request for administrative action by an administrative agency and a

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fee for filing an action in court. Thus, a taxpayer is not charged a filing fee for any administrative review of a claim for income tax refund by the Internal Revenue Bureau. However, if he seeks judicial review, he must pay the filing fee in the Tax Court.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion offered by the gentleman from Wisconsin that the House suspend the rules and pass the bill S. 2624, as amended.

The question was taken.

Mr. GROSS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that the quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 301, nays 0, not voting 128, as follows:

[Roll No. 123]

YEAS—301

Abbitt
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Annunzio
Ashley
Aspinall
Belcher
Bennett
Berry
Betts
Bevill
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corman
Coughlin
Cowger
Cramer
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Donohue
Dowdy
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Foley
Ford, William D.
Foreman
Fountain
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gibbons
Gonzalez
Goodling
Gray
Griffin
Griffiths
Gross
Grover
Gude
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Kee
Keith
King
Kleppe
Kluczynski
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lujan
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
MacGregor
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Michel
Miller, Calif.
Miller, Ohio
Mills
Minish
Mink
Mize
Mizell
Morton
Moss
Murphy, Ill.
Myers
Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Passman
Patman
Pelly
Perkins
Pettis
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Rhodes
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Colo.
Rogers, Fla.
Rosenthal
Rostenkowski
Roth
Roybal
Ryan
Sandman
Satterfield
Schadeberg
Schwengel
Scott
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stuckey
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watts
Weicker
White
Whitehurst
Whitten
Wiggins
Williams
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—0

NOT VOTING—128

Abernethy
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Barrett
Beall, Md.
Bell, Calif.
Biaggi
Bingham
Bow
Brademas
Brown, Calif.
Brown, Ohio
Buchanan
Bush
Byrne, Pa.
Carey
Chisholm
Clark
Cohelan
Conyers
Corbett
Crane
Culver
Daddario
Dawson
Dent
Dickinson
Diggs
Dingell
Dorn
Dulski
Edwards, Ala.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Gaydos
Gettys
Giaimo
Gilbert
Goldwater
Green, Oreg.
Green, Pa.
Gubser
Halpern
Hansen, Idaho
Harrington
Harsha
Hays
Jones, Tenn.
Kirwan
Koch
Kuykendall
Long, La.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McFall
McMillan
Madden
Mann
Melcher
Meskill
Mikva
Minshall
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, N.Y.
Nix
O'Neal, Ga.
Ottinger
Patten
Pepper
Philbin
Podell
Pollock
Purcell
Reid, N.Y.
Reuss
Rivers
Rooney, N.Y.
Rooney, Pa.
Roudebush
Ruppe
Ruth
St Germain
Saylor
Scherle
Scheuer
Schneebeli
Sebelius
Shipley
Smith, Iowa
Stanton
Stokes
Stratton
Stubblefield
Sullivan
Talcott
Tunney
Ullman
Watkins
Watson
Whalen
Whalley
Widnall
Wilson, Bob
Wilson, Charles H.
Wold
Yatron

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Bow.

Mr. Rooney of New York with Gerald R. Ford.

Mr. Daddario with Mr. Mosher.

Mr. Dent with Mr. Ayres.

Mr. Gilbert with Mr. Ruppe.

Mr. Byrne of Pennsylvania with Mr. Frelinghuysen.

Mr. Abernethy with Mr. Roudebush.

Mr. Barrett with Mr. Arends.

Mr. Brademas with Mr. Andrews of North Dakota.

Mr. Cohelan with Mr. Gubser.

Mr. Dorn with Mr. Ashbrook.

Mr. Eilberg with Mr. Minshall.

Mr. Philbin with Mr. Morse.

Mr. Patten with Mr. Meskill.

Mr. Fallon with Mr. Beall of Maryland.

Mr. Farbstein with Mr. Reid of New York.

Mr. Shipley with Mr. Hansen of Idaho.

Mr. Stratton with Mr. Dickinson.

Mr. Long of Louisiana with Mr. Edwards of Alabama.

Mr. Carey with Mr. Fish.

Mr. Clark with Mr. Saylor.

Mr. Culver with Mr. Brown of Ohio.

Mr. Morgan with Mr. Corbett.

Mr. Moorhead with Mr. Sebelius.

Mr. Nix with Mr. McCloskey.

Mr. Ottinger with Mr. Halpern.

Mr. Pepper with Mr. Buchanan.

Mr. Podell with Mr. Bell of California.

Mr. St Germain with Mr. McClory.

Mr. Stubblefield with Mr. Lukens.

Mr. Green of Pennsylvania with Mr. Watkins.

Mr. Giaimo with Mr. Schneebeli.

Mr. Frazer with Mr. Harsha.

Mr. Evans of Colorado with Mr. Bush.

Mr. O'Neal of Georgia with Mr. Crane.

Mrs. Sullivan with Mr. Goldwater.

Mr. McFall with Mr. Stanton.

Mr. Dingell with Mr. Talcott.

Mr. Dulski with Mr. Whalen.

Mr. Murphy of New York with Mr. Widnall.

Mr. Mann with Mr. Watson.

Mr. Purcell with Mr. Whalley.

Mr. Rivers with Mr. Bob Wilson.

Mr. Smith of Iowa with Mr. Wold.

Mr. Yatron with Mr. Stokes.

Mr. Tunney with Mr. Conyers.

Mr. Biaggi with Mrs. Green of Oregon.

Mr. Anderson of Tennessee with Mr. McMillan.

Mr. Bingham with Mr. Diggs.

Mr. Baring with Mr. Kirwan.

Mr. Brown of California with Mr. Dawson.

Mr. Jones of Tennessee with Mr. Ullman.

Mr. Charles H. Wilson with Mr. Flood.

Mr. Flowers with Mr. Flynt.

Mr. Gettys with Mr. Harrington.

Mr. Reuss with Mr. Gaydos.

Mr. Montgomery with Mr. Mikva.

Mr. Monagan with Mr. Mollohan.

Mr. Lowenstein with Mrs. Chisholm.

Mr. Rooney of Pennsylvania with Mr. McCarthy.

Mr. Koch with Mr. Scheuer.

Mr. Madden with Mr. Kuykendall.

Mr. Melcher with Mr. Pollock.

Mr. Ruth with Mr. Scherle.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

## RETIREMENT OF JUSTICES AND JUDGES

Mr. CELLER. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1508) to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States, as amended.

The Clerk read as follows:

S. 1508

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 371(b) of title 28, United States Code, is amended by inserting immediately before the period at the end of the first sentence the following: ", or after attaining the age of sixty years and after serving at least twenty years continuously or otherwise."

(b) The first paragraph of section 373 of title 28, United States Code, is amended by inserting immediately after the last comma therein the following: "or after attaining the age of sixty years and after serving at least twenty years continuously or otherwise,".

The SPEAKER. Is a second demanded?

XUM

Mr. McCULLOCH. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from New York (Mr. CELLER), will be recognized for 20 minutes, and the gentleman from Ohio (Mr. McCULLOCH) will be recognized for 20 minutes.

The gentleman from New York is recognized.

Mr. CELLER. Mr. Speaker, S. 1508 would amend the judicial code to liberalize retirement of justices and judges of the United States. As passed by the other body, the bill extends retirement benefits to Federal judges after 20 years of service, irrespective of age. It also extends similar benefits to judges of the territorial courts—Canal Zone, Guam, and the Virgin Islands.

The Judicial Conference of the United States, at its October 1969 meeting approved judicial retirement after 20 years of service providing the retiring judge had reached 60 years of age. Committee amendments to the bill add this age limit of 60 years to all justices or judges electing to retire after 20 years of service. With these amendments, the bill only will apply to judges appointed before their 50th birthday—since otherwise they would qualify for retirement at age 65, after 15 years of service. Under existing law, Federal judges may elect to retire at age 70, with 10 years of service or at age 65, with 15 years of service.

If amended as proposed and enacted into law, 10 judges[1] out of a Federal bench of approximately 468 would be eligible to elect retirement. Four additional judges[2] will have completed 20 years of service as of July 1, 1970, but will not have reached 60 years of age. The retirement liberalization proposed by this legislation should serve to make the Federal bench more attractive to younger, qualified men, and also provide an increase in the available judicial manpower. When a judge retires and accepts senior judge status he may continue to perform judicial duties and help to alleviate existing backlogs at the same time a vacancy occurs on his court that can be filled by the appointment of a new regular active service judge.

This legislation is supported by the Department of Justice as well as the Judicial Conference of the United States. The Chief Justice of the United States and the former Director of the Federal Judicial Center also recommend its favorable consideration.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Iowa.

Mr. GROSS. What does a judge sign? What kind of an agreement does a Federal judge sign when he becomes a judge that provides he must serve after retirement? What if a judge elects not to serve after retirement?

Mr. CELLER. There is no such thing. When a judge is appointed he is appointed for life. He does not sign any particular document. If he does something that departs from law he can be deprived of his office. He can be impeached.

Mr. GROSS. But there is nothing to compel a judge, having retired, to continue to preside over any court anywhere, is there?

Mr. CELLER. I told the gentleman that he can undertake the duties I have indicated.

Mr. GROSS. What if he declines to serve?

Mr. CELLER. Upon retirement a Federal judge may continue to perform judicial duties, if he is willing and able to do so. The vast majority of retirees have continued in an active status.

Mr. GROSS. That is not the issue. The issue is liberalizing the retirement of all Federal judges whereby at 60 years of age and 20 years of service they can retire at full salary of about $40,000 a year without having contributed a single dollar to any retirement fund.

Mr. CELLER. I tried to explain the duties of the retired judges, but I will be more explicit.

The effect of judicial retirement is twofold: First, upon retirement, a vacancy arises in a judgeship that must be filled by the President, with the advice and consent of the Senate; second, the retired judge becomes a senior judge, and in that capacity remains available to perform other judicial duties to the extent that he is willing and able to do so.

At the present time there are approximately 107 U.S. judges on senior status. Statistics for the most recent fiscal year—July 1, 1968 to June 30, 1969—reveal the substantial level of judicial duties which are presently being undertaken by judges on senior status:

First, eighty-three judges served within their own circuits or districts. They heard 1,402 cases on appeal; conducted 1,044 trials and sat for a total of 1,737 trial days.

Second, in addition, 23 judges were assigned to special courts, courts of appeal or district courts in other circuits. They heard 235 cases on appeal, conducted 74 trials, and sat for 181 trial days.

Mr. GROSS. The truth is that there is nothing in law to compel a judge to serve once he has retired.

Mr. CELLER. The gentleman is exactly right. There is nothing in the statute to compel them, but they generally always do continue to perform duties.

Mr. GROSS. Do the provisions of this bill apply nationwide, or do they apply only to the District of Columbia?

Mr. CELLER. This applies all over the Nation.

Mr. GROSS. I thank the gentleman for yielding.

Mr. CELLER. I will say to the gentleman, there is no additional cost to the Government.

Mr. McCULLOCH. Mr. Speaker, I rise in support of S. 1508. This legislation, as amended by the House Judiciary Committee, is designed to improve the present retirement system by enabling Federal judges to accept senior status at age 60 after 20 years of continuous service.

Presently, the retirement and resignation provisions for Federal judges are embraced in sections 371, 372, and 373, of title 28, United States Code. Section 371(b) provides that any article III judge "may retain his office, but retire from regular active service" at age of 70 if he has served 10 years continuously or otherwise, or may retire from regular active service if he has attained the age of 65 after 15 years of service and thereafter he shall "continue to receive the salary of the office." S. 1508, as amended, would simply add to this subsection "or after attaining the age of 60 years and after serving at least 20 years continuously or otherwise."

The main thrust of this subsection is that the judge who retires thereunder is still a judge. That is, he would retain his judge status, although retired and would be subject to the prohibitions of the Federal code relating to Federal judges. For example, a judge retired under section 371(b) would not practice law.

Mr. Speaker, it is generally agreed that our system of retiring Federal judges has greatly benefited the country. Few people would disagree with the following statement by Judge Albert Maris, himself a great senior judge:

> One of the great benefits of the federal judicial retirement system is that retired senior judges are available for especially assigned judicial duty and can contribute a very large amount of time to judicial work, thus greatly benefiting the system by assist-

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[1] See table below:

PRESENT ACTIVE JUDGES WHO WILL HAVE SERVED 20 YEARS OR MORE AND WHO WILL REACH AGE 60 ON OR BEFORE JULY 1, 1970

| Name and court | Date of birth | Oath |
|---|---|---|
| Bazelon, David L., District of Columbia Appellate | Sept. 3, 1909 | Nov. 1, 1946 |
| Tamm, Edward A., District of Columbia Appellate | Apr. 21, 1906 | June 28, 1949 |
| Worley, Eugene, Custom and Patent Appeals | Oct. 10, 1908 | Apr. 6, 1958 |
| Kaufman, Irving R., 2d circuit | June 24, 1910 | Nov. 1, 1940 |
| Hill, Delmas O., 10th circuit | Oct. 9, 1906 | Oct. 27, 1949 |
| Lynne, Seybourn H., Alabama, Northern | July 25, 1907 | Jan. 9, 1949 |
| Wyzanski, Charles E., Massachusetts | May 27, 1906 | Jan. 26, 1947 |
| Harper, Roy W., Missouri, Eastern | July 26, 1905 | Aug. 11, 1949 |
| Solomon, Gus J., Oregon | Aug. 29, 1906 | Nov. 14, 1949 |
| Connally, Ben C., Texas, Southern | Dec. 28, 1909 | Nov. 14, 1942 |

[2] See table below:

PRESENT ACTIVE JUDGES WHO WILL HAVE SERVED 20 YEARS OR MORE AND WHO WILL NOT HAVE REACHED AGE 60 AS OF JULY 1, 1970

| Name and court | Date of birth | Oath |
|---|---|---|
| Wright, J. Skelly, District of Columbia, Appellate | Jan. 14, 1911 | Oct. 26, 1949 |
| Ford, Morgan, Customs | Sept. 8, 1911 | July 28, 1949 |
| Steckier, William E., Indiana, Southern | Oct. 18, 1913 | Apr. 15, 1950 |
| Foley, James T., New York, Northern | July 9, 1910 | Feb. 16, 1949 |

ing in those areas where the caseloads are heaviest. As retired judges get older, of course, they become less able to make this contribution, but judges approaching age 70 are mostly vigorous and able, and to facilitate their retirement will be to add very substantially to judicial manpower in places where it is badly needed.

I am of the opinion that this legislation is both necessary and desirable and will greatly benefit our judicial system, especially with regard to its present backlog of pending cases. I urge all of my colleagues to vote favorably for its passage.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. McCULLOCH. I yield to the gentleman from Iowa.

Mr. GROSS. Did the gentleman say—and I am sure he will correct me on this if I am wrong—that this bill provides that a Federal judge can retire at about $40,000 a year at the age of 60 with 20 years of service?

Mr. McCULLOCH. That is right. If this legislation is enacted into law.

Mr. GROSS. At the age of 60 and if he has 20 years of service, and he pays not a dime into a retirement fund. That beats congressional retirement all to pieces, does it not?

Mr. McCULLOCH. I would think it does.

And, Mr. Speaker, there are some able lawyers in the United States of America who make much more than any Member of Congress. We are seeking out, Mr. Speaker, and we are trying to find the ablest, the most dedicated men for the Federal judiciary that want to serve.

Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT asked and was given permission to revise and extend his remarks.)

Mr. SCOTT. Mr. Speaker, I rise in opposition to this bill because I believe it is a bad bill. It is unfair to all Government employees other than Federal judges.

You know, judges do not pay anything into the retirement system. They get a free ride. Other Government employees pay from 6½ to 7½ percent of their salary into the retirement system.

Federal judges make from $40,000 to $62,500 per year in salary which cannot be reduced during their term of office. They receive full retirement benefits. No other Government employee other than a Federal judge receives more than 80 percent of his salary as a retirement annuity. In order to receive the maximum of 80 percent, other employees must work for extremely long periods of time.

Now, Mr. Speaker, I do not believe that we have any difficulty in recruiting judges. I know that in my district for the one judgeship we hope to have available I have a stream of lawyers—good lawyers—coming into my office seeking an endorsement for the Federal judgeship. And I expect that is true of every Member of this House. It is my further opinion that we can get good judges at the pay they are now receiving and under the retirement law as it is today.

Frankly, Mr. Speaker, I believe Congress made a mistake when it passed the basic bill giving Federal judges a free ride at full pay.

I know some will argue that you cannot reduce a judge's pay during his term of office. Certainly, this is true during his term of office, but once he retires, I do not believe that our Constitution requires that he receive full pay. He can elect whether or not to retire but once the election is made he receives whatever retirement annuity Congress, in its wisdom, determines.

In summary, Mr. Speaker, I submit that this is a bad bill. It discriminates against all Government employees except Federal judges. I urge the membership to vote against this bill and defeat it.

Mr. CELLER. Mr. Speaker, I yield back the balance of my time.

Mr. McCULLOCH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LANDRUM). The question is on the motion of the gentleman from New York that the House suspend the rules and pass the bill S. 1508, as amended.

The question was taken.

Mr. CELLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 109, nays 198, not voting 122, as follows:

[Roll No. 124]

YEAS—109

Adams
Addabbo
Annunzio
Aspinall
Berry
Biester
Boggs
Bolling
Brasco
Bray
Brooks
Brown, Mich.
Burke, Mass.
Burton, Calif.
Caffery
Carey
Casey
Celler
Clay
Corman
Cunningham
Daniels, N.J.
Davis, Ga.
de la Garza
Dellenback
Dennis
Donohue
Dowdy
Downing
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Esch
Evins, Tenn.
Fascell
Feighan
Foley
Ford, William D.
Friedel
Gallagher
Garmatz
Gray
Gude
Hanna
Hansen, Wash.
Hathaway
Hawkins
Hébert
Holifield
Howard
Hutchinson
Johnson, Calif.
Karth
Kastenmeier
Kazen
Kee
Keith
Kluczynski
Leggett
McCulloch
McDade
MacGregor
Marsh
Mayne
Meeds
Melcher
Mink
Morton
Moss
Murphy, Ill.
Nedzi
O'Hara
Olsen
O'Neill, Mass.
Perkins
Philbin
Pickle
Poff
Preyer, N.C.
Price, Ill.
Quillen
Railsback
Rees
Reifel
Rhodes
Riegle
Rodino
Roe
Rostenkowski
Roybal
Sandman
Satterfield
Slack
Smith, N.Y.
Steiger, Wis.
Thompson, N.J.
Tiernan
Udall
Vanik
Waldie
Whitehurst
Wiggins
Wilson, Charles H.
Wolff
Wright
Wydler
Yates
Young

NAYS—198

Abbitt
Adair
Alexander
Anderson, Calif.
Andrews, Ala.
Ashley
Belcher
Bell, Calif.
Bennett
Betts
Bevill
Blackburn
Blanton
Blatnik
Boland
Brinkley
Brock
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Button
Byrnes, Wis.
Cabell
Camp
Carter
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Collier
Collins
Colmer
Conable
Conte
Coughlin
Cowger
Cramer
Daniel, Va.
Davis, Wis.
Delaney
Denney
Derwinski
Devine
Dorn
Duncan
Dwyer
Erlenborn
Eshleman
Findley
Fisher
Foreman
Fountain
Frey
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gettys
Gibbons
Gonzalez
Goodling
Griffin
Griffiths
Gross
Grover
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Harvey
Hastings
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Horton
Hosmer
Hull
Hungate
Hunt
Ichord
Jacobs
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
King
Kleppe
Kuykendall
Kyl
Kyros
Landgrebe
Landrum
Langen
Latta
Lennon
Lloyd
Long, Md.
Lujan
McClure
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
Madden
Mahon
Mailliard
Martin
Mathias
Matsunaga
May
Michel
Miller, Ohio
Mills
Minish
Mize
Mizell
Mollohan
Myers
Natcher
Nelsen
Nichols
Obey
O'Konski
O'Neal, Ga.
Passman
Pelly
Pettis
Pike
Pirnie
Poage
Powell
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Randall
Rarick
Reid, Ill.
Roberts
Robison
Rogers, Fla.
Rosenthal
Roth
Ryan
Schadeberg
Scherle
Schwengel
Scott
Shriver
Sikes
Sisk
Skubitz
Smith, Calif.
Snyder
Springer
Stafford
Staggers
Steed
Steiger, Ariz.
Stephens
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Wampler
Watts
Weicker
White
Whitten
Williams
Winn
Wyatt
Wylie
Wyman
Zablocki
Zion
Zwach

NOT VOTING—122

Abernethy
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Barrett
Beall, Md.
Biaggi
Bingham
Bow
Brademas
Brown, Calif.
Brown, Ohio
Buchanan
Bush
Byrne, Pa.
Chisholm
Clark
Cohelan
Conyers
Corbett
Crane
Culver
Daddario
Dawson
Dent
Dickinson
Diggs
Dingell
Dulski
Edwards, Ala.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Gaydos
Giaimo
Gilbert
Goldwater
Green, Oreg.
Green, Pa.
Gubser
Halpern
Hansen, Idaho
Harrington
Harsha
Hays
Jones, Tenn.
Kirwan
Koch
Long, La.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McFall
McMillan
Mann
Meskill
Mikva
Miller, Calif.
Minshall
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, N.Y.
Nix
Ottinger
Patman
Patten
Pepper
Podell
Pollock
Purcell
Reid, N.Y.
Reuss
Rivers
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roudebush
Ruppe
Ruth
St Germain
Saylor
Scheuer
Schneebeli
Sebelius
Shipley
Smith, Iowa
Stanton
Stokes
Stratton
Stubblefield
Stuckey
Sullivan
Talcott
Tunney
Ullman
Watkins
Watson
Whalen
Whalley
Widnall
Wilson, Bob
Wold
Yatron

So (two-thirds not having voted in favor thereof) the motion was rejected.

The Clerk announced the following pairs:

Mr. Hays with Mr. Bow.

Mr. Rooney of New York with Mr. Gerald R. Ford.

Mr. Daddario with Mr. Mosher.

Mr. Dent with Mr. Ayres.

Mr. Gilbert with Mr. Ruppe.

Mr. Byrne of Pennsylvania with Mr. Frelinghuysen.

Mr. Abernethy with Mr. Roudebush.

Mr. Barrett with Mr. Arends.

Mr. Brademas with Mr. Andrews of North Dakota.

Mr. Cohelan with Mr. Gubser.

Mr. Montgomery with Mr. Ashbrook.

Mr. Eilberg with Mr. Minshall.

Mr. Albert with Mr. Morse.

Mr. Patten with Mr. Meskill.

Mr. Fallon with Mr. Beall of Maryland.

Mr. Farbstein with Mr. Reid of New York.

Mr. Shipley with Mr. Hansen of Idaho.

Mr. Stratton with Mr. Dickinson.

Mr. Long of Louisiana with Mr. Edwards of Alabama.

Mr. Miller of California with Mr. Fish.

Mr. Clark with Mr. Saylor.

Mr. Culver with Mr. Brown of Ohio.

Mr. Morgan with Mr. Corbett.

Mr. Moorhead with Mr. Sebelius.

Mr. Nix with Mr. McCloskey.

Mr. Ottinger with Mr. Halpern.

Mr. Pepper with Mr. Buchanan.

Mr. Podell with Mr. Bob Wilson.

Mr. St Germain with Mr. McClory.

Mr. Stubblefield with Mr. Lukens.

Mr. Green of Pennsylvania with Mr. Watkins.

Mr. Giaimo with Mr. Schneebeli.

Mr. Fraser with Mr. Harsha.

Mr. Evans of Colorado with Mr. Bush.

Mr. Rogers of Colorado with Mr. Crane.

Mrs. Sullivan with Mr. Goldwater.

Mr. Biaggi with Mr. Anderson of Illinois.

Mr. Jones of Tennesssee with Mr. Wold.

Mr. Olsen with Mr. Pollock.

Mr. Dingell with Mr. Stanton.

Mr. Dulski with Mr. Widnall.

Mrs. Green of Oregon with Mr. Whalen.

Mr. Patman with Mr. Talcott.

Mr. Rivers with Mr. Watson.

Mr. Rooney of Pennsylvania with Mr. Whalley.

Mr. Purcell with Mr. Ruth.

Mr. Murphy of New York with Mr. Dawson.

Mr. Reuss with Mr. Conyers.

Mr. Flood with Mr. Flynt.

Mr. Smith of Iowa with Mr. Flowers.

Mr. McCarthy with Mr. Diggs.

Mr. Lowenstein with Mr. Stokes.

Mr. Ullman with Mr. Bingham.

Mr. Baring with Mr. Yatron.

Mr. Brown of California with Mrs. Chisholm.

Mr. Anderson of Tennessee with Mr. Mann.

Mr. McMillan with Mr. Gaydos.

Mr. McFall with Mr. Koch.

Mr. Stuckey with Mr. Tunney.

Mrs. HECKLER of Massachusetts and Messrs. HAGAN and ZWACH changed their votes from "yea" to "nay."

Mr. BRAY changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

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## WATER SUPPLY FOR THE SOBOBA INDIAN RESERVATION

Mr. ASPINALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3328) to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation, as amended.

The Clerk read as follows:

H.R. 3328

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Interior is authorized to approve a release agreement to be negotiated by and between the Soboba Band of Mission Indians, the Metropolitan Water District of Southern California, hereinafter called Metropolitan, and the Eastern Municipal Water District, hereinafter called Eastern, which provides among other things that—

(a) Metropolitan shall pay to the Secretary of the Interior for the use and benefit of the Soboba Indians the sum of $30,000. Payment shall be made when the lands that comprise the Soboba Indian Reservation have been annexed to Metropolitan and to Eastern. The annexation shall be subject to the terms and conditions of the release agreement and the annexation and water service agreement to be executed pursuant to section 2 of this Act.

(b) The Soboba Band of Mission Indians releases Metropolitan and Eastern, their successors or assigns, from all claim it may have based on past, present, or future actual or claimed damage to, or interference with, the flow of waters from the springs on the Soboba Indian Reservation lands, or on actual or claimed interference with, or damage to, the water supply to or upon the lands of the Soboba Indian Reservation, which claims arise from construction and operation of a certain tunnel through the San Jacinto mountains constructed in the 1930's.

(c) The release agreement shall be effective upon the completion of the concurrent annexation of the Soboba Indian Reservation lands to Metropolitan and Eastern and upon the execution of an annexation and water service agreement authorized by section 2 of this Act.

SEC. 2. The Secretary of the Interior and the Soboba Band of Indians are authorized to enter into an annexation and water service agreement with Eastern which provides, among other things, that—

(a) The Soboba Indian Reservation lands may be annexed to Eastern and Metropolitan.

(b) No annexation charge or back taxes regardless of form shall be made for said annexation.

(c) The Secretary and Eastern shall jointly determine the additional new water supply and distribution facilities that shall be constructed and the existing facilities that shall be rehabilitated in order to provide domestic and irrigation water to each consumer within the Soboba Indian Reservation. Subject to the appropriation authorization limitation in section 5, construction or rehabilitation of facilities to provide water service to the Soboba Indian Reservation shall be undertaken by Eastern, shall be financed by the United States, with Eastern providing such funds as the Secretary of the Interior and Eastern jointly determine represent a prorated share of joint-use facilities constructed outside of the Soboba Reservation, and with the $30,000 paid pursuant to subsection 1(a) being applied to the construction or rehabilitation. Facilities constructed within the Soboba Reservation shall be the property of the United States and facilities constructed outside of the Soboba Reservation shall be the property of Eastern.

(d) Eastern shall have the exclusive right, without charge, to use the supply and distribution facilities owned by the United States lying within the Soboba Indian Reservation, and Eastern shall assume the responsibility for maintaining and operating such facilities.

(e) Upon assumption of operation and maintenance of the system by Eastern following completion of the initial installation and rehabilitation work, any new service connections applied for by residents or consumers within the Soboba Indian Reservation, and any other additional water main extensions or facilities required for serving new development within the Soboba Indian Reservation, shall be financed by the applicants for such service, in accordance with the standard rules and regulations of Eastern, except as indicated in the next sentence. As long as title to the lands involved is held in trust by the United States, such new service connections or additional water main extensions or facilities may be financed by the United States to the extent agreed upon by the Secretary of the Interior. All such new service connections, additional extensions, or facilities shall be constructed by Eastern. All such new service connections, additional extensions, or facilities financed by parties other than the United States shall be the property of Eastern. All such service connections, additional extensions, or facilities financed by the United States shall be the property of the United States subject to exclusive use by Eastern without charge.

(f) Subject to the limitations of capacity and location of the jointly agreed upon facilities, Eastern shall deliver domestic and irrigation water to each individual consumer within the Soboba Indian Reservation in accordance with the prevailing standard rules and regulations of Eastern and the provisions of the annexation and water service agreement.

(g) The retail rates applicable to water service within the Soboba Indian Reservation shall be mutually agreed upon by Eastern and the Secretary of the Interior, and shall be neither less than nor more than the estimated cost of such water service to Eastern, adjusted to reflect differences between estimated costs and actual costs in preceding rate periods. Eastern shall make collections for service in accordance with its prevailing rules and regulations and the Secretary of the Interior shall guarantee payment to Eastern of any delinquent bill for providing water service to lands held in trust within the Soboba Indian Reservation. Water service to a consumer shall be discontinued in accordance with the prevailing rules and regulations of Eastern when a bill for service becomes delinquent, and shall not be resumed as long as the bill is delinquent without prior approval of the Secretary of the Interior. The Secretary shall not approve a resumption of service to an Indian who is able to pay all or a portion of a delinquent bill and fails to do so.

(h) When title restrictions are removed from any part or all of the Soboba Indian Reservation land, the responsibility and duties of the United States under the annexation and water service agreement shall cease with respect to such land, except for the installation and rehabilitation obligations undertaken in subsections 2(c) and (e) unless otherwise provided by Act of Congress. Title to the water distribution facilities serving such lands shall at that time become the property of Eastern and the obligation of Eastern to provide water service to such land at cost to the district shall likewise cease.

SEC. 3. The Secretary is authorized to grant to Eastern without charge and subject to such conditions as he may prescribe (a) rights-of-way over Soboba Reservation lands necessary for the use, maintenance, and operation of supply and distribution facilities owned by the United States; (b) rights-of-way within which new service connections are installed after initial installation and rehabilitation work has been completed by Eastern; and (c) rights-of-way necessary for additional water main extensions and other waterworks facilities required for serving new development: *Provided*, That where title to the Soboba Reservation lands involved has been conveyed in fee simple by the United States the rights-of-way hereby

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authorized shall be subject to prior approval of the owner of record. Eastern shall construct, use, maintain, operate, or install the equipment or facilities for which the rights-of-way are granted in a manner that avoids damage to buildings, crops, or trees, or interference with growing of crops. Should such damage or interference occur, Eastern shall compensate the United States as trustee, or the fee owner of record. The rights-of-way granted shall revert to the United States or the owner of record when no longer required for the purpose or purposes for which granted.

Sec. 4. Nothing in this Act shall permit Metropolitan or Eastern, or their successors or assigns, to alienate, encumber, or tax any property belonging to an Indian or Indian band which is held in trust by the United States of America, or which is subject to a restriction against alienation imposed by the United States of America, while such property is exempt therefrom under Federal case law or provisions of other Federal statutes.

Sec. 5. There are authorized to be appropriated to carry out the provisions of subsection 2(c) not to exceed $316,658, in addition to the unexpended balance of sums previously appropriated and available for a water supply to the Soboba Reservation and the $30,000 provided pursuant to subsection 2(c), plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the types of construction involved. There are also authorized to be appropriated such sums as may be necessary to make any payments guaranteed pursuant to subsection 2(g). No funds shall be appropriated pursuant to the authorization contained in this section until sixty calendar days (not counting days on which either the House of Representatives or the Senate is not in session because of an adjournment of more than three calendar days to a day certain) after the Secretary has submitted to the Congress a plan for the construction and use of the water supply and distribution facilities under subsection 2(c), and for the repayment of costs as provided in section 6, and then only if within said sixty days neither the House nor the Senate Committee on Interior and Insular Affairs disapproves by committee resolution the plan submitted.

Sec. 6. Nothing in this Act shall affect the right of the Soboba Indians to pursue their claim against the United States under the Act of August 13, 1946 (60 Stat. 1049), now pending in docket numbered 80A before the Indian Claims Commission, but any expenditures under subsections 2(c), (e), and (g), and the $30,000 paid by the Metropolitan and used pursuant to subsection 2(c), may be used by the Commission either in mitigation of damages or as an offset against any award which the Indians may receive. If such amount exceeds the award, the excess, and all expenditures by the United States under subsections 2(c), (e), and (g) after the date of the award, shall be repaid to the United States, without interest, by deductions from revenues received by the Soboba Band or its members from the sale, lease, or rental of the lands, such deductions to be in amounts that will reimburse the United States within fifty years, or as soon thereafter as possible, according to estimates of the Secretary of the Interior, which estimates may be revised from time to time: *Provided*, That deductions in any one year shall not exceed 50 per centum of the revenues received in that year.

Sec. 7. Notwithstanding any other provision of law, any assignment of land on the Soboba Reservation shall be modified, reduced in size, revoked, or otherwise limited by the governing body of the Soboba Band, or by the Secretary of the Interior if in his judgment the governing body fails to act effectively, in order to assure that the benefits from the development of the land with water provided pursuant to this Act, other than for subsistence purposes, will accrue to the Band rather than to the assignee.

Sec. 8. The second sentence of section 1 of the Act of August 9, 1955 (69 Stat. 539), as amended (25 U.S.C. 415), is hereby amended by inserting after "Gila River Reservation," the words "the Soboba Indian Reservation,".

The SPEAKER. Is a second demanded?

Mr. KYL. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

Mr. ASPINALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 3328 is to provide a water supply for the Soboba Indian Reservation in California. The reservation consists of 5,056 acres of land located about 85 miles southeast of Los Angeles and about 35 miles southeast of Riverside. The reservation was established by Executive order in 1883, and enlarged to its present size by subsequent Executive orders. The Soboba Band is estimated to have about 300 members, and approximately 210 of them live on the reservation. The land is held in trust for the band as a whole, and none of it has been allotted to individual members.

Prior to 1936, springs and wells provided an adequate water supply for the reservation. It was used for domestic purposes, stock water, and some irrigation farming principally for subsistence purposes. Between 1933 and 1939 the Metropolitan Water District of Southern California constructed a tunnel through the nearby San Jacinto Mountains as a part of its Colorado River aqueduct. Although the tunnel is not on the reservation, it intercepted large subterranean flows of water, and a total of 21 springs in the reservation subsequently dried up. In addition, the wells pumping ground water throughout the basin have lowered the water table to 180 feet below the surface, and the water table is falling at the rate of 10 to 15 feet a year. The total amount of recoverable ground water is unknown, and cannot be relied upon to provide a dependable water supply to meet the growth needs of the reservation. There has been no demonstrated connection, however, between the falling ground water table and the San Jacinto Tunnel.

The present water supply is inadequate for the domestic needs of the Indians, and no water is available for irrigation.

During the past 30 years, the Indians have asserted a claim against the metropolitan water district based on the interruption of the Indians' water supply by the construction of the San Jacinto Tunnel. A negotiated settlement could not be reached, and the claim was referred to the Department of Justice in 1956 for litigation. No case was filed because of the difficulty in proving damages.

The Indians also have pending in the Indian Claims Commission a claim against the United States based upon the alleged failure of the United States to prevent an interference with their water supply by Metropolitan, and by other water users who are pumping groundwater in the basin. The liability of the United States, if any, has not been determined.

Present land use on the reservation is almost exclusively residential, on small acreages. In the past, some 120 acres were irrigated, but irrigation ceased about 1954. Approximately 210 Indians live on the reservation in some 60 dwellings, and the immediate need is for domestic water. The Indians do not depend on reservation resources for a livelihood, although four or five of them supplement their income by raising a few cattle and horses.

The highest and best use of the reservation land is for residential, commercial, and recreational purposes. If all of the lands were devoted to these purposes, the reservation could accommodate a population of about 20,000.

This kind of development is some distance in the future, however, and the system proposed will provide for a population of 400 and irrigation of 200 acres immediately, and for a population of 600 and irrigation of 280 acres by 1990. About the same amount of water is needed for irrigation as is needed for residential development of the same acreage. There are no actual plans for the use of the water, however, and the acreage suggested for irrigation may be converted to residential use as the opportunity is presented. A system of the size contemplated will permit extension of the pipelines and additional service connections as needed.

The bill, as amended, provides that—

First. The reservation will be annexed to Eastern and Metropolitan and will be entitled to water service from those districts. No annexation fee will be charged.

Second. Metropolitan will pay to the Indians $30,000.

Third. The Indians will release Metropolitan and Eastern from all claims for damages growing out of the construction of the San Jacinto tunnel.

Fourth. The United States will finance the construction of the project facilities to connect with Eastern and to distribute water within the reservation, at a cost of $471,000, part of which has already been appropriated. Eastern will contribute its pro rata share of the cost of joint-use facilities. No appropriation for construction may be made until the Committee on Interior and Insular Affairs has approved the plans.

Fifth. Eastern will operate and maintain the system, and will provide water to the reservation at retail rates that will return to Eastern only enough revenue to cover its costs. The rates will be paid by the water users, but as long as a particular tract of land is held by the United States in trust status the United States will guarantee payment of any delinquent bill to an Indian occupying that tract.

Sixth. The Indians may pursue their claim against the United States in the Indian Claims Commission, but all expenditures under this bill may be considered in mitigation of damages or as an offset against any award that may be recovered by the Indians. If the costs so applied exceed the Commission award, the excess must be repaid by the Indians out of any revenues received from the sale, lease, or rental of the reservation lands. Any expenditure to pay delinquent

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water bills of Indians is also made repayable out of reservation land revenues.

Seventh. The Indian Band and the Secretary are required to modify and adjust land assignments to individual members of the band in a manner that will give the band as a whole rather than the individual assignees the benefits that will accrue from the water provided under the bill. This is a matter of simple fairness. Present assignments range between one-half acre and 40 acres.

Eighth. The band is authorized to execute, with the approval of the Secretary, long term leases in accordance with a 1955 act that now applies to 19 tribes. The type of residential and municipal development contemplated for the reservation will require such leases if maximum benefits are to be obtained.

Enactment of the bill will require an additional Federal appropriation of $316,658, and an indefinite continuing obligation to pay all delinquent water bills to Indians on trust land, but all Federal expenditures are reimbursable out of revenues received from the Reservation lands.

As I said in the beginning, Mr. Speaker, I think this is about as near as the Congress of the United States can come to settling a controversy that has raged now for some 37 years, and at the same time to give to deserving Indians aid to which they are entitled.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman.

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Mr. HALL. I appreciate the distinguished chairman of the Committee on Interior and Insular Affairs for yielding, and I appreciate the statement he has made. I am convinced, as always, in his own right and after his deliberation, he is exercising his good judgment. But, as the distinguished gentleman knows, I have had this bill put over on the Consent Calendar from time to time because the gentleman whose name appears on the bill has not been able to be present and I have not had a chance to talk to him since he wrote a letter to me about the bill and about the Consent Calendar back on May 13. There are still some problems that I do not quite understand concerning this bill. Are we not putting the Congress, I will ask the gentleman from Colorado, Mr. Speaker, in the position of intervening before, at least, the Indian Claims Commission has had an opportunity to settle the matter equitably? In fact, we have some reason to believe it will be settled in their favor.

Mr. ASPINALL. I do not believe we are placed in the position of intervening in the Indian Claims Commission proceeding. The bill provides for an offset. If the Indian Claims Commission, taking into account all the equitable benefits that should go to the Indians, renders a decision in favor of the Indians, then the Commission will consider the cost of this project as an offset or in mitigation of damages. We are not settling that question. In either instance we are making possible the delivery of water to this tribe of Indians, which at the present time does not have any water.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, I appreciate that statement also, and I want it thoroughly understood that I have read the bill and studied the report, also the gentleman has supplied me with additional information. I want it understood that I am not against doing anything in justice and equity for these Indians, whether we have lowered their water table or whether they are just victims of the ecology and environment that we hear so much about nowadays.

I suppose in the old days they would have moved somewhere else. They cannot do that any longer. I would be in favor of anything in sheer equity and justice for these people, though, by and large, I believe we have done about as much for the Indians, as a minority group, as we can.

Furthermore, Mr. Speaker, I want to say, while the gentleman is so generously yielding, that I appreciate the report and the fact that all the moneys were not expended for the original amount, and that the difference between the $316,658 in H.R. 3328 and what remains of the original fund, only frugal amounts of that have been used for planning.

But is it not true that the cost of the connection per Indian will be high, and there is some inequity in the bill in the way it is written to those who live off the reservation; and, furthermore, that there would be a "landfall" for the company in case the Indians do not receive a finding in their favor from the Claims Commission?

Mr. ASPINALL. Of course, I do not think there would be any "landfall" or "windfall" that would go to any non-Indians, and I cannot see how there could be any inequity. As a result of the construction of the project there may be a possibility of the Indians renting their lands. They have that right under this long-term lease provision—to their own benefit, I might say.

The United States should be protected in this instance by the Bureau of Indian Affairs and the committees having jurisdiction.

I just do not see there would be any "landfall," especially with the amount of money that is involved here. The total is only $475,000 out of the whole operation that is contemplated.

Mr. HALL. Mr. Speaker, if the gentleman will yield further, by simple arithmetic, of course, this amounts to about $756 a connection. I understand this is what the gentleman feels we owe to them, and it is equitable and not just a question of connection for water, but a question of adjusting an injustice.

Mr. ASPINALL. The gentleman is correct. Of course, it is a rather small number of Indians involved, a small group. The reservation happens to be situated in a very good country as far as residential development is concerned, and it could very well become an area where the people from the cities would like to go, if they have the necessary facilities of modern living, and would like to spend a vacation.

Mr. HALL. It would certainly involve water.

Mr. ASPINALL. That is correct. If they have no water, they can get nowhere.

Mr. HALL. I understand the gentleman approves this. As chairman of the objectors on this side of the aisle, and under the rules of the House, I think the gentleman understands the reason why I asked that this too, go over on the Consent Calendar, in that there is at least a departmental opposition in that one of the departments recommended it be settled in the Claims Commission before legislation was passed.

If I may ask a double-barreled question, I also would like to ask the distinguished chairman, Mr. Speaker, to expound on the indefinite continuing obligation in addition to the initial cost. Is this not open-ended in that respect?

Mr. ASPINALL. In that respect I think we could say it is. It is a liability the Bureau of Indian Affairs must assume as the ward for the Indians. My feeling is that, if properly administered, the liability should be practically nothing, because I think the Indians should be told, when the construction of the work takes place and the benefits accrue to them, just exactly what their liabilities are. They should be made to pay for the benefits that come to them—and I think they can if this project develops as we think it should. If this remains a barren untenanted area, it might very well prove to be less than what some of us have hoped for. But we are giving the Indians not only a chance, but also giving the area a chance to be developed, which it cannot be under the present situation. It has not so developed up to now, whether it was the fault of those who live there or the fault of the ground water users around the reservation location.

Mr. HALL. Mr. Speaker, would the gentleman agree with me that the Soboba band or tribe does not now have a water use long-term development plan and, second, anent the statement the gentleman just made, that it would be up to the implementing regulations of the Department, because the bill does not cover what they would be made to do or not made to do?

Mr. ASPINALL. I would have to agree with my friend in this respect, but the bill takes care of the problem. Those plans have to be submitted to the Committee on Interior and Insular Affairs for disapproval or approval. In other words, our committee refuses to overlook the fact that it has oversight authority in this matter, and we intend to keep our fingers on this development to see that everything is carried out for the good of this tribe.

Mr. HALL. That is very reassuring. That does not mean a veto in reverse, where if the Congress does not act within $x$ number of days, the plan will go into effect. The gentleman's committee will exercise oversight and review?

Mr. ASPINALL. Yes, that is correct. That is more effective in many instances than where we have a veto that is exercised by the department.

Mr. HALL. I do appreciate the gentleman bearing with me and yielding me so much time.

I have one thing more.

I have heard it stated, since this bill has been on the Consent Calendar and placed under the suspension of rules, that actually authorization is not needed for construction of this domestic water supply system.

Mr. ASPINALL. I think it is needed, and I think the committee thinks it is needed, because I do not know how these Indians can get the relief required for them unless they can have some help from the Federal Government.

Mr. HALL. I appreciate the gentleman's statement.

Mr. KYL. Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. BERRY).

(Mr. SAYLOR, at the request of Mr. BERRY, was granted premission to extend his remarks at this point in the RECORD).

Mr. SAYLOR. Mr. Speaker, I rise in support of this bill, H.R. 3328. Essentially, this bill permits the Secretary of the Interior to approve an agreement releasing the claim of the Soboba Band of Mission Indians against the Metropolitan Water District of Southern California and the Eastern Municipal Water District of California, and provides for the construction of a water supply and distribution system for the Soboba Indian Reservation.

Unfortunately, the need for this legislation is the result of the high-handed manner in which certain people or organizations in California have operated on water matters over a period of years.

The Soboba Indian Reservation consists of approximately 5,000 acres in Riverside County, Calif. The Soboba Band of Mission Indians has approximately 300 members with approximately 210 living on the reservation. All the lands are held in trust for the tribe or band by the United States.

During the period from 1933 to 1939, the Metropolitan Water District of Southern California constructed a tunnel as a part of its Colorado River Aqueduct. This tunnel intercepted the springs and wells on the reservation which had provided an adequate water supply for irrigation and domestic purposes. The result is that the present water supply is inadequate for domestic needs, no water is available for irrigation and the Indians have been required to purchase supplemental water.

As early as 1940, the Metropolitan Water District of Southern California settled a number of claims by landowners in the same vicinity for the interruption and cessation of water supplies. However, no settlement of the Soboba Indian claim has been made and efforts of the Department of the Interior to require the Metropolitan Water District to seal off the flow of water into the tunnel in an attempt to restore the conditions prior to the construction of the tunnel have been unsuccessful.

The Indians requested the Secretary of the Interior to institute suit against the Metropolitan Water District of Southern California and the matter was referred to the Department of Justice. The Indians also instituted a claim against the United States before the Indian Claims Commission for the failure of the United States to prevent interference with their water supply. Negotiations to resolve these matters continued and in 1964, the Secretary of the Interior sought and obtained an appropriation of $164,000 to construct and rehabilitate a water supply system for the Indians. At this time the overpowering water interests of Metropolitan and Eastern Water Districts saw the opportunity to attempt to resolve this matter, proposed the settlement which this bill incorporates, but only after $19,445 of the 1964 appropriation of $164,000 had been spent to prepare the present plans.

H.R. 3328, as amended, provides that: First, the Soboba Indians will receive a cash payment of $30,000 from the Metropolitan Water District; second, the Soboba Indians will release Metropolitan and Eastern Water Districts from all claims, past, present, and future, based on interference with their water supplies, which is contrary to the recommendation of the Department of Justice in its report on this legislation; third, all 5,056 acres of the Soboba Indian Reservation will be annexed to the Eastern and Metropolitan Water Districts without payment of annexation charges by either district, the value of which at current annexation fees of $200 per acre, will be in excess of $1 million; fourth, the United States will finance the construction of the water supply and distribution system at a cost of $316,658, to connect with the Eastern Municipal Water District. The Soboba Indians will contribute the $30,000 payment from Metopolitan toward construction of the facilities and Eastern will share pro rata the cost of the joint use facilities; fifth, the Eastern Municipal Water District will operate and maintain the system and provide water to the Indian reservation at retail rates with a guarantee of payment from the United States on any delinquent bill of an Indian occupying a tract of land being held in trust status; sixth, the Indians can pursue their claim in the Indian Claims Commission against the United States with a set off against any award recovered on all expenditures made by the United States under this bill.

Inasmuch as the Federal expenditures under this legislation appear to be recoverable and this legislation represents the only possible way of providing adequate water supplies to the Indian Reservation, I urge my colleagues to support the legislation.

Mr. BERRY. Mr. Speaker, I rise in support of this bill.

As the chairman of our committee has just indicated, and very well indicated, this reservation is a small one. The tribe consists of only about 300 members, 210 of whom live on the reservation.

When the reservation was established, as the chairman has pointed out, there were a number of springs on the reservation. There was an ample water supply. But when this tunnel went through the mountain, since that time there has been a continual drying up of this water supply.

As the chairman has indicated, if the reservation is to continue and if it is to grow there is a need for water.

The bill meets this need by providing for the annexation of the reservation to the Metropolitan Water District and the Eastern Municipal Water District. The reservation will then receive water from the district. All that will be needed is the construction of a distribution system to bring the water to the reservation and to distribute the water within the reservation. The bill authorizes this construction with Federal funds.

The Federal expenditures, however, will be recovered by the United States. The tribe has a claim against the United States which is pending in the Indian Claims Commission. The expenditures under this bill will be set-off against any judgment the tribe may recover, and if the expenditures are larger than the judgment the excess will be recovered from revenues received by the tribe from the use of the lands and water.

The water provided for the reservation should be sufficient to meet three separate needs: First, the domestic needs of the Indians living there; second, water for irrigation; and third, water for commercial and residential development by non-Indians under long-term leases. The immediate use of the reservation will be by Indians, but because of the location of the reservation the Indians undoubtedly will soon seek to develop the reservation under long-term leases.

This, in my judgment, Mr. Speaker, is the compelling feature of this bill. It will give to the Indians something they have never had before. It will give them a distribution system. Because of the fact that the reservation is well located, because of the fact that it is excellent for residential purposes, I am convinced that before very long we are going to see development in this area. We are going to see the Indians with revenue coming in, lease revenue coming in from the long-term leases for residential and possibly business purposes.

The bill provides that the tribe will release its claim against Metropolitan Water District in return for: First, annexation of the reservation to the district without the payment of any annexation fee, second, the agreement of the district to supply water to the reservation at cost, and third, the payment of $30,000 by the district to the tribe. This compromise settlement of the claim is recommended by the tribe, the Department of the Interior, and the Department of Justice.

I also want to emphasize the fact that the bill prevents any windfall to individual members of the tribe. The reservation lands are all tribally owned, and the bill requires any use of assignments by individuals to be adjusted so that the benefits of the water will go to the tribe as a whole, rather than to the individual.

The bill as reported by the Committee on Interior and Insular Affairs meets, I believe, the objections voiced by the Bureau of the Budget. The Indian Claims Commission case will proceed to a conclusion. The tribe must present for approval of the committee a long-term plan for the use of water and land before any appropriation may be made for construction, and construction costs are carefully limited.

Mr. Speaker, I urge enactment of this bill.

I know that there are those who feel that it may be a windfall for the metropolitan water district, but I believe that

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the windfall, if there is any, is in favor of the Indians in the long run.

I thank you.

The SPEAKER. The time of the gentleman has expired.

Mr. KYL. Mr. Speaker, I yield the gentleman 2 additional minutes.

Will the distinguished gentleman yield to me?

Mr. BERRY. I am happy to yield to the gentleman.

Mr. KYL. The gentleman from South Dakota said that all of the benefits would accrue to the tribe rather than to individual Indians. Has it, as a matter of fact, been determined whether the irrigation will be utilized on a tribal basis or on an individual basis?

Mr. BERRY. Well, of course, as to the irrigation itself, the benefits will go to those who use the water. There never has been a great deal of irrigation, actually, in the past and probably there will not be a great deal in the future. I think the big benefit is the use of the land and the use of the water for residential purposes.

Mr. KYL. But according to the testimony we have had, half of the cost of the operation will be for agricultural water whether it is on a subsistence or commercial basis. As a matter of fact, it has not been determined, has it, whether that will be irrigation for tribal purposes or individual purposes?

Mr. BERRY. No. That part of the plan will be submitted to the committee.

Mr. KYL. I thank the gentleman.

Mr. Speaker, I yield myself such time as I may consume.

I would like to direct some additional questions to the chairman of the committee.

In the report, in the statements of the Bureau of the Budget, we have this comment: The Interior report indicates that the initial construction costs of the water system is $475,000 for the first phase with an additional cost of $443,000 for later phases. The language then does indicate that these costs were based on 1965–67 prices. Are we in fact talking about a two-phased proposition here with this kind of dual cost figure?

Mr. ASPINALL. Will the gentleman yield?

Mr. KYL. I am happy to yield to the gentleman.

Mr. ASPINALL. I do not believe that we are. We are not authorizing the second phase here. The first phase is not dependent on the second phase. This will be another matter for the Congress to take care of if and when that occurs.

Mr. KYL. Can the gentleman enlighten us as to what is contemplated for the first phase as against the second phase? Can we in fact have all of the good results promised by this bill with the adoption simply of phase one of the program?

Mr. ASPINALL. It is my understanding that we could do it.

I repeat this part of my earlier statement. The system proposed will provide for a population of 400 and irrigation of 200 acres immediately, and for a population of 600 and irrigation of 280 acres by 1990.

This is the first phase. This has nothing to do with the second phase. The testimony at the hearings indicated that this is what the Indians were depending upon in order to become successful in their ambitions. About the same amount of water is needed for irrigation as is needed for residential development of the same acreage. This is the rule of thumb that we use in the West. So, if we do not use the water for irrigation, then we will use about the same amount of water for residential purposes or domestic purposes. There are no actual plans for the use of the water, however, and the acreage suggested for irrigation may be converted to residential use as the opportunity is presented.

This has nothing to do with the second phase. The second phase was not even considered as such by the committee. It was a possibility.

Mr. KYL. If the gentleman would respond a bit further, if there are no plans for development at this moment and if those plans must as a matter of fact come back to the committee, we cannot then at this point say with any certainty, can we, that the project is completely reimbursable?

Mr. ASPINALL. Well, I think the gentleman is correct that the project may not be complely reimbursable, it being an Indian project. My friend knows that as long as the ownership is retained in the tribe and the lands are retained by individual ownership, they do not have to pay. My friend understands this. It is only when they transfer the title to some non-Indian that the cost of construction would be reimbursable.

Mr. KYL. This gentleman, of course, understands that. And, that is why in a way he objected to the manner of saying that all these projects would be reimbursable to the Federal Treasury because as a matter of fact they will not be.

Mr. ASPINALL. The cost will be reimbursable if there is a judgment rendered by the Indian Claims Commission and an offset is given so that the Indians will pay for their own project.

Mr. KYL. Can the gentleman tell me whether or not the Indian Claims Commission might find the dollar figure greater than that mentioned in the bill as settlement for the claim of the tribe against the Government through the loss of the water?

Mr. ASPINALL. I could not answer my friend definitely, because the tribe is asking for $5 million before the Indian Claims Commission. No one can say what they are going to decide.

Mr. KYL. I would ask one further question, and the gentleman from Colorado is always kind, incisive and candid in responding to questions, and that is this:

In the letter from the Department of Justice as contained in the report there is the following language:

> This language is so broad that it could be construed as a release of claims arising out of future interference with water supply on the Soboba Reservation resulting from future acts of Metropolitan and Eastern which could be totally unrelated to the claims of which this bill authorizes settlement.

Is that a true statement?

Mr. ASPINALL. I think we took care, I will say to my friend from Iowa, of this particular objection of the Department of Justice in the committee amendment which releases only claims related to the San Jacinto Tunnel.

Mr. KYL. I thank the gentleman.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Colorado that the House suspend the rules and pass the bill H.R. 3328, as amended.

The question was taken.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 287, nays 11, answered "present" 2, not voting 129, as follows:

[Roll No. 125]

YEAS—287

Abbitt
Adair
Adams
Addabbo
Alexander
Anderson, Calif.
Andrews, Ala.
Annunzio
Ashley
Aspinall
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Brasco
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Brown, Mich.
Broyhill, N.C.
Broyhill, Va.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrnes, Wis.
Caffery
Camp
Carey
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Collier
Collins
Colmer
Conable
Conte
Corman
Coughlin
Cowger
Cramer
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Derwinski
Devine
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Calif.
Edwards, La.
Erlenborn
Esch
Eshleman
Evins, Tenn.
Fascell
Feighan
Findley
Fisher
Foley
Ford, William D.
Foreman
Fountain
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gettys
Gonzalez
Goodling
Gray
Griffin
Griffiths
Grover
Gude
Hagan
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Wash.
Harvey
Hastings
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jacobs
Jarman
Johnson, Calif.
Jonas
Jones, Ala.
Jones, N.C.
Karth
Kastenmeier
Kazen
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyros
Landgrebe
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, Md.
Lujan
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
MacGregor
Madden
Mahon
Mailliard
Marsh
Martin
Mathias
Matsunaga
Mayne
Meeds
Melcher
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Mize
Mollohan
Morton
Moss
Murphy, Ill.
Myers

Natcher
Nedzi
Nelsen
Nichols
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Passman
Pelly
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall
Rarick
Rees
Reid, Ill.
Reifel
Riegle
Roberts
Robison
Rodino
Roe
Rogers, Fla.
Rosenthal
Rostenkowski
Roth
Roybal
Sandman
Schadeberg
Scherle
Schwengel
Scott
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Steed
Stuckey
Symington
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watts
White
Whitehurst
Whitten
Wiggins
Williams
Winn
Wolff
Wright
Wydler
Wylie
Wyman
Yates
Young
Zablocki
Zion
Zwach

NAYS—11

Cabell
Gross
Hall
Johnson, Pa.
Mizell
O'Neal, Ga.
Rhodes
Satterfield
Steiger, Ariz.
Steiger, Wis.
Wyatt

ANSWERED PRESENT—2

Haley
Kyl

NOT VOTING—129

Abernethy
Albert
Anderson, Ill.
Anderson, Tenn.
Andrews, N. Dak.
Arends
Ashbrook
Ayres
Baring
Barrett
Beall, Md.
Belcher
Bingham
Bow
Brademas
Brown, Calif.
Brown, Ohio
Buchanan
Burke, Fla.
Bush
Byrne, Pa.
Celler
Chisholm
Clark
Cohelan
Conyers
Corbett
Crane
Culver
Daddario
Dawson
Dent
Dickinson
Diggs
Dingell
Dowdy
Edwards, Ala.
Eilberg
Evans, Colo.
Fallon
Farbstein
Fish
Flood
Flowers
Flynt
Ford, Gerald R.
Fraser
Frelinghuysen
Gaydos
Giaimo
Gibbons
Gilbert
Goldwater
Green, Oreg.
Green, Pa.
Gubser
Halpern
Hansen, Idaho
Harrington
Harsha
Hays
Jones, Tenn.
Kee
Kirwan
Koch
Long, La.
Lowenstein
Lukens
McCarthy
McClory
McCloskey
McFall
McMillan
Mann
May
Meskill
Miller, Calif.
Minshall
Monagan
Montgomery
Moorhead
Morgan
Morse
Mosher
Murphy, N.Y.
Nix
Ottinger
Patman
Patten
Pepper
Podell
Pollock
Purcell
Reid, N.Y.
Reuss
Rivers
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Roudebush
Ruppe
Ruth
Ryan
St Germain
Saylor
Scheuer
Schneebeli
Sebelius
Shipley
Smith, Iowa
Stanton
Stephens
Stokes
Stratton
Stubblefield
Sullivan
Talcott
Tunney
Ullman
Watkins
Watson
Weicker
Whalen
Whalley
Widnall
Wilson, Bob
Wilson, Charles H.
Wold
Yatron

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Bow.

Mr. Rooney of New York with Mr. Gerald R. Ford.

Mr. Daddario with Mr. Mosher.

Mr. Dent with Mr. Ayres.

Mr. Gilbert with Mr. Ruppe.

Mr. Byrne of Pennsylvania with Mr. Frelinghuysen.

Mr. Abernethy with Mr. Roudebush.

Mr. Barrett with Mr. Arends.

Mr. Brademas with Mr. Andrews of North Dakota.

Mr. Cohelan with Mr. Gubser.

Mr. Albert with Mr. Morse.

Mr. Eilberg with Mr. Minshall.

Mr. Patten with Mr. Meskill.

Mr. Kee with Mrs. May.

Mr. Fallon with Mr. Beall of Maryland.

Mr. Farbstein with Mr. Reid of New York.

Mr. Shipley with Mr. Hansen of Idaho.

Mr. Stratton with Mr. Dickinson.

Mr. Long of Louisiana with Mr. Edwards of Alabama.

Mrs. Green of Oregon with Mr. Anderson of Illinois.

Mr. Clark with Mr. Saylor.

Mr. Culver with Mr. Brown of Ohio.

Mr. Morgan with Mr. Corbett.

Mr. Moorhead with Mr. Sebelius.

Mr. Nix with Mr. McCloskey.

Mr. Ottinger with Mr. Halpern.

Mr. Pepper with Mr. Buchanan.

Mr. Podell with Mr. Pollock.

Mr. St Germain with Mr. McClory.

Mr. Stubblefield with Mr. Lukens.

Mr. Green of Pennsylvania with Mr. Watkins.

Mr. Giaimo with Mr. Schneebeli.

Mr. Fraser with Mr. Harsha.

Mr. Evans of Colorado with Mr. Bush.

Mr. Patman with Mr. Crane.

Mrs. Sullivan with Mr. Goldwater.

Mr. McFall with Mr. Stanton.

Mr. Dingell with Mr. Talcott.

Mr. Celler with Mr. Whalen.

Mr. Murphy of New York with Mr. Widnall.

Mr. Mann with Mr. Watson.

Mr. Purcell with Mr. Whalley.

Mr. Rivers with Mr. Bob Wilson.

Mr. Smith of Iowa with Mr. Wold.

Mr. Yatron wtih Mr. Stokes.

Mr. Tunney with Mr. Conyers.

Mr. Anderson of Tennessee with Mr. Weicker.

Mr. Baring with Mr. Kirwan.

Mr. Brown of California with Mr. McMullan.

Mr. Jones of Tennessee with Mr. Ullman.

Mr. Flowers with Mr. Flood.

Mr. Reuss with Mr. Harrington.

Mr. Montgomery with Mr. Fish.

Mr. Lowenstein with Mrs. Chisholm.

Mr. Rooney of Pennsylvania with Mr. McCarthy.

Mr. Koch with Mr. Scheuer.

Mr. Monagan with Mr. Ashbrook.

Mr. Charles Wilson with Mr. Bingham.

Mr. Ryan with Mr. Diggs.

Mr. Dowdy with Mr. Flynt.

Mr. Gibbons with Mr. Gaydos.

Mr. Stephens with Mr. Miller of California.

Mr. JARMAN changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

The title was amended so as to read: "To authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation."

A motion to reconsider was laid on the table.

## CONGRESS MUST ACT IF PRESIDENT FAILS TO ROLL BACK HIGH INTEREST RATES AND STABILIZE THE ECONOMY

(Mr. PATMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, the 91st Congress has been waiting 16 long months for the Nixon administration to come up with a safe and sane set of economic policies.

The wait has been in vain.

Over the past 16 months, the Congress—and the American public—have been fed outlandish public relations propaganda about what was happening to the American economy. It reflects on the Congress that any of us, even for a moment, were deluded by these doses of economic pablum. It is also regrettable that so many of the economic writers have accepted at face value the rosy claims of the administration.

Mr. Speaker, it is time for the 91st Congress to assert its constitutional powers and to spell out and demand enforcement of economic programs that will bring stability to the American economy. We have trusted too long in the vain hope that President Nixon and his battery of economic advisers would face the facts and come up with the hard solutions.

What we have, Mr. Speaker, is a classic example of Republican economics. Every Republican administration comes into power with great claims about their ability to provide economic stability. Every Republican administration is inaugurated with rosy statements. And every Republican administration goes out of power with high interest rates, high unemployment, declining income and general chaotic economic conditions.

President Hoover spent most of his time reassuring the American public and then ended up plunging the Nation into the biggest depression in its history.

President Eisenhower, who promised us prosperity, left office in 1960 after three recessions and with unemployment at 5.6 percent. This meant that more than 4 million people were out of work.

President Nixon came into power January 20, 1969, after the longest period of sustained prosperity in the Nation's history—a prosperous economy delivered to him by the administrations of Presidents Kennedy and Johnson. The day that President Nixon took office, unemployment was down to 3.4 percent, or 2,645,000 unemployed.

After 16 months of Mr. Nixon's policies, the unemployment rate has now risen to 4.8 percent and shows every indication of rising above 5 percent in the coming weeks. In terms of people—and that is what we are talking about here—the Nixon unemployment figures have almost matched those at the close of the Eisenhower administration. There were just slightly more than 4 million unemployed people when Eisenhower went home in 1961 and, today, there are just about 4 million unemployed under President Nixon. There is every indication

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that Mr. Nixon will be able to surpass President Eisenhower in this area.

Just since December, 1.1 million workers have been thrown out of work in this Nation. Millions of others have been the victims of production cutbacks and reductions in work hours.

The details of economic ills of the Nixon administration would fill page after page of the CONGRESSIONAL RECORD. The Wall Street Journal of Friday, May 15, ran through a random sampling of economic indicators and came up with this list:

Industrial production resumed its long decline in April after a fillip in March.

Personal income in April would have fallen for the first time in almost 5 years, but was saved by a surge in social security checks.

Corporate profits fell sharply in the first quarter to the lowest level since late 1967.

Overall inflation in the first quarter was much worse than reported earlier, while real output fell twice as fast as estimated originally.

The U.S. balance of payments plunged deeply back into deficit in the first quarter.

Despite the strange sight of a President touting stocks, the stock market has continued its downward plunge with only occasional, short-lived, upward spurts. At the close of every market session, some administration economic soothsayer comes out of the woodwork and indicates that we are at the bottom and that tomorrow will be rosy. The tomorrow invariably brings a new drop in the market.

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In fact, since President Nixon has been in office, the value of listed stocks has fallen about 30 percent or more than $160 billion.

Mr. Speaker, there have been times when this Nation has been in a severe depression. There have been times when we have been in a severe inflationary spiral. But, never in our history, have we seen the phenomenon of an economy pockmarked by both recession and inflation. President Nixon, it is said, has a great sense of history. And his economic policies of recession and inflation are almost sure to gain him a lasting place in the economic textbooks.

Amidst rising unemployment, the price index for the first quarter was revised last week showing a 6.2 percent annual rate of increase—the fastest pace since 1951.

A few months ago, the administration's economic experts—and more particularly their public relations men—were assuring the American press that lower interest rates were just around the corner. Now, they have fallen silent. We no longer hear administration claims about lower interest rates.

They have fallen silent for good reason. Interest rates have not gone down and, in fact, in many areas, they have gone up beyond already record-breaking levels. We have the highest interest rates in our history and with no governmental policy to bring them down.

High interest rates are crushing the housing industry and despite repeated administration assurances, we are building new homes at an annual rate of only 1.05 million. High interest rates are driving small businessmen against the wall and are forcing bankruptcy in many cases. The consumer is hit everywhere with high interest rates. The price of every product on the shelves reflects this long period of fantastically high interest rates.

In a flurry of nervousness, the big banks, last March, announced that they were lowering the prime interest rate from 8½ to 8 percent. This was no more than a token gesture; too small to do any good. As many predicted, the effects of that one-half of 1 percent decrease have not filtered down in the economy. It has not helped the housing market and there is not a single consumer who has had his interest rate lowered. Perhaps a few cats have gotten that reduction, but the average American still is paying record interest rates.

Mr. Speaker, the record of the Nixon administration on interest rates illustrates in unmistakable terms, the economic failures of the past 16 months. When President Nixon was elected, the prime interest rate was at 6 percent. Six times since his election, the big banks have raised the prime rate culminating in the full percentage point increase from 7½ percent to 8½ percent last June 9. Between November 5, 1968, and June 9, 1969, the prime rate went up 41⅔ percent.

Despite repeated pleadings from the Congress and the American public, the Nixon administration has refused to do anything about high interest rates. They have refused to step on the toes of the big banks and have taken a total hands-off approach to this serious problem.

Late in the first session of the 91st Congress, the Banking and Currency Committee became deeply concerned about the continuing inaction on the part of the administration at a time when prices were continuing to rise and when there were fears of growing recessionary trends. The Banking and Currency Committee drafted and send forward H.R. 15091 which provided the President the broadest possible set of tools to control credit and interest rates. That bill eventually became Public Law 91–151 on December 23, 1969.

That was almost 5 months ago and the President has not acted to use this law. He has left it sitting idle while prices continue to climb and while interest rates remain at record levels. He left the law untouched while housing starts continued to decline.

Through Public Law 91–151, the President could require the allocation of credit into areas where it is needed the most and restrict it in areas where there are inflationary trends. At the same time, he could impose limits on interest rates on various credit transactions. These standby authorities gave the President, through the Federal Reserve, authority to control all elements of credit transactions.

Earlier this year, a number of Members of the House, led by Representatives JIM WRIGHT of Texas and BILL ALEXANDER of Arkansas, expressed their concern over the President's continuing silence on the problems created by high interest rates. They, along with about 100 other Members of the House, introduced resolutions calling for a rollback of high interest and demanding Presidential action.

So, Mr. Speaker, the Congress has pleaded with the President. It has sent the President standby credit control authority. It has urged lower interest rates through resolutions. The Congress has tried to do everything to make it plain that it wants action now for lower interest rates and for economic stability.

Mr. Speaker, it is obvious that the message of the 91st Congress has not been understood at the White House. It is now apparent that the Congress must speak in louder and more specific terms. It is obvious that we can no longer just urge the President to do the right thing. We must act on our own in behalf of the American public if the administration continues to refuse to take the necessary steps.

Mr. Speaker, I hope that the President will take the necessary steps without delay and without the necessity of additional action by the 91st Congress.

Mr. Speaker, I once again ask President Nixon to use the credit control powers that the 91st Congress has given him. I urge that he use these powers in such a manner as to require a rollback of interest rates.

The implementation of this law, Public Law 91–151, would be a giant step forward toward curing our economic problems and particularly those directly related to high-interest rates. In addition to the use of the powers granted by this law, I urge that the President take full recognition of the resolutions and the statements that have been uttered by the Members of both Houses of Congress calling for lower interest rates and greater economic stability. I urge that the President and his Cabinet officials, such as the Secretary of Treasury, speak directly to the banking community and demand that rates be lowered, not only to the big customers, but to the consumers, and particularly, to the homebuyers.

In short, Mr. Speaker, I am calling on the President and the entire executive branch to summon forth all of the authority and power to bring about a rollback of high interest rates and to stabilize the economy. There is no question about the administration's power; the only question is whether they have the courage to exercise it.

Mr. Speaker, I believe that the President should have a proper length of time to reconsider his economic policies and to put the machinery in gear. The country, however, is in a near-crisis and we cannot wait too long for the President to make up his mind. This is a call for quick action, emergency action, courageous action. If the President does not act, and if he does not bring about lower interest rates and economic stability, the Congress must act. If there is no action on the part of the executive branch, I will do everything in my power to push through the Congress the necessary resolutions and legislation which will reduce interest rates and return the economy to an even keel. If the administration does not act, we will bring down interest rates by statute.

Mr. Speaker, I do not believe that the 91st Congress should adjourn until these important economic matters are dealt with in an effective and lasting manner. We should stay in session—night and day and on weekends if necessary. None of us should agree to adjourn until we have a specific program to bring about lower interest rates and to revitalize our entire economy.

This might mean a long and arduous session, but I do not believe the American people will tolerate the Members of the 91st Congress, trotting home without their job being done. Frankly, I hope that the President of the United States will summon forth the courage to use the tools the 91st Congress has given him and to act in the public interest on the broad range of economic crises facing the Nation.

At the moment, the question is up to the President of the United States.

## RULES ON EXECUTIVE SESSION MATTER SHOULD BE OBSERVED

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASSMAN. Mr. Speaker, during my absence from Washington on business in my district, a considerable controversy arose in the press regarding remarks reportedly made by Secretary of State William Rogers on the Cambodian situation during executive session hearings on April 23 before the Foreign Operations Appropriations Subcommittee, of which I am chairman.

First I want to record my embarrassment and regret that one or more of the privileged persons attending that session saw fit to quote from a transcript which had not been released for publication. This is not in accord with either the tradition nor the interests of this subcommittee. It is incumbent upon us to deal in delicate matters closely affecting the security of this country including its diplomatic relations. If the executive branch witnesses who testify before us cannot have confidence that the privacy of their testimony will be safeguarded until it has been reviewed and released for publication, I could not blame them if they should become so guarded in their comments that it would not meet our purposes and our needs for a full and frank discussion of facts, interpretations, and opinions.

This particular hearing was such a full and frank discussion, I would like to pay tribute to Secretary Rogers for his extraordinarily successful effort to present the many complex decisions and options before the executive branch in conducting some of the most difficult aspects of our international relations.

The fact is that in this extensive discussion which occurred 3 days after the President's April 20 speech announcing the projected withdrawal of 150,000 men from Vietnam and about 5 days before the final decision on the present Cambodian operations, the subject of Cambodia was discussed repeatedly throughout the hearing. The Secretary, partly on his own initiative and partly as the result of questions by the members, discussed in detail many possible approaches to the very dangerous problem of the Cambodian sanctuaries for North Vietnamese troops, as well as to the Cambodian situation as a whole. The Secretary made clear that decisions on the issues involved were very much under consideration and that no options were closed, but that some were more likely than others.

In any such give-and-take discussion, there is always the possibility of misunderstanding between those who question and those who answer, and there is room for faulty interpretation by those who listen or read. I would like to make clear, however, my very strong impression as to the background of the remarks of the Secretary which were so unfortunately taken out of context and quoted in public. When the Secretary spoke out against the involvement of our ground troops in Cambodia as a defeat for the whole program, he was very clearly, in my opinion, referring to the use of our troops in a major and extended operation in Cambodia to support the Lon Nol government and incorporate Cambodia in the theater of operations. The Secretary did not favor such an action on April 23, and I note from this morning's paper that he took the same position in a press conference yesterday.

Mr. Speaker, it will not be my purpose to impugn the motives of any member of my committee or any Members of this body; however, the understanding of some of the members of my subcommittee was entirely different from my interpretation, because the Secretary did say and I quote:

> On the other hand, we can see that if we were able to move in, if we were able to knock out those sanctuaries, it could very well make it possible for Vietnamization to proceed at a faster pace. So we are right in the decision making process now on what to do.

Mr. Speaker, the present misunderstanding must be completely cleared up; otherwise it would be embarrassing for the Cabinet members and the Chief of Staff to accept invitations to testify before the Foreign Operations Subcommittee on Appropriations.

I particularly recall the Secretary addressing himself to me with these words:

> Can I ask, Mr. Chairman, if everybody is going to observe a confidence? Because I have been quite outspoken.

Mr. Speaker, I am sure the membership understands why it was incumbent on me to set the records straight as to Secretary Rogers' testimony before our committee and, of course, I arrived at my conclusion after having read all of the Secretary's statements including both questions and answers.

## THE REVEREND B. M. G. WILLIAMS

(Mr. WHITE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WHITE. Mr. Speaker, it is not often that the life of one man seems to encompass the life of a great city and to give it dignity and purpose, but such has been the relationship of my home city, El Paso, Tex., with the Reverend B. M. G. Williams. As a frail youth of 18, he came to El Paso from England in 1894. Last week, in his 95th year, this man whom thousands came to revere as "Uncle Bert" Williams came to the close of this life, and left a city much better because he came to live among us.

El Paso, in 1894, was celebrated as a wide open frontier town. A year after the arrival of the young immigrant, a gunfight in the old Acme Saloon brought an end to the career of the notorious John Wesley Hardin. If young "Bertie" Williams was aware of such happenings, they seemed to touch his early years but little, for he moved in far different circles. His late father had been an Anglican minister, and he had come to El Paso to live with his uncle, a Methodist minister. From the time of his arrival, he helped to form a link between the workaday world, and the world of organized religion. To him, they were the same world, and he lived all of his days in the confidence that the world could, and would, be made better.

He associated himself at once with El Paso's pioneer St. Clements Episcopal Church, and it was 70 years ago, in the year 1900, that he was named a lay reader in that church. At the same time, he was advancing step by step in the fast growing business world of frontier El Paso. He was a hotel clerk, a meat market worker, a traveling salesman, a partner in a bakery, and eventually the president of a baking company serving El Paso's widespread trade territory.

His advancement in his church continued apace through the years. In 1918, he was ordained an Episcopal deacon, in 1930 a presbyter, and later that same year an assistant rector. In 1943 he was named associate rector, and after his retirement from his business in 1951 he devoted full time to his church, as rector, and then as rector emeritus until the day of his death. He has enriched the lives of thousands by his individual counseling.

As an organized city, El Paso will not be a hundred years old until 1973. For 76 of its 97 years, B. M. G. Williams has been a voice calling forth the best efforts of men and women to build a better community. He has served as president of the chamber of commerce, and president of the Southwestern Children's Home, of which he was one of the founders. He has helped to found and to administer libraries, schools, family welfare associations, symphony and concert associations. He has been foremost in movements of unity among religious groups, and was honored by the National Conference of Christians and Jews with its National Human Relations Award.

His people have given him almost every honor within their power to bestow. The El Paso Historical Society admitted him to its Hall of Honor. The board of realtors named him "Man of the Year," and the city of El Paso awarded him its "Conquistador Scroll." He has accepted these and many other awards with quiet dig-

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nity and humility. In response to one tribute, he said:

> My only contribution to life in El Paso is the love I have for its people.

He has gone about his daily tasks of kindness and fellowship with a life that has reached across religious faiths and racial barriers. The city he called home for 76 years will not forget him; and in a nation now torn by internal dissent, and seeking for principles to guide our conduct, we can all benefit from the full and well ordered life of "Uncle Bert" Williams.

## GLOOMY ECONOMIC STATISTICS

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. ALBERT.** Mr. Speaker, the Federal Government Friday reported some of the gloomiest economic statistics in 10 years. There can be only one interpretation: We are in the midst of the first Nixon recession.

Government statisticians report that the Nation's economy is in the deepest slump since 1960 and the inflation in the first quarter of this year is the worst since the Korean war.

The Government revised gross national product—GNP—for the first quarter was at $724.3 billion, down some $6 billion in the past 6 months. These figures show that productivity has declined for two successive quarters, meeting the economists' standard rule of thumb for defining a recession.

These figures also mean the productivity of this Nation, which had been on a continuous upward trend for more than 8 years, has been stopped and thrown into reverse by the failing policies of this Republican administration.

The GNP moved down at a faster rate in this current recession than in the last Republican recession of 1960–61. It has not yet moved down as sharply as the 1957–58 Republican recession. But neither has it run its course unless the President and his economic advisers move, and move quickly, to restore confidence in the economy by utilizing the tools provided them last year by a concerned Congress.

The administration has not only brought on recession, but inflation continues to erode purchasing power of the household budget. The gross national product price index, considered the broadest based index of inflation, increased at an annual rate of 6¼ percent in the first quarter, the sharpest increase in the cost of goods and services in 19 years. And except for the retroactive boosts in social security benefits and Federal pay, average income declined for the first time in 4½ years.

Only recently, Government figures showed that unemployment in April stood at 4.8 percent, an increase over the previous month, equaling the biggest rise in joblessness since the 1960 recession.

All of these statistics verify the deteriorating condition of the economy. But it is not cold statistics, but the human problems and suffering they reflect which is of utmost concern.

More than 1,250,000 more Americans are out of work since this Republican administration began applying its big business-oriented excessive interest policies. Millions more are receiving less income and paying more for goods and services. And the great masses of low- and middle-income Americans are being denied a basic right to own their own homes because the administration's economic policies funnel usual home mortgage funds into loans for big business investments.

Also, hundreds of thousands of investors, including many depending on investments for retirement income or their children's education, have suffered drastic losses in the stock market debacle. The pattern of the present inflationary recession follows the same failing policies of the last Republican administration which was presided over by big business interests. In the 1950's and early 1960's of Republican rule, the country suffered three recessions—one early in the administration, one midway, and a third one closing out a Republican administration.

The consequences of recession and inflation are too serious to be permitted to continue. We in Congress have provided legislative tools, and we trimmed the President's own budget requests last year. I call on the President and his economic advisers to use the credit controls and fiscal flexibility provided, and to use the moral powers of the office of the Presidency. The administration must reverse its failing policies, must face the evidence, and take steps to alleviate the inflation, unemployment, and the general recession gripping the Nation.

## FINANCIAL SITUATION OF THE COUNTRY—CHICKENS NOW COME HOME TO ROOST

(Mr. GROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. GROSS.** Mr. Speaker, apropos of the remarks made previously by the gentleman from Oklahoma (Mr. ALBERT) concerning the financial and economic situation in the country, I would remind the gentleman that the chickens of the past decade of Democratic administrations had their craws pretty well stuffed with inflation and extravagant spending. Those chickens are now coming home to roost.

## PRESIDENT SNUBS BLACK CONGRESSMEN

(Mr. CLAY asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

**Mr. CLAY.** Mr. Speaker, for more than 90 days the nine black Members of the House of Representatives have been trying to arrange a meeting with the President of the United States. On February 18, 1970, we wrote Mr. Nixon requesting an audience to discuss a range of questions representing the concerns of 25 million black Americans. I have personally discussed this matter with two White House aides and asked them to impress on the Chief Executive the urgency of such a meeting.

The Nixon posture on civil rights and the conscious, well-publicized effort on the part of this administration to retreat from pursuit of freedoms for black citizens have been at issue since Mr. Nixon assumed office. The alienation between the black populace and this President is severe. It is as deep as it is dangerous.

In an effort to communicate the crisis proportions of this situation, the black caucus of the House of Representatives requested an opportunity to meet with the President. We sought to open some line of communication between this administration and black people. It was viewed as a reasonable request. There is a complete absence in the White House of any open line to the black citizens of the country. Certainly, the black Members of the House, nine in total, do constitute the only elected representation in Government for most of the 25 million black citizens of this Nation. Black Americans recognize us as a group most cognizant and closely in tune to the tenor of the black community. Mr. Nixon's refusal to meet with us suggests that he prefers to handpick the spokesmen for black Americans.

Mr. Speaker, the Members of the black caucus of the House of Representatives make known at this time our outright disgust with the President's policies and his refusal to give us an audience. In a letter dated April 20, 1970, Mr. Nixon informed us through his staff assistant, "We had hoped to be able to work this out, but the President's schedule has been such that we just have not been able to work it in. At this point, we do not foresee an opportunity in the immediate future, but will be back in touch with you if an appropriate time arises."

During this 90-day interval, Mr. Speaker, while our President was trying "to work into" his schedule a meeting with nine black Congressmen, lets review some of the things he considered more important. Our President who claimed he wanted to "bring us together" found time to meet with representatives of 11 veterans and patriotic groups to discuss foreign policy. He met with Mrs. Khang, head nurse of a 120-bed hospital for children in Danang. He met with the Citizens Committee for Peace With Freedom in Vietnam. He met with the American Society of Association Executives. He met with eight members of the Association of University Presidents. Yes; in addition to the many cocktail parties and state dinners at the White House, our very busy President even found 2 days to cajole France's President Pompidou.

Mr. Speaker, there is no question about where Mr. Nixon has placed his priorities. He has traveled more than 35,000 miles in foreign countries. He has entertained hundreds of foreign diplomats but refuses to meet with the elected representatives of the black "nation" within this country. It is pathetic that in all of the President's travels he has not seen the suffering and deprivation in Watts, Hough, Harlem, Fillmore, or any of the other ghettos.

The black citizens of the United States constitute by their very numbers and

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condition one of the largest "underdeveloped" nations in the world. The President, by his pledge to serve all the people of this country, has ignored his responsibility to our people. The President's position on the voting rights act extension, his position on school desegregation, his Supreme Court nominations of two southern racists, his veto of Federal education funds, and his refusal to place a priority on the domestic concerns of hunger, housing, poverty, and employment testify to his apathy not only toward black people—but toward all poor Americans who since January 1969, have truly known what it means to be "forgotten."

The President has declared his disdain for military defeat and his passion for honor among the world community, his rhetorical commitment to preserve the security of our Nation is meaningless when viewed in relationship to the absence of efforts to win battles on domestic fronts. If there is honor to be won, it is here in this country where American blood is staining American soil. Six murdered in Augusta, and two in Jackson. If there is a potential for this Nation to fall, it exists here in the United States more surely than in our correction of mistaken involvement in the affairs of Indochina.

The indifference of President Nixon to the need for action on the domestic front is equaled not only by the nature and context of the following reply of our letter. The following letter from the White House was directed to Congressman Charles C. Diggs, Jr., who serves as chairman of the black caucus:

THE WHITE HOUSE,  
*Washington, April 20, 1970.*

Hon. Charles C. Diggs, Jr.,  
*House of Representatives,*  
*Washington, D.C.*

Dear Congressman: The President has asked me to respond to your request for an appointment with him for the Black Members of the House.

We had hoped to be able to work this out, but the President's schedule has been such that we just have not been able to work it in. At this point, we do not foresee an opportunity in the immediate future, but will be back in touch with you if an appropriate time arises.

With the President's thanks and kind regards,

Sincerely,

Hugh W. Sloan, Jr.,  
*Staff Assistant to the President.*

## AIRCRAFT SALES TO LATIN AMERICA

(Mr. FASCELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, I am firmly opposed to the sale of sophisticated, up-to-date supersonic jet aircraft by the United States to the countries of Latin America which are not faced with an external threat and which should not in terms of their resources and the urgent needs of their people divert scarce resources to buy such expensive weapons systems.

I have made this position clear on a number of previous occasions and I have supported legislation presently on our statute books which gives expression to these sentiments.

I also supported an overall ceiling of $75 million on U.S. sales of military equipment to Latin America.

I feel, however, that where there is a demonstrable need for the replacement of obsolete equipment; where the sale of more modern aircraft would not precipitate an arms race; where the aircraft being sold is not of the current generation of supersonic planes; and where the sale would not adversely affect the purchasing country's internal development programs—I feel that under those conditions, each request for the purchase of American aircraft should be handled, and a decision made, on a case-by-case basis.

I may add that the Subcommittee on Inter-American Affairs which I have the honor to chair has been apprised by the Department of State of the fact that several Latin American countries have been interested in purchasing aircraft from the United States.

The subcommittee went into this subject in the course of two recent hearings—on April 29 and 30 of this year.

We were informed at that time that the U.S. Government has agreed to sell a number of jet aircraft to Argentina. The equipment involved, we were told, is not of the most recent vintage. The planes are not supersonic jets under normal combat conditions.

Argentina, of course, is somewhat different from the other countries of Latin America in that it has a fairly strong economy and is not a significant recipient of U.S. development assistance. We only have a marginal program in that country, and that is coming to an end. So some of the factors that would have to be taken into consideration with respect to military sales to other Latin American countries do not appear to apply in this instance.

The subcommittee was also informed that a number of Latin American countries, other than Argentina, have been interested in replacing some of their obsolete and virtually inoperative military aircraft. This interest, I may add has been expressed for a number of years and is receiving study in the administration. But as far as I know, no commitment has been made to date to sell U.S. aircraft to any of those countries.

The subcommittee will, of course, continue to watch this situation with care because I believe that most of us share the concern that I expressed at the outset of this statement. We do not want the United States to be even a contributing factor to an arms race in Latin America. There are other priorities which deserve first attention.

## TRIBUTE TO THE LATE MRS. B. CARROLL REECE

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, a gracious lady and an honored Tennessean died last week in Johnson City.

Many of our colleagues remember Mrs. Louise Reece, and some of them are still here who served with her husband, the late Congressman and National Republican Chairman B. Carroll Reece. The name was synonymous with my party and its guidance in east Tennessee until his death a few short years ago.

Mrs. Reece filled out her husband's final term in this body ably and graciously. Then she returned to her home State, and found time to give counsel to several struggling and aspiring younger politicians. As one of these, I will never forget her generous advice and encouragement.

The State of Tennessee has lost a distinguished citizen. This body mourns a former colleague, and my party has been deprived of one of its wiser voices. But selfishly, I mourn most for myself, because I have lost a friend.

## COPPER PRICING

(Mr. BLANTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLANTON. Mr. Speaker, on March 19 of this year, I introduced House Resolution 885, which would establish a select committee of the House to investigate what I believe are some grave questions concerning the pricing practices and operations of the domestic copper industry.

Since that time, I have continued to conduct my own personal investigation of the industry, and I am even more convinced of the necessity for congressional action.

Several members of my committee, the Interstate and Foreign Commerce Committee, have shown a deep interest in this problem. In view of their interest, and in view of the need for a full study now, I am introducing today, along with my distinguished colleague from California, the Honorable John Moss, an amendment to the Federal Trade Commission Act.

The bill which I and Chairman Moss of the Subcommittee on Finance and Commerce sponsor goes to the heart of the entire problem in the copper industry—the allocation system by the major domestic producers.

This legislation essentially will make the current allocation system an unfair practice under the FTC Act. It would essentially do away with the two-tier pricing system which exists in the free world copper market today. The system exists because of a rationing situation among a small brotherhood of major vertically integrated copper producers, who supply their own subsidiaries and a few select, preferred customers. Because the producers have a large share of the fabricating market, we have a situation where four to six companies virtually control the market, and can dictate who can and who cannot be in the business. Many independent fabricators are being

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forced out of the business, and the copper producers, because they have allowed a situation to go unchanged for more than 7 years, have left themselves wide open for charges of practicing restraint-of-trade policies.

The legislation we introduce today is one possible solution. I would hope that through a continued investigation, and hearings, we could come up with various alternatives. While I am not optimistic about the copper producers voluntarily working out a fair system, I want to have the chance to let them tell our committee what their feelings are, and how they would suggest broadening the competitive aspects of the business. I would also hope the executive branch, which has had a task force investigating the copper industry pricing practices, to share their views and cooperate with Congress in finding a solution.

I will be criticized for singling out the copper industry from other metal industries which also have problems. Copper is my concern, first, because I have constituents directly and adversely affected by the present day situation. However, I also hesitate to tackle the entire, broad metals industries because Congress has tried to do that before and the sheer volume and scope of the inquiry made the efforts a failure. Several years ago the Senate held an investigation and hearings into "dual distribution" which covered so many fields that no legislation came out of it at all. I feel that it is perhaps the wisest course to limit our efforts to a piecemeal approach, and if the Congress wants to study other industries at a later time, then that is good.

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I would like to make it clear that I am somewhat disturbed at the response and the activities of the Justice Department to my efforts in this copper probe.

Mr. Speaker, if there is any agency, department or bureau in this Federal Government which has a credibility gap as far as what it should do, and what it is doing, and what it will do, it is the Justice Department.

For 7 years the Justice Department has had an "on again, off again" inquiry into the copper situation. I am inclined to believe now that it is "on again" when Congress shows an interest in the situation, and "off again" when interest dies down on Capitol Hill.

The Justice Department has intimated to me that politics during the past administration was at fault in squelching investigations of the industry. Yet, the current administration has been in control of this Department for a year and a half now, and I do not see any productive activity in the Department's endeavors.

The Antitrust Division of the Justice Department has informed me that they are now conducting an investigation into the problems of the copper industry. They have told Chairman Weinberger of the Federal Trade Commission that they are doing so. This is the reason, and I presume the only reason, the FTC has not already gotten into this situation.

Yet, the facts are clear. The Justice Department told the Select Committee on Small Business last fall that they were investigating, and this is the reason that House committee dropped their plans for a full scale inquiry. In fact, the subcommittee informs me that Justice was most insistent that any congressional action would merely duplicate their own efforts, and be unnecessary.

It is high time for Congress to act on its own now, for we simply can not depend on this "on again, off again" type of inquiry into a situation which is running small businesses out of what is supposed to be a free and competitive market.

The cursory, low-keyed inquiry by the Justice at this time should not influence Congress to hold up on any investigation of its own. And the probability that we will never see the President's Economic Advisory Council's Task Force study of the copper industry should only increase our determination to exert our congressional authority in this field.

Mr. Speaker, the problems involved are complex, important, and timely. The legislation we introduce today is designed to be a start in the direction of finding solutions. I would hope we could have cooperation from the industry, as well as other branches of the Government to assist in finding the best solution, the most feasible and fair, long-range answer.

The bill is as follows:

H.R. 17657

A bill to amend the Federal Trade Commission Act to prohibit certain unfair sales practices in the copper industry

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section 5(a) of the Federal Trade Commission Act is amended by adding at the end thereof the following new paragraph:

"(7) It shall be an unfair method of competition within the meaning of paragraph (1) of this subsection for any person to sell refined copper in commerce at a price which the Commission determines is significantly below the world market price for refined copper of a similar grade, unless such person allocates such copper among the domestic users of refined copper of such grade in a manner which the Commission determines is fair and equitable to such users."

SEC. 2. The amendment made by the first section of this Act shall apply to sales occurring more than 90 days after the date of enactment of this Act.

## CONDEMNATION OF REAL PROPERTY

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, Members of this body will agree that when real property is condemned through the power of "eminent domain," the owner of such property not infrequently sustains an economic loss. The measure of damages to the propertyowner, until recent times, has been the fair market value of the real estate condemned. Other economic losses to the landowner such as the cost of relocation and the personal inconvenience were not legally to be considered in assessing the damages sustained. Until the passage of the Federal Highway Act of 1968 and the Housing and Urban Development Act of 1968, the Federal Government did not grant any relocation assistance to owners of real property who were displaced by Federal action. In these two acts, the Congress recognized that undue hardships were placed on businessmen, homeowners, tenants, and farmers when their place of business, farm or home was taken by the Government in order to construct a public works project.

Presently, there are more than 50 Federal programs which result in the condemning of land and literally, the removal of thousands of people from their homes and businesses. Virtually all federally assisted programs have differing and conflicting provisions for helping those displaced.

A classic example occurred in Jacksonville, Fla., where the Post Office Department displaced over 200 families in order to construct a new building. Though those who owned their own property were reimbursed for the value, none of the displaced persons received assistance for moving expenses even though they were all below the poverty level. However, when the Department of Housing and Urban Development moves people in povery areas to create a housing project, they give relocation assistance.

Definitely, uniform relocation laws should be adopted by the Congress. The nature and amount of compensation to be granted displaced persons should not depend on which agency is condemning the property. Basic fairness requires uniformity.

In this time of high interest rates, one should remember that a man may have loans outstanding on which he is paying 5.5 to 6 percent interest. A person moved from his home or business should receive full compensation for the difference between his present interest rate and that which he would have to pay at his new location.

When a man spends 20 years improving his home or business, he has made a substantial investment. Many times he will have spent a great deal over his original purchase price on improvements. Then, when he is given the "fair market value" by the condemning authority, no consideration is given to these improvements, the cost of relocation, and additional costs of being at a new home or business site. The uprooting of an individual is a very personal matter. We cannot make the process painless, but the Congress can insure fair and even-handed administration, no matter what agency is involved.

For these reasons, Mr. Speaker, today I am introducing the Uniform Comprehensive Assistance and Land Acquisition Act of 1970.

This bill provides that the Federal agency acquiring the property must make fair and reasonable relocation payments for moving, and if the person must dispose of his property at a less than fair value, the Government shall reimburse the loss. In lieu of the above payments, displaced persons my elect to receive up to $200 for moving expenses and up to $100 for dislocation. It sets up relocation assistance programs aiding persons who have immediately adjacent property and are hurt economically.

The bill directs each Federal agency to make every reasonable effort to acquire real property by negotiated purchase and the owner will accompany the appraiser when he is evaluating the property before the condemnation. The agency is expected to insure that a person does not suffer economically because of the proposed relocation.

The bill further provides that any person or State adversely affected may seek judicial review and seek appropriate relief.

We all recognize that the cost to the Federal Treasury of insuring adequate compensation to those suffering the loss of real property and the loss of legally protectable rights in real property will be higher. For me, however, the moral responsibility of the Government to prevent hardships upon citizens who are displaced by reason of Government action requires the Government to meet those financial costs to the citizen.

I would urge my colleagues to give this legislation full and fair consideration at an early date.

## WITHDRAWAL BY REQUIRED DEADLINE—FORMULA FOR DISASTER

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, when people take the time to understand what is involved in a vote to cut off money for military operations in Indochina past a certain designated date or dates, they will recognize that a vote to do this is a vote to pull the rug out from under our men fighting the Communists in Vietnam. Why? Because it would stop their pay and allowances; cut off their ammunition; deny fuel to airplanes and helicopters that protect them from the air; cut off the pay for allied troops—that is South Koreans—that are combat fighting alongside of them; stop military aid to the forces of South Vietnam, and so forth.

Such legislation would invite and virtually assure slaughter of our forces as well as those of our allies if the enemy chooses to press the advantage that is given them from the published timetable of required retreat. Such a withdrawal deadline requires withdrawal schedules in the field, day by day, from area by area, with the enemy knowing that as the cutoff date nears there will be next to no one there to protect our troops or our allies. To force this whether or not the South Vietnamese are prepared and equipped to defend themselves and our troops as Americans go to the docks to board ships for the United States of America is to invite disaster.

I do not believe that such a fate is deserved by our honorable fighting men in the field. I do not believe it is really wanted by anywhere near a substantial segment of our people, although most all of us want to get all Americans out of Vietnam as soon as safely possible. We must not disregard the commitment that we have to the South Vietnamese nation, nor cast dishonor on the role of honor in commitment that is typified by the 400,000 brave Americans now in Vietnam.

A legislative requirement of withdrawal by a set date assures that both our troops and our allies may be in a position of helpless peril before many months have passed, for it is almost certainly impossible to complete the Vietnamization program within the time limit required by pending proposals in the other body.

To vote for such hand-tying legislation in ignorance is bad enough, no matter the motivation to get out of Vietnam which is strong in the hearts of most Americans. Both the Armed Services Committees and defense appropriations subcommittees have had top-secret briefings over days and months which have repeatedly demonstrated to its members the crucial dangers to Americans in Vietnam of such a proposal. To vote from knowledge of these facts is indefensible.

Those who vote to set time limits on withdrawal on penalty of a cutoff of funds are playing into the hands of the enemy no matter the almost universal desire to withdraw with a minimum of delay.

Let us get Americans out by turning the defense of South Vietnam over to the South Vietnamese where it belongs and withdraw our fighting men as this is accomplished. To withdraw faster than the South Vietnamese can defend themselves—and defend Americans as Americans are withdrawn to the ships and planes for home—is to endanger their lives. This the Congress should not do.

And hereafter let us forever resolve that not again will American boys be sent overseas to war unless and until the Congress shall have declared war.

## A MOB IS A MOB, IS A MOB

(Mr. RARICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RARICK. Mr. Speaker, innocent and unwary youth are being used as shock troops to turn our country upside down in the name of progressive dissent.

A mob is a mob, is a mob, whether it be at Kent State, Chicago, Jackson State, Washington, D.C., or Berkeley. Those who join the mob and permit themselves to be exploited through emotionalism and bipartisan politics—skillfully maneuvered—must expect to suffer the consequences of the mob. Neither preachers, educators, attorneys, nor distorted news coverage can disguise nor dignify the mob.

But even more nauseating are concerted efforts to capitalize on the agonies of duped members of the mob by promoting them into martyrdom for continued exploitation. History records those who burn and destroy civilizations as "vandals"—not heroes.

The American people are becoming disgusted in the overplay of the martyred mob by the "hired lackeys" of the communications media. They recognize them as the people who have helped to promote agitation of the issues and when their venom has resulted in death, violence, and turmoil, they seek to absolve their participation through interpretative commentating and placing the fault and responsibility on others.

Who are to blame for the incidents at Kent State, Jackson State, Augusta and by now a thousand other locations? The American people have not forgotten the Warrens, Douglases, Reuthers, Kings, Abernathys, Dellingers, the social "preachers," the "yellow" journalists, and the TV sensitivity trainers.

The American people have not forgotten that the "stars" of the interpretative reporting are for the most part the same sore losers—the rule-or-ruin boys—who lost the last election.

This is not free speech or impartial reporting. It is monopolized "mobocracy."

The American people will never permit those who advocate agitation and violence as a means to social reform to escape their personal and collective responsibilities. Who does own and control the giant "news" complexes in America? They cannot be Americans—they do not even believe in America. The American system and solutions do not even receive equal time or coverage.

We must never let those who have provoked the problems at hand escape their complicity in the causation. History must record for the coming generations that it was not the constitutional system that broke down, but rather selfish, arrogant demagogs and idealists who are responsible for the tragic consequences they have unleashed.

I include a related news clipping:

[From the Washington Star, Washington, D.C., May 16, 1970]

### WARREN DEPLORES NEGLECT OF RIGHTS

NEW YORK.—Former Chief Justice Earl Warren says many of the nation's problems today can be traced to neglect of the ideal of equality and a failure to enforce the Constitution's guarantee of civil rights.

"We have had many crises in prior years, but none within the memory of living Americans which compares with this one," Warren told a civil rights luncheon yesterday.

"Our problems have grown in size and intensity with the result that we are now torn by distress, frustration and dissent," he said. Contributing factors, he said, include war, unemployment, inflation, a deteriorating environment and "an atmosphere of oppression."

## THE PRINCE OF PLUNDER AND S. 30, THE ORGANIZED CRIME CONTROL ACT OF 1969

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, for the past few weeks, I have stood here in this Chamber and called the attention of the House to various aspects of the thrust of the Mafia's organized attack on our country in the hope of expediting action on S. 30, the Organized Crime Control Act of 1969. Today, I would like to call your attention to a revealing article in the May 1970, issue of Reader's Digest, by an associate editor of that magazine, concerning one of the longtime powers behind the scenes in the Mafia—a "prince of plunder" as he is called by the

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magazine. Mr. William Schulz, the author, describes the rise to great power and wealth of Meyer Lansky. From smalltime thief on the New York City's Lower East Side, to operator of illegal distilleries during the depression, to nationwide gambling operations, to Mafia-related kingpin—this is the chronology of events listed by Mr. Schulz in the biography of a bigtime racketeer. The author describes in some detail how Lansky and his cohorts "skimmed" millions in unreported gambling earnings off the top of income reported to the Government and how this money was sanitized by deposit in Swiss bank accounts and thence back into legitimate businesses in the United States. Mr. Schulz also indirectly suggests that the Mafia may have quite an extensive intelligence operation even in the Federal Government. He gives as an example a top secret report on Mafia operations which several years ago traveled from the Attorney General's office to the councils of the Mafia in less than 72 hours. According to Mr. Schulz, no explanation has ever been found for this leak of information.

Mr. Speaker, in order that my fellow Members of the House and the American public might better realize the full extent of the dangers to our society which S. 30, now pending before the House Judiciary Committee, is designed to combat, I include Mr. Schulz' article in the Record at this point:

## The Shocking Success Story of Public Enemy No. 1

(By William Schulz)

"A perfect gentleman," says a wealthy neighbor at the posh Seasons South, an oceanfront high-rise in Miami Beach. "A quiet guy with simple tastes," observes a long-time associate. A "retired investor," he says of himself on his tax forms.

And 67-year-old Meyer Lansky acts the part. A slightly built man with thinning gray hair and a pinched face, he dresses conservatively in custom-made suits. He lives quietly with his second wife, shuns night life, tips modestly. He drives a rented Chevrolet, and his idea of fun is a leisurely walk along the Miami beach front, his miniature Tibetan Shib Tzv dog, "Bruiser," at his heels.

But there is another side to Meyer Lansky. To a veteran New York prosecutor he is a "ruthless mobster whose brains and guile have made him a major underworld figure since the Roaring Twenties." To *The Wall Street Journal* he is a financial genius who "has shaped the organized crime syndicate into a well-disciplined operation." And to a leading government Mafia expert he is Public Enemy No. 1.

Government authorities put Lansky's wealth at more than $100 million, almost none of it in his own name. His holdings include gambling casinos from the Caribbean to the Middle East, New York clothiers, New England race tracks, Miami hotels—and millions upon millions in foreign banks and U.S. stocks.

### BUGS AND MEYER

Born Maier Suchowljansky in Grdono, Poland, Lansky immigrated to Brooklyn at the age of nine. He dropped out of school after finishing eighth grade (he earned A's and B's on his report card), and joined a gang of thieves on Manhattan's Lower East Side. He graduated quickly to the big time, and in the late 1920s, during Prohibition, hooked up with another young hood, Bugsy Siegel, to form the Bugs and Meyer Mob. Their gunmen guarded illicit booze shipments between Chicago and the East Coast. They were partners—with Joe Adonis and Frank Costello, rising stars in the Mafia—in at least three illegal distilleries. Their criminal interests grew to include casinos, narcotics, and a nationwide bookie network.

During the early 1930s, La Cosa Nostra (LCN), or the Mafia, formed a "Commission" to bring its warring factions under a supreme council. As a non-Italian, and a Jew, Lansky was ineligible for LCN membership. But his power was such that he became an ex-officio member of the commission. His financial genius was eagerly sought by LCN big shots. They, in turn, allowed him to expand his empire.

Working with an outsider is one thing. Trusting him is another. Always, LCN kept a "watchbird" with Lansky, just to make sure that his split with them was honest. For many years, the Lansky watcher was Joe Adonis, a capo (captain) in the "family" of New York's Vito Genovese. When Adonis was deported in 1956, the job was taken over by Vincent (Jimmy Blue Eyes) Alo, another Genovese capo. Alo remains one of Lansky's closest companions.

### "BLACK MONEY"

Lansky was a very rich man by the end of World War II. He and his brother Jake ran 24-hour-a-day casinos in Florida's wide-open Broward County, north of Miami. His gambling dens and lotteries boomed in New York, New Jersey and Louisiana. In Las Vegas, Lansky was building a multi-million-dollar casino, the Flamingo, to be run by Bugsy Siegel.

The early 1950s brought a temporary setback. U.S. Senate crime-busters led by Tennessee's Sen. Estes Kefauver, exposed the dimensions of Lansky-financed corruption in Florida and New York. The Broward County casinos were shuttered, and Lansky received the only jail term of his long criminal career—three months for operating the plush Arrowhead Inn, an illegal gambling emporium in Saratoga, N.Y.

But, in 1952, Fulgencio Batista, back in power as dictator of Cuba after several years in Florida exile, had laws passed giving Lansky and his associates a complete monopoly on Cuban gambling. The purpose; to convert Havana into a glittering mecca for U.S. tourists. After Batista was overthrown in 1959, the mob tried to work out an "understanding" with Castro. But the end came, a Lansky intimate has disclosed, when Che Guevara sent his gun-toting men into the casino counting rooms to make sure that the regime was getting an honest tally on the taxes due. Lansky & Co. thereupon fell back to Nevada, where the counting rooms were, in the words of one operator, "sacred, inviolate," off limits to tax collectors and government agents.

In Las Vegas, the Lansky Group—Lansky, a few associates and front men—controlled at least four major casinos: the Flamingo, the Fremont, the Horseshoe and the Sands. Three times a day, at the end of each eight-hour shift, the casino chiefs totted up their winnings. Government authorities cheerfully took their word on what taxes they had coming. Thus, the stage was set for a killing.

In 1960, the Lansky Group began a process known as "skimming." The FBI discovered what was going on when agents bugged the Fremont Hotel in 1962. In each casino, huge sums of money—as much as $280,000 a month—were simply lopped off the top of the winnings. No taxes, state or federal, were paid on the skim. It just vanished from the counting rooms, carried by teams of bagmen to Lansky in Miami. Lansky kept the lion's share—approximately 60 percent. The rest was delivered to New Jersey's Gerardo (Jerry) Catena, a *capo* in the Genovese family, which has long shared racket profits with the Lansky Group.

Week after week, FBI agents pieced together details. On January 6, 1963, for instance, they listened as two members of the Lansky Group, Edward Levinson and Ed Torres, discussed the delivery of $115,650 to the boss. Worried that G-men were tailing Benjamin Sigelbaum, a long-time Lansky aide, Levinson suggested that the money be carried by someone else—Ida Devine, the matronly wife of Las Vegas racketeer Irving (Niggy) Devine, another Lansky associate.

Torres: You want to give Ida the money?

Levinson: She'll go down on the train.

Torres: She'll never leave the stateroom. So give it to her.

Levinson: I'll call her tomorrow.

Torres: Safe as could be.

On January 8, Ida Devine packed the money in a black bag and left for Chicago, where she switched trains and continued on to Miami. She delivered the package and returned to Nevada—all under the watchful eye of federal agents.

By the middle of 1963, Attorney General Robert Kennedy was waging all-out war on the skimmers. Couriers were tailed, tax agents pored through casino records. With the heat on, the Lansky Group sold out its Las Vegas hotels and turned its attention to the sunny Bahamas. Legalized casinos opened there in 1964. Whereupon, month after month, couriers carried suitcases stuffed with illegal skim across Florida Strait to Lansky and his cohorts.

A government investigation of Lansky's Bahamian interests alerted authorities to his latest sleight of hand, by which "black money" was transformed into legitimate capital, through the use of Swiss banks. An expansive Benny Sigelbaum explained how it worked. "Let's say," said Sigelbaum, "that Mr. X puts a big sum in a numbered account in Switzerland, then wants to invest it in the stock market. The bank buys the stock in its own name. The dividends are credited to the account of Mr. X. He's got an interest in the company, but his name never appears on the books or records as a stockholder."

The same scheme, completely legal in Switzerland, shielded members of the Lansky Group when their deposits served as collateral for Swiss bank loans to enterprises in this country. The records show only that the loans came from a Swiss bank. What isn't shown is the Lansky skim that made the loan possible.

### DELEGATE THE DIRTY WORK

It has been more than three decades since Lansky helped create the national crime syndicate. Of the mob's founding fathers, he alone survives. The others—from Frank Costello and Joe Adonis to Louis (Lepke) Buchalter and Bugsy Siegel—have been murdered, toppled from power, jailed or deported How has this frail little refugee shown such remarkable staying power? Here are some clues:

Despite his carefully nurtured image of peaceful legitimacy, Lansky is by nature as violent as any LCN terrorist. But he learned early to delegate the dirty work to others. In 1928, for instance, he attempted the liquidation of John Barrett, an underling he believed to be a police informer. The unsuspecting Barrett was taken for a ride, and Lansky opened fire at point-blank range. He succeded only in grazing Barrett, who dived from the car and was found by police. Charged with "suspicion of homicide," Lansky arranged for the delivery to Barrett's hospital room of a roast chicken stuffed with strychnine. Barrett, who tossed the poisoned fowl out the window, got the message. He refused to testify, and Lansky walked out of jail a free man.

From that day on, Lansky left the strong-arm tactics to trusted lieutenants. In 1931, his hired gunmen mowed down the No. 1 Mafia boss, Salvatore Maranzano, enabling the Young Turks—include Lansky and Lucky Luciano—to consolidate national control of the rackets. In 1947, Lansky's "hit-men" executed his long-time partner,

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Bugsy Siegel, less than 24 hours after the two had argued violently about Siegel's management of the Flamingo.

### COURTING POLITICIANS

In Nevada, the casino skimmers shelled out "campaign contributions" to political candidates and to officeholders, to big shots and to small fry. On November 9, 1962, Ed Levinson, of the Lansky Group, sat down with an aide in the bugged Fremont Hotel to fix the amounts of some of their contributions: $1,000 to Sen. Alan Bible, $500 to Rep. Walter S. Baring, $500 to the mayor of Las Vegas, $500 to a candidate for lieutenant governor, $300 to a legislative hopeful, $300 to a county commissioner, $200 to a candidate for justice of the peace.

Other casinos made similar contributions. One hotel reportedly poured $20,000 into the campaign coffers of then Gov. Grant Sawyer—who later echoed Sen. Howard Cannon's denunciation of the FBI's "Gestapo-like" bugging of the skimmers. Cannon even went to President Johnson to protest the bugging. Asked recently if he received campaign contributions from Levinson and other casino operators, Cannon said he could not recall, but would be "disappointed" if he had not.

### WINGED DOCUMENTS

Lansky apparently has allies in many places. On April 24, 1963, the FBI delivered a top-secret report on the Las Vegas skimmers to the office of Attorney General Kennedy. Based on electronic surveillance, it spelled out the theft of millions of dollars.

On April 27, agents listening to the Fremont bug were astounded to hear Levinson and Devine leafing through the FBI report, page by page, reading it aloud. Levinson exclaimed, "My God, Niggy, they even know about Ida."

Government officials have still not determined how the report traveled from Kennedy's office to the skimmers in less than 72 hours. But this was not the only such happening. On August 23, 1963, Ben Sigelbaum walked into the plush Miami offices of attorney Alvin I. Malnik, one of Lansky's trusted money-movers. "Greetings and salutations," he said, tossing a document on Malnik's desk. "This is from the Justice Department."

Indeed it was—a top-secret report that jeopardized the identity of a key government informer.

Lansky himself has dropped an occasional hint about his influence. Once he bragged of arranging the transfer of a federal investigator "who was giving me a bad time."

### SILENT INSULATORS

Lansky's greatest protection is undoubtedly The Group—the trusted associates who surround and insulate him, who hold his property in their names, carry his millions to secret Swiss banks, and who balance his books at the Eden Roc hotel's Cabana 169. Among them are such men as Hyman Siegel and Isidore Blumenfield. Siegel, 65, a heavy-fisted, third-grade dropout whose criminal record dates back to the 1920s, oversees Lansky's investments in the New York garment district and his interests in a number of crooked unions. Blumenfield, alias Izzy Bloom, alias Kid Cann, long-time Minneapolis gambling boss, has been convicted of white slavery, tax-evasion and bootlegging. He fronts for Lansky in at least four Miami Beach hotels—the Singapore, the Aztec, the Kimberly and the Hawaiian Isle.

In recent years, Lansky has pumped new blood into The Group. Alvin Malnik is an example. Recruited out of the University of Miami Law School, Malnik is known to his neighbors as a successful young attorney, investor and socialite. He has a lovely family and belongs to the best clubs. But his real job is that of a Lansky banker. Accompanied by Lansky bagmen, he flies regularly to Canada, meets with Swiss contacts and arranges the handling of skim. His future is predictable. "Members of the Lansky Group have lifetime contracts, with no cancellation clause," says one federal agent. "If they get tired or afraid, the mob has its own way of closing out the association—permanently."

The illegal and untaxed enterprises of Meyer Lansky deny the government millions in needed levies. His infiltration of legitimate business constitutes a deadly poison in the nation's economy bloodstream which affects every taxpayer. As a leading lawman says: "This man represents what we're talking about when we use those familiar words, 'public menace.' "

Federal authorities are currently exploring every avenue that could lead to nailing Lansky. His tax returns are examined and re-examined. U.S. officials have applied pressure to open the secret records of Swiss banks. Perhaps one of Lansky's silent associates will decide to talk. Perhaps Lansky himself will slip up. Fortunately for him, the FBI tapes spelling out the great skimming conspiracy are inadmissible as court evidence.

Until Meyer Lansky *is* brought to justice, his blood-and-theft rise to riches is a story that should shame and concern every U.S. citizen.

## THE SALT TALKS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from California (Mr. HOSMER) is recognized for 10 minutes.

Mr. HOSMER. Mr. Speaker, there follows the analysis of the ongoing Strategic Arms Limitations Treaty talks prepared by me and issued to House Republicans yesterday:

### THE SALT TALKS[1]

Nuclear deterrence may be defined as the obvious intent of a country, if attacked, to employ its nuclear arsenal in retaliation to destroy the attacker. For a quarter-of-a-century relations between the United States and the Soviet Union have been based on this awesome power.

Initially the US atomic monopoly gave it nuclear superiority. Deterrence was unilateral. Survival of the USSR depended on US restraint. As the Soviet nuclear arsenal took shape that country gradually developed a comparable capability for assured destruction of the US. Deterrence became mutual, a circumstance characterized by nuclear sufficiency on the part of each to destroy the other.

US strategic policy during the 1960's encouraged the shift toward superpower nuclear parity. America eased its strategic weapons build up and permitted the Soviets to catch up. US planners of this era believed parity would serve as a plateau from which Communist leaders would be anxious to stabilize strategic relationships either by a tacit or by a formal agreement.[2]

Unfortunately, as parity was reached no slackening of Soviet strategic arms deployment became apparent. It was as though, recognizing their own momentum and our lack of it, they determined to race on to superiority. If they reach this goal the US must depend on the USSR's restraint in its role of a nuclear superior in the mid or late 1970's. However, combining weapons production with arms control talks is not inconsistent with Kremlin's past approaches to treaty decision making. Events simply have not yet made clear whether Soviet participation in the strategic arms limitation treaty (SALT) talks is a serious try for a formal end to the strategic buildup or a simple ploy while arming.[3]

These are the ambiguous strategic circumstances inherited by Richard Nixon when he assumed the Presidency. He can ignore neither the possibility of a vital new danger nor the potentiality for an agreement dramatically easing international tensions.

Both factors underlie his request for the beginnings of an ABM umbrella to protect our land-based Minuteman ICBMs and SAC bomber deterrent forces from surprise attack. Despite their increased offensive arms the move, if carried beyond its present dimension, would help deny the Soviets nuclear superiority by enhancing the survivability of our deterrent. It also gives the Soviets an incentive for success of the SALT talks. They would be unlikely to negotiate for parity if, in the face of their buildup, the US Congress offers them superiority by rejecting President Nixon's Safeguard request.[4]

At the same time the President is directing intense negotiating efforts at the SALT talks to actually achieve an enforceable arms control agreement which limits strategic arms production and, if possible, reduce present stockpiles. Realistically the terms of a treaty must be in the security self-interest of each country and its allies, otherwise the Soviets will not agree and we should not agree.

It is clear that to write a treaty the superpowers first must concede that mutual deterrence not nuclear superiority is the preferred long term status for their relations.[5]

They also will need to determine some mutually agreeable bounds on their nuclear armaments because mutual deterrence can be achieved with various arsenals, so long as that of each country is sufficient to assure the destruction of the other. From the standpoint of allocating national resources between defense and non-defense goals, eventually achieving a low level without appreciable overkill should seem safely preferable to both.[6]

From these references the nitty-gritty of the SALT negotiations would deal with the numbers, kinds and combinations of offensive and defensive weapons allowed. This exercise aims less at nuclear parity in exact terms than it does at formulating conditions reasonably certain to maintain each power in possession of the nuclear sufficiency required to destroy the other. Under this approach, according to Henry Kissinger, both sides should have confidence that their forces are sufficiently invulnerable, reliable and balanced so that no attack could possibly be seen as advantageous, and no attempt to achieve a change in the strategic balance could succeed.

Writing a treaty that substantially cuts armaments outlays will be considerably simplified if the nations will forego anti-ballistic missile systems or strictly limit their use to protection of capitols and protection against third countries. An extensive ABM defense can seriously alter strategic equations if used to protect an ICBM force. To the degree that ABM is a successful defender, it enhances its owner's strategic power. To the degree an opposing nation estimates ABM will succeed, it encourages a boost in offensive power for the purpose of saturating the ABM defense.

Considerable attention during SALT negotiations is expected to focus on the ABM problem, including the possibilities for upgrading existing air defense missiles to give them ABM capabilities. Most observers believe that neither building or dismantling ABM sites nor upgrading AA missiles can be monitored adequately except by an intrusive inspection system. However, the very large radar antennae needed for ABM target acquisition, identification and interception can be satellite monitored. It is possible that some ABM limitations might be handled in terms of antennae limitations.

A further complication for the two superpowers in their treaty writing is a need by

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Footnotes at end of article.

each to anticipate dangers posed by third powers. Both have noted possible threats from nuclear armed Red China. Probably the strategic levels established by the superpowers vis-a-vis each other will need to be increased sufficiently to remain adequate even after weapons expenditures required to deal with third powers.[7]

Set forth below are the four most frequently mentioned approaches to writing a strategic arms limitation treaty and some discussion of each:

1. A limit on the number of allowed strategic systems, without restrictions as to *quality* items such as warhead yields, use of multiple individually guided re-entry vehicles (MIRV), etc.

Instrusive inspection may not be required as in the case of *quality* limitations. Most *quantity* limitations can be policed by each nation's own satellite surveillance system. However, surreptitiously produced systems such as orbital bombardment weapons and mobile ICBMs probably cannot be detected by satellites. One's assessment of the risk element of this potential for cheating will influence his judgment of the degree of confidence with which quantity limitations may be policed non-intrusively.

2. Limitations on *quality* features of strategic weapons systems which make on-site inspection mandatory if treaty compliance is reasonably to be assured.

Development of "black box" instrumentation eliminating a need to dismantle weapons to monitor quality features inside still will not obviate intrusions at military bases by inspectors utilizing the instruments. Heretofore this degree of inspection has been unacceptable to the Soviet Union.

3. A combination of *quantity* and *quality* limitations.

Discussion under 1 and 2 applies.

4. A ban on deployment of additional strategic systems coupled with a phased reduction in the allowable number of systems during a specified time period.[8]

The strategic defense requirement of the superpowers are asymmetrical. This approach permits each, within the limitation, to arm in the manner believed appropriate for its own defense. So long as the overall limit is honored it also permits upgrading from time to time and switches between types of weapons systems.

(Note.—This is a *quantitative* approach and subject to the confidence factors discussed under 1. However, to the extent that the "honest" nation can maintain a highly survivable deterrent which, even after surprise attack, is capable of retaliating with assured destruction of the "cheating" nation, the potential for "profit from perfidy" could be assessed as very low. A contrary view is that with reduced legitimate numbers of weapons systems, surreptitious weapons take on a greater importance, therefore the risks are large.)

Hypothetical case: Assume a maximum of 1008 allowed systems and no ABM allowed. Assume the US now has 1050 Minuteman systems, 450 SAC bombers and 656 Polaris missile systems (in 41 submarines with 16 each); total, 2156 strategic systems. Believing its land-based Minutemen and SAC bombers vulnerable to surprise attack, the US elects to scrap these 1500 systems, leaving only the 656 Polaris and a deficit of 352 systems. To get back up to its allowed 1008, the US build 22 new submarines to carry 352 added missiles in undersea safety. In the process the US is allowed to convert all Polaris missiles to new, improved yield and accuracy Poseidon MIRV systems. Thereafter the US converts the entire fleet to the Undersea Launched Missile System (ULMS). The intercontinental range ULMS missiles then permit US submarines to hide anywhere in all the world's oceans.

Similarly the Soviet Union may tailor its mix of allowed strategic weapons to best advantage during its reduction process and afterwards. Presently the number of its systems is in the same order of magnitude as our own and its submarines also carry 16 missile systems. Past Soviet preference has inclined to very high yield warheads. It is unlikely that all its strategic systems would be put in submarines where warhead weights and yields are circumscribed.

It is emphasized that the analysis here presented is just that, an analysis of the SALT talks. It is not to be read as proposals which have been made either by the US or the USSR. Rather, it is a guide for evaluating SALT proposals when and if made, and when and if publicized. Therefore, it is respectfully suggested that this document be filed for ready future reference.

FOOTNOTES

[1] For several years the possibility of strategic arms limitation talks between the United States and the Soviet Union has been under discussion. Initiation of talks was thrown off track by the Soviet invasion of Czechoslovakia in 1968. Finally, a first round of talks began in Helsinki on November 17, 1969 and continued until December 22nd. A second round convened in Vienna on April 16, 1970, and is continuing. A third round at Helsinki again is anticipated. Both sides have made considerable effort to keep the talks private and uninfluenced by propaganda and public opinion considerations. It is a general view that if talks have not produced a treaty by the summer of 1971 there is little likelihood of success. For an informed assessment of the negotiations see: Jonas, Anne M., "The SALT Negotiations: Keeping Hope in Line with Reality." *Air Force & Space Digest*, v. 53, Mar. 1970; 39–42.

[2] Principally former Presidents Kennedy and Johnson, their Secretaries of State and Defense, and their national security advisors, including numerous members of the academic community.

[3] For a discussion of Soviet behavior in disarmament matters see: Scanlan, James P., "Disarmament and the USSR," *US Command & General Staff College Military Review*, v. 50, Mar. 1970: 29–42.

[4] The previously proposed Sentinel nationwide ABM system intended to protect populations would be destabilizing. Rather than move to this posture President Nixon adopted the Safeguard system to achieve the objectives of guarding against accidental attacks, protecting our land-based deterrent forces, and protecting against the kind of small attacks third countries could launch in this decade. Soviet ABM deployment is relatively advanced compared to that of the US.

[5] For a view that mutual deterrence can be better maintained without a treaty and by progressive modernization of retaliatory forces by both sides see: Brown, Neville, "An Unstable Balance of Terror?" *World Today*, v. 26, Jan. 1970: 38–46.

[6] A minority of students of nuclear strategy believe that assured destruction capabilities are inherently unstable and that a damage limiting approach to arms control is preferable. This approach emphasizes passive (civil defense) and active (ABM) defense measures calculated to so limit damage from surprise attack that the incentive for initiating it is absent. See: Schneider, Mark B., "Strategic Arms Limitation." *US Command & General Staff College Military Review*, v. 50, Mar. 1970: 20–28.

[7] For arguments for permitting Red China a minimal credible nuclear deterrent see: Barnett. A. Doak, "A Nuclear China and US Arms Policy." *Foreign Affairs*, v. 48, Apr. 1970: 427–442.

[8] A MIRV ban and other qualitative limitations cannot be reached directly by this approach. However, reducing the number of allowed weapons systems below a number otherwise acceptable might indirectly approach some sought after qualitative goals.

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## NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Massachusetts (Mr. Conte) is recognized for 10 minutes.

Mr. CONTE. Mr. Speaker, this week has been designated by President Nixon as "National Small Business Week." It is a week for paying deserved attention and just tribute to the remarkable accomplishments of small business and to the vital role it plays in our country's economy.

At the same time, however, there is also incorporated here the clear realization that the accomplishments, as well as the needs and the problems, of small business are not just a 1-week matter, but rather a full-time, year-round matter.

That is why we have the Small Business Administration for one and that is why both the House of Representatives and the Senate have seen fit to establish special committees on small business.

The economic well-being of the more than 5 million small businessmen of this Nation is of critical importance to our society. As senior Republican on the House Small Business Committee, I would like to note that we on that committee consider it our job to make sure that the voice of small business is heard and that its needs and interests receive full consideration and attention.

The SBA, of course, has similar responsibilities within the executive branch, and let us be frank for a moment—neither of us has an easy job. There are a great many competing forces in Washington, all striving for priority treatment and consideration for their own particular areas of interest. In too many cases in the past, the problems of small business have just not been able to demand the attention they required.

Despite this, however, I believe that we can look with pride on the assistance we have been able to provide for small business.

Our House committee for one has a long history of successful advocacy in dealing with numerous problem areas for small businessmen.

Most recently, our committee has completed lengthy hearings in Washington and throughout the country to review present Government and industry procurement practices as they relate to small business.

I believe our recommendations based on these hearings will prove to be quite valuable in implementing Congress' stated goal that small business must receive its fair proportion of Government contracts and subcontracts.

SBA can similarly be proud, I believe, of the important contributions it has made to the cause of small business. I think it should be particularly proud of its programs designed to combine the private and the public sector in a part-

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nership effort, such as the newly emphasized programs of guaranteed bank loan financing.

Despite the difficult economic conditions presently facing the Nation, furthermore, I believe the present administration has demonstrated its deep interest in improving the status of small business in our economy.

This can be seen in the report of the President's Task Force on Small Business and in the Presidential message on small business sent to Congress in late March.

These documents contain concrete proposals for various new methods of assistance at the Government level as well as new small business incentives at the private sector level.

The President's interest in small business can further be seen by his Executive order of March 20 directing the Small Business Administration to emphasize its role as the advocate of the interests of small business and directing all Federal agencies to take these interests fully into account in their activities affecting small business.

In conclusion, Mr. Speaker, this Nation was built upon a foundation of small business. This foundation, while being threatened by consistently increasing economic concentration, remains as vital today to our society as it has ever been.

It is responsible for the fact that an employee can become an employer in this Nation as he can in no other country or society in the world.

On this occasion let us pay tribute to the millions of small businessmen throughout the Nation and let us rededicate ourselves to assuring that they will continue to play a fundamental role in the economy of our Nation.

## A NEWSWEEK POLL: MR. NIXON HOLDS UP

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Arizona (Mr. RHODES) is recognized for 10 minutes.

**Mr. RHODES.** Mr. Speaker, a Newsweek magazine poll conducted by the Gallup organization last week contains some rather interesting findings. In the wake of recent heated and intense criticism of the President—including a march on Washington estimated at some 100,000 persons—his standing with the electorate remains undamaged.

The poll indicates that fully 65 percent of the American electorate are satisfied with the way President Nixon is handling his job—better than a 2 to 1 margin. Moreover, with regard to the recent Cambodian border operation, 50 percent approve of the action and 39 percent disapprove.

I am confident that as the military dividends of the Cambodian operation become more apparent, and the war in Southeast Asia is shortened as a result of those operations, we will see an even greater surge of support for the courageous decision made by President Nixon. The article of May 25, 1970, follows in its entirety:

### A NEWSWEEK POLL: MR. NIXON HOLDS UP

Even after the Cambodian invasion and the killings at Kent State University, the "silent majority" appears to be alive and well in Richard Nixon's corner. A NEWSWEEK Poll Conducted by The Gallup Organization last week suggests that—despite the recent intense criticism of the President by college students and academic leaders and by liberal politicians and commentators—Mr. Nixon's standing with the electorate remains undamaged. The poll indicates that Americans find Mr. Nixon's conduct of the Presidency "satisfactory" by better than 2 to 1, that 50 per cent favor the Cambodian operation and 39 per cent oppose it, that a strikingly large majority is far more willing to blame student demonstrators than National Guardsmen for the deaths of four students at Kent State, and that Vice President Spiro Agnew's rhetoric about dissenters still enjoys the approval of a silent plurality if not a majority.

To get swift results, the survey was conducted by telephone on May 13 and 14 and covered a scientifically selected national sampling of 517 persons.*

Although the poll gave the President majority approval of his decision to send U.S. troops into Cambodia, the favorable rating was by no means as high as some opinion experts have come to expect after dramatic strokes of U.S. military power, when Americans have a tendency to rally round the President. Following the air raids on North Vietnam that President Johnson ordered in 1965, for example, public approval (as measured by Louis Harris) soared to 83 per cent. And 69 per cent (polled by Oliver Quayle) favored the entry of U.S. troops into the Dominican Republic.

Women were far more dovish than men on the Cambodian issue. They opposed the President's action, 49 to 37 per cent, while men supported it, 63 to 30. Women also tended to be distinctly less enthusiastic about the Vice President's speeches on dissent: in a near even split (37 to 35 per cent), they approved the Veep's line, whereas men applauded him by a margin of more than 2 to 1. Young people, too, were predictably more skeptical of the Administration than their elders, but even in the 21–34 age bracket, 55 per cent gave the President a favorable rating and 49 per cent approved of Cambodia. And if youth was by no means arrayed entirely on the left, neither were blue-collar workers all to the right: those without a high-school education came down hard against Mr. Nixon's Cambodian policy. A hefty 56 per cent opposed it, and only 26 per cent approved.

The question on the Kent State killings produced an unusually high number of "no opinions," suggesting that the no opinion column might harbor some people with qualms about the guard's behavior who were reluctant to say so outright. It also seems likely that some of those polled were suspending judgment about who was most to blame until the conflicting accounts of the shooting could be cleared up. But even if all those with no opinion were added to those who pinned major responsibility on the National Guard, a surprisingly strong majority of each group—by age, sex, education and political party—put the main blame on the protesters.

#### NIXON AS PRESIDENT

How satisfied are you with the way Richard Nixon is handling his job as President?**

[Answers in percent]

| | |
|---|---|
| Very satisfied | 30 |
| Fairly satisfied | 35 |
| Not too satisfied | 18 |
| Not at all satisfied | 13 |

#### U.S. TROOPS IN CAMBODIA

Do you approve or disapprove of President Nixon's decision to send American troops to Cambodia?

| | |
|---|---|
| Approve | 50 |
| Disapprove | 39 |
| No opinion | 11 |

#### WHO'S TO BLAME AT KENT

Who do you think was primarily responsible for the deaths of four students at Kent State University?

| | |
|---|---|
| The National Guard | 11 |
| Demonstrating students | 58 |
| No opinion | 31 |

#### AGNEW'S STAND

Do you approve or disapprove of Agnew's stand on dissenters and student protesters?

| | |
|---|---|
| Approve | 46 |
| Disapprove | 30 |
| No opinion | 24 |

## TRANSPORTATION DEPARTMENT ANALYSIS UNDERCUTS ARGUMENTS FOR THE SST

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

**Mr. REUSS.** Mr. Speaker, the Department of Transportation has just provided me with a summary of an economic analysis of the SST done early last year by the Office of Economics and Systems Analysis at DOT. I was prompted to request a copy of this analysis by an offhand reference to it by DOT witnesses in the just-published hearings on the SST before the House Transportation Appropriations Subcommittee. DOT witnesses said there that the analysis predicted an SST market of only 420 planes, rather than 500 needed for the Government to get its money back plus 4 percent interest—see hearings, pages 556, 577.

It turns out that this is not the only item in the analysis which is damaging to the administration's case for the SST.

Take, for example, the administration's argument that the SST will greatly benefit our balance of payments position. Their own economic analysis came to the following conclusion:

> The effect of the SST on the balance of payments appears to be negative following the same method of calculation developed by IDA. The aircraft and air fare payments estimates associated with the SST are positive, but are likely to be negated by passenger expenditures abroad and entries in other lesser accounts.

The administration also argues that that SST program is set up in such a way that the Government will get back its entire investment in the SST, plus 4 percent interest. Here is what their economic analysis concluded on that point:

> If the government has as its primary objective recovery of past SST program expenditures ($633.4 million by the end of FY 1969) as well as future investment, the principal would be recovered plus a small return on investment. The profits to industry in excess of the normal industry return are not sufficient to cover the federal sunk costs plus future planned federal expenditures at either the interest rate specified in the present contract or recommended by the Bureau of the Budget.

In other words, the Government may get a small return on its investment, but it will not be as high as 4 percent.

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*Telephone surveys, it should be noted, contain a slight built-in bias—about two percentage points, in this case—in favor of Republicans, since non-telephone households are necessarily omitted from the sample and these tend to be low-income and Democratic.

**Undecided not shown.

Another conclusion in the analysis which is relevant to this point is the following:

> The model outcome reveals that continuation of the SST program in some form is preferable to the null alternative (to discontinue the program) in all measures of effectiveness except federal recovery.

As I read it, this says that continuing the SST cannot be justified if the primary concern is that the Government get its money back.

With regard to the conclusion that the SST market will be 420 planes, it is worth noting that that is the top estimate. The analysis revealed that delay in production could reduce the market to 370:

> The expected value of SST sales is about 420 with no or one-year delay in production, 370 if production is delayed two years.

DOT witnesses testified before the House Transportation Appropriations Subcommittee last month that the production date has already slipped 4 months, and they could give no guarantee that there would not be further delays.

One of the assumptions of the economic analysis is also of some interest, given the administration argument that the SST is needed because of foreign competition from the British-French Concorde:

> The group of experts and the OESA staff felt there will be less than an even chance that the Concorde will be in operation and in competition with the SST on most routes when the SST is introduced.

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This may mean only that the analysts felt the SST and the Concorde would not be flying the same routes, but it seems more plausible that they were assuming the Concorde would be an economic flop. If the latter assumption is correct, it undercuts the argument that we must have the SST to protect the aircraft industry and our balance of payments from the threat of the Concorde.

Finally, in judging whether this analysis represents an optimistic or pessimistic view of the SST program, it is worth looking at some of its critical assumptions. The following three assumptions, I would suggest, are highly optimistic, and the analysis specifically states that these assumptions were simply accepted as "givens" and not subjected to critical evaluation:

> It is a virtual certainty that the Boeing Co. can build an operationally successful SST.
>
> Future development costs will be in line with current estimates.
>
> Air passenger demand and passenger choice forecast techniques developed by IDA and as used by FAA are accurate.

I include the full text of the Summary of Economic Analyses of the SST by the DOT Office of Economics and Systems Analysis be included in the RECORD at this point:

## SUMMARY OF ECONOMIC ANALYSES OF THE SST OFFICE OF ECONOMICS AND SYSTEMS ANALYSIS

### PURPOSE OF STUDIES

This paper summarizes the informal studies performed in the first part of 1969 for the Assistant Secretary for Policy and International Affairs by the Office of Economics and Systems Analysis, Department of Transportation. The intent of the studies was to take another look at the results of the economic studies performed for the FAA in 1966 and by Boeing late in 1968, using a modified version of the IDA demand model to test the effect on the SST market of the 2707–300 fixed wing design. Sensitivity analyses of the most important variables were also performed.

### CONCLUSIONS

The conclusions reached were as follows:

The expected value of SST sales is about 420 with no or one-year delay in production, 370 if production is delayed two years. These expected values are calculated using a modified version of the IDA (Institute for Defense Analyses) demand model previously used assuming high fares based on Concorde costs and a decision tree logic with the likelihood of successful outcomes of uncertain events provided by experts in various fields related to the events. The range of the possible SST market between now and 1992 could be up to 850 airplanes, assuming the SST will operate only in a boom-restricted market.

While the 420 market is below the 500 sales estimate by the FAA, it is above the industry and government breakeven point on the prototype investment.

Benefits to prospective air travelers are very significant.

The effect of the SST on the balance of payments appears to be negative following the same method of calculation developed by IDA. The aircraft and air fare payments estimates associated with the SST are positive, but are likely to be negated by passenger expenditures abroad and entries in other lesser accounts.

If the government has as its primary objective recovery of past SST program expenditures ($634.4 million by the end of FY 1969) as well as future investment, the principal would be recovered plus a small return on investment. The profits to industry in excess of the normal industry return are not sufficient to cover the federal sunk costs plus future planned federal expenditures at either the interest rate specified in the present contract or recommended by the Bureau of the Budget.*

Profits to the aviation industry in excess of the normal rates of return are expected to be sufficient to allow recoupment of future federal development expenditures with a return on investment of 10%.

The differences in expected values of SST's sold as well as the other measures of effectiveness between production under the present schedule and delay of the production phase by one or two years, as indicated by the output of the computerized model, are not apparently critical.

The model outcome reveals that continuation of the SST program in some form is preferable to the null alternative (to discontinue the program) in all measures of effectiveness except federal recovery. Based on the assumptions and weightings used, the No-production-Delay Alternative appears best. If consumer surplus may be disregarded, then the One-year Production-Delay has a slight advantage.

These conclusions are, of course, dependent upon the assumption under which the model was operated. Sensitivity analyses have revealed several of these assumptions to be especially critical:

(a) The most critical assumption was the fare level, which resulted in a 3 percent reduction in the SST market for each 1 percent increase in the fare. Based on the assumption that IATA airlines would establish a higher fare for a superior level of service, the SST fare input to the demand model was fixed at a level indicated by Concorde costs, or higher, which reduced the SST market by about 50 percent. If the fare were set at a level related to SST costs, the market would be the same as the FAA base case, plus an increment for a greater traffic growth rate.

(b) The value of passenger's time was set equal to 1.5 times the passengers' hourly earnings as used by the FAA.

(c) The group of experts and the OESA staff felt there will be less than an even chance that the Concorde will be in operation and in competition with the SST on most routes when the SST is introduced.

(d) The future air passenger market derived by IDA using the relationship between air traffic, quality of service, prices, and macroeconomic indicators was found to be somewhat conservative both by the group of experts and by the OESA staff, based on analysis of past trends and actual rates of growth. Therefore, the possibility of a faster growing air traffic market was incorporated into the model.

### DESCRIPTION OF ANALYTICAL PROCESS

This economic analysis relies on outside technical input for the information that:

It is a virtual certainty that the Boeing Co. can build an operationally successful SST.

Future development costs will be in line with current estimates.

Air passenger demand and passenger choice forecast techniques developed by IDA and as used by the FAA are accurate.

The report deals with the following decision alternatives:

To continue the SST project with U.S. Government financial participation through Phase III on the basis of the present development schedule which includes an overlap between development and production;

To continue the SST project with U.S. Government financial participation through Phase III, but to delay the production phase one year until completion of 100 hours of prototype testing;

To continue the SST project with U.S. Government participation through Phase III, but to delay the production phase two years, and do additional testing until possible introduction of the Concorde; or

To discontinue government participation in research and development of the SST, thereby ending the project.

The decision of whether or not to proceed with Phase III of the program is conditioned by a number of critical but uncertain future factors or events. If the outcome of these events, taken separately and in sequence, could be known today, this knowledge would profoundly affect the decision to proceed with prototype development, and would enable this decision to be made with a high degree of confidence. Stated briefly, these events are:

*Financing of Production.*—Will production of the SST be financed by the private market, or in the absence of this will it be financed with federal aid or loan guarantees, or will production not be financed at all?

*Airport Eligibility.*—Will supersonic aircraft be able to operate into and out of airports of the type that handle the large subsonic aircraft, or, due to noise restrictions, will they not operate at a number of such airports?

*Future Size of the Air Passenger Market.*—Will the air passenger market be close to the projected long-term trend or will it be significantly higher, or significantly lower?

*Operational Fate of the Competing Supersonic Aircraft.*—Will the competition (probably the Concorde) be in successful operation when the SST is introduced, or will it not?

*Competitive Fare Policy.*—What fare levels will be faced by the SST—will it be required

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*In accord with Bureau of the Budget—all monetary measures of effectiveness have been discounted using an annual 10% rate. The contract with Boeing states that full federal recovery is defined as recovery of principal plus interest at 6% compounded quarterly.

(by IATA and other regulatory groups) to charge the existing fare of the Concorde plus a surcharge, or will it be required to charge a fare equal to the Concorde, or in the absence of a competitive Concorde, can SST fares be set lower, i.e., to reflect fully allocated SST costs (development, production and operating costs)?

*Truncation of SST Production.*—Will the SST production have a normal run, based on its commercial attractiveness, or will some world, national or SST event (war, depression, multiple catastrophe) cause production to be cut off?

Although we cannot know for certain what the outcome of these events will be, some outcomes are more probable than others and persons with expert knowledge in the subject areas of the events can provide judgments as to these probabilities that are clearly an improvement over guessing at the future. The computer-aided decision analysis process which was used considers these expert probabilities, examines all possible combinations of event outcomes (576 separate cases) and provides the results in summary form.

The choice of decision alternatives, rank ordered, and

Values of six "payoffs" or "measures of effectiveness" for each decision alternative. These are:

Expected value of present worth of net future federal investment in the SST.

Expected value of present worth of net national user benefits (consumer surplus to U.S. passengers in terms of time saving) due to operation of supersonic aircraft in lieu of the competitive subsonic alternative.

Expected value of present worth of net profits to U.S. airlines and to U.S. aircraft industry in excess of the standard industrial rate of return due to operation of supersonic aircraft in lieu of the competitive subsonic alternative.

Expected value of present worth of direct net profits to foreign passengers and airlines resulting from operation of supersonic aircraft in lieu of the competitive subsonic alternative (as in 2 and 3 above).

Expected value of present worth of balance of payments stream in the aircraft and air passenger revenue accounts.

Expected value of number of SST 2707s to be sold through 1992.

The analytical process used was dynamic in that it provided for the interaction of supply of aircraft and demand for air travel over a 20-year period. The factors listed below were used as inputs to the analysis:

The future market demand level for air travel (boom-restricted market values only).

Value of the traveler's time in relation to his earnings rate.

Costs of competing subsonic aircraft.

Costs of competing supersonic aircraft (Concorde).

Available supply of Concordes in any year.

Available supply of SSTs in any year.

The size of the existing fleets of supersonic and subsonic aircraft at any given time.

The "real world" fare-setting policies used in international aviation.

The effect of supersonic aircraft service in inducing demand for air travel.

Airport restrictions on supersonic operation due to noise and congestion.

The initially lower utilization rates (hours per day) of new aircraft.

The initially higher load factors of supersonic aircraft.

A discount rate of 10% to reduce all future dollar effects to their present worth.

## PARTICIPATES IN SEMINAR FOR VETERANS AND THEIR WIDOWS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas (Mr. Gonzalez) is recognized for 10 minutes.

Mr. GONZALEZ. Mr. Speaker, last Saturday in San Antonio, Tex., I had the privilege of participating in a seminar for veterans and their widows sponsored by the Davy Crockett Post. No. 507.

This post's commander is James B. Mackey, a real American if there ever has been one. I learned a lot by just being present, but the fact that most of the area's service officials, both local and State, were present rounded out the occasion. I was given a copy of a resolution recently approved by this post. I hope many, if not all, of the colleagues will take the time to ponder this statement. The World War I veteran has long been woefully and shamefully neglected. The facts brought out by this resolution are sad and cry for redress. I insert in the Record at this point the contents of this resolution:

### Resolution by Davy Crockett Post No. 507, the American Legion

Whereas: World War I Veterans are currently receiving pensions inadequate to provide for today's cost of living.

And Whereas: World War I Veterans are of an average of 75, and dying at the rate of one in less than 1½ minutes with an original 4,000,000 plus, World War I Veterans being decimated to 1,500,000 plus.

And whereas: because of the dire need and the constantly increasing cost of living a revision is urgently needed.

And whereas: a comparable situation exists as regard to Veterans of the Spanish American War and the Veterans of World War I.

Therefore be it resolved, that pensions and all other benefits as pertain to World War I Veterans and their Widows be changed to provide instead to the same entitlements as afforded Spanish American War Veterans, with the exception that

Current Aid and Attendance for Veterans is $100.00 per month, and should be retained, to illustrate; those Veterans receiving a combined Aid and Attendance check for $184.00 per month would instead receive a combined check $201.59, as the Veterans of the Spanish American War receive monthly checks of $101.59, and other income brackets of World War I Veterans being likewise "*proportionately increased*", and with all these provisions also applying to the Spanish American War Veterans, who are classified as service connected.

And be it further resolved, that the Widows of World War I Veterans will henceforth receive a $70.00 month pension, and also Aid and Attendance of $50.00 per month. This applies mostly to rest homes.

And be it further resolved that the Government furnish a casket for burial, as with their buying power they can furnish a better casket. In addition to increasing the burial allowance from the present $250.00 to $350.00. This to apply to Veterans of all wars.

In closing just a few brief comments: Neither the Spanish American War Veteran or his Widow are required to fill out the yearly VA Questionnaire as required by the Veterans Administration.

The Veterans of the Spanish American War receive out Patient medical Treatment by making an application for same. Free Drugs on Doctors Prescription to be filled at the VA Pharmacy, other arrangements can be made where no Veterans Administration Pharmacy is available in the Area. Full details will be made should the bill be passed, and become Law.

This Resolution Adopted by Davy Crockett American Legion Post No. 507 on this the 16 Day of May, 1970 in a regular convened meeting.

James B. Mackey,
*Post Commander,*

Attest by:

Ray M. Hendricks,
*Acting Post Adjutant.*

## THE PLIGHT OF AMERICAN PRISONERS OF WAR

(Mr. SIKES asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, I feel that one of our highest national objectives should be to secure humane treatment and early release for Americans who are prisoners of the Communists in Southeast Asia. The problems encountered by American prisoners of war are not new, but it is doubtful that in modern times any prisoners have been subjected to such inhumanity as that displayed by the Communists toward captured Americans.

My attention has been called to an article written years ago for the VFW magazine by Forrest W. Howell. He had been a prisoner of the Germans during World War II and this article describes Christmas in a prisoner-of-war camp. Because of the graphic manner in which he discusses the spirit of the POW's, I feel that this article will be of interest to the Members of the House. Mr. Howell is now Director of the Federal Housing Administration in Jacksonville, Fla. The article follows:

### Time: Christmas Eve, 1944

(By Forrest W. Howell)

(Editor's Note.—This story, written by Assistant Editor, Noble Forrest W. Howell, was first published in the VFW Magazine in Dec. 1961. It is being run here as a companion piece to the GOD BLESS AMERICA article on the Wesconnet Shrine Club. It is a true story about an incident that happened 25 years ago (Christmas Eve 1944) in a German prisoner-of-war camp where Noble Howell was held prisoner for a time at Stalag Luft IV, near Kielfheide, Germany. Noble Howell, who is now the Director of the Jacksonville insuring office of the Federal Housing Administration was shot down over Germany in a B-17 in August 1944, and was liberated by the Russians in May 1945.)

(Place: A prisoner-of-war camp in the Danzig area of northeastern Germany, not far from Poland.)

There were two performances of the Christmas program that night because the building in which the program was being staged was not large enough to accommodate all of us at the same time.

The men of my barracks were scheduled for the second and final performance. The Germans, to whom Christmas means as much as it does to Americans, had agreed to a late lock-up. In return, the prisoners, through their interpreters, promised there would be no escape attempts during the extra hours of compound freedom.

The attendance was one hundred per cent. The makeshift seats filled quickly, and many of us had to stand. It was a good show, as prison camp shows go. But it failed to accent the Christmas theme as one would expect at this time of year. No carols, no Yuletide recitations, no Santa Claus—nothing to remind us of the day's significance, or our loneliness at being separated from loved ones on this day of all days. The curtain fell for the final time and the English-speaking German

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guards got up from their seats, signifying that we should return to our quarters.

"We will now sing 'God Bless America'," thundered an authoritative, triumphant voice from the stage. The crowd, which had been making its way slowly toward the single door, stopped, turned around, and faced the stage. Standing there, as big and proud as a man can be, was an American prisoner, his body erect and arms poised in the air to begin directing us in song. "Everybody sing," he shouted.

And we did. Every one of us.

The singing was not especially musical, but its was loud, clear, compelling, and fervent. Never have I heard a song sung with greater enthusiasm or a deeper sense of understanding. Especially the chorus, where we pleaded with God to "bless the land we loved, to stand beside her, to guide her, to bless our home sweet home."

It was more than a song. It has a prayer from the hearts of men who had suddenly discovered the words that truly expressed their deepest emotions.

It was an unveiling of men's souls, a yearning cry for one's country and one's loved ones, a cry of caged men who were trying by means of their thoughts to overcome the barriers of captivity.

It was a beautiful performance, more so because it was impromptu. War-hardened men had opened their hearts unashamedly and sung proudly, while tears streamed down their cheeks. Not one was ashamed of this outward display of uncontrolled emotion. It was a manifestation of their undying devotion and love for a country, their country; America, a country that was far away and out of reach.

The effect on the German guards was strange. They stood practically spellbound. They didn't know what to make of this unexpected display. They had no idea how to cope with the situation. They knew the singing should be stopped. But in the excitement of the moment, they didn't know how to do it. So they waited patiently until the singing subsided. And it did subside, almost as abruptly as it had started. It was a quiet group that filed out of the building into the softly falling snow. No one hurried, no one shoved, no one spoke, not even the German guards. Every one of us was in his own private dreamland. A land that shuts out the stark realism of Hitler's prison camp.

The spirit of Christmas had finally penetrated our dismal surroundings, bringing a spark of brightness and contentment to our hearts. For a little moment we forgot our weariness, our hatreds, our fears, and we were comforted. And though the spirit of Christmas—peace on earth, goodwill to men—was not reigning in the world, it prevailed for the moment in our hearts, where it originates and motivates.

"Rings and jewels are not gifts, but apologies for gifts," Emerson wrote. "The only true gift is a portion of thyself."

In singing "God Bless America," these men gave of themselves, to themselves, their thoughts reaching out beyond the shadows of the barbed wire, which melted away for a brief time.

Sad though the circumstances and the surroundings in Stalag Luft IV—this was a Christmas eve experience the men in that German prison camp will never forget.

## CAN MASONRY SURVIVE?

(Mr. **SIKES** asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. **SIKES**. Mr. Speaker, our distinguished colleague from Florida, the Honorable Don Fuqua, enjoyed the unusual and important privilege of addressing the annual sesions of the Grand Lodge of Freemasonry in Florida as grand orator at its recent meetings. Masonry enjoys an outstanding reputation for its contributions to good government and its patriotic support of our country's traditions. In Florida, Masonic membership is increasing and the grand lodge sessions always are well attended. Our colleague's grand oration was received with appreciation by the membership, and because of its significant and valuable message, I take pride in submitting it for publication in the Congressional Record. Congressman Fuqua has taken an active part in the work of the Masonic organization throughout most of his adult life and the honors which have come to him as a Mason have been highly merited. His grand oration has as its title the provocative question, "Can Masonry Survive?" He answers that question in a most emphatic and laudable manner. His address follows:

### Can Masonry Survive?

As we meet in our annual grand communication, it seems to me that there is a basic and fundamental question we should ask ourselves.

It is a simple question, it is shocking, and if you cut away the veil of illusions, it is frightening.

It is simply, "can masonry survive?" in a larger sense, what I am asking you is "can this Nation survive?"

My brethren, the answer to those questions are one and the same. Do not ever make the mistake of believing that they are not. For the very forces that seek to destroy this Nation, also seek to destroy the precepts upon which this fraternity was founded.

Reduced to its simplest terms, masonry has as its basic tenet a belief and a faith in God. It uses the working tools of the builder to teach the great moral teachings of all mankind.

As Masons, we are taught not to regard a man for his material wealth or his station in life, but for the man himself. Those who wear the white leather lambskin of a Master Mason, are joined in a brotherhood where there is no high and there is no low, only brothers.

There are those who are called to positions of responsibility within the fraternity, but we are all brothers. We respect one another; we believe in abiding by the rules which have been set down over the centuries; we believe in helping the less fortunate; we believe in fighting for basic principles of freedom of religion, speech, press, assembly—to protest grievances in a lawful fashion.

Now, in truth this is what we should be able to say about our country. The basic and fundamental tenets of this Nation, as founded in our Constitution and the Bill of Rights, have their origin as much in Masonic teachings as in any other source.

Many of the dynamic leaders of our Nation at its founding, who wrote those priceless documents we know as the Constitution and the Bill of Rights—were Masons.

Masonry in turn has been influenced down through the years by the moral teachings inculcated in religion and the great moral leaders of all time.

It would seem that a fraternity and a Nation so founded and so dedicated would have no trouble of the future.

Let's face facts—Masonry is not growing—it is losing. I have been told that out of 59 grand jurisdictions represented at the last meeting of the Grand Masters of North America, 50 suffered a loss in membership during the past year. Now Florida is not one of those, but we should not delude ourselves.

Ours is such a rapidly growing State that we have managed to continue to increase in membership. But when you look at the increase in the population of the State, and the proportionate increase in our membership, you will find that we too are losing.

Young men are no longer coming into the fraternity because for some reason we do not relate to their lives. By the same token millions of young people are not adjusting to our society.

What has brought about this disrespect for law and order? What has brought about the wreckage of the home, the increasing divorce rate? What has caused the riots, the bombings, and a crime rate that makes the larger cities of this land fortresses of fear?

There are no simple answers. But the answer must lie somewhere in the realm that we are not communicating with them. Somehow we have not been able through our schools, our homes and churches, to touch these young people with those basic values which would motivate them to serve their fellow man, to be compassionate towards their fellow man, to do unto others as they would have them do unto them.

The young people of today are the most informed and intelligent of any generation in our history.

But they are the victims of a technological revolution that has swept all of us along as if in a flood. I don't have to tell you that a youngster today in the third grade, can tell you more about the makeup of the universe than you and I knew when we were in high school.

And with this knowledge and affluence have come new problems, and I submit to you that these problems are as serious as any in the history of mankind.

If I were to make a light note, I would say that the country is going to pot.

Well, it's not funny. Drug usage, particularly among the young, is growing at an astounding rate, and you know that it is not relegated to the college student, but is filtering into the ranks of our high schools and junior highs, crimes and violence have grown at a rate ten times that of our national growth average. A tremendous percentage of this crime is caused by those who are drug addicts, and the price we pay for this horror amounts to billions of dollars each year, not to mention the human misery, suffering and death that is being wreaked upon us.

We have carelessly allowed the air we breathe—and the water we drink, to become polluted, great rivers, lakes and streams have become cesspools. The air you breathe, is polluted, yet, we continue pell mell, just as did the Roman empire before its fall, and the things we never believed could happen in this land, are happening.

We may never have to use the huge arsenal of weapons we possess in a war with the Russians or Chinese. All men everywhere, white and black, brown and yellow, may simply drown in their own filth.

Population increases in some sections of the globe at a fantastic rate. Every advance in technology and food production in these lands is immediately gobbled up by thousands of new poverty stricken, disease ridden infants. They will never know a life of hope; life for them will simply be one of bare subsistence, degradation and hopelessness.

But we are often so caught up in our own lives, our own cliches and dogmas, that we refuse to acknowledge that perhaps we might be wrong ourselves, that somehow, we have contributed to the horror which has been created in our society, once a man recognizes in his own heart that he just might be wrong, and is willing to re-examine his own mind, his heart and his conscience, then perhaps we can begin to right the wrongs which seem destined to destroy our society.

Just as masons have attempted to teach

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our basic principles to our new members through the centuries, so we must relate to the young people of this nation those basic and fundamental principles for which so many have given their lives and their sacred honor.

As Freemasons we believe that only those who want to join of their own free will and accord should do so. We should, therefore, not be critical of those, who for whatever reason, do not want to join us at the altar of the Holy Bible, square and compasses.

But there is much that unites us with all of those who are critical of our ancient rites, and I am fearful that we spend far too much time emphasizing that which divides us.

What I am saying about America is, that those who seek to destroy this nation and its principles, seek the destruction of masonry and our individual liberty.

When I was given this opportunity to speak to you today, I accepted with deep humility. I am proud to be a mason, proud to be able to be called a brother among you.

My father is a mason. My grandfather served as the first master of my home lodge of Blountstown. It is my profound hope that someday I will have that rare privilege given to some fathers of raising their own son in this fraternity.

There is reason for all of us to be proud that we are masons. At this very moment, over in St. Petersburg, there is an elderly lady looking out the window of our masonic home. Here in the last years of her life she is being cared for by men she will never know. She will never meet even a fraction of those who provide for her care.

My brothers, she is somebody's mother, sister, or daughter. I am sure that when this lady became the wife of a departed brother of ours, he never realized that it would be someone he never knew who accepted the responsibility for her care in her last days.

We know not where the road of life leads us. Someday, this lady could be someone very precious to us. What we have done is part of a sacred mission, which I am sure has been blessed and is blessed by the Almighty.

This year the Grand Master has said that the one thing he would like to see accomplished more than any other, is a new feeling of brotherhood and a closer working relationship between the appendant orders of masonry.

This is a laudable undertaking. For our appendant orders do so much for others. The work of the shriners in caring for literally tens of thousands of crippled children is perhaps the most well known. We do so not to gain the thanks of others—but because we follow in the path of He who said, "suffer the little children to come unto me, and forbid them not, for such is the Kingdom of Heaven."

There is so much that each individual can do. Each of us has a role to play in the broad picture being painted for us by the Supreme Architect of the Universe. An example of one brother making an impact on history for all time to come is best typified by Brother Buz Aldrin, who became the second man to set foot on the moon.

When he knelt at our altar and took upon himself the solemn and binding obligations of our degrees, I am quite certain that he did not know at that time that he would shortly earn a place in history. He now is enshrined in that list of famous brethren that predates the founding of our Nation.

It may well be that another brother will be that person who can direct this great Nation out of the darkness that seems to confront us today as a people.

There is much that we have done, yet there is so much to do. But in order for the fraternity to survive, our Nation must survive. We are tied together in a union, that is inseparable.

It pains us to see mobs rioting and looting in our cities. Buildings are burned wantonly and looters strip stores of the goods of hardworking families who have spent their entire adult life in building their business. When the looters, in their madness finish stealing everything of value, they put a torch to the building.

One of the most graphic stories I have heard concerned a black lady during the riots in Washington, D.C. She was elderly and lived in a small apartment over a television repair store. The rioters broke into the store and proceeded to strip it of everything of value.

Not content with this lawlessness, others then broke down the door of this lady's apartment, and while a helpless and aged individual sat by, the looters proceeded to carry out everything of value which she owned. I ask you, can this happen in America? It seems impossible.

Another graphic illustration I remember about the Washington riots was a young serviceman who returned home with a record of heroic service in Vietnam. The day before he arrived home, his house and all of his widowed mother's possessions were burned to the ground. A picture in the newspaper depicted him and his mother before the embers of that which had been his home. If you can put yourself in his place, you can see the individual terror, heartbreak and sorrow which our people have had to suffer.

We cannot continue to exist as a free nation unless we have law and order.

One principal problem has been our judicial system. The courts have been far too concerned about the rights of criminals than about the rights of the victims of crime.

We can pinpoint the fact that 75 per cent of the crimes are being committed by those under 21.

Hardened criminals are released on bond and time and again they commit three or four vicious crimes before they are ever tried, as interminable delays slow the wheels of justice. There is much that we could learn from the British in this regard. There, when a man is convicted by a jury of his peers, he is before the British court of criminal appeals within three weeks and a decision comes down that very day. The punishments are not as severe as some meted out in our own courts—but there is a respect for the courts which is eroding in America today.

Our prison system has become a training ground for criminals. It needs a complete and thorough overhaul, if society is not to be visited with an even greater incidence of crime and violence.

The viciousness is not now confined to the inner city, it is spreading to the suburbs and will soon have a stranglehold on small communities. We ignore this manace at the very peril of the lives and safety of our own families.

Masonry has so much to say to the world today, but we must get out of the lodge rooms to say it, and to live it. We will not reverse this horrible trend with massive legislation, but only when we in our own hearts and minds, begin to live up to those timeless principles which have been taught to us. There must be respect for law and order in this land. Certainly this is a fundamental teaching of our great fraternity. We cannot survive unless we can look upon all of our fellow men as brothers, doing unto him as we would have him do unto us. We must be willing to make those sacrifices necessary to protect our environment from the ravages of the ignorant policies of the past.

Now the message I want to communicate to you is not one of despair. Certainly we have problems. But by the same token, think of the problems which confronted George Washington at Valley Forge and as he attempted to lead this nation at its founding.

Think of the despair which Lincoln must have felt as his beloved land was torn asunder, brother fighting brother. Well, we survived and became the most powerful and affluent nation known to history. I personally believe that we have the will, and the capacity, to solve the problems which confront us if we will but face them.

Within the teachings of masonry can be found many of the truths that will lead us. We embody those principles which this nation and masonry must return to if it is to survive. As the ancient Chinese proverb has said, "A journey of a thousand miles begins with but a single step."

As Masons, as Americans, the hour is late, and the journey will not be easy. But for the sake of our nation, for our children, and for the fraternity, we dare not fail.

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## PEACEFUL DEMONSTRATION AT UNIVERSITY OF TEXAS

(Mr. WHITE asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WHITE. Mr. Speaker, amid the many reports of violence on college campuses and in college communities recently, I believe it will be refreshing and encouraging to hear the report of a major university, in a major city, which conducted a peaceful demonstration, in an orderly manner, presented their grievances, were heard by the mayor and city officials, and cooperated with the police in maintaining order. This happened in my home city of El Paso, Tex., on May 6, 1970, when some 2,000 students from the University of Texas at El Paso, accompanied by a number of high school students, marched into downtown El Paso, held a rally voiced their opposition to the action in Cambodia and their grief over the incidents at Kent State University.

Technically, they were in violation of the law, because they had no parade permit. The El Paso Police Department could have moved into the crowd, looking for trouble. Instead, they moved in quietly, kept order with calm efficiency, and even served refreshments to the demonstrators when the day grew warm. As a result of the understanding that prevailed on both sides, the students wrote a letter of appreciation to the police, and even contributed $264.64 to the policeman's benevolent fund.

The police department, in its reply, pointed out its reasons for not enforcing the law requiring permits for such a demonstration. I believe as we study the urgent problem of building better relations with the young people who will be our leaders in a few years from now, we can all benefit from learning more of the attitude of these students, and the police department, in El Paso, Tex. I am therefore placing in the Record a letter with some 302 signatures addressed to Inspector Minnie of the El Paso Police Department, and a reply addressed to the students, from El Paso Chief of Police E. L. Chokiski:

The University of Texas at El Paso,
*May 6, 1970.*

Inspector Robert E. Minnie and Men,
*El Paso Police Department,*
*El Paso, Tex.*

Dear Inspector Minnie and Men: We the concerned students of UTEP and of El Paso High Schools, wish to thank you for your cooperation and support of our demonstration for peace on this date. We feel this is a major step in bringing about mutual re-

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spect and understanding for our respective goals. Your tactful control and your thoughtful donation of refreshments should stand as an example to be followed by other cities in coordinating municipal functions with peaceful and concerned dissent on the parts of citizens within these municipalities.

Sincerely yours,

——— ———.

(There were 302 signatures.)

MAY 7, 1970.

Mr. CALVIN O'BLACK,
*The University of Texas at El Paso,*
*President of Student Body,*
*El Paso, Tex.*

DEAR STUDENTS: Your very kind comments concerning Inspector Minnie and his men are a source of pleasure to us all.

Other communities with problems on their campuses could learn much from what we learned of each other during your march, which was both peaceful and meaningful.

Sometimes policemen enforce existing laws when such enforcement is not practical. This is why you were permitted to march last Wednesday in "violation"—that is, without an issued permit. We try to deal with situations as they arise, and we understood your emotions in this particular case At the same time, I want it understood that the El Paso Police Department will allow no flagrant, violent breaking of our laws.

We hadn't the time Wednesday to explain to you our total responsibilities to all citizens—including you—to enforce existing laws. Therefore we took what seemed to be the most expedient course. I am glad it turned out to be the correct one.

Policemen are humans, no more perfect than any others. But we try, conscientiously, to be better humans, and we learn from trial and error. I think Wednesday's business proved that we and you can benefit thereby.

Sincerely,

E. L. CHOKISKI,
*Chief of Police.*

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## GOLDEN EAGLE PASSPORT PROGRAM, S. 2315

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. HANNA.** Mr. Speaker, on May 15, 1969, I cosponsored legislation to extend the golden eagle passport program indefinitely past its March 31, 1970, expiration date. This date has now passed and we are only now considering a Senate bill on the program, a bill that limits the extensions of the program to December 31, 1971. Although I would prefer to see the program renewed as proposed in H.R. 11381, I am speaking today in favor of S. 2315.

Many of those arguing against this bill have taken the rather narrow view that the alleged failure of the program to provide earmarked funds as set forth in the enacting legislation is sufficient to warrant termination of the program. I would like to point out, however, that oftentimes justification for any particular program such as this does not come from material, tangible profits alone. Over the years, the golden eagle passport has provided many of our citizens with an intangible yet extremely important benefit, the ready availability of a pleasant and enjoyable recreation and vacation area.

In addition, tangible, although indirect, profits have been reaped by a significant segment of our populace: retirees, pensioners, lower and middle income families. These people have been able, under this program, to enjoy at a reduced fee the healthful outdoors. Those with fixed incomes and/or large families have benefited immeasurable from this program and I do not think we should deny them this benefit.

Finally, I would like to turn to a subject which I am sure is on the minds of all my colleagues today, ecology and conservation. It seems to me that commitments to specific goals follow more naturally when vested interests in those goals develop. As has been noted elsewhere, vandalism at national parks has fallen sharply since the imposition of admission and user fees by the National Park Service. It is a logical conclusion that an expansion of the golden eagle passport program may very well serve to further a commitment on the part of the public to the preservation of the already limited national park facilities.

For these reasons and many others which time prohibits me from listing here, I am offering my wholehearted support to S. 2315.

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## PRESIDENTIAL WAR: THE CENTRAL ISSUE

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. FASCELL.** Mr. Speaker, last week I introduced H.R. 17598, a bill to define Presidential authority to intervene abroad and to make war without the express consent of the Congress. There is, in my judgment, a grave constitutional question regarding the warmaking power. If the word and the intent of the Constitution on this issue are still open to the widely varying interpretations voiced in the past few weeks, it is imperative that the issue be debated and resolved. It is my hope that the bill I have sponsored will serve as the catalyst for such a discussion.

The constitutional question is most aptly treated in the May 14 issue of the Washington Post by Mr. Merlo J. Pusey, a member of the Post's editorial staff and author of the book, "The Way We Go to War." One of Pusey's suggestions follows the intent of my proposal—that the Congress should enact firm prohibitions against the dispatch of American troops to other countries without specific congressional approval.

I urge the careful consideration by all of our colleagues of Mr. Pusey's article, "Presidential War: The Central Issue," which follows:

### PRESIDENTIAL WAR: THE CENTRAL ISSUE

(By Merlo J. Pusey)

It would be a pity if the serious constitutional issue underlying the current protests against the war should be lost in the cyclone of threats, anti-Nixonisms and obscenities. However clumsy they may be in articulating it, the students do have a legitimate complaint. They face the possibility of being drafted against their will for service in a presidential war.

All the talk about pigs, revolution and smashing the establishment fails to alter the fact that, in one basic particular, the dissenters are the real traditionalists. Madison and Jefferson would have understood the anger on the campuses against the dispatch of young men to war in Southeast Asia at the dictation of one powerful executive. Madison and his colleagues wrote into the Constitution a flat prohibition against such a concentration of power. Yet it now seems to be accepted as standard American practice.

President Nixon reiterated his claim to the war power the other night in his news conference. In explaining that none of his advisers was responsible for the invasion of Cambodia, he said:

"Decisions, of course, are not made by vote in the National Security Council or in the Cabinet. They are made by the President with the advise of those, and I made this decision."

The question of going to Congress for the decision or even of discussing the matter with congressional leaders appears not to have been considered. The result of the decision was to extend the war to another country. By any interpretation that may be placed upon it, this was a grave involvement for the nation. Most of our Presidents would have deemed it imperative to go to Congress for authority to take such a step.

Now the administration is resisting the attempt of the Senate Foreign Relations Committee to cut off funds for military operations in Cambodia. The committee has carefully tailored its restrictions so as not to interfere with the President's avowed intention of clearing the sanctuaries and then withdrawing the American forces. But this has met with opposition from the State Department on the broad ground that actions of the Commander in Chief should not be subject to statutory restrictions.

There are several very interesting phrases in this letter which Assistant Secretary David H. Abshire sent to the Foreign Relations Committee. He contends that Congress should not limit military spending in such a way as to "restrict the fundamental powers of the President for protection of the armed forces of the United States." The implication seems to be that the President has authority to send our armed forces anywhere in the world, for purposes which he thinks appropriate, and then to take whatever additional action he may think necessary to protect those forces. Under this reasoning, it seems, no one can do anything to stop a presidential war.

This view of the war power is not, of course, unique with the Nixon administration. President Truman made even more expansive claims to unlimited presidential power, and LBJ was not far behind. Mr. Nixon's State Department is merely mouthing what has become accepted doctrine in the executive branch. But it is an outrageous doctrine that flies into the face of the letter and spirit of the Constitution and is repugnant to the basic concepts of democracy.

There is no principle about which the founding fathers were more adamant than denial of the war power to a single executive. After extended debate they gave Congress the power to raise and support armies, to control reprisals and to declare war, which, of course, includes the power of authorizing limited war. The President was given authority to repel sudden attacks, but there is nothing in the Constitution which suggests that this can be legitimately stretched to cover military operations in support of other countries in remote corners of the world.

In a literal sense, therefore, it is the students—or at least the nonviolent majority among them—who are asserting traditional, constitutional principles. It is the State Department which is asserting a wild and unsupportable view of presidential power that imperils the future of representative government.

Somehow the country must get back to the principle that its young men will not be drafted and sent into foreign military ventures without specific authority voted by

Congress. That is a principle worth struggling for. Congress now seems to be groping its way back to an assertion of its powers, but its actions are hesitant and confused, as if it were afraid to assume the responsibility for policy-making in such vital matters of life and death.

Of course Congress is at a great disadvantage when it tries to use its spending power to cut off a presidential war for which it has recklessly appropriated funds in the past. In these circumstances, the President is always in a position to complain that the result will be to endanger our boys at the fighting fronts. Congress seems to have discovered no sound answer to that warning.

But Congress could stop presidential wars before they begin by writing into the law firm prohibitions against the building of military bases in foreign countries and the dispatch of American troops to other countries without specific congressional approval. If Congress is not willing or able to devise some means of restoring the war power to the representatives of the people, we may have to modify our system of government so that the President would become answerable to Congress for abuses of power. In the light of our Vietnam experience, it seems highly improbable that the country will long continue to tolerate unlimited power in one man to make war.

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## THE CAMBODIA ISSUE

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. FASCELL.** Mr. Speaker, we in the Congress have been impressed in these past few weeks by the response of concerned citizens to the President's decision to send American troops into Cambodia. I know my colleagues share the desire to encourage communication between the public and their representatives on this very serious issue. My own office has been the scene of lively but productive discussions among students, professors, staff, constituents and this Congressman. We have not always agreed, but we have communicated.

Mr. Speaker, I have made it clear that I am not in favor of a major commitment of our ground forces in Cambodia or any other place at this time. I have called for a review of the grave constitutional questions raised by the President's action. Perhaps the Miami Herald best expressed the spirit of concerned citizens in an editorial on May 6 which concluded:

> National policy cannot be determined in the streets, much less on the campuses. Yet it is not being formulated in an air of national unity promised by the national leadership. Before there are more rocks, more bullets, more dead, more tears of anger and remorse, the nation must somehow be brought to grips with itself. There is only one agency which can encourage and foster national unity, and that is a Presidency willing to re-examine policies pursued without recourse to the people's representatives and increasingly divisive of the nation itself.

Also in the spirit of these past weeks of active participatory democracy was an earlier editorial in the Herald edition of May 3 which noted:

> There is everything to gain and nothing to lose by the fullest discussion of the Cambodia issue . . . This is no time for pride of place anywhere in Washington.

While we have witnessed a great outpouring of sentiment on the issue of Cambodia in recent weeks, we must not lose sight of the historical perspective. The decision to send American soldiers into Cambodia is only the most recent of a number of decisions made over many years resulting in our present involvement. John S. Knight, on May 3, in his column, "Publisher's Notebook," traced the historical development from 1946 to the present. I believe his observations are made powerful by their simple logic and truth, especially in these days of emotional rhetoric. Mr. Knight came to this sobering conclusion:

> The military reasons given by the President have an appealing ring to those who still believe that in escalation lies the fruit of victory.
>
> Despite all reassurances, the Nixon policy can only widen the war.

Mr. Speaker, I commend the full text of these editorials and Mr. Knight's column to the attention of our colleagues:

[From the Miami (Fla.) Herald, May 6, 1970]

### KENT STATE'S TRAGEDY AND A BITTER LESSON

"The violent by violence fall," says a proverb of the Welsh, who know it well. This explains but it does not justify the tragic confrontation at Kent State University in Ohio where four students died under the guns of the National Guard.

The students were protesting the escalation of the Indochina war. Trouble began last Friday night when students swarmed out of downtown Kent bars, set a bonfire in the street, smashed store and bank windows and burned to the ground the building of the Army Reserve Officers Training Corps.

We are rehearsing the known facts carefully because the Kent experience has a pattern which can be fatal for the nation.

After that, Ohio National Guardsmen were moved into the area. Numerous arrests were made. The campus simmered until Monday noon when a crowd confronted the troops and began hurling rocks.

Skirmish lines formed. There was a shot. From where? Then a volley. In seconds a scene familiar from student disturbances in other parts of the country became a tragedy which has rocked the nation.

We hope that what has happened will have a sobering effect, not only on students inclined to violence but on those who must preserve law and order with arms.

Getting stoned by students is no lark, but it calls for a response short of military execution. And this response to dissent, however violent, can become a greater threat to law and order than campus rioting.

Prudent Americans will await all the facts before passing judgment on the guardsmen, who were under severe harassment. But this much is increasingly evident: young Americans basically of good motive as well as bad are becoming bitterly alienated from their own culture.

At the Oakland induction center in Northern California the other day more than half of the young men ordered to report failed to show up, and 11 per cent of those who did appear refused to serve.

This is wrong and illegal but it is a fact describing the actions not of a radical minority but of a given majority.

National policy cannot be determined in the streets, much less on the campuses. Yet it is not being formulated in the air of national unity promised by the national leadership.

Before there are more rocks, more bullets, more dead, more tears of anger and remorse, the nation somehow must be brought to grips with itself. There is only one agency which can encourage and foster national unity, and that is a Presidency willing to re-examine policies pursued without recourse to the people's representatives and increasingly divisive of the nation itself.

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[From the Miami (Fla.) Herald, May 3, 1970]

### PRECEDENT FOR A PRESIDENT

Both President Nixon and the Senate leadership would have been better advised had they reached privately and in concert some agreement on a "summit" meeting to discuss intervention in Cambodia.

There is a precedent, as Sen. George Aiken of Vermont has pointed out, in President Wilson's consultation 51 years ago with congressional leaders on the covenant of the League of Nations.

Mr. Nixon has been urged to meet with the Senate Foreign Relations Committee, generally a dovish outfit. He declined the invitation as such, saying that it ought to be extended also to the House Committee on Foreign Relations.

Mr. Aiken and others may forget that this was the Wilson formula as worked out by Col. Edward M. House, Mr. Wilson's adviser. The two committees met with the President on Feb. 26, 1919, Sens. Borah and Fall, two archisolationists, declining. There was a deal of shaking but no moving. The famous "Round Robin" declaration against the League of Nations followed, and it had the votes.

The issue this time is not advise and consent, a prerogative of the Senate, but consideration of a policy which may or may not require a declaration of war. In our opinion one is required if Mr. Nixon insists on pursuing his dubious and dangerous Cambodian adventure. This would require also a vote of the House.

There is everything to gain and nothing to lose by the fullest discussion of the Cambodia issue. If the Senators will not see the President along with House members, then he should see them solo. But history if not protocol dictates a "summit" of both groups. This is no time for pride of place anywhere in Washington.

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[From the Miami (Fla.) Herald, May 3, 1970]

### JOHN S. KNIGHT'S NOTEBOOK: GRAVE PERIL EMBODIED IN PRESIDENT'S DECISION

The President's decision to extend the Vietnam war by sending combat troops into Cambodia is fraught with great peril.

Mr. Nixon says his action is not "an invasion of Cambodia" but a necessary move designed to eliminate a major Communist staging and communications area.

The President's action is represented as a tactical maneuver to end the war more quickly. The time span is put at six to eight weeks. It could have been taken at any time during the last few years except that the United States then respected the "neutrality" of Prince Sihanouk, a Communist sympathizer and the man who once told us he would throw our foreign aid into the sea.

With Sihanouk in exile, Cambodia is controlled by Lt. Gen. Lon Nol, who heads a tiny, untried army and therefore welcomes U.S. assistance and troop invasion to prop up his cause.

Lon Nol is not necessarily the country's most popular leader. Prince Sihanouk, now in Peking, is a sponsor of a united front of Indochinese peoples. Given military support by Red China, he might return to Cambodia and cause trouble.

Should this happen, the President's plans for a quick liquidation of Communist headquarters in Cambodia could be thwarted and the war widened.

The President has acted boldly, but in our opinion, unwisely. He has not been deterred by the political risks, and that is a mark of courage.

What further tragedies will be visited upon our nation must await the onrush of developments yet unknown.

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### HOW IT BEGAN

I suppose one can say that our involvement in Southeast Asia began in 1946 when Harry Truman was President of the United States.

Our policy at that time was to help the French retain control of Cambodia, Laos and Vietnam, the former Associated States of Indochina. Between 1946 and 1954, the United States provided some $2 billion in aid and arms in France's struggle against the Vietminh (independence) league headed by the late Ho Chi Minh.

We chose to cast our lot with colonialism despite Franklin D. Roosevelt's admonition during World War II that the French must never be permitted to control Indochina once the war had ended.

### A FRENCH BULWARK?

The decision was based on the theory that the French stood as a bulwark against communism in Southeast Asia. The United States was prepared to subsidize the French endlessly. No thought was given to the fact that certain areas of autonomy had been granted by the French to Ho Chi Minh in the Fontainebleu Agreement of 1946, and later repudiated.

No heed was paid to warnings that the tides of nationalism were running strong; that while Ho Chi Minh was indeed a Communist he also was the authentic leader of the people in their struggle for independence against the hated French.

The theory that by aiding the French we could turn back the onrush of communism was blown to bits when the forces of Ho Chi Minh crushed the French forces in the 1954 siege of Dien Bien Phu.

By that time Dwight D. Eisenhower was President. John Foster Dulles, his secretary of State and the architect of "massive retaliation," urged the President to send American airpower to Vietnam.

The then Vice President, Richard M. Nixon, in an address before the American Society of Newspaper Editors, said he favored the use of U.S. troops in Vietnam.

Wisely, and after consultations with France and Great Britain, the President declined to make this commitment.

Eisenhower's role in Vietnam is generally misunderstood. There are those who maintain that U.S. participation began in his administration. When Vietnam was divided by the Geneva Agreement of 1954 between North and South Vietnam, the United States supported the new Saigon government formed by the late Ngo Dinh Diem.

Diem, a vigorous but despotic leader, entreated the United States for more assistance. President Eisenhower, in a letter to Diem, agreed to furnish arms and technical assistance provided Diem would make meaningful land and other reforms. The requested reforms were never implemented. Eisenhower sent 685 military advisers and substantial economic aid to South Vietnam but no combat units.

### JFK GETS INVOLVED

President John F. Kennedy was less prudent. Despite his having said as a senator in 1951 that "we have allied ourselves to the desperate effort of a French regime to hang on to the remnants of empire," he did commit 15,500 troops to Vietnam during his administration.

Kennedy acted upon the recommendations of Gen. Maxwell Taylor and Walt W. Rostow, who constituted his personal task force on Vietnam policy. These were the years—1962–63—when Gen. Harkins, highest army officer in Vietnam, predicted that the war would be won "within a year."

The Defense Department, headed by Robert McNamara, also announced that "the corner has definitely been turned toward victory in Vietnam."

### AND THEN LBJ . . .

This state of euphoria continued with the coming to power of Lyndon Johnson. In his first State of the Union message, the new President hardly mentioned Vietnam.

In the Johnson-Goldwater campaign of 1964, Johnson repeatedly stated that "we are not going to send American boys nine or ten thousand miles away to do what Asian boys ought to be doing for themselves."

But as historian Arthur M. Schlesinger Jr. writes in "The Bitter Heritage," things became "so desperate in the early months of 1965—or so we were later told—that only the February decision to start bombing the North, followed by the commitment of American combat forces the next month, averted a total collapse."

So Johnson began to supply the American boys to do the job he had thought the Asian boys should do. The numbers doubled and doubled again and again until President Johnson had escalated the number to approximately 540,000.

Our casualties now total 317,292, our dead 41,610. And for what?

### AND FINALLY NIXON

We move now to President Nixon's promise to end the war and be held accountable by the American people if he fails to accomplish that objective.

The beginnings were good with assurances against further involvement and extension of U.S. military participation.

Nixon's planned troop withdrawals from Vietnam have now reached 115,500, with a promise of 150,000 more within one year.

But in May of 1969, Secretary of State William P. Rogers assured Thailand that if the Southeast Asia Treaty Organization declined to protect an Asian member from attack, the United States was ready to provide assistance on its own.

Here we were seeing the "one more step" policy bringing us into a widening involvement.

Then in February of this year, it was Laos as James McCartney of Knight Newspapers revealed a U.S. military buildup of bombers, helicopters and American personnel of 2,150 with 830 in official U.S. government positions.

I warned at that time that President Nixon "should come clean and tell the truth about Laos, an area fraught with the same perils as Vietnam."

### NOW, CAMBODIA

And now it is Cambodia, the land of the white parasol where, following the ouster of Prince Sihanouk, a toy army is making ineffectual attempts to fend off the Communists.

On Wednesday last came the ominous dispatch from Washington: "The United States announced today that it was providing combat advisers, tactical air support, medical evacuation teams and supplies to South Vietnamese troops attacking Communist bases in Cambodia."

It was explained that North Vietnamese and Viet Cong troops operating from Cambodia had "posed an increasing threat" to Americans and Allied troops in South Vietnam.

### WE CANNOT "WIN"

The military reason given by the President have an appealing ring to those who still believe that in escalation lies the fruit of victory.

Despite all reassurances, the Nixon policy can only widen the war. It is a desperate gamble taken in the belief that the war may be ended more quickly by cutting the Communist supply line through Cambodia.

Ultimately, Southeast Asia will be lost to the West no matter what course we pursue.

If this be true, and I am convinced it is, why should we sacrifice countless more American lives in an area of the world where we do not belong?

## ALL THE WAY, U.S.A.

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. RARICK.** Mr. Speaker, there is an awakening among the American people. What greater reassurance of loyalty and devotion do we need than repeated displays of patriotism from the builders—the working people of the United States? As we watch the destruction by the nonproducers, it is refreshing to behold our country's defense by the builders—the people who are the backbone of our Nation.

Mr. Speaker, I salute the "hard hats" of New York City for their timely and courageous display of loyalty and respect for their country. Their "All the Way, U.S.A." march in New York City is far more effective than the descent upon Washington of the lawyers, preachers, and educators—the parasitical class—to protest against their country.

Mr. Speaker, I include news clippings in the RECORD:

[From the Washington (D.C.) Sunday Star, May 17, 1970]

### HARD HATS DISCOVER POWER

(By Duncan Spencer)

NEW YORK.—The sound of the demonstrating hard hat workers here last week was the hollow clammor of a thousand men beating the naked girders of a 30-story building with hats, hammers and heavy pieces of steel.

Their cheering swelled the howls of the street parade that screamed "Lindsay is a queer," or sang "Goodbye Lindsay."

The parading workers cheered it, and looked up through the falling ticker tape to where their fellows, yellow hats bobbing, lined the edges of the U.S. Steel Building at Broadway and Liberty Streets.

### FOUND AN AUDIENCE

The blue collar workers of lower Manhattan's vast construction sites are taking to the streets in ever-increasing numbers since a brawl between some of their number and peace marchers May 8. And their simple anti-liberal, anti-Lindsay views are finding an audience they never knew they had.

The workers swarm into the financial district from Brooklyn, Queens and the Bronx each morning at 8, and they leave at 3:30, rushing down subway holes with dusty shoes and matted hair after a 6-hour day on New York's new super-skyscrapers.

But at lunchtime, riveters who make more than $5 an hour and electricians who make more than $8, and thousands of others in between, voice the frustration and rage of men who feel trapped.

The slogans they scrawl on their hats tell it all. "PIG—Pride Integrity Guts," or "Hard Hats Work Hard and Are Honest."

They believe, almost to a man, that America is swerving dangerously away from the virtues of the Horatio Alger myth, and center their fury on two of the most visible examples: "The Red Mayor" John Lindsay and the "Pinko Faggot Creeps," meaning the nation's vocal, demonstrating, largely anti-war youth.

### VIEWED AS EGOTIST

Lindsay is seen as a scheming egotist who is using the office of mayor and the people of New York to further presidential ambitions. The student demonstrators, college-educated but disrespectful, they hold beneath contempt.

On Lindsay: "It's all right for people outside this city to say what a cute guy he is,

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and all the dopey broads will vote for him, with his curly locks, but we gotta live with this lunatic." The speaker was Alex Kiefer, 40, a borough dweller, a demonstrator against the "pinko kids," and better spoken than most.

Kiefer stood within a hundred feet of New York's City's City Hall half an hour after a large, nonviolent group of flag-bearing marchers had circled, shouted and passed Friday.

Kiefer, not a construction worker himself, lent them his full support. "A man goes to work," he said. "Is his wife safe? Is his kid in school safe? I even know Puerto Ricans who are going back to Puerto Rico. It seems as if the whole government is controlled by people who are not the people."

On the peace protestors: "They spit on the flag," shouted a beefy hard hat, his face lumpy and strained with anger.

"We got the flag by fighting for it, and I think what the workers are doing is right, to fight." The speaker was 15-year-old Bob Pacelli, of Staten Island, whose father is a construction worker.

### "MESSED UP MY SCHOOL"

"When the hippies protested, I didn't do anything," young Pacelli said, "and then they messed up my school so bad, it wasn't worth it to go to class—and I want to get into college."

There are no end of things which cause anger among the construction workers, and many of them are unique to the city. Perhaps nowhere else is so much construction work going on in one small area. The tip of Manhattan is torn by gaping foundation holes filled with steam and spattered, scrambling men as building after building rises. Thousands are employed—with higher pay as the building stretches higher—at the twin towers of the World Trade Center, the world's tallest build, now past its 60th story.

The trade center now is adorned with hundreds of flags, and crayoned with signs like "We Love Our Country."

The insolently carefree students, with their lissome girls who wear no bras, the placard carriers who dump college administrations, the politicians who seem to agree with them, all bring a dull red nodule of fury to the hard hats.

The fury comes out partly because the kids, workers know, will someday go on to something else, while they will be heaving gray rock and grinding their kneecaps in gravel forever.

### DISCOVER NEW POWER

But in their newly discovered political presence, the workers may have discovered a power which they never dreamed of in a good day's work for a good day's pay. One march organizer, Dick Ganthiel, a seedy waiter who admitted to working for $1.60 an hour in a midtown burger spa, and a man who claimed proudly to be a "convicted minuteman," said there were 22 chapters of the Silent Majority Mobilization in industrial cities throughout the country.

And union leaders have been leaping aboard the movement in droves after a week of silent watching. In Friday's march, the International Longshoremen's Union was heavily represented, and workers who stood aside Friday said they did so waiting for the big, officially sanctioned march next Wednesday, which will have the blessing of more than 200 of the New York construction trade unions.

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[From the Washington Post, May 10, 1970]

## About 70 Students Injured: New York Official Says Police Let Workers Beat Demonstrators

(By George Lardner, Jr.)

Manhattan's deputy borough president accused New York police yesterday of "gross negligence" for standing aside while helmeted construction workers beat up peace demonstrators near City Hall.

The official Leonard N. Cohen, said he and other bystanders repeatedly urged police to break up the violence "but they refused to do so."

Swinging their hats, fists and tools, several hundred contruction workers rushed students protesting the war Friday in New York's financial district and injured about 70 of them.

The flag-waving workers were reportedly backed up by hundreds of other pedestrians attracted by their shouts of "All the way, U.S.A. . . . Love It or Leave It."

Mayor John V. Lindsay said New York "witnessed a breakdown of the police." He said the construction workers apparently were provoked by the demonstrators who, the Mayor said, reportedly spat on an American flag and chanted obscenities.

"This verbal violence is almost as bad as physical violence," Lindsay said but added "even under those circumstances, some policeman were derelict in their duties."

Police Commissioner Howard R. Leary promised a thorough investigation.

Leary said earlier that his men were outnumbered and unable to make any arrests.

Cohen, for one, said he was prepared to dispute that. He said he and Manhattan Borough President Percy Sutton saw about 150 officers effectively block the construction workers from storming City Hall.

"It was certainly a contrast to their negligence in preventing the violence," he said in a telephone interview.

The clashes began around noon Friday outside the Federal Hall National Memorial on Wall Street where about 1,000 students had gathered in an antiwar protest. After knocking heads there, the construction workers marched uptown to City Hall and nearby Pace College.

Commissioner Leary said in his statement that his department had "no reason to anticipated major violence or disorder."

Both City Hall and the police, however, had reportedly been forewarned.

An aid to Rep. ——————— (D.-N.Y.), Harriet Eisman, said she relayed a tip to City Hall on Friday morning. A construction worker who said he disagreed with the attack called police with his own warning.

The construction worker, who asked to remain anonymous for fear of his life, said even rank-and-file police officers showed they knew of the assault before the workers ever got to the federal building.

The policemen, he said, "were cheering them on along the way, shouting 'Give 'em hell, boys. Give 'em one for me' ".

At the Federal Hall National Memorial, he said, "The police simply opened ranks and let them through. Some of the officers asked, 'Where are the fellas from the Twin Towers (a nearby construction job)? All of a sudden, a couple hundred of them came marching up Broadway."

Several eyewitnesses told newsmen in New York that they saw two men in business suits apparently directing the workers. Cohen said he didn't notice them, but the attacks, he said, "did seem organized."

### OFFERS TO TESTIFY

In a telegram to Mayor Lindsay and other high-ranking city officials, the deputy borough president offered to testify at any investigation that "police, from my observation stood by and negligently permitted this to happen in their presence."

At City Hall, the workmen demanded raising of the American flag that Lindsay had ordered flown at half-staff in memory of the college students slain at Kent State University earlier in the week.

It was raised, lowered, then raised again with the workers exultantly singing the Star Spangled Bannner.

"Several officers took off their hats and stood together with the construction workers who were singing," said Cohen who had just returned with Sutton from an antiwar rally at Foley Square.

Some of the helmeted workers then raced across Park Row to Pace, a commercial and business school, to pull down a peace banner hanging from the roof. It read "Vietnam, Cambodia, Kent State, What Next?" Students in the school lobby were beaten.

By this time, Cohen said, about 150 policemen had gathered on the steps of City Hall. He shouted to an officer, "I think he was a lieutenant," to send his men across the street, but got no response.

Instead, the borough official protested, other workers "were mingling with the police and some of them were laughing. The construction workers and the police had literally joined ranks."

Subsequently, the workers resumed their demonstration in front of City Hall and some "began to beat up kids, and very brutally" near the steps, Cohen recalled.

"I shrieked to the police again," he wired Lindsay, "but they didn't do anything until some youths were very seriously hit." Even then, he said, only about 15 to 20 of the 150 officers stepped in to break up the fights.

On the march to City Hall, the construction worker said, "People from the office buildings were yelling and applauding, throwing ticker tape and IBM cards out the windows and yelling, 'Good job, men. It's about time.'

"It was amazing. Like a crowd cheering the gladiators coming into the coliseum."

Some of the construction workers, he said, kept roaming the streets until late afternoon. However, "It wasn't only construction workers. One fellow made a remark, then tried to run into a bank. A guard held the revolving door closed so he couldn't get through. They left him on the sidewalk, a bloody mess.

"There were office workers in on it too. It was wild. All someone had to do was give a peace sign."

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[From the Evening Star, May 12, 1970]

## Traders Peered, Volume Fell

Activity outside the New York Stock Exchange was more exciting than it was inside yesterday, so the traders spent their time looking out the windows—and volume slumped. They were watching several thousand construction workers—shown here hoisting a friend named Jerry, who works in a Wall Street district bar—demonstrate their support for President Nixon's Far East policy. The demonstrators—many wearing hard hats and carrying flags and signs—moved from Wall Street to City Hall where they expressed their dislike for Mayor John Lindsay.

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## Lots of Flags and Police: Hard Hats March in Peace

(By Duncan Spencer)

New York.—The construction worker "Hard Hats" marched in order and force throughout the Wall Street area yesterday without violence—mainly because there was little opposition to their two-hour parade.

More than 5,000 yellow-helmeted construction and dock workers shouted "USA—All the Way," as they circled New York's City Hall, which was surrounded by shoulder-to-shoulder police, but did not contain the object of their anger, Mayor John Lindsay. He was in Detroit.

The workers, ending their first week of making themselves thoroughly felt in this city, carried hundreds upon hundreds of American Flags of every size—from a giant 80 by 20 feet to tiny lapel pins—to emphasise the point of the protest.

### GROUPS KEPT APART

"The American Flag is what it's all about," said a 300-pound worker. "We fought to put it up, now these kids are tearing it down."

Vituperation for peace demonstrators, particularly youthful ones, has been the trademark of the workers movement that has sprung up here overnight.

There was serious violence here on the street last Friday when the workers clashed with peace demonstrators and thrashed many with bare fists, 2x4s, wrenches and pieces of iron rod.

Since then, New York police have kept the two groups apart by massive and costly cordons of officers. Yesterday no more than a dozen people on the packed sidewalks during the luncheon demonstration-march raised their fingers in the "V" peace sign. Each time they did, the crowd of workers surged menacingly, shouting epithets.

But most onlookers seemed sympathetic to the marchers, who said they were standing up for traditional American virtues of patriotism and hard work.

Those few with opposing views and the courage to show them were hustled away by police. One man said officers warned him he might be killed if he provoked the crowd by making the "V" gesture.

Leaders of the march yesterday said that Wednesday the workers will be out in larger numbers than ever for a rally and march on city hall to demand Mayor Lindsay's resignation. That march, they say, has the sanction of most of New York's building trades unions.

Officials of the Silent Majority Committee, and the Silent Majority Mobilization, sponsors of a drive to get 200,000 signatures on a petition to begin the impeachment process, said more than 65,000 have signed already. The petition will go to the New York State Supreme Court, which must order public hearings if the 200,000 signatures are gathered.

### A TURNING POINT?

"We're not really thinking we can impeach Lindsay," said William Sampel, 28, one of yesterday's march organizers. "But we can scare the hell out of him . . . perhaps this will be the place that this liberalism is turned around."

Many workers yesterday declined to join the march, saying they would march Wednesday with official union sanction; but all expressed support for the sometimes violent treatment they have shown peace demonstrators.

"We'll do it our way," said one worker, who refused to give his name; "we won't just beat them up, next time we'll kill them."

[From the Sunday Star, May 17, 1970]

## Workers to March: "Pent-Up Frustration" Injects Threat in Rally

(By Gus Constantine)

New York.—Pete Brennan, dressed in a conventional business suit instead of the traditional hard hat of his 200,000 construction workers, wore the worried look of a man about to let steam out of an overheated boiler.

On Wednesday, the hard hats plan to again take to the streets in what Brennan hopes will be a peaceful rally joined by white-collar workers and students who want to keep the schools open.

"The men want to show their support for the country, their flag and the President on Vietnam," said Brennan, head of the Building and Construction Trades Council of Greater New York.

But even as he insisted that the council "does not condone violence," he acknowledged that "pent-up frustration can explode."

### ATTACK STUDENTS

That's what happened a week ago Friday when about 200 workers, wearing brown overalls and yellow and orange work helmets, attacked anti-war students demonstrating on Wall Street, brushed past policemen at City Hall to raise a flag flown at half-staff for the four slain Kent State University students and smashed windows at nearby Pace College. About 70 were injured in the melee.

Brennan, a member of the painters union, said he hopes the mass rally will "open up communications with other Americans and dampen frustrations."

But what he had to say showed how wide the communications gulf between the students and his men is.

"We stood by and tolerated the flag being burned . . . we sweated while they destroyed. Is that right, I ask you?"

### "HIT A FEW PEOPLE"

Regarding the eruption last week, Brennan attributed the violence to others.

"The students heckled the men . . . so they hit a few people."

He denied published reports that the workers charged the students with crowbars.

"If they had done that, people would have been killed."

The hard hats, including Brennan and others interviewed are convinced their views are shared by the vast majority of Americans.

This is why, according to Brennan, they have invited both white-collar workers and students to join them in Wednesday's rally.

[From the Sunday Star, May 17, 1970]

## One Thousand District Lawyers Joining Antiwar Rally

(By Robert Walters)

More than 1,000 Washington lawyers, many of them senior partners in some of the city's best law firms, will join their New York City colleagues Wednesday in a campaign "to reverse the administration's war policy in Indochina."

The Washington attorneys will meet at 12:30 p.m. at New York Avenue Presbyterian Church, 1313 New York Ave. NW, to hear a series of speakers, including Francis T. P. Plimpton, president of the Association of the Bar of the City of New York, and Sen. George McGovern, D–S.D.

Earlier that day, a large delegation of New York City lawyers—originally estimated at 200 to 300 but now numbering 1,000 or more—is scheduled to arrive in Washington for an unprecedented effort to seek an end to the war in Southeast Asia.

They will spend the day meeting with members of Congress and the Nixon administration, and that evening will have a convocation, with speakers including former Chief Justice Earl Warren.

### PHILADELPHIA GROUP DUE

A smaller delegation of Philadelphia attorneys also is expected to arrive in Washington on Wednesday, and there is talk within the legal profession of expanding the effort into a continuing nationwide drive.

In addition, 20 lawyers in the Department of Health, Education and Welfare revealed plans yesterday to lobby in support of the amendments tomorrow and to ask HEW Secretary Robert H. Finch to sign a petition urging President Nixon to withdraw all U.S. troops from Southeast Asia.

Organizers of the Washington effort, expected to attract 1,000 to 1,500 lawyers, said yesterday their initial concern would be to muster support for an antiwar measure pending in the Senate, sponsored by Sens. McGovern, Mark O. Hatfield, R–Ore., and others.

That amendment expected to be considered in about a month, would deny the use of appropriated funds for U.S. military operations in Laos and Cambodia, and would permit the use of appropriated funds for U.S. military operations in Vietnam only until June 30, 1971.

In addition, the Washington lawyers plan "to provide support services—including office facilities, accommodations, appointments with congressmen and legal memoranda—for groups coming to Washington to work against the war," according to a statement.

"The group will also work on programs involving direct political action," the statement said.

### DIRECT POLITICAL ACTION

"The expansion of the war in Indochina has been deeply troubling to all of us. As attorneys, we are supporting the efforts of senators, congressmen, students and others to bring the war to a prompt end."

Among the Washington attorneys participating in the effort are:

Edward Burling, senior partner in Covington & Burling; and John Douglas, a former assistant attorney general now with Covington & Burling;

John Pickering, senior partner in Wilmer, Cutler & Pickering; and Louis F. Oberdorfer, a former assistant attorney general now with Wilmer, Cutler & Pickering;

E. Barrett Prettyman Jr., a former White House Aide, and Seymour Mintz, both senior members of Hogan & Hartson;

Abe Krash, William D. Rogers and Stuart J. Land, all senior members of Arnold & Porter.

The Washington lawyers organized their anti-war effort following last week's announcement by the New York group, whose sponsors include the presidents of both the city and state bar associations; Mayor John V. Lindsay; Robert B. McKay, dean of New York University Law School; William C. Warren, retiring dean of Columbia University Law School, and Michael Sovern, dean-designate of Columbia Law School.

## PELLY CALLS FOR HOUSE HEARINGS ON INDOCHINA

(Mr. PELLY asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

**Mr. PELLY.** Mr. Speaker, President Nixon has given Congress a firm commitment to withdraw American troops from Cambodia by the end of next month. Meanwhile, Defense Secretary Laird has said all American offensive combat missions in Vietnam will have ended by June 30, 1971.

The Senate now is debating amendments to the Military Procurement Act to cut off financing the Vietnam war. Previously, the House of Representatives had voted not to limit the use of those funds, but it seems probable in due course that a House-Senate conference committee report on this bill could contain language intended to end U.S. combat action by a given time.

Mr. Speaker, it seems to me, looking toward House consideration of a motion to instruct its conferees, or subsequent attempts to limit the use of military appropriations in Southeast Asia, that an appropriate House committee might do well to conduct public hearings. The Members of the House have little information on which to make decisions of such great importance.

There is no doubt about it, in my mind, that the vast majority of American people want the war ended. Some of them feel the President has information not available to others on which he can be trusted to act, as he has promised to phase out the war, in the public interest. Others obviously do not share this confidence and are unwilling to allow our Commander in Chief discretion in the conduct of terminating the war.

Mr. Speaker, I have read that the military authorities, including General

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Abrams, in the war zone have said the President was forced to order the attack on Cambodian sanctuaries or jeopardize the Vietnamization program before South Vietnam has the capability to stand alone. It was said the effect of not conducting the search and destroy mission would have had severe repercussions throughout Asia and would have constituted a major Communist victory. Certainly, President Nixon felt he had no other recourse other than to take the risk of a massive counterthrust by North Vietnam and at the same time to risk an outburst of antiwar sentiment at home.

Apparently, Mr. Speaker, the gamble the President took has resulted successfully as far as the war is concerned, but on the home front, it has been unsuccessful.

Mr. Speaker, as Members of the House we are going to consider many alternatives and important decisions on ending the war. I would like testimony of proponents and opponents as to the effects of the various proposals. What, for example, would be the consequence of cutting off all funds for maintaining a combat force in Vietnam by December 31, 1970. I would like to know a lot of answers to a lot of questions. Let us hear from former Secretary of Defense Clark Clifford and from former Ambassador Averill Harriman. Let us hear from General Abrams.

Mr. Speaker, I want to get our troops out of Vietnam as fast as feasible. But, in my vote I want to be able to justify my action by facts and expert advice; and not act on a popularity count arrived at by a tabulation of my protest mail. I want to act responsibly rather than by intuition.

Whether the United States should abrogate its original decision to help the South Vietnamese Government is now a moot question. In my judgment, my guess is the majority of Americans now favor a swift disengagement of our combat troops, and as such I intend to support legislation to accomplish this. But, I want to know on the best information from experts what the best way is to accomplish this and whether a specific date set by Congress is wise.

So, again I say, let us have immediate and nondilatory House hearings on which to act wisely. And, let us recognize the proper role of responsibility of the Commander in Chief and likewise the constitutional role of the Congress.

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## OUR PRESENCE IN CAMBODIA; SUPPORT FOR THE PRESIDENT

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, as the debate over our presence in Cambodia gets hotter and hotter and the rhetoric louder and more irresponsible, a few responsible men and institutions have maintained their reason and sense of proportion.

While some are stopping barely short of demanding that the President be lynched and while still others are demanding that we, in the Congress, hand the Commander in Chief a dated ultimatum to surrender in Vietnam or else, a few are speaking out about the realities of the situation. Regretfully, it is too few.

Among the ones calling for calm in this agitated period is the Washington Star. In an editorial last Sunday, "The War Power: Congress Versus the President," the Star spoke of the irrational emotion and political opportunism of which some have been seized. It is an editorial worth the attention of every Member and I would like to cite it to you:

### THE WAR POWER: CONGRESS VERSUS THE PRESIDENT

The current furor in and outside the Senate over funding the Cambodian operations after June 30 is larded with irrational emotion and political opportunism. Yet the issue at stake—the war-making power of Congress as opposed to the authority of the President as Commander in Chief—is real, complex and of far-reaching importance.

Paragraph 11, Section 8, Article I of the Constitution clearly allocates to Congress the right "to declare war." The problem is that the five post-World War II presidents of both parties—Truman, Eisenhower, Kennedy, Johnson and Nixon—not to speak of earlier practitioners of the fine art of gunboat diplomacy, have neatly finessed the issue by committing or keeping American troops in combat situations abroad when they felt it was in the national interest, without seeking the assent of Congress or asking for a declaration of war.

The great majority of these adventures—the 1958 landing in Lebanon and the 1965 intervention in the Dominican Republic are two recent examples—happily did not become conflicts of major significance, at least in terms of casualties abroad or political impact at home. Two others, however—the Korean "police action" and the Indochinese conflict—mushroomed into undeclared wars which resulted in the deaths of more than 75,000 Americans. The Vietnamese war, with its related conflicts in Laos and Cambodia, has divided this uneasy nation as has no other similar issue since brother took up arms against brother in the American Civil War. It is a repetition of this sort of tragedy which some senators hope to prevent through congressional control of the purse strings.

The primary difficulty lies in the definition of what involves American participation in a war. If, as Senators Cooper and Church maintain in their amendment, furnishing advisers to a friendly country (Cambodia) amounts to direct involvement, then the United States was a belligerent in the Greek civil war of 1947–49. If loss of life defines involvement, then the United States was indeed at war (with whom?) in the Dominican Republic in 1965. And yet no reasonable man would hold to either of these theses.

By the same token, this hypothetical reasonable man (so much distinguished by his apparent absence from the United States these days), would have to admit that, despite the lack of ringing calls to arms from Capitol Hill, we were at war with North Korea and Communist China in the 1950s and we have been at war, at least since 1964, with North Vietnam. In neither case could diplomats burn their official papers before asking for their passports, as was the style in a more mannered age, since we have had diplomatic relations with none of the nations which we have been fighting.

Since American Presidents have sent U.S. forces into action abroad more than 150 times without a declaration of war by Congress, the common sense of the matter, it seems to us, is that an undeclared war becomes reprehensible only when it is lost, or when it becomes politically impossible for the President to prosecute it. While such a theory obviously can be found neither in the Constitution nor in the canon of international law, it seems as demonstrable as the fall of Newton's apple. The Korean war, for instance, over a shorter period resulted in almost as many American deaths as the Indochinese fighting. Yet there was no significant popular or congressional outcry against that war. Boys who had no more desire to be shot at than today's draft dodgers in Canada went docilely if not joyfully to the war because it did not, could not, occur to them to do otherwise.

While the great majority of this generation have done the same, the situation and the ethic have altered. It is clear that, in the eyes of many Americans, the Indochinese war has become odious, partially because the government of South Vietnam is regarded by such people as unworthy (would that of Syngman Rhee has stood up to close scrutiny?) and partially because this war, like all others, involves an element of risk and inconvenience to the participants. Hence the war in a practical political sense no longer is possible, which is precisely why, we would suggest, the President is trying to end our direct involvement in it.

What some members of the Senate and House are trying to do now is to reassert an atrophied congressional prerogative, which understandably is dear to members of Congress, at the expense of the implied powers of the President as Commander in Chief, which equally understandably is a popular thesis with occupants of the White House. The Supreme Court has been commendably wary of trying to delineate the line between the Executive and Legislative powers.

The trouble is that the world has changed since the founding fathers wrote the Constitution. In illustration, the same paragraph which authorizes Congress to declare war grants it the right to issue "letters of marque and reprisal," which authorized private entrepreneurs to engage in naval warfare for their own profit. Very few letters of marque have been granted in recent years.

In effect, in an era of instant mass communications and push-button warfare, the senators are resting their constitutional case on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

We cannot believe it is the intention of Congress—or the wish of the people—to restrict the President's ability to protect the lives of American troops in Vietnam. The point is not whether they *should* be there; the point is that they *are* there, despite what we believe to be Mr. Nixon's sincere desire to bring them home as rapidly as possible. On this basis alone, the Cooper-Church amendment, which would outlaw any future operations by U.S. troops in Cambodia after June 30 and ban virtually all aid to that country, is wrong and ought to be defeated. We hope that no more American expeditions will be necessary, but we would support them if we felt they would save the lives of American soliders who might otherwise die in Vietnam.

As to the larger question of future undeclared wars, we noted in these columns a few days ago that the alternative to an undeclared war often is not peace but a declared war. Given the temper of the times, President Johnson almost certainly could have obtained a declaration of war against North Vietnam at the time of the Tonkin Gulf incident.

It would be useful—most of all to presidents—to have constitutional provision for some exigency short of war. But such does not exist and there is little chance of creat-

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ing one. Any president's practical need for popular political support for his policies, doubled with the infinite capacity of Congress to make life miserable for the Chief Executive, seems to us to provide an adequate curb on the presidential powers.

In the end, despite the Constitution, power belongs to him who is willing and able to exercise it. Presidents of both parties have sent troops into foreign countries primarily because Congress has been unwilling or unable to act. If congressional action were necessary before a solitary Marine could land, there would be much talk, few casualties and fewer freedoms, in this country and the world.

It seems to us that the Senate would do better to support the President in his efforts to extricate us quickly and honorably from a war which almost everyone agrees, probably including most of those who to their credit have had the courage to fight it, has lasted too long.

Likewise, Mr. Speaker, I would like to call to the attention of the House an editorial which appeared in the San Diego Union on Wednesday, May 6, "President Must Have a Free Hand." Together, these two pieces should be instrumental in cooling down the rhetoric, as the President has called for. I hope it has that effect. The article follows:

### Despite Senators' Rhetoric, President Must Have Free Hand

An accusation by the Senate Foreign Relations Committee that the President is "taking over" the war and treaty-making powers constitutionally entrusted to the Congress must be marked down as propaganda in its war on the White House.

The committee knows better.

With the blessing of its chairman, Sen. J. William Fulbright, the committee approved the following resolution on Aug. 7, 1964:

"The Congress approves and supports the determination of the President, as commander-in-chief, to take all necessary measures to prevent further aggression (in Vietnam).

"Consonant with the Constitution of the United States and the charter of the United Nations, and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is therefore prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

This is exactly what we are doing in Southeast Asia today as we help South Vietnam resist aggression by Communists.

The question of the fine line dividing congressional and executive authority is not new.

Abraham Lincoln as president had little choice but to respond immediately in May of 1861 when Ft. Sumter was attacked in the first shot of the Civil War. Americans shot back at Pearl Harbor even without waiting for the President to act.

The Truman Doctrine of aid to Turkey and Greece was instituted without prior approval of the Senate. Marines went to the assistance of Lebanon in 1958 at that country's request and again to the Dominican Republic in 1965. President Kennedy did not wait for Congress in the Cuban crisis of 1962.

Treaties commit this nation to the defense of 42 other nations. These include 21 in our own hemisphere under the Treaty of Rio; 14 European Nations under the North Atlantic Treaty Organization and seven Asian nations under SEATO. We also have mutual or cooperation treaties with Nationalist China, Japan, the Philippines and Korea. Executive policy statements oblige us to defend a number of countries and we have a commitment to some form of collective defense to 126 others under the United Nations charter.

We simply cannot, as Sen. Mike Mansfield naively suggests, "do away with all these powers . . . clear the table and start from scratch."

To do so would abdicate our responsibilities as a world leader and abandon our essential credibility as a member of the community of nations.

However, this is long-range and academic. In the immediate sense, the President as commander-in-chief of the armed forces has moved to protect the lives of Americans threatened on the battlefield.

Would the Foreign Relations Committee desire the responsibility for the lives of these men? What would they propose to do?

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## TIME TO KEEP IT COOL

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, so much has been said as a result of the Cambodian incursion and the resulting student disturbances that I overlooked an editorial of almost 2 weeks ago from one of the good papers in our congressional district.

The point of the editorial is that in all of our discussions about Cambodia it is time for less emotionalism. The admonition of the editorial holds true when we have to discuss the very controversial student demonstrations. It is a time for all of us to be careful what we say. When I say all of us that includes the President, the Vice President, Members of the Senate, and all the Members of the House of Representatives, including myself.

As the editorial so ably suggests, why can we not hold our emotional fire for the next 2 months? By then the facts will either show the merit of the move into Cambodia or the lack of it. Then will be time enough to talk about reprisals in the up coming elections.

I commend the distinguished editorial writer, George Scruton of the Sedalia Democrat, for the thought at the conclusion of his editorial when he says:

> Accentuating our passion for criticism in times of critical decisions only bolsters the Communists' solidarity.

The editorial follows:

(By George Scruton)

### Time To Keep It Cool

If public reaction will become so adverse to President Nixon's policy to eliminate the Communist sanctuary in Cambodia, we can't understand the reason for all the wailing and weeping of the Democratic Congressmen in Washington.

If the President has made a mistake, the Democrats will be in political clover this fall, a potential development that alarms a Republican Senator, George Aiken of Vermont, and others.

This political consequence was evaluated by the President before his decision to have the Communist key control center wiped out. He chose to risk it and rise above self-interest and political considerations, even if it meant to him serving only one term as President.

An initial reaction came from Edmund Muskie, Democrat Senator from Maine. He said he was terribly disturbed and concerned about Mr. Nixon's remarks, adding that "the President has decided to seek a military method of ending this war rather than a negotiated method."

That's about as asinine a remark as any that have surfaced during the initial period of overemotionalism expressed by political bigwigs.

The negotiating method with the Communists, as Senator Muskie well knows, is about as fruitful as a frost-bitten apple tree. The U.S. has been negotiating Vietnam peace in Paris for several years to no purpose except to hold expensive ludicrous sessions. In Korea the same silly so-called peace dialogues have been going on so long the participants could have grown beards longer than Rip Van Winkle's.

Negotiation! Fiddlesticks, Mr. Muskie.

The most level-headed comment has come from Hugh Scott, Pennsylvania, Senate Republican leader: "There has never been a time when it is more important to hold one's emotional fire and to trust the President who alone has all the facts."

Why don't we leave it at that for the next two months and give the President a chance to either prove his astuteness or lack of it. There will be time enough, then, for preparing any political reprisals in the upcoming elections if this appears to be necessary.

Accentuating our passion for criticism of the nation's leader in times of critical decisions only bolsters the Communists' solidarity.

Won't we ever learn not to play into their hands?

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## VOLUNTEER FIREMEN

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, as one of the cosponsors of House Joint Resolution 1175, I wish to express my appreciation to the House of Representatives which recently passed legislation authorizing the President to designate the week of September 19–26, 1970, as National Volunteer Fireman's Week.

In my judgment, the volunteer fireman is one of the most necessary public servants. Benjamin Franklin founded the first volunteer fire department in Philadelphia in 1736. Out of the 24,000 fire departments in existence today, 22,000 depend on the services of volunteers. There are 1 million volunteer firemen as opposed to 200,000 who are full-time firemen. These brave men, who willingly risk their lives in the public interest, have for too long not been accorded the recognition they so rightfully deserve. It is my sincere hope that this action by the Congress will rectify that oversight.

At a time when volunteering has about gone out of fashion, these individuals are all the more deserving of our acclaim. It is sometimes thought that the local volunteer fire department consists of men whose chief function it is to play checkers at the firehouse and to parade on Memorial Day. In actuality, these men come from all walks of life—salesmen, lawyers, carpenters, shopkeepers, office workers, engineers—men who uncomplainingly roll out of bed in the middle of the night. Without volunteer firemen, it is inconceivable that we could have cut the Nation's fire loss per $100 of combustible property from $2.10 at the beginning of the century to 59 cents in 1967.

This, then, is the true account of our amateur elite, the men who sacrifice their time, and sometimes their lives, in the unending battle against fire. When a volunteer fireman is asked why he gives up hours of paid working time to handle

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brush fires or gets up on a freezing night to walk into a blazing inferno, his reply will most often be "because somebody has to." That may be as close as a volunteer fireman will come to baring his soul.

When five volunteer firemen were killed recently in a fire near Ridgefield, N.J., the Reverend William Henzlik wrote in a letter of condolence:

> When men give themselves, even to their lifeblood, to protect others, they are in the deepest sense acting out, rather than talking about, the Christian command to be their brother's keeper.

Mr. Speaker, I am personally very aware of the contribution of the volunteer fireman since much of the fire protection in my district is provided by these dedicated men. They personify the call for direct involvement in community affairs by volunteers. I urge the Senate to concur with the action of the House in the very near future.

## TAKE PRIDE IN AMERICA

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a Nation. The United States is the world's largest producer of kerosene. In 1966 the United States produced 12,987,000 metric tons of kerosene compared to 5,126,000 metric tons produced by Japan, the second-ranked nation.

## REASON—NOT REFLEX

(Mr. MILLER of Ohio asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MILLER of Ohio. Mr. Speaker, with the increasing intensity of demonstrations being evidenced on our college campuses, I would like to address myself this afternoon to this very serious problem and to appeal to the students of our Nation's universities to practice reason, not reflex. If there is to be meaningful dialog, there has to be a meaningful effort on the part of all concerned to foster an atmosphere in which such exchange can take place.

Bricks and bats are the arms of anarchists, suppression and repression the tools of totalitarians. Both are repulsive and abhorrent to common understanding. The challenge of chaos only courts counter challenge. Neither serves the ends desired.

I urge all involved in the campus disorders to reflect on their actions and to pursue a purposeful path of nonviolent dissent.

If the educational community is going to significantly contribute to the correction of our society's problems, it can only do so in an environment of reason and responsibility. Our schools and universities are the very foundation of our freedoms and the hope for tomorrow. The violence to undermine these cherished institutions serves no one.

## CRAMER INTRODUCES BILL TO REQUIRE CORPS OF ENGINEERS TO PRESERVE ENVIRONMENT

(Mr. CRAMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRAMER. Mr. Speaker, I am introducing a bill today to require the Corps of Engineers to protect the environment in all public works projects.

As senior Republican on the House Public Works Committee, I am particularly concerned about Florida's $200 million cross-State barge canal which conservationists charge will do irreparable damage to the environment if allowed to continue. The project may be held up pending studies by the Department of Interior.

If Interior recommends measures that will protect and enhance the environment, the Corps of Engineers does not have the authority to make the necessary expenditures to carry out the recommendations. My bill would give the corps the spending authority to preserve our natural resources from damage in any projects.

My bill would require the corps to help preserve the environment. The corps has come under heavy fire in recent years for carrying out public works projects with apparent disregard to the impact on the surrounding environment.

At a recent Public Works hearing, I told corps officials: "Like it or not, conservation is here and you're going to have to deal with it."

My amendment to the Fish and Wildlife Coordination Act would allow the corps to deny a permit for dredging, filling or similar projects if Interior or other departments feel the work would damage fish and wildlife resources. The corps now lacks authority to deny a permit solely on the basis of damage to natural resources.

My latest proposal could affect all new projects and modifications of existing projects, such as the cross-State barge canal.

I believe, that if the canal is going to be completed, it should be built in a way that will protect and even enhance the environment. I realize my bill will add to the cost of this and other projects, but I can think of no better investment than to preserve our natural resources for our children and our children's children to enjoy.

Under the new measure, the cost of protecting and preserving the environment would be programed into the total cost of all corps projects so that the Interior environmental control recommendations can be carried out.

This bill dovetails with the Nixon administration's determination to preserve America's great natural resources, and eliminate air and water pollution throughout the Nation.

The struggle to preserve our environment involves all Americans, including the Federal Government and the Corps of Engineers.

The text of my bill follows:

H.R. 17661

A bill to require the Secretary of the Army to consider environmental benefits and their costs in making certain determinations with respect to water resources development projects

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Army acting through the Chief of Engineers and the head of any other Federal department, agency, or instrumentality, determining the benefits and the costs of any new or modification of existing water resources development project in accordance with section 1 of the Act of June 22, 1936, 49 Stat. 1570, 33 U.S.C. 701a, or in accordance with any other provision of law requiring such determination, shall take into consideration in making such determination all of the benefits including, but not limited to, those benefits that may accrue by prevention of the degradation of the environment or the ecology as well as those benefits that may accrue from the enhancement of the environment or ecology, and shall also take into consideration the estimated costs of obtaining such benefits.

## CRAMER SEEKS TO PROTECT STUDENT RIGHTS

(Mr. CRAMER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CRAMER. Mr. Speaker, in light of the recent disorders and tragic deaths on some of the college campuses of America, I feel it is long past time for serious consideration of the Student Antiviolence Act of 1969 (H.R. 13261).

Introduced on July 31, 1969, by myself and 16 of my colleagues, this legislation would protect the rights of the vast majority, the law-abiding students, to an education without fear of violence or intimidation. It would do much to restore peace to our troubled campuses by putting the revolutionary leaders out of business.

Specifically, the Student Antiviolence Act would allow the serious student who finds himself barred from his classroom to appeal to the Attorney General's Office for an injunction.

America's law-abiding, hard-working, and responsible citizens have been termed the "silent majority." Now we must recognize the silent student who asks only for a meaningful education without fear of violence or disruption.

In my home State of Florida, I am proud to note, two law students were able to force restoration of classes at the University of Miami by appealing to the State courts. The Student Antiviolence Act would provide a further avenue for legal recourse.

The militant minority seeks to gain its ends not by reason and persuasion but by mob rule and violence. They cannot be allowed to succeed. The law-abiding majority of American students must be provided with a legal shield to protect them from violence and intimidation.

This bill would amend the 1968 Civil Rights Act which protects from violence

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those seeking to exercise their civil rights. The Student Antiviolence Act would assure the civil rights of students to a meaningful education.

### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. Flynt (at the request of Mr. Rodino), for today, on account of official business.

Mr. Pepper (at the request of Mr. Rodino), for today, on account of official business.

Mr. Jones of Tennessee (at the request of Mr. Blanton), for today, on account of official business.

Mr. Patten (at the request of Mr. Albert), for today, on account of official business.

### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Patman for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mrs. Heckler of Massachusetts), to revise and extend their remarks and to include extraneous matter to:)

Mr. Poff, today, for 10 minutes.
Mr. Hosmer, today, for 10 minutes.
Mr. Conte, today, for 10 minutes.
Mr. Rhodes, today, for 10 minutes.

(The following Members (at the request of Mr. O'Neal of Georgia) and to revise and extend their remarks and include extraneous matter:)

Mr. Reuss, for 30 minutes, today.
Mr. Gonzalez, for 10 minutes today.

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### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Sikes in five instances and to include extraneous matter.

Mr. Ichord and to include extraneous matter.

Mr. Shriver immediately following the reading of the Journal.

Mr. Rogers of Colorado (at the request of Mr. Celler) in the body of the Record.

Mr. Randall and to include extraneous matter.

(The following Members (at the request of Mrs. Heckler of Massachusetts) and to include extraneous matter:)

Mr. Conte.
Mr. Wyatt.
Mr. Hogan.
Mr. Halpern.
Mr. Schwengel.
Mr. Bray in three instances.
Mr. Langen.
Mr. Cederberg.
Mr. Steiger of Wisconsin in two instances.
Mr. Duncan in two instances.

Mr. Blackburn in two instances.
Mr. Gude.
Mr. Rhodes.
Mr. Scherle.
Mr. Carter.
Mr. Anderson of Illinois in two instances.
Mr. Foreman in three instances.
Mr. Wyman in two instances.
Mr. Hammerschmidt in two instances.
Mr. Don H. Clausen in three instances.
Mr. Michel.
Mr. Nelsen in three instances.
Mr. Cunningham in three instances.
Mr. Robison.
Mr. Stanton.
Mr. Quie in two instances.
Mr. Del Clawson.
Mr. Derwinski in three instances.
Mr. Scott.
Mr. Collier.
Mr. Brock in two instances.

(The following Members (at the request of Mr. O'Neal of Georgia) and to include extraneous matter:)

Mr. Jacobs.
Mr. Long of Maryland.
Mr. Matsunaga in two instances.
Mr. Rarick in three instances.
Mr. Obey in 12 instances.
Mr. Evins of Tennessee in three instances.
Mr. Edwards of California in three instances.
Mr. Daniel of Virginia.
Mr. Rodino.
Mr. Gonzalez in two instances.
Mr. Griffin.
Mr. Fraser in eight instances.
Mr. Friedel in two instances.
Mr. Fisher in four instances.
Mr. Hathaway in two instances.
Mr. Dingell in two instances.
Mr. Fallon in two instances.
Mr. Carey in two instances.
Mr. Burke of Massachusetts.
Mr. Fountain.
Mr. Kluczynski.
Mr. Zablocki in two instances.
Mr. Wright in two instances.
Mr. Hagan in two instances.
Mr. Alexander.
Mr. Tiernan.

### SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.; to the Committee on Interior and Insular Affairs.

S. 786. An act to grant all minerals, including coal, oil, and gas, on certain lands on the Fort Belknap Indian Reservation, Mont., to certain Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 886. An act to convey certain land of the United States to the Inter-Tribal Council, Inc., Miami, Okla.; to the Committee on Interior and Insular Affairs.

S. 3102. An act to amend section 4 of the Fish and Wildlife Act of 1956, as amended, to extend the term during which the Secretary of the Interior can make fisheries loans under the act; to the Committee on Merchant Marine and Fisheries.

S. 3337. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Yakima Tribes in Indian Claims Commission dockets numbered 47-A, 162, and consolidated 47 and 164, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3387. An act to amend the Rural Electrification Act of 1936, as amended, to provide an additional source of financing for the rural telephone program, and for other purposes; to the Committee on Agriculture.

S. 3564. An act to amend the Federal Youth Corrections Act (18 U.S.C. 5005 et seq.) to permit examiners to conduct interviews with youth offenders; to the Committee on the Judiciary.

S.J. Res. 196. Joint resolution increasing the authorization for college housing debt service grants for fiscal year 1971; to the Committee on Banking and Currency.

### ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes; and

H.R. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

### BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on May 15, 1970, present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H.R. 14465. To provide for the expansion and improvement of the Nation's airport, and airway system, for the imposition of airport and airway user charges, and for other purposes; and

H.J. Res. 1232. Making further continuing appropriations for the fiscal year 1970, and for other purposes.

### ADJOURNMENT

Mr. O'NEAL of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 17 minutes p.m.), the House adjourned until tomorrow, Tuesday, May 19, 1970, at 12 o'clock noon.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2061. A letter from the Assistant Secretary of State for Congressional Relations; transmitting copies of a Presidential determination authorizing military grant assistance to an economically developed country, pursuant to the provisions of section 614(a) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

2062. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to eliminate the requirement for quadrennial physical examinations for members of the Fleet Reserve and Fleet Marine Corps Reserve; to the Committee on Armed Services.

2063. A letter from the Chairman, Indian Claims Commission, transmitting a report on the final conclusion in docket No. 158, *the Sac and Fox Tribe of Indians of Oklahoma, et al.*, docket No. 209, *the Iowa Tribe of the Iowa reservation of Kansas and Nebraska, et. al.*, docket No. 231, *the Sac and Fox Tribe of Indians of Oklahoma, et al., consolidated, plaintiffs vs. the United States of America, defendant,* pursuant to the provisions of the Indian Claims Commission Act, as amended; to the Committee on Interior and Insular Affairs.

2064. A letter from the Assistant Administrator of General Services, transmitting a draft of proposed legislation to include certain officers and employees of the General Services Administration within the provisions of the United States Code relating to assaults upon, and homicides of, certain officers and employees of the United States as constituting a crime; to the Committee on the Judiciary.

2065. A letter from the Commissoner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classifications, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[*Submitted May 15, 1970*]

**Mr. FALLON:** Committee on Public Works. H.R. 15712. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971 (Rept. No. 91–1097). Referred to the Committee of the Whole House on the State of the Union.

**Mr. RIVERS:** Committee on Armed Services. H.R. 17604. A bill to authorize certain construction at military installations, and for other purposes (Rept. No. 91–1098). Referred to the Committee of the Whole House on the State of the Union.

[*Submitted May 18, 1970*]

**Mr. TAYLOR:** Committee on Interior and Insular Affairs. H.R. 12860. A bill to establish the Ford's Theatre National Historical Site, and for other purposes (Rept. No. 91–1099). Referred to the Committee of the Whole House on the State of the Union.

**Mr. SISK:** Committee on Rules. House Resolution 1021. Resolution for consideration of House Joint Resolution 1117, joint resolution to establish a Joint Committee on Environment and Technology. (Rept. No. 91–1100). Referred to the House Calendar.

**Mr. BOLLING:** Committee on Rules. House Resolution 1022. Waiving points of order against H.R. 17550, a bill to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes (Rept. No. 91–1101). Referred to the House Calendar.

**Mr. MILLS:** Committee on Ways and Means. H.R. 6049. A bill to amend the definition of "metal bearing ores" in the Tariff Schedules of the United States; with an amendment (Rept. No. 91–1102). Referred to the Committee of the Whole House on the State of the Union.

**Mr. MILLS:** Committee on Ways and Means. H.R. 9183. A bill to amend the Tariff Schedules of the United States to provide that imported articles which are exported and thereafter reimported to the United States for failure to meet sample or specifications shall, in certain instances, be entered free of duty upon such reimportation; with an amendment (Rept. No. 91–1103). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BERRY (for himself and Mr. Reifel):

H.R. 17653. A bill to amend section 122 of title 28 of the United States Code to transfer certain counties to the central division of the judicial district of South Dakota; to the Committee on the Judiciary.

By Mr. COLMER (for himself, Mr. Sisk, Mr. Bolling, Mr. Young, Mr. Smith of California, Mr. Latta, Mr. Madden, Mr. Delaney, Mr. O'Neill of Massachusetts, Mr. Pepper, Mr. Matsunaga, Mr. Anderson of Tennessee, Mr. Anderson of Illinois, Mr. Martin, and Mr. Quillen):

H.R. 17654. A bill to improve the operation of the legislative branch of the Federal Government, and for other purposes; to the Committee on Rules.

By Mr. BIAGGI:

H.R. 17655. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder, to provide for the determination of insured status and average monthly wage on the same basis for men as for women, to equalize eligibility requirements for wife's husband's, widow's, and widower's benefits, and to provide benefits for dependent parents of individuals entitled to old-age or disability benefits; to the Committee on Ways and Means.

By Mr. BLACKBURN:

H.R. 17656. A bill to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs; to the Committee on Public Works.

By Mr. BLANTON (for himself and Mr. Moss):

H.R. 17657. A bill to amend the Federal Trade Commission Act to prohibit certain unfair sales practices in the copper industry; to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNES of Wisconsin:

H.R. 17658. A bill to provide floor stock refunds in the case of cement mixers; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 17659. A bill to provide additional penalties for the use of firearms in the commission of certain crimes of violence; to the Committee on the Judiciary.

H.R. 17660. A bill to establish a commission to study and recommend a set of laws governing the usage, customs, and laws relating to the flag of the United States; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 17661. A bill to require the Secretary of the Army to consider environmental benefits and their costs in making certain determinations with respect to water resources development projects; to the Committee on Public Works.

By Mr. DADDARIO:

H.R. 17662. A bill to amend the National Labor Relations Act, as amended, to amend the definition of "employee" to include certain agricultural employees, and to permit certain provisions in agreements between agricultural employers and employees; to the Committee on Education and Labor.

By Mr. EDWARDS of California:

H.R. 17663. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. FULTON of Tennessee:

H.R. 17664. A bill to provide for orderly trade in glycine; to the Committee on Ways and Means.

H.R. 17665. A bill to create a special tariff provision for imported glycine and related products; to the Committee on Ways and Means.

By Mr. GALLAGHER:

H.R. 17666. A bill to establish an Office of Technology Assessment for the Congress as an aid in the identification and consideration of existing and probable impacts of technological application; to amend the National Science Foundation Act of 1950; and for other purposes; to the Committee on Science and Astronautics.

By Mr. GUDE:

H.R. 17667. A bill to authorize the States of Virginia and Maryland and the District of Columbia to negotiate and enter into a compact to establish a multistate authority to operate the Washington-Baltimore metropolitan area's airports, and for other purposes; to the Committee on the District of Columbia.

By Mr. HELSTOSKI:

H.R. 17668. A bill to provide for drug abuse and drug dependency prevention, treatment and rehabilitation; to the Committee on Interstate and Foreign Commerce.

By Mr. KUYKENDALL:

H.R. 17669. A bill to direct the Secretary of Commerce to determine whether or not commercial shortages of hardwood logs exist, and to prohibit the export of logs found to be in short supply; to the Committee on Interstate and Foreign Commerce.

H.R. 17670. A bill to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LANGEN:

H.R. 17671. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. McCLURE:

H.R. 17672. A bill to amend the Antidumping Act, 1921, as amended; to the Committee on Ways and Means.

By Mr. MATSUNAGA:

H.R. 17673. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

H.R. 17674. A bill to provide for a Pacific Medical Center in Hawaii; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 17675. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 17676. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

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H.R. 17677. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 17678. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 17679. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. PATMAN (for himself and Mr. Podell):

H.R. 17680. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. PERKINS:

H.R. 17681. A bill to extend for 5 additional years the authorization for programs under the Elementary and Secondary Education Act of 1965, and related programs; to the Committee on Education and Labor.

By Mr. POLLOCK:

H.R. 17682. A bill directing the Secretary of the Army to review certain reports concerning the improvement of waterborne commerce in the southcentral region of Alaska and to report to Congress thereon; to the Committee on Public Works.

H.R. 17683. A bill directing the Secretary of the Army to review certain reports concerning Cook Inlet and its tributaries in Alaska and to report to Congress thereon; to the Committee on Public Works.

By Mr. RODINO:

H.R. 17684. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 17685. A bill for the relief of certain cities and towns in Iowa and the State of Iowa; to the Committee on the Judiciary.

By Mr. WOLFF (for himself, Mr. Addabbo, Mr. Daddario, Mr. Moorhead, Mr. Ottinger, Mr. Podell, and Mr. Ryan):

H.R. 17686. A bill to prohibit the use of any nuclear weapon in Southeast Asia unless Congress first approves such use; to the Committee on Armed Services.

By Mr. CARTER:

H.J. Res. 1236. Joint resolution to authorize the President to designate the third Sunday in June of each year as Father's Day; to the Committee on Judiciary.

By Mr. HANLEY:

H. Con. Res. 619. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a cease fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania (for himself, and Mr. Johnson of Pennsylvania):

H. Con. Res. 620. Concurrent resolution expressing the sense of Congress that the question of the maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations; to the Committee on Foreign Affairs.

By Mr. POLLOCK:

H. Con. Res. 621. Concurrent resolution expressing the sense of Congress regarding the conflict in Southeast Asia and the exercise of constitutional authority in matters affecting grave national decisions of war and peace; to the Committee on Rules.

By Mr. WILLIAM D. FORD:

H. Res. 1023. Resolution to stop funds for war in Cambodia, Laos, and to limit funds for war in Vietnam; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. Friedel, and Mr. Charles H. Wilson):

H. Res. 1024. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RIEGLE (for himself, Mr. Fraser, and Mr. Matsunaga):

H. Res. 1025. A resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. RYAN:

H. Res. 1026. A resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. SCHERLE:

H. Res. 1027. A resolution providing for the reference of the bill (H.R. 17685) to the Court of Claims; to the Committee on the Judiciary.

By Mr. WIDNALL:

H. Res. 1028. A resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURTON of California:

H.R. 17687. A bill for the relief of Mrs. Concepcion Garcia Balauro; to the Committee on the Judiciary.

By Mr. FULTON of Tennessee:

H.R. 17688. A bill for the relief of Richard W. Yantis; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 17689. A bill for the relief of Lester H. Sherman; to the Committee on the Judiciary.

By Mr. PELLY:

H.R. 17690. A bill to authorize the Secretary of Commerce to sell the MV *Chestatee;* to the Committee on the Merchant Marine and Fisheries.

By Mr. THOMPSON of Georgia:

H.R. 17691. A bill for the relief of Mohammad Ghazi, doctor of medicine; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

382. By the SPEAKER: A memorial of the Legislature of the State of California, relative to Federal participation in feasibility level studies for the Salton Sea; to the Committee on Appropriations.

383. Also, a memorial of the Legislature of the State of New York, relative to increasing the hourly minimum wage; to the Committee on Education and Labor.

384. Also, a memorial of the Legislature of the State of Florida, relative to American prisoners of war held captive by North Vietnam; to the Committee on Foreign Affairs.

385. Also, a memorial of the Legislature of the State of Hawaii, relative to U.S. activities in Laos; to the Committee on Foreign Affairs.

386. Also, a memorial of the Legislature of the State of Hawaii, relative to a proposed amendment to the Constitution of the United States to preserve the reciprocal immunities of tax exemption; to the Committee on the Judiciary.

387. Also, a memorial of the Legislature of the State of Alaska, relative to the imminent invasion of North Pacific salmon fisheries by South Korea; to the Committee on Merchant Marine and Fisheries.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

482. By Mr. BROWN of California. Petition of faculty, students, and staff of the University of California, Riverside, relative to American military policy in Southeast Asia; to the Committee on Foreign Affairs.

483. Also, petition of National Committee for Responsible Representation, Cornell University, Ithaca, N.Y., relative to conduct of the President and military policy in Southeast Asia; to the Committee on Judiciary.

484. By the SPEAKER: Petition of the Senate of the Academic Council of Stanford University, Stanford, Calif., relative to the war in Indochina; to the Committee on Foreign Affairs.

485. Also, petition of Henry Stoner, York, Pa., relative to declaring a National Day of Mourning; to the Committee on the Judiciary.

486. Also, petition of the City Commission, Fort Lauderdale, Fla., relative to designating Cape Kennedy as the operational base for the space shuttle system; to the Committee on Science and Astronautics.

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# SENATE—*Monday, May 18, 1970*

The Senate met at 12 o'clock noon and was called to order by Hon. James B. Allen, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, from whom all thoughts of truth and peace proceed, all the ways of our need lead us to Thee. We are grateful for this reverent pause amid the stresses and strains of our daily duties when we open our hearts and minds to the invasion of Thy spirit.Wilt Thou monitor our thoughts and actions this day. Make us instruments for doing Thy will, overruling our fallible judgments and using our best efforts for the shaping of a new world. Give us the vision, the wisdom, and the courage that will make for both justice and lasting peace, through Him in whose will is our peace. Amen.

## DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate.

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The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 18, 1970.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
*President pro tempore.*

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on May 12, 1970, the President had approved and signed the following acts:

S. 1193. An act to authorize the Secretary of the Interior to prevent termination of oil and gas leases in cases where there is a nominal deficiency in the rental payment, and to authorize him to reinstate under some conditions oil and gas leases terminated by operation of law for failure to pay rental timely; and

S. 3544. An act to amend the Arms Control and Disarmament Act in order to extend the authorization for appropriations.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

## REPORT OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of May 15, 1970, Mr. MAGNUSON, from the Committee on Commerce, reported favorably, with amendments, on May 18, 1970, the bill (S. 3074) to provide minimum standards for guarantees covering consumer products which have electrical, mechanical, or thermal components, and for other purposes, and submitted a report (No. 91-876) thereon, together with the individual views of the Senator from New Hampshire (Mr. COTTON), which report was printed.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 15, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock a.m., tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow, the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 40 minutes.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR TALMADGE TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent, following the speech of the distinguished Senator from New York (Mr. JAVITS), that the distinguished Senator from Georgia (Mr. TALMADGE) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR SYMINGTON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the speech of the distinguished Senator from Georgia (Mr. TALMADGE), the distinguished Senator from Missouri (Mr. SYMINGTON) be recognized for not to exceed 1 hour.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR PROXMIRE OF WISCONSIN AT CONCLUSION OF MORNING BUSINESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of morning business, the distinguished Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 30 minutes. I make this request because I understand the speech will be germane to the bill under discussion.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

## CALIFORNIA DEBRIS COMMISSION

The bill clerk read the nomination of Brig. Gen. Frank A. Camm, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## MARINE CAPT. GERALD H. SAMPSON, USMCR, POSTHUMOUSLY AWARDED THE NAVY CROSS

Mr. SCOTT. Mr. President, I am advised by Brig. Gen. Fred Haynes, U.S. Marine Corps, that Marine Capt. Gerald H. Sampson, USMCR, has been posthumously awarded our Nation's second highest award for gallantry in combat action—the Navy Cross.

There is a shared, dear place in the hearts of all who are of good will for those who are lost in battle. Such men of courage have kept our country strong and free. Today, more than ever, I feel it is incumbent upon us to pay tribute to these brave men and, in particular, to Captain Sampson who now joins the ranks of America's heroes where his name and memory will remain forever.

As we extend our deep sympathy to his mother, Mrs. Celia A. Thomas of 639 Cemetery Street, Williamsport, Pa., I ask unanimous consent that the official citation describing the circumstances of Captain Sampson's award be printed in the RECORD.

There being no objection, the citation was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE NAVY,
*Washington.*

The President of the United States takes pride in presenting the Navy Cross posthumously to Captain Gerald H. Sampson, United States Marine Corps Reserve for service as set forth in the following citation:

For extraordinary heroism while serving as

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Commanding Officer of Company B, First Battalion, Third Marines, Third Marine Division in connection with combat operations against the enemy in the Republic of Vietnam. In the early morning hours of 26 August 1969, Company B, occupying a night defensive position deep in hostile territory northwest of Cam Lo, was assaulted by a large North Vietnamese Army force employing automatic weapons and rocket-propelled grenades. In the initial onslaught, the second platoon commander was wounded and his sector of the perimeter was in grave danger of being breached by the enemy. With complete disregard for his own safety, Captain Sampson moved across the fire-swept terrain to the point of heaviest contact, rallied the beleaguered Marines, and began to direct their fire against the advancing North Vietnamese. During the fierce fire fight, he continually moved from one fighting position to another, instructing and encouraging his men and ensuring that the wounded received immediate treatment. While maneuvering across an exposed area on the foremost edge of the perimeter, Captain Sampson was mortally wounded by enemy fire. His unflagging determination and bold fighting spirit inspired his men to heroic efforts and were instrumental in turning a critical situation into an overwhelming Marine victory. By his leadership, extraordinary courage and selfless devotion to duty, Captain Sampson upheld the highest traditions of the Marine Corps and of the United States Naval Service.

For the President,

V. W. WARNER,
*Acting Secretary of the Navy.*

## ALL AMERICANS SHOULD EXPRESS THEMSELVES IN ACTIVE POLITICAL TERMS

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**Mr. AIKEN.** Mr. President, since the Cambodian invasion, I have received thousands of letters, telegrams, and names on petitions as well as personal visits from several hundred young people.

While these efforts do carry an influence, the effect is small compared to what it would be if all of those who are concerned would express themselves in active political terms.

The decisions affecting the security and welfare of our people are largely the result not only of elections but also of caucuses and conventions.

In Vermont, and I believe in most States, party committees are elected and party policies adopted, not by the majority of the people but by the few who attend their local caucuses and the delegates selected by those few to attend the State conventions. In some instances, not over 2 percent of the eligible voters make the decisions which may mean life or death, affluence or poverty, for the great majority who do not attend.

I urge these young people—and older ones too—to qualify themselves as voting members of their party, and make sure that others they know do the same and, by all means, attend their party caucuses, elect good members to their local committees, and send proper delegates to the State conventions and insist upon policies which concern all the people.

It is also important that all qualified voters of every age are registered for both primary and regular elections, that absentee voters receive ballots, and to get everyone to the polls.

If all those who sign petitions or write letters to Members of Congress will pitch in and help do the work which presently is left to a few dedicated people of both parties, they will then have little cause for complaint—and our country will be the better for it.

## DEATH OF CLIFFORD HOPE

**Mr. DOLE.** Mr. President, it is with deep sorrow that I inform my colleagues of the death of a great American, the Honorable Clifford Hope.

Mr. Hope will be remembered by many Members of the House and Senate for his impressive legislative record in the field of agriculture during his 30 years as a Member of the House of Representatives. Mr. Hope was chairman of the House Committee on Agriculture in the 83d Congress.

Cliff, as he was affectionately known to hundreds of Kansans and citizens of other States, was responsible for landmark legislation in the areas of agriculture and conservation. He will long be remembered for his quiet, unassuming manner, and his tolerance for colleagues' opposing views.

His dedication to the economic betterment of farmers gained him the reputation of congressional champion of the small farmer.

Recognizing his knowledge of agriculture, President Eisenhower appointed him one of his chief campaign advisers on farm policy.

Cliff was largely responsible for the Soil Conservation Act of 1935 and the Farm Credit Act of 1953.

Since his retirement from Congress in 1956, Mr. Hope continued an active interest in agriculture, particularly in promotion of greater uses of wheat at home and abroad.

He had taken a leading role in community betterment projects and maintained his strong interest in the political affairs of our State and Nation.

I speak for all who knew this fine and good man when I say that his death is a tragic loss for our country, for he enriched the lives of so many of his countrymen.

Our heartfelt sympathy goes out to his children and grandchildren who survive him.

**Mr. AIKEN.** Mr. President, will the Senator from Kansas yield?

**Mr. DOLE.** I am happy to yield to the Senator from Vermont.

**Mr. AIKEN.** I join the Senator from Kansas in expressing his testimonial for Clifford Hope.

It was my privilege to be chairman of the Senate Committee on Agriculture and Forestry at the time Clifford Hope was chairman of the House Agriculture Committee. We cooperated and collaborated on a good many pieces of worthwhile agricultural legislation.

Clifford Hope was always looking out for the interests of the farm people.

The debt the farmers of America owe to Clifford Hope will probably never be fully repaid.

**Mr. MANSFIELD.** Mr. President, will the Senator from Kansas yield?

**Mr. DOLE.** I am happy to yield to the Senator from Montana.

**Mr. MANSFIELD.** I, too, wish to join in the remarks of the distinguished Senator from Kansas and the distinguished Senator from Vermont on the passing of Clifford Hope.

The distinguished minority leader is in the Chamber. Both of us had the privilege of serving with Clifford Hope in the House. He was a real gentleman. I mean that in the finest sense of the word.

He was an agriculturalist through and through. He was vitally concerned when it came to matters affecting the price of wheat primarily, and small grains incidentally.

Many of us on both sides of the aisle sought Cliff's advice and assistance. He contributed immensely to the agricultural segment of the economy.

Cliff Hope was a fine man and a gentleman. We shall miss him.

I join the distinguished Senator from Kansas in expressing my sympathy to his family.

**Mr. DOLE.** Mr. President, I thank the Senator.

**Mr. SCOTT.** Mr. President, will the Senator yield?

**Mr. DOLE.** I yield.

**Mr. SCOTT.** Mr. President, I served with Cliff Hope in the House of Representatives. I knew him well.

I admired him. He was indeed a quiet man, who had the confidence of all his colleagues. He served as chairman of the Republican Conference at one time.

On one occasion some years ago, I went to Garden City, Kans., to a very large meeting to pay tribute to Cliff Hope's services to Kansas and to the Nation.

We admired him very much. I have had the pleasure of knowing members of his family as well. We do indeed all join in expressing our great sorrow at his passing and ask that our condolences be extended to members of the family.

## BRAZIL

**Mr. KENNEDY.** Mr. President, denial of dissent, abrogation of political rights, and the purging of the intellectual community have characterized repressive regimes throughout history. The recent purge of 10 respected scientists from the Oswaldo Cruz Institute in Rio de Janeiro is another indication of the path chosen by the Brazilian military government.

It is distressing to friends of the Brazilian people that Brazil's traditional spirit of accommodation and political civility has been discarded by its current leaders. Reports of official terrorism and torture are mixed with incidents of violence committed by opponents of the regime who are denied access to legitimate political channels.

The attached articles highlight the ugliest aspects of a regime that we continue to support both militarily and economically, a regime that mocks the democratic principles proclaimed in the Alliance for Progress.

Mr. President, the United States must reexamine our support of this regime and ask whether our actions, including our maintenance in Brazil of our largest Latin American military mission, can produce anything other than a deepening dismay here at home at the gap between our policies and our ideals.

We now face a deep crisis in the spirit of the American people because of our support of an unpopular government in an unjust cause in Vietnam. Our unquestioning endorsement of a government that accepts torture of political prisoners can only exacerbate this crisis.

I ask unanimous consent to have printed in the Record the article by Colman McCarthy which appeared in the Washington Post, on May 4, 1970, and the article by Leonard Greenwood which appeared in the Washington Post on May 12, 1970.

There being no objection, the articles were ordered to be printed in the Record, as follows:

### The Brazilian Church May Be Christian After All

(By Colman McCarthy)

No doubt exists any longer that the military men running Brazil are stylists in torture, violence and hounding. Too many reports from reliable witnesses have appeared in the North American and European press for anyone to think that the current oppression is merely a lapse in taste by Gen. Emilio Medici and his six-year-old government. The aim of the torture, backed by the same kind of secret police tactics used in Germany, Spain, Portugal and Italy in an earlier era and in Greece, Haiti, South Africa and Rhodesia today, is to keep the oppositon silent, afraid and in view.

The students, journalists, professors, labor organizers, social workers, priests and others who are among the potential targets of torture in Brazil have been put in a strained stance. Do they resist by fighting violence with counter-violence? Or do they hold out and work for the peaceful revolution that their country, crushed by poverty, disease and illiteracy, desperately needs?

Large numbers are now joining both groups. But many who go for the second do so because much of the leadership in the Catholic Church is both vocal and risk-taking in opposing the military dictators. "Surprisingly, "writes Prof. Ralph Della Cava of Queen's College, N.Y., in last week's Commonweal, "the Brazilian Catholic Church, once a mainstay of the status quo, has emerged for a variety of reasons as the only national institution that remains capable of defending the principles of freedom, justice and social change in the face of government repression."

The church in Brazil, as elsewhere in Latin America, has long been a sleeping partner of the rich and the military. Officially, it passed out the sacraments and rites, a coin-machine operation from which blessings dropped like candies on which the poor were meant to suck for comfort, not thirst for change. Unofficially, it was the chaplain church, blessing the landowners who virtually enslaved the poor by forcing many of them to live on less than $350 a year. The self-cowed clergy dared not defy the army or the rich, fearing economic pressures on religious hospitals, schools and parishes.

A few years ago, from northeast Brazil, a small, slim man with a strong clear mind spoke out quickly to become a Martin Luther King figure to the Brazilian social movement. Since then, Archbishop Helder Camara has been rattling the generals, exposing the rich, but perhaps most important, making it clear to the poor that they have a right to something better and there is a way to get it. Last October 2, the centennial of Gandhi, Camara outlined the theme of his movement called Action, Justice and Peace. "Many Latin American governments, perhaps without realizing and without caring, are preparing an explosion worse than the nuclear bombs, worse than the H-bomb: it is the M-bomb, the bomb of misery. (This explosion) is prepared by those who cower before the powerful and the privileged and make a show of elaborate reforms and ways to execute them, but who afterward leave the situation as it is to see if it won't take care of itself."

In calling for non-violent, structural reforms in Brazil, Camara is labeled a Communist by the right, a standard dismissal of anyone who fights a little too hard for the poor. From the far left, Camara gets it also, because he insists on non-violence. He is firm about the latter, not just from his pacifism, but also practicality. "If there was a movement of violence here, Brazil would be crushed immediately, either by the United States . . . or by the USSR. To change one for the other of those two powers would all be the same, as neither of the two serve for Brazilians."

Lumping together America and Russia is not Camara's exclusive idea. In October 1968, the moderate newspaper, *Jornal do Brazil*, expressed what observers say is a widespread sentiment: "Russians and North Americans proceed as if they were invaders from Mars. They are of another race, another civilization. This planet is a colony which they exploit shamelessly and whose inhabitants—us—as the inferior beings that we are, can continue dying of hunger in our sun-baked and noisy craters."

Gen. Medici and his terrorists know better than to jail, torture or otherwise silence Camara. He is too well known internationally and too revered locally. But the government moves in on less prominent clergy. Last December, a military court indicted the bishop of Volta Redonda on charges of "subversion." Fifteen of his priests were also brought up on charges. Their trial, like the bishop's is pending, with no date set. Other priests have been imprisoned and tortured, as well as many nuns and laymen. Forcefully, one bishop, Joao Costa, recently denounced the government's treatment of political prisoners: The latter "have been violently beaten and tortured. I am making this denunciation so that there shall be eliminated once and for all from all investigations, those procedures which dishonor all those who practice them and render the process of justice suspect."

All of this puts the Vatican on the spot. It has 245 bishops in what is the world's most Catholic country—at least nominally Catholic, which means making Mass perhaps twice a year. The Pope, who has received a report called "Terror and Torture in Brazil," knows he cannot play it safe much longer—or as Pius XII did during Hitler's Germany, play it silent! The Vatican naturally supports non-violent reform. But preached from across an ocean, this stance risks becoming an accomplice to the current economic and political structures that also do violence—not by bullets or thumbscrews, perhaps, but by keeping the poor in their poverty through unjust laws or by letting greedy land-owners continue to hoard the land. Many in the Third World are beginning to believe that this kind of violence is infinitely more criminal than the war games played by Che-style guerrillas.

The Brazilian generals, like the Greek colonels, are touchy about their image in the United States and work hard to keep it polished; this is where the massive foreign aid and private investment capital comes from, with bad days to come were the well to run dry.

But the U.S. should be less of a worry to the Brazilian government than the Church. American businessmen will not likely pull back their money and investments so long as the generals say they are devoted to "stopping communism." The Church—or at least that part of it exemplified by Helder Camara and a growing number of bishops and thousands of clergy and laymen—sees through the big talk about anti-communism. That is not the real battle. "When will we be able to show everybody," said Camara last fall, "that the number one problem is not the clash between East and West, but between North and South—that is, between the developed world and the underdeveloped world? When will we be able to help everybody understand that *misery* is the enslaver, the assassin par excellence and that it is the war against misery which should be the number one and only war upon which we must focus our energy and resources?"

Camara doesn't know the answer to his questions. But he does know his country seethes with the poor and the hungry who demand answers soon. Christianity, which has solved the problems of the next world, seems ready, at least in Brazil, to begin solving some of the problems of this world.

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### New Brazil Purge Hits 10 Scientists

(By Leonard Greenwood)

Rio de Janeiro—Brazil's small scientific community is reeling from its second political purge in a year.

Ten scientists, including several known internationally, have been fired from the Oswaldo Cruz Institute here and stripped of their political rights.

A government spokesman said the decision had been made by President Emilio Garrastazu Medici after "careful investigation" has shown the scientists to be "agents of subversion and enemies of the regime."

The withdrawal of their political rights makes it virtually impossible for them to continue scientific work in Brazil. Anyone who loses his rights is forbidden to work for any government-supported organization and there are almost no private laboratories.

Less than a year ago, between 60 and 70 scientists were fired from research, technical and teaching posts and some also lost their political rights.

In Brazil, which has a scientific community of only about 5,000 in a population of 94 million, the effects of last year's purge was psychologically staggering.

"People were just beginning to settle down again after that when this latest blow fell," one Brazilian scientist said "All the old fears have been awakened again. People are saying there are more lists. God knows who'll be next."

The director of the Cruz Institute, Guilherme Lacorte, is reluctant to discuss the case, which he describes as "one of those things that happens." He says only that the departure of the 10 men need not affect the working of the institute.

The victims, who are in an extremely vulnerable situation with accusations of subversion hanging over them, refuse to meet reporters.

The men were reported to be carrying out work on many diseases. The institute, founded at the beginning of the century, has made important contributions to world medicine, especially in the field of yellow fever.

Brazilian scientists say it is difficult to see how any of them could be accused of subversion. None was working on a job even remotely connected with national security.

As is the case with most of Brazil's scientific community, all 10 are known to have liberal ideas about society. "You'd have to stretch imagination a long way to see them as Communists," one eminent Brazilian scientist said.

Other scientists ridicule Lacorte's statement. They say the 10 men were key figures in a small team of high-level researchers at Cruz. Without them, they add, some departments, including physiology and entymology, may have to close, the scientific standing of the institute will be damaged and Brazilian research in certain fields will be retarded.

## THE NOMINATION OF TWO WOMEN GENERALS

Mr. STENNIS. Mr. President, I wish to express my gratification in the fact that on Friday afternoon, the President of the United States nominated for promotion to brigadier general two women who are members of the Army's professional officer corps.

They are Col. Elizabeth P. Hoisington, director of the Women's Army Corps, and Col. Anna Mae Hays, Chief of the Army Nurse Corps. These two fine ladies, when confirmed and appointed, will be the first two women generals in the history of our country.

Mr. President, these nominations are well deserved recognition of professional competence and ability in positions of great responsibility and trust. They constitute not only a tribute to the abilities of the individuals concerned but to womankind as a whole. I think our citizens can take great pride in the fine record of the feminine components of the Armed Forces of our country. I am glad to see this pride manifested in these two nominations.

Both Colonel Hoisington and Colonel Hays have served in the Army since 1942. Colonel Hoisington served in Europe in World War II. Colonel Hays served in the China-Burma-India Theater in that war and in Korea and Japan during the Korean war. She represents the finest of examples of those admirable women who serve so faithfully as nurses to our wounded and sick. Both ladies hold well-earned decorations for their service in war and in peace.

Mr. President, I wish to congratulate these two ladies on their nomination, and to commend the Army for providing to their women members the opportunity to attain preeminent positions in their chosen professions. I am sure my colleagues will share my pleasure and pride in having the opportunity to confirm the nominations of these two fine officers.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. Mr. President, not only is Colonel Hoisington one of the first women generals, but her brother served as a major general of the U.S. Air Force. So, for the first time we have a brother and sister team wearing stars.

I think this was a very fine choice.

Mr. STENNIS. Mr. President, I am sure that the brother is a very fine officer also. But this lady deserves commendation for her nomination.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. DOLE. Mr. President, I join the Senator in paying tribute to these two fine Army officers.

President Nixon has nominated two women Army officers to the rank of brigadier general. They are the first two women to be nominated to general, and I am proud to say that one, Col. Elizabeth P. Hoisington, Director of the Women's Army Corps, is a native of the State of Kansas.

I wish to extend congratulations to Colonel Hoisington on behalf of all Kansans. She has compiled a noteworthy record in the WAC's to date, and I am sure she will continue to bring honor and distinction to herself and the corps in her new rank.

I ask unanimous consent that an article from the May 15 Topeka Daily Capital describing Colonel Hoisington's promotion be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### KANSAS WOMAN WILL BE GENERAL

WASHINGTON.—The Kansas-born director of the Women's Army Corps was nominated for promotion to the temporary rank of brigadier general Friday.

Col. Elizabeth P. Hoisington, 51, was born in Newton and later lived at Leavenworth, was nominated along with Col. Anna Mae Hays, 50, chief of the Army Nurse Corps, by President Nixon. They will become the first two women in the history of the U.S. armed forces to wear a star.

Col. Hoisington is the granddaughter of the late Col. Perry M. Hoisington who is known as the "father of the Kansas National Guard." Her father, the late Col. Gregory Hoisington, was also an Army officer.

After attending Immaculata High School in Leavenworth, Col. Hoisington was graduated from the College of Notre Dame of Maryland. She enlisted in the Army in 1942 and became director of the WAC in August 1966.

Her military career has included assignments in Europe and the Far East.

As director of the WAC, Col. Hoisington is principal adviser to the secretary of the Army and the chief of staff on all matters pertaining to some 10,000 members of the corps.

Col. Hays, born in Buffalo N.Y., also entered the Army in World War II, first serving in 1942 as an operating-room nurse. She became chief of the Army Nurse Corps in September 1967.

Neither of the women colonels said they regarded their promotion as a stroke for womankind.

"We've always gotten our due from the Army," said Col. Hoisington, who described herself as "an Army brat." Her father was a colonel and her three brothers all went to West Point.

"The Army is my first love," she said.

The WAC chief wears, among other decorations, the French Croix de Guerre with Silver Star, the Legion of Merit and the Bronze Star. She is single. Her official address is Santa Barbara, Calif.

Col. Hays, a widow, served in India during World War II.

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## TRIBUTE TO COMMAND SGT. MAJ. JAMES H. PALMER

Mr. STENNIS. Mr. President, I rise to honor and pay tribute to a brave and dedicated soldier from my home county of Kemper who has laid down his life for his country.

Command Sgt. Maj. James H. Palmer was a professional in every respect. He was a credit to the uniform he wore and, after more than 20 years of honorable and distinguished service to his country, he had risen to the very pinnacle of his chosen profession. He was a true patriot who believed strongly in the virtues upon which the greatness of this Nation is based. I am honored to have been a friend of the Palmer family, his forebears, who are respected and esteemed citizens.

On April 27, 1970, Sergeant Palmer made the supreme sacrifice when the helicopter in which he was riding was shot down by enemy gunfire. He was recently buried in the red hills of Kemper County where he was born.

An outstanding reporter and columnist, Mr. John Perkins, of the Meridian Star, has written a moving tribute to Sergeant Palmer, his love of his country, and his dedication to freedom and liberty. It tells the story better than I can and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SGT. J. H. PALMER COMES HOME TO KEMPER'S RED HILLS

(By John Perkins)

They buried James H. Palmer in the red hills of Kemper County . . . 8,000 miles from where he was killed fighting for his beloved country and the freedom for which it stands.

James H. Palmer was a command sergeant major in the United States Army, just about the top grade an enlisted man can achieve. He had a distinguished service record dating back over the past two decades.

But more important, James H. Palmer was a symbol of what this country stands for and believes in, at least what a majority stand for and believe in during these troubled times at home and abroad.

#### JAMES PALMER DIDN'T

James H. Palmer didn't run to Canada to dodge the draft.

He didn't curse the men in uniform, or deface the American Flag or advocate theories which would undermine the system of government or the society which has existed in the United States for nearly 200 years.

James H. Palmer didn't march with a mob in the street, throw rocks at National Guardsmen, live in the hippie underworld, abandon his family to the welfare roles or demand a "guaranteed annual income."

James H. Palmer didn't make national headlines or prime time on television—he wasn't making the type "news" the New York editors and broadcast executives want this day and time.

No, James H. Palmer did his duty as a soldier—and it cost him his life April 27 when the helicopter he was riding was shot down in action in South Vietnam.

#### JAMES PALMER DIED

He died so you and I can continue to enjoy the freedoms which have been traditional in this country.

He also died so a college coed can enjoy the right to scream "pig" at National Guardsmen and not be gunned down as the Russians have done protesting rebels in Hungary and Czechoslovakia.

He died so a "welfare rights" mob can agitate without fear of being dispatched to a slave labor camp, as in Siberia.

He died so his family, and yours and mine, can live in freedom and not be herded into a commune such as those forcibly instituted in Red China.

He died so the millions of us back here at home can continue to be free Americans, free to prosper in the greatest, richest society in the history of the world.

His country didn't forget Sgt. Palmer, even if he didn't make headlines in Washington or New York City.

Sen. John Stennis, chairman of the Armed Forces Committee and a fellow Kemper Countian and friend of the Palmer family, wrote a sympathetic letter to the sergeant's widow and expressed his regrets at hearing of Palmer's untimely death in the Vietnam war.

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### MILITARY HONORS

The military which Sgt. Palmer served so well sent an honor guard and buried him with full military honors at the family plat in the cemetery in the Preston community. The family and friends were there at the funeral, held on a bright, warm Spring day as the pines gently rustled in the breeze sweeping across the East Mississippi hill country.

James H. Palmer's final resting place was in those red hills which he grew up in as a boy, working and playing in a simple rural setting.

Men such as James H. Palmer have made the supreme sacrifice for their country.

All of us might ask ourselves one question, as we ponder the events of the times. "What have I done for my country today?"

## AFFIRMATION FOR EDUCATION

**Mr. DOLE.** Mr. President, from the headlines the American people might be led to believe that college students are unanimously devoted to upheaval, strikes, and denunciation of the institutions of higher education and government.

I am pleased and proud to say that such is not the case. I have never believed it to be true, and from my contact with young people across the country, I know it is not true. The vast majority of young people are in college to obtain educations which will enable them to contribute to their own and the Nation's well-being in the years ahead. To their credit, they are highly concerned with events in the world outside their campuses, but chiefly they are interested in making the most of their educational opportunities.

A significant manifestation of this mainstream student attitude was to be found in the rally conducted May 15 by students of my alma mater, Washburn University, in Topeka, Kans.

Nearly 4,000 people attended the "affirmation for education" demonstration at the university's football stadium. The event made front page headlines in the Topeka Daily Capital, but, as most occurrences of this sort, it received scant national attention.

So my colleagues will have an opportunity to know of this positive and affirmative action by these Kansas students, I ask unanimous consent that the news story from the May 16 Topeka Daily Capital be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### STUDENTS EXPRESS THANKS FOR SCHOOL OPPORTUNITIES

A group of Washburn University students said their own "thank you" to taxpayers, parents and school officials Friday.

Dr. John W. Henderson, WU president, estimated that 3,750 adults and students attended the hour-long "Affirmation for Education" rally in Moore Bowl.

The rally was the brainchild of Bill Martin, a WU senior, who urged each person attending "to spread the word for a a constructive education. We're doing more good today in an hour than all the destructive processes across the country can do in a year."

One of the speakers, Marcus Kerr Almeida, a WU student from Brazil, said attending school at Washburn was the realization of a childhood dream to come to the United States.

He was given an emotional standing ovation when he told the crowd he "cried today of sadness because a minority of ugly Americans is trying to destroy our education system—the basic of our American greatness."

Almeida said the American educational system "is not perfect, but it is also true that it is the very best in the world. Minorities have a better chance for an education in America than have middle-class majorities anywhere else in the world."

### BEAUTIFUL AMERICANS

With respect to his own education, Almeida said, "Thanks to you beautiful Americans, wherever you may be."

Other student speakers were junior Ron Hein and freshman Brad Boyd.

Hein noted that the youth of today are concerned.

"The easy way would be to let adults worry about the problems," he said. "But we have to make our views known."

### PEACEFUL DISSENT

He added that peaceful dissent is the only way persons under 21 have of making their views known. He urged adults to work with college students, "not against them, in finding answers to today's problems."

Boyd drew a favorable reaction from the throng when he said, "Radicals scream freedom, but they deprive the majority of constructive education."

The freshman from Meade said, "We used the channels that exist to get this rally today. I'd like to thank the taxpayers, my parents and the educators at Washburn for making it possible for me to get a college education."

### DOCKING ASSISTANT

John Ivan, administrative assistant to Gov. Robert Docking, appeared on behalf of the governor, who was already committed to attend an all-schools day in McPherson.

Ivan read a message in which Docking said the rally "reaffirmed our confidence in young people."

The message continued, "And perhaps by this expression of confidence in our state and nation they will persuade students and others across the nation to abandon those who would rather destroy than to build. As a people, we have taken one important step here today—a step away from division and a step toward unification."

### HARMAN MESSAGE

Rick Harman, Fairway, a candidate for the Republican nomination for governor, was also in McPherson Friday. He sent the following message to Martin:

"I salute you on your project of college appreciation day. This attitude of young people toward education is highly significant and will be warmly received by all Kansans.

"I urge you to carry this kind of mature citizenship into involvement in the political process of Kansas. In this election year I welcome it in my own campaign. Getting down to business in education as well as in government is the goal of all Kansas. Congratulations."

### NOT FOR BURNING

One group of about a dozen students carried a large sign which read, "Us New Yorkers Says: 'College is for learning, not for burning'."

A few hecklers were in the stands and there were several shouts during the rally, but the proceedings were mostly orderly and well-received.

Henderson, in response to remarks by Martin at the rally's start, said, "Many times persons have told me, 'I wouldn't have your job for a million dollars.' But we say it's not the money we're concerned about. It's the 98 per cent of our students who have the desire to get an education.

"Some," he continued, "should stop short of destroying something they really never had a thing to do with building."

**Mr. MANSFIELD.** Mr. President, will the Senator yield?

**Mr. DOLE.** I yield.

**Mr. MANSFIELD.** Mr. President, I too, want to commend the students from Washburn College in Topeka, Kans., for making their views known and doing it in the manner in which they did.

I must say, however, in all candor, that the matter came to my attention, not from the newspapers, but through the CBS–TV show hosted by Roger Mudd, I believe, last Saturday.

Through that network television show the matter received a broad nationwide impact. I believe the program devoted at least 5 minutes, and perhaps more time to the subject.

I was very pleased that this was done because there are always two sides or more to every question. Each should be accorded consideration.

I rise at this time not only to join the Senator in his remarks, but also to say that on the basis of my having viewed the network TV program calling attention to this demonstration it must be said that it was given great recognition on a nationwide basis. Such recognition, I think, was well deserved.

**Mr. DOLE.** Mr. President, I thank the majority leader.

I am aware of the excellent coverage it had on the CBS. It was a well-deserved tribute to the students and to Kansas.

## ORDER OF BUSINESS

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that Calendar Orders Nos. 870 and 872 be considered at this time and that the question of germaneness not apply to these two bills.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

## TRUST TERRITORY OF THE PACIFIC ISLANDS

The Senate proceeded to consider the bill (S. 3479) to amend section 2 of the act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands, which had been reported from the Committee on Interior and Insular Affairs with an amendment, to strike out all after the enacting clause and insert:

"That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is further amended to read as follows:

"SEC. 2. There are hereby authorized to be appropriated not to exceed $50,000,000 for fiscal year 1970, and $60,000,000 for each of the fiscal years 1971 and 1972, to remain available until expended, to carry out the provisions of this Act and to provide for a program of necessary capital improvements and public works related to health, education, utilities, highways, transportation facilities, communications, and public buildings: *Provided,* That except for funds appropriated for the activities of the Peace Corps no funds appropriated by any Act shall be used for administration of the Trust Territory of the Pacific Islands except as may be specifically authorized by law."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent to have printed in the

Record an excerpt from the report (No. 91–867), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PURPOSE

The purpose of S. 3479, introduced by Senators Jackson and Allott as a result of an executive communication, is to authorize increased appropriations for the Trust Territory of the Pacific Islands for civil works and administrative programs. The bill, as amended, increases the present appropriation authorization of $50 million for fiscal year 1971 to $60 million for each of the fiscal years 1971 and 1972.

### BACKGROUND

The islands which form the trust territory lie in three major archipelagoes to the north of the Equator in the western Pacific. The land area totals less than 700 square miles, but it is scattered over almost 3 million square miles of open ocean. About 97 of the more than 2,000 islands are inhabited; they range from low-lying coral atolls to high islands of volcanic origin. The Marianas Islands, which stretch to the north of Guam, and the western Caroline Islands, are typically high islands, although coral atolls, such as Ulithi, do occur. The eastern Caroline Islands are similarly a mixture of high islands and coral atolls. The Marshalls are entirely low coral atolls, usually a loose string of narrow sandy islands surrounding a lagoon.

These islands were governed between World War I and World War II by the Japanese as a League of Nations mandate. Converted into military bases by the Japanese, they were captured by allied forces during World War II and placed under Navy military government. Japanese colonists and military personnel were returned to their homeland after the war and in July 1947 the United States placed the former mandate under the newly established United Nations trusteeship system. In recognition of the defense value of these islands, the provisions of the United Nations Charter relating to strategic areas were brought into play, and the trusteeship agreement was concluded between the United States and the Security Council. Under the trusteeship agreement, the United States has undertaken to promote the educational, social, political, and economic development of the people of the territory.

Administrative responsibility was first vested by the President in the Navy but was transferred to the Secretary of the Interior on July 1, 1951. In 1952, administrative responsibility for the northern Mariana Islands was reassigned to the Navy, and the dual administration continued until July 1, 1962. On that date the Marianas were returned to Interior supervision, and the headquarters of the trust territory government were moved to Saipan as provisional capital of the territory.

U.S. authority is vested in a High Commissioner, who is appointed by the President, by and with the advice and consent of the Senate. The High Commissioner's legislative authority was granted to the Congress of Micronesia on the day of its first session in 1965, but the High Commissioner retains veto power over measures passed by the Congress of Micronesia.

Six administrative districts, which roughly conform to geographic and ethnic divisions, have been established and have formed basic elements in American administration of the area.

During the period of July 1, 1951, through the end of fiscal year 1970, more than $250 million has been appropriated to the Department of the Interior for administration of the area, including capital improvements. (This total is exclusive of funds appropriated to the Navy for the northern Mariana Islands during the years 1953–62.) For fiscal years 1952 through 1962 the annual appropriation ranged from $4,271,000 to a high of $6,304,000 in fiscal year 1962. These funds were within the $7.5 million authorization approved in 1954, and provided minimal basic services to a people who were largely on a subsistence economy.

Enactment of Public Law 87–541 in 1962 increased the Federal appropriation authorization for the trust territory from $7.5 to $15 million for fiscal year 1963 and $17.5 million thereafter. The funds which have been appropriated and expended under this authorization made possible an appreciable start toward bringing the physical facilities and the level of services to a minimum standard acceptable in an American community.

Enactment of Public Law 90–16 in 1967 further increased authorization for the territory from $17.5 to $25 million for fiscal year 1967 and to $35 million for fiscal years 1968 and 1969. The act of October 21, 1968 (Public Law 90–617) resulted in additional increases to $50 million for fiscal years 1970 and 1971. Unfortunately, it has not been possible to obtain all of the funds authorized in recent years and therefore an enormous amount still remains to be accomplished if the United States is to fully discharge the responsibilities it has assumed in the Pacific.

### NEED

The United States under the strategic trusteeship agreement with the Security Council of the United Nations has undertaken to promote the economic, educational, social, and political advancement of the people of the Trust Territory of the Pacific Islands.

Since 1947, increasing authorizations and appropriations for the trust territory have brought about some changes and progress.

In the field of economic development of the trust territory there has been little if any progress since 1947. The principal commodities are copra, fish, and vegetables. Though small manufacturing has developed in boats, furniture, handicrafts, starch and soapmaking, the economy is still primarily one of subsistence farming and fishing. Tourism is becoming a more important industry each year.

Although increased appropriations for the trust territory in recent years have enabled important and significant progress to be made in administration and capital improvements, much remains to be done. The committee recognizes that additional funds must be made available to develop public health and education facilities, and the infrastructure of roads, harbors, water supplies, etc., without which the local economy cannot readily expand, and attract private investment. The development of these basic facilities and services has been greatly complicated by factors such as the geographic dispersion of the inhabited islands, which means an uneconomic duplication of facilities for the population; the small total land area of the islands, the high birth rate, the large proportion of children in the population, and the low level of economic and social development. Past appropriations, in the face of steadily rising administrative costs, have not encouraged development of the full potential of the islands.

The committee, recognizing these great developmental needs, feels that increased appropriations for a 2-year program of capital improvements are vital if Micronesia is to rise above a low level of subsistence and take its place in a modern world. The money authorized to be appropriated by S. 3479 would bolster health, education, water, power, and sewage services; provide better air, ground, and water transportation; modernize and extend radio and telephone communications; and carry out a needed land reform program. At the same time, the higher level of economic development produced by these improvements would enable the territory to pay for a much greater portion of its financial needs.

### AMENDMENT

The committee recommends that the present $50 million ceiling on annual appropriations be increased to $60 million for fiscal year 1971, and that a $60 million authorization be set for fiscal 1972. The open end authorization for succeeding years through fiscal 1975 has been deleted. In the 92d Congress consideration will be given to further authorizations based upon needs then demonstrable.

### COSTS

The committee recommends that the current $50 million authorization be increased to $60 million for fiscal year 1971, an increase of $10 million. For fiscal year 1972, the $60 million level would continue.

## CONFEDERATED TRIBES OF WEAS, PIANKASHAWS, PEORIAS, AND KASKASKIAS

The Senate proceeded to consider the bill (S. 885) to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission docket No. 314, amended, and for other purposes which had been reported from the Committee on Interior and Insular Affairs with amendments, on page 2, after line 16, strike out:

Sec. 2. The Secretary shall withdraw the funds on deposit in the United States Treasury of the credit of the Peoria Tribe on behalf of the Wea Nation that were appropriated by the Act of May 13, 1966 (80 Stat. 141, 150), in satisfaction of a judgment that was obtained by the Peoria Tribe on behalf of the Wea Nation, in Indian Claims Commission Docket Numbered 314, amended, together with the interest accrued thereon, after payment of attorneys' fees and expenses and all other expenses, and to distribute such funds in equal shares to those persons whose names appear on the roll prepared pursuant to section 1 of this Act.

And, in lieu thereof, insert:

Sec. 2. After the deduction of attorneys' fees and expenses and the administrative costs involved in the preparation of the roll and the distribution of the individual shares, the remaining funds on deposit in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea Nation that were appropriated by the Acts of May 13, 1966 (80 Stat. 141, 150), and June 19, 1968 (82 Stat. 239), in satisfaction of judgments that were obtained by the Peoria Tribe on behalf of the Wea Nation in Indian Claims Commission dockets numbered 314, amended, and 314–E, respectively, and the funds to the credit of the Peoria Tribe of Oklahoma on behalf of the Wea, Piankashaw, Peoria, and Kaskaskia Nations that were appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), in satisfaction of a judgment in docket numbered 65, shall be disposed of in the following manner: The Secretary shall pay $3,000 of such funds to the Peoria Tribe of Oklahoma for improvement and maintenance of the Peoria Indian Cemetery located approximately ten miles northeast of Miami, Oklahoma, and shall distribute the balance of such funds.

On page 4, line 7, after the word "procedures," insert "including the establishment of trusts,"; in line 9, after the word

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"such", strike out "persons, including the establishment of trusts." and insert "persons."; in line 16, after the word "numbered", strike out "65,"; in the same line, after the letter "C,", insert the word "and"; in the same line after the letter "D,", strike out "and E,"; in line 18, after the word "expenses", strike out "and all other expenses," and insert "and all costs incident to bringing the roll current as provided in this section and distributing the shares,"; in line 25, after the word "Act," insert "but on or prior to and living on the date the funds are appropriated,"; on page 5, line 2, after the word "of", strike out "deceased enrollees." and insert "enrollees who died between the effective date of this Act and the date the funds are appropriated."; after line 4, strike out:

Sec. 5. All costs incurred by the Secretary in the preparation of the roll and in the distribution of payment of shares shall be paid by appropriate withdrawals from the judgment fund. Any costs incurred by the Secretary in connection with the distribution of future awards shall be paid by appropriate withdrawals from such judgment funds.

At the beginning of line 11, change the section number from "6" to "5"; and at the beginning of line 14, change the section number from "7" to "6"; so as to make the bill read:

S. 885

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Secretary of the Interior shall prepare a roll of all persons who meet the following requirements: (1) they were born on or prior to and were living on the date of this Act; (2) their names or the name of a lineal ancestor from whom they claim eligibility appears on (a) the final roll of the Peoria Tribe of Indians of Oklahoma, pursuant to the Act of August 2, 1956 (70 Stat. 937), or (b) the January 1, 1937, census of the Peoria Tribe, or (c) the 1920 census of the Peoria Tribe, or (d) the Indian or Citizen Class lists pursuant to the Treaty of February 23, 1867 (15 Stat. 520), or (e) the Schedule of Persons or Families composing the United Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, annexed to the Treaty of May 30, 1854.

(b) Applications for enrollment must be filed with the area director of the Bureau of Indian Affairs, Muskogee, Oklahoma, in the manner and within the time limits prescribed for that purpose by the Secretary of the Interior. The determination of the Secretary regarding the eligibility of an applicant shall be final.

Sec. 2. After the deduction of attorneys' fees and expenses and the administrative costs involved in the preparation of the roll and the distribution of the individual shares, the remaining funds on deposit in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea Nation that were appropriated by the Acts of May 13, 1966 (80 Stat. 141, 150), and June 19, 1968 (82 Stat. 239), in satisfaction of judgments that were obtained by the Peoria Tribe on behalf of the Wea Nation in Indian Claims Commission dockets numbered 314, amended, and 314–E, respectively, and the funds to the credit of the Peoria Tribe of Oklahoma on behalf of the Wea, Piankashaw, Peoria, and Kaskaskia Nations that were appropriated by the Act of July 22, 1969 (83 Stat. 49, 62), in satisfaction of a judgment in docket numbered 65, shall be disposed of in the following manner: The Secretary shall pay $3,000 of such funds to the Peoria Tribe of Oklahoma for improvement and maintenance of the Peoria Indian Cemetery located approximately ten miles northeast of Miami, Oklahoma, and shall distribute the balance of such funds.

Sec. 3. (a) Except as provided in subsection (b) of this section, the Secretary shall distribute a share payable to a living enrollee and the Secretary shall distribute a per capita share of a deceased enrollee directly to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary, whose findings upon such proof shall be final and conclusive.

(b) A share payable to a person under twenty-one years of age or to a person under legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines will adequately protect the best interest of such persons.

Sec. 4. Funds that may hereafter be deposited in the United States Treasury to the credit of the Peoria Tribe on behalf of the Wea, Kaskaskia, Piankashaw, or Peoria Nation, to pay any judgment arising out of proceedings presently pending before the Indian Claims Commission in dockets numbered 99, 289, 313, 314–A, B, C, and D, and 338 and the interest accrued thereon, after payment of attorneys' fees and expenses, and all costs incident to bringing the roll current as provided in this section and distributing the shares, shall be distributed on a per capita basis in accordance with section 3 of this Act to persons whose names appear on the roll prepared under section 1, after the roll has been brought current to the date the funds are appropriated by adding names of persons to the roll who were born after the date of this Act, but on or prior to and living on the date the funds are appropriated, and by deleting names of enrollees who died between the effective date of this Act and the date the funds are appropriated.

Sec. 5. The funds distributed under the provisions of this Act shall not be subject to Federal or State income taxes.

Sec. 6. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "To authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the Treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission dockets No. 314, amended 314–E, and 65, and for other purposes."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–870), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PURPOSE

As introduced by Senator Harris, S. 885 would have disposed of $819,000 in judgment funds recovered in 1966. Funds to cover two additional awards by the Indian Claims Commission have been recently appropriated and they would be included in this legislation as amended. The three awards total $2,049,273.

Recently, the Claims Commission rendered favorable judgment in two other Peoria cases, in dockets 314–C and 99, in the sum of $3,620,150. Should the funds to cover these awards be appropriated before this legislation is finally enacted, the Department of the Interior recommends that disposition of these funds be provided for in S. 885.

### NEED

Under a provision carried in each annual appropriations act for the Department of the Interior, funds awarded to Indian tribes may not be distributed until specifically authorized by the Congress, S. 885 would give such authorization.

The Department of the Interior has determined the beneficiacies of the awards in dockets 314, amended, 314–E, and 65 and any subsequent awards, to be the lineal descendants of members of the Confederated Tribes merged under the 1854 treaty, and not simply the members of the Peoria Tribe of Indians of Oklahoma.

The bill authorizes the preparation of a roll of all those living on the date the bill becomes law and for a per capita distribution of the funds. There is no estimate as to the total number who will be eligible to share in the judgments.

S. 885, as amended, would also authorize the disposition of any subsequent awards in the same manner. The roll will be brought current to the date the funds to cover an award are appropriated. Six claims are still pending.

The Peoria Tribe has requested that $3,000 reserved for the Peoria Indian Cemetery. Federal trust relationship over the affairs of the Peorias was terminated effective August 2, 1959, which accounts for the per capita distribution of these awards and the lack of any program planning.

### AMENDMENTS

The Department of the Interior has recommended a number of amendments to S. 885 in order that the legislation will cover all present and future awards made to these Indians. Several technical amendments were also adopted by the committee.

### COST

No additional expenditure of Federal funds will result from the enactment of S. 885. The total estimated administrative costs, which are to be paid out of judgment funds, will be about $55,000. Of this amount $30,000 will be necessary in preparing the base payment roll and distributing the per capita shares. To bring the base roll current in connection with future awards, under section 4 of the bill, it is anticipated that the eight pending dockets will be settled periodically at five different times, and the cost of each updating of the roll and distribution of shares will be about $5,000.

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## THE ATTITUDE OF COLLEGE STUDENTS

Mr. GRIFFIN. Mr. President, I listened with interest to the very appropriate remarks of the Senator from Kansas (Mr. Dole) concerning the views and conduct of some college students, I wish to call attention to an open letter to 100 U.S. Senators, which appeared this morning in the Washington Post—a letter from college and university students expressing support for President Nixon's recent courageous decision to clean out enemy sanctuaries near the Cambodian border.

The open letter indicates that there are students—and I believe there are many students—who do support President Nixon and his determined efforts to extricate our Nation from the war in Southeast Asia on an honorable basis.

I ask unanimous consent that the open letter to which I have referred be printed in the Record.

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There being no objection, the letter was ordered to be printed in the RECORD, as follows:

### AN OPEN LETTER TO 100 SENATORS

GENTLEMEN: Over the coming days the Senate of the United States will be passing on two legislative amendments which may be fateful for the future of our country, for the wider cause of freedom, and for the peace of the world.

We take the liberty of addressing this letter to you because as students and young citizens, we are profoundly concerned over the crisis through which our country is passing. It is a crisis which has an internal component and an external component, and the two are clearly interrelated.

Like the students who have come to visit your offices, by the hundreds and by the thousands, over the past two weeks, we fear that we may lose our country if we fail to pay adequate attention to certain pressing national priorities. But we do not share their well-intentioned isolationism, their apparent belief that they can build a beautiful America even if the rest of the world crumbles around them.

Unlike them, we fear that we can also lose our country—and lose the peace of the world in the process—if we fail in our obligations as the free world's greatest power. Indeed, so strained and delicate is the balance in the field of world affairs that single blunder by our country may be enough to open the way to catastrophe.

We believe that the Senate's passage of the Church-Cooper Amendment and/or of the McGovern-Hatfield Amendment would constitute precisely such a blunder.

The protesters who have come to Washington have argued that the Senate *must* pass the Church-Cooper Amendment and the Hatfield Amendment because the great majority of our students and the Majority of the American people support them. We think that the premise on which this contention is based is false.

A Gallup Poll taken immediately after the President's speech, showed that two-thirds of those who took a stand supported the President's action in Cambodia. That the President's action is not without important support is also evidenced from the fact that AFL–CIO President George Meany and other leading trade-unionists have also supported the President.

As for the many campus demonstrations and the large number of students who have come to Washington, we note (1) that some 2000 out of 2400 colleges have not taken part in the current protest movement (2) that strike votes were defeated in a number of colleges and carried only by slender majorities in other colleges, and (3) that substantially more than half of our young people do not go to college and have not been affected by the campus ferment. But even if the protesters were ten times as numerous and ten times as passionate in the advocacy of their cause, this by itself would not constitute a guarantee that they were right. Public opinion can be wrong. Indeed, there have been many occasions in the history of our country and in the history of other countries when courageous leaders have had to stand up against what appeared to be an overwhelming tide of public opinion.

The supreme example of such courage in the history of our own country was provided by *President Abraham Lincoln* in the latter part of the Civil War. By the middle of 1863 there was growing agitation against the war . . . The people were weary and tired of the inconclusive bloodshed . . . There were violent anti-draft riots in New York, in which scores were shot down . . . Increasingly vicious attacks on the President began to appear in the press . . . Salmon P. Chase resigned from the Lincoln cabinet and struck up an anti-Lincoln alliance which included congressmen, businessmen, officers and the distinguished editor of the New York Tribune. Horace Greeley . . . In August 1864, the Democratic National Convention adopted a resolution which read: "After four years of failure to restore the Union by the experiment of war . . . justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities." . . . Lincoln himself was convinced that his administration would not be reelected. But he persevered in his course because he was convinced of its correctness.

In modern times Winston Churchill provided us with a sublime example of the kind of courage that is willing to swim full against the tide of public opinion. Despite the rise of Hitler, public opinion in Great Britain was predominantly pacifist and, at a later stage pro-appeasement. The spirit of the British campus was reflected in the so-called peace pledge, under which the members of the Oxford Union, by an overwhelming majority, voted to "never again bear arms for King and County." As Churchill commented: ". . . In Germany, in Russia, in Italy and Japan, the idea of a decadent Britain took deep root and swayed many calculations. Little did the boys who passed the resolution dream that they were destined quite soon to conquer or fall gloriously in the ensuing war, and prove themselves the finest generation ever bred in Britain. Less excuse can be found for their elders, who had no chance of self-repudiation in action."

When Chamberlain returned from Munich with the shameful agreement he had signed with Hitler, there was no question that he had the support of the overwhelming majority of the British people—perhaps more than 90 percent of the people. The verdict of history is now in on the conflict between the Churchillian handful and the tide of British public opinion in the period preceding World War II.

In *Profiles in Courage*, our martyred President, John F. Kennedy, told the stories of a number of American Senators and American Presidents who displayed exemplary fortitude in standing up against misled majorities in Congress or against a misled public opinion, John F. Kennedy had this kind of courage himself, and he had it in abundance.

About the situation and the commitment which the Senate will be discussing over the coming days, President Kennedy had this to say in July of 1963: ". . . To withdraw from that effort (the defense of South Vietnam) would mean a collapse not only in South Vietnam, but Southeast Asia, so we are going to stay there."

This was not an isolated statement, but one in a series of many similar statements, remarkable for their consistency and continuity, going back to 1956.

If President Kennedy were alive today, there can be little question about where he would stand on the Church-Cooper Resolution, or on the McGovern-Hatfield Resolution.

Gentlemen of the Senate! We are young people, but we know enough about the history of appeasement and about the nature of Nazi and Communist totalitarianism, to be convinced that these two amendments, if they were ever approved by the United States Congress, would spell disaster both at home and abroad—not in decades to come, but in the next few years—perhaps in the immediate future.

*For these two amendments are not a formula for peace; they are—we will mince no words about it—a formula for betrayal and capitulation, and for a neo-isolationism so rigid and so blind that it makes the "Fortress America" isolationism of the thirties look like the most radical internationalism in comparison.*

The Church-Cooper Amendment not only demands that we get out of Cambodia by July 1; if rigidly interpreted, it would prevent the Administration from giving a single M16 rifle, or even a captured AK47 rifle, to the Cambodian government with which to defend itself against the North Vietnamese Communist aggression. In the eyes of the world it will be interpreted as saying that, so far as the United States Senate is concerned, the Communists can take over wherever they wish in Asia, and we will not lift a finger to assist their victims.

The McGovern-Hatfield Amendment would compound the mischief done by the Cooper-Church Amendment. By calling for the termination of all military activity in Vietnam by the end of 1970 and the withdrawal of all American forces by the end of June 30, 1971, it sets up a timetable whose excessive tempo and absolute rigidity constitute a virtual guarantee of a Communist takeover—not merely in Vietnam but throughout Southeast Asia.

In less than a year's time, the President has withdrawn 115,000 combat forces; and he has pledged the withdrawal of another 150,000 American soldiers over the next 12-month period. While ambitious, the President's timetable gives the South Vietnamese government the time it needs to take over the burden of defense in an organized manner; and it gives Southeast Asia a precious breathing space in which to organize its defenses against the further encroachment of Communist imperialism. *It is a timetable which, if Congress does not undercut it, can bring peace with freedom for Southeast Asia and peace with honor for the United States.*

The debate to date in the Senate has distressed us and made us apprehensive. We know that Senators are weary of the war, as the American people are, and that they would like to see it terminated as soon as possible. But we cannot help wondering whether those Senators who support these two amendments out of a sincere desire for peace realize that *the manner in which we withdraw from Vietnam is all-important*—that, if we withdraw with honor, we withdraw with credibility, whereas if we withdraw in humiliation and defeat there will be nothing left of our credibility.

More than one authority has made the point that it is American credibility that preserves the peace of the world. For if a time ever arrives when our allies and friends feel that they no longer trust us, and when our enemies have come to regard us as a paralyzed giant or a paper tiger, World War III would become a serious possibility. Perhaps the first point of testing would be the Middle East, where the Soviets might react to an American defeat in Southeast Asia by intervening openly to crush Israel and impose its empire throughout the Arab lands, all the way from the Indian Ocean to Gibraltar.

We also wonder, whether the Senators who support the amendments truly believe that a withdrawal in defeat from Vietnam would usher in a new era of domestic tranquillity? We wonder whether they are not, at least, worried that the President might be right when he warned that such a humiliation, would produce a far more dangerous polarization in our society than the one we confront today.

Perhaps it would be better if the President had acted in greater consultation with Congress. Perhaps it would be better if there were a clearer delineation of the powers of the President and the role of Congress in the field of foreign affairs. But are the Senators who sponsor the pending amendments not at least concerned that their proposal seriously undercuts the President's authority as Commander-in-Chief at a critical juncture; that it creates a spectacle of division that can only delight and embolden our enemies; that if they push their contest with the President

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to its logical conclusion, they wih stand responsible before history for the shattering defeat which is bound to result, and for all the tragic consequences that will flow from it?

We appeal to those Senators who have supported the President's program for withdrawal with honor from Vietnam to stand fast against the pressures—yes, and outright intimidation—that will be brought to bear on them.

We appeal to those Senators who have supported the pending amendments to reassess the relative risks of the President's course as against the course of surrender and humiliation.

We cannot at this point begin to match the massive and lavishly financed lobby which has been visiting Senate offices on a non-stop basis. The groups of the undersigned, and of other concerned young people from all parts of the country will be visiting your offices over the coming days. We hope that they will get the same respectful treatment that you have accorded to those who came before us.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GRIFFIN. I yield.

Mr. DOLE. Mr. President, as the Senator from Michigan indicated, opinion is changing with respect to Cambodia and it is my guess that as the debate unfolds this week, next week, and the next week, or later if necessary, there will be a further shift in public opinion by the young, as mentioned by the Senator from Michigan, but also by all Americans who give President Nixon credit for the job he is doing in Vietnam in his effort to extricate us.

Mr. GRIFFIN. Mr. President, I wish further to call attention to an article in the edition of Newsweek magazine which appeared on the newsstands today, an article focusing attention on the latest Gallup poll. The article reflects that, in response to the question, "How satisfied are you with the way Richard Nixon is handling his job as President?", 30 percent of the people polled replied that they are "very satisfied," and 35 percent indicated they are "fairly satisfied." Accordingly, 65 percent indicate approval of the way he is handling his job as President.

In response to the question, "Do you approve or disapprove of President Nixon's decision to send American troops to Cambodia?" 50 percent indicated approval, 39 percent disapproved, and 11 percent had no opinion.

Mr. President, I ask unanimous consent that the Newsweek article to which I have referred be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### A NEWSWEEK POLL: MR. NIXON HOLDS UP

Even after the Cambodian invasion and the killings at Kent State University, the "silent majority" appears to be alive and well in Richard Nixon's corner. A NEWSWEEK Poll conducted by The Gallup Organization last week suggests that—despite the recent intense criticism of the President by college students and academic leaders and by liberal politicians and commentators—Mr. Nixon's standing with the electorate remains undamaged. The poll indicates that Americans find Mr. Nixon's conduct of the Presidency "satisfactory" by better than 2 to 1, that 50 per cent favor the Cambodian operation and 39 per cent oppose it, that a strikingly large majority is far more willing to blame student demonstrators than National Guardsmen for the deaths of four students at Kent State, and that Vice President Spiro Agnew's rhetoric about dissenters still enjoys the approval of a silent plurality if not a majority.

To get swift results, the survey was conducted by telephone on May 13 and 14 and covered a scientifically selected national sampling of 517 persons.*

Although the poll gave the President majority approval of his decision to send U.S. troops into Cambodia, the favorable rating was by no means as high as some opinion experts have come to expect after dramatic strokes of U.S. military power, when Americans have a tendency to rally around the President. Following the air raids on North Vietnam that President Johnson ordered in 1965, for example, public approval (as measured by Louis Harris) soared to 83 per cent. And 69 per cent (polled by Oliver Quayle) favored the entry of U.S. troops into the Dominican Republic.

Women were far more dovish than men on the Cambodian issue. They opposed the President's action, 49 to 37 per cent, while men supported it, 63 to 30. Women also tended to be distinctly less enthusiastic about the Vice President's speeches on dissent: in a near even split (37 to 35 per cent), they approved the Veep's line, whereas men applauded him by a margin of more than 2 to 1. Young people, too, were predictably more skeptical of the Administration than their elders, but even in the 21–34 age bracket, 55 per cent gave the President a favorable rating and 49 per cent approved of Cambodia. And if youth was by no means arrayed entirely on the left, neither were blue-collar workers all to the right: those without a high-school education came down hard against Mr. Nixon's Cambodian policy. A hefty 56 per cent opposed it, and only 26 per cent approved.

The question on the Kent State killings produced an unusually high number of "no opinions," suggesting that the no-opinion column might harbor some people with qualms about the guard's behavior who were reluctant to say so outright. It also seems likely that some of those polled were suspending judgment about who was most to blame until the conflicting accounts of the shooting could be cleared up. But even if all those with no opinion were added to those who pinned major responsibility on the National Guard, a surprisingly strong majority of each group—by age, sex, education and political party—put the main blame on the protesters.

#### NIXON AS PRESIDENT

How satisfied are you with the way Richard Nixon is handling his job as President?*

| | *Percent* |
|---|---|
| Very satisfied | 30 |
| Fairly satisfied | 35 |
| Not too satisfied | 18 |
| Not at all satisfied | 13 |

* undecided not shown

#### U.S. TROOPS IN CAMBODIA

Do you approve or disapprove of President Nixon's decision to send American troops to Cambodia?

| | *Percent* |
|---|---|
| Approve | 50 |
| Disapprove | 39 |
| No opinion | 11 |

#### WHO'S TO BLAME AT KENT

Who do you think was primarily responsible for the deaths of four students at Kent State University?

| | *Percent* |
|---|---|
| The National Guard | 11 |
| Demonstrating students | 58 |
| No opinion | 31 |

#### AGNEW'S STAND

Do you approve or disapprove of Agnew's stand on dissenters and student protesters?

| | *Percent* |
|---|---|
| Approve | 46 |
| Disapprove | 30 |
| No opinion | 24 |

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*Telephone surveys, it should be noted, contain a slight built-in bias—about two percentage points, in this case—in favor of Republicans, since non-telephone households are necessarily omitted from the sample and these tend to be low-income and Democratic.

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## POPULATION CONTROL

Mr. GOLDWATER. Mr. President, on February 24, 1970, the distinguished junior Senator from Oregon (Mr. PACKWOOD) introduced S. 3502, which is directed at the control of population in this country. I have long been interested in this subject. I think it is a must in our immediate future.

Mr. President, because the bill makes so much sense and because yesterday on "Meet the Press" the Senator from Oregon did such an outstanding job explaining the bill, I ask unanimous consent that an article entitled, "Focus: Senator ROBERT PACKWOOD," published in BioScience, volume 20, No. 8, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### FOCUS: SENATOR ROBERT PACKWOOD

The youngest member of the Senate, Robert Packwood of Oregon, was elected to his first term in November 1968. His rise to national prominence was insured by unseating four-term incumbent, Wayne Morse. Senator Morse was a well-known congressional "watchdog" who had seniority on two powerful Senate committees: Foreign Relations, and Labor and Public Welfare. The junior Senator from Oregon, counter to expected conduct from newly elected legislators, had wasted little time in making his presence felt. He has introduced seven bills and two resolutions, in addition to co-sponsoring over 100 bills and 26 resolutions. Among the bills he co-sponsored were the eight environmental bills proposed by the White House and introduced by Minority Leader Hugh Scott last February. His concern for the environment extends to the population crisis which is facing our country. In an effort to take direct action to reduce the birth rate, Senator Packwood recently introduced legislation which allows a maximum of three children to be declared as tax exemptions. He also introduced legislation which would make abortion in the District of Columbia legal.

#### TAX INCENTIVES FOR SMALLER FAMILIES

In an interview with AIBS, Packwood stated: "The population crisis is here now and it affects every area of life: filth in the cities, inadequate housing, overcrowded schools, pollution in the air and water, and the decimation of recreational areas. . . . Let's not kid ourselves, something dramatic must be done if we are to stem this tide of pollution which has reached epidemic proportions, and one way to start dealing with the problem is by slowing the population growth rate."

As an incentive to limit family size, Senator Packwood introduced legislation that would allow a maximum of three children to be declared as personal tax exemptions. He said that he was taking this step in an effort to ease the strain on an overtaxed environment. The proposal, S. 3502, introduced on 24 February, would become law in 1973 and provide that the first child in a family would qualify as a $1,000 exemption, the second child as a $750 exemption, and the third child as a $500 exemption. The legislation would affect only those children born on or after 1 January 1973. A family already having three or more children would receive the regular allowance of $750 for each child. In effect, the family with less than three children eligible for the $1000 first-child exemption would receive an annual $250 credit.

When asked what the chances for passage of this proposed legislation were, he candidly anticipated considerable initial opposition. "In its present form, it would take from between 4 to 5 years to pass both houses. Loss of revenue appears to be the primary block." He elaborated that he had received information from the Internal Revenue Service that passage of his bill would require a projected loss of $1 billion for fiscal '74 and $50 million in fiscal '75. Equalization would not occur until 1993.

The philosophy of tax incentives was the subject of strong controversy during the 1969 Senate tax reform debates. Although the House had approved a rate reduction favoring small families, the Senate passed an amendment raising personal exemptions which cut needed revenue and encouraged large families. Loss of revenue is easily understood, Senate politics is not.

Tax reform became a major, chiefly liberal Democratic issue almost overnight just before President Nixon took office 20 January 1969 when retiring Treasury Secretary Joseph W. Barr told members of Congress they were facing a "taxpayers' revolt." Popular feeling was triggered by the unpopular surtax and Barr's revelation that many high-income persons avoided taxes to a great extent—some completely—by taking advantage of tax preferences or "loopholes" in existing law.

Chairman Wilbur D. Mills (D-Ark) of the Ways and Means Committee began hearings on 18 February on reform proposal developed under the Johnson administration. President Nixon on 21 April sent his own reform proposals to Congress: they were largely based on proposals and studies left behind by the outgoing administration. These formed the nucleus of the bill which passed the House on 7 August.

Under Chairman Russell B. Long (D-La), the Senate Finance Committee at first sought to avoid action on tax reform when the bill reached the Senate. But the Senate Democratic leadership made reform an issue and threatened to hold up extension of the surtax, urgently needed to sustain government revenues during the second half of 1969, which was actually allowed to expire 30 June 1969. Long's committee held hearings and rewrote the House bill, passed by the Senate with many amendments on 11 December.

One of the hardest fought amendments concerned increasing personal exemptions. During the Senate hearings, it was driven home by administration spokesmen that if exemptions were increased, it would not only seriously cut revenue but encourage larger families at a time when we must do everything possible to reduce our population growth rate. Not only is our increasing population growth rate causing a crisis in terms of environmental degradation but the financial costs of supporting our increasing population is rapidly approaching the trillion dollar mark. Although there was every reason not to increase personal exemptions, the Senate did just that. A Senate floor amendment, introduced by Senator Albert Gore (D-Tenn), had increased the exemption to $700 in 1970 and $800 in 1971. The House bill contained tax rate reductions that would have discouraged larger families, but no exemption increase. In a compromise with the House, the Senate agreed to increase personal exemptions from $600 to $650 in mid-1970, $700 for 1972, and $750 for 1973 and subsequent years.

Why the increase? Politics won out over budgetary and environmental needs. In 1968, the Republicans gained five seats in the Senate and the average age of the new Republican Senators was far younger (47) than those they replaced (66). This meant that not only did Democrats loose seats but they also lost invaluable committee seniority, thus reducing their real power. There is no question why Senator Gore pushed for increased exemptions. He is presently engaged in an uphill struggle to retain his seat since his views are considerably more liberal than those of the electorate in Tennessee. He is given only a slightly better than even chance to win a fourth term by the *Congressional Quarterly;* therefore, he needed the political capital to give himself an advantage. Increasing tax exemptions was too good to pass up when the opportunity presented itself last fall.

It is not difficult to foresee the problem facing the Packwood bill, especially in light of the fact that it has been referred to the Senate Finance Committee chaired by Russell Long, a staunch conservative, and requires a 180 degree turn from existing Senate opinion on personal exemptions.

Knowing the political realities involved, Senator Packwood stated that he intended to introduce a new bill within the next few weeks that would alleviate some of the objections to S–3502 and, in some areas, strengthen it. First, the exemptions would be $750 for the first two children and none for successive children. Second, there would be no limitations for adopted children or multiple births as a result of the first two terms of pregnancy.

"Many Senators and Congressmen have given me verbal support," Packwood commented, "but cannot see their way clear to vote favorably on my bill, either because they face re-election or they come from districts or states whose electorate is heavily Roman Catholic or politically very conservative. Frankly, many of us on Capitol Hill are going to have to make some very important personal political decisions about population control. We cannot deny that the crisis exists and the direction we are headed toward if we do not limit our growth rate. It is not the kind of issue that can be cogently argued from different points of view as the ABM or the Haynsworth nomination, nor can it be evaded for very long. The question that concerns me the most is can we act quickly enough with strong enough controls?" The Governing Board of the American Institute of Biological Sciences took unprecedented action by endorsing Senator Packwood's efforts to control population growth. The Senator remarked that this was the first support that he had received from a national organization representing biologists and expressed the need for such support from interested scientific organizations.

### LEGALIZING ABORTION LAWS

In addition to his tax bill, Senator Packwood has introduced legislation that would legalize abortion in the District of Columbia. If the woman is married and living with her husband, the bill will require the consent of her husband before the abortion is performed. If the woman is unmarried and under the age of 18, the consent of the woman's parent or legal guardian is required. An abortion also will be permitted without the husband's consent if the pregnancy resulted from rape, or if the pregnancy is endangering the woman's life or health. The legislation stipulates that an abortion must be performed by a licensed physician.

"The tenor of the times dictates that Congress must provide leadership in the field of unwanted pregnancies by accepting the responsibility for the welfare of the citizens of Washington, D.C.," Packwood said. "If I could have my way, similar legislation would be enacted in each of the 50 states. But since that is state prerogative, Congress can only exercise responsibility and provide leadership by setting an example through enactment of this legislation."

The Senator was far more optimistic about legalized abortion that he was about tax limitations, but he warned that we should not be too quick to abandon our concern where states have had existing abortion laws declared unlawful on the basis of "ambiguity or vagueness." Where this has happened, it would be relatively simple for state legislatures to reintroduce similar legislation better able to withstand the scrutiny of the courts. He pointed to Wisconsin where the abortion law was held unconstitutional because it violated the 9th amendment. This amendment states that "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."

According to the Wisconsin court, any law that denies abortion is in effect denying the right of a woman to decide whether or not she must carry a pregnancy to full term. The decision cannot be imposed upon her by the state. If this decision is upheld by the United States Supreme Court, then all anti-abortion laws would be wiped off the books with no chance that state legislatures could reintroduce such legislation.

Our interview with Senator Packwood was a definite departure from the norm. He addressed himself directly to the problem of overpopulation and abortion without the usual "qualifying" remarks or generalizations. There is no question that he stands firmly in support of legislation that will effectively help solve environmental problems, not just study them, as evidenced by those bills he has introduced and co-sponsored. His candor is not to be confused with political naivete, as one might think, considering his newness to Capitol Hill. In 1962, he was elected to the Oregon Legislature, heading the entire ticket of Republicans and Democrats. In 1963, Packwood and Howell Appling, Oregon Secretary of State, joined forces in organizing a campaign to unseat the Democratic-controlled state legislature. They were successful in supporting 10 Republican candidates—seven were elected. In 1966, the Appling-Packwood plan saw 10 of 11 Republicans elected which turned the Oregon House of Representatives over to the Republican Party.

Not willing to wait out the apprenticeship usually imposed on new legislators by the senior members of the Senate, Robert Packwood sees a clearly defined role in tackling problems which require immediate attention, particularly when others are not willing to do so. Although such radical departures from "tradition" are not new in the House of Representatives, they are in the Senate. Packwood is one of a group of activist young senators, Republican and Democrat, but he still faces the inimical force of committee chairmen, appointed according to seniority, who still retain the power.

## TOO MANY GENERALS

**Mr. WILLIAMS of Delaware.** Mr. President, an editorial published in the Evening Journal of Wilmington, Del., on May 14, 1970, calls attention to the confusion that could exist by making generals of the 535 Members of Congress and they point out the impracticalities of giving stars to all these generals.

Mr. President, I ask unanimous consent that the editorial entitled "Too Many Generals," be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

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### Too Many Generals

The U.S. Senate is about to begin debate on an amendment to a foreign military sales bill, restricting the use of funds for any future American military operations in Cambodia—an amendment that has some dangerous possibilities.

The restriction, which would prevent the President from sending U.S. ground and naval forces into Cambodia without congressional approval, would have no direct effect on the present Cambodian expedition, except that its adoption would be a congressional repudiation of that action. The effect would be on any potential, future Cambodian campaigns and, by implication, on any foreign military operation the President might attempt.

The State Department argues against the restriction on the grounds that it restricts the President's constitutional powers to make and carry out foreign policy, and as commander-in-chief of the armed forces. Proponents of the restriction say that it reasserts the constitutional power of the Congress to make war.

Neither constitutional argument stands very strong. Since the earliest times of the Republic, American military and naval forces have been sent abroad dozens of times, without congressional authorization, to protect American lives, American property or American interests. Former Secretary of State Dean Acheson (in "Present at the Creation") points out that Congress has never "declared war" in the aggressive sense, but rather has confirmed the fact "that a state of war exists" between the United States and some foreign power and responded to it.

On the other hand, there can be no denying the power of Congress over military spending (or any government spending), or the use of that power if a majority believes this is the expression of popular will.

This is not a question of power, either presidential or congressional. It is a question of wisdom and prudence.

While Mr. Nixon's wisdom and prudence in deciding to invade Cambodia can be questioned, it is also highly questionable that tactical or even strategic policy in an Asiatic military operation can be set by a committee of Congress or by Congress itself. The restrictions proposed in the Cooper-Church amendment attempt to do exactly that.

The congressional action would be all the more inappropriate because it is devious. It is unlikely that even the Senate Foreign Relations Committee expects Mr. Nixon to undertake another Cambodian expedition. The amendment it cleared Monday is really intended as a rebuke to the President for the current operation in Southeast Asia. But, in making the rebuke in this roundabout manner, the committee would set Congress up as the maker of military policy in advance.

Congress has the right, perhaps even the duty, to express its views and to reflect the views of the people. Why not, then, just do so, by a debate on a "sense of Congress" resolution or some similiar device? If the majority is opposed to the Cambodian initiative, let's see such a vote. That would at least avoid the confusion of rebuking a presidential decision by passing out 535 sets of general's stars to the members of Congress.

## THE SNAKE RIVER

**Mr. PACKWOOD.** Mr. President, on the Oregon-Idaho border is a river called the Snake River. The gorge this river creates is the deepest in the world. At the moment a discussion is going on over the merits of constructing a dam on the river to generate electric power and to create a reservoir for recreational use behind the dam. I have consistently taken a position in opposition to building this dam, so the river will remain in a free-flowing state.

Mr. President, I ask unanimous consent to have printed in the Record a news release from the Oregon State Game Commission which shows the amount of recreational use there is of the area now.

There being no objection, the news release was ordered to be printed in the Record, as follows:

### Hells Canyon Receives Heavy Recreational Use

(By Milt Guymon)

Almost unknown a decade ago except by a hardy group of outdoorsmen, Hells Canyon of the Snake River has been discovered by recreationists in the past few years, with increasing numbers of hunters, fishermen, sightseers, and others pouring into this wild and almost primitive gorge to view and enjoy its wonders.

The area of recognition is the last remaining free-flowing section of the historic middle Snake, about 80 miles of surging wild river from Hells Canyon Dam near Homestead, Oregon on the south and almost to Lewiston, Idaho on the north. The Hells Canyon portion of this stretch of river forms the Oregon-Idaho border in the deepest rock-walled gorge on the North American continent.

A major factor in this increased recognition has been the development of high-powered jet boats capable of running the river, where previously access was limited to long and arduous trail trips over the mountains or over questionable roads that dead-ended at river's edge.

A recreational use study conducted cooperatively by the Oregon Game Commission and the Idaho Fish and Game Department shows that in 1969 recreationists spent over 50,100 man-days in Hells Canyon either hunting or fishing or enjoying other miscellaneous recreational activities. Washington and Idaho are conducting a similar study in that area of free-flowing Snake that forms their border but recreational use figures are not available at this time.

The Oregon-Idaho report points out that the use figure is a minimum estimate of recreational use in Hells Canyon and includes only the boat trips on the Snake, cars and hikers along the lower ten miles of the Imnaha River, and the hikers going downriver from Hells Canyon Dam. Those who entered on foot or horseback through the Seven Devils Mountains in Idaho or the Snake River Divide in Oregon are not included.

Because the sampling was confined to the river, the total use of the Hells Canyon area is considerably greater than the boat-use study shows. As an example of additional use, Oregon big game hunters in 1968 spent 48,360 man-days hunting for deer and elk in the Chesnimnus and Snake River game management units, hunting units which include the Hells Canyon area of the Snake River. From this figure it is estimated that a minimum of 15,000 man-days was spent by deer and elk hunters in the Hells Canyon portions of these two units, with the bulk of the hunting taking place in the Snake River Unit.

The cooperative study by the two states in 1969 was accomplished with the use of a boat counter at the Oregon-Washington border, a boat checking station at Cache Creek, interviews of outdoorsmen encountered in the lower Imnaha and Dug Bar areas, and interviews and car checks at Hells Canyon Dam. The Forest Service maintained a car counter on the Pittsburgh Landing road.

Recreation use of Hells Canyon ran heavily to anglers, with hunting second in importance. Sightseeing, rock-hounding, boating, camping, and miscellaneous outdoor activities rounded out the total use figure.

Interviews at the Cache Creek checking station revealed an excellent sport fishery for anglers coming upriver by boat. Anglers checked said they fished about 20,680 hours to take 1,322 steelhead, 23 chinook salmon, 410 rainbow trout, 7,495 small mouth bass, 297 channel catfish, and 427 black crappie.

Anglers checked on the Snake River below Hells Canyon Dam revealed that they spent 332 hours of fishing per mile of river, compared with only 30 hours per mile on Hells Canyon Reservoir and 53 hours per mile on Oxbow Reservoir. The figures indicate angling intensity on the Snake River compared with that on the two reservoirs.

About 65 percent of the anglers interviewed said they preferred steelhead, salmon, and sturgeon angling—game fish species threatened by further Snake River hydroelectric developments.

Hells Canyon of the Snake is probably the wildest unspoiled area remaining in Oregon. It boasts spectacular scenery, surging rapids that require powerful boats and expert boatmen, and superb hunting and fishing. Except for three dead-end access roads, the canyon proper is reached only by boat or trail.

**Mr. PACKWOOD.** Mr. President, I also ask unanimous consent to have printed in the Record a memorandum from Bernard Goldhammer of the Bonneville Power Administration entitled "Power Needs of the Pacific Northwest in the 1970's." In the memorandum Mr. Goldhammer indicates no new dams are needed on the Columbia River in the next decade.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

U.S. Department of the Interior,  
Bonneville Power Administration,  
*Portland, Oreg., October 24, 1969.*

To: Don Hodel.  
From: B. Goldhammer.  
Subject: Power needs of the Pacific Northwest in the 1970's.

Oregon, Washington, and those parts of Idaho and Montana served by the Bonneville Power Administration will require nearly 14,500,000 kilowatts of additional power capacity during the 1970's. The 109 publicly-owned, investor-owned, and cooperative-owned utilities and the Bonneville Power Administration have developed a hydro-thermal program to meet these power needs.

Through the 1970's 7,500,000 kilowatts of steam generated power is planned. The first steam-generation plant, the 1,400,000 kilowatt coal-fired plant at Centralia, Washington, is already under construction. Equipment has been ordered for the second plant—the 1,100,000 kilowatt Trojan plant to be build by Portland General Electric Co. near Rainier, Oregon.

In addition to the 7,500,000 kilowatts of thermal generation, 7,000,000 kilowatts of hydro power capacity is needed to meet the projected loads. The hydro can be supplied by completing dams such as Libby, Little Goose, and Lower Granite already under construction and by adding generation at existing dams such as Grand Coulee, The Dalles, John Day, and the second powerhouse at Bonneville Dam. No new dams need to be constructed to meet the projected load growth in the 1970's.

Bernard Goldhammer.

## JOHN GRAVES

**Mr. KENNEDY.** Mr. President, earlier today I had an opportunity to attend the

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funeral services of Mr. John Graves, who was assistant secretary for the majority in the Senate. He died last Thursday evening of a heart attack, although he was only 33 years of age.

John had performed distinguished service for the Senate for 12 years, having risen from the position of elevator operator to his responsible position as assistant secretary for the majority while at the same time pursuing a college education. He had a good knowledge of Senate procedures and was most helpful to many Members of the Senate. He carried out his responsibilties in a very creditable way.

I am sure I speak for all Members of the Senate in expressing sympathy to his wife Karen, his son and daughter, his parents and friends.

## THE CAMBODIAN SANCTUARY OPERATION

**Mr. GRIFFIN.** Mr. President, recently there has been furnished on a daily basis and printed in the RECORD the results of the Cambodian sanctuary operation in terms of captured enemy equipment, weapons, ammunition, rice, and other supplies.

Mr. President, I ask unanimous consent that a summary of the results as of 8 a.m. this morning, May 18, 1970, comparing it on a 24-hour-change basis, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

| Terminated operations:* | |
|---|---|
| Enemy KIA | 1,468 |
| POW's | 270 |
| Individual weapons | 1,290 |
| Crew served weapons | 184 |
| Small arms ammunition | 92,620 |
| Grenades | 349 |
| Mines | 161 |
| Mortar rounds | 683 |
| Large rocket rounds | 365 |
| Smaller rocket rounds | 2,405 |
| Recoilless rifle rounds | 515 |
| Bunkers destroyed | 355 |
| Rice (lbs.) | 382,000 |
| Vehicles | 3 |

*Operation Rock Crusher IV and Operation Tia Chop

| Total operations | Amount | 24 hour change |
|---|---|---|
| Individual weapons | 9,109 | +455 |
| Crew served weapons | 1,233 | +77 |
| Bunkers/structures destroyed | 4,651 | +322 |
| Machinegun rounds | 7,812,464 | +569,600 |
| Rifle rounds | 3,690,276 | +1,683,272 |
| Total small arms ammunition (rounds) | 11,502,740 | +2,152,872 |
| Grenades | 6,922 | +1,672 |
| Mines | 1,865 | +394 |
| Antiaircraft rounds | 159,047 | +24,268 |
| Mortar rounds | 38,879 | +23,961 |
| Large rocket rounds | 843 | −33 |
| Smaller rocket rounds | 14,920 | +774 |
| Recoilless rifle rounds | 14,296 | +4,684 |
| Rice (pounds) | 6,610,000 | +346,000 |
| Man months | 145,420 | +7,612 |
| Vehicles | 211 | −4 |
| Boats | 40 | (1) |
| Generators | 36 | |
| Radios | 142 | |
| Enemy KIA | 6,495 | +309 |
| POW's (includes detainees) | 1,576 | +13 |

[1] Unchanged.

**Mr. KENNEDY.** Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

**Mr. PERCY.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE CAMBODIAN INCURSION

**Mr. PERCY.** Mr. President, last Thursday I introduced a sense-of-the-Senate resolution with respect to the warmaking powers of the President and Congress. It was proposed as a sense-of-the-Senate resolution.

Since that time, in talking with a number of Senators who have expressed an interest in the resolution and in cosponsoring it, the suggestion has been that I give consideration to reintroducing it either as a concurrent resolution or as a joint resolution.

I wish to place on notice those Senators who are considering cosponsorship that that possibility is being reviewed now, and that I would value the judgment of my colleagues in that respect.

## FAMILIES OF POW'S FACE BLEAK EXISTENCE

**Mr. PERCY.** Mr. President, for the past 5 years there has been in this country a small, brave band of women and children who daily face a bleak future with courage and determination. They are the families of the 1,500 Americans being held prisoner by the North Vietnamese.

These people, women and young children for the most part, live under a constant cloud of uncertainty and doubt which would break many others. Literally, many of the women do not know day by day whether they are wives or widows. The children are aware only vaguely that one time they had a father; but they do not know now.

The reason for this uncertainty, this doubt, this cloud, is the brutal callousness of the Communist leadership of North Vietnam, which has adopted as a national policy the deliberate disregard of the Geneva Conventions on War Prisoners.

Under the Geneva agreements the captors of prisoners of war are required, as a bare minimum of humane treatment, to inform the government of those captured. They are also required to allow at least limited communications between the captives and their families.

For the most part the Communists have not notified the U.S. Government of the capture of the men we have listed as missing in action. They have refused steadfastly to permit an exchange of mail with the prisoners' families.

Many members of this small, dedicated group of woman have, at their own expense, attempted to get information about their husbands from the Communists themselves. They have traveled to Paris and to other neutral capitals to talk Communist diplomats.

At every point they have been turned away coldly and with total lack of courtesy or consideration. In fact, several times it has been suggested to these women that they could perhaps get the information they seek if they would take an active role against their own Government.

Mr. President, as Senators we cannot force the Communists to change their ways. However, we can do several things to help these women and their children.

First, we can let them know individually and as a group that their tragic plight is not going without notice.

Second, as officials of the Government we can take an active role in making certain that this brutal Communist defiance of humanitarian behavior is broadcast at every opportunity to the world. Thus we can perhaps help mold world opinion in opposition to the course the Communists have adopted.

Finally, we can make certain that every means is employed by the U.S. Government to bring all the pressure it is possible to bring on the Communists to force them to change this destructive and dehumanizing pattern of action.

We must continue to act every day and in every way possible to bring to a satisfactory conclusion this terrible episode in our history.

## ADDITIONAL LEGAL SCHOLARS SUPPORT STATUTE LOWERING VOTING AGE TO 18

**Mr. KENNEDY.** Mr. President, recently the President circulated a handful of 11 letters, most of which were specifically solicited from legal scholars, opposing the constitutionality of the Senate's percent action in lowering the voting age to 18 by statute.

In light of these letters, and the long delay in further action on the pending statute after it passed the Senate, several points are worth emphasizing:

First, the letters circulated by the President contain not a single new argument on the constitutional issue. Each of the points made in the letters was made in the course of the hearings held before two different Senate subcommittees. Each of the points was made later in the Senate floor debate. Indeed, the author of one of the letters—Dean Louis Pollak of Yale Law School—testified at length before Senator BAYH's Subcommittee on Constitutional Amendments, and raised each of his objections at that time.

As has been pointed out repeatedly in the past, the Senate had full and ample opportunity to consider each of these arguments, but the Senate found them wanting. By the overwhelming vote of 64 to 17, we accepted the view:

First, that the denial of the vote to 18-year-olds was invidious discrimination under the Equal Protection Clause of the 14th amendment;

Second, that section 5 of the amendment gave Congress the power to lower the voting age by statute; and

Third, that Congress was therefore not required to follow the arduous route of constitutional amendment to achieve its goal.

Second, it should be unmistakably clear by now that the constitutionality

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of the Senate's action in lowering the voting age by statute is strongly supported by legal authority of the first rank. To be candid, many congressional leaders with whom I talked at the outset said the eloquent support of Prof. Paul Freund, the most renowned constitutional authority in America, was all that was required to convince them that, even though objections would inevitably be raised, eminently respectable constitutional arguments completely justified the Senate's action. In addition, the constitutionality of the statute had the strong support of Prof. Archibald Cox, who served with distinction for 5 years as Solicitor General of the United States under President Kennedy and President Johnson. As Solicitor General, Professor Cox was the Nation's principal legal officer in litigation before the Supreme Court. Indeed, he was one of the most distinguished Solicitors General the Nation has ever had.

Now, the President has marshaled a group of legal scholars who support his position opposing the constitutionality of the statute. Although we do not know the actual number of scholars involved, we are told that they represent the view of the "great majority" of the scholars canvassed by the President.

Obviously, the constitutional issue cannot be resolved simply by counting academic heads. Shortly after I testified on the issue before the Senate Subcommittee on Constitutional Amendments last March, I circulated a copy of my testimony to every professor of constitutional law in America, as listed in the current "Directory of Law Teachers in Law Schools in the United States."

In recent weeks, I have received a significant number of replies—25. By far, the majority of the replies—18—support the constitutionality of lowering the voting age by statute. Only seven replies, five of which were from various authors of the 11 letters circulated by the President, opposed the constitutionality of the statute.

I believe that, as a whole, the replies I have received are strong new support from the academic legal community for the Senate's action on the voting age statute. Today, I am placing all the letters I have received, both pro and con, in the CONGRESSIONAL RECORD. I hope that all who are concerned with the issue will take the time to work their way through this correspondence. I am confident that those who do so will come away, as I have, not only with a higher level of understanding of the 14th amendment and Supreme Court precedents like the Morgan case, but also with the convincing impression that each and every objection to the Senate statute has been satisfactorily answered.

Third, an important aspect of the views of Professor Freund and Professor Cox is that, unlike all the other scholars, their views were not reached under the gun of the present debate, or in response to a call from my office, or in response to a call from the White House. Professor Freund first stated his view in 1968. Professor Cox first stated his view as long ago as 1966, only a few months after the Morgan case itself was decided, in a long and scholarly legal article in the Harvard Law Review, in which he recognized the important constitutional implications of the case.

Thus, the views of these two eminent legal scholars were reached separately and independently years ago in the thoughtful, imaginative, and unpressured atmosphere of one of the Nation's great law schools.

Fourth, in light of the President's obvious purpose in circulating the letters from the constitutional scholars who oppose the statute, some of the letters are surprisingly hedged in their conclusions. Indeed, one letter—by Prof. Herbert Wechsler of Columbia Law School—actually seems to imply that the statute would be upheld, albeit by a closely divided vote of the Supreme Court. Therefore, Professor Wechsler prefers to rest his objections to the statute on political grounds, rather than on constitutional grounds. Obviously, however, this sort of political judgment is one preeminently for us in Congress to make.

Fifth, neither the President nor any of the group of constitutional scholars he cites has ever satisfactorily resolved the inconsistency in the administration's own legal position. Two of the principal provisions in the pending voting rights bill were sponsored and strongly supported by the administration. One of these provisions proposes to abolish State literacy requirements for voting. The other proposes to reduce State residence requirements for voting. Time and again, in justifying the constitutionality of these changes by statute, the administration has relied on the Morgan case, and has used essentially the same constitutional arguments that the Senate used to justify the constitutionality of the provision changing State age requirements for voting. The administration cannot have it both ways. If it is constitutional to change literacy and residence requirements by statute, then it is also constitutional to change age requirements for voting.

Sixth, in the last analysis, it is we in Congress, not the professors in the law schools, who have the responsibility to decide the constitutional issue when we vote on this legislation. Of course, we know that the issue cannot be finally resolved until it is decided by the Supreme Court. Nevertheless, we in Congress have the obligation to cast our vote in light of our own constitutional power and responsibility, and our own best judgment as to the validity of the pending legislation.

There are many historical precedents for our action. For present purposes, it is sufficient to note that if Congress had failed to make this sort of determination and exercise this sort of responsibility with respect to President Roosevelt's New Deal legislation in the 1930's, the Nation would never have had a New Deal or any of the great social reforms of that period. Similarly, if Congress had failed to exercise its own constitutional responsibility in the 1960's, we would never have had a Civil Rights Act of 1964, or a Voting Rights Act of 1965, or a Fair Housing Act of 1968.

Yet at the time the original New Deal legislation and most of these great civil rights acts were passed, there were no Supreme Court precedents comparable in strength to the Morgan case to support them. There was far less constitutional justification for that legislation than we have today to justify the statute lowering the voting age. Yet, in these other areas, Congress went ahead, and passed this urgently needed legislation out of its own sense of constitutional power and responsibility. Essentially without exception, the constitutionality of each and every one of those great legislative actions was later vindicated completely by the Supreme Court. We in Congress today can do not less.

Indeed, the President's posture in the present legal controversy has a triple irony. It is ironic that at the very time the President is urging us to ignore deep constitutional doubts and vote for repressive crime legislation in areas like preventive detention and no-knock searches, he is also urging us to respect constitutional doubts and vote against America's youth. It is ironic that he asks us to enact a statute charging literacy and residence requirements for voting, but to reject a statute changing age requirements, even though the constitutional basis of all three statutes is the same. And, it is ironic that a President—who campaigned for his high office in large part on his view of a strict constructionist as one who would give Congress greater leeway to write laws, and who would be "very conservative in overthrowing a law passed by the elected representatives of the people at the State or Federal level"—now seeks to deprive us, the elected representatives, of the leeway he once professed.

Seventh, contrary to the suggestion of the President, it is clear that a judicial test of the voting age provision can be carried out promptly. There are many Supreme Court precedents demonstrating the speed with which the Court can act, especially in sensitive areas like the right to vote. Indeed, as I have indicated in the past, there is very good reason to believe that, if the statute is enacted soon, a final Supreme Court decision on its validity can be handed down even before January 1, 1971, the date the statute actually goes into effect.

In closing, I reaffirm my belief that lowering the voting age to 18 is the single most effective step we can take today to bring our youth into the mainstream of the political processes and institutions of America. In recent days in Washington, we have seen the enormous energy and passionate commitment of our youth, their dedication to a better America, the intense desire of the overwhelming majority of our young people to work constructively within the system.

At the very least, I think, we can agree that they have earned the right to vote. We cannot allow ourselves to be deluded by any false optimism as to the possibility of accomplishing our goal by constitutional amendment. All previous efforts in Congress to pass such an amendment have met with uniform frustration for 30 years. The pending voting rights bill is our only real chance of achieving this reform, and it is time for Congress to act.

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**Mr. President, I ask unanimous consent that the letters I have received be printed in the RECORD at this point.**

**There being no objection, the letters were ordered to be printed in the RECORD, as follows:**

### LETTERS FROM LEGAL SCHOLARS SUPPORTING THE CONSTITUTIONALITY OF THE STATUTE LOWERING THE VOTING AGE TO 18

#### CALIFORNIA

UNIVERSITY OF CALIFORNIA,
LOS ANGELES,
SCHOOL OF LAW,
*Los Angeles, Calif., April 28, 1970.*

Sen. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: In response to your inquiry, I am in complete agreement with your position as to the constitutionality of the Voting Rights bill, enabling 18-year-olds to vote in all elections, Federal, State, and local. By reason of *Katzenbach* v. *Morgan* it is clear that Sec. 5 of the Fourteenth Amendment authorizes Congress to enact the Voting Rights bill. One hesitates to conclude that any current issue of constitutional law is settled beyond debate, but in my judgment the *Morgan* case forecloses any viable argument against the validity of this proposed legislation.

With very best wishes.

Sincerely,
MELVILLE B. NIMMER,
*Professor of Law.*

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UNIVERSITY OF SOUTHERN CALIFORNIA,
LAW CENTER,
*University Park, Los Angeles, Calif., April 20, 1970.*

Sen EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: I received from your office a few weeks ago materials bearing upon the proposed legislation on lowering the voting age to 18. I think the proposal is an excellent idea and I encourage you and your staff to continue pursuing the matter. Please feel free to use my support in any way that may be helpful.

Sincerely yours,
CHRISTOPHER D. STONE,
*Professor of Law.*

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THE CENTER FOR THE STUDY OF
DEMOCRATIC INSTITUTIONS/THE
FUND FOR THE REPUBLIC, INC.,
*April 7, 1970.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: In response to your inquiry whether it is constitutionally permissible to lower the voting age to 18 by statute rather than by constitutional amendment, let me say, as a professor of constitutional law, that I concur completely with your analysis of the situation. *Katzenbach* v. *Morgan* authorizes Congress to act in the voting field under Section 5 of the Fourteenth Amendment. I support your action and wish you every success. I am, incidentally, on leave of absence from Catholic University Law School and am currently a visiting fellow here at the Center.

Sincerely yours,
JON M. VAN DYKE,
*Visiting Fellow.*

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UNIVERSITY OF SAN FRANCISCO,
*San Francisco, Calif., April 8, 1970.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: Thank you for your letter of March 18th concerning the voting rights bill sponsored by you and Senator Mansfield. I read with great interest your testimony before the Senate Sub-Committee on the question of the vote for 18 year olds. I agree heartily with your position. As a University professor who deals daily with the youth of our nation, I am convinced that they should be given the franchise. Many in the 18 to 21 year old group demonstrate more maturity and responsibility than citizens twice their age.

As a professor of Constitutional Law, I fully agree with your position that Congress may enact such legislation. In my opinion such a proposal could take effect without the necessity of a constitutional amendment.

I trust that the above information will be of assistance to you. Thank you for soliciting my comments.

Sincerely,
PETER J. DONNICI,
*Associate Professor.*

#### IOWA

THE UNIVERSITY OF IOWA,
*Iowa City, Iowa, April 7, 1970.*

Senator EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: I was pleased to receive your letter of March 18 and a copy of your remarks, delivered to the Subcommittee on Constitutional Amendments, on the question of lowering the voting age to 18 by legislation rather than by constitutional amendment. Let me say, simply, that I join you in the judgment that the voting age should be lowered, and in the arguments you advance in favor of that judgment.

The constitutional question does seem rather easy after the decision in *Katzenbach* v. *Morgan*. Although you may overstate the position on page four where you say that it is only necessary for Congress to conclude "that the justifications in favor of extending the franchise outweigh the justifications for restricting [it]," your analysis of *Morgan* is otherwise without fault. The Court in that case was clearly encouraging Congress to draw upon the vast store of federal legislative power conferred by Section 5 of the fourteenth amendment, primarily for the purpose of insulating itself from the necessity of making controversial decisions turning on difficult legislative factual determinations. Lowering of the voting age is just such a decision.

Thus, an Act of Congress lowering the voting age to 18 would be impervious to attack unless the Court backtracks on *Morgan*, and I think it dare not do that. The act would be shielded to the presumption of constitutionality that traditionally attaches to Congressional enactments, and by the Supreme Court's indication that this presumption can be overcome only by a showing that there is no "perceivable" basis for a Congressional judgment either that withholding the franchise from individuals over 18 is a denial of equal protection or that extension of the franchise to individuals over 18 is necessary to insure that these individuals receive equal protection of the law. In view of the growing sophistication and awareness of young adults, the legal treatment and responsibilities of individuals over 18 in most matters, and the burden of the present war on this age group, I think it would be impossible to make this showing.

In sum, then, I conclude with you that Congressional legislation lowering the voting age to 18 would be constitutional under *Morgan*, despite the fact that the classification involved in that case had ethnic overtones which are historically more suspect than are age classifications. Certainly, the concurrence of Professors Cox and Freund in the conclusion is extremely persuasive support for your position.

Accelerating Supreme Court review of the legislation is advisable, both because of the disastrous consequences of a determination of unconstitutionality after an election and because of the uncertainties in predicting decisions in the future if President Nixon is given further opportunity to follow his present course in selecting Supreme Court Justices. In addition, careful consideration should probably be given to the danger that large numbers of students attending school away from home will be disenfranchised by state residency requirements.

If in the future I can be of assistance to you in any way, legal or political, please call on me.

Sincerely,
DAVID J. REBER,
*Assistant Professor of Law.*

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THE UNIVERSITY OF IOWA,
COLLEGE OF LAW,
*Iowa City, Iowa, April 27, 1970.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: The following is in response to your letter of March 18 asking for an opinion on the eighteen-year-old voting rights bill. It is my opinion that Congress has the legislative power under section five of the fourteenth amendment to change the voting age to eighteen in all federal, state, and local elections. A constitutional amendment is not needed; Congress can achieve this result by statute. Recent cases suggest that Congress can use at least two different theories to support a statute that would enfranchise eighteen-year-olds in federal, state, and local elections.

To some extent section five of the fourteenth amendment gives Congress the authority to define what constitutes a violation of equal protection of the laws. See *Katzenbach v. Morgan*, 384 U.S. 641 at 656 (1966). Congress could find that barring persons between the ages of eighteen and twenty-one years old from voting is an arbitrary and irrational discrimination against them, and, therefore, violates the equal protection clause of the fourteenth amendment. A legislative finding to this effect followed by a statute enfranchising all eighteen-year-olds would be presumed constitutional, and would probably be upheld by the courts on the grounds that a rational Congress could think such a discrimination is capricious. Eighteen-year-olds are currently liable for military service, are usually high school graduates, and by the standards of our contemporary society, are treated for most purposes as adults. Furthermore, they are sufficiently physically and mentally mature at that age, and have a sufficiently direct and immediate stake in most major governmental decisions, so that a reasonable Congressman could think that excluding them from the vote is an irrational act. Given these facts, and many others of which you are fully aware, such legislation as you have suggested should be deemed constitutional as a means of implementing the fourteenth amendment.

Another theory upon which the statute you suggest could be held constitutional depends upon a congressional finding that young adults between the ages of eighteen and twenty-one are in danger of being discriminated against by the larger society, or that they have in fact been discriminated against by the larger society, in a way that hurts their interests. Congress could find that enfranchising persons between the ages of eighteen and twenty-one would give them enhanced political power which would be helpful in assuring non-discriminatory and fair treatment for them from the larger society. With the right to vote, young adults would have the political power to eliminate any existing arbitrary governmental discrimination worked against them, and the political power to deter the creation of any such discriminations in the future. By analogy see *Katzenbach* v. *Morgan*, 384 U.S. 641 at 652–3 (1966).

For a good discussion of both of the above approaches I would recommend the Harvard

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Law Review article by Professor Archibald Cox of the Harvard Law School dealing with the enforcement power of the fourtheenth amendment. The article may be found at 80 Harvard Law Review 91 (1966).

I think it is very important that any statute of Congress on this subject should have extensive findings of fact. These findings of fact will be most useful to a court seeking to uphold such a statute. In my opinion the Supreme Court of the United States should and would uphold the constitutionality of such a statute of Congress enfranchising eighteen-year-olds in all federal, state, and local elections as a necessary and proper means of enforcing the fourteenth amendment.

Yours truly,

Arthur Earl Bonfield,
*Law School Foundation Professor.*

### KANSAS

The University of Kansas,
*Lawrence, Kans., April 1, 1970.*
Senator Edward M. Kennedy,
*U.S. Senate, Washington, D.C.*

Dear Senator Kennedy: I am writing in reply to your letter of March 18, 1970 concerning the lowering of the voting age to 18.

I favor your bill but I really do not think I have anything to add to the constitutional arguments set forth on your Senate speech of March 5, 1970. Your arguments were very complete.

Very truly yours,

Lawrence R. Velvel,
*Associate Professor of Law.*

### MASSACHUSETTS

Law School of Harvard University,
*Cambridge, Mass., April 7, 1970.*
Hon. Edward M. Kennedy,
*U.S. Senator,*
*Senate Office Building,*
*Washington, D.C.*

Dear Senator Kennedy: Thank you very much for your letter of March 18, and for the reprint of your speech of March 15 on the 18-year-old voting bill.

Your admirable reasoning, the Supreme Court's opinion in *Katzenbach* v. *Morgan*, and a little thought of my own on the matter, all convince me that national legislation lowering the voting-age to 18 is both desirable and constitutional.

In the first place I do not like the idea of a voting age which varies according to State boundaries. We Americans do not differ in maturity between Massachusetts and Rhode Island, or between Maine and California.

Surely the Fourteenth Amendment's Equal Protection Clause, and that Amendment's 5th Section, authorizing the Congress to legislate to achieve Equal Protection, together validate the 18-year-old national standard. If Congress decides that an average 18-year-old can understand the issues in a modern election, (which I do not at all doubt) I see no reason why the Supreme Court should hold that decision invalid.

Your letter in this morning's New York Times states the case admirably. I hope the bill goes through.

Sincerely yours,

Arthur E. Sutherland.

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Law School of Harvard University,
*Cambridge, Mass., April 8, 1970.*
Hon. Edward M. Kennedy,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Kennedy: I have received your letter enclosing your remarks sponsoring the amendment to the Voting Rights bill that would enable 18 year olds to vote.

I take it from your letter that you are more interested in my views on the constitutional law questions than on the merits of the proposal. In recent weeks I have read the statement of Mr. Archibald Cox supporting the constitutionality of the amendment and the letter of six constitutional lawyers on the Yale Law School faculty attacking the constitutionality of the amendment that appeared in the New York Times on April 5, 1970. I support the former and reject the latter.

The view that the Equal Protection Clause of the Fourteenth Amendment was intended primarily to limit state restrictions on ethnic minorities, which was strongly urged by many, including some Justices of the Supreme Court, in the period immediately following its adoption, is a relic of the 19th century. The Equal Protection Clause in recent years has been applied to many types of state legislation having no relation to ethnic minorities. Therefore, to argue, as the letter does, that the doctrine of Katzenbach v. Morgan should be continued in this way is to argue for a restriction that does not appear in the Court's statement of the doctrine, and more importantly, to suggest a limitation of at least one aspect of the Fourteenth Amendment by returning to a view that was rejected in the 19th century.

The "conclusive" reason for rejecting the applicability of Katzenbach v. Morgan that is given in the New York Times letter is the reference in § 2 of the Fourteenth Amendment to the age of twenty-one in connection with voting. More specifically § 2 requires reduction of the number of Representatives from a State when the right to vote "is denied to any of the male inhabitants of such State, being twenty-one years of age." I do not believe it is wise constitutional interpretation to find in a provision requiring reduction of representation when a State denies the vote to someone who is 21 a "conclusive reason" for saying that Congress may not, under § 5 of the Fourteenth Amendment, lower the voting age to 18. Section 2 of the Fourteenth Amendment is intended to penalize state disenfranchisement of voters, not to prohibit congressional enfranchisement of voters. The reference to the voting age of twenty-one is probably best understood as reflecting the then common voting age.

Thus I do not believe that § 2 of the Fourteenth Amendment restricts the application of the doctrine of Katzenbach v. Morgan as set out in Mr. Cox's statement and in your remarks as they appear in the Congressional Record for March 5, 1970.

Sincerely yours,

Andrew L. Kaufman,
*Professor of Law.*

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Boston College Law School,
*Brighton, Mass., April 10, 1970.*
Hon. Edward M. Kennedy,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Kennedy: Thank you for sending me the excerpt from the Congressional Record of March 5 reporting your statement to the Judiciary Committee on the bill to reduce the minimum voting age.

I believe that, under the doctrine announced in *Katzenbach* v. *Morgan*, 384 U.S. 641, a finding by the Congress that exclusion of persons in certain age groups from the voting franchise constitutes, for specified reasons, an invidious and unreasonable discrimination against such persons would be accepted by the Supreme Court as an appropriate basis for Congressional legislation in enforcement of the Fourteenth Amendment to establish a minimum voting age.

I believed, and still believe, for a similar reason that it was unnecessary to resort to the process of constitutional amendment to eliminate the poll-tax requirement as a condition to the exercise of the voting privilege. Unfortunately, this was the method chosen for removal of that abuse when the Twenty-Fourth Amendment was adopted. I do not think that this should establish a precedent to establish the disability of Congress to do away with other evils in the voting process.

With due deference to my peers at Yale Law School whose letter to the editor of the New York Times on the subject you may have seen on April 5, 1970, I do not think that the reference to voters over 21 years of age contained in Section 2 of the Fourteenth Amendment is apposite. That clause prescribed a remedy for a specific type of discriminatory practice, and should not be taken to preclude legislative action under Section 5 dealing with other forms of electoral discrimination.

Sincerely,

John D. O'Reilly, Jr.,
*Professor of Law.*

### NEW YORK

Columbia University in the City
of New York, School of Law,
*New York, N.Y., April 3, 1970.*
Hon. Edward M. Kennedy,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Kennedy: Thank you for your letter of March 18, 1970, and for the extract of the *Congressional Record* of March 5, 1970, setting forth your testimony on the proposal to lower the voting age to eighteen.

I am in complete agreement with your analysis of the constitutionality of lowering the voting age by statute. It seems to me that *Katzenbach* v *Morgan* is a remarkably close precedent, and that the case for constitutionality is extremely strong.

You may be interested in a letter which I wrote to the *New York Times* in June 1968, in which the same conclusion was set forth; I am enclosing a copy herewith. At around the same time I wrote to Senator Birch Bayh, as Chairman of the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary, setting forth the same arguments at somewhat greater length.

Very truly yours,

Albert J. Rosenthal,

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[From the New York Times, June 9, 1968]

### For Nationwide Voting Age of 18

To the Editor: Recent news items have indicated a growing conviction among many people, including the President, that the minimum voting age should be reduced on a nationwide basis to eighteen, but that there is a general assumption that this can be accomplished only by a constitutional amendment and therefore cannot happen quickly.

I should like to suggest that the same purpose could validly be accomplished by an ordinary act of Congress, pursuant to powers conferred upon Congress by the Fourteenth Amendment.

It will be recalled that until recently New York State conditioned the right to vote upon literacy in English. But in 1965 Congress provided, in effect, that no person who had completed sixth grade instruction in Spanish, in a school in Puerto Rico, could be denied the right to vote in any election in the United States because of his inability to read or write English. Faced with a clear conflict between the Federal and state laws on the subject, the Supreme Court in 1966, in the case of Katzenbach v. Morgan, upheld the Federal statute.

The striking factor in the Court's opinion was that it assumed that the New York statute might well have been a perfectly proper exercise of the state's power to regulate qualifications for voting.

Nevertheless, the Court held that Section 5 of the Fourteenth Amendment conferred upon Congress power similar to that found in the "necessary and proper" clause, and that pursuant to such power an otherwise valid state law might nonetheless be superseded by Congress if Congress could reasonably find that such supersession was appropriate in order to accomplish a purpose for which Congress was empowered to legislate.

#### ENHANCED POWER

In the Morgan case the Court noted that Congress might have concluded that the enhanced political power conferred would "be helpful in gaining nondiscriminatory treatment in public services, for the entire Puerto-Rican community."

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It would seem that much the same kind of argument could be made with respect to reduction of the voting age. Congress could conclude, for example, that the interests of young people and their views on such subjects as, among others, Selective Service policies and laws pertaining to education, deserved greater attention in the political process. Thus the granting of the vote to them would similarly "be helpful in gaining nondiscriminatory treatment." There is a strong hint in Katzenbach v. Morgan that the Supreme Court would accept such an express or implicit determination on the part of Congress as a basis for upholding the statute.

Some young people seem alienated from society, rejecting all involvement. Others have turned to force rather than reasoned discourse for the redress of grievances. But we have also seen a remarkable outpouring of youthful idealism into legitimate political activities. Reduction of the voting age, while no panacea, would undoubtedly strengthen this trend. Congress has the apparent constitutional power to take this step, and should exercise it now.

Albert J. Rosenthal,
*Professor of Law.*

Columbia University, New York, *June 4, 1968.*

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### NORTH CAROLINA

The University of North Carolina, School of Law,
*Chapel Hill, N.C., April 7, 1970.*

Hon. Edward M. Kennedy,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Kennedy: Belatedly I acknowledge with appreciation receipt of your letter and enclosure of March 18 respecting Congressional reduction of the voting age to eighteen. The Court's historic decision in *Katzenbach* v. *Morgan* does indeed lay basis for Congressional action with repect to voting rights never before within constitutional bounds. Indeed, in combination with *United States* v. *Guest*, it suggests a reach of Federal power in civil relations possibly the equal of the seemingly limitless extent of Federal power over matters economic. If this is its import, the end of federalism as a division of policy-making power between Congress and the States is at hand and the only brand of federalism remaining will be administrative federalism, viz. policy formulation by the Congress with partially localized administration thereof. Conceivably, the very ramifications of *Morgan* might lead to judicial hesitancy concerning the extension of its doctrine despite the analogy you stress between literacy test and voting age. Doubtless this would not happen with a Warren Court, but might with one less disposed to run a major holding out to its ultimate possibilities. On this analysis, the sooner the constitutional issue reaches the Supreme Court for decision the greater the likelihood of constitutionality.

The above constitutes a response to your request for my reaction as a professor of Constitutional Law. As a citizen, I am sympathetic to reduction in voting age.

With great respect, I remain,
Sincerely,

Frank R. Strong,
*Professor of Law.*

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### OHIO

Chase Law School,
*Cincinnati, Ohio, April 10, 1970.*

Sen. Edward M. Kennedy,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Kennedy: I have taken the liberty to reply to your letter of March 18 to Professor Grosse, who is no longer associated with Chase Law School. I am now attempting to enlighten the students on Constitutional Law. I have waited to reply to your letter until we entertained discussion of Katzenbach v. Morgan in class.

From the reading of the Congressional Record, which you enclosed, I gather your support for the amendment of the Voting Rights Act is based on the Morgan decision. I think this is certainly a valid interpretation of the case. The Supreme Court has recently attached great import to the enabling clause, § 5 of the Fourteenth Amendment. In order to sanction this lowering of the voting age, support must be found by this reading of the Fourteenth Amendment. By Justice Brennan's majority opinion, the Court seems to give Congress the legislative discretion with respect to the enabling clause that it earlier gave Congress with respect to economic regulation through the "necessary and proper clause". Whether it is a plenary power will remain to be seen. On the whole, I believe the legislation in question is certainly supportable by Morgan and the decision also in United States v. Guest. It will remain to be seen whether any change in the constituency of the Court will affect this interpretation.

From a personal viewpoint, I think the lowering of the voting age is imperative. The facts that you quote in the Congressional Record definitely shows the desirability of the legislation. I have been enfranchised only four years, as I am only 25 years old. Whether you decide that my age affects my constitutional judgment remains to be seen. I think to correct the evils in our society which touch our youth we need to afford the youth an opportunity to work within the system, rather than without it.

I most certainly appreciate the opportunity to be of some aid in your attempt to pass this legislation. If I may be of further help, please let me know.

Yours truly,

Prof. Frederic S. Gray.

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### PENNSYLVANIA

University of Pennsylvania,
The Law School,
*Philadelphia, Pa., May 1, 1970.*

Hon. Edward M. Kennedy,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Kennedy: Thank you for your letter of March 18, enclosing your testimony supporting legislation lowering the voting age to 18 in all elections.

I think your position on the constitutional question is the correct one. In my view, Congress has constitutional power, under Section 5 of the Fourteenth Amendment, to forbid States to deny the right to vote, on the ground of age, to persons who are older than eighteen. I agree, in the main, with the reasons which have been spelled out by Professor Cox in support of this view and which flow from the Supreme Court's decision in *Morgan* v. *Katzenbach*.

There is one respect in which I disagree with what you say in your testimony, although I agree with your result. While the difference between us may only be a verbal one, it may have a bearing on the constitutionality of any legislation which may be ultimately enacted. You say (p. 4) that "if Congress concludes that the justifications in favor of extending the franchise outweigh the justifications for restricting the franchise, then Congress has the power to change the law by statute and grant the vote to 18 year-olds." You repeat the thought later on p. 4 by saying that "if Congress weighs the various interests and determines that a reasonable basis exists for granting the franchise to 18 year-olds, a statute reducing the voting age to 18 could not be successfully challenged as unconstitutional."

I do not think that Section 5 of the Fourteenth Amendment, as interpreted by *Morgan*, permits Congress to make its judgment of what the minimum voting age should be binding on the States, even though its judgment be a reasonable one. Under the Constitution, it is the States—not Congress—which have the right to make the initial judgment about voting qualifications (at least where state elections are concerned and where the Constitution, as in Article I, Section 7, clause 1 and the Seventeenth Amendment, refers to state elections in determining those qualified to vote in federal elections). Congress does have the power, however, to determine that a State judgment about the minimum age is sufficiently unreasonable so as to violate the equal protection clause, and to forbid the States to enforce such a judgment. There is a difference between saying that a State judgment about voting age is *wrong*, in the sense that Congress would have reached a different judgment, and saying that the State judgment about voting age is so *unreasonable* as to be unconstitutionally unfair. I think that Congress has to say the latter in order to support legislation lowering the voting age.

Thus, although I believe that Congress has the power to set a minimum voting age of eighteen through statute, I think that this action must be based on the conclusion by Congress that a higher age would constitute a denial of equal protection, not merely on the conclusion by Congress that eighteen is a reasonable minimum age. *Katzenbach* v. *Morgan* suggests that kinds of findings Congress might make which would support its conclusion that an age higher than eighteen denies equal protection. It might be found, for example, that government is not equally responsive to the special interests of persons between eighteen and twenty-one because they lack the vote, and that, in view of the educational level of most eighteen year-olds, and their treatment as adults in many areas such as criminal law (the line between juvenile and adult offenders is often drawn at eighteen) and military obligation, a discrimination between eighteen and twenty-one year-olds appears invidious. At least the conclusory finding by Congress that denial of the vote to eighteen year-olds denies equal protection in view of these factors, should be incorporated into the legislation, as a preamble or otherwise, if that is possible. Such a finding would, I believe, maximize the chances of the legislation being upheld.

Sincerely,

Paul Bender.

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### PUERTO RICO

School of Law,
University of Puerto Rico,
*Rio Piedras, P.R., April 3, 1970.*

Sen. Edward M. Kennedy,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Kennedy: Yesterday I received your letter of March 18 and a copy of testimony you delivered before a Senate subcommittee on an amendment to the Voting Rights bill to enable 18 year olds to vote in all elections. I have read your testimony with great interest and have also reexamined all pertinent cases of the United States Supreme Court and law review articles. I am in complete agreement with the opinions expressed by Professor Cox and Professor Freund which are included in your testimony. I have nothing to add to their analysis. I am also in favor of granting the electoral franchise to 18 year olds.

I have examined the text of the amendment as found in 116 Congressional Record, Senate 5950 (March 4, 1970). I find that Section 302 applies to "any State or political subdivision" and that Section 304 provides that the term "State" includes the District of Columbia. It seems, therefore, that the amendment will not apply to elections in Puerto Rico, even though Puerto Ricans are American citizens and even

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though a "federal" election (that of the Resident Commissioner) is held in Puerto Rico every four years.

As a matter of policy, I believe that we Puerto Ricans should decide whether 18 year olds should have the right to vote in local elections. As you probably know, a referendum on that question is to be held in Puerto Rico next November.

However, from a constitutional point of view it is very doubtful whether Congress can exclude American citizens living in Puerto Rico from a law which is designed to guarantee "American citizens" the due process and equal protection of the laws "guaranteed to them by the 14th Amendment of the Constitution." Federal due process applies to Puerto Rico, although it is not clear whether it stems from the 5th Amendment or the 14th Amendment. Colon-Rosich v. Puerto Rico, 256 F 2d. 393 (1958); Stagg v. Descartes, 244 F 2d. 578 (1957); Mora v. Mejias, 206 F 2d. 377 (1953). There is no doubt in my mind that federal equal protection also applies to the Commonwealth. See in general Leibowitz, The Applicability of Federal Law to the Commonwealth of Puerto Rico, 56 Georgetown Law Journal 219 (1967).

With my warm regards.

Sincerely,

RAÚL SERRANO-GEYLS,
*Professor of Law.*

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### TEXAS

TEXAS TECH UNIVERSITY,
*Lubbock, Tex., April 6, 1970.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: Thank you for your letter of March 18 and the opportunity to express my comments on the Voting Rights bill to enable 18 year olds to vote. I share your views that the minimum voting age should be lowered to 18 for all Federal, State and local elections and that Congress, under the Supreme Court's decision of Katzenbach v. Morgan, 86 S. Ct. 1717 (1966), has the constitutional power to act by statute to achieve this purpose.

In *Katzenbach v. Morgan* the Court first discussed the scope of judicial review of congressional power. The question initially presented was: "If Congress, under § 5 of the 14th Amendment enacted § 4(e) of the Voting Rights Act of 1965 that precluded the enforcement of the New York English literacy law, would the Court be required to find the New York law in violation of the equal protection clause of the 14th Amendment before it could find that Congress had the power to enact § 4(e) under § 5 of the 14th Amendment. The Court held that its task was not to determine whether the New York English literacy requirement as applied to deny the right to vote to a person who successfully completed the sixth grade in a Puerto Rican school violates the equal protection clause of the 14th Amendment. Instead, the question for the Court was whether § 4(e) was, as required by § 5 of the 14th Amendment, appropriate legislation to enforce the equal protection clause of the 14th Amendment.

By analogy, the scope of judicial review of congressional power as discussed in *Katzenbach v. Morgan* could be applied to the Voting Rights bill to enable 18 year olds to vote. The question presented would be: if Congress, under § 5 of the 14th Amendment, enacted a Voting Rights bill for 18 year olds that precluded the enforcement of the state laws establishing the voting age at 21, would the Court be required to find the state laws in violation of the equal protection clause of the 14th Amendment before it could find that Congress had the power to enact the 18 year olds Voting Rights bill under § 5 of the 14th Amendment. The Court, under *Katzenbach v. Morgan*, should hold that its task is not to determine whether the state requirements as applied to deny the right to vote to a person between 18 and 21 violate the equal protection clause of the 14th Amendment. Instead, the question for the Court would be whether the 18 year olds Voting Rights bill was, as required by § 5 of the 14th Amendment, appropriate legislation to enforce the equal protection clause of the 14th Amendment.

The significance of this shift in question is to limit judicial review of congressional power. This is not a new doctrine but can be traced back to at least the time of Holmes in his dissenting opinions in *Lochner v. New York* and *Coppage v. Kansas*.

Once the shift in question occurred in *Katzenbach* v. *Morgan*, the Court considered three questions in order to determine whether § 4(e) was appropriate legislation: (1) Whether § 4(e) was an enactment to enforce the equal protection clause (86 S. Ct. at 1724); (2) Whether § 4(e) was plainly adapted to further the aims of the equal protection clause (86 S. Ct. at 1724–26); and (3) Whether the constitutional remedies adopted in § 4(e) constituted means which were not prohibited by, but were consistent with the letter and spirit of the Constitution (86 S. Ct. at 1726–28).

By analogy, the Court should follow the *Katzenbach* v. *Morgan* analysis to determine whether the 18 year olds Voting Rights bill is appropriate legislation. First, the answer to whether the 18 year olds Voting Rights bill was an enactment to enforce the equal protection clause, could be based on the fact that the Voting Rights bill was a measure to secure for persons 18 to 21 nondiscriminatory treatment by government in the imposition of voting qualifications. Second, a two-fold answer to whether the Voting Rights bill was plainly adapted to further the aims of the equal protection clause could be given:

(a) The practical effect of the Voting Rights bill is to prohibit the states from denying the right to vote to large segments of its community. The Voting Rights bill enhances the political power of the 18 to 21 age group which will be helpful in gaining nondiscriminatory treatment in the community. The Voting Rights bill thereby enables the 18 to 21 minority better to obtain "perfect equality of civil rights and equal protection of the law."

(b) It is well within congressional authority to say that this need of the 18 to 21 minority for the vote warranted federal intrusion on any state interests served by the state age requirements. It was for Congress, as the branch that made the judgment, to assess and weigh the various conflicting considerations. It is not for the Court to review the congressional resolution of these factors. It is enough that the Court is able to perceive a basis on which the Congress might resolve the conflict as it did. There plainly was such a basis to support the Voting Rights bill. 116 Congressional Record (March 5, 1970).

Third, the answer to the question of whether the constitutional remedies adopted in the Voting Rights bill constituted means which were not prohibited by, but were consistent with the letter and spirit of the Constitution, is based only on whether it was permissible and not whether the age should be below 18. "A statute is not invalid under the Constitution because it might have gone further than it did."

Some notice should be paid to the dissenting opinion in Katzenbach v. Morgan, 86 S. Ct. 1731 (1966), by Mr. Justice Harlan and Mr. Justice Stewart. In their view congressional power is more limited than what appears in the Court's opinion. First, the Court must determine whether the condition with which Congress has sought to deal is in truth an infringement of the Constitution. If it is, the Court would next consider whether the statute is appropriate remedial legislation to cure an established violation of a constitutional command. The dissent then found that there was no legislative record supporting the alleged discrimination and therefore it could not find that the state enactment violated federal constitutional rights. Applying this to the Voting Rights bill to enable 18 year olds to vote, the question that the dissent would consider first is whether the state enactments that set the minimum voting age at 21, 20 (Hawaii) and 19 (Alaska), do in fact violate the equal protection clause of the 14th Amendment. This question would require an affirmative answer before the dissent would consider whether it was appropriate remedial legislation under § 5 of the 14th Amendment. Viewing the voting rights for 18 year olds in this light, the case becomes substantially more difficult.

Alhough I believe that under *Katzenbach v. Morgan* Congress would have the power to enact the Voting Rights bill to enable 18 year olds to vote and action should be taken in this direction, several other factors should be mentioned that could cause the Court to hold that Congress does not have the power. First, *Katzenbach v. Morgan* was a 7–2 decision. The dissenters were Mr. Justice Harlan and Mr. Justice Stewart. With the change in Court membership and a shift of one Justice, the vote could become 4–5. Second, *Katzenbach v. Morgan* was decided in 1966 in an era when civil rights were in vogue. It was a logical follow-up to *Heart of Atlanta Motel v. United States and Katzenbach v. McClung*. The Court may, by the time a test case comes before it, be in a different mood and thus distinguish *Katzenbach v. Morgan*. Third, *Katzenbach v. Morgan* was an open-ended decision which, like *McCulloch v. Marland*, would give Congress extensive power over the states. By distinguishing future cases, the Court could limit this power drastically.

Sincerely,

MARTIN A. FREY,
*Associate Professor of Law.*

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### VIRGINIA

COLLEGE OF WILLIAM AND MARY,
MARSHALL-WYTHE SCHOOL OF LAW,
*Williamsburg, Va., March 26, 1970.*

Senator EDWARD M. KENNEDY,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: Thank you for your letter of March 18, with reference to the proposed amendment to the Voting Rights Bill of 1970, lowering the voting age of 18 in all Federal, state and local elections.

I am emphatically in agreement with you that such a provision may be enacted by Congress without the need for a constitutional amendment, so far as Federal elections and primaries are concerned. Whether Congress may extend its authority over elections to state and local voting, especially where these are not held in conjunction with Federal elections, may well become a justiciable question before the courts. My personal sympathy would be with the view that the equal protection clause of the Fourteenth Amendment would be applicable, but there is reasonable doubt as to how the Court might rule. Inasmuch as there is manifestly a trend among the states toward lowering the voting age, I should have hoped that a Congressional enactment dealing solely with Federal elections would have encouraged a general movement in the same direction by the states, without the possibility of precipitating a judicial challenge to the legislation.

On the subject of the electorial franchise generally, may I take this opportunity to express my hope that the proposed amendment eliminating the Electoral College may be brought to the Senate floor and approved for submission to the people. Not only is the Electoral College an artificial device which never worked, except invidiously, but it is a glaring anachronism in the modern age of one-man, one-vote, and philosophically if not practically inconsistent with the concepts of national citizenship and equal protection in the Fourteenth Amendment.

Some of these ideas I have discussed in both volumes of my current book on *Court and Constitution in the 20th Century*. I hope you will have opportunity to examine the first volume, subtitled, *The Old Legality, 1889–1932*, which was published last year, as well as the second, *The New Legality, 1932–1968*, which will appear late this spring.

Respectfully,

WILLIAM F. SWINDLER,
*Professor of Law.*

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WISCONSIN

THE UNIVERSITY OF WISCONSIN,
LAW SCHOOL,
*Madison, Wis., April 1, 1970.*

Hon. EDWARD M. KENNEDY,
*Senate Office Building,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: Thank you for your letter of March 18 concerning the amendment to the Voting Rights Bill which would lower the voting age to 18.

I agree that Section 5 of the 14th Amendment, as interpreted in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), supports the constitutionality of such a measure. I believe that there is a basis, which the Court can perceive, "upon which Congress might predicate a judgment that" denying the vote to citizens who have reached the age of 18 but not 21 is "an invidious discrimination in violation of the Equal Protection Clause."

Sincerely yours,

ABNER BRODIE,
*Professor of Law.*

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CALIFORNIA

CENTER FOR ADVANCED STUDY IN
THE BEHAVIORAL SCIENCES,
*Stanford, Calif., April 21, 1970.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate*
*Washington, D.C.*

MY DEAR SENATOR KENNEDY: I appreciate your inquiry regarding my views on the constitutionality of changing the voting age by statute. I have just written to the President on this matter, and I take the liberty of enclosing a copy of that letter to give you my conclusions regarding the constitutional propriety of the route you support.

I regret this rare occasion on which I am compelled to differ from your position.

Sincerely yours,

GERALD GUNTHER,
*Professor of Law, Stanford University, School of Law* (*on leave*).

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CENTER FOR ADVANCED STUDY
IN THE BEHAVIORAL SCIENCES,
*Stanford, Calif., April 20, 1970.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

MY DEAR MR. PRESIDENT: I am a professor of constitutional law and the author of a casebook on constitutional law widely used in American law schools. I am glad to submit a brief statement of my views regarding the proposed legislation to extend the vote to 18-year olds in all elections, national and state.

I support that extension of the suffrage as a matter of policy. I believe, however, that constitutional amendment, not congressional legislation, is the proper route to attain that desirable objective under our constitutional scheme.

I appreciate that arguments in support of the constitutionality of such legislation can be fashioned on the basis of Section 5 of the 14th Amendment as interpreted in Katzenbach v. Morgan, and I recognize that the Supreme Court might well sustain the constitutionality if the bill were enacted. This is not the end of the matter, of course: under our system, Congress and the President have an obligation to exercise a conscientious independent judgment on constitutional questions, especially on questions such as this that are not foreclosed by repeated and firm Supreme Court rulings. (See, for example, the careful discussion of the proper role of the political departments on constitutional issues in D. G. Morgan, "Congress and the Constitution" (1966).)

My main reasons for doubting the constitutional propriety of the proposal stem from my understanding of the appropriate role of Court and Congress in defining the scope of 14th Amendment rights. Section 5 gives Congress the power to "enforce" rights "by appropriate legislation," to be sure; but the primary role in articulating the content of the "rights" to be enforced belongs to the Court, not Congress, I believe. Congress may make fact findings and express its views to help inform the Court's ultimate constitutional judgment, of course. But to give to Congress a far-reaching autonomous authority to redefine the content of equal protection and due process (binding on the Court so long as a minimal rationality test is satisfied) would mark a radical and undesirable departure from our constitution traditions.

The Court's result in the Morgan case is understandable in view of the context of that case. But to press all of the language of that case to its maximum extent as a basis for legislation would be unsound for a number of reasons. To me, the most important objection is that it would open the door to congressional overturning of Court decisions in a number of areas—criminal procedure is an example that comes readily to mind. Most scholars would agree, I believe, that the unpersuasive footnote in the Morgan opinion is not a tenable, principled safeguard against the invocation of the Section 5 power to curtail constitutional safeguards. (Some of the implications of a broad, nearly autonomous congressional power to control the scope of 14th Amendment rights via Section 5 are explored in R. A. Burt, "Miranda and Title II: A Morganatic Marriage," 1969 Supreme Court Review 81, as well as in Mr. Justice Harlan's thoughtful dissenting opinion in the Morgan case itself.)

Reliance on legislation would be especially inappropriate with respect to age qualifications on voting in state elections—an area traditionally reserved to state control, an area not subject to charges of discrimination against discrete minorities that would justify national intervention. In an area such as this, constitutional amendment is surely the route which would prove least damaging to our constitutional structure. I must add that many of my constitutional doubts regarding legislation regarding age qualifications are also applicable to a provision in the Administration's own voting proposals: the elimination of literacy tests in all elections (quite independent of the background of racial discrimination that provided a legitimate basis for the literacy test provisions in the 1965 Voting Rights Act sustained in South Carolina v. Katzenbach). I accordingly hope that the political branches of our government will exercise their judgment to assure that the proper constitutional methods are followed in achieving the desirable goal of extending the vote.

Respectfully yours,

GERALD GUNTHER,
*Professor of Law, Stanford University School of Law* (*on leave*).

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CONNECTICUT

YALE LAW SCHOOL,
*New Haven, Conn., April 3, 1970.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate*
*Washington, D.C.*

DEAR SENATOR KENNEDY: Thank you for your letter of March 18, asking for my views on the 18-year old voting bill.

I am sorry to have to say that I consider this bill definitely and clearly unconstitutional. To me, Section 2 of the Fourteenth Amendment, by implication, as near inevitable as any ever is in law, establishes that it is a fixed assumption of our Constitution that the States may, if they see fit, set the age of 21 years as the minimum for voting. I would hate to have to live without all the constitutional assumptions which have less firm basis than this one has in Section 2.

Holding this opinion, I am deeply concerned as to the position in which the Supreme Court will be put if this legislation passes. It seems to me that the Court will have either to uphold a statute against which very strong—to me, absolutely conclusive—constitutional objection exists, or bear the wrath of millions of young people.

The undesirability of the Court's being put in the latter position is clear enough. If, on the other hand, the act should be upheld, then I see hardly any rational limit on what the Court must later uphold, if it is to act with consistency.

I am really worried about the Court's being tendered this alternative; that is my reason for writing so frankly.

With all best wishes,

Very sincerely,

CHARLES L. BLACK, Jr.,
*Luce Professor Jurisprudence.*

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YALE LAW SCHOOL,
*New Haven, Conn., April 7, 1970.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: I appreciate your soliciting my views on the constitutionality of lowering the voting age to eighteen by statute. You may have seen a letter in last Sunday's New York Times, of which I was one of the signers, expressing the view that such a course of action would probably be unconstitutional, and that the issue was too important to run the risk of judicial invalidation.

The point is, obviously, arguable. Your testimony, which constitutes the best defense of the constitutionality of the statutory course of acion I have seen, makes a number of telling points, and the Supreme Court might very well accept the argument. The fundamental difficulty I have is with the statement of the controlling test at the top of page four, indicating that it is for Congress to weigh the pros and cons of a vote for eighteen-year-olds, and for the Court to defer unless it can label the balance struck by Congress irrational. This is, of course, the test to be applied to ordinary legislation; I therefore cannot see how it could also be the test for legislation which declares unconstitutional a state practice. I know, as you indicate, the Morgan case contains language which supports the assimilation of the two tests, but I doubt that the Court would—and think it ought not—take that language seriously in the instant case, particularly in view of what seems to me the unanswerable implication of section 2 of the Fourteenth Amendment that the age of 21 constitutes a permissible cut-off.

I know that as a lawyer you will understand why I feel it necessary to take this position despite my agreement that the voting age should be lowered. The proposed statute would put the Court in an undesirable squeeze between a politically popular position and what I think is the implication of the Constitution. And a legitimation of the law in the face of such a strong constitutional objection would carry, I fear, dangerous precedential potential—psychologically, if not indeed on the merits—for other sorts of legislation I know you would disapprove as strongly as I.

Very truly yours,

JOHN HART ELY.

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### ILLINOIS

The University of Chicago,
The Law School,
*April 13, 1970.*

Sen. Edward M. Kennedy,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Kennedy: Thank you for the reprinting of your testimony on the age requirements in the Voting Rights Bill. I am happy to respond to your request for an opinion, but I regret that the opinion does not accord with your own.

It seems clear to me that the power to determine the qualifications for voters in both state and federal elections is, under the specific terms of the Constitution, rested in the States. Certainly this power is limited by the Equal Protection Clause ban on improper classification and invidious distinctions. And clearly Congress has the right to eliminate such discrimination, as stated in *Katzenbach* v. *Morgan*. But I find it impossible to concur in the view that a line drawn on the basis of age between those who have attained twenty-one years and those younger is such an invalid discrimination. Certainly, if it is, the line between those who reach the age of eighteen and those who are younger is equally invidious.

I agree that the vote could and should be given to eighteen-year olds by the States. But I think that the perversion of the Constitution to accomplish this end is too high a price. One of the major problems from which this nation suffers is a spreading disdain for law, spreading from both the right and the left toward the center. Abuse of the Constitution to attain even desirable ends can only succor those who would replace law and constitutionalism with fiat and force.

I would hope that those who have taken the road of expediency in this matter by seeking to avoid constitutional requirements will recognize what they are doing soon enough to prevent the passage of the statute.

With all good wishes,
Sincerely yours,
Philip B. Kurland.

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### MASSACHUSETTS

Northeastern University
School of Law,
*Boston, Mass., April 2, 1970.*

Hon. Edward M. Kennedy,
*U.S. Senate, Senate Office Building, Washington, D.C.*

Dear Senator Kennedy: Thank you for sending a copy of the testimony which you delivered before a Senate subcommittee concerning a proposed amendment to the Voting Rights bill.

Some of us who share your interest in extending the vote to persons 18 years old believe that there is a serious problem concerning the means by which this can be accomplished. Any professor of constitutional law—indeed, any competent lawyer in general practice—could develop a brief supporting the proposition that your proposed amendment will be fully efficacious and wholly within the constitutional powers of the Congress. On the other hand, it would be equally possible to support the contrary position.

The fact that the constitutional issues underlying your proposal have not been clearly adjudicated so that one can say with certainty which side of the controversy will prevail should not cause one to hesitate to go forward if it were not for the serious practical complications which might ensue if one miscalculated how the Supreme Court would ultimately decide the issue. I therefore consider that it would be preferable for the amendment to be limited to granting voting rights to 18-year olds only when voting for the House and Senate. In this way, all of the constitutional arguments in support of your proposal would be buttressed by the availability of Article I section 4. The young voters thus made eligible would have some part in the political process during time necessary to adopt a constitutional amendment to secure this right for all elections. As a matter of practical politics, their participation in Congressional elections might increase their leverage in working for the full recognition of their role in the political process.

The temptation to push ahead and attempt to deal with all elections by ordinary legislation must be particularly tempting when one contemplates the awkward problem the Supreme Court would face if it were to invalidate a whole set of elections. I feel deeply that Congress ought not to force new constitutional interpretations by subjecting the Court to avoidable dilemmas. As a matter of fact, it seems to me quite improper to read the fourteenth amendment as permitting the proposed legislation. While section 2 of the fourteenth amendment does not address itself specifically to this problem, it seems to carry a clear implication that a denial of voting rights to persons younger than 21 does not offend any of the guarantees provided by that amendment. I therefore urge that any legislation on this matter be done under Article I and, therefore, be limited to the election of Congressmen and Senators.

In any event, your proposal serves the national interest by enhancing the pressure on both the Federal government and State governments to give adequate recognition to the proper role of teen-age citizens.

Sincerely,
Thomas J. O'Toole,
*Dean.*

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### MICHIGAN

The University of Michigan,
Law School,
*Ann Arbor,Mich., April 23, 1970.*

Hon. Edward M. Kennedy,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Kennedy: In a letter received from you several weeks ago in which you enclosed a copy of the testimony which you had delivered before a Senate subcommittee on the question of the constitutional power of Congress to change voting age by statute, you indicated an interest in whatever comments I might have on the constitutional question. While this is not a direct response to that letter, it will serve the same purpose since I am enclosing herewith for your information and interest a copy of my letter dated April 20, 1970, addressed to Mr. Leonard Garment of the President's White House staff in which I discuss the constitutional issues raised by the proposed legislation to reduce the voting age to 18. As you can see from my letter I feel that this proposal does raise some very serious and substantial constitutional issues.

I remain,
Sincerely yours,
Paul G. Kauper.

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April 20, 1970.

The Honorable Richard M. Nixon,
*President of the United States,*
*The White House,*
*Washington, D.C.*
Attention: Mr. Leonard Garment.

Dear Mr. President: This letter is in response to Mr. Garment's inquiry respecting my views on the constitutionality of proposed federal legislation which would establish a universal age limitation on voting in the United States and fix the age at 18 years.

This proposal has momentous consequences. If enacted it would be a bold and unprecedented intrusion upon the acknowledged power of the states to fix voting qualifications and would raise what I regard as very serious and substantial constitutional questions.

Under the Constitution it is clear that the basic power to prescribe qualifications for voting is reserved to the states. Art. I Sec. 2, respecting the election of Representatives to the Congress and the Seventeenth Amendment respecting the election of Senators recognize that the qualifications for voting are governed by state law. Moreover, the Constitution gives Congress no power, express or implied, over the general subject of voting qualifications. Congress is given the power under Art. I, Sec. 4, to regulate the times, places and manner of holding election of Senators and Representatives. But this power, construed in conjunction with Art. I, Sec. 2, gives no authority to prescribe qualifications. If then the question raised by the proposed federal legislation to reduce the voting age to eighteen were governed solely by the body of the Constitution, the proposed legislation would clearly be beyond Congressional power and this regardless of whether it was universal in its scope or limited to voting from Congressmen, Senators and Presidential electors.

Amendments to the Constitution while not abridging the basic power of the states to fix qualifications have curtailed the freedom of the state to classify in fixing qualifications and thereby to limit the voting right. The Fifteenth Amendment prohibits a denial of the right to vote on the ground of race, color or previous condition of servitude. The Seventeenth Amendment similarly prohibits denial of voting rights on the basis of sex. The Twenty-fourth Amendment prohibits the denial of the right to vote for President, Vice President, Senators and Congressmen because of failure to pay a poll tax. Apart from these specific restrictions on the power of the state to prescribe classifications in defining voters' qualifications, the equal protection clause of the Fourteenth Amendment operates to prohibit other arbitrary limitations on the right to vote. Thus in *Harper* v. *Virginia Board of Elections*, 383 U.S. 663 (1966), the Supreme Court held that a state requirement of paying the poll tax as a condition of voting resulted in an arbitrary discrimination which violated this clause.

Admittedly the fixing of an age limit falls within the basic power of the states to prescribe qualifications for voting and none of the restrictions on the power to classify for voting purposes achieved by constitutional amendment as mentioned above affect the voting age requirement. Nor is it conceivable that the Supreme Court would declare an age requirement fixed by state law whether at age 21, 20, 19 or 18 as an arbitrary requirement violating the equal protection clause. This leaves for consideration then the question whether Congress has a legislative power to intrude into the states' power to fix an age limit qualification.

The only possible source claimed for such power is the authority granted to Congress under the 5th section of the Fourteenth Amendment to enforce this Amendment's restrictions and more particularly to enforce the equal protection clause. May Congress by legislative act fixing the voting age limit at 18 thereby in effect declare that a higher age limit prescribed by state law is an arbitrary classification which violates the equal protection clause?

In examining this question we may first consider the Supreme Court's decision in *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), where the Court upheld the provisions of the 1965 Voting Rights Act which prohibited the use of literacy tests in states where their use was found to achieve racial discrimination in voting in violation of the Fifteenth Amendment. Congress has the power to enforce the Fifteenth Amendment and Congress here was using its power to deal with practices which it found violated this Amendment. Since the Congress here was using its power to enforce a specific constitutional restriction and since the Supreme

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Court had already recognized that state use of literacy tests as a means of racial discrimination in voting was invalid, the case has no real bearing on the power of Congress to define permissible voting qualifications under its power to enforce the equal protection clause of the Fourteenth Amendment.

The companion case of *Katzenbach v. Morgan*, 384 U.S. 641 (1966), does go to the question under consideration. Here the Court upheld the feature of the 1965 Voting Rights Act which provides that no person who has successfully completed the sixth primary grade in a public school or in a private school accredited by the Commonwealth of Puerto Rico in which the language of instruction was other than English shall be denied the right to vote in any election because of his inability to read or write English. This provision was designed to invalidate New York's English literacy test in so far as it resulted in the denial of the voting right to the very substantial body of New York City residents who had migrated there from Puerto Rico. The Court upheld this Congressional intrusion into the state's power to prescribe voting qualifications on the basis of the power to enforce the equal protection clause of the Fourteenth Amendment.

This case for the first time recognized that the Congressional power to enforce the equal protection clause includes a power to define the substance of equal protection by declaring a particular classification established by state law to be invalid and substituting in its place a classification fixed by Congress. The Supreme Court has made it abundantly clear that the equal protection clause forbids arbitrary or unreasonable classifications and that whether a state classification constitutes an unlawful discrimination is appropriately a matter for judicial determination. On its face *Morgan* appears to say that Congress has an independent substantial power to pass on classifications and to condemn a state classification which Congress finds unreasonable or arbitrary even though the Court itself would not have found a violation of the equal protection clause.

Given this literal interpretation *Morgan* opens up a wide power in Congress to review and to invalidate classifications established by state laws by finding that such intrusions into state power are necessary to assure the equal protection of the laws. The wide implications of such an interpretation are noted in the dissenting opinion of Mr. Justice Harlan, joined by Mr. Justice Stewart. Applied to the problem at hand, *Morgan* as so construed would be authority for Congress to fix a universal age limit for voting in the United States on the theory that any higher age limit than that fixed by Congress is a denial of equal protection.

The question then is whether *Morgan* established such a broad principle and whether it is subject to any limitations which would be relevant to the question of Congressional power to establish a universal voting age requirement at the expense of the historically established state power to prescribe voting qualifications. The majority opinion in *Morgan* said that the power given by Congress to enforce by appropriate legislation the Fourteenth Amendment's provision paralleled the power given to Congress in the body of the Constitution to pass all laws necessary and proper to carry into execution the powers delegated under the Constitution. Borrowing language from Chief Justice Marshall's opinion in *McCullough v. Maryland*, 4 Wheat. 316, in expliciating the necessary and proper clause, the Court said that the question then was whether the legislation enacted by Congress banning the use of the New York literacy test to disqualify Puerto Ricans from voting was plainly adapted to the end of enforcing the equal protection clause and whether it was not prohibited but was consistent with "the letter and spirit of the constitution." Applying these standards, the Court said that the Congressional enactment could readily be seen as "plainly adapted" to further the aim of the equal protection clause to secure for the Puerto Rican community residing in New York non-discriminatory treatment by the government—both in the imposition of voting qualifications and the provisions or administration of governmental service, thereby enabling the Puerto Rican minority better to obtain "perfect equality of civil rights and the equal protection of the laws." The Court said that it was well within Congressional authority to say that this need of the Puerto Rican minority for the vote warranted federal instrusion upon any state interests served by the English literacy requirement, that it was not for the Court to review the congressional resolution of the various conflicting interests entering into the question and that it was enough that the Court was able to perceive a basis upon which Congress might resolve the conflict as it did.

The Court further said that the legislation could be justified as legislation aimed at the elimination of an invidious discrimination in establishing voter qualifications. On this question the Court said that Congress might well have questioned whether the New York literary requirement actually served the state interest claimed for it and could also have concluded that as a means of furthering the goal of an intelligent exercise of the franchise, an ability to read or understand Spanish was as effective as ability to read English for those to whom Spanish-language newspapers and Spanish-language radios and television programs are available to inform them of election issues and governmental affairs.

It remains to determine whether the Court's holding in *Morgan* and the reasoning employed by the Court apply equally well to uphold Congressional intrusion into states' power to prescribe voting qualifications by fixing an age limit. It should be noted at the outset that Congress determined that an English literacy requirement constituted an improper voting qualification for Puerto Ricans living in New York City since it had the effect of disenfranchising a substantial body of citizens and since in the judgment of Congress the requirement of having completed six grades of school in Puerto Rico, although in another language, was adequate to establish the literacy required for intelligent voting in New York City. This in itself suggests an important difference between outlawing an English literacy requirement as a qualification for voting and outlawing state voting age requirements by fixing a uniform federal standard. Indeed, in *Cardona* v. *Power*, 384 U.S. 672 (1966), although the majority did not find it necessary to pass on the question, two justices expressed the view that the New York literacy requirement was applied to Puerto Ricans in New York City as an arbitrary limitation on the voting right apart from any federal legislation on the subject. But in fixing a federal age requirement at age eighteen Congress recognizes that an age requirement is in itself a proper qualification for voting. The real question then is whether Congress while recognizing that an age requirement is valid may choose to say that any voting age requirement above the age of eighteen years constitutes an invidious discrimination against the class of persons between the age of 18 and a higher age which may be fixed by a state's law.

The purpose of an age limit is to assure sufficient maturity in exercising the voting right. May Congress say that a state has no rational basis for fixing a 21 year age limit as the standard for voting maturity? Obviously, there is room for choice in this matter. Most states continue to adhere to the twenty-one year limit. A few have reduced the limit to a lower age. It may be assumed that fixing the age limit anywhere from 18 to 21 is reasonable so far as any judicial interpretation of the equal protection clause is concerned. Since the basic power to fix voting qualifications is in the states and not in Congress the question raised by the proposed Congressional legislation is not whether it is reasonable and appropriate for Congress to fix the voting age limit at 18 but whether it is appropriate for Congress to declare that any age limit higher than 18 is an invidious discrimination, i.e. whether it results in an arbitrary classification. Or to put the matter in another way does Congress have a basis for saying that a 19, 20 or 21 year age limit as may be imposed by state law does not have a rational relation to the question of whether a person is sufficiently mature to take part in the voting process?

In answering this question two considerations may be noted. The fixing of a voting age limit involves a legislative choice within a limited range, and it remains to be demonstrated that Congress because of studies it has made and investigations it has conducted has a better informed basis than the states for determining when citizens are old enough to vote. This is not a matter of determination by objective criteria. Secondly, and much more important, states have been fixing age limits for voting ever since the Constitution was adopted and even before, and until recently twenty-one years of age has been the general standard. This has never been questioned. It is fantastic to suggest that when the States ratified the Fourteenth Amendment in 1868, they thereby understood that they were thereby giving Congress the authority, in the name of equal protection enforcement, to displace their own power to fix voting age limits or to declare that any voting age limit above 18 constituted an unconstitutional discrimination. Indeed, the Fourteenth Amendment itself affirms the validity of the twenty-one year age limit as a qualification for voting. Section 2 of this Amendment, dealing with Congressional apportionment and designed to reduce the representation in Congress of states which deny voting rights to blacks speaks of denial of the right to vote "to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States. . . ." It is not to be supposed that the Fourteenth Amendment suffers from an inner contradiction and that the equal protection clause was intended as a source of power in Congress to outlaw a state voting age qualification explicitly sanctioned by this Amendment. It requires an extraordinary latitude in the construction of Congressional power to contend that Congress may brand as arbitrary and invidious a voting age standard acknowledged as legitimate by the text of the Constitution. Indeed, to use Chief Justice Marshall's language, quoted in the *Morgan* case, a federal statute, denying to states the power to prescribe a twenty-one year age limit is not consistent with the letter of the Constitution.

In summary, there are very substantial differences between the English literacy test problem presented in *Morgan* and the voting age problem. In its legislation at issue in *Morgan*, Congress was directing its attention to a voting qualification, namely, the English literacy test, which has had a limited history in this country, which Congress found to be an unwarranted discrimination against a discrete ethnic group, and which for all practical purposes was limited in its operation to one state in the country. Moreover, Congress has a special federal concern with protection of Puerto Ricans against discrimination in view of the historic relationship between the United States and Puerto

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Rico, and the Congressional policies which have encouraged migration from Puerto Rico to the United States. Also it is not clear that the Supreme Court would not have invalidated the New York literacy test required as to Puerto Ricans even without the federal statute as an invidious discrimination violating the equal voting clause had it proceeded to face this question in the *Cardona* case. The voting age question, on the other hand, presents no factor of this kind. On the contrary, state voting age limits have a long unbroken history, they deal with a qualification which does not enter into the sensitive area of race, nationality, ethnic affiliations or economic status, they present no distinctive aspects related to matters of federal authority and concern and, indeed, the authority of the state to fix an age limit is confirmed in the very language of Section 2 of the Fourteenth Amendment. Here the factors are so heavily weighted in favor of the state power and the basis for Congressional intrusion into this area is so tenuous, that I cannot regard *Morgan* as determinative of the constitutional issue raised by this proposed legislation.

*Morgan* as literally construed opens up vast potentials of expanded Congressional power in the name of enforcement of the equal protection clause to intrude upon state legislative power and to substitute for it legislation which Congress deems more desirable. Virtually every state statute embodies a series of classifications. Take, for instance, a state income tax law. Such a law is full of classifications relating to such matters as rates, exemptions, etc. If Congress may at will invalidate classifications it finds unsatisfactory or undesirable by stamping them as arbitrary, and in turn to substitute its own notion of suitable policy, the way is open for Congress to assume the role of super-legislature for the states. It could then prescribe the permissible classifications in a state income tax and thereby in effect rewrite the state's law.

*Morgan* requires further critical study and examination by the Court before its implications can be fully determined. The fact that two justices dissented and the intervening change in Court personnel indicate the likelihood of such a critical reexamination. But apart from this, the question of the power of Congress to prescribe a universal voting age limit involves consideration totally different from the question presented in *Morgan*. For the Court to uphold this proposed legislation would require a considerable stretch of the judicial tolerance of Congressional legislation manifest in *Morgan*.

In summary then it is my opinion that substantial grounds support the conclusion that the proposed Congressional legislation fixing a universal voting age limit of 18 years is unconstitutional on its face as an intrusion by Congress into an area of admitted state authority. The holding and the opinion in *Morgan* do not furnish either compelling or even persuasive support for this legislation. Indeed, the legislation fliest in the very face of the constitutional text. Certainly, at the very least the proposed legislation raises very serious and substantial constitutional questions not foreclosed by the *Morgan* decision.

If Congress is satisfied that it is desirable national policy to establish a universal voting age limit of eighteen years, the way is open to achieve this result through the process of constitutional amendment. It seems to me far preferable for Congress to deal with the matter in this way rather than enact legislation which raises serious constitutional issues and would engender all the uncertainty and confusion arising from constitutionally suspect legislation.

I remain,

Respectfully yours,

PAUL G. KAUPER.

PENNSYLVANIA

UNIVERSITY OF PENNSYLVANIA,
*Philadelphia, Pa., April 9, 1970.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR KENNEDY: Your letter of March 18th and the enclosure anent the voting age reached me a few days ago.

I do not agree that Congress has authority to establish an eighteen-year voting age for all elections—Federal, State and local. The equal protection argument, tied to the implementation clause of the Fourteenth Amendment, is quite attenuated. It is totally unhistorical and proceeds on some vague notion that the spirit of equal protection is violated by a higher voting age. As some of my Yale confreres have noted, moreover, Section 2 of the Fourteenth Amendment, which was ignored by the majority in the one-man, one-vote cases, provides a sanction for denial or abridgement of the right to vote of males over twenty-one years of age. Surely, this must be read with Section 1 of the Amendment for present purposes. For me, it destroys the equal protection argument.

Sincerely,

JEFFERSON B. FORDHAM.

## MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 780) to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes, and it was signed by the Acting President pro tempore (Mr. ALLEN).

## COMMUNICATION FROM THE PRESIDENT—PROPOSED SUPPLEMENTAL APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA, FISCAL YEAR 1970 (S. DOC. NO. 91–82)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate a communication from the President of the United States, transmitting proposed supplemental appropriations for the District of Columbia for the fiscal year 1970 (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

## PETITION

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate a concurrent resolution of the Legislature of the State of New York, which was referred to the Committee on Labor and Public Welfare, as follows:

RESOLUTION NO. 177

Concurrent resolution memorializing Congress to amend the Federal Fair Labor Standards Act to increase to one dollar and eighty-five cents the hourly minimum wage

Whereas, It is a matter of the most serious concern to the Legislature of the State of New York that many thousands of citizens of this State are paid only the minimum wage of one dollar and sixty cents per hour, an amount which is insufficient to maintain an adequate standard of living; and

Whereas, The steady increase in the cost of living since the last minimum wage adjustment makes it necessary to increase the basic rate now if the State is to continue to meet its responsibilities to its working men and women; and

Whereas, It is the desire of the Legislature to amend the appropriate provisions of New York's Labor Law to increase the minimum hourly wage of persons covered thereby to one dollar and eighty-five cents; and

Whereas, It is imperative that the Federal Fair Labor Standards Act be promptly amended to increase the hourly minimum wage rate thereunder to one dollar eighty-five cents per hour in order that wage-earners throughout the country be adequately protected so that they may maintain an adequate standard of living; now, therefore, be it

Resolved (if the Senate concur), That the Congress of the United States be, and it hereby is, respectfully requested with all convenient speed to amend the Fair Labor Standards Act by increasing to one dollar and eighty-five cents the hourly minimum wage thereby prescribed; and be it further

Resolved (if the Senate concur), That copies of this resolution be transmitted to the Secretary of the Senate and Clerk of the House of Representatives of the Congress of the United States, and to each member thereof from the State of New York, and that the latter be urged to devote themselves to the task of accomplishing the purpose of this resolution.

By order of the Assembly,

DONALD A. CAMPBELL,
*Clerk.*

Concurred in, without amendment, by order of the Senate.

ALBERT J. ABRAMS,
*Secretary.*

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JORDAN of North Carolina, from the Committee on Public Works, without amendment:

S. 3594. A bill to authorize the acquisition of certain property in square 724 in the District of Columbia for the purpose of extension of the site of the additional office building for the United States Senate or for the purpose of addition to the United States Capitol Grounds (Rept. No. 91–877).

By Mr. EASTLAND from the Committee on the Judiciary, with amendments:

H.R. 4204. An act to amend section 6 of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict (Rept. No. 91–878).

## EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of nominations were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

Horton Guyford Stever, of Pennsylvania, Herbert E. Carter, of Illinois, Robert Alan Charpie, of Massachusetts, Lloyd Miller Cooke, of Illinois, Robert Henry Dicke, of New Jersey, David Murray Gates, of Missouri, Robert W. Heyns, of California, Frank Press, of Massachusetts, and Frederick P. Thieme, of Colorado, to be members of the National Science Board, National Science Foundation.

## BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

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By Mr. BYRD of Virginia:

S. 3847. A bill for the relief of Tasia Tsaroucha; to the Committee on the Judiciary.

By Mr. YARBOROUGH (for himself and Mr. Tower):

S. 3848. A bill to provide additional assistance to the State of Texas for the reconstruction of areas damaged by tornadoes occurring on April 17 and 18 and May 11, 1970; to the Committee on Public Works.

(The remarks of Mr. Yarborough when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. MURPHY:

S. 3849. A bill to amend section 8e of the Agricultural Marketing Agreement Act of 1937 so as to make the provisions of such section, relating to restrictions on imported commodities, applicable to strawberries; to the Committee on Agriculture and Forestry.

(The remarks of Mr. Murphy when he introduced the bill appear later in the Record under the appropriate heading).

## S. 3848—INTRODUCTION OF A BILL TO PROVIDE EMERGENCY RELIEF FOR 11 TEXAS COUNTIES AFFECTED BY THE LUBBOCK AND PLAINVIEW TORNADOES

Mr. YARBOROUGH. Mr. President, I introduce for myself and Senator Tower, for appropriate reference, a bill which would provide specific emergency relief to the areas devastated by the Lubbock tornado of May 11, 1970, and the Plainview tornadoes of April 17 and 18, 1970.

My bill, which would provide special emergency disaster relief, is patterned on the bill S. 2853, introduced by Senators Eastland, Stennis, Long, Ellender, Randolph, Byrd of West Virginia, Byrd of Virginia, Spong, Allen, and Sparkman, for assistance to the victims of Hurricane Camille and the Omnibus Disaster Assistance Act, S. 3619. My bill's principal features are:

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First, authorization to the SBA to cancel up to $5,000 of any loan made under the disaster loan program for repairing and rebuilding damaged homes;

Second, authorization to the Farmers Home Administration to cancel up to $5,000 of a loan for the purpose of rebuilding or repairing agricultural property;

Third, special temporary housing provisions which would provide up to 12 months of relief; and

Fourth, authorization to the Secretary of Commerce to make direct grants of money to the cities and political subdivisions in the affected areas in amounts equal to tax or bond obligations outstanding at the time of the tornado which now cannot be met because of the disaster; and

Sections 4(b) (1) and (2) of my bill are directed at assisting the Mexican Americans and other low-income citizens of Lubbock in retaining their homes by authorizing the SBA to make loans to refinance any mortgage and other liens on these people's property and for payment of the installments on obligations of contracts of sales, and leases. To qualify for these loans, all that would be necessary is that the individual be in financial difficulty as a result of the disaster. No application for this relief would be denied because of insufficient proof unless the SBA made written fact findings that the cause of the individual's financial difficulty was not related to the tornadoes. These provisions will help these people to retain their homes and preserve their community.

The tornado which struck the city of Lubbock on May 11, 1970, at 9:45 p.m. was of tremendous force. This prosperous agricultural and commercial center had less than 2 minutes warning of the approach of this tornado. The tornado touched ground and destroyed an area approximately 8 miles in length and 1 or 2 miles in width. Heavy damage was suffered in the central business district, in the airport area, and in some residential subdivisions. There are no words that can accurately describe the devastation that was done to this city.

According to present estimates, there are 23 known dead and approximately 10,000 people homeless as a result of this storm in Lubbock, Tex. The number of injured has reached approximately 500 with more being reported daily. Unofficial estimates report the following with regard to property damage: dwellings destroyed, 460; dwellings with major damage, 489; dwellings with minor damage, 764; trailers destroyed, 80; trailers with minor damages, 30; and small businesses destroyed, 250.

These tragic statistics continue to rise as more damage is reported. It is estimated that at least 10 percent of the city's tax base has been destroyed.

I have just returned from a tour of the devastation in Lubbock, and I am sad to report it is one of the worst natural disasters that I have ever seen. The problems confronting the people of the area cry out for fast and effective remedies. Local, State, and Federal authorities are on the scene and are doing what they can within the limitation of the law. Unfortunately, our present disaster laws do not afford the means to do all that should be done in natural disasters of this magnitude.

From my visit, I discovered that the most difficult problem in the hours after the tornado struck was communication. Local authorities did the best that they could to try to obtain relief for the people in the devastated areas of this city. Unfortunately because of lack of communication, it is reported that some injured people were unable to find hospitals and clinics that could treat them. The local authorities supported by State and Federal representatives are working hard to treat the injured and the sick. However, confusion still exists and reports as late as Thursday indicate that some people are having difficulty in obtaining medical treatment. These problems are not the fault of the officials and health specialists that are working in this area. They are doing all they can under very limited and trying circumstances. The source of the problem is lack of effective emergency disaster legislation which would bring emergency teams into an area quickly to establish communication and transportation systems which would get people to treatment centers.

One of the most tragic features of this terrible picture of destruction is the devastation of the Guadalupe section of Lubbock. This area is the historic Mexican-American barrio of the city of Lubbock, which is the home of the majority of the Mexican-American citizens of this city.

The majority of these people are in lower income or poverty brackets and many of them cannot speak English. The tornado took no pity on these people and destroyed a large portion of their community. Because of the language difficulties, these people were probably the most confused and bewildered of any group in Lubbock.

I wish to commend the splendid efforts of the American Red Cross, the Seventh Day Adventists, stuednts from Texas Technological University, and other religious and civic groups which have moved into the Guadalupe area and are feeding and clothing these people. Their work has been excellent, and they deserve the highest praise.

The principal problem that the people of this area now face is housing. Many of their homes have been partially or completely destroyed and they are forced to live in churches, with neighbors, and in the city's coliseum. It is imperative that the Federal Housing Administration move quickly to settle these people into temporary housing which is available in the area. Temporary housing, however, is not the solution to the problem. It is present Public Law 91–79, which was only a temporary remedy. These people must have Federal assistance in rebuilding and repairing their homes. The present law is not sufficient to meet the needs created by a disaster of this nature. The present Public Law 91–79, which was passed after Hurricane Camille, allows only $1,800 on SBA loan to repair and rebuild a home to be canceled. This amount is totally unrealistic in view of the cost of home repairs today. Furthermore this bill fails to provide for loans to people for the purpose of making their house payments or paying their rent while they are unemployed or in financial difficulty as a result of this disaster.

The most recent amendments to the natural disaster relief law, contained in Public Law 91–79, which were passed after the Hurricane Camille disaster, are not broad enough to provide the relief that is needed as a result of these disasters. New laws must be enacted to fill and expand this gap. Presently pending before the Public Works Committee is S. 3619, the Omnibus Disaster Assistance Act. This bill which was introduced by Senator Bayh and which I am cosponsoring, would greatly improve our capability to deal with disasters of the magnitude of Hurricane Camille and the Lubbock and Plainview tornadoes. I support this measure fully and urge Congress to act quickly on it.

So that my colleagues may have the benefit of the news report on the Lubbock tornado, I ask unanimous consent that newspaper stories from the Washington Post, Wednesday, May 13, 1970, entitled "Lubbock Left 'A Dead City' by Tornado"; the New York Times, Wednesday, May 13, 1970, entitled "Lubbock Tornado Kills 20, Destroys Buildings and Derails a Train"; and the Washington Evening Star, Tuesday, May 12, 1970, entitled "Texas Tornado Toll Placed at 19 to 26" be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 13, 1970]

### LUBBOCK LEFT "A DEAD CITY" BY TORNADO

LUBBOCK, TEX., May 12—A nighttime tornado that struck again and again along an eight-mile path of death and destruction in this west Texas town, left 20 dead, as many as 1,200 injured and another 10,000 homeless today.

"Lubbock at this time is a dead city," said Mayor Jim Granberry, elected only three weeks ago. "The destruction is so extensive it defies the imagination."

The twister tore large chunks of concrete and marble from the 21-story Great Plains Life building and a huge gash was ripped through the bricks about halfway up. Police feared for a time it would topple or collapse.

A bus was smashed broadside into another building. Entire rows of warehouses became twisted masses of metal.

The First National Bank Building "looked like somebody had been shooting at it with cannon," an observer said.

Larry Teaver, aide to Gov. Preston Smith, told his office: "I've never seen anything with the force equal to this thing . . . One place a boxcar was blown through a grain storage elevator . . . Through the area known as Little Mexico there were about 600 homes, mostly of wood construction, and that is almost flat now, just piles of rubble . . . There's got to be more dead found . . . there are so many homeless, thousands and thousands."

Looting began before the winds died, said one policeman, and 300 National Guardsmen and 45 highway patrol units moved in quickly to patrol and direct traffic away from the city.

The flimsy homes of Little Mexico were not the only ones to suffer extreme damage. Half a dozen homes in the $200,000 class were demolished with their debris scattered over the greens and fairways of the nearby Lubbock Country Club.

More than 100 airplanes at the city airport were damaged or destroyed and two motels on the road to the airport were wiped out.

The Texas Insurance Advisory Association and preliminary surveys at the scene indicated at least $100 million in property damage. The Small Business Administration declared Lubbock, a city of 170,000, a disaster area.

It was the worst tornado in Texas since a twister reeled out of a thunderstorm in 1953 and killed 114 persons at Waco on the same date—May 11.

Lt. Gov. Ben Barnes, serving as acting governor in the absence of Smith, who was vacationing in Switzerland, toured the city today with other officials shortly after dawn.

The lieutenant governor inspected the city from a helicopter and said the area of damage was a mile wide and 8 miles long. Four hundred blocks suffered some destruction, with 100 blocks severely hit, he reported.

The dead included one family—Kenneth and Mary Jean Medlin and their two children, Alan Ray, 5, and Dusty, 18 months. Their home was destroyed.

Smiley Wilson Junior High School was turned into a morgue. Bodies were put in rubber bags, tagged and numbered, and lined up in the school gymnasium.

A large, round clock in the gymnasium stood silent and still with its two black hands at 9:27—the time the tornado struck Monday night.

Methodist Hospital kept track of the injured until the figure reached 302, then nurses ran out of medical forms. But they went on treating cuts, bruises and broken bones.

The downtown area was demolished. Fourth Street—a main thoroughfare lined with shops and plants—was stripped to the foundation. Not a building was left standing.

As one survivor described it:

"I told my mother it was a train coming and then my mother said it was not a train—it was the wind. We put the table over the head of the kids and then they (debris) hit me in the back and then I didn't see for a little while. It was real dark and then my babies started crying."

Oliva Gonzalez and her nine children fled to safety in a nearby storm cellar. The tornado demolished her house.

At Texas Tech, all light poles on the east side of Jones Stadium were blown down and there was doubt whether the stadium could be used for the Coaches All-America college football game on June 27.

Dr. Grover E. Murray, Texas Tech president, opened two large dormitories that had been closed for summer vacation to those left homeless.

Texans also gave shelter to the homeless at Amarillo, Big Spring, Midland, Odessa and smaller towns nearby.

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[From the Washington Evening Star, May 12, 1970]

### TEXAS TORNADO TOLL PLACED AT 19 TO 26

LUBBOCK, TEX.—A tornado so powerful it ripped chunks of concrete from buildings has turned this city of 170,000 into a disaster area, with death estimates today ranging from 19 to 26.

State authorities counted 19 bodies, while newspaper and radio surveys reached a total of 26. Texas Safety Department officers said some dead may still be under debris.

Authorities said 300 or more suffered injuries when the tornado struck just before 10 o'clock last night. Property damage was estimated in the millions.

"There is no doubt in anybody's mind around here," said a veteran newsman, "that it is one of the biggest and most prolonged tornadoes ever to strike Texas."

#### AREA IS SEALED OFF

All persons except rescue workers were kept out of the downtown area. The National Guard called out 300 men, including a medical unit. The State Safety Department sent 45 units. The Red Cross dispatched six disaster teams with 10 mobile vans.

Cars lay flattened to within two or three feet of the pavement. A bus was slammed broadside into a building. The ground floor of the Lubbock Avalanche-Journal was awash from a cloudburst which came with the twister.

The width of the destruction was the greatest from any tornado observers could remember.

The storm left a path of destruction eight miles long.

It was several hours after the tornado struck before state and city police could find time to begin searching the wreckage.

#### STORE FRONTS BLOWN OUT

Damage centered in the downtown area, where virtually all store fronts were blown out and a policeman said, "Looting started before the wind died down." Police patrolled the streets to curb further thefts.

Beverly Williams, a housewife, said her first warning of the tornado came when "I heard a tremendous whomp." She and a neighbor piled mattresses on top of themselves and waited out the storm.

Mrs. Williams said, "A neighbor woman kept yelling 'Oh, God, we're going to die!' and I just tried to calm her down. I was scared, but I never thought I was going to die."

After a brief lull, she said the wind began kicking up again.

"This time we climbed into the bathtub, but the second tornado never came."

A. W. Voight, executive director of the American Red Cross in Lubbock, said, "Official reports are virtually nonexistent.

"We have no estimate of the number of homes or buildings destroyed because our efforts have been aimed at rescue and relief work.

"We have one shelter open and we have people going into our municipal coliseum."

The twister tore concrete chunks off skyscrapers and whipped broken glass through the streets, causing many injuries.

Electrical power went out. Southwestern Bell Telephone Co. rushed 300 men into the area to restore service on 35,000 telephones.

Mayor James Granberry described the damage as "massive, just massive."

Hospitals were quickly jammed with the injured and two of the city's largest had to turn patients away after filling corridors with beds and cots for those who arrived earlier.

Near 19,000-student Texas Technological College two apartment buildings were shattered. Injured, many bleeding from facial wounds, lined the streets waiting for help. A big brick wall at the college blew down, demolishing a number of parked cars.

Damage was heavy and injuries numerous in the Mexican-American section of the city, where buildings generally were of flimsy construction.

"We are trying to set up some sort of evacuation system for the injured," Granberry said. "I guess we'll try to get them into Midland-Odessa area to the south and Amarillo to the north."

The wind tore great sections of concrete siding from the 15-story First National Bank building and the Pioneer Natural Gas building in the downtown section, leaving both virtually windowless.

Also damaged heavily was the Lubbock Avalanche-Journal plant.

Jay Harris, managing editor of the newspaper, said a second story wall of a major addition just completed at the Avalanche-Journal building was blown away—"destroyed in seconds."

"I heard it coming," Harris said, "I was talking on another matter to the AP in New York. The noise came in a rising crescendo and reached such a pitch that you could hear nothing else.

"Then all the lights went out.

"Winds along each side of the funnel and following it were clocked at more than 100 miles per hour.

"It looks like somebody has been shooting at the First National building with cannons."

Braniff International said it had canceled flights into the Lubbock airport because the control tower was destroyed.

The Smiley Elementary School was turned into a temporary morgue.

Several city water pumping stations were knocked out and during the early morning hours officials declared a water emergency, advising that it be used only for drinking and cooking.

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[From the New York Times, May 13, 1970]

### LUBBOCK TORNADO KILLS 20, DESTROYS BUILDING AND DERAILS A TRAIN

(By Martin Waldron)

LUBBOCK, TEX., May 12.—The storm that devastated much of downtown Lubbock on the South Texas plains last night was so powerful that it blew a freight train off its track and left a 21-story downtown office building gashed, its supports weakened.

The tornado was more than a mile wide and had hurricane force winds extending three miles to the east.

Officials said that 20 persons died and more than 300 were seriously injured by the storm that dipped down into the center of town and rumbled across the north side, smashing homes, stores, motels, automobiles—everything in its path.

At the airport, north of town, scores of privately owned planes were twisted together and destroyed by the wind, estimated un-

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officially at more than 200 miles an hour. The airport was closed to traffic and the field tower was destroyed.

"I have been covering tornadoes in this area for 30 years," said Jay Harris, the executive editor of The Lubbock Avalanche-Journal. "I've never seen anything like this."

### NEWSPAPER DAMAGED

Mr. Harris was in his office when the tornado hit at 9:47 P.M. The newspaper building was in the storm's path and was badly damaged, a portion of it falling onto a truck in which a driver was taking a nap.

"The tornado lasted several minutes, and the wind after it blew at hurricane force for five to 10 minutes," Mr. Harris said. "I walked from one side of the building to the other and watched the debris flying through the air."

The editor noted an eerie addition to the thunder and lightning that accompanied the tornado. "In this lot across the street, an automobile dealer has a bunch of new Fords, and the lightning caused a short circuit in the cars and their lights began to blink off and on and their horns started blowing in all that wind," Mr. Harris said.

The storm pelted the area with golf-ball-sized hail and several inches of rain.

Lieut. Gov. Ben Barnes, who flew to Lubbock to direct emergency rescue operations, estimated the damage at $25-million to $30-million. But State Senator H. J. Blanchard, who was bruised when a chair hit him in the back at the Lubbock Club on the 14th floor of the First National Bank Building, said that there was at least $100-million in damages.

Marble veneer on the outside of the bank building was peeled away by the wind, as were bricks on the outside of the 21-story Great Plains Life Building, Lubbock's tallest structure. The Great Plains building and the Pioneer Hotel across the street were evacuated and declared to be too dangerous for occupation.

Some officials expressed concern that the Great Plains building, which was bowed on one side by the wind, might collapse. Windows and walls on the southwest corner were blown away.

National Guardsmen and state highway patrolmen joined the local police in guarding the downtown area. There were reports of minor looting.

The damage to Lubbock was so extensive that many spectators could not believe that only 20 persons were killed.

"I couldn't believe what I saw," said Representative George H. Mahon, chairman of the House Appropriations Committee. Mr. Mahon, who lives in Lubbock, flew from Washington to survey damage and to lend his influence to get President Nixon to declare the vicinity a major disaster area so that it would qualify for low-cost Government loans.

### COMPARED TO BOMBED CITY

Senator John G. Tower, who compared the downtown section of Lubbock to a Japanese city he had seen bombed after World War II, said that he could not believe the death toll was no higher than it was. He said that the sheets of tin and other metal, that were flung as far as a mile by the howling wind could easily have decapitated a person.

The death and injury toll was held down because many of the 170,000 residents of Lubbock took shelter in storm cellars.

"I didn't know there was a tornado," said Mrs. Katheren Chaney, whose modest frame home was in the path of the storm near the airport. "I guess the good Lord was with me, because something told me to go to the cellar."

She said she gathered her eight children together and took refuge. Her husband, a truck driver, was not at home.

Mrs. Chaney said the storm, which caused heavy damage to the airport facilities as it passed her house, sounded like "a bunch of freight trains."

The tornado formed out of thunderstorms that began building late in the afternoon along a wind sheer line between masses of air flowing from the southeast and the southwest.

### BEGAN BUILDING UP

"It was hot and pretty yesterday afternoon," said a Lubbock Patrolman, Mitch Blount. "But it began building up in the late afternoon and about seven o'clock it began thundering and lightning."

By nine o'clock, the clouds, lit from behind by the setting sun, glowed green and blue-black.

"At first there was hail, and then came this wind and then came the water," said Patrolman Blount. "It was a regular cloudburst. It was a lake here in the downtown section."

Patrolman Blount said that the Santa Fe freight train blown off the tracks by the wind had a crew of "eight or ten," all of whom were injured.

On Highway 87, north of Lubbock, a row of motels were splintered by the tornado that stayed on the ground about six miles.

The second floor of the new Ramada Inn was blown away and 20 cars and one truck in the parking lot were destroyed. Patrolmen moved mattresses and furniture from the highway this morning to open it to traffic.

Block after block of shanties in the Mexican-American section of Lubbock were leveled.

"I honest-to-God don't know why hundreds of them weren't killed," a woman said, staring out over the debris where dazed men and women were poking through rubble. Officials said only four persons were killed in the Mexican-American section where hundreds of families were left homeless.

A half dozen agencies set up refugee shelters to take care of the homeless.

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that the bill I have introduced today be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Cranston). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3848) to provide additional assistance to the State of Texas for the reconstruction of areas damaged by tornadoes occurring on April 17 and 18 and May 11, 1970, introduced by Mr. Yarborough (for himself and Mr. Tower), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the Record, as follows:

### S. 3848

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress hereby recognizes that the State of Texas suffered extensive property loss and damage as a result of tornadoes occurring on April 17 and 18 and May 11, 1970, including loss and damage from wind and flooding caused by such tornadoes, and that there is a need for special measures designed to aid these States in their efforts to reconstruct highways and public works projects, and to otherwise rehabilitate these devastated areas.

Sec. 2. (a) As used in this Act, the term "major disaster" means a major disaster as determined by the President pursuant to the Act entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", approved September 30, 1950, as amended (42 U.S.C. 1855–1855g).

(b) The provisions of this Act shall apply only to those areas of the State of Texas covered by the President's proclamation of May 13, 1970, that a major disaster resulted from the tornadoes which struck certain areas within the State of Texas on April 17 and 18, and May 11, 1970.

Sec. 3. Notwithstanding any other provision of law, trailers provided as temporary housing for persons whose dwellings were destroyed by such tornadoes, including, but not limited to, destruction by flood, high waters, wind-driven waters, and high wind, under section 3(d) of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" as amended (42 U.S.C. 1855b), may be sold directly to the persons who are the occupants thereof at prices that are fair and equitable.

Sec. 4. (a) In the administration of the disaster loan program under section 7(b)(1) of the Small Business Act, as amended (15 U.S.C. 636(b)(1)), the Small Business Administration, in the case of loans to assist persons suffering property loss or damage in the State of Texas as the result of such tornadoes, and to the extent such loss is not compensated for by insurance or otherwise, shall—

(1) on that part of the Federal share of any such loan in excess of $500 and, (A) cancel up to $5,000 of the loan, and (B) waive interest due on the loan in a total amount of not more than $5,000 over a period of not to exceed four years;

(2) make such loans without regard to any limitation on the maximum amount of the Small Business Administration's share or guaranteed percentage of any disaster loan established by regulation or otherwise; and

(3) in the administration of the disaster loan program under section 7(b) of the Small Business Act, as amended, the Administrator if he determines that such action is necessary to avoid severe financial hardship may in the case of the total destruction or major property damage of a home or business concern refinance any mortgage or other liens outstanding against the destroyed or damaged property if such refinancing is for the repair, rehabilitation, or replacement of property damaged or destroyed as the result of a disaster meeting the requirements of clause (A) or (B) of paragraph (2) of this subsection, without regard to whether (A) the required financial assistance is otherwise available from private sources, or (B) such person has personal or business assets which could be used to alleviate the loss or damage sustained.

(b) (1) In the administration of the disaster loan program under section 7(b) of the Small Business Act, as amended (15 U.S.C. 636(b)), the Small Business Administration, if necessary to prevent the dispossession or eviction of any person from his residence as a result of the foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, oral or written, of the property which is such person's residence, and if such foreclosure, cancellation, or termination is related to circumstances arising out of the effects of such tornadoes, shall make such loans for the refinancing of such mortgages or liens and for the payment of installments on such contracts and leases, under the terms and conditions set forth in such section of the Small Business Act as modified by subsection (a) of this section.

(2) No application for a loan under this subsection which states that such loan is made necessary by circumstances arising out of the effects of such tornadoes shall be denied for insufficiency of proof of such statement unless the Small Business Administration finds, and sets forth its findings in

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writing, that such loan is made necessary by circumstances not related to the effects of such tornadoes.

(c) In the administration of the disaster loan program under sections 7(b)(1) and 7(f) of the Small Business Act, as amended (15 U.S.C. 636(b)(1) and (f)) the Small Business Administration may accept applications from, and make loans to, a privately owned school which suffered damage from such tornadoes, on the same terms and conditions as are applicable under such section to a privately owned college or university.

(d) No application for a loan under section 7(b)(2) of the Small Business Act, as amended (15 U.S.C. 636(b)(2))—

(1) filed with the Small Business Administration by a small business concern which has suffered substantial economic injury and is located in an area in which there was suffered property loss or damage in the State of Texas as the result of such tornadoes; and

(2) stating that such injury was the result of such tornadoes;

shall be denied for insufficiency of proof that such injury was the result of such tornadoes; unless the Small Business Administration finds, and sets forth its findings in writing, that such injury resulted from causes other than such tornadoes.

SEC. 7. In the administration of the emergency loan program under subtitle C of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1961–67), in the case of property loss or damage in the State of Texas resulting from such tornadoes, or uninsurable crop loss due to such tornadoes, the Secretary of Agriculture shall, to the extent such loss or damage is not compensated for by insurance or otherwise, that part of any loan in excess of $500, (1) cancel up to $5,000 of the loan, and (2) waive interest due on the loan in a total amount of not more than $5,000 over a period not to exceed four years.

SEC. 8. (a) In the administration of the disaster loan program under section 7(b) of the Small Business Act, any application for a loan thereunder may be granted, if such loan is for the repair, rehabilitation, or replacement of property damaged or destroyed as the result of a major disaster, without regard to whether the required financial assistance is otherwise available from private sources.

(b) In the administration of subtitle III of the Consolidated Farmers Home Administration Act of 1961, relating to emergency loans, any application for a loan thereunder may be granted, if such loan is for the repair, rehabilitation, or replacement of property damaged or destroyed as the result of a major disaster, without regard to whether the Secretary of Agriculture finds that the required financial assistance can be met by private, cooperative, or other responsible sources (including loans the Secretary of Agriculture is authorized to make or insure under any other provision of law).

SEC. 5 (a) The Director of the Office of Emergency Preparedness is authorized—

(1) upon application, to make payments to any person in reimbursement of expenses not otherwise compensated, which were incurred by such person in the removal of debris deposited on privately owned lands as the result of such tornadoes; and

(2) to provide by contract for the removal, at the request of the landowner, of debris deposited on privately owned lands as the result of such tornadoes.

(b) In the awarding of contracts under this section, preference shall be given to those persons who reside or do business primarily in the locality in which the debris is to be removed. If time is of the essence competitive bidding may be waived by the Office of Emergency Preparedness.

(c) As used in this section, the term "person" includes an individual, corporation, association, firm, organization, or local public body.

SEC. 6. Upon application by any political subdivision of the State of Texas, the Secretary of Commerce is authorized to make direct grants of money to such political subdivision in amounts equal to the tax or bond obligations outstanding at the time of such tornadoes, upon a showing, to the satisfaction of the Secretary of Commerce, that such obligations cannot be met due to damage or destruction, resulting from such tornadoes, of the revenue sources for meeting such obligations.

SEC. 7. (a) The President is authorized to provide dwelling accommodations for any individual or family whenever he determines—

(1) that such individual or family occupied a house (as an owner or tenant) which was destroyed, or damaged to such an extent that it is uninhabitable, as the result of such tornadoes; and

(2) that such action is necessary to avoid severe hardship on the part of such individual or family; and

(3) that such owner or tenant cannot otherwise provide suitable dwelling accommodations for himself and/or his family.

(b) Such dwelling accommodations, including mobile homes, as may be necessary to meet the need, shall be provided through acquisition, acquisition and rehabilitation, or lease. Dwelling accommodations in such housing shall be made available to any such individual or family for such period as may be necessary to enable the individual or family to find other decent, safe, and sanitary housing which is within his or its ability to finance. Rentals shall be established for such accommodations, under such rules and regulations as the President may prescribe and shall take into consideration the financial ability of the occupant. In cases of financial hardship, rentals may be comprised or adjusted for a period not to exceed twelve months, but in no case shall any such individual or family be required to incur a monthly housing expense (including any fixed expense relating to the amortization of debt owing on a house destroyed or damaged in a disaster) which is in excess of 25 per centum of the individual's or family's monthly income.

(c) In the performance of, and with respect to, the powers and duties conferred upon him by this section, the President may—

(1) prescribe such rules and regulations as he deems necessary to carry out the purposes of this section;

(2) exercise such powers and duties either directly or through such Federal agency or agencies as he may designate;

(3) sell or exchange at public or private sale, or lease, any real property acquired or constructed under this section;

(4) obtain insurance against loss in connection with any such real property;

(5) enter into agreements to pay annual sums in lieu of taxes to the State of Texas or any local taxing authority thereof with respect to any such real property; and

(6) include in any contract or instrument made pursuant to this section, such conditions and provisions as he deems necessary to assure that the purposes of this section will be achieved.

SEC. 8. (a) If the President determines that, as a result of such tornadoes, low-income households are unable to purchase adequate amounts of nutritious food, he is authorized, under such terms and conditions as he may prescribe, to distribute through the Secretary of Agriculture coupon allotments to such households pursuant to provisions of the Food Stamp Act of 1964 or as said Act may be amended and to make surplus commodities available pursuant to the provisions of section 3 of Public Law 875 of the Eighty-first Congress.

(b) The President is authorized to continue through the Secretary of Agriculture to make such coupon allotments and surplus commodities available to such households so long as he determines necessary, taking into consideration such factors as he deems appropriate, including the consequences of the major disaster on the earning power of the households to which assistance is made available under this section.

(c) Nothing in this section shall be constructed as amending or otherwise changing the provisions of the Food Stamp Act of 1964 except as it relates to a Presidential determination regarding availability of food stamps under the provisions of this Act.

SEC. 9. The President is authorized to provide to individuals unemployed as a result of such tornadoes such assistance as he deems appropriate while they are unemployed. No individual who is receiving unemployment compensation or the proceeds of private income protection insurance shall be eligible for such assistance. Such assistance as the President shall provide shall not exceed the amount and the duration of payments under the unemployment compensation program of the State of Texas.

SEC. 10. The President is authorized to make grants to the State of Texas or any political subdivision thereof for the purpose of lake clearance in cases where, as a result of such tornadoes, any lake has been contaminated by debris which has created conditions hazardous to health and safety.

SEC. 11. This Act shall not be in effect after January 1, 1971, except with respect to payment of expenditures for obligations and commitments entered into under this Act on or before such date.

SEC. 12. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

## S. 3849—INTRODUCTION OF A BILL TO AMEND THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937

**Mr. MURPHY.** Mr. President, I introduce a bill to amend the Agricultural Marketing Act of 1937 to permit the inclusion of imported strawberries under any marketing order regulating strawberry grade, size, quality, and maturity.

Strawberries grown in California now are subject to a marketing order under a California State law. This order proscribes certain standards for size and quality and, naturally, compliance with these standards increases the farmer's cost of production. Under the State statute, these standards cannot be imposed upon imported strawberries. As a result, lower quality imports selling at a lesser price are depressing the market in California. For example, the 1970 season opening price for domestic strawberries was $4.50 per 12-pint crate while lower quality imported strawberries were selling for $2.50 per 12-pint crate. In 1969, imports were 1,779 carload equivalents. This year, imports to date were in excess of 2,000 carload equivalents and heavier importation is anticipated for 1971. As a result, I am introducing this amendment that will not prohibit importation of strawberries, but only require that those imported are of equal grade, size, quality, and maturity as those marketed under marketing orders adopted pursuant to the Agricultural Marketing Act of 1937. This amendment will protect the consumer's right to expect a high-quality product, while at the same time allowing for competition for the consumer's dollar.

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I ask unanimous consent that the bill be printed in full at this point in the RECORD.

The PRESIDING OFFICER (Mr. DOLE). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3849) to amend section 8e of the Agricultural Marketing Agreement Act of 1937 so as to make the provisions of such section, relating to restrictions on imported commodities applicable to strawberries, introduced by Mr. MURPHY, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 3849

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the first sentence of section 8e of the Agricultural Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by inserting "strawberries," immediately before "tomatoes".

## SENATE CONCURRENT RESOLUTION 67—SUBMISSION OF A CONCURRENT RESOLUTION TO PROVIDE FOR THE DESIGNATION OF NATIONAL HALIBUT WEEK

Mr. BYRD of West Virginia (for Mr. MAGNUSON) submitted a concurrent resolution (S. Con. Res. 67) to provide for the designation of National Halibut Week, which was referred to the Committee on the Judiciary.

(The remarks of Mr. BYRD of West Virginia when he submitted the concurrent resolution appear later in the RECORD under the appropriate heading.)

## SENATE RESOLUTION 410—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO REDUCED AIR FARES FOR YOUTHS

Mr. STEVENS. Mr. President, several weeks ago I wrote to student body presidents all over Alaska asking for their comments about airline youth standby fares. The Civil Aeronautics Board is presently considering whether or not airlines will be permitted to continue discount fares for young people between 12 and 22 years of age. I wish to bring to the attention of my colleagues a positive, constructive example of American youth, in this case the youth of Alaska, effectively participating in an issue of vital concern to them.

My purpose for bringing this matter before the Senate is twofold. First, it is a bona fide issue of significant importance to youth. Second, by our cognizance of the matter we may illustrate to the young people of our Nation that they can be heard—they can accomplish their objectives—and their presence can be felt by us in Government through their exercise of legitimate procedure for redress.

Briefly, the background on this matter is that a circuit court of appeals ordered the Civil Aeronautics Board to consider a bus company's petition that youth discount rates are "unjustly discriminatory." The case was remanded to a board examiner who decided in favor of the petitioner. Upon review, the Board tentatively determined that discount rates for youth are not unjustly discriminatory and remanded the case back to the Examiner for further consideration and accumulation of evidence on other matters.

Since then, the Youth Standby Fares and other discount rates have been incorporated into the overall Domestic Passenger-Fare Investigation — Civil Aeronautics Board Docket 21866. As part of the overall investigation, the Civil Aeronautics Board will conduct hearings in June that will determine whether or not airlines may continue Youth Standby Fares.

Response from students in high school and college has been overwhelming. They have discussed the matters among themselves, with teachers and parents and have written letters to the CAB expressing their views. Many students have written to me and their letters have been answered and forwarded to the Board to be made part of the official record on this matter. In addition, the Senate Commerce Committee has received a substantial amount of mail supporting S. 1179. This bill, which I had the opportunity of cosponsoring with the senior Senator of Illinois (Senator PERCY), would provide a legislative basis for airlines to adopt youth discount rates if they desire. It would extend the privilege to military personnel, elderly people, and those who have physical handicaps.

Mr. President, youth standby fares normally represent about a 50-percent savings on airline tickets for young people between 12 and 22. Justification of this policy is best stated by the students themselves. Of course, there are too many letters to quote from each one, but I would like to share with my colleagues just a few of the insights these young people have provided me in this matter.

Mark Bear, a student of East Anchorage High School, points out that:

> Due to Alaska's unique position, the education of Alaskan students would suffer. Alaska does not have the different education facilities that are offered in the Lower 48. This losing of Student Standby Fares would make the cost of education to Alaskan students soar.

Linda Olsen, from Anchorage, plans to attend Pacific Lutheran University in Tacoma, Wash., next year. She offers the following thought:

> I would think that out of three students it would be better to have three flying student standby than one student flying full fare and two empty seats.

Sandy Huffnagle of West High School in Anchorage agrees and says:

> That empty seat on the airplane might as well seat a student at half fare than no one at all.

Here is what young Alaskan Macey Jo Winn says about the importance of youth standby fares:

> If these rates are taken away we will not be able to self-educate, we'll become the product of "Well, I heard" or "Well, I read"! Not, "Well, I know"! We are the ones who are going to run the world. Do you want the "I heard" or the "I read" to do it?

Peggy Webb noted that students who live in the lower 48 can drive or take a bus home for vacations or emergencies, but Alaskans must rely on air transportation. Speaking of the added expense of a full fare airline ticket, Miss Webb says:

> This money could mean a month of meals to a college student.

Thomas Briggs will be attending college 3,000 miles away from his home in Alaska. He writes of the discount fares:

> If they are abolished, I won't see my family again for at least five years. The effect on my family will be bad. The effect on my college performance will be bad.

Another Alaskan, Clark Silcox, says:

> To many, a lower travel fare means the opportunity to consider other colleges or universities outside the realm of the state boundary.

Jeffries Nickerson, writing from Klawock, Alaska, to the Senate Commerce Committee on S. 1179, notes students' expenses for books, lunch, clothes, and transportation. He writes:

> They have these expenses but only three months to get a job in which to earn hardly enough money for these expenses.

Janna Cooley from Anchorage wrote to tell us that only Youth Standby rates enabled her to participate in swimming meets in Fairbanks, Seattle, and Hawaii.

Denise Bousely of Metlakatla, Alaska, came to Washington, D.C., this year to attend the Presidential Classroom for Young Americans. Denise says of the student fare:

> If I did not go Standby, our town, which sponsored me, would not have been capable of sending me.

Finally, we have a plea from Chris Maas of Anchorage who wrote to ask:

> Please think before changing the student fares.

Mr. President, hundreds of young people have made known their views on this matter by letters and petitions to the Civil Aeronautics Board, the Senate Commerce Committee, my office and, I am sure, many other Senate offices. I am proud of these young people. They are activists in an issue of national significance.

The means they have chosen to accomplish their end are the logical and legitimate means our system provides. It is important that we respond by more than mere acknowledgment.

As the Civil Aeronautics Board convenes its hearings on Youth Standby Fares June 10, this body has the opportunity to support our young people by expressing itself on this matter. I am today submitting a resolution and ask that it be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. DOLE). The resolution will be received and appropriately referred; and, without objection, the resolution will be printed in the RECORD.

The resolution was referred to the Committee on Commerce, as follows:

S. Res. 410

*Resolved*, That it is the sense of the Senate that the regulations of the Civil Aeronautics Board authorizing air carriers to grant reduced air fares to youths are consistent with the purposes and provisions of the Federal Aviation Act of 1958.

## ADDITIONAL COSPONSOR OF A RESOLUTION

### SENATE RESOLUTION 409

Mr. PERCY. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. Mansfield) be added as a cosponsor of Senate Resolution 409, expressing the sense of the Senate regarding the combat use of U.S. Armed Forces as an instrumentality of foreign policy.

The PRESIDING OFFICER (Mr. Dole). Without objection, it is so ordered.

## OFFICE OF EDUCATION APPROPRIATIONS BILL, 1971—AMENDMENTS

### AMENDMENT NO. 632

Mr. KENNEDY submitted amendments, intended to be proposed by him, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, which were ordered to lie on the table and to be printed.

## JURISDICTION FOR THE U.S. DISTRICT COURT FOR THE DISTRICT OF ALASKA TO HEAR AND DETERMINE THE CLAIM OF THE STATE OF ALASKA FOR A REFUND OF A SUM PAID TO THE UNITED STATES FOR FIREFIGHTING SERVICES—AMENDMENT

### AMENDMENT NO. 633

Mr. STEVENS submitted an amendment, intended to be proposed by him, to the bill (S. 3258) to confer jurisdiction on the U.S. District Court for the District of Alaska to hear and determine the claim of the State of Alaska for a refund of a sum paid to the United States for firefighting services, which was referred to the Committee on the Judiciary and ordered to be printed.

## ADDITIONAL STATEMENTS OF SENATORS

## FACT OR FANCY: THE DEPARTMENT OF JUSTICE PREVENTIVE DETENTION STUDY AND THE DEPARTMENT OF JUSTICE PREVENTIVE DETENTION BILL

Mr. ERVIN. Mr. President, the controversy over preventive detention during the past 2 years has been unique in one respect at least. While there have been repeated claims of a pressing need for preventive detention, there has not yet been any accurate assessment of that need, much less proof that a crisis exists which justifies such an extraordinary departure from constitutional principles as preventive detention.

Some of the claims made on behalf of preventive detention have stressed particularly shocking instances of crimes committed by individuals on bail. Each time these incidents have been reported, they have produced dismay and anger among judges, police, lawmakers, and the public at large. I confess that I, too, share the dismay and anger that these reports evoke. From time to time I have personally investigated the worst of these reports. Very often, more often than not, I have found that the actual facts of these incidents do not amount to a case for preventive detention. All too often, the individual charged had been free on bail for many months while no serious effort had been made to bring him to trial. Or, we find that the man had a previous record, and the prosecutor, had he known of this, could have asked for deterrent action perfectly consistent with existing law but short of preventive detention. We find that often the judge could have taken steps to prevent such recurring crime had he been requested to do so by the prosecutor, and had he employed some of the means now available under the law to control and supervise persons on bail.

These cases, all too often, demonstrate that faulty and inadequate information was available to the judge and prosecutor, that the trial court machinery was inadequate or had broken down, or that there was a failure to use the available tools of the law. These, and not the Bail Reform Act, were the real causes of the failure to prevent the outrage. Very often in these cases it develops that the accused was on probation or parole, that he had been charged with prior capital offenses, or that he had a long string of as yet untried crimes. If the law enforcement officials had known what they should be expected to know, had they employed the tools already given them, the shocking crime could have been prevented. These cases do not prove the case for preventive detention. They demonstrate the need for long-delayed reform and improvement of the criminal justice machinery.

Other claims on behalf of preventive detention are based upon general statements of rising crime rates, upon an alleged connection between the passage of the Bail Reform Act and increased crime, or upon other misleading statements designed to whip up public support but not well-calculated to enable an impartial observer to make an accurate judgment of the need for preventive detention.

Finally, the case for preventive detention has relied heavily on bald assertions of the amount of crime committed by persons on bail. References have been made to the experience of judges, police, and prosecutors who "know" that preventive detention is needed and justified. We are asked to take their expertise on faith, and not to bother too much with our own independent assessment.

I greatly respect the views of these experts on many matters in the field of law enforcement. I believe that in matters of this sort, their views should be given great weight. But we in the legislature have an obligation to make independent assessments of the need for new laws. We may not merely act at the request of others, and abdicate our responsibility for independent judgments, and certainly not when a law like preventive detention is proposed, a law which would be a repudiation of centuries of Anglo-American concepts of due process, and which is fraught with constitutional defects and opportunities for abuse.

The debate on preventive detention thus far has had to rely on totally inadequate information. At the constitutional rights hearings in January and February 1969, almost every witness both for and against preventive detention, acknowledged that adequate and reliable data on pretrial crime was lacking. Almost every group which has studied the problem of bail has stressed the need to get some reliable indication of the true state of affairs.

For example, the Judicial Council Committee to study the operation of the Bail Reform Act of the District of Columbia, the Hart committee, commissioned the Bureau of the Census to canvass the available information on the need for preventive detention. After this survey, the Bureau reported:

> A thread that runs through the reports, the debates, the public statements is simply that there are not enough data, or there are no data, or the data which exist are either incomplete, the wrong type of data, out of date, or inadequate for one reason or another.

The Hart committee itself said:

> Data which shows the precise extent of crime on bail is not available. Neither private research organizations nor government have undertaken the necessary work. No one has assembled the financial resources, the computerized analysis and the professional direction which are necessary for a comprehensive or fully adequate study.

When the Department of Justice first began to discuss its intention to submit a preventive detention bill, it recognized that it had a responsibility to Congress and the public to support its legislation with facts. Thus it was that in April 1969, the Department began steps to commission a study to gather facts in support of the bill it was drafting. The legislative work on the bill was easier to do than the gathering of supporting data, however. The bill was completed and submitted to Congress in July 1969, only 6 months after the Department began its work. The commissioning of the study took longer, and arrangements were not completed until August of last year.

Working through the Department's Law Enforcement Assistant Administration, the National Bureau of Standards of the Department of Commerce was selected to make a study of the Washington, D.C. courts with a view to assessing the need for preventive detention, isolating the critical facts which would be needed if such a program were authorized, and devising a method by which a reliable system of preventive detention could be implemented.

The facts which the Department of Justice sought are essential prerequisites for an accurate judgment of whether preventive detention is justified. The study also is necessary if a preventive detention system is to accomplish the goals assigned to it. Thus, even if a need for preventive detention can be

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shown, it is still necessary to fashion the legislation to meet the problem of pretrial crime. More is required than merely a program of denying bail to every person arrested for a crime, and putting him in jail for the indefinite duration until the court gets around to trying him.

The Department's own proposal, S. 2600, acknowledges that preventive detention must be carefully fashioned to meet a special problem. The bill is based upon a series of untested assumptions about the amount and nature of pretrial crime, and the ability of judges and prosecutors to predict those defendants who are predisposed to crime while on pretrial release. For example, the bill defines certain special classes of offenses, and certain special types of defendants who will be subjected to pretrial detention proceedings. It utilizes a theory of predicting dangerous behavior based on certain facts about the individual and his background. It presumes a knowledge of the frequency of crime, the information about defendants available to the police, the prosecutors, and the judge. It makes other assumptions about the capacity of the courts to handle additional work, and the jails to accommodate additional defendants.

It is extraordinary that the Department should have first drafted a preventive detention bill, and then set out to analyze the problem. It would appear to me that the path of responsible legislating is first to assess the problem, and then to draw legislation to meet the true situation.

In proceeding as it did, the Department took a great many risks. First, there is the risk that the study it commissioned will demonstrate that preventive detention is not justifiable upon the facts. But there is the additional risk that even if preventive detention as a concept can be supported, it may be that it will have to be approached quite differently from the way Department proposes in S. 2600.

In my judgment, the Deartment of Justice study has demonstrated that S. 2600 fails on both accounts. To me, it demonstrates first that preventive detention cannot be supported on a fair reading of the facts. But it also demonstrates that were the Department's bill to be put into effect, it would not accomplish the goals assigned to it. The study shows that many of the assumptions upon which S. 2600 is based are either refuted by the facts, or that no facts exist upon which such assumptions can fairly be based.

The Department of Justice study is the only reliable information now available to us against which preventive detention, and the Department's specific proposal, S. 2600, can be tested. An examination of the study shows that there is a wide gap between the Department's assumptions and the facts developed by the Department's own research. For this reason, it is important to analyze this study, and to discuss its findings.

The Department of Justice study began in August, 1969. It was conducted by the National Bureau of Standards of the Department of Commerce, the U.S. Government's expert in technical and scientific analysis. The actual work was done by the Bureau's Technical Analysis Division. This was a nonpartisan operation insofar as the National Bureau of Standards was concerned. They were not concerned with advancing or hindering preventive detention. Their only concern was with doing an accurate, reliable, thorough and scientific job. As the report states:

> It was emphasized from the outset that the study should not try either to support or to counter the advisability of the notion of preventive detention, but rather should assemble any data existing within the Criminal Justice System which would have a bearing on the subject.

The study was conducted from August 1969, until late winter 1970. The initial report, due first in January, was thereafter delayed until March 31. For as yet not completely explained reasons, the actual release by the Department of Justice did not occur until April 8.

The Bureau of Standards selected four representative weeks in 1968 for its pilot study. The researchers obtained every piece of recorded information relating to the criminal cases in the courts during that time. Extraordinary efforts were made to determine the accuracy of the data collected. Completeness and accuracy were "key considerations" in the study.

The 4-week study produced 910 defendants on the rolls, and analysis disclosed 712 defendants actually charged during the period. Something more than half, 426, were released prior to trial. The study group gathered 50,000 items of information on these cases and used a computer to analyze the data.

The first analysis of the information gathered from this data was published a few weeks ago. In a few more weeks from now, a more completed analysis will be published. Still to come is a wealth of data showing how the Bail Reform Act of 1966 has worked, and how the proposed preventive detention bill might be expected to work.

While the first report is preliminary and tentative in nature, it still tells us quite a bit about the nature and amount of crime on bail. It shows persuasively that many of the assumptions upon which the Department has based its proposal are not borne out by the data.

Let us see how well the Department's assumptions stack up against the findings:

### ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

The rate of pretrial dangerous and violent crime is very high, high enough to warrant preventive detention.

### FINDING IN THE DEPARTMENT OF JUSTICE STUDY

Rearrests of so-called dangerous defendants are too low to justify a system of preventive detention.

The study's most valuable information about crime on bail may be its overall statistics. The National Bureau of Standards traced the subsequent arrest records of the 712 defendants falling in three categories, those arrested for all felonies, those arrested for so-called dangerous crimes, and those arrested for violent felonies. The latter two categories are artificial ones used by the Department of Justice in their preventive detention bill. They are catchall phrases for defined groups of crimes listed in the bill. Although the bill is not perfectly clear, I assume the definitions apply only to felonies, and do not include misdemeanor versions of these offenses.

Briefly, the dangerous category consists of robbery with use of force, burglary, rape, arson of property used for dwelling or business, and sale of drugs. Violent crimes consist of all types of robbery, burglary, rape, all types of arson and drug crimes—in other words, an expanded definition of the dangerous category—plus homicide, kidnaping, and assault with a dangerous weapon.

It should be noted that many of the offenses in these categories are capital, and under the law as it has existed from the founding of the country until now, and as preserved by the Bail Reform Act, defendants in capital cases have no right to bail and may be detained pending trial. Special preventive detention is not needed for such cases. The inclusion of these categories of cases, however, tends to overstate the problem of crime on bail when one looks at the study results to gauge the need for preventive detention. As appears often in the analysis of the Bureau, the study has erred on the side of overstating, rather than understating, the data in favor of preventive detention.

Looking first to all felony arrests, the study shows that the overall rearrest figure was 17 percent. That is, one in six persons arrested for a felony was rearrested for either a felony or a misdemeanor while on bail. As low as this figure is, however, it is by no means the most pertinent fact for the purposes of estimating the seriousness of crime on bail or the effect the preventive detention bill will have on such crime. When one looks at this 17-percent figure more closely, it turns out that only 7 percent can be attributed to a second felony arrest. The balance, more than half of the rearrests, represents misdemeanors, or is unknown. Thus, when considering serious offenses, using the felony-misdemeanor distinction, only one in 14 persons arrested for a felony and released on bail is rearrested for a subsequent felony.

The Department of Justice preventive detention bill does not, however, propose to subject all persons arrested for felonies to preventive detention. The bill is directed to the smaller arbitrary categories of dangerous and violent crimes as defined by the Department. When the Bureau analyzed the data according to the Department of Justice categories, it found equally interesting results.

In the violent crime category, the rearrest rate overall is 17 percent, or one in six. However, even this low recidivist rate overstates the case for the Department's preventive detention. Two-thirds of these rearrests are for nonviolent crimes, presumably misdemeanors and all felonies other than the defined violent kind. The percentage of persons arrested for violent crimes and released who are later arrested for subsequent violent offenses is only 5 percent, or only five persons in the group of 106 released on bail. In other words, for every 100 persons arrested for a violent crime and subjected to the jeopardy of imprisonment without bail, only five can be expected to be risks warranting detention.

A similar result is disclosed when the other major category, dangerous crimes, is examined. Here the overall rate for rearrests is somewhat higher, 25 percent. But by far the greater number of these subsequent arrests are for nondangerous crimes. For dangerous crimes, the rearrest rate is again 5 percent, or four of the 68 total released on bail.

It cannot be stressed too often that the figures in this study which are relevant to preventive detention must be those which conform to the assumptions and procedures underlying the actual bill before Congress. Even if there were shown a very high rearrest rate for all persons arrested, no matter what the charge, this would not be especially relevant to the evaluation of a bill which did not presume to authorize preventive detention for all these persons. The Department bill does not presume to authorize preventive detention for all persons arrested, whether on traffic offenses, misdemeanors, felonies, or what have you. The bill assumes that persons committing certain kinds of serious crimes have a high probability of committing subsequent crimes of similar kind and seriousness.

For these purposes, the 17-percent overall rearrest rate for felonies, even if considered high, is not pertinent. Nor, indeed, is the 7-percent felony rearrest rate pertinent, low as it is. The Department does not propose to detain all felony arrestees.

By the same token, the overall rearrest rates for violent crimes—17 percent—and for dangerous crimes—25 percent—is not pertinent. The Department does not justify its deprivation of liberty on the grounds that we must protect society against subsequent misdemeanors, or even subsequent felonies, whatever their type. The Department's justification for preventive detention is limited to preventing persons arrested for dangerous and violent crimes from committing additional alleged offenses of equal seriousness. Thus, the bill must be evaluated on the basis of the frequency of repeat crimes in these categories. As the study shows, the rate is 5 percent—five out of every 100. To pass the Department's bill means that 100 people stand the risk of deprivation of liberty in order to protect society against the five in their midst. It means that due process, fair trial, and pretrial liberty may be sacrificed for 95 in order to get the five. Viewed from the perspective of the Department's bill, and adopting all its procedures and policy as true, it still turns out that the Department is prepared to accept 19 wrong decisions in order to get the one.

The first assumption, that persons arrested for dangerous or violent crimes have a high propensity to be arrested for subsequent offenses of a serious nature, turns out to be wrong. The rate is very low, too low to justify preventive detention.

### ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

Persons arrested for serious crimes must be detained because they have a prediliction to commit equally serious crimes if released.

### FINDING IN THE DEPARTMENT OF JUSTICE STUDY

An arrest for a dangerous crime is no indication that the defendant will be rearrested for a similarly serious offense.

Another assumption of the Department's bill is that persons arrested for serious offenses who are charged with subsequent crimes will have a tendency to commit crimes equally as serious as the first. Put another way, a person charged with dangerous or violent crime who is "dangerous," is dangerous because he has an increased prediliction to commit additional dangerous or violent crimes. Inherent in the bill is the idea that an arrest for these crimes is a reliable indicator of a subsequent arrest for a similar offense.

The study gives us valuable insight into the nature of the offenses for which defendants are rearrested and shows that this assumption is not borne out. When the class of felony defendants who were rearrested while on bail was examined, it was discovered that they were arrested for misdemeanors about as often as for felonies. Significantly, the rates were low in both cases—7 percent. The study concluded that there is "striking evidence that defendant initially charged with a felony is about as likely to be rearrested for a felony as for a misdemeanor." As a matter of fact, the data shows that felony arrests are followed by misdemeanor arrests slightly more often than by a second felony arrest. Of the 53 cases in which a felony arrest was followed by a second arrest, in only 23 instances, less than half, was that second arrest for a felony.

The study figures suggest strongly that even were it possible to isolate those defendants who a judge might predict will possibly be rearrested during the bail period, there is no assurance that the second offense will be a serious one, or one which under any suggested plan of preventive detention would justify the extreme step of pretrial imprisonment.

Thus a second assumption, that persons arrested for serious felonies have a tendency to be arrested for an equally serious charge, is not substantiated by the study.

### ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

Judges have enough experience and will have enough information at the preventive detention hearing to predict which defendants are likely to commit serious offenses if released.

### FINDING IN THE DEPARTMENT OF JUSTICE STUDY

There is no reliable means by which these predictions can be made.

A fundamental assumption underlying the Department's bill is that judges have sufficient experience with the criminal population to be able to discover, with reasonable accuracy, which of the defendants who appear before them are likely to be dangerous and so should be detained. This is an asumption based on faith and, I believe, on blind faith.

Prediction of criminal behavior is an extremely difficult undertaking. It has not been marked with conspicuous success whenever it has been attempted. For instance, a celebrated experiment here in the District tested the assumption that judges can distinguish the dangerous from the nondangerous defendant. Two judges' performances under the Bail Reform Act were studied. One judge has the reputation of imposing strict bail conditions and releasing very few of those who appear before him. Many observers are of the opinion that the potential danger of a defendant is a prime consideration in his bail decisions.

His record was compared with that of another judge, whose reputation for leniency is equally as renowned as is the other's for strictness. The surprising result was that the strict judge had no better success in his predictions than the lenient judge.

Even though the strict judge B had more cases than the more lenient judge A, he released only half as many defendants on personal recognizance. All told, less than half the defendants appearing before the strict judge were released, as opposed to almost 80 percent before the lenient one. The survey showed that 9 percent of the persons released by the lenient judge were rearrested and 8 percent of those released by the strict judge were. The difference is only 1 percent—a 1-percent "reduction in pretrial crime" measured against the difference in pretrial release of 79.9 percent and 49 percent.

This experiment is a very rough test of the claim that judges can accurately spot the dangerous defendants and can reduce pretrial crime by predicting their future illegal conduct. A special goal of the Department of Justice study was to see if a scientific system could not be devised which would enable the courts to have a reliable means of predicting subsequent criminal behavior or, as the Department of Justice would phrase it, a means of predicting subsequent arrests and equating that with actual criminal behavior.

The study first surveyed past attempts at predictions. It said, however:

> Prediction devices developed by others and described in Chapter III offer insight into the problems of prediction, but these devices offer little hope in the near future for a practical tool for the prediction.

It particularly cautioned against using predictions made under parole and probation systems and those used by bail agencies as a way of answering the problems inherent in prediction for preventive detention. In the case of parole and probation, much more information is available about the person, the offense, the individual's behavior, and the like. Further, guilt has already been determined by a trial and conviction. In the case of bail agency predictions, the important fact to keep in mind is that dangerousness is not the focus of the prediction. The prediction is one of possible flight, and the prediction determines the kind of conditions that will be imposed to prevent or deter flight.

In the case of predictions for the purposes of preventive detention, the information available to the judge is likely to be no more adequate, reliable, or complete than that available to the bail agency. On the other hand, the consequences of an error in prediction are much worse—liberty is at stake; fairness of the trial is involved.

The Department's bill assumes that accurate predictions can be based upon an evaluation of information available to the judge on the offense charged, the evidence on hand, the individual's personal circumstances, such as family and community ties, financial condition, and employment, and his past criminal records. In large part these are the same factors which are now used to help guide the court in setting bail conditions. The factors employed in making bail decisions were developed after experience with a number of pilot bail projects in Washington, New York City, and elsewhere in the years before the Bail Reform Act was enacted. Their usefulness for the purpose of setting bail conditions was proven before the Bail Reform Act was passed. Experience with the act since then has substantiated their value for that purpose.

The usefulness of such indicators for predicting future criminal behavior is quite another thing, however. As the study itself makes clear:

> Data collected in current pre-trial release programs appears to be inadequate for the type of in-depth studies needed to develop and validate a high quality prediction device. Even if an adequate past-data base could be secured, the present procedures for collecting information do not appear to be adequate. The information now being collected is intended to give some measure of the defendant's likelihood of appearing for trial. Assuming that the same factors are relevant to the defendant's likelihood of committing crime while on pre-trial release does not seem to be valid; such prediction may require quite different hypotheses on the identities and relative "weights" of the important factors. The one pretrial release program visited in this study which attempted to predict a defendant's "dangerousness" used subjective judgment, rather than statistical data. to reach a conclusion.

The researchers attempted to find possible leads to a prediction system using the evidence available from a search of the records it examined. They analyzed such factors as age, education, community ties, employment, skills, family ties and previous records. It should be emphasized that the researchers had the advantage of being able to check all the sources of information in these categories, that they had an opportunity to verify them, and that they had a considerable amount of time and technical assistance in making their analysis. None of this would be available to the judge making the preventive detention prediction. He is required to make a prediction of future crime within a few hours or days of the defendant's arrest. In all likelihood the judge will have little more to go on than the word of the prosecutor, and what incomplete and inaccurate records as can be gathered in a short period of time.

The study's analysis shows that the theory of prediction used in the Department's preventive detention bill provides no helpful guidance for developing a reliable method of prediction.

Considering the factors in order of their treatment the study shows:

First, persons arrested for more serious crimes tend to be younger than average, while those who are rearrested for serious crimes are older.

Second, there is no significant relationship between the amount of education and critical arrests, although those who were rearrested tended to have slightly less schooling.

Third, those who were rearrested were found to have lived longer in the city than those who were not, perhaps because they were also older.

Fourth, there was a low rate of employment among those rearrested for a dangerous crime. On the other hand, no conclusion could be made respecting the relationship of working skills and the occurrence of rearrests.

Fifth, no correlation was shown between rearrests and the closeness of family ties.

Sixth, no relationship could be detected between rearrests and prior criminal records.

When the report's section on predicting "danger to the community" is thoroughly analyzed it becomes clear that at the minimum, the factors listed in the Department's bill cannot be substantiated as reliable guides for actual use in a preventive detention procedure. Certainly, it is most significant to note that the key element in the Department's prediction mechanism—prior record—does not survive analysis.

The Bureau stated:

> Differences in personal characteristics vary in their usefulness and significance. Taken singly, they do not appear to be outstanding predictors, but their actual value as predictors will require continued analysis and correlation.

Viewed very generously, the study demonstrates the need for considerably more work on theories of predicting crime. The report concluded:

> Thus, we conclude that the development of an accurate predictive instrument must depend upon the acquisition of a sufficient data base and upon more adequate testing of the predictability of criminal behavior from specified factors. The information-related activities of the Criminal Justice System would require expansion, and the continuing cooperation of that system in further analyses would be prerequisite to progress in developing a reliable prediction mechanism.

In my opinion, the study demonstrates that the predictive theory employed by the Department in its legislation is not substantiated by the facts. In order to justify a system of preventive detention, the Department should have to shoulder a heavy burden of proof. The study shows that none of its assumptions about prediction survive that test.

The third assumption, the judges can accurately predict those who will be dangerous if released, turns out to be unsupported by the study's findings.

### ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

The critical period in which pretrial crime must be stopped is the 60 days following release on bail. Those detained can be tried within a 60-day period.

### FINDING IN THE DEPARTMENT OF JUSTICE STUDY

The critical period for rearrests is long after the first 60 days from release. The courts are incapable now of trying people within 60 days of release.

One of the most important questions to be answered in analyzing the usefulnes for preventive detention is the relationship of repeated arrests to the lengthy periods of time that occur between the initial arrest and the granting of bail and trial. The time period is important both from the point of the Department and from that of those who oppose preventive detention.

The Department's bill is predicated on assumptions: First, that the most critical period in which recidivism must be controlled is the first 60-day period following initial release, and second, that speedy trials, within 60 days of arrest, can be conducted for persons detained.

The timing of pretrial crime is also significant for those who, like myself, see preventive detention as not only unhelpful as a means of fighting crime, but also as a real hindrance to our efforts. It is our contention that speedy trial is the means by which this problem can and should be handled. If trials can be held within 60 days now for even a few defendants, as the Department presumes in its bill, we should try speedy trial first for these special categories. Then we can assess the need for preventive detention, if it should still exist. Preventive detention ignores, except on paper, the need for prompt trials. Worse than that, however, it also will make more difficult the accomplishments of this necessary reform.

One important fact should be kept in mind while considering the National Bureau of Standard's study and the light it sheds on these assumptions behind the Department's preventive detention bill. While the Department would have us believe that its bill authorizes preventive detention only for the first 60 days following arrest, it is by no means clear that this will be so in practice. The bill, it is true, authorizes preventive detention only for 60 days. However, if trial is not held at the end of that time, the defendant will not necessarily be released. At this point he will be returned for a new bail hearing under the modified procedures of the bill. While theoretically the detained defendant may be released at this point, as a practical matter it is doubtful how often, if at all, this will actually be the case.

It is hard to believe that any judge will release a man whom he has previously found to be so dangerous as to require preventive detention. The bill allows the judge to set bail conditions based upon suspected "danger to the community"—the same standard employed in the preventive detention hearing. While money bail may not be imposed on the grounds of "danger," it still may be imposed with respect to "flight," as is now the law. There may be a theoretical difference between imposing high money bail to deter "flight" but not for "danger." There is no difference in practice. Even now, under the Bail Reform Act, money bail is set on more than half the defendants charged with felonies. More than 30 percent of felony defendants are not released. Spokesmen for the Department's bill have argued that preventive detention now exists sub rosa because judges impose high bail to deter dangerous offenders in the guise of deterring flight. It is disingenuous to argue that a formal system of 60-day preventive detention should be instituted to end this "extra-legal" form of preventive detention when the same bill would retain and actually encourage "extra-legal preventive detention" after the initial 60-day formal detention.

We can expect that money bail will be imposed after the 60-day period is up, and that it and other conditions will be set so as to assure, as a practical matter, the continuing imprisonment of the preventive detention defendant for however long it takes for him to come to trial. The Department's bill must be evaluated not on the basis of a "little bit" of imprisonment without trial, but as guilt by arrest, with an indeterminate sentence of up to 2 years.

The Department's bill, however, is presented as intending to authorize only a 60-day detention in the immediate post-arrest stage. The assumption, to repeat, is that this is the critical time to prevent additional offenses. Let us take the Department's bill at face value and look at the facts as developed by the Department of Justice study.

In order to measure the amount of pretrial crime as a function of time, the National Bureau of Standards' study developed what it called a Recidivist Index; that is, the number of arrests as a function of the total number of days all the defendants were free on bail. This total was termed "man-days of release."

The first finding which the study discloses is that persons arrested for felonies are free on bail for a much longer time than those arrested for misdemeanors. This is just the reverse of what we should be aiming for. Our goal should be the speedy trial of the more serious cases, and a resulting decrease in the amount of time that these defendants are free on bail between arrest and trial. Persons arrested for misdemeanors are presumably less dangerous. If we must tolerate delays in trial, it would be better to delay the less serious cases and speed up the trials of the felonies.

The next fact which emerges strikingly from the study is the period of time that occurs between the first arrest and release and a subsequent arrest for a serious crime. In making this calculation, the study examined those persons who were arrested and released, and who were then subsequently rearrested. It made various measurements, each based on the number of arrests calculated as a function of the number of defendants released and the total time in days they were free. The study found:

First, very few rearrests occurred within the first few months after release.

Second, if the frequency of second arrests is calculated from initial presentment by the grand jury the critical time segment is the fourth month for all felonies. This is especially true for the categories of dangerous and violent crimes.

Third, when we look from the trial date back in time toward the date of arrests or grand jury action, second arrests begin to appear only in the eighth month before trial.

The study further shows that more arrests are made in the period between 4½ and 8 months after release than in the period from initial release to 4½ months after. The critical period for those classified as "dangerous" is between 5 and 8 months.

These various findings are based on different tests to determine the frequency of bail arrests as a function of time. Taken together, the study confirms what most have assumed about the frequency of arrests of persons released on bail. The longer the delay between arrest and trial the greater the amount of crime. Frequency of crime is also higher when trial is delayed more than 4 months. Finally, the critical period when rearrests occur is definitely not in the first 60 days following arrest, which is what the Department's bill presumes. Rather, the need, if indeed one exists, is to prevent recidivism in the period beyond 2 months, and particularly beyond 4 months from release. If trials could be held within a 4-month period from arrest and release pretrial crime could be reduced substantially.

If the Department's bill were soundly based on a realistic evaluation of pretrial recidivism, then it would frankly admit either of two things. One, the Department would admit that it proposes preventive detention not only for the first 60 days when recidivism is lowest, but for the entire time between release and eventual trial, no matter how long that might be. Or, the Department could present a proposal for preventive detention which was designed to authorize preventive detention after 60 or 120 days from release, but not immediately after release. The first the Department does not dare admit to be asking for, even though I believe that will be the practical result of this legislation. The Department knows full well Congress would not even consider a bill which frankly and openly calls for permanent prevention detention. The second alternative—preventive detention after 4 months of release—is unworkable.

The figures on the timing of bail recidivism show that preventive detention is not an answer to pretrial crime. On the contrary, these facts again indicate that the answer to this problem lies in assuring speedy trial. The Department of Justice study vividly demonstrates that the highest rates of second arrest for dangerous categories occur after 140 days of trial delay. Overall, the rate is especially high after 280 days. We should no longer tolerate a system which cannot dispense justice in 140 days, much less the 280 days, or 9 months, that is the average here in Washington.

Thus, the fourth assumption, that the critical period for deterring recidivism is the first 60 days after arrest, is shown to be wrong.

### ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

Among the serious crimes which should be prevented by preventive detention, robbery is the one in which the need is greatest.

### FINDING IN THE DEPARTMENT OF JUSTICE STUDY

The study does not show a special need for preventive detention for robbery defendants.

Much of the rhetoric heard in favor of preventive detention makes reference to robbery cases. The robbery cases have been treated as a particularly serious class of crimes which are committed regularly by a small and fairly practiced part of the criminal community. Statements have been made that there are only a few hundred individuals who commit most of these crimes, that the police and judges know fairly well who they are, and that many of them are driven to repeated crimes because of the need to obtain money for drugs. Some of the more excited claims about the need for preventive detention for robbery defendants cite a supposed figure of 70 percent recidivism.

In contrast to this rhetoric, the Department of Justice study gives us some accurate and reliable information about robbery and burglary offenses.

First, it is possible to review the class of persons involved in crimes against property to see if they tend to be rearrested for the same offenses. The study disclosed 40 robbery arrests, 34 burglary arrests, and six larceny arrests in the felony classifications. Of the total of 80 defendants, there were only nine rearrests, five misdemeanors and four felonies. One rearrest was for another felony robbery, and a second was for another felony burglary. The other two were for stealing cars. Thus, of the 80 total in this class, only two were rearrested for crimes of a similar nature and severity. If stolen vehicle offenses are included, we get a total of 99 felony cases, five felony rearrests, and five misdemeanor rearrests.

Here again the study explodes another myth propounded in favor of preventive detention—the myth that robbery and burglary offenders tend to repeat these same crimes if released on bail. In fact, the two of 80 figure for repeat robbery and burglary felonies is so low as to show there is no probable relationship at all in this class of defendants.

The Department of Justice study made a special analysis of the 40 robbery cases because the proponents of preventive detention have laid such stress on this group. The entire sample of 910 defendants turned up only 40 persons facing charges of robbery, attempted robbery, or assault with intent to commit robbery. Of these, the police had prior records on only 17, suggesting at least that the claim of police familiarity with these individuals is open to considerable doubt. Six more had juvenile records. Twelve of the 17 had prior felony arrests, but only four were shown to have been convicted. The incompleteness of police records, upon which the Department's preventive detention bill rests heavily, indicates that actual prior records and convictions might be higher. Interestingly, not one of the 17 with a prior police record had been involved with narcotics.

Several interesting facts emerge from the study's close examination of the 40 robbery cases. First, 30 percent of the individuals were not released on bail at all. Eight of these 12 were convicted. Of the 23 who were free on bail at least part of the time, 13 were convicted and a 14th fled. Thus, amongst robbery defendants, the conviction rate for those detained is 66⅔ percent. For those released, the rate dropped to 60 percent.

What is most shocking about the robbery cases is that the average time from grand jury presentment to trial was 200 days, or about 7 months. Despite the great hue and cry about the need to deal with robbery cases, the criminal court system still could not better a 200-day average. How the Department expects to make good on its 60-day speedy trial provision for those it would detain, I do not see. Especially shocking is the fact that of the four defendants held in jail because they would not make bail, and yet who were not convicted, the time in jail ran from 45 days to an outrageous 250 days.

The need for speedy trial can be illustrated not only by the great length of time defendants spend in jail before being found innocent, but also by the great amount of time defendants were left free before a trial which eventually found them guilty. Not one person free on bail and later convicted was tried in less than 100 days. Only three were tried in less than 150 days; five took between 200 and 300 days to try; three took between 300 and 400 to try, and one took 492 days to try. In each case, I repeat, the defendant was found guilty at trial. There is no excuse for a system which allows persons to remain out on bail for over 16 months before they are tried and convicted of robbery. Clearly, a special effort should be directed at speeding the trial of persons arrested for serious crimes such as robbery. The study figures show that even at the height of the public outrage over robberies the average time to trial was 7 months.

Another common claim made by proponents of preventive detention is that there is a special connection between drugs and robbery cases. The assertion is that persons arrested on drug charges, if released, will commit numerous subsequent crimes, especially robbery and burglary, and will go on to subsequent drug offenses. The reverse is also commonly believed—that most, or at least many acquisitive crimes have drugs as the cause. These beliefs are reflected in the provisions of the Department of Justice prevention detention bill dealing with addicts.

The study sheds interesting light on these assumptions. For example, an examination of all felony cases showed that there were no subsequent arrests for serious drug offenses. That is, out of 217 felony defendants released, not one was subsequently arrested on a felony drug charge. Only five were arrested on misdemeanor charges related to drugs. Among the 80 arrests for the felonies of robbery, burglary, and larceny, only two were rearrested on drug charges, both times as misdemeanors.

Examination of the subsequent crime patterns of persons initially arrested on serious drug charges discloses equally surprising facts. Of the persons arrested on felony drug charges, only two were subsequently charged with another felony. One of them was for robbery. Only three others were charged with misdemeanors, one of which was a larceny.

What these figures indicate is that in the category of drugs, the picture is spotty, there is no discernible pattern, and the frequency of rearrests on serious charges is extremely low. So far as the study shows, no case has been made to show a special relationship between robbery, burglary, and larceny and drug offenses. What the study does indicate is that the facile assumptions commonly made about the characteristics of robbery defendants and drug defendants may be like so many other assumptions made in the area of crime—they are not easily substantiated by objective analysis of the data.

In sum, we find from the study that yet another assumption, that robbery defendants are a class for which preventive detention is especially justified, finds no support in the study.

### ASSUMPTION UNDERLYING THE DEPARTMENT OF JUSTICE BILL

The arrest of a person can be considered a sufficient indication of ultimate guilt for the purposes of preventive detention.

### FINDING IN THE DEPARTMENT OF JUSTICE STUDY

An arrest for a dangerous crime is not the equivalent of guilt of a dangerous crime, in theory or in practice.

Thus far in the discussion of the study's findings, I have continually referred to "arrests" rather than to "convictions" as the basis for making judgments about the need for preventive detention. In the entire preventive detention controversy we have tended to equate arrest with conviction, accusation with guilt. Thus, when reference is made that 5 percent of persons committing dangerous crimes commit a second dangerous crime while on bail, the actual fact is that these are figures only for arrest. All that has been determined is that a policeman has concluded, and a magistrate has confirmed, that there was probable cause to arrest for a crime. All that we know is that 5 percent of persons charged with a dangerous crime and released on bail are thereafter charged with another such offense. We know nothing yet about actual guilt. We cannot yet say that 5 percent of persons who "commit" dangerous crimes, "commit" a second dangerous crime when released.

The Department's preventive detention bill equates arrest with conviction, and makes the deprivation of liberty turn not on a determination of guilt after a fair trial, but merely on the judgment of the policeman and the committing magistrate of probable guilt. This judgment is made before trial. The very concept of preventive detention is a repudiation of the time-honored principle that no man should be deprived of liberty without due process, that every man is presumed innocent until proven guilty.

We have learned after a long and difficult struggle for liberty that personal freedom is so precious the State should not be permitted to deprive a citizen of this freedom until it has been put to the most difficult tests of proof. The whole panpoly of trial procedure and defendant's rights, with which we sometimes grow impatient and call legal technicalities, was created after hundreds of years of experience with the uncertainties of discovering truth, of judging guilt and innocence. So, while the debate on preventive detention has centered around arrests, it is very instructive to examine the facts, and see with what justification we can equate accusation with guilt.

The Department of Justice study examined the cases it had to determine the frequency of actual convictions and to make some correlations between arrests on bail and actual convictions. First, the study found 128 cases in which rearrests were made of persons released on bail. It found that in 56 cases, or in less than half, the original arrest was for a felony. Of these 56, fully 15 did not result in conviction. In other words, in about 25 percent of the cases, the original felony arrest was not the equivalent of conviction. Furthermore, of the 41 convictions, 12 were for misdemeanors. In total, of the 56 original felony cases in which rearrests were made, only 23, or less than half resulted in a conviction for the same or some other serious charge.

The preventive detention proposal assumes that there is enough basis in an arrest for a serious offense to justify subjecting the defendant to the risk of imprisonment at the initial bail stage. Yet the study shows that half of the serious charges made ultimately will not be substantiated when trial is finally held.

The study also examined the ultimate disposition of the rearrest charges in these cases. The disposition of the rearrest cases is important because the prediction required by the judge is whether the individual will commit a dangerous crime if released. Of course, the rearrest of a defendant does not mean that he was in fact "dangerous." All it means, again, is that probable cause exists to believe that he committed a second offense. In an actual fact, it turned out only 38 of the rearrests were for felonies, out of a total of 128. Of these 38 felony rearrests, 17 or almost 50 percent did not result in convictions. Of the remaining, five were either still pending or could not be determined. Only 13 of the total 38, or 33 percent resulted in conviction for a felony. Thus, we have a situation in which the study found that only 50 percent of initial felony arrests resulted in felony convictions, and that only 33 percent of the felony rearrests resulted in felony convictions. When the initial arrest and rearrest cases were correlated, it turned out that of the 23 cases of arrest for two successive felonies, there were convictions of both charges in only four.

When the felony arrests and rearrests are examined more closely according to the definitions of dangerous and violent charges, more interesting conclusions emerge. Of the 56 cases in which two arrests were made, the first of which being a felony, 41 of those initial felony charges were "dangerous." Of these 41, 27 were eventually convicted, but only 17 of these were for the original or some other "dangerous" crime, or a conviction rate of about 40 percent. Of the rearrests for a second felony, 19 were for a dangerous crime. Only five of these charges were sustained, or about 25 percent. Where two successive "dangerous" crimes are charged, it turns out that convictions on both were obtained in only about one-third of the cases, or six of 19 double arrests. Similar results were obtained when the definition of violent crime used in the Department's bill was applied to the data.

The goal of preventive detention is to protect society against the commission of dangerous crimes by persons arrested and otherwise eligible for bail. The Department's bill assumes that it is possible to predict accurately who amongst those arrested for dangerous crimes will be rearrested for a second dangerous crime. The study has shown first that in only 5 percent of all arrests for dangerous or violent crimes were second arrests made upon the same serious kinds of charges. It also informs us that in only 16 percent of the cases in which successive arrests are for felonies, are convictions obtained for both. It informs us that when the 5 percent of cases involving successive arrests for "dangerous" or "violent" crimes are considered, convictions are obtained in both in about one-third to one-quarter of the cases. That means that of every 200 people arrested for a dangerous or violent offense and released on bail, about 10 will later be rearrested for a second dangerous or violent crime. But only two or three of these 200 will eventually be convicted of two successive dangerous or violent crimes. And, it should always be remembered that the judge has no reliable means of selecting those two or three from the 200 who will appear before him in jeopardy of preventive detention.

Thus, another and very critical assumption—that arrest is the equivalent of guilt and so justifies preventive detention—is not proved by the facts.

### CONCLUSION

This discussion of the Department of Justice study and the light it sheds on the Department's preventive detention bill has been necessarily summary. The entire report is over 200 pages long. I am mindful of the fact that the value of it for the purposes of evaluating preventive detention cannot be exhausted in one single discussion. The facts are too plentiful, the subject too complex, the qualifications and interpretations too many, for me to contend that a short speech is the last word on the study. I am also mindful of the warning contained in the report itself:

> The reader is particularly cautioned against a casual use of the averages reported in this executive summary, since the richness of the narrative supporting material in the court records and the judgmental decisions of persons in the administration of justice require an interpretive summary to accompany each result. The reader is urged to probe deeply in the body of the report to assure proper interpretation and use of the numerical results presented here.
>
> For illustration: One can deduce from statements 6, 7, and 8 in the above summary that if the "dangerous" criterion (as defined in this report) has been fully applied to the sample defendants, then 68 fewer releases and 17 fewer recidivists would have resulted. Thus, the total number of recidivists would have been reduced by one-third (47 decreased to 30), a significant reduction. Yet, because *recidivism* in this study denotes *rearrest* only—a released defendant as a suspect for a later crime—the above analysis does not provide direct information on the number of fewer crimes that would actually have been committed or fewer convictions resulted.

With this warning in mind, I believe that the Justice Department study seriously undermines the basis for the Department's preventive detention bill. In my opinion, the proposal is more than unconstitutional. It is based on unsupported theories of criminal behavior. It presumes a need for preventive detention which has not been shown to exist in any substantial amount. It claims an effectiveness for reducing crime which is asserted but unproved. It promises to make extremely difficult the achievement of those reforms which can help to improve criminal justice.

It is important that the Department of Justice and its supporters acknowledge the study and its findings, and meet the points raised against the bill squarely and honestly. The Department may deserve high marks for clever legislative maneuvering—it managed to get its preventive detention bill included in the District of Columbia crime bill before its study was released and without having to run the gamut of the normal legislative process. But the Department has a responsibility to be more than clever. It has a responsibility to the law, to the Congress, and to the people to defend this legislative proposal on its merits. Hearings will be held soon by the Constitutional Rights Subcommittee on S. 2600, the Department's national preventive detention bill. The Senate and the people of the country have a right to demand no enactment of preventive detention, whether nationally or for the District of Columbia, until the Department defends its bill on the merits.

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## SALARIES OF MANAGEMENT-OFFICE EMPLOYEES OF SENATE RESTAURANT

Mr. ALLEN. Mr. President, under the Federal Salary Act of 1970, the President pro tempore of the Senate is authorized and directed to issue certain directives in implementation of the salary comparability policy set forth in the law.

I ask unanimous consent that a directive affecting the salaries of management-office employees of the Senate restaurant, dated April 27, 1970, and certain related correspondence, be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

Architect of the Capitol,
*Washington, D.C., April 27, 1970.*

Hon. Richard B. Russell,
*President pro tempore,*
*U.S. Senate,*
*Washington, D.C.*

Dear Mr. President: As you are aware, pursuant to Public Law 87-82, approved July 6, 1961, the Architect of the Capitol operates the Senate Restaurants as an Agent of the United States Senate. The Comptroller General of the United States has recognized that employees of the Senate Restaurants are employees of the Senate (rather than employees of the Office of the Architect of the Capitol).

Accordingly, it is necessary and proper for you, as President Pro Tempore of the Senate, to issue an order implementing the salary increases authorized by section 3(a) of the Federal Employees Salary Act of 1970 for management-office employees of the Senate Restaurants.

These increases are the same as those authorized for other Senate employees by section 1(a)(1) of your Order which appeared in the Congressional Record of April 15, 1970.

The enclosed order covers 22 management-office employees of the restaurants. It does not cover restaurant foodworkers who are employed and compensated under a different wage system (a wageboard system).

An appropriate order, which I recommend, is enclosed for your consideration and approval.

With best regards, I am
Sincerely yours,
Mario E. Campioli,
*Acting Architect of the Capitol.*

I concur:
James B. Allen,
*Chairman, Subcommittee on the Restaurants, Committee on Rules and Administration, U.S. Senate.*

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Architect of the Capitol,
*Washington, D.C., May 12, 1970.*

Hon. James B. Allen,
*Chairman, Subcommittee on the Restaurant, Committee on Rules and Administration, U.S. Senate, Washington, D.C.*

Dear Mr. Chairman: I am enclosing, herewith, copy of order dated April 27, 1970, issued by the President Pro Tempore of the Senate upon my recommendation and with your concurrence, providing for an increase in the compensation of management-office employees of the Senate Restaurants in accordance with Section 3(a) of the Federal Employees Salary Act of 1970.

I would appreciate your having this document inserted in the Congressional Record in order that it might be a matter of record.

Sincerely yours,
Mario E. Campioli,
*Acting Architect of the Capitol.*

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### Order Providing for Increase in Compensation of Management—Office Employees of the Senate Restaurants

By virtue of the authority vested in me by Section 3(a) of the Federal Employees Salary Act of 1970 (84 Stat. 196; Public Law 91-231), it is hereby

Ordered, That (a) effective retroactively to December 28, 1969, subject to Section 5 of the Federal Employees Salary Act of 1970 (84 Stat. 197; Public Law 91-231), the annual rate of gross compensation of each management-office employees of the Senate Restaurants (such employees having been recognized by the Comptroller General of the United States as employees of the United States Senate) subject to Section 214 of the Federal Salary Act of 1967 (81 Stat. 635-638; Public Law 90-206) whose compensation was increased by Section 214(a) of the Federal Salary Act of 1967 (81 Stat. 635; Public Law 90-206) and the Orders of the President pro tempore of the Senate of June 29, 1968, and June 26, 1969, issued pursuant to Section 212 of the Federal Salary Act of 1967 (81 Stat. 634; Public Law 90-206), is hereby increased by 6 percent; and

That (b) for the purpose of arriving at the "annual rate of gross compensation" on which the increase of 6 percent is to be applied, (these employees being compensated on a weekly, rather than an annual basis), the weekly gross rates of compensation shall be converted for the purpose of this Order, to appropriate annual gross rates.

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Pursuant to Section 9(a) of the Federal Employees Salary Act of 1970 (84 Stat. 198; Public Law 91–231), the provisions of this Order shall become effective retroactively to December 28, 1969.

RICHARD B. RUSSELL,
*President pro tempore,*
*U.S. Senate.*

APRIL 27, 1970.

## WALTER REUTHER—ADDRESS BY SENATOR KENNEDY

Mr. KENNEDY. Mr. President, it was my honor last Thursday to address the 21st annual Albert Lasker medical journalism awards luncheon in New York. This responsibility fell to me when the original speaker, my friend Walter Reuther, died in an airplane crash in Michigan. I took a great part of the period allotted for my remarks to pay tribute to Mr. Reuther's unexcelled talents and his contributions to American labor and American society.

I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### ADDRESS BY SENATOR EDWARD M. KENNEDY AT THE 21ST ANNUAL ALBERT LASKER MEDICAL FOUNDATION AWARDS CEREMONY, NEW YORK CITY

It is a sad and melancholy occasion that brings me here. The sudden and tragic death of my friend Walter Reuther has robbed the nation of one of our greatest leaders.

We could ill afford to lose him. Never before in my memory has there been such a crisis of confidence in our national leaders, such deep division among our people, such a prolonged loss of our sense of national purpose.

Abroad, we have the nightmare of Cambodia and its mad label of "Operation Total Victory." The Middle East moves to the brink of war. Hundreds of millions of human beings in Africa and Latin America struggle to survive the ancient evils of tyranny, poverty, ignorance, and disease.

At home, our universities are on strike. War and death come to the campus. A Cabinet officer complains, and the Administration asks him to sit tight, because the crisis, they say, will blow over.

The ugly face of racism stalks the land. White America mourns its dead at Kent State, and the nation is moved to massive protest. Black America remembers Orangeburg, and asks, Why not before? Drug traffic moves from the ghetto to the suburb. White America is aroused and black America asks, Why not before?

Our cities decay. Our environment is defiled. Our schools don't teach. Our doctors don't heal. Our economy is in turmoil as prices rise and unemployment soars.

All our institutions are under attack, and justifiably so, because they have committed the greatest sin of public life, the loss of responsiveness to the people. The storm over the Supreme Court has become a storm over the President. Many feel that the stand we are beginning this week in the Senate is the only way out of Asia abroad, the only way out of our constitutional crisis at home.

Now, another giant leader has been taken from us, a man who knew our people well, a man who could guide us along the path we sought. Time and again, he demonstrated the priceless qualities of judgment and leadership that seem all too rare in public life at this crucial moment in our history.

Today, I know, Walter Reuther was to have told us of his plan for better health care in America, but we would have seen far more. The room would have been filled with all the eloquence and passionate commitment that made him respected and admired by generations of Americans. We would have seen the Reuther we knew, challenging America again, as he had so often in the past, to live up to its promise of equality and social justice for all our citizens.

More than others, Walter Reuther had a vision of a better America, and he dedicated his life to the quest. His vision began with the worker. The slogans of his battles captured the imagination of us all—"too old to work and too young to die," "wage increases without price increases," "let's take a look at the books."

His career was marked by more than a quarter century of magnificent achievement at the bargaining table and throughout the labor movement. As much as any other single person, he wrote American labor history in the era since World War II.

He was the ardent foe of communism and corruption in the labor unions. His achievements are legendary. The guaranteed annual wage, the cost of living escalator, the supplemental unemployment benefit, the profit-sharing plan—these are but a small part of the rich legacy he left to his union and to every American working man.

His vision began with the worker, but it did not end there. It was broad enough to embrace our whole society. He reached out to us all, rich and poor, black and white, skilled and unskilled. "We believe there are no white answers or black answers," he said—"only American answers." He sponsored Martin Luther King's March on Washington in 1963. He was there in Delano when Cesar Chavez began the upward struggle for the grape workers. He was in the forefront of the peace movement, and the movement for better programs for the poor, better health for our people, better housing for the cities, a better environment for our children, and equal opportunity and racial justice for every citizen.

Now, he is gone. But the strength of his commitment will sustain us as we carry on his work. The tragedy of this death is compounded by our knowledge that his life was cut short at its prime, when he was on the threshold of achieving one of his greatest social goals, a national health insurance program to bring adequate health care to every American.

From cruel personal experience, he know the ordeal of prolonged hospitalization. He was not a recent convert to the cause of better health. For more than three decades, he was one of the most powerful advocates of health care as a matter of right. He worked to fulfill that right at the bargaining table in Detroit, and in the halls of Congress in Washington. For a generation, he was one of the most articulate and effective voices of the health consumer in America.

Just as Mary Lasker and her outstanding foundation have done so much to educate Americans and to catalyze the new awareness of our health needs, so Walter Reuther's career is marked by a long line of distinguished achievements in the field of health care. Just as the great physicist, Lord Rutherford, when asked how he always happened to be riding the crest of the wave of modern physics, is said to have replied, "I made the wave, didn't I," so Walter Reuther made the wave of the health revolution that is cresting now in America.

It is entirely appropriate, therefore, at this Lasker Awards Luncheon, to recall Walter Reuther's brilliant accomplishments in the field of medical care.

To the five million members of the United Auto Workers family, he brought a generation of imaginative health care and health insurance programs that have influenced the entire nation. He vigorously supported the principle of consumer participation in Blue Cross and Blue Shield. His Community Health Association in Detroit was a far-reaching program of comprehensive pre-paid group practice.

For the Auto Workers, he negotiated the nation's first out-of-hospital benefit program for psychiatric care. After its initiation, the President of the American Psychiatric Association called it a great step toward the goal of making adequate psychiatric care available to every citizen. He negotiated the first national program of pre-natal and post-natal care under basic health insurance, and the program became a model for similar coverage elsewhere. Long before Medicare, he helped secure skilled nursing home care as a right for members of his union of all ages. Most recently, in 1969, he established a major prepayment program for prescription drugs.

To the nation as a whole, Walter Reuther brought a long and distinguished career of public service to the cause of better health for our people. In the 1940's he served on President Truman's Commission on the Health Needs of the Nation. In the 1960's, he was one of the most enthusiastic and effective supporters of President Kennedy's medicare program. As President of the Citizen's Crusade Against Poverty, he helped to develop the devastating report "Hunger, U.S.A." demonstrated the presence of malnutrition in America, and revealed the plight of millions of our citizens starving in the midst of affluence.

In 1968, he embarked on what has now tragically become his last great health crusade. By creating the Committee of One Hundred and assembling its fine technical staff, he gave the movement for national health insurance a new clarity and political visibility that it had never had before. In all his major endeavors, Walter Reuther was consistently ahead of his time, and never was his foresight more clearly demonstrated than in his eloquent advocacy of national health insurance. Long before others saw the defects of Medicare and Medicaid, he realized what has now become the standard truism of health reform—that a dollar ticket is not enough to bring us into the mainstream of modern medicine. He saw that we cannot simply pour more money into the existing system of health care. He saw that we must bring fundamental change to the organization and delivery of health care as well. Most important of all—and this, I think, was the true genius of his insight—he realized that the financing mechanism of national health insurance might well be the only available key to comprehensive health reform, since it offered the only real hope of building incentives strong enough to change the system.

At the founding of our American republic, Thomas Paine declared, echoing the words of the ancient Greeks, "Give us a lever and we shall move the world." Walter Reuther's view was, give us the lever of national health insurance, and together we shall move the medical world and achieve the reforms that are so desperately needed.

You who receive the Lasker Awards today share Walter Reuther's vision of the gulf in our society between the promise of health research and the performance of health delivery. As Mr. Bylinsky and Miss Randal, Mr. Kleinerman and Mr. Cooper have so well reported, we have great talent for discoveries in medical science, but we have not yet found the talent and the will to put them into practice.

We know, and Reuther was among the first to tell us, that health care in the United States is the fastest growing failing business in America—a $70 billion industry that fails to meet the needs of our people. Nowhere is the impact of the inflation that grips our economy more obvious than in the rising cost of medical care and health insurance.

The private health insurance industry, which oragnized labor and men like Reuther helped create and support, has failed us. It provides sickness insurance, not health

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insurance; acute care, not preventive care. It gives partial benefits, not comprehensive benefits. It fails to control costs. It fails to control quality. It ignores the poor and the medically indigent. In 1969, in spite of the fact that health insurance was a giant $12 billion industry, fully 40% of the bills for personal health expenditures in America were paid by direct payments from patients.

Far too often, the catastrophe of serious illness is accompanied by the very real fear of financial ruin. Health insurance coverage in America today is more loophole than protection. Hundreds of insurance carriers compete with each other in providing thousands of different types of benefits. Yet, in 1968, of the 180 million Americans under 65:

13% had no hospital insurance.

20% had no surgical insurance.

34% had no in-patient medical expense insurance.

50% had no out-patient X-ray and laboratory insurance.

57% had no insurance for doctors' office visits or home visits.

97% had no routine dental care insurance.

In spite of the fact that our vaunted research and technology is unequalled by any other nation in the history of the world, America is an also-ran in the delivery of health care to our people. In areas like infant mortality, maternal mortality, life expectancy, and death rate for middle-aged citizens, America lags far behind almost every nation in Western Europe.

At the same time, the billions of dollars we pour into our inadequate health system are more than is spent by any other nation in the world, either in absolute terms or as a percent of gross national product. In light of this dismal record, one thing is certain. In America today, no one is getting full value for his health dollar.

The answer is clear. We cannot go on subsidizing the present waste, patching the existing system beyond any hope of repair. We must begin the long journey toward real reform, toward revolutionizing the system, toward comprehensive change in the organization and delivery of health care in America.

I share Walter Reuther's belief that the way out of our health crisis today is the establishment of a program of comprehensive national health insurance, capable of bringing the same amount and high quality of health care to every man, woman and child in America.

As a member of Reuther's Committee of One Hundred for National Health Insurance, Mary Lasker and I and many others had the honor and privilege of working with him to achieve that goal. Today, he was to have told us the broad results and new directions that have emerged from his two-year labor of love for the health of us all. He was to have told us the essence of his program to end our health care crisis. You would have heard new proposals to conserve and develop health manpower; to weed out waste and reduce costs; to assure a higher quality of care; to promote greater consumer participation in health affairs; and to reorganize the health delivery system through the development of primary health care and group practice programs. Equally important, he would have told you that all his proposals, taken together, would cost us no more than our present annual outlays for personal health services.

Today, however, is not the occasion to elaborate his program. What we can do is to pledge ourselves to fulfill his quest. In the days to come, when the Reuther proposal for national health insurance is put forward in detail, I believe it will become the single most important, imaginative and farsighted legislation introduced in the 91st Congress, whether in health or any other area. In the years to come, when Congress finally responds to the demand of the American people for better health, the legislation we enact for national health insurance will be a living memorial to Walter Reuther. More than any other, he is responsible for its present public momentum. Strange as it seems, future historians of America may well record that in the United States of the Nineteen Sixties, it was Walter Reuther who first saw that the time had come to bring American medicine into the twentieth century.

To be so cruelly deprived of his extraordinary talent, especially now when this aspect of his work was nearing fruition, is a heavy loss to all of us concerned with the quality of health care in America.

More than this, his tragic death is a loss to all of us concerned with the quality of our American society. No man's work is ever finished. If today we see further, if today we see more clearly the need of America for peace, for better health, for better education, for better cities, it is because we stand on the shoulders of giants like Walter Reuther. We who live will carry on his work. We will rededicate ourselves to his ideals, and to the ideals of the other great leaders we have lost. We can succeed, but only if we make this commitment our commitment, his dream our dream.

In closing I would like to honor Walter Reuther with a brief tribute, by reading from the passage near the end of "Pilgrim's Progress," which tells of the death of Valiant:

"Then, he said, I am going to my Father's; and though with great difficulty I am not hither, yet now I do not regret me of all the trouble I have been at to arrive where I am. My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, and I have fought his battle who now will be my rewarder.

"When the day that he must go hence was come, many accompanied him to the river side, into which as he went he said, 'Death, where is thy sting?' and as he went down deeper, he said, 'Grave, where is thy victory?' So he passed over, and all the trumpets sounded for him on the other side."

### TVA'S 37TH ANNIVERSARY

Mr. SPARKMAN. Mr. President, today we celebrate a memorable anniversary in our national life.

Almost two score years ago Congress brought into being a bold, new concept relating to the natural resources of the Nation. I refer to the Tennessee Valley Authority program, which became law 37 years ago on May 18, 1933.

I do not need to remind Senators that the TVA has been good for the U.S.A. The record speaks for itself.

The TVA was one of the great reforms of the early New Deal. While the Wagner Labor Relations Act and collective bargaining were a magna charta for the working man of that day, TVA was a magna charta for the consumer and the farmer, long oppressed by the high cost of electricity—and, I may add, the lack of electricity in many cases.

Its famous "yardstick" principle set in motion a wave of electric power rate reductions felt all over America, not just in the Tennessee Valley. TVA also triggered new flood control and erosion control projects throughout the land, projects which harnessed our rivers and made our farmlands bloom as never before.

Nowhere in the world had such a vast, multipurpose undertaking—for electric power, flood control, navigation and erosion control—ever been attempted before, and none has been so fabulously successful. The results are everywhere apparent in our economy and a shining symbol to the rest of the world.

The Tennessee Valley Authority helped America to help itself, to pull itself together after a disastrous depression. It was championed by leaders in all walks of life, but the principal sponsors in Congress, the men who spearheaded enactment, were Senator George Norris of Nebraska and former Senator Lister Hill of Alabama, then a Member of the House of Representatives.

I recall how Norris and Hill went to the White House for a conference with President Franklin Roosevelt before the TVA legislation was introduced in Congress.

Roosevelt was completely sold on the idea. He insisted that the multipurpose program should be administered by an agency that was strongly independent.

"What will we call it?" he asked, leaning back in his chair. Suddenly he said, "I know. We'll call it an authority—the Tennessee Valley Authority."

Hill and Norris agreed, and that is how the TVA got its name.

It had some difficult times in its early days, for not all of our citizens supported the program at first and saw it as the Nation, and the world, look upon it today. It was fought bitterly by the big private utilities, which envisioned TVA as a dangerous competitor.

There were loud protests that private utilities had to pay taxes, while the TVA, as a Federal agency, was untaxed—and that this constituted an unfair subsidy by the Federal Government. Lawsuits and injunctions multiplied and seriously threatened the sale of TVA electric power until the U.S. Supreme Court upheld the constitutionality of power sales from Wilson Dam in the landmark Ashwander case decision in 1936.

In the years since, the major power companies not only have learned to coexist with TVA, but to join hands with it in the volume distribution of electric power at lower rates. The TVA now serves as a backup for private electric systems from Oklahoma to the Atlantic seaboard. To help prevent blackouts this summer, it plans to sell 720,000 kilowatts of power to hard-pressed utilities east of the Mississippi River.

However, the TVA power system itself is somewhat hard-pressed at the moment, due to the shortage of coal. The average coal supply for the entire TVA system usually runs from 60 to 90 days, but it is now down to 30 days' supply.

Although the TVA Act emphasized the public aspects of electricity and recognized it as an important tool in the development of our resources, TVA power projects were required to be self-supporting and self-liquidating. In other words, the power program pays its own way.

From 1933 through fiscal year 1969, TVA power revenues amounted to a total of $5.1 billion. The accumulated net income of the power program in this period,

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after deduction of all expenses, totaled over $1 billion. The TVA has returned almost $700 million of this to the U.S. Treasury. It paid back $68.1 million in fiscal year 1969, and will return an estimated $72.6 million in the current fiscal year of 1970 and an estimated $80 million in fiscal 1971.

State and local governments also have received considerable payments from the TVA and its power distributors in lieu of taxes, including $37.4 million in 1969.

But much of the power earnings have been reinvested in new construction in the Tennessee Valley. As a result, the Federal Government is the sole proprietor of an electric system which services over 2 million consumers and has a net worth of about $2 billion.

Other TVA programs besides electric power—such as flood control, navigation, reforestation, and so on—are financed largely at public expense for the public benefit, in the same way that other Federal agencies provide similar services for all of us with taxpayer money.

The TVA fertilizer development program, which makes an outstanding contribution to American agriculture, and to the private fertilizer manufacturing industry, partly pays its own way from the sale of fertilizer.

TVA also has a fine record in antipollution and recreational endeavors. Land Between the Lakes, a TVA showplace for outdoor recreation and conservation education in Kentucky and Tennessee, is one of the top vacation spots in mid-America. Over 1 million people from all over America visited this scenic area in 1969 to camp, fish, boat, hunt, hike, and study nature.

Despite these many services, the appropriation request for the entire TVA for nonpower purposes in the next fiscal year is only about $50 million. This is considerably less than the TVA annually pays back to the Federal treasury in power revenues. It also represents about 25 cents for every $1,000 in the total Federal budget.

The transformation the TVA has wrought in the Tennessee Valley itself—once a desolate and neglected area—has been fantastic. Fertile farms and prosperous businesses abound. More than 1 million acres of land have been reforested. The valley is almost completely self-sufficient, so that young people no longer must emigrate to find employment.

Industrial growth in the valley area, served by TVA power, continued its upward spiral in the last decade. A record 618 new industrial plants and plant expansions were announced in the valley in 1968. Annual electric bills for all-electric homes there range from $168 to $221, or from 29 percent to 46 percent less than the national average of about $311 a year.

TVA has developed the Tennessee River and its tributaries to a degree without parallel anywhere in the world for navigation, flood control, hydroelectric power generation, and other related uses. Tennessee River traffic totaled almost 23 million tons and over 2.6 billion-ton-miles in fiscal 1969, more than 10 times the traffic in 1945.

The savings in flood damage that has been averted since the TVA's first flood control project went into operation in 1936 totals over $350 million. Its water control system helps prevent floods in the lower Ohio and Mississippi Rivers as well as in the Tennessee basin, thus protecting large areas outside the Tennessee Valley.

It has stimulated interregional commerce through a 9,000-mile inland waterway system touching 20 States.

TVA development of new fertilizers, with the cooperation of land grant universities, has been a boon both for American farmers and those in food-deficient countries. Focal point of this activity is the National Fertilizer Development Center at Muscle Shoals, Ala., the world's foremost installation for researching and developing new fertlizers.

Some critics have claimed that Federal money has been poured into the TVA region, far more than other parts of the Nation. Nothing could be further from the truth. If you take the period from 1934 to 1965, total Federal expenditures amounted to $11,907 per capita in the Nation as a whole. In the Tennessee Valley, in the same period, Federal expenditures for all purposes amounted to $6,982 per capita, or only 59 percent of the national average. And TVA funds accounted for only one-tenth of this.

Yes, the TVA has been good for the U.S.A. But, more than that, it is the greatest and most profitable investment ever made by a nation in the natural resources God has given us, which, if wisely used, will bring security, health and happiness to all of us.

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## WALTER P. REUTHER

**Mr. PACKWOOD.** Mr. President, a man who stood out among men is dead at the age of 62. Walter P. Reuther, president of the United Auto Workers, died May 9 in a plane crash. Mr. Reuther was truly a giant in the American labor movement. He was a man who felt strongly about the cause of freedom and about the cause of the common man. He rose from a humble beginning to become president of the Nation's largest industrial union. He was a man with vision, constantly seeking social changes which would result in a better and more fulfilling life for human beings.

I ask unanimous consent that an article published in the Washington Evening Star of May 11 be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Reuther Spent His Life Furthering a Cause

(By William J. Eaton)

Union negotiators in the 1967 contract talks with General Motors grew tense during a recess in the final hours of bargaining.

Only Walter P. Reuther, president of the United Auto Workers, appeared serene, scrawling notes on more than a dozen pages of yellow foolscap.

"Are you writing a press release?" asked an anxious aide.

"No," Reuther replied. "GM is going to agree to what we want. Don't worry about that. I'm writing a plan to rebuild the slums of America, using the people who live in them to do the work."

That vignette captures the spirit of Walter Philip Reuther, an authentic American radical who fought his way to the top of a powerful labor union, then used his power in the interests of social justice.

#### PRIORITY TO RANK AND FILE

His first priority was securing wages and benefits for the rank-and-file, but he never performed simply as a bread-and-butter unionist.

Reuther's vision led to breakthroughs such as a guaranteed annual wage for the assembly line worker and company-paid pensions for those who were "too old to work and too young to die," a slogan he coined in the 1950 battle for retirement pay.

Reuther's conscience also kept him in the forefront of drives for racial equality, aid to the poor, nuclear disarmament, improved medical care, better housing and a cleaner environment.

His leadership within the labor movement routed Communist elements from his own union and later helped expel Red-led unions from the CIO.

#### SYMBOL OF UNION VIRTUE

Personally and financially, he became a symbol of trade union virtue. The UAW was rarely tarnished by corruption.

Reuther's politics, originally Socialist, became Democratic in the 1936 re-election campaign of New Deal President Franklin D. Roosevelt.

Unhappy with Harry S. Truman, he briefly supported presidential boomlets for Dwight D. Eisenhower and/or Justice William O. Douglas in 1942, but returned to his adopted party and remained there for the rest of his life.

Reuther made enemies. At the outset of his labor career, he was beaten by Ford Motor Co. thugs in the notorious "battle of the overpass" in 1937 for daring to circulate organizing leaflets at Ford's River Rouge plant. Later, he was labeled "the most dangerous radical in America" by George Romney, who was then chief spokesman for the auto manufacturers.

#### ATTACKED FROM TWO SIDES

When Reuther directed a 133-day strike against General Motors in 1945–46, he was accused of undermining the free enterprise system.

The Kremlin once called him a "lackey of Wall Street" although, as a young tool and die maker in a Ford plant at Gorki, Russia, Reuther was attacked as an "establishment man" by youthful revolutionaries and black militants—just as Communist foes within the union labeled him "the bosses' boy" in his 1946 fight for the UAW presidency.

#### ALIGNED WITH KING

"We will reject the voices of extremism, whether they be white or black, because we believe there are no white answers or no black answers," Reuther said. "There are only American answers.

He aligned himself with the late Martin Luther King, Jr. and his nonviolent crusade for racial integration, often offending many UAW members who did not approve of King's activities. Reuther was one of the ten sponsors of the 1963 March on Washington attended by a quarter-million Americans who heard the famous "I have a dream" speech by the black clergyman.

The march drove a wedge between Reuther and George Meany, AFL-CIO president, who had urged that orgnaized labor adopt a hands-off attitude toward the massive demonstration. When the AFL-CIO Executive Council passed a resolution to this effect at Meany's urging, Reuther fumed: "That resolution is so anemic it will need a transfusion to get through the mimeograph machine."

Reuther's dispute with Meany, which led to the UAW's break with the parent federation in mid-1968, seemed to be a mixture of

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principle and personality. In Reuther's eyes, the labor movement should always be "on the march" in the front ranks of groups seeking social change. In Meany's eyes, the AFL–CIO can obtain better results through more conventional lobbying for federal and state legislation.

Reuther had headed the UAW since 1946, and became CIO president in 1952. In 1955 he joined Meany in forging the AFL–CIO, giving labor its first united front since John L. Lewis pulled out his United Mine Workers in 1937 and founded the Congress of Industrial Organizations as a rival to the American Federation of Labor.

But in 1968, Reuther pulled out his 1.6 million-member UAW, claiming the federation had become practically inactive. It joined the Teamsters in forming the Alliance for Labor Action, whose avowed goal was to organize the working poor into labor unions.

### INDOCTRINATED AS A BOY

It may be necessary to go back to Reuther's boyhood in Wheeling, W. Va., where he was born on Sept. 1, 1907, to understand his labor philosophy. His father, the late Valentine Reuther, was a German immigrant, a socialist, an official of the Brewery Workers Union. Valentine raged against injustice he found all around him in that industrial town and preached labor's story to Walter and his three brothers.

Misfortune struck the family when Valentine lost an eye in a freak accident, forcing Walter to drop out of high school at age 15 and become an apprentice toolmaker at the Wheeling Corrugating Co.

"I made 11 cents an hour," Reuther recalled later. "We worked 11 hours a day."

On weekends, Walter and his brothers were coached in debate by Valentine, who assigned them research on such topics as the eight-hour day and then supervised the arguments in an upstairs bedroom. It was good training for the soap-boxing that Walter, Victor and Roy Reuther were to do later in the auto capital of Detroit.

### IGNORED BY COWORKERS

Even before he left Wheeling, Walter started agitating against Sunday and holiday work, but his fellow workers paid little heed to the red-haired apprentice.

He went to Detroit at 19, and landed a job in the Ford tool and die department. He finished his high school education while working full time, often studying until 4 a.m. and stuffing textbooks in his tool box to finish his homework.

The Great Depression's impact on Detroit—with long lines of unemployed and soup kitchens—reinforced the socialist doctrines taught at home. Enrolled at Detroit City College, Walter and Victor formed a social problems club, took its members to picket lines and fought against an ROTC unit there.

In 1932 the Reuther boys stumped Michigan for Norman Thomas, the Socialist candidate for president, with an enormous "repeal unemployment" banner on their car. (Walter ran on the Socialist ticket for the Detroit City Council, losing decisively, in 1937).

### FIRED BY FORD

Walter's political views perhaps led to his dismissal from Ford in early 1933, and he lost no time leaving with his brother Victor on a round-the-world tour that included a 22-month stint in a Ford plant in the Soviet Union. At the time, the two young men seemed to be staunch supporters of the Communist experiment that had captured the imagination of so many American liberals.

A letter attributed to the Reuthers, allegedly signed "Yours for a Soviet America," plagued them for years to come. Various versions of this "Vic and Wal letter"—many obviously forgeries—were employed in intraunion battles long after the brothers had declared war on the Communist party elements within the UAW.

Returning to the United States in 1935, Reuther set up shop as an unpaid organizer, got elected to the executive board at the Auto Workers' founding convention and quickly became a major figure in Detroit auto labor. With the aid of Victor and others boring from within, Reuther led a sit-down that brought a contract at Kelsey-Hayes Wheel Co. in late 1936, his baptism of fire in that turbulent year.

### FIGHT WITH GM

Although his brothers had more prominent roles, Walter helped fight General Motors in the great sit-down at Flint in the winter of 1936–37 that produced an historic agreement on recognition of the union in the citadel of the open shop.

The UAW, rocked by factional fights, nearly fell apart in 1939 and GM tried to take advantage of the split. Reuther shrewdly timing a midsummer strike of tool and die makers that delayed production of 1940 models, managed to preserve the UAW's bargaining rights with the auto industry giant.

Reuther again showed his creative ability when he unveiled a plan for production of "500 planes a day" to help Britain survive the Nazi blitz in 1940.

The essence of the Reuther plan, which attracted national attention and almost got Roosevelt's approval, was to convert unused auto production capacity to build airplanes. Industrialists said it couldn't be done but later boasted of how they had used more than 90 percent of their machinery to build warplanes, not cars, during World War II.

### SPOTLIGHT AFTER WAR

It was in the postwar era, however, that Reuther's negotiations with the auto industry began to command wide interest.

The bitter 1945–1946 strike against GM—highlighted by Reuther's slogans of "wage increases without price increases" and "let's take a look at the books"—received sympathetic attention from a presidential fact-finding board. The slogans represented an effort by Reuther to make bargaining more rational and more dependent on economic facts rather than power, and the strike paid dividends later.

In 1948, former GM president Charles E. Wilson introduced the "annual improvement factor" to reflect rising productivity in wages and the cost-of-living escalator to protect the buying power of a worker's paycheck. The UAW accepted these principles and they formed the basis for a five-year contract in 1950.

Reuther forced renegotiation of that contract when the Korean war sent prices soaring in 1953. He did this by striking key plants and then, under the theory that labor contracts are "living documents," reopened the provisions on wages with the grudging agreement of auto management.

### LANDMARK IN 1955

But it was the 1955 bargaining, however, that may make Reuther's name live in labor history. He won a system of "supplemental unemployment benefits," or SUB, from Ford Motor Co. to increase the out-of-work payments to regular Ford employes who were laid off periodically.

With patience and determination, he built on those agreements until, in 1967, a regular Ford worker could collect 95 percent of his weekly pay for up to a year if he got a layoff slip.

It was the same kind of determination that Reuther displayed following an unsuccessful assassination attempt in 1948 that almost severed his right arm.

After the shooting, doctors said the odds were a million to one against his ever using his right hand again. But Reuther squeezed a hard rubber ball and underwent therapy until movement was restored, then took up carpentry to aid his recovery.

"I drove nails and sawed wood until tears came to my eyes. . . . I got a good house and a good hand," he recalled.

## LESSON IN PRACTICAL POLITICS

Mr. METCALF. Mr. President, election laws vary from State to State, but by and large they are similar. In Montana we elect our precinct committeewomen and committeemen at the primary election. Those voting the Democratic ticket vote for their precinct representatives; those voting the Republican ticket do likewise.

All one has to do in Montana to run for precinct representative is to file at the county courthouse with the clerk and recorder and be a registered voter. There is no filing fee. If a personal reference will be pardoned, my first office was precinct committeeman. I filed as soon as I was a qualified voter and won in a contested election.

Roger Hawthorne, a staff writer for the Billings, Mont., Gazette, has written a thought-provoking article on how those opposed to war, those seriously concerned about our environment, and those with other causes are voluntarily surrendering their chances to "turn the system around."

As Mr. Hawthorne states, it is the precinct officer who determines the direction of the political party he represents. The county convention is composed of the percinct committeemen and committeewomen. The county convention elects delegates to the State platform convention and in presidential years elects delegates to the State convention who in turn designate the delegates to the national presidential nominating convention.

Here is a little lesson in practical politics. The activists who are demonstrating about the issues of the day have an opportunity to particpiate in the solution of national problems insofar as Montana is concerned by merely walking down to the courthouse and filing for precinct office. This is the way the system works in Montana. I would wager that it works in a similar way in most States.

For those who are not satisfied with the people now in office but do not wish to seek a party post or office through the manner set forth in the Hawthorne article, a viable alternative is offered in an article written by James D. Barber and David R. Mayhew and published in the New Republic magazine. The Barber-Mayhew article outlines how the energy dissipated in street demonstrations could be more effectively used if converted into political muscle.

Responsible young people, and those who are not so young, but with causes to advocate, should look at the way the political system works and try to operate within it. If it is not democratic, change it. But where there is an opportunity to direct and control, there is no excuse for neglect of that opportunity—unless one just wants to protest.

I ask unanimous consent that the articles to which I have referred be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### THOSE WITH CAUSE MISSED A CHANCE

(By Roger Hawthorne)

The anti-war people, the environmentalists, indeed all the people with a cause to push that in any way relates to the political process (and what doesn't?) last week voluntarily surrendered their one chance to do something about it.

That is, to do something effective about it.

Of course, they can always hold their fasts, their demonstrations, their teach-ins.

None of that has been effective in the past, and it's not too likely to be effective in the future, but accomplishing something doesn't seem to be of much genuine concern to the cause-pounders.

What they could have done—but didn't—was to go to the clerk and recorder's office in the courthouse before the filing deadline April 23, take out nominating petitions for a precinct position, and sign them.

All they would have had to do is to be registered voters and reside in the precincts filed for. And just sign their names in many cases.

On the Republican side, 86 people did that. On the Democratic side, 106 people did that. Two Republicans and two Democrats will be eliminated in contested precincts.

Everyone else who took the time to sign his or her name on a nominating petition will be elected as either a precinct man or woman.

There are 81 precincts in Yellowstone County; 81 men and 81 women could be precinct workers.

There are 78 vacant precinct positions in the Republican Party—only four short of an absolute majority. On the Democratic side, there are 58 open positions, 24 short of an absolute majority.

And what is true in Yellowstone County is also true in varying degrees in every county in the nation.

For the politically naive, the precinct man or woman is the most elemental term in the political process. Ultimately the precinct worker decides the party's platform on both the state and national levels. Ultimately the precinct worker controls all patronage to be administered through the party.

The precinct worker is the one who delivers the votes, chooses the county central committee's executive committee, determines who will compose the state central committee, and the state central committee in turn determines who will compose the national central committee.

With all the vacancies in the two parties in Yellowstone County, it would have been an easy matter for the cause-pounders to have gained control of both parties.

In short, had any one really cared, they could have—in nearly every case—simply signed their names to finally decide what the political policies will be, all the way from City Hall to the White House.

They didn't do it.

Of course, the cause-pounders wouldn't have had to have an absolute majority to control the internal workings of the two major parties.

One young Republican estimated to control the central committee of his party would require only 15 people, 15 people who would ritually attend all central committee meetings.

Most people holding precinct positions don't go to the central committee meetings, and in actuality a miniscule number of cause-pounders could have—without any contest—seized the party apparatus of both parties.

They could still do it, only now it will be somewhat harder.

They can wage write-in campaigns or try to arrange with a party apparatus they voluntarily surrendered to be appointed to the vacant precinct positions.

It would have been so simple on Earth Day for the genuinely concerned environmentalists to go to the courthouse to sign the nominating petitions that would put them in a position to shape and guide both major political parties in this, the most populous county in the state.

It would have been so simple for those people fasting against the war in front of the federal building to cross the street to the courthouse to sign their names.

They didn't do it.

Kind of makes you question just how seriously they should be believed when they say they care about anything, doesn't it?

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## From the Streets to the Polls

(By James David Barber and David R. Mayhew)

Tell a hawk congressman you are planning a peace march through his district, and you're likely to get a cold rebuff. Tell the same man you have organized a thousand volunteers to canvass his district in the next primary in support of a dove opponent, then his attention picks up. Show him you know the law, the ins and outs of the nominating process. Show him a substantial campaign fund already available for peace candidates. Tell him the name of the popular citizen who has agreed to contest his nomination if necessary. At this point he is listening hard . . . Perhaps there is something to that Goodell Resolution after all.

The next step for the peace movement is from the streets to the polls. The massive Moratorium of October 15 and the immense (and 99 and 44/100ths percent pure nonviolent) march of November 15 made their point: a majority of Americans recognize that the war in Vietnam is a mistake. The job now is to translate that sentiment into political power. The President can always back up his popularity by appealing for personal support in time of crisis. He may yet discern in the flux of opinion the difference between allegiance to the flag and acceptance of his slow and secret policy. But he has nearly three more years for maneuver before he faces the electorate. Four-hundred thirty-five representatives and a third of the senators face that test in the coming year.

The machinery for '70 is already in motion. Incumbents are watching the election calendar, wondering if challengers will let the key dates pass without action. In Connecticut, for example, registration to vote in party primaries in 1970 closes on January 9. In other states candidates must file as early as the first or second week in February. Normally, all this early maneuvering takes place in obscurity; the public is not much interested, and the politicians are willing to leave it that way. But unless the peace forces want to wake up next November to congressional contests of the Humphrey vs. Nixon type, the time to shape the choices is upon us.

Success in a campaign for a peace Congress depends on mobilizing quickly to implement a plan with at least the following elements:

1. *Money*. It is an old political maxim that a dollar in January is worth $5 in July. The shift in public confidence from newspapers to television has escalated the cost of campaigning far beyond what most candidates can afford. A national effort to elect a peace Congress will cost millions, but in the early days of the campaign it is the thousand-dollar checks which count. Before a candidate takes on an intrenched opponent, he needs—and deserves—to know whether he has a realistic chance. Money helps that confidence.

2. *Candidate Recruitment*. In some states and districts, registration and petition efforts will have to get started before candidates appear, simply because the deadlines are approaching so rapidly. As soon as possible, however, these actions must be organized around specific candidates who articulate and lead the cause. The overriding criterion must be the man's determination to take an active, aggressive role, in cooperation with other congressmen, to stop the war. That comes first. But reactionaries, ideological wild men, and political inepts—however loudly they proclaim their dedication to peace—have to be screened out. The point is to win and get the U.S. out of Vietnam.

3. *Leg Power*. Personal contact with voters—canvassing—is probably the most effective way to bring out the votes. In the hoopla of Presidential campaigns other factors may be more important, but congressional primaries are prime targets for personal politics. Primaries can be won by small margins: in many of them, only 20 to 25 percent of eligible voters make it to the polls. There is much room for education at the doorstep: Gallup found in 1965 that 57 percent of American adults did not even know their congressman's name; 70 percent did not know when he would next stand for election—much less how he stood on the war. If the peace forces in both parties can mobilize the kind of volunteer effort we saw in New Hampshire, Oregon, Wisconsin and California in 1968, Congress can be turned around on its grassroots.

It won't be easy. Target states and districts will have to be carefully picked—although there is hardly a district in the country in which a serious challenge cannot be mounted if the war drags on. The national mood seems volatile; Representative Sam Steiger of Arizona and 14 of his colleagues read it one way when they call on the President to order a "sudden and major escalation" of the war. Furthermore, incumbents have been hard to beat; they hang onto their seats as if they owned them. In the current House, only 9.2 percent of the members are freshmen, the lowest percentage of new blood in the history of the U.S. Many are too busy climbing up the little ladders in their committees and subcommittees to grasp the urgencies felt among the people back home. That can change. A locally based movement for a peace Congress will know best the races on which to concentrate.

Take Rep. John Rarick, Democrat from Louisiana. Rarick has termed peace demonstrations "a public manifestation of disloyalty." Of three of Louisiana's eight Representatives who were opposed in the last election; Rarick was one. In the midst of his district, the Sixth, stands Louisiana State University, with more than 16,000 students and their teachers. What are the chances for defeating Rarick in a primary next year?

Consider Mr. William E. Minshall, Republican of Ohio's Twenty-Third District, Minshall is the second-ranking Republican on the Department of Defense subcommittee of the House Committee on Appropriations. He has not been what you might call an energetic advocate of prompt withdrawal from Vietnam. In November, 1968, Minshall squeaked through with 52 percent of the vote, defeating a liberal Democrat by a margin of 8,000 in 200,000 votes. Suppose that among the 40,000 students at Ohio State University, and those from other colleges, a thousand canvassers could be discovered, trained and transported to Minshall's district for a primary in May. Somewhere along the road Rep. Minshall might change his mind.

Why have we not heard of leadership for peace from the House Committee on Armed Services? Ranking right next to Mendel Rivers on that committee, and chairman of its subcommittee number one is Rep. Phil Philbin, Democrat, of Massachusetts' Third District. Mr. Philbin was not among the more than 80 members who spoke up for the Moratorium; so far he cannot be called a leader for peace. Philbin's district nests among one of the most thickly settled hotbeds of student power in the United States—the Harvard-MIT-University of Massachusetts-Brandeis complex. In the last election

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he faced two challengers and won with a bare 47.8 percent of the vote. Should there be an alternative to Philbin in 1970?

The House has a Committee on Foreign Affairs, a fact that may be news to those who have noticed the leading role of the Senate Foreign Relations Committee. The ranking Republican there is E. Moss Adair, who won in Indiana's Fourth District with a shaky 51.4 percent of the vote. What could be accomplished by a team from Notre Dame, backed up with volunteers from Indiana University's nearly 50,000 students?

In districts like these, a double-barreled strategy may make sense: primaries in *both* parties, to raise the odds that a peace candidate will get on the ballot in 1970.

There are targets elsewhere. Hébert of Louisiana, Meskill of Connecticut—even the Rivers and Mahons may be challengeable. In the Senate, four seats are being vacated, their incumbents retiring, so the field is open; Holland of Florida, McCarthy of Minnesota, Young of Ohio, and Williams of Delaware, Dodd of Connecticut deserves to go, as does Murphy of California. Prouty of Vermont is being challenged by an attractive, outspoken Robert Kennedy-Eugene McCarthy, supporter, ex-Governor Phil Hoff, in a state increasingly attuned to change. Alaska could replace Republican-appointed Theodore Stevens and return to its Gruening tradition. Hawaii—strongly Democratic in Presidential voting—might replace Republican hawk Hiram Fong. Meanwhile, senators who *have* taken courageous leadership for peace need strong support: Gore of Tennessee, Hart of Michigan, Yarborough of Texas, Goodell of New York and others.

Realistically, present U.S. policy, dependent as it is on the Saigon junta, the NLF and Hanoi, may drift into re-escalation or widely spaced mini-withdrawals. The war may be worse by November, or drag on as now. Or it could be over by November. The campaign for a peace Congress must be ready, before it is too late to effect real changes in Washington. Act One is a visit to each incumbent senator or representative by a top delegation of citizens, urging him to join with his colleagues in a common move for a quick end to the war, and describing to him the organized peace forces developing in his constituency. Act Two is the nominating process—the registration drive, petitions, conventions, and primaries. Act Three is November. To play out this drama with hope in the results requires a special dedication which may be too much for the older generation. It means hour after hour of work few will notice. It moves beyond the excitement of provocation to the exhaustion of persuasion. There will have to be speeches by those who have never made speeches, lonely encounters with hostile voters, cold feet and missed recreations, chances taken in a cloud of uncertainty. No one can say how it will turn out. But if the alternative to politics is acquiescence to killing and dying, we have a responsibility to try politics.

## WITHDRAWAL FROM VIETNAM

Mr. FULBRIGHT. Mr. President, Life magazine for May 22, 1970, contains one of the wisest and most perceptive statements on our involvement in Southeast Asia—an article entitled "Set a Date in Vietnam. Stick to It. Get Out," written by Mr. Clark Clifford.

Mr. Clifford is, of course, uniquely qualified to write on this subject, having served as Secretary of Defense in 1968–69. He was an adviser to Presidents Truman, Kennedy, and Johnson and coordinated the transfer of power from Eisenhower to Kennedy. His article advocating the beginning of withdrawal from Vietnam, published in Foreign Affairs a year ago, received wide attention. President Nixon said then he hoped to better Clifford's proposed timetable.

Mr. President, I hope that Senators and the public will carefully consider Mr. Clifford's suggestions and conclusions. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SET A DATE IN VIETNAM. STICK TO IT. GET OUT.

(By Clark Clifford)

On the evening of April 30, I heard President Nixon inform the American people that in order to "avoid a wider war" and "keep the casualties of our brave men in Vietnam at an absolute minimum," he had ordered American troops to invade Cambodia.

My mind went back to a day in April 1961 when I received a telephone call from President Kennedy. He asked me to come to the White House to discuss the Bay of Pigs disaster which had just occurred. He was agitated and deadly serious. I shall never forget his words: "I have made a tragic mistake. Not only were our facts in error, but our policy was wrong because the premises on which it was built were wrong." These words of President Kennedy apply with startling accuracy to President Nixon's decision to invade Cambodia. Unfortunately, it is clear that President Nixon's action is an infinitely greater mistake than President Kennedy's, because more than 400,000 American boys remain involved in Vietnam, and far graver damage has already been done to our nation, both at home and abroad.

Like most Americans, I welcomed President Nixon's promises to end the Vietnam war and bring our boys home. Like most Americans, I applauded the President's action in withdrawing 115,000 of our troops so far, and have noted his intention, with some qualifications, to withdraw 150,000 more in the next 12 months. Like most Americans, my sincere inclination is to support our President in times of crisis. However, I cannot remain silent in the face of his reckless decision to sent troops to Cambodia, continuing a course of action which I believe to be dangerous to the welfare of our nation. It is my opinion that President Nixon is taking our nation down a road that is leading us more deeply into Vietnam rather than taking us out.

George Santayana once said: "Those who cannot remember the past are condemned to repeat it." In my personal experience with the war in Vietnam, I have learned certain basic and important lessons. It has been my hope that the present administration would study the past and determine not to repeat certain actions previously taken. However, I must express the deepest concern that it is now apparent that President Nixon has not grasped these vital lessons which seem so blazingly clear as we look back at the last five years of our substantial participation in the Vietnam conflict.

I have learned three fundamental lessons from my personal experience with Vietnam and I shall present them in this article. I shall then discuss how these lessons apply to the Cambodian situation. Finally, I will suggest a specific plan for our extrication from Vietnam.

*The national security of the United States is not involved in Vietnam, nor does our national interest in the area warrant our continued military presence there.*

The basis of our original participation in the conflict in Vietnam was the general acceptance of the so-called "domino theory." If South Vietnam were permitted to fall, then other nations of Southeast Asia, and possibly even in the Asian subcontinent, might topple, one after the other. If this occurred, it was alleged, the national security of the United States would be adversely affected. At one time, I accepted the reasonableness of this theory, but my own personal experience has led me to the conclusion that it is now unsound.

One of the major reasons for the change in my own thinking has been the attitude, evidenced over the last five years, of the nations in Asia that would be most seriously affected if the domino theory were applicable. These nations are infinitely better acquainted with the political, military and diplomatic facts of life in that part of the world, for they have lived with them for hundreds of years. As one looks at the map of the area, it is interesting to fan out from South Vietnam and ascertain the number of troops that these countries have sent to help South Veitnam because, in the final analysis, that is the most accurate test of the degree of their concern.

Burma, Laos and Cambodia, to the west, have sent no troops to South Vietnam. Singapore and Malaysia have sent no troops, while Thailand has sent only token forces.

The Philippines have sent no combat troops. The personnel of the engineering units and hospital corps it did send have been largely withdrawn. Indonesia, India and Pakistan have sent no troops.

These are the closest dominoes, and should be the first to fall.

As far as Laos and Cambodia are concerned, their behavior hardly justifies any sacrifice of American lives or treasure on their behalf. The situation existing in these countries is incredibly sleazy, and should be known and understood by all Americans.

Most of the men and materiel of war used to fight against American forces in South Vietnam come down the Ho Chi Minh Trail through Laos. Is Laos prepared to make any sacrifice to prevent the use of the trail? Certainly not! In fact, the exact opposite is the case. On March 6, 1970, Souvanna Phouma, prime miniser of Laos, had a press conference and said:

"I told the ambassador from North Vietnam last year that we will accept the *use of the trail by North Vietnamese troops* with the condition that those troops withdraw from the important regions of Laos."

While American pilots, on a sharply escalated basis, are fighting and dying in support of Laotian forces engaged with Communist troops, the ruler of Laos suggests a deal that would permit the North Vietnamese free use of the trail through Laos to transport troops, guns and ammunition to kill Americans in South Vietnam.

In Cambodia, for years, enemy supplies have come into the port of Sihanoukville and have been transported across Cambodia into South Vietnam, to be used against American forces.

Laos and Cambodia have not been prepared to jeopardize their own interests to prevent North Vietnam from conquering the South. In fact, at least until Sihanouk's recent fall, both countries have been helping the North Vietnamese, and maneuvering to make their own deals. The United States has become involved in the age-old intrigue and chicanery that are traditional in the area.

I feel strongly that we have met, many times over, any obligation or commitment that we had in that part of the world, and I believe that the developments of the last five years should persuade us that the time has come to disengage in Southeast Asia and bring our men home.

I believe most Americans agree, but from what he says and does, President Nixon continues grossly to exaggerate Vietnam's importance to our national security.

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In giving thought and study to this enigma, I have reached the conclusion that President Nixon has a curious obsession about Vietnam and Southeast Asia. Back in 1954, in a speech to the American Society of Newspaper Editors in the East Room of the White House, then Vice President Nixon said: "If in order to avoid further Communist expansion in Asia and particularly in Indochina, if in order to avoid it we must take the risk now of putting American boys in . . . I personally would support such a decision." This is particularly startling because Mr. Nixon was recommending that we send American troops into Indochina to help the French who were engaged in war there to retain their colonial territories.

In 1965, President Nixon, then a private citizen, wrote a letter to the New York *Times*. In that letter, he declared that "victory for the Vietcong . . . would mean ultimately the destruction of freedom of speech for all men for all time, not only in Asia but in the United States as well." In his speech of Nov. 3, 1969 he referred to the "great stakes involved in Vietnam," and asserted that they were no less than the maintenance of the peace "in the Middle East, in Berlin, eventually even in the Western Hemisphere."

I want very much for the President of the United States to be wise, mature and to exercise good judgment, but a statement of this kind shakes my confidence to its very core. I cannot remain silent when President Nixon acts as though he believes that a certain political result in a small underdeveloped country of 18 million persons in Southeast Asia is somehow crucial to "the future of peace and freedom in America and in the world."

I have learned these past years that the war in Vietnam is a local war arising out of the particular political conditions existing in Southeast Asia. I consider it a delusion to suggest that the war in Vietnam is part of a worldwide program of Communist aggression.

President Nixon continually argues that we must fight in Vietnam now to avoid "a bigger war or surrender later." But it is clear to me that the only real danger of a "bigger war" would come from the continued escalation of the rapidly widening conflict in Indochina.

*We cannot win a military victory in South Vietnam, and we must, therefore, cease trying to do so.*

The goal of winning a military victory in South Vietnam has proved to be a will-o'-the-wisp that has led us from one military adventure to another. I have reached the clear conclusion that we are not winning such a victory, nor can we win it in the future.

Certain restraints have been placed upon our military activity by the political realities that exist. We have been unwilling to invade North Vietnam, or to engage in indiscriminate bombing or mining of its harbors. As a result, we have been occupied in the most difficult type of guerrilla war and probably what is the most difficult terrain in which to fight. Our enormous firepower and our airpower are seriously limited and restricted by the fact that most of the fighting takes place in the deepest jungles in Southeast Asia.

In warfare, a nation has three major goals. The first is to kill as many of the enemy as possible on the field of battle. The second is to destroy the enemy's war-making potential, and the third is to seize and hold enemy territory. In the present conflict, a substantial number of the enemy have been killed but the troops from the North continue to come down in an uninterrupted flow. The enemy is well armed, well equipped and well trained, and is expert in guerrilla warfare. And Hanoi has made clear beyond any reasonable doubt its willingness and ability to accept substantial casualties for as long as necessary.

As the second goal, we have been unsuccessful because we are wholly unable to destroy the enemy's war-making potential. The factories turning out guns, rockets, mortars and the materiel of war are not located in North Vietnam, but in Red China and the Soviet Union. We cannot destroy the factories in those countries. We attempted instead to impede the flow of weapons into South Vietnam by a bombing campaign in the North. In my opinion, the results did not warrant the enormous cost to us.

We have been no more successful in pursuing the third goal of seizing and holding territory. The enemy does not operate along a battle line; his objective is not to hold territory. When we attack, the enemy yields, but he returns when we move out.

In the pursuit of these goals, we have lost the lives of close to 45,000 Americans, had more than 275,000 wounded, spent over $125 billion, lost close to 7,000 planes, and we have dropped more tonnage of bombs in this conflict than we did in World War II and the Korean War combined.

Our problem in Vietnam is due not only to our inability to attain the military goals, despite our great effort, but to the fact that the struggle is basically a political one. The enemy continues to symbolize the forces of nationalism. The regime which we support is a narrowly based military dictatorship.

President Nixon has repeatedly asserted that the only alternative to his Vietnamization program is the "defeat and humiliation" of the United States. He has announced his determination not to accept this "first defeat" in our nation's history. The President's view constitutes in my opinion, a complete misreading of the nature of the conflict in South Vietnam, of our role and purpose there and of the American national interest. The alternatives in Vietnam are not military victory on the one hand, or defeat and humiliation on the other. We did not intervene to conquer North Vietnam, but solely to extend a shield for South Vietnam. We did not intervene to impose any particular government on South Vietnam. The interests of the South Vietnamese people will be served and our objectives will be achieved by a realistic political settlement. A program for orderly disengagement will create the conditions in which productive negotiations become possible. Such a program is the only way to peace, and peace in Southeast Asia is the only victory that we should seek.

One of the deepest concerns I have about our present policy in Vietnam is that President Nixon, while he proclaims his dedication to a political settlement, by his actions still seeks to gain the military victory that cannot be won.

*We cannot continue to fight the war in Vietnam without doing serious and irreparable injury to our own country.*

The effect of the war on the young people in the United States is a virulent one. They feel especially affected by the war because they are the ones who have to fight it. Many of them do not believe in it and they are at a loss to understand why they must fight and die in a remote corner of Southeast Asia when they know their country is in no peril whatsoever. One of the poisonous effects of the conflict is the disunity and bitterness, and in some instances violence, it has brought about in our country.

The war has confused many Americans and has caused a continuing loss of confidence because the institutions of our government have not dealt with the pressing problem of national priorities. Every domestic problem we have, including poverty, inadequate housing, crime, educational deficiencies, hunger and pollution is affected adversely by our participation in the Vietnam war, and I do not believe these problems will be brought under control until we have disengaged from that conflict.

The war is a major contributor to the inflation that is hurting every citizen in our nation. We are also in the midst of a serious setback as far as business is concerned. The effect of the war on our economy is dramatic. Almost immediately after our foolhardy entry into Cambodia, the Dow-Jones industrial average declined over 19 points.

What troubles me is that President Nixon continues to give priority to policy in Indochina and to ignore its consequences at home. His actions are dividing the nation when we need desperately to be united and to devote our energies to our critical domestic problems.

*The Cambodian invasion ignores these three lessons.* The President ordered up to 20,000 American troops into Cambodia, and has now promised to have them out by July 1. I know already, in my own mind, that the operation will achieve little. The enemy will fade into the jungles of Cambodia, which are just as impassible and impenetrable as those in Vietnam. Any military gains will be temporary and inconsequential.

This is not an idle prognostication upon my part but is an opinion derived from past experience. Time and again in South Vietnam, the recommendation was made that a sweep be conducted through the Ashau Valley on the grounds that a vital blow could be struck against enemy forces. Time and again, thousands of American troops would sweep through the valley and find practically no enemy soldiers. The same will happen in Cambodia.

Also, there is a curious psychology I cannot understand that attaches importance to capturing territory even though it is held for a temporary period. A perfect illustration is Hamburger Hill. We drove the enemy off Hamburger Hill at great loss of life to our troops, and then later on withdrew. As soon as we pulled out, the enemy reoccupied Hamburger Hill and we went back and repeated the process. I do not know who holds the hill today, I am sure it doesn't matter.

After the adventure is concluded and our troops have been pulled back to South Vietnam, I predict the enemy will quickly reoccupy the areas that we have cleared. Even if the decision were made to remain in Cambodia, then I predict the enemy will develop new bases and staging areas just outside the perimeter of the area we occupy in Cambodia. In either event, the military effect is negligible and not worth the effort.

President Nixon, in his address to the nation of April 30, informed the American people that the invasion of Cambodia is indispensable to the withdrawal of our troops from South Vietnam, that it will serve the purpose of ending the war in Vietnam, that it will keep our casualties at a minimum, and that it will win a just peace.

These contentions violate every lesson that we have learned in the last five years in Vietnam. The bitter experience of those years demonstrates clearly to me that our incursion into Cambodia will delay the withdrawal of our troops from South Vietnam because it spreads the war and intensifies it. This decision will not end the war, but will lengthen it because of the reactions of the enemy to this new development. It will not keep our casualties down but will increase them, not only because of the men killed in Cambodia but because of the increased level of combat which I predict will be the other side's response in Vietnam. It will not achieve peace but will postpone it or destroy entirely the chances of obtaining it. Even though we pull out, the damage has been done, and the bankruptcy of our present Vietnamization program has been exposed.

The thrust of President Nixon's position in his speech of April 30 was that if we escalated our efforts into Cambodia, it would aid our program of Vietnamization.

How unfortunate it is that President Nixon did not heed the congressional testimony of Secretary of State William P. Rogers when he testified on April 23, just one week before the President spoke. Secretary ROGERS said:

"We have no incentive to escalate. Our

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whole incentive is to de-escalate. We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program [Vietnamization] is defeated."

I anticipate that in the period of the next few weeks glowing reports will flow back from Vietnam regarding the outstanding success of the drive into Cambodia. Figures will be proudly presented showing the number of tons of rice captured, bunkers and staging areas destroyed, substantial numbers of weapons and quantities of ammunition found. A determined effort will be made to portray the entire adventure as a success, even though no major engagements will have taken place and the number of enemy casualties will be woefully small. This has happened time and time again, and our hopes have been raised only to be dashed by new enemy offensives. The capture of supplies and equipment, in the past, has been met by an increase in the supply of such equipment by the Soviet Union and China, with resulting increased flow down the pipeline from North Vietnam.

A further worry I have is that this ill-advised move into Cambodia could create a whole new set of problems. The open violation of Cambodian neutrality on the part of our troops could well constitute an open invitation to the North Vietnamese to expand their efforts further over Indochina on the pretext of defending independence. Our march into Cambodia now jeopardizes the ancient capitals of Phnom Penh and Vientiane. I do not have the prescience to visualize what may take place in this regard, but I know that we have greatly expanded the danger of the conflict spreading throughout Cambodia and Laos, and even further.

Although I consider the attack on Cambodia to be fraught with the most serious military consequences, I attach even greater danger to the diplomatic results that will flow from it.

Many of our friends around the world are shocked at this imprudent expansion of the conflict. They had hoped that they would see a contraction of the area of conflict and instead they learn, with deep apprehension, that it is being widened. The Cambodian adventure ignored the request of Foreign Minister Malik of Indonesia that no action be taken to extend arms support to Cambodia pending a regional conference to find ways of preserving that country's neutrality.

The decision appears to have been made so precipitately that the proper consideration was not given to the effect of the action on Communist China. The action was taken right after the recent conference of Communist representatives from China, Cambodia, Laos and North Vietnam. This conference ended with an agreement of mutual support and cooperation in combating American and other enemy forces in Indochina.

The predictable Soviet reaction was also apparently discounted. Premier Kosygin, on May 4, called a special news conference to warn of the worsening in Soviet-American relations. Mr. Kosygin stated that the Cambodian move raised serious doubts about President Nixon's sincerity in seeking an "era of negotiation." Mr. Kosygin went so far as to suggest that President Nixon's statements could not be trusted. This does not mean that either China or Russia will intervene directly, but it does mean that they will give North Vietnam all the aid it needs to neutralize our action.

Another unfortunate result of our action is to imperil the success of the strategic arms talks now being held in Vienna. Mr. Kosygin stated that our actions put the Soviet Union on guard and decreased their confidence, without which it is difficult to conduct negotiations.

Domestically, the re-escalation of the war has gravely increased the disaffection of young Americans, and the disruption of our society.

The active invasion dramatizes another facet of President Nixon's statements on the war which has caused me the deepest concern. In his speech of April 30, President Nixon again warned the North Vietnamese that, if they accelerated the fighting, he would take stern action in response. He has done this on at least four or five occasions and, in each instance, the enemy has responded by some type of military action. I suggest that this is the road to utter chaos. While announcing the withdrawal of a limited number of troops on the one hand, the President keeps threatening the enemy by assuring him that we are perfectly willing to raise the level of combat. This is not the path to peace. It is the path that will lead to more and more fighting and more and more dying.

*It is time now to end our participation in the war. We must begin the rapid, orderly, complete and scheduled withdrawal of United States forces from Indochina.*

President Nixon has described his program of Vietnamization as a plan for peace. I believe, however, that it can never bring peace in Southeast Asia, and that it is, in fact, a formula for perpetual war.

This war can only be ended by a political settlement. Nothing that the Administration is now doing holds any promise of bringing one about. And our present program for indefinite military presence in Vietnam makes such political settlement impossible. So long as our withdrawals are conditioned on the ability of the South Vietnamese to assume the combat burden, Hanoi cannot be expected to believe that we are genuinely interested in, or would even accept, the kind of political compromise that a peaceful settlement would require. The present Saigon government, on the other hand, will never make the necessary accommodations so long as it is secure in the belief that American forces will remain in sufficient numbers to keep it in power.

It seems clear that the Administration believes it has proposed in Paris a genuine basis for compromise. In my opinion, however, these proposals are not realistic, nor will they lead to any progress.

Accordingly, what we need is a program that will Vietnamize the peace rather than prolong the war. In July 1969, in an article in the magazine *Foreign Affairs,* I recommended the definite, scheduled withdrawal of our ground combat forces from Vietnam by the end of 1970. I now propose to go further, and set a final date for our complete disengagement. Such final date might even be advanced if certain agreements are reached. The following is my specific three-point plan:

1. Announce publicly that all U.S. forces are to be removed from any combat role anywhere in Southeast Asia no later than Dec. 31, 1970, and that all U.S. military personnel will be out of Indochina by the end of 1971, at the latest, provided only that arrangements have been made for the release of all U.S. prisoners of war.

2. Move promptly to end B–52 attacks, all search-and-destroy missions, and all other offensive operations, except as necessary to protect the security of U.S. forces, as disengagement proceeds.

3. Inform Hanoi and Saigon that *we are prepared to negotiate an even more rapid withdrawal* if the safety of our forces is assured by a cease-fire or other arrangements in South Vietnam, and if there is an understanding regarding the cessation of military pressures in Laos and Cambodia.

President Nixon has maintained that, were he to announce a withdrawal schedule, Hanoi would lose all incentive to negotiate a settlement. It is abundantly clear, however, that Hanoi feels no incentive to negotiate at the present time. The President has also asserted that North Vietnam would then simply wait until our troops have been reduced in number and launch attacks. But this potential exists whether a withdrawal program is announced in advance, or simply in installments. A third objection has been that the South Vietnamese forces may not be ready to assume the full combat burden and that a military conquest and bloodbath may ensue. But our objective should be to establish the conditions that will lead, not to the continued necessity for combat capability, but rather to a political compromise that will bring peace and stability to that troubled land.

On a number of occasions, President Nixon, in arguing that it would be improper for us to leave Vietnam now, has used the so-called "bloodbath" argument. He has suggested that the massacre of many South Vietnamese, including a million and a half Catholics who fled from the North, would occur when our forces withdrew.

I find this position difficult to understand. In the first place, the figure of one million and a half Catholics who fled to the South, referred to by President Nixon in his speech of Nov. 3, 1969, is incorrect. A study of this subject, published in 1956, by the South Vietnam Department of Education and the National Commission for UNESCO, discloses that the number is not 1.5 million but 754,710. This is significant because the President overlooked the fact that there are still living in *North* Vietnam today approximately 800,000 Catholics. There are also Catholics among the leadership of the National Liberation Front in South Vietnam.

The President bases his claim of "bloodbath" on his charge that when the Communists took over North Vietnam in 1954, they slaughtered thousands upon thousands of North Vietnamese. In fact, the records of the International Control Commission disclose that in the two years following the armistice of 1954, only 19 complaints were filed covering political reprisals in all of North Vietnam. Later, in 1955 and 1956, a peasant revolt was harshly repressed, and the best estimate are that 10,000 to 15,000 may have died.

It is my firm belief that, when it becomes apparent that the Americans are in fact leaving, all parties seeking power in South Vietnam will have a strong incentive to negotiate a compromise settlement. All will recognize that compromise is their one assurance of a share in political power. The contending factions must now be aware that, in the absence of compromise, they can look forward only to continued conflict and disruption. The need for peace must now be apparent to all but the very few whose power and profit depend on war. We should not forget that, in South Vietnam's election of 1967, and under circumstances that could hardly be described as favorable, a candidate advocating accommodation for the purpose of peace secured 17% of the votes counted, while the winning military ticket fell far short of a majority.

The North Vietnamese negotiators have indicated their willingness to talk seriously if the United States declares the total and unconditional withdrawal of its troops from South Vietnam. Their suggestion of a six-month period of such withdrawal need not be accepted, but their acceptance of the principle should not be ignored.

The obvious advantage of the three-point plan proposed herein is that it will specifically and unequivocally have all U.S. forces out of Indochina by the end of 1971 at the latest. It also frees the President from military pressure to slow or stop the withdrawal process. The plan takes account of the plight of the Americans now held captive and gives them and their families the hope of early release. No such hope can exist while the war continues and even intensifies. It offers also an immediate reduction in the level of violence throughout Vietnam. The ending of B–52 raids and search-and-destroy missions so long as the other side does not act to jeopardize the security of our troops, will lower casualties and create a climate far more hospitable to the process of political settlement. This approach could serve to get negotiations started again, and as they progress, this diminution in hostilities can develop into a complete cease-fire.

The time has come for us to grasp the initiative in making the necessary and vital decisions. President Nixon's policy of making our withdrawal dependent on his three criteria is a grievous error. These criteria are: (1) the level of enemy activity; (2) progress at the peace talks in Paris, and (3) the speed with which the South Vietnamese take over the fighting. Even a cursory study discloses that items one and two are controlled by Hanoi, while item three is controlled by Saigon.

We should no longer allow our own perception of our own interests to be distorted or deflected by our apprehensions as to what may occur politically in Saigon. American national interests require American disengagement from South Vietnam. I am convinced that, as presently enunciated, the Nixon program will not bring this about.

We should, instead, decide now to get out of Vietnam on a scheduled and orderly basis no later than the end of 1971. We should, at the same time, make known our readiness to negotiate a much earlier withdrawal and we should move now to scale down the level of violence. Only in this way can we achieve the peace that all Americans want, and that American military might can never win.

The present policy must be changed. The only effective method to accomplish this is sustained pressure from the public. The enormous upswing in antiwar sentiment, following the Cambodian transgression, must be maintained and strengthened and continuously brought to the attention of our country's leaders.

The solution is within our hands—if we will but use it.

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Mr. FULBRIGHT. Mr. President, I also invite the Senate's attention to two articles published in the New Yorker magazine of May 9 and May 16. They provide a most succinct analysis, particularly with regard to the Constitution. The logic of these articles is irrefutable. I ask unanimous consent that they be printed in the Record.

There being no objection, the articles were ordered to be printed in the Record, as follows:

### Notes and Comments

President Nixon's decision to invade Cambodia and the speech he gave to justify it have precipitated one of the most dangerous crises in the nation's history. The arguments by which the President attempted to make this fateful escalation of the war appear a move toward de-escalation contained such extreme inconsistencies and such fundamental violations of logic that it becomes almost impossible to carry on rational debate in its aftermath. For example, the President was apparently unable to decide whether his action was designed to take advantage of what some members of the press have called a "golden opportunity"—afforded by the Cambodian government's momentary and highly doubtful support of our war effort—to eliminate a long-standing threat from North Vietnamese troops or whether he was responding to some fresh threat. He decided finally to have it both ways, and told us at the beginning of his speech that "in the last ten days" a new threat had appeared, and, later on in his speech, went to his map to prove that the threat had existed for five years. Our own guess is that the government is using recent political developments in Cambodia as an argument for once again chasing after the mirage of military victory. As for his contention that "once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw," we have had half a decade of bitter experience with this line of thinking in Vietnam, and the Army's announcement that the enemy appears to have learned of our attack in advance and withdrawn from the area before we arrived hardly comes as a surprise. (It is true that the enemy does not appear to have escaped with quite all his supplies. When Vice President Agnew was asked on "Face the Nation" what the objective of the mission was, he answered that it was not to kill enemy soldiers but only to destroy their bases and headquarters. As an example of the mission's early success, he pointed out that the Army had captured a "laundry facility" and a large store of "freshly laundered uniforms." How will the enemy manage to continue with his uniforms unlaundered?) The enemy's disappearance, combined with the news from Cambodia that thirty per cent or more of the troops fighting the dispirited Cambodian Army are thought to be native Cambodians, makes it look more likely that even opponents of the war could have predicted that civil war has begun in Cambodia and that our troops will soon be fighting in a "second Vietnam." Indeed, it is probable that we will soon face a powerful combined force of North Vietnamese, South Vietnamese, Laotians, and Cambodians. If this happens, and if the North Vietnamese and their indigenous allies are able to overthrow the current regimes in Cambodia and Laos, it may well be that most, or all, of Southeast Asia will become the new battleground and China the "Sanctuary." And at any point in the course of such a development the Chinese may choose to enter the war directly.

What must have come as a particular shock to the Cambodians, who have now said that they had no advance notice of the invasion, was the President's failure in his speech even to mention the interests of either the Combodian government or the Combodian people, who will, after all, suffer most immediately from the invasion. (The Vice-President's remark that "we have no responsibility to the Cambodians" cannot have reassured them.) There have already been reports of bombings and burnings of Cambodian villages, and the Administration's contention that the areas we are invading are "completely occupied and controlled by North Vietnamese forces" indicates that the scorched-earth tactics of the "freefire zone" and of the "hundred-percent V.C. area" are in effect. Very soon after the invasion, Cambodia's Premier Lon Nol denounced it, perhaps because he has learned from the experience of Vietnam that few fates are as terrible for a country as American military support in a civil war. The President's statement, on the very night of the invasion, that our respect for the neutrality of Cambodia was demonstrated by the fact that we maintained fewer than fifteen diplomats in Phnom Penh was a path-breaking non sequitur. The crowing paradox in the President's speech, however, came when, just after announcing that American troops were crossing the Cambodian border, he said, "This is not an invasion of Cambodia." Cambodia—a country we have gone into uninvited and unannounced. A similar problem arose when, a day after we had resumed the bombing of North Vietnam, Defense Secretary Laird threatened that if the enemy "reacted" in Vietnam to our operation in Cambodia we would resume the bombing of North Vietnam. Yet, terrible as it is to know that, with no apparent justification, we are beginning the destruction of a second nation in Asia (or, considering our massive bombings in Laos, perhaps we should say a third), it is the implications of these events for the world at large that, seen in the context of several alarming developments here at home, must be the cause of our greatest unease.

The invasion of Cambodia comes at a time when our republic is already seriously imperilled by the increasing use by many sections of government of a broad range of repressive measures, and by a growing impatience on the part of a significant section of the citizenry with any form of dissent. Impatience has been growing among the dissenters as well, and a minority of them have turned to violence to achieve their ends. This violence is dangerous in itself and damages the cause of peace. However, the government possesses virtually unlimited resources for repression, whereas the violent opposition is small and weak, and this means that the potential threat from the authorities is immeasurably graver than the threat from the rebels. The greatest dangers stemming from a turn to violence and illegal protest arise from the likelihood that it will provoke repressive retaliation from the government.

Before the invasion of Cambodia, only a few politicians had spoken out against these trends, but their predictions were of the most alarming kind. A few months ago, while the war was still confined to Vietnam, Senator Fulbright said that a continuation of the Administration's current war policy could lead, in the long run, to "a disaster to American democracy," and he added, "What a price to pay for the myth that Vietnam really mattered to the security of the United States." Mayor Lindsay declared that America was entering "a new period of repression." Senator Percy, Senator Goodell, Senator McGovern, and former Vice-President Humphrey were among the others who warned against the perils of growing repression. The Administration's attempt to rally the "silent majority" against the press, and the subpoenas it served on the press demanding the release of information received from confidential sources, had already damaged the press' access to news of dissenting groups, and has since caused many newsmen to think twice before they publish or broadcast controversial views or news stories. At the same time, dubious charges brought by members of the Administration against the organizers of anti-war demonstrations, and inflammatory and insulting remarks made about dissenters in general, have sent a chill of fear through the nation. Legislation has been passed by Congress to abridge the rights of people suspected of crime. Also, there is strong evidence that a national campaign by law-enforcement agencies to destroy the Black Panther Party is underway, and the Black Panthers have begun to experience the terror of facing a government they believe is bent on jailing or killing them.

In recent months, the campaign against dissenting citizens, which has jeopardized almost the entire Bill of Rights, has been paralleled by a considerable blurring of another fundamental provision of the Constitution; namely, the division of powers among the branches of government. There have been many cases in which the Senate challenged the authority of the Supreme Court. In passing the Omnibus Crime Control and Safe Street Act of 1968, it specifically contradicted the Court's Miranda decision. This left law-enforcement officials with two contradictory rulings to follow in their dealings with criminal confessions. Currently, many congressmen are engaged in a political move to impeach Justice Douglas for, among other things, espousing a "hippie-yippie style revolution." The President also showed an insensitivity to the need for a strong and authoritative Supreme Court when he persisted in pushing the nomination of G.

Harrold Carswell to the Court long after it was known that roughly half the Senate opposed the nomination. *And during his campaign to have Carswell confirmed the President displayed a deep misunderstanding of the powers of the Senate itself.* The trend toward executive usurpation of the powers of the other branches of government came close to receiving official justification in a letter that President Nixon wrote Senator Saxbe urging the Senate to confirm the nomination. In the letter, the President described himself as "*the one person entrusted by the Constitution with the power of appointment*" of Supreme Court justices, and asserted that a Senate rejection of the Carswell nomination would put "the traditional Constitutional balance" in "jeopardy." As many observers have pointed out, the Constitution provides that the President "*shall nominate,* and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court . . ." *The President simply left out the part about the Senate.* The reasoning in his letter, which also accused senators of substituting "their own subjective judgment" for his judgment, was of a piece with the *Administration's entire campaign against dissent.* The message to the press, to dissenting citizens, and to the Senate has been the same: You may express yourself freely until you begin to disagree with us.

These tendencies become all the more troubling when one reflects that the first sixteen months of the Nixon Administration has been marked by an actual slackening of opposition to government policies. President Nixon has not had to face a fraction of the bitter personal criticism that President Johnson faced, and his Administration has not had to deal either with ghetto riots or with the often violent large-scale demonstrations that characterized the Johnson years; nor, for that matter, has he been faced with anything like the volume of opposition in Congress that Johnson was faced with. But it is clear that with the invasion of Cambodia all this has been changed at a stroke, and that opposition will now revive, probably with unprecedented vigor. Immediately after the Cambodian speech, the students and faculties of universities and high schools all over the country decided to go on strike. Scores of newsmen and large numbers of political leaders of both parties who had remained silent since 1968—and many who had been silent even then—immediately expressed their alarm over the expansion of the war. One must now have apprehensions about how an Administration that has made threats against civil liberties in a period of relative calm will respond in a period of what might well be the most intense opposition faced by any recent Administration. The country will be fortunate if protest is so vast and comes from so many quarters that the Administration will become convinced that the cause of peace and the cause of protecting our democratic institutions will be best served by a reversal of our new course of action in Southeast Asia. There were, however, several passages in the President's speech that made such a turn of events seem doubtful. At one point, he said, "We live in an age of anarchy, both abroad and at home. We see mindless attacks on all the great institutions which have been created by free civilizations in the last five hundred years. Even here in the United States, great universities are being systematically destroyed." If this Administration believes that what we have now is anarchy, what will it think of what may come? Later in his speech, the President said, in reference to past wars, "The American people were not assailed by counsels of doubt and defeat from some of the most widely known opinion leaders of the nation. I have noted, for example, that a Republican Senator has said that this action I have taken means that my party has lost all chance of winning the November elections." And still later in his speech he said, "I realize in this war there are honest, deep differences in this country about whether we should have become involved, that there are differences to how the war should have been conducted. But the decision I announce tonight transcends those differences, for the lives of American men are involved." Does the President believe that the lives of American men were not involved in the decision to enter the war? Does anyone have to remind the President that because of that earlier decision more than forty thousand Americans have already died in Vietnam? The President has no monopoly on decisions that involve the lives of Americans—to say nothing of the lives of Vietnamese, Laotians, and Cambodians. Our legislators and even ordinary citizens also have decisions to make. The President has impugned both the right of our citizens and the right of our senators to question our war policy. The unnamed senator who made the remark about the November elections is Senator Aiken, the senior member of the Republican Party in the Senate, the President's reference to him is a signal that virtually no one is immune to the charge of betrayal who openly disagrees with the President.

One sentence in the President's speech brings up an entirely new theme. His statement that "any government that chooses to use these actions as a pretext for harming relations with the United States will be doing so on its own responsibility and on its own initiative, and we will draw the appropriate conclusions" can be read as a threat to our allies. And such a threat serves to remind us that behind the issue of the survival of freedom in America there is a still more fundamental issue, and that is the survival of freedom throughout the world. The invasion was carried out not in the name of protecting Cambodia, or even in the name of protecting America, but in the name of the principle of protecting American troops. We are forced to consider in a new light the dispersion of millions of American troops in many free countries (and also in a steadily increasing number of countries that are not free), and the deep penetration of America's enormous economic power into the economies of all free nations. We must ask how many democratic governments could withstand economic sanctions by the United States, and how many democratic governments, whose plans for defense are so tightly interwoven with American military power, could withstand *withdrawal* of our support—never mind an invasion. There would be nowhere for them to turn but to Russia, which is already a totalitarian state, and has recently demonstrated in Hungary and Czechoslovakia the quality of its respect for the independence of nations within the sphere of its power.

If the United States government fails to honor the freedom of its own people, who are protected by the American Constitution, it will not honor the freedom of any people. This is the true relationship between the invasion of Cambodia and the survival of the free institutions that President Nixon mentioned in his speech, and for this reason the invasion of Cambodia and its consequences within America are the urgent concern not only of Americans but of all mankind.

### Notes and Comment

As the defeated British regiments marched past the files of French and American troops at Yorktown, the British bands, in detached resignation, played "The World Turned Upside Down." The same tune would have been an appropriate accompaniment to the events of last week. For the two-hundred-year-old American system came under its most serious attack in modern times, not from the poor, the blacks, or the students but from the White House—the fount, the pinnacle, the keystone of the established order. President Nixon became the first President in the history of the United States deliberately to order American forces to invade another nation on his own, without seeking congressional approval or support. This order was in disregard of the Constitution, the tempering strictures of our history, and the principles of the American democracy. It was, therefore, an act of usurpation.

Few prohibitions are more clearly set forth in the Constitution. It makes the President Commander-in-Chief, and explicitly states that only Congress shall have the power to declare war or raise armies. The Federalist Papers reaffirm what the law makes clear: the term Commander-in-Chief meant only that the President could direct the conflict after Congress had decided to make war. Hamilton wrote that the President's power would be much less than the power of the British King, for "it would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature." This was no casual division. The fear of military power under the control of a central government was one of the most serious popular objections to the establishment of the new nation. The only way this could happen, the founders responded, was by a "continued conspiracy" between the executive and the legislature. In this case, Hamilton advised, "the people should resolve to recall all the powers they have heretofore parted with out of their own hands . . . in order that they may be able to manage their own concerns in person." As sophisticated men, the Founding Fathers foresaw some of the dangers that lay ahead. They recognized explicitly that formal declarations of war were going out of style, but they still required our legislature to declare war. They saw "how easy [it] would be to fabricate pretenses of approaching danger," but they said that this would demand "a combination between the executive and the legislative, in some scheme of usurpation." In other words, the Constitution would protect the American people against the misuse of military power by prohibiting the executive from going to war without congressional approval and prohibiting Congress from directing the war it had started. Even this was dangerous, they acknowledged, but it was the best that could be done.

For over a hundred and sixty years, the Constitution was followed. Congress declared the War of 1812, the Mexican War (even though there had been a somewhat provoked attack on our troops), the Spanish-American War, and both World Wars. In the period after the Second World War, things began to change. The development of Soviet atomic power, the military impotence of Western Europe, and the shock of Korea impelled us toward the creation of a large peacetime standing Army—the first in our history. It was seen that a sudden emergency might require instant action, with no time to go to Congress. This implied exception to Constitutional principle was based on the technological realities of atomic war, and it has been invoked only once—when we intervened in the Dominican Republic. That intervention, however, was based on the claim that action within hours was necessary to protect the lives of Americans trapped between the contending forces—simply a traditional rescue operation. This claim may well have masked other motives, but American forces were not committed to combat, and support of the congressional leadership was sought and received within hours of the order to intervene and before the Marines had actually landed. In Korea in 1950, President Truman acted pursuant to a resolution of the Security Council, whose powers had been confirmed by the Senate when it consented to ratification of the United

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Nations Charter. In addition, Truman met with the congressional leadership of both parties before ordering combat forces into action, and received their unanimous support, along with that of the defeated Republican nominee, Thomas Dewey. Nor was there any doubt of the overwhelming public and congressional approval of his action—at least in the beginning. (The same week, the draft was extended with only four dissenting votes.) Still, the Republican candidates in 1952—including Senator Nixon—were critical of Truman's failure to get more formal congressional approval. So President Eisenhower sought, and received, congressional resolutions authorizing him to act in the Middle East and in the Formosa Strait. President Johnson himself asked for a resolution at the time of the Gulf of Tonkin incident, and it was the literal verbal scope of this resolution that was construed as authorizing all subsequent action in Vietnam. Yet such a construction was clearly an evasion. and it was at this point that the great Constitutional principle began to decay.

Now President Nixon has taken a giant step. Not only has he evaded the spirit of the Constitutional division of powers but he has deliberately ignored its plain meaning and intent. He has decided that he will go to war in Cambodia because he feels it necessary, no matter what Congress wants or what the people think. He has even implied that such willful disregard of the people and their elected representatives is an act of noble self-sacrifice, and has hinted that we should admire his courage in exceeding the limits of his Constitutional powers. The war in Cambodia was not an emergency. There was time enough to present the matter to Congress for a swift decision. Indeed, unconcealed debate within the executive branch went on long enough to permit the Vietcong to evacuate the threatened area. But the President did not follow the precedent of all his postwar predecessors by seeking assurance of congressional support, either formally or through meetings with the leadership. Rather, he made war by fiat. He has thus united in himself the powers that the Constitution divides and that have remained divided through our history. This comes from an Administration that proclaims its devotion to "strict construction."

This is not a technical, legal question. In import, it transcends the question of the wisdom of the war itself. The President, in effect, says, "I, and I alone, have decided to go to war in Cambodia." Where does he get that power? The Constitution denies it to him. He is not acting under the necessary of instant reaction. He has the power only because he asserts it, and because the armies follow. In a world in which conflicts are interrelated, there is no limit to the possibilities of his reasoning. He can invade Laos and Thailand, in both of which countries Communists are active. He can enter North Vietnam itself. He can attack China, which is both a sanctuary and a source of supply for the North Vietnamese. Nor is the Soviet Union exempt, since it, too, helps our adversaries in Vietnam. Such an assertion of authority is not among the prerogatives of a democratic leader in a republic of divided powers. Our democracy is not an elective dictatorship. It is a government in which all elected officials have carefully limited powers. Suppose the President said he was going to change the tax laws, because the rates were unjust. What an outcry we would hear. Yet how trivial such an act would be, compared to concentrating the power over war and peace in a single office. The light of democracy depends on a common acceptance, by people and government, of the limits of power. What if, two years from now, the President should cancel the elections, on the ground of national need? Would it be easy to revolt against an armed force of three and a quarter million men if they remained obedient to their Commander-in-Chief? The possibility now seems absurd. But it illuminates the fact that our system works only because men have felt constrained by its assumptions; courts and legislatures have neither guns nor treasuries to enforce their will. Now one of the most basic of these liberating assumptions has been swept away. It must be restored.

The first duty of resistance lies with the legislative branch. For years, its members have been abdicating their responsibility, watching almost without protest while their authority was eroded and their mandates were evaded. They have allowed their power to be usurped. Now they are scorned and ignored, because the President is confident that they have neither the courage nor the will to challenge his action—that each, looking to his own interest, will allow the common cause to decay. If this is a true judgment and the President's act is not repudiated, then they will have denied the oath they took to uphold the Constitution. For Congress is the people's guardian. The authors of the Federalist Papers reassured the doubtful that "in the only instances in which the abuse of the executive authority was materially to be feared, the Chief Magistrate of the United States would . . . be subjected to the control of a branch of the legislative body. What more could be desired by an enlightened and reasonable people?" What more indeed?

The other possibility is the Supreme Court. In 1952, President Truman seized the steel mills, because, he claimed, a steel strike was endangering the war effort in Korea. The Supreme Court decided that he had no such power and ordered him to return the mills. That opinion concluded, "The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand." How much more does this invasion transgress those same hopes and fears.

There are many ways to bring the issue to the Supreme Court. The Senate itself might instruct its leaders to bring an action to restrain the President or the Secretary of Defense from ordering further combat in Cambodia. This would be an unprecedented response to an unprecedented act. The issue is Constitutional, and is thus within the jurisdiction of the federal court. And surely no individual or institution has greater standing to bring such an action than the very body whose powers have been taken away. Another route lies through the recent Massachusetts statute that makes it unlawful to require any resident of that state to serve outside the United States in an undeclared war. The Attorney General of Massachusetts has been instructed by the law to bring an action in the Supreme Court in order to prevent such service from being required. In relation to Vietnam, the passage of the bill was a symbolic action. In the case of the Cambodian invasion, the law could be a vehicle for resolving a momentous issue. Would the Court decide? No one can be sure. But it alone can decide, and that is its responsibility. Discussing the Supreme Court, Hamilton wrote that it must have the power to invalidate all acts by the other branches of government which are contrary to the Constitution. "To deny this," he said, "would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize but what they forbid."

The President has now declared himself superior to the people, to the legislature, and to the laws. We have lasted as a functioning democracy for almost two hundred years. The foundation of that democracy has been a vigilant regard for the principle that no one man or institution shall impose an unrestrained will on the decisions that shape the nation. If the American people now let this principle be eroded, while the capacity for resistance still remains, then we will deserve our fate. For we will have lost the ultimate protection of liberty, stronger than governments, more enduring than constitutions—the will of a people to be free.

## THE LEASE GUARANTEE PROGRAM

Mr. SPARKMAN. Mr. President, the April 1970 issue of the Business Lawyer, published by the Corporation, Banking and Business Law Section of the American Bar Association, includes an article by Tim C. Ford, a member of the staff of the Senate Small Business Committee, on the lease guarantee program as it is administered by the Small Business Administration. This article resolves many of the questions raised in an article published in an earlier issue—July 1969—by Rosario Grillo, general counsel for Equitable Life Assurance Society. I was the original sponsor of title IV of the Small Business Investment Act of 1958—Public Law 89–117—and a subsequent amendment—Public Law 90–104—which extended this program to all small businesses so I find it particularly significant that the program has attracted the attention of mortgage lenders, lawyers, and insurance underwriters.

With lease guarantees the Small Business Administration in the presently tight money market provides small business with a valuable tool with which it can compete for prime space on main streets, in industrial parks and shopping centers. By insuring the rentals of small businesses SBA provides a new form of collateral which is of value not just to the landlord but to his financier. But more importantly it affords small businesses a chance to compete with big businesses which have acquired triple A credit ratings.

I commend to your attention the excellent analysis of the lease guarantee program as discussed by Mr. Ford in this article. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### ANOTHER VIEW OF THE SBA "LEASE" GUARANTEE PROGRAM

(By Tim C. Ford, member of the District of Columbia bar)

The Small Business Act,[1] which created the Small Business Administration (hereinafter referred to as SBA) in 1953, provides that its primary mission is to foster free enterprise, encourage competition and help the economy to grow—and to do all of this specifically by helping small firms.

Since then, Congress, by enacting successive amendments to the Small Business Act and the Small Business Investment Act,[2] has expanded the Agency's responsibilities and programs so as to enable it to better meet the needs of the small business community.

One of the recurring problems of small businesses brought to the attention of SBA and Congress was their inability to secure commercial or industrial long-term leases of prime facilities. This handicap which

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small businesses face in competing for prime locations is a fact of life that has been well substantiated. For more than six years, Committees of the United States Congress who were deeply concerned about it conducted the hearings on the problem.[3]

During these public hearings, witnesses affirmed the national preference which Landlords hold for Tenants with backgrounds of large volume, a high credit rating, and a strong financial statement.[4] They testified that because of this preference on the part of Landlords, small business was often at a very great disadvantage in competing with larger firms for space in new developments, particularly in shopping centers and industrial parks.

To remedy this situation, Congress authorized the Lease Guarantee Program.[5] The initial legislation was limited to small firms that had been forced to relocate because of Federally-financed urban renewal, highway or other programs, or to small firms that could qualify for assistance under Title IV [6] of The Economic Opportunity Act, administered by SBA.

New legislation which became effective on January 9, 1968, extended this program to all small businesses that can qualify for assistance under SBA's regular business loan program.[7]

The Lease Guarantee Program is novel, without a precise precedent in the business world. Because of its novelty, the program has attracted the attention of the mortgage lenders, lawyers and insurance underwriters. Because of its potential benefit to small business on an expanded national scale, trade associations, developers and construction contractors constantly seek more information regarding its operation but really little has been written on the subject.[8]

A recent article entitled, "The Small Business Administration 'Lease Guarantee Program' " appeared in the July issue of this publication [9] which pinpointed some questions regarding the practical aspects of the program. Subsequent to publication of the article, the author and SBA discussed the constructive criticism and several modifications in the recently published Regulations are based on that discussion.

As presently structured, the program is based on the following premises:

### PREMISE NO. 1

The program is intended to cater to the Lessee of an existing location or premises as well as the lessee of premises being developed. It is contemplated that guarantee applications for leases of the premises already in existence will be more numerous than those where the premises are to be developed. Where a Lessor of existing property may be negotiating directly with a lending institution for a mortgage loan, it is unlikely that his success will depend as much upon the basis of rents which are to be guaranteed as upon existing leases and the general appraisal of the premises by the Lender.

Whether the number of guarantees issued for existing property will be in the majority is debatable, but it is generally thought that the number of such cases will be sizeable. The program is not designed solely to suit the developer of new projects and his institutional lender. In those instances where the relationship of the Lessor to a lending institution is direct and the premises are to be developed, as in the case of a shopping center or an industrial park, the benefits of the lease guarantee are intended to run primarily to the Lessee and not to the Lessor or his Assignee. Uultimately, it is the Lessee who pays the premium for the insurance policy issued to guarantee the rentals.

There is no provision in Title IV of the Small Business Investment Act, nor in the Regulations issued pursuant thereto, nor in the policy which purports to establish any privity of contract between the Guarantor of the lease and a Lessor's lender. A Lessor, who is developing a shopping center or industrial park, well might give consideration to the benefits that flow to his Lender if he adopts the program. The lease guarantee policy is assignable to a mortgage lender and as such is additional collateral.

In implementing the program, it appears that SBA has assumed that the principal concern of the Borrower or Lessor in assigning his policy to a lender or purchaser would be that his assignees or successors in interest are assured that they would receive the sums specified in the lease contract as rent over the term of the lease.

As has been noted, the assignment of the guarantee policy constitutes additional security to the Lender. However, SBA as Guarantor, under existing Regulations and policy provisions, does not assume all of the risks of a Lessor or of his assignee, whether the assignee be an institutional lender or a purchaser. There is presently no provision by which SBA could relieve the Lessor from his liability under the lease. The concept of a mortgage guaranty was rejected by the Committees of Congress when they were drafting the Lease Guarantee Program.[10] It was proposed at the Hearings [11] that the "traditional mortgage guarantee" be adopted instead of a lease guarantee program. But after consideration of that proposal,[12] the Congress enacted the law creating the lease guarantee program.

It is recognized that a "guarantee of the entire lease . . . would undoubtedly be much more attractive to landlords and lenders" as indicated in the Article,[13] but it is equally clear that SBA's authority to do so is lacking under the present statute. As SBA has interpreted the existing Act, the benefits are intended to flow primarily to small businesses.

### PREMISE NO. 2

The program, by direction of the Congress, must be self-supporting. The premium schedule established by SBA MUST be sufficient to cover losses. But, at the same time, it must not be prohibitive for the small businesses who are the beneficiaries.

The Act itself provides three limitations or restrictions that the Administrator may require "in order to minimize the financial risk assumed under such guarantee" [14] and authorizes the Administrator to incorporate "such other provisions, not inconsistent with the purposes of this title, as the Administrator may in his discretion require.[15]

One restriction which affects the minimization of risks is that the program is limited to the guarantee of rent payments and does not cover any other obligations of the Lessee. The other risks which a Lessor undertakes when he signs a lease with a Lessee are not included in the guarantee. The assumption of these risks by the Lessor constitutes a kind of "co-insurance." In many types of casualty insurance, the provision for co-insurance is common. The protection it gives the Insurer against voluntary acts of the Insured is essential to the limitation of the Guarantor's or Insurer's liabilities.

In a new program such as that of Lease Guarantee, no statistical data existed on which actuarial schedules can be based in the establishing of the schedule of premium rates. In order to comply with the Congressional mandate that the premium rates be established in accordance with "sound actuarial practices and procedures," [16] SBA used numerous actuarial studies,[17] recognizing that it was not possible to establish firmly out of experience the parameters of risk involved in the Lease Guarantee Program. These parameters had to be based on such information as is available regarding the life expectancy or failure rates of businesses and other data not directly applicable but relevant.

A maximum premium charge of 2½ percent per annum of the rent guaranteed by SBA is fixed in the Act. This rate must be sufficient to make the program self-supporting. If additional risks were to be assumed by the Guarantor, the premium rates would have to exceed 2½ percent, and according to the best estimates obtainable, probably would be prohibitive for the many small businesses which the program is intended to assist. In brief, the premium required must represent a balance between the risks assumed by the Guarantor and the ability of the small business to pay.

### PREMISE NO. 3

The third premise on which the Regulations and policy form are based is that the program is intended to benefit the small business Lessee, not the Lessor nor his institutional lender.

Nowhere in the Act does a reference to the Lessor's institutional mortgage lender appear. There are few references to Lessor and those establish his obligations rather than his benefits.

In a lease guarantee policy as presently issued there is no privity of contract between the Guarantor and the Lessor's institutional lender. It is questionable whether SBA by Regulations could create a relationship between the Guarantor and the assignee of the Lessor which does not exist between the Guarantor and Lessor.

This follows the basic legal premise that an assignee acquires no higher rights than the assignor held under the original contract.[18] Further, an assignee who acquires all the benefits of the policyholder, must assume all the responsibilities to which the original policyholder (Lessor) obligated himself when he received the policy. This is not only an equitable and fair arrangement but also one that is generally supported by the law.

### PREMISE NO. 4

The last premise of this program is that private business including both casualty insurance companies and institutional lenders must be used, in terms of the Act, "to the greatest extent practicable." [19] The role of Government is to supplement rather than to supplant the operations of private business concerns. But, this mandate should not be interpreted to mean that no program should go forward without such participation of private companies.

This premise is spelled out in the Act. Section 401(a) provides: "any such guarantee may be made or effected either directly or in cooperation with any qualified surety company or qualified company through a participation agreement with such company.[20] It is further provided in Section 401(a)(1) that "No guarantee shall be issued by the Administration (1) if a guarantee meeting the requirements of the applicant is otherwise available on reasonable terms."

In the Article cited *infra* [21] there are suggested changes purportedly needed "to improve the endorsement" to the lease guarantee policy which are obviously intended to convey to the assignee on assignment by the Lessor all the benefits of lease guarantee without any of the responsibilities. If these suggestions were adopted, the result would make an assignment of the guarantee policy a straightforward and unconditional guarantee of the rents to the assignee except for fraudulent misrepresentation by the assignee. Such a modification of the guarantee contract would obviously increase the risks of the Guarantor. But since the assignee is giving no consideration for such a modification of the contractual obligations of the Guarantor, it is doubtful whether these modifications would be held binding in case the Guarantor chose to challenge them in court.

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As indicated above in connection with other items, there are means available to the assignee lender by which he can protect his interests as assignee and beneficiary of the guarantee policy. These means, however, depend upon the content of the mortgage contract or mortgage instrument. Since the Guarantor is not privy to this contract or instrument, he cannot dictate its terms. He can refuse to accept the responsibilities which the proposed conditions of the endorsement to the policy would impose upon him.

SBA appears to have made every effort to develop the Program in such a way as to maximize its conformity to current business policies and practices. The program will supplement rather than supplant the actions and operations of private business concerns whether sureties, casualty insurance companies, or institutional lenders.

The various topics in the Article are examined seriatim in the light of these four basic premises. The Small Business Administration already has adopted some of the changes suggested in the Article. It seems reasonable to assume that it may adopt others. Those most concerned are hopeful that none will be adopted which are inconsistent with the four premises discussed above. To adopt them when they fail to agree with these premises would be a direct violation of the intent of Congress.

### 1. FORM OF LEASE GUARANTEE

#### *A. Preliminary observations*

SBA's function is to help the small business concern, so its "guarantee" must run to the small business concern. Issuance of a mortgage guarantee would require new legislation by Congress. Accordingly, SBA (and guaranties reinsured by SBA, and all references herein to SBA as Guarantor encompass such participating surety or qualified companies) cannot issue a traditional mortgage guarantee but does issue instead a Lease Guarantee Insurance Policy.

The earlier Article observes that "the Landlord is looking for a Tenant who will be able to pay the rent and who will be an asset to the property in his operations. The lender is looking for a secure loan; one in which there is a sufficient and secure rent flow from the leases to cover the mortgage charges and other expenses. The lender will accordingly desire that the lease, and, of course, the guarantee of the rental payments, be collaterally assigned to it, and that no act by the Landlord which the lender is powerless to control will destroy the guarantee." [22]

However, the SBA Administrator is authorized by the Act to "guarantee the payment of rentals under leases of commercial and industrial property entered into by small business concerns . . . ." [23] There are some provisions in the Act that must be complied with in a lease to be eligible for a guarantee and there are other provisions that set forth the actions which "the Lessor shall" take in order to qualify for payment of a claim. Nowhere in the Act is there any reference to a lender. Under the Regulations the lender can become a beneficiary of the guarantee only by assignment from the Lessor but the Lessor's negligence may destroy the guarantee.

#### *B. Change in tenant, his space, or in lease, etc.*

The Regulations and insurance policy do not state that any change of Tenant terminates the guarantee. However, an assignment by the Tenant with the consent of the Lessor, as required by the lease, shall terminate the guarantee if the Lessor's consent is given without notice to and consent of the Guarantor.

The purpose of these provisions in the Regulations is to establish the limits of the Guarantor's risks. Obviously, an assignment of the Lessee's interests can very greatly affect the risks of the Guarantor. If such an assignment could be made without the Guarantor's consent and the benefits of the guarantee be retained, a Landlord and Tenant who were having difficulty might make such an assignment, or agree to such an assignment, and very greatly increase the risks of the Guarantor. After all, one of the elements of risk to a Guarantor is the Tenant.

SBA's short track record does not indicate that these controls create a "potential undue servicing problem, requiring constantly knocking on SBA's door on routine operating matters." [24]

SBA would not cancel the policy in case of a change in Tenant which occurs as a result of death; or in a partnership Tenant, on change in partners by death as these changes could not be controlled by the tenant.

The recently published revised Regulations do provide that the interest of the lessee in the leased premises shall not be voluntarily assigned or transferred by corporate merger or capital stock transfer to a new lessee without the prior written consent of the lessor and insurer.[25]

It is my understanding that SBA would not be adverse to an amendment to the Regulations to provide that minor changes such as redecorating or moving partitions in the premises would not necessitate the consent of the Guarantor. In fact, SBA has already accepted some of the suggestions included in the Article including those regarding limitations or consent in the case of the subletting of a minor portion of the premises when such subletting is common practice in the trade.

SBA has indicated that there are no objections to making the guarantee indefeasible in the hands of an assignee because of actions on the part of the assignor or Lessor after the assignment has been made and the Guarantor has been notified of the assignment. But, it should be noted that the assignment carries to the assignee the obligations which the guarantee places upon the Lessor for protecting the Guarantor against risks against which he is protected by the Lessor before assignment. Otherwise, the premium schedule would have to be revised to compensate for the additional risk assumed by the Guarantor.

#### *C. Breach of lease by landlord*

This is a difficult issue. It obviously is impossible to provide that the Landlord shall receive payment of rents when he is in default and the Tenant has refused to pay the rent because the Landlord has failed to perform his obligations under the lease. No one would hold, on the other hand, that the Guarantor should be exonerated from rent liability for three months because the Landlord neglected a minor repair. This gray area continues to receive study by SBA and participating companies.

#### *D. Representations and concealment*

SBA has advised that the observation in the Article that where the guarantee policy is in the hands of an innocent assignee, the guarantee should be indefeasible except for concealment or misrepresentation on the part of the assignee, is sound.

#### *E. Damage to premises*

Apparently, the purpose of the proposal in the Article concerning the condition in the policy regarding damage to premises is intended to insure or guarantee the Lessor, and the Assignee, against any loss of rent on account of damage to the premises from whatever cause. With this contention, of course, SBA does not disagree entirely. The purpose of the lease guarantee is not to relieve the Lessor or his Assignee of all risks but to insure their receipt of rent for the use of the premises by the Lessee (or by a substitute tenant) in case he defaults and the Guarantor assumes possession and payment of the rent. It may be that to protect himself the Lessor should require in the lease that the Lessee carry casualty insurance in sufficient amount to cover the rent due in case of damage to the property for the period of time needed for restoration to prior condition.

SBA Regulations require that, in the event of a casualty, the rent abates in proportion to the unusable portion of the premises.

Practically every program participant concurs in the suggestion that the premises should be restored to their condition prior to the casualty rather than to their condition at the time the guarantee is issued.

#### *F. Construction, remodeling and refurbishing*

Frequently the leases upon which guarantees have issued the author's suggestion that the Landlord neither remodel nor refurbish the premises by providing that the Tenant assume that responsibility.

It should be noted, however, that the Guarantor should be notified if the proposed remodeling or construction or refurbishing appears to the Guarantor to increase his risks. In such event, perhaps an additional premium might resolve the matter.

#### *G. Minimizing rent losses*

Section 401(c)(2) of the Small Business Investment Act provides "That upon occurrence of a default under the lease, the Lessor shall, as a condition precedent to enforcing any claim under the lease guarantee, utilize the entire period for which there are funds available in escrow for payment of rentals, in reasonably diligent efforts to eliminate or minimize losses, by releasing the commercial or industrial property covered by the lease to another qualified Lessee, and no claim shall be made or paid under the guarantee until such effort has been made and such escrow funds have been exhausted." [26] Under this authority, the escrow funds may be used only to meet rental charges "accruing in any month for which the Lessee is in default." [27] So, the prompt obtaining of vacant possession by the Lessor is essential to mitigate the possible losses to the Guarantor.

The Regulations provide that in case of default and filing of a claim the Landlord must make a reasonable effort to obtain a new Tenant, so as to minimize the losses or amount of his claim against the Guarantor.[28] To prevent a Lessor's leasing to a new Lessee who would only pay a part of the rent in default, and charging the balance against the Guarantor, the Regulations require the acceptance of the new Lessee by the Guarantor for the Lessor to retain the guarantee. If this acceptance were not required, the Lessor would be free to rent or re-rent at any figure he pleased, charging the difference between the rent he collects and the guaranteed rent against the Guarantor. This, of course, is an unacceptable risk. But, the minimizing of the rent loss by securing a substitute Lessee cannot be left entirely to the diligent efforts of the Lessor. He might display seemingly considerable effort but not really seek a substitute tenant if he deemed his guaranteed rent was sufficient to meet all of his running expenses, for substitute Tenant would not be in his best interest.

The Regulations, therefore, require that the Lessor must give vacant possession to the Guarantor when he files a claim for payment of delinquent rent after the escrow fund has been exhausted.[29] The Guarantor after gaining vacant possession is in a position to find a substitute Tenant. If he succeeds, the Lessor may not object to the substitute Tenant so long as his use of the premises is not for any purposes prohibited by the original lease.

This provision in the Regulations [30] would not permit the Guarantor to place in occupancy a Lessee who, because of the nature of his business, is objectionable to the Lessor. But, it does not seem judicious to give the Lessor a blanket authority to veto a substitute tenant for he, in some instances, might increase thereby the risks of the Guarantor. Perhaps this point could be expressed more

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Footnotes at end of article.

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accurately than as presently stated in the Regulations.

In neither of the instances mentioned is there a "substitute lease." There is an extension of the privilege of occupancy to either the Tenant discovered and authorized by the Landlord with consent of the Guarantor or a Tenant found and placed by the Guarantor. In either case, the guarantee continues effective.

But, if the Lessor wishes to place his own Tenant without consent of the Guarantor and gives a new lease to such a Tenant, then the guarantee terminates.[21] If the Lessor wants a new guaranteed lease, then he and his prospective Lessee must apply anew for a guarantee and pay the appropriate premium charges. SBA or the Guarantor must consent and accept the proposed Tenant before he is given his lease or occupies the premises.

It is difficult to see how the obligation to pay a new premium on a new lease "would cast an unfair burden on the Landlord since a premium for the entire lease period has already been paid."[22] This prepaid premium had been paid by the original Lessee and not by the Landlord or his substitute Lessee. SBA again must seek the fair deal for the small business tenant.

### *H. Increased coverage due to increased real estate taxes*

The statement, "A much preferable scheme would be to have the premium initially paid calculated to cover this item (of tax escalation) rather than to be left with a potentially annual additional charge which the Tenant may refuse to meet, and which then would have to be paid by the Landlord or lender,"[23] raises a calculation and administration problem and has been given some thought. In the first place, one cannot calculate a premium for covering an item which is unknown in amount, such as an escalation of taxes. Secondly, a premium, if collected in advance for this item, would not cover additional charges which the Tenant may refuse to pay. The penalty for a refusal to meet the charge should be provided for in the lease, *i.e.*, failure to pay it would be a failure to pay a part of the rent and a failure to perform a term or condition of the lease. This is the generally accepted interpretation of the present Regulations.

However, items of additional cost incurred by the Landlord because of failure of the Lessee to fulfill any of its obligations other than payment of rent apparently cannot be covered by the guarantee under existing legislation. This constitutes a part of the risk which is left in the hands of the Lessor and his Assignee.

SBA, by Regulations, has eliminated the problem of percentage rent or overages.[24]

### *I. Inspection and audit*

SBA recently has indicated that the failure of Tenant to permit inspection of the premises by the Guarantor will not affect the guarantee.

### *J. Processing of claims*

The suggestion is made that the Guarantor be made liable for rent falling due during the period of restoration of the property to its original condition. Should the Guarantor assume liability for all risks of the Lessor or his Assignee? Apparently, this is not feasible under the present schedule of premiums. The requirement that the Landlord wait out the period necessary to disposses the Lessee is not an unfair burden on the Lessor. The Regulations do provide that after the possession has been secured or eviction has been effected, the claim for rent can date back to the first default. Again, this risk on the part of the Lessor is a part of this co-insurance.

In nearly all forms of insurance except life some form of co-insurance protects both the insurance company or the Guarantor. It would make computation or estimate of the parameters of risks most difficult if a Lessor were given the right to collect from the Guarantor before he has dispossessed or evicted the Lessee whose tenancy is guaranteed.

The requirement in the Regulations that the payments received by the Landlord from the Tenant after default must be applied to the rent default as against all other payment requirements may need some clarification. As presently stated, it simply leaves in the hands of the Lessor the risks of the Tenant's failure to fulfill other provisions of the lease than that of the obligation to pay rent.

### *K. Special endorsements to the guarantee*

Some modification of the lender's special endorsement in the policy as discussed in the Article is well deserving of consideration by SBA. Perhaps it could be developed so as to protect against an increase in the risk of the Guarantor which is out of proportion to the premiums collected. The Author's other proposals in this area should also be reviewed and measured by the same criteria,[25] and perhaps found feasible.

### *L. Miscellaneous SBA requirements*

It is my understanding that SBA is no longer requiring the lease rider which is substantially a restatement of the Regulations.

### *M. Special lease provisions for the lease guarantee program*

(1) Casualty and Condemnation

The changes suggested by the Author regarding casualty and condemnation have been resolved in the revision of the Regulations [26] published in September 1969.

### *N. Desirable accessory documents*

The issuance of a guarantee policy by SBA is a representation that the Tenant is an eligible small business; that there is a reasonable expectation that the Tenant will not default in payment of his rent under the lease; and that a private insurance company guarantee is not otherwise available on reasonable terms; otherwise, the issuance of a lease guarantee would be in violation of the Act.

Each policy of guarantee is backed by the full faith and credit of the U.S. Government. One cannot see the need for SBA Counsel to issue an opinion to that effect in each case. Before accepting an assignment, however, it might be feasible for the assignee to request an opinion of Counsel regarding the validity of the assignment.

### *O. Utilization of the program, present and future*

It is unlikely that either the Administration or the Congress would allow the program to languish and its benefits to be denied to small businesses solely because institutional lenders refuse to accept the guarantee as additional security for loans.

Congress intends that small businesses should be able to compete with the large business concerns for prime commercial or industrial locations. If institutional lenders will not participate in the program without an unconditional guarantee of mortgage loans, there is the likelihood of Congressional legislation in this program similar to that passed in the thirties when lenders, especially large life insurance companies, hesitated to participate in traditional mortgage guarantee programs; namely, the Acts creating the Federal Housing Administration [27] including the FNMA [28] and the Veteran's Home Mortgage Programs.[29]

And, whether Congress decides on either course, it must be noted that an unconditional guarantee of a loan made by the traditional institution lenders would probably be accompanied by a limitation on the interest rate which such loans will bear.

Finally, it seems reasonable to suppose that in striving to get access to prime business locations for small business, if it is necessary to give both the Lessor and his lender an ironclad guarantee against all risks, the cost of such a program to the government would be greater than that of the simple guarantee of rents.

Certainly a program of developing prime locations for commercial and industrial purposes and making them available to small business concerns carried on by the Federal Government with the cooperation and participation of local public authorities, analogous of the local agencies now carrying on the programs of urban renewal and public housing in cooperation with the Department of Housing and Urban Development, would be less expensive to the Federal Government than the assumption of all risks of lessor and mortgagee without being able to participate in any of their profits.

FOOTNOTES

[*] Member of the District of Columbia Bar.

[1] Small Business Act, 15 U.S.C. § 631 et seq. Originally enacted as Title II of Act, July 30, 1953, Ch. 282, 67 Stat. 232.

[2] 15 U.S.C. § 661.

[3] Hearings on "Shopping Centers" before the Senate Select Committee on Small Business, 86th Congress, 1st Sess., April 28–29, 1959. Hearings on "Lease Guarantees" before the Senate Select Committee on Small Business, 87th Congress, 1st Sess., December 18–19, 1961.

[4] Hearings on "Lease Guarantees" before the Senate Select Committee on Small Business, 87th Cong., 1st Sess. 1961, pp. 5, 21, 26, 30, 47, 55, 60, 80–81, 85.

[5] PUBLIC LAW 85–699, TITLE IV §§ 401–3 as added by PUBLIC LAW 89–117, TITLE III, § 316 (a), August 10, 1965, 79 Stat. 482. Title IV was amended by PUBLIC LAW 90–104, TITLE II, § 209, October 11, 1967, 81 Stat 271. Title IV as amended is codified at 15 U.S.C. §§ 692–4 (Supp. III, 1956–8). (Hereinafter referred to as "Program").

[6] 42 U.S.C. 2901 et. seq.

[7] P.L. 90–104, Title II, § 209, October 11, 1967, 81 Stat. 271. Title IV, as amended, is codified at 15 U.S.C., § 692–4 (Supp. III, 1965–8).

[8] Ford & Suss, *Lease Guaranties for Small Firms*, THE BUSINESS LAWYER, Vol. 23, No. 2 (1968).

[9] Grillo, *The Business Lawyer*, Vol. 24, No. 4 (1969) (hereinafter cited as Article).

[10] Small Business Lease Guarantees, S. R. No. 1532, 87th Cong., 2nd Sess. (1962) 23–28.

[11] *Supra* Note 4 at 107, 108.

[12] *Supra* Note 9.

[13] Article, 1193.

[14] *Supra* Note 9, Sec. 401(c).

[15] Cit. Note 9, *Supra* Sec. 401(c)(4).

[16] *Supra* Note 9, Sec. 401(b).

[17] Inter alia—E. Friend, *Actuarial Analysis of the Underwriting Risk in the Guaranty of Leases* (1966); M. Le Vita, *Insurance for the Guarantee of Leases;* E. Friend, *"An Extension of the Actuarial Analysis of the Underwriting Risk in the Guaranty of Leases* (1966).

[18] Gillette v. Murphy, 7 Okla. 91, 54 p. 413; Simmons v. Smith County Bk. 225 Miss. 384, 83 S. 20441, 83 So. 2d 441 (1955) U.S. v. Bland 159 F. Supp. 395 (1958) W. Jaeger, Williston on Contracts §§ 432, 438.

[19] Id. Note 5, Sec. 401(a)2.

[20] Id. Note 5, Sec. 401(a)2.

[21] Article 1204.

[22] Id. 1197.

[23] Id. Note 5, Sec. 401(a).

[24] Article 1198, (e).

[25] 34 C.F.R. 14881 (1969), Part 106, § 106.13 (a).

[26] Id. Note 5.

[27] Id. Note Sec. 401(c)(1).

[28] Id. Note 25 § 106.11(d).

[29] Id. Note § 106.11(c).

[30] Id. Note 25 § 106.12(b)(1).

[31] Id. Note 25 § 106.11(e).

[32] Article, 1201.

[33] Id.

[34] Regulations. Note 25 Supra § 106.3(j).

[35] Article, 1205.

[36] Regulations. Note 25 Supra, §§ 106.9(a), 106.9(f), 106.16(a) and (b).

[37] 12 U.S.C. § 1702 (June 27, 1934) Ch. 847, Title I, § 1, 48 Stat. 1246; Aug. 23, 1935 Ch. 614, § 344(a) 49 Stat. 722; Mar. 28, 1941, Ch. 31, § 2, 55, Stat. 61; June 28, 1941, Ch. 261, § 6, 55 Stat. 365; Reorg. Plan 3 Eff. July 27, 1947, 12 F.R. 4981, 61 Stat. 954; Aug. 10, 1948, Ch. 832, Title IV, § 402, Title V, § 501(a), 62 Stat. 1283; Aug. 8, 1949, Ch. 403 § 2, 63 Stat. 576; Oct 25, 1949, Ch. 729, § 2, 63 Stat. 905; Apr. 20, 1950, Ch. 94, Title I, § 122, 64 Stat. 59; Sept. 1, 1951, Ch. 378, Title II, § 202, 65 Stat. 303.

[38] 12 U.S.C. § 1716 (June 27, 1934 Ch. 847, Title III, § 301, 48 Stat. 1252; May 28, 1935, Ch. 150, § 30, 49 Stat. 300; Feb. 3, 1938, Ch. 13, §§ 4, 5, 52 Stat. 23; June 3, 1939, Ch. 175, §§ 15, 16, 53 Stat. 808; Mar. 28, 1941, Ch. 31, § 5, 55 Stat. 62; 1947 Reorg. Plan No. 3, § 3, eff. July 27, 1947, 12 F.R. 4981, 61 Stat. 954; July 1, 1948, Ch. 784, § 1, 62 Stat. 1206; Aug. 10, 1948, Ch. 832, Title II, §§ 201, 202, 62 Stat. 1275; Aug. 8, 1949, Ch. 403, § 4, 63 Stat. 576; Oct. 25, 1949, Ch. 729, § 7, 63 Stat. 906; Apr. 20, 1950, Ch. 9, Title I, §§ 116, 122, 64 Stat, 57, 59; 1950 Reorg. Plan No. 22, eff. July 9, 1950, 15 F.R. 4375, 64 Stat. 1277; Sept. 1, 1951, Ch. 378, Title II, § 205, Title VI, § 608 (b), 65 Stat. 303, 315; Apr. 9, 1952, Ch. 173, 66 Stat. 51; July 14, 1952, Ch. 723, §§ 3(a), 10(a)(2), 66 Stat. 602, 603).

[39] 38 U.S.C. Supp. IV 1964 Ed. 1802, as amended Pub. L. 90–19, § 25(1), May 25, 1967, 81 Stat. 28; Pub. L. 90–77, Title IV, § 403(a) Aug. 31, 1967, 81 Stat. 190; 38 U.S.C. § 694 (June 22, 1944, Ch. 268, Title III, § 500, 58 Stat. 291; Oct. 6, 1945, Ch. 393, § 11(b), 59 Stat. 542; Dec. 28, 1945, Ch. 588, § 8, 59 Stat. 626; Aug. 10, 1948, Ch. 832, Title I, § 103, 62 Stat. 1275; Apr. 20, 1950, Ch. 94, Title III, § 301(a-c), 64 Stat. 74; July 16, 1952, Ch. 875, Title III, §§ 301, 302, 66 Stat. 682.

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## SENATE OF MARYLAND RESOLUTION ON RED TREATMENT OF AMERICAN POW'S

**Mr. MATHIAS.** Mr. President, one of the tragedies of the current war in Southeast Asia, about which all Americans can agree, is that the Government of North Vietnam is totally wrong in its handling of American prisoners of war.

The Government of North Vietnam and the National Liberation Front, regardless of their rhetoric about U.S. policies, should recognize that these prisoners of war were military men carrying out orders given to them by their Government. To date, the Red treatment of prisoners has been in total disregard of the Geneva Convention relative to the treatment of prisoners to which North Vietnam acceded in 1957.

I would hope that the Government of North Vietnam would provide information on the status of prisoners of war and give evidence that they are being treated humanely.

The Senate of Maryland recognized this serious violation of fundamental human rights in its passage of Senate Resolution No. 78. The State Senate called for compliance with the Geneva Convention relative to POW's.

The resolution coincides closely with the thinking of many of my colleagues and myself. I ask unanimous consent to have the resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

### SENATE RESOLUTION NO. 78

Senate Resolution strongly protesting the treatment of American servicemen and civilians held prisoner by North Vietnam and by the National Liberation Front of South Vietnam and calling upon them to comply with the 1949 Geneva Convention

Whereas, more than 1,400 members of the U.S. Armed Forces, plus 35 civilians are known or believed to be prisoners of North Vietnam and the National Liberation Front of South Vietnam as a result of the conflict in Southeast Asia; and

Whereas, the families of forty-nine of these servicemen are residents of the State of Maryland; and

Whereas, North Vietnam and the National Liberation Front of South Vietnam have repeatedly refused to release the names of the prisoners that they hold, to allow inspection of prison facilities by neutral parties, to permit a regular exchange of mail between prisoners and their families, to release seriously ill or injured prisoners, and to engage in negotiations for the release of all prisoners; and

Whereas, these actions on the part of the enemy are in direct and flagrant violation of the requirements of the 1949 Geneva Convention on prisoners of war which North Vietnam has ratified and by which it is bound; and

Whereas, the refusal of North Vietnam and the National Liberation Front of South Vietnam to identify members of the United States Armed Forces and civilians who are in their custody has caused immeasurable distress, agony and uncertainty in the hearts of their loved ones; and

Whereas, all evidence indicates inhumane treatment of United States servicemen and civilians by their captors, which violates fundamental standards of human decency and deviates from civilized concepts concerning the treatment of prisoners of war; and

Whereas, the twenty-first International Conference of the Red Cross, on 13 September, 1969, approved by a vote of 114 to 0 a resolution calling on all parties to armed conflicts to prevent violations of the Geneva Convention on prisoners of war; and

Whereas, the House of Representatives, on 15 December, 1969, adopted by a roll call vote of 405 to 0 a resolution calling on North Vietnam and the National Liberation Front of South Vietnam to comply with the provisions of the 1949 Geneva Convention; and

Whereas, the United States of America has always abided by these provisions; now, therefore, be it

*Resolved by the Senate of Maryland,* On behalf of the residents of the State and United States citizens generally, strongly protests the treatment of American servicemen and civilians held prisoner by North Vietnam and the National Liberation Front of South Vietnam, and calls on them to comply with the requirements of the 1949 Geneva Convention relative to the Treatment of Prisoners of War, and endorses efforts by the United States Government, the United Nations, the International Red Cross, and leaders and peoples of the world toward attaining that objective; and be it further

*Resolved,* That copies of this Resolution be sent to the President of the United States, the Vice-President of the United States, the Speaker of the House of Representatives, the Department of State, the Department of Defense, all Maryland Senators, all Maryland Congressmen, and William Michael Tolley, 1206 Briggs-Chaney Road, Silver Spring, Maryland.

Read and adopted.

By the Senate, March 27, 1970.

By order, Oden Bowie, Secretary.

WILLIAM S. JAMES,
*President of the Senate.*
ODEN BOWIE,
*Secretary of the Senate.*

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## FEDERAL PROGRAMS TO ASSIST HIGHER EDUCATION

**Mr. YARBOROUGH.** Mr. President, the distinguished Senator from Rhode Island (Mr. PELL), today spoke to the faculty of Brown University on a subject which I know is of great interest to the Senate, the future of Federal programs for assistance to higher education.

The Senator meaningfully discussed not only the present program and pending administration proposals, but also described his own view of what the thrust of Federal programs should be in the future; and happily, I note that he calls for programs of broad scope and one which makes Government assistance a matter of right.

Mr. President, I believe this speech should be read by all Senators; I therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### ADDRESS BY SENATOR CLAIBORNE PELL

I should like to express my thanks for according me the opportunity to meet with you to discuss my work as Chairman of the Subcommittee on Education of the Senate Committee on Labor and Public Welfare, it is most fortuitous that I stand before you speaking on this subject at this point in time. All too often I find myself giving interesting general statements to generalized audiences on a subject matter which, while meriting public attention, is not currently before us in the Senate. However, my discussion today on the Federal role in higher education is one which I can speak of with great familiarity, for the Subcommittee on Education is presently conducting a series of hearings on this very subject—the role of the Federal Government in higher education.

I used the word fortuitous a few sentences back, and I must turn to it again, for a set of circumstances has occurred which succinctly brings to public view the whole question of Federal support of higher education. The various pieces of legislation comprising our national governmental approach to support of colleges and universities expire next June (1971). With the need for legislation prior to the Appropriations Committee consideration of a fiscal year budget I personally like to handle needed authorization work a year before it is actually necessary. In conjunction with our plans, the Administration has presented us with its proposal for higher education. It is embodied in a bill entitled S. 3636, introduced by Senator Javits of New York.

The timing of this bill's introduction and our plans for legislative activity have very clearly brought before us the major philosophical question of what is to be the Federal Government's role with regard to higher education. A question which when acted upon will set the course of Federal aid for years to come.

A major debate, admittedly not in the public view, is now taking place, for the Administration proposal would redirect the thrust of Federal activity from present aims and goals to one, which if I may borrow a phrase is, to my mind, "benign neglect".

To gain some perspective, perhaps we should review the present Federal programs. In effect, we have a many-tiered system of assistance. Leaving aside the categorical grants, the major thrust of the programs go to making college available to as many students as is possible. For the most needy there are the educational opportunity and work-study grants. The key word here is "grants", which, in the aggregate, can total up to $1,800.

Supplementing this grant program is a two-part loan program. The National Defense Student Loan Program provides for direct loans from the Federal Government to the student at three percent interest during the repayment period on the loan with certain forgiveness provisions. Coupled with this is a program of guaranteed loans with an interest subsidy provision while the student is in college.

The Administration, while retaining certain of the direct grant programs—as subsidies, would limit the top amount to be granted to approximately $1,400, and would make these available only to those whose families have an income of under $10,000. The proposal would do away with the National Defense Education Act loan program entirely; would change the major government program to one of guaranteed loans, but the loan would be made at the prevailing market rate.

You will also be interested to learn that the Administration would repeal the Higher Education Facilities Act.

What I see here is a change in the basic philosophy of Federal assistance from one which states that there is a Federal responsibility toward making college education universally available, to one of saying that there is a limited Federal role to play. For the Administration proposal would, when the rhetoric is stripped away, put the cost of education clearly on the student, causing him to borrow today at a market rate which, sadly, does not seem about to go down, and saddles him with a debt, which in the case of a young couple who both finance their way through college, could amount to about $40,000 upon attainment to a bachelor's degree; and coupled with this is no provision for a cost of education allowance to the institution.

To my mind, the present programs of direct NDEA loans and grants is infinitely better than the proposals of the Administration. However, it is my belief, and I think I represent a certain membership in the Senate when I say, that the Federal responsibility must be even greater. It is time we recognized that there is to be a right, if one can cope with it, for a person to pursue higher education, not Harvard, not Yale, not Brown, but at least some school of higher education in which he can hone his skills and abilities. And this right must be underwritten by the Federal Government.

What I would envision as the future structure of higher education is embodied in my own bill, S. 1969. This proposal establishes a program of direct grants to students—direct grants, as I envision them, coupled with an income tax factor. For example, the grant would be $1,200 from which would be deducted the amount of income tax a student's family or the student himself, pays. If a family paid no taxes, the student would get $1,200. If the family pays $1,200 in taxes he would get no grant. I would retain the present program of direct NDEA loans, and with some amendments to assure that the loans were available to all rather than bank favorites, retain the guaranteed loan program.

In the case of deserving needy students who are accepted at one of our more expensive schools, there remain—as a supplement—educational opportunity and work-study grants and, coupled with this would be a cost of education allowance of $1,000 for each of the grant students the university accepted.

What we are doing here is getting away from a question of need to a question of right and recognized responsibility. I believe the Federal Government should be responsible for a floor for higher education. I do not believe that a student should have to demonstrate how poor he is to get a grant. What we are saying here is that the Federal Government should not merely set up a system of loans through which the private banks would gain income, but should be directly involved in the education of its youngsters.

In fact, I think we are at a crossroads right now as to Federal support of higher education. A system of funding higher education through loans and the money market with little or no Federal support is one which will defeat the American dream of the opportunity of education for all. It is also, I should add, one that would play hob with private colleges and universities. For these schools are the ones most feeling the crunch of rising costs. There is a great possibility that in years to come, without a change in Federal activity, the private colleges would be the bastions of the very rich and the very poor. The middle class student would be priced out of the market.

Now is the time for a thorough thrashing out of this philosophic question—our hearings are going on, a decision will in all probability be made this year. That decision will turn on the question of: will the Federal Government have an activist role in higher education or a passive one, creating what one person has termed a natural aristocracy. I cannot impress upon you my concern about this vital issue, and my hope that the academic community of this nation will make its thoughts known about this.

It is my belief that the future of our nation calls for an activist approach to higher education assistance. This view was summed up quite succinctly by John F. Kennedy in his 1961 Education Message to the Congress, when he said—

"Our twin goals must be: a new standard of excellence in education—and the availability of such excellence to all who are willing and able to pursue it."

## BRUNO BITKER PRESENTS COMPELLING REASONS FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the recent hearings held by a special Senate Foreign Relations Subcommittee covered the Genocide Convention in great detail. Senator CHURCH's subcommittee heard from many excellent and well-qualified witnesses, the majority of whom, I am pleased to say, spoke in support of the treaty.

Testimony presented by Bruno Bitker was extremely informative on issues of extradition, site of the trial, the international penal tribunal mentioned in article VI, enforcement of the treaty, and jurisdiction of the World Court under the convention. His testimony establishes, I believe, that ratification of the convention is in the national interest.

The high point of his testimony was the conclusion of his presentation:

The United States was a leader in the drafting of and securing the adoption of the Genocide Convention. It is a paradox that we continue to be inhibited from signing on the dotted line.

The political ideology under which absolute sovereignty allows a nation to do with those what it will, as exemplified by the Nazi regime, should have lost any claim to support with the death of Hitler. The sovereign power to commit mass murder, if ever it existed, must be outlawed.

It is in the interest of the interntional community and in the interest of the United States that we join with the family of nations in outlawing the crime of Genocide. I therefore urge the Senate to give its advice and consent to ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

I could not agree with Mr. Bitker's conclusion more.

Mr. President, I ask unanimous consent that a portion of Mr. Bitker's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

### THE SITUS OF THE TRIAL AND EXTRADITION

Article VI provides that the trial of an accused shall be "by a competent tribunal of the State in the territory of which the act was committed." This expresses recognized international law. In addition, Article VII requires each party "to grant extradition in accordance with their laws and treaties in force."

As this affects the United States, the question is what are the laws of the United States respecting extradition, with whom do we have such agreements, and what are the terms thereof. As of now no such treaty "exists" as to Genocide. When the time comes for considering such new treaty (or supplementing an existing one) the advice and consent of the Senate must be first obtained before it could come into force. Perhaps the same rules would apply to extradition on a charge of Genocide as they would to any other extraditable crime. But certainly no order of extradition is going to issue from the executive or the judicial branch of the government without our being satisfied as to the substantiality of the charge and the likelihood of a fair trial. If the request comes from a nation with which we are at war, obviously no extradition will be ordered: none would be sought and none would be granted.

An unfriendly nation, including any with which we are at war, if it holds American prisoners of war, can physically detain them for any or no reason. It can charge them with whatever crime it wishes. It could allege burglary, rape, theft, or murder. If Genocide is recognized as a crime, the unfriendly nation would merely add another count to the charges. This could not be prevented under any circumstances while the war is in progress.

The arguments advanced on what would, could or might conceivably happen if Genocide were charged by an unfriendly nation are completely unfounded. But they have an emotional appeal to those not fully informed on how extradition actually functions. Suffice it to repeat the words of the Genocide Treaty that extradition must be "in accordance with their laws and treaties in force."

### THE NON-EXISTENT INTERNATIONAL TRIBUNAL

Article VI provides for a possible alternative trial court: such "international penal tribunal as may have jurisdiction with respect to those contracting parties which have accepted its jurisdiction". No such tribunal exists. It is not mandatory for any party to participate in such a court. If, however, at some future date one is created under a United Nations treaty, the then President of the United States, if he desires to ratify it, must submit it to the Senate for its advice and consent. At that time the Senate will determine whether or not it is in the interest of the United States to accept the court's jurisdiction.

### ENFORCEMENT

There are those so pessimistic about the state of man that they believe it is futile to go through the formality of making Genocide an international crime. They would insist, as a prior condition to ratification, that we must be assured in advance that there will be enforcement of the treaty provisions. This, of course, is impossible. It is equally impossible to assure the observance of any treaty commitment by any contracting party. The same pessimistic outlook might apply as to any legislation on

XUM

crimes: there is never any guarantee of compliance or assurance of enforcement. To insist that a treaty should never be adopted unless it prevents another Hitler from committing the crime of Genocide, is like demanding in advance of the enactment of a State Statute against homicide, that it must guarantee prevention of murder.

There is, however, a measure of international enforcement provided for in the Treaty. Article VIII recognizes that any party "may call upon the competent organs of the United Nations to take such action under the Charter . . . as they consider appropriate for the prevention and suppression" of the crime. In addition, there is the moral force which is attached to any contract, and the persuasive power implicit in every international agreement. The requirements of morality are more likely to be recognized if they are also the requirements of the law. Who dares now assert that the existence of such a treaty would have been without any effect on the international community, and more specifically on the United States, in the earlier days of the Nazi regime?

### SUBMISSION OF DISPUTES TO INTERNATIONAL COURT

Article XI provides that certain disputes between the ratifying nations can be submitted to the International Court of Justice. These are disputes relating to "interpretation, application or fulfillment" of the Convention. Similar provisions have been included in other treaties approved by the Senate and ratified by the United States. These include the Treaty on Slavery in 1967 and, more recently, the Treaty on Refugees in 1968 (Senate Executive Report No. 14, p. 11 90th Congress, 2d Sess. Sept. 30, 1968).

In Digest of International Law, vol. XI, (1968, Whiteman, ed.) Article XI is set out in full and thus commented upon: "Insofar as this article provides for the settlement of disputes relating to the interpretation, application or fulfillment of the Convention, it is a stock provision not unsubstantially unlike that found in many multipartite instruments".

### CONCLUSION

The United States was a leader in the drafting of and securing the adoption of the Genocide Convention. It is a paradox that we continue to be inhibited from signing on the dotted line.

The political ideology under which absolute sovereignty allows a nation to do with those under its jurisdiction what it will, as exemplified by the Nazi regime, should have lost any claim to support with the death of Hitler. The sovereign power to commit mass murder, if ever it existed, must be outlawed.

It is in the interest of the international community and in the interest of the United States that we join with the family of nations in outlawing the crime of Genocide. I therefore urge the Senate to give its advice and consent to ratification of the Convention on the Prevention and Punishment of the Crime of Genocide.

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## DISTRICT OF COLUMBIA CRIME

**Mr. MATHIAS.** Mr. President, I would like to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.

To this end, I ask unanimous consent to have printed in the RECORD a listing of crimes committed within the District yesterday, as reported by the Washington Post. Whether this list grows longer or shorter depends on this Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

### MAN FORCES WAY INTO DISTRICT OF COLUMBIA HOME; RAPES 27-YEAR-OLD WOMAN

A 27-year-old woman was raped at knifepoint early Sunday by a man who forced his way into her Southeast Washington home, police reported.

The woman told police that the man awakened her about 5 a.m. as she was sleeping on a couch in her living room. As the intruder was warning her not to scream, her children entered the room, she said.

Repeating his threats, the armed man told the woman to send the children back to their bedrooms, according to reports. He then forced her to disrobe, raped her and ordered her to get dressed again, police reported.

Her assailant then warned the woman that he had a rifle outside and that if she watched him from the window as he fled, he would shoot, according to police.

She was treated at D.C. General Hospital and released.

[Other crimes]

In other serious crimes reported by area police up to 6 p.m. yesterday:

### ROBBED

High's dairy store, 3308 11th St. NW., was held up about 4:55 p.m. Friday by two boys concealing guns in their pockets. They approached the clerk and ordered her to put the money into a bag. Taking the sack full of cash, the pair escaped along the 1100 block of Park Road NW.

Ronnie Humphrey, of Alexandria, was held up about 4:10 a.m. Saturday by two young men in a green car who offered him a ride as he walked in the 600 block of Park Road NW. One of them drew a knife, which he held at Humphrey's back as they drove around Washington for about an hour. "Give me all you got," the armed man demanded and forced Humphrey to give him his clothes, cash and credit cards. Leaving him in the rear of the 600 block of Park Road NW., the men drove off.

Samuel Peterson, of Landover, was treated at Washington Hospital Center for head and facial injuries he suffered about 12:20 a.m. Saturday when he was beaten and robbed. Several men approached him at 18th Street and Columbia Road NW., struck him over the head with an unidentified object and escaped with his wallet containing money and papers.

Calvin L. Dahncke of Washington, was held up about 8:55 p.m. Saturday by three youths who surrounded him in the 600 block of Independence Avenue SE. One of them drew a revolver and said, "This is a holdup." While the gunman held Dahncke at bay, another youth frisked him and took his wallet from his pocket. Taking the bills and papers, the trio fled on foot.

Beatrice Moore, of Washington, was robbed of a large amount of money by two men who confronted her at 13th Street and Otis Place NW., and forced her to give them her pocketbook.

Albert C. Winefield, of Washington, was held up inside a restaurant in the 800 block of K Street NW at about 7 p.m. Saturday. A man approached Winefield pushed him into the men's room and forced him to turn over a large amount of money from his pockets.

David E. Rust, of Washington, was held up about 1:40 a.m. Saturday by two men who approached him at the corner of 28th and O Streets NW. "Do you know what this is? Give me the money," one of the men demanded after pulling out a gun. Rust handed the pair his cash and travelers' checks as well as numerous credit cards.

Clyde Frazier, of Alexandria, was treated at Cafritz Hospital for facial injuries he suffered during a robbery about 3 a.m. at the rear of Douglass Junior High School, Pomeroy and Stanton Roads SE. A man attacked Frazier, knocking him to the ground and hitting him in the face. His assailant fled on foot with $3.

Sharon D. Smith, Carolyn L. Cowen and Mary L. Homes, all of Pittsburgh, were held up about 7:50 p.m. Saturday as they were walking north in the 2000 block of 19th Street NW. Two young men, one brandishing a handgun, approached the women from the rear and escaped with a purse from Miss Smith, a purse and watch from Miss Homes and a wallet from Miss Cowen.

George Ginsberg, of Silver Spring, was held up about 12:15 p.m. Saturday by two men who entered his store at 547 42d St. NE. One of them displayed a revolver and warned, "Don't move. Put the money in the bag." After Ginsberg handed them the sack full of cash, the pair thanked him and fled from the store into an alley on Foote Street NE.

James Green, of Washington, was treated at Rogers Memorial Hospital for ear injuries he suffered during a robbery about 4:30 a.m. Two men approached him at 13th and D Streets NE and demanded, "Give me your money." When Green replied, "I don't have any," the men began hitting him in the face and body. A third man then approached Green from behind, stabbed him in the ear and fled with the money from his pockets.

William R. Alberger, of Washington, a Senate staff member, was held up about 12:10 a.m. as he was walking at 2d and C Streets NE by two men, one wielding a gun. "All your money," the gunman said and Alberger handed them his wallet. After they had removed the money, Alberger asked them to return the wallet, which they did before fleeing into the 700 block of C Street.

Naomi F. Taylor, of Washington, was robbed of a large amount of money about 8:50 p.m. Saturday by three boys who confronted her at South Capitol and 1st Streets SE. One of them pushed her to the ground from behind and the trio escaped with her pocketbook containing the cash.

Jack A. Hill, of Omaha, Neb., was beaten and robbed about 9:50 p.m. Saturday by two men who approached him in the 1700 block of South Capitol Street NE. "Do you want trouble," they inquired and then knocked Hill to the ground and hit him in the face and body. Taking his wallet, the pair fled, leaving their victim with a bloody nose.

Arnold Lee Milburn, of Washington, was robbed and kidnaped by three men who approached him when he stopped for a traffic light in Northwest Washington about 4:30 a.m. Saturday. The men forced their way into the car at gunpoint, robbed Milburn of $5 and ordered him to drive around. One of the abductors began driving Milburn's car and crashed into a utility pole. The three men fled, leaving Milburn semi-conscious. Unable to drive, Milburn hailed a taxi and went to Cafritz Hospital.

Frank Allen Creaser, of Gaithersburg, was beaten and robbed about 10 a.m. Saturday by three young men who approached him while he was walking in the 1400 block of Pennsylvania Avenue SE. The three struck him over the head, knocked him to the ground and took his wallet containing a large amount of money, credit cards and papers from his pockets. The trio then forced Creaser to give them his shoes and fled on foot.

Emanuel N. Dotch, of Washington, was held up about 11:10 p.m. Saturday by two young men who approached him from behind as he was walking in the unit block of 46th Street NE. One of them placed a hard object at his back and demanded, "Give me your money," then fled with the cash heading north on 46th Street.

O. R. Shelton, of Washington, was robbed about 4:30 p.m. Saturday by two men who approached him at 14th and G Streets NW and told him he was a suspect in a holdup. Warning him not to move, the two began searching Shelton, removing the money from his pockets. After they had frisked him, the two suddenly began running from the scene, heading east in the 1200 block of G Street.

Kirk J. Young, of 4120 14th St. NW, was

held up about 6:30 a.m. as he was riding his bicycle in front of his apartment building. A youth armed with a knife forced him to get off the bike and then climbed on and rode away on it, along the 4100 block of 14th Street.

John Heslop Canavan, of Washington, a Georgetown University student, was held up about 1:20 a.m. Saturday by four men and a woman he invited to join a party in progress at Harbin Hall. They accepted the invitation, then one of the men pulled out a pistol and said, "This is a holdup." The five escaped with money and a lamp from Canavan, money and a watch from Martin Everson, cash and a watch from Gregory Miksa, and a wallet from Susan J. Wold. All other three victims are Georgetown University students, also.

Malvin Skiner, of Washington, was held up and stabbed in the 700 block of Florida Avenue NW by two men who approached him, one of them demanding, "Give me your money." When Skiner replied that he had none, they began beating and stabbing him and escaped with his wallet.

High's dairy store, 4601 Sheriff Rd. NE, was held up about 9:45 p.m. Saturday by two youths, one brandishing a sawed-off shotgun. "This is a holdup. Give me all the money, and hurry," the gunman ordered and held the clerk at bay while his companion vaulted the counter. Taking the money from the register and stuffing it into a bag, the pair fled on foot.

Deryle J. Battle, of Washington, was held up about 6:55 p.m. Friday while he and Jackson Williams were walking in the 600 block of H Street NE. "Give me your money or I will kill you with a knife," threatened a boy, wielding the weapon. While the armed boy held the two men at bay, another boy searched them and took their cash. The pair escaped into an alley on the side of the block.

Harry Wood, of Washington, a cab driver, was held up about 8:35 p.m. Friday by three youths who hailed his taxi at 58th and East Capitol Streets NE. When Wood had driven them to 3d and Parker Streets NE, one of the passengers drew an automatic and told him, "This is a stickup." The hacker handed them his keys and wallet and the trio fled on foot.

Mildred E. Ashton, of King George, Va., was held up about 9:20 a.m. Saturday in the hallway of a building in the 3400 block of 18th Street SE by a man armed with a revolver. The gunman forced Miss Ashton to hand over her pocketbook and ran from the building.

### STOLEN

Fifty-seven hand-made Italian sweaters valued at $626.50 were stolen between April 6 and May 9 from the surplus shop at 918 H St. NE. The sweaters, in assorted colors and sizes, were stored in a large cardboard box.

Three overcoats, 15 pairs of pants, a man's suit, three blazer jackets, two pairs of shoes, two watches, a television set, a radio, a wedding ring, a shotgun, a camera and bottles of whiskey were stolen between 2 and 4 p.m. Friday from the home of Robert I. Artist, 1352 Otis St. NE.

A camera and case and assorted lenses and photographic equipment, with a total value of $600, were stolen about 6:45 p.m. Saturday from the car of Omar Salinas, of Brooklyn, while the car was parked at 16th and Church Streets NW.

### ASSAULTED

Agnes Bell, of Washington, was admitted to Cafritz Hospital with a gunshot wound in the head that she suffered during a fight with a man armed with a gun. The man fired one shot at her about 8:50 a.m. Saturday in the 2600 block of Wade Road SE, then drove off in a black car.

Percy Venable, of 510 7th St. NE, was treated at Rogers Memorial Hospital for a gunshot wound in the upper arm that he received when a man fired at him about 6:05 p.m. Saturday as he was walking in front of his apartment building.

Harry Nixon, of Washington, was admitted to George Washington University Hospital for head injuries he suffered, about 4:35 p.m. Saturday when three youths attacked him on a D.C. Transit bus in the 900 block of F Street NW. They pushed Nixon from the bus, kicked him in the head, then fled on foot.

Phillip Christopher Simms, of Washington, was admitted to Rogers Memorial Hospital with a gunshot wound in the chest. Simms was shot during a fight about 12:25 p.m. Saturday in the 100 block of 11th Street NE with two young men armed with revolvers. One of the gunmen fired three shots at Simms, then fled with his companion.

John Booth, of Alexandria, was treated at Washington Hospital Center for a gunshot wound in the back that he suffered during a fight with a man wielding a shotgun. The man asked Booth and his friend to leave a room inside an apartment building in the 2100 block of New Hampshire Avenue, then drew his gun when they refused to go. Frightened by the weapon, Booth and his friend fled from the building and the gunman fired at them as they escaped.

A 46-year-old woman was raped and robbed in her Northwest Washington home by a man who awakened her in her bedroom about 4 a.m. After the assault, the man, who had apparently entered through a bedroom window, took a gold watch and a television set and fled from the home. The victim was treated at D.C. General Hospital.

### TWO ARRESTED IN ASSAULT

Two Baltimore men were arrested yesterday by Prince George's County police and charged with assault with intent to rape.

Police said that Edward Ellison, 29, and Alvin E. Robertson, 25, were being held on $10,000 bond each following an alleged 1 a.m. assault on a Brentwood woman.

Police said that after two men were invited into the victim's home by her husband, they struck him on the head with a wooden mallet, knocking him unconscious.

They said that while one man attempted to rape the 28-year-old woman, the other, in another bedroom, prevented her children from calling police.

[Other court and police actions]

In other area court and police actions reported by 6 p.m. yesterday:

### SENTENCED

By U.S. District Court Chief Judge Edward M. Curran: Jack W. McRae, 23, of 624 15th St. NE, nine years under the Youth Corrections Act for assault with a dangerous weapon; James E. Lowery, 36, of D.C. Reformatory, one to three years for escape from custody.

By U.S. District Court Judge June L. Green: James T. Cogdell, 30, of 1221 T St. NW, 40 months for four counts of attempted forgery; William C. Hancock, 19, of 512 3d St. NW, committed for an indeterminate time under the Youth Corrections Act for robbery; Bernard Reese, 28, of 1712 1st St. NW, one to five years for possession of narcotics.

By U.S. District Court Judge Leonard P. Walsh: Sherman L. Winston, 23, of 831 3d St. NE, 10 months for receiving stolen property.

By U.S. District Court Judge Aubrey E. Robinson: Haywood Ballard, 19, of 4617 Kane Pl. NE, one to three years for second-degree burglary; Melvin G. Sheffield, 22, of 438 Burbank St. SE, 5 to 20 years for armed robbery, 3 to 9 years for assault with a dangerous weapon, one year for possession of a prohibited weapon, to be served concurrently; Irving Wright, 20, of 3442 Oakwood Ter. NW, committed for an indeterminate time under the Youth Corrections Act for unauthorized use of a vehicle; Fayette E. Felder, 24, of 1219 10th St. NW, suspended sentence with probation for three years for attempted robbery and escape from custody.

By U.S. District Court Judge John H. Pratt: Tony Koonce, 18, of 1521 Massachusetts Ave. SE, committed under the Youth Corrections Act for attempted robbery, simple assault and armed robbery; Oddie V. Padden, 21, of 1803 Burke St. SE, committed under the Youth Corrections Act for attempted robbery, simple assault and armed robbery.

By U.S. District Court Judge Oliver P. Gasch: Carl L. Stokes, 26, of Lorton Reformatory, 3 to 10 years for assault with intent to commit robbery; James B. Borum, 29, of 3625 New Hampshire Ave. NW, 8 to 24 years for armed robbery; Stanley H. Thornton, 26, of Lorton Reformatory, 10 years to life for armed robbery, 3 to 10 years for assault with a dangerous weapon; Harry Reid Gaskins, 28, of 2523 Savannah St. SE, 4 to 15 years for assault with intent to kill while armed, 3 to 10 years for assault with a dangerous weapon and 3 to 10 years for carrying a dangerous weapon, to be served concurrently.

By U.S. District Court Judge John Lewis Smith: Larry C. Ellerbe, 35, of 522 14th St. SE, suspended sentence with probation for five years for assault with a dangerous weapon and possession of narcotics; Samuel J. Armstrong, 21, of 912 Varney St. SE, two to six years for second-degree burglary and grand larceny; Daniel J. Brown Jr., 20, of 3113 Nichols Ave. S.E., committeed under the Youth Corrections Act for robbery.

By U.S. District Court Judge William B. Bryant: Sara M. Scott, 43, of 9332 Annapolis Rd., Lanham, suspended sentence with probation for two years for forgery and uttering; Nathan DeVaughn, 21, of 411 56th St. NE, committed under the Youth Corrections Act for robbery; James L. Watkins, 23, of 78 T St. NW, suspended sentence with probation for two years for assault with a dangerous weapon and carrying a dangerous weapon; Willie Odel Bowden, 21, of 1432 Girard St. NW, suspended sentence with probation for two years for petty larceny and second-degree burglary; Michael S. Thomas, 18, of 5401 13th St. NW, committed under the Youth Corrections Act for robbery; Jacques K. Robinson, 36, of 6806 Central Avenue, Seat Plesant, one year for false pretenses and one year for petty larceny, to be served concurrently; George Davis, 54, of 5004 Illinois Ave. NW, six months to five years for violating the Uniform Narcotics Act.

By U.S. District Court Judge Gerhard A. Gesell: Everett F. Buchwald, 22, of Baltimore, suspended sentence with probation for two years, $500 fine, for fraudulent sale of altered coins; Norleen Vaughn, 40, of 3715 Donnell Dr., Forestville, 5 to 20 years.

## CONSERVING AMERICA'S FISHERIES

Mr. STEVENS. Mr. President, I have spoken on several previous occasions on the problem of protecting America's fisheries. I have continually urged that the United States take steps to exert jurisdiction over fisheries adjacent to our coasts and institute a regime of conservation coupled with enforcement based on the maximum sustained yield principle.

The Alaska State Legislature has indicated its desire to see Congress take similar action. I ask unanimous consent that Joint Resolution 89 of the Alaska State Legislature be printed in the RECORD at this point.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

### Joint Resolution 89

Joint resolution relating to the establishment of an exclusive fisheries zone for the United States

Whereas the present 12-mile exclusive fisheries zone of the United States is not adequate for the conservation of the stock of fish which this country will need to utilize fully in order to remain a major fishing nation; and

Whereas the United States has slipped to sixth place in world fishing behind such nations as the Soviet Union and Communist China, which intend to expand their fishing efforts in the North Pacific; and

Whereas the commercial fishermen of the Pacific Northwest, as well as the economy of the United States as a whole, are being detrimentally affected by the heavy flow of imported foreign seafood products, gear conflicts and other competition from the massive foreign fleets on the fishing grounds, and by the depletion of precious resources because of over-fishing and destructive fishing practices of foreign fleets; and

Whereas the United States has failed to implement fully two provisions from Geneva Conventions which would give our nation valuable bargaining tools in fisheries negotiations with other nations, the first of which states that sedentary species of fish on the Continental Shelf are part of the shelf and are considered to be the exclusive property of the coastal nation and the second of which provides for conservation of the living resources of the high seas and allows the United States to designate conservation areas and promulgate conservation measures to protect these resources;

Be it resolved that the Congress of the United States is respectfully requested to enact legislation declaring that this nation's exclusive fisheries zone is expanded to a depth of 300 meters or to 100 miles off the coast of the United States, whichever is greater.

Copies of this Resolution shall be sent to the Honorable Richard M. Nixon, President of the United States; the Honorable Walter J. Hickel, Secretary, Department of the Interior; the Honorable Donald L. McKernan, Special Assistant to the Secretary of the Interior for Fisheries and Wildlife; the Honorable John W. McCormack, Speaker of the U.S. House of Representatives; the Honorable Richard B. Russell, President Pro Tempore of the U.S. Senate; all Governors of the Coastal States in the United States; the International North Pacific Fisheries Commission; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Howard W. Pollock, U.S. Representative, members of the Alaska delegation in Congress.

Passed by the Senate April 13, 1970.

Brad Phillips,
*President of the Senate.*

Attest:

Betty Hanifan,
*Secretary of the Senate.*

Passed by the House April 10, 1970.

Jalmar M. Kerttula,
*Speaker of the House.*

Attest:

Constance H. Paddock,
*Chief Clerk of the House.*

Keith H. Miller,
*Governor of Alaska.*

## STUDENT UNREST

**Mr. PACKWOOD.** Mr. President, the president of the University of California, Charles J. Hitch, delivered some timely and thought-provoking remarks on student unrest March 20, 1970, at a meeting of university regents. I ask unanimous consent that the remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

### Remarks on Student Unrest

(By Charles J. Hitch, President, University of California)

It is said that for individuals and for societies, civilization is merely an outward appearance, a thin veneer covering a barbarian heartwood. If this is true—and the twentieth century has seen enough barbarism to give it at least some validity—all of us must share a mounting apprehension over the wearing away of our collective veneer. I am alluding here to many things—the bombings in New York City, alleged atrocities in Vietnam, the polarization of races—but I want to address myself particularly to more local abrasions, the various incidents of incivility and violence that have happened recently on or near our campuses . . .

Several Regents were in the audience when I spoke last November at a dinner honoring the Hoover Institution's fiftieth anniversary, and I will quote briefly from my remarks that evening. I spoke about "a new threat of conformity on campus, a pressure for orthodoxy generated ironically enough, on behalf of—or at least in the name of—change and freedom. Thus, we are confronted with a philosophy where subjectivity would replace objectivity, opinion would replace fact, emotion replace reason, and strength of voice supplant strength of argument. The ends come to justify the means, and any tactic is appropriate when the cause is just. Belief somehow becomes translated into fact, and the true believers feel it their duty to make converts by any means necessary.

"So classrooms are disrupted in the name of education, speakers are shouted down in the name of free speech, job recruiters are driven from the campus in the name of morality, and demands for total conformity to a particular line of thought are made in the name of nonconformity and dissent.

"This is wrong. If it is wrong for one group to seek to limit freedom of expression, it is wrong for another. Dogma is dogma, and it does not belong in a university, regardless of its origin and regardless of how many people agree with it."

I don't want to suggest, however, that the new conformity is joined in or even tolerated by all students. Indeed, there are refreshing signs to the contrary. For instance, the *Daily Californian* asked in a recent editorial for tolerance on campus of all political views, and the *Daily Bruin* has characterized window-breakers as having the mentality of ten-year-olds. And an anti-violence petition at Santa Barbara has garnered thousands of student signatures. No, rampant self-righteousness has not caught everyone's fancy, but there is enough of it floating around to burn down a bank in Isla Vista, to mob the Governor at Riverside, and to cause thousands of dollars of damage at Berkeley. Incidentally, I want you to know that I have apologized to Governor Reagan for the rudeness of part of our community—a rudeness which I am sure was opposed by the great majority of our community.

*Some* acts of violence that occur in American cities are no doubt the work of emotionally disturbed people whose reasons for lashing out at the society around them lie deep in their own individual mental and emotional illness. People like this are, as we have always known, a danger both to themselves and to society. We also know from much previous experience that when tensions increase and fires or bomb-scares occur, there can be an epidemic of additional incidents because borderline, emotionally disturbed people are pushed over the line of restraint by the attractive excitement that publicity causes. The University community shares with every other part of society the problem of how to deal with the risks that these disturbed people represent.

*But,* two other kinds of recent events involve the University with the community in a much more direct and different way. These are the instances in which assemblages of people turn into spontaneous, mob action and the instances in which extreme ideological rhetoric turns into the commission of criminal acts against persons and property.

University campuses, and the densely populated student housing areas near them, automatically present occasions for the gathering together of large crowds of young people. When these crowds become excited by a triggering event or statement, the result can be and has been to bring about mob behavior. The law enforcement authorities with whom the University must cooperate then face a very difficult problem; and the University itself is held responsible in the public's eyes for the results of mob behavior. As the President of the University, I must lay down the warning to the University community that it is wrong to resort to easy rationalizations about the impotence of words. We really do not believe that words are impotent. The foundation of universities is that ideas and the words to express them can be more powerful than any bomb. In the University, above all other institutions of American society, we have a profound duty to resist and oppose shoddy thinking, lies, and rhetoric which inflames and shocks but does nothing for the truth. Free speech means careful and skeptical listening, not taking a rhetorical trip. Free expression includes, especially in the University, the duty to oppose cant, dogma, and ideological harangue by reasoned and disciplined counter-argument. The crowd that turns into a mob is an insult to the principles of democratic society, and it is a moral insult to the fundamentals of a university. . . .

The university teacher has not only the obligations of his academic competence but also the duty to be the representative of mature wisdom in this troubled time. It is not enough to argue that all speech and doctrine has the minimal constitutional protections of the First Amendment, which of course, is no less true within the universities than in American society at large. The University must at one and the same time be even more zealously libertarian than the community at large *and* a great deal more alert to the philosophical and moral content of speech than is the community at large. And when rhetoric translates into violence upon the university or the surrounding community, we must treat that violence with particular vigor, not only as destructive of democratic institutions but as peculiarly poisoning to the moral foundations of the university and to its responsibility for the maturation of the young. The university teacher who participates in coercive revolutionary organization and action is betraying—in a special and particular sense beyond his normal obligations as a citizen—his charge to act as a responsible teacher. He must be the object of disciplinary attention by his colleagues.

So also must we oppose the revolutionaries and the vigilantes of Left and Right who take the law into their own hands. Their doctrines and their actions have no place in the university, for they and their organizations are peculiarly sinister in any institution having special responsibility for the young. History has many harsh lessons for us, and in the academic world we have a special obligation to remember and communicate them: the trial and death of Socrates; The Holy Inquisition; the Nazi Fifth Column; the Communist takeover of Czechoslovakia in 1948; and the saddening second betrayal of a re-emerging spirit of liberty in that same country.

It has become part of the style to put down history, as if these hard lessons did not exist for the young person who wants the galvanic release of his own energy on the feeling of the moment. Perhaps it is my own nature, but I am nauseated by the support that some of my academic colleagues give to this indulgent irrationalism. As a teacher myself, I have nothing in common with it, and yet it is the condition of many young people now, and as a teacher, I must try to find a way to speak to their condition.

If some of these are the problems of parents and of teachers with the young, I want to say with equal vigor that America's young generation has provocation to be indignant, and this is directly based on the failure of its elders to do the right thing at the right time. Our affluence, while there is poverty and deprivation within our own country which we have knowledge and ample resources to correct, but not the willingness; our resort to war while we say that it is both irrational and immoral to move for any other goal than peace; our failure to deal courageously with racial injustice—all of these give a real basis for the indignation of an intelligent, morally sensitized and committed young generation. We must learn to welcome the pain of being called to account by our children. Instead we apply to them a double standard in the realm of both personal morals and group responsibility. No wonder this is galling to them.

Our time and place and our society, imperfect as they are, are what we and the young must deal with. There needs to be a far greater exercise of both courage and restraint than the adult world has given to the task of renewal of American society.

One very moralistic quality that is peculiarly destructive in all this is the *selective* indignation of both the young and the old. The young condemn police brutality while practicing verbal and even physical assult. Their elders cry for law and order while flouting the Supreme Court of the United States.

If we must oppose polarization when practised by the young in the name of moral principles, let us have the honesty to oppose it no less when the representatives of the Establishment turn to baiting and provocation.

I was greatly impressed by the bluntness and the good sense of Mr. A. W. Clausen, President of the Bank of America. One of the triggers to our obvious and deep concern at this meeting of The Regents was the burning of the Isla Vista branch of that Bank. I want to quote and endorse these words of Mr. Clausen on March 17 to the annual meeting of the Bank:

"In the circumstances we now find ourselves we would like to make two things very clear, both to you our shareholders, and to the California public. The first of these is that we have great respect for the young people of America. We admire their integrity, their moral courage and their willingess to dissent. We need these qualities in America. We view our re-opening in Isla Vista as a demonstration that the participation of a few students in a destructive act will not deter us from attempting to serve the financial needs of the majority of students on the Santa Barbara campus.

"Our quarrel, therefore, is not with the young and not with the fact that they dissent. Rather our quarrel is with those who would perpetrate violence for any cause, whether it be violence in Isla Vista or violence in another small community 3,000 miles away called Lamar, South Carolina. Violence from either the right or the left cannot be tolerated in America.

"A troublesome factor involved in the current problem is the tendency of many of our citizens to seek to punish the universities for the actions of the violent few. Let us make our position clear on this issue also. We believe punitive action against the university or repression of dissent is as dangerous as violence. We owe a great debt to our universities and colleges. Our future is dependent upon them.

"Certainly the educational process cannot be carried on in an atmosphere of anarchy. But as we battle the anarchy which plagues our campuses, let us be certain that we do not damage our educational system in a more subtle and insidious way—by destroying the freedom of thought, inquiry and action which constitutes the only soil in which true education can flourish.

"Therefore, while we use every means at our disposal to strengthen the hands of the administrators of our colleges and universities in order that they may cope with and effectively put down anarchy, and in order that they may expel any outside agitators that may be plaguing our campuses, let us also be judicious and thoughtful in seeing that it is anarchy and unlawful disruption that we put down and not academic freedom, nor the right of students and faculty to dissent. Let us be sure that we do not go beyond that boundary which will destroy the freedom of inquiry that is the essence of a great university. For make no mistake about it, our educational system can be destroyed every bit as effectively, and perhaps more completely, by those forces who would, in whatever name, trample upon the universities' freedom to inquire."

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## BIG THICKET'S IVORY-BILLED WOODPECKER

Mr. YARBOROUGH. Mr. President, for many years I have urged this distinguished body to act to establish the Big Thicket National Park, the last known habitat of the famous ivory-billed woodpecker.

The ivory-billed woodpecker has become a symbol of our endangered species. This great bird is dangerously close to extinction, and the preservation of its last-known habitat is one of the many reasons why we should preserve the Big Thicket of southeast Texas as a national park.

The ivory-billed woodpecker once existed from North Carolina to east Texas. It is larger than a crow, with a white bill, large patches of white on its wings, and white lines on either side of its neck. It calls a single note like the sound of a toy tin horn.

Too few people have ever had the opportunity to see the magnificent ivory-billed woodpecker. In my office rests a stuffed ivory-billed woodpecker, on loan from the Smithsonian Institution. I invite Senators and their staffs to come by the office and view this rare specimen, the symbol of our endangered species.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in the Baltimore Sun of May 5, 1970, on page C-1. It is entitled "Is Ivory-Billed Woodpecker on the Way to Extinction?"

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### IS IVORY-BILLED WOODPECKER ON THE WAY TO EXTINCTION?

LAUREL.—Will one long-time resident of the United States—the ivory-billed woodpecker—be here to mark the 200th anniversary of the founding of the Republic?

"No one knows," said Dr. Ray C. Erickson, assistant director for Endangered Wildlife Research, with the Department of Interior's Bureau of Sport Fisheries and Wildlife. Its continued existence or demise is difficult to demonstrate; we can't cover its whole habitat."

If this woodpecker, the country's largest, does eventually become extinct, it will follow 32 other American birds (24 from Hawaii) to disappear since 1776. It will vanish from the nation as finally as have the eight mammals doomed by industrial society and burgeoning humanity.

Among the American species forever lost: the great auk bird, Labrador duck, passenger pigeon, heath hen, Merriam and Eastern elk, the California, Texas and plains grizzly bears, the Eastern forest and mountain bisons, giant sea mink, plains wolf, San Gorgonio trout, plus several etceteras.

#### AT RESEARCH STATION

Dr. Erickson is one of six scientists at the five-year-old Patuxent Center's Endangered Wildlife Research Station, a 355-acre complex in the woodlands near here.

While it may be too late to save the ivory-billed woodpecker, Dr. Erickson and his colleagues believe there is still hope for some other American creatures—such as the whooping crane, Aleutian geese, key deer, Nene goose of Hawaii and black-footed ferret (cousin to the weasel) of the Dakota Badlands, and many others currently listed as endangered.

The ivory-billed woodpecker once existed from North Carolina to east Texas. The Bureau of Sport Fisheries and Wildlife Redbook of rare and endangered fish and wildlife describes the bird as "larger than a crow, with a white bill, large patches of white on its wings and white lines on either side of its neck. . . . It calls a single note like the sound of a toy tin horn."

#### MANY WERE SHOT

Countless of the birds were shot and those remaining are disappearing with their habitat. Another Bureau publication description of the bird reads like an obituary:

"Too few people living have ever had an opportunity to see the magnificent ivory-billed woodpecker, with its shining black plumage and great scarlet crest. It is a shy, wild bird that lives in mature, broad-leaved forests of our Southern swamps and river valleys.

"It was doomed when loggers began cutting the great trees in the river swamps; its chief food, a beetle grub, lives under the bark of very old trees. There have been no authentic records for years."

Without the research center at Patuxent, we might soon say "R.I.P." to other spectacular North American birds—the Southern bald eagle, whooping crane and masked bobwhite quail.

"The station's program is designed to provide a measure of insurance against extinction by maintaining breeding stocks in captivity of as many endangered forms as possible, both birds and mammals," explained Dr. Erickson.

#### BUDGET OF $350,000

The station has had $350,000 annually, for the past three years, a sum that a few other Federal departments would consider subway fare. It now has facilities to study in captivity 6 of the 60 rare and endangered American birds and one of the 32 imperiled mammals.

However, there are 22 various endangered species—including 22,000 alligators—living on the 329 wildlife refuges maintained by the Bureau of Sport Fisheries and Wildlife. The refuges cover approximately 29 million acres and contain species as diverse as key deer and the whooping crane.

The new Endangered Species Act, signed by the President December 5, 1969, will affect the nation's program in that it increases the amount of money that can be paid for land destined to hold endangered creatures.

#### INTERNATIONAL ACTIVITIES

The authorization, previously $750,000, is now $2.5 million. The law will also make it

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a Federal offense to poach alligators and sell their hides in areas where they are protected by state law.

The Bureau of Sport Fisheries and Wildlife "coordinates and sparks" the nation's Endangered Species Program, said Eley P. Dennson, Jr., who handles international activities for the bureau.

"The Endangered Species Program involves everything from individuals to government agencies. The Nature Conservancy, buying an area for the blind salamander in Texas, is just as much a part as the Research Station at Patuxent."

He said the program's goal "is to protect and preserve species of fish and wildlife in their natural environment."

What's the difference between a rare or an endangered creature? A rare form is one with few numbers in its habitat. A rare species can survive if its environment is not destroyed.

There are approximately 90 endangered mammals, birds, fish, reptiles and amphibians in this country—species "in immediate jeopardy." The rare forms—which include the prairies chicken and Puerto Rican whippoorwill—number 45.

### MASKED BOBWHITE QUAIL

One of the birds now at Patuxent, the masked bobwhite quail, no longer exists wild in the United States. Most of the 300 quail there are the offspring of 36 birds captured in Mexico a year ago. In a few months, some of these quail will be flown from Patuxent and quietly released in part of the Arizona desert.

Large cattle drives and droughts in the late 1800's destroyed the Western habitat of of bobwhite. The ones to be released in Arizona will be the first to live there in 50 years.

The quail produce more young at Patuxent than they do in the wild. Dr. Erickson explained why:

"In the wild, the quail will lay a clutch of eggs and then stop at 12 or 15. We put a couple of male bobwhites in with several females, as a measure of insurance, in case one of the males is infertile.

### EGGS REMOVED FREQUENTLY

"We remove eggs frequently, so that no clutch is formed, the eggs go into a period of storage at 55 degrees, until we get enough to move into an incubator. Last year, we got more than 80 eggs from one female . . . It doesn't hurt the birds, and we need the maximum number of eggs."

Dr. Erickson believes that wildlife is an irreplaceable natural resource. "Only if the public really insists that these values be preserved, can we save our wildlife. It's too bad that it's necessary to bring any animal into captivity in order to save them; their needs are so simple and yet the solutions to their problems are often complex."

Dr. Erickson once wrote that "Low populations and prolonged periods of adversity eventually may pass and conditions then become more favorable for a species, if only some stock survives. For example, successful propagation methods for passenger pigeons were known in the late 1800's.

### NO SUSTAINED EFFORT

"Apparently, no sustained effort was made to preserve a reservoir of captive breeding stock during their final decline, so their loss is permanent."

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## STATEMENT OF NET WORTH BY SENATOR MATHIAS

Mr. MATHIAS. Mr. President, Mrs. Mathias and I believe that one way to renew confidence in the institutions of government is to share with the public all information that may throw light upon the interest or disinterest of those who participate in making public decisions. Therefore, in addition to filing the confidential financial reports required under the Senate rules, we are making available to the public an identification of our assets and our creditors and a statement of our net worth, and our income in 1969 over and above congressional pay and allowance.

I ask unanimuos consent that my report, which has been submitted to Senator STENNIS, chairman of the Select Committee on Standards and Conduct, and the letter accompanying the report, be printed in the RECORD.

There being no objection, the letter and report were ordered to be printed in the RECORD, as follows:

MAY 14, 1970.

Hon. JOHN STENNIS,
*Chairman, Select Committee on Standards and Conduct, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to Senate Rules 42 and 44, I have submitted the information required. In addition to that disclosure, Mrs. Mathias and I wish to follow the practice that we have established and to make a listing of our assets, our creditors and our income over and above Congressional pay and allowances. A copy of this voluntary report is enclosed for your information and additional copies will be submitted to the Congressional Record and to the press.

During the calendar year, 1969, I withdrew from the practice of law, from all relationship with legal firms and resigned from the only corporate directorship that I retained, Mutal Insurance Company of Frederick County. Any fees, retainers or honorariums from these sources received and reported are terminal.

Sincerely yours,
CHARLES MCC. MATHIAS, Jr.
*U.S. Senator.*

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### DISCLOSURE OF FINANCIAL INTERESTS—CHARLES MCC. MATHIAS, JR., AND MRS. MATHIAS—MAY 12, 1970

### ASSETS

Equity in Federal Retirement System.

Life Insurance.

Livestock and Farm Machinery.

### REAL ESTATE

House: RFD 2, Frederick, Maryland.

House: 3808 Leland Street, Chevy Chase, Maryland.

Half interest in forty-acre farm in Frederick County, Maryland.

Half interest in 306 Redwood Avenue, Frederick, Maryland.

Lease for 373-acre farm, expiring in 1973.

### STOCKS

Farmers & Mechanics National Bank.

Capitol Hill Associates.

Citizens Bank of Maryland.

Foote Mineral Company.

Frederick Medical Arts.

G. D. Searle & Company.

Investors Loan Corporation.

Massachusetts Investors Growth.

The Detour Bank.

The Great Atlantic and Pacific Tea Company.

Warner Lambert Pharmaceutical Company.

Maryland National Corporation.

### LIABILITIES

Debts due on mortgage, collateral and personal notes to:

Farmers & Mechanics National Bank, Frederick, Maryland.

First National Bank of Maryland, Baltimore, Maryland.

Frederick County National Bank, Frederick, Maryland.

Walker & Dunlop, Washington, D.C.

Net worth: computed to May 12, 1970—$157,678.78.

| Year | Investment income | Interest | Honorariums | Net rents | Legal fees |
|---|---|---|---|---|---|
| 1969 | $1,543.43 | $7.41 | $8,250 | $253.83 | $3,450 |

## VOCATIONAL REHABILITATION: A BOON TO THE MENTALLY RETARDED

Mr. YARBOROUGH. Mr. President, I am always delighted to see or hear of programs or projects which help the retarded become gainfully employed members of their communities, the Rehabilitation Record of March and April 1970, a Federal Government publication contains an article by June Kendrick and Jack Sudderth which discusses such a program.

In an article entitled "But It Doesn't Look Like a School," written by June Kendrick, rehabilitation writer with the Texas Rehabilitation Commission in Austin, and Jack Sudderth, vocational rehabilitation counselor with the commission in Dallas, describe a project of rehabilitation which must be measured a success by any standard.

Ten years ago the mentally retarded amounted to only 2.9 percent of the total rehabilitations of the Texas Vocational Rehabilitation Division. Last year they amounted to 19 percent. How did this come about? Let me summarize.

After some discussion, a group of vocational rehabilitation professionals concluded that a special facility that would give meaningful vocational training to educable mentally retarded youth was a prerequisite for success. Just such a facility was already in existence and was a part of the Dallas public school system.

The Dallas Vocational School—a huge hangar-like structure—had a 21-year history of teaching war veterans, construction apprentices, Indians, trainees in vocational nursing, and adults wanting to complete their general education. And J. T. Goode, the school principal, had long wanted to do something for young people who were not academically competent.

With a Federal extension and improvement grant, the facilities of the Dallas Vocational School, the cooperation of a host of concerned individuals, the project got underway in January of 1959 with 12 mentally retarded young men. A unit for girls was begun the second semester. The program proved to be very popular with the students. They had fun and yet they learned a trade.

The success of the program can best be gaged by the results. Of the total 925 students enrolled in the project up to this school year, 65 percent have been employed on a full-time basis. The average hourly wage of this group is nearly $1, but many of them earn over $1.30 per hour and a limited number earn $2.50 to $2.75 per hour.

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Mr. President, I have obviously left out many of the details of this fine project. For the benefit of those who might be interested in the full report, I ask unanimous consent that the article on pages 28 through 31 of the March and April 1970 Rehabilitation Record be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### But It Doesn't Look Like a School . . .

(By June Kendrick and Jack Sudderth)

When 12 mentally retarded young men and their teacher painted themselves out of a corner and into the world of work, a unique cooperative training effort progressed. It was 1959 in Dallas. How the fellows got themselves into a corner was an accomplishment that requires explaining.

Ten years ago in Texas, mentally retarded clients amounted to only 2.9 percent of the total rehabilitations of the Vocational Rehabilitation Division (VRD) in 1 fiscal year. Many professionals in guidance and education, as well as many parents, thought retarded people could do nothing vocationally. Optimists thought 10 percent of them might be helped to learn to work.

Others thought this group had not been reached for lack of the right approach; the watered-down academic approach obviously had failed. Some of these like-minded people—vocational rehabilitation counselors, regional rehabilitation professionals and special education teachers—kept talking to each other. An idea sprouted to have a special family that would give meaningful vocational training to educable mentally retarded youth.

A facility that could be adapted to this end was already in existence and was a part of the public school system. The Dallas Vocational School, located in the center of the city, had a 21-year history of teaching varied groups—war veterans, construction apprentices, Indians, trainees in vocational nursing, and adults wanting to complete their general education.

The school building, a huge hangar-like structure, was not the conventional school setting. But conventional educational approaches had not benefitted the retarded. Its industrial, buisness-like atmosphere conveyed a desirable quality for a vocational project. Containing about 60,000 square feet of open ground floor space and about 4,000 square feet on an upper floor, the building suggested flexibility. Another promising feature was that the principal of the school, J. T. Goode, had long wanted to do something for young people who were not academically competent.

To develop a project in this special facility, VRD applied for a Federal extension and improvement grant. The primary goal of the project would be to assist in the rehabilitation of educable physically and mentally handicapped young people between the ages of 16 and 21 by providing appropriate adjustment training, evaluation, and other services which would help them bridge the gap between what normally is offered by the public school and employment.

In January 1959, assisted by the grant, the VRD, the Special Education Division of the Texas Education Agency, and the Dallas Independent School District began cooperative action. Although generous space was available in the Dallas Vocational School, finding any young men for the first semester's class was a problem.

At that time in Dallas, special education classes were limited to a few elementary schools. High school offered nothing to retarded students but continued frustration. These youngsters usually left school at age 16 and often had not been diagnosed as retarded by the school. Later, after the Dallas Independent School District developed procedures to identify them—and the project's potential was demonstrated—enrollment difficulty vanished. Initially, when a few prospective students were located, parents were often dubious about their son's or daughter's working and were reluctant to put them in another school situation where they might fail again. And, too, they were apt to observe, "The Dallas Vocational School just doesn't look like a school."

Twelve boys, though, did enroll the first semester. They were assigned a corner of the facility and expected to stay clear of any vocational classes in progress. Having no fixed curriculum, the teacher had to be resourceful. Using some surplus paint, he and the boys painted everything in the facility that looked like it might need a coat, including a section of the wall. Then the paint ran out. Frantic for something to do, the teacher appealed to a colleague. She turned over some old furniture for refinishing. The boys kept busy.

A unit for girls was started the second semester. Learning good grooming habits was the first assignment for these new students. Their presence caused some nervousness on the part of the school administrator, who had them fenced into a private section. Eventually, with their teacher's help, they won more freedom and a social vote of confidence.

Those first years with the project represented on-the-job training for all the professionals involved. A curriculum evolved that was as flexible as possible in order to meet individual needs. The students had so many vital things to learn—how to use public transportation, how to get along with people, and how to have desirable work habits and attitudes. Many had never been given any responsibilities at home. The teachers sent notes to their parents suggesting chores the students be allowed to do.

Then, few people thought the retarded could hold a job other than dishwashing or carwashing. The instructors of vocational trades at the school were reluctant to accept retarded students into their classes. Choosing some who appeared capable of learning more sophisticated skills, the rehabilitation counselor persuaded trade instructors to take them into classes. Gradually, the students won over the instructors.

Success required strenuous cooperation. The principal of the Dallas Vocational School administered the two units—one for young men and one for young women. The office of special education processed applications and worked in a consultative capacity with the teachers. A counselor from VRD received the applications, secured diagnostic data, established eligibility, counseled and planned with the client and parents, and secured on-the-job training and employment for the clients as they were ready for these steps.

Placement for the job-ready retarded required a tremendous selling job. Persistently calling on friends and keeping in touch with many community resources, the VR counselor gradually opened employment opportunities.

At the conclusion of the students' first 6 weeks, parents were invited to a school meeting and were asked to report on any changes in their children's behavior that they had noted since the project began. Some of the comments were:

"He comes home, hungry and tired, ready for dinner and sleep."

"He tells us that we have not been taking care of our lawn mower, as the oil is supposed to be changed regularly."

"She tells me that I should be more saving in buying groceries."

"She wants to help me more."

"She acts more independent, actually has a feeling of worth."

"She does her own clothes and fixes her own hair."

"He never wanted to go to regular school, but he can't wait to get to the vocational school."

At the end of its 3-year grant, the project had gained school and community acceptance as well as statewide and regional recognition. Of all the students completing the project's program during this period, 61 percent were considered successes. The VRD and the school district decided to continue their joint undertaking with a pro rata plan for financing. The Texas Education Agency was encouraged to extend this successful venture by initiating a statewide cooperative, school-work program for handicapped high school students. The VRD, the Special Education Division, and the school districts joined resources to start what is generally considered to be the first such statewide cooperative venture. However, the Dallas Vocational School remained a unique facility where students could particiate in a vocational, individualized curriculum in an industrial setting.

Administering a vocational rehabilitation program for retarded youth is not the only responsibility of the Dallas Vocational School. In 1960 a program for school dropouts was started. Called the coordinated vocational academic program, it offers trade-type training to young men between the ages of 15 and 21. This program receives some Federal financial assistance through the Texas Educational Agency. VRD places a few boys in this program to teach them a specific trade. Some of the boys are juvenile offenders who have not profited from their other public school experiences. A large program, it currently has about 160 students. The two groups coexist smoothly and sometimes participate in the same classes.

The list of courses offered at the school shows the broad range of vocational choices. Training is available in auto body repair, auto painting, auto seat covers, bricklaying, crafts and plastics, dry cleaning and laundry, duplicating devices, furniture upholstery, home appliance repair, homemaking and handicrafts, machine operations, power mechanics, service station training, sheet metal layout and practice, supermarket operations, and combination welding.

Carlos M. Johnson, assistant principal and chief administrative officer of the two groups at the school, insists that all students be treated like men and women "on the job" and expects them to respond in like manner.

As students do everywhere, though, they manage some fun. After the instructor in bricklaying had his students build a brick planter in their work area, some neighborhood foliage appeared, transplanted to the new container. The planter remains, a pleasant green mascot amid the bricklaying and mortar-pouring activities in a corner of the facility.

Some students in the retarded group become employable after 3 to 6 months' training. Occasionally, a student spends as long as 3 years. The average length of time in training is 1 year. One boy who had an IQ of 55 and was hard of hearing, received personal and work adjustment training and tried nearly all vocational areas. His counselor and teachers nearly gave up on him, but today he is employed as a sander. He earns $1.25 per hour and has been holding the job 1 year.

The curriculum for the retarded is based on research findings indicating that the attitude of the mentally retarded worker and how he reacts socially with his coworkers and supervisors is more important for success on a job than is knowing how to do a specific job. To aim for the acceptable attitudes and social traits is the purpose of those activities labeled "personal or work adjustment training." Students who show a capability for learning the specific skills of a trade are given the opportunity to do this. Often they do not get their first jobs in vocations for which they have had training; still, the structured experiences at the school helped them gain confidence and other assets they needed to hold a job.

As there are no walls inside the school, a student can easily observe different types of vocational training and widen his occupational knowledge. Only chain link fences or cabinets separate one training area from another. A boy can have a chance to try welding, for example, even though his test scores may indicate his chances for learning welding are poor. Sometimes the retarded will surprise everyone, including themselves, with what they can achieve. One memorable young man won third place in a contest sponsored by a welding machine company with specifications and photographs of his arc welding project.

Most project students do find some level at which they can be successful. If the student fails on his first outside job, he can return and get help to find out what went wrong and what can be done about it.

Of the total 925 students enrolled in the project up to this school year, 65 percent have been employed on a full-time basis. The average hourly wage of this group is nearly $1. Many of them earn over $1.30 per hour; while a limited number earn $2.50 to $2.75 per hour. For the most part, the jobs these students hold involve routine tasks. Most of the boys, and many of the girls, get their first jobs in the restaurant business.

Eventually, vocational adjustment coordinators (VAC's)—one for the boys and one for the girls—were added to the project's staff. The VAC's give daily, full-time supervision to the students, recommend or find job training stations, and otherwise assist the VR counselor in carrying out rehabilitation plans for each individual. The school has seven full-time teachers. Some are trained in special education, some in industrial arts, and some come from industry.

A student enters the VR project through referral by his teacher or by a VR counselor. Every referred person is accepted for an initial evaluation. For the girls, this takes place in the homemaking unit, where sections exist for living, kitchen, and laundry areas. Modern kitchen and laundry equipment are being used. The girls learn valuable lessons by serving lunch, brought in from an outside cafeteria, and cleaning up after meals.

They also learn the rudimentary social and personal traits required for adequate living or holding a job. When ready, they are moved into vocational training—primarily in dry cleaning or duplicating machines. Sometimes they are trained on the job, often in food service or packaging and assembly work outside the school.

Boys get their first evaluation in a crafts section. Here, interests and abilities to use tools can be determined. While the boys get attitudinal shaping, they work on tasks involving custodial work, furniture refinishing, maintenance, painting, and service station work. If a boy indicates by his work habits and performance that he is capable of doing work of a more technical nature, he may be transferred to one of the many regular vocational training areas.

Through cooperation with industry, the school offers training geared toward the immediate needs of employers. An example of this cooperation is the duplicating equipment placed in the school by business firms. The substantial equipment inventory includes mimeograph, dry-photo copiers, thermofax copier, plastic bookbinding machine, electronic scanner, silk screen mimeograph, A. B. Dick 360 offset, Multilith 1250 offset, Diazo copy machine, sign press, liquid copy machines, electric hole punch, electric paper cutter, spirit duplicator, and modern typewriters.

With this equipment, the school can handle contract work and give the students real job experience. Actual customer work is also done in dry cleaning, auto repair and painting, and upholstery.

Students who are competent on the duplicating machines can often get civil service jobs. And competent they can get. Mary Lee McLaughlin, who has been with the VR project since the first girl's unit started and is now a VAC at the school, enjoys recalling the time when a new instructor for the machines began work without knowing how to operate all of the machines. He was soon checked out on all of them by two retarded girls.

A realistic mockup of a supermarket, with stocked shelves and produce bins, was set up in the school by local grocery stores. This gives students a realistic setting for learning skills such as using a scale, stocking, and cashiering.

The school is conducted on the same time schedule as the other junior and senior high schools. All instruction is related to job and community living, however, with a minimum of formal classroom work. A learning center is being developed to include equipment for individual programed learning. A teacher is available to assist students in the center.

During the past 10 years, various approaches to the vocational rehabilitation of the mentally retarded in Texas have been used. The results have been impressive. In the fiscal year 1969, rehabilitated retarded clients amounted to 19 percent of the total VRD rehabilitations for the year.

Since 1964, one hundred or more students have been enrolled each year in the Dallas Vocational School VR project. Many other retarded youth are served through cooperative VR units in their local public schools or through other programs. The Dallas school continues to be a unique public school facility in the State with its many vocational opportunities available to the retarded and to other nonacademic oriented youth.

## CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. KENNEDY. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The Bill Clerk. An act (H.R. 15628) to amend the Foreign Military Sales Act.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

Under the previous order, the Chair recognizes the Senator from Wisconsin for not to exceed 30 minutes.

### THE ECONOMIC CONSEQUENCES OF CAMBODIA

Mr. PROXMIRE. Mr. President, the Cambodian intervention has raised many questions involving congressional responsibility for spending, budgeting, and in many other vital respects. Today I intend to discuss these significant economic implications.

It is now clear that the forecast of a budget surplus of $1.3 billion for fiscal year 1971 will not occur. This small estimated fiscal year 1971 surplus has disappeared even before fiscal year 1971 has begun.

While no new official budget figures have been given, the decline in corporate profits will bring a major fall off in receipts. And several of the gimmicks and jerry-built estimates on which the $1.3 billion surplus was based, have now been exposed for all to see. One example alone will suffice. The President's wholly unrealistic budget request for a postponement until January 1971 of the postal and civil service pay raises due on July 1, 1970, has been replaced by a pay increase which added $1.2 billion to fiscal year 1970 outlays and will add additional amounts to the 1971 estimates of expenditures.

We should face the facts. Instead of a $1.3 billion surplus for fiscal year 1971, we now face both an increase in expenditures—pay increases, interest payments, farm price supports—and a decrease in receipts—from corporate profits, offshore oil leases, a delayed postal rate increase—which have turned around the fiscal year 1971 estimate from a slight surplus to a deficit of several billions. While the details have yet to be made public, this basic truth has been admitted by the administration and by the Secretary of the Treasury. Unofficial estimates are that the deficit from these causes alone will run as high as $5 billion.

### WE ARE NOW IN A RECESSION

The figures released Friday by the Department of Commerce indicate that we are now in a recession as reportedly defined by the National Bureau of Economic Research. The gross national product has now declined for two successive quarters.

The first quarter figure has now been revised downward by some $2.6 billion from the preliminary estimates. It now stands at $959.6 billion. In constant 1958 dollars it fell from $730.6 billion in the third quarter of 1969 to $724.3 billion in the first quarter of 1970. This is very disheartening economic news.

The figures for corporate profits show a sharp decline in the first quarter of 1970. The figures released Friday show a seasonally adjusted annual rate of $85 billion for the first quarter of 1970. This is $6¼ billion less than in the fourth quarter of 1969 and more than $10 billion below the record high profits attained in the first two quarters of 1969.

But there is more fiscal bad news. We must face up to the economic consequences of Cambodia. There will be additional increases in spending because of war.

Unfortunately, administration spokesmen, including the Secretary of the Treasury and the Director of the Bureau of the Budget, stubbornly and foolishly refuse to admit it. They persist in stating that the military operations in Cambodia are not expected to add to total defense spending in 1970 or 1971. Such a judgment was made by the Secretary as late as May 9 in his speech at Hot Springs. But that is merely putting their heads in the sand.

The President's actions in Cambodia will raise the cost of the war. Military expenditures in Southeast Asia will rise. Whatever views we as individual Americans may hold about the President's action in launching the Cambodian expedition, we can be sure that as night follows day the costs of the war will go up. We must face that fact.

Mr. President, a little later I shall document that, and indicate exactly why the costs of the Cambodian war are sure to rise.

The question then becomes, What can we do about it? How can we prevent inflation from continuing, restore confidence in the business community, and

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provide for our starved domestic needs at the same time that military and other costs rise and receipts go down?

The Secretary of the Treasury in a speech before the Business Council at Hot Springs, Va., on May 9 said that for the administration to remain fiscally responsible may require either rigid economics or an enlargement of our tax base, which is a polite euphemism for a tax increase.

And the Washington Star reported on Sunday, May 10, that administration officials indicated Saturday that Federal spending increases probably will compel President Nixon to ask Congress to raise taxes next year.

But I say that it would be unconscionable to raise taxes now. The country is sliding into an economic recession. Taxes are already too high. Furthermore, in my judgment, the country would not accept a tax increase to pay for the military adventures in Vietnam and Cambodia, in the present public attitude. It is difficult enough to raise taxes for a war which has the support of the American people—even in World War II, only about a third of the cost of the war was paid for through increased taxes, while the remaining two-thirds was paid for through borrowing or inflation.

But it would be impossible to raise taxes to pay for an unpopular and controversial war which is deeply opposed and strongly resisted by a very, very large proportion of the American people.

The suggestion of the Secretary of the Treasury that we could or should raise taxes to avoid a deficit is both wrong and wholly unrealistic.

In the present circumstances there is only one way to meet these problems. That way is to cut spending. Unfortunately, the Secretary did not specify where we might impose rigid economics.

But there is one place and only one place where big spending can be cut. That is the $75 billion defense budget proposed for next year.

It is therefore incumbent upon us to make big cuts in the regular military budget in order to offset the certain increase in the cost of the Vietnam war and the decrease in revenues from the slump. Unless that is done, we are bound to have a new round of price increases, a huge unbalanced budget, and a new economic crisis.

Let me develop the arguments both as to why the costs of the war will increase and why cutting the regular fiscal year 1971 military budget is the only feasible way to meet the new and serious problem of the budget deficit and the escalation in the costs of the Vietnam war.

### THE COSTS OF THE WAR WILL INCREASE

On April 30, the President of the United States ordered American troops into Cambodia. Here is the indication and the documentation that this Cambodian adventure is going to cost money in a substantial amount. Reports are that some 20,000 American and 20,000 South Vietnamese troops are involved in military operations into North Vietnamese-Vietcong sanctuaries along the South Vietnamese-Cambodian border.

Some solace for those of us who oppose this action has come from the President in his promise that he will limit the penetration of troops into Cambodia to 19 to 21 miles and that he will withdraw the American troops entirely from Cambodia by July. 1 In addition, he has justified the Cambodian operation, in part, on grounds that it will make it possible to carry out his pledge to remove an additional 150,000 American troops from Vietnam by next spring.

We all hope that events will make it possible for the President to adhere to these limits and that the Cambodian expedition will become, in fact, a means to advance the date when our troops can leave Vietnam entirely.

But, in the meantime, the thrust into Cambodia, the troops and ammunition involved, the planes, tanks, and supporting helicopters, and the supplies needed to support them are bound to cost money and to raise the costs of the war.

In addition to the ground troops sent into Cambodia, at least four new major bombing missions over North Vietnam have taken place since April 30. Fifty to 100 planes flew 240 miles deep into North Vietnam during each of them.

Furthermore, in any military expedition of this kind, every commander will insist upon adequate reserves of ammunition, troops, planes, tanks, and supplies. There are, therefore, not only built-up costs involved in this endeavor, but reserve and replacement costs as well.

An increase in the costs of the war is also indicated by the casualty figures. The weekly casualty report released May 14 showed the highest American casualties in 8 months and the highest South Vietnamese casualties in 27 months.

While American troops were only indirectly involved and were very careful to avoid exceeding the 19-mile limit, the cost of the forays up the Mekong River by a flotilla of ships was obviously borne to some considerable degree by the United States.

Finally, we propose to support the South Vietnamese troops even after we leave Cambodia and withdraw further troops from Vietnam. And there is as yet no guarantee that the South Vietnamese and even the United States will not be involved in further forays, incursions, and expeditions. At least, the administration is arguing that we should not tie their hands, in arguing against the pending amendments.

All of this will cost money. In my judgment, tens of millions of additional funds are at stake. Unless some unusually fortuitous events take place, we should not be surprised if the additional costs of the Cambodian expedition and the stepup in fighting in Vietnam are several billions more than has been budgeted.

And if the Cambodian operation ties down our troops for a period longer than anticipated, or if it leads to an escalation of the war, then the costs will go up even more.

With the shift in the 1971 budget from precarious surplus to an admitted and growing and substantial deficit in the context of a situation where we have already failed to stop inflation and where prices are continuing to rise, the one thing that could really put a strain on the economy at this time is a rapid increase in spending as a result of the Vietnam-Cambodian War.

The huge inflation brought about by the escalation in the Vietnam war in the fiscal year 1966–67 period has not yet been brought under control. The pessimism engendered by the failure of the administration's anti-inflationary policies—if indeed they have carried out any meaningful anti-inflationary policies—has rocked the financial community and sent the stock market into a tailspin.

### DREAM WORLD

But already the administration appears to be living in a dream world. The assurances of the Secretary of the Treasury, Mr. Kennedy, at Hot Springs, that the economic and budgetary impact of the escalation in Cambodia would be negligible, are impossible to accept.

This is where many of us came in. The same thing was said when the Vietnam war was escalated. In fiscal year 1966, new obligational authority for Vietnam was $14 billion more than the estimate in the budget. In fiscal year 1967, new obligation authority for Vietnam was $12 billion in excess of the budget figure.

And the same thing happened to spending. Vietnam spending in fiscal year 1967 rose from a $10 billion estimate in the budget to $20 billion before the year was out.

As a result, when the bills became due we incurred an $8 billion deficit in fiscal year 1967 and a $25.2 billion deficit in fiscal year 1968. The inflation from which we are still suffering, was induced by the failure to act at that time and because too many officials viewed the world through rose-colored glasses.

At that time, just as we are hearing now, we received assurances from the President and his advisers that the economic and budgetary impacts of the Vietnam war would be much smaller than they were.

There is an old Chinese saying which admirably describes the danger we face of once again underestimating the economic consequences of the Indochinese war.

> Fool me once, shame on you. Fool me twice, shame on me.

It cost us a $25 billion deficit and massive inflation to learn our lesson once. Let us not make the same mistake twice.

### WHAT TO DO ABOUT IT

In situations of this kind, certain elementary steps can be taken. They are familiar to every businessman, economist, and Budget and Treasury official. If this were merely a classroom exercise one might recommend taking any one or a combination or all of the following actions. They are, first, decrease the money supply and tighten monetary policy; second, increase taxes to decrease spending in the private sector and pay for the increased cost of the war in the public sector; third, resort to guidelines and persuasion and forms of credit restrictions in an effort to keep prices and wages and credit in line; and fourth, reduce spending in order to compensate for the increased spending for the war.

Those are the classic classroom things to do. But the problem we face now is that not all of them are available to us.

Because of past policies, administration reluctance, preconceived predilections, and public opposition to the war, the options are now limited—and I mean very limited.

In the present circumstances, there is only one clear course of action. That is to cut the regular military budget and to cut it hard in order to pay for the increased costs of Cambodian expedition, balance the budget, prevent runaway inflation, release funds for housing and construction in the private sector, and restore confidence to the business and economic community.

That this is so is clear from a statement of the facts.

### TIGHTER MONETARY POLICY IS NOT POSSIBLE

We do not now have the option, which in other circumstances might be available to the economic authorities, to tighten money. Money is now as tight as it can possibly become. There is no more room to act.

The prime interest rate—the rate banks charge to their best customers—is now at 8 percent.

In March, mortgage rates were at 9.29 percent for FHA mortgages. We are already in a housing depression but with the greatest backlog of housing needs in the history of our country.

Four to 6 months prime commercial paper is at 8 percent. High grade municipals are bringing more than 6.5 percent and, of course, they are tax exempt.

From June of 1969 to February of 1970, there was virtually no growth in the money supply in this country. Since then, there has been a change in policy and some growth is taking place, as well as some limited monetary growth.

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But the fact is that there is no way to tighten money now. To further tighten money, raise interest rates, and reduce the limited funds now available for housing would be unconscionable.

Tightening the monetary screws at this time is no option.

In fact, what we need is to make certain that the opposite policy is carried out. We need a relaxation in the tight money policy and a reduction in interest rates. The recent policies have not only brought a housing crisis but have in part—a significant part—been responsible for a level of unemployment of 4.8 percent and rising, according even to the testimony of the administration's own witnesses. Arthur Burns told us, just this past week, that he anticipated unemployment would continue to rise.

That is the highest level in 5 years. It means there are 1.3 million more men and women out of work than in January 1968 when President Nixon took office. But it means even more as well for certain individuals and groups.

Unemployment for Negroes and other minorities is double that for whites, or 8.7 percent as against 4.3 percent.

Teenage unemployment is over 16 percent. Construction workers unemployment is at 8.1 percent, and 8.8 percent of nonfarm laborers were out of work in April.

We should decrease, not increase, interest rates. A reduction in interest rates could spur housing which in turn has extremely healthy ramifications for the entire economy. An increase in housing construction not only benefits those who need a home, it stimulates almost every industry and every trade—lumber, brick, and cement. It stimulates the market for plumbing, hardware, carpets, and furniture. It helps the sale of durable goods—refrigerators, stoves, furnaces, and air conditioners.

A loosening of money, a reduction in interest rates, and the stimulation of housing production has effects and permutations of a thousand fold.

This in turn stimulates employment—especially employment for construction workers and for blacks and for laborers and teenagers—all those categories now hard hit and suffering from unemployment.

If we build housing, we can put the unemployed to work and stimulate almost every sector of the economy. And to do this does not require huge Federal outlays. Instead, it requires a cut in expenditures which will help stop inflation, relax money, and reduce interest rates. More than any other activity, housing can put men to work, stimulate the economy, help reduce prices, take up the slack from a fall off in Government or military spending, and satisfy urgent social needs.

There is an old saying which applies particularly to this situation; namely, that a rising tide floats all the boats.

### TAXES ALREADY TOO HIGH

The Secretary of the Treasury said that fiscal responsibility may require an enlargement of our tax base—in effect, that we should raise taxes to pay for the increased costs of the Vietnam war and to offset the fiscal year 1971 deficit. In my view, as I have said, that is neither practical nor desirable. Let us look at the facts.

The burden of taxation on the average American is now much too high. Instead of raising taxes, we should be trying to find ways to reduce taxes.

At the Federal level we now collect about $91 billion in personal income taxes, $35 billion in corporate income taxes, although, as I have indicated, that will fall because of the recession, because they are vulnerable to a cutback in economic activity, and $26 billion from excises, customs, estate taxes and others, which are regressive sale taxes, by and large. In addition, social security taxes and contributions take another $49 billion. That is a very large tax burden which is borne by the citizens of the United States with remarkable equanimity.

### THE BURDEN OF INCREASED STATE AND LOCAL TAXES

But that is not all. What is really causing the consternation is the terrible burden of taxation at the State and local level. In addition to the $200 billion tax bill paid by American citizens to the Federal Government, they paid over $82 billion to State and local governments in 1969. This was an increase in taxes of over $9 billion from the $73 billion paid in 1968 or a 13-percent increase in State and local government taxes.

At the State and local level, between 1968 and 1969, there was a 9.5-percent increase in property taxes, a 14.4-percent increase in general sales taxes, a 24-percent increase in individual income taxes, a 33-percent increase in corporate income taxes, and an 8- to 12-percent increase in other taxes such as motor vehicle licenses, and motor fuels.

Altogether, there was an enormous increase in the tax burden at the State and local level between 1968 and 1969. It fell most heavily on those least able to pay because in almost every instance these are regressive taxes.

The slight reduction in Federal income taxes passed in 1969, by no means offset the increase in State and local taxes. Especially, it does not offset the terrible sense of injustice generated because of the increase in these regressive taxes and because so many wealthy individuals at all levels escape their fair share of the tax burden.

Thus, it is not desirable to raise taxes when such high rates exist and when such inequities exist. But it would not be possible to do so even if it were desirable.

With the great ferment in the country and the intense and growing opposition by a very large proportion of the American people to the war, a proposal to raise taxes to offset the increased costs of the Vietnamese war and the Cambodian expedition would merely pour fuel on an already incendiary situation.

For any one even to suggest a course would be ridiculous on the face of it.

### PERSUASION AND JAW BONING

The President, if he would, could resort to various forms of persuasion, to the institution of wage and price guidelines, and to various forms of credit controls.

For months, some of us have been pressing him to do some or all of these things. We have passed major legislation—the Proxmire bill—giving him authority in these areas, especially the authority to put a ceiling on interest rates and to roll them back. But the President and his advisers have eschewed all these forms of action. They refuse to act.

One can have little confidence that they would now be used by an administration which has steadfastly refused to use them in the critical months which have just passed.

### CUTTING MILITARY EXPENDITURES ONLY REASONABLE ALTERNATIVE

In the face of new inflationary pressures which will inevitably flow from the prospective budget deficit and the action in Cambodia, it is both impossible and undesirable to tighten money, because money is now already too tight and interest rates are excessive. This would merely wreak more havoc on housing and raise unemployment. It is neither desirable nor possible to raise taxes, because taxes are now at an intolerable level, are unjust in their application, and the vast opposition to the war itself would prevent any increase to pay for expenditures which a very large and intense minority believes to be bad policy or immoral. The President and his advisers have steadfastly refused to use other more gentle forms of persuasion, such as credit controls, or guidelines. There is, therefore, only one policy left by which the new inflationary pressures can be offset.

That policy is to cut expenditures.

**And the only area of expenditures which can be cut and cut decisively in a big and significant way are those for the on-going, regular, military budget.**

DETAILED PROPOSALS MADE REPEATEDLY

Where these cuts can be made has been detailed time and again. The Congressional Quarterly, in a survey of Defense Department officials, set forth $10 billion in cuts which could be made without cutting back on military muscle.

Robert Benson, formerly in the Office of the Comptroller of the Defense Department, indicated where almost $10 billion could be cut, also without affecting the basic strength or security of the country.

We have held detailed hearings into procurement, and especially the procurement of weapons systems where billions upon billions of dollars in overruns exist. The General Accounting Office indicated to my subcommittee last December that the overrun on 38 weapons systems alone was $20 billion. Savings can and must be made here.

I think that sufficiently detailed areas where military spending can be cut have been pointed out in the past so that one need not repeat them here.

The military budget is the only logical place for major cuts in spending. The Pentagon is asking for $71 billion next year. The additional funds for national defense for military assistance, military construction, and atomic energy raise that figure to almost $75 billion.

Of the Federal budget of $200 billion, almost half of it is what the Budget Bureau calls "uncontrollable." That means about $100 billion is composed of social security payments, interest on the national debt, veterans payments, or expenditures such as CCC payments which cannot be cut except by changing the laws of the land.

Of the $100 billion in "controllable" items—what we can cut—$75 billion is for national defense. If there is to be any major cutting of the Federal budget it must be made here.

The logic of the situation calls for cutting the military budget. It is only by cutting back on the military budget that we can stop inflation, stimulate housing, restore some sense of confidence in the business community, and meet even a modicum of the priorities and needs of the civilian economy of the country.

NO REWARDS FOR EXCESSES

Even before the escalation of the war in Cambodia, the military budget was out of control. The military received a disproportionate share of the resources of the country.

Now they will want even more.

But the military budget already contains areas of excesses and unnecessary expenditures. To continue the wastefulness is wrong. To escalate military expenditures is unconscionable.

If the military is intent on additional forays into the jungles and swamps of Asia, let them pay for it out of their existing budget. They must not receive budgetary rewards for their military excesses.

A cut in the military budget is the only means by which we can reduce the budget deficit and pay for the additional expenditures which the Cambodian expedition will generate.

The military excesses are already so great that large cuts can be made without endangering the effectiveness of our forces or the lives of our soldiers. In fact, the fighting strength of this country could be enhanced by stopping the gold plating, increasing the ratio of combat to supply troops, and reforming the entire system of military procurement and supply.

We should cut the military budget. It is no longer just a desirable end. It is now a necessity.

Mr. PERCY. Mr. President, will the Senator yield for a comment?

Mr. PROXMIRE. Mr. President, I would be very happy to yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I have been concerned about the economy and our present economic problems. However, I cannot really imagine that in a trillion dollar economy, the Cambodian incursions have put a strain on the economy.

The implication of the Senator from Wisconsin is that this incursion is leading to a broadening of the war and involves a great deal more in expenditures. I cannot see that at all. I think the implication is very strong that this is a very short-term situation.

I take the President at face value when he says that we will be out of there by June 30.

I cannot imagine that the expense involved will have a material effect upon the economy if the business community and financial interests recognize that the President will stick to his word. And I do not doubt that for a moment.

So, I do not look upon this as having a materially adverse effect upon the economy. I hope that business leaders and financial leaders will not use this as a reason for saying that the outlook in the future is bleak.

We have some real problems to face. But I do not believe they are caused, other than psychologically, by the incursion into Cambodia.

Mr. PROXMIRE. Mr. President, I appreciate the observations of the Senator from Illinois. He has gone on record, as I understand it, as being against the Cambodian action. Considering the Senator's position that takes great courage.

The Senator from Illinois understands the economy extremely well. He is a member of the joint committee. And he has a brilliant record in business.

We have been through this again and again in Vietnam. We were assured by the President—not President Nixon, but President Johnson—that the costs would not be excessive. They underestimated the costs by $10 billion in 1966. The New York Times called that the economic blooper of the past 10 years. Most people recognize that much of our present inflation was caused by that deficit.

I am not saying that the Cambodian situation will be as bad as that. But once we begin to escalate and as we have done, pour 20,000 troops into Cambodia to back up the South Vietnamese and escalate our bombing, and support the Vietnamese when flotilla costs increase. I do not want to exaggerate the matter. I think the Senator's remarks are most helpful and help to put the matter in the proper perspective.

But a sharp increase in war costs is something that can happen. We were fooled repeatedly before. We should not be again.

Mr. PERCY. Mr. President, I appreciate the Senator's comments.

It is why I emphasize that there can be a psychological factor. It is why I feel that the action of the Senate is very important at this time.

We do not doubt the word of the President.

I talked face to face Saturday evening with the Secretary of Defense. He assured me that we would be out of there by June 30. I do not doubt his word one bit.

I think, however, that we have the responsibility to take into account the fact that there has been a psychological factor involved.

There may be those who feel that we are broadening the war and getting deeper into the quicksand of Southeast Asia.

Possibly by resolution of the Senate, such as the Cooper-Church amendment, it might be that we could reinforce the belief of the citizens of the country that we will be out of Cambodia by June 30 and that this will not constitute a broadening or a deepening of the war. We do believe what the President had to say.

Mr. PROXMIRE. Mr. President, I think there is possibly nothing that the Senate could do that would give the country greater confidence in the belief that the action in Cambodia would be limited than to pass the Church-Cooper amendment. That would be enormously helpful.

We were not told the truth in the past, or, perhaps I could say, there have been misunderstandings in the past. And until the people get confidence in the fact that we are making an accurate estimate of what our military costs will be, we will be in great trouble with an inflation psychology based on the expansion of more military spending. They will not believe us, and that uncertainty will have adverse consequences.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CHURCH. Mr. President, I do not suppose that anyone speaks with greater authority than the senior Senator from Wisconsin when it comes to Government finances. I think he has made a worthy contribution this afternoon by pointing up the impact of this continuing war on the finances of the Government.

President Nixon had no more cherished objective than to balance the budget. And as this war has poisoned the hopes and aspirations of his predecessors before him, so it now poisons the best laid plans of President Nixon.

The war is causing great economic distress in the United States. It is the single most important cause for the inflation which still remains unbridled.

It is the central cause for the failure to which the Senator alludes, Nixon's failure to balance his budget.

It is the cause for the special war taxes that have been laid upon the people, and it doubtlessly accounts for the precipitous slide in the stock market that has so disturbed the entire financial community.

Now, I think from the standpoint of the economy alone, from the fact we have spent over $100 billion on this pointless war, it honestly can be said that never in the history of our country has so much been spent for so little.

I think that the Senator's address today should remind us of how much we are spending, and of our need for defining the outer limits of American participation in a widening Indochina war. The Senator from Wisconsin knows his subject, as shown by the accuracy of the positions he has taken in the past, and the way his own forecasts have been borne out. This gives special weight to his message today. I extend to the Senator my compliments for the timeliness of his address.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Idaho for his comments. He and the distinguished Senator from Kentucky (Mr. COOPER) are leading the fight in the most significant and important debate we have had in the Senate, certainly this year, and perhaps for a long, long time.

Mr. CHURCH. I thank the Senator.

Mr. PROXMIRE. Mr. President, briefly on another subject related to this matter, 176 days ago, on November 22, 1969, I wrote to the Department of Justice asking for an immediate investigation into the firing of A. E. Fitzgerald after he testified before a committee of the Congress.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. BYRD of West Virginia. Mr. President, I wish to say to the Senator I am not absolutely sure that his statement is germane to the unfinished business that has been laid before the Senate.

Mr. PROXMIRE. I think it is germane but I understand the objection of the Senator from West Virginia. He is very consistent in this matter. He is a good friend of mine. For that reason I will have to find another time of day in which I can make the statement.

Mr. BYRD of West Virginia. If the Senator will assure me the matter is germane I will not question it.

Mr. PROXMIRE. I would prefer to make this statement later.

I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator for his usual courtesy, patience and forbearance. He truly is a dear friend of mine.

Mr. DOLE. Mr. President, may we have order?

The ACTING PRESIDENT pro tempore. The Senator's point of order is well taken. The Senate will be in order.

Mr. ERVIN. Mr. President I rise to voice my opposition to the so-called Church-Cooper amendment.

Mr. President, one of America's greatest constitutional authorities and historians, Edward S. Corwin, had the following to say at page 259 of his illuminating book, entitled, "The President—Office and Powers, 1787–1957":

> Actually Congress has never adopted any legislation that would seriously cramp the style of a president attempting to break the resistance of an enemy or seeking to assure the safety of the national forces.

I believe that the Church-Cooper amendment constitutes a recommendation by its proponents that Congress adopt for the first time in the history of our Nation legislation which would seriously cramp the style of the President in attempting to break the resistance of an enemy or seeking to insure the safety of the national forces.

Mr. President, this legislative proposal would undertake to forbid the President or any of his military subordinates in the field to send any American soldier across the boundary line between South Vietnam and Cambodia after its effective date no matter what the conditions might be that existed at that time and no matter how necessary the prohibited action might be at that time to secure the safety of members of our military forces in South Vietnam.

The Cooper-Church proposal and certain other proposals which have been introduced in the Senate attempt to do the impossible, that is, to repeal history and the consequences of history. The Creator of this universe made it impossible for a nation or for an individual to repeal past mistakes. I certainly wish it were possible for me to repeal the mistakes I have made in the past. I can assure the Senate that if I had this power, I would have one of the most unblemished records ever possessed by any man since the angels sang together for glory at the creation.

All that a nation can do and all that an individual can do in reference to past mistakes is to take the wisest action under existing circumstances to minimize to the highest possible degree the consequences of those mistakes.

I think it would be of interest to the Senate for me to review the history of the events which led to our present involvement in Southeast Asia. Prior to the Second World War, which began on September 1, 1939, France exercised political power through the mechanism of colonies and protectorates over those portions of Southeast Asia which were then known as Indochina and which are now known as Cambodia, Laos, North Vietnam, and South Vietnam.

During the Second World War, the Japanese occupied parts of these lands with their military forces, ousted the French, and set up nationalist puppet governments. On August 19, 1945, after the bombing of Hiroshima, however, the Japanese withdrew from this area. Thereupon, a nationalist party, the Vietminh, which had been organized in China during the war by the veteran Communist, Ho Chi Minh, seized power at Hanoi, declared their country to be independent, and undertook to set up governing committees of Communists throughout Vietnam.

Shortly thereafter the French returned to the scene, occupied various posts in Vietnam with their military forces, and undertook to resume their control of the country by negotiating an agreement with Ho Chi Minh, the leader of the Viet Minh, to make Vietnam "a free state forming part of the Indochina Federation and of the French Union."

Being unable to work out the details of the proposed agreement with Ho Chi Minh, the French took measures on November 23, 1946, to end the smuggling of arms by Communist powers to the Viet Minh through the port of Haiphong, and a bitter and bloody war ensued between the French and the Viet Minh.

On March 8, 1949, France and Bao Dai, former emperor of the part of Vietnam known as Annam entered into an agreement setting up the Associated State of Vietnam within the French Union with Bao Dai, the head of the new regime, and a Vietnamese army to fight beside the French forces. By this agreement, France undertook to grant nominal independence to Vietnam while keeping control of the country.

During the next year—that is, 1950—President Harry S. Truman granted recognition to the newly created "Associated State of Vietnam." The United States was induced to take this step and to make substantial contributions toward financing the French war effort in Vietnam because it was convinced that France was fighting to contain the outward thrust of communism.

It is worthy of mention that the Congress of the United States apparently shared this conviction of President Truman, because it made appropriations to assist in financing the military actions of the French in Southeast Asia.

Early in 1954 the Viet Minh besieged the French fortress of Dienbienphu, and France sought military air support from the United States. American congressional leaders frowned upon this request, and Secretary of State John Foster Dulles undertook to ascertain whether Britain would join the United States in aiding the French militarily. Britain refused to do this, but persuaded Russia to join it in calling a general conference on the Far East.

This conference met in Geneva, Switzerland, April 26, 1954.

While the conference was sitting, namely, on May 7, 1954, the French forces suffered a devastating defeat at the hands of the Viet Minh, who captured the fortress of Dienbienphu and 10,000 prisoners.

As a consequence, France became reconciled to the acceptance of any face-saving agreement which would enable it to withdraw totally from Vietnam without surrendering all of it to Ho Chi Minh and the Viet Minh.

The result was that on July 21, 1954, the parties directly involved in the fighting in Southeast Asia agreed to an armistice based upon terms stated in the Geneva accords.

The Geneva accords provided for these conditions:

First, division of Vietnam—the most populous of the three states of Indochina—along the 17th parallel, with control of the northern half going to the Viet Minh while the French-supported regime of the Bao Dai retained the south.

Second, free movement of Vietnamese civilians between north and south.

Third, elections within 2 years to establish a single government, or at least

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to permit the people of North and South Vietnam to determine whether a single government should be established.

Fourth, neutralization of the states of Cambodia and Laos; and

Fifth, supervision of the terms of the agreements by commissions composed of representatives from India, Poland, and Canada.

Ho Chi Minh was persuaded to accede to the Geneva accords by his conviction that they would remove from South Vietnam any military force strong enough to offer effective resistance to the Viet Minh and the hope that the Communists could take over South Vietnam by winning the proposed election in 1956.

The United States did not accept the Geneva accords, but took the position that it would not interfere with the carrying out of their spirit.

The United States declared, however, that it "would view any renewal of the aggression in violation of the agreements with grave concern and as seriously threatening international peace and security."

Largely as a result of the efforts of John Foster Dulles, the Secretary of State of the United States, the Southeast Asia Collective Defense Treaty, which is commonly called SEATO, was signed at Manila on September 8, 1954, by the United States, Britain, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines.

On February 1, 1955, the Senate ratified the SEATO Treaty by a vote of 82 to 1. The dissenter, and the only dissenter, was Senator William Langer of North Dakota.

The SEATO agreement is set forth in full on pages 114 through 118 of a publication prepared at the instance of the Senate Committee on Foreign Relations. This is the fifth revised edition of a publication entitled "Background Information Relating to Southeast Asia and Vietnam," published in March 1969. I ask unanimous consent that the SEATO Treaty as set forth on those pages of that publication be printed in the RECORD at this point.

There being no objection, the treaty was ordered to be printed in the RECORD, as follows:

### SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY AND PROTOCOL THERETO, SEPTEMBER 8, 1954[1]

The Parties to this Treaty,

Recognizing the sovereign equality of all the Parties,

Reiterating their faith in the purposes and principles set forth in the Charter of the United Nations and their desire to live in peace with all peoples and all governments,

Reaffirming that, in accordance with the Charter of the United Nations, they uphold the principle of equal rights and self-determination of peoples, and declaring that they will earnestly strive by every peaceful means to promote self-government and to secure the independence of all countries whose peoples desire it and are able to undertake its responsibilities,

Desiring to strengthen the fabric of peace and freedom and to uphold the principles of democracy, individual liberty and the rule of law, and to promote the economic well-being and development of all peoples in the treaty area,

Intending to declare publicly and formally their sense of unity, so that any potential aggressor will appreciate that the Parties stand together in the area, and

Desiring further to coordinate their efforts for collective defense for the preservation of peace and security,

Therefore agree as follows:

#### ARTICLE I

The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered, and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

#### ARTICLE II

In order more effectively to achieve the objectives of this Treaty, the Parties, separately and jointly, by means of continuous and effective self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and to prevent and counter subversive activities directed from without against their territorial integrity and political stability.

#### ARTICLE III

The Parties undertake to strengthen their free institutions and to cooperate with one another in the further development of economic measures, including technical assistance, designed both to promote economic progress and social well-being and to further the individual and collective efforts of governments toward these ends.

#### ARTICLE IV

1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

#### ARTICLE V

The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall provide for consultation with regard to military and any other planning as the situation obtaining in the treaty area may from time to time require. The Council shall be so organized as to be able to meet at any time.

#### ARTICLE VI

This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of any of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security. Each Party declares that none of the international engagements now in force between it and any other of the Parties or any third party is in conflict with the provisions of this Treaty, and undertakes not to enter into any international engagements in conflict with this Treaty.

#### ARTICLE VII

Any other State in a position to further the objectives of this Treaty and to contribute to the security of the area may, by unanimous agreement of the Parties, be invited to accede to this Treaty. Any State so invited may become a Party to the Treaty by depositing its instrument of accession with the Government of the Republic of the Philippines. The Government of the Republic of the Philippines shall inform each of the Parties of the deposit of each such instrument of accession.

#### ARTICLE VIII

As used in this Treaty, the "treaty area" is the general area of Southeast Asia, including also the entire territories of the Asian Parties, and the general area of the Southwest Pacific not including the Pacific area north of 21 degrees 30 minutes north latitude. The Parties may, by unanimous agreement, amend this Article to include within the treaty area the territory of any State acceding to this Treaty in accordance with Article VII or otherwise to change the treaty area.

#### ARTICLE IX

1. This Treaty shall be deposited in the archives of the Government of the Republic of the Philippines. Duly certified copies thereof shall be transmitted by that government to the other signatories.

2. The Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective constitutional processes. The instruments of ratification shall be deposited as soon as possible with the Government of the Republic of the Philippines, which shall notify all of the other signatories of such deposit.

3. The Treaty shall enter into force between the States which have ratified it as soon as the instruments of ratification of a majority of the signatories shall have been deposited, and shall come into effect with respect to each other State on the date of the deposit of its instrument of ratification.

#### ARTICLE X

This Treaty shall remain in force indefinitely, but any Party may cease to be a Party one year after its notice of denunciation has been given to the Government of the Republic of the Philippines, which shall inform the Governments of the other Parties of the deposit of each notice of denunciation.

#### ARTICLE XI

The English text of this Treaty is binding on the Parties, but when the Parties have agreed to the French text thereof and have so notified the Government of the Republic of the Philippines, the French text shall be equally authentic and binding on the Parties.

#### *Understanding of the United States of America*

The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

In witness whereof, the undersigned Plenipotentiaries have signed this Treaty.

Done at Manila, this eighth day of September, 1954.

For Australia:
R. G. Casey
For France:
G. La Chambre

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[1] 6 UST 81; Treaties and Other International Acts Series 3170.

For New Zealand:
Clifton Webb

For Pakistan:

Signed for transmission to my Government for its consideration and action in accordance with the Constitution of Pakistan.
Zafrulla Khan

For the Republic of the Philippines:
Carlos P. Garcia
Francisco A. Delgado
Tomas L. Cabili
Lorenzo M. Tañada
Cornelio T. Villareal

For the Kingdom of Thailand:
Wan Waithayakon Krommun Naradhip Bongsprabandh

For the United Kingdom of Great Britain and Northern Ireland:
Reading

For the United States of America:
John Foster Dulles
H. Alexander Smith
Michael J. Mansfield

I certify that the foregoing is a true copy of the Southeast Asia Collective Defense Treaty concluded and signed in the English language at Manila, on September 8, 1954, the signed original of which is deposited in the archives of the Government of the Republic of the Philippines.

In testimony whereof, I, Raul S. Manglapus, Undersecretary of Foreign Affairs of the Republic of the Philippines, have hereunto set my hand and caused the seal of the Department of Foreign Affairs to be affixed at the City of Manila, this 14th day of October, 1954.

RAUL S. MANGLAPUS
*Undersecretary of Foreign Affairs.*

### *Protocol to the Southeast Asia Collective Defense Treaty*

### DESIGNATION OF STATES AND TERRITORY AS TO WHICH PROVISIONS OF ARTICLE IV AND ARTICLE III ARE TO BE APPLICABLE

The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.

The Parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.

This Protocol shall enter into force simultaneously with the coming into force of the Treaty.

In witness whereof, the undersigned Plenipotentiaries have signed this Protocol to the Southeast Asia Collective Defense Treaty.

Done at Manila, this eighth day of September, 1954.

Mr. ERVIN. Article IV of the SEATO agreement provides, in section 1, as follows:

> Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

Section 2 of article IV of the SEATO treaty reads as follows:

> If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

Section 3 of article IV of the SEATO treaty is in these words:

> It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

I digress from reading the SEATO treaty to remark that the treaty provisions make it plain that the territory covered by the treaty embraced Southeast Asia.

When it executed the SEATO treaty, the United States attached to it this understanding:

> The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article IV, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article IV, paragraph 2.

The parties to the SEATO treaty adopted what is called in diplomatic language a protocol, which reads as follows:

> The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.
>
> The Parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.
>
> This Protocol shall enter into force simultaneously with the coming into force of the Treaty.

The protocol used the term "the free territory under the jurisdiction of the state of Vietnam" to describe and include what we call South Vietnam.

Meanwhile, these things occurred: On September 29, 1954, the Department of State issued a communique concerning conversations had between representatives of France and the United States in respect to Southeast Asia.

This communique is printed in full on pages 118 and 119 in the publication of the Foreign Relations Committee which I have mentioned. I ask unanimous consent that the entire communique, as set forth in such publication, be printed in the Record at this point.

There being no objection, the communique was ordered to be printed in the Record, as follows:

### DIRECT AID TO THE ASSOCIATED STATES

(Communique Regarding Franco-American Conversations, September 29, 1954)

Representatives of the two Governments have had very frank and useful talks which have shown the community of their views, and are in full agreement on the objectives to be attained.

The conclusion of the Southeast Asia Collective Defense Treaty in Manila on September 8, 1954, has provided a firmer basis than heretofore to assist the free nations of Asia in developing and maintaining their independence and security. The representatives of France and the United States wish to reaffirm the support of their Governments for the principles of self-government, independence, justice and liberty proclaimed by the Pacific Charter in Manila on September 8, 1954.

The representatives of France and the United States reaffirm the intention of their governments to support the complete independence of Cambodia, Laos, and Viet-Nam. Both France and the United States will continue to assist Cambodia, Laos, and Viet-Nam in their effort to safeguard their freedom and independence and to advance the welfare of their people. In this spirit France and the United States are assisting the Government of Viet-Nam in the resettlement of the Vietnamese who have of their own free will moved to free Viet-Nam and who already number some 300,000.

In order to contribute to the security of the area pending the further development of national forces for this purpose, the representatives of France indicated that France is prepared to retain forces of its Expeditionary Corps, in agreement with the government concerned, within the limits permitted under the Geneva agreements and to an extent to be determined. The United States will consider the question of financial assistance for the Expeditionary Corps in these circumstances in addition to support for the forces of each of the three Associated States. These questions vitally affect each of the three Associated States and are being fully discussed with them.

The channel for French and United States economic aid, budgetary support, and other assistance to each of the Associated States will be direct to that state. The United States representatives will begin discussions soon with the respective governments of the Associated States regarding direct aid. The methods for efficient coordination of French and United States aid programs to each of the three Associated States are under consideration and will be developed in discussions with each of these states.

After the bilateral talks, the chiefs of diplomatic missions in Washington of Cambodia, Laos and Viet Nam were invited to a final meeting to have an exchange of views and information on these matters. The representatives of all five countries are in complete agreement on the objectives of peace and freedom to be achieved in Indochina.

Mr. ERVIN. The communique declared among other things, that the representatives of France and the United States reaffirm the support of their governments for the principles of self-government, independence, justice, and liberty proclaimed by the Pacific Charter in Manila on September 8, 1954.

In this statement, the representatives of France and the United States called the SEATO Treaty the Pacific Charter of September 8, 1954.

On October 23, 1954, President Eisenhower sent a letter to the South Vietnamese Premier Ngo Dinh Diem, pledging that the United States would assist the Saigon government in developing and maintaining a strong, viable state, capable of reducing attempted subversion or aggression through military means. The entire letter of President Eisenhower is set forth on pages 119 and 120 of the publication to which reference has heretofore been made, I ask unanimous consent that President Eisenhower's letter, as therein set forth, be printed at this point in the Record.

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There being no objection, the letter was ordered to be printed in the RECORD, as follows:

### AID TO THE STATE OF VIETNAM

(Message From the President of the United States to the President of the Council of Ministers of Vietnam, October 23, 1954)

DEAR MR. PRESIDENT: I have been following with great interest the course of developments in Viet-Nam, particularly since the conclusion of the conference at Geneva. The implications of the agreement concerning Viet-Nam have caused grave concern regarding the future of a country temporarily divided by an artificial military grouping, weakened by a long and exhausting war and faced with enemies without and by their subversive collaborators within.

Your recent requests for aid to assist in the formidable project of the movement of several hundred thousand loyal Vietnamese citizens away from areas which are passing under a *de facto* rule and political ideology which they abhor, are being fulfilled. I am glad that the United States is able to assist in this humanitarian effort.

We have been exploring ways and means to permit our aid to Viet-Nam to be more effective and we make a greater contribution to the welfare and stability of the Government of Viet-Nam. I am, accordingly, instructing the American Ambassador to Viet-Nam to examine with you in your capacity as Chief of Government, how an intelligent program of American aid given directly to your Government can serve to assist Viet-Nam in its present hour of trial, provided that your Government is prepared to give assurances as to the standards of performance it would be able to maintain in the event such aid were supplied.

The purpose of this offer is to assist, the Government of Viet-Nam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. The Government of the United States expects that this aid will be met by performance on the part of the Government of Viet-Nam in undertaking needed reforms. It hopes that such aid, combined with your own continuing efforts, will contribute effectively toward an independent Viet-Nam endowed with a strong government. Such a government would, I hope, be so responsive to the nationalist aspirations of its people, so enlightened in purpose and effective in performance, that it will be respected both at home and abroad and discourage any who might wish to impose a foreign ideology on your free people.

Mr. ERVIN. On November 3, 1954, the White House issued a statement informing the public that President Eisenhower was sending Gen. J. Lawton Collins on a special mission to South Vietnam to determine how the United States could best extend aid to the South Vietnamese Government. This statement is set forth in full on pages 120 and 121 of the publication to which I have made reference. I ask unanimous consent that the entire statement, as therein set forth, be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### MISSION OF THE SPECIAL U.S. REPRESENTATIVE IN VIETNAM[1]

(Statement issued by the White House, Nov. 3, 1954[2])

The President on November 3 designated Gen. J. Lawton Collins as Special United States Representative in Viet-Nam with the personal rank of Ambassador, to undertake a diplomatic mission of limited duration. He will coordinate the operations of all U.S. agencies in that country.

General Collins will proceed immediately to Saigon, where he will confer with Ambassador Donald R. Heath prior to the latter's already scheduled return to the United States for reassignment following 4½ years of distinguished service in Indochina. For the duration of this assignment General Collins will relinquish his other duties, including that of U.S. representative on the Military Committee of the North Atlantic Treaty Organization.

Since the conclusion of hostilities in Indochina, the U.S. Government has been particularly concerned over developments in Viet-Nam, a country ravaged by 8 years of war, artificially divided into armistic zones, and confronted by dangerous forces threatening its independence and security.

The U.S. Government is fully aware of the immense tasks facing the Government of Viet-Nam in its effort to achieve solidarity, internal security, and economic rehabilitation. The United States has already played an important role in the evacuation of hundreds of thousands of refugees from Communist rule in North Viet-Nam.

Moreover, as the President told Prime Minister Ngo Dinh Diem in his letter of October 23d, U.S. representatives in Viet-Nam have been instructed to consider with the Vietnamese authorities how a program of American aid given directly to Viet-Nam can best assist that country. General Collins will explore this matter with Prime Minister Ngo Dinh Diem and his Government in order to help them resolve their present critical problems and to supplement measures adopted by the Vietnamese themselves.

In executing his temporary mission, General Collins will maintain close liaison with the French Commissioner General, Gen. Paul Ely, for the purpose of exchanging views on how best, under existing circumstances, the freedom and welfare of Viet-Nam can be safeguarded.

(A national referendum on October 23, 1955 deposed Bao Dai, former Emperor and since March 7, 1949, head of state of Vietnam,who had lived mostly abroad. On October 26, Diem became first President of South Vietnam and proclaimed a Republic.)

### RECOGNITION OF THE NEW CHIEF OF STATE OF VIET-NAM

Statement by the Department of State, October 26, 1955[3]

On October 20, the Government of Viet-Nam sent the following communication to the American Embassy at Saigon:

"The Ministry of Foreign Affairs has the honor to inform the United States Embassy that by referendum October 23 the Vietnamese people have pronounced themselves in favor of the deposition of Bao Dai and have recognized President Diem as Chief of State. It is hoped that the Government of the United States will continue as in the past, to entertain diplomatic relations with the new Government of the State of Viet-Nam."

U.S. Ambassador G. Frederick Reinhardt, under instructions, has replied as follows:

"The Government of the United States looks forward to maintaining with the new Government of Viet-Nam the same cordial and friendly relations which have in the past so happily existed between the two governments."

The United States affirms its intention to maintain friendly relations with the Government of Viet-Nam. We are glad to see the evolution of orderly and effective democratic processes in an area of Southeast Asia, which has been and continues to be threatened by Communist efforts to impose totalitarian control.

Mr. ERVIN. Pursuant to recommendations made to him by Gen. J. Lawton Collins as a consequence of this special mission, President Eisenhower set up a military advisory group in Saigon in 1955. This military advisory group, which originally was composed of 327 American officers and enlisted men, was gradually increased, prior to the inauguration of President Kennedy, to 685 American military advisers and enlisted men.

On November 20, 1955, a national referendum deposed Bao Dai, the former emperor of Annam and head of the state of Vietnam, who had lived mostly abroad. Three days later, Ngo Dinh Diem because the first president of South Vietnam and proclaimed it a republic. The State Department of the United States immediately recognized the new Government of South Vietnam.

Diem refused to acquiesce in the holding of the elections to unify Vietnam, and the United States supported him in this stand. Diem took this action because Ho Chi Minh and the Viet Minh would not come to any satisfactory agreement on methods to supervise the election which would enable the Vietnamese people to make a free choice.

On June 1, 1956, Walter S. Robertson, who was the Assistant Secretary of State for Far Eastern Affairs, issued a statement of the policy of the United States in respect to Vietnam, which is set forth on pages 122 to 125 of the publication to which I have previously made reference. I ask unanimous consent that this statement of Assistant Secretary of State Robertson be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### UNITED STATES POLICY WITH RESPECT TO VIETNAM: ADDRESS BY THE ASSISTANT SECRETARY OF STATE FOR FAR EASTERN AFFAIRS, WASHINGTON, JUNE 1, 1956[1]

(This address by Assistant Secretary of State Robertson restated American policy and was delivered at a time of relative stability in South Vietnam.)

This past March, I had the pleasure of accompanying the Secretary of State on his visit to Saigon where we conversed with President Diem on the present and future problems of Viet-Nam. I was struck, as so many other recent observers have been, at the progress Free Viet-Nam has made in a few short months toward stability, security, and strength. President Diem seemed to reflect this progress in his own person. On the occasion of our earlier visit some 15 months ago, he seemed tense and gravely concerned about the problems facing Viet-Nam. This time he was reposed, poised, and appeared confident of the future of his country.

Among the factors that explain the remarkable rise of Free Viet-Nam from the shambles created by 8 years of murderous civil and international war, the division of the country at Geneva and the continuing menace of predatory communism, there is in the first place the dedication, courage, and

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[1] Gen. J. Lawton Collins.

[2] Department of State *Bulletin*, Nov. 22, 1954, pp. 777–778.

[3] Department of State Bulletin, Nov. 7, 1955, p. 760.

[1] Department of State press release No. 289, May 31, 1956 (also printed in the Department of State *Bulletin*, June 11, 1956, pp. 972–974). This address by the Assistant Secretary of State for Far Eastern Affairs, Walter S. Robertson, was delivered before the American Friends of Viet-Nam, meeting at the Willard Hotel in Washington.

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resourcefulness of President Diem himself. In him, his country has found a truly worthy leader whose integrity and devotion to his country's welfare have become generally recognized among his people. Asia has given us in President Diem another great figure, and the entire free world has become the richer for his example of determination and moral fortitude. There is no more dramatic example of this fortitude than President Diem's decisions during the tense and vital days of the battle against the parasitic politico-religious sects in the city of Saigon in the spring of 1955. These decisions were to resist the multiple pressures to compromise that were building up around him, and to struggle to the victorious end for the sake of a just cause. The free world owes him a debt of gratitude for his determined stand at that fateful hour.

Consider Viet-Nam at three stages in its recent history:

First, in mid-1954, partitioned by fiat of the great powers against the will of the Vietnamese people, devoid of governmental machinery or military strength, drifting without leadership and without hope in the backwash of the defeat administered by the combined weight of Communist-impressed infantry and of Chinese and Russian arms.

Secondly, in early 1955, faced with the military and subversive threat of the Communists north of the 17th parallel, confronted with internal strife, its government challenged by the armed, self-seeking politico-religious sects, its army barely reformed and of uncertain loyalty, assailed from within by the most difficult problems, including that of having to absorb the sudden influx of three-quarters of a million refugees who would rather leave their ancestral lands and homes than suffer life under Communist tyranny:

And finally Viet-Nam today, in mid-1956, progressing rapidly to the establishment of democratic institutions by elective processes, its people resuming peaceful pursuits, its army growing in effectiveness, sense of mission, and morale, the puppet Vietnamese politicians discredited, the refugees well on the way to permanent resettlement, the countryside generally orderly and calm, the predatory sects eliminated and their venal leaders exiled or destroyed.

Perhaps no more eloquent testimony to the new state of affairs in Viet-Nam could be cited than the voice of the people themselves as expressed in their free election of last March. At that time the last possible question as to the feeling of the people was erased by an overwhelming majority for President Diem's leadership. The fact that the Viet Minh was unable to carry out its open threats to sabotage these elections is impressive evidence of the stability and prestige of the government.

The United States is proud to be on the side of the effort of the Vietnamese people under President Diem to establish freedom, peace, and the good life. The United States wishes to continue to assist and to be a loyal and trusted friend of Viet-Nam.

Our policies in Viet-Nam may be simply stated as follows:

To support a friendly non-Communist government in Viet-Nam and to help it diminish and eventually eradicate Communist subversion and influence.

To help the Government of Viet-Nam establish the forces necessary for internal security.

To encourage support for Free Viet-Nam by the non-Communist world.

To aid in the rehabilitation and reconstruction of a country and people ravaged by 8 ruinous years of civil and international war.

Our efforts are directed first of all toward helping to sustain the internal security forces consisting of a regular army of about 150,000 men, a mobile civil guard of some 45,000, and local defense units which are being formed to give protection against subversion on the village level. We are providing budgetary support and equipment for these forces and have a mission assisting the training of the army. We are also helping to organize, train, and equip the Vietnamese police force. The refugees who have fled to South Viet-Nam to escape the Viet Minh are being resettled on productive lands with the assistance of funds made available by our aid program. In various ways our aid program also provides assistance to the Vietnamese Government designed to strengthen the economy and provide a better future for the common people of the country. The Vietnamese are increasingly giving attention to the basic development of the Vietnamese economy and to projects that may contribute directly to that goal. We give our aid and counsel to this program only as freely invited.

I do not wish to minimize the magnitude of the task that still remains and of the problems that still confront this staunch and valiant member of the free world fighting for its independence on the threshold of the Communist heartland of Asia.

The Communist conspiracy continues to threaten Free Viet-Nam. With monstrous effrontery, the Communist conspirators at Hanoi accuse Free Viet-Nam and its friends of violating the armistice provisions which the Vietnamese and their friends, including ourselves, have scrupulously respected despite the fact that neither the Vietnamese nor ourselves signed the Geneva Accords while they, the Communists who have solemnly undertaken to be bound by these provisions, have violated them in the most blatant fashion.

The facts are that while on the one hand the military potential of Free Viet-Nam has been drastically reduced by the withdrawal of nearly 200,000 members of the French Expeditionary Corps and by the reduction of the Vietnamese Army by more than 50,000 from the time of the armistice to the present as well as by the outshipment from Viet-Nam since the cessation of hostilities of over $200 million worth of war equipment, we have on the other hand reports of steady constant growth of the warmaking potential of the Communists north of the 17th parallel.

Our reports reveal that in complete disregard of its obligations, the Viet Minh have imported voluminous quantities of arms across the Sino-Viet Minh border and have imported a constant stream of Chinese Communist military personnel to work on railroads, to rebuild roads, to establish airports, and to work on other projects contributing to the growth of the military potential of the zone under Communist occupation.

As so eloquently stated by the British Government in a diplomatic note released to the press and sent to Moscow in April of this year, and I quote:

"The Viet Minh army has been so greatly strengthened by the embodiment and re-equipment of irregular forces that insead of the 7 Viet Minh divisions in existence in July 1954 there are now no less than 20. This striking contrast between massive military expansion in the North and the withdrawal and reduction of military forces in the South speaks for itself."

By lies, propaganda, force, and deceit, the Communists in Hanoi would undermine Free Viet-Nam, whose fall they have been unable to secure by their maneuverings on the diplomatic front. These people, whose crimes against suffering humanity are so vividly described in the book by Lt. Dooley who addressed you this morning, have sold their country to Peiping. They have shamelessly followed all the devious zigzags of the Communist-bloc line so that their alliance with Communist China and the Soviet Union is firmly consolidated. These are the people who are now inviting President Diem to join them in a coalition government to be set up through so-called "free elections."

President Diem and the Government of Free Viet-Nam reaffirmed on April 6 of this year and on other occasions their desire to seek the reunification of Viet-Nam by peaceful means. In this goal, we support them fully. We hope and pray that the partition of Viet-Nam, imposed against the will of the Vietnamese people, will speedily come to an end. For our part we believe in free elections, and we support President Diem fully in his position that if elections are to be held, there first must be conditions which preclude intimidation or coercion of the electorate. Unless such conditions eixst there can be no free choice.

May those leaders of the north in whom the spirit of true patriotism still survives realize the futility of the Communist efforts to subvert Free Viet-Nam by force or guile. May they force the abandonment of these efforts and bring about the peaceful demobilization of the large standing armies of the Viet Minh. May they, above all, return to the just cause of all those who want to reunify their country in peace and independence and for the good of all the people of Viet-Nam.

Mr. ERVIN. This statement declared, among other things, that the policies of the United States "in Vietnam may be simply stated as follows":

> To support a friendly non-Communist government in Viet-Nam and to help it diminish and eventually eradicate Communist subversion and influence.
>
> To help the Government of Viet-Nam establish the forces necessary for internal security.
>
> To encourage support for Free Viet-Nam by the non-Communist world.
>
> To aid in the rehabilitation and reconstruction of a country and people ravaged by eight ruinous years of civil and international war.
>
> Our efforts are directed first of all toward helping to sustain the internal security forces consisting of a regular army of about 150,000 men, a mobile civil guard of some 45,000, and local defense units which are being formed to give protection against subversion on the village level.

In 1957, the Communists who had gone to Vietnam from South Vietnam after the division of Vietnam at the 17th parallel, under the Geneva accord, began to return to South Vietnam. They formed the Vietcong and started their military assault on the South.

In 1960, Hanoi declared it would "liberate South Vietnam from the ruling yoke of the U.S. imperialists and their henchmen."

Shortly thereafter, the National Liberation Front was established as a political arm of the Vietcong and it became indisputable that Hanoi was directing the army of Vietcong and supplementing their forces from time to time with North Vietnamese militarily trained men.

In 1961, John Fitzgerald Kennedy succeeded President Eisenhower in the Presidency. President Kennedy sent Vice President Johnson to South Vietnam and on May 13, 1961, Vice President Johnson, who stated that he acted on behalf of President Kennedy, and Diem issued a joint communique which revealed the measures agreed upon by the United States and South Vietnam.

This joint communique appears on pages 128 and 129 of the publication to which I have referred, and I ask unani-

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mous consent that the communique be printed, as there set forth, in the RECORD.

There being no objection, the communique was ordered to be printed in the RECORD, as follows:

### JOINT COMMUNIQUÉ ISSUED AT SAIGON BY THE VICE PRESIDENT OF THE UNITED STATES AND THE PRESIDENT OF VIETNAM, MAY 13, 1961[1]

(*In view of the worsening situation in South Vietnam, President Kennedy announced on May 5, 1961 that Vice President Johnson would discuss with President Ngo Dinh Diem measures to help the country resist Communist pressures. The joint communique set forth the outcome of these discussions.*)

Lyndon B. Johnson, Vice President of the United States, has just completed a visit to the Republic of Viet-Nam, on behalf of President Kennedy and on invitation of President Ngo Dinh Diem.

The enthusiastic welcome he received in Viet-Nam reflected a deep sense of common cause in the fight for freedom in Southeast Asia and around the world.

This recognition of mutual objectives resulted in concrete understandings between the Republic of Viet-Nam and the United States.

It is clear to the Government and the people of Viet-Nam and to the United States that the independentce and territorial integrity of Viet-Nam are being brutally and systematically violated by Communist agents and forces from the north.

It is also clear to both Governments that action must be strengthened and accelerated to protect the legitimate rights and aspirations of the people of free Viet-Nam to choose their own way of life.

The two Governments agreed that this is the basic principle upon which their understandings rest.

The United States, for its part, is conscious of the determination, energy and sacrifices which the Vietnamese people, under the dedicated leadership of President Ngo Dinh Diem, have brought to the defense of freedom in their land.

The United States is also conscious of its responsibility and duty, in its own self-interest as well as in the interest of other free peoples, to assist a brave country in the defense of its liberties against unprovoked subversion and Communist terror. It has no other motive than the defense of freedom.

The United States recognizes that the President of the Republic of Viet-Nam, Ngo Dinh Diem, who was recently reelected to office by an overwhelming majority of his countrymen despite bitter Communist opposition, is in the vanguard of those leaders who stand for freedom on the periphery of the Communist empire in Asia.

Free Viet-Nam cannot alone withstand the pressure which this Communist empire is exerting against it. Under these circumstances—the need of free Viet-Nam for increased and accelerated emergency assistance and the will and determination of the United States to provide such assistance to those willing to fight for their liberties—it is natural that a large measure of agreement on the means to accomplish the joint purpose was found in high-level conversations between the two Governments.

Both Governments recognize that under the circumstances of guerrilla warfare now existing in free Viet-Nam, it is necessary to give high priority to the restoration of a sense of security to the people of free Viet-Nam. This priority, however, in no way diminishes the necessity, in policies and programs of both Governments, to pursue vigorously appropriate measures in other fields to achieve a prosperous and happy society.

The following measures, agreed in principle and subject to prompt finalization and implementation, represent an increase and acceleration of United States assistance to the Republic of Viet-Nam. These may be followed by more far-reaching measures if the situation, in the opinion of both Governments, warrants.

First, it was agreed by the two Governments to extend and build upon existing programs of military and economic aid and to infuse into their joint actions a high sense of urgency and dedication.

Second, it was agreed that regular armed forces of the Republic of Viet-Nam should be increased, and that the United States would extend its military assistance programs to include support for an additional number of regular Vietnamese armed forces.

Third, it was agreed that the United States would provide military assistance program support for the entire Vietnamese civil guard force.

Fourth, it was agreed that the two Governments should collaborate in the use of military specialists to assist and work with Vietnamese armed forces in health, welfare and public works activities in the villages of free Viet-Nam.

Fifth, it was agreed that the assistance of other free governments to the Government of the Republic of Viet-Nam in its trouble against Communist guerrilla forces would be welcome

Sixth, it was agreed that, to achieve the best possible use of available resources, the Vietnamese and the United States, in prosecution of their joint effort against Communist attacks in Viet-Nam, a group of highly qualified economic and fiscal experts would meet in Viet-Nam to work out a financial plan on which joint efforts should be based.

Seventh, it was agreed that the United States and the Republic of Viet-Nam would discuss new economic and social measures to be undertaken in rural areas, to accompany the anti-guerrilla effort, in order that the people of Viet-Nam should benefit promptly from the restoration of law and order in their villages and provinces.

Eighth, it was agreed that, in addition to measures to deal with the immediate Viet-Nam guerrilla problems, the two Governments would work together toward a longer range economic development program, including further progress in the fields of agriculture, health, education, fisheries, highways, public administration, and industrial development.

These longer range plans and programs would be developed in detail after further consideration and discussion.

Their goal would be a Viet-Nam capable of a self-sustained economic growth.

President Ngo Dinh Diem and Vice President Lyndon B. Johnson, on behalf of President Kennedy, established a sense of mutual confidence and respect which both believe essential to fulfillment of their objectives.

**Mr. ERVIN.** Mr. President (Mr. METCALF), toward the end of 1961, President Kennedy and President Diem of South Vietnam exchanged correspondence. This correspondence appears in full on pages 130 through 132 of the publication, made at the instance of the Committee on Foreign Relations, to which I have referred several times, and I ask unanimous consent that the correspondence be printed in the RECORD.

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

### EXCHANGES OF MESSAGES BETWEEN PRESIDENT KENNEDY AND PRESIDENT NGO DINH DIEM OF THE REPUBLIC OF VIET-NAM, DECEMBER 14 AND DECEMBER 7, 1961[1]

(*In this exchange of messages, President Kennedy pledged increased assistance to Vietnam's defense effort.*)

#### PRESIDENT KENNEDY TO PRESIDENT DIEM

DECEMBER 14, 1961.

DEAR MR. PRESIDENT: I have received your recent letter in which you described so cogently the dangerous condition caused by North Viet-Nam's efforts to take over your country. The situation in your embattled country is well known to me and to the American people. We have been deeply disturbed by the assault on your country. Our indignation has mounted as the deliberate savagery of the Communist program of assassination, kidnapping and wanton violence became clear.

Your letter underlines what our own information has convincingly shown—that the campaign of force and terror now being waged against your people and your Government is supported and directed from the outside by the authorities at Hanoi. They have thus violated the provisions of the Geneva Accords designed to ensure peace in Viet-Nam and to which they bound themselves in 1954.

At that time, the United States, although not a party to the Accords, declared that it "would view any renewal of the aggression in violation of the agreements with grave concern and as seriously threatening international peace and security." We continue to maintain that view.

In accordance with that declaration, and in response to your request, we are prepared to help the Republic of Viet-Nam to protect its people and to preserve its independence. We shall promptly increase our assistance to your defense effort as well as help relieve the destruction of the floods which you describe. I have already given the orders to get these programs underway.

The United States, like the Republic of Viet-Nam, remains devoted to the cause of peace and our primary purpose is to help your people maintain their independence. If the Communist authorities in North Viet-Nam will stop their campaign to destroy the Republic of Viet-Nam, the measure we are taking to assist your defense efforts will no longer be necessary. We shall seek to persuade the Communists to give up their attempts of force and subversion. In any case, we are confident that the Vietnamese people will preserve their independent and gain the peace and prosperity for which they have sought so hard and so long.

JOHN F. KENNEDY.

#### PRESIDENT DIEM TO PRESIDENT KENNEDY

DECEMBER 7, 1961.

DEAR MR. PRESIDENT: Since the birth, more than six years ago, the Republic of Viet-Nam has enjoyed the close friendship and cooperation of the United States of America.

Like the United States, the Republic of Viet-Nam has always been devoted to the preservation of peace. My people know only too well the sorrows of war. We have honored the 1954 Geneva Agreements even though they resulted in the partition of our country and the enslavement of more than half of our people by Communist tyranny. We have never considered the reunification of our nation by force. On the contrary, we have publicly pledged that we will not violate the demarcation line and the demilitarized zone set up by the agreements. We have always been prepared and have on many occasions stated our willingness to reunify Viet-Nam on the basis of democratic and truly free elections.

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[1] Department of State *Bulletin*, June 19, 1961, pp. 956–957.

[1] Department of State *Bulletin*, Jan. 1, 1962, pp. 13–14.

The record of the Communist authorities in the northern part of our country is quite otherwise. They not only consented to the division of Viet-Nam, but were eager for it. They pledged themselves to observe the Geneva Agreements and during the seven years since have never ceased to violate them. They call for free elections but are ignorant of the very meaning of the words. They talk of "peaceful reunification" and wage war against us.

From the beginning, the Communists resorted to terror in their efforts to subvert our people, destroy our government, and impose a Communist regime upon us. They have attacked defenseless teachers, closed schools, killed members of our anti-malarial program and looted hospitals. This is coldly calculated to destroy our government's humanitarian efforts to serve our people.

We have long sought to check the Communist attack from the North on our people by appeals to the International Control Commission. Over the years, we have repeatedly published to the world the evidence of the Communist plot to overthrow our government and seize control of all of Viet-Nam by illegal intrusions from outside our country. The evidence has mounted until now it is hardly necessary to rehearse it. Most recently, the kidnapping and brutal murder of our Chief Liaison Officer to the International Control Commission. Colonel Noang Thuy Nam, compelled us to speak out once more. In our October 24, 1961, letter to the ICC, we called attention again to the publicly stated determination of the Communist authorities in Hanoi to "liberate the South" by the overthrow of my government and the imposition of a Communist regime on our people. We cited the proof of massive infiltration of Communist agents and military elements into our country. We outlined the Communist strategy, which is simply the ruthless use of terror against the whole population, women and children included.

In the course of the last few months, the Communist assault on my people has achieved high ferocity. In October they caused more than 1,800 incidents of violence and more than 2,000 casualties. They have struck occasionally in battalion strength, and they are continually augmenting their forces by infiltration from the North. The level of their attacks is already such that our forces are stretched to the utmost. We are forced to defend every village, every hamlet, indeed every home against a foe whose tactic is always to strike at the defenseless.

A disastrous flood was recently added to the misfortunes of the Vietnamese people. The greater part of three provinces was inundated, with a great loss of property. We are now engaged in a nationwide effort to reconstruct and rehabilitate this area. The Communists are, of course, making this task doubly difficult, for they have seized upon the disruption of normal administration and communications as an opportunity to sow more destruction in the stricken area.

In short, the Vietnamese nation now faces what is perhaps the gravest crisis in its long history. For more than 2,000 years my people have lived and built, fought and died in this land. We have not always been free. Indeed, much of our history and many of its proudest moments have arisen from conquest by foreign powers and our struggle against great odds to regain or defend our precious independence. But it is not only our freedom which is at stake today, it is our national identity. For, if we lose this war, our people will be swallowed by the Communist Bloc, all our proud heritage will be blotted out by the "Socialist society" and Viet-Nam will leave the pages of history. We will lose our national soul.

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Mr. President, my people and I are mindful of the great assistance which the United States has given us. Your help has not been lightly received, for the Vietnamese are proud people, and we are determined to do our part in the defense of the free world. It is clear to all of us that the defeat of the Viet Cong demands the total mobilization of our government and our people, and you may be sure that we will devote all of our resources of money, minds, and men to this great task.

But Viet-Nam is not a great power and the forces of International Communism now arrayed against us are more than we can meet with the resources at hand. We must have further assistance from the United States if we are to win the war now being waged against us.

We can certainly assure mankind that our action is purely defensive. Much as we regret the subjugation of more than half of our people in North Viet-Nam, we have no intention, and indeed no means, to free them by use of force.

I have said that Viet-Nam is at war. War means many things, but most of all it means the death of brave people for a cause they believe in. Viet-Nam has suffered many wars, and through the centuries we have always had patriots and heroes who were willing to shed their blood for Viet-Nam. We will keep faith with them.

When Communism has long ebbed away into the past, my people will still be here, a free united nation growing from the deep roots of our Vietnamese heritage. They will remember your help in our time of need. This struggle will then be a part of our common history. And your help, your friendship, and the strong bonds between our two peoples will be a part of Viet-Nam, then as now.

Ngo Dinh Diem.

The President
*The White House*
*Washington, D.C.*

(This communiqué focused on new joint efforts to accelerate and broaden assistance to the countryside and to support a comprehensive and coordinated counterinsurgency program.)

**Mr. ERVIN.** Mr. President (Mr. Cranston), in his letter to the President of South Vietnam, President Kennedy made the following pledge in accordance with the provisions of the Geneva accords to insure peace in Vietnam:

> At that time, the United States, although not a party to the Accords, declared that it "would view any renewal of the aggression in violation of the agreements with grave concern and as seriously threatening international peace and security." We continue to maintain that view.
>
> In accordance with that declaration, and in response to your request, we are prepared to help the Republic of Viet-Nam to protect its people and to preserve its independence. We shall promptly increase our assistance to your defense effort as well as help relieve the destruction of the floods which you describe. I have already given the orders to get these programs underway.
>
> The United States, like the Republic of Viet-Nam, remains devoted to the cause of peace and our primary purpose is to help your people maintain their independence. If the Communist authorities in North Viet-Nam will stop their campaign to destroy the Republic of Viet-Nam, the measures we are taking to assist your defense efforts will no longer be necessary.

In 1962, President Kennedy created the U.S. Military Assistance Command in Vietnam, and increased the American military strength in South Vietnam to 10,000 men by the end of the year.

In November of 1963, the Diem regime fell and President Diem was killed. The military situation in South Vietnam subsequently deteriorated.

On August 2, 1964, the U.S. destroyer *Maddox* was cruising in international waters in the Gulf of Tonkin, off the coast of North Vietnam. It was attacked by three North Vietnamese PT boats with torpedoes and gunfire. The State Department thereupon sent a strong protest to North Vietnam, warning that Government that grave consequences would inevitably result from any further military action against U.S. forces.

On August 4, 1964, North Vietnamese PT boats again attacked two U.S. destroyers, and were driven off.

On August 5, 1964, President Johnson sent Congress a special message, urging passage of a joint resolution affirming support of all necessary action to protect our armed forces and to assist nations covered by the SEATO Treaty. He added:

> We must make it clear to all that the United States is united in its determination to bring about the end of Communist subversion and aggression in the area.

Congress began prompt consideration of the requested resolution. The Senate version, Senate Joint Resolution 189, was introduced by Senators Russell of Georgia, Fulbright of Arkansas, Saltonstall of Massachusetts, and Hickenlooper of Iowa, the ranking members of the Senate Armed Services and Foreign Relations Committees.

The House version was introduced by Representatives Morgan, Zablocki, and Bolton.

On August 6, 1964, the combined Senate Armed Services and Foreign Relations Committees received testimony from Secretary of State Rusk, Secretary of Defense McNamara, and the chairman of the Joint Chiefs of Staff, Gen. Earl Wheeler, and then voted 31 to 1 to report the resolution.

The only dissenter was Senator Wayne Morse of Oregon.

The House Foreign Relations Committee heard testimony of the same witnesses, reporting the resolution by a 29 to 0 vote. On August 7, 1964, the House adopted its version of the resolution, House Joint Resolution 1145, by a rollcall vote of 416 to 0. The Senate then adopted the House version, in lieu of its own, by an 88 to 2 rollcall vote. The two Senate dissenters were Senators Gruening of Alaska and Morse of Oregon.

The President forthwith approved the resolution which, thereupon, became a part of the law of the land.

Mr. President, I propose to make some comments upon the Southeast Asia resolution, commonly known as the Gulf of Tonkin joint resolution, in my subsequent remarks. To maintain the chronology of events in the history of our involvement in Vietnam, however, I ask unanimous consent that the Southeast Asia resolution be printed at this point in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

### Southeast Asia Resolution

Whereas naval units of the Communist regime in Viet Nam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace;

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Viet Nam has been waging against its neighbors and the nations joined with them in collective defense of their freedom;

Whereas the United States is assisting the peoples of Southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

**Mr. ERVIN.** Mr. President, after the passage of the Southeast Asia resolution, President Johnson, who had succeeded President Kennedy on his tragic death, ordered the bombing of military targets in North Vietnam. This action was pursued with pauses from time to time from that time until March 1968.

In late 1964, the first regular North Vietnamese troops entered the war. While their strength was only about 17,500, by the end of 1965 another 10,000 northern regulars reportedly moved south in January 1966.

History makes it quite clear, however, that from time to time men trained in military skills in North Vietnam had gone south at the instance of Hanoi to join forces with the Vietcong already operating in South Vietnam.

The first U.S. combat troops, 3,500 Marines, went ashore on Vietnam in March 1965. Prior to that time American troops had assisted in the training and in the advising on warfare tactics of the South Vietnamese troops. And some of them had been killed in action while engaged in those tasks.

The American combat forces were gradually increased in strength from the time the 3,500 Marines landed in 1965, and they had been increased during that year to 200,000. Thereafter, they were further increased so that by 1968 there were 540,000 U.S. fighting men in Vietnam.

From time to time, as the American combat troops became involved in the fighting between the South Vietnamese and the North Vietnamese and the Vietcong, it was asserted by many Senators and many others that if the United States would only cease bombing North Vietnam, Hanoi would come to the conference table and negotiate a peaceful settlement of the controversy in Southeast Asia.

In March 1968, President Johnson ordered a limitation of the bombing in the area south of the 20th parallel in the hope that these predictions would come true. This limitation move, which was intended by President Johnson as a peace overture, led to the so-called Paris peace talks which began on May 13, 1968.

In January 1969, President Johnson was succeeded in the Presidency by President Nixon. After President Nixon's inauguration, our military policy began to change, with the word "victory" being replaced by the word "Vietnamization" of the war.

With this change of policy, President Nixon assumed the delicate and difficult task of extricating the United States from the war, while saving South Vietnam from military and political collapse.

President Nixon stated his views with respect to how we can extricate ourselves from South Vietnam in a way which would be consistent with what he deems to be sound principles. As I understand the policies which he has proposed, and is attempting to follow, he is determined, if possible, to secure a negotiated settlement with the North Vietnamese and the Vietcong which will bring an end to the fighting in South Vietnam and lay at rest the various problems existing there in a manner satisfactory to all the people involved. These problems have arisen in Southeast Asia as a result of all these years of fighting which have engulfed that unfortunate portion of this earth.

As I further understand President Nixon's policies, he proposes an alternative course of action for this Nation to pursue in disengaging itself from further combat in Southeast Asia and in extricating our Nation from this war.

This alternative policy, as I understand it, is that in case the United States and South Vietnam are unable to negotiate a satisfactory settlement of the war and all of the problems associated with it, the United States will train the South Vietnamese to such an extent that we can reasonably hope they will be able to defend their own country against aggression from North Vietnam, and we will thereby be enabled to withdraw all of our ground combat forces from South Vietnam and return them to their homes in this country.

Pursuant to these policies 115,000 combat troops have been withdrawn from South Vietnam and returned to America; and the President has announced his purpose, if existing events permit such action, to return another 150,000 combat troops from South Vietnam to America within the next year. So much for the history of our involvement in South Vietnam prior to what may be called the Cambodian exercise.

Before dealing with that subject I wish to say something about charges which have been made and are now being made to the effect that President Johnson and President Nixon have exceeded their constitutional powers in some of the military operations they have undertaken in Southeast Asia. This necessitates a consideration of relevant constitutional provisions.

Section 8 of article I of the Constitution declares that Congress shall have the power to declare war. Section 10 of article I of the Constitution contains a provision that no State shall, without the consent of Congress, engage in war unless actually invaded or "in such imminent danger as will not admit of delay." Section 4, of article IV of the Constitution provides that the United States shall guarantee to every State in this Union a republican form of government and shall protect each of them against invasions.

Mr. President, the provisions of the Constitution which I have just read make these things clear. First, Congress and Congress alone has the power to declare a national or foreign war; and second, that the United States or even a State may engage in war without waiting for the consent of Congress when the United States or the State so acting is invaded or threatened with imminent invasion.

It seems to me that these propositions are made extremely plain by the words of the Constitution itself. The question which arises in respect of the war powers of the United States is this: Who is to direct the tactical operations of the military forces of the United States when a war is being fought? As I analyze the Church-Cooper amendment it asserts, in effect, that the Congress has some power to direct the actual operations in war of American troops in the theater of operations.

Mr. President, I submit that the Founding Fathers were not foolish enough to place the command of American troops engaged in combat operation in a Congress of the United States which is now composed of 100 Senators and 435 Representatives. I cannot imagine anything that would more nearly resemble bedlam than to have a council of war composed of 100 Senators and 435 Representatives to determine where the enemy is to be attacked or how the defeat of the enemy is going to be undertaken, or how to protect American forces from destruction by an armed enemy.

We have had some historic filibusters in the Senate but the longest of those filibusters would, by comparison, constitute just a few laconic remarks if we were to undertake to have a war council composed of 535 different men with different notions. The Founding Fathers were wiser than that, so they put a provision in the Constitution to determine that the Commander in Chief of the Armed Forces of the United States was not to be the Members of the Senate and the Members of the House of Representatives, and it was not to be the Members of the Senate and Members of the House of Representatives acting in conjunction or in opposition to the President.

To make this plain, the Constitution of the United States declares, in section 2 of article II, that—

> The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the Militia of the several states, when called into the actual service of the United States.

To be sure, no President or no power on earth can declare war, that is, put the United States in a national or foreign war, except the Congress of the United States; but after the Congress of the United States declares war, the President of the United States becomes the Commander in Chief of the Armed Forces of the United States and has the power to direct the action and practical operations of those forces in the theater where war is being waged.

This power is usually exercised by the President by way of delegation to militarily trained men. It may be noted, however, that on certain occasions President Washington undertook to direct the forces of the United States himself, as in the case of the Whisky Rebellion, and that President Lincoln on several occasions during the War Between the States undertook to direct, to a more or less limited degree, the actual operations of the Union forces.

I have high admiration and deep affection for those who are proponents of the Church-Cooper amendment, but I cannot escape the abiding conviction that this amendment, if adopted, would represent an attempt upon the part of the Congress of the United States to usurp and exercise, in part at least, the constitutional powers of the President of the United States as the Commander in Chief of our Army and Navy.

The Supreme Court declared, in an early case, *Fleming* v. *Page*, 9 Howard (U.S.) 603, that as Commander in Chief, the President is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer, and subdue the enemy. It goes without saying that the President has the right to employ military forces in the manner he deems most effectual to protect them from destruction by an armed enemy.

The President, of course, has the advantage of the intelligence received by him from the intelligence sources on the scene in South Vietnam. He also has the advantage of the advice of men who have spent their lives studying military matters, and who for that reason are quite competent to give advice and assist in reaching conclusions as to what actual tactical operations should be undertaken at a specific time and at a specific place.

If the Church-Cooper amendment should be adopted by Congress, it would forbid the President from acting as Commander in Chief and it would forbid every military man acting under his command from putting a foot within the borders of Cambodia after the enactment of the amendment, even though such action was necessary to protect the American forces from annihilation. The amendment would also constitute the granting of an assurance by Congress that the North Vietnamese and the Vietcong can use the borders of Cambodia, even against the will of the people of Cambodia, to their hearts' content as sanctuaries for operations against American and South Vietnamese troops and the people of South Vietnam, and that the United States, as far as Congress can prescribe, will not do anything to molest them in such activities, even though such activities would threaten the destruction of American soldiers serving under the flag of our country in that far off corner of the earth to which they have been sent by the President, with the consent of Congress.

Mr. President, when I first rose to speak, I mentioned a book by one of our most distinguished constitutional lawyers and constitutional historians, Edwin S. Corwin, entitled "The President: Office and Powers, 1787–1957." On page 228 of this book, he quoted a statement made on this subject by Alexander Hamilton in Federalist No. 69. I will not trespass upon the time of the Senate to read Alexander Hamilton's entire statement, but I should like to state to the Senate the interpretation placed on that statement by Professor Corwin. Professor Corwin makes this statement on page 228 of his book:

> Rendered freely, this appears—

That is, Alexander Hamilton's statement—

> to mean that in any war in which the United States becomes involved—one presumably declared by Congress—the President will be top general and top admiral of the forces provided by Congress, so that no one can be over him or be authorized to give him orders in the direction of the said forces; but otherwise he will have no powers that any military or naval commander not also President might not have.

In the succeeding pages of this book, Professor Corwin proceeds to demonstrate that Alexander Hamilton was something of a piker when he said that the President will have no powers that any high military or naval commander not also President might not have.

The succeeding pages of Mr. Corwin's book demonstrate the great extent to which the powers of the President as Commander in Chief of the military forces of this Nation in time of war have been expanded. I would suggest to some of our friends, who are not willing to accord the President the power to direct the actual operation of troops in combat, to read Professor Corwin's book and see how the powers the President as Commander in Chief have been expanded by interpretations placed upon this provision in the Constitution by the Supreme Court in subsequent days and particularly during the First and Second World Wars.

There is nothing obscure in reading Chief Justice Marshall's so well declared statement in the case of Gibson against Ogden:

> We should take it for granted, in seeking to interpret the constitution, that the framers of the Constitution used words just as ordinary men do to express their intentions.

Mr. President, let us see what words the framers used in setting out the congressional power to declare war. They said, "Congress shall have the power to declare war."

Now there is no obscure meaning in the word "war." There is no obscure meaning in the word "declare."

Anyone can pick up a dictionary and find that the word "war" means:

> A state of open, armed conflict carried on between nations, states, or parties.

He will also find that the word "declare" means—

> To state officially or formally, to state with emphasis or authority.

It also means—

> To affirm.

Now, Mr. President, I maintain that the Gulf of Tonkin resolution, which is technically known as the Southeast Asia resolution, constitutes a declaration of war in a constitutional sense.

What does that resolution say?

It asserts in its preamble—

> Whereas naval units of the Communist regime in Viet Nam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace;

That is one of the assertions in the preamble, a preamble passed by both Senate and House with only two dissenting votes.

The next assertion is that—

> Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Viet Nam has been waging against its neighbors and the nations joined with them in collective defense of their freedom:

Thus, here in the preamble of the Southeast Asia resolution, the Congress of the United States declares two significant facts. First, that the naval vessels of the United States have been deliberately and repeatedly attacked by North Vietnam's naval forces; and, second, that the attacks were a part of a deliberate and systematic campaign of aggression that North Vietnam is waging against South Vietnam.

Then, after the account of those recitations and those facts, it states:

> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Congress approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Mr. President, there is no other way that has ever been devised by the mind of man to repel an armed attack except by force. Thus, Congress expressly stated in the first paragraph, following the preamble to the Southeast Asia resolution, that the President was empowered to take all the necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression. Now, "aggression" as mentioned in the resolution means the aggression of North Vietnam upon its neighbors and the nations joined with them in collective defense of their freedom.

Section 2 of the resolution states that—

> Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective

> Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Mr. President, that is strikingly in harmony with the declaration that the United States made when it went to war with Spain in 1898.

On April 20, 1898, after the sinking of the battleship *Maine* in the harbor of Havana, the Congress of the United States passed the following resolution, which every one who has studied the subject admits to being a declaration of war. It is strikingly similar to the Southeast Asia resolution and even contains the same assertion made in the closing paragraph of the Southeast Asia resolution, that the United States has no territorial ambitions:

> Whereas the abhorrent conditions which have existed for more than three years in the island of Cuba, so near our own borders, have shocked the moral sense of the people of the United States, have been a disgrace to Christian civilization, culminating, as they have, in the destruction of a United States battleship, with two hundred and sixty-six of its officers and crew, while on a friendly visit in the harbor of Habana, and can not longer be endured, as has been set forth by the President of the United States in his message to Congress of April 11, 1898, upon which the action of the Congress was invited: Therefore,
>
> *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* First. That the people of the island of Cuba are, and of right ought to be, free and independent.
>
> Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.
>
> Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States, and to call into the actual service of the United States the militia of the several States, to such extent as may be necessary to carry these resolutions into effect.
>
> Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction, or control over said island except for the pacification thereof, and asserts its determination, when that is accomplished to leave the government and control of the island to its people.

Let us see what it takes to declare war. A very learned scholar, W. Taylor Reveley, III, wrote an interesting article which appeared in the Virginia Law Journal for November, 1969, entitled, "Presidential War-Making: Constitutional Power or Usurpation."

I read this statement from pages 1283 and 1284:

> It seems reasonably clear from proposals made and rejected at the Constitutional Convention, from debates there, subsequent statements by the Framers and from practice in early years that the Drafters intended decisions regarding the *initiation* of force abroad to be made not by the President alone, not by the Senate alone, nor by the President and the Senate, but by the entire Congress subject to the signature or veto of the President.

Mr. President, in other words Mr. Reveley says in substance that the Congress declares war when it authorizes the initiation of the use of the military force of the United States in lands lying outside of the United States. He then adds, on page 1289 the following:

> Congressional authorization need not be by formal declaration of war:

In other words, the Congress does not have to pass a resolution saying: "Congress hereby declares war."

Mr. Reveley adds further in the Virginia Law Journal:

> "[N]either in the language of the Constitution, the intent of the framers, the available historical and judicial precedents nor the purposes behind the clause" is there a requirement for such formality, particularly under present circumstances when most wars are deliberately limited in scope and purpose. A joint resolution, signed by the President, is the most tenable method of authorizing the use of force today. To be meaningful, the resolution should be passed only after Congress is aware of the basic elements of the situation, and has had reasonable time to consider their implications. The resolution should not, as a rule, be a blank check leaving the place, purpose and duration of hostilities to the President's sole discretion. To be realistic, however, the resolution must leave the Executive wide discretion to respond to changing circumstances. If the legislators wish to delegate full responsibility to the President, it appears that such action would be within the constitutional pale so long as Congress delegates with full awareness of the authority granted.

I am certain that when Congress passed the Gulf of Tonkin joint resolution, it was aware of what authority it was granting to the President of the United States. This is made exceedingly clear by a statement which one of the opponents of the resolution made on the floor of the Senate.

Former Senator Wayne Morse made this statement:

> We are, in effect, giving the President of the United States warmaking powers in the absence of a declaration of war. I believe that to be an historic mistake.

Former Senator Morse stated that by passing the Gulf of Tonkin joint resolution Congress was giving to the President warmaking powers. I agree with that statement of former Senator Morse to that extent. But I disagree with the statement that Congress was doing it without a declaration of war, because I contend that the Gulf of Tonkin joint resolution is clearly a declaration of war.

Let us now examine another facet of this situation. When the resolution was under consideration in the Senate, the Senator from Kentucky (Mr. Cooper) put this question to the distinguished Senator from Arkansas (Mr. Fulbright), the floor manager of the Gulf of Tonkin joint resolution:

> Mr. Cooper. Does the Senator consider that in enacting this resolution we are satisfying that requirement of Article IV of the Southeast Asia Collective Defense Treaty? In other words, are we now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?
>
> Mr. Fulbright. I think that is correct.
>
> Mr. Cooper. Then looking ahead, if the President decided it was necessary to use such force as could lead into war we will give that authority by this resolution?
>
> Mr. Fulbright. That is the way I would interpret it.

Mr. Fulbright added:

> If a situation later developed in which we thought approval should be withdrawn it could be withdrawn by concurrent resolution.

Mr. President, there are two interesting cases in which the Supreme Court passed on the question of what is a declaration of war. The earliest of these cases is entitled Bas against Tingy, 4 Dallas, page 36. The question involved the rescue of an American vessel and the right to certain compensation. The amount of compensation depended upon whether the rescue was from an enemy. The question arose in this case as to whether or not this American vessel, which had rescued another vessel from the French—who were then giving us a good deal of trouble by seizing vessels on the high seas—was entitled to a high rate of compensation because the rescue occurred in time of war. The Supreme Court unanimously decided that the rescuing ship was entitled to the higher compensation because the rescue occurred during a war between the United States and France.

Now, Congress had never passed any act or any resolution declaring war against France in so many terms, but it had passed laws providing that Americans could seize vessels operated by the French, something in the nature of letters of marque and reprisal. In that case Judge Chase said:

> What, then, is the nature of the contest subsisting between America and France? In my judgment, it is a limited, partial war. Congress has not declared war, in general terms; but congress has authorized hostilities on the high seas, by certain persons, in certain cases. There is no authority given to commit hostilities on land; to capture unarmed French vessels, nor even to capture French armed vessels, lying in a French port; and the authority is not given indiscriminately to every citizen of America, against every citizen of France, but only to citizens appointed by commissions, or exposed to immediate outrage and violence. So far it is, unquestionably, a partial war; but, nevertheless, it is a public war, on account of the public authority from which it emanates.

This statement appears on page 43 and clearly recognizes that where Congress authorized certain Americans to carry on hostilities against French vessels that Congress had declared war within the purview of the section of the Constitution vesting in the Congress the power to declare war.

Another case is *Marks* v. *United States*, 161 U.S. 297. I will read the opinion of Justice Brewer on page 301:

> As war cannot lawfully be commenced on the part of the United States without an Act of Congress, such an Act is, of course, a formal official notice to all the world, and equivalent to the most solemn declaration.

Now, manifestly when Congress passed the Southeast Asian Resolution, it solemnly declared, in effect, that our naval vessels were being attacked by North

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Vietnam, that this attack was part and parcel of the aggression which North Vietnam was inflicting upon South Vietnam, that pursuant to the Constitution, the Charter of the United Nations, and our obligations under the SEATO Treaty, Congress was authorizing the President to take all necessary measures, including the use of armed forces to repel attacks on our ships, and to repel aggression on South Vietnam and the other nations covered by the SEATO Treaty. When Congress declared these things, it was certainly declaring that a state of war existed. Congress was declaring that it consented for the President to initiate hostilities and the use of our Armed Forces in South Vietnam and Southeast Asia. Nothing could be plainer than that.

A study of this very question was made and is set forth in the Notes in the Harvard Law Review for June, 1968, entitled "Congress, the President, and the Power to Commit Forces to Combat." This is a long article and deals with the war powers of Congress and the President. I wish to read a statement from page 1804, in which the writer of the Notes makes this declaration:

> The second section, however, proclaims that "the United States is . . . prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom." This rather comprehensive language certainly supports the interpretation given it by the administration that it is a functional equivalent of a declaration of war and as such the President may conduct the war as he sees fit.

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I do not see how anything can be plainer than the fact that when Congress adopted the Tonkin Gulf resolution, or the Southeast Asia resolution, as it is sometimes called, it declared war on North Vietnam and authorized the President of the United States to use our Armed Forces to protect the Armed Forces of the United States, and to repel aggression from North Vietnam.

Mr. President, I digress here for a moment to note that a plausible case can be made for the proposition that when Hanoi declared, in 1960, that it would—

> Liberate South Vietnam from the ruling yoke of United States imperialists and their henchmen.

Hanoi declared war upon the United States and upon its forces then stationed in South Vietnam.

This brings us to the question whether or not President Nixon exceeded his constitutional and legal powers when he ordered our Armed Forces in Vietnam to join the South Vietnamese in wiping out the sanctuaries which the North Vietnamese and the Vietcong had established on the borders of Cambodia fronting on South Vietnam.

During his remarks which will follow my speech, the distinguished Senator from California (Mr. MURPHY) portrays in eloquent language the purpose of this action and the results thus far obtained by this action.

Charges have been made that this was the initiation of a new war. I controvert that charge. This is just the same war with the same enemy. For 5 years the North Vietnamese have been using these sanctuaries along the border of South Vietnam. They have been sallying forth and making attacks, destroying American lives and destroying the lives of South Vietnamese troops and the lives of South Vietnamese civilians, and then running back to the sanctuaries where the United States had been giving them total exemption from the hot pursuit doctrine which prevails in wars.

Cambodia is a neutral country, or has attempted to be a neutral country, but it has been compelled to permit the North Vietnamese and the Vietcong to use these sanctuaries as a base of military operations against U.S. forces and South Vietnamese forces for 5 years.

In my honest judgment, President Nixon, as the Commander in Chief of the American military forces in Vietnam, and as the individual charged above all others with responsibility for protecting the American forces, as far as possible, against unnecessary deaths and wounds, had a perfect, legal right—a perfect constitutional right—to put American troops into action to wipe out these sanctuaries of our enemy in Cambodia along the border of South Vietnam.

Also, President Nixon had a right to do this under international law. International law places upon every neutral country the duty to protect its neutrality, that is, to deny the use of its territory by a belligerent nation as a base for its military operations. If a neutral country is unable to enforce its own neutrality, then, under international law, a belligerent which is being injured by the use of the territory of the neutral nation by an opposing belligerent has a right to enter such territory and take such steps as are reasonably designed to put an end to this unlawful use of the territory of the neutralist nation by the opposing belligerent nation. This is what the United States has done in going into Cambodia.

During previous years, I have received many requests from fine and well-meaning persons that I rise upon the Senate floor and denounce our presence and conduct in South Vietnam as illegal and ourtrageous.

Even if I were sure that these persons had complete possession of all the truth on the subject, I would be reluctant to do this for one reason and incapable of doing it for another.

While I am always ready to participate in efforts to persuade our National Government to pursue wise policies or abandon foolish ones, I am ever reluctant to denounce my country in respect to its contests with foreign foes. This is true because I was nurtured on the brand of patriotism which prompted Senator Crittenden to make this statement while the Mexican War was raging:

> I hope to find my country in the right; however, I will stand by her, right or wrong.

My incapability to stand upon the Senate floor and denounce the United States for its presence and conduct in South Vietnam arises out of this consideration: My action in so doing would lend aid and comfort to North Vietnam and the Vietcong because it would tend to engender in them the belief that America's will to fight is weak and that they will be masters of South Vietnam if they prolong the war and slay more Americans.

I think that the Church-Cooper amendment is unconstitutional, in that it attempts to have Congress usurp and exercise some of the powers to direct the military forces in the theater of operations which belong, under the Constitution, to the President of the United States.

But apart from any question of constitutionality and any question of legality, I would say that we should remember what St. Paul said in I Corinthians chapter 10, verse 23:

> All things are lawful for me, but all things are not expedient: all things are lawful for me, but all things edify not.

My dictionary informs me that the word "edify" means "to instruct or enlighten so as to encourage moral and spiritual improvement."

I do not think it would encourage moral or spiritual improvement, and therefore it would not edify, for the Congress of the United States to pass a resolution which would tend to destroy the last hope we have of achieving a just and lasting peace in South Vietnam by negotiations now being carried on in Paris between the representatives of the United States and the representatives of the South Vietnamese Government with the representatives of North Vietnam and the Vietcong or the National Liberation Front.

The passage of a resolution of this character would say to them that the United States, in effect, has lost the will to carry on, and that they can take over everything there after we depart, which will be soon. That is the inference they will draw from it.

I think it would not be edifying for the Congress of the United States to say that American troops cannot put a foot across the borders of Cambodia to destroy sanctuaries of the enemy, but that the enemy, as far as Congress is concerned, can use those areas as sanctuaries from which to make sudden surprise attacks upon American soldiers.

I think that the country is in no mood to seek a military victory in South Vietnam, and for that reason it should undertake to withdraw in a sound and sensible manner—in a manner which would make that area we have been trying to protect as safe as possible from our enemy, and in a way which would contribute to future peace and security.

I remember, between the First and the Second World Wars, when Hitler and Mussolini came to power in Germany and Italy. They began to rattle their sabers. Americans did not want to be involved in another world war, as they had been involved in the First World War; so they decided that they would contrive some way to make certain that we would not be involved in another world war if Hitler and Mussolini saw fit to plunge the world into darkness again. So Congress passed the Neutrality Act. It passed that act with good motives; it passed it with the desire to keep America out of any new world war.

The Neutrality Act declared that we would be neutral, that we would not assist any nation, even though it was fighting for its ultimate liberty, and that we would not even furnish any supplies to help a nation fighting for its liberty against Hitler or Mussolini with our material of war unless that nation came here, in its own ships, and paid us cash on the barrelhead for those materials.

That act was passed with good motives. It was passed to keep us from becoming involved in another world war. But it was exactly what Hitler and Mussolini were looking for, that is, having the assurance from Congress that Europe could go hang so far as the United States was concerned. After passage of that act, Hitler and Mussolini believed that they could extinguish the liberties of the peoples of Europe, and they need not fear the intervention of the United States.

Hitler and Mussolini went to war, and the declarations of the Neutrality Act, which were passed in good faith, with the noble purpose of keeping us out of war, were the things which prompted Hitler and Mussolini to plunge the world into the Second World War; and it contributed, by so doing, to the deaths, the untimely deaths, of millions of helpless men, women, and children.

What will happen if Congress passes resolutions such as the Cooper-Church amendment and tells the enemy, "You can use the sanctuaries to kill our boys," but our boys cannot invade the sanctuaries to protect their own lives? If we pass such resolutions, regardless of whether there has been any peace agreement and regardless of what the conditions are, we will be attempting to repeal history, and thus to repeal past mistakes. It cannot be done. I said at the beginning of my argument that the Creator of the universe made it impossible for either a nation or an individual to repeal its mistakes or the consequences of its mistakes. I think that is undoubtedly true. As the Persian poet said:

> The Moving Finger writes; and, having writ,
> Moves on: nor all your Piety nor Wit
> Shall lure it back to cancel half a Line,
> Nor all your Tears wash out a Word of it.

We cannot wash out our involvement in the war. We cannot escape the mistakes of history. We must try to minimize those mistakes.

One of the worst mistakes we could make would be to withdraw from Vietnam without getting a peace treaty or without having the South Vietnamese troops trained to the point that we could reasonably hope that they could defend their own country.

I am in favor of trying to settle this war by negotiation. I am in favor of withdrawing from Vietnam if we can do so in a safe and sound manner. If we cannot come to an agreement by negotiation, then let us train the South Vietnamese troops in order that they might be able to defend their own country. Let us not precipitately flee from South Vietnam to escape from fighting for a moment. It will not contribute to the future peace or the future safety of our country. Instead of doing that, it will be sowing the seeds of future wars of this character.

(The following colloquy occurred during the address by Senator ERVIN, and is printed at this point in the RECORD by unanimous consent.)

Mr. GRIFFIN. Mr. President, will the Senator yield to me briefly for a comment?

Mr. ERVIN. Yes; I am delighted to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. I think the speech being delivered by the Senator from North Carolina is one of the most important that has been or will be delivered during the course of this debate. We read a good deal in the newspapers and hear from the media that the pending amendment goes to the constitutional powers and prerogatives of the President and the Congress. Certainly that is the question raised, but the Senator from North Carolina has gone directly to the heart of the issue; that is, whether or not the Congress of the United States expects to be able to make military decisions—strategic and tactical decisions—which our Founding Fathers intended should be left to the Commander in Chief.

As the Senator from North Carolina has pointed out today, and as I indicated in my remarks on the floor the other day, it would be perfectly appropriate if a Senator wanted to offer a resolution to declare war. The Constitution does give Congress that power. That would be the appropriate way for any Senator to bring up this question. The Senator from Michigan does not believe it would serve any useful purpose at this stage to debate a declaration of war. We are in the process of moving out of the war and disengaging in our participation——

Mr. ERVIN. If the Senator from Michigan will pardon me, I trust I will be able to demonstrate in a few minutes that we have already declared war.

Mr. GRIFFIN. I will listen with interest to the Senator from North Carolina, but I want to indicate my agreement with the Senator from North Carolina that the amednment that is proposed and pending before the Senate is not confined to the area over which our Founding Fathers intended Congress should exercise judgment.

I want to commend the Senator from North Carolina, who is one of the ablest constitutional lawyers ever to serve in this body. I hope that all Members of the Senate who are not present today will study what he is saying.

Mr. ERVIN. I am deeply grateful to the distinguished Senator from Michigan for his very gracious remarks.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. Yes; I am delighted to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I would like to say, first, that I am so grateful to my distinguished friend for going into this matter on the sound constitutional basis to which he addresses himself. I approve completely of what he is saying and what he has said, and I think he is on the soundest possible constitutional ground.

I would like, if I may, though, to say that I think not only is he on sound constitutional ground, not only was the President on sound constitutional ground, but that there were many things in connection with the President's action that justified it which have not, I think, been sufficiently mentioned.

I would like to ask consent of the distinguished Senator from North Carolina, at the end of my comment, to place in the RECORD an editorial by Mr. William Randolph Hearst, Jr., bearing on his recent statements published in newspapers throughout the Nation entitled "Campus Confrontation." I will ask for that at the appropriate time.

I would now like to ask permission to read one paragraph out of that editorial which I think accentuates the fact that the President not only had a constitutional basis for his action, but that he had a very practical basis to support the constitutional action.

For instance, this editorial, which speaks of a speech made by Mr. Hearst at the California State Polytechnic College, reads in part as follows:

> One thing that was made fully clear was my sense of shock, and even amazement, at how many Americans and some of our friends abroad had reacted so critically to President Nixon's decision on Cambodia.
>
> Instantly—from the doves in Congress to the editorial pages of our left of center press—the howl went up that the President was wilfully and unilaterally expanding the war. That we were invading a sovereign nation. That a terrible and costly blunder had been made.
>
> What seemed almost incredible to me was that so much of the criticism was a literal echo of the condemnations which came from Moscow, Peking and Hanoi. Even more discouraging was the spectacle of college presidents giving their blessing to student protest strikes.
>
> To me it was—and continues to be—simply astonishing. Not one of the liberal voices sounding off in Congress and elsewhere made a peep of protest when it was revealed last month that 40,000 Communist troops had invaded Cambodia and were threatening to capture its capital city.
>
> Not one of the voices that I can remember ever said a word about the long-standing Communist violations of Cambodia's neutrality and independence along the southern section of the Ho Chi Minh Trail.
>
> And very few gave the slightest serious consideration to President Nixon's explanation—that he acted to save Cambodia from imminent Red conquest and the need to safeguard his plan to withdraw American combat troops from South Vietnam.
>
> The explanation was virtually ignored. It was as though the protesters were deaf to any explanation; as though they had just been waiting and biding their time for an excuse to renew their attacks on the Vietnam war.

Then, in an additional comment in this same editorial, Mr. Hearst pointed out:

> Cambodia had become nothing but a sideways DMZ zone. The Communists had dug in there and were using it as an advance headquarters in which to store their supplies and launch what could easily be an encircling attack on our men in South Vietnam.
>
> When the Reds began their attempted takeover of the whole country, President Nixon—in the interests of protecting our

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fighting men—had literally no other military alternative but to break up the enemy emplacements.

Not to have done so would have meant the loss of time needed to complete our Vietnamization of the war. Far worse, it would have left our withdrawing forces wide open to a looming disaster.

Mr. President, I cannot help but feel that the portions of this editorial which I have read, and other portions which will appear in the entire editorial as printed, show not only that there was a constitutional duty upon the President, but that if that duty had been ignored, there was the gravest sort of danger involved upon our troops there in South Vietnam, and upon his good faith effort to withdraw them in accordance with his promises to our country.

I ask my distinguished friend that I may be permitted to have the entire article printed in the RECORD at this point.

**Mr. ERVIN.** Mr. President, at the request of the Senator from Florida, I ask unanimous consent that the editorial to which he has alluded be printed in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### CAMPUS CONFRONTATION

(By William Randolph Hearst, Jr.)

SAN SIMEON, CALIF.—In this week when student war protests were erupting at what hopefully will be the peak of such turmoil, my favorite weekly columnist (and I hope yours) had a highly instructive campus experience of his own. It definitely deserves retelling here.

It so happened that long before the news about Cambodia exploded, an invitation was extended and accepted by me to address an audience on May 6 at California State Polytechnic College in nearby San Luis Obispo. I showed up on schedule last Wednesday—with more than a little feeling of trepidation.

As a fairly well known supporter of President Nixon's war policies, I figured I was in for a tough time. At the very least I expected to catch some catcalls and heckling from some of the several hundred students and faculty members waiting to hear me.

By way of background, it should be noted here that Cal Poly, as it is generally called has a remarkable achievement record. Only five years ago it was a relatively small college with an enrollment of about 5,000, whose big extra-curricular interest was in the spectacular rodeos staged by the school.

Today it is a full-fledged state institution with an enrollment of nearly 12,000. Its faculty and staff number more than 1,400. It has schools of agriculture, journalism, applied arts, applied science, engineering and business, among others.

Unlike so many other colleges and universities, the whole academic emphasis is on preparing students for specific practical careers upon graduation. The students begin majoring in the subject of their choice as freshmen, rather than as juniors and have very few opportunities to take what are known elsewhere as elective snap courses in various theories.

This is important, as I hope to show here later. For the moment, try picturing me facing that sea of young faces and wondering what the reaction would be when I started defending a military decision which had caused so much student violence elsewhere.

My informal speech was on world affairs. It was impossible to avoid the controversial issue of recent events in Southeast Asia. So when it came time I waded right in with my fingers crossed.

There is no need to go into much detail on what was said. My views were pretty well outlined in this space last Sunday and most of what I said simply elaborated on that column.

One thing that was made fully clear was my sense of shock, and even amazement, at how many Americans and some of our friends abroad had reacted so critically to President Nixon's decision on Cambodia.

Instantly—from the doves in Congress to the editorial pages of our left of center press—the howl went up that the President was wilfully and unilaterally expanding the war. That we were invading a sovereign nation. That a terrible and costly blunder had been made.

What seemed almost incredible to me was that so much of the criticism was a literal echo of the condemnations which came from Moscow, Peking and Hanoi. Even more discouraging was the spectacle of college presidents giving their blessing to student protest strikes.

To me it was—and continues to be—simply astonishing. Not one of the liberal voices sounding off in Congress and elsewhere made a peep of protest when it was revealed last month that 40,000 Communist troops had invaded Cambodia and were threatening to capture its capital city.

Not one of the voices that I can remember ever said a word about the long-standing Communist violations of Cambodia's neutrality and independence along the southern section of the Ho Chi Minh Trail.

And very few gave the slightest serious consideration to President Nixon's explanation—that he acted to save Cambodia from imminent Red conquest and the need to safeguard his plan to withdraw American combat troops from South Vietnam.

The explanation was virtually ignored. It was as though the protestors were deaf to any explanation; as though they had just been waiting and biding their time for an excuse to renew their attacks on the Vietnam war.

The above were some of the thoughts I gave to my audience. When no boos or catcalls developed, my fingers came uncrossed and I gave them some more.

No matter how you look at it, I said, Vietnam is a bloody mess and there is no question that we miscalculated the tenacity of the enemy in waging a war our forces were never permitted to win. At the root of today's national unrest is frustration over not having the war over and done with by now.

All the same, it was pointed out, Cambodia had become nothing but a sideways DMZ zone. The Communists had dug in there and were using it as an advance headquarters in which to store their supplies and launch what could easily be an encircling attack on our men in South Vietnam.

When the Reds began their attempted takeover of the whole country, President Nixon—in the interest of protecting our fighting men—had literally no other military alternative but to break up the enemy emplacements.

Not to have done so would have meant the loss of time needed to complete our Vietnamization of the war. Far worse, it would have left our withdrawing forces wide open to a looming disaster.

I asked my audience to compare the frustration it felt with the frustration of our military leaders, who have never been permitted to wage a decisive war. I asked a further comparison with the frustration undergone in Paris by our negotiators whose many concessions have led to nothing from the enemy.

I wound up by noting that some of the more virulent war critics had even mentioned the possibility of trying to impeach the President for his decision on Cambodia.

Suppose you had a brother or a father over there in Vietnam, I asked, and he got a bullet in the back from encircling troops based in Cambodia at a time when every effort was being made to bring him home?

If that were to happen—and that's what the Communists were threatening for large numbers of our men—then you can bet your own sweet life there would be an impeachment for real.

So that was the speech.

I want to take this opportunity to personally thank the student body for its courtesy in hearing me out and making academic freedom a living truth. All through it the kids sat attentive and obviously interested. They laughed at my few attempts at humor, applauded in gratifying fashion when I finished, later gathered around to ask many specific questions.

It was hard to believe that even at that time hundreds of other college campuses were either shut down or in utter disorder because of student antiwar demonstrations. Were these a special breed?

Robert E. Kennedy, the president of Cal Poly, and Dale W. Andrews, its academic vice president, offered some explanations which made me conclude that their students in fact are much different from the hell raisers.

They assured me there were many in my audience who also felt strongly against the war. Disorder and the shouting down of unwanted opinions, however, are not the rule of life at Cal Poly.

The stress on practical education for future employment is so dominant that the first thing you see when entering the college is its job placement bureau.

There, all points of view are examined and discussed in an atmosphere of true academic freedom. Their officials said this was not surprising since the whole operation of the college was geared to instruct students who came there solely to learn and prepare themselves for useful careers.

There is a real object lesson here.

Last Wednesday, just a few miles to the north and south of me, the campuses at Santa Barbara, Berkeley, San Francisco and San Jose were erupting in violence or threatening to erupt. The situation was, in fact, so serious that Gov. Reagan wisely ordered a four-day closing of all public colleges and universities in the state.

Who has filled the heads of those students with the ideas which steam them up and cause them so violently to attack their own country, its institutions and leaders?

It's a good question—and part of the answer lies in the fact that too many of our institutions of higher learning are infested with radically minded professors and courses with no constructive purpose.

I am convinced that most college students have too little to do, too few academic challenges from courses that train them for specific careers—especially in their freshmen and sophomore years.

It is high time the system got a top-to-bottom overhauling with Cal Poly as the model.

**Mr. HOLLAND.** I thank my distinguished friend. I say to my friend that while the essence of his point, his constitutional argument, is so sound, the constitutional question is so much bolstered by the practical need for the exercise of the constitutional power by the facts recited by this editorial and otherwise that it seems to me it makes a case that is completely invincible when approached by those attacking both the President's right of action and the particular action he has taken.

I thank the Senator for yielding.

**Mr. MURPHY.** Mr. President, will the Senator yield for a comment?

**Mr. ERVIN.** I am delighted to yield to the Senator from California.

XUM

Mr. MURPHY. First of all, I should like to associate myself with the very learned and well-prepared remarks of the Senator with reference to the constitutional conditions with which we are here confronted. I think the distinguished Senator has clarified a great deal of the contrived confusion that has been rampant in the country.

It is of great concern to this Senator that amid the intense objections to the President's decision—which was taken, as my distinguished colleague points out, on the basis of all the intelligence, all the information, and all the knowledge of the experts—we hear very little about the success of this operation.

I have looked as carefully as I can to find the information which I know is available. I have listened to the reports. I hope that my distinguished colleague will permit me, at this point, to suggest that so far, rather than extending or expanding the war, this military operation, this expedition into Cambodia, has in my opinion done more to shorten the war than any other one thing that has happened in 6 years.

I will explain why. In the first place, as of this morning, we had captured 3,305 tons of rice. That is enough to provide man-months of food for 145,420 North Vietnamese soldiers. We have captured 15,763 rockets. We have captured mortar rounds. These are the ones that are extremely troublesome, where they can sneak in at night, set it down, fire five or six rounds, move off with it, and be gone before dawn. This is the one that lately has been hitting hospitals and schools indiscriminately, as part of the system of atrocity that has been used by the North Vietnamese in order to frighten the South Vietnamese into subjugation. Mortar rounds captured, 38,879.

Small arms ammunition captured, 11,502,740. Let us say that one bullet out of 50 hits an American soldier. I think this alone is worth the trip.

I should like to point out that, in keeping with the President's promise, the first group of the ARVN troops, the South Vietnamese who had gone into the southernmost perimeter, had completed their mission, and were moving out as of 3 days ago. I do not understand why we do not hear about this.

Land mines: These are the scourge of the troops. The mines are hidden in the bushes, in the jungle, in the swamps, triggered in all sorts of ways.

They have captured 1,865, almost 2,000, that will not go off and injure and maim Americans and South Vietnamese.

Bunkers destroyed: These are heavily constructed, permanent type bunkers, from which the North Vietnamese had been conducting their entire operation in this area. Bunkers destroyed, as of this morning, 4,651.

This, without question, has been even a greater success than envisioned by those who pleaded, as my distinguished colleague has pointed out, that it was necessary and the immediacy forced it to be done at the moment.

The President's program, based on the weather in that area, will gain us 8 to 9 months in the continuation of the Vietnamization program, so that the good people of South Vietnam will have an opportunity to be trained, armed, and supplied so that they can carry on their own job, which they are perfectly willing to do, once they are given the chance.

The enemy killed in this operation, because of the surprise, because of the logistics, the way it was planned, number 6,945. Prisoners taken, 1,576. Individual weapons captured, over 9,000. This goes on endlessly.

Without question, this is the most successful operation. Those who say, "Well, we don't believe that the President means it when he says they are going to go in, clean up this area, and get out," have no reason to doubt it, no reason whatever. He has promised, and he has kept his word thus far.

I thank my colleague for permitting me the courtesy of putting these figures in the RECORD during his most learned and most noteworthy comments on this subject, because I think that in addition to the studious, carefully prepared approach from the constitutional angle, there is an approach that has to do with the safety, the welfare, and the lives of those who are out there fighting and with the future of those, please God, we will not have to send out to continue this unfortunate struggle.

Mr. ERVIN. I wish to thank the distinguished Senator from California for the fine contribution he has made. He has pointed out, in a very eloquent fashion, the purposes of the operation in Cambodia and the results of that operation to date. He has voiced the hope which we all hope will materialize, that the operation will result in a speedy end to the war and in the sacrifice of fewer American lives.

I join with the Senator from California in thanking the good Lord for the fact that we have been able to take the weapons enumerated by the Senator from California from the hands of the enemy and to make certain that they will never be used to take the life of another American boy.

Mr. MURPHY. I thank my distinguished colleague.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. Yes; I am delighted to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I think all of us have been receiving letters from troops fighting in Vietnam, and now in Cambodia. I have had one brought to my attention in the last couple of days, a letter written to one of the young ladies in my office by her boy friend, a sergeant in the 1st Cavalry now in Cambodia, or he was there at the time of writing the letter, which accentuates some of the points just made by my very distinguished friend from North Carolina.

I would like to read a part of the letter. I have seen the letter and compared this part with what I have seen. That is a correct statement of what he says in the letter. I may add that he did not want to go to war. He is a trained artist. He thought of going into the Peace Corps and VISTA, and even thought about going into Canada, and finally decided to take his lot like a good American. When drafted, he was put into the 1st Cavalry, and there is where he is now. This is what he says:

> Now for some strange ideas on the Cambodian thing. I may sound like HAWK, but I seriously think that the offensive into Cambodia is possibly the wisest thing that Nixon has done since he has been in office. I just wish he would start bombing the industrial areas of North Vietnam again. As long as we have to play the game here we might as well play to win. The move into Cambodia should have been made a long time ago. We have been playing war with rules, but we have been the only ones observing most of the rules. Perhaps Nixon has finally called the North Vietnamese's bluff. And perhaps for the first time he has quit worrying so much about his image. Most of the troops in Cambodia are South Vietnamese—that I do know. There are only a few 1st Cav. units there so far.
>
> "It's strange—if I were back in the world and a civilian I would probably be right there yelling and screaming against such a move. Most of the college students are screaming against it because they are just like I was—afraid and not wanting to commit myself to the Army and fighting at all. But when people have been out there in the boonies and are located less than 75 miles from the Cambodian border where the N.V.A. can't be touched but can still bring lots of smoke on us, that's insane. And—if Nixon continues to withdraw troops it will be spreading people thin over areas of operation. So the thing about potential threat to the lives of our troops left after withdrawals is not a joke. For one time I wish that Nixon was being supported by everyone because I feel he has done the right thing.

This from a young man, a trained artist, and not a friend or supporter of President Nixon. It shows so clearly how he, and others like him, feel that the spreading of troops thinner by the withdrawal of troops makes even more dangerous to those left the presence of the sanctuaries a few miles away across the Cambodian border.

I wanted this to appear in the RECORD because it so clearly upholds some of the argument of my distinguished friend from North Carolina, on which I again congratulate him most warmly.

Mr. ERVIN. I thank the Senator from Florida for his contribution. I should like to add that since we became involved in conflict in South Vietnam, I have received hundreds of letters from North Carolina boys serving with our combat forces there. These letters have made me proud. All those that I have received letters from were willing to be there. They were willing to fight for their country. They were willing, if need be, to suffer wounds or to suffer death, without making any inquiry as to whether the policies which took them to Southeast Asia were wise or foolish.

We have the greatest nation on earth. We have a Constitution which gives our citizens the greatest rights on earth, such as the right to freedom of speech, which has been exercised on Capitol Hill by thousands and thousands of people during the past several weeks. We have the right to petition our Government for redress of grievances; and I have been pleased to meet on at least nine occasions with students from North Carolina and other States and listen to their petition for the redress of grievances, which was the exercise of a constitutional right.

But, as I told some of them, the reason we have this great country, the reason we have this Constitution, the reason we have these great freedoms, the reason we can urge our Government to change its policies, is that in all generations there have been American boys who were willing to wear the uniform of their country and carry the flag of their country and, if need be, to die, in order that this country and these great freedoms might survive. And that is the price which we must pay for the continued existence of this country.

I suppose I would be designated in present-day parlance as "an old square." I still get a thrill when the flag goes by. I still get a thrill when the band plays the Star-Spangled Banner. I still believe that everybody has certain duties to his country, and that one of those duties is, if need be, to bear arms for his country in time of war, whether he thinks the war is right or whether he thinks it is wrong, because that is the condition upon which our country must hold its freedom in the future.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. HOLLAND. I just want the RECORD to show here and now that my distinguished friend from North Carolina, as an infantryman in France in World War I, demonstrated just what he is talking about now. He came home with the emblem of heroism placed on his chest by his commander; and he is fighting right now for the same things which impelled him, as a youth from North Carolina, to go to a far-away country and fight for his country's freedom. I commend him for continuing that valiant record.

XUM

Mr. ERVIN. I am deeply grateful to my friend from Florida, who won the Distinguished Service Cross in that same war for extraordinary heroism in combat with an armed enemy of the United States.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JORDAN of North Carolina. The Senator has brought out some information in an excellent speech that certainly should mean a great deal in setting forth the facts concerning the problem we are debating. I should like to ask a few questions of the Senator.

Is it not a fact that when Prince Sihanouk was in power, he could not keep the North Vietnamese from coming into his country and occupying portions of it, or he hoped not to be bothered, one way or the other?

He figured that he was not going to bother them and they would not bother him, and he would let them go ahead and build up their fortifications in his country any way they pleased.

Mr. ERVIN. It is a fact that for 5 years prior to the time this incursion was made into Cambodia by the American and South Vietnamese troops, the North Vietnamese and Vietcong had been occupying areas along the border of South Vietnam as a sanctuary from which they came out and made hit-and-run attacks on American and South Vietnamese troops and killed South Vietnamese people.

I do not know of anything that could happen that would be more injurious to the free world than for the United States to withdraw from South Vietnam regardless of the conditions there, or regardless of whether an agreement has been reached or regardless if the Vietnamese are trained sufficiently to defend their own country. I am opposed to any such action which might prompt other nations to believe that America is spiritually swapping Old Glory for a white flag.

Sihanouk professed to be desirous of preserving the neutrality of Cambodia. What his actual practice was, I do not know. But it may be that he was incapable, or his country was incapable, of preventing our enemy from using these sanctuaries. My information is that at the time Sihanouk went to Russia and to Peking, just before he was deposed by the Cambodian Assembly, he had gone to these countries to ask their assistance in getting the North Vietnamese and the Vietcong troops out of his borders. That is what I have been informed. Lon Nol, who succeeded him and has exactly the same title to the office as Sihanouk had, has protested against this invasion of the neutrality of Cambodia by the North Vietnamese and the Vietcong. I think he honestly does not want these sanctuaries used by the enemy of the United States and the enemy of South Vietnam.

Mr. JORDAN of North Carolina. Is it not true that our intelligence and our military officers there knew that munitions of war and supplies of all description were constantly trickling down the Ho Chi Minh Trail and were winding up in the area in which we now find them?

Mr. ERVIN. The United States has known that for 5 years, according to my best recollection. Approximately 5 years ago, General Larson made a public statement to that effect, and he also suggested at that time that our forces should wipe out those sanctuaries.

Mr. JORDAN of North Carolina. We have been bombing some of those trails, where we could catch the trucks in the open, in an attempt to cut off those supplies, but we have not been able to do it because it was not too clear and we did not know about it or could not get to it because of the tremendous amount of supplies in the lower part of the country where they have been able, as the Senator has said, to hide it, without our people having to run back into the sanctuaries——

Mr. ERVIN. The underground bunkers.

Mr. JORDAN of North Carolina. Yes. From the best information that I have, furnished to me by the Senator from California (Mr. MURPHY), we have destroyed 4,651 bunkers——

Mr. ERVIN. Yes.

Mr. JORDAN of North Carolina. But we cannot see them from the air. They are deep underground. They have the most intricate set of fortifications that anyone has ever seen in the world.

On top of that, is it the Senator's feeling—we all, of course, want to get our boys back home as soon as possible——

Mr. ERVIN. Yes, as soon as possible. As soon as we can get them home without endangering their lives, and also by making certain that we are not, thereby, promoting other wars and troubles of the kind we are now enduring, rather than securing peace.

Mr. JORDAN of North Carolina. Right. Figures were presented on the floor today on our forces, counting the South Vietnamese and Cambodians, too, because the Cambodians are now fighting for themselves and getting a decent army going. They recently have retaken one of their biggest cities.

Mr. ERVIN. That is my understanding. Furthermore, I think this effort to wipe out the sanctuaries the enemy has been using on the borders of Cambodia gives reasonable assurance that the South Vietnamese troops will soon be trained to the point that they can defend their own country. Two-thirds of the troops now involved in this engagement are South Vietnamese. Gen. Earle Wheeler, who has served with such distinction as Chairman of the Joint Chiefs of Staff, has given us assurance that the South Vietnamese troops which are operating for the first time, as a division, are giving a good account of themselves.

Mr. JORDAN of North Carolina. Has not our intelligence, through military people over there, established to some extent that if the South Vietnamese, along with our aid, can destroy enough of the equipment now stored in Cambodia, and can kill enough North Vietnamese and Vietcong, it is possible for the Cambodians to defend their own country and not let them get back in there?

Mr. ERVIN. We would hope that, certainly, because they are apparently doing that very thing.

Mr. JORDAN of North Carolina. It has been brought out here on the floor of the Senate today—this was the Friday casualty list—that our forces have killed 6,495 of the enemy, that we have captured 1,576 enemy soldiers, and we are getting a lot of information from them.

In addition, they have captured individual weapons, 9,109, and that includes machineguns and all types of guns used that would have been used to kill our own boys, not theirs.

Mr. ERVIN. I rejoice in the figures that we have captured, approximately 8½ million rounds of small arms ammunition, including ammunition for large-caliber machineguns. A lot of men can be killed with 8½ million rounds of ammunition. I thank the good Lord, as a result of this incursion into Cambodia, that these 8½ million rounds of ammunition will not be used to kill American boys.

Mr. JORDAN of North Carolina. The information I have up to today is that they have captured 11,502,740 rounds of ammunition.

Mr. ERVIN. I knew it was higher than the figure I gave. My figure was based on May 13.

Mr. JORDAN of North Carolina. In addition to that, no army can survive very long without something to eat. Our forces have captured 3,305 tons of rice, which would support the large detachment of soldiers for, I understand, 4 months that they have over there. There is no question about it, this maneuver has done irreparable damage to their forces.

The question I should like to ask the Senator now is—I think I know what his answer will be—but in his opinion, all the damage we have done over there and the supplies and material captured and taken away there, and the other things which have been done in this particular engagement, in the Senator's opinion, will this not shorten the war and bring our boys home quicker?

Mr. ERVIN. I would think so. According to all the information I have from the military who are familiar with the situation, it will certainly prevent the North Vietnamese from mounting a substantial offensive from that area until after the monsoon rains end next November. That will give us that much more additional time to train the South Vietnamese.

Mr. JORDAN of North Carolina. The President said he was going to bring our boys home, 150,000 of them, within a year. He made that statement. In the Senator's opinion, from what has happened so far in this particular venture, will that not make it safer for the soldiers left there?

Mr. ERVIN. Yes. That is shown most clearly to be true by a letter which the distinguished Senator from Florida (Mr. Holland) read a moment ago from a sergeant over there about this affair, in which he pointed out how essential it was for us to destroy the sanctuaries and seize the equipment and supplies of the enemy, in view of the fact that the removal of our troops, as they have been removed and will be removed from South Vietnam, will thin our ranks and render our position more hazardous, temporarily at least.

Mr. JORDAN of North Carolina. In the Senator's opinion, would the North Vietnamese be apt to reach any agreement at the peace table in Paris if they thought we would leave by a certain day?

Mr. ERVIN. They would certainly not. That would be just giving them assurance that it was not necessary for them to try to make any agreement with us.

Mr. JORDAN of North Carolina. They would just sit there and wait.

Mr. ERVIN. Yes; they would just sit there and wait. That would be easy for them. The Orientals are very patient people. Occidentals are impatient people. Patience is one of their virtues and impatience is one of our great weaknesses. In other words, there are many people in this country who want to get our boys out of Vietnam before the sun goes down, despite the fact that that is an impossibility.

The North Vietnamese can simply fold their hands and wait a long time. We started to talk to them on the 13th of May 1968. That is 2 years and 5 days ago, and the only thing we have been able to agree on so far, after great verbal controversy, is the shape of the table that we are to sit around and talk to them about peace.

Mr. HOLLAND. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am delighted to yield to the Senator from Florida.

Mr. HOLLAND. In the event that this resolution is passed, either with a fixed date for removal of our troops from Cambodia in it—and it is not in it at the present time—or with the implicit provision in it that the date fixed by the President himself will be the date for removal, does not the distinguished Senator think that our enemies would put on a rush to get back in there that would be reminiscent of the old Oklahoma land rush days, just as soon as possible, just as soon as that time limit had expired?

Mr. ERVIN. It would certainly be a temptation for them to do so.

Mr. HOLLAND. I thank the Senator.

Mr. PERCY. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I am happy to yield to the Senator from Illinois.

Mr. PERCY. If I may make just a quick comment. I have tried to hear as much of the argument propounded by the distinguished Senator from North Carolina, because of my very high regard for his knowledge of these matters. I intend very carefully to study the record of those portions of the discussion that I missed. I would hope to express my views over the period of the next few weeks, on the basic, fundamental question of the war-making powers of Congress versus those of the Presidency.

I did speak on the floor of the Senate on May 14 on this subject, trying to put into the Record some of the historical background.

At the suggestion of the distinguished Senator from Delaware (Mr. Williams), I shall update that material through not only the Presidents I have already mentioned but also the Korean and Vietnam situations. But I would highly value the judgment of the distinguished Senator from North Carolina. I think we have a desire to find, in this very fuzzy area, where we no longer declare war but we do make war, what the respective responsibilities of the Presidency are and what his responsibilities as Commander in Chief are—and we do not wish to infringe upon those responsibilities at all—but also, what are our responsibilities.

And I think that the Senate can be guided greatly by the wisdom and the judgment and the background and the understanding that the distinguished Senator from North Carolina has.

Mr. ERVIN. Mr. President, I think that virtually all Members of the Senate have agreed that the American people would like to extricate themselves from their involvement in Southeast Asia without having to resort to the drastic action of doing so by a military victory.

The question involves the best way to get out of there in such a way as to minimize the loss of life among our men and make it reasonably certain that further conflicts of this kind will not occur.

Mr. PERCY. Mr. President, I concur with the distinguished Senator. I would like to reiterate once again, as I did immediately after the President announced his decision, that in my judgment the President had the full authority and the power of the Constitution, as well as law, for the incursion we made into Cambodia.

It is a question of whether the military advantages offset some of the other problems that have been involving the political, diplomatic, and psychological aspects of the war.

Certainly he had full authority to act as he did in the best interests of the lives he was trying to save and the program of Vietnamization and the steady withdrawal he intends to carry on in accordance with the plans he previously announced.

Mr. ERVIN. Mr. President, I thank the Senator. I have attempted to demonstrate by reference to various authorities that the President did have authority to order the incursion to be made into Cambodia.

I think he is quite within his constitutional powers.

I further think that he was exercising an honest judgment in so doing.

Mr. President, I go further and say that I think, from all the information I have, it was probably a wise move. And I would go further and say that I think the policy he has announced is the safest way to get out of Southeast Asia without doing great injury to the prospects of peace and security in the immediate future.

(This marks the end of the colloquy which occurred during the address by Senator Ervin and which was ordered to be printed in the Record at this point).

## TRIBUTE TO SENATOR YOUNG OF NORTH DAKOTA ON HIS BEING AWARDED THE DEGREE OF DOCTOR OF LAWS

Mr. BAKER. Mr. President, yesterday Graceland College conferred upon one of her most distinguished alumni and one of our most distinguished colleagues the doctor of laws degree. For 25 years Milton Young has served in this body with great ability. I believe that it is altogether fitting that his college bestow upon him this honor for his many years of achievement and outstanding service to his State and country.

I ask unanimous consent that the citation read upon presentation of this award be reprinted in full at this point in the Record.

There being no objection, the citation was ordered to be printed in the Record, as follows:

Citation of Milton R. Young on the Occasion of His Being Awarded the Degree Doctor of Laws by Graceland College, May 17, 1970

It was the Nephite King Benjamin who said, "When ye are in the service of your fellow beings, ye are only in the service of your God." Today Graceland College honors a man who has never forgotten that lesson.

Milton R. Young has served his fellow man in elective public office continuously for the past forty-six years, the last twenty-five in the Senate of the United States. Prior to that, he served at different times in both houses of the legislature of North Dakota, on school and township boards. He is now the ranking Republican member of the Senate Appropriations Committee and the second ranking Republican member of the Agriculture and Forestry Committee.

Milton Young is a son of North Dakota. He was born there in 1897, grew up there, farmed the same land his father farmed until he went to the Senate in 1945. The prairies of North Dakota have always been somehow in him. There is something of their openness, something of their ruggedness. He has carried on a long and tireless struggle on behalf of the farm people of the entire nation and is widely recognized as one of the leading authorities on matters of agricultural policy. But he is a man of history and culture also. He counts among his achievements the essential role he played leading to the rennovation of Ford Theater, where Abraham Lincoln was shot.

The alma mater hymn of Graceland calls her sons and daughters to "answer to the hour." You have done that, Senator Young, and Graceland salutes you as among her most distinguished alumni. You have never sought the front pages, but you have carried the burdens long and responsibly. You have kept worthy company with the most distinguished men of our day, yet the man of the soil has remained—direct, honest, responsible. You have served well your state, your nation, your conscience, your God. Graceland College is proud to confer upon you the degree, Doctor of Laws.

## DEATH OF LOUISE GOFF REECE

Mr. BAKER. Mr. President, Tennessee has been blessed through its long and illustrious history with women who have been willing and able to assume their share of the responsibility in the development of a great State, struggling to assume its rightful place in a great nation.

Such a woman was Louise Goff Reece of Johnson City.

While she was not a native to Tennessee, there was never a doubt as to her loyalties after she married the distinguished late B. Carroll Reece, one of the outstanding Members of the U.S. House of Representatives from the First Congressional District over a period of 36 years and a former chairman of the Republican National Committee.

On Thursday night, May 14, 1970, Mrs. Reece passed away in Johnson City, and I know that the members of this body, most of whom were acquainted with B. Carroll and Louise Reece, want to join me in expressing deep sympathy to the family and to say a final "well done" to a most deserving couple.

I felt particularly close to this family because my father served with them—with Mr. Reece before his death in 1961 and with Mrs. Reece as she filled out his unexpired term—in the House of Representatives. Because they represented adjoining congressional districts in Tennessee, because the two families visited frequently and were together on many social occasions and because we were friends for most of my life, the end of this era is especially depressing to me.

I should also recall that it was at the wedding of the daughter, Louise to Col. George W. Martens in Johnson City, that I met my wife, Joy. So this death has resulted in a deep sense of sorrow in the Baker family.

Perhaps ironically, then, when I came to the U.S. Senate, I occupied the seat in this great Chamber that once was claimed by Guy Despard Goff, who served the great State of West Virginia ably and well from March 4, 1925, until March 3, 1931. He was the father of this distinguished lady.

Time has claimed another great leader of our country, but the monuments built by Mrs. Reece and this family will never die. Their accomplishments would fill a Congressional Record on a normal day and I will not, at this time, attempt to itemize the good that they have done.

I would simply like to say that the world is a better place because of this woman and her family and that, in my view, is the greatest compliment that can be paid.

## MOTHER'S DAY, 1970

Mr. BAKER. Mr. President, a number of my constituents have brought to my attention a Mother's Day sermon delivered by Dr. Walter R. Courtenay to his congregation at First Presbyterian Church in Nashville, Tenn. Dr. Courtenay is a distinguished minister and member of the Nashville community and his Mother's Day remarks concern the difficult problems with which we are presently confronted. At the request of my constituents, I ask that this sermon be printed in the Record.

There being no objection, the sermon was ordered to be printed in the Record, as follows:

### MOTHER'S DAY 1970—JUDE 1: 17–21

(By Dr. Walter R. Courtenay)

Today is Mothers Day, a day when we speak appreciatively of those who were our first nursery, our first pantry, our first playground, and our first means of transportation.

Whenever we deal with the subject of motherhood, we always confront two problems, first, what mothers should we talk about on a day like this, the young mothers with their little children around them; the not so young, whose teen-age children confuse them with their attitudes and philosophy of life; the still older whose children are now grown, some successes, some failures; or the older mother whose silver hair turns gold in the glow of the after sunset? Every woman who has reached the age of 60 knows the tremendous changes that occur between the birth of the first baby and the time when life is mostly the history of yesterday.

The second problem is that we tend to idealize mothers who are only slightly related to reality. Few mothers achieve the ideal, even as very few fathers, sons and daughters achieve the ideal. Mothers, after all, are persons of flesh and blood. They are people who have vices as well as virtues, weaknesses as well as areas of great strength. But, in the main, the mothers of America have achieved accomplishments that are both high and wholesome. It is because of this that we pause to honor motherhood today. It is well that we do so, and I am pleased to do so, because I remember all too well my own mother and the wonderful girl who became the wonderful mother of my sons.

As we pause to observe Mothers Day we do so in the midst of disturbed conditions throughout our country. The America that I see around me today is completely foreign to the America that I have known all my life. The war in Vietnam goes on with its staggering cost of men and money. The entire nation is shackled to it, and our society is being dragged down and plunged into attitudes and moods that are uncomplimentary to us and which give the world a distorted picture of this land we love.

In all of this, the mothers of all ages and conditions are involved, some having sons and daughters in colleges, some having sons and daughters who this fall will enter college, some having husbands and sons in the armed forces, and some having loved ones on the battlefronts of Asia. Some have sons who may soon have to break away from normal vocations and avocations and learn the arts of brutal war.

Mothers cannot help but be worried as they look out of their windows upon a world that is as jumbled and as messy as a city dump. We cannot blame them for asking the questions, what is ahead for our loved ones, what is ahead for our nation, what is ahead for the world? Are we now doomed to anarchy and a peaceless America? Is there no way, and is there no one, who can alter the stream of events carrying us swiftly toward the rapids and the plunge of the mighty waterfall?

#### STAGGERING, IRREPARABLE LOSS

Today we cannot avoid thinking of the mothers of the four Kent State students who this past week were killed. Regardless of the factors, their loss is a staggering, irreparable one. We, of course, assume that these youngsters were innocent. We assume that they shouted no obscenities, threw no bottles, rocks or steel slugs, hurled no profanity and insults. We assume that they did not curse the soldiers or patrolmen nor spat upon them. We assume that they were fringe people who understandably gather to observe these absurd displays of temper and terror. Innocent they may have been but they part of that noisy minority group led by hard core radicals from off and from on the campus, who were determined to create a situation that hopefully would end in bloodshed. I agree that bottles, bricks, rocks steel slugs and profanity are not the same as bullets, but they are weapons of offense.

It is to be regretted that the leaders who created the disturbances were not where the action was when young Guardsmen, hearing shots and fearing for their lives, opened fire in self defense. The facts are not all in, and in all probability we will never know the actual facts of what created the death of these students at Kent State. But we can pause on this day to extend our sympathy and our prayers to the mothers of those who died, and the mothers of the young people who were stupid enough to become part of that senseless mob.

#### BE REALISTIC

Here we must be realistic about campus disturbances. First, they never involve the majority of students. Second, they seldom involve the students who are on the college campus to get an education. Third, the disturbances are rarely spontaneous. They are planned, they are fanned, they are fomented, they are created. Fourth, they are never non-violent. The lighted fuse of a dynamite charge may seem non-violent, but you and I know that that fuse, once lighted, will eventually explode the dynamite. Of course, the leaders on our campuses claim non-violence even while they are collecting the bottles, the rocks and the steel slugs with which to confront the patrolmen and, if necessary, the National Guard. After heads are broken and members of the mob are arrested, naturally they cry out against police and guard brutality, and loudly protest their own innocence.

There is a hard core of anti-order, anti-America radicals on every campus and in every community. Their contribution to America's prosperity, security and peace is nil. Their contribution to America's disunity, disorderliness, and disgraceful conduct is beyond measure. They organize, they incite, they motivate, they spread false rumors, information and charges. They foment alienation and senseless antipathy. They do all they can to arouse the beast in students and to give it liberty. They begin the rallies, and they lead until the action gets too hot. They encourage sabotage and subversion. They draw into their ranks idealistic, impulsive, excitable students who know little of the facts but whose emotions are aflame. Thus, they create a mob and when confrontation comes, the hard core leaders put the idealistic, excitable students in the front ranks of the battle and seek safety for themselves. They are seldom beaten and bruised. They are trained to use others but never to get hurt themselves.

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Let it be clearly understood that the organizers, the fomenters, who lead the idealistic, excitable, venturesome students are in no sense representative of their campuses. By any measure, they are not loyal, informed, clear thinking Americans. They are the paid servants of subversive forces. They are the manipulators of situations. They are the managers of chaos. They are anti-America, anti-decency, anti-democracy, anti-justice, anti-free speech, anti-law, anti-authority, anti-church and anti-God.

### BUT ONE GOAL

They have but one goal, to so disrupt our normal ways of life that institutions in America cannot function with success. And all of this is blamed on the war in Vietnam.

Let me read part of an editorial that appeared not long ago in the Nashville Banner: "In the 50 years of recorded history history there have not been more than 230 years of peace, and in the relatively brief history of the United States, there have been fewer than 20 years in which one or our armed services has not been engaged in some military operation. Despite these facts, most Americans still cling to the delusion that peace is normal and war is abnormal."

We are in Vietnam because of a solemn and sacred treaty. We are there because the Viet Cong are the paid henchmen of Hanoi, and Hanoi is but the satellite of Moscow and Peking. If the border created by treaty had been honored by Hanoi and her expansionist allies, if the border created by Great Britain, France, Russia, the United States and others, had not been crossed, and if the South Vietnamese people had been left to develop their own way of life as Hanoi and the rest of us had agreed, we would not be in Vietnam today.

And now we are in Cambodia. The adolescent intellectuals in our midst, the critics of our current Administration, and the hard core hirelings of subversive forces have joined ranks to create further division in our midst. Now, we are not fighting Cambodia. We are fighting the same enemy that we have been fighting for five years. The drive to destroy the sanctuaries within Cambodia makes sense. Actually we have not invaded Cambodia. We have invaded communist territory held for the past five years by the Viet Cong and the soldiers of Hanoi. Cambodians have not owned nor controlled this area of their country during the last four or five years. We have invaded Hanoi territory. We have invaded Viet Cong territory. We have not invaded Cambodian territory, and we are not at war with Cambodia. The war has escalated only in the sense that we have finally decided to do what we should have done a long, long time ago.

No one can rejoice over our presence in Asia, least of all the mothers who have husbands and sons in the armed forces in Vietnam. On this Mothers Day I am all too conscious that such mothers are not being honored publicly as they have been in all the other wars that we have fought. Many husbands and sons will never return to these mothers, and many husbands and sons will return but never to a normal way of life again. The tears of such American mothers today are truly salty and their vision has to be misty, and their hearts have to know pain.

### MOTHERS DAY 1970

Mothers Day 1970 is a day fraught with danger. Never has our unity been so seriously jeopardized, nor citizen responsibilities held so cheaply. The moral fibre of our people seems flabby in the face of the forces that disrupt law and order, decency and loyalty, fairmindedness and fair delivery. Standards of value long held valid are now trampled in the mud along with the ashes of burned American Flags and hopes. Respect and good manners seem to have evaporated in heat of bad tempers. Vulgarity and cheapness are honored rather than condemned. God and His law mean little as radical students and their idealistic followers seek to jerk the rug of honor and respect from under our feet. Quicksands have been substituted for hard trails, lies for truth, revolution for renewment, and a hog's view of life for that of mature, informed, responsible people.

Nor do many of our leaders in Congress, college and church seek to improve our situation, for they demand the impossible while believing with all their hearts in the improbable. They subsidize and support subversion and arson. They add fuel to the social fires that threaten to destroy us, and not once have I seen a fire extinguisher in the hands of any of them seeking to put out the flames that threaten our land. Students and others who call policemen "pigs" and National Guardsmen "bastards" and "s.o.b.'s" now become angry when a leader in high responsible position refers to certain students as "bums." We have always had bums. They have always been part of our campuses. We have always had bums in our communities. Let's call them what they are, and not quibble about it. We have more on our college campuses today because we have admitted to our campuses people that should never have been admitted in the first place. Many are there for no other purpose than to disrupt the tranquility of the campus, and to bring our institutions to a state of helplessness.

I could believe neither my eyes nor my ears the other morning when a law professor of the University of California stood on a platform and exhorted students to go on with their violence, and concluded his remarks by saying, "We are either going to liberate this country from within, or we will do it from without."

### DIFFICULT TO RESPECT

I find it difficult to respect the TV commentators of our national chains who speak of student unrest as if the majority of students were involved, who speak of student riots as if most of the students on the campus were part of the riots. None supports the administration nor the people responsible for law and order in our nation. To me it is most unfortunate that faculty members, congressmen and churchmen join these people to further disturb and disrupt our normal way of life.

I say to you this morning with all the conviction I possess that when dissent becomes descent into ways and words that dishonor the sacred and belie the sensible, it is time for American leaders to take strong action. When mobs feel free to throw bottles and rocks, steel slugs and profanity, not to mention Molotov cocktails, why should they resent the use of our more normal weapons of defense on the part of our policemen and our National Guard? It seems sensible to them to curse, to riot, to burn, and create disorder, but irrational for policemen and guardsmen to defend themselves and the honor and security of our society.

### TO THE MOTHERS

To the mothers of this church and community who have tried to do a good job in rearing their children to respect God and their citizenship, and to carry their responsibilities with a real sense of commitment, I tender my sympathy, my encouragement and my prayers. To the mothers of America who are striving to do the same I offer them my help. To the mothers of the slain Kent State students I can only offer my tears and my regrets, my sympathy and my hope for better things. To the mothers whose children have exchanged a heritage of value for a mess of communistic pottage, and a normal faith in the cross for an absurd faith in the hammer, I can only send my sympathy and my encouragement. To the mothers whose husbands and sons and daughters are on the front lines of Vietnam and Cambodia today, I can only remember them in prayer before God that they will have the strength to endure.

This is indeed a strange Mothers Day, but it ought to remind us that emotions are seldom rational, that anarchy destroys but never builds, and that a life or a program that is not built in accordance with the absolute laws of God and the universe cannot long endure.

I hope, therefore, that the events of the past week will motivate us to prevent further deterioration within our nation, and to cancel out the repeats of Kent State. We must do all in our power to rededicate ourselves to the task of character building, of Christian nurture, and of loyal American citizenship. We must dedicate ourselves anew to the creation of American unity and the building of security. We must get on with the church's main task, that of bringing men into a full commitment to Christ to the end that they may then go out into the world to live lives that honor God and elevate the standards of men. We must return to America's major task of making this land of ours the land of the free.

## THE ABOLITION OF THE ELECTORAL COLLEGE AND THE DIRECT ELECTION OF THE PRESIDENT AND VICE PRESIDENT

Mr. BAKER. Mr. President, I have for quite some time advocated the abolition of the electoral college in favor of the direct election of the President and Vice President. I am a cosponsor of the proposed constitutional amendment introduced by the distinguished junior Senator from Indiana (Mr. BAYH) which has recently been reported by the Senate Judiciary Committee. I support this proposal because I believe that the present system is more than a harmless anachronism; it represents a dangerous impediment to the voice of the people, an unnecessary barrier interposed between the voting citizen and the highest office in the land.

A recent editorial from the Memphis Press-Scimitar expresses quite well my views on the need for early Senate action on this proposal, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### BY CHOICE OF THE PEOPLE

The Senate Judiciary Committee stalled seven months before it reported to the Senate floor a proposed constitutional amendment to permit the people to elect their president and vice president by direct vote.

The House, in keeping with the overwhelming judgment of the people, approved this amendment last September by a vote of 339 to 70. But the amendment survived the Senate Judiciary Committee this week by a vote of only 11 to 6.

And the present prospect is that the amendment may be subjected to a series of quibbling changes, even filibustered, that it may have a "tough go" to carry the Senate, and that in any case no vote is planned for several weeks.

In essence, this is a simple proposition: the long-obsolete Electoral College, which has and could again elect a president who was not the popular choice, would be abolished. Instead, the people would vote directly for president and vice president.

The Supreme Court has held, again and again, to the "one-man-one-vote" principle, insisting that it applies even to school board and dog catcher elections. Where could this principle be more rightfully applied than to the election of the President of the United States?

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The changes to the constitutional amendments which were voted down in the Senate Judiciary Committee, but which probably will be offered again on the Senate floor, indicate a distrust of the people's judgment, of the people's right to make their choice freely and directly.

The House, by its 339–70 vote, showed no such evidence of distrusting the people.

The Senate is not so busy that it couldn't act on this constitutional amendment within days, instead of weeks. All that's necessary is for the Senate leaders to schedule a vote. If it has time, as it did this week, to pass a bill naming a federal building after the late Senator Dirksen (Lord rest his soul) and similar miscellaneous legislation, it certainly can find time speedily to pass a measure going to the heart of the people's right to choose their own president.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE LOWERING OF VOICES IN TIMES OF PUBLIC UNREST

Mr. HANSEN. Mr. President, yesterday the Vice President of the United States urged that the media be among those to lower their voices in these times of public unrest. There have been many examples of name calling, by the media, and of efforts by the media to destroy the faith of the people in their Government.

One of the most flagrant violators has been the Washington Post.

Yesterday was a typical example:

On the first page of the Post's "Outlook" section is an article by Ben Bagdikian.

A large two-column headline over the article is entitled "The Government Is a Crude Liar."

The immediate implication from that headline is that the Government today is guilty of lying. It is hard to draw any other conclusion.

It is only when you read the story that you find that Mr. Bagdikian's point is that the Johnson administration back in 1967 was guilty of deception. The other specific incident he mentions is the Arthur Sylvester statement that government has a right to lie.

Nowhere in the article is there an accusation leveled against the Nixon administration.

Mr. President, the headline is both misleading and inflammatory. The Washington Post should indeed lower its voice, at least until it decides to tell the truth.

Mr. President, I ask unanimous consent that the article to which I have referred be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### THE GOVERNMENT IS A CRUDE LIAR

(By Ben H. Bagdikian)

Newspapers reporting on government are often wrong, and Presidents of the United States are often prepared to say so. On leaving the presidency, George Washington * * * in disgust. Thomas Jefferson once wrote, "Nothing can now be believed which is seen in a newspaper."

Modern Presidents have been no exception, with bitter comments on the subject from Franklin Roosevelt, Harry Truman and Dwight Eisenhower (who, in his last presidential press conference, delivered the unkindest cut by saying he wasn't sure that the press made much difference, anyway). John Kennedy canceled his subscription to the New York Herald-Tribune. Lyndon Johnson on the subject of newspapers was not always quotable in mixed company. Richard Nixon through much of his career has been passionate in his feeling that he is kicked around by the media.

Vice Presidents of our time have been known to murmur an occasional reservation about the press. Even presidential assistants are ready to sneak in a kidney punch while their bosses swing the haymakers. Arthur Schlesinger, Jr., while in the White House seven years ago, said that newspaper and magazine accounts "are sometimes worse than useless when they purport to give the inside history of government decisions."

All of this has some justification. Journalists are often wrong. Sometimes they are malicious, other times, lazy. More often they are honestly in error. When that happens, they have no "Top Secret" label to cover up their human and professional failings. When they make mistakes, they make them in public.

But what government officials almost never talk about when they complain about press inaccuracy is that some of this is the result of the government's own frequent dishonesty in dealing with the press and the public. The conventional assumption is that the government of the United States never lies to its people. But it does, and when this is proved, (1) the government is very ungracious and (2) it usually answers that it had good reasons for lying.

Sometimes there are compelling reasons for the government to lie—as in the days of the Cuba missile crisis when we were on the brink of a nuclear war. But most of the time, the government excuse for secrecy, or secrecy that creates a distorted public picture, is on spongy ethical and practical ground.

Arthur Sylvester, lately an Assistant Secretary of Defense, once said that the government has a "right to lie," which was refreshing bureaucratic candor but appalling doctrine. As a practical matter, diplomatic negotiations are, like photographic film, best developed in the dark. But they can, through secret error, also go wrong because of the dark.

Some military information must be kept under cover. But a lot of it, maybe most, is already known to our adversaries, leaving only the American people uninformed. Friendly governments should not be unduly embarrassed. But frequently the friendly government is the United States, and the embarrassment is to one of its erring leaders.

And there is that most fishy of all reasons: the other side lies more than we do.

#### A MASSIVE LID

Whatever the excuse, secrecy and its use to distort is a perpetual threat to the democratic process. It means that "Big Brother knows best." Neither history nor contemporary events confirm that Big Brother is ever that wise. Elitist decisionmaking has produced catastrophes that match anything created by popular folly (the United States can be grateful that no electorate interfered with King George III).

The government has a massive apparatus to prevent the whole truth from coming out. In Congress, the most open forum the country has for policy evolution, 40 per cent of all hearings are secret. The Executive Branch of government, expecially in diplomacy and defense, has systematic secrecy with tough laws to back up its power to conceal.

If all of this apparatus followed its natural bureaucratic tendencies, the press of the United States could become like Pravda and Izvestia, reporting only those official things that officialdom wishes to say, reducing the public to a passive audience instructed how to implement what its leaders have already decided.

Ironically, the distortions of secrecy may be greater because officials can selectively cancel it, picking certain fragments to release. The President, the Secretary of Defense and the Secretary of State preside over an enormous jigsaw puzzle that constitutes their best view of the world. Much of this picture is officially secret. At any moment, an official can reach behind the curtain and select a piece of the jigsaw puzzle and show it to the press or directly to the public. It could be a genuine piece of the puzzle but still give a false impression of reality.

#### THE VIETNAM ELECTION

For example, in the summer of 1967, the nature of the government of South Vietnam was at issue in the United States. The debate on Vietnam had already poisoned the domestic political atmosphere. Distrust bordering on paranoia characterized almost everything said on the subject, whether hawkish or dovish.

An election was being held in Saigon to demonstrate or create . consensus in South Vietnam. This would, among other things, show that the United States was fighting for the life of a regime that at least had the support of its own people. Washington hoped that this would lay to rest some American and European suspicions that the incumbent regime in Saigon was a narrowly based military clique that could not, on its own, obtain the loyalty of the South Vietnamese.

Some of the press was reporting that the regime in Saigon had no intention of relinquishing power, regardless of how the election came out. On July 28, 1967, the Washington Post reported from Saigon that there were rumors that "South Vietnamese generals . . . are forming a committee that would preserve their power in the remote event that a civilian ticket wins the Sept. 3 election."

On Aug. 2, The New York Times reported flatly, "The generals who rule South Vietnam are at work on a plan that would perpetuate collective government by the junta despite the election of a President, Vice President and Congress."

Such reports persisted for a few days. Then, curiously, on Aug. 16, a number of supposedly independent news outlets carried contrary accounts. At a high level of government, a secret cable from Ambassador Ellsworth Bunker in Saigon had been made known to selected columnists.

Rowland Evans and Robert Novak, for example, began their column for that day, "The vital importance to the Johnson administration of a reasonably clean election in Vietnam was underscored last weekend in a confidential cable from Ambassador Ellsworth Bunker. Deeply worried by the clamor in Congress over alleged irregularities in the campaign for president, Bunker methodically knocked down one charge after another . . . Bunker's cable has deep significance."

That same day, William S. White, attacking doves and other administration critics, wrote in his column that these critics ignored "all the factual information patiently supplied by Americans on the ground in South Vietnam, including Ambassador Ellsworth Bunker . . . Bunker has reported over and over that charges by the civilian candidates [in Saigon] that the present heads of South Vietnam, Gens. Thieu and Ky, are loading the electoral dice have no foundation."

#### DEFT "DECLASSIFICATION"

Government officials regularly criticize the press for using classified information, but it is often secret information deliberately handed the press by high-level government people. The press is inclined to believe such in-

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formation partly because of the impressive "secret" stamp. The Bunker cable, for example, was classified "EXDIS," meaning exclusive, or very limited, distribution, even among cleared policymakers.

Among the point-by-point rebuttals by Bunker referred to by Evans and Novak was the one that the South Vietnamese armed forces "had formed a council that would 'run the government' no matter who is elected." Citing this, Bunker said, "The formation of any such council and such intent of the armed forces have been categorically denied by Thieu and Ky, although, of course, the constitution provides for a military council to advise the government on military matters."

This was a genuine piece of the jigsaw puzzle. That is, the cable really existed. But its history is interesting.

The journalists who were given the contents of that cable were not shown an earlier cable to Bunker asking him to comment on a number of matters. "Please comment" is diplomatic cablese for, "What shall we tell people about this?" And that Bunker's reply was preceded by, "This . . . may be useful in answering criticisms in the U.S."

Furthermore, the journalists could not know that 10 days earlier, on Aug. 3, there had been another secret cable from Saigon on the same subject. It was distributed to officials on Aug. 13, the same day as Bunker's cable denying it and three days before the appearance of the newspaper columns on the subject. These columns, as noted above were based on Bunker's Aug. 13 cable saying that there was no reason to believe that there was a secret military committee prepared to seize power in Saigon.

### DEFINITELY TOP SECRET

The Aug. 3 cable that was not divulged to the journalists said:

"Senior Vietnamese generals have had the Ministry of National Security draft a charter or organization plan for a Supreme Military Committee which is to serve as the vehicle through which the generals will continue to exercise ultimate power in South Vietnam, even after election of a President. The existence of the committee is being treated as 'top secret' for the present and will not be admitted till after the 3 September elections, if at all.

"Ky has been designated committee chairman and Minister of National Security, Maj. Gen. Linh Quang Vien, secretary general. At present, other members are Thieu, Minister of Defense Cao Van Vien and the four corps commanders. Meeting of 17 July attended by all . . . actual government powers will be vested in an extralegal S.M.C. . . . Definitely not provided for in the constitution, hence top secret . . . should not be confused with Advisory Armed Forces Council . . ."

Two days later, confidential analysis of the evidence also circulated in Washington commented further:

"Despite Premier Ky's public and private denials, several intelligence reports indicate that the South Vietnamese military leadership is proceeding with secret plans to form an extraconstitutional 'inner sanctum' of generals that would exercise the real power in any elected government . . .

"These plans and the point to which they have apparently progressed have some ominous implications. For one, additional support is provided for the view, already prevalent among many informed Vietnamese, that the military have no intention of really sharing power with the civilians, regardless of the election outcome. At the same time, the prospect is raised that the army intends to operate largely through its own political control apparatus rather than through the constitutional structure."

### "COMPLETELY UNTRUE"

Presumably, Ambassador Bunker saw the cable based on the evidence acquired Aug. 3. In any event, on Aug. 12, he cabled the State Department:

"I asked him (Ky) 11 August about the report of an armed forces committee to run the government which had such adverse editorial comment. Ky said this report was completely untrue and added that it was merely a series of meetings that the usual group of top generals held to discuss reorganization of the armed forces and pacification matters prior to discussion with Westmoreland, Komer and me . . ."

The cable referred to Gen. William Westmoreland, then commander of ground forces in South Vietnam, and Robert Komer, chief of the pacification program.

Bunker's Aug. 12 cable said of his conversation with Gen. Ky:

"He said there was absolutely no intention to set up any inner military group to run the government after the elections and this report could be flatly denied . . . I reverted to my earlier advice to him as an 'elder' regarding handling of the press. Ky said yes, he remembered, and perhaps the best thing for him to do was first to keep his mouth shut. I agreed with him . . ."

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## FREE TRADE AND FAIR TRADE

Mr. HANSEN. Mr. President, since joining this distinguished body at the beginning of the 90th Congress, I have been amazed at the attitudes of many in our Federal Government and some of our news media toward those of us in Congress who have sought some reasonable limits of foreign imports.

In seeking to stem a mounting flood of cheaply produced foreign lamb, beef, oil, steel, textiles, shoes, and numerous other products, we have been called protectionists and accused of attempting to build a cocoon of special privileges around American industry and agriculture. We have even been charged with anticonsumerism because we oppose a continuation of the liberal trade policies that have literally driven many American industries to the wall of desperation in their attempts to compete with foreign producers who operate under entirely different ground rules from those imposed by law on U.S. producers.

As an example of this attitude, the Wall Street Journal in April carried an editorial, "Polishing Up Protectionism."

The editorial of the Journal carried my reply to his views a few days later and I ask unanimous consent that my letter to the editor be reprinted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

### FREE TRADE AND FAIR TRADE

EDITOR, *the Wall Street Journal:*

Your editorial "Polishing Up Protectionism" (April 2) expressing the free trade philosophy, says the problem stems from the fact that the nation's resources are finite and in some way or other it has to allocate them to accomplish the greatest good for the greatest number.

If all people would renounce war and insist on living in peace, if all pepole would be equally as concerned for every other human as for themselves, If all people would reject greed and cupidity there is no question but that free trade would best serve humanity.

But unfortunately this is not the world we live in.

I happen to think Americans are not the world's worst people. We've been reasonably generous in rebuilding the countries torn by World War II. We've tried to help developing nations—we've shed some blood to insure freedom and self-determination for other peoples.

But the fact is that most of these objectives—goals often not reached—could not have been pursued at all if we had not been a strong nation.

There can be no doubt that our unchallenged access to energy has been one of our most important sources of strength.

About one-fifth of all the oil we use is imported. But I agree with the President: Limits must be defined which will assure the adequacy of domestically produced oil and gas necessary to guarantee our national security.

Further our total strength will reflect the industry, the jobs, and the services we are capable of sustaining in the United States. America proved long ago that power is the result of brains and energy applied to natural resources.

One final thought—the competition American business is subjected to is not fair. Wages, standards of living, social responsibility (taxes) all place a most unequal burden on us. Free trade and fair trade should go hand in hand.

CLIFFORD P. HANSEN,
*U.S. Senate.*

WASHINGTON.

Mr. HANSEN. Mr. President, as further evidence of the need for realistic revision of U.S. trade policy, the figures just released by the U.S. Department of Commerce show a substantial and continuing deficit in the U.S. balance of payments for the first quarter of 1970. That deficit last year amounted to $7 billion and at the rate reported for the first quarter, may well exceed the 1969 figure by the end of this year.

In view of this discouraging news, it is encouraging that the Ways and Means Committee of the other body now has hearings underway on U.S. trade policy. I hope these hearings may result in some meaningful legislative recommendations which may be acted upon in time for consideration by the Senate during this session.

It is also encouraging that the chairman of the Senate Finance Committee which would conduct such hearings has introduced a general trade policy bill of his own known as the Fair International Trade Act which would establish ceilings on imports to prevent imports from running wild. The bill would generally accept present levels of imports but would hold future penetration to a growth on a par with the increase in domestic consumption of the same product.

This was the approach used in the Meat Import Act of 1964 but even now meat imports for the first quarter are running at a rate that will exceed the quota before the end of the year if continued at the same rate. And this Act did not include lamb meat which should certainly be treated as any other meat under the provisions of the act.

Mr. President, some of our free trade advocates say that the American consumer is entitled to the prices at which foreign producers are able to sell their wares in this country. They also accuse American industry of being inefficient if the American product cannot compete pricewise with a foreign product. The freetraders offer the absurd solution of compensation through various means to an industry and its workers injured or displaced by cheaper imports.

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In at least two cases this year, one in the case of steel workers and another in the case of glass, the escape clause of the Foreign Trade Act has been invoked. But why should this be necessary?

In the Cabinet Task Force Report on Oil Import Control, the free-traders who recommended that we flood the country with cheap imported oil glibly suggested that the decline of domestic drilling and exploration for oil and the resultant unemployment "would benefit the economy as a whole by releasing inefficiently used labor to other sectors—this is one of the aspects of efficiency losses previously considered in the report."

Mr. President, this muddle-headed thinking and planning must not be allowed to wreck American industry and force its workers on to the unemployment rolls or invoke other financial assistance plans to be paid by the overburdened American taxpayer. And how could he pay it if he was unemployed?

One of those who has for years warned of the impending crisis in U.S. trade policy is O. R. Strackbein, president of the Nationwide Committee on Import-Export Policy. His has been a voice in the wilderness of the free-traders but his prophecies and warnings are now coming to pass.

In a recent speech he reiterated what he and some of us here have been saying about the difference in free trade and fair trade.

He concluded his speech by saying:

> The notion that imports should be given priority over domestic production to the extent of bulldozing the jobs of our workers out of the way and leaving it up to us to pick up the pieces and repair the wreckage by a system of adjustment assistance is a wholly unjustifiable philosophy and represents an amazingly harsh attitude in point of public policy.
>
> That foreign producers should be able to pay wages that would be illegal in this country and then build a destructive trade on that basis with the blessing of our Government, seems incredible. Yet, that is the basic philosophy of adjustment assistance. It proceeds on the wholly untenable assumption that if an American producer cannot compete with imports he is necessarily inefficient. He is guilty without trial, and must take the consequences. *Yet on a relative efficiency basis, which is to say, output per man-hour or per man-year, American industry continues to lead the world.* This lead is shrinking, however, and the low foreign wages combined with rising foreign technological productivity produces the foreign competitive advantage.
>
> We cannot hope to hold our own industrially in this type of competitive climate. The fact of our competitive defeat from the persistence of lower foreign wages can no longer be concealed by sleight-of-hand trade statistics. The trend of rising imports will force a recasting of our obsolete trade policy.

Mr. President, Mr. Strackbein has sent me a copy of the speech from which I have quoted and also a copy of a letter to President Nixon in which he summarized his views on the competitive state of our foreign trade. Because of the vital interest many of us have in the well-being of industries in our own States now threatened by imports, I ask unanimous consent that the letter and the text of Mr. Strackbein's speech be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

THE NATIONWIDE COMMITTEE
ON IMPORT-EXPORT POLICY,
*Washington, D.C., April 9, 1970.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: It is my impression that the Presidency is inadequately informed and therefore misinformed on the competitive state of our foreign trade.

Accordingly I send you herewith a copy of a speech I am scheduled to make before the Optical Manufacturers Association in a few days. It is entitled "A Decade of U.S. Trade Defeat." The speech is self-explanatory; but in view of the heavy demands on your time I shall present here a very brief account of its principal points:

1. Contrary to official foreign trade statistics the United States has for several years run a deficit in our merchandise import-export account. This deficit, in terms of private commercial competitive trade, is in the annual magnitude of some $5 billion.

2. We do indeed enjoy a surplus in a limited category or two of goods. In 1969 this surplus was some $8 billion, concentrated overwhelmingly in machinery and transport equipment and, to a much lesser extent, in chemicals. Imports, however, have been rising several times as rapidly as exports in the machinery sector during the past decade. This handsome surplus may therefore be expected to disappear in a few years.

3. With respect to nearly all "Other Manufactured Goods" we incurred a deficit of some $5 billion in 1969. The products include steel, textiles, footwear, glass, pottery, radio, plywood, bicycles, musical instruments, optical goods, toys and athletic goods, rubber and plastic manufactures, screws and bolts, hand tools, clocks and watches, etc.

4. If the deficit in certain agricultural products is included, such as tomatoes, strawberries, citrus fruit, mushrooms, fish, olives, meat, mink; as well as certain minerals, such as petroleum, lead and zinc, copper and bauxite, the surplus enjoyed in machinery exports is swamped.

5. Employment in the so-called "Other Manufactured Goods" mentioned above or "Miscellaneous Manufactured Articles," both as classified by the Census Bureau, exceeds employment in the narrow sector in which we enjoy the export surplus described above, by about 2 million workers. When the export surplus in machinery disappears we will be at bedrock of a foreign trade disaster.

6. Imports of manufactured goods now account for about 65% of our total imports, compared with only about 30% fifteen years ago.

7. Importation of manufactured goods offers our importers the most attractive bargain since these goods incorporate all the steps of the manufacturing process, which may be three to five. The cheap labor advantage is thus magnified compared with the raw materials, which do not go beyond one or two of the steps of production. Little wonder that imports of finished goods have left the imports of raw materials far behind.

8. The incontestable competitive advantage enjoyed by foreign manufacturers in this market rests on nothing more mysterious than the lower level of wages they pay, coupled with the fast-rising productivity that has come from technological advancement and adoption of mass production methods abroad.

9. Looking to the tariff, which on the average is down 80% from its level of 35 years ago, as a defense is unrealistic. Also to rely on adjustment assistance is to vacate our productive facilities with their workers in favor of a form of competition that derives its advantage principally from the simple fact foreign producers pay wages that would be illegal in this country. This fact should be weighed carefully in any assessment of inefficiency of our producers and manufacturers who in fact continue to lead the world in productivity. Fairness demands that the unequal burden be taken into account and that we do not penalize our industries and workers for complying with labor standards imposed by the Government in response to the wishes of the electorate.

10. As the tide of imports rises we need a ceiling over them in specific instances, designed to share our market on a reasonable basis, permitting imports to grow with our economy, but denying them the license to run wild while trampling over our established labor standards.

I shall be ready on request to substantiate more fully this outline of our trade position.

With assurances of my esteem,
Sincerely,
O. R. STRACKBEIN,
*President.*

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### A DECADE OF U.S. TRADE DEFEAT

(Speech of O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy Before the Optical Manufacturers Association, New York City, April 16, 1970)

The United States has suffered a spectacular defeat in its foreign trade during the past decade and particularly during the past few years.

With the exception of a very few lines of products we find ourselves in a growing deficit position in our trade with other countries of the world. So great is our general competitive disadvantage that it can no longer be ignored or hidden. Some dramatic developments have indeed surfaced within recent years to underscore the blindness of a policy that should have been modified before now.

A defeat such as we have suffered in the field of trade would have called for the scalps of directors and managers in any other line of endeavor. A conspiracy of concealment and silence has kept the unwelcome facts from the public.

This is a heavy indictment, all the more so because the concealment has been both unconscionable and stubborn, running over a period of years.

A few examples will illustrate the trade trends of the 'Sixties:

Our exports to Japan from 1960–69 increased 141.1%; our imports 325.4%. Our exports to West Germany rose 66.4%, our imports 190.2%. Twenty per cent of all our imports in 1969 came from these two countries. They took only 14.8% of our total exports.

We increased our exports to the Common Market countries by 75.7% while our imports rose 156.3%, or double our exports.

With respect to Italy our exports rose 76.4% while we imported 206.8% more.

The United Kingdom increased her sales to us by 113.5% while our sales to the U.K. increased only 57%.

Our exports to all of Asia increased 97.4% while our imports swelled by 204.1%.

Our imports from the countries of the European Free Trade Association (England, Norway, Denmark, Finland, Sweden, Switzerland and Portugal) increased twice as much as our exports to those countries: 127.2% compared with 63.4%. Our imports from Sweden rose more than twice as fast as our exports to her or 108.2% vs. 43.4%.

The great exceptions were Canada and Latin America. In the case of Canada, largely because of the automotive agreement, both our exports and imports increased greatly. Exports rose 239.8% and imports 258.1%.

Latin America, with the exception of Argentina, Peru and Mexico, showed a depressive result from the Latin American point of view. Our exports to Argentina rose only

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5.3% while our imports increased 58%. Yet our exports still exceeded greatly our imports. In the case of Peru our exports grew only 13.6% while our imports went up by 71.6%. Our actual imports in this case were nearly twice as heavy as our exports. Mexican sales to this country rose by 132.3% while our exports to that country rose a more modest 74.1%. Yet we still had a favorable trade balance.

Our exports to Latin America as a whole, including the three countries mentioned, grew 36.1% while our imports rose only 19.4%. In a few instances our imports showed an actual decline during the decade, namely, from Chile and Venezuela.

In our total world trade our exports increased 84.6% while our imports went up 146.0%.

Our trade with all the world except Canada and Latin America showed a sharper disadvantage. Our exports grew 81.8% compared with an import increase of 160.8%. In other words, our imports from the rest of the world outside of Canada and Latin America, grew twice as fast as our exports to that part of the world.

In the case of Latin America our imports consist principally of raw materials and crude foodstuffs. However, the great increase registered in our total imports in recent years from all the world has occurred in manufactured goods rather than in raw materials. Therefore imports from the industrialized countries accounted for much the greater part of the sharp rise in our imports during the past decade.

It may be asked why this great discrepancy between the growth of our imports of raw materials and manufactured goods should have occurred. The trend should really be no occasion for surprise. Imports of raw materials did indeed increase, but they rose from an index of 100 in 1956–60 to 130 in 1968, compared with a rise from 100 to 402 for finished manufactures. In other words imports of the latter grew thirteen times as fast as imports of raw materials.

The sharply divergent trend is traceable to the relative labor content in the two forms of products. Raw materials incorporate only the first step or two of production. The amount of cheap labor expended is therefore the minimum. In the case of finished goods the full complement of labor is incorporated. This might be four or five stages of production. The savings on imports is therefore all the greater. Not only is there one stage of production at low labor cost but several stages. Therefore it is of a much greater advantage to import finished products compared with raw products, because the former have more of the low-cost labor in them.

Today about two-thirds of our imports consist of manufactured goods. Not many years ago less than a third of all imports were of this variety.

If imports have grown briskly compared with our exports, why do we not have a foreign trade deficit?

The answer is we do have a trade deficit. It merely does not so appear from the official trade statistics issued by the Department of Commerce. That Department elects to count as dollar exports not only the goods that we give away or sell abroad at cut prices but also those that we can export only because of our governmental subsidies. This practice swells our exports unjustifiably. If that practice were stopped our merchandise balance would show a deficit. Also we total up our imports on their foreign value rather than what they cost us landed at our ports of entry. This practice undervalues our imports by several billions of dollars a year. The upshot is that our trade deficit is in the magnitude of $5 or $6 billion in terms of commercial competitive trade instead of having a surplus as reported by the Department of Commerce.

These facts have been concealed too long. Their concealment has abetted the perpetuation of a trade policy that is against the national interest and has prevented the adoption of prudent restraints on imports that will prevent their running wild.

The great surge in imports has been explained by the "extraordinary increase in domestic demand." Yet the experience of Japan, West Germany and Italy thoroughly contradicts that explanation. Those countries, too, have experienced a great expansion at home. In spite of that they nevertheless also made great strides in their exports. Some other factor must explain our trade debacle. Only those who will not see will fail to perceive the real reason. This is simply that other countries, with their new productive technology and their lagging wages, can and do out-compete us both here and in foreign markets.

Unless something is done soon, not indeed, to reverse the trend, but to keep the imports within reasonable bounds of growth—not a cutback, but a moderation—a bitter reaction will set in, not only among the manufacturers, growers and producers who are being injured, but by labor as well. The latter is already showing signs of unrest from this source. National unions that formerly supported the freer trade policy are shifting their position because they see in unregulated imports the evaporation not only of actual jobs but of potential jobs upon which the employment of their members depends in the future.

Such favorable trade balance as we do still enjoy in some sectors is confined to a very few products, most notably, and preponderantly, machinery, including automobiles, aircraft, and computers. In 1969 we exported $6.6 billion more in this category than we imported. Chemical exports on a much smaller scale were also in a surplus position.

Machinery exports, both electrical and nonelectrical, have indeed continued at a high pace, thanks largely to our heavy investments in branch plants abroad, but imports have been gaining impressively. In 1960 we exported 4.7 times as much machinery and transport equipment as we imported. In 1969 the ratio was considerably less than 2 to 1. This is by far the heaviest single item in our exports. In 1969 it was 43% of our total exports. The 1960–69 trend has continued. Exports of machinery exclusive of transport equipment grew 46.2% since 1965 through 1969, but imports rose 154% or more than three times as rapidly, in this 5-year period.

In "Other Manufactured Goods" our exports rose from $3.8 billion in 1960 to only $7.0 billion in 1969. During the same period imports of "Other Manufactured Goods" rose from $4.5 billion in 1960 to $12.0 billion in 1969. In other words, exports of this class of wide variety of products rose 83%; imports rose 163%. Among the products included in this broad class of products are iron and steel mill products, shoes, paper and manufactures, textiles, clothing, glass, glassware and pottery, clocks and watches, nails, screws, nuts and bolts, toys and athletic goods, rubber and plastic manufactures, bicycles, bicycle parts, motor scooters, hand tools, plywood, cameras, musical instruments, radio and TV sets, phonographs and records, musical instruments, sound recorders, optical goods, etc. In this group as a whole we suffered a deficit of $5 billion in 1969, even when imports are tabulated on their foreign value rather than landed at our ports of entry.

In agricultural products we have import problems in strawberries, tomatoes, citrus fruits, canned olives and mushrooms, meat, lamb, potatoes, dairy products, honey, mink, fish, oysters, crabmeat, flowers, etc. In minerals we have a trade deficit in petroleum, copper, lead and zinc, bauxite and aluminum. Added to manufactured goods and agricultural products the total deficit far outstrips the surplus in machinery and chemicals.

Employment in the lines of products constituting these "Other Manufactured Goods" exceeds employment in the limited lines in which our exports have been enjoying a surplus, by some 2 million workers.

Our national policy is therefore in the posture of helping one broad industry (machinery and transport equipment, in which our lead is narrowing ominously in any event) at the expense of a wide spectrum of industries wherein imports are overrunning our market almost at will.

In view of the rapid narrowing of the export surplus in machinery and transport equipment, as noted previously, the exceedingly unstable foundation of our fictitious over-all surplus provides little ground for confidence.

Moreover, since duties will be cut still further under the Kennedy Round, the outlook for improvement of our trade position must be regarded as bleak.

The reduction of our tariff has gone so far, and since its resurrection is hardly probable, we must look elsewhere for relief.

Imports of optical goods, which are your immediate concern, have followed a rather common pattern. You have been losing out in terms of the share of domestic consumption supplies by your companies. In the case of lenses you have seen imports come from some 7% or 8% of domestic consumption as recently as 1965 to some 18% in 1969.

Imports of frames which had already taken 22% of your market in 1965 rose to about 33% in 1969.

In each instance the invasion of imports has been relentless; and there is nothing now on the scene to suggest that the penetration will not proceed toward greater deprivation of our market.

The tariff would not, in any case, be of much help, unless it were raised to seemingly exorbitant levels, because of the low unit cost of foreign producers, especially the Japanese.

We therefore seek a different means of holding imports at a reasonable level.

Recently legislation has been introduced in the Congress that would accomplish a moderation of imports. This legislation which was introduced in the Senate by the Chairman of the Finance Committee, Senator Russel Long, has been introduced in the House by some sixty-five Members, among them 4 Committee chairmen. It is called the Fair International Trade bill.

This bill would establish ceilings on imports for the purpose of preventing imports from running wild. It would generally accept present levels of imports but would hold future penetration to a growth on a par with the increase in domestic consumption of the same product. This might be 10%, 15%, 30%, 40% or more of our market, depending on the penetration already achieved.

Import quotas would be imposed only if imports should break through the ceiling for a period of six months.

If the ceiling principle is adopted domestic industries would be assured of holding a fair share of the domestic market, no matter how low the foreign production costs. The notion that imports should be given priority over domestic production to the extent of bulldozing the jobs of our workers out of the way and leaving it up to us to pick up the pieces and repair the wreckage by a system of adjustment assistance is a wholly unjustifiable philosophy and represents an amazingly harsh attitude in point of public policy.

That foreign producers should be able to pay wages that would be illegal in this country and then build a destructive trade on that basis with the blessing of our Government, seems incredible. Yet, that is the basic philosophy of adjustment assistance. It proceeds on the wholly untenable assumption that if an American producer cannot compete with imports he is necessarily inefficient. He is guilty without trial, and must take the consequences. Yet on a relative efficiency basis, which is to say, output per man-hour or per man-year, American industry continues to lead the world. This lead

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is shrinking, however, and the low foreign wages combined with rising foreign technological productivity produces the foreign competitive advantages.

We cannot hope to avoid our own industrially in this type of competitive climate. The fact of our competitive defeat from the persistence of lower foreign wages can no longer be concealed by sleight-of-hand trade statistics. The trend of rising imports will force a recasting of our obsolete trade policy.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## CAMBODIAN CONFERENCE

Mr. HOLLAND. Mr. President, I have just noted on the Associated Press ticker which is outside the Chamber a reference to the Cambodian situation which I will place in the Record at this time for the information of the Senators.

It reads:

### Cambodia Conference

Washington.—The United States endorsed today a call for an Indochina peace conference issued by Asian and Pacific Nations meeting at Jakarta, Indonesia.

A proposal for re-activating international control machinery to preserve Cambodia's badly battered neutrality also got American backing. A State Department statement said the United States "does not wish to see any change of Cambodia's long-standing policy of neutrality and it has no intention of interfering in the internal affairs of Cambodia."

"The U.S. Government," the statement continued, "also supports the conference's call for reactivation of the international control commission made up of India, Poland and Canada and for consultations looking toward the early convening of an international conference to find a just, effective, peaceful resolution of the present situation."

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## AFTER 176 DAYS NO ACTION BY THE JUSTICE DEPARTMENT ON THE FITZGERALD CASE

Mr. PROXMIRE. Mr. President, 176 days ago, on November 22, 1969, I wrote to the Justice Department asking for an immediate investigation into the firing of A. E. Fitzgerald after he testified before a committee of the Congress.

What appears to be a clear violation of the criminal law occurred. It is a crime to threaten, influence, intimidate, or impede any witness in connection with a congressional investigation. It is a crime to injure a witness on account of his testimony to a committee of the Congress.

When A. E. Fitzgerald testified, truthfully and at our request, that there was a $2 billion overrun on the C-5A, things began to happen to him. He lost his tenure on the spurious grounds that there was a computer error. He was taken off the examination of weapons system and assigned to cost problems at bowling alleys in Thailand and messhalls in the Air Force.

In turn he was ostracized, lied about, investigated, and fired.

The Justice Department has started a crusade for law and order. But when will it include the Pentagon in its effort?

What we have is a double standard. I am reminded of the old English quatrain of unknown origin.

The law locks up both man and woman,
Who steals the goose from off the common.
But lets the greater felon loose,
Who steals the commons from the goose.

I still await word of Justice Department action on the Fitzgerald case.

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## SENATE CONCURRENT RESOLUTION 67—SUBMISSION OF A SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT TO PROCLAIM NATIONAL HALIBUT WEEK

Mr. BYRD of West Virginia. Mr. President, on behalf of the able senior Senator from Washington (Mr. Magnuson) I submit for appropriate reference a concurrent resolution. I ask unanimous consent that a statement by the distinguished Senator from Washington (Mr. Magnuson) on the measure be printed in the Record.

The PRESIDING OFFICER (Mr. Dole). The concurrent resolution will be received and appropriately referred; and, without objection, the statement will be printed in the Record.

The concurrent resolution (S. Con. Res. 67), which reads as follows, was referred to the Committee on the Judiciary:

### S. Con. Res. 67

*Resolved by the Senate (the House of Representatives concurring)*, That the President is authorized and requested to issue a proclamation designating the seven-day period beginning May 18, 1970, and ending May 24, 1970, as "National Halibut Week" and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The statement of Senator Magnuson is as follows:

Mr. Magnuson. Mr. President, I submit for appropriate reference, a concurrent resolution authorizing and requesting the President of the United States to proclaim the week beginning May 18, 1970, and ending May 24, 1970, as "National Halibut Week." In addition, the resolution calls upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. President, this will be the sixteenth observance of the special week and also marks the fifteenth anniversary of the founding of the sponsoring organization, the Halibut Fishermen's Wives Association, based in Seattle.

This group deserves such credit for its regular effort, not only during the observance of Halibut Week, but throughout the year toward a better appreciation of this fine fish and fishery.

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## PROGRAM

Mr. BYRD of West Virginia. Mr. President, shortly a motion will be made to adjourn. The Senate will convene tomorrow at 10 a.m. Immediately after disposition of the reading of the journal tomorrow the able senior Senator from New York (Mr. Javits) will be recognized for not to exceed 40 minutes, to be followed by the distinguished Senator from Georgia (Mr. Talmadge), who will be recognized for not to exceed 30 minutes, and he will be followed by the able Senator from Missouri (Mr. Symington), who will be recognized for not to exceed 1 hour.

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## ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, following the remarks of the able Senator from Missouri (Mr. Symington), there be a period for the transaction of routine morning business and that speeches therein be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## ORDER FOR UNFINISHED BUSINESS TO BE LAID BEFORE THE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the close of the period for the transaction of routine morning business tomorrow the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## ADJOURNMENT TO 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 4 o'clock and 21 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, May 19, 1970, at 10 a.m.

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## NOMINATIONS

Executive nominations received by the Senate May 18, 1970:

### Ambassador

John G. Hurd, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of South Africa.

### Interstate Commerce Commission

W. Donald Brewer, of Colorado, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1976, vice Paul J. Tierney.

### Corporation for Public Broadcasting

The following-named persons to be Members of the Board of Directors of the Corporation for Public Broadcasting for terms expiring March 26, 1976:

Frank E. Schooley, of Illinois (Reappointment).

John Hay Whitney, of New York, vice Saul Haas, term expired.

Jack Wrather, of California, vice Erich Leinsdorf, term expired.

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## CONFIRMATION

Executive nomination confirmed by the Senate on May 18, 1970:

### California Debris Commission

Brig. Gen. Frank A. Camm, Corps of Engineers, U.S. Army, to be a member of the California Debris Commission, under the provisions of section 1 of the act of Congress approved March 1, 1893 (27 Stat. 507; 33 U.S.C. 661).

# EXTENSIONS OF REMARKS

## TRIBUTES TO GEN. EARL RUDDER, LATE PRESIDENT OF TEXAS A. & M. UNIVERSITY

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## HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

*Monday, May 18, 1970*

Mr. YARBOROUGH. Mr. President, on March 23, 1970, Gen. Earl Rudder, president of Texas A. & M. University, met an untimely death at the age of 59. He was truly a public man. He was a friend of mine; we worked closely on educational and conservational matters. He devoted his talents and boundless energies to all forms of public service. Since his death, many tributes have been written about him in the newspapers of Texas.

I ask unanimous consent that the following editorials from leading newspapers be printed in the Extensions of Remarks.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Lubbock Avalanche-Journal, Mar. 25, 1970]

### EARL RUDDER—"ONE FINE FELLOW"

Texas has lost one of its finest citizens, in peace or war, with the death of Earl Rudder, president of Texas A&M University.

The retired major general of the Army was an authentic, down-to-earth hero of World War II. As a lieutenant colonel and commander of a special Ranger force under Gen. Omar N. Bradley, he was given one of the war's toughest assignments—scaling Normandy cliffs as Allied troops landed.

General Rudder was twice wounded, and his unit suffered 60 per cent casualties. Later, he commanded an infantry regiment which helped repulse the last major German offensive in the Battle of the Bulge. He was one of the war's most-decorated soldiers, receiving awards from three countries, including the U.S. Distinguished Service Cross.

His peacetime days, also, were full of honors, many of them associated with the educational institution he loved so well. Young Earl Rudder played football for Texas A&M and was graduated in 1932. He became a successful businessman at Brady, and served as mayor.

His reputation was such that, after the Veterans Land scandal broke in 1955, he was a logical choice of Gov. Allan Shivers to clean up the General Land Office. He got the job done, then resigned as Land Commissioner in 1957 to become vice president of A&M. He was promoted to president in 1959. Two factors principally reflect his success. Enrollment almost doubled, from 7,500 to the present 14,000. The school expanded tremendously, developing space age education and research while offering what General Rudder described as "a good environment for the great student and scholar."

He handled A&M's abolishment of compulsory reserve officer training and its break with tradition in admitting women students. Both he did superbly.

He performed outstanding service to his country after assuming command, in 1955, the 90th Infantry Division, a reserve unit. In 1963 he was named deputy commanding general for Reserve components of the Continental Army Command. His formal retirement came in 1967 as a major general. Meanwhile, he had become head of the entire A&M System, in 1965.

Earl Rudder's loss is felt all the more keenly by the university because, at 59, he normally would have had more years of productive service.

In addition to all the rest, a long-time associate in Masonic Orders puts it simply: "He was an all-around fine fellow." That he was.

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[From the Houston Chronicle, Mar. 25, 1970]

### JAMES EARL RUDDER

The death of Maj. Gen. James Earl Rudder at 59 ends a life that was the embodiment of the American dream. His athletic prowess, his valor in battle, his success as a rancher and businessman, public servant, civic leader and educator placed him in the mold of a Horatio Alger hero. Whatever the task or the challenge, he accepted it and did well.

When great men pass, society is the loser. So it is with Gen. Rudder. Those who knew him or his deeds mourn the loss of this man.

Gen. Rudder served as mayor of Brady from 1946 to 1953, when he was named to a two-year term on the State Board of Public Welfare. In 1955, Gov. Allan Shivers named Rudder land commissioner. He served until Feb. 1, 1958, when he resigned to become vice-president of Texas A&M University in College Station.

As a soldier, he was highly decorated during World War II. He was the recipient of the Distinguished Service Cross, the nation's second highest military award. In 1967, President Johnson presented him the Distinguished Service Medal, this nation's highest peacetime honor.

As the commander of the Provisional Ranger Force, Gen. Rudder gained lasting fame on D-Day, 1944, when he led a select force up the 100-foot cliffs at Pointe du Hoe, France. This action played a decisive part in the success of the Normandy landing. Gen. Rudder was twice wounded in bringing off the difficult mission against fantastic odds.

In December of that year, he was given command of the 28th Division's 109th Infantry Regiment, later involved in fighting during the Battle of the Bulge in Belgium.

In 1954 he was promoted to brigadier general in the Army Reserve and the next year named commander of the 90th Infantry Reserve Division. In 1957 he was made major general. In 1963 he left the 90th to become assistant deputy commanding general for mobilization of the Continental Army Command. In the summer of 1967 he retired from the Army, ending a 35-year career.

For his undergraduate gridiron feats, Sports Illustrated magazine named him to its 1956 Silver Anniversary All-American football team.

Gen. Rudder's death is a particularly severe blow to Texas A&M. Gen. Rudder was more than just the president of the Texas A&M University System. He was an Aggie himself. He graduated in 1932 with a bachelor of science degree in industrial education and a reserve commission as a second lieutenant of infantry.

Moreover, he became president of the school in July, 1959, at a time when it was at an ebb, troubled with divisiveness. He ended the factionalism, rekindled school spirit, eliminated student unrest and focused the energies of the school on the continued improvement of education. With typical mental and physical vigor, he led Texas A&M to its finest days.

His death at a relatively early age is especially sorrowful since the school's period of greatest achievement—due partly to his personal work and vision—lies ahead.

Not only Texas A&M but American colleges and universities throughout this nation need leaders and friends of the stature of Gen. Rudder. And they are rare.

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[From the Battalion, Mar. 24, 1970]

### EARL RUDDER, 1910–70, TEXAS A. & M. PRESIDENT

Almost a year ago today, this university mourned the passing of a famous general and a great American, Dwight Eisenhower.

On that day, more than 3,000 members of the university community crowded into G. Rollie White Coliseum to hear a tribute to "Ike" rendered by one who had served under the general during World War II.

With a wistful eye, the man at the lectern recounted some of his personal experiences with his former commanding officer; he dwelt upon Eisenhower's lofty accomplishments; he praised the general's strong character.

And then, near the end of his eluogy, the speaker said this: "General Eisenhower exemplified what millions of Americans would like to see their sons be."

Today we mourn the death of that speaker, our university president Earl Rudder, who in his own right is indeed a famous general and a great American.

And in the days to come, we will remember and recount our own experiences with the man, we will praise his lofty accomplishments, and honor his strong character.

But of all the things we could say, perhaps we would honor him most by characterizing him as he did Eisenhower: "General Rudder exemplified what millions of Americans would like to see their sons be."

For there was much within the man that deserved imitation.

A discussion of the merits of the president would necessarily involve such adjectives as "courageous," "tenacious," "fair-minded," "jovial," and "frank."

But if one could reduce to a single word the outstanding characteristic of the man, that word would perhaps be "energy."

The same man who scaled the Normandy cliffs and straightened out the general land office, practically turned this university inside out.

In a decade he turned a segregated military college into an integrated coeducational university, meanwhile doubling both the institution's number of colleges and enrollment.

President Rudder seldom walked anywhere he didn't have to—he moved faster if he could. His days at the university would almost always stretch to 10 hours, and more often, 12 or more. He was dynamic, he took charge and stayed in charge. The pace was often hectic, but he seemed to endure it.

As the state land commissioner, he once said, "For some reason or other, all of my life I have been like I am now. I seem always to have been under stress and strain."

Accustomed to the pressure, the president seemed to simply work his problems to death.

But as is too often the case, the vigorous life is the short life.

President Rudder died before his time at 59.

It is true that the good die young, and we must all bear the loss.

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[From the Dallas Morning News, Mar. 25, 1970]

### EARL RUDDER

The death of James Earl Rudder deprives this state and nation of a great patriot and unselfish public servant. Ten years ago Dawson Duncan of The News wrote of him: "Rudder has never said no, when public service called."

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That call saw him lead a Ranger battalion in the 1944 Normandy invasion in one of the most courageous and costly operations of the war. Directed to send his troops up the 90-foot cliff of Pointe du Hoe, Rudder insisted on leading them instead. He was wounded twice but remained in command.

A peacetime call to service came when Gov. Allan Shivers in 1955 appointed Rudder Land Commissioner of Texas after scandal had smeared that office. Rudder's integrity and administrative talent cleaned up the mess and resulted in his appointment as vice president of Texas A&M, his alma mater, in 1958. He rose to presidency, then to head of the entire Texas A&M University System.

That system, which permeates the entire state through its extension program and other activities, gained prestige under his leadership. And when threats of student disruption came, Earl Rudder said:

"They will have a hell of a fight and this potbellied president will be in the front ranks leading it. We must meet their power with power if they threaten our society. I would use whatever force I could command to continue the educational process at A&M in an orderly fashion."

The end of the career of the man born 59 years ago in Eden, Concho County, leaves an indelible inspiration for others never to say no when duty calls, and to meet that call, as Earl Rudder did, with courage, integrity and honor.

[From the Houston Post, Mar. 25, 1970]

### JAMES EARL RUDDER

The untimely death of James Earl Rudder was a great loss to the state and the nation, but most of all to the Texas A&M University System, to which he gave such dedicated and able leadership.

President Rudder was imbued with the unquenchable Aggie spirit from his youth, when he graduated from A&M in 1932. He kept the spirit throughout his life, returning in full measure the values he received as a student by his wise guidance in his years as president.

Under his leadership, A&M doubled its enrollment, from 7,000 to 14,000 students. Of even greater significance was the manner in which President Rudder led the university into new paths of research and graduate study, achieving for it a growing national reputation.

Balancing President Rudder's contributions to education, and service to his state as Commissioner of the General Land Office for three years, was his distinguished record as a soldier in World War II, and afterward. He led the famed Second Ranger Battalion, "Rudder's Rangers," up and over the cliffs at Pointe du Hoe on the D-Day invasion of Normandy. For this and other exploits, he won the Distinguished Service Cross and other medals.

Later he received the Distinguished Service Medal, the highest peacetime honor. Continuing his military interests after the war, he rose to major general in the U.S. Army Reserve.

Texans mourn with his family the death of Gen. Rudder, who reached pinnacles of achievement in both war and peace.

[From the Dallas Times Herald, Mar. 26, 1970]

### JAMES EARL RUDDER

The death of James Earl Rudder, president of the Texas A&M University system, ended a distinguished career of service to the nation, the state and to the youth of Texas.

Rudder began that career as a teacher in Texas schools. He continued it with valorous service in World War II, then as Texas land commissioner and finally as vice president of A&M, president of the school and head of the entire A&M system.

Rudder, who retired as a major general, was one of the genuine heroes of World War II. One of its most decorated soldiers, he was awarded the Distinguished Service Cross, the Legion of Merit, the Silver Star, the Bronze Star with oak leaf clusters, the French Legion of Honor with croix de guerre and palm and the Belgian Order of Leopold with croix de guerre and palm.

Though his exploits in the war were many, his courage and valor as leader of the famed Ranger battalion which scaled the cliffs at Pointe du Hoe during the D-Day invasion is most often recalled. Rudder was wounded twice during that engagement.

Returning to civilian life after the war, Rudder achieved an equally notable record of service to the state and, particularly, to education.

Gen. Rudder's death deprives Texas of one of its most valuable human assets. We join his many friends, colleagues and family in sorrow at this passing.

[From the Waco News-Tribune, Mar. 27, 1970]

### GALLANT LEADER LEFT HIS IMPRINT LARGE ON TEXAS

It is difficult to sort out the highlights of Earl Rudder's life. There were so many of them. And all of them show Earl Rudder serving his fellow-citizens through the unstinting use of his great capacities.

When he led his Rangers up an impossible cliff to begin the liberation of Europe from Nazi bestiality . . . when he took over the General Land Office of Texas to restore integrity and order . . . when he accepted the presidency of strife-torn, disorganized Texas A. and M. College, he never looked back, he never stopped moving forward and he instilled courageous faith in those around him.

Lest a stranger gain the impression that Earl Rudder's leadership was exhibitionist, it should be said that he accomplished spectacular results unostentatiously. He put the spotlight on those around him, never on himself. He loved his fellow-Rangers and the youngsters at Texas A. and M. with a fatherly devotion that bound them to the causes he served: the causes of freedom, of truth, of learning, of discipline, of self-respect and of religious faith.

In his earlier triumphs and satisfactions, Earl Rudder left unforgettable marks but his crowning accomplishment undoubtedly is the manner in which he transformed Texas Agricultural and Mechanical College from a rural-oriented "cow college" to a national focus of major progress in the fields of nuclear science, space science, oceanography, life sciences, engineering and business excellence. If he had never done anything else in his 59 years, Earl Rudder earned a top position in any Texas Hall of Fame for his achievements as president of what is now Texas A. and M. University.

One of those achievements has particular value to Waco as well as permanent worth to the whole state: at the request of Gov. John Connally, President Rudder took charge of the creation of the state's first technical-vocational institute, starting with the first campus here at the James Connally Air Force Base. Rudder was an Aggie classmate of the late Col. James Connally, a fact that added significantly to his zeal in launching Connally Tech as a branch of A. and M. He also assisted in the separation of the technical institute system to independent status with four campuses today. All through the process involving the occupational training centers, Earl Rudder repeatedly voiced his firm belief in the bright future of Waco and Central Texas and acted accordingly. His impact on our progress has been decisive, a fact that becomes more apparent with every month that goes by.

Earl Rudder played the game of life to win—honorably, enthusiastically, unselfishly and with a perceptive vision that focused his efforts on the main goals. He was a broad-gauged human being whose name will be honored so long as his ideals continue to be cherished in this land he loved so well.

## RESOURCE CONSERVATION AND PUBLIC LAND USE POLICY

## HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. DON H. CLAUSEN. Mr. Speaker, on May 12, I was privileged to attend a luncheon with a number of my constituents given by the National Forest Products Association during the group's annual meeting.

The principal speaker at the luncheon was our friend and respected colleague, the Honorable WAYNE ASPINALL of Colorado.

Inasmuch as other Members of the Congress were unable to attend, I am taking this means of bringing the content of the speech to the attention of my colleagues.

I particularly want to emphasize the fact that the chairman's comments were, in my judgment, very timely, due to the fact that the report of the Public Land Law Review Commission will be presented to the Congress in the very near future. As chairman of the Commission, the remarks of the gentleman from Colorado have added significance.

I would also like to relate to my colleagues how well the speech was received. As a matter of fact, Mr. ASPINALL received a long and well deserved standing ovation following his speech.

Therefore, I am including the text of the speech in the RECORD at this point, and I urge my colleagues to heed the message that was conveyed by the gentleman from Colorado. Once again, he has made an outstanding contribution to the field of resource conservation.

The message follows:

### REMARKS OF HON. WAYNE N. ASPINALL, CHAIRMAN, PUBLIC LAND LAW REVIEW COMMISSION, BEFORE THE NATIONAL FOREST PRODUCTS ASSOCIATION, WASHINGTON, D.C., MAY 12, 1970

It was with a great deal of satisfaction that I received and accepted the invitation to address you today. Much of this satisfaction came from the fact that your Association thereby demonstrated an understanding of my position last March on the resolution that would have brought before the House of Representatives for consideration the proposed National Forest Conservation and Management Act.

Some of the news media said that "the industry especially attacks" my action in suggesting that consideration of this legislation be postponed until the report of the Public Land Law Review Commission could be considered after it is submitted not later than June 30, 1970. I did not say then, nor do I say now that there is no need for legislation to assure better utilization and improved harvesting from the national forests. As a matter of fact, I know that we need some measures that will produce a greater yield of merchantable timber.

One of the requirements of the Act establishing the public Land Law Review Commis-

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sion is that we compile data in order to understand the various demands on the public lands which now exist and which are likely to exist within the foreseeable future. Accordingly, one of the first manuscripts completed, as part of the research program conducted by or under the supervision of the staff, contained national projections of probable consumption to the year 2000 of all commodities producible on the public lands. Those projections did not attempt to relate requirements to the supply capability of the public lands. These projections were kept in mind by us as we proceeded with our work. In the meantime, other data were developed and other sources consulted by the staff.

The study program examination of individual commodities considered the supply picture for each and, at each step of the way, we asked for and received comments from members of our Advisory Council and Governors' Representatives. Then last fall, a manuscript was prepared for the purpose of tying the future requirements to the likely future output from public lands.

This background is furnished so that you can see the detail with which the Public Land Law Review Commission approached the problem. From our own work, we know, therefore, as stated by our contractor, that "if projected timber requirements in 1980 and 2000 are to be met, greater increased yields will be required from Federal lands." So, while it is comforting to know that the administration came to the same conclusion, we did not have to wait for the Second Annual Report on National Housing Goals, transmitted to the Congress by the President April 1, to understand this basic fact.

Our big task in the Commission was the question of how to accomplish these greater yields and at the same time discharge our responsibility to consider all other uses or possible uses of the public lands, while at least maintaining, if not enhancing, the quality of the environment.

In the last analysis, the Commission came up with conclusions and recommendations of uses and means to accomplish these multiple objectives. Two weeks ago this Thursday, our report was turned over to the Government Printing Office in order to assure that copies will be available for you and others interested at the same time it is presented to the President, the President of the Senate, and the Speaker of the House of Representatives.

Your officers knew when they invited me to speak that the Commission's work would have been finished by today and that I would not be able to tell you the results or the recommendations. They understood this and said you would understand that, aside from anything else, it would be discourteous to the President and the Congress to reveal the recommendations before we present them. In the time allotted to me, I shall, accordingly, discuss matters of interest to you without getting into our recommendations.

As the principal sponsor of the bill that led to the establishment of the Public Land Law Review Commission, I can tell you that it was not intended that the Commission would seek the dissolution of the National Forest System. By the same token, the law does charge us with the responsibility of examining all laws, policies, practices, and procedures in the light of an overriding congressional policy that the public lands of the United States shall be retained and managed or disposed of, all in a manner to assure maximum benefit for the general public. We, therefore, could not and did not assume that any one class of lands or another was exempt from this examination.

For every use, for every commodity, we asked the question whether the public good would best be served by retaining the lands in Federal ownership or disposing of them into non-Federal ownership. And within each class of lands, we had to think of and consider the different uses that could be made of those lands. Parenthetically, it is well to keep in mind that the Commission always dealt in broad policy, trying to examine the various interrelationships among uses that exist in practice. This was in contrast to the fact that the studies undertaken by or under the supervision of the staff were, of necessity, concerned with individual or specific segments of public land policy. Accordingly, the study of Public Land Timber Policy dealt only with the use of timber as a commodity, while other studies, such as outdoor recreation, dealt with the use of forest lands for recreation purposes.

It was not, therefore, just a question of whether forest lands should be retained or disposed of, but it became a question of whether forest lands or, for that matter other lands, that were chiefly valuable for one purpose or another—timber production, watershed management, outdoor recreation, and so forth—could best serve the maximum benefit for the general public in either Federal or non-Federal ownership.

Constantly, we were faced with the competing needs, the competing uses for the same lands. While the needs of the American people have grown, with a companion growth in demand for the use of the public lands, the public land base itself has remained relatively stable.

In the absence of statutory guidelines to govern public lands generally, there has in recent years been little disposition. Likewise, in the absence of statutory guidelines to resolve differences between conflicting uses, there has been an understandable tendency on the part of the administrators to set aside rather than provide for consumptive use. Once the land or its resources are disposed of, they cannot be recaptured for Federal ownership except at tremendous cost. I think that any one of you sitting here today, charged with the same responsibility that Federal administrators have been charged with in the past, with no clear direction from the policymaking arm of Government—the Congress—would have reacted in much the same way.

The next main problem or policy consideration to be given attention by the Commission concerned management of those lands that are retained in Federal ownership. The subject is much too broad to talk about in all of its aspects. Let us, therefore, consider only those matters that pertain to the management of timber lands, and by timber lands, I mean those forest lands that are chiefly valuable for the production of commercial timber. Such lands, be they private, state, or Federal, are suitable for many forms of recreation, but their most important use is for timber production.

In the course of the Commission's work, we examined many different approaches to the management of such Federal public timber lands. We considered, based on projections that were made for us, the type of wood products that would be needed in the future. Another question presented for our consideration was the extent to which particular attention be given to the harvesting of old growth timber.

Other management practices which we had to consider—and which you must consider—included such matters as construction of access roads, the extent to which the Federal Government should act the same or differently than a private owner of commercial timber lands, the timing and frequency of timber sale offerings, the methods of determining the price of timber sold from public lands, and, among other things, whether we should continue, or possibly even expand, the restriction on the export of logs produced from timber harvested on Federal public lands.

All of this is called to your attention to point up the comprehensive nature of the review that we made. It also demonstrates that we had in mind the various factors that must be taken into consideration before the allowable cut is ascertained by the management agencies. You are assured that every member of the Commission understood fully the importance of the determination of the annual allowable cut as established by the public land managing agencies, and particularly the Forest Service which is, of course, the manager of the greatest amount of Federal public timber land.

Many of these factors have been of great significance in my own Congressional District in Colorado. I, therefore, came to the Commission's consideration of these matters with a personal perspective in addition to the material we received from our contractor and from public witnesses.

On this latter point, I am sure it comes as no surprise to you that your industry did not always speak with one voice. There were several people among our advisers, that is, the Advisory Council and Governors' Representatives, who spoke for segments of the forest products industry. But, it was Bernard Orell who was the acknowledged spokesman for the industry generally and we know the difficult task he had in attempting to develop recommendations that would meet with approval from the various segments of the industry.

All of us, including your industry representatives, were from the beginning of the Commission's work concerned with enhancing, or at least maintaining, the quality of the environment. We continued to pay attention to this as we proceeded with our review and have given it attention in the recommendations contained in our report. A problem faced by all of us is that we do not lose perspective merely because, suddenly, protection of the environment has become a popular cause.

There are things that you as an industry, just like many another industry, should have done many years ago. There are other things that you could have done. But all of these would have cost money, and the big question was, and still is: Are the American people ready and willing to pay for protection of the environment? There is no doubt that years ago the primary emphasis was on developing and producing the materials with which to expand our Nation and its economy.

Many people tell me today that the public is ready to pay the price of a quality environment. Although a bit skeptical, I believe that, to some extent, this is true. My opinion is that we must still maintain a balance so that we do not establish impossible requirements which would, in the long run, have the effect of making operations uneconomical and thereby deny a product to the people.

I have attempted today to outline some of the policy considerations that the Public Land Law Review Commission has faced during its tenure. But, as I said earlier, the report, which represents a consensus, has gone to press and the next step will be its submission to the President and the Congress. After that, you ask, where do we go from here?

Because of the diversity of subject matter and the detail with which we have faced squarely the problems facing the United States in the use of the public lands, we do not expect unanimity of all interested people and groups on all 137 of the Commission's major recommendations and its many subsidiary recommendations. We do, however, hope that there will be understanding and that this understanding will recognize that the Commission's report and recommendations deal with a single unified subject matter that has been broken up only for convenience into a number of interrelated items.

We think it will take time for that understanding to come about. We feel that it will take at least a few months after the report is submitted in June for you and other user groups to see how the pattern of recommendations fits together. We ask you not to look alone at those recommendations that appear in a chapter that happens to have the title of Timber Resources, but to first look at the recommendations that apply across the board as underlying principles, and then to the recommendations that apply to fish and wildlife, water resources, outdoor recreation, and all the others.

We cannot urge you too strongly to view the report and our recommendations as a unified whole—as one unit. Naturally we recognize your desire to focus on those parts that deal directly with timber. But remember we will be urging others to take the overall look too, and you will need their support—just as they will need yours—to have legislation enacted implementing the Commission's recommendations.

The word of caution here is that you not rush blindly forward asking your friends in Congress to sponsor legislation based on our report—regardless of whether we have recommended what you would like to have enacted—until you have given competing interests an opportunity to weigh the report as a whole. Unless exceptional circumstances dictate otherwise, it seems to us that orderliness indicates a logical program: I suggest that between the end of June and the start of the 92nd Congress in January you study and discuss the entire report; advise your friends and your competitors of what you like and what you do not like. Then, at the start of the new Congress, let us be prepared to start the legislative process.

If you, and others interested, pursue this course of action I think we will be well on the road to a constructive revision of the public land laws.

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## STUDENTS PRESENT PETITION ON PASSAGE OF H.R. 4249

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### HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. HATHAWAY. Mr. Speaker, last Friday I addressed a group of college students on the Bates College campus in Lewiston, Maine. The topic of my speech was recent developments in Southeast Asia. Upon leaving I was presented with a petition signed by 478 students attending college in Maine with hometowns in Maine and several other northeastern States.

The petition shows that Cambodia is not the only thing on the minds of our young people today.

I include this petition in the RECORD:

> Whereas, American men are subject to the Selective Service System draft lottery beginning at the age of 18, and
>
> Whereas, American men may risk their lives serving in the armed forces of the United States beginning at the age of 17, and
>
> Whereas, many American men and women pay taxes to Federal, state, and local governments by the time they reach the age of 18, and
>
> Whereas, it is absolutely essential that American youth be permitted to play a constructive part in the democratic process,
>
> We, the undersigned, urgently request that you do everything in your power to ensure the immediate passage of H.R. 4249, leaving the provision intact that would lower the minimum voting age to 18.
>
> MARTHA PETERSON,
> RITA O'DONNELL,
> CHARLOTTE HOWE,
> MARYANN DE SOMMA,
> CHRIS DOYLE.

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## CONTINUING INFLAMMATORY REMARKS OF CHICAGO CONSPIRACY SEVEN WHILE ON APPEAL BOND AFTER FELONY CONVICTION

### HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. ICHORD. Mr. Speaker, since the convictions early this year of five of the Chicago seven for traveling interstate to incite riots, the American people have witnessed a continuing barrage of their incendiary language. Following the trial, Dellinger, Davis, Hayden, Hoffman, and Rubin embarked on an ambitious program to win a multitude of college students to believe in their distorted concepts. These men cannot be faulted for languor. They have been assiduously traveling from campus to campus to address pliable young minds which are eager to observe the spectacle of these now-prominent figures. Press dispatches for the last several months have provided us with a steady diet of their exhortations, both open and veiled, to violence.

These men who stand convicted are engaging in the same and often more aggravated activity than the charges on which they have already been tried and convicted. During the last several days I have detailed for my colleagues some of the grossly inflammatory language uttered by Dellinger and company. Taken together, their conduct would impel a reasonable man to ask why we must be so permissive. Surely we have not yet adopted a national philosophy of self-destruction. And surely we are not yet prepared to stand by idly while the legal process is mocked and made to look ridiculous. On May 5, 1970, I urged the Attorney General to consider the conduct of the Chicago seven in the light of the conditions of their bond with a view to revocation.

On February 28, 1970, the U.S. Court of Appeals for the Seventh Circuit ordered that the Chicago seven be admitted to bail during the pendency of appeals of their convictions. The Government argued that bail should be denied, and the district court ordered that they should be denied bail.

The order of the court of appeals pointed out that the Bail Reform Act, 18 United States Code section 3148 requires courts to admit to bail those persons convicted of known capital offenses pending appeal unless they "pose a danger to any other person or to the community." The order states:

> As to the five appellants convicted of violating the Federal Anti-Riot Act, 18 U.S.C. § 2101, the Government has failed to show that said appellants are dangerous within the meaning of the Bail Reform Act.

And further:

> I am not naive enough to underestimate the trouble-making propensities of the defendants. But, with the Department of Justice alert to the dangers, the worst they can accomplish in the short time it will take to end the litigation is preferable to the possibility of national embarrassment from a celebrated case.

The appellate court concluded that none of the conditions in the act which might require detention of appellants during pendency of the appeals appear to exist.

It would seem that the conduct of Dellinger, Davis, Hayden, Hoffman, and Rubin since they were admitted to bail evidences a factual situation which was not anticipated. It seems clear that their repetitious appearances at rallies and demonstrations, many of which have evolved into violent disorders, do pose a danger to other persons and to the community. Their troublemaking propensities need not now be estimated, but can be judged with hindsight. And with all due respect for the Seventh Circuit Court of Appeals, it does not appear that the litigation will be concluded in the short time originally anticipated. I again urge the Attorney General consider a re-presentation of the appellants entitlement to bail pending conclusion of their appeals.

During the gathering in Washington, D.C. this last weekend, Dellinger urged our Nation's youth to launch boycotts, strikes, and to otherwise disrupt the machinery of Government until that machinery can no longer function. Dellinger told a large audience:

> We're tired of fun and games and sideshow running around in the streets. We didn't come here for speeches. Now is the time for action.

I want to report that the order of the Seventh Circuit Court of Appeals stipulated that:

> Each appellant "shall notify the United States Marshal for the Northern District of Illinois of his destination and each change thereof when traveling beyond the jurisdiction of the State of his residence. . . .

It was further stated by the court:

> It should be a sufficient guide to appellants while at large on bail, to keep in mind that if it becomes necessary, this order may be modified by imposing further conditions authorized by 18 U.S.C. § 3146(a) or bail may be revoked.

The court in its wisdom left itself the option of reconsidering the appellant's right to bail. Again I urge the Attorney General to make a thorough analysis of the matter of appellant's post-trial conduct, including the requirement of reporting their travel itineraries.

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## F-111 CALLED MOST EFFECTIVE COMBAT AIRCRAFT IN ARSENAL

### HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. WRIGHT. Mr. Speaker, an ever-growing number of areospace experts are coming to recognize the true merits of the Air Force's much maligned F-111 fighter-bomber.

Latest evidence of this trend is a penetrating article written by Marvin Miles, respected aviation and space reporter for the Los Angeles Times.

Mr. Miles "sets the record straight" on the F-111, recognizing the difficulties this advanced aircraft has encountered but keeping them in perspective. He points out that despite all the vilification that has been heaped on the airplane, it nevertheless is "the most advanced and most effective combat aircraft in America's air arsenal."

In order that my colleagues may share this well-balanced assessment of the F-111, I include in the RECORD the Marvin Miles article as published in the Fort Worth Star-Telegram, May 10, 1970:

### F111 HELD MOST ADVANCED—LA TIMES "SETS RECORD STRAIGHT" ON GD CRAFT

(By Marvin Miles)

Born in a storm of political struggle and developed in a fishbowl, F111 aircraft for years have been fashionable targets for criticism, a handy podium for scorn.

True, these aircraft—fighter-bombers and interim strategic bombers—are grounded for the most exhaustive safety tests ever ordered. But they will start returning to the air next month, the most advanced combat planes ever developed by this nation.

They don't deserve the vilification heaped upon them.

Take the interim bomber version, the FB111. Its role is to fill in for the aging B52 fleet in the latter years of the decade before the new B1 strategic bomber becomes operational.

It is conceded that the tiring B52 will not be able to cope with the advanced defenses of the late 1970s and that the FB111 will be the only aircraft in that era that can penetrate to primary targets.

Yet instead of the 263 FB111s estimated necessary to prevent a bomber gap and provide assured destruction of Russian targets, only 76 have been ordered and could represent the only immediately effective U.S. counterforce if our missiles should be thwarted.

The brawling history of the F111 is well-known, reaching back to 1962 when Robert S. McNamara, then secretary of defense, tangled with Congress over his award of a production contract to General Dynamics over the Boeing Co.

Known originally as the TFX, for Tactical Fighter Experimental, the unique design was conceived on the McNamara theory of commonality, wherein the same basic airplane would serve both Air Force and Navy and would have many common parts and systems.

The Senate permanent subcommittee on investigations, headed by Sen. John L. McClellan, D-Ark., waded into the McNamara decision and set the continuing high fashion for kicking the F111.

The airplane went into production—a modest 576 ships are funded today compared with approximately 1,700 envisioned originally—but then the swing-wing sophisticate ran into a series of upsets.

Its weight went up and the Navy used this as an escape chute to abandon its plans to use the plane. This after the assembly of seven Navy models by Grumman Aircraft.

Costs soared from a 1964 estimate of $4 million per plane to $8.7 million in January.

Three aircraft were lost in Southeast Asia in 1968 during a premature battle test of eight planes, but none was downed by enemy action.

Adding to its woes, the F111 showed deficiencies in some eight performance areas and 18 more crashes occurred.

Then there was the 1968 finding in a ground fatigue test of a weakness in the F111's box-like steel cross-structure to which the wing roots are attached—a flaw that did not affect immediate performance, but could reduce the lifetime of the plane.

Assuredly, the airplane has had its problems but there's always the other side of the coin. Its consideration in this case is called "setting the record straight" and this is how it goes:

The F111 remains the most advanced and most effective combat aircraft in America's air arsenal, a plane that would without a doubt be fighting tomorrow—problems notwithstanding—if World War III should break out.

It represents major technical advances as both a fighter-bomber and interim strategic bomber that outpoint all other aircraft in this class to marked degree.

Furthermore, the technology developed in the bomber version will be carried into the new B1 bomber of the 1980s, the swing-wing penetrator for which the Air Force will let a crucial development contract within about 10 days either to North American Rockwell here, General Dynamics, Fort Worth, or the Boeing Co.

Conventionally aerospace firms in planning their bids for plane contracts consider the potential performance of the plane they have designed, based on expected engine power, anticipated systems capability, weight limitations, and so forth.

Then, after a contract is awarded, it is traditional for the military service and the company involved to negotiate specific requirements that are somewhat relaxed from the original proposal on the basis of a wealth of details now introduced into consideration.

In the case of the F111 no such relief was forthcoming, because of the sensitive situation created by the political fight, and the company was held rigidly to the highest performance standards.

The cost of the airplane climbed from $4 million to $8.7 million per unit largely as the consequence of a reduced purchase—from the anticipated 1,700 planes to the current 516 total, all fighter-bombers except the 76 interim strategic bombers.

Costs were shoved upward also by economic spirals and calls for modifications and changes into seven different models of the swinging bird rather than just the two—Air Force and Navy—sought originally.

With the modifications and the unknowns encountered in developing the advanced plane, the weight of the F111 went from 69,000 pounds to 82,000 pounds. Nor were several other peak target values achieved.

With added weight the takeoff distance increased from 2,780 feet to 3,500, while the landing distance nudged up only slightly from 2,250 to 2,320 feet.

Ferry range dropped from the desired 4,180 nautical miles to 3,300, the combat ceiling came down from 62,300 feet to 58,000 and the maximum speed at altitude dipped slightly from mach 2.5 to mach 2.35 or approximately 1,550 m.p.h.

Acceleration also was down, at last with the initial engines, which require four minutes to pick up from 600 m.p.h. to 1,450 m.p.h. instead of 1.45 minutes. More powerful engines will go into the newer ships.

Dash radius, too, came down to 55 per cent of the desired value at 35 miles. This is the distance at which the F111 can fly at treetop level and supersonic speed (mach 1.2 or 900 m.p.h. plus) in final penetration to a target after having flown many hundreds of miles to begin its attack run.

But it must be remembered that no new and advanced combat plane delivers all the performance sought initially. Critics also should keep in mind that F111 types are not fighters in the sense of swirling dogfights and do not require extremes in climb or acceleration, for instance.

The fighter-bomber versions are designed for interdiction, to prevent an enemy from delivering resources for battlefield operations, and for strikes at enemy air fields to help assure air superiority through ground kills.

The FB111 mission is deep penetration of heavily defended enemy areas for nuclear strikes at strategic targets.

The great advantage of both types over other aircraft is the combination of their range, their bomb load and their ability to fly automatically at treetop level with terrain-following radar to streak under enemy warning nets at night and in all weather conditions, navigate precisely and strike with devastating accuracy.

Four F111s in an all-weather force, it is estimated, can deliver a bomb load equivalent to that carried by 12 conventional fighter-bombers (operating only in visual conditions) and strike autonomously at one-sixth the cost annually without an extensive array of support aircraft.

Finally, in the field of safety, it should be pointed out that the F111 has had in 52,300 flight hours less than half the accidents (18 not counting those lost in Southeast Asia) averaged by other tactical fighters in the Century series (F100 through F106 and F4) in their first 60,000 hours.

And this despite the aircraft's short takeoff and landing capability from "austere," or unimproved, fields.

The fatigue weakness found in the wing carry-through box in 1968 was eliminated and the structure successfully tested to the equivalent of 40 years of operations, or four aircraft lifetimes.

Each F111 produced to date, together with those a certain distance back on the assembly line, will be put through the most torturous ground test program ever devised for an operational aircraft. As each airplane is checked out, it will be approved for operations up to 80 per cent maximum flight stress, a job that should be completed in December.

But additional air testing will be required in 1971 to determine exact aerodynamic load distributions on the plane under all conditions before the F111 is finally cleared for all-out operations, maximum performance.

By then there should be no doubt in anyone's mind that the swingwing bird is exactly what its pilots have called it:

"One hell of an airplane!"

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## LEGISLATION TO AID U.S. MINK RANCHERS

## HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. LANGEN. Mr. Speaker, 3 years ago I introduced legislation to put some semblance of order in the Federal treatment of U.S. mink ranchers. I warned at that time that a continuation of the policy of free and unlimited imports of mink skins would lead to a further deterioration of the American mink industry. The warning went unheeded and hundreds more of our ranchers have had to cash in their chips at a time when their contributions to our smaller communities are badly needed. That is why I am again introducing a bill to amend the tariff schedules of the United States with respect to the rate of duty on whole skins of mink. This bill would not only benefit our own mink ranchers, but foreign producers would benefit as well from stable prices and markets.

This history of the American mink rancher is a commendable one. Our ranchers have assessed their own sales receipts for well over 25 years to the extent of many millions of dollars for market development. The result was the building of a worldwide demand for mink. Our ranchers became responsible, taxpaying members of their communities, contributing much on the local, State, and national levels. But this is a story very familiar to American agriculture. American farmers have, time and again, created their own markets, only to see their efforts usurped by foreign suppliers who then got on the bandwagon at the expense of our farmers.

The mink ranching problem really came to the forefront in 1959 when the U.S. Tariff Commission decided, unwisely, that duty-free and unlimited foreign imports of mink skins were not injuring the American ranchers. This policy has prevailed from that time forward and the results are alarming at the very least. With assurances that there would be no restrictions on our imports, foreign producers went into high gear, producing cheap and inferior pelts that flooded our markets.

Imports rose from 2.8 million skins in 1960 to 4.1 million in 1961. That was a percentage increase of almost 31 percent. In 1961, the American rancher, unable to generate new consumer demand for such unprecedented supplies, began tightening his belt from a price break of more than 23 percent. From that point onward domestic producers fell out of competition at the rate of several hundred each year. The situation hit another crisis point in 1966 when imports of undressed minkskins reached a peak of 5.7 million pelts. And following the disastrous 1967 pelting season, 1,000 domestic ranchers dropped out of business.

Up until 1967 there had been a continuous increase in imports. The domestic market was able to absorb these large numbers of mink pelts because of demand created by the fantastically successful advertising campaign conducted and paid for by U.S. mink ranchers. In this campaign they appealed directly to the consumer and developed a lucrative market for furrier's garments made from American raised mink sold by U.S. fur auctions.

During most of the sixties the opinion that mink was the ultimate fur along with the great affluence of the American public made it possible to absorb increasing quantities of mink at profitable levels and the image of mink remained relatively untarnished.

But in 1966 and 1967, the inevitable happened, imports captured 54 percent of the U.S. market. Even the tremendous image and desirability that had been so carefully and expensively nurtured by the American ranchers could not withstand the terrible weight of 11 million pelts imported in 2 years, especially since millions of these pelts were of low grade quality.

The result of all this has been the reduction in number of domestic mink ranchers from 7,200 in 1962 to 2,400 in 1969, with the number now estimated to be less than 2,000. The overall comparison of figures between 1959 and 1969 shows that imports have increased by about 22 percent, prices have fallen about 24 percent, ranchers have lost 11 more percentage points in a market which they originated and built, and well over 50 percent of the domestic producers have been annihilated.

Pelt prices have now reached disaster levels. After suffering the price break due to the flood of imports in 1967 the market is now further depressed by slowing business, restricted credit, and a major decline in the stock market.

It should be noted that our domestic producers are not the only ones to feel the effects of falling prices. Some foreign producers have also become disturbed over declining prices for their mink pelts. Both American and foreign ranchers would benefit from realistic controls of imports. The market would stabilize, and the increasing annual U.S. consumption of mink, shared by both, would provide an orderly expansion. But under the present, uncontrolled conditions, everyone loses, including the U.S. Government through the balance-of-payments deficit.

Under the bill I am introducing today, the imports of minkskins in future years would be limited to the average number of skins imported over the past 5 years, and would be further limited to 30 percent of the domestic consumption for any particular year. These skins would be duty free, but any quantities that exceeded those limits would be subject to a 50-percent ad valorum tax.

This bill not only enables foreign suppliers to participate in the existing U.S. market at a fair level, but would assure foreign producers to share in any expansion of the U.S. market at approximately a 30- to 70-percent ratio. That market would surely be expanded once that the foreign encroachment has been arrested. American marketing associations would then be in a strong position to go back to surviving ranchers to raise the funds necessary to rebuild the market and to stimulate exports.

Otherwise, in the not too distant future, cheap foreign mink imports will surely bring about the total eclipse of mink as a prestige fur, and thus also, eclipse the entire fur industry both at home and abroad.

I ask early consideration of this bill, so badly needed by our mink ranchers who are literally with their backs to the wall. We must maintain these people who are paying taxes, supporting local schools and merchants, and contributing substantially to the economic well-being of our Nation, States, and local communities.

A bankrupt rancher can pay no taxes, can support no payroll, can provide no market for other farmers who provide feed, or merchants who supply equipment. A bankrupt rancher leaves no incentive for his children to remain on the farm or in the community; provides no jobs for others. This Nation simply cannot stand any further deterioration of the countryside.

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## HELPING PEOPLE HELP THEMSELVES

### HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. ALEXANDER. Mr. Speaker, during a recent trip back to the First Congressional District of Arkansas, I had the opportunity to study one of our Federal programs in action and, I must say, I was most impressed. The program to which I refer is the expanded food and nutrition program.

This program, which is being operated by the Agricultural Extension Service, has now been expanded into 28 counties in Arkansas, including eight in the First Congressional District. During the short time that the program has been in operation, it has already shown dramatic results.

The expanded food and nutrition program is being operated conscientiously and efficiently and, consequently, is receiving excellent responses. During a briefing in West Memphis—Crittenden County—I was told that the eating habits of persons being helped by the program have changed dramatically through the help of nutrition aides. I also had the opportunity to visit with the 17 nutrition aides in Crittenden County and heard excited and proud reports of progress being made through their efforts.

For example, a group of people being helped by the nutrition aides were asked at the beginning to recall their diets for the previous day. Of these people, 54 percent said they had had no milk the previous day and 20 percent said they had not eaten any fruits and vegetables. Six months, later, only 28 percent said they had not had any milk the previous day and only 9 percent reported they had not eaten fruits or vegetables the previous day.

There is a problem of hunger in this country, Mr. Speaker, but I contend that the larger problem is one of malnutrition. The answer to this problem is education, the systematic teaching of proper dietary principles to large numbers of citizens in this country. This excellent program is making a good beginning in this regard, and it should receive our continued support and encouragement.

The entire theme of this program is summed up in the slogan that was before the group during the briefing I received. It said:

> Give a man a fish and you feed him for a day, teach him to fish and you feed him for a lifetime.

This is a case in which a program has the proper direction, has the dedicated enthusiasm of the persons who are operating it on the local level, and has received the gratitude of thousands of persons who have seen their diets improved during the past several months.

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## PRESIDENT'S LIBERAL OPPONENTS AND MEDIA "BAMBOOZLED" THE COUNTRY

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. BRAY. Mr. Speaker, every once in a while, amid the anti-Nixon, anti-Republican clamorings of a vast majority of the press, a refreshing voice is heard which presents the other side of a story that has been neatly packaged and presented to the American people in a biased, one-sided fashion as "the truth."

Such is the case with a recent editorial from the Indianapolis Star entitled "Who Split the Country?" Using the example of the Supreme Court nominations of Judges Carswell and Haynsworth, this editorial points out how President Nixon's liberal opponents not only demonstrated blatant regional discrimination, but then turned the situation around to blame the President and, with the help of the media, "bamboozled" the country.

So that all my colleagues may have the opportunity of hearing an unusual voice of clarity, I insert this editorial in the RECORD at this point:

WHO SPLIT THE COUNTRY?

A slick trick perfected by liberals is to pin any transgression they are nailed with on the one who nailed them.

Out of the resulting confusion they seldom fail to emerge unscathed while the one who fingered them turns out to be the culprit.

A perfect illustration of this time-tested tactic was a recent cartoon by Herblock, a liberal political caricaturist, which appeared on the Star's opposite-editorial page. Herblock pictured an ax inscribed "Administration Efforts To Divide Americans," hewing the nation along a line roughly corresponding with the Mason-Dixon Line. The caption read, "We're Thinking of Renaming It the Mason-Nixon Line."

Now what were the actual events leading up to this distortion of the facts in which artist Herblock was merely repeating in pictorial form what had already been spouted again and again?

First, President Nixon proposed Judge Clement F. Haynsworth Jr. for the Supreme Court, but the liberal-dominated Senate rejected him, declaring his judicial rulings anti-labor, anti-civil rights and influenced in some cases by conflict of interest. The judge's record did not sustain these charges but his confirmation was denied just the same.

The President's next choice, Judge G. Harrold Carswell, likewise met rejection on grounds that years earlier he had uttered anti-civil rights remarks, subsequently retracted, and that he was a mediocre jurist. The mediocrity of his judicial standing was maintained on the score that some of his decisions had been overturned by the Supreme Court—a court swayed by a liberal majority of judicial nonentities appointed in most cases because they were outspoken liberals.

Both Haynsworth and Carswell are strict Constitutional constructionists—one of President Nixon's requirements. Both are Southerners.

The day after Judge Carswell's rejection, President Nixon commented, "With yesterday's action, the Senate has said that no Southern Federal appellate judge who believes in a strict interpretation of the Constitution can be elevated to the Supreme Court.

He added, "I understand the bitter feelings of millions of Americans who live in the South about the act of regional discrimination that took place in the Senate yesterday."

Then the liberals rose in righteous indignation. Of course they hadn't engaged in regional discrimination. What next? Of course they hadn't split off the South as an inferior region. What blasphemy!

But they *had*. It was history and they couldn't duck it.

What to do? Discrimination! Oh, horrors! Not that!

Then came the wise strategist. "Relax, gentlemen. The technique is well established. We simply pin the whole thing on Nixon."

And so they did.

And pretty soon there was confusion. Who split the country? Did President Nixon do that? Well, he talked about discrimination, didn't he? And, after all, he hasn't picked another Southerner. Guess that must mean something.

Who split the country? Let's not be bamboozled by liberal trickery. The liberals split the country. That's who.

## DEDICATION OF SCHOOL FOR HANDICAPPED IN CANTON, MASS.

### HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. BURKE of Massachusetts. Mr. Speaker, may I take this opportunity to bring to the attention of the Members of the U.S. House of Representatives the news about the dedication of a $2.2 million high school for the physically handicapped children that was dedicated in Canton, Mass., yesterday afternoon. I am very proud of the accomplishments of the Massachusetts Hospital School in the town of Canton. The great work of Dr. Margaret Brayton for whom the school has been named is most impressive. I take leave to include a news item appearing in today's Boston Herald Traveler covering the ceremony:

DEDICATION IN CANTON: SCHOOL FOR HANDICAPPED

The $2.2 million high school designed to meet the needs of physically handicapped children was dedicated yesterday at the Massachusetts Hospital School, Canton.

Present, and receiving a sterling silver platter as a memento of her service, was teacher-administrator Dr. Margaret Brayton for whom the school has been named.

Also present were state and local educational and medical leaders associated with the hospital school, including Mrs. Francis W. Sargent, wife of the governor, and Dr. Alfred L. Frechette, commissioner of the state department of public health.

The one-level concrete and masonry building, is designed to allow free movement of bed-cart and wheelchair student-patients.

The 500-person capacity auditorium, where the ceremonies were held, is ramped to permit students to move up and down the aisles as well as the stage with their vehicles.

A special feature of the Brayton school is the closed-circuit television system which permits bedridden children to attend classes regularly. The system also incorporates a two-way communications system between classroom and student.

Planned to incorporate 150 students, the school includes general classrooms, two science laboratories, an economics department, a language laboratory, a music room, a library, a study hall and a student lounge, where a collation was served following the dedication.

Among the speakers at the affair was Joyce Ann Hallan, an alumnus who was graduated from Boston University with a Phi Beta Kappa, and who spoke from her wheelchair. She said self confidence was the key factor in any human's life, but especially the physically handicapped who find themselves "in a world not designed to our specifications." The MHS has provided this for students, she said, and the new school will increase the degree of it they attain.

Nils "Swede" Nelson, a trustee, made the presentation to Dr. Brayton, who has been with the school since 1929, and is director of education and training. Other speakers included Patrick Reardon, MHS campus mayor, and Dr. William P. McHugh, superintendent, who also served as master of ceremonies.

DEDICATION PARTICIPANTS

School dedication participants in Canton yesterday included Dr. Margaret M. Brayton, Mrs. Francis W. Sargent, Joyce A. Hallan and Nils "Swede" Nelson. The new high school named for Dr. Brayton, will accommodate 150 physically handicapped students at the Massachusetts Hospital School operated by the State Department of Public Health. Dr. Brayton heads the school operation; Mrs. Sargent represented the governor; Miss Hallan is a Phi Beta Kappa Boston University graduate who attended high school there; Mr. Nelson is a trustee.

## YOUNG AMERICANS SEEK PEACE WITH FREEDOM AND SUPPORT THE PRESIDENTIAL POLICIES

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. MICHEL. Mr. Speaker, I am sure that every Member has been visited by delegations of college students in recent days expressing opposition to the President's policy in regard to the war in South Vietnam and, especially, his decision to eliminate the enemy sanctuaries in Cambodia.

In listening to these students and in watching the news reports on television, as well as reading about the activities of students in the newspapers and magazines, one could get the impression that this opposition to the President was virtually a unanimous view of all college students.

Such is not the case, of course, as evidenced by a full page ad appearing in today's edition of the Washington Post. The ad, entitled "An Open Letter to 100 Senators" was paid for by the Youth Committee for Peace with Freedom, a group made up of college students and other young people not attending college who support the President and who are also opposed to the effort now underway in the other body to severely limit the President's flexibility in his endeavor to disengage ourselves from the war.

I include the full text in the RECORD at this point:

MANY YOUNG AMERICANS SEEK PEACE WITH FREEDOM AND SUPPORT THE PRESIDENT'S POLICIES

Gentlemen: Over the coming days the Senate of the United States will be passing on two legislative amendments which may be fateful for the future of our country, for the wider cause of freedom, and for the peace of the world.

We take the liberty of addressing this letter to you because as students and young citizens, we are profoundly concerned over the crisis through which our country is passing. It is a crisis which has an internal component and an external component, and the two are clearly interrelated.

XUM

Like the students who have come to visit your offices, by the hundreds and by the thousands, over the past two weeks, we fear that we may lose our country if we fail to pay adequate attention to certain pressing national priorities. But we do not share their well-intentioned isolationism, their apparent belief that they can build a beautiful America even if the rest of the world crumbles around them.

Unlike them, we fear that we can also lose our country—and lose the peace of the world in the process—if we fail in our obligations as the free world's greatest power. Indeed, so strained and delicate is the balance in the field of world affairs that single blunder by our country may be enough to open the way to catastrophe.

We believe that the Senate's passage of the Church-Cooper Amendment and/or of the McGovern-Hatfield Amendment would constitute precisely such a blunder.

The protesters who have come to Washington have argued that the Senate *must* pass the Church-Cooper Amendment and the Hatfield Amendment because the great majority of our students and the Majority of the American people support them. We think that the premise on which this contention is based is false.

A Gallup Poll taken immediately after the President's speech, showed that two-thirds of those who took a stand supported the President's action in Cambodia. That the President's action is not without important support is also evidenced from the fact that AFL–CIO President George Meany and other leading trade-unionists have also supported the President.

As for the many campus demonstrations and the large number of students who have come to Washington, we note (1) that some 2000 out of 2400 colleges have not taken part in the current protest movement, (2) that strike votes were defeated in a number of colleges and carried only by slender majorities in other colleges, and (3) that substantially more than half of our young people do not go to college and have not been affected by the campus ferment. But even if the protesters were ten times as numerous and ten times as passionate in the advocacy of their cause, this by itself would not constitute a guarantee that they were right. Public opinion can be wrong. Indeed, there have been many occasions in the history of our country and in the history of other countries when courageous leaders have had to stand up against what appeared to be an overwhelming tide of public opinion.

XUM

The supreme example of such courage in the history of our own country was provided by *President Abraham Lincoln* in the latter part of the Civil War. By the middle of 1863 there was growing agitation against the war . . . The people were weary and tired of the inconclusive bloodshed . . . There were violent anti-draft riots in New York, in which scores were shot down . . . Increasingly vicious attacks on the President began to appear in the press . . . Salmon P. Chase resigned from the Lincoln cabinet and struck up an anti-Lincoln alliance which included congressmen, businessmen, officers and the distinguished editor of the New York Tribune, Horace Greeley . . . In August 1864, the Democratic National Convention adopted a resolution which read: "After four years of failure to restore the Union by the experiment of war . . . justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities." . . . Lincoln himself was convinced that his administration would not be reelected. But he persevered in his course because he was convinced of its correctness.

In modern times Winston Churchill provided us with a sublime example of the kind of courage that is willing to swim full against the tide of public opinion. Despite the rise of Hitler, public opinion in Great Britain was predominantly pacifist and, at a later stage pro-appeasement. The spirit of the British campus was reflected in the so-called peace pledge, under which the members of the Oxford Union, by an overwhelming majority, voted to "never again bear arms for King and country." As Churchill commented: ". . . In Germany, in Russia, in Italy and Japan, the idea of a decadent Britain took deep root and swayed many calculations. Little did the foolish boys who passed the resolution dream that they were destined quite soon to conquer or fall gloriously in the ensuing war, and prove themselves the finest generation ever bred in Britain. Less excuse can be found for their elders, who had no chance of self-repudiation in action."

When Chamberlain returned from Munich with the shameful agreement he had signed with Hitler, there was no question that he had the support of the overwhelming majority of the British people—perhaps more than 90 percent of the people. The verdict of history is now in on the conflict between the Churchillian handful and the tide of British public opinion in the period preceding World War II.

In *Profiles in Courage*, our martyred President, John F. Kennedy, told the stories of a number of American Senators and American Presidents who displayed exemplary fortitude in standing up against misled majorities in Congress or against a misled public opinion. John F. Kennedy had this kind of courage himself, and he had it in abundance.

About the situation and the commitment which the Senate will be discusing over the coming days, President Kennedy had this to say in July of 1963: ". . . To withdraw from that effort (the defense of South Vietnam) would mean a collapse not only in South Vietnam, but Southeast Asia, so we are going to stay there."

This was not an isolated statement, but one in a series of many similar statements, remarkable for their consistency and continuity, going back to 1956.

If President Kennedy were alive today, there can be little question about where he would stand on the Church-Cooper Resolution, or on the McGovern-Hatfield Resolution.

Gentlemen of the Senate! We are young people, but we know enough about the history of appeasement and about the nature of Nazi and Communist totalitarianism, to be convinced that these two amendments, if they were ever approved by the United States Congress, would spell disaster both at home and abroad—not in decades to come, but in the next few years—perhaps in the immediate future.

*For those two amendments are not a formula for peace; they are—we will mince no words about it—a formula for betrayal and capitulation, and for a neo-isolationism so rigid and so blind that it makes the "Fortress America" isolationism of the thirties look like the most radical internationalism in comparison.*

The Church-Cooper Amendment not only demands that we get out of Cambodia by July 1; if rigidly interpreted, it would prevent the Administration from giving a single M16 rifle, or even a captured AK47 rifle, to the Cambodian government with which to defend itself against the North Vietnamese Communist aggression. In the eyes of the world it will be interpreted as saying that, so far as the United States Senate is concerned, the Communists can take over wherever they wish in Asia, and we will not lift a finger to assist their victims.

The McGovern-Hatfield Amendment would compound the mischief done by the Cooper-Church Amendment. By calling for the termination of all military activity in Vietnam by the end of 1970 and the withdrawal of all American forces by the end of June 30, 1971, it sets up a timetable whose excessive tempo and absolute rigidity constitute a virtual guarantee of a Communist takeover—not merely in Vietnam but throughout Southeast Asia.

In less than a year's time, the President has withdrawn 115,000 combat forces; and he has pledged the withdrawal of another 150,000 American soldiers over the next 12-month period. While ambitious, the President's timetable gives the South Vietnamese government the time it needs to take over the burden of defense in an organized manner; and it gives Southeast Asia a precious breathing space in which to organize its defenses against the further encroachment of Communist imperialism. *It is a timetable which, if Congress does not undercut it, can bring peace with freedom for Southeast Asia and peace with honor for the United States.*

The debate to date in the Senate has distressed us and made us apprehensive. We know that Senators are weary of the war, as the American people are, and that they would like to see it terminated as soon as possible. But we cannot help wondering whether those Senators who support these two amendments out of a sincere desire for peace realize that *the manner in which we withdraw from Vietnam is all-important*—that, if we withdraw with honor, we withdraw with credibility, whereas if we withdraw in humiliation and defeat there will be nothing left of our credibility.

More than one authority has made the point that it is American credibility that preserves the peace of the world. For if a time ever arrives when our allies and friends feel that they no longer trust us, and when our enemies have come to regard us as a paralyzed giant or a paper tiger, World War III would become a serious possibility. Perhaps the first point of testing would be the Middle East, where the Soviet might react to an American defeat in Southeast Asia by intervening openly to crush Israel and impose its empire throughout the Arab lands, all the way from the Indian Ocean to Gibraltar.

We also wonder whether the Senators who support the amendments truly believe that a withdrawal in defeat from Vietnam would usher in a new era of domestic tranquillity? We wonder whether they are not, at least, worried that the President might be right when he warned that such a humiliation, would produce a far more dangerous polarization in our society than the one we confront today.

Perhaps it would be better if the President had acted in greater consultation with Congress. Perhaps it would be better if there were a clearer delineation of the powers of the President and the role of Congress in the field of foreign affairs. But are the Senators who sponsor the pending amendments not at least concerned that their proposal seriously undercuts the President's authority as Commander-in-Chief at a critical juncture; that it creates a spectacle of division that can only delight and embolden our enemies; that if they push their contest with the President to its logical conclusion, they will stand responsible before history for the shattering defeat which is bound to result, and for all the tragic consequences that will flow from it?

We appeal to the Senators who have supported the President's program for withdrawal with honor from Vietnam to stand fast against the pressures—yes, and outright intimidation—that will be brought to bear on them.

We appeal to those Senators who have supported the pending amendments to reassess the relative risks of the President's course as against the course of surrender and humiliation.

We cannot at this point begin to match the massive and lavishly financed lobby which has been visiting Senate offices on a non-stop basis. The groups of the undersigned, and of other concerned young people from all parts of the country will be visiting your offices over the coming days. We hope that they will get the same respectful treatment that you have accorded to those who came before us.

### SENATOR FULBRIGHT ON THE PRESIDENTIAL POWER IN FOREIGN AFFAIRS

The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more rather than less, compelling in the decades ahead.

The dynamic forces of the 20th century—communism, fascism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our constitutional system. To cope with these forces we must be able to act quickly and decisively on the one hand, and persistently and patiently on the other . . .

The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons.

### YOUTH COMMITTEE FOR PEACE WITH FREEDOM

Coordinating Committee: Charles J. Stephens, Allen Wood, Rebecca Boyd, Neil Salonen, Barbara Mikesell, Hal Mackenzie, Dan Ferrerman, Gary Jarmin, William Wyche, Barry Serrins, and Doug Aller.

Linda Anthenien, University of California, Berkeley.
Saralinda Alexandria, University of California, Berkeley.
Edwin K. Ang, Berkeley, California.
Marie J. Ang, Berkeley, California.
Robert E. Barreiro, New York University.
Judy Barnes, Denver, Colorado.
Louise M. Berry, American University.
Kristine Bick, Lawrence University.
John Biddy, Phoenix, Arizona.
Rebecca Boyd, George Washington University.
Virginia Brennan, Rockville, Maryland.
Philip Burley, Boston, Massachusetts.
David L. Carter, Washington, D.C.
Bonnie Cathcart, Las Vegas, Nevada.
Adrin G. Coffman, Las Vegas, Nevada.
Barry D. Cohen, College Park, Maryland.
James V. Cowin, University of Pennsylvania.
Judy Culbertson, Los Angeles, California.
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George C. Edwards, Washington, D.C.
Cynthia Efaw, Washington, D.C.
Leslie D. Elliott, Berkeley, California.
Bruce D. Eho, Desert Hot Springs, California.
Daniel Fefferman, University of California, Berkeley.
George L. Fernsler, Philadelphia, Pennsylvania.
John Fitzpatrick, University of Maryland.
Justin Fleischman, University of California, Berkeley.
Gary Fleisher, Los Angeles, California.
George Franklin, Wheaton, Maryland.
Gaynell Frizzell, Berkeley, California.
Marshall B. Frontingham, Washington, D.C.
Vera Gatlin, Dallas, Texas.
John L. Harris, New Haven, Connecticut.
Regis Hanna, University of Maryland School of Social Work.
Roger Hellman, University of California, Berkeley.
David Hess, Washington, D.C.
Richard Hunter, University of Maryland.
Ronald Humberd, Isla Vista, California.
Helen Irland, University of California, Berkeley.
Carol Jaquith, Silver Spring, Maryland.
Gary Jarmin, Los Angeles, California.
Roy Wharton, Georgetown University.
Andre V. Starrett.
Linda Jarmin, UCLA.
John Jehle, American University.
Travis Jones, Washington, D.C.
Farley Jones, Washington, D.C.
Marilyn J. Kay, Los Angeles, California.
Theresa Klein, Washington, D.C.
Jack Korthuis, Las Vegas, Nevada.
Linda Marchant, American University.
Nora S. Martin, Kansas City, Missouri.
Lisa Martinez, Los Angeles, California.
Giovanna Mathis, St. Louis, Missouri.
Hal McKenzie, New Haven, Connecticut.
Barbara Mikesell, CCNY.
Susan Miller, Los Angeles, California.
Wilma Miller, Los Angeles, California.
Barbara Newman, New York, New York.
Elizabeth O'Neill, New York, New York.
Sylvia J. Norton, Golden, Colorado.
Robert F. Oswald, Creve Coeur, Missouri.
Orah Pope, University of Maryland.
Ann Rantovich, Wheaton, Maryland.
Carl Rapkins, Buffalo, New York.
Emma Reed, Hollywood, California.
Michael Richardson, University of California, Berkeley.
Robert Rogers, University of Maryland.
Michael Roth, Los Angeles, California.
Steven Schatz, Silver Spring, Maryland.
Joseph Sheftick, Los Angeles, California.
Nanette Semha, New York Institute of Art.
Wesley Samuel, New York, New York.
Dale Smith, New York, New York.
Jon Schuhart, Los Angeles, California.
Neil Albert Salonen, Denver, Colorado.
Anne Smith, University of Maryland School of Social Work.
Barbara Snell, Rockville, Maryland.
Richard Snell, Wheaton, Maryland.
Hugh Spurgin, Washington, D.C.
David Stadelhofer, University of California, Berkeley.
Shirley Stadelhofer, Berkeley, California.
Norman Strattan, Los Angeles, California.
Jeffrey Tallakson, University of California, Berkeley.
Alice Van Dyke, Denver, Colorado.
Martha Vertreace, Chicago, Illinois.
Blandina Watson, Los Angeles, California.
James Weeks, University of Maryland.
Noonie Baker, Philadelphia, Pennsylvania.
Susan Barnett, Miami, Florida.
Dee Beckner, Kansas City, Missouri.
Gene Bennett, Denver, Colorado.
David Charnow, Washington, D.C.
Adam Chornesky, Washington, D.C.
Dennis Cormier, New York, New York.
Stephen Deddins, Lemay, Missouri.
Joan Doffman, Philadelphia, Pennsylvania.
David Flores, Colorado Springs, Colorado.
Diane Frink, Colorado Springs, Colorado.
Anne Johnson, Washington, D.C.
Mary Ellen Holmes, Washington, D.C.
Susan Hughes, Oakland, California.
Carole Johnson, St. Louis, Missouri.
Carolyn Libertini, University of Maryland.
Julie Lewis, Washington, D.C.
Sara Mazumdar, Washington, D.C.
Glenda Moody, Washington, D.C.
Wayne Miller, University of Rochester.
Peter Mullen, Washington, D.C.
Galen Pumphrey, Golden, Colorado.
Sandra Singleton, Washington, D.C.
Margie Stahon, Washington, D.C.
Joseph Stein, University of Rochester.
Fred Stock, St. Louis, Missouri.
Richard Woodard, Washington, D.C.
Louis E. Stephens, Jr., Los Angeles, California.
William Wyche, Colorado College.
Mark Whitman, Berkeley, California.
Thomas F. Flood III, Granite Springs, New York.
Neil Winterbottom, University of Maryland.
Charles M. Wright, Los Angeles, California.
Ray Barlow, Phoenix, Arizona.

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## WILL PROTESTING BECOME A CAREER?

## HON. WILLIAM LLOYD SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. SCOTT. Mr. Speaker, Ed Grimsley, one of the feature writers in the Richmond Times-Dispatch, a daily newspaper serving my congressional district, has written an interesting column entitled, "Will Protesting Become a Career?"

The column discusses a serious subject in a light vein but does raise the question of whether there is a trend toward protesting for protest sake.

I believe the membership would enjoy reading what Mr. Grimsley has to say and it is set forth in full below:

[From the Richmond Times-Dispatch, May 15, 1970]

### WILL PROTESTING BECOME A CAREER?

(By Ed Grimsley)

In an effort to predict what might happen if current campus trends continue, I have tried to imagine a scene in the year 2010 when a census taker questions a man to obtain personal information:

"Let's start with your age," says the census taker. "How old are you?"

"Sixty."

"And I suppose you're retired?"

"Oh, no."

"Where do you work and what do you do?"

"I don't work. I'm a college student."

"At age 60? What are you? A junior? Senior?"

"I'm not sure. I think I'm a rising junior, but I'd have to check that out. Things have been a little confusing."

"I see. How long have you been a college student?"

"Forty-two years."

"What?"

"Forty-two years. Started when I was 18."

"Why is it taking you so long to finish?"

"Well, you see I'm extremely socially concerned about my fellow man and so forth. When I was a freshman at the University of Virginia, back in the spring of 1970, I became upset about the war in Southeast Asia. I joined a group of students in a strike, and the college let us drop out of school to protest.

"We were supposed to make up any work we missed the next fall, but I was delayed by another student strike. I think it was to protest plans to send another mission to the moon, but I'm not sure. All the protests I've been in sort of run together in my mind.

"Anyway, when I finally did return to classes, somebody suggested we were not do-

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ing enough to improve the environment. So I helped organize a massive strike against pollution.

"Somebody figured that if the more than 2,000 senior colleges in the country closed for an entire year, hundreds of millions of dollars ordinarily spent on higher education could be spent instead on environmental improvement programs. And college students could spend the year walking around the country picking up cans and bottles and participating in other programs to fight pollution.

"As my contribution, I spent one whole winter in Fort Lauderdale, walking up and down the beach wearing a shirt with a slogan saying: 'Save our Environment'. And I'll have you know that I was careful never to leave an empty beer can on the beach."

"Well, at the end of that year, I went back to Charlottesville. But the day I walked onto the campus, I met a band of students walking off. They were yelling, 'Strike!' and I turned around and went with them."

"That was good of you," says the census taker.

"What were they striking about?"

"Nobody seemed to know. But a true revolutionary humanitarian never let ignorance of a cause stop him supporting it.

"At any rate, when that strike ended, I joined another. Then another and another, and so on through the years, and I've always been behind in my classes."

"I suppose you've had a tough time supporting yourself—working at odd jobs here and there?"

"No, my father, who is eighty-four, is still supporting me. You see, when I was a freshman and participated in my first strike, my dear old dad patted me on the head and told me he respected my right to dissent, and he's been giving me money ever since. Of course, if I had had to work all these years, I couldn't have done a thing for humanity. I had a friend whose father cut off his money when he took part in his first demonstration, and he had to get a job to help pay his way through college. The last I heard of him he was a heart surgeon. Terrible, isn't it?"

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## CONTRIBUTIONS RESULTING FROM THE WATER RESOURCE DEVELOPMENT PROJECTS OF THE ARMY CORPS OF ENGINEERS

### HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. FALLON. Mr. Speaker, as chairman of the Committee on Public Works, I am proud to note the contribution to the Nation's outdoor water recreation opportunities which has resulted from the water resources development projects of the Army Corps of Engineers—projects which the committee has recommended and which the Congress has authorized. These projects have created vast expanses of water areas and many miles of shoreline. Corps of Engineers' reservoirs alone store nearly one-quarter billion acre-feet of water, which provides an enormous potential for outdoor recreation.

The enthusiastic manner in which the American people have utilized the recreation facilities which the Congress of the United States has authorized as part of Corps of Engineers reservoir projects is indicated by the substantial year-by-year increases in attendance figures:

| | *Million* |
|---|---|
| 1960 | 109 |
| 1961 | 120 |
| 1962 | 127 |
| 1963 | 147 |
| 1964 | 156 |
| 1965 | 169 |
| 1966 | 194 |
| 1967 | 204 |
| 1968 | 227.5 |
| 1969 | 254.7 |

These figures include only the attendance at major lakes. Recreational use of small-boat harbors, marinas, canals, and other waterways provided by the Corps of Engineers has not been estimated, but is believed to be at least equally great.

Parks and water-related recreation facilities are available at 267 manmade lakes operated by the Army Corps of Engineers throughout the United States. Available to the public are picnic grounds, tent and transient trailer spaces, parking areas, swimming beaches, boat-launching lanes, sanitary facilities, foot trails, and rental boats. Roads, parking areas, water supply, and other basic facilities are generally provided by the Federal Government, while State and local governments and private concessionaries are encouraged to further develop the areas for use by the general public. As an overall average, non-Federal interest in the past have invested more than $2 for every $1 of Federal investment in park and recreation facilities.

At this point, I insert in the RECORD a release concerning attendance at Corps recreation areas recently put out by the Chief of Engineers:

VISITS TO ARMY ENGINEERS LAKES EXCEED QUARTER BILLION

Recreation visits to 189 Army Corps of Engineers lakes last year exceeded a quarter-billion for the first time—an increase of 10.5 percent over 1968. Last year's visits totalled 254,747,730 compared to 227,463,350 in 1968.

Topping last year's list of 14 projects where visits exceeded 3 million was Lake Sidney Lanier, formed by Buford Dam on the Chattahooche River in Georgia, with nearly 11 million visits.

An additional 28 lakes each recorded more than 2 million visits and 35 others each topped 1 million visits.

Although the primary purposes of the man-made lakes and navigation pools built by the Corps are for other than recreation, the projects have become the Nation's most popular and heaviest visited recreation areas.

Boating and sport fishing—more than 1 million pounds of fish were caught at each of 12 lakes in 1969—are the most popular attractions at the reservoirs and waterways. However, most of the lakes provide picnic areas and camp sites for tents and trailers.

THE 10 PROJECTS WITH HIGHEST ATTENDANCE, 1969

| | |
|---|---|
| Buford Dam-Lake Sidney Lanier, Chattahooche River, Ga | 10,954,200 |
| Denison Dam-Lake Texoma, Tex.-Okla | 9,073,300 |
| Allatoona Reservoir, Etowah River, Ga | 6,242,300 |
| Lake Cumberland (Wolk Creek Dam) Cumberland River Ky | 5,139,600 |
| Old Hickory Lock and Dam, Cumberland River, Tenn | 5,002,300 |
| Ferrells Bridge Dam and Reservoir Lake O' The Pines, Cypress, Tex | 4,919,454 |
| Table Rock Reservoir (White River) Mo.-Ark | 4,876,800 |
| Hartwell Reservoir, Savannah River, Ga.-S.C | 4,826,400 |
| J. Percy Priest Reservoir, Stones River, Tenn | 4,818,500 |
| Clark Hill Reservoir, Savannah River, S.C.-Ga | 3,722,400 |

OTHER PROJECTS WITH ATTENDANCE IN EXCESS OF 2 MILLION, 1969

| | |
|---|---|
| Somerville Reservoir, Yegua Creek, Tex | 3,690,600 |
| Lavon Reservoir, East Fork of Trinity Creek, Tex | 3,171,800 |
| Bull Shoals Reservoir, White River, Ark.-Mo | 3,156,800 |
| Whitney Reservoir, Vrazos River, Tex | 3,030,000 |
| Walter F. George Lock & Dam, Chatahoochee River, Ga.-Ala | 2,869,700 |
| Barkley Dam & Lake Barkley, Cumberland River, Ky.-Tenn | 2,832,400 |
| Eufaula Reservoir, Canadian River, Okla | 2,766,400 |
| Black Warrior, Warrior, Tombigbee Ls & Dams, Ala | 2,745,800 |
| Lock and Dam No. 26, Mo.-Ill | 2,684,700 |
| Fort Gibson Reservoir, Grand River, Okla | 2,671,900 |
| John H. Kerr Reservoir, Roanoke River, Va.-N.C | 2,666,700 |
| Carlyle Reservoir, Kaskaskia River, Ill | 2,590,477 |
| West Fork, Mill Creek Reservoir, Ohio | 2,590,300 |
| Texarkana Reservoir, Sulphur River, Tex | 2,515,869 |
| Benbrook Reservoir, Clear Fork of Trinity River, Tex | 2,425,400 |
| Lewisville Dam, Garza-Little Elm Reservoir, Tex | 2,408,000 |
| Blakely Mountain Reservoir Lake Ouachita), Ouachita River, Ark | 2,403,600 |
| Sepulveda Reservoir, Los Angeles River, Calif | 3,338,853 |
| Grenada Reservoir, Yalobusha River, Miss | 2,329,900 |
| Gavins Point Rec., Lewis & Clark Lake, Mo. River, S.D.-Nebr | 2,319,100 |
| Center Hill Reservoir, Caney Fork River, Tenn | 2,289,600 |
| Oahe Reservoir, Missouri River, S.D.-N.D | 2,281,365 |
| Lake Okeechobee, Fla | 2,279,100 |
| Kinzua (Allegheny River) Reservoir, Pa.-N.Y | 2,278,600 |
| Grapevine Reservoir, Denton Creek, Tex | 2,266,600 |
| Sardis Reservoir, Lake Tallahatchie, Miss | 2,255,700 |
| Sam Rayburn Reservoir, Neches River, Tex | 2,218,600 |
| Greers Ferry Reservoir, Little Red River, Ark | 2,207,000 |
| Keystone Reservoir, Arkansas River, Okla | 2,152,200 |
| Jim Woodruff Reservoir, Lake Seminole, Chattahoochee River, Fla | 2,100,000 |
| Norfolk Reservoir, North Fork River, Ark.-Mo | 2,099,500 |
| Beaver Reservoir, White River, Ark | 2,040,900 |

## LEO "TAR" PAULIN TELLS IT LIKE IT IS

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. TEAGUE of Texas. Mr. Speaker, in the May 13 edition of a Montgomery County Md., suburban newspaper, the Advertiser, the editorial written by Mr. Leo "Tar" Paulin is must reading for everyone. I do not know Mr. Paulin, but he has certainly covered our present ills and responded to them in a brilliant way. Under leave to extend my remarks in the RECORD, I include his editorial:

### I COVER SUBURBIA

By Leo "Tar" Paulin

The Sorry Alternative—Depending on which of the apologetic TV commentators you viewed on Saturday there were 60,000, 100,000 and as many as 200,000 so-called peace demonstrators gathered under the hot sun of the Washington Ellipse last Saturday.

They left tons of litter behind, they shouted obscenities. Some of them frolicked in the nude in the Lincoln Memorial Reflecting Pool, giving others a better show than "I Am Curious-Yellow." Some smoked pot, and the mob urged mass sodomy on the person of President Richard M. Nixon. They saw, and some listened to, a girl introduced as Jane Fonda although she was not recognized immediately because she had her clothes on. This genteel lady perhaps set the theme for the entire day with her parting shout, "FTA."

They listened to the likes of David Dellinger and Rennie Davis, known communists. They tolerated the waving of the Viet Cong banner and they protested not against the American Flag hanging upside down. They had quite a day these young people from across the nation. Most of them, I'm sure, have a sincere desire for peace, as sincere and as passionate as the peace desire of the President and all of us "middle people."

Some of course were there for the lark. Others were not quite sure why they attended. A young lab technician who drew blood from my arm for a test yesterday morning told me she had attended. I ask her why. "I went to help end the war," she answered.

"How?" I pressed as she jabbed the needle into my arm. "Oh, I don't know, I just want it to end."

"Do you know anything about Dellinger and Davis?"

"No, who are they?"

Another girl, employed by us, also went to the big demonstration. "Why did you go?" I asked. "I just wanted to be on the scene. But I support the president."

Yesterday I had lunch with a woman who is advertising director for a large retail chain. She told me of her own 16 year old son who wanted to become involved. The family lives in Virginia. Her son announced on Friday that he was headed for the Monument Grounds to do his part to stop the war.

"Great," said his Mom, "I'll drive you."

"No, no! Mother," the boy answered. "It is too dangerous for you to drive there at night."

"You're right," agreed the woman. "Here, take this," she handed him a $10 bill, "and get yourself a cab." Then she added. "But if you get into trouble don't call me. You're on your own."

Both puzzled and perturbed by his Mother's attitude he protested. "But what if it isn't my fault?"

"When you go out that door, Son, it is your fault."

They had dinner and the lad went upstairs, presumably to get ready for his thing. Sometime later he came down all dressed and polished. He handed the ten spot back to his Mother.

Now it was his Mother's turn to be surprised. "How come?" she questioned.

"Aw, I went and took a shower, I'm all clean, I can't mix with that crowd."

I get a strong feeling that with the exception of Dellinger, Davis and their ilk, whose sympathies seem to be more with the enemy than with their own country, the masses there Saturday were not gathered in the spirit of the Holy Grail. Most certainly their frolicking, their protestations, their obscenities, and their indifference to the President's conciliatory attitude didn't change the course of our policy in Viet Nam or Cambodia. It didn't help the poor nor did it ease racial tensions. It offered no solutions to the conflict except abject surrender thus turning the people of the involved countries over to the proven ruthlessness of the communists.

If the demonstration accomplished anything it did serve to further polarize the nation. And it did say that the government should relinquish its responsibilities in foreign policy and place them in the hands of college students aided and abetted by the Communist agitators.

Freedom of expression is a beautiful ingredient of our capitalistic form of government. I am glad the demonstrators were permitted to do their thing in the nation's capital. I only regret they lacked the sagacity to direct their vitriol to those who are really responsible for the prolongation of the war—the men who rule from Hanoi.

President Nixon has made tremendous progress in resolving our dilemma in that faraway world. He has decreased our involvement to the extent of 115,000 men. His move into Cambodia will assure the return of many thousands more. And you wonder why the protestors and some members of Congress, including our own Senator McC. Mathias, are so exercised over this move. The communists have occupied their sanctuaries in Cambodia for five years. Where are the anguished outcries over that violation of Cambodia's neutrality? One is almost tempted to ask. "Who's side are they on?"

But with it all let's not write off our young people. They have problems and frustrations. They are the victims of our affluent society. They have had it passed to them on a silver platter. They have been taught the Ten Commandments but they look about them and discover the adults of their society flaunt them with crass arrogance.

We hear much of generation gaps. But in reality the gap is largely imaginary. The young ones are breaking laws and defying authority just as are the adults. Witness the many members of Congress who embark on phoney junkets that's stealing from the people as positively as the hood who sticks a gun in your ribs and takes your wallet. The result is the same, only the method is different. Witness a large segment of used car dealers who turn back the speedometer. That's stealing also.

Witness the business and professional community who bilks the government out of billions in legitimate taxes. That's stealing. Witness the business giants who defy anti-trust laws through various devious dodges; example: the major newspaper manufacturers for years have raised the cost of newsprint at the same time and at the same rate. The polite name for the practice is collusion.

Witness the labor leaders who steal from their membership and take kickbacks from the employers. Witness the employee who steals time and materials from the employer. Witness the degeneration of morals in nearly all phases of communications and entertainment. Witness the disappearance of gentility in the world.

Small wonder there is unrest among our young people. They have been nurtured in permissiveness; they have not been forced into competitive situations to steel them for the battles of every day life. They are unsure and lack purpose and direction. And with it all the younger generation is an astounding noble group. In spite of all the forces seeking to tear down our traditional codes of behavior the vast majority of them are fine youngsters who will, I'm confident, mold the future into a better society.

The alternative, that, offered by the speakers last Saturday—burn our universities, tear down our government, paralyze our economy is a most sorry alternative.

In spite of all our shortcomings, the duplicity of our adults in high and low places, in spite of all the immorality and dishonesty in the world, this country is making progress to a better world. And that older generation that holds the reins today has made fantastic progress towards the very objectives expressed by so many of the younger generation.

Let me quote at length from an address by Eric A. Walker, president of The Pennsylvania State University. Its title is: "Charge to Graduates."

"This ceremony marks the completion of an important phase of your life. It is an occasion in which all who know you can share in your sense of pride and accomplishment. But no one has more pride in your accomplishment than the older generation. But I am not going to tell that older generation how bright you are. Nor am I going to say we have made a mess of things and you—the younger one—are the hope of mankind. I would like to reverse that process. For if you of the graduating class will look over into the bleachers to your left or right. I will re-introduce you to representatives of some of the most remarkable people ever to walk the earth. People you might want to thank on this graduation day. These are people you already know—your parents and grandparents. And, if you will bear with me for five minutes, I think you will agree that a remarkable people they are indeed. Let me tell you about them.

"Not long ago an educator from Northwestern University by the name of Bergen Evans, a radio performer known to your parents, got together some facts about these two generations—your parents and grandparents. I'd like to share some of these facts with you.

"These—your parents and grandparents—are the people who within just five decades—1919–1969—have by their work increased your life expectancy by approximately 50 percent—who while cutting the working day by a third, have more than doubled per capita output.

"These are the people who have given you a healthier world than they found. And because of this, you no longer have to fear epidemics of flu, typhus, diptheria, smallpox, scarlet fever, measles or mumps that they knew in their youth. And the dreaded polio is no longer a medical factor, while TB is almost unheard of.

"Let me remind you that these remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had.

"Because they gave you the best, you are the tallest, healthiest, brightest, and probably best looking generation to inhabit the land.

"And because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition.

"These are also the people who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who when it was all over had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And

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these are the people who had the sense to begin the United Nations.

"It was representatives of these two generations who through the highest court of the land fought racial discrimination at every turn to begin a new era in civil rights.

"They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy few.

"And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation new meaning and setting aside land for you and your children to enjoy for generations to come.

"They also hold the dubious record for paying taxes—although you will probably exceed them in this.

"While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And, if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

"It is my hope, and I know the hope of these two generations, that you find the answers to many of these problems that plague mankind.

"But it won't be easy. And you won't do it by negative thoughts, nor by tearing down or belittling. You may and can do it by hard work, humility, hope, and faith in mankind. Try it."

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## TAX-FREE FOUNDATIONS SEEK MORE SPECIAL PRIVILEGES

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. RARICK. Mr. Speaker, a new commission—probably tax free—has urged more governmental loopholes to increase tax-free wealth for the foundations.

The committee should appropriately be called the John D. Rockefeller III Blue Ribbon Committee. They apparently consider their charitable progress not accomplished until violence and riots have completely destroyed the country.

No longer is there a need to explain their research and educational grants—they are demonstrable—burning all around us.

Mr. Speaker, I include a Los Angeles Times news clipping with my remarks:

#### PANEL URGES NEW TAX INCENTIVES FOR FOUNDATIONS

(By Bryce Nelson)

CHICAGO.—A national blue-ribbon commission has urged governmental tax incentives to give foundations new sources of funds so that they could avoid "the charitable crisis of the 1970s."

The Commission on Foundations and Private Philanthropy also urged that all foundations publish annual reports and that every foundation should be audited at least once by the Internal Revenue Service in the next three years to clear away "the air of the illicit that has settled on foundations generally."

The commission estimated that there were more than 22,000 foundations in the United States and that only 36 per cent of these have been audited by federal or state tax officials in the last 10 years.

The commission said that "a substantial portion of foundations pay out a very small per cent of their asset values." It reported that 47 per cent of foundations paid out less than 6 per cent of their asset values annually and that 17 per cent of foundations paid out less than 1 per cent of the value of their assets.

"The foundations in question clearly are not providing an adequate payout to society in return for the tax deductions society has given their donors," the commission concluded.

The commission was formed in late 1968 on the initiative of John D. Rockefeller III to provide an independent appraisal of American philanthropy and foundations. Its chairman is Peter G. Peterson, chairman of the board of Bell & Howell Co.

The commission said that the Nixon administration should ask a group of experts to propose new tax incentives to promote philanthropy for consideration by Congress in 1971. It also suggested a quasi-governmental, continuing advisory board on philanthropic policy composed of private members "to replace the haphazard development of government policy toward philanthropy and charitable organizations."

The creation of better tax incentives would help make philanthropy less elitist, the commission argued, and would help provide sorely needed foundations in areas of the country other than the Northeast.

The commission dismissed allegations that foundations give excessive amounts of money for international purposes, for individuals or for voter registration campaigns. Such charges have often been made in Congress during past years.

The commission stated that only 9 per cent of foundation grants went for international purposes and that only one-tenth of 1 percent of foundation grants went to voter registration and education activities. Of the grants going to individuals, the commission said most were for research and scholarship and "only a very tiny fraction were for travel-study grants."

## SLOBS SPOIL IT AGAIN

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. DERWINSKI. Mr. Speaker, the Worth-Palos, Ill., Reporter is a community newspaper noted for its spirited editorial page columns dealing with national as well as community interests.

In a Reporter article Thursday, May 14, columnist Pat Bouchard discusses the incident involving a teenage coffee house in Chicago Ridge. The dilemma of complications which brought this about reflect, I am sure, the behavior problems of young teenage groups which have occurred throughout the country.

The article follows:

#### SLOBS SPOIL IT AGAIN

(By Pat Bouchard)

The teen canteen, or coffee house, in Chicago Ridge is closing again.

This is sad news for most of the teens in Worth and Chicago Ridge who had found a place to go on Friday nights to dance, talk, eat pizza and drink pop.

It is not closing down for a lack of interest on the part of the kids, the clergy, or parents. It is not closing down for a lack of a meeting place or enough chaperones. It is closing due to the apparent uncontrollable anti-social behavior of a few "rotten apples" who eagerly soured the whole barrel for the rest of the teens.

Because of a few malcontents who have showed up at the canteen and inflicted their self-destructive attitudes and irresponsible behavior on the adult chaperones and kids as well, the kids are losing a fun place. Young people who have no respect for themselves or each other, if one judges by their actions, who must prove their "manhood" by having infantile tantrums and screaming obscenities at the chaperones, threatening physical violence (to male and female alike) have spoiled a social meeting ground for their fellow teens.

What is the answer? Everyone agrees that those teens who can conduct themselves decently should not be penalized for the actions of a few overbearing punks.

We feel the kids must solve this one among themselves. They must set up some reasonable rules of behavior and then must enforce these rules themselves. Chaperones are always a necessary evil; but we feel that teens will cooperate more with their peers, if their peers show that unacceptable behavior means ostracism.

So come one kids—if you are really interested in having a canteen show the adults that you know how to run one. Set up the rules and show that you can enforce them and the adults will back you 100 per cent.

## ALCOHOLISM—LET US HELP THEM

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. COLLINS. Mr. Speaker, as I turned through my Sunday Dallas Morning News, I was impressed with a stimulating article on drinking. It had a byline of Abe Pivowitz, and the newspaper headlined across the entire page "For Millions of Women, Hitting the Bottle Means Hitting Bottom."

One of the greatest services of our preachers is the silent but effective work they do in bringing alcoholics back into society. Alcoholics need a friend they can trust. And above all, alcoholics need someone who can lead them to God and teach them the power of prayer.

We all appreciate the fine work of Alcoholics Anonymous. They have helped the lost to find their way back. To AA, the pastors in our neighborhood church, and to all who are giving a helping hand—America says thank you, because we have a big job ahead.

Here is this provocative story:

### FOR MILLIONS OF WOMEN, HITTING THE BOTTLE MEANS HITTING BOTTOM

"I waved at my son and he waved back, until I passed out drunk in the grandstand," Joan, 37, a shapely housewife told an Alcoholics Anonymous meeting here.

"Mom," my son said afterwards, "I don't ever want you to see me play football again."

Joan hesitated for a moment. She looked at her intent audience. They nodded encouragingly.

"That was my bottom," she said softly. "I joined AA. I started living when I stopped crying and started trying."

They understood.

Each of the women present had had her own bottom on the road back from "bottled hell." Each listened and identified with Joan and deep down their thoughts were of their own bitter, unhappy, destructive past.

They too had their stories. Their actions while drunk were tragic:

"I wrapped my car around a tree and landed in the hospital with a fractured skull."

"I battered my child against the wall in a fit of rage."

"I took an overdose of sleeping pills and slashed my wrists in a state of depression."

"I was caught shoplifting and landed in jail."

"I burned down my house while dozing with a cigarette and a cocktail glass in my hand."

Most had started drinking in their teens, had alcoholic parents and were insecure, fearful, bored, lonely and unable to communicate. They drank compulsively to cope with difficult situations, they said, and to relieve anxiety, tension and inner fears.

"I felt terribly guilty and full of remorse," said a 27-year-old television actress, mother of two children. "I was going crazy, but I couldn't control myself. I started to have the shakes. I hit bottom when my maid caught me sneaking a morning drink in the bedroom. I felt ashamed and degraded. I called AA. Here I am. I saved my marriage, I haven't touched a drop in eight months."

Of the 80 million people in the United States who drink alcoholic beverages—beer, wine, whiskey, liqueurs—from six to nine million are alcoholics in desperate need of help. Approximately one-third to one-half of these are women. They cross a strata of society and directly affect 30 million family members, friends, employers, colleagues and neighbors. Only about 3 per cent are Skid Row types.

Says Dr. Roger O. Egeberg, assistant secretary for health and scientific affairs of the U.S. Department of Health, Education and Welfare: "Alcoholism is the number one health problem in the nation. It ranks with heart disease, mental illness and cancer as the top cause of illness."

According to the National Council on Alcoholism, a leading voluntary agency with more than 80 affiliates throughout the nation, alcoholism "makes a person more susceptible to such chronic diseases as cirrhosis of the liver, diabetes, emphysema, gout, high blood pressure and heart attack." Alcohol accounts for "50 per cent of all first admissions to mental hospitals," and for an enormous amount of social evils, from automobile accidents to divorce to assaults.

Alcoholics are not "bad," or immoral say medical specialists. "They are just sick." Everyone agrees the stigma is greater for an alcoholic woman. She is "the heart of the home."

"Many of these women," emphasizes Dr. Stanley E. Gitlow, associate clinical professor of medicine at the Mt. Sinai Medical School here, "are hidden alcoholics and secret drinkers, unaware of the fact that their lives had become unmanageable because of alcohol. They draw the drapes when their husbands leave for work and start drinking."

"The earlier you recognize the signs," says Mrs. Marty Mann, founder and consultant to the National Council on Alcoholism and a noted authority in the field, "the earlier you can stop the terrible physical, emotional and financial damage." She adds: "It isn't necessary to 'fall in the gutter' before you stop drinking. Just watch for the signs." According to the Department of Health, Education, and Welfare's National Center for Prevention and Control of Alcoholism, the following are some of the warning signals:

Need to drink before facing certain situations.

Frequent drinking sprees.

Progressive increase in consumption of alcohol.

Solitary drinking.

Monday-morning absenteeism.

Frequent disputes about drinking.

Blackouts or loss of memory.

Says the NCPCA: "An individual may probably be considered an alcoholic if he continues to drink even though his drinking consistently causes headaches, gastric distress, hangover or consistently causes trouble with wife, employer or police."

There are approximately 425,000 members of Alcoholics Anonymous in 15,000 groups in 90 countries. Other organizations helping the alcoholic include Al-Anon, for spouses and members of the family; Alateen, for 13 to 20-year-old sons and daughters of alcoholic parents; the National Council on Alcoholism, state municipal and community clinics, church, employer and various social agencies.

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## WALTER REUTHER

### HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 11, 1970*

Mr. ZABLOCKI. Mr. Speaker, I join with my colleagues in Congress today in paying tribute to an outstanding American and a real leader among men, Mr. Walter Reuther.

As a labor leader, Walter Reuther displayed a shrewdness and a driving determination which won him the respect of all those who knew him. His skill and dedication were invaluable in labor victories which improved the lot of the workingman in this country.

Indeed, it is apparent that the achievements of this man have made the United States a better place for all of us.

As great as they may have been, the accomplishments of Walter Reuther extend far beyond the labor field. Reuther was also a leader in forming the social conscience of this country. When lesser men protected their own interests or spoke timidly of what could be done, Reuther demanded the action necessary to bring the social justice which was so often lacking in our economy.

For this, we are especially indebted to him.

Because the times demand the leadership of such a man today perhaps more than ever, the strong leadership of Walter Reuther will be sorely missed by all of us. Nonetheless, in these times, we will remember his example and the unfinished work he left behind.

To his loved ones goes our sincere sympathy.

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## THE AMERICAN FARMER—CONSERVATIONIST PAR EXCELLENCE

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. OBEY. Mr. Speaker, at a time when the protection of our environment is uppermost in many of our minds, from the President on down, I think we should pay our respects to one group of individuals which has been deeply involved in the conservation of our resources for many years—the American farmer.

A recent article in the Wausau Daily Record-Herald indicates, for example, that in the State of Wisconsin farmers have been spending over $5 million per year in out-of-pocket costs for the reduction and prevention of pollution. Even with their limited incomes, our farmers still invest 5 to 10 percent of their profits in soil and water conservation. They install drainage structures to capture and carry off the water safely and to prevent silt and fertilizer contamination of our streams.

In short, Mr. Speaker, the farmer has respect for his land, and he has not been stingy in his efforts to preserve it. More than that, he has replaced rhetoric about our environment with action, to an extent most of us would do well to imitate.

Unfortunately, the farmer's ability to preserve and conserve our water and land resources may be seriously hampered if the President's 1971 budget becomes law.

That budget calls for the elimination of the agricultural conservation program—ACP—and provides no authorization to place additional acreage in the cropland adjustment program—CAP. These two programs have as their objectives the restoration and improvement of soil fertility, the reduction of erosion caused by wind and water and the diversion of land from the production of unneeded crops to uses that will promote the development and conservation of our soil, water, forest, wildlife, and recreational resources.

Mr. Speaker, I totally disagree with the decision to discontinue these programs. Furthermore, I cannot understand how the President can gut these land and water conservation programs in his budget, and at the same time, call in his message on the environment for more programs which would provide for the reforestation and increased use of farmland for recreational purposes.

Words cannot do a job that only adequate programs and funding can. Let us give the farmers the tools they have so effectively used in the past to conserve our environment by giving them the

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funds they need for the ACP and CAP programs.

The above-mentioned Record-Herald article follows:

### Farmers Leading Pollution Fight

(By Peter Laszewski)

The rural American businessman, more commonly known as the farmer, has been spending more in the fight against pollution than his city cousin.

In Wisconsin, records show that he has been spending over $5 million annually in out-of-the-pocket costs for the reduction and prevention of pollution. Even here in Marathon County the farmers have been investing about $250,000 annually on their land.

The farmer has been installing drainage structures such as sod waterways, ditches, terraces and stripcropping to capture and carry off the water safely so that there will be a reduction of silt and fertilizer entering our streams. He has been installing ponds in draws to capture and slow down the velocity of the rain waters at flood times. This enables the silt to settle before the water enters our streams and rivers. This businessman invests in his stream banks by hauling in riprapping, seeding and fencing the area from cattle. Needless to say these practices and many more reduce erosion and erosion and pollution are one and the same.

It is common to see farmers who net between $4,000 to $8,000 per year to spend five to 10 per cent of their profits back on their land for soil and water conservation each year. It is understandable why the farmer has been doing so much more for the care of soil and water. He is the caretaker or steward of every acre of soil, every spring or stream, each tree within his fence line. He realizes his very livelihood depends on this care. Unlike the urban person, he is more personally involved with nature, water and soil. He would not be a farmer long if he didn't have this sense of care.

Of course the fight against pollution is a never ending one. Much has been done by the rural American in the past 40 years and much more remains to be done especially by those of us who live in the cities.

As a society, because of our complacency in matters concerning pollution, we will probably live to see the day when our water bill will be greater than our other utility bills.

The dangerous aspects of pollution is that it doesn't appear all at once so we can notice it. Pollution, like cancer, sometimes occurs slowly so that by the time it's discovered it's too late to do anything about it.

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## SECRETARY HARDIN'S INITIATIVE APPLAUDED

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. NELSEN. Mr. Speaker, Agriculture Secretary Clifford Hardin's recent initiative in seeking to roll back illegal, price-depressing dairy product imports should be applauded by all who are concerned with adequate income for U.S. dairymen.

On May 13, Secretary Hardin declared that more loopholes have developed in dairy import control laws. He has therefore put the Tariff Commission to work investigating possible way to close them.

Mr. Hardin has reported that four products not covered by present dairy quotas are being shipped into the United States in telling new amounts, including an ice cream product, chocolate crumb, animal feeds with milk derivative base, and certain cheeses.

It is significant that all these products indicated by Secretary Hardin have only appeared recently on the international trade scene. One began in 1968 and the other three did not appear in international commerce until after January 6, 1969, a date on which new quota restrictions became complete.

Certainly, the seriousness of this whole dairy imports situation is illustrated by the fact that dairy imports rose 77 percent in the January-March period from the first quarter of 1969. The imports amounted to 0.5 billion pounds of milk equivalent.

Obviously, Secretary Hardin's action could result in a crackdown on the exotic new milk derivative concoctions that have been dreamed up to circumvent U.S. dairy quota imports. Mr. Hardin's move to trigger a Tariff Commission investigation of these illicit items is certainly warranted and certainly welcome.

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## CAMPUS DISORDER—ACCIDENT OR DESIGN?

### HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. WYMAN. Mr. Speaker, in recent years the more "sophisticated" of those teaching young people have taught them that any thought of a communist conspiracy is neanderthal thinking from the McCarthy era. Despite the undeniable fact that it is the Soviet Union—Communist—that finances North Vietnam's war against South Vietnam and the killing of tens of thousands of Americans and without which North Vietnam could not last 2 months—or the undeniable fact that it is the Soviet Union that supplies Nasser of Egypt with arms and now Soviet pilots for use against Israel—it is suggested and even stated empirically, that somehow detente with communism is today's new mode, and viable as well.

In this connection I commend the reading of Henry J. Taylor's recent column appearing in the Manchester, N.H., Union-Leader relating to campus disorders. Of course there is resentment against the widely misunderstood involvement in Indochina—but campus disorder has frequently had common organizers of violence. Who are they? Who pays them?

The column referred to, follows:

### Red Hand in Campus Disorders

(By Henry J. Taylor)

Are part of the campus disorders a Red plot? You be the judge. For a perilous feature of our day is that too many people are either too civilized, too inexperienced, too distracted or too dense to grasp the documented truth.

We are being brainwashed whenever we are told that the thrust here is not organized. The CIA and FBI both know that the center for it is in Prague, within the shadow of the Ruzyne Airport. There the immense so-called International Union of Students, financed and brain-trusted by Moscow, is supporting university anarchists here and throughout the free world.

The Kremlin departmentalizes this place into "country desks." Each section supervises a country. Cunningly, each tailors the "issues" for each country. Naturally, the IUS drums on the Vietnam issue here and "Peace! Peace! Peace!" to further a Red victory in Southeast Asia.

A Pole, Vlod Konarski, a man with a bite like a saber tooth tiger, supervises the British thrust. The IUS vehicle there is the militant Radical Student Alliance in London. Two subdivisions are supervised by Jean Bougareau, a Frenchman, and Martin Abeln, who is Dutch.

In Eire the IUS thrust, locally called the International Movement, is based at Trinity College, Dublin. The IUS supervisor is Hardial Sinh Bains, a naturalized Canadian born in India.

A Bains sidekick is Ralph Schoenman, 34, the student shepherd of the Bertand Russell Peace Foundation—the man who concocted the mock trial of President Johnson in Stockholm in protest against Vietnam. Iron-fisted Schoenman served a "martyr" stretch in Montjoy Prison, Dublin. Britain banned Schoenman and Scotland Yard caught him. To the dismay of the CIA and FBI, Schoenman had an American passport.

In West Germany the Berlin police documented the IUS's control of Rudolf Dutschke ("Red Rudi") when Dutschke was arrested on April 11, 1968, during riots in nearly all the West German universities.

In France the IUS thrust is supervised by Daniel Cohn-Bendit (Before you can build you must destroy), who is not even a Frenchman. He's German. The success, typified by the March 3 Natarre campus mayhem which saw Dean Paul Ricouer kidnapped and 125 policemen injured, has all but paralyzed French education. University faculty members are brutalized and kidnapped almost daily.

The French Parliament has enacted a university reform law. In it the campuses are supposed to be autonomous. But by staging demonstrations identical with those here the continued attacks have forced Education Minister Oliver Quichard to open France's campuses to police jurisdiction by declaring university grounds to be public thoroughfares.

President Georges Pompidou himself has stated, in desperation, that "there is no security on many major campuses in France."

I had lunch in New York not long ago with Italian Foreign Minister Aldo Moro. Italy, too, has enacted a new university reform law. Mr. Moro, himself a professor, sponsored it. "But what can we do?" he asked. "In my country, as in France, your country and throughout the free world, the Reds' technique is always to up their demands with every concession they gain."

Japanese Premier Eisaku Sato spoke similarly on his visit here. He said that last year student arrests in campus disorders exceeded 14,000 (ours exceeded 3,600) and that the IUS thrust has reduced Japanese education to a shambles. The IUS vehicle there is the immense Zengakuren student organization along with the five other factions.

In addition to its thrusts in Europe, Asia, Latin America and the United States the IUS now runs terrorist training centers for African students. The CIA has uncovered them in Budapest and Warsaw and Leipzig, Bernau and Bautzen, East Germany. These have trained and sent back to their African homelands more than 1,000 students insurrectionists in the past six months. The IUS's anarchists are entrenched in the colleges all the way from Morocco on the Atlantic clear down to the border of the Union of South Africa.

There's no Alfred Hitchcock mystery in what is happening here, nor the brainwashing that accompanies it. Of course, none is so blind as one who will not see. But wake up, America! "It can't happen here" is totally dangerous philosophy. It will happen if we still refuse to wake up and call a spade a spade.

## CAMBODIA, CONSTITUTIONAL CRISIS AND THE CONGRESS

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. BROWN of California. Mr. Speaker, in over 7 years as a Congressman, I cannot recall any issue which so prompted a massive show of public concern than has President Nixon's invasion of Cambodia.

As of this morning, my Washington office has received over 5,000 letters either condemning or praising this newest military adventure.

My district office in Los Angeles has been literally swamped with phone calls.

Petitions are coming in at the rate of over 1,000 names a day.

Of course, most of these views come from young Americans.

But, I am extremely pleased that so many members of what they themselves term "the silent majority" also have responded—many of them, admittedly, for the first time.

And while it is understandably difficult to come up with a precise count, the overwhelming indication is one of shock, outrage, and vehement disagreement with President Nixon's position. At first, the mail ran around 26 to 1 against the President; recently, that ratio has narrowed down. But, even, say, a mere 10 to 1 ratio represents a massive repudiation of existing policy.

Yet, that is only one facet of the current situation.

On the surface the issue at hand is that of the Cambodian invasion—no matter how successful that move is. A bit deeper is the tougher question of the constitutional powers granted the President and the Congress to make and wage war.

By taking unilateral action, the President has, in fact, created a constitutional crisis—a testing of the will of Congress versus the will of the Executive to establish policy—a testing of the Constitution itself.

I believe with all my heart in the Constitution and in the rule of law—and I believe it must be obeyed by everyone in this country, including the President.

By ordering American troops into Cambodia without prior congressional authorization, the President clearly usurped the constitutional right of Congress—and only Congress—to declare war. Richard Nixon's blatant usurpation of congressional authority could not be more clear cut.

First Vietnam. Earlier this year we found out about Laos—and we are still uncovering more and more about American military operations there. Now it is Cambodia. Still left, of course, is Thailand—and the uprising there in the northeastern part of that country has been raging for the last few years with relatively little public notice.

Indeed, what we are seeing is a true domino theory—but this time it is the American military strategists pushing down the tiles.

And where does it put us? Right on the threshold of ever-increasing involvement all over the globe, and the way things are happening, we could go over that threshold without Congress having any voice whatsoever in the decisions.

But, there is an alternative, a way open for the Congress to once again rightfully assert its role in direction of our Nation.

I see more than a fair chance that over the coming weeks Congress will force major and substantive changes in American military policy. Such changes would constitute a first step in removal of the American military power presence in Southeast Asia.

We must realize that the onus is upon Congress today. The students and other protesters gather here on Capitol Hill not because they like us and admire us but because we represent their last fading hopes, because they see that the executive branch will not adjust—in meaningful terms—to the rising tide of dissent.

We feel the brunt of the criticism and push today because we must assume our responsibilities—our constitutional powers—to end this wasteful tragic war which has so divided our country.

I do not doubt that the bulk of American troops could be brought back home by Labor Day if the Congress cuts back military appropriations—and I intend again to vote that way.

In simple terms, it is "put up or shut up" time for Congress. In the next few weeks we will be separating the men from the boys. Those Congressmen who fail to vote against military spending are as responsible for the mess in Southeast Asia as if they were sitting in the White House with Mr. Nixon.

If Congress showed guts, we could be out of Indochina, and, in fact, that is probably the only way we are going to "win" this war.

Mr. Speaker, today I sent to the Speaker's table two petitions from groups protesting the President's policies in Cambodia. These petitions reflect the voice of the people, and in the coming days, I plan to keep bringing this types of peaceful dissent before the Congress. We must listen now; we cannot afford the tragedy that ignoring the will of the people may force upon us.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

## CONGRESSMAN WENDELL WYATT REPORTS

### HON. WENDELL WYATT

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. WYATT. Mr. Speaker, in these troubled times I think it is vitally important that we get the views of our constituents on the issues facing the Nation today.

I am sending out my questionnaires, as I do every year, polling the residents of my district on a few of the more crucial issues confronting us.

In this day of instant communication, I believe people are more aware of both national and international events than at any time in history. And I believe they are anxious for this forum to express their views.

I regret, because of the speed of events these past several months, that some areas which I would like to have included in my questionnaire are omitted. This is primarily because of the time element in getting a questionnaire drafted and printed. I believe, however, that basically the major areas of national concern are covered, and I would like to share these questions with my colleagues:

CONGRESSMAN WENDELL WYATT REPORTS
APRIL 1970

DEAR FRIEND: Perhaps never in this nation's history have we been confronted with issues as complex and pressing as those we face today. The Vietnam conflict, inflation, the environment, crime—these are but a few of the problems demanding the immediate attention of the Administration and the Congress.

For the sixth year in a row, I am asking for your guidance on issues with this questionnaire. Your views are of the utmost importance to me. While the final responsibility for my voting record rests with me alone, the excellent response to my previous questionnaires has been very helpful to me in formulating my legislative judgments.

A simple YES or NO answer may not fully express your feelings. In such case, your further comments are welcomed and will be of great value to me.

To return this questionnaire, simply fold it over and affix a six cent stamp. Please do NOT seal it with staples or tape. Thank you.

Sincerely yours,

WENDELL WYATT,
*Member of Congress, First District, Oregon.*

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1. Do you approve of the way the Nixon Administration is handling the conduct of the Vietnam War?

Yes —

No —

No opinion —

2. Should the President order an immediate and unconditional withdrawal of U.S. forces from Southeast Asia?

Yes —

No —

No opinion —

3. The United States has never established diplomatic relations with Red China. Do you favor softening of the U.S. position and talks leading to possible diplomatic recognition of mainland China?

Yes —

No —

No opinion —

4. Do you favor the limited ABM system recommended by President Nixon?

Yes —

No —

No opinion —

5. Foreign Aid:

(a) Should the United States continue to extend *military* aid to other nations?

Yes —

No —

No opinion —

(b) Should the United States continue to extend *economic* aid to other nations?

Yes —

No —

No opinion —

6. When the Vietnam conflict is resolved, would you favor abolishing the present draft system for an all-volunteer Army?

Yes —

No —

No opinion —

7. Do you support President Nixon's action in closing the United States Consulate in Rhodesia?

Yes —

No —

No opinion —

8. To get families off welfare, President Nixon has proposed a work incentive and job training program while guaranteeing a basic level of financial assistance. Do you favor this alternative to the present welfare system?

Yes —

No —

No opinion —

9. What, in your opinion, are the top domestic issues confronting the United States today? Please rate them 1, 2, 3, etc.

(a) Inflation —
(b) Environment —
(c) Civil Rights —
(d) Drug Abuse —
(e) Law and order —
(f) Campus Disorders —
(g) Housing —
(h) Other ——————

10. Should the Congress place a ceiling on the total amount any one person may receive under the Federal farm subsidy program?

Yes —

No —

No opinion —

11. Do you favor the President's proposal for automatic cost-of-living adjustments in Social Security benefit payments?

Yes —

No —

No opinion —

12. Would you favor passage of a Constitutional amendment by the Congress to permit voluntary non-denominational prayer in public schools?

Yes —

No —

No opinion —

13. Do you favor the proposal before Congress amending the Constitution to lower the voting age to 18?

Yes —

No —

No opinion —

14. President Nixon and Vice President Agnew:

How would you rate their performance in office?

President Nixon:
Excellent —
Good —
Fair —
Poor —

Vice President Agnew:
Excellent —
Good —
Fair —
Poor —

My sincere thanks for taking this time to answer my questionnaire.

Sincerely,

WENDELL WYATT,
*Member of Congress.*

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## TENNIS FANS

## HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. GUDE. Mr. Speaker, tomorrow tennis fans will gather at the Washington Hilton Racquet Club to watch doubles teams from the executive branch meet teams from the Congress. This friendly confrontation is for charity, to help raise money for the Washington area tennis patrons' program of teaching underprivileged children how to play tennis. Last year, about 2,000 children and high school students in the Washington area learned the fundamentals of the game through this program.

For those interested in the lineup of players, I am inserting in the RECORD an article from the May issue of the Washingtonian magazine, in which C. Alphonso Smith rates "The Top 10 Tennis Players in Official Washington." Mr. Speaker, if Mr. Smith's judgments can be trusted, tomorrow's matches should provide some truly great moments in sport. As one of the game's toprated spectators, I wish my colleagues well in their contests for a worthy cause.

The article follows:

### THE TOP TENNIS PLAYERS IN OFFICIAL WASHINGTON

(By C. Alphonso Smith)

When Richard Milhous Nixon prepared to occupy the premises at 1600 Pennsylvania Avenue, it was widely predicted that he would name Sam Snead as Secretary of the Treasury, Dean Beman as Secretary of Commerce, and Arnold Palmer as Secretary of Health, Education, and Welfare.

They might have made it, too, except for Bryce Harlow, an Oklahoma boy who went all the way to Congress and then to the White House, first as an assistant to President Eisenhower, then as head of Congressional liaison for President Nixon. Bryce is a politician first and a tennis player second. He can also count. Bryce explained to Mr. Nixon: "Mr. President, there are five million golfers in this nation. You have the vote of every one of them in the pocket of your golf bag, zippered up. But the sporting houses—I mean the sporting goods houses—report that seven million people in the USA play tennis—more than any other sport."

Bryce did not have to belabor the point. Mr. Nixon, who could teach FDR a thing or two about politics, passed the word: "Find me some tennis players." Bryce went to work, and soon National Airport was disgorging tennis players at a positively alarming rate.

Bryce was one of the first appointments made by Mr. Nixon. As "assistant to the President," his initial assignment was to refurbish the White House court. LBJ's beagles had looked upon the net posts as shortened telephone poles. When this was completed, Bryce was given carte blanche to rebuild the courts at Camp David. These were to be used as an out-of-town, away-from-the-prying-eyes-of-appointees to high administrative posts. We can now reveal that the reason Bryce was often slow in returning Congressmen's calls was that he was out on the court trying out aspirants to the Washington scene.

Once Bryce had interested the President in bringing tennis players to Washington, the question was how to stop him. When Mr. Nixon appointed Stanley R. Resor as Secretary of the Army because his wife had an excellent forehand, Bryce decided it was time to call a halt. He managed a compromise with the President, persuading him to name Emil Mosbacher, Jr., an internationally famed yachtsman, as Chief of Protocol. Mosbacher actually got the job because he is a tennis player, but at least the public knew him as the second best helmsman (next to "Corny" Shields) in yachting.

As soon as he had the golf and tennis vote well in hand, Mr. Nixon turned to football. In grateful appreciation for lining up the 12 million votes of golf and tennis players, Harlow was promoted to "counselor to the President" and was relieved of all responsibility for the sporting vote. Lack of Bryce's leadership was immediately evidenced in the Penn State incident which cost the President 62,867 Nittany Lion votes—fortunately a mere drop in the Whittier College waterbucket.

This loss was more than offset by Mr. Nixon's phone calls to every quarterback in the National and American football leagues. This program was recommended by Secretary of Commerce Stans. Mr. Stans hoped that these calls might halt the decline in AT&T stock, now jocularly referred to on Wall Street as the "widow's mite," and thus bolster the economy.

But on with the naming—and justifying—of our First Tens.

Joseph Blatchford, director of the Peace Corps, is clearly entitled to the number one position. He is the only top government official who has played in both the Wimbledon and Forest Hills championships. Joe quit playing tennis in the late 1950's when earning a living became of some importance. But when the White House inquired about his backhand, Joe rushed from the phone to the tennis court. His job permits him to play in Kabul and Katmandu and Kamala and Khartoum, but he has not escaped my scouts. They say he has regained enough of his former skill to get the nod as the best in official Washington.

It was magnanimous for Bryce Harlow to let Joe come to Washington, because the FBI report on Blatchford said simply: "Strong all-court game. No apparent weakness." But Bryce needed competition to improve his own game. As one might expect, the Harlow game is marked by craftiness. He rates the number two spot.

The number three rating goes to Alabama's rising star, Postmaster General Winton Blount. He wins hands down as the most avid tennis player in the Cabinet. Since the principal job of the Postmaster General is to oversee a decrease in mail service and a sizeable increase in the annual postal deficit, "Red" Blount has plenty of time to work on his own service. Wanting a readily available partner, Blount named Kenneth Houseman as one of his assistant postmaster generals. Ken can beat his boss but both avoid a direct confrontation by sticking to doubles.

Rogers Clark Ballard Morton, chairman of the Republican National Committee and Maryland's Congressman from the Eastern Shore, gets the number four ranking. Tower-

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ing six feet, seven inches, Mr. Morton plays the "big game." His serve is hawkish, his backhand dovish and hits a forehand which has a tendency to escalate to the backstop. Although he moves about the court with the grace of a pregnant bear, he is tough to beat.

Vice President Spiro T. Agnew is the most improved player in our First Ten. On his recent trip to Southeast Asia, he won a hastily arranged match in Canberra against tough Australian opposition. It was a significant win since Arthur Ashe had just been beaten in the Victorian Open at Melbourne, and a victory was needed to restore U.S. prestige "down under." Mr. Agnew has flirted with golf in the past, but after his televised beaning of Doug Sanders in the Bob Hope Desert Golf Classic, it is believed the Vice President will confine his sporting activities to tennis. President Nixon sent the Vice President to Forest Hills last September to present the trophies at the first U.S. Open. Mr. Agnew told Nancy Richey (age twenty-seven), runner-up in the ladies singles, to keep practicing and she'd improve someday. Except for this backhanded remark, the Vice President acquitted himself well, and to be serious, Mr. Agnew's tennis game is distinguished by his remarkably agility. His improved play earns him the number five spot.

Secretary of Labor George P. Shultz and Secretary of Health, Education, and Welfare Robert H. Finch are what might be called furtive tennis players. Neither has ever been seen at Allie Ritzenberg's St. Albans Club or at the Racquet Club. Their tennis is played on private courts or on the White House court. A reliable informant says Mr. Shultz can handle Mr. Finch's case eight days in the week and twice on Sundays. Both are keen players. On the basis of our spy's report, we rank the Secretary of Labor at number six and the Secretary of HEW at seven.

The case of General William C. Westmoreland, Chief of Staff of the Army, deserves special comment. Three years ago, we asked General Maxwell Taylor, former chairman of the Joint Chiefs of Staff, to describe General Westmoreland's tennis game. General Taylor damned General Westmoreland with faint praise in summing it up in one word: "Enthusiastic." The accuracy of his comment was confirmed when General Westmoreland broke his arm playing tennis in Vietnam. Since returning to Washington, General Westmoreland has found partners plentiful, mainly majors and lieutenant colonels bucking for promotion, and his game has improved. He draws the number eight spot in our rankings.

George W. Romney, Secretary of Housing and Urban Development, was first mentioned for the Cabinet when President-elect Nixon was on his "tennis binge." The man referred to as "Genial John" Hoover—because he isn't—was asked to come up with a scouting report. It was terse: "Mr. Romney jogs in the fall, hits red golf balls into the snow in winter, and plays an aggressive game of tennis in the summer. At a recent Governors' Conference his play was sensational." This was enough to land the Michigan flash in the Cabinet. The Detroit Rambler is expected to cut a wide swath on local courts this summer. He squeezes into the number nine position.

In his native habitat of New York, Emil Mosbacher, Jr., neglected his tennis for sailing on Long Island Sound. But one smell of the Potomac River in July was enough for the Chief of Portocol. He decided our local waterway was for garbage scows, not sleek racing yachts, and he reached for his tennis racket. He rounds out our First Ten, a narrow winner over Donald Rumsfeld, director of the Office of Economic Opportunity.

Ranking the First Ten in the Senate is a tougher job than positioning players in the Executive branch. There is actually little difference in ability between our number one player, Senator William B. Spong, Jr., of Virginia and our ninth ranked, Senator Charles H. Percy of Illinois. On a given day any player in the first nine might beat any other player.

Senator Strom Thurmond's (R-S.C.) tennis game has suffered since his marriage to the young lady who was a former Miss South Carolina. Having little time now for outdoor sports, the athletic sixty-seven-year-old Senator barely squeaks into the First Ten.

Three Congressmen dominate play in the House of Representatives: Brock Adams (D-Wash.), L. Richardson Preyer (D-N.C.), and Lowell P. Weicker, Jr. (R-Conn.). We happen to think Rich Preyer is the best of the lot, but we will defer to our scouts on various House committee staffs.

Congressman George Bush (R-Tex.) is a sought-after partner on the White House court. He draws down the number four ranking, edging out freshman Congressman James W. Symington (D-Mo.), whose game slipped in the heat of a tough race for Congress. This summer should see him ready to challenge above his number five ranking. Our scouts are high on two other Congressmen—John Conyers, Jr. (D-Mich.) and Michael Harrington (D-Mass.). Famed tennis reporter Bud Collins of the Boston Globe says Mike is a "comer."

There is only one way that the relative merits of our rankings can be tested—on the tennis court. The Washington Hilton Racquet Club has offered its facilities for a mid-May match pitting doubles teams made up from these rankings. It will all be for charity, with the Washington Area Tennis Patrons receiving a contribution from the exhibition to help carry on its program of teaching underprivileged children how to play tennis.

Five doubles teams from the Executive branch will meet teams from the Senate and House—both Republicans and Democrats. Most of our First Ten players, including Vice President Agnew, have already declared their readiness to help this worthy cause. In 1969, approximately 2,000 children and high school students in the Washington area were taught the fundamentals of the game in the WATP program.

The Racquet Club will offer a trophy to the winner of the Executive vs. Legislative team match, with individual trophies to all participants.

The radio and television networks are already surveying the situation around the Center Court at the Racquet Club. They remember the jockeying for space at Sixteenth and Kennedy with ABC, CBS, and NBC all fighting for preferred spots as Republican and Democratic Senators played a memorable match three years ago, to test my first Washingtonian rankings. Even Reuters and the BBC got in the act, with the latter holding a BOAC plane at Dulles for thirty minutes to get its film on board for showing in England the following day.

This year's donnybrook, featuring a surprise or two, is expected to outdo the inaugural encounter.

### THE TOP TENS

The Executive Branch:

(1) Joseph Blatchford, Director, Peace Corps.

(2) Bryce Harlow, Counsellor to the President

(3) Winton Blount, Postmaster General

(4) Rogers C. B. Morton, Chairman, Republican National Committee

(5) Spiro T. Agnew, Vice President of the United States.

(6) George P. Shultz, Secretary of Labor

(7) Robert H. Finch, Secretary of Health, Education, & Welfare

(8) General William C. Westmoreland, Chief of Staff, United States Army

(9) George W. Romney, Secretary of Housing & Urban Development

(10) Emil Mosbacher, Jr., Chief of Protocol

The Senate:

(1) William B. Spong, Jr., (Dem., Va.)
(2) Howard H. Baker, Jr. (Rep., Tenn.)
(3) Edward W. Brooke (Rep., Mass.)
(4) Ernest F. Hollings (Dem., S.C.)
(5) Claiborne Pell (Dem., R.I.)
(6) Peter H. Dominick (Rep., Colo.)
(7) Jacob K. Javits (Rep., N.Y.)
(8) Walter F. Mondale (Dem., Minn.)
(9) Charles H. Percy (Rep. Ill.)
(10) Strom Thurmond (Rep., S.C.)

The House:

(1) Brock Adams (Dem., Wash.)
(2) L. Richardson Preyer (Dem., N.C.)
(3) Lowell P. Weicker, Jr. (Rep., Conn.)
(4) George H. W. Bush (Rep., Tex.)
(5) James W. Symington (Dem., Mo.)
(6) Robert McClory (Rep., Ill.)
(7) Robert W. Kastenmeier (Dem., Wis.)
(8) John Conyers, Jr. (Dem., Mich.)
(9) Michael Harrington (Dem., Mass.)
(10) Paul Findley (Rep., Ill.)

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## AID TO THE HANDICAPPED

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. HOGAN. Mr. Speaker, I would like to call to the attention of my colleagues and associate myself with the recent remarks of Vice President Agnew made before the annual meeting of the President's Committee on Employment of the Handicapped.

We hear many voices in these days making demands and we hear much said about demands. Little is said about those in our society who, with no fanfare, quietly and unselfishly give of their time and of themselves to aid others.

The Vice President, in his remarks, expressed his feelings most eloquently toward those who volunteer to give aid to the handicapped and I include his statement in the Record today:

Remarks by the Vice President at the Annual meeting of the President's Committee on Employment of the Handicapped at the Washington Hilton Hotel, April 23, 1970

I am glad to be with you today because I have a great deal of admiration for all you are doing in behalf of the handicapped of our nation.

Now, I realize it is easy to admire people who do things for the handicapped, just as it is easy to admire handicapped people who do things for themselves. But, my admiration runs deeper.

I admire your spirit of voluntary-ism. I wish this spirit were stronger in the United States.

It is easy to come home after a hard day's work, eat dinner, then spend the evening half asleep in front of the television set—no, this isn't going to be another speech about television.

It is *not* easy to be a volunteer—to lead a busy life during the day, then to squeeze something extra out of yourself not for your own sake but for the sake of other people who need you.

The dictionary defines a volunteer as a person who "enters into any service of his own free will." The dictionary doesn't go far enough—and I hope this won't bring down the wrath of dictionary-makers upon my head. I define a volunteer as a person who "enters into any service of his own free will, not for his own well-being but for the well-being of others." And I offer this synonym for volunteer: "A person who really is his brother's keeper."

Second, I admire your spirit of giving rather than getting.

For so many people in this world, the key question to any activity seems to be, "What's in it for me?" You've rephrased the question: "What's in it for somebody else?"

The way you measure success is based on giving rather than getting. How many handicapped people did you help find jobs? How many handicapped people received new hope from you? How many handicapped people feel life is worth living because of you? Look at the man we honor this morning—not for what he did for himself in overcoming his disabilities, but for what he did for others.

Third, I admire you for your many-sided attacks on the problems of the handicapped.

If two heads are better than one, then maybe an entire army of heads are better than two. Look around you—volunteers representing every conceivable walk of life in America, all of you bringing your diverse thinking and diverse approaches to bear on the single problem of greater opportunities for the handicapped.

This many-sided approach has been responsible for your success over the years. You have dramatized that problems of the handicapped are *everybody's* problems; they are not the kind of problems you can suggest "let George do it."

I have already changed a dictionary definition this morning. Now I will change an old adage. They tell you "too many cooks spoil the broth." But not in our case. We are not making broth. We are forging hope and opportunity. It's not a matter of too many cooks. For us, it's a matter of "the more the merrier."

And fourth, I admire you for your emphasis on the concept of work.

I am sure there are many approaches to helping the handicapped. You can give welfare. You can give benefit shows in their behalf. You can give advice and counsel. You can give housing. You can give tender loving care. You can give bigger and better institutions. They are all important, but when all's said and done, perhaps the best thing you can give is work.

The great Sigmund Freud put it this way: "Work has a greater effect than any other technique of living in binding the individual more closely to reality. In his work he is securely attached to a part of reality, the human community."

So here you are, promoting work for the handicapped. And your activities have such richer measurements than mere dollars and cents. Your activities give the highest dignity to the human spirit. Your activities bring the truest form of equality to the handicapped, an equality that comes with employment. Your activities lead to the greatest democratization of our society, based upon work. Work is not the great leveler of the people. Rather, work is the great elevator of the spirit of the people.

By this time you should have a pretty good idea of why I admire all of you here this morning, and why you have my full support, and the full support of President Nixon. Now you know why we are with you, and why we shall always be with you. I felt this way when I supported the Maryland Governor's Committee to Promote Employment of the Handicapped and I feel even more strongly today.

I believe America is moving in your direction. As I look back over the years, your gains have been heartening. But I don't feel that we have yet reached that blessed state of total support and total commitment. We still have a good way to go before we can proclaim our country's total commitment to full opportunity for the handicapped.

There still are a good many "half-way" people in our country. The work of this President's Committee and of Governors' and local Committees won't be complete until these "half-way" people move over to the ranks of "all-the-way" people.

I have in mind folks like these:

"Half-way" employers—not too many, but still enough to be concerned about.

These are some who will hire the disadvantaged and other special groups under demonstration manpower programs, but who won't hire the handicapped. These are men who will build large-scale community relations programs, who will staunchly support all the right civic campaigns and causes, who will encourage their employees to volunteer in behalf of the less fortunate of their communities—but who won't hire the handicapped.

Some times the companies of these men have rigid physical and mental exams that screen out the physically and mentally handicapped. Sometimes the companies worry about the costs of hiring the handicapped—high insurance rates, high training expenses (but they are wrong, all wrong). And sometimes these men have misguided notions about the capabilities of the handicapped.

These men will tell you they are "for" the handicapped, and I believe them. But they must be convinced that they must be "for" the handicapped all the way, rather than part of the way. And this goes also for government officials at all levels who sometimes are long on talk and short on hiring.

Then there are "half-way" handicapped people themselves.

Let's be realistic. Above all, the handicapped are human beings; and like all human beings they have strengths and weaknesses. If I point to a weakness now, it's not to criticize, but to enlighten.

I have in mind some handicapped people who seem reluctant to go all-out in selling themselves to employers, people easily hurt by that ugly word "no." Job-hunting is salesmanship. The handicapped have to sell harder. And they have to expect more than their fair share of "no" answers. They have to develop ingenuity in approaching employers. They always have to put their best foot forward on the job—not for themselves but for all the handicapped who might follow, if they favorably impress their bosses.

This means going all the way and never giving up. Never. It's not easy, but often there is no choice. Not only their future depends on going all the way, but the future of others who follow.

I also have in mind "half-way" volunteers.

You won't find any in this hall. The ones I am thinking about are those who limit their activities to the easy and "right" causes—arranging for teas and parties to raise money for handicapped people they never see; collecting for health organizations; giving when asked to give. There is nothing wrong with that, but why stop there?

There is another dimension for volunteering, an "all-the-way" dimension—going into a sheltered workshop and getting your hands dirty showing the retarded how to assemble soft drink cases; going into a mental hospital and spending hours with patients, letting them know they won't be forgotten when they come out; going into a rehabilitation center, spending tortuous hours teaching paraplegics how to swing their bodies into wheelchairs. And there is more: serving on local committees and on Governors' Committees, doing all the things that need doing—putting posters in store windows, distributing writing contest materials to high schools, arranging publicity, convincing peer groups—all the other less-than-glamorous tasks.

America has become great because of our tradition of being "all-the-way" people rather than "half-way" people.

If we had been otherwise, we probably still would belong to the British; we probably still would have no vast industrial complex; we probably still would be without national transportation systems or national communications systems—not even television. There would be no President's Committee and no program for employment of the handicapped, for there would not be enough national concern to do anything about it.

But we are "all-the-way" people. We are committed to the handicapped. We do want to go all the way for the handicapped. We are moving in that direction.

You are pointing the way.

It is the American way, the moral way, the right way.

It is the way of total commitment by all. Yes, it is the way to a better world for the handicapped—a better world for all the people, everywhere.

May you have the strength and the power to bring about this day soon.

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## WALTER REUTHER

### HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 11, 1970*

Mr. CAREY. Mr. Speaker, the sudden death of Walter P. Reuther in a tragic airplane accident last week deprives the country of a major force in labor and politics; a reformer of the finest kind; a man of principle and brilliance; a leader in the battle for workingmen's rights and equal opportunity.

It is a commonplace to say, in response to all such unfortunate events, that the departed will be sorely missed. But on this occasion, Mr. Speaker, the remark has a special meaning, a special truth; and we will, in fact, be many years finding another man of his abilities. He was the true genius of the American labor movement in our time. He was the man who showed the way in the solving of a hundred economic and political riddles. His honesty was overwhelming; his spirit a blessing to the country.

To Walter Reuther, labor leadership never meant the old-fashioned limited approach of getting a few more cents an hour for the boys in the shop. He had a lot more in mind than that. During his long leadership of the United Automobile Workers he did his best to involve his followers not only in industrial production, planning, and profit sharing, but also in the great political and social movements of the Nation.

For this, he was, of course, assailed on many occasions. For this, he was pronounced a demagog. But the charges were false, without exception.

He was, in fact, a man who understood

the needs of labor; who recognized the frailty of mankind—that when a workingman is hungry he will fight for a principle in his own behalf, but when his hunger is gone he is likely to be less inclined to fight for the same principle so that someone else might prosper to a similar extent.

Under Walter Reuther's leadership, the workingman was made to understand that principle means nothing unless applied to everyone; and that the struggle for labor's rights is basically a struggle for the benefit of some stranger you may never even see or talk to. This was the grand crusade of Walter Reuther, for which the Country should be forever grateful.

Born to West Virginia parents, he grew to manhood in the midst of the labor movement. In the forefront of the organizing drives of the UAW, in the mid-1930's, he helped to smash the arrogance of the industrial barons with forceful aggressive measures; and when the Communists endeavored to move in and claim the cause of labor as their own he turned his energies against them, driving them from the scene.

As a young man he had visited Soviet Russia and found it wanting. Upon returning home he would become the apostle of democratic capitalism, but a major critic of those who sought to undermine the rights of labor while preaching democratic dogma.

In the civil rights crusade of the 1960's he was a major supporter of the late Martin Luther King and of all the spokesmen of that cause, none was more aggressive nor sincere than he.

His interest was international as well as democratic. As president of the World Auto Workers' Council, he emphasized the commonality of labor's interests throughout the world. Just last week, he was planning to announce with U Thant, Secretary-General of the United Nations, the first international antipollution conference.

Walter Reuther's interests were many, his abilities great. He was a credit to his country at all times, and we have good reason—extremely good reason—to lament his passing.

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## EDITORIALS COMMENDING THE PRESIDENT'S CAMBODIA DECISION

### HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. RHODES. Mr. Speaker, President Nixon's decision to send troops into Cambodia to destroy enemy sanctuaries has been praised widely by reasonable critics as necessary for the success of our troop withdrawal in Southeast Asia and the saving of American lives.

Beyond this, the action is completely logical in a war situation to prevent the enemy from using neutral territory as a base for supplies and troops.

At this point, I insert in the RECORD three of the many editorials commending the President's decision. One, from the Nashville Banner, was written just after the President's announcement of the movement into Cambodia, and praises his candid explanation to the American people, as well as his "personal and official courage" in "shunning the alternative course of national cowardice, defeatism, added jeopardy of more lives on that battlefield, and ultimate catastrophe."

The second editorial, from the Atlanta Journal, was written a week later and also commends the Cambodia move and the President's "wisdom and courage" in meeting this challenge. The third, from the San Francisco Examiner, also praises the President's courage and statesmanship. I commend these editorials to the attention of my colleagues:

[From the Nashville Banner, May 1, 1970]

#### CAMBODIA STRIKE NECESSARY REGARDLESS OF POLITICAL CONSEQUENCES

For valid reasons, clearly spelled out last night in a point-by-point factual review and policy definition, President Nixon has ordered U.S. combat troops on attack into a Communist staging area in Cambodia.

In elementary fairness to the American position thus altered only in degree—a fairness that should begin at home, on the part of all Americans—it should be noted that this is not an invasion of Cambodia. It constitutes no violation of that nation's claimed neutrality. It is not a "new" war—nor initiated as an escalation of the old one.

The Chief Executive could not have pinpointed the place and the reason more precisely for national and world understanding. He described the area of this authorized U.S. ground attack as "the headquarters for the entire Communist military operation in South Vietnam."

It is a decision according with the reasoned policy—which hasn't been followed as it should have been from the outset of that conflict—of granting the enemy no privileged sanctuary.

The Viet Cong and North Vietnamese have used these pockets—on the periphery, and expanding into the interior—as such a sanctuary; for hit-run operations killing Americans on the Vietnam front. The areas in question also have been utilized as transportation arteries—the supply lines of men and equipment. They would be the source of peril to remaining U.S. forces after the next scheduled withdrawals totaling 150,000 men. Eradication of these enemy nests is, therefore, an essential rear guard action, looking, not to an expanded war, but to it successful termination—at the minimum of cost in American blood.

Who objects to that? Not the American people, surely, whose sons are over there. Objectors, congressional and otherwise, could well be asked the question: What is so sacrosanct about those few square miles of Cambodian real estate as to forbid a purifying attack that can shorten the war and save American lives?

Yes, it is a serious step, and the President did not seek to discount the fact. So has been each step undertaken, to terminate honorably a war he did not start, but which he was committed to ending in the shortest time possible.

He is not seeking to second-guess nor out expert America's professional military advisers. The military affairs committees of Congress know that. Such key men as Chairmen L. Mendel Rivers, and John Stennis, are aware of it and behind him—as is Sen. Richard Russell of Georgia, who was for many years chairman of the Senate committee. As these know, and as the President pointed out last night, the extension into Cambodia is not a new war—but all part of the same war; where conclusion must not be to the peril of remaining forces there after the major withdrawals.

President Nixon delivered no oration. It was a factual accounting—with both words and map amplifying the message and the explanation.

It is a maneuver—defensive or offensive—necessitating caution; and the American forces under this administration have not been recklessly assigned. It is equally obvious now that they are not to be subjected to added danger by indulging the enemy a privileged sanctuary or series of such.

The President could not have been more candid in his analysis—and in the declaration of nonpartisan, non-political objective. Note his language:

"Whether my party gains in November is nothing compared to the lives of 400,000 Americans fighting for our country and for the cause of peace and freedom in Vietnam. Whether I may be a one-term President is insignificant compared to whether by our failure to act in this crisis the United States proves itself to be unworthly to lead the forces of freedom in this critical period."

There was personal and official courage in that decision. The reasoning people of America surely will back it—shunning the alternative course of national cowardice, defeatism, added jeopardy of more lives on that battlefield, and ultimate catastrophe.

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[From the Atlanta Journal, May 8, 1970]

#### WAR IN CAMBODIA

President's Nixon's momentous decision to take the war to the enemy and deny him the sanctuary granted by an absurd and arbitrary boundary is militarily sound.

Until now it has been only the United States and the South Vietnamese who have respected the Cambodian border line. It has been strictly unilateral on our part.

The Viet Cong and the North Vietnamese have had no respect for it for years. They invaded Cambodian years ago and encouraged the fictitious theory that since Cambodia is neutral our side should not cross the line.

That is why it is so incredible that so-called national leaders have condemned the President's actions so vociferously. That is why it is utterly unrealistic for all the emotional hysteria over the move.

There has been no widening of the war. There has been no real change in the war. We are still fighting the same enemy and we are fighting him in essentially the same territory—Indochina. We are still fighting him for the same reasons.

The only change that has come about is our decision to fight the enemy where he is.

The enemy chose to invade Cambodia—and there was no outcry to be heard anywhere.

Having successfully invaded Cambodia and not been censured by anyone, he then chose to use Cambodia as a base for military operations against our forces. He would strike out from the Cambodian bases and then hastily retire to them, in the meantime waggling his finger at us that we could not cross the boundary and strike back at him.

And so for years he has lived in safety because it was okay for him to be an aggressor, an invader, but it would be the crime of crimes for us to reply in kind.

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Then there came a change in Cambodian governments. The new government told the invaders to get out. The Viet Cong and North Vietnamese, being what they are, refused. Instead, they began fighting the Cambodians.

Demonstrating both wisdom and courage, Mr. Nixon elected to aid the new Cambodian government and at the same time improve our own position by erasing the fictitious barrier the enemy hides behind.

Thus far the action has gone well and has justified the President's stand.

The course he has chosen is that realistic one and he deserves the overwhelming support of the American people.

[From the San Francisco Examiner, May 1, 1970]

THE COURAGE OF THE PRESIDENT

(By Charles L. Gould)

President Nixon did not take the fighting to Cambodia.

The Viet Cong and the North Vietnamese did.

In both world wars hundreds of thousands of American troops fought across Europe.

They were not concerned with invisible national boundaries. They were concerned with meeting the enemy and destroying him.

In 1917 and again in 1941 our nation made open declarations of war. War-time rules were imposed at home. Dissent was stifled. Battle goals were established. And power at our command was used to achieve them.

Had we fought Hitler as we have fought Hanoi, our troops would still be mired down in the battlefields of Europe. Or—we would be saluting the swastika.

For six long years our men have fought in Vietnam under a weird, one-sided code of Marquis of Queensbury rules.

Our men were not permitted to fight to achieve victory. Our fighting men and their allies were not permitted to pursue the enemy into North Vietnam. They were not permitted to pursue the enemy into Laos and Cambodia.

Thus the enemy was given the right of initiative. He could pick the time and place and method of his attacks. He could strike and run.

Our men could lose but they could not win.

The danger of the fighting escalating into a worldwide conflagration was our alibi for not defining the enemy's defeat as our goal.

The danger that the war would erupt on a global scale was present the moment we committed our first fighting man to the conflict.

The same danger is implicit in each of the pacts we have with fifteen nations of Europe and with numerous other nations in Asia and the Middle East.

These pacts were established to protect weak friends and allies from the repeatedly declared aggressive aims of the Communists.

All should recognize that the danger of a third world war is ever-present. This danger was born the moment following World War II that the Communists again restated their goals of global domination.

If World War III comes it will come when the Communists believe the time is right.

They may believe the time is right if our country is so hopelessly divided that we—as a people—fail to support our President in supporting our fighting men as he did last night.

Let it be clear that President Nixon has not established victory as a goal in Vietnam. Months ago he mapped plans for honorably extricating our troops from the conflict and turning the defense of South Vietnam over to the forces of that nation. He has not changed those goals.

However, if the Viet Cong and the North Vietnamese were permitted to expand and perpetuate their sanctuary in Cambodia, President Nixon saw grave danger that his carefully planned timetable of de-escalation would be destroyed.

He saw a stepped-up threat to the safety of our fighting men. He saw the danger of expanded war through failure to act.

He acted with courage and statesmanship. He merits our support.

## INDIANA UNIVERSITY STUDENTS CELEBRATE "WORLD'S GREATEST COLLEGE WEEKEND"—GOOD OBJECT LESSON FOR OTHER CAMPUSES

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. BRAY. Mr. Speaker—

> I have left me seven thousand in Israel, all the knees which have not bowed unto Baal.—I Kings 19: 18.

May is a festive month in Indiana. The month preceding Memorial Day and the 500-mile auto races is filled with many gala events of interest to Hoosierdom and the world. Not the least of these events is the "Little 500" at Indiana University, described as the "world's greatest college weekend." It consists of such events as the style show, regatta, golf jamboree, cream and crimson football game, mini extravaganza, bicycle race, and the variety show.

The mini tricycle race, which takes place on Friday evening, is made up of 48 teams of four girls each from various sororities and dormitories who compete in a relay race in the field house. Many thousands attend. The crowd is hilarious, competitive, enthusiastic. The colorful parade based on a specific theme of history, mythology, or show business precedes the race. The ingenuity of these youth reaches heights that would do justice to any great showmen.

The main event is the bicycle race which takes place on Saturday in the stadium. This year it was attended by over 20,000, mostly students and their friends. The same enthusiasm, excitement, and good-natured competition prevails.

The net profits from the events of this weekend go into a scholarship fund to help needy students get a college education. We personally knew many of the students—some of whom are working their ways through school, others whose parents are working hard to assist them. These youth did not resemble the pictures that the news media is giving of college youth of today. Rather here are young men and women who have had great fun participating and giving of themselves and hopefully helping themselves and others toward higher education. These were a youth that causes you to thrill with pride. It is a youth such as we saw at these events that through the ages have explored the great expanses of earth and sea and air. It is such youth that have unselfishly dedicated their minds and bodies to the building, to achieving, to helping make a better world.

At each of these events solemn prayer was offered. Everyone stood in silent reverence; the "Star-Spangled Banner" was played; everyone was respectful. The Vietcong flag was not in sight; there was no foul four-letter word; no jeers or boos. These youth showed signs of strong individualism with various hair styles and casual sport clothes in gay colorful array. But they were clean, they were interested and enthused; they carried themselves with a pride and a well-being that befit the youth who have had the advantage of higher education. Yes, untold millions of youth today have not "bowed their knees to Baal." If youth such as these can prevail, our country will have a greater and brighter tomorrow.

Yes, there are also at this great university those who as of yesterday would have been termed "sons who hate their fathers," but they did not attend such events. Every generation has produced such types. Many with proper instruction, discipline, and leadership will become worthy members of society. Some, unfortunately, will not. There has been far too much attention given to those who hate and would destroy mankind, and too little to those who would love and build for a greater society. Society has always spent too much time publicizing the Benedict Arnolds and the Judas Iscariots.

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## KENT DEATHS VIEWED

### HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. HAMMERSCHMIDT. Mr. Speaker, many things are said in the press about campus unrest. Every concerned editor in America has spoken out, I am sure. In the wake of the tragic Kent State deaths, there were countless appraisals. For particularly lucid comments which maintain perspective, I commend to my colleagues the following editorial which appeared in the Fort Smith Southwest Times Record, May 7, 1970:

THE PRICE OF VIOLENCE ON A CAMPUS

So at last it's come—rioting students have been killed by gunfire from troops they were reportedly attacking with bricks and chunks of concrete.

And the nation can well take a sober look at the situation. Of those involved in the mob at Kent State University in Ohio, there were almost certainly two distinct factions: Those seeking to promote disorder and violence—and those merely foolish enough to be led along into a situation which resulted in tragedy.

The promoters of disorder very likely have no regrets about the tragedy. They may even be pleased at the creation of new "martyrs." But the remainder of the disorderly mob confronting the troops could also well be doing some thinking and wondering about what they have been led into.

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The whole thing should have a sobering influence on other campuses for, if the mob actions continue, it's about as certain as night following day that there will be more deaths and injuries as a result.

Asked a Cleveland newspaper editorial, as it called for an investigation: "How could these deaths have been avoided?"

The answer to that is as clear as daylight. They could have been avoided by there never having been disorders on the campus, by all students observing the law as most other citizens do, by there being no destruction by fire of one of the University buildings, and by there being no confrontation with the troops.

There will, of course, be investigations as to the justification for the National Guardsmen using firearms. But if it's shown that they had sufficient reason to believe their lives and safety were in danger, then it should be remembered that when citizens are called from their homes and jobs, at great inconvenience and danger to themselves, to enforce the laws and the safety of society, they do not surrender their own right to "life, liberty and the pursuit of happiness". Can they be expected to submit without resistance to injury and possible death without protecting themselves? The answer to that also is clear.

But, aside from the outcome of those investigations, it's certainly true that there would have been no occasion for them and the dead students still would be alive if there had been no disorders on the campus.

The whole thing is a tragedy. And the burning of the University building was a tragedy. And the fact that a mob formed among a group enjoying one of America's greatest privileges—its educational opportunities—also is a tragedy. And there's no way for those who promoted the disorders to escape the full blame for all the ensuing events.

Said President Nixon: "This should remind us all once again that when dissent turns to violence it invites tragedy. It is my hope that this tragedy and unfortunate incident will strengthen the determination of all the nation's campuses, administrators, faculty and students alike, to stand firmly for the right which exists in this country of peaceful dissent and just as strongly against the resort to violence as a means of such expression".

The country needs to think seriously about that expression. All students need to think about it. And turn their influence against promoters of discord and violence.

And all university administrators need to think about it and seek quick and strong means of ridding their schools of those who advocate violence—or who join in it.

For, as we said, if violence continues, more tragedies are certain. Because, to quote Mr. Nixon again, violence itself invites tragedy. And we'd add: It assures it.

## NEBRASKA STUDENT FEELS UNITED STATES IS IN BETTER SHAPE THAN AGITATORS WANT IT TO BE

### HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. CUNNINGHAM. Mr. Speaker, in this time of strife on our Nation's campuses, it is heartening to receive a breath of fresh air from Nebraska.

Most of my colleagues have been receiving mail in great quantities regarding the President's recent decision to send troops into Cambodia. So have I.

Mr. Speaker, I would like to share one of these letters. It makes me proud to be a Nebraskan and an American.

The letter follows:

MR. CUNNINGHAM: Last week I wrote you a hastily conceived letter opposing Cambodian invasion and the Vietnamese War in general. Since that time I have been doing some harder thinking as well as watching and listening to President Nixon more closely. Maybe he is doing the right thing. His plan of action in Cambodia does seem to be justified, and at the moment it seems to be working. At least it should be given time to prove itself. I am guilty of judging too quickly, and many others are sharing this guilt I am afraid.

Also, in my letter of last week I specifically asked: (1) What is wrong with an admitted defeat in the War? and (2) Is it better that our country should suffer civil war? it seems that whether they are valid questions or not, they are representing only one side of the issue. I should have also asked whether the United States can afford to adopt an isolationist policy? Can the world even be entirely peaceful—without any war? Can the United States afford to allow communism to spread unchecked? The United States may not be entirely right or humane in its foreign policy, but who can say what is right or humane? Should we concentrate on "now" situations or possibly contribute to the freedom and rights of future generations?

I don't know the answer to all of these questions, and I don't know if there is an answer to all of them. I do know that for the present the United States seems to be in better shape than many agitators would like it to be. Freedom of speech and the right to dissent are perhaps stronger than they have ever been. I am grateful for this freedom, and I hope no minority group manages to cut down rights to free speech through irresponsible acts. Also, compared to many places in the world, Latin America in particular, our current rate of inflation is almost negligible. The United States in spite of many faults is still the best nation in the world to be alive in today.

Again, and I sincerely mean it, thank you for listening.

LAUREL JIZBA,
*Student, University of Nebraska.*

## CAMPUS MILITANTS AT CROSSROAD

### HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. FOREMAN. Mr. Speaker, because of its timeliness I include an editorial from the May 7, 1970, San Diego Union in the CONGRESSIONAL RECORD for consideration by my colleagues:

CAMPUS MILITANTS AT CROSSROAD

The violent death of four students at Kent State University in Ohio leaves a nation shocked with a sense of tragedy, but with one sobering thought beyond that.

There, but for the grace of Providence, could have been any campus or educational institution in the United States of America today.

If the violence and revolution that scar the ideals of our nation continue on their present course, the tragedy of Kent State can be repeated many times in the future, perhaps on a much larger scale.

Kent State has seized our attention not because death on campus is new, but because four young people on the threshold of adulthood died during a single incident.

We also were sobered by the evident willingness of the dissidents to attack the National Guard with impudence and even relish.

The day before yesterday the revolutionaries were attacking only the undermanned campus police. Yesterday it was city and county law officers. Today it is the National Guard. It is not difficult to see where this road can lead.

Our sense of tragedy is further compounded by the realization that it is a relative handful of students at Kent State, or at any other of our numerous campuses, who are grinding education back into the mud.

We would be less than honest if we blamed the young National Guardsmen who actually pulled the triggers for the deaths of the four young students.

No shots would have been fired if students were not challenging law and assaulting the young citizen-soldiers called in to give assistance to campus authorities.

The seeds of the tragedy were planted long before, when students decided to take the authority into their own hands—when they decided to leave their classrooms to create battlefields on the commons.

Nor is it enough to say that if demands of the militants were met, the violence would not occur. The foreign policy of the United States cannot be determined on the basis of who is most violent on which campus.

Obviously, the lesson that the student minorities assaulting, burning, destroying and ruining our campuses have yet to learn is that it is in their interests to seek their goals through legitimate channels.

If progress under law and order sometimes seems slow to impatient youth, it is an advantage of a republican form of government. In fact, the very deliberation that at times appears to be dilatory is one of the essential checks and balances that safeguard against excesses.

The alternative is unthinkable. If students continue to resort to force in increasing numbers, they will be met with larger force. The ultimate loss could well be in the waste of more young lives and the end of higher education as we know it, as well as a tragic erosion of the kind of government that has been tolerating their excesses with understanding and patience.

## ARGUING FOR END TO THE DRAFT

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. STEIGER of Wisconsin. Mr. Speaker, many Americans have come to realize the inequities in our present draft system. The Gates Commission's findings have focused attention on the desirability and feasibility of installing an all-volunteer army.

One of those individuals who has come out in favor of an all-volunteer army is Mr. Carl Rowan, a former Ambassador, and now a leading columnist. As he notes:

> Forced military service in peacetime, or during a terribly unpopular, undeclared war, is tearing this country apart.

Mr. Rowan then goes on to give the reasons why he had previously opposed such a military system and the rebuttals which the Gates Commission makes to these charges.

I insert Mr. Rowan's column as published in the Sunday, May 17, Detroit News in the Record so that it will come to the attention of a broad range of citizens:

### Arguing for End to the Draft

(By Carl Rowan)

Washington.—After weeks of study and soul searching I have concluded that the United States must go to an all-volunteer armed force. The present policy of conscription is full of injustices and the best evidence is that it will continue to be, even under a lottery system.

More important, forced military service in peacetime, or during a terribly unpopular, undeclared war, is tearing this country apart. What a blessing if those helmeted construction workers could show their "patriotism" by volunteering to fight in Indochina instead of flagwaving down Wall Street and beating up students.

It is not just civilian society that is torn by unpopular requirements for military service. The armed forces themselves are experiencing grave morale problems, for white dissenters as well as blacks who feel mistreated or feel that they carry an unfair share of the burden have come to constitute political and social time bombs in many units.

I have been inclined to oppose an all-volunteer force for these reasons:

The cost. I am reluctant to endorse anything that adds $3 billion to $4 billion a year to the Pentagon budget. But I concluded that the additional cost of an all-volunteer force is puny compared with the cost of tearing the country apart.

I am further impressed by the fact that the principal beneficiaries of improved pay will be first-year men who now are grossly underpaid—so much so that 50,000 military families are on welfare.

Fear that an all-volunteer force might become a gung-ho elite that would undermine civilian control of the military.

The Gates commission, which recommended an all-volunteer force, argues convincingly that professional officers are the key and that even now they are recruited, for the most part, from a variety of regional and socioeconomic backgrounds. So our armed forces would have about the same attitudes and the same political clout, whatever the system.

Worry that an all-volunteer force would be only a gimmick through which the affluent people would pay enough taxes to make military life appealing to blacks and poor whites. The effect would be that rich Americans would indirectly hire poor Americans to do the dirty, dangerous work of protecting "our way of life."

A look at the record shows that under the unjust functioning of the draft an unfair military burden is being carried by middle and upper-middle class blacks and, to a lesser degree, by middle class whites.

This is so because 30 percent of those eligible (mostly from the poor, disadvantaged classes) are rejected for mental and physical reasons. On the upper end of the socioeconomic scale, young men escape service through student and other deferments.

In the case of the black community, especially, the draft is grabbing middle class men with the best potential to become engineers, doctors, teachers, physicists. The likelihood is that these middle class blacks are not going to opt for the armed forces.

So there is not likely to be any major increase in the present 10.9 percent blacks in the enlisted ranks of the military. Any great upsurge of volunteers would come only through upgrading the education, nutrition and standard of life of that large pool of blacks who have been so disadvantaged that they cannot meet military standards.

In any event, black men would go into the military by choice and not at the whim of some lily white draft board.

There are those who argue that moving to an all-volunteer force will lower force levels and thus endanger national security. The Gates commission and others reply that with adequate pay and other benefits to make military service attractive, enough volunteers will come forward.

I doubt that the number of volunteers would be adequate. But it can be argued that a moderate decline in force levels might enhance rather than endanger national security. There have been instances where commitments were too easily made simply because we seemed to have the available manpower.

The all-volunteer force offers risks but we must give it a try.

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## TYSON'S DAY-CARE CENTER

## HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. HAMMERSCHMIDT. Mr. Speaker, in Arkansas, we are particularly proud of the initiative and self-reliance displayed by our industries. One of these is Tyson's Foods of Springdale, a major producer of chickens, and an employer of literally hundreds of residents of northwest Arkansas.

Many women, including a large number of mothers, find employment at Tyson's. For these working mothers there is a problem of child care. To meet that problem in a modern and progressive manner Tyson's is constructing, without Federal assistance, its own child day-care center.

I commend to my colleagues a report of this most praiseworthy project as carried in a recent issue of the Arkansas Poultry Times:

### Tyson's To Establish Child Day Care Center

Baby sitting as a major subject for an industrial executive meeting may sound like something for the "birds", but that happens to be the case at Tyson's Foods, a major producer of birds (chickens).

Tyson's is going into the "baby sitting" level, as a modern Child Development Day Care Center for pre-school age children is being established at Springdale.

Pioneering in a new field of endeavor for industry in this area, plans originally were merely to provide a baby sitting service. However. Company executives decided to make the project serve a dual purpose—not only providing a place for the mothers to bring their children while at work, but to make it a community-related improvement project from the standpoint of pre-primary education for the youngsters.

The project, one of the few of its kind in the United States, is under the jurisdiction of H. D. Baird, Vice President of Industrial Relations. A steering committee was established to formulate plans and to develop a curriculum for the center.

Members of the Committee include Dr. Irvin Ramsey, head of the Early Childhood Development at the University of Arkansas, who will be assisted by Dr. Barbara Chesser of the Early Childhood Development at the U of A; Mrs. Sarah Burnside of the Northwest Arkansas Child Development Center; Mrs. Irene Burt, kindergarten teacher at the U of A, and Mrs. Bonnie Whitmore, graduate student in early Childhood Development at the U of A.

Baird said the new facility, modern in every respect, will accommodate 50 children. Among its outstanding features will be the elimination for interior walls in the classroom area, having been patterned after the modernistic Butterfield Elementary School in the area. Plans call for the three separate classes.

The concrete block building, 64 feet by 48 feet, has been so designed for possible expansion to double the accommodations to 100 should the need arise, Baird explained. The required 35 square foot per child will be provided.

The facility also will include a reception area, director's office, dispensary, kitchen to serve two meals daily, and rest rooms.

Although the exact number of staff members has been undetermined, it is anticipated that a minimum of five and possibly six persons will be needed. Plans call for establishing a rotating schedule in order to include children of hatchery employees who start work as early as 5 a.m.

The staff will consist of a qualified pre-school educator as the director, three teaching aides to be trained by the directors, and a combination first aid nurse, cook, and teaching aide.

"Any Springdale area child between the ages of two through five is eligible to attend as long as the mother is employed by Tyson's Foods," Baird pointed out.

"Our purpose for the Child Development Day Care Center is to make employment with Tyson's as attractive as possible and is only one of the many major changes and improvements that we have been making in this direction.

"The project will be operated on a non-profit basis. It is the Company's intention to merely ask the participants a nominal fee for the service."

Numerous child day care schools considered successful were observed and studied in making plans for the Company's new center, including the curriculum.

The children of Tyson's working mothers will be taught such things as number concepts, reading readiness, to develop interest in music, literature, arts and science, how to get along with each other, observing rules, sharing, how to play games. The children will be divided into age groups. Regular rest periods will be provided.

Humorously referred to as "Baird's Baby Farm" and "Operation, Diaper", Baird remarked, "It's really hard to believe that baby sitting has been a major topic of discussion for our executive meetings, but it was."

The new facility will be located between Tyson's North Hatchery and Freezer Plant on Randall Road in the northern section of Springdale. A year-round operation, the building will be properly heated and air conditioned and adequate window space will be provided. Playground equipment will be enclosed with a sturdy chain length fence.

Contractor for the project is Whillock Brothers Construction Company for Fayetteville, Ark. Completion is expected in April of this year.

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## DAYTON BOARD OF EDUCATION HONORED BY NEA'S ASSOCIATION OF CLASSROOM TEACHERS

## HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. WHALEN. Mr. Speaker, the Dayton Board of Education has been selected as the national first place winner of the Thom McAn National School Board Awards by the Association of Classroom Teachers of the National Education Association. The Dayton board was singled out for its leadership excellence in pro-

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viding quality education in a school system of over 6,000 but under 70,000 enrollment.

I can wholeheartedly endorse the association's action since for many years I have had the opportunity to work with the board and observe firsthand the innumerable contributions it has made to the educational growth of the Dayton community. It is with great pride and pleasure, therefore, that I bring to the attention of the House this reward which the board has received for one particular effort—its living arts program.

In its national recognition program, the association aptly describes the project which the Department of Health, Education, and Welfare designated the most innovative ESEA title III project in Ohio in 1969. I include at this point in the RECORD the association's citation:

#### DAYTON BOARD OF EDUCATION DAYTON, OHIO: NATIONAL FIRST PLACE—SYSTEMS WITH ENROLLMENTS OF OVER 6,000

Believing that the public schools should offer students the opportunity to develop creative as well as academic talent, the Dayton Board of Education initiated a program in the Living Arts. Functioning after school and on Saturdays, the program has involved more than two thousand students and is growing steadily.

Living Arts provides experiences in creative writing, dance, drama, music, and the visual arts. In small classes instructed by specialists students work in depth in their chosen media. Through round-table discussions they consider the relationships of the arts to man's existence and to one another. Guest professionals in each of the arts share their knowledge and experiences with the young people. The Living Arts staff and guest artists conduct an in-service program for teachers and administrators.

From the time it was first proposed, the Living Arts program received the wholehearted support of the Board of Education. When opponents in the community argued that the program was unnecessary and expensive, Board members gathered support from local educational leaders and state and national officials. By 1969 community acceptance and interest were widespread; in 1970 the Board plans to undertake full financial support of the program. In nominating its Board of Education, the Dayton Classroom Teachers Association stated that this program could not possibly have been successful without the wholehearted commitment and full cooperation of the Board of Education.

Mr. Speaker, I extend my congratulations to the Dayton Board of Education and to all those in the Dayton community who have contributed to the success of this program. I would hope that their efforts will prove to be a model for many school districts throughout the Nation which also desire to provide an outlet for the creative talents of our children.

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## GREEKS HELP RECLAIM STRIP-MINE DEVASTATION

### HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. CARTER. Mr. Speaker, on April 11, 1970, the members of Phi Delta Theta fraternity at the University of Kentucky participated in planting several thousand tree seedlings near Pineville in Bell County, Ky., in an effort to eliminate soil erosion caused by strip mining. This project was part of a nationwide community service day conducted by the respective chapters of Phi Delta Theta.

I, for one, wish to commend their efforts and call to the attention of Members an account of their activities as it appeared in the Kentucky Kernal:

#### GREEKS HELP RECLAIM STRIP-MINE DEVASTATION

(By Ron Hawkins)

The "exploitation" of Eastern Kentucky was viewed first-hand by members of the Phi Delta Theta fraternity as they planted tree seedlings Saturday on the slope of a 10-year-old strip mine site.

The mine was on the headwaters of the Redbird River, near Pineville, Ky.

Under state laws effective 10 years ago, the strip mine fulfilled its legal reclamation obligation.

But when the fraternity arrived Saturday morning, the site was barren, with only an occasional sprinkling of grass interrupting the coarse uneven slope.

The dusty, dirt road surrounding the mine was cluttered with worn-out automobiles and young, dirty children.

The difference between a fraternity member's life and that of a poor person from Eastern Kentucky impressed several of the Greeks.

Old, weatherbeaten wooden shacks located at the juncture of two slopes were a common sight.

Laurence Holbert, activities director of Phi Delta Theta, arranged the planting of tree seedlings. He said he wanted the fraternity to do something other than "paint the walls in a home for unwed mothers."

During the course of the day, the Greeks managed to plant 2,000 black locuses and 1,000 white pines. Although the number was not as large as forestry officials had hoped, they expressed gratitude for what had been done and the attention it drew to the problem of old strip mines.

A writer for United Press International expressed the opinion that he was glad to see that the fraternity people were "different" from others on campus "who go around carrying placards."

However, Holbert countered this what the fraternity was doing and what the November Vietnam march on Washington attempted were quite similar. He said, "I wish protesters would go out and do something like November in Washington . . . It's good, it's changed things."

Holbert said the fraternity members were "pretty depressed by the shanties and shacks" of the area. He commented that the Greeks were also "awed" by the condition of the land, noting that over 100,000 acres in Kentucky were as barren as the mine they visited Saturday.

The fraternity may try to do something along the lines of strip mine reclamation for their Community Service Day project next year, Holbert said. He added although there was no "personal" gain, it "meant a lot to everybody" to visit and work in the area.

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## LIEUTENANT TUCK REPORTS

### HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. DANIEL of Virginia. Mr. Speaker, the Record-Advertiser, printed at Halifax, Va., in the district which I have the honor to represent, published a letter on May 14, from Lt. James E. Tuck, Jr. Lieutenant Tuck's letter gives a first-hand account of a subject which has been prominent in the news in recent weeks. Any comment by me would detract from the message which he has so timely brought to the readers of this newspaper. I insert the complete text of his letter in order that others may have an opportunity to read and reflect upon its message.

#### LT. TUCK EXPLAINS REASONS FOR CAMBODIA—"TO BRING A QUICKER PEACE"

While the leftists and their followers demonstrate and disrupt the educational process at colleges and universities in Virginia and across the nation in protesting the action in Cambodia, a young South Boston serviceman who is actually fighting there "tells it like it is."

In a letter written to this newspaper from Cambodia May 7, Lt. J. E. Tuck Jr. said the United States has been fighting the war in Vietnam without getting at the "real root of the problem—" the sanctuaries and supply points of the enemy in Cambodia.

Lt. Tuck said that it was difficult for him to understand why the American people are so against the movement.

"We could fight this war for ten more years unless we break up these strongholds in Cambodia. This move by President Nixon was one to bring a quicker peace to South Vietnam and to bring our fighting men home."

And speaking of the demonstrators, he said: "If these people would stand up, take pride in their country and back our President, this war would be brought to a much quicker end."

The complete text of his letter follows:

I write this letter in hopes that I can help give the people back in South Boston a better outlook on the American operation into Cambodia. I am presently with the 2/47th Inf. 3rd Brigade 9th Division. We are working about seven miles inside the Cambodian border around the village of Memut.

The United States has tried to fight a war in South Vietnam without getting to the real root of the problem. We have fought the N.V.A. in South Vietnam, but let them keep their sanctuaries and resupply points untouched in Cambodia.

As we crossed the border, we found many regimental size base camps only a few hundred meters across the border.

The American people are so against this movement that it is very hard for me to understand. We could fight this war for ten more years unless we break up these strongholds in Cambodia. This move by President Nixon was one to bring a quicker peace to South Vietnam and also to bring our fighting men home.

The people condemn everything about Vietnam. If they would back our efforts and men in this struggle it would make a great difference. As we fight this war from day to day all we read in the newspapers is anti-war demonstrations and marches for peace. If these people would stand up, take pride in this country and back our President, this war would be brought to a much quicker end.

The question is not if we should be in Vietnam because we are already there. The question the people should be asking is how can I help in the war effort and the effort to get our men home? One way not to help is to demonstrate and condemn our President.

If these people think that the situation in this country is so bad then maybe they should leave. A man that doesn't believe in his country and doesn't heed the call of our armed forces shouldn't be allowed to be a citizen of this great country.

The men that fight and serve in Vietnam are proud. These men are sick of hearing about demonstrations and peace marches.

These men want support from home and they rightly deserve this support.

As for my personal opinion, I think this was the greatest step Mr. Nixon could have made. My tour in Vietnam is almost over, but I would like to say that I am proud I got a chance to serve my country and represent South Boston in the war effort.

Yours truly.

Lt. J. E. Tuck, Jr.

## NATIONAL SMALL BUSINESS WEEK

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. EVINS of Tennessee. Mr. Speaker, today marks the first day of Small Business Week, and I want to join with others in paying tribute to our Nation's 5 million small businessmen—the foundation of our competitive free enterprise system.

In this age of giantism and economic concentration, the mission of small business in our economy was never more important.

Chain stores, joint ventures, exodus to suburbia, urban renewal dislocations, discount houses, big business shopping centers, automation, electronic computers, and the general trend toward giantism remind us that the competitive status of the small business segment of our economy must be constantly observed in order to maintain a truly competitive free enterprise system.

Our independent small businessmen are a viable and strong force in the preservation of our democratic system of government and our great free enterprise system.

The strength and vigor of the small business sector of our economy is underlined in these statistics:

Small business provides 37 percent of our total gross national product.

Small business provides more than 40 percent of U.S. employment.

The members of the House Small Business Committee and the staff are diligent in serving American small business.

The committee has provided assistance in the securing of thousands of loans to small business and in the securing of contracts involving thousands of dollars in Federal procurement for small businessmen. Provisions like the SBA set-aside program—earmarking contracts for awards to the small business sector—have been sponsored and supported by our committee.

Small business is the door through which Americans who aspire to own and operate their own business can move into our competitive economy.

In carrying out this responsibility the Small Business Committee is following the mandate of the Congress that:

> Government should aid, counsel and assist and protect . . . small business concerns in order to preserve free competitive enterprise, to assure that a fair proportion of the total property and services for the Government is placed with small business . . . (and) to maintain and strengthen the overall economy of the nation.

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During Small Business Week a number of outstanding events have been scheduled.

The National Advisory Council of the Small Business Administration will meet with SBA officials and members of the House and Senate Small Business Committees this week to discuss small business problems.

A small business subcontracting conference attended by more than 100 representatives of the largest prime contractors will be held.

The Smaller Business Association of New England will make its annual presentation to the House and Senate Small Business Committees this week.

Additional activities emphasizing the importance of our small business to the Nation's economy also will be held.

Again, I want to commend and congratulate the Nation's small businessmen—they deserve the commendation and congratulations of the Congress and the Nation for their important and vital role in promoting, perpetuating, and preserving the small business sector of our economy and our great free enterprise system.

## THE NIXON CHOICE

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. STEIGER of Wisconsin. Mr. Speaker, I wish to include in the Record at this point the May 2 editorial from the Sheboygan Press, one of the outstanding papers in my district. The editorial, entitled "The Nixon Choice," deals with the President's decision to act against the North Vietnamese sanctuaries in Cambodia.

As the editorial notes, the President really had no other choice if he was to fulfill his commitment to end the Vietnam War. He went directly "to the heart of the trouble—the illegally dug-in military headquarters of North Vietnam in Cambodia." While there are those who are unwilling to believe the President when he says he will withdraw the troops from Cambodia by the end of June, I for one am willing to trust him.

The editorial follows:

#### THE NIXON CHOICE

President Nixon, in his Thursday evening address on Cambodia, said that he had three choices. He could do nothing; he could extend massive aid to Cambodia or he could go to the heart of the trouble. He chose to go to the heart of the trouble, as he saw it, a choice which he granted was very risky from a political standpoint. We have no doubt, however, that as America thinks the chances through, the nation will agree with him in spite of the instantaneous, noisy clamor of opposition.

The President, in reality, didn't have three choices. He had campaigned and was elected on the assurance that he had a way to end the Vietnam war. With the Paris negotiations on dead center, his only way seems to have been the pacification of the countryside, the Vietnamization of the war and the bringing home of the American troops as quickly as was feasible. Each commitment to bring home more men narrowed the presidential choices, as long as he insisted, as he did again Thursday night, that "We will not be humiliated. We will not be defeated," an insistence on which, we are convinced, he would have the overwhelming backing of the country. The last Nixon announcement of the withdrawal of 150,000 more men by May, 1971, attempted to buy a bit of flexibility. There was no month by month nor other intermediate time table, just 150,000 within a year. Along with the announced pullout, he had given Hanoi another sober warning that he would not allow the remaining troops to be placed in jeopardy.

But Hanoi couldn't wait. They moved thousands of troops into Cambodia, whose neutrality Hanoi had guaranteed. Their military headquarters, from which they fought the Vietnam war, was a scant 35 miles from Saigon, the capital of Vietnam. If one moves the threat from far away Southeast Asia to eastern Wisconsin—what would we of Sheboygan think if our enemy had established his military headquarters in a supposedly neutral area just north of Milwaukee and directed all of his operations from there? Shall we do nothing and let them assail American troops, encamped like sitting ducks? Give aid to Cambodia? We are not engaged in any Cambodian war. The only Nixon concern, the only American concern, was the protection of our troops, the continuance of the pacification and Vietnamization so that our troops could come home in an orderly fashion. So, he had only one choice—to go to the heart of the trouble—the illegally dug-in military headquarters of North Vietnam in Cambodia.

Granted—it is a risky decision, not only politically, as the President stressed, but also militarily. If it succeeds, if the enemy is brought to the peace table and actual hostilities cease a bit earlier, it will be a fine political success. But there are no military guarantees, as other nations and other American presidents have found out before Mr. Nixon.

We agree with Mr. Nixon that diplomacy seems to be a complete failure. We agree with his continuing stand—the stand of John F. Kennedy and Lyndon B. Johnson, by the way—"We will be patient in working for peace; we will be conciliatory at the conference table." We also agree that there comes a time when patience and conciliation seems to be of no avail. It must be admitted by all that so far our willingness to end the bombing of the north and to lower the tempo of the fighting in the south has had no tangible results. It could well be that now is the time to go right to the heart of the trouble and we are willing to trust our Commander-in-Chief.

## AMERICA'S CHALLENGE IN THE ENVIRONMENTAL DECADE

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. NELSEN. Mr. Speaker, the ongoing struggle of man against his environment must be brought to an end in the near future or man may eliminate the delicate balance of the environment and humanity with it.

As President Nixon stated in his New Year's day message:

> The 1970's must be the years when America pays its debt to the past by reclaiming

the purity of its airs, its waters and our living environment. It is literally now or never.

I have joined in cosponsoring a number of measures proposed in the President's message on the environment. I am glad to report that many of his suggestions for air quality and solid waste disposal have already been acted upon by the Interstate and Foreign Commerce Committee on which I serve.

The new measures which the Congress will consider this year are a great addition to the legislation we have on the books starting from the Air Pollution Act of 1955 and followed by the Clean Air Act of 1963. The research performed under these laws has served as a guideline for Federal agencies in establishing source-emission limits and air quality standards. Amendments in 1965 and 1966 added funds and specific research tasks.

Of great importance was the authorization of the Secretary of Health, Education, and Welfare to set national emission standards for motor vehicles. These regulations became effective with the 1968 model year though there have been problems with implementation and enforcement.

The House Interstate and Foreign Commerce Committee now has before it a version of the Clean Air Act of 1970 which would embody several Presidential recommendations concerning air quality standards and the regulations of gasoline additives which affect exhaust emissions. Hopefully, the full House of Representatives will have an opportunity to consider this bill in the near future.

In the field of solid waste disposal, the Interstate Committee has also been active. The Solid Waste Disposal Act of 1965 established Federal research and training programs, grant support for demonstration projects, and planning funds for State and local programs. Our committee now has before it a bill which would significantly broaden the scope of these efforts.

In the field of water pollution, Congress acted first in 1948, but this was, admittedly a mild beginning. In 1956, Congress expanded and strengthened the 1948 law by passing the Federal Water Pollution Control Act which for the first time authorized Federal grants for the construction of municipal waste treatment plants.

In 1965 the Water Quality Act amended this law and established the Federal Water Pollution Control Administration which is now under the Department of the Interior.

This agency was authorized to grant funds for research and development in the area of pollution of our waterways and it was commissioned to establish water quality standards for interstate streams and lakes.

Clearly, active Federal involvement in pollution control is not something new. However, this involvement has received vital new stimulus through the strong national leadership provided by President Nixon and others. Some of the highlights of the bills he has proposed, and which I have cosponsored, would provide for a $10 billion, 4-year program to bring every community in the Nation up to Federal Water Quality Standards. Under this new legislation, it is estimated that 1,500 new sewage treatment facilities would be constructed. In addition, the funds will help finance the modernization, expansion or upgrading of 2,500 existing waste treatment plants.

Under the President's proposal, a new Environmental Financing Authority would be set up the help provide the market for municipal obligations which would be sold to raise the funds for the local government's portion of the expense of added control facilities. It would be set up as a self-financing institution and would cost Federal taxpayers little or nothing.

Mr. Speaker, there are no easy solutions to the problems of environment maintenance, but we must recognize that the costs for pollution control are, in the long run, less than the costs of a devastated planet. Today we pay the costs of lung disease, crop destruction, and corrosion from air pollution. We pay the costs of dead wildlife, disease among humans, and lack of recreation because of polluted waters.

We must recognize, too, that the out-of-pocket costs will not be small. The only source of these funds is the American citizen. If business bears the cost of certain pollution controls, the consumer must pay in higher prices. If government pays for the equipment, the taxpayer bears the cost. Only if Americans are willing to say, "Yes, we must do it, and we are willing to pay for it," can our Nation move with the necessary speed to solve the growing problems of pollution.

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## GENERAL ANDERS: IN MEMORIAM

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. DERWINSKI. Mr. Speaker, last week Gen. Wladyslaw Anders, leader of the Polish army, passed away in London. He was an outstanding military leader and one of the hero figures of World War II. Yet due to the diplomatic decisions over which military leaders have no control, he and his Polish army fought in vain for the restoration of peace and freedom to their country. General Anders is properly eulogized in an editorial in the Chicago Polish American, Saturday, May 16.

### GENERAL ANDERS: IN MEMORIAM

This past Tuesday General Anders of World War Two fame died. His family remains in Britain, where they settled with the General after World War Two.

In these times, when the military is feared and even hated in various countries of the world, and sometimes with good reason, we should recall this great Polish General, and do honor to his memory.

General Anders gained world-wide fame as the founder and leader of the Polish Army in the East. During the War years, Anders went into Russia (at that time an ally) and rescued over forty thousand Poles from the camps of Siberia, where Russians held them captives. He led them to Iraq, where he formed an army out of them which was to be used against the German and Russian foe in the World War. By common consensus it was the sharpest, the best force of Polish soldiers then in existence.

It was General Anders, who, on May 11, 1944, launched the Polish II Corps (the famous Drugi Korpus) against the impenetrable Monte Cassino. It was the Second Corps which planted Polish and British flags atop that monastery.

But after the war was over, and his homeland had not regained her independence, Anders continued fighting for it, doing what he could as a civilian.

General Anders belongs to that invaluable and minutely small group of men in this world who fought for their country with greatest honor not only when hope was at its highest, but also when there was no hope. He belongs to the rank of Polish Generals-statesmen—scholars who understood the golden mean between the need for war and the need for peace. Undoubtedly Polish history and the history of the free world will put him on an equal footing with such great Polish leaders as General Marian Kukiel, General Kazimierz Pulaski, General Thaddeus Kosciuszko, Marshal Pilsudski, and General Kazimierz Sosnkowski.

With the passing of General Anders this past week and the passing of General Sosnkowski not too long ago, as well as with the recent and not-so-recent deaths of many of the valiant leaders who fought for the freedom of Europe and the world, the tangible substance of that era of great international conflict is passing. Our whole attention must now shift from that era of war to our times. We can not but wonder, as we look around us, what did the prodigious effort of those millions of men in World War Two change for the better. More countries are enslaved now than had been before the War. More little wars are raging now than had been going on before the War. More people are hungry now than had been before the war. The danger of the annihilation of mankind is greater now than when Hitler began his invasion of Poland on September 1, 1939.

It is at times such as our own, that we can look back with fond memory on the deeds of such as General Anders, whose efforts produced results, concrete results. Many of those he rescued from the internal cold hell of Siberia are alive today, living in the West. The freedom he gave them they continue to cherish and hold. Monte Cassino today is still free, after General Anders captured it for the Allies when all the other Allied troops: British, French, American and others, could not budge it. General Anders was a man who intuitively knew how to bring back freedom, and retain it where he brought it back. That there would be more men of his genial intuition in this world today.

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## RESULTS OF PUBLIC OPINION SURVEY IN 21ST TEXAS DISTRICT

## HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. FISHER. Mr. Speaker, I recently sent questionnaires to all the people whose names appear on the 1970 voter registration lists in the district I represent. The number of responses was exceedingly gratifying.

It can be said with assurance that the results represent a fairly accurate cross section of public opinion on the issues covered, and reflects the prevailing views of more than a half million people.

I am indebted to my constituents for making this survey such a success. The returns include thousands of comments on a variety of topics. I shall refer to some of these in a moment.

The questions and the results of the tabulation follow:

1. Vietnam. Which of the following alternatives do you prefer? (Choose a, b, or c).

[In percent]

| | |
|---|---|
| a. President Nixon's present plan of gradual withdrawal | 40.3 |
| b. Immediate, unilateral withdrawal of all U.S. forces | 12.1 |
| c. Take necessary steps and strive for decisive military victory | 47.6 |

[In percent]

| | Yes | No | Undecided |
|---|---|---|---|
| 2. Labor. Do you favor increasing the minimum wage to $2 per hour? | 32.0 | 59.7 | 8.3 |
| 3. Labor. Some maintain that labor unions which cover whole industries are in a sense monopolistic, and should come under antitrust laws. Do you agree? | 80.6 | 12.0 | 7.4 |
| 4. Labor. Should the Federal Government enact laws to prevent strikes by public employees? | 69.8 | 23.7 | 6.5 |
| 5. Postal. Do you think the Post Office Department should be turned into a public corporation or authority, with power to set rates and postal wages? | 40.3 | 49.0 | 10.7 |
| 6. ABM. Based upon what you have heard and read, do you favor the President's limited anti-ballistic missile (ABM) System? | 55.2 | 25.5 | 19.3 |
| 7. Voting age. Should the voting age be reduced to 18? | 38.3 | 56.9 | 4.8 |
| 8. Cross-busing. Do you favor cross-busing of school children to achieve a better racial balance? | 5.2 | 93.5 | 1.3 |
| 9. Pollution. Should we step up Federal spending programs to combat water, air, and noise pollution? | 82.9 | 13.0 | 4.1 |
| 10. Space. Do you think the Nation's space program should continue at about the present level ($4,000,000,000 annually)? | 45.4 | 44.3 | 10.3 |
| 11. Campus disruptions. Should Federal scholarship and loan funds be denied students who take part in unlawful and disruptive campus behavior? | 93.9 | 5.3 | .8 |
| 12. Foreign aid. Last year the President recommended $2,700,000,000 for foreign aid. The Congress appropriated $1,800,000,000. Do you believe that at least this much reduction should be continued? | 87.5 | 8.7 | 4.8 |
| 13. Welfare. Do you believe the Federal Government should guarantee an annual income to heads of families whether or not they are working? | 4.4 | 91.8 | 3.8 |
| 14. Welfare. Regardless of how you answered the last question, do you believe the welfare program should be overhauled to assure that only the truly deserving receive help? | 97.9 | 1.9 | 0.2 |
| 15. Crime. 2 years ago the Federal Government began annual lump-sum contributions to the States to supplement local outlays in the war on crime. President Nixon has requested this be raised to $426,000,000 per year. Do you favor this program? | 72.3 | 18.5 | 9.2 |
| 16. Peace Corps. In 1961, the Peace Corps was created, which up to now has cost in excess of $1,000,000,000. Present budget bureau has requested $98,000,000 for the next fiscal year. Do you think this program should be continued? | 24.6 | 61.1 | 14.3 |
| 17. Poverty. In 1964, the so-called antipoverty (OEO) program was begun, which up to now has cost more than $8,000,000,000. The President has requested $2,000,000,000 for OEO during next fiscal year. Do you think this program should be continued? | 22.3 | 64.4 | 13.3 |
| 18. Agnew. Do you think Vice President Agnew's criticism of certain news media was justified? | 73.6 | 15.5 | 10.9 |
| 19. Supreme Court. President Nixon has said he favors appointment of men to Supreme Court who are strict constructionists of the Constitution, and who would give that Court a better balance. Do you subscribe to this concept? | 79.5 | 11.0 | 9.5 |
| 20. How do you rate President Nixon's overall performance in office? | | | |
| Excellent | | | 15.1 |
| Good | | | 40.5 |
| Fair | | | 34.1 |
| Poor | | | 10.3 |

GUARANTEED ANNUAL INCOME

Mr. Speaker, a total of 91.8 percent of my constituents want no part of the guaranteed annual income plan.

The administration's pending welfare reform proposal, which includes a $1,600 a year guaranteed annual income—plus $800 in food stamps—for the head of each family of four, was recently approved in the House.

If finally enacted, this scheme would add 3 million families, or 15 million people, including fully employed fathers, to the relief rolls. The added cost would be astronomical.

I am convinced this program would be unfair not only to taxpayers but also to those who presumably would be helped. It would tend to lock the recipient into welfare as a way of life. There are simply too many people in this country who would rather have a handout than a job. And a disservice is rendered when they are encouraged to pursue that course.

One other thing: Once the concept is written into the law, pressures demanding an increase are sure to mount. Already the National Welfare Rights Organization and the radical Americans for Democratic Action—ADA—have demanded that the minimum guarantee be $5,500 a year, and several Senators have insisted on far more than the $1,600 base figure.

I have fought this guaranteed income concept for years. It is encouraging to note that a Senate committee, where the House-approved bill is pending, has recently raised serious doubts about the provision.

I recently received a lengthy letter from Gov. Ronald Reagan in which he expressed grave concern about the pending bill and its probable exorbitant cost. He stated:

> My opposition to the Welfare Reform Act stems from a deep, philosophical antipathy toward a government-guaranteed income and increasing federal intervention into state operations . . .

UNIONS SHOULD BE UNDER ANTITRUST LAWS

It will be noted that by a margin of 80.6 percent to 12 percent the people feel that labor unions should be made to conform to antitrust laws now applicable to private corporations and business enterprises.

I strongly support this position. I am convinced it would be best for labor, best for management, and best for the general public.

I introduced a bill on this subject (H.R. 815), which is designed to prevent unions from conspiring to restrain trade. Such concerted actions by unions would become unlawful. In addition, H.R. 815 would put bargaining on an individual union-employer basis, and hopefully end the practice of industrywide bargaining and the resulting nationwide strikes.

Last year the National Federation of Independent Business submitted my bill to the 267,000 who comprise its business membership. A poll revealed that 92 percent of them favored the measure, while only 6 percent opposed it. At least 39 daily newspapers have endorsed the proposal.

The simple fact is that labor unions have grown up. They are now big business. They no longer need to be wet-nursed and coddled. They do not need and should no longer expect special treatment by enjoying exemption from our antimonopoly laws. The public interest must be protected against harm that comes from conspiracies in restraint of trade, whether it be by big business or big labor.

DAYLIGHT SAVING TIME

A rather large number of constituents expressed opposition to daylight saving time. I share that viewpoint. It should be understood that it is the national policy for each State to determine whether it is to have or not have daylight saving time. The Congress does not legislate on that subject. Each State makes its own decision.

UNLAWFUL STRIKES

By a margin of 3 to 1 the people in the 21st District are opposed to strikes by Government employees. Such strikes are already illegal, as applied to Federal workers. In fact, it is now a felony for anyone employed by Uncle Sam to engage in a strike. The penalty is 1 year in prison and a fine of $1,000, plus discharge and nonemployment rights for 3 years.

"Public employees," as used in the question, include non-Federal workers such as schoolteachers, firemen, policemen, garbage collectors, and so forth.

Press reports indicate the Department of Justice holds in abeyance prosecution of those who engaged in the recent unlawful postal strike, and also the strike by air controllers who work for FAA.

Several comments asked how many pay raises postal employees have received in recent years. There have been 17 since 1945, plus enactment of some fringe benefits. Those of us who have favored these raises felt they were deserved, to bring the pay more in line with comparable work in private industry.

### CAMPUS DISRUPTIONS

Residents of my district—93.9 percent of them—want none of their tax money used for scholarship and loans in behalf of college students who engage in unlawful and disruptive behavior on campuses.

A prohibition against helping such applicants last year accounted for denial to 676 of them.

Campus riots, many of them traceable to leadership by pro-Communist Students for a Democratic Society, have erupted in scores of colleges. Others have been led by anarchists among the Black Panthers. These campus rebellions have included illegal occupation of rooms, destruction of furniture, burning of buildings, blocking of streets, throwing of rocks and bottles at police while the latter were in the line of duty, defiance of established authority, and various forms of malicious mischief.

Most of this form of crime is against local and State laws. So far as I am aware, there has been no rational explanation of why school authorities do not expel the troublemakers.

The vast majority of college students are law abiding and go to college to gain an education. Many students have written me that because of the repeated disruptions the pursuit of their educational goals is in many instances being made most difficult.

### CROSS-BUSING

Mr. Speaker, I would hope this administration, particularly Secretary of Health, Education, and Welfare Robert Finch, will take note of the fact that 93.5 percent of those in the 21st District of Texas oppose the cross-busing of schoolchildren to achieve a better racial balance.

This unwarranted and oppressive practice was imposed during the preceding administration, and has been continued relentlessly by the HEW, which administers funds for school programs. The Secretary simply withholds funds appropriated for certain school purposes, unless the affected schools comply with his whims about racial mixtures.

Only recently, after the House had approved antibusing riders to the annual HEW appropriation bill, Mr. Finch went before the Senate committee to urge that the nonbusing language be stricken because the amendments "would impede Federal programs."

### PRESIDENTIAL PENS

In a lighter vein, a Uvalde housewife inquired about the history of Presidents giving bill-signing pens to the authors of such measures.

That is a current courtesy, as applied to more important legislative enactments. The pens are relatively inexpensive. The Library of Congress informs me the practice probably began during the McKinley administration, and has been done more extensively since the Hoover days.

The pens make interesting souvenirs. I have been given several, including at least three that were presented to me by President Eisenhower when he signed important measures of which I was the author. These included the Amistad Dam legislation and the bill which authorized the Twin Buttes—Three Rivers—flood control and reclamation project on the Conchos. Another—shared by other Texans—was the tidelands bill which confirmed our title to the submerged gulf area, and has enriched the State school fund tremendously.

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## PEACE CORPS PROGRESS REPORT

## HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. ANDERSON of Illinois. Mr. Speaker, although the Peace Corps is not getting as much press as it did in its early days of unfettered idealism and boundless enthusiasm, it continues to grow and mature as an organization and is probably making a greater contribution today than ever before in its history. This is due in large part to the efforts of its new 35-year-old director Joseph Blatchford, a man who organized his own private volunteer agency in Latin America before being appointed Peace Corps Director by President Nixon.

When Joe Blatchford took over the helm of Peace Corps last year he found that the agency had lost much of its early momentum: New ideas and programs were scarce, recruitment had fallen off and foreign requests were also declining. Blatchford immediately formed several task forces to analyze the situation and come up with new ideas, and he embarked on his own world fact-finding tour to examine the situation firsthand. As a result of these studies, comprehensive reforms were undertaken to reshape and revitalize the Peace Corps. These included putting more emphasis on the actual needs and priorities of the host countries as defined by them, recruiting more skilled volunteers as well as more volunteers from American minority groups, and improving efficiency by attracting outstanding business executives with managerial skills.

I want to take this opportunity to commend Mr. Blatchford and his new team at Peace Corps on this new look and new thrust, and I also want to convey the gratitude of the Congress and the American people to the thousands of volunteers who are currently serving throughout the world. At this point in the RECORD I include three recent articles on the Peace Corps:

[From Reader's Digest, May 1970]

### A FRESH SPARK PLUG FOR THE PEACE CORPS

(By Blake Clark)

Under the direction of Joe Blatchford, 35, this global operation is regaining its original luster, vigor and drive.

One morning last May, a young man emerged from the Washington, D.C., railroad station, jumped into a cab and said, "Take me to the Peace Corps building, please."

The driver turned around, eyebrows raised. "You kidding?" he asked. "Didn't that outfit disappear long ago?"

The passenger, Joseph H. Blatchford—dynamic, 35, a relative newcomer to Washington—smiled grimly, for the question underscored the tough assignment ahead of him. The very next day, President Nixon would announce his appointment as the new director of the Peace Corps. His job: to revitalize that floundering agency, to build it into a new, heads-up team responsive to the changing needs of America's friends around the world.

Later that day, in his office across Lafayette Square from the White House, Blatchford dug into a depressing situation. The number of Peace Corps volunteers was down for the third straight year, to an alltime low. Requests for Corpsmen also were falling off. The organization's Washington headquarters seemed quietly and helplessly to be running down. New programs and new ideas were scarce. It looked as though the Peace Corps, once a shining and idealistic instrument of help and hope, had lost its momentum.

What had gone wrong? Joe Blatchford, youngest agency chief in the Nixon Administration, spent his first six months in office finding out. To begin with, he handpicked 50 Peace Corps staff members, former volunteers, men and women outstanding in various fields—and divided them into small task forces. Their mission: to study the organization's problems, its needs—and its decline—and to come up with recommendations for bringing it back to life. This done, he took off on a first-hand investigation of his own: a flying field trip to Africa and the Middle East.

Interviews with national leaders—from prime ministers to school superintendents in remote areas—got him some of his answers. While acknowledging the good work done by generalist volunteers, African officials wanted more highly skilled,experienced technicians and specialists, so that Peace Corps projects could be integrated into high-priority local development plans. Cabinet ministers in Kenya, for example, asked for experts to help develop their water resoures; Libya's Minister of Education wanted professionals in the production and programming of educational television.

Blatchford and his task forces studied the reports, discussed changes, painstakingly redefined the role and the goals of the Peace Corps. By September, they were ready. From 60 nations Blatchford summoned his directors to Washington for a conference. There, in seminars that lasted for five days and nights, he unveiled the ambitious, far-reaching design that he and his task force members had fashioned for the bold new Peace Corps of the '70s.

Record of Accomplishment. The driving force behind the remodeling of the Peace Corps may have been new on the Washington scene, but he had behind him an outstanding record of innovation and accomplishment, particularly in the field of U.S. relations with Latin American nations. The son of a businessman, Joe Blatchford grew up in Los Angeles and enrolled at the University of California at Los Angeles to study political science. He worked his way through becoming president of the senior class and the university's outstanding tennis player. His team won the national collegiate championship three years in a row and he competed at Wimbledon his senior year.

After a year of active duty in the Army, Blatchford got a summer job in the Washing office of Congressman Ralph Gwinn of New York. Working with the Education and Labor Committee whetted the young man's appetite for public service. In the fall, he entered the University of California Law School in Berkeley.

Then came the tumultuous day in May 1958 when an angry mob in Caracas, Venezuela, stoned and spat upon then Vice President Nixon. Joe was shocked that U.S.-Latin relationships were so combustible. He persuaded seven college friends, all musicians, to take a year off and make a good will tour of South America.

XUM

With $15,000 in expense money raised from "corporations, foundations, little old ladies," the group visited 30 cities. In each, Joe challenged the local tennis champion to an exhibition match, which was followed by a modern jazz festival featuring two trombonists and a rhythm section. In this way the young Americans met the people—students, sportsmen, musicians, labor leaders, politicians. They also got a sobering look at South America's appalling slums and poverty.

Returning to Berkeley to finish law school, Blatchford started talking about a community action program for Latin America. He called it ACCION, and persuaded heads of corporations doing business in the sister hemisphere that these poor could be taught to help themselves. In 1960, with $90,000 raised from 24 private firms, Blatchford took 30 volunteers, most of them college students, to Venezuela. Living among the slum dwellers of Caracas, the volunteers showed them how to organize themselves to do what was needed: to replace uncovered ditches with sewers, to make playgrounds out of littered lots, to set up literacy classes for adults and training courses in the building trades.

Today, a decade later, more than 1000 workers have joined this "private peace corps," backed by contributions of nearly nine million dollars from some 3000 companies. In all, ACCION has carried out 45,000 different self-help projects in Argentina, Peru, Venezuela and Brazil. Most important, the North Americans have now withdrawn, and Latin volunteers, backed mainly by Latin money, are running the show themselves.

Among the first to go to the Caracas *barrios*, or shantytown slums, was Winifred Marich, a tall, attractive blonde of Yugoslav descent, a graduate of U.C.L.A. who speaks five languages. She later helped set up ACCION in Rio de Janeiro, and there she and Joe were married. Living today in Georgetown, they like discothesques, opera and modern jazz. (Joe plays guitar.) They zoom around Washington on a Yamaha motorcycle, Winnie clinging on from behind, sometimes stopping for Joe to join in a ghetto basketball game incognito. He keeps fit—5 feet 11 inches, 177 pounds—and still plays a fast game of tennis.

### WORKER WHO THINKS

When the assembled Peace Corps overseas directors met their new chief last September, some were cool, others skeptical. But they recognized in Blatchford a fellow field man—"not a bureaucrat who thinks he's working," as one of them happily put it, "but a worker who thinks." When their five-day session was over, they were a team again. Here, as they look ahead into the '70s, are their new targets:

*Create a needed, lasting resource.* The starting point for any Peace Corps program from now on must be a specific need in the country to be served. The receiving nation will identify its own problems and set priorities. Then the Peace Corps and the national representatives will agree on the best contribution that volunteers can make to create a new resource that will remain after the Peace Corps departs.

For example, a unit may help a country start its own volunteer service. Or, volunteers from U.S. farm areas will introduce developing nations to our system of county agents and 4-H Clubs, and train local people who will carry on, expanding and multiplying the benefits. At every level, in fact, local people—*their* businessmen, students, doctors, tribal leaders, housewives—will be enlisted. Local committees will decide how our volunteers are recruited, selected, trained, placed in the field and supported. Indeed, Blatchford hopes to see the day when half the Peace Corps' overseas staff is made up of local citizens.

*Share America's technical know-how.* Recruiters are rounding up a larger percentage of highly trained people such as 25-year-old Dick Kirby, a 1966 graduate of Pratt Institute, noted for its industrial engineers. Assigned to city hall in Barcelona, Venezuela, a city of 80,000, Kirby discovered that garbage collection was swallowing up half the budget for municipal services. Getting up at 5 a.m., Kirby rode the trucks, eventually rerouted them to call on 400 customers instead of 120, and brought costs into line. Or such as Francis Wilgen, a 24-year-old agricultural engineer who put into operation, and trained a crew to run, a pasteurization plant providing the inhabitants of Kabul, Afghanistan, with the cleanest, safest milk they ever drank.

*Accept a wider variety of volunteers.* Doors are now wider open for older people such as Aubrey Foster and his wife, who are at work in the Central American country of Honduras. A Ph.D. with 25 years' experience in plant pathology, Foster is testing vegetable varieties and determining the best methods of fertilizing, watering and cultivating in the Honduran climate. Seeds of varieties proven best will be given to small farmers throughout the country. Mrs. Foster, with three sewing machines donated by CARE, started a sewing class for women and girls in a local church. The children came to play and help with the garden, and soon the project grew into a community center.

Blatchford sees a huge new pool of skilled and professional talent opening up through sabbatical arrangements with corporations and labor unions, which would protect employees against loss of seniority and fringe benefits during their two years with the Peace Corps. The more flexible Corps will also include the doctor who wants to volunteer to spend the summer in an African village, the experienced architect who can donate a few months to a community development project in a Peruvian *barrio*, the dietitian whose teaching would be invaluable in the villages of the Andes, even if she is available only for a short time.

*Increase efficiency.* Swiftly, authoritatively, Blatchford has tightened administration. Headquarters' costs are already down 20 percent, and red tape is being cut. No more rules that "Peace Corps members can't have children," or that they must be single or have a wife who is also a volunteer—provisions that kept out thousands of good candidates. The formidable 15-page application form, "which only a computer programmer could figure out," has been simplified. More responsibility for recruiting now goes to regional offices, so that recruits will hear in days rather than months whether or not they are accepted. Paper work has been cut by treating the volunteer in the field as a responsible adult who should not be required to itemize bicycle-repair expenses, travel time or dentist bills.

*Train foreigners here for service at home.* The Peace Corps' work as a catalyst could be speeded up, Blatchford says, by bringing in volunteers from other countries to work on, and observe, U.S. domestic projects. For example, 60 percent of all Latin Americans will soon be living in cities; they need people trained in community action. Many of our cities, in turn—Philadelphia, Baltimore, Los Angeles, New York—need Spanish-speaking teachers. Latin Americans could teach here, and work with members of VISTA (Volunteers in Service to America) in our ghettos, learning to unite a community to solve its problems. Then they would return to set up similar programs at home.

*Form a domestic Peace Corps.* Why send all our volunteers 5000 miles from home when we have our own shabby ghettos, and our own worn out farm areas? Many Americans, aware of the problems bedeviling their city or country, think, "I'd like to help." Blatchford looks to the time when every city and town in America will give volunteers an opportunity to do just that—for teachers to lend a hand to youngsters falling behind in their reading, doctors and others to care for the aged and ill, lawyers to protect the poor in the courts and the ignorant from usurious rates of interest, people to help make our streets and homes safer, to help safeguard our environment.

A national survey shows that five million volunteers could be put to work on the urgent needs of our society today. To find and direct the energies of this force, Blatchford would like to see a "White House Volunteer Service." Anyone who has time to give free—three months, a year, two years—could fill out a White House application form, listing his background and qualifications, and then be guided by the Volunteer Service to a spot where his contribution could count.

Thanks to Joe Blatchford, things are looking up for the Peace Corps—and for all Americans interested in making this a better world.

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[From the Wall Street Journal, Apr. 27, 1970]

### PEACE CORPS RECRUITS BUSINESS EXECUTIVES TO MANAGE PROGRAMS: SOME COMPANIES GIVE LEAVES FOR SERVICE OVERSEAS; PAY RANGE IS $10,000 TO $30,000

(By Ronald G. Shafer)

WASHINGTON.—The typical Peace Corpsman is a young idealist fresh out of college, aflame with desire to set the world straight, willing to work for a pittance.

And then there's John Guyer. John Guyer is idealistic enough. But he's 39 years old and a vice president of an investment counseling company. And his new job as a Peace Corpsman pays around $20,000 a year.

With his company's blessing and two-and-a-half-year leave, Mr. Guyer has left for Bombay to be a regional director of Peace Corps operations in India. He wasn't fed up with his Los Angeles job, but "I've always wanted to go abroad with my family" as well as wanting "in some degree to serve my country." So when Peace Corps Director Joseph Blatchford extended the invitation, it was gratefully accepted.

Mr. Guyer is one of the first recruits in a Nixon Administration search for business executives who might improve the management of the 10,500 Peace Corps volunteers at work in 62 countries. Vacancies are occurring faster than usual on the supervisory staff of 1,350 people at home and abroad because Congress passed a law in 1965 limiting service to five years. As one official puts it, "this is the first year of the five-year flush."

Recruiting middle-aged administrators from the business establishment to fill these slots might alarm the Peace Corps' traditionally youthful and liberal-minded volunteers. Nonetheless, Director Blatchford, 35 years old, who used to operate a private Peace Corps-type service in Venezuela, insists:

"Government and social services tend to bring in people who are very idealistic and highly motivated but who lack management experience. They're good people," but "we need more management ability."

Duties of Peace Corps managers vary widely. One supervisor says she helped set up an accounting system for the finance ministry in Malaysia, for example, while another might administer a volunteer program to improve chicken production and marketing in India.

The executive recruiting is just getting fully under way. So far, the agency has corralled about 15 businessmen, including several vice presidents, from such concerns as Irving Trust Co., IBM, General Foods, Quaker Oats, A. C. Nielsen and Monsanto. The goal is to install businessmen in about 200 of the 350 or so staff openings expected in the next year, says Glenn Randall, director of staff recruitment. The agency also is recruiting among the professions, labor unions and educational institutions.

Peace Corps representatives are to contact scores of companies during the next few weeks. One "loan-an-executive" pitch will be the possible benefit to a company's own recruiting among college students. Mr. Blatchford explains: "Say Company A went recruiting and said 'Some time in your first 10 years, we'll give you two years off to be a Peace Corps supervisor'. Young people are likely to say, 'That's the company for me' rather than Company B, which emphasizes a pension plan at age 65."

So far, companies contacted have supported the idea, although a few initially were reluctant to part with executive talent. Recruiting top administrative management for the Peace Corps "makes a lot of sense," says George Murphy, chairman of Irving Trust. An executive's experience with the agency "will be of great value to him and to us after he returns to his banking post," Mr. Murphy comments.

The Peace Corps has always had job slots for managers, but few businessmen have joined. There was a mistaken belief, agency officials feel, that the only openings were for young college graduates to serve as volunteers at token pay. "They weren't aware that you don't have to live off the land on a subsistence level," says Charles Bryant, personnel director: "We're talking about staff jobs paying $10,000 to over $30,000 a year." And the Peace Corps provides free housing and schooling in the host country.

Some businessmen turned Peace Corpsmen admit to the misconception. "I wasn't aware that staff positions were even available until one day I happened to drop into the Peace Corps office in Washington," says John Mills, formerly development director of Monsanto's international division. Now the 47-year-old executive heads up a new Peace Corps program to train specialists for spot assignments in fields ranging from agriculture to urban planning. Unlike most recruited executives, he doesn't plan to return to his former company.

Many businessmen are attracted by a chance "to get away from the rat race and vent their social consciences," a Peace Corps official says. William Inglis, a former vice president of Irving Trust, says he views the Peace Corps as a way to "make a social commitment—not just a token one part-time, but a 100% commitment." He signed on as director of administration and finance in Washington, a post that he believes also offers opportunities in management that will help his banking career.

The decision can be a tough one. For executives like Mr. Guyer, the Los Angeles investment counselor, it generally means a sharp pay cut. And two and a half years away from their companies could slow their careers. "I lose a lot of ground," Mr. Guyer concedes. He remarks that, when news of his decision got around, "there was a lot of response from my peers. They wanted to do the same thing, but they also had a reluctance to leave careers in midstream."

Executive recruiting is part of the broader effort by the Nixon Administration to attract more older and more skilled volunteers, including blue-collar workers, to the Peace Corps. This approach is already controversial. The agency says a majority of returning volunteers support the shift, but some returnees and ex-staffers complain that it has "turned off" young people previously attracted by the Peace Corps' idealistic image.

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[From Business Week, Apr. 13, 1970]

### Can Business Aid the Peace Corps? Nixon Team Asks Companies To Lend Top Talent To Fill Key Staff Jobs

The Peace Corps, once a loose amalgam, of well-intentioned liberals, idealistic youths, and assorted academicians, has embarked on a controversial plan to make itself more efficient. In the Nixon Administration, that means more businesslike. As a result, the corps is shifting its recruiting thrust away from liberal arts campuses and toward U.S. corporations.

The new recruiting drive is the brainchild of Joseph H. Blatchford, the 35-year-old Californian appointed by President Nixon last year to head the agency. Blatchford will try to lure talented managers away from business to serve short-term volunteer stints as high-level Peace Corps staffers.

This is where the controversy comes in. Critics recall the demise of Operation Tycoon, a program run by the Agency for International Development in the early 1960s to send businessmen overseas. The skeptics claim that Tycoon turned up more duds than economic development, and think the Blatchford plan also is doomed to failure. Newspaper columnist Frank Mankiewicz, a onetime country director for the Peace Corps in Latin America, sums up the doubts of many onlookers who feel that cost accounting and national development do not mix. He characterizes the new recruiting effort as "a disaster."

A new breed. Despite the skepticism, Blatchford is determined to tighten up corps operations with a new breed of managers. To succeed, however, he will have to work fast, because the agency is about to be scoured by a rule that limits service to five years. By October, replacements will be needed for 18 country directors, 12 deputy directors, and 33 associate representatives—all key staff jobs. Country directorships, for example, pay salaries that can exceed $30,000 a year.

With time running short, Blatchford reorganized his agency and placed Glenn C. Randall, 37, a former track and field star and recruiting director for the U.S. Office of Education, at the helm of a new staff recruiting office. Randall, in turn, set up a computerized "talent bank" designed to match an expected crop of talented managers with staff assignments. In the meantime, the corps is pressing the search for its "supercandidates." Blatchford hopes he can enlist "vice-presidents of corporations, possibly international corporations," for what Randall describes as a team of "practical idealists."

What the Peace Corps has in mind are men like William W. Inglis, 38, one of a wave of former Californians whom Blatchford already has cajoled into service. A financial whiz kid who became an Irving Trust Co. vice-president at 34, Inglis recently took a two-year leave of absence to head the Administration & Finance Dept. of the corps. John D. Guyer, 39, left a Los Angeles post with American Investment Counseling Co. under a similar arrangement and is headed for India this month for a stint as deputy director for the Bombay region.

John E. Mills, 47, who holds a doctorate in economics from Berkeley, came aboard in January from Monsanto Co., where he had been manager of new foreign investment and manufacturing ventures. At the Peace Corps, he became director of program development and will work up binational assistance programs overseas. Another new-wave man is Robert N. Jorgensen, 55, who left a $40,000 job as president of his Livingston (Mont.) wholesale firm for a $23,000-a-year staff post in Ghana. Jorgensen now advises entrepreneurs in Accra on small business techniques.

For months, staff recruiter Randall has quietly been meeting with executives at PepsiCo, Quaker Oats Co., Ford Motor Co., and Irving Trust in attempts to snare more socially conscious managers. He wants corporations to channel young executives to the agency for two-year volunteer stints, allowing them to keep their seniority intact. Negotiations also are under way with the International Executive Service Corps, a private group using AID funds to send retired executives overseas for short-term assignments in developing countries. Blatchford hopes IESC—or, as it is better known, "the Paunch Corps"—will lend his agency a few top men to supervise selected Peace Corps volunteers overseas.

Skepticism. Predictably, the new Peace Corps recruiting effort has met with criticism from some former staff members, Mankiewicz is convinced that Blatchford and his crew of Californians will only serve to "conservatize the Peace Corps." Vernon K. Richey, a former Peace Corps public information specialist, snorts: "There are a lot of good things happening, the work of 'impractical idealists,'" and bitterly adds: "I would hate to see the Peace Corps lie down in the same bed with some of the corporations that have been exploiting Latin America for years."

But a former head of the corps' overseas recruiting branch grudgingly concedes that Blatchford's plan is "a good idea." "If Blatchford gets 10 top executives," he says, "that's a quantitative accomplishment, quite different from what has been done before."

Last week the Senate Foreign Relations Committee voted to cut the Peace Corps budget by 10% to $90 million. But Blatchford insists "we're very optimistic" about the executive recruitment plan. The big question, however, is whether Blatchford will be able to find many of his "visionaries with their feet on the ground" from the business world. In the opinion of one former Peace Corps recruiting chief, he will not. "Corporations," he says, "just don't take their bright young guys and send them to India."

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## TELEGRAM TO NEW YORK STATE ATTORNEY GENERAL

## HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. HALPERN. Mr. Speaker, I wish to call my colleagues' attention to the decision last week of the New York State Court of Appeals, refusing to allow graduating law students of both New York State and other law schools the option of waiving their final examinations.

In the light of our country's crisis, and these students' deep commitment to let their views be heard, I sent a telegram last week to Attorney General Louis J. Lefkowitz, voicing my objections to this ruling. I applaud the efforts of these young adults, who have dedicated themselves to legitimate means of working within the constitutional framework of our Government, and I take this opportunity to lend my voice in their support. Following is the text of the wire:

May 15, 1970.

Hon. Louis J. Lefkowitz,
*Attorney General, State Office Building,*
*New York, N.Y.:*

I urge you to have Court of Appeals reconsider decision of May 12th and allow graduating law students to waive final classroom activity and exams and be permitted to take bar examination. The climactic events of the past few weeks have polarized these students to set priorities, with their country first, and they have dedicated themselves to dramatic and committed efforts in voicing their dissent. I support their efforts and implore you to have the Court of Appeals reappraise their findings.

Congressman Seymour Halpern.

## PEACE CORPS AS INTERNATIONAL PEACE-KEEPING FORCE

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## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. RARICK. Mr. Speaker, the U.S. Peace Corps, because of the extremely controversial and undesirable behavior of its members, continues to deteriorate with "emerging nations."

The United Nations Organization continues seeking a peacekeeping force, a reconstruction-type army of occupation, to draw the first violence and bullets—in case of "nonviolent" cultural and ethnic dissent from those who resist internationalization.

A perfect merger—give the Peace Corps to the United Nations if the U.N. backers will accept it.

Most Peace Corps members are already internationally oriented and as U.N. representatives, instead of Americans, our people would be spared embarrassment and our image abroad improved.

Several related clippings follow:

[From the Washington Post, May 17, 1970]

### PEACE CORPS TROUBLED IN AFRICA

(By Stanley Meisler)

NAIROBI, KENYA.—Last year, the Somali Army team upset the Peace Corps to win the annual basketball tournament in Mogadishu. Young army officers in the crowd clasped each other. Several wept for joy.

"We have beaten the Peace Corps!" others shouted.

The depth of emotion astonished Peace Corps officials at the tournament.

A few weeks later, the Army took over the government of the Somali Republic. One of the first acts of the new military regime was to oust the Peace Corps and its 60 volunteers.

The story illustrates a surprising tide of resentment in Africa toward volunteers and, in fact, Americans and whites in general, that has made the continent the most troublesome area in the world for the Peace Corps.

In the last few years, the Peace Corps also has been ousted from Mauritania, Gabon, Tanzania and Libya.

It now faces political troubles that threaten its existence in Malawi, Lesotho, Ethiopia and Nigeria.

In a recent interview in Nairobi, Walter Carrington, the director of the Africa region for the Peace Corps, tried to analyze the core of these problems.

"I could generalize and say we have been caught in a general wave of anti-Americanism," he said, "but it's not as simple as that.

"Young Africans often have a resentment against Europeans, against whites, and they resent having to depend on them so much. We're often the most visible evidence. Africans resent us doing a job that they feel they ought to be doing themselves."

Other Americans who know the Peace Corps well, while agreeing with Carrington's analysis, usually add two other reasons for the troubles in Africa:

The programs have been too large. Nigeria and Ethiopia, for instance, had more than 500 volunteers. They became too obvious a target for young Africans resentful of outside help.

The Peace Corps has put too much energy in one kind of work—teaching. Two-thirds of the volunteers in Africa are teachers. It has always been that way.

But a look at the troubles of the Peace Corps in Africa needs perspective. Despite its political woes, the program in Africa is still one of the most important the Peace Corps runs.

At the end of 1969, the Peace Corps still assigned 2,682 of its 9,146 volunteers and trainees to Africa, the same as in years past. Officials insist they still get more requests from governments than they can meet.

While some countries were ousting the Peace Corps, others, like Mali, the Congo and Upper Volta, were asking the Peace Corps to end volunteers for the first time. But the Peace Corps does have troubles in Africa as this brief rundown of some of the sensitive areas shows.

Nigeria—Once the largest program in Africa, with 719 volunteers in 1967, the Peace Corps in Nigeria dwindled after the civil war broke out that year. There are now 66 volunteers, all teachers in the northern states, and the government has not asked for replacements when they leave.

Ethiopia—Volunteer teachers have run into a great deal of abuse from striking, demonstrating students who oppose Emperor Haile Selassie and believe that the U.S. government is the main prop under his regime.

The Peace Corps, which had 565 volunteers in Ethiopia in 1966, shrank to 312 volunteers at the end of 1969.

Tanzania—The last Peace Corps volunteer left Tanzania in November. President Julius Nyerere, according to some observers, had become angry with the United States over the war in Vietnam. In addition, he was trying to fashion a Socialist, agricultural, nonelitist system of education and did not believe Peace Corps volunteers fit in.

Malawi—President Hasting Kamazu Banda has asked the Peace Corps to leave after its 141 volunteers finish their tours next year. The Peace Corps has long worried Banda, mainly because a number of volunteers tended to sympathize with the young, educated nationalists who oppose him.

Somali Republic—The civilian government of the Somali Republic had asked the Peace Corps to double the number of volunteers there. But, soon after the coup last October, the military rulers, Soviet trained and intensely nationalistic, ordered the 60 volunteers to leave.

Lesotho—At the close of last year, the Peace Corps had 65 volunteers in Lesotho, a tiny enclave caught in the midst of South Africa. The South African government evidently considers them a subversive element in southern Africa and wants them to leave.

Libya—Soon after its coup last September, the new military regime ousted the 143 volunteers in Libya, all teachers of English. This was in line with the new government's policy of discouraging English teaching and encouraging the use of Arabic. But it is likely that the government, intensely nationalist and anti-American, would have pushed out the Peace Corps even if the volunteers had been in some other kind of work.

Mauritania—In June, 1967, after the outbreak of the Arab-Israeli war, Mauritania broke off all diplomatic relations with the United States. The 12 volunteers were withdrawn.

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[From the Washington Post, May 17, 1970]

### THANT URGES INTERNATIONAL VOLUNTEER CORPS

UNITED NATIONS.—Creation of an international volunteer corps of 1,300 young people by mid-1971 to work in developing countries has been recommended by Secretary General U Thant.

The recommendation came in a report to the U.N. Economic and Social Council (ECOSOC), which had requested Thant to examine the feasibility of a suggestion originally made by Iran.

Called the United Nations Volunteers, the corps would aim at giving youth a constructive outlet for skills in helping countries which requested assistance in carrying out national development programs. The volunteers also would help train local personnel.

Thant recommended that the corps be created within the U.N. development program headed by Paul G. Hoffman, and that initially its work be confined to U.N.-assisted projects. ECOSOC will consider Thant's report at a meeting in Geneva in July, and will make its own recommendation for approval of the U.N. General Assembly next fall.

Volunteers would have to be over 21 and in good health. They would be asked to sign a pledge of commitment to respect international standards of conduct.

Persons enrolled, who would have to be approved by the countries where they were stationed, would be paid only expenses and pocket money. Countries being assisted would be expected to pay local subsistence costs of $1,500 to $3,000 annually per volunteer, although a U.N. trust fund would be set up for contributions to help countries that could not afford to pay local costs.

Under procedures endorsed by Thant, volunteer agencies in various countries would undertake the job of finding candidates for opportunities in participating countries as advertised by the U.N. The volunteer agencies also would pay external costs of recruitment and would provide initial training which would be supplemented by the U.N.

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[From the Atlanta Journal and Constitution, May 10, 1970]

### GENERATION GAP—U.N. LACKS MEET CASH FOR YOUTHS

UNITED NATIONS.—Early this year the United Nations set about wooing the youth of the world to prove that on its 25th birthday it wasn't too old to be of use to the coming generation.

It invited youth groups from all nations to send delegates to a world youth assembly here July 9.

But, to its intense embarrassment, the United Nations now finds it can't get governments to donate the relatively modest $700,000 it had budgeted for the parley. Only about $30,000 has been contributed in the past three months—less than 5 per cent of the budgeted total.

Delegates from several of the big powers admit privately that their governments are not very enthusiastic about the assembly. With big governments hanging back, nongovernmental donors are doing likewise.

U.N. Secretary General U Thant has tried to shame governments, businesses, foundations and corporations into doing something to rescue the foundering assembly.

He said that if the money could not be collected the United Nations would have to cancel the nine-day youth meeting.

Such a cancellation, Thant asserted, would be "likely to affect the relations between generations for a long time to come."

Mike Cavitt, a young Kansas Republican who is serving as organizer for some 43 U.S. youth groups now selecting the American delegation to the U.N. parley, was more blunt than Thant about the youth assembly fund shortage.

"We narrowed our applicants from 250 to 28 last weekend," he reported, "by next week we will have our five delegates and five alternates picked. We've spent a lot of time and effort on this. If the assembly fails because of lack of money, you can be sure that a lot of youth organizations usually thought of as 'safe' or 'square' are going to be very, very disappointed."

The Nixon administration appears to be of two minds about the U.N. gathering.

On one hand, the State Department has approved a liberal policy to supply 30-day

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C-2 visas to all participants. That means that youths from such unrecognized lands as Communist China, North Vietnam, North Korea and East Germany will be eligible to tour any part of the United States without restriction for about three weeks following the youth assembly.

On the other hand, the U.S. government so far has turned down pleas from some American youth groups that it donate some or all of the $150,000 it has earmarked for hosting selected youth delegates on cross-country tours after the July parley closes.

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## ADDRESS OF HON. EUGENE T. ROSSIDES

## HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. STANTON. Mr. Speaker, I commend to my colleagues attention the recent address by the Honorable Eugene T. Rossides, Assistant Secretary of the Treasury for Enforcement and Operations, on the Nixon administration's reform program to combat the illegal use of secret foreign bank accounts.

As H.R. 15073, the bank records and foreign transactions bill, is before us for consideration this week, I think my colleagues will find Mr. Rossides' comments extremely enlightening.

The address follows:

REMARKS OF THE HONORABLE EUGENE T. ROSSIDES, ASSISTANT SECRETARY OF THE TREASURY FOR ENFORCEMENT AND OPERATIONS BEFORE THE EIGHTY-NINTH ANNUAL BANQUET OF THE PHI DELTA PHI OF COLUMBIA LAW SCHOOL

Tonight I want to discuss with you the Nixon Administration's reform program to combat the use of secret foreign bank accounts by organized crime and white collar crime to violate U.S. tax and other laws.

When this Administration took office, it decided to do something about this problem. We point out with pride that this is the first Administration seriously to study the matter and recommend action designed for correction of this long-standing problem area. We take further pride in the fact that the Treasury is in the forefront of this effort. Treasury organized a Task Force to attack the problem on a concerted basis. It is the first of its kind of which we are aware.

Our overall aim is to build a system to deter and to prevent the use of secret foreign bank accounts for tax fraud, their use to screen from view a wide variety of criminally related financial activities, and their use to conceal and cleanse criminal wealth. Our immediate aim is to combat organized crime and white collar crime in their use of foreign banks to achieve criminal objectives.

This Administration recognizes the widespread moral decay that would result if these practices are permitted to continue and expand. We are determined to do something about them.

The Administration has acted in four interrelated areas:

*First:* The development of solutions has been elevated from an ad hoc case-by-case approach to the foreign policy level. Treaty discussions have been undertaken with the Swiss authorities and we are in the process of contacting other governments.

*Second:* The Treasury is carrying out a comprehensive administrative review of current procedures and an analysis of what further can be done under existing statutory authority.

*Third:* The Treasury has made, on behalf of the Administration, certain legislative proposals regarding this problem.

*Fourth:* The Treasury is working with the private sector to develop cooperative measures against this illegal activity.

Before discussing our actions in these four areas, I must emphasize three fundamental concerns that predominate in formulating Treasury's enforcement approach to this problem.

First, the United States dollar is the principal reserve and transactions currency of the world. Foreign holdings of U.S. dollars are huge, amounting to some $43 billion in liquid form. This fact itself is a mark of the confidence which others have in the political and economic stability of the United States and is a tribute to the success of the international trade and payment system we have been creating—a system of progressively fewer restrictions to the flow of goods and capital. The overwhelming bulk of the rapidly growing volume of international transactions by Americans and foreigners alike are not only legitimate business and personal transactions, but serve the larger interests of the United States in effective monetary arrangements and freely flowing trade and payments. It has, therefore, been of paramount concern to us that the proposals we are making will in no way restrict the regular and efficient flow of domestic and international business, or personal transactions, or diminish the willingness of foreigners to hold and use the U.S. dollar.

The second consideration is that consistent with our determination to deter tax and other evasion by U.S. persons involving foreign financial transactions, we have sought to develop proposals under which the benefits to our tax collections and to our law enforcement objectives exceed the direct and indirect costs which these proposals bring about.

Finally, we have not lost sight of traditional freedoms, many of which are set forth in our Constitution, others which have become identified with our way of life. In strengthening enforcement, we must not jeopardize these principles.

### BACKGROUND

Just what is a secret foreign bank account? It is an account maintained in a foreign banking institution in a country which has laws which strictly limit the conditions under which information concerning an account will be made known to governmental authorities.

There is no certainty as to the exact dimension of the use of foreign bank accounts by U.S. citizens and residents, or the number being used for illegal purposes or the size of the tax fraud and other criminal violations shielded by such accounts. Even though the number of persons involved and the amounts of tax fraudulently evaded by these means may be small in comparison to total U.S. taxpayers and tax collections, the principle involved is central to proper tax administration: any tax fraud scheme must be attacked vigorously.

We all have the right to demand that all Americans pay their proper amount of taxes as determined under the revenue laws. If tax fraud fostered through the illegal use of foreign bank accounts is not curbed, our self-assessment system of taxation could be seriously impeded.

Rapid means of international transportation and communication have greatly facilitated the free flow of funds and commerce across what were once thought to be great distances. These technological advances have added to the problem of tax fraud through the use of secret foreign bank accounts.

The anonymity offered by foreign accounts has been used to conceal income made in connection with various crimes that have international features. They include the smuggling of narcotics, black market currency operations in Southeast Asia, and illegal trading in gold. These illegal undertakings frequently involve tax fraud.

### USE BY ORGANIZED CRIME

*Racketeer Money:* There is strong evidence of a substantial flow of funds from racketeers in this country, particularly those associated with gambling, to certain foreign banks. Some of these funds appear to have been brought back into the U.S. under the guise of loans from foreign sources. This may be providing a substantial source of funds for investment by the criminal element in legitimate business in the U.S.

*Money from Narcotics:* In March, 1969, Treasury Agents of the Bureau of Customs broke up a major international heroin smuggling scheme by intercepting 115 pounds of heroin in New York City. Cash transfers of this organized crime enterprise were run through secret foreign bank accounts. One of the defendants alone admitted to forwarding half a million dollars from the United States to Geneva.

If adulterated at the usual ratio of five to one, the 115 pounds of pure heroin would have yielded 690 pounds of diluted heroin mixture. It is estimated that one such pound will yield 7,000 one-grain doses. The 690 pounds would have put 4.83 million one-grain doses into the hands of pushers on the streets with a total value of about $24,000,000 ($5.00 per dose). I am sure that you can understand why we feel so strongly that something must be done.

### USE IN CONNECTION WITH WHITE COLLAR CRIME

Foreign bank accounts are opened to facilitate tax fraud by some people who otherwise appear respectable and law abiding. They are used in an effort to hide unreported income from commercial operations in the United States or income from investments made through a foreign bank.

*Personal Accounts:* Accounts in foreign banks are used as repositories for money representing income not reported on United States tax returns, much in the same way as bank safety deposit boxes have been used in this country. For information on the existence and nature of the accounts, dependence has been placed upon informants and the subsequent tracing of transactions through banks in this country.

*"Arrangements" with Foreign Customers and Suppliers:* In some cases, United States taxpayers have arranged with their foreign customers or foreign suppliers for the preparation of false commercial documents overstating amounts received from the United States taxpayers or understating amounts paid to them. The funds placed in the hands of the foreign conspirators as a result of these falsifications are deposited with banks in bank-secrecy countries for the credit of the United States taxpayers.

*Transactions in Securities:* Taxpayers, by opening accounts with foreign banks and financial institutions, have been able to buy and sell on the United States stock markets without disclosing their interest in, or taxable income from, such transactions.

Let me now turn to the Nixon Administration's reform program.

### FOREIGN POLICY—SWISS TREATY NEGOTIATIONS

The recent discussions with Swiss officials have centered upon the development of a proposed mutual assistance treaty to provide information and judicial records, locate witnesses and provide other aid in criminal matters. However, the U.S. and Switzerland already are parties to a convention for the avoidance of double taxation with respect to income taxes which is relevant to bilateral cooperation for obtaining bank records to prosecute tax fraud. Article XVI of this latter treaty provides for the exchange of information for the prevention of *fraud or the like* in relation to income taxes which are the subject of the convention.

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We have only recently become aware that Swiss law makes an important distinction between simple tax evasion and tax fraud, which is an aggravated form of tax evasion. Whereas individuals guilty of simple tax evasion under Swiss law are not considered to have committed "crimes" as we know the term, and thus are not subject to jail sentences, tax fraud in connection with the Swiss federal withholding tax on interest and dividends and the income tax laws of sixteen of the twenty-five Swiss cantons, including the economically more important cantons, is deemed a criminal offense which can result in the imposition of jail sentences and which is handled in criminal rather than administrative proceedings.

This distinction between tax evasion and tax fraud becomes of essential importance because under Swiss law the obligation of a bank to observe secrecy about the affairs of its depositors is superseded by the duty to furnish information, give testimony, or produce documents in criminal proceedings which include tax fraud proceedings.

Speaking on behalf of this Administration, I can assure you that we are actively exploring with the Swiss authorities the obtaining of the same information, including bank records, as can be made available to Swiss authorities.

### ADMINISTRATIVE REFORM

I believe that a primary responsibility upon taking office is to determine how current law is being administered and whether administration can be improved. In early 1969, in conjunction with work for discussions with Switzerland, I authorized a review of existing practice and statutory authority to see what improvements and additional action could be taken administratively. It was concluded that much along the following lines could be done to combat this problem even without legislation.

No matter what treaty, legislation, or regulations might be implemented, efficient and effective prosecution of law evaders is an important element in curbing the illegal use of foreign bank accounts. Law enforcement agencies are increasing efforts to uncover individuals who have made illegal use of foreign bank accounts. The new United States Attorney for the Southern District of New York, Whitney N. Seymour, Jr., has been in close contact with key officials in Washington to implement a vigorous attack against individual offenders.

The Internal Revenue Service presently is thoroughly reviewing its operations, including its audit procedures, to develop more effective internal procedures for uncovering cases of tax fraud involving the use of foreign bank accounts, as well as for compiling and constructing solid evidentiary records in these cases. New guidelines are being established to aid Treasury Agents of the Internal Revenue Service in handling investigations of tax payers who employ or are believed to employ secret foreign bank accounts.

*New Regulations and Administrative Practices:* Another means of attacking the problem under existing law is to implement new effective regulations and administrative practices.

One significant measure that this Administration has already taken under existing authority will be to require on next year's tax return that U.S. citizens, residents, and certain other persons effectively doing business in the United States identify their direct or indirect interests in foreign bank accounts. I believe that this will be an effective deterrent to the use of these accounts to evade taxes, since the failure to reveal the existence of such interests will result in the imposition of criminal penalties apart from those otherwise applicable to the filing of fraudulent tax returns.

In conjunction with this disclosure requirement, this Administration has under consideration a proposal that, pursuant to regulations, taxpayers with interests in foreign bank accounts be required to maintain specified records of transactions they have with these accounts.

Another related proposal which is being given consideration is that taxpayers who report interests in foreign bank accounts on their tax returns at the same time personally would authorize the foreign financial institutions in which the accounts are maintained to forward any information which might be requested by the U.S. law enforcement officers pursuant to the same legal process required to obtain bank records in the United States.

Still one more area being thoroughly considered by the Treasury Task Force is the extent to which evidentiary presumptions could be implemented through regulations which would make funds flowing through foreign bank accounts be deemed to be untaxed income unless taxpayers provided sufficient information and records to the contrary. This area is very closely related to comparable legislative proposals which I shall mention shortly.

I believe that this recitation of what already has been done by this Administration with respect to administrative measures and regulations, and to further international assistance to curb the illegal uses of foreign bank accounts clearly demonstrates our seriousness of purpose and that we have accomplished more than ever before. Even apart from the legislation on this subject presently before this Congress, administrative action and international cooperation hold promise of substantially curbing the illegal use of these foreign accounts.

### LEGISLATION

This is the first Administration in recent history to support the concept of development of effective legislation which would provide valuable additional statutory tools to counter the illegal use of secret bank accounts. In this connection, this Administration has strongly supported the objectives of those aspects of the legislation of the House Banking and Currency Committee chaired by Congressman Wright Patman, H.R. 15073 that are intended to ameliorate this problem. However, in my testimony before the House Banking and Currency Committee on March 2, 1970, I pointed out several key changes of H.R. 15073 which were necessary to make it responsive to this problem, only some of which were implemented by the Committee before it reported the bill out at the end of March.

As originally introduced, H.R. 15073 suffered from numerous and obvious shortcomings. In general, it maximized burdens upon the public and the economy while minimizing enforcement effectiveness. More specifically, the bill would have made mandatory the photocopying, at least once and possibly twice, of every check written in the United States—at least 20 billion and possibly 40 billion items annually—and it further would have permitted uninhibited official government rummaging through the records of certain banks without regard for the privacy safeguards provided by established discovery procedures.

We presented to the Committee amendments and, later, a substitute bill. Our proposals would have maximized enforcement and minimized burdens and offered further advantages of brevity, clarity, ease of application and flexibility not shared by H.R. 15073. Our proposals would have strengthened the bill in several ways, including amendments to lessen wasteful and counterproductive recordkeeping, and limit incursions upon the right of privacy.

Those amendments to the Patman legislation suggested by the Treasury, which were accepted, considerably improved H.R. 15073 as it was initially introduced. For example, key amendments of H.R. 15073 broadened recordkeeping requirements to encompass various types of other financial institutions engaged in international transfers of funds, as well as commercial banks.

In my testimony before the House Banking and Currency Committee on March 2, 1970, I specified records of types of international transfers which the Treasury Department recommended be maintained by these institutions pursuant to regulations issued by the Secretary of the Treasury, for a period of six years. These included records of remittances transferring funds to and from the United States, both records of checks negotiated abroad and foreign credit card purchases in excess of $1,000, records of foreign checks transmitted abroad for collection, records of foreign drafts, and records of international letters of credit and documentary collections.

I believe that the Committee should have adopted a number of desirable suggestions made by the Treasury which are needed to limit the scope of the legislation to its intended purpose—to assist criminal, tax, and regulatory investigations and proceedings.

The Treasury recommended recordkeeping, reporting and disclosure requirements which would have a high degree of usefulness in criminal, tax, or regulatory investigations, and which were directly related to the problem of the illegal use of secret bank accounts.

It has only recently come to the fore that the legislation is intended to deal not only to some extent with the problem of secret foreign bank accounts, but that a basically separate problem area with which H.R. 15073 also is concerned is the trend on the part of domestic banks not to maintain microfilm records of all checks drawn on them.

The Treasury Department urged amendments that would have limited *all* recordkeeping and reporting requirements of H.R. 15073 to those which are likely to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.

However, the Committee adopted this significant limitation only in connection with the recordkeeping requirements imposed upon banks and other financial institutions. It failed to accept the same standard with reference to the reporting requirements imposed.

This refusal is significant, especially in view of the growing concern in America over possible incursions by Government into individual privacy. I believe it is generally accepted that the right of privacy is not absolute, but must be balanced against the need for information inherent in the governing process. For example, few of us would quarrel with the need for the Government to require individuals to file tax returns which, to some extent, of course, contain private information. Nevertheless, this right of privacy must be protected against any unnecessary incursions.

However, the reporting requirements of the Patman Committee legislation possibly could result in unnecessary inroads into this right of privacy. For example, consider the requirement of reporting domestic currency transactions in the Patman legislation. An analogy can be made between reporting of such transactions by financial institutions to the Government and searches through the records of these institutions without the transactions of a particular taxpayer in mind.

If such reporting requirements are limited, as the Treasury recommended, to those transactions likely to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, the potential unnecessary incursions on personal privacy would be limited; such might not be the case under the present H.R. 15073 language which permits the requiring of reports of any domestic currency transactions without any comparable limitation.

The Patman Committee testimony indicated that H.R. 15073 would require the microfilming of at least twenty billion checks per year. There have been conflicting and unsupported views expressed as to the cost of such a requirement, as well as to the additional number of checks which would have to be microfilmed, in addition to those presently being copied. However, there was no substantial testimony indicating that the records of such checks would be of sufficient value to counter the additional recordkeeping costs whatever they, in fact, may be. The cost of any burdensome recordkeeping or reporting requirements would be likely to be passed on to the public, including everyone with a checking account.

This apparent willingness of the Committee to enact legislation with only meager study or factual basis is even clearer with respect to Title III of H.R. 15073 which would extend the applicability of margin requirements under section 7 of the Securities Exchange Act to the purchasers of stock as well as to broker-dealers and financial institutions who lend money for that purpose. This significant provision was added to H.R. 15073 only in March, over three months after the original bill was introduced, and was accepted by the Committee without any testimony being presented on it by concerned parties.

One legislative proposal which the Treasury Department has been fully considering (if the remedy, as I discussed earlier, cannot be achieved administratively), which we believe could be of significant assistance in curbing the illegal use of foreign bank accounts, and which would not pose any conflict with a right of personal privacy, is the establishment in the Internal Revenue Code of rebuttable presumptions that U.S. citizens, residents, and certain other taxpayers engaging in certain foreign transactions, and not furnishing upon request adequate information to the Secretary of the Treasury or his delegate, are dealing with their own untaxed income. As an alternative proposal, Treasury also has under consideration an excise tax which would be applied in situations where no adequate information of the foreign transactions is provided by the taxpayer.

The presumptions would be in the nature of evidentiary presumptions which could form the basis for a determination of civil tax liability (including interest and penalties) unless the taxpayer establishes by the clear preponderance of the evidence that his untaxed income is not involved.

It is the Government's understanding that most persons who use foreign financial institutions, even in countries where bank secrecy is strictly observed, can themselves obtain full information about their accounts and transactions. Therefore, it is assumed that U.S. taxpayers will be able, without difficulty, to satisfy the Secretary of the Treasury or his delegate as to his foreign transactions so as to avoid the application of either the presumption or excise tax if either is implemented.

### COOPERATION OF THE PRIVATE SECTOR

As is true in developing any public policy as expressed by legislation or administrative rule-making, final action is taken only after securing views, information, and—hopefully—cooperation from those sectors that would be primarily affected. In the instant case, in developing a legislative and administrative approach to this problem affecting primarily the financial community, we believed it incumbent upon us to work with representatives of the banking industry, brokerage houses, and other related businesses involved in the transmittal of funds to and from foreign secret bank accounts. As stated in a December 27, 1969, *Washington Post* editorial referring to the Patman bill as originally introduced:

"This is a subject, of course, on which bankers ought to have their say. The strange thing is that they had not been consulted while the bill was being drafted. Though it is of great importance to curb the misuse of hidden bank accounts abroad, it is equally vital to protect the free flow of international commerce and to avoid the imposition of unnecessary burdens upon the banks."

I would be remiss not to publicly thank these members of the business community for the high level of cooperation we received, and I would especially like to thank the large banks which are members of the New York Clearing House. They provided us with much valuable background information on possible avenues of illicit activities, on foreign banking operations, and they offered many new and constructive suggestions on more effective legislative and administrative approaches that would benefit our enforcement efforts.

Clearing House member banks further indicated that on a voluntary basis, even before any legislative or regulatory action, they will comply with almost all of the recordkeeping requirements in connection with international transfers of funds that we desire, which records would, of course, only be available to governmental representatives in accordance with existing discovery procedures. I believe that this spirit of cooperation between the public and private sectors will continue to grow, and that working together we shall effectively meet this priority enforcement problem.

To sum up, the Nixon Administration has acted to attack this critical enforcement problem in four interrelated areas:

*First:* The development of solutions has been elevated from an ad hoc case-by-case approach to the foreign policy level. Treaty discussions have been undertaken with the Swiss authorities and we are in the process of contacting other governments.

*Second:* The Treasury is carrying out a comprehensive administrative review of current procedures and an analysis of what further can be done under existing statutory authority.

*Third:* The Treasury has made, on behalf of the Administration, certain legislative proposals regarding this problem.

*Fourth:* The Treasury is working with the private sector to develop cooperative measures against this illegal activity.

This is the first Administration to support the development of effective legislation which would provide additional authority to deal with the illegal use of secret foreign bank accounts. My major concern is that the legislation should be responsive to the problem and be limited in scope to its intended purpose—to assist criminal, tax, and regulatory investigations and proceedings. If limited as I have stated, there should be no concern over possible incursions by government into individual privacy.

In closing, I also wish to restate the three fundamental concerns of the Treasury which are foremost in its consideration of this issue:

1. The proposals should in no way restrict the regular and efficient flow of domestic and international business, or personal transactions, or diminish the willingness of foreigners to hold and use U.S. dollars.

2. The proposals should deter tax and other evasion by U.S. persons in such a way that the benefits to law enforcement objectives exceed the direct and indirect costs that the proposals would bring about.

3. In strengthening enforcement, the proposals should not jeopardize traditional American freedoms.

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## FOR AN ELITE PRESS

## HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. EDWARDS of California. Mr. Speaker, I would like to memorialize here the achievements of two men who have made distinguished contributions to the political thought of America through their journalistic and scholarly efforts, one as editorial page editor of the Washington Post, the other as contributing editor to the St. Louis Post-Dispatch. I refer, of course, to Philip L. Geyelin of the Post and Marquis Childs of the Dispatch, recent recipients of the Pulitzer Prize. Geyelin has been editorial page editor of the Post since 1967 and is the third person in that position to have received the award. A native of Devon, Pa., a U.S. Marine veteran and Yale alumnus, he was with the Wall Street Journal for 24 years prior to joining the Post, during which time he took turns as White House correspondent, chief European correspondent, and Vietnam war correspondent. He is widely known for his urbanity and wit. Marquis Childs received the Pulitzer for distinguished commentary during 1969. A native of Clinton, La., with a doctor of letters degree from the University of Wisconsin, his scholarly and journalistic writings from and about Washington have helped shape informed American opinion for nearly two generations. He received the Sigma Delta Chi award for best Washington correspondent in 1944 and has published more than a dozen books of political commentary. These two men are truly a credit to their profession and to the two great newspapers for which they work. If the Vice President had men like these in mind when he spoke of elitism in the press, I say let us be thankful for it and let there be more.

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## WALTER REUTHER

## HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 11, 1970*

Mr. CORMAN. Mr. Speaker, the death of Walter Reuther, like the death of every great leader, left a void in America that will not easily be filled. He was invaluable to America not only in his work as a labor organizer but in his efforts to bring peace, unity, and justice to all people living on this earth.

Throughout his years working with labor, Reuther directed his efforts toward achieving more than just higher wages and better working conditions. He envisioned a world other men thought was a dream and demonstrated the zeal which was required to make that dream a reality. He firmly believed that the economic needs of workers were tied directly to politics and constantly fought for political and social progress in the United States.

Walter Reuther spent his life battling the evils of poverty, hunger, racism, and war. He contributed greatly and was an inspiration to us all. He equally does not exist, but the values and truth for which he fought live on. The greatest honor we could bestow upon him in death would be to assume the challenge to which he was dedicated—the challenge of seeking new and broader horizons.

## THE CHINESE IN HAWAII—AN OUTSTANDING EXAMPLE OF AMERICANIZATION

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## HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. MATSUNAGA. Mr. Speaker, the story of Hawaii Nei is one of a multiracial society which, through the harmonious assimilation of its diverse people and cultures, has achieved the building of our dynamic and progressive 50th State.

The people of Hawaii are justly proud that their State is a melting pot for people of many different backgrounds, and that the sympathetic climate of understanding between the various races has resulted in the advancement of all.

This is nowhere better illustrated than by the example of the Chinese in Hawaii. In a recent article for the Honolulu Advertiser, staff writer Rebekah Luke gave a most interesting and informative commentary on why Honolulu is regarded as the U.S. community in which this ethnic minority has achieved the most. She pointed out that, while comprising only 5 percent of the total population, the median income of Chinese families on Oahu for the period 1964–66 was the highest of all races. During the same period it is also significant to note that 26.7 percent of the Oahu Chinese 25 years of age and older completed one or more years of college. Rebekah Luke attributed the high measure of success of the Chinese Americans in Hawaii to "good mixing, or integration," and noted that they were scattered and intermingled throughout the community with other races.

The article made mention of a recent feature in Newsweek magazine which outlined the turmoil being experienced in the Chinatown ghettos of San Francisco. I too read the Newsweek article and was deeply concerned to note the problems being experienced in that community, for, as John Donne wrote:

> No man is an island, entire of itself; every man is a piece of the continent, a part of the main . . . because I am involved in mankind.

As we seek to remove social and legal barriers imposing segregation upon any racial group, I believe my colleagues and others will kind the Island State a model in race relations. It is hoped that other communities may follow Hawaii's example to achieve that harmonious integration of races which has proved to be so significant to the progress of our youngest State and its people.

I am pleased to take this opportunity to salute the Americans of Chinese ancestry and congratulate them upon the contributions they have made to our way of life in Hawaii. I wish also to command the efforts of the Chinese community as it continues to set high standards of citizenship for our State and the Nation.

The article, "Chinese in Hawaii: Integrated, Content," from the April 11, 1970 issue of the Honolulu Advertiser, follows for the CONGRESSIONAL RECORD:

### CHINESE IN HAWAII: INTEGRATED, CONTENT

(By Rebekah Luke)

Good mixing, or integration, is why Oahu's Americans of Chinese ancestry don't have the problems the Chinese in San Francisco Chinatown have.

And if things continue as they have in the past, the situation seems likely to stay that way.

The Chinese here are scattered throughout the population in a situation unlike that described in a recent Newsweek article which cited poverty, lack of education, high unemployment, high density, suicide and substandard housing for people in San Francisco Chinatown.

The article stated how the Chinese youth are rebelling in a radical and even militant way. No longer will they stand for the "Chinafied" ways of their elders nor remain oppressed by whites who won't let them get work outside the ghetto.

Hawaii's Chinese have long been in a different situation. They came earlier, for different reasons and into a different society—an integrated and more relaxed society.

A quick look and comparison of Chinese people in both cities starts to explain the two worlds.

The idea is that Honolulu is more Westernized. Newsweek reporter Min Yee called it being "whitewashed." Here, the general feeling is that Hawaii Chinese nowadays don't really think of themselves as being Chinese. It has also been observed that Honolulu is the U.S. community in which the Chinese have achieved the most.

Here is a hurried profile sketch:

The Chinese first came to Hawaii in 1789 as common laborers. Most of the other races initially came to the Islands for the same reason, and many intermarried. The San Francisco Chinese first arrived in California during the mid-1800s to labor on the transcontinental railroad and later settled in the Gateway City.

Since then, Chinese have emigrated from China, bypassing Hawaii. It is said that chances for immigrant Chinese to succeed are greater in San Francisco. Newsweek reported that 33,000 new immigrants have poured into the ghettos since 1965 when immigration quotas were abolished.

There are 40,000 Chinese in Hawaii, as of 1966, who make up around 5 per cent of the total population. This number is scattered and intermingled throughout the community with other races. San Francisco Chinese "stick together more," and because they stick together more, they can get by without learning English.

By contrast, not many Hawaii Chinese live in Chinatown proper, nor do they clump together in any other single environment. Chinatown is not an actual residential district. The New China Daily Press here has a circulation of 9,000, but it is getting more and more difficult to find Chinese people who can speak Chinese.

The crime rate for Hawaii Chinese is relatively low. But "Chinese morality in San Francisco is hard to control," said Ka-kim Cheung, a refugee from Canton now attending the University of Hawaii.

Cheung has experienced the life of both Chinese communities. He said the San Francisco Chinatown neighborhood includes lower-class nightclubs and the underground world. "They are not learning the good things about America," Cheung said.

There are still Chinese schools in Hawaii, but students learn mostly the language and rarely attend after they are 14 or 15 years old. In San Francisco, the children generally do not lose the interest that early.

26.7 percent of Oahu Chinese 25 years old and over during 1964–66 completed one or more years of college. (From "Modern Hawaii: Perspectives on the Hawaiian Community," edited by Andrew W. Lind, Nov. 1967). They were second to the Caucasian group which had 45.2 per cent.

In contrast, two-thirds of the adults in San Francisco Chinatown have less than a seventh-grade education, Newsweek reported.

The median income of Chinese families on Oahu for 1964–1966 was $9,372, the highest for all races. Newsweek reported of San Francisco Chinatown, "One-third of the families earn less than the Federal poverty level."

State Statistician Robert C. Schmitt commented on home ownership in a November, 1967, report entitled "Shifting Occupational and Class Structures: 1930–1966":

"Chinese are unusual in this respect. They have by far the highest home ownership rate and the lowest income-rent ratio on Oahu. I don't know about the other Islands, but most Chinese live on Oahu. This means that virtually all Chinese own their own homes and those that don't are paying the minimum."

Hawaii is witness to intermarriage, children go to school with other races from the very start, and generally Chinese stress education.

"The Chinese are very shrewd in business, and when they thought Hawaii's schools not good enough for their children, they could afford to send their children abroad to Mainland schools where they were integrated even more," Chung pointed out.

In his report, Schmitt put forth today's situation in a nutshell:

"I am sure that today no one would feel that the Chinese, for example, are in a subordinate position. Most Chinese are now Hawaii-born, high in professional, governmental and technical jobs and frequently big businessmen. Groups other than the Chinese have also done quite well . . ."

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## DISSENT AND THE CAMPUS

## HON. ELFORD A. CEDERBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. CEDERBERG. Mr. Speaker, during the past 2 weeks university students across the Nation have used legitimate methods of protest to express dissent with the policies of the President with regard to the Vietnam conflict. Most of these students have expressed themselves peacefully, both in large groups and as individuals in the Halls of Congress.

Some, however, seem to think that their right to express dissent empowers them to deny rights to other people. Just a few miles from this great Capitol we know how a few students contrived to deny the citizens of Maryland the use of one of the main trunklines into Washington. One would have hoped that the toleration of the first incident would have allowed sufficient vent to dissenters to avoid further denials of the rights of other citizens. But that was not to be and, when the law was finally applied, the initial barrage of bottles and stones from the dissenters sent a dozen law enforcement officers to the hospital.

And along these lines I would like to bring to the attention of my colleagues an article on dissent which appeared in the Star. Much has been written about the demonstrations which have taken place over the past few months here and elsewhere. Most of the news reports have gone out of their way to "congratulate" the dissenters—where applicable—on their "peacefulness" or "law abiding" activity. It seems strange to me to go out of our way to make a point about how nice people are for obeying the law. That is what the law is for—it protects the rights of all citizens and I do not think that it is necessary to congratulate people for doing what is right.

I include in the RECORD Mr. Kilpatrick's article for the attention of my colleagues:

[From the Evening Star, May 14, 1970]

### BEING PEACEFUL IS DUTY, NOT ACHIEVEMENT

(By James J. Kilpatrick)

Once more we are being exhorted by the Washington Post, among others, to lower our voices and to keep our dissent pianissimo. It is excellent advice, especially for the Washington Post, but in the context of these "student demonstrations," the advice can be taken only to a point.

On the record of its performance since the Nixon administration came in office, the Post is not likely to heed its own counsel at all. For the past 16 months, the Post has been snarling at the President, howling at him, and hurling invective upon him not by the ounce or by the pound, but by the ton.

It is in fact a brilliant paper, but if you are a conservative, and incline toward the Nixon administration, you feel like a pin boy in an old-fashioned bowling hall. Every day is crash, bang, zowie—duck—and set 'em up again in the other alley. This is the outfit that now is hollering at everyone to quiet things down.

Okay. But before the Post put on its choir boy face last week, its verbal gunslingers were blasting the President on this matter of "bums." The record ought to be kept straight; and we ought not, in the name of sweet conciliation, to retreat one inch from ugly reality.

In his impromptu chat at the Pentagon on May 1, Mr. Nixon expressed his scorn for "these bums blowing up the campuses." The Post chose to infer that the President had lumped all dissenting students into a pile labeled "bums." Bosh.

Let us draw a few distinctions. The great bulk of the 80,000 young people who came to Washington this past weekend were engaged in precisely the kind of dissent that has to be accepted as part of a free society.

Their speech was free speech; their placards and banners were manifestations of free press; and their presence in the Ellipse was fully in keeping with "the right of the people to peaceably assemble, and to petition the government for a redress of grievances." All this was fine.

But it is an odd sense of values that heaps adulation on the 98 or 99 per cent *because they were orderly*. There is no greater insult, the elder Dumas once remarked, than to praise a man for doing his duty. Let us not get so overcome with psalm-singing, pianissimo, that we seem to condone or to minimize the outrages perpetrated by the bums.

Thus, when I am told to marvel at the gentleness of these visitors, I will speak a word for Pvt. Charles Robzak of the Park Police; he tangled with a broken wine bottle and wound up with 56 stitches in his arm.

When I am lectured on the "intelligence" and "concern" of the demonstrators, I will insert a couple of footnotes. Thousands of these flower children, lapsing into mob obscenity, joined publicly in a gutter chant against the President. A few of them responded to Nixon's effort at conciliation by waving Nazi banners. Some demonstrated their intelligence by stripping naked.

Nonviolent? Some of the bums went on an orgy of window smashing up at Dupont Circle. Others threw stones and bottles at police. An unidentified visitor voiced his dissent by leaving a charge of dynamite at the National Guard Association. Seventy large plate glass windows were destroyed.

I cite random examples only. Surely, let us calmly acknowledge the good behavior of the 98 percent. But we do a disservice to the truth by papering over the acts of the hard-core few who are pigs, punks, barbarians and bums. Against these destroyers, the contempt of a nation must keep coming through, loud and clear.

Along the same lines the Washington Evening Star on Saturday, May 16, 1970, published a column by Mr. Jenkin Lloyd Jones describing what I consider to be an absolutely deplorable condition which arose on the campus of a great university in my home State of Michigan. At this great institution a handful of students closed a classroom building while the administration of the university took no action to prevent this flagrant abuse of the rights of other students. I submit that it is this type of lack of action which is contributing in great measure to the continued disruption of our academic and governmental institutions across the Nation.

I do not for a moment intend to give the impression that I would deny anyone the right to dissent. As a matter of fact I believe that those who do disagree with policies put forth by Government leaders should make their concern known. And they should be heard. They have a right to an honest and forthright discussion of their views with responsible Government officials. But they do not have the right to in any way interfere with the operation of a university or the right of other students to go about the business of education, or the right of Government to continue to function.

I submit the account of Mr. Jones to my colleagues for their consideration:

[From the Evening Star, May 16, 1970]

### WHEN A UNIVERSITY GOES CROOKED

(By Jenkin Lloyd Jones)

What happens when a college quits searching for objective truth and begins to crawl before bullies?

It gets out of the education business, that's what. And instead of being the enlarger of human wisdom and the extender of human freedom it betrays those in high and low estate who have believed in it and supported it.

A few weeks ago Prof. Gardner Ackley, former chairman of the President's Council of Economic Advisers and ex-ambassador to Italy, laid it on the line before the literature, arts and sciences faculty of the University of Michigan.

He bluntly said that that great university is being destroyed by the actions of its administration. Any cause, theory or ideology, he charged, becomes "truth" at Ann Arbor in direct proportion to the willingness of its proponents to disrupt the university.

Ackley outlined the lessons of the last year:

"That violence either cannot or will not be punished by the university.

"That the big lie, loudly proclaimed, can become truth.

"That the desires of the overwhelming majority of students—who only want to learn—and of the overwhelming majority of the faculty—who only want to teach and investigate—count for little or nothing."

Ackley pointed out that at Michigan during the past year the administration conceded that the SDS, which is dedicated to the destruction of the university, could only be disciplined by the Student Judiciary. This, he maintained, was "like asking the Mafia to investigate organized crime."

Teaching fellows who went on strike were reappointed and student workers who had destroyed university property were hired again.

Said Prof. Ackley:

"Last Wednesday I watched the faculty of my own department, assembled in the chairman's office, consider a demand that all classes in our building be shut down or else! We discussed this while the entrances to the building were sealed, while the halls outside the room were patrolled by men carrying pipes and clubs. We sought guidance from the college, and we were told. 'Do what you think best; you will have no protection.' So we cravenly capitulated. The truth lay in those clubs!"

Perhaps the University of Michigan will continue to be run, not by minds, but by clubs, until the people of Michigan make it plain through the state legislature that that isn't exactly the kind of university they had in mind.

There are only two excuses for a university. One is to find out what *is*. The other is to find out what *works*.

Superstition is inferior to knowledge because it ignores both. It imagines that the thunderbolt represents the anger of Jove and that the way to keep it away is to sacrifice a goat.

Knowledge is the business of understanding the true nature of things and through that understanding bending natural laws or inventing workable devices for the service of man. Penicillin was not invented. But its beneficial natural properties were only recently understood. It proved better than a dance in a devil mask or a bag of asafetida because penicillin works.

But consider the truth-seeking condition of Yale this month.

Yale President Kingman Brewster doubted that Black Panthers can get a fair trial anywhere in America. This is a most serious charge. This is tantamount to asserting that justice in America has broken down and that the nation is under lynch law.

And student leaders of the Yale walkout said it was designed "to devote more time to the study and consideration" of the fairness of the trial of Black Panther Bobby Seale for the murder of Alex Rackley.

How do you decide whether a nation is under lynch law? How do you ascertain the guilt or innocence of Bobby Seale? You examine the evidence, not merely in Seale's case but in previous cases involving Panthers. You re-read the "kill the pigs" pamphlets admittedly distributed by the Panthers. You ponder the Panthers who blew themselves up by badly made bombs. You attempt to judge the credibility of state witnesses and the fair application of the rules of evidence.

Did Brewster do this? Did the demonstrating Yale students do this before they closed down the university? Don't be silly. This was an emotional binge in which the American courts were convicted with a shout.

In a few years the end product of feeble college administrations and collegiate storm troopers will be in charge of the judicial processes of America. If they don't learn anything in the meantime, God help the next generation.

## THE FUTURE OF AMERICA: A VIEW FROM LONDON

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. EVINS of Tennessee. Mr. Speaker, Mr. Anthony Lewis of the New York Times News Service staff in London recently wrote an article published in the Nashville Tennessean concerning the impact of the current unrest in our Nation in historical perspective.

The article expresses deep concern over the continuing polarization of major segments of our society—a concern which many Americans share at this time as our Nation continues to be divided in many dimensions.

Certainly this is a time when conciliation and a unifying influence are needed to heal wounds and bring our Nation together.

In this connection, I include the article from the Nashville Tennessean in the RECORD, because of the interest of my colleagues and the American people in this vital and important matter.

The article follows:

SOME DISPUTE OVER WHETHER AMERICA IS FINISHED

(By Anthony Lewis)

LONDON.—Judging by the reaction of the educated Briton, the United States faces a crisis of confidence among her friends in Europe. The Cambodian invasion and its consequences have aggravated the long-standing worry that America, in her obsession with Southeast Asia, will forget Europe.

To that has been added a new uneasiness about the predictability and the judgment of the most powerful man in the world, the President.

But the deepest concern, among the many who love the U.S., is with the state of the American people. Again and again the British—in government and out, men and women—mention their fear at what is happening to our society.

Is the turmoil within the U.S. a result of passing trauma, or does it reflect some long-term historical phenomenon? The latter view is taken in a book to be published shortly in New York. "The End of the American Era," by Professor Andrew Hacker of Cornell. It is an apocalyptic work.

According to Hacker, America has begun a period of irreversible decline. It is "about to join other nations which were once prepossessing and are now little more than plots of bounded terrain." Americans still believe in their country's world ascendancy, but that is finished.

The reason is a historical process by which a people grows powerful, then rich, then so selfish that individuals will no longer sacrifice for common concerns. They cease to share ideals and so will not undertake public obligations.

"The American temperament," Hacker says, "has passed the point where self-interest can subordinate itself to citizenship . . . contemporary Americans simply do not want—and will not accept—political leadership that makes more than marginal demands on their emotions or energies. A society so inordinately attached to personal pursuits cannot be expected to renounce them just because social survival demands."

In foreign policy, Hacker sees two choices for the U.S. in future.

One is to go on trying to "impose order in far-flung places of our choosing," using "men and money and materials to compensate for our declining moral conviction." But failure may frustrate us so much that we hit out wildly, abandoning diplomacy and risking unlimited war.

"The other option," Hacker says, is for a majority of Americans "to admit that our nation is in a state of moral enervation; that we have no more lessons to impart to others; that the way of life we have created has ceased to be a model for people beyond our borders; that we lack the will to carry out a worldwide mission of redemption and reform."

It is an arresting book, full of sharp insights and right in its basic judgment that unwillingness to spend for public needs is a main cause of our social decay. But are American idealism and generosity and public-spiritedness really forever finished? Hacker would doubtless put this down to American optimism, but I think they need not be.

The history of nations does not always show a curve steadily rising and then falling. Other countries have had terrible periods and then recovered. England, for example, bled herself white in the Hundred Years' War in a futile attempt to keep French territory under the crown. And there was the American Revolution.

Correlli Barnett, an English military analyst, drew a parallel in a recent issue of Horizon between English feelings over the revolt of the American colonies and ours over Vietnam. George III and Lord North, he wrote, were "no less ironbound in their sense of righteousness about the supremacy of crown and parliament" than American presidents in their commitment to Vietnam.

The British hawks of the day, sounding like a Pentagon briefing, dismissed the American rebels as "contemptible." But gradually British forces got bogged down on an alien continent, and discontent—even riots—flared at home. Anti-war politicians flourished.

At length the British gave up. Their sense of failure was acute. But what happened: Barnett says:

"Once the American war was liquidated, Britain's mood changed with astonishing speed. National hope and self-confidence were reborn. Instead of the decay and disintegration to which men had looked forward, Britain's greatest wealth, greatest power and greatest influence in the world were yet to come."

The parallel is far from exact. The world is an infinitely more dangerous place now than in 1783, and the responsibility of the U.S. infinitely greater than Britain's then. An end of the Vietnam war would still leave America with great social problems. But no one should underestimate the energies that would be released, the hopes reborn, the idealism renewed if we were to get out of Vietnam.

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## AN OPEN LETTER TO 100 SENATORS

### HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. DUNCAN. Mr. Speaker, in today's Washington Post appears "An Open Letter to 100 Senators" a full page plea that the Senate support President Nixon's efforts to bring a lasting peace to Southeast Asia. The letter, sponsored by the Youth Committee for Peace with Freedoms, praises the President's timetable to end the Vietnamese war and warns of the catastrophic results to be brought by the alternative course of surrender and humiliation. I commend the letter to my colleagues:

AN OPEN LETTER TO 100 SENATORS

YOUTH COMMITTEE FOR PEACE WITH FREEDOM

*Washington, D.C.*

GENTLEMEN: Over the coming days the Senate of the United States will be passing on two legislative amendments which may be fateful for the future of our country, for the wider cause of freedom, and for the peace of the world.

We take the liberty of addressing this letter to you because as students and young citizens, we are profoundly concerned over the crisis through which our country is passing. It is a crisis which has an internal component and an external component, and the two are clearly interrelated.

Like the students who have come to visit your offices, by the hundreds and by the thousands, over the past two weeks, we fear that we may lose our country if we fail to pay adequate attention to certain pressing national priorities. But we do not share their well-intentioned isolationism, their apparent belief that they can build a beautiful America even if the rest of the world crumbles around them.

Unlike them, we fear that we can also lose our country—and lose the peace of the world in the process—if we fail in our obligations as the free world's greatest power. Indeed, so strained and delicate is the balance in the field of world affairs that single blunder by our country may be enough to open the way to catastrophe.

We believe that the Senate's passage of the Church-Cooper Amendment and/or of the McGovern-Hatfield Amendment would constitute precisely such a blunder.

The protesters who have come to Washington have argued that the Senate *must* pass the Church-Cooper Amendment and the Hatfield Amendment because the great majority of our students and the Majority of the American people support them. We think that the premise on which this contention is based is false.

A Gallup Poll taken immediately after the President's speech, showed that two-thirds of those who took a stand supported the President's action in Cambodia. That the President's action is not without important support is also evidenced from the fact that AFL–CIO President George Meany and other leading trade-unionists have also supported the President.

As for the many campus demonstrations and the large number of students who have come to Washington, we note (1) that some 2000 out of 2400 colleges have not taken part in the current protest movement, (2) that strike votes were defeated in a number of colleges and carried only by slender majorities in other colleges, and (3) that substantially more than half of our young people do not go to college and have not been affected by the campus ferment. But even if the protesters were ten times as numerous and ten times as passionate in the advocacy of their cause, this by itself would not constitute a guarantee that they were right. Public opinion can be wrong. Indeed, there have been many occasions in the history of our country and in the history of other countries when courageous leaders have had to stand up against what appeared to be an overwhelming tide of public opinion.

The supreme example of such courage in the history of our own country was provided by *President Abraham Lincoln* in the latter part of the Civil War. By the middle of 1863 there was growing agitation against the war . . . The people were weary and tired of the inconclusive bloodshed . . . There were violent anti-draft riots in New York, in which scores were shot down . . . Increasingly vicious attacks on the President began to appear in the press . . . Salmon P. Chase resigned from the Lincoln cabinet and struck up an anti-Lincoln alliance which included

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congressmen, businessmen, officers and the distinguished editor of the New York Tribune, Horace Greeley . . . In August 1864, the Democratic National Convention adopted a resolution which read: "After four years of failure to restore the Union by the experiment of war . . . justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities." . . . Lincoln himself was convinced that his administration would not be reelected. But he persevered in his course because he was convinced of its correctness.

In modern times Winston Churchill provided us with a sublime example of the kind of courage that is willing to swim full against the tide of public opinion. Despite the rise of Hitler, public opinion in Great Britain was predominantly pacifist and, at a later stage pro-appeasement. The spirit of the British campus was reflected in the so-called peace pledge, under which the members of the Oxford Union, by an overwhelming majority, voted to "never again bear arms for King and Country." As Churchill commented: ". . . In Germany, in Russia, in Italy and Japan, the idea of a decadent Britain took deep root and swayed many calculations. Little did the foolish boys who passed the resolution dream that they were destined quite soon to conquer or fall gloriously in the ensuing war, and prove themselves the finest generation ever bred in Britain. Less excuse can be found for their elders, who had no chance of self-repudiation in action."

When Chamberlain returned from Munich with the shameful agreement he had signed with Hitler, there was no question that he had the support of the overwhelming majority of the British people—perhaps more than 90 percent of the people. The verdict of history is now in on the conflict between the Churchillian handful and the tide of British public opinion in the period preceding World War II.

In *Profiles in Courage*, our martyred President, John F. Kennedy, told the stories of a number of American Senators and American Presidents who displayed exemplary fortitude in standing up against misled majorities in Congress or against a misled public opinion. John F. Kennedy had this kind of courage himself, and he had it in abundance.

About the situation and the commitment which the Senate will be discussing over the coming days, President Kennedy had this to say in July of 1963: ". . . To withdraw from that effort (the defense of South Vietnam) would mean a collapse not only in South Vietnam, but Southeast Asia, so we are going to stay there."

This was not an isolated statement, but one in a series of many similar statements, remarkable for their consistency and continuity, going back to 1956.

If President Kennedy were alive today, there can be little question about where he would stand on the Church-Cooper Resolution, or on the McGovern-Hatfield Resolution.

Gentlemen of the Senate! We are young people, but we know enough about the history of appeasement and about the nature of Nature of Nazi and Communist totalitarianism, to be convinced that these two amendments, if they were ever approved by the United States Congress, would spell disaster both at home and abroad—not in decades to come, but in the next few years—perhaps in the immediate future.

*For these two amendments are not a formula for peace; they are—we will mince no words about it—a formula for betrayal and capitulation, and for a neo-isolationism so rigid and so blind that it makes the "Fortress America" isolationism of the thirties look like the most radical internationalism in comparison.*

The Church-Cooper Amendment not only demands that we get out of Cambodia by July 1; if rigidly interpreted, it would prevent the Administration from giving a single M16 rifle, or even a captured AK47 rifle, to the Cambodian government with which to defend itself against the North Vietnamese Communist aggression. In the eyes of the world it will be interpreted as saying that, so far as the United States Senate is concerned, the Communists can take over wherever they wish in Asia, and we will not lift a finger to assist their victims.

The McGovern-Hatfield Amendment would compound the mischief done by the Cooper-Church Amendment. By calling for the termination of all military activity in Vietnam by the end of 1970 and the withdrawal of all American forces by the end of June 30, 1971, it sets up a timetable whose excessive tempo and absolute rigidity constitute a virtual guarantee of a Communist takeover—not merely in Vietnam but throughout Southeast Asia.

In less than a year's time, the President has withdrawn 115,000 combat forces; and he has pledged the withdrawal of another 150,000 American soldiers over the next 12-month period. While ambitious, the President's timetable gives the South Vietnamese government the time it needs to take over the burden of defense in an organized manner; and it gives Southeast Asia a precious breathing space in which to organize its defenses against the further encroachment of Communist imperialism. *It is a timetable which, if Congress does not undercut it, can bring peace with freedom for Southeast Asia and peace with honor for the United States.*

The debate to date in the Senate has distressed us and made us apprehensive. We know that Senators are weary of the war, as the American people are, and that they would like to see it terminated as soon as possible. But we cannot help wondering whether those Senators who support these two amendments out of a sincere desire for peace realize that *the manner in which we withdraw from Vietnam is all-important*—that, if we withdraw with honor, we withdraw with credibility, whereas if we withdraw in humiliation and defeat there will be nothing left of our credibility.

More than one authority has made the point that it is American credibility that preserves the peace of the world. For if a time ever arrives when our allies and friends feel that they no longer trust us, and when our enemies have come to regard us as a paralyzed giant or a paper tiger, World War III would become a serious possibility. Perhaps the first point of testing would be the Middle East, where the Soviets might react to an American defeat in Southeast Asia by intervening openly to crush Israel and impose its empire throughout the Arab lands, all the way from the Indian Ocean to Gibraltar.

We also wonder, whether the Senators who support the amendments truly believe that a withdrawal in defeat from Vietnam would usher in a new era of domestic tranquility? We wonder whether they are not, at least, worried that the President might be right when he warned that such a humiliation, would produce a far more dangerous polarization in our society than the one we confront today.

Perhaps it would be better if the President had acted in greater consultation with Congress. Perhaps it would be better if there were a clearer delineation of the powers of the President and the role of Congress in the field of foreign affairs. But are the Senators who sponsor the pending amendments not at least concerned that their proposal seriously undercuts the President's authority as Commander-in-Chief at a critical juncture; that it creates a spectacle of division that can only delight and embolden our enemies; that if they push their contest with the President to its logical conclusion, they will stand responsible before history for the shattering defeat which is bound to result, and for all the tragic consequences that will flow from it?

We appeal to those Senators who have supported the President's program for withdrawal with honor from Vietnam to stand fast against the pressures—yes, and outright intimidation—that will be brought to bear on them.

We appeal to those Senators who have supported the pending amendments to reassess the relative risks of the President's course as against the course of surrender and humiliation.

We cannot at this point begin to match the massive and lavishly financed lobby which has been visiting Senate offices on a non-stop basis. The groups of the undersigned, and of other concerned young people from all parts of the country will be visiting your offices over the coming days. We hope that they will get the same respectful treatment that you have accorded to those who came before us.

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SENATOR FULBRIGHT ON THE PRESIDENTIAL POWER IN FOREIGN AFFAIRS

The source of an effective foreign policy under our system is Presidential power. This proposition, valid in our own time, is certain to become more rather than less, compelling in the decades ahead.

The dynamic forces of the 20th century—communism, fascism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our constitutional system. To cope with these forces we must be able to act quickly and decisively on the one hand, and persistently and patiently on the other . . .

The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons. (J. William Fulbright, Cornell Law Quarterly, Fall, 1961.)

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## GEN. WLADYSLAV ANDERS

## HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. ZABLOCKI. Mr. Speaker, today is the 26th anniversary of the World War II capture from the Germans by Polish and British troops of the Monte Cassino stronghold near Rome.

On this occasion I would like to pay tribute to the memory of Gen. Wladyslav Anders, the able leader of the famed Polish II Corps in that battle. General Anders, known as the commander in chief of the Polish Forces in exile, died in London last week at the age of 77.

A military man of exceptional ability, General Anders led a cavalry squadron in World War I and in the Polish-Russian fighting of 1919–20 which followed Polish independence. After the German invasion of Poland in 1939, he commanded a cavalry brigade. Wounded numerous times, he was captured and held in solitary confinement in Moscow until 1941 when after the German invasion he was freed and appointed commander of the Polish prisoners of war who were freed from Soviet camps at that time.

It was while he was forming these men into divisions to fight the Germans that General Anders and his staff compiled evidence that the Katyn Forest massacre of thousands of Polish soldiers had been done by Soviet troops, not by Germans, as the Soviet Union had alleged.

The Polish II Corps or "Free Polish" Army led by General Anders fought side by side with the Allies in Italy and Africa. Their 1944 battle for the Italian monastery of Monte Cassino, which had become a German stronghold, was a highlight of their military campaigns.

Decorated for his military service by the United States, Britain, and France, General Anders lived in exile in England rather than return to a Poland dominated by the Communists.

Mr. Speaker, it is a source of grief to us that the people of the country which General Anders defended with such courage and conviction are under the yoke of communism.

Undoubtedly the memory of General Anders will serve as an inspiration to the Polish people and to all men who love liberty—the denunciations of him by the Polish Communist government notwithstanding.

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## "WE ALSO LEARN AND BUILD ON FAILURE"—DR. WERNHER VON BRAUN

## HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. EVINS of Tennessee. Mr. Speaker, the Christian Science Monitor recently published a speech made by Dr. Wernher von Braun concerning the Apollo 13 flight in which he places the Apollo 13 accident in the perspective of progress.

Because of the interest of my colleagues and the American people in this flight, I place the article in the RECORD:

[From the Christian Science Monitor, May 14, 1970]

MISSION POSSIBLE

(NOTE.—"We also build on failures," Dr. Wernher von Braun told a recent gathering of the American Newspaper Publishers Association, at which he outlined the major U.S. space plans for this decade. In this way he put the aborted Apollo 13 flight in the perspective of progress. In March Dr. von Braun became deputy associate administrator of NASA. Excerpts from his remarks to the publishers follow.)

Now that the Apollo 13 astronauts are safely back on mother earth, some commentators have started singing the swan song for manned space flight. Others want to press forward ever more energetically. Those of us responsible for developing the nation's spacefaring capabilities and exploration of space have been given a jolting reminder, if we needed one, that success in flight and exploration is paid for in eternal vigilance and painstaking attention to detail.

The problem we have is an old one constantly with us: how to beat "Murphy's law." As many of you no doubt have heard, this is the principle that if anything mechanical can go wrong, sooner or later it will.

You can appreciate that in dealing with eight or nine million parts as complex as those in the combined systems of Saturn 5, Apollo, and the Lunar Module, the odds are pretty heavy that "Murphy" will win sometime. The fact that the "law" has operated only in a few minor instances in the six manned Apollo flights that preceded 13 is, I think, a tribute to all who participated in the program, and particularly our great national resource, the American aerospace industry, and its tens of thousands of men and women.

So I think Apollo 13 should be regarded as no more than a temporary setback, the loss of a mission objective but not of our mission in space.

The thing I believe we should remember is that we don't build just on successes. We also build on failures. Jack Swigert, whose first experience in space might well have produced a more restrained outlook, remarked that "Apollo 13 has increased my confidence in this nation's taking the space program and doing something with it."

I think we learn something very important about ourselves, about the human capacities and capabilities for innovation that are in everyone when the need arises. Sometimes we should be reminded of these qualities, but also I want to point out the part training and self-discipline played, almost unnoticed, behind the swift decisions and moves made by the astronauts and ground crews in a rescue effort that has no precedent in human history.

The Apollo 13 incident also brought out the admirable part played by the domestic and international press. Over the years of the space program it has demonstrated some very responsible reporting, and this is only the most recent example. I think I appreciate the difficulties of describing so complicated and relatively new activities as space science and engineering projects for public consumption. I believe it is largely through your efforts that the youngsters of this country and the world are so knowledgeable about the space age, and accounts for the enthusiastic letters and interest we in the agency receive from these young people here and abroad.

There is a considerable gap in understanding the true values and meaning of going into space because few people can visualize how space science and a capability to send men on missions to the moon or the planets can touch them personally. Few people understood the true significance of the airplane, either, when the Wrights first flew at Kitty Hawk; not even the Wright brothers themselves. They had much more limited notions of the airplane's utility, and part of the reason for this was that men were venturing into an entirely unknown environment as a transportation medium.

The same is true of space transportation today. Our mental concepts and life habits are earth-oriented. The ability to go to the moon or Mars is regarded as something less than important, and this is only natural. But I am firmly convinced that the space program will prove to be one of the most important, creative, and beneficial to mankind ever undertaken by the United States.

### SKYLAB PROGRAM

I think we must clearly establish in this new decade our goals and objectives as an agency first, and then define the hardware needed only after we know exactly where we are headed. So let us now review briefly some of the highlights of our space exploration plans for 1970 and thereafter in the present decade. I am sure most of you have heard about the Apollo Applications Program started several years ago, whose purpose it was to apply Apollo knowledge and hardware to new science and applications to be performed in earth-orbit. Well, times change and we have a new name for it, the Skylab Program, which we think is more descriptive of its purpose.

The overall purpose of Skylab will be to not only perform experiments, but to find out how men and equipment perform in the space environmental condition of weightlessness for an initial period of 28 days. You may recall that our longest previous stay in this condition was 14 days in Gemini 7 back in 1965 when Jim Lovell and Frank Borman made the longest earth-orbit on record.

Skylab will consist of four flights. The first will be an unmanned flight, boosted by a two-stage Saturn 5—only the first and second stage of a Saturn 5; the third stage is to be replaced by what we used to call the Orbital Workshop, now called Skylab. It will be this country's first orbital space station.

Skylab will have attached to it an airlock module and a multiple docking adapter so that the arriving command and service modules can dock for crew exchange. And also attached to Skylab will be the Apollo Telescope Mount, or ATM, which is a manned solar observatory to be serviced by the people living in the Skylab.

The crew of three will arrive one day after Skylab has been launched into orbit and has deployed its solar panels, both on the ATM and the Skylab itself. A Saturn 1–B will boost the crew in the command and service module which will dock to the multiple docking adapter, and they will slip through the adapter and the airlock into the workshop. When the 28 days are over, the three will crawl back into their command module, detach, and use the service module to deboost themselves back into a reentry, making a normal Apollo landing on the ocean.

Three months later, another flight will go up, and this time the crew will stay in the space station for 56 days. And finally, there will be a third visit, again of 56 days, after which the third crew will descend. The Skylab will then go into storage, but can be reactivated any time thereafter if more visits are planned.

The next space station to succeed Skylab will be modularized, each module accommodating 12 people. These modules can be stacked together, so that the station can grow as more modules are brought up, and the beauty of this arrangement is that different activities or experiments can be carried on in the several modules.

### SPACE-SHUTTLE VEHICLE

The most important aspect of this second-generation space station will be the space-shuttle vehicle, a logistic supply spacecraft that will make repeated trips back and forth from the ground to orbit.

Everyone is aware of the high cost of using a one-shot Saturn 5, or even smaller one-shot vehicles, to boost a spacecraft and crew into orbit or on a lunar mission. So one of the basic steps in bringing down these costs is to build a reusable vehicle that can be refueled and fly again.

As we see it now, we probably need a two-stage vehicle. A typical example would be a big glider-like craft, carrying its own propulsion, to which a smaller glider, also carrying its own propulsion, would be side-strapped. The unit takes off vertically, like Saturn 5, and at about six times the speed of sound the first-stage propellant tanks would be depleted. At that point, the reusable booster would simply peel off and return to the ground, landing like an airplane. Only the reusable orbiter craft would reach orbit and join the space station. Then when it had delivered its cargo and/or personnel, it also would return to earth.

In addition to bringing down the costs of space operations, the reusable orbiter and booster is necessary to placing space flight on a practical footing, and it would have many uses in earth-orbital missions. I think it is fairly obvious that the space station and shuttle will provide the United States with several options for later space objectives.

### EXPLORATION OF MARS

Another NASA objective for the early part of this decade is to continue the series of Mariner flights, particularly to the planet Mars. For 1971, we have two Mariners on tap, and instead of making flyby trips, it is planned to have them each orbit Mars. This is a pretty important step and in the right direction for obtaining the kind of coverage we got of the Moon with the Lunar Orbiters.

A flyby is rather limited to useful scientific time, as we know. With an orbit, instead of getting just one small swath of the planet's surface, you can map the whole planet. We hope to get weeks and possibly months of useful time with the orbiting Mars Mariners.

After the two orbiting Mariners, the agency plans to send a Viking spacecraft to Mars. This vehicle not only will orbit the planet, but it is designed to peel off a small lander segment. This lander will be provided with sensors and will radio its data up to the circling Viking for transmission to earth. The two landers from the two Vikings will be dropped down onto different Martian areas to supply scientists with data from more than one region. The Viking is now planned for 1975.

### TRIP TO OUTER PLANETS

Another very exciting program is one based on a rare line-up of the outer planets of Jupiter, Saturn, Uranus, Neptune, and Pluto. I say "rare" in terms of our human framework, for actually it occurs about once every 177 years, which in the heavenly reference is fairly frequent. Now, the interesting thing about the Grand Tour, as it is called, is that we will use the powerful gravitational field of Jupiter, the biggest planet in our system, to boost our spacecraft on to the next planet, Saturn, and from there on to Pluto. Another similar spacecraft will approach Jupiter a little differently, and have Jupiter swing it around so that the probe is sent flying to Uranus and onto Neptune.

By stealing some of the energy from the gravitational field of Jupiter in this manner we shall be able to visit all the outer planets in something like nine years instead of the approximately 40 it would require if we made one shot at the farthest planet, Pluto. And this means we can do with a much smaller rocket.

So far I have talked about manned space flight and scientific spacecraft, but while it is important to study the solar system and the earth-sun relationships that affect conditions here on the ground, the other side of NASA's objectives is, of course, an earth-related applications program.

Three of the most important objectives are communications satellites, and applications spun out of them, such as navigation or combined navigation and aircraft communications satellites; second, the family of earth-resources satellites that deal with crop surveys, mapping and geography, mineral prospecting, and the like; and finally, the weather satellites where the objective is to build up a worldwide weather forecasting system that will enable us, hopefully, to reliably predict the weather as much as two weeks ahead.

Now, we have only touched on our general goals and objectives for this decade, and I would like to emphasize that a well-balanced space effort includes both manned and unmanned programs. Rather than being competitive, manned and unmanned spacecraft complement one another in their particular strengths. To deny man his rightful and necessary role in space exploration is to ignore his peculiar gifts of mind and spirit which no machine can reproduce.

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## DR. JEROME L. RAFFALDINI HONORED BY UNICO

## HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. RODINO. Mr. Speaker, my good and dear friend, Dr. Jerome L. Raffaldini, was recently honored by the Newark Chapter of Unico International as the recipient of that organization's "I Am An American Day" award. The award is granted each year to that naturalized citizen who has achieved distinction in a profession or community service.

I am pleased to congratulate Dr. Raffaldini, for I can think of no one who deserves this honor more.

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Born in Milan, Italy, and naturalized in 1957, Dr. Raffaldini, who originally came to the United States representing Italy's most prominent corporations at the first postwar industrial exposition of Italy, decided to remain in this country and was the architect of Walter Kidde Corp., as it is today.

Our community is the beneficiary of his decision, for Dr. Raffaldini is a warm and generous individual who cares deeply for his fellow man. His selfless dedication and concern, his compassion and sensitivity have served our community measurelessly.

Dr. Raffaldini exemplifies the invaluable contributions of the immigrant to his chosen land to which this Nation is deeply indebted.

My warm, personal congratulations are extended to a man who I an privileged to call my friend as well as to his wife, Theresa, and their children who are rightfully proud of Dr. Raffaldini.

Dr. Raffaldini is also the recipient of the New Jersey Man of the Year Award, 1967, and the Author Award from the Automotive Industry magazine in 1964.

I wish also to offer my sincere congratulations to Mr. Thomas J. Rosalanko, recipient of the 1970 Newark Unico Scholarship and to Miss Deborah Pauline Strack, recipient of the Columbus Nursing Scholarship for academic excellence. I wish them continued success and fulfillment in their future endeavors.

## IT IS SIMPLY TOO EASY TO CONDEMN THE GUARD

### HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. BLACKBURN. Mr. Speaker, in this day of criticisms of law enforcement officers, it is unfair not to consider both sides of the issue. I think that John Crown, associate editor of the Atlanta Journal, makes some rather pertinent observations which should be considered in the interest of fair play.

I am taking the liberty of inserting a recent column of his in the CONGRESSIONAL RECORD:

KENT STATE UNIVERSITY: IT'S SIMPLY TOO EASY TO CONDEMN THE GUARD

(By John Crown)

For the past week it has been open season on the National Guard. The emotions aroused by the shooting deaths of four college students at Ohio's Kent State University has understandably sparked high feelings.

And to people already steamed up for one reason or another over military action in Indochina, it has been extraordinarily easy to transform those feelings to young men wearing the uniform of the U.S. Army in the National Guard.

That is just the point. It has been too easy to make the Guard the target of abuse and vituperation. It is only too easy to take one isolated incident and transform it into a general condemnation of the entire National Guard organization.

Violence begets violence. An act of violence is going to bring forth a reaction of violence. And people are going to get hurt.

Who was behind the violence at Kent State University has not yet been brought out. It is a safe bet it was not the four students who were shot to death. It is usually the innocent bystander who suffers. But someone or some organization whipped up the violence at Kent State, violence which justified the presence of the National Guard.

It was inevitable that in the recurring acts of violence on college campuses across the nation that someone was going to become a martyr sooner or later. Those deliberately inspiring the acts of violence counted on that.

And so four students at Kent State University died.

The investigation is not yet finished. but already there has been a question raised on whether it was a National Guard rifle that fired the fatal bullet.

But for the sake of argument let's assume that it was a National Guard bullet. I am somewhat nonplussed that so many people think that National Guardsmen must stand there and take rocks hurled at them as though they were confetti. Granted National Guardsmen should be disciplined, should be restrained, should be a cut above the screaming students who are throwing chunks of concrete at them. But they are not supermen who have no feelings. They can take just so much like any other human being.

National Guardsmen are first and foremost civilians, citizen soldiers who at the whim of a governor can be called away from job and home and family on virtually no notice at all and thrust into a confrontation with rioters and demonstrators. They are there to restore and maintain law and order. They generally do it without bloodshed.

In fact, that is one reason for the emotional reaction to the death of the four students—it was so completely out of character, so completely unusual, so completely extraordinary that there was an emotional reaction to it.

I am glad that one high official with the National Guard stuck his neck out to say so.

South Carolina Adjutant General Frank Pinckney took issue with what he called "any notions of the guardsman as an untrained, unrestrained and trigger-happy dolt." He termed the death of the four students "a terrible tragedy," which it was.

"I am not here to condemn or condone what happened at Kent State," Gen. Pinckney said. "I don't have all the facts and neither does anyone else at this stage."

But he noted that some 200,000 National Guardsmen have been called out in the past two years throughout the nation because of civil disturbances and "there hasn't been a single incident to blot the performance of these 200,000 men."

Since someone has to be condemned for the death of the four students, it is remarkably easy to condemn the National Guard as a national organization. It is easy. But it would be more realistic to consider those who whipped up the students into such a frenzy that somehow the ROTC building at Kent State was burned and somehow there were an awful lot of rocks flying through the air toward the National Guardsmen.

Whoever fired the fatal bullets at Kent State is not beyond condemnation. But there is more to it than whoever might have pulled the trigger.

## SILENT MAJORITY FACULTY, TOO

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. NELSEN. Mr. Speaker, Kenneth Berg, editor of the Mankato Free Press, Mankato, Minn., has taken note of the rather puzzling disparity between what college instructors presumably think about campus disruptions and what they actually do about them. I wish to include this thought commentary in the RECORD at this point in my remarks:

SILENT MAJORITY FACULTY, TOO

A Carnegie Commission survey of 60,447 college instructors shows that more than 80 per cent believe campus demonstration threaten academic freedom.

Results showed further that more than 76 per cent favored, either strongly or with reservations, the expulsion or suspension of students who disrupt schools

Of those questioned, 5.5 per cent described themselves as "left," 41.5 as "liberal," 30 per cent as "middle of the road," 22.2 per cent as "moderately conservative," and 2.2 per cent as "strongly conservative."

The research team was headed by Martin A. Trow, sociology professor at the University of California at Berkeley.

He said that so many factors were involved in the survey that "caution should be exercised in reaching any conclusions."

So we'll take Dr. Trow's advice and withhold a conclusion or two that normally would appear obvious in face of the findings.

But we will ask one question.

If it is true, as 80 per cent of the instructors insist, that campus demonstrations threaten academic freedom, why does not more than a handful (if any, in fact) of the faculty on any one campus openly and publicly voice their objections to these disruptions?

Demonstrations in the past, be they at Mankato State College or Columbia University, have been marked by the conspicuous absence of the faculty in support of even the most enlightened administrations attempting to weather the given storm.

Ninety-three per cent of the surveyed instructors regard themselves as something less than the radical left or right. Are they also a part of the great silent majority that has the capacity and the prerogative to speak out positively, but elects not to—except in confidential non-incriminating polls, of course?

## DEMOCRATIC NATIONAL COMMITTEE IS ESTABLISHING A CAMPAIGN CLEARING HOUSE

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. JACOBS. Mr. Speaker, I insert the following statement of Lawrence F. O'Brien, Chairman of the Democratic National Committee, Thursday, May 14, 1970:

STATEMENT BY LAWRENCE F. O'BRIEN

WASHINGTON, D.C.—I am announcing today that the Democratic National Committee is establishing a Campaign '70 Clearing House—a vehicle for young people and other concerned citizens to put their energies and talents to work in the American political process this fall.

Our Clearing House will be a channel for students and all others who wish to participate meaningfully this summer and fall in general election campaigns throughout the country, and at all levels of government from Senate and Congressional races to gubernatorial and state legislative contests.

We will collect and organize systematically the names of persons who contact us, and we will make sure they are given the chance to work for the candidates of their choice. We will contact the candidates and offer the services of the volunteers who sign up with the Clearing House.

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We will give our volunteers a variety of campaign materials and manuals, and we will conduct training sessions. The volunteers, as a result, will be going into these campaigns not only with high hopes but with essential information on how to raise money; how to use opinion polling; how to canvass a community and build up voter registration; how to use television and radio most effectively; how to advance and schedule a candidate to maximum advantage, and how to get out the vote.

We will not ask for the party affiliation of anyone who signs up with us. In fact, I want today to extend an invitation to the Republican National Committee to cooperate with us—either in a joint Clearing House, or at least in a separate effort to channel citizen participation into Republican campaigns.

I want to emphasize that while the student movement of the past two years really generated the idea of a Clearing House, it is intended for all to use—students, housewives and their husbands, business and labor, farmers and workers—all Americans.

Furthermore, the Clearing House stands ready to coordinate and cooperate with other organizations that are being formed for citizen participation in the 1970 general election campaigns.

I'm pleased to announce at this time that Philip M. Seib has agreed to serve as national coordinator of the Campaign '70 Clearing House. Phil has just completed a term as president of the student body at Princeton University. He's a 21-year-old Washingtonian, a former VISTA projects director, who will be graduated from Princeton next month with a degree in politics.

I was most encouraged to note that Princeton has decided to recess for two weeks prior to Election Day next fall so that students will be free to take part in campaigns. A number of other schools are considering this idea.

I strongly urge them to follow the Princeton example. These critical times demand the participation of young people in our democratic process. And that participation in turn, will provide an education not to be found in any classroom.

By taking these actions today, the Democratic Party is recognizing the fact that the vast majority of some seven million American college studehts has reached the age of political maturity. No one can seriously doubt their intensive desire to work for change and no one should underestimate their vast potential in reshaping and improving the political system in our country.

In many cases, the activist students and other concerned citizens have been frustrated by an old, established system that can be slow and stubborn in the face of change. The responsiveness of both major political parties has been seriously questioned, and thus the parties have become the targets rather than the vehicles for new political activist.

Particularly in the last two years, we have seen the energies of young people expended in demonstrations—for the most part in peace and for the cause of peace. Great energy, organization, planning and discipline have gone into these efforts. And yet, when the shouting stops, many of the people involved have been left to wonder the next morning: "What did we accomplish?"

The purpose of the Clearing House is to allow these concerned Americans to work in the most meaningful way for the election to public office of candidates whose views on peace, environment, poverty, the economy and the other crucial issues of our time, reflect their own hopes for their country.

We will begin to organize this project right now. We look to the participation of Young Democratic Organizations throughout the country to help in its implementation. A number of states have already completed their primaries and the general election campaigns are starting.

Interested citizens should write Campaign 170 Clearing House, Box 2300, Washington, D.C. 20013.

Through advertising and other methods we will be publicizing our Clearing House and we will be asking those to whom this appeals to let us know of their availability and of their particular interests.

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## CONGRESS VERSUS THE PRESIDENT

## HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. DEL CLAWSON. Mr. Speaker, the Washington Sunday Star for May 17 contains a penetrating discussion of the points at issue in the current debate on limiting the powers of the President which in my opinion clears away some of the miasma of unreasonable rhetoric of the past few weeks. I commend it to the attention of my colleagues at this point in the Record:

### The War Power: Congress Versus the President

The current furor in and outside the Senate over funding the Cambodian operations after June 30 is larded with irrational emotion and political opportunism. Yet the issue at stake—the warmaking power of Congress as opposed to the authority of the President as Commander in Chief—is real, complex and of far-reaching importance.

Paragraph 11, Section 8, Article I of the Constitution clearly allocates to Congress the right "to declare war." The problem is that the five post-World War II presidents of both parties—Truman, Eisenhower, Kennedy, Johnson and Nixon—not to speak of earlier practitioners of the fine art of gunboat diplomacy, have neatly finessed the issue by committing or keeping American troops in combat situations abroad when they felt it was in the national interest, without seeking the assent of Congress or asking for a declaration of war.

The great majority of these adventures—the 1958 landing in Lebanon and the 1965 intervention in the Dominican Republic are two recent examples—happily did not become conflicts of major significance, at least in terms of casualties abroad or political impact at home. Two others, however—the Korean "police action" and the Indochinese conflict—mushroomed into undeclared wars which resulted in the deaths of more than 75,000 Americans. The Vietnamese war, with its related conflicts in Laos and Cambodia, has divided this uneasy nation as has no other similar issue since brother took up arms against brother in the American Civil War. It is a repetition of this sort of tragedy which some senators hope to prevent through congressional control of the purse strings.

The primary difficulty lies in the definition of what involves American participation in a war. If, as Senators Cooper and Church maintain in their amendment, furnishing advisers to a friendly country (Cambodia) amounts to direct involvement, then the United States was a belligerent in the Greek civil war of 1947–49. If loss of life defines involvement, then the United States was indeed at war (with whom?) in the Dominican Republic in 1965. And yet no reasonable man would hold to either of these theses.

By the same token, this hypothetical reasonable man (so much distinguished by his apparent absence from the United States these days), would have to admit that, despite the lack of ringing calls to arms from Capitol Hill, we were at war with North Korea and Communist China in the 1950s and we have been at war, at least since 1964, with North Vietnam. In neither case could diplomats burn their official papers before asking for their passports, as was the style in a more mannered age, since we have had diplomatic relations with none of the nations which we have been fighting.

Since American presidents have sent U.S. forces into action abroad more than 150 times without a declaration of war by Congress, the common sense of the matter, it seems to us, is that an undeclared war becomes reprehensible only when it is lost, or when it becomes politically impossible for the President to prosecute it. While such a theory obviously can be found neither in the Constitution nor in the canon of international law, it seems as demonstrable as the fall of Newton's apple. The Korean war, for instance, over a shorter period resulted in almost as many American deaths as the Indochinese fighting. Yet there was no significant popular or congressional outcry against that war. Boys who had no more desire to be shot at than today's draft dodgers in Canada went docilely if not joyfully to that war because it did not, could not, occur to them to do otherwise.

While the great majority of this generation have done the same, the situation and the ethic have altered. It is clear that, in the eyes of many Americans, the Indochinese war has become odious, partially because the government of South Vietnam is regarded by such people as unworthy (would that of Syngman Rhee have stood up to close scrutiny?) and partially because this war, like all others, involves an element of risk and inconvenience to the participants. Hence the war in a practical political sense no longer is possible, which is precisely why, we would suggest, the President is trying to end our direct involvement in it.

What some members of the Senate and House are trying to do now is to reassert an atrophied congressional prerogative, which understandably is dear to members of Congress, at the expense of the implied powers of the President as Commander in Chief, which equally understandably is a popular thesis with occupants of the White House. The Supreme Court has been commendably wary of trying to delineate the line between the Executive and Legislative powers.

The trouble is that the world has changed since the founding fathers wrote the Constitution. In illustration, the same paragraph which authorizes Congress to declare war grants it the right to issue "letters of marque and reprisal," which authorized private entrepreneurs to engage in naval warfare for their own profit. Very few letters of marque have been granted in recent years.

In effect, in an era of instant mass communications and push-button warfare, the senators are resting their constitutional case on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

We cannot believe it is the intention of Congress—or the wish of the people—to restrict the President's ability to protect the lives of American troops in Vietnam. The point is not whether they *should* be there; the point is they *are* there, despite what we believe to be Mr. Nixon's sincere desire to bring them home as rapidly as possible. On this basis alone, the Cooper-Church amendment, which would outlaw any future operations by U.S. troops in Cambodia after June 30 and ban virtually all aid to that country, is wrong and ought to be defeated. We hope that no more American expeditions will be necessary, but we would support them if we felt they would save the lives of

American soldiers who might otherwise die in Vietnam.

As to the larger question of future undeclared wars, we noted in these columns a few days ago that the alternative to an undeclared war often is not peace but a declared war. Given the temper of the times, President Johnson almost certainly could have obtained a declaration of war against North Vietnam at the time of the Tonkin Gulf incident.

It would be useful—most of all to presidents—to have constitutional provision for some exigency short of war. But such does not exist and there is little chance of creating one. Any President's practical need for popular political support for his policies, doubled with the infinite capacity of Congress to make life miserable for the Chief Executive, seems to us to provide an adequate curb on the Presidential powers.

In the end, despite the Constitution, power belongs to him who is willing and able to exercise it. Presidents of both parties have sent troops into foreign countries primarily because Congress has been unwilling or unable to act. If congressional action were necessary before a solitary Marine could land, there would be much talk, few casualties and fewer freedoms, in this country and the world.

It seems to us that the Senate would do better to support the President in his efforts to extricate us quickly and honorably from a war which almost everyone agrees, probably including most of those who to their credit have had the courage to fight it, has lasted too long.

## IOWA CITY STUDENTS FIGHT UNSOLICITED THIRD-CLASS MAIL

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## HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. SCHWENGEL. Mr. Speaker, the American history class of Mr. A. W. Zimmerman at City High School in Iowa City, undertook a rather unique project for Earth Day. The students attempted to collect a ton of junk mail. They did not quite reach their goal; however, they did collect a rather large amount of unsolicited third-class mail. All of the mail collected was returned to the sender at his expense.

These young people and their instructor are certainly to be commended for their efforts to focus public attention on this problem.

The students have drafted the following proposal with respect to the problem of "junk" mail:

A BILL PROVIDING FOR THE REVIEW OF U.S. POSTAL RATES

(By the American history class of City High School, Iowa City, Iowa)

We propose that the House and Senate of the United States Congress:

A. Maintain at present levels all first class mail rates:

1. Any additional increase in taxpayer support for other classes of mail, as has been proposed by President Richard Nixon, should be avoided.

2. First class mail is now the only class that pays its own way.

B. Review present second and fourth class rates:

1. Upward adjustments should be considered so each class of mail will be delivered without financial loss to the Post Office Department.

2. Consideration should be given to the holding of rates for educational materials at the present level.

a. This would continue the indirect subsidy to education.

b. Such a step would be justified by the reasoning behind federal educational assistance programs now in operation.

C. Review present third class postal rates:

1. The present rate structure for non-profit organizations should be maintained.

2. Bulk mail rates for all profit making organizations should be revised upward.

a. The present system of tax support for private enterprise, through support of its advertising campaigns, should be abolished.

b. The taxpayer should be relieved of his financial support for unsolicited mail designed to make a profit for the sender.

Also, I am inserting in the RECORD, news items from the Iowa City Press-Citizen further explaining their efforts:

JUNK MAIL PROJECT AT CITY HIGH—STUDENTS WAGE WAR ON "POSTAL POLLUTION"

(By Linda A. Svoboda)

People who want to try to get off the "junk mail" lists should take their bag of third class mail over to City High School where "Postal Pollution '70" is underway.

The object there—to collect a ton of unsolicited mail by April 22. That fits in well with a quickening pre-Earth Day trend in Iowa City: collecting junk for anti-pollution demonstration purposes.

This project sponsored by a City High American History class, has a twist. Every piece of mail that can be sent back at expense of the original sender will be returned.

The idea of collecting unsolicited junk mail occurred to students of the 22-member class as they were discussing the postal strike. The extra twist of sending it back was the contribution of their teacher, Alvin Zimmerman.

How, wondered the students during discussion, would the government finance pay increases to postal employes?

They talked about the deficit with which the U.S. Postal Department operates every year and looked into postal publication figures for 1968 and 1969.

There they learned, said Zimmerman, that the federal government loses two cents on every piece of third class mail and the loss is supposed to be made up by first class mail. The normal letter-writer subsidizing the third class mailer in a continuing deficit situation, didn't sit well with them, said the teacher.

There has been some speculation in Congress this past year that first class rates may go up to 10 cents.

The class will contact other secondary schools in the district, seeking permission to collect junk mail regularly at each. The collection point at City High is the library. Deadline for contributions is April 22, Earth Environmental teach-in Day.

The kind of material involved includes give away or sweepstakes offers, record club inducements advertisements, and similar unsought items.

If every City High student brings an ounce of mail per day from now until the deadline, the class will have about 1,100 pounds of mail. The students hope to collect the balance from other members of the community.

At the close of the project, the class will have to sift through the mound to find out what can be returned to the sender at his, or its, expense.

As a by-product, "We might even get some people off some mailing lists," said Zimmerman.

POSTAL POLLUTION

That campaign against "postal pollution" by an Iowa City High School class in American history has real possibilities. The class plans to send back all the "junk mail" it can gather on which the sender has to pay the return postage.

But there's a problem, too. If "junk mail" going one way taxes the capacity of the Post Office Department and runs up the deficit to its present alarming level, what will "junk mail" going both ways do?

READER COMMENTS—ABOUT JUNK MAIL

TO THE EDITOR:

In response to your recent editorial on postal pollution, I would like to offer the following information:

Third class ("junk") mail does place a financial burden on the Post Office Department, and therefore indirectly on the taxpayer. However, the efforts of City High students to collect 2,000 pounds of unsolicited mail to be returned to the sender will place no additional financial burden on the Post Office Department.

The mail to be returned will be mailed in the business reply envelopes enclosed with the unsolicited mail. These envelopes are provided by the sender for those who respond to the advertisement, and are returned to him via first class mail at his expense. In addition, the Post Office Department collects a 2-cent penalty for each piece of mail in order to cover the cost of collecting the postage. Thus the total cost to the original sender is 8 cents for a letter and 7 cents for a postcard.

Those pieces of third class mail that have the words "Forwarding address requested" printed on them can be returned at a cost of 10 cents to the original sender. No "junk" mail will be returned that will place an additional financial burden on the Post Office.

A. W. ZIMMERMAN,
*Teacher, City High School.*

## SECRETARY HICKEL SPEAKS OUT ON POLLUTION

## HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. ROBISON. Mr. Speaker, with each day that passes, the problem of pollution takes on new dimensions. There can be little doubt that the problem affects not just America but the entire industrial world. Just as one small example, it has been estimated that the works of art in Venice are being literally eaten away at the rate of 5 percent a year because of the sulphuric acid released into the air from nearby industry.

Just as significant is the loss of plant and animal life in this country. Rapidly, our natural resources are being depleted because of our failure in the past, and refusal in the present, to recognize the necessity for conserving those gifts of nature. These resources have now reached such an advanced state of deterioration that some are now questioning our ability to restore the balance of nature. Secretary of Interior Walter J. Hickel has, without a doubt, become one of the leading voices in the fight against environmental waste and pollution. I include in the RECORD his remarks before the American Society of Newspaper Editors on May 13, 1970, dealing with this important question:

### Remarks by Secretary of the Interior Walter J. Hickel

In the last twelve months America has experienced a great environmental awakening.

The broad base of the public has begun to realize that "standard operating procedure" threatens to destroy the very quality of life we have struggled for decades to create.

Suddenly we are confronted with an expensive bill to pay.

Responsible living, responsible manufacturing, responsible public utilities are going to cost more.

All of us as private citizens must face the real cost of producing a product and be prepared to pay more for essentials even if it means we must sacrifice a few luxuries.

A shift in public awareness has begun. Some credit for this goes to eminent ecologists and conservationists, like those who are sharing this panel with me today.

I am very pleased to be participating in this discussion with Professor Barry Commoner and David Brower even though we do not agree on many things.

Both have made significant contributions to the nation's environmental consciousness.

Mr. Brower was one of my severest critics when I was appointed as Secretary of the Interior and continues to be.

But one thing has become abundantly clear—the problem is too serious for us to waste time attacking each other.

Those of us who are committed to conservation in its highest sense must attack the problem together.

In the last fifteen months, thanks to the involvement of youth and the news media, a new voice of concern is being heard.

I commend the youth for their leadership, and I salute the men and women of the newspapers, magazines, radio, and television of this country.

Many of you here have dramatized the environmental crisis so graphically it has won national attention.

Equally important, you have highlighted the answers and solutions which are beginning to emerge.

You have been strong, but you have not left our people hopeless.

In meeting with college and graduate school students I have been repeatedly impressed by their eagerness to jump the generation gap . . . to communicate with the establishment . . . to work shoulder to shoulder with anyone who *really* cares.

Where this shift is really being felt is in Washington, D.C.

Last week I sent a letter to President Nixon which received some publicity.

There has been debate about that letter.

Whether I had indeed written it at all.

Whether I meant what I said.

A few thought it might have been merely fast footwork to avoid violence last weekend.

Most, I trust, recognized it resulted from a deep moral conviction.

As already reported in some of the press, I *did* write the letter.

It was . . . and is . . . the product of a deep belief on my part.

As a businessman in Alaska, as Governor, and as Secretary of the Interior, I have made it a policy to surround myself with young or young-thinking people.

We live in a world that changes drastically over night.

To interpret that world, to keep a balanced judgment, to make wise and relevant decisions, demands a flexible, unprejudiced mind.

Anyone can have such a mind. But I most often find such "seekers" and "creators" among young people.

Also for this reason I make a conscious effort to get out from behind my desk at the Department of the Interior to meet with student editors and leaders, to listen to their criticism, both positive and negative, and to share my own beliefs with them.

Of course, as Interior Secretary, my attention has centered on the environmental issue.

I participated in public sessions in which some heckled, but the broad base of the student community welcomed a chance to hear my views first hand.

I welcomed and profited from hearing theirs.

The problems now being debated are so important to the future of our nation . . . and of the world . . . that we must deal with them creatively and with open minds.

I was most grateful for the spirit in which the President received by views.

I am one of his most ardent supporters. I have utmost confidence in his leadership.

Some think the crisis is on our campuses. But let me ask: Are student demonstrations the disease? Or are they the symptom?

I refuse to look at any situation as a problem. I believe every challenge presents a positive opportunity.

The challenges we face demand an effort on the part of all our people.

We must take stock of what are the priorities for man.

The space voyages have shown us one overriding truth—we are all fellow passengers on one beautiful, but very tiny, globe hurtling through space.

The globe—our earth—is endangered by man's environmental abuses, and also, and very clearly, by our current approach to living together in a way which will assure our survival.

The time is here for all of us to leave the "fortress philosophy" of life behind and to enter a new era in which *how man lives* is approached positively and creatively.

We must move from the *age of security* to the *age of opportunity*. We must have the courage to set those priorities that are necessary not only in America but in the world so that most of our time, energy and money is spent on the living of life rather than on the destruction and defense of life.

I have been working for months to open up new channels for funneling public sentiment, especially the ideas from the young, to the top levels of our government.

To help meet the environmental challenge we set up SCOPE (Student Councils on Pollution and the Environment) and a task force within my office to work on the input we have been receiving from thousands of college students.

SCOPE is something we will expand so that every university campus that wants to be involved can participate. It is a new departure in common action taken by the youth and government on a vital national need.

Similar listening posts and clearinghouses exist in other departments, but often the public is not even aware that they exist.

Those of us in government have the mandate to lead. We also have the responsibility to listen.

This is the way, I believe, we can begin to carry out the convictions I expressed to the President when I wrote, "let us give America an optimistic outlook and optimistic leadership. Let us show them we can solve our problems in an enlightened and positive manner."

Let me cite an example.

Early this month we received more than 550 letters and telegrams thanking us for the action we took in Hilton Head, South Carolina, where the German chemical company B.A.S.F. is planning to build two $100 million factories in the beautiful resort area near Charleston.

This project promises to be a boost to employment and the overall economy of the State.

However, the plants were not designed with adequate environmental safeguards.

The adjacent estuary with its fish and plant life were threatened.

I wrote B.A.S.F. saying in effect: If you're going to use our water, do it responsibly.

It belongs to the public, and you can borrow it. But return it like you found it.

That is the cost of doing business.

The company decided to postpone their plans for a year. They want to study our regulations and see how they can meet them.

Please make no mistake—we are not out to stop progress . . . we want to make it responsible.

On April 27, a shrimp boat arrived in Washington from Hilton Head carrying a two-foot-high pile of petitions thanking us—45,000 people had signed those petitions!

This is what makes our efforts worthwhile.

Public demand and public support is giving us the go-ahead to work for tough legislation to protect our natural environment.

Congress is now holding hearings on vital environmental legislation proposed by President Nixon.

These bills include stringent emission control standards for the automobile. . . .

A $10 billion funding program to build and update the municipal waste treatment plants throughout the country. . . .

Fines of up to $10,000 a day for those who continue to pollute . . .

Full funding of the Land and Water Conservation Fund for buying park lands.

I recently urged Congress to increase this fund from $200 million to $300 million a year.

We need these added funds now or we could lose forever valuable additions to our park and recreation land reserves.

The President's initiative in this Congress marks, I believe, a turning point in governmental leadership in caring for our national habitat.

Is our program going to be sufficient to save the environment?

Of course not. It will require the total effort of America—not only those who are individually or privately concerned—nor is it just the responsibility of youth to bring the issue forward. All Americans must participate.

And the government has an obligation to provide leadership. And this we are committed to do.

I am a firm believer in the rights of the individual and the rights of the states.

President Nixon's emphasis is more and more on moving responsibility and power from the Federal government to the local level . . . where government is closest to the people it serves. However, we face problems in the environment which are bigger than any of us alone.

First we must *catch up*. Then we must *keep up*.

The Federal government must help industry catch up; then set the standards that make sure we keep up.

You cannot clean up part of a river, or one section of the sky. It's unfair to our people as a whole to permit negligence by one element of our citizenry.

That is why we need authority to regulate water quality standards, not state by state, but by entire river-basins.

We can't permit one city to clean up its pollution while the town upstream refuses to do the same.

There must be enforcement at the Federal level.

I see this as an extension of personal liberty . . . not an encroachment.

We can be free again to breathe pure air in our cities and swim in unpolluted waters in our rivers and lakes only if the Federal government sets responsible standards . . . and enforces them.

I am convinced that sound national planning is required to deal with a task as complex and interrelated as protecting the environment of 200 million people.

The American environment belongs to all of us.

Use it and enjoy it . . . but above all, respect and protect it.

President Nixon has asked us to work with him in repairing the damage to our environment and in seeking a new quality of life.

We in the Department of the Interior dedicate ourselves to renew and conserve our natural and cultural heritage. Please join us in this endeavor.

## HEALTH CRISIS IN AMERICA

## HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. ROSENTHAL. Mr. Speaker, President Nixon recently spoke about a massive crisis in health care and warned that we will have a breakdown in our medical system "which could have consequences affecting millions of people throughout the country." He was wrong, for the breakdown has already occurred, and the consequences are already affecting our people.

While there has been considerable improvement in the quality of life for most Americans, the fact still remains that a large proportion of the 20 million blacks, 5 million Mexican Americans, and 500,000 American Indians, and millions of others, spend their lives in conditions we would not let animals endure while the system of care for people with diseases associated with such conditions seems mainly to obstruct their receiving needed care.

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Two eminent physicians, Drs. Lester Breslow and Paul Cornely—the president and president-elect of the American Public Health Association, in 1969 led a tour of public officials, private individuals, and media representatives to examine health conditions throughout the United States.

They visited Indian reservations, inner city slums, adult detention centers, and pockets of rural poverty. They went to these places, not because they were special, but rather because they were typical of conditions which characterize the lives of millions of Americans—and which are—seemingly designed to break the human spirit. Furthermore, everywhere they went, local health and welfare officials seemed as trapped by the rules as the people they supposedly were serving.

Jesse Jackson has written that hunger is not a hurting thing, it is a halting force with respect to the progress of a nation toward goals of unity, cohesion and growth.

The report of this group entitled "Health Crisis in America," illuminates the problem well. I include today the introduction and conclusions of that report in the RECORD:

### HEALTH CRISIS IN AMERICA

### INTRODUCTION

In the summer of 1969, as President and President-elect of the American Public Health Association, we undertook a tour to examine in microcosm health conditions in the United States.

Starting in a Mexican-American barrio in Houston, we journeyed to a rural community in the Central Valley of California; juvenile and adult detention quarters in Atlanta, Georgia; the Potomac River in Washington, D.C.; homes of off-reservation Indians in Great Falls, Montana; and the inner-city community of Kenwood-Oakland on the Southside of Chicago, Illinois.

Our aim was to investigate, firsthand, typical environmental and medical care situations directly related to the rise of serious health problems. We believed it was time for health professionals to see, hear and smell these situations which characterize the lives of millions of Americans, rather than to limit our view of the problems to health statistics, patients in clinics and laboratory specimens.

People from the neighborhoods, concerned professionals, some health and welfare officials, national and state legislators, and representatives of the news media joined our tour. Their participation reflects the rising and already substantial demand for improvement of health conditions in our country—improvement in housing, nutrition, air, water, jobs and medical care.

As public health physicians, we thought we knew pretty well the nature and extent of those conditions. But frankly, we were shocked, and are still reeling. Circumstances that can only be called health brutality pervade the lives of millions of American people who live in communities that seem designed to break the human spirit.

When viewed closely, the national and state programs which purport to deal with these conditions appear to represent a policy of domestic brinkmanship. They simply skirt disaster and do little to ameliorate underlying problems. President Nixon recently spoke about a "massive crisis" in health care and warned that we will have a breakdown in our medical system "which could have consequences affecting millions of people throughout the country." In fact, the breakdown has already occurred, and the consequences are already affecting our people.

We recall with pain—

Approximately 50,000 persons of the Kenwood-Oakland area of Chicago, who live in rodent- and insect-infested housing, with broken plumbing, stairs and windows. Today, these people pay from one- to two-thirds of their incomes for rent and are served by a total of five physicians in their community—a physician-to-population ratio less than one-tenth of the country as a whole—with the county hospital and clinics eight miles away.

A 53-year-old American Indian in Great Falls, Montana, veteran of the South Pacific in World War II, raising a family of six children (and one grandchild, whose father is now in Vietnam) on a pension and what he can scrounge by salvage in a junkyard. He can neither afford to buy food stamps nor return to the hospital for post-cancer treatment—closure of his bowel, which now opens on his abdomen—because his family would not have food while he is gone.

The farmworker in Tulare County, California, who said that exposure to pesticides from airplane spraying of fields, contrary to regulations and often leading to illness, was frequently not reported. "What's the use?" he asked. "We lose wages going to the doctor, get better in a week usually, and get no compensation, and they don't stop spraying."

The woman in Tulare County, eight months pregnant, whose Medi-Cal (Medicaid) eligibility had been cancelled last month because her husband had just found a temporary job, thus forcing her to seek care at the County Hospital which previous experience had taught her to hate.

The young woman in Houston, whose welfare check for a family of eight had been cut from $123 to $23 a month.

A therapist in the Child Treatment Center, Atlanta, Georgia, where excellent work with youngsters in trouble was underway, but "the main difficulty is that the kids have to go right back to the same life that got them into trouble in the first place, and we can't do anything about that here."

An "uncooperative" chronic alcoholic who carried a card from Grady Hospital identifying him as an epileptic, but who, a few days before our visit, had occupied the "hole"—a 4 foot by 8 foot solitary confinement cell—in the Atlanta City Prison.

Dead fish floating in the dirty water of the Potomac, the "Nation's River," which flows through out capital city so polluted by untreated and inadequately treated sewage that fish cannot live there, and the spread of human disease-causing bacteria appears as a serious threat.

Everywhere we encountered lamentable excuses offered by local health and welfare officials, who seemed as trapped by "the rules" as the people they were supposed to serve.

While there has been considerable improvement in the quality of life for most Americans, the fact still remains that a large proportion of the 20,000,000 blacks, the 5,000,000 Mexican-Americans, the 500,000 American Indians, and millions of others live day in and day out in conditions we would not let our animals endure; and the "system" of care for people with disease associated with such conditions seems mainly to obstruct their receiving the care that is needed.

We visited the particular places mentioned because they are typical, not unique. The gross pollution of the Potomac exemplifies what is happening to the rivers and lakes of America. Atlanta treats her alcoholics essentially the same way such very sick people in cities across the land are treated, and Atlanta provides facilities for juveniles in trouble that are better than in many other places. These conditions characterize the lives of millions of Americans; they are not just isolated pockets of disaster.

The following separate reports on each of our visits indicate these disgraceful situations that millions of Americans now endure.

LESTER BRESLOW, M.D.,
*President, APHA, 1969.*
PAUL B. CORNELY, M.D.
*President, APHA, 1970.*

### CONCLUSION

If any should think that we present an exaggerated picture, or too harsh a judgment based on "isolated" instances, let him spend as we did, a few full days actually looking, listening, and smelling. The conditions we describe are all too pervasive.

They speak for themselves and require no discussion. They are the basis for the disillusionment of millions of Americans with the "Establishment," especially with agencies of government that fail to take effective action on glaring health difficulties that deeply depress the whole quality of life.

We were struck by the utter inadequacy of our social response. The agencies that are supposed to deal with the problems appear to exist mainly as enforcers of rules that are carefully framed legalistic subterfuges to avoid providing needed services. Often these rules, of course, are there to guard against expenditures from the grossly insufficient budgets that are appropriated by legislative bodies.

The apathy of professional personnel in practically all the agencies of human services, with a few striking exceptions, was particularly disconcerting. Most of them seemed weighted down to the point of indifference by the system in which they work. The major challenge comes from professionals who are outside the official system linked up with grass roots organizations of people. Those in governmental agencies generally do not even seem concerned with the severe inadequacies of health information, especially among the poor.

As physicians knowing something about Medicaid's shortcomings, we were appalled to see how harshly it works against the medical interests of individuals. Termination of benefits without reasonable notice and by arbitrary application of welfare rules that completely ignore medical realities is especially outrageous.

Overshadowing in health consequences even the problems in medical care for the poor was the lack of attention to environmental conditions. While adverse environmental conditions affect all persons to some extent, as in the case of the Potomac, the living conditions of the poor in America constitute an ever greater national disgrace when one considers the capability of our country and the living conditions of most people in the country. Housing literally not fit for animals, residences in sections of the cities marked for future industrial or commercial development and hence really abandoned for human habitation—these are typical scenes. Enforcement of local zoning and housing codes, if these even exist, is not seriously attempted. In fact, the only rule that seems to be systematically enforced is that the people continue to pay rent. The regulatory agencies do defend the interest of those who derive income from the property and the environment in which the poor live so miserably.

Now we wish to propose some lines of action, for health professionals such as ourselves and for the legislative and administrative branches of government. We share the conviction of many in our country, often expressed these past few months, that a nation with the technological ability and governmental resources to create a satisfactory environment for an Apollo space capsule on a trip to the moon must find a way to provide healthful living conditions for the people in Houston, Tulare County, Great Falls, Chicago, Washington, Atlanta, and everywhere else in this country.

As professional public health workers, we should first recognize our own deficiencies. Like others in professional and technical fields of endeavor, some of us have become closely identified with agencies and institutions whose bureaucratic interests may contradict the interests of the people we are supposed to be serving. Of course, we must be loyal to the agencies for which we work. But callousness in accepting the "rules" and the budgets, developed possibly as a protection against our own feelings of guilt as workers in too feeble programs, has insensitized us to the point where we no longer press vigorously to achieve adequate programs. We tend to resist the "community take-over" of health programs by people in impoverished neighborhoods, who have found that they must participate in setting the rules as a means literally, of survival. For too long the programs have stifled their participation; and the rules, established by others who do not understand the problems make less and less sense.

To avoid such professional myopia, we urge that public health professionals, no matter what their type of work or employment, devote some time each year to observing directly the conditions of life that generate health problems. It is one thing to treat a child in a clinic with a cut eye, but another thing to encounter him as we did in a Chicago neighborhood, with a patched eye, and to hear him describe and then see the broken stair rail at his house which permitted him to fall from the second floor onto glass on the ground adjacent to his house.

Further, we believe that health professionals should join hands with organizations of people that are emerging in neighborhoods throughout the country to fight for better health conditions. Everywhere on the tour we found that neighborhood organizations are springing up and arousing new hope. The advancement of public health today requires the development of effective alliances between such groups and those having technical competence in health work. Alliances of this sort would energize the efforts of all.

Although we knew before the tour that our health programs needed a drastic overhaul, the visits added a depth of understanding and feeling that we could not have obtained otherwise.

A health care program for the poor based on a month-to-month means test to determine indigency is unacceptable in a decent society. We can only begin to understand the indignity suffered by those who seek to qualify under a means test. But apart from that, the means test system requires the cancellation of eligibility for benefits because of slight temporary increases in income. This is standard practice under Medicaid throughout the country. Thus, access to medical care is often cut off just when it is most needed to boost a family out of the poverty-poor health cycle.

This makes no medical sense. Getting the information, keeping the records, and making the judgments each month, according to rules which are changed often with little or no notice by state and county officials, costs a substantial amount which could go a long way toward providing benefits on a yearly basis. The latter would be much more sensible from a medical standpoint and in the long run probably more economical. One must ask whether the present arrangement is designed to aid the poor or to perpetuate a bureaucracy. Medicaid as a whole—its system of eligibility, loose budgeting, crazy-quilt pattern of benefits, and failure to set standards for care—was fashioned out of the mold of old-fashioned, welfare-oriented programs. It is probably the most colossal excrescence of a welfare system that has long outlived its usefulness and, as President Nixon has indicated, must be revamped. What better place to begin the revamping than to set free the provision of health services for the poor from a welfare system that grossly distorts its purpose? Few would deny that health care for the poor is important and that a health care system should make medical sense.

It is time for Congress to assert that health care for the poor must be approached systematically; responsibility for the health care system must no longer be parcelled out in an uncoordinated way among dozens of Federal, state, and local public agencies. More than six per cent of the Gross National Product now is devoted to health care. With an increasing proportion of that directly out of government funds, it does seem timely that we develop a national policy and program on health care, instead of drifting and taking pot shots at drug prices and physicians' fees, horrendous as some of these may be. Our tour convinced us that health care for the poor, at least, in this country has broken down. The crisis is not coming; it is here.

The American Public Health Association would be pleased to join in the development of a national policy and program of health care for all.

In the meantime, convinced of the urgency by our tour, we make the following recommendations as beginning steps to relieve the chaos in health care:

1. Establishing eligibility for Medicaid on a yearly rather than monthly basis.

2. Channeling funds from Medicaid and other governmental health care programs to build comprehensive primary medical care services in poverty neighborhoods, linked to hospital services for cases in which the latter are needed.

3. Offering young physicians opportunity for service in poverty neighborhoods as an alternative to military service.

We would note, however, that health *per se* is only one part of what is needed to meet human health needs, and not the most important part. Again, the tour reinforced this point in our minds.

A national program to improve housing for the poor is urgently needed as a health measure. It is simply impossible to maintain health in houses that are physically unsafe and without elementary sanitation features. Such are the houses where millions of Americans now live. A national housing program must be more than what "urban renewal" has meant in many places: namely driving poor people out of dilapidated dwellings to make room for public and commercial buildings and residences for people of means, with little or no improvement in housing for the poor who are merely scattered by the "renewal."

The main housing program for the poor consists of welfare benefits which include an itemized amount for rent. Many hundreds of millions of dollars of this money goes to support housing that does not meet any standard. This means, in effect, that present national welfare policy subsidizes shockingly bad housing without any effort at quality control; it actually encourages landlords to continue making profits without improving the housing. We now spend an estimated $4.2 billion of Federal funds in public assistance payments. President Nixon's welfare reform proposal would add $4 billion, or double our expenditures. But the welfare reform proposal does not provide for the reforms that are needed tc insure that Federal payments for housing do not continue to subsidize substandard dwellings.

Medicare provisions stipulate funds may not be used to pay hospitals failing to meet a standard of quality. Since housing may be at least as important to health as hospitals, we believe health interests require the same approach to housing as that taken to hospitals. Poor people are beginning to see the whole "establishment"—welfare agencies and law enforcement agencies—in support of rent payment but not decency in housing.

As a first step toward better housing for the poor, we recommend:

4. Prohibiting the use of money in individual welfare assistance budgets for payment of rent in housing that fails to meet local regulations.

5. Developing a national minimum-standard setting program for quality of housing in which monies derived from general tax revenues can be used as rent.

That hunger and malnutrition exist on a wide scale among the people of America is now openly acknowledged by the President and Congressional leaders. Food subsidy in this country, however, has meant and still means payment to agricultural interests either for not growing food or maintaining the price of food. The direct surplus food distribution program and the food stamp program have been relatively minor byproducts of the subsidy to agriculture, designed largely for price control.

To overcome hunger and malnutrition in this country it will be necessary to convert the current "food program" that offers some assistance to a relatively narrow range of people into programs based on genuine need. On the tour, we encountered situation after situation in which people were obviously poor but did not qualify for the food program assistance (they lived in the wrong county or someone in the household got a temporary job last month); or they were so poor that they could not get enough cash at one time to purchase the minimum quantity of food stamps sold.

We, therefore, recommend as immediate steps:

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6. Increasing by at least 50 per cent the amount of monies available for food stamps, and eliminating the requirement of a minimum quantity of food stamps to be purchased at any one time.

7. Establishing for all persons in the nation a guaranteed annual income sufficient to insure opportunity for adequate nutrition and other essentials for healthful living.

National policies and practices toward the American Indian have continued to be one of the most shameful streams in American history. The brutality continues, for example, in forcing Indians struggling to live off the reservations to return to the reservations for needed medical care; and in the statements which Secretary of the Interior, Walter J. Hickel, was quoted as making at the 1969 Annual Western Governor's Conference; namely, that the government had been a "little overprotective" of Indians and that his administration might reverse the trend because they "always have that crutch of being able to go back" to the reservations.

It is tragic that Indians must still depend for essential medical care upon "that crutch" which Mr. Hickel suggests taking away, but until something better is available they must fall back on it even when that means traveling more than 100 miles. No policy could be better designed to drive those Indians who are trying to "make a go of it" in the towns and cities of America back to the reservations than the policy of denying them urgently needed medical care. Yet that is exactly what we do.

Since responsibility for Indian health care was transferred to the Public Health Service, tremendous improvement has occurred in the health of Indians still living on the reservations. But just when that care is most needed, during the transition to off-reservation life, it is frequently denied because of the limits of the Federal program and the failure of state and local government to acknowledge Indians as citizens.

Pending further development of national social policy to assist Indians who want to achieve off-reservation life, we recommend as an immediate health measure:

8. Expanding the Public Health Service program for Indian health care to include adequate funds to pay for medical services for Indians in need for at least five years after they leave the reservation.

Degradation of our environment now has become a national issue. Hardly a day passes without major reference in the news media to the demand expressed by some national political figure or concerned group that one or another aspect of the environment be cleaned up. Our tour yielded us the opportunity to see, smell and hear the basis for this outcry: grossly polluted water, even in the nation's river, the Potomac; garbage and debris strewn not only over the landscape but accumulating in the vacant lots and alleys where children of the inner cities spend most of their time; air increasingly filled with physical and chemical waste—and noise—from what we call "advances" in industry and technology. This deterioration of America's living space results from our failure to respond to the collision between the growth and concentration of our population and our capacity to produce and use things. Our waste is drowning us, in the absence of control measures.

America must clean up. This will require a major alteration in our current policies on land development and use. Ineffectual rules and enforcement machinery, established for a time when air, water, and land seemed "free" and more than plentiful, must now be sharply brought up to date. We can no longer tolerate leaving these responsibilities in the hands of governmental agencies attuned to the short-term interests of industry and land developers.

We recommend:

9. Making the health of people (broadly defined, not just specific disease control) the paramount criterion in developing and implementing much-needed national policy on the environment. As a first step the Secretary of Health, Education, and Welfare should promptly develop and promulgate a comprehensive set of standards based on health criteria and without regard for any presumed ability to meet such standards, for the air, water, and land of our country.

Social advances such as those made in the United States bring changes in attitude toward many problems, including fundamental alteration in how we characterize problems. Not many years ago, for example, chronic alcoholics were drunken bums to be dealt with by the policeman and the jailer. Now, the chronic alcoholic is a sick person, provided he happens to be in the right social class. The rich chronic alcoholic goes to a private sanitarium run by psychiatrists; the middle-class chronic alcoholic goes to the clinics that are being established under health auspices; but the poor chronic alcoholic still goes to jail for drunkenness or some related offense.

This is true nationwide, not just in Atlanta where we saw it on our tour. Meanwhile the judiciary, as one branch of Government, is beginning to consider chronic alcoholism as a health problem.

In preparation for the social decision that alcoholism is a health problem we recommend:

10. Appropriating Federal funds on a large scale to support community services for treatment of the chronic alcoholic as a sick person.

It should be emphasized again that spending more money for health care services in the absence of fundamental changes in the organization and delivering of health services is not the answer. Our three-fold increase in HEW health expenditures between 1963 and 1970 is not the answer. Nor is the doubling of welfare payments the answer in the absence of fundamental changes in the welfare program. We are pouring money down the drain when we continue to subsidize substandard housing with Federal welfare payments.

Human needs in health are not being met and much more than the provision of health care services is involved. A strategy for health progress must be based upon improvement in the quality of life for all people—improvement in housing, nutrition, medical care and all the factors that determine health. As a nation, we must decide whether freedom in the pursuit of narrow economic advantage or devotion to the common good, health for all, is to be the guiding force of social life.

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## HARVARD SOPHOMORE OFFERS RIOT REPORT

### HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. FISHER. Mr. Speaker, what on earth has happened at the once highly respected and prestigious Harvard University? The same question can be asked about Yale, Princeton, Columbia, and several others which were formerly highly regarded. Recently those schools have fallen to the depth of the jungle in many respects. Let us hope that this is a temporary flash in the pan, and those great institutions will restore themselves to the degree of public confidence they once enjoyed.

Under leave to extend my remarks I include a column by William F. Buckley, Jr., which appeared in the San Angelo, Tex., Standard-Times on April 26. The article follows:

HARVARD SOPHOMORE OFFERS RIOT REPORT

(By William F. Buckley)

I turn this column over to a sophomore at Harvard, Mr. Laurence T. May, who writes about the events in Cambridge on April 15:

Dear Mr. Buckley: You probably read the piece in the New York Times concerning the riot in Harvard Square last Wednesday. The article was a bit brief for an event described by the Commissioner of Public Safety as "the worst civil disturbance in the history of the state." I was there for a lot of the action and will agree with the statement. The mob was the most ugly I have ever seen. The ferocity, the determination, the hatred they felt for the police was frightening. People who think that these kids are only frustrated youths, upset about the war or whatever, have no conception of what they are really dealing with in situations like this riot. I don't think I'm at all astray if I say that what I witnessed was nothing more than the collective expression of the criminal mind.

These kids were, a lot of them anyway, on drugs. I have never seen groups of "kids" quite as literally mad as I saw Wednesday, yelling; the ones with painted faces added to the barbaric imitations. The defiance was unmatched; even in prison where you would expect a hell of a lot more frustration than what is caused by a war 5,000 miles away, the inmates would not repeatedly return, repeatedly club cops, repeatedly throw wine bottles or whatever. Convicts at least exhibit some cunning in riots; the Harvard riots have none of that, unless you count the attempts by professionals to firebomb buildings. Imagine, if you can, kids so passionate as will run through clouds of tear gas to hurl cobblestones at retreating police.

The mob arrived in Harvard Square at 7 p.m., there being four officers on duty there. One officer tried to "reason" with the group near him and they simply laughed in his face: "pig m-f." By 7:30 Cambridge police were lined up behind the "MBTA" Kiosk. Above them, on the wall surrounding Harvard Yard 10 feet off the ground, were at least 150 "streetpeople." The rioters threw rocks, bottles, boards, bricks . . . you name it . . . down onto the police who simply stood in rank. Down went one cop, hit by a brick, down went another. Still they didn't move from ranks.

Behind the wall Harvard University police moved to clear the kids off. Incredibly, a senior tutor and an assistant Dean of the College told the University police to leave the kids alone: "We don't want any trouble. Don't start a riot." This while a full riot was in progress. The incident has caused understandable friction between university and city police. A university cop told me last night that he is afraid that if they need assistance from Cambridge some day, it will not be given quickly.

Harvard students generally abstained from actual rioting, though there were a number of identified exceptions. Mostly, they were just stupid: stupid not to stay off the streets, so they got clubbed or gassed or obstructed police. The rioters were mostly those the press rather charitably called "hippies"—the drop-outs, the long-haired welfare recipients, the panhandlers, the druggies, and the ubiquitous professionals.

George Wald, Harvard's Nobel-winning flower child, was of course in the middle of things. He actually went up to policemen in the streets, demanded that they stop, demanded that they "use reason" with the kids. While he was so engaged, a kid hit a cop with a baseball bat painted black (doesn't show up at night, nor in news photos usually).

Wald, by the way, says he fears "lower-class Catholics becoming outraged." Imagine if I told him I feared middle-class Jews rioting in the streets!

The next target is New Haven on May 1st. Unless the Panthers are freed and $10 million indemnity paid to the party, the "political dissenters" say they'll destroy the city.

Do you think there are Communists involved? My fellow students don't, even when the Communists say they're Communists! You see, the riot was caused by the frustrations of the kids in the Harvard ghetto. Perhaps we'll have a federally-sponsored summer program soon, or a swimming pool in Harvard Yard. Better, a Head Start course for Harvard students.

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## MOTHERS DAY 1970

### HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. BROCK. Mr. Speaker, a Mothers Day sermon delivered by Dr. Walter R. Courtenay of the First Presbyterian Church of Nashville has captured the role of the modern-day mother.

I would like to include this sermon in the RECORD because I feel it has something to say to all of us. Dr. Courtenay addressed his words to all mothers, but particularly to those mothers of soldiers in Southeast Asia, and to the mothers of students on troubled campuses, hit by demonstrations and violence.

I insert the article at this point in the RECORD:

[From the Nashville Banner, May 11, 1970]

### MOTHERS DAY 1970—(JUDE 1:17-21)

(By Dr. Walter R. Courtenay)

Today is Mothers Day, a day when we speak appreciatively of those who were our first nursery, our first pantry, our first playground, and our first means of transportation.

Whenever we deal with the subject of motherhood, we always confront two problems, first, what mothers should we talk about on a day like this, the young mothers with their little children around them; the not so young, whose teenage children confuse them with their attitudes and philosophy of life; the still older whose children are now grown, some successes, some failures; or the older mother whose silver hair turns gold in the glow of the after sunset? Every woman who has reached the age of 60 knows the tremendous changes that occur between the birth of the first baby and the time when life is mostly the history of yesterday.

The second problem is that we tend to idealize mothers, who are only slightly related to reality. Few mothers achieve the ideal, even as very few fathers, sons, and daughters achieve the ideal. Mothers, after all, are persons of flesh and blood. They are people who have vices as well as virtues, weaknesses as well as areas of great strength. But, in the main, the mothers of America have achieved accomplishments that are both high and wholesome. It is because of this that we pause to honor motherhood today. It is well that we do so, and I am pleased to do so, because I remember all too well my own mother and the wonderful girl who became the wonderful mother of my sons.

As we pause to observe Mothers Day we do so in the midst of disturbed conditions throughout our country. The America that I see around me today is completely foreign to the America that I have known all my life. The war in Vietnam goes on with its staggering cost of men and money. The entire nation is shackled to it, and our society is being dragged down and plunged into attitudes and moods that are uncomplimentary to us and which give the world a distorted picture of this land we love.

In all of this, the mothers of all ages and conditions are involved, some having sons and daughters in colleges, some having sons and daughters who this fall will enter college, some having husbands and sons in the armed forces, and some having loved ones on the battlefronts of Asia. Some have sons who may soon have to break away from normal vocations and avocations and learn the arts of brutal war.

Mothers cannot help but be worried as they look out of their windows upon a world that is so jumbled and as messy as a city dump. We cannot blame them for asking the questions, what is ahead for our loved ones, what is ahead for our nation, what is ahead for the world? Are we now doomed to anarchy and a peaceless America? Is there no way, and is there no one, who can alter the streams of events carrying us swiftly toward the rapids and the plunge of the mighty waterfall?

Today we cannot avoid thinking of the mothers of the four Kent State students who this past week were killed. Regardless of the factors, their loss is a staggering, irreparable one. We, of course, assume that these youngsters were innocent. We assume that they shouted no obscenities, threw no bottles, rocks or steel slugs, hurled no profanity and insults. We assume that they did not curse the soldiers or patrolmen, nor spat upon them. We assume that they were fringe people who understandably gather to observe these absurd displays of temper and terror. Innocent they may have been but they were part of that noisy minority group led by hard core radicals from off and from on the campus, who were determined to create a situation that hopefully would end bloodshed. I agree that bottles, bricks, rocks, steel slugs and profanity are not the same as bullets, but they are weapons of offense.

It is to be regretted that the leaders who created the disturbances were not where the action was when young Guardsmen, hearing shots and fearing for their lives, opened fire in self defense. The facts are not all in, and in all probability we will never know the actual facts of what created the death of these students at Kent State. But we can pause on this day to extend our sympathy and our prayer to the mothers of those who died, and the mothers of the young people who were stupid enough to become part of that senseless mob.

#### BE REALISTIC

Here we must be realistic about campus disturbances. First, they never involve the majority of students. Second, they seldom involve the students who are on the college campus to get an education. Third, the disturbances are rarely spontaneous. They are planned, they are fanned, they are fomented, they are created. Fourth, they are never non-violent. The lighted fuse of a dynamite charge may seem non-violent, but you and I know that that fuse, once lighted, will eventually explode the dynamite. Of course, the leaders on our campuses claim non-violence even while they are collecting the bottles, the rocks and the steel slugs with which to confront the patrolmen and, if necessary, the National Guard. After heads are broken and members of the mob are arrested, naturally they cry out against police and guard brutality, and loudly protest their own innocence.

There is a hard core of anti-order, anti-America radicals on every campus and in every community. Their contribution to America's prosperity, security and peace is nil. Their contribution to America's disunity, disorderliness, and disgraceful conduct is beyond measure. They organize, they incite, they motivate, they spread false rumors, information and charges. They foment alienation and senseless antipathy. They do all they can to arouse the beast in students and to give it liberty. They begin the rallies, and they they lead until the action gets too hot. They encourage sabotage and subversion. They draw into their ranks idealistic, impulsive, excitable students who know little of the facts but whose emotions are aflame. Thus, they create a mob and when confrontation comes, the hard core leaders put the idealistic, excitable students in the front ranks of the battle and seek safety for themselves. They are seldom beaten and bruised. They are trained to use others, but never to get hurt themselves.

Let it be clearly understood that the organizers, the fomenters, who lead the idealistic, excitable, venturesome students are in no sense representative of their campuses. By any measure, they are not loyal, informed, clear thinking Americans. They are the paid servants of subversive forces. They are the manipulators of situations. They are the managers of chaos. They are anti-America, anti-decency, anti-democracy, anti-justice, anti-free speech, anti-law, anti-authority, anti-church and anti-God.

#### BUT ONE GOAL

They have but one goal, to so disrupt our normal ways of life that institutions in America cannot function with success. And all of this is blamed on the war in Vietnam.

Let me read part of an editorial that appeared not long ago in the Nashville Banner: "In the 5500 years of recorded history there have not been more than 230 years of peace, and in the relatively brief history of the United States, there have been fewer than 20 years in which one of our armed services has not been engaged in some military operation. Despite these facts, most Americans still cling to the delusion that peace is normal and war is abnormal."

We are in Vietnam because of a solemn and sacred treaty. We are there because the Viet Cong are the paid henchmen of Hanoi, and Hanoi is but the satellite of Moscow and Peking. If the border created by treaty had been honored by Hanoi and her expansionist allies, if the border created by Great Britain, France, Russia, the United States and others had not been crossed, and if the South Vietnamese people had been left to develop their own way of life as Hanoi and the rest of us had agreed, we would not be in Vietnam today.

And now we are in Cambodia. The adolescent intellectuals in our midst, the critics of our current Administration, and the hard core hirelings of subversive forces have joined ranks to create further division in our midst. Now, we are not fighting Cambodia. We are fighting the same enemy that we have been fighting for five years. The drive to destroy the sanctuaries with Cambodia makes sense. Actually we have not invaded Cambodia. We have invaded communist territory held for the past five years by the Viet-Cong and the soldiers of Hanoi. Cambodians have not owned nor controlled this area of their country during the last four or five years. We have invaded Hanoi territory. We have invaded Viet Cong territory. We have not invaded Cambodian territory, and we are not at war with Cambodia. The war has escalated only in the sense that we have finally decided to do what we should have done a long, long time ago.

No one can rejoice over our presence in Asia, least of all the mothers who have husbands and sons in the armed forces in Vietnam. On this Mothers Day I am all too conscious that such mothers are not being honored publicly as they have been in all the other wars that we have fought. Many hus-

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bands and sons will never return to these mothers, and many husbands and sons will return but never to a normal way of life again. The tears of such American mothers today are truly salty, and their vision has to be misty, and their hearts have to know pain.

### MOTHERS DAY 1970

Mothers Day 1970 is a day fraught with danger. Never has our unity been so seriously jeopardized, nor citizen responsibilities held so cheaply. The moral fibre of our people seems flabby in the face of the forces that disrupt law and order, decency and loyalty, fairmindedness and fair delivery. Standards of value long held valid are now trampled in the mud along with the ashes of burned American Flags and hopes. Respect and good manners seem to have evaporated in heat of bad tempers. Vulgarity and cheapness are honored rather than condemned. God and His Law mean little as radical students and their idealistic followers seek to jerk the rug of honor and respect from under our feet. Quicksands have been substituted for hard trails, lies for truth, revolution for renewment, and a hog's view of life for that of mature, informed, responsible people.

Nor do many of our leaders in Congress, college and church seek to improve our situation, for they demand the impossible while believing with all their hearts in the improbable. They subsidize and support subversion and arson. They add fuel to the social fires that threaten to destroy us, and not once have I seen a fire extinguisher in the hands of any of them seeking to put out the flames that threaten our land. Students and others who call policemen "pigs" and National Guardsmen "bastards" and "s.o.b.'s" now become angry when a leader in high responsible position refers to certain students as "bums." We have always had bums. They have always been part of our campuses. We have always had bums in our communities. Let's call them what they are, and not quibble about it. We have more on our college campuses today because we have admitted to our campuses people that should never have been admitted in the first place. Many are there for no other purpose than to disrupt the tranquility of the campus, and to bring our institutions to a state of helplessness.

I could believe neither my eyes nor my ears the other morning when a law professor of the University of California stood on a platform and exhorted students to go on with their violence, and concluded his remarks by saying, "We are either going to liberate this country from within, or we will do it from without."

### DIFFICULT TO RESPECT

I find it difficult to respect the TV commenators of our national chains who speak of student unrest as if the majority of students were involved, who speak of student riots as if most of the students on the campus were part of the riots. None supports the administration nor the people responsible for law and order in our nation. To me it is most unfortunate that faculty members, congressmen and churchmen join these people to further disturb and disrupt our normal way of life.

I say to you this morning with all the conviction I possess that when dissent becomes descent into ways and words that dishonor the sacred and belie the sensible, it is time for American leaders to take strong action. When mobs feel free to throw bottles and rocks, steel slugs and profanity, not to mention Molotov cocktails, why should they resent the use of our more normal weapons of defense on the part of our policemen and our National Guard? It seems sensible to them to curse, to riot, to burn, and create disorder, but irrational for policemen and guardsmen to defend themselves and the honor and security of our society.

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### TO THE MOTHERS

To the mothers of this church and community who have tried to do a good job in rearing their children to respect God and their citizenship, and to carry their responsibilities with a real sense of commitment, I tender my sympathy, my encouragement and my prayers. To the mothers of America who are striving to do the same I offer them my help. To the mothers of the slain Kent State students I can only offer my tears and my regrets, my sympathy, and my hope for better things. To the mothers whose children have exchanged a heritage of value for a mess of communistic pottage, and a normal faith in the cross for an absurd faith in the hammer, I can only send my sympathy and my encouragement. To the mothers whose husbands and sons and daughters are on the front lines of Vietnam and Cambodia today, I can only remember them in prayer before God that they will have the strength to endure.

This is indeed a strange Mothers Day, but it ought to remind us that emotions are seldom rational, that anarchy destroys but never builds, and that a life or a program that is not built in accordance with the absolute laws of God and the universe cannot long endure.

I hope, therefore, that the events of the past week will motivate us to prevent further deterioration within our nation, and to cancel out the repeats of Kent State. We must do all in our power to rededicate ourselves to the task of character building, of Christian nurture, and of loyal American citizenship. We must dedicate ourselves anew to the creation of American unity and the building of security. We must get on with the church's main task, that of bringing men into a full commitment to Christ to the end that they may then go out into the world to live lives that honor God and elevate the standards of men. We must return to America's major task of making this land of ours the land of the free and the home of the brave.

"The greatest battle that e'er was fought—
"Shall I tell you where and when?
"On the maps of the world you'll find it not;
"It was fought by the Mothers of Men."

I repeat again the words of Jude, "Now do remember, dear friends, the words that the messengers of Jesus Christ gave us beforehand when they said, 'There will come in the last days mockers who live according to their own godless desires.' These are the men who split communities, for they are led by human emotions, and never by the Spirit of God. But you, dear friends, build yourselves up on the foundation of your most holy faith, and by praying through the Holy Spirit keep yourselves within the love of God."

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## POLLUTION—A DIRTY WORD

## HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. DINGELL. Mr. Speaker, pursuant to permission granted I insert into the CONGRESSIONAL RECORD an excellent editorial appearing in the Dearborn, Mich., Press, an outstanding publication edited and published by Mr. Robert F. Smith, a distinguished citizen of Dearborn, Mich., entitled "Pollution—A Dirty Word."

I believe this fine editorial expresses well the concern so much abroad in our land on man's incredible destruction of his environment.

### POLLUTION—A DIRTY WORD

What are we going to do about pollution? Shall we stand by while the verbal tirades pass back and forth between industry and the concerned government officials and citizens? Or, do we, who constitute the vocal minority and the silent majority, take some action?

Each year the destruction of the environment progresses geometrically. In the early '60's Rachael Carson was looked on with interest, but without concern, as she forecast the peril of environmental destruction in her book "The Silent Spring."

At that time, the environment was still relatively clean. But, today, a hot, windless day in New York City or Los Angeles takes its toll in lives. Scientists can accurately state that within the next generation death due to air pollutants will become an everyday occurrence.

Yet, pollution extends further. It is the oil slick on the Atlantic or Pacific coast beach. We can live with black, gooey beach. All we have to do is move down the beach to a cleaner spot.

But, migrating birds and seals move in and become saturated and suffocated by the mess. We can live with their deaths, but we must remember that their passing is not an isolated incident.

It is a symptom of a world-wide sickness. Perhaps we could even rationalize and live with the extinction of entire species. Their deaths, though, are the signs of an impending destruction which, so far, we have been able to outrun.

The handwriting is on the wall, written in the foreboding script of death. This is not a problem which will pass if we look the other way. We can not let this one slide.

In spite of the danger, industry continues to spoil the atmosphere. Their problem, though, is just as difficult. Many of the April 22 marchers demanded an immediate halt to activities of offending industries.

Think about it. What if someone came into your house today and told you to stop washing dishes and clothes, and demanded that you stop using electricity which is made by polluting power plants? What if they further demanded that you leave your car in the garage because of the carbons it emits?

You couldn't do it and neither can industry.

We must end pollution of the air, the soil and the sea. We must stop the noisy assault on our ears by car and truck horns, jet aircraft and the cacophonic din of urban complexes. We have to learn how to handle the exploding population, the disposal of hard pesticides, the conservation of the dwindling stock of trees, and the filthy mass of litter which has now penetrated as far as the deepest trench in the Pacific Ocean.

But, if we demand that industry cease polluting operations immediately the economy will collapse. We must move quickly, but with intelligent alternatives for the rebirth of the dying world.

Protests without intelligent proposals behind them are useless. The federal government has begun the process of halting pollution but its first steps are feeble and slow instead of strong and rapid. $100 fines, $1000 fines, even $100,000 fines are ridiculous, especially when levied against a billion-dollar corporation.

The federal government must enforce stringent measures ranging from monitoring and surveillance to on-the-spot checks and large fines handed out on the basis of units of pollution.

Large corporations which boast of $150 million pollution control projects should be prodded onward instead of patted on the back. If a corporation can spend more than $250 million for changing the signs on its offices, then it can surely afford to lay out as much, or more, for pollution control.

Each of us must be conscious of the problem, not politically, not as a tax deduction, but as a personal problem which is just as serious as having a revolver pointed at your temple.

If we accomplish some of our aims, we have no reason to be proud. We are not gaining a thing. All we must attempt to do is break even. We must give back what we have taken.

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## WASHINGTON NOTES "ECKHARDT OF TEXAS"

## HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. TIERNAN. Mr. Speaker, in the current edition of Harper's, there is a rather apt narrative of our distinguished colleague from Houston, the Honorable Bob Eckhardt.

The author of this article is Edwin Yoder, Jr., associate editor of the Greensboro Daily News. Mr. Yoder's objective and pertinent sketch of Bob Eckhardt is well drawn as he easily catches the spirit, personality, and brilliance of my good friend from Texas.

I have sat next to Bob in committee since my arrival here in the House over 3 years ago, first on Science and Astronautics and presently on Interstate and Foreign Commerce, and I could not agree more with Mr. Yoder's high appraisal of this thoughtful and conscientious Member of Congress.

I commend this article to the House and include it as part of my remarks here today:

### WASHINGTON NOTES: ECKHARDT OF TEXAS

(By Edwin M. Yoder, Jr.)

When Representative Bob Eckhardt of the eighth district of Texas entered the U.S. House of Representatives in early 1967, he encountered a lot of problems—the cards are always stacked against the new boys, especially if they are already fifty-three years old and stand little chance of achieving seniority. But the worst problem was that his natural political allies in the House could not believe Eckhardt was a liberal.

In the first place, he speaks in the soft drawl of East Texas, and even after his real political sympathies had been suspected he would still horrify a correct Yankee liberal by going over to the Senate side to testify on a bill and bandying genial colloquialisms with people like Senator Sam Ervin, Jr. of North Carolina, laughing and saying things like, "But *Senatah*, isn't that like sending the possum to chase the *dawg*?" Usually there is a gold watch chain strung across the waistcoated paunch of his three-piece suit; and above the unvarying bow tie the vaguely Claghornish hair tends to tumble down to eye level. The truth is, Bob Eckhardt *looks* like a Southern tory, and when you first meet him you expect him to think like an Allen Drury caricature of a Southern Congressman.

In the second place, Eckhardt *isn't* a liberal. He is actually an almost quaint example of the geunine federalist who flourished in the early days of the Republic but began to become extinct during the stresses of the 1830s. He really believes in the balanced system of state and federal power that Madison & Company put together, but he differs from most Southerners of that apparent persuasion in that he is usually for the underdog rather than the top-dog. In a twelve-year legislative career (which included several terms in the Texas Assembly before his election to Congress) Bob Eckhardt has worked for industrial safety legislation, civil rights, arms control, conservation, consumer protection, and other generally un-Texan causes.

Still, it was quite a while after he took his seat in Congress for metropolitan Harris County (Houston), in a seat he had in fact helped design as a member of the Texas House, before the suspicious Congressional liberals began to notice him. "The hardest group to crack," surprisingly, "was the Democratic Study Group," a loose confederation of House liberals who supply each other with study papers and voting positions in an effort to dent the well-fortified House committee establishment.

Some of this suspicion was allayed, last June, when the U.S. Supreme Court delivered its decision in *Powell v. McCormack*, with Chief Justice Warren delivering the last of his great libertarian opinions and holding that the House had illegally deprived the Harlem Congressman of his seat. In reaching that verdict, the Court quoted at length from an elegant discussion of the parliamentary issue written by Bob Eckhardt in the University of Texas law review. Typically, Eckhardt regards Powell as a rogue but believes that even a rogue has his rights under the Constitution. Powell never bothered to thank Eckhardt for his pains, but that hardly matters to Eckhardt.

His advocacy of Powell's unpopular cause is only one in a series of improbable positions in which Bob Eckhardt has found himself. When the omnibus crime-control bill came to the House floor in the summer of 1968 on a tide of "law-and-order" sentiment, he joined a small group of liberals in opposing its riot-control section, believing it to be a departure from the Bill of Rights and—as important to a real federalist—an unprecedented and uncalled-for expansion of federal criminal law.

The same considerations, basically, governed a recent decision that put him among the tories. He opposed—persistently—the Constitutional amendment, passed overwhelmingly by the House last September, providing for the direct popular election of Presidents.

"I think you're being countryslicked," he told the New Yorkers, Californians, and other urban Congressmen who voted for the amendment, noting that the five largest states, containing a third of the people, control only six committee chairmanships in Congress—15 per cent. Under the electoral college, he argued, the President is a "super-legislator" whose "innovative quality" the country needs. He voted in a minority of seventy.

As his progressive colleagues in the House began to perceive that Eckhardt is a man of rare independence, they began to admit him to those almost conspiratorial little cells of the like-minded that operate beneath the huge, unwieldy surface of the House. Eckhardt is active in several informal bands, in addition to the large and rather inchoate Democratic Study Group, which he mysteriously designates as the "True Believers," the "Hard Core," and another so ultra-confidential that no stranger is admitted—the "Group."

When I visited Eckhardt in Room 1741 of the Longworth Building for a week last September, I found myself barred from any spying on the Group, which was then mapping legislative strategy on defense procurement. (At that time the procurement bill, which had been debated by the Senate for three months, seemed likely to pass the House in a few days, and it did.) I did manage to visit the Hard Core, a somewhat less serious group of House activists who gather weekly over Danish rolls and coffee to intrigue against the inertia of the committee establishment.

On that particular morning, Eckhardt had ridden his bicycle all the way from his house on N Street in Georgetown to Capitol Hill, his route taking him past the little red town house where John Kennedy once lived, by the reflecting pool and the Lincoln Memorial. During those morning bicycle rides, Eckhardt ponders the coming day on the Hill and sometimes writes verses—he is an amateur versifier and cartoonist—about House colleagues. Two years ago, pedaling the same 35-minute route, he got to thinking about Representative H. R. Gross, the Iowa Republican watchdog whom he admires at a safe ideological distance, and wrote:

> It's good enough for Mr. Bow
> To just preserve the status quo.
> And Dr. Hall will gladly tell 'em
> His status quo is antebellum.
> "What bellum, then?" cries Mr. Gross.
> "The Civil War is much too close.
> I'd fain retreat with right good speed
> To England prior to Runnymede."

"Mr. Gross," Eckhardt says, "sees the world as not having changed much from the days when it was ruled by the British Navy. Mr. Gross, you know, is the one who combs the Congressional Record to find out how much tax money's being spent for those limousines he sees parked below the Capitol steps."

Mr. Gross, comfortably established by virtue of the seniority system, is the kind of Congressman Eckhardt isn't—and couldn't be—both because of his orthodox power in the House and because of his outlook. But it isn't as if the House were a strange place to Eckhardt, even if its usual entrees to power are shut to him. His maternal uncle, a Republican named Harry Wurzbach, was there under Harding and Coolidge, and as a boy Eckhardt once campaigned with him. "Some fool fired a pistol at him during a speech, and another time they tried to count him out but he demanded a recount and claimed his seat after the House had already convened." Another uncle on his father's side, a Bryan Democrat, sat during the Teddy Roosevelt era. His father's cousin, a "Southern bloc conservative," was in the House in New Deal days. Eckhardt's constituency in northeast Harris county provides a further variation on the family legacy. It is a labor-minority district, which reelected Eckhardt last year with a 70 per cent majority, even though there was considerable Wallace sentiment among the oilworkers and steelworkers. His thumping majority was all the more remarkable in that Bob Eckhardt has never disguised the fact that he isn't a segregationist. (In a Houston television debate thirteen years ago, he dismissed the then-fashionable revival of "interposition" as "digging up John Wilkes Booth and trying to run him for President.")

When Bob Eckhardt pedaled his bike up Constitution Avenue on the September day we were to breakfast with his friends of the Hard Core, a more or less routine week in the House was in prospect—no large dramas or dilemmas but a good window on the House as an institution at this stage in its history. Most of the week's newspaper headlines generated on Capitol Hill would, as usual, dwell on the Senate. Senator Charles Goodell would pass a milestone in his countermarch toward reelection by introducing his resolution to extricate the U.S. from Vietnam. Judge Clement Haynsworth, Jr., President Nixon's nominee for the Fortas seat on the Supreme Court, would explain his stock portfolio to the Senate Judiciary Committee.

On the House side, there would be little business on the floor worth remembering, although Bob Eckhardt would speak briefly for a bill to revive railway passenger service, recalling a trip through the Rockies in a decrepit Pullman car when he and the ancient porter sought to raise the temperature above freezing. (In some ways, the House

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floor is nearly as removed from a Congressman's hour-by-hour concern as the Senate, which by custom is never called anything but "the other place." Every few hours the bells would ring and the lights flash on the clock above Sam Houston's portrait behind Eckhardt's oval desk, and the Congressman would scurry over for a quorum call or a vote. To a stranger looking down from the well-invigilated galleries—you may not rest your elbows on the railings or take notes—the House chamber, in its dim reds and browns, suggests a railway depot of the last century where some berserk station master is droning about legislation rather than train schedules.)

The Longworth Building, where Eckhardt parks his bike every day for a quick elevator ride to the seventh floor, is one of three House office buildings. Its offices are arranged four-square about a courtyard planted with three forlorn rows of shrubs, and looking down from a fourth-floor window you half expect to see a queue of prisoners taking the air.

On this morning, the Hard Core were meeting in the offices of Representative Dave Obey of Wisconsin, a newcomer whose office walls are decorated with peace emblems and anti-DDT posters, and whose credentials no doubt permitted him quicker entree into the inner cells of House liberalism than Eckhardt's. In fact, Eckhardt is the only Southerner in the Hard Core. Others—Representative Ed Koch of New York, Abner Mikva of Illinois, Patsy Mink of Hawaii, Brock Adams of Washington—have some seniority behind them but not enough to be part of the committee establishment that runs the House. Gathering in Obey's office, the regulars joke about the District of Columbia crime bill, a civil libertarian's delight from the Justice Department. Koch complains that post offices in his district are dumping his news letters and asks what the others do about that problem. Patsy Mink, just back from Hawaii, takes a good bit of ribbing about her new district, now mainly agricultural. "Boy, am I going conservative," she says.

The Hard Core is representative, I gathered as I listened to the discussion, of a certain group of younger, seniority-shy members who hold senior members in some affection but believe that the committee chairmen are too powerful and too independent. This they blame largely on the "leadership," a word spoken in Eckhardt's circles with a certain bemused disdain. Speaker McCormack, the ancient presiding officer of the House who is familiar to Americans as the old gentleman with the gaping mouth who sits behind the President during joint sessions, is agreed to be wrapped up in "the goody game." He is preoccupied, they complain, with housekeeping matters like the controversial extension of the Capitol West Front, improving the food service in the various dining rooms, and placating House employees. (If Mr. McCormack is somewhat remote from the infighting on national issues, he perks up at the slightest sign of disorder or discontent in the household. When one fairly prominent Midwest Democrat joined several others in speaking about the treatment of the dining room employees, he was startled by the Speaker's response. "After the speech, he telephoned to say that he's with us and followed it up with a meeting and other phone calls. You know why? If there were an employees' demonstration, *he's* the one who'd be embarrassed.") Majority Leader Carl Albert, McCormack's deputy, is suspected of secret sympathies. But as the heir-apparent to the speakership he must play conciliator. When Bob Eckhardt took me by Mr. Albert's office, I found the Majority Leader a friendly, diminutive man with twinkling eyes and a soft voice. He bristled only when I asked him the usual clichés about the House—for instance, that it has become a less responsive chamber than the Senate.

On the Wednesday before I met with the Hard Core in Obey's office, the insurgents had won a small victory in the caucus—a resolution "adopting" the 1968 Democratic platform as the basis for legislative initiative in the 91st Congress. "You can't understand the caucus problem," Eckhardt explained, "unless you understand that it's the only House forum where people who think as I do—the activists, the impatient younger members—have a potential majority." The powerful committee chairmen despise the caucus. "Do you know the difference between a caucus and a cactus?" one asked. In a cactus, the pricks are all on the outside." Knowing as they do that the insurgents want to use the caucus to bring pressure on them, the committee chairmen yearn for the old days when Speaker Sam Rayburn controlled it, fearing that it would develop into a scene of family quarrels among Democrats, especially over civil rights.

I learned still more about the recent history of the caucus, a few days later, when Eckhardt sent me to track down Representative Morris Udall of Arizona. To talk with Udall, who used to be a star athlete, you have to stay in motion. First he would lean against the marble pillars in the hallway outside the members' entrance to the House chamber (suggestive, in its tawdry ornateness, of a Byzantine seraglio). Then something would happen, Udall would dart into the chamber, where a debate was in progress over an amendment to the Wilderness Act, and after a bit he would return and we would move out on the porch overlooking the West Front. On the run, I discovered why Udall stood as a test candidate for the speakership in January 1969 against Speaker McCormack, a somewhat quixotic enterprise in which he had Eckhardt's support. Udall would say nothing to disparage the leadership, but he pointed out that his "Dear Democratic Colleague" letter of December 26, 1968, was a matter of record, having appeared in the *New York Times*. It was, in effect, Udall's platform, and it spoke for Eckhardt and others in declaring that the House "can and should be a source of innovative programs" and that "too often House Democrats have failed to extend to our newer and more marginal members the kinds of recognition . . . that would give them deserved strength in their constituencies."

Udall cupped his hands, forming a sort of canyon. "In theory," he said, "when the elections come, the House is supposed to have a heavy turnover"—he swept one hand over the other, indicating a major washout—"but it takes a real flood—a 1964—to do that, and in most years only the marginal few at the bottom of the gully, eighty or so, are exposed and washed away." It still rankles with House activists that the leadership did so little to protect the so-called "Goldwater liberals" elected in the 1964 landslide from the inevitable washing away in 1966.

In the speakership race, Udall pleaded for "constructive, rational, and responsible airing of differences in caucuses." He got a meager fifty-eight votes on the secret ballot, indicating to at least one of his staff members that "there are either a lot of secret sympathizers with the seniority system or a lot of liars." But combined with other pressures, the Udall challenge brought more alterations, one of them an upgrading of the caucus. It now meets monthly, not sporadically as under Rayburn, and it debates issues rather than merely ratifying the decrees of the elders.

The change is important to Eckhardt, for with most of the Hard Core types he believes that the Democrats' loss of the White House last year drastically changed their role. "Under Kennedy and Johnson," Eckhardt says, "the leadership was a conduit of Presidential leadership and we had a sense of motion. Nixon exerts little or no pressure, and with White House pressure off, the committee chairmen are more lackadaisical and independent."

Eckhardt was excited by what happened in the mid-September caucus, the week before I visited his office. Representative Jonathan Bingham and others, with Eckhardt playing a last-minute parliamentary role, managed to pass a resolution directing the committees to seek legislative goals in the 1968 platform. The coup displeased the elders, some of whom tried to divert the attack from the Democratic committee moguls to the White House. ("You can hear the old bulls roaring when one of us gets up in the caucus," said one of the Hard Core.)

It was the visit of Mr. Ezra Schacht of Houston one morning that introduced me to the full range of a Congressman's labors in ombudsmanship, labors Eckhardt takes very seriously. Mr. Schacht, dressed in a natty brown suit with blue pinstripes and a matching striped tie, had just delivered certain legal papers to the Supreme Court in behalf of his son, who is trying to appeal a prison sentence for antiwar activity. Danny Schacht, a young electrical engineer working at his father's plant, had acted in an antidraft skit outside the Houston draft induction center two years before. Several nights later, as Eckhardt summarized the story, FBI agents arrested Danny Schacht and charged him with violating a law prohibiting the unauthorized wearing of a military uniform. In May 1969, the sentence was upheld, even though young Schacht's lawyers argued that the antidraft theatrics were protected by the First Amendment, as well as by a law permitting an actor to portray a soldier "if the portrayal does not tend to discredit the armed forces."

This "exception to an exception," as he calls it, intrigues Eckhardt. With his aides Julius Glickman and Chris Little, both lawyers, he discusses the Constitutional issue. If the Supreme Court accepts Schacht's appeal, he decides, he may submit an *amicus curiae* brief arguing that the whole proceeding was unconstitutional if the theatrical use of an Army uniform must be confined to skits reflecting credit on the armed forces.

The Schacht case is one of hundreds that come to a Congressman's attention every year, making his office a sort of ganglion where the nerve fibers of governmental relations meet. The mails every day are heavy, and have been for three years, with military problems—mainly over the draft.

I asked Eckhardt for other examples of the ombudsman's role. From the files he brought out several worn manila folders concerning George Vincin, a Houston odd-jobs man who joined the Army in 1935—thirty-five years ago—and still seeks back pay for false imprisonment. Recently, Eckhardt wrote to the Secretary of the Army what is perhaps the hundredth letter in the case, calling Vincin's "the most shocking bureaucratic abuse that has ever come to my attention." Falsely accused of sodomy while in the guardhouse at Fort Brown, Texas, in 1938, Vincin served five years at Leavenworth, even though his key accusers admitted lying. His thirty-year effort to clear his name and collect back pay is incomplete: he has a pardon signed by President Johnson, who took a personal interest in the case, but still lacks the back pay; and unless the Army supports private legislation Eckhardt has introduced to grant Vincin his back pay, it will probably fail. Vincin, Administrative Chris Little told me, once flew from Houston to Washington to check on his case. "When I sent him down to the Army liaison office he took one look at the uniforms and fled on the next plane."

Kristina Truitt, Eckhardt's tall caseworker, handles the ombudsmanship operation, which ranges from cases as grim as Vincin's to those as comic, and as far beyond Eckhardt's miracle-working power, as that of the mother who recently wrote to complain that the Air Force band would not accept her son as a French horn player. "I can certainly understand your keen disappointment that your son was not accepted," Eckhardt wrote in a letter of skillful Haim Ginott-like consolation. "After doing his very best to perfect his skill in the French horn, he must have been crestfallen that he was not chosen."

Some pleas for help run to the bizarre. An Army enlisted man who has been in and out of military dispensaries in the Far East wrote to ask Eckhardt's advice on a drug to restore his sexual powers to normal. As we talked about bureaucratic mix-ups one morning, a Houston lawyer telephoned to ask the Congressman's help in speeding home the body of an oil-rig operator who'd died of a heart seizure in Libya.

"His wife," Kristina Truitt explained, "asked for an autopsy, which seems to have thrown the Libyan government into an uproar. She's waived the request, but they don't embalm the dead in Libya." At the State Department, Kristina found an office wholly concerned with American deaths abroad, which for a $10 cable fee will make inquiries. (Somewhere in the labyrinth of the diplomatic establishment, we speculated there must be a deputy assistant secretary of state for death.)

Every Congressman is to one degree or another a guardian of the Danny Schachts and the Vincins and others who run afoul of the law or bureaucracies, but I had the feeling that Eckhardt's office takes its ombudsmanship almost as seriously as the legislative process itself. From the wall near Eckhardt's desk stares down Eckhardt's formidably bearded great-great-grandfather, Robert Kleberg, who came to Texas from Germany in the 1830s, seeking he said "unbounded personal, religious, and political liberty" and expecting to find "in Texas, above all countries, the blessed land of my most fervent hopes."

After lunch that day came the lobbyists, two gentlemen who wanted to discuss Representative John Dingell's bill pending before the Interstate and Foreign Commerce Committee, of which Eckhardt is a member, to curtail FCC licensing of pay television.

As the staff removes the dishes and glasses, Eckhardt explains that on an average week like this one he may see perhaps a dozen lobbyists of one kind: representatives of railway unions who are quarreling among themselves over a bill to adjust the retirement fund; the pay-television people; the Quakers, who want to enlist Congressional help for the October 15 Moratorium.

"When I came to Congress," he recalls, as we wait for the pay-TV people, "my first reaction was, There's far less lobbying here than in the Texas legislature." But it's only subtler—less obtrusive, more professional. You have to make yourself available for it. But it wasn't that way in Austin. When the Texas House would adjourn for lunch and the big doors would swing open, dozens of lobbyists would swarm outside, waiting to snare you for lunch if you'd go. I believe a man could go to Austin and live off the land for the whole session. You had to hide from them. I remember I was eating one night with my family at a place in Austin. I asked for the check and found it'd been paid. I looked across the room and there was a prominent lobbyist, just smiling and nodding. He didn't even come to the table. "Is he a friend of yours, Daddy?" one of my little girls asked.

"The first time I ran for the Texas legislature—it was 1940, I was just out of law school and I got what I call my mandate from the people to practice law privately—old man Edmonds Travis, a lobbyist for several Standard Oil subsidiaries, told me, 'Bob, what you do is you attack all the venal interests except one, and that's where you get your money. You attacked them all.' As a rule, Capitol Hill lobbyists make themselves scarce, usually hole up at the Hotel Congressional. The key point of contact is usually between a highly specialized lobbyist and the specialized staff people of a standing committee. Intimate friendships spring up there—it's the rivet point. Friendships that outlast terms. They probably have a greater influence on legislation, especially if it's technical."

Mr. Pieter van Beek, who has come to talk with Eckhardt about pay-television, turns out to be a vice president of Zenith Radio Corporation, which makes the signal-scramblers for pay-TV. An erect, Chicago Dutchman with darting eyes, a clipped moustache, and a manner of precise speaking to go with it, he looks as if, transposed to the days of the Battle of Britain, he had just stepped from the cockpit of a Spitfire. In fact, Mr. van Beek is a bit battle-shocked from the pay-television wars, and he launches into a resigned and rather doleful history of the effort of pay-TV to gain licensing by the FCC. Anticipating the point, Eckhardt breaks in: "You really want me to do nothing—right?" Nothing, that is, about the Dingell bill. As a member of the Commerce Committee, Eckhardt knows the legislation, which the local broadcasters are pushing to forestall a potential competitor. Dingell himself, as Eckhardt explained later, wants to reserve a number of the dwindling VHF frequencies for noncommercial uses, but his aims and those of the commercial broadcasters mesh. A glance at Eckhardt's mail on the subject, which was plentiful, indicated that the broadcasters are waging a fairly strenuous campaign for the Dingell bill. "We want to put you across to your constituents," the letters say, in effect, "and please drop in for a live interview next time you are in our area, but be sure you vote right on the Dingell bill." Eckhardt concludes the interview with Mr. van Beek by saying that he is "disposed" to vote against the bill, a way Congressmen have of signifying hope without airtight commitment.

Eckhardt is a do-it-yourself man when it comes to bill drafting, which is unusual in a chamber where it is admitted that too much legislation is either written or rewritten under the influence of specialized lobbies. In recent months, the House of Representatives has suddenly developed for the first time the practice of cosponsoring legislation, too, which means that there is a constant flood of bills begging for every Congressman's signature, whether he knows what's in the bill or not.

Eckhardt has a philosophy about writing legislation. "For instance," he said, "Lyndon Johnson's Great Society legislation suffered in some cases from the fact that he is what I call a legislative entrepreneur—result-oriented—not a craftsman. Too little of that legislation was governed by a firm view of what a bill is supposed to accomplish, and how.

"Look, for example, at the contrast between the Economic Opportunity Act and, say, the Wagner Act, which was modeled on a functioning New York law. Congressional acts, like the common law, ought to move carefully from precedent to precedent.

"But I'm the first to admit that it isn't easy to be a good legislative craftsman—not with twenty thousand or so bills coming into the House every year. That's why the committees are up here are so important. To survive them, a bill must gain the attention of a committee and surviving a committee means passing muster with men who've spent a lot of time mastering the details of taxation, say, or trade regulation, or judicial procedure."

("One thing you ought to say about the House," I was told by one of Eckhardt's colleagues as we marched through the cavernous corridor that joins the office buildings to the House chamber, "is that a man's committee work is his life here, if he's serious. The real legislative craftsmen are in this house. Time is so short that when someone is allowed to speak he usually has something to say—not like the Senate, where you might hear almost any Senator talking in a half-assed way about almost any subject. You won't often hear it over here. Too little time.")

Too little time; too many members. During a week of prowling through the U.S. House of Representatives and talking with Bob Eckhardt about his job, these are the constant refrains. Because of them, the House is a pyramid resting on its apex, where legislation is usually marked pass or fail at a narrow, closely confined level. During the week I visited in Room 1741, the Commerce Committee was meeting almost every morning to complete the drafting of a complicated piece of airport legislation, and although the sessions were closed, its final action and vote would almost certainly determine the bill's fate on the House floor. "Back in Texas," Eckhardt told me, "a committee report might be overthrown or not—nobody thought very much about it. Here's almost never." In the House conveyor belt for legislation, subcommittee chairmen defer to each other, committees to subcommittes, chairmen to subcommittee chairmen, and the House as a whole with very few exceptions to its committees. Often bills come to the floor under so-called "closed rules," with amendments barred. Democratic in theory, the legislative process is elitist in practice.

Bob Eckhardt, who brought an expert knowledge of federal labor law to the House, concentrates in the field but doesn't confine himself to it. I sat in late one afternoon as he and his aides, Glickman and Little, chewed over Eckhardt's "consumer-class-action" bill, a piece of legislation reflecting his passion for the fine points of federalism, combined with his interest in consumer protection.

"Today," he told me, "it costs the average consumer of, say, a defective box of breakfast cereal so much in legal fees that it would be silly to sue the company that made it. But if a number of similarly defrauded customers could pool their resources and bring a suit under the more liberal federal class-action rules, maybe some redress would be forthcoming.

"The victimized consumer ought to be able to get to court and collect when he's victimized by fraud, but a good piece of legislation will enable him to do so as elegantly as possible—without cluttering the law. You ought to be able to do it without writing a whole new federal law of deceit." (Eckhardt's federalist fastidiousness drips from every word.)

"But isn't the problem really that the courts would construe the law too narrowly, rather than too broadly?" asks Chris Little.

"Maybe," Eckhardt concedes, "but if we define deceit too broadly the bill wouldn't pass anyway. It'd be like a Nixon program—all good intention and no action."

By 6:30 p.m. the House has usually adjourned and most of the staff have left. Eckhardt, Little, and Glickman end the day by deciding that Glickman will continue to consult with Senator Tydings' office, which is also interested in the class-action legislation for consumers, seeking to pool their efforts in a definition of fraud large enough to incorporate state laws but narrow enough to oblige Eckhardt's federalist qualms. A version of the bill was introduced in May 1969, and if Eckhardt and his cosponsors are lucky either the Commerce or the Judiciary Committee or both will arrange hearings for the bill. Only

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then, months after the first discussions and possibly jostled by several competing bills, would it reach the full light of legislative conflict as most Americans see it and understand it. But in the House, that would be the end, not the beginning.

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## SENATORS MISSTATING THE FACTS

### HON. W. E. (BILL) BROCK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. BROCK. Mr. Speaker, this past Tuesday night, five liberal Senators appeared on nationwide television to urge popular support for their attempt to cut off funds for our forces in Vietnam. They said Vietnamization is not working, that the President's action in Cambodia is an admission of failure, and that we must unilaterally and immediately pull out of the entire area.

They are misstating the facts.

First, Vietnamization has proven increasingly productive. One-hundred fifteen thousand of our troops have already come home, and the President has announced the withdrawal of 150,000 more. In addition, Secretary of Defense Laird has indicated that 1 year from now there will be no American forces in Vietnam on a combat status.

In our struggle to end this war, while leaving the Vietnamese people the means and ability to defend themselves, I believe the Vietnamization program has proven a strong step in the right direction.

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On television, Senator McGOVERN's group also said the Cambodia action was not necessary for continued withdrawal.

They are wrong.

Can they really justify the situation which existed before this operation? For 5 years the Communists have used sanctuaries in Cambodia to rest, resupply, and retrain their troops. For 5 years they have used sanctuaries in Cambodia to fire upon our men, yet American men had no right to defend themselves. In so many words, these sanctuaries not only prolonged the war and made Vietnamization much more difficult, but they were a constant threat to the life of every American in Vietnam.

This we could not allow. The safety of our remaining forces and the people of South Vietnam depended on our actions in Cambodia—an action taken not alone, but in concert with the army of South Vietnam.

Let us look at what that action has accomplished. Preliminary reports indicate our combined forces have seized 7,540 weapons, 2,499 tons of rice, over 22,000 rockets and mortar rounds, 8,500,000 rounds of small arms ammunition, and 12 tons of medical supplies. Over 3,300 enemy bunkers have been destroyed and 178 vehicles have been captured or destroyed.

The supplies already confiscated could have equipped three enemy battalions. The food alone would have fed 6,000 Vietcong soldiers for 1 year—a year in which they could have brought death and destruction to thousands of Americans and South Vietnamese, always retreating into their privileged sancutary in Cambodia.

Every American wants peace. But, we must achieve a peace which will last, not one simply leading to more war, either in Asia or anywhere else. I believe our temporary operations in Cambodia will bring us closer to that goal. I know that President Nixon seeks such a world of peace with every ounce of his strength. I hope he is successful—despite his critics—for all of our sakes.

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## THE LEGITIMATE ROLE OF CONGRESS

### HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. ANDERSON of Illinois. Mr. Speaker, President Nixon's Cambodian decision has prompted a rash of congressional response, reaction, rhetoric, and resolutions, most of which have been well intentioned, yet some of which have been ill advised. What is basically at issue here is the proper constitutional role of the Congress vis-a-vis the executive on decisions affecting war and peace. Most will agree that over the years there has been an erosion in the war powers of the legislative branch and an inversely proportional growth in the powers of the executive branch. It may be argued that this trend is necessitated by the realities of our nuclear age and the need for rapid response in times of crisis. But it may also be argued that the Congress has abdicated too much of its responsibility and that the time has come to restore a proper and realistic balance between the legislative and executive branches in matters involving the commitment of American troops abroad.

We are now faced with the question of how best to restore this balance without creating a constitutional crisis and without placing unrealistic limitations and restrictions on the President. I think that most will agree that the President must be allowed some flexibility and freedom if he is to function effectively as Commander in Chief. I do not think there are many reasonable men who would seriously advocate tying the President's hands while he is attempting to extricate our troops from South Vietnam in a safe and honorable manner. At the same time, there is a growing expectation in Congress that the President should consult with us before making any future commitments of this nature. I think such an expectation is both reasonable and realistic and is in keeping with our delegated responsibilities under the Constitution.

On May 5, the Washington Post editorialized against imposing unrealistic limitations on the President's flexibility. Instead it proposed that the Congress, "adopt a national policy of withdrawal from Vietnam, leaving the timing of the exit flexible so that our forces there would encounter a minimum of danger and a vacuum would not be created overnight." The Post went on to editorialize:

> If these issues are sincerely debated, we suspect that Congress will go on record in favor of a flexible withdrawal policy, as indeed, the Nixon administration did before the recent escalation fever set in. In any event, Congress ought to be shaping the national purpose. If it is going to reclaim the war power previously relinquished to the President, it has an obligation to take a substantial share of the responsibility for the course that is to be pursued.

The Post editorial concluded by posing the question:

> Can it (the Congress) only kibitz and flounder, or can it assume a positive role and an honest responsibility in shaping a national policy?

Mr. Speaker, I think the point is well taken. This is no time for the Congress to simply assume a negative role by attacking the Presidency and thereby risking a constitutional crisis. Instead we should be seizing upon this opportunity to exert a positive influence and assuming our honest responsibility in shaping a national policy. This is what I am attempting to do through House Concurrent Resolutions 595 and 610 and I am proud to say that there are over 30 Members of this body who have either introduced or cosponsored this resolution. The thrust of the resolution is threefold in nature: First, it would put the Congress on record in favor of a national policy of continued American troop withdrawals from South Vietnam; second, it would put the Congress on record in favor of a national policy of avoiding a wider war in Southeast Asia; and finally, it would put the Congress on record as reaffirming its constitutional responsibility of consultation with the President on grave national decisions affecting war and peace.

It seems to me, Mr. Speaker, that this is the type of responsible and positive approach which the Congress can and should take at this time. It is in no way intended as a rebuke of the President; rather, it is Congress' way of expressing a willingness to reassert its constitutional prerogatives and to define national policy in Southeast Asia. I think the American people want and expect us to act in such a forceful, positive, and responsible manner at this time.

Last Friday, writing in the New York Times, James Reston said the following:

> There are legislators, of course, who want him to get out now and some others who want to impose a deadline of a year or eighteen months for total withdrawal, but they do not have the votes. The majority is merely trying to redress the balance, leaving the President reasonable freedom of action, and guaranteeing the Congress the right of consultation and limited control.

Mr. Speaker, that is exactly the intention of my resolution, and I would welcome the support of my colleagues. At this point in the RECORD I include a copy of my resolution along with the Washington Post editorial and the Reston column to which I have alluded:

CONCURRENT RESOLUTION

Whereas the Constitution of the United States expressly delegates to the Congress the power "to declare War" and "to make Rules for the Government and Regulation of the land and naval forces," and expressly delegates to the President of the United States the authority to act as "Commander in Chief of the Army and Navy of the United States . . . when called into the actual service of the United States"; and

Whereas the President is pursuing a national policy designed to bring an honorable end to the war in Vietnam through the withdrawal of American troops, through a reduction in the level of hostilities, and through negotiations; and

Whereas the President has already withdrawn over 115,000 American troops from South Vietnam and has announced plans for the withdrawal of an additional 150,000 troops to be completed during the spring of 1971; and has pledged to "withdraw more than 150,000 troops over the next year" if progress is made on the negotiating front; and has reaffirmed "this Government's acceptance of eventual, total withdrawal of American troops" from South Vietnam; and

Whereas the President has reported that "progress in training and equipping South Vietnamese forces has substantially exceeded our original expectations"; and

Whereas the President has pledged to the American people that "we shall avoid a wider war" in Southeast Asia: Now, therefore, be it

*Resolved by the House of Representatives* (*the Senate concurring*), That the Congress hereby declares that it is the national policy that American troop withdrawals from South Vietnam shall continue in line with the expressed intention of the President, and that the Congress fully supports all efforts by the President to achieve a negotiated settlement; and

*Be it further resolved*, That the Congress hereby declares that it is that national policy to avoid enlarging the present conflict into the neighboring states of Cambodia, Laos, Thailand or North Vietnam; and

*Be it further resolved*, That the Congress hereby reaffirms, accepts and expects to exercise its Constitutional responsibility of consultation with the President on all matters, now and henceforth, affecting grave national decisions of war and peace.

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[From the Washington Post, May 5, 1970]

## What Is a Responsible War Role for Congress

The country has a right to expect that, in the present emergency, Congress will do something more than fulminate or merely spin its wheels, or just say no. Despite the deep concern that is felt on Capitol Hill over the widening of the war in Indochina, many of those who are most critical of the President's action talk nonsense when they get around to what should be done. Congress should indeed be getting into the act, not in the role of a kibitzer, or a vindictive naysayer, but in that of a responsible national policy-making body.

The course advocated by Senators McGovern, Hatfield, Goodell and Hughes is too reckless for serious consideration. Congress, they say, "must either legislate the conflict by declaring war or veto and end it." To declare war in the present situation would, in our view, be akin to madness, as these four gentlemen doubtless would agree. It would commit the nation to use of all its military, economic and moral resources in a remote part of the world where our interests are tangential and our military reach is already overextended. It would risk the possibility of involvement with both China and the Soviet Union without serving any imperative national purpose. It would imbed us in concrete when what we need is room for flexibility.

No doubt the real purpose of the McGovern-Hatfield-Goodell-Hughes foursome is to focus attention on their alternative of vetoing and ending the war. But ending a war is not accomplished by the stroke of a pen or a denial of money. With our men still facing an enemy in many different areas of South Vietnam, in Laos, and now Cambodia, no rational Congress is going to tell them to fight no more. And it would be scarcely less calamitious to declare that no funds could be spent in connection with that conflict after December 31.

Congress could, however, adopt a national policy of withdrawal from Vietnam, leaving the timing of the exit flexible so that our forces there would encounter a minimum of danger and a vacuum would not be created overnight. We should like to see Congress debate and act on such a policy. It would necessarily have to face some vital questions. How important is continental Southeast Asia to our larger international policies? Does Vietnam have any vital relation to our national security? Just what is a "just peace" and have we the capacity to induce or impose or maintain it? What right do we have to set ourselves up as the arbiter of the future of that area? At what point might it be said that we have accomplished all that could reasonably be expected of us?

If these issues are sincerely debated, we suspect that Congress will go on record in favor of a flexible withdrawal policy, as indeed, the Nixon administration did before the recent escalation fever set in. In any event, Congress ought to be shaping the national purpose. If it is going to reclaim the war power previously relinquished to the President, it has an obligation to take a substantial share of the responsibility for the course that is to be pursued.

In the face of this great need for a reshaping of national policy, leaders of the Senate Foreign Relations Committee walked into a trap of its own making by demanding an audience with Mr. Nixon and reacted in petty fashion to the President's clever counter-suggestion that the Senate committee meet him jointly with the House Foreign Affairs Committee. Foreign Relations had a right to try for a separate meeting. But no treaty is under discussion. So the President has an equal right to argue that the subject of such a session ought to be the broad national policy of liquidating the war in an orderly fashion, and that this concerns the House and the country as much as it does the Senate.

The time has come for discussion of a comprehensive policy—not for petty bickering or jurisdictional squabbles. There seems to be much awareness of the fact that the President's action has placed him on trial in the court of public opinion, and Congress is no less on trial in its own sphere. Can it only kibitz and flounder, or can it assume a positive role and an honest responsibility in shaping a national policy?

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[From the New York Times, May 15, 1970]

## Washington: President and Congress—A Limited Battle

(By James Reston)

WASHINGTON, May 14.—It is clear now that there is a determined move in the Congress, and particularly in the Senate, to limit the President's warmaking powers by denying him funds to carry on the Indochina war as he pleases.

This is taking the form of legislation in the Senate to cut off money for U.S. military operations in Cambodia after June 30, to repeal the Tonkin Gulf Resolution, which the Johnson Administration used as the legal basis for its activities in Vietnam, and to set limits on the amount of military equipment the Pentagon can declare "excess" and transfer to other countries.

More than likely, President Nixon will avoid a constitutional crisis on this issue. He has already committed himself to get all U.S. troops out of Cambodia by the end of next month. He doesn't need the authority of the Tonkin Gulf Resolution to carry on the war, and he can live with limits on his authority to transfer surplus arms to other nations.

Besides, he has enough trouble on other fronts without taking on a Democratic-controlled Congress whose votes he needs for his economic and social programs at home. Indeed, he is rapidly finding himself roughly in the dilemma of Pierre Mendes-France, who had to face the decision to withdraw the French army from Indochina or the prospect of not being able to govern.

Similarly, even the chairman of the Senate Foreign Relations Committee, J. William Fulbright, and the other antiwar Senators know that they will lose if they try to press too hard for limitations on the President's Commander-in-Chief powers. They want the troops out of Cambodia within a few weeks and out of Vietnam on a faster schedule than presently planned, and in the present mood of the country, the Congress and the White House, they may be able to achieve both aims without a divisive constitutional battle.

### REDRESSING THE BALANCE

What is happening here is another of those historic tussles to keep a fair balance between the President's power to act effectively and Congress's power to influence or control his actions. Since the invention of the atom bombs and the intercontinental ballastic missile, decisive warmaking power has swung to the President.

These devilish devices, in the hands of a nation which had proclaimed its hostility to the United States, made the Congress realize that the U.S. could be attacked and even destroyed before the Congress could ever vote, let alone debate, a declaration of war. Accordingly, it readily gave over the power to act quickly and secretly to the Chief Executives, who have been using it and adding to it.

President Truman did not seek the authority of the Congress for his intervention in the Korean War. President Johnson took the country into the Vietnam war almost by stealth. He decided when to enlarge the American expeditionary force, when to bomb and where, and when to stop the bombing—with results that increasingly convinced the Congress that it had given up too much.

In short, the swing back in Congress has been coming on for quite a while. When President Nixon challenged the Senate's right to consent to his nominations of Judges Haynsworth and Carswell to the Supreme Court, the Senate struck him down twice. And when he invaded Cambodia without consulting Congress, revolt was on.

One of the odd things about this is that the movement to cut back the President's warmaking powers is now being led, not by the conservatives, who historically have sought to limit Presidential authority, but by the liberals, who since Franklin Roosevelt's day, have approved more and more Presidential power.

### LIMITED OBJECTIVE

This present controversy, however, should not be exaggerated. Most of the President's critics have a limited objective. Mr. Nixon is going to be in the White House for over two-and-a-half years at least. The aim is not to paralyze him, but to limit his power to invade countries on his personal whim, to keep him to his promise to get out of Vietnam as fast as possible, and to commit him not to go off on more military adventures without consultation.

There are legislators, of course, who want him to get out now and some others who want to impose a deadline of a year or eighteen months for total withdrawal, but they do not have the votes. The majority is merely trying to redress the balance, leaving the President reasonable freedom of action, and guaranteeing the Congress the right of consultation and limited control.

# SENATE—*Tuesday, May 19, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal God, as we draw nigh to Thee in prayer we are drawn nearer to one another in common supplications and common needs. Thou knowest our innermost longings. Preserve us from discouragement or despair. Deliver us from fears which darken our days and dwarf our powers.

Enshrine Thy spirit in our inmost being. In our weakness Thou art our strength; in our darkness Thou art our light; in our restlessness Thou art our peace; in our sorrows Thou art our consolation; in our bewilderment Thou art our hope. Lead us through the clouds of confusion and uncertainty to the hilltop of faith and hope and love.

Hear our prayer, in Christ's name. Amen.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 18, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, pending arrival of the distinguished Senator from New York (Mr. JAVITS), who is to be recognized at this time, and with the Senate's permission, I should like to make a few unanimous-consent requests.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer tomorrow, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection it is so ordered.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

## NATIONAL SCIENCE BOARD

The bill clerk proceeded to read sundry nominations to the National Science Board.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 871, 876, and 877.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered; and the clerk will state the first measure.

## PUBLIC BROADCASTING FINANCING ACT OF 1970

The Senate proceeded to consider the bill (S. 3558), to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting which had been reported from the Committee on Commerce with an amendment on page 2, after line 11, insert a new section, as follows:

> SEC. 3. Section 399 of the Communications Act of 1934 is amended by inserting "(a)" after "Sec. 399." and by inserting at the end thereof a new subsection as follows:
>
> "(b) In order to assure compliance with this section and with other provisions of this Act requiring fair treatment of matters in the public interest, the Commission shall prescribe such regulations as may be appropriate to require that broadcast stations which receive assistance under this title (1) keep records, including audio recordings, for a reasonable period of time of each program broadcast which involves an issue of public importance, and (2) furnish such records to the Commission at its request. The Commission shall make such records available to the public at the requesting party's cost under such circumstances and conditions as may be reasonable and appropriate."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-869), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE OF THE BILL

The Corporation for Public Broadcasting which was created by the Public Broadcasting Act of 1967, is a federally chartered, independent, nonprofit corporation whose mandate is to encourage and facilitate expansion and development of noncommercial broadcasting, and to promote diversity in that medium. During its short life-span, the Corporation has begun to fulfill its purpose.

When the original legislation was enacted, $9 million was authorized to be appropriated to enable the Corporation to come into being. This was intended to be "seed money" pending a long-range financing plan to be submitted by the administration. To date, however, neither the present Administration nor its predecessor has submitted such a plan.

Meanwhile, with the $5 million which was ultimately appropriated in October 1968, and the little over $2 million contributed from private sources, the Corporation became operational.

Since the initial authorization for funding the Corporation was for one year only, it was necessary for the Congress to authorize another appropriation the following fiscal year. That authorization which was for fiscal year 1970 was $20 million and ultimately $15 million of that amount was appropriated.

In an attempt to give the Corporation more stability and better enable it to plan longer-term projects, S. 3558 would authorize annual appropriations for the Corporation of such sums as may be necessary for the fiscal years 1971, 1972, and 1973.

To create an incentive for support of the Corporation from non-Federal sources, part of the authorized appropriation of additional funds in each of those three fiscal years would be used for Federal matching—on a dollar for dollar basis—of non-Federal contributions to the Corporation.

The bill would not extend that provision of the present law which limits grants or contracts to any one station, or for any one

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project to $250,000 for fiscal years 1969 and 1970.

Finally, as amended, the bill directs the Federal Communications Commission to prescribe regulations to require that broadcast stations which receive assistance under Title II of the Public Broadcasting Act to (1) keep records including audio recording for a reasonable period of time of each program broadcast which involves an issue of public importance, and (2) furnish such records to the Commission at its request. The Commission would make such records available to the public at the requesting party's cost under such circumstances and conditions as may be reasonable and appropriate.

### BACKGROUND

The Corporation for Public Broadcasting embodies the bold and imaginative concept of an independent, nonprofit corporation to assist in developing a vital noncommercial educational broadcasting system.

Created by the Public Broadcasting Act of 1967, it is a federally chartered, independent, nonprofit corporation whose mandate is to encourage and facilitate the expansion and development of noncommercial broadcasting and program diversity in that medium.

The Board of Directors consists of 15 members, appointed by the President, with the advice and consent of the Senate. Not more than eight may be members of the same political party. All are distinguished Americans, from the business, broadcast, artistic, and educational sectors of our society.[1]

Although chartered on November 7, 1967, the Corporation was not incorporated until March 27, 1968, two weeks after the Senate confirmed its Board of Directors.

With limited financing it has moved forward boldly and vigorously to accomplish the purposes for which it was created. In doing so it has concentrated its efforts in four main areas.

The Corporation has as a first priority, sought to strengthen local educational stations by making general support grants to them. In 1969, 120 licensees were given grants of $10,000 each to apply to purposes identified by the stations themselves. This year, 1970, the Corporation has invited educational radio and television stations to apply for a total of $3.5 million in general support funds.

In addition to these grants, a separate program has been established to assist individual stations in the production of broadcast material for use locally and where appropriate, for distribution throughout the system on a national basis.

In recognition of its statutory direction to assist in the establishment and development of one or more systems of interconnection for the distribution of educational broadcast programs, the Corporation has been instrumental in establishing and funding the Public Broadcasting Service.

The Public Broadcasting Service which is a nonprofit organization will manage the national distribution of programs utilizing the system of lines provided by AT&T and supplementing that system where necessary by providing stations with copies of videotapes. Five of its nine-man board of directors have been selected by the stations themselves, thus assuring that the point of view and interests of the stations will be adequately reflected.

While the final form of this interconnection system has not yet been determined, present plants call for a dedicated network of lines connecting 65 points serving 166 stations on a full time basis.

The Corporation has also been devoting considerable effort to augmenting the national inventory of programs available for station use so that these stations may have access to programs of diversity and excellence.

It has supported production of "Sesame Street," a program for preschool children which received a Peabody Award for its imaginative use of television in teaching. This program is being seen by five or six million preschool children from two to five years of age. And the 1970–71 season will see 150 new hour-long segments broadcast over thirty weeks of daily programming beginning October 19.

Encouraged by the success of "Sesame Street," the Children's Television Workshop which produces it has begun a feasibility study looking toward the production of a daily half-hour serial which will focus on the subject of reading for the 7–10 year old age group.

The Corporation has also been a significant supporter of program production by National Educational Television (NET) which produces five hours of programs a week. The "Forsythe Saga" was one program seen through the efforts of NET which obtained the rights to show the series in the United States.

Aid has also been given for national programs produced by individual stations such as "The Advocates," produced jointly by the educational stations in Boston and Los Angeles.

In addition to financing or assisting in the financing of new programs, the Corporation has made grants for the programs on the air. "Misterogers Neighborhood" produced by a local station in Pittsburgh will this fall be available to all stations on a no-charge basis as the result of a Corporation grant.

Support for programs has not been limited to television. The Corporation has outlined a plan of development assistance for the public radio stations serving communities in all parts of the country. One of the most important accomplishments in this effort was the establishment of National Public Radio, the first national program production center for noncommercial radio. NPR will provide informational, educational and cultural programs on a daily basis for use by the nation's public radio stations. In the year to come, this service, along with direct Corporation grants to the stations themselves, should be of great assistance in strengthening the program schedules of most stations.

The fourth main effort of the Corporation is concerned with strengthening the total educational broadcasting system.

Among other things, it has established a program of career fellowships to assist stations in attracting and developing new talent to public broadcasting.

It has also provided funds to program producers to promote their programs in order to build audiences. In this connection it has undertaken studies to ascertain the size, characteristics, and attitudes of its audience.

### GENERAL STATEMENT

The American people have been given a glimpse of what a strong viable system of public broadcasting can offer. What has been accomplished in the past two years is due in large measure to the efforts of the Corporation for Public Broadcasting.

Local stations are stronger as a result of grants from the Corporation. More programs of diversity and excellence are available to the stations from national sources and other individual stations. An effective national distribution system is rapidly becoming a reality. And more people are being attracted to the medium as a consequence of it all.

Your committee is impressed with the way in which the Corporation has interpreted its statutory mandate, and the manner in which it has identified the priorities necessary to discharge this mandate. Unquestionably its incisive approach and sound administration of the projects it has undertaken explains to a great extent the Corporation's success, and that of public broadcasting generally.

Recognition must also be given to the men and women who have given tirelessly of their time, effort, and talent. Without such dedication in the past, and an even greater commitment for the future, the potential of public broadcasting can never be realized.

But all of this is not enough if public broadcasting is to excel. The men and women who have devoted their time and efforts to this medium, and indeed all the people of our country must have positive assurance and a strong indication that the Congress is fully and permanently committed to this bold, imaginative, and worthwhile concept. Otherwise the necessary enthusiasm and public support may be seriously undermined.

Such a commitment can best be given, of course, by permanent, long-range financing for the Corporation. From the beginning it was understood that the authorization and appropriation process was only an interim one, until such time as the Administration could submit a permanent financing plan to the Congress. Your Committee has repeatedly urged this Administration and its predecessor to act in this respect. It is hopeful that such a plan will soon be forthcoming.

In the meantime, however, the Corporation must have funds if it is to continue to grow and aid the development of public broadcasting.

Your Committee believes that the provisions of S. 3558 represent an extended commitment by Congress to this worthwhile endeavor, and urges its enactment.

By authorizing the appropriation of such sums as may be necessary for fiscal years 1971, 1972, and 1973, enactment of the legislation would remove the present necessity of authorizing funds each year.

The ability to plan and negotiate projects on more than a yearly basis is vital in broadcasting, especially in the expanding medium of broadcasting. The present necessity of yearly authorizations has, your Committee was told, inhibited the Corporation from making longer-range plans.

S. 3558 would also authorize part of the appropriated funds to match a dollar for dollar basis, grants, donations, bequests or other contributions received by the Corporation from non-Federal sources.

Your Committee feels that this is an excellent manner to generate wider support for the Corporation. It is hoped that many of the commercial broadcasters who have so often attested to the merits of public broadcasting and the Corporation will choose to assist the Corporation under this provision.

Your Committee also wishes to draw attention to the section of the Public Broadcasting Act which provides that interconnection service can be provided by carriers at "free or reduced rates." The availability of an effective distribution system is basic to the expansion and improvement of public broadcasting.

In the negotiations that are currently underway or may go on in the future for establishing an interconnection system, your Committee hopes that the parties will exhibit the same spirit and commitment that is expected of all segments of the society and government if we are truly to have a vital system of public broadcasting.

At this time your committee also wishes to re-emphasize that noncommercial television and radio, even though supported by Federal funds, must be absolutely free from

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[1] The present Board of Directors and the expiration dates of their terms of office are: Frank Pace, Jr., Chairman—1974; Roscoe C. Carroll—1970; Saul Haas—1970; Erich Leinsdorf—1970; John D. Rockefeller III—1970; Frank E. Schooley—1970; Joseph A. Beirne—1972; Michael A. Gammino, Jr.—1972; Oveta Culp Hobby—1972; Joseph D. Hughes—1972; Carl E. Sanders—1972; Robert S. Benjamin—1974; Jack J. Valenti—1974; James R. Killian, Jr.—1974; Albert L. Cole—1974.

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any federal Government interference over programming. This also means that the Corporation and the individual stations are to be insulated from the threat of political control and special interest influence from any source whatsoever.

### HEARINGS

Your committee conducted 2 days of intensive hearings on S. 3558, during which it heard testimony from a representative of the Department of Health, Education and Welfare; the Chairman of the Federal Communications Commission; the Chairman of the Board and President of the Corporation for Public Broadcasting, respectively; the President of the National Association of Educational Broadcasters, and others. All witnesses testified to the outstanding efforts of the Corporation and its contribution to public broadcasting.

While the witnesses recognized the desirability, indeed the necessity of a plan for permanently financing the activities of the Corporation, all urged enactment of S. 3558 pending the adoption of such a plan.

Honorable James Allen, Assistant Secretary of Education, and U.S. Commissioner of Education, testified for the Administration and said that a three-year authorization is essential to allow the Corporation to plan effectively and to commit funds for radio and television projects for the home as well as the school on a more than one-year basis.

The Chairman of the FCC, Dean Burch, supported enactment of S. 3558 as a needed extension of the interim financing for the Corporation. He also stressed the crucial importance of obtaining for the Corporation at the earliest possible time a permanent financial base not dependent upon annual appropriations. Too great a delay in finding the permanent financing solution will, he said, adversely affect the development of the Corporation and thus of the nation's noncommercial educational broadcasting systems.

Mrs. Joan Ganz Cooney, creator of "Sesame Street," and president of the Children's Television Workshop, testified that public television should and clearly can set the benchmark against which all of television is judged.

"Non-commercial broadcasting, she said, has not heretofore had enough money to undertake this vital role in American life. The perennial shortage of funds has made it almost impossible to recruit and retain first-rate talent for a continuing period of time and there is very little incentive to conceive the type of innovative broadcasting that takes 1, 2 or 3 years to develop and bring to fruition.

"I hope that this committee will see fit to heed the President's request for extended financing for the Corporation for Public Broadcasting. Only then, in my opinion, will future Sesame Streets be possible."

Mrs. Ann Kahn, representing the National Congress of Parents and Teachers, told the committee that:

"The hard evidence of achievement we have seen firsthand in the short life of the Corporation—and the even greater promise of its plans for the future—make it clear to us that the funds requested in the legislation before you today will represent an extraordinarily wise and economical investment in improved education and opportunities for enrichment of our Nation's children."

The President of the Corporation for Public Broadcasting, John Macy, summarized the activities of the Corporation and its direction for the future when he told your Committee that:

"The introduction of some new programs has been favorably received by the public and is working to improve the relationship between public broadcasting and audiences. As a byproduct, the public seems to be showing its appreciation by a greater willingness to make contributions.

"The interconnection agency, PBS, is in being and beginning to operate.

"National Public Radio has been organized and is ready to begin producing a full radio service as soon as funding can be provided.

"We are probing the boundaries of present technology in order to assure public broadcasting avails itself of the improvements that can be expected in the future.

"We are studying our audiences so as to determine what programs work well and why for the purpose of continually improving the relevance and the communication value of programs we support.

"We are actively engaged in making public broadcasting a more attractive market so that young people, writers, film makers, artists of all types, will think of public broadcasting as a place for their careers and for their creations.

"We have a coordinated plan for the balanced development of Corporation support in the years immediately ahead.

"The crucial missing ingredient is financing. Authorization for the financing is provided by the bill before you. The Corporation strongly favors the bill and recommends that you act favorably on it."

### AMENDMENT

When the Public Broadcast Act was being considered, fears were expressed that the government might influence public broadcasting. As a consequence, the intention that the Corporation and the individual stations be completely free of any outside influence, governmental or otherwise, was expressed in the strongest terms possible by the Congress. The Corporation and the stations are and should be free.

In order to assure that this freedom remains unassailed, your Committee believes that the noncommercial stations should keep adequate records including audio recordings of programs they broadcast that involve public affairs. In that way, if any one seriously questions a station's impartiality or fairness, the record is there and any doubts may be quickly resolved.

Your committee notes that noncommercial stations are presently required by the Corporation for Public Broadcasting to provide a copy of any program to the Corporation which has been specifically underwritten by a grant from the Corporation.

The amendment adopted herein is expressly intended to require noncommercial educational broadcast stations which received assistance under Title II of the Public Broadcasting Act to keep records, including audio recordings, for a reasonable length of time of programs they broadcast involving issues of public importance, and to furnish them to the FCC if requested to do so. The Commission in turn would make them available to the requesting party at his expense under such circumstances and conditions as may be reasonable and appropriate. In other words, where a request is made for an audio recording, the requesting party shall be responsible to the station for the cost for reproducing such recording deemed by the Commission to be reasonable and proper.

It is to be emphasized that the amendment only applies to programs involving issues of public importance such as public affairs and news type programs, and not to programs such as "Sesame Street," "Misterogers Neighborhood," etc.

In order to assure that an onerous burden is not imposed by this amendment, your committee feels that the records kept pursuant to it should be retained for a reasonable length of time, at least three months.

Moreover, where a program is broadcast over many stations such as "The Advocates," it is expected that the Federal Communications Commission will adopt appropriate procedures for determining who will be charged with the responsibility of keeping the required records in individual cases.

The committee wishes to make it clear that any member of the public may make the appropriate request for the audio recordings required to be kept under this amendment.

Your committee also wishes to make it understood that this amendment is in no way intended to infringe on the autonomy of local stations or interfere with program production or content.

### CONCLUSION

It cannot be emphasized strongly enough that a nation whose children will have watched 22,000 hours of television by the time they reach 16 years of age, and who itself spends nearly one-quarter of its waking hours watching television, has deeply and irrevocably committed itself to that medium.

The American people have shown that public television has a very special and needed role, as demonstrated by their enthusiastic response and wide acceptance of programs such as "Sesame Street," "The Forsythe Saga," and the many excellent programs produced by local stations.

Public Broadcasting has turned the corner and the time has come for it to receive the wholehearted support it has earned and so richly deserves.

The public interest will be served by the enactment of this legislation.

## PROTECTING PRIVACY AND THE RIGHTS OF FEDERAL EMPLOYEES

The Senate proceeded to consider the bill (S. 782) to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy which had been reported from the Committee on the Judiciary with amendments on page 2, line 16, after the word "origin", insert "or citizenship"; in the same line, after the word "employee", insert "or person or of his forebears,"; on page 8, after the word "requests:" insert "*Provided, however*, That a civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved."; on page 18, line 19, after the word "Agency", strike out "or of the Federal Bureau of Investigation"; on page 19, line 4, after the word "designee", strike out "or the Director of the Federal Bureau of Investigation or his designee"; in line 9, after "Sec. 7." insert "No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency one hundred and twenty days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided, however,* That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under section 403(c), of title 50, United States Code, and any authorities available to the National Security Agency under section 833 of title 50,

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United States Code, to terminate the employment of any employee."

After line 23, insert a new section, as follows:

SEC. 8. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or executive order shall be conclusive and no such information shall be admissable in evidence in any interrogation under section 1(k) or in any civil action under section 4 or in any proceeding or civil action under section 5.

On page 20, after line 9, insert a new section, as follows:

SEC. 9. This Act shall not be applicable to the Federal Bureau of Investigation.

In line 12, change the section number from "7" to "10"; and on page 21, line 3, change the section number from "8" to "11"; so as to make the bill read:

S. 782

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SECTION 1. It shall be unlawful for any officer of any executive department or any executive agency of the United States Government, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person seeking employment in the executive branch of the United States Government, to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the citizenship of any such employee or person if his citizenship is a statutory condition of his obtaining or retaining his employment: *Provided further,* That nothing contained in this subsection shall be construed to prohibit inquiry concerning the national origin or citizenship of any such employee or person or of his forebears, when such inquiry is deemed necessary or advisable to determine suitability for assignment to activities or undertakings related to the national security within the United States or to activities or undertakings of any nature outside the United States.

(b) To state or intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the United States Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than the performance of official duties to which he is or may be assigned in the department or agency, or the development of skills, knowledge, or abilities which qualify him for the performance of such duties: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

(c) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to participate in any way in any activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

(d) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to make any report concerning any of his activities or undertakings unless such activities or undertakings are related to the performance of official duties to which he is or may be assigned in the department or agency, or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or unless there is reason to believe that the civilian employee is engaged in outside activities or employment in conflict with his official duties.

(e) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however,* That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however,* That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided, further, however,* That nothing contained in this subsection shall be construed to prohibit an officer of the department or agency from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(f) To require or request, or attempt to require or request, any civilian employee of the United States serving in the department or agency, or any person applying for employment as a civilian employee in the executive branch of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

(g) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to support by personal endeavor or contribution of money or any other thing of value the nomination or the election of any person or groups of persons to public office in the Government of the United States or of any State, district, Commonwealth, territory, or possession of the United States, or to attend any meeting held to promote or support the activities or undertakings of any political party of the United States or of any State, district, Commonwealth, territory, or possession of the United States.

(h) To coerce or attempt to coerce any civilian employee of the United States serving in the department or agency to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or to make donations to any institution or cause of any kind: *Provided, however,* That nothing contained in this subsection shall be construed to prohibit any officer of any executive department or any executive agency of the United States Government, or any person acting or purporting to act under his authority, from calling meetings and taking any action appropriate to afford any civilian employee of the United States the opportunity voluntarily to invest his earnings in bonds or other obligations or securities issued by the United States or any of its departments or agencies, or voluntarily to make donations to any institution or cause.

(i) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household: *Provided, however,* That this subsection shall not apply to any civilian employee who has authority to make any final determination with respect to the tax or other liability of any person, corporation, or other legal entity to the United States, or claims which require expenditure of moneys of the United States: *Provided further, however,* That nothing contained in this subsection shall prohibit the Department of the Treasury or any other executive department or agency of the United States Government from requiring any civilian employee of the United States to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law.

(j) To require or request, or to attempt to require or request, any civilian employee of the United States embraced within the terms of the proviso in subsection (i) to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

(k) To require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency, who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he so requests: *Provided, however,* That a civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved.

(1) To discharge, discipline, demote, deny promotion to, relocate, reassign, or otherwise discriminate in regard to any term or condition of employment of, any civilian employee of the United States serving in the department or agency, or to threaten to commit any of such acts, by reason of the refusal or failure of such employee to submit to or comply with any requirement, request, or action made unlawful by this Act, or by reason of the exercise by such civilian employee of any right granted or secured by this Act.

SEC. 2. It shall be unlawful for any officer of the United States Civil Service Commission, or for any person acting or purporting to act under his authority, to do any of the following things:

(a) To require or request, or to attempt to require or request, any executive department or any executive agency of the United States Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this Act.

(b) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters: *Provided, however*, That nothing contained in this subsection shall be construed to prevent a physician from eliciting such information or authorizing such tests in the diagnosis or treatment of any civilian employee or applicant where such physician deems such information necessary to enable him to determine whether or not such individual is suffering from mental illness: *Provided further, however*, That this determination shall be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties: *Provided further, however*, That nothing contained in this subsection shall be construed to prohibit an officer of the Civil Service Commission from advising any civilian employee or applicant of a specific charge of sexual misconduct made against that person, and affording him an opportunity to refute the charge.

(c) To require or request, or to attempt to require or request, any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any civilian employee of the United States serving in any department or agency of the United States Government, to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

SEC. 3. It shall be unlawful for any commissioned officer, as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, to require or request, or to attempt to require or request, any civilian employee of the executive branch of the United States Government under his authority or subject to his supervision to perform any of the acts or submit to any of the requirements made unlawful by section 1 of this Act.

SEC. 4. Whenever any officer of any executive department or any executive agency of the United States Government or any person acting or purporting to act under his authority, or any commissioned officer as defined in section 101 of title 10, United States Code, or any member of the Armed Forces acting or purporting to act under his authority, violates or threatens to violate any of the provisions of section 1, 2, or 3 of this Act, any civilian employee of the United States serving in any department or agency of the United States Government, or any person applying for employment in the executive branch of the United States Government, or any person seeking to establish civil service status or eligibility for employment in the executive branch of the United States Government, affected or aggrieved by the violation or threatened violation, may bring a civil action in his own behalf or in behalf of himself and others similarly situated, against the offending officer or person in the United States district court for the district in which the violation occurs or is threatened, or the district in which the offending officer or person is found, or in the United States District Court for the District of Columbia to prevent the threatened violation or to obtain redress against the consequences of the violation. The Attorney General shall defend all officers or persons sued under this section who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of this Act. Such United States district court shall have jurisdiction to try and determine such civil action irrespective of the actuality or amount of pecuniary injury done or threatened, and without regard to whether the aggrieved party shall have exhausted any administrative remedies that may be provided by law, and to issue such restraining order, interlocutory injunction, permanent injunction, or mandatory injunction, or enter such other judgment or decree as may be necessary or appropriate to prevent the threatened violation, or to afford the plaintiff and others similarly situated complete relief against the consequences of the violation. With the written consent of any person affected or aggrieved by a violation or threatened violation of section 1, 2, or 3 of this Act, any employee organization may bring such action on behalf of such person, or may intervene in such action. For the purposes of this section, employee organizations shall be construed to include any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of civilian employees of the United States and which has as one of its purposes dealing with departments, agencies, commissions, and independent agencies of the United States concerning the condition and terms of employment of such employees.

SEC. 5. (a) There is hereby established a Board on Employees' Rights (hereinafter referred to as the "Board"). The Board shall be composed of three members, appointed by the President, by and with the advice and consent of the Senate. The President shall designate one member as chairman. No more than two members of the Board may be of the same political party. No member of the Board shall be an officer or employee of the United States Government.

(b) The term of office of each member of the Board shall be five years, except that (1) of those members first appointed, one shall serve for five years, one for three years, and one for one year, respectively, from the date of enactment of this Act, and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(c) Members of the Board shall be compensated at the rate of $75 a day for each day spent in the work of the Board, and shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence, as authorized by section 5703 of title 5, United States Code.

(d) Two members shall constitute a quorum for the transaction of business.

(e) The Board may appoint and fix the compensation of such officers, attorneys, and employees, and make such expenditures, as may be necessary to carry out its functions.

(f) The Board shall make such rules and regulations as shall be necessary and proper to carry out its functions.

(g) The Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this Act and to conduct a hearing on each such complaint. Within ten days after the receipt of any such complaint, the Board shall furnish notice of the time, place, and nature of the hearing thereon to all interested parties. The Board shall render its final decision with respect to any complaint within thirty days after the conclusion of its hearing thereon.

(h) Officers or representatives of any Federal employee organization in any degree concerned with employment of the category in which any alleged violation of this Act occurred or is threatened shall be given an opportunity to participate in each hearing conducted under this section, through submission of written data, views, or arguments, and in the discretion of the Board, with opportunity for oral presentation. Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or suffering loss in leave or pay; and all such employees shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such participation shall be held and considered to be Federal employment for all purposes.

(i) Insofar as consistent with the purposes of this section, the provisions of subchapter II of chapter 5 of title 5, United States Code, relating to the furnishing of notice and manner of conducting agency hearings, shall be applicable to hearings conducted by the Board under this section.

(j) If the Board shall determine after hearing that a violation of this Act has not occurred or is not threatened, the Board shall state its determination and notify all interested parties of such determination. Each such determination shall constitute a final decision of the Board for purposes of judicial review.

(k) If the Board shall determine that any violation of this Act has been committed or threatened by any civilian officer or employee of the United States, the Board shall immediately (1) issue and cause to be served on such officer or employee an order requiring such officer or employee to cease and desist from the unlawful act or practice which constitutes a violation, (2) endeavor to eliminate any such unlawful act or practice by informal methods of conference, conciliation, and persuasion, and (3) may—

(A) (i) in the case of the first offense by any civilian officer or employee of the United States, other than any officer appointed by the President, by and with the advice and consent of the Senate, issue an official reprimand against such officer or employee or order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed fifteen days, and (ii) in the case of a second or subsequent offense by any such officer or employee, order the suspension without pay of such officer or employee from the position or office held by him for a period of not to exceed thirty days or order the removal of such officer or employee from such position or office; and

(B) in the case of any offense by any officer appointed by the President, by and with the advice and consent of the Senate, transmit a report concerning such violation to the President and the Congress.

(l) If the Board shall determine that any violation of this Act has been committed or threatened by any officer of any of the Armed Forces of the United States, or any person purporting to act under authority conferred by such officer, the Board shall (1) submit a report thereon to the President, the Congress, and the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice which constitutes such a violation by informal

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methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. Thereupon such person shall take immediate steps to dispose of the matter under chapter 47 of title 10, United States Code (Uniform Code of Military Justice).

(m) Any party aggrieved by any final determination or order of the Board may institute, in the district court of the United States for the judicial district wherein the violation or threatened violation of this Act occurred, or in the United States District Court for the District of Columbia, a civil action for the review of such determination or order. In any such action, the court shall have jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board which is under review, or (2) require the Board to make any determination or order which it is authorized to make under subsection (k), but which it has refused to make. The reviewing court shall set aside any finding, conclusion, determination, or order of the Board as to which complaint is made which is unsupported by substantial evidence on the record considered as a whole.

(n) The Board shall submit, not later than March 31 of each year, to the Senate and House of Representatives, respectively, a report on its activities under this section during the immediately preceding calendar year, including a statement concerning the nature of all complaints filed with it, its determinations and orders resulting from hearings thereon, and the names of all officers or employees of the United States with respect to whom any penalties have been imposed under this section.

(o) There are authorized to be appropriated sums necessary, not in excess of $100,000, to carry out the provisions of this section.

Sec. 6. Nothing contained in this Act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency from requesting any civilian employee or applicant to take a polygraph test, or to take a psychological test, designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters, or to provide a personal financial statement, if the Director of the Central Intelligence Agency or his designee or the Director of the National Security Agency or his designee makes a personal finding with regard to each individual to be so tested or examined that such test or information is required to protect the national security.

Sec. 7. No civilian employee of the United States serving in the Central Intelligence Agency or the National Security Agency, and no individual or organization acting in behalf of such employee, shall be permitted to invoke the provisions of sections 4 and 5 without first submitting a written complaint to the agency concerned about the threatened or actual violation of this Act and affording such agency one hundred and twenty days from the date of such complaint to prevent the threatened violation or to redress the actual violation: *Provided, however*, That nothing in this Act shall be construed to affect any existing authority of the Director of Central Intelligence under section 403(c), of title 50, United States Code, and any authorities available to the National Security Agency under section 833 of title 50, United States Code, to terminate the employment of any employee.

Sec. 8. Nothing in this Act shall be construed to affect in any way the authority of the Directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. The personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or executive order shall be conclusive and no such information shall be admissible in evidence in any interrogation under section 1(k) or in any civil action under section 4 or in any proceeding or civil action under section 5.

Sec. 9. This Act shall not be applicable to the Federal Bureau of Investigation.

Sec. 10. Nothing contained in sections 4 and 5 shall be construed to prevent establishment of department and agency grievance procedures to enforce this Act, but the existence of such procedures shall not preclude any applicant or employee from pursuing the remedies established by this Act or any other remedies provided by law: *Provided, however*, That if under the procedures established, the employee or applicant has obtained complete protection against threatened violations or complete redress for violations, such action may be pleaded in bar in the United States district court or in proceedings before the Board on Employee Rights: *And provided further*, That if an employee elects to seek a remedy under either section 4 or section 5, he waives his right to proceed by an independent action under the remaining section.

Sec. 11. If any provision of this Act or the application of any provision to any person or circumstance shall be held invalid, the remainder of this Act or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–873), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PURPOSE

The purpose of the bill is to prohibit indiscriminate executive branch requirements that employees and, in certain instances, applicants for Government employment disclose their race, religion or national origin; attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment; report on their outside activities or undertakings unrelated to their work; submit to questioning about their religion, personal relationships or sexual attitudes through interviews, psychological tests, or polygraphs; support political candidates or attend political meetings. The bill would make it illegal to coerce an employee to buy bonds or make charitable contributions. It prohibits officials from requiring him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest. It would provide a right to have a counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings. It would accord the right to a civil action in a Federal court for violation or threatened violation of the act, and it would establish a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties.

### *S. 782, 91st Congress—Committee amendments*

S. 782, as introduced by Senator Ervin with 54 cosponsors, was identical to S. 1035 of the 90th Congress as passed by the Senate.

The Subcommittee met in executive session on July 22, 1969, to receive testimony from Richard Helms, Director of the Central Intelligence Agency and other agency representatives. On the basis of this testimony and after a number of meetings of subcommittee members with officials of the Central Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation, the language contained in the committee amendments was drafted and meets with the approval of the Directors of those agencies.

### STATEMENT

The subcommittee has found a threefold need for this legislation. The first is the immediate need to establish a statutory basis for the preservation of certain rights and liberties of those who work for government now and those who will work for it in the future. The bill, therefore, not only remedies problems of today but looks to the future, in recognition of the almost certain enlargement of the scope of Federal activity and the continuing rise in the number of Americans employed by their Federal Government or serving it in some capacity.

Second, the bill meets the Federal Government's need to attract the best qualified employees and to retain them. As the former Chairman of the Civil Service Commission, Robert Ramspeck, testified:

Today, the Federal Government affects the lives of every human being in the United States. Therefore, we need better people today, better qualified people, more dedicated people, in Federal service than we ever needed before. And we cannot get them if you are going to deal with them on the basis of suspicion, and delve into their private lives, because if there is anything the average American cherishes, it is his right of freedom of action, and his right to privacy. So I think this bill is hitting at an evil that has grown up, maybe not intended, but which is hurting the ability of the Federal Government to acquire the type of personnel that we must have in the career service.

Third is the growing need for the beneficial influence which such a statute would provide in view of the present impact of Federal policies, regulations and practices on those of State and local government and of private business and industry. An example of the interest demonstrated by governmental and private employers is the following comment by Allan J. Graham, secretary of the Civil Service Commission of the city of New York:

It is my opinion, based on over 25 years of former Government service, including some years in a fairly high managerial capacity, that your bill, if enacted into law, will be a major step to stem the tide of "Big Brotherism," which constitutes a very real threat to our American way of life.

In my present position as secretary of the Civil Service Commission of the city of New York, I have taken steps to propose the inclusion of several of the concepts of your bill into the rules and regulations of the city civil service commission.

Passage of the bill will signify congressional recognition of the threats to individual privacy posed by an advanced technology and by increasingly more complex organizations. Illustrating these trends is the greatly expanded use of computers and governmental and private development of vast systems for the efficient gathering of information and for data storage and retrieval. While Government enjoys the benefit of these developments, there is at the same time an urgent need for defining the areas of individual liberty and privacy which should be exempt from the unwarranted intrusions facilitated by scientific techniques.

As Prof. Charles Reich of Yale Law School has stated, this bill "would be a significant step forward in defining the right of privacy today."

"One of the most important tasks which faces the Congress and State legislatures in the next decade is the protection of the citizen against invasion of privacy," states Prof. Stanley Anderson of the University of California, Santa Barbara. "No citizens," in his opinion, "are in more immediate danger of incursion into private affairs than Government employees. When enacted the bill will provide a bulwark of protection against such incursions."

The bill is based on several premises which the subcommittee investigation has proved valid for purposes of enacting this legislation. The first is that civil servants do not surrender the basic rights and liberties which are their due as citizens under the Constitution of the United States by their action in accepting Government employment. Chief among these constitutional protections is the first amendment, which protects the employee to privacy in his thoughts, beliefs and attitudes, to silence in his action and participation or his inaction and nonparticipation in community life and civic affairs. This principle is the essence of constitutional liberty in a free society.

The constitutional focus of the bill was emphasized by Senator Ervin in the following terms when he introduced S. 1035 on February 21, 1967:

If this bill is to have any meaning for those it affects, or serve as a precedent for those who seek guidance in these matters, its purpose must be phrased in constitutional terms. Otherwise its goals will be lost.

We must have as our point of reference the constitutional principles which guide every official act of our Federal Government. I believe that the Constitution, as it was drafted and as it has been implemented, embodies a view of the citizen as possessed of an inherent dignity and as enjoying certain basic liberties. Many current practices of Government affecting employees are unconstitutional; they violate not only the letter but the very spirit of the Constitution.

I introduced this bill originally because I believe that, to the extent it has permitted or authorized unwarranted invasion of employee privacy and unreasonable restrictions on their liberty, the Federal Government has neglected its constitutional duty where its own employees are concerned, and it has failed in its role as the model employer for the Nation.

Second, although it is a question of some dispute, I hold that Congress has a duty under the Constitution not only to consider the constitutionality of the laws it enacts, but to assure as far as possible that those in the executive branch responsible for administering the laws adhere to constitutional standards in their programs, policies, and administrative techniques.

The committee believes that it is time for Congress to forsake its reluctance to tell the executive branch how to treat its employees. When so many American citizens are subject to unfair treatment, to being unreasonably coerced or required without warrant to surrender their liberty, their privacy, or their freedom to act or not to act, to reveal or not to reveal information about themselves and their private thoughts and actions, then Congress has a duty to call a statutory halt to such practices. It has a duty to remind the executive branch that even though it might have to expend a little more time and effort to obtain some favored policy goal, the techniques and tools must be reasonable and fair.

Each section of the bill is based on evidence from many hundreds of cases and complaints showing that generally in the Federal service, as in any similar organizational situation, a request from a superior is equivalent to a command. This evidence refutes the argument that an employee's response to a superior's request for information or action is a voluntary response, and that an employee "consents" to an invasion of his privacy or the curtailment of his liberty. Where his employment opportunities are at stake, where there is present the economic coercion to submit to questionable practices which are contrary to our constitutional values, then the presence of consent or voluntarism may be open to serious doubt. For this reason the bill makes it illegal for officials to "request" as well as to "require" an employee to submit to certain inquiries or practices or to take certain actions.

Each section of the bill reflects a balancing of the interests involved: The interest of the Government in attracting the best qualified individuals to its service; and its interest in pursuing laudable goals such as protecting the national security, promoting equal employment opportunities, assuring mental health, or conducting successful bond-selling campaigns. There is, however, also the interest of the individual in protection of his rights and liberties as a private citizen. When he becomes an employee of his Government, he has a right to expect that the policies and practices applicable to him will reflect the best values of his society.

The balance of interests achieved assures him this right. While it places no absolute prohibition on Government inquiries, the bill does assure that restrictions on his rights and liberties as a Government employee are reasonable ones.

As Senator Bible stated:

There is a line between what is Federal business and what is personal business, and Congress must draw that line. The right of privacy must be spelled out.

The weight of evidence, as Senator Fong has said: "points to the fact that the invasions of privacy under threats and coercion and economic intimidation are rampant in our Federal civil service system today. The degree of privacy in the lives of our civil servants is small enough as it is, and it is still shrinking with further advances in technical know-how. That these citizens are being forced by economic coercion to surrender this precious liberty in order to obtain and hold jobs is an invasion of privacy which should disturb every American. I therefore, strongly believe that congressional action to protect our civil servants is long overdue."

The national president of the National Association of Internal Revenue Employees, Vincent Connery, told the subcommittee of this proposal in the 89th Congress:

Senate bill 3779 is soundly conceived and perfectly timed. It appears on the legislative scene during a season of public employee unrest, and a period of rapidly accelerating demand among Federal employees for truly first-class citizenship. For the first time within my memory, at least, a proposed bill holds out the serious hope of attaining such citizenship. S. 3779, therefore, amply deserves the fullest support of all employee organizations, both public and private, federation affiliated, and independent alike.

Similiar statements endorsing the broad purpose of the bill were made by many others, including the following witnesses:

John F. Griner, national president, American Federation of Government Employees.

E. C. Hallbeck, national president, United Federation of Postal Clerks.

Jerome Keating, president, National Association of Letter Carriers.

Kenneth T. Lyons, national president, National Association of Government Employees.

John A. McCart, operations director, Government Employees Council of AFL–CIO.

Hon. Robert Ramspeck, former Chairman, Civil Service Commission.

Vincent Jay, executive vice president, Federal Professional Association.

Francis J. Speh, president, 14th District Department, American Federation of Government Employees.

Lawrence Speiser, director, Washington office, American Civil Liberties Union.

Nathan Wolkomir, national president, National Federation of Federal Employees.

Mr. ERVIN. Mr. President, S. 782 is a bill, unanimously approved with amendments by the Judiciary Committee, to protect the constitutional rights of civilian employees of the executive branch and to prevent unwarranted governmental invasions of their privacy.

This proposal, which I first introduced in 1966, is the result of a study by the Constitutional Rights Subcommittee.

The purpose of the bill is to prohibit indiscriminate or arbitrary executive branch requests or requirements that employees and, in certain instances, applicants for Government employment:

Disclose their race, religion, or national origin;

Attend Government-sponsored meetings and lectures or participate in outside activities unrelated to their employment;

Report on their outside activities or undertakings unrelated to their work;

Submit to questioning about their religious beliefs and practices, personal family relationships or sexual attitudes and conduct through interviews, psychological tests, or polygraphs; and

Support political candidates or attend political meetings.

The bill would make it illegal to coerce an employee to buy bonds or make charitable contributions.

It prohibits officials from requiring him to disclose his own personal assets, liabilities, or expenditures, or those of any member of his family unless, in the case of certain specified employees, such items would tend to show a conflict of interest.

It would provide a right to have counsel or other person present, if the employee wishes, at an interview which may lead to disciplinary proceedings.

It would accord the right to a civil action in a Federal court for violation or threatened violation of the act, and it would establish a Board on Employees' Rights to receive and conduct hearings on complaints of violation of the act and to determine and administer remedies and penalties.

S. 782 is sponsored by 55 Senators. Except for committee amendments providing certain exemptions for the unique problems of the Central Intelligence Agency, the National Security Agency, and the Federal Bureau of Investigation, it is identical to S. 1035, approved by the Senate in 1967.

Mr. President, by approving S. 782, the Senate has recognized the monumental truth that if history teaches us anything, it teaches us that a nation which ignores the lessons of history is doomed to repeat the mistakes of its past. Although the bill is based mostly on unwise and unconstitutional practices and programs undertaken by Federal officials in previous years, many of the injustices continue unabated. Furthermore, the opportunity for depriving the individual rights of employees or of seriously limiting them still exists. It will continue to exist until Congress enacts a law prohibiting such deprivations and limitations.

The extent of the wrongs inflicted on employees will vary with the vigor and

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zeal and the political needs of those who control the Federal Government. S. 782 is an attempt to define the constitutional boundaries of their actions as they affect those who work for the Federal Government.

Mr. President, more has been written and spoken in the Congress and in the country on this one issue and about this legislation than any other proposal in my memory. This record is documented in the committee report and particularly in the CONGRESSIONAL RECORD of September 13, 1967, when the Senate passed S. 1035.

We have heard much lately of the complaint that Government does not respond quickly and adequately enough to petitions for redress of grievances.

This bill is a direct outgrowth of thousands of specific complaints to Congress by individual employees and their families, by their organizations and unions, by applicants, and by private citizens concerned with loss of liberties. It is proof that Congress does hear and that it will act. These people took the time and effort to communicate their grievances in considerable detail and with an eloquence which always displayed a deep and abiding faith in the system of government of which they are such a vital part. In these times of stress, their continued faith in the democratic process is essential. Despite the obstacles they frequently face, I believe their adherence to those processes is our surest guarantee that the constitutional principles on which our Government is founded will endure.

The letters which I and others in Congress receive are the products of educated and informed concern about the problems which confront employees as citizens. Their patience despite injustices, their willingness to abide by the constitutional rules and to seek remedies under those rules provide the best illustration our Nation can offer of citizens keeping faith with the founders of our Constitution. Congress does not always heed their pleas. There are frequently long delays and the resulting legislation does not always meet their expectations. But the important thing is that they keep trying, writing letters, telephoning, and expressing concern. During the last election campaign many of them demanded that the issues of privacy and employee rights be faced by individual candidates and by both political parties.

The parties and the candidates responded, and I believe they must continue to respond until S. 782 is enacted into law.

I should like to restate for the record my convictions about this proposal which I expressed at the time of its passage in the last Congress. I believe that with this bill, Congress has a chance to reaffirm the belief of the American people in a value system as old as Western civilization; that is, in the dignity of the individual; in the unfettered enjoyment of his personal thoughts and beliefs free of the control of government; and in the worth of the expression of his personality in the democratic society.

S. 782 affords Congress the opportunity to take a stand on one of the most crucial philosophical and practical problems facing our society—the preservation of individual freedom in an age of scientific technology, computers, and data banks.

Many learned people have analyzed the legal and scientific issues raised by the needs to meet certain goals of government in a country as vast and diverse as ours. But they have balanced the interests back and forth until they have lost track of the basic issues of liberty involved.

The Founding Fathers drafted a constitution that was meant to protect the liberty of Americans of every era, for its principles are enduring ones. One of the fundamental aspects of our liberty as free men is the privacy of our innermost thoughts, attitudes, and beliefs: this includes not only our freedom to express them as we please, but the freedom from any form of governmental coercion to reveal them. Another aspect is the constitutional protection against self-incrimination for civil servants as well as for criminals and others.

In its report on the bill, the committee stated:

> Each section of the bill is based on evidence from many hundreds of cases and complaints showing that generally in the Federal service, as in any similar organizational situation, a request from a superior is equivalent to a command. This evidence refutes the argument that an employee's response to a superior's request for information or action is a voluntary response, and that an employee "consents" to an invasion of his privacy or the curtailment of his liberty. Where his employment opportunities are at stake, where there is present the economic coercion to submit to questionable practices which are contrary to our constitutional values, then the presence of consent or voluntarism may be open to serious doubt. For this reason the bill makes it illegal for officials to "request" as well as to "require" an employee to submit to certain inquiries or practices or to take certain actions.

No one should be deluded that this bill is a panacea for all the ills besetting the Federal service, all of the invasions of privacy, all of the violations of basic due process principles.

There are many areas left untouched, as the subcommittee daily mail will show. Passage of the bill will correct some violations, and provide some recourses against violations. But more importantly, it will establish a precedent in this area of the law and create a climate for decisionmaking in the executive branch.

The zealous men, the unthinking, careless, hurried, impatient, pressured, or misinformed men will still make unreasonable or illegal decisions. We cannot legislate against all manner of fools or their follies. Where their decisions affect the liberties of the citizens, we can only provide the basic standards by which they can be controlled. For the conscientious administrator anxious to do his job well, achieving the maximum benefit for Government and observing individual rights at the same time, the bill provides a uniform guide. He will not need to sit and ponder whether to follow his conscience or an illegal order or whether or not to utilize a questionable scientific method.

The law will state clearly what his own rights and duties are in certain areas. By the same token, it assures the rights of the individual employee and applicant.

I confess that were I legislating alone, I would rather see fewer compromises and exceptions than are now contained in the bill. I see no necessity for any of the practices prohibited in S. 782.

Unfortunately, some people, both in Government and out, have not yet been alerted to the dangers posed by these policies and practices. For them, the symbolic act or the technique—the means—still triumph over purpose, however unrelated the two.

A threefold need for this bill is outlined in the committee report.

The first is the immediate need to establish a statutory basis for the preservation of certain rights and liberties of those citizens who now work for Government and those who will work for it in the future. The bill not only remedies problems of today but looks to the future in recognition of the almost certain enlargement of the scope of Federal activity and the continuing rise in the number of Americans employed by their Federal Government or serving it in some capacity.

Second, the bill meets the Federal Government's need to attract the best qualified employees, and to retain them with the assurance that they will be treated fairly and as people of honesty and integrity.

Third, is the growing need for the beneficial influence which such a statute would provide in view of the present impact of Federal policies, regulations, and practices on those of State and local government and of private business and industry.

The Civil Service Commission has made a good-faith effort to eliminate some of the privacy-invading practices of the Federal Government. Also, as a result of complaints which the subcommittee has sent to the Civil Service Commission, some individual grievances have been remedied.

But while isolated cases of injustice may be corrected by congressional intervention, they do not, as with judicial decisions on the rights of criminals, establish a precedent for protecting rights of all employees. There are vast numbers of Federal agencies with decentralized personnel systems, responsive in different ways to policy directives. In some cases, they lack any control at all by Congress, the President, the Civil Service Commission, or in some instances, even by the head of the department or agency. They are, in effect beyond the reach of the law.

The reply of some in the executive branch has been that Government employment is a privilege, and if the individual does not like his treatment, he can quit.

The Association of the Bar of the City of New York has a reply to this. Their report on the bill states:

> The Ervin bill recognizes the existence of some serious shortcomings in the behavior of the Executive Branch of the Federal Government as an employer. There are today almost three million persons employed by the Federal Government and the number can be expected to grow. It is not possible, therefore,

to deal with the problem within the narrow framework of an employee's option to quit his employment if the conditions are not to his taste.

Employment by the Federal Government should not be regarded as a privilege to be withheld or conditioned as the Government sees fit. Indeed, there is an obligation on the part of the Federal Government to have more than the usual respect for rights of privacy.

It is already a late date for the Federal Government to begin showing respect for the rights of privacy. But the Senate has taken the first step today by passing S. 782.

I ask unanimous consent to insert at this point in the RECORD an excerpt from the Judiciary Committee report on the bill—Senate Report No. 873, pages 7 through 10, and pages 12 through 48. This contains the legislative history of the bill and a section-by-section analysis.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### SENATE REPORT No. 873, 91ST CONGRESS, SECOND SESSION; PROTECTING PRIVACY AND THE RIGHTS OF FEDERAL EMPLOYEES

#### LEGISLATIVE HISTORY

Violations of rights covered by the bill as well as other areas of employee rights have been the subject of intensive hearings and investigation by the subcommittee for the last five Congresses.

In addition to investigation of individual cases, the Subcommittee on Constitutional Rights has conducted annual surveys of agency policies on numerous aspects of Government personnel practices. In 1965, pursuant to Senate Resolution 43, hearings were conducted on due process and improper use of information acquired through psychological testing, psychiatric examinations, and security and personnel interviews.

In a letter to the Chief Executive on August 3, 1966 the subcommittee chairman stated:

"For some time, the Constitutional Rights Subcommittee has received disturbing reports from responsible sources concerning violations of the rights of Federal employees. I have attempted to direct the attention of appropriate officials to these matters, and although replies have been uniformly courteous, the subcommittee has received no satisfaction whatsoever, or even any indication of awareness that any problem exists. The invasions of privacy have reached such alarming proportions and are assuming such varied forms that the matter demands your immediate and personal attention.

"The misuse of privacy-invading personality tests for personnel purposes has already been the subject of hearings by the subcommittee. Other matters, such as improper and insulting questioning during background investigations and due process guarantees in denial of security clearances have also been the subject of study. Other employee complaints, fast becoming too numerous to catalog, concern such diverse matters as psychiatric interviews; lie detectors; race questionnaires; restrictions on communicating with Congress; pressure to support political parties yet restrictions on political activities; coercion to buy savings bonds; extensive limitations on outside activities yet administrative influence to participate in agency-approved functions; rules for writing, speaking and even thinking; and requirements to disclose personal information concerning finances, property and creditors of employees and members of their families."

After describing in detail the operation of two current programs to illustrate the problems, Senator Ervin commented:

"Many of the practices now in extensive use have little or nothing to do with an individual's ability or his qualification to perform a job. The Civil Service Commission has established rules and examinations to determine the qualifications of applicants. Apparently, the Civil Service Commission and the agencies are failing in their assignment to operate a merit system for our Federal civil service.

"It would seem in the interest of the administration to make an immediate review of these practices and questionnaires to determine whether the scope of the programs is not exceeding your original intent and whether the violations of employee rights are not more harmful to your long-range goals than the personnel shortcuts involved."

Following this letter and others addressed to the Chairman of the Civil Service Commission and the Secretaries of other departments, legislation to protect employee rights was introduced in the Senate.

S. 1035 was preceded by S. 3703 and S. 3779 in the second session of the 89th Congress. S. 3703 was introduced by the chairman on August 9, 1966, and referred to the Judiciary Committee. On August 25, 1966, the chairman received unanimous consent to a request to add the names of 33 cosponsors to the bill. On August 26, 1966, he introduced a bill similar to S. 3703, containing an amendment reducing the criminal penalties provided in section 2. This bill, S. 3779, was also referred to the Judiciary Committee, and both S. 3703 and S. 3779 were then referred to the Subcommittee on Constitutional Rights.

Comments on the bill and on problems related to it were made by the chairman in the Senate on July 18, August 9, August 25, August 26, September 29, October 17 and 18, 1966, and on February 21, 1967.[1]

Hearings on S. 3779 were conducted before the subcommittee on September 23, 29, 30, and October 3, 4, and 5, 1966. Reporting to the Senate on these hearings, the subcommittee chairman made the following statement:

"The recent hearings on S. 3779 showed that every major employee organization and union, thousands of individual employees who have written Congress, law professors, the American Civil Liberties Union, and a number of bar associations agree on the need for statutory protections such as those in this measure.

"We often find that as the saying goes 'things are never as bad as we think they are,' but in this case, the hearings show that privacy invasions are worse than we thought they were. Case after case of intimidation, of threats of loss of job or security clearance were bought to our attention in connection with bond sales, and Government charity drives.

"Case after case was cited of privacy invasion and denial of due process in connection with the new financial disclosure requirements. A typical case is the attorney threatened with disciplinary action or loss of his job because he is both unable and unwilling to list all gifts, including Christmas presents from his family, which he had received in the past year. He felt this had nothing to do with his job. There was the supervisory engineer who was told by the personnel officer that he would have to take disciplinary action against the 25 professional employees in his division who resented being forced to disclose the creditors and financial interests of themselves and members of their families. Yet there are no procedures for appealing the decisions of supervisors and personnel officers who are acting under the Commission's directive. These are not isolated instances; rather, they represent a pattern of privacy invasion reported from almost every State.

"The subcommittee was told that supervisors are ordered to supply names of employees who attend PTA meetings and engage in Great Books discussions. Under one department's regulations, employees are requested to participate in specific community activities promoting local and Federal antipoverty, beautification, and equal employment programs; they are told to lobby in local city councils for fair housing ordinances, to go out and make speeches on any number of subjects, to supply flower and grass seed for beautification projects, and to paint other people's houses. When these regulations were brought to the subcommittee's attention several weeks ago, we were told that they were in draft form. Yet, we then discovered they had already been implemented and employees whose official duties had nothing to do with such programs were being informed that failure to participate would indicate an uncooperative attitude and would be reflected in their efficiency records.

"The subcommittee hearings have produced ample evidence of the outright intimidation, arm twisting and more subtle forms of coercion which result when a superior is requested to obtain employee participation in a program. We have seen this in the operation of the bond sale campaign, the drives for charitable contributions, and the use of self-identification minority status questionnaires. We have seen it in the sanctioning of polygraphs, personality tests, and improper questioning of applicants for employment.

"In view of some of the current practices reported by employee organizations and unions, it seems those who endorse these techniques for mind probing and thought control of employees have sworn hostility against the idea that every man has a right to be free of every form of tyranny over his mind; they forget that to be free a man must have the right to think foolish thoughts as well as wise ones. They forget that the first amendment implies the right to remain silent as well as the right to speak freely—the right to do nothing as well as the right to help implement lofty ideals.

"It is not under this administration alone that there has been a failure to respect employee rights in a zeal to obtain certain goals. While some of the problems are new, others have been prevalent for many years with little or no administrative action taken to attempt to ameliorate them. Despite congressional concern, administrative officials have failed to discern patterns of practice in denial of rights. They seem to think that if they can belatedly remedy one case which is brought to the attention of the Congress, the public and the press, that this is enough—that the 'heat' will subside. With glittering generalities, qualified until they mean nothing in substance, they have sought to throw Congress off the track in its pursuit of permanent corrective action. We have seen this in the case of personality testing, in the use of polygraphs, and all the practices which S. 3779 would prohibit.

"The Chairman of the Civil Service Commission informed the subcommittee that there is no need for a law to protect empolyee rights. He believes the answer is 'to permit executive branch management and executive branch employees as individuals and through their unions, to work together to resolve these issues as part of their normal discourse.'

"It is quite clear from the fearful tenor of the letters and telephone calls received by the subcommittee and Members of Congress that there is no discourse and is not likely to be any discourse on these matters between the Commission and employees. Furthermore, there are many who do not even fall within the Commission's jurisdiction. For them, there is no appeal but to Congress.

"As for the argument that the discourse between the unions and the Commission will remedy the wrongs, the testimony of the union representatives adequately demolishes that dream.

"The typical attitude of those responsible for personnel management is reflected in Mr.

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[1] See also, *Cong. Rec.* Comments.

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Macy's answer that there may be instances where policy is not adhered to, but 'There is always someone who doesn't get the word.' Corrective administration action, he says, is fully adequate to protect employee rights.

"Administrative action is not sufficient. Furthermore, in the majority of complaints, the wrong actually stems from the stated policy of the agency or the Commission. How can these people be expected to judge objectively the reasonableness and constitutionality of their own policies? This is the role of Congress, and in my opinion, Congress has waited too long as it is to provide the guidance that is desperately needed in these matters."

### *S. 1035, 90th Congress*

On the basis of the subcommittee hearings, agency reports, and the suggestions of many experts, the bill was amended to meet legitimate objections to the scope and language raised by administrative witnesses and to clarify the intent of its cosponsors that it does not apply to the proper exercise of management authority and supervisory discretion, or to matters now governed by statute.

This amended version of S. 3779 was introduced in the Senate by the chairman on February 21, 1967, as S. 1035 with 54 cosponsors. It was considered by the Constitutional Rights Subcommittee and unanimously reported with amendments, by the Judiciary Committee on August 21, 1967. [S. Rept. No. 534, 90th Cong., 1st Sess.] The proposal was considered by the Senate on September 13, 1967, and approved, with floor amendments, by a 79 to 4 vote. After absentee approvals were recorded, the record showed a total of 90 Members supported passage of the bill. The amendments adopted on the Senate floor deleted a complete exemption which the committee bill provided for the Federal Bureau of Investigation; instead, it was provided that the Federal Bureau of Investigation should be accorded the same limited exemptions provided for the Central Intelligence Agency and the National Security Agency. A provision was added to allow the three Directors to delegate the power to make certain personal findings required by section 6 of the bill.

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### *Comparison of S. 1035, 90th Congress, as introduced, and S. 3779, 89th Congress*

As introduced, the revised bill, S. 1035, differed from S. 3779 of the 89th Congress in the following respects:

1. The section banning requirements to disclose race, religion, or national origin was amended to permit inquiry on citizenship where it is a statutory condition of employment.

2. The provision against coercion of employees to buy bonds or make charitable donations was amended to make it clear that it does not prohibit calling meetings or taking any action appropriate to afford the employee the opportunity voluntarily to invest or donate.

3. A new section providing for administrative remedies and penalties establishes a Board on Employee Rights to receive and conduct hearings on complaints of violation of the act, and to determine and administer remedies and penalties. There is judicial review of the decision under the Administrative Procedure Act.

4. A specific exemption for the Federal Bureau of Investigation is included.

5. Exceptions to the prohibitions on privacy-invading questions by examinations, interrogations, and psychological tests are provided upon psychiatric determination that the information is necessary in the diagnosis and treatment of mental illness in individual cases, and provided that it is not elicited pursuant to general practice or regulation governing the examination of employees or applicants on the basis of grade job, or agency.

6. The section prohibiting requirements to disclose personal financial information contains technical amendments to assure that only persons with final authority in certain areas may be subject to disclosure requirements.

7. For those employees excluded from the ban on disclosure requirements, a new section (j), provides that they may only be required to disclose items tending to show a conflict of interest.

8. Military supervisors of civilian employees are included within the prohibitions of the bill, and violation of the act is made a punishable offense under the Uniform Code of Military Justice.

9. A new section 2 has been added to assure that the same prohibitions in section 1 on actions of department and agency officials with respect to employees in their departments and agencies apply alike to officers of the Civil Service Commission with respect to the employees and applicants with whom they deal.

10. Section (b) of S. 3779, relating to the calling or holding of meetings or lectures to indoctrinate employees, was deleted.

11. Sections (c), (d), and (e) of S. 3779—sections (b), (c), and (d) of S. 1035—containing prohibitions on requiring attendance at outside meetings, reports on personal activities and participation in outside activities, were amended to make it clear that they do not apply to the performance of official duties or to the development of skill, knowledge, and abilities which qualify the person for his duties or to participation in professional groups or associations.

12. The criminal penalties were reduced from a maximum of $500 and 6 months' imprisonment to $300 and 30 days.

13. Section (h) of S. 3779 prohibiting requirements to support candidates, programs, or policies of any political party was revised to prohibit requirements to support the nomination or election of persons or to attend meetings to promote or support activities or undertakings of any political party.

14. Other amendments of a technical nature.

### QUESTIONS ON RACE, RELIGION, AND NATIONAL ORIGIN

Many complaints received by the subcommittee concerned official requests or requirements that employees disclose their race, religion, or ethnic or national origin. This information has been obtained from employees through the systematic use of questionnaires or oral inquiries by supervisors.

Chief concern has focused on a policy inaugurated by the Civil Service Commission in 1966, under which present employees and future employees would be asked to indicate on a questionnaire whether they were "American Indian," "oriental," "Negro," "Spanish-American" or "none of these." Approximately 1.7 million employees were told to complete the forms, while some agencies including some in the Department of Defense continued their former practice of acquiring such information through the "head count" method. Although the Civil Service Commission directive stated that disclosure of such information was voluntary, complaints show that employees and supervisors generally felt it to be mandatory. Administrative efforts to obtain compliance included in some instances harassment, threats, and intimidation. Complaints in different agencies showed that employes who did not comply received airmail letters at their homes with new forms; or their names were placed on administrative lists for "followup" procedures, and supervisors were advised to obtain the information from delinquent employees by a certain date.

In the view of John McCart, representing the Government Employes' Council, AFL-CIO:

"When the Civil Service Commission and the regulations note that participation by the employee will be voluntary, this removes some of the onus of the encroachment on an individual's privacy. But in an organizational operation of the size and complexity of the Federal Government, it is just impossible to guarantee that each individual's right to privacy and confidentiality will be observed.

"In addition to that, there have been a large number of complaints from all kinds of Federal employees. In the interest of maintaining the rights of individual workers against the possibility of invading those rights, it would seem to us it would be better to abandon the present approach, because there are other alternatives available for determining whether that program is being carried out."

The hearing record contains numerous examples of disruption of employee-management relations, and of employee dissatisfaction with such official inquiries. Many told the subcommittee that they refused to complete the questionnaires because the matter was none of the Government's business; others, because of their mixed parentage, felt unable to state the information.

Since 1963, the policy of the American Civil Liberties Union on the method of collecting information about race has favored the head count wherever possible. Although the policy is presently under review, the subcommittee finds merit in the statement that:

"The collection and dissemination of information about race creates a conflict among severally equally important civil liberties: the right of free speech and free inquiry, on the one hand, and the rights of privacy and of equality of treatment and of opportunity, on the other. The ACLU approves them all. But at this time in human history, when the principle of equality and nondiscrimination must be vigorously defended, it is necessary that the union oppose collection and dissemination of information regarding race, except only where rigorous justification is shown for such action. Where such collection and dissemination is shown to be justified, the gathering of information should be kept to the most limited form, wherever possible by use of the head count method, and the confidential nature of original records should be protected as far as possible."

Former Civil Service Commission Chairman Robert Ramspeck told the subcommittee:

"To consider race, color, religion, and national origin in making appointments, in promotions and retention of Federal employees is, in my opinion, contrary to the merit system. There should be no discrimination for or against minority persons in Federal Government employment."

As the hearings and complaints have demonstrated, the most telling argument against the use of such a questionnaire, other than the constitutional issue, is the fact that it does not work. This is shown by the admission by many employees that they either did not complete the forms or that they gave inaccurate data.

Mr. Macy informed the subcommittee:

"In the State of Hawaii the entire program was cut out because it had not been done there before, and it was inadvertently included in this one, and the feeling was that because of the racial composition there it would be exceedingly difficult to come up with any kind of identification along the lines of the card that we were distributing."

The Civil Service Commission on May 9 informed the subcommittee that it had "recently approved regulations which will end the use of voluntary self-identification of race as a means of obtaining minority group statistics for the Federal work force." The Commission indicated its decision was based on the failure of the program to produce meaningful statistics. In its place the Commission will rely on supervisory reports based solely on observation, which would not be prohibited by the bill.

As Senator Fong stated:

"It should be noted that the bill would not

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bar head counts of employee racial extraction for statistical purposes by supervisors. However, the Congress has authorized the merit system for the Federal service and the race, national origin or religion of the individual or his forebears should have nothing to do with his ability or qualifications to do a job."

Section 1(a) of the bill was included to assure that employees will not again be subjected to such unwarranted invasion of their privacy. It is designed to protect the merit system which Congress has authorized for the Federal service. Its passage will reaffirm the intent of Congress that a person's religion, race, and national or ethnic origin or that of his forebears have nothing to do with his ability or qualification to perform the requisite duties of a Federal position, or to qualify for a promotion.

By eliminating official authority to place the employee in a position in which he feels compelled to disclose this personal data, the bill will help to eliminate the basis for such complaints of invasion of privacy and discrimination as Congress has received for a number of years. It will protect Americans from the dilemma of the grandson of an American Indian who told the subcommittee that he had exercised his option and did not complete the minority status questionnaire. He did not know how to fill it out. Shortly thereafter he received a personal memorandum from his supervisor "requesting" him to complete a new questionnaire and "return it immediately." He wrote: "I personally feel that if I do not comply with this request (order), my job or any promotion which comes up could be in jeopardy."

The prohibitions in section 1(a) against official inquiries about religion, and in section 1(e) concerning religious beliefs and practices together constitute a bulwark to protect the indiivdual's right to silence concerning his religious convictions and to refrain from an indication of his religious beliefs.

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Referring to these two sections, Lawrence Speiser, director of the Washington office of the American Civil Liberties Union testified:

"These provisions would help, we hope, eliminate a constantly recurring problem involving those new Government employees who prefer to affirm their allegiance rather than swearing to it. All Government employees must sign an appointment affidavit and take an oath or affirmation of office.

"A problem arises not just when new employees enter Government employment but in all situations where the Government requires an oath, and there is an attempt made on the part of those who prefer to affirm. It is amazing the intransigence that arises on the part of clerks or those who require the filling out of these forms, or the giving of the statement in permitting individuals to affirm.

"The excuses that are made vary tremendously, either that the form can only be signed and they cannot accept a form in which 'so help me God' is struck out, because that is an amendment, and they are bound by their instructions which do not permit any changes to be made on the forms at all.

"Also, in connection with the giving of oaths, I have had one case in which an investigator asked a young man this question: 'For the purposes of administering the oath, do you believe in God?'

"It it to be hoped that the provisions of this bill would bar practices of that kind. The law should be clear at this time. Title I, United States Code, section 1 has a number of rules of construction, one of which says that wherever the word 'oath' appears, that includes 'affirmation,' and wherever the word 'swear' appears, that includes 'affirm.'

"This issue comes up sometimes when clerks will ask, 'Why do you want to affirm? Do you belong to a religious group that requires an affirmation rather than taking an oath?' And unless the individual gives the right answer, the clerks won't let him affirm. It is clear under the *Torasco* case that religious beliefs and lack of religious beliefs are equally entitled to the protection of the first amendment."

The objection has been raised that the prohibition against inquiries into race, religion, or national origin would hinder investigation of discrimination complaints. In effect, however, it is expected to aid rather than hinder in this area of the law, by decreasing the opportunities for discrimination initially. It does not hinder acquisition of the information elsewhere; nor does it prevent a person from volunteering the information if he wishes to supply it in filing a complaint or in the course of an investigation.

### CONTROL OF EMPLOYEE OPINIONS, OUTSIDE ACTIVITIES

Reports have come to the subcommittee of infringements and threatened infringements on first amendment freedoms of employees: freedom to think for themselves free of Government indoctrination; freedom to choose their outside civic, social, and political activities as citizens free of official guidance; or even freedom to refuse to participate at all without reporting to supervisors.

Illustrative of the climate of surveillance the subcommittee has found was a 13-year-old Navy Department directive, reportedly similar to those in other agencies, warning employees to guard against "indiscreet remarks" and to seek "wise and mature" counsel within their agencies before joining civic or political associations.

In the view of the United Federation of Postal Clerks:

"Perhaps no other right is so essential to employee morale as the right to personal freedom and the absence of interference by the Government in the private lives and activities of its employees. Attempts to place prohibitions on the private associations of employees; mandatory reporting of social contacts with Members of Congress and the press; attempts to 'orient' or 'indoctrinate' Federal employees on subjects outside their immediate areas of professional interest; attempts to 'encourage' participation in outside activities or discourage patronage of selected business establishments and coercive campaigns for charitable donations are among the most noteworthy abuses of Federal employees' right to personal freedom."

An example of improper on-the-job indoctrination of employees about sociological and political matters was cited in his testimony by John Griner, president of the AFL–CIO affiliated American Federation of Government Employees:

"One instance of disregard of individual rights of employees as well as responsibility to the taxpayers, which has come to my attention, seems to illustrate the objectives of subsections (b), (c), and (d), of section 1 of the Ervin bill. It happened at a large field installation under the Department of Defense.

"The office chief called meetings of different groups of employees throughout the day * * *. A recording was played while employees listened about 30 minutes. It was supposedly a speech made at a university, which went deeply into the importance of integration of the races in this country. There was discussion of the United Nations—what a great thing it was—and how there never could be another world war. The person who reported this incident made this comment: 'Think of the taxpayers' money used that day to hear that record.' I think that speaks for itself."

Other witnesses were in agreement with Mr. Griner's view on the need for protecting employees now and in the future from any form of indoctrination on issues unrelated to their work. The issue was defined at hearings on S. 3779 in the following colloquy between the subcommittee chairman and Mr. Griner:

"If they are permitted to hold sessions such as this on Government time and at Government expense, they might then also hold sessions as to whether or not we should be involved in the Vietnam war or whether we should not be, whether we should pull out or whether we should stay, and I think it could go to any extreme under these conditions.

"Of course, we are concerned with it, yes. But that is not a matter for the daily routine of work.

"Senator Ervin. Can you think of anything which has more direful implications for a free America than a practice by which a government would attempt to indoctrinate any man with respect to a particular view on any subject other than the proper performance of his work?

"Mr. Griner. I think if we attempted to do that we would be violating the individual's constitutional rights.

"Senator Ervin. Is there any reason whatever why a Federal civil service employee should not have the same right to have his freedom of thought on all things under the sun outside of the restricted sphere of the proper performance of his work than any other American enjoys?

"Mr. Griner. No, sir."

With one complaint of attempted indoctrination of employees at a Federal installation, a civil servant enclosed a memorandum taken from a bulletin board stating the time, place, and date of a lecture by a sociology professor on the subject of the importance of racial integration. Attendance was to be voluntary but the notice stated that a record would be made of those attending or not attending.

Concerning such a practice, one witness commented: "If I had been a Federal employee and I cared anything about my job, I would have been at that lecture."

Employees of an installation in Pennsylvania complained of requirements to attend film lectures on issues of the cold war.

Witnesses agreed that taking notice of attendance at such meetings constituted a form of coercion to attend. Section 1(b) will eliminate such intimidation. It leaves unaffected existing authority to use any appropriate means, including publicity, to provide employees information about meetings concerning matters such as charity drives and bond-selling campaigns.

Section (c) protects a basic constitutional right of the individual employee to be free of official pressure on him to engage in any civic or political activity or undertaking which might involve him as a private citizen, but which has no relation to his Federal employment. It preserves his freedom of thought and expression, including his right to keep silent, or to remain inactive.

This section will place a statutory bar against the recurrence of employee complaints such as the following received by a Member of the Senate:

"Dear Senator——: On ——, 1966, a group of Treasury Department administrators were called to Miami for a conference led by ——, Treasury Personnel Officer, with regard to new revisions in chapter 713 of the Treasury Personnel Manual."

Over the years the Treasury Department has placed special emphasis on the hiring of Negroes under the equal employment opportunity program, and considerable progress in that regard has been made. However, the emphasis of the present conferences was that our efforts in the field of equal employment opportunity have not been sufficient. Under the leadership of President Johnson and based on his strong statement with regard to the need for direct action to cure the basic causes leading to discrimination, the Treasury Department has now issued specific instructions requiring all supervisors and line managers to become actively and aggressively involved in the total civil rights problem.

The requirements laid down by chapter 713 and its appendix include participation in such groups as the Urban League, NAACP, et cetera (these are named specifically) and involvement in the total community action program, including open housing, integration of schools, et cetera.

The policies laid down in this regulation, as verbally explained by the Treasury representatives at the conference, go far beyond any concept of employee personnel responsibility previously expressed. In essence, this regulation requiring every Treasury manager or supervisor to become a social worker, both during his official hours and on his own time. This was only tangentially referred to in the regulation and its appendages, but was brought out forcefully in verbal statements by Mr. —— and ——. Frankly, this is tremendously disturbing to me and to many of the other persons with whom I have discussed the matter. We do not deny the need for strong action in the field of civil rights, but we do sincerely question the authority of our Government to lay out requirements to be met on our own time which are repugnant to our personal beliefs and desires.

The question was asked as to what disciplinary measures would be taken against individuals declining to participate in these community action programs. The reply was given by the equal employment officer, that such refusal would constitute an undesirable work attitude bordering on insubordination and should at the very least be reflected on the annual efficiency rating of the employee.

The principles expressed in these regulations and in this conference strike me as being of highly dangerous potential. If we, who have no connection with welfare or social programs, can be required to take time from our full-time responsibilities in our particular agencies and from the hours normally reserved for our own refreshment and recreation to work toward integration of white neighborhoods, integration of schools by artificial means, and to train Negroes who have not availed themselves of the public schooling available, then it would seem quite possible that under other leadership, we could be required to perform other actions which would actually be detrimental to the interests of our Nation.

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Testifying on the issue of reporting outside activities, the American Civil Liberties Union representative commented:

"To the extent that individuals are apprehensive they are going to have to, at some future time, tell the Government about what organizations they have belonged to or been associated with, that is going to inhibit them in their willingness to explore all kinds of ideas, their willingness to hear speakers, their willingness to do all kinds of things. That has almost as deadening an effect on free speech in a democracy as if the opportunities were actually cut off.

"The feeling of inhibition which these kinds of questions cause is as dangerous, it seems to me, as if the Government were making actual edicts."

Witnesses gave other examples of invasion of employees' private lives which would be halted by passage of the bill.

In the southwest a division chief dispatched a buck slip to his group supervisors demanding: "the names * * * of employees * * * who are participating in any activities including such things as: PTA in integrated schools, sports activities which are inter-social, and such things as Great Books discussion groups which have integrated memberships."

* * * * *

In a Washington office of the Department of Defense, a branch chief by telephone asked supervisors to obtain from employees the names of any organizations they belonged to. The purpose apparently was to obtain invitations for Federal Government officials to speak before such organizations.

* * * * *

Reports have come to the subcommittee that the Federal Maritime Commission, pursuant to civil service regulations, requested employees to participate in community activities to improve the employability of minority groups, and to report to the chairman any outside activities.

* * * * *

In addition to such directives, many other instances involving this type of restriction have come to the attention of the subcommittee over a period of years. For example, some agencies have either prohibited flatly, or required employees to report, all contacts, social or otherwise, with Members of Congress or congressional staff members. In many cases reported to the subcommittee, officials have taken reprisals against employees who communicated with their Congressmen and have issued directives threatening such action.

* * * * *

The Civil Service Commission on its Form 85 for nonsensitive positions requires an individual to list: "Organizations with which affiliated (past and present) other than religious or political organizations or those with religious or political affiliations (if none, so state)."

* * * * *

### PRIVACY INVASIONS IN INTERVIEWS, INTERROGATIONS, AND PERSONALITY TESTS

Although it does not outlaw all of the unwarranted personal prying to which employees and applicants are now subjected, section 1(e) of the reported bill will prohibit the more serious invasions of personal privacy reported. The subcommittee believes it will also result in limitations beyond its specific prohibitions by encouraging administrative adherence to the principles it reflects.

It will halt mass programs in which, as a general rule, agency officials conduct interviews during which they require or request applicants or employees to reveal intimate details about their habits, thoughts, and attitudes on matters unrelated to their qualifications and ability to perform a job.

It will also halt individual interrogations such as that involving an 18-year-old college sophomore applying for a summer job as secretary at a Federal department.

In the course of an interview with a department investigator, she was asked wide-ranging personal questions. For instance, regarding a boy whom she was dating, she was asked questions which denoted assumptions made by the investigator, such as:

Did he abuse you?

Did he do anything unnatural with you? You didn't get pregnant, did you?

There's kissing, petting, and intercourse, and after that, did he force you to do anything to him, or did he do anything to you?

The parent of this student wrote:

"This interview greatly transcended the bounds of normal areas and many probing personal questions were propounded. Most questions were leading and either a negative or positive answer results in an appearance of self-incrimination. During this experience, my husband was on an unaccompanied tour of duty in Korea and I attempted alone, without success, to do battle with the Department.

"I called and was denied any opportunity to review what had been recorded in my daughter's file. Likewise my daughter was denied any review of the file in order to verify or refute any of the record made by the State Department interviewer. This entire matter was handled as if applicants for State Department employment must subject themselves to the personal and intimate questions and abdicate all claims to personal rights and privileges.

"As a result of this improper intrusion into my daughter's privacy which caused all great mental anguish, I had her application for employment withdrawn from the State Department. This loss of income made her college education that much more difficult.

"Upon my husband's return, we discussed this entire situation and felt rather than subjecting her again to the sanctioned methods of Government investigation we would have her work for private industry. This she did in the summer of 1966, with great success and without embarrassing or humiliating Gestapo-type investigation."

Upon subcommittee investigation of this case, the Department indicated that this was not a unique case, because it used a "uniform policy in handling the applications of summer employees as followed with all other applicant categories." It stated that its procedure under Executive Order 10450 is a basic one "used by the Department and other executive agencies concerning the processing of any category of applicants who will be dealing with sensitive, classified material." Its only other comment on the case was to assure that "any information developed during the course of any of our investigations that is of a medical nature, is referred to our Medical Division for proper evaluation and judgment." In response to a request for copies of departmental guidelines governing such investigations and interviews, the subcommittee was told they were classified.

Section 1(e) would protect every employee and every civilian who offers his services to his Government from indiscriminate and unauthorized requests to submit to any test designed to elicit such information as the following:

My sex life is satisfactory.

I have never been in trouble because of my sex behavior.

Everything is turning out just like the prophets of the Bible said it would.

I loved my father.

I am very strongly attracted by members of my own sex.

I go to church almost every week.

I believe in the second coming of Christ.

I believe in a life hereafter.

I have never indulged in any unusual sex practices.

I am worried about sex matters.

I am very religious (more than most people).

I loved my mother.

I believe there is a Devil and a Hell in afterlife.

I believe there is a God.

Once in a while I feel hate toward members of my family whom I usually love.

I wish I were not bothered by thoughts about sex.

The subcommittee hearings in 1965 on "Psychological tests and constitutional rights" and its subsequent investigations support the need for such statutory prohibitions on the use of tests.

In another case, the subcommittee was told, a woman was questioned for 6 hours "about every aspect of her sex life—real, imagined, and gossiped—with an intensity that could only have been the product of inordinate salacious minds."

The specific limitation on the three areas of questioning proscribed in S. 1035 in no way is intended as a grant of authority to continue or initiate the official eliciting of

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personal data from individuals on subjects not directly proscribed. It would prohibit investigators, or personnel, security and medical specialists from indiscriminately requiring or requesting the individual to supply, orally or through tests, data on religion, family, or sex. It does not prevent a physician from doing so if he has reason to believe the employee is "suffering from mental illness" and believes the information is necessary to make a diagnosis. Such a standard is stricter than the board "fitness for duty" standard now generally applied by psychiatrists and physicians in the interviews and testing which an employee can be requested and required to undergo.

There is nothing in this section to prohibit an official from advising an individual of a specific charge of sexual misconduct and affording him an opportunity to refute the charge voluntarily.

### POLYGRAPHS

Section 1(f) makes it unlawful for any officer of any executive department or agency or any person acting under his authority to require or request or attempt to require or request any civilian employee or any applicant for employment to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs, practices or concerning his attitude or conduct with respect to sexual matters. While this section does not eliminate the use of so-called lie detectors by Government, it assures that where such devices are used for these purposes it will be only in limited areas.

John McCart, representing the Government Employees Council of AFL–CIO, supported this section of the bill, citing a 1965 report by a special subcommittee of the AFL–CIO executive council that:

"The use of lie detectors violates basic considerations of human dignity in that they involve the invasion of privacy, self-incrimination, and the concept of guilt until proven innocent."

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Congressional investigation[2] has shown that there is no scientific validation for the effectiveness or accuracy of lie detectors. Yet despite this and the invasion of privacy involved, lie detectors are being used or may be used in various agencies of the Federal Government for purposes of screening applicants or for pursuing investigations.

This section of the bill is based on complaints such as the following received by the subcommittee:

"When I graduated from college in 1965, I applied at NSA. I went to 2 days of testing, which apparently I passed because the interviewer seemed pleased and he told me that they could always find a place for someone with my type of degree.

"About one month later, I reported for a polygraph test at an office on Wisconsin Avenue in the District or just over the District line in Maryland. I talked with the polygraph operator, a young man around 25 years of age. He explained how the machine worked, etc. He ran through some of the questions before he attached the wires to me. Some of the questions I can remember are—

"'When was the first time you had sexual relations with a woman?

"'How many times have you had sexual intercourse?

"'Have you ever engaged in homosexual activities?

"'Have you ever engaged in sexual activities with an animal?

"'When was the first time you had intercourse with your wife?

"'Did you have intercourse with her before you were married? How many times?'"

"He also asked questions about my parents, Communist activities, etc. I remember that I thought this thing was pretty outrageous, but the operator assured me that he asked everybody the same questions and he has heard all the answers before, it just didn't mean a thing to him. I wondered how he could get away with asking a girl those kind of questions.

"When I was finished, I felt as though I had been in a 15 round championship boxing match. I felt exhausted. I made up my mind then and there that I wouldn't take the job even if they wanted me to take it. Also, I concluded that I would never again apply for a job with the Government, especially where they make you take one of these tests."

Commenting on this complaint, the subcommittee chairman observed:

"Certainly such practices should not be tolerated even by agencies charged with security missions. Surely, the financial, scientific, and investigative resources of the Federal Government are sufficient to determine whether a person is a security risk, without strapping an applicant to a machine and subjecting him to salacious questioning. The Federal Bureau of Investigation does not use personality tests or polygraphs on applicants for employment. I fail to see why the National Security Agency finds them so fascinating."

### COERCION TO BUY BONDS AND CONTRIBUTE TO CAUSES

The hearing record and subcommittee complaint files amply document the need for statutory protections against all forms of coercion of employees to buy bonds and contribute to causes. Involved here is the freedom of the individual to invest and donate his money as he sees fit, without official coercion. As the subcommittee chairman explained:

"It certainly seems to me that each Federal employee, like any other citizen in the United States, is the best judge of his capacity, in the light of his financial obligations, to participate or decide whether he will participate and the extent of his participation in a bond drive. That is a basic determination which he and he alone should make.

"I think there is an interference with fundamental rights when coercion of a psychological or economic nature is brought on a Federal employee, even to make him do right. I think a man has to have a choice of acting unwisely as well as wisely, if he is going to have any freedom at all."

The subcommittee has received from employees and their organizations numerous reports of intimidation, threats of loss of job, and security clearances and of denial of promotion for employees who do not participate to the extent supervisors wish. The hearing record contains examples of documented cases of reprisals, many of which have been investigated at the subcommittee's request and confirmed by the agency involved. It is apparent that policy statements and administrative rules are not sufficient to protect individuals from such coercion.

The president of the United Federation of Postal Clerks informed the subcommittee:

"Section 1, paragraph (i) of S. 3779 is particularly important to all Federal employees and certainly to our postal clerks. The extreme arm-twisting coercion, and pressure tactics exerted by some postmasters on our members earlier this year during the savings bond drive must not be permitted at any future time in the Government service.

"Our union received complaints from all over the country where low paid postal clerks, most having the almost impossible problem of trying to support a family and exist on substandard wages, were practically being ordered to sign up for purchase of U.S. savings bonds, or else. The patriotism of our postal employees cannot be challenged. I recently was advised that almost 75 percent of postal workers are veterans of the Armed Forces and have proven their loyalty and patriotism to this great country of ours in the battlefield in many wars. Yet, some postmasters questioned this patriotism and loyalty if any employee could not afford to purchase a savings bond during the drive."

The president of the National Association of Government Employees testified:

"We are aware of instances wherein employees were told that if they failed to participate in the bond program they would be frozen in their position without promotional opportunities.

"In another agency the names of individuals who did not participate were posted for all to see. We have been made aware of this situation for some years and we know that Congress has been advised of the many instances and injustices Federal employees faced concerning their refusal or inability to purchase bonds.

"Certainly, the Government, which has thousands of public relations men in its agencies and departments, should be capable of promoting a bond program that does not include the sledge-hammer approach."

Some concern has been expressed by officials of the United Community Funds and Councils of America, the American Heart Association Inc., and other charitable organizations, that the bill would hamper their campaigns in Federal agencies.

For this reason, the bill contains a proviso to express the intent of the sponsors that officials may still schedule meetings and take any appropriate action to publicize campaigns and to afford employees the opportunity to invest or donate their money voluntarily. It is felt that this section leaves a wide scope for reasonable action in promoting bond selling and charity drives.

The bill will prohibit such practices as were reported to the subcommittee in the following complaints:

"We have not yet sold our former home and cannot afford to buy bonds while we have both mortgage payments and rental payments to meet. Yet I have been forced to buy bonds, as I was told the policy at this base is, "Buy bonds or Bye Bye."

"In short, after moving 1,700 miles for the good of the Government, I was told I would be fired if I didn't invest my money as my employer directed. I cannot afford to buy bonds, but I can't afford to be fired even more.

* * * * *

"Not only were we forced to buy bonds, but our superiors stood by the time clock with the blanks for the United Givers Fund, and refused to let us leave until we signed up. I am afraid to sign my name, but I am employed at * * *."

* * * * *

A representative of the 14th District Department of the American Federation of Government Employees, Lodge 421 reported:

"The case of a GS–13 professional employee who has had the misfortune this past year of underwriting the expenses incurred by the last illness and death of both his mother and father just prior to this recent bond drive. This employee had been unofficially informed by his supervisor that he had been selected for a then existing GS–14 vacancy. When it became known that he was declining to increase his participation in the savings bond drive by increasing his payroll deduction for that purpose, he was informed that he might as well, in effect, kiss that grade 14 goodby."

### DISCLOSURE OF ASSETS, DEBTS, AND PROPERTY

Sections (i) and (j) meet a need for imposing a reasonable statutory limitation on the extent to which an employee must reveal the details of his or his family's personal finances, debts, or ownership of property.

The subcommittee believes that the conflict-of-interest statutes, and the many other laws governing conduct of employees, together with appropriate implementing regulations, are sufficient to protect the Government from dishonest employees. More zealous informational activities on the part of management were recommended by witnesses in lieu of the many questionnaires now required.

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[2] Hearings and reports on the use of polygraphs as "lie detectors," by the Federal Government before a Subcommittee of the House Committee on Government Operations, April 1964 through 1966.

The employee criticism of such inquiries was summarized as follows:

"There are ample laws on the statute books dealing with fraudulent employment, conflicts of interest, etc. The invasion of privacy of the individual employee is serious enough, but the invasion of the privacy of family, relatives and children of the employee is an outrage against a free society.

"This forced financial disclosure has caused serious moral problems and feelings by employees that the agencies distrust their integrity. We do not doubt that if every employee was required to file an absolutely honest financial disclosure, that a few, though insignificant number of conflict-of-interest cases may result. However, the discovery of the few legal infractions could in no way justify the damaging effects of forced disclosures of a private nature. Further, it is our opinion that those who are intent on engaging in activities which result in a conflict of interest would hardly supply that information on a questionnaire or financial statement. Many employees have indicated that rather than subject their families to any such unwarranted invasion of their right to privacy, that they are seriously considering other employment outside of Government."

The bill will reduce to reasonable proportions such inquiries as the following questionnaire, which many thousands of employees have periodically been required to submit.

(Questionnaire follows:)

CONFIDENTIAL STATEMENT OF EMPLOYMENT AND FINANCIAL INTERESTS

(For use by regular Government employees)

Name, (Last, First, Initial) ------------

Title of position------------------------

Date of appointment in present position

Organization location (Operating agency, bureau, division) ----------------------

*Part I. Employment and financial interests*

List the names of all corporations, companies, firms, or other business enterprises, partnerships; nonprofit organizations, and educational, or other institutions: (a) with which you are connected as an employee, officer, owner, director, member, trustee, partner, adviser, or consultant; or (b) in which you have any continuing financial interests, through a pension or retirement plan, shared income, or other arrangement as a result of any current or prior employment or business or professional association; or (c) in which you have any financial interest through the ownership of stock, stock options, bonds, securities or other arrangements including trusts. If none, write None.

Name and kind or organization (use Part 1 designations where applicable) ----------

Address ----------------------------

Position in organization (Use Part 1(a) designations, if applicable) --------------

Nature of financial interest, e.g., stocks, prior income (Use Part 1(b) & (c) designations if applicable) --------------------

*Part II. Creditors*

List the names of your creditors other than those to whom you may be indebted by reason of a mortgage on property which you occupy as a personal resident or to whom you may be indebted for current and ordinary household and living expenses such as household furnishings, automobile, education, vacation, and similar expenses. If none, write None.

Name and address of creditor-----------

Character of indebtedness, e.g., personal loan, note, security------------------------

*Part III. Interests in real property*

List your interest in real property or rights in lands, other than property which you occupy as a personal residence. If none, write None.

Nature of interest, e.g., ownership, mortgage, lien, investment trust---------------

Type of property, e.g., residence, hotel, apartment, undeveloped land---------------

Address (if rural, give RFD or county and State) --------------------------------

*Part IV. Information requested of other persons*

If any information is to be supplied by other persons, e.g., trustee, attorney, accountant, relative, please indicate the name and address of such persons, the date upon which you requested that the information be supplied, and the nature of subject matter involved. If none, write None.

Name and address------------------------

Date of request--------------------------

Nature of subject matter----------------

(This space reserved for additional instructions.)

I certify that the statements I have made are true, complete, and correct to the best of my knowledge and belief.

Date --------------------------------

Signature ----------------------------

The vagueness of the standards for requiring such a broad surrender of privacy is illustrated by the Civil Service Commission's regulation applying this to any employee whose duties have an "economic impact on a non-Federal enterprise."

Also eliminated will be questionnaires asking employees to list "all assets, or everything you and your immediate family own, including date acquired and cost or fair market value at acquisition. (Cash in banks, cash anywhere else, due from others—loans, et cetera, automobiles, securities, real estate, cash surrender of life insurance; personal effects and household furnishings and other assets.)"

The view of the president of the United Federation of Postal Clerks reflected the testimony of many witnesses endorsing sections 1 (i) and (j) of the bill.

"If the conflict-of-interest questionnaire is of doubtful value in preventing conflict of interest, as we believe, we can only conclude that it does not meet the test of essentiality and that it should be proscribed as an unwarranted invasion of employee privacy. Such value as it may have in focusing employee attention upon the problem of conflict of interest and bringing to light honest oversights that may lead to conflict of interest could surely be achieved by drawing attention to the 26 or more laws pertaining to conflict of interest or by more zealous information activities on the part of management."

The complex problem of preserving the confidential nature of such reports was described by officials of the National Association of Internal Revenue Employees:

"The present abundance of financial questionnaires provides ample material for even more abusive personnel practices. It is almost inevitable that this confidential information cannot remain confidential. Typically, the financial questionnaire is filed with an employee's immediate supervisor. The net worth statements ultimately go into inspection, but they pass through the hands of local personnel administrators. We have received a great number of disturbing reports—as have you—that this information about employees' private affairs is being used for improper purposes, such as enforced retirement and the like."

Inadequacies in agency procedures for obtaining such information from employees and for reviewing and storing it, are discussed in the Subcommittee report for the 89th Congress, 2d Session. Widely disparate attitudes and practices are also revealed in a Subcommittee study contained in the appendix of the printed hearings on S. 3779.

The bill will make such complaints as the following unnecessary in the future conduct of the Federal Government:

"DEAR SENATOR ERVIN: I am writing to applaud the stand you have taken on the new requirement that Federal employees in certain grades and categories disclose their financial holdings to their immediate superior. Having been a civil service employee for 26 years, and advanced from GS-4 to GS-15, and been cleared for top secret during World War II, and because I currently hold a position that involves the disposition of hundreds of thousands of the taxpayers' money, it is my conviction that my morality and trustworthiness are already a matter of record in the files of the Federal Government.

"The requirement that my husband's financial assets be reported, as well as my own assets and those we hold jointly, was particularly offensive, since my husband is the head of our household and is not employed by Government.

"You might also be interested in the face that it required 6 hours of after-hours work on our part to hunt up all the information called for and prepare the report. Since the extent of our assets is our private business, it was necessary that I type the material myself, an added chore since I am not a typist.

"Our assets have been derived, in the main, from laying aside a portion of our earnings. At our ages (64 and 58) we would be far less deserving of respect had we not made the prudent provisions for our retirement which our assets and the income they earn represent. Yet this reporting requirement carries with it the implication that to have "clean hands" it would be best to have no assets or outside, unearned income when you work for the Federal Government.

"For your information I am a GS-15, earning $19,415 * * *

"Thank you for speaking out for the continually maligned civil servant.

"Sincerely yours,

"_____, _____."

DEAR SENATOR ERVIN: I am a GS-12 career employee with over 15 years service.

The highest moral and ethical conduct has been my goal in each of my positions of employment and I have found this to be true of a vast majority of my fellow workers. It may be true a few people do put material gain ahead of their ethics but generally these people are in the higher echelons of office where their influence is much greater.

Our office has recently directed each employee from file clerk to the heads of sections to file a "Statement of Financial Interest." As our office has no programs individuals could have a financial interest in and especially no connections with FHA I feel it is no one's business but my own what real estate I own. I do not have a FHA mortgage or any other real property and have no outside employment, hence have nothing to hide by filing a blank form. Few Government workers can afford much real property. The principal of reporting to "Big Brother" in every phase of your private life to me is very degrading, highly unethical and very unquestionable as to its effectiveness. If I could and did use my position in some way to make a profit I would be stupid to report it on an agency inquiry form. What makes officials think reporting will do away with graft?

When the directive came out many man-hours of productive work were lost in discussions and griping. Daily since that date at some time during the day someone brings up the subject. The supervisors filed their reports as "good" examples but even they objected to this inquiry.

No single thing was ever asked of Government employees that caused such a decline in their morale. We desperately need a "bill of rights" to protect ourselves from any further invasion of our private lives.

Fifteen years ago I committed myself to Government service because: (a) I felt an obligation to the Government due to my education under the GI bill, (b) I could obtain freedom from pressures of unions, (c) I could obtain freedom from invasion of my private life and (d) I would be given the opportunity to advance based solely on my professional ability and not on personal politics. At this point I certainly regret my decision to make the Government my career.

Sincerely,

———, ———.

DEAR SENATOR: I write to beg your support of a "Bill of Rights" to protect Federal employees from official snooping which was introduced by Senator Ervin of North Carolina.

I am a veteran of two wars and have orders to a third war as a ready reservist. And I know why I serve in these wars: that is to prevent the forces of tyranny from invading America.

Now, as a Federal employee I must fill out a questionnaire giving details of my financial status. This is required if I am to continue working. I know that this information can be made available to every official in Washington, including those who want to regulate specific details of my life.

Now I am no longer a free American. For example, I can no longer buy stock of a foreign company because that country may be in disfavor with officials of the right or left. And I cannot "own part of America" by buying common stocks until an "approved list" is published by my superiors.

I can never borrow money because an agent may decide that debt makes me susceptible to bribery by agents of an enemy power. Nor do I dare own property lest some official may decide I should sell or rent to a person or group not of my choosing.

In short, I am no longer free to plan my own financial program for the future security of my family. In 1 day I was robbed of the freedom for which I fought two wars. This is a sickening feeling, you may be sure.

It seems plain that a deep, moral issue is involved here that concerns every citizen. If this thing is allowed to continue, tomorrow or next year every citizen may come under the Inquisition. The dossier on every citizen will be on file for the use of any person or group having enough overt or covert power to gain access to them.

Sincerely,

———, ———.

In August 1966 Federal employees who were retired from the armed services were told to complete and return within 7 days, with their social security numbers, a 15-page questionnaire, asking, among other things:

"How much did you earn in 1965 in wages, salary, commissions, or tips from all jobs?

"How much did you earn in 1965 in profits or fees from working in your own business, professional practice, partnership, or farm?

"How much did you receive in 1965 from social security, pensions (nonmilitary), rent (minus expenses), interests or dividends, unemployment insurance, welfare payments, or from any other source not already entered?

"How much did other members of your family earn in 1965 in wages, salary, commissions or tips? (Before any deductions.) (For this question, a family consists of two or more persons in the same household who are related to each other by blood, marriage, or adoption.) If the exact amount is not known, give your best estimate.

"How much did other members of your family earn in 1965 in profits or fees from working in their own business, professional practices, partnership, or farm?

"How much did any other member of your family receive in 1965 from social security, pensions, rent (minus expenses), interest or dividends, unemployment insurance, welfare payments; or from any other source not already entered?"

### RIGHT TO COUNSEL

Section 1(k) of the bill guarantees to Federal workers the opportunity of asking the presence of legal counsel, of a friend or other person when undergoing an official interrogation or investigation that could lead to the loss of their jobs or to disciplinary action.

The merits of this clause are manifold; not least of which is that uniformity and order it will bring to the present crazy quilt practices of the various agencies concerning the right to counsel for employees facing disciplinary investigations or possible loss of security clearances tantamount to loss of employment. The Civil Service Commission regulations are silent on this critical issue. In the absence of any Commission initiative or standard, therefore, the employing agencies are pursuing widely disparate practices. To judge from the questionnaires and other evidence before the subcommittee, a few agencies appear to afford a legitimate right to counsel, probably many more do not, and still others prescribe a "right" on paper but hedge it in such a fashion as to discourage its exercise. Some apparently do not set any regulatory standard, but handle the problem on an ad hoc basis.

On a matter as critical as this, such a pointless diversity of practice is poor policy. So far as job-protection rights are concerned, all Federal employees should be equal.

A second anomaly in the present state of affairs derives from recent developments in the law of the sixth amendment by the Supreme Court. In view of the decisions of *Miranda* v. *Arizona*, 384 U.S. 436 and *Escobedo* v. *Illinois*, 378 U.S. 478, it is clear that any person (including Federal employees) who is suspected of a crime is absolutely entitled to counsel before being subjected to custodial interrogation. Accordingly, some agencies, such as the Internal Revenue Service, acknowledge an unqualified right to counsel for an employee suspected of crime but decline to do the same for coworkers threatened with the loss of their livelihoods for noncriminal reasons. In the subcommittee's view, this discrimination in favor of the criminal suspect is both bad personnel policy as well as bad law. It would be corrected by this section of the bill.

The ultimate justification for the "right-to-counsel" clause, however, is the Constitution itself. There is no longer any serious doubt that Federal employees are entitled to due process of law as an incident of their employment relation. Once, of course, the courts felt otherwise, holding that absent explicit statutory limitation, the power of the executive to deal with employees was virtually unfettered.

The doctrinal underpinning of this rule was the 19th-century notion that the employment relation is not tangible "property." Both the rule and its underpinning have now been reexamined. The Supreme Court in recent years has emphasized the necessity of providing procedural due process where a man is deprived of his job or livelihood by governmental action.

While the courts have as yet had no occasion to articulate a specific right to counsel in the employment relationship, there can obviously be no doubt that the right to counsel is of such a fundamental character that it is among the essential ingredients of due process. What is at stake for an employee in a discharge proceeding—often including personal humiliation, obloquy and penury—is just as serious as that involved in a criminal trial. This is not to suggest that all the incidents of our civilized standard of a fair trial can or should be imported into Federal discharge proceedings. But if we are to have fair play for Federal employees, the right of counsel is a sine qua non. It is of a piece with the highest traditions, the fairest laws, and the soundest policy that this country has produced. And, in the judgment of this subcommittee, the clear affirmation of this basic right is very long overdue.

The need for such protection was confirmed at the hearings by all representatives of Government employee organizations and unions.

The president of the National Association of Letter Carriers testified:

"It is a practice in the postal inspection service, when an employee is called in for questioning by the inspectors on a strictly postal matter that does not involve a felony, to deny the right of counsel. The inspectors interrogate the employee at length and, at the completion of the interrogation, one of the inspectors writes out a statement and pressures the employee to sign it before he leaves the room. We have frequently asked the postal inspection service to permit these employees to have counsel present at the time of the interrogation. The right for such counsel has been denied in all except a few cases. If the employee is charged with a felony, then, of course, the law takes over and the right for counsel is clearly established but in other investigations and interrogations no counsel is permitted."

Several agencies contend that right to counsel is now granted in formal adverse action proceedings and that appeals procedures make this section unnecessary for informal questioning. Testimony and complaints from employees indicate that this machinery does not effectively secure the opportunity of the employee to defend himself early enough in the investigation to allow a meaningful defense.

The predicament of postal employees as described at the hearings reflects the situation in other agencies as reported in many individual cases sent to the subcommittee. While it is undoubtedly true that in some simple questioning, counsel may not be necessary, in many matters where interrogation will result in disciplinary action, failure to have counsel at the first level reacts against the employee all the way up through the appeal and review. In the case of a postal employee, the subcommittee was told—

"The first level is at the working foreman's level. He is the author of the charges; then the case proceeds to the postmaster, who appointed the foreman and, if the individual is found guilty of the charge at the first level, it is almost inevitable that this position will be supported on the second level. The third level is the regional level, and the policy there is usually that of supporting the local postmaster. A disinterested party is never reached. The fourth level is the Appeals Board, composed of officials appointed by the Postmaster General. In some cases, the region will overrule the postmaster, but certainly the individual does not have what one could style an impartial appeals procedure."

Employees charged with no crime have been subjected to intensive interrogations by Defense Department investigators who

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ask intimate questions, make sweeping allegations, and threaten dire consequences unless consent is given to polygraph tests. Employees have been ordered to confess orally or to write and sign statements. Such interviews have been conducted after denial of the employee's request for presence of supervisor, counsel, or friend, and in several instances the interrogations have resulted in revocation of a security clearance, or denial of access to classified information by transfer or reassignment, with the resulting loss of promotion opportunities.

Witnesses testified that employees have no recourse against the consequences of formal charges based on information and statements acquired during a preliminary investigation. This renders meaningless the distinction urged by the Civil Service Commission between formal and informal proceedings.

### EXCEPTIONS

The act, under section 9, does not apply to the Federal Bureau of Investigation. Furthermore, section 6 provides that nothing in the act will prohibit an official of the Central Intelligence Agency and the National Security Agency from requesting any employee or applicant to take a polygraph test or a psychological test, or to provide a personal financial statement designed to elicit the personal information protected under subsections 1 (e), (f), (i), and (j). In such cases, the Director of the agency or his designee must make a personal finding with regard to each individual to be tested or examined that such test or information is required to protect the national security.

An exception to the right-to-counsel section has been provided to limit this right for employees in the Central Intelligence Agency and the National Security Agency to a person who serves in the same agency or a counsel cleared by the agency for access to the information involved. Obviously, it is expected that the employee's right to be accompanied by the person of his choice will not be denied unless that person's access to the information for the purpose of the case is clearly inconsistent with the national security. Other committee language in S. 782 recognizes problems unique to these two agencies. For instance, section 7 requires exhaustion of remedies by employees of the Central Intelligence Agency and the National Security Agency and states that the act does not affect whatever existing statutory authority these agencies now possess to terminate employment. Section 8 is designed to assure that nothing in the act is construed to affect negatively any existing statutory or executive authority of the Directors of the Central Intelligence Agency and National Security Agency to protect their information in cases involving their employees. Consequently, procedures commended to the subcommittee by the Director of the Central Intelligence Agency are spelled out for asserting that authority in certain proceedings arising under the act. Other committee amendments to S. 1035, as detailed earlier, were adopted to meet administrative requirements of the Federal security program and the intelligence community as well as the management needs of the executive branch.

### ENFORCEMENT

Enforcement of the rights guaranteed in sections 1 and 2 of the bill is lodged in the administrative and civil remedies and sanctions of sections 3, 4, and 5. Crucial to enforcement of the act is the creation of an independent Board of Employee Rights to determine the need for disciplinary action against civilian and military offenders under the act and to provide relief from violations.

Testimony at the hearing as well as investigation of complaints have demonstrated that in the area of employee rights, a right is only as secure as its enforcement. There is overwhelming evidence that employees have heretofore frequently lacked appropriate remedies either in the courts or the Civil Service Commission for pursuing rights which belong to them as citizens.

Under the remedies afforded by sections 3, 4, and 5 of the bill, an employee who believes his rights are violated under the act has several courses of action:

(1) He may pursue a remedy through the agency procedures established to enforce the act, but the fact that he does not choose to avail himself of these does not preclude exercise of his right to seek other remedies.

(2) He may register his complaint with the Board on Employee Rights and obtain a hearing. If he loses there, he may appeal to the district court, which has the power to examine the record as a whole and to affirm, modify, or set aside any determination or order, or to require the Board to take any action it was authorized to take under the act.

(3) He may, instead of going directly to the Board, institute a civil action in Federal district court to prevent the threatened violation, or obtain complete redress against the consequences of the violation.

He does not need to exhaust any administrative remedies but if he elects to pursue his civil remedies in the court under section 4, he may not seek redress through the Board. Similarly, if he initiates action before the Board under section 5, he may not also seek relief from the court under section 4.

The bill does not affect any authority, right or privilege accorded under Executive Order 11491 governing employee-management cooperation in the Federal service. To the extent that there is any overlapping of subject matter, the bill simply provides an additional remedy.

### THE BOARD ON EMPLOYEE RIGHTS

As a result of hearings on S. 3779, the section creating a Board on Employee Rights was added to the bill for introduction as S. 1035.

Employees have complained that administrative grievance procedures have often proved ineffective because they are cumbersome, time-consuming, and weighted on the side of management. Not only do those who break the rules go unpunished many times, but the fearful tenor of letters and telephone calls from throughout the country indicate that employees fear reprisals for noncompliance with improper requests or for filing of complaints and grievances. Oral and written directives of warning to this effect have been verified by the subcommittee. Section 1(e) of the bill, therefore, prevents reprisals for exercise of rights granted under the act and in such event accords the individual cause for complaint before the Board or the court.

Concerning the original bill in the 89th Congress, which did not provide for a board, representatives of the 14th department of the American Federation of Government Employees commented that the remedies are the most important aspects of such a bill because "unless due process procedures are explicitly provided, the remaining provisions of the bill may be easily ignored or circumvented by Federal personnel management. As a matter of fact, we believe, the reason employees' rights have been eroded so rapidly and so devastatingly in the last few years is the absence of efficient, expeditious, uniform, and legislatively well defined procedures of due process in the executive departments of the Federal Government."

An independent and nonpartisan Board is assured by congressional participation in its selection and by the fact that no member is to be a government employee. Provision is made for congressional monitoring through detailed reports.

Senator Ervin explained the function of the Board established by section 5 as follows:

"The bill sets up a new independent Federal agency with authority to receive complaints and make rulings on complaints—complaints of individual employees or unions representing employees. This independent agency, which would not be subject in any way to the executive branch of the Government, would be authorized to make rulings on these matters in the first instance. It would make a ruling on action in a particular agency or department that is an alleged violation of the provisions of the bill, with authority either on the part of the agency or the part of the individual or on the part of the union to take an appeal from the ruling of this independent agency to the Federal court for judicial review."

Throughout its study the subcommittee found that a major area of concern is the tendency in the review process in the courts or agencies to do no more than examine the lawfulness of the action or decision about which the employee has complained. For purposes of enforcing the act, sections 3, 4, and 5 assure adequate machinery for processing complaints and for prompt and impartial determination of the fairness and constitutionality of general policies and practices initiated at the highest agency levels or by the Civil Service Commission or by Executive order.

Finding no effective recourse against administrative actions and policies which they believed unfair or in violation of their rights, individual employees and their families turned to Congress for redress. Opening the hearings on invasions of privacy, Senator Ervin stated:

"Never in the history of the Subcommittee on Constitutional Rights have we been so overwhelmed with personal complaints, phone calls, letters, telegrams, and office visits. In all of our investigations I have never seen anything to equal the outrage and indignation from Government employees, their families, and their friends. It is obvious that appropriate remedies are not to be found in the executive branch.

"The complaints of privacy invasions have multiplied so rapidly of late that it is beyond the resources of Congress and its staff to repel effectively each individual official encroachment. Each new program brings a new wave of protest."

Prof. Alan Westin, director of the Science and Law Committee of the Bar Association of the city of New York, testified that these complaints "have been triggered by the fact that we do not yet have the kind of executive branch mechanism by which employees can lodge their sense of discomfort with personnel practices in the Federal Government and feel that they will get a fair hearing, that they will secure what could be called 'employment due process.'"

To meet this problem, Professor Westin proposed an independent board subject to judicial review, and with enforcement power over a broad statutory standard governing all invasion of privacy. Although it is continuing to study this proposal, the subcommittee has temporarily rejected this approach in the interest of achieving immediate enforcement of the act and providing administrative remedies for its violation. For this reason it supports the creation of a limited Board on Employee Rights.

Perhaps one of the most important sections of the bill, if not the most important section, according to the United Federation of Postal Clerks, is the provision establishing the Board. The subcommittee was told—

"It would appear absolutely essential that any final legislation enacted into law must necessarily include such a provision. We can offer no suggestions for improvement of this section. As presently constituted the section is easily understood; and the most excellent and inclusive definition of the proposed "Board on Employees' Rights" which could possibly be enacted into law. It defines the right of employees to challenge violations of the proposed act; defines the procedures involved, as well as the authority of the Board, penalties for violation of the act, as well as establishing the right of judicial review for an aggrieved party, and finally provides for congressional review, and in effect, an annual audit by the Congress of all complaints, decisions, orders, and other related information resulting from activities and operations of the proposed act."

### *Sanctions*

The need for sanctions against offending officials has been evident throughout the subcommittee's investigation of flagrant disregard of basic rights and unpunished flaunting of administrative guidelines and prohibitions. It was for this reason that S. 3779 of the 89th Congress and S. 1035, as introduced, contained criminal penalties for offenders and afforded broad civil remedies and penalties.

Reporting on the experiences of the American Civil Liberties Union in such employee cases, Lawrence Speiser testified:

"In filing complaints with agencies, including the Civil Service Commission, the Army and the Navy, as I have during the period of time I have worked here in Washington, I have never been informed of any disciplinary action taken against any investigator for asking improper questions, for engaging in improper investigative techniques, for barring counsel when a person had a right to have counsel, or for a violation of any number of things that you have in this bill. Maybe some was taken, but I certainly couldn't get that information out of the agencies, after making the complaints. I would suggest that the bill also encompass provision for disciplinary action that would be taken against Federal employees who violate any of these rights that you have set out in the bill."

Other witnesses also pointed to the need for the disciplinary measures afforded by the powers of an independent Board to determine the need for corrective action and punishment, and felt they would be more effective than criminal penalties.

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In view of the difficulty of filing criminal charges and obtaining prosecution and conviction of executive branch officials which might render the criminal enforcement provision meaningless for employees, a subcommittee amendment deleted the criminal penalties in section 4 from the bill as reported.[3]

Although the Civil Service Commission and the executive agencies have advocated placing such administrative remedies within the civil service grievance and appeals system, the subcommittee believes that the key to effective enforcement of the unique rights recognized by this act lies in the employee's recourse to an independent body.

"The theory of our Government," Professor Westin testified, "is that there should be somewhere within the executive branch where this kind of malpractice is corrected and that good administration ought to provide for control of supervision or other practices that are not proper. But the sheer size of the Federal Establishment, the ambiguity of the relationship of the Civil Service Commission to employees, and the many different interests that the Civil Service Commission has to bear in its role in the Federal Government, suggest that it is not an effective instrument for this kind of complaint procedure."

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## SECTION-BY-SECTION ANALYSIS

### SECTION 1

#### *Section 1(a)*

**Section 1(a) makes it unlawful for a Federal official of any department or agency to** require or request, or to attempt to require or request, any civilian employee of the United States serving in the department or agency or any person seeking employment to disclose his race, religion, or national origin, or the race, religion, or national origin of any of his forebears.

This section does not prohibit inquiry concerning citizenship of such individual if his citizenship is a statutory condition of his obtaining or retaining his employment. Nor does it preclude inquiry of the individual concerning his national origin or citizenship or that of his forebears when such inquiry is thought necessary or advisable in order to determine suitability for assignment to activities or undertakings related to national security within the United States or to activities or undertakings of any nature outside the United States.

This provision is directed at any practice which places the employee or applicant under compulsion to reveal such information as a condition of the employment relation. It is intended to implement the concept underlying the Federal merit system by which a person's race, religion, or national origin have no bearing on his right to be considered for Federal employment or on his right to retain a Federal position. This prohibition does not limit the existing authority or the executive branch to acquire such information by means other than self-disclosure.

#### *Section 1(b)*

Section 1(b) makes it unlawful for any officer of any executive department or executive agency of the U.S. Government, or for any person acting or purporting to act under this authority, to state, intimate, or to attempt to state or intimate, to any civilian employee of the United States serving in the department or agency that any notice will be taken of his attendance or lack of attendance at any assemblage, discussion, or lecture held or called by any officer of the executive branch of the U.S. Government, or by any person acting or purporting to act under his authority, or by any outside parties or organizations to advise, instruct, or indoctrinate any civilian employee of the United States serving in the department or agency in respect to any matter or subject other than (1) the performance of official duties to which he is or may be assigned in the department or agency, or (2) the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

Nothing contained in this section is to be construed to prohibit taking notice of the participation of a civilian employee in the activities of any professional group or association.

This provision is designed to protect any employee from compulsion to attend meetings, discussions, and lectures on political, social, and economic subjects unrelated to his duties. It prevents Government officials from using the employment relationship to attempt to influence employee thoughts, attitudes, and actions on subjects which may be of concern to them as private citizens. In particular, this language is directed at practices and policies which in effect require attendance at such functions, including official lists of those attending or not attending; its purpose is to prohibit threats, direct or implied, written or oral, or official retaliation for nonattendance.

This section does not affect existing authority for providing information designed to promote the health and safety of employees. Nor does it affect existing authority to call meetings for the purpose of publicizing and giving notice of activities or service, sponsored by the department or agency, or campaigns such as charitable fund campaigns and savings bond drives.

#### *Section 1(c)*

Section 1(c) makes it unlawful for any officer of any executive department or agency or for any person acting or purporting to act under his authority, to require or request or to attempt to require or request any civilian employee serving in the department or agency to participate in any way in any activities or undertakings unless they are related to the performance of official duties to which he is or may be assigned in the department or agency or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties.

This section is directed against official practices, requests, or orders that an employee take part in any civic function, political program, or community endeavor, or other activity which he might enjoy as a private citizen, but which is unrelated to his employment. It does not affect any existing authority to use appropriate techniques for publicizing existence of community programs such as blood-donation drives, or agency programs, benefits or services, and for affording opportunity for employee participation if he desires.

#### *Section 1(d)*

Section 1(d) makes it unlawful for any officer of any executive department or agency, or for any person acting under his authority to require or request or attempt to require or request, any civilian employee serving in the department or agency to make any report of his activities or undertakings unless they are related to the performance of official duties or to the development of skills, knowledge, or abilities which qualify him for the performance of such duties, or (2) unless there is reason to believe that the employee is engaged in outside activities or employment in conflict with his official duties.

This section is a minimum guarantee of the freedom of an employee to participate or not to participate in any endeavor or activity in his private life as a citizen, free of compulsion to report to supervisors his action or his inaction, his involvement or his noninvolvement. This section is to assure that in his private thoughts, actions, and activities he is free of intimidation or inhibition as a result of the employment relation.

The exceptions to the prohibition are not legislative mandates to require such information in those circumstances, but merely provide, an area of executive discretion for reasonable management purposes and for observance and enforcement of existing laws governing employee conduct and conflicts of interest.

#### *Section 1(e)*

Section 1(e) makes it unlawful for any officer of any executive department or agency, or any person acting under his authority, to require or request any civilian employee serving in the department or agency, or any person applying for employment as a civilian employee to submit to any interrogation or examination or to take any psychological test designed to elicit from him any information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

In accordance with an amendment made after hearings on S. 3779, a proviso is included to assure that nothing contained in this section shall be construed to prevent a physician from eliciting such information or authorizing such test in the diagnosis or treatment of any civilian employee or applicant where he feels the information is necessary to enable him to determine whether or not the individual is suffering from mental illness. The bill as introduced limited this inquiry to psychiatrists, but an amendment extended it to physicians, since the subcommittee was told that when no psychiatrist is available, it may be necessary for a general physician to obtain this information in determining the presence of mental illness and the need for further treatment.

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[3] In the 89th Congress, S. 1035.

This medical determination is to be made in individual cases and not pursuant to general practice or regulation governing the examination of employees or applicants according to grade, agency, or duties.

Under an amendment to the bill, this language is not to be construed to prohibit an official from advising an employee or applicant of a specific charge of sexual misconduct made against that person and affording him an opportunity to refute the charge. While providing no authority to request or demand such information, the section does not prevent an official who has received charges of misconduct which might have a detrimental effect on the person's employment, from obtaining a clarification of the matter if the employee wishes to provide it.

This section would not prohibit all personality tests but merely those questions on the tests which inquire into the three areas in which citizens have a right to keep their thoughts to themselves.

It raises the criterion for requiring such personal information from the general "fitness for duty" test to the need for diagnosing or treating mental illness. The second proviso is designed to prohibit mass-testing programs. The language of this section provides guidelines for the various personnel and medical specialists whose practices and determinations may invade employee personal privacy and thereby affect the individual's employment prospects or opportunities for advancement.

An amendment in section 6 provided an exception to this prohibition in the case of the use of such psychological tests by the Central Intelligence Agency and the National Security Agency, only if the Director of the agency or his designee makes a personal finding that the information is necessary to protect the national security.

### *Section 1(f)*

Section 1(f) makes it unlawful for any officer of any executive department or agency or any person acting under his authority, to require or request or attempt to require or request any civilian employee or any applicant for employment to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices or concerning his attitude or conduct with respect to sexual matters. While this section does not eliminate entirely the use of so-called lie detectors in Government, it assures that where such devices are used, officials may not inquire into matters which are of a personal nature.

As with psychological testing, the Central Intelligence Agency and the National Security Agency, under section 6, are not prohibited from acquiring such information by polygraph, provided certain conditions are met.

### *Section 1(g)*

Section 1(g) makes it illegal for an official to require or request an employee under his management to support the nomination or election of anyone to public office through personal endeavor, financial contribution, or any other thing of value. An employee may not be required or requested to attend any meeting held to promote or support the activities or undertakings of any political party in the United States.

The purpose of this section is to assure that the employee is free from any job-related pressures to conform his thoughts and attitudes and actions in political matters unrelated to his job to those of his supervisors. With respect to his superiors, it protects him in the privacy of his contribution or lack of contribution to the civic affairs and political life of his community, State and Nation. In particular, it protects him from commands or requests of his employer to buy tickets to fundraising functions, or to attend such functions, to compile position papers or research material for political purposes, or make any other contribution which constitutes a political act or which places him in the position of publicly expressing his support or nonsupport of a party or candidate. This section also assures that, although there is no evidence of such activities at present, no Federal agency may in the future improperly involve itself in the undertakings of any political party in the United States, its territories, or possessions.

### *Section 1(h)*

Section 1(h) makes it illegal for an official to coerce or attempt to coerce any civilian employee in the department or agency to invest his earnings in bonds or other government obligations or securities, or to make donations to any institution or cause. This section does not prohibit officials from calling meetings or taking any other appropriate action to afford employees the opportunity voluntarily to invest his earnings in bonds or other obligations or voluntarily to make donations to any institution or cause. Appropriate action, in the committee's view, might include publicity and other forms of persuasions short of job-related pressures, threats, intimidation, reprisals of various types, and "blacklists" circulated through the employee's office or agency to publicize his noncompliance.

### *Section 1(i)*

Section 1(i) makes it illegal for an official to require or request any civilian employee in the department or agency to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditures or those of any member of his family. Exempted from coverage under this provision is any civilian employee who has authority to make any final determination with respect to the tax or other liability to the United States of any person, corporation, or other legal entity, or with respect to claims which require expenditure of Federal moneys. Section 6 provides certain exemptions for two security agencies.

Neither the Department of the Treasury nor any other executive department or agency is prohibited under this section from requiring any civilian employee to make such reports as may be necessary or appropriate for the determination of his liability for taxes, tariffs, custom duties, or other obligations imposed by law. This proviso is to assure that Federal employees may be subject to any reporting or disclosure requirements demanded by any law applicable to all persons in certain circumstances.

### *Section 1(j)*

Section 1(j) makes it illegal to require or request any civilian employee exempted from application of section 3(i) under the first proviso of that section, to disclose any items of his property, income, or other assets, source of income, or liabilities, or his personal or domestic expenditure or those of any member of his family or household other than specific items tending to indicate a conflict of interest in respect to the performance of any of the official duties to which he is or may be assigned.

This section is designed to abolish and prohibit broad general inquiries which employees have likened to "fishing expeditions" and to confine any disclosure requirements imposed on an employee to reasonable inquiries about job-related financial interests. This does not preclude, therefore, questioning in individual cases where there is reason to believe the employee has a conflict of interest with his official duties.

### *Section 1(k)*

Section 1(k) makes it unlawful for a Federal official of any department or agency to require or request, or attempt to require or request, a civilian employee who is under investigation for misconduct, to submit to interrogation which could lead to disciplinary action without the presence of counsel or other person of his choice, if he wishes.

This section is intended to rectify a longstanding denial of due process by which agency investigators and other officials prohibit or discourage presence of counsel or a friend. This provision is directed at any interrogation which could lead to loss of job, pay, security clearance, or denial of promotion rights.

This right insures to the employee at the inception of the investigation, and the section does not require that the employee be accused formally of any wrongdoing before he may request presence of counsel or friend. The section does not require the agency or department to furnish counsel.

A committee amendment to S. 782 adds a proviso that a civilian employee serving in the Central Intelligence Agency or the National Security Agency may be accompanied only by a person of his choice who serves in the agency in which the employee serves, or by counsel who has been approved by the agency for access to the information involved.

### *Section 1(l)*

Section 1(l) makes it unlawful for a Federal official of any department or agency to discharge, discipline, demote, deny promotion, relocate, reassign, or otherwise impair existing terms or conditions of employment of any employee, or threaten to commit any such acts, because the employee has refused or failed to comply with any action made unlawful by this act or exercised any any right granted by the act.

This section prohibits discrimination against any employee because he refuses to comply with an illegal order as defined by this act or takes advantage of a legal right embodied in the act.

### SECTION 2

Section 2(a) makes it unlawful for any officer of the U.S. Civil Service Commission or any person acting or purporting to act under his authority to require or request, or attempt to require or request, any executive department or any executive agency of the U.S. Government, or any officer or employee serving in such department or agency, to violate any of the provisions of section 1 of this act.

Specifically, this section is intended to ensure that the Civil Service Commission, acting as the coordinating policymaking body in the area of Federal civilian employment shall be subject to the same strictures as the individual departments or agencies.

Section 2(b) makes it unlawful for any officer of the U.S. Civil Service Commission, or any person acting or purporting to act under his authority, to require or request, or attempt to require or request, any person seeking to establish civil service status or eligibility for civilian employment, or any person applying for employment, or any civilian employee of the United States serving in any department or agency, to submit to any interrogation or examination or to take any psychological test which is designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

This section is intended to assure that the Civil Service Commission shall be subject to the same prohibitions to which departments and agencies are subject in sections 1 (e) and (f). The provisions contained in section 1(e) are restated here to assure that nothing in this section is to be construed to prohibit a physician from acquiring such data to determine mental illness, or an official from informing an individual of a specific charge of sexual misconduct and affording him an opportunity to refute the charge.

Section 2(c) makes it unlawful for any offi-

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cer of the U.S. Civil Service Commission to require or request any person seeking to establish civil service status or eligibility for employment, or any person applying for employment in the executive branch of the U.S. Government, or any civilian employee serving in any department or agency to take any polygraph test designed to elicit from him information concerning his personal relationship with any person connected with him by blood or marriage, or concerning his religious beliefs or practices, or concerning his attitude or conduct with respect to sexual matters.

This section applies the provisions of section 1(f) to the Civil Service Commission in instances where it has authority over agency personnel practices or in cases in which its officials request information from the applicant or employee.

### SECTION 3

This section applies the act to military supervisors by making violations of the act also violations of the Uniform Code of Military Justice.

### SECTION 4

Section 4 provides civil remedies for violation of the act by granting an applicant or employee the right to bring a civil action in the Federal district court for a court order to halt the violation, or to obtain complete redress against the consequences of the violation. The action may be brought in his own behalf or in behalf of himself and others similarly situated, and the action may be filed against the offending officer or person in the Federal district court for the district in which the violation occurs or is threatened, or in the district in which the offending officer or person is found, or in the District Court for the District of Columbia.

The court hearing the case shall have jurisdiction to adjudicate the civil action without regard to the actuality or amount of pecuniary injury done or threatened. Moreover, the suit may be maintained without regard to whether or not the aggrieved party has exhausted available administrative remedies. If the individual complainant has pursued his relief through administrative remedies established for enforcement of the act and has obtained complete protection against threatened violations or complete redress for violations, this relief may be pleaded in bar of the suit. The court is empowered to provide whatever broad equitable and legal relief it may deem necessary to afford full protection to the aggrieved party; such relief may include restraining orders, interlocutory injunctions, permanent injunctions, mandatory injunctions, or such other judgments or decrees as may be necessary under the circumstances.

Another provision of section 4 would permit an aggrieved person to give written consent to any employee organization to bring a civil action on his behalf, or to intervene in such action. "Employee organizations" as used in this section includes any brotherhood, council, federation, organization, union, or professional association made up in whole or in part of Federal civilian employees, and which deals with departments, agencies, commissions, and independent agencies regarding employee matters.

A committee amendment provides that the Attorney General shall defend officers or persons who acted pursuant to an order, regulation, or directive, or who, in his opinion, did not willfully violate the provisions of the act.

### SECTION 5

Section 5 establishes an independent Board on Employees' Rights, to provide employees with an alternative means of obtaining administrative relief from violations of the act, short of recourse to the judicial system.

Section 5(a) provides for a Board composed of three members, appointed by the President with the consent of the Senate. No member shall be an employee of the U.S. Government and no more than two members may be of the same political party. The President shall designate one member as Chairman.

Section 5(b) defines the term of office for members of the Board, providing that one member of the initial Board shall serve for 5 years, one for 3 years, one for 1 year from the date of enactment; any member appointed to fill a vacancy in one of these terms shall be appointed for the remainder of the term. Thereafter, each member shall be appointed for 5 years.

Section 5(c) establishes the compensation for Board members at $75 for each day spent working in the work of the Board, plus actual travel expenses and per diem in lieu of subsistence expenses when away from their usual places of residence.

Section 5(d) provides that two members of the Board shall constitute a quorum for the transaction of business.

Section 5(e) provides that the Board may appoint and fix the compensation of necessary employees, and make such expenditures necessary to carry out the functions of the Board.

Section 5(f) authorizes the Board to make necessary rules and regulations to carry out its functions.

Section 5(g) provides that the Board shall have the authority and duty to receive and investigate written complaints from or on behalf of any person claiming to be affected or aggrieved by any violation or threatened violation of this act, and to conduct a hearing on each such complaint. Moreover, within 10 days after the receipt of such a complaint, the Board must furnish notice of time, place, and nature of the hearing to all interested parties, and within 30 days after concluding the hearing, it must render its final decision regarding any complaint.

Section 5(h) provides that officers or representatives of any employee organization in any degree concerned with employment of the category in which the violation or threat occurs, shall be given an opportunity to participate in the hearing through submission of written data, views, or arguments. In the discretion of the Board they are to be afforded an opportunity for oral presentation. This section further provides that Government employees called upon by any party or by any Federal employee organization to participate in any phase of any administrative or judicial proceeding under this section shall be free to do so without incurring travel cost or loss in leave or pay. They shall be free from restraint, coercion, interference, intimidation, or reprisal in or because of their participation. Any periods of time spent by Government employees during such proceedings shall be held to be Federal employment for all purposes.

Section 5(i) applies to the Board hearings the provisions of the Administrative Procedure Act relating to notice and conduct of hearings insofar as consistent with the purpose of this section.

Section 5(j) requires the Board, if it determines after a hearing that this act has not been violated, to state such determination and notify all interested parties of the findings. This determination shall constitute a final decision of the Board for purposes of judicial review.

Section 5(k) specifies the action to be taken by the Board if, after a hearing, it determines that any violation of this act has been committed or threatened. In such case, the Board shall immediately issue and cause to be served on the offending officer or employee an order requiring him to cease and desist from the unlawful practice or act. The Board is to endeavor to eliminate the unlawful act or practice by informal methods of conference, conciliation, and persuasion.

Within its discretion, the Board may, in the case of a first offense, issue an official reprimand against the offending officer or employee, or order the employee suspended from his position without pay for a period not exceeding 15 days. In the case of a second or subsequent offense, the Board may order the offending officer or employee suspended without pay for a period not exceeding 30 days, or may order his removal from office.

Officers appointed by the President, by and with the advice and consent of the Senate, are specifically excluded from the application of these disciplinary measures; but the section provides that, in the case of a violation of this act by such individuals, the Board may transmit a report concerning such violation to the President and the Congress.

Section 5(l) provides for Board action when any officer of the Armed Forces of the United States or any person acting under his authority violates the act. In such event, the Board shall (1) submit a report to the President, the Congress, and to the Secretary of the military department concerned, (2) endeavor to eliminate any unlawful act or practice through informal methods of conference, conciliation, and persuasion, and (3) refer its determination and the record in the case to any person authorized to convene general courts-martial under section 822 (article 22) of title 10, United States Code. When this determination and report is received, the person designated shall immediately dispose of the matter under the provision of chapter 47 of title 10 of the United States Code.

Section 5(m) provides that when any party disagrees with an order or final determination of the Board, he may institute a civil action for judicial review in the Federal district court for the district wherein the violation or threatened violation occurred, or in the District Court for the District of Columbia.

The court has jurisdiction to (1) affirm, modify, or set aside any determination or order made by the Board, or (2) require the Board to make any determination or order which it is authorized to make under section 5(k) but which it has refused to make. In considering the record as a whole, the court is to set aside any finding, conclusion, determination, or order of the Board unsupported by substantial evidence.

The type of review envisioned here is similar to that obtained under the Administrative Procedure Act in such cases but this section affords a somewhat enlarged scope for consideration of the case than is now generally accorded on appeal of employee cases. The court here has more discretion for action on its own initiative. To the extent that they are consistent with this section, the provisions for judicial review in title 5 of the United States Code would apply.

Section 5(n) provides for congressional review by directing the Board to submit to the Senate and to the House of Representatives an annual report which must include a statement concerning the nature of all complaints filed with it, the determinations and orders resulting from hearings, and the names of all officers or employees against whom any penalties have been imposed under this section.

Section 5(o) provides an appropriation of $100,000 for the Board on Employee Rights.

### SECTION 6

Section 6 provides that nothing in the act shall be construed to prohibit an officer of the Central Intelligence Agency or of the National Security Agency, under specific conditions, from requesting an applicant or employee to submit a personal financial statement of the type defined in subsections 1 (i) and (j) or to take any polygraph or psychological test designed to elicit the personal information protected under subsection 1(e) or 1(f).

In these agencies, such information may be acquired from the employee or applicant by such methods only if the Director of the agency or his designee makes a personal finding with regard to each individual that such test or information is required to protect the national security.

### SECTION 7

Section 7 requires, in effect, that employees of the Central Intelligence Agency and the National Security Agency exhaust their administrative remedies before invoking the provisions of section 4 (the Board on Employee Rights) or section 5 (the Federal court action). An employee, his representative, or any organization acting in his behalf, must first submit a written complaint to the agency and afford it 120 days to prevent the threatened violation or to redress the actual violation. A proviso states that nothing in the act affects any existing legal authority of the Central Intelligence Agency under 50 U.S.C. 403(c) or of the National Security Agency under 50 U.S.C. 833 to terminate employment.

### SECTION 8

Section 8 provides that nothing in the act shall be construed to affect in any way authority of the directors of the Central Intelligence Agency or the National Security Agency to protect or withhold information pursuant to statute or executive order. In cases involving his employees, the personal certification by the Director of the agency that disclosure of any information is inconsistent with the provision of any statute or executive order is to be conclusive and no such information shall be admissible in evidence in any civil action under section 4 or in any proceeding or civil action under section 5. Nor may such information be receivable in the record of any interrogation of an employee under section 1(k).

### SECTION 9

Section 9 provides that the Federal Bureau of Investigation shall be excluded from the provisions of this act.

### SECTION 10

Section 10 provides that nothing contained in sections 4 or 5 shall be construed to prevent the establishment of department and agency grievance procedures to enforce this act. The section makes it clear that the existence of such procedures are not to preclude any applicant or employee from pursuing any other available remedies. However, if under the procedures established by an agency, the complainant has obtained complete protection against threatened violations, or complete redress for violations, such relief may be pleaded in bar in the U.S. district court or in proceedings before the Board on Employee Rights.

Furthermore, an employee may not seek his remedy through both the Board and the court. If he elects to pursue his remedies through the Board under section 5, for instance, he waives his right under section 4 to take his case directly to the district court.

### SECTION 11

Section 11 is the standard severability clause.

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## CONSTRUCTION OR ACQUISITION OF EDUCATIONAL FACILITIES IN SCHOOL DISTRICTS IN CLOSE PROXIMITY TO INDIAN RESERVATIONS

The Senate proceeded to consider the joint resolution (S.J. Res. 144) to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools, and to provide proper housing and educational opportunities for Indian children attending these public schools, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, on page 3, after line 18, strike out:

SEC. 2. For the purpose of carrying out the provisions of this joint resolution, there is authorized to be appropriated, for the fiscal year commencing July 1, 1970, the sum of $7,500,000, and for each of the two next succeeding fiscal years, the sum of $7,500,000, such funds to remain available until expended.

And, in lieu thereof, insert:

SEC. 2. For the purpose of carrying out the provisions of this joint resolution, there is authorized to be appropriated $27,400,000 annually for each of the fiscal years 1971, 1972, and 1973. Such sums shall remain available until expended.

So as to make the joint resolution with the preamble read:

To provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunity for Indian children attending these public schools.

Whereas it is the responsibility of the Federal Government to provide educational opportunities to Indian children living on Indian reservations or on Indian land in the proximity of reservations; and

Whereas the Secretary of the Interior has found it practicable and advisable to educate Indian children in the public schools;

Whereas sufficient schools have not been constructed by the Federal Government to provide for the education of Indian children in some areas of Indian reservations served by public school districts; and

Whereas these public school districts are bonded to the limit and are unable to provide facilities, which forces many of the Indian children to attend schools in dilapidated barracks and quonset huts, or to leave the reservation to attend Indian boarding schools in other States; and

Whereas the Indians desire that their children attend public schools in their immediate locality; and

Whereas the public school districts are willing to accept the Indian children if funds can be obtained to construct adequate facilities; and

Whereas the Bureau of Indian Affairs has facilities where necessary in connection with new school facilities; and

Whereas the cost to the Govcernment of educating the Indian children in these areas would be decreased if provision is made for them to attend public schools in the area in which they presently reside: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is authorized to enter into a contract or contracts with any State or local educational agency for the purpose of assisting such agency in the construction or acquisition of classrooms and other facilities in school districts adjacent or in close proximity to Indian reservations necessary for the education of Indians residing on any such reservation. Any such contract entered into by the Secretary pursuant to this joint resolution shall contain provisions requiring such contracting agency to—

(1) provide Indian students attending such facilities in any school district the same standard of education as provided non-Indian students in such district;

(2) operate such facilities as a part of the public school system and provide a program of instruction meeting the standards required by such State or local educational agency for other public schools under the jurisdiction or control of such agency; and

(3) meet, with respect to such facilities acquired or constructed pursuant to such contract, the requirements of the State and local building codes, and other building standards set by any such State or local educational agency for other public school facilities under its jurisdiction or control.

SEC. 2. For the purpose of carrying out the provisions of this joint resolution, there is authorized to be appropriated $27,400,000 annually for each of the fiscal years 1971, 1972, and 1973. Such sums shall remain available until expended.

**Mr. MONTOYA.** Mr. President, I wish to express my strong support for the resolution, Senate Joint Resolution 144, now before us to provide additional funds for the construction of schools near Indian reservations.

I am pleased to have joined my distinguished colleague from New Mexico, Senator CLINTON ANDERSON, in cosponsoring this important measure. Basically, Senate Joint Resolution 144 would authorize the appropriation of construction funds to assist local public school districts in the education of Indian children who reside on reservations and Indian lands near reservations in proximity of public school districts.

In the past, assistance to these school districts under Public Law 815 has proven wholly inadequate. Actual appropriations under this law have been negligible, and there is at present a tremendous backlog of applications under Public Law 815. Under no circumstances can we continue to depend on this source for meaningful assistance for school districts with large numbers of Indian children.

Even should Public Law 815 funds be forthcoming for these school districts, these funds relate only to classroom space. The needs of school districts responsible for educating Indian children, whose parents are not taxpaying Federal Government workers or military personnel extend far beyond classroom construction. Funds are also needed for cafeteria, libraries, and recreation facilities.

Enactment of Senate Joint Resolution 144 would go far to meet these needs. It would permit public school districts to provide high quality education for Indian children without removing the children from their homes and sending them to distant boarding schools. If the school districts are to be adequate to the task of educating Indian children attending schools within their boundaries, financial assistance must be afforded them.

I commend the Senate Committee on Interior and Insular Affairs for recognizing the need for this legislation and acting promptly in reporting it to the Senate floor. I am pleased this committee has, appropriately, raised the authorization figure in the resolution to more realistically reflect the true requirement. The resolution provides $27.4 million annually for the next 3 fiscal years. This figure compares to the total need of $82,175,000, estimated by the Bureau of Indian Affairs.

Mr. President, I think this is a small amount to ask for, considering the scope of the problem. These funds would make possible direct assistance from the Bureau of Indian Affairs, and school districts receiving such assistance would be required to provide Indian students with the same educational standards as are

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provided non-Indian students. This proposal represents an intelligent and critically needed solution—at least in part—to the crisis we face in Indian education.

I urge my colleagues in the Senate to join me in support of this important legislation.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–874), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE

The purpose of Senate Joint Resolution 144, introduced by Senator Anderson, for himself, Senator Montoya and several other cosponsors, is to provide for the appropriation of funds to aid public school districts near Indian reservations in the construction of classrooms, housing and other necessary educational facilities for Indian children attending these schools.

### NEED

There are today approximately 120,500 Indian children attending public elementary and secondary schools in or near Indian areas and another 52,000 are attending Bureau of Indian Affairs schools. Some 17,000 Indian children are attending mission or parochial schools. In each of these three categories of schools there are unmet construction needs. In the case of Bureau schools, there is an unfunded construction backlog need of some $200 million. The committee has no information on the needs of the mission and the parochial schools but it is well known that such needs do exist and that such schools are generally in increasing financial distress and some are closing thereby increasing the need for additional school facilities in those areas.

At the request of Senator Anderson, the Bureau of Indian Affairs has furnished an estimate of the total construction needs for public schools that serve Indian children in or near Indian areas. The list of the estimates for the various States, which totals some $82.2 million, is as follows:

*Estimate of public school construction needs in Indian areas*

| State: | *Amount* |
|---|---|
| Alaska | $1,000,000 |
| Arizona | 20,000,000 |
| Colorado | (1) |
| Idaho | (1) |
| Iowa | 150,000 |
| Kansas | 130,000 |
| Minnesota | 2,500,000 |
| Montana | 5,055,000 |
| Nebraska | 2,390,000 |
| Nevada | 1,500,000 |
| New Mexico | 40,000,000 |
| North Dakota | 795,000 |
| Oklahoma | 155,000 |
| Oregon | 500,000 |
| South Dakota | 4,500,000 |
| Washington | 1,500,000 |
| Wisconsin | 1,500,000 |
| Wyoming | 500,000 |
| Total | 82,175,000 |

[1] Not available.

For many years the Congress has been advised that the movement of Indian children away from boarding schools and Bureau of Indian Affairs day schools and into the public system should be accelerated. The Meriam Report of 1928, the survey report of the Bureau of Indian Affairs made in 1954, the report to the Secretary of the Interior by the Task Force on Indian Affairs in 1961, the President's message of March 6, 1968, and most recently the 1959 Report of the Special Subcommittee on Indian Education of the Senate Committee on Labor and Public Welfare have very strongly urged that Indian children receive their education in public schools near the reservations.

Enactment of Senate Joint Resolution 144 is recommended because assistance from other sources, such as Public Law 81–815 funds, has proven to be totally inadequate to meet Indian education needs. Even when money is available under Public Law 815, a local school district may obtain funds only for construction directly related to classroom space. This restriction may be a valid one when taken in reference to facilities in a district having adequate school income and used by non-Indian students whose parents are taxpaying Federal Government workers or military personnel. However, the education of Indian children is a totally different and unrelated Federal obligation. Funds spent on facilities for Indian children should not be considered as expenditures which merely supplement existing school budgets. These funds are necessary for every construction need a given school facility may encounter, including cafeterias, libraries and recreation facilities. A very small tax base as well as chronic poverty conditions exist in many school districts with the responsibility of educating Indian children. The end result is insufficient school income in any form.

The backlog of unfunded Public Law 815 applications is another factor to be considered. Even if Public Law 815 funds could be used for complete school facilities, there appears to be no hope of obtaining needed money from this source. Public Law 815 appropriations have fallen more than 6 years behind estimated requirements. Yet, in most school districts serving Indian children, there has been a rapid increase in the number of students. Present facilities are overcrowded and construction funds are falling further behind each year.

A long and exhaustive review of the impacted area program under Public Law 815 and the supplementary boarding school system has demonstrated that modern, State-operated educational facilities in the proximity of Indian homes are the only reasonable solution to Indian educational needs. In the long run, this approach will allow Indian children to receive a good education and at the same time remain exposed to their own time-honored traditions and social patterns.

### AMENDMENT

Senate Joint Resolution 144 would authorize funds which would enable the Secretary of the Interior to enter into contracts with State or local educational agencies to assist in the construction of acquisition of educational facilities in school districts in close proximity to Indian reservations. These contracts would contain requirements that Indian students receive the same standard of education as provided non-Indian students.

As originally introduced, this legislation provided an authorization of $7.5 million for each of the fiscal years 1971, 1972, and 1973 to meet the construction funding needed. Following receipt of information from the Bureau of Indian Affairs and various State education officials, the estimates of construction needs rose to approximately $82.2 million. The committee has adopted amendatory language to reflect the more than $80 million figure.

### COMMITTEE COMMENT

The purpose of this bill is to provide a stronger educational program for Indians both on and off the reservations. It is the intention of the committee to guarantee to the Indian students educational quality and opportunities equal to that received by students in public schools.

This committee calls for the Bureau of Indian Affairs to lend its full effort to the full funding of this authorization. The committee further urges that through this program Indian children be removed from boarding schools and placed in public schools near their homes as rapidly as possible. It is the intent and hope of the committee that boarding schools may be eliminated from the Indian education program at the earliest possible date and, further, that the responsibility for the education of Indian children be transferred to the local public school districts, where at all possible.

The Commissioner of Indian Affairs is requested to report to this committee at the end of each year for which funds are authorized by this legislation concerning:

(1) Whether or not the authorization is sufficient to accomplish the goals of Congress in improving Indian education;

(2) The progress made in transferring students from boarding schools to public schools;

(3) The progress in turning over to the States the responsibility for the education of Indian children; and

(4) Any problems that may have been encountered in carrying out the desires of this committee that better education programs be provided for the Indian students.

There may be problems, for instance, in busing children because of lack of roads. The committee would hope such needs would be outlined and recommendations be made for possible solutions. In this and other matters, the committee wishes full information from the Commissioner in his annual report. The committee cannot overemphasize its desire that this program be implemented fully and with dispatch.

### COST

The resolution, as amended, would authorize $27,400,000 for each of the fiscal years 1971, 1972 and 1973 to carry out its purposes. It is expected that appropriations for the Bureau of Indian Affairs would be reduced in a like or greater amount as Indian education responsibility is transferred to local school districts.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

Mr. MANSFIELD subsequently said: Mr. President, I ask unanimous consent that the Pastore rule not be applicable to the bills passed on the call of the calendar this morning; in other words, that the rule of germaneness will start when the unfinished business is laid before the Senate.

The PRESIDING OFFICER (Mr. MUSKIE). Without objection, it is so ordered.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from New York (Mr. JAVITS) is now recognized for 40 minutes.

Mr. JAVITS. Mr. President, I had in mind this morning presenting a series of amendments to the administration's Manpower and Training Act and explaining them to the Senate, as I am the author of the administration's bill and I feel that the situation has developed to require additional amendments and additional opportunities under the bill.

But, Mr. President, before I do that, I wish to comment on a situation which developed this morning and which I think is of the greatest importance to the country.

## THE ECONOMY

Mr. JAVITS. Mr. President, I speak now as ranking member on the minority side of the Joint Economic Committee of both Houses of Congress. It will be noted that the Chairman of the Federal Reserve Board, Arthur Burns, who used to be part of the President's staff, has urged that, in his words:

> There may be useful, albeit very modest, role for an incomes policy to play in shortening the period between suppression of excess demand and restoration of price stability.

Reportedly, in making this statement Dr. Burns who is said to have been urging President Nixon to apply generalized pressure against wage and price boosts, reiterated his long-held view that such efforts cannot work well for a long period.

Mr. President, I note also this morning that, in a speech in New York, the Secretary of Housing and Urban Development, Mr. Romney, has come out quite clearly for one of the recommendations made by the whole minority on the Joint Economic Committee.

I wish to emphasize that there are the recommendations made by the whole minority of the Joint Economic Committee.

I now wish to read them into the RECORD. It comes from the minority report in the President's Economic Report, which is the classic document issued in April of every year.

It reads as follows:

> We recommend that the administration immediately announce the inflationary implications of unusually significant wage and price decisions. The Council of Economic Advisers should calculate and make public how much each price increase adds to the wholesale or consumer price index, and indicate other prices which would be adversely affected by such an increase. It should publish specific arguments why a particular industry feels it necessary to raise its prices, and suggest Government studies of situations where particular bottlenecks or unusual supply and demand conditions exist.
>
> Similarly, on the wage front, the Council should publish the price implications of unusual collection bargaining agreements, including the timing of the wage increases under different assumptions, the productivity experience of workers in the industry, the industry's profit situation and whether industry officials feel the increases will necessitate price increases.
>
> These activities should not be considered the foundation for more detailed intervention by the Government in individual wage and price decisions. However, we see no harm in opening up price and wage decisions which significantly affect the economy to the eyes of the public. Public scrutiny could well have a salutary effect in discouraging price and wage increases that would have inflationary consequences.

Mr. President, that is the proposal of the minority of the Joint Economic Committee, now in essence backed by the Secretary of Housing and Urban Development, Mr. Romney, and indicated—although he dealt only with the principle involved—by the Chairman of the Federal Reserve Board, Mr. Burns. At one and the same time, we note that the Chairman of the Council of Economic Advisers, Dr. McCracken, apparently has rejected the idea and retained his fidelity, which represents that of the administration, to the fiscal and monetary means for dealing with the present very unsatisfactory economic situation.

However, it is worthy of note that press reports indicate that Dr. McCracken has conceded that because of changing economic conditions, management and labor would be more conducive to Government appeals to hold the price and wage line.

Now, Mr. President, I rise this morning to support the position taken by Dr. Burns and by Secretary Romney and to urge the President to adopt this view.

Later in the week, I shall be making an extensive speech on the economy outlining why I believe the economic situation of the country, present and forecast, has been brought to such a point in terms of confidence by the Vietnam war, making that an additional, major reason why we have to expedite our withdrawal from Vietnam.

In the meantime, however, there is no reason why the measures that should be taken and which are a direct result of the fact that the financial implications of the Vietnam war have been swept under the rug for years and have not been faced up to by the country, should not now be faced up to.

We can only hope to ameliorate the situation, even though it cannot be fully corrected until we get out of the Vietnam war. We ought to do everything we can to face up to the fact that we are in war. We have not done this. We have not done it in matters of taxation. We have not done it with respect to a ceiling on expenditures. We have not done it with respect to wage and price guidelines, or with respect to what Dr. Burns properly calls an "incomes policy." It is for this reason that I fully support the position of Dr. Burns and Secretary Romney, and dissent from the apparent position of Dr. McCracken.

I urge the President to pay the most serious attention to the urgent need for an "incomes policy" which will endeavor to establish some restraint upon skyrocketing wages and prices and which takes cognizance, of course, of interest rates and the shortage of money for loans for legitimate purposes in this country.

Mr. President, I hope the President will recognize that while this may not be the whole answer to the very dangerous economic condition which the country now faces, it would provide partial remedy. And right now such a partial, short-term remedy becomes a matter of the highest priority in terms of the economy of America.

I hope the President will pay very strict attention to these two outstandingly important advisers who have given him, in my judgment, exactly the right advice at the right time.

Bear in mind that this advice is backed up by the views of the minority of the Joint Economic Committee which is by no means composed of wild-eyed radicals, but is composed of some of the most solid and deep conservative thinkers on economic problems in the Senate and the House of Representatives. A complete caucus of all Republicans in the Senate also met and discussed these minority views before they were finalized.

Mr. President, I might say that I am very proud to note that the Senator from Iowa (Mr. MILLER), who was in the Chamber a moment ago, is one of the minority members on the Joint Economic Committee and has given this matter considerable thought.

I hope the President will find the time to read the views of the minority on the Joint Economic Committee.

## MANPOWER AMENDMENT TO BOOST PUBLIC SECTOR JOBS TO FIGHT HIGH UNEMPLOYMENT

### AMENDMENT NO. 634

Mr. JAVITS. Mr. President, I submit today on behalf of myself, our distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), the Senator from Massachusetts (Mr. BROOKE), the Senator from New Jersey (Mr. CASE), the Senator from Illinois (Mr. PERCY), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from Alaska (Mr. STEVENS), an amendment to the administration's proposed new Manpower Training Act (S. 2838) to provide a limited number of training job opportunities in the public sector and to trigger additional funds for such training as well as public service employment in the event that unemployment becomes especially severe.

Mr. President, it certainly appears now that it is becoming especially severe.

The amount of money and the number of jobs that I have in mind are about the basic minimum that we can count on in such a situation.

For fiscal year 1971, I propose a $500 million community service manpower program.

For fiscal year 1972, I propose an authorization of $800 million.

The average cost of a job in this situation is $6,000.

Under the proposal which I have introduced by way of amendment, it would provide approximately 83,300 public service jobs in the first year and an additional 49,700 in the second year, making an aggregate of 133,000 in the second year.

This amendment would insure that the Manpower Training Act specifically includes a basic program of public service employment.

My proposal would not be a make-work program of the WPA type that characterized our efforts throughout the great depression of the thirties. Nor would it be a program proceeding on the concept of Government as the employer of last resort that does not have any limitations.

I propose a program which recognizes the real need of the public sector, the occupational links between that sector and the private sector, and the necessity of providing community service in such a way as to respect the needs of the individuals and to provide for the advancement of the individuals involved.

Under the proposed amendment, a community-service manpower program would be developed on the basis both of an analysis and an organization of tasks and skills into a career hierarchy with

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increasing responsibility and pay within the employer agency.

Thus the persons trained under these programs will be, unlike those programs in the past, trained for real jobs and opportunities for career advancement.

The programs would be developed and coordinated with secondary, postsecondary, and higher education programs qualifying persons for advancement, and even with paraprofessional opportunities commensurate with their ability, education, and experience.

Under the State plan, employer agencies granted funds for support of employment would be required to specify in specific terms the type of career opportunities involved.

And all State and local public agencies involved in the formulation and conduct of programs under the act would be required to review their task and skill requirements, including civil service requirements, in accordance with regulations promulgated by the Secretary of Labor. Technical assistance would be provided for this purpose and to train supervisory and adult basic-education personnel to analyze and to develop career opportunities.

Also, the amendment would authorize technical assistance for the organization of local service companies. In some cases this has been done. For example, it has been done in the case of companies providing basic public services. These companies would be owned in substantial part by low-income individuals. They would be established to provide essential services by contract with municipalities. There would be encouragement under this amendment for the utilization of this kind of corporation by governmental entities.

The proposed amendment would provide additional funds for training and employment in the public sector.

I mentioned before that in the event unemployment becomes especially severe in this country, I am providing for increased appropriations on a step-by-step basis, so that if the pressure of unemployment increases, the amount of funds available for training for public service jobs would increase also.

The trigger would be basically the same as the administration's trigger in the Manpower Training Act—that is, if the national unemployment average is 4.5 percent and continues for more than three consecutive months, that would operate the trigger under the act.

Under the administration's proposed act, an additional 10 percent of appropriations would be provided in that event. At current appropriations levels, this would result in approximately $160 million in additional funds a year.

The way in which my amendment deals with the matter is to step that up at the rate of another $100 million for every two-tenths of 1 percent increase in the national unemployment level continuing for more than 3 months.

On that basis, with a 5.5 percent national unemployment average, the additional appropriations would be $700 million instead of $200 million. This would be available with respect to community service programs to be utilized for public service job training.

Mr. President, this is a very major improvement, because the real problem which we face in this situation is to keep pace quickly enough and automatically enough with the seriously deteriorating economic situation, instead of having rescue parties in the Congress, which we have seen happen before.

The big problem that should spark us into action is the unevenness of the impact of unemployment because the jobless rate hits hardest among blacks. While there is now an unemployment rate of 4.8 percent, black people have an unemployment rate of 8 percent. It hits hardest in the poverty areas where it is up around 20 percent; and it hits hardest among teenagers, especially among black teenagers living in ghettos, whose rate of unemployment has now gone up to 32 percent. One-third of black teenagers living in ghettos are unemployed. Some 200,000 more young persons were out of work last month than in the previous month, which reflects the most unsettling influence in our slums and ghettos.

These cold statistics reflect shocking social problems.

Mr. President, we can no longer engage merely in academic discussions as to what does or does not constitute acceptable or tolerable unemplyment.

We have the responsibility as Members of this Congress to take action to deal with the unemployment situation which we face. Mr. President, ironically, while we face serious unemployment, we urgently need personnel to implement our new commitment to save our physical environment and to satisfy our unmet obligations to redeem our social environment.

A recent study completed for the Department of Labor and the Department of Health, Education, and Welfare by the National Planning Association concludes that achievement of the national goals determined by the Presidential Commission on National Goals will more than double by 1975, our public service employments needs of 1962.

Our present public service employment opportunities, as identified in a study completed in 1965 for OEO, corroborate this finding. According to the OEO study, 4.3 million new jobs could be filled in public service if Government were to fulfill its obligations in these activities. A 1968 study by the Upjohn Institute projects that in 130 cities with a population of 100,000 or more there are 280,000 such unfilled slots in those cities above.

And yet ironically, we continue to tell more than 20 million poor—approximately 10 percent of our entire population—that the road away from poverty to economic dignity, is traveled by those who work.

Here is work crying to be given if there were those to fill the jobs. As the Upjohn Institute study indicated, in 130 cities with a population of 100,000 or more there are 280,000 unfilled jobs.

With our public-service needs and our unemployment situation in mind, the minority members of the Joint Economic Committee—which includes Senators MILLER, JORDAN, PERCY, and myself—recommended, on March 25, 1970, that the administration consider a limited number of public sector jobs as well as training, to deal with rising unemployment.

This thesis has powerful support in the administration by the Secretary of Housing and Urban Development. I hope very much that the President may see the rightness of this matter and join in it.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an explanation of the proposed amendment, together with its text, a memorandum detailing our public service needs, and materials issued by the Department of Labor on this subject, one entitled "The Unemployment Situation: April 1970," and the other entitled "The Unemployment Situation in Urban Poverty Neighborhoods: First Quarter 1970."

The ACTING PRESIDENT pro tempore (Mr. METCALF). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD together with the explanation, the memorandum, and the materials referred to.

The amendment (No. 634) was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

### AMENDMENT No. 634

On page 17 between lines 16 and 17, insert the following:

"(7) Provide for community service manpower programs to be carried out in eligible areas of a State."

On page 17, line 17, strike out "(7)" and insert in lieu thereof "(8)".

On page 27, line 10, strike out "programs providing work experience" and insert in lieu thereof "work experience programs and community service manpower programs."

On page 28, between lines 11 and 12, insert the following new section:

"SPECIAL CONDITIONS RELATING TO COMMUNITY SERVICE MANPOWER PROGRAMS

"SEC. 110(a) No financial assistance under Section 611(b) for any community service manpower program shall be provided under this title unless the Secretary determines that—

"(1) Such programs will be carried out in such a manner as to benefit eligible individuals residing in eligible areas;

"(2) Persons employed in any such program are furnished an opportunity for further education, training and necessary supportive services, including pre-training services, rehabilitative and preventive services for persons with problems resulting from the use of narcotics and alcohol, basic maintenance, transportation, health, family, child care, counseling, placement, and other services as may be necessary for them to participate in such programs, to prepare them for entry into training and employment opportunities in the private sector, and generally to contribute to their occupational development and upward job mobility.

"(3) Not more than 25 percentum of the funds allocated for such programs in any State shall be used for State employer operated community manpower programs except that the Secretary shall approve the use of funds in excess of such percentum for such purposes in States of comparatively small size of population where such would better carry out the purposes of this section.

"(4) Such programs will provide, wherever feasible, for the participation of community action agencies established under the Economic Opportunity Act of 1964, city demonstration agencies established under the Demonstration Cities and Metropolitan Development Act of 1966, local service companies and other community based organizations in the conduct of such programs.

"(5) Such programs are to be conducted by State and local public agencies and independent public authorities which give assurances to the Secretary that they will undertake analysis of job descriptions and a reevaluation of skill requirements at all levels of employment, including civil service requirements and practices relating thereto, in accordance with regulations promulgated by the Secretary under Section 306.

"(6) Whenever any such programs involve the establishment of physical improvements, preference is given to improvements which will be substantially used by low-income persons and families in eligible areas.

"(b) For the purpose of this section, the Secretary shall designate eligible areas in which community service manpower programs may be conducted in any State. An urban area shall be eligible if such area contains a high concentration of low-income families and individuals and has severe problems of unemployment and underemployment or a substantial emigration of individuals residing in any such area as a result of the problem of finding employment. The Secretary may designate as an eligible area any city, county, multicity, or multicounty unit, Indian reservation, neighborhood, or other area, without regard to boundaries or political subdivisions, which provides a suitable organizational base and possesses the commonality of interest needed for a community service manpower program. In making a designation under this section, the Secretary shall give due consideration to (1) areas established for the administration of programs under title I of this Act, (2) regional planning and development area boundaries established by State planning agencies or by the chief executive of the State, and (3) boundaries of existing areas established for the purposes of the Economic Opportunity Act of 1964, the Public Works and Economic Development Act of 1965, and Appalachian Regional Development Act of 1965, the Demonstration Cities and Metropolitan Development Act of 1966, and other relevant provisions of federal law."

On page 28, line 13, strike out "Sec. 110" and insert in lieu thereof "Sec. 111."

On page 28, line 19, strike out "Sec. 111" and insert in lieu thereof "Sec. 112."

On page 29, line 2, strike out "Sec. 112" and insert in lieu thereof "Sec. 113."

On page 41, strike line 6 and insert in lieu thereof the following: "arrangements, preserve and inservice training for specialized, supportive, and supervisory and other personnel and"

On page 41, line 9, strike the period and insert in lieu thereof a comma and the following: "including training and assistance necessary to assist in the establishment and maintenance of local service companies."

On page 41, between lines 13 and 14, and insert the following new section:

"REMOVAL OF ARTIFICIAL BARRIERS TO EMPLOYMENT AND ADVANCEMENT

"SEC. 306: (a) The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall conduct a continuing study of the extent to which artificial barriers to employment and occupation advancement, including civil service requirements and practices relating thereto, within all state and local public agencies and independent public authorities responsible for the formulation or conduct of programs under this Act restrict the opportunities for employment and advancement within such agencies.

"(b) The Secretary, in consultation with the Director of the Office of Economic Opportunity, shall develop and promulgate guidelines, based upon such study, setting forth task and skill requirements for specific jobs and recommended job descriptions at all levels of employment, designed to encourage career employment and occupational advancement within such public agencies and authorities.

"(c) The Secretary shall provide such technical assistance to such agencies and authorities as may be necessary to achieve the objectives of this section."

On page 45, strike out lines 5 through 23 and insert in lieu thereof the following:

"SEC. 502(a) For the purpose of providing rapid action in situations involving excessive unemployment, until the Congress shall have an opportunity to act, there is hereby appropriated, out of moneys in the Treasury not otherwise appropriated, and in addition to the sums heretofore appropriated to carry out the provisions of this Act during the current fiscal year, an amount equal to:

"(1) ten percentum of such sums heretofore appropriated, if the Secretary determines that for each of the most recent three consecutive calendar months ending prior to the date on which a determination is made, the rate of national unemployment (seasonally adjusted) had increased to 4½ percentum or higher; and

"(2) one hundred million dollars for each 2/10 of one percentum by which national unemployment exceeds 4½ percentum for each month during the three month period applicable under paragraph (1). Funds appropriated under this title shall be utilized, without regard to the apportionment formula prescribed in section 601, in financing training, community service manpower programs and related activities for unemployed individuals as authorized by title I of this Act which the Secretary determines afford the most effective opportunity to alleviate the situation."

On page 45, line 24, strike out "(c)" and insert in lieu thereof "(b)."

On page 45, line 25, strike out "(b)" and insert in lieu thereof "(a)".

On page 46, line 6, strike out "(d)" and insert in lieu thereof "(c)."

On page 46, line 7, strike out "(b)" and "(c)" and insert in lieu thereof "(a)" and "(b)" respectively.

On page 47, line 2 after the period the following new sentence: "In the case of the use of funds appropriated under Section 502 for financing community service manpower programs the Secretary shall, to the extent possible, give priority to programs in occupational areas which will most likely expand within the private sector whenever a determination is made under Section 502(c) that no further obligation of funds so appropriated may be made; the Secretary shall, by whatever arrangements he deems appropriate, insure that participants in community service manpower programs carried out under this title are provided additional training, employment, and related services.

On page 47, line 8 strike out line 8 and insert in lieu thereof the following: "title II, IV, and V), and one hundred percentum of the funds appropriated under subsection (b) of Section 611 of Title I and available for the purpose shall be"

On page 47, line 21, insert after the period, the following new sentence: "In the case of apportionment of amounts appropriated for community service manpower programs under subsection (b) of Section 611 of this Act, the Secretary shall include, in addition to the criteria set forth in the preceding sentence, such factors as the number of eligible areas in the State and the extent of unemployment and underemployment within such areas, compared with the number of such areas and the extent of unemployment and underemployment in the Nation."

On page 47, line 22 after "statistical area" insert a comma and the following: "eligible area"

On page 53, between lines 11 and 12, insert the following new paragraphs:

"(1) 'community service manpower program' means a program conducted in eligible areas in any State designed primarily to provide public or private work and training opportunities and education and other necessary supportive services to unemployed and low-income persons in the fields of health, public safety, education, recreation, streets, parks, and muncipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community and environmental improvement, including the establishment, operation or strengthening of any such program.

"(2) 'Local Service Company' means a corporation, partnership, or other business entity organized to operate a community service manpower program or component thereof and owned in substantial part by unemployed or low-income residents of their representatives of one or more eligible areas.

"(3) 'Low-income' has the same meaning as provided by section 125 of the Economic Opportunity Act of 1964;"

On page 53, line 12, strike out "(a)" and insert in lieu thereof "(4)"

On page 53, line 12, strike out "(b)" and insert in lieu thereof "(5)"

On page 53, line 17, strike out "(c)" and insert in lieu thereof "(6)"

On page 53, line 19, strike out "(b)" and insert in lieu thereof "(7)"

On page 56, line 12, after the word "sums" insert a comma and the following: "not to exceed $——— in any fiscal year,"

On page 56, between lines 14 and 15 insert the following:

"(b) In addition to the sums authorized to be appropriated under subsection (a) there shall be authorized to be appropriated the sum of $500,000,000 for the fiscal year ending June 30, 1971, and the sum of $800,000,000 for the fiscal year ending June 30, 1972 to carry out Community Service Manpower Programs assisted under Title I."

On page 56, line 15, strike out "(b) and insert in lieu thereof "(c)"

The material, presented by Mr. JAVITS, is as follows:

### EXPLANATION OF AMENDMENT PROPOSED BY SENATOR JACOB K. JAVITS TO THE MANPOWER TRAINING ACT OF 1969

The Administration's proposed Manpower Training Act of 1969, S. 2838, is designed to permit the States and the localities to assume greater responsibility for the conduct of manpower training activities on the local level.*

Under the Act, the State must develop a "Comprehensive Manpower Development Plan," in order to guide the expenditure of manpower funds allocated to the State.

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*The Act provides for a three-stage decentralization: First, State administration of 25 percent of apportioned funds when it designates a "lead agency" and develops comprehensive manpower planning capability and an approved manpower plan; second, State administration of 66⅔ percent of the funds when it establishes (1) a Comprehensive Manpower Agency to operate the unified programs in accordance with an approved plan, (2) a State manpower planning organization to coordinate all manpower related programs, and (3) arrangements to designate Mayors as area prime sponsors; and third, State control of 100 percent of its apportioned funds when the State meets objective standards of exemplary performance in planning and carrying out its manpower service system.

### COMMUNITY SERVICE MANPOWER PROGRAMS

While public service employment activities are among those which a State may choose to fund under the plan, the Act does not emphasize that activities are to be an integral part of local efforts and no special funds are authorized for such programs.

The amendment would authorize additional funds for "community service manpower programs" as an integral part of the State comprehensive manpower development plan.

The proposed basic program of public-service employment would not be a make-work program of the kind that formed the crux of efforts during the depression of the 1930's, nor a program proceeding on the concept of government as "the employer of the last resort."

The proposed program would recognize the real needs of the public sector, the occupational links, between that sector and the private sector, and the necessity of providing community service in such a way as to respect the needs of the individuals and to provide for the advancement of individuals involved.

Under the proposed amendment, a community-service manpower program would be developed on the basis both of an analysis of and an organization of tasks and skills into a career hierarchy with increasing responsibility and pay within the employer agency. Under the amendment community service manpower programs would be developed and coordinated with secondary, post-secondary, and higher-education programs qualifying persons for advancement; and with paraprofessional opportunities commensurate with their ability, education and experience. Under the State plan, employer agencies granted funds for support of employment would be required to specify in specific terms the type of career opportunities involved. Technical assistance would be provided to train supervisory and adult basic education personnel and to analyze and develop career opportunities.

For fiscal year, 1971, $500 million would be authorized; and for fiscal year 1972, $800 million. At an average cost of $6,000 per job, there would be provision for 83,300 public service jobs in the first year, and an additional 49,700 or an aggregate of 133,000 such jobs in the second year.

Under the amendment, funds would be apportioned among the States on the basis of the extent of unemployment and underemployment and the number of disadvantaged persons. Under each State plan funds would have to be focused on eligible urban and rural areas, which would be designated by the Secretary of Labor. Eligible urban areas would include those containing a high concentration of low-income families and individuals, and having severe problems of unemployment and underemployment. A rural area would be regarded as an eligible area if it contained a high proportion of low-income families and individuals and had severe problems of unemployment and underemployment or substantial emigration of individuals residing in such areas as a result of the problem of finding employment.

In order to qualify for assistance, community service manpower programs would have to be carried out in such a manner as to benefit the residents of urban and rural areas with high concentrations of low-income families. The States would utilize up to 25 percent of the jobs except in smaller States, where the Secretary could approve a greater percentage. The program would also provide for the involvement of community-action agencies, Opportunities Industrialization Centers, and similar groups wherever feasible and for the conduct of programs by corporations, partnerships and other business entities owned in substantial part by unemployed low-income residents of one or more eligible areas. Provisions would be included to ensure the development of standards, fiscal control and evaluation.

Under the State plan, all state and local public agencies involved in the formulation and conduct of programs under the Act would be required to review their task and skill requirements including civil service requirements in accordance with regulations promulgated by the Secretary. Technical assistance would be provided for this purpose and to train supervisory and adult basic-education personnel to analyze and to develop career opportunities.

### TRIGGERING OF FUNDS FOR COMMUNITY-SERVICE PROGRAMS AND TRAINING IN THE EVENT OF RISING UNEMPLOYMENT

The Aministration's Manpower Training Act contains in title V, a provision providing for an automatic appropraton of manpower funds in the event that national unemployment exceeds 4.5 percent for more than three consecutive months. Under the proposed Act, an additional 10 percent of appropriations would be provided in that event. At current appropriations levels, this would result in approximately $160 million in additional funds.

Under the Administration's bill, the automatic appropriation is to be used for training and related activities.

Under the amendment, two changes would be proposed in the Administration's provisions:

First, the amount of manpower funds to which the 10 percent would apply would be increased by the amount appropriated for community-service programs. Assuming the fiscal year 1971 a full appropriation of funds authorized for community service and a maintenance of the current manpower effort for this year, the 10 percent would apply to approximately $2 billion, providing an additional appropriation of $200 million.

Second, the amendment would provide for additional automatic appropriations as unemployment rises above the 4.5 percent national unemployment level. For each two-tenths of 1 percent increase in three consecutive months, an additional appropriation of $100 million in manpower and community service funds would be automatically provided.

At 5.5 percent national unemployment, an additional total appropriation of $700 million would become available.

The Secretary would have the discretion to direct the funds into training or community service manpower programs without regard to apportionment in whatever proportions he considered to be most effective in alleviating the situation. In order to protect those who could receive opportunities as a result of additional funding, the amendment requires that, to the extent that the Secretary channels funds into community service manpower unemployment programs, he do so in occupations that will most likely expand within the private sector as unemployment subsidies.

The amendment requires that the Secretary shall spend such additional funds only if they may be effectively used. Funds not used would return to the Treasury.

### PUBLIC SERVICE NEEDS

A recent study completed for the Department of Labor and the Department of Health, Education and Welfare by the National Planning Association concludes that achievement of the national goals determined by the Presidential Commission on National Goals will by 1975 more than double our public service employment needs of 1962.

Our present public service employment opportunities as identified in a study completed in 1965 for OEO, corroborate this finding. According to the OEO study, 4.3 million new jobs could be filled in public service if Government were to fulfill its obligations in these activities. A 1968 study by the Upjohn Institute projects that in 130 cities with a population of 100,000 or more there are 280,000 such slots.

In concert, these three studies evidence the magnitude of our public service employment needs. For example:

Health and hospital services—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 34,534. By 1975, our total health service employment needs shall have increased from 1,021,000 in 1962 to 2,374,000, an increase of 133 percent in 13 years.

Education—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 84,598. By 1975 our total educational needs shall have increased 95 percent since 1962. By 1975, our total education service needs shall have increased from 618,000 in 1962 to 1,777,000—an increase of 90 percent.

Urban renewal or rehabilitation and sanitation—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 25,784. By 1975, our total urban development service manpower needs shall have increased 67 percent from 245,000 in 1962 to 408,000.

Welfare—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 26,909. By 1975, our total welfare service needs shall have increased 250 percent from 674,000 in 1962 to 1.423,000.

Recreation, parks and antipollution enforcement—In 1968, the projection of additional public service job possibilities for these 130 cities alone is 20,644. By 1975, our public service employment needs related to natural resources shall have incresed 93 percent from 66,000 in 1962 to 127,000. A 1968 report of the National Park and Recreation Association concludes that their recreation manpower deficit of 1975 will be 199,000, approximately four times the present manpower deficit of 58,000.

Public protection—In 1968, the projection of public service job possibilities for these 130 cities alone is 57,601.

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## The Employment Situation: April 1970

Unemployment increased for the fourth consecutive month in April, the U.S. Department of Labor's Bureau of Labor Statistics announced today. The overall rate rose sharply from 4.4 to 4.8 percent, the highest point since April 1965. Nearly all of the increase occurred among male full-time workers.

Nonfarm payroll employment, after seasonal adjustment, declined by 90,000 in April, as a result of increased strike activity. In manufacturing, a large decline in employment was accompanied by a decrease in the factory workweek.

### UNEMPLOYMENT

The number of unemployed persons, which usually falls significantly in April, declined much less than usual this April. As a result, after seasonal adjustment, unemployment was up by 300,000 to 3.9 million.

Since December, unemployment has risen by 1.1 million. About 450,000 of the increase occurred among persons who had lost their last jobs, 300,000 among reentrants to the labor force, 200,000 among persons who had never worked before, and 125,000 among job leavers.

Thus far this year, the unemployment rate has risen from 3.5 percent in December to 4.8 percent in April. Although both full-time and part-time jobless rates have risen since December, the unemployment increase has been substantially greater among full-time workers. In April, nearly all of the increase occurred among full-time workers, whose rate rose from 4.0 to 4.4 percent.

The unemployment rate for adult men rose from 2.9 to 3.2 percent between March and April, while that for married men increased from 2.2 to 2.4 percent. Both rates have risen steadily since December and are back to the levels of mid-1965. The jobless rate for adult women was virtually unchanged in April at 4.4 percent; however, it was up nearly a full percentage point since December. The increase in joblessness has not been as great for adult women as for men over this period.

The teenage unemployment rate moved up sharply in April, after changing very little in recent months. Their rate rose from 13.9 to 15.7 percent, also the highest point in 5 years.

The jobless rate for workers covered by State unemployment insurance programs rose from 2.7 to 3.1 percent in April, the highest rate since May 1965. This rate has been rising since last September. A year ago, the rate was 2.1 percent.

The unemployment rate for Negro workers rose much more markedly than for whites in April, climbing from 7.1 to 8.7 percent. The white rate increased from 4.1 to 4.3 percent. After remaining less than double the white rate since last fall, the ratio of Negro-to-white jobless rates returned to the 2-to-1 relationship that has prevailed for many years. The larger over-the-month increase for Negroes occurred not only among adult men and teenagers but also among adult women.

Among occupation groups, unemployment rates rose over the month for clerical and sales workers and for craftsmen and nonfarm laborers. Although jobless rates for professional and technical workers, operatives, and service workers were about unchanged from March, they have all moved up considerably in recent months.

Although the only significant industry jobless rate increases over the month occurred among workers last employed in trade and transportation and public utilities, rates in the other industries remained well above levels of the fall of 1969. Until April, these two industries had experienced only moderate unemployment increases. However, the increases in both trade and transportation in April were partly due to the secondary efforts of the strike in the trucking industry. Jobless rates in manufacturing (4.8 percent) and construction (8.1 percent) were unchanged for the second consecutive month, after rising in February.

Short-term unemployment of less than 5 weeks duration rose by 300,000 in April to 2.3 million, the highest level since this series began in 1949. Unemployment of 15 weeks or over was about unchanged in April at 575,000. As a result, long-term unemployment as a proportion of the labor force remained at its March level of 0.7 percent.

Along with the rise in unemployment in April, there was also an increase of 425,000 in the number of persons who were working part time for economic reasons, such as slack work, material shortages, could find only part-time work, or started or stopped a job during the week. As a result of these developments, the percent of labor force time lost by the unemployed and by persons involuntarily working part time increased from 4.8 percent in March to 5.1 percent in April. (Labor force time lost is a measure of man-hours lost as a percent of potentially available labor force man-hours.) As with the overall unemployment rate, the hours-lost rate was at its highest point since the spring of 1965.

### CIVILIAN LABOR FORCE AND TOTAL EMPLOYMENT

The civilian labor force increased in line with seasonal expectations in April. After seasonal adjustments, the labor force was virtually unchanged from the March level of 86.1 million. Although the adult male labor force rose sightly, the adult women and teenage labor forces were unchanged, after increasing sharply in recent months.

Total employment also increased in April, mostly due to the normal upsurge in agriculture. Nonagricultural employment did not show its usual March-to-April gain and, as a result, employment fell by 225,000 after seasonal adjustment.

Since December, the labor force has increased by 1.3 million persons (seasonally adjusted)—625,000 adult men, 400,000 adult women, and 275,000 teenagers. Employment growth, however, has reached a virtual standstill.

### INDUSTRY PAYROLL EMPLOYMENT

Employment on nonagricultural payrolls increased slightly less than usual in April and, after seasonal adjustment, was down by 90,000. However, the decline was due entirely to new strike activity in construction, transportation and public utilities, and government. (Workers on strike are not counted as employed in the payroll employment series, whereas they are classified as "employed—with a job but not at work" in the household series.)

As has been true since early fall, over-the-month increases in service-producing industries were about counter-balanced by declines in manufacturing. Employment in manufacturing declined by 145,000 (seasonally adjusted) between March and April with virtually all of the cutbacks occurring within the durable goods sector. The largest decrease occurred in transportation equipment (40,000), primarily due to continued layoffs in the automobile and aircraft industries. Large declines also occurred in the fabricated metal products, primary metal, electrical equipment, and food industries. There were smaller but widespread declines in many other manufacturing industries. Since the early fall of 1969, employment in manufacturing has dropped by 600,000.

Contract construction employment declined by 65,000 in April, after seasonal adjustment, with over two-thirds of the drop due to increased strike activity. The level of employment in construction was about the same as a year ago.

Payroll employment advances were posted in government (90,000), trade (35,000), and in services and finance, insurance, and real estate. The large gain in government reflected mainly the additional hiring of temporary Census workers. Since February, about 175,000 Census workers have been hired by the Federal government.

### HOURS OF WORK

The workweek in manufacturing declined by 0.2 hour in April to 40.0 hours, seasonally adjusted, returning to about the February level. Since December, the average workweek for factory workers has fallen by nearly three-fourths of an hour. The over-the-month decline was generally widespread, with the largest drops occurring in primary metals, machinery, chemicals and petroleum.

Factory overtime continued its downward trend of recent months, falling by 0.1 hour in April to 3.0 hours. Since the 1969 high reached in January, factory overtime has dropped by 0.8 hour, to its lowest point in 6 years.

For all rank-and-file workers on private nonfarm payrolls, average weekly hours in April were unchanged for the third consecutive month at 37.4 hours (seasonally adjusted). Since early fall, the workweek was off by 0.4 hour. Among the major industry divisions, an over-the-month increase in the construction workweek was offset by reductions in manufacturing, mining, and finance.

### EARNINGS

Average hourly earnings for production and nonsupervisory workers on private payrolls edged up by 1 cent in April to $3.18. Compared with a year ago, hourly earnings were up 20 cents or 6.7 percent.

Average weekly earnings were virtually unchanged over the month. Among the major industries, increases in weekly earnings in construction and trade were countered by declines in manufacturing, mining, and finance, insurance, and real estate.

Over the year ending in March 1970, average weekly earnings rose by 5.6 percent; after adjustment for consumer price changes, however, earnings were—down by 0.4 percent.

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### The Employment Situation in Urban Poverty Neighborhoods: First Quarter 1970

Unemployment rose over the year in the poverty neighborhoods of the Nation's 100 largest metropolitan areas, reflecting the weakening employment situation in the Nation as a whole, the Labor Department's Bureau of Labor Statistics reported today.

The jobless rate in the urban poverty areas was 6.6 percent in the first quarter of 1970, compared with 5.6 percent during the same quarter of 1969. This was the first over-the-year increase in the unemployment rate in urban poverty neighborhoods since the series began in 1967. This increase followed 3 consecutive quarters in which there had been little or no over-the-year improvement in the jobless rate. In the remaining urban neighborhoods of the 100 largest cities, the unemployment rate also increased over the year, rising from 3.1 to 4.0 percent.

The jobless rate increase in the poverty areas affected both whites and blacks; the white jobless rate rose from 4.6 to 5.7 percent, while the Negro rate increased from 7.0 to 8.0 percent. In the other urban neighborhoods, the unemployment rate for whites also rose sharply—from 2.9 to 3.8 percent—while the Negro rate was not significantly changed.

The rise in joblessness among white workers in poverty neighborhoods was concentrated among adult men, whose rate increased markedly—from 3.9 to 5.7 percent. There was virtually no change in the jobless rate for white adult women or white teenagers.

In contrast, the worsening in unemployment among Negroes living in poverty neighborhoods took place chiefly among teenagers, whose rate rose by more than one-half—from 20.9 to 32.7 percent. There was no significant change in the jobless rate for black adult men or women.

The number of unemployed in urban poverty neighborhoods in the first quarter of 1970 was 415,000, up 55,000 over the same quarter a year earlier. The increase occurred largely among white workers, whose unemployment rose by about 25 percent between first quarter 1969 and first quarter 1970, while black unemployment edged up by only 7 percent.

### EMPLOYMENT, LABOR FORCE, AND THE POPULATION

Accompanying the over-the-year rise in unemployment in urban poverty neighborhoods has been an even sharper decline in employment. Consequently, civilian labor force in these neighborhoods diminished by nearly 150,000 workers over the year. Both the level of employment and labor force in poverty neighborhoods have been declining in the recent past. By way of contrast, in the other urban neighborhoods, employment and labor force have risen substantially, both for whites and blacks.

Perhaps the chief factor accounting for the decline in employment and labor force in urban poverty neighborhoods has been the movement of workers out of these areas. Between the first quarters of 1969 and 1970, the population of these neighborhoods dropped by nearly one-half million persons.

TABLE 1.—EMPLOYMENT STATUS OF PERSONS 16 YEARS AND OVER, IN URBAN POVERTY AND OTHER URBAN NEIGHBORHOODS[1] BY COLOR

[In thousands]

| | Total | | White | | Negro and other races | |
|---|---|---|---|---|---|---|
| | 1st quarter 1970 | 1st quarter 1969 | 1st quarter 1970 | 1st quarter 1969 | 1st quarter 1970 | 1st quarter 1969 |
| Total United States: | | | | | | |
| Civilian labor force | 81, 231 | 78, 868 | 72, 270 | 70, 218 | 8, 961 | 8, 605 |
| Unemployment | 3, 644 | 2, 848 | 3, 004 | 2, 297 | 64 | 551 |
| Unemployment rate | 4. 5 | 3. 6 | 4. 2 | 3. 3 | 7. 1 | 6. 4 |
| Urban Poverty Neighborhoods: | | | | | | |
| Civilian labor force | 6, 273 | 6, 417 | 3, 758 | 3, 734 | 2, 514 | 2, 683 |
| Unemployment | 417 | 361 | 215 | 172 | 202 | 189 |
| Unemployment rate | 6. 6 | 5. 6 | 5. 7 | 4. 6 | 8. 0 | 7. 0 |
| Other Urban Neighborhoods: | | | | | | |
| Civilian labor force | 39, 975 | 38, 210 | 36, 558 | 35, 098 | 3, 417 | 3, 122 |
| Unemployment | 1, 590 | 1, 188 | 1, 401 | 1, 024 | 189 | 164 |
| Unemployment rate | 4. 0 | 3. 1 | 3. 8 | 2. 9 | 5. 5 | 5. 2 |

[1] Pertains only to Standard Metropolitan Statistical Areas (SMSA's) with populations of 250,000 or more.

TABLE 2.—EMPLOYMENT STATUS OF PERSONS 16 YEARS AND OVER, IN URBAN POVERTY AND OTHER URBAN NEIGHBORHOODS[1] BY COLOR, SEX, AND AGE

[In thousands]

| Employment status, sex, and age | Total | | White | | Negro and other races | |
|---|---|---|---|---|---|---|
| | 1st quarter 1970 | 1st quarter 1969 | 1st quarter 1970 | 1st quarter 1969 | 1st quarter 1970 | 1st quarter 1969 |
| Males, 20 years and over: | | | | | | |
| Urban poverty neighborhoods: | | | | | | |
| Civilian labor force | 3, 476 | 3, 589 | 2, 156 | 2, 185 | 1, 321 | 1, 404 |
| Unemployment | 197 | 163 | 121 | 86 | 75 | 78 |
| Unemployment rate | 5. 7 | 4. 5 | 5. 7 | 3. 9 | 5. 7 | 5. 6 |
| Other urban neighborhoods: | | | | | | |
| Civilian labor force | 23, 032 | 22, 432 | 21, 259 | 20, 788 | 1, 773 | 1, 643 |
| Unemployment | 659 | 435 | 586 | 384 | 73 | 51 |
| Unemployment rate | 2. 9 | 1. 9 | 2. 8 | 1. 8 | 4. 1 | 3. 1 |
| Females, 20 years and over: | | | | | | |
| Urban poverty neighborhoods: | | | | | | |
| Civilian labor force | 2, 283 | 2, 321 | 1, 227 | 1, 265 | 994 | 1, 056 |
| Unemployment | 114 | 112 | 63 | 48 | 61 | 64 |
| Unemployment rate | 5. 0 | 4. 8 | 4. 1 | 3. 8 | 6. 1 | 6. 1 |
| Other urban neighborhoods: | | | | | | |
| Civilian labor force | 13, 821 | 13, 009 | 12, 429 | 11, 732 | 1, 392 | 1, 278 |
| Unemployment | 530 | 436 | 461 | 372 | 69 | 64 |
| Unemployment rate | 3. 8 | 3. 4 | 3. 7 | 3. 2 | 5. 0 | 5. 0 |
| Teenagers, 16 to 19 years: | | | | | | |
| Urban poverty neighborhoods: | | | | | | |
| Civilian labor force | 513 | 507 | 313 | 285 | 200 | 222 |
| Unemployment | 105 | 85 | 40 | 38 | 65 | 46 |
| Unemployment rate | 20. 5 | 16. 7 | 12. 7 | 13. 5 | 32. 7 | 20. 9 |
| Other urban neighborhoods: | | | | | | |
| Civilian labor force | 3, 123 | 2, 769 | 2, 871 | 2, 568 | 252 | 201 |
| Unemployment | 400 | 317 | 353 | 268 | 46 | 48 |
| Unemployment rate | 12. 8 | 11. 4 | 12. 3 | 10. 5 | 18. 4 | 23. 9 |

[1] Pertains only to SMSA's with populations of 250,000 or more.

## OPPORTUNITIES INDUSTRIALIZATION CENTERS

### AMENDMENTS NOS. 635 THROUGH 637

Mr. **JAVITS**. Mr. President, in respect of other amendments also relating to the Manpower Training Act of 1969 (S. 2838), I call attention to work done by the Opportunities Industrialization Centers, which was started in 1964 by Rev. Leon Sullivan, of Philadelphia.

Mr. President, I submit today on behalf of myself and Senator BOGGS, who first brought the amendments to the attention of the Committee on Labor and Public Welfare, of which I am the ranking member, as well as Senators BAYH and SCHWEIKER, a number of amendments to the administration's proposed Manpower Training Act of 1969 (S. 2838), designed to insure that the great potential of opportunities industrialization centers is tapped as the States and cities assume greater responsibility for manpower programs in the coming years.

The Manpower Training Act of 1969, which I introduced in the Senate on behalf of the administration, is founded on the proposition that those on the local level are in the best position to determine what mix of manpower services can best serve their needs.

One of the most exciting illustrations of that principle has been the development of opportunities industrialization centers.

The centers are based upon the principle of self-help and were created to provide individualized services to low-income persons who are unemployed or underemployed.

One of the most unique characteristics of the OIC program is that it relates to, and is totally involved with the community. OIC's are initiated, regulated, administered, and developed by community leadership; and recruiting is done in the concentrated community by community recruiters, on the sidewalks, in the poolrooms, and all places where the unemployed hang out. Industry is involved in every process of OIC's local development.

Recruits are placed in prelocational or feeder program where they are taught hygiene, poise, speech, and self-pride. Trainees are then fed into OIC skill centers which are established with the assistance of industry, where students receive training in skills for jobs that are known to be available.

There is substantial improvement of the local educational community in these programs.

There are now more than 51 operational and 39 partially operable and developing OIC's throughout the Nation including very successful efforts in the Bedford-Stuyvesant area of Brooklyn and in other areas of New York State.

At the present time the 51 operating centers receive 88 percent of their operating income from Government sources, half of which is from Federal agencies such as the Department of Labor, the Department of Health, Education, and Welfare, and the Office of Economic Opportunity and businesses and foundations provide the remaining 12 percent of funding.

Mr. President, the Senator from Delaware (Mr. BOGGS) has taken the initiative in bringing this exciting concept into the mainstream of our manpower efforts by proposing that the Manpower Training Act specifically list the development of such centers as one of the eligible activities for which funds may be used under the act.

I fully support Senator BOGGS' amendment No. 440 to S. 2838, which has been designated for that purpose.

When Reverend Sullivan recently testified before the Subcommittee on Employment, Manpower, and Poverty, I indicated that as sponsor of the administration's bill and one who has witnessed first hand the great success of these efforts, that I would explore every possible means of insuring that the bill reflects to the greatest extent what Senator BOGGS, myself, and a number of our colleagues believe to be the great potential for this kind of approach.

To that end, I submit today a number of amendments to the Manpower Training Act to insure that full utilization is made of such centers as manpower programs are developed on the local level.

First, Mr. President, I submit an amendment to the "Statement of finding and purpose" section of the act to express a congressional finding that such centers have demonstrated a capacity to contribute substantially to improved opportunities for low-income persons.

Since its beginning in 1964, the Philadelphia OIC prototype has trained and placed on jobs 9,600 men and women with new and useful skills; one-third of those men and women had been on relief rolls and 95 percent of them were classified in poverty categories.

Nationwide, as of February 1970, nearly 50,000 trainees have been helped in opportunities industrialization centers, with 28,000 having been placed into training related jobs; and with additional thousands having received job placements and help directly from the OIC feeder program, which provides self-help motivational assistance to all OIC trainees.

Current enrollment for classes in January 1970 approximates 10,000. From 35,000 to 40,000 people are expected to graduate during 1970 alone.

Most important, the retention rate after 6 months on the job—based on a sample survey of graduates from three centers—came to 79 percent with only a small slippage to 76 percent after 1 year.

Second, Mr. President, I propose an amendment to encourage the utilization of such centers under a number of provisions of the proposed act: The act provides that the Secretary shall grant to a State 66⅔ of funds apportioned to the State if the State has submitted a comprehensive manpower development plan and if the State maintains a State comprehensive manpower agency meeting certain requirements. Section 102(a) provides that in carrying out the purpose of the act the agency shall be required to the fullest extent possible to use services available from Federal, State, and local agencies and that the agency may utilize the services and facilities or private agencies, organizations and businesses. The amendment would provide that the agency shall, wherever feasible utilize centers established in accordance with the basic OIC concept.

Section 103(a) of the act provides that when a State has submitted a plan but has not met the requirement for a State comprehensive manpower agency, the Secretary shall grant to the State only 25 percent of its apportioned funds and that the Secretary of Labor shall utilize the remaining funds apportioned to the State and available for the purpose to carry out the provisions of the State plan "either directly, or through such arrangements with public or private agencies, individuals, or organizations as he finds appropriate." The amendment would direct the Secretary wherever feasible to utilize centers established in accordance with the basic OIC concept.

Section 106(b) provides that in the event that a State has not provided an approved comprehensive manpower development plan, the Secretary may provide manpower services in the State from funds apportioned to the State for that purpose. The proposed amendment would direct the Secretary wherever feasible to utilize centers established in accordance with the OIC concept wherever feasible.

Under section 501 of title V of the proposed act extended appropriations would be provided in the event of national unemployment at levels in excess of 4.5 percent for more than 3 consecutive months. In the event of high unemployment, the centers can provide as essential holding action for the retraining and redirection of individuals into public- and private-type markets, and be a prime factor in concentrated communities toward working positively with the people in a time of national economic stress. The amendment would authorize the Secretary to utilize centers established in accordance with the OIC concept wherever he considered such utilization desirable in order to carry out the purposes of that title.

In light of the previous experience of the Department of Health, Education, and Welfare in funding centers under the opportunities industrialization center concept, the amendment would provide that the concurrence of the Secretary would be required under section 104 (b) of the act as to any plan that included programs of that nature.

Third, Mr. President, I submit an amendment to insure that those low-income persons and their representatives who have demonstrated success in implementing the OIC approach participate in providing training and technical assistance to help others establish such programs in new areas.

I propose that a new sentence be added to section 305—which deals only generally with training and technical assistance—to provide that in the case of such centers, the Secretary shall provide training and technical assistance whereever possible through grant contracts or other arrangements with persons and their representatives who have demonstrated a capacity to establish and operate such programs.

Mr. President, the purpose of each of these amendments is to encourage the expansion of the opportunities industrialization center approach to other local areas in such a way as to preserve the vital role of low-income persons in their development and insure that those elements that have made OIC's successful in many areas are present in new programs.

I hope that my colleagues will give them every consideration.

I ask unanimous consent that the amendments be printed at this point in the Record.

The ACTING PRESIDENT pro tempore (Mr. Metcalf). The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments will be printed in the Record.

The amendments (Nos. 635 through 637) were referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

### Amendment No. 635

On page 4, between lines 8 and 9 insert the following new paragraph:

"(9) Centers established and operated by low-income persons or their representatives, which provide comprehensive employment related services to such persons who are unemployed and underemployed have demonstrated a capacity to contribute substantially to improved opportunities for such persons."

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### Amendment No. 636

On page 18, line 7, insert the following after the semicolon: "centers established and operated by low-income persons or their representatives which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed."

On page 8, line 18, after the period, insert the following new sentence: "In carrying out programs assisted under this Act, the agency shall, wherever feasible, utilize centers established and operated by low-income persons and their representatives which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed."

On page 11, line 23, after the period insert the following new sentence: "Wherever feasible the Secretary shall utilize centers established and operated by low-income persons and their representatives which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed."

On page 19, line 12, after the period, insert the following new sentence: "Wherever feasible the Secretary shall utilize centers established and operated by low-income persons and their representatives which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed."

On page 46, line 18, after the period insert the following new sentence: "Wherever the Secretary determines that it shall effectively contribute to the carrying out of the purposes of this title, the Secretary shall utilize centers established and operated by low-income persons and their representatives which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed."

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### Amendment No. 637

On page 41, line 9, after the period, insert the following sentence: "In order to encourage the establishment and operation by low-income persons and their representatives of centers on the local level which are designed to provide comprehensive employment and related services for low-income persons who are unemployed or underemployed, the Secretary shall in consultation with the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity, wherever feasible, provide training and technical assistance by grants, contracts or other arrangements with individuals and organizations who have demonstrated a capacity to establish and operate such programs."

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## NATIONAL MANPOWER GOALS

### AMENDMENTS NOS. 638 AND 639

Mr. JAVITS. Mr. President, on a third front, in respect to the Manpower Training Act of 1969 (S. 2838) which I sponsored in the Senate, I introduce today two additional amendments. These amendments are designed to provide a basis for the establishment of national manpower goals and the development of consistent integrated and coordinated manpower, educational, institutional, and related programs to that end.

First, I propose—amendment No. 638—that the "National Manpower Advisory Committee" which would be established under section 603(a) of the proposed act be strengthened in the following respects:

First. That it be appointed by the President, in consultation with the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity, rather than by the Secretary of Labor in consultation with the Secretary of Health, Education, and Welfare as proposed.

Second. That it be given the specific assignment of establishing the manpower needs and goals of the Nation, assessing the extent to which existing programs meet those needs and goals, and making recommendations for the improvement of the administration and operation of such programs, to the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity. The committee would be required to make an annual report and such other reports as it deems appropriate on its findings, recommendations, and activities to the President and to the Congress. Under the proposed act the committee is directed "from time to time to make recommendations to the Secretary of Labor concerning problems and policy relating to employment, manpower, and to the carrying out of his duties under this act."

Third. Provide for a membership of 17 members composed of persons representative of all efforts in the manpower area, rather than the option of 10 to 15 as under the proposed act.

Fourth. Provide authority for the committee to appoint professional, technical, and clerical personnel necessary to enable it to carry out its functions.

Second, Mr. President, I propose certain changes be made in the Intergovernmental Advisory Council on Manpower that would be established under section 604 of the proposed act.

Under the proposed act, the Secretary of Labor, in consultation with the Secretary of Health, Education, and Welfare, is directed to establish such a council to advise him with regard to matters involving intergovernmental relationships in the development and conduct of programs under the act. Members of the Council would be selected by the Secretary from among Governors, mayors, and other elected State or local public officials.

Under my proposed amendment, the Council would be appointed by the President and in addition to the general matters now listed in the proposed act it would be specifically required to advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity on the extent to which various educational, vocation education, institutional training, economic opportunity, manpower, and other programs assisted under this and other acts represent a consistent integrated and coordinated approach to achieving national manpower goals.

Mr. President, the proposed Manpower Training Act would bring together those remedial manpower programs established and conducted in the past under the Manpower Development and Training Act of 1962 and the Economic Opportunity Act of 1964 to the end of meeting the Nation's manpower needs.

But those needs will never be met unless we look upon manpower programs as embracing not only such remedial efforts but those educational, vocational, rehabilitative, institutional, and other programs that have the potential to provide individuals with relevant skills before they enter the labor market.

The amendment which I have proposed is designed to achieve that purpose.

We will be doomed to failure if we continue to perpetuate advisory councils that represent only one faction of those who attempt to address themselves to a problem whose solution cannot be found in education, economic opportunity, or in remedial manpower programs alone.

It is my hope that through these amendments two vital Federal advisory bodies under the administration's bill will play a substantial role in widening the view of our manpower goals and of the efforts that can be made to reach them.

As the bill is considered in committee, I shall explore in every possible way the means of insuring that the programs are formulated on a local basis in such a way to bring together those who are involved in manpower efforts in the larger sense and to reflect such broader goals.

I send these amendments, also, to the desk, for printing under the rule, and ask unanimous consent that they be printed in the RECORD.

The PRESIDING OFFICER (Mr. MUSKIE). The amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments will be printed in the RECORD.

The amendments (Nos. 638 and 639) were referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

### AMENDMENT No. 638

On page 50, strike out all material through line 2 page 52, and insert in lieu thereof the following:

"NATIONAL MANPOWER ADVISORY COMMITTEE

"SEC. 603. (a) The President, in consultation with the Secretary of Health, Education and Welfare and the Director of the Office of Economic Opportunity shall appoint a National Manpower Advisory Committee which shall consist of seventeen members and shall be composed of persons representative of labor, management, public and private education, vocational education, vocational rehabilitation, manpower programs and economic opportunity programs. From the members appointed to such Committee, the President shall designate a Chairman. Members shall be appointed for terms of three years except that (1) in the case of initial members, one-third of the members shall be appointed for terms of one year each and one-third of the members shall be appointed for terms of two years each, and (2) appointments to fill the unexpired portion of any term shall be for such portion only. Such Committee shall hold not less than two meetings during each calendar year.

"(b) The National Manpower Advisory Committee shall:

"(i) establish the manpower needs and goals of the Nation and assess the extent to which educational institutional training, manpower, economic opportunity and other programs assisted under this and related Acts represent a consistent, integrated and coordinated approach to meeting such needs and achieving such goals."

(ii) review the administration and operation of the programs referred to in (i) and advise the Secretary of Labor, the Secretary of Health, Education, and Welfare, and the Director of the Office of Economic Opportunity and other appropriate officials as to the carrying out of their duties under this Act and related Acts.

(iii) conduct objective evaluations of specific manpower programs and projects in order to ascertain the effectiveness of such programs and projects in achieving the purposes for which they are intended.

(iv) make recommendations (including recommendations for changes in legislation) for the improvement of the administration and operation of such programs including the programs authorized under this and related Acts.

(c) The National Manpower Advisory Committee shall make an annual report, and such other reports as it deems appropriate on its findings, recommendations, and activities to the Congress and to the President. The President is requested to transmit to the Congress as a part of his report under section 605 of this Act such comments and recommendations as he may have with respect to such reports and activities of the National Manpower Advisory Committee.

(d) For the purpose of making expert assistance available to persons formulating and carrying on programs under this title, the Secretary shall, where appropriate, require the organization on a regional basis of labor-management public advisory committees.

(e) Appointed members of the National Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the National Manpower Advisory Committee, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

(f) The National Manpower Advisory Committee is authorized to appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, or otherwise obtain the services of, such professional, technical, and clerical personnel as may be necessary to enable them to carry out its functions, as prescribed by law.

### AMENDMENT No. 639

On page 52, strike out lines 4 through 25 and insert in lieu thereof the following:

SEC. 604. (a) There is hereby established an intergovernmental Advisory Council of Manpower to advise the Secretary of Labor, the Secretary of Health, Education, and Welfare and the Director of the Office of Economic Opportunity with regard to matters involving intergovernmental relationships in the development and conduct of programs under this Act, including but not limited to the assignment of manpower responsibilities among Federal, State and local governmental agencies, apportionment of funds designation of program areas, selection of prime sponsors, State and area compliance with the various provisions of this Act and the extent to which educational, institutional training, vocation education, vocational rehabilitation, manpower, economic opportunity, and other programs assisted under this and other Acts represent a consistent, integrated and coordinated approach to meeting manpower needs and achieving national manpower goals.

(b) The Council shall consist of at least five but not more than nine members who shall be appointed by the President. Members shall be selected from among Governors, Mayors and other elected State or local public officials. In selecting members of the Council the President shall assure an equitable

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balance in the political affiliation of its members. The members of the Council shall elect a Chairman from among themselves. The members of the Council shall receive no compensation and shall not be a Federal employee for any purpose. They shall be allowed travel expenses and per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code for persons in the governmental service employed intermittently and receiving compensation on a per diem when actually employed basis.

Mr. BOGGS. Mr. President, I support the amendments to expand Federal reliance upon the opportunities industrialization centers under S. 2838, as submitted by the distinguished ranking Republican member of the Committee on Labor and Public Welfare (Mr. Javits).

These amendments should prove very effective in meeting the manpower goals of our Nation by giving a greater leadership responsibility to self-help, community-centered programs like the OIC's.

Last year I was honored to introduce S. 1362, a bill to extend Federal financial assistance to the OIC's. Subsequent to the introduction of S. 2838, I also offered, with bipartisan support, amendment 440 to S. 2838. The amendment provided language that would make certain that the OIC's fell within the scope and concept of the Manpower Training Act.

These new amendments, which I am honored to cosponsor, are fully compatible with that earlier amendment. These new amendments effectively broaden the role that the OIC's can and should perform in our Nation.

The OIC's, financed primarily by private groups, have already assisted more than 40,000 Americans to improve their job skills. It is time the Federal Government took a more active role in support of the OIC's. This is not to undercut the OIC approach, which is defined in their slogan: "We Help Ourselves." Rather, it is to assist a more rapid expansion of the OIC program, and to allow a greater number of unemployed and underemployed Americans to benefit from the successful OIC approach.

I commend Senator Javits for introducing these proposals. It is my hope that they will be adopted as a part of this important legislation.

## THE FORGOTTEN STUDENTS

Mr. JAVITS. Mr. President, all of us have spoken to literally hundreds of students and have received tremendous numbers of letters and other communications. I have 100,000 right now in my office, without their having been opened. While I come from a populous State like New York and this undoubtedly is a maximum number, I am sure every Senator is suffering from the same thing.

I think, as we have received these expressions, we must also remember those students who wish to continue their studies, and I think they perhaps constitute a majority of the students. I hope very much that the college administrators and faculties will take into consideration the needs and desires of those students and will not be quick to close up universities or to eliminate classes, but will put it more on an optional basis so that students who feel they will benefit from political action may engage in that at such a critical time, and that those who wish to continue their studies will not, against their wishes, be denied the academic facilities which are required for that purpose.

The New York Times, in an editorial of May 13, makes an eloquent and timely plea in behalf of such students. It states in part:

> To penalize them, in the interest of campus appeasement, would be to offer special privileges to one group while trampling on the rights of others.

I ask unanimous consent to include this editorial as a part of my remarks and invite it to the attention of the Senate.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, May 13, 1970]

### The Forgotten Students

In the wake of Cambodia and Kent State, many colleges and universities have apparently written off the remaining weeks of the semester—some undoubtedly as much to avoid confrontations as to enable politically concerned students to exert their energies in off-campus lobbying and organizing.

On both moral and educational grounds, it would be wrong to let this permissive response to the demands of one group of students brush aside the rights of others. Many of those who see their idealistic support of the antiwar drive as more important than their academic commitment may be willing to accept passing or incomplete grades for their course work; others are entitled to an opportunity to get the full recognition they have earned for their scholarly achievements.

College administrations and faculties have a responsibility to make extraordinary efforts, inconvenient as these may be, to let students who wish to do so complete their work and take final examinations if this is necessary for full credit.

An unmarred academic record inevitably means most to the least affluent students who rely heavily on educational success for future career opportunities. To penalize them, in the interest of campus appeasement, would be to offer special privileges to one group while trampling on the rights of others.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the order of the Senate, the Senator from Georgia is recognized.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia yield to me without losing any of his time?

Mr. TALMADGE. I yield.

## REPORT TO THE PEOPLE OF NEW YORK BY SENATOR JAVITS

Mr. JAVITS. Mr. President, I made a report to the people of my State on the grave situation facing the United States with respect to Cambodia and Vietnam. I ask unanimous consent that the text of that report may be made a part of my remarks.

There being no objection, the report was ordered to be printed in the Record, as follows:

### Javits Reports to New Yorkers on Cambodia and Vietnam

I feel it my duty to report to the People of New York on Vietnam—the issue which today is more serious, divisive and damaging to the nation than any issue since the Civil War.

The new heights of emotional intensity and the national sense of urgency regarding this issue were triggered by the President's move into Cambodia and the related National Guard shootings at Kent State University. Unhappily, many in this state and throughout the nation—especially among the young—are expressing massive resentment and suspicion that President Nixon might be reversing the course of de-escalation and withdrawal in Vietnam, rather than accelerating disengagement. The precipitate nature of the decision to move into Cambodia, the failure to consult the Congress on what might have been a broad extension of the war and the rationalizations of President Johnson recalled by President Nixon's nationwide broadcast are the immediate causes of the crisis of confidence now upon us.

As your Senator, and as a member of the Senate Foreign Relations Committee, I must tell you that many in the Senate were as surprised and chagrined as the rest of the nation by the move into Cambodia. This has added such a new dimension to the debate on the Constitutional power of the President to make war in the absence of appropriate Congressional action as to threaten the very foundations of our system of government. The issue of Congressional power and responsibility to exercise a check and balance on the President's power as Commander in Chief—to prevent it from being the power to declare war, which is reserved to Congress under the Constitution—is the question which now preoccupies the attention of the Senate. It is this very issue which has motivated the massive influx of students from across the nation into Washington.

The continuing and inadequately financed Indochina war has seriously eroded confidence in the American economy to the extent that the economic security of our nation is gravely threatened, too. This—much more than the Viet Cong—could pose a direct threat to our national security. The war has lead directly to the inflationary spiral plaquing individual Americans and the nation at large, and it has diverted badly needed resources to non-productive uses. The nation's budget again is moving inexorably into real deficit. Deficits can be disastrous for anti-inflationary policies. The financial markets already have given a no-confidence vote to the President's Cambodia decision to the extent that that most recent Treasury debt re-financing was saved from failure only by massive intervention by the Federal Reserve Board; at the same time the stock market was dropping to seven-year lows. Deteriorating economic conditions may well force this Administration out of Indochina, succeeding where mounting political pressure has failed thus far.

The Senate, as one House of the Congress, is now moving in a purposeful, step-by-step way to assert its Constitutional powers and responsibilities and to hasten the end of the Vietnam war. I am hopeful, although by no means certain, that this can be accomplished without causing a head-on Constitutional confrontation between the Congress and the President—and among the American people.

The first step would be the adoption of the Cooper-Church Amendment, of which I am a co-sponsor, and which is the pending business before the Senate. This Amendment requires the President to remove all U.S. forces from Cambodia by the end of June and prevents our getting mired in a Cambodian war.

The second step would be the termination of the Tonkin Gulf Resolution of August, 1964, which now permits the exercise of broad discretionary action in Southeast Asia by the President as Commander in Chief. I am the sponsor of the measure to termi-

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nate the Tonkin Gulf authority and was joined in it by Senator Pell of Rhode Island.

Once the Tonkin Gulf Resolution is off the books, the legal and Constitutional situation will be returned to the status prevailing before the intervention by President Johnson in 1965 with massive U.S. combat forces. No other authority to fight in Vietnam will remain other than the President's authority as Commander in Chief. This authority legitimately encompasses responsibility under the circumstances only for the orderly withdrawal and protection of our forces.

If the Commander in Chief's power is asserted by the President to wage war outside these clear guidelines, there could be a constitutional crisis between the President and the Congress. The Senate Foreign Relations Committee, on my motion, plans to conduct hearings to clarify the respective war powers of Congress and the President—a matter which is now neither clear nor agreed upon.

A great deal of attention, especially among students, has been focused on the Goodell-McGovern-Hatfield Amendment, which seeks to assure an end to U.S. military involvement in the Vietnam war by June 30, 1971, through the cutoff of funds—that is, through the exercise of the ultimate appropriation power of the Congress. I am wholly in support of the objective of this Amendment. But before the other legislative steps I refer to are taken, neither the legislative technique nor timetable of this Amendment can be judged. In this regard, there are two major criteria for a decisive amendment: (1) it must be capable of attracting the support of a majority of the Senate; and (2) it should not directly or indirectly forfeit the non-appropriation war powers of the Congress.

Vietnam is the bone in the throat of our nation. It is choking and inflaming every aspect of our national life. It must be eliminated. The Congress must assert its full authority and responsibility to see that the war is ended as soon as humanly possible.

Only then can our nation get back to the business of tending to its overriding ills—social and environmental—to healing its bitter factions, to restoring its inner confidence and to reestablishing its role as the leader for peace in the world.

## SENATOR MANSFIELD IS INTERVIEWED ON "FACE THE NATION"

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a transcript of a CBS Network broadcast in which I participated, "Face the Nation," be incorporated at this point in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

Face the Nation as Broadcast Over the CBS Television Network and the CBS Radio Network; Sunday, May 17, 1970—12:30-1:00 PM EDT; Origination: Washington, D.C.; Guest: Senator Mike Mansfield, Democrat of Montana; Reporters: George Herman, CBS News, Warren Weaver, The New York Times, John Hart, CBS News; Producers: Prentiss Childs and Sylvia Westerman

Mr. Herman. Senator Mansfield, the President has promised to have all American troops out of Cambodia by June 30; the Senate is going ahead with an amendment to prohibit the use of troops there. Should this be taken to mean that the Senate of the United States doesn't trust the President to live up to his promise?

Senator Mansfield. Quite the contrary, it is in support of the President.

Announcer. From CBS/Washington, in color, Face the Nation, a spontaneous and unrehearsed news interview with the Senate Majority Leader, Senator Mike Mansfield, Democrat, of Montana, who is a senior member of the Foreign Relations Committee. Senator Mansfield will be questioned by CBS News Correspondent John Hart, Warren Weaver of the New York Times, and CBS News Correspondent George Herman.

Mr. Herman. Senator Mansfield, what is the point of supporting the President if you think he is going to do it, in the first place, and by a means that has some constitutional doubt about it, in the second place?

Senator Mansfield. Just to make sure that what he says he is going to do is done and to reassert the congressional, the Senatorial interests in this particular instance, in what he has said should be done in bringing to an end an ill-started venture.

Mr. Weaver. Well, Senator, as a purely practical matter, with the House of Representatives constituted as it is today, and unlikely to support any of these various moves now under consideration in the Senate, isn't this somewhat of an academic exercise?

Senator Mansfield. Not at all. The House will have to face up to its responsibility. In the Senate, we will, as a body and individually. That is the way it should be. If the House doesn't want to act, that is its business; but the Senate must act and will act. We have laid out a schedule of facing up to this issue, first through the Cooper-Church amendment; second, through bringing up the rescinding of the Gulf of Tonkin resolution; third, through a debate on the constitutional powers of the President, as Commander-in-Chief, in war-making, opposed to the congressional powers of war-declaring under the Constitution and, specifically, the advice and consent clause of the Senate. Then, of course, at the end, when the big defense bill comes up, we will have the McGovern-Hatfield amendment, the Muskie amendment, and others, which will be attached to that bill or at least the attempt will be made.

Mr. Hart. Senator, you said that this is to make sure the President does what he says he will do. Does a trustworthy President need that kind of insurance from a Senate that trusts him?

Senator Mansfield. Oh, yes, we trust the President, but we think this is a protective device which will give him support and strength when he needs it, because there will be other voices undoubtedly at that time trying to bring about a change in the situation.

Mr. Hart. What about the U.S. forces that are in combat on June 30, what should they do?

Senator Mansfield. Oh, they should be out before June 30, and any combat should be undertaken by the South Vietnamese and not only in Cambodia but along the Cambodian border. After all, there is a one-million-man army there; put them up there and get our boys out and keep them coming out.

Mr. Herman. Supposing the Vietnamese, the North Vietnamese rebuild these sanctuaries in Cambodia, stocked them heavily with arms in a matter of five, six, seven months, should the President's arms be tied so that he cannot once again clean them out?

Senator Mansfield. No, the President's arms should be loosened, but the responsibility should be placed on Thieu and Key, on the South Vietnamese. We understand the Vietnamization program has been a success. They have all the modern equipment in the world. Put that army up there and let us get out and get out soon.

Mr. Hart. What if the President succeeds in all this, what if he gets out in time, what if the North Vietnamese are crippled for six to eight months, doesn't this make it a rather useless exercise?

Senator Mansfield. I would think so. You mean going into Cambodia?

Mr. Hart. No, I mean your Senate amendments.

Senator Mansfield. Not at all, because I think what we are doing is moving in the right direction. I think that even if the Cambodian venture is a success, it will not be a "success," but a failure because it will have extended the war, enlarged the war and created situations which will make it more difficult to bring the war to an end.

Mr. Herman. What I was trying to get to with my question, though, is who has the right to put these pressures on the Commander-in-Chief of the army when an ongoing war is in progress? Who has the right to say he shall not go into Cambodia with American troops? Is that strictly the province of the Commander-in-Chief? Is it the province of the Senate, under the power to make war? Whose province is that?

Senator Mansfield. I think we have a dual responsibility and the representatives of the people should and will be heard.

Mr. Weaver. But, Senator, with respect to the McGovern-Hatfield resolution, which lays out a timetable for withdrawal, can't it be argued legitimately that that is an intrusion of the Legislative Branch into the rights of the Executive Branch?

Senator Mansfield. I suppose it could be, and I went along with that thesis until Cambodia. But, as far as I was concerned, Cambodia tore it.

Mr. Weaver. Isn't that the wrong reasoning? If that was true, you cannot prevent things like the President's action in Cambodia through threatening to produce resolutions with timetables in them, can you?

Senator Mansfield. No, there is no threat implied. It is just the reassertion of congressional powers, and if he can do it in Cambodia, which is a sanctuary, there are other sanctuaries as well. What about the sanctuary in North Vietnam? What about the sanctuary in Laos? What about the sanctuaries in China? Thev are all sanctuaries?

Mr. Weaver. But granted—let us assume that the Senate and the House together agree on this kind of compulsory timetable, is this going to have a deterrent effect on this President or future Presidents in making such invasions?

Senator Mansfield. We will have spoken, we will have acted, and I am sure that any President will pay attention to what has been done by the Congress.

Mr. Herman. Well, what about these other sanctuaries? Should the Congress of the United States take action to make sure that the President cannot go into them ahead of time, now?

Senator Mansfield. Yes, indeed.

Mr. Herman. Do you plan to start passing resolutions—

Senator Mansfield. No; we have already taken care of, to a limited extent, of Laos—

Mr. Herman. Yes?

Senator Mansfield. —and we will face up to these things as they come along. We are facing the immediate question right now.

Mr. Herman. You mentioned North Vietnam.

Senator Mansfield. That's right.

Mr. Herman. How about a resolution saying that the President shall not invade or use American troops in North Vietnam?

Senator Mansfield. That is entirely different, because what we have done is to go into a country which was supposedly neutral and was neutral under Sihanouk. But I would point out that the war has been revived in North Vietnam and there have been air raids in great strength over that area since the incursion into Cambodia.

Mr. Herman. Do you approve of them?

Senator Mansfield. No.

Mr. Hart. Senator, if, as the conventional wisdom goes, the time for declaring war is over, should the Constitution be reworked for this age of insurgency wars and the nuclear age?

Senator Mansfield. No, I don't think so. I think the Constitution is probably the greatest document ever wrought by the hand

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of man and I think it can fit into the nuclear age as well as it could in the ages preceding. We all understand that if our security is attacked that the President, as Commander-in-Chief and as President, should have the immediate powers of counteraction. But that is not the case in Vietnam and that is not the case in Laos, and that is not the case in Cambodia—that is not the case in Indochina.

Mr. Herman. Let me ask you, do you think that the administration can, in fact, get out by June 30 and that there will be a safe and stable situation left in Cambodia?

Senator Mansfield. I would hope, in answer to the first part of your question, that they could, and I think the President will attempt to do so. But whether or not there will be a stable situation in Cambodia as a result, I cannot say definitely, but my offhand answer would be no, there would not be.

Mr. Herman. Should the United States work to keep a stable pro-democratic or pro-western situation in Cambodia?

Senator Mansfield. No.

Mr. Herman. We should do nothing, if it goes Communist, for example?

Senator Mansfield. We should do nothing. Let the South Vietnamese handle it from their end; let the Thais handle it from the other, and let us not become involved, because all of Southeast Asia is not vital to the security of this Nation. There are two documents that I carry around with me all the time; one is the First Amendment to the Constitution, which is not material in this discussion at the moment; and the other is the casualty lists, and the casualty lists now are in excess of 325,000, as a result of this war in which we are engaged in Southeast Asia. Of that, about 50,000 are dead or would be included in the dead, and of that number, about 42,000 have been killed in combat, and something in excess of 7,000 have been killed in noncombat activities in Southeast Asia.

Mr. Hart. The Communists should be able to have all of Southeast Asia, if they want it, including Thailand or——

Senator Mansfield. No, it is up to the countries there to defend themselves. We have given them plenty of help—Thailand, Laos, Vietnam. I don't know what more we could do. We have spent over $100 billion in that area. We have shed the blood of 325,000 Americans. Are we going to keep on going and going and going on?

Mr. Weaver. Senator, can you give us some picture now of when you expect the Senate to act on this series of resolutions and moves in this area?

Senator Mansfield. I hope we can act this week on the Cooper-Church amendment. If that is done, then next week on the Gulf of Tonkin rescinding, the following week, all things being considered; I would hope we would have a debate on the constitutionality question and then, when the big defense bill comes, we will have these terminal amendments brought up.

Mr. Weaver. What practical purpose is served by a week of debate on the constitutional question, when there is no resolution or bill or proposed amendment before the Senate?

Senator Mansfield. There is a resolution by Senator Percy, which I think is quite compact and covers the question very briefly. Furthermore, there will be some constitutional questions raised during the course of these other debates, as we go along. It won't take a week. We ought to lay the groundwork and try and understand where the line of delineation is between the Executive and the Legislative Branches.

Mr. Herman. Are these other amendments going to be passed, the McGovern amendment, for example?

Senator Mansfield. I don't know, but it is going to be offered and it is going to have a great deal of strength. I would point out that of those who have signed up on the McGovern-Hatfield amendment at the present time, approximately 82 or 83 percent of them are ex-servicemen serving in the Senate; many of them are combat veterans.

Mr. Weaver. Senator, do you feel that this course of action of the Senate in considering all these foreign policy problems over the coming weeks may have some effect on the psychological state of the Nation and the whole broad campus unrest issue?

Senator Mansfield. I think so. It appears to me that the Senate is the only area to which the people can appeal. We have to take cognizance of the fact that this blood and treasure which we are losing in Southeast Asia could far better be used facing up to the problems at home, the problems of crime, drug addiction, pornography, the ghettos, pollution, the situations in which the ranchers find themselves in my part of the country, and those are just a few of the questions which we have confronting us. What we have to have is a stable country at home. If we don't have it then all the security abroad will be of little use.

Mr. Hart. With regard to that stability, Senator, what are the chances in this country of a real civil war or of a genuine revolution?

Senator Mansfield. No chance at the present time, but people are uneasy. They are concerned. So am I and so is the Congress and so is the President.

Mr. Hart. Do you think a genuine recession or a deep recession would radicalize the middle class and make it more unstable, more difficult?

Senator Mansfield. Well, I think we have a recession of sorts at the present time, with unemployment at about 4.8 percent, with the rate of inflation at about 6.8 percent, with no relief in sight, the stock market dropping, the housing industry in bad shape—all of these things are indicative of a malaise which affects the country, and those are only a few of the situations which we have to recognize at this time. It will be quite different if we have a recession or depression from what it was in the thirties, which I remember very, very vividly.

Mr. Hart. How different?

Senator Mansfield. Because you have an educated class now, you have people who have become affluent. We weren't affluent in those days. They are demanding more, they are asking more, and they will be getting more.

Mr. Herman. Senator, why is this recession so extremely different in emotional impact from the recession in 1963, which was about the same? All the figures today say worse since 1963, and yet there wasn't all this hue and cry about it in '63.

Senator Mansfield. You didn't have Vietnam and Cambodia then.

Mr. Herman. You think that is the whole difference, or is this one hurting more?

Senator Mansfield. No, I think that is the fulcrum. I think a lot of our ills emanate from what we have been doing in Southeast Asia.

Mr. Weaver. Do you regard the recent bad drops in the stock market, Senator, as a species of voter no-confidence in the President?

Senator Mansfield. I couldn't say. I don't own any stocks. All I know is what other people write, who are more aware of what the stock market means, and it does indicate that there is some drop in confidence.

Mr. Hart. Senator, when you say it would be different, do you mean that the ordinary middle class would take to the streets? Is that what you are indicating?

Senator Mansfield. Oh, no. Getting back to what you said about civil war, revolution and the like, I don't believe that will happen, but they will make more demands and the government will have to take more drastic action to take care of the needs of the people of this nation.

Mr. Herman. But do you agree with some of the comments that the polarization that is taking place in this country today is not simply war and anti-war, or Black Panther and anti-Black Panther, but is becoming a kind of class polarization?

Senator Mansfield. No, I still think it is tied to Southeast Asia, primarily because the money being spent there could be used to face up to these problems at home and to find corrective solutions to them.

Mr. Herman. Do clashes like that between the construction workers and the students worry you, with parallels to the Weimar Republic of Germany, before the rise of Hitler?

Senator Mansfield. Yes, they do, but so far they are minor. I hope that there will be a recognition of what is developing on the part of people on both sides, and these things will not continue.

Mr. Herman. What is needed to implement that recognition? Where does each side have to move?

Senator Mansfield. Responsibility on the part of all our people, understanding on the part of government, which includes the administration and the Congress, as to what should be done, what must be done and what will have to be done.

Mr. Hart. Senator, how would you judge the President's performance during the last two weeks, three weeks of high stress?

Senator Mansfield. Well, I think he is aware of the situation. He has gone out of his way to be conciliatory. He has tried to establish a means of communication with the various groups. He is doing his best. I think he is still sticking to his announced policy, but I hope there will be some give there as well as some take.

Mr. Weaver. Senator, you spoke before of the necessity of establishing a stable Nation for the purpose of dealing with a great many of the domestic problems which face us. Do you see much of any chance for the present session of the Congress in an election year getting to much significant domestic legislation?

Senator Mansfield. I do. As far as I am concerned—and I have so notified the Senate—we are prepared to stay in all year, if need be, to face up to our responsibilities, the election notwithstanding.

Mr. Weaver. What about the people, including yourself, who have to run for reelection?

Senator Mansfield. Well, it is immaterial what happens to me or anybody else. It is the Republic which must be thought of first and foremost. It is the welfare of the people. It is the Nation. As far as political success is concerned, that is immaterial. You win, you lose, you take the consequences and that is the way it should be.

Mr. Herman. This may sound like a cynical question, but is it good or bad for the incumbents, politically, if they have to stay in all year?

Senator Mansfield. I wouldn't know, but I am prepared to stay in all year.

Mr. Hart. What political effects, Senator, do you think the young people will have in this election year, the young people that are now lobbying you on the Hill and who say they are going to work against President Nixon's candidates?

Senator Mansfield. I think they are performing a useful function, no matter which side they are on. They could be on the other side, too. But I hope they wouldn't overdo it, because they ought to recognize that the members of Congress have a lot of work and responsibility. They go to committees, they have to study bills, they have to vote, they have to do chores for their constituents, they have to answer the mail, I would hope that it would not be overdone. I don't think the real place to make themselves effective at this point is in the halls of the Congress or in the offices of Senators and Congressmen——

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Mr. HART. Where is it effective?

Senator MANSFIELD. But, rather, in the districts and in the states. What they should do is ask questions of their state and national candidates. Many of us are up for election this year, and they ought to ask us and those who are not running, as well.

Mr. HERMAN. Senator Mansfield, it is widely believed in parts of Washington that President Nixon's actions in Cambodia are part of a broad foreign policy aimed at the Soviet Union, that this is a kind of parallel to President Kennedy's actions, first in Vienna and then perhaps in Cuba, that he was trying to impress his credibility, as President Kennedy used to say. Do you think that this is part of a Nixon policy, a President Nixon policy, to show a kind of policy and a kind of voice to both the Soviet Union and also to Hanoi?

Senator MANSFIELD. I haven't the slightest idea. To the best of my knowledge, he has not discussed this with any member of the Senate, and I cannot answer your question.

Mr. HERMAN. Do you think it would be effective, the Cambodian move and the bombing of North Vietnam, in bringing Hanoi to the peace table?

Senator MANSFIELD. I do not.

Mr. HERMAN. Why not?

Senator MANSFIELD. Because I think it will stiffen their backbone, it will make them more intransigent than ever, it will prolong the war and make peace more difficult.

Mr. HERMAN. What is the effect it might have on the situation in the Middle East, which many people think is far more dangerous to the United States now, what with Soviet pilots in Egyptian territory?

Senator MANSFIELD. I couldn't say. It is a question of concern, of course, to this administration, but what the effect will be, I am unable to say.

Mr. HART. Senator, what can you offer those young people who are trying to get on the campuses or who are on the campuses and who are not radicals or violent but who feel now that their very lives are on the line while being in school?

Senator MANSFIELD. I can offer them only what I have stated publicly to you and what I have said in the Senate, as Mr. Weaver will recall: The fact that we are facing up to the situation, as it affects us in Southeast Asia and it affects the constitutionality of the powers between the Congress and the President. I would hope also that, as we go along, we would face up to the problems at home. The important thing now, I think, is to bring an end to the war in Vietnam, to get our forces back within a reasonable length of time, to turn the war over to the South Vietnamese and let them carry on. After all, it is their country, it is their future, and they will have to decide it.

Mr. HART. But what should a student do who feels his life is threatened?

Senator MANSFIELD. Well, what I have said: He ought to work, he ought to get into politics, he ought to run for office, he ought to work on the candidates who are in the districts in which they live, as far as the Senate is concerned, in the states in which he lives. Students ought to become a part of the system, they ought to reinvigorate it and bring in new ideas, and wake up some of us who may have been asleep at the switch for too long and are too much wedded to ideas which may have been fine two or three decades ago but which will not fit into the changing world of today.

Mr. WEAVER. But isn't it true, Senator, that the system is going to have to take a different attitude towards these young people than it has in the past——

Senator MANSFIELD. Of course.

Mr. WEAVER. To accommodate the kind of change that you are talking about?

Senator MANSFIELD. And I think they should take a different attitude toward the system, too. We both have got a great deal to learn, and I think we both have got a great deal to contribute. We both ought to work together because, after all, we are all citizens of the same country.

Mr. HERMAN. Senator, what do you think of Senator Muskie, for one, his suggestion for a Democratic Convention on policy sometime this summer, a mid-term Democratic Convention?

Senator MANSFIELD. No, I would be against it. We have business to do in the Congress.

Mr. HERMAN. You would be against—would you be against a meeting of, say, Democratic leaders, called together by Larry O'Brien, over the Memorial Day weekend, as has been suggested?

Senator MANSFIELD. We still have our responsibilities in the Congress.

Mr. WEAVER. You don't feel that there is any necessity for rewriting the Democratic Party Platform of 1968, which, as you will, of course, recall, took a somewhat different attitude towards Southeast Asia than the majority of the leaders of the party now take?

Senator MANSFIELD. I wasn't at the convention. I disapproved of what they did. I think we ought to face up to our responsibilities in the Senate regardless of any declaration by any political party.

Mr. HERMAN. Senator, you said that you were pleased, I think, or impressed, or generally you cast a favorable vote for President Nixon's conduct during the past week. How about——

Senator MANSFIELD. The past two weeks.

Mr. HERMAN. The past two weeks, very well. How about his statement in the news conference of May 8 in which he referred to America as the peace-keeper in the Asian world and didn't want to lose that role?

Senator MANSFIELD. I would disagree.

Mr. HERMAN. Do you think that is a doctrine which he holds or was this just an accidental reference?

Senator MANSFIELD. I couldn't say.

Mr. HERMAN. You have no feeling on how he and the administration feel about that attitude at the moment?

Senator MANSFIELD. No, I don't think we are the peace-keeper of any part of the world. I think we have enough troubles of our own. We are not the world's policeman. We have difficulties which we will have to face up to and surmount. We have a limited population and a limited amount of resources.

Mr. HERMAN. Well, as you may recall, that particular sentence in his news conference was tied to the idea that if the United States pulled its troops too rapidly out of South Vietnam, there would be, I think he said, millions of casualties and that it was up to us to prevent that.

Senator MANSFIELD. I don't—I would question that statement, that there would be millions of casualties. I would say further that as far as Southeast Asia is concerned, it is not vital to the security of the United States, and never has been.

Mr. HERMAN. Well, do you think it would be moral, let's say, to the United States, after fighting in South Vietnam for so long, to pull out with no provision for those who helped us and to allow them to be killed if there would be a Communist takeover?

Senator MANSFIELD. Oh, we've helped them. They have a government which is supposedly democratic. They have been Vietnamized, according to our standards. Let them go ahead and decide their own future, set up the kind of government they want. It is their responsibility, not ours.

Mr. HART. You are giving up on them?

Senator MANSFIELD. I was never for them, and I have informed two Presidents of that, of my feelings on this matter, even before we got involved in Vietnam——

Mr. HART. Senator, if you——

Senator MANSFIELD. I am not giving up on anybody, but I am upholding the American people. I think we ought to give some consideration to ourselves, for a change.

Mr. HART. If you could set a timetable for withdrawal of all American forces from Vietnam, in your heart when do you want them out, all of them?

Senator MANSFIELD. I intend to become a sponsor of the Muskie and the McGovern-Hatfield amendments to the big defense bill.

Mr. HART. By the end of this year?

Senator MANSFIELD. By the end of this year, but please keep in mind that there are certain qualifications in there which will protect the lives of Americans in Southeast Asia.

Mr. HERMAN. Senator, there has been a great deal of discussion, as you know, about the question of draft, of the Reserve Officers Training Corps, ROTC, as the kids call it, and for an all-volunteer army. How do you think that would work?

Senator MANSFIELD. Well, I am for an all-volunteer army. I think the Gates Commission report ought to be given the most serious consideration, when the extension of the draft is considered. I am against the draft. I voted against it. I don't intend to vote for its extension this time. As far as the ROTC is concerned, I am disturbed about what is happening to that organization on the campuses, and I do not approve of what has been done. ROTC furnishes a civilian input into the armed services of this country. It keeps alive the idea of civilian supremacy, and I think it is worth what it has cost this country and the colleges. May I point out that the ROTC is not forced on any college or university, and that no one is forced to enroll in the courses which it gives. But it does emphasize the civilian element, which I think is important.

Mr. HERMAN. Well, after all of that, how can you be for an all-volunteer army, which eventually becomes professional military men, with all the dangers that other countries have found in such——

Senator MANSFIELD. Because you can keep the ROTCs and get civilian inputs on that basis. They don't have to stay in for a lifetime. They do not usually; they stay in for a certain period. You would still have the civilian leavening in the army.

Mr. HART. You said you don't approve. What don't you approve of in the——

Senator MANSFIELD. Well, the burning down of the ROTC units, things of that sort, because if youngsters want to take ROTC, let them take it. They are not forced to.

Mr. WEAVER. Senator, on one of the major domestic issues that will be shortly before the Senate, do you support the principle of President Nixon's welfare reform program that would guarantee a minimum income to families——

Senator MANSFIELD. I have very grave question about that. I will have to study it very closely, because I don't know enough about it. It has passed the House. It was referred to the Senate Finance Committee, which in turn referred it back to Secretary Finch. I have grave questions. I want to study it. I am sorry I can't give you a definite answer right now.

Mr. HART. Senator Hughes, Mr. Leader, says that President Nixon is using the media as his own privileged sanctuary to talk to the American people about his policies in Cambodia. Is his opposition being denied an adequate response?

Senator MANSFIELD. Oh, I don't think so. I don't blame the administration for using the media as much as the media will allow, because if the Democrats were in, we would be doing the same thing. I think we get our share of publicity, and it will not be as much as the President's. It shouldn't be, after all, we are not in control. I have no complaints.

Mr. HERMAN. Sometimes it is said that the media spends too much time on the opposition, that they are always in favor of the outs.

Senator MANSFIELD. It is up to the media.

Mr. HERMAN. One of the other issues which is before you now and on which you have spoken out is the vote for the 18-year-olds. What is going to happen?

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Senator Mansfield. It passed by four-to-one in the Senate. I would hope that the House would do the same thing. It is very important, I think, that we give these youngster who are eligible for the draft—many people laugh off that argument but, to me, it is nothing to laugh off—who are eligible to marry at that age, who are treated as adults in the courts, and in other areas. Give them the vote, bring them into the system, make them political-minded, give them a voice in the making of policies which they are called on to carry out now, but without having any say in them.

Mr. Herman. I know what you say, but the question is what is going to happen? Is the House going to pass it? Is the Senate going to stand firm?

Senator Mansfield. The Senate will stand firm, as far as I am concerned.

Mr. Herman. Do you think there will be an extended demand, so to speak, on this, and that this is going to keep Congress in session for quite a long period of time?

Senator Mansfield. It could be.

Mr. Herman. How long would you think this would be worth arguing?

Senator Mansfield. Oh, a long time.

Mr. Herman. You are really determined on it?

Senator Mansfield. I am very interested in it.

Mr. Hart. Extended debate, meaning something that is sort of like a filibuster?

Senator Mansfield. No.

Mr. Herman. Well, as the time begins to run out, let me put you out on a limb: Is it going to pass, finally?

Senator Mansfield. I hope so, because, as I say, the Senate passed it four-to-one. The House is going to face up to it next month. I don't know why they have been stalling in the Rules Committee. And if it is passed and becomes the law, it will go to the courts.

Mr. Herman. Well, on that hope, we have run out of time. Thank you very much for being with us on Face the Nation.

Announcer. Today, on Face the Nation, the Senate Majority Leader, Senator Mike Mansfield, Democrat, of Montana, was interviewed by CBS News Correspondent John Hart, Warren Weaver of The New York Times, and CBS News Correspondent George Herman. Next week, another prominent figure in the news will face the Nation. Face the Nation originated, in color, from CBS/Washington.

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## ADMINISTRATION'S WELFARE EXPANSION PLAN

Mr. TALMADGE. Mr. President, last Thursday I submitted an amendment to change the name of H.R. 16311, known as the Family Assistance Act of 1970, to the Welfare Expansion Act of 1970. My purpose in introducing this amendment was to set the record straight and make the American public aware of the true nature of this so-called welfare reform legislation.

It is my contention that the President's family assistance plan has been badly oversold and completely misrepresented to the American public. The administration program has been referred to as "workfare" rather than welfare. Recognizing the electorate's interest in changing the inequitable, incentive-killing welfare program we have now, administration spokesmen have branded their plan "welfare reform."

Although the administration was able to mislead the House Ways and Means Committee and the House of Representatives on this score, the Senate Finance Committee was quick to perceive the fact that the administration plan provides for welfare expansion rather than welfare reform.

The outstanding characteristic of H.R. 16311 is the expansion of Federal benefits to 15 million additional Americans. While increasing the welfare rolls from 10 million to 25 million people, the administration has made no effort to provide effective job training and—more important—job opportunities.

If this Congress approves legislation which will provide for the continuous addition of millions of people to the welfare rolls, with no effective means of removing recipients from the rolls, we are inviting a taxpayers' revolt.

Every Member of this body remembers that in 1969 the phrase "taxpayers' revolt" was very much in vogue. Members of this body frequently made dire warnings of the impending "revolt" if Congress failed to enact meaningful tax reform and tax reductions.

Mr. President, my mail indicated that these warnings were justified. People in my State and all over the country were up in arms, voting down bond issues for schools, hospitals, health programs—voting against anything which would increase their taxes.

The tax-writing committees of the Congress responded to this demand for tax reform by taking the initiative in the enactment of the most wide-sweeping tax reform since the income tax became law. We made reforms which increased the tax burden on those individuals who are not paying their fair share and changes to relieve the heavy burden on the hard-pressed middle-class American taxpayer.

When the full impact of the Tax Reform Act is felt in 1973, there will be a substantial reduction in taxes for middle-class Americans. For example, a family of four with an income of $7,500, claiming the standard deduction, would pay $687 in Federal income taxes under present law. When the Tax Reform Act is fully implemented in 1973, this same family would pay $514 income tax, for a 25-percent reduction in taxes. If the same family earned $10,000 and took the standard deduction, it would have a tax liability of $1,114 under present law. Under the fully implemented Tax Reform Act, this family's Federal income tax liability would be $905, for a tax reduction of $209.

While this tax reduction was substantial, middle-income families are still strapped with a heavy burden. As anyone knows, a middle-income family with two children has tremendous expenses in trying to maintain a moderate standard of living. For the $10,000 income family, a Federal tax burden of over $900 is much too high.

When the administration's budget for fiscal year 1971 was announced, much was made of the administration's attempt to cut Federal expenditures and slow the tide of inflation. The proposed budget would supposedly result in a surplus of $1.3 billion for fiscal year 1971.

Mr. President, this will not be the first time that a budget surplus of January fades into a budget deficit in December.

A close analysis of the administration's 1971 budget shows that it is based on assumptions that are questionable at best. For example, the administration had assumed the postponement of Federal pay raises beyond the July date to January of 1971 for a saving of $1.4 billion in the fiscal year of 1971. As we all know, Congress approved and the President signed into law a 6-percent Federal pay raise retroactive to December 27. This one item wipes out the Federal budget surplus of $1.3 billion.

In projecting the budget surplus, the administration played the old game of contemplating program cutbacks that it knows very well that the Congress will not accept. For example, the budget proposes the termination of the special milk program, reduction in Federal aid to impacted areas, and, most unrealistic of all, a $159 million cutback of services and benefits for veterans.

Just last week the Senate unanimously approved a bill to extend the special milk program after this measure had already been approved by the House of Representatives. Moreover, I think it is especially ridiculous to propose a cutback in veterans benefits and services at a time when more and more injured and disabled veterans are returning from the war in Southeast Asia only to find that they cannot get decent dental and medical care.

The administration's revenue estimates are extremely optimistic. For example, it has predicted that personal income will increase to $800 billion in the next fiscal year. This seems highly unlikely when we consider that unemployment has risen from 3.5 to 4.8 percent since December of 1969.

Dr. Laurence N. Woodworth, chief of the Joint Committee on Internal Revenue Taxation, does a yearly analysis of the Federal budget. He predicts that we are likely to have a deficit of at least $3 to $4 billion and possibly twice that much.

A budget deficit of $4 to $8 billion means one of two things—either runaway inflation or more taxes.

In the face of this dilemma, the administration presses forward with a welfare expansion plan which would increase the budget deficit by $4.4 billion a year. The administration has estimated that its family assistance plan would cost $4.4 billion per year more than the present program.

Mr. President, we would have some consolation if there were reason to believe that this $4.4 billion was a realistic figure.

Unfortunately, questions by members of the Senate Finance Committee pointed out gaping holes in the HEW's cost estimates. When the ranking Republican member of the committee, the Senator from Delaware (Mr. Williams), asked how much the HEW cost figures would be increased by a rise in the unemployment rate, he was amazed to learn that the HEW had no idea. I was as shocked as the senior Senator from Delaware, because the HEW costs figures have been based on an unemployment rate of 3.5 percent. As everyone knows, unemployment has risen to 4.8 percent, thus adding 1.1 million additional people to the unemployment rolls.

At the time this speech is made, the Committee on Finance has not yet received statistics requested by Senator WILLIAMS. We still have no idea how the cost estimates of the administration will be affected by the addition of over a million people to the unemployment rolls.

In addition to being based on the wrong unemployment rate, the administration's cost estimate is defective on another score. The estimate that the family assistance plan will cost an additional $4.4 billion in 1972 was based entirely on 1968 figures. HEW made no attempt to adjust for the great increase in the welfare rolls that has taken place since 1968 and the additional increase in the rolls which will have occurred by 1972, the first year that the welfare expansion plan could be operated.

The Finance Committee is understandably leery about cost estimates which originate in the Department of Health, Education, and Welfare. If the committee's experience with medicare and medicaid is any guide, the first year of cost of the welfare expansion plan will be closer to $8 billion than $4 billion.

Thus, we have the potential of $8 billion being added to a budget deficit which already ranges from $4 to $8 billion.

Mr. President, when Secretary Finch was questioned about the cost of the welfare expansion plan, he indicated that he did not believe that the plan should be financed on borrowed money, that it should not be financed by deficit spending. He indicated that the program should be paid for out of current revenues.

Although I did not accept the fallacious cost estimate of $4.4 billion, I asked the Secretary where we are going to get $4.4 billion in the tight budget that we must have for 1972. The Secretary responded vaguely about some "trade-offs" on other programs and stated that the additional cost was taken into consideration in 1972 budget projections.

In other words, the Secretary said that other Government programs would be cut to provide for the cost of the family assistance program. I am understandably skeptical about these "trade-offs" or program cuts. I believe that my skepticism is justified when we look at the false economies of the 1971 budget to which I have already made reference.

Mr. President, the American taxpayer will have to pay the bill. He is entitled to know what programs he will have to give up in order to pay for welfare expansion. It is easy enough for Cabinet officials to talk about "budget projections" and "trade-offs" which never materialize. It is easy enough for the administration to engage in the kind of budgetary gimmickry that is evident in the 1971 budget. It is not the Cabinet officials, it is not the administration who must pay the bill.

For too many years, Congress has enacted extravagant spending programs with little consideration for the American taxpayer, with little consideration of the ultimate impact of irresponsible spending policies. As a result, we have experienced during the past year inflation of over 6 percent. There is no end in sight.

I hope that this Congress will be more responsible. I hope that we can secure from the administration reliable cost estimates and cost projections for the next decade. I hope that this Congress will, before enacting this measure, write into the act inflexible cost limitations.

I believe that before the Finance Committee can act on H.R. 16311, the administration must provide us with not only reliable cost estimates but also a detailed list of "trade-offs" or items which will be cut from the budget in order to pay the cost of welfare expansion. I have written a letter to Secretary Finch requesting this information. I hope that the other members of the Senate Finance Committee will agree with me that we must have this information before we can proceed realistically with further consideration of H.R. 16311.

Mr. President, I ask unanimous consent that my letter to Secretary Finch be printed in the RECORD at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
*Washington, D.C., May 18, 1970.*

Hon. ROBERT H. FINCH,
*Department of Health, Education, and Welfare, Washington, D.C.*

DEAR MR. SECRETARY: When you testified before the Senate Finance Committee, I asked you where you are going to get the money to finance the Administration's Family Assistance Plan. You have estimated that it is going to cost the government an additional $4.4 billion to finance the first year of operation of this welfare expansion plan. I do not accept this estimate as realistic. You based this estimate on an unemployment rate of 3.5 percent. As you know, unemployment has gone up to 4.8 percent, thus adding 1.1 million Americans to the unemployment rolls.

In addition, your cost estimate is based on 1968 figures. You failed to take into consideration the dramatic increase in the welfare rolls which will have occurred by 1972, the first year that your welfare expansion plan could be operated. Because of this increase in the welfare rolls, there has been a billion dollar increase in the cost of public assistance from 1968 to 1969.

Although I do not believe that your cost estimate of $4.4 billion is realistic, I asked you during the Finance Committee's hearings where we are going to get an additional $4.4 billion. You responded, and I quote, "Well, the Bureau of the Budget has built in these costs and all of their projections obviously were trading off with other programs. We have regarded the social implications of this as important enough to make those trade-offs within our present projections." You also responded that you are not anticipating any new tax authority to meet this new obligation.

Mr. Secretary, you have not yet responded with any of the information requested by the members of the Senate Finance Committee. However, I would like to add one more question to the long list of unanswered questions. I am requesting a detailed list of programs you intend to eliminate or reduce in order to pay for welfare expansion. I would like to know exactly which programs are to be cut back, which programs are to be eliminated and the amount of money that will be saved on each item. Only when this information is made available to the American public will we have any basis for considering H.R. 16311.

With every good wish, I am,
Sincerely,
HERMAN E. TALMADGE.

Mr. TALMADGE. It is entirely appropriate that the same congressional committees which must approve welfare payments are also charged with the responsibility of setting the tax rates. If the administration cannot show to the satisfaction of the tax writing committees that there is room in the 1972 and subsequent budgets for several billion dollars for welfare expansion, if it cannot show that it plans real cuts, rather than budget gimmicks, then we should consider a tax increase in conjunction with H.R. 16311.

Mr. President, yesterday the Chairman of the Federal Reserve Board, Arthur F. Burns, delivered a speech at the American Bankers Association monetary conference in Hot Springs, Va. His speech was reported in yesterday afternoon's Washington Star. The article is captioned "Limit Spending or Raise Tax, Burns Advises." I ask unanimous consent that the article relating to his speech, which appeared in yesterday afternoon's Star, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

## LIMIT SPENDING OR RAISE TAX, BURNS ADVISES

(By Lee M. Cohn)

Federal Reserve Chairman Arthur F. Burns today called on Congress to clamp a tight ceiling on federal spending, or raise taxes to cover any significant expenditure increase.

A legal limit on outlays would be "the single most constructive step that could be taken" now to combat inflation and restore confidence in financial markets, Burns said in a speech prepared for an American Bankers Association monetary conference in Hot Springs, Va.

He also recommended consideration by the Nixon administration of a temporary "incomes policy"—short of direct controls—to restrain wage and price increases.

### MODERATE OPTIMISM

On the general economic outlook, Burns was moderately optimistic about prospects for gradually curbing inflation without a recession.

Congress should enact an expenditure ceiling "tight enough to give reasonable assurance that federal expenditures for fiscal 1971 do not rise appreciably above the level projected in the budget last January" Burns said.

President Nixon's budget estimated spending in fiscal 1971, the year starting July 1, at $200.8 billion, up from $197.9 billion in fiscal 1970.

With revenues projected at $202.1 billion, the budget forecast a surplus of $1.3 billion, down from $1.5 billion in fiscal 1970.

Revised estimates scheduled for release this week are expected to show rising expenditures and declining revenues, producing moderate deficits in both years.

### APPEARS TO DIFFER

In calling for a tight expenditure ceiling, Burns appeared to be differing with the administration, which has complained about the rigidity of such legislative limits.

As an alternative to a spending ceiling, Burns suggested, "if expenditures threaten to rise significantly above that level ($200.8 billion), taxes should be provided to cover the excess."

Indications that spending is on the upswing have caused "dramatic" reactions in financial markets, Burns said, observing: "The business and financial public is deeply concerned that the federal budgetary process

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may have gotten out of hand in recent years. There is some basis for this concern."

In addition to a spending ceiling, he called for budgetary reforms to weed out expenditures on outmoded programs.

FOREIGN EXPERIENCE CITED

Noting that progress against inflation has been slow, Burns said the government is receiving suggestions for direct intervention to curb wage and price increases.

Specific "incomes policies" have achieved little success in the United States or abroad, he said.

"Nevertheless," he said, "we should not close our minds to the possibility that an incomes policy, provided it stopped well short of direct price and wage controls and was used merely as a supplement to over-all fiscal and monetary measures, might speed us through this transitional period of cost-push inflation."

He emphasized that an incomes policy pursued for a long period would be "completely impractical," and acknowledged that even a temporary policy of this nature would play only a "very modest" role in speeding the conquest of inflation.

Burns appeared to be talking about what is known as "jawboning"—more or less direct efforts to persuade labor and business to restrain wage and price increases.

The administration so far has opposed jawboning as ineffective.

"We have made much more progress than is generally realized in getting the inflationary forces of recent years under control," Burns said—while admitting that excessive price increases continue.

By slowing the economy, he said, anti-inflationary monetary and fiscal policies have taken "a risk that the decline in industrial output would intensify and spread across the economy, with the business slowdown taking on the characteristics of a recession."

"Thus far, the pervasive and cumulative characteristics of a recession have not developed," he said, adding: "It seems highly probable, moreover, that the business slowdown will not extend much further.

**Mr. TALMADGE.** There is adequate precedent for this procedure. The social security program has maintained its fiscal integrity because of the fact that sufficient social security revenues must be assured whenever we consider an increase in social security benefits. Because the social security trust fund stands alone, the relation between benefits and revenues is quite apparent.

Therefore, the Finance Committee became aware this year that unless medicare and medicaid costs were brought into line, or unless social security taxes were increased, the medicare program would go bankrupt.

Mr. President, I submit that we should apply the same kind of safeguard to this welfare expansion legislation. We do not necessarily need a welfare trust fund, but we do need to insure that there is a clear relationship between tax revenues and welfare benefits. If it is necessary to enact a tax increase for welfare benefits, we could call it the "Welfare Surtax of 1970."

I am tired of seeing the American taxpayer deluded. If the administration does not come up with satisfactory figures, I shall do everything I can, as one member of the Senate Finance Committee, to assure that a tax increase is considered in conjunction with H.R. 16311.

I predict that if Congress plays fast and loose with the American taxpayer, that if Congress enacts a program which will require the return of the 10-percent surtax, we will see a real taxpayers' revolt. This revolt will not be quelled by the enactment of another tax reform bill.

One of the great injustices of our time is the fact that any Member of Congress who opposes unlimited Federal giveaway programs is branded as harsh and insensitive to the needs of the poor.

On the contrary, the exact opposite is often the case.

I am sure that the advocates of H.R. 16311 will overlook the fact that in this session of Congress, I have attempted to do a great deal for the poor of this Nation. No Member of this body is more concerned with helping the very young, the elderly, the blind, and the disabled than am I. It is for this reason that I introduced the first major food stamp bill of 1969. I might add that this bill S. 1864, served as a pattern for the administration bill which was subsequently introduced. As every Member of the Senate knows, this body passed the food stamp reform bill last year. Unfortunately, this bill has not yet been approved by the House of Representatives. When enacted into law, the food stamp legislation will go a very long way in insuring that every American has an adequate diet.

The first major antihunger legislation to develop the current national concern about hunger was the school lunch bill which was approved by Congress and signed into law by the President last week. H.R. 515 was introduced by Representative PERKINS and approved by the House of Representatives in 1969. Also, in 1969, I introduced S. 2548, my own school lunch bill, and this bill was subsequently reported by the Senate Agriculture Committee. After some amendments were added on the floor, S. 2548 was passed unanimously by the Senate, and its language was substituted for the language of H.R. 515. The enactment of this legislation will insure that every needy schoolchild in America will receive a free or reduced price lunch.

Although I am quite concerned about providing for the needs of those who are unable to provide for themselves, I never allow myself to forget that I represent all the people and all the taxpayers. Therefore, I will not be a party to saddling the American taxpayer with an open-ended spending program which will increase the tax burden every year.

The American taxpayer should no longer be limited to a choice between runaway inflation and higher taxes.

The American public is tired of the policy of "spend now and pay later." As a matter of fact, the American taxpayer is now paying for the unwise and extravagant spending of the past.

The American taxpayer is entitled to know the true facts—the true cost of welfare expansion. If a tax increase will be required, then this tax increase should be considered now—in conjunction with the welfare expansion plan. If a tax increase is necessary, the administration should have the candor and the courage to call for such an increase now.

## ORDER OF BUSINESS

**Mr. TALMADGE.** Mr. President, under the previous order, the distinguished Senator from Missouri (Mr. SYMINGTON) is to speak at this time. Is the Senator prepared to proceed?

**Mr. SYMINGTON.** I prefer to yield my 10 minutes to the Senator. I believe he has 10 more minutes.

**Mr. TALMADGE.** I have completed my remarks.

I suggest the absence of a quorum, Mr. President.

**The PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

**Mr. SYMINGTON.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**The PRESIDING OFFICER** (Mr. MUSKIE). Without objection, it is so ordered.

**Mr. SYMINGTON.** Mr. President, I ask unanimous consent that another quorum call be requested, and that, in accordance with the rules, I be allowed to have the floor after that quorum call.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

**Mr. SYMINGTON.** Mr. President, I suggest the absence of a quorum.

**The PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

**Mr. SYMINGTON.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**The PRESIDING OFFICER** (Mr. HOLLINGS). Without objection, it is so ordered.

Under the previous order, the Senator from Missouri (Mr. SYMINGTON) is now recognized for 1 hour.

## CAMBODIA—WHERE IS THE PROFIT IN THE KILLING?

**Mr. SYMINGTON.** Mr. President, in the debate on the Senate floor last week the distinguished Senator from Mississippi, the chairman of the Senate Armed Services Committee made the following observation:

> I am not an expert on military matters and how to fight a war, but I have been close to the subject for some time.

Those words are applicable to my own experience, in that during most of the adult years of my life I have been working for a strong and secure America, so that we could maintain a free America; and it is from that background I present these few remarks.

As the Senate now considers the Cooper-Church amendment, we should ask ourselves, what is true security?

During the debate on this amendment, opponents of the legislation—specifically the chairman of the Armed Services Committee—stated that passage of this proposal would be "sending such glad tidings to our adversaries, not only those in Hanoi, but those who are allied with them—Peking, Moscow, and others—that we are going to tie a part of our other hand behind us."

The distinguished chairman went even further when he said:

> This is not a time to be stepping in here and stopping a procedure of battle that has every evidence of being highly profitable. There is no reason to promise now that we

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will never do it again unless we can get a law passed.

It was not the Members of the Senate, however, or even the authors of this amendment, who first set down the guidelines which have been described as "sending such glad tidings to our adversaries."

On May 9, at his nationally televised press conference, President Nixon laid out the time schedule that now is being criticized as "stopping a procedure of battle that has every evidence of being highly profitable."

The President declared, both to this Nation and to our enemies:

> All Americans of all kinds, including advisors, will be out of Cambodia by the end of June.

It was the President who, in meetings with congressional leaders on May 5, assured that U.S. forces would not penetrate Cambodia beyond 21.7 miles without congressional approval.

It was the Secretary of State who, at his press conference on May 13, said U.S. troops would not become "militarily involved" with the Cambodian Government after completion of the present operation.

Do the opponents of the Cooper-Church amendment believe that Hanoi became joyful when these statements were made to the American people? Or does joy only begin when the Senate endorses the announced policies of the President and his top officials?

Rather than at this time getting into the constitutional problem posed by an American President I would comment on the words "highly profitable" with respect to various aspects of this tragic business.

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We are told that many additional Americans have already been killed in Cambodia, each and every one of whom no doubt was looking to the future. I heard on the radio Saturday morning that 138 Americans were killed in Cambodia.

Where is the profit in these additional killings?

On May 4, during a protest against the expansion of the war, the killing spread to the United States. Four students were killed by National Guardsmen; and then six more were killed; and then two more.

Where was the profit in those killings?

A responsible reporter writes from Cambodia that he saw disillusioned GI's going into action from their helicopters with such signs on their helmets as:

> We are the unwilling, led by the unqualified, doing the unnecessary, for the ungrateful.

No doubt the GI's in question now realize that the announced plan of Vietnamization nails down the fact there will be no favorable military decision. They know that, and also that among them are the ones who will be killed tomorrow and in the long days to come.

They know also that for over 4 years the North Vietnamese and Vietcong have had full use of Cambodia as a sanctuary for their troops. This was true long before the policy of Vietnamization was decided upon by this administration; and therefore they know that the U.S. invasion of Cambodia was a military reaction to a political development—not a military development—the overthrow of Prince Sihanouk.

In any case, where is the profit in the fact that such thinking is spreading around among members of our Armed Forces?

Where is the profit in a statement made to me recently by one of the finest of all generals? "The better younger officers are completely disillusioned. Many have already resigned, and many more plan to resign."

Again, what is a true definition of security?

The American people have been both shocked and saddened by the televised evidence of the unnecessary killing of South Vietnamese civilians. For many months some of our youth in the Army have been under indictment for murder in connection with civilian killings, and now we are told that four marines have also been indicted for similar alleged murders.

Where is the profit in charges of murder against American servicemen, or in the killings upon which these charges are based?

One of the great educators of our country, who has had unusual success in preventing unrest on his campus, told me recently that, whereas 3 years ago returning veterans were leaders in his efforts to preserve order, today they were the leaders in creating disorder.

And again, in any case, regardless of any short term tactical military profit achieved through the capture of a quantity of supplies 10,000 miles away from our own land, as the world watches the United States start putting the torch to the hamlets of another little country, where is the long-term profit?

From the standpoint of our diplomatic relations with other countries, the invasion of Cambodia has been sheer disaster. Even a casual look at subsequent statements made by the heads of other nations shows the degree of that disaster.

**Mr. CHURCH.** Mr. President, would the Senator yield, or would he prefer to finish his speech? I would be happy to do it either way.

**Mr. SYMINGTON.** Mr. President, could I finish my remarks? I am on limited time.

**Mr. CHURCH.** Mr. President, I commend the Senator on the excellent speech he is making, and I shall wait for him to complete his prepared remarks.

**Mr. SYMINGTON.** Mr. President, where is the profit in this further erosion of our world prestige?

From an economic standpoint, the invasion of Cambodia has already resulted in heavy financial reverses for millions of Americans. To this should be added the fact that the war in Southeast Asia has been the primary cause for us having, simultaneously for the first time in our history, the three dangerous economic components of first, unprecedentedly high interest rates, second increasing inflation, and third, growing unemployment.

No one could say there is any profit in this series of developments, because it is all too clear there has been heavy loss.

Let us now look at the testimony before the Senate of one of the most respected and admired leaders of American business, Louis B. Lundborg, chairman of the board of the Bank of America, the largest bank in the world Mr. Lundborg testified in part as follows:

> In my judgment, the war in Vietnam is a tragic national mistake.
>
> * * * * *
>
> The fact is that collectively, as a nation, we have made a mistake, a colossal one. In any other context of life, when a mistake has been made—whether by a person, by a company, or by a nation—there is only one thing to do; face up to it. No amount of cover-up—rationalizing, alibiing, or ducking the facts—will avoid the inevitable day of reckoning; it only compounds the cost.
>
> * * * * *
>
> In my judgment, it is time the shareholders of America—the people—begin to call for an end to the squandering of American blood, morale and resources on what is in essence an Asian war of nationalism.

I believe, Mr. President, that I have been to Vietnam as often as any other Member of Congress. And if there is one thing I am sure of, it is the accuracy of that remark with regard to nationalism.

Mr. Lundborg continues:

> Certainly the disillusionment of the young over our whole Vietnam experience has weakened their willingness to follow adult leadership in anything.
>
> I shudder to think of our being confronted by a real military threat—a direct and immediate one—to our own national security while our youth are in this mood.
>
> The overriding question is this one—"Does the United States from either a practical or moral viewpoint have either the right or the might to set itself up as the unilateral policeman for the world?" My answer to that question is that such a position is morally indefensible and practically unstainable.
>
> * * * * *
>
> This has been an issue that has left our people confused and bewildered, with no clear sense of direction, no clear sense of national purpose, no confidence in the morality of such national directions as are apparent.
>
> * * * * *
>
> We must remind ourselves that, big and powerful as we are, we are only one nation among many.
>
> This in essence is our mistake in Vietnam. We have somehow lost the vision to see that economics—not ideologies and not military operations—is the key to favorable world development in the latter third of the 20th century. There is only one way out of our current dilemma and that is the elimination of war in Vietnam.

Should we not listen also to the words of John W. Gardner, one of the great public servants of our time, when he says:

> While each of us pursues his selfish interest and comforts himself by blaming others, the nation disintegrates. I use the phrase soberly. The nation disintegrates . . .
>
> Nothing we are doing to help or harm our friends in Southeast Asia can compare to what we are doing to ourselves as a nation. The erosion of spirit that we have experienced is beyond calculation. Weighed against that erosion, any geopolitical advantages in the war must seem as pitifully small. I hasten to add my own view that judged in the strictest national security terms, our involvement in Southeast Asia is hopelessly counter to our best interests.

Mr. Gardner later observed:

We are not going to solve our domestic problems until this war is over. It is just as simple as that.

One of the domestic problems which now confronts us, a direct result of the Vietnam war, is the need to care for those brave men who have returned to this country, but who will never be the same again. In this connection, I ask unanimous consent that an article by Charles Childs entitled, "It's Like You've Been Put in Jail or Been Punished for Something," in the issue of Life magazine of May 22, having to do with the experience in a veterans' hospital of a wounded marine, as well as another article from the same issue entitled "From Vietnam to a V.A. Hospital: Assignment to Neglect," be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SYMINGTON. Mr. President, I had planned to read a part of that short article this morning on the floor of the Senate but it is so sad, so terribly sad and tragic in all its actualities and implications that I have decided not to do so this morning. I would only ask, How can anything like this be going on in America, the richest country in history, the land of the free and the home of the brave?

Far from any profit, the tremendous losses resulting from this war in Indochina, both at home and abroad, are now becoming ever more clear; and the youth of the country continue to protest, because they are unwilling to die for a cause in which they, and so many other Americans, do not believe.

This latest Cambodian expansion of the war is defended on the grounds it supports our military; but I say, with great respect, that the best way to support them would be to bring them home, under a phased and orderly withdrawal plan.

This, in itself, would be the greatest single step toward stopping the killing of Americans, the killing of South Vietnamese, the killing of North Vietnamese, the killing of Laotians, the killing of Cambodians, the killing of all men, women, and children; and it would also help to restore much of the lost faith in Government which today characterizes the thinking of so many of our citizens.

These military, diplomatic, and economic sacrifices might be justified if the war we continue to fight week after week, month after month, and year after year in Southeast Asia was contributing anything to our national security. But I have been directly connected with the military planning incident to the security of the United States for some 30 years; and am sure in my own mind that Vietnam and all it entails is now reducing instead of increasing the true security of the United States.

### Exhibit 1

### It's Like You've Been Put in Jail or Been Punished for Something

(By Charles Childs)

The siege at Khesanh had been lifted and Marine Marke Dumpert had gone back to Quangtri not feeling much other than the choking sensation of knowing he had been incredibly lucky. He had been in one of the toughest battles of the war and he had survived it. Hardened and immunized by the experience, Dumpert, then a private, volunteered to accompany a corporal and a lance corporal on a routine check of the front lines. He had been in Vietnam for three months. That was the day he was hit.

"As we headed out from the camp," Marke remembers, "I was seated up front by the door, the lance corporal beside me and the corporal driving. I heard a crack, a sound I'd heard a lot at Khesanh. You start to sweat when that happens because you get so you can tell how close a shell is. I could tell it was one of those six-foot Russian-made rockets because they sound like a freight train crashing. Just when I took a breath . . . it happened."

Blasted off the road, Dumpert was thrown into coiled barbed wire. After him came the truck, rolling over him and grinding him into the barbed wire. The pain was terrible. He felt a sensation of white heat, like a light bulb exploding in his eyes. His neck was already broken but in some miraculous way he remained conscious.

Luckily the truck was not far from the camp when it was hit, so help soon arrived. Dragged out and freed from the tangle of barbed wire, Dumpert was rushed to a nearby field hospital and immobilized with sandbags on each side of his head. A Medevac helicopter removed him to a hospital ship that was cruising in the South China Sea. The whole episode, from injury to hospital ship, had taken only 75 minutes. Four days later, Medevac surgeons operated to fuse Dumpert's broken neck back in place. Then they told him: he would survive but he would be paralyzed for the rest of his life from the neck downwards.

After surgery on the medical ship, Marke was flown to the Philadelphia Naval Hospital. There they helped him to learn how to breathe all over again, and he began physical therapy. "They did a great job," Marke says. "The volunteers and the USO people were terrific. Even among the in-service corpsmen there's discipline. If you don't get attended to by one of these corpsmen, a complaint might just mean somebody's weekend pass."

In September of 1968, the time came for transfer to a Veterans Administration hospital. For Dumpert, as for other wounded, it meant that his condition had been improved and stabilized to the point where extended care could begin. But, as it turned out, the Bronx VA Hospital was nothing to look forward to.

"The day they moved me into that gloomy 3-C ward, I knew I was back at the battlefield," Dumpert says. "It was the misery of Khesanh all over again. I spent over a month and a half in an 8x21-foot bunker in Khesanh. I remember the smell of four other guys plus myself, when we had to use water to drink, not to wash with, when we lived with garbage rather than dump it and get hit by a sniper. But at least in Khesanh, you could joke and be lighthearted. Death was around you but there was still the possibility of getting out. Here in this ward, living with the misery of six neglected guys who can't wash themselves, can't even get a glass of water for themselves, who are left unattended for hours . . . it's sickening.

"Nobody should have to live in these conditions," Dumpert insists. "We're all hooked up to urine bags, and without enough attendants to empty them, they spill over the floor. It smells and cakes something awful. The aides don't commit themselves wholeheartedly, but with what they earn a year why should they? I've laid in bed on one side from 6 a.m. to 4 p.m., without getting moved or washed. When and if you do get a shower, you come back and you're put into a bed on the same sweaty sheets you started with. It's like you've been put in jail, or you've been punished for something."

The rats were worst. "I had been sleeping on my stomach," Dumpert recalls. "It wasn't 11 o'clock, but I had closed by eyes. I suddenly awoke to find a rat on my hand. I can't move my hand, so I tried to jerk my shoulders. I screamed and the rat jumped slowly off my bed. When the aide arrived, I told him. He said, 'Aw, you must be drunk.' Nobody has done anything to this day, so some of the amputees who are not totally disabled have taken to setting traps, to protect us. If you're a nervous-system injury you can't feel anything, and you couldl get bitten in the night and not know it."

Escape from his predicament seems altogether impossible. Dumpert hopes to finish high school and has a dream of becoming a lawyer, despite his disability. But his will to struggle has been seriously impaired by neglect and frustration.

"I feel that the way we Vietnam veterans are being treated," he says, "is abnormal. I regret having to say this, but now I have nothing but disgust for my country. I used to hate the guys who ran off to Canada to avoid the draft. Now I don't hate them. I don't like them, but I respect them for what they did. If I had known what I know now, I would never have enlisted. I don't mean just my injury, but the insensitivity and lack of care. They would have had to drag me into the service kicking. It makes me wonder about Vietnam—about whether the people I saw die, and people like me who are half dead, fought for nothing."

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### From Vietnam to a VA Hospital Assignment to Neglect

Besides the dead, there are the wounded: 275,000 of them to date. A man hit in Vietnam has twice as good a chance of surviving as he did in Korea and World War II—helicopter teams evacuate the wounded faster, often within minutes, support hospitals perform miraculous repairs on injuries that tend to be more devastating than ever before. But having been saved by the best field medicine in history and given initial treatment in first-rate military facilities, one out of every seven U.S. servicemen wounded in Vietnam is fated to pass into the bleak backwaters of our Veterans Administration hospitals.

With 166 separate institutions, the VA hospital system is the biggest in the world. The 800,000 patients it treats in a year, mainly men wounded in earlier wars, range from cardiac to psychiatric cases. It is disgracefully understaffed, with standards far below those of an average community hospital. Many wards remain closed for want of personnel and the rest are strained with overcrowding. Facilities for long-term treatment and rehabilitation, indispensable for the kind of paralytic injuries especially common in this war of land mines and booby traps, are generally inferior. At Miami's VA hospital, while sophisticated new equipment sits idle for lack of trained personnel, patients may wait hours for needed blood transfusions. At the VA's showplace hospital in Washington, D.C. a single registered nurse may minister to as many as 80 patients at a time. At the Wadsworth VA Hospital in Los Angeles, doctors who work there describe ward conditions as "medieval" and "filthy."

Veterans Administration Director Donald E. Johnson insists publicly that veterans receive "care second to none." The evidence is overwhelmingly against him. A five-month inquiry by a Senate subcommittee chaired by California's Alan Cranston has documented gross inadequacies and laid the main blame directly on a series of cutbacks in the VA medical budget. This sum presently amounts to roughly $1.6 billion a year, somewhat less than the cost of one month's fighting in Vietnam. Additional appropriations of $122 million for next year await probable congressional approval and could help ease

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the immediate crisis. But within the next 12 months 16,000 more men from Vietnam are expected to come under the Veterans Administration's care.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. SYMINGTON. I had said I would yield to the Senator from Idaho. Then, I would be happy to yield to the Senator from New York.

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Missouri for the very thoughtful and hard-hitting address he has made this morning. I must say that he has taken all of the arguments and reduced them to a succinct statement of his position.

What it comes down to, as he has emphasized, is that it is this war that hurts the United States, hurts us abroad and hurts us at home; and the crisis that has come to this country is the result of our interminable involvement in this war which offers no conclusive results, and tears apart the fabric or our own society.

There are limits to what a democratic country can do when it comes to war; it cannot persist indefinitely in a war that can neither be stopped nor won; it cannot keep forcing young people to fight when so many of them believe the war to be wrongful, without sowing the seeds of sedition in our own land.

That is what is happening to us now and it has a far greater bearing on the future of the Republic than anything that is now or ever has been at stake for us in Indochina.

I think of all the arguments that have been voiced against the pending amendment, the most incredible was that taken to the press galleries a few days ago, when the two commanders of the largest veterans organizations of the country condemned the sponsors of this amendment in terms that impugned their patriotism and alleged that the amendment would be greeted with joy and jubilation in Moscow and Peking. The facts are just the opposite. It is the Cambodian operation itself, not this amendment, that has brought joy to Peking.

A distinguished commentator, Mr. Stanley Karnow, wrote in the Washington Post of Monday, May 11, 1970, that the Chinese Government greeted with enthusiasm the decision of the President to enter Cambodia. The political repercussions pose a far larger danger to the United States in the long run, a much greater potential threat to American security, than anything that is involved in the present war in Vietnam.

For example, there is evidence that China and Russia are laying their quarrel aside, a quarrel that had split the Communist world into two warring camps. What a price to pay. Next, there is evidence that the Chinese, for the first time in years, are reestablishing their leadership over the Communist movement in Asia. Of course, as the Senator knows, the Chinese leadership has been by far the more aggressive in the competition between Peking and Moscow.

I say to the Senator that he has brought back into balance the question which faces us. It would be in line with his remarks if the article by Mr. Karnow, to which I referred, entitled "Nixon's Expansion of the War Seems To Delight Chinese," might appear here in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### NIXON'S EXPANSION OF THE WAR SEEMS TO DELIGHT CHINESE

(By Stanley Karnow)

HONG KONG, CHINA.—Experts here have finally figured out Mao Tse-tung's whereabouts during his recent long absence from public view. He was secretly ensconced in the White House, advising President Nixon to send American troops into Cambodia.

The circumstantial evidence to support that intelligence is reflected in the fact that nobody has been displaying greater delight at the widening war in Indochina than the Chinese Communists.

Mao and his associates are not crazy. On the contrary, they are tough, shrewd and, despite their apparent adherence to rigid doctrines, extraordinarily flexible.

Most of all, they are patient enough to have played a cautious waiting game in the hope that Mr. Nixon would accommodate them by stumbling into Camobdia.

For the conflict now spreading throughout the Indochinese peninsula serves their cause in several ways. And, barring the unlikely prospect of its spilling over into China itself, this welcome development is costing them next to nothing.

In terms of their own strategic ambitions, the Chinese have three inter-related objectives in Southeast Asia.

First and foremost, they want to oust American military power, partly because they are concerned with their security and partly because a U.S. presence thwarts their other aims in the area.

Second, they want to curb the influence in the region of the Soviet Union, which they also see as a potential military threat as well as an ideological rival.

Third, they want a future Southeast Asia composed of frail states that pose no challenge to Chinese hegemony but, as in centuries past, pay tribute to the rule of the "Middle Kingdom" in Peking.

The American involvement in Vietnam, they perceive with obvious pleasure, has bogged down the United States in a situation it cannot win and refuses to lose. Therefore, they calculate, an extension of the conflict will only drain U.S. resources further.

Besides stirring dissent in the United States and thus fulfilling their dogma that the "masses" inevitably rise against their "fascist masters" the Indochina mess also appears to the Chinese to be an opportunity to "isolate" America internationally.

By no coincidence, consequently, they have invited a French cabinet minister to visit China this summer for the first time since France recognized Peking in 1954. Moreover, they are improving their ties with Britain and Yugoslavia, and progressing toward diplomatic relations with Canada and Italy.

In the meantime, just as Mao wished, the specter of a bigger Indochina war is weakening the Soviet position in the area as the Russians waver between trying to promote the moderation they really prefer and backing Communist escalation in order to assert their revolutionary credentials.

One sign of Soviet confusion has been apparent in the Kremlin's delay in recognizing Prince Sihanouk's Peking sponsored government-in-exile. As a result, Moscow has clearly lost ground to the Chinese in Hanoi.

Meanwhile, with no indication from Washington that they can expect to gain anything from 25 years of struggle, the Vietnamese Communists are settling down to "protracted war."

Again, this suits Peking's long-range dreams, since it augurs an exhausted Vietnam that the Chinese are convinced they can eventually dominate.

In an unusually candid talk with an American some time ago, a Hanoi official stress this point. "You think you are blocking China by fighting us," he said, "but in fact, you are destroying a barrier to Chinese expansion in Southeast Asia if you destroy us."

Mao himself emphasized a similar point when, a few years back, a Japanese visitor to Peking apologized to him for Japan's aggression against China in the 1930s.

"The Japanese invasion inspired the Chinese people to rise and fight," Mao reportedly told his visitor. "Our army grew by a million men, and our support grew to include one hundred million people.

"So, instead of your apologizing to me, perhaps I should thank you."

It would be tragic if Mao repeated those same lines to an American visitor in Peking years hence. The way things are going, that possibility is not inconceivable.

Mr. SYMINGTON. I thank my colleague for his kind and generous remarks with respect to the thoughts I have expressed this morning. In effect, I am following his leadership in this matter, along with that of my distinguished colleague, the Senator from Kentucky (Mr. COOPER) and also, as coendorsers of the amendment, the able majority leader, and the ranking Republican of the Senate who also is the ranking minority member of the Committee on Foreign Relations.

I could go into more military detail as a member of the Committee on Armed Services, or more diplomatic detail as a member of the Committee on Foreign Relations, or more economic detail as a member of the Joint Economic Committee with respect to just what this war is doing to the United States of America.

My talk this morning, however, was to present in the main what I believe this war is doing to the faith of America in itself, and to the moral fiber of its people.

I am glad to yield to the able Senator from New York, with whom I am privileged to serve on the Foreign Relations Committee.

Mr. JAVITS. Mr. President, like the Senator from Missouri, I am also a cosponsor of the Church-Cooper amendment. I was especially taken by a particular phrase the Senator used in the speech, the phrase, "the best way to support them would be to bring them home, under a phased and orderly withdrawal plan."

I would like to ask the Senator whether this is not his feeling in response to the thought uttered by so many that all advocates of withdrawal mean that in some precipitate, disgraceful, and heedless manner, without any regard for security, about which the Senator knows a great deal. We send ships up to the piers, put the men aboard, and take them out. In the first place, this just could not be done.

Therefore, I ask the Senator whether he does not feel that by using that phrase, "a phased and orderly withdrawal," he is really asking the President to go back to the one stance he took which did give some small measure of reassurance to many in the country and resulted in a kind of uneasy truce between those who wanted to get out of Vietnam and those who did not. That truce has now, in a sense, been shattered, with a tremendous strain upon the social structure of our country by those whose suspicion has been aroused that there is not going to be any phased and orderly withdrawal, even on the President's timetable. And, one of the greatest things the President could do is decisively to terminate the Cambodia operation and to give the country, by deeds and words, reassurance that, at least, he was going back to his original plan of phased and orderly withdrawal. The President's earlier speeches in this vein had reduced the national tensions over Vietnam—before the latest Cambodia speech.

Mr. SYMINGTON. I thank the able Senator. Of course he is right.

I changed my position publicly on this war as the record will show, in the fall of 1967—October, to be exact—after one more trip to Vietnam. I became convinced that the price we were being asked to pay was not worth the candle. Therefore, I was glad when the President announced a policy of orderly deescalation and withdrawal.

I was glad that he felt, during the campaign, it would be possible to solve, within a reasonable time, this cancer on the world's future which could be summed up in the word "Vietnam."

What worries me today about this latest situation is the secrecy involved, also that it looked like, at least to the uninformed, of which I am one, a change in direction. I have been a member of the Senate Armed Service Committee since the first day I came to the Congress, and for a decade have been a member of the Central Intelligence Agency Subcommittee, and for close to a decade of the Foreign Relations Committee. And I say to the Senate, without reservation, that I knew nothing about the attack on Cambodia until our troops were in that land.

Yesterday the able and distinguished Secretary of Defense testified before the Foreign Relations Committee, and he stated that details had been given him by the Central Intelligence Agency months ago as a reason for this adventure, invasion—whatever the word would be—with respect to Cambodia.

I have great respect for the Secretary as a public servant and a former Member of the Congress, but will say that none of that information ever came to the committees on which I sit, including the committee supposed to supervise the Central Intelligence Agency. I do believe the growing tendency toward secrecy in government—incidentally I am writing an article about that now—is perhaps the greatest danger of all to the survival of the Nation.

Mr. JAVITS. I am very grateful to the Senator for his statement.

Mr. SYMINGTON. I thank the Senator for his kind remarks.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to the distinguished senior Senator from Wisconsin.

Mr. PROXMIRE. I join in the general commendation of the Senator from Missouri in this excellent, thoughtful, and convincing statement. I am particularly impressed because the Senator from Missouri (Mr. SYMINGTON), who is a former Secretary of the Air Force—the first Secretary of the Air Force—has been an 18-year member of the Armed Services Committee. I note on page 3 of his statement:

> Where is the profit in a statement made to me recently by one of the finest of all Generals, "The better younger officers are completely disillusioned? Many have already resigned, and many more plan to resign.

That is the first time that kind of situation has been called so authoritatively and forcefully to my attention. This is impressive, and depressing. These young officers have been identified in the public mind as those who have been "gung ho" and all out in favor of military action in Southeast Asia and as those who have felt that the action was militarily sound. I think the Senator from Missouri raises a most interesting and significant question in that regard. It follows the statement that he makes that the Cambodian action was a political action, very largely or at least based upon a political development, and not based strictly on military considerations. So I want to thank the Senator from Missouri for that information.

I would like to ask him a question in connection with his observation on the economic effects. He points out that this is the first time in our history when we have had record high interest rates, growing unemployment, and rising inflation simultaneously, and he says this is the result of the Vietnam war, the implication being that any prolongation or extension of the Vietnam war is going to aggravate our economic situation. Is that the Senator's conviction?

Mr. SYMINGTON. First, Mr. President, I would thank my able colleague from Wisconsin. As a member of the committee he has chaired, the Joint Economic Committee, I do not believe anybody in this country has done more to help the load of the American taxpayers, through his wise and courageous handling of that committee. Much of what I feel about the economic problems now facing this Nation is a result of having worked with him, and for him on that committee.

I quoted someone who knows probably as much as he does, and far more than I do, about the economic situation when I quoted Louis Lundborg, head of the world's largest bank. It was he who brought up the figures to show how serious this situation was getting from the standpoint of our economic survival, let alone our economic prosperity.

In this connection he made two broad presentations, the first as president of the bank, the second as an individual citizen. The basis of the first one presented showed among other things the fallacy in the Marxian prediction about capitalism needing war to maintain profits. Exactly the opposite has been going on with respect to the economy of the United States today.

In further development of his thinking, I remember one figure he gave which was quite startling. In the 4 years prior to the escalation of the war in 1965, the profits of the corporations of the United States increased 71 percent. In the 4 years since the escalation of the war, profits have increased but 9 percent. I might add that, while I do not know what the figure is going to be this year—the Senator from Wisconsin would know that better than I—based on earnings statements I have seen thus far, that figure may be considerably lower, if not eliminated.

I do thank my colleagues.

Mr. PROXMIRE. If the Senator will yield for just one further question, on page 4 the Senator asks the question about the United States having a practical or moral right to set itself up as the unilateral policeman for the world.

I think this is a question we ought to ask and consider in depth because, on so many of these issues, we find that on both sides of the issue everyone agrees. We all want to get out of Vietnam; we all want to get out as rapidly as we can; it is a matter of tactical judgment, and so forth.

It is true, however, that the President of the United States indicated that, if we got out of Vietnam too precipitously, we would be through as a peacekeeper in Asia.

The Senator from Missouri hits this point raised by the President directly and explicitly when he says:

> My answer to that question is that such a position is morally indefensible and practically unsustainable.

In other words, we cannot be the policeman for the world. It is not our moral obligation, we will fail if we try to do it, and it is an intolerably expensive project in terms of life and treasure. Is this the conclusion of the Senator from Missouri?

Mr. SYMINGTON. Mr. President, the able Senator from Wisconsin gives me credit for a statement that I would have made, and perhaps have made in almost comparable language; but it was actually made by the president of the Bank of America.

I do believe he is right. What worries me as much about Vietnam as anything else is not only the nature of our commitment there, but the degree, because I am not happy about the situation in the Middle East and perhaps most worried about possible future developments in Europe.

I know how much, in Europe as well as in Korea, American troops mean to the people of those countries; and the gigantic cost of these military efforts beyond the cost of Vietnam.

We are spending more than $100 million a day in our various current foreign military operations. We have 384 major bases abroad, and over 3,000 minor installations. We have commitments that are almost incredible in size and scope. I heard the other day that, in a country in which I did not know we had more than 10 Americans, we actually have more than 3,000.

So I would say that the people of the world as well as this Nation are beginning to question just what the able Senator from Wisconsin points out was on the mind of the president of the Bank of America: Do we have, from either a practical or a normal viewpoint, the right to be the policeman for the world?

Mr. President, as the Senate knows, I am chairman of a subcommittee that, starting a year ago last February has been looking into these commitments;

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and would be the first to say that most, if not all, of the commitments were made prior to this administration. What amazes me, especially because of my other committee assignments, is the secrecy under which these arrangements, agreements, actually commitments were made.

I think it is only fair to point out that at the same time we were deescalating in the open a war in Vietnam, we were escalating secretly a war in Laos. Now we go into a third country, and we have also started, at least periodically, again to bomb North Vietnam.

What we are really doing today, in effect, is fighting not in one country, but in all the four countries which originally constituted the French colonial province of Indochina. Whether or not it is morally right is for each of us to decide for himself.

I worry when I see pictures like one on television, a fine looking young American GI with a child apparently dead, who said, "I have seen worse, but I don't like to see the kids get it."

Mr. MILLER. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to my able friend from Iowa.

Mr. MILLER. Mr. President, the distinguished Senator from Missouri referred to some inscriptions that some TV cameramen had picked up on the helmets of some of our troops going into Cambodia.

Does he know how many troops were involved in that?

Mr. SYMINGTON. How many were involved in what?

Mr. MILLER. How many troops were involved in the helmet incident.

Mr. SYMINGTON. First, it was not on television, rather reported under a byline by a reporter who stated there were many others like it and gave this one particular quotation, which I thought particularly unfortunate.

Mr. MILLER. Surely the Senator from Missouri had heard that same phrase before. That is not a new phrase. That is a phrase that was kicking around during World War II. The Senator from Iowa saw that phrase written in various places, both in the United States and outside of the United States, during World War II.

But the question I am really trying to get at is, how many——

Mr. SYMINGTON. It is an interesting phrase. No doubt, that is why the young man remembered it. I do not remember the phrase before.

Mr. MILLER. The point I am trying to make is that in a military establishment—and I am sure no one knows this better than the former Secretary of the Air Force—you are always going to find a certain number of people with certain viewpoints, and I think it would be doing a disservice to the several thousands of our own ground forces who went into the Cambodian sanctuary operation to suggest that, because a few men had these inscriptions on their helmets, they were representative, at all, of the attitude of the great majority of the thousands who went into the Cambodian operation. I would hope that the Senator would not suggest that this was a representative viewpoint, any more than the typical GI gripe that we all heard about in World War II was representative of the true feelings of most of the men who participated in those wars.

Mr. SYMINGTON. Well, Mr. President, I fully respect the position taken by the distinguished Senator from Iowa. I too have had some experience in several wars that involved this country; and was in Great Britain during the blitz and the Battle of Britain.

Based on trips to Vietnam—and I have been all over Vietnam, Mr. President, including an armed chopper to the Cambodian border, at such Green Beret special force camps as Duc Co and Plei Me, and I think I know the feeling of soldiers in these campaigns. I have had major generals in Saigon tell me that they would not continue in a war conducted in this way; and then prove it by resigning from the services and giving up their careers.

I have had people on carriers protest bitterly about the fact the rules of this war were being handled by the State Department and not by the military services.

Let me point out to my friend from Iowa that when I talked about a great general—and there never was a greater—that was not my quotation. What was said about morale in the military services is what he said, and there is no man with a finer battle record in the history of the United States.

Mr. MILLER. Mr. President, the Senator recounted a number of places that he visited in South Vietnam, and he knows that I visited the same places, and possibly talked to many of the same people.

Mr. SYMINGTON. I am glad that the Senator did.

Mr. MILLER. Well, I did, and that goes back to January 1966. I think the Senator was over there earlier than that.

Nevertheless, I, too, have talked with those people. When the Senator talks about the morale of our fighting troops, I have picked up the same morale reaction in talking with some people that he probably talked with, including those on aircraft carriers.

Mr. SYMINGTON. Let me assure my able colleague that I think the morale and the fighting capacity and the quality of American troops in Vietnam is as fine as it has ever been in our history.

I was talking about what a general was saying in Washington. I have heard protests about the way the war is being conducted. I have heard a great many people say, "If we're going to fight this war, why don't we fight it to win?"

I do not want to get into a discussion with the Senator from Iowa about whether or not the Americans have high morale, because the American fighting man is the finest in the world today; and I think it is unfortunate he is being called upon by his superiors to do things which in his heart and mind he thinks wrong. That is what they have said to me. I can give illustration after illustration.

Mr. MILLER. The Senator from Iowa appreciates that, and he certainly was not intimating that the Senator from Missouri would have any other idea than that.

The one point I must emphasize is that I do think that while it is sensational from a press standpoint for somebody to get out there and see an inscription on the helmets of a few men who say something to the effect that they think that going into Cambodia to clean out the sanctuaries is not good and that they do not support it, and that the people leading them are misled, we ought to take into account that most of the thousands who do this do not go around with that attitude. That attitude can be found anywhere in the Armed Forces today. I am mainly interested in the viewpoint of the thousands doing their job, who are not going around slurring the leadership. That is the point I wanted to bring out.

The Senator spoke about younger officers and how some of them are leaving. The Senator from Iowa has talked with a great many younger officers who have that attitude, but I think it is important to tell the Senate why they feel this way. The Senator has already alluded to one reason—he knows, because he has talked with—which is the way the war was conducted for over 4 years, tying one hand behind the backs of our men.

I have said on the floor of the Senate many times that if we were going to send men over there and because of certain factors we were going to tie one hand behind their backs, they should not have been sent over there in the first place. I think that this underlies one of the great reasons for the drop in morale among the junior officers. They see the military demeaned. They read about certain things relating to the military, some of which are said on the floor of the Senate, and they begin to think they are second-rate citizens. It is not a case of their not having a high regard for our country. It is not a case of their wanting to back out of Vietnam. But it is a case of their bearing a great amount of unfair attack because they are carrying out their orders to the best of their ability.

I should like to make one final point to my colleague the Senator from Missouri. Perhaps I ought to precede that by a question. The Senator referred to the escalation in Laos. I should like to ask him whether he could tell us why he referred to it as an escalation in Laos. What does he mean by that? The reason I ask this is that, like most of us here, I have followed the Laotian situation for a long time. I know that certain statements were made on the floor of the Senate about Laos. But I do not understand this use of the term "escalation of the war in Laos," because, to my knowledge, what we have been doing in Laos has been going on for a long, long time. I am wondering what basis the Senator has for referring to it as an escalation.

Mr. SYMINGTON. Mr. President, as the Senator knows, our subcommittee held extensive hearings on Laos for many weeks. We completed those hearings in October. Then we had a running discussion with the State Department as to what should or should not be made a part of the public record. Finally, in April, we reached an agreement as to what should be published. There was

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considerable discussion—it is fair to say "resistance"—as to what should be published, on the part of the State Department. But we finally arrived at agreement.

One example of escalation: In 1969, as against 1968, in some months in 1969 we increased the air strikes against northern Laos 100 percent. That had nothing to do with the Ho Chi Minh trails. This was northern Laos, closer to Red China than to said trials. In other months in 1969, as against 1968, we increased those strikes 200 percent.

That is why I felt justified in presenting there was an escalation of the secret war going on in Laos.

Mr. MILLER. I appreciate the Senator's response. Of course, I do not know what the 100 percent or 200 percent is, and I am not asking the Senator to reveal the numbers.

Mr. SYMINGTON. I wanted to reveal them, but the State Department would not agree to more than percentages. It was plenty.

Mr. MILLER. The Senator knows that when some people hear talk about escalation in Laos they are thinking of something else.

Mr. SYMINGTON. I was not thinking of anything else.

Mr. MILLER. I am happy that this has been brought out. We are talking about bombing attacks over Laos, which have been going on for a long time. The shift of some of these attacks into the northern part of Laos is the basis for his term "escalation in Laos."

Mr. SYMINGTON. I was in Laos in 1966 and in 1967. We were attacking, secretly, in northern Laos during those years. To the best of my knowledge, none of us here knew that. Nobody was told on the Armed Services Committee or on any other committee of which I am a member. I cannot pursue this further because of classification.

Mr. MILLER. The Senator means air attacks.

Mr. SYMINGTON. Not entirely.

Mr. MILLER. Well, may I say, to wind up this part of the discussion, that so far as I know, it has been pretty generally known that air attacks over Laos have been going on for years and years and years. They vary in intensity; they vary in area in Laos. I must say that some of the air attacks in northern Laos are not unrelated to the flow of supplies and men to the south.

Mr. SYMINGTON. Mr. President, let us get it straight. I went to Laos, stayed in Laos with friends operating an American operation out of Vientiane, went again later and stayed with the Ambassador. At no time was I ever told that American pilots, with their identifications, were attacking northern Laos. I only found that out as a result of the hearings we later held in this country.

I would rather not pursue this on the floor of the Senate, but would be glad to go over, in detail, testimony given us under oath in the subcommittee. I believe we may be getting on dangerous ground if we continue discussion as to just where it was, and under what conditions, the United States was operating in Laos.

Mr. MILLER. Mr. President, I agree. I might say that I could repeat the story that the Senator just stated. I was not referring to that type of air attack. I was referring to the particular air attacks by our Vietnamese and aircraft carrier planes which, I think it is common knowledge, were being used to fly bombing sorties over all of Laos, northern and southern.

Mr. SYMINGTON. I felt the able Senator from Iowa was referring to the air attacks to which I was referring.

Mr. MILLER. I should like to make one final point. The Senator talked about the invasion of Cambodia. I must say, with all due respect to the Senator from Missouri, that I think the use of the term "invasion of Cambodia" is most unfortunate.

To me, the privileged sanctuaries which have been occupied by the North Vietnamese troops for 5 years were really no more part of a neutral country than the North Pole. They were taken over, controlled, dominated, and occupied lock stock and barrel by North Vietnamese troops.

The PRESIDING OFFICER (Mr. HOLLINGS). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, even though 2 hours have expired, I ask unanimous consent that the unfinished business still be laid aside temporarily, and that at the conclusion of the remarks of the distinguished Senator from Missouri (Mr. SYMINGTON), there be a period for the transaction of routine morning business, with statements limited to 3 minutes therein; and that at an appropriate time after that, the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. HOLLINGS). Is there objection to the request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. GRIFFIN. Mr. President, before the Senator from Missouri responds to the Senator from Iowa, will he yield to me briefly?

Mr. SYMINGTON. I will be glad, as always, to yield to the able assistant minority leader.

Mr. GRIFFIN. Perhaps the Senator from Iowa has not finished.

Mr. MILLER. I had not quite finished my question, if my colleague would mind my continuing.

Mr. GRIFFIN. If possible, I would like to have the Senator from Missouri yield to me before he responds, because I have something I wish to add to the point being made by the Senator from Iowa.

Mr. MILLER. My point was that to equate that type of operation to what I would hope everyone would agree would be an invasion activity of North Vietnamese troops in going in and trying to take over all of Cambodia, would be unfortunate. I do not want to get into semantics about it, but it seems to me there is a great deal of difference between the two situations.

Mr. SYMINGTON. With great respect to the Senator from Iowa, let me say this: It was in 1961 when I first went to South Vietnam. The next time was in 1965. When I saw the buildup developing in Cambodia, I recommended we attack Cambodia at that time, because, at that time, based on limited information I felt we could get the war over at a cost that would be acceptable. But I was misled, frankly, as to—just what was the situation and what we were really doing. As you well know, the sanctuaries in Cambodia remained.

Later on, when I began to realize that the whole operation was diplomatically, militarily, and economically a disaster to the American people, I changed my thinking; and it was for that reason I fully supported President Nixon when he announced he was going to establish an orderly withdrawal. I felt, when he went into another country as part of that orderly withdrawal, along with escalating the war in Laos as part of that orderly withdrawal, it was an invasion. But, I do not want to get into semantics about it.

If the able Senator from Iowa believes that crossing the border of another country is not an invasion, perhaps, an intrusion, or a tactical military operation, that is his privilege. I certainly do not object.

Mr. GRIFFIN. Before the Senator leaves that subject, let me say that a phrase which the Senator from Missouri has used in his speech bothers me. Although he differs with the senior Senator from Missouri on this amendment, the junior Senator from Michigan has respect for the experience and views of the senior Senator from Missouri. What the Senator from Missouri says is oftentimes reported, so the words he uses are important.

Mr. SYMINGTON. May I say, Mr. President, that I have equal respect for my colleague from Michigan.

Mr. GRIFFIN. I thank the Senator from Missouri. I do not know whether he intended to use the phrase or not, but at one point in his speech the senior Senator from Missouri talked about the "attack on Cambodia." I wonder whether he really meant to say "attack on Cambodia," referring to the recent operation there. Surely, that is not the intention of the Senator from Missouri.

Mr. SYMINGTON. It is difficult for me to see how, if one crosses the border of another country, with a gun in his hands and shoots people on the other side of the border of that country, he is not attacking that country. However, I do not object to any semantic interpretations my able friend from Michigan may put on what we did. I did not come to the floor of the Senate today to talk about whether it was an invasion, or an intrusion, or what; rather to present considered opinion about the whole operation. The results of actually now fighting in all of Indochina; and what this is doing to the overall security and prosperity of this country.

Mr. GRIFFIN. I am willing to concede that there are legitimate and sincere differences of opinion and they should be expressed. But the country should not be misled or sidetracked by the use of words which carry the wrong meaning. I know the Senator from Missouri realizes and agrees that the United States is in no sense challenging the Government of Cambodia; we are not "attacking" the forces of Cambodia, and the operation underway is not an "attack" on Cambo-

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dia. Accordingly, I do not understand his use of those words.

The PRESIDING OFFICER (Mr. EAGLETON). The time of the Senator has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have an additional 30 minutes, because I know there are some of us who have been waiting patiently here and would like to participate in this debate as well.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Before I yield to the Senator from West Virginia (Mr. RANDOLPH), let me make this point to my good friend from Michigan, again for whom I have the greatest respect—as he knows. To the best of my knowledge this is the first time I have taken the floor of the U.S. Senate to criticize in this way whatever is currently going on in Southeast Asia. I said I did not believe the policy of Vietnamization would work, and the reason for that thinking is simple. Actually, at the peak of the past administration's efforts, there were not 545,000 Americans working over there on Vietnam, but close to 800,000; if we count those in the fleet, those in Thailand, those in Japan, in the Philippines, in Okinawa, and on Guam who were devoted exclusively to achieving whatever it was we were trying to achieve in that part of the world.

The only reason I am talking today is because we have an amendment now before the Senate which I honestly believe is an effort to limit what would appear to be a change in what I felt the administration planned to do.

Now I am glad to yield to the Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the knowledgeable senior Senator from Missouri (Mr. SYMINGTON) has placed the incursion into Cambodia in its proper perspective, and I join in asking the penetrating question which he has asked: Where is the profit in the killing?

My colleague has strengthened the view I expressed in this forum on May 6, when I said that the sending of U.S. troops into Cambodia presents a real danger—one that could lead, in my opinion, to our active involvement in a conflict expanded beyond Vietnam and possibly into an Indochina war, with severe human and economic consequences.

I said, too, on May 6, that it is my fear the main result of the Cambodian action actually will cost more lost lives and will cause more casualties.

But, Mr. President, even as some measure of tactical and strategic advantages accrue from the sending of our forces into Cambodia along with troops of the South Vietnamese Government—and I do not doubt that there will be some such advantages—I share the views so capably and vigorously expressed by Senator SYMINGTON that the overall risks and the negative aspects will outweigh the short-range gains. This has been my view since the Cambodian action was announced initially. And the reactions at home and abroad have been such as to increase my doubts that the military values will prove in the long run to have been worth the divisiveness created between our own people and the disrespect of our country's foreign policy being manifested by more and more nations of the world.

I think we are, I say to my colleague, endangering the prospects of negotiating a peaceful settlement and increasing the likelihood that human death and property destruction will be extended over a broader front and over a longer period of time, even if we do withdraw more of our manpower on the schedule announced from the White House.

I have, of course, no right to quote directly the former negotiator at the Paris peace talks—Cyrus Vance. But he was in West Virginia on Sunday. And I was with him on the occasion of his commencement address at my alma mater, Salem College.

I was grateful not only to hear his address—which I shall have printed in the RECORD at a later time—but was also pleased to have had the opportunity to talk with this eminent negotiator who, with Averill Harriman, represented our Nation at the Paris peace talks.

I think it is of importance to point out that Mr. Vance believes this thrust into Cambodia will have the result, which the President certainly does not intend, of widening the war. He feels that it will do just that.

Mr. President, I think it is important that we recognize that the Senator from Missouri is the only Member of the Senate who is a member of both the Armed Services Committee and the Foreign Relations Committee. And as he has talked here today with the Senator from Iowa (Mr. MILLER) and the Senator from Michigan (Mr. GRIFFIN), it has been noted by him that he has experienced a change of views relating to events in Indochina. He points out that it is a result not only of his visits to South Vietnam but also the results of his analysis of the problem, indeed, his perceptive and penetrating analysis as we have heard him express it here today.

Mr. President, I had the privilege of reading the remarks of the Senator from Missouri before I came to the Senate floor. I have gone over them again and again. And I am strengthened in my thinking by his arguments and the inclusion, very frankly, of the testimony of Louis B. Lundborg, the chairman of the board of the Bank of America.

I found this to be very helpful.

I congratulate my colleague. It is important sometimes that the record show that we not only sit together but that we also stand together in the Senate. He has spoken intelligently, and he has made an important contribution to the discussion of the vital subject which is the pending business.

Mr. SYMINGTON. Mr. President, I thank my able colleague, the Senator from West Virginia. He and I have been friends for a number of years. I first knew him as an expert on air power, one of the great experts in this country.

As we all know, he is one of the more able Members of the Senate.

I am sure doubts have grown in the minds of all Americans, hearing week after week over the years such figures as 25 Americans had been killed, 75 South Vietnamese had been killed, and 2,481 North Vietnamese and Vietcong had been killed. For years, this was the way the score was reported you might say, inning by inning of this war. Without getting into the spiritual aspect at this time, I worry about all these people who have been killed, whether Americans or not, I want to be certain in my own mind that it was and is good for the United States, necessary to the security and well-being of our Nation.

I was glad when the policy of Vietnamization was announced, because I felt that under that policy there would be less killing. However, I find now to my regret that, although it is spoken of as an additional effort to get out of this country on the best basis possible, the killing of Americans has increased heavily and the number of wounded has also increased heavily.

Mr. President, there is a young man who was badly wounded at Khesanh and has been sent back to this country.

His record, which I first said today I would not read, concerns the way he has been treated over here. It is a pretty terrible business. He is still an American and a human being, even though he is paralyzed from the neck down.

Inasmuch as it is now a matter of public record, I would like to read briefly from this article as to how this young Marine, wounded at Khesanh and sent back to this country, is now living.

The article states:

> "Nobody should have to live in these conditions," Dumpert insists. "We're all hooked up to urine bags, and without enough attendants to empty them, they spill over the floor. It smells and cakes something awful. The aides don't commit themselves wholeheartedly, but with what they earn a year why should they? I've laid in bed on one side from 6 a.m. to 4 p.m., without getting moved or washed. When and if you do get a shower, you come back and you're put into bed on the same sweaty sheets you started with. It's like you've been put in jail, or you've been punished for something."
>
> The rats were worst. "I had been sleeping on my stomach," Dumpert recalls. "It wasn't 11 o'clock, but I had closed my eyes. I suddenly awoke to find a rat on my hand. I can't move my hand, so I tried to jerk my shoulders. I screamed and the rat jumped slowly off my bed. When the aide arrived, I told him. He said, 'Aw, you must be drunk.' Nobody has done anything to this day, so some of the amputees who are not totally disabled have taken to setting traps, to protect us. If you're a nervous-system injury you can't feel anything, and you could get bitten in the night and not know it."
>
> Escape from his predicament seems altogether impossible. Dumpert hopes to finish high school and has a dream of becoming a lawyer, despite his disability. But his will to struggle has been seriously impaired by neglect and frustration.
>
> "I feel that the way we Vietnam veterans are being treated," he says, "is abnormal. I regret having to say this, but now I have nothing but disgust for my country. I used to hate the guys who ran off to Canada to avoid the draft. Now I don't hate them. I don't like them, but I respect them for what they did. If I had known what I know now, I would never have enlisted. I don't mean just my injury, but the insensitivity and lack of care. They would have had to drag me into the service kicking. It makes me wonder about Vietnam—about whether the people I saw die, and people like me who are half dead, fought for nothing."

There are, therefore other sadnesses incident to Vietnam that just do not have to do with the killing of people. I hope that this article, published this

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week in Life magazine, will be investigated promptly by the proper committee of the Senate.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield.

Mr. CRANSTON. Mr. President, I commend the Senator from Missouri for the way in which in his prepared and extemporaneous remarks he summarized so succinctly the problems we face in connection with this war in Vietnam and in so many other aspects.

The neglect of our veterans who have been wounded in Vietnam is a matter that I have been investigating through the Veterans' Affairs Subcommittee of the Committee on Labor and Public Welfare for the last 6 months.

It is indeed a shocking situation. We will shortly be seeking large amounts of additional funds to deal with the problem. I know that the Senator from Missouri and others will do all they can to support that effort.

Our failure to do what we should for those veterans who have been wounded in Vietnam matches, I think, our failure to support properly and guide those who are fighting the war in Vietnam and in Southeast Asia itself.

This is the failure not of the military but the failure of the civilian rulers of our democratic structure.

The Senator from Missouri spoke eloquently in a way that shocked many who are aware of his remarks in regard to the disenchantment of some of the better officers with whom the Senator spoke.

The war in Southeast Asia is the saddest and most tragic we have ever found ourselves engaged in.

There have been colossal blunders and errors committed by our fighting men, from those in the military who command them down to those who, although they do not wish to be there, go into battle and do whatever must be done. They have done their part.

Mr. SYMINGTON. They certainly have.

Mr. CRANSTON. The failure, I believe, has been a failure, not by the military. Their advice has not always been the soundest—no one can always give the soundest advice. But the failure has been the failure of military chiefs, ranging from Presidents to Secretaries of Defense, to Members of the Senate and Members of the House of Representatives, to handle the approach to this war in the sound way it should be handled.

I think there has been a failure to handle it in this body with Presidents, and that is the sum and substance of what we are now seeking to deal with, to reestablish responsibility and action in this body in accordance with our constitutional responsibilities. Is that not the view of the Senator from Missouri?

Mr. SYMINGTON. It is. I say to the able Senator from California that I am delighted he is looking into the problems incident to the way our veterans are being handled. I have deep feelings about this matter. These are wonderful young Americans, brave and courageous in their sacrifice. It worries me and is something that grows within me. I cannot help it. We live here in comfort. They go out in those jungles. I accept it only if it is sure to be right for my country.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I have been listening with great interest to practically all the debate, and I have read the speech of the Senator several times over.

I have been struck by his constant reference to the questions. What does it profit us to become involved in Cambodia? What does it profit us if the nation loses its being, its reason for existence, its right to live, and the chance to hold its head high?

I have been reading the newspapers, and I read in this morning's press that American advisers had advanced into Laos with South Vietnamese troops. I understand this is not the first time; I understand it may well happen again. To me, that seems to be a violation of the Cooper-Church amendment of last year which forbade the use of U.S. ground combat troops in Laos and Thailand. I suppose one can get around it by the use of the word "advisers." Semanticism is becoming quite an art in this Government, and while the advisers probably carry rifles, sidearms, ammunition, bayonets, daggers, stilettoes, semantics can still prove that they are not really U.S. combat troops. I think that is something we should pay close attention to.

Then, I read in the newspapers this morning where, outside the CIA and, I believe, the State Department, this Government is spending $2.9 billion in intelligence activities and that there are employed in these intelligence-gathering activities something on the order of 136,000 people. I wonder what the departments are coming up with to justify such enormous expenditures and such a tremendous number of personnel.

As the Senator indicated, he is on the CIA Subcommittee, and so am I. We are on the Committee on Foreign Relations, and we have access to certain CIA information. Incidentally, Mr. Helms is an able administrator. In addition, the Senator is on the Committee on Armed Services, which likewise has an interest in intelligence operations.

I cannot see what information we are getting which calls for the employment of 136,000 people and the expenditure of $2.9 billion a year, exclusive of the CIA which spends in the hundreds of millions of dollars, and exclusive of similar activities in the State Department.

I cannot reconcile myself to the fact that an invasion of Cambodia is not an invasion of Cambodia. As the Senator pointed out, when you cross lines and send in arms and troops, and back them up with logistical air and all other kinds of support, and go into a country, into which we had not been asked, that is an invasion no matter how you spell it.

We have not reached an era of double think or double talk of 1984 and I think we can still understand the English language in simple form.

I was interested in what the Senator had to say. I was thinking along the same lines. Although not as eloquently as the Senator, I want to say for the record I am delighted that up to this time, and I hope it will continue, the debate on the Cooper-Church amendment has been nonpolitical. That is the way it should be because it is not a political question.

We Democrats have plenty to answer for, and we cannot avoid part of the blame. So let us look at it on an impartial basis. Let us look at it from the viewpoint of the Senate, regardless of party, of the Senate as an institution with certain rights under the Constitution, rights which all of us, regardless of party, ought to be the first to defend, because this is a Government of checks and balances. Once that is lost, once you give too much power downtown to the Executive, then it is time to begin thinking about the dissolution of the Senate as an established part of this Government.

May I say that all of us over the past five decades have been, in large part, involved in the transfer of power to the Executive. We have willingly allowed the Executive—under Democratic and Republican administrations—to assume those powers. We cannot blame the President. What Mr. Nixon is doing is in the footsteps of his predecessors. What he is doing is based on the fact that we have allowed it to be done.

In Cooper-Church we have a really nonpartisan amendment to a very important bill. This is something which should bring about an accommodation between both sides of the aisle. Together we can recognize the President's power on the one hand, but on the other see that our constitutional obligations are met. If we have transferred that power we must try to pull it back a little because while the executive branch is important, just as important is the legislative branch. In many respects, the legislative branch is fundamental because we are closest to the people. That is something which we should never forget.

I express the hope that this will not become a partisan issue. There is no basis for it to become a partisan issue; there is no justification. I wish that with the administration we can arrive at some sort of accommodation which will uphold our responsibilities and our authority, and at the same time recognize that the President's rights under the Constitution, rights which should not be impinged on, but rights to which he is entitled.

I beg this body to consider this matter as being not political but as one of high constitutional principle. Hopefully, we can work together and bring about some sort of understanding which will uphold the right of the President and uphold equally the right of the Senate and the Congress. Hopefully we can do so without becoming personal or political. If we operate in that manner, in my opinion the Republic will be the beneficiary.

I thank the Senator for letting me take so much of his time.

Mr. SYMINGTON. Mr. President, first I thank the majority leader, one of the great experts on the Far East, for his kind and gracious remarks; also for the wisdom of what he has said about this matter being nonpartisan.

In this connection, I would suggest to the Senate that I understand an amend-

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ment may be offered, which I would vote for so as to take partisanship out as much as possible, a date in the amendment which is the date by which the President said the troops would be out. There has been some discussion that this amendment might in some way dispute the credibility of the President. That would be the last thing I would want to do. I would hope, as we measure the words of the distinguished majority leader, that we would consider the possibility of accepting that amendment.

One of the thoughtful books written by former Secretary of State Dean Acheson stated that the greatest single development in the Government of the United States during the present century has been the further delegation of power by the legislative branch to the executive branch; and it seems to me regardless of party, that is what we are talking about this morning.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. SYMINGTON. I yield to the distinguished Senator from Ohio.

Mr. SAXBE. I have listened with a great deal of interest to the remarks of the Senator from Missouri and also to those of the majority leader. As a newcomer, listening to those who have been here for some years, I am struck by the fact that the whole concept of our position in the world has changed—the concept of brinkmanship of Dulles, later of Rusk; the feeling that we have the burden of the world peacemaking on our back; really the rehabilitation after World War II, the billions of dollars we spent throughout the world, not only for the now prosperous nations of Europe, but also for the more remote nations, to the degree that that was achieved. Certainly there was great success in the Western countries, and a great deal lesser success for our friends to the South and to the East.

I wonder how much of what we have today is the residual effect of our not being able to respond to the change that has come about—the change in Europe, the change in the outlook of the distinguished Senator from Arkansas, the change in the outlook of the distinguished Senator from Montana.

These things I approve of, because there were many who were willing to follow, as I was, but had great admiration for the Senator's views, and the feeling that we had to take our position in this world and that we could turn around these trends that we felt led to brutality and led to loss of respect of the individual in Southeast Asia. But now we have, it seems to me, a bureaucracy in our defense system, in our State Department, that is a self-generating thing and continues long after the original movement.

What we are talking about today is reasserting our presence as a legislative body, and I am thoroughly in accord with that—reasserting this presence not so much with the President and the executive and the few people he brings into Government, but this vast body of people whom the Senator from Missouri has seen and the Senator from Montana has seen all over the world, and the great machinery that clanks along in the Pentagon, and all of this that we see operating almost under its own power, and we talk about this thing almost futilely here. In fact, there are people who say what we are doing today is an exercise in futility, because it goes to the House and disappears like last winter's snow.

This seems to me to be most important with respect to what the Senator from Missouri is saying here, because if we do not do this now, it is going to keep itself self-generating, going on in further deployment, further expansion, further jobs, further numbers of people in our far-flung diplomatic ventures and embassies—all of this without a real connection with what is being done or said by the representatives of the people.

We have had a great influx of people in our offices recently, most of them not of the shaggy, unwashed kind that we have deplored——

The PRESIDING OFFICER. The additional 30 minutes of the Senator have expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator may continue for 10 minutes, under the same circumstances.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SAXBE. Not the young people we have deplored, but people who have taken the trouble to make themselves presentable, not to themselves, but to us. I think we can recognize and appreciate that. They have been effective. They have been effective to me. I think they have been effective to everybody. But this group of young people cannot understand the sluggishness in response, and we are hard put to explain it to them. I know that I am, and I know that the Senator is, in trying to explain how we as Senators in a great deliberative body have so little power and effect on what we think and what we can do. I know that the House Members have very much the same reaction.

If we meet as we are today and say the things that have been said today, not just about Vietnam, but about our dabbling in affairs all over the world, and about our domestic problems, I think we can demonstrate at least to them our great concern and show them that there is reaction, that there is response, that there is interest, and each can and will respond and work to do something about it.

So I take this opportunity to commend the Senator from Missouri for his statement and his support of those who are willing to review and examine the commitments that we have all over the world.

Mr. SYMINGTON. I thank the able Senator from Ohio for his wise remarks, also for his kind words. I believe he has put his finger on the nub of this problem: Do we, the Congress, have an equal position with respect to the division of powers in our Government? And if we do, can we express it effectively, on a strictly bipartisan basis?

It has been my experience before to have listened to the Senator from Ohio, and I have been impressed by the position he has taken on important issues before us.

Mr. MANSFIELD. Mr. President, will the Senator from Missouri yield to me briefly, before he yields to the chairman of the Foreign Relations Committee, only because of what the Senator from Ohio has said?

Mr. SYMINGTON. I yield to the able majority leader.

Mr. MANSFIELD. I think the Senator from Ohio has put his finger on the most important factor in this Government. It is not the appointees of an administration, but it is the continuing bureaucracy in all these departments—not just Defense, not just State. Presidents come and go, as do Senators and Members of Congress. But the permanent bureaucracy is continuous. All too often it determines policy. They prevail upon a President, on a Secretary, or head of department. They influence us down here. They are there all the time. They get their oars in and get their ideas embedded and then a President or the Congress is faced with a flat accompli.

I am glad the Senator emphasized the continuing, permanent bureaucracy, because that is where much damage can be done, especially in the two Departments mentioned.

I thank the Senator.

Mr. SYMINGTON. The majority leader is so right, as is the Senator from Ohio. I am on Foreign Relations, Armed Services, and the subcommittee of the Committee on Appropriations that has to do with the military. The majority leader just told the Senate what he also told me earlier that we are spending $2.9 billion for intelligence. That is a lot of money. But as I understand it, no member of this body can stand up and say he knew anything about this recent development, despite the fact we apparently passed on appropriations of almost $3 billion to obtain intelligence in order to make proper judgment.

I yield now to the able chairman of the Foreign Relations Committee.

Mr. FULBRIGHT. Mr. President, first I want to commend the distinguished Senator from Missouri for his statement which reflects, I think, in a very succinct and lucid manner much of the testimony we received in the Foreign Relations Committee, and also, I am sure, what he has learned from his experience on the Armed Services Committee and the other committees on which he serves.

There is no other man in this body, I think, who has had quite the opportunity to get all points of view from various branches of the Government, and from witnesses, that he has had. So I think it is a very fine statement, and I agree with his conclusions.

I also wish to express my agreement with what the Senator from Ohio and the majority leader have just said, because this is ongoing Government, with these great bureaucracies, and it is quite interesting how many of the important members of the great bureaucracies continue on. Some of the most important ones in the State Department, as well as in Department of Defense, have become identified with policies that had their origin many years ago, under quite different circumstances; and I think are quite unable to adjust to the change in circumstances. Not being elected, and not having to associate with the people,

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I do not think they are well acquainted with the mood of the country, either. That, of course was not their particular responsibility.

The Senator from Missouri has done a great service in condensing his views for this body and for the public.

On this matter of partisanship: Certainly the immediate problem is one for the Senate as an institution. It should not be, and I hope will not be, a partisan issue. In that connection, I think it is appropriate that the Senator allow me to read two paragraphs of a statement President Nixon made to this body. Many people have forgotten President Nixon's statement of last November 3 in the Senate. It bears directly on this question, and ought to disabuse anyone of the idea that a move of the greatest importance to establish the role of the Senate in policymaking is a partisan matter.

I repeat, this is a quotation from President Nixon. He says:

> I find, looking back over this period of time, that this administration has been subjected to some sharp criticism by some Members of this body, both from the Democratic side and from the Republican side. I want the Members of this body to know that I understand it. I recognize this as being one of the strengths of our system, rather than one of its weaknesses, and I know that, in the end, out of this kind of criticism and debate will come better policies and stronger policies than would have been the case had we simply had an abject Senate—or House of Representatives, for that matter—simply approving whatever ideas came from the executive branch of the Government.
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> This does not mean that we do not feel very strongly about our proposals when we send them here. It does mean that I, as a former Member of this body, one who served in it and who presided over it for 8 years, recognize this great tradition of independence, and recognize it as one of the great strengths of our Republic.
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> * * * * *
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> This administration wants to develop a relationship in which we will have that consultation, and in which we will have the advice, not just the consent.

I do not know how, in the face of that statement, anyone could say we are partisan in discussing the subject. Of course, Senators may have differing points of view as to the wisdom or merits of the proposal. If Senators really think it is in the interest of the country to pursue the war in Vietnam and to widen it into Cambodia, that is another matter, but it is not a partisan matter. Senators on either side can have legitimate differences as to that view.

We do not question motives. I recognize that those who believe the war is in the interest of the country are just as patriotic as those who do not so believe. This is a clear difference of view as to the role we should play and what we should do.

But as to the role of the Senate in our kind of government, I do not know how any Member of this body could quarrel with the idea that the Senate has a legitimate right, duty, and responsibility to express itself when we get into these extremely difficult matters.

May I conclude with one other thing that bears directly on what the Senator said in his main speech? We had two witnesses before the committee this morning, one representing the housing industry, the other the National Educational Association. I wish to say only that they confirm all the way what the Senator said about the impact of the war and the expenditures in war, the diversion of our resources into military activities, the impact of that upon the housing industry, which is in a very critical situation, and, of course, on the education of our young people, and the deplorable condition which the schools face now. School districts cannot sell bonds, they cannot build new schools, they cannot get equipment, because no one will buy the bonds, and the votes for the bond issues have fallen down to where they cannot pass bonding bills any more.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SYMINGTON. I ask unanimous consent to continue for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. I shall conclude in a moment. I do not want to delay the Senator, but I think he has done a great service, especially in view of his own experience, and I hope everyone will take it in good faith, and will agree that this should not in any respect be considered a partisan matter.

Mr. SYMINGTON. Mr. President, I thank the able and distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas. In my opinion, he is one of the great Members of this body. I do not always agree with him, but agree with him a lot more these days than I once did in the past. It is an inspiration to have the opportunity to work with him on the Committee on Foreign Relations; because, if it is proper and right for the Senate of the United States to have some authority in the big decisions that are made in this country, there is no one on this floor who will deny that the person who has done more toward achieving that end than any other Member of this body is the Senator from Arkansas.

I note that my colleague, the distinguished junior Senator from Missouri (Mr. EAGLETON) is in the chair. He gave me a figure hard to believe. I used it the other day, and repeat it now to confirm the thoughts—re construction—that were in the mind of the Senator from Arkansas, based on the testimony of the witness he heard this morning: namely, in the city of St. Louis, with 665,000 people, where, because of what is going on, the housing industry is dead, last year, in our city, there were built 14 single unit homes—14, for 665,000 people.

I mention that because at the same time I noticed on the ticker that there was a plan to build 10,000 homes for the families of the military in South Vietnam.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. SYMINGTON. I am glad to yield to my friend from Alaska.

Mr. STEVENS. I have listened with interest to the comments of the Senator and those of the majority leader.

As a newcomer to the Senate, I, too, hope this does not become a partisan debate, but I have a few questions for my friend from Missouri.

I do not know that ever before in our history, in order to express the will of the U.S. Senate, there has been an amendment passed which would deny payment of compensation to those in the military who follow the orders of the Commander in Chief, in order to bring about a change in the policy of the United States.

As I interpret this section—and I am just a country lawyer, looking at some words that have been written by a committee here in the Senate on which I do not serve—it would deny the right of the executive branch to pay compensation to the dependents of those people who happen to be prisoners of war in Cambodia as a result of this action. It would also lead to the situation where, while the President of the United States has said that the forces will be out of Cambodia by June 30, in order to create a question of credibility we are going to be asked to vote upon this matter before June 30.

I wonder, if it is not really a political matter, if it is not a partisan matter, why do we not put off this decision until the President has had a chance to live up to his commitment to the country, and to live up to the commitment he has made to the Senate, that the forces would be out of Cambodia by June 30?

The Senator has mentioned the willingness to put in the date of July 1. Why do we not agree we will vote on it on July 1? Why is it that there is such a propensity for voting on this measure in May this year? As I recall, we voted on a similar appropriations measure in December or January for the present fiscal year.

I keep hearing that it is not partisan. I keep hearing that this is not a partisan debate and that there is no intention here to embarrass President Nixon and that we believe President Nixon, yet we have to act before the time comes for his commitment to act. I wonder whether a matter such as this should not be used to reunite the Senate. We talk all the time about the country being divided; but since I have been in the Senate, I have found greater division in the Senate than I have found in the country.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STEVENS. I ask unanimous consent that the Senator from Missouri may be allowed 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Whether we say it is partisan or nonpartisan, it is a debate that really is going to divide us on a partisan basis, whether we like it or not. I happen to have helped elect President Nixon, and I would like to see the American people know that when he says the forces will be out by June 30, they will come out, because he says they are going to come out, and not because the U.S. Senate says he must live up to what he said he would do and bring them out by June 30.

I think there is a great deal of partisanship under the surface. Whether it is on the surface or not, it is there. While I would join the Senator to restrict the powers of a President—I think this is something that many of us have been talking about for years—I do not want to restrict the powers of the President at a time when it looks as though I am slapping Dick Nixon in the face because he has not had the time to do what he said he would do.

In view of the Senator's comment about July 1, I wonder whether he would join us in having a vote on this matter on July 1 and give the President the time to do what he said he would do.

Mr. SYMINGTON. Mr. President, in answer to the distinguished Senator from Alaska, in the amendment, the matter of the payment of people only refers to the military advisers in Cambodia. It does not refer to the troops.

I do not believe the Senator was in the Chamber when I suggested that we put a date of July 1 in the amendment so there would be no question of attacking the credibility of the President, something the Senator from Alaska referred to a few minutes ago.

I am sorry the Senator feels the discussion is partisan, especially after statements made on both sides of the aisle this morning. Does the Senator believe that two cosponsors of this proposed amendment, the distinguished senior Senator from Kentucky and the distinguished senior Senator from Vermont, are interested in a partisan debate on this matter, or does he think they are doing it sincerely, in the best interests of the country?

Mr. STEVENS. I have been in this Chamber listening to this debate and I am certain that all Members who sponsor this amendment are doing it in their own conscience in the best interests of the country. But I think some of us fear that the impact of what they are doing is a discredit to the President of the United States at a time when he has given his word to the country that something will occur.

My basic question is this: Why should we create a credibility gap so far as the President of the United States is concerned? He has said what the forces will do. He has given his commitment to the country. Why do we not give him a chance to carry it out? Then I am sure that many of us would join with the Senator from Missouri in taking action to restrict the power of any President so far as any future actions are concerned.

I do not question personally the motives of people who sponsor this amendment. What I am saying is that many of us are backing the President because we want him to have a chance to prove his credibility. I think many Senators have witnessed many times in the past—and I am not being partisan about this; I am sure it goes back to President Eisenhower's administration as well as anyone else—when Presidents have said they are going to do something, and it was not done. I think part of that is reflected in this amendment.

I believe that we should not act in a manner which would appear to say to the President of the United States, "You have said you are going to get them out by June 30, but we do not believe you, and therefore we are going to tell you that you are going to have them out, because none of your troops can get paid if they are still there."

Incidentally, I am still inclined to disagree with the interpretation as to the payment of those who are still there who have dependents and who are there by action of the enemy and not by action of the President.

The PRESIDING OFFICER. The additional 5 minutes of the Senator have expired.

The Senator from Missouri has yielded the floor.

Mr. SYMINGTON. Mr. President, does the Senator from Alaska have any further questions?

The PRESIDING OFFICER. The previous 5 minutes have expired.

Mr. SYMINGTON. I ask unanimous consent to continue for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SYMINGTON. Is there a further question the Senator from Alaska would like to ask? If there is, I would yield for a question.

Mr. STEVENS. I asked the Senator from Missouri if he would join us in having a vote on this matter after the President has had an opportunity to carry out his commitment to the country.

Mr. SYMINGTON. Mr. President, with respect to this point, I think that what was advanced is that the adoption of this amendment might cripple the President's credibility. It is difficult to understand how an amendment which does only what the President says he intends to do will impair the President's credibility.

Congress has credibility problems, too. I have heard no complaints to the effect that the President, by waging an undeclared war, if he has—some say he has, and some say he has not—has destroyed the credibility of Congress. Congress has watched its powers erode and accrete to the President for such a long time, as I mentioned earlier in the debate, that a move to perform the functions intended by the Founding Fathers apparently brings an automatic charge that it is stepping into the President's territory.

The President's credibility can be no greater than he creates by performance, and that is exactly true of Congress. If he fulfills his promise to the American people about limiting our involvement in Cambodia, I will vote—as I said earlier—for an amendment to eliminate the problem of credibility, an amendment which provides that it will only apply after the first of July and after Congress has adopted the amendment, and the credibility of both the President and Congress will be enhanced.

That would be my answer to that question.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri has yielded the floor.

Mr. DOLE obtained the floor.

Mr. DOLE. Mr. President, I regret that the senior Senator from Missouri does not wish to respond to additional questions. But I note that on page 2 of his prepared statement he says that for the first time in history, an American President has ordered forces to invade a country on his own, without seeking congressional approval.

Mr. SYMINGTON. I did not say that.

Mr. DOLE. The Senator did not say that?

Mr. SYMINGTON. No.

Mr. DOLE. I would ask the Senator from Missouri whether he recalls the situation in 1948 that confronted President Truman with reference to South Korea. Did not President Truman order troops to South Korea without obtaining congressional approval or support?

Mr. SYMINGTON. President Truman obtained congressional approval and support immediately. At the time, I was a member of his administration. He also obtained the support of the United Nations.

But I eliminated that phrase from the speech as delivered, because I felt it might be objected to.

Mr. DOLE. I do not want to object but would hope the Senator from Missouri would be consistent.

Mr. SYMINGTON. May I say that the reason I have yielded the floor is I have kept the distinguished senior Senator from Tennessee (Mr. GORE) waiting for an hour. He has a speech to deliver.

I do not want the Senator to think I was being discourteous.

Mr. DOLE. Let me read from a Harvard Law Review article, volume 81, No. 8, June 1968:

> The most striking illustration of the shift in the power to commit forces to combat is the Korean episode. Faced with the invasion of South Korea, President Truman after brief consultation with advisors, committed the nation's troops to repel the invaders. At no time was congressional authorization sought for the full-scale conflict which resulted. Although there is considerable evidence that without immediate action Korea would have been overrun, there is also evidence that the sequence of events left time to seek congressional approval and that failure to do so reflected as deliberate assertion of presidential prerogative.

So, Mr. President, I would reply to the Senator from Missouri, as to what may have happened in Cambodia. He was a part of the Truman administration, he was a member of the Truman administration at that time, so as the Senator from Alaska has pointed out, we cannot dismiss what may appear to be partisan politics with respect to this——

Mr. SYMINGTON. Let me say, on a personal basis, that I am very, very proud to have been a member of the Truman administration. President Truman was a great President——

Mr. DOLE. Did the Senator object at that time to going into Korea?

Mr. SYMINGTON. Mr. President, I think that, to compare what he did, when we went into Korea, when he sent in troops of the United States to help that country defend itself against an attack, to compare that with this invasion of Cambodia is not an accurate comparison. I have stated my position today on this floor. I will say, with great respect, that it is past the time, it seems to me, to be partisan about this situation. My hope is we will look at the pending amendment on a strictly nonpartisan basis.

Mr. YOUNG of Ohio. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 3 additional minutes.

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The **PRESIDING OFFICER**. Without objection, it so ordered.

Mr. **DOLE**. I will be happy to yield to the Senator from Ohio in one moment, but I first want now to express to the senior Senator from Missouri that it apparently is all right to be partisan on that side of the aisle but not on this side. I just want to keep the record straight——

Mr. **YOUNG** of Ohio. Mr. President, will the Senator from Kansas yield?

Mr. **DOLE**. I believe that when we talk about what happened in Cambodia, the Senator from Missouri talked about an attack the other day, and today it is an "invasion," it is well to remind those who may be looking for a precedent, who may be looking into history, on who may be looking at the record made by the Senate, that this has happened before.

Let me say that I supported President Truman, as the Senator from Missouri did.

Mr. **YOUNG** of Ohio. Mr. President, will the Senator from Kansas yield?

Mr. **DOLE**. I am happy to yield to the Senator from Ohio.

Mr. **YOUNG** of Ohio. Mr. President, the senior Senator from Ohio was a Member of Congress at the time of the Korean conflict. I remember it distinctly. I associate myself with every statement that the distinguished senior Senator from Missouri has just made.

The facts are that on June 25, 1950, when the North Korean armed forces swept down into South Korea without warning and were about to take over and were crushing all efforts to stop them, President Harry S. Truman immediately consulted with Senate leaders and with the heads of states of the free nations of the world and forthwith sent into South Korea our soldiers. They were followed by soldiers of other nations and he and other heads of states joined to repel the North Korean invasion under the auspices of the United Nations, carrying the flag of the United Nations. We had allies then. Those countries that were our allies then, as members of the United Nations, are our enemies now.

Mr. President (Mr. McClellan), President Truman took action in Korea following consultation with Members of Congress. History will so record. But here, today, in this administration, President Nixon, without consulting Congress at all, invaded Cambodia, a neutral nation whose neutrality we had guaranteed. That was based, no doubt, upon the same horrible, inaccurate information of the military intelligence and of the CIA.

Late in 1950, General MacArthur followed the Army and CIA intelligence that the Chinese would not cross the Yalu River; thus, he disregarded orders from the President of the United States and led American troops up the Yalu River to the border of China. They came over, 1 million strong, and we suffered a defeat and slaughter at that time.

Mr. President, Harry S. Truman will be remembered by future historians as having been one of the very greatest Presidents of the United States. It has been given to few men in history to serve his Nation and mankind as has Harry Truman throughout a lifetime. He was a great U.S. Senator and a very great President. Not only is he loved by his countrymen but he is greatly honored and respected by freedom-loving people throughout the world.

I recall a great speech that he made in 1948. He said:

> Peace is the goal of my life. I'd rather have lasting peace in the world than be President. I wish for peace. I work for peace and I pray for peace continually.

The **PRESIDING OFFICER**. The time of the Senator from Kansas has expired.

Mr. **DOLE**. Mr. President, I ask unanimous consent to proceed for an additional 3 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered, and the Senator from Kansas is recognized.

Mr. **DOLE**. Mr. President, I appreciate the comments of my good friend from Ohio. Let me say that we intend to explore the Korean invasion rather fully. We will have adequate time to debate this resolution and it may take considerable time to review all the precedents, starting in George Washington's time up to the latest announcements, wherever that may take us, but let me remind my good friends from Ohio, and Missouri, that I share some of the reservations and fears they have.

As a Member of the House of Representatives for 8 years and about 2 years in the Senate, I recognize that Congress has some responsibilities. I do not want to deed those responsibilities to the Executive. But it does strike me as peculiar that some changed position on the Vietnam war on January 20, 1969, or thereafter.

I would remind Senators again that President Nixon has reduced the troop level by 115,500 men. He has kept his word as to troop withdrawals. He has announced another reduction of 150,000 men. So when we discuss the Cambodian operation, we should keep it in perspective. We should give the President some credit for deescalating the war in South Vietnam by reducing our troop levels.

I would say further to my friends on the other side of the aisle, and on this side, too, that I subscribe to most of the provisions of the Church-Cooper resolution. I am hopeful some accommodation can be had and some compromise can be reached; but if it takes some discussion to reach that compromise and to determine just what the sponsors of the resolution have in mind, we have that time. We have the right to know. The President also has the right to know.

I am not here blindly to follow any Chief Executive but sometimes wonder about those who suddenly find it so wrong, who suddenly question this President because he may be a Republican. I would say again that President Nixon is extricating us from South Vietnam. He is the first President to do so. History will judge whether the Cambodian operation was a success. I hope, as every Senator does, that history will demonstrate the Cambodian operation was a success, that it did shorten the war, and that it did permit us to speed up the Vietnamization program.

Mr. President, I will not however stand idly by in the Senate when people attack the credibility of President Nixon, or attack his judgment, or his motives, even if we must remain here at some length, to discuss this amendment.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The **PRESIDING OFFICER**. Under the previous order, there will now be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

## REPORT OF THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-339)

The **ACTING PRESIDENT** pro tempore (Mr. Metcalf) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Labor and Public Welfare:

*To the Congress of the United States:*

Pursuant to Public Law 89-794 I have the honor to transmit herewith the third annual report of the National Advisory Council on Economic Opportunity.

Richard Nixon.

The White House, *May 19, 1970*.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 380. An act to repeal section 7 of the act of August 9, 1946 (60 Stat. 968);

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboda Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboda Indian Reservation; and to authorize long-term leases of land on the reservation;

H.R. 5981. An act to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida;

H.R. 14306. An act to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended; and

H.R. 15961. An act to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet the licensing requirements of this section.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

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H.R. 380. An act to repeal section 7 of the act of August 9, 1946 (60 Stat. 968); and

H.R. 3328. An act to authorize the Secretary of the Interior to approve an agreement entered into by the Soboba Band of Mission Indians releasing a claim against the Metropolitan Water District of Southern California and Eastern Municipal Water District, California, and to provide for construction of a water distribution system and a water supply for the Soboba Indian Reservation; and to authorize long-term leases of land on the reservation; to the Committee on Interior and Insular Affairs.

H.R. 5981. An act to amend title 28, United States Code, to provide that Madison County, Fla., shall be included in the northern judicial district of Florida; to the Committee on the Judiciary.

H.R. 14306. An act to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended; to the Committee on Agriculture and Forestry.

H.R. 15961. An act to amend section 351 of the Public Health Service Act so as to clarify the intent to include vaccines, blood, blood components, and allergenic products among the biological products which must meet the licensing requirements of this section; to the Committee on Labor and Public Welfare.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

### Report on Final Conclusion of Judicial Proceedings Relating to Certain American Indian Tribal Claims

A letter from the Chairman, Indian Claims Commission, Washington, D.C., reporting, pursuant to law, the final conclusion of judicial proceedings regarding docket No. 158, the Sac and Fox Tribe of Indians of Oklahoma, et al., docket No. 209, the Iowa Tribe of the Iowa Reservation in Kansas and Nebraska, et al., docket No. 231, the Sac and Fox Tribe of Indians of Oklahoma, et al., consolidated, plaintiffs, against the United States of America, defendant (with accompanying papers); to the Committee on Appropriations.

### Proposed Transfer of Certain Naval Equipment

A letter from the Assistant Secretary of the Navy (Installations and Logistics) informing the Senate, pursuant to law, that the Department of the Navy proposes to transfer the submarine *Cavalla* to the U.S. Submarine Veterans, World War II—Texas, Inc.; to the Committee on Armed Services.

A letter from the Assistant Secretary of the Navy (Installations and Logistics), informing the Senate, pursuant to law, that the Department of the Navy proposed to transfer the submarine *Cobia* to the Manitowoc Submarine Memorial Association, Inc., Manitowoc, Wis.; to the Committee on Armed Services.

### Amendment of Title 10, United States Code

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase below-zone selection authorization of commissioned officers of the Navy and Marine Corps, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

### Proposed Environmental Control Tax on Lead Content of Additives Used in Motor Fuels

A letter from the Secretary of the Treasury, requesting proposed legislation relating to an environmental control tax on lead content of additives used in motor fuels; to the Committee on Finance.

### Reports of Comptroller General

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on action being taken by the Department of Defense to achieve closer adherence to established policy for providing household furniture in the United States, dated May 14, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit of the Export-Import Bank of the United States, fiscal year 1969 (with an accompanying report); to the Committee on Government Operations.

### Proposed Extension of Concession Contracts in Grand Canyon, Zion, Bryce Canyon National Parks, and Cedar Breaks National Monument

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed extension of two concession contracts under which Utah Parks Co. will be authorized to continue to provide concession facilities and services for the public in Grand Canyon (North Rim), Zion and Bryce Canyon National Parks, and Cedar Breaks National Monument (with accompanying papers); to the Committee on Interior and Insular Affairs.

### Proposed Inclusion of Certain Officers and Employees of the General Services Administration Within the Provisions of the United States Code Relating to Assaults Upon and Homicides of, Certain Officers and Employees of the United States as Constituting a Crime

A letter from the Assistant Administrator of General Services Administration, Washington, D.C., transmitting a draft of proposed legislation to include certain officers and employees of the General Services Administration within the provisions of the United States Code relating to assaults upon, and homicides of, certain officers and employees of the United States as constituting a crime (with an accompanying paper); to the Committee on the Judiciary.

### Report on Approval of Third Preference and Sixth Preference Classification to Certain Aliens

A letter from the Commissioner, Immigration and Naturalization Service, transmitting, pursuant to law, reports concerning visa petitions that have been approved according certain aliens third preference and sixth preference classification (with accompanying reports); to the Committee on the Judiciary.

## PETITIONS AND A MEMORIAL

Petitions and a memorial were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. Metcalf):

A joint resolution of the Legislature of the State of California; to the Committee on Appropriations:

"Assembly Joint Resolution No. 15—Relative to the Hidden Dam on the Fresno River and the Buchanan Dam on the Chowchilla River

"Whereas, The Congress of the United States has in previous years authorized the construction of Hidden Dam on the Fresno River and Buchanan Dam on the Chowchilla River as flood control and water conservation projects; and

"Whereas, These two projects have been studied together, authorized together under the same legislation, and designed together; and

"Whereas, The flood control problems on the Chowchilla River and the Fresno River are of equal seriousness and the water conservation needs of both watersheds are similar; and

"Whereas, Both projects would provide a high degree of flood protection to vital areas which are regularly subject to uncontrollable and highly damaging floods; and

"Whereas, Recurring flood threats along the Fresno and Chowchilla Rivers, as evidenced by the devastating floods of December 1964, and the winter of 1968, make the earliest possible completion of these projects a matter of great urgency; and

"Whereas, No construction funds have been provided for Buchanan Dam and Hidden Dam in the new federal budget because of economy considerations despite the urgent need for both projects; and

"Whereas, Unnecessary delays in the construction of these projects would be a tragic mistake resulting in increased costs to taxpayers due to inflation and in the continued threat of devastating flood damage; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorialize the President and the Congress of the United States to release for the construction of Buchanan Dam on the Chowchilla River and Hidden Dam on the Fresno River all funds appropriated for such purpose for the 1970 fiscal year, and to appropriate $1,200,000 for construction of Buchanan Dam and $1,800,000 for construction of Hidden Dam during the 1971 fiscal year; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of California; to the Committee on Public Works:

"Assembly Joint Resolution No. 10—Relative to Federal Participation in Feasibility Level Studies for the Salton Sea.

"Whereas, The Salton Sea located in Riverside and Imperial Counties of California is a unique and valuable recreational and fishery resource; and

"Whereas, The Legislature of the State of California has recognized the interest of the people of the State of California and the nation in the Salton Sea by creating the Salton Sea Advisory Committee and by authorizing state participation in feasibility studies of the Salton Sea problems; and

"Whereas, The valuable fishery resource of the Salton Sea may be lost within this present decade unless rising salinity levels are controlled; and

"Whereas, A recently completed joint federal-state reconnaissance level investigation found that salinity can be controlled by construction of a 50-square-mile evaporation basin, and that such a project has a very favorable cost benefit ratio; and

"Whereas, Federal participation in such a project is justified because of the nationwide significance of the resource, and the proprietary interest of the federal government in the project area; and

"Whereas, The next step in saving the Salton Sea is the initiation of a feasibility level study, as recommended by the joint reconnaissance study, upon which decisions will be made with respect to a project; and

"Whereas, The State of California has already authorized the budgeted funds for such a study, contingent upon federal participation; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the

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Legislature of the State of California respectfully memorializes the President and Congress of the United States to expedite the introduction and passage of authorization and funding for feasibility level studies for the Salton Sea to prevent further delays which would jeopardize the fishery resource of the sea; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of the Interior, to the Speaker of the House of Representatives, to the appropriate House and Senate committees, and to each Senator and Representative from California in the Congress of the United States."

A resolution of the House of Delegates of the State of Maryland; to the Committee on Armed Services:

### "House Resolution No. 101

"(By Delegates Arnick, D'Anna, Minnick, Bonvegna, Bullock, Dypski, Krysiak, Silk, and Walters.)

"House Resolution urging the Vice President of the United States and the Maryland Congressional Delegation to intercede to stop the proposed closing of the Fort Holabird installation

"Fort Holabird has been in use as a military installation in the city of Baltimore since 1917 and has become an essential part of that community's composition. Today there are over 2,700 persons employed at that installation, with over 1,500 of them civilians. The installation, thus, has deep ties with the community around it, and in turn, the community has substantial interests, associations, and dependency on the installation.

"It has come to the attention of concerned citizens of the State of Maryland that a proposal has been made by the Department of Defense to discontinue the operations at Fort Holabird in favor of a new location at Fort Huachuca, Arizona. This proposal has many drawbacks, not only to the immediate community, but to all the taxpayers of this nation.

"Over the past few years, more than one million dollars has been spent on modifications, renovations, and modernization at Fort Holabird. In addition, the estimated cost of closure and reduction of Fort Holabird is at least 12.4 million dollars. Furthermore, the Department of Defense has estimated that at least 1.5 million dollars will have to be spent at Fort Huachuca to make room for the Fort Holabird personnel. This means that at least 15 million dollars of the taxpayer's money will have to be spent to move an established intelligence operation strategically located near the nerve center of our nation's intelligence system to an unprepared site 2,500 miles away; a location where it seems everything will have to be added on to, rebuilt, or originally built—from recreation facilities, to public utilities, to schools, to administration facilities, to houses, and so on ad nauseum—yet all of these things already exist in Baltimore.

"But beyond the logistical side of the picture, there is the human element and the economic impact on the area in which Fort Holabird is now located. Countless numbers of people who would be unable or unwilling to move 2,500 miles would lose their jobs. These include persons with countless numbers of years of loyal government service. Moreover, with the loss of over 1,500 civilian positions, the entire Baltimore community would be hit with increased unemployment insurance costs, the costs of caring for older workers who no longer have the ability to secure jobs in the open market, and retraining costs for the workers who are familiar with government, but not private industrial work. These are just a few examples of the economic impact closing Fort Holabird would have on the Baltimore area.

"The ultimate issue then is why must this move be made? Why should an established operation be transferred for no apparent reason to a location where practically everything will have to be built anew, all at a tremendous cost to the taxpayer? The answer, we believe, is that this should not be; now, therefore, be it

"*Resolved by the House of Delegates of Maryland*, That the Vice President of the United States, Spiro T. Agnew, and all the members of the Maryland Congressional Delegation are most strongly urged to intercede to stop the proposed closing of Fort Holabird; and be it further

"*Resolved*, That copies of this resolution be sent to Vice President Spiro T. Agnew, and to each of the members of the Maryland Congressional Delegation

"By the House of Delegates, March 24, 1970"

Resolutions of the Commonwealth of Massachusetts; to the Committee on Armed Services:

"Resolutions Memorializing the President of the United States, the Secretary of Defense and the Congress of the United States to Suspend Current Plans for the Expansion of the Antiballistic Missile System

"Whereas, President Richard M. Nixon recently announced plans to proceed with construction and expansion of the Safeguard antiballistic missile system; and

"Whereas, In 1969, the members of the Massachusetts General Court, in resolutions to the President, the Secretary of Defense and the Congress, expressed their opposition to the construction of Sentinel antiballistic missile sites in the commonwealth of Massachusetts; and

"Whereas, Scientists, scholars, military strategists and national political leaders hold the same grave doubts as to the effectiveness and desirability of the Safeguard system as they previously held with regard to the Sentinel system; and

"Whereas, The Safeguard system may prove to be obsolete even before it is completed because decoys and penetration aids—which would enable incoming missiles to elude Safeguard missiles—could be developed by an enemy power before the Safeguard system is operational; and

"Whereas, The radar and computer systems necessary to target and fire the Safeguard missiles are extremely complex and so sensitive to explosion that they may not be operative under the conditions of nuclear attack; and

"Whereas, These radar and computer systems cannot be tested under peace-time conditions; and

"Whereas, There is grave danger that the expansion of the Safeguard antiballistic missile system will have an adverse effect upon both current and future disarmament talks between the United States and the Soviet Union or other foreign powers; and

"Whereas, The money necessary for completion and expansion of the Safeguard antiballistic missile system is vitally needed to solve domestic problems in the United States; now, therefore, be it

"*Resolved*, That the Massachusetts Senate respectfully urges President Richard M. Nixon, Secretary of Defense Melvin Laird and the Congress of the United States to suspend current construction of antiballistic missile sites and more specifically to prevent future construction in Massachusetts; and be it further

"*Resolved*, That no further appropriation of moneys be made for the purpose of expanding the Safeguard antiballistic system until such time as intensive study of the desirability, feasibility and effectiveness of the entire system can be made; and be it further

"*Resolved*, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the Secretary of Defense, the presiding officers of each branch of Congress and to the members thereof from this Commonwealth.

"Senate, adopted, April 30, 1970."

A resolution of the Legislature of Saipan; to the Committee on Foreign Relations:

"A Resolution Relative to Respectfully Requesting and Memorializing the United Nations Trusteeship Council Delegation To Give the Right of the Inhabitants of the Marianas District To Reintegrate With the United States Territory of Guam

"Be It Resolved by the Twenty-Second Saipan Legislature, that:

"Whereas, reintegration with United States Territory of Guam is the offspring of the basic legal fundamental concept contained in the Charter of the United Nations and the Trusteeship Agreement; and

"Whereas, reference is made to Article 87 of the Charter of the United Nations which provides as follows:

### "ARTICLE 87

" 'The General Assembly and, under its authority, the Trusteeship Council, in carrying out their function, may:

" 'a. consider reports submitted by the administering authority;

" 'b. accept petitions and examine them in consultation with the administering authority;

" 'c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

" 'd. take these and other actions in conformity with the terms of the trusteeship agreement;' and

"Whereas, reference is made and should be noted under Subsection (b) of the aforesaid article upon which rests the inhabitants of the Marianas District their rights to petition, same having been exercised through a referendum media held on November 9, 1969, the result of which was overwhelmingly in favor of reintegration with Guam; and

"Whereas, Article 73 of the Charter of the United Nations provides as follows:

### "ARTICLE 73

" 'Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and to this end:

" 'a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

" 'b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

" 'c. to further international peace and security;

" 'd. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scentific purposes set forth in this Article; and

" 'e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.' and

"Whereas, Subsection (b) is the principal source of the additional rights of the inhabitants of the Marianas District that they were prompted to vigorously assert their rights thereinunder and the mandate of the people no doubt is clear and well established which the United States of America, the administering authority and the United Nations which give due merit, respect and consideration of the people's desire as manifested in the past unofficial and official referendum on the question of reintegration; and

"Whereas, it is highly essential to refer to Article 76 of the Charter of the United Nations which provides as follows:

" 'The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations set down in Article 1 of the present Charter, shall be:

" 'a. to further international peace and security;

" 'b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

" 'c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

" 'd. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objective and subject to the provisions of Article 80.'

"Whereas, Subsection (a) and (b), if noted properly, must be given special recognition by the administering authority, as well as the United Nations. This should be treated as the united philosophy well funded in the collective belief of the United Nations and the administering authority, meaning the United States, and should be taken in the light of international peace and security and the choice of the inhabitants for more autonomous rights, patterned after the desire of the majority of the inhabitants of the Marianas District; and

"Whereas, if we refer to the official report of the other five political districts of the Trust Territory, it is safe to assume that the military is unwelcome in their respective districts, claiming that the inhabitants would eventually become landless and their natural culture would disappear; and

"Whereas, with the metamorphosis of international events now transpiring in our midst where the news media often quoted the following phrase: 'Yankees go home' and the gradual phasing out of the U.S. air bases and military installation in Okinawa, Japan, Laos, Cambodia, Subic Bay (Philippines), and other areas in foreign soil, the United States of America, is sovereign per se. Sovereignty resting in the administering authority possesses the right of eminent domain and can acquire any part of the Trust Territory of the Pacific Islands in the exercise of this doctrine; and

"Whereas, Article 5 of the Trusteeship Agreement provides as follows:

" 'ARTICLE 5

" 'In discharging its obligations under Article 76(a) and Article 84, of the Charter, the administering authority shall ensure that the Trust Territory shall play its part, in accordance with the Charter of the United Nations, in the maintenance of international peace and security. To this end the administering authority shall be entitled:

" '1. To establish naval, military and air bases and to erect fortifications in the trust territory;

" '2. to station and employ armed forces in the territory; and

" '3. to make use of volunteer forces, facilities and assistance from the trust territory in carrying out the obligations toward the Security Council undertaken in this regard by the administering authority, as well as for the local defense and the maintenance of law and other within the trust territory,' and

"Whereas, whether the inhabitants of the Trust Territory outside of the Marianas group do not seem that the acquisition of their lands can be legally effected not withstanding their opposition, they are without any legal recourse at law except to demand for a just and fair compensation of their land; and

"Whereas, for the information of those that is not acquainted with the Trusteeship Agreement, reference is made to Article 15 which reads as follows:

" 'ARTICLE 15

" 'The terms of the present agreement shall not be altered, amended or terminated without the consent of the administering authority.' and

"Whereas, the next question is: What effect, if any will the negative result of the Guam referendum have with integration? After perusing carefully the authorities hereinabove cited, the final responsibility on the matter of reintegration rests with the United States and the United Nations. Therefore, reintegration will continue to be a burning issue for the United States in the light of international peace and security; and

"Whereas, permit us to take the opportunity of discussing the desire of the inhabitants of the five other districts of the Trust Territory in which they indicated that four of them want independence with free association with the United States and Ponape desires association with Japan; and

"Whereas, today, they are parts of the United States although enjoying less rights than a full-fledged American citizen. Hypothetically, if independence is granted, knowing fully that they enjoy free association with the United States, this recommendation is tantamount to obtaining a divorce and desiring to live together after it was granted. Politically speaking, the argument advanced in support of this recommendation is incongruous and preposterous to human governmental philosophy. The real significance is in itself eternal paternalism with the United States. America defies this type of governmental pattern; now, therefore,

"Be it resolved by the Twenty-Second Saipan Legislature that the United States Trusteeship Council Delegation is hereby respectfully memorialized and requested to give the right of the inhabitants of the Marianas District to reintegrate with the United States Territory of Guam; and be it further

"Resolved that the Speaker certify to and the Legislative Clerk attest the adoption hereof and that copies of the same be thereafter transmitted to the United Nations Trusteeship Council Delegation, Chairman, United Nations Security Council, the President, United States of America, President, United States Senate, Speaker, United States House of Representatives, Chairman, Interior and Insular Affairs, United States Senate, Chairman Interior and Insular Affairs, House of Representatives, Secretary of the Interior, Secretary of State, and to the High Commissioner, Trust Territory of the Pacific Islands."

A concurrent resolution of the Legislature of the State of Hawaii; to the Committee on the Judiciary:

"CONCURRENT RESOLUTION NO. 20 PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO PRESERVE THE RECIPROCAL IMMUNITIES OF TAX EXEMPTION

"Whereas, taxes by the United States Government on the interest on evidences of indebtedness of States, their political subdivisions, and the agencies and instrumentalities thereof, impose a burden on the sovereign power of the States, and their political subdivisions, agencies and instrumentalities to borrow money for essential State and local purposes; and

"Whereas, the constantly recurring attempts of Congress and the Treasury Department of the United States to tax the interest on such evidences of indebtedness has severely damaged the ability of the States and their political subdivisions, agencies and instrumentalities to borrow money, and has substantially increased the cost of such borrowings to the detriment of the taxpayers of the States and their political subdivisions, agencies and instrumentalities; and

"Whereas, such recurring attempts to tax the interest on such evidences of indebtedness flaunt the Constitutional principle of reciprocal inter-governmental tax immunity first enunciated by the Supreme Court of the United States in *McCulloch* v. *Maryland* (4 Wheat 316) in the year 1819 and more specifically applied by that Court in *Pollack* v. *Farmers' Loan & Trust Co.* (157 U.S. 429) and later cases; and

"Whereas, it is advisable and in the best interest of the States to prevent future attempts to tax the interest on such evidences of indebtedness by amending the Constitution of the United States to unequivocally state the principle of reciprocal inter-governmental tax immunity in respect of taxes on the interest on such evidences of indebtedness and thereby restore investor confidence to the market for such evidences of indebtedness and consequently, reduce the cost of borrowing by the States and their political subdivisions, agencies and instrumentalities; now, therefore

"Be It Resolved by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the House of Representatives concurring, that application is hereby made to the Congress of the United States to submit to the legislatures of the States an amendment to the Constitution of the United States in the following form, which amendment is hereby ratified as an amendment to the Constitution of the United States on behalf of the State of Hawaii by this Concurrent Resolution, to wit:

" 'Without the consent of a State, Congress shall have no power to lay and collect any tax, direct or indirect, upon the income derived from interest paid on evidences of indebtedness of such State, or of any political subdivision, agency or instrumentality thereof, nor shall any State have power, without the consent of Congress, to lay and collect any tax, direct or indirect, upon the income derived from interest paid on obligations of the United States or of any agency or instrumentality thereof'; and

"Be It Further Resolved that duly certified copies of this Concurrent Resolution be immediately transmitted to both the President and Secretary of the Senate of the United States and to the Speaker and Clerk of the House of Representatives of the United States; the Honorable Daniel K. Inouye, United States Senator; the Honorable Hiram L. Fong, United States Senator; the Honorable Spark M. Matsunaga, United States Representative; and the Honorable Patsy T. Mink, United States Representative; and

"Be It Further Resolved that this Concurrent Resolution shall continue in full force and effect until December 31, 1975.

"The Senate of the State of Hawaii May 4, 1970, Honolulu, Hawaii.

"We hereby certify that the foregoing Concurrent Resolution was adopted by the Senate of the Fifth Legislature of the State of Hawaii, Regular Session of 1970 on April 20, 1970.

"David C. McClung,
*"President of the Senate.*
"Seichi Hirai,
*"Clerk of the Senate.*

"The House of Representatives of the State of Hawaii, May 4, 1970, Honolulu, Hawaii.

"We hereby certify that the foregoing Concurrent Resolution was adopted by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970 on April 23, 1970.

"Tadao Beppu,
*"Speaker, House of Representatives.*
"George M. Jakanz,
*"Assistant Clerk, House of Representatives.*

Resolution adopted by the Connecticut Society of the Sons of the American Revolution, of Greenwich, Connecticut, remonstrating against criticism of the recent actions of the President in Asia; to the Committee on Foreign Relations.

Resolutions adopted by the Choctaw Tribe of Oklahoma, praying for the enactment of certain legislation relating to aid to Indians; to the Committee on Interior and Insular Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Labor and Public Welfare, with amendments:

S. 3215. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to provide for a permanent authorization for programs under such act (Rept. No. 91–879).

By Mr. BURDICK, from the Committee on the Judiciary, without amendment:

H.R. 3920. An act for the relief of Beverly Medlock and Ruth Lee Medlock (Rept. No. 91–880);

H.R. 5419. An act to provide relief for Comdr. Edwin J. Sabec, U.S. Navy (Rept. No. 91–881);

H.R. 6402. An act for the relief of the Sanborn Lumber Co., Inc. (Rept. No. 91–882);

H.R. 8694. An act for the relief of Capt. John T. Lawler (retired) (Rept. No. 91–883); and

H.R. 9910. An act for the relief of Hannibal B. Taylor (Rept. No. 91–884).

By Mr. BURDICK, from the Committee on the Judiciary, with an amendment:

H.R. 11060. An act for the relief of Victor L. Ashley (Rept. No. 91–885).

By Mr. EAGLETON, from the Committee on the District of Columbia, with an amendment:

H.R. 17138. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes (Rept. No. 91–886).

## EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency:

Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission.

By Mr. LONG, from the Committee on Finance:

Howard A. Dawson, Jr., of Arkansas, Bruce M. Forrester, of Missouri, Leo H. Irwin, of North Carolina, and Samuel B. Sterrett, of Maryland, to be judges of the U.S. Tax Court.

## BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MILLER:

S. 3850. A bill to amend Public Law 90–484 to extend the indemnity therein provided to manufacturers of dairy products, and for other purposes; to the Committee on Agriculture and Forestry.

S. 3851. A bill to amend the Internal Revenue Code of 1954 to allow a deduction, in computing the minimum tax on tax preferences, for unused tax preferences in years in which a taxpayer is not liable for the minimum tax; to the Committee on Finance.

S. 3852. A bill to amend the Labor Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nations; to the Committee on Labor and Public Welfare.

(The remarks of Mr. Miller when he introduced S. 3852 appear earlier in the Record under the appropriate heading.)

By Mr. EASTLAND:

S. 3853. A bill for the relief of Mrs. Pang Tai Tai; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. Hollings):

S. 3854. A bill for the relief of the estate of Martha W. Brice; to the Committee on Finance.

By Mr. MONDALE:

S. 3855. A bill for the relief of Dr. Oscar A. Garcia; and

S. 3856. A bill for the relief of Rica Machles Freier; to the Committee on the Judiciary.

S. 3857. A bill to provide for the reauthorization of the project on the Red River of the North at East Grand Forks, Minn., in the interest of flood control and allied purposes; to the Committee on Public Works.

S. 3858. A bill for the relief of Bruce M. Smith; to the Committee on the Judiciary.

By Mr. SPARKMAN (for himself, Mr. Proxmire, and Mr. Tower):

S.J. Res. 201. Joint Resolution to extend the reporting date of the National Commission on Consumer Finance; to the Committee on Banking and Currency.

(The remarks of Mr. Sparkman when he introduced the joint resolution appear later in the Record under the appropriate heading.)

## S. 3852—INTRODUCTION OF A BILL TO AMEND THE LABOR-MANAGEMENT RELATIONS ACT, 1947

Mr. MILLER. Mr. President, I introduce, for printing and appropriate reference, a bill to amend the Labor-Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation.

The PRESIDING OFFICER (Mr. McClellan). The bill will be received and appropriately referred.

The bill (S. 3852) to amend the Labor-Management Relations Act, 1947, to provide for the settlement of emergency labor disputes affecting commerce which imperil the health and safety of a major region of the Nation, introduced by Mr. Miller, was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

Mr. MILLER. Mr. President, under the Taft-Hartley Act, the President is given the authority to seek, and the courts to issue, a strike injunction where a strike or lockout affects all or a substantial part of an industry engaged in interstate or foreign commerce if the strike or lockout will imperil the national health and safety. Thus, if the President and the courts find that there is a national emergency, the 80-day strike injunction may be issued. The effectiveness of this provision has been demonstrated several times.

The bill I am introducing today would broaden this authority to make it applicable where there is a strike or lockout creating not a national emergency, but one affecting a major region of the United States. The tieup in the motor transportation industry in Chicago today and a few years ago demonstrates the necessity for this change in the law. The President has been unable to act under the Taft-Hartley emergency provisions simply because no national emergency can be declared, although there certainly is an emergency situation in the Midwest.

A great many businesses in Iowa and throughout the Midwest have had to either close down or lay off workers because they were not able to obtain supplies, materials, or equipment necessary to operate at full strength or to ship their finished products.

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks an article published in the Wall Street Journal on May 18, 1970, entitled "Truckdriver Strikes Sharply Hurt Results for an Increasing Number of Companies."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MILLER. Mr. President, the bill I am introducing would change the Taft-Hartley Act to authorize the same procedures in the case of regional emergencies caused by strikes or lockouts as in the case of national emergencies. I hope the Senate Labor and Public Welfare Committee will give this measure their earliest and favorable consideration.

### EXHIBIT 1

[From the Wall Street Journal, May 18, 1970]

### TRUCKDRIVER STRIKES SHARPLY HURT RESULTS FOR AN INCREASING NUMBER OF COMPANIES

A growing number of companies, large and small alike, expect to report sharply lower earnings for the second quarter because their operations over the past month have been severely disrupted by truck driver strikes.

Warner & Swasey Co., for example, expects its second quarter earnings to be below the $2.5 million, or 66 cents a share, it earned in the first quarter of this year. This would put profit for the period dramatically below the $1.05 a share, that the machine tool maker earned in the second quarter of 1969.

J. T. Bailey, president, who made the assessment, said the driver strikes closed its Cleveland Turning-Machine division plant for several days and forced it to operate at less than 50% efficiency for a much longer period. The plant accounts for about a third of the company's sales.

All told, he said, the strikes halted shipments of machines from its Cleveland plant to the point that full quarter shipments will be off by about 20% from the year-ago period.

The driver strikes stem primarily from disgruntlement over the wage increases won for them by the Teamsters Union. The terms provide increases of $1.10 an hour over a 39-

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month span of a new contract. Drivers, notably those in the midwest, say the increase isn't large enough and have struck to emphasize their contention. The union is currently polling members on whether to accept the terms.

### SKIL CORP. LAYOFFS

Skil Corp., a maker of consumer and industrial tools, disclosed that it had laid off some production workers because of heavy inventories and effects of the truck strike. After posting sales and earnings gains in 1969, the company's earnings dropped to $78,071, or four cents a share, in the first of 1970 from $590,681, or 34 cents a share, a year earlier. Although the company expects a sales and earnings improvement later in the year, it doesn't foresee it taking shape in this quarter, John W. Sullivan, president, says.

Reliance Electric Co., a maker of automation systems and industrial equipment, says the strikes have depressed the entire fiscal first half as well as the fiscal quarter, although it thinks it can recover some of the losses in the remaining two periods.

For the six months ended April 30, Reliance earned $5.4 million, or 43 cents a share, down from $7.9 million, or 81 cents a share, a year earlier. Sales were $157.8 million, above the $147.5 million of a year ago. Figures for 1969 were restated to reflect an acquisition.

Reliance didn't report separate results for the fiscal second quarter but indicated net for the period was $2.2 million, or 13 cents, down from $4.5 million, or 49 cents, a year earlier.

The trucker walkouts affected shipments to customers and delivery of raw materials so severely that Reliance was forced to close eight plants for a four-day period in April. The company's order backlog increased $7.4 million, to $137.1 million during the second quarter.

### RELIANCE ELECTRIC OPTIMISTIC

Reliance, however, is optimistic about the full year. According to Hugh D. Luke, president, incoming orders so far this year are at record levels. He estimated sales for the year in the area of $330 million to $340 million. In fiscal 1969, ended Oct. 31, Reliance had sales of $301.9 million and earnings of $17.4 million, or $1.97 a share.

Some other companies may find it more difficult to overcome setbacks of the second quarter. In Chicago, where the driver strikes have been compounded by a management lockout, a spokesman for Zenith Radio Corp. notes that the company closed down all production and warehouse facilities in the area a month ago. Three weeks ago it also was forced to close its Rauland division tube plant in Chicago. It also closed down its color television plant in Springfield, Mo. According to the spokesman the company plans to resume production at all plants over the next five workdays in anticipation of a possible settlement.

"We have to have the product ready to ship," the spokesman says. But if there isn't a settlement by June 1, the company will again close down the same facilities, he adds.

Freight shipments are still the target of Teamster pickets in the San Francisco area, but services deemed essential have been restored. The walkout on Thursday had closed down Yellow Cabs in San Francisco, the AC Transit Service, which serves the East Bay, and Greyhound Bus services, and forced San Francisco's two daily papers, the Chronicle and Examiner, to suspend publication because they couldn't deliver papers.

These services were restored Saturday after San Francisco's Mayor Alioto and Los Angeles' Mayor Yorty pledged to work in a mediation effort. The Teamster action in San Francisco is to prevent freight shipments into Los Angeles and also to force the rehiring of Teamster members fired in Los Angeles in a prolonged strike. Both the Chronicle and Examiner published abbreviated editions Saturday. Yesterday's combined Sunday paper was normal.

Teamster officials have indicated that all perishables, transportation and anything else involved in the public interest except freight will be permitted.

## SENATE JOINT RESOLUTION 201—INTRODUCTION OF JOINT RESOLUTION RELATING TO EXTENSION OF THE REPORTING DATE FOR THE NATIONAL COMMISSION ON CONSUMER FINANCE

Mr. SPARKMAN. Mr. President, I introduce a joint resolution to extend the reporting date of the National Commission on Consumer Finance from January 1, 1971, to July 1, 1972. The Commission was established by title 4 of the Consumer Credit Protection Act. Its mission is to review the entire structure of the consumer credit industry and to make appropriate recommendations to the Congress and to the executive branch.

The Commission consists of nine members—three House Members appointed by the Speaker of the House, three Senators appointed by the President of the Senate, and three public members appointed by the President. The Consumer Credit Protection Act, otherwise known as the Truth in Lending Act, was signed into law on May 29, 1968. At that time it was anticipated that the Commission would have approximately 2½ years to complete its work. Unfortunately, the three public members of the Commission were not appointed until November 17, 1969, and funds for the operation of the Commission were not obtained until December 26, 1969, more than 18 months after the effective date of the legislation. Accordingly, the resolution would extend the date by which the Commission must file its final report by 18 months. This extension is necessary due to the lateness in getting the Commission established.

The PRESIDING OFFICER (Mr. Bellmon). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 201) to extend the reporting date of the National Commission on Consumer Finance, introduced by Mr. Sparkman (for himself, Mr. Proxmire, and Mr. Tower), was received, read twice by its title, and referred to the Committee on Banking and Currency.

## ADDITIONAL COSPONSORS OF BILLS

### S. 3410

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Indiana (Mr. Bayh) be added as a cosponsor of S. 3410, the National Environmental Laboratory Act.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

### S. 3546

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 3546, the National Air Quality Standards Act of 1970, which would accelerate the designation of air quality control regions required by the Air Quality Act of 1967 and would provide for citizen suits to enforce air quality standards: Senators Cannon, Pastore, Young of Ohio, McGee, McIntyre, Hart, Pell, Brooke, Case, Metcalf, Mondale, Nelson, Proxmire, Williams of New Jersey, Tydings, Gravel, Cranston, Packwood, and Hartke.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

### S. 3552

Mr. McINTYRE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Arkansas (Mr. Fulbright), the Senator from Washington (Mr. Magnuson), the Senator from Rhode Island (Mr. Pell), the Senator from Minnesota (Mr. Mondale), the Senator from Oregon (Mr. Packwood), the Senator from Maryland (Mr. Tydings), the Senator from Hawaii (Mr. Inouye), the Senator from Missouri (Mr. Eagleton), and the Senator from Illinois (Mr. Percy) be added as cosponsors of S. 3552, to provide certain privileges against disclosure of confidential information obtained by newsmen.

The PRESIDING OFFICER (Mr. McClellan). Without objection, it is so ordered.

### S. 3677

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 3677 which would set up an independent agency to develop and enforce Federal environmental quality standards, support research, and provide technical aid to various Government agencies: Senators Cannon, Pastore, Young of Ohio, McGee, McIntyre, Hart, Brooke, Metcalf, Mondale, Nelson, Williams of New Jersey, Tydings, Gravel, Inouye, Packwood, and Hartke.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

### S. 3687

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of S. 3687, the National Water Quality Standards Act of 1970, which would increase the Federal grant authorization for waste treatment facilities to $2.5 billion a year for 5 fiscal years and extend the standards program to all navigable waters: Senators Cannon, Pastore, Young of Ohio, McGee, McIntyre, Hart, Pell, Brooke, Case, Metcalf, Mondale, Nelson, Williams of New Jersey, Tydings, Cranston, Packwood, and Hartke.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

### S. 3734

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Alaska (Mr. Stevens), I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. Gravel) be added as a cosponsor of S. 3734, relating to the appointment of U.S. marshals.

The PRESIDING OFFICER (Mr.

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Bellmon). Without objection, it is so ordered.

S. 3735

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Alaska (Mr. Stevens), I ask unanimous consent that, at the next printing, the name of the Senator from Alaska (Mr. Gravel) be added as a cosponsor of S. 3735, providing for the minimum classification of U.S. deputy marshals under chapter 51 of title 5, United States Code.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

## ADDITIONAL COSPONSORS OF A RESOLUTION

S. RES. 405

Mr. MUSKIE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Hawaii (Mr. Inouye) and the Senator from Alaska (Mr. Gravel) be added as cosponsors of S. Res. 405, declaring a policy for peace in Indochina.

The PRESIDING OFFICER (Mr. Bellmon). Without objection, it is so ordered.

## MANPOWER TRAINING ACT OF 1969—AMENDMENTS

AMENDMENT NO. 634

Mr. JAVITS (for himself, Mr. Brooke, Mr. Schweiker, Mr. Scott, Mr. Stevens, Mr. Case, and Mr. Percy) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 2838) to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment, and for other purposes, which was referred to the Committee on Labor and Public Welfare, and ordered to be printed.

AMENDMENTS NOS. 635 THROUGH 637

Mr. JAVITS (for himself, Mr. Bayh, Mr. Boggs, and Mr. Schweiker) submitted three amendments, intended to be proposed by them, jointly, to Senate bill 2838, supra, which were referred to the Committee on Labor and Public Welfare, and ordered to be printed.

AMENDMENTS NOS. 638 AND 639

Mr. JAVITS submitted two amendments, intended to be proposed by him, to Senate bill 2838, supra, which were referred to the Committee on Labor and Public Welfare, and ordered to be printed.

(The remarks of Mr. Javits when he submitted the amendments appear earlier in the Record under the appropriate heading.)

AMENDMENT NO. 643

Mr. MURPHY. Mr. President, I rise to submit, for myself and the Senator from New York (Mr. Javits) an amendment to S. 2838, the Manpower Training Act of 1970. This amendment will authorize the expenditure of funds for programs and activities to provide language training to individuals for whom language constitutes a significant barrier to employment. As my colleagues are aware, I long have been concerned with the barrier language has caused to achievement by our schoolchildren to whose families English is a second language. I cosponsored the Bilingual Education Act that was added to the Elementary and Secondary Education Act of 1967, and have worked for full funding of the program since that time. For fiscal year 1970, $21,300,000 was made available to this program and for fiscal year 1971, the Senate Appropriations Committee has recommended $25,000,000. The Bilingual Education Act has become one of the most exciting developments in the educational field and one that should measurably aid the children of this and future generations to find meaningful jobs and, indeed, a meaningful role in our society.

The hearings on S. 2838 before the Subcommittee on Employment, Manpower and Poverty, of which I am the ranking minority member, make it clear that first, language is an impediment to many in getting and holding a worthwhile job; and second, Federal assistance must be provided in this area if manpower training programs are to be effective.

There are over 5 million Mexican Americans in the United States, located primarily in the Southwestern States. My State is proud of the fact that more Mexican Americans, 1.5 million as a matter of fact, live in California, than any other State. The Mexican Americans, the Nation's second largest minority group, face the same problems of poverty and discrimination as other minority groups; but in addition, they have a language handicap.

The same problems are faced by our Chinese-American population. I am proud to say that San Francisco has the largest Chinese-American population of any city in the United States, currently in the neighborhood of 75,000 people. Since most of the Chinese immigration into the United States of about 10,000 people per year occurs through San Francisco, the numbers of this group are increasing rapidly. The subcommittee heard testimony that as many as 25,000 to 30,000 Chinese-Americans in San Francisco do not speak English. Naturally, some of our other minority groups such as the American Indians, Japanese-Americans and Puerto Ricans face similar problems.

I believe we have the obligation to assist these people so that they may hold meaningful jobs. If it means that parts of the manpower programs should be taught in Spanish or Chinese, then this should be done. If it means that one of the job skills required to hold the job is a knowledge of English, then English must be taught just as are the mechanics of operating a key punch machine or a welding torch or a computer.

Mr. President, my amendment is that simple, but it covers a serious deficiency in many of our present manpower programs.

In urging the full funding of the Bilingual Education Act, before the Senate Appropriations Committee last year, I stated: "no communication—no learning. It is as simple as that." That statement could well be rephrased, "no communication—no earning." It is truly as simple as that.

I also ask that the amendment be printed in full in the Record at the end of this statement.

The PRESIDING OFFICER (Mr. Spong). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 643) was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

Amendment No. 643

On page 4, line 15, delete Sec. 101(1) and insert the following new subsection (1):

"(1) basic education, literacy and communication skills, including instruction courses in English language skills and, where appropriate, training programs conducted in languages other than English, which will assist individuals to become more employable or more suitable for participation in occupational training."

On page 17, between lines 16 and 17, insert the following: "(7) provide as an essential part of manpower training and related activities, courses in English language skills, and, where appropriate, training programs conducted in languages other than English, to fully assist individuals for whom language constitutes a significant barrier to employment."

On page 17, line 17, strike out "(7)" and insert in lieu thereof "(8)".

Mr. JAVITS. Mr. President, I am pleased to join with my distinguished colleague from California (Mr. Murphy), who is ranking minority member of the Subcommittee on Employment, Manpower, and Poverty, in this crucial amendment to the Manpower Training Act of 1969, of which I am the principal sponsor in the Senate.

This amendment would direct the States and the cities, as they assume greater responsibility for manpower programs, to pay particular attention to the needs of those whose ability to engage in employment is impaired by a so-called language barrier. In my own city of New York, a 1967 study indicated that more than 10 percent of students in grades 1 to 12 were classified by the school system as "non-English-speaking."

I think that these statistics—which are repeated throughout the Nation—indicate the great need for a special sensitivity to such needs as manpower programs are developed on the local level.

I commend the Senator from California (Mr. Murphy) for taking the initiative on this matter, as he has in the field of education so often in the past.

## AUTHORIZATION FOR THE COMMISSIONER OF EDUCATION TO AWARD CERTAIN FELLOWSHIPS—AMENDMENT

AMENDMENT NO. 640

Mr. GOODELL. Mr. President, the Senator from Wisconsin (Mr. Nelson) has introduced the Environmental Career Fellowships Act, S. 3809, to authorize the Commissioner of Education to award fellowships to persons preparing for careers which will focus upon the preservation and enhancement of the Nation's environment and the control of environmental pollution.

I believe that that bill is directed toward a quite real need for funds that exists upon our Nation's campuses, and I will cosponsor it.

While the thrust of the bill is commendable, the scope is too circumscribed. In section 2, the awarding of fellowships under S. 3809 is limited to those who plan to pursue environmental careers only in such fields as ecology, hydrology, chemistry, biology, and engineering. A great many other fields crucial to environmental education, notably the social sciences, are excluded from this rubric.

There is a definite need for the study of economic incentives not to pollute, for instance, and of the efficacy of various types of effluent charges. There is a clear need for study of the political and psychological requisites of national environmental programs, and for identification of the medical and the public health effects of various pollutants. There is a crying need for the training of public administrators, business executives, and lawyers in the goals and the tactical options related to the preservation of our environment.

It is not enough, moreover, to provide fellowships for the training of graduate and professional students. Perhaps the most crucial need of all, reflective of the widest gap in the field of environmental education, is for trained teachers who can go into the classroom and spread the gospel of environmental education on all levels of schooling, from kindergarten to graduate school. Nowhere in Federal legislation is there a provision for aid specifically directed toward the training of teachers in environmental education.

A survey conducted last year by the Environmental Policy Division of the Legislative Reference Service for the Subcommittee on Science, Research, and Development of the House Committee on Science and Astronautics has identified the disciplines upon which environmental education must focus. It is those disciplines especially in which we must build up a corps of dedicated environmentalists, in which we must train teachers and technical and professional personnel.

My amendment will, in lieu of the circumscribed set of disciplines covered by section 2 of the Nelson bill, substitute a complete listing of those disciplines identified as crucial to environmental education in that study made for the House Subcommittee on Science, Research, and Development. Under my amendment, all graduate and professional students in each of those disciplines will be eligible for fellowships under S. 3809. Moreover, my amendment will make eligible for fellowships under the bill those undergraduates who are pursuing a course of study which will lead to a career of teaching focused upon the preservation and enhancement of the Nation's environment and the control of environmental pollution.

Mr. President, I ask unanimous consent that the text of my amendment be printed in the Record.

The PRESIDING OFFICER (Mr. McClellan). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment will be printed in the Record.

The amendment (No. 640) was referred to the Committee on Labor and Public Welfare, and ordered to be printed in the Record, as follows:

Amendment No. 640

On page 1, strike out lines 9 through 11 and insert in lieu thereof the following: "to pursue careers focused upon the preservation and enhancement of the nation's environment and the control of environmental pollution, in such fields as the aeronautical and space sciences, the agricultural sciences, agronomy, and forestry, the physical and biological sciences, chemistry, the marine sciences and oceanography, the computer sciences and mathematics, ecology, economics, the engineering sciences, the geosciences including meteorology, medicine, epidemiology and public health, architecture and urban planning, and the social sciences, including psychology, political science, public administration, business administration, and law, and for undergraduate study for persons who plan to pursue careers of teaching focused upon the preservation and enhancement of the nation's environment and the control of environmetal pollution."

## OFFICE OF EDUCATION APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 641

Mr. MONDALE. Mr. President, I submit, for myself and the Senator from California (Mr. Murphy), an amendment intended to be proposed by us, jointly, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes. This amendment will increase funds for the dropout prevention program by $5 million. I ask unanimous consent that the text of the amendment be printed in the Record.

The PRESIDING OFFICER (Mr. Bellmon). The amendment will be received and printed, and will lie on the table; and, without objection, the amendment will be printed in the Record.

The amendment (No. 641) is as follows:

Amendment No. 641

On page 3, lines 2 and 3, strike out "$1,873,168,000" and insert in lieu thereof "$1,878,168,000".

AMENDMENT NO. 642

Mr. EAGLETON (for himself, Mr. Case, Mr. Javits, Mr. Mondale, Mr. Williams of New Jersey, and Mr. Yarborough) submitted amendments, intended to be proposed by them, jointly, to House bill 16916, supra, which were ordered to lie on the table and to be printed.

## ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be permitted to speak for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## INCOMES POLICY LONG OVERDUE—WELCOME SUPPORT FROM CHAIRMAN BURNS AND SECRETARY ROMNEY

Mr. PROXMIRE. Mr. President, both this year and last year and on numerous times before that, the Joint Economic Committee has proposed that a price and incomes policy be instituted.

In the 1969 report, the majority of the committee said:

> This committee, as it has for a number of years, strongly advocates the development of an effective, realistic, and definite set of wage-price guidelines.

And, in the 1970 report, the majority of the committee recommended that:

> The Council of Economic Advisers should at once initiate consultations with labor and business regarding appropriate price and incomes behavior. Following such consultations the Council should publish promptly a set of specific quantitative standards for price and income changes. The standards should be such that voluntary compliance by business and labor will contribute to the restoration of greater price stability.

But the administration has stubbornly refused to initiate wage-price guidelines or an incomes policy.

Yesterday, however, there were two significant statements by administration supporters urging such a policy.

Arthur F. Burns, now Chairman of the Federal Reserve Board but who until his appointment to that position was President Nixon's Chief Economic Adviser without portfolio, yesterday reversed his previous position and urged the administration to institute an incomes policy.

Meantime, George Romney, the Secretary of Housing and Urban Development, proposed a Presidential commission to bring to the attention of the public those instances where wage and price increases are clearly inflationary.

Both of those statements are as welcome as they are long overdue. While we should have acted earlier, as our committee has repeatedly urged, it is not too late to act.

No one claims or should claim that wage-price guidelines—or an incomes policy—is the sole or even major weapon against inflation. At best it can play only a moderating role. But the economic conditions which now exist appear to be precisely those in which such a policy can function most effectively. Those conditions are ones in which demand inflation has largely run its course—as everyone now agrees—and where cost-push inflation is the key villian.

The best work on this subject to my knowledge is a book by John Sheahan titled "The Wage Price Guideposts" which the Brookings Institution published in 1967. In reviewing the effectiveness of wage-price guidelines in several countries, Mr. Sheahan writes:

> If one were to characterize the American results with guideposts by the arbitrary statement that they have accomplished about 10 percent of the job intended, then by comparison most other countries would be strung out from about 2 to 10 percent. No country has scored any great success, if success is measured by maintenance of price stability for long periods at very low levels of unemployment.

That, Mr. President, is a fair statement of the relative importance and success of wage-price guidelines over long periods of time. But Mr. Sheahan goes on to describe where they have been successful and in what circumstances. And the point is that these fit our present circumstances like a glove. He says:

> Restraints on prices and wages have served at times to provide helpful breathing spells for short periods, and to break upward spirals that had continued from conditions of excess demand into a situation in which market forces should have stopped them but did not.

Mr. President, that is precisely what we need now. We need a breathing spell from the continued increase in wages and prices. We need to break the upward spirals that have continued after a condition of excessive demand has ended. This is a period when market forces should have stopped the upward spiral but have not.

This is precisely the time when an incomes policy can be most effective.

We should welcome Dr. Burns' statement and Secretary Romney's proposal. Action is long overdue. The administration should move now.

Further support for a change in policy comes from today's lead editorial in the New York Times. As the Times points out:

> Although the Nixon Administration still holds to the line that the economy will soon turn up and unemployment decline before the end of the year, it has become too risky to persist with the economic's "game plan" that the White House has been following. It is clear that the economy is not responding well to the Administration's medicine.

And further on in the editorial, the Times points out that—

> There have been many mistakes in economic policy in the past year. The Administration's green light to business and labor to raise prices or increase wage demands as they saw fit was one such blunder.

Mr. President, the time to institute wage-price guidelines is here. The Joint Economic Committee has been urging this action for a very long time. A number of distinguished private economists, including Walter Heller and Arthur Okun, has consistently done so. But now one of the President's Cabinet members, Secretary Romney, who in private life had great experience in management, has proposed action. And most important of all, Dr. Arthur Burns, whose economic credentials, public experience, and soundness of judgment in economic matters are unsurpassed by any other public official, has now urged an income policy.

It is time to act.

I ask unanimous consent that the New York Times editorial, "Strengthening the Economy—I" be printed at this point in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Strengthening the Economy—I

The United States economy today presents a "bleak picture," as Dr. Arthur F. Burns, chairman of the Federal Reserve Board, conceded to the Joint Economic Committee last week. The real Gross National Product has dropped, and the odds have increased that the economy is in a genuine recession.

Although the Nixon Administration still holds to the line that the economy will soon turn up and unemployment decline before the end of the year, it has become too risky to persist with the economic "game plan" that the White House has been following. It is clear that the economy is simply not responding well to the Administration's medicine.

Capital markets are badly strained: it has been necessary for the Federal Reserve to rescue a Treasury bond issue. Henry Kaufman, investment economist, estimates that the Treasury will have to raise upward of $13 billion in the second half of this year, adding to the economic strain.

Interest rates have gone sky high. A month ago, Dr. Burns expressed his confidence that interest rates "have already passed their peak." But the rates have since climbed higher. If it were not for fear of political resistance and criticism, the nation's banks, which cut their prime rate to 7½ per cent under Administration pressure, would be going back to the peak rate of 8 per cent.

Aggravating the nation's financial problem is the slippage of the Federal budget into deficit. Whether its alarm was warranted or not, the stock market reacted strongly—and adversely—to the effect it thought the President's precipitate decision to send American troops into Cambodia might have upon the budget deficit.

Escalating interest rates have produced a depression in housing while social needs for housing go unmet. The shortage of tax revenues has choked off crucial expenditures for human and environmental needs. Although tax reduction has been looked upon by some citizens as a means of stopping the Vietnam war, what the lack of fiscal resources in fact has done is to limit social programs and worsen inflation, without checking the war.

There have been many mistakes in economic policy in the past year. The Administration's green light to business and labor to raise prices or increase wage demands as they saw fit was one such blunder. But the most important mistake of economic policy lies in the "mix" of fiscal and monetary policy. Fiscal policy—the relation between Government spending and tax revenues—has been too loose; and monetary policy—the rate at which money and credit have been fed to the economy—has been too tight.

The present unbalanced state of the economy results from the basic failure to achieve a proper balance of fiscal and monetary policy.

## ADDITIONAL STATEMENTS OF SENATORS

## POET, LOOK TO THINE OWN COUNTRY

Mr. SAXBE. Mr. President, the Soviet Union is wheeling out its biggest propaganda guns in an effort to smear the United States in the eyes of the world. This is no surprise, really, since all of us have been used to this kind of attack from Russia ever since we rescued her from the Nazi fury.

The latest Soviet propaganda gambit is a poem by Yevgeny Yevtushenko, a propagandist and pamphleteer for the Soviet ruling apparatus. The poem decries the sad affair at Kent State University.

We agree that the affair is sad. We agree that it is a national disgrace. We have been searching our innermost souls ever since it happened to try to determine what it was that went wrong. In the face of the fact that four students lie dead at Kent and two more at Jackson, we must discover how we, as a Nation, could have brought about this stain upon our history. But we do not need help from any foreign nation, particularly one whose government has the bloody history of the Soviet Union, to tell us where our duty lies. We know our duty, to the living as well as the dead, and we shall carry it out.

The irony in this newest propaganda attack on the United States is that it comes from the same government that in times past has undertaken the purges of the anti-Stalinists, the slaughter of the peasants in the Ukraine, the Katyn Forest massacre, the slaughter of the students and citizens of Budapest, the Berlin Wall, the rape of the Baltic States, the crushing of Prague, and most recently has been fishing in the troubled waters of both the Middle East and Indochina with the intent of destroying the peace of the world.

It is indeed ironic that the Soviets should be wringing their gore-covered hands over any incident, no matter how tragic, that occurs anywhere else in the world.

Fifty years of slaughter of his own countrymen, it would seem, might suggest to Yevtushenko the appropriateness of an epic poem in their memory. Of course, he would not dare.

## DEATH OF JOHN GRAVES

Mr. PELL. Mr. President, I was deeply saddened to learn of the recent death of John Graves, who was formerly the assistant secretary to the majority. John was a trusted and helpful friend to whom one turned in complete confidence. John's assistance and advice on the Senate floor was invaluable, and who among us cannot but chuckle when we think of his calls requesting that we occupy the chair "just for a short time, Senator."

His death at such an early age is a terrible loss, and I extend my condolences to his wife, Karen, and his children, Cody and Caroline.

## ANXIETY IN THE NATION

Mr. SCOTT. Mr. President, an editorial published recently in the West Chester, Pa., Daily Local News discusses the anxiety in our Nation today and the need for cool and calm rhetoric. I ask unanimous consent that the editorial be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the West Chester (Pa.) Daily Local News, May 12, 1970]

### Rhetoric That Breeds Distrust

When governors cancel a long scheduled conference because they are fearful of protests and violence in their respective states, it is obvious that things are far more serious than many people have imagined.

When the American Psychiatric Association which opened its sessions in San Francisco yesterday, drops its "business as usual" agenda because of national problems, turmoil and violence, it must be clear to most people that affairs have reached a critical point in our country.

When the President of the United States summons the Nation's governors to Washington to discuss ways of improving communication with college and university campuses in an effort to relate more effectively with students and others, it is obvious that grave concern is felt in high places over recent disturbances and tragedies.

Everywhere there is anxiety as to what is not only happening today, but what may happen tomorrow in our country founded on

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the principle of freedom, the kind of freedom that permits an individual to speak his mind and, in so doing, dissent from others. It is the exercise of this constitutionally-given freedom that is giving concern to many of our leaders. Among them is Pennsylvania's senator, Hugh Scott.

Expressing his feelings in regard to what is happening in America today, Senator Scott said: "There has been an intolerable level of intemperance and misunderstanding on all sides, which has created a volatile atmosphere. It is wrong. It is leading us to disdain and to distrust each other as Americans. It has come from no less than the leaders of this nation. It has come from a great many Americans of varied and strong feelings. This rhetoric has inflamed and created a heavy turbulence of hate, suspicion and mutual disrespect.

"Rhetoric," Mr. Scott continued, "whether hurled from the pinnacles of power, or volatile or obscene when launched from the stance of the frustrated, the weak or the radicals, will tear us further apart.

"Today," he pleaded, "I beg those of all feelings, of all parties, of all ages to allow the polarization of our Nation to cool down. It is time to mend and to coalesce as Americans and not to divide as enemies."

That is the kind of counseling our country needs at this moment. We need as President Nixon stated in his inaugural address, to "lower our voices" that we may be heard. If we don't, there will be greater division—the kind that breeds disdain and distrust which, unless we are careful, could take us down the road to ruin. The wedge of division is already threatening our country.

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## SET A DATE IN VIETNAM, STICK TO IT—GET OUT

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Mr. MUSKIE. Mr. President, in the current issue of Life magazine, former Secretary of Defense Clark Clifford has presented a cogent argument against the recent U.S. escalation of military activity in Southeast Asia. Mr. Clifford speaks as one who has been closely involved with the war in Vietnam, as one who believes that the commitment which we once owed South Vietnam to help protect its sovereignty has been more than paid off.

In analyzing certain circumstances of our involvement in this war, Mr. Clifford has emphasized a point which I have tried to make again and again—that our goal in Vietnam cannot be a military victory, but rather must be the establishment of a climate conducive to self-determination by the peoples of Southeast Asia. President Nixon, by his insistence on a military solution, has shown an alarming lack of awareness of the political issues involved in this conflict and its impact on both our allies and adversaries around the world.

As an alternative to present policy, Mr. Clifford has outlined a three-point plan which would remove all U.S. military personnel from Indochina by the end of 1971 and provide an impetus to negotiations by diminishing hostilities to a cease-fire level. I have offered similar points in my resolution, Senate Resolution 405, a proposal designed to set out a broad policy for U.S. disengagement from the conflict in Indochina. I feel very strongly that, as Mr. Clifford has stated:

> The time has come for us to grasp the initiative in making the necessary and vital decisions. * * * American national interests require American disengagement from South Vietnam.

Mr. President, I ask unanimous consent that Mr. Clifford's statement be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### SET A DATE IN VIETNAM, STICK TO IT, GET OUT

(By Clark Clifford)

On the evening of April 30, I heard President Nixon inform the American people that in order to "avoid a wider war" and "keep the casualties of our brave men in Vietnam at an absolute minimum," he had ordered American troops to invade Cambodia.

My mind went back to a day in April 1961 when I received a telephone call from President Kennedy. He asked me to come to the White House to discuss the Bay of Pigs disaster which had just occurred. He was agitated and deadly serious. I shall never forget his words: "I have made a tragic mistake. Not only were our facts in error, but our policy was wrong because the premises on which it was built were wrong." These words of President Kennedy apply with startling accuracy to President Nixon's decision to invade Cambodia. Unfortunately, it is clear that President Nixon's action is an infinitely greater mistake than President Kennedy's, because more than 400,000 American boys remain involved in Vietnam, and far graver damage had already been done to our nation, both at home and abroad.

Like most Americans, I welcomed President Nixon's promises to end the Vietman war and bring our boys home. Like most Americans, I applauded the President's action in withdrawing 115,000 of our troops so far, and have noted his intention, with some qualifications, to withdraw 150,000 more in the next 12 months. Like most Americans, my sincere inclination is to support our President in times of crisis. However, I cannot remain silent in the face of his reckless decision to send troops to Cambodia, continuing a course of action which I believe to be dangerous to the welfare of our nation. It is my opinion that President Nixon is taking our nation down a road that is leading us more deeply into Vietnam rather than taking us out.

George Santayana once said: "Those who cannot remember the past are condemned to repeat it." In my personal experience with the war in Vietnam, I have learned certain basic and important lessons. It has been my hope that the present administration would study the past and determine not to repeat certain actions previously taken. However, I must express the deepest concern that it is now apparent that President Nixon has not grasped these vital lessons which seem so blazingly clear as we look back at the last five years of our substantial participation in the Vietnam conflict.

I have learned three fundamental lessons from my personal experience with Vietnam and I shall present them in this article. I shall then discuss how these lessons apply to the Cambodian situation. Finally, I will suggest a specific plan for our extrication from Vietnam.

*The national security of the United States is not involved in Vietnam, nor does our national interest in the area warrant our continued military presence there.*

The basis of our original participation in the conflict in Vietnam was the general acceptance of the so-called "domino theory." If South Vietnam were permitted to fall, then other nations of Southeast Asia, and possibly even in the Asian subcontinent, might topple, one after the other. If this occurred, it was alleged, the national security of the United States would be adversely affected. At one time, I accepted the reasonableness of this theory, but my own personal experience has led me to the conclusion that it is now unsound.

One of the major reasons for the change in my own thinking has been the attitude, evidenced over the last five years, of the nations in Asia that would be most seriously affected if the domino theory were applicable. These nations are infinitely better acquainted with the political, military and diplomatic facts of life in that part of the world, for they have lived with them for hundreds of years. As one looks at the map of the area, it is interesting to fan out from South Vietnam and ascertain the number of troops that these countries have sent to help South Vietnam because, in the final analysis, that is the most accurate test of the degree of their concern.

Burma, Laos and Cambodia, to the west, have sent no troops to South Vietnam. Singapore and Malaysia have sent no troops, while Thailand has sent only token forces.

The Philippines have sent no combat troops. The personnel of the engineering units and hospital corps it did send have been largely withdrawn. Indonesia, India and Pakistan have sent no troops.

These are the closest dominoes, and should be the first to fall.

As far as Laos and Cambodia are concerned, their behavior hardly justifies any sacrifice of American lives or treasure on their behalf. The situation existing in these countries is incredibly sleazy, and should be known and understood by all Americans.

Most of the men and materiel of war used to fight against American forces in South Vietnam come down the Ho Chi Minh Trail through Laos. Is Laos prepared to make any sacrifice to prevent the use of the trail? Certainly not! In fact, the exact opposite is the case. On March 6, 1970, Souvanna Phouma, prime minister of Laos, had a press conference and said:

"I told the ambassador from North Vietnam last year that we will accept the *use of the trail by North Vietnamese troops* with the condition that those troops withdraw from the important regions of Laos."

While American pilots, on a sharply escalated basis, are fighting and dying in support of Laotian forces engaged with Communist troops, the ruler of Laos suggests a deal that would permit the North Vietnamese free use of the trail through Laos to transport troops, guns and ammunition to kill Americans in South Vietnam.

In Cambodia, for years, enemy supplies have come into the port of Sihanoukville and have been transported across Cambodia into South Vietnam, to be used against American forces.

Laos and Cambodia have not been prepared to jeopardize their own interests to prevent North Vietnam from conquering the South. In fact, at least until Sihanouk's recent fall, both countries have been helping the North Vietnamese, and maneuvering to make their own deals. The United States has become involved in the age-old intrigue and chicanery that are traditional in the area.

I feel strongly that we have met, many times over, any obligation or commitment that we had in that part of the world, and I believe that the developments of the last five years should persuade us that the time has come to disengage in Southeast Asia and bring our men home.

I believe most Americans agree, but from what he says and does, President Nixon continues grossly to exaggerate Vietnam's importance to our national security.

In giving thought and study to this enigma, I have reached the conclusion that President Nixon has a curious obsession about Vietnam and Southeast Asia. Back in 1954, in a speech to the American Society of Newspaper Editors in the East Room of the White House, then Vice President Nixon said: "If in order to avoid further Communist expansion in Asia and particularly in Indochina, if in order to avoid it we must take the risk now of putting American boys in . . . I personally would support such a decision." This is particularly startling because Mr. Nixon was recommending that we send American troops into Indochina to help the French who were engaged in war there to retain their colonial territories.

In 1965, President Nixon, then a private citizen, wrote a letter to the New York *Times*. In that letter, he declared that "victory for the Vietcong . . . would mean ultimately the destruction of freedom of speech for all men for all time, not only in Asia but in the United States as well." In his speech of Nov. 3, 1969 he referred to the "great stakes involved in Vietnam," and asserted that they were no less than the maintenance of the peace "in the Middle East, in Berlin, eventually even in the Western Hemisphere."

I want very much for the President of the United States to be wise, mature and to exercise good judgment, but a statement of this kind shakes my confidence to its very core. I cannot remain silent when President Nixon acts as though he believes that a certain political result in a small underdeveloped country of 18 million persons in Southeast Asia is somehow crucial to "the future of peace and freedom in America and in the world."

I have learned these past years that the war in Vietnam is a local war arising out of the particular political conditions existing in Southeast Asia. I consider it a delusion to suggest that the war in Vietnam is part of a worldwide program of Communist aggression.

President Nixon continually argues that we must fight in Vietnam now to avoid "a bigger war or surrender later." But it is clear to me that the only real danger of a "bigger war" would come from the continued escalation of the rapidly widening conflict in Indochina.

*We cannot win a military victory in South Vietnam, and we must, therefore, cease trying to do so.*

The goal of winning a military victory in South Vietnam has proved to be a will-o'-the-wisp that has led us from one military adventure to another. I have reached the clear conclusion that we are not winning such a victory, nor can we win it in the future.

Certain restraints have been placed upon our military activity by the political realities that exist. We have been unwilling to invade North Vietnam, or to engage in indiscriminate bombing or mining of its harbors. As a result, we have been occupied in the most difficult type of guerrilla war and probably what is the most difficult terrain in which to fight. Our enormous firepower and our airpower are seriously limited and restricted by the fact that most of the fighting takes place in the deepest jungles in Southeast Asia.

In warfare, a nation has three major goals. The first is to keep as many of the enemy as possible on the field of battle. The second is to destroy the enemy's war-making potential, and the third is to seize and hold enemy territory. In the present conflict, a substantial number of the enemy have been killed but the troops from the North continue to come down in an uninterrupted flow. The enemy is well armed, well equipped and well trained, and is expert in guerrilla warfare. And Hanoi has made clear beyond any reasonable doubt its willingness and ability to accept substantial casualties for as long as necessary.

As for the second goal, we have been unsuccessful because we are wholly unable to destroy the enemy's war-making potential. The factories turning out guns, rockets, mortars and the materiel of war are not located in North Vietnam, but in Red China and the Soviet Union. We cannot destroy the factories in those countries. We attempted instead to impede the flow of weapons into South Vietnam by a bombing campaign in the North. In my opinion, the results did not warrant the enormous cost to us.

We have been no more successful in pursuing the third goal of seizing and holding territory. The enemy does not operate along a battle line; his objective is not to hold territory. When we attack, the enemy yields, but he returns when we move out.

In the pursuit of these goals, we have lost the lives of close to 45,000 Americans, had more than 275,000 wounded, spent over $125 billion, lost close to 7,000 planes, and we have dropped more tonnage of bombs in this conflict than we did in World War II and the Korean War combined.

Our problem in Vietnam is due not only to our inability to attain the military goals, despite our great effort, but to the fact that the struggle is basically a political one. The enemy continues to symbolize the forces of nationalism. The regime which we support is a narrowly based military dictatorship.

President Nixon has repeatedly asserted that the only alternative to his Vietnamization program is the "defeat and humiliation" of the United States. He has announced his determination not to accept this "first defeat" in our nation's history. The President's view constitutes, in my opinion, a complete misreading of the nature of the conflict in South Vietnam, of our role and purpose there and of the American national interest. The alternatives in Vietnam are not military victory on the one hand, or defeat and humiliation on the other. We did not intervene to conquer North Vietnam, but solely to extend a shield for South Vietnam. We did not intervene to impose any particular government on South Vietnam. The interests of the South Vietnamese people will be served and our objectives will be achieved by a realistic political settlement. A program for orderly disengagement will create the conditions in which productive negotiations become possible. Such a program is the only way to peace, and peace in Southeast Asia is the only victory that we should seek.

One of the deepest concerns I have about our present policy in Vietnam is that President Nixon, while he proclaims his dedication to a political settlement, by his actions still seeks to gain the military victory that cannot be won.

*We cannot continue to fight the war in Vietnam without doing serious and irreparable injury to our own country.*

The effect of the war on the young people in the United States is a virulent one. They feel especially affected by the war because they are the ones who have to fight it. Many of them do not believe in it and they are at a loss to understand why they must fight and die in a remote corner of Southeast Asia when they know their country is in no peril whatsoever. One of the poisonous effects of the conflict is the disunity and bitterness, and in some instances violence, it has brought about in our country.

The war has confused many Americans and has caused a continuing loss of confidence because the institutions of our government have not dealt with the pressing problem of national priorities. Every domestic problem we have, including poverty, inadequate housing, crime, educational deficiencies, hunger and pollution is affected adversely by our participation in the Vietnam war, and I do not believe these problems will be brought under control until we have disengaged from that conflict.

The war is a major contributor to the inflation that is hurting every citizen in our nation. We are also in the midst of a serious setback as far as business is concerned. The effect of the war on our economy is dramatic. Almost immediately after our foolhardy entry into Cambodia, the Dow-Jones industrial average decline over 19 points.

What troubles me is that President Nixon continues to give priority to policy in Indochina and to ignore its consequences at home. His actions are dividing the nation when we need desperately to be united and to devote our energies to our critical domestic problems.

*The Cambodian invasion ignores these three lessons.* The President ordered up to 20,000 American troops into Cambodia, and has now promised to have them out by July 1. I know already, in my own mind, that the operation will achieve little. The enemy will fade into the jungles of Cambodia, which are just as impassable and impenetrable as those in Vietnam. Any military gains will be temporary and inconsequential.

This is not an idle prognostication upon my part but is an opinion derived from past experience. Time and again in South Vietnam, the recommendation was made that a sweep be conducted through the Ashau Valley on the grounds that a vital blow could be struck against enemy forces. Time and again, thousands of American troops would sweep through the valley and find practically no enemy soldiers. The same will happen in Cambodia.

Also, there is a curious psychology I cannot understand that attaches importance to capturing territory even though it is held for a temporary period. A perfect illustration is Hamburger Hill. We drove the enemy off Hamburger Hill at great loss of life to our troops, and then later on withdrew. As soon as we pulled out, the enemy reoccupied Hamburger Hill and we went back and repeated the process. I do not know who holds the hill today. I am sure it doesn't matter.

After the adventure is concluded and our troops have been pulled back to South Vietnam, I predict the enemy will quickly reoccupy the areas that we have cleared. Even if the decision were made to remain in Cambodia, then I predict the enemy will develop new bases and staging areas just outside the perimeter of the area we occupy in Cambodia. In either event, the military effect is negligible and not worth the effort.

President Nixon, in his address to the nation of April 30, informed the American people that the invasion of Cambodia is indispensable to the withdrawal of our troops from South Vietnam, that it will serve the purpose of ending the war in Vietnam, that it will keep our casualties at a minimum, and that it will win a just peace.

These contentions violate every lesson that we have learned in the last five years in Vietnam. The bitter experience of those years demonstrates clearly to me that our incursion into Cambodia will delay the withdrawal of our troops from South Vietnam because it spreads the war and intensifies it. This decision will not end the war, but will lengthen it because of the reactions of the enemy to this new development. It will not keep our casualties down but will increase them, not only because of the men killed in Cambodia but because of the increased level of combat which I predict will be the other side's response in Vietnam. It will not achieve peace but will postpone it or destroy entirely the chances of obtaining it. Even though we pull out, the damage has been done, and the bankruptcy of our present Vietnamization program has been exposed.

The thrust of President Nixon's position in his speech of April 30 was that if we escalated our efforts into Cambodia, it would aid our program of Vietnamization.

How unfortunate it is that President Nixon did not heed the congressional testimony of Secretary of State William P. Rogers when he testified on April 23, just one week before the President spoke. Secretary Rogers said:

"We have no incentive to escalate. Our whole incentive is to de-escalate. We recognize that if we escalate and get involved in Cambodia with our ground troops, that our whole program [Vietnamization] is defeated."

I anticipate that in the period of the next few weeks glowing reports will flow back from Vietnam regarding the outstanding success of the drive into Cambodia. Figures will be proudly presented showing the number of tons of rice captured, bunkers and staging areas destroyed, substantial numbers of weapons and quantities of ammunition found. A determined effort will be made to portray the entire adventure as a success, even though no major engagements will have taken place and the number of enemy casualties will be woefully small. This has happened time and time again, and our hopes have been raised only to be dashed by new enemy offensives. The capture of supplies and equipment, in the past, has been met by an increase in the supply of such equipment by the Soviet Union and China, with resulting increased flow down the pipeline from North Vietnam.

A further worry I have is that this ill-advised move into Cambodia could create a whole new set of problems. The open violation of Cambodian neutrality on the part of our troops could well constitute an open invitation to the North Vietnamese to expand their efforts further over Indochina on the pretext of defending independence. Our march into Cambodia now jeopardizes the ancient capitals of Phnom Penh and Vientiane. I do not have the prescience to visualize what may take place in this regard, but I know that we have greatly expanded the danger of the conflict spreading throughout Cambodia and Laos, and even further.

Although I consider the attack on Cambodia to be fraught with the most serious military consequences, I attach even greater danger to the diplomatic results that will flow from it.

Many of our friends around the world are shocked at this imprudent expansion of the conflict. They had hoped that they would see a contraction of the area of conflict and instead they learn, with deep apprehension, that it is being widened. The Cambodian adventure ignored the request of Foreign Minister Malik of Indonesia that no action be taken to extend arms support to Cambodia pending a regional conference to find ways of preserving that country's neutrality.

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The decision appears to have been made so precipitately that the proper consideration was not given to the effect of the action on Communist China. The action was taken right after the recent conference of Communist representatives from China, Cambodia, Laos and North Vietnam. This conference ended with an agreement of mutual support and cooperation in combating American and other enemy forces in Indochina.

The predictable Soviet reaction was also apparently discounted. Premier Kosygin, on May 4, called a special news conference to warn of the worsening in Soviet-American relations. Mr. Kosygin stated that the Cambodian move raised serious doubts about President Nixon's sincerity in seeking an "era of negotiation." Mr. Kosygin went so far as to suggest that President Nixon's statements could not be trusted. This does not mean that either China or Russia will intervene directly, but it does mean that they will give North Vietnam all the aid it needs to neutralize our action.

Another unfortunate result of our action is to imperil the success of the strategic arms talks now being held in Vienna. Mr. Kosygin stated that our actions put the Soviet Union on guard and decrease their confidence, without which it is difficult to conduct negotiations.

Domestically, the re-escalation of the war has gravely increased the disaffection of young Americans, and the disruption of our society.

The active invasion dramatizes another facet of President Nixon's statements on the war which has caused me the deepest concern. In his speech of April 30, President Nixon again warned the North Vietnamese that, if they accelerated the fighting, he would take stern action in response. He has done this on at least four or five occasions and, in each instance, the enemy has responded by some type of military action. I suggest that this is the road to utter chaos. While announcing the withdrawal of a limited number of troops on the one hand, the President keeps threatening the enemy by assuring him that we are perfectly willing to raise the level of combat. This is not the path to peace. It is the path that will lead to more and more fighting and more and more dying.

*It is time now to end our participation in the war. We must begin the rapid, orderly, complete and scheduled withdrawal of United States forces from Indochina.*

President Nixon has described his program of Vietnamization as a plan for peace. I believe, however, that it can never bring peace in Southeast Asia, and that it is, in fact, a formula for perpetual war.

This war can only be ended by a political settlement. Nothing that the Administration is now doing holds any promise of bringing one about. And our present program for indefinite military presence in Vietnam makes such political settlement impossible. So long as our withdrawals are conditioned on the ability of the South Vietnamese to assume the combat burden, Hanoi cannot be expected to believe that we are genuinely interested in, or would even accept, the kind of political compromise that a peaceful settlement would require. The present Saigon government on the other hand, will never make the necessary accommodations so long as it is secure in the belief that American forces will remain in sufficient numbers to keep it in power.

It seems clear that the Administration believes it has proposed in Paris a genuine basis for compromise. In my opinion, however, these proposals are not realistic, nor will they lead to any progress.

Accordingly, what we need is a program that will Vietnamize the peace rather than prolong the war. In July 1969, in an article in the magazine *Foreign Affairs*, I recommended the definite, scheduled withdrawal of our ground combat forces from Vietnam by the end of 1970. I now propose to go further, and set a final date for our complete disengagement. Such final date might even be advanced if certain agreements are reached. The following is my specific three-point plan:

1. Announce publicly that all U.S. forces are to be removed from any combat role anywhere in Southeast Asia no later than December 31, 1970, and that all U.S. military personnel will be out of Indochina by the end of 1971, at the latest, provided only that arrangements have been made for the release of all U.S. prisoners of war.

2. Move promptly to end B–52 attacks, all search-and-destroy missions, and all other offensive operations, except as necessary to protect the security of U.S. forces, as disengagement proceeds.

3. Inform Hanoi and Saigon that *we are prepared to negotiate an even more rapid withdrawal* if the safety of our forces is assured by a cease-fire or other arrangements in South Vietnam, and if there is an understanding regarding the cessation of military pressures in Laos and Cambodia.

President Nixon has maintained that, were he to announce a withdrawal schedule, Hanoi would lose all incentive to negotiate a settlement. It is abundantly clear, however, that Hanoi feels no incentive to negotiate at the present time. The President has also asserted that North Vietnam would then simply wait until our troops have been reduced in number and launch attacks. But this potential exists whether a withdrawal program is announced in advance, or simply in instalments. A third objection has been that the South Vietnamese forces may not be ready to to assume the full combat burden and that a military conquest and bloodbath may ensue. But our objective should be to establish the conditions that will lead, not to the continued necessity for combat capability, but rather to a political compromise that will bring peace and stability to that troubled land.

On a number of occasions, President Nixon, in arguing that it would be improper for us to leave Vietnam now, has used the so-called "bloodbath" arguments. He has suggested that the massacre of many South Vietnamese, including a million and a half Catholics who fled from the North, would occur when our forces withdrew.

I find this position difficult to understand. In the first place, the figure of one million and a half Catholics who fled to the South, referred to by President Nixon in his speech of Nov. 3, 1969, is incorrect. A study of this subject, published in 1956, by the South Vietnam Department of Education and the National Commission for UNESCO, discloses that the number is not 1.5 million but 754,710. This is significant because the President overlooked the fact that there are still living in *North* Vietnam today approximately 800,000 Catholics. There are also Catholics among the leadership of the National Liberation Front in South Vietnam.

The President bases his claim of "bloodbath" on his charge that when the Communists took over North Vietnam in 1954, they slaughtered thousands upon thousands of North Vietnamese. In fact, the records of the International Control Commission disclose that, in the two years following the armistice of 1954, only 19 complaints were filed covering political reprisals in all of North Vietnam. Later, in 1955 and 1956, a peasant revolt was harshly repressed, and the best estimate are that 10,000 to 15,000 may have died.

It is my firm belief that, when it becomes apparent that the Americans are in fact leaving, all parties seeking power in South Vietnam will have a strong incentive to negotiate a compromise settlement. All will recognize that compromise is their one assurance of a share in political power. The contending factions must now be aware that, in the absence of compromise, they can look forward only to continued conflict and disruption. The need for peace must now be apparent to all but the very few whose power and profit depend on war. We should not forget that, in South Vietnam's election of 1967, and under circumstances that could hardly be described as favorable, a candidate advocating accommodation for the purpose of peace secured 17% of the votes counted, while the winning military ticket fell far short of a majority.

The North Vietnamese negotiators have indicated their willingness to talk seriously if the United States declares the total and unconditional withdrawal of its troops from South Vietnam. Their suggestion of a six-month period for such withdrawal need not be accepted, but their acceptance of the principle not be ignored.

The obvious advantage of the three-point plan proposed herein is that it will specifically and unequivocally have all U.S. forces out of Indochina by the end of 1971 at the latest. It also frees the President from military pressure to slow or stop the withdrawal process. The plan takes account of the plight of the Americans now held captive and gives them and their families the hope of early release. No such hope can exist while the war continues and even intensifies. It offers also an immediate reduction in the level of violence throughout Vietnam. The ending of B-52 raids and search-and-destroy missions, so long as the other side does not act to jeopardize the security of our troops, will lower casualties and create a climate far more hospitable to the process of political settlement. This approach could serve to get negotiations started again, and as they progress, this diminution in hostilities can develop into a complete cease-fire.

The time has come for us to grasp the initiative in making the necessary and vital decisions. President Nixon's policy of making our withdrawal dependent on his three criteria is a grievous error. These criteria are: 1) the level of enemy activity; 2) progress at the peace talks in Paris, and 3) the speed with which the South Vietnamese take over the fighting. Even a cursory study discloses that items one and two are controlled by Hanoi, while item three is controlled by Saigon.

We should no longer allow our own perception of our own interests to be distorted or deflected by our apprehensions as to what may occur politically in Saigon. American national interests require American disengagement from South Vietnam. I am convinced that, as presently enunciated, the Nixon program will not bring this about.

We should, instead, decide now to get out of Vietnam on a scheduled and orderly basis no later than the end of 1971. We should, at the same time, make known our readiness to negotiate a much earlier withdrawal and we should move now to scale down the level of violence. Only in this way can we achieve the peace that all Americans want, and that American military might can never win.

The present policy must be changed. The only effective method to accomplish this is sustained pressure from the public. The enormous upswing in antiwar sentiment, following the Cambodian transgression, must be maintained and strengthened and continuously brought to the attention of our country's leaders.

The solution is within our hands—if we will but use it.

## PROPOSED CURB POSES DANGERS

**Mr. GRIFFIN.** Mr. President, in a most perceptive column in today's Washington Star, Crosby S. Noyes discusses in some detail the issue now before the Senate.

Mr. President, I ask unanimous consent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### CONGRESS CURBS ON WAR POSE DANGER TO ALL

(By Crosby S. Noyes)

The present congressional assault on the war-making powers of the President—embodied in a variety of "end-the-war" proposals in both houses—is being presented under a number of different guises.

For some, it is simply a matter of being against the war in Vietnam. For others, it is a complex constitutional argument over the prerogatives of the Congress as opposed to the Executive. For still others, it is a matter of returning to the principles and the intentions of the Founding Fathers.

But it really is far more than any of these things. What the argument is all about is, in fact, the role that the United States should play in the world today. What we are witnessing could turn out to be the greatest resurgence of classic isolationism that has been seen in this country for nearly half a century.

The arguments are being closely tied to events in Vietnam and Cambodia. The time has come, it is being said, for the Congress to assert its constitutional powers in order to prevent a widening of the war in Asia.

But the issues go far beyond the war and far beyond Asia. The underlying thesis, subscribed to by virtually all the leaders of the congressional revolt, is that the Executive is inherently given to the over-commitment of American power overseas. The clear implication is that if the Congress succeeds in interposing its collective wisdom between the President and the conduct of American foreign policy, a new spirit of caution and restraint will result.

This assumption deserves a couple of observations.

As we have noted, the present trend in the Congress and perhaps in the country is strongly in the direction of isolationism. Very decidedly, if the leaders of the revolt get their way, American commitments will be severely curtailed, not only in Asia but everywhere else as well.

But this would not always necessarily be the case. Times change. It must be remembered that some of the same men who argue for global retrenchment today were most instrumental in turning the United States away from an isolationist course in the 1930s and 1940s.

It is significant that Chairman J. William Fulbright of the Senate Foreign Relations Committee has said Congress probably would have declared war on North Vietnam if it had been asked to at the time of the Tonkin Gulf incident.

Curtailing the warmaking powers of the President, furthermore, is an uncommonly tricky business. In an age of split-second nuclear warfare, almost everyone agrees that the President must have the power to act without congressional sanction to protect the safey of the nation and its armed forces.

There is little agreement, however, on what kind of an emergency justifies such presidential action. One can only wonder what might have happened if Congress had been asked to make up its mind what to do at the time of the Cuban missile crisis.

Altogether, it is hard to generate enormous reverence for the collective wisdom of the Congress, especially at a time when the revolt against the Executive is being accompanied by some of the silliest oratory ever produced on Capitol Hill.

Today, it is held to be the epitome of wisdom to forget everything that history has ever taught us about the behavior of peoples and nations. The new Youth Cult has reached the point where United States senators are solemnly assuring us that it is only the young people, motivated by an overwhelming desire to be left alone to do their thing, who hold the key to a responsible American foreign policy.

Of course, at this point, the significance of the various congressional proposals to curb the powers of the Executive is being interpreted in the narrowest context by their proponents. They are designed, we are assured, simply to hasten the end of the war in Cambodia and Vietnam.

But make no mistake about it. These proposals are no more than the nose of the camel. The trend is toward the outright abdication of the United States as a major world power. If is prevails, the world is going to be a very dangerous place to live in, not only for Americans, but for everyone else as well.

## IS CANCER IN RETREAT?

**Mr. YARBOROUGH.** Mr. President, on February 16, 1970, I discussed in the Chamber an article I had read which indicated the possibility of a cancer vaccine by 1973. At this time I would like to bring to the attention of Senators some recent progress in our continuing war on cancer.

In an article published in the February 6, 1970, issue of Medical World News, Dr. Joseph Burchenal, professor of medicine at Cornell Medical College and vice president of Sloan-Kettering Institute for Cancer Research, states that "a lot of work being done in cancer research is almost ready to pay off." In fact, Dr. Burchenal thinks that a number of developments suggest that leukemia and lymphoma are curable.

Before 1947, acute leukemia was considered hopeless. In 1953, however, remissions were produced for the first time. And by 1967, the case records of at least 159 patients indicated long-term remissions. On the basis of these records, Dr. Burchenal predicts that at least half of all patients with acute leukemia who survive 5 years after diagnosis will survive indefinitely. With the addition of L-asparaginase to other forms of therapy the percentage of cures may well improve even further.

Dr. Burchenal's continued optimism is dependent on enough money being available to keep up the present pace of research. He feels that recent cuts in Federal appropriations for research seriously threaten to slow the rate of progress. To his way of thinking, "it is absolutely stupid to cut back on this research at a time when things are really popping in cancer." I share his sentiments.

Mr. President, I know that we are all vitally interested in the battle against cancer. I ask unanimous consent that the article entitled, "Is Cancer in Retreat?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### IS CANCER IN RETREAT?

"A lot of the work being done in cancer research is almost ready to pay off," says Dr. Joseph Burchenal. But he adds that cutbacks in research funds threaten to delay that payoff needlessly. A number of developments, he thinks, suggest that leukemia and lymphoma are curable.

As support for this conclusion he cites:

The curability of such other types of disseminated neoplastic disease as trophoblastic tumors and Wilms' tumor;

Evidence in man of host resistance to such tumors as Burkitt lymphoma and localized melanoma;

Suggestive evidence of the possible value of immunotherapy in acute leukemia;

The previous significant, though small, five-year survival rate in acute leukemia and Burkitt tumor; and

Evidence of a much higher rate of long-term remissions following new and more intensive combination therapy in these two conditions.

Dr. Burchenal, who is professor of medicine at Cornell Medical College and vice president of Sloan-Kettering Institute for Cancer Research, noted that as many as 95% of choriocarcinomas of the uterus can be brought into complete remission with disappearance of all evidence of disease, including the return of chorionic gonadotropin to normal. Three out of four can be brought into long-term remission—more than a year—which in this condition amounts to cure, since fewer than 1% relapse after a year's remission.

He attributed the curability of choriocarcinoma largely to the tumor's great sensitivity to chemotherapy and to the availability of an extremely precise technique for measuring chorionic gonadotropin in the urine, to detect minute amounts of residual tumor.

Similar factors seem to account for the curability of half the patients with metastatic Wilms' tumor: the sensitivity of the neoplasm to dactinomycin and the accessibility of the metastases, which are usually pulmonary, to visualization by radiography. Dr. Burchenal pointed out that in both conditions therapy can be continued until all disease is eliminated, thanks to precise techniques for detecting residual tumor cells. He also thinks it probable that there are host defenses against both these types of neoplasm.

Another method that promises to aid in locating tumor foci in Hodgkin's disease and other lymphomas is lymphography,

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which has been made much more precise by recent advances in technique. "Lymphography will still show only fairly large involvement of the retroperitoneal nodes and the like," says Dr. Burchenal, "but I'm sure it can be made better. It is very useful, and it converts a lot of cases that were thought to be Stage I and II disease into Stage III. Obviously that's extremely important, because if you think it's Stage I or II and treat it with just radiation therapy to the localized areas, and don't touch the abdominal nodes, you're not going to cure anybody."

The low cure rate in testicular tumors suggests that host defenses may be comparatively ineffective in spontaneous autochthonous tumors because the antigenic differences between the host's normal cells and these tumors are less pronounced than the differences between normal tissue and tumors of fetal origin, such as choriocarcinoma. But even in testicular tumors some long-term remissions are achieved. At New York's Memorial Hospital, of 154 patients treated with triple chemotherapy (methotrexate, dactinomycin, and an alkylating agent) or with dactinomycin alone, 15% had complete remissions, of which about half appear to be cures.

"In leukemias and lymphomas the two brightest areas are Burkitt tumor and acute leukemia," Dr. Burchenal believes. "The progress that has been made in the past ten years is fantastic." Some Burkitt tumor patients treated with methotrexate in 1960 by Denis Burkitt were still alive nearly a decade later, and a 1967 study showed that 15% of a group of 245 patients had achieved complete regressions of more than a year. Recent results are even more promising; Dr. Paul P. Carbone treated 12 cases as the National Cancer Institute with massive doses of cyclophosphamide, and six were surviving 12 to 24 months after treatment.

Dr. Burchenal noted that in one series of 56 cases, 100% of Stage I and II patients had initial complete responses, while 74% of Stage III patients had similar responses, as did 28% of Stage IV patents. He pointed out that patients in the early stages usually have a smaller actual volume of disease than those in Stage III, and that since the malignancy is limited to the jaw it can be observed much better than can the intra-abdominal disease of Stage III.

Also, patients with advanced disease are more likely to be immunologically deficient. Studies have shown that patients with Burkitt tumor have an antibody against the tumor cells, and that those who later achieved complete remission had higher titers of the antibody than those who did not. Other studies indicate that immunologic competence is a factor in the success of treatment for Hodgkin's disease and melanoma.

Acute leukemia was considered hopeless before 1947; there was no specific therapy. In 1953, remissions were produced for the first time with folic acid antagonists. By 1967 Dr. Burchenal was able to collect case records of 159 patients in whom long-term remissions had been achieved, and to predict from experience with them that at least half of all patients with acute leukemia who survive five years after diagnosis will survive indefinitely. With the addition of L-asparaginase to other forms of therapy the percentage of cures may well improve even further.

Immunotherapy with BCG vaccine, pooled irradiated allogenic leukemic cells, or both, has been shown effective for patients with acute leukemia in remission. Dr. Georges Mathé of the Institut Gustave Roussy near Paris reported that seven of a group of 20 patients were still in remission from one to more than four years after undergoing immunotherapy (MWN, Aug. 29, '69).

"The best we can hope for in immunotherapy is a relatively small effect," Dr. Burchenal predicts. "It may be an extremely important effect, but we can't hope to get rid of pounds of tissue with immunotherapy. We can use chemotherapy and other treatments to get rid of large amounts of tissue. Unfortunately, in most cases they don't get rid of every last tumor cell, but maybe that's when immunotherapy can do the final mopping up. After all, that's what happens with infectious disease. Many of our antibiotics don't really kill off the last microorganism, but they kill off a large number, and then the patient's host defense mops the rest up and he's cured."

These optimistic predictions hold true only if enough money is available to keep up the present pace of research, and recent cuts in federal appropriations for research seriously threaten to slow the rate of progress. "We don't have as much money as we need, and we have to stop types of research that might be very useful," Dr. Burchenal says. "I think it's absolutely stupid to cut back on this research at a time when things are really popping in cancer. The amount of money that's needed for cancer research, compared with the national budget, is just peanuts, and yet it would make all the difference in the world.

"And you can't just cut funds off this year and restore them next year," he warns. "If you cut the money for research or training, people who have been in clinical research get out and go into practice. They get used to eating, and their children get used to wearing shoes. It takes a lot of dedication to go into this kind of work, and I've very, very rarely seen anyone who has gone out of research into practice who has ever come back again."

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## AN OPEN LETTER TO U.S. SENATORS

Mr. GOLDWATER. Mr. President, during most of last week while initial debate on the Cooper-Church amendment took place, it was my pleasure to have traveled rather extensively throughout the western part of the United States. It was refreshing; it was like a breath of clean air to see campuses not torn apart and to visit with young people whose objections to what is taking place in our country and the world were countered by intelligent and thoughtful alternatives.

I cannot believe the majority of American youth are represented by the ugly, shouting radicals of the left who seem to have suddenly dominated a few of the campuses of the eastern seaboard. My belief in this was strengthened this morning when I was visited by a group of young people representing the National Youth Committee for Peace with Freedom who presented me with an open letter to U.S. Senators. I know that other Senators, probably all, have received this and I want the country at large to know about these young people and their concern and their objection to the Cooper-Church amendment and the McGovern-Hatfield amendment. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

### AN OPEN LETTER TO U.S. SENATORS

GENTLEMEN: Over the coming days the Senate of the United States will be passing on two legislative amendments which may be fateful for the future of our county, for the wider cause of freedom, and for the peace of the world.

We take the liberty of addressing this letter to you because, as students and young citizens, we are profoundly concerned over the crisis through which our country is passing. It is a crisis which has an internal component and an external component, and the two are clearly interrelated.

Like the students who have come to visit your offices, by the hundreds and by the thousands, over the past two weeks, we fear that we may lose our country if we fail to pay adequate attention to certain pressing national priorities. But we do not share their well-intentioned isolationism, their apparent belief that they can build a beautiful America even if the rest of the world crumbles around them.

Unlike them, we fear that we can also lose our country—and lose the peace of the world in the process—if we fail in our obligations as the free world's greatest power. Indeed, so strained and delicate is the balance in the field of world affairs that a single blunder by our country may be enough to open the way to catastrophe.

We believe that the Senate's passage of the Church-Cooper Amendment and/or of the Hatfield-McGovern Amendment would constitute precisely such a blunder.

The protesters who have come to Washington have argued that the Senate must pass the Church-Cooper Amendment and the Hatfield-McGovern Amendment because the great majority of our students and the majority of the American people support them. We think that the premise on which this contention is based is false.

A Gallup Poll taken immediately after the President's speech showed that two-thirds of those who took a stand supported the President's action in Cambodia. That the President's action is not without important support is also evidenced from the fact that AFL–CIO President George Meany and other leading trade-unionists have also backed the President.

As for the many campus demonstrations and the large number of students who have come to Washington, we note (1) that some 2000 out of 2400 colleges have not taken part in the current protest movement, (2) that strike votes were defeated in a number of colleges and carried only by slender majorities in other colleges, and (3) that substantially more than half of our young people do not go to college and have not been affected by the campus ferment.

But even if the protesters were ten times as numerous and ten times as passionate in the advocacy of their cause, this by itself would not constitute a guarantee that they were right. Public opinion can be wrong. Indeed, there have been many occasions in the history of our country and in the history of other countries when courageous leaders have had to stand up against what appeared to be an overwhelming tide of public opinion.

The supreme example of such courage in the history of our own country was provided by President Abraham Lincoln in the latter part of the Civil War. By the middle of 1863 there was growing agitation against the war. . . . The people were weary and tired of the inconclusive bloodshed. . . . There were violent anti-draft riots in New York, in which scores were shot down. . . . Increasingly vicious attacks on the President began to appear in the press. . . . Salmon P. Chase resigned from the Lincoln cabinet and struck up an anti-Lincoln alliance which included congressmen, businessmen, officers and the distinguished editor of the New York Tribune, Horace Greeley In August 1864, the Democratic National Convention adopted a resolution which read: "After four years of failure to restore the

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Union by the experiment of war. . . . justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities." . . . Lincoln himself was certain that his administration would not be re-elected. But he persevered in his course because he was convinced of its correctness.

In modern times, Winston Churchill provided us with a sublime example of the kind of courage that is willing to swim full against the tide of public opinion. Despite the rise of Hitler, public opinion was predominantly pacifist and, at a later stage, pro-appeasement. The spirit of the British campus was reflected in the so-called "Oxford peace pledge," under which the members of the Oxford Union, by an overwhelming majority, voted to never again bear arms for king and country. As Churchill commented:

"In Germany, in Russia, in Italy and Japan, the idea of a decadent Britain took deep root and swayed many calculations. Little did the foolish boys who passed the resolution dream that they were destined quite soon to conquer or fall gloriously in the ensuing war, and prove themselves the finest generation ever bred in Britain. Less excuse can be found for their elders, who had no chance of self-repudiation in action."

When Chamberlain returned from Munich with the shameful agreement he had signed with Hitler, there was no question that he had the support of the overwhelming majority of the British people. But the verdict of history is now in, on the conflict between the Churchillian handful and the tide of British public opinion in the period preceding World War II.

In Profiles in Courage, our martyred President, John F. Kennedy told the stories of a number of American Senators and American Presidents who displayed exemplary fortitude in standing up against misled majorities in Congress or against a misled public opinion. John F. Kennedy had this kind of courage himself, and he had it in abundance.

About the situation and the commitment which the Senate will be discussing over the coming days, President Kennedy had this to say in July of 1963: ". . . To withdraw from that effort (the defense of South Vietnam) would mean a collapse not only in South Vietnam, but Southeast Asia, so we are going to stay there."

This was not an isolated statement, but one in a series of many similar statements, remarkable for their consistency and continuity, going back to 1956.

If President Kennedy were alive today, there can be little question about where he would stand on the Church-Cooper Resolution, or on the Hatfield-McGovern Resolution.

Gentlemen of the Senate! We are young people, but we know enough about the history of appeasement and about the nature of Nazi and Communist totalitarianism, to be convinced that these two amendments, if they were ever approved by the United States Congress, would spell disaster both at home and abroad—not in decades to come, but in the next few years—perhaps in the immediate future.

For these two amendments are not a formula for peace; they are—we will mince no words about it—a formula for betrayal and capitulation, and for a neo-isolationism so rigid and so blind that it makes the "Fortress America" isolationism of the thirties look like the most radical internationalism in comparison.

The Church-Cooper Amendment not only demands that we get out of Cambodia 80 days after enactment. Its rigid prohibitions on air support and on the provision of advisers or payment of mercenaries are enough to make it impossible for the Cambodian government to defend itself against the North Vietnamese Communist aggression. In the eyes of the world it will be interpreted as saying that, so far as the United States Senate is concerned, the Communists can take over wherever they wish in Asia, and we will not lift a finger to assist their victims.

The McGovern-Hatfield Amendment would compound the mischief done by the Cooper-Church Amendment. By calling for the termination of all military activity in Vietnam by the end of 1970 and the withdrawal of all American military personnel by the end of June 30, 1971, it sets up a timetable whose excessive tempo and absolute rigidity constitute a virtual guarantee of a Communist takeover—not merely in Vietnam but throughout Southeast Asia.

In less than a year's time, the President has withdrawn 115,000 combat forces; and he has pledged the withdrawal of another 150,000 American soldiers over the next 12-month period.

While ambitious, the President's timetable gives the South Vietnamese government the time it needs to take over the burden of defense in an organized manner; and it gives Southeast Asia a precious breathing space in which to organize its defenses againt the further encroachment of Communist imperialism. It is a timetable which, if Congress does not undercut it, can bring peace with freedam for Southeast Asia and peace with honor for the United States.

The debate to date in the Senate has distressed us and made us apprehensive. We know that Senators are weary of war, as the American people are, and that they would like to see it terminated as soon as possible. But we cannot help wondering whether those Senators who support these two amendments out of a sincere desire for peace realize that the manner in which we withdraw from Vietnam is all important—that, if we withdraw with honor, we withdraw with credibility; whereas if we withdraw in humiliation and defeat there will be nothing left of our credibility. As the London "Economist" warned:

It is arguable that the cost of victory in terms of bloodshed is proving to be too great; but the cost of betrayal could be even greater . . . It is an illusion to imagine that the United States can agree to a compromise peace that would amount to a sell-out and retain any credibility in Asia. Nor in Asia alone; for in this shrunken world credibility is indivisable.

More than one authority has made the point that it is American credibility that preserves the peace of the world. For if a time ever arrives when our allies and friends feel that they can no longer trust us, and when our enemies have come to regard us as a paralyzed giant or a paper tiger, World War III would become a serious possibility. Perhaps the first point of testing would be the Middle East, where the Soviets might react to an American defeat in Southeast Asia by intervening openly to crush Israel and to impose its empire throughout the Arab lands, all the way from the Indian Ocean to Gibraltar.

We also wonder whether the Senators who support the amendment truly believe that a withdrawal in defeat from Vietnam would usher in a new era of domestic tranquillity. We wonder whether they are not at least worried that the President might be right when he warned that such a humiliation would produce a far more dangerous polarization in our society than the one we confront today.

Perhaps it would be better if the President had acted in greater consultation with Congress. Perhaps it would be better if there were a clearer delineation of the powers of the President and the role of Congress in the field of foreign affairs. But are the Senators who sponsor the pending amendment not at least concerned that their proposal seriously undercuts the President's authority as Commander-in-chief at a critical juncture; that it creates a spectacle of division that can only delight and embolden our enemies; that if they push their contest with the President to its logical conclusion, they will stand responsible before history for the shattering defeat which is bound to result and for all the tragic consequences that will flow from it?

We appeal to those Senators who have supported the President's program for withdrawal from Vietnam to stand fast against the pressures, yes, and against the outright intimidation that will be brought to bear against them.

We appeal to those Senators who have supported the pending amendments to reassess the relative risks of the President's course as against the course of surrender and humiliation.

We cannot at this point begin to match the massive and lavishly financed lobby which has been visiting Senate offices on a non-stop basis. But groups of the undersigned and of other concerned young people from many parts of the country will be visiting your offices over the coming days to express their point of view and to solicit your support. We hope you will give them the same respectful hearing that has thus far been accorded to those who have preceded us with a different purpose.

STEERING COMMITTEE

Charles Stephens, Neil Salonen, Allen Wood, Barbara Mikesell, Dennis Cormier, Gary Jarmin, Daniel Fefferman, William Wyche, Douglas Aller, Rebecca Boyd, Barry Serrins, Hal McKenzie.

## THE 10TH MOUNTAIN DIVISION ASSOCIATION MEETING

**Mr. DOLE.** Mr. President, during World War II, I had the honor of serving with an extraordinary group of men in a unit which compiled a singular record for determination and gallantry.

After the war, the men of the 10th Mountain Division went their separate ways in civilian life, but we have remained in touch through the association we established to keep posted on one another's activities and whereabouts.

On May 23, the association will meet to commemorate the 25th anniversary of the end of the Second World War and to hold a reunion for members from across the country. Special wreath-laying ceremonies at the Tomb of the Unknowns in Arlington National Cemetery will precede a dinner at Fort Myer.

It seems difficult to imagine that a quarter-century has passed since our unit returned to the United States, but the bonds of friendship and shared experiences have remained strong over the years. This is a great group of men, and I commend their activities to the attention of Senators.

I ask unanimous consent that a press release describing the 10th Mountain Division Association's meeting on May 23 be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

TENTH MOUNTAIN DIVISION ASSOCIATION,
ALEXANDRIA, VA., MAY 8, 1970

Veterans of the U.S. Army's 10th Mountain Infantry Division will meet in Washington on May 23rd to mark the 25th anniversary of the war's end and the Division's routing of the German Army in the rugged Appenine Mountains of Northern Italy in World War II.

Highlights of the May 23rd meeting will be a special wreath-laying ceremony at the Tomb of the Unknowns in Arlington National Cemetery at 5:30 P.M. and a reunion dinner at 6:45 P.M. in Patton Hall, Ft. Myer, Virginia.

The Nucleus of the division was the 87th Mountain Infantry Regiment, America's first ski troops. The 87th served in Kiska in the Aleutians in 1942 and then returned to Camp Hale, Colorado, where it became the keystone of the 10th Mountain Division. In the Fall of 1944, the Division was shipped to Italy where the American 5th Army had bogged down in the bitterly cold and nearly impassable northern Appenines. In early Spring on 1945, the 10th kicked off the 5th Army's spring offensive breaking wide open the, until then, impregnable German Genghis Khan Line and spearheading the drive into the Po Valley which doomed the entire German Army in Italy. General Mark W. Clark, commander of the operation in Italy, was to call the division "a great fighting outfit."

For further information: Frank O'Connell, District 7-7407.

## STRETCH JETS AT NATIONAL AIRPORT

Mr. SPONG. Mr. President, since April 27, I have been endeavoring to develop information with regard to the introduction of 727-200 stretch jets into National Airport. This morning the Committee on the District of Columbia, continuing oversight hearings concerning future operations of National, Dulles, and Friendship airports, which it initiated in March 1969, held a hearing on the use of larger jets at National.

I ask unanimous consent that on opening statement that I made at that hearing be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

MAY 19, 1970.

### STRETCH JETS AT NATIONAL AIRPORT

Mr. Chairman, I had intended to make a different opening statement this morning, but I have put that aside in order to bring to the attention of this committee a document which bears on the subject before us.

The document in question is an analysis of the cost and benefits of introducing Boeing 727-200's into service at National Airport. The study was done by the Bureau of the National Capital Airports of the Federal Aviation Administration and is dated January 12, 1970.

I obtained a copy of this study from the General Accounting Office which collected this and other documents in the course of an investigation into the continuing problem of the underutilization of Dulles International Airport.

At this time, Mr. Chairman, I do not have all the facts as to the precise history of this study, however, I have been informed by the GAO that a study, presumably this one, was prepared by several senior officials of the Bureau of National Capital Airports and forwarded by the director of the Bureau to the FAA Administrator for his consideration. I hope to have more facts on this at a later time but perhaps our witness this morning can enlighten us.

Given the decision which was ultimately made in this matter—the decision to bring stretch jets into National Airport—it is one of the most shocking documents I have seen in my years of government service. For a bold and frank statement of the implications of this decision, it probably represents a high in bureaucratic memoranda.

I do not intend this morning to do more than read certain excerpts from the report although I intend to make full public disclosure of it after all members have had an opportunity to read and evaluate it.

Basically, the study is an attempt to set out the implications of lifting the longstanding ban against larger aircraft at National and, on the assumption that the decision was already made at the time the study was done, to suggest ways of selling the decision to Congress, the public, the press, and certain airlines whose interest would be adversely affected.

The study begins by estimating the potential profit this decision would bring to certain airlines and I quote from the report: "The order of magnitude clearly spells Bonanza to some of the airlines . . ."

"It is roughly estimated that this decision offers a potential increase of around $120 million in gross revenues to the airlines involved. Although it is difficult to pinpoint without an exhaustive study it appears that at least 50% of this potential would be pure profit since the marginal revenues to be realized from the use of the stretch 727 far exceeds the marginal costs of using the aircraft to replace existing equipment."

The study goes on to note that:

"Based on the best estimate it is possible to produce under the circumstances, it therefore appears that admitting the stretch 727 to DCA (National) is worth at least $36 million to the air carriers involved with a potential worth of $120 million. The potential for profit, which is much harder to estimate on the basis of available information, would seem to range from a minimum of $18 million to a potential of $60 million."

After estimating that the introduction of these large jets would mean 900,000 additional passengers at National Airport annually (assuming a 50% load factor), the report goes on to observe:

"If the decision to admit the stretch 727 to DCA (National) has already been made and is irrevocable the price we extract from the benefiting air carriers in return for this decision must be based in our judgment, not only on the substantial financial gain they can realize from that decision, *but also on the substantial loss the government and its stockholders* (*the taxpayers*) *stand to suffer as a result of the decision*. (Emphasis supplied.)

"As we see it that loss is immeasurable because the decision will change the entire pattern of growth of aeronautical activity in the Washington Metropolitan area seriously compromising the Bureau's and the FAA's ability to carry out responsibility for fostering the growth of Dulles International Airport and damaging the future of Friendship Airport to an extent that will certainly jeopardize if not foreclose the prospect for a regional airport system."

Mr. Chairman, the report goes on to say:

"The hard cold facts are that the stretch 727 cannot be employed profitably at DCA (National) without substantially altering the prospects of growth for Dulles and Friendship.

"Under present circumstances the critical point in the growth of Dulles will occur when restrictions at DCA (National) force transfer of significant service particularly Chicago service from DCA (National) to IDA (Dulles). In our judgment, that day is not far off now. But the decision to admit the stretch 727 to DCA (National) (setting the precedent for the even larger air buses) will postpone that day indefinitely. The Bureau and FAA have a responsibility to foster the operation of Dulles as a successful airport servicing the public interest. The taxpayers have a right to expect it will fulfill that role. . ."

In a blunt warning, the study notes that to approve the use of stretch jets at National would "put us generally on the side of those who have ignored our exhortations to use Dulles against those who have genuinely tried to promote growth of that airport."

Finally, the authors of the report conclude:

"All of this adds up to a compelling argument for not making the decision if it has not been made or revoking it if it is not irrevocable. We earnestly urge such action. However, in the "good soldier" spirit we have attempted to develop various possibilities for negotiation on the theory that the die is cast. It is our unanimous opinion, however, that it will be impossible to negotiate concessions from all of our air carrier clients that are even remotely commensurate with the bonanza that the stretch 727 decision offers to about half of them."

Now, in order to accommodate the added congestion which the 727-200 would bring to the already overburdened National Airport, the report recommends phasing in the stretch jets "in numbers which would assure that peak passenger loads would not exceed the existing capacity of roadways and keep operations of the aircraft at that level until the Kling modernization of the roadways is completed."

Mr. Chairman, notwithstanding what you and I have both been told, there would appear to be a very definite relationship between this decision and the Kling Report. I will pursue that matter in some detail a little later.

I go on to quote from the report:

"There does not appear to be any practical way in which the stretch 727 decision can be conditioned to avoid compromising the growth of Dulles and Friendship."

Even more strongly, the report states:

"Indeed, there seems to be no practical way of preventing this decision from making significant inroads into the current volume of business at Dulles and Friendship. A guarantee to maintain operations at current levels is meaningless as witnessed by the carriers response to a limitation of this kind imposed by General McKee when jets were allowed into DCA (National). A more specific stipulation that service to designated points must be continued at present levels would also have little meaning if the load factors for such flights deteriorate as a result of the greater attraction of service from DCA (National) using the stretch 727."

Mr. Chairman, the report goes on to lay out a detailed plan for selling this decision to the public, but at this time I want only to read one passage which seems to say something revealing about the relationship between the regulatory agency FAA and the industry it is supposed to regulate:

"The air carriers should be prepared to work closely with Bureau officials in defending the decision and answering complaints, to bring all possible political influence to bear on the Congress and other public bodies and to accept any limitations that may be necessary to get public acceptance of the decision."

Mr. Chairman, I am deeply shocked at a decision which could be made in the face of such an uncompromising recommendation against it by senior officials of the bureau which is charged with operating the airport in question. I believe this matter should be brought to the immediate attention of all the interested Committees of Congress and the whole matter thoroughly aired.

## A BAY IS DYING

Mr. GRIFFIN. Mr. President, a distinguished son of Michigan has written in cogent and compelling fashion an article on the pollution threatening Green Bay.

The article was written by Michael D. O'Hara, former justice of the Michigan Supreme Court, who is now associated with a Detroit law firm.

XUM

Justice O'Hara's boyhood years were spent in the Menominee, Mich., region, and, as he recalls, much of the joy of those years came from enjoying the cool, clear waters of the big bay. The bay today is not as he remembers it as a boy.

Mr. President, I ask unanimous consent that his article, published on Earth Day, April 22, 1970, in the Menominee Herald-Leader, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### OUR BEAUTIFUL BAY IS DYING

(By Michael D. O'Hara)

I am older than Victory Park.

Victory Park got its name from the Armistice that was declared at eleven a.m. November 11, 1918. I was eight years old then. I remember hearing the saw mill whistles shrilling and the church bells clanging at that unaccustomed hour. They sounded funny, like someone playing a popular tune on the choir organ in the middle of the week.

But the Bay was there in the same place it is now, lapping against the shore of Victory Park. To the south, right beyond the lighthouse, a gusset of brown river water split the blue-green water of the Bay. It was a clear brown, the brown of sandy river bottom that ran all the way up to Koss.

I never knew why the river was brown and the bay blue-green. I swam in both. If the wind was off-shore and the bay water was cold, we swam in the river down by the Sugar Beet Island bridge. It was always warm there, and light brown and clear. I wasn't supposed to swim in the river. My mother used to say, "The river takes someone every year." I did, anyway—of course.

If the wind was out of the east or south, the bay was warm and we swam in it. The water was clear blue-green.

I had a couple of chums, Pete and Dave Seidl. I don't remember their father's real name, he was always called "Fin." He owned some fish tugs; two, maybe three. We used to get to go out on the morning run to lift the nets. They got white fish, trout, perch, herring, a few wall-eyes and bass and even now and then a sturgeon. The bay was alive with fish. The tugs had no water tanks and didn't carry any "city" water. Off shore you could drink water right out of the bay. We often did.

I grew up to the symphony of the bay—crashing cymbals, noisy and loud when the wind was hard out of the east or northeast; soft and sibilant when it was easy out of the south; and just the whish of a little shore swell when it was out of the west. Wherever the wind, the bay was always clear blue-green.

It is 1970 now, fifty-two years later. I'm pushing sixty. I look at the bay where the river runs in by the same lighthouse. The river water is greasy cloudy stinking gray-black. You can't even eat the few fish you catch down-river from the dam. The blue-green of the bay is mottled downtown around the Marina. It's no longer clear and clean. Try drinking it now—if you dare. The fish are gone. The weeds push their slimy snaky heads above the surface. In Fish Creek, and Sturgeon Bay, the water is weed-clogged and dirty. The bay is dying.

I did my part to wound it. I threw refuse from my boat. I pumped the head out at moorings on both shores. Industry wounded it. The lake freighters wounded it. Our Town wounded it. It lies there now, stabbed by those who loved and used it most.

How sick do we have to be not to see what a few more years will do? Will our Bay be the cesspool that once was Lake Erie? Will our river be the open sewer that is the Detroit River?

It is for every one of us to nurse the beautiful bay and river back to health. Not one beer can, not one box of trash, not one open-flush head. Not one gallon of untreated industrial waste.

There are none so blind as those who will not see. I see now. Do you?

## REPRESENTATIVE WILLIAM ST. ONGE

Mr. RIBICOFF. Mr. President, William L. St. Onge, the U.S. Representative from the Second Congressional District of Connecticut, died on Friday, May 1.

Bill St. Onge was my friend, and I feel his loss deeply.

He was stricken by a heart attack as he drove to a submarine launching in the New London-Groton area of his district. He was 55 years old.

Bill St. Onge was a responsible and effective Congressman.

He served with distinction on two key House committees, Judiciary and Merchant Marine and Fisheries.

His unassuming and modest manner won him many friends in the Congress.

Bill St. Onge's colleagues knew and respected him as a man of integrity, warmth, and dedication.

Yet, Bill was a fighter for a principle or a cause he believed in.

He represented his constituents with uncommon determination, and he was ever faithful to his commitment to a liberal philosophy based on justice and fair play for all.

I had the privilege and pleasure of working on many projects with Bill St. Onge over the years, and I never ceased to be impressed by his dedication to the welfare of the people he represented.

My legislation to create a Connecticut River National Recreation Area—a Federal parkland in Connecticut, Massachusetts, Vermont, and Rhode Island—won enthusiastic support from Bill, and he was the principal sponsor of the bill in the House.

In fact, Bill was to have joined the tour of the proposed parkland which Senator BIBLE's Parks and Recreation Subcommittee and other Federal and State officials will make this Friday and Saturday.

On another important conservation issue in Connecticut, Long Island Sound, Bill St. Onge was, typically, in the forefront.

The pollution that plagues Long Island Sound was a great concern to Bill, and he was instrumental in focusing attention on this serious problem long before the ecological crusade became fashionable.

Again, Bill St. Onge and I worked together. He was to have testified in New London on June 22 at hearing of my Executive Reorganization Subcommittee as we examined legislation to create a commission to study the problems of the Sound and make recommendations for solving them.

In short, Bill St. Onge could be counted on for his valuable support on important issues of all kinds, from conservation to education to welfare to national security.

One effort particularly meaningful to him was the economic growth and orderly development of his district. It was a subject he and I worked together on in the past, and all of us in the Connecticut delegation will miss his guidance, judgment, and leadership on this matter in the future.

It is not surprising, then, that Bill St. Onge enjoyed the support of Democrats and Republicans and Independents as well. They knew he was working for them all the time and that political considerations were secondary.

Suffering from a recurrent heart ailment in recent years, Bill could have used the excuse of his health to slow down a step or two.

But he was not the sort of man who looked for excuses. Nor was he much for slowing down.

All 411,000 people of the Second Congressional District had sent him to Washington to represent him, he told friends, and they would be represented with every ounce of energy and experience and knowledge he could command.

True to his word, Bill St. Onge went right ahead with his congressional duties with vigor and enthusiasm, concerned more for the needs of the people of the Second District than for his own health.

Bill St. Onge came to the House of Representatives in 1963 with vast experience in public service that included a courageous combat record in World War II and distinguished achievements as mayor of his hometown of Putnam and as a State representative.

Mrs. Ribicoff and I have known Bill St. Onge for many years and will miss him very much. To his wife, Dorothy, and their five children, William, Mary, Suzanne, Constance, and Anne, we extend our deepest sympathies.

## DEATH OF CLIFFORD R. HOPE, DISTINGUISHED LEADER IN AGRICULTURE

Mr. PEARSON. Mr. President, Clifford R. Hope, a distinguished national and international leader in the field of agriculture, has died at the age of 76 and will be buried today near his home community of Garden City, Kans.

Cliff Hope served in the House of Representatives for 30 years, from 1927 to 1957. During his career there he became the leading Republican spokesman on agricultural legislation and was, during the 80th and 83d Congresses, chairman of the House Committee on Agriculture.

He was a member of that committee during his entire service in the House. He was dedicated to a national policy that would make American agriculture the most productive in the world, and this dedication brought him a role as architect of several historic pieces of farm legislation. Among these were the Research and Marketing Act of 1946, the original Soil Conservation and Domestic Allotment Act of 1935, the Hope-Aiken Act of 1953 setting up the watershed program and the Farm Credit Act of 1953. His expert knowledge and ability to lead allowed him to make, through his legislative efforts, the most significant contribution to national agricultural policy ever made by a Representative from Kansas.

XUM

Having come to Congress from a wheat-producing State, where he served three terms in the State house of representatives, including two as its speaker, Mr. Hope also played a variety of major roles in the worldwide development of wheat production and marketing. Perhaps the best known of these was his participation as a member of the U.S. delegation to meetings of the Food and Agriculture Organization in Quebec in 1945, Copenhagen in 1946, Washington in 1949, and Rome in 1951 and 1955.

After retirement from Congress in 1956, he helped to organize Great Plains Wheat, Inc., an organization to promote the use of wheat throughout the world, and served as its president until 1966. From Garden City, where he and his son Cliff Hope, Jr., carried on their law practice, he wrote a regular column on agricultural policy for the Salina, Kans., Journal.

This high-plains legislator received numerous awards, among them the American Farm Bureau Award for distinguished service to American agriculture in 1946, and more recently, in 1970, the U.S. Soil Conservation Service Award. He was admired for his accomplishments by members of both major political parties, and his advice and counsel on agricultural matters were sought by leaders from all over the world. As a man who understood profoundly the relationship between agricultural development and Government policy, he led the movement to place American agriculture on a sure footing in a rapidly expanding industrial economy.

This man from Kansas wheat country has left a record of accomplishment of which the Nation, our State, and his own family can be extremely justly proud.

In his parting, I salute the accomplishments of my friend, Clifford R. Hope.

## NEWSPAPERS PAY TRIBUTE TO NELSON EARTH DAY CONCEPT

Mr. PROXMIRE. Mr. President, the Earth Day activities of last April 22 were an outpouring of national concern that showed that millions of people in this Nation are vitally concerned about the environmental crisis facing all living things.

My colleague from Wisconsin (Mr. Nelson) traveled extensively around the country talking about Earth Day, the idea he conceived.

To show the widespread acceptance of his idea, I ask unanimous consent that excerpts from editorials published in several parts of the country, and an editorial about Senator Nelson's speaking tour, published in the Milwaukee Journal, be printed in the Record.

There being no objection, the excerpts and the editorial were ordered to be printed in the Record, as follows:

### Editorials Review Earth Day Activities

In Des Moines, Iowa, the Register looked at Earth Day and observed:

". . . Granted that ideas and institutions long established are not easily changed; yet today is the first day of the rest of our life on this planet. We will begin anew."

All across the nation—from the deep South to the far North, to the West Coast and up and down the Eastern seaboard to the Midwest—the media covered Earth Day. It was front page news and prime time on radio and television. Most of the networks took advantage of the Earth Week observations to run pollution specials, and newspapers editorialized their support and called for the environmental concern to continue.

The San Jose, Calif., Mercury warned that earth's resources are finite:

"When they are finally depleted, they cannot be regenerated. . . . To be aware of the earth, its resources and man's relation to them is, or should be, the one that engages the interest and the activity of everyone, not just the professional environmentalists. They can't do it alone; the job is simply too big."

The Stevens Point Daily Journal advised that "what we need to do is to resolve to understand all we can about the problems of pollution and to do whatever we reasonably can to help to eliminate it."

The Dallas Morning News advised that ". . . good motives won't accomplish much unless they are accompanied by effective methods."

The Capital Times in Madison said Earth Day was creating a sense of urgency and called for the need for dollars, "billions of dollars—dollars that are now going down the drain in the war in Vietnam and up to the moon. We can't save our earth at bargain rates."

The reaction of the careful Christian Science Monitor was that ". . . pollution is the biggest material challenge confronting mankind today. We are beginning to learn its massive dimensions, its costs, its urgency. On with the learning—and the remedying!"

[From the Milwaukee Journal, Apr. 28, 1970]

### Missile Gone Berserk?

Tuesday: Atlantic City at 9 a.m. Boston at 2:15 p.m. Madison at 7:15. Milwaukee at 10.

Wednesday: Bloomington at 9:30 a.m. Denver at 2. Berkeley at 8:15. On to Los Angeles. Back to Washington.

A missile gone berserk? No, it's our Sen. Nelson, crisscrossing the country as he evangelizes for the environment. "We feel we're mission control," says his secretary.

If anyone knows about widespread pollution, Nelson should. This week, he has seen it.

## SOIL STEWARDSHIP WEEK

Mr. FONG. Mr. President, Americans everywhere are awakening to the problems of environmental deterioration. Citizens are realizing that all resources are part of a vast, complex ecological pattern. It is particularly timely that the week just passed was designated as Soil Stewardship Week, with the theme "Resources and Renewal."

Following the national observance of Soil Stewardship Week, all citizens should be especially mindful of their obligation as stewards of the soil, water, and other natural resources.

Hawaii's districts joined 3,000 companion districts throughout the country to provide local sponsorship of this observance for the 16th consecutive year. The districts—along with their State and national associations—deserve praise and gratitude for their history of concern for the quality of our environment.

In Hawaii, our Nation's only island State, our people are keenly aware of the limitations of their land and other natural resources. For nearly three decades, two groups have made significant contributions to conservation of our land and water resources. I am speaking of Hawaii's 15 soil and water conservation districts, charged by State law to conserve and protect land and water resources in the State. I am speaking also of the U.S. Department of Agriculture's Soil Conservation Service, which provides technical help through these districts to the people of my State.

Hawaii is the only State in the Union with a completed soil survey, a cooperative survey accomplished under the leadership of the Soil Conservation Service. Soil surveys, of course, are the foundation of good land-use planning. The State is well known in planning circles for its progressive land-use laws. Its statewide zoning boundaries are strongly influenced by the SCS soil survey and interpretations.

The Soil Conservation Service is providing valuable technical planning help to sponsors of the Tri-Isle resource conservation and development project. The sponsors of Hawaii's first such project are the county of Maui and the five soil and water conservation districts in the county. Local people expect the project will lead to improvement of all aspects of the quality of life in the three-island project area.

Two projects under provisions of Public Law 566, the Small Watershed Protection and Flood Prevention Act, have been completed as of January 1, 1970. They are: First, Naalehu watershed project and, second, Puukapu watershed project, both on the island of Hawaii. These were among the 11 applications for planning assistance which have been submitted to SCS from Hawaii. The other projects are in various stages of planning and construction.

Selected plants tested at the SCS Plant Materials Center on Maui Island beautify the countryside, stop soil erosion, and improve the quality of agriculture in Hawaii as well as in other areas of the Pacific Basin.

The success of this Federal assistance is due immeasurably to the efforts and leadership of the State's soil and water conservation districts. Landowners who cooperate with districts for years have been effectively acting on the ecological concern today so widespread. Preserving the good qualities of life—one of the great challenges facing our Nation—is a continuing consideration in active district programs.

The districts include practically all landowners in the State and 96 percent of the land. In fact, about 80 percent of the entire State is under cooperative agreement with districts, reflecting landowners' intentions to apply needed conservation measures. Since the Soil Conservation Service's first study of conservation problems in Hawaii in 1938, landowners themselves have invested more than $80 million in conservation practices.

Hawaii's citizens are proud of the work accomplished through the district movement with the assistance of the Soil Conservation Service and other agencies, and are indebted to district leaders for their efforts to keep the public informed about vital reserve conservation and development needs.

In connection with sponsorship of Soil Stewardship Week, districts fill requests from churches of all faiths for published materials created particularly for the current observance. The materials are prepared by the National Association of Conservation Districts in consultation with an advisory committee composed of leading churchmen. I commend to the attention of Senators a portion of this material—a strong plea for conservation of our natural resources—which follows:

### Consider These Resources

Soil and water, air and forests, fish and wildlife—

They are as vast as the world, but they are not limitless.

They represent the purity of nature, but they are being polluted.

They are the gifts of God, for your use, but they are being misused.

They are foundations of your past, realities of your present, and essentials of your future.

They are the excitement of the seashores, the composure of the midlands, and the spectacle of the Rockies.

They have been called renewable, but the decision is yours.

How do you value a breath of clean, fresh air—the sight and taste of pure, sparkling water—or the inspiration of fertile fields and soaring forests?

In dollars?

Where's your soul?

These resources are indispensable.

They demand your attention and thrive on your care.

They help mold your life; condition what it is—and will be.

Everyday they serve you, surround you, sustain you.

Consider these resources. Consider them well.

## WALTER REUTHER

Mr. EAGLETON. Mr. President whether one agreed or disagreed with Walter Reuther—and there were many of both types—one had to marvel at his energy, his inventiveness, his dedication, and his zeal.

He made an enormous contribution to our Nation; and in these times of turmoil and peril he could have, had he lived, contributed even more.

To say that Walter Reuther's death is a great loss to our country is a gross understatement.

Mr. President, I ask unanimous consent that an editorial published in the St. Louis Post-Dispatch of May 12, 1970, be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Walter Reuther's Legacy

Seven years ago this week Walter Reuther, president of the United Auto Workers and at that time vice president of the AFL-CIO, addressed the Advertising Club of St. Louis, delivering a speech notable less for its content than its effect on the audience, at least one of whom left the auditorium murmuring, "Reuther for President!"

Mr. Reuther never had a chance to be President, but he had the capacity; and if he had chosen to enter politics rather than the labor movement he might well have reached the top. President Eisenhower's assistant, Sherman Adams, once accused Mr. Reuther of hoping to be "the Socialist President of the United States." The charge was untrue, but it reflected the misgivings conservatives always had about Mr. Reuther.

Part of this stemmed from his activity in behalf of liberal causes and candidates, and in part perhaps from his formidable ingenuity. He was constantly devising solutions for political and economic problems that tended to afflict the comfortable. Little worthwhile escaped his interest or his urge to find the right answer. What set him apart from many theoreticians, however, was his ability to translate ideas into practical action.

Mr. Reuther was born into the labor movement and in his youth fought with his fists as well as with logic. He spoke eloquently because he thought clearly. He knew as much as anyone about union strategy and tactics, having learned his lessons in the rough and tumble 1930s. He was tough physically and mentally, but he never lost a disarming boyish charm. He survived two assassination attempts, and his brother Victor, a life-long colleague in the UAW, also survived an attack.

Mr. Reuther took over the leadership of the UAW, the world's largest industrial union, with 1,600,000 members, 24 years ago. He wanted to assume direction of the AFL–CIO, but George Meany blocked this ambition. His differences with Mr. Meany were ideological—the young, imaginative, driving idealist attuned to the social problems of the day and the conservative craft-unionist wedded to the cliches of the past. Two years ago Mr. Reuther pulled out of the AFL–CIO, which he was instrumental in forming in 1955.

Mr. Reuther was beyond much doubt the liveliest, most far-sighted and most significant labor leader of his generation. He never forgot that his power base was the UAW and he held the loyalty of the union members because he produced for them. But he was more than a labor leader and more than a "labor statesman," as he was sometimes called. He spoke out on national and international issues, and he made sense in the same way that Adlai Stevenson, whom he supported, made sense.

The top officers of the UAW, after the airplane crash that took Mr. Reuther's life, issued a statement describing him as the UAW's "conscience, its heartbeat and its soul," which is the way it was. But the loss is the nation's as well as the union's. Mr. Reuther was a product of the machine age who understood the machine and tried to find a way for men to live with it. Industrial workers—and management, too—have much to thank him for.

## WASHINGTON POST APOLOGIZES TO WIVES OF AMERICAN PRISONERS OF WAR

Mr. MILLER. Mr. President, a few days ago the Washington Post published an article by one of their columnists that was extremely offensive to the wives of American soldiers now being held prisoner by the North Vietnamese.

This morning, the Post carried a reply by the wives and also published an editorial in which its editors, while justifying the columnist's right to his point of view, had the good sense and sensitivity to apologize for it.

Mr. President, I ask unanimous consent that these two pieces be printed in the Record:

There being no objection, the items were ordered to be printed in the Record, as follows:

### F.Y.I.

We have given over a good deal of space on this page today to a letter on behalf of the relatives of the estimated 1,500 American prisoners-of-war now being held by the North Vietnamese. Not the least of our reasons for doing so is that we agree with much of what the letter-writer has to say about a column by Mr. Nicholas von Hoffman which appeared in The Washington Post last week. Specifically, we share the view of the League of Families of American Prisoners in Southeast Asia that the POW issue is not "political." We could hardly agree more with the view of the league that this is "a humanitarian issue that transcends whatever an individual feels personally about the war." We support in their totality the wholly reasonable, not to say modest, objectives of the League which begin with nothing more than a list of those being held.

That being the case, you may well ask why The Washington Post printed the column in the first place. In fact, some of you have asked in the past few days, and we would like to offer an answer, *For Your Information*, because this is one of those questions that have to do directly with what our business is all about. The answer begins with a general principle that newspapers print a lot of things with which they don't always agree—columns, cartoons, commentary, critique, even comic strips. For that matter, we also report things we don't like to read or don't agree with; there are many unpleasant things going on in the world that people need to know about and many discordant voices which nonetheless have to be heard. And so we try to keep our own opinions in these columns, report the news as it is, and label analyses and commentary as just that.

Mr. von Hoffman's "commentary," was suspect, is an authentic reflection of something which is of large consequence in our lives, a force that matters in today's society and today's politics. If this doesn't exactly suit everybody's taste or ideology or philosophy, that's understandable. But the fact remains that we need to comprehend the new young, far-out, with-it world; we may not like the language it uses; or understand the way it dresses or its predilection for drugs; or feel its despair or admire its destructiveness. We may not *think* the same way, which is fair enough. It is not, however, a very good argument for shutting yourself off from what has to be, like it or not, a critical fact of contemporary life—or for shutting off Mr. von Hoffman, either, even though we know he is going to be operating out on the edge of outrage, and even though we know that every so often he is going to go over the edge. Or that some people will think he did. In the case of last week's column about the POW's we confess that we think he did. And that is why we turned over a good deal of space today to a representative of the relatives of the POW's.

### Letter to the Editor: POW Wives Reply to Von Hoffman

Nicholas von Hoffman with his vitriolic venom splattered the prisoner-of-war issue all over the pages of this newspaper last week. The League of Families of American Prisoners in Southeast Asia was stunned. They had long been seeking Washington Post publicity, hoping to arouse public opinion to the plight of their men. But not this way.

"How cruel!" one wife cried. "How could he use this issue to get across his personal point of view on the war? It's not fair."

Mr. von Hoffman's treatment of this issue was not fair. What's worse, it was not even accurate.

The League does not consider the prisoner-of-war issue political. It is a humanitarian issue that transcends whatever an individual feels personally about the war. The League is a loose-knit organization of all kinds of different people from different parts of the country with but one agonizing common bond—a relative missing in action or held prisoner in Southeast Asia. The League members themselves do not agree on the war. But

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there can be no disagreement on the POW issue.

Contrary to Mr. von Hoffman's insinuation that our government says North Vietnam has "kidnapped thousands of our servicemen" and holds them as "hostages," we have made no such accusations. We do not even ask for the release of these men, although we continue to pray it will be possible soon. All the League asks is: 1) a complete list of those held prisoner; 2) adequate food and medical care for prisoners; 3) release of the sick and wounded; 4) impartial inspection of prison camps; and 5) free exchange of mail between the prisoners and their families.

Nobody has ever said that "there are thousands upon thousands of our men incarcerated in North Vietnamese camps." The facts are public knowledge. There are 1,500 men missing in action in Southeast Asia—about 800 in the North, 500 in the South, and about 200 in Laos. The 800 downed in North Vietnam are all fliers, none of them draftees as von Hoffman implied.

About 400 of the 1,500 are known to be prisoners, but these names were *not* provided by the Committee of Liaison With Families of Servicemen Detained in North Vietnam, as von Hoffman states. This simply is not true.

The Committee of Liaison was formed at the request of the government of Hanoi, and its members are among the most militant of the peace groups. Although 75 per cent more mail has been sent from prison camps in the past year than in all the previous five years, only 16 new names have come out since last Thanksgiving. The Liaison Committee has said that every prisoner may write. But fewer than 200 have been heard from. The North Vietnamese say some men do not wish to write their families. It is impossible to believe that any American man imprisoned for years would deny his family the opportunity of knowing he is alive.

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Mr. von Hoffman's comments about mail were misleading. POW next-of-kin have always been permitted to write letters. A six-line letter restricted to remarks about health and family members is permitted each month, although wives and parents have no way of knowing if they are received. Many have written letters for years but have never received a reply.

Packages for prisoners, however, were not accepted until Christmas of 1968. The following July, families were permitted to send a second package. It wasn't until February 1970 that families were told they could send a package every other month.

There have been American men imprisoned in Southeast Asia since March of 1964. Can you imagine the despair of a young mother who for six years has not been able to get a simple answer to her heartbreaking question: "Am I a wife or a widow?"

Perhaps Mr. von Hoffman should meet some of these families. It would give him much needed insight into a problem that cries out for editorial comment, demanding humane treatment for all prisoners-of-war, in accordance with the Geneva convention.

Let Mr. von Hoffman talk with these young wives who are living in a hellish limbo where they cannot buy or sell property; cannot borrow money for a son's college education. Let him talk to the children—the four-year-old boy who has never seen his father; or the seven-year-old girl who can't remember hers.

He should talk to one of the prisoners—one of nine released from North Vietnam in six years. Let him hear about the solitary confinement—of sitting on a bare board bunk with nothing to read, nothing to do, for hours, days, months on end. Let him hear about losing 50 pounds on the twice-a-day diet of pig fat and pumpkin soup; of never being allowed to communicate with another human being, much less his family or the outside world.

And he really should talk to H. Ross Perot, the Texas billionaire he accused of publicity seeking. Here is a man who did meet the families, was appalled by their problem, and tried to do something about it. Because he has money, he has accomplished more than the rest of us, but his motives are mistrusted. Mr. Perot has given the prisoners' families reason to hope. Von Hoffman's acid-dipped pen tried to tear that slim hope down.

The League of Families is not asking for any special privileges. All they ask is that the minimum standards of human decency be extended to those who are imprisoned, at the mercy of their captors. All they ask for themselves is the barest solace of knowing whether their husband, father, son, brothers, is alive or dead.

Why do the North Vietnamese refuse even this small concession to human decency? Even the peace groups are embarrassed by North Vietnam's continuing refusal to release the names of the prisoners they hold. No one knows why they persist in inflicting this unnecessary anguish on innocent families.

Why should wives have to travel around the world seeking the answer to that question that haunts them day and night: "Am I a wife of a widow?" Wives have appeared before the North Vietnamese delegation to the Paris peace talks, who looked them right in the eye and promised they would hear. They have not heard.

Why should wives have to deal through a Liaison Committee established by the enemy? Most of them are so desperate they would accept information from any source, but why should they be reduced to this? In no other armed conflict in history have the wives and families of military men been exploited in this cruel manner.

For years these families suffered silently. The world knew nothing of their plight. By their silence, they hoped to protect their men from harsh treatment, torture, perhaps even death at the hands of their captors. But after five years, they wearied of the lack of progress on the prisoner-of-war question. They worried about the state of their loved ones—mentally and physically. They began to speak out.

Families and friends of the 1,500 men missing in action in Southeast Asia have written thousands of letters—to newspapers, congressmen and senators, to the presidents of the United States and North Vietnam, to the United Nations and the Red Cross, to foreign governments, to everybody they could think of who might add a voice to theirs in their search for information and their demands for humane treatment for prisoners.

They have spent a year of dedicated—and courageous—effort to make this issue known to the public and to urge support for their simple humanitarian aims. Articles like von Hoffman's completely undermine their efforts. It is articles like von Hoffman's that the North Vietnamese take delight in reading to their prisoners.

Only world opinion will persuade Hanoi to change its policy on prisoners. It is known that the North Vietnamese cannot believe that the American public really cares about "just 1500 men." The words von Hoffman used are the words Hanoi uses—just 1500 men." To the League of Families these are not "just 1500 men." The plight of these men is a personal daily hell that each family member endures as best he or she can.

The only thing the families would like to ask Mr. von Hoffman is: "What would you be writing if it were your son, your brother, who was among the missing? What would you do after years of not knowing if he were alive or dead? Just what would you do?"

BARBARA P. ONDRASIK,
*Member League of Families of American Prisoners in Southeast Asia.*
ROCKVILLE.

## DR. RICHARD GARDNER POINTS UP THE COST OF OUR FAILURE TO ACT ON THE GENOCIDE CONVENTION AND OTHER HUMAN RIGHTS TREATIES

Mr. PROXMIRE. Mr. President, the problem of moral leadership in the field of human rights is one which this country faces now and will continue to face in the future. The recent hearings held on the Genocide Convention by a special subcommittee of the Foreign Relations Committee clearly brought out the serious effects of our paradoxical inaction in this important area of international cooperation. Witness after witness testified that the consistent U.S. failure to ratify human rights has been a source of much embarrassment to our country and to its representatives.

Dr. Richard Gardner, a distinguished professor of law and international organization at Columbia University, was one of the many witnesses to present testimony in support of U.S. ratification of the Genocide Convention. Testifying on behalf of the Ad Hoc Committee for the Human Rights and Genocide Treaties, Dr. Gardner spoke directly and eloquently to this point. He emphasized that—

> Our failure to join in the historic effort to build an edifice of treaty law on behalf of human rights has hurt us . . . Our twenty-year old failure to ratify the Genocide Convention is probably our most dramatic omission in the area of human rights treaty law—and the one that is most incomprehensible to our own people and to people in other countries. It is a costly anachronism that should be eliminated without delay.

Mr. President, I agree with Dr. Gardner's analysis of this situation. This is certainly a compelling reason for us to cast off the shackles of inaction that have bound us for the past 20 years and to exert our moral leadership in this area. Human rights is a matter of concern to all nations—the United States not excepted—and it is incumbent upon us to direct our efforts toward securing international protection of these basic freedoms for all mankind.

Mr. President, I ask unanimous consent that a portion of Mr. Gardner's testimony be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

### STATEMENT OF RICHARD N. GARDNER

Mr. Chairman, I am Richard N. Gardner, Henery L. Moses Professor of Law and International Organization at Columbia University. From 1961 to 1965 I was Deputy Assistant Secretary of State for International Organization Affairs. In 1965 and 1966 I served as a Senior Advisor to the U.S. Delegation to the U.N. General Assembly. In June 1969 I replaced Ambassador Charles W. Yost as the U.S. member of the Board of Trustees of the United Nations Institute for Training and Research (UNITAR).

I appear today as a private citizen on behalf of the Ad Hoc Committee on Human Rights and Genocide Treaties. This coalition of national organizations formed in 1964 represents 52 labor, religious, civic and nationality groups. The total membership of the groups comprising the Ad Hoc Committe runs to millions and reflects the widespread public interest of encouraging the

U.S. Government to commit itself more vigorously to the strengthening of international law in the field of human rights through ratification of various United Nations conventions including the Genocide Convention. A list of organizations comprising the Ad Hoc Committee is contained at the end of this testimony.

The United States belongs to a dwindling company of states which have failed to ratify the Genocide Convention. 75 countries have ratified it. With the recent accession of the United Kingdom, the U.S. is now the only major U.N. member not a party. The result of our inaction has been diplomatic embarrassment. Our friends cannot understand it. Our adversaries exploit it.

Of course, our position in the U.N. on human rights questions has not been wholly negative. We have demonstrated our concern with the promotion of human rights in other ways than by adherence to human rights conventions. We have spoken out clearly against specific violations of human rights in different parts of the world. And, most important of all, we have earned widespread respect from the members of the United Nations for the dedicated manner in which we have tried to eradicate discrimination and injustice in our own society. Nevertheless, our failure to join in the historic effort to build an edifice of treaty law on behalf of human rights has hurt us. So far, we have ratified only two Conventions—the Slavery Convention and the Protocol on Refugees. Our twenty-year-old failure to ratify the Genocide Convention is probably our most dramatic omission in the area of human rights treaty law—and the one that is most incomprehensible to our own people and to people in other countries. It is a costly anachronism that should be eliminated without delay.

It is, of course, generally recognized that the treaty power only extends to matters of "international concern." While not expressed in our Constitution, this has been deemed to be implied in the pattern of Federalism and the separation of powers established by our Constitution. The Supreme Court has said, for example, that "it is not perceived that there is any limit to the questions that can be adjusted touching any matter which is properly the subject of negotiation with a foreign country." *Geofroy* v. *Riggs*, 133 U.S. 258, 267 (1890). Charles Evans Hughes, in his famous address to the American Society of International Law, said that the treaty power "is not a power intended to be exercised, it may be assumed, with respect to matters that have no relation to international concerns."

Genocide, is obviously a matter of international concern. In our shrinking planet the massive destruction of human life in one country affects people in other countries. Genocide, as defined in the Convention, is often associated with threats to or breaches of international peace and security. Nazi Germany should have taught everyone the lesson that genocide and internal repression may often be the handmaiden of external aggression. We see today major international disputes rooted in ethnic, racial and religious hatreds. An international convention outlawing genocide clearly deals with an international matter and is therefore a proper subject for the exercise of the treaty-making power.

It has already been made clear by a previous sub-committee of the Senate Foreign Relations Committee that the Genocide Convention is not a matter which would affect the Federal-state balance of powers. The Constitutional provision covering the power of Congress to define offenses against the law of nations (Article I, section 8, clause 10)—as noted by the sub-committee years ago—provides ample authority for the assertion of Federal jurisdiction on the subject covered by this treaty. If this was clear in 1950, it is even clearer today after the passage of the Civil Rights Acts of 1957 and 1964 and the Voting Rights Act of 1965.

The reasons for U.S. leadership in the international promotion of human rights are clear and compelling. They spring from our most basic national traditions and our most fundamental national interests. Throughout our history, and still today, the United States has aspired to be not merely a storehouse of commodities but a society committed to the dignity of man.

American leadership in extending the rule of law through human rights treaties was manifested in the deliberations of the UN General Assembly concerning the first postwar human rights treaty—the Convention on the Prevention and Punishment of the Crime of Genocide. Assistant Secretary of State Ernest Gross, told the General Assembly in December, 1948:

"It seems to the United States delegation that in a world beset by many problems and great difficulties we should proceed with this Convention before the memory of recent horrifying genocidal acts has faded from the minds and conscience of man. Positive action must be taken now. My Government is eager to see a Genocide Convention adopted at this session of the Assembly and signed by all Member States before we quit with our labors here."

When President Truman transmitted the Genocide Convention to the Senate on June 16, 1949, he lauded it as "one of the important achievements of the General Assembly's first session." The role of the United States as a great moral force in bolstering the rule of law by support of the Genocide Convention was underscored in testimony to a subcommittee of the Senate Foreign Relations Committee early in 1950. Dean Rusk at that time said that ratification of the Genocide Treaty was essential to "demonstrate to the world that the United States is determined to maintain its moral leadership in international affairs and to participate in the development of international law on the basis of human justice."

What American leadership contributed through active participation in the drafting and the promotion of the Genocide Convention at the first session of the General Assembly has now won widespread international acceptance. Ratification by 75 countries eloquently testifies to the broad impact this treaty has had in the field of international law. We should hesitate no longer to adhere to a convention which we so vigorously espoused. This was precisely the point made by former Chief Justice Warren in his memorable address to the National Conference on Continuing Action for Human Rights on December 4 1968.

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## NATIONAL SMALL BUSINESS WEEK

Mr. McINTYRE. Mr. President, the President of the United States has proclaimed the week of May 17, 1970, as National Small Business Week. In his proclamation, the President said:

> Small business is not and never has been a small matter in our national life.

This is very true, not only with respect to the size of our small business population but also in relation to the contribution which small business has made to the quality and character of American life.

Too often mention of American business brings forth a picture of the well advertised giants and not the unsung small businessman who is a real center of the strength in our economy. Small Business Week gives us an opportunity to recognize the many owners and operators of our almost 5 million small businesses. They feed, clothe, and house our Nation; they supply vital products for our national defense, and they have even used their imagination and expertise to help make our space program the spectacular success that it is.

Respect for the worth of the individual and the opportunity for a person to utilize his abilities to their fullest extent have been the underlying strength of our small business. His ability to create and to build have enabled the small businessman to withstand the vicissitudes of the economic life of our Nation.

To repeat the President's phrase, "small business has never been a small matter in our Nation," and I am confident that in the years to come small business will grow more and more in strength and purpose.

As chairman of the Small Business Subcommittee of the Banking and Currency Committee, I salute the small businessmen in this country in their special week.

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## A TRIBUTE TO THE LATE C. DUDLEY PRATT

Mr. FONG. Mr. President, it is with a sad heart that I note the passing of C. Dudley Pratt, of Honolulu, and eulogize his memory.

Dudley Pratt lived a full and successful life before he died on April 17. He had reached the age of 70 when he was stricken with a fatal heart attack.

Born in Honolulu March 24, 1900, of a "kamaaina"—oldtime—family, Mr. Pratt was a great grandson of Dr. Gerritt P. Judd, who arrived in Hawaii as a missionary in 1828.

Mr. Pratt was a 1918 graduate of Punahou School, which his great grandfather helped establish. He had served as a Punahou trustee since 1934 and chairman of its board of trustees since 1964.

He received his undergraduate education at Yale University and his law degree there in 1924. Thereafter, in his lifetime practice of law, he rose to become senior partner in the law firm of Pratt, Moore, Bortz & Case. In 1967, he was elected president of the Bar Association of Hawaii.

The Boy Scout movement was a major interest among numerous community services in which Mr. Pratt deeply involved himself. He assumed many Boy Scout posts at the local, regional, and national levels. In 1959, he received the Silver Buffalo Award, and last year a newly authorized honor, the Distinguished Eagle Award.

A swimming star in his days at Yale, Mr. Pratt became actively interested in local swimming safety programs. He was a founder of the Red Cross safety program and was much honored by the national organization.

He was also active in the Honolulu Academy of Arts and Palama Settlement. In 1958, he was named Father of the Year by the Honolulu Chamber of Commerce.

He also served as president of the Honolulu Rotary Club and as a district governor of Rotary International.

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He is survived by his widow, Mrs. Dora B. Pratt; two sons, Charles D. Pratt, Jr., and David W. Pratt; two daughters, Joan C. Pratt and Mrs. Barbara Pratt Vaughn; three brothers J. Scott B. Pratt, Jr., J. Dickson Pratt, and Kenneth Pratt; four sisters, Mrs. George Hester Richardson; Mrs. Harry Catharine Field, Mrs. Francis Laura Bowers, and Mrs. Arthur Margaret Wriston; and six grandchildren.

To Mrs. Pratt and the family, Mrs. Fong and I extend our heartfelt condolences and sorrowful aloha in their bereavement.

The high esteem in which Mr. Pratt was held in his community has been voiced by his hometown newspapers. On April 18, the Honolulu Star-Bulletin published the following editorial:

> The death yesterday of C. Dudley Pratt, 70, removed from the community a particularly illustrious grandson of the early missionaries. His record of community service—so long that an obituary can only highlight it in the briefest fashion—involved arts, education, scouting, civic affairs. Through it and through his career as a lawyer the areas he touched were left better than he found them.

I ask unanimous consent that an editorial published in the Honolulu Advertiser, on April 18, paying tribute to Mr. Pratt, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Honolulu Advertiser, Apr. 18, 1970]

CHARLES DUDLEY PRATT

Charles Dudley Pratt was a quiet, able man whose strong sense of community was reflected in a wide variety of service over many years.

He was a moving force in the Boy Scout movement all the time since 1910 and last year was awarded a newly authorized honor, the Distinguished Eagle Award.

A swimming star during his Yale days, he maintained a keen interest in aquatic activities and became known as the "father" of Hawaii's Red Cross water safety program.

Looming especially large in his life was his longtime affiliation with Punahou, where he was graduated in the Class of 1918. A grandson of Dr. Gerrit Parmele Judd, one of the founders of the school 130 years ago, Mr. Pratt served for more than 35 years as a Punahou trustee and at his death was chairman of the board.

He helped start the Living Endowment Association at the school to provide for an expansion of not only teaching staff but scholarship awards.

A highly respected attorney, he was president of the Hawaii Bar Association in 1967 and officially welcomed the American Bar Association convention which brought thousands to the Islands.

He was a dedicated member and officer of Central Union Church; he regarded brotherhood as a creed that should infuse everyday life, in one's personal and professional contacts with his fellows.

Dudley Pratt, in sum, was a good and successful man in all the ways that really count.

## VOTING REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA

Mr. FULBRIGHT. Mr. President, recently a delegation of Arkansas members of the League of Women Voters presented to me petitions bearing the names of nearly 4,000 Arkansas citizens calling for full voting representation in Congress for the citizens of the District of Columbia.

These petitions were circulated by members of the League of Women Voters and come from every section of the State. I would like to acknowledge receipt of the petitions and commend the league for their continuing interest in our Government and national affairs.

The petition read:

> We citizens of the United States, believing that all citizens should elect their representatives to the body which makes their laws, petition the Congress to propose a Constitutional Amendment to provide full voting representation in Congress for the citizens of the District of Columbia.

## THE BLOODBATH THEORY OF WITHDRAWAL FROM SOUTH VIETNAM

Mr. HATFIELD. Mr. President, one of the most often repeated arguments against our military withdrawal from South Vietnam is the so-called bloodbath theory. The New York Times of May 12, 1970, contains an editorial by Tom Wicker who discusses this position, firmly and decisively discounting it.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1970]

IN THE NATION: MR. NIXON'S SCARY DREAMS

(By Tom Wicker)

WASHINGTON, May 11.—In his televised address on the war last Nov. 3, President Nixon declared that a "precipitate" American withdrawal from South Vietnam "would inevitably allow the Communists to repeat the massacres which followed their takeover in the north fifteen years before. They then murdered more than 50,000 people and hundreds of thousands more died in slave labor camps."

In his speech of April 30, when he announced the invasion of Cambodia, Mr. Nixon again adduced the bloodbath story to support his action. Part of what he called "the easy political path," he said, would be "to desert 18 million South Vietnamese people, who have put their trust in us, and to expose them to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the Communists took over North Vietnam in 1954."

Then, under fire at his news conference on May 8, Mr. Nixon escalated. It was a "moot question" whether the war had been worthwhile, he said, but "now that America is there, if . . . we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned."

Let us pass mercifully over the highly revealing remark about "the peacekeeper in the Asian world" to the question of the bloodbath. On each of Mr. Nixon's two earlier assertions of this historical hobgoblin, I wrote that the record disclosed no evidence that such an atrocity had occurred. Prof. George McT. Kaahin, Director of Cornell University's Southeast Asia program, used this space on Dec. 6, 1969, to refute the President's Nov. 3 statement. Several magazine articles have gone into the matter in detail, as have numerous books each concluding there was no bloodbath in North Vietnam in 1954.

THE I.C.C. RECORDS

In fact, quite the opposite; the records of the International Control Commission disclose only nineteen complaints of political reprisals and only one involving murder in North Vietnam in the two years following the armistice; nor did the I.C.C. allege that its inquiries were in any way hampered by the Communist Government. But in South Vietnam, 214 complaints were lodged in the same period against the Diem Government, and when Ngo Dinh Diem in 1957 summarily barred the I.C.C. from any further investigations, 1047 complaints were still pending against him. Moreover, the Diem Government itself reported 48,200 arrests of Communists from 1954 to 1960.

So the only events resembling mass political reprisal after the 1954 armistice occurred in the South, not the North. What did happen in North Vietnam was a harshly repressed peasant revolt in 1955 and 1956 against a severe land reform program. It had nothing to do with Ho Chi Minh's takeover. Mr. Kahin thinks perhaps 10,000 to 15,000 may have died.

As evidence for the likelihood of a bloodbath, Mr. Nixon also mentioned on Nov. 3 that the troops who captured the city of Hué during the 1968 Tet offensive may have "eliminated" as many as 3,000 South Vietnamese. But D. G. Porter and L. E. Ackland, writing in *The Christian Century* of Nov. 5, 1969, have reported their findings, after careful research, that most of these wicked executions took place in the heat of battle and as "the revenge of an army in retreat" and were not the deliberate policy of Hanoi.

So there are at least three things to be said about the bloodbath Mr. Nixon insists will take place if the Communists take over South Vietnam. To the extent Americans are led to believe in this specter, the President makes it harder to justify any end to the war that would appear to give North Vietnam opportunity for such a massacre; that is, almost *any* compromise settlement.

DUBIOUS JUSTIFICATION

The second is that, since there is no historical evidence to justify the bloodbath prediction, this is an emotional argument to match or exceed any of the "emotionalism" or "sentimentality" or "lack of realism" so often charged to war critics.

Finally, since Mr. Nixon's staff is perfectly capable of pointing out an untruth no President should wish to assert, his insistence on the bloodbath seems to stem from something stronger than evidence. It is as though he *wills* it to be true, even though it isn't, both to justify the war and his policy, and to confirm the anti-Communism on which rests so much of his public life. Believing, perhaps, has made it so.

## WALTER REUTHER SPOKE OUT ON THE CAMBODIAN CRISIS AND THE TRAGEDY AT KENT STATE

Mr. YARBOROUGH. Mr. President, shortly before his death, United Auto Workers' President Walter Reuther sent a statement to the President on the invasion of Cambodia by U.S. ground forces and the tragic killing of four students at Kent State University in Ohio.

Mr. Reuther's statement was forceful and to the point. It is a cogent expression of the concern felt by many loyal and patriotic Americans over the recent sequence of events in this Nation which have reopened old wounds and divisions we had hoped were beginning to be healed.

This statement is one more example of the great loss America and American labor have suffered as a result of the death of Walter Reuther, one of labor's most

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compassionate, forceful, and eloquent leaders.

Mr. President, I ask unanimous consent that the UAW statement on Cambodia and Kent State University deaths, dated May 7, 1970, which was sent to President Nixon, and signed by Walter P. Reuther, president, UAW, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FOLLOWING STATEMENT BY UAW ON CAMBODIA AND KENT STATE UNIVERSITY DEATHS SENT TO PRESIDENT NIXON

"On behalf of the UAW I wish to convey to you our deep concern and distress over your action authorizing the use of United States forces and materiel in a broadening of the war in Indo China. Your decision to invade the territory of Cambodia can only increase the enormity of the tragedy in which our nation is already deeply and unfortunately involved in that region. Your action must stand as a repudiation of your oft repeated pledge to bring this tragic war to an end and not to escalate it. Widening the war at this point in time once again merely reenforces the bankruptcy of our policy of force and violence in Vietnam.

Your action taken without the consultation or authorization by the Congress has created a serious constitutional crisis at a time when there is growing division in our nation. Many senators are understandably aroused. Senator Cooper has clearly pointed out that your action represents a turnabout in your policy and Senator Aiken has warned that your escalation of the war means the end of the Vietnamization policy.

However this dangerous adventure turns out militarily, America has already suffered a moral defeat beyond measure among the people of the world.

You pledged to bring America together. Yet by your action you have driven the wedge of division deeper and you have dangerously alienated millions of young Americans. The bitter fruits of this growing alienation and frustration among America's youth have been harvested on the campus of Kent State University where the lives of four students involved only in an emotional protest against the war were ended by the needless and inexcusable use of military force.

At no time in the history of our free society have so many troops been sent to so many campuses to suppress the voice of protest by so many young Americans.

With the exception of a small minority, the American people, including our young people, reject violence in all its forms as morally repugnant and counter-productive. The problem, Mr. President, is that we cannot successfully preach nonviolence at home while we escalate mass violence abroad.

It is your responsibility to lead us out of the Southeast Asian war—to peace at home and abroad. We must mobilize for peace rather than for wider theaters of war in order to turn our resources and the hearts, hands and minds of our people to the fulfillment of America's unfinished agenda at home."

WALTER P. REUTHER,
*President, U.A.W.*

## EQUAL RIGHTS AMENDMENT

Mr. TOWER. Mr. President, on May 2, 1970, the annual Kentucky Derby was distinguished by its first woman jockey, Diane Crump. Diane Crump is a symbol of the women's rights movement which has gained momentum in the past few years. There is, I feel, a factual basis for the movement.

The U.S. Constitution was ratified by the several States with the condition that an American "Bill of Rights" would receive priority in the first Congress. James Madison proposed the first 10 amendments on June 8, 1769. A main thrust of these amendments is the protection of individual freedoms and rights. It cannot be challenged that there were certain segments of the population that were not included in this constitutional protection of rights. Our history contains a record of the efforts of different groups to fully realize their constitutional freedoms. Women only received the right to vote with passage of the 19th amendment on August 18, 1920, after a 50-year campaign—a tacit indication that women did not have the equality envisioned in the Constitution from the date of its drafting.

Many women's liberation groups agree today that there are constitutional and legal protections for their rights, such as the 5th and 14th amendments, the Civil Rights Act of 1964, the Equal Pay Act of 1963, and various rulings of the Equal Employment Opportunity Commission. Nevertheless, a brief review of employment statistics, job opportunities, rules governing jury service, university admission practices, and property laws provides examples of discrimination on the sole basis of sex—discrimination which is unjustifiable in our modern age.

Title VII of the 1964 Civil Rights Act protects women against discrimination in employment. Six years later we find little indication of the effectiveness of this title. Although contemporary women have received more and better education and have more free time due to the application of technology to household tasks than their predecessors, women have not yet achieved equality in working opportunities or wages. An article in U.S. News & World Report of April 13, 1970, indicates that women are not given the same job opportunities even when they have identical training backgrounds as men competing for the same jobs. In the May 11, 1970 issue of Time magazine the following data is presented:

> In 1957, fully employed women earned a median wage of $3,008 a year and men, $4,173. By 1968, men's income had risen 65%, to about $7,800, while women's had gone up 51%, to $4,550.

In view of this data, as well as that relating to other areas in which discrimination has occurred, women should no longer be denied a specific recourse for protection and relief in the highest court and highest law of our land. I ask that the Subcommittee on Constitutional Amendments, which held hearings on Senate Joint Resolution 61 last week, consider favorable action on this issue soon, so that the entire Senate can act to correct a situation which has lasted too long.

## CAMBODIA—PETITIONS IN OPPOSITION TO PRESIDENT NIXON'S ACTION

Mr. FULBRIGHT. Mr. President, last week I reported to the Senate on the large number of petitions, letters, and telegrams I have received in recent days. I have heard from more than 170,000 people in the last 2 weeks and the communications continue to arrive.

On May 13 I listed a number of the petitions I had received from across the country opposing the widening and continuation of the war. Since that time I have received a great many additional petitions, bringing the total number of names on petitions of support to 73,000.

Once again I have summarized the petitions and I ask unanimous consent that this list of additional petitions I have received be printed in the RECORD.

There being no objection, the petitions were ordered to be printed in the RECORD, as follows:

PETITIONS

A petition signed by 190 veterans, many of them now students or faculty members at the University of Massachusetts. The petition, which was personally delivered to my office, states:

"We the undersigned, undergraduates, graduate students and faculty at the University of Massachusetts, registered voters of the Commonwealth of Massachusetts and veterans, support any legislation to withdraw troops from Cambodia and Laos."

A petition signed by 15 citizens of Great Neck, N.Y., stating:

"We deplore the loss of lives for a fruitless cause. We deplore the credence our government has given to corrupt regimes in South Vietnam year after year. We deplore the fact that our elected representatives in the House and Senate have been ignored and autocratically "tuned out". We deplore the way the Executive has turned away from the voice of the people. We deplore the systematic villification of any form of dissent."

A petition with 143 names from the New York area deploring the extended escalation of the war and calling for withdrawal of U.S. troops from Southeast Asia.

313 signatures on petitions from Stamford, Norwalk and other Connecticut cities urging "support for the McGovern-Hatfield-Goodell-Hughes amendment to the Military Authorization Bill."

A petition from 75 students and faculty of the Anthropology department of Sacramento State College, California, which said:

"We are not 'bums', 'effete intellectual snobs,' 'punks,' or 'communist dupes.' We firmly believe in the Constitution and its system of checks and balances and we are opposed to the unilateral decision of our President to wage war. We protest the encouragement of violence from either the extreme left or extreme right through reckless rhetoric and the impulsive use of armed forces as a reaction to student dissent."

A petition from 640 member of the Swarthmore College (Pa.) community opposing the extension of the war.

181 signatures on a petition from administrators, faculty, students and staff of the University of Southern California Law Center protesting "the increased militarism of United States governmental policy."

A resolution opposing the extended war adopted by the California College of Arts and Crafts Faculty, Oakland, and a petition signed by 207 students and faculty members.

A petition from 22 residents of Alameda, California, stating that the President's actions are contrary to the principles of "strict constructionism" and calling for a withdrawal of troops from Southeast Asia and concentration on urgent social and environmental problems here.

A petition with 24 names from the Shoesmith School faculty and staff.

988 additional names for a petition from the Queens College Community, New York, 79 additional names for a petition from San Francisco, 94 more signatures from the New Democratic Coalition, New York.

A petition from 75 faculty members and 202 students at Cabrillo College, Aptos, California, protesting the government's actions in Indochina and expressing the belief "that domestic problems are being neglected in order that our military commitments be maintained or expanded."

A petition from 105 faculty, staff and students of the School of Social and Community Service of the University of Missouri opposing the President's policies in Cambodia and "the continued slaughter of American youth in foreign nations" and attempts "to suppress dissent . . . by naked force."

248 signatures on petitions from residents of Westchester County, New York, opposed to our military involvement in Cambodia and supporting the Senate Foreign Relations Committee.

Letters from 49 persons in Lynn and Beverly, Massachusetts, stating:

"We abhor and decry the continued escalation of faraway wars and other defense commitments of questionable validity. We are concerned about the continuing neglect of problems in this country . . . We support you in any action you take to stop our military involvement."

Petitions with 559 signatures gathered in Montefiore Hospital, Bronx, N.Y., and the surrounding community. The petitions read:

"We, the undersigned health workers of Montefiore Hospital and Medical Center, support your opposition to this brutal, unconstitutional war. We urge you to lead the Senate into immediate steps to stop the Cambodian escalation, end the war, and bring all our troops home now . . . and use the billions of dollars devoured by our military machine to care for the health, housing and education needs of our people."

1,050 signatures on petitions from San Francisco calling for cessation of the invasion of Cambodia and our withdrawal from Indochina.

511 signatures on petitions from groups in the New York area strongly disapproving the extension of the war.

Letters from 67 additional citizens of Chicopee, Massachusetts, expressing disapproval of our involvement in Cambodia.

A petition from 17 residents of Oak Park and Southfield, Michigan, saying "Stop this war and bring our boys back home."

A petition with 81 names from the Boston Young Women's Christian Association and a letter stating:

"We support your efforts in the Senate to bring this immoral and illegal war to an end. We can no longer afford the luxury of policing the world. Our youth, our best resource for the future, are too precious—we cannot lose them on the battlefield or risk their complete alienation, and even their deaths on American campuses."

A petition from 97 New York area residents "supporting every effort for the withdrawal of American troops from Indochina."

Sixty-one signatures on petitions from Greenville High School, Greenville, Michigan indicating "our support of whatever you can do to keep from expanding the Vietnam war into Cambodia."

Petitions containing 1,009 signatures gathered by students and health professionals from the Downstate Medical Center, State University of New York, "fully supporting the Senate Foreign Relations Committee's position against military involvement in Cambodia."

A petition from 64 teachers at P.S. 155, Bronx, New York, urging the use of "all constitutional means necessary to end the current illegal and immoral war," and another from 28 teachers at P.S. 140, New York, saying "Bring our boys home now."

A petition from 88 Boston area residents endorsing the McGovern-Hatfield amendment.

A petition from 35 students, faculty and staff members at Lexington Theological Seminary opposed to the extension of the war.

Signatures from 25 citizens of San Mateo, California, pleading for "responsible and immediate action in withdrawing our troops," and from 57 persons at Santa Monica, California, opposing U.S. involvement in Southeast Asia.

A petition from 80 students of Case Western Reserve University, Cleveland, expressing opposition to further involvement in Southeast Asia.

Petitions with 181 names from Gettysburg College, Pennsylvania, deploring the escalation of the war.

A petition from 69 persons in the Chicago area, stating:

"The President has ignored the lessons of history and has set a dangerous precedent in making a decision of this magnitude without consulting our representatives in Congress. . . . (Our) signatures testify to a strong opposition to our country's economic and military involvement in Southeast Asia."

Fourteen signatures from Sigma Chi Alpha Fraternity, Berkeley, California, calling for "immediate termination to our involvement in the Indochinese War."

A petition from 36 staff members from the Cooper Community Based Center, New York, stating (in part):

Dedicated as we are to the prevention and treatment of drug addiction, we firmly believe that the brutalization and dehumanization which are concomitant to the war are causing a continuing abhorrent deterioration in the quality of American life, and we believe this appalling factor relates in a very crucial way to the ever-spreading drug problem. . . .

A petition from 28 faculty and graduate students in the School Psychology Program at Teachers College, Columbia University.

Signatures from 61 Asian Studies students and faculty members at Yale University on a letter that read (in part):

"The invasion of Cambodian territory can only widen the centuries-old divisions that had been barely muted during Sihanouk's regime. Our alliance with the Vietnamese, traditionally hostile to Cambodians, will contribute to the ultimate dismemberment of a small and hitherto peaceful country. It will also bog us down interminably in yet another Asian civil war."

"It is simply not true that the preservation of the present Thieu-Ky government is necessary to avoid American defeat. The complete withdrawal of American troops and the end of military assistance must be our policy now."

A petition from 31 persons in the Foreign Language Department at San Jose State College, California, deploring "the invasion of Cambodia."

A petition from 86 students and others at the University of Arkansas, Fayetteville, who stated:

"We are not troublemakers, malcontents, rioters, freaks, hippies, yippies, crazies, Communists, nihilists or revolutionaries. We are not even effete snobs. Most of us are very straight and inconspicuous people. We are loyal citizens of the United States who love this country more than Richard Nixon does. We would like to see the country become a healthy society to live in . . . We . . . believe that President Nixon's invasion of Cambodia without the advice and consent of the Senate clearly exceeds the Constitutional authority granted to the President."

A petition signed by 28 faculty members of the Yale Political Science Department urging opposition to the Administration's policies "by asserting Congress's prerogatives regarding war powers under the Constitution."

A petition from 730 members of the faculty and student body of Herbert H. Lehman College, City University of New York, calling the Cambodian intervention "contrary to the spirit of the American Constitution, contrary to the true interests of the United States and contrary to the interests of world peace."

A petition from Sacred Heart Academy, Louisville, Kentucky, with 91 signatures, asking for legislation to prohibit the future use of United States forces without the consent of two-thirds of the Senate membership or a majority of both Houses of Congress.

A petition from 27 persons in Virginia Beach, Virginia, favoring immediate withdrawal of troops from Cambodia and Vietnam.

A petition signed by 50 faculty members and history students in the Graduate School of Arts and Sciences of the University of Virginia stating:

"We urge our representatives in the Congress . . . to take sufficient measures to guarantee a speedy end to the military involvement abroad and a return to the Constitutional rights that ensure peace and justice in the United States."

I also received more than 500 separate telegrams from persons at the University of Virginia voicing disapproval of the war in Indochina, a letter from seven students, and a petition from 68 members of the University of Virginia medical community.

Signatures of 252 persons from San Francisco State College "distressed by the President's total defiance of Congressional channels and Constitutional guidelines, as well as the frightening potential this action implies."

A petition from 101 members of the Edgewood United Church, East Lansing, Mich., opposing American military action in Cambodia.

A letter signed by seven Arkansas students at Randolph-Macon Women's College, Lynchburg, Virginia, urging support for the Hatfield-McGovern amendment to limit funds for military operations in Cambodia, Laos and Vietnam and to provide for a phased withdrawal.

A resolution signed by 121 students and faculty of the Cornell University Graduate School of Medical Sciences which concluded:

"Responsible Americans must insist that our elected representatives reconsider their priorities. Let us stand with our young people who sincerely seek to reaffirm those ideals of justice and equality that we all share as the keystone of our democracy. No conceivable gain in Indochina is worth the loss to society of a generation capable of restoring America's moral leadership."

A letter from the 185 members of the Detroit Business Executive Move for Vietnam Peace stating:

"The invasion of neutral Cambodia, in disregard of our Constitution and the Charter of the United Nations . . . has widened rather than decreased the war. This action can only result in more losses of American lives as well as the people of that country and further waste of their resources as well as our own."

A petition from 53 persons in Monterrey, Calif., backing a cut in funds for the war in Southeast Asia.

A petition from 1750 faculty, students and citizens in the Amherst Area Four College Community (Amherst College, Mt. Holyoke College, Smith College and the University of Massachusetts) stating:

"We . . . support your declaration that the President's committal of American troops to the soil of Cambodia is unconstitutional. We support your statement that the President has acted without the consent or knowledge of Congress, and usurped the constitutional and traditional war-making powers of Congress. We urge that your committee continue unrelentingly to make the President recognize the dangerous proportions of his action, and honor the Senate's Constitutional prerogatives. We urge the Senate Foreign Relations Committee to demand an immediate and total withdrawal of all American troops from Southeast Asia."

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A petition signed by 450 physicians attending the meetings of the American Federation for Clinical Research, the American Society for Clinical Investigation and the Association of American Physicians in Atlantic City, May 3–6. Signed by doctors from across the nation, the petition condemns increased U.S. military involvement in Indochina and calls for a reversal of that policy.

A statement signed by 288 staff members of the Sloan-Kettering Institute for Cancer Research which concludes:

"The future of the country is in jeopardy; we cannot see a way to restore our traditional ideals and heritage without demanding an immediate end to our involvement in the war in Southeast Asia."

A telegram signed by 24 students and faculty members from the University of Arkansas Graduate School of Social Work, Little Rock reading:

"We are asking you to vote against the extension of war appropriations for Indochina other than monies needed for evacuation of troops. We also ask that the national priorities be reordered."

A statement from the Representative Council of Agnes Scott College in Georgia "opposing the legally questionable invasion of Cambodia and offering "unyielding support for the elimination of continued funds . . ."

A petition from 17 medical social workers in St. Louis supporting "legislation limiting military spending in Southeast Asia . . ."

A petition from 30 persons in Collingdale, Pa., calling for the withdrawal of American troops from Cambodia.

A telegram from 24 members of the cast of "Promises Promises" calling on the Senate to "revoke the Gulf of Tonkin Resolution and to restrict . . . funds for the Department of Defense."

Petitions from 430 persons in the New York area which read:

"We . . . applaud your staunch stand against U.S. involvement in Southeast Asia and the escalation of the war . . . We want an end to this insane killing and our boys brought home so that all efforts may be spent in correcting the problems within our own country."

A petition from 12 Americans studying in Rome "convinced that there is no justification of continued United States involvement" in Southeast Asia and deploring the President's "blatant disregard of America's desire for peace."

Petitions with 1036 signatures from the New York area "supporting the Foreign Relations Committee's position against any military involvement in Cambodia."

A petition from 11 students and faculty in the Department of Chemical Engineering at the University of California, Berkeley, urging termination of U.S. involvement in Cambodia and Vietnam and concentration of our abundant energies and ingenuity on "the crucially important problems of our society."

A petition from 66 staff members of the Whitney Museum of American Art expressing "profound opposition to the expansion of the war in Indochina."

229 signatures from Mill Valley, California, on petitions calling for cessation of the invasion of Cambodia and that the President "take no further military action without the advice and consent of the Congress."

Petitions from 466 Boston area residents urging the Congress to take "strong action to reverse this latest tragedy in United States foreign policy" and reaffirm its Constitutional responsibility.

Some 100 additional letters from Crawfordsville, Indiana, stating:

"We cannot support these acts of escalation in the Southeast Asian conflict and we call upon Congress to act in response to the recent policies of the President."

A petition from 307 students at American International College and others in Springfield, Mass., urging immediate repeal of the Tonkin Gulf Resolution.

A letter signed by 120 members of the faculty of Cornell University calling upon Congress to reassert its authority.

Petitions with 400 signatures from the Rye Neck area of Westchester County, New York, supporting the Foreign Relations Committee.

A petition with 14 names from Pound Ridge, N.Y. calling for withdrawal of American troops from Cambodia and Vietnam.

A letter signed by 127 students and faculty in the Department of Electrical Engineering at Columbia University stating:

"We feel that the people and Congress can no longer stand idly by while our Asian misadventure in the name of freedom and democracy destroys the foundations for these principles both here and abroad."

A letter from the Baltimore Section, National Council of Jewish Women, deploring "President Nixon's unilateral decision to send American troops into Cambodia."

Petitions from 23 persons in Syosset, N.Y., and 17 in Englewood, N.J., opposing the extended war.

A petition from 54 persons in Mount Kisco, N.Y., with a copy of a letter to the President stating:

"There is dissent in America precisely because you have now committed us to continue and extend violence against the Indochinese peoples. Dissenters deplore your violence and demand that in the name of the American people it stop."

A petition from 10 school teachers in Corpus Christi, Texas, opposing the action in Cambodia.

Petitions circulated by high school students in the Champaign-Urbana, Illinois, area, containing 1,184 signatures opposed to the U.S. involvement in Cambodia.

112 signatures on petitions from Key West, Florida, supporting the "Amendment to End the War."

Letters from 48 persons in Mankato, Minn., stating:

"As a person concerned with the rehabilitation of disabled persons I feel compelled to express my grave concern over the reescalation of the war . . . The toll in human misery, injury and death from this war demands the involvement of all people in the finding of a way to end it."

Signatures from 123 faculty members and students at Union College, Cranford, N.J., strongly opposing the war.

A petition from 250 persons at Blackburn College, Illinois, deploring U.S. military involvement in Cambodia.

Petitions opposing the President's recent actions from 575 persons gathered by faculty groups and students in the Worcester, Mass., area.

Petitions bearing 1,307 names gathered in the Wall Street area of New York by students at New York University. The petitions urge withdrawal of American troops from Southeast Asia.

Petitions containing 1,484 signatures collected by the Benjamin Franklin Reform Democratic Club in New York. The petitions read:

"We . . . fully support the Senate Foreign Relations Committee's position against any military involvement in Cambodia. We urge you and other members of your committee to take all necessary steps to bring before the full Senate and the American public all the facts behind this further expansion of the war. The tragic experience of Vietnam must not be repeated in Cambodia."

A petition from 56 members of Lodge 890 of the Brotherhood of Railway Clerks, San Francisco, stating that "the tragedy in Southeast Asia must be stopped and our priorities restructured."

A petition from 325 citizens of Viola, Salem, Mammoth Spring and other Arkansas communities opposed to the war.

Petitions from Southern State College, Magnolia, Arkansas, containing 190 signatures of persons protesting against the intervention in Cambodia.

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## INDIAN DROPOUTS

Mr. MONDALE. Mr. President, for years we have heard about the high dropout rates among Indian students, but we have heard surprisingly little about programs which try to encourage Indian youth to continue in school and seek advanced education.

Today I would like to call attention to two efforts being made in Minnesota to assist Indian students. One is the State department of education's Indian scholarship program, which this year is providing $60,000 in scholarship moneys to Minneosta Indian youth. When this program started 12 years ago, the legislature appropriation was only $7,500. Next year $75,000 will be appropriated.

One of the main reasons for this substantial increase in State scholarship moneys is the strong support given this cause by Minnesota Labor's Committee for Minnesota Indian Youth. Under the cosponsorship of Minnesota State AFL–CIO unions, Minneapolis Teamsters Joint Council No. 32 and its affiliates, and the Jewish Labor Committee, an Indian student project has been founded which each year brings a number of Indian high school seniors to Minneapolis-St. Paul for 4 days of orientation activities. The students tour colleges, vocational schools, hospitals with nurses training programs, and other sources of education and employment.

The Indian student project has had a fantastic record in regard to the number of its participants who have graduated from high school. Over the 12 years the program has been in operation, 433 Indian students have participated in the program. Of that number, 417, or 97 percent, graduated from high school. Eighty-one percent of the total went on for advanced education.

The Minnesota Department of Education, together with Mr. Lou Lerman, executive director of Labor's Committee for Minnesota Indian Youth, has prepared a summation of the committee's activities, both in regard to the orientation tours and the State scholarship program. I ask unanimous consent that the summary be printed in the Record.

There being no objection, the summation was ordered to be printed in the Record, as follows:

### Summation of Activities 1958–69—Labor's Committee for Minnesota Indian Youth

We received a communication from Senator Walter F. Mondale enclosing two volumes of a survey titled "Indian Education, A National Tragedy," a 1969 report of a special subcommittee on Indian Education. Senator Mondale is a member of the committee.

It was gratifying to note that the percentage of the 9th grade enrollment of students who graduate from high schools in Minnesota is 92 per cent, the highest in the nation. The national average is 77.8 per cent with Georgia having the poorest state average with 64.9 of students entering high school who graduate.

At about the same time we received a report from Erwin F. Mittelholtz, Indian Guidance Consultant of the State of Minnesota, Department of Education, which was a sum-

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mary of the annual 4-day Indian High School Seniors' Orientation Trip to the Twin Cities from 1958–1969, a period of 12 years. The summary shows that of the 433 Indian High School Seniors who have made the tour in the 12 year period, 417 students graduated, or 97 per cent, which helped boost the state's average to 92 per cent.

Even more gratifying is the knowledge that the Orientation Tours over the 12 years inspired 382, or 81 per cent, of the high school graduates to go on to *advanced education*.

Of 51 Indian high school seniors who did not go on to higher education after high school graduation, 11 of the girls married, 2 students went into missionary work, 14 entered military service and 8 entered employment. A total of 16 students did not complete their senior year and hence did not graduate from high school.

The Indian Student Orientation Tour was one of 4 projects initiated as a result of a survey made by the Minnesota C.I.O. in 1955 by a committee composed of Rodney Jacobson, Sec'y-Treas. of Minnesota C.I.O. and Lou Lerman, Regional Director of Jewish Labor Committee, who was consultant and secretary of the C.I.O. Civil Rights Committee. The Committee surveyed conditions of discrimination, employment, education, housing and the health needs of the Minnesota Indians.

The Indian Student Project is under the co-sponsorship of Labor's Committee For Minnesota Indian Youth composed of Minnesota State AFL–CIO Unions, Minneapolis Teamsters Joint Council No. 32 and its affiliates and the Jewish Labor Committee. John Curtis of the Joint Board of Hotel, Restaurant, Waitresses and Bartenders Union and Carl Winn, Regional Director of AFL–CIO, were its original co-chairmen. Former State Senator Frank Adams is Treasurer and Lou Lerman, Regional Director of Jewish Labor Committee, is the Executive Director.

Each year with the co-operation of Erwin F. Mittelholtz, Indian Guidance Consultant of the State Department of Education, high school seniors of Indian ancestry from about 26 high schools in close proximity to the 7 Indian Reservations, selected by the high school principals are brought to the Twin Cities for 4 days of orientation and observation. They tour the colleges, vocational schools, hospitals with nurses training programs and potential sources of employment. All expenses, including transportation, housing, meals and entertainment are paid by the sponsors.

It is interesting to observe that in 1945 there were only 8 Indian students who graduated from Minnesota high schools. In 1958, the year the Indian Student Program was launched, there were 74 Indian students graduating from high schools. The sponsors brought 19 high school seniors to the Twin Cities for the 4-day tour that year. In 1969, there were 255 graduates from high school. A report from the State Department of Education dated August 8, 1969, states that of the 51 Indian Students who made the 4-day Orientation Tour in October, 1968, all 51, upon graduating, went on to higher education. Not one dropped out of school. Of the 51 who made the tour that year, nineteen went on to college and 32 went to vocational schools. Of the students who made the tour during the period 1958–1969, 107 entered colleges and universities. Forty-five girls entered nurses' training and 230 students entered vocational training.

Mr. Erwin Mittelholtz, in one of his reports under interesting sidelights, states that Indian high school seniors compete to be among those selected by the schools for the tour. Principals of the schools report that the students return to their classes and tell of their experiences on the tour in oral reports. This not only stimulates interest for the tour for the next year but also encourages the students to continue their schooling until graduation so that they can participate in the tour as seniors.

The students find it easier to make their vocational choice upon high school graduation and after having experienced the orientation tour. They learn more about specific job opportunities in certain fields after visiting the various vocational schools. Many of the Indian students are now holding skilled jobs. The benefits to them go beyond themselves because they have taken back to their families and friends on the reservations the message that education is the key to successful and rewarding lives.

Erwin Mittelholtz, Indian Guidance Consultant, in his report 1958–1969, inclusive, states that this fine record is due to the scholarship program along with Labor's Committee for Minnesota Indian Youth's orientation program. We believe it is proper also to dwell on the Committee's part in the scholarship program.

The Annual Report for 1969, prepared by Consultant Mittelholtz and Will Antell, Director of Indian Education, shows the appropriations for Indian student scholarships from 1958, when Labor's Committee for Minnesota Indian Youth was organized, until 1970. In 1958, the State Legislature appropriated $7,500.00 and the Bureau of Indian Affairs appropriated $5,000.00. The appropriation by the State was increased to $10,000.00 in 1959. A Sub-Committee of Labor's Committee for Minnesota Indian Youth met with a committee from the State Legislature asking that the appropriation be increased to $15,000.00. The Labor Committee met strenuous opposition from the Legislative Committee. However, it pointed out that it was short-sighted for the Legislature to appropriate almost 3-million dollars annually for relief and welfare for Indians and not increase the allocation for scholarships. The suggestion was made that it should be $100,000.00 annually so that relief and welfare could be materially cut down in the future.

It was also pointed out that the 3-million dollars did not include the cost of the Indian in our penal and reform institutions. As a result of our meeting with the committee, the Legislature reduced the allocation back to $7,500.00 for 1960 and 1961.

Mainly through the efforts of former Senator and later Vice President Humphrey the appropriations have been increased to $60,000.00 in 1970 by the State Legislature with $75,000.00 appropriated in 1971. The Federal appropriation was increased from $5,000.00 in 1958 to $83,700.00 for 1970. Former Governor Orville Freeman, Elmer C. Anderson, Karl Rolvaag, Senator Walter Mondale, and Congressman Donald Fraser assisted in this accomplishment.

As a result of the original survey by the C.I.O. in 1955, which included the medical and health needs of the Minnesota Indian, Governor Orville Freeman appointed a committee from the Governor's Human Rights Commission to further investigate the medical and hospital requirements of the Indian. Dr. Henry Allen of the University of Minnesota and Louis E. Lerman were appointed to a committee which included the heads of the Department of Health and Welfare. The committee found Indian children undernourished and suffering from malnutrition. Indians could not obtain medical attention unless certified by the County Welfare Department as paupers. The survey brought to light instances where our first Americans were found dead in their tar papered shacks, too proud to beg for relief. As a result of the survey, the State of Minnesota entered into an agreement with the United States Public Health Service called the "Minnesota Plan," under which Indians may receive public health aid without regard to their status as on or off the reservation.

Jobs for Minnesota Indians was launched in 1956 under the auspices of the Jewish Labor Committee. About 200 jobs were obtained for Indians. With the support of Andrew Jones, then president of Honeywell Teamsters Union, over 60 Indians were placed in Honeywell, Inc.

In 1962, Operation Vegetable Gardens was started on the Red Lake Reservation, also sponsored by the Jewish Labor Committee. Northrup King Seed Company donated the seed and Midland Co-op Wholesale donated the fertilizer. Prizes were offered to Indian families as an incentive to plant vegetables to supplement their sparse diets. The Jewish community of Minnesota donated 20 Presto Pressure Cookers and the Episcopal community taught the Indian women how to can and preserve vegetables. After three years, with 157 families participating, the County Agricultural Agent, Floyd Jorgensen, was placed on the Bureau of Indian Affairs payroll to continue the project at Red Lake. The project was then moved to the Fond du Lac Reservation where it was continued. According to the health authorities the Indians now have a better balanced diet year round which is contributing toward the improvement of their health and has increased their longevity.

A fourth project, "Operation Book Start" functioned previous to "Operation Head Start" at the Fond du Lac Reservation with an outstanding nursery teacher, Mrs. Arnold Lindquist, in charge. With the exception of a small amount paid for board and lodging for the teacher, all expenses were paid by the Jewish community of Minnesota. Office space and clerical help for all of these projects has been furnished gratis by the Jewish Community Relations Council of Minnesota.

The Executive Director of the Jewish Labor Committee gave his services to direct the four projects gratuitously as an ex-curricular activity on his part.

## POLISH CONSTITUTION DAY

Mr. TOWER. Mr. President, May 3 is a significant day for the Polish people and Americans of Polish descent. On that date in 1791, 179 years ago, Poland adopted her constitution which, like our own adopted by the Constitutional Convention in 1797, recognized that a government derives its powers from the people. Unlike our own, however, the Polish constitution was not allowed to thrive and serve the Polish people. In 1795 her powerful and aggressive neighbors, Russia, Austria, and Prussia carved up the Polish nation among them. This tragic situation obtained from that time until after World War I, when an independent Poland was reestablished by the Versailles settlement.

Independence was again shortlived. The German-Soviet nonaggression pact in 1939 resulted once again in Poland's falling prey to more powerful neighbors. Soviet troops occupied eastern Poland and commenced a policy of rounding up and imprisoning Polish officers and intellectuals. Some 15,000 of these, the natural leadership of Poland, were never heard from again. The Soviet Government repeatedly sidestepped inquiries from the Polish Government-in-exile in London as to the well-being of the officers. In 1943, in an area formerly occupied by the Soviets known as the Katyn Forest, the Germans announced that they had uncovered mass graves containing the bodies of more than 4,000 Poles. This was the population of one of the three camps that the Soviets had established to house the captive Polish officers and intellectuals. It is supposed that the residents of the other two camps met a similar fate.

The German-Soviet nonaggression pact and the concomitant Katyn massacre struck a devastating blow to Polish independence from which the nation has never recovered. After the war, Russia refused to deal with the London Poles and established a Communist puppet government instead.

In the tempestuous and beleaguered history of Poland, the May 3d Constitution stands as a beacon of hope, a bright reminder of what might have been and what might yet be. Polish-Americans are rightly proud of the democratic example set by their forebears in the Constitution of May 3, 1971. The third of May is an occasion for all Americans to mark and to consider our kinship with the spirit of democracy which bloomed so early in Poland and was so early snipped.

## BIG THICKET SUPPORTERS RALLY FOR A NATIONAL PARK

Mr. YARBOROUGH. Mr. President, the need to preserve the beautiful and unique Big Thicket of southeast Texas has been recognized by conservationists for many years. Since 1966 I have introduced legislation to accomplish this long-sought goal—to preserve the Big Thicket as a national park.

My bill, S. 4, to establish a 100,000-acre Big Thicket National Park, has received the support and endorsement of a great number of concerned groups and individuals.

The distinguished senior Senator from Nevada (Mr. Bible) has scheduled hearings on my bill before his Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs. The hearings will be held in Beaumont, Tex., on June 12, 1970, and a tour of the Thicket will be made on June 13, 1970.

An indication of the great interest in my bill and the tremendous support for the proposed 100,000-acre Big Thicket National Park is an article published recently in the Dallas Times Herald.

Mr. President, I ask unanimous consent that the article, written by Mr. Bert Holmes, associate editor, and published on page 16–A of the May 12, 1970, Dallas Times Herald, be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Dallas Times Herald, May 12, 1970]

### Big Thicket's Fans Pushing Park Plans

(By Bert Holmes)

Every year as vacation time rolls around, many Texans probably do as I do. We read again about the many interesting attractions scattered throughout this sprawling state and resolve to include some of them on the year's itinerary.

Once, several years ago, I drove through an area considerably more famous now than then, the Big Thicket. Located north of Beaumont, the Big Thicket has become the rallying point of conservationists and nature lovers, who hope to see a national or state park established there.

You can't see much of the Big Thicket beauty from the highway, I discovered. Deep, dark forests line the road, but you have to leave the main highway, by foot or special vehicle, to see the thicket's breathtaking loveliness.

Orrin H. Bonney, who is heading a Big Thicket Coordinating Committee, reports that on foot you can see ferns growing from the moss of gnarled tree trunks, the unbelievable green solitude of duckweed-matted bayous, tree-encircled meadows resplendent with wildflowers, magnificent magnolia groves, azaleas exploding with color, luminous beech forests and eerie cypress swamps.

Those who have been postponing a visit to the Big Thicket will have to hurry, Bonney says. Unless a U.S. park is established soon, the vast area known as the biological crossroads of North America may disappear.

Bonney and friends are hoping that a U.S. Senate subcommittee hearing to be held in Beaumont on June 12–13 will help convince the national government of the merits of the proposal. The subcommittee, headed by Sen. Alan Bible, will be taking testimony on Sen. Ralph Yaborough's bill providing for acquisition and preservation of a large part of the Big Thicket.

There is some fear that the Big Thicket plan may not be received too enthusiastically since a lot of federal money has been spent in recent years in acquiring Padre Island seashore areas and the Guadalupe park. Whether Sen. Yarborough's defeat in the Democratic primary will have further effect is not yet known.

#### LARGE ATTENDANCE BEING SOUGHT

The Big Thicket Coordinating Committee, composed of the Lone Star Chapter of the Sierra Club and several other conservation groups, believes that only a large attendance at the June hearings will impress the Senate group.

Speakers will urge that 100,000 to 200,000 acres be acquired, only a small part of what was once a sweeping expanse of 3.5 million luxuriantly forested acres. The entire remaining acreage, some 300,000 acres, is under steady attack, Bonney reports.

It is all privately owned, most of it by five lumber companies. Lumbermen, pipeline companies and real estate promoters are racing to carve up Big Thicket at the dismaying rate of 50 acres a day, Booney says, and prompt action is needed to preserve this unique area for Texans and the rest of the nation.

The Big Thicket committee has recommended a variety of acquisitions in its plan. It provides the following:

1. Unique specimen areas, the "pearls," preserved in their natural and untouched state, and under the jurisdiction of the National Park Service.

2. Wildlife areas for restoration, habitat and protection. These include the floodplains of the Neches River and the Saratoga-Kountze-South Lake triangle.

#### CONSERVATION ZONE RECOMMENDED

3. Environmental conservation zone, an overall area in the locality to encourage maximum environmental conservation. Timber harvest, grazing, hunting will continue within zoning and conservation concepts.

4. Rivers and streams with a wide corridor on both sides preserved in their natural beauty, accessible to canoeists and motorless boats with primitive camping.

5. Highways bordered with a deep corridor of natural forest, providing access and sightseeing to Texas' "greatest tourist attractions, so long unnoticed."

6. Recreational facilities outside the environmental zone and unique areas.

Why all the excitement about the Big Thicket? Because it is unparalleled in the richness and diversity of its plant life, Bonney reports. Its 60-inch annual rainfall and gulf climate make it a lappng-over point of subtropical and temperate vegetation, found nowhere else in the United States.

Giant trees thrive; wild orchids and ferns abound. At least 300 species of birds make the thicket their home.

If the Big Thicket is to be preserved, a lot of people are going to have to join the battle. Soon it will be too late.

## PERSPECTIVE: FREDERICK DOUGLASS, PIONEER BLACK LEADER

Mr. HART. Mr. President, Frederick Douglass was, by any account, one of the Nation's greatest and most courageous men. This statement must be modified, unfortunately, by pointing out that this outstanding 19th century black leader has been overlooked by historians until very recently.

Douglass, an escaped slave, was a leader, both before and after the Civil War, for black men's freedom, dignity, and equality.

He wrote,

> Time and events have summoned me to stand forth both as a witness and an advocate for a people long dumb, not allowed to speak for themselves, yet much misunderstood and deeply wronged.

In 1962, Congress authorized the Frederick Douglass Home to become a national memorial in the Capital of the Nation he served so well by his great work and example. Last year Representative Charles Diggs and I obtained an increased authorization sufficient to properly restore and refurbish the Douglass Home, which stands on a hill in Anacostia overlooking the Capitol.

Recently I asked the Senate subcommittee in Department of the Interior appropriations for funding in the fiscal 1971 bill to proceed with this long-delayed project. My request included funds required for urgently-needed building restoration and development of grounds and exhibits to serve the visiting public. I have not asked for funds to initiate the construction of a visitor center building proposed by the National Park Service. A number of community groups seriously question the real need or desirability for such a facility in this particular case, in part due to the destruction of open space which would result. I am sensitive to this concern and hope visitor center plans will be suspended until this matter can be adequately discussed with all concerned.

Mr. President, the man we memorialize in this way lived a fascinating life, motivated by a magnificent personal and political philosophy. His greatness lies not just in historical context, but also in his relevance to our present problems and our present times. I am especially pleased, therefore, to see Frederick Douglass being more widely rediscovered now.

The April issue of the American Way, the high caliber in-flight magazine published by American Airlines, contains an excellent feature article on Frederick Douglass which I commend to the attention of Senators and ask to have printed in the Record. I congratulate American Airlines on making available to a wider public such a stimulating and thought-provoking article. This is public service at its best.

There being no objection, the article was ordered to be printed in the Record, as follows:

## Perspective: Frederick Douglass, Pioneer Black Leader

(By Nina Kramer)

(Note.—Rebellion against slavery in America occurred more commonly than most historians, until recent years, believed. Increasing attention to the history of the black man has undercut the common image of the slave as a docile, passive victim of his fate. One leading rebel was Frederick Douglass, an ex-slave who now is generally conceded a significant forebear of today's civil rights advocates.)

Frederick Douglass was an elected delegate to the 1866 National Loyalist's Convention, and his presence there was to be an innovation. But on the train to Philadelphia, a group of fellow delegates approached him. One man began a rambling discussion of Douglass' distinguished career and finally wound around to the point: Douglass would be an embarrassment to other delegates at the convention. For the benefit of the party, would he return home?

Douglass turned to the group and answered firmly: ". . . I am bound to go into that convention, not to do so would contradict the principle and practice of my life." Later, in the parade from Independence Hall to National Hall, where the convention would take place, only one delegate dared accompany Douglass in the procession. "I think I never appreciated an act of courage and generous sentiment more highly," Douglass said later.

Douglass was an aggressive leader who worked persistently for the development and rights of his race. Because he is acceptable to persent-day Negro activists, he is sometimes called "father" of the modern black protest movement. However, he long received relative little attention, and he ranks among the forgotten heroes of American history—not just black American history, but American history. Only a handful of books, besides his three autobiographies, have been devoted to him, and of those only one is thorough, objective and well-documented.

Born into slavery, Douglass recalled his life as a slave in his first book. He learned early that "he was whipped oftener who was whipped easiest." At seventeen, Douglass would be beaten no more. He fought back and overpowered an overseer with a whip and freed himself permanently from beatings. "You have seen," Douglass wrote, "how a slave was made a man."

Douglass was born sometime in 1817 in Talbot County, Maryland. Most of his early years were spent on a modest plantation, in comparative ease, under the care of his grandmother. In Baltimore, working as a houseboy for relatives of his master, he was permitted to learn how to read. By the age of twenty-one, he had learned the art of ship-calking. He met a number of "colored freemen" and with their help escaped to New England. He married Anna Murray, a Baltimore freewoman who had financed his escape, settled in New Bedford, Massachusetts, and changed his name from Frederick Augustus Washington Bailey to Frederick Douglass.

He worked at menial labor in New Bedford for three years and regularly attended abolition meetings. Once he was asked to describe his experience as a slave. He stood, delivering such an impassioned account that his audience was visibly moved. At the end of the meeting, he was asked to join the Massachusetts Anti-Slavery Society as a salaried lecturer.

His lecture appearances were impressive. "He stood there like an African prince," one abolitionist leader said later, "conscious of his dignity and power, grand in his proportions, majestic in his wrath, as with keen wit, satire and indignation he portrayed the bitterness of slavery."

"Time and events have summoned me," Douglass would say, "to stand forth both as a witness and an advocate for a people long dumb, not allowed to speak for themselves, yet much misunderstood and deeply wronged." But recalling his early days on the platform, Douglass was bitter. "(I was) generally introduced as a 'chattel'—a piece of southern property—the chairman assuring the audience that it could speak. Fugitive slaves were rare then, and as a fugitive slave lecturer, I had the advantage of being a 'bran new fact'—the first one out." He became the abolition society's "prize exhibit."

Five years after becoming a lecturer, he also became a free man. Publication of his first autobiography exposed his identity in the South, and he fled to England to avoid being sent back to Maryland. There he made friends who raised $700 and purchased his freedom from his former master. Back in the United States, he started his own weekly newspaper, *The North Star*, later changed to *Frederick Douglass' Paper*, and a magazine called *Frederick Douglass' Monthly*.

With his publications, Douglass changed his milieu. From the white world of abolitionists, where he represented the black race, he moved into the black world, to lead it. "Until his death in 1895," Benjamin Quarles writes, "the Negro people regarded him as their chief spokesman." Douglass was a pioneer leader. He was a reformer who agitated for new and significant rights for his people, he was an innovator of sorts in interracial relationships, and he was an imaginative builder of Negro self-esteem.

He was, moreover, a "professional reformer; agitation was his stock in trade," according to Quarles. Furthermore, he wanted changes and an end to discrimination *"now."* He always refused to sit in "Jim Crow," or all-black, railroad cars. Officials of the railroad running between Boston and Portland finally struck his station from its list of stops to avoid confrontations with Douglass.

Douglass often risked physical injury. Once his right hand was broken when he was attacked while lecturing in Pendleton, Indiana, and he was knocked unconscious. He exposed himself to arrest repeatedly by using his home in Rochester, where he had moved, as a way station on the "underground railroad."

Douglass agitated for the enrollment of black troops in the Union Army and enlisted a large part of the Fifty-fourth and Fifty-fifth Massachusetts Regiments himself. He complained personally to President Lincoln that Negro soldiers received neither commissions nor equal pay. While Lincoln agreed with the merit of the complaint, he told Douglass that the country was not quite ready for racial equality in the Army. Douglass himself was never commissioned as an officer.

It was not Douglass' only meeting with Lincoln. After the President's second inaugural ceremonies, Douglass came to the then unheard-of conclusion that it wasn't too much "for a colored man to offer his congratulations to the President." Douglass could persuade no Negro man to accompany him to the White House. He finally found a Negro woman.

At the White House door, he was seized by two policemen who ordered him to stand back. The policemen said they had been ordered to admit no Negroes. "I told the officers I was quite sure there must be some mistake, for no such order could have emanated from President Lincoln," Douglass recalled.

Douglass insisted on seeing the President and finally got his way. "We walked into the spacious East Room . . . Like a mountain pine high above all others, Mr. Lincoln stood, in his grand simplicity, and homely beauty. Recognizing me, even before I reached him, he explained, so that all around could hear him, 'Here comes my friend Douglass.'"

After the war, Douglass was offered, but declined for political reasons, the presidency of the Freedman's Bureau, a Federal agency formed to protect and assist newly freed slaves. He waited long for a Federal appointment he could accept. In 1871, he was named by President Grant as secretary of an exploratory commission to Santo Domingo. Later he became Marshal of the District of Columbia, recorder of deeds for the district, and—in his most prestigious job—minister-resident and consul-general to the black Republic of Haiti, in 1889.

While Douglass was in England he met Miss Julia Griffiths, one of two white women to whom he was very close. She later came to Rochester to work for him on *The North Star*. Rumors circulated on the nature of their relationship—Douglass was still married to Anna Murray—and in Boston a woodcut appeared showing Julia Griffiths and her sister, who was visiting America competing for the caresses of "Nigger Douglass."

But their friendship caused far less shock than Douglass' marriage in 1884 to Helen Pitts, the second white woman in his life. Anna Murray had died in 1882. Miss Pitts, forty-six years old, was from a prominent New York City family. She was eligible for membership, had she chosen to pursue it, in the Daughters of the American Revolution. Negroes and whites alike disapproved of the marriage. Douglass responded, "Would it not be ridiculous if, after having denounced from the housetops all those who discriminate because of the accident of skin color, I myself should practice the same folly?"

Negroes often criticized Douglass for other daring acts. "I have found in my experience," he wrote, "that the way to break down an unreasonable custom is to contradict it in practice. To be sure, in pursuing this course I have had to contend not merely with the white race, but with the black. The one has condemned me for my presumption in daring to associate with it, and the other for pushing myself where it takes for granted I am not wanted." Douglass detested Uncle Tomism. "With a colored man on a sleeping-car as its conductor, the last to have his bed made up at night, and the last to have his boots blacked in the morning, and the last to be served in any way is the colored passenger."

Laboring to raise the self-esteem of black men, Douglass espoused self-help programs, raised funds for a school for manual laborers, and attempted to organize an all-black industrial fair. "Neither institutions nor friends," he contended, "can make a race to stand unless it has strength in its own legs . . . races, like individuals, must stand or fall by their own merits. . . ."

Douglass' life easily lends itself to myth-making, as dramatic as it was in his course from abject slavery to statesmanship. Yet Douglass was handicapped by personal limitations. He tended to be narrow-minded, often seeing complex issues solely in terms of civil rights. He interpreted the Civil War as one fought, or one that should be fought, purely to end slavery. He once dismissed the notion of the indivisibility of the Union as a mere "metaphysical and somewhat theological question." His narrowness prevented him from making common cause with political groups devoted only incidentally to civil rights. He was a teetotaler, and somewhat prissy about it. As sometimes happens with ambitious fathers, his children never excelled, and they depended on Douglass for financial support for most of their adult lives.

Douglass died quietly in his home on February 20, 1895. At his funeral, mourners cried, "The King is dead; long live the King!"

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## TRIBUTE TO WALTER REUTHER

**Mr. MONDALE.** Mr. President, I feel a very deep and a very personal sorrow at the passing of this great man who was my friend just as he was the friend of thousands and thousands of workers and citizens from all walks of life.

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We respected him enormously as one of the truly great champions of social and economic justice.

We loved him as a man with a unique ability to relate to each of us personally and pass on his enthusiasm and commitment to the causes we shared.

He devoted his entire life to these causes and, from the time he marched as a young labor organizer and was bludgeoned at the now famous "Battle of the Overpass," we knew that he had the courage and the will to put his ideals into action.

The United Auto Workers, as well as workers everywhere—organized and yet unorganized—owe him so much for leading the fight to improve the conditions and the dignity of the working man.

Yet his rank and file was even larger than the working man. The poor and the oppressed and the powerless people that he served and fought for will always remember his unselfish dedication to the recognition of their humanity.

In these days when we must all be concerned about the responsiveness of leadership to the people, when students are challenging the integrity of the political process, and when we are facing a constitutional crisis in Washington, it is the leadership quality of statesmanship that will save the day. I knew Walter Reuther as one of this Nation's great statesmen.

While stressing the importance of participation of workers in the political process, Walter Reuther's commitment went beyond a politics to an almost idealistic, yet statesmanlike position to advocating racial justice and world peace way before many leaders shared the responsibility of taking such a strong position.

Walter Reuther was a tireless crusader in behalf of social and economic justice for all Americans. He knew the importance of the race problem, but rather than contribute only rhetoric, he put his body on the line, personally leading the march on Washington in 1964, and personally in the front lines of the fateful Memphis sanitation workers' strike in 1968 when Martin Luther King was assassinated. And it was Walter Reuther, and his family, who put forth great effort to bring an end to the awful war in Southeast Asia.

He was a great crusader, a great fighter, and a great organizer, championing the cause of the working man often in the face of personal danger. Several assassination attempts, one that partially paralyzed his right arm, did not stop him. He pioneered some of the most advanced benefits of any union for the union he served, and through new alliances with unorganized workers, sought to spread similar benefits worldwide.

An example of his vision and his commitment to the principal that not until all men are free can any of us be free, is his role in the organization of farmworkers. Realizing from the very beginning that it was through union and community organization that farmworkers were seeking their fair share of political and economic power, Walter Reuther and the UAW supplied the money, the clothes, and the food that help insure that a strike by desperately poor people will even have a chance. And, on many occasions, funds were pledged, and pledges were kept to this fledgling effort of the Nation's poorest workers to obtain justice and dignity through their self-action. And, Walter Reuther put himself on the line, of marching side-by-side with the farmworkers. Indicative of the mutual respect between UAW and farmworkers is the recent dedication of the UFWOC Service Center to Roy Reuther, Walter's brother.

I will always remember Walter Reuther as a great humanitarian, seeking always his vision of a more just society through union and community organization.

It is not enough to say that he will be sorely missed. His visions must stay with us, and his dedication must remain a model for carrying out his work in behalf of those for whom his life was devoted.

## STUDENTS WITHIN THE SYSTEM

Mr. MONDALE. Mr. President, amid the fear and despair of the widened war in Indochina, the tragic deaths at Kent State, and the inflammatory rhetoric uttered by a few extremists on all sides, something wonderfully encouraging is happening here in Washington.

Young people by the thousands are pouring into Washington and up on Capitol Hill, seeking not to destroy but to rebuild; not to polarize but to unify; not to attack but to work within the political system.

There, truly, is a new hope. People of all ages, but especially students, are saying:

> We believe in the Congress of the United States. But only you can bring an end to the tragic and now widened war in Indochina.

They are not lashing out, even though their despair is real and their commitment is deep. They are determined to bring peace in Asia and an end to the killing, but they are just as determined to work through the established democratic procedures.

They are instilling a spirit of hope and uplift to me and, I think, to all Senators and offices who will hear their message.

For the most part, these are students who have not been all that involved in past peace movements. They come from colleges and universities all over the country, many of them are here at great sacrifice.

But all of them, I am convinced, are receiving an extraordinary education in the political process. They come to me asking how to draft resolutions, how to approach other Senators, why we chose to adopt certain key bills to focus on in the Senate, what arguments are most persuasive in favor of these bills, and how they can work for peace candidates in the 1970 elections.

I do not have all the answers. Many they must discover for themselves as they comb congressional offices, meeting with Congressmen, staffs, and other students engaged in similar campaigns.

Surely this is the very essence of democracy at work.

Surely this is the very essence of learning by doing.

And surely this is the road to a restoration of peace in Indochina and unity and pride at home.

## EMERGENCY ASSISTANCE TO WEST TEXAS

Mr. TOWER. Mr. President, the senior Senator from Texas (Mr. YARBOROUGH) yesterday introduced S. 3848, a bill to provide additional emergency relief assistance in connection with the devastating tornadoes which hit West Texas on the nights of April 17–18 and May 11.

I am sorry that an out-of-town commitment prevented my being on the Senate floor at the time it was introduced. I am already listed as a cosponsor of S. 3848, but since this is my earliest opportunity I wish to address myself to it at this time.

Mr. President, the city which suffered the most extensive damage as a result of these tornadoes was Lubbock. That city was struck with little warning the evening of May 11. The next day, I toured the city, and I was shocked and profoundly moved by the disaster scene. Many homes were destroyed and many more suffered major structural damage. Businesses were similarly demolished and the city's tallest structure, the new 21-story Great Plains Life Building, was so severely damaged and weakened that local officials kept its surrounding area cleared for fear of collapse.

I had not seen such destruction wrought to a single city since I was among the occupation forces in Japan at the end of World War II and had an opportunity to see the results of numerous conventional bombing runs over cities and industrial centers there.

Senators have had an opportunity to hear and read the remarks made yesterday by the senior Senator from Texas in introducing his bill and to read the news reports of the damage which he has placed in the RECORD. So I do not need to further elaborate on the damage now.

Mr. President, the central provision of S. 3848 is to enlarge the forgiveness clause of present legislation regarding Federal disaster assistance loans. Current law provides that in the repayment of longterm, low-interest, disaster assistance loans to assist reconstruction of damaged property, the borrower must repay the first $500 of his loan; that the Federal Government may waive payment of the next $1,800, and the borrower must repay the remainder. S. 3848 would change the amount of payment which Federal agencies may waive to $5,000. This provision will be of major significance to those whose property has been damaged. It will help particularly those low-income families whose homes have suffered major structural damage and which will require extensive repair to place their homes in their predisaster conditions.

S. 3848 would also provide special temporary housing for up to 12 months while permanent homes are being reconstructed; allow Federal assistance upon request to local governments in the amount of tax or bond obligations outstanding at the time the disaster struck;

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enable the Small Business Administration to make refinancing loans for persons facing lease foreclosure on their homes due to financial crisis as a result of the disaster; provide unemployment assistance for persons but not in excess of unemployment assistance provided by the State of Texas, and provide assistance for debris clearance of lakes presenting a health hazard as a result of the disaster.

Mr. President, the $1,800 waiver provision incorporated in the present disaster assistant law was first provided as a result of Hurricane Betsy in Louisiana in 1965. In the 5 years since then, the cost of living has risen significantly. We are working, and the administration is working, to stem the rising cost of living but we have not yet succeeded. We cannot penalize those who have been unfortunate enough to have suffered from recent disaster, simply because we hope that the rising cost of living can be controlled in the future. The Omnibus Disaster Assistance Act, S. 3619, which is pending in the Senate Public Works Committee, would provide a waiver over $500 of 50 percent of the remainder of the loan or $5,000, whichever is less. The administration's disaster assistance proposal, S. 3745, of which I am a cosponsor, would provide a waiver over the first $500 of up to $2,500.

Both of these proposals recognize the requirement for increasing the waiver amount over the current $1,800. Senator YARBOROUGH's bill similarly recognizes this need and I plead with the Senate to approve a significant increase in the waiver provision.

Mr. President, I would also like to express my congratulations for all the governmental and private disaster assistance which has already been rendered in areas affected by the Texas tornado disasters of April 17–18 and May 11. Within the limitations of the law, governmental agencies have responded rapidly.

The Small Business Administration, which can react most rapidly under the law, declared disasters for the stricken areas within a matter of hours and that agency immediately began establishing loan application offices in the emergency areas. Their work is still going on at a rapid and efficient pace. I congratulate the SBA.

The President was able to declare all these affected areas as a major disaster within 36 hours after the worst damage was wrought in Lubbock the evening of May 11. And additional Federal agencies immediately began to provide the assistance in which each agency was assigned. I congratulate particularly the Office of Emergency Preparedness, the Farmers Home Administration, the Department of Housing and Urban Development, the Department of Health, Education, and Welfare, the Corps of Engineers, and the other Government agencies which rendered rapid assistance and are continuing to do so.

The American Red Cross swung into immediate action as is consistent with the outstanding history of that organization. Many other smaller organizations performed meritoriously to meet the crisis. These included many churches and civic minded groups. Even a Mexican-American oriented charitable organization headquartered in Jefferson County named "Sybelo," some 600 miles from the disaster scene, gathered emergency supplies to be ferried into the Mexican-American area of Lubbock which suffered particular havoc from the tornado.

Only 5 days after the Lubbock tornado struck, the Corps of Engineers awarded a $41,700 contract to a Midland contractor for debris clearance in a 240-block area of central Lubbock. Additional contracts for similar work will be issued and the Corps anticipates completion by May 27. Considering the devastation wrought, I believe this action constitutes yeoman work.

Other efforts of Government which swung into rapid action immediately after the Presidential declaration included the following:

The Department of Agriculture donated food to 3,000 persons at two community shelters in the disaster area through a coordinated effort of the USDA and the American Red Cross.

The General Services Administration quickly located space for a disaster field office for the OEP and other agencies.

Two teams from the Office of Education were dispatched to survey damage to schools.

The Department of Housing and Urban Development immediately began relocating displaced victims into available Federal housing.

The Fourth Army provided helicopter and other equipment to assist in emergency operations.

Mr. President, this is only a partial story of the assistance being rendered by the Federal Government. I have been impressed and encouraged by the quick reaction of governmental agencies at all levels and that of private organizations to deal with the disasters in my home State.

I do believe the Federal disaster assistance laws should be broadened to allow even greater public assistance. I ask support for S. 3848, as well as S. 3745, so that broadened assistance can be provided.

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## THE HABIT OF UNITY

Mr. RIBICOFF. Mr. President, these are difficult and troubling times that affect all segments of our society. In response to these problems, many members of the business community have begun to speak out in support of social justice and the need for national unity.

A strong voice in this regard has been Joseph C. Wilson, chairman of the Xerox Corp., who recently delivered an address entitled "The Habit of Unity" to the National Microfilm Association at San Francisco, Calif. His speech is of great relevance to all of us.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### THE HABIT OF UNITY

I am very much honored to be here today; and much impressed by the growth of The National Microfilm Association into an organization of such stature.

As you know, we at Xerox are heavily involved with microfilm through University Microfilms, which is part of our Xerox Education Group, and through various activities of our Business Products Group.

The foundation of our involvement lies in the fact that the information processing industry, while realizing some substantial improvements in recent years through new technology, is still falling far behind the proliferation of new knowledge and information. We are all aware, I think, of the seriousness of that problem; and there are literally hundreds of companies, associations and universities seeking solutions to it.

In the search for what we at Xerox call a better architecture of information, microfilm can and should play a role whose dimensions go beyond those of a dead storage medium. And we believe that its future is as bright as those who believe in its value wish to make it.

But it is not toward defining that specific future that I wish to address my remarks today. There are many people here who are far more expert in that than I, and whose views already constitute a provocative and substantial body of opinion.

Rather, I should like to talk with you from a much different frame of reference; not as a businessman, but simply as an individual whose primary credential is citizenship and who looks at the coming decade of the 1970's with apprehension, even alarm.

Whatever else we may expect of the 1970's, they will not be years in which men will be able to stand outside their times. They will not be years in which public duty can be sacrificed for private gain. We have already learned in this past decade that there are no American enclaves in which men and women can stand aloof from the headlong course of our Republic. For sure now—"No man is an island"—as Donne put it so well.

So if I reach this afternoon toward matters beyond the day-to-day concerns of business, I do so because I feel strongly that the turns of this decade should be occasion for deep introspection; occasion for all of us to reflect upon some very unsettling years.

To place this past ten years into the larger framework of our history, one turns almost instinctively, I think, to the guidance of de Tocqueville, in whose writing can always be found a prophetic view of the American experience:

"What sustains them", he wrote of us to a friend in Paris, "is their extraordinary capacity to overcome basic divisions among themselves in order to act in concert against hostile conditions that may afflict all. . . . They seem to have understood from the outset that *national unity is not so much a goal as a habit*, and, understanding that, they set to work with the most extraordinary confidence in the inevitability of their success."

De Tocqueville's perspective is a cogent one for those of us who would seek common threads in our past. For on one important level, the history of the American Republic is indeed a chronicle of what he called the "habit" of national unity.

It began, of course, in the search for a constitutional skeleton for legal and political unity: men of reason joining together not merely to compose their own differences, but to establish procedures for composing the *future* differences of the Republic as well. It continued into the early 19th century as we sought to absorb a vast territory and to integrate the new economy springing from the richness of our land and the industry of our people.

In the name of unity, we fought a bloody and terrible civil war, in whose shadow we still live some hundred years later.

By the turn of the 20th century, we had faced and met still another challenge to national unity: the immigration of millions of Europeans to whom America was as strange as it was promising. Twice in this century we were called upon to gather our energies for war on the continent of our origins. So, too, the Great Depression of the 1930's tested America's capacity to bring forth from diversity an ordered and unified response to crisis.

And now, once again, the twin issues of war and race are forcing us to confront not simply the demands of minorities among us, *but to confront as well the deeper problem of how we must act as a nation, as a whole people, together*.

Yet, sadly, I for one cannot seem to find in the record of these past few years adequtae testimony to the "habit of unity."

Instead, over the past decade we seem to have developed an increasing habit of polarization. Our politics have become more centrifugal, and we have witnessed fragmentation, disorder, bitter public dialogue, the alienation of many of our young, the death, *by assassination*, of some of our finest leaders.

Thus I believe we enter the 1970's bearing a heavy and dangerous disproportion of fear to reason. And what these signs suggest could be far more than our failure to meet some specific responsibilties to groups within our nation. They suggest that we may also be forfeiting some of that "habit of unity", long-accumulated, without which we could never have met and survived past crises.

In looking back on the recent past, it is this deeper problem which most troubles me.

Everyone, virtually everyone, realizes that the problems of our cities, of our minorities and of our poor *must* be solved. All of us now know, I think, that we cannot fully deal with our domestic problems while our energies and resources are absorbed by war. All of us sense, daily, that the quality of our environment is deteriorating; that we are losing much of nature's great gifts to America: its land, its physical beauty, its water, its air. We all know that it is unacceptable for men and women and children to suffer from malnutrition, undereducation and hardship while we fly in space and produce consumer goods in almost gluttonous array.

We know that none of our agonies can be ignored; and none of us really *wants* to ignore them.

Yet these terrible problems remain unsolved, many of them growing worse, while we are generating so much bitter debate about our failure to deal with them that *concerned and patriotic Americans are now reacting primarily to one another instead of acting in concert against the conditions that afflict us all*.

How many discussions of the war in Vietnam have ended up with factions denouncing one another? Dissenters and protestors are called traitors or Communists. Those who support our policies are dupes or Fascists. Yet which would you say really wants the war to continue: the so-called traitor or the so-called dupe? Which—the student marcher or the helmeted policeman—would not endorse peace and the end of our involvement?

I ask you this afternoon to consider the possibility that we are today a nation without clear goals; but that in the course of name-calling and cheap labelling—of shoddy slogans and false demons—those goals tend to disintegrate, the issues disappear, internal divisions grow, and what is worse, we are that much less able to move together on *any* problem.

And I suggest that a cry like "America—Love It or Leave It" is as totally mindless as its polar opposite, "Turn In, Turn On, Drop Out." It is a sickly irony that each shares the low common denominator of denying the very characteristics to which de Tocqueville correctly attributed so much of our success, our strength and our freedom.

Thus we must ask ourselves how it is that we have misplaced that firm habit of unified action which has stood us so well in the past?

It is *not* because the problems are any more divisive than the Civil War, the Great Depression, the sudden immigration of so many different peoples. The draft riots of 1860 were far more serious than any seen in this generation, and the street gangs of New York at the turn of the century far more violent. Surely no problems we face today can be said to be *more* divisive.

Is it possible, perhaps, that we are somehow less public-minded, more selfish or hedonistic than we once were? Quite the contrary, I should say. Our sense of civil duty and public responsibility seems to me to have grown immeasurably over the past several decades.

Is it really that we don't know how to solve the problems which divide us? That question has no answer; yet the endless flow of reports—from private and public institutions alike—contain more ideas for imaginative planning, action and progress than we have ever seen in our history.

Why is it, then, that the nation has seemed so divided in the 1960's, so preoccupied with the differences among us? In the first place, I feel, the problems we face and the failure to act against them more effectively are *more* visible than *ever* before. Very few issues escape the eyes of our mass media; and very few of our citizens can operate under the illusion that America is content and at peace with herself.

At the same time, it is not possible to pretend that our problems are presently beyond solution. How do you tell a nation which in ten years and on schedule has sent men to the moon that it cannot feed its hungry or clean its air?

I believe that in the 1960's, we came for the first time to see our problems clearly, *all of them*. Further, we also came to believe, and rightly, that we have it in us to solve them. But they are not being adequately solved; and we are, through our incredible communications, all of us witnesses and in a sense participants, daily and intimately, in the failures.

Suddenly what is at stake, therefore, is our will and our determination. What is at stake is our self-confidence: the very quality that has so long been associated with the American character.

This threat to self-confidence has affected all Americans. That is important to understand. It affects the blue collar worker, increasingly and justifiably anxious about his hard-earned rewards, even as it affects the young ghetto black to whom any reward at all seems remote. (Sadly, each often accuses the other of obstruction when, in fact, each is held back in different ways by the same conditions.) It affects the well-to-do families of the suburbs, who wonder why material success seems not to have made life sufficiently rich and rewarding. It affects the young who so often feel that revolution is the only answer. It affects the rural poor of Appalachia and the Mississippi Delta. And it affects, equally, those who oppose and those who support our policies in Southeast Asia.

Most dangerously, however, it turns good men upon one another. For if problems which can be met are *not* being met, how terribly easy it is (and what political fodder it makes) to assume that someone must be standing in the way: the white in the way of the black, the hawk in the way of the dove, the rich in the way of the poor, the old in the way of the young. *And suddenly, again, we identify our problems with those among us with whom we differ rather than with the conditions which afflict us all.*

The unity of a nation and its self-confidence are inseparable; and it is precisely when that bond is shattered that the very stability of the social order is jeopardized, whether in Germany after World War One or in the France of the 3rd Republic. It is, in fact, that very bond which worries me most as I look to the potential of the United States in the 1970's.

It follows, I think, from what I have said that this nation badly needs to see some problems solved, not merely to *have* them solved, but to *see* them *being* solved. What is needed as we begin the 1970's is a restoration of self-confidence which can be won not simply with spectacle or rhetoric (how many nations have sought unsuccessfully to nourish self-confidence with spectaculars?), but only with systematic, scheduled, measurable, rapid and unified progress on long-standing social ills.

We must understand that it is not alone for the problems of others that we must work. It is for ourselves.

There is, as I have tried to suggest here today, a special urgency about the tasks we face in the 1970's, made all the more urgent by the accelerating pace of history itself. *It may be true that in absolute terms the black ghetto youth is far better off than he was ten years ago; but in relative terms—in the terms that demand a higher and higher degree of education and individual adjustment to cope with ever-new conditions—we are leaving him, as well as millions of our marginal poor and many of our blue collar workers, further behind than ever.*

I deeply fear that as a consequence we are sowing the seeds for a harvest more grim, a decade more divisive, an era more destructive to our national self-confidence, than the one through which we have just passed.

It is, therefore, time now to commit ourselves far more deeply. As a nation, we have always pitted bold action against hard realities; and whether we realize it or not, we have always been dedicated to rapid and sometimes dizzying change.

Think only of the astonishing fact that when Lord Bertrand Russell, who died earlier this year, was already a world-famous mathematician, the United States had not yet fought its last Indian battle. How far we have come in the span of a long life.

It is time for our business institutions to effect some changes in the way they define themselves. For as Peter Drucker points out, business is now more than a way of generating dividends on an investment or of providing goods. It has become a culture and a system of values; and as such occupies a very different position in our society, and indeed in world society.

Perhaps business must begin to dedicate more of its human resources to our problems; to assign talented people for specific periods to social service.

It is time also, I think, for some of our unions to examine their self-definition and to alter some of the protections which once served them well, but which today are inimical to national problems with which their children must struggle.

It is certainly time for government itself to examine its functions, and to put an end to the mountainous bureaucracy through which so little meaningful action seems able to bore.

*For if our goals are clear, the decade of the 1960's surely taught us that the machinery to realize them is anything but effective.*

It is failing; and I do not believe that we can even begin the massive task of rebuilding our cities and recapturing the best of our environment if we must act within the framework of present municipal, state and federal jurisdictions. I do not believe we can provide adequate housing in a jungle of building codes and regulations that change from mile to mile.

Yet there is no real doubt, no debate, no reservation that we must do these things. I simply suggest to you that we must do them now!

We must begin *now* to see these problems being solved, and the place to begin is with new institutions and a new sense of future

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which looks on the past more as a preparation than as an immutable precedent.

Finally, all I have said so far I have spoken as a citizen, not as a businessman. I stress this point neither from fear of misinterpretation, nor false humility. I stress it because it is from the perspective of powerful citizenship that each of us must think about our activities over the course of the next decade.

At stake is our feeling about ourselves, that fleeting but critical sense that any nation must have about its past and its ability to guide the course of its future. I believe that if our self-confidence and our "habit of unity" are less certain than they have been at other times, then we should remember too that it is not the first time. We have come forth from many such episodes of self-doubt to overcome enormous challenges.

There's a charming little anecdote about a chimpanzee who was taught to read. One day he escaped from the zoo, and, after a search, was found huddled behind the public library with a copy of the Bible under one arm and a copy of Darwin under the other. He was, I'm told, just sitting there quietly gazing out into space with glazed eyes and saying over and over again, "Am I my brother's keeper or am I my keeper's brother?" The answer, to both questions, of course, is "yes."

We cannot forget that. For if we can meet together *now* without anger, if we can discard the rancor of our recent past and find agreement in urgent action against our common afflictions, then I believe we can look toward this new decade as one in which the "habit of unity"—the quality of which de Tocqueville wrote fifteen decades ago—will again prevail over discord and division. Let us speak and let us hear.

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## CORNELL SOUTHEAST ASIA SPECIALIST ANALYZES CAMBODIA INVASION

Mr. HATFIELD. Mr. President, Senators George McGovern, Charles Goodell, Alan Cranston, Harold Hughes and I asked a leading expert in Southeast Asian affairs—George McT. Kahin, professor of government and director of the Southeast Asia program at Cornell University—to analyze the political and diplomatic consequences within Southeast Asia of the Cambodian invasion.

In his excellent piece entitled, "Consequences of the Invasion in Cambodia," Professor Kahin calls attention to a number of highly adverse results of the invasion, some of which have so far received little public discussion.

He demonstrates that the invasion provides no significant military benefits; widens the war and undermines Vietnamization; upsets the political balance within Cambodia; weakens the American position in the whole of Southeast Asia; and damages the prospects of a negotiated settlement.

Mr. President, since April 20, the President has appeared three successive times on all three national television networks to explain his Indochina policy. We who question this policy had to purchase time on one of the networks to present our own views and urge public support of the amendment to end the war.

This direct and immediate form of access is not the only avenue open to the President.

The administration sent to newspaper editors across the country one day after the President's Cambodia speech a package of questions and answers for use "either for background or general publication."

This form of argument is still harder to challenge because it does not occur in public debate.

We therefore requested Professor Kahin to prepare a more detailed analysis—replying to those of the administration's packaged questions and answers that bear most centrally on its position.

Professor Kahin's replies have been sent to newspapers throughout the Nation, so that they can be provided another viewpoint on the Cambodian invasion.

Mr. President, I ask unanimous consent that the text of Professor Kahin's two analyses be printed in the Record.

There being no objection, the material was ordered printed in the Record, as follows:

### Consequences of the Invasion of Cambodia

With the invasion of Cambodia, the United States is expanding the battleground into an area as large as all South Vietnam. President Nixon has promised that all American forces will be pulled out of Cambodia by the end of June—but has yet refrained from saying that they will not be sent back again in July or succeeding months. Our ally, General Thieu, however, has made explicit that for at least the next six months—through the American elections of November as he so candidly put it—the South Vietnamese army will have the responsibility of sustaining the government of General Lon Nol, training his army, and providing it with military support in at least the eastern half of Cambodia.

### EXTENSION OF BATTLEGROUND INTO CAMBODIA PROVIDES NO SIGNIFICANT MILITARY BENEFITS

Our attacks on the Communist border bases in Cambodia can have no lasting effect on the security of South Vietnam's western frontier. Substantial amounts of rice, arms and other military equipment have been captured or destroyed in these operations; but search and destroy missions against major enemy bases outside of South Vietnam can achieve no more than those previously undertaken within that country. It is not clear whether an "authoritative" administration source was correct in reporting on April 2 that COSVN (enemy headquarters) had been moved from Cambodia to South Vietnam in late March. [See New York Times, April 3, 1970.] Mowever, it is clear that the President's expectation that "American and South Vietnamese units will attack the headquarters for the entire communist operations in South Vietnam" has not been realized.

As in previous major sweeps in South Vietnam itself (such as Operation Junction City in 1967) the headquarters of the communists has eluded the most powerful force the United States could assemble. Enemy force levels have not been significantly affected, and in fact few enemy forces have as yet been committed to combat. Nothing prevents the enemy from returning to the border base areas once American and South Vietnamese troops have departed. The small and inexperienced Cambodian army lacked the capacity to control these frontier enclaves before and will clearly be unable to do so in the future, especially given the enormity of its new problems elsewhere in Cambodia. Enemy troops have simply moved back from border districts deep into central Cambodia, placing Phnom Penh and General Lon Nol's government in greater jeopardy and making it even more dependent on outside assistance.

### INVASION WIDENS SCOPE OF WAR AND UNDERMINES VIETNAMIZATION POLICY

If it is true, as both Saigon and Washington now assert, that Vietnamization cannot succeed without denial of eastern Cambodian districts to the enemy, then the Administration has no alternative except to occupy these areas with South Vietnamese and/or American troops, and to make a major and continuing commitment to shore up the Lon Nol government. This means that the scope of the war has been greatly expanded without any significant change in the balance of forces.

The South Vietnamese army, whose capacity to defend even South Vietnam is still critically dependent upon American military forces, is now called upon to spread its resources ever more thinly in long-term ground operations over half of Cambodia. It is clear that the number of Vietnamese soldiers available to relieve American manpower in Vietnam is now drastically reduced. To extend assignment of Saigon's forces to wide areas of Cambodia makes a travesty of whatever prospects for success Vietnamization might have enjoyed, had the role of Saigon's troops been confined to Vietnam. Since Vietnamization means substitution of Vietnamese soldiers for Americans, it is clear that the process set in motion by the Cambodian invasion works directly against prospects for achievement of that policy and bringing American soldiers home.

### EFFECT ON THE INTERNAL SITUATION IN CAMBODIA

President Nixon's invasion of Cambodia has had its impact not merely on the border base areas, but has served to upset the whole political balance within that country. Cambodia as a state no longer provides the United States with a neutralist flank, flawed only by communist border sanctuaries. Today a whole nation is torn apart by a civil war—where areas of fighting alternate with areas of political and military vacuum. What was once a state whose presence helped contain the war in Vietnam is now a political and military battlefield dominated not by Cambodians, but by American, South Vietnamese, Vietcong and North Vietnamese forces.

The overthrow of Prince Sihanouk and the American-Vietnamese invasion has irremediably shattered the precarious internal peace and balance of political forces in Cambodia. Washington's and Saigon's support for General Lon Nol has forced Sihanouk to seek an alliance with the Cambodian left and the NLF and North Vietnamese. The narrow elite base of the Lon Nol government means it lacks the legitimacy among Cambodians to exercise effective authority on its own. One of the initial steps taken to defend it involves the dispatch to Phnom Penh of American-trained and financed Cambodian mercenaries serving with the South Vietnamese Special Forces, a first contingent of 4,000 arriving a few days after American forces crossed the Cambodian frontier. Subsequently, President Thieu has made clear that one of the major missions of the South Vietnamese army is to sustain the Lon Nol government; and this, of course, means to fight those substantial elements loyal to Sihanouk. (By May 11, South Vietnamese units were already engaged well to the west of the Mekong River.)

A government which has no better way of establishing nationalist credentials than by perpetrating massacres of defenseless Vietnamese civilians is not likely to endure. Sihanouk's powerful nationalist appeal is now united with those radical appeals of the Cambodian communist insurgents which relate to the widespread social and economic grievances of the Cambodian peasantry. President Nixon has contributed to the creation of a formidable anti-American alliance in Cambodia, making a long civil war in that country inevitable.

### PRESIDENT NIXON'S DOMINOS

By proxy, then, through its client, South Vietnam, the United States has moved into Cambodia politically as well as militarily to support a narrowly based regime that could never be viable on its own. And if the unrepresentative regime in Saigon were to collapse, this would certainly bring about the collapse of a second and equally unrepresentative regime in Phnom Penh.

### INVASION WEAKENS AMERICAN POSITION IN ADJACENT STATES

The escalatory response to the American invasion of Cambodia has already extended beyond developments in that country. It threatens American sanctuaries in Laos. There, North Vietnamese forces have undertaken to compensate for loss of their Cambodian bases by expanding their control in southern Laos, taking the town ot Attopeu, and now threatening Saravene—both major strategic centers. This alters the geographical and military balance in southern Laos (an area fronting on both Cambodia and South Vietnam), quite as dramatically as did the powerful North Vietnamese response a few months ago to the Administration's initiative in upsetting the previous precarious balance in central Laos by attempting to seize the Plain of Jars.

The North Vietnamese actions at that time also exposed the fragility of the Administration's Vietnamization policy; for if Hanoi could so rapidly augment its military power in Laos and drive U.S.-supported Laotian troops back far beyond the point from which they launched their attack, it clearly retains the capacity for an equivalent augmentation of its forces in South Vietnam (or in Cambodia) whenever the time seems most propitious.

In addition, U.S. intervention against the NLF sanctuaries in Cambodia, in conjunction with the developing power vacuum there, invites NLF and North Vietnamese movement against American sanctuaries in eastern Thailand and the Mekong River valley areas of western Laos. As U.S. and South Vietnamese forces penetrate further into Cambodia, the communists can no longer be expected to confine their operations in that country to areas along the Vietnamese border. They will feel no constraints against establishing bases anywhere in Cambodia, including districts opposite the Thai frontier. Consequently, the Thai government is likely to find its own security increasingly threatened. Its defense forces, largely committed in recent years to the defense of its northeastern frontiers, will now have to be extended to cover Thailand's open southeastern flank, whose security had hitherto been taken for granted because of the existence of an effective neutralist government in Phnom Penh. In effect, Thailand will now have to guard both its Laotian and its Cambodian frontiers, and its security will have appreciably diminished.

### DAMAGE TO PROSPECTS FOR A NEGOTIATED SETTLEMENT

It is already evident that the invasion of Cambodia has made President Thieu even more outspoken in his refusal to accept a negotiated settlement, and in his insistence upon a solution by military means. If, as the Administration has repeatedly stated, the Vietnamization program was designed to reduce American commitments in Southeast Asia and to facilitate the achievement of a negotiated settlement of the war, the Cambodian adventure is impossible to justify. By enlarging the area of conflict and the scope of American commitments and by increasing the number of disputing parties, it adds enormously to the length and complexity of any agenda for negotiations. With the U.S. and the Vietnamese now enmeshed in a Cambodian civil war, a virtually insoluble Cambodian problem is added to the already intractable Vietnamese problem. It is no longer enough to settle the war in Vietnam and Laos; we are assuming a responsibility for settling a Cambodian war as well.

President Nixon's precipitate invasion of Cambodia has not only further polarized internal political forces in Cambodia; but by aligning Sihanouk (who for so long had managed to remain unaligned and genuinely neutral) with Moscow and Peking, it has increased polarization within the concerned international community. The President's action has seriously reduced the confidence of Japan and our most important European allies in America's foreign policy; and it has drastically undercut the possibilities for any Soviet good offices in getting a negotiated solution of the Vietnam war underway. Thus, the long-term consequences of President Nixon's short-sighted military escalation further diminish the already faint prospects for that negotiated settlement of the war to which the Administration has repeatedly committed itself.

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### "Cambodia: The Administration's Version and the Historical Record"

(Prepared by George McT. Kahin, professor of government and director of the Southeast Asia program, Cornell University, May 15, 1970)

This paper contains replies to prepared question and answer materials distributed by the Administration on May 1 in regard to the Cambodian invasion—as well as to certain statements made by the President in his April 30 speech.

1. *The Administration's Claim of U.S. Respect for Cambodia's Neutrality.*—Central to President Nixon's argument is the following statement in the introductory part of his April 30 speech. Going back to the Geneva Agreements of 1954 he stated: "American policy since then has been to scrupulously respect the neutrality of the Cambodian people." In the White House's subsequently released (May 1) "Background Information on Cambodia" among the various hypothetical questions raised was one which reads: "Why do we have to support the Lon Nol government? Wasn't Sihanouk the legal ruler and wasn't he pushed out by a coup?" The answer provided by the White House states: "The question of who rules in Cambodia is a matter for the Cambodians to decide. We had absolutely nothing to do with the change."

*The Historical Record.*—It is to be hoped that the U.S. was not party to the overthrow of Sihanouk, but it is understandable why the many years of American clandestine activity in Cambodia makes Sihanouk think otherwise and may raise some doubt in the minds of anyone familiar with the pertinent, historical record. There is a great deal in that record that departs radically from the President's assertion that it has been American policy to "scrupulously respect the neutrality of the Cambodian people."

In fact for the most of the last 15 years the United States has opposed Cambodian neutrality and applied various kinds of pressure to get it to assume an anti-Communist stance in alignment with American policy objectives. Following Cambodia's refusal to accept the security mantle incorporated in the SEATO protocol, American aid was halted. The Saigon and Bangkok governments imposed an economic blockade, and border violations were visited upon Cambodia from two of the United States' SEATO allies, Thailand and South Vietnam. (It was just after this that the Cambodians responded by opening diplomatic relations with the Soviet Union and agreed to accept aid from China.)

Greater pressure was mounted against Sihanouk's government beginning in mid-1958 with a South Vietnamese invasion of Stung Treng province in which the United States refused to act effectively on Cambodia's urgent request that it restrain Saigon. (A week later Cambodia began discussions with China for establishment of diplomatic relations.) Upon being recalled to Washington, the American Ambassador to Phnom Penh then discovered that plans were being made to remove Sihanouk from power. The United States did not immediately take such steps, but soon thereafter the anti-Sihanouk Khmer Serei (Free Cambodian Movement) was organized which received encouragement and support from the CIA as well as backing from Thailand and South Vietnam. At the beginning of 1959 the abortive "Bangkok Plot" was exposed, one aimed at overthrowing Sihanouk and involving military operations by the Khmer Serei from bases in Thailand. Several foreign ambassadors in Phnom Penh warned Sihanouk at the time to take preventive action, and investigations satisfied the Cambodian government (and a good many others) that the American CIA was directly involved and that Marshall Sarit of Thailand and the Saigon government also backed the effort.

By 1966 a campaign supported by CIA to pressure Sihanouk through support of the opposition Khmer Serei tied down a substantial part of the Cambodian army. Khmer Krom (members of South Vietnam's Cambodian minority) were recruited at high rates of pay and provided with extensive U.S. Special Forces training to carry out attacks into Cambodia from bases in both South Vietnam and Southeast Thailand. Border incursions by these forces in 1967 reached at least 12 miles into Cambodia.

2. *The Administration's Claim of Non-Violation of Cambodian Territory.*—Referring to Vietnamese communist sanctuaries in Cambodia, President Nixon stated on April 30: "For five years neither the U.S. nor South Vietnam moved against those enemy sanctuaries because we did not wish to violate the territory of a neutral nation."

*The Historical Record.*—In July 1965 the International Control Commission (I.C.C.) reported on evidence of border crossings into Cambodia by South Vietnamese forces, stating that there were 375 such incidents in 1964 and 385 in the first five months of 1965 alone. The commission unanimously concluded that "None of those incidents were provoked by the Royal Government of Cambodia." From that time on there were repeated reports of border incursions and air attacks against border areas inside Cambodia chiefly by South Vietnamese but also by American forces. A few examples follow:

On May 3, 1965, five days after South Vietnamese planes bombed a village two miles inside Cambodia, Sihanouk, lodging responsibility with the United States, broke off diplomatic relations with Washington. (NYT May 4, 1965)

On October 13, 1965, *New York Times* Southeast Asia correspondent Seymour Topping reported that: "South Vietnamese patrols probe the border and reconnoitering aircraft frequently fly over the frontier, sometimes bombing suspected Vietcong targets on Cambodian territory. Cambodians say that more than 30 of their villagers have been killed in these attacks over the last two years." (NYT October 17, 1965)

On September 21, 1965, American helicopters launched rocket attack against a Cambodian military post. (NYT, September 22, 24; October 15, 1966)

On January 22, 1968, the U.S. acknowledged that a U.S.-South Vietnamese patrol had made a limited intrusion into Cambodia following fire from Vietnamese communist units on the Cambodian side. (NYT January 23, 1968)

In April 1969, U.S. air and artillery attacks were launched against communist bases inside Cambodia (NYT April 26, 1969)

On May 8, 1969, U.S. B–52 bombers raided communist supply dumps and camps within Cambodia. (NYT May 9, 1969)

October–December, 1969, Sihanouk protested continuing U.S. bombing of Cambodian border areas.

3. *The Administration's Question*—Will this action (the American intervention in Cambodia) affect pacification and Vietnamization adversely by pulling ARVN and U.S. forces out of South Vietnam?

*The Administration's Answer*—One cannot assume that the enemy will be able to take advantage of the situation in this fashion since we have some indications that they are also giving priority attention to protecting base areas in Cambodia.

We believe that in any case we will gain, because in the long run damage to the bases will be greater and hurt the Communist effort in South Vietnam more than whatever limited gains in South Vietnam they might be able to make during this action.

This is the unanimous judgment of our responsible military leaders.

*Another Answer*—If it is true, as both Saigon and Washington now assert, that Vietnamization cannot succeed without denial of eastern Cambodian districts to the enemy, then the Administration has no alternative except to occupy these areas with South Vietnamese and/or American troops, and to make a major and continuing commitment to shore up the Lon Nol government. This means that the scope of the war has been greatly expanded without any significant change in the balance of forces.

The South Vietnamese army, whose capacity to defend even South Vietnam is still critically dependent upon American military forces, is now called upon to spread its resources ever more thinly in long-term ground operations over half of Cambodia. It is clear that the number of Vietnamese soldiers available to relieve American manpower in Vietnam is now drastically reduced. To extend assignment of Saigon's forces to wide areas of Cambodia makes a travesty of whatever prospects for success Vietnamization might have enjoyed had the role of Saigon's troops been confined to Vietnam. Since Vietnamization means substitution of Vietnamese soldiers for Americans, it is clear that the process set in motion by the Cambodian invasion works directly against prospects for achievement of that policy and bringing American soldiers home.

4. *The Administration's Question*—What has made you suddenly decide that these bases and sanctuaries represent such a serious threat that we have to invade a neutral nation? After all, the President on April 20 did not allude to the situation in terms which would have suggested such a serious concern.

*The Administration's Answer*—On April 20 the President did not allude to the Cambodian situation. He said the North Vietnamese would be taking "grave risks" if they jeopardized the security of our forces in Vietnam by increased actions in Vietnam, Cambodia, or Laos.

The actions which Hanoi has taken over the last ten days have shown that Hanoi is taking new actions in Cambodia, which will jeopardize our remaining forces in South Vietnam. It is securing and expanding the Cambodian bases and trying to establish a hegemony in Cambodia which would give North Vietnam and Viet Cong forces full freedom to operate in South Vietnam and resupply themselves.

Let me cite some of these recent actions, though I am sure you can get a fuller record from DOD or from reading the press. For example, on April 20 Communist forces attacked two provincial capitals, Snoul and Takeo, one north and one south of Phnom Penh. They also attacked and held Saang, just south of Phnom Penh. On April 23, they attacked Mimot—another provincial capital, as well as an important bridge linking the provincial capitals of Snoul and Kratie on Route 13. The next day, they attacked the port city of Kep. Two days later, they attacked some ships on the Mekong. They also occupied the town of Angtassem, a few miles north of Takeo. They have in the past two weeks fired on foreign vessels in the Mekong River and have cut virtually every major road leading north, south and east out of Phnom Penh. These actions clearly go beyond securing former base areas. They are aggressive expansion of Communist control over large parts of the country, to blackmail and threaten the government, and to try to gain much greater control of Cambodia than they have had to date.

*Another Answer—The Recent Record*—This question here asked is a pertinent one, but it is not answered accurately. The record suggests the U.S.-Saigon invasion was in considerable measure prompted by a desire to save the military regime in Phnom Penh from the consequences of its own actions.

New Communist actions in Cambodia have clearly been primarily responses to new pressures from the Cambodians and the allied forces of the United States and South Vietnam; they can hardly be explained as "aggressive expansion of Communist control" for the sake of gaining "greater control of Cambodia." Communist actions cited above have thus far been of a primarily defensive nature and relate to major shift among Cambodian political forces and the South Vietnamese army's invasion of Cambodia (later followed by the U.S. invasion). From the Communist perspective the South Vietnamese and American invasion was provocative and invited an escalatory response. This has already begun, as evidenced by their recent moves against Attapeu and Saravane in Southern Laos.

New actions by Hanoi and the NLF in Cambodia are primarily a *response* to the new and hostile Lon Nol coup group in Cambodia and are no indication of being an aggressive move against South Vietnam. North Vietnamese and NLF forces in Cambodia have taken new action in Cambodia, but these have been to a significant degree in response to the decision of Lon Nol's regime to terminate previous arrangements for securing food and military supplies. In its background paper attached to these questions the Administration itself admits that this move has "induced the Communists to drive Cambodian authorities entirely out of large sections of the country so that the Communists can then draw directly on the civilian population for their food supplies."

As regards the beginning of fighting, the chronology is instructive. The attacks on Snoul and Takeo occurred nearly one month after Lon Nol's figurehead Chief of State, Cheng-Heng, pledged to oust Communist troops from Cambodia's borders. After a period of talks with U.S. and South Vietnamese officers, the Cambodian army attacked North Vietnamese and NLF forces on March 22. This attack was followed by the first allied offensive on border bases on March 27, 1970. On April 11, the first large massacre of Vietnamese civilians conducted by the Cambodian army was reported. Two days later, April 13, the NLF took the town of Prasot. On April 18, the Cambodian army was involved in the massacre of 100 Vietnamese civilians in Takeo. The V.C. moved on Takeo and Saang two days later.

5. *The Administration's Question*—What is the real significance of recent enemy actions in the base areas along the Cambodian border?

*The Administration's Answer*—Enemy forces have long operated from these base areas against U.S. and allied forces in South Vietnam. Their aggressive strikes from these sanctuaries were limited by marginal supply levels and irregular access to the Port of Sihanoukville. We now know the Sihanouk Government regulated use of this key port with rules ranging from acquiescence to loosely and erratically enforced controls.

From the outset, it has been obvious that the new Cambodian Government would close the Port of Sihanoukville to communist traffic, thus forcing Viet Cong and North Vietnamese troops to move from their remote base areas in search of supplies. When they spread into the countryside, it became clear that they intended to seize de facto control of the life lines to the sea. Should they succeed we would be exposed to an enemy with far greater resources. We have no choice but to act in a manner to protect the lives of American and allied forces in Vietnam.

*Another Answer*—Even if the Viet Cong and North Vietnamese were able to open a corridor to the sea east of Sihanoukville, it could not become a significant supply route. Any attempt to unload oceangoing ships by lighters or launches to take supplies ashore would be every bit as vulnerable to American and South Vietnamese air activity as similar blockade operations along the Vietnam coast, such as the United States has carried out for years. Sihanoukville is the only Cambodian port which can be utilized by seagoing ships. There are no possible life lines to the sea except through Sihanoukville, and that is in the hands of Lon Nol who is even more disposed to deny it to the communists than was Sihanouk.

Should the port of Sihanoukville with its international shipping fall to the communists, is the United States prepared to run the same risks as would be the case if it were to bomb Haiphong—with its concentration of Soviet, British and other shipping?

6. *The Administration's Question.*—The President has always wanted to keep U.S. casualties low, and has made a point of his ability to do so. Will these operations not raise U.S. casualties substantially?

*The Administration's Answer.*—These operations will reduce a threat to our forces, and will thus over time lead to fewer total casualties.

*Our Answer.*—These operations *increase* the threat to our forces because the invasion of Cambodia extends the area of conflict and prolongs the war. Nothing prevents the NLF and North Vietnamese forces from reoccupying their border bases unless the South Vietnamese or American forces occupy them permanently. Withdrawal from the border areas by the allies means the Communists will reoccupy and resupply them during the rainy season. Since their force levels have not been substantially reduced by contact with allied forces during the invasion, the threat posed by them will not be significantly reduced. If the South Vietnamese choose to remain in Cambodia east of the Mekong, as President Thieu has indicated they will, this means the outer boundary of conflict has shifted far westward. Thus enemy bases will be closer to American sanctuaries in Thailand and Laos and South Vietnamese resources will be stretched over an area which is *much* larger than the pre-April 30 battlefield. Thus Vietnamization will be retarded and schedules for American troop withdrawals drastically slowed unless South Vietnam itself is denuded of minimal protection against attack. Widening the war means slowing down Vietnamization and keeping American advisors and troops in the field longer. It is difficult to understand how expanding and prolonging this war will save American lives.

7. *The Administration's Question.*—Do we really know what we are getting into in widening the war to Cambodia? Is this not another Vietnam, which we all know this Administration wants to avoid?

*The Administration's Answer.*—The question of "what we are getting into" goes to the heart of what is happening now in Cambodia. We should be absolutely clear here on matters of sequence and consequence. Communist aggression, blatant and determined, is not only threatening the overthrow of a neutral government, but also posing a significantly growing danger to the security of our forces in South Vietnam.

The events in Cambodia, therefore, are cer-

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tainly part of a larger pattern of aggression as conceived in Hanoi.

There is just no question that increased Communist activities in Cambodia threaten U.S. forces in South Vietnam and could have a significant effect on the course of the war. Our considerations here run from psychological to purely military. Our judgment has been that—far from widening or lengthening the war—firm and decisive action now in Cambodian base areas was necessary to demonstrate to the enemy that we will now [sic! *not* presumably] allow the war to be carried beyond its present bounds, nor allow the enemy to use Cambodia with impunity in attacking Vietnamization.

I therefore find it paradoxical to call this a "new war". In the most realistic sense, this is an effort to contain the "old war" and bring it to a speedy end.

*Another Answer*—Part of this question has been answered in the previous answers. [Moreover, one should note that the chronology provided by the White House (which accompanied its release of questions and answers) is seriously imbalanced and lacks mention of some of the most essential events directly pertinent to any understanding of these developments.]

In addition, the following points are directly relevant to the account provided by the Administration's answer.

With the invasion of Cambodia, the United States is expanding the battleground into an area as large as all South Vietnam. President Nixon has promised that all American forces will be pulled out of Cambodia by the end of June—but has yet refrained from saying that they will not be sent back again in July or succeeding months. Our ally, General Thieu, however, has made explicit that for at least the next six months—through the American elections of November as he so candidly put it—the South Vietnamese army will have the responsibility of sustaining the government of General Lon Nol, training his army, and providing it with military support in at least the eastern half of Cambodia.

President Nixon's invasion of Cambodia has had its impact not merely on the border base areas, but has served to upset the whole political balance within that country. Cambodia as a state no longer provides the United States with a neutralist flank, flawed only by communist border sanctuaries. Today a whole nation is torn apart by a civil war—where areas of fighting alternate with areas of political and military vacuum. What was once a state whose presence helped contain the war in Vietnam is now a political and military battlefield dominated not by Cambodians, but by American, South Vietnamese, Vietcong and North Vietnamese forces.

The overthrow of Prince Sihanouk and the American-Vietnamese invasion have irremediably shattered the precarious internal peace and balance of political forces in Cambodia. Washington's and Saigon's support for General Lon Nol has forced Sihanouk to seek an alliance with the Cambodian left and the NLF and North Vietnamese. The narrow elite base of the Lon Nol government means it lacks the legitimacy among Cambodians to exercise effective authority on its own. One of the initial steps taken to defend it involves the dispatch to Phnom Penh of American-trained and financed Cambodian mercenaries serving with the South Vietnamese Special Forces, a first contingent of 4,000 arriving a few days after American forces crossed the Cambodian frontier. Subsequently, President Thieu has made clear that one of the major missions of the South Vietnamese army is to sustain the Lon Nol government; and this, of course, means to fight those substantial elements loyal to Sihanouk. (By May 11, South Vietnamese forces were already engaged well to the west of the Mekong River.)

A government which has no better way of establishing nationalist credentials than by perpetrating massacres of defenseless Vietnamese civilians is not likely to endure. Sihanouk's powerful nationalist appeal is now united with those radical appeals of the Cambodian communist insurgents which relate to the widespread social and economic grievances of the Cambodian peasantry. President Nixon has contributed to the creation of a formidable anti-American alliance in Cambodia, making a long civil war in that country inevitable.

By proxy, then, through its client, South Vietnam, the United States has moved into Cambodia politically as well as militarily to support a narrowly based regime that could never be viable on its own. And if the unrepresentative regime in Saigon were to collapse, this would certainly bring about the collapse of a second and equally unrepresentative regime in Phnom Penh.

The escalatory response to the American invasion of Cambodia has already extended beyond developments in that country. It threatens American sanctuaries in Laos. There, North Vietnamese forces have undertaken to compensate for loss of their Cambodian bases by expanding their control in southern Laos, taking the town of Attopeu, and now threatening Saravene—both major strategic centers. This alters the geographical and military balance in southern Laos (an area fronting on both Cambodia and South Vietnam), quite as dramatically as did the powerful North Vietnamese response a few months ago to the Administration's initiative in upsetting the previous precarious balance in central Laos by attempting to seize the Plain of Jars.

The North Vietnamese actions at that time also exposed the fragility of the Administration's Vietnamization policy; for if Hanoi could so rapidly augment its military power in Laos and drive U.S.-supported Laotian troops back far beyond the point from which they launched their attack, it clearly retains the capacity for an equivalent augmentation of its forces in South Vietnam (or in Cambodia) whenever the time seems most propitious.

In addition, U.S. intervention against the NLF sanctuaries in Cambodia, in conjunction with the developing power vacuum there, invites NLF and North Vietnamese movement against American sanctuaries in eastern Thailand and the Mekong River valley areas of western Laos. As U.S. and South Vietnamese forces penetrate further into Cambodia, the communists can no longer be expected to confine their operations in that country to areas along the Vietnamese border. They will feel no constraints against establishing bases anywhere in Cambodia, including districts opposite the Thai frontier. Consequently, the Thai government is likely to find its own security increasingly threatened. Its defense forces, largely committed in recent years to the defense of its northeastern frontiers, will now have to be extended to cover Thailand's open southeastern flank, whose security had hitherto been taken for granted because of the existence of an effective neutralist government in Phnom Penh. In effect, Thailand will now have to guard both its Laotian and its Cambodian frontiers, and its security will have appreciably diminished.

8. *The Administration's Question*—The operation which is now beginning [the Cambodian intervention] is a very large operation. What do we hope to accomplish?

*The Administration's Answer*—Our basic objective is materially to reduce the new threat which the sanctuaries pose to our forces in South Vietnam. We expect to accomplish this.

We have the following specific goals:

To disrupt enemy plans for operations against South Vietnam, thus supporting our Vietnamization program and helping to shorten the length of the war;

To force the enemy to pull forces out of South Vietnam to protect the sanctuaries;

To find and destroy arms caches and headquarters areas;

To impede the enlargement of areas under Communist control in Cambodia.

*Another Answer*.—Our attacks on the Communist border bases in Cambodia can have no lasting effect on the security of South Vietnam's western frontier. Substantial amounts of rice, arms and other military equipment have been captured or destroyed in these operations; but search and destroy missions against major enemy bases outside of South Vietnam can achieve no more than those previously undertaken within that country. It is not clear whether an "authoritative" administration source was correct in reporting on April 2 that COSVN (enemy headquarters) had been moved from Cambodia to South Vietnam in late March. [See *New York Times*, April 3, 1970.] However, it is clear that the President's expectation that "American and South Vietnamese units will attack the headquarters for the entire communist operations in South Vietnam" has not been realized.

As in previous major sweeps in South Vietnam itself (such as operation Junction City in 1967) the headquarters of the communists has eluded the most powerful force the United States could assemble. Enemy force levels have not been significantly affected, and in fact few enemy forces have as yet been committed to combat. Nothing prevents the enemy from returning to the border base areas once American and South Vietnamese troops have departed. The small and inexperienced Cambodian army lacked the capacity to control these frontier enclaves before and will clearly be unable to do so in the future, especially given the enormity of its new problems elsewhere in Cambodia. Enemy troops have simply moved back from the border districts deep into central Cambodia, placing Phnom Penh and General Lon Nol's government in greater jeopardy and making it even more dependent on outside assistance. [See also answers to previous questions relating to Vietnamization.]

9. *The Administration's Question*.—If Lon Nol cannot beat the communists, why does he not negotiate with them or compromise with them as Sihanouk did?

*The Administration's Answer*.—We understand that he has made several offers to open negotiations.

We also understand that talks were held immediately after the new government came into power and that the North Vietnamese broke off those talks when they pulled almost all their staff out of Phnom Penh.

Since that time, the North Vietnamese have refused to deal with Lon Nol and have called for the overthrow of his government. He has made several efforts to deal with them, we understand, but they have refused. It seems clear from their tactics that they either want to gain control of Cambodia or to intimidate the government to let them have free use of large portions of the country.

*Another Answer*—It is incredible that in the above answer no mention is made of the fact that *before* Lon Nol's alleged indication of a desire to open up negotiations, he and the Cambodian army had organized the sacking of the North Vietnamese and NLF embassies (March 11, 1970). As a consequence of these army-supported mob actions as well as other more serious violence taken against Vietnamese living in Cambodia, one can appreciate that Lon Nol was hardly setting the stage for negotiations. Moreover, the attacks of his army units in cooperation with South Vietnamese and American forces against NLF and Hanoi base areas did not increase prospects for negotiations. (See also answers to previous questions.)

10. *The Administration's Question*—Do we not think that operations by U.S. forces inside Cambodia will jeopardize the prospects for negotiations?

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*The Administration's Answer*—Recent North Vietnamese actions and statements give no indications that they are ready to negotiate. In fact, they may be postponing any serious negotiations which they might have contemplated until they can see what happens in Cambodia.

I think we should not continually act on the assumption that a deescalation by our side will promote negotiations whereas any new action which we might undertake will jeopardize them. Over the past year we have deescalated in a variety of ways and Hanoi has steadfastly refused to talk seriously. Under those circumstances, I do not believe that what we are doing now will jeopardize any prospects for peace which might have existed.

*Another Answer*—It is already evident that the invasion of Cambodia has made President Thieu even more outspoken in his refusal to accept a negotiated settlement, and in his insistence upon a solution by military means. If, as the Administration has repeatedly stated, the Vietnamization program was designed to reduce American commitments in Southeast Asia and to facilitate the achievement of a negotiated settlement of the war, the Cambodian adventure is impossible to justify. By enlarging the area of conflict and the scope of American commitments and by increasing the number of disputing parties, it adds enormously to the length and complexity of any agenda for negotiations. With the U.S. and the Vietnamese now enmeshed in a Cambodian civil war a virtually insoluble Cambodian problem is added to the already intractable Vietnamese problem. It is no longer enough to settle the war in Vietnam and Laos; we are assuming a responsibility for settling a Cambodian war as well.

President Nixon's precipitate invasion of Cambodia has not only further polarized internal political forces in Cambodia; but by aligning Sihanouk (who for so long had managed to remain unaligned and genuinely neutral) with Moscow and Peking, it has increased polarization within the concerned international community. The President's action has seriously reduced the confidence of Japan and our most important European allies in America's foreign policy; and it has drastically undercut the possibilities for any Soviet offices in getting a negotiated solution of the Vietnam war underway. Thus, the long-term consequences of President Nixon's shortsighted military escalation further diminish the already faint prospects for that negotiated settlement of the war to which the Administration has repeatedly committed itself.

11. *The Administration's Question.*—Are we accompanying these operations with any new diplomatic initiatives?

*The Administration's Answer.*—Obviously we may make some new diplomatic initiatives at some point. But we see no sense in ignoring the fact that the other side has steadfastly refused to negotiate seriously. It will be up to them to decide whether or not they are ready to negotiate a settlement or spill more blood.

*Another Answer.*—President Thieu's most recent response to this question was given in a May 11, 1970 interview with *Newsweek* editor Osborn Elliot. Thieu made clear that he has no intention of negotiating a peace settlement with the Communists and that Vietnamization is a policy which permits continued fighting toward the goal of winning a military victory.

With respect to prospects for "new diplomatic initiatives at some point", one simply cannot overlook Thieu's intransigence on the question of diplomatic initiatives which is well-known and of long standing. Further the invasion of Cambodia and allied involvement in the Cambodian civil war make diplomatic solutions to the Vietnamese conflict infinitely more difficult. Clearly the responsibility for initiating negotiations does not fall entirely on the enemy. The responsibility for shedding more blood also lies with the United States and its allies, particularly our intransigent dependent, President Thieu. Indeed, if there is any one aspect of the Administration's strategy upon which there is widespread agreement, it is that negotiations have been definitely downgraded. This has been evidenced by the President's refusal for some time to name a man of political stature to replace Ambassador Lodge in Paris. Instead, the President appointed a foreign service officer who served as an assistant to earlier negotiators and who never even occupied the post of Ambassador.

12. *The Administration's Question*—What was the legal basis for the President's actions?

*The Administration's Answer*—The President was acting under his Constitutional authority as Commander in Chief of the Armed Forces to assure the security of the troops under his command, and also under his Constitutional authority as Chief Executive for the conduct of foreign affairs.

*Another Answer*—It is appalling for the Administration to define the legitimacy of President Nixon's act strictly in terms of American law and precedent.

Cambodia is a sovereign state. Since the United States acted without consulting its government, our invasion is a violation of international law.

It must be noted that Cambodia renounced the SEATO protocol providing protection for the former Indochina states. In In point of fact, Sihanouk formally requested the SEATO powers in May 1965, to amend Article IV to *exclude* Cambodia from SEATO's perimeter of intervention. His request was ignored but he was advised that the language of the treaty provided that intervention would not be undertaken without the request and consent of the Cambodian government.

If it is argued that the President made his decision in the context of American constitutional practice, it must be noted that his invasion of what he has referred to as a "neutral" country, has been taken in the absence of a declaration of war without the advice and consent of the Congress.

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## THE FEDERAL HIGHWAY PROGRAM—A LEGAL STRAITJACKET

**Mr. PROXMIRE.** Mr. President, the Subcommittee on Economy in Government, of the Joint Economic Committee, has recently held several days of hearings concerning the principles of economic analysis which should underlie decisions on Federal transportation investment. Since the great bulk of our transportation expenditure, some $4 to $5 billion per year, is consumed by the Federal aid highway program, we devoted particular attention to the social costs and benefits of highway investment. We were disturbed to learn from our witnesses that not only do we fail to apply rational investment criteria to our highway program but that numerous provisions of Federal law discourage or prevent any economically rational approach to highway building.

The way in which Congress has locked gasoline tax revenues into the highway trust fund and stipulated that this major source of revenue can be used for nothing but the building of more highways, regardless of the social value of such construction, is familiar to us. It is possible, however, that we need to be reminded of some of the other stumbling blocks which Federal law places in the way of a rational transportation policy.

Thirty-six years ago, a restriction was placed in Federal law requiring the States, as a condition of Federal aid, to earmark their own revenues from gasoline and motor vehicle taxes to highway construction. Today, the States continue to be obligated to devote at least that portion of these taxes which was in effect in 1934 exclusively to highway use.

One of our witnesses told us of a study he had done of one proposed rapid transit investment indicating that 35 percent of the benefits would redound to highway users rather than transit patrons. This particular study related to an addition to the London subway, and the investment was subsequently made. In the United States we continue to straddle the States with an archaic law based on the premise that highway users can be benefited only through the building of ever more highways. One wonders how many opportunities to improve the flow of traffic in our urban areas have gone unrealized due to the restrictive financing provisions of our Federal laws.

It was also brought out in our hearings that Federal law may discourage the States and localities from developing economically sound road user charges. Our witnesses all emphasized that much could be done to reduce rush-hour congestion on our highways and to encourage increased use of public transportation if rush-hour drivers were made to pay the full cost of their road use. Technically there are feasible ways of accomplishing this: through parking charges, license fees, tolls, and metered charges. Yet, little use has been made of these devices in the United States. One reason may be that the prohibition in Federal law against tolls of any kind on federally aided highways restricts the freedom of city governments to choose the types of road user charges best suited to local conditions. I submit that our Federal laws should encourage national pricing of road use, not interfere with it.

Mr. President, the problems that I have mentioned are only a few of the many disturbing aspects of our current approach to Federal highway investment. Congress will have the opportunity this year, in the course of its consideration of legislation relating to the highway trust fund, to reexamine fully the Federal highway policy. I hope we will make full use of this opportunity.

I ask unanimous consent that portions of the recent testimony before the Subcommittee on Economy in Government relative to the costs and benefits of highway investment be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

### HOW TO IMPROVE URBAN TRANSPORTATION AT PRACTICALLY NO COST

(By John F. Kain)

#### INTRODUCTION

Urban transportation planning in the United States is seriously deficient. Its principal shortcoming is a failure to analyze and manage the urban transport system as a complex and highly interrelated system consisting of a large number of competing and complementary modes. In spite of "comprehensive" metropolitan transportation studies in nearly every urban area, much talk of "systems analysis", and frequent references to "balanced" transport systems, there is little evidence of any meaningful overall systems analysis of urban transport problems. Systems analysis and planning in urban transport has meant the design of "rail rapid transit systems", "highway systems", and, even more frequently, "freeway systems".

Even a casual examination of urban travel makes it clear that these "systems" are only components or limited subsystems of the urban transport system. Yet these partial "systems" are invariably planned, designed, and operated as though they were independent. Different and frequently inconsistent criteria have been used. "Balanced transport planning" has become the planning of redundant investment in each of these subsystems, rather than a serious effort to determine the "appropriate" mix of each in terms of overall system optimization. The result has been great waste and gross inefficiency.

To a substantial degree these partial views of the urban transportation problem are due to existing institutional arrangements which badly fragment the responsibility for providing urban transportation services. State highway departments, city traffic engineers, and local and regional transit authorities all have major responsibilities for the design, construction, or operation of segments of the urban transportation system in metropolitan areas. Typically, these agencies view themselves as competitors. At best they ignore one another. The unfortunate result is that many opportunities for making substantial improvements in the quality of urban transportation at negligible cost are overlooked or ignored. The most important of these opportunities is the use of existing urban expressways for rapid transit. Freeway rapid transit has the potential of making major improvements in the quality of urban transportation in nearly every U.S. urban area at virtually zero cost.

Before considering this freeway rapid transit concept, the paper examines a number of general shortcomings of the urban transit planning process. These fall under three major categories. The premature imposition of constraints, the long-range planning syndrome, and the choice of appropriate criteria.

### PREMATURE IMPOSITION OF CONSTRAINTS

What might be termed the "premature imposition of constraints" is the most serious shortcoming of the transport planning process. It arises from a misconception about the respective roles of the technician and policy maker. More than any other factor it is responsible for the failure of transport planners to consider alternatives that might yield large benefits.

"Premature imposition of constraints" assumes a number of different forms. The most common is that engineers, planners, and other technicians fail to consider promising alternatives because they decide, without analysis, that a particular alternative would not be acceptable to the public or to policy makers. Judgments of this kind imply that there are certain absolutes. Yet my experience suggests that communities can be educated, that public opinion can be changed, and that politicians are willing to undertake politically difficult actions if they become persuaded the net benefits are large enough. These judgments also imply that technicians are more capable of determining political feasibility or public acceptability than elected officials and other policy makers. This I regard as both improbable and inappropriate. Only the public and its elected representatives have the right to decide what is and what is not politically feasible or publicly acceptable. It has been my experience that technicians are notoriously bad at making these judgments. Technocrats have the responsibility of providing information on the costs and benefits of alternative actions, not of deciding which alternatives are acceptable. Frequently in complex systems the implications of particular alternative actions are not at all apparent. Thus it is often impossible to estimate, even crudely, the possible benefits and costs of particular actions until they have been carefully examined and the detailed arithmetic has been done. The arithmetic is difficult to carry out in many instances and can only be roughly approximated in others, but this is no excuse for the "premature imposition of constraints".

The worst aspect of "premature imposition of constraints" is that it frequently leads to a situation in which certain alternatives are no longer considered at all. Constraints acquire the status of "immutable laws." More often than not, the original rationale for the "constraints" no longer exists or has been forgotten. Then it becomes all the more necessary to observe them. Conditions may have changed markedly, but the policy remains in force.

It is not difficult to find examples of the "premature imposition of constraints." Peak-hour tolls is one of the most obvious. In nearly every city, state, and country I have visited, I have made a point of asking transport planners about the possibility of imposing peak-hour tolls on particular facilities as a means of managing the level and composition of traffic, obtaining indications about desirable levels of investment (particularly of expensive peak-hour capacity), guiding the location decisions of households, influencing the choice of peak-hour travel modes, and affecting the pattern of metropolitan development. With slight variations, the answer was the same everywhere. "The public would not stand for it." "Tolls are politically impossible." "It is a matter of government policy." "We used to have a toll on that bridge, and the public forced us to take it off."

Further discussion on the subject invariably revealed the following facts. No one had really considered the possibility of using peak-hour tolls as a device to manage the use of the road system. No one could begin to suggest the effect of these tolls on the use of road facilities or on the demand for private and public transport. No assessment has been made, or even contemplated, of the costs and benefits of peak-hour tolls under any circumstances. Considerable confusion existed in the minds of the technicians, politicians, and public about the purpose and function of peak-hour tolls.

Typically tolls are regarded as a means of raising revenue to pay for the construction of a particular facility. Consequently they are only imposed on newly constructed facilities and are removed when the facility is paid for. There are substantial objections to using tolls in this way; and technicians, policy makers, and the public are right to reject them. There are far less expensive ways of raising revenue. But more important, the time profile of such tolls is exactly wrong. New facilities almost always have excess capacity. Since the increased use of such under-utilized facilities costs no more, it is undesirable and inefficient to impose tolls which limit their use. The irony of this traditional use of tolls is that invariably they are reduced, or removed altogether, at the very time they would begin to be beneficial. Tolls are desirable only when there is excess demand for capacity and increments to capacity are expensive.

As a general rule, tolls should be imposed on old rather than new facilities. Also, tolls should be imposed only during peak periods when the facility would tend to become congested.

Another aspect of peak-hour tolls should be mentioned. Highway systems in metropolitan areas are highly ubiquitous. This ubiquity makes it both difficult and expensive to devise operational pricing schemes. The costs of capacity are highly variable, even within a fairly small area, and the large number of intersecting streets makes it impractical to collect tolls by traditional methods. A variety of sophisticated electronic metering systems that would permit the use of extremely detailed pricing systems have been proposed.

These systems would presumably allow highway-user charges to vary from one block to another and from one street to another and throughout the day. Although there has been considerable enthusiasm for such schemes, I remain unpersuaded of their practicality. It appears to me that in most applications their costs would exceed their benefits. In addition, I suspect that more primitive controls would provide almost all of the benefits of highly sophisticated road pricing systems and at a fraction of their cost.

Rivers and other barriers reduce the ubiquity of highway networks by channeling traffic. Thus they increase the possibility of achieving a closer matching between the resource costs of transport facilities and the charges on users. It follows that peak-hour tolls on key bridges should be regarded as a charge for the use of the entire road system (or at least the portions that are the most expensive and difficult to provide) rather than as a charge for the use of that particular bridge or facility. Bridges and other convenient barriers should be considered pressure points that can assist in managing road use in order to obtain that level and composition of traffic that provides the greatest benefit to the community.

Development of rational parking policies, that is, decisions on the number of spaces to be provided in a certain area and their price, is another unexploited possibility for increasing the efficiency of urban transportation systems at virtually zero cost. However, reasoned discussion of this alternative is virtually as difficult to achieve as it is for peak-hour tolls.

Parking policy should be viewed as another possible means of obtaining a closer matching between the payments by road users for urban highways and the cost of capacity. This would mean that parking charges in central areas would usually have two alternative pricing bases. The first is the cost of providing highway capacity into central areas and should apply to the all-day parker, who generally uses the city streets during peak hours. The second is the cost of providing parking spaces. This should apply to the short-term parker, who generally does not use the streets during peak periods. The distinction is that there is usually more than ample capacity during the off-peak periods and that therefore the cost of highway capacity during these periods should be regarded as zero.

Parking policy in most cities is unbelievably bad. Rates for the all-day (peak-hour) parker are frequently lower than for the short-term (off-peak) parker. Parking is provided on many streets at no cost or at rates that do not begin to cover the costs of new roads or increments to existing ones. In addition, curb-side parking usually reduces the capacity of the street system and seriously affects the performance and cost of transit vehicles. Even when curb-side street parking does not reduce street capacity or hamper the performance of transit vehicles, it may be greatly underpriced, thereby encouraging peak-hour users to make too much use of the street system.

Admittedly there are formidable problems in analyzing and developing appropriate peak-hour tolls and parking policies. Even simple changes may have complex and far-reaching effects. Therefore, careful and detailed analyses of these possibilities should be undertaken before any new policy is adopted. Careful analysis of all of the alternatives might reveal that the existing set of policies are the right ones. However, it is crucial that these conclusions are reached after the alternatives are fully evaluated and not on the basis of the "premature imposition of constraints".

In many instances introduction of these policies might markedly affect the phasing and even the need for major elements of existing highway plans. For example, the existing freeway plan in Hobart, Tasmania (Australia) is predicated heavily on the construction of a second span of the Tasman Bridge over the Derwent River and the vehicle volumes from that span. Introducing a peak-hour toll that reflects the great cost of bridging the Derwent might delay for a decade, or possibly forever, the need for a second crossing. Recognition of these possibilities might lead to a vastly different design for the Hobard freeway system. Undoubtedly, the Hobard example has many parallels in U.S. metropolitan areas.

### THE LONG-RANGE PLANNING SYNDROME

Most current metropolitan transport planning (at least in those instances where there is even a pretense of "comprehensive" urban transport planning) is concerned with conditions and problems 20 or 30 years in the future. While I regard glimpses of the future as useful in decision making, they are only a small part of comprehensive metropolitan transport planning. In fact, it is present and near-term conditions that largely determine choices in the near future. Most existing transportation studies attempt to optimize future rather than current or existing systems and pay little or no attention to the problems of transition from current conditions to future "optimal" conditions.

This orientation has several implications. It builds a pronounced construction or investment bias into the studies. There is a tendency to concentrate on the preliminary design and feasibility of major capital facilities. For highways this leads to an emphasis on the design and justification of elaborate freeway systems, with very little consideration of how they should be used. For public transit this focuses the planners' attention on the construction of major rapid transit facilities, typically fixed rail.

This emphasis on systems in the distant future implies that the existing use of facilities is optimal, that there are no choices about their use in the interim, and that these choices have no effect on a future optimum. All of these propositions are false. For several reasons, not the least of which is the discount rate, the greatest potential benefits are those that might be obtained from current decisions about the use of existing facilities or those to be built in the near future.

Still there is no denying the transport planners' distaste for partial systems. They give great emphasis to the consistency, narrow technical efficiency, and symmetry of the final, complete system. The fact that from the vantage point of current decisions most of the benefits will accrue from partial and uncompleted systems is overlooked entirely. In many instances systems will not be completed, and often this will be the best outcome. Greater benefits may be obtained by several partial systems, although, in terms of engineering "efficiency", they may operate well below the potential of a complete system.

While our knowledge about existing conditions and those of the near future is imperfect, it is still far more detailed and accurate than our knowledge of the mid 1990s and beyond. It follows that the most detailed and sophisticated analyses and planning should be concerned with making better use of existing urban transport capacity and improving near-term investment decisions. Transport planning, as it is currently practiced in most metropolitan areas, turns the process completely around. It produces detailed analyses of projected conditions 20 or 30 years in the future, while it virtually ignores the much more certain developments of the immediate future.

The most difficult problems arise in the operation and management of the existing transport complex. Yet current decisions are typically based on primitive data and crude analysis. Systematic quantitative analysis of these management problems is almost unknown. . . .

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### Excerpts From Statement of C. D. Foster, Visiting Professor of Economics, Massachusetts Institute of Technology

Given the present interests of your Sub-Committee it seems to me that a sharp distinction is helpful between the interurban and urban problem. They raise rather different issues. . . .

### URBAN HIGHWAYS

The urban situation is much more complicated because (i) there is a case for more variable pricing than the gasoline tax allows; (ii) social costs and benefits are far more important; and (iii) there is much greater need to make economically efficient comparisons between highway construction and public transport improvement.[1]

(i) *Pricing policy.*—In my own country there has been great interest in new methods of urban road pricing since the report of the Smeed Committee in 1964 (of which I was a member).[2] Since then there have been two committees considering the matter further, especially the administrative problems. The Road Research Laboratory has been doing various technical studies. To the best of my understanding, there have been no important policy statements on the matter since I left Britain last September; and there must therefore be limits on my ability to report what has not been published.

The basic case for a more flexible pricing system is that urban roads are a very variable commodity—much more so than non-urban roads for pricing purposes. Roads towards the center of the city, of given capacity, normally cost far more in land, construction and operating costs than those towards the city's edge. More important than that is congestion. Every additional vehicle coming onto a road finds its costs are greater than the one before because with congestion it uses more gasoline, brakes more frequently, wears out its clutch and brake linings more quickly; and so forth. However, those costs it bears itself. Much more significant, every additional vehicle slows down every other vehicle also and imposes more costs on them. Where there is scarcity private enterprise—and Government—usually uses the price mechanism to ration the commodity, rather than allowing people to form lines and jostle it out. On urban roads we let people form lines. It would be a much more efficient solution if an economic price (equal to short-run marginal costs) were set on highways so as to keep speeds and efficiency up by pricing some vehicles off the roads. Those priced off would use other means of transport, double up in automobiles and travel at some other time of the day than the height of the peak.

But there is another mischief because of the absence of efficient urban road pricing: most of the financial troubles and administrative tangles of public transport come from it. Although now most public transport agencies in cities are caught up in a web of (usually rather irrational) subsidies, they were usually expected to be profitable or at least cover their costs; while urban road-users have not been meant to. This distortion of pricing has biased people uneconomically towards using the road; and has led to more highway investment (relative to investment in public transport, especially subways and surface suburban railways) than would have been the case *if the pricing principles had been nearer correct.*

In the absence of proper urban road pricing, it is the economically efficient solution for subways and surface railways in cities to be subsidised (though only to a determinate extent). Let me explain. In 1963 Professor Beesley and I did a study in London of the possibility of building a new subway.[3] Approval for its construction had been refused for many years because it was agreed by everyone that it would make a financial loss. Our studies showed that nevertheless London would be better off with it, subsidised. This was because it was predictable that it would draw people off the roads, increase speeds and reduce costs there. It would also of course make it possible to economize on roadbuilding. Thirty-five percent of the benefits, measured in money terms, were anticipated to accrue to road-users, that is, to people who would not use the subway but would benefit from diversion to it. The subway was approved and is now in operation as the Victoria Line. Although the method has been developed, what is essentially the same method is now a routine element in the justification of all such projects in England. From some work I have done in Boston it is my belief that the line of argument is also central to the debate between highways and public transport there.

But what is essentially an investment appraisal method which corrects for the absence of proper road pricing is only a second-best substitute for efficient pricing. The more I have thought about the problems of American and British cities, the more essential road pricing seems to me to be, if there is not to be serious misallocation of resources. It is often argued as if road pricing were a substitute for investment. This is not so. It will indicate where highway (and public transport) investment would be desirable; but without it there will always be an excessive tendency for congestion to recur after road improvements have been made and for there to be overinvestment in urban roads (until the political process rebels against it). (Basically this must be so because successive additions to a city's road system cost more, especially when social costs are considered so that (short-run) marginal cost will be above average cost.) Though it is harder to prove, I would suggest that North American cities must be more decentralized than they would have been, and the difficulties of the central cities somewhat greater, than if there had been an efficient system of urban road pricing (or failing that, an efficient method of subsidising and investing in urban mass transit).

I also believe that the poor may have suffered most since richer people have tended to gain most from the underpricing of urban roads. (This is a separate argument from any that the poor may have lost most from undercompensation for landtakings and environmental deterioration. This refers to the poor as users.)

While I believe the tendencies have been such as I have described, determining the magnitudes of the effects of these distortions and inefficiencies requires more study (in the United States), I think, than they have been given.

(ii) *Importance of social costs and benefits in cities.* I have mentioned congestion. But there are others. The usual method of dealing with pollution, noise (and safety) is through regulation; but to my mind there is a danger that the costs of regulation may in some cases be greater than the benefits. Very commonly one feels the most efficient package of, say, safety regulations is not chosen. And in the case of noise (and what is called visual intrusion) the most economic solution may not be regulation of vehicles but in altering the standards of construction so as to reduce the spattering of noise over the neighborhood around the freeway; and also the obtrusive ugliness of the structure. It usually does make much sense to price motorists more because they are ugly or pollute, because it does not make much difference to the quantities of noise and pollution.

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[1] Investment criteria are also far more difficult to make operational in cities. I believe we are just beginning to make sense of them.

[2] Ministry of Transport. *Road Pricing: Economic and Technical Possibilities.* H.M.S.O. 1964.

[3] C.D. Foster and M.E. Beesley, "Estimating the Social Benefit of Constructing an Underground Railway in London," *Journal of the Royal Statistical Society,* Series A, Vol. 126, 1963. Reprinted in Arrow and Scitovsky, *Readings in Welfare Economics,* American Economics Association, 1969.

(iii) I believe I have discussed most of what is relevant to comparison between highways and public transport.

In conclusion, I believe that better pricing policies and the use of more relevant investment criteria can greatly improve the efficiency of transport expenditures.

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## Federal Transportation Policy—Highways: Who Pays and Who Benefits?

(By Peter S. Craig)

### THE HIGHWAY TRUST

My thesis today is that it is overdue, in the public interest, to abolish the ear-marking of Federal tax revenues for predetermined highway investment. I think it is overdue that the Federal Aid Highway Trust Fund be abolished. Indeed, it is one of the most pernicious "trusts" that has ever existed on the American scene.

Unlike most of the "trusts" of yesteryear, this Highway Trust operates in the most legal manner—it is underwritten by the laws passed by the Congress. Let us see, first of all, how it operates:

First of all, all Federal tax revenues related to use of motor vehicles are assigned to the Federal Aid-Highway Trust Fund. These include all of the taxes that I and other citizens pay for purchasing an automobile, or tires, or gasoline with which to operate the vehicle. Whatever may be our personal wishes, such taxes are not available to support anything but expenditures for new highway investment. By law they *must* be spent on either planning for more highways or 90% or 50% Federal reimbursement of State planning or construction of highways. They are not available for any "software" solutions for transportation problems, be they traffic police or transit subsidiaries or regulatory or pricing restraints on excessive auto travel. Neither are they available for any other "hardware" solutions, be they rapid transit construction or anything else. Such taxes, by law, *must* be spent on promoting the pouring of more concrete or asphalt for new or improved highways, whether we taxpayers like it or not.

This makes about as much sense as earmarking all Federal income taxes to use for income-earners only, or all Federal estate taxes for use for the deceased only. It is totially artificial and arbitrary and, I submit, contrary to the wishes of the taxpayers from whom these revenues are taken.

Not satisfied with the earmarking of these Federal taxes for highway construction only, the Congress reached into each of our states 36 years ago and directed (as a condition for receiving Federal highway aid) that each state have a corresponding earmarking of its own tax revenues. (23 U.S.C. 126) All state tax revenues "from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle operators of all kinds" *must* be spent "for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith."

This automatic earmarking of Federal and State highway-related taxes to new highway investment has had—and will continue to have—the inevitable result of inducing or coercing more and more people to use more and more automobiles for longer and longer trips, without any discernible benefit for them and to the detriment of the public at large—through the deterioration or ultimate demise of alternative forms of transportation, through the uncontrolled suburban sprawl and decline of our central cities, through increased physical danger to the human species resulting from added air pollution, increased noise pollution and ever-mounting loss of life and property damage from automobile accidents.

Absent a quick ending to this Highway Trust, the only alternative (and an alternative that may only hold the present imbalance from becoming worse) is equally massive State and Federal subsidies to the alternative—creation of competing "trust funds" to promote public transit, center city housing, etc.

There are three basic fallacies advanced by the benefactors of the Highway Trust in defense of this legislative earmarking of highway-related taxes: (1) they are "user charges" and hence it is appropriate to require their allocation to pay for the facilities used; (2) they represent the implied desires of persons buying automobiles, tires, gasoline, a driver's permit or license tags; and (3) future "needs" for the pouring of more asphalt and concrete are so great that it would be inequitable if highway users did not pay for most of such needs.

### THE "USER CHARGE" FALLACY

Federal and State taxes for the purchase of automobiles, tires, gasoline or licenses are in no sense "user charges." They bear no relationship to the facilities actually used and, in fact, generally cannot be spent for such facilities. Tax collected by the Federal-Aid Highway Trust Fund *must* go for planning or construction of new highways; they cannot generally be spent for maintenance of existing highways that the taxpayer uses. They cannot, for example, pay for resurfacing or filling of potholes, for traffic lights or streetlights, for cleaning of refuse from the highway, for tending grass or landscaping, for traffic police. Generally, they *must* be spent on a highway that the highway user does not use. . . .

### THE "IMPLIED CONSENT" FALLACY

The argument is still advanced that when citizens pay taxes on automobiles, tires or gasoline, they are "voting with their pocketbooks" for more new highway construction.

Nonsense.

Some taxpayers may want more highways; some may not. But the ratio for or against a specific project is not determined by taxes we *all* must pay.

In city after city, the persons who fill the Federal and state highway trust funds have indicated that they don't want the new highways that would be constructed with such money. . . .

The City of San Francisco rejected over 200 million of Federal 90% aid, preferring to forfeit their share of the taxes rather than build the freeways this money would subsidize. Citizens in New Orleans have finally succeeded in killing off an expressway that would have destroyed the French Quarter riverfront. Citizens of San Antonio have finally succeeded in persuading the Department of Transportation to withhold Federal matching aid for the controversial North Expressway that would gut the city's park system.

If the defenders of the Highway Trust nurse any illusion that the taxpayers want the projects that would be financed by such trusts, they should be quite willing to make any new Federal-aid highway project dependent upon prior approval in a referendum. I feel certain, however, that you will never see the Bureau of Public Roads or a State Highway Department urge such a democratic course.

### THE "HIGHWAY NEEDS" FALLACY

The last defense of the Highway Lobby for the Highway Trust Fund is that their allegedly "expert" studies "prove" new highways will be needed.

The most charitable thing that can be said about such "needs" studies, from the biennial "Highway Needs Report" of the Bureau of Public Roads to similar studies sponsored by State and local highway departments, is they provide employment for a large number of persons. If the studies receive the credibility they deserve (which is nothing), no one will be hurt except for the waste of the taxpayers' money.

Asking the Bureau of Public Roads or a State Highway Department to determine "highway needs" is about as fruitful as asking a defendant in a criminal trial to determine his own guilt or innocence. Their bureaucratic lives depend on showing ever-growing "highway needs." . . .

I had thought, in my parochialism, that this problem was unique to Washington, which has had no home rule. In my two years at the Department of Transportation, I found that Washington's experience was typical of other cities. If I may generalize, based on my exposure to similar freeway battles in such cities as New Orleans, San Antonio, Memphis, Nashville, Boston and New York, just to name a few:

(1) The claims of the Bureau of Public Roads, state highway departments and local highway construction agencies of "needs" were all based on after-the-fact studies made after the administrative decision to solicit the Federal aid;

(2) Most of such studies came in two waves: the first in the immediate post-World War II period when the Congress first authorized a 40,000 Interstate System; the second, commencing in the mid-1950's when Congress increased Federal aid for Interstate freeways to 90%;

(3) The Federal, State and local highway construction agencies made no subsequent attempts to verify the soundness of the "needs" studies on which they relied. Independent review generally showed them to be quite arbitrary, highly inaccurate and based on inadequate study. In particular, alternatives to new highway investment were not studied.

(4) In most instances, the promise of increased Federal grants-in-aid for expenditure in the city was enough to win avid support from local business interests such as the Chamber of Commerce or Board of Trade. Generally, transportation decisions in such an organization were initiated by businessmen directly involved in highway transportation, such as highway construction, automobile sales, or trucking operations.

(5) In most instances, the governing local decisions are not made by any body that is politically responsible to the citizens of such community, but rather by a state highway commission, which is isolated both geographically and politically from the persons who will be directly affected by their decision. Generally, the members of such commissions are not elected but hold their jobs as patronage appointments by the Governor. (As a condition to receiving Federal aid, 23 U.S.C. 302 requires state decisions on highways to be made by a state agency with highway construction responsibility. Thus, the bias for favoring highway construction "solutions" to presumed or actual transportation needs is built into the system.)

(6) Attempts, through Federal legislation, to build in planning safeguards, through the requirement of public hearings, the establishment of continuous, comprehensive and cooperative transportation planning, or the preservation of parklands, historic sites, etc., receive only token attention since they are implemented by state organizations interested in highway construction only.

### WHAT ARE THE ALTERNATIVES

I suggest that the present system of determining Federal and State transportation investment decisions through the Trust Fund device has proved to be a massive failure. Objective reappraisal by the Congress is long overdue.

In reviewing where we stand in 1970 and where we should go from here, it may be instructive to look back over the past 170 years of Federal, State and local financial involvement in transportation.

Throughout the nineteenth century, we pursued essentially a "user charge" philosophy in public transportation investment. Transportation facilities were generally privately-owned (although given the power of eminent domain by the states) and expected to pay their own way. Government financial involvement was active, but it was generally limited to entrepreneurial action through the purchase of stock or bonds in private enterprises, and then largely at a state or municipal level. The users were expected to pay for the capital investment, operation and interest charges through tolls, rates, fares and charges. . . . With the advent of the motor vehicle early in this century, it was probably feasible to revert to a user charge mechanism for highway users. Instead, however, the momentum has been away from user charges.

This hostility toward highway user charges is now a part of the Federal-aid highway laws. 23 U.S.C. 301 provides that, with limited exceptions, all highways built with Federal-aid "shall be free from tolls of all kinds." The exceptions, in 23 U.S.C. 129, are quite limited. Tolls may be charged only to cover bonded indebtedness for Federal-aid highways and, once such bonds have been retired, that facility must also be operated without tolls.

It may generally be said, therefore, that State and local governments today are effectively prevented from assessing user charges for the highways they administer. They build and maintain our highways free of any user charge that would cover either the costs of the service rendered or the value of the service received by the users. No one is now free to price highway use in any rational way.

The precedent of toll-free government investment in our highways has, in this century, been extended to our waterways and airways where, again, the facilities are offered toll-free.[1]

With this subsidized, toll-free public investment in highways, waterways and airways, what has happened to that part of our national transportation system that successfully operated on a user charge basis half a century ago?

The wealthy and once-feared "railroad magnates" and "traction magnates" are now gone. The railroads or urban transit systems they created for profit have languished, starved for new investment. Throughout the country, transit systems have disappeared entirely. Many of those that remain have been taken over by public agencies for operation. But still the notion persists that such urban transit systems should be self-sustaining, through user charges.

The result makes no sense today. As one civil rights leader commented to the American Institute of Planners a few years ago, our Federal transportation policy for our cities has become one of "socialism" for the rich and "rugged individualism" for the poor; if you own an automobile (and/or a yacht or an airplane) and are interested in private transportation, the Federal government has substantial new investment earmarked for your benefit, to be used without tolls. But, if you use public transportation, through preference or necessity, you are expected to pay your own way. Private transportation is publicly-subsidized by billions of dollars each year. Public transportation, *i.e.*, common carried service for passengers, receives little or no public assistance; indeed, it suffers serious economic loss each year by the flow of public funds to aid competing private transport.

This pattern is fast wrecking our cities. I believe it must be changed, and changed promptly.

One solution, advocated by many, is to place use of highways in metropolitan areas on a similar "user charge" basis presently applicable to public transit. This course is worth pursuing, but I think it has its drawbacks. It is exceedingly difficult to measure the total "costs" for use of highways and both difficult and expensive to collect the necessary tolls to cover such costs. The investment costs (for planning and engineering, right-of-way acquisition, construction), operating costs and interest costs are rather easily ascertained, but other costs are not. I speak particularly of the social costs in air pollution, noise pollution, auto accidents, as well as the community costs through displacement of homes and business and parks. Even if dollar amounts can be attached to such costs, how are the user charges to be directed to the individuals, families, businesses or environment adversely affected?

If we can't "vote with our pocketbooks" through an equitable system of user charges assessed against all alternative forms of transportation we might use, then it is essential that we, the people, be given the freedom to implement our own judgments as to how Federal transportation grants-in-aid are spent in some other way. The restraints must at least come off the marketplace of ideas. Toward this end, of permitting local discretion to solve our own local problems, I would recommend, as a minimum, the following reforms:

(1) The Federal-Aid Highway Trust Fund should be abolished, ending all earmarking of highway-related taxes to new highway construction. This money should be available for non-highway transportation investment (*e.g.*, rail transit or bus transit), for software as well as hardware solutions (*e.g.*, subsidizing improved transit service rather than building more highways), and even for non-transportation solutions—a good argument could be made that the District of Columbia would be far closer to solving its present transportation problems if, in lieu of 90% Federal aid for Interstate freeways, there had been 90% grants-in-aid for attractive high density housing in the central city and if, in lieu of 50% Federal aid for ABC highways, there had been 50% Federal aid for improving single-family homes.

(2) The requirement in 23 U.S.C. 126 that states have similar highway trust funds earmarking highway-related taxes to highway construction should be repealed and the states should be encouraged to abolish such ear-marking of tax revenues under their own laws.

(3) The present requirement in 23 U.S.C. 302 that proposals for Federal-aid must come from state highway commissions authorized to construct highways should be abolished. Instead, each state, in order to qualify for Federal aid, should be required to establish a State Transportation Department (following the lead of the Federal government and such states as New York, New Jersey and Maryland), with authority for urban areas to initiate their own proposals, without concurrence of the State Capitol.

(4) All Federal prejudgment of how transportation grants-in-aid must be spent should be abolished. Today, cities may get aid for building new highways. They cannot get Federal aid to tear them down, as San Francisco discovered after it had built the elevated Embarcadero Freeway and as Washington discovered after it had built the elevated Whitehurst Freeway. Cities should be as free to remove yesterday's mistakes as they are to undertake new endeavors.

(5) The present ban in 23 U.S.C. 301 against highway user charges should be repealed and cities permitted to levy local tolls and taxes on transportation users as regulatory tools to achieve local planning goals. It is generally conceded, for example, that New York City would benefit materially by a rush-hour toll on all automobiles entering Manhattan. Federal law now blocks this option.

(6) Above all, local democracy must be restored in making local transportation planning decisions, by making the end-use of Federal grants subject to local decisions, by the public's elected representatives and/or by popular referendum. The Federal interest in urban transportation expenditures should begin and end with a determination that the decisions on local use of Federal grants-in-aid have been arrived at fairly, objectively and democratically.

Thank you very much.

## FACTS NOT FANCY

Mr. DOLE. Mr. President, on May 12, one of the apologists for North Vietnam, Mr. Tom Wicker, of the New York Times—which, if you will remember also had its apologist for Fidel Castro—described the massacre at Hue as happening in the heat of battle and as the revenge of an army in retreat. He claims boldly that this is not the deliberate policy of Hanoi.

It may be that Mr. Wicker has access to the policies of Hanoi. But I, like his newspaper, must disagree with his conclusions that the North Vietnamese Communists are pretty nice fellows. I ask unanimous consent that the Times editorial of May 8, 1968, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### COMMUNIST TERROR IN VIETNAM: AFTER THE CEASE-FIRE

The new wave of Communist assaults on Vietnamese cities, accompanied by the indiscriminate slaughter of innocent bystanders, is a timely reminder of the callous contempt for human life characterizing this war even beyond many others.

This calculating cruelty was exposed most forcefully in a recent detailed American report on massive executions by the Communists in Hue during the Tet offensive. The murder of more than 1,000 Government workers, priests and women, some of whom apparently were buried alive, followed a pattern of wholesale political assassination that the Communists have practiced throughout South Vietnam—and in North Vietnam—for years.

Strong guarantees against such bloody reprisals on either side after a cease-fire must be part of any peace settlement.

Mr. DOLE. Mr. President, I also invite the attention of Senators to a transcript of a Hanoi radio broadcast to South Vietnam of April 27, 1969, which said:

> In order to cover up their cruel acts, the puppet administration in Hue recently played the farce of setting up a so-called committee for the search for burial of the hooligan lackeys who had owed blood debts to the Tri-Thien-Hue compatriots and who were annihilated by the southern armed forces and people in early Mau Than spring.

Mr. President, Hanoi radio has bluntly confessed to a deliberate massacre without reference to the heat of battle.

In addition, I have a number of commentaries and editorials from Hanoi, all of which emphasize revenge, bloodbaths, and annihilation of South Vietnamese. I call them to the attention of Senators

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[1] This is not true, however, for airports which are operated on a user charge basis.

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and also to Mr. Wicker and of the New York Times.

Finally, Mr. President, I have here official statistics of those assassinated and kidnaped in South Vietnam by the Vietcong and the North Vietnamese since 1957.

Included are the figures of the Hue massacre. I must say that 10,000 killed in the heat of battle is a lot of heat.

Mr. President, I believe these figures show one thing very clearly.

And that is the United States cannot afford to leave some of its troops unprotected while it withdraws others from South Vietnam.

Those who would tie the President's hands in Vietnam may well find they have blood on their own—the blood, not only of South Vietnamese, but also of American soldiers.

It is something for them to think about.

I ask unanimous consent that these items be printed in the Record.

There being no objection, the items were ordered to be printed in the Record, as follows:

### Hanoi Admits Hue Massacres

Hanoi Radio in Vietnamese to South Vietnam—April 27, 1969: 1:00 GMT:

"According to LPA, in order to cover up their cruel acts, the puppet administration in Hue recently played the farce of setting up a so-called committee for the search for burial of the holligan lackeys who had owed blood debts to the Tri-Thien-Hue compatriots and who were annihilated by the southern armed forces and people in early Mau Than spring.

"The local puppet administration sent its lackeys to carry out searching activities in city wards and to force compatriots to pay for ritual presents. The compatriots in the Dong Ba city ward, especially the small merchants, were forced to collect the greatest sum of money. Profoundly indignant, the Hue compatriots cursed and violently opposed the puppet administration agents. Faced with this, on 19, 20, and 21 April, the Hue puppet administration was forced to broadcast a communique, denying this act by its lackeys and cast the blame on others for pocketing money in the name of the above-mentioned committee. Well aware of the Thieu-Ky-Huong clique's cheating and crafty tricks, the Hue compatriots told one another to resolutely boycott its searching and memorial-service farce."

### Communists Demand Death—Blood Debts—of Their Opponents in South Vietnam

Nhan Dan Editorial; Hanoi; June 24, 1965:

"In conclusion, the paper warns that the U.S. imperialists and their henchmen who have incurred blood debts must repay them in blood. Just as the patriot Tran Van Dang said before his death, the Vietnamese people will fight more fiercely against them and will certainly annihilate them. By recklessly attacking the people, they will be kicked into their graves by the people just like the Ngo Dinh Diem brothers and any other despots in the world."

Quan Doi Nhan Dan Commentary: Hanoi; December 15, 1968:

"On 25 November 1968 the PLAF Command ordered all PLAF units to sweep away the stubborn villains in their bases, completely disperse the rural pacification teams, crush the mopping-up and occupation plot of the enemy, annihilate the Phoenix teams and other espionage organizations of the enemy, and protect and develop the liberated areas."

"The campaign for annihilating the stubborn villains in the puppet administration is developing strongly throughout the south. The southern troops and people have deeply thrust strong attacks against the enemy's lairs in strategic hamlets and concentration camps and punished the secret agents, policemen, Phoenix commandos, and pacification teams. Thousands of stubborn villains, who have incurred blood debts toward the people, have paid for their crimes. Hundreds of pacification teams have been crushed."

Radio Hanoi to South Vietnam; April 11, 1968:

"The days of the puppet government corpse are numbered. Together with the unavoidable defeat of the U.S. imperialists, the traitorous clique will certainly have to atone for its crimes one day. The present shameful and woeful situation of the Thieu-Ky clique fail to be a very good lessons for all those who still remain in the puppet army and administration to ponder."

Quan Doi Nhan Dan Commentary; April 4, 1969; Broadcast to South Vietnam, April 5, 1969:

"Our armed forces, together with the people throughout the country nurture this hatred and are determined to compel the U.S. aggressors and their lackeys to pay for their blood debts."

Liberation Radio; April 17, 1969:

"In northern Quang Nam, almost all newly liberated areas have now established revolutionary administrations, and newly set up people's liberation committees have been presented to the people. In a number of areas in (words indistinct) in Quang Nam Province, after destroying strategic hamlets, local people have set up special courts to try cruel, diehard agents who owe blood debts to the people. Revolutionary administrations in the Mekong Delta have also vigorously developed their role. In the suburbs of Ben Tre provincial capital and in Nhi Binh, Tam Hiep, and Binh Chuong villages in Kien Phong Province, revolutionary administrations have also established courts to try those cruel, diehard puppet administrative agents and spies who owed blood debts but refused to obey our compatriots' teachings."

Liberation Radio; April 19, 1969:

"Developing our achievements, let us combine our military offensive spearheads better and better and step up the movement to annihilate villains, smash bondage, and punish hooligans, informers, intelligence agents, and so forth, who have incurred many blood debts to the people, thus increasingly decaying the puppet administration machinery and creating conditions for widening the battlefields and annihilating the enemy right in his last dens. Let us appropriately punish pacification teams, tumble basic puppet administration organizations, smash the U.S. puppets' accelerated pacification plan and village and hamlet election farce, tighten the liberation encircling belts around the enemy dens, and create springboards for directing military spearheads at cities and provincial and district capitals."

Liberation Radio; May 2, 1969:

"The liberation armed security teams also punished 303 evildoers who had incurred blood debts against the compatriots, including 88 rangers and informers, 106 policemen, 11 psywar agents, 17 pollsters, and 36 village and hamlet puppet agents."

Liberation Radio; May 4, 1969:

"The braggard Thieu-Ky-Huong clique cannot avoid the thunderous blows which our people are focussing on its head in order to swiftly end the life of the traitors who have incurred many debts toward our people."

Liberation Radio; May 14, 1969:

"In coordination with the PLAF's activities, compatriots in all three areas—city, city fringes, and the rural rear—are determined to rise up and, together with the guerrillas, exterminate puppets and spies, to hunt down lackeys who owe blood debts to our people, to crush the puppet machinery at basic echelons, to disintegrate all forms of enemy control in rural areas, and to smash his accelerated pacification scheme."

Liberation Radio; May 22, 1969:

"A public trial of hoodlums was held by the people of Tan Bihn, a town in Tay Ninh Province. With active cooperation from the armed forces the people of this town, on May 3, held a public trial of a bunch of flunkeys and hoodlums drenched with bloody crimes against the people. The people fiercely exposed and denounced their activities of collaboration with the U.S. aggressor bandits and of acting as their flunkeys to stubbornly oppose the revolution and commit innumerable crimes against the people."

Liberation Radio; May 25, 1969:

"Let us look at those so-called parties which have agreed to join Thieu's ranks. What are they? If we do not term them profiteering politicians, as Saigon papers have usually done, we can say that they are social dregs, a clique which has long served as lackeys for the imperialists, incurring many blood debts to our people."

Liberation Radio; June 5, 1969:

"People's revolutionary committees have been setting up courts to try diehard lackeys who owe blood debt to the people. Many spies and puppets have reported to local people's revolutionary committees to turn in firearms and confess their crimes."

Liberation Radio; June 30, 1969:

"The blood of thousands of our incarcerated compatriots who have been killed by the U.S. puppets scream for revenge. Pouring deep hatred into the muzzles of weapons, our southern armed forces and people are determined to advance, to strike more vigorously, painfully, and unremittingly, to force the U.S. puppets to pay their blood debts, to defeat U.S. aggression completely, to overthrow the country-selling lackeys, and to regain independence and freedom for the country and nation.

"He who sows the wind shall reap the whirlwind. This is the inevitable fate of the U.S. aggressors and Thieu-Ky-Huong lackey clique."

### Statistics on Communist Terror

Since 1957, Communist forces in South Vietnam have been assassinating and kidnaping civil servants, schoolteachers, village council members, agricultural technicians, health workers, and police in a systematic effort to destroy the morale of the South Vietnamese people and to reduce ability of the Republic of Vietnam to function in the countryside. Following the entry into the South of North Vietnam's regular army units in late 1964 and the spring of 1965, terror and subversion increased. The statistics on terror are tabulated below:

| Year | Assassinated | Kidnaped |
|---|---|---|
| 1957-63 | 6,100 | [1] |
| 1963 | 2,073 | 7,362 |
| 1964 | 1,795 | 9,554 |
| 1965 | 1,900 | 8,315 |
| 1966 | 1,732 | 3,810 |
| 1967 | 3,706 | 5,369 |
| 1968 (exclusive of Tet) | 5,389 | 8,759 |
| 1969 | 6,202 | 15,642 |

[1] Not available.

### Tet 1968—Hue

During the Tet attacks of 1968 an estimated 10,000 civilians were killed by Communist action. These include an estimated 3,500 citizens of Hue who were executed by the North Vietnamese and Viet Cong terror squads during three weeks of occupation. Vietnamese civilians were brought before the Communists' kangaroo courts and then were shot, strangled or buried alive. Thus far approximately 3,000 bodies have been discovered in a series of mass graves. Those executed included nationalist politicians, Buddhist intellectuals, editors, school teachers, police, soldiers, civil servants and members of these individuals' families. Also, several American, French and German civilians were murdered.

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[From the New York Times, May 12, 1970]

### In the Nation: Mr. Nixon's Scary Dreams

(By Tom Wicker)

Washington, May 11.—In his televised address on the war last Nov. 3, President Nixon declared that a "precipitate" American withdrawal from South Vietnam "would inevitably allow the Communists to repeat the massacres which followed their takeover in the north fifteen years before. They then murdered more than 50,000 people and hundreds of thousands more died in slave labor camps."

In his speech of April 30, when he announced the invasion of Cambodia, Mr. Nixon again adduced the bloodbath story to support his action. Part of what he called "the easy political path," he said, would be "to desert 18 million South Vietnamese people, who have put their trust in us, and to expose them to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the Communists took over North Vietnam in 1954."

Then, under fire at his news conference on May 8, Mr. Nixon escalated. It was a "moot question" whether the war had been worthwhile, he said, but, "now that America is there, if . . . we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned."

Let us pass mercifully over the highly revealing remark about "the peacekeeper in the Asian world" to the question of the bloodbath. On each of Mr. Nixon's two earlier assertions of this historical hobgoblin, I wrote that the record disclosed no evidence that such an atrocity had occurred. Prof. George McT. Kahin, Director of Cornell University's Southeast Asia program, used this space on Dec. 6, 1969, to refute the President's Nov. 3 statement. Several magazine articles have gone into the matter in detail, as have numerous books each concluding there was no bloodbath in North Vietnam in 1954.

#### THE ICC RECORDS

In fact, quite the opposite; the records of the International Control Commission disclose only nineteen complaints of political reprisals and only one involving murder in North Vietnam in the two years following the armistice; nor did the I.C.C. allege that its inquiries were in any way hampered by the Communist Government. But in South Vietnam, 214 complaints were lodged in the same period against the Diem Government, and when Ngo Dinh Diem in 1957 summarily barred the I.C.C. from any further investigations, 1,047 complaints were still pending against him. Moreover, the Diem Government itself reported 48,200 arrests of Communists from 1954 to 1960.

So the only events resembling mass political reprisal after the 1954 armistice occurred in the South, not the North. What did happen in North Vietnam was a harshly repressed peasant revolt in 1955 and 1956 against a severe land reform program. It had nothing to do with Ho Chi Minh's takeover. Mr. Kahin thinks perhaps 10,000 to 15,000 may have died.

As evidence for the likelihood of a bloodbath, Mr. Nixon also mentioned on Nov. 3 that the troops who captured the city of Hué during the 1968 Tet offensive may have "eliminated" as many as 3,000 South Vietnamese. But D. G. Porter and L. E. Ackland, writing in *The Christian Century* of Nov. 5, 1969, have reported their findings, after careful research, that most of these wicked executions took place in the heat of battle and as "the revenge of an army in retreat" and were not the deliberate policy of Hanoi.

So there are at least three things to be said about the bloodbath Mr. Nixon insists will take place if the Communists take over South Vietnam. To the extent Americans are led to believe in this specter, the President makes it harder to justify any end to the war that would appear to give North Vietnam opportunity for such a massacre; that is, almost *any* compromise settlement.

#### DUBIOUS JUSTIFICATION

The second is that, since there is no historical evidence to justify the bloodbath prediction, this is an emotional argument to match or exceed any of the "emotionalism" or "sentimentality" or "lack of realism" so often charged to war critics.

Finally, Mr. Nixon's staff is perfectly capable of pointing out an untruth no President should wish to assert, his insistence on the bloodbath seems to stem from something stronger than evidence. It is as though he *wills* it to be true, even though it isn't, both to justify the war and his policy, and to confirm the anti-Communism on which rests so much of his public life. Believing, perhaps, has made it so.

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## "THE ADVOCATES" DEBATE CAMBODIA

Mr. GOODELL. Mr. President, on Sunday, May 10, "The Advocates" conducted a national television debate on the Cambodian crisis.

"The Advocates" is a national public television network presentation, made possible by grants from the Corporation for Public Broadcasting and the Ford Foundation. It conducts debates on major national issues—presented to the public in courtroom style, with each side of an issue represented by a lawyer-advocate and two witnesses.

On May 10 the issue was Cambodia, and the question presented was the following: "Should Congress resolve that the President immediately withdraw all troops, aid, and advisers from Cambodia and commit no further forces outside Vietnam?"

Appearing for the affirmative were advocate Howard Miller, a leading Los Angeles attorney and frequent participant in the program; Dr. Daniel Ellsberg, senior research associate of the Center for International Studies, Massachusetts Institute of Technology; and myself.

Appearing for the negative were advocate William T. King, a distinguished Los Angeles attorney; Senator Robert Dole, of Kansas; and William H. Sullivan, Deputy Assistant Secretary of State for East Asian and Pacific Affairs and former U.S. Ambassador to Laos.

Mr. Victor Palmieri served as moderator for the program.

The producers of "The Advocates" deserve to be congratulated for a most stimulating program on the vital issue now facing the Nation.

Mr. President, I ask unanimous consent that the transcript of the program be printed in the Record.

There being no objection, the transcript was ordered to be printed in the Record, as follows:

(Broadcast on "The Advocates," May 10, 1970)

### Should Congress Resolve That the President Immediately Withdraw All Troops, Aid and Advisers From Cambodia and Commit No Further Forces Outside Vietnam?

(Note.—This unofficial public service transcript was prepared while the live program was in progress. "The Advocates" is not responsible for errors of omission or commission.)

Participants: Advocate Howard Miller (pro); Senator Charles Goodell (R–NY); Daniel Ellsberg, Ph. D., Center for International Studies, Massachusetts Institute of Technology; former advisor to the State and Defense Departments.

Advocate William T. King (con); Senator Robert Dole (R–Kans.); William H. Sullivan, Deputy Assistant Secretary of State, East Asian and Pacific Affairs; former U.S. Ambassador to Laos.

Moderator: Victor Palmieri.

Origination: Live from the National Press Club, Washington.

Announcer. Tonight, live and in color from Washington, D.C., "The Advocates," Howard Miller, Guest Advocate William King, and the moderator, Victor Palmieri.

Victor Palmieri. Good evening.

Tonight "The Advocates" comes to you from the National Press Club in Washington, D.C., with the broadcast focusing on the President's recent action in committing U.S. Forces in Cambodia.

Our question is this, "Should Congress resolve that the President immediately withdraw all troops, aid and advisors from Cambodia, and that he commit no further forces outside of South Vietnam."

Advocate Howard Miller says yes.

Howard Miller. When a President of the United States can invade a neutral country without Constitutional authority and claim that he is doing so to save lives and bring about a peace, then the challenge is not only to our policy, but to our sanity.

There is no conceivable benefit out of the Cambodian adventure that would justify the vastly increased risk of escalation abroad or the deep divisions that have occurred at home, yet the President's announced policies do not rule out that there would not be, simply, other Cambodias.

With me tonight are Daniel Ellsberg of MIT, formerly a consultant on Presidential decision-making to the State Department, Defense Department and White House, and Senator Charles Goodell, of New York.

They join with me in saying that the time has come for Congress to create a structure that prevents other Cambodias, to mandate withdrawal from Cambodia and to mandate withdrawal from Southeast Asia.

Palmieri. Advocate William King disagrees. He says, "No, the President is right."

William King. The real question this evening is whether the President was right in sending American troops into the Cambodian sanctuaries to protect the continued withdrawal of American troops from South Vietnam, and whether Congress should take away the President's power to act in this situation.

This is not an imaginary situation. The President could not say, "We should never have been there." We are there. When the President took office, he found 575,000 troops there.

The President's position is right! We have been de-escalating in South Vietnam while the enemy forces, the North Vietnamese and the Viet Cong, have been moving into the Cambodian sanctuaries with troops and supplies.

This has left our western flank exposed to the dangers of attack from those sanctuaries.

With us tonight to explain the President's position are Ambassador William Sullivan, former Ambassador to Laos, presently Deputy Assistant Secretary of State for East Asian and Pacific Affairs, and United States Senator Robert Dole, from Kansas.

Palmieri. Well, tonight's issue is addressed to the Congress, but the outcome depends on you, the voter.

Tonight our Advocates will present their arguments directly to you and we will try to raise the questions that the American public

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is asking right now about our involvement in Cambodia.

Let's begin. Mr. Miller, the floor is yours.

Miller. If the President is militarily right, and he, in fact, had to invade Cambodia for temporary military advantage, then that raises the gravest question about his decision-making, because presumably every time that rationale arose in the future, whether it were in Cambodia, Laos or North Vietnam, he also would claim the authority to invade, and he certainly cannot be permitted to do so.

In fact, however, the President was probably militarily wrong in invading Cambodia, We, in fact, have been there before. Search and destroy was our policy inside Vietnam, and this is another search and destroy mission, and that search and destroy policy failed.

In fact, we have had larger successes in gathering supplies than we have had in the Cambodian adventure. In Operation Junction City inside South Vietnam, substantially larger supplies were obtained and yet Tet followed—the Tet offensive followed six to seven months later.

There is no way simply by incidental search and destroy missions that the United States can affect the capacity of the North Vietnamese to wage the war. The intelligence always is that the North Vietnamese have an operational capacity far in excess of any arms and ammunitions they store. Thus, the incidental search and destroy always fails.

The lesson from all this, since that is the lesson from South Vietnam, is the bitter and regrettable one that history teaches us, that history teaches us nothing.

And yet the President, by his own admission, chose to enormously divide the country and create a grave Constitutional crisis in search of a military phantom. The risk is that he may do so again. He has set down conditions for military response and North Vietnamese action, agreement of the Government of Thieu and Ky, that may lead to conditions where he may feel he has to act militarily again.

That is why Congress must act. Not simply to withdraw from Cambodia now—and let no one think the President's announcement there will be withdrawal in three to seven weeks—in any way diminishes the crisis; conditions have been set for further escalation.

Congress must say, "Withdraw now." In saying so, it is not invading the President's prerogatives and telling him how to wage war. It is telling him to end the war.

To talk to us about conditions in Southeast Asia and about the necessity for that Congressional mandate, we have asked to join us tonight, Mr. Daniel Ellsberg.

Palmieri. Mr. Ellsberg, welcome to "The Advocates." (Applause.)

Miller. Mr. Ellsberg is now at MIT and for the past several years has been engaged in a study about the Presidential decision-making in a crisis, especially as it relates to Vietnam. He is a former company commander of the Marine Corps, and also has a Ph. D. from Harvard. Three years ago, he was in Vietnam observing military operations there.

Within the past two years, he has been a consultant to the State Department, Defense Department and White House on Presidential decision-making. And tonight, he is here to tell us why Congress must mandate withdrawal from Cambodia and Southeast Asia.

Mr. Ellsberg, the President says that the operation into Cambodia was necessary to save American lives. Is it worthwhile for that purpose?

Dr. Daniel Ellsberg. This operation is likely, tragically, far more likely to cost many American lives, Vietnamese lives, and Cambodian lives. I believe this operation in terms of the arms and rice that have been captured so far that has led the military to define as "success" is not worth the 64 American lives it already cost, 68 with Kent State.

Miller. You say it's not worth the lives; is there any justification for it?

Ellsberg. I think the reasons against it now are pretty much the same as they have been for the last five years, the same low margin of benefits, the same risks, the same costs that have led two Presidents, including this one, to reject the proposal to enter those sanctuaries, the Laotian sanctuaries with U.S. troops every time that proposal has been raised in the last five years.

Miller. You talk about the lack of benefits, Mr. Ellsberg. What is the risk?

Ellsberg. The risks are very serious. First, of escalation by the other side to match ours. That has been the pattern of each exchange of initiatives in the last ten years, one could say. Each time that we have tried to win the war quickly, to bring military victory closer to us, or simply to avoid defeat, the other side has seen fit to take the effort, take the casualties, take the cost to do whatever is necessary to stalemate and reduce that response.

In this particular case, I think there are serious likelihoods that the Communists will now be led to change what the Administration has led us to believe—and I think correctly—has been their military strategy for some time up till now, a protracted war, a wait-and-see attitude along with the American public to see if he, the President, does mean in fact to carry out this total withdrawal that he is hinting at but not committed himself to.

If I may go on for a moment——

Palmieri. Just one more minute, then I want to get into cross-examination.

Miller. Let me ask just one more question. Are there risks in the Presidential decision-making here that may require in fact that Congress mandate withdrawal from all of Southeast Asia?

Ellsberg. The risks of escalation by Presidential action are the same here as in the past, the risk of addiction to continued endless war, open-ended war, a return not to the Vietnamization policy that we believe was taken irreversibly east toward home, but to a policy that seems to be taking us west into Cambodia and possibly yet north into Laos and North Vietnam.

Miller. Thank you, Mr. Ellsberg.

Palmieri. Mr. King, let's hear from you on cross-examination.

King. Mr. Ellsberg, you are no longer with the United States Government; is that correct?

Ellsberg. That is correct.

King. Have you been briefed on the build-up in the Cambodian sanctuary area?

Ellsberg. No, sir; but of course no argument we have been told by our President or any other representative of the government leads me to believe that any evidence is available, arguments are available, different from what we have heard for the last five days.

King. In other words, you do not believe that there has been a build-up of supplies and men in the Cambodian sanctuary area in the last few weeks?

Ellsberg. We have heard assertions to that effect; we have seen no scrap of evidence, even in the form of the estimates so often proved wrong in the past, of the nature of that build-up. I do not believe, Mr. King, that there has been any such build-up in those sanctuaries or that any evidence exists.

King. You do not believe the President when he says that there was such a build-up?

Ellsberg. I can imagine the President believes that. I have, Mr. King, participated in many military briefings, in preparing them in the last ten years, in giving them. I read many of them. I can believe he believes that, but I would not advise him to have a great deal of confidence in it.

King. You mean you feel that the President of the United States has been brainwashed?

Ellsberg. Presidential candidates have admitted to that in the past. I believe, as a matter of fact, sir, that five Presidents have brainwashed themselves, brainwashed their own staffs, and brainwashed the American public for a number of Administrations.

King. You don't like the——

Ellsberg. We had a generation of that.

King. You don't like the government in South Vietnam, do you?

Ellsberg. That seems to be a strange question, Mr. King. I am not——

Palmieri. I don't think he meant it as a point of personal affection, asking you whether in fact you are antipathetic to the Government of South Vietnam.

Ellsberg. I believe the Government of South Vietnam is a narrow, unrepresentative, corrupt, military dictatorship. [Laughter and applause.]

If I may add, what is more relevant to its association with the United States?

Palmieri. I suspected that he had an answer to that question.

Ellsberg. I believe it consists of a narrow group in South Vietnam, that alone, perhaps with some Communists, prefers to see this war continue indefinitely than to see it end with American withdrawal.

King. Well, let me ask you how you feel about the Government of North Vietnam?

Ellsberg. The Government of North Vietnam is in many respects not any better than the Government of South Vietnam.

King. In other words, you don't care which government wins; is that right?

Ellsberg. The notion that it is for an American, whether it is me or you or the President of the United States, to determine the Government of South Vietnam, is a tragic mistake that has led to tragedy for both countries.

King. Well, how do you feel about the people of South Vietnam?

Ellsberg. I feel a great deal for the people of South Vietnam. That is what led me to go there. I think that a communist victory, which may well happen with the policy that I would like to see take place, would punish and subject to exile, death, imprisonment, some of my closest friends in the world precisely because they are nationalist rivals to communist leadership; patriots, men of integrity of the sort now imprisoned by the present Saigon Government.

Palmieri. Let me interrupt you a second.

Ellsberg. Let me speak specifically of my friend, Chun Yup Chou, unconstitutionally imprisoned by this governemnt recently with the tacit approval of our present ambassador, Ellsworth Bunker.

Palmieri. Mr. Ellsberg, let me ask you this: Granting your strong feelings about the government and the basis for your opinion, isn't the question that we have here whether we are going to substitute the judgment of Congress for the judgment of the Commander-in-Chief? Isn't it that simple?

Ellsberg. It would be very regrettable if it were the case, that one has to substitute. I would like to see Congress share that responsibility, as the Constitution suggests it should. I believe it has shirked its responsibilities in the past to do that.

Palmieri. Aren't we talking about command responsibility here? This was a question of protecting men in the field, was it not? Is it meant that the Constitution should have that responsibility shared with Congress?

Ellsberg. The argument that this protects men in the field—if we had time to answer it—I think on quite technical grounds and grounds of experience, is almost a ludicrous argument. It cannot stand up under analysis and examination. There may well be other secret, clever motives of the sort that have led us to so many terrible, terribly mistaken policies in the past that led the President this way.

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I would like to add, if I may, I think the record of our last five Presidents of both parties does not encourage us to give the benefit of the doubt to the President in Indochina. A President who wants the confidence of the people of his country, through his decisions would do well not to leave so many doubts and uncertainties as the President has done in this case.

Palmieri. But presumably legislative matters such as the Gulf of Tonkin resolution would not give you similar confidence or any greater confidence in Congress?

Mr. King, why don't you continue with Mr. Ellsberg. You have one more question?

King. Do you feel that if we withdraw today from South Vietnam that the North Vietnamese would not overrun South Vietnam?

Ellsberg. I believe they would not. I have more confidence than your question suggests in the military capability of the million men that we have armed in South Vietnam to protect themselves and to protect the cities of South Vietnam.

King. In other words, you feel that we have done a good job in developing the South Vietnamese army?

Ellsberg. No, I believe they have attained that capability in spite of our involvement.

King. Thank you very much.

Palmieri. Thank you very much, Mr. Ellsberg. (Applause.)

Miller. We are constantly told by question or inference that the President may have secret information, or that he knows about buildups that perhaps we don't know about, and therefore should be believed.

But, when a President, on April 20th, announces a withdrawal of 150,000 men over a year period, and then by April 30th, with no consultation with Congress, and so far as may be known not broadly based consultation inside his own Administration, decides that he must act because of new developments within that ten-day period, he has the obligation to divulge that information to the American people.

When he does not do so, the Congress may legitimately act.

Palmieri. Mr. Miller, we will be back to you for rebuttal.

Now let's go to Mr. King and hear the case against the proposal.

King. This evening, you, the American public, are being asked to put yourself in the position of the President as the Commander-In-Chief.

The Presidnt has announced to the American public and to the North Vietnamese that he has planned and is withdrawing troops from South Vietnam on a continuing basis. He has withdrawn 115,000 troops. He was pledged to withdraw 150,000 troops between now and next spring. That will leave approximately 240,000 troops remaining in Vietnam as of next spring.

He has, at the same time, repeatedly warned the North Vietnamese that if they continue to escalate their violence while he is continuing to de-escalate and disengage our troops from South Vietnam, that he will have to meet their increased force with force of our own.

As a point of fact, the North Vietnamese have continued to escalate their activities. They have continued to bring supplies and forces into the Cambodian sanctuaries. This left us in an extremely exposed position for the continued withdrawal of our own forces and the buildup of the South Vietnamese Army.

The President has taken the position that he must move into the Cambodian sanctuaries and destroy those supplies.

With us this evening, to explain how the president felt and what he did, is Ambassador William Sullivan, former Ambassador to Laos.

Palmieri. Ambassador Sullivan, welcome to "The Advocates." (Applause.)

King. Ambassador, you are presently Deputy Assistant Secretary of the Department of State for Far Eastern and Pacific Affairs, is that correct?

Sullivan. That is correct.

King. Can you tell us what the situation was that the President faced in the Cambodian enclaves?

Sullivan. Well, Mr. King, I think in order to explain the situation that the President faced there, in order to explain the decision that he took to go into Cambodia, we need to understand what has taken place in South Vietnam, militarily, in the last couple of years.

With the two communist offensives, in Tet of 1968 and 1969, there have been two very significant developments in South Vietnam.

First of all, the offensive shocked the South Vietnamese into total mobilization and made Vietnamization possible.

Secondly, they cost tremendously in losses to the North Vietnamese and the Viet Cong. Both the main force units and the couriers, the guides, the people who guarded the weapons caches—what General Jopp calls the spring-boards.

Now, in the summer of last year, in order to cope with this, the North Vietnamese decided to do two things. One, they pulled their main force units out of combat, back into these sanctuaries in Cambodia. And two, they started a campaign of organization to try to rebuild that spring-board inside the country.

The idea was that when our forces withdrew adequately from South Vietnam, their main forces were rebuilt—the spring-board was redeveloped—then they would come across that spring-board and attack the cities in the way they attempted to do in 1968.

Now, we discovered that the South Vietnamese—the North Vietnamese were bringing in, through Sihanoukville, the supplies for those caches and for the base areas here. They were getting their rice by truck from Phnom Penh and Stung Treng under arrangements with Prince Sihanouk.

All this changed very suddenly on March 18 of this year, and when it changed we felt that these forces in that area were in a bad position. We suspected that they might either have to withdraw northward to hitch up with the Ho Chi Minh Trail, or else that they would negotiate.

There were a great number of negotiating proposals in the air, as you may remember. The Cambodians wanted to negotiate. The French had a proposition. Jacob Malik made some statements. So did the Indonesians.

When the President spoke on April 20th, he put our negotiating position forward, I think, in the most generous terms in which it has ever been phrased. Now, they did not choose to negotiate. They did not choose to withdraw. In fact, by April 27th, the intelligence we had made it clear that they had made a bold and reckless and aggressive decision to move outward, westward, to try to establish a long corridor all the way along the South Vietnamese frontier to have access to the sea, to link up all of these base areas here into one massive enclave against South Vietnam.

Moreover, their second phase was to bring Sihanouk back as their puppet and try to take over all of Cambodia. This increase would have threatened our forces and made it very difficult to withdraw.

King. What was the President's objective, then, in taking the action that he took?

Sullivan. The objective was quite simply to try to clean out the rice, the food, the ammunition, the supplies, in these base areas so that these forces could not carry out their intentions, but would have to move back up. The diplomatic intention was to hope that they would be forced to negotiate with us. Thank you.

Palmieri. Mr. Miller, for cross-examination.

Miller. Ambassador Sullivan, do you agree with Secretary of State Rogers' testimony before the House Appropriations Committee that if we had to move United States troops into Cambodia it would indicate the failure of Vietnamization?

Sullivan. It would certainly have made a great—the threat to Vietnamization that existed from this certainly made it very difficult for us at that time.

Miller. But the Secretary's testimony was that if United States troops had to move into Cambodia, that would indicate the failure of Vietnamization. Do you agree with that?

Sullivan. I think that he has later said that having moved into Cambodia, we are going to be able to change the pattern so that our Vietnamization program can progress more rapidly.

Miller. But you rest your opinon on what he later said.

Tell me, Ambassador Sullivan, when you were Ambassador to Laos, you publicly took the position, I believe, that the United States should not invade the Laotian sanctuaries on the ground, because it would violate the Geneva accords?

Aren't we in exactly the same position in Cambodia?

Sullivan. No, because in Laos we did have an obligation not to send our forces into the territory of Laos. The Laos Government did not wish us to have our forces in there. Now, in Cambodia, under the regime of Prince Sihanouk, the Prince did not wish forces to come in despite the fact that he had lost sovereign control over these areas here.

What has happened here, is that these forces have constituted a threat to our forces here in South Vietnam in such a way that we have felt under article 51 of the United Nations Charter that we should have to move and the Cambodian Government has not protested our move.

Miller. Has not protested—and are we there, in fact, to support the Cambodian Government, the government of Lon Nol?

Sullivan. No, we are not. We are there to protect the forces here in South Vietnam.

Miller. Then why, in fact, is there the South Vietnam flotilla of boats going up the Mekong with American support to Phnom Penh?

Sullivan. The Americans are not going to Phnom Penh.

Miller. No, but they are American boats.

Sullivan. That flotilla is going up the Mekong to a point about here, where we will turn back with the forces that have landed through that base area. Now, later these same boats or different boats—South Vietnamese boats without Americans—may go further up in order to take some of the South Vietnamese citizens in that area back down again. It is a humanitarian mission. That is not the function of the current mission.

Miller. But certainly, as we have heard many times before, that is the limit of our commitment.

Let me ask you, Ambassador Sullivan, what happened in those sanctuaries in the eight days between April 20th when the President spoke, and April 28th when he apparently decided to move in? What happened in those eight days to change the situation so materially.

Sullivan. The people in these sanctuaries and in here started moving out, taking over roads, taking over a network to try to connect an entire sanctuary into a corridor.

Miller. Moving west?

Sullivan. Moving westward. And those people were using the supplies in these base areas in what they felt was the confident assumption that the United States would not bother those supplies.

Miller. Well, why is the one long sanctuary more dangerous to us than the pocket sanctuaries there? What difference does it make that they were moving west in terms of our South Vietnamese position?

Sullivan. These sanctuaries here that have existed in the past by a supply route that is run up from Sihanoukville, by rice that

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has come out of Phnom Penh and Stung Treng. There would have been no rice coming out of Sihanoukville. There would have been no rice coming out of these two areas, but if they had this corridor from here to the sea, they could bring supplies down the Ho Chi Minh Trail this way, supplies over the sea this way—they would have vastly increased the threat to our forces.

Miller. Now, Ambassador Sullivan, we were told by the President in his speech that we were going into one of those sanctuaries to find the North Vietnamese headquarters, the elusive COSVN. Where is it now?

Sullivan. The COSVN is a committee. It is a committee of North Vietnamese officers, military and political, who direct the war in South Vietnam—or in this portion of South Vietnam.

Miller. We don't know where it is now, do we?

Sullivan. They are probably somewhere in the Cambodian territory.

Miller. Now these sanctuaries are what—just unfound yet. We were once doing this on the east side of the border. We are now doing it in the sanctuaries. If those sanctuaries now move past the 30 kilometer mark, 40 to 50 kilometers inside Cambodia, under the President's rationale, won't we be justified in hunting the elusive COSVN there, too?

Sullivan. No. We are not hunting COSVN. We are trying to get supplies and caches that are in here and we have already had tremendous hauls of supplies.

Miller. What is left, though. Not what has been taken. How do you know what is left? The evidence is, in fact, that the North Vietnamese supplies are widely dispersed, so if we find these tons—or as you now prefer to report them, pounds or grains of rice—in one spot, it is likely that there are enormously greater quantities elsewhere, isn't that correct?

Sullivan. It is not our evidence that they are widely dispersed. It is our evidence that they are pretty well concentrated in the caches along the frontier.

Miller. Why wouldn't the sanctuaries move further back into Cambodia and be as great a threat to what you call our flank in South Vietnam as where they now are?

Sullivan. The individuals, the troops, may move on back, but they can't carry with them, and haven't carried with them, the tons of supplies that they have left behind and which our people have captured.

Miller. Well, I don't understand, then, why our sanctuary operations inside South Vietnam, in Cedar Falls, in the Iron Triangle, in Junction City, didn't have exactly the same effect.

Sullivan. They had a disrupting effect, and it is why—it is because of them that they had to develop these supply lines through Cambodia.

Miller. It was so disrupting that they had to wait until the spring to bring their Tet offensive, is that it?

Sullivan. They had to wait another year between one of these, yes.

Miller. But it certainly didn't prevent that. Do we have any feeling at all, any certainty, that this limited operation will prevent that six months from now?

Sullivan. Of course there is no certainty. But the hope is that these forces here, having been deprived of their supplies and scattered, will move back up and leave this area in a much more secure arrangement.

Miller. Let me ask you, Ambassador Sullivan——

Palmieri. I am going to have to interrupt at this point and thank the Ambassador for being with us.

Mr. King, will you continue with your case?

Thank you, sir. (Applause.)

King. My second witness this evening, who is here to discuss the President as Commander-in-Chief and the Congress and its relation to the President in that role, is United States Senator Robert Dole from Kansas. (Applause.)

Palmieri. Senator, welcome to "The Advocates." We are glad to have you.

Senator Robert Dole. Thank you.

King. Senator, did the President have the right to do what he did?

Dole. I believe that the President very clearly had the right in accordance with Article II of the Constitution as Commander-in-Chief; in addition thereto, as the Chief of the Executive Branch, with an obligation to carry out the laws and to protect the peace and to protect Americans.

King. What would happen if the President's role as Commander-in-Chief were turned over to the Congress of the United States?

Dole. Well, I would hate to have it turned over to the Senate of the United States but I wouldn't mind having it turned over to the Congress of the United States. I think this is a division we must make. You know, the peace-making and the treaty-making powers reside with the Senate; the war-making powers reside with the Congress; the appropriation powers reside with Congress. That's both Houses, not the Senate Foreign Relations Committee or just the Senate. So there is a vast difference when we talk about the powers of Congress. I think far too often the American people, because they see the Chairman of the Senate Foreign Relations Committee nightly on television, or some of the other Senate members, feel the House has no authority at all.

With reference to appropriations and with reference to declaring war, that's the right—the Constitutional right—vested in both Houses. It takes both Houses to act.

King. But I am talking about the role of the President as Commander-in-Chief in safeguarding our troops in South Vietnam. What if that role were turned over to the United States Senate? What if it were turned over to 100 Senators? What do you think would happen?

Dole. Well, I think it might depend—this is nothing new. It started back in George Washington's time. As I recall, he issued a proclamation of neutrality between Great Britain and France. The Senate immediately said that he exceeded his powers. That argument has gone on I think with nearly every President; Jefferson had the same problem, the Bay of Tripoli; President Polk had the same problem; President Kennedy had the same problem; President Truman went into Korea without any authority; and I think perhaps the reason they must do this from time to time is to protect Americans and we can't always wait for the Senate to act, we can't wait for a hundred Senators to decide what we might do at a very critical time and I certainly think this was the case in Cambodia.

King. In other words, you don't feel that in this particular situation there was time for the Senate of the United States in its deliberative sense to make this determination to protect our troops in South Vietnam by going in the Cambodia sanctuaries.

Dole. No, I don't believe there was time, and as I said initially the President certainly had the right, he had the right, he had the responsibility. He had the responsibility to protect American troops.

Palmieri. Senator, do you think he should have consulted, you think he might have consulted on such a sensitive issue when he could have expected such an intense reaction?

Dole. I think he may have consulted, he is not required to do this. He prior to making his announcement had a little preview or briefing with certain Administration leaders, certain Democrat leaders, and members of the Cabinet.

Palmieri. They didn't include the Secretary of State, however, is that correct?

Dole. No, I think the Secretary of State was there.

Palmieri. Are you finished, Mr. King?

King. No, I have one more question, if I may.

Palmieri. One more question.

King. You are familiar with the resolutions that have been introduced in the United States Senate as a result of the action in Cambodia. Are they varied in scope, do you support any of them, or are they in conflict with one another? What do they accomplish?

Dole. Well, there is one, I might support the so-called Church-Cooper Resolution if it contains an amendment which gave the President the right, if necessary, to take any action he thought was necessary to protect American troops. Otherwise I think perhaps they may be more political than real and I don't support any of the others.

King. On the vital cutting issue of the President's right to protect American troops in South Vietnam, he should have that right, absolutely, to exercise?

Dole. He should have that right without any deadline being set and without—and I also believe that Congress has some authority and that's why it might support the Church-Cooper resolution if it had the amendment that was discussed on the House side which gave the President the right to move if necessary to protect American troops.

Thank you.

Palmieri. Mr. King, thank you.

Mr. Miller, your turn.

Miller. Senator Dole, do you think the President's decision and benefits were worth the divisions that has resulted in the country because of it?

Dole. Well, I am not certain the division is any greater now than it was. I find——

Miller. You were out of Washington yesterday.

Dole. No, I was in Washington. It was a very boring demonstration and there were very fine young people involved. But I am quoting now young people who were here said it was a very boring process.

Miller. Well, let me ask you, Senator Dole, I want to ask a question now. Do you think the President's decision was worth the division that has resulted?

Dole. Well, I feel certain having confidence the President's decision was for the same reasons they were demonstrating yesterday: End the war in South Vietnam. I said to the young people who visited with me, "Whatever you may think of President Nixon, let's give him credit for progress in Vietnam, for extricating us from the situation he inherited January 20, 1969. He had reduced the troop level by 115,000. He has announced another 150,000. He is trying to end the war. He is trying to hold down casualties. He has reduced the bombing. So he has made progress.

Miller. Except for the events as they may arise out of this Cambodian adventure which we always must add.

Do you think the President had the right to go into Cambodia without consulting the Congress? Does he also have the right to go into Laos without consulting the Congress, into North Vietnam without consulting the Congress?

Dole. I think he might have the right to go into North Vietnam. I think he probably at least indicated a sense of the Senate resolution in reference to Laos. I think the President made it very clear the very limited objectives. It is not extension or expansion of the war. It is not neutral territory taken over by the enemy, I think he has the right. I would hope he would exercise that right when necessary to protect the lives of Americans.

Miller. Well, let's see.

Dole. If he didn't exercise that right where would the Senate be? Who would be on his back then?

Miller. Explain to me, Senator Dole, with the monsoon coming up in the period of three to four weeks, to your understanding, because I think many Americans are confused regardless of what Ambassador Sullivan said, what happened in that short period that required the President to move without consultation? Was there any indication the enemy would attack if the President chose to consult the Senate?

**Dole.** You mean the period of time from April 20 to April 30?

**Miller.** Yes.

**Dole.** I don't know precisely. I had briefings and I have tried to make my own assessment, my own judgment. Apparently there was a build-up. There was also some danger to our troops and this is a question, of course, I've asked myself: Was the danger great enough to require us to cross the border?

But I think perhaps if we equate an imaginary line with American lives, the decision is very easy. I would guess any President—whether it was President Kennedy who sent 18,000 troops to Vietnam, whether it was Johnson who escalated to 540,000 or whether it's President Nixon, who is bringing them home, I trust any President to make a decision that he believes to be in the best interest of our country.

**Miller.** The imaginary line you're talking about is the boundary line of another country.

**Dole.** The imaginary line, right.

**Miller.** In crossing that boundary, the President has the same right to do that as he has to cross any other imaginary line.

**Dole.** When the lives of American troops are involved, I say he not only has that right but he has that obligation. There has been no neutrality observed for five years on the part of the enemy. We observed it. We didn't even have diplomatic relations in Cambodia for almost five years, so we observed the neutrality, we followed Sihanouk's orders and directives, but the North Vietnamese and the Viet Cong did not.

**Miller.** Tell me, Senator, why do you feel that you might support the Church-Cooper amendment?

**Dole.** Because I think the Congress does have some right. I don't say that the President has a Carte Blanche authority to do everything he wants to do.

**Palmieri.** Senator, let me ask if Mr. Miller will tell our viewing audience quickly what the Church-Cooper amendment covers.

**Miller.** The Church-Cooper amendment calls for withdrawal without fund cut-off. It does call for withdrawal from Southeast Asia, is that correct?

**Dole.** That's essentially right.

**Miller.** And you say the Congress should act on that. Now our resolution tonight is that it be resolved that the Congress call for immediate withdrawal from Cambodia and resolved that the President commit no further forces outside South Vietnam. You don't disagree with that.

**Dole.** I think this may be a moot question. I have confidence in the President. He said that the troops would be back, would be out of Cambodia by July 1 and I think perhaps before. I think there may be other things the President hasn't been able to divulge that he will at the appropriate time. So it's a moot question.

**Miller.** But the President has said——

**Palmieri.** I think that ends the cross examination. I'm sorry to interrupt you.

Senator, thank you very much for your appearance here.

(Applause.)

Mr. King?

**King.** The President told us on Friday night, in his press conference, and as we have heard this evening, we are engaged in a limited thrust into the Cambodian sanctuaries to destroy supplies and munitions. This thrust is being successful. It will continue for a short period of time. We will begin to pull our troops back the middle of this week and we will have them back by the middle of June. In short, five weeks away.

We will have saved thousands of American lives and we will have enabled the President to speed his withdrawal of troops from South Vietnam.

As we have also heard this evening, the President has to have the right, the power, to act decisively in this kind of situation to protect American troops. Can you imagine what would happen if we turned this kind of decision over to 100 Senators and 435 Congressmen?

We have two very fine Senators here this evening, one of whom we have heard from, one of whom we will hear from. They cannot agree. How long would it take to get an agreement in the event of an enemy attack in South Vietnam where we had to go in to a sanctuary area and destroy supplies and go after their troops? We would find that foreign power, not only lobbying our Congress at home for a resolution which would prevent our soldiers from taking such action, but we would also find that the enemy was having a real field day with our troops in South Vietnam.

**Palmieri.** Thank you, Mr. King.

Mr. Miller, Mr. King has presented the case for the President as Commander-In-Chief. Now is your opportunity for rebuttal.

**Miller.** The problem is, we have heard it all before and it wasn't true then and it is not true now. There are qualities about our processes and the way we approach these decisions that need to be talked about. There are fundamental truths.

The way to bring troops home from Vietnam is to bring them east, not to send them west. The way to end the war is not to invade a neutral country, but to get them out from where they are. The way to reduce American casualties is to reduce the fighting.

There simply is no credible evidence that there were major attacks to be planned across the Cambodia border. In fact, with the monsoon season coming in three to four weeks, with no evidence of an attack being planned, there was no immediate threat to American troops.

In fact, the limited search and destroy mission, by its very means, by its very definition, cannot accomplish what it has set out to accomplish.

The President said it might trap troops and find the enemy headquarters. It has not done so. Now we are told that yet smaller aims justify it. And the question cannot be considered without regard to the division at home. They are not simply foreign policy decisions. They are decisions which affect all America. And this decision has divided this country, perhaps unlike any other decision in this century.

It has brought into the streets and with great and deep reaction, millions of Americans and what they are saying to the President is, if he wishes to take another step into a neutral country, that he must consult the Congress, that he must consult them, that he must present credible evidence and above all, that our entire decision-making process—what I think the college students are really saying—that our entire decision-making process must relate itself to the lives that are affected.

No one mentions the innocent Cambodian villagers that were killed in what is said to be an attempt to save the American troops lives. No one mentions the thousands of other lives including students here in the United States that were affected. Those, fundamentally, must be taken into account.

In fact, the President's decision has acted backwards to every one of his goals. It has not strengthened his bargaining position. It has weakened it. If there is one thing that North Vietnam knows as a result of this decision, it is that the President can take no comparable military step without risking a near revolution in the United States, and knowing that, North Vietnam knows he is unlikely to do anything comparable.

In fact, the decision has hurt him; it has hurt the country, and it threatens to do so even more unless Congress acts. No one is ordering the President not to make maneuvers on the battlefield. Congress is asking the President to end the war.

One of the leading exponents of Congress asking the President to end the war is with us tonight. He is Senator Charles Goodell of New York. (Applause.)

**Palmieri.** Senator, welcome to "The Advocates."

Senator **Charles E. Goodell.** Thank you.

**Miller.** Senator Goodell, last September, introduced an amendment into the United States Congress calling for a fund cut-off and requiring a time-table withdrawal from South Vietnam. It is fair to say that if that amendment had been adopted when he introduced it, we would not be in Cambodia today.

Senator Goodell, why should Congress say "no" to the President on this?

**Goodell.** Well, the first reason Congress ought to say no is that we have been subjected for the last seven years to Presidents engaging in limited successful thrusts to save American lives that cost us American lives. We have been told over and over again that bombing Hanoi and search and destroy missions of one kind or another in South Vietnam, in Laos and in North Vietnam, would save lives and end the war.

Now, we have the same thing in Cambodia. The difference being, we have crossed a border of a neutral country without the request of that country, and somehow or other we have decided that doesn't make any difference.

Congress is the only one that can save us from an extension, an expansion, of this war and further loss of American lives.

**Miller.** Is there a constitutional basis for Congressional action here?

**Goodell.** Well, I would say to some of my friends that argued very strongly for strict construction in some of our recent debates in the Senate that they ought to be for strict construction of the United States Constitution when it comes to the war-making power. (Applause.)

The President of the United States has no power to make war. Only Congress has the power to declare war and I think Congress ought to share the responsibility of undeclaring this war.

**Palmieri.** One more question.

**Miller.** You have introduced, along with other Senators, an amendment which calls for a fund cutoff or troops to Southeast Asia. Is that kind of action justified by the Congress?

**Goodell.** Well, it is the only way Congress can enforce its power for war and peace. The United States Constitution provides, also, that there should be no appropriations for military purposes beyond two years, and when we read the Federalist papers and other reports that were given at that time, the basis for this was that they did not want to reside in the President of the United States unlimited power to make war.

Yes, he is Commander-in-Chief. When we declare war—when we are involved in a war, he has the power to run the troops and to make the policy decisions of that war. But Congress is the one that makes the essential decision as to whether we should be in war or not. And we have expanded that war once again without Congress being involved.

**Palmieri.** Senator, let's see what Mr. King has to ask you.

**King.** Senator, you have had a bill, have you not, before the Congress for some time or before the United States Senate to withdraw from South Vietnam?

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Goodell. Yes.

King. Has that bill been adopted?

Goodell. No.

King. How long has it been before the United States Senate?

Goodell. Well, I was the first one to introduce a bill which provided that Congress would provide no money for American military personnel in Southeast Asia and South Vietnam beyond a specific date. The date I suggested was December 1, 1970.

King. But the question, Senator, is how long have you had your bill before Congress?

Goodell. I did it in September. At that time I——

King. Of 1969?

Goodell. September of 1969. At that time I had trouble getting two cosponsors. We now have 20 cosponsors in the United States Senate for the same kind of approach.

King. I understand you have another Bill on Cambodia; is that correct?

Goodell. That is correct.

King. What is the nature of that Bill?

Goodell. The nature of my Bill on Cambodia is very comparable to the Church-Cooper Amendment that has been mentioned. The Church-Cooper Amendment is limited to Cambodia. It would provide that no American troops—combat troops—can be fighting in Cambodia, that no military advisors and no aid will go to Cambodia, thirty days after date of enactment, which would essentially put into law what the President said he was going to do in Cambodia.

King. When, Senator, did you introduce that Bill?

Goodell. I introduced that Bill two weeks ago.

King. In other words, you have two bills, one that was introduced last fall, one that was introduced two weeks ago, neither of which have been acted upon by the United States Senate, and yet you say that the President's power as Commander-In-Chief to protect our forces in South Vietnam, in this kind of a decision, should be turned over to the United States Senate.

How many bills are there in the United States Senate today to withdraw from South Vietnam or from Cambodia?

Goodell. Well, you know, Congress might decide—it is possible Congress might decide to support the President. I don't know why you are so defensive about that. I think the Congress ought to vote one way or the other. This is a matter of war and peace. Let Congress vote—maybe they won't pass my bill, but I happen to think that Congress ought to vote on this question, and represent the American people and say we either want to stay in that war and we will support it or we want to get out.

King. But this was a decision, Senator, under discussion this evening to go into Cambodian sanctuaries to protect the withdrawal of our troops. The President had to act decisively.

Now, that kind of a decision cannot be turned over to 100 Senators and 435 Congressmen, can it?

Goodell. I think this one could have been turned over very easily to the Congress of the United States.

King. And they would have acted as quickly as it did on your bills.

Goodell. It wouldn't have acted as quickly. I think it was wrong to go into Cambodia and I don't think Congress ever would have approved going into Cambodia. [Applause.]

King. If that is the case, Senator, then why has Congress not, to this point, after this length of time since we have gone in, acted on any of these resolutions?

Goodell. Well, the great problem of course, is that once the President makes the decision to go in, then nobody wants to cut off money to the troops who are fighting there, and that is what I proposed for the first time as an alternative that we wouldn't stop money for the troops that were fighting. Congress would responsibly exercise this authority and say "We will go on providing the money for the safety of the troops." And that is what is involved in the amendment to end the war. We will go on providing money for the troops that are there, but by a fixed date, we must get out, and that, Congress has an authority to do and if we passed it, the Commander-In-Chief, then, would have to get our troops out and he could do it with safety to all our men.

Palmieri. Senator, let me interrupt for just a moment. There is a saying that hard cases make bad law. Isn't it true that the particular circumstances of Cambodian entry here are making it appealing to a great many Americans to have Congress intervene in the military and foreign policy process?

Doesn't that set a precedent which is very, very dangerous of having that responbility shared in a command sense?

Goodell. I don't think that is a bad precedent at all. I think it is about time the Congress of the United States stood up independently with its constitutional responsibility to decide when we go to war. I don't think the President ought to have that option. When the President wants to go into Venezuela, when he wants to go into Cuba, when he wants to go into Nigeria, I think that is a decision that resides with Congress and it ought to be approved by Congress if the President thinks we should send American combat troops in.

Palmieri. Thank you, sir. One more question.

King. One more question. Senator, I understand that you are in favor of sending arms to Israel, is that correct?

Goodell. That is correct.

King. And yet you are in favor of withdrawing from Southeast Asia, is that correct?

Goodell. That is absolutely correct. In Southeast Asia—

King. How can you reconcile these two differences of position of moving into the Middle East and moving out of Southeast Asia?

Goodell. In the Middle East you have a democracy—a tiny democracy—fighting against the intrusion of the Soviet Union, fighting all alone. The Soviet Union has put in massive arms to the Arab world, and once the Arab world has a preponderance of arms, you will have war. There is no request of Israel for us to send American troops. All they have asked from us is for us to sell arms to them so they can preserve themselves.

In Southeast Asia we sent American troops into a civil war within South Vietnam. Now there is a tremendous difference.

King. Well, aren't the South Vietnamese people as important as the Israeli people?

Goodell. If there were a civil war in Israel, I wouldn't be in favor of sending American troops into that civil war anymore than I was in favor of sending them into South Vietnam in a civil war.

King. But whether this is a civil war is a debatable point, is it not?

Goodell. I don't think it is debatable at all. You know, I remember back in 1963 when Secretary McNamara told us that we would have all our troops out by the end of 1965. At that time we had 16,000 American troops there and we were escalating then, but we are de-escalating now.

Palmieri. Mr. King, we are out of time.

Senator, I want to tell you something that will strike you as unfavorable, but it wasn't intentional. When you came on there was a slide that our viewing public saw that said Charles Goodell, Senator from New York, "Democrat." (Laughter.)

I want to make it clear that Charles Goodell, a Senator from New York, is a very distinguished Republican, and thank you. (Applause.)

All right, we are ready for our summaries.

Mr. Miller, you have a minute and a half to summarize your case.

Miller. I understand why the opponents of withdrawal prefer to talk about Israel rather than South Vietnam, but I do not understand how, even at this date, any opponent to withdrawal can claim that we are de-escalating following a new occurrence and an invasion into Cambodia involving significantly greater military action.

That is the kind of problem we face here. The President tells us he is going in to save lives with a new invasion. We are told that because of the invasion there is a de-escalation. We are told that through the invasion we will bring about a peace. In fact, we are almost told consistent double things.

We need to see what is really happening. What is really happening is the risk of a major escalation. No one can think that the North Vietnamese will not respond as they have responded to every other American escalation. No one can think that the North Vietnamese will not themselves choose to escalate, especially since they know that the President's reaction, his almost announced reaction if they act in ways that strike him as unfavorable, will be to re-escalate and cause yet further divisions in this country. And yet we are told that we must do this and we must go into Cambodia and we must do this out of some sense of heroism, protecting lives, in fact so we will not be humiliated so we will not be defeated.

What we need, I think, it a new sense of reality of the world. A new kind of heroism. Not the heroism or reality that says we will not be humiliated, but the heroism and sense of reality that gives us the courage to say and to see that we may have made errors in the past and the fastest way to rectify those errors is to admit them. That the way to get our troops out is to end the war and that new escalation serves no purpose, carry the greatest risk, carry those risk abroad, and most especially, here at home.

Palmieri. Thank you, Mr. Miller.

Mr. King, your final summary.

King. I am going to take a couple of seconds to explain to Mr. Miller what de-escalation is and how it differs from escalation.

De-escalation is the withdrawal of troops in this situation. The President is de-escalating in South Vietnam. Nothing could be clearer. When the President came into office there were 575,000 troops in South Vietnam. He has already withdrawn 115,000 of those troops. He is going to withdraw another 150,000 by next spring. That is de-escalation.

The reason why the President went into the Cambodian sanctuaries was to protect and to speed up that de-escalation process. The buildup of supplies, material, manpower and munitions in those sanctuaries on the western flank of our position in South Vietnam was endangering our own withdrawal efforts. Those withdrawal efforts will now continue and perhaps we can all hope will be speeded up as a result of the action the President has taken decisively in moving in the Cambodian sanctuaries.

It is not a feasible solution to this problem of protecting American lives, in the withdrawal stages in South Vietnam, to turn that kind of decision-making over to the Congress of the United States. The President acted decisively. He had the resources to do so and he will be successful.

Palmieri. Thank you, Mr. King. I am grateful to you for that summary.

## DISTRICT OF COLUMBIA CRIME

**Mr. MATHIAS. Mr. President, I wish to remind Congress of our responsibility in facing and dealing with the serious crime problem in the District of Columbia, since Congress has chosen to retain virtually exclusive governmental authority within the District.**

To this end, I ask unanimous consent to have printed in the RECORD a list of crimes committed within the District yesterday as reported by the Washington Post. Whether this list grows longer or shorter depends on Congress.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

### DISTRICT OF COLUMBIA MAN BEATEN, ROBBED DOWNTOWN

A Northwest Washington man was pistol-whipped and robbed Sunday morning by a man who approached him at 12th Street and New York Avenue NW, police reported.

Shannon Noe told police that the man led him into an alley off 12th Street, then pulled out a revolver. Noe said the gunman struck him over the head repeatedly with the weapon and said, "I am going to take your money."

After removing the bills from Noe's pockets, the gunman fled on foot, according to reports.

Noe was taken to Rogers Memorial Hospital where he received nine stiches to close his head wounds.

In other serious crimes reported by area police up to 6 p.m. yesterday:

#### ROBBED

John Sapsara, of Pittsburgh, was held up about 12:30 p.m. Sunday by a man who approached him while he was standing at 14th and I Streets NW. The man slipped a rope-like cord around Sapsara's neck, removed $475 from his pockets and fled on foot.

Jonathan A. Kaufman, of Washington, was beaten and robbed about 2 a.m. Sunday by a man who attacked him in the 1300 block of New Jersey Avenue NW. The man knocked Kaufman to the ground, kicked him in the head and escaped with his money.

Joseph L. Curtis, of Washington, a driver for the Capitol Cab Co., was held up by a youth who hailed his taxi about 5:25 a.m. Sunday and directed the hacker to take him to 53d and Clay Streets NE. There, the passenger drew a revolver and told Curtis, "Give it here." Taking his wallet, the gunman removed the cash, returned the billfold and ran along the 5300 block of Clay Street.

Eugene Salis Judge, of Washington, was held up about 12:15 a.m. by two youths who approached him from behind while he was walking at Benning Road and A Street SE. One of the youths pulled out a pistol and told Judge, "This is a holdup. Give me all your money." Judge handed them his cash and they ran toward A Street.

Thomas Halley, of Washington, was held up by three men, one, carrying a gun in his pocket, who surrounded him at 7th Street and Pennsylvania Avenue SE. "Come go with us," the trio ordered and led Halley to 7th and D Streets NW. One of them removed the wallet from his pocket, took his wrist watch and fled with his companions.

Earnest Grant, of Washington, was held up about 2:45 p.m. Sunday by a man who placed an unseen object at his back while he was standing at 14th Street and Park Road NW. After demanding his money, the man searched Grant's pockets and removed the bills and change.

Salvio Valente, of Washington, was treated for head injuries at D.C. General Hospital. Valente was held up at about 10:10 p.m. Sunday by two youths who approached him at the bus stop at 19th and East Capitol Streets NE. One of them held a pistol at his head while the other youth struck him several times with an iron pipe. "Where is the money," asked the gunman and Valente handed him the wallet from his pocket.

Jay Lounsbury and Sariann Cayton, both of Washington, were held up Sunday as they were walking east in the 500 block of East Capitol Street. Three youths, one wielding a revolver, told them. "This is a holdup. Hand me your money. Grabbing the bills from both victims, the trio fled on foot.

Francis Madison, of Washington, a driver for Mazzeo and Sons, was held up about 1 p.m. Thursday by four youths who approached him at 6th and S Streets NW. One of them brandished two pistols and said to Madison, "Give me your money." After taking his wallet and watch, the youths removed the portable radio from his truck and fled east in the 600 block of S Street.

Walter Thorne, of 326 Kentucky Ave. SE, was held up shortly after midnight by three men who forced their way into his home. While one of them held a sawed-off shotgun on Thorne, the others took his watch and tried to knock a hole through the wall to the adjacent apartment. When they could not bore the hole, the trio fled from the building.

Mark John Fry, of 1701 16th St. NW, was held up about 2:15 a.m. Sunday by two young men who approached him in his apartment building. One of them drew an automatic, forced Fry to hand over the money from his wallet and ran from the building.

Carlton A. Washington, of Washington, was robbed and briefly abducted by two men who confronted him about 2:20 a.m. in the 2000 block of Georgia Avenue NW. The two pushed Washington into a van truck driven by a third man and took him to a vacant lot at Georgia Ave. and V Street NW. Taking the cash from his pocket and his watch, the trio forced Washington from the truck and fled.

Edward Carter, of Washington, a resident manager for the H. L. Rust realty company, was held up about 6:30 a.m. by two youths who stopped him at 13th and Randolph Streets NW. "This is it. If you want to keep living, keep looking down Randolph Street," threatened one of the youths brandishing a sawed-off shotgun. Forcing Carter to give them a paper bag containing $487, the pair entered a car driven by a third youth and drove north on 13th Street.

Joseph Harris Rosen, of Washington, was held up by two youths who approached the car about 1 a.m. as he was stopped at the intersection of Massachusetts and Nebraska Avenues NW. One of them drew a handgun and told Rosen, "This is a holdup. Get out of the car." After Rosen had climbed from the auto, the youths took the bills and gas credit card from his wallet and forced him into the rear seat of his car. The gunman and his companion then drove Rosen in his car to 1st Street and Michigan Avenue NW where they ordered him to get out of the car. The bandits took the car and fled south on 1st Street.

Bivens Little, of Washington, was treated at Washington Hospital Center for head and facial injuries that he suffered during a robbery. Two men attacked Little from the rear in the 5800 block of Georgia Avenue NW and knocked him to the ground. After taking his wallet, the pair fled on foot around the side of the building.

Mayman. Midani, and Nina Dougherty, both of Washington, were held up about 10:40 p.m. Sunday by three men who confronted them as they were walking in the 800 block of 25th Street NW. "Give me your money," demanded one of the men, displaying a handgun. After taking the cash, the trio ran south on 25th Street.

Waverly Holloway, of Washington, was beaten and robbed about 3:10 p.m. Sunday by a man who approached him at 6th Street and Florida Avenue NE. The man asked Holloway if he wanted to buy a pair of trousers, and he declined. The man then began struggling with Holloway, took his wallet from his pocket and fled on foot.

Clarence Williams, of Washington, was held up about 10 p.m. Sunday by two men who confronted him at 15th and Irving Streets NW. One of them drew a knife and demanded, "Give us all you got." While the armed man held Williams at bay, his companion removed the money from his pockets and the pair fled.

Tourist Home, 932 French St. NW, was held up about 1 a.m. Sunday by two young men who entered the lobby and asked the night clerk about a room. One of them then drew a gun from his pocket and said, "This is a holdup. Give us your money." When the clerk replied he had none, the gunman demanded the keys to the vending machines in the hallway. The clerk handed the men the keys and they removed the money from the machines. The pair then told the employee to lie on the floor and cover himself with sheets that were lying on the counter.

George Settles, of 72 S St. NE, was beaten and robbed about 1 a.m. Saturday by three men, one of them wielding an unknown object. The trio approached him in his home, cut him on the ear and arm and escaped with his money.

Robert E. Thompson, of Washington, was held up about 2:30 a.m. Sunday while he was walking in the 2100 block of N Street NW. Two men confronted him, held a gun at his head and forced him into an alley where they robbed him.

James W. Roberts, of Arlington, was held up about 4:30 a.m. Sunday as he was driving at 14th and W Streets NW. A young man armed with a gun approached Roberts and demanded his money. Taking the cash, the gunman fled north on 14th Street.

William S. Overton, of Alexandria, Helen Pasterchalk and Quelett Rolende, both of Washington, were held up about 12:20 a.m. Sunday as they were entering their car in an alley at the rear of the 3500 block of Connecticut Avenue NW. Two men, one brandishing a revolver, approached them saying "This is a holdup and get your hands up. Give me your money." When Overton said, "There is no money in my wallet. It's in my pocket," one of the men reached into his pocket and removed the bills. The gunman then grabbed Miss Pasterchalk's purse containing money, keys and glasses and a change purse from Miss Rolende.

Charlotte Brown, of Washington, was held up near her home at 24th Street and Alabama Avenue SE about 1:50 p.m. Sunday. A youth concealing a gun in his pocket threatened to shoot her unless she gave him her grocery bag, and fled with the food heading south on Alabama Avenue.

#### ASSAULTED

Geo. Oden, of 1220 10th St. NW, was admitted to George Washington University Hospital with head wounds he suffered during an attempted robbery about 10:30 p.m. Sunday. Seven youths attacked Oden in front of his home, knocked him to the ground and struck him over the head with an iron pipe. Trying unsuccessfully to remove the bills from his pockets, the youths fled in different directions.

John Green, of 2226 13th St., NW, was treated at Washington Hospital Center for facial wounds he suffered about 12:05 p.m. Sunday during a fight in his home with a young man wielding an unidentified object who struck him in the face while they struggled.

John Warre, of 1217 10th St. NW. was treated at George Washington University Hospital for head injuries he received about 1:35 p.m. Thursday. A man entered his room, hit him in the forehead with a wine bottle and fled.

Martha Jeanette Williams, of Washington, was treated at Cafritz Memorial Hospital for facial injuries she suffered during a fight with a man in an apartment in the 2400 block of Alabama Avenue SE at about 3:30 a.m. She was cut over the eye when her assailant punched her.

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### STABBED

Cherlyn Rose, of 3369 18th St. NW. was admitted to George Washington University Hospital with a stab wound in the side that she suffered about 12:30 a.m. Sunday during a fight in her apartment with a man armed with a butcher knife.

### FIRES SET

A fire classified by investigators as arson was started about 4:45 a.m. in a basement apartment at 1925 Minnesota Ave. SE, a building owned by the William C. Smith real estate company, of Washington.

A fire causing major damage was reported about 9:30 a.m. Friday in the apartment of Eleanor Johnson, 3033 16th St. N.W.

### STOLEN

A television set, a clock-radio, a stereo set, three pairs of slacks, three pairs of shoes and assorted meats, with a total value of $946, were stolen from the apartment of Jerome Felder, 2701 14th St. NW, sometime between 1 and 10:50 a.m. Sunday.

An outboard motor with a fiberglass cover valued at $600 was stolen between 5 a.m. and 5 p.m. Sunday from Owen H. Harrison when the garage at his apartment building at 1260 21st St. NW was burglarized.

A television set, a record player, four suits, 14 pairs of slacks, 30 to 40 shirts and several pairs of shoes were stolen between 7 a.m. and 8:15 p.m. Saturday from the apartment of James Edward Hart Jr., 719 Rhode Island Ave. NW.

Ten cases of milk were stolen between 4 p.m. Friday and 7:30 a.m. yesterday from Smothers Elementary School, 44th and Brooks Streets NE.

Quantities of food were stolen between 3:30 p.m. Friday and 7:30 a.m. yesterday from the kitchen at Lucy Ellen Moten Elementary School, Morris and Elvans Roads, SE.

A duplicating machine was stolen between midnight and 6:20 a.m. yesterday from Bruce Evans Junior High School, 56th and East Capitol Streets.

A sound projector, a guitar, two record players and a typewriter were stolen between 3:30 p.m. Friday and 6 a.m. yesterday from Carver Elementary School, 45th and Lee Streets NE.

### PLEADED

Eduardo Vasquez, 24, Humberto Martinez, 20, and Jose Luis Zayas Jr., 35, all of Miami, pleaded innocent in Alexandria Federal Court yesterday to charges of conspiring to sell and transport cocaine. Trial was set for Aug. 11.

Johnathan H. Rohr, 21, formerly of Falls Church, pleaded innocent in Alexandria Federal Court yesterday to charges of draft evasion. Trial has been set for June 17.

John D. Jones, 27, of 334 35th St. NE, pleaded guilty in Alexandria Federal Court yesterday to a charge of check fraud. Judge Oren R. Lewis deferred sentencing.

## SENATOR KENNEDY CRITICIZES SECRETARY OF DEFENSE FOR BLOCKING FORD TRUCK NEGOTIATIONS WITH SOVIET UNION

Mr. KENNEDY. Mr. President, over the past week, press reports indicate that the Ford Motor Co. has been forced to reject a Soviet offer to build Ford trucks in Russia. Last Thursday, according to the reports, Henry Ford 2d, chairman of the company, announced that Ford was rejecting the offer even before it could be seriously considered, largely because of the outspoken public criticism of the project by Secretary of Defense Melvin Laird.

I am appalled by the premature, heavy-handed, and unwarranted action of the Secretary of Defense in blocking Ford's project.

The opposition was premature, because it is clear that Ford itself had only just begun to give serious consideration to the proposal. At the end of March, the company announced that Henry Ford and other officials had been invited to the Soviet Union for a series of discussions. At the time, it was thought that the purpose of the invitation was to solicit Ford's help in building an automobile plant in Russia. During Mr. Ford's visit to Moscow in April, it became clear that the Soviet proposal was for Ford to build a large truck manufacturing complex. In light of these events, it seems clear that the project could not have been given more than the most cursory consideration by the Secretary of Defense before he launched his opposition.

The Secretary's opposition was heavy handed, because it appears to have been made through the press and other media, rather than through direct contacts with the Ford Co. Indeed, from the statements of Mr. Ford, it is clear that from the outset, the administration not only was informed of his invitation to visit the Soviet Union, but also encouraged him to make the visit as a useful means to improve East-West trade relations. Yet, 2 weeks after Mr. Ford returned from his trip, Secretary Laird suddenly launched his public opposition.

Finally—and most important—the Secretary's opposition was unwarranted. It may well be that for strategic or other reasons of America's national security, the Soviet proposal to Ford should not be accepted, but nothing in the press reports or public statements of the Defense Secretary indicates that his opposition was based on any comprehensible grounds.

In fact, the sole explanation given by Secretary Laird for opposing the project is that Soviet trucks built by Ford might wind up in Hanoi. As Mr. Laird put it in a recent magazine interview:

> Before giving away the technology to construct trucks in the Soviet Union, and establishing plants for them, there should be some indication on the part of the Soviet Union that they're not going to continue sending the trucks to North Vietnam by shiploads for use on the Ho Chi Minh trail.

Subsequently, Secretary Laird crudely warned the company that it cost 10 or 12 times as much to destroy a Soviet truck on the Ho Chi Minh trail as it cost the Soviet Union to get the truck into Haiphong Harbor and onto the trail.

Surely, Secretary Laird realizes that even if Ford were to begin construction of the proposed truck complex in the Soviet Union today, May 1970, a substantial period of time—measured in years—would elapse before any Ford trucks would come off a Soviet production line. Indeed, the original Soviet announcement of the project said the plant was scheduled to be completed in 1974. If the long delays in the current construction of the Italian Fiat auto plant in the Soviet Union are any guide, the Ford truck plant would not be completed until even later than 1974.

Can Secretary Laird or anyone else in the administration seriously believe that the United States may still be fighting in Vietnam in 1974? If that is the case, then the Orwellian nightmare of 1984 will have come true with a vengeance, and the United States will be hopelessly mired in perpetual war in Asia. Or, is the Secretary's denunciation of the Ford project simply a cold war relic, a reflex response to the prospect of any trade whatever with the Soviet Union? If that is the case, then he is at odds with the administration's own expressed policy of encouraging nonstrategic trade with the Soviet Union and other Eastern European nations.

In light of the serious questions that are being raised, I hope that Secretary Laird will take the earliest opportunity to clarify his opposition to the Ford project. I believe that he owes the American people in general—and American business in particular—a better answer.

## PETITIONS FOR WITHDRAWAL OF U.S. TROOPS FROM SOUTHEAST ASIA

Mr. HATFIELD. Mr. President, our Nation confronts not only the implications of the Cambodian intervention but also the entire future of our policy in Indochina. Recently, Senators McGOVERN, HUGHES, GOODELL, and CRANSTON and I submitted an amendment to end the war, curbing appropriations for Southeast Asia in a year's time, through a responsible plan of disengagement, unless there is a congressional declaration of war. We believe that Congress must assert its rightful constitutional responsibility through this measure.

Since that time, I have been deluged with petitions and responses in favor of the amendment to end the war. These petitions have come not only from the young and those on our college campuses, but also from those who would have been expected to support our past policies. I wish to call my colleagues' attention to the fact that Americans, young and old, favor the amendment to end the war and a halt to our presence in Southeast Asia. It is time we recognize that those who are disenchanted are not merely from the youth movement, but include those of moderate and conservative persuasions. Among the groups that have voiced their support for an immediate and unconditional withdrawal of all U.S. troops from Southeast Asia in the past couple of days are:

The Presbytery of Washington City.

The House of Delegates of the Connecticut State Medical Society.

The Executive Council of the Association of American Medical Colleges.

Yale Medical School Student Body.

Faculty of Yale University School of Medicine.

Tufts University School of Dental Medicine.

Tufts Medical Center Community.

Mr. President, I ask unanimous consent that the comments of each of these organizations be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### YALE MEDICAL SCHOOL STUDENT BODY

*Resolved*: We the students of the Yale University School of Medicine, in response

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to the call for a National Academic Strike, suspend our normal academic activities in order to work intensively for the realization of the following resolutions:

1. That attempts to suppress legitimate dissent in our country end; that we find repulsive the deliberate use of dehumanizing stereotypes by our government to discredit its critics.

2. That oppression of Black Americans and all other minority group members cease.

3. That the United States government stop its escalation of the Vietnam War into Cambodia and Laos; that it unilaterally and immediately withdraw all forces from Southeast Asia.

4. That the universities end their involvement with the United States military by an immediate end to war research, ROTC and counterinsurgency research.

We recognize that our involvement in the delivery of health care differentiates our situation from that of other students. We, therefore, urge the suspension of all nonessential activities in a non-coercive manner which does not compromise the health care of patients. At the same time, we realize that many of the clinical services rendered by medical students are not essential to the well-being of patients. Therefore, we feel that the interests of medicine in this country and the world would be served better by our active involvement in ending the Indo-China War, changing our national priorities, reallocating our resources, and solving the problems which underlie so much of the illness which we are called upon to treat.

This action is in no way a strike against the University, but rather is a means of redressing that which prevents us from carrying out our primary task of providing for the health and well-being of our fellow men. Our action is intended to allow students, faculty and non-faculty employees time to act directly by such means as massive public education, university seminars, canvassing, letter writing, mobilization of public opinion and direct persuasion of legislators.

We ask the faculty and administration to act in concert with us in opposing violence of any kind and in working to implement the above course of action. We also ask that a joint student-faculty group develop a plan of academic options to insure that our professional competence is not impaired by this program.

Vote:

| | |
|---|---|
| Yes | 246 |
| No | 23 |
| Abstain | 5 |

JAMES MISSETT,
*President, Yale Medical School Student Council.*

JODY ROBINSON,
*Chairman, Yale Graduate and Professional Student Senate.*

### PRESBYTERY OF WASHINGTON CITY

Whereas, the country has been engaged for eight years in an undeclared war;

Whereas, the President has extended the war to the territory of yet another sovereign nation without the consent of Congress;

Whereas, the Nation is deeply and dangerously divided over the war;

The Presbytery of Washington City recommends to the Congress:

1. That the Congress of the United States exercise its constitutional responsibility to declare its position favoring either prosecution or cessation of hostilities in Southeast Asia (Cambodia, Laos, Vietnam);

2. That the Congress implement its decision by granting or withholding military appropriations.

The Presbytery further recommends that all pastors, elders, and members within its bounds send letters to the President and to Congressmen urging Congress to use its constitutional powers to share with the President the responsibility for terminating the war and reconciling he Nation.

The Presbytery recommends that copies of this resolution be sent to the President, all members of the Senate and the House of Representatives, all pastors and Clerks of Session of the Presbytery.

### MIDDLESEX COUNTY MEDICAL ASSOCIATION: MEETINGS OF THE CSMS HOUSE OF DELEGATES

A thorough discussion of this subject was heard from the interested members and delegates who attended the Reference Committee hearing. It was the consensus of opinion that more time was needed for CSMS meetings. The Reference Committee recommends that there be a full day devoted to the semiannual meeting and a full day devoted to the annual meeting. It was further recommended that any additional meetings be left to the discretion of the Staff and recommendation of the Council depending on the urgency of the business to be brought before the House of Delegates. The resolution was accepted.

The Reference Committee moved the adoption of this section of the Report.

### RESOLUTION BROUGHT BEFORE THE HOUSE BY DR. BURNHAM: LIMITATION OF AMA ACTIVITIES

A very lengthly discussion was held by the delegates and guests on this resolution. Many members brought out many succinct points. It seemed to the Committee that there were more speakers against this resolution than in favor of it. It was clearly demonstrated that other actions taken by the AMA are in the process at the present time of undertaking actions in the socio-economic aspect of medical affairs. These are undertaken at all levels—the AMA has the Himler Report; the CSMS has been engaged in this area for a number of years and the county associations are involved because they have no choice. The Committee felt that this Resolution *should not be adopted,* and I move that this motion, "Not to adopt" be adopted by the House.

The Reference Committee moved the adoption of this section of the Report.

### RESOLUTION INTRODUCED BY DR. FRANK ABBOT AND DR. HOWARD SPIRO: APPROVAL OF YALE MEDICAL SCHOOL STUDENTS' ACTION

As was expected, the hearing on this resolution generated a great deal of interest among delegates, guests and representatives of the press. Yale Medical School students were present and expressed their opinions and answered questions. Members of the University of Connecticut School of Medicine, who supported the Yale students, also were present. The discussion was orderly and covered a large segment of the area of interest to students, and needless to say, of interest to the delegates. After a full hearing, your Reference Committee went into Executive Session and took considerable time to digest the opinions expressed and the substitute resolutions presented. After thorough discussion of the resolution presented by the students and the opinions of all those who spoke, your Reference Committee offers an alternate resolution as follows:

Whereas, the House of Delegates of the Connecticut State Medical Society commend the students of the University of Connecticut School of Medicine and the Yale University School of Medicine for their determination to work constructively for the common good of the United States and all its citizens, therefore be it

Resolved that the House of Delegates deplores actions *not only* which suppress legitimate dissent but also actions such as those advocating perpetration of violence on persons and institutions, those depriving others the right to speak and be heard, and those misusing our constitutional guarantees of freedoms so as to create civil disorder and cause senseless destruction of public and private property; and be it further

Resolved that the House of Delegates of the CSMS encourages members to communicate their views on foreign and domestic issues to their duly elected representatives.

The Reference Committee moved the adoption of the Report as a whole.

Respectfully submitted.

DR. FREDERICK C. WEBER, Jr.,
*Chairman.*
LOUIS BACKHUS.
SIDNEY L. CRAMER.
EDWARD A. PALOMBA.
CYRIL CEULMAN.

### EXECUTIVE COUNCIL OF ASSOCIATION OF AMERICAN MEDICAL COLLEGES

I went to Washington on Wednesday, 6 May and next day discussed the views of the Dartmouth Medical School Community, as expressed in the meeting of 5 May, with the governing body of the Association of American Medical Schools. Before this discussion was completed, I received an appointment with Senator Norris Cotton and went immediately to see him. I should like to report on these two activities separately.

But first, a word or two about the climate in Washington as it developed yesterday. Secretary Hickel's letter and the resignation of the President's youth advisor unquestionably took many government officials by surprise and, judging from TV editorials, press comment and personal contacts, the reaction to the letter and the resignation was favorable. But most impressive is the fact that Washington is a city of vast apprehension; and that apprehension focusses on two impending events. One is the President's press conference set for ten o'clock tonight. The other is the march scheduled for Saturday, 9 May. There was no very prominent evidence of preparations for the march but there were definitely more police on duty, than is usually the case, at key government office buildings. But most of the talk had to do with what the President will say tonight.

Members of the AAMC's governing body, mostly deans, devoted their attention as well as they could to regular business of which there was a great deal; but they heard me out with regard to our own action with great interest. Several had already sent telegrams of their own to the President and the discussion dealt mainly with developing a motion that would now permit the organization to utilize its contacts with the Congress and the Executive Branch but that, at the same time, would not threaten the organization's tax-exempt status. The following action was accepted without dissenting vote:

The Executive Council of the Association of American Medical Colleges, dedicated to the betterment of health and medical education, profoundly deplores this nation's extension of the war into Cambodia and the grave polarization of the nation that has resulted from it. We implore you to take immediate and unequivocal action to demonstrate your determination to end the war quickly, to stop the infliction of misery on military and civilian populations, and to initiate the restoration of unity in the United States.

Robert B. Howard, John A. D. Cooper, Thomas D. Kesing, Ralph Jerry Cazed, Jonathan E. Roads, Sherman M. Millinkoff, R. R. Crispells, Russell A. Nelson, Marie Kaslaub, Clifford S. Strump, Charles C. Sprague, P. M. Felix, L. S. Limerick, C. Stewart Hamilton, William G. Aulyan and Richard B. Chapman.

### YALE UNIVERSITY SCHOOL OF MEDICINE

1. *Resolved*: We, the faculty of the Yale University School of Medicine, praise our students who are assuming the responsibility of free men and women by laying aside their personal interests to work actively for the common good. We support the voluntary suspension of non-essential activities. Let

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those of us who share our students' concerns also lay aside our personal interests and join with them actively in this task. In response to the request of the students, we will immediately nominate faculty to join students in a committee to develop a plan of academic options to permit the students the freedom of action they need. In concert with the resolution of the students of May 6, 1970 we oppose violence, and pledge to work with the students to help them implement their course of action in striving for justice and peace.

Vote:
Yes ---------------------------------- 250
No ----------------------------------- 21

2. *Resolved*: We, as individuals of the faculty of the Yale University School of Medicine, support the following aims:

1. That attempts to suppress legitimate dissent in our country end; that we find repulsive the deliberate use of dehumanizing stereotypes by our government to discredit its critics.
2. That oppression of Black Americans and all other minority group members cease.
3. That the United States government stop its escalation of the Vietnam War into Cambodia and Laos; that it unilaterally and immediately withdraw all forces from Southeast Asia.
4. That the involvement of universities with war research end immediately.

The tragic killings at Kent State University this week speak of the perilous division of the nation by these issues. We join with our own students in calling upon Americans of every persuasion to oppose violence of any kind in their words and acts.

Vote:
Yes ---------------------------------- 195
No ----------------------------------- 51

### TUSDM STATEMENT

We, the undersigned, members of the Tufts University School of Dental Medicine Community have made the serious decision to support the Student Mobilization National Strike. We feel that as responsible members of the American Dental Association and health profession, it is our moral obligation to oppose policies which perpetrate the destruction of human lives and endanger the future of the Democratic process of our society.

As students, our ability to affect change in Foreign and Domestic policy is severely limited. As a concerned body of future professional health care, we implore the American Dental Association to join actively in opposition to present national and international policy and to utilize all resources available toward this critical effort.

Stuart Wisotsky, Robert M. Black, Sheldon Mauley, John P. Ficarelli, Joseph A. Woods, Ronald W. Randazzo, Harvey Weller, Bruce S. Wyman, Robert Gaber, Stuart G. Merle, David G. Angus, Sam Eisenstein, Robert Roy, Billy Rover, Richard S. Brown.

David S. Fox, William H. Myers, Michael Joshua Shiro, Jeffrey Stevens, Jeffrey Janoff, Max Zanderer, Mark C. Beal, Lawrence G. Golden, Ronald P. Burok, Kenneth D. Morris, Brian E. Fitzgerald, Paul David Gaston, Marc Rosenberg, Andrew M. Alpert, Harvey J. Cohen, Mark Levy, and Leonard S. Ostriff.

Gary Ries, Robert L. Billagg, M. Dark, Richard Smith, Todd J. Wrenis, Gary W. Stern, Mark F. Feldman, Morris B. Cohen, Steve Skapse, David Klarman, Robert N. Harelich, Richard Varnerin, Steven Joel Lunech, Leonard P. Rodin, Peter Hart, and Barry Matz.

Gregory M. Shipak, Allan S. Deutsch, Walter Dobleski, Louis Robert Wolf, Michael Stein, Allyn E. Segelman, Mark J. Burbach, Irving Horowitz, Jan Friedman, Peter Pence, Jeffrey W. Schlotman, Robert M. Arnold, Calvin W. Wollingford, Jr., Edward C. Lortin, Robert A. Werner, Stephen L. Jones, Richard A. Greene, and Peter Dell Colb.

Stuart Bayes, Howard Seplowitz, Ira L. Eisenstein, Tomas Frankel, Leonard E. Schiffman, Joseph D. Gleecher, John Johansson Dow, Paul Fitzgerald, Michael Awnoff, Elliot Packman, Marc S. Lemohn, Stuart Ross, Stephen J. Davidson, Richard N. Norris, Bettina Laidley, and Jeny Cohen.

Colin Michael Sparks, Richard Holsten, Kenneth Goldberg, James A. Cottone, Jeffrey S. Foyer, Helen Bumanski, H. L. Schare, Cornelia P. Anderson, Dale Styman, Andrew M. Horn, Harold Shapin, Matthew Wenbray, Richard M. Bloom, Kenneth J. Backman, Steven R. Lazar, David H. Piza, Robert A. Coleman, Leonard C. Smith, Michael S. Wolfman, Arnold K. Kaplan, Fred W. Salvatorello, and Steven H. Schurtz.

Stephen Finn, Paul Cavaby, Elliott Donhoff, D. E. Prundiullo, D. S. Bronell, Bruce Berkouk, Robert Farber, Herbert Feubey, Peter A. Figoli, Bruce Feld, Henry Talbert, David Moloff, Lewis F. Colella, Dennis R. Scharer, and Frederick A. Curro.

Nan S. Clease, Harold Nulff, George R. Kepner, William Pfaffmann, William Pollach, Howard Adams, Harold P. Sherman, David Baskin, Steven Elman, Ralph R. Trinque, Richard A. Doff, Mitchell Winston, William Lobel, Michael Koffer, Robert E. Zayre, Lawrence Lipston, Wayne Johnston, and Daniel G. Davidson.

Steven Salmon, Stean Albin, David Reitz, Jerome Donnelly, S. J. Foster, Michael Weissman, Frederick A. Mele, Peter H. Ruguskin, Robert J. Urbon, Elliot Green, Alan R. Levy, B. J. Bowen, W. Lei, Andrew R. Rusmin, and Judy Thisttle.

James Allcore, Martin H. Zase, Charles Adams, Miss Parley, Donald H. Sandol, Peter D. Cream, Joseph J. Creun, Michael J. Glick, R. Craig Carrol, Lawrence B. Cutler, Robert J. Duoff, John D. Bush, Evelyn Geller, Donald P. Johnson.

Lesbe Muldorf, Peter G. Rider, Robert A. Muranda, Lawrence Rubin, Theodoa Gummer, Barry M. Zide, Barry Soyoloff, Bruce Carrick, James H. Chalmers, Jr., Morton Cohen, and Leonard Brown.

### TUFTS-NEW ENGLAND MEDICAL CENTER COMMUNITY

We, the undersigned members of the Tufts-New England Medical Center Community, have voted in support of the National University Strike. We have chosen not to carry on business as usual, but rather to redirect our energy to constructive political action in order to bring about the following goals:

1. The immediate and unconditional withdrawal of all U.S. troops from Southeast Asia.
2. The immediate and unconditional cessation of the use of troops to suppress political dissent.
3. The redirection of military funds to improve the ailing condition of American life.

We join millions of students and working people across the nation in a concerted effort to end the war in Southeast Asia and to halt the unprecedented and unconstitutional repression of political dissent at home.

There will be no interruption in patient care!

——— ———.

(There were 462 signers—signatures illegible.)

## TIME OF CRISIS FOR THE NATIONAL AIR AND SPACE MUSEUM

Mr. GOLDWATER. Mr. President, it has been reported that the Smithsonian Board of Regents will be holding a semiannual policy meeting tomorrow. The last one took place in January, I believe.

Since these sessions are so important in setting the goals and boundaries for the Institution's activities, I would express my hope that the regents will be able to address a part of their attention to a long delayed but urgently needed Smithsonian project.

Mr. President, I am referring to the construction of a permanent building for the National Air and Space Museum, which without question is, or should be, one of the major components of the world-famous Smithsonian complex of museums and galleries. The concept for this building can truly be said to date back nearly 25 years, to August of 1946, when Congress first established the National Air Museum as a bureau of the Smithsonian Institution.

As a part of the 1946 law, Congress expressly included provisions for selecting a site for an air museum building to be located here in the Nation's Capital.

Subsequently, in 1958, Congress authorized a Mall site for the museum and allowed funds to be spent on detailed plans for the proposed building. During fiscal years 1964 and 1965, a little under $2 million was appropriated so that the architectural design and layout of the museum could be completed.

Finally, in 1966 Congress concluded this series of authorizations by giving the Smithsonian a firm statutory basis for proceeding with the construction of the museum building. Part I of this legislation also changed the name of the "National Air Museum" to the "National Air and Space Museum."

So the concept for the projected building has a history starting in 1944. The architectural work is finished and the construction plans are in hand. The site has been designated by Congress and approved by the necessary planning and art commissions. And Congress has approved the actual construction of the building.

Yet, as of today, not 1 dollar has been funded for construction of the museum. The proposed building is at an absolute standstill. In fact, according to S. Paul Johnston, former Director of the Air and Space Museum, the project "may never get off the ground."

Why is this so? What is the true status of the building project? What is the real justification and need for the establishment of a national museum devoted to aeronautical and astronautical developments?

These are the kinds of questions that I have been reviewing since resuming my service in the Senate. And I hope that they represent the type of analysis which the Smithsonian regents and top brass might be willing to make concerning this important facility.

Mr. President, if the Board of Regents and the administrators of the Smithsonian wish to undertake an examination of the difficulties which the Air and Space Museum is encountering, they would do well to start by reading the challenging address given before the Washington Aero Club on April 22 of last year by S. Paul Johnston, who was then still director of the Air and Space Museum.

Mr. Johnston had some very interesting remarks to make on that occasion. For example, after noting the original aura of excitement which he had held when he first looked over the prospect of creating a new museum facility, he summed up his feelings prior to his impending retirement by saying:

> Now, five years later, I make my valedictory address in an atmosphere of frustration and personal disappointment. The bright outlook of 1965 has receded farther upstream each year. At the moment, the prospects for a new facility are at least as far in the future as they were then.

This is a shocking statement of concern. But the reasons Mr. Johnston gave for his conclusion are even more disturbing.

While he noted that the museum's enabling legislation of 1966 carries with it a commitment to postpone requests for construction money pending a reduction in the Vietnam conflict, he made clear his recognition that "some day such restrictions will disappear."

Mr. President, I am of the hope that this consideration will disappear even sooner than Mr. Johnston thought possible, and I would like to develop this point more fully later in my statement.

But, for now I want to focus on what Mr. Johnston calls the real problems confronting the museum. In his words, these "real problems relate not to things, but to people—that is, attitudes with respect to the Air and Space Museum, both in government—and, more specifically, in the Smithsonian itself."

Mr. Johnston followed this remark by reminding his audience—a public audience mind you—that he had come on board 5 years ago full of enthusiasm and "under an impression that the expansion of the Air and Space Museum activities was high on the Smithsonian's list of 'Things to be Done.' "

Then he added:

> It was not until we were well into FY–67 that I began to suspect that we were not as high up on the Smithsonian Totem Pole as I had hopefully imagined.

Here it comes. Mr. Johnston is ready to put the finger on what he feels is the real source of the museum's problems.

His speech continues:

> It comes down to a question of *priorities*—and when (as at present) *money* and *man-power* are being rationed, the question is—where do money and man-power go *first?*
>
> Answer:—Not to the Air and Space Museum.

Now, I am still quoting:

> Unfortunately, from our point of view, the current art and "ology"—oriented management of the Smithsonian appears to favor sculpture gardens, folk art (both performing and static), and elaborate housing for the scholarly, over the more practical, hardware-oriented technologies of flight.

At this point, Mr. Johnston sought to document his charge. He said:

> At present, several millions of dollars are being spent to re-furbish the original Smithsonian Building in the pre-Civil War manner of the First Secretary, Joseph Henry—simply to provide a properly elegant atmosphere for Visiting Scholars. At the same time, essential operating dollars for the Air and Space Museum have almost dried up completely. Out of the more than $30 million Federally appropriated Smithsonian budget, the Air and Space Museum's share is approximately 2 percent. We are in almost the same class with respect to personnel, about 2 percent of the total Smithsonian complement.

To make matters even bleaker, Mr. Johnston revealed that the museum was "threatened with expulsion from the Mall—to take up quarters and to try to operate a museum activity in the ancient and dilapidated Pension Building on downtown Court House Square."

Incidentally, I might note at this juncture, that the museum was able to fend off being separated from the main complex on the Mall, which some old maps describe accurately as the "Smithsonian Park." However, if this move was ever seriously considered within the Smithsonian structure, I must register my sympathy with Mr. Johnston over what would be an affront to a major museum.

Unfortunately, some other units of the Smithsonian did get shunted over there where I understand they are experiencing some crime and security problems.

But let me return to Mr. Johnston's remarks. For he is not through yet.

On top of everything else, the former Air and Space director noted that under the organization pattern then in effect, the Air and Space Museum reported to the Assistant Secretary for History and Art. The incumbent, according to Mr. Johnston, "takes some pride in the fact that he has never come within miles of the Pentagon—physically or spiritually. He has little personal interest in aerospace matters, and yet he is representing us in the Upper Councils of the Smithsonian on our programs and priorities."

Well, this is pretty strong stuff and should have been thoroughly explored last year when it was first aired in public. The Evening Star reported the criticism under a three-column head so it was certainly open for the world to see.

Without commenting on the personality angle here, I would like to express my amazement at the fact that the aeronautical and astronautical sciences were in fact placed under the same section of the Smithsonian that is devoted to the humanities and arts.

Aeronautics and space exploration derive from, and indeed incorporate, many of the sciences, including mathematics, physics, fuel chemistry, metallurgy, physiology, psychology, biology, astronomy, astrophysics, geology, and geophysics. How in creation flight ever got mixed up with the "arts" at the Institution is beyond me.

This fact alone would raise doubts in my mind about the degree of interest and attention which the Smithsonian was devoting to its flight museum. I am happy to report that after great pressures were exerted, the Air and Space Museum was shifted last fall to the section for science, where it undoubtedly belongs.

Mr. President, in order that many interested persons may be able to examine for themselves the point of view given by a recent Director of the Air and Space Museum itself, I will ask at the conclusion of my remarks that the text of Mr. Johnston's speech be printed in the RECORD.

Having raised these complaints, I should not leave them lying open on the table, as it were, without seeking to explore the question of whether or not there is, in fact, a sound foundation for them.

In this connection, Mr. President, I will merely attempt to open the record so far as it is accessible to me and let the chips fall where they may. I will not attempt to make any determinations as to the attitudes or proclivities of the Smithsonian administration.

They can review the record for themselves. The Board of Regents can study the facts and make their own conclusions. And the appropriate committees of Congress having legislative jurisdiction over Smithsonian matters will, I hope, be ready to delve more fully into the subject in the event my remarks leave any important questions unanswered insofar as their interests are involved.

In fact, if nothing else comes of this speech except a drawing of attention to and interest in the true needs and role of the Air and Space Museum, I will consider my effort as having been worthwhile.

Let us examine one of the issues presented by Mr. Johnston. Does the Air and Space Museum get a miniscule portion of the Smithsonian budget as compared with its actual importance?

To answer this, I believe one should consider exactly what the overall objectives and functions of the museum really are. Here we can turn to the presentation material offered to Congress by the Smithsonian in justification of its annual budget requests.

At page 819 of the House hearings on the Institution's appropriation requests for fiscal 1971, Dr. S. Dillon Ripley, Secretary of the Smithsonian offers the following explanation:

> The National Air and Space Museum is the nation's center for exhibition, education, and research in the history and principles of air and space flight. It maintains the world's greatest collection of objects related to flight and is a unique resource for research in aviation and aerospace history, in flight science and technology, in the impact of man-flight on the cultural life and economy of America, and in the pioneering efforts of early aviators and astronauts. This growing collection now consists of more than 200 technically and historically important aircraft, more than 300 engines, 1,000 air and spacecraft models, and a vast array of related equipment. Supplementing the physical specimens are extensive holdings of records resulting from air and space research, development and operations, films, art work, and memorabilia that available to students, historians, biographers, technicians, and engineers. Drawing upon these resources, the Museum produces exhibits portraying the past, present, and future of aeronautics in America.

In other words, the Smithsonian leadership is saying that the Air and Space Museum should be the center in the

United States for the exhibition of the historical mainstream of flight—flight both in the atmosphere and into space.

Not only that, but the museum is also expected to be the Nation's center for public education or awareness of the significance and scope of aeronautical and astronautical developments. By visiting the museum, the public should become aware of the significant events which have taken place in the development of flight.

Even more, the museum is supposed to provide reference services for technical historians, patent researchers, airplane building hobbyists, and other specialists who need access to the original sources, including both research materials and actual artifacts.

With this bit of sketchy, but revealing, background, we can take a look at the budget and personnel figures and find out whether or not the museum's share is equal to its needs.

When Mr. Johnston took over the reins at the Air and Space Museum in 1965, there were 34 authorized permanent positions for that museum. This is the number that was allowed under the 1966 fiscal year appropriations.

Yet today there are not even that many hands on board. The actual number of personnel at the National Air and Space Museum of the United States is 30 people, counting the administrative side, support crew, and secretaries. This number also includes the 14 employees working at the preservation and restoration division at Silver Hill.

Several years ago the technical support team had 15 positions, now it is down to 14.

The curator's professional staff has decreased 50 percent in the Aero Section—from 4 to 2.

The Historical Research Center, which supports the museum in documenting the significance of acquisitions, answers 6,000 public inquiries annually, and runs a reference library, has the grand total of three employees.

The museum itself has no Director. Even though the former head gave 1 year's advance notice of his resignation, the position has not been filled 19 months later.

In terms of the overall Smithsonian picture, the Air and Space Museum has 1.6 percent of the actual total employment. At the April hearings, Assistant Secretary Bradley stated that the actual employment was 1,889 positions, so I am comparing 30 against 1,889.

The result is similar if I take the full number of authorized positions for fiscal 1970, which is 2,077, and compare it with the 41 positions which the Air and Space Museum is entitled to on paper, but does not, in fact, enjoy. On the basis of this comparison, the museum still has less than 2 percent of the overall slots.

In fairness, I will add that the Smithsonian has filed a request for an increase in the number of authorized positions reserved for the Air and Space Museum.

But, I must pose the question of what good this will do them if the positions are not released? There has been a rise in the number of positions authorized, but it has been purely on paper.

The story is the same when we delve into the budget figures. It is true that there has been an increase in funds appropriated for the Air and Space Museum since the 1966 fiscal year. However, when we examine the money appropriated to the museum—$564,000—in light of the total money appropriated for Smithsonian salaries and expenses—$29,565,000—in the current fiscal year, we come up with almost the same low percentage as resulted in the case of employment.

The Air and Space share of the budget is 1.7 percent and its share of personnel is 1.6 percent.

Some people may wish to contrast these figures with the demonstrated capacity of the Air and Space Museum to draw visitors to the Smithsonian complex. Out of a total number of 12,438,909 visitors to the Smithsonian Park in calendar year 1969, more than 4 million visitors went through air and space exhibits.

This is more people than went to see the Lincoln Memorial in 1969, which is the country's most popular historical shrine. It also represents nearly one-third of the overall Smithsonian audience and I think this fact deserves greater attention by those people who are setting policies for the museum—and I am addressing myself both to individuals at the Institution and in Congress.

For instance, I noted that Secretary Ripley referred to 2 million persons in his testimony to the House Appropriations Subcommittee. This is at page 894 of the hearings.

But in truth, there were more than 4 million visitors to the air and space displays during the last calendar year. Approximately 2.3 million of these persons came to see the impressive air and space objects located in the exhibit halls of the Arts and Industries building.

The original Wright Brothers flyer is on display here as well as the Spirit of St. Louis, and Mercury spacecraft Friendship-7. Also, the lunar rock sample is exhibited in this building, and as a result the current rate of visitors has risen to an average of 2.5 million on an annual basis.

There are nearly another 2 million persons who looked through the fascinating exhibits at the tin shed, the World War I hangar that houses many other Air and Space Museum displays. This structure is an entirely separate building from the Arts and Industries building. One popular item here is a command module simulator which a family can actually pilot.

It is pertinent to remember, when looking at the combined figure of 4.1 million visitors, that the exhibit areas were closed in both of these buildings every Monday in January, February, and March of 1969. Furthermore, they were closed at 4:30 p.m. all through the year, unlike the history and technology exhibits which stayed open until 9 p.m. for 5 months in the year.

Nor are the flight exhibit halls air conditioned in the Arts and Industries building. So all in all, I think the Air and Space Museum has placed a remarkable role in drawing visitors to the Smithsonian complex.

To me, this is a significant indication of its unique capacity to be a source of public understanding about the world of flight and an inspiration to youth.

It certainly gives a clear picture of the view held by millions of taxpayers who come to Washington to see their dollars at work. To approximately one-third of the individual Americans who comprise the Smithsonian's audience, the air and space exhibits are a live, vital part of the Institution. If they were to be told that the stature of the National Air and Space Museum within the Smithsonian organization is only 1.6 or 1.7 percent in terms of actual employees and money provided for its operations, I imagine there would be many raised eyebrows and much downright astonishment.

Another allegation opened up by Mr. Johnston's speech is that there is an art- and elegance-oriented direction to the Smithsonian's activities.

Again, I must turn to the documented record and allow the facts to speak for themselves.

One item Mr. Johnston may have had in mind when he was speaking of elaborate housing is the Belmont Conference Center. If memory serves me correctly, this structure was about to be released from the Smithsonian organization when I was completing my prior term in the Senate. Upon returning to this body after my 4-year sabbatical, I discover that it has been remodeled and now serves as a little-used conference center which is nearer to Baltimore than to Washington.

Or perhaps Mr. Johnston was thinking about the Renwick Gallery of Art on Pennsylvania Avenue. Since the 1967 fiscal year $2,070,000 has been appropriated by Congress for restoration and renovation of this building, which is to be used for decorative arts. The Smithsonian management is asking for another $300,000 to try to complete this program.

In somewhat the same category is another new component of the Smithsonian, the Cooper-Hewitt Museum of Decorative Arts and Design. One difference is that this building happens to be situated in New York City. Formerly it was known as the Carnegie Mansion.

The Smithsonian's presentation materials to Congress do not mention this building, so I could not determine what commitments have been made to revamp and refurbish it. Perhaps the funds for this project are carried in the private side of the Smithsonian's support structure. In any event, the acquisition of one more arts component might indicate a proclivity in that area.

One facility about which Mr. Johnston could not have known is the acquisition of the Archives of American Art. This happened just recently. What the full meaning will be of placing the Archives under the Smithsonian umbrella has yet to be explained, but I notice that its branch offices in Detroit and New York will be maintained.

Nor could he have foreseen the ambitious embarking by the Smithsonian management on a lavish national magazine. The periodical, which is called Smithsonian, actually contains articles about many non-Smithsonian activities and may or may not be able to compete with other scholarly reviews on such a basis. Again, the venture is merely one more item to be noted and taken into account when considering where priorities for the Smithsonian's energies and interests are being aimed.

There is no question that Mr. Johnston, as well as the entire American public, had heard about the next Smithsonian project which I will mention. The Joseph H. Hirshhorn Museum and Sculpture Garden has gained its share of notoriety.

The latest bit of news about this project is that it has cost overruns of about $1 million above the $15 million that Congress authorized for it. Almost $9 million is being sought in the 1971 budget for construction work on this structure and its associated garden.

Similarly, Mr. Johnston was undoubtedly aware of the creation of the Division of Performing Arts inside the Smithsonian organization. This unit puts on an annual Folklife Festival on the Mall and spends in the neighborhood of $200,000 annually.

Next, Mr. Johnston was likely aware that almost $7 million was appropriated by Congress for repairs and restoration work to turn the former Patent Office in Washington into a center for the National Collection of Fine Arts and the National Portrait Gallery. Congress allowed $5,465,000 for this project in 1964, which is when the present Secretary came to the Smithsonian. Another $400,000 was provided prior to that for planning, and $1 million was appropriated afterward to complete the work.

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One more example which Mr. Johnston zeroed in on is the refurbishing of the original SI building in a pre-Civil War manner. By December of 1970, the whole building is to be revamped with curtains, rugs, furnishings, and gas light fixtures in keeping with the way it looked in 1855. Apparently the $2.6 million appropriated for this work will provide comfortable offices for the Smithsonian secretary and his assistant secretaries, as well as a VIP dining room for the Smithsonian management.

There is a followup project to this one which would likely have aroused Mr. Johnston's interest if he were still at the Smithsonian. An appropriation of $500,000 is currently being sought for the renovation of the 90-year-old Arts and Industries building. The Smithsonian management is seeking to construct several second floor decks in the building to obtain added space for administrative and public service purposes.

And, while we are in the area of construction, it seems appropriate to refer to two new requests which the Smithsonian management has laid before Congress. One of these is in the form of legislation seeking authority to spend $6 million for the construction of two bicentennial pavilions.

The theme of these pavilions seems to have a heavy sociological bent, with emphasis being put on ways to describe "the whole panorama of our cultures." In the words of Secretary Ripley:

> Young people representing Negroes, Indians, Spanish, Chinese, Japanese and other subcultures are not given the evidence that they are part of the stream of history of the United States.

Now, it may be proper for the Institution to play this kind of role in the Nation's bicentennial, but once more I must pose the question of where its priorities should be given. With the gigantic public interest in air and space, and with the tremendous pioneering role and contributions of the United States in the mainstream of aviation, rocketry, and space history, I believe it is fair to ask why the Smithsonian and the Congress should not be planning to unveil the permanent National Air and Space Museum in time for the national celebrations in 1976, instead of brainstorming major new sociocultural exhibits?

Another bill which was introduced recently at the request of the Smithsonian is one to reserve a site for the creation of a National Museum of Man. Although anthropology and studies in the science of man have traditionally been included within the Museum of Natural History, the Smithsonian administrators want to lay the foundation for an entirely separate, major new museum as a Smithsonian component.

Do these requests fit in with the pattern of activities which might fall under the heading of what Mr. Johnston has referred to as "art and 'ology' "-oriented attitudes?

We are dealing with subjective elements here. We must always keep in front of us the realization that the Smithsonian is a many-faceted institution. Any organization devoted to the "increase and diffusion of knowledge among men" has to display many sides and promote varied interests.

So it is not so much a question of whether or not the Smithsonian should expand its art activities, or develop elegant structures, or foster showy projects, as it is to ask where the limit of its resources is and which programs among the lot deserve priority attention and interest out of the money and manpower available.

This is why I have studied the Smithsonian organization across the board to see whether any obvious patterns might develop. This way the interested observer might be able to trace where the priorities have been given and where a decline or lack of strong support is visible.

Consequently, in addition to the projects which I have described above—all of which relate to the validity or error in the observations which Mr. Johnston has made—I would like to discuss a few other matters which may be useful in rounding out the picture.

Looked at over the period of the last 7 or 8 fiscal years, there appears to be a definite ballooning of positions and appropriations for certain units of the Smithsonian. On the other hand, the possible decline in attention to the National Air and Space Museum is seen not to be an isolated situation.

The overall number of permanent employees at the Institution is a case in point. In calendar year 1964 the total number of permanent positions authorized by Congress for the Smithsonian was 1,348. In addition, there was a full-time equivalent of 18 other employees represented by temporary workers.

By calendar year 1970 the number of authorized permanent employees had jumped to 2,077, with a request in for 2,448 for fiscal 1971. While the number of full-time equivalent employees is no longer shown in the presentation materials before Congress, the last time I saw it revealed it had shot up to 100 or more. Also, I believe there are in excess of 1,100 other employees who are paid from private funds.

Where are all these people located? Which bureaus and offices of the Smithsonian enjoy the added support of part-time helpers and privately paid employees?

While I cannot provide the complete answer, I can say one thing for sure. They are not at the Air and Space Museum, which, as I have said, has only 30 employees in all.

Where has the jump in employment occurred? Well, one place to look is right at the top. In early 1964, the Smithsonian management listed 23 positions. In 1970, the comparable figure has risen to 62.

Now, I know the presentation sheets do not show this. The Institution's table claims 29 slots for Office of Secretary and 33 positions for Management Support. I would remind my colleagues, however, that at the 1968 fiscal year hearings the Secretary disclosed that he had split up the Office of Secretary.

At page 981 of the House hearings, Mrs. HANSEN is reported to have asked:

> Was management support set up so the Office of the Secretary would not look so expensive?

Upon this inquiry, Dr. Ripley answered:

> We have divided functions previously budgeted under the Office of the Secretary that have been separately described in our 1968 justifications as management support.

Thus, if we are to find an accurate basis for viewing the growth of the Office of Secretary, we should take management support into account. It is on this basis that I say management has jumped from 23 to 62 positions.

Going to appropriations, it is interesting to note that the budget for management has increased 63 percent from fiscal year 1966 to 1969. The funds appropriated were $561,000 in fiscal 1966 and $916,000 in fiscal 1969. Again, this is calculated by combining the figures for Office of the Secretary and Management Support.

During the same period appropriations for the National Air and Space Museum increased by 31 percent—less than half of the management increase.

General or central administration has seen a similar sizable increase over the past few years. From 165 permanent positions in fiscal 1966, it has gone to 243 positions in fiscal 1970. Using the same border years, administrative appropriations have gone up from $2,450,000 to $4,103,000.

Another office which has enjoyed a healthy expansion is Academic Programs. This unit was founded in fiscal 1967 with 10 positions and $200,000. By the 1969 fiscal year this new office was receiving more funds than the entire National Air and Space Museum. Academic Programs now has 18 employees and over a half million dollar budget.

Perhaps one reason for its remarkable progess is the Secretary's open interest in education. According to Frank Waldrop, writing in the May issue of the Washingtonian, Dr. Ripley right off "wanted to know why the Capital of the United States did not have a university up there with Yale, Princeton, Oxford, Cambridge, or even Harvard. Congress would put up the money, his friends at the old schools would lend the professors, and the Smithsonian would do the housekeeping."

Elsewhere in this article, entitled "The Elegant Birdman of the Smithsonian"—Dr. Ripley is an ornithologist—his idea is described as one of using "the museum as the living heart of culture and education."

Such a view is consistent with the statement which Dr. Ripley made in his first budget appearance before Congress. On March 4, 1964, he said:

> The Smithsonian can and should be a tremendous force for education in the world today.

At the 1967 fiscal year hearings, Dr. Ripley referred to the scientists and curators of the Institution as "a faculty as indeed I call them, of 300 qualified scholars working in the Smithsonian."

The Office of Academic Programs is a logical outgrowth of this philosophy since it offers several fellowship appointments and stipends, accompanied by formal educational activities.

The establishment of an educational radio service, "Radio Smithsonian," is further evidence of the direction in which the Institution is headed. Even the Smithsonian magazine is being heralded as one of the educational channels from the Smithsonian to people in their homes.

Once again I must clarify my purpose. It is not to criticize the development of new Smithsonian activities. It is not to say that the Institution should not broaden its interests in the fields of arts, humanities, and public awareness. As one who has sponsored two measures to extend the life of the National Foundation on the Arts and Humanities and as the author of two amendments to strengthen that organization, I believe my credentials are in order in that field.

Rather my aim is to identify those areas where the greatest attention has been given, to illustrate the kind of major advances which are possible within the Smithsonian organization when the top brass is solidly in back of a project, to refresh my friends in Congress as to how we have been willing to fund many imposing new programs, and to ask whether the same current of enthusiasm, attention, and importance should not be given to the basic and practical sciences—which most certainly includes the National Air and Space Museum.

A little earlier I set forth my discovery that the flight museum had company in the apparent suspension of priority treatment. On the basis of having reviewed several recent Smithsonian budget statements I cannot help but feel that the Museum of Natural History is in the same boat with the Air and Space Museum.

In the tables for the 1966 fiscal year the Museum of Natural History is shown to have 258 authorized positions. Yet in the 1970 fiscal year their base is down to 253. So, the past 5 fiscal years have not shown much progress for this important Smithsonian component.

True, the appropriations for natural history have risen a little, from $3,002,000 in the 1966 fiscal year to $3,674,000 in the 1970 fiscal year. But, put in the context of raises in other categories of the Smithsonian, such as general administration, this rise is minor.

The 1966 figure for general administration was $2,450,000 or over a half million dollars below the Natural History Museum. The outlook for general administration in 1970 is a total appropriation of $4,103,000. The budget for these units is now larger than natural history by $429,000, nearly the reverse of the situation which existed in 1966.

Occasionally there is some notice taken of the special needs of the research scientists working at the museum, but I cannot say that there has been sufficient followthrough on them.

For example, at the hearings on funds for the 1967 fiscal year, Secretary Ripley alerted Congress to the fact that:

> We have about 111 scientists working in natural history. We have about 90 technicians. All the surveys made by scientific organizations throughout the Government and in the Nation say at the very minimum two technical aids should be assigned to each scientist.

Well, if this is so, what has been done about it? Very little, I must conclude, if my current head count is right. For I believe the number of bench scientists has dropped to 103 and the number of technicians has fallen to 87.

Mr. President, this is the wrong kind of progress. If we do not watch out, in a very short while there will be two scientists for every laboratory technican instead of the other way around.

It is true that some recognition has again been given to the unfortunate developments at the museum. On page 757 of the April hearings on the House side, the Smithsonian statement includes the following admission:

> [S]cientific research and curatorial activities in some museums may not be faring as well now as they were in 1968. A good example would be the National Museum of Natural History.

This is fine, but it is a little reminiscent of the 1967 hearings. The real question is what remedy is being pushed to change things.

While we are examining the situation at natural history, I should mention one more dimension of the problem which certain important visitors to the museum have brought to my attention. These persons, who know what they are talking about when it comes to judging significant animal specimens, tell me that the condition of exhibit animals on display in the Hall of Mammals is downright deplorable.

We should remember that a great many of these animals were donated to the Smithsonian. Often money was provided to the Institution for the actual mounting of the specimens. Also, I would remind my colleagues that several of these animals were derived from Teddy Roosevelt's famed African safari.

With this important historical tie, and with the thought that the exhibit halls represent such an important role as the visible side of the Smithsonian in the eyes of taxpayers, I feel this matter is also worthy of being explored deeply by the proper authorities. Again, I suppose, the answer lies in a shortage of personnel. There simply is not anybody, or any unit, given to the museum who can do the job of maintaining these public specimens in good order. If the Museum of Natural History is not on the list of priorities at the Institution, then the deterioration of exhibit animals at that museum would seem to follow.

There once was a taxidermic unit under natural history that could handle this kind of preservation work, as well as serve a useful technical support role, but it was first moved out of the museum and then abolished. So this problem is logically connected with the broader need for adequate technical help at the museum.

Mr. President, this review of the Smithsonian scene should be enough to assist anyone interested in these matters to get off the ground. Hopefully, my comments will stir up some fresh thinking and activity by those persons who have responsibilities for the progress of all aspects of the Smithsonian.

In the event that there is some truth to the complaint about proclivities and attitudes within the Smithsonian organization, whether unintentional or not, I would wish that by airing the idea we will alert responsible, fair, and intelligent people to the difficulties caused by such moods.

In short, all I am seeking is a balance. If any redressing is in order, then let it be done by putting things in their proper perspective. I am asking for no special favors for the Air and Space endeavor. An equal standing for it within the priorities of the Smithsonian program is as far as my plea goes.

For once it is clear that the flight project has a priority status inside the Smithsonian structure, and once it is demonstrated that the National Air and Space Museum has achieved a stature in that organization commensurate with its true national stature, I am confident Congress can be persuaded to press forward with funding for the permanent building.

There are no restrictions in the 1966 enabling law. Nothing of this kind is spelled out in the law itself. No conditions were proposed by the House committee or on the floor of the House.

The reason for deferring the project is found on page 4 of the report by the Senate Committee on Rules and Administration. The language reads as follows:

> The Committee expressly recommends . . . that appropriations should not be requested pursuant to H.R. 6125 unless and until there is a substantial reduction in our military expenditures in Vietnam.

So there it is. This is the only legislative holdup on the program. It was recommended in June of 1966, before the first manned lunar landing had taken place.

Now that this landmark in the history

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of mankind has occurred and public excitement about space achievements has catapulted, I believe the time has arrived when the American people want to have a decent home for the national center where the world's greatest collection of aircraft and space objects can be shown.

Americans want to have a center where they can enjoy the incomparable inspirational feeling which their heritage in flight and space can offer. In these troubled times, the people want to have some resource where they can gain a feeling of pride in human accomplishment.

This is what the National Air and Space Museum is all about. It will tell the story of progress during the past, but it will guide visitors' thoughts to the challenges, hopes, and opportunities of the future as well.

In closing, I will say that I do not know of any better investment for the Nation's celebration of its 200th anniversary than the establishment of a permanent building for the National Air and Space Museum. Aviation and astronautics are America's triumph. Let us recognize it.

Mr. President, I ask unanimous consent that the address by Mr. S. Paul Johnston and other materials relative to my remarks about the Smithsonian be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

[From A.A.H.S. Journal, Summer 1969]

### ADDRESS TO THE WASHINGTON AERO CLUB, BY S. PAUL JOHNSTON, DIRECTOR, NATIONAL AIR AND SPACE MUSEUM, SMITHSONIAN INSTITUTION

I greatly appreciate this opportunity to come before this oldest of our local aerospace associations to discuss briefly the current outlook for the establishment of a proper museum facility to bring before the American public some concept of where we have been, why we are here—and where we are going in this business in which we are all engaged.

Incidentally, at this point in time, I have come full-cycle in my short career as a "museologist." My first public appearance after taking on this job about five years ago was before this club. Now—this will probably be my last appearance on behalf of the National Air and Space Museum. I shall retire from the Federal Service on the First of September of this year.

At the time of my matriculation speech—which must have been sometime in the winter of 1964-65—I was really "bright-eyed and bushy-tailed" over the prospect of creating here in Washington a great new facility on behalf of the government, and the aerospace industry. This seemed a fantastically interesting and worthwhile thing to do. It seemed then, just around the corner.

Now, five years later, I make my valedictory address in an atmosphere of frustration and personal disappointment. The bright outlook of 1965 has receded farther upstream each year. At the moment, the prospects for a new facility are at least as far in the future as they were then. We can't yet see around that corner.

Disappointing as all this may be, we are all aware of the underlying reasons. This country's dollar commitments at home and abroad for urgent domestic and military programs are currently the overriding considerations. This is not exactly the time to go to the Congress for some $50 million for a museum building in Washington. In fact, during the hearings on our enabling legislation (H.R. 6125 passed and signed by President Johnson in July of 1966), the Smithsonian was specifically enjoined from coming to the congress for construction funding until after the settlement of the Vietnamese War.

Someday such restrictions will disappear. No one knows when this may be. But it is not too early to give the matter some serious thought. In every post-war period there are urgent needs for large public works projects to take up the economic slack, to help tide over the period of adjustment when the swing is away from war-time production back to neglected domestic needs.

In the projected Air and Space Museum we have an ideal project of this kind—on the shelf and ready to go. Consider the following:

(a) The project has been approved and construction authorized by Congress;

(b) The site has been approved by the several National Capitol Planning and Art Commissions, and dedicated for the purpose by the Congress.

(c) Congress has appropriated (1963–64) over $2 million for planning and design of a building. The architectural work is completed and the construction drawings are in hand.

All that remains is Congressional appropriation for construction.

But there are other problems—and I want to touch on a few of them—particularly to point out where you, as the Aero Club of Washington can lend a much needed hand.

You have already indicated your interest in doing something for us. Your immediate reaction to a recent article in an aviation publication alleging a "dreadful" state of affairs at Silver Hill was most gratifying. I do not intend to discuss that bit of doubtful journalism here. Gene Norris and his committee have looked into the situation in detail and I am perfectly willing to leave the case in their hands.

Also, a few weeks ago, in the course of inspecting progress on the NC–4 (which is now down on the Mall), the Deputy Chief of Naval Operations for Air, VADM Thomas Connolly, looked over the entire facility at Silver Hill and made the following comment (in part):

"As a member of your Advisory Board, I was glad of the opportunity to inspect the Silver Hill facility, apart from the NC–4 project and I was much impressed by what I saw. Your shops are in excellent shape, even by Navy standards. The fact that so much progress has been made in the last few years in getting new warehouse buildings for the protection of our country's historically important aircraft, engines, and spacecraft is most laudable. Your inventory records were most impressive and these are important. Soon we must drive hard for the permanent Museum. America badly needs it now in my opinion."

The magazine article had other effects, both bad and good. It is no news to any of you Washington hands that letters from Congressmen create consternation—if not downright panic—in any government bureau. Everything else comes to a grinding halt until some sort of reply is dispatched—usually by carrier pigeon. I can't even guess how many man-hours have been absorbed around my office lately in fending off "crank" letters to Congressmen generated by that article.

On the other hand, we have had many *positive* results. You might be surprised at the number of young people who have offered to volunteer their services to help in any way. For example, I had a telephone call from a pair of 16–17 year old high school seniors from Long Island, Bob Oddo and Ralph Muscente—they offered to come to Washington during their Easter holiday to see what they might do for us during the summer. I thought this was great. We had them come down, put them up overnight and gave them the run of the museum, including Silver Hill and our model shops at 24th Street. They really had a ball—and I think that they went home with quite a different impression of a museum and its problems than the one they brought with them. We hope they will be back.

Now, as to what your organization can do.

First, you must isolate the real problems confronting the museum. I think that Gene Norris and his committee recognized (and hopefully reported to your Board) that the basic problem does not lie in the area of assisting the museum to salvage a lot of old aircraft which are alledgedly rotting away on a Maryland hill-top. Actually, of the 200-odd airframes and 300–400 engines, etc., at Silver Hill—only a relatively small fraction are of sufficient historical value to even be considered for public display. Our physical problems have long since been recognized, and are being dealt with as rapidly as our capabilities (money and manpower) allow.

Our real problems relate not to things, but to people—i.e., attitudes with respect to the Air and Space Museum, both in government—and, more specifically, in the Smithsonian itself. The latter controls the former. It is in such areas that your organization can be of the greatest help.

As I said earlier—I came here five years ago "full of beans" and enthusiasm—under an impression that the expansion of the Air and Space Museum activities was high on the Smithsonian's list of "Things to be Done." In spite of the slowing down of our legislative programs and the progressive imposition of dollar and manpower restrictions, I failed to read the obvious signs correctly. Perhaps this resulted from lack of proper communication with the "front office." It was not until we were well into FY–67 that I began to suspect that we were not as high up on the Smithsonian Totem Pole as I had hopefully imagined.

Most of us who have been in this aviation business for many years develop a certain amount of self delusion. In our enthusiasm for our own activities, we think that everybody is impressed by—and vitally interested in our mechanical birds and their accomplishments. It is sometimes a shock to find that this "just ain't necessarily so." Especially around a place like the Smithsonian, there are any number of "ologies" and sociologically-oriented disciplines whose practitioners consider aircraft only as a means of getting out to the remote boondocks to study baboon behavior, or to look into the private life of the green spotted frog of the upper Amazon—and spacecraft are important only as vehicles to carry biological or astrophysical experiments.

Now these things are all well worth doing—but it comes down to a question of priorities—and when (as at present) money and man-power are being rationed, the question is—where do money and man-power go first?

Answer:—Not to the Air and Space Museum.

Unfortunately, from our point of view, the current art and "ology"—oriented management of the Smithsonian appears to favor sculpture gardens, folk art (both performing and static), and elaborate housing for the scholarly, over the more practical, hardware-oriented technologies of flight.

At present, several millions of dollars are being spent to re-furbish the original Smithsonian Building in the pre-Civil War manner of the First Secretary, Joseph Henry—simply to provide a properly elegant atmospheric for Visiting Scholars. At the same time, essential operating dollars for the Air and Space Museum have almost dried up completely. Out of the more than $30 million Federally appropriated Smithsonian budget, the Air and Space Museum's share is approximately 2 percent. We are in almost

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the same class with respect to personnel, about 2 percent of the total Smithsonian complement. And yet—statistically, more people come in to see air and space exhibits than visit any other S.I. component—except possibly the Zoo!

Furthermore, we are now threatened with expulsion from the Mall—to take up quarters and to try to operate a museum activity in the ancient and dilapidated Pension Building on downtown Court House Square. This we are strenuously resisting, for there may be reason to believe that once we are separated from the main complex on the Mall—we may never get back.

But, there is nothing really astonishing in all this if one considers the pedigrees and proclivities of the Smithsonian Secretariat—the top-side group which determines the Institution's policies and priorities. Most of them hail from the Groves of Academe—holders of advanced degrees in philosophy, biology, sociology, history and art.

Under the present organization pattern, the Air and Space Museum reports to the Assistant Secretary for History and Art. The incumbent is a nice guy, a PhD—a specialist in the political history of England in the 18th Century. He takes some pride in the fact that he has never come within miles of the Pentagon—physically or spiritually. He has little personal interest in the aerospace matters, and yet he is representing us in the Upper Council of the Smithsonian on our programs and priorities.

I protested this arrangement when it was first announced about a year ago on the grounds that we were substantially more akin to science and technology than to history and art—but to no avail.

Now here is where I think that you can help us most.

The Secretary of the Smithsonian is a highly intelligent man of great scholarly attainments. He is a biologist by trade, an ornithologist by profession and a humanitarian by instinct. His personal interests are naturally in such areas. But, as head of an institution which derives the greater part of its support (both directly and indirectly) from the Federal Government, he must be reasonably responsive to Congressional wishes.

He must also be responsible to the Board of Regents, the governing body of the Institution. By law, the 14 Regents include (1) the Chief Justice of the United States as Chancellor; (2) the Vice President of the United States as Vice Chancellor; (3) Six Congressional members, three from the House; and six "citizen" members. The names of the individuals are, of course, a matter of public record. Unfortunately, at present only one "Citizen Regent" has any direct interest in air and space activities—William A. M. Burden of New York. Bill has been most helpful, but his is only one voice. In past years, Dr. Jerome C. Hunsaker was a Regent, and had a great deal to do with keeping the air and space interests alive, but Jerry had to drop many of his former activities and resigned last year. As far as I know, no replacement has been announced for his chair.

By law, the Air and Space Museum has its own Advisory Board, charged with advising the Secretary on matters relating to the Museum. Its membership consists of Chiefs of Staff (or their designees) of the several Armed Services, and the Heads (or designees) of two civilian agencies, NASA, FAA, plus three citizen members. At present the latter three positions are vacant, awaiting Presidential appointments under the new administration. This board meets at the will of the Secretary. It has been convened only three times in the past two years.

I am not about to suggest how you go about it. That is up to you. But it does seem possible that through your many business and professional associations you do have channels of communication with the Hill—the Bureau of the Budget, and even into the Smithsonian administration. Any way that can be found to call attention to the situation of the Air and Space Museum and to create some favorable reactions when museum dollars and personnel allotments are under consideration will be all to the good.

You may also wish to undertake to make it clear to the Congress and to the Smithsonian Secretariat that the industries and the professional societies you represent take a dim view of anything that tends to diminish the status and stature of aerospace science and technology in the Smithsonian scheme of things.

The National Air and Space Museum is an invaluable asset for the education of the American people as to the past achievements, the current importance and the future potentials of the great industries we represent. But, there is presently a real danger that, unless you people in the industry and in the scientific and technical societies take a real interest in its future and take positive action to insure that future, it may never get off the ground.

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[From the Evening Star, Apr. 23, 1969]

### AIR MUSEUM NEGLECT CLAIMED

The Smithsonian Institution has been criticized by the director of its National Air and Space Museum for neglecting that program while spending millions on projects he considers less vital to the public interest.

S. Paul Johnston, 69, who is retiring from federal service in September, told the Aero Club of Washington yesterday he is giving his "valedictory address in an atmosphere of frustration and personal disappointment."

Johnston expressed concern whether a new $50 million museum, for which Congress appropriated $2 million planning money five years ago, would ever "get off the ground" under the present set of circumstances.

While it was understood the building must wait until after the Vietnam war, there is now doubt whether it will ever be built unless a real interest is taken by "you people in the industry and in the scientific and technical societies," Johnston said.

Blaming lack of interest and apathy at the Smithsonian itself, Johnston said the air and space museum receives about 2 percent of a $50 million budget, although more people visit the air-oriented exhibits than any other Smithsonian component except the Zoo.

"There is really nothing astonishing about all this if one considers the pedigrees and proclivities of the Smithsonian secretariat—the top-side group which determines the institution's policies and priorities," Johnston said.

"Almost to a man they hail from the Groves of Academe—holders of advanced degrees in philosophy, biology, sociology, history and art.

"Under the present organizational pattern, the Air and Space Museum reports to the Assistant Secretary for History and Art. The incumbent is a Ph.D., a nice guy—a specialist in the political history of England in the 18th Century.

"He takes some pride in the fact that he has never come within miles of the Pentagon—physically or spiritually. He has little personal interest in aerospace matters, and yet he is representing us in the Upper Council of the Smithsonian on our programs and priorities," Johnston said.

The secretary for history and art is Charles Blitzer.

Johnston said the "art and 'ology" oriented Smithsonian management appeared to favor sculpture gardens, folk art and elaborate housing for the scholarly "over the more practical, hardware-oriented technologies of flight."

He said several millions of dollars were being spent to restore the original Smithsonian building to its pre-Civil War styling "to provide a properly elegant atmosphere for visiting scholars."

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[From the Washington Post, Dec. 6, 1969]

### SMITHSONIAN SEEKS CASH FOR PAVILIONS

The Smithsonian Institution has asked Congress for permission to undertake its first major expansion in almost six years.

It is seeking $6 million to construct two 25,000-square foot pavilions adjacent to its National Museum of History and Technology on Constitution Avenue between 12th and 14th Streets NW.

They would be called Bicentennial Pavilions and would be in operation by 1976 as a major part of the institution's observance of the 200th anniversary of the American Declaration of Independence.

The institution's second request is that Congress set aside federally owned land on the Mall bounded by Third Street, Maryland Avenue, Fourth Street and Jefferson Drive, for the institution's use at a later date.

It is hoped in the future to construct there a 350,000-square-foot museum to be called the National Museum of Man.

Sen. J. W. Fulbright (D-Ark.), on behalf of the institution's board of regents, of which he is a member, has introduced two bills in the Senate that would authorize this expansion.

Smithsonian spokesmen have said that increasing numbers of visitors—over 6 million last year—and diminishing space available for exhibits make the expansion necessary.

The pavilions would be named "A Nation from the Nations" and "A Nation to the Nations." They would serve as a showplace, respectively, for the contributions made to the nation by the various peoples who settled it, and the influence of America on the world.

The Museum of Man would permit removal of the sciences of man from the Museum of Natural History.

It would consolidate the Smithsonian's office of anthropology there and the center for the study of man.

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[From the Washington Evening Star, Jan. 28, 1970]

### POOL SMITHSONIAN FUNDS?

The regents of the Smithsonian Institution met today to consider a proposal by Secretary S. Dillon Ripley that the several separate endowments of the institution be pooled, handled as one large fund in their investment and management.

The secretary has correctly pointed out that this is the custom at Harvard and Yale as well as the Museum of Modern Art in New York. The idea makes a certain amount of immediate sense to anyone who reflects that big money has an investment advantage over small money.

The situation, however, is more complicated than that. Despite the present secretary's efforts, the Smithsonian is not a university. It is the nation's original "multiversity." And in nothing more so than in the numerous endowments, especially the $13 million endowment of the Freer Gallery of Art, seemingly the principal target of the pooling proposal.

Like many donors of the Smithsonian funds, Charles Freer did not leave his superb collection of Oriental art, the money to erect a handsome building to house it and the $13 million to the Smithsonian Institution. Rather, he gave his most generous gift to the United States of America. This political entity turned the bequest, as it had many others, over to the Smithsonian for administrative purposes.

There is no question but that Freer's intent was to have his bequest support his interest in Oriental art and not to have it support the diverse interests of any Smithsonian secretary of the future. The proposal to pool the $13 million is basically the action of a housekeeper seeking to take over the function of the master of the house.

In the name of the nation's agreement with Freer, honorably entered into, the proposal must be resisted by the regents.

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### Hirshhorn Museum Bid Eyed

(By David Vienna)

The federal government is investigating an attempt by a construction company to increase by $759,279 a low bid it submitted to build a new museum for the Smithsonian Institution.

The company—Piracci Construction Co. of Baltimore—tried to change the bid the day after its original bid was found to be the lowest of three submitted, the General Services Administration said.

The founder and former president of Piracci Construction is Dominic Piracci Sr., who was convicted last year of paying off a labor official to insure labor peace on a construction project.

The Piracci firm, whose former chief is also the father-in-law of Baltimore Mayor Thomas J. D'Alesandro III, originally submitted a bid of $12,204,763 to build the Smithsonian's Joseph H. Hirshhorn Museum and Sculpture Gardens.

#### BID WAS LOWEST

When the bids were opened at the General Services Administration on Dec. 18, 1969, Piracci's bid was $2,558,514.40 lower than Norair Engineering Co.'s offer of $14,763,277.40.

Another company, Blake Construction Co., Inc., bid $14,817,811 on the project.

"The day after the bids were opened, Piracci advised the (GSA) contracting officer that it had made a mistake in its bid," according to a GSA memorandum on the matter.

"Piracci alleged that it erroneously omitted from its bid the amount of $754,375 for architectural concrete and the amount of $4,904.43 for a consequent increase in the costs of performance and payment bonds," the GSA document said. "Piracci requested correction of its bid by . . . $759,279.43," the memo said.

If the corrected bid is allowed, the Piracci bid would come to $12,964,042.43—still less than the Norair offer.

Early this month, Norair "protested to the comptroller general of the United States any award to Piracci Construction Co. in the amount other than the amount of Piracci's original bid," the GSA memo said.

#### OTHER ERRORS

GSA must report to the comptroller general on the matter and will be bound by the comptroller's decision. The comptroller general is in charge of the investigation.

A spokesman for Piracci declined to comment yesterday on the investigation. He said it would be "improper for us to discuss the matter at this time."

GSA officials said sometimes errors are made in bids and bidders were allowed to amend their offers.

GSA said that roughly 3 per cent of the bids submitted to the agency on construction projects contain bidder's errors.

Norair itself made a mistake in a previous round of bidding on the same project. Last spring the museum and garden project, which will be situated in the Mall area between 7th and 9th Streets was opened to bids.

Norair was the low bidder then with an offer of $15,198,000, but withdrew its bid, claiming that an arithmetical error made its bid $1 million too low, a GSA official said. Piracci submitted a bid of $16.3 million in the spring.

All the bids submitted in the spring were higher than the $13 million alloted for the project by Congress. GSA subsequently reduced the size of the project and solicited another round of bids late last year.

Dominic Piracci Sr. resigned as president and relinquished all his interest in the construction company that bears his name in June, 1969, a company lawyer here said yesterday.

In June Piracci began serving a six-month sentence for paying a union official $10,000 to guarantee "labor peace" during the construction by the Piracci firm of the national Social Security Administration headquarters in Baltimore, Piracci was also fined $5,000.

Guido Iozzi Jr., president of the Baltimore Construction Trades Council (AFL–CIO) was convicted of receiving the Piracci payoff. Iozzi was given a 15-year prison sentence in February, 1969, for extortion .

The Piracci firm also built the $3.2 million post office in Riverdale, Prince George's County, the newest and largest post office in the suburbs.

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[From the Washington Star, Jan. 30, 1970]

### Ripley Projects Backed by Smithsonian Regents

(By Herman Schaden)

Smithsonian Secretary S. Dillon Ripley has been given a full vote of confidence by the Board of Regents in his program to broaden the scope of the institution's activities.

In a statement released today the regents, the organization's policy-making group:

1. Approved the Smithsonian Magazine, a national monthly scheduled to begin publication in April.

2. Endorsed a study of the secretary's recommendation to pool various private endowment funds for investment purposes, while maintaining the individual character of each fund.

3. Expressed satisfaction with plans for improved operating procedures and for internal auditing of financial affairs.

With Chief Justice Warren E. Burger presiding for the first time as chancellor, the regents' actions were regarded by institution spokesmen as a clear-cut repudiation of recent sniping at Ripley by sources outside the Smithsonian.

Although the semiannual regents' meeting was held Wednesday, their carefully drafted statement was not issued until Burger and others approved it word by word.

A staff under the direction of Edward K. Thompson, former editor of Life, has been preparing for the magazine publication for more than a year. Subscriptions and advertising have been solicited nationally.

A suggestion by one source that some regents opposed the magazine was not borne out at the meeting. Two regents were said to have favored the magazine, but expressed uncertainty because of unfamiliarity with publication plans.

#### SUBSCRIBERS BECOME MEMBERS

The regents said the magazine "will be supported by a basic subscription of $10 a year, advertising revenue, and other private sources outside presently existing Smithsonian funds . . . Subscribers will automatically become members of the Smithsonian Associates and will become eligible for other benefits."

After hearing a detailed explanation of the fund-pooling proposal the regents "accepted the secretary's recommendation to study the advisability of establishing a unified investment program for the institution's private endowments designed to achieve higher investment rates and lower administration costs without affecting the integrity of the individual funds such as the Walcott Fund, Sprague Fund, the Freer Fund, the Ramsey Fund and many others.

"This program, if ultimately adopted, would not involve any transfer of collections, capital funds or income from any one of the existing endowment funds to any other.

#### REQUEST TERMS UNCHANGED

"None of these steps would depart from the terms of the original bequests, including the Freer gift and bequest of his unique collection of Oriental and American works of art."

Proponents of the plan have said the Smithsonian has fallen behind the times in not having adopted it sooner. They have insisted that the procedure would in no way jeopardize separate maintenance of Freer and other funds earmarked by donors for specific uses.

The regents said they also discussed a preliminary draft report in which the General Accounting Office took exception with the way building construction funds for the Natural History Museum had been utilized for the purchase of furnishings. Smithsonian officials maintain the expenditures were justified by intent of Congress, and they will so argue in a rebuttal to GAO.

"No action was taken by the board with respect to the GAO report in view of its preliminary nature," the regents said.

"The board expressed satisfaction with the institution's plans for improvement of various operating procedures and of the internal auditing of the financial affairs of the institution."

The Smithsonian's fiscal department is in the process of being modernized under the direction of its treasurer, T. Amos Wheeler.

The meeting was held at Mrs. Marjorie Merriweather Post's estate, Hillwood, which will be maintained as a Smithsonain Institution after her death.

Attending were Sens. Clinton P. Anderson and J. William Fulbright, Reps. George H. Mahon and Frank T. Bow, and citizen members John Nicholas Brown, William A. M. Burden, Crawford H. Greenewalt, Caryl P. Haskins and, a new regent, Thomas J. Watson, Jr., chairman of the International Business Machines Corp.

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[From the Washington Post, Mar. 21, 1970]

### Hirshhorn Museum Cost Rises Again—

### By $1 Million

(By David Vienna)

Smithsonian Institution officials anticipate the cost of the Joseph H. Hirshhorn Museum and Sculpture Garden will exceed by about $1 million the $15 million congressional authorization for the project.

House Appropriations Committee sources said they were advised of this late in January by Smithsonian officials.

This is the second time since December that cost estimates have been increased for the museum, on which construction will begin Monday.

The Piracci Construction Co. of Baltimore increased its low bid of $12,204,763 to build the structure by almost $760,000 the day after Piracci was awarded the contract.

Piracci claimed it had made an error in its original bid. The revised bid was allowed, following an investigation by the General Accounting Office.

The bulk of the $1 million overrun is attributable to "inflationary increases" in the construction industry, congressional sources said they were told by Smithsonian officials.

The construction costs now are expected to rise to $13.8 million, $800,000 higher than Piracci's previously revised bid, sources say.

The $13.8 million cost of construction is just one of several expeditures necessary to complete the $16 million project. Other items include planning, design, contingencies and other costs.

Asked how the Smithsonian was going to come up with the additional $1 million, a congressional source said, "It was understood that there would be a contribution from Hirshhorn." Hirshhorn and his representatives were not available for comment yesterday.

Details on the contribution are being worked out, the source said. Part or all of the money may come from Hirshhorn's previous pledge of $1 million to the Smithsonian to purchase art works.

The museum, which will be built in the Mall area between 7th and 9th Streets, will house Hirshhorn's art collection, valued at some $40-million, which he is giving to the government.

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[From the Washington Post, Apr. 11, 1970]

### MALL MEMORIAL TO HIRSHHORN PROBED

(By Jack Anderson)

Both Congress and the White House are quietly investigating how the Hirshhorn Museum, a doughnut-shaped edifice intended to immortalize a stock manipulator and convicted money smuggler, happened to be accorded an honored spot on Washington's historic mall.

Now under construction, the Hirshhorn Doughnut will soon take its place beside the Washington Monument and Lincoln Memorial.

Rep. Frank Thompson (D-N.J.), chairman of the House Library and Memorials subcommittee, is checking into the curious background of Joseph E. Hirshhorn, now 70, who demanded and got a memorial to himself in the same neighborhood as those honoring George Washington and Abraham Lincoln.

At the same time, presidential troubleshooter Clark Mollenhoff is conducting a separate investigation into the tax aspects of Hirshhorn's $25 million art collection, which is supposed to be deposited in the Hirshhorn Doughnut.

The bantamweight, Latvian-born Hirshhorn immigrated to Brooklyn's turn-of-the-century ghetto and launched into a shady financial career before he was whiskered.

#### SLEAZY DEALING

He made several fortunes on the curb market before the Securities and Exchange Commission hampered this sort of dealing. Then he branched into stock juggling across the Canadian border.

In Canada, he got in trouble with Canadian Securities Commissioner J. M. Godfrey who charged in a written report that Hirshhorn had pulled off a million-dollar "manipulation." No criminal charges could be brought because it was a "loner" deal not a conspiracy.

Instead, the fast-talking young American was ordered deported—an order he fought and won. Later, in 1945, he was fined $8,500 in an illegal securities sale case and for trying to smuggle $15,000 out of Canada.

In 1951, Hirshhorn's stock finagling came under fire in the Saskatchewan legislature where Liberal Alex Cameron called him a "racketeer." But Hirshhorn staged a fantastic uranium coup and amassed millions.

#### DANGEROUS CURIOSITY

He also bought truckloads of contemporary paintings which, by 1955, were valued at $1.5 million. How the "value" figure reached more than $25 million is a question that has aroused Mollenhoff's curiosity.

There is a letter in the Smithsonian Institution's confidential files, for instance, from Hirshhorn's curator, Abram Lerner, insisting that the artists' own dealers should assess the value of the paintings. This is like asking a producer to evaluate his own movie and it was questioned by the Smithsonian officials.

A memo between the officials cautions: "Before the Smithsonian accepts the proposal, we must be absolutely sure that the valuation will be satisfactory to the Internal Revenue Service." Insiders concede that the collection cost far less than the $25 million evaluation.

Other Smithsonian documents, marked "Administratively Confidential," show that the institution had to do some jockeying to get the collection. One tells how the vain Hirshhorn "would like some renewed attention from Mrs. (Lyndon) Johnson—a phone call or some such."

As it happened, Lady Bird and Lynda Bird quietly dropped in on the Hirshhorn collection in Greenwich, Conn., to "Oh" and "Ah."

This column has a copy of another crucial letter, which Hirshhorn wrote President Johnson on May 17, 1965. It instructs LBJ: "I would, of course, want binding assurances that the museum would bear my name in perpetuity."

#### ADVICE AND DISSENT

Some advisers were apprehensive about the conditions. Sherman Lee, director of Cleveland's Museum of Art, urged Mrs. Johnson to forego Hirshhorn's name lest it discourage other donors to the museum. He also warned Lady Bird of the "quixotic nature" of the collection.

The Chicago Art Institute's renowned Charles Cunningham at a meeting of art museum directors, according to the confidential minutes, snorted: "The United States government is being asked to furnish $10 to $12 million in appropriated funds to establish a memorial to Joseph Hirshhorn."

But LBJ was egged on by Supreme Court Justice Abe Fortas, a friend of Hirshhorn's. The President finally agreed that the taxpayers would build and maintain the Hirshhorn gallery and a huge ditch crossing the mall that would contain a pool and sculpture garden.

By contrast, Andrew Mellon donated the National Gallery of Art, paid for the building and endowed its upkeep. He also modestly ordered his name left off.

But LBJ let himself be hornswoggled into immortalizing Hirshhorn on the same mall with Washington and Lincoln. At the groundbreaking, Mr. Johnson solemnly intoned: "The flight of Apollo 8 and the birth of the Hirshhorn Museum tells us something about this country and its people."

And upon the same occasion, curator Lerner added: "Mr. Hirshhorn has the spirit shown by mountain climbers, explorers and burglars."

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[From the Washington Post, April 1970]

### SMITHSONIAN PROBE ASKED

(By Maxine Cheshire)

Rep. Frank Thompson, chairman of the House Library and Memorials subcommittee, has asked the Rules Committee to subpoena power to launch an investigation into the Smithsonian Institution's financial affairs.

John d'Amecourt, chief counsel for the subcommittee, said yesterday afternoon that Thompson intends to "conduct hearings into the entire Smithsonian—from basement to attic."

There has been no such review, he said, since the museum was founded.

"It's time," he added, "in view of all the criticism recently, to air the whole thing and get everything out in the open . . . there have been so many allegations made that must be proven or disproven once and for all."

D'Amecourt said the subcommittee will ask to see financial records, "individual records, expense accounts and a complete auditing of both private and federal funds."

Without a subpoena, Congress does not ordinarily have a right to delve into the Smithsonian's private endowments if officials choose to resist pressure to open the books.

The General Accounting Office, after a preliminary study of the Smithsonian's financial management activities, recommended in January that Congress instigate "increased auditing attention" of federal appropriations.

In a formal statement, after the GAO recommendation, the Board of Regents expressed "satisfaction with the Institution's plans for improvement of various operating procedures and of the internal auditing of the financial affairs of the Institution."

D'Amecourt's investigation is already under way. The subpoena resolution before the Rules Committee is expected to be acted upon "pro forma" within a few days.

A date for hearings to begin has not been set.

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[From the Washington Star, Apr. 26, 1970]

### REVIEW OF SMITHSONIAN SET

(By Herman Schaden)

A congressional investigation of Smithsonian Institution operations, first in the sprawling complex's 124-year-history, will be undertaken soon by a House Administration subcommittee.

As outlined by Chairman Frank Thompson, D-N.J., it will be an open-minded review intended to clear the air of nagging rumors and allegations which recently have come to the attention of the Library and Memorials subcommittee.

Thompson is a trustee of the Kennedy Center, a Smithsonian subsidiary, and has a record of sponsorship of cultural projects perhaps unrivaled in Congress.

"The Smithsonian as everyone knows is a fine organization with a long record of notable achievements as a museum and in advancing knowledge in the arts and sciences," Thompson said. "The purpose of a hearing is to get to the bottom of recent allegations, and not to make headlines."

#### REVIEW PLANNED EARLY

John d'Amecourt, subcommittee staff director, said a review of Smithsonian affairs was planned before a series of events critical of the institution began last winter.

"The subcommittee and other members of Congress have heard allegations of mismanagement, the expeditious use of funds and that the Smithsonian perhaps was overextending itself on some projects," d'Amecourt said.

The subcommittee has asked the Rules Committee for subpoena power which will assure access to any and all Smithsonian financial records applying to both the private and public sources of revenue and disbursement. It also will give the investigators power to call any witness it wants to hear.

A combination of news stories and complaints by private citizens prompted the Thompson subcommittee to broaden its original plans so that the review may now reach into many facets of the Smithsonian's far-flung operations.

The hearing is expected to inquire into the usage of the $29 million in endowments in addition to the $31.3-million federal appropriation.

#### CONSOLIDATION OF FUNDS

Some sources are known to be concerned lest private funds and endowments, earmarked for specific purposes, are transferred to other uses. The most frequently mentioned funds is the $18 million endowment for the Freer Art Gallery. Smithsonian officials have denied the fund has been tapped for uses other than the Freer.

Last winter the Smithsonian administration asked its Board of Regents to approve a plan whereby all funds, including the Freer, could be consolidated for investment purposes. The proponents said the Freer, as well as other bequests, would retain their individual character.

About the same time the General Accounting Office sent a preliminary draft report to the Smithsonian criticizing use of construction funds at the Museum of Natural History for the purchase of supplies. The Smithsonian claims it always has had congressional authorization for such procedures, and says it can prove it.

Still another bone of contention is the new Smithsonian Magazine. Some say the publication was begun altogether with private funds, others hint that money was borrowed from other Smithsonian sources with the expectation that eventually the magazine would be self-supporting.

Recently other charges have been heard, some of a petty nature. One complainant, employed for a time on a contractual basis at the Smithsonian, has practically spent full time sniping at the institution.

XUM

All this apparently has raised doubts in minds of legislators, so much so that not long ago a resolution to increase the regents' membership by two barely got a two-thirds majority needed under suspension of the House rules. It still has not passed the Senate.

The Thompson subcommittee handles bills for new Smithsonian projects.

Such items as $2 million planning money for a giant radio-radar telescope, a $10 million, 10-year program for improving the Suitland-Silver Hill storage facility, and a Bi-centennial Park at Ft. Foote and Jones Point, may not receive much encouragement until the hearing has paved the way.

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[From the Washington Post, May 1970]

## ARCHIVES FOR ART

(By Paul Richard)

The Smithsonian Institution announced last night that it has acquired the Archives of American Art, a vast collection of historical material that will help transform the Smithsonian—and the city of Washington—into a major center for the scholarly study of the history of American art.

The archives include some five million frames of microfilm (culled, with permission, from the files of the nation's finest libraries and museums) and an additional three million items of "primary source material."

These include sketchbooks, catalogues, auction records, photographs, the private papers of such artists are Franz Kline and David Smith, and thousands of hours of "oral history"—tape-recorded conversations with Ben Shahn, Claes Oldenburg, Edward Hopper, Barnett Newman and others who have helped to shape the history of American art.

The acquisition of the Archives collection brings Washington another research facility to add to its scholarly resources in the art fields.

The National Gallery of Art is organizing an institute for advanced study in the visual arts. The Smithsonian has put scholars specializing in American art in charge of the National Collection of Fine Arts and the National Portrait Gallery. With these developments, with the construction of the new Joseph H. Hirshhorn museum, and now with the acquisition of the Archives, it is widely believed that the arrival of droves of scholars can not be far behind.

The scholarly study of American art is a relatively young field. Until recently art historians—and American artists—focused their studies on the art history of Europe. When the Abstract Expressionists demonstrated that this country was more than a provinicial colony of Europe, our scholars began to realize that the history of indigenous American art was almost entirely unexplored.

A decade ago the number of scholars getting doctorates in the history of American art could be counted on the fingers of one hand.

In Detroit in 1954, with interest in American painting and prices skyrocketing, E. P. Richardson, the art historian, began to organize the Archives of American Art. A branch office was later opened in New York, and the Archives administrative headquarters were transferred to that city.

Though the Archives is now beneath the Smithsonian's umbrella, its Detroit and New York offices, its board of trustees and its administration will be maintained.

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[From Business Week, Feb. 21, 1970]

## A SKIRMISH AT THE SMITHSONIAN

When a number of powerful members of Smithsonian Institution's board of regents took aim at ornithologist S. Dillon Ripley last month, he seemed headed the way of the passenger pigeon or some other species of vanishing wildlife. But after a boardroom struggle in the finest traditions of the U.S. establishment, Ripley, the institution's secretary, appears to have emerged a winner, at least temporarily.

The General Accounting Office opened fire at Ripley, 56, with a report finding fault with the way he had spent $380,000 in construction funds.

Then the regents challenged his project for a lavish monthly magazine, the *Smithsonian*, and countermanded his plans for moving endowment funds from bonds and blue chips into a pool of growth stock investments.

A decisive board meeting was called at the end of January by Chief Justice Warren E. Burger, whose Supreme Court post makes him chancellor of the Smithsonian. The regents include Senators Clinton P. Anderson (D-N. M.), and J. W. Fulbright (D-Ark.) Representatives George Mahon (D-Tex.) and Frank T. Bow (R-Ohio), financiers John Nicholas Brown and William A. M. Burden, Dr. Caryl P. Haskins, head of the Carnegie Institution, Thomas J. Watson, Jr., chairman of International Business Machines Corp., and Crawford H. Greenewalt, former Du Pont president and chairman.

After the meeting, Burger imposed a ban on any disclosure of the subjects discussed. "It was money, that's all it was—money," mutters one of the regents. The board appears to have reached an agreement about money matters. But most observers believe that Ripley's troubles are rooted in more than money. Indeed, the life-style of the Smithsonian may be at stake.

### HISTORY

When Congress set up the Smithsonian in 1846, as a result of a $500,000 bequest from Englishman James Smithson, its purpose was fairly simple. It was to collect and display every kind of scientific, cultural, and historical achievement. And it did that job superbly. It grew into a conglomerate of information centers without parallel anywhere. Then, as the decades rolled by, it began to creak with age.

When Ripley took charge in 1964, he set out to breathe new life and a sense of participation into an institution that, with its collection of more than 59-million objects, had come to be known derisively as the "nation's attic." Encouraging the Smithsonian's scientists to become more than mere custodians, Ripley urged them into new fields of research and exploration. A full four years before "the environment" became a political password, Ripley began moving the Smithsonian into broad-scale studies of human and animal ecology. He brought in more than 50 scientists to do degree work at Smithsonian installations.

Festivals, kite contests, society balls, and a ghetto museum-branch were launched to bring the Smithsonian into the main stream of Washington's daily life. The institution's July 4 folk festival has drawn crowds of more than 100,000. Within Ripley's tenure, two new museums have been added to the stable of institution art galleries and museums, which are mostly in Washington and already are visited by 20-million people a year. And two more museums are scheduled to be added this year and next. So far, Ripley has doubled the Smithsonian's building space. And since he took charge, the number of permanent employees has jumped from 1,300 to 2,100.

### PRO AND CON

In general, the average visitor to the Smithsonian is pleased by the changes. So are many scientists. But there has been alarm and dismay in some quarters. Some traditionalists feel that the Smithsonian is renouncing its very special place in American culture. And there are those who are frankly worried by the cost of all the innovations. In his six-year fight to bring the Smithsonian and its five museums, two art galleries, and 175-acre zoo into closer contact with the popular and scientific communities, Ripley was clearly running short of money.

So far, he has managed to operate the Smithsonian on a budget of less than $50-million. Nearly 60% of that came from Congressional appropriations. But though the operating costs continue to rise, Congress is getting steadily more reluctant to increase its contribution. The institution also receives grants and contracts for work thrown its way by government agencies, but income from this source is decreasing, too. It fell to only $12-million last year.

Most of the rest of operating revenue is income from the Smithsonian's $26.5-million in private endowment. About half this income comes from a single source: the Freer Fund, established by Charles Freer, a Dtroit industrialist who died in 1919.

### SOURCE

Freer, with the help of artist James McNeill Whistler, became a collector of Oriental art at a time when most Americans totally ignored Asian culture. He shared his enthusiasm with Mrs. Agnes Meyer, wife of the Washington financier-publisher Eugene Meyer. At Freer's death, she was named as one of the few people authorized to contribute to the Freer Collection. Today, eightyish, a widow, Mrs. Meyer lives in Washington where her daughter Mrs. Katharine Graham is president of the Washington Post Co.

With regard to Ripley's present course of action, Mrs. Meyer and her powerful Washington friends feel the deepest concern. They particularly fear dissipation of the Freer Fund through the type of stock-pooling arrangements that Ripley has proposed. And, as the Smithsonian's interests have moved into new areas, away from American and Oriental art, they have noted unhappily that funds for additions to the Freer Collection were becoming harder to get. They believe that, to alleviate this, the Smithsonian and the government could contribute more to the Freer's maintenance and personnel expenses, so that more of the endowment income would be available for acquisitions.

### THE BOARD

Whatever the grievances against Ripley, the forces supporting him seem to have held firm when the board of regents met under Justice Burger at "Hillwood," an urban Washington estate that will someday belong to the Smithsonian. At present, it is the residence of Mrs. Marjorie Merriweather Post, socialite and cereal heiress.

Crawford Greenewalt, whose frozen-action photographs of hummingbirds have made his name well-known to ornithologists, backed Ripley's proposal for a magazine for "Smithsonian Associates." Not all the regents felt as warmly about the idea but, eventually, approved the proposal. The first issue of the *Smithsonian*, now due in April, will be a professional job put together by a staff of editorial veterans who have worked for *Time, Life, National Geographic*, and *Horizon*.

The board also went on record as disagreeing with the GAO's criticism of Ripley's handling of federal funds. It expressed "satisfaction with the institution's plans for improvement of various operating procedures and of the internal auditing of the finanical affairs of the institution." And it agreed to study Ripley's plan for pooling Smithsonian trust funds, though it insisted that he assure past and potential donors that the integrity of the funds will be maintained.

Once agreement on these points had been reached, Burger clamped down his ban on any further discussion. Ripley withdrew to Georgia to recover from a bout of flu. And his supporters apparently felt that they had won on all fronts. But his critics are already looking forward to the next board meeting, set for May 28. In Tucson, at the Arizona Inn where she is spending the month of February, Mrs. Meyer has not disarmed. "We will continue to protect the Freer," she says.

XUM

## THE TRAIL THAT NEVER WAS

Mr. HANSEN. Mr. President, the Bureau of Outdoor Recreation currently is involved in a study of the feasibility of creating the Continental Divide National Trail as a part of the national scenic trails system.

Some Senators may recall that when the legislation was passed authorizing and designating the proposed trials to be included in this system, the Continental Trail proposal was removed from the list of authorized trails, and placed in a study category. It was my suggestion that this be done, because I felt at the time there were some very pertinent questions to be answered. I still feel that way.

Mr. President, I shall oppose the establishment of the proposed trail along the Continental Divide from Canada to Mexico.

Such a trail has no historic significance. There never was such a trail, and, as one official of the Bureau of Outdoor Recreation said, while it would be a novelty, it would also cut through some of the most beautiful country in our Nation.

The very environmental qualities we sought to protect with the establishment of wilderness areas in the mountain fastness of Wyoming would be defiled by the type of development that would characterize this trail.

Estimates are that it might cost as much as $10,000 per mile. The need for shelters, sanitary facilities, and other trappings necessary to human comfort and convenience which would have to be established along the way would most certainly violate the wilderness concept.

These great portions of Wyoming will be exciting vacation areas for more and more Americans in the years to come. But a part of the thrill of visiting a wilderness area is the excitement of discovery, and there really is not much to be discovered when one walks along a cut-out trail that is cluttered with signs denoting restrooms and other accommodations along its course.

I support the idea of the reestablishment of some of our historic trails. It is proper, I believe, to dedicate these routes, where we can, to posterity, in order that they might offer knowledge of the hardships our forefathers experienced in building this great country.

But I also support the wilderness concept, and I refuse to promote a proposal which would defile the magnificent areas through which the Continental Divide passes, such as Yellowstone National Park, the Wind River Mountains, and others of our choicest wilderness areas.

It is not worth the cost for the benefit of the few hardy souls who might come out to tramp along a trail that never existed.

Mr. President, Cal Queal, writing in the May 17 issue of the Denver Post, expressed his views on the Continental Divide Trail proposal. He said much with which I agree. I ask unanimous consent that his column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### A DIVIDE HIKING TRAIL? NONSENSE

(By Cal Queal)

Among several current and unaccountable proposals by the federal government is one to build a hiking trail along the Continental Divide from Canada to Mexico. Because even the government seems to be concerned about money these days, we can speculate the idea will eventually meet an unfunded death. If only we could be sure.

A study of the route was authorized under the National Trails System Act of 1968 and a report is expected from the Bureau of Outdoor Recreation (BOR) by July 1.

Starting at the Canada border, the trail would cut southward across Montana, part of Idaho, Wyoming, and enter Colorado north of Steamboat Springs. It would wind through some of Colorado's prime wilderness country split into two parts in New Mexico and rejoin into a single trail before dropping into Chihuahua, Mexico.

The trail would cover just over 3,000 miles, and cost about $25 million. So rugged is the terrain, that some portions of it may cost $10,000 per mile to build. The first construction would be in Colorado, where BOR officials feel the potential use is great. They have grown quite fond of the trail idea, and can be expected to lobby for it in their quiet way.

One of their main supporting arguments is that the trail will draw thousands of people who otherwise would never get to see the Divide country. For reasons of propriety, we must call that utter nonsense instead of the stronger term that comes to mind.

The Divide in Colorado is crossed by five major highways and dozens of lesser roads—all providing excellent views and virtually unlimited access to various sections of the Divide.

Along every stream there's a trail of some sort leading upward to the Divide. Countless Divide crossings are made by hikers and mountain climbers in summer and skiers and snowshoers in winter.

The point is that we don't need a new multimillion-dollar trail to make the Divide more accessible. If we pursued that kind of reasoning to its logical end, we'd blast off the top of the Divide and blacktop it.

#### QUITE A NOVELTY

Well, now wait a minute, says a BOR official. The trail would be quite a novelty—you could walk along the backbone of North America, right down across Colorado. Sure you could. The question is, should we spend millions for the sake of a gimmick, and in the process ruin some of our finest remaining natural land?

To suggest a Continental Divide hike has novelty value is crushingly pointless. The value of the high country is in seeing the spectacular masses of rock and pretty meadows, breathing the clean air, and taking it all in with a sense of being part of it. It needs a gimmick like it needs neon trail markers.

In recent months the whole nation has been alerted to the hazards of indiscriminate development of our last remaining natural resources. From our highest executives right down to the grade school children there is a new concern for preserving the environment.

How is it that the essence of that concern apparently hasn't sunk in with some of our government officials? Building a Continental Divide trail would destroy a considerable amount of land which is now in its natural state. Mind you, this is land which conservationists have fought for decades to protect.

Look anywhere along our part of the Divide and you'll see the last of the best of the Rockies being threatened from a number of angles. People want to mine the High Country, cut timber from it and graze livestock on it. Others want to chop it up with highways, jeep trails, tunnels and water works.

On top of all that, should we now let the Divide country be excavated, at a cost of millions in public funds, by people who want to turn a spectacular, natural, continental feature into a novelty?

I'll take my Continental Divide just as it is. I think most people like it quite well enough that way.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. MCCLELLAN). Is there further morning business? If not, morning business is concluded.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 19. An act to reimburse certain persons for amounts contributed to the Department of the Interior; and

S. 1934. An act for the relief of Michel M. Goutmann.

The message also announced that the House had passed the bill (S. 2624) to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that Mr. BELL of California had been appointed as a manager on the part of the House at the conference to be held on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 16516) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, vice Mr. ROUDEBUSH, excused.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15638) to amend the Foreign Military Sales Act.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Tennessee.

Mr. GORE. Mr. President, a compromise peace in Southeast Asia is our wisest course. This does not mean that I doubt the desire of any American for peace. Not at all; I am confident that all Americans want peace. It is, rather, that I am convinced the policies now pursued have prolonged the war and will prolong the war rather than end it. Vietnamization has been our policy now for almost a year. It has failed to bring peace. We have suffered more than 50,000 casualties from Vietnamization. Vietnamization is a policy to prolong, not to end, the war.

Duty commands that I warn of the danger of yet a wider war, just as I did on the 16th day of last month in an address to the Senate. On that day, I said:

> In view of the deterioration in Laos and instability in Cambodia, our situation is now more precarious in Southeast Asia than in 1968.

Moreover, I warned that the North Vietnamese have increased their infiltration into South Vietnam and have moved 67,000 troops into Laos and other thousands into Cambodia, both countries flanking South Vietnam. Though I profess no military expertise, I submit my concern that a policy of unilateral decrease in U.S. strength in South Vietnam, without a settlement, concurrent with a massive troop buildup by North Vietnam within North Vietnam, in South Vietnam, in Laos, and in Cambodia presents a foreboding outlook. In the meantime, the enemy strategy appears to be one of scaled-down but protracted warfare aimed at a buildup of strength in and on the flank of South Vietnam, and at obstructing the "pacification" program while gleefully watching and impatiently awaiting the withdrawal of American combat forces. To count the departing troops would surely appear preferable to suffering the consequences of attempting to decimate them in combat. So the enemy flexes his muscles and waits.

XUM

How long can one combatant in a conflict safely reduce its strength while the other side builds up? That question is a fatal flaw in Vietnamization. As the record will show, the North Vietnamese have not withdrawn anything. Indeed, the largest number of North Vietnamese troops in South Vietnam in the history of the war are there now. Likewise, according to intelligence information the number of troops in Laos is now larger than at any time throughout the war. How many are in Cambodia now? I have not had any intelligence reports. It was reported that in excess of 40,000 were there before the invasion, incursion, excursion, or however one wishes to describe the movement of United States and South Vietnamese troops into Cambodia. Not many of these troops have been contacted. Where they are, I do not know.

The point I am trying to make is that the enemy has not withdrawn. The enemy has continued to build up. Vietnamization is a unilateral withdrawal.

The central issue of the war is, and has been, the nature of the Government in South Vietnam. As long as the United States remains committed to the survival in power of the Thieu-Ky regime, or one closely resembling it—this Vietnamization—there is nothing for the Vietcong and the North Vietnamese to negotiate except the terms of their own surrender. Vietnamization, then, contradicts negotiation for a compromise political settlement which would doubtless involve a restructuring of the Saigon government.

The North Vietnamese and the Vietcong have been intransigent, offering us nothing really but humiliating withdrawal. I denounce their acts of cruelty in the war and their inhumane treatment of prisoners of war, as well as their rudeness at the conference table.

In his lengthy report to the Congress of February 18, President Nixon said that the North Vietnamese Government "has insisted that we must unconditionally and totally accept its demands for unilateral U.S. withdrawal and for the removal of the leaders of the Government of South Vietnam. It has demanded these things as conditions for just beginning negotiations."

Whether the Communists would be willing to make concessions, for a compromise peace, or whether President Nixon is accurate in his insistence on their inflexibility, I do not know. In the interest of peace we should challenge them on this. They can be tested, I believe, by a concerted effort on our part to negotiate a compromise peace, which is to say, some form of coalition regime for South Vietnam. That in turn raises the question of the Saigon government's attitude toward such a compromise.

The two Senate staff investigators who recently visited South Vietnam reported as follows:

> Except for vague references by opposition politicians in Saigon to the idea of negotiation, without any reference to the particulars of the settlement such a negotiation might achieve, the subject of negotiations almost never arose during our visit to Vietnam. It was not mentioned in briefings or alluded to by American civilian or military officials.

Mr. Thieu has been explicit on the subject of compromise and coalition. Returning to Saigon from his meeting with President Nixon at Midway last June, Mr. Thieu said:

> I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even a reconciliatory government.

Speaking on the subject again on television September 19, 1969, Thieu dismissed the idea of a standstill cease-fire as "unrealistic"; pledged never to cede "so much as a hamlet" to the Vietcong; further declared that he would make no concessions in the Paris peace talks; and finally, lest any doubts about his uncompromising stand survive, Mr. Thieu said that his regime would never accept the existence "in any way" of a Communist party in South Vietnam.

As to the possibility of broadening the base of his government as a preliminary to peace negotiations, Mr. Thieu has denounced and attacked advocates of a negotiated peace such as Tran Van Don and Duong Van Minh. If such men "are not Communists," says Thieu, "they work for the Communists and they are pro-Communists."

This, Mr. President, is the opinion of men who in South Vietnam have advocated a peace by negotiation.

Whatever General Thieu's position may lack in wisdom or concern for the Vietnamese people, is more than made up for in clarity and forthrightness. Even now he openly speaks of designs with respect to Cambodia as our men die to keep him in power in South Vietnam.

Where does Thieu get the power to stay in office? From the minority of the South Vietnamese people who support his rule? No. From the dispirited Army of the Republic of Vietnam with its military strategy of "search and avoid?" Obviously not. Where, then, does this small-time dictator get the power to dominate events, while America's vast resources crumble like clay in the hands of its statesmen? U.S. forces keep Thieu in power. In this answer lies an astonishing subservience of the U.S. Government to the Saigon generals. Wedded to the idea that Thieu's survival is essential to American interests, our leaders have, in effect, given him a veto over U.S. policy. It is as if we had traded resources, our strength for his weakness, so that the organ grinder dances to the monkey's tune.

The crucial question is: How long are we going to let the Saigon generals dominate American policy in Vietnam? To answer that we must go back to the very question which President Nixon says is no longer worth discussing: the question of why we went into Vietnam in the first place. If, as President Nixon professes to believe, our reasons were valid—if we really have been holding back a global Communist tide, inspiring confidence in the United States and upholding freedom and self-determination—then the present policy is surely inadequate.

If, on the other hand—as I have tried to show, and as most informed observers now believe—this war is not now and never has been in America's interests, then it is time to loosen the grip of our unsavory allies over our policy and action, and to devise a Vietnam policy which is truly in our interest rather than theirs.

We do not have to impose a coalition or anything else on the South Vietnamese. We have only to define our own terms—a compromise based on a coalition regime—and to give the Saigon government a simple choice; to join us in negotiating peace on those terms or to continue the war on their own, for as long as they like or for as long as they are able. In the latter event, we would be free in all honor to make our own peace, on terms reflecting the national security requirements of the United States. The association of these requirements with the political ambitions of the Saigon generals is and always has been mistaken. We have only to recognize that mistake to free ourselves for peace.

Peace is urgent. I am confident President Nixon earnestly desires peace.

I have never entertained any doubt whatsoever about this, but a desire is not sufficient. Instead of peace, we have a wider war.

Present policies have not brought peace. This undeniable. I have to demonstrate over and over that present policies are not likely to bring an early peaceful settlement. They promise neither to win nor to end the war but to prolong it for as long as necessary at whatever cost in men and money necessary to prop up an unpopular, corrupt, repressive military dictatorship. This is utterly unacceptable.

Mr. MILLER. Mr. President, does the Senator wish to complete his speech, or would he object to a question?

Mr. GORE. I am happy to yield.

Mr. MILLER. Much of what my colleague from Tennessee has been saying is, I think, very correct, and something I can agree with; but when he gets down to talking about a "wider war," apparently in the context of the Cambodian operation, I must object.

If one wants to talk about geography, I suppose that going 21 miles from South Vietnam can be said to mean we have widened the war by 21 miles, but I do not think that is a fair interpretation of the phrase "wider war." The same enemy on that side is on this side; the only difference is that they used to come over the border and chew up our men on the other side in South Vietnam. We are just going over there and cleaning them out of their sanctuaries, taking millions of rounds of ammunition that would otherwise be chewing up our men—something that will take 8 to 12 months to restore, if indeed they ever have the desire to do it.

It seems to me when this operation is not only intended to, but, according to the latest reports, is carrying out the effect of certainly reducing our future casualties, and also shortening the war in Vietnam, it is a most unfortunate thing to talk about a "wider war."

I will say this: that if by at least when the Cambodian sanctuary operation is over, the Senator from Tennessee will look at the results and then can look me in the eye and say that "I think this is going to prolong the war and cause more casualties," instead of saying, "I think the results of this mean it will be a shorter war with fewer casualties," then I will be very happy to apologize to him right here on the floor of the Senate. But I am not going to lose any sleep over the prospect that I will have to do so.

I know that the Senator is in good faith on this, but I think the main problem, as with so many of our colleagues here—and there are some on both sides of the aisle who are quite jumpy about this—is that they do not have the patience to wait to let the President's word come out. They have to get involved prematurely. I have very seldom seen the Senate take action prematurely that we did not live to regret.

My point is that I wish the Senator had not, perhaps I would say "undercut," the effectiveness of what is a quite scholarly speech by talking about a "wider war," because I just do not think the facts bear him out, and I am quite confident that the facts as they will develop in the next few weeks will not bear him out.

Mr. GORE. Mr. President, I appreciate the suggestion of the able Senator. However, I invite him to suggest a synonym for "wider" or some other adjective that would describe the invasion, or incursion, or extension, or advance, or expansion of both United States and South Vietnamese forces into Cambodia. I am not wedded to the word "wider" any more than I am wedded to the word "invasion."

Mr. MILLER. May I suggest to the Senator from Tennessee that if I had written this speech, I would have said, "Peace is urgent. I am confident that President Nixon earnestly desires peace. I am pleased to note that while we do not have peace today, we are getting closer to it than we have been. I am very pleased to note that 110,000 or 115,000 fewer U.S. ground combat forces are in Vietnam today than there were a year ago, and I am pleased to note that the President has announced another 150,000 ground combat troops will be out by next spring, which makes about 90 percent of our ground combat troops in Vietnam, and I am pleased to note that with these results to date and with the announced schedule for the other 150,000, it is quite clear that Vietnamization is moving ahead in the right direction."

Mr. GORE. Mr. President, I would not have been able to make the speech if the able Senator had written it for me, because I do not believe that our situation is improved in Indochina now over several weeks ago, or even over 1968.

It was not very long ago that President Nixon did assure the American people, with confidence, I believe he said, that peace was in sight. But 10 nights later, over the same television networks, he made a very grim statement, picturing our situation in South Vietnam as being so precarious that he had ordered an invasion, an incursion, or excursion, or projection into, perhaps not a wider, but a more extensive, war in Indochina. I could not add all of those conditions up and say that the situation was improved.

On the contrary, I would have to say that the President advised the American people that Vietnamization was threatened by the counterflanking development which Vietnamization had, may I suggest, invited, along with the Nixon doctrine.

So this was, it seems to me, a recognition that Vietnamizaion had failed. I think it was doomed to failure from the beginning because, as I have already stated, it had the fatal flaw of unilateral reduction.

How long can one combatant in a war safely reduce his forces, while the other augments his forces, and spreads them into a flanking position virtually surrounding, except for the sea, the forces that are being reduced?

This, as I say, is a fatal flaw. It could not but lead to a counterattack, and to a reescalation on our part, if the North Vietnamese and the Vietcong did not wish to cooperate with it.

Of course, the President warned that if the enemy took advantage of U.S. withdrawal, he reserved the right—I do not remember his exact words, but reserved the right to deal with it forcefully.

Can anyone imagine an enemy not taking military advantage of what the opponent did? How unreasonable can one become? Can anyone now assume that North Vietnam and the Vietcong will not take such advantages as they can? It would be a strange enemy who did not seek to exploit such advantages as might be available to it.

So I simply could not have made the speech, though it had been prepared with the deepest erudition and the greatest correctness of grammar and logic, only to end with a conclusion which I believe erroneous.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. MILLER. Mr. President, the Senator talked about the enemy not taking advantage of a situation—I mean, he maintains that the enemy would take advantge of the situation.

But I am sure the Senator understands that an enemy can miscalculate, and the results to date are actually the results—the figures I have here are as of May 14; the actual figures would probably be at least twice as high now—7,500 individual weapons captured; 1,000 large crew-type weapons; 9,400 rockets; 13,000 mortar rounds; almost 8.5 million small arms rounds of ammunition; 2,500 tons of rice. By the time this is over, these figures are going to be greatly increased beyond that, and I have an idea that the enemy miscalculated. They did not think that the President meant what he said, so now they have got all that out the window.

What that means, may I say to my colleague from Tennessee, is 8 to 12 months of war materiel, time, effort, and transportation gone down the drain. And if that does not shorten the war rather than prolong it, I do not know what other result it could have.

This does not mean that Vietnamization is not succeeding. Indeed, if Vietnamization had been a failure, we would not be able to have 115,000 fewer troops there today. I am sure that the President has not come out and said another 150,000 would be out by next spring because he thinks Vietnamization has been a failure.

Mr. GORE. Will the Senator yield at that point?

Mr. MILLER. Surely.

Mr. GORE. If I understood the President's utterances, he was saying explicitly to the American people that if Vietnamization was threatened, the position of American forces would be intolerable without a reescalation of the war.

If the Senator can read into that success, it is comparable to saying that the movement into Cambodia was not an invasion—that, indeed, it did not bring about a wider war. It is a strange process we have of using the English language to try to paint pictures that do not exist.

I yield.

Mr. MILLER. Mr. President, if I may so suggest, I do not think the President said—certainly his explanation in subsequent statements indicates he did not say—that the reason for the Cambodian operation was because it threatened Vietnamization. What he did say, and what he did elaborate upon, was that it threatened to delay the timetable for Vietnamization, as indeed it surely did.

I am certain the Senator can well understand that all this quantity of war materiel was not sitting up there in the sanctuaries to celebrate the Fourth of July. It was calculated to be used against our forces and the South Vietnamese forces, and that would slow down any Vietnamization program.

Mr. GORE. I say to the Senator that

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I have warned for months that this would be an inevitable consequence of the process of unilateral withdrawal of U.S. forces, without any agreement, without any peace, without any settlement. The fact that the forces have captured rifles, cartridges, machineguns, et cetera, is to be expected. I hope they destroy them all.

But the great sanctuary, the great reservoir of weapons—China and the Soviet Union—will not find the quantities of small arms the Senator has mentioned a very difficult item to replace. As war goes, these are not stupendous items.

I, of course, recognize that they have been storing these munitions of war there for a long time. Indeed, the sanctuaries have prevailed for 4 or 5 years. I do not think the situation has particularly changed with respect to the geography of sanctuaries.

It is true, I believe, that, perhaps as a counter to Vietnamization, larger North Vietnamese forces have been moved into Cambodia, into Laos, and into South Vietnam. Indeed, as I said earlier, I warned of this fact and this threat to our forces only a few days before the President ordered the invasion.

But I do not think that the complicated situation in Indochina, the fact that there are four little countries in that narrow peninsula, argues for a widening of the war. Instead, it is a part—but only a part—of the unique character of this war which argues for a negotiated settlement—not Vietnamization; not reescalation; not a wider war; not a deeper involvement; not a further bogging down into the morass in Southeastern Asia.

I yield.

Mr. MILLER. Mr. President, the Senator says that this would argue for negotiations, and he certainly is going to find me joining with him on that—and the President of the United States, also. It is hoped that Vietnamization will not have to be completed. I hope it does not have to be. I hope that it will help lead to negotiations.

It is quite apparent that the North Vietnamese, the Red Chinese, and the Soviets are worried about Vietnamization. I have some extracts from international broadcasts from Moscow, Peking, and Hanoi. I have others in my offices. Almost every day there are statements from these sources to the effect that Vietnamization is a failure. These, of course, are beamed to other countries throughout the world—beamed to South Vietnam.

It is quite apparent from their propaganda that they do not like Vietnamization. I wonder why they do not like Vietnamization. One of the main reasons why they do not like Vietnamization is that it is moving ahead and succeeding. They know that the further it goes, the fewer American casualties there will be.

I deplore any casualties, but I would far rather pick up the newspaper and find 100 American casualties than 300. The number will go down with the other 150,000 coming out by next spring, with roughly 90 percent of our ground combat troops out of there, which is where most of our casualties are coming from.

The people behind the Bamboo Curtain and the Iron Curtain recognize that the American casualties are going to go down. They are very unhappy about that thought, because they know that is one of the major concerns—and properly so—of the American people.

Mr. GORE. Mr. President, let me point out to the Senator a fact to which I have already alluded. We have had Vietnamization now for almost a year, since June 8 of last year. It has not brought an end to the war. Who can say, then, that it is a success? It has not brought peace. Who can claim that it ever will? We have suffered more than 50,000 casualties in this program of Vietnamization, and now the President tells us that our situation has become so precarious as a result of this policy, partly, that he has had to order thousands of American troops to cross the border of a small nation which asked to be neutral.

I yield.

Mr. MILLER. Mr. President, I think that the proof of the Vietnamization program's success shows up in the tragic figures of casualties.

Mr. GORE. 50,000.

Mr. MILLER. No; the 50,000 the Senator is talking about goes back over the last 7, 8, or 9 years.

Mr. GORE. Oh, no. I am sorry. We have suffered 50,000 casualties—more than 50,000 casualties—since June 8, 1969.

Mr. MILLER. Oh, the Senator is referring to both killed and wounded?

Mr. GORE. I am referring to casualties of American military personnel.

Mr. MILLER. In that frame of reference, I would suggest that if he will compare the killed and wounded of the American forces with the killed and wounded of South Vietnamese forces, comparable months, to the year before, when Vietnamization was not on, he will find a dramatic difference. The difference will be favorable—granted that it is all tragic.

Mr. GORE. The smaller the casualties, the better I like it. But that does not mean that the war is coming to an end. The war has been prolonged.

Mr. MILLER. The President of the United States certainly has not said that 1 year after Vietnamization starts, the war is going to come to an end. He never has said that, and I certainly would not expect anybody to say that. What I am interested in, really——

Mr. GORE. Can the Senator give us any timetable whatever when Vietnamization is supposed to end the war? The least estimate I have ever heard of U.S. troops remaining in South Vietnam in the summer of next year is a quarter of a million American boys. That is not ending the war. That is not bringing peace. That is not shortening the war. That is prolonging the war in order to keep Thieu and Ky in power.

Mr. MILLER. Mr. President, may we have order?

The PRESIDING OFFICER. The Chair admonishes the gallery that order must be maintained. There will be no demonstrations.

The Senator may proceed.

Mr. MILLER. I do not want to get into a discussion about the last part of the Senator's statement. We will have plenty of time to do that. The important thing right now is to achieve peace, as soon as we can. I am talking about an honorable peace, and I am sure that every Member of the Senate would like to have that happen tomorrow. But I think that in our desire for a peace as quickly as we can get it, we tend to overlook progress toward peace.

I assure the Senator from Tennessee that he and I will have far fewer tragic letters to write to bereaved parents and wives a year from now than we have now. We have fewer now than we had a year ago. Fewer men are over there today, by 115,000, than a year ago.

Mr. GORE. Yes, but there are 3,000 more than a month ago.

Mr. MILLER. The Senator well knows that in the deployment of troops, there may be some fluctuations from month to month.

Mr. GORE. Oh, yes. Men were retained there because of the planned invasion of Cambodia, I suppose, and there may be plans to keep them longer. I do not know why the President ceased to announce a reduction on a quarterly basis and raced ahead 1 year from now. But even a year from now, even if there is a reduction of 150,000, this still will leave a quarter of a million American boys in Vietnam. It means that thousands and thousands more young men, boys now in their middle teens, will have to go to Vietnam. The casualties are terrible.

I wish the Senator had heard—although it was disagreeable to contemplate—the statement which the senior Senator from Missouri read, the article he read, about a legless soldier whose arms are paralyzed, unable to turn himself in bed and fight rats from his being.

I have been through hospitals, as the Senator has. Those who are left dead over there are not the only losses we suffer. Hundreds of thousands have left parts of their bodies there, have lost their minds there, have lost their eyes there, have lost all their limbs there, have lost many of their vital organs there. It is a horrible catastrophe. Moreover, that is not the only sacrifice. Two million men have been sent there, and the statistics indicate that many of them are returning with dope addiction, with psychiatric troubles, and I have not even referred to the serious malaise in our own country. Thus, this is a tragic cost we are paying. This war has gained us nothing. There is nothing to be gained from it. American security is not involved in what happens in Cambodia or does not happen in Cambodia or in Laos. Except for the amendment the Senate passed last year, there may have been an invasion or an incursion into Laos. What does it matter to us whether a Laotian by the name of Souphanouvong or a Laotian by the name of Souvanna Phouma is Premier of Laos? Our security is not involved in what happens in those little countries. Our national interest is not involved. Our national interest is involved in bringing an end to the war, not in prolonging it.

Mr. MILLER. I must say that the Senator makes a very emotional speech about our tragic, wounded soldiers——

Mr. GORE. I do get emotional about it because this war has been going on for years now. It is also tearing our country apart.

Mr. MILLER. I can get just as emotional as the Senator from Tennessee—possibly a little more, because I have been over there. There is nothing like visiting wounded men in the intensive care wards in the hospitals in Vietnam, especially when they know they will not make it next morning.

Mr. GORE. I have been there, too.

Mr. MILLER. Well, I say that the Senator from Iowa can get just as emotional about it as the Senator from Tennessee, but that will not get us off the ground. What is important, I think, is that if we really believe in peace and getting our troops out of there as soon as we reasonably can, and on a decent and honorable basis, we should recognize the progress we are making and have been making for the past year compared to going in the other direction the previous 4 years.

At least, give President Nixon and his administration some credit for going in the right direction. We went in the wrong direction for 4 or 5 years before. I am not here complaining, except I did say that President Johnson should have adopted the policy of not tying the hands of our men when he sent them out of this country. If he was not willing to send them out of this country and untie their hands, he should never have sent them out there in the first place. I have warned against the prolongation of the war and what it would bring.

Mr. GORE. By that argument, then, we should have invaded North Vietnam a long time ago as a sanctuary.

Mr. MILLER. I never advocated that.

Mr. GORE. As a sanctuary, Cambodia is third or fourth rate. The real sanctuary is not in Cambodia, it is North Vietnam and Red China. Every argument I have heard in support of the invasion of Cambodia can, with equal or greater force, lie to an invasion of North Vietnam or Red China, except that—and it is a very great exception—in the latter event, it would be likely to bring Red China into the war. And who knows——

Mr. MILLER. That is a big exception.

Mr. GORE. That is a big exception, yes. And who knows but that the invasions and incursions into Laos bordering onto Red China may eventually bring about such a catastrophe.

Mr. President, this wider war has many dangers.

I warn, once again, as I did on the 16th day of last month, before Cambodia was invaded, that an ominous threat of a still wider war hangs over not only this country but also the world.

Mr. MILLER. No one knows what will happen tomorrow, 6 months from now, or a year from now. I do want to say this, that the Senator from Iowa never advocated an invasion of North Vietnam, for the reason that the Senator from Tennessee himself suggested. But, that is somewhat beside the point——

Mr. GORE. That is not beside the point at all. That is the point.

Mr. MILLER. Well, it is the point in answer to the Senator's statement, that the same reasons for invading Cambodia could be given so far as North Vietnam is concerned. The Senator answered his own statement by saying except for the fact it might bring Red China into the war, and on that I thoroughly agree with him.

Mr. GORE. I do not think this war will be won or lost by what happens in Cambodia.

Mr. MILLER. The Senator from Iowa has never said such a thing either. I have said that it will mean a shorter war and fewer casualties. This is all the President of the United States is saying.

Mr. GORE. Well, Mr. President, this shorter casualty list is disturbing to me. I should like to recall that the news stories emanating from the military operations in Cambodia and Vietnam during the first week of the invasion were quite interesting. The first report, after about 2 days of operations, was that 3 Americans had been killed. Then, it later got up to 17. But, when the official casualty list came out, 168 had been killed and many times that number wounded.

That is a strange way to save lives, to increase the casualty list, just as invading a country and destroying the villages and maiming and killing thousands of civilians is a strange way to protect their freedom.

Mr. MILLER. The Senator talks about the increase in casualties in 1 week, something like from 100 to —what did the Senator say, 184?

Mr. GORE. It is 168.

Mr. MILLER. Yes, 168. The casualty list has been running about 100. I deplore the increase from 100 to 168 in 1 week, but how many casualties does the Senator from Tennessee think would have occurred if 7,500 individual weapons, 1,000 large-caliber-type weapons, 9,400 rockets, 13,300 mortar rounds, and 8.4 million rounds of small arms ammunition had been brought down across the border from the sanctuaries and used against our troops? Does he think that would have just been for free, for fun, celebrating the Fourth of July, or does he think that that means a lessening of the number of casualties to U.S. forces and those of our allies?

Mr. GORE. Well, Mr. President, the pursuit of sanctuaries can be discussed in many ways. Both sides have sanctuaries. Our side has more than the other side. Our sanctuaries are more secure because of our mobility and our power. I am glad that they are more secure. But, pursuit of sanctuaries and counterpursuit of sanctuaries is a formula for widening the war, for escalating it, not for negotiating a settlement of it. That is what I plead for.

A few moments ago, the Senator referred to the differences in direction. I say, in all candor, that I prefer the deescalation in the Nixon administration to the escalation during the Johnson administration; but what we need to achieve is a peaceful settlement because the deescalation under the name of Vietnamization has been unilateral and while we have reduced our forces, I have tried to say, the other side has greatly augmented its forces, not only in numbers but also in deployment. There are more men north of the demilitarized military zone now, I am told, than at any time in the history of the war.

North Vietnam has a large army. There are more North Vietnamese in South Vietnam than at any time in the history of the war. There are more North Vietnamese in Laos than heretofore in the history of the war.

As I have said, I do not know now how many North Vietnamese troops are in Cambodia, but before the invasion or incursion or excursion or intrusion, it was said that there were 40,000 men there.

Mr. MILLER. Mr. President, there is one clear fact that the Senator has overlooked—I am sure not intentionally. And that is the increase in the combat effectiveness and the numbers of South Vietnamese troops. That is what Vietnamization is all about. U.S. forces can leave because South Vietnamese forces can take their place.

I would like to see a negotiated settlement of this war far more than waiting and waiting and waiting.

I suggest to my friend, the Senator from Tennessee, that as Vietnamization goes on, the number of casualties go on.

Mr. GORE. On and on and on. It has been going on for nearly a year. And the situation is worse today than when it started.

Mr. MILLER. Mr. President, if the Senator looks at the facts, he will find that there are 115,000 fewer Americans in Vietnam today than a year ago. I find it hard to say that the situation is worse. It is a lot better as far as those 115,000 men are concerned.

Mr. GORE. I said the situation, not the men. Our situation is so precarious, according to President Nixon, that he ordered the invasion of Cambodia. And he said that the situation of the men remaining there would be intolerable without that invasion.

How that can be interpreted as an improvement of our situation is a little difficult for me to realize, unless it be that an invasion is not an invasion, unless it means that a wider war is not a wider war.

I do not quite get that formula of saying that things are not what they are but are what one would like them to seem to be.

Mr. MILLER. The Senator does not get it because he does not want to get it.

Mr. GORE. Mr. President, the Senator does not really wish to say that.

Mr. MILLER. The Senator knows the situation.

Mr. GORE. Does the Senator really wish to say that?

Mr. MILLER. The Senator knows the situation as well as anyone else in the Senate.

Mr. GORE. I appreciate the comment. The Senator made a statement that I want him to retract. I do not think he really means to say that about his friend and colleague.

I tried to base my argument on logic and facts and supported by facts. It is the Senator from Iowa who said that it is not an invasion of Cambodia. It is the Senator from Iowa who said that this has not made it a wider war.

I do not know what wider means unless it is a greater expansion. I do not know what invasion means unless it is crossing the border of a country with troops.

Does the Senator really wish to insist upon that statement?

Mr. MILLER. Mr. President, the Senator said that the Senator from Iowa said

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it is not an invasion. I did not start this discussion. The Senator from Tennessee started out by calling it an invasion of Cambodia. And the Senator from Iowa came back and said that it is not an invasion of Cambodia. So, the Senator from Tennessee is the one who initiated it.

Mr. GORE. Mr. President, will the Senator from Iowa advise me whether I am pointing up or down?

Mr. MILLER. The Senator from Iowa was not looking. The Senator might have been pointing both ways.

Mr. GORE. But I was not. I was pointing as perpendicularly up as I know how. Yet, the Senator looks and says that I am pointing in both directions.

Mr. BYRD of West Virginia. Mr. President, may we have order in the gallery?

The PRESIDING OFFICER. There will be order in the galleries.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. BYRD of West Virginia. Mr. President, I express the hope that no Senator will question the faith of any other Senator on this or any very controversial matter.

I say this with all due respect to both Senators who are now speaking. Let us not say that any Senator does not really want to see a situation in another way.

I do not think the Senator from Iowa intends to say that. He has spoken in good humor. This is not to say that I share or that I do not share the views of the Senator from Tennessee.

I only hope we will not get to the stage of saying that any Senator just does not want to see another viewpoint.

Mr. GORE. Mr. President, I thank the Senator from West Virginia.

I yield to the Senator from Iowa.

Mr. MILLER. Mr. President, the Senator from Tennessee knows that we are good friends and that we not only enjoy the discussion but also hope to shed some light on the matter and possibly persuade one Senator to the other's view.

I am concerned about the use of the phrase invasion of Cambodia by U.S. troops, when I realize that a Cambodian sanctuary is no more a piece of Cambodia from the standpoint of neutral territory managed, run, and controlled by Cambodia than is the North Pole.

It is a piece of territory along the border of South Vietnam that for 5 years has been occupied, dominated, and controlled by North Vietnamese troops. And I think anyone would say that was an invasion by North Vietnamese troops of the sacred territory of Cambodia. However, now that the American troops have come along and tried to clean out those sanctuaries, some people say that is an invasion. They put it in the same frame of reference as the activities of the North Vietnamese troops in going in and occupying that territory for 5 years and the activities of the North Vietnamese troops today in going into the whole country of Cambodia and trying to take over the country.

I think it is rather demeaning to American troops to say that the American troops have invaded Cambodia in the same sense that the North Vietnamese invaded Cambodia and took over those sanctuaries and kept them for 5 years and are now trying to take over that country.

Mr. GORE. Mr. President, I ask unanimous consent that the definition of the word "invasion" given in Webster's Seventh New Collegiate Dictionary be printed at this point in the RECORD.

There being no objection, the definition was ordered to be printed in the RECORD, as follows:

> in-va-sion /in-'vā-zhan/*n* [ME *invasioune*, fr. MF *invasion*, fr. LL *invasion-*, *invasio*, fr. L *invasus*, pp. of *invadere*] 1 : an act of invading; *esp* : incursion of an army for conquest or plunder 2 : the incoming or spread of something usu. hurtful

Mr. GORE. Mr. President, the real issue today is between this "Vietnamization" policy and a genuine effort to negotiate a decent and dignified compromise through either the Paris peace talks or perhaps another conference of Geneva powers or even some other manner of diplomacy.

It takes fortitude to admit a mistake but, as the Confucian maxim goes, the man who makes a mistake and fails to correct it has made a second mistake. Some weeks ago, in testimony before the Senate Veterans' Affairs Subcommittee, a former Air Cavalry captain who lost both legs and his right arm when he picked up a live grenade at Kje Sanh, came close to summing up our entire country's dilemma in these words:

> To the devastating psychological effect of getting maimed, paralyzed, or in some way unable to re-enter American life as you left it, is the added psychological weight that it may not have been worth it: that the war may have been a cruel hoax, an American tragedy that left a small minority of young American males holding the bag.

There is much to be proud of in the debate we have held among ourselves in the Senate and in the debate the American people have engaged in between themselves. It is a mark of the strength and resiliency of American democracy that we do not fear to air our differences in the open. The leaders of the Soviet Union would never dare to permit a public debate like the Vietnam debate in America; they lack the necessary confidence in themselves and in their society. I believe, with Justice Holmes—

> That the ultimate good desired is better reached by free trade in ideas—that the best test of truth in the power of the thought is to get itself accepted in the competition of the market.

True, a Senator's words uttered here in this Chamber may be quoted in Hanoi, but shall this prevent us from speaking the truth to our own people and among ourselves? Shall we permit the possibility of being quoted to subvert our system? Shall we forsake our system of popular government in order that we will not be quoted in our efforts to speak the truth and engage in free debate?

The case for the war in Vietnam was vigorously advanced in the competition of our free market of ideas for 5 years. It was packaged and repackaged, hard sold and soft sold. It was promoted by every dazzling technique known to Madison Avenue—with an advertising budget of Pentagon dimensions.

They even have coined such phrases as "Vietnamization," "protective reaction," "ground combat troops," which seems to have a meaning different from that which I would understand. But Vietnam showed itself to be an "Edsel." With everything going for it but merit the frenetic effort to "sell" Vietnam to America has finally gone on the rocks—a casualty of the decency, the judgment and the commonsense of the American people.

Mr. President, for the first time since I have been a Member of this body, my office staff is utterly swamped and unable to answer the mail that is arriving by the hour.

The post office in the Senate Office Building, as of yesterday, was 1 whole week behind in the delivery of mail to Senate offices within the same building. My staff tells me mail is stacked out in the halls as if trailer trucks had been unloaded in the hallways of the Senate Office Building. When I left the office an hour or so ago, before coming to the floor of the Senate, there were bundles of mail yet untied.

The American people are aroused. They have been led to believe that somehow, though in a drawn-out fashion, the war was being ended. Now, in order to shorten the war, it is said, in order to save lives, we broaden the war, widen the war, increase the casualties.

Mr. President, this invasion of a small country has taken a tragic toll of America's moral position in the world. This country of ours has been able to muster a majority in the United States when it was put to the test. It has been able to do so in large part because of its history of respect for the sovereignty of small nations. Just as we have in our own society the principle of one man, one vote, we have advocated in the United Nations one mission, one vote. We stood as protector of the weak and the small.

Imagine my chagrin to sit in the White House and hear an analogy drawn by the President of the United States between our invasion of Cambodia and Russia's invasion of Czechoslovakia. In order that it be not misunderstood, I wish to relate what happened. One of my colleagues inquired of the President if in his opinion the incursion, the invasion, or the episode, whatever it is that sent thousands of American soldiers into Cambodia, would have an adverse effect upon the Strategic Arms Limitation Conference now underway in Geneva. The President expressed himself negatively. I did not take down all of his answer because I am not a stenographer, but I took down one sentence verbatim because it struck me so forcefully. In the course of his answer he said, "We expect the Soviets to protest this just as we protested their invasion of Czechoslovakia."

Mr. President, I do not want to see my country equated with the Russian invasion of Czechoslovakia. This has shocked our friends around the world and the unpredictability and the instability of the leadership which this demonstrates has shocked business leaders and professional leaders within our own country. We do not have to go beyond the marketplace to see the effect

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of this. I think this was a serious mistake in judgment.

President Nixon was elected President of the United States as the peace candidate because he said he had a plan to end the war. His plan was kept secret, but at least he said he had a plan; he promised to end the war and the people elected him President.

Mr. President, how do American people remain the masters of their fate? How does their democratic system operate? Perhaps what I am about to say may be indelicate politically, but I want to point it out because it is the background of the frustration and bitterness that is dividing this country.

Who was the peace candidate for President in 1964? I will not characterize the position of my distinguished colleague, the Senator from Arizona (Mr. GOLDWATER). History records that. I do know that it was Lyndon Baines Johnson who promised the American people emphatically that he would not send American boys into a land war in Asia to do for Asians what Asians should do for themselves. He was elected by the largest majority in the history of our Republic.

Who was the peace candidate in 1968? As I have said, it was Richard Milhous Nixon.

The people elected the President on the promise to end the war. They elected President Johnson on the promise to keep us out of war. How does our system work?

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. GORE. In just a moment I will. It must work, and the Senate must bear a part in making it work. I say this because a considerable number of Americans are now saying that the system has broken down, that the system is failing.

I do not share that doubt, but I ask you to share with me a determination to make it work, to implement the people's will. Every time the American people have had a chance to express themselves about the Vietnam war, it has been on the side of peace. I referred to the expression "nationwide."

I yield to the Senator from Michigan.

Mr. GRIFFIN. The distinguished Senator from Tennessee was trying to make some comparison between the incumbent in the White House and his precedessor. I do not know that this serves any particular purpose, but as long as he has tried to make the comparison, I cannot very well let the occasion go by without making the statement that under the predecessor of the President who now serves, we sent more and more boys until we had over 500,000 boys in Vietnam, and I seem to be aware of the fact that under this President we now have 115,000 fewer American troops, and he has announced that another 150,000 will come home in next 11 months, if we will give him an opportunity to do so.

I wonder if that is a very valid comparison that the Senator from Tennessee was trying to draw.

Mr. GORE. I was not attempting to draw a comparison between the Presidents or with respect to their administrations. The point I was seeking to make was that the people elected President Lyndon Baines Johnson on a promise to keep us out of war, and it was President Johnson who sent combat forces into the war soon after that election; and it was the American people who elected President Richard M. Nixon on a promise to end the war, and yet in May 1970 the war has widened, the casualties increase, and even if by next summer there are 150,000 fewer troops than there are now in Vietnam, it will still leave on the order of 250,000 Americans there, with no promise that the war will end then.

This war has been going on a long, long time; and if it continues until the summer of 1971, it means that an estimated 300,000 American boys, who have not as yet been sent to Vietnam, will be sent to Vietnam by that time. Why, mothers of 10-year-old boys are now nervous that their sons will have to go to Vietnam.

This is the longest war in our history, and our national security is not involved, in my opinion. What have we gained and what is there to gain?

Mr. President, these are some of the reasons why the American people are so wrought up on this issue.

After the election of 1968, President Nixon waited until May 14, 1969, to make his first policy statement to the American people on the Vietnam war. I do not criticize that. I state it as a fact. When he did make the speech on May 14, 1969, I took great encouragement from it. I applauded this speech and took heart from it not only because the President "ruled out" a "purely military solution on the battlefield"—which seemed to me to leave a peaceful settlement or compromise as the only viable alternative—but also because in his plans for a settlement he advanced a number of steps which I had long advocated: first, creation of an international body agreeable to both sides to supervise troop withdrawals and cease fires; second, "all parties would agree to observe the Geneva Accords of 1954 regarding South Vietnam and Cambodia, and the Laos Accords of 1962"; third, "mutual withdrawal"—note that, "mutual withdrawal"—"of non-South Vietnamese forces from South Vietnam and free choice for the people of South Vietnam."

In support of this latter point the President condemned in three different places in his speech, "a one-sided withdrawal"—a fact of considerable importance which I shall refer to later. And he went on to say: "Almost without exception the leaders of non-Communist Asia have told me that they would consider a one-sided American withdrawal from Vietnam to be a threat to the security of their own nations."

He did not rule out a coalition government. It had been my view for a long while that a compromise government and neutrality status for the former French colonies was the most feasible form of settlement and in accordance with the terms of the Geneva Accords. In fact, the President said, "We have no objection to a reunification,"—that is, of North and South—"if that turns out to be what the people of North Vietnam and the people of South Vietnam want; we ask only that the decision reflect the free choice of the people concerned."

Mr. President, I read that speech of the President, and reread it and reread it. I was encouraged by it.

It was my view of the speech that the President had decided to use the mandate of his election, as former President Eisenhower had done with the Korean war, to extricate the United States from Vietnam as quickly as he could, as best he could, and as honorably as he could. For this decision and for his speech, I congratulated him and wished him the greatest good fortune in a carefully prepared speech on the floor of the Senate. So did the distinguished senior Senator from Idaho, Senator FRANK CHURCH.

Yet, in a meeting with President Thieu at Midway less than a month later, President Nixon apparently found himself stymied—boxed in by political pressures at home, by a wily "ally" abroad, and by insistent military advice, according to reports, from both places. President Nixon quietly shifted gears and proceeded full-speed—where? Into reverse. Without formally announcing the abandonment of his May 14 peace plan, President Nixon simply chartered a different course—phased withdrawal, together with a commitment to the Thieu-Ky regime. The psychological sop he offered the American people was proclamation of the gradual "unilateral withdrawal"—denounced thrice in his speech of only a month before—of 25,000 American troops, with withdrawal of others planned. President Nixon launched his plan with the Madison Avenue title: "Vietnamization." For the home market this proved to be an attractive package, at least temporarily, but the contents had yet to be appraised and tested. It has now been tested in the crucible of tragedy. It has failed to end the war. Despite assurances about "turning the corner," "seeing light at the end of the tunnel," and peace being "in sight," our situation became so precarious in Indochina that President Nixon ordered the invasion of Cambodia, thus getting us in deeper and deeper into this horrible morass.

Notice, Mr. President, I used the word "deeper." I did not say "wider." Maybe I should have used "deeper" earlier today. But whether it is wider, deeper, farther, or bigger, it is certainly bloodier.

My position is that this war is not now and never has been in the interests of the American people. That is why I wish to end it now—by a negotiated compromise.

As I have stated, President Nixon has ruled out settling it on the battlefield. The Vice President, on television a few days ago, indicated that a land war in Asia could not be won.

If you rule out winning a war, what is there left but to settle it, or to continue it endlessly?

I think this war should be settled, Mr. President.

I am not a pacifist, nor have I ever been. I have not and I do not oppose any and all wars regardless of their character and causes. Given Pearl Harbor and all the mad machinations of Hitler, I had no doubt of the justice of American involvement in World War II. But this war in Vietnam is neither just nor necessary nor in our national interest.

Despite his professed intention of ending the war, President Nixon, like former

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President Johnson, has now escalated and widened the war. He has offered three basic arguments—the same as President Lyndon Johnson—for continuing American involvement in Vietnam. All three, in my view, are defective.

The supposition that the war in Vietnam is part of an overall Communist plan for world conquest is without basis in fact, a scare fantasy of the radical right repudiated by every serious observer of Asian and Communist affairs—at least by most observers. It survives, nonetheless, because people in high office, who should know better, still invoke it when they are casting about for justifications for American military involvement in Vietnam.

President Nixon's professed policy of slow disengagement from Vietnam would be gross irresponsibility if the Vietnamese war were really part of a centrally directed Communist design for world military conquest, with America its early target. Nonetheless, in his speech of last November 3, Mr. Nixon predicted that American withdrawal from Vietnam "would spark violence wherever our commitments help maintain the peace, in the Middle East, in Berlin, eventually even in the Western Hemisphere." President Nixon did not explain why he believes these disasters would follow an end to the American intervention in Vietnam, or why, despite these grave alleged risks, he still proposes to withdraw from the war anyway, albeit gradually.

This war in that tortured land is and always has been essentially civil war, and a war against foreign domination. As the former Under Secretary of the Air Force and long-time Pentagon official, Mr. Townsend Hoopes, has pointed out:

> North Vietnam was fighting primarily to achieve an unfulfilled national purpose. While it was, to be sure, fully aware of the implications for the wider application of the Mao-Ho-Giap insurgency doctrine, it was fighting not an abstractly ideological war, but a very particular war—in a particular place, characterized by a particular kind of terrain and weather, peopled by a particular breed of men and, above all, conditioned by a particular history. What really drove Ho's sacrificial legions was not the dream of world conquest, nor even the notion of generating a new momentum for Communist advance and triumph throughout Asia. What motivated Hanoi and enabled its leadership to hold 19 million primitive people to endless struggle and sacrifice against odds that were statistically ludicrous was the goal of national independence.

The second major argument used to justify American military interest in Vietnam is that it inspires confidence throughout the world in America's determination to honor her commitments. I wonder what commitment he has honored in invading Cambodia. In his speech of last November 3, President Nixon said that putting an end to our interest in Vietnam "would result in a collapse of confidence in American leadership not only in Asia but throughout the world."

Confidence in American leadership has now suffered a heavy blow both at home and in many parts of the world, not because we are thought to have held back in Vietnam but because we have plunged deeper into an Asian land war, plunged recklessly and on so vast a scale, because once again a U.S. President has become mesmerized with the mirage of Vietnam.

The third and most patently specious of the arguments for our interest in Vietnam is that it has something to do with the defense of freedom and self-determination. Even our policymakers are beginning to seem embarrassed when they talk about freedom and democracy in South Vietnam, because most Americans by now know something about the Saigon regime. They know that it is a corrupt military dictatorship which jails its political opponents, censors its press, and rules with no reliable popular support except that the South Vietnamese generals, big businessmen and top bureaucrats backed by the U.S. military. The leading opponent of General Thieu in the presidential election of 1967, Mr. Dzu, is held in jail on vague charges, with no present prospect of release of which anyone in this country has heard. The head of the opposition in the National Assembly, Tran Ngoc Chau, who began last year to advocate a cease-fire, direct negotiations with the National Liberation Front, and neutrality has been sentenced to 10 years in a trial that mocked our concept of justice and probity.

As to Mr. Thieu himself, one recent observer wrote that—

> A silent majority unquestionably exists among the 17 million South Vietnamese, and although this majority opposes the Communists, only a relatively small portion of it is really behind Thieu.

An American survey completed in January 1970 in Iong An province south of Saigon, reported in Newsweek, February 9, 1970, showed that, if an election were held now, 35 percent of the voters would support Thieu, 20 percent would vote for the Vietcong, and the remaining 45 percent would support any candidate who opposed both the United States and the Vietcong. I do not vouch for the accuracy of the polls—this one or any other. I only cite this as a matter of possible interest.

So much for the Thieu version of freedom and self-determination—the third of the three pillars of American policy in Vietnam. Now that it is abundantly clear that we are not deterring worldwide Communist aggression, not inspiring confidence in America's loyalty to its commitments, and certainly not doing anything for freedom and self-determination in South Vietnam, the question remains: Why are we there? The answer, I think, is simply this: We are in Vietnam because our leaders once believed, and perhaps still believe and still think a great many of our people still believe, that the three reasons given are valid; and, now that both fact and logic show them not to be, our leaders cannot bring themselves to acceptance of this to acknowledge our own mistake. This, I realize, Mr. President, is pointed and I intend for it so to be, though I mean no offense. It is just that so many have been so wrong for so long and so many American boys have needlessly died, so many are still dying needlessly, and the longer this was continues, the greater the needless sacrifice of lives and values.

Wars have a momentum of their own. Once begun, their original causes are soon forgotten, and the very fact of war, the fact that the country is fighting, becomes the real reason it continues fighting. No one seems to know how to stop short of victory, yet victory has been officially ruled out by President Nixon. No one much cared about Serbia and Sarajavo once the First World War had been going for a few months, although the assassination of the Austrian archduke was supposed to have started it. And who now seriously cares about that half-imaginary skirmish in the Gulf of Tonkin 5½ years ago—except for the fact that it was used to hoodwink Congress into writing the President a blank check?

I cannot see how the President can really accept as valid the standard arguments he advances for our involvement in Vietnam and the reasons he gives for his policies. This is not to say that he is not entitled to his views. I say I cannot find logic in them.

Yet he either believes them or is unwilling to repudiate the errors of the past and to correct our mistakes. Whatever the reasons, the result is contradiction. Espousing the case for the war, he still purports to end it—not, however, a genuine end by either compromise or victory but by the policy called Vietnamization, now proven wanting.

I have heard Vietnamization described as a semantic cover for continuing the war and also as a semantic cover for forestalling the collapse of the Saigon government—at least long enough to permit the United States to disassociate itself from the disaster. In either case, the scenario goes, it will spare the American people from truth and the Nixon administration from blame, while condemning untold thousands of our sons as casualties in Vietnam.

I question the policy of Vietnamization because it has been our policy since June 8, 1969, and it has failed to bring peace—has failed to end the war—and because, even if it should work—which it has not—it would be an unnecessarily costly and drawn-out way of extricating the United States from this mistaken war. I doubt Vietnamization, too, because there is a faster way out—a more honest and a more honorable way out—through a negotiated compromise peace.

I hope that the pending amendment will be altered so that even in an indirect way the policy of Vietnamization, through which we have lost more than 50,000 casualties and failed to end the war, will not be endorsed.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. GORE. I yield.

Mr. CHURCH. As one who fully shares the Senator's skepticism concerning the policy of Vietnamization, I want to assure the Senator that no words are intended in the amendment to constitute an endorsement of that policy. I would hope, too, that any shadow of a doubt can be removed by the time the Senate votes on the final version of the amendment. So that the Senator's concern in this particular matter can be fully put to rest.

Mr. GORE. I thank the Senator. This is reassuring.

President Thieu recently said that the

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withdrawal of American ground combat forces by the end of 1970 is an "impossible goal" and that, instead, "it will take many years" to remove these forces. Do the American people want this war to continue for many more years?

These are the words of Mr. Thieu. The Vietnamese, so far as I know, have been given no deadlines and no timetable for total American withdrawal. Surely, the Senate has been given no timetable.

That may account for the Vietnamese striking lack of urgency and for the apparent confidence of the Saigon generals that their powerful protectors will not soon abandon them to their fate. Perhaps they regard Vietnamization as no more than an irritating necessity of American domestic politics, the assumed need to humor the great majority of Americans who, it appears, are thoroughly fed up with the Vietnam war.

We have seen what happens when Vietnamization comes face-up to failure. President Nixon tells us he ordered the reescalation of the war in order to buy time for Vietnamization. Will not these or similar threats recur? Will we again reescalate the war in the name of peace, or again buy time? The administration has had two answers to this question heretofore, and they are completely contradictory. On the one hand, administration officials have said repeatedly that the process of American troop withdrawal is irreversible. Yet, on the other hand, President Nixon has said on three separate occasions—November 3, December 15, and again on February 18—that he "will not hesitate to take strong and effective measures if the enemy takes military advantage of American withdrawals." As I asked earlier today in debate, could we really expect the enemy not to take advantage of unilateral withdrawal by us? In the absence of a settlement, could we reasonably expect the enemy not to take such advantages as they could of whatever policy we may pursue?

So, as we have seen, the policy was irreversible and reversible. I have repeatedly warned that an enemy buildup into a flanking threat was a likely, if not inevitable, consequence of Vietnamization.

Mr. President, I have warned in speeches on the floor of the Senate that there was something contradictory, something incompatible between Vietnamization in South Vietnam and the Nixon hands-off doctrine as we originally understood it to mean in the other little countries in Indochina. But, let me hasten to say, this argued to me that a negotiated settlement should be sought, rather for a widening of the war. Of course, the threat to Vietnamization appeared intolerable. Indeed, Vietnamization was doomed to failure without reescalation of the war.

This, it seems to me, is what President Nixon told us, among other things. But instead of supporting the wisdom of widening the war, this demonstrates the fallacy of Vietnamization.

The fatal weakness of Vietnamization has not been cured by the invasion of Cambodia. The prospects for Vietnamization turn on three main elements—a better armed but still dispirited South Vietnamese Army; a more entrenched but still dictatorial, unpopular and corrupt government in Saigon; and a weakened but still formidable and growing enemy. These are the foundations on which President Nixon proposes to build the "just and lasting peace" which is his professed goal. Is there expectation of success? I have not thought that Vietnamization was a very promising formula. It has now been tested in the crucible of tragedy and found wanting. This is not to say that the President's goal is not laudatory, nor is it a question of his desire. It is to question the wisdom of the policy being pursued. Is the real hope of Vietnamization the more realistic one of keeping the conflict going indefinitely, with a reduced number of Americans fighting in and providing air cover and logistic support for a semipermanent war of counterinsurgency? Or, failing this, will the administration settle for the even more modest goal of postponing disaster long enough to separate themselves from its political consequences? If so, the Nixon policy will have turned out to be exactly that which both President Nixon and his predecessor said they would never accept—a disguised American defeat. And at what an awful price in lives and values.

In his speech of last November 3, President Nixon said that we really have only two choices for ending the war—an immediate precipitate withdrawal or, failing the acceptance of our terms in the Paris peace talks, Vietnamization. I believe the President omitted—from his speech and from his policy—a third and superior possibility: serious negotiations for an authentic compromise peace.

The issue on which the war is being fought—and the only issue on which a compromise peace can be negotiated, in my opinion, is the nature of the government which rules South Vietnam. The more specific issue is the survival in power of the present Saigon regime. That is what the war is about. If Thieu and Ky remain firmly in power, they will have won. We may not call that victory, but the National Liberation Front and North Vietnam would surely call it total defeat. If the Vietcong displace them and form a Communist government in Saigon, they will have won. Another possibility is a sharing of power by the Vietnamese themselves, which is to say, a compromise arrangemnt or a coalition government in which the various forces, elements, and diverse groupings can have a part. This would not be new. It would be the pattern of self-government. It might be permanent or it might be provisional, organized only for purposes of conducting elections, calling a constituent assembly, or negotiating the composition of a permanent regime. One way or the other, compromise means coalition. One can evade, obfuscate, or protest, but the fact is inescapable: either some form of compromise or coalition government is formed to rule South Vietnam, the war goes on until one side or the other wins, or the present meatgrinder operation continues indefinitely without real hope of either peace or victory for either side.

I think it is time we acknowledge that the Thieu-Ky regime does not represent democracy in any acceptable sense of the term. Like the so-called guided democracies of the Soviet empire, the Saigon junta makes a mockery of the right to free speech and freedom of the press. It jails political and religious leaders who advocate either neutrality or a coalition of all the people of South Vietnam.

If a so-called senator in Saigon advocated negotiations—neutrality—or a coalition government or peace negotiations, imagine the fate he would suffer. And yet it is said that somehow we are fighting for freedom in South Vietnam.

The leadership in South Vietnam jails political and religious leaders—not only political leaders, but even religious leaders—who advocate negotiations for peace. That subverts the very principles of genuine self-determination and demcratic free government for which our men are fighting. They fight gallantly, show great valor, and make great sacrifices. For them I have the highest words of praise and appreciation.

Mr. President, in our differences over Vietnam, we have let ourselves become hypnotized into self-delusion. We have gradually accepted the unholy, autistic reality that war creates. We have let Vietnam become a matter of domestic politics; and frequently we have devalued our moral currency to compound political nostrums and cater to prejudices, resorting to crude face-saving devices which counterfeit our highest traditional values and violate our rightful pride in being the world's greatest democracy. We must demesmerize ourselves about the Vietnam war, break through the shell of public relation formulas and jingoist slogans, and dispassionately analyze the kernel of our national interest. What we must really be concerned about is saving the soul of our country, our honor, and our conscience.

The use of the power of the purse to stop a war, even a war that is contrary to our national interest, is an action which should be used with the greatest of caution. And I am approaching the decisions with the greatest care and caution. It would be far, far preferable to persuade the President to reverse his priority, to give negotation for peace the topmost priority. Once again, I thus earnestly plea for peace.

Mr. MURPHY. Mr. President, I have listened with great attention to my distinguished colleague speak on a matter that has worried us, puzzled us, confused us, and cost us so much in lives and materiel.

And once again I find myself wondering about the great divergence of opinion that can exist in this body even among experienced colleagues, men who have been here longer than I, who have studied these matters, whose honor certainly is above reproach, and whose determination to find the right answers and the best answers cannot be questioned in any way.

I listened with great concern, to the statement just made, that President Johnson said he would not send American boys to Asia.

Mr. President, I can remember in my lifetime when the same statement was made by another President in World War II. And before that, practically the same promise was made in World War I.

The other day in discussing these matters with a very important man connected with the media in San Francisco, I said, "I have been opposed to the manner and method in which this unfortunate conflict has been carried on. I have been outspoken against it for 5 years. The military had plans that quite possibly would have brought it to an end 2, 3, or 4 years ago and would have saved billions of dollars and thousands of lives."

This man, certainly not from thoughtlessness, but from pure confusion and emotion, said, "My God. You wouldn't turn it over to the military!"

I suggest that he should read history and he would find that in World War I our military brought the war to an end. Then the peace was lost at the conference table, not by the military or the civilian soldiers who would much rather have been at home, but by diplomats, trained diplomats.

I was told that some of our top representatives never even got to speak at Versailles. It was a new game. They did not understand the rules.

Then we got into World War II. And here again we had a civilian army trained quickly, and they brought it to a successful end. There is not any question about that.

And once again the diplomats got together at Yalta, Teheran, Potsdam and all of the other places. And the peace was lost. Not only was the peace lost, but conditions were set up there that have led us into more and more problems.

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The other night I started to read a volume that had just been published by the Senate Judiciary Committee which has to do with the printing, at long last, of the famous Amerasia paper.

I would suggest to all of my colleagues that if they have not already done so, they should at least read the first 50 pages of the first volume.

It delineates clearly and distinctly exactly the basis for our present problem. It shows that the suggestions of a certain few men, sometimes in complete opposition to the stated policy of the government, sometimes completely opposed to the orders of their immediate superiors, cost us—and by us, I mean the free world—the mainland of China.

Think of what this means. Had the mainland of China not been lost behind the Iron Curtain, the chances are very good that there never would have been a war in Korea.

Had there never been the loss of mainland China and no war in Korea, there probably would have been no war in South Vietnam.

This is not imagery. This is not something that I dreamed up on the way to the office. These are facts. This is history, exact history, which is there for all who will take the time to read it.

Then I listen and I hear about this corrupt government in South Vietnam.

I was in Vietnam at the request of President Johnson when officials of that government were elected. I witnessed the elections. I went on one condition. That condition was that I could travel wherever I chose, talk with whomever I selected, and that I could report in any way when I came back. President Johnson said that was exactly what he desired.

I saw the elections carefully conducted. I might say I have seen more dishonesty in several of our large municipalities in the United States in the 40 years I have been active in politics than I saw in Vietnam. I know about 80 percent of the people who qualified took the trouble to go to the polls to vote and they selected their present government. It is true some members of the opposition were jailed. As my distinguished colleague indicated by implication, religious matters were involved. I have gone into that carefully on the evidence of a very well known and highly respected Chinese scholar. There are some things about some of the greatly publicized religious leaders that we did not know in America.

There was one man, for instance, who received a great deal of publicity. His picture was on the pages of many of our most widely read publications. It was an attractive face, reminding one of the famous motion picture actor Yul Brynner. He was a Buddhist monk.

I found that this particular Buddhist monk was the leader of the smallest sect of Buddhist monks, and that he had been involved several times with the attempted overthrow of government. He had a track record. His two brothers at that time were leading Communists in Hanoi, possibly advisers to the top Communists. We did not know that here in America; we were not told that. Then, this particular Buddhist monk took refuge in the American embassy and apparently was used as an adviser. Knowing this background it is not surprising to me that we made mistakes and we got into trouble.

I have taken the trouble to look at the record of the Diem government. We were told that that was a very inefficient government filled with thievry and dishonesty. The record does not bear that out. My correspondence with missionaries who served in the country for many years shows that is not the fact.

Then, there was supposed to be the question of religion involved with the Diem government. He was a Catholic. But he selected as his prime minister a Buddhist. Most of his cabinet members were Buddhists. There was not really any great religious conflict according to my information.

Then, I hear about the coalition government. What is a coalition? Coalition in this case is very simple. It means you take the kind of government that the people in Vietnam want for themselves and then, with that, you mix the government that has been imposed in North Vietnam, which is a Communist government.

In all cases that I can find in history where we have had this so-called peaceful-sounding "coalition," it amounts to a short route to direct communism. That has been the end result. I agree with the people of South Vietnam that they should be wary of this unless they want to live in communism.

We hear that this government is a corrupt dictatorship. I seem to recall almost the exact attack taken years ago on the Government of the Republic of China. Chiang Kai-shek was said to have a corrupt government and one that was inefficient. It was said he had done nothing for the people, and that there was no progress and no reforms. I respectfully submit that is not the case. These conclusions were based on reports that came from some of our representatives whose characters subsequently have come under suspicion.

Again I suggest that Senators read the story of the Amerasia papers, which has been published in two volumes by the Committee on the Judiciary of the Senate. I do not know why we waited so long.

I remember what was taking place back in 1945 and 1946. Many of us in Hollywood had to know about these things because we found we were an early target for people who wanted to control the motion picture industry as a means of directing their propaganda against America and eventually the rest of the world. We were told this government of Chiang Kai-shek was a bad government. Now, suddenly, we find on the island of Taiwan they have built a government which I am told is the model of the Far East. They do not need any more help from America. They are getting along extremely well and they are on their own.

I was told last week by the son of Chiang Kai-shek that on the mainland of China they have propaganda now that, "On Taiwan and the island of Formosa the people only have banana peels to eat." But the Chinese said, "Is that so? Who gets to eat the bananas?" So they are not fooled.

Then, I keep hearing, "Why are we in Vietnam?" How long must we keep hearing this question and answering it? There is no mystery as to why we are there. We are there properly because we promised that if a small nation was in trouble, a small nation that was about to have its freedom taken away, and the great Communist juggernaut was about to impose its type government against the wishes of one of these small nations, we would come forward and help them and protect them.

This was done by treaty and arrangement. The decision was taken by President Eisenhower in the matter of training, arms, and advice. He refused to send troops. He turned that down. Later President John F. Kennedy reconsidered the problem and decided to send troops. Then, later, Lyndon Johnson sent more troops.

In the meantime, as we reconstruct this picture—and I think it is extremely important to know why we are in the problem we are in today—just as in Korea, there seems to be a new theory of international exchange. This is the theory that says there should be no victory; no one wins, no one loses. Therefore, no one is embarrassed. No one gains. It got a short title. It became known as the "no win" policy in Korea.

Mr. President, I objected to it then. I said it was wrong, it was immoral, it was dishonest, it was unfair to send American troops, to fight in a foreign country in a war that they were not permitted to win and yet, at the same time, which they dared not lose.

This was done. There can be no question of it. The record is clear.

My great and good friend, General O'Donnell, head of the Air Force at that time, begged, I can remember, just as our military leaders begged 2 and 3 and 4 years ago, to be permitted to cut off the enemy supply lines. The first principle of warfare is to cut the enemy's supply lines, and therefore make it impossible for him to continue to fight. No mass destruction. No indiscriminate bombing. Never any thought of the use of nuclear weapons. No—this was all whispered from the wings. There was not any substance to it. Many of those who repeated it should have known better. If they did not know the facts, they should have stood mute and stopped their public utterances, which only added to the confusion.

My good friend General O'Donnell begged to be able to take out the bridges over the Yalu River. That is where the supplies came from. When he complained that he was not permitted to do so, he was reprimanded. Worse than that, he was taken from his command.

I saw General O'Donnell the day we finally took out those bridges, over a year later. By that time the casualties were tremendous. O'Donnell told me he could have done it with 10 aircraft and no casualties.

Now, we say, why is this? Who made these decisions? Who are the people responsible? I do not know the answer. I have not been here that long. I tried to find out, but it is very difficult. The answers you get sometimes are ambiguous.

I had a general in my office 3 weeks ago who was in command at Da Nang. I spent 2 days with him when I was there. He is a wonderful man. He was respected by all of his troops. He was a real general. He told me, "When I came home and I read the newspaper reports about the war, I did not know it was the same war that I had been involved in."

Why is this? I tried to find out. It is not the fault of the press. I found out that there are restrictions placed by the people within our Government. Sometimes it is the State Department. Sometimes it is other areas of government. But I do not condone this. I am opposed to it. I think in this free society of ours our people have the right to know. I think a free flow of information and a free press and a press that understands its obligations and the need for integrity in order to keep this Nation strong serve the lifeblood of a democracy. I sincerely hope they will always have the freedom.

I heard a complaint by my colleague about the phased withdrawal. Does he want to surrender? Does he want everybody to leave as quickly as we can get out and thereby possibly bring about the greatest massacre that has happened in history?

We must remember, my distinguished colleagues, that when the choice was given to those who wanted to live under communism and those who choose not to live under communism, 1½ million Vietnamese walked—they walked—from North Vietnam to South Vietnam. That was their choice. How long do you think they would last if we should walk away and leave them there unprotected?

In the last year there were, I believe, over 23,000 cases of atrocities to scare the people and to frighten them into accepting the will of the Vietcong and the NLF, which is the hard core Communist group. And I hope we understand that.

The week before the elections over 1,000 people were killed in horrible ways, unbelievable ways, to frighten the people from going to the polls to vote. Everything was done. And yet all we hear is that, somehow or other, the present government is the only government at fault. I have also heard long discourses about what our Government is doing and the responsibility that President Nixon inherited and President Johnson inherited and President Kennedy inherited, all from people who would continue to find fault with what they have done.

What about raising some voices against those who caused the war in the first place? Why do we not make our objections against Hanoi and Peiping and Moscow?

[Applause in the galleries.]

Mr. BYRD of West Virginia. Mr. President, may we have order in the galleries?

The PRESIDING OFFICER (Mr. BELLMON). Visitors in the galleries are reminded that they are guests of the Senate and that they should show neither pleasure nor displeasure by any sign.

The Senator from California may proceed.

Mr. MURPHY. Why do we not say, loudly and continuously, and with one voice, that the day that Moscow, and the puppets of Moscow, decide that this war should end, it will end? There is no mystery to it. I do not think one of my colleagues doubts that statement. Never in history has a nation or a people who were the leaders of a nation done as much as we over as long a period of time continuously to try to find a way and a means to end this terrible struggle.

Yet this is the longest war in history. Why? Because, once again, our military experts were not permitted to conduct the war as they wished. They were stopped and impeded by civilians, some of whom, I submit, have no expertise in these matters, and some of whom, on their record, I would submit, would be the last that I would go to for advice in this sort of problem.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. MURPHY. I am glad to yield.

Mr. DOLE. The Senator mentioned earlier a point that I think perhaps has not been sufficiently stressed, and that is the Communist terror that has been going on, not only in the past year, but since 1957.

Mr. MURPHY. If the Senator will forgive me, it started before that.

Mr. DOLE. It probably did.

Mr. MURPHY. This entire problem was brought to fruition at the Plain of Jars, and that was, I think, in 1954, when, one morning, the troops awakened to find that most of their fellows had been assassinated during the night.

Mr. DOLE. The Senator from California is correct. It was brought to my attention by a news story in the New York Times by Mr. Tom Wicker, who from time to time seems to know what policies the government in Hanoi has, and who says there is no possibility of any blood bath in the event we leave or pull out in any precipitate manner.

I would point out, as the Senator from California probably knows in any event, that since 1957 Communist forces in South Vietnam have been assassinating and kidnapping civil servants, school teachers, social workers, laboratory technicians, and health workers in an obvious and sustained effort to destroy the morale of the South Vietnamese people.

The figures I have, which I assume are not completely accurate, but are fairly accurate and reflect the facts as we have them, are that between 1957 and 1963, 6,100 South Vietnamese were assassinated; in 1963, the figure was 2,073; in 1964, the figure was 1,795; in 1965, it was 1,900; in 1966, it was 1,732; in 1967, it was 3,706; in 1968, exclusive of the Tet offensive, it was 5,389; and in 1969, the number assassinated reached 6,202. During the Tet offensive, in 1968, there were some 10,000 civilians killed by Communist action, and these included the 3,500 who were massacred at Hue and some 6,500 others.

When we talk about the fact that we can leave there without any fear to the South Vietnamese people, I, at least, feel we should study the facts and figures on the number who have been assassinated and kidnaped. If we total up quickly, we find 27,000 or 28,000 assassinated, and some 50,000 or more who have been kidnaped by the Communists in South Vietnam

Mr. MURPHY. I thank my distinguished colleague. I quoted a figure from memory, earlier in my discourse, of around 23,000. I find I was low in my estimate.

These are facts that somehow seem to get lost. They seem somehow to slip on to the back page, and we forget them. It is like the famous massacre in the Katyn Forest in World War II.

I knew about that massacre 3 days after it happened, because I had as a guest in my house the man who was one of the chief advisers to President Franklin Delano Roosevelt. They had the information.

I asked, "Then why is this not announced to the American people? Why are not the members of the press given this story?"

The answer was that in the judgment of the advisers of the President, it should not be made public at that time.

I have been against this sort of what one might call duplicity all of my life. I still oppose it. I submit, Mr. President, that at this moment there are still some parts of the treaties that were made at the end of World II, and since then, that are not a matter of public record. We do not know what commitments were made in the name of the American people. I started back in 1940 saying publicly that this was wrong, and that people have a right to know, and the press should have the facts.

Now, there is not any question about who is at fault here. Let us not have

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any confusion about who are the good guys and the bad guys. There is no problem about who has on the white hat and the black hat, or whatever other manner of designation one might use.

Ninety percent of the troubles that have evolved in this world on the international scene over the last 40 years have all come from the same source, and I submit that while we are concerning ourselves in this discussion and dialog with the problems in the Far East, there is even a greater problem, one of possibly greater magnitude and importance, taking place right now in the Middle East.

The other day I was permitted to learn the deployment of the Soviet naval potential around the world. I do not know why it should be so secret. I wish it could be made public. I wish that our newspapers could print it, and show exactly what the conditions are.

Then I listened as one of my colleagues asked, not too long ago:

> What difference does it make to the South Vietnamese what kind of a government they have? What difference does it make if they are under some dictatorship in Moscow or Peking, or somewhere else?

I do not think he understands these people. I do not think he understands the true feeling and the regard they have for individuality. Oh, they have it to a great degree. They have gotten used to living without the advantages that we enjoy, but that is not by choice. It was not always that way.

I went through the palaces in Hue one afternoon. Absolutely empty. They had been ravaged three times by the North Vietnamese as they swept through Hue.

That afternoon there were only three little boys playing down in a little pool of water down in one of the great moats—moats as wide as this Chamber, Mr. President, and as deep as this Chamber.

Magnificent palaces. They were not built by savages or undeveloped people. They were built by people of quality and culture who had an understanding of the values of life, an appreciation for the arts and beauties and all the things that we hold dear in a free society.

No; I cannot understand, Mr. President, how all the objections can be so misdirected. Just imagine what a wonderful thing it would be if all the people—and I mean all the people in the world—could voice their objections to those responsible for a period of 1 week. I am sure that those in charge in Moscow, or wherever else the control rests, would be affected; and maybe, rather than looking forward to the disintegration of our society, our Nation, and our Government, they would put a rein on their own, and say, at long last, "Maybe we are doing the wrong thing. Perhaps we ought to listen to the voice of the people who want to stop killing, stop war, and reinstate freedom around the world."

Now, Mr. President, I shall add a few of my thoughts to those of some of my colleagues who have been trying to present a logical disagreement with some of my other colleagues on the vexing question of what should be done about the present situation in Vietnam. By that I mean the immediate question, the proposed amendments that have been mentioned and discussed.

We are faced with the presentation of not one but several amendments that somehow imply that if we in the Congress can control the powers and the actions of the executive branch it might be in the best interests of the American people. We have heard a great deal of this. It has been widely publicized. Many of us do not agree with this viewpoint and feel that the exact opposite might be the case. Therefore, we are concerned that under the present circumstances and at the present time, this is the worst and most unproductive point of view which might be put forward.

Our President has designed and is actively pursuing a plan which might be called the permanent pursuit of peace or the pursuit of permanent peace. He is actively concerned with a plan of reestablishing the entire fabric of our foreign relations—which were in great disarray when he come into the White House—as they will affect this Nation in the immediate future as the present. He is presently pursuing a plan that would reestablish respect for America and the high regard with which our country was held by foreign nations up until a few years ago.

But today we concern ourselves particularly with the matter of Southeast Asia, particularly the area known as Indochina, and more particularly the two specific areas designated as Vietnam and Cambodia. The question which we face turns on the discussion of whether or not this is the time to limit the powers of the President or to question publicly the practice of these powers as he has employed them in the immediate past, and then to decide whether or not it would be proper for Congress to assert its complete control of all matters, international and military, by threatening to take away the moneys needed to carry out military actions which are already in being and presently going forward.

I realize that there are those who suggest that there has been some confusion in the past with regard to the definition and delineation of the exact responsibility and power of the President as laid down by the Constitution, and I think that there may be a proper time and place for a protracted, productive discussion of these rules and regulations as they should apply to the conduct of this Nation in the future.

I am absolutely certain, however, that yesterday, today, and tomorrow—or at any time while this Nation is engaged in a war with the Communist enemy, whether that war be declared or undeclared—this is not the time nor the circumstance for this discussion. The atmosphere is wrong. The time is wrong. The conditions are wrong.

First of all, whether the resolutions of my colleagues pass or do not pass, the mere matter of the debate would, in my opinion, greatly undermine the strength and the reputation of our President at the negotiating table. Whether the resolutions pass or do not pass, the manner in which they might be—I say might be—handled by the media or some segments thereof could increase tenfold the already excessive confusion which has encompassed our Nation during the past 2 years.

Whether these resolutions pass or do not pass, the propaganda machines of the enemy which are always hard at work—and, may I say, working most effectively—would build meanings into the discussions which I am quite certain my colleagues of the opposite opinion would not intend, would not wish, and would not subscribe to. It would be pointed out that the integrity of the President of the United States was on trial. I do not think my opponents wish that at this time. It would be shouted across the Communist-controlled radio that our country was questioning the judgment of our President and had no confidence in him. It would indicate weakness. It would result in the worst possible conditions under which we might continue at the conference table.

And our President, I am certain, would be depicted by the enemy as one who had lost the confidence and backing of the American people. This, of course, is not the case. I point out facts which have been put in the RECORD which indicate that a recent poll taken by, I believe, Newsweek, showed that 65 percent of the people were satisfied or very satisfied with the manner in which the President is handling his job as President. Eighteen percent were not too satisfied, and 13 percent were not satisfied. I do not know of any time, lately, when a President of the United States has enjoyed that much confidence from the people. I do not think anyone would accuse Newsweek magazine of being too proadministration.

Mr. DOLE. Mr. President, will the Senator from California yield?

Mr. MURPHY. I yield.

Mr. DOLE. As a matter of clarification, let me say that the poll was conducted by the Gallup poll organization for Newsweek magazine.

Mr. MURPHY. I thank my distinguished colleague from Kansas for that correction.

Mr. President, what else might we achieve by the consideration of these proposed restrictive resolutions at the present time? Well, I am told that should they become law, the moneys necessary to pay our troops already in certain areas of the world would be denied and we would find our Government in the unbelievable position of having sent military personnel into foreign lands to represent us, and then having denied them the funds for their salaries. There are also some questions concerning the family benefits of those military personnel who might be wounded or killed in an action which was taken honestly, legitimately, and purposefully but which, at a later date, was disavowed, in effect, by a decision made here in the Congress.

My interest in government, Mr. President, did not start the day I was elected to the U.S. Senate. I have been concerned over many of the actions and activities in the international field over a period of some 30 years. I have not been an expert on these matters certainly, but I have attempted to keep myself informed and to be fairly knowledgeable.

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There have been times when I would have agreed enthusiastically that some sort of controls, rules, restrictions, or regulations should have been laid down as a set of guidelines so that we could better understand the balance of power between the executive and the legislative branches, and completely clarify the relationships between the two.

Now, Mr. President, there have been many times when I have not been completely happy and would have been inclined to join in an examination of these conditions. As I said earlier, I recall my personal objections to some of the treaties which were made, which many of us felt would create problems, and which, in truth, did create problems rather than solve them.

As a matter of fact, Mr. President, I go back in my memory to the time when our Government made the decision to recognize the revolutionary government of Soviet Russia, after this recognition had been denied for years. I seem to recall that President Roosevelt, who made that momentous decision, laid down certain conditions, very simple, very reasonable, very direct, and very understandable, which would be met as a condition of that recognition. I also seem to remember that almost immediately the Soviet Government, which we had dignified by our recognition, ignored the agreements, disregarded the pledges, forgot the promises, and created so many problems that finally Ambassador Joseph Davies was sent by President Roosevelt on his famous and highly publicized mission—the mission to Moscow—which was merely to find out why this newly recognized foreign government refused to keep its word or live up to its promises, and why it would not join the family of nations on a proper basis.

But that is ancient history and should serve only as a background for the problems that face us today.

Mr. President, as I recount these things, I know that some will say, "Oh, you are not going to bring that up again." I say, "Yes, I am," because I think, in order to know where we are going, it is extremely important to know where we are and it is also important to know where we have been. Otherwise, we might not be certain of our direction.

Today, we are talking about the actual responsibility, authority, and power of the President of the United States. We are considering whether Congress should control and diminish these powers at a time when the Nation is at war, by threatening to cut off the finances needed to carry out the Nation's proposed programs.

In our consideration, we find there are those who would hold that the Constitution places these decisions properly within the power of the Congress, and there are others who would argue that not only the Constitution but also constant precedent over the years give these rights unquestionably to the President of the United States.

Mr. President, I listened most attentively yesterday to a learned and excellent exposition by my highly esteemed colleague from North Carolina, Senator SAM ERVIN, who expounded on these matters and did so, may I say, with the authority of one of the finest constitutional minds in this entire body. I do not believe there is any man in the Senate who is better equipped to deal with this important question from a constitutional basis than the distinguished Senator from North Carolina (Mr. ERVIN). I should like to say that I am inclined to support his thesis and I associate myself with his findings.

Mr. President, there is another consideration which attracts my attention and that has to do with those directly involved in the matter of divisiveness within the country.

This Nation of ours did not become divided because President Nixon elected to send a temporary expedition into Cambodia in order to clean up some sanctuaries. That is nonsense. Anyone who tries to make us believe that is perpetrating a great fraud.

I submit that this Nation of ours has been in the process of being divided, carefully, systematically, and evilly, by a group of highly trained troublemakers who have been at work within our house for over 30 years, to my knowledge. They have approached it with great skill and care. I watched them first in days gone by, when they began the frightful process of destruction through the use of the motion picture media and then, later on, through the use of the printed word; and finally, through a combination of the two.

I was conscious of the carefully placed implications which were designed to destroy our respect for authority and those in power, the ones referred to now as being the establishment.

The establishment, Mr. President, in my lexicon, has had three separate meanings.

In the old days in New York, the establishment meant organized crime. Anyone who lived around Broadway or in Hell's Kitchen, as I did, would know that. Later, the establishment became known as a political body, a group that was concentrated in the northeastern part of the country.

Now, the establishment is something that all students are supposed to be against.

I am not certain what the meaning of the establishment will be in the next month or two. As I was saying, though, the purpose was to destroy the establishment with carefully placed implications that were designed to destroy respect for authority and to tear down our regard for those laws, regulations, and rules which we know are necessary to control our society.

One of the recent points of contact, as we have seen, is the attack in our courtrooms. We have lately witnessed the tragedy which took place in Chicago which was a shocking performance.

At long last, one of the chief actors admitted that the purpose was, hopefully, to give the judge a heart attack. I do not know whether they intended the heart attack to be fatal and whether they wanted this to be the end of the judge. But they certainly wanted to put the courtroom and that particular trial in such a condition that it could not go forward.

Then, what did they do? These seven highly publicized characters went abroad in the land, making speeches and rousing up certain elements on our college campuses to the extent that buildings have been burned and young people have been killed. This is all because of the emotional confusion that has been created by these rascals.

Mr. President, may I say as one who has had the privilege of living under this system for well over half a century that I am conscious of all of its faults, its inequities, and its inefficiencies. I am conscious that there is much that should have been done to cure these inequities in years past.

However, I am also conscious of the fact that with all the imperfections, we have achieved a higher degree of understanding and progress and productivity and freedom and respect for the individual and the rights of the individual than any community that ever existed in history before this great Nation.

I would recommend that we attempt to preserve what is good and keep it viable and strong and healthy and, at the same time correct the inequities that still exist.

As my record will show, I have joined and will continue to work with those who are striving to improve these conditions and to do the things that need doing today, some of which should have been done in years past.

Mr. President, I must definitely object to and oppose those who, under the guise of bringing about productive change would actually destroy the very basis from which our progress sprang in the first instance.

Mr. President, it has occurred to me lately that our great Nation has unfortunately fallen into new conditions in which we slip from one state of crisis into another until now it seems that a state of crisis is almost a continuous way of life. It is involving our thinking and our planning and our decisionmaking. And it is not good. It is a pressure that should not exist in working out our problems, our plans, and our thoughts. That should be done in an atmosphere of thoughtful calmness, at a time when all the facts can be considered and all the characteristics can be viewed.

I find that we are reacting too often to sometimes real, sometimes imagined, and sometimes synthetic pressures rather than acting from reasonable knowledge, existing facts, and positive principles of justice.

Mr. President, during years past we watched those who would divide our Nation on the basis of religion. And thanks to the excellent work of many volunteer organizations and good volunteer citizens—of which we have more in America again than in any other nation—the work of the bigots who would destroy us on that basis has been reduced to a minimum.

I hope, of course, that we can now deal with this situation in such a manner that this type of bigotry and problem would disappear completely.

Mr. President, we have watched those who would divide us on the basis of race and color. And many would create ideological differences which, according to their way of thinking, could not exist within the framework of such a nation.

I reject this. I have lived in this great country, all parts of it. And I think I know the character of the people. I think I know their feelings, their wishes, and their desires. And I think that there is plenty of room for this great freedom we enjoy.

**Mr. HANSEN.** Mr. President, will the Senator yield?

**Mr. MURPHY.** I am glad to yield to the distinguished Senator from Wyoming.

**Mr. HANSEN.** Mr. President, I know that the senior Senator from California is well known throughout America. He has spoken on a great many college and university campuses. He has been called upon, throughout the years, to lend his talents and his understanding and his great compassion in the support of many worthwhile causes.

He has been honored by all groups of people reflecting every major religious belief that I know of in this country. And I am greatly heartened by the excellent remarks he is making this afternoon, because when he expresses his conviction and his belief that there are those who reject violence, who reject the burning and the destruction that all too often has characterized dissent in America, particularly dissent on college and university campuses, I am encouraged to believe that he knows what he is talking about.

Just in the last week or so, I have noted a very marked change among students in America. It seems to me that, departing from tactics which I deplore and which have been deplored by the distinguished Senator from California, many students now are trying to work within the system.

I discern this because I have had the personal experience of playing host to students, some of whom come from my State of Wyoming and who are attending eastern schools, who want to bring about change just as many, many people of good will in this country hope change can be brought about. And these students have rejected the tactics of tearing down, destroying, intimidating that we must all reject if we believe in America and the form of government we have. We cannot accept these methods as legitimate ways to express our desires, demands, and dissents.

It has been my pleasure, and it has been a very thrilling experience, to talk quietly and dispassionately with students who have some specific changes in mind they think ought to be achieved. They are willing to talk about these differences of opinion, and they are willing occasionally to listen. This is a great change as we reflect upon the very vocal, vociferous, and violent minority who have appeared too many times on television screens and whose antics have caught the headlines of the newspapers of America.

**Mr. MURPHY.** Mr. President, will the Senator yield at that point?

**Mr. HANSEN.** I yield.

**Mr. MURPHY.** I had an experience last Saturday night. I was asked to address a group of about 300 educators at the University of Southern California. These were mostly ladies and gentlemen who had achieved their doctorates and who had studied and been guided by a very highly thought of and well-loved educator.

Right in the middle of my address the curtains parted and a young man jumped through the curtains. He had on a sort of vest, or at least the upper part of his body was covered with some sort of vest. He was dressed from the waist up like an Indian of the Far West in the old western movies. From the waist down he had on a pair of trousers and a wide belt as would have been worn by those swashbuckling pirates of the olden days.

His hair was grown in such profusion that I assure the Senator that in the deserts of California we would not permit that amount of hair on the head of a human being during the dry season. We would have forced him to cut a fire break through it so the fire department could get in, if necessary.

He jumped through the curtain and he screamed out an obscenity. It is not a new word; it is a very old word. I knew it when I was about 7 or 8 years old, I guess. I remember that some kids in the neighborhood wrote it on the sidewalk, and then were ashamed of it and they scrubbed it out with their feet.

I remember at one time I was in a play in New York. The music was written by the immortal Cole Porter. The name of the play was "Anything Goes." Cole Porter had a lyric in the song which went something like this:

> Good authors, too, who once knew better words, now only use 4-letter words writing songs—Anything Goes.

We thought that was a joke. We did not consider it a prophecy, but look what has happened. Apparently there is some sort of vicarious excitement from shouting it.

This person shouted it at me, and he pointed his finger at me and said, "I will dance on your grave." Then he jumped back through the curtain and was gone like an apparition. If he is going to dance on my grave, as an old soft-shoe man, I would like to test him out to see if he has the proper rhythm. He did not give me that opportunity.

Then, you make a speech and some guard or attendant comes up and hands you a note saying that there is a bomb set under the platform to go off at 2 o'clock. I have had that happen on several occasions. These are strange times. We have confusion and dishonesty. This is what we are dealing with today. My concern today is to make certain we understand all of these conditions, that we do not act hastily or from emotions, that we realize what we are doing and the effect of what we do, and that we make certain we choose the right course.

I thank the Senator for permitting me to interrupt.

**Mr. HANSEN.** I thank the Senator and I apologize for interrupting him. There might not be a discernible difference in the objectives young people have now and what may have motivated them a year ago or 2 years ago, but there is certainly a very definite change in the approach they are taking to achieve these objectives. For that I commend them heartily.

I am one Senator who agrees with my good friend from California that there are many things that could be done better in this country. There is injustice, poverty, and inhumanity to man. There is prejudice and there are many other things that we could list if we try to tally up all the things we find wrong in our country.

Indeed, the form of government we have, as Winston Churchill once said, is the poorest kind of government possible until one compares it with any other.

So it is my feeling that what these responsible young people are trying to say to us today is that they are idealists, that they do want to improve this country, that they are shocked with some of the things they see, and that they are impatient. And they yearn for change. But I think that they wisely have concluded that the system, "bad" though it may be, should not be junked. I believe they are rejecting the advice of those who say that this establishment, this society of ours, has gotten so bad that the only way to change it and reform it is to destroy it, tear it down, burn it up, get rid of it, and, as I think someone said, to destroy higher education in this country within 5 years, that the only way to bring about the kinds of changes we must have is to speaking at an eastern university, and a then start all over again.

I remember not long ago someone was speaking at an eastern university, and a young man said he thought the whole system should be done away with. When he was asked why he thought the whole system should be done away with, he said, "Well, anything would be better than what we have."

I do not think his attitude is typical of the attitude of the average young person.

**Mr. MURPHY.** No; and when he says that "anything would be better than what we have," until he knows what "anything" might be, he cannot make a fair judgment. This is what we are pleading for. We are pleading for logic and for facts in dealing wtih existing conditions. This is why I have gone into such detail. This is the longest dissertation I have made on the floor of the Senate in 6 years. I think the matter before us is that important.

I may rise again later to plead and make certain we do not rush hastily to a judgment and find, as someone once said, that when we get there, have overlooked some of the important facets and conditions that will bear on the case.

**Mr. HANSEN.** I hope very much the Senator will do precisely that because I think as he describes his experience, with his keen understanding of human nature, he, indeed, has much to offer our country—much, too, offered in the way of advice and knowledge that has been hammered out on the anvil of experience and that has been tested in battle. Because of that, when he makes the plea he makes this afternoon, I hope people will listen.

I was speaking of young men and

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women on college campuses. I have found this also: While their yearning for peace is no less intense than it was a year or 2 or 3 years ago, more and more students, in my judgment, are beginning to realize and to admit the possibility of right in others. By that I mean that while initially there may have been a number of demonstrations throughout America that seemed to go completely at cross purposes with what the President did as he ordered our troops into Cambodia, I have had reason to believe, from letters I have received and from personal contacts that I have made in the last week, that there is a change afoot in America today, and more and more people, not of any one party, not from any one section of the country, are beginning to realize that what President Nixon did when he ordered troops into Cambodia just could be an intelligent move and that it could, indeed, shorten the war, that it could hasten the Vietnamization of that involvement over there insofar as America is concerned, and that the objectives we all hoped might sooner be achieved.

It has been contended that this sets the whole purpose, the whole goal, of America back; that it is all a negative thing. But I do not believe that. For a long time I have felt that the most tragic thing of all is that it was not done several years ago. I say that as one who has consistently supported the President of the United States, whether it was President Kennedy, President Johnson, or President Nixon.

Mr. MURPHY. I can assure my colleague that there was no intent on the part of President Nixon to expand the war; that the action which he has taken was taken after careful consideration, long talks with his advisers, consideration of all the intelligence. After all, he is the only one who gets it all, as far as I can find out. It was not with the intent to expand. It was taken, on the contrary, in the hope that it would bring about a quicker end and make it possible to bring home the American troops over there not only as fast as he has promised, but faster.

Hopefully, this may be achieved, but we must remember that he does not control all the conditions. The enemy, unfortunately, has to be considered in these matters, and the enemy will certainly do everything that they can conceive of and everything they can physically do to make certain that there is a failure in our efforts to reduce our American forces and bring about peace, as President Nixon has been trying to do. There is no question about that.

One of the ways they will go about it through the means of international propaganda. They are not youngsters at this; they are experts. We must remember that they took the process of the "Big Lie" which worked so effectively in Germany for the Nazis, adopted it, and improved it. They have been busily at work on it. I have been engaged in a study of this subject, have gained knowledge of it, have talked about it, and have planned in relation to it for 20 years. I have watched it in all sorts of areas—cultural exchange areas, motion picture festivals, music festivals, all sorts of areas where, quietly, slowly, but consistently, there is always the attempt to create the impression that anything America does is bad, and everything a Communist nation does is good.

That is not the case. The facts belie it.

I thank my distinguished colleague for his kind remarks and observations. I am more than pleased that he agrees. I had meetings just this last weekend with groups of students. I am very heartened by them. As a matter of fact, I made a commitment to a group of graduate students at the University of California at Los Angeles that, if I am reelected, I shall make myself available to them one afternoon out of each month. I made them a further promise—that I am going to approach my colleagues in the Senate, on both sides of the aisle, in the hope that they will do the same thing.

These are thoughtful students. They are students who are far wiser than I will ever be. They have studied and they know the problems. They have been brushed off. Nobody listened to them. They had a feeling that they must agree with those in charge of the academy or they would be penalized.

I do not agree with that. I think they have a right to be heard. I think they have a right to have their suggestions, when they are good, adopted. When their suggestions are bad, they have a right to have the reasons why they are not adopted explained to them carefully.

I think my colleague has stated the reason for this great hopefulness.

To get at the matter at hand, as I have said, we have watched those who would divide our Nation on the basis of race, color, and religion for some time. What was the result of all this? We have had riots and crises in our cities. We have had racial crises across the country, and troubles on the campuses.

By their very nature, such crises tend to excite the emotions and incite strong disagreement and controversy. Of course, on some occasions this is good and healthy, as long as those participating in the conflict present their cases peacefully, logically, and constructively, and within the broad guidelines of our democratic processes.

When reasonable men respond to common problems, even when their initial approaches are widely divergent, there is an excellent chance that their efforts will merge into positive final action which will be directed toward solutions rather than toward aggravations of the situation.

Recently, however, we have seen outside forces, destructive forces, attempting to drive our reasonable men apart. These forces brand some of us in this Chamber as hawks and others as doves. I know of no one in this Chamber who prefers war—and that is the implication of hawk—and I do not know of anyone in this Chamber who prefers a dishonorable peace—and that sometimes has been the implied meaning of the word "dove."

No; this is polarization at its very worst. They talk about the so-called antiwar protestors as though, in doing so, every one who does not agree becomes automatically prowar.

This is not fair, and it is not honest. These troublemakers—few, thank God—hurl their verbal obscenities at every individual who attempts to protect our system, our law-abiding citizens and those who are charged with keeping the peace of the community.

It is unnecessary to argue whether some of them are either themselves the enemy or dupes of the enemy. Actually, I do not think it makes much difference. What does matter to me, and what I believe is vitally important to the very survival of this Nation, is that many of them, without realizing it, are doing the work of those who would destroy us; and unfortunately, they are doing it in an extremely effective way for they have indeed polarized this great Nation.

However, I do not think it is too late. I have never been a pessimist. I have lived with many of these problems even longer than some of my colleagues here. I can assure you, Mr. President, that our struggles to fight back from this illness which has gripped our Nation are not going to be unnoticed by those who sit in the chairs of power even in Moscow or Hanoi. As the Los Angeles Times pointed out editorially just yesterday—

> It is not "cold war rhetoric" to worry about what Moscow may think; it is still a matter of life or death.

We must, Mr. President, therefore attempt to read the enemy's mind, to know his design and his plan, to know what he is thinking of, and hopefully be able to anticipate his strategy.

To do so, we must work from the same facts he has—all the facts, not just the few that suit our purpose, but all the conditions as they exist.

Like all of us here in this Chamber, the enemy has read the headlines about the recent protests against the President's action in Cambodia, and I am sure that he has equated the enormous volume of news coverage given to our dissenters with what he thinks is the percentage of our people who are in opposition to the President's program.

Well, as it turns out, the poll which was taken by Dr. Gallup and lately released does not bear out that conclusion.

The enemy has also followed the resolutions and amendments which have been offered, and others which may be introduced, in this Chamber. Once again, I know that he must feel that our United States are becoming hopelessly and perhaps fatally disunited. That would please him. He would have accomplished his purpose.

It was known as long ago as three years that the enemy understood he could not win militarily in Vietnam and that his whole plan was to do what is apparently now being done—to try to divide opinion at home by any means, fair, foul, honest or dishonest, but somehow to divide American opinion, destroy America's will, and destroy the determination to carry out the promises that we have made through Presidents Eisenhower, Kennedy, Johnson, and now Nixon.

Frankly, if I were guiding the destinies of the North Vietnamese, all I would do would be sit back and wait, under the present conditions.

There will be no need, if we continue down this path of divisiveness, for them to bury us. We will bury ourselves. And first we will tear ourselves apart, piece by piece.

At this point, regrettably, it is easy to understand why our foes would make such an evaluation. But, to use the language of politics so familiar to all of us, I believe they are acting on nothing more than the early returns. What the final returns will show will be up to the wisdom and the judgment of those charged with making these decisions. We here in this Chamber will help decide those final returns when we vote on the measures which will be offered here to restrict the President's power in the war in Indochina.

With those measures in mind, let me discuss a few of the more important considerations to which we should give our attention in the days ahead.

These are:

First, the protection and safety of American troops in Vietnam.

Second, the progress of our peace negotiations.

Third, the credibility of our Government and our President, and those charged with aiding in the matter of legislation.

Fourth, the constitutionality of the action which has been taken in Cambodia.

If I may, Mr. President, I shall touch on these points one at a time.

First, I shall acknowledge the fact that there are a small group of people who loudly insist that the President is either a fool or a madman, and is not to be trusted.

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There are a few who—I think for unfortunate purposes—seem to be anxious to do anything possible to embarrass him in his program, and to make certain that his efforts are not successful. I shall not dignify their invective by commenting on it; but I do submit that, once we eliminate their rash diagnoses of the President's personal makeup, unfair as they may be, we must then come to the inescapable conclusion that the President has made his Cambodian decision on the basis of the effect it will have on his No. 1 priority goal, and that goal is the protection and saving of American lives in his pursuit of a permanent peace.

That fact is fundamental, and there can be no argument about it. There can be no misunderstanding. The question, then, is whether or not the operation in Cambodia will, in fact, help reduce our casualty list, permit our continued withdrawal of forces from Vietnam, and give us the much-needed time for the continuation of the training of the ARVN troops to carry out the Vietnamization program.

I am pleased to say that to date it is a success. It is working, and it is ahead of schedule.

In fact, I have figures here which I shall insert in the RECORD.

Remember, Mr. President, that for 5 long, confused, bloody years the forces of North Vietnam and the Vietcong have played their deadly game of hit and run, using the Cambodia sanctuaries as their safetyline. They are doing it no longer and I am pleased to say that the use of the Vietcong forces is way down. They are diminishing, and the use of North Vietnamese forces is rising, which indicates that the help that the Communist invaders from the North have had in the past is not going to be there much longer and that they might soon be ready, hopefully, to come to the peacetable and negotiate a proper peace.

Even if they regroup, rebuild, and reestablish their pattern of once again using Cambodia as a sanctuary, they will find that they will have lost that irreplaceable ingredient, time—time for the South Vietnamese to prepare to take over their own problem. During that time, the process of Vietnamization and its concurrent freeing of American troops for redeployment back home to the United States will have proceeded for 4, 6, 7, or 12 months.

Is this not what we all really want? Is this not what we desire? Is this not what the President wants? Is this not our common goal—to get our servicemen home as quickly as possible and achieve an honorable, permanent peace?

I think there is no disagreement on this in this Chamber or in the White House or any place I know, except among the few hard-core troublemakers who would hate to see this happen. They would rather not see this be successful. But they will not prevail—they cannot prevail—because the will and the determination of the American people will not permit it.

I do not want to appear to be ignoring the fact that there is sincere disagreement about the timetable for leaving Vietnam. We hear very often mention of a time, a certain date. But I desire to point out that within the framework of the withdrawal program which has been announced—which, according to the public polls, has the support of the majority of the American people—the Cambodian action will hasten the attainment of that goal, the achievement of that timetable, rather than hinder it.

I cannot understand how anyone logically can say, "Well, you spoiled the whole timetable by making this action." No experts I have heard of agree with that. To the contrary, they think it is going to be productive.

Mr. President, in judging the effects of our Cambodian operations on the various negotiations in which we are engaged throughout the world in an effort to obtain a just and lasting peace, I can only turn to history and to the inescapable conclusion that those nations with which we are in contention are traditionally the same ones which scorn the weakness but give a grudging kind of respect to the strength of others. This we can prove from experience.

Too long we have said: "Keep kicking us in the teeth and we will go home."

This attitude has prolonged the war, and it has cost lives.

It has given our negotiators arms of flabby flesh instead of muscle.

Did the enemy think, perhaps, that Mr. Nixon was bluffing when he said that he would take appropriate action to protect American lives, and did the enemy think, perhaps, that in the light of his announced withdrawal of troops, they could call his bluff with impunity?

I sincerely hope that they know now that he was not fooling. He made that statement after great thought and consideration. That is his duty. They know now, too, that within the velvet gloves at the bargaining table, they can expect to find a hand of determination, if they insist on tearing away the sincerely offered accouterments of peace.

Before proceeding to my next point, I should like to remind my colleagues that while we work and pray for a serene world, we cannot ignore the possibility that there may, in time, be other bargaining tables involving other issues and that the principles to which we adhere in this year of 1970 will most assuredly be the silent but strong partners of our negotiators of the future.

I now come to the issue of credibility.

This, as we all know, was a matter of major concern during several past administrations.

Rightly or wrongly, the specter of a so-called credibility gap grew to such monstrous proportions that—maybe unfairly—it helped force the man who was then President into retirement.

I shall not disinter that specter, nor labor the point.

Instead, I shall simply admonish that it has no place in our assessment of the situation we face today.

A person can disagree with the President's philosophy.

A person can find fault with the President's actions and his decisions. I find it difficult, however, to see how anyone could fault Mr. Nixon for evasion, duplicity, or deceitfulness. He has made certain promises to the American people. He has done his utmost to keep those promises. He has accomplished more, may I say, than I thought could be accomplished, considering the confusion which existed when he took office. So far, he has done exactly what he said he would do.

He has said that the Cambodian operation will be terminated by the end of June. I believe him. I have known him as long as any Member of this body has, and I see no reason for not believing him. I hope, most sincerely, that his courageous and sincere judgment in the matter of Cambodia will turn out to be as successful as he hoped when he made that decision. With God's help, we all hope that it will be even more successful than we thought so that we can bring about the end of this unfortunate situation.

Ironically, I am sure that the enemy believes him, too, and thus the President's honest and forthright announcements about the limited scope and objectives of the campaign in Cambodia have inadvertently given our foes the advantage of being able to plan accordingly.

The President has called this shot, so to speak, and he is going to make it.

We need not add the unnecessary action of the Senate to what is practically, even at this time, a fait accompli.

Just as importantly, we must not at this time, in my opinion, put an official lock on the box of options which constitute the strength of the Presidency for the future.

It sounds ludicrous, of course, but would the Los Angeles Rams tell the Minnesota Vikings at halftime that they would not throw any forward passes during the third quarter of the game, or would Mario Andretti announce that he would hold the speed of his car to 90 miles an hour for half of the race in which he was participating? Would Jack Nicklaus promise not to sink any putts over 10 feet?

Of course not.

No, Mr. President, one does not give away his signals and does not impair his own capabilities or reveal his timetable to the other side.

As one of my colleagues said a few weeks ago, "You never tackle your own quarterback in a huddle if you have any sense."

And what is important, I believe, to my colleagues within the Senate, we should not pass legislation which, in effect, would make it impossible for the Chief Executive to operate in the most effective manner.

Finally, I come to the question of the constitutionality of the President's action in Cambodia.

In addressing itself to this question, the Los Angeles Times commented:

> The Constitution is typically ambiguous enough on the subject of checks and balances in foreign relations so that each side can claim authority for its case.

I agree that there is probably authority on both sides. And as I have said earlier, there may be a proper time to debate this authority and, where it is ambiguous, to draw clear lines and distinctions.

Having studied this question most carefully, particularly in recent days, I am inclined to feel that the President's decisions in Indochina have been thoroughly constitutional, but I shall not debate the issue at this time because the very point of these observations is that this is definitely not the time to engage in such a reevaluation of the relationship between the President and the Congress.

Some day, maybe, we should spell out the powers and limitations of the President insofar as his duties as Commander in Chief and in foreign affairs are concerned. Some day when this Nation is at peace and we can bend our full efforts to these particular tasks, I will be pleased to join in that effort. I would enthusiastically endorse the idea. But not now, Mr. President, not now in the middle of a long, unfortunate, protracted war. Let us not change the rules in the middle of the game. We surely must not tie the hands of the chief of our armed services when he might have to reach out those hands with the supplies and materiel which our fighting men need to survive.

Some day, as I noted, we might find it advisable to place restraints on the activities of our Presidents in the field of foreign affairs.

However, as recently as 1961, Senator J. WILLIAM FULBRIGHT himself wrote in the Cornell Law Review:

> I wonder whether the time has not arrived, or indeed already passed, when we must give to the executive a measure of power in the conduct of our foreign affairs that we have hitherto jealously withheld.
>
> The source of an effective foreign policy under our system is presidential power.
>
> This proposition, valid in our own time, is certain to become more, rather than less compelling in the decades ahead.

I would hope that in his consideration of Presidential powers, the distinguished chairman of the Senate Foreign Relations Committee would accord President Nixon the same understanding that he extended to the then President Kennedy.

The principles which are involved are the same, of course, even if the political affiliations of the Chief Executives are not.

In conclusion, Mr. President, I would like to sum up my position against any action which would restrict the power of the President in dealing with the present situation in Indochina by pointing out that Mr. Nixon desperately needs his options and all the help we can give him.

We must provide time:

To protect American lives and permit the continued withdrawal of our servicemen from Vietnam.

To preserve our strength in our various negotiations for peace.

To conduct our withdrawal program on our terms and according to our timetable without tipping our hands or binding our capabilities by giving valuable information to the enemy.

To provide us with time within which to carry out the Vietnamization program, which is of such great importance and which must be preserved and given a chance to work. I believe that it will work and that it will achieve the success that all of us hope for.

To show the faith and the confidence of the American people in the President as he goes about the lonely and difficult job of resolving an unfortunate and complex inherited situation.

Mr. President, President Nixon's program in Indochina is morally correct. I believe it is correct in a practical manner. I believe it is legally and constitutionally correct. And I am convinced—and have found no experts who disagree—that it is correct militarily and correct for the purposes which President Nixon spoke clearly and plainly to the American people.

Speaking of the military aspects of our Cambodian campaign, I would like to point out that this action, I believe, is the most successful operation conducted to date in our entire effort in Indochina. And to indicate the effectiveness of the action, I would like to have printed at this point in the RECORD a list which I have just received today of the results of our efforts.

Mr. President, it is most interesting. With respect to small arms ammunition, 11,502,740 rounds of ammunition designed to kill American and South Vietnamese troops have been captured.

Bunkers, from which the enemy was conducting its communications, captured and destroyed, 4,651. I think this is important. Rice captured, it is shown, has amounted to 3,305 tons, which is enough rice in terms of man months for 145,420 enemy soldiers. These are only part of the figures.

Mr. President, I ask unanimous consent that the table may be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Military update of Cambodian operations*

Latest cumulative data:

| | |
|---|---|
| Enemy killed | 6,495 |
| Detainees | 1,576 |
| Individual weapons captured | 9,109 |
| Crew-served weapons captured | 1,233 |
| Rice (tons) | 3,305 |
| Rice (man-months) | 145,420 |
| Rocket rounds captured | 15,763 |
| Mortar rounds captured | 38,879 |
| Small-arms ammunition captured | 11,502,740 |
| Land mines captured | 1,865 |
| Bunkers destroyed | 4,651 |
| Vehicles destroyed or captured | 211 |

The above figures are tentative cumulative results as reported by Hq, MACV.

Mr. MURPHY. Mr. President, one thing I know is certain. The President, Congress, and all Americans, all true Americans, want to end this war quickly, honorably, justly, and permanently. The present campaign is designed to do just that, and it is accomplishing its purpose. So I ask the Senate and my distinguished colleagues in this body to grant the President the time he needs.

I am well aware of the fact that we have heard pleas for patience in the past. Remember, though, that in those days we were sending more and more men to Vietnam. Now, however, we are bringing them home; 115,000 men already have been brought home, and it is planned to bring another 150,000 home.

If we must debate the extent to which the President's powers in military and foreign affairs should extend, let us do so after we have resolved the war in Indochina, when the rhetoric and emotions surrounding the current situation have been calmed and when we can make a thorough study of the entire affair in Indochina and its relationship with our overall foreign policy in a less hurried, less combustible, less bitter atmosphere.

Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Charles L. Gould, publisher of the San Francisco Examiner, which was published in the Examiner on May 1 under the heading "Courage of the President."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### THE COURAGE OF THE PRESIDENT

(By Charles L. Gould)

President Nixon did not take the fighting to Cambodia.

The Viet Cong and the North Vietnamese did.

In both world wars hundreds of thousands of American troops fought across Europe.

They were not concerned with invisible national boundaries. They were concerned with meeting the enemy and destroying him.

In 1917 and again in 1941 our nation made open declarations of war. War-time rules were imposed at home. Dissent was stifled. Battle goals were established. And power at our command was used to achieve them.

Had we fought Hitler as we have fought Hanoi, our troop would still be mired down in the battlefields of Europe. Or—we would be saluting the swastika.

For six long years our men have fought in Vietnam under a weird, one-sided code of Marquis of Queensbury rules.

Our men were not permitted to fight to

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achieve victory. Our fighting men and their allies were not permitted to pursue the enemy into North Vietnam. They were not permitted to pursue the enemy into Laos and Cambodia.

Thus the enemy was given the right of initiative. He could pick the time and place and method of his attacks. He could strike and run.

Our men could lose but they could not win.

The danger of the fighting escalating into a worldwide conflagration was our alibi for not defining the enemy's defeat as our goal.

The danger that the war would erupt on a global scale was present the moment we committed our first fighting man to the conflict.

The same danger is implicit in each of the pacts we have with fifteen nations of Europe and with numerous other nations in Asia and the Middle East.

These pacts were established to protect weak friends and allies from the repeatedly declared aggressive aims of the Communists.

All should recognize that the danger of a third world war is ever-present. This danger was born the moment following World War II that the Communists again restated their goals of global domination.

If World War III comes it will come when the Communists believe the time is right.

They may believe the time is right if our country is so hopelessly divided that we—as a people—fail to support our President in supporting our fighting men as he did last night.

Let it be clear that President Nixon has not established victory as a goal in Vietnam. Months ago he mapped plans for honorably extricating our troops from the conflict and turning the defense of South Vietnam over to the forces of that nation. He has not changed those goals.

However, if the Viet Cong and the North Vietnamese were permitted to expand and perpetuate their sanctuary in Cambodia, President Nixon saw grave danger that his carefully planned timetable of de-escalation would be destroyed.

He saw a stepped-up threat to the safety of our fighting men. He saw the danger of expanded war through failure to act.

He acted with courage and statesmanship. He merits our support.

Mr. GRIFFIN. Mr. President, will the Senator yield to me for a brief comment?

Mr. MURPHY. I am glad to yield to the Senator.

Mr. GRIFFIN. Mr. President, I wish to commend the Senator from California for a very excellent contribution to this historic debate, and particularly for his discussion and analysis of the constitutional powers of the President in this situation.

While the Constitution does give Congress the power to declare war if it chooses to do so, it also makes clear that the President is Commander in Chief, with the obligation and responsibility to protect the lives of our servicemen abroad. If the Congress were to adopt an amendment tying the President's hands, I wonder who would then assume that responsibility.

Mr. MURPHY. I may say this to my distinguished colleague. At the beginning of the Cambodian expedition there was important use of surprise. It was extremely effective and it operated and resulted in the saving of many lives. The South Vietnamese troops, the ARVN troops, who had the responsibility for that first direct thrust met with such success that many of them already have returned across the borders. There was some talk about the fact that the President should have discussed this plan for Cambodia with Congress with the proper committees but unfortunately, in our days of instant communication there was a great possibility that this entire element of surprise might be destroyed. This might have been publicized quickly. Certainly agents who have the duty to gather such information for the enemy would have been at work and when the ARVN troops moved in the enemy would have been prepared.

I remember back before I had the honor of joining this distinguished body, after the Gulf of Tonkin incident, the first attack was made by our aircraft. There was a warning that the attack was coming. From a military standpoint, this was unfortunate. I am sure it was not designed or desired, but it did take place. Therefore, sometimes it is absolutely necessary that the President be able to make the decision quickly and effectively. Protracted debate might destroy any advantage, and it might in fact destroy the entire opportunity to arrive at a successful conclusion. I think this is the reason why at the outset the Founding Fathers realized this was possible. Certainly, with worldwide communications, when a message can be sent clear around the world in less time than I have occupied the floor today, it becomes more important.

I thank the Senator from Michigan for pointing this out.

Mr. CHURCH. Mr. President, I have received a letter from Mr. Nicholas deB. Katzenbach, former Attorney General and former Under Secretary of State, in support of the Cambodian amendment that is being sponsored by Senator COOPER and myself. In view of the exceptional experience that Mr. Katzenbach has had with the constitutional question relating to the roles of the Congress and the Presidency in respect to military policy and also his experience on the diplomatic front, I bring this letter to the attention of the Senate.

Mr. Katzenbach writes in part:

DEAR SENATOR CHURCH: I am writing in support of the amendment sponsored by Senator Cooper and yourself. I regard it as a matter of great national importance that it be adopted.

I have come to this position with some reluctance—as, indeed, I believe have its supporters in the Senate. What appear to be confrontations between the Congress and Executive, especially in matters of foreign policy, should be avoided wherever possible. But I do not believe that is either possible or desirable in this present crisis. Nor do I believe it needs to be regarded as a direct confrontation.

Let me give you my reasons for this conclusion.

First and foremost is the obvious fact of division in this country that is real and deep. Until we withdraw from Vietnam that division will persist, and deepen, and become even more strident. Our governmental processes, our constitutional guarantees, our economic progress, our international image of a responsible and decent people, and our sense of common identity and purpose are all being risked for little possible gain. This war has already cost this Nation much, much more than any conceivable outcome could justify.

In his concluding paragraph he writes:

I raise these larger issues because I would hope that the Congress would view your amendment as only a first step. President Nixon needs help and support if we are to get out of Vietnam as we should and must. By asserting the congressional role through your amendment, Congress should be telling the President that it is not only asserting a clearly constitutional power (on that point there really is no valid argument), but that it also is prepared to share with him the burden of an excruciatingly difficult political decision.

I think this is an uncommonly intelligent letter, written by a man who has had an exceptional opportunity to view the issues that are involved in this debate from pinnacles of great importance, as Attorney General and as Under Secretary of State.

For that reason, Mr. President, I ask unanimous consent that the entire text of the letter be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ARMONK, N.Y.,
*May 18, 1970.*

HON. FRANK CHURCH,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR CHURCH: I am writing in support of the amendment sponsored by Senator Cooper and yourself. I regard it as a matter of great national importance that it be adopted.

I have come to this position with some reluctance—as, indeed, I believe have its supporters in the Senate. What appear to be confrontations between the Congress and Executive, especially in matters of foreign policy, should be avoided wherever possible. But I do not believe that is either possible or desirable in this present crisis. Nor do I believe it needs to be regarded as a direct confrontation.

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Much of the opposition to the war comes from young people. They claim—with some justification—a special voice since it is they who bear the burden of fighting and they who have the greatest stake in the future. Often they give bad reasons for their views, and some, in frustration and immaturity, have adopted self-defeating and disruptive tactics. But the fact is that thousands upon thousands do feel deeply and conscientiously about the war. And the sometimes shrillness of their voices should not put their elders off nor hide the fact that they are fundamentally right in their objective if not their rhetoric.

But this is not really a question of old against young, although it may sometime seem so because so much media attention is focused upon campus turmoil and demonstrations. It is a view strongly though less audibly held by many businessmen, by many professionals, and by much of the general public. And I think this fact is becoming daily more obvious.

Adoption of your amendment would recognize this fact. And it would do more than any other immediate action to restore the confidence of the young—and even many of the older generation—in the integrity and

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capacity of a democratic society to respond through its elected representatives to the passionately held views of many, many people.

Because of my former positions in the Kennedy and Johnson Administrations, I feel a particular responsibility on this issue. I struggled with the Vietnam war issue for over two years and, as my colleagues in government know, the views I am expressing in this letter are not lately arrived at. I wanted then—as I would like to see now—a negotiated peace which would do away with the tragic killing. But the only alternative to Hanoi's intransigence has long since been a unilateral, orderly U.S. withdrawal. The tortoise of progress in Vietnam will never catch the hare of dissent at home. And we must have the vision and courage to accept that political fact without equivocation or delay.

Our failure to achieve all that we wanted in Vietnam does not make what we sought to do wrong in any but a pragmatic sense. Our purpose was always to give the people of Vietnam a temporary shield of U.S. military power so that they could work out their political problems in a free and democratic fashion. In retrospect we may have been foolish to have thought so ambitious an objective could have been accomplished at little cost. But that was the optimistic view which prevailed and, astoundingly, continues to prevail among some even today.

What has happened—and I could see it happening in 1967 and 1968—is that this objective has been converted by circumstance (perhaps predictable, but not intentional) into a war to preserve an incompetent, undemocratic, and sometimes corrupt government in Vietnam. Failure to achieve our objectives is not the fault of our military forces but the failure of the Thieu government to achieve that measure of political support in Vietnam which is essential to peace. The failure is his, not ours.

We cannot win this war because nothing our troops can do will solve the Thieu government's political inadequacies. Nor can we lose it—we have yet to lose a battle—in any meaningful sense for the same reason. The U.S. Army cannot be defeated or dislodged—though we may fail in our political purposes.

I believe peace will come when we make clear we are withdrawing all our troops on a specified timetable. In point of fact, I believe that only this action will lead the Vietnamese people to find the political solution which will bring this war to an end.

From the point of view of the U.S. that political solution will not be very palatable. But neither will it be in any real sense disastrous or even more than at most marginally detrimental to our security. But there will be those who will say that we quit when we were on the verge of "victory", that we have "sold out" our friends in Southeast Asia, and so forth. This solution, too, has its risks for our society. And it puts the President in a very tough position.

At the heart of our difficulties—these forces of divisiveness in our society—is the illusion on the part of much of the public of some kind of national omnipotence and its lack of awareness of the inevitability of trade-offs in costs and objectives in foreign policy. This is played on by those who affect the Presidency and complain of what may be realistic costs in terms of dollars or dangers. And it is played on by the President who, for short term advantage, overplays the anticipated success of the policy he espouses.

I suppose all this is natural enough if we look at our own national character traits. As a nation we have been characterized by optimism and a sense that anything is possible. Our success has infused a supreme confidence in our abilities. We have no real experience in living with and accepting failures. We feel that our traditions, character, and good fortune make us generous and almost naive in our friendliness, but we expect gratitude and good will in return. We are often moralistic and self-righteous in our dealings with others. We have a real streak of idealism running through our history. We are impatient; our time span for achievement is short, we have a weak sense of history, we are future oriented, and we believe in progress.

Above all, we as a nation seem as yet unable to face the reality that every policy has its costs, that alternative costs are always in terms of trade-offs between which the public must choose. One cost can't generally be reduced to please the public without increasing another. The cost of our war-weariness after World War II and the desire to save American lives from Yalta to 1948 was acceptance of Soviet control of Eastern Europe and acceptance of whatever the outcome of the power struggle in China might be. We had chosen a policy which accepted limited losses and territorial allegiance to avoid the cost in lives and dollars fighting Japan alone or dislodging Russia from Eastern Europe. This was a rational, although perhaps debatable, choice. But the public was prepared to respond to the charges of a sellout (the Joe McCarthy era) and to demands that we adopt the policy of no further losses. Korea was dictated by these new policy demands. To prevent territorial losses we had to be prepared to accept either costs in lives and dollars or costs in risk of an unlimited war. Plainly the public was prepared for neither; for it was vulnerable to attacks on "Truman's war" and suggested we could have a no-loss policy without offsetting costs.

The Eisenhower Administration learned the public's lesson in that neither further territorial losses nor the excessive costs of limited war in lives and dollars was acceptable. It shaped the policy that accepted the nuclear risks of massive deterrent as the price for giving the public the no-loss and no-costs-of-limited-war strategy that it seemed to demand. But it too had costs that couldn't remain hidden.

Sputnik with its suggestions that we might suffer an inferior position in terms of nuclear defense coupled with Khrushchev's saber-rattling, convinced the public, aided by Democratic leadership, that the risks of an all-or-nothing strategy were excessive. But nothing was said of the inevitable offsetting costs of reducing nuclear risks and adopting the McNamara concept of deterring any territorial losses through the use of balanced forces. This necessarily involved a willingness to once again accept the costs of limited war in lives and dollars. Again, it was hoped that this bill would never be presented for payment. But it was.

The war in Vietnam has shown us once again that the costs of limited wars are more than we like to pay. But there is, as yet, no real sign that I can perceive that we have learned of the inextricable tie between the objectives of no-loss, no costs of limited war, and no excessive risks of nuclear war. These are complicated matters and until somehow we learn to recognize the new cost that lurks behind every political promise to eliminate an older type of cost, our political processes will continue to involve successful attacks on the trust the President enjoys based on raising public expectations to the point where even the unavoidable costs seem the unacceptable result of incompetence and untrustworthiness.

We will get a sensible foreign policy—President Nixon has already taken useful steps—and one acceptable to the public only if we can be educated to the point of accepting some losses, some defeats. Vietnam could help us to this end. We cannot afford the luxury of the strategic thinking of the last fifteen years which, it seems to me, has been based to a significant degree on a powerful domestic political constraint of no territorial losses rather than on the reality of minimal danger in very marginal shifts in some balance of power.

I raise these larger issues because I would hope that the Congress would view your amendment as only a first step. President Nixon needs help and support if we are to get out of Vietnam as we should and must. By asserting the Congressional role through your amendment. Congress should be telling the President that it is not only asserting a clearly constitutional power (on that point there really is no valid argument), but that it also is prepared to share with him the burden of an excruciatingly difficult political decision.

I apologize for having written at such length. I hope you will feel free to use this letter, or any part of it, in any way you see fit. The opinions are, of course, my personal ones.

Sincerely,

NICHOLAS DEB. KATZENBACH.

Mr. MONDALE. Mr. President, nothing can describe the despair and disappointment I felt at the President's decision to move U.S. troops into Cambodia and by the incredible—if only temporary—renewed bombing of North Vietnam.

Never have I had such a reaction from my own constituents—an overwhelming vote of fear and reaction against this escalation of the war.

All the wounds which have been inflicted upon our society—not to mention our young men—by a decade of war in Vietnam have been torn even wider by the start of the Indochina war. Already young men and young women have died in disturbances reflecting the shock and dismay which young and old alike have felt since our move into Cambodia.

On the evening following the President's announcement, I set forth my own views on Cambodia and on the war in Vietnam in an address to the national convention of the ADA. I ask unanimous consent that this speech be reprinted at this point in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### ADDRESS BY SENATOR WALTER F. MONDALE

I had been trying to decide what my topic—our keynote—should be. The President's speech last night settled the question for all of us.

There is only one. The war which *was* in Vietnam and which *was*—if slowly—being wound down, is now in Indochina and is now being massively escalated.

The war which has cost:

Some 50,000 American lives;

Almost 275,000 American wounded;

Unknown millions of Vietnamese casualties;

Some 100 billion dollars worth of our resources; and

A decade of agony and strife at home . . . has now become an even deeper and wider war.

"Vietnamization" has now been fully revealed for a tragic hoax.

Many of us feared that Vietnamization was largely a device to buy time and pre-exempt dissent while propping up the corrupt regime of Thieu and Ky. But many of us also felt that the President, if for no other reason than politics, was committed to "winding down" the war in Vietnam.

It is now clear that the President has not abandoned the disastrous objective of the last tragic decade. It is *military victory* that he seeks—the perpetuation of whatever anti-communist government can be found—however corrupt, unpopular, or undemocratic, and however little they will fight to defend themselves, by whatever military means are necessary. It is a policy which seeks to preserve an American bridgehead on the Mainland of Southeast Asia.

This is the *old* policy. It is a policy which has been shown to be unattainable, irrational, unpopular at home and abroad, and contrary to American interests.

The invasion of the Cambodian sanctuaries is in direct contradiction of the President's own Guam Doctrine, in which he said that we must cease acting as policeman and cannon fodder for the Asian nations. It is in direct contradiction of the interpretation of "Vietnamization" which the President has given to the American people. It is, in fact, absolute proof of the total failure of the "Vietnamization" doctrine.

We cannot have it both ways. We cannot have both disengagement and escalation. We cannot hold to a goal of peace, disengagement, and a "political solution" while expanding the war and seeking the total destruction of the enemy.

The rationale is the same one we heard 10 years and 50,000 lives ago: "A little more effort and the tide will be turned." We have heard it often since—a few thousand more troops, a little more bombing and the war will be over.

Now we are told that a six to eight week foray into Cambodia will wipe out the major communist sanctuaries and staging areas which they have held for at least the last five years.

Btu why weren't we told 6 months ago that "Vietnamization" would require the invasion of these territories which have been held by the communists for so many years?

Why weren't we told a week ago when the President reported sufficient success to announce the pull out of 150,000 more troops in the year ahead?

What do we expect the Vietcong, the North Vietnamese—and the Chinese and the Soviets, for that matter—to do while we destroy their major supply and staging areas?

What will we do in 2 months when, if all goes exactly as planned, we will have pushed them out of the Parrot's Beak, the Fish Hook, and the other areas? Do we stay there . . . indefinitely . . . or do we return to South Vietnam and expect *them* to stay wherever we may have been lucky enough to have pushed them?

How about the next line of communist sanctuaries—just beyond the reach of American forces? All of Asia behind the enemy line is a "sanctuary." When and where do we stop? And when do they decide to attack our own sanctuaries—at Thailand, for example?

The President's reason for this escalation must be rejected. There is no way to make a "defensive maneuver" out of a full scale offensive into a neutral nation, with the advice and consent neither of that nation nor of Congress.

There is no way to make this escalation into a means of "hastening our withdrawal" or "furthering a political settlement."

The oldest myth of them all again rears its destructive head: the notion of a monolithic world-wide communist conspiracy unalterably committed to the conquest of the world—a conspiracy which must be stopped at whatever cost—"so that the sons and brothers of our soldiers fighting now can live in peace and security!"

One of the tragic ironies of the war, of course, is that the Administration still clings at the same time to the *hope* that we can achieve our ends without a total military commitment . . . that we can ultimately gain from a conference table what we failed to gain on the battlefield.

But this recent action has virtually guaranteed the death of the Paris peace talks—which have been in a coma anyway for nearly a year due, in part, to our failure to even appoint a top-level negotiator.

We are now back where we were two years ago—hoping that somehow the other side will cave in and let us off the hook.

I supported and will continue to support the President's objective of withdrawal, even though I thought it should have been much faster, and even though I never trusted his disavowal of a military solution.

But I now see a longer war and a wider war. I see many more deaths. I think we should know by this time the patience, resolve, and manpower of the Vietcong and the North Vietnamese. And I see us now sinking further and further into a wider, more disastrous, more unwinable, and even more unjustifiable war.

And what of the Soviets and the Chinese? They, too, have a vital stake in the eventual outcome of the Indochina war. They, too, have pride. And they, too, have a resolve that their course is right and that there can be no surrender.

I assure you that there are many—I hope a majority—in the Senate who are terribly distressed by this new development.

Once again, the President has *ignored the Congress*, breaking his promise to seek our advice before such a major change in policy.

He has gone against the clear will of the Senate Foreign Relations Committee.

He has surely violated the *spirit of the Congressional Amendment* which passed the Senate last December by a vote of 73–17 prohibiting the use of American troops in Laos. I am sorry that Cambodia was not in that amendment. It would surely have been simple to have added Cambodia to that safeguard, but the chances of our Administration pursuing a ground war in Cambodia were so remote, so bizarre, that no one thought to put Cambodia into the legislation.

And the President is, I am completely convinced, going against the clear will of the American people. My own telegrams Friday morning—sent out only hours after the President's speech—ran 85–1 *against* the President.

In fact, there seems to be much indication that the President went against the advice of many of his own top civilian advisors.

I feel so strongly and so deeply . . . as do you and so many others throughout the country . . . that we must do everything we can to reverse the policy. Our only hope is to reassert the Constitutional Authority of Congress—answerable to the American people—over our foreign policy and the waging of war.

I am fully convinced that the Congress of the United States has the *obligation* and the *authority* to stop this disaster. And I hope and pray we have the *will* and the *votes*. I hope the Senate and the Congress will amend both this year's military sales bill and the military authorization bill to prohibit the use of these funds for the support of American ground or air action in Cambodia and to prohibit the sale, loan, or gift of American aid, directly or indirectly, bound for Cambodia. If we can avert a disaster on the Supreme Court, we can and must avert an even greater one in Indochina.

We must go beyond that and demand the same for Laos and a much prompter total withdrawal from Vietnam.

Then, let us look at our *real* international interests:

The Middle East is reaching a state of intolerable tension. Europe is once again restive, seeking to end the cold war stand-off of NATO versus the Warsaw Pact. Most important, negotiations have finally begun on ways to halt the insane arms race before the American and Soviet generals plunge the world again into a new state of instability and nuclear terror—a race so costly that talk of social reform will be the merest hypocrisy.

Here is where our *true international interests lie*. Here is where we can advance the causes of peace and freedom which we espouse. But each of these issues will be seriously—perhaps disastrously—jeopardized by an escalation of the Vietnam conflict and Great Power antagonisms which this is bound to produce.

The President has called the Indochina war a challenge to our manhood, our pride. Time and again his message alluded to this concept.

"We will not be humiliated" he said. "We will not be defeated." He warned us not to act "like a pitiful helpless giant . . ." He warned us against our first defeat in our proud 190 years.

But I would like to ask the President how he defines manhood. What is the mature expression of manly pride?

I believe our present policy is an expression of the pride of the weak, based on arrogance and self deceit. I want our country to demonstrate the pride of the strong, based on humility and candor. It may be true we have not suffered a defeat in our proud 190 years, but does that raise doubts about our country or about this awful war?

Does that observation prove that our Nation lacks the capacity to persevere when necessary or does it underline the immorality and indefensibility of a slaughter which kills our young and numbs our conscience on behalf of a cause which can't be explained?

I am deeply disturbed at the thought of a generation which may lose all confidence in the ability of a democracy to respond with justice, reason, and humanity. But what can we expect of a generation which is asked to kill and be killed in a war which cannot be explained? Can a fractured, disheartened and demoralized America possibly be a price worth paying for a few more years of an Americanized government in Saigon, and in Phnom Penh.

Perhaps the greatest crime of this war is that we have forced young men and women to choose between these two instincts. The great majority of the young will never feel a bullet or a piece of shrapnel. But nearly all will be called upon to disavow either their conscience, or their country.

The President said "we will not be humiliated." But we already are.

I believe the highest and noblest expression of civilized manhood is to admit error when one is wrong. The same must be true of Nations.

If we did, it would indeed be "our finest hour."—It would be the President's final hour.

We could deal with our *real* problems: in the Middle East, in Vienna, in the Ghettos, on Indian Reservations, in migrant camps, in our schools and hospitals and churches. We could save our oceans, lakes and streams and our air. We could reclaim our streets and assault crime without sacrificing justice. We might reclaim our young, increasing numbers of whom have tragically rejected the institutions and the processes of freedom. This Nation might even reclaim its soul.

We could, Mr. President, be proud men, proud women, and proud Americans again.

Mr. CRANSTON. Mr. President, the Senate debate and public discussion of the Church-Cooper amendment have been replete with references to an alleged interference with the President's powers as Commander in Chief. In terms of the manner of action it proposes, this legislative vehicle is, of course, identical to amendment No. 609 to the military procurement authorization bill, the "amendment to end war," and we should not doubt that the same questions will be repeated when that measure is the pending business.

The assertion is that if we deny him the wherewithal he needs to conduct his

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war policy, the Congress will interfere with the constitutional prerogatives of the President.

It is simply not true, Mr. President, and those who raise such arguments are avoiding—through inadvertence or design—the core of the issue raised by these measures. What we propose is that the Congress fulfill its long-neglected constitutional obligation to decide whether this war shall continue.

In this connection, I would like to call to the attention of the Senate a "Legal Memorandum on the Amendment To End the War" which has been prepared by students of the Harvard Law School under the direction of members of the Harvard Law Review. I understand that it will be released in the near future with the endorsement of a number of prominent legal scholars and members of the legal profession.

On the power of the Commander in Chief, the memorandum points out that the Constitutional Convention had two objectives in mind:

> First, the Convention desired to concentrate in a single civilian leader the tactical control of armies engaged in battle.
>
> Second, the framers sought to transfer to the President a check on an overly martial legislature so as to insure further against any precipitate commitment of our forces.

Neither purpose presumes a plenary grant of power to conduct wars over the opposition of Congress. On the contrary, again quoting from the memorandum:

> The debates in the Constitutional Convention clearly indicate one thing: Congress was to be given ultimate control over the warmaking power, with a variety of means at its command to enforce its views. At the minimum the framers would have viewed an appropriation restricted in use to disbanding an army and bringing it home as a proper exercise of Congressional power.
>
> * * * * *
>
> Congress will have abdicated its own powers over war policy, however, if it remains inactive once the question of troop commitment is formally raised.

Let us, therefore, debate the wisdom of continuing the conflict in Vietnam. Let us consider as well the implications in terms of the role of Congress if we allow the war to go on without a positive grant of specific, understandable authority.

But let us avoid the grave error of pitching the debate on issues that do not exist. These amendments have nothing to do with the powers of the President as Commander in Chief; rather, they ask each Member of the Congress to exercise his affirmative duty to approve or disapprove American participation past next June in the Vietnam conflict.

Mr. President, I commend the authors of this "Legal Memorandum on the Amendment to End the War," and I ask unanimous consent that it be printed at this point in the Record.

There being no objection, the memorandum was order to be printed in the Record, as follows:

## Legal Memorandum on the Amendment To End the War

(This memorandum was prepared under the general direction of several members of the "Harvard Law Review."

(Faculty Advisers: Abram Chayes, Professor of Law; Frank Michelman, Professor of Law.

(General Editors: Jerry Shulman, Joel Klein.

(Contributors: Philip Bakes, Jr., Robert Denham. Ed Glazer. Robert Gordon, Rob Hager, William Kolasky, Frank Kramer, Ira Lupu, James McGibbon, Mark Moskowitz, William Pizzi, Michael Seidman.)

"* * * the doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."—*Meyers v. United States*, 272 U.S. 252, 293 (1926) (Brandeis, J., dissenting).

"* * * Congress can alone raise armies; and may put them down, whenever they choose."—2 J. Story, Commentaries on the Constitution of the United States, section 1187 (4th ed. 1873).

### A. INTRODUCTION

This memorandum examines the constitutional basis for the Amendment to End the War. Most constitutional debate heretofore has focused on the President's authority to engage American troops in hostilities abroad without congressional approval.[1] We do not address this question. Rather, we address the question of congressional power. Regardless of the President's power, Congress may exercise its independent judgment on the use of American forces abroad, indeed, it has an obligation to do so.

There is no doubt that Congress has the competence and responsibility, though not exclusive of presidential competence and responsibility, to make decisions regarding the commitment of U.S. military forces in foreign hostilities. By Article I, section 8, Congress is given the power "To declare War," "To make Rules for the Government and Regulation of the land and naval Forces," and 'To provide and maintain a Navy." Nor is there any doubt as to the power of Congress to use the appropriations process to carry out congressional policy on matters within the congressional competence and responsibility. Under Article I, section 8 of the Constitution, Congress is empowered "to lay and collect taxes, . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . ."; and it is provided by Article I, section 9 that "no money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." Moreover, the link between congressional responsibility to oversee our military commitments and congressional power over appropriations is explicitly forged by the provision in Article I, section 8 that Congress shall have power "to raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two years."

It cannot, then, be contended that in conditioning appropriations upon the orderly withdrawal of American forces from a foreign field, Congress would be acting beyond the scope of its powers under the Constitution. The objection, if there be one, must rather be that for Congress by this means to deny the President resources required for the support of troops in the field would be to encroach upon his prerogatives under Article II, section 2, as "Commander in Chief of the Army and Navy of the United States." The Constitution seems to endow both branches with some relevant competence and responsibility; the question is whether legislative appropriations powers may prevail over executive powers of military command when the policies of the two branches are in conflict.

It is possible to define, if somewhat crudely, the respective spheres of supremacy of Congress and the Presidency in "substantive" terms—in terms, that is, of the issues to be decided. The band of division appears to lie between, on the "congressional" side, decisions as to whether a war is a justified and desirable means of pursuing some United States objective (or of how much and what sort of war is to be waged in pursuit of what objectives); and, on the "presidential" side, decisions as to how those resources committed by Congress to warmaking ought to be managed so as to achieve the contemplated objectives. In light of this analysis an explicit congressional decision that no interests of the United States justify continued American military activities in Indochina, and that accordingly we should withdraw, ought to prevail over a contrary presidential judgment.

A perspective limited to the doctrine of separation of powers, however, yields an incomplete analysis of presidential and congressional prerogative and responsibility. The Constitution, while it sought to provide a harmonious framework for interaction, also aimed at a system of checks and balances among the three branches of government. Underlying this doctrine of checks and balances is the notion that each branch of the government has sufficient power to check the actions of the other branches that it deems unwise. The idea is starkly simple, and is the purest rendition of the constitutional text: only the President may deploy and command the troops, while only Congress may appropriate the wherewithal for their subsistence, equipage, and transport. What the President chooses not to command, Congress cannot well buy; what Congress chooses not to buy, the President cannot well command.

The interplay of these two contending powers illustrates the wisdom of the framers. The commitment of men and treasure to extended foreign war is the gravest exaction a government can make of its people. The constitutional allocation of powers insures that only when both branches—executive and legislative—concur can such an exaction be maintained.

### B. THE CONSTITUTIONAL UNDERSTANDING

Congressional power to enact the Amendment to End the War must ultimately derive from the powers granted the legislative branch by the Constitution. The conflict over the constitutionality of the bill arises because the Constitution divides authority over military affairs between Congress and the President. Article II, section 2 denominates the President as "Commander in Chief of the Army and Navy." Article I, section 8, however, grants Congress the powers to "provide for the common Defence," To declare War," "To raise and support Armies," and "To make rules for the Government and Regulation of the land and naval Forces." The phrases on their face establish both a shared and divided power with exclusive Presidential control over troops in the field, and the larger areas of war policy decision-making falling within the domain of Congress.

The original constitutional undertaking did not occur in an historical vacuum, but against the backdrop of the 17th century English struggles between King and Parliament. These struggles were in large part over the power to conduct foreign relations, most especially the power to maintain and use a standing army. Detailed knowledge of this history was part of the common intellectual heritage of the framers.

At the beginning of the 17th century political men accepted almost without question the doctrine that the conduct of foreign affairs, and above all, the making of peace and war, were mysteries of state, the exclusive business of the crown. By the end of the century—a century of the Stuarts, the Commonwealth, the Restoration, and the Glorious Revolution—all this had changed. Parliament had assumed an important role in the policy-making process.

The device Parliament developed for asserting its control was the power to vote revenue.

Before 1624 Parliament had, in time of war, granted the King subsidies without restriction as to how they could be spent. In the Subsidy Act of 1624 [2] the Commons for the first time conditioned the grant. The money was to be spent only for defending England and Ireland, financing the Navy, and aiding the Dutch. Such restrictions were not yet ripe for success; the Lords protested.[3] But Parliament did wring from King James the promise to make no treaty without its "advice and consent." [4] Charles I, successor to James I, tried to wage war without Parliament's help. When nothing was voted for war in 1626 he sought to finance his policy through forced loans. But the impossibility of continuing the war without a parliamentary grant forced him to yield to the Petition of Right (1628), which declared illegal the collection of taxes without Parliamentary consent. The issue was again contested over Ship Money, a tax on towns in lieu of building ships for the navy. This attempt ultimately failed,[5] however, and in 1641 Parliament emphatically reasserted its right to a measure of control over the raising and deploying of armies by outlawing Ship Money.[6] Charles I was beheaded shortly thereafter.

The early years of the Restoration monarchy were notorious for Charles II's secret pacts with foreign powers. Parliament once again used the money power to invade this closed policy-making process.[7] In 1666 Parliament revived the technique of placing conditions on its grants of revenue by making a grant of £380,000 and specifying that if the treasurer of the Navy diverted the grant to anything but wages of seamen he should forfeit treble the value of the money.[8] By 1678 the technique of imposing restrictions on the grants of revenue was standard practice. In that year Charles II sought freedom to maintain or disband his army in Flanders as he saw fit. Parliament insisted on retaining general control over basic military policy.[9] It responded with the Supply Act of 1678 [10] which granted a sum of about £206,000 and specified that this sum must be applied to disbanding the Flanders forces and to no other purposes. The Act even specified the date of disbandment, a date less than three months from the date of the act. It was, indeed, Parliament's Amendment to End the War.

The Founding Fathers were well aware of this exercise of parliamentary power over military decisionmaking. They were also aware that Parliament's role in foreign affairs had deteriorated just prior to the American Resolution. Alexander Hamilton reported in Federalist No. 26 that Americans derived their ideas about the control of the military "from the nation from whom the inhabitants of these states have in general sprung." [11] Men like Hamilton, a strong advocate of executive power, and James Otis were determined that the American Congress would maintain the authority over warmaking that Parliament had once achieved but was then in danger of losing.[12]

The aims of the Constitutional Convention in making the President the Commander in Chief were two: First, the Convention desired to concentrate in a single civilian leader the tactical control of armies engaged in battle. But this was no plenary grant of power to maintain troops in a particular theater of war once Congress had decided to disengage.[13] As Hamilton interpreted the power, it "amounted to nothing more than the supreme command and direction of the military forces, as first General and Admiral of the Confederacy. . . ." [14] This clause places the civilian President at the top of the military command. It contains no grant of power to define the purposes for which the President may exercise his command over the troops.

Second, the framers sought to transfer to the President a check on an overly martial legislature so as to insure further against any precipitate commitment of our forces. They remembered all too well the very broad delegation of responsibility for warmaking conferred by the Articles of Confederation on Congress [15] Mason, arguing for the proposition that someone, either the President or a council of revision, should be given the power to veto legislative action, stated that "The purse and sword must not be in the same hands; if this is true, and the Legislature are able to raise revenues and make and direct a war, I shall agree to a restraining power of the Legislature either in the Executive or a council or revision." [16] The President's check, of course, was by no means intended to grant the executive any exclusive and unrestrainable power over the disposition of the army and navy.

The debates in the Constitutional Convention clearly indicate one thing: Congress was to be given ultimate control over the warmaking power with a variety of means at its command to enforce its views. At a minimum the framers would have viewed an appropriation restricted in use to disbanding an army and bringing it home as a proper exercise of Congressional power. Parliament had exercised this much power in 1678 and the conscious design of the Constitution was to give Congress more power over foreign affairs and warmaking than Parliament had possessed. The Constitution, read in light of the historical context and the framers' fear of a military establishment, thus establishes that the President could command the tactical operations of an army while engaged, but that Congress had the power through appropriations to provide an army, to disband it, or to disengage it from a particular theater of operations.

The reading is confirmed by the discussion of the relevant constitutional provisions in the Federalist papers. The colonists had seen how easy it was for a king, with a standing army at his disposal, to engage his subjects in foreign conflicts.[17] Thus many objected to this Constitution drafted at Philadelphia because it failed to prohibit a standing army.[18] Hamilton argued that such a prohibition was unnecessary because the Constitution gave the legislature the power to check the President in his capacity as Commander-in-Chief through the control over appropriations attendant on the power to raise and support armies. The requirement, unique in the Constitution, that "no Appropriation of Money to that Use Shall be for a Longer Term than Two Years" was designed to insure review by each new Congress of presidential exercise of command over the armed forces. In the Federalist No. 26, Hamilton said:

"The legislature of the United States will be *obliged*, by this provision [two-year appropriation], once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by a formal vote in the face of their constituents. They are not *at liberty* to vest in the executive department permanent funds for the support of an army. . . ." [19]

A definitive practical gloss on the intentions of the constitutional framers is provided by the early relationships between Presidents and Congresses in times of crisis. President Adams sought Congressional authority to repond to French attacks on American ships even though he did not seek to declare war. President Jefferson, too, felt compelled to call on Congress to make a judgment on our response to attacks on our vessels by Tripolitan ships. He indicated this in his first annual message to Congress, in recounting the capture of a Tripolitan cruiser:

"Unauthorised by the Constitution, without the sanction of Congress, to go beyond the line of defence, the vessel being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorising measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the Constitution to the Legislature exclusively their judgment may form itself in a knowledge and consideration of every circumstance of weight." [20]

Again, in deciding how to respond to the potential Spanish threat in Florida, Jefferson asked Congress to take certain steps, acknowledging that "the course to be pursued will require command of means which it belongs to Congress exclusively to yield or to deny."

Jefferson's successors—Madison, Monroe and even Jackson—all acknowledged executive deference to the legislature on questions of troop deployment and armed hostilities. Indeed, the nineteenth century in general is replete with acknowledgments of congressional preeminence. Lincoln, for example, when he was a member of Congress, stated:

"The provision of the Constitution giving the war making power to Congress, was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to go frame the Constitution that no one man should hold the power of bringing oppression upon us." [21]

Moreover, Congress was quick to protect its war powers whenever these were challenged. After President Polk dispatched an army to Mexico in "hot pursuit" of an invading Mexican force, but without Congressional approval, the House passed a resolution stating that the war had been "unnecessarily and unconstitutionally begun by the President . . ." [22]

The twentieth century, particularly during the crisis moments of the Cold War, saw increasing congressional acquiescence to broad presidential assertions of power. The high-water mark of this trend came when President Truman committed troops to Korea without prior or subsequent approval by Congress.[23] Thereafter Eisenhower in 1955 (Formosa) [24] and 1957 (Lebanon), [25] Kennedy in 1962 (Cuba) [26] and Johnson 1964 (Tonkin),[27] all sought approval of military action by congressional resolution. Some members of Congress have felt the legislative role in these cases was simply to rubber-stamp executive action. Senator Morse, for example, viewed the Tonkin Gulf Resolution as a carte blanche for presidential discertion.[28] But no one has argued that this sort of resolution exhausted congressional power.

Even when there is need for rapid response (*e.g.*, the Cuban missile crisis), an accommodation between the President and Congress can be reached. Congress' responsibility is to evaluate the costs and priorities of military abroad. Congress can exercise this most serious decisionmaking function *after* the initial executive commitment has been made as well as before. Indeed only then can Congress get possession of all the data relevant to the commitment involved and make a considered evaluation of it. To allow the President to persist in military action abroad because he deems it essential to the national security even after Congress, on the basis of a full evaluation of the threat and the costs of meeting it, has concluded otherwise, is to extend the President's "defensive" power beyond limitation. The decision to terminate a war is different from one to decare a war, it is nonetheless within congressional power. It gives the legislature a

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Footnotes at end of article.

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needed negative check against unbridled executive action.

In sum, the present legislation attempting to establish broad timetables of U.S. withdrawal is an appropriate way for Congress to enforce its policy regarding national priorities and the removal of U.S. military presence from Southeast Asia. It is a mandate of national will which the President as Commander in Chief must follow. Congressional action will not usurp the President's power: he may still decide what is tactically the safest and most effective way to withdraw consistent with spirit of the congressional mandate. Congress will have abdicated its own powers over the war policy, however, if it remains inactive once the question of troop commitment is formally raised.

### C. APPROPRIATIONS POWER

The means most readily available to Congress to assert congressional power is its authority over appropriations. This power provides a particularly apt negative check on the executive. Historically, there has never been any doubt that Congress has the power to limit executive action through control of the purse. The Constitution explicitly states that "no money shall be drawn from the treasury but in consequence of appropriation made by law," and both branches of Congress have on occasion used this power to exercise detailed control over the minutiae of executive action.

Richard H. Fenno, Jr., states: [29]

"To criticize Congress for intervening in a specific and detailed fashion is to attack it for doing the only thing it can do to effectively assert its influence. Specifics and details are the indispensable handles which Congressmen use to work inductively toward broader kinds of oversight judgments . . . Congressional control is or is not appropriate in the context of the realities of legislative and executive decisionmaking. The legislator ought not to be criticized for using those controls which are available to him and which his experience tells him bring the greatest influence over executive activity."

Supreme Court Justice Robert Jackson, formerly Attorney General to Franklin Roosevelt, reaffirmed plenary Congressional power over appropriations, with particular reference to control of the armed forces. He wrote: [30]

"Congress alone controls the raising of revenues and their appropriations and may determine in what manner and by what means they shall be spent for military and naval procurement . . . While Congress cannot deprive the President of the command of the army or navy, only Congress can give him an army or a navy to command."

The general power of Congress over appropriations is reinforced by the specific reference to the appropriations power in the Article I, section 8 grant of power to Congress to "raise and support Armies."

There are numerous precedents of carefully placed Congressional restrictions on military appropriations sanctioning the use of appropriation as a vehicle for achieving substantive policy. In 1909, President Theodore Roosevelt sought by executive order to restrict the use of the Marine Corps to onshore bases, apparently in an effort to raise the morale of the Navy. Congress disagreed and sought to force the retention of the Marine Corps on board battleships and cruisers. The House of Representatives' version of the Naval Appropriations Bill of 1909, H.R. 26394, 60th Cong., 2nd Sess. (1909), included the following proviso:

"*Provided,* That hereafter officers and enlisted men of the Marine Corps shall serve as heretofore on board all battleships . . . in detachments of not less than eight per centum of the strength of the enlisted men of the navy on said vessels."

The proviso was written as a directive, with no clear penalty for executive noncompliance.

The Senate Committee on Naval Affairs amended the above proviso so as to make the entire Marine Corps appropriation contingent upon fulfillment of the condition. Senate debate focused on the division between legislative and executive warmaking powers. Senators Lodge, Cummins, and Borah all opposed the particular conditional appropriation.[31] However, under questioning it became clear that the stand these critics took against Congress' power was a very limited one. Senator Bacon asked them whether Congress could order the President to remove troops from the District of Columbia after the President had placed them there. Senator Cummins and Senator Borah both acknowledged that Congress had the constitutional power to do so; [32] Senator Lodge also admitted that his objections were on policy grounds, not on whether Congress had the requisite power to so restrict the use of appropriations.[33]

Some Senators went considerably further in defining Congress' power. Senator Fulton said:

"[N]o doubt . . . Congress has the power to say that money should not be expended on payment of a particular corps of the army if it should be stationed in a particular place.

"And the simple fact that the President in advance had sent the army there would not preclude Congress from still exercising its constitutional function of ordering it removed from there." [34]

In an effort to draw the hazy line between Congressional and Presidential power, Senator Fulton continued:

"I concede that Congress cannot absolutely control and fetter the President, but that is simply when and while he acts as commander in the field and has charge of the movements of military forces and matters of that character that pertain distinctly and peculiarly to the duties of a Commander in Chief. In those matters he is supreme, but after all he is subordinate in all cases to such rules and regulations as Congress shall make. . . . [H]e is nothing more than any other commander in point of power, except that he is the supreme commander. . . . Is the proposed amendment anything more than a regulation? It is a regulation of the navy and provision as to in what manner the Marine Corps shall serve the Nation, where it shall be placed, how long it shall remain at sea, or whether it shall go at all or not." [35]

Following this debate, the amendment containing the conditional appropriation passed both houses of Congress and was part of the bill signed into law by President Roosevelt. If the matter had gone no further, we would have only Congress' side of the power struggle. However, the Secretary of the Navy took the proviso to the Attorney General, George Wickersham, for a ruling on its constitutionality. The Attorney General held the conditional appropriation constitutional, saying:[36]

"If, therefore, in the discharge of his powers and duties as Commander in Chief, the President desires to direct the Marine Corps to perform any function which shall involve the application of the appropriation made by the Act . . . he must direct [that the corps] shall serve as heretofore on board all battleships. . . .

"Inasmuch as Congress has power to create or not to create, as it shall deem expedient, a marine corps, it has power to create a marine corps, make appropriations for its pay, but provide that such appropriation shall not be available unless the marine corps be employed in some designated way, and I therefore am of the opinion that the provision of the statute to which you direct my attention is constitutional."

The parallel here to the Amendment to End the War is obvious. Congress would be exercising its control over expenditures to enforce its policy decisions as to where troops should and should not be without detailing their use by the Commander in Chief while there engaged. Congress would be exercising its historic and constitutional mission as a check on the executive's power to engage American forces in major conflict. It would in no way be interfering with the President's tactical control over the troops during the disengagement process.

A more recent example of Congressional efforts to use the appropriations power to control military policy is provided by the RS–70 manned bomber conflict. The House Armed Services Committee wanted to insure that the Secretary of Defense instituted development of a supersonic manned bomber instead of relying exclusively on guided missiles. The Committee unanimously asserted the power for Congress to use appropriations restrictions to require affirmative policy decisions by the executive.[37] Certainly the power to require affirmative executive action is even greater than the negative power implied in an appropriation which merely reverses prior Presidential action.[38]

A final, and most relevant, example of Congress' conditioning appropriations in order to affect military action is the Defense Appropriations Act of 1970.[39] The Act provides:

"In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

Thus Congress has already used its appropriations power with the acquiescence of President Nixon, who signed the bill without constitutional objection, to restrict presidential use of military appropriations in a way that expresses Congressional policy regarding the conduct of U.S. military involvement in Southeast Asia.

### D. CONCLUSION

Members of Congress face the solemn duty of deciding whether to allocate further national resources to the war in Southeast Asia. We do not argue here on the merits of that question—that is for Congress to decide. What we do argue is that Congress has the power—indeed, the duty—expressly to make that decision. The Constitution was drafted to allocate governmental power. Once allocated, that power remains, even though lying occasionally dormant, within the branches originally receiving it. The President received power as Commander in Chief to direct all American troops. His actions in employing those troops may or may not have been excessive in recent times; that question is irrelevant to this study. What is relevant is that Congress, too, received warmaking power, the power to determine when and where the United States will commit its armies and its resources to a major conflict.

The Constitution also allocated duties. The President has the duty of protecting American troops during an engagement. He must therefore be accorded by Congress a certain leeway in controlling tactical decisions affecting the safety of American soldiers. The President, however, also has the duty of making sure that the laws are faithfully executed. He must therefore accord to Congress the lawmaking power that is constitutionally theirs to exercise, and he must respect any congressional mandate on the allocation of American resources.

The applicability of these conclusions and of the research and analysis upon which they are based, to the various amendments now before Congress can be succinctly put as follows:

First, it is entirely appropriate under the Constitution for Congress to define the scope and objectives of commitment of military forces to combat abroad. It has acted accordingly in the past two decades. The 1969 National Commitments Resolution asserts the

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sense of the Senate that no such commitment shall be made without explicit congressional approval.[40]

Second, Congress may constitutionally effect its policy determination by appropriations acts that condition the appropriation upon a specific use of the money granted.

Third, Congress under the Constitution should accord the President enough leeway as Commander in Chief to safeguard the withdrawal of American forces—leeway which the Amendment to End the War carefully preserves. But it is for Congress to decide how restrictively to exercise the appropriations power.

Finally, it is incumbent upon each member of Congress to fulfill his constitutional role by exercising the congressional power to determine the military policy of the United States.

In the twentieth century strong Presidents have exercised their powers to the fullest, while Congresses all too often have quietly acquiesced. That such power has sometimes lain dormant does not mean that it has been abandoned, for in the constiutional scheme of things Congress cannot abandon it. The power must always rest in Congress to decide when the nation has had all the war that it can afford to endure.

If Congress does indeed wish to restore the historic balance between Congress as arbiter of American military policy and the President as Commander in Chief, it must now seek to implement its decisions by use of the key tool it was given for this purpose: the power to allocate money for national endeavors.

FOOTNOTES

[1] *See, e.g.*, Note, *Congress, the President, and the Power to Commit Forces to Combat,* 81 Harv. L. Rev. 1771 (1968).

[2] 21 Jac. I, c. 33 (1624).

[3] *See* J. P. Kenyon, "The Stuart Constitution" 58 (1966).

[4] *See* E. R. Turner, *Parliament and Foreign Affairs, 1603–1760,* 34 Eng. Hist. Rev. 172, 174 (1919).

[5] *See* F. C. Dietz, "English Public Finance 1558–1641," ch. 10 (2d ed., 1964).

[6] 17 Car. I, c. 14 (1641).

[7] *See* E. R. Turner, *Parliament and Foreign Affairs, 1603–1760,* 34 Eng. Hist. Rev. 172, 17–80 (1919).

[8] 18 & 19 Car. II, c. 13 (1666).

[9] *Cf.* W. Abbott, *The Long Parliament of Charles II,* 21 Eng. Hist. Rev. 254, 277 (1906).

[10] 30 Car. II, c. 1 (1678).

[11] "The Federalist No. 26," at 154 (H. Lodge ed. 1888).

[12] *See* B. Bailyn, "1 Pamphlets of the American Revolution" 41 *et. seq.* (1965).

[13] *See,* Note, *Congress, the President, and the Power to Commit Forces to Combat,* 81 Harv. L. Rev. 1771, 1775–77 (1968).

[14] The Federalist No. 69, at 430 (H. Lodge ed. 1888). For judicial endorsement of this view, see Fleming v. Page, 50 U.S. (9 How.) 603, 615 (1850) (Taney, C. J.).

[15] Art. 9 of the Articles of Confederation gave to "The United States in Congress assembled . . . the sole and exclusive right and power of determining on peace and war," as well as the power of "directing [military] operations."

[16] 1 M. Farrand, "The Records of the Federal Convention of 1787," at 144 (1937).

[17] *See* B. Bailyn, "1 Pamphlets of the American Revolution" 41 *et. seq.* (1965).

[18] *See* 2 M. Farrand, "The Records of the Federal Convention of 1787," at 326–30 (1937).

[19] "The Federalist No. 26," at 156 (H. Lodge ed. 1888).

[20] "Messages and Papers of the Presidents" 314 (J. Richardson ed. 1896).

[21] "The Collected Works of Abraham Lincoln" 451–52 (R. Basler et al. ed. 1953).

[22] 13 Cong. Globe 95, 30th Cong., 1st Sess. (1848).

[23] *See* D. Acheson, "Present at the Creation: My Years in the State Department," 414–15 (1969).

[24] *See* T. Bailey, "A Diplomatic History of the American People," 834–35 (6th ed. 1958).

[25] *See* T. Bailey, "A Diplomatic History of the American People," 844–45 (6th ed. 1958).

[26] Presidential Proclamation No. 3504, 27 Fed. Reg. 10,401 (1962).

[27] *See* Tonkin Gulf Resolution, 112 Cong. Reg. 1841 (1964).

[28] 110 Cong. Reg. 18,426–27 (1964).

[29] *Review,* 58 Amer. Pol. Sci. Rev. 674 (1964). A judicial statement on the relative authority of Congress in this area is contained in Spaulding v. Douglas Aircraft Co., 60 F. Supp. 985, 988 (S.D. Cal. 1945), *aff'd* 154 F.2d 419 (9th Cir. 1946). The court said:

"Congress in making appropriations has the power and the authority not only to designate the purpose of the appropriation, but also the terms and conditions under which the executive department of the government may expend such appropriations."

Former Attorney General Herbert Brownell wrote in 60 Dick. L. Rev. 1, 3 (1955):

"It is recognized that Congress may grant or withold appropriations as it chooses, and when making an appropriation may direct the purposes to which the appropriation shall be devoted. It may also impose conditions with respect to the use of the appropriation, provided that the conditions do not require operation of the Government in a way forbidden by the Constitution."

*See also* Saloma, *The Responsible Use of Power,* in "Congress and the Federal Budget" 131 (1965) ("Highly specific appropriations . . . [are] a traditional weapon of [congressional] control.").

[30] Youngstown Sheet and Tube Co. v. Sawyer, 343 U.S. 579, 643–44 (1952) (concurring opinion).

[31] *See* 43 Cong. Rec. 2445 (Lodge), 2446 (Cummins), 2447 (Borah) (1909).

[32] *See* 43 Cong. Rec. 2451 (Cummins), 2452 (Borah) (1909). Senator Bacon went on to assert that Congress "has power . . . to direct that an army shall be at a certain place or shall not," and Senator Cummins agreed. 43 Cong. Rec. 2452 (1909).

[33] *See* 43 Cong. Rec. 2447 (1909).

[34] 43 Cong. Rec. 2452 (1909).

[35] 43 Cong. Rec. 2451 (1909).

[36] 27 Op. Att'y Gen. 259 (1909).

[37] *See* H. Rep. No. 1406, 87th Cong., 2d Sess. (1962). ("the Secretary of the Air Force is directed to use authorization in an amount not less than $491,000,000 . . . to proceed with production, planning and long leadtime procurement for an RS–70 weapon system." *See also* 108 Cong. Rec. 4690 (1962) (remarks of Rep. Colmer).

The constitutional challenge to the executive's power was averted and a compromise solution reached when Secretary McNamara agreed to give the RS–70 additional consideration.

[38] For an article arguing that Congress has broad power to require affirmative defense expenditures, see Davis, *Congressional Power to Require Defense Expenditures,* 38 Ford. L. Rev. 39 (1964).

[39] Pub. L. No. 91–171, 83 Stat. 469 § 643. Cambodia appears to have been omitted from the Act because at the time there was no military action or U.S. advisors in that nation.

[40] S. Res. 85, 91st Cong., 1st Sess. (1969).

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## MISSION TO MISSISSIPPI

**Mr. MUSKIE.** Mr. President, on May 4, 1970, four students were shot to death at Kent State University. More were wounded. This tragedy began with a student demonstration. The National Guard was called in. Rocks and bricks were thrown at the security forces. The National Guard engaged the demonstrators. They shot into the crowd. They shot claiming self-defense. Slain were two young men and two young women.

Within 2 weeks, on May 15, 1970, two more young people were shot to death at Jackson State College in Mississippi under circumstances similar to the shootings at Kent State. But this time by police officers, not the National Guard. It was a police force called to quell a demonstration. No tear gas was used to disperse the demonstrators, and in response to what was thought to have been sniper fire, the police riddled the Jackson State dormitory with bullets.

In between these appalling killings of young people, was the tragedy in Augusta, Ga., where on May 11–12, six blacks were killed.

Within less than 2 weeks, 12 people have been killed. It is vital that the facts be uncovered fully and objectively in each instance. But that is the beginning, and it is not enough. Nor will it be enough to determine that better security tactics are needed to keep the peace in today's turbulent society. Our effort must be to understand why students feel alienated from society, why we must listen with greater sensitivity to the changes taking place in society.

Mr. President, I ask unanimous consent to have printed at this point in the Record an editorial on the Jackson State incident which appeared in the Washington Post of Monday, May 18, 1970.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Washington Post, May 18, 1970]

### JACKSON STATE

Almost nothing about Jackson State College would remind you, ordinarily, of Kent State University, the one being primarily black and in Mississippi, the other being largely white and Middle American. By race and history, as well as geography, they are miles, not to say worlds, apart and yet "today it is the similarities between them that are striking," according to a report in this newspaper yesterday by Haynes Johnson, who visited both campuses in the aftermath of tragedy. That's what is so particularly appalling about the killing of two Jackson State students, and the wounding of another nine, by police officers—that it could have happened in a way so strikingly similar to the shootings at Kent State, within two weeks.

The two tragedies began the same way, with student demonstrations. They evolved the same way, with the calling in of police and National Guard units, with an outbreak of violence, with the throwing of rocks and bricks at the security forces. And they ended the same way. At Jackson State the Guard was held back and the local and state police moved in; at Kent State, the Guard engaged the demonstrators. Otherwise it was horribly the same, in the essential details. The security forces were armed with live ammunition; they shot, not to warn or to disperse, but right into the crowd. They shot to kill. According to the authorities, they shot, in both cases, without order, spontaneously, claiming self-defense. You have only to look at the windows of the women's dormitory at Jackson State to see how it was done—in a great indiscriminate fusillade against the wall of the building.

So it was very much the same at Jackson State, except for one thing—we had just had Kent State. We had just had the example of sending tired, tense, ill-trained Guardsmen with loaded weapons up against a group of student demonstrators for whom they apparently had a resentment, if not a contempt. Not the least of the lessons, already learned on other campuses and in other cities, was that tear gas in ample quantities works better than guns; at Kent State the Guard ran out of tear gas.

At Jackson State this lesson was applied by not using tear gas at all. There was no first effort to disperse the demonstrators before they could become a menace to the security forces. At Jackson State, white policemen went for their guns against black students—theirs was a different kind of contempt.

We are being told, as we were told at Kent State, that snipers started the shooting, that the security force had to fire back to save themselves. And we are also being told by eyewitnesses, as at Kent State, that this isn't so. The inevitable investigation is underway and if it establishes that the police at Jackson State were under fire, then this would go some way toward explaining why they might have been under extreme pressure to fire back out of fear for their lives. But this would not explain the ruthless, aimless cannonading that pockmarked the wall of the women's dorm; there was a report of a sniper on the fourth floor but nobody has claimed there were snipers in very window. It would not explain why tear gas was not even tried. It would not explain why the crowd was not warned and ordered to disperse before the police went for their guns. And nothing can explain away the hardest fact of all about the Mississippi tragedy: it is not just that it was senseless and needless but that only two weeks before Jackson State there had been Kent State.

Mr. MUSKIE. The time has come, for this Nation once again to go on record and reaffirm the commitments we made to all Americans in the Declaration of Independence and in the Constitution of the United States. The sacredness of human life, the worth, dignity, and liberty of every human being are what this Nation is all about.

Yet, we have witnessed sudden and tragic death at Kent State in Ohio, at Augusta, Ga., and at Jackson State in Mississippi. We know all too well that violence, hate, and divisiveness must be brought to an end. If we are asked to remember our commitments abroad, we must never forget our commitments right here at home. Our basic commitment is to "one nation indivisible, with liberty and justice for all." It is not liberty and justice for some. It is not to a nation divided—black from white, young from old.

We must seek every chance for unity, every chance to enhance the value of human life. We must not allow ourselves to be divided by words or deeds of men in whatever position. It is never too late to start afresh, to move the country and its people together through compassion and mutual respect.

This morning, Mr. President, I received the following telegram from Mayor Charles Evers, of Fayette, Miss., in which he said:

> Would be honored if you and other national leaders could join us Friday in Jackson for funeral of slain students.

As a symbol of our concern, I have arranged for a charter aircraft to carry a group of citizens—black and white, young and old—from Washington to Jackson, Miss., for the funeral on Friday of one of the two young students who were killed there.

Abraham Lincoln said that "a house divided against itself cannot stand." To reunite our people, we must reaffirm our fundamental values, we must reaffirm them with a continuing commitment to make them real for all Americans. If we together exercise compassion and love, if we now determine that our responsibility is to heal, the tragedies of the past 2 weeks need never be repeated.

Mr. MURPHY. Mr. President, I am pleased that my distinguished colleague from Maine has made those remarks. This has been a terrible tragedy. I would recommend that if we ever needed proof of the ineffectiveness and destructiveness of this kind of approach, we certainly have it now.

There has to be a better way. There must be a better way. Those who would continue to use this particular method which ends in riots, bloodshed, and shootings should be dissuaded from their course.

Mr. President, I am sure that I have worn out the patience of my colleagues on all of these matters since way back, when this whole trouble began in Watts, my hometown. I watched the whole community damned unfairly. It is a bad neighborhood, but it is not a bad community. It is a good community with good, hard-working and honest people living there. But, there were some troublemakers on the streets that night. But, that was not my community of Watts. I have said that on this floor many times.

Mr. President, with reference to the unfortunate tragedy that took place at Kent State University, I notice that recently the chairman of the Democratic National Committee, Larry O'Brien, shocked me and I think possibly shocked the Nation with an exhibition that I thought was in appallingly bad taste to the degree that my friend, the Senator from Kansas (Mr. Dole), felt compelled to take him to task for it.

In one of the most sickening and demagogic utterances in this history of American politics, Mr. O'Brien attempted to play politics with the tragedy at Kent State University by trying to line that sad event with what he called the "Nixon-Agnew-Mitchell inflammatory rhetoric."

I sincerely hope that Mr. O'Brien did not mean that. I hope that some speechwriter in the enthusiasm of the moment put those words on paper and that he read it quickly without even having thought it through.

The Senator from Kansas suggested in his remarks that Mr. O'Brien apologize to the President and the Vice President and the Attorney General. I agree, of course, but I feel that it is just as important for Mr. O'Brien to apologize to the political party he obviously was trying by innuendo to embarrass, as well as to the responsible and sensitive good members of his own political party who I am sure were just as offended by his remarks as I was.

Parenthetically, I would like to observe that I feel I can speak for certain Democrats in this matter, too, not only because many voted for me in the State of California—I must have had well over 700,000 of their votes—but more importantly because the principles of good taste know no party lines.

I cannot help but think that although many members of my party disagreed at times with the late President John F. Kennedy over certain policies and decisions, almost all agreed—in fact, I know of no one who ever disagreed—that he at all times tried to observe the dictates of good taste and good manners. Therefore, it is particularly disturbing to me when a man like Mr. O'Brien, who was so closely associated with the late, greatly respected, and loved President Kennedy, defiles the example so well established.

I ask unanimous consent that at this point in the Record a copy of the news release relating to Senator Dole's action be made a part of the Record.

There being no objection, the news release was ordered to be printed in the Record, as follows:

### Senator Bob Dole's Action

Newcastle, N.H., May 11.—U.S. Senator Bob Dole (R-Kans.) today blasted National Democrat Chairman Larry O'Brien for his statement that "Nixon-Agnew-Mitchell inflammatory rhetoric" may have contributed to the deaths of four Kent State University students. He suggested that O'Brien publicly apologize, "or be prepared to accept responsibility for Vietnam and all its consequences."

Dole spoke before the New Hampshire Federation of Republican Women.

The Kansas Senator said, in part:

"The war in Vietnam is a tragic conflict. It has not been in the past and should never become a partisan matter, but regrettably many leading Democrats are intent on making it so. Frankly, I was shocked to read that the National Democrat Chairman, Lawrence J. O'Brien, stated in a meeting in Milwaukee, Wisconsin, Saturday evening, 'I can only speculate in sorrow whether these young people (at Kent) would have been killed were it not for the Nixon-Agnew-Mitchell inflammatory rhetoric . . .'

"I recognize that a chairman of a political party must speak out for his party, but it is incredible that a responsible spokesman for any party would utter such nonsense.

"I believe Mr. O'Brien should publicly apologize to President Nixon, Vice President Agnew and Attorney General Mitchell and to the parents of these young people at Kent State.

"Frankly, I am becoming a little tired of and frustrated at the protestations of O'Brien and other leading Democrats in and out of Congress, who daily seek to divide and frustrate not only America's youth, but all Americans.

"By employing such 'speculation' used by Chairman O'Brien, he should, on behalf of his party, announce that if President Kennedy had not moved combat troops into South Vietnam in 1963 and that if President Johnson had not escalated the war which sent some 540,000 young Americans to South Vietnam that some 42,000 Americans might be alive today and that nearly 300,000 would not have been wounded, prisoners, or missing in action.

"So, Mr. O'Brien, first let me caution you to not make tragedy in America or in Vietnam a partisan political issue—but if you insist and persist, you shall not have it both ways. Admit your indiscretion, apologize to President Nixon, Vice President Agnew and Attorney General Mitchell—or be prepared to accept responsibility for Vietnam and all its consequences.

"While I share the view that we must lower our voices, this does not mean standing idly

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by while Democrat peddlers of doom and gloom trample at will on our President or his Administration or the rights, feelings and hopes of a great majority of Americans."

## IMPROVEMENT OF JUDICIAL MACHINERY IN CUSTOMS COURTS

Mr. BYRD of West Virginia. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 2624.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 2624) to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes which were on page 1, line 6, strike out "1969" and insert "1970".

On page 2, line 3, strike out "to" and insert "of".

On page 6, line 24, strike out "cause of" and insert "civil".

On page 7, line 2, strike out "cause of" and insert "civil".

On page 7, line 8, strike out "cause of" and insert "civil".

On page 7, line 24, strike out "permit" and insert "do not prohibit".

On page 15, line 24, strike out "up on" and insert "upon".

On page 16, line 4, strike out "2542" and insert "2642".

On page 16, line 11, strike out "July" and insert "October".

On page 17, line 4, strike out all after "Customs" down through and including "such" in line 6, and insert "before the effective date of enactment of this Act, which is disallowed before that date, and as to which trial has not commenced by such".

On page 18, line 16, strike out "1969" and insert "1970".

On page 19, line 11, strike out "July" and insert "October".

On page 19, line 14, strike out "July" and insert "October".

On page 19, line 16, strike out "July" and insert "October".

On page 19, line 18, strike out "July" and insert "October".

On page 21, line 22, strike out "DUITABLE" and insert "DUTIABLE".

On page 23, strike out lines 22 and 23, and insert:

"(b) PROTESTS.—

"(1) IN GENERAL.—A protest of a decision under".

On page 24, line 7, strike out "separate protests" and insert "a separate protest".

On page 24, line 8, strike out all after "category." down through and including "Act." in line 14, and insert "In addition, separate protests filed by different authorized persons with respect to any one category of merchandise that is the subject of a protest are deemed to be part of a single protest. A protest may be amended, under regulations prescribed by the Secretary, to set forth objections as to a decision or decisions described in subsection (a) which were not the subject of the original protest, in the form and manner prescribed for a protest, any time prior to the expiration of the time in which such protest could have been filed under this section. New grounds in support of objections raised by a valid protest or amendment thereto may be presented for consideration in connection with the review of such protest pursuant to section 515 of this Act at any time prior to the disposition of the protest in accordance with that section."

On page 26 line, 2, strike out "the" where it appears the second time, and insert "this".

On page 44, line 13, strike out "the collector" and insert "collector".

On page 46, line 1, strike out all after "or" " down through and including "an"." in line 3, and insert "and by striking the words "the collector or other" and the words "a collector or other" and inserting in lieu thereof in each instance the word "an".

Mr. BYRD of West Virginia. Mr. President, the House of Representatives has passed with amendments, S. 2624, a bill to modernize the judicial procedures in the Customs Court and the related administrative processes in the Bureau of Customs. This bill was originally passed by the Senate on December 9, 1969. The amendments adopted by the other House are all of a corrective nature. They either amend typographical or clerical errors, change the effective date from July 1, 1970, to October 1, 1970—because of the delay in acting on the bill—or remove ambiguities in language. None of these changes materially affect the content of the bill. Because the amendments are purely clerical, and not substantive, there is no need for a conference between the two Houses. Accordingly, I move that the Senate adopt S. 2624, as amended and passed by the House.

The amendments are as follows:

1. On page 1, line 6, and on page 18, line 16, strike out "1969" and insert in lieu thereof "1970".

2. On page 2, line 3, strike out "to" and insert in lieu thereof "of".

3. On page 5, line 4, strike out the semicolon and insert in lieu thereof a period.

4. On page 6, line 24, and on page 7, lines 2 and 8, strike out "cause of" and insert in lieu thereof "civil".

5. On page 7, line 24, strike out "permit" and insert in lieu thereof "do not prohibit".

6. On page 15, line 24, strike out "up on" and insert in lieu thereof "upon".

7. On page 16, line 4, strike out "2542" and insert in lieu thereof "2642".

8. On page 16, line 11, strike out "July" and insert in lieu thereof "October".

9. On page 17, strike out lines 5 and 6 and insert in lieu thereof: "before the effective date of enactment of this Act, which is disallowed before that date, and as to which trial has not commenced by such."

10. On page 19, lines 11, 14, 16, and 18, strike out "July" and insert in lieu thereof "October".

11. On page 21, line 22, strike out "Duitable" and insert in lieu thereof "Dutiable".

12. On page 23, strike out lines 22 and 23 and insert in lieu thereof:

"(b) PROTESTS.

"(1) IN GENERAL.—A protest of a decision under".

13. On page 24, line 7, strike out "separate protests" and insert in lieu thereof "a separate protest".

14. On page 24, delete the sentence beginning on line 8 and the sentence ending on line 14 and insert in lieu thereof:

"In addition, separate protests filed by different authorized persons with respect to any one category of merchandise that is the subject of a protest are deemed to be part of a single protest. A protest may be amended, under regulations prescribed by the Secretary, to set forth objections as to a decision or decisions described in subsection (a) which were not the subject of the original protest, in the form and manner prescribed for a protest, any time prior to the expiration of the time in which such protest could have been filed under this section. New grounds in support of objections raised by a valid protest or amendment thereto may be presented for consideration in connection with the review of such protest pursuant to section 515 of this Act at any time prior to disposition of the protest in accordance with that section."

15. On page 26, line 2, delete "the subsec-" and insert in lieu thereof "this subsec-".

16. On page 44, line 13, strike out "the collector" and insert in lieu thereof "collector".

17. On page 46, strike out lines 2 and ? and insert in lieu thereof the following: and by striking the words "the collector or other" and the words "a collector or other" and inserting in lieu thereof in each instance the word "an".

An explanation of these amendments is as follows:

Amendment No. 1 conforms the short titles of the legislation to the year of enactment.

Amendments Nos. 2, 3, 4, 6, 7, 11, and 12 correct typographical errors.

Amendments Nos. 13, 15, 16, and 17 correct clerical errors.

Amendments Nos. 8 and 10 change the effective date of the legislation from July 1, 1970, to October 1, 1970, in order to allow sufficient time after the passage of the bill for the adoption of necessary implementing rules and administrative procedures.

Amendment No. 5 clarifies section 109, pertaining to evidentiary hearings in foreign countries, by making such hearings possible in foreign countries whose laws do not prohibit such a hearing, rather than requiring positive law permitting such a hearing.

Amendment No. 9 eliminates an ambiguity and makes clear that if a protest is not disallowed administratively until after the effective date, the new procedures for initiating a civil action in Customs Court under title I will be applicable. This corresponds to the provision in section 203 making applicable the new administrative procedures in title II to protests that have not been disallowed administratively before the effective date. The combined result of the effective dates provided by titles I and II is that protests which have not yet left the Bureau of Customs jurisdiction on the effetcive date will become subject to the new law both administratively and judicially. If the protest has already passed into the court's jurisdiction on that date, the importer will not be required to file a summons under the new court procedure. The committee has been advised by the Bureau of Customs that it will take final action prior to October 1, 1970 on all protests filed on or before September 15, 1970.

Amendment No. 14 clarifies the meaning of section 207 of S. 2624 as passed by the Senate by incorporating directly within the statutory language the interpretation set forth in the report of the Senate Committee on the Judiciary (S. Rept. 91–576, 91st Cong., 1st sess., at p. 27).

Mr. BYRD of West Virginia. Mr. President, it is my understanding that this matter has been cleared with the minority, that there is no objection to our proceeding with the consideration thereof. I also understand that the amendments which have been made by the House are technical amendments. I am about to move that the Senate concur in the House amendments.

The PRESIDING OFFICER. Does the Senator so move?

Mr. BYRD of West Virginia. Mr. President, at the request of the chairman of the Senate Committee on the

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Judiciary (Mr. EASTLAND) and the able Senator from Maryland (Mr. TYDINGS), I so move.

The amendments of the House of Representatives were concurred in.

### ORDER OF BUSINESS

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the previous order provides for the Senate to convene in the morning at 11 o'clock and that, upon disposition of the reading of the Journal, the able Senator from Ohio (Mr. YOUNG) will be recognized for a period of not to exceed 30 minutes.

### ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the statement of the Senator from Ohio (Mr. YOUNG) there be a period for the transaction of routine morning business, with a limitation of 3 minutes on speeches made during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the conclusion of routine morning business on tomorrow, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 34 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, May 20, 1970, at 11 a.m.

### CONFIRMATIONS

Executive nominations confirmed by the Senate on May 19, 1970:

NATIONAL SCIENCE BOARD

The following-named persons to be members of the National Science Board, National Science Foundation, for the terms indicated:

For the remainder of the term expiring May 10, 1972:

Horton Guyford Stever, of Pennsylvania.

For a term expiring May 10, 1976:

Herbert E. Carter, of Illinois.
Robert Alan Charpie, of Massachusetts.
Lloyd Miller Cooke, of Illinois.
Robert Henry Dicke, of New Jersey.
David Murray Gates, of Missouri.
Roger W. Heyns, of California.
Frank Press, of Massachusetts.
Frederick P. Thieme, of Colorado.

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## HOUSE OF REPRESENTATIVES—*Tuesday, May 19, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*The peace of God, which passes all understanding, will keep your hearts and your minds.*—Philippians 4: 7.

O God and Father of us all, Thou hast made us to live in faith with Thee and in love with one another, yet our world is worried by war, our Nation divided, and our own lives troubled. We confess our faults, our lack of faith, and our failure to love. Forgive us, we pray, and help us from this day forward to be more responsive to Thee and more ready to react affirmatively to the needs of our fellow men.

Bless our Nation, our President, our National and State leaders. Particularly do we pray for the Members of this House of Representatives, our Speaker, and all who work with them. May they take time to listen to Thee and, in so doing, be given insight to see clearly the way to take, courage to walk in that way, and patience to persist in pursuing peace at home and abroad. May they be channels through which justice and freedom and good will can come to greater life in our Nation and in our world.

In the spirit of Christ we pray. Amen.

### THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On May 13, 1970:

H.R. 15945. An act to authorize appropriations for certain maritime programs of the Department of Commerce.

On May 14, 1970:

H.R. 515. An act to amend the National School Lunch Act and the Child Nutrition Act of 1966 to clarify responsibilities related to providing free and reduced-price meals and preventing discrimination against children, to revise program matching requirements, to strengthen the nutrition training and education benefits of the programs, and otherwise to strengthen the food service programs for children in schools and service institutions.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3479. An act to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

### RESIGNATION OF AND APPOINTMENT OF CONFEREE ON H.R. 16516, NASA AUTHORIZATION BILL

The SPEAKER laid before the House the following letter of resignation of a conferee:

MAY 19, 1970.

Hon. JOHN MCCORMACK,
*Speaker, House of Representatives,*
*Washington, D.C.*

DEAR MR. SPEAKER: Due to the fact that I shall be absent on official business within my district, it will be impossible for me to serve as a Conferee on the NASA Authorization Bill, H.R. 16516.

I, therefore, tender my resignation as one of the Conferees.

With warm regards, I remain,

Sincerely,

RICHARD L. ROUDEBUSH.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The Chair appoints to the committee of conference the gentleman from California (Mr. BELL).

The Clerk will notify the Senate of the appointment by the Speaker.

### THE FUTURE OF OUR PRISONERS OF WAR

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, we are all acutely aware of the great divisions which today rend our Nation. But I would hope that there is one issue upon which there is no division and upon which we could gain wholehearted support from all Members of this body as well as the general public—and that is the matter of the future of the American prisoners now held in camps of the North Vietnamese and the Vietcong.

Recently, our President announced the proposed withdrawal of an additional 150,000 American troops from Vietnam. We are all encouraged that our strength is such that he can propose such a withdrawal.

But, if we are going to put any pressure on the leaders of Hanoi, we should advise them that it is the intention of the American people that American prisoners will not be abandoned.

I am introducing today a resolution which would make necessary some agreement from the North Vietnamese for the exchange of prisoners before we withdraw any further American troops. I would suggest that if we do not make the withdrawal of troops contingent upon the release of our prisoners, we will find ourselves abandoning many fine young Americans who followed in the finest tradition of the American military in a time of combat.

Mr. Speaker, I urge my fellow Congressmen to join me in cosponsorship of this resolution.

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## PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

## FRANZ CHARLES FELDMEIER

The Clerk called the bill (S. 614) for the relief of Franz Charles Feldmeier.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## MICHEL M. GOUTMANN

The Clerk called the bill (S. 1934) for the relief of Michel M. Goutmann.

There being no objection, the Clerk read the bill as follows:

S. 1934

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, for the purposes of the Immigration and Nationality Act, Michel M. Goutmann shall be held and considered to have been lawfully admitted to the United States for permanent residence as of September 7, 1956.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## JOSE LUIS CALLEJA-PEREZ

The Clerk called the bill (H.R. 1747) for the relief of Jose Luis Calleja-Perez.

Mr. GROSS. Mr. Speaker, I ask unanimouse consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## GLORIA JARA HAASE

The Clerk called the bill (H.R. 12959) for the relief of Gloria Jara Haase.

There being no objection, the Clerk read the bill as follows:

H.R. 12959

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in the administration of the Immigration and Nationality Act, Gloria Jara Haase may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Sergeant and Mrs. Russell Haase, citizens of the United States, pursuant to section 204 of the Act.

With the following committee amendment:

On page 1, line 8, strike out the word "Act." and insert in lieu thereof the following: "Act: *Provided,* That the natural parents, brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DR. ANTHONY S. MASTRIAN

The Clerk called the bill (H.R. 15760) for the relief of Dr. Anthony S. Mastrian.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## MRS. MARGARET M. McNELLIS

The Clerk called the bill (H.R. 8573) for the relief of Mrs. Margaret M. McNellis.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## ATKINSON, HASERICK & CO., INC.

The Clerk called the bill (H.R. 10534) for the relief of Atkinson, Haserick & Co., Inc.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## WILLIAM HEIDMAN, JR.

The Clerk called the bill (H.R. 12128) for the relief of William Heidman, Jr.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## MRS. FRANCINE M. WELCH

The Clerk called the bill (H.R. 12173) for the relief of Mrs. Francine M. Welch.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## LT. ROBERT J. SCANLON

The Clerk called the bill (H.R. 12621) for the relief of Lt. Robert J. Scanlon.

There being no objection, the Clerk read the bill as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Navy is authorized and directed to pay, out of current appropriations available for the payment of severance pay, to Lieutenant Robert J. Scanlon, Supply Corps, United States Navy, at the time of his discharge from the Navy, in addition to any amounts payable to him under other provisions of law, an amount equal to the difference between (1) the amount of severance pay to which he would have been entitled, if the computation of such severance pay was based upon his total commissioned service in the United States Navy and (2) the amount of severance pay to which he is entitled under title 10, United States Code.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CERTAIN RETIRED OFFICERS OF THE ARMY, NAVY, AND AIR FORCE

The Clerk called the bill (H.R. 13676) for the relief of certain retired officers of the Army, Navy, and Air Force.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

## CLAUDE G. HANSEN

The Clerk called the bill (H.R. 13807) for the relief of Claude G. Hansen.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## LT. COL. ROBERT L. POEHLEIN

The Clerk called the bill (H.R. 13810) for the relief of Lt. Col. Robert L. Poehlein.

Mr. HALL. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## S. SGT. LAWRENCE F. PAYNE, U.S. ARMY (RETIRED)

The Clerk called the bill (H.R. 14619) for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired).

There being no objection, the Clerk read the bill as follows:

H.R. 14619

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Staff Sergeant Lawrence F. Payne, United States Army (retired), of Hagerstown, Maryland, is relieved of all liability for repayment to the United States of the sum of $2,033.26, representing the amount of overpayment of retired pay he received from November 1, 1958, through February 28, 1969, as the result of

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an error in the computation of the retired pay to which the said Staff Sergeant Lawrence F. Payne was entitled. In the audit and settlement of the accounting of any certifying or disbursing officer of the United States, full credit shall be given for the amount for which liability is relieved by this Act.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Staff Sergeant Lawrence F. Payne, the sum of any amount received or withheld from him on account of the overpayment referred to in the first section of this Act.

(b) No part of any amount appropriated under this section shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Violation of this section is a misdemeanor punishable by a fine not to exceed $1,000.

With the following committee amendment:

Page 1, line 6, strike "$2,033.26" and insert "$2,032.65".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## COLIE LANCE JOHNSON, JR.

The Clerk called the bill (H.R. 16997) for the relief of Colie Lance Johnson, Jr.

There being no objection, the Clerk read the bill as follows:

H.R. 16997

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Colie Lance Johnson, Junior, the amounts certified by the Administrator of Veterans' Affairs to be the amounts that the said Colie Lance Johnson, Junior, would have been paid as the dependent son of the late Colie Lance Johnson, Senior (Veterans' Administration claim number XC-3-601-401), under the laws administered by the Veterans' Administration, had timely applications or claims been filed in the son's behalf at the earliest possible date following his father's death in action in the Southwest Pacific on May 19, 1944. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

### AMENDMENT OFFERED BY MR. DONOHUE

Mr. DONOHUE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DONOHUE: Page 1, line 10: Strike "XC-3-601-401" and insert "XC-3-610-401".

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## TO REIMBURSE CERTAIN PERSONS FOR AMOUNTS CONTRIBUTED TO THE DEPARTMENT OF THE INTERIOR

The Clerk called the bill (S. 19) to reimburse certain persons for amounts contributed to the Department of the Interior.

There being no objection, the Clerk read the bill as follows:

S. 19

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Carlsbad Chamber of Commerce, Carlsbad, New Mexico, the sum of $3,300 as reimbursement for amounts contributed on or after December 15, 1968, to the Department of the Interior for the purpose of employing personnel necessary to keep Carlsbad Caverns National Park, New Mexico, open to the public every day of the week for the period of December 24, 1968, through May 1, 1969.

(b) The Carlsbad Chamber of Commerce, Carlsbad, New Mexico, shall identify any person who contributed for this purpose, determine the amount so contributed, and reimburse said individual in such amount so far as possible from funds authorized by this Act.

(c) The Carlsbad Chamber of Commerce, Carlsbad, New Mexico, shall furnish to the Department of the Interior a report showing the disbursements of the appropriation herein provided for within six months after the enactment of this Act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## JAMES HARRY MARTIN

The Clerk called the bill (S. 1786) for the relief of James Harry Martin.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

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## MRS. ELEANOR D. MORGAN

The Clerk called the bill (H.R. 9497) for the relief of Mrs. Eleanor D. Morgan.

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

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## JOHN R. GOSNELL

The Clerk called the bill (H.R. 13469) for the relief of John R. Gosnell.

Mr. GROSS. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

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## EUGENE M. SIMS, SR.

The Clerk called the bill (H.R. 14449) for the relief of Eugene M. Sims, Sr.

There being no objection, the Clerk read the bill as follows:

H.R. 14449

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the claim of Eugene M. Sims, Senior, based upon the loss of personal property while on active duty in the United States Army in Korea in 1950 is to be held and considered as a claim cognizable under section 241 of title 31 of the United States Code; and the Secretary of the Army is hereby authorized and directed to consider, settle, and if found meritorious, pay a claim based upon the said loss, if filed by the said Eugene M. Sims, Senior, within one year of the date of approval of this Act: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## RELIEF OF JAMES M. BUSTER

The Clerk called the bill (H.R. 4983) for the relief of James M. Buster.

There being no objection, the Clerk read the bill as follows:

H.R. 4983

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That James M. Buster, of Arlington, Virginia, is relieved of liability to the United States in the amount of $422.07, representing overpayments (made due to administrative error) of compensation paid to Mr. Buster during 1967 in connection with his employment at the United States Government Printing Office in Washington, District of Columbia. In the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. (a) The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James M. Buster, of Arlington, Virginia, an amount equal to the aggregate of the amounts paid to him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act.

(b) No part of the amount appropriated in subsection (a) of this section in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 4, strike "$422.07" and insert "$396.51".

Page 2, strike all of lines 3 through 18.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. This concludes the call of the Private Calendar.

## THIRD ANNUAL REPORT OF THE NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-339)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and together with the accompanying papers, referred to the Committee on Education and Labor and ordered to be printed:

*To the Congress of the United States:*

Pursuant to Public Law 89-794 I have the honor to transmit herewith the third annual report of the National Advisory Council on Economic Opportunity.

Richard Nixon.

The White House, *May 19, 1970.*

## SUSPENSION OF DUTIES ON MANGANESE ORE

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14720) to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore—including ferruginous ore—and related products, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—and I shall not object—I do so only so the chairman of the committee might give a brief explanation of the bill.

Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, the purpose of the pending bill, which was introduced by our colleague on the Committee on Ways and Means, the Honorable Herman T. Schneebeli, is to continue for a 3-year period, through June 30, 1973, the existing suspension of duty on manganese ore—including ferruginous ore—and related products.

The principal use of manganese ore is for metallurgical purposes in the production of steel. Much smaller amounts are consumed in the production of dry-cell batteries and in the manufacture of manganese chemicals. Consumers of manganese ore in the United States are principally producers of manganese ferroalloys, primarily ferromanganese, and to a lesser extent silicomanganese.

In recent years, domestic ore has accounted for less than 1 percent of the manganese ore consumed in the United States. Thus the preponderant share of domestic consumption of manganese ore is supplied by imports principally from Brazil, Gabon, Congo, Ghana, India, and the Union of South Africa. The duty on imports of manganese ores has been suspended since June 30, 1964, by virtue of successive enactments of temporary suspensions, and in the absence of legislation the suspension will expire on June 30, 1970. The existing suspended trade agreement rate of duty of 0.17 cents per pound under item 601.27 of the Tariff Schedule of the United States is subject to further reduction of 0.12 cents per pound on January 1, 1972, as a result of the Kennedy round.

The pending bill does not apply to ore importations from Communist or Communist-controlled or dominated countries specified in general headnote 3(d) of the Tariff Schedules of the United States. Ore from such countries would still be subject to the full rate of 1 cent per pound on manganese content as provided in item 601.27 of the TSUS.

The Committee on Ways and Means is convinced that the continued suspension of duty on manganese ore provided in H.R. 14720 is fully justified and warranted. In addition to the fact that there is little production of manganese ore in the United States, in many respects the characteristics of the ore that is mined domestically render it noncompetitive with imported ore. The Committee also believes that enactment of the bill is desirable from the standpoint of domestic producers of ferromanganese and other manganese alloys. Continued suspension of the duty on the basic raw materials will aid in reducing costs to these processors and in enhancing the competitive position of domestically produced alloys in the market.

Favorable reports on the bill were received from the interested Federal departments and agencies, as well as an informative report from the U.S. Tariff Commission, and no information was received by the Committee on Ways and Means which would indicate any opposition to the legislation. The committee is unanimous in recommending enactment of this legislation.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 14720, a bill to continue for 3 years—through June 30, 1973—the existing suspension of duties on certain manganese ores.

Although the major domestic use of manganese ore is in steelmaking, another important use is in the production of dry-cell batteries. The present suspension of duties is based upon the fact that very little manganese ore is produced domestically. The suspension does not harm U.S. manufacturers, but it does put processors in the home market in a better competitive position with those in other countries.

The committee has been informed by interested and appropriate agencies of the Government that the manganese situation has not changed, and that continued suspension of duties remains necessary. In this light, the measure was reported unanimously by the committee.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill as follows:

### H.R. 14720

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That (a) item 911.07 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "6/30/70" and inserting in lieu thereof "6/30/73".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouses, for consumption, after June 30, 1970.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SUSPENSION OF DUTIES ON CERTAIN FORMS OF COPPER

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 17241) to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—I do not intend to object, but I reserve the right in order to yield to the gentleman from Arkansas—I ask the gentleman from Arkansas for a brief explanation of the bill.

Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 17241, which was introduced by our colleague on the Committee on Ways and Means, the Honorable Martha W. Griffiths, is to continue through June 30, 1972, the existing suspension of duty on imports of unwrought copper—except nickel silver—copper waste and scrap, and copper articles imported to be used in remanufacture by smelting. In the absence of legislation, the existing suspension would expire on June 30, 1970. The bill would also extend for the same period the existing suspension of duties applicable to the copper content of certain copper-bearing ores and materials. The duties that would remain suspended would, in each case, amount to 1.1 cents per pound of pure copper which may be commerially obtained from the imported articles, except that in the case of nickel silver waste and scrap, the current rate is 1.1 cents per pound of the commercially recoverable copper content plus 7 percent ad valorem.

Copper is a metal that is of vital importance to the Nation's defense and nondefense needs. It is used in the electrical industry in the manufacture of generators, motors, locomotives, telephone and telegraph equipment, light and power transmission lines, and numerous other items. It is consumed by the copper-base alloy industry in the manufacture of products used in building construction, principally plumbing and roofing materials, and in the manufacture of automobiles and trucks, in shipbuilding, in the production of ammunition, and for a wide variety of other purposes.

The existing suspension of duty and

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previous suspensions of duty on copper were enacted to relieve the tight copper situation. During 1967 and 1968 imports of copper were temporarily increased as a result of an extended strike in the copper industry. Imports subsequently declined, but the short supply situation continues to exist. Although direct defense requirements—215,000 tons for the year—have been falling since the first quarter of 1969 and are estimated to be lower for 1970 by approximately 10,000 tons, copper is expected to continue in tight supply in the United States and worldwide for some time to come. The United States must import, in normal market conditions, about 10 percent of its copper supply, but imported as much as 27 percent in 1967, as a result of the domestic copper industry strike. The economic conditions which led to the current suspension of duty are expected to continue.

The suspensions of duty provided under the pending bill would be inapplicable during any period in which the price of electrolytic copper in standard shapes and sizes, delivered Connecticut Valley, is below 36 cents per pound as determined pursuant to headnote 5, subpart 2C, schedule 6, of the Tariff Schedules of the United States.

No indication of opposition to the extension of this duty suspension was received by the Committee on Ways and Means, and the executive departments favored its enactment. The committee is unanimous in recommending enactment of this legislation.

Mr. BYRNES of Wisconsin. Mr. Speaker, I support H.R. 17241, a bill to continue through June 30, 1972, the suspension of duties on certain forms of copper.

The items affected by this measure are unwrought copper, except for nickel silver; copper waste and scrap; copper articles to be used in remanufacture by smelting, and the copper content of certain copper-bearing ores and materials.

As we all know, copper remains of great importance to our national defense. The existing suspension and previous suspensions of duty were enacted to relieve a tight copper situation which has not yet eased. Copper is expected to continue in short supply, as a matter of fact, for an undetermined period in the future.

Because of this shortage, and because there has been no stated opposition to the bill, the committee was unanimous in reporting it favorably.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 17241

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That items 911.10 (relating to copper waste and scrap), 911.11 (relating to articles of copper), 911.13 (relating to copper brearing ores and materials, 911.14 (relating to cement copper and copper precipitates), 911.15 (relating to black copper, blister copper, and anode copper), and 911.16 (relating to other unwrought copper) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/70" and inserting in lieu thereof "6/30/72".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1970.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## SUSPENSION OF DUTY ON CERTAIN ELECTRODES

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16940) to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I do so only to yield to the gentleman from Arkansas for an explanation of the bill. I yield to the gentleman.

Mr. MILLS. Mr. Speaker, the purpose of H.R. 16940, which was introduced by our colleague on the Committee on Ways and Means, the Honorable RICHARD FULTON of Tennessee, is to continue until the close of December 31, 1972, the suspension of duties on electrodes imported for use in producing aluminum.

Under the permanent provisions of the Tariff Schedules of the United States, electrodes of the kind covered by the bill are currently dutiable under item 517.61 at 8½ percent ad valorem, the third stage of a five-stage reduction from 12½ to 6 percent ad valorem agreed to in the Kennedy round. However, the duty on electrodes imported for use in producing aluminum has been suspended since October 7, 1965, by virtue of successive enactments of temporary duty suspensions, and in the absence of further legislation the suspension would expire on December 31, 1970.

The Committee on Ways and Means is advised that the electrodes of the type covered by the bill usually are manufactured by aluminum companies themselves at the site where they are to be used in the electrolysis of alumina into aluminum. These electrodes generally of carbon or graphite are consumed in great quantities in the electrolysis process. A number of small aluminum plants have been importing electrodes due to an insufficient volume of aluminum production to permit efficient manufacture of electrodes at their plants, and due to the difficulty of purchasing such electrodes commercially from domestic producers.

The Committee on Ways and Means received no information which would indicate opposition to the legislation, and the executive departments had no objection to its enactment. The Committee on Ways and Means believes that an extension of the suspension of duty on electrodes imported for use in producing aluminum for a 2-year period, as provided in the pending bill, is warranted, and unanimously recommends its enactment.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 16940, a bill to continue until December 31, 1972, the temporary suspension of duty on electrodes for use in producing aluminum.

Electrodes of the type covered by this bill are manufactured for the most part by aluminum companies on the same site at which aluminum itself is produced. The committee has been informed that consumption of these electrodes is heavy.

The committee also has been told that a number of small aluminum plants have been importing these items because electrode manufacturing cannot be justified by their relatively light production of primary aluminum, and because of difficulty in purchasing the commodity domestically.

The committee was not informed of any opposition to this measure, and was unanimous in reporting it favorably.

Mr. Speaker, I withdraw my reservation.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16940

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the matter appearing in the effective period column for item 909.25 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "12/31/70" and inserting in lieu thereof "12/31/72".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## WORKING CAPITAL FUND, DEPARTMENT OF THE TREASURY

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 16199), to establish a working capital fund for the Department of the Treasury, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object—and I do not intend to object—I believe we should have a brief explanation of the bill I yield to the gentleman from Arkansas for that purpose.

Mr. MILLS. I am grateful to my friend from Wisconsin for yielding.

Mr. Speaker, the purpose of the pending bill is to establish a working capital fund to provide an improved method of financing, managing, and accounting for certain administrative service operations provided by the Department of the Treasury to its bureaus and offices.

At the present time the Department of the Treasury is performing through its "Salaries and expenses" appropriation for the Office of the Secretary, on a reimbursable basis, various centralized services which benefit a number of Treasury bureaus financed by separate appropriations. The working capital fund established by this bill would consolidate these operations, place them on a more systematic and businesslike basis, and assist the Department in presenting a more accurate cost-based budget. This method of managing, financing, and accounting could be used whenever a consodidated services operation exists or is needed in that Department.

The working capital fund method of financing for centralized services is used by a number of other agencies of the Government, including the Departments of Agriculture, Commerce, Health, Education, and Welfare, Interior, Labor, and State, and the Committee on Ways and Means was advised that the experience of these Departments with the working capital fund method of financing has demonstrated the value of this method of managing and financing for certain services.

The working capital fund would be a revolving fund of working capital employed to finance administrative service operations servicing more than one appropriation or activity. The fund would finance the central buying of materials, supplies, labor, and other services; the holding and issuing of materials and supplies; and the processing of materials into other forms for use. The supplies, materials, and services would be sold on order to customer activities on the basis of actual cost and the fund reimbursed. The working capital fund would provide a means for accumulating reserves to cover the cost of repairing and replacing equipment and the stocking of supplies under the most advantageous conditions.

The centralized services initially proposed by the Department of the Treasury include printing and duplicating, procurement of supplies, materials and equipment, and telecommunication services. Other services would be added as specifically determined by the Secretary of the Treasury with the approval of the Director of the Bureau of the Budget. All such services must meet the test of being more advantageous and economically performed as central services.

Under the bill a limitation of $1 million is placed on the capital in the working fund which will be made up of inventories and equipment and other assets, including any appropriations which may be made for this purpose. The fund is expected to revolve several times during a fiscal year.

H.R. 16199 is identical with H.R. 11158 of the 89th Congress and H.R. 4890 of the 90th Congress, which were unanimously reported by the Committee on Ways and Means and passed by the House of Representatives, and the committee is unanimous in recommending its enactment.

Mr. **BYRNES** of Wisconsin. Mr. Speaker, let me say that this bill, together with the bills that have already been passed in this series and the two remaining bills to follow which will be called up, were reported unanimously by the Committee on Ways and Means.

Mr. Speaker, I rise in support of H.R. 16199, a bill to establish a working capital fund for the Treasury Department.

The aim is to provide an improved method of financing, managing, and accounting for certain administrative service operations which the Department offers to its bureau and offices.

The committee was informed that the working capital fund method of financing for centralized services is used by a number of other governmental agencies, with marked success. The fund finances the central buying of materials, supplies, labor, and other services; the holding and issuing of materials and supplies; and the processing of materials into other forms for use.

The supplies, materials and services can be sold on the basis on actual cost and the fund can then be reimbursed. The fund would provide a means for accumulating reserves to cover equipment repair and replacement costs, and the stocking of supplies under the most favorable conditions.

With these factors in mind, the committee unanimously recommended enactment of this bill.

Mr. Speaker, I withdraw my reservation.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 16199

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby established a working capital fund for the Department of the Treasury, which shall be available, without fiscal year limitation, for expenses and equipment necessary for maintenance and operation of such administrative services as the Secretary of the Treasury, with the approval of the Director of the Bureau of the Budget, determines may be performed more advantageously and more economically as central services. The capital of the fund shall not exceed $1,000,000 and shall consist of the amount of the fair and reasonable value of such supply inventories, equipment, and other assets and inventories on order, pertaining to the services to be carried on by the fund, as the Secretary of the Treasury may transfer to the fund, less the related liabilities and unpaid obligations, together with any appropriations made for the purpose of providing capital. The fund shall be reimbursed, or credited with advance payments, from applicable appropriations and funds of the Department of the Treasury, other Federal agencies, and other sources authorized by law, for supplies and services at rates which will recover the expense of operations, including accrual of annual leave and depreciation of plant and equipment of the fund. The fund shall also be credited with other receipts from sale or exchange of property or in payment for loss or damage to property held by the fund. There shall be transferred into the Treasury as miscellaneous receipts, as of the close of each fiscal year, earnings which the Secretary of the Treasury determines to be excess to the needs of the fund. There are hereby authorized to be appropriated such amounts as may be necessary to provide capital for the fund.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## SUSPENSION OF DUTY ON L-DOPA

Mr. **MILLS**. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 8512) to suspend for a temporary period the import duty on L-Dopa.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Arkansas?

Mr. **BYRNES** of Wisconsin. Mr. Speaker, reserving the right to object, and I do not intend to object, I only do so for the purpose of yielding to the gentleman from Arkansas, the chairman of the committee, for a brief explanation.

Mr. **MILLS**. Mr. Speaker, the purpose of H.R. 8512, as reported by the Committee on Ways and Means, is to suspend for a period of 2 years the duties on imports of L-Dopa.

L-Dopa is an investigational new drug used in the treatment of Parkinson's disease. It has not been approved by the Food and Drug Administration for general use. L-Dopa may be produced synthetically from benzenoid intermediates, by extraction from certain species of beans, or from naturally occurring plant or animal materials. It is dutiable under four separate provisions of the Tariff Schedules, depending upon the method of production and whether or not it is determined to be a drug. During the past several years, imports of L-Dopa are known to have entered under at least three of the four provisions of the Tariff Schedules mentioned above. At the present time, however, it is believed that L-Dopa is being classified by customs as a drug and would therefore enter either under item 407.85 or under item 439.50, depending on the method of manufacture.

Usage of L-Dopa in the United States is limited at this time since the drug has not been approved for general use. Domestic production is limited, although a number of firms have expressed an interest in marketing the drug either by producing it domestically or importing the drug from abroad once FDA approval has been obtained. Most of the imports come from Japan and supplies are limited.

The Committee on Ways and Means was advised that a small domestic chemical firm is producing the drug and that such production is not expected to be sufficient to meet current domestic requirements until the drug is approved for general use. In view of plans for commercial production of L-Dopa, the bill, which was introduced by our colleague on the Committee on Ways and Means, the Honorable GEORGE BUSH, has been amended by the committee to provide for a 2-year suspension of duty rather than for 3 years as provided in the bill as introduced.

Favorable reports were received on H.R. 8512 from the Departments of Treasury, Commerce, Agriculture, State, and the special representative for trade negotiations, as well as an informative report from the U.S. Tariff Commission. The Committee on Ways and Means be-

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lieves that under the circumstances, a temporary suspension of this duty could result in a reduction in the cost of L-Dopa to patients, and it unanimously recommends enactment of the bill.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 8512, a bill to suspend for 2 years the duties on imports of L-Dopa, a new drug used in treatment of Parkinson's disease.

The committee learned that the drug is produced synthetically from benzenoid intermediates, often by extraction from certain bean species. The committee also was informed that most of the imports come from Japan and that supplies are limited.

A small domestic chemical firm is producing the drug, but the committee understands this production is not expected to be large enough to meet domestic requirements in some considerable time.

Four executive departments supported this bill, as did the Tariff Commission and the special representative for trade negotiations.

In giving this measure its unanimous approval, the committee gave consideration to the indication that suspension of duty could result in a reduction of cost to patients using the drug.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 8512

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That subpart B of part 1 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 907.30 the following new item:

| | | | |
|---|---|---|---|
| L-Dopa, however, provided for in schedule 4. | Free | No change. | The 3-year period beginning day after enactment of this item. |

With the following committee amendment: Strike out the matter appearing on page 1 after line 6 and insert:

| | | | |
|---|---|---|---|
| "L-Dopa, however, provided for in schedule 4. | Free | No change. | The 2-year period beginning day after enactment of this item." |

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DUTY-FREE ENTRY OF PEAL OF EIGHT BELLS

Mr. MILLS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6854) to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass., which was unanimously reported by the Committee on Ways and Means.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

Mr. BYRNES of Wisconsin. Mr. Speaker, reserving the right to object, I do so in order to yield to the gentleman from Arkansas, the chairman of the committee, for the purpose of a brief explanation of the bill.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, the purpose of the pending bill, which was introduced by our colleague, the Honorable SILVIO O. CONTE, is to provide for the duty-free entry of a peal of eight bells and fittings for the use of Smith College, Northampton, Mass. The bill further provides that, if liquidation of the entry has become final, such entry shall be reliquidated and the appropriate refund of duty made.

The Committee on Ways and Means was informed that the peal of eight bells for the use of Smith College was entered and was subject to a duty of 9 percent ad valorem under item 725.34 of the Tariff Schedules of the United States. The committee was further advised that the peal of eight bells desired by Smith College was not available from domestic producers. The appropriate agencies of the Government, including the Tariff Commission, have informed the Committee on Ways and Means, in its favorable consideration of similar bills in the past, that such bells are not produced in the United States. The committee is unanimous in recommending enactment of H.R. 6854.

Mr. BYRNES of Wisconsin. Mr. Speaker, I rise in support of H.R. 6854, a bill to provide for the duty-free entry of a peal of eight bells and fittings for Smith College, Northampton, Mass.

The committee was informed that the bells which Smith College wanted were not available from a supplier in the United States, and were not, in fact, produced domestically.

It was largely in view of this that the committee unanimously reported the bill favorably, and I urge the House to give it favorable consideration now.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6854

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Secretary of the Treasury is authorized and directed to admit free of duty a peal of eight bells and fittings for the use of Smith College, Northampton, Massachusetts.

SEC. 2. If the liquidation of the entry of the article described in the first section of this Act has become final, such entry shall be reliquidated and the appropriate refund of duty shall be made.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

Mr. SISK. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tonight to file certain privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## CALL OF THE HOUSE

Mr. CONABLE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 126]

Abernethy
Anderson, Tenn.
Andrews, Ala.
Baring
Barrett
Biester
Bingham
Blanton
Boggs
Brock
Broomfield
Brown, Calif.
Brown, Mich.
Bush
Byrne, Pa.
Chappell
Clark
Clay
Colmer
Conyers
Corbett
Coughlin
Daddario
Dawson
Dent
Dickinson
Dorn
Eilberg
Fish
Flood
Flynt
Frelinghuysen
Gallagher
Gaydos
Giaimo
Goldwater
Gray
Green, Oreg.
Green, Pa.
Gubser
Hansen, Idaho
Hays
Hébert
Hogan
Kirwan
Lowenstein
McCarthy
McFall
McMillan
Mann
Meskill
Miller, Calif.
Moorhead
Morgan
Morse
Morton
Mosher
Nix
O'Neal, Ga.
Ottinger
Patten
Pepper
Pollock
Powell
Rivers
Rogers, Colo.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roudebush
Ruppe
Scheuer
Schneebeli
Sebelius
Smith, Iowa
Springer
Stokes
Stratton
Stubblefield
Talcott
Teague, Tex.
Tunney
Vanik
Watkins
Whalen
Whalley
Williams
Wilson, Bob
Wold
Yatron

The SPEAKER. On this rollcall 339 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## CONFERENCE REPORT ON S. 952, PROVIDING FOR APPOINTMENT OF ADDITIONAL DISTRICT JUDGES

Mr. CELLER. Mr. Speaker, I call up the conference report on the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to

the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of May 14, 1970.)

Mr. CELLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the conference report on S. 952, the omnibus judgeship bill, substantially adopts the bill as approved by the House. The differences between the House-approved measure and the substitute agreed in the conference essentially consist of the addition of four new judgeships as follows:

| | |
|---|---|
| Florida, Middle District | 1 |
| District of Maryland | 1 |
| District of Nebraska | 1 |
| West Virginia, Southern District | 1 |

The addition of these judgeships raises the total of new permanent judgeships authorized by this legislation to 58. The conference report is still below the figure of 67 authorized new permanent judgeships as originally contained in the Senate bill.

Mr. Speaker, the Committee on the Judiciary recognizes that the burgeoning Federal caseload and backlog in many districts require additional judicial manpower. However, it is not under any illusion that merely additional judges will cure or totally solve these problems. Several other innovative ways in assisting the courts in effectively coping with their caseloads have been recently enacted by the Congress. These include the Federal Magistrates Act—Public Law 90-578—and the Federal Judicial Center Act—Public Law 90-219. The Magistrates Act was designed to provide the courts with professional judicial officers at the first echelon who could be helpful in relieving the courts of minor criminal cases and in screening the flood of post-conviction petitions.

The Federal Judicial Center was designed to provide the Federal judiciary a research and development agency. Its purposes are to assist in the reorganization of court calendars, to consider the possible ways of computerizing dockets, and generally to improve the administrative procedures of the Federal courts.

The committee believes that these enactments will help to relieve the need for periodic increases in the number of Federal judges. The committee has carefully reviewed how these statutes will affect the present and future ability of the Federal courts to cope with its growing business.

The conference report on S. 952 promises needed increases in the number of Federal district judges in district courts throughout the Nation where the number of cases pending, the volume of new filings, and the delays from issue to trial have reached serious proportion. It is essential that in a society which is governed by law that the law is dispensed with efficiency, wisdom and dispatch. Adoption of the conference report will, in large measure, furnish the judicial manpower needed to meet the challenge that now exists in our Federal courts.

I urge my colleagues to give their approval to this conference report.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. McCULLOCH).

Mr. McCULLOCH. Mr. Speaker, the gentleman from New York (Mr. CELLER) has told of the important provisions of this bill.

Mr. Speaker, the conference report on S. 952 is essentially the House bill with the addition of four judgeships for the following district courts: one for Florida, middle; Maryland; Nebraska; and West Virginia, southern. S. 952, as reported by the conferees, provides for 58 permanent district judgeships plus three temporary judgeships.

Although this number is three less than the Judicial Conference's recommendation, I am of the opinion that it is a fair compromise notwithstanding the fact that some of my colleagues will be disappointed. I have found it impossible, having considered a number of such bills down through the years, to meet the request or needs of every district. I can only say that these four additional judgeships were arrived at after long and careful discussion. The impartially marshaled facts show that at least this many judgeships are clearly required if the quality of process is to continue to be the hallmark of the Federal judicial system.

In making its recommendation for judgeships to the Congress in September, 1968, the Judicial Conference projected its need through 1972. Twenty months have elapsed since their request was made. Final enactment of this legislation, it is hoped, will be completed this week.

There will also be some time expended in filling these judgeships. The failure to fill with reasonable promptness the new judgeships which we create here today or to fill vacancies that have existed by reason of retirement or death of judges has been a serious problem for many years. Presently, there exist 16 vacancies in our Federal courts. Many of these vacancies have been permitted to lie dormant, but it is not only this administration, but politics in general, that is responsible for this condition.

In hearings before the Senate Judiciary Subcommittee on Improvements in Judicial Machinery, Judge Biggs testified that from July 1, 1958, to March 31, 1969, the delays in filling vacancies in U.S. district courts, the trial courts of this country, if you please, exceeded 143 judge-years.

The record shows that it takes from 6 to 18 months to nominate and have confirmed a judge for the Federal trial court. I am of the opinion that such delay in many cases is inexcusable. I said as much in committee at hearings on S. 952 and that a much shorter time is expected to be used in the future, if we are to have swift justice. I must caution, that such a delay in filling these judgeships will effectively, in part, thwart the intent and purpose of this legislation.

Finally, Mr. Speaker, I must strenuously urge that appointments to the Federal judiciary be removed from the category of pure party politics.

I earnestly urge President Nixon, as I did former Presidents Eisenhower, Kennedy, and Johnson, to take the opportunity afforded by the passage of S. 952 to make a real effort to advance the ideal of a balanced, truly nonpolitical judiciary. Thus the image of the Federal courts and the public confidence in them will be accordingly brightened.

Mr. CELLER. Mr. Speaker, I yield 10 minutes to the distinguished gentleman from Virginia (Mr. POFF).

Mr. POFF. Mr. Speaker, I shall not use the 10 minutes. I rise principally to announce my support as one of the conferees of the report agreed upon after very diligent study and negotiation by the conferees on both sides.

To recapitulate briefly, the bill as it left the other body originally authorized the creation of 67 permanent new judgeships. As the bill passed the House, it authorized the creation of 54 new judgeships. The conference report recommends the creation of 58 new judgeships. In summary, this means that the House yielded on four positions, and the other body yielded on nine positions, so that if we are measuring the work product of the conference committee by our own rule of success, then I think it must be said that the House succeeded in major part.

With respect to nonjudge other provisions in the original bill, as it left the other body, it was agreed not to include them in this legislative package but rather to consider them separately at a later date.

This, I think was a wise decision.

I think it is also accurate to denominate the legislation which is about to be sent to the President's desk as the first major crime control legislation of the 91st Congress, because in all truth it is that.

The backlog of caseloads in the district courts throughout the United States, particularly on the criminal docket is cause for deep concern. The passage of this legislation and the filling of the new vacancies created will help to relieve that problem.

Mr. DULSKI. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman.

Mr. DULSKI. I thank the gentleman for yielding.

The gentleman has spoken of the backlog of cases on the docket. I am not an attorney, but I understand that some of these judges work only 4 or 5 hours a day and 3 days a week.

I am not too much in favor of the legislation right at the present time, but can the gentleman tell me what their actual working time is and how much time they spend in court?

Mr. POFF. There are no such statistics compiled on each of the district courts of the United States and I doubt that it is possible accurately to take a

XUM

cross section, or to cite the figures, to illustrate the so-called typical district court.

It is simply too complicated to attempt. I do believe, however, that it is fair to say that the average district judge spends more time in the performance of his duties than does any other jurist in the United States.

Mr. DULSKI. I thank the gentleman.

Mr. CRAMER. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman.

Mr. CRAMER. As I understand it, the conferees added to the House bill one Federal judge for the middle district of Florida, which was not in the House bill as a compromise and that the Senate bill had two for the middle district. In addition to two for the southern district.

I asked the conferees to consider additional judges for the middle district.

The conference report contains one for the middle district and two for the southern district; is that correct?

Mr. POFF. The gentleman is correct. I might say the gentleman from Florida was very assiduous in pressing his viewpoint on this subject.

Mr. CRAMER. I thank the gentleman. I am becoming a recent authority on judges.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. POFF. I yield to the gentleman.

Mr. GROSS. I was surprised to hear the gentleman from Ohio say that there are 16 Federal judge vacancies, and he indicated that some of these vacancies have been outstanding for some period of time. That, to me, indicates two things. First of all, it would seem to shatter the old saying that additional judges are needed because justice delayed is justice denied. Second, it casts doubt upon the necessity for some 50-odd more Federal judges, if there are 16 judgeship vacancies that have been outstanding for some time.

Mr. POFF. Mr. Speaker, I yield to the gentleman from Ohio (Mr. McCulloch).

Mr. McCULLOCH. Mr. Speaker, I am glad to comment on that fact. I had intended to comment rather fully on it when I first spoke.

I think it is regrettable that there are that many unfilled judgeships in America. It is not alone the fault of the nominating authority. It is the fault, mainly, of politics, and we have not been able to escape the effects of politics in the nominations of Federal judges anytime in the history of this country. I am hopeful that this administration would move promptly to nominate qualified men to fill not only these vacancies but others.

Mr. POFF. Mr. Speaker, I yield back the balance of my time.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Speaker, I note in the conference report and in the action which I believe the House will take today, that we ignore the recommendations of the Judicial Conference with regard to six new Federal judgeships. I also note that in 1961 and 1965 we respected their recommendations and added all the judges that they recommended plus additional judges. It seems to me it is a mistake to depart from that practice. I think we should give the utmost respect to the recommendations which come to us from the Judicial Conference itself.

I want also to call attention to the fact that the Judicial Conference additionally recommended that we adopt a system of court executives. We have in the past, adopted such a system with regard to the District of Columbia and the recommendation was made this year that the 11 circuits and also the districts which have six or more judges should also have this new administrative facility.

I believe the reason for the huge backlog of cases in our Federal courts is not just the need for more judges but also the antiquated machinery under which the courts operate. Certainly the intention of the recommendation for court executives is to provide a new management system for the courts and to provide for the expedition of the administration of justice. While this conference report does not include court executives, I have cosponsored separate legislation to provide authority for this new administrative facility. I hope that we can have an early hearing on that legislation since we ignored the recommendation in this bill, and that following such hearing we can have action for a court executive at this session.

I want to point out, however, that the court executive proposal was recommended and was originally a part of the legislation we approve today as it came to us from the Senate. We dropped it in the House and it has not been included in the conference report. I think it is unfortunate, and I hope that that vacuum can be filled at a very early date.

Mr. CELLER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri, Mr. Randall.

Mr. RANDALL. Mr. Speaker, I would hope to clarify one point. As I understand, the House bill made no provision for one additional judge for the western district of Missouri. I understand that the Senate version of the bill did contain a provision for one additional judge. I ask the chairman whether the conference report adopted the House version, and there is none for the western district of Missouri.

Mr. CELLER. That is correct.

Mr. RANDALL. I supported the House version passed in March of this year, even though I felt that the western district of Missouri, including the Greater Kansas City area, should have been accorded an additional judge. The House Members who represent the general area were assured the Senate will stand fast for an additional judge. We felt the House-passed bill would serve as a vehicle for the conference committee to consider the Senate version of S. 952. The failure of the conferees to add the additional judge to western Missouri makes it impossible to support the conference report.

Of course we knew that the Judicial Conference did not recommend this judgeship. Yet almost the entire Missouri bar that practices in western Missouri have expressed the need for an additional judge. All local public officials and civic leaders have joined in the suggestion that the statistics provided by the Judicial Conference were either erroneous, or invalid conclusions had been drawn from these statistics before the recommendation was made by the conference. It should be recalled that the eastern district of Missouri barely qualified under the conference recommendations.

To oppose an omnibus judge bill providing for the appointment of additional district judges on the grounds that one's home area has been treated unfairly will, of course, be said to be provincial.

No one could deny that the fast-growing areas of Florida and California were quite rightly accorded some docket relief by providing additional judges. However, a brief look at the conference report will show areas quite similar to western Missouri that were included by the conferees, such as Kansas, Nebraska, and Colorado.

When the constituents of all of us discover that it costs $244,000 a year for each of these judgeships and, moreover, ponder the fact that this means a cost of about $1,000,000 every 4 years for each judgeship, they will then demand of their Representative in Congress strict proof that these judgeships were assigned where there was a real need without any other considerations involved. This will be particularly true when our constituents come to understand that the annual cost of what we are doing today will be $14,000,000. That means next year, and every year from now on. Mr. Speaker, I cannot support this conference report.

Mr. CELLER. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. RANDALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 334, nays 20, not voting 75, as follows:

[Roll No. 127]

YEAS—334

Abbitt
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Ayres
Beall, Md.
Belcher
Bell, Calif.
Bennett
Betts
Biaggi
Blackburn
Blanton
Blatnik
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brooks
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Calif.
Burton, Utah
Button
Byrnes, Wis.
Cabell
Caffery
Carey
Carter
Casey
Cederberg
Celler
Chamberlain

**Chappell**
**Chisholm**
**Clancy**
**Clausen, Don H.**
**Clawson, Del**
**Clay**
**Cleveland**
**Cohelan**
**Collier**
**Collins**
**Conable**
**Conte**
**Corman**
**Cowger**
**Cramer**
**Crane**
**Culver**
**Cunningham**
**Daniel, Va.**
**Daniels, N.J.**
**Davis, Ga.**
**Davis, Wis.**
**de la Garza**
**Delaney**
**Dellenback**
**Denney**
**Dennis**
**Derwinski**
**Devine**
**Diggs**
**Dingell**
**Donohue**
**Dorn**
**Dowdy**
**Downing**
**Dulski**
**Duncan**
**Dwyer**
**Eckhardt**
**Edmondson**
**Edwards, Ala.**
**Edwards, Calif.**
**Edwards, La.**
**Erlenborn**
**Esch**
**Eshleman**
**Evans, Colo.**
**Evins, Tenn.**
**Fallon**
**Farbstein**
**Fascell**
**Feighan**
**Findley**
**Fish**
**Fisher**
**Flowers**
**Foley**
**Ford, Gerald R.**
**Ford, William D.**
**Foreman**
**Fountain**
**Fraser**
**Frey**
**Friedel**
**Fulton, Pa.**
**Fulton, Tenn.**
**Fuqua**
**Galifianakis**
**Gallagher**
**Garmatz**
**Gettys**
**Gibbons**
**Gilbert**
**Goldwater**
**Gonzalez**
**Goodling**
**Gray**
**Griffiths**
**Grover**
**Gude**
**Hagan**
**Haley**
**Halpern**
**Hamilton**
**Hammerschmidt**
**Hanley**
**Hanna**
**Hansen, Wash.**
**Harrington**
**Harsha**
**Harvey**
**Hastings**
**Hathaway**
**Hawkins**
**Hechler, W. Va.**
**Heckler, Mass.**
**Helstoski**
**Hicks**
**Holifield**
**Horton**
**Hosmer**
**Howard**
**Hungate**
**Hunt**
**Hutchinson**
**Ichord**
**Jacobs**
**Jarman**
**Johnson, Calif.**
**Johnson, Pa.**
**Jonas**
**Jones, Ala.**
**Jones, Tenn.**
**Karth**
**Kastenmeier**
**Kazen**
**Kee**
**Keith**
**King**
**Kleppe**
**Kluczynski**
**Koch**
**Kuykendall**
**Kyl**
**Kyros**
**Landgrebe**
**Landrum**
**Langen**
**Latta**
**Leggett**
**Lennon**
**Lloyd**
**Long, La.**
**Long, Md.**
**Lujan**
**Lukens**
**McClory**
**McCloskey**
**McClure**
**McCulloch**
**McDade**
**McDonald, Mich.**
**McEwen**
**McKneally**
**Macdonald, Mass.**
**MacGregor**
**Madden**
**Mahon**
**Mailliard**
**Mann**
**Marsh**
**Martin**
**Mathias**
**Matsunaga**
**May**
**Mayne**
**Meeds**
**Melcher**
**Michel**
**Mikva**
**Miller, Calif.**
**Miller, Ohio**
**Mills**
**Minish**
**Mink**
**Minshall**
**Mize**
**Mizell**
**Mollohan**
**Monagan**
**Montgomery**
**Morton**
**Moss**
**Murphy, Ill.**
**Myers**
**Natcher**
**Nedzi**
**Nelsen**
**Obey**
**O'Hara**
**Olsen**
**O'Neill, Mass.**
**Patman**
**Pelly**
**Perkins**
**Pettis**
**Philbin**
**Pickle**
**Pike**
**Pirnie**
**Podell**
**Poff**
**Preyer, N.C.**
**Price, Ill.**
**Price, Tex.**
**Pryor, Ark.**
**Pucinski**
**Purcell**
**Quie**
**Quillen**
**Railsback**
**Rees**
**Reid, Ill.**
**Reid, N.Y.**
**Reifel**
**Reuss**
**Rhodes**
**Riegle**
**Rivers**
**Roberts**
**Robison**
**Rodino**
**Roe**
**Rogers, Fla.**
**Rosenthal**
**Roth**
**Roybal**
**Ruth**
**Ryan**
**St Germain**
**Sandman**
**Satterfield**
**Saylor**
**Scheuer**
**Schwengel**
**Scott**
**Shipley**
**Shriver**
**Sikes**
**Sisk**
**Skubitz**
**Slack**
**Smith, N.Y.**
**Snyder**
**Springer**
**Stafford**
**Staggers**
**Stanton**
**Steed**
**Steiger, Ariz.**
**Steiger, Wis.**
**Stephens**
**Stuckey**
**Sullivan**
**Symington**
**Taft**
**Taylor**
**Teague, Calif.**
**Thompson, Ga.**
**Thompson, N.J.**
**Thomson, Wis.**
**Tiernan**
**Udall**
**Ullman**
**Van Deerlin**
**Vander Jagt**
**Vigorito**
**Waggonner**
**Waldie**
**Wampler**
**Watson**
**Watts**
**Weicker**
**White**
**Whitehurst**
**Whitten**
**Widnall**
**Wiggins**
**Wilson, Bob**
**Wilson, Charles H.**
**Winn**
**Wolff**
**Wright**
**Wyatt**
**Wydler**
**Wylie**
**Wyman**
**Yates**
**Young**
**Zablocki**
**Zion**
**Zwach**

## NAYS—20

**Adair**
**Andrews, Ala.**
**Bevill**
**Brinkley**
**Colmer**
**Griffin**
**Gross**
**Hall**
**Henderson**
**Hull**
**Jones, N.C.**
**Nichols**
**O'Konski**
**Passman**
**Poage**
**Powell**
**Randall**
**Rarick**
**Schadeberg**
**Scherle**

## NOT VOTING—75

**Abernethy**
**Anderson, Tenn.**
**Baring**
**Barrett**
**Berry**
**Biester**
**Bingham**
**Boggs**
**Brock**
**Brown, Calif.**
**Brown, Mich.**
**Bush**
**Byrne, Pa.**
**Camp**
**Clark**
**Conyers**
**Corbett**
**Coughlin**
**Daddario**
**Dawson**
**Dent**
**Dickinson**
**Eilberg**
**Flood**
**Flynt**
**Frelinghuysen**
**Gaydos**
**Giaimo**
**Green, Oreg.**
**Green, Pa.**
**Gubser**
**Hansen, Idaho**
**Hays**
**Hébert**
**Hogan**
**Kirwan**
**Lowenstein**
**McCarthy**
**McFall**
**McMillan**
**Meskill**
**Moorhead**
**Morgan**
**Morse**
**Mosher**
**Murphy, N.Y.**
**Nix**
**O'Neal, Ga.**
**Ottinger**
**Patten**
**Pepper**
**Pollock**
**Rogers, Colo.**
**Rooney, N.Y.**
**Rooney, Pa.**
**Rostenkowski**
**Roudebush**
**Ruppe**
**Schneebeli**
**Sebelius**
**Smith, Calif.**
**Smith, Iowa**
**Stokes**
**Stratton**
**Stubblefield**
**Talcott**
**Teague, Tex.**
**Tunney**
**Vanik**
**Watkins**
**Whalen**
**Whalley**
**Williams**
**Wold**
**Yatron**

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Morse.

Mr. Hébert with Mr. Frelinghuysen.

Mr. Rostenkowski with Mr. Smith of California.

Mr. Giaimo with Mr. Meskill.

Mr. Dent with Mr. Hogan.

Mr. Stubblefield with Mr. Berry.

Mr. Byrne of Pennsylvania with Mr. Whalen.

Mr. Barrett with Mr. Watkins.

Mr. Green of Pennsylvania with Mr. Coughlin.

Mr. Eilberg with Mr. Stokes.

Mr. Moorhead with Mr. Schneebeli.

Mr. Morgan with Mr. Corbett.

Mr. Clark with Mr. Whalley.

Mr. Abernethy with Mr. Bush.

Mr. Anderson of Tennessee with Mr. Brock.

Mr. McFall with Mr. Brown of Michigan.

Mr. Daddario with Mr. Camp.

Mr. Flynt with Mr. Dickinson.

Mr. Flood with Mr. Gubser.

Mr. Rogers of Colorado with Mr. Hansen of Idaho.

Mr. Rooney of Pennsylvania with Mr. Biester.

Mr. Smith of Iowa with Mr. Pollock.

Mr. Stratton with Mr. Mosher.

Mrs. Green of Oregon with Mr. Ruppe.

Mr. Gaydos with Mr. Roudebush.

Mr. Pepper with Mr. Sebelius.

Mr. Patten of New Jersey with Mr. Wold.

Mr. O'Neal of Georgia with Mr. Talcott.

Mr. Boggs with Mr. Williams.

Mr. Baring with Mr. Ottinger.

Mr. Teague of Texas with Mr. McCarthy.

Mr. Vanik with Mr. Yatron.

Mr. McMillan with Mr. Tunney.

Mr. Kirwan with Mr. Conyers.

Mr. Murphy of New York with Mr. Brown of California.

Mr. Bingham with Mr. Lowenstein.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

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## DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1971

Mrs. HANSEN of Washington. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17619) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that the debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from South Dakota (Mr. Reifel) and myself.

The SPEAKER pro tempore (Mr. Albert). Is there objection to the request of the gentlewoman from Washington?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17619, with Mr. Price of Illinois in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentlewoman from Washington (Mrs. Hansen) will be recognized for 1 hour, and the gentleman from South Dakota (Mr. Reifel) will be recognized for 1 hour.

The Chair recognizes the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I bring you the appropriations bill on the Department of Interior and related agencies. Before I present the details of this bill, I would like to express my deepest appreciation to the members of my subcommittee who have so faithfully participated in our committee activities, and may I also point out that to the sorrow of every Member of this Congress, this is the last year my very distinguished colleague from South Dakota, Congressman Ben Reifel, will serve in the House of Representatives and the last year he will participate in one of our bills.

The gentleman from South Dakota has been one of this Nation's outstanding Members, contributing not only to the knowledge of our committee, but to the support of programs financed by this committee across the Nation. I am proud to have had the privilege and opportunity to serve with him and I deeply regret his leaving us. It is not only the gentleman's competence and ability but his deep and abiding love for humanity which have been daily reflected in the activities of this Congress. He has always been in the forefront of those who care about people and programs meaningful to the United States. It is his kind of America which will keep this country from burning. May I say on behalf of all our subcommittee: "We are sorry you are leaving. May you send someone in your place as conscientious as yourself, who loves humanity as deeply as you do."

I am grateful to each Member of this House who took the time and effort to appear before the subcommittee for hearings and talked with me and members of our committee relative to funding for the bill and the impact of that funding on our total economy.

May I recommend to each and every Member of the House that he or she read our five volumes of hearings. A careful analysis and innumerable details relative to the operation of each department and bureau are in these hearings and can give you an excellent and factual summary of the management of our American land.

May I also add it would be impossible to present this report today without the exhaustive labors of the hard-working staff of my Appropriations Subcommittee, and Paul Wilson of the full committee.

The size of this bill dollarwise is not perhaps as significant as other appropriations bills offered during the year. However, it covers a wide diversity of activities with funding for 25 different agencies and provides management funds for the preservation of our natural resources, pollution abatement, the welfare and education of approximately 600,000 American Indians, and 230,000 inhabitants of the Trust Territories of the Pacific Islands, American Samoa, and Guam.

### SUMMARY OF BILL

The summary of the bill is as follows:

| Item | udget estimates, fiscal year 1971 | Recommended in bill | Comparison |
|---|---|---|---|
| Title I, Department of the Interior: | | | |
| New Budget (obligational) authority | $1,149,703,600 | $1,145,504,000 | −$4,199,600 |
| Appropriations to liquidate contract authority | 71,000,000 | 71,000,000 | |
| Title II, Re'ated Agencies: | | | |
| New budget (obligational) authority | 461,054,000 | 464,895,700 | +3,841,700 |
| Appropriations to liquidate contract authority | 123,897,000 | 120,200,000 | −3,697,000 |
| Grand total, new budget (obligationa) authority and appropriations to liquidate contract authority | 1,805 654,600 | 1,801,599,700 | −4,054,900 |

### SUMMARY OF INCREASES AND DECREASES

Because time is limited, I am listing now briefly a summary by activities of major increases and decreases in funding for 1971 fiscal year, compared to fiscal year 1970:

| | |
|---|---|
| Major increases (+): | |
| Education and welfare services and other assistance to the American Indians | $49,948,000 |
| Land and water conservation fund | 44,500,000 |
| Conservation and development of natural resources | 38,861,700 |
| Conservation and development of mineral resources, including health and safety | 35,003,000 |
| Management, protection, and maintenance of national parks | 25,918,000 |
| Geologic surveys, investigations, and research | 11,602,000 |
| Smithsonian Institution and related activities | 9,968,000 |
| Construction of roads | 8,930,000 |
| Water research | 5,525,000 |
| Preservation of historic properties | 5,201,000 |
| Administration of territories | $4,316,000 |
| Offices of Secretary and Solicitor, Interior | 2,834,300 |
| Subtotal, major increases | 242,697,600 |
| Major decreases (−): | |
| Helium fund | 24,000,000 |
| The John F. Kennedy Center for the Performing Arts | 7,500,000 |
| Subtotal, major decreases | 31,500,000 |
| Other increases and decreases (net) | −462,200 |
| Net total increase over fiscal year 1970 | +210,735,400 |

### REVENUE GENERATED BY AGENCIES IN BILL

As the committee has carefully measured each expenditure dollar requested in this budget, it also kept in mind revenue generated by agencies in this bill. Listed below is a chart indicating to you our appropriations and receipts for fiscal year 1969 and 1970 with the anticipated 1971 fiscal year.

| Item | Fiscal year 1969 | Fiscal year 1970 | Fiscal year 1971 |
|---|---|---|---|
| Appropriations | $1,552,430,779 | $1,606,654,300 | $1,801,599,700 |
| Receipts: | | | |
| Department of the Interior | 807,129,733 | 709,362,553 | 1,404,940,073 |
| Forest Service | 321,253,830 | 324,557,000 | 378,902,000 |
| Total receipts | 1,128,383,563 | 1,033,919,553 | 1,783,842,073 |

### EXTENT OF ACTIVITIES FUNDED IN BILL

What are the breadth and scope of activities funded in this bill? Why is it important? Again I list for you selected items, although not covering the entire bill but indicative of the extent of our activities:

| Management of public lands: | *Acres* |
|---|---|
| Bureau of Land Management | 452,669,413 |
| U.S. Forest Service | 186,632,152 |
| Bureau of Indian Affairs | 55,350,883 |
| Bureau of Sport Fisheries and Wildlife | 30,567,008 |
| National Park Service | 28,459,701 |
| Total acres | 753,679,157 |

| | Current inventory | 1971 construction |
|---|---|---|
| Road construction (miles): | | |
| Bureau of Land Management | 50,000 | 418 |
| Bureau of Indian Affairs | 19,595 | 412 |
| National Park Service | 9,997 | 23 |
| Bureau of Sport Fisheries and Wildlife | 6,015 | |
| U.S. Forest Service | 199,042 | 7,729 |
| Total miles | 284,649 | 8,582 |

| | 1969 actual | 1971 estimate |
|---|---|---|
| Recreation visitations (millions): | | |
| National Park Service | 157 | 189 |
| Bureau of Sport Fisheries and Wildlife | 18 | 23 |
| Bureau of Land Management | 65 | 98 |
| U.S. Forest Service | 163 | 180 |
| Total visitations | 403 | 487 |

### TIMBER PRODUCTION

Forest Service: An estimated harvest of 13.4 billion board feet is anticipated for 1971, with receipts from sales of approximately $362 million. The timber harvest provides the raw material base for over 1 million jobs, $11.5 billion in gross national product, and $2.4 billion in returns to the Treasury under the present tax rates. This volume represents about one-fourth of the total timber and 35 percent of the softwood timber cut for industrial purposes annually, and is equivalent to the construction of about 1 million average-sized homes.

Bureau of Land Management: Administers the sale of over 1.5 billion board feet of timber annually. Timber receipts are estimated to be $78.1 million in 1971.

### SOIL AND WATERSHED CONSERVATION

Forest Service: The National Forests of the West—about 20 percent of the area—produce about 50 percent of the water, conservatively estimated at a value of over $1 billion annually.

Bureau of Land Management: Administers an active program of soil stabilization practices on 160 million acres of public lands covering about 1,300 watersheds. Practices are designed to conserve and develop public land soil and water resources and include construction of small water control structures, contouring and cultivation, revegetation, protective fencing, and water developments.

### GRAZING

Bureau of Land Management: Administers grazing of more than 11.5 million head of livestock and 2.7 million big game animals. Grazing receipts are estimated to be $6.8 million in 1971.

Forest Service: Administers the grazing of 7.3 million head of livestock. This provides a continued and necessary source of grazing required by 18,200 family-sized ranch units. In addition, an estimated 4.3 million big game animals graze on National Forest lands.

### INDIAN EDUCATION AND WELFARE

Indian children in Federal day and boarding schools, 58,000; Indian children in public schools, 84,000; Indians provided with welfare guidance services, 40,000; operation and maintenance of 300 Indian irrigation systems.

### MINERAL RESOURCES

Bureau of Land Management: Administers mining and mineral leasing on approximately 760 million acres of land in the continental United States and more than 515 million acres of submerged lands of the Outer Continental Shelf. Mineral receipts are estimated to be $1.1 billion in 1971.

Geological Survey: Provides the basic scientific and engineering data concerning water, land, and mineral resources; and supervises the development and production of minerals and mineral fuels on leased Federal, Indian, and Outer Continental Shelf lands. The annual value of production on Federal, Indian, and Outer Continental Shelf mineral leases is $2.9 billion, with royalties accruing to the Government of $411 million. Bonuses from lease sales this fiscal year will approximate $808 million.

### FISHERY RESOURCES

Bureau of Sport Fisheries and Wildlife: Produces in excess of 5 million pounds of fish a year. The accumulative effect is estimated to support approximately 44 million fisherman-days annually. In addition, this Bureau's refuges accommodate about 1.5 billion waterfowl-use-days, not including Alaska. These refuges also support almost 3 million hunter-use-days.

### ADMINISTRATION OF TERRITORIES

The Department of the Interior is responsible for the administration of the Trust Territory of the Pacific Islands, American Samoa, and Guam. This involves the management of about 985 square miles of land with a total native population of approximately 230,000.

### DISTRICT OF COLUMBIA PARKS AND ZOOS

I think I should point out to our committee that our total appropriation figures may appear somewhat misleading. Although we exceed the 1970 appropriation by $210,735,400, actually there are factors which indicate that this increase is not that great. H.R. 17399, the second supplemental bill now pending before Congress, includes $109,258,000 for workload increases and pay costs. In addition, the bill before you includes the National Park Service's assumption of responsibility for funding of certain park areas within the District of Columbia formerly funded in the District of Columbia bill. Included here is $3.5 million for this purpose. Another major item of increase is $2,919,000 for operation and maintenance of the National Zoological Park formerly funded by the District of Columbia appropriation.

### NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

I would like to take this opportunity to point out that the committee did not include funding for the National Foundation on the Arts and Humanities since existing legislation authorizing this activity expires June 30, 1970.

New legislation which would authorize the continuance of this activity in fiscal year 1971 has not yet been considered by either House.

In the absence of authorizing legislation for this activity in 1971, the committee has decided to pass over this item without prejudice since the program involves diverse activity; the amount of funding is sizable, and the budget estimate represents a major increase over the 1970 appropriation. The 1970 appropriation enacted to date and the budget estimate for 1971, which for comparability are omitted from report totals, are as follows:

| | 1970 appropriation | Budget estimate, 1971 |
|---|---|---|
| National Foundation on the Arts and Humanities: | | |
| Salaries and expenses | $1,490,000 | $2,400,000 |
| Endowment for the Arts | 7,250,000 | 16,300,000 |
| Endowment for the Humanities | 7,050,000 | 16,300,000 |
| Total, National Foundation on the Arts and the Humanities | 15,790,000 | 35,000,000 |

As I noted earlier, a major portion of activities funded in this bill are engaged directly with protection of our environment, ranging from corrective action to mitigate stream pollution, from mine acid drainage to the development of more efficient and practical methods of solid waste disposal. Within this wide diversity are the reduction of damage resulting from oil spills: The decrease of sulfurous emissions resulting from the use of coal; purification of water supplies by improvement of watersheds; and supervision of the construction of the Trans-Alaska pipeline over the fragile terrain of Alaska.

In recent months, the protection of our environment from various pollutants has become a national movement. The Interior and Related Agencies Subcommittee has been closely associated with these problems for several years and has vigorously espoused the conservation of our natural resources and the safeguarding of our environment.

As you review the printed hearings on the 1971 budget estimates you will see the deficiencies in a number of budget proposals. In this connection funding is severely limited in many categories and as I will note later, funds appropriated for the 1970 fiscal year and specifically earmarked for the abatement of pollution such as sanitation facilities at various Federal installations, were placed in reserve and could not be expended.

Two of our very basic objectives on the provisions of this bill are: First, to provide adequate funding for the conservation and development of our replaceable and nonreplaceable resources, and second, to provide adequate funding toward a meaningful program to attack the various sources of pollution which threaten our environment. There are many subscribers to the general idea of pollution abatement, but it is evident to the committee few realize what the financial costs will be to achieve this objective, and probably there are fewer yet willing to make the necessary expenditures to accomplish it.

It is with these basic objectives in mind that the committee considered these appropriations and ordinarily it is the custom of subcommittee chairmen when presenting a bill to the floor to assert that this is a "good bill." If I am to be absolutely frank, I cannot make that total assertion today for a wide variety of reasons including the need for fiscal restraint during a period of high expenditures by our Federal Government. Dollars must be expended for defense and war, foreign operations, transportation, education, and many other items which preclude the proper funding amounts for this bill. I can only say, therefore, that this is the best bill under all current circumstances which can be presented. However, I do want to warn this Committee today that deficiencies of funding carried through the years can have no result other than an adverse reflection on this land of ours. Money is needed to correct and direct necessary programs of national improvement.

The Director of the Bureau of Land Management when questioned in my hearings, "Do you think the budget you propose this year will take care of your 36 million visitor days?" said:

> No, this budget will provide 2 to 3 percent in developed sites.

The Forest Service presented similar testimony. Recreation facilities in the national forests are overcrowded and yet we know that if recreation sites are not adequately prepared and marked, there can be an increase of forest fires and forest depredations far more costly to taxpayers than our original dollar investments for protection.

We are also aware of the fact that housing is needed to solve some of the most difficult social problems America faces. Yet in my hearings when I asked the Forest Service for a comparison between housing starts in Japan and the United States, we were told on page 53, volume 4 of our hearings that in Japan an increase in housing starts to 1.3 million units is planned commencing in 1971. There are 100 million Japanese. In the United States, with 202 million Americans, the housing starts for 1971 will also be 1.3 million.

We had testimony on page 92, volume 4, that the National Forests of the United States need reforestation on 4,788,254 acres. We also have 9,122,746 acres of overstocked young timber that needs timber stand improvement treatment if we are going to do a forest management job.

On page 93, volume 4, the Forest Service told us that if there were planting, and thinning commensurate with the needs, it would result in 1,154,000,000 cubic feet of timber, or approximately 5.8 billion board feet annually to the production of lumber for the United States, and may I point out that not only is the U.S. Forest Service important to the production of timber, but it has a major responsibility in the protection of our watersheds in the development of knowledge on the kind of ecology to sustain surface water needed in the total inventory of water available to this Nation.

We must also face the fact that visitations to our national recreation area lands will increase from 403 million visitations in 1969 to approximately 487 million in fiscal year 1971.

As you review the information developed in our hearings, I think the numerous instances of deficiencies in funding will startle you. An additional billion dollars could be put to wise and efficient use by the Geological Survey, the Bureau of Land Management, the Forest Service, the Bureau of Mines, the Office of Coal Research, and other agencies funded in this bill responsible for conservation of our natural resources and protection of our ecology.

In a moment I shall refer to some of the problems within the Bureau of Indian Affairs and the Indian Health Service which if given additional and sufficient funding could update and bring our Indian people into the full context of 20th-century American citizenship.

I have long been bewildered by our ever-increasing desire to spread our funds abroad, when 50 percent of the Navajo people who live on a reservation which is larger than the State of West Virginia are unemployed and the average relief check per person is $39 a month. Measure this, if you please, against some of our assistance funds to other nations.

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However, it would not be fair if I did not point out to the Committee some of the areas where we have made genuine progress and where we are evincing an honest concern for America and its ecology.

### TRANS-ALASKA PIPELINE

For example, the Trans-Alaska pipeline. In the 1971 fiscal year budget, the trans-Alaska pipeline involving the shipment of oil some 800 miles through a 48-inch pipeline from Prudhoe Bay in northern Alaska to Valdez on the southern coast of Alaska is receiving a great deal of attention. Engineeringwise, this is one of the most difficult construction projects to be attempted on this continent and yet I am sure that a nation which has the know-how to go to the moon can solve this problem. However, there are involved intricate land claims by the Alaska natives which must be resolved before construction gets underway.

Second, and of equal importance is the urgent necessity to safeguard the fragile ecology of the area to be traversed by this proposed pipeline. The project involves pumping hot oil through a pipeline submerged through a major section of permafrost in Alaska. Unless adequate precaution is taken and unless there is complete recognition of earthquake danger, irreparable damage can result to the terrain, and severe injury to the environment could occur as a result of oil spills from ruptures of this pipeline.

The Department of Interior through its agencies—the Bureau of Land Management, the Bureau of Sport Fisheries, and the Geological Survey—have appeared before the committee and discussed at length the safeguards. I am confident that the Department, the Secretary, and those companies involved in this problem are as determined as the committee to make this an ecologically safe operation.

I think also it is well to bear in mind the Secretary of Interior's statement in our opening hearings that in spite of the danger on the overland pipeline, the greatest danger to the world at large is with maritime oil spills.

In this bill before you, please note that our committee has taken cognizance of damage which could occur to marine life and asks that money be expended to determine the impact of oil spills on whales and fish and seeks answers relative to precautions which must be taken on oil spills regardless of any source.

You will note in the bill that there is $3,750,000 divided as follows: Bureau of Land Management, $2,000,000; Geological Survey, $1,300,000; Sport Fish, $225,000; Bureau of Commercial Fisheries, $225,000.

The solicitor of the Department of Interior has indicated to the committee that those costs directly related to construction of the pipeline and under agreement between the Department of Interior and the oil companies can have these costs recoverable from the oil companies. It has been interesting to note that there is a separate breakdown throughout the committee hearings between those costs which were attributable to the regular management of the terrain in Alaska and to those costs which are part of TAPS.

### BUREAU OF COMMERCIAL FISHERIES

Many in this House have talked with me and have appeared before the committee relative to the deficiency of funding provided in budget estimates for the Bureau of Commercial Fisheries. This year, the 1971 budget provided $37,309,000, a decrease of $5,700,000 below appropriations of $42,316,000 enacted for 1970.

Fishing has been part and parcel of our national economy and I trust it will continue in spite of the Bureau of the Budget. However, budgetary restrictions for the past several years have reflected a tendency toward wishful thinking that this department would go away. I am not sure whether the Bureau of the Budget wants commercial fisheries to cease and we hand over the high seas to the Russians or not.

I cannot be critical of the Secretary of Interior. He, like myself, comes from a fishing State and is deeply concerned with this trend. He is concerned with the survival of a proud American industry but, unfortunately, neither the Secretary of the Interior nor I can convince the Bureau of the Budget that we should not forget fish.

On page 297, volume 2 of our hearings, there is a table which indicates that the United States is sixth among the leading nations of the world in the commercial harvest of fish and shellfish. Preliminary data for 1969 indicates the United States may have surpassed Norway and would actually be fifth.

On page 308, volume 2, in the United States the use of fishery products has more than doubled from 5.6 billion pounds in 1948 to 17.3 billion pounds in 1968. Landings of fish and shellfish in the United States, however, have remained relatively stable over the same period, varying between 5.3 billion pounds and 6.6 billion pounds. In 1948, the U.S. share of the world landings was 12 percent and our fishermen supplied 80 percent of domestic utilization. By 1968, these declined to 3.8 percent and 33 percent respectively. Imports during this period increased from 1.1 billion pounds to 8.6 billion pounds—an increase of about 680 percent.

We have been very busy giving our fish away, and principally to the Soviet Union. It would seem to me that the development of a stable and successful fishing industry is just as necessary to international strength as the production of guns.

### MANAGEMENT INVESTIGATIONS OF RESOURCES, BCF

The committee recommends an appropriation of $28,168,000, an increase of $1,012,000 over the budget estimate.

The increase over the budget estimate includes:

Plus $337,000 for continued operation of the Milford Laboratory in Connecticut;

Plus $400,000 for continued operation of the Ann Arbor Laboratory complex in Michigan;

Plus $75,000 for evaluation study of vessels and laboratories; and

Plus $200,000 for general evaluation studies on oil spills, atomic waste, steelhead, and additional Columbia River dams.

The $75,000 which the committee has added for an evaluation study of vessels and laboratories is for a thorough review of the adequacy and potential for various laboratories and vessels of the Bureau of Commercial Fisheries. The study group performing this review should include representatives from the commercial fishing industry and persons closely associated with the maritime and oceanographic activities.

The amount recommended by the committee compared with the 1971 budget estimate by activity is as follows:

| Activity | Committee bill, 1971 | Bill compared with estimate, 1971 |
|---|---|---|
| Management | $626,000 | |
| Marketing and technology | 8,930,000 | +$120,000 |
| Research | 14,108,000 | +792,000 |
| Research on fish migration over dams | 1,410,000 | +100,000 |
| Fishing vessel mortgage insurance | 59,000 | |
| Columbia River fishery development | 3,035,000 | |
| Total, management and investigations of resources | 28,168,000 | +1,012,000 |

It is recommended by the committee that insofar as possible, there be no major layups of vessels utilized by the Bureau of Commercial Fisheries.

The committee endorses the proposal for the Bureau of Sport Fisheries and Wildlife to participate in the fisheries research conducted at the Ann Arbor laboratory, with a proportionate share of the total cost being funded by each Bureau.

### MANAGEMENT AND INVESTIGATIONS OF RESOURCES (SPECIAL FOREIGN CURRENCY PROGRAM)

The committee recommends an appropriation of $15,000, the budget estimate, to continue the research program conducted in foreign countries with excess foreign currencies.

### CONSTRUCTION OF FISHING VESSELS (BCF)

The committee recommends an appropriation of $200,000, the budget estimate, for this activity.

The amount provided in the bill is for administrative costs associated with contracts based on subsidy applications received prior to June 30, 1969.

### FEDERAL AID FOR COMMERCIAL FISHERIES RESEARCH AND DEVELOPMENT (BCF)

The committee recommends an appropriation of $4,040,000, the budget estimate, for this activity.

Of the total amount provided, $3,800,000 is for aid to States, and $240,000 is for program administration.

### ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION (BCF)

The committee recommends an appropriation of $2,168,000, the budget estimate, for this activity.

Of the total amount provided, $2,000,000 is for payment to cooperators; and $168,000 is for program administration.

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### ADMINISTRATION OF PRIBILOF ISLANDS (APPROPRIATION OF RECEIPTS)

The committee recommends an appropriation of $2,774,000, the budget estimate, for this activity.

These funds are derived from the sale of fur skins and other wildlife products of the islands and are used to provide schooling, medical attention, and other services to the natives of the islands, for operation and maintenance of facilities, and management of the Alaska fur-seal herd.

### FISHERMEN'S PROTECTIVE FUND (BCF)

The committee recommends an appropriation of $60,000, the budget estimate, for this activity.

The Fishermen's Protective Act—Public Law 90–482—authorizes the Secretary of the Interior to enter into agreements to indemnify the owners and crews of American fishing vessels seized or detained by a foreign country under certain conditions.

As noted above, the bill we present provides an increase of $1,012,000 over the 1971 budget estimate. This increased funding provides $400,000 for continued operation at the 1970 level of the Ann Arbor, Mich., Laboratory complex, and $337,000 for continued operation of the laboratory at Milford, Conn.

In addition, the committee provides $75,000 for a general evaluation study and review of all commercial fisheries laboratories and ships. The purpose of this study is to evaluate the effectiveness of the operation of various laboratories and ships by the Bureau of Commercial Fisheries and provide information for future program development in this connection before there is any further closing of facilities with the excuse, "they are not efficiently productive and the addition of facilites, either vessel or laboratory do not materially contribute to the improvement of our commercial fisheries program."

In this same category of desire for knowledge, I would remind you again that the committee has asked the Bureau of Commercial Fisheries to complete research on the consequences and relationship of oil spills to fish, what the results of atomic wastes are in our rivers and on our bays to fish, to recommend improvement of our steelhead fishing resources and give you a report on what additional Columbia River dams may or may not do to the fish resources of the United States. We have many opinions but little specific and reputable information available on the extent of the effects of these various programs. Therefore, we say the time is now to come up with some answers. Go to the Atomic Energy Commission, to the U.S. Army Engineers, to the sportsmen, and the commercial fishing people. Get the answers, and come back to us.

Relative to decreases, the amount in the bill is $3,995,000 below the $42,316,000 appropriated for this activity in 1970. This is related largely to construction. There was $700,000 provided in the 1970 appropriation for the fish protein concentrate demonstration plant and $1,625,000 for the Willamette Falls fishway project. Both projects are completed.

Also, and I would like to emphasize this, another item of decrease is $2.8 million for construction of fishing vessels; $3 million was provided in the 1970 appropriation for this activity, but the 1971 bill provides only $200,000 for administration of the program in view of the fact that legislative authorization for this activity has not been enacted to continue the program in the 1971 fiscal year.

Our total reduction also includes a decrease of $550,000 in Federal aid for Commercial Fisheries research and development which also relates to construction projects funded in the 1970 program which have been completed.

Therefore, in reviewing total decreases and increases, the severity of impact of this budget is actually in the fact that we are now facing the future and exploring to the utmost where we may develop and modernize our fishing industry. It should not be an era of cutbacks or holding the line. It should be an era of looking ahead and establishing new updated criteria if we are to match our fishing industry with that of the sophisticated industry developed by the Soviet Union.

### BUREAU OF SPORT FISHERIES AND WILDLIFE

Another item of major interest is the Bureau of Sport Fisheries and Wildlife with the increases and decreases as noted below:

### MANAGEMENT AND INVESTIGATIONS OF RESOURCES

The committee recommends an appropriation of $56,356,000, an increase of $130,000 over the budget estimate for this activity.

The net increase of $130,000 includes the following:

Decreases: −$74,000 for preservation of steamboat *Bertrand;* −$10,000 for improved service to wildlife refuge visitors; and −$11,000 for operation and maintenance of new wildlife refuges.

Increases: +$60,000 for co-op wildlife research unit, Oregon State University; +$60,000 for co-op fishery unit, Wisconsin State University; +$75,000 for fishery management project, northwest Florida; and +$30,000 for fishery management, western Pennsylvania, Kinzua Dam.

The amount recommended by the committee compared with the 1971 budget estimate by activity is as follows:

| Activity | Committee bill, 1971 | Bill compared with estimate, 1971 |
|---|---|---|
| Fish hatcheries | $10,958,000 | ------------ |
| Wildlife refuges | 17,863,000 | −$95,000 |
| Soil and moisture conservation | 741,000 | ------------ |
| Management and enforcement | 4,470,000 | ------------ |
| Fishery research | 4,674,000 | ------------ |
| Wildlife research | 8,962,000 | +60,000 |
| Fishery services | 2,374,000 | +165,000 |
| Wildlife services | 3,742,000 | ------------ |
| River basin studies | 2,019,000 | ------------ |
| Pesticides registration | 553,000 | ------------ |
| Total, management and investigations of resources | 56,356,000 | +130,000 |

### CONSTRUCTION (SPORT FISHERIES AND WILDLIFE)

The committee recommends an appropriation of $4,175,000, an increase of $1,556,000 over the budget estimate for this activity. Additional funding is provided for the following projects:

Plus $25,000 for Meridian National Fish Hatchery, Mississippi, planning;

Plus $250,000 for San Marcos National Fish Hatchery, Texas;

Plus $241,000 for Allegheny National Fish Hatchery, Pennsylvania;

Plus $295,000 for Warm Springs National Fish Hatchery, Oregon;

Plus $30,000 for fishery station, Valentine, Nebr., planning;

Plus $90,000 for water supply intake, Quinault Fish Hatchery, Washington; and

Plus $700,000 for support facilities, Western Gulf Marine Laboratory, Port Aransas, Tex.

The amount provided includes $100,000 for construction of interpretive facilities at Great Swamp, N.J., a decrease of $75,000 below the budget estimate.

### MIGRATORY BIRD CONSERVATION ACCOUNT (SPORT FISHERIES AND WILDLIFE)

The committee recommends an appropriation of $7,500,000, the budget estimate, for this activity. This is an increase of $1,700,000 over appropriations enacted to date for fiscal year 1970.

The recommended amount, together with an estimated $5 million to be available in receipts from Federal hunting stamps, will provide a total in the migratory bird conservation fund of $12,500,000 for fiscal year 1971 to continue the expanded wetlands acquisition program authorized by Public Law 90–205.

### ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION (SPORT FISHERIES AND WILDLIFE)

The committee recommends an appropriation of $2,311,000, the budget estimate, for this activity.

The purpose of this program is to preserve, develop, and enhance anadromous fisheries resources within the several States and in the Great Lakes.

### MANAGEMENT AND INVESTIGATIONS OF RESOURCES (SPORT FISHERIES AND WILDLIFE) (SPECIAL FOREIGN CURRENCY PROGRAM)

The budget estimate included a request of $100,000 for management and investigations of resources—special foreign currency program.

The bill provides no funds for this activity.

### NATIONAL PARK SERVICE

Management and protection: The committee recommends an appropriation of $57,670,000, a decrease of $351,000 below the budget estimate.

The reduction includes the following decreases: −$54,000 to initiate the volunteers-in-parks program. Authorization has not been enacted for this activity; −$25,000 for promotion of domestic travel; −$240,000 for master planning; −$7,000 for national park system plan; and −$25,000 for increased pay cost adjustment.

The amount recommended by the committee compared with the 1971 budget estimate by activity is as follows:

| Activity | Committee bill, 1971 | Bill compared with estimate, 1971 |
|---|---|---|
| Management of park and other areas | $51,246,600 | −$104,000 |
| Forestry and fire control | 2,347,300 | ------------ |
| Park and recreation programs | 4,076,100 | −247,000 |
| Total, management and protection | 57,670,000 | −351,000 |

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### MAINTENANCE AND REHABILITATION OF PHYSICAL FACILITIES (NATIONAL PARK SERVICE)

The committee recommends an appropriation of $48,500,000, a reduction of $263,000 below the budget estimate. The reduction is for application against the total requested increase of $2,647,200 for operation and maintenance of existing park areas.

### CONSTRUCTION (NATIONAL PARK SERVICE)

The committee recommends an appropriation of $16,385,000, a reduction of $500,000 below the budget estimate.

The net reduction of $500,000 includes a decrease of $776,000 for anticipated slippage in the construction program and the following increases:

Plus $185,000 for restoration of facilities at Fort Scott National Historic Site, Kans.

Plus $91,000 for administrative headquarters, Redwood National Park, Calif.

Included in this appropriation item is $1,425,000 for construction of buildings and utilities at Independence National Historic Park, Pa. It is the express desire of the committee that the construction work as proposed in the budget estimate proceed during fiscal year 1971 with the least possible delay.

### PARKWAY AND ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY) (NATIONAL PARK)

While the committee recommends the appropriation of the total budget estimate of $16,000,000 for this activity, it directs that:

First. Of $1,600,000 available for advance planning, $255,000 shall be earmarked for engineer-planning of section 3–C of the Natchez Trace Parkway.

Second. Within available funds, the National Park Service give high priority to construction of that section of the Big Horn Canyon Highway between Horseshoe Bend, Wyo., and Devil's Overlook, Mont.

### PRESERVATION OF HISTORIC PROPERTIES (NATIONAL PARK SERVICE)

The committee recommends an appropriation of $6,801,000, a reduction of $149,000 below the budget estimate. The reduction includes decreases of $139,000 for grants-in-aid to States and $10,000 for adjusted pay increase costs.

### GENERAL ADMINISTRATIVE EXPENSES (NATIONAL PARK SERVICE)

The committee recommends an appropriation of $3,580,000, a reduction of $25,000 below the budget estimate. This decrease is related to adjusted pay increase costs.

There are few Americans who do not share some portion of our National Park opportunities during a year. The committee is particularly proud of the program which it began, known as "Summer in the Parks," now referred to as "Parks for All Seasons." Particularly do these parks bring to urban citizens an opportunity to share outdoor living and we are sure that through programs offered, our young people will be encouraged to love and build our country rather than to destroy it.

### LITTER AND CLEANUP

As we move through the discussion of the Park Service and recreational opportunities, I cannot resist again calling attention to the cost of "messy Americans."

A great many million dollars per year could be expended in useful construction and maintenance or expansion of our services if huge sums of money were not required to clean up after the litter of careless individuals who not only clutter but burn our national recreation areas.

This continues to be a significant problem for the bureaus responsible for the administration of national recreation areas. During the hearings we had testimony that $21,623,000 of scarce funds in the 1971 budget will be used for the litter cleanup.

An example of destruction was brought to the committee's attention by the Bureau of Sport Fisheries and Wildlife relative to a refuge in Alaska. A careless camper in a few minutes, because of failure to put out a campfire, destroyed $15 million worth of timber and cost the Bureau more than a million dollars to put out the fire.

It is well to note that the entire Bureau of Sport Fisheries and Wildlife budget in refuges was only $17,863,000. How selfish can we be through our carelessness! Wouldn't it be far better for Americans to use the same caution on the property that belongs to all of us that they would use on their own, and save "clutter dollars" to spend on additional boat docks, sanitation facilities, picnic tables, and trails which would contribute to the enjoyment of a day outdoors? Perhaps our national TV industry and press with their great potential for influencing American activities can give more attention to these clean-up problems with spot announcements and thus encourage respect for our American landscape.

### BUREAU OF MINES

### CONSERVATION AND DEVELOPMENT OF MINERAL RESOURCES

The committee recommends an appropriation of $45,122,000, an increase of $150,000 over the budget estimate.

The net increase of $150,000 over the budget estimate includes the following:

Increases: +$1,000,000 for resource development, anthracite. On numerous occasions the committee has emphasized the urgent necessity for combating the culm bank fires in Pennsylvania which have destroyed life and property in that area for many years. To date, action producing tangible results has been negligible. It is the very strong recommendation of this committee that immediate action be taken for development of a demonstration program that will produce a meaningful solution to this critical situation that has existed much too long.

Plus $150,000 for metallurgy research. Sampling and characterization of incinerator residues and raw refuse.

Decrease: −$1,000,000 for metallurgy research.

It is the recommendation of the committee that $300,000 of petroleum research funds be earmarked for continued research efforts at the laboratory of Bartlesville, Okla.

The amount recommended by the committee compared with the estimate for 1971 by activity is as follows:

| Activity | Committee bill, 1971 | Bill compared with estimate, 1971 |
|---|---|---|
| Research: | | |
| Coal | $8,468,000 | |
| Petroleum | 2,295,000 | |
| Oil shale | 2,413,000 | |
| Metallurgy | 11,385,000 | −$850,000 |
| Mining | 7,691,000 | |
| Marine mineral mining | 925,000 | |
| Explosives | 663,000 | |
| Resource development: | | |
| Statistics | 2,091,000 | |
| Economic analysis | 520,000 | |
| Bituminous coal | 934,000 | |
| Anthracite | 1,746,000 | +1,000,000 |
| Petroleum | 839,000 | |
| Minerals | 4,494,000 | |
| International activities | 658,000 | |
| Total, conservation and development of mineral resources | 45,122,000 | +150,000 |

### HEALTH AND SAFETY (BOM)

The committee has recommended the total amount of the budget estimate, $54,395,000 for health and safety activities of the Bureau of Mines. This is an increase of $28,063,000 over the $26,332,000 appropriated to date for fiscal year 1970. The major portion of this increase is to provide funding for activities prescribed in the Federal Coal Mine Health and Safety Act of 1969—Public Law 91–173—enacted December 30, 1969.

As a result of information it has received through its budget hearings and otherwise, the committee is quite concerned that administration of the mine health and safety program is not proceeding as expeditiously and effectively as the Congress intended in its enactment of the new mine health and safety legislation.

While the committee appreciates this is a greatly expanded and intricate program, it is also conscious of the seriousness of loss of life in mine disasters. The committee directs the Department of Interior to give this phase of its operation its most concerted effort and attention so that a viable program can be in effect with the least possible delay.

### HELIUM FUND (BOM)

While the 1971 budget estimate did not contain a request for additional borrowing authorization for the helium program, the committee had occasion in several instances to review the operations of the program. For the last several years the helium program has experienced numerous difficulties for various reasons. This committee frequently has expressed its concern with the operation of the program. The situation continues to become more acute and until very recently the committee has been unable to discern any specific action by those responsible for the administration of the program to resolve the problem.

When the Director of the Bureau of Mines appeared before this committee on Tuesday, February 25, 1969, he advised the committee that the Department was making a thorough review of the helium program which in his opinion was overdue. He stated that preliminary reviews were sufficient to indicate that the Department had some questions that required very careful exploration, particularly with regard to the demand estimates which were the predicate of the helium program and with regard to the share of the U.S. helium market that is supplied by the Bureau of Mines.

On September 10, 1969, the Comptroller General issued a report—B-114-812—that was quite critical of the helium program operations.

Notwithstanding the foregoing, it was not until Thursday, May 7, 1970, the committee received informal information that the Department of the Interior had finally arrived at a decision in this connection and was initiating action for revision of the helium procurement program.

In the meantime, the Government has been procuring billions of cubic feet of helium per year under existing contracts with no specific idea of what the eventual utilization will be, and interest costs have been accruing on delinquent payments for the purchase of the helium.

Recently, rather precipitous action was taken to close the helium research center at Amarillo, Tex. The committee is unaware of all the considerations that led to this action. It is the very urgent recommendation of the committee that the Bureau of Mines continue the operation of the helium research center at Amarillo, Tex., until adequate contacts can be made with the various universities which might be interested in the assumption of this research work, and an equitable contract can be formulated for the assumption by a university of the research program.

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### OFFICE OF COAL RESEARCH (SALARIES AND EXPENSES) BOM

The committee recommends an appropriation of $16,200,000, the budget estimate, for the Office of Coal Research.

While no change has been made in the total amount requested in the budget estimate, the committee recommends the following revisions in fund application:

Increases: +$620,000 for solid electrolyte high temperature fuel cell; +$180,000 for multicell coal-fired fluidized bed boiler project; +$200,000 for magneto hydrodynamics process; and +$100,000 for Hydrocarbon Research, Inc., project.

Decreases: −$1,000,000 for Project Gasoline; and −$100,000 for electrofluidic coal processing.

### OFFICE OF OIL AND GAS (SALARIES AND EXPENSES) BOM

The committee recommends an appropriation of $1,181,000, a reduction of $14,000 below the budget estimate for the Office of Oil and Gas.

The reduction includes a decrease of $10,000 for Coordination of Oil and Gas Activities, and $4,000 for the Oil Import Appeals Board.

The reduction in funding recommended by the committee will have no effect on the proposed employment of four additional inspectors to monitor the oil import program.

Relative to the program of the Bureau of Mines, I would like to note for the members of this committee that the workforce available for mining is substantially decreasing year by year yet coal remains one of the greatest unused sources of American energy. At a time when we are depleting other sources of energy far faster than we can afford to, coal remains a great and constant factor. It would seem to me that we should not allow this work force to disappear before full utilization of the resource.

The committee also deeply regrets that we did not have more funds to provide additional dollars for increased coal research data. For example, the committee has noted that contracts are now being signed between several foreign nations and certain areas of Canada for coal. U.S. coal could prove just as competitive in world markets and in domestic consumption if fly ash, a basic ingredient of pollution were removed. Projects are underway which would guarantee this better pollution control. However, insufficient funding is available.

### POLLUTION CONTROL

While I am on the subject of pollution control, I would like to remind the members of this committee that the President of the United States by proclamation stated that by December 31, 1972, all pollution on Federal installations must cease and yet the Interior Subcommittee to its dismay discovered numerous examples of pollution abatement items funded but budgetarily curtailed.

For example, the U.S. Forest Service's present inventory shows that $34,098,000 is necessary to correct the recreation facilities to take care of water pollution problems. In addition, they have water pollution abatement problems. Some of these are under the budget line item for fire and general purpose construction. The cost to correct them is $8.5 million. At research stations the cost is $434,000. At civilian conservation centers, $610,000.

In response to my question as to the needs in the next 2 fiscal years, the Forest Service advises that between $18 and $20 million in each year is necessary to meet the requirements of the Executive order on cleaning up water pollution.

In the National Park Service, to our dismay, we discovered that placed in reserve for fiscal year 1970, some $25.5 million was subject to cutback and over $2 million of this was pollution control abatement items including $134,000 for the Statue of Liberty sewage system. It seems rather strange that we invite people to visit the symbol of our liberty and then tell them we do not have the facilities to take care of their sewage.

Item by item I could go through funding placed in reserve but it would take far too long. I merely want to say to the Bureau of the Budget, "You cannot possibly carry out the mandate of the President of the United States by December 31, 1972, on pollution abatement unless you stop freezing pollution abatement construction funds and spend them to do exactly what they were appropriated for. Let us not have a credibility gap."

### OFFICE OF TERRITORIES

### ADMINISTRATION OF TERRITORIES

The committee recommends an appropriation of $17,350,000, a reduction of $59,600 below the budget request.

The proposed reduction of $59,600 is for application to general administrative costs of the Washington headquarters office.

### TRUST TERRITORY OF THE PACIFIC ISLANDS

The committee recommends an appropriation of $50 million, a reduction of $10 million below the budget estimate.

Authorizing legislation to increase annual appropriations for this activity by $10 million has not been enacted.

The reduction of $10 million shall be distributed to various projects in accordance with the schedule of reductions listed on pages 730 to 732, part 1, of the 1971 House appropriations hearings.

You will note we have funded the trust territories for the authorization allowed. I may say again that I would like to commend the Secretary of the Interior for the work that is going on there. They are doing, I believe, an excellent job, at least of programing, planning, and small job coordination. Consideration is being given to sewage, water, and health programs. Educational institutions are rebuilt. And I want to particularly commend this Department for beginning a plan to equalize wages. This is a mandatory correction of an evil which should never have existed.

I should like to add for the information of this committee that it has been customary since I have been chairman of the Interior Subcommittee to have present during our hearings members from the Congresses of Micronesia, Samoa, and Guam. This has established an excellent rapport and understanding between parliamentary bodies and is a people-to-people approach necessary to the conduct of American neighborliness.

### MINERAL RESOURCES

### GEOLOGICAL SURVEY—SURVEYS, INVESTIGATIONS, AND RESEARCH

The committee recommends an appropriation of $108,057,000, an increase of $2,300,000 over the budget estimate.

The increase of $2,300,000 over the budget estimate includes the following: +$2,000,000 for resource management, marine minerals—the increased funding will provide for approximately 37 additional inspectors to improve the surveillance over the drilling and production phases of the Outer Continental Shelf program. Improved inspection capability in these critical areas is essential to detect and prevent pollution of adjacent water; and +$300,000 for development of a central data reception facility for project EROS to be located at Sioux Falls, S. Dak.

The total amount recommended by the committee as compared with the estimate for 1971 by activity is as follows:

| Activity | Committee bill, 1971 | Bill compared with estimate, 1971 |
|---|---|---|
| Special resource and environmental projects | $1,500,000 | |
| Alaska pipeline related investigations | 1,300,000 | |
| Topographic surveys and mapping | 28,903,000 | |
| Geologic and mineral resource surveys and mapping | 29,200,000 | |
| Minerals discovery loan program | 253,000 | |
| Water resources investigations | 32,542,000 | |
| Conservation of lands and minerals | 9,855,000 | +$2,000,000 |
| Earth resources observation satellite (EROS) | 1,900,000 | +300,000 |
| General administration | 2,604,000 | |
| Total, Geological Survey | 108,057,000 | +2,300,000 |

In noting the importance of our Geological Survey and in further explanation of my remarks earlier that this is not an adequate bill, I would refer all of you to page 975, volume 1, when we had Dr. Pecora, the Director of the Geological Survey before us. I asked him:

> Please equate the total budget for your Bureau with the value of the land and resources in the United States you administer.

Dr. Pecora responded that their budget presented to us was $106 million, then added the following:

> The total area of the United States on land itself is in excess of 3½ million square miles. The Continental Shelf is an additional 1.2 million square miles. Roughly, the total area is more than 4 million square miles. The interesting statistic here is that half of that total area is in the public domain; that is, belongs to all of the people of the United States and is not in private ownership. The area offshore is about equal to that in the public domain on land. It is very interesting also to analyze the geologic potential of basic resources that occur in this public domain. For example, more than 50 percent of our U.S. total potential energy resources—oil, gas, and coal—are in the public domain.

I then asked Dr. Pecora what he estimated that value would be. He replied that total U.S. resources, from the geological point of view, is in the order of 530 billion barrels of liquid petroleum with the current average price of crude oil throughout the country at $3 per barrel. Therefore, the oil potential of the entire country is in excess of 500 billion barrels; 52 percent of this, with a gross value in the ground of approximately $825 billion, is within public domain lands, onshore and offshore.

The gross value of natural gas in the ground on the public domain—52 percent of the national resources—at December prices was estimated to be about $215 billion; 39 percent of the Nation's coal is on public domain. Of the total production of coal in the United States today, somewhere in the order of 2 to 3 percent is produced from public lands. Therefore, the big reserve of coal available as an energy resource for the United States is in public lands for future development.

In giving the total value of this resource, Dr. Pecora said that 39 percent of the Nation's unmined coal resources which are estimated to be on public domain land has a gross value of $1,400 billion. Dr. Pecora went on to emphasize the importance of the classification of our lands. To me the single most important recommendation I can make to this Nation is that right now, at this point in time, we classify our resources in the lands where they lie; prepare, if you please, an inventory of the Nation's future.

On oil shale, Dr. Pecora went on to tell us that 75 percent of oil which can be derived from oil shale in the Western States is in the public domain, and his estimate is that 80 billion barrels of oil can possibly be recovered by some procedure in the future.

In further reviewing our mineral resources, Dr. Pecora said in the area of uranium, 40 percent of our reserve potential rests within the public domain.

On page 978 of our hearings, volume 1, you will note that the Geological Survey alone in its supervision and management of public lands both onshore and offshore, has collected something in the order of $350 million this past year. Measure this against the proposed budget of $106 million, or this bill's allowance of $108,057,000.

Dr. Pecora also emphasized to the committee the necessity for having more inspectors for the oil developments on the leased areas of the Continental Shelf. This is the reason that we recommend the increase of $2 million which will provide 37 additional inspectors to improve surveillance of the Outer Continental Shelf.

We are also recommending $300,000 for the development of a central data reception center for Project Eros. Eros is readily related to our resources management and the committee unhesitatingly recommends that the future of resources, pollution control, exploration for water resources, management of our fish, are inextricably linked with the Eros satellite.

### LAND AND WATER CONSERVATION FUND

The committee recommends an appropriation of $168,500,000, the budget estimate, for the land and water conservation fund. The committee has deleted the request of $1,000,000 for the Bureau of Outdoor Recreation emergency fund and has transferred this amount for additional grants to States.

The following table reflects the action recommended by the committee on the budget request:

| Activity | Budget estimate | Committee bill, 1971 | Change |
|---|---|---|---|
| 1. Assistance to States | $62,500,000 | $63,500,000 | +$1,000,000 |
| 2. Federal land acquisition program: | | | |
| National Park Service: | | | |
| Biscayne National Monument, Fla | 12,000,000 | 12,000,000 | |
| Delaware Water Gap National Recreation Area, Pennsylvania-New Jersey | 10,231,743 | 10,231,743 | |
| Fire Island National Seashore, N.Y. | 2,082,800 | 2,082,800 | |
| Guadalupe Mountains National Park, Tex | 116,000 | 116,000 | |
| Indiana Dunes National Lakeshore, Ind | 4,900,000 | 4,900,000 | |
| North Cascades National Park, Wash | 1,935,000 | 1,935,000 | |
| Pictured Rocks National Lakeshore, Mich | 1,700,000 | 1,700,000 | |
| Point Reyes National Seashore, Calif | 2,037,773 | 2,037,773 | |
| San Juan Island National Historic Park, Wash | 65,700 | 65,700 | |
| Whiskeytown National Recreation Area, Calif | 2,500,000 | 2,500,000 | |
| National wild and scenic rivers | 6,680,984 | 6,680,984 | |
| National trails system | 250,000 | 250,000 | |
| Inholdings | 10,000,000 | 10,000,000 | |
| Deficiencies | 1,500,000 | 1,500,000 | |
| Total, National Park Service | 56,000,000 | 56,000,000 | |
| Forest Service: | | | |
| National recreation areas | $1,327,200 | $1,327,200 | |
| National wild and scenic rivers | 917,000 | 917,000 | |
| General recreation lands | 11,505,800 | 11,505,800 | |
| Total, Forest Service | 13,750,000 | 13,750,000 | |
| Bureau of Sport Fisheries and Wildlife: | | | |
| Endangered species | 1,196,000 | 1,196,000 | |
| Recreation areas | 345,000 | 345,000 | |
| Total, Bureau of Sport Fisheries and Wildlife | 1,541,000 | 1,541,000 | |
| Bureau of Land Management: National wild and scenic rivers | 250,000 | 250,000 | |
| Bureau of Outdoor Recreation: | | | |
| Administration | 3,459,000 | 3,459,000 | |
| Emergency fund | 1,000,000 | | −$1,000,000 |
| Total, Bureau of Outdoor Recreation | 4,459,000 | 3,459,000 | −1,000,000 |
| Liquidation of 1970 advance contract authority | 30,000,000 | 30,000,000 | |
| Total, Federal program | 106,000,000 | 105,000,000 | −1,000,000 |
| Grand total, 1971 | 168,500,000 | 168,500,000 | |

Since nearly every Member of this House is concerned with this Land and Water Conservation Fund, I am sure you will be pleased that the budget of $168,500,000 was recommended and that we placed $1 million from the emergency fund of the Bureau of Outdoor Recreation into increased assistance for States. Also, on May 13, a revised budget from the Secretary of the Interior has apprised the committee of a proposed additional $188.9 million for expenditure this year which will allow full funding in this category.

### U.S. FOREST SERVICE

#### FOREST PROTECTION AND UTILIZATION

The committee recommends under this heading a total appropriation of $284,022,700, an increase of $5,442,700 above the budget estimate.

The following is a summary of action taken on the programs included under this appropriation.

#### FOREST LAND MANAGEMENT

The committee recommends an appropriation of $213,412,700, an increase of $1,837,700 above the budget estimate.

The additional funding provided includes the following increases:

Plus $700,000 for Cave Run Reservoir recreation facilities, Kentucky.

Plus $123,000 for sewer and water systems, June Lake, Inyo National Forest, Calif.;

Plus $763,000 for sewer system, South Lake Tahoe, Eldorado National Forest, Calif.;

Plus $100,000 for Council Bluffs Reservoir, Clark National Forest, Mo.;

Plus $101,700 for construction of maintenance building, Timberline Lodge, Mount Hood National Forest, Oreg; and

Plus $50,000 for Kerr Arboretum and Nature Center, Okla.

The committee recommends that none of the funds contained in this bill be used for development of facilities and roads in the Lincoln-Scapegoat Back-Country in the national forests in Montana.

Reclamation of lands damaged by strip-mining activities is becoming a matter of major concern to many individuals interested in the improvement of our environment. It is therefore recommended that, within available funds, the Forest Service conduct a pilot study with Berea College during fiscal year 1971 with a view toward recommending to this committee in general terms, the most practical and efficient approach that might be taken for the rehabilitation of these areas.

The committee directs the Forest Service to complete planning and any necessary hearings in fiscal year 1971 for the Diamond Crossing Road on the Tahoe National Forest so that construction of this road will not be delayed.

The total amount recommended by the committee as compared with the estimate for 1971 by activity is as follows:

| Activity | Committee bill, 1971 | Bill compared with estimate, 1971 |
|---|---|---|
| Forest land management: | | |
| National forest protection and management: | | |
| Timber resource management: | | |
| Sales administration and management | [1]$52,324,000 | |
| Reforestation and stand improvement | 19,412,000 | |
| Recreation-public use | 44,062,700 | +$1,837,700 |
| Wildlife habitat management | 4,642,000 | |
| Range resource management: | | |
| Management | 6,571,000 | |
| Revegetation | 3,252,000 | |
| Improvements | 4,378,000 | |
| Soil and water management | 6,317,000 | |
| Mineral claims, leases, and special uses | 4,633,000 | |
| Land classification, adjustments, and surveys | 6,769,000 | |
| Forest fire protection | 29,210,000 | |
| Construction and maintenance of improvements for fire and general purposes (including communications) | 10,056,000 | |
| Payments to employees' compensation fund | 1,456,000 | |
| Subtotal | 193,082,700 | +1,837,700 |
| Amount advanced from cooperative range improvements | −700,000 | |
| Subtotal, national forest protection and management | $192,382,700 | +$1,837,700 |
| Water resource development related activities | 4,109,000 | |
| Fighting forest fires | 4,275,000 | |
| Insect and disease control | 11,346,000 | |
| Acquisition of lands, Weeks Act | 1,300,000 | |
| Total, forest land management | 213,412,700 | +1,837,700 |

[1] Includes $14,000 contained in budget amendment listed in H. Doc. 91–305.

### FOREST RESEARCH

The committee recommends an appropriation of $46,671,000, an increase of $1,605,000 over the budget estimate.

The additional funding provided includes the following increases:

Plus $325,000 for urban forestry, University of Massachusetts and other universities of the Northeast;

Plus $140,000 for planning funds, Southern Forest Fire Laboratory, Macon, Ga.;

Plus $500,000 for construction of additional facilities at the Forestry Sciences Laboratory, Corvallis, Oreg.;

Plus $150,000 for conversion of central heating plant, Forest Products Laboratory, Madison, Wis.;

Plus $490,000 for construction of Institute of Forest Genetics, Rhinelander, Wis.

The amount recommended by the committee in camparison with the 1971 budget estimate by activity is indicated in the following table:

| Activity | Committee bill, 1971 | Bill compared with estimate, 1971 |
|---|---|---|
| Forest Research: | | |
| Forest and range management research: | | |
| Timber management research | $10,469,000 | +$150,000 |
| Watershed management research | 4,416,000 | |
| Range Management research | 1,420,000 | |
| Wildlife habitat research | 1,338,000 | +100,000 |
| Forest recreation research | 979,000 | +75,000 |
| Subtotal, Forest and range management research | 18,622,000 | +325,000 |
| Forest protection research: | | |
| Forest fire research | 3,821,000 | |
| Forest insect research | 4,783,000 | |
| Forest disease research | 2,810,000 | |
| Subtotal, Forest protection research | 11,414,000 | |
| Forest products and engineering research: | | |
| Forest products utilization research | 8,227,000 | |
| Forest engineering research | 1,080,000 | |
| Subtotal, Forest products and engineering research | 9,307,000 | |
| Forest resource economics research: | | |
| Forest survey | 3,115,000 | |
| Forest products marketing research | 1,664,000 | |
| Forest economics research | 1,269,000 | |
| Subtotal, Forest resource economics research | 6,048,000 | |
| Forest research construction | 1,280,000 | +1,280,000 |
| Total Forest Research | 46,671,000 | +1,605,000 |

### STATE AND PRIVATE FORESTRY COOPERATION

The committee recommends an appropriation of $23,939,000, an increase of $2 million over the budget estimate.

The increase of $2 million over the budget estimate is for cooperation in forest fire control to provide an additional amount for grants to States for firefighting as authorized by the Clarke-McNary Act.

Each year when I present the budget of the U.S. Forest Service, I bring to you some of the necessities that the United States must face in providing proper funding not only for the management of lands which produce timber but for management of lands for multiple-purpose use. An exciting item which we have added this year is that for urban forestry.

### BUREAU OF LAND MANAGEMENT

### MANAGEMENT OF LANDS AND RESOURCES

The committee recommends an appropriation of $58,940,000, the budget estimate, for this activity.

The amounts recommended by the committee for the various subactivities included in this appropriation item are as follows:

| | *Committee bill, 1971* |
|---|---|
| Realty and mineral leasing services: | |
| Title, lease, and records service | $6,832,000 |
| Records improvement | 827,000 |
| Resource management conservation and protection: | |
| Land classification and mineral examination | 5,788,000 |
| Range management | 5,879,000 |
| Forestry | 7,316,000 |
| Soil and watershed conservation | 13,407,000 |
| Fire protection | 4,657,000 |
| Recreation and wildlife | 3,182,000 |
| Alaska pipeline inspection | 2,000,000 |
| Cadastral survey: | |
| Alaska | 2,124,000 |
| Other States | 3,579,000 |
| Firefighting and rehabilitation | 1,000,000 |
| General administration | 2,349,000 |
| Total, management of lands and resources | 58,940,000 |

### CONSTRUCTION AND MAINTENANCE (BLM)

The committee recommends an appropriation of $3,215,000, the budget estimate for this appropriation item. The amount provided includes $300,000 for the Boise Interagency Fire Center; $640,000 for recreation facilities; $265,000 for maintenance of buildings; $985,000 for operation and maintenance of recreation facilities; and $1,025,000 for maintenance of roads.

### PUBLIC LANDS DEVELOPMENT, ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORITY) BLM

The committee recommends an appropriation of $3,500,000, the budget estimate, for this activity. The amount provided in the bill will continue this activity at the same level of funding as was available in fiscal year 1970.

### OREGON AND CALIFORNIA GRANT LANDS (BLM)

The bill continues the indefinite appropriation of 25 percent of the gross receipts from sales of timber and other products, representing one-third of the 75 percent of the revenues due the Oregon and California counties.

### RANGE IMPROVEMENTS (BLM)

The committee recommends an indefinite appropriation of $1,841,000, the budget estimate, to be derived from public lands and Bankhead-Jones Farm Tenant Act lands grazing receipts for construction, purchase, and maintenance of range improvements.

### BUREAU OF INDIAN AFFAIRS

### EDUCATION AND WELFARE SERVICES

The committee recommends an appropriation of $218,645,000, an increase of $150,000 over the budget request.

The amount recommended by the committee by activity compared with the 1971 budget estimate is as follows:

| Activity | Committee bill, 1971 | Bill compared with estimate, 1971 |
|---|---|---|
| Educational assistance, facilities, and service | $138, 172, 000 | +$1, 050, 000 |
| Welfare and guidance services | 35, 217, 000 | |
| Relocation and adult vocational training | 39, 717, 000 | −1, 000, 000 |
| Maintaining law and order | 5, 539, 000 | +100, 000 |
| Total, education and welfare service | 218, 645, 000 | +150, 000 |

The net increase of $150,000 includes a decrease of $1,000,000 below the budget estimate for vocational training and the following increases: +$1,000,000 for additional scholarships for Indian youths attending colleges or universities. +$50,000 for provision of higher educational services for the Navahos; and +$100,000 for maintenance of law and order, Omaha, Nebr.

It is the recommendation of the committee that in future allocations of educational funds for impacted area aid, additional factors other than a mere "headcount" of Indian children attending public schools should be considered in the allocation of funds to areas with large Indian populations.

The attendance of Indian children at public schools places a much heavier burden on the public schools than is otherwise encountered by the attendance of the average student. Because of the privation many Indian children experience on the reservations, the educational gap for these children is much more critical and involves the problem of teaching English as a second language. Therefore impacted area funds should provide for these additional educational services.

The committee also recommends that the Bureau of Indian Affairs exert strenuous effort in its relations with the State of Alaska with regard to providing educational facilities for Indian children and do everything possible to accelerate the construction of new schools which native Alaskans and Indians will attend in accordance with the existing agreement between the Bureau of Indian Affairs and the State of Alaska.

The Bureau should also give priority to analyzing the ramifications involved with the attendance of Indian children at the McKinley County School District, and arrive at a reasonable solution at the earliest possible date.

### RESOURCES MANAGEMENT (BIA)

The committee recommends an appropriation of $65,690,000, a net decrease of $527,000 below the budget estimate.

The amount recommended by the committee compared with the 1971 budget estimate by activity is as follows:

| Activity | Committee bill, 1971 | Bill compared with estimate, 1971 |
|---|---|---|
| Forest and range lands | $7, 338, 000 | +$600, 000 |
| Fire suppression and emergency rehabilitation | 140, 000 | |
| Agricultural and industrial assistance | 12, 246, 000 | |
| Soil and moisture conservation | 6, 425, 000 | +400, 000 |
| Maintenance of roads | 5, 129, 000 | |
| Development of Indian arts and crafts | 614, 000 | |
| Management of Indian trust property | 9, 105, 000 | |
| Repair and maintenance of buildings and utilities | 19, 889, 000 | |
| Operation, repair, and maintenance of Indian irrigation systems | 1, 404, 000 | |
| Tribal development | 3, 400, 000 | −1, 527, 000 |
| Total, resources management | 65, 690, 000 | −527, 000 |

The net decrease of $527,000 consists of the following:

Decrease: Minus $1,527,000 for initiation of a program to be used by tribes for commercial economic developmnt programs.

Increases: Plus $600,000 for forestry devlopment; and plus $400,000 for soil and moisture conservation.

Total funds available for this appropriation item in the accompanying bill in the amount of $65,690,000 represent an increase of $10,448,000 over the $55,242,000 appropriated to date for fiscal year 1970.

In connection with the development and management of Indian housing programs, the committee directs that priority be given regardless of region to that housing construction considered mandatory for the health and safety of American Indians.

The committee directs the Bureau of Indian Affairs to conduct a survey of the general economic situation of the Menominee Indian Tribe of Wisconsin and to submit a report of its findings to this committee and the House Interior and Insular Affairs Committee not later than March 31, 1972.

### CONSTRUCTION (BIA)

The committee recommends an appropriation of $18,935,000 a net increase of $4,669,000 over the budget estimate.

The net increase consists of a reduction of $66,000 below the budget estimate for project design drawings, bureauwide; and the following increases: +$585,000 for boys' dormitory, Eufaula Indian Boarding School, Oklahoma; +$150,000 for planning funds for the Yankton-Wagner School, Wagner, S. Dak.; and +$4,000,000 for construction of the Navajo irrigation project.

Prior to the submission of the 1972 budget estimate, the committee directs the Bureau of Indian Affairs to provide it with a detailed inventory of BIA boarding facilities and possible public school programing so that construction needs of the future may be considered on the basis of priority needs and equal opportunity for all Indian students to attend schools will be available.

### GENERAL ADMINISTRATIVE EXPENSES (BIA)

The committee recommends an appropriation of $5,600,000, a reduction of $26,000 below the budget estimate for general administrative expenses.

I do want to report to the committee that although there are many things we see wrong with life in the Indian world, there has been some outstanding progress. For example, I think it is well to note that this year there are 58,000 children in our Federal day and boarding schools—3,000 more than last year; 84,000 Indian children in public schools—last year there were 75,000. We have 1,000 more Indians provided with welfare guidance services.

### KINDERGARTENS (BIA)

Just 3 years ago there were no kindergartens for our Indian children, and yet today with the funding in 1971 budget we are almost doubling the opportunities for kindergarten attendance which is a major step forward.

KINDERGARTEN PROGRAM

| | 1970 number | | 1971 number | |
|---|---|---|---|---|
| | Units | Pupils | Units | Pupils |
| Federal kindergartens | 69 | 1, 566 | 124 | 2, 726 |
| Non-Federal kindergartens | 181 | 2, 515 | 255 | 3, 713 |

This year's budget provides $1 million additional for scholarships. The committee discovered that many young Indian people were accepting vocational scholarships rather than college scholarships in spite of their academic ability because of the size of these vocational grants. This we hope to equalize.

You will note that we have added $4 million for the Navajo Indian irrigation project. As I noted earlier, the Navajo Indian Reservation is larger than West Virginia and over 50 percent of its people are unemployed, on welfare grants of $39 per month, yet our country is dragging its feet in providing funds for the completion of the irrigation project.

Last year we provided money and it was poked in the "deep freeze." This year we are providing more and, interestingly enough, the revised budget of the President also has suggested $4 million for additional work. Our committee insists that funds provided be excluded from the fund freeze for never will we solve the problems of welfare, adequate nutrition, and jobs for the Navajos until they are basically self-supporting and this can only be accomplished through revitalization of their land and resources and the creation of new industries.

I would like to remind the Bureau of Indian Affairs that we are expecting and anticipating an orderly review of the school situation before we can do the kind of construction job which provides maximum education to our Indian young people and yet makes wise use of our limited dollars.

We should have an orderly appraisal of the Indian school needs. For example, where shall we build dormitories to supply living space for youngsters who, because of difficulties of travel and distances from their homes, must attend schools yet who may well be able to participate in a public school if a district is willing and financially able to coordinate with the BIA for a good educational program rather than through the customary boarding schools? In many other instances the committee is aware that boarding schools are a necessity, but they should continue to be minimized in number and upgraded in the opportunities they provide.

The committee wants to reiterate that we would far rather provide schooling than pay travel expense from area to area not only because of the money involved but because every child is entitled to a home and family life to the fullest degree possible.

Relative to the continual upgrading of our Indian schools, may I say that I think it is no longer enough to provide our young Indians with the bare "reading, 'riting, 'rithmetic," for an entire cultural vacuum must be filled with adequate counseling, adequate sports, and recreation. Our young Indian people can take a great deal of credit for one single fact which emerged during our hearings. In none of their schools across the country is there a major problem with drugs. This is a singular tribute to those fine young people. But how long will they remain untroubled if we do not provide for them recreation facilities such as swimming pools and tennis courts so their lives in the bare and dusty, or cold and frozen, lands where they must live can be as rich as those of children in other areas of the country. These are not frills. They are necessities.

I do want to say that through the committee's action last year, additional counselors have been provided in specified schools and have proved to be a most successful step in counteracting problems arising from lonely youngsters in a large school far from home. The committee is again providing funds this year for stepping this program up.

We are also continuing the work-learn program so successfully participated in by the Makahs and Quinaults. Summer programs are also provided and Congress, which is continuously criticized, can take credit for another positive approach for it inaugurated this program.

We have a motto—"Keep our young people busy building our world and they will not burn it." Perhaps the rest of America needs to take some advice from our programs.

INDIAN HEALTH SERVICES (HEW, PUBLIC HEALTH SERVICE)

The committee recommends an appropriation of $114,692,000, an increase of $1,475,000 over the budget estimate.

The additional funding provided includes the following increases: +$1,245,000 for additional staff for hospitals or clinics; +$30,000 for Quinault dental services; and +$200,000 for community health representatives.

The amount recommended by the committee in comparison with the 1971 budget estimate by activity is indicated in the following table:

| Activity | Committee bill, 1971 | Bill compared with estimate, 1971 |
|---|---|---|
| Patient medical care | $83,440,000 | +$1,245,000 |
| Field health services | 29,114,000 | +230,000 |
| Administration | 2,138,000 | |
| Total, Indian health activities | 114,692,000 | +1,475,00 |

The committee directs that there shall be no diversion of funds appropriated for medicine and other medical supplies for other purposes.

INDIAN HEALTH FACILITIES (HEW, PUBLIC HEALTH SERVICE)

The committee recommends an appropriation of $17,950,000, the budget estimate, for this activity. This is a decrease of $3,002,000 below the $20,952,000 appropriated to date for fiscal year 1970. As of March 31, 1970, unobligated construction funds amounted to $21,983,913.

Total funds provided in the bill for this activity are for construction of sanitation facilities and include $16,500,000 for construction of sanitation facilities to serve an estimated 7,100 housing units; $1 million urgently needed to provide water supply and waste disposal facilities for Indian residents of rancherias, reservations, and land allotments in California; and $450,000 for special projects.

In the Indian health field, we are not ashamed of progress made, yet much remains to be done. Many Members who, like myself, have visited the Indian country, have seen overworked doctors and nurses in hospitals and clinics. This is due to budgetary restrictions and personnel ceilings. Last year $957,000 of Indian Health Service medicine money was put in the freeze. This was the money which determined whether Indians would be well or ill. Are we in the position in America where we deliberately say to our own citizens, "Enjoy your pain, for we cannot provide you with aspirin tablets?" I think it is time for us to take stock of where our benefits are going. It is time for us to measure what we stand for, what we believe in, and if we cannot afford to help 354,000 people on our reservations, something is completely wrong.

In passing, I may note that to my knowledge no foreign aid expenditures have been frozen. I have often privately wondered whether I should make a recommendation that the Navajos take themselves across the ocean, lose the war, and appeal for foreign aid. I am completely frank. The United States must recognize its obligations to its "first" citizens.

I do want to say that we can point with some pride to the fact that last year there were no deaths from tuberculosis in Alaska; that our hospital and our clinic visits of Alaskan natives have increased; that the infant death rate is falling in the Indian and Alaskan native population, and falling decidedly; that gastro-enteritis deaths are falling.

We are going to have to spend more money on nutrition, dental service, visiting nurses, doctors for clinics, and shorter hours of those personnel in our clinics.

I think it might be a little thought provoking and disheartening to this committee to know that as the Indian health program has prospered and our infant mortality in the Indian world has gone down, deaths for some of the other nonwhites in the United States have been increasing.

From the standpoint of pure dollars and cents, on page 1045, volume 4, of our hearings, Dr. Johnson of the Indian Health Service said:

> It has been shown that an average case of tuberculosis will cost around $23,000. Calculating what it would take to provide a program for the Navajos specifically, we have determined that with about $250,000 per year over a 5-year period we could expect to reduce the tuberculosis load of that reservation by 60 percent. Using the $23,000 per case, it seems to me that for the cost of $1.25 million we would save $16.5 million over the 5-year period in terms of tuberculosis hospitalization.

INFANT DEATHS PER 1,000 LIVE BIRTHS, SPECIFIED POPULATION GROUPS, CALENDAR YEARS 1965–67

| | 1967 | 1966 | 1965 |
|---|---|---|---|
| United States: | | | |
| All races | 22.4 | 23.7 | 24.7 |
| Whites | 19.7 | 20.6 | 21.5 |
| Nonwhites | 35.9 | 38.8 | 40.3 |
| Indians and Alaska Natives (24 reservation States) | 32.2 | 39.0 | 39.0 |
| Alaska: | | | |
| All races | 29.2 | 31.3 | 38.1 |
| Whites | 19.1 | 22.0 | 24.0 |
| Indians, Aleuts, and Eskimos | 55.6 | 51.4 | 65.4 |
| New York City, selected districts: | | | |
| City as whole | 23.9 | 24.9 | 25.7 |
| Central Harlem | 39.3 | 43.5 | 37.2 |
| East Harlem | 35.8 | 33.6 | 34.8 |
| Flushing | 14.2 | 13.7 | 16.1 |
| Forest Hills | 11.0 | 14.8 | 17.9 |
| Mississippi: | | | |
| All races | 35.5 | 38.8 | 40.6 |
| Whites | 22.8 | 23.1 | 24.5 |
| Nonwhites | 47.4 | 52.6 | 54.4 |
| Navajo Indians | 38.7 | 52.3 | 46.2 |
| Sioux Indians | 35.7 | 45.8 | 50.1 |

Lest any of you think that the Indian Health Service is luxurious compared to other hospital programs in the United States, may I point out that on page 1102, volume 4, of our hearings, the ratio of doctors to 1,000 admissions for general hospitals in the VA was 8.3 and the Indian Health Service was 3.9. And Dr. Johnson of IHS said on the outpatient visits:

> We have, I believe, 0.53 employees per 1,000 outpatient visits. The VA's ratio is something like 2.3 per 1,000 outpatient visits.

Relative to the sanitation programs of the Indian Health Service which must be stepped up, on page 1105, volume 4, of our hearings, the Indian Health Service reports that in fiscal year 1970 they are reaching about 57 percent of their needed total service.

On page 1131, volume 4, the Indian Health Service testifies that after 1971 and the receipt of $99,611,000 for sanitation facilities, there will still be an unmet need of $65 million in the Continental United States, and $43 million in Alaska.

In the field of housing, on page 1135, volume 4, the Indian Health Service testified that 68,000 Indian homes either needed replacement or major rehabilitation. The figure arrived at after some discussion was that 90 percent of Indian housing was inadequate.

Mr. Chairman, this is the reason I conclude by saying in all candor that this bill is undoubtedly not as adequate as it should be. We are always prone to talk about one bit of expenditure in the context of other expenditures. Therefore, I cannot resist pointing out that although $1,800,000,000 may look extravagant, it is well to bear in mind again that this bill manages one-third of the land in the United States; it is a self-liquidating bill except for a very few million dollars; and that in this bill we take care of not only land and resources but our own people.

I also cannot resist equating this with other costs. An hour of war at the current time is estimated at a $2 million cost. This would provide 235 Indian homes; it would provide 1,800 scholarships; it would make sure that our fishing exploratory research vessels were not phased out of operation; and it is equal to insure the inspection of oil spills which could damage the entire United States coastline and cost a substantial amount of money either to the taxpayers or to those private industries associated with the production of a source of energy.

In other categories of spending between the years 1946 and 1970, the United States provided as a total for economic and military loans, grants, and assistance in the foreign operations budget, approximately $138,029,000,000. In those same years, for the management of those agencies concerned with our resources and the development of our wealth, the maintenance of the health and welfare of our people I have named who are covered by this bill for the Department of the Interior, Forest Service, and our related agencies, the Federal Government spent approximately $18,352,485,941, including this year's budget, which year is not included in the Foreign Operations summary.

Now, if we want to go one step further, let us take the gap between the revenue and the expenditures in the bill. This year our proposed expenditures are $1,801,599,700. The estimated receipts for the categories of the bill and the departments are $1,783,842,073. The gap is $17,757,627.

This deficit is the total cost to Americans for our country's share in the resources and management of our land. It is our investment in our own people—in the Indians, Samoans, Guamanians, persons in the trust territories.

I think it is time this committee stopped, looked, and listened. It is time we began to spend the money that needs to be spent to preserve our watersheds, make sure that we have the water resources, that minerals and sources of energy are inventoried; that we preserve and protect the land we love—or we shall have nothing to defend.

Members of this committee, you are not going to protect it by turning your backs, littering and cluttering its landscape, or failing to manage its resources.

I urge you today to support this appropriation not solely because it is the funding for departments of our Government but because it is for funding for you and your children and generations to come.

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971

Note.—All amounts are in the form of "appropriations" unless otherwise indicated.]

| | | | | Bill compared with— | |
|---|---|---|---|---|---|
| Agency and item | New budget (obligational) authority enacted to date, fiscal year 1970 | Budget estimates of new (obligational) authority, fiscal year 1971 | New budget (obligational) authority recommended in bill | New budget (obligational) authority, fiscal year 1970 | Budget estimates of new (obligational) authority, fiscal year 1971 |
| (1) | (2) | (3) | (4) | (5) | (6) |
| TITLE I—DEPARTMENT OF THE INTERIOR | | | | | |
| **Public Land Management** | | | | | |
| **Bureau of Land Management** | | | | | |
| Management of lands and resources | $53,823,000 | $58,940,000 | $58,940,000 | +$5,117,000 | |
| Construction and maintenance | 2,899,000 | 3,215,000 | 3,215,000 | +316,000 | |
| Public lands development roads and trails (appropriation to liquidate contract authority) | (3,500,000) | (3,500,000) | (3,500,000) | | |
| Oregon and California grant lands (indefinite, appropriation of receipts) | 16,000,000 | 18,000,000 | 18,000,000 | +2,000,000 | |
| Range improvements (indefinite, appropriation of receipts) | 1,769,000 | 1,841,000 | 1,841,000 | +72,000 | |
| Total, Bureau of Land Management | 74,491,000 | 81,996,000 | 81,996,000 | +7,505,000 | |
| **Bureau of Indian Affairs** | | | | | |
| Education and welfare services | 181,646,000 | 216,995,000 | 217,145,000 | +35,499,000 | +$150,000 |
| Education and welfare services (appropriation to liquidate contract authority) | (1,057,000) | (1,500,000) | (1,500,000) | (+443,000) | |
| Resources management | 55,242,000 | 66,217,000 | 65,690,000 | +10,448,000 | −527,000 |
| Construction | 26,264,000 | 14,266,000 | 18,935,000 | −7,329,000 | +4,669,000 |
| Road construction (appropriation to liquidate contract authority) | (20,000,000) | (20,000,000) | (20,000,000) | | |
| General administrative expenses | 5,013,000 | 5,626,000 | 5,600,000 | +587,000 | −26,000 |
| Tribal funds (definite) | 3,000,000 | 3,000,000 | 3,000,000 | | |
| Tribal funds (indefinite) | 13,204,000 | 13,204,000 | 13,204,000 | | |
| Total, Bureau of Indian Affairs | 284,369,000 | 319,308,000 | 323,574,000 | +39,205,000 | +4,266,000 |
| **Bureau of Outdoor Recreation** | | | | | |
| Salaries and expenses | 3,750,000 | 4,025,000 | 3,825,000 | +75,000 | −200,000 |
| Land and water conservation: | | | | | |
| Appropriation of receipts (indefinite) | 108,472,000 | 138,500,000 | 138,500,000 | +30,028,000 | |
| (Appropriation out of the fund to liquidate contract authority) | (15,528,000) | (30,000,000) | (30,000,000) | (+14,472,000) | |
| Total Bureau of Outdoor Recreation | 112,222,000 | 142,525,000 | 142,325,000 | +30,103,000 | −200,000 |
| **Office of Territories** | | | | | |
| Administration of territories | 14,921,400 | 17,409,600 | 17,350,000 | +2,428,600 | −59,600 |
| Permanent appropriation (special fund) | (239,400) | (118,000) | (118,000) | (−121,400) | |
| Transferred from other accounts (special fund) | (292,700) | (330,000) | (330,000) | (+37,300) | |
| Trust Territory of the Pacific Islands | 48,112,000 | 60,000,000 | 50,000,000 | +1,888,000 | −10,000,000 |
| Total, Office of Territories | 63,033,400 | 77,409,600 | 67,350,000 | +4,316,600 | −10,059,600 |
| Total, Public Land Management | 534,115,400 | 621,238,600 | 615,245,000 | +81,129,600 | −5,993,600 |
| **Mineral Resources** | | | | | |
| **Geological Survey** | | | | | |
| Surveys, investigations, and research | 96,455,000 | 105,757,000 | 108,057,000 | +11,602,000 | +2,300,000 |
| **Bureau of Mines** | | | | | |
| Conservation and development of mineral resources | 39,331,000 | 44,972,000 | 45,122,000 | +5,791,000 | +150,000 |
| Health and safety | 26,332,000 | 54,395,000 | 54,395,000 | +28,063,000 | |
| General administrative expenses | 1,647,000 | 1,799,000 | 1,799,000 | +152,000 | |
| Helium fund (authorization to spend from public debt receipts) | 24,000,000 | | | −24,000,000 | |
| Total, Bureau of Mines | 91,310,000 | 101,166,000 | 101,316,000 | +10,006,000 | +150,000 |
| **Office of Coal Research** | | | | | |
| Salaries and expenses | 15,300,000 | 16,200,000 | 16,200,000 | +900,000 | |

| | | | | Bill compared with— | |
|---|---|---|---|---|---|
| Agency and item (1) | New budget (obligational) authority enacted to date, fiscal year 1970 (2) | Budget estimates of new (obligational) authority, fiscal year 1971 (3) | New budget (obligational) authority recommended in bill (4) | New budget (obligational) authority, fiscal year 1970 (5) | Budget estimates of new (obligational) authority, fiscal year 1971 (6) |
| **TITLE I—DEPARTMENT OF THE INTERIOR—Continued** | | | | | |
| **Office of Oil and Gas** | | | | | |
| Salaries and expenses | $994, 000 | $1, 195, 000 | $1, 181, 000 | +$187, 000 | −$14, 000 |
| Total, Mineral Resources | 204, 059, 000 | 224, 318, 000 | 226, 754, 000 | +22, 695, 000 | +2, 436, 000 |
| **Fish and Wildlife, Parks, and Marine Resources** | | | | | |
| **Bureau of Commercial Fisheries** | | | | | |
| Management and investigations of resources | 26, 600, 000 | 27, 156, 000 | 28, 168, 000 | +1, 568, 000 | +1, 012, 000 |
| Management and investigations of resources (special foreign currency program) | 15, 000 | 15, 000 | 15, 000 | | |
| Construction | 2, 325, 000 | | | −2, 325, 000 | |
| Construction of fishing vessels | 3, 000, 000 | 200, 000 | 200, 000 | −2, 800, 000 | |
| Federal aid for commercial fisheries research and development | 4, 590, 000 | 4, 040, 000 | 4, 040, 000 | −550, 000 | |
| Anadromous and Great Lakes fisheries conservation | 2, 307, 000 | 2, 168, 000 | 2, 168, 000 | −139, 000 | |
| Administration of Pribilof Islands (definite, appropriation of receipts) | 2, 654, 000 | 2, 774, 000 | 2, 774, 000 | +120, 000 | |
| Fishermen's protective fund | 60, 000 | 60, 000 | 60, 000 | | |
| General administrative expenses | 765, 000 | 896, 000 | 896, 000 | +131, 000 | |
| Limitation on administrative expenses, Fisheries loan fund | (385, 000) | (385, 000) | (385, 000) | | |
| Total, Bureau of Commercial Fisheries | 42, 316, 000 | 37, 309, 000 | 38, 321, 000 | −3, 995, 000 | +1, 012, 000 |
| **Bureau of Sport Fisheries and Wildlife** | | | | | |
| Management and investigation of resources | 49, 160, 000 | 56, 226, 000 | 56, 356, 000 | +7, 196, 000 | +130, 000 |
| Construction | 4, 259, 000 | 2, 619, 000 | 4, 175, 000 | −84, 000 | +1, 556, 000 |
| Migratory bird conservation account (definite, repayable advance) | 5, 800, 000 | 7, 500, 000 | 7, 500, 000 | +1, 700, 000 | |
| Anadromous and Great Lakes fisheries conservation | 2, 294, 000 | 2, 311, 000 | 2, 311, 000 | +17, 000 | |
| Management and investigations of resources (special foreign currency program) | | 100, 000 | | | −100, 000 |
| General administrative expenses | 1, 699, 000 | 1, 875, 000 | 1, 875, 000 | +176, 000 | |
| Total, Bureau of Sport Fisheries and Wildlife | 63, 212, 000 | 70, 631, 000 | 72, 217, 000 | +9, 005, 000 | +1, 586, 000 |
| **National Park Service** | | | | | |
| Management and protection | 49, 150, 000 | 58, 021, 000 | 57, 670, 000 | +8, 520, 000 | −351, 000 |
| Maintenance and rehabilitation of physical facilities | 40, 050, 000 | 48, 763, 000 | 48, 500, 000 | +8, 450, 000 | −263, 000 |
| Construction | 7, 700, 000 | 16, 885, 000 | 16, 385, 000 | +8, 685, 000 | −500, 000 |
| Parkway and road construction (appropriation to liquidate contract authority) | (21, 500, 000) | (16, 000, 000) | (16, 000, 000) | (−5, 500, 000) | |
| Preservation of historic properties | 1, 600, 000 | 6, 950, 000 | 6, 801, 000 | +5, 201, 000 | −149, 000 |
| General administrative expenses | 3, 317, 000 | 3, 605, 000 | 3, 580, 000 | +263, 000 | −25, 000 |
| Total, National Park Service | 101, 817, 000 | 134, 224, 000 | 132, 936, 000 | +31, 119, 000 | −1, 288, 000 |
| Total, Fish and Wildlife, Parks, and Marine Resources | 207, 345, 000 | 242, 164, 000 | 243, 474, 000 | +36, 129, 000 | +1, 310, 000 |
| **Office of Saline Water** | | | | | |
| Saline water conversion | 25, 000, 000 | 29, 373, 000 | 28, 573, 000 | +3, 573, 000 | −800, 000 |
| **Office of Water Resources Research** | | | | | |
| Salaries and expenses | 11, 229, 000 | 13, 312, 000 | 13, 181, 000 | +1, 952, 000 | −131, 000 |
| **Office of the Solicitor** | | | | | |
| Salaries and expenses | 5, 530, 000 | 7, 344, 000 | 6, 924, 000 | +1, 394, 000 | −420, 000 |
| **Office of the Secretary** | | | | | |
| Salaries and expenses | 9, 912, 700 | 11, 954, 000 | 11, 353, 000 | +1, 440, 300 | −601, 000 |
| Total, new budget (obligational) authority, Department of the Interior | 997, 191, 100 | 1, 149, 703, 600 | 1, 145, 504, 000 | +148, 312, 900 | −4, 199, 600 |
| Consisting of— | | | | | |
| Appropriations | 973, 191, 100 | 1, 149, 703, 600 | 1, 145, 504, 000 | +172, 312, 900 | −4, 199, 600 |
| Definite appropriations | (833, 746, 100) | (978, 158, 600) | (973, 959, 000) | (+140, 212, 900) | (−4, 199, 600) |
| Indefinite appropriations | (139, 445, 000) | (171, 545, 000) | (171, 545, 000) | (+32, 100, 000) | |
| Authorization to spend from public debt receipts | 24, 000, 000 | | | −24, 000, 000 | |
| Memoranda— | | | | | |
| Appropriations to liquidate contract authority | (61, 585, 000) | (71, 000, 000) | (71, 000, 000) | (+9, 415, 000) | |
| Total, new budget (obligational) authority and appropriations to liquidate contract authority | (1, 058, 776, 100) | (1, 220, 703, 600) | (1, 216, 504, 000) | (+157, 727, 900) | (−4, 199, 600) |
| **TITLE II—RELATED AGENCIES** | | | | | |
| **Department of Agriculture** | | | | | |
| **Forest Service** | | | | | |
| Forest protection and utilization: | | | | | |
| Forest land management | 192, 810, 000 | [2] 211, 575, 000 | 213, 412, 700 | +20, 602, 700 | +1, 837, 700 |
| Forest research | 42, 137, 000 | 45, 066, 000 | 46, 671, 000 | +4, 534, 000 | +1, 605, 000 |
| State and private forestry cooperation | 22, 729, 000 | 21, 939, 000 | 23, 939, 000 | +1, 210, 000 | +2, 000, 000 |
| Total, forest protection and utilization | 257, 676, 000 | 278, 580, 000 | 284, 022, 700 | +26, 346, 700 | +5, 442, 700 |
| Forest roads and trails (appropriation to liquidate contract authority) | (100, 570, 000) | (115, 000, 000) | (115, 000, 000) | (+14, 430, 000) | |
| Acquisition of lands for national forests: | | | | | |
| Special acts (special fund, indefinite) | 80, 000 | 80, 000 | 80, 000 | | |
| Cooperative range improvements (special fund, indefinite) | 700, 000 | 700, 000 | 700, 000 | | |
| Assistance to States for tree planting | 1, 000, 000 | 1, 000, 000 | 1, 000, 000 | | |
| Total, new budget (obligational) authority, Forest Service | 259, 456, 000 | 280, 360, 000 | 285, 802, 700 | +26, 346, 700 | +5, 442, 700 |
| **Federal Coal Mine Safety Board of Review** | | | | | |
| Salaries and expenses | 148, 000 | | | −148, 000 | |

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COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR 1970 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR 1971—Continued

[Note.—All amounts are in the form of "appropriations" unless otherwise indicated.]

| Agency and item (1) | New budget (obligational) authority enacted to date, fiscal year 1970 (2) | Budget estimates of new (obligational) authority, fiscal year 1971 (3) | New budget (obligational) authority recommended in bill (4) | Bill compared with— New budget (obligational) authority, fiscal year 1970 (5) | Bill compared with— Budget estimates of new (obligational) authority, fiscal year 1971 (6) |
|---|---|---|---|---|---|
| **Commission of Fine Arts** | | | | | |
| Salaries and expenses | $115,000 | $115,000 | $115,000 | | |
| **Department of Health, Education, and Welfare** | | | | | |
| **Health Services and Mental Health Administration** | | | | | |
| Indian health services | 101,529,000 | 113,217,000 | 114,692,000 | +$13,163,000 | +$1,475,000 |
| Indian health facilities | 20,952,000 | 17,950,000 | 17,950,000 | −3,002,000 | |
| Total, Health Services and Mental Health Administration | 122,481,000 | 131,167,000 | 132,642,000 | +10,161,000 | +1,475,000 |
| **Indian Claims Commission** | | | | | |
| Salaries and expenses | 850,000 | 1,000,000 | 1,000,000 | +150,000 | |
| **National Capital Planning Commission** | | | | | |
| Salaries and expenses | [1] 222,700 | 1,390,000 | 1,070,000 | +847,300 | −320,000 |
| **Public Land Law Review Commission** | | | | | |
| Salaries and expenses | 922,000 | 171,000 | 171,000 | −751,000 | |
| **Smithsonian Institution** | | | | | |
| Salaries and expenses | 28,134,000 | 36,367,000 | 35,737,000 | +7,603,000 | −$630,000 |
| Museum programs and related research (special foreign currency program) | 2,316,000 | 4,500,000 | 2,500,000 | +184,000 | −2,000,000 |
| Construction and improvements, National Zoological Park | 600,000 | 200,000 | 200,000 | −400,000 | |
| Restoration and renovation of buildings | 525,000 | 1,130,000 | 1,080,000 | +555,000 | −50,000 |
| Construction | 200,000 | | | −200,000 | |
| Construction (appropriation to liquidate contract authority) | (3,300,000) | (8,897,000) | (5,200,000) | (+1,900,000) | (−3,697,000) |
| The John F. Kennedy Center for the Performing Arts | 7,500,000 | | | −7,500,000 | |
| Salaries and expenses, National Gallery of Art | 3,390,000 | 3,716,000 | 3,716,000 | +326,000 | |
| Total, Smithsonian Institution | 42,665,000 | 45,913,000 | 43,233,000 | +568,000 | −2,680,000 |
| **Executive Office of the President** | | | | | |
| Salaries and expenses, National Council on Marine Resources and Engineering Development | 700,000 | | | −700,000 | |
| **Federal Field Committee for Development Planning in Alaska** | | | | | |
| Salaries and expenses | 192,500 | 263,000 | 214,000 | +21,500 | −49,000 |
| **Historical and Memorial Commissions** | | | | | |
| **Lewis and Clark Trial Commission** | | | | | |
| Salaries and expenses | 5,000 | | | −5,000 | |
| **American Revolution Bicentennial Commission** | | | | | |
| Salaries and expenses | 175,000 | 375,000 | 373,000 | +198,000 | −2,000 |
| **National Council on Indian Opportunity** | | | | | |
| Salaries and expenses | 286,000 | 300,000 | 275,000 | −11,000 | −25,000 |
| Total, new budget (obligational) authority, related agencies | 428,218,200 | 461,054,000 | 464,895,700 | +36,677,500 | +3,841,700 |
| Consisting of— | | | | | |
| Appropriations | 428,218,200 | 461,054,000 | 464,895,700 | +36,677,500 | +3,841,700 |
| Definite appropriations | (427,438,200) | (460,274,000) | (464,115,700) | (+36,677,500) | (+3,841,700) |
| Indefinite appropriations | (780,000) | (780,000) | (780,000) | | |
| Memoranda— | | | | | |
| Appropriations to liquidate contract authority | (103,870,000) | (123,897,000) | (120,200,000) | (+16,330,000) | (−3,697,000) |
| Total, new budget (obligational) authority and appropriations to liquidate contract authority | (532,088,200) | (584,951,000) | (585,095,700) | (+53,007,500) | (+144,700) |
| **RECAPITULATION** | | | | | |
| Grand total, new budget (obligational) authority, all titles | 1,425,409,300 | 1,610,757,600 | 1,610,399,700 | +184,990,400 | −357,900 |
| Consisting of— | | | | | |
| 1. Appropriations | 1,401,409,300 | 1,610,757,600 | 1,610,399,700 | +208,990,400 | −357,900 |
| Definite appropriations | (1,261,184,300) | (1,438,432,600) | (1,438,074,700) | (+176,890,400) | (−357,900) |
| Indefinite appropriations | (140,225,000) | (172,325,000) | (172,325,000) | (+32,100,000) | |
| 2. Authorization to spend from public debt receipts | 24,000,000 | | | −24,000,000 | |
| Memoranda— | | | | | |
| Appropriations to liquidate contract authority | (165,455,000) | (194,897,000) | (191,200,000) | (+25,745,000) | (−3,697,000) |
| Grand total, new budget (obligational) authority and appropriations to liquidate contract authority | (1,590,864,300) | (1,805,654,600) | (1,801,599,700) | (+210,735,400) | (−4,054,900) |

[1] In addition, $770,000 transferred from "Land Acquisition, National Capital Park, Parkway, and Playground System."

[2] Includes $14,000 contained in budget amendment listed in House Document 91-305.

Mr. HALEY. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. With pleasure.

Mr. HALEY. I thank the gentlewoman. I realized she just mentioned something that I think the report should clarify or we should hear. On page 8 of the report there is an item of $100,000 for maintenance of law and order at Omaha, Nebr. That is the reservation they are talking about, is it not?

Mrs. HANSEN of Washington. The Omaha Tribe.

Mr. HALEY. That is the Indian reservation?

Mrs. HANSEN of Washington. Yes. The report is not complete because it should have specified the item as the Omaha Tribe of Indians.

Mr. HALEY. I thank the gentlewoman. I just did not want the Indians to be deprived of this $100,000 and have it go to the city of Omaha.

Mrs. HANSEN of Washington. Oh, goodness, no. I can assure you this funding is for the Omaha Tribe. I thank the gentleman for bringing this up.

Mr. COHELAN. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman.

Mr. COHELAN. Mr. Chairman, I rise in strong support of this bill to provide appropriations for the Department of Interior and related agencies.

My good friend and colleague, the gentlewoman from Washington (Mrs. HANSEN), chairman of the Interior Appropriations Subcommittee did an outstanding job in putting this bill together. All of us can appreciate the tremendous efforts involved in drafting legislation of this scope and magnitude. I commend and congratulate the gentlewoman and her very capable subcommittee for a job well done. I would suggest and recommend to all of my colleagues in the House that we give this bill our very close attention and vote of approval.

I was, of course, pleased to learn that sufficient funds were allocated for the land and water conservation fund so that further purchase of lands for Point Reyes National Seashore can be made. These important and valuable lands have hung in the balance for a long time, constantly under the ominous cloud of the threat of subdivision and bulldozing. Should this happen, the entire project would be lost forever.

We were delighted that the administration just this year saw fit to approve the funds necessary to finalize all purchase of these lands. Just recently, this body approved a supplemental appropriation for Point Reyes, and now hopefully we will move on to provide the funds to further complete this project. Acquisition of these lands will be a valuable asset to our national park system. By adding these vast and beautiful acres of unspoiled and natural beaches, cliffs, pastures, and wooded uplands to our reserve of public lands, we will be making a monumental contribution to ecological preservation and conservation efforts. I again thank the distinguished Chairwoman and her capable subcommittee for their wisdom and foresight in seeing the value of these lands and the importance of this project.

I was also especially happy to see that the subcommittee added funds for vital environmental programs. The subcommittee thus acted to close the "performance gap" of the Nixon administration in this vital area. The administration for all its verbal commitments to environmental quality has been very remiss in not funding the programs and proposals that they have recommended. The committee acted wisely in providing substantial funds for these programs.

Mr. Chairman, I urge the adoption of this bill.

**Mrs. HANSEN of Washington.** I thank the distinguished gentleman from California.

**Mr. PERKINS.** Mr. Chairman, will the gentlewoman yield?

**Mrs. HANSEN of Washington.** I yield with pleasure to the distinguished gentleman from Kentucky.

**Mr. PERKINS.** Mr. Chairman, I wish to take this opportunity to congratulate the gentlewoman from Washington for a most thorough job.

This bill, to me, demonstrates that the gentlewoman has taken cognizance of the needs of the Department of the Interior throughout the country. Her remarks in her opening statement reflect her thorough knowledge of the activities in this bill and her keen understanding of our natural resources requirements. This is a job well done and she deserves the compliments of every Member of this House.

**Mrs. HANSEN of Washington.** I thank the distinguished gentleman from Kentucky.

**Mr. JOHNSON of California.** Mr. Chairman, will the gentlewoman yield?

**Mrs. HANSEN of Washington.** I am delighted to yield to the distinguished gentleman from California.

**Mr. JOHNSON of California.** Mr. Chairman, I want to join my colleagues in the House and to state that the gentlewoman from Washington, as chairman of this subcommittee, has done a wonderful job in preparing this bill and taking into consideration the broad spectrum that she has under her jurisdiction, and the fact that a good segment of the territory that needs attention is located in my Second Congressional District of California.

Especially I want to thank you for the courtesies extended to me and the results of your committee's activities in providing the necessary funds for the forestry department.

**Mrs. HANSEN of Washington.** I thank the distinguished gentleman from California.

**Mr. DON H. CLAUSEN.** Mr. Chairman, will the gentlewoman yield?

**Mrs. HANSEN of Washington.** I yield to the distinguished gentleman.

**Mr. DON H. CLAUSEN.** Mr. Chairman, I want to join my colleagues in paying our compliments to the distinguished gentlewoman.

**Mrs. HANSEN of Washington.** I thank the distinguished gentleman.

**Mr. FOREMAN.** Mr. Chairman, will the gentlewoman yield?

**Mrs. HANSEN of Washington.** I am glad to yield to the distinguished gentleman from New Mexico.

**Mr. FOREMAN.** Mr. Chairman, I would like to commend the gentlewoman from Washington, the chairman of the subcommittee not only for the very fine statement she has made but for the work that you have done and particularly for the kind comments you had in behalf of the distinguished gentleman from South Dakota (Mr. REIFEL).

**Mrs. HANSEN of Washington.** I may say to the gentleman that those comments are from the bottom of my heart.

**Mr. FOREMAN.** I must say I certainly appreciate them. I join in those comments and I commend you and the members of the committee for the outstanding work that you have done.

If I may just say this, I know of no one anywhere in the country who has exhibited more sincere concern for the really forgotten American of today, the American Indian, than you and the members of your committee.

You have exhibited your feeling and your interest and your willingness to do something about it by putting in the additional funds to help these people to help themselves by funding the Navaho Indian Reservation project and by helping them to help themselves by having better health facilities and roads and educational facilities.

I commend the gentlewoman and the members of this committee for the job you have done. I appreciate it as a representative of these Indians.

**Mrs. HANSEN of Washington.** I thank the distinguished gentleman from New Mexico.

**Mr. EDMONDSON.** Mr. Chairman, will the gentlewoman yield?

**Mrs. HANSEN of Washington.** I yield to the gentleman from Oklahoma.

**Mr. EDMONDSON.** I wish to join my colleagues in expressing appreciation to the able chairman of the subcommittee handling this bill. I thank the subcommittee for its kindness to Oklahoma on several matters of very keen interest, including the $585,000 provided for the long delayed Indian boys' dormitory at Eufaula, Okla.; and the additional health care money, amounting to $1,475,000, to provide for urgent needs among our Indian people that go right down to the point of medicine in the hospitals. I think that certainly justifies the remarks made just a minute ago by my friend and colleague from New Mexico about the kind of appreciation that this committee and its able chairman have demonstrated for the needs of the Indian people of the United States.

To clarify the record, I would like to cover one additional point, if the gentlewoman will permit me. On page 12 of your report you treat briefly and provide figures for the Bureau of Mines, including specific reference to $300,000 to be spent for continued research efforts at the Bureau of Mines Petroleum Research Center or laboratory at Bartlesville, Okla. It is my understanding—and I think the other figures in the bill and in the report bear it out—that this is intended to supplement the $1,053,000 in the budget, providing a total of $1,353,000 for this Petroleum Research Center at Bartlesville, Okla. Am I correct in that statement?

**Mrs. HANSEN of Washington.** The gentleman is correct. The Department had programed a $300,000 reduction and I may say that in the testimony before the committee they also stated that this facility was one of the better laboratories in the country for pollution research. So, since there is nothing that succeeds like success, the committee felt that the $300,000 should be restored. Therefore, there will be $1,353,000 for the operation of this facility.

**Mr. EDMONDSON.** I thank the gentlewoman. I think that action by the committee assures the continued employment and activity at that center of some of the best experts in the country on air pollution as well as water pollution control.

I certainly wish to add one further word. The gentlewoman a moment ago led a standing tribute to a very fine colleague of ours, BEN REIFEL, and I know every Member was proud to join in that salute to a great American. But I would like to suggest a standing tribute is in order also for the gentlewoman who is Chairman of this subcommittee and who I think has demonstrated as fine a capacity to handle a bill and bring it to the floor as any Member of the House of Representatives.

**Mrs. HANSEN of Washington.** I deeply thank the gentleman.

**Mr. ALBERT.** Mr. Chairman, will the gentlewoman yield?

**Mrs. HANSEN of Washington.** I yield to the distinguished majority leader.

**Mr. ALBERT.** I wish to associate myself with the remarks of my colleague. Of course, I wish to thank the gentlewoman for what she has done for Oklahoma. But more importantly, I should like to point out that she has done a great job for the Nation. She is a great chairman. She understands the mission of her subcommittee, and she is a great servant of the House.

Mr. PELLY. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to my distinguished colleague from Washington.

Mr. PELLY. Mr. Chairman, I want to express my support for H.R. 17619, the 1971 Department of the Interior and related agencies appropriation bill.

In this connection, I want to warmly commend my colleague, the gentlewoman from Washington (Mrs. HANSEN) and other members of her subcommittee. As always, they considered carefully the value of programs in relation to the overall desirability of being frugal with the taxpayers' money.

When comparing the committee's bill against the budget request and likewise against the funding in 1970 fiscal year, one is impressed with the care and consideration given by the committee to the needs of public service, as well as to the values that come from the investment of the public money.

These latter benefits include intangible benefits such as accrue from research in, for example, our fishery resources. Also, of course, there are direct returns to the Federal Treasury from receipts of, for example, sale of timber. These latter returns bring with them additional benefits in jobs.

Mr. Chairman, let me express my appreciation to the committee for its action in including $337,000 for fisheries research and continuation of the Milford Laboratory in Connecticut and $400,000 for continued operation of the Ann Arbor Laboratory in Michigan; also $75,000 and $200,000 for evaluation studies of Bureau of Commercial Fisheries research vessels and various other important and vital problems. The total is approximately $1 million above the budget estimate.

Mr. Chairman, I mention these items shown in the committee report because my House Fisheries and Wildlife Conservation Subcommittee of the Merchant Marine and Fisheries Committee has been holding hearings, and the testimony bears out the wisdom of the action of the committee. Especially, I have felt the need to continue operation of the Research Vessel *Miller Freeman*. Testimony of the North Pacific salmon industry clearly shows how essential this is.

Altogether, Mr. Chairman, I think Chairman HANSEN and her subcommittee have done a most commendable job and I fully support its recommendations.

Mr. PICKLE. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. Mr. Chairman, I yield to the distinguished gentleman from Texas.

Mr. PICKLE. Mr. Chairman, I think little can be added to the standing ovation the House has given to the gentlewoman from Washington and to members of her committee for this splendid bill. I, too, associate myself with the complimentary remarks of the other Members.

Mr. PICKLE. Mr. Chairman, within this bill there is an item that is small in terms of money, but large in terms of importance to my district. I refer to the $250,000 earmarked for the San Marcos sports fish center. I realize this is a minute amount of money compared to the sum of the whole bill, but we can provide statewide benefits with this small amount.

By its action today, the House has given our project much needed construction funds that will assure our chances of orderly progress. It adds an element of permanency to our sports fish center.

I am pleased that the Bureau of Sports Fisheries and Wildlife supports our position.

Assuming that similar action is taken in the other body we can move ahead with the stage one construction action—that is, the development of the water supply systems, which includes the pumping stations, the connecting pipelines, and so forth.

None of this would have been possible, Mr. Chairman, had it not been for the courage of the subcommittee chairman, my colleague Mrs. JULIA BUTLER HANSEN and her very capable committee.

In my years in Washington, I have always found this committee to be ready to listen and to support those projects which are beneficial on a large scale. And, I know from experience, that when you testify before Mrs. HANSEN's committee, you would be wise to have prepared your homework carefully. The questions from the committee can be sharp and penetrating and you had better have your facts in order or you will get nailed.

May I also extend my compliments to the Honorable BEN REIFEL, who is retiring from the committee. He is a splendid gentleman, and one of the best men who ever served on this committee.

Mrs. HANSEN of Washington. Mr. Chairman, I thank the gentleman from Texas.

Mr. GROSS. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I thank the gentlewoman from Washington for yielding.

Did the Bureau of the Budget release construction funds for fiscal year 1970?

Mrs. HANSEN of Washington. I understand they have released some of the funds.

Mr. GROSS. I notice in the hearings that certain notices were served on certain people about these construction funds.

Mrs. HANSEN of Washington. It seems to me it would be very silly for us to hold budget hearings and to appropriate additional funds, if the funds previously appropriated were not released. So the Department of the Interior, which has been most thoughtful about these matters, has assured us of the budgetary release by July 1, 1970.

I might point out that funds reserved on these projects involved projects of high priority to the lives of the people of this Nation.

Mr. GROSS. I notice there was also mention of a cultural center. What cultural center is involved in these funds that Mr. Hartzog spoke of? He spoke of funds for the Centennial Commission and the Bicentennial Commission and the cultural center. What cultural center is involved here?

Mrs. HANSEN of Washington. I do not recall. There are several so-called cultural centers.

Mr. MARSH. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washintgon. I yield to the gentleman from Virginia.

Mr. MARSH. Mr. Chairman, I believe the Director of the Park Service, Mr. Hartzog, was referring to the Cultural Center at Wolf Trap Farm Park in Virginia.

Mrs. HANSEN of Washington. I think that is it. He did discuss Wolf Trap Farm Park. I do not have the committee hearings before me, they are at my desk, but I can assure the gentleman there are many cultural centers all over the United States, as the gentleman is aware.

Mr. GROSS. Is that in connection with the Hirshhorn Galleries?

Mrs. HANSEN of Washington. The Hirshhorn Museum is part of the Smithsonian Institution.

Mr. GROSS. It is in this bill?

Mrs. HANSEN of Washington. Construction funds for it are in this bill.

Mr. GROSS. Construction funds.

Mrs. HANSEN of Washington. The bill contains funds for this year's construction only. I will refer the gentleman to the hearings, where we had a complete review of all the questions which were raised by the very competent members of my committee. The very competent attorneys on my committee asked a great many questions with respect to that.

Mr. GROSS. But there are no funds in this bill for the so-called Kennedy Center in Foggy Bottom?

Mrs. HANSEN of Washington. If the gentleman from Iowa will refer to the report, he will notice the table on page 45 indicates no 1971 funds for the John F. Kennedy Center.

Mr. ASPINALL. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. It is a pleasure to yield to the distinguished chairman of the Interior Committee.

Mr. ASPINALL. Mr. Chairman, I wish to add my voice of commendation for the gentlewoman from Washington and for the fine work she has done since she has been the chairman of the subcommittee. I also commend her for the fine relationship in her work with her ranking minority counterpart, the gentleman from South Dakota (Mr. REIFEL), and the members of the subcommittee itself.

There has been wonderful cooperation all through the years between this appropriations subcommittee and the authorizing committee with respect to most of the work that comes under the jurisdiction of the committee. I appreciate that.

The gentlewoman is a very fine successor to a great Member of this House who carried on the responsibility in this field for a long, long time. I refer, of course, to the gentleman from Ohio (Mr. Kirwan).

The work of the gentlewoman and her committee, I believe, comes as near to being responsive to the national needs as could possibly be. I commend them for their fine work. There are several benefits here which go to individual communities, which are very pleasing to me, but I believe the national scope of the work of the subcommittee pleases me the most.

I wish to say, "Thank you very much," for all the pleasurable associations we have had and for the wonderful work done with the committee which I am privileged to chair at this time, and for the work done by the Appropriations Subcommittee.

Mrs. HANSEN of Washington. I thank the distinguished chairman of the Committee on Interior and Insular Affairs. It has been a great pleasure to work with him on these programs. It was a great privilege for me to serve on his committee, as well as the Appropriations Subcommittee.

I may say further, it has been with some sadness during the past 2 years I have stood here and "taken the place of" the gentleman from Ohio (Mr. Kirwan). One can never take his place. I had the pleasure of serving under the distinguished gentleman from Ohio (Mr. Kirwan). We will forever miss him in our hearts. We are sorry he is not here with us today. I know he probably joins us in regret that he cannot be here.

Mr. WYATT. Mr. Chairman, will the gentlewoman yield?

Mrs. HANSEN of Washington. I am pleased to yield to my distinguished colleague from Oregon.

Mr. WYATT. Mr. Chairman, I wish to add my voice to the commendations made for the very diligent and effective efforts of the chairman of our subcommittee.

I certainly agree with everything the gentlewoman has said about our distinguished ranking minority Member, Mr. Reifel. We all regret very deeply his departure from our committee and indeed from the Congress.

I would commend the gentlewoman also for the hours and hours and hours of hearings held in our subcommittee. I only add that I am dismayed by the fact that we find, although we have reduced the total request of the Bureau of the Budget by something in excess of $4 million, there seems to be some effort being made to knock out certain increases which we provided in certain areas, based on hours of testimony, which we felt on the basis of priority should be added to resources development.

Mr. Chairman, on another subject, in connection with Forest Service appropriations, I believe it would be appropriate now to mention that in the report of the Senate in connection with last year's bill the question of possible modification of deferred measurement-payment bond procedures was discussed. The Senate committee expressly directed that no change in these procedures be undertaken in fiscal year 1970. The Senate committee also urged the Forest Service and the industry to attempt to work out their differences during the fiscal year. I am advised that these differences have not been resolved, and in fact continue to exist.

It is my understanding also that really there has been no joint effort as such to this date. A partial study by the Department has pretty much ignored social consequences of the proposed change and has concentrated on short-term accounting considerations. Because all aspects of this situation should be reviewed if maximum national benefits are to be achieved from the practices used by the Forest Service, I would urge the Secretary of Agriculture to fully consider the impacts of the proposed change on employment in economically depressed areas of the West, the impact on increased needs for borrowed money on interest rates, and the ability of smaller operators to continue an orderly program of year-round market operations, and the effects of diminished supply on our capacity to meet housing goals. I would also urge them to consult with our committee and the industry before implementing any changes. I would also hope that whatever agreement is finally achieved it would be uniform in its application throughout the United States.

Mrs. HANSEN of Washington. I thank the distinguished gentleman.

Mr. REIFEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the members of this Committee for the wonderful reception given to the kind and commending words of our distinguished chairman of the subcommittee, the gentlewoman from Washington (Mrs. Hansen). Members on both sides of the aisle have become my warm and close friends over a period of 10 years. It is particularly difficult to leave those on the Appropriations Committee, and especially members of the Interior and Legislative Subcommittee. These ladies and gentlemen have all been most helpful and most encouraging, and have made these 10 years of my life some of the most exciting that I shall ever know.

Mr. PIRNIE. Mr. Chairman, will the distinguished gentleman yield?

Mr. REIFEL. I am delighted to yield to my distinguished colleague, the gentleman from New York (Mr. Pirnie).

Mr. PIRNIE. I thank the gentleman for yielding to me.

I would like to take this occasion to join with those who have expressed their admiration for the service of the gentleman from South Dakota to the House and to the Nation during the past 10 years, particularly in the field of sensitivity to the needs of the Indian people. He has contributed a background of knowledge and sympathy which has commanded great respect, giving us the leadership we need in solving difficult problems in the scope of Indian affairs. His influence will continue long after he has ceased to be a Member of this body.

Mr. REIFEL. I thank my good friend from the bottom of my heart.

You know, Mr. Chairman, the gentleman from New York (Mr. Pirnie), and I share a little joke. When I first came to the House I was fortunate enough to have the opportunity to travel briefly overseas.

I am also probably the only ward of the U.S. Government serving in the Congress who happens to be his own guardian while here. Therefore, when we traveled overseas I would ask the gentleman from New York if he would serve as my guardian in order that this issue would be properly taken care of. My wife has always said that he has done a marvelous job.

Mr. Chairman, our bill is essentially divided into two parts. One part has to do with the resources of our Nation as has been so eloquently, adequately, and effectively presented to you by the chairman of our subcommittee. These resources, if properly husbanded, can provide the sinew, strength, and power with which we can continue to be a free Nation responding to all of the needs of all of the people in our country. The other part of this bill is concerned with the Indians of our country and is the only people-oriented aspect of this particular legislation.

Mr. Chairman, in the past when this bill came before the House, and when I first came here 10 years ago, the distinguished, venerable, highly praised, and honored gentleman from Ohio, Mike Kirwan, served as its chairman. Mike referred to this bill as "the all-American bill." It is just that and, perhaps, more.

Mr. Chairman, this bill contains funds within it for the forests, the seas, the waters, the lands, and the Indian peoples who populated this country before the coming of the white man. So, it truly is an "all-American bill."

Mr. Chairman, during the years that I have been in Congress and especially while serving on this committee for 8 years, contributing to my pleasure is the fact that I have been "half all-American." I have been a part of this bill that is so well managed and handled by the distinguished gentlewoman from Washington (Mrs. Hansen).

Those of you who have had an opportunity to read the report and those of you who have listened to the explanation of the bill know that this is a nonpartisan effort. Our main question with any request has been, "Is it good for America?" This has been our test.

Unfortunately, because of the budget restraints of the last administration, and also faced by this administration, the Department and its agencies have not been able to ask for the amounts of money that they should have.

Total funds exclusively for the Department of the Interior—less BIA—recommended in the fiscal 1971 appropriations bill are $907,634,000.

However, receipts generated by the Interior Department activities total $1,404,940,073. The surplus of proposed receipts over proposed expenditures in fiscal 1971 is $497,306,073.

To bring these figures into better perspective, we should realize that for every $1 appropriated for use exclusively by the Department of the Interior, we receive back to us $1.54. In other words, the Department of the Interior is paying for itself and also returning us a 54-cent dividend.

Funding the Department of the Interior should not be considered an ap-

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propriation, rather we should consider funds for Interior more like an investment. Wise financial management tells us that it is better to invest our money where we will be assured of a return on our investment. Such is the case with the Department of the Interior. It is making money for the Federal Government in addition to its valuable work as a protector, conservator, and innovator of the Nation's resources.

A similar analogy is applicable to the Forest Service. Total appropriations for the Forest Service are $284,022,700.

However, proposed receipts in fiscal 1971 will be $378,902,000. The Forest Service program will produce surplus receipts of $94,879,300. For every $1 invested in the Forest Service, the Federal Government will receive $1.33 as a return.

The value of these Federal Government programs can be measured in more than just dollars. These programs are essential to life itself. One example is watershed restoration and the production of water. There are 390.4 million acre-feet of water produced from our national forests. The economic implications and intangible benefits for protecting this clean water resource go directly to our people.

Research in this area has led to the discovery of better methods to treat the land and cheaper means of increasing water yields. Is it now best to direct money toward developing our clean water supply rather than wait until the water is polluted and then face the full consequences of the problem.

The Forest Service has estimated that with a capital investment of $80 million over a 10-year period an additional 1,552,000 acre-feet of usable water supply can be achieved. The areas of treatment would be timber harvest design, brushland area management, riparian vegetation management, alpine snowpack management, and noncommercial timber management. After the initial conversion, the annual maintenance cost would be only about $9.90 per acre-feet of sustained water yield. This water production program of the Forest Service, like many programs in the Department of Interior, goes to the heart of our environmental quality.

Our Nation cannot afford to stand by and wait until problems are created. In the areas where problems do exist regarding our environment, of course, we must seek solutions. But overall our goal should not be solutions to problems but innovation and foresight regarding our resources and our ecology to prevent the problems from forming in the first place.

I should also like to point out that in the Department of the Interior are a number of faithful, long-serving Federal employees. They are sometimes forgotten, but without their services we would not have the kind of Government that our people desire.

We asked Mr. Hartzog of the Park Service during the course of his testimony a number of questions. He said that it has been a practice to report each year all donations to the national parks systems. He stated:

> I am pleased to tell you that the cash donations to the system last year were $977,000. Donations of land and other objects were valued at approximately $6.3 million. But the important one, the most important contribution that I think all of us should keep in mind is the donation given by our employees of the National Park Service who forfeited a total of 73,000 hours of annual leave last year valued at $238,000. This is to me a meaningful, inspirational, and significant contribution, and one of many examples that could be given by all the other agencies.
>
> During the period from July to December, 1969, Interior employees contributed, additionally, 115,000 hours of uncompensated overtime which has a value of $700,000. Over a twelve month period they estimate this overtime would amount to $1,400,000. This was donated by the employees of the Park Service.

Can one ask for more loyalty and dedication to the Service?

As I said earlier, one of the purposes of our coming before this Committee as managers of this bill is to explain its contents. This bill has been adequately and effectively presented by our distinguished chairman, the gentlewoman from Washigton (Mrs. HANSEN). I am grateful to her for her services to our country. This House and our committee appreciate the fact that she is particularly knowledgeable on this subject because of her past experience in the State legislature of the State of Washington, and also because of her own personal association in the fields of education, forestry resources, and land management. She is well informed about and well versed on all of the activities with which this appropriation bill is concerned. I believe that the people of our Nation and we who represent them can be grateful that we have a person such as the gentlewoman from Washington (Mrs. HANSEN) to chair this subcommittee. She has carried on in the tradition of our great friend, the gentleman from Ohio (Mr. KIRWAN) who contributed so much in past years, as has the chairman of the Committee on Interior and Insular Affairs and the other members of that committee on the legislative side of this bill. They probably will not be extolled in the history books of the future, but they will always be known by those of us who are aware of the mark they have made on this legislation.

In the future when others look back, they will see and understand that it is through their efforts and help that we have made America a better place in which to live. If the younger generation who follow on our heels will only accomplish as much, they too will have something as worthwhile for others to reflect upon.

Mr. DENNEY. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I am delighted to yield to the gentleman from Nebraska (Mr. DENNEY).

Mr. DENNEY. Mr. Chairman, I thank the gentleman for yielding. I have two Indian reservations in my district, and as a relatively new Member of this Congress, serving my second term, I was very concerned about them. I spent many hours doing research and preparing my testimony before I requested an opportunity to be heard by the distinguished chairman of the committee, the gentlewoman from Washington (Mrs. HANSEN).

I arrived at the committee and was all set to sell my bill of goods, and I found that the chairman, and the distinguished ranking minority member, the gentleman from South Dakota (Mr. REIFEL) knew more about my problem than I did.

Mr. Chairman, I think this is an outstanding committee, and I commend them and I want to offer my accolade to the gentlewoman from Washington (Mrs. HANSEN) and to the distinguished gentleman from South Dakota (Mr. REIFEL) and to all the other members of the committee. I think they have all done an outstanding job. I certainly do support this bill.

Mr. REIFEL. Mr. Chairman, I thank the gentleman.

Mr. ASPINALL. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to the distinguished gentleman from Colorado, the chairman of the Committee on Interior and Insular Affairs.

Mr. ASPINALL. Mr. Chairman, I rise to add my commendation to the gentleman's work on the committee and in the Congress. It has been wonderful to have such a friend present and working on the problems that mean so much to the building of America.

The gentleman very eloquently spoke about members of the National Park Service often giving up their vacation time, without being compensated.

There is a small appropriation in this bill, some $54,000, if I remember correctly, for volunteers for the park. Is it not true that in addition to Park Service staff giving their leave and vacation without compensation, members of their family have also served the people of the United States without compensation. I am sure they will continue to do so. I believe the small amount of money in this bill will take care of some of the expenses to see that this service continues.

Mr. REIFEL. I thank the distinguished gentleman from Colorado for calling this to the attention of the Members. This is true. This dedicated service on the part of the Park Service employees and their families sets an example. It is one of the reasons why these employees and others who appreciate the parks that you provide for in your great committee want to keep them clean and in a condition permitting them to remain available in perpetuity to all of the citizens who are to come after us.

This amount that you have mentioned will provide expenses for these citizens who live near the parks and are willing to make this contribution.

Mr. JOHNSON of California. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I am glad to yield to my distinguished colleague, the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I am glad to take this opportunity to thank my very good friend and colleague, the gentleman from South Dakota (Mr. REIFEL) for all of the courtesies extended to me when I appeared before his subcommittee. The gentleman has visited our State many, many times in dealing with the resources of our State and has spent much time in my congressional district.

Mr. Chairman, I want to thank the gentleman on the part of all the people for the kind treatment you have given us

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and for your wisdom in bringing in a very substantial budget here to take care of the resources of the Second Congressional District.

Mr. REIFEL. I thank my good friend, the gentleman from California (Mr. JOHNSON) who is also of the attitude and nature of mind of our distinguished chairman of our subcommittee. The gentleman has been concerned with the resources of this Nation, as chairman of the Subcommittee on Interior and Insular Affairs concerned with irrigation. His committee has made it possible for my State to look forward to the opportunity when we can increase our use and productivity of our natural resources. I say to my colleague, the gentleman from California (Mr. JOHNSON), that I thank you for your services to the Nation and to my State.

Mr. DON H. CLAUSEN. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I am glad to yield to the distinguished gentleman from California (Mr. DON H. CLAUSEN)

Mr. DON H. CLAUSEN. Mr. Chairman, I just want to join briefly in adding to the accolades and laudatory comments that have been made with regard to what I refer to as our great all-American Congressman, BEN REIFEL.

I also want to express my appreciation for all of the considerations you have personally given to the requests we have from those on the north coast of California that has had certainly more focus and attention brought to it over the last few years with regard to the Redwood National Park and the Point Reyes National Seashore, and so forth.

Also, you have touched on something here that I think is most worthy of comment and this relates to the part that the Forest Service lands themselves actually play in providing the accommodations and facilities and the opportunity for outdoor recreation for the many, many visitors.

To give you somewhat of an idea for the Members who are still here on the floor, while there was great discussion about the acreages associated with the Point Reyes National Seashore and the Redwood Park, and they were talking in terms, as I recall, of 6,000 acres in the one case for the Redwood National Park and around 53,000 acres for the Point Reyes National Seashore Park, I want to bring to the attention of my colleagues that we have nearly 6 million acres of Forest Service lands that are almost immediately contiguous to all of these parks in California that are available for outdoor recreation. The fact that you have added to this in the budget and recognize that fact of life has made a great contribution.

Mr. REIFEL. Mr. Chairman, I thank the distinguished gentleman from California (Mr. DON. H. CLAUSEN) for his kind remarks. The chairman of our subcommittee has followed the policy that what is good for the Forest Service—the protection of our trees and timber resources—and what is good for the Park Service—making areas available for people looking for recreation in this country—is good for America.

Mr. KEITH. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I am delighted to yield to my distinguished friend from Massachusetts.

Mr. KEITH. I would like to get a word in edgewise among all the laudatory comments that have been made concerning your service to your country and to your State. I share the sentiments of this House in that regard.

I have a few words to say insofar as the Bureau of Commercial Fisheries aspects of this legislation are concerned.

I strongly support the provisions of H.R. 17619.

My colleagues have used strong words in support of this bill. I share their concern on the urgency of using all available means within reason to restore the U.S. fishing industry to its former position of leadership. Research and adequate finding are the keys to this end especially when combined with imaginative and sound executive management of the Bureau of Commercial Fisheries.

I am deeply concerned by the continually increasing threats to our vital natural resources and feel that a stronger counterattack must be made through research not only to preserve, but to enhance our food supply from the oceans and contiguous shores.

There has been talk of retirement of marine research vessels, closing of marine shellfish research laboratories, abandonment of research programs, and many other essential projects, supposedly in the interest of economy. I assure you, Mr. Chairman, that such thoughts are "penny wise and pound foolish." If there was ever a time to take strong action to guarantee and expand the supply of food from the sea, it is now.

I have a great interest in the valuable work being performed at the Milford Laboratories for shellfish research, at the Woods Hole Bureau of Commercial Fisheries unit, and aboard various marine research vessels such as the *Albatross* out of Woods Hole.

There is no question that this work is of immense importance to our generation and to future generations. It is of such importance that it may provide a solution to feeding the hungry people of the world who are victims of a massive population explosion.

If I do not share the strong words of my distinguished colleagues, I do share their honest and earnest convictions that we must support the Bureau of Commercial Fisheries to the utmost through thick and thin; to do otherwise would seriously jeopardize this Nation and the untapped resources of its oceans and seas.

Mr. REIFEL. I thank the gentleman from Massachusetts. I want to say to the gentleman that the knowledge, understanding, and concern of the chairman of our subcommittee is responsible for the provisions of this bill concerned with the fisheries. She asked the questions that needed to be considered of those who came from downtown in connection with the budget justification. All of the credit for the things which are going to be beneficial in the area which you just mentioned must go to her.

Mr. KEITH. Mr. Chairman, will the gentleman yield further?

Mr. REIFEL. I yield to the gentleman from Massachusetts.

Mr. KEITH. I concur heartily with what you have said concerning the gentlewoman from Washington. She has done an outstanding job. We in Massachusetts in particular are very grateful for her services in this regard.

Mr. McDADE. Mr. Chairman, will the gentleman yield?

Mr. REIFEL. I yield to my distinguished colleague, the gentleman from Pennsylvania (Mr. McDADE), a member of the subcommittee.

Mr. McDADE. I thank the gentleman from South Dakota for yielding.

Mr. Chairman, I rise in support of the pending appropriation bill. I first write to associate myself with remarkes made by our distinguished and able colleague, the gentlelady from Washington. She has always demonstrated her capacity to come to grips with the many problems that face this Nation by her leadership on this important piece of legislation. And I wish to remark also that she has never been more accurate than when she paid such a richly merited tribute to our colleague from South Dakota, BEN REIFEL. The news that he would retire from Congress at the end of this session left me with greatly mixed emotions. I do not begrudge him the time that he wishes to spend with his charming wife and the other members of his family. His 37 years—get that, 37 years—of creative public service certainly have earned him the right to what I hope will be many years of warm and peaceful tranquility. Yet, this Congress and the Nation face a time of unparalleled crisis. In such a time, the wisdom, the guidance, and the wise counsel of the gentleman from South Dakota are needed more critically than ever. And so, while I offer him my warmest and most sincere good wishes on the occasion of his retirement I must include one caveat. Please do not be surprised when your phone begins to ring or when the letters begin to arrive seeking your advise on the problems that confront the Congress. Whether in active service or not, whether physically present in this Chamber or not, all of us will continue to seek your counsel and guidance. I know no man who has done more to bring credit to his nation, to his ancestry, and to his profession than the gentleman from South Dakota.

Mr. REIFEL. I thank my gracious friend very much.

Mr. McDADE. Mr. Chairman, 4 years ago I rose in support of a similar appropriations bill, and remarked that by supporting appropriations for the Department of the Interior, we were acting to shape the destiny of our Nation, that it should be a richer and greener pasture for our children and their children. This bill is almost entirely an environmental bill, just as it was 4 years ago, and the crisis of our environment today is even more critical than it was then.

This bill is the result of conflict between the many needs of our society and the great, but still limited, resources which we have available to meet them. I feel that within the context of these needs and resources, the bill now before us is one which deserves the support of all of us.

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There is much talk these days of the need to reorder our national priorities, and it is clear that such a need exists. It should be equally clear, however, that this reordering cannot be fully accomplished overnight, nor in the myopic context of any single piece of legislation. In considering this bill, I feel that the committee has concerned itself with both the increased needs for the protection and improvement of our surroundings, and the capacity of the agencies funded in this bill to restructure and retool themselves to meet those needs during the coming fiscal year.

There is a lesson to be learned from the experience of the people in my own district—a lesson which applies to the entire Nation. We have learned that even with intensive efforts, an environment that has been mistreated for decades cannot be fully restored in a matter of a few months or even a few years. If a person who had visited this area even 4 years ago were to return today, he would notice some remarkable improvements. Nevertheless, some very serious environmental problems are still as I described them to this distinguished body in 1966. I then pointed out that in my own district we have mine fires that have been burning for 50 years, and that we had no hope of extinguishing them by nightfall. We still have refuse dumps, called culm dumps, in the anthracite area which also have been burning for 50 years. We continue to have serious problems of air and water pollution, and the results of the abandoned mining industry still scar the land and make much of it unavailable for any commercial or residential use.

I want to thank my distinguished colleagues on the committee for having joined with me in recognizing that some of these culm dump fires still rage out of control. The bill now before us contains an account of $1 million in one item of the Bureau of Mines budget. This item is explained at page 12 of the committee report. The committee states:

> On many occasions, the Committee has recognized the urgent necessity for combating the culm bank fires in Pennsylvania which have destroyed life and property in that area for many years. To date, action producing tangible results has been negligible. It is the very strong recommendation of this Committee that immediate action be taken for development of a demonstration program that will produce a meaningful solution to this critical situation that has existed much too long.

These words need no clarification. I simply wish to request that they be noted and that this action be approved today by the entire membership of the House.

I would also like to add my personal endorsement to the recommendation of the committee that the full amount requested—$54,395,000—for the health and safety activities of the Bureau of Mines, which include the activities prescribed by the Federal Coal Mine Health and Safety Act of 1969, be approved. The men who mine the coal that means so much to the economy of this country are entitled to the full protection of this significant legislation. They are entitled to the safest possible working conditions. It is our responsibility to make available the necessary manpower, skillfully trained, to afford the protection the new safety law provides. We can fulfill that responsibility today by passing this important piece of legislation.

Finally, I would like to point out the significance of one other item in the bill now before us. The committee has recommended an appropriation of $10,231,743 for land acquisition relating to the Delaware Water Gap National Recreation Area. I understand that this proposed national park will be of great benefit to the entire northeastern region of the country. I would also point out, however, that the taking of land for the project is causing great hardship to many persons who have spent their entire lives in this area. In the interest of these people, it is important that land acquisition not be delayed, because such delay only adds to their hardship.

It is most important that land acquisition proceed at a level which will permit development of the area that is rationally coordinated with construction activity to be undertaken by the Corps of Engineers. I am gratified to see that during the coming fiscal year, the Corps of Engineers has requested funding for new construction which will start this important project on its way to becoming a reality.

Mr. REIFEL. Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. Conte) such time as he may desire.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. CONTE. Mr. Chairman, I am particularly pleased to support this bill today, because it is a good bill, and also because it contains an appropriation for the urban forestry and research program to be jointly run by the U.S. Forest Service and the University of Massachusetts at Amherst and some other northeastern universities which will participate. This represents the culmination of effort made over a great many years.

I believe special tribute should be paid today—and I know a great deal has already been said, but if I may trespass on the patience of my colleagues—to the distinguished chairman of the subcommittee, the gentlewoman from Washington (Mrs. Hansen). I dare say she is one of the finest subcommittee chairmen on the Appropriations Committee. She is a person with a tremendous amount of courage and knowledge, who stands up for what is right regardless of what the odds are. She has done a good job, as anyone knows who has taken the time to read the voluminous hearings she has brought forth as a result of the testimony presented to her committee I hope everyone will read the hearings. This is one of the most important committees, I feel, in the Congress.

Also I pay tribute to my friend, the gentleman from South Dakota, Ben Reifel, and I say that from the bottom of my heart. He is one of my closest friends and has been during the 10 years we have served together. I know many times when the going got rough and the issues were really hot in the Congress, I could always find a word of consolation when I sat next to Ben. Many times we found ourselves in the minority on this side, and it is great to have a friend like Ben, and to be able to lean on his shoulder and get a word of encouragement.

Ben is certainly a great credit to the fine institution in Massachusetts, Harvard College. I think now, when he will be retired and will have a little time on his hands, he ought to go back to Harvard College. I think they ought to offer a chair to Ben Reifel. I think the gentleman from South Dakota could help straighten out that institution with some of their problems.

I wish the gentleman from South Dakota well, and I take this opportunity to wish Ben many decades of good health and happiness, so he may reap the rich dividends and spiritual satisfaction which he has so ably earned in his lifetime of dedicated service to his country and to his great State of South Dakota.

Mr. Chairman, the basic idea behind this project is to develop a program to study and enhance the role played by trees, parks, and forested open space in creating a quality environment for people living and working in urban areas.

This is a project that goes beyond merely talking about the problems with our environment. It will actually attack one facet of the problem by determining how best we can utilize our trees, parks, and forests to serve people in densely populated areas.

If we seriously intend to save our environment from growing urban sprawl, and the loss of healthy vegetation that entails, then we desperately need projects such as this one.

While this study will benefit all urban areas of the Nation, it is particularly important for those of us in the East. Although the eastern seaboard is the most heavily populated section of the Nation, more than 50 percent of the land area is still covered by trees and forests. These trees play a major role in making our environment habitable by removing dust, pollen, and other pollutants from the air, by helping to smother noise, by manufacturing valuable oxygen for our air, and by providing us with visible natural beauty.

But to insure these benefits for future generations, we must know the problems such as the effects of air pollutants, salting of streets and highways, trampling of soil, injury arising from excavation for construction, pruning of branches and trimming of crowns, vandalism, and the like. This propect will do all that—and more.

There are undoubtedly many more benefits not yet fully appreciated. One of the purposes of the research project would be to further explore these benefits.

At the same time, more study is needed to determine how best to protect our trees from encroaching suburbia. What kinds of land use are most suitable for this protection?

These are questions important to all of us, but especially for the inner city resident who must be assured some access to tree belts and recreational areas near the city.

Certainly, Mr. Chairman, one of our great challenges as we enter the seventies—a decade dedicated to restoring and preserving our environment—is to see that such forested areas are properly managed.

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I might point out, Mr. Chairman, that prospects for the success of this project are excellent. I have already mentioned the interest of the University of Massachusetts. Under the direction of Prof. Arnold Rhodes, the university is prepared to provide space for laboratories and offices, funds, and personnel, as well as to assist in the formulation of a joint program.

Our Forest Service is no less excited about this proposal, and plans are already underway to initiate its development. The Gifford Pinchot Institute for Environmental Forestry, named for one of America's great conservationists, is due to be set up soon, in Milford, Pa., near Philadelphia. High on the list of projects the institute hopes to promote is this joint project in Amherst.

In short, all the experts I have talked with are most enthusiastic. I am pleased to commend the project to all of my colleagues.

Mr. REIFEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, it is with a deep sense of appreciation and relief that I offer my gratitude to the distinguished Chairman JULIA BUTLER HANSEN of the Interior Subcommittee of the Appropriations Committee, and to the ranking member, the gentleman from South Dakota (Mr. REIFEL), for responding to my plea to have the operating funds for the fiscal year 1971 for the Great Lakes Biological Research Laboratory in Ann Arbor, Mich.

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I am indebted to the committee for recognizing the value of the laboratory to the Great Lakes area and for their supporting our longstanding fight to maintain the laboratory at its current level. The preliminary decision regarding the reduction in the work of the Ann Arbor laboratory was ostensibly made because of the laboratory's low priority within the Bureau of Commercial Fisheries. However, recognizing the high esteem with which the laboratory is held within the general field of resource management, the laboratory is to be transferred to the Bureau of Sports Fisheries; and its activities to be vastly increased by the beginning of fiscal year 1972. It is acknoweldged by the Department of the Interior, the administration, and all other parties concerned, that this laboratory is the leading fresh water environmental research facility in the country.

Mr. Chairman, at a time when the precarious ecological balance of our country has finally received attention by Federal, State, and local governments, as well as the general public, it is totally incomprehensible that the leading biological research facility in the Great Lakes is to have its operating expenses reduced merely because of an administrative definition.

This lab contains some of our Nation's outstanding biological scientists and is one of the few facilities available for complete research investigation. To have its funds and personnel reduced merely because it falls under the jurisdiction of the Bureau of Commercial Fisheries rather than that of the Bureau of Sport Fisheries is exactly the type of hypocrisy and semantical juggling that American youth is protesting today. This reflects a total lack of sensitivity and evaluation on the part of those responsible. No one denies the need for reducing Government spending but a sense of priorities must be established in selecting the areas in which to be reduced so as not to damage those efforts necessary for the basic welfare of American people.

I will pursue my continuing fight to maintain and improve the support for the Great Lakes facility in the other body and with the Bureau of the Budget and with the administration. Parenthetically, but most importantly, it may well be that the "case of the Ann Arbor laboratory" may be the prime example of why a total resources management approach within the Department of the Interior is sorely needed.

Chairman JULIA HANSEN, of the Subcommittee on Interior and Related Agencies of the Appropriations Committee, and Chairman JOHN DINGELL of the Subcommittee on Fisheries and Wildlife Conservation of the Merchant Marine and Fisheries Committee, have both shown their great sense of concern and cognizance over the importance of this laboratory. The people of Michigan as well as the Nation will long be grateful for their responsive efforts to the needs of our environment.

Mr. Chairman, it is my fervent hope that the Members of this austere body will pass this appropriation with their fullest support and that the Bureau of the Budget under the direction of the President will see fit to provide the Department of Interior with the necessary authority to spend these funds and that they not be impended as inflationary. No one is more aware of the affects of inflation on the lives of their people than I am in the Second District of Michigan. There are many areas of the Government which can afford some reduction in operating expenditures and I dare say there are some areas in the Department of the Interior which can afford reductions. But, the fight on our environment is too precious, too immediate, and too important to be reduced at this time. This has been recognized by the willingness of the administration and the Department of the Interior to increase this laboratory's effectiveness in fiscal year 1972 and there is absolutely no justification in reducing it in fiscal year 1971.

Mr. REIFEL. Mr. Chairman, I yield 10 minutes—and I shall yield more, if needed—to my distinguished colleague the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I should like to thank my distinguished friend, the gentleman from South Dakota (Mr. REIFEL), for so graciously yielding me this time. I would like to join my colleagues in expressing to him my sorrow at his departure and my sincere and warm good wishes to him for every happiness. He and I have been good friends over the years of our service together, and I have taken great pride in his friendship and in the privilege of having known him.

I should like to express my particular appreciation of his good work, as well as that of the distinguished chairlady of the subcommittee which brings this bill to the floor today. I should like to commend them and the subcommittee for the outstanding work which has been done with regard to our Oceanographic Fisheries Resources and Research programs.

I should like to express particular commendation to the subcommittee and to the distinguished chairlady, who have served this body so well, for their labors in seeing to it that our commercial fisheries resources and research programs are continued in the fashion that they should be and with the fundamental and proper philosophy and approach which they have so well shown over the years.

At this time I should like to have the particular attention of my dear friend the gentlewoman from Washington, to discuss with her the closures of the laboratories which have been projected, one in Milford, Conn., and one in Ann Arbor, Mich. I note with some pleasure that the subcommittee has indicated these will not be closed and that they will be funded.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Funds are provided in this bill for the laboratories, and we have directed the Department of Interior not to close them.

As the gentleman is well aware, the laboratory at Milford, Conn., has made an outstanding contribution on shellfish, and the laboratory at Ann Arbor, Mich., is doing the same outstanding job in respect to general fisheries throughout the Great Lakes region.

Mr. DINGELL. Mr. Chairman, I want to voice my support of this appropriation bill, H.R. 17619, and at the same time announce that this is a joint statement. This statement represents the views and concerns of the Honorable EDWARD A. GARMATZ, the distinguished chairman of the Committee on Merchant Marine and Fisheries; the Honorable ALTON LENNON, the distinguished chairman of the Subcommittee on Oceanography; the Honorable RICHARD HANNA; as well as myself, as chairman of the Subcommittee on Fisheries and Wildlife Conservation.

We urge approval of this bill and seek to call attention to those sections of the legislation which would provide funds for the Bureau of Commercial Fisheries. Specifically, we are making an urgent appeal for the approval of those funds, which would be utilized by the Bureau to continue the operation of two vital fisheries research laboratories at their fiscal year 1970 level. One of these is in Milford, Conn.; the other one is in Ann Arbor, Mich. But the significance of this appeal goes far beyond a simple request for funds for these two laboratories; it has serious implications and raises grave questions concerning the present intentions and future plans of the Bureau of Commercial Fisheries—as well as the Department of Interior—in the entire area of environmental and fisheries research.

Our Nations great natural resources—our wildlife, our fish and shellfish, our rivers and lakes, and even our great oceans—are threatened by massive and ever-growing pollution, overuse, and neglect. These problems have reached a crisis stage. There is a clear and urgent need for immediate action, and for increased scientific study in the areas of environmental control and fisheries research.

And yet, despite this obvious and pressing need for more research, our Committee on Merchant Marine and Fisheries has uncovered a deliberate plan and intention on the part of the Bureau of Commercial Fisheries to further drastically cut the meager research that is now being carried out; the committee has documented the fact that the Bureau of Commercial Fisheries, which is charged with the responsibility to promote and preserve our fisheries and marine environment, is abandoning that responsibility under the guise of economic necessity. The extremely unwise nature of this plan to terminate valuable research and research facilities was compounded by the fact that part of this plan was a secretive one; it was kept under wraps. Our committee, which has a responsibility in these areas—and, therefore, a right to be informed of such important decisions—was not informed until the 11th hour. Consequently, the committee was forced to call hasty hearings and conduct an investigation which is not yet completed. These hearings were jointly chaired by the chairman of our Subcommittee on Oceanography and the chairman of our Subcommittee on Fisheries and Wildlife Conservation.

Despite this time shortage, the committee acted quickly and—in just 3 days of hearings—has already compiled a record that is disturbing and alarming. It is, in fact, an indictment of the Bureau of Commercial Fisheries, the Department of the Interior, and perhaps the Bureau of the Budget. Since our investigation is not yet completed, we are not sure to what degree each of these agencies is responsible, but we wish to serve notice at this time that the investigation will continue, the responsibility will be determined and whatever congressional action is needed will be taken.

Mr. Chairman, in order to obtain the information needed, in timely fashion, the committee was forced to subpena a witness, who happens to be a marine biologist and a regional director for the Bureau of Commercial Fisheries. The distinguished chairman of our Committee, Congressman GARMATZ, issued that subpena—not because the witness was unwilling to testify, but because the Bureau of Commercial Fisheries had planned to send this biologist on a sudden assignment to Brazil. The use of this extraordinary process was necessary in order to guarantee the appearance of the witness at the committee's hearing. We also wish to serve notice that in the future, measures necessary for completion of the committee's investigation, including the subpenaing of witnesses, will be utilized as deemed appropriate, and that the Congress will not be obstructed in its search for facts.

In respect to the two laboratories for which funds have been added in this appropriation bill—one of which the Bureau intends to close and the other, sharply reduce its activities and transfer to the Bureau of Sport Fisheries and Wildlife—we want to submit a few relevant facts uncovered during the committee's hearings. Both laboratories are unique in character, and are making a contribution to our attack on environmental and fisheries problems that cannot be duplicated or replaced. Furthermore, the closure or severe reduction in research of either of these installations will constitute a severe threat to our environment and to our precious natural resources.

In the case of the Ann Arbor laboratory, we would like to briefly outline the importance of that installation:

It is the best laboratory for fresh water research in the United States, if not the world.

Twenty years of accumulated scientific data will be lost on this plan. All this invaluable research, impossible to evaluate in terms of dollars, will be lost for an ostensible savings of $400,000.

Important data on the predacious lamprey eel—which threatens the Great Lakes, decimated the lake trout and is again making other inroads—will be lost.

Trash fish are increasing in the lakes, while valuable fish are decreasing.

Mercury and DDT poisoning are contaminating the Great Lakes—the greatest fresh water resource in the world; pollution in general is increasing and threatening the lakes.

The research laboratory at Milford, Conn., has an equally impressive record:

It is probably the only laboratory in the world conducting organized scientific work on basic shellfish genetics.

It has unsurpassed facilities for research on biology and the effects of pollution on estuarine or marine organisms.

It specializes in mollusks research—especially oysters and clams—it is world renowned in this field and attracts scientists from many other nations; they go to Milford to study techniques developed there.

It has developed techniques on hatcheries of oysters and other mollusks which are used in many areas of our Nation.

Its work on predator control has—in many instances—increased the survival rate of oysters tenfold.

Much of this laboratory's scientific data will likewise be lost if the facility is closed.

Mr. Chairman, we feel that the Bureau's proposal with respect to these two outstanding laboratories represents either lack of intelligent judgment, indifference, or incompetence. We intend to find out which. In both cases, the directors of these laboratories were never consulted about the Bureau's plans. They were simply told it would be done. The plans appear to be arbitrary decisions made by a few high-ranking officials who decided it was not important to consult with the concerned scientists, concerned members of our committee, or Members of this Congress.

But this is not all. The Bureau of Commercial Fisheries has also admitted that, in addition to the two laboratories named above, it intends to make further cuts in research facilities and activities. Two more laboratories at Palo Alto, Calif., and Terminal Island, Calif., have been scheduled for either closing or severe reductions in research projects. The Bureau has also admitted it intends to deactivate a number of research vessels, specifically: the *Albatross IV*, of Woods Hole, Mass.; either the *Cromwell* or the *Gilbert* in Honolulu; the *Miller Freeman*, at Seattle; and the *Undaunted*, at Miami. In fact, the *Undaunted* has already been transferred to the National Science Foundation. These additional laboratories and these research vessels are also scheduled for closure or deactivation during the month of May, or at least by June 30.

Mr. Chairman, our committee did not have sufficient notice nor adequate time to hold appropriate hearings or to obtain sufficient information to document the need for continuing the operation of these additional installations and ships; we do, however, have sufficient information to indicate that the ruthless disregard for research that led to the decision with respect to the Milford and Ann Arbor laboratories is the basis for this additional budgetary hatchet job.

But even this is not all. During its investigation, our committee uncovered the fact that—again in a less than open way—the Bureau of Commercial Fisheries is moving to drastically cut even more research activities. The Bureau calls this plan a "proposed reprograming for fiscal year 1971," and it calls for shifting funds from other valuable research facilities into various other areas of activity.

We hope that each Member of Congress will scrutinize the list of these additional planned cuts, and we again want to emphasize that this latest plan has not yet been made public by the Bureau. Since our committee discovered this information, we feel it is our duty to let the Congress know what other surprises are being planned. Briefly, the planned reductions will have an adverse impact upon the following research activities:

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| Mammal research and biological programs at Seattle, Wash | $270,000 |
| Menhaden studies at Beaufort, N.C. | 420,000 |
| Tuna studies at Honolulu | 810,000 |
| Biological research programs at LaJolla, Calif | 472,000 |
| Herring research at Boothbay Harbor, Me | 473,000 |
| Biological studies at Galveston, Tex | 450,000 |
| Biological program at Auke Bay, Alaska | 260,000 |
| Biological research on Great Lakes fisheries | 637,000 |
| Shellfish research at laboratories in Milford, Conn.; Oxford, Md.; and Seattle, Wash | 314,000 |
| Exploratory fishing and gear research in the Great Lakes | 152,000 |
| Technology research at various locations throughout the country | 577,000 |
| The tying up of additional research vessels—locations not listed | 500,000 |

Mr. Chairman, what kind of reasoning is this? Who could show such callous indifference to the wishes of Congress and the American public, and to the future needs of this Nation? This is one of the worst examples we have seen of disregarding the future of our resources. We have had few better examples of "burning our seed corn" or examples of the Bureau of the Budget's unrealistic approach to our pressing environmental

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problems. This certainly does not convey the impression that the Department of the Interior is properly discharging its responsibilities.

Mr. Chairman, week after week, the Interior Department tries to cast a favorable image to the Congress, the news media and the American public; week after week it grinds out press releases vowing to increase the fight against pollution, promising to increase research and pledging itself to improve conservation and preservation of our precious natural resources; this image conflicts with its action as described herein. We can no longer tolerate nor can we ignore such folly. The Interior Department preaches conservation and a better quality of living out of one side of its mouth; and out of the other side, it ruthlessly conspires to cut the very heart out of research which is so very vital to this Nation's rapidly dwindling resources.

And, just how much money are we actually talking about saving? All of the cuts, the slowdowns, the deactivations and reprogramings we have so far described—in their entirety—represent approximately $6.5 million. Compare this paltry figure with the millions which will be lost in invaluable research data; compare this paltry figure—if you can—with the value of fresh water, of unpolluted streams and lakes, of fish and wildlife which may be threatened by extinction or contamination if such cuts are implemented. Can we place a dollar value on such resources? It would be idiotic to answer "yes."

It might be noted, however, that the Department of the Interior in a news release dated May 8, 1970, indicated that our Nation's domestic commercial fisheries catch for the year of 1969 amounted to $518 million. We would like to request that a copy of this release be inserted in the RECORD following our statement.

Mr. Chairman, still another valuable resource that is impossible to place a price tag upon is being squandered as a result of this folly. We are referring to the human resource—the countless scientists and specialists who have dedicated their brains, their talents, and their lives to programs that are now being terminated or drastically cut. Over the years, the Department of the Interior and the Bureau of Commercial Fisheries accumulated a scientific staff that was unsurpassed by any organization in the world for this kind of work. Some of the most eminent scientists in the world—marine biologists, ichthyologists, specialists in metallurgy, water quality, oceanology, and other important environmental and biological areas—were attracted to the Bureau and the Interior Department because of the work being done by these agencies. Our committee has received many disturbing reports that scientific morale—already bad in these agencies—is deteriorating rapidly, that these scientists are disgusted, frustrated, and disillusioned by the present cuts and future plans of the Government. We now face the danger of dissipating this irreplaceable fountainhead of knowledge. A number of capable scientists have already resigned; others are planning to do so in the near future; and many others are actively looking elsewhere—searching for a place where they can find stability and pursue the research to which they have dedicated their lives. Our committee has personally been contacted by a number of such scientists, all of whom have expressed their concern at the actions planned by the Bureau, and their dismay that many of the scientists most involved in the affected programs were neither consulted about nor warned of such plans.

Mr. Chairman, before concluding our remarks, we want to commend the distinguished madam chairman, JULIA BUTLER HANSEN, and her subcommittee, for having the courage to criticize the Interior Department's lack of leadership and responsibility in the area of environmental control. In her subcommittee's report on this appropriation bill, specific language was devoted to this criticism. We feel the following quotes should be emphasized:

> In recent months, the protection of our environment from various pollutants has become a national movement and has gained many supporters. . . . The Committee was disappointed at the paucity of funding proposed for the very activity our Nation's leaders are currently endorsing as one of the highest priorities which this Nation must consider.
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> The committee perceived during the hearings that not only was the 1971 budget estimate deficient in the provision of funds to correct various situations contributing to the pollution of our environment, but it also discovered that funds appropriated for the 1970 fiscal year and specifically earmarked for the abatement of pollution, such as sanitation facilities at various Federal installations, had been placed in reserve and would not be expended.
>
> It was with these basic objectives in mind that the committee considered appropriations for activities in this bill for fiscal year 1971. The continued need for fiscal restraint tempered the committee's desire to provide additional funds to attain these objectives. In view of this, the committee will be decidedly disturbed if funds specifically appropriated for conservation of resources and pollution abatement are again placed in reserve or used for pay increase costs or other purposes of lesser importance and urgency.

We also want to emphasize that Mrs. HANSEN's subcommittee added on $75,000 for an evaluation study; the purpose of this study is to determine the potential for various laboratories and vessels of the Bureau of Commercial Fisheries. We again quote from a section of this report, which reads:

> It is recommended by the Committee that insofar as possible there be no major lay-ups of vessels utilized by the Bureau of Commercial Fisheries.

Mr. Chairman, we sincerely feel this statement is necessary to alert the Congress to the magnitude of this problem and to serve notice on the Bureau of Commercial Fisheries, the Department of the Interior, and the Bureau of the Budget that Congress has no intention of letting this condition deteriorate any further.

We have no intention of making this a partisan political issue, but we are determined that our Nation's natural resources will not be further imperiled. The record and the intent established by certain members of our committee and the Appropriations Committee are clear. The thrust of this statement and of any additional colloquy on the floor, should, therefore, become part of the legislative history of this bill. It should further be made clear, in view of the study proposed by the Appropriations Committee, that no research vessels be laid up and none of the laboratories be closed until that study is completed.

Therefore, Mr. Chairman, we respectfully request that it be made absolutely clear that the legislative history established here today is not a request; it is, in fact, tantamount to a congressional mandate.

The Appropriations Committee has voiced its concern, certain members of the Committee on Merchant Marine and Fisheries have voiced their concern, and the American public has joined in this mounting chorus of national protest against the continued abuse and neglect of this great Nation's natural resources.

It is about time that the appropriate Government agencies heed this protest and carry out their responsibilities in response to this clear and undeniable mandate.

My Subcommittee on Fisheries and Wildlife Conservation of the Committee on Merchant Marine and Fisheries, chaired by our able friend the Honorable EDWARD A. GARMATZ, and my good friend and colleague the Honorable ALTON LENNON, chairman of the Subcommittee on Oceanography, and our good friend and colleague the Honorable RICHARD HANNA join me in this concern. We are particularly troubled that over the last year there appears to be an attempt to change the fundamental orientation of the Department of the Interior and its Bureau of Commercial Fisheries from programs oriented toward wise management of the resources on a long-term basis to one that is based strictly on exploitation.

Our committee has come up with a number of documents in the course of an investigation which would lead us to believe there may well be some attempt not only to close the laboratories referred to but also to lay up a number of oceanographic vessels.

Indeed, one of the things that was most troublesome to me was a document which fell into the hands of our committee dealing with proposed reprograming for fiscal 1971 calling for a shifting of funds approved in this bill from research facilities to various other forms of activities. I note that since the appearance of the Bureau of Commercial Fisheries before our subcommittee that I have received many documents, including a letter received by me today signed by Mr. Charles Meacham. This letter, which will be inserted pursuant to unanimous-consent request at a time appropriate, indicates that the Department of the Interior perhaps has had second thoughts. I have made this information available to the gentlewoman from Washington and I wonder what her thoughts and feelings are with regard to the proposed reprograming.

Mrs. HANSEN of Washington. I am completely opposed to reprograming of these activities. The committee has gone through the testimony of the hearings and we have carefully evaluated the programs. The committee is deeply aware

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of the necessity, as we move into international programs and as we work with people of other countries and as we sit down at bargaining and conference tables, for all of the knowledge that we can possibly acquire as to what our fishery resources are and what will make these resources even greater. Therefore, I can assure the gentleman from Michigan that I would not approve a reprograming to change any of the basic funding for our fishery research or for our vessel use. I think the department has been completely indiscreet in attempting even to formulate such program revisions, and I will be very frank with the gentleman from Michigan that I feel the Department of the Interior has its hands tied behind its back, because I think the Bureau of the Budget has for several years decided that they should phase out the Bureau of Commercial Fisheries for some obscure reason. The fishing industry in the United States does not seem to hold any great significance to the gentlemen in the Bureau of the Budget.

Mr. DINGELL. I would like to thank the gentlewoman. Her comments make most invaluable and clear legislative history.

At an earlier time our Subcommittee on Fishery and Wildlife Conservation and Oceanography had the honorable Mr. Phillip Roedel, the new Director of the Bureau of Commercial Fisheries before us in a joint hearing wherein we took testimony with regard to a number of aspects regarding laboratory closures. One of the things most troublesome to me was the fact that in his testimony director Roedel enumerated a number of things that he proposed to do with regard to proposed reprograming at a time later after the budget was successfully completed. Documents which have fallen into the hands of the subcommittee since that time tend to indicate that there are a large number of resource oriented programs that this agency proposed to terminate. The subcommittee thinks that the department intends to go from a resource and long-range oriented management program in research into one which is—and I am just quoting directly from him now—one having a high payoff potential. That was the first criteria they proposed to establish with regard to the Office of Oceanographic Research.

Second, with particular emphasis to the solution of pressing fishery problems.

Third, to move into engineering fields promising to increase the efficiency of "search and harvest technology."

And then to do something which I believe is desirable, that is, to further the development and useful management precedents established by the International Commission for the Northwest Atlantic Fisheries.

Finally, under the fifth suggestion, again to return to the exploitation theory where they will emphasize the studies of socioeconomic aspects of American fisheries in what they denominate as an economics-limited entry approach to research.

I hope that the gentlewoman and the subcommittee on the Interior will be apprised on the perils and hazards inherent in this kind of an approach. I would like to and I will indicate that I am critical of the Interior Department's hiding behind a smokescreen of press releases indicating what they propose to do with regard to preservation and enhancement and protection of the environment and our fish and wildlife resources and which their behavior up to now does not indicate they intend to carry out. The press release I will insert in the RECORD at the appropriate time, indicating more fully the reasons why I am concerned about their behavior and why their proposed program does not seem to comport with the high quality of their press releases.

I would point out, Mr. Chairman, because of the limited amount of time that has been afforded our subcommittee since our discovery of the program of the Department of Interior, we have had less than adequate opportunity to call in the witnesses and ascertain the facts and circumstances attendant upon this most unfortunate change in direction of policy by the Department of Interior.

I would point out in closing, in cooperation with my distinguished friend and one of the most valuable Members of this House, the distinguished gentlewoman from Washington (Mrs. HANSEN), as well as the other members of the committee, and our very able chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ), as well as the gentleman from North Carolina (Mr. LENNON), who is the chairman of the Oceanographic Subcommittee, I propose to pursue this matter further in trying to explore a number of questions like, why did the Department of the Interior engage in a rather doubtful practice in sending our witnesses to Rio de Janeiro on matters of very limited importance when they had much more important research to do at home, particularly in view of the fact that the Department sought to send our witnesses abroad at the very time we were undertaking our hearings.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mrs. HANSEN of Washington. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. DINGELL. This was done during the week that our committee was engaged in the actual scrutiny of these matters pending before it.

So I believe, Mr. Chairman, there is need for close oversight and very careful watching not only by our subcommittee but by the committee chaired by the distinguished gentlewoman from Washington (Mrs. HANSEN).

Following is the letter I received from Director Roedel:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
*Washington, D.C., May 18, 1970.*

Hon. JOHN D. DINGELL,
*Chairman, Subcommittee on Fisheries and Wildlife Conservation, Committee on Merchant Marine and Fisheries, House of Representatives, Washington, D.C.*

DEAR MR. DINGELL: I understand that your Subcommittee has come into possession of a draft, now outdated, internal budget document prepared in the Department and relating to Bureau of Commercial Fisheries activities in fiscal year 1971, and that, as a result, some question has arisen in your mind. I can assure you that the document, which was prepared in connection with the continuing review of BCF activities on which Director Roedel testified before the Appropriations Subcommittee (transcript, pages 273–274), was not approved by the Department and has no status.

I am also happy to assure you that funds appropriated and apportioned to the Department for use in fiscal year 1971 for commercial fishery activities will be expended in accordance with the provisions of the President's Budget and/or the Appropriations Act and that should the Department wish to effect changes, it will consult with the Congress in the usual way.

Sincerely yours,
CHARLES H MEACHAM,
*Deputy Assistant Secretary for Fish and Wildlife and Parks.*

I might point out that on April 17, 1970, Director Roedel testified at our subcommittee hearings and made the following statement. This statement clearly indicates the Department of the Interior had under consideration the reprograming funds as of that date and so far as we are concerned still has the plan under consideration:

> We have been devoting considerable time to analyzing our present programs to see if it is possible to give more emphasis in these areas within our present budget for fiscal year 1971. In this regard, there is presently under consideration in the Department a proposal which would shift over $4.0 million into these areas in fiscal year 1971. I want to emphasize, however, that the Secretary has not yet had the opportunity to review the proposal. If it is approved, it will be submitted to both the Bureau of the Budget, and the Appropriation Committees of the Congress prior to implementation. We will be pleased to give you a copy of the proposal at the same time that we submit it to the Appropriation Committees.

Following is a press release indicating the value of the domestic commercial fisheries catch for 1969:

### DOMESTIC CATCH FOR 1969 WORTH RECORD $518 MILLION TO FISHERMEN

During 1969, the Nation's domestic commercial catch of fish and shellfish sold for $518 million—the highest dollar value in the Nation's history—Secretary of the Interior Walter J. Hickel announced today.

Interior's Bureau of Commercial Fisheries (BCF) reported that the value of the 1969 catch represents an increase of $47 million over that of the 1968 harvest. The volume taken—4.3 billion pounds—was 176.4 million pounds above the 1968 level, and the largest catch since 1966.

Secretary Hickel said that new records had been established in a number of the individual domestic fisheries.

Catch data gathered and compiled by BCF's Division of Statistics and Market News indicate record landings for shrimp, Gulf menhaden, Pacific anchovies, yellowfin tuna, spiny lobsters, tanner crabs, Dungeness crabs, and surf clam meats.

Secretary Hickel said there were also substantial increases in catches of Atlantic cod. Pacific halibut, and blue crabs; landings of Atlantic flounders, pollock, and soft clams also showed gains over the 1968 levels.

The gain in production by some segments of the domestic fisheries was partially offset by serious declines in landings of haddock, Atlantic sea herring, Pacific salmon, whiting, industrial fish caught by otter-trawl, sea scallop meats, and king crab, the Secretary added.

In addition, he said, landings of jack mackerel, Atlantic ocean perch, and oyster meats were also below 1968 levels.

Louisiana led all States in volume of catch, with slightly over 1 billion pounds, followed by California with 575.9 million pounds; Alaska, 346.8 million pounds; Mississippi, $10 million pounds, and Massachusetts, 280 million pounds.

In value of catch, Alaska was first among the States with $71.1 million; California was second with $62.1 million; Louisiana, $56.7 million; Texas, $46.9 million, and Massachusetts, $41.9 million.

San Pedro, California, led all other domestic fishing ports in both value and volume of catch.

In the area of international trade, imports of fishery products during the year were valued at $844.3 million, compared to a previous high value of $822.7 million in 1968. New import records were established for shrimp, spiny lobster, canned tuna, frozen albacore tuna, groundfish (including ocean perch), and fish fillets and steaks other than groundfish.

Exports of domestic fishery products were valued at $104.5 million, well above the previous high of $84.8 million in 1966. Exports of fresh and frozen shrimp totaled 25.2 million pounds, more than double the previous record of 12.1 million pounds in 1968. Canned shrimp exports totaled 5.7 million pounds, up from 5.3 million pounds in 1967. Exports of fresh and frozen salmon which go mainly to Europe set a new record of 30.6 million pounds, compared to 22.6 million pounds in 1964.

Further information on the domestic catch, consumption, prices, processed products, vessels, foreign trade, supplies, world fisheries, and related subjects is available in the annual statistical publication, "Fisheries of the United States . . . 1969."

Following is an article appearing in the May 16 New York Times quoting from a portion of the committee report on H.R. 17619 which I would like to call to the attention of the House Members:

HOUSE PANEL ADDS TO POLLUTION FUNDS

WASHINGTON, May 14.—The House Appropriations Committee added millions of dollars Thursday to a Nixon Administration money bill to combat air and water pollution.

The amounts of committee's additions to President Nixon's 1971 budget requests were obscured in the estimated total of 20,000 different items in the $1.8-billion appropriations bill for the Interior Department and its related agencies.

But the committee said in its report to the House that it "was disappointed by the paucity of funding proposed for the very activity our nation's leaders are currently endorsing as one of the highest priorities which this nation must consider."

Among the additions was a $2-million increase over the Budget request to hire 37 additional inspectors to watch over oil drilling operations on the outer continental ocean shelf.

Others involved underground coal fires in Pennsylvania, national park recreation funds to construct added sanitation facilities and new projects to guard against mine waste flowing into rivers.

Mr. REIFEL. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. I thank the distinguished gentleman.

Mr. Chairman, I take this time because I am in hopes of getting some information with regard to the lamprey control problem on the Great Lakes. Rather interestingly on the heels of the remarks of my colleague, the gentleman from Michigan (Mr. DINGELL), may I make this observation.

Prior to 1969, which I do not think was under the present administration, a reduction had been made in the number of electrical barriers for lamprey counts that are operated specifically in the Lake Superior streams. These barriers or weirs are used for the purpose of determining the effectiveness of the control of these lampreys.

Interestingly, too, is a report which appeared in one of the Chicago metropolitan newspapers regarding the tremendous increase over the past 5 years in the sea lampreys in Lake Huron. Apparently, they enter through the St. Lawrence Seaway and go into Lake Huron and subsequently, of course, move into the other of the four Great Lakes.

I wonder if any indepth study has been made or, let us say, hearings held to make an evaluation of this situation. Incidentally, I had occasion to write the committee about this matter several months ago and called the Department of the Interior and got little or no satisfaction.

Mrs. HANSEN of Washington. Mr. Chairman, will the distingiushed gentleman yield?

Mr. COLLIER. I will be happy to yield to the gentlewoman.

Mrs. HANSEN of Washington. May I say that the lamprey control work is done with funds appropriated to the Great Lakes Fishery Commission, and this is funded by the State, Justice, and Commerce appropriations bill. A portion of these funds are transferred to the Bureau of Commercial Fisheries Commission for investigation and control of the lamprey eel.

I would agree with the gentleman from Illinois that there should be more work done by the Department of the Interior on this problem. I would also say that is exactly why we are asking that this committee receive full progress reports on funds expended for fisheries research.

Mr. COLLIER. Let me ask this question: In all sincerity, how long does one research a problem before there is a determination made as to how effective the so-called chemical control is?

I ask that question because this program, as the gentlewoman knows, was started back in 1956, I believe, I have an abundance of reports on one particular area on this question, and I am sure there are reams of information available. But at some point it seems to me that researching should provide some conclusion from which we move.

Now, I do not know whether the particular chemical control program, which started before the understandably current concern over environmental problems arose, has been very successful, mildly successful, or a failure.

Mrs. HANSEN of Washington. I would state to the gentleman from Illinois that time frames for research results are not definite in any case. I was interested the other day when the distinguished ranking minority member of the Committee on Appropriations, the gentleman from Ohio, Mr. Bow, said that a report had been issued on the control of blackbirds and one of the little-known techniques used turned out to be extremely valuable and has done a remarkable job.

Then again researchers may work 5, 6, 7, or 8 years and not produce definite results. This is particularly true in the case of fisheries. That is why many of us are deeply concerned that we afford full opportunity to find some of the answers on fishery problems. These problems are not easily solved because there are so many factors that can change the fishery ecology of this Nation.

So I would say to the gentleman do not be discouraged that the Department does not come up with an answer. It may not be their fault at all. But I know that it is something that can be very exasperating. But, as I said, they cannot always readily obtain some of the answers.

Mr. COLLIER. I recognize that there are changes in conditions as they affect the five Great Lakes and the pollution problems therein. However, I doubt that they would have any major effect upon the number of sea lampreys, because they are not the kind of animals which are affected by the types of pollution in the Great Lakes which many, many kinds of fish life would be. But as the gentlewoman knows, the Department has constructed weirs on some 59 rivers connected with the Great Lakes.

For 7 years the commission has operated these electrically charged weirs in the Brule River. In many instances while they are counting to determine the effectiveness of the chemical control program, they are also electrocuting and maiming trout in that area.

I have taken this up with the Department, and I understand that their estimates on the count of the number of trout that are killed during a 3-month period by these electrically charged weirs are installed. However, I am also told by other people who live in that area that these counts are not accurate. In fact, many times the people working on this program gather the dead trout in tubs with no water in them and dump them out into the forest areas.

After 10 years, and looking at the figures of the count of the number of lamprey, it is hard to determine how effective or how ineffective the chemical lamprey control program is.

Now the folks up there are told that these weirs are going to have to be installed in the river for another 7 or 8 years.

What would be the estimate of time as to how long it would take to make some final determination? Will it be 10 more years, 15 years, or 50 years? In other words, after this period of time, it seems to me there should be some results upon which to make a finding.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I am delighted to yield to the gentlewoman.

Mrs. HANSEN of Washington. In the first place, the amount of money in the House version of the State-Justice-Commerce appropriations bill for the Great Lakes Fishery Commission is $1,352,000.

The hearings as to the success or failure of the operations of the Great Lakes Fisheries Commission is not presented to our Committee on the Interior and related agencies. They are presented to the State-Justice-Commerce Subcommittee.

May I suggest that you might contact the very distinguished gentleman from New York (Mr. ROONEY), chairman of that subcommittee, and ask him to give you a report in this connection. This matter is not presented any place in our hearings whatsoever, or I assure you that we would have the information.

Mr. COLLIER. I thank the gentlewoman from Washington and I shall follow her advice. But I am not optimistic in the light of my past experience about getting information that I would like. But again I thank the gentlewoman.

Mrs. HANSEN of Washington. Mr. Chairman, I yield such time as he may consume to the distinguished ranking Member, the gentleman from Virginia (Mr. MARSH).

Mr. MARSH. Mr. Chairman, I rise in support of the appropriation bill which we are considering today and I would certainly commend the chairlady of the subcommittee for another outstanding job. I, too, would like to pay tribute to Congressman REIFEL, who has made a tremendous contribution to this and preceding bills. He will be sorely missed in the ensuing Congresses.

I am aware that it has been previously mentioned, but I think it is well to repeat the request that Members examine page 2 of the report, and that portion which relates to the revenues generated by agencies funded in the bill. The reason that I make this point is to raise the question seriously to the membership as to the amount these revenues might be increased simply through modest increases of some of the appropriations which relate to renewable resources coming within the purview of the bill.

By renewable resources, I refer to America's public lands and waters, including the resources of the sea.

Those of us who listened to the testimony of the various departments, agencies, and bureaus in the context of programs and money, cannot help but be impressed by the relationship which exists in cost-benefit ratios when considered in terms of investment in natural resources.

I suspect that all of us feel that in allocating funds from the General Treasury for a myriad of Government efforts, we are often pennywise and pound foolish.

Each of the members of the subcommittee can cite numerous examples where an increase in appropriations either in research, management, or capital improvements would yield monetary returns to the Federal Government that far exceed the sums invested. Sadly, we can point out where there is a direct loss-ratio when sums are not invested in not only deserving, but absolutely essential programs. By way of example, I refer to funds that go into forest fire prevention and control. Experts in forestry can almost predict a certain loss-ratio in thousands of board feet of timber burned when considered in light of a per-dollar reduction of funds for forest fire prevention or control.

Those of us who serve on the committee would ask our colleagues to consider seriously the plight of the American fisheries industry which demonstrates tragically, but dramatically, the decline not only of an industry, but a great national slippage from a position of leadership to a definitely trailing participant in developing and harvesting marine resources. However, it is not principally the loss of position or accompanying prestige with which we are concerned as it is the impact on a major American industry and its wage earners by our failure to be in the forefront in developing and benefiting from what is likely to be one of the great food resources of the future.

Yet, the potential benefits of this bill to the American people are not simply monetary, but more far reaching. This bill relates to the quality of American life through the quality of the American environment. If we are to make progress in the field of ecology and improvement of environmental health by coming to grips with the problems of air and water pollution, it will be through the avenues afforded by the department and agencies funded in this bill. Frequently, the appropriations bill for the Department of the Interior and related agencies is referred to as the small bill, if you can consider $1,800 million small, but this small bill may well be the key to unlock the lock represented in our environmental problems, which are visited on a society by modern technology and mass population.

Those of us who hear the testimony for the need of recreational resources for the American people are vitally concerned on the inadequacy of our fine parks and national forests to accommodate the ever-increasing visitor load. For those of you who are interested in low-cost recreation and the availability of these resources to population masses, you should consider well what might be accomplished in this area alone.

As has been pointed out, our Government has a special responsibility to the Indian people, and we have tried to address ourselves to this responsibility. I would point out that the chairlady and the ranking minority member would have to be considered two of the experts on this particular phase of our appropriations. It has been through their persistent and continued efforts that the committee has tried to enable the Congress to meet its obligation through increasing appropriations for education and other assistance to the American Indian. I believe the efforts of BEN REIFEL on behalf of the Indian will be one of the great monuments to his service here.

This far-reaching bill touches at the heartstrings of the cultural life of our Nation, from history to art—from restoration to renovation. Of special significance in this regard is the funding for the Bicentennial Commission of the American Revolution. As we approach the 200th anniversary of the signing of the Declaration of Independence, we find that we are currently living in the bicentennial of the revolutionary period of our Nation's history.

The committee is aware that the development of a program in reference to this event is one that requires adequate leadtime, guidance, and direction, for historical research and planning and preparation. The committee feels that the dividends that will result from the Commission's work now will richly endow our Nation in the decade ahead as we move into the third century of the American Republic.

For other reasons I have outlined, I urge my fellow Members to join in supporting this important appropriations bill that so vitally affects our land and our people in the coming fiscal year.

Mr. MESKILL. Mr. Chairman, the Bureau of Commercial Fisheries Biological Laboratory in Milford, Conn., has, in its 39 years of existence, distinguished itself as one of our Nation's finest research centers in the field of shellfish research. The Milford Laboratory is well known for its specialized research in the areas of genetics and the effect of the environment on the production and development of commercial shellfish. The research performed by the Laboratory is unique and would be extremely difficult to duplicate without a substantial expenditure of money.

Operating on a modest budget of $336,000 per year, the Laboratory conducts research of oysters and clams in the areas of artificial culture, disease control, and predator control. However, despite its extensive accomplishments in these areas, the Interior Department is seeking to cut appropriations for the Laboratory as part of an effort to reduce the budget of the Bureau of Commercial Fisheries by $7.5 million.

Mr. Chairman, such a move would, in the long run, be inexcusably wasteful.

The achievements of the Laboratory have been most outstanding. Exemplary of the superb quality of work at Milford was the successful attempt to revive the Connecticut oyster industry, an industry vitally important to the State's economy.

Extensive water pollution, combined with an increase in the number of oyster drills, a dangerous shellfish predator, which will kill close to 75 percent of the oysters in any given bed, threatened the existence of this essential industry. However, a young researcher at Milford, by the name of Clyde McKenzie, developed techniques for the treatment of oyster beds with the chemical Polystream. This chemical will kill from 85 to 95 percent of the oyster drills without harming any other form of life. Without these discoveries, the oyster industry in Connecticut would almost certainly have disappeared.

Even Mr. Philip M. Roedel, Director of the Bureau of Commercial Fisheries, has described Milford as "an excellent research facility." And, he is "hopeful" that the research can be continued through other sources, such as industry or the university.

But, Mr. Chairman, I am afraid we cannot afford to rely on shallow expectations. Although the Bureau claims that it is presently negotiating with a multi-organization for genetics research, we have received no assurances from the administration; yet we must act today on the matter of appropriations for the continued operation of the Lab.

As Mr. John Mulhall, manager of the New Haven office of New England Oyster Farms, Inc., has observed:

> To dismantle that whole organization would be detrimental to the whole oyster industry in Connecticut, since we don't have

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> any kind of state facilities that can take over the work being done by the Milford Lab. We'd be entirely abandoning any scientific program in Connecticut.

Ironically, cutting appropriations for the lab would actually prove to be markedly more costly if we look at the whole picture. The new facilities and equipment involved in recent expansions are valued at well over $2 million. More important, all the various research programs now in progress would have to cease operation. Four years of intensive research work would be lost and the loss in terms of invaluable scientific knowledge would be incalculable. Instead of saving the taxpayers around $300,000, dismantling the lab would waste millions of tax dollars which have been appropriated in the past.

Furthermore, the Connecticut Shellfish Commission recently estimated that there are 2 to 3 million bushels of oysters maturing in Connecticut beds, at a market value upward of $40 million in the 3-year harvesting period from 1971 to 1973. Thus, it is evident from these figures that the contributions of the lab have already helped pay for Milford's operation in the hard cash earned by the commercial oystermen using techniques developed and recommended by the lab staff.

Moreover, at a time when the problem of pollution control has become vital, it is unwise at best to close a laboratory which has contributed so successfully to developing pollution control solutions. The laboratory has been investigating and publishing facts relating to the effects of pollution on shellfish since 1961; factual studies have been published regarding pesticides, detergents, turbidity, silting. Other accomplishments include the development of testing methods for oil pollution and sulfur wastes. This is a commendable research record to be sure.

Consequently, I find the request to cut appropriations for the biological laboratory at Milford, Conn., shortsighted and ill advised. The waste, both economic and scientific, which would follow from this ill-considered act are unnecessary and destructive.

In view of the tremendous value of the research at Milford, I most strongly support the committee's recommendation to continue appropriations at the same level.

Mr. SKUBITZ. Mr. Chairman, I want to commend the gentlewoman from Washington and members of the subcommittee for a job well done.

Under the leadership of Mrs. HANSEN, this committee not only voices its willingness to seriously consider the requests of the Members of this body but by its action it demonstrates its sincerity. It is a committee with a heart. I urge the passage of this bill.

To my good friend BEN REIFEL, who has been a member of the committee for years and who will not be with us next year, my best wishes for a long, happy retirement. Perhaps no monument will be erected in Washington to you, Ben, but your deeds, your kind sympathetic attitude toward your colleagues, your devotion to duty will always be remembered by those of us who have been privileged to know you and serve with you.

Mr. HANNA. Mr. Chairman, I wish to associate myself with the comments being made by other members of the House Merchant Marine and Fisheries Committee concerning the deliberate attempt by the Interior Department to cut funds for two vital fisheries research laboratories. Once again we are confronted with the administration's attempt to institute a fait accompli by talking one way and acting another.

Without the quick intervention by the leadership of the Merchant Marine Committee we might well have found ourselves reducing our commitment to preserving the environment at the very time we need to increase our efforts. Fortunately, this quick action has restored the appropriations for the two fisheries research laboratories.

My esteemed colleague the gentleman from Michigan (Mr. DINGELL) will explore at length the chronology that has led us to this point, and he will describe the programs of the two laboratories. I wish, at this time, to emphasize two concerns of my own in regard to this matter.

First, the Interior Department's attempt to dismantle the two laboratories flies in the face of all the fine rhetoric that has been emanating from the public relations types in the administration. The attempt to phase out these laboratories is a sobering reminder that despite all the administration rhetoric, their commitment to the environment is tissue thin.

This is another distressing example of breaking up the needed scientific expertise and facilities so vital in our fight to save the environment. This type of approach is counterproductive. If we dismantle our scientific ability, rather than strengthen it, at this juncture, we will be faced with the immense cost of having to restore the whole thing when the requirements become so compelling that we cannot avoid postponing the fulfillment of our commitments.

Now that we have demonstrated momentum in our research laboratories, our policy must be to strengthen and direct them rather than dismantle them.

My second point strikes at the very core of this matter. On April 30, I conducted extensive ad hoc hearings in Santa Ana, Calif., on the alarming problem of fish cancer. During those hearings, it was rather dramatically demonstrated that pollutants poured into rivers are damaging fish that habitate in the areas near the outflows of these rivers. In the specific case, many fish caught near the outflow of the Santa Ana River were found to have lip cancer. The species of fish having these cancers are commonly eaten.

The overwhelming testimony at these hearings clearly pointed to the need for immediate and intensive research in how pollutants affect fish, and how these diseased fish affect man. There is a tremendous gaping hole in our knowledge about this chain.

Almost everyone agreed that more needed to be learned, and we had better get about the business quickly. The Los Angeles Times, in an important editorial on these hearings underlined the concern of every citizen that solutions be found before we are overwhelmed.

And what is the answer of the Department of the Interior to such grassroots concern? A recommendation that two of our most vital fisheries laboratories be phased out. Absurd? Of course it is.

The Appropriations Committee has restored the funds for these laboratories and the House should give its support to the leadership of both of these committees. At least we can demonstrate that the Congress commitment to the environment does not lack substance.

Mr. HECHLER of West Virginia. Mr. Chairman, I am particularly interested in the following statement on page 13 of the committee's report:

> HEALTH AND SAFETY
>
> The committee has recommended the total amount of the budget estimate, $54,395,000, for health and safety activities of the Bureau of Mines. This is an increase of $28,063,000 over the $26,332,000 appropriated to date for fiscal year 1970. The major portion of this increase is to provide funding for activities prescribed in the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91–173), enacted December 30, 1969.
>
> As a result of information it has received through its budget hearings and otherwise, *the committee is quite concerned that administration of the mine health and safety program is not proceeding as expeditiously and effectively as the Congress intended in its enactment of the new mine health and safety legislation.* (Italic supplied.)
>
> While the committee appreciates this is a greatly expanded and intricate program, it is also conscious of the seriousness of loss of life in mine disasters. The committee *directs* the Department of Interior to give this phase of its operation its most concerted effort and attention so that a viable program can be in effect with the least possible delay.

This report language is quite important and I commend the gentlewoman from the State of Washington (Mrs. HANSEN) for it.

The Interior Department has not met its responsibilities under the act.

The Department delayed publication of necessary regulations under the law. Then, when it finally published them 2 days before the effective date of the safety provisions of the new law, the operators went to court for a Federal restraining order prohibiting their enforcement because of certain errors in the publication.

The Interior Department has not acted expeditiously in obtaining and training inspectors. The Department knew full well late last summer that a new law would be enacted requiring more inspectors. But it did not act until late last year to undertake an accelerated program to acquire and train inspectors.

The same top officials who are concerned with everyday enforcement and implementation of the act are also trying to qualify people as inspectors. The Department has not provided a top official whose sole responsibility is to obtain the necessary inspectors.

Yet, the Department found time to criticize the Congress during hearings before Mrs. HANSEN's subcommittee for some of the safety standards included in the new law. Here is what the Department said:

> Mr. WHEELER. Madam Chairman, overall I do not think anyone would have any question with the objectives and law itself. But there are a few provisions and I would like to cite one of them to you—there is a provision in the law that all mine cars after a year must be provided with automatic brakes that can be put on mine cars.
>
> Mrs. HANSEN. Are they nonexistent?
>
> Mr. WHEELER. There are none in existence.
>
> Mrs. HANSEN. What are you going to do about that provision?
>
> Mr. WHEELER. Maybe we have some consternation in our own organization. I think what we will have to do is to cite them as being in violation of the law, because they will be.
>
> Mrs. HANSEN. Is anyone in the process of developing automatic brakes?
>
> Mr. WHEELER. Yes, ma'am. We have met with all the car manufacturers to first find out if there are any brakes, and we found out there are none. And since then we have been talking with them as to how we can get some developed as soon as possible.
>
> Mrs. HANSEN. Has the Department appeared on behalf of this provision before the Education and Labor Committee?
>
> Mr. WHEELER. We have not gone back to them yet. We will have to after we study all the provisions of the law. We are now studying this new law section by section to determine what the problem areas are. This is just one which is obvious on the face of it that I have decided to use. There are others.
>
> Mrs. HANSEN. Will you please insert in the record other areas of the Coal Mine Health and Safety Act which cause similar problems?
>
> Mr. WHEELER. Yes, ma'am.
>
> (The information follows:)
>
> In addition to the matter of the act requirement for car brakes which must be resolved before March 30, 1970, there are other unresolved problems. Among these are:
>
> 1. Sec. 315 of the Act provides that the Secretary may require that rescue chambers, properly sealed and ventilated, be erected at suitable locations in the mine. Such chambers to be equipped with first-aid materials, an adequate supply or air and self-contained breathing equipment, an independent communication system to the surface, and proper accommodations for the persons while awaiting rescue, and other equipment. Where shelters are required, there shall be an approved plan for the erection, maintenance, and revisions of such chambers and an approved training program for the use of the shelter.
>
> Much of the technology involved is unclear, especially in connection with an integrated standby system. A contract for the development of a total rescue and survival system should be awarded shortly and completed within a year thereafter.
>
> 2. Section 317(e) requires the Secretary to propose standards by December 30, 1970, under which all working places in a mine shall be illuminated by permissible lighting within 18 months after promulgation of the standards.
>
> The nature and content of these standards is being considered in the light of practicability. Some research may be required and new permissibility standards may have to be developed. These efforts are being carried on at a rapid pace in order to meet the deadlines. It is not certain, however, that the present uncertainties can all be resolved in the available time.
>
> 3. Section 317(j) authorizes requiring electric face equipment, including shuttle cars, be provided with canopies or cabs to protect the miners from roof falls and from rib and face rolls where the height of the coal bed permits.
>
> Practical designs are under consideration and consideration is being given to determining the minimum height of the coal bed which will permit installation of such devices.
>
> 4. Section 317(g) provides that the Secretary shall require, when technologically feasible, that devices to prevent and suppress ignitions be installed on electric face equipment.
>
> Research on an ignition suppression system has been carried out in the Bureau's laboratories and experimental mine for several years. We are presently concentrating on converting out basic knowledge into a commercially feasible system. Progress is being made and emphasis placed on the project; nevertheless, it is not possible to set a specific completion date.

Congressman DENT, chairman of the General Subcommittee on Labor, and Congressman PHILLIP BURTON, a member of that subcommittee, and myself responded to this criticism in a joint letter of April 22, 1970, to Secretary Hickel—see CONGRESSIONAL RECORD, page 13480. Among our comments are the following:

> It is obvious that the Department's witness is not very familiar with the provisions of the Act in making this criticism. None of the standards referred to in the Department's four numbered paragraphs just quoted requires action by March 30, 1970. In the case of the rescue chambers, the Department, by section 315 of the Act, is given discretion to require them when the technology is available. The same is true for underground lighting and canopies and cabs. In the case of ignition suppression devices (the reference is section 317(q), not section 317(g)), we fail to see why it is the Bureau's responsibility to convert its experiments into a "commercially feasible system." Why not make this knowledge public and let American business convert it competitively into an effective commercial system?
>
> In regard to automatic brakes, the Act only requires them "where space permits." The Department, in its letter of July 17, 1969, to the Senate Committee on Labor and Public Welfare (Sen. Hearings—Part 5, Appendix, p. 1589, 1594) said that the provision "should be deleted at this time because *in many instances it is not physically possible in the limited space underground in some mines to install and operate such automatic brakes.*" (Italic supplied.) Based on this comment, the Congress added "where space permits", the Department did not say, as it is now contended, that they were unavailable in all mines or that they were "nonexistent". "Where space does not permit," other devices may be used to achieve the same objective. What has the Department done to insist on such other devices?

Mr. Chairman, it is high time that the Interior Department act more responsibly in administering this new law. Like Mrs. HANSEN and the Committee on Appropriations, we should all be concerned with the Interior Department's gross shortcomings to date in administering this landmark law. I hope that Secretary Hickel who is deeply concerned about the health and safety of coal miners and the other officials at the Department will heed the committee's statement.

Mr. DONOHUE. Mr. Chairman, the measure before us, the appropriation bill for fiscal year 1971 for the Department of Interior and related agencies, is both responsible and forward looking, and I urge its swift approval.

One part of the bill of particular concern to me is the level of funding provided for environmental protection activities. The control and improvement of our environment must be one of our paramount concerns, Mr. Chairman, and we cannot deal adequately with these problems until we are willing to commit adequate resources to their solution. As I pointed out to the House on March 25 of this year, in connection with the consideration of the water quality improvement act of 1970:

> All our good intentions and our best legislative projections will come to nothing unless sufficient money is recommended by the President and appropriated by the Congress . . . to honor our commitment to the taxpayers of the United States to provide them wih a wholesome environment, free from pollution and poison.

Mr. Chairman, the bill before us provides funds for such environmental purposes as the land and water conservation fund, mineral resource management and research, mining conservation and development, and fishery management and investigation. As you know, Mr. Chairman, the Appropriations Committee expressed its disappointment over the "paucity of funding proposed" in the administration's budget request for these activities. The committee also discovered that some funds already appropriated for the current fiscal year and specifically earmarked for pollution abatement had been placed in reserve by the executive branch and would not be expended.

If we are to progress at all in our fight against environmental deterioration, Mr. Chairman, we must all cooperate. The administration needs Congress to provide the programs and the funding; the Congress depends on the administration to implement the programs and expend the funds provided. A common effort, arising from a common dedication, is sorely needed.

The amounts recommended by the committee for the environmentally related programs in this bill, Mr. Chairman, represent the minimum productive levels of funding. Any attempt to reduce these amounts would be disastrous and should be summarily rejected. I call on the Members of the House, therefore, to approve this measure quickly, and without crippling reductions.

Mr. FRASER. Mr. Chairman, I am pleased to see that the Interior Subcommittee under the leadership of its chairman, the gentlewoman from Washington (Mrs. HANSEN) has taken a hard look at the budget requests for the Bureau of Indian Affairs' educational programs.

The Senate Subcommittee on Indian Education has termed Indian education "a national tragedy." With Indian dropout rates exceeding 60 percent in most school districts, it is obvious that massive new educational efforts are needed.

New programs are costly, of course, and it is apparent that the appropriation measure before us today will not permit a major expansion of Federal efforts. Certainly we should be doubling Indian educational expenditures rather than increasing funding levels by only 15 percent—as this bill does.

But money alone will not improve Indian education. Equally important is a reassessment of the policies that have shaped educational programs during the

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last 20 years. In this regard, it is important to note that the subcommittee has attempted to correct the imbalance that has existed for too long between relocation-vocational training and higher education.

Many Indian people are deeply dissatisfied with the relocation projects that send them from the reservations to the cities for vocational training. But since there are so few other educational or employment opportunities available to them, they often enroll in the relocation program by necessity rather than by choice.

Currently the AVT relocation program is funded at a level of $38 million while funding for college scholarships is set at only $3 million. To younger Indians this means that the Federal Government is telling them that most of them are really not good enough to go to college and that they should settle for trade school instead.

BIA and Interior Department officials, including Assistant Secretary Harrison Loesch, agree that the AVT relocation has received too much emphasis in relation to Indian higher education aid. This year, the subcommittee has transferred $1 million from relocation-vocational training to college scholarships, an action that is likely to be supported by many American Indian organizations.

The Indians' deep concern about BIA's relocation-vocational training emphasis was effectively expressed at a meeting earlier this year of the National American Indian College Student Association. I am including the following report of a February 12, 1970 of NAICSA meeting with my remarks:

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### REPORT OF A NAICSA MEETING

Attending the meeting were: Ralph Reeser, Office of Inter-Governmental Relations; Bill King, Acting Officer of Education, BIA; Sherwin Broadhead, Congressional Relations Officer; Catherine Redcorn, Coordinator of Youth Programs, BIA Steering Committee; Duane Bird-Bear, Acting Coordinator, NAICSA; Bud Mason, Black Hills State College, and Jo Allyn Archambault, University of California.

King. Began by reiterating his feeling that the BIA grant programs were presently in limbo.

Archambault. Why is it that there is only $3 million for college and $28 to $43 million for vocational training?

King. Legislation was the problem.

Reeser. This (vocational training) was a favorite project of E. Y. Berry (Rep.-S. Dak.). While other programs got cut, it quickly gets increased. The approach to vocational training in Congress was that it was a program with a quick payoff. In two years you could give a person training, feed him and get him off welfare rolls. And it was aimed primarily at adults.

Mason. But at the local level, kids in high school are quickly sent downstairs to Relocation. And in this the farthest you can go is two years.

Reeser. The maximum is two years except for nurses training, which is three years.

Mason. Why can't a person get this subsistence money now given to people on Relocation and use this for subsistence during the time that he goes to college?

Reeser. King's predecessor tried to extend this but he had only two choices. He could channel his efforts and emphasis on getting more money for subsistence or plug away trying to develop a larger group on campuses but with the same amount of money. (He adopted the latter.) You see we can change our policies, but we have to play with the same amount of money.

Archambault. So, what you are saying is that legislators want to go for the vocational programs and that is simply racist.

Bird-Bear. This program of vocational training is self-defeating because it perpetuates itself by providing an easy way for guidance counselors to get out of counseling the Indian student. Subsequently as more students are directed down to Relocation, the statistics grow and the requests for money are increased and the requests are granted.

Reeser. The advantage of vocational training for later advancement. Some junior colleges count some courses taken during vocational training. But we are under restrictions, and one of the restrictions is that the work must be toward vocational or on-the-job training.

King. Interesting law, this P.L. 959. They gave us the legislation and all it does is hamstring us. But we are under restrictions and one of the restrictions is that the work must be toward vocational or on-the-job training. It gives us a dollar ceiling as to how much we can give out for subsistence that each time we need more we have to go back and ask for more.

Bird-Bear. From my observations in Denver, Relocation does not take into consideration the periodic cost-of-living increases.

Reeser. There has been a 5 to 10% cost of living rise and we are now taking that into consideration. We are going to base basic subsistence money on cost-of-living figures obtained from the Department of Labor.

Mason. We're talking about putting people in Adult Vocational Training. What happens is that a family will go on Relocation and take their children with them. But when the student is ready to go to college and applies to the Bureau for aid-grants, they tell him: no, that he is on a low-priority list and that the Bureau must first work with the reservation Indians. The inconsistency here is that the child had nothing to do with where he ended up, but now must suffer for it. The BIA's aid structure should extend to the urban student.

Reeser. Last year there came the possibility of a breakthrough for college grants for urban areas. But still today urban Indians are low-priority compared to reservation Indians.

King. The Bureau, should be in all rights, of greatest service to college students. In Chicago alone there are 500 school age Indian children. There are 2000 in Los Angeles. At the boarding schools like Concho and Haskell the school authorities really encourage the student to go into AVT programs. The BIA is heavily skewed to off the reservations.

Reeser. Not the scholarship program?

King. No. No. The Relocation Program. But now what we need is people who will give their opinions of this program on the Hill.

Mason. But even then, on the local level (now, today) they still send you (the young Indian adult) down to Relocation. There should be a better evaluation at the local level. The temptation exists for the guidance counselor to shirk their duties, and many do.

King. But the fact is, there are so many of these slots available—these people are very insensitive. They are not dealing with people, they are dealing with units.

Archambault. The schools that these kids (on Vocational training/Relocation) attend, some of them are not even accredited, and most of the schools are lousy.

Olguin. I know of cases where the Bureau itself does not even accept their credentials once they finish these schools.

Mr. FASCELL. Mr. Chairman, the members of the Appropriations Committee and in particular the members of the Subcommittee on the Department of the Interior under the extremely capable leadership of its chairman, Julia Butler Hansen, are to be commended for their farsightedness reflected in the bill now under consideration.

This bill provides for the orderly and prompt acquisition of private inholdings in national parks, monuments and other recreation areas throughout the country. Chairman Hansen's efforts to provide the necessary funding for this acquisition indicate a firm commitment to preserve the remaining natural resources in an economical and expeditious manner.

This bill, Mr. Chairman, also reaffirms the commitment of the Subcommittee on the Department of the Interior and the Congress to the protection and preservation of our Nation's remaining unblemished areas.

Environmental quality is today a subject of great concern across the country. Responsible citizens everywhere have realized the dangers of failure to take adequate measures to fight pollution and preserve our natural resources.

Mr. Chairman, we must thank our colleague, Julia Butler Hansen, for her foresight in preparing for this national awakening by leading the Congress for many years in support of the vitally essential programs to save our environment.

I rise in support of the pending bill and urge that it will be passed unanimously.

Mrs. HANSEN of Washington. Mr. Chairman, I have no further requests for time.

Mr. REIFEL. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### BUREAU OF LAND MANAGEMENT

### MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, $58,940,000.

Mr. GROSS. Mr. Chairman, I move to strike out the last word.

(Mr. GROSS asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, in looking at this Interior Department legislation in the past, I do not believe I have ever noticed a provision for appropriations and spending as follows: "That appropriations available for the administration of territories may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary."

Has this been standard in appropriation bills of this nature in the past, and if so by what authority does the Secretary of the Interior expend for purposes of this kind?

Mrs. HANSEN of Washington. This is part of the standard appropriation language that has been in the bill for several years. May I say to the gentleman that the problem of transportation in the trust territories is a most complex problem. Those responsible for the administration of the territories have to cover an area of 3 million square miles.

The people are scattered all over these various islands, and there are relatively few landing strips. There are few boat docks, and one of the greatest problems they have is making sure that there is an adequate transportation system. The provision that funds may be expended for the purchase, charter, maintenance, and operation of aircraft and surface vessels in that area is merely to assure the shipment of supplies, particularly medical supplies, and the transportation of visiting nurses, doctors, and so forth. This has been exactly what we have always done. The Secretary has had that power.

Mr. GROSS. The gentlewoman would say that this authority, then, has not been abused?

Mrs. HANSEN of Washington. If the gentleman will yield further, I would say it has not been abused. If the gentleman had heard the testimony about some of the conditions in the trust territories, he would recognize that those people have been extremely patient. I do want to commend the Secretary of the Interior for his deep interest in the problem of the territories and in trying to solve the transportation problem. It is impossible to maintain schools or take care of the health needs without these vital facilities.

Mr. GROSS. I will say to the gentlewoman that I am not being critical. I am simply seeking information in that respect.

Mr. McCLURE. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentleman from Idaho.

Mr. McCLURE. I would just like to assure the gentleman that the comments of the gentlewoman from Washington are absolutely correct. Having been in the trust territories on two different occasions trying to determine what their problems are, I can testify from personal knowledge that communication and transportation are among the most critical problems out there. Certainly we have not overreacted to the problems by providing too much transportation. In fact, it is too little, and the problems remain very critical.

Mr. GROSS. I thank my friend from Idaho for his observations.

I have not heard anything today about those apparently expensive office redecorations and refurbishings for the Secretary of the Interior and several of his top assistants. Has the Appropriations Subcommittee convinced the heirarchy in the Interior Department that they ought to consult with someone, at least the General Services Administration, in the future before they spend the kind of money they did on their offices?

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I am glad to yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. We had a complete hearing on it. The Secretary of the Interior, the Assistant Secretary of the Interior has sent us a complete report, which is available to any Member, showing the prices of all articles purchased. I think this will never happen again.

Mr. GROSS. I am glad to hear the gentlewoman say that she thinks it will not be repeated. I assume the information she has obtained is on an after-the-fact basis, and I think she will agree that at least the General Services Administration ought to have been consulted from start to finish in this matter.

I understand from your hearings that there is a woman psychiatrist in the Interior Department who is paid $100 a week, and she works 4 hours. Is that about the schedule, and why does the Department need such a person?

Mrs. HANSEN of Washington. I will say the information was as startling to me as it is to the gentleman from Iowa.

Mr. GROSS. Why do they need a head shrinker in the Interior Department?

Mrs. HANSEN of Washington. I do not know. I think the same information that came to the gentleman came to me.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. GROSS was allowed to proceed for 5 additional minutes.)

Mr. GROSS. Was money appropriated for the employment of this individual, can the gentlewoman tell me, or is she on the way out.

Mr. REIFEL. I believe the individual to whom the gentleman from Iowa refers, if the gentleman from Iowa will yield, provides the kinds of services which the Department feels it needs to help some of the employees in that agency. I would assume the services are needed.

Mr. GROSS. Did she convince the gentleman from South Dakota that her services are needed?

Mr. REIFEL. I should like to say to the gentleman from Iowa, they have had sufficient difficulty with the Bureau of the Budget in trying to get some of their funds released; that this kind of service is probably in order.

Mrs. HANSEN of Washington. Mr. Chairman, will the gentleman yield?

Mr. GROSS. I yield to the gentlewoman from Washington.

Mrs. HANSEN of Washington. Mr. Chairman, I believe almost all large industries today and people who employ large numbers of people do put in their personnel department someone trained in psychiatry. This may not be their primary work, but they are trained in that field. There are many problems that arise that would probably result in disaster for the people concerned or could be harmful to the department, unless a psychiatrist takes care of the problem in time.

It seems to me I read in the paper just yesterday or the day before yesterday that a White House guard had a nervous collapse. All of us who are interested in the dignity of human beings would want to see that kind of thing stopped in time, before it started. So, while I cannot speak for the Secretary of the Interior, perhaps this is a very understanding modern concept of the treatment of people who may be ill.

Mr. GROSS. I would think they might be sent to the Public Health Service, where they deal with that kind of problem, or out to the National Institutes of Health.

Now let me ask about the request for the air conditioning of 307 automobiles that are used, according to the hearings, in some of the extreme spots such as Asheville, N.C., which is a mountain resort, Pendleton, Oreg., which I never heard was extremely hot, Yakima, Wash., the Blue Ridge Parkway in Virginia, or San Francisco.

Mrs. HANSEN of Washington. I believe the gentleman is referring to information in the hearings. No provision is made in the bill for air conditioning automobiles.

Mr. GROSS. I am glad to hear that, but funds for that purpose were requested, were they not?

Mrs. HANSEN of Washington. They were asked for.

Mr. GROSS. I am glad they are not in.

Then there was $272,000 requested for special writers for the Secretary of the Interior. I am wondering if they write letters or just speeches. Is that not a great deal of public relations and special writers?

Mrs. HANSEN of Washington. Mr. Chairman, if the distinguished gentleman will yield further, I suggest if the gentleman will refer to the hearings, he will see that most of the problems arose and most of the additional letterwritings were imposed on the Secretary of the Interior as the result of the Santa Barbara oil spill. That is when the avalanche of letters from people descended on the Department. This is largely in response to the environmental problems. These are answers provided on the problems that arose.

Mr. GROSS. I am beginning to understand now what this environmental business is going to cost us throughout Government. I am beginning to understand now, if all these people are necessary to explain the oil disaster on the west coast. The Lord save us from any more oil spills or any more environmental problems right away.

Mrs. HANSEN of Washington. If the gentleman will yield further, if the United States had provided additional inspectors and had spent some additional money earlier, we might not have had that oil spill in Santa Barbara.

Mr. GROSS. I can understand that, but to assemble this kind of public relations-speech writing outfit in the Department of the Interior to handle that seems incredible. If every department spends that kind of money, we are going to be deeper in the red than the message we got from the President a little while ago indicates we will be in 1971.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION

For expenses necessary to carry out the provisions of the Act of October 30, 1965 (16 U.S.C. 757), $2,168,000.

Mr. HALL. Mr. Chairman, I make a point of order against the language on lines 1 through 3 of page 19 as unauthorized for an appropriation.

The CHAIRMAN. Does the gentlewoman from Washington desire to be heard on the point of order?

Mrs. HANSEN of Washington. Yes, I do, Mr. Chairman.

May I say, relative to the Anadromous and Great Lakes Fisheries Conservation,

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the bill was signed by the President of the United States on May 14.

The CHAIRMAN (Mr. Price of Illinois). The Chair is ready to rule.

The language in the bill indicates that this is under the provisions of the act of October 30, 1965. As the gentlewoman from Washington points out, the program has recently been reauthorized—Public Law 91–249.

The Chair overrules the point of order.

The Clerk will read.

The Clerk read as follows:

### ANADROMOUS AND GREAT LAKES FISHERIES CONSERVATION

For expenses necessary to carry out the provisions of the Act of October 30, 1965 (16 U.S.C. 757a–757f), $2,311,000.

Mr. HALL. Mr. Chairman, I repeat the point of order previously made insofar as lines 9 through 12 of page 21 are concerned. The basis of my point of order is the committee's own report, on page 5, at the bottom of the page.

The CHAIRMAN. Does the gentlewoman from Washington desire to be heard on the point of order?

Mrs. HANSEN of Washington. Mr. Chairman, this is in the same bill. It was signed by the President of the United States on May 14.

I would say to the chairman, when we marked up the bill the legislation had not yet been signed. Therefore, when it was reported to the full committee it had not been signed.

The CHAIRMAN (Mr. Price of Illinois). The Chair is ready to rule.

The language in the bill indicates it is for the purpose of carrying out the provisions of the act of October 30, 1965, and the gentlewoman from Washington has again pointed out that this year's authorization bill was signed by the President.

The Chair therefore overrules the point of order.

The Clerk will read.

The Clerk read as follows:

### American Revolution Bicentennial Commission

### SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of July 4, 1966 (Public Law 89–491), as amended, establishing the American Revolution Bicentennial Commission, $373,000

Mr. GROSS. Mr. Chairman, I make a point of order against the language on page 39, lines 15 through 20, as being unauthorized.

The CHAIRMAN. Does the gentlewoman from Washington care to be heard on the point of order?

Mrs. HANSEN of Washington. Yes, Mr. Chairman.

We will concede the point of order because, as I explained in the statement I made before the House earlier, this is still in the Committee on the Judiciary, the new authorization bill, and has not yet been reported out. Therefore we had noted it in our report.

The CHAIRMAN. The gentlewoman concedes the point of order. Therefore the Chair sustains the point of order.

The Clerk concluded the reading of the bill.

Mr. SIKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I do not propose to take 5 minutes.

I would like to call to the attention of the committee the fact that we have been dealing with one of the most important bills that comes before the House, appropriations bill for the Department of the Interior and related agencies. It covers subjects that are increasingly in the news and which are increasingly important to our Nation's future. The environment is at long last a matter of great moment to America, and no bill is more closely related to environment than this one which deals with the forests, the waters and even the atmosphere.

I think the fact that we have gone through this afternoon's discussions and completed the reading of this very important bill without an amendment being offered, bespeaks the confidence that the Members of the House have in the distinguished subcommittee which has presented this bill to the House.

I know that all of you are proud of the really great work done by the distinguished gentlewoman from Washington (Mrs. Hansen), chairman of the subcommittee. I am equally certain that the entire membership of the House appreciates the outstanding work done through his entire service here by the distinguished gentleman from South Dakota (Mr. Reifel). I regret very much that he is leaving us after this term for his constructive work is going to be missed greatly in the House of Representatives.

Mr. Chairman, this bill is typical of the very fine work done year after year by all of the members of this very fine subcommittee and I believe the House owes to each of them a debt of gratitude and appreciation for the contributions which they have made.

Mr. WHITTEN. Mr. Chairman, will the gentleman yield?

Mr. SIKES. I am delighted to yield to my colleague from Mississippi.

Mr. WHITTEN. I would like to join in the statements made by my distinguished colleague from Florida.

Mrs. HANSEN of Washington. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Price of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17619) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mrs. HANSEN of Washington. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND

Mrs. HANSEN of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks and include extraneous material on the bill just passed.

The SPEAKER. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

## PRIVILEGE OF THE HOUSE

Mr. STEIGER of Arizona. Mr. Speaker, I rise to a question of the privileges of the House.

The SPEAKER. The gentleman will state the question of privilege.

Mr. STEIGER of Arizona. Mr. Speaker, on May 19, 1970, I was served by the Superior Court of Arizona, Yuma County, in the case of *Yuma Greyhound Park, Inc.* v. *Samuel Jenkins et al.* (Case No. 28609) with an order to appear and to show cause on Tuesday, May 26, 1970, at 9 a.m. under the precedents of the House, I am unable to comply with the order to show cause without the permission of the House, the privileges of the House being involved.

I send to the desk the order to show cause for the consideration of this body.

The SPEAKER. The Clerk will report the subpena.

The Clerk read as follows:

[The Superior Court of Arizona, Yuma County]

Yuma Greyhound Park, Inc., an Arizona Corporation, Plaintiff, v. Samuel Jenkins, et al., Defendants

(No. 28609—Order to Show Cause (Division 1))

It is hereby ordered that you, Sam Steiger, be and appear before the Honorable Charles L. Hardy, Judge of the Maricopa County Superior Court, Division 13, in the Courthouse of the City of Phoenix, Arizona, on Tuesday, the 26th day of May, 1970, at the hour of 9:00 o'clock a.m., then and there to show cause, if any you may have, why the attached motion for a Rule 37(a) order to compel you to answer oral interrogatories should not be granted.

It is further ordered that a copy of this order to show cause and the attached motion for a Rule 37(a) order shall be personally served upon Sam Steiger no later than the 19th day of May, 1970.

Done in open court this 8th day of May, 1970.

Charles L. Hardy,
*Judge of the Superior Court.*

## AUTHORIZING APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION, 1971

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 973 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 973

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17405) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Joint Committee on Atomic Energy, the bill shall be read for amendment under the five minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Texas (Mr. Young) is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the gentleman from Illinois (Mr. Anderson), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 973 provides an open rule with 2 hours of general debate for consideration of H.R. 17405 authorizing appropriations for the Atomic Energy Commission for fiscal year 1971.

The purpose of H.R. 17405 is to authorize a total of $2,290,907,000 for the AEC for fiscal year 1971—$2,013,307,000 for operating expenses and $277,600,000 for plant and capital equipment.

The three fundamental and interrelated issues concerning the program for fiscal year 1971 are:

First. The need for funds to improve and expand the capacity of the Nation's uranium enrichment facilities on a timely basis.

Second. The importance of maintaining a strong liquid metal fast breeder reactor program and of obtaining a realistic Government-industry cooperative arrangement to permit the construction and operation of the first LMFBR demonstration plant.

Third. The necessity for continuing participation by the AEC, in relation to its nuclear energy responsibilities, in the nationwide effort to improve the environment.

The total authorization is 0.3 percent greater than the authorization requested for fiscal year 1971, but $157,145,000 less than the amount authorized for fiscal year 1970.

Included in the bill is the amount of $119,450,000 for the high energy physics program. The AEC serves as executive agent for this program on behalf of the entire Federal Establishment and, as such, provides more than 90 percent of the funding from all sources for the program.

Mr. Speaker, the Joint Committee reported H.R. 17405 unanimously and I urge the adoption of House Resolution 973 in order that the bill may be considered.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think there are only three things that I would like to add to what the gentleman from Texas (Mr. Young) has just told us with respect to the rule that we are asking for on the bill H.R. 17405. I make these remarks not only as a member of the Committee on Rules, but also as one who has been privileged to serve as a member of the authorizing committee, the Joint Committee on Atomic Energy.

I think that in this particular authorization bill it is important to point out that the Joint Committee has assigned its highest priority to three items, the first of these is the need to expand the Nation's uranium enrichment facilities, the second is the importance of maintaining a strong liquid metal breeder reactor program and to get a demonstration plant in operation quickly and, third, and this is very important, certainly, in the light of present conditions and interests, the continued participation of the Atomic Energy Commission in the effort to improve the environment.

The purpose of the bill is to authorize fiscal 1971 funding for the Atomic Energy Commission.

The total authorization is for $2,290,907,000; this figure is $7,707,000 above the agency request.

The authorization is broken down into two main categories:

Operating expenses, $2,013,307,000.

Plant and capital equipment, $277,600,000.

While the total authorization is less than $8 million above the total agency requests, the separate items within the authorization have been realined to give high priority to several major programs and to reduce a number of other lesser projects. Thus the naval propulsion project is increased by $4,800,000, nuclear reactor development work is increased $1,960,000, and new construction projects are increased by $18,700,000.

Mr. Speaker, this is a good bill. I think it is in line with, as the gentleman from Texas (Mr. Young), has pointed out, the request that the administration made, the budget request. I know of no objection to the granting of the rule and I would urge the adoption of the rule.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17405) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17405, with Mr. Burke of Massachusetts in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from California (Mr. Holifield) will be recognized for 1 hour and the gentleman from California (Mr. Hosmer) will be recognized for 1 hour.

The Chair recognizes the gentleman from California (Mr. Holifield).

Mr. HOLIFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin my remarks, I recognize that we got to this late in the day and its is the intention of the present speaker and the ranking minority Member, the gentleman from California (Mr. Hosmer) to bring this matter to a conclusion as expeditiously as the House determines we can work.

While we have 2 hours of time, it is not our intention to use that time unless called upon to use it in explanation of the bill.

The authorization bill before this Committee today is the product of many days of hearings by the Joint Committee on Atomic Energy, searching questions by our committee and its staff, and several months of careful consideration by the committee during which all differences among our members were resolved. The Joint Committee on Atomic Energy unanimously supported H.R. 17405. On May 13, the Senate passed the companion bill, S. 3818, by a vote of 83 to 1.

Last year, when I had the privilege of seeking favorable action in the House on the AEC authorization bill for fiscal year 1970, I pointed out that the bill was one of the most austere fiscal measures reported out by the Joint Committee in recent years. The bill now before you is, in many respects, even more stringent.

This bill would authorize appropriations to the Atomic Energy Commission totaling $2,290,907,000. This amount covers both "Operating expenses" and "Plant and capital equipment" costs. This total amount is less than the equivalent total in the authorization act for fiscal year 1970 by the sum of $157,145,000 or 6.4 percent. A realistically precise comparison would show the reduction from the previous year's authorization to be even greater, because of the escalation in cost that has occurred in the past year. The President's Council on Economic Advisers estimates that inflation in calendar year 1969 effected a 4.5 percent rise in cost. Thus, the total amount authorized in the bill before you essentially represents a reduction of more than 11 percent below the amount authorized for fiscal year 1970.

In terms of constant dollars, H.R. 17504 contains the lowest dollar amount authorized in the last 5 fiscal years; in fiscal year 1966 the total was 29 percent higher than the equivalent dollar amount in this bill.

The joint committee is somewhat concerned that the fiscal year 1971 authorization bill may in fact be too austere.

Section 101(a) of H.R. 17405 would authorize appropriations of $2,013,307,-

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000 for "Operating expenses" of the Atomic Energy Commission. A table summarizing the operating expenses for the AEC's major programs is set forth in the Joint Committee's report accompanying the bill. The table also shows the changes which the Joint Committee has recommended in relation to the amounts requested. These changes reflect the committee's judgment concerning the funding posture necessary to maintain AEC's higher priority programs at a viable or appropriate level.

### WEAPONS PROGRAM

The AEC programs for military applications, of which the weapons program is the largest, comprise 53 percent of the Commission's total program costs. The other 47 percent comprise the AEC programs for the civilian applications of atomic energy.

The Joint Committee has recommended a reduction of $8,500,000 in the weapons program. The total weapons program, including production and surveillance of nuclear weapons, research and development, testing, and special test detection activities, continues to entail about 40 percent of AEC's total costs. The Joint Committee watches this program very closely. It believes it is generally satisfactory, although the committee is concerned that two large cuts effected in the President's budget may lead to serious problems. These were the sharp reduction of $18.5 million from the total amounts AEC requested for research, development, and engineering, which cutback will necessitate the loss of about 1,000 people and affect the morale and capabilities at the three weapons laboratories—Lawrence Radiation Laboratory at Livermore, Los Alamos Scientific Laboratory, and Sandia Laboratory—and a $20-million reduction in the on-continent testing program, which allows for no spare test holes for use in fiscal year 1972; should something happen to an existing hole or holes, there could be a significant interference with the testing program.

In considering the details of the weapons program as prepared by the administration, the committee concluded that a reduction of $8.5 million should be effected to adjust an imbalance it considered existed among the AEC's 14 program areas. The committee allocated this amount in its recommended funding for the civilian programs.

### TERRESTRIAL ISOTOPIC POWER

The committee made a number of other reductions, including a cutback of $1.3 million in the program for terrestrial isotopic electric power development, and $1 million in the controlled thermonuclear research program.

### HIGH ENERGY PHYSICS

In the high energy physics program, the committee left unchanged the administration's request for $119,450,000 for operating expenses. As is generally known, the AEC serves as executive agent on behalf of the entire Federal Establishment for high energy physics. As such, the Commission provides more than 90 percent of the funding from all sources for this program.

In regard to the high energy physics program, it is the committee's judgment that the monetary level requested in the President's budget and provided for in this bill is severely minimal from the standpoint of the good of the country. It entails, for example, the distinct possibility that the Princeton-Pennsylvania accelerator may have to be phased out during the latter part of the fiscal year. This is a matter of some concern to the Joint Committee. The facility involves an investment by the Federal Government of about $40 million, and it has been in operation for only 5 years. It is the principal high energy physics research tool for 15 university groups.

The committee is also troubled by the fact that no funds were sought in the 1971 budget for storage ring research facilities, such as the proton-proton intersecting storage ring facility at Bern in Switzerland. U.S. scientists will consequently have to endeavor to program some of their research abroad.

In connection with the high energy physics program, I should mention that the 200 Bev National Accelerator Laboratory project, which was fully authorized last year, is going well. The joint committee is watching the progress of construction closely. If there is a continued absence of major construction problems, the first beam from this great national facility may be achieved by July 1971.

The naval reactor program is also going well, but it is a program that in the committee's judgment clearly deserved a boost in funding. The committee has added $4.8 million to the $132 million requested of the Congress by the administration for operating expenses for this effort. The $4.8 million is a partial restoration of the $6.2 million reduction effected during the administration's budget review process. The total amount recommended by the Joint Committee will enable the Commission to proceed with its development program for advanced submarine nuclear propulsion reactors. I continually point with pride to the fact that it was largely through the efforts of Congress that this Nation developed its superior nuclear submarine capability. However, the committee is deeply concerned about the budgetary actions taken to reduce the advanced development program for submarine naval propulsion reactors, particularly in view of the massive resources that the Soviet Union is continuing to apply toward the design, construction, and operation of its nuclear submarines.

The Joint Committee considers it vital that we maintain superiority or at least parity with the Soviet Union in nuclear submarine capabilities.

The lineup of United States vs. U.S.S.R. in submarines is as follows:

| | |
|---|---|
| United States: | |
| Conventional | 59 |
| Nuclear | 87 |
| Total | 146 |
| U.S.S.R.: | |
| Conventional | 280 |
| Nuclear | 70 |
| Total | 350 |

However, this does not tell the whole story. Classified testimony before the Joint Committee has led the committee to estimate that the U.S. numerical advantage in nuclear submarines enjoyed over the U.S.S.R. is likely to vanish by the end of 1970. Further, numbers of nuclear submarines are only part of the total picture. Overall capabilities of the respective undersea nuclear forces are the key; such items as speed, depth of operation, quietness, and reliability could spell the difference in event of hostilities. In these fields the Soviets have recently made striking progress.

Classified testimony also leads the Joint Committee to the conclusion that the Soviets are building nuclear powered submarines similar to our Polaris types at a rate which will equal our fleet of 41 by 1973 or 1974.

### BIOLOGY AND MEDICINE

The Joint Committee has also recommended additional funds for four programs in biology and medicine and isotopes development fields. In the biology and medicine field, the committee's recommended increase of $140,000 would apply to the Commission's food irradiation activities. The committee believes it is important for the AEC to conduct certain research relative to the petition to the Food and Drug Administration for papayas, research on the chemical basis for botulinum control in marine products, and studies on chemical changes in foods due to irradiation. These efforts will enhance the vigor of the food irradiation program and will materially contribute to its potential for success.

Under the biology and medicine program, the committee has also strongly recommended the addition of $2 million in plant and capital equipment funds, as an item in section 101(b) of the bill, to construct an addition to the physics building at Argonne National Laboratory to house a newly created Center for Human Radiobiology. During the Joint Committee's extensive hearings on the environmental effects of producing electric power, which were held in the fall of 1969 and in January and February of this year, the high desirability of acquiring increased knowledge concerning the effects of chronic low-level irradiation on humans was stressed. The radiobiological consequences of such low doses appear to be nonexistent or indiscernibly subtle. Experimental work has been conducted, and is being continued, on low-level radiation exposures of selected species of animals, and a significant body of data is being accumulated. However, in order to develop meaningful information concerning human exposure, it is necessary to extrapolate the animal data to humans, relying upon similarities which may exist in system or organ response.

As a point of clarification, I would like to point out that in order to observe the effects of low-level radiation doses we need data on large populations. In our efforts to observe detectable radiation damage on mammals, we have conducted experiments at Oak Ridge National Laboratory on over 5 million mice. A man and wife team—the Drs. Russell—have conducted these experiments over the past 20 years. Dr. Russell testified before our JCAE on January 29, 1970, that it was necessary to irradiate mice at total doses of 600 to 1,000 roentgens in order to detect damage which could be transmitted

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to their offspring. In discussing these laboratory experiments therefore the terms "low level" or "low dose rate" may be used but it should be realized that the levels at which we create detectable damage is in the ranges of 600 to 1,000 cumulative dose.

Let me emphasize that the AEC has set its ceiling on radiation exposure to populations at 170 milliroentgens—or 170/1000ths of a single roentgen. When we refer to permissible levels of radiation from atomic reactors therefore, we are referring to levels far below those levels used in laboratory experiments to cause detectable radiation damage on a small mammal such as a mouse.

The acquisition of human exposure data proceeds at a very slow rate. It is very important that, wherever possible, study and research programs learn as much as possible from actual exposures. The efforts of the Atomic Bomb Casualty Commission in Japan are an outstanding example of a worthwhile program in this field. The unfortunate experience of the radium dial watch painters, whose exposures occurred during the first third of this century, has provided considerable scientific data, but much more can be learned from examinations of affected individuals. The Joint Committee believes it is important that everything possible be done to assure that as many of the victims as possible participate in the study and research program, that the medical teams engaged in this important endeavor receive appropriate support, and that suitable facilities be provided to permit the study and research efforts to proceed systematically. The $2 million authorization added by the Joint Committee for the "Plant and capital equipment" category will aid in achieving these objectives.

I should mention in this connection that important lifetime and mortality studies of atomic energy workers is being carried out by the University of Pittsburgh under a contract with the AEC. These studies will benefit from the relatively accurate measurements and documentation of the radiation doses received by the individual workers. The Joint Committee encourages all reasonable efforts to assure that no significant source of hard information is overlooked in the quest for increased knowledge relative to low-dose irradiation of humans.

### FOOD IRRADITION

To the isotopes development programs, the Joint Committee added $120,000 for work on radiation preservation of foods, and $800,000 to begin the development of a power converter for an isotopic heart pump. Although the food irradiation program was retained in the budget submitted to the Congress, the level was greatly reduced. From a six-product program, work on only three foods—strawberries, papayas, and finfish—is now planned. To keep at least this reduced effort viable, the committee recommended the addition of $120,000, thereby increasing from $150,000 to $270,000 the funds to be applied.

### ISOTOPES HEART PUMP

Last year the Joint Committee recommended $800,000 for research and development by the AEC on the power converter for a radioisotope-powered artificial heart. This artificial heart program is being worked on cooperatively by the AEC and the National Heart and Lung Institute of the National Institutes of Health. The $800,000 was appropriated by the Congress, but the money was never apportioned by the Bureau of the Budget because it was applied to the unallocated congressional reduction of $22 million in the fiscal year 1970 budget. The Joint Committee has strongly recommended that these funds be authorized and that AEC start work on the power converter for the artificial heart. AEC is continuing its research on isotope fuels and radiation measurements for this program. Successful development of an isotopic powered artificial heart would provide tremendous help for thousands of Americans.

### CIVILIAN NUCLEAR POWER

Included in "Operating expenses" is $254,790,000 for the civilian reactor development program of the AEC. For the nuclear safety category in this program, the Joint Committee has recommended an increase of $1.36 million. Even at the higher level, which totals $37.3 million, cutbacks and delays in some of the work will be necessitated. The major fraction of the increase recommended by the committee would be utilized in reactor safety work pertinent to the liquid metal fast breeder reactor program. This breeder program is the highest priority civilian nuclear reactor program of our Nation. In the judgment of the Joint Committee, it is of major importance to the general welfare of this country, and it may well be essential to satisfy the need for adequate, safe, reliable, and economical energy. It will also assist in reducing environmental pollution.

### POWER SHORTAGE

On May 5, 1970, the Director of the Office of Emergency Preparedness of the Executive Office of the President issued a statement to the effect that electric powerplant generating capacity to meet peak loads this summer will be in tight supply in many areas in the east and midwest. He also pointed out that coal, principal fuel for power generation, and gas, were in short supply. He further stated—and correctly in my judgment:

> Electricity is the lifeblood of our high energy civilization. It is imperative that industry and government work together in order to avert disruptions to the consuming public.

I issued a statement the following day, May 6, in which I remarked, at the outset in response to the issuance from the OEP:

> Better late than never.

In my statement I also made several comments which are highly relevant to our great need for the civilian nuclear reactor program reflected in H.R. 17405—I would like to read pertinent excerpts:

> Those of us who have watched the approaching shortage of electrical power have seen the problem developing over the past several years. We on the Joint Committee on Atomic Energy did what we could to get attention focused on this important problem. We have continually called attention to the need to build modern electric power plants of all types. Over and over I've called for a cooperative effort among those responsible for providing electrical power to add both fossil fueled and nuclear generating plants since it is obvious that all available sources of power will be needed to meet our requirements for energy. Some segments of the public, out of a single-minded concern for the quality of the environment, have been significantly delaying the construction of all types of power plants—hydro, fossil and nuclear. I've pleaded for recognition of the dual need for safeguarding the environment and at the same time providing a sufficient amount of energy to meet the public need. Unreasoning fear and confusion are being stimulated by a relatively few well-meaning but misguided zealots.
>
> Unfortunately, while we gyrate ineffectively around a welter of unwarranted assumptions, scientifically unsupported extremist views, and often sincerely held but infirmly supported fears, it appears certain that we will have to experience more electrical 'brownouts' and 'blackouts' before a rational, balanced and appropriately responsive attitude is attained to solve the power problem and achieve the companion need of safeguarding.
>
> The troublesome aspect of this solution, as I've said many times, is that this route may seriously affect the welfare and well-being of a number of our communities. Another factor which I have warned about concerning the brownout route which we appear destined to follow is that once a shortage of electrical energy is permitted to occur, corrective action to eliminate the shortage and accommodate the normal growth in electrical demand would in all likelihood take the major portion of a decade. This could be a serious blow to our Nation. We are already beginning to pay a toll because of the shortsightedness of those citizen groups who have obstructed the building of both conventional and nuclear plants.

### EFFECTS OF RADIATION ON MAN

In the bill before you, there is a total of $71 million for the conduct of research and development on the effects of radiation on man and his environment, and related matters. It is with great pride that I point to the fact that the Joint Committee on Atomic Energy and the Congress have continued from the inception of the Atomic Energy Act in 1946 to date to see to it that radiation is controlled, regulated, and understood as completely and comprehensively as the human mind and human resources reasonably permit. A full decade ago, a report by the National Academy of Sciences and the National Research Council was able to state:

> Despite the existing gaps in our knowledge, it is abundantly clear that radiation is by far the best understood environmental hazard. The increasing contamination of the atmosphere with potential carcinogens, the widespread use of many new and powerful drugs in medicine and chemical agents in industry, emphasize the need for vigilance over the entire environment. Only with regard to radiation has there been determination to minimize the risk at almost any cost.

This is still true today. The AEC's Division of Biology and Medicine has spent nearly $1 billion from its inception to date in support of more than 1,000 projects designed to contribute new knowledge and increased understanding of the biomedical effects of radiation. The AEC's unparalleled safety record is a direct result of these efforts.

Nuclear fueled electric generating plants will more and more materially contribute to the safeguarding of the environment. We are continuing to make progress in all areas. For example, studies are being conducted in AEC's national laboratories on potential uses of waste heat from electric powerplants. Such potential uses include central heating and cooling for cities and high density industrial areas, water purificaton by evaporation and recycling, large-scale greenhouse agriculture, particularly in colder regions, desalting of sea water, and acquaculture.

The trash disposal problems faced by this country are enormous. We generate daily almost five pounds of paper, bottles, cans and other discards per person. In our major cities the cost of garbage collection is up to about $25 per ton. The annual expenditure for collection and disposal of trash is estimated to be $4.5 billion. This does not include the processing of sanitary wastes. Nor does it include the tremendous quantities of animal wastes from domestic livestock. Recycling, refabrication, reuse—over and over again—will be the concepts embodied in future processes that will save us from being buried in our own refuse. Electric energy will be the keystone to essentially all such useful—indeed, desperately needed—recycling and refabrication processes, and to a decent, dignified, practical standard of living. We must strive mightily to achieve the dual objective of an adequate supply of safe, reliable, economical electric energy and a safe, healthy environment.

Today, nuclear energy is only about 2 percent of the total electric generating capacity. It is being added at an ever increasing rate; one-third of all generating plants built over the past 4 years has been nuclear. By 1980 it is estimated that nuclear energy will represent one-quarter of all our electric generating capacity; that when this decade is over there will be 200 installed nuclear powerplants, with a capacity of 150 million kilowatts, costing about $40 billion. Both conventional as well as nuclear generating facilities will be required for our future. This emphasizes the need for strong measures toward avoiding environmental degradation. Expenditures for this purpose will be the best investment we can make.

In the not-too-distant future the breeder reactor will provide the Nation and the world with a virtually limitless supply of energy. It is the judgment of our committee that the development of breeder reactors must proceed as a matter of the highest priority.

### LIQUID METAL FAST BREEDER AUTHORIZATION

Section 106 of the bill before you would provide the authorization requested by the administration for the Commission to enter into a definitive cooperative arrangement for a liquid metal fast breeder reactor (LMFBR) powerplant demonstration project. The demonstration project would comprise research and development, design, construction, test operation, and the full operation of an LMFBR powerplant. The project would be a cooperative effort with a reactor manufacturer-utility team. The threshold phase of this demonstration program was authorized in fiscal year 1970 by section 106 of Public Law 91-44, AEC's Authorization Act for fiscal year 1970.

The Joint Committee firmly believes that the success of the breeder program will largely depend on the information and data provided by LMFBR demonstration plants. With respect to the authorization in section 106 of the bill, the committee is concerned that the ceiling amounts requested by the administration for the first demonstration project may turn out to be insufficient to permit the Government and an industry-utility team to work out an appropriate definitive arrangement in the latter part of fiscal year 1971 when the results from the project definition phase authorized in fiscal year 1970 will be at hand. Should this occur, the loss of valuable time and effort will adversely affect the Commission's base program, the useful momentum of industrially sponsored efforts in this field already in being, and the overall progress toward attainment of the tremendously important objectives of the breeder program. The Joint Committee hopes that an appropriate cooperative arrangement can be effectuated without additional delay.

The amounts of Government assistance authorized in section 106 of the bill are those requested of the Congress. The assistance provides for $50 million, plus commitments of up to $20 million for Commission-furnishd services, facilities, or equipment which the Commission has available or is planning to have available to it under its civilian base program, plus a total of up to $10 million in the form of waiver of the Commission's use charge for special materials.

Now, I have discussed some of the highlights of section 101 and of the concluding section 106 of the bill. The four intervening sections are similar in form to provisions normally appearing in AEC authorization bills. Sections 102, 103, and 104 are indeed identical in substance to equivalent sections routinely incorporated in previous authorization bills; they are, in essence, a number of controls, limitations, and specific understandings regarding the use of funds for authorized programs. As indicated in the report accompanying the bill, procedures informally worked out between the committee and the Commission several years ago, and still in effect, provide for certain additional conditions and undertakings. All these controls have thus far served well. Also, over the years, the Commission's activities during a fiscal year have accorded with pertinent recommendations made by the joint committee in its authorization report.

This year, one of the committee's strongly expressed wishes relates to a separate directorate that the Atomic Energy Commission, at the request of the President, proposed to establish for the purpose of operating its uranium enrichment facilities by means of a separate organizational entity within the AEC. The President announced this decision on November 10, 1969, in a press release which stated that the directorate would operate these facilities in a manner approaching more closely a commercial enterprise. The White House statement also expressed the President's views that the uranium enrichment facilities should be transferred to private ownership—I quote:

> By sale, at such time as various national interests will best be served, including a reasonable return to the Treasury.

The proposed establishment of the directorate is intended to facilitate the eventual transfer of the plants to the private sector.

During the authorization review process, the joint committee found no basis for acquiescing to the proposed expenditure during fiscal year 1971 of about $300,000 for the luxury of creating the new directorate structure. It would contribute nothing toward improved capacity, efficiency, or operational techniques. The committee concluded that, in the context of the very stringent budget for fiscal year 1971—a budget which will force curtailment of a number of worthwhile research and development activities—that it was unreasonable to approve the expenditure of funds for an unproductive procedural item such as the proposed directorate. The joint committee stated in its report that it was not clear why the AEC could not, under its present organizational structure, satisfactorily provide the type of planning and preparatory work that apparently motivated the desire to establish the proposed new separate organizational entity. The report contains the following conclusion by the committee:

> The Committee is not recommending authorization of any funds for the proposed directorate and its separate staff, and it directs that no funds shall be used by the AEC for such purpose.

### CASCADE IMPROVEMENT PROGRAM (CIP)

Our uranium enrichment facilities consist of three gaseous diffusion plants, one at Oak Ridge, Tenn.; one at Paducah, Ky.; and the third in Portsmouth, Ohio. These enrichment facilities have cost the Government billions of dollars in research, development, and construction funds. They are truly a national asset. Their product is the key to the Nation's future supply of energy. Last year, the Commission requested $138 million to begin the improvement program in fiscal year 1970 which would improve and increase the capacity of these facilities; however, funds for the program were not requested of the Congress. For fiscal year 1971, the Commission requested $170 million to begin the improvement program, identified as the Cascade improvement program. Instead, only $5 million, earmarked for architect-engineer work on diffusion plant support facilities, was included in the administration's request. The bill before us raises the $5 million by $16.1 million to provide a total of $21 million to permit not only architect-engineer work but also a meaningful beginning of the CIP. The joint committee strongly urges the executive branch to proceed with this program in order that we can meet our energy requirements and fulfill our responsibilities to other nations for the supply of enriched uranium.

### SECTION 105—PRIOR YEAR'S AUTHORIZATION

Now, I have discussed the highlights of all the sections of the bill, except section

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105. This section effects several amendments to prior year acts. One of them would permit the present cooperative power reactor demonstration project with Philadelphia Electric Co. and Gulf General Atomic, Inc., to continue for an additional period of up to 5 years beyond the present 5-year item. No additional AEC funds will be involved. Results from this project can only continue to benefit the civilian nuclear program. Another item in section 105 would enable the AEC to proceed from the previously authorized architect-engineer work stage to construction of waste encapsulation storage facilities at Hanford. The committee agrees with the administration's view that this project is highly desirable.

### SUMMARY

The Joint Committee believes H.R. 17405 provides the minimum authorization practicable for the continuation of the major programs and activities of the Atomic Energy Commission. The effect of all the careful adjustments made by the committee in relation to the administration's request to the Congress is that $4.593 million was subtracted by the committee from the total amount for "Operating expenses," and $12.3 million was added by the committee to the total amount for "Plant and capital equipment." In total net effect, the committee added $7.707 million to the overall budget, or a net increase of 0.3 percent.

I agree with what is essentially the unanimous view of this country's leading scientists that our great need to improve the quality of life, and to protect our environment, will not be aided by the abandonment of scientific processes or of prudent and reasoned applications of the knowledge science provides. On the contrary, if reason, based on an ever-increasing fund of knowledge, will not insure our survival and lead to a life worth living, nothing else will for our species.

The Joint Committee on Atomic Energy unanimously urges the enactment of H.R. 17405 as reported out by our committee.

Mr. HALL. Mr. Chairman, will the distinguished gentleman yield?

Mr. HOLIFIELD. I am happy to yield to the gentleman from Missouri.

Mr. HALL. I have listened with the greatest interest to the remarks of the gentleman concerning the future demands for power. Quite coincidentally, recently both public and private power interests have consulted me about the problem the gentleman so eruditely discusses. I believe his remarks should be emphasized to the Nation.

It seems almost impossible that this Nation should have to suffer more brownouts and blackouts because more and more coal mines are being shut down. Now, whether it is because of the high cost of production or whether it is because of mergers taking place and other power sources taking over and absorbing many of the small mines; whether it is because of Government-passed regulations that make it no longer economically feasible for the small so-called wildcat operator to operate within livable health and safety standards; whether it is because of the depletion of our natural resources and maybe not too good a husbandry of those or the failure to bring our great resources forth in the form of shale oil or many other reasons; the depletion of our natural gas reserves, the failure to draw on other resources, it does not seem possible, regardless of these many reasons, that we would have these brownouts and blackouts. It does not seem possible that we would have to go through this modern age of science and technology, with regular breakthroughs in many fields, into these additional brownouts and blackouts. I think the gentleman will agree with me that one of the principal reasons, in addition to all of these others I mentioned, that we face this dismal situation is because of a lack of economically feasible breakthrough in the production of atomic nuclear power, although again we have made great strides in this field. Although this production is not necessarily helped by the high cost of production which is killing the goose that laid the golden egg, many of us have expected that by the end of this decade at least we would have sufficient power through nuclear fission to offset this and to allow us to conserve more of our natural resources if, indeed, nuclear fission is a natural resource. One is mechanical and contrived by man, and the other must involve a production from the earth with changes in the quantities of energy.

Could the gentleman from California enlarge a little bit more on whether there is a slowdown and whether the Congress could or should do more in this field and whether we simply need more of a technical breakthrough in order to make atomic nuclear power production more feasible?

In asking this question I want to make it perfectly clear that I appreciate what he has said and pointed out thus far and certainly hope that we can share with our military the uses of nuclear fission with all of the side effects we are getting from it. I am familiar with the radiobiological research of power and the protoplasmic research. I wonder if we should not emphasize it at this time, and I ask the question for that purpose.

Mr. HOLIFIELD. The gentleman's comment on the power situation indicates his wide knowledge of this subject matter and awareness of the acute problem facing our country.

We must double the existing electric generating capacity in 7 to 10 years. If we talked about doubling automobile or steel production in 10 years, why, some people would raise their eyebrows, but we must do it if we are to have enough electrical energy to fill the needs of our people.

In the field of atomic power we have a limited number of manufacturers that are capable of doing this work.

It is a new art, as the gentleman knows. Only a few years ago did we actually put on the line in California an economically competitive plant. Immediately there was a surge of interest from the utilities throughout the Nation. There are about 49 nuclear plants that are now being built in the United States. For a while the power equipment manufacturers were in a position where, let us say, they became independent and they would raise their prices. Now, there are others coming into the field and will come into the field and I think that probably a normal competitive situation will develop where there is not such a scarcity of reactor manufacturers. There is no doubt that it is economically competitive. When we look at the problems in coal and in oil and in gas, as the gentleman has referred to, we see there is a constantly rising price in those fossil fuels. We also see that there is a scarcity, by the way, in the gas fields; there is a scarcity presently existing. None of the coal companies today will make a long-term contract with the utility companies because they do not know and are not certain about the price of coal and, therefore, they do not want to tie themselves to the present price of coal.

So, the economic forces are at play. Therefore, I feel they will work themselves out, as they always do in our country.

I think we will have cheaper prices offered by the reactor manufacturers as we get more into the field and also after the backlog which is now keeping the present manufacturers very busy begins to fade out.

In fact, in California just recently there were three fossil-fueled plants that were going to be built, big plants in the 1,000-megawatt range, but they were stopped because of the problem of air pollution. Two of these plants happened to be gas-fired plants, one at Huntington, Calif., by the Southern California Edison Co. which wanted to build them, but the Orange County supervisors ruled against them on the basis of pollution.

They also had a third plant at Victorville in the Mojave Desert outside of the area of Southern California that was going to be fired by coal from Utah. It was to be located right on the railroad line from the coalfields. However, the Mojave supervisors refused to let them build it because they did not want the contamination from coal going into the air.

It is interesting to note that when you burn a ton of coal there is generated 300 pounds of particle matter such as sulfur dioxide and other substances which go into the air. This is going to force them—because of our interests in clean air—to turn to nuclear power more than would otherwise occur.

Mr. HALL. Mr. Chairman, if the gentleman will yield further——

Mr. HOLIFIELD. Yes.

Mr. HALL. The gentleman very wisely brings up an additional problem, that of our environment and the effect upon ecology which is, of course, the most popular subject today and, therefore, coal production for power is vital. However, in my hometown a public utility can no longer get a contract for the delivery of coal.

Mr. HOLIFIELD. That is right.

Mr. HALL. That is, only on a standby basis.

Mr. HOLIFIELD. That is right.

Mr. HALL. They bought coal and contracted for it on an annual basis and usually in advance for a period of years, from throughout the major Midwest coal companies, but they just no longer are interested in making a contract to supply this coal. As a result, this public utility has gone on the market looking for some of the small coal producers in order to guarantee a standby coal stockpile; whereas, they use natural gas which is available except at a time of natural or manmade disaster and they very seldom need the coal.

Again I say this, as the gentleman does about the pollution of the atmosphere and the particulate matter that comes from the burning of bituminous coal especially as an example of what we are facing in power production.

I am especially pleased that the gentleman brought out the increasing requirements which we have and I might emphasize that by underlining the fact that these are mandatory requirements devoid of all the window dressing of additional air conditioning, and so forth, but are simply requirements of having adequate power available.

Mr. HOLIFIELD. The gentleman is right. It is interesting to note that 70 percent of all of our electric power goes for industrial and commercial uses which provide jobs for the young people who are coming into the employment market. So when we say that we must deny our industry and we must deny ourselves adequate electric power, it simply means denying ourselves a portion of that 70 percent expected amount going into industry to provide jobs and 30 percent going into the residential and business communities of our country. So it means a complete slowdown. Those who say that the way to solve this problem is just not to use so much electric power—not to have additional industries, or additional homes for our people, and so forth—or course, these people are burying their heads in the sand, because the gentleman from Missouri knows as well as I do that the pressure of population is such that we must take care of these people. That is the function of the free enterprise system and the Government in conjunction with it, to do this job, and I think it will be done.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I am happy to yield to the distinguished gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I thank the gentleman for yielding, and I want to pay my best regards, deep affection, and great respect to the gentleman from California who is the present chairman of this Joint Committee on Atomic Energy, and to this entire committee.

Mr. Chairman, I know of no group in either branch of the Congress, or any combined group in the Congress who have done more in the area of nuclear propulsion and for our preparedness than has this committee. This Nation has no conception of what this great committee has done to bring about modern propulsion to our Navy.

Without the dedicated leadership of the chairman and his great committee, our Navy would be 100 years behind the rest of the world in nuclear propulsion—and that means behind Russia.

We are indebted, Mr. Chairman, today at this very moment for what this committee has done to bring us abreast of and to bring us knowledge of what the Russians are doing in the field of nuclear propulsion.

I call to your attention the submarines—the Attack and the Polaris—which make up our modern Navy.

I want the record to show that the Joint Committee on Atomic Energy under the dedicated leadership of this great chairman has done as much for America, if not more than, any committee in the Congress to keep us abreast in this field. That is just about all we are is abreast—with the great research and development and application of this gigantic and little known energy to propel ships both above and below the seas.

Mr. Chairman, I want to pay my respects and express my admiration for what the gentleman himself has done and his great committee has done. The Nation owes you an eternal debt of gratitude.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman for his most gracious remarks.

I might say that I recall the days when we were first advocating the nuclear submarine fleet, and when there were great forces at work to eliminate Admiral Rickover from his work in building that great fleet. The gentleman from South Carolina and the members of his committee—and I want to pay special tribute to two members, our former companion Bill Bates from up in the New England States and my present companion today, also a member of the Committee on Armed Services, Congressman PRICE—these two men worked with us on the committee and we fought the battle to keep this great man, Admiral Rickover. Many people have reviled him, but I say today that he is responsible for the really hidden strength, and I say hidden, because we have at this time 41 Poseidon-type submarines cruising in the oceans of the world, each one of them having 16 missiles that they can launch from underwater. Each one of those submarines has three times the TNT power of all the bombs that were dropped in World War II—with 4,000 bombers going over the European continent and dropping these bombs for 4 years, each one of those submarines carries more power by three times than all of the bombs dropped in World War II. You multiply that by 41 and you can see what a tremendous and terrific amount of nuclear power—power in the defense of this country—exists in the submarine nuclear navy.

I want to return the gentleman's compliments by saying that if it had not been for the support of the Committee on Armed Services, in behalf of Admiral Rickover, and making available those hulls where we put the first submarine engines—the first four engines that were built by funds from our committee. The gentleman from South Carolina and his colleagues on the committee made the hulls available for the *Sea Wolf* and the *Nautilus*—the first two submarines. After we once showed what the *Nautilus* could do, we did not have too much trouble getting additional ones because it was of a different order of magnitude and military effectiveness, not to mention the tremendous support we have in the case of the 16 missiles.

Mr. RIVERS. Mr. Chairman, since the gentleman has mentioned Admiral Rickover, and I recognize that there are those in this country who have not agreed with him—I want to say that there is no more dedicated military man—or civilian in the United States. He was quite discouraged in the days of McNamara. Had it not been for the backing of your great committee to a man, I guess this great patriot might have become discouraged.

Mr. HOLIFIELD. Yes, he might have been lost.

Mr. RIVERS. Yes, he might have been lost and we did all we could do but we had to have your help and we saved this man. He is a great patriot, and he got us to the point where we are now with a modern nuclear Navy at least competitive with our enemy—Communist Russia.

Mr. McCULLOCH. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to my distinguished colleague on the committee.

Mr. McCULLOCH. Mr. Chairman, with our able colleague's consent, I should like to join his statements of and concerning the very able and dedicated Admiral Rickover.

Mr. HOLIFIELD. I thank the gentleman. The praise is well deserved.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HOSMER).

Mr. HOSMER. Mr. Chairman, I commend the distinguished chairman of the Joint Committee on Atomic Energy on his excellent summary of the principal features of H.R. 17405, and I am pleased to rise with him to urge passage of this bill.

Every effort has been made by the Joint Committee to obtain the maximum value for each dollar included in this austere authorization bill. Thus, despite the Joint Committee's addition of $4.8 million for Admiral Rickover's naval propulsion program, and its addition of $16.1 million for the necessary improvements to our gaseous diffusion plants, the total amount recommended by the Joint Committee is only 0.3 percent higher than the sum requested of the Congress. In reality, considering the effect of inflation, the total amount to be authorized by H.R. 17405 is more than 11 percent less than the amount authorized for fiscal year 1970—almost $160 million less than last year.

While our able chairman has mentioned the major features of the bill, there are a few programs that I should like to touch upon briefly. The first is the AEC's raw materials program. Fiscal year 1971 will be the last year for AEC procurement of uranium concentrate and the financial support that procurement has provided to the uranium industry. That program has been exceptionally successful, bringing the United States from a position of total dependence on foreign sources of supply in 1942 to our present status of world leadership in uranium production. The domestic uranium mining industry is a vigorous, up-to-date industry with every indication of being fully capable of responding to the anticipated future demands. This represents yet another phase of our Nation's nuclear program which will have become completely self-sufficient by the end of 1970.

Another program which I feel warrants special comment is the Plowshare program—the peaceful uses of nuclear explosives. Those who compare numbers only will detect what appears to be a substantial reduction in effort in this program—$7.5 million for fiscal year 1971 as compared with $14.5 million for the current year. I should like to point out that all of the funds in the bill before you will be employed in connection with underground engineering and device development with all efforts in excavation by the use of this technology being deferred. The committee is of the view that concentration of resources—manpower as well as financial—in the development of low radiation devices and underground engineering technology and procedures should yield the maximum derivable benefit from the available funding.

It is also felt that with this recommended budget we can effectively move forward in meeting our international commitments under the nuclear Nonproliferation Treaty. As I stated last year relative to the AEC authorization bill, our credibility in international affairs demands a continuing effort to develop and make available to the nonnuclear signatories to that treaty the benefits of peaceful applications of nuclear explosions. Though the amount recommended is conceded to represent an austere program, the concentration of effort in one major area should yield proportionately greater return than in the past.

There are, of course, many other aspects to this total program too numerous to comment upon in detail. I shall attempt to answer any questions my colleagues may wish to ask about the bill or the accompanying report.

As noted by the gentleman from California, Chairman HOLIFIELD, this bill represents the results of thorough inquiry and careful consideration by the 18 members of the Joint Committee and the report before you was filed without dissent. The bill has the committee's unanimous support and I commend it to you for your favorable consideration.

The following is an excerpt from the report:

### COMPARISON OF FISCAL YEAR 1971 AUTHORIZATION AND APPROPRIATIONS WITH THOSE OF PRIOR YEARS

#### AUTHORIZATION

The amount recommended for AEC authorization for fiscal year 1971 is $2.291 billion, a decrease of $157 million, or 6.4 percent, from the $2.448 billion authorized for fiscal year 1970.

If one takes into account the escalation in costs which has occurred in the past year—about 4.5 percent according to the President's Council of Economic Advisers—the recommended authorization represents a reduction of about 11 percent below the amount authorized for fiscal year 1970.

The marked trend toward reduced funding of Atomic Energy Commission activities is accentuated when one looks at the amounts authorized for the past five years, compared to the recommended FY 1971 authorization:

| Fiscal year: | *billions* |
|---|---|
| 1966 | $2.556 |
| 1967 | 2.275 |
| 1968 | 2.634 |
| 7969 (continuing downward trend) | 2.618 |
| 1970 (continuing downward trend) | 2.448 |
| 1971 (continuing downward trend) | 2.291 |

The amount recommended for FY 1971 is $265 million less than the authorization for FY 1966. If one assumes a 4-percent annual escalation in costs over the past 6 years, and compares the FY 1971 authorization to the FY 1966 authorization in terms of 1966 dollars, the FY 1971 authorization is about $750 million, or 29 percent, less in purchasing power than the amount authorized 6 years ago.

Also, the FY 1971 authorization would be less than the amount authorized in any of the past 6 years, expressed in terms of constant dollars.

These comparisons graphically illustrated the stringency of the proposed FY 1971 authorization.

#### APPROPRIATIONS

The Atomic Energy Commission requested appropriations of $2.363 billion for fiscal year 1971. The amount appropriated for fiscal year 1970 was $2.218 billion, a decrease of nearly $400 million from the $2.616 billion appropriated for fiscal year 1969.

Although the appropriations requested for fiscal year 1971 are $145 million more than the amount appropriated for the current year (FY 1970), a truer index of AEC program funding levels is obtained by comparing the total funded operating costs which are estimated at $2.189 billion and $2.194 billion for fiscal years 1970 and 1971, respectively. There is an increase of only $5 million, or about two-tenths of 1 percent. When cost escalation is considered, there is a decrease of about 4 percent built into the requested level of funding for FY 1971, compared with FY 1970.

FISCAL YEAR 1971 AUTHORIZATION, JCAE INCREASES AND DECREASES

[In thousands]

| | Increase | Decrease |
|---|---|---|
| Operating expenses: | | |
| Weapons | | −$8,500 |
| Reactor development: | | |
| Civilian power reactors | $600 | |
| Nuclear safety | 1,360 | |
| Space electric power development | | −340 |
| Terrestrial electric power development | | −1,300 |
| Naval propulsion | 4,800 | |
| Physical research: Controlled thermonuclear | | −1,000 |
| Biology and medicine | 140 | |
| Isotopes development | 920 | |
| Plowshare | | −500 |
| Regulation | 900 | |
| Program direction and administration | | −300 |
| Foreign travel | | −100 |
| Selected resources | | −1,273 |
| Total operating expenses | 8,720 | −13,313 |
| Plant and capital equipment: | | |
| Plowshare equipment | | −700 |
| Cascade improvement program | 16,100 | |
| Human radiobiology facility, ANL | 2,000 | |
| Science information center, Oak Ridge | 600 | |
| Sodium pump test facility | | −5,700 |
| Total plant and capital equipment | 18,700 | −6,400 |
| Totals | 27,420 | −19,713 |
| Net increase in authorization | 7,707 | |

Mr. HOSMER. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ANDERSON).

Mr. ANDERSON of Illinois. Mr. Chairman, I join my colleague, the distinguished ranking member of the Joint Committee on Atomic Energy, in commending the distinguished chairman of the committee, Mr. HOLIFIELD, for the excellent statement he has made. I would also like to take this opportunity to express my appreciation for the leadership that the gentleman from California (Mr. HOSMER) has shown on the committee as the ranking member.

I rise in support of this authorization bill.

I would like to take this opportunity to briefly review the progress to date on the construction of the 200 billion electron volt accelerator, the largest facility of its kind in the world.

On January 26, 1965, President Johnson sent to the Chairman of the Joint Committee on Atomic Energy a study entitled, "Policy for National Action in the Field of High Energy Physics." The report recommended and I quote:

> Construction of a high energy proton accelerator of approximately 200 Bev, in accordance with technical specifications developed by Lawrence Radiation Laboratory, to be operated as a national facility. This machine should be authorized for design in fiscal year 1967, and for construction in fiscal year 1968.

During the initial deliberations on the proposed accelerator, the Joint Committee, being well aware of the fact that European scientists were discussing the possibility of building a 300-Bev facility, insisted that provisions be incorporated in designing the U.S. accelerator to permit an increased energy beam in future years without major modifications or major cost, that is, major relative to initial cost.

In the course of the AEC authorization hearings for fiscal year 1969, Dr. Robert R. Wilson, the director of the National Accelerator Laboratory, stated that not only had his staff been able to design the machine to reach its original intensity goal of 30 trillion protons per pulse, but that they had also incorporated an option to go to a higher energy than 200 Bev at a later date. This was accomplished within the established budgetary guidelines.

We were recently informed that the magnets designed for the main accelerator ring will be sufficiently flexible in operation to allow the acceleration of protons to energies of 500 Bev although at reduced beam intensities. Continuous operation at 500 Bev with high-intensity beams should be possible with state-of-the-art cryogenic magnets several years from now.

We also learned that in spite of the austere construction budgets of the past several years and that proposed for fiscal 1971, the first beam can be obtained by July 1971—if there is a continued absence of major labor problems. It should be noted, however, that by July 1971 the main laboratory building and the large experimental areas will not be completed. Nevertheless, there will be sufficient facilities available to perform meaningful experiments which are possible at or slightly above 200 Bev.

I am very pleased, as a member of the Joint Committee, to have been associated with the development of this great project which already has many notable achievements to its credit. I urge the Congress to demonstrate its continued support of the 200-Bev accelerator by appropriating the necessary funds to continue this important work in fiscal year 1971.

**Mr. HOLIFIELD.** Mr. Chairman, I yield such time as he may desire to the gentleman from Illinois (Mr. Price).

**Mr. PRICE of Illinois.** Mr. Chairman, the committee added $2,000,000 for the construction of a facility at Argonne National Laboratory for the Center on Human Radiobiology. This was the priority radiobiology facility in the AEC's request to the Bureau of the Budget which was turned down strictly on the basis of budget restrictions.

This facility is exceedingly important since it is needed to accommodate research work on radiation effects on humans. The data on humans is obtainable only because of the existence of a unique group of humans who are carrying radioactive material in their bodies because of uninformed or careless use of radium both industrially and for external and internal therapy. The majority of these unfortunate incidences took place in the 1920's. These humans acquired doses of radioactive materials as luminous-dial painters, radium chemists, and by medical injections of radioactive compounds. The object of the work at this facility will be the collection of all significant data possible on the effects and tolerance of humans to radiation. Such information is vital to guide our activities as we enter the nuclear age.

There is no substitute for man as the relevant experimental species for data of this nature. The extrapolation of animal data to man for the determination of radiation toxicity is of questionable reliability. These unfortunate exposures of humans 40 or 50 years ago can, if carefully studied, supply us with unparalleled data. There is no prospect of duplicating such exposures simply because exposures of humans specifically for such data cannot be justified. It is our moral obligation to future generations to obtain every bit of information we can from these people. The facility covered by this authorization is aimed at accomplishing this objective.

The full background information on this work, including numbers and locations of persons concerned, scientists who are engaged in the work and indications of data thus far collected is printed in the committee authorization hearings starting on page 578. A description of and justification for the facility are printed on pages 57 and 58 of the committee report.

**Mr. HOSMER.** Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. McCulloch).

**Mr. McCULLOCH.** Mr. Chairman, I would like to take this opportunity to set the record straight on the so-called successes and the failures we have had in the civilian nuclear power program.

Our successes truly began in the late fifties with the Shippingport, Dresden I, and Yankee atomic powerplants. At present the Shippingport reactor is not only being used to produce electrical energy but also for advanced experimental purposes. It is being modified to test out the feasibility of breeding in a light water reactor. The Dresden and Yankee reactors have been operating successfully for the past 10 years. Other nuclear plants have come on line since then. Some problems have been encountered but in large part they have been of a conventional nature and in no case have they posed a threat to the public health and safety.

There are some understandable misconceptions in the minds of the public and perhaps among some Members concerning the so-called success of some of the reactors constructed under the cooperative power demonstration program. I refer to projects such as the Hallam facility in Nebraska, the city of Piqua reactor in Ohio, and the Elk River reactor in Minnesota. These projects were undertaken for a variety of experimental and developmental reasons, including tests of the feasibility of a given type of reactor system, the first demonstration of certain specialized features of an established reactor system, and other first-of-a-kind or prototypal reasons. Operation of these first generation type of plants, though for limited periods, has produced the sort of technological and economic information for reactor designers, utilities, and other organizations that the demonstration program intended to elicit. Most have been decommissioned since their small size does not permit economic operation in the long term.

We are now entering an era where substantial blocks of power will soon be generated by families of large nuclear plants, having up to five times as much power generation capability as the Dresden I and Yankee plants. To date, 17 nuclear plants are operational, 49 are now under construction, and more are planned. We expect that in 1980 this Nation's nuclear generating capacity will be 150,000 megawatts. There have been delays in the construction and operation of some of these nuclear facilities. There have been some problems—principally concerning the conventional aspects of these plants. In every case, however, there has been special care to assure that the operation of these plants would pose no threat to public health and safety. Nuclear power has an important contribution to make toward meeting the energy needs of our country—elements of this bill provide for a continuing development of this capability.

(Mr. EVINS of Tennessee (at the request of Mr. Holifield) was granted permission to extend his remarks at this point in the Record.)

**Mr. EVINS of Tennessee.** Mr. Chairman, I want to associate myself with the remarks of the distinguished chairman of the Joint Committee on Atomic Energy, the gentleman from California (Mr. Holifield), and commend him for his excellent work and this excellent bill.

Certainly, I support this authorizing legislation for the Atomic Energy Commission and I am particularly pleased that in this bill authorization is made for construction of a new building for the American Museum of Atomic Energy in Oak Ridge, Tenn.

The museum will be a section of an information complex that will include other related facilities.

The new museum is needed and desirable as a symbol of the development of the atom for peaceful purposes—the "Good Guy Atom," it is called.

I recommended construction of new quarters for the museum some years ago, and I have long advocated this new facility as needed and necessary.

The present museum is housed in an outmoded wartime barracks-type structure that is inadequate and outdated.

Thousands of Americans—including many children—from throughout the Nation, visit Oak Ridge and the American Museum of Atomic Energy each year.

And so this museum is for all America—for all our people—for education—and for inspiration.

Again, I want to commend the distinguished chairman for this bill and this excellent report and recommendation.

**Mr. HOLIFIELD.** Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. Aspinall), a member of the committee.

**Mr. ASPINALL.** Mr. Chairman, as chairman of the subcommittee having to do with raw materials, I wish to say I think this piece of legislation takes care of all the problems in that particular field, keeping in mind that as of December 31 of this year we will have a free market as far as uranium is concerned.

Mr. Chairman, I commend the chairman and the vice chairman, and with them the ranking Republican member, the gentleman from California (Mr. Hosmer), for the fine work they have done on this legislation.

Mr. Chairman, one of the three issues highlighted in the Joint Committee's report on the AEC authorization bill was the urgent need for funds to begin a program to improve and thereby expand the capacity of the Nation's uranium enrichment facilities on a timely basis. These facilities—the three U.S. gaseous diffusion plants—are the sole source of enriched uranium for fuel to power nuclear reactors. Enriched uranium is also used in nuclear weapons. The Joint Committee has recommended authorization of the sum of $21.1 million in construction funds to initiate a cascade improvement program which will provide needed additional enrichment capacity. This amount is $16.1 million more than the $5 million requested by the administration.

The gaseous diffusion plants have cost the Government and the taxpayers billions of dollars in research, development, and construction funds. They are truly a national asset which should continue to provide enriched uranium at low cost to meet domestic and foreign needs. The product of these plants is a keystone to the Nation's future supply of abundant, low-cost energy.

As many of you know, uranium is enriched, that is, the percentage of fissionable material is increased, by means of a gaseous diffusion process which remains highly classified. Developments in the technology associated with this process have provided us with the ability to increase the production capacity of the three existing plants by improving the cascades—the actual diffusion machinery—without increasing the electric power level at which they are operated.

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The CIP is the first of several steps which must be taken to increase our capacity to meet the rapidly growing demand for enriched uranium. It is a large-scale project which will take several years to complete, but it will provide adidtional capacity at the lowest cost of any means presently available.

While our gaseous diffusion plants do provide a source of material for our nuclear weapons, such uses now draw on only a very small percentage of the plant capacity. By far—and I mean well over 95 percent—of the enriched uranium is used as fuel in domestic and foreign nuclear reactors. The capacity of the diffusion plants has a finite limit and estimates of the demands upon that capacity, both foreign and domestic, indicate that such capacity will be exceeded by demand by the mid-1970's. In fact, the greatest proportion of the capacity will be committed by the end of this year. The AEC has estimated that, by the end of 1978, the demand will outstrip AEC's ability to supply all customers from both current production and preproduced inventory.

Our continued capacity to supply low-cost nuclear fuel is an important economic factor in deterring other nations from development of their own enrichment capability. With such capability comes the attendant increases in the potential proliferation of nuclear weapons. In addition, our inability to supply the fuel for foreign reactors will represent the loss of a very substantial foreign market. A commitment to the CIP must be made now to avoid these problems in the very near future.

Last year, the Atomic Energy Commission, having recognized this need to increase its uranium enrichment capacity, sought authorization from the Bureau of the Budget of $138 million to begin the CIP in fiscal year 1970; however, no such request was made of the Congress. BOB denied the request. For fiscal year 1971, the AEC asked that $170 million be authorized and $61 million appropriated. Instead, the administration's approved budget request to the Congress included only $5 million for architect-engineering work. This small amount of architect-engineering work would provide no assurance that the administration will eventually get on with the job of increasing the capacity of these plants. All we know for sure is that the installation of the CIP would be delayed at least 1 more year. The rapidly growing demand upon our limited enrichment capacity is clear evidence that we cannot afford this procrastination and delay on the part of the administration.

The Joint Committee has recommended $21.1 million to make a meaningful start on this program. These funds will not only provide for most of the architect-engineering work requested by the President but also the first hardware for installation of improvements to the cascades and needed additions to the gaseous diffusion production support facilities. The Joint Committee is urging your support for timely action. We are faced with a reluctant administration much as we encountered when we successfully urged the development of the H-bomb and the nuclear submarine. This project is as important to our Nation's need for electric power as were these others to our national defense.

A statement on the gaseous diffusion plants would not be complete without a discussion of the financial benefits which the Government will realize from the sale of enrichment services. The price of enrichment services, which was established in 1967, is $26 per unit of separative work. That price covers not only the funded costs, including interest, of about $18.85 per unit, but also depreciation of about $3.65, as well as a contingency factor of $3.50. During the 10-year period from July 1, 1970, to June 30, 1980, enrichment service revenues are expected to total about $4.2 billion. About 27 cents of every dollar of this revenue represents a net return of cash to the U.S. Treasury.

What this means is that these enrichment plants are producers of tremendous amounts of revenue for the Federal Government. The CIP will further reduce the cost of providing enrichment services with the result that even greater net cash returns will be realized. The net cash flow from the sale of enrichment services is expected to amount to more than $300 million in the year 1980 on sales of close to $1 billion in that year alone, provided that sufficient enrichment capacity is made available by means such as installation of the CIP.

A substantial part of the revenues and the resultant net cash flow will be realized from the sale of enrichment services to other free world countries for use in reactors supplied by U.S. manufacturers.

With the assured availability of a continued U.S. supply of enrichment services by means such as prompt installation of the CIP, our balance-of-payments deficit will be reduced through the sale of more enrichment services and more U.S. reactors to qualified customers abroad. For this and the other reasons discussed earlier, the Congress must act now to make known its resolve that we will have available sufficient enrichment capacity to meet the needs of this Nation for low-cost, abundant electrical energy and to fulfill our commitments abroad. Authorization and appropriation of the $21.1 million recommended by the Joint Committee will serve this purpose.

Mr. Chairman, in conjunction with the Government's gaseous diffusion plant operation, the Joint Committee is recommending action which would reduce administrative overhead by $300,000 in fiscal year 1971, and $500,000 in each succeeding year. I am speaking of the committee's recommendation that data on the operation of these plants, based on commercial-like accounting practices, be developed by the existing organization and not through the establishment of a separate uranium enrichment directorate with its own, independent staff within AEC as recommended by the President.

Many are the times that I have proudly pointed to these facilities and the uranium enrichment process as performed by the present organization as models of efficiency—highly automated and progressively managed. I know of no operation by the Federal Government which give the taxpayers so much for their tax dollars.

The recommendation of the administration is to set up a separate organization, as part of the AEC, to operate these plants in order to develop data of opera-on a commercial-like basis. This apparently is a prelude to efforts to sell these plants to private enterprise. But this issue aside, the committee has been presented with no justification for this new organizational structure nor any explanation as to why the data cannot be developed with the present organization through revised accounting techniques.

Accordingly, the committee has recommended a $300,000 cut in authorization under program direction and adminstration—see page 47 of the report.

Mr. HOSMER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Washington (Mrs. MAY).

Mrs. MAY. Mr. Chairman, I, too, join as a member of this committee in my expression of appreciation for the excellent statement made by the chairman of our committee, the gentleman from California (Mr. HOLIFIELD). Included in that is my appreciation as a member of this committee for the devotion to duty that was shown by both the gentleman from California (Mr. HOLIFIELD) and the gentleman from California (Mr. HOSMER) over the months in which I have been a comparatively new member of the committee. I do not believe in my years in Congress I ever have seen a more devoted chairman or ranking minority member, taking into account the time and the study and the complete attention to every detail in this tremendous field. I believe my colleagues in this House owe a great debt of gratitude to the dedication and devotion to this subject shown by these two men and every member of the committee. This is a comment from the newest member of the committee.

Mr. Chairman, I rise in support of H.R. 17405.

There has been much said in these Chambers during the past year on the quality of our environment and what the Federal Government is doing or ought to be doing, about it. With respect to the generation of electricity and the Atomic Energy Commission's contributions to the study of environmental problems and their solutions, we have spent substantial amounts of committee time on acquiring information and studying proposed programs. For a number of years the Joint Committee has held the responsibility of reviewing the Atomic Energy Commission's budget and recommending to both Houses the authorization of funds for the purpose of carrying out the Commission's overall program for weapons and for peaceful uses of atomic energy. With respect to this years allocation of funds to the AEC as reported in the Joint Committee's report accompanying this bill, I would like to make the following observations:

The amount of $71 million in the fiscal year 1971 budget is provided for the study of the effects of radiation on man and

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his environment and related matters. The breakdown of these funds is as follows:

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| Land and fresh water environmental sciences | $9,570,000 |
| Marine sciences | 3,895,000 |
| Atmospheric sciences | 4,900,000 |
| Interaction of radiation with biological systems | 35,080,000 |
| Exposure to external and internal radiation | 8,755,000 |

In addition, a total of $8,800,000 is provided for the studies which include effluent control, powerplant siting and disposal of radioactive wastes. AEC research and development in the aforementioned categories has been underway for a number of years. It is the committee's view that these levels are appropriate to the present need and in no case are these programs hastily drawn nor could they be termed "crash" programs totaling more than $1 billion of work which has been in progress for some time. I might interject at this point that over the years the Atomic Energy Commission has conducted research programs totalinb more than $1 billion in biology and medicine and related fields. Much has been learned, more scientific research lies ahead. It is the committee's belief that, unlike other industries whose safety criteria have arisen out of the debris of their accidents, the nuclear industry has benefited from years of study carried out well in advance of the time when the use of atomic energy has become more widespread. The safety criteria for the protection of workers and the general public have been carefully and conservatively drawn. Design standards for nuclear plants call for high quality workmanship and redundant safeguards for prevention of accidents. The record in the nuclear business is excellent and it is our expectation that it will continue to be so.

On another matter, Mr. Chairman, on page 11, the report comments on the closing of the K-West reactor at Hanford, Wash.

I am very concerned about the ruling by the Bureau of the Budget which resulted in the shutdown on February 1, 1970, of the K-West production reactor at the Atomic Energy Commission's Hanford plant, located near Richland, Wash. The use of fiscal year 1970 funds to accomplish this shutdown is particularly disturbing because of the strong plea made by the AEC to the Senate Appropriations Committee in October 1969 to restore funds for operation of both K reactors at the Hanford site. This was subsequent to the action by the House to appropriate funds for sequential operation of these two reactors. At that time the AEC spokesman said, and I quote:

> The sequential mode of opertion would result in a substantial loss of plutonium production capacity which would compromise our ability to meet most efficiently firm and contingent future requirements. There are major uncertainties in the future total requirements for reactor products for weapon purposes; these are expressed in our production planning as contingent requirements. It is only prudent to provide for a reasonable reserve of reactor products to permit accommodating modest increases in firm weapons requirements without having to resort to crash programs, and without having to incur the heavy cost involved in reactivating standby capacity.

The Congress agreed with this statement and ordered that both K reactors be operated.

It is not obvious how we can worry about the loss of plutonium production capability in October and then not be concerned in January, particularly when the President talks about the need to increase the size of the ABM deployment and there is also underway the modernization of other strategic and tactical systems which require heavy use of plutonium.

Of as much concern as the loss of production capability is the loss of qualified reactor operating and maintenance personnel. Also of serious concern is the impact of this latest shutdown on the economic diversification program, a model program of self-help. Through diversification, the technical and scientific knowledge gained in 25 years of Hanford operation is being applied in areas that have potential benefit for industry, agriculture, medicine, and other fields. The program is still minuscule in relationship to the overall job demands of the community, but it is working.

The additional shock of closing the K-West reactor—the seventh shutdown of the nine production reactors at Hanford—is a tremendous setback to a community that is making every effort to separate itself from its reliance for jobs on the Federal Government. As a member of the congressional delegation of the State of Washington I pledge we will do everything possible to assure that this will not happen again.

Mr. HOSMER. Mr. Chairman, I thank the gentlewoman from Washington for her very kind remarks.

Mr. Chairman, I have no further requests for time.

Mr. HOLIFIELD. Mr. Chairman, I also thank my colleagues on the committee for their attendance at the committee hearings and for their support of this bill.

I also thank the staff. They have worked Saturdays and early in the morning and late at night in order to help the committee in every way that is possible. I am really proud to be able to say we feel we have a tremendously capable professional staff.

I also thank the gentleman from California (Mr. HOSMER) for his continuous attendance at every meeting that has ever been called and his willingness to stay there until the end of the day. Many days we have had sessions as long as 5 hours of hearings, so I am tremendously grateful for the cooperation which I have had from Members on both sides of the aisle. It would have been impossible to bring out this kind of bill without that.

Mr. HOSMER. Mr. Chairman, if the gentleman will yield, in order that there be no misunderstanding, the reason I have stayed so assiduously is not that I lacked confidence or had suspicion regarding the chairman. It is because the pleasure of his company is great and the example of his intellect is incomparable.

Mr. HOLIFIELD. Mr. Chairman, I thank the gentleman from California for those very kind remarks.

Mr. PRICE of Illinois. Mr. Chairman, if we were asked how much it would be worth to beneficially extend the lives of 100,000 Americans each year, could we name a figure? I seriously doubt that anyone would even try to arrive at an answer. It has been stated by experts that a circulatory support system could prevent the death of 10 to 15 percent of the some 750,000 Americans who now die annually from heart disease. The Atomic Energy Commission and the National Heart and Lung Institute are working on such a system.

One could ask: Why not depend upon human heart transplants? There is a two-part answer—first, there just are not enough donors available, and, second, essentially every case has ended in death because of rejection. These problems would not materialize with the circulatory support system which is expected to be developed from the joint AEC-National Heart and Lung Institute program. The system would consist of an isotopic heat source, a power converter, a power transmitter, and a heart pump. The AEC's fiscal year 1971 budget includes $500,000 for continuation of the research on developing medical-grade plutonium-238 for an isotopic heat source with a low radiation background. This $500,000 constitutes a minimum level of effort to obtain meaningful progress in the fuel development.

An additional $800,000 is required, and I strongly urge that it be authorized, for the AEC to start research on the second item of the circulatory support system—the power converter. In fiscal year 1970, the Congress appropriated the $800,000 to start this important research, but AEC lost the funds because of a subsequent $22 million reduction in the fiscal year 1970 budget.

I do not know what the dollar figure should be for alleviating the suffering and preventing the death by heart disease of 100,000 Americans a year, but I do know that $1.3 million is a small enough price to do the research on the circulatory support system which will go a long way toward achieving this worthy goal.

The 200-billion-electron-volt accelerator at the National Accelerator Laboratory at Batavia, Ill., was fully authorized in Public Law 91–44, the fiscal year 1970 AEC Authorization Act. Nevertheless, the Joint Committee has continued its interest in observing the progress of this outstanding project. Aside from the fine technological progress being made in spite of operating budgets which are significantly reduced below those desired to keep development and construction within the original time schedule, the human impact is equally significant. At this time, I would like to focus on the human aspects of the work at the laboratory.

Since the inception of the laboratory, a sustained and successful effort has been made to recruit, train, and employ young people from minority groups in the ghettos. About 50 have been involved in the past 2 years and more than 40 are now employed. Similar summertime motivational programs were established as youth opportunity programs to demonstrate the advantages of studying for future employment in the scientific and

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technological fields. We can all take pride in the successes achieved by these programs.

Efforts to get black small-business owners to bid for contracts has also been quite successful. For example, over 40 percent of the contracts below $10,000 for work in the old village of Weston, Ill., which is being adapted to laboratory needs, went to black-owned small businesses in the period September 1969 to March 1970. Just this month, the laboratory announced the award of two contracts with a potential value of nearly $600,000 to a black-owned manufacturing company on Chicago's south side. They represent the largest contracts awarded by the laboratory to date to a minority entrepreneur and are equivalent to the largest contract value awarded by the laboratory to any single supplier in the Greater Chicago metropolitan area.

The third factor I would like to mention is open housing. Since the selection of the laboratory site, 54 cities, towns, and villages, of which 35 are within 30 miles of the site, have passed fair housing ordinances. I consider this to be an outstanding response to the promise made that housing would be available to all.

I point to these three activities because of their impact on the socioeconomic side of science and because Dr. Robert Wilson, the Laboratory Director, considers these factors as important as getting a 200-billion-electron-volt proton beam.

I respectfully submit that the funds requested for appropriation for the National Accelerator Laboratory for fiscal year 1971 are the absolute minimum that can be voted without seriously curtailing the entire laboratory program. I urge your continued support of this program.

One of the perhaps lesser known but potentially most significant programs of the Atomic Energy Commission is the work being conducted in developing low level radiation preservation of foods. In terms of dollars, this is indeed a modest program, but in terms of promise for worldwide benefit for mankind, it is of the greatest magnitude.

The current program involves work on three food products—strawberries, papayas, and finfish—preparatory to the submission of a petition to the Food and Drug Administration for certification of wholesomeness of the products for public consumption. This has been a two-pronged program for several years with research in isotopes development as well as biology and medicine. We are approaching fruition with the petition for strawberries expected to be filed with the FDA by the middle of this year. The amount recommended by the Joint Committee for fiscal year 1971—$540,000—is almost twice what was requested by the administration, but it is the minimum amount which the committee considers adequate to assure sufficient viability in the program to provide all necessary data to the FDA on strawberries and continue to move forward at a reasonable level on other products.

Until now, the United States has been in the forefront of research and development of this method of food preservation. However, so far we have obtained approval of only two products for consumption after radiation treatment—wheat and potatoes. Other countries are rapidly surpassing us in this field. For instance, Russia has nine products on its approved list. At least nine other countries are actively engaged in this type of research. There is little doubt in my mind that radiation preservation and radiation disinfestation are destined to play major roles in assuring that a greater percentage of the foodstuffs produced by the world's farmers reach the world's hungry people without spoilage or insect destruction.

In addition to the vast humanitarian potential involved, I should also note that the economics involved are highly favorable to the United States. This method of preservation will open huge distribution markets for the foodstuffs produced by our farmers which have heretofore not been available because of lack of refrigeration or other preservation processes in the potential market areas. If you wish to let your imagination run free for a moment, simply contemplate the removal of all domestic commodity restriction and support programs, full production on our farms, a truly world market for our farm products, and an end to starvation or even hunger. This is indeed a glorious prospect. This is the altogether realistic potential of this program. I urge the AEC to press forward vigorously in this area. Together with the Army's high radiation dose sterilization program, this Nation is at the threshold of presenting the world with one of history's truly significant scientific achievements.

Mr. HOLIFIELD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Sec. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operating expenses", $2,013,307,000, not to exceed $119,450,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) Special Nuclear Materials.—

Project 71-1-a, contaminated storm water runoff control facilities, Savannah River, South Carolina, $900,000.

Project 71-1-b, in-tank waste solidification systems, Richland, Washington, $6.300,000.

Project 71-1-c, storage and waste transfer facilities, Richland, Washington, $1,700,000.

Project 71-1-d, radioactive contamination control improvements, National Reactor Testing Station, Idaho, $1,400,000.

Project 71-1-e, gaseous diffusion production support facilities, $14,700,000.

Project 71-1-f, process equipment modifications, gaseous diffusion plants, $6,400,000.

(2) Atomic Weapons.—

Project 71-2-a, weapons production, development and test installations, $10,000,000.

(3) Reactor Development.—

Project 71-3-a, modifications to reactors $2,000,000.

Project 71-3-b, research and development test plants, Project River, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

Project 71-3-c, modifications to EBR-II and related facilities, National Reactor Testing Station, Idaho, $2,000,000.

(4) Physical Research.—

Project 71-4-a, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $900,000.

Project 71-4-b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, $925,000.

Project 71-4-c, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, $825,000.

Project 71-4-d, accelerator improvements, Stanford Linear Accelerator Center, California, $950,000.

Project 71-4-e, accelerator improvements, medium and low energy physics, $400,000.

(5) Biology and Medicine.—

Project 71-5-a, addition to physics building (human radiobiology facility), Argonne National Laboratory, Illinois, $2,000,000.

(6) Training, Education, and Information.—

Project 71-6-a, National Nuclear Science Information Center (AE only), Oak Ridge, Tennessee, $600,000.

(7) General Plant Projects.—$42,000,000.

(8) Capital Equipment.—Acquisition and fabrication of capital equipment not related to construction, $173,050,000.

Sec. 102. Limitations.—(a) The Commission is authorized to start any project set forth in subsections 101 (b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (5) and (6) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000: *Provided,* That the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Sec. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Sec. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Sec. 105. Amendment of Prior Year Acts.—(a) Section 110 of Public Law 86-50, as amended, is further amended by adding the following at the end of the present text of subsection (f) of said section: "*And provided further*, That waiver of use charges by the Commission may not extend beyond ten years after initial criticality of the reactor."

(b) Section 101 of Public Law 89-32, as amended, is further amended by adding to subsection (b) (4) for project 66-4-a, sodium pump test facility, the words "for design and Phase I construction."

(c) Section 101 of Public Law 91-44 is

amended by striking from subsection (b) (1), project 70-1-c, waste encapsulation and storage facilities, Richland, Washington, the words "(AE only)" and further striking the figure "$1,200,000" and substituting therefor the figure "$10,750,000".

SEC. 106. LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—FOURTH ROUND.—(a) The Commission is hereby authorized to enter into a cooperative arrangement with a reactor manufacturer and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor powerplant, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy and referred to in section 106 of Public Law 91–44, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and the Commission is further authorized to continue to conduct the Project Definition Phase subsequent to the aforementioned cooperative arrangement. Appropriations totalling $50,000,000 are hereby authorized for the aforementioned cooperative arrangement and for the Project Definition Phase authorized by section 106 of Public Law 91–44 and this section, said total amount to include the sum authorized by section 106 of Public Law 91–44. The Commission is also authorized hereby, without regard to the provisions of section 3679 of the Revised Statutes, as amended, to agree under said cooperative arrangement to provide assistance up to a total amount of $50,000,000 less the sums available to the Commission and utilized for the Project Definition Phase contracts authorized pursuant to section 106 of Public Law 91–44 and this section; and, in addition to said total amount, in the Commission's discretion, to provide assistance up to a total amount of $20,000,000 in the form of Commission-furnished services, facilities, or equipment otherwise available to or planned by the Commission under its civilian base program: *Provided*, That said ceiling amounts shall not be deemed to include assistance in the form of waiver-of-use charges during the term of the cooperative arrangement and the Commission may agree to provide such assistance without regard to the provisions of section 53 of the Atomic Energy Act, as amended, by waiving use charges in an amount not to exceed $10,000,000.

(b) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided further*, That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: *And provided further*, That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by the Commission exceeds the estimated cost previously submitted to the Joint Committee by no more than 15 per centum.

Mr. HOLIFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

### AMENDMENT OFFERED BY MR. WOLFF

Mr. WOLFF. Mr. Chairman, I offer an amendment.

The Clerk read, as follows:

Amendment offered by Mr. Wolff: Page 8, after line 16, add the following new section:

SEC. 107. Transfer of Certain Functions Relating to Commercial Uses of Nuclear Power.—(a) All functions, powers, and duties of the Commission under chapter 10 of the Atomic Energy Act of 1954, relating to the issuance and review of licenses for the transfer, receipt, manufacture, production, acquisition, possession, use, import, or export of utilization and production facilities, are transferred to and vested in the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") to be exercised by him in accordance with subsection (b).

"(b) The functions, powers, and duties transferred by subsection (a) shall be exercised and carried out by the Secretary through the facilities and personnel of the Public Health Service, except that from and after the transfer (1) no license shall be issued with respect to a utilization facility if the Federal Power Commission determines (and notifies the Secretary) that such facility has not been sufficiently developed to be of practical value for industrial or commercial purposes or that the issuance of such license would otherwise be contrary to or inconsistent with the national power policies of the United States, and (2) no license shall be issued with respect to a utilization or production facility if the Secretary of the Interior determines (and notifies the Secretary) that the issuance of such license would be contrary to or inconsistent with the conservaton of natural resources in the area involved or with the national conservation policies of the United States.

"(c) So much of the positions, personnel, assets, liabilities, contracts, property, records, and unexpended balances of authorizations, allocations, and other funds of the Commission as were employed, held, used, or available for use in connection with the functions, powers, and duties transferred to the Secretary by subsection (a) shall be transferred to the Secretary along with such functions, powers, and duties.

"(d) The Diretcor of the Bureau of the Budget shall prescribe such regulations (including regulations establishing the procedures to be followed by the agencies involved in carrying out subsection (b) and governing the transfers referred to in subsection (c)) as may be necessary to carry out this section."

Mr. WOLFF. Mr. Chairman, the Congress has before it H.R. 17405 to authorize appropriations for the Atomic Energy Commission for fiscal year 1971. That authorization would fund $2 billion for the total atomic energy program. Of this, $437 million is to promote the civil use of nuclear power, and $12.6 million is to regulate this application of atomic energy. For every dollar designated to promote the proliferation of huge nuclear powerplants throughout the country, only 3 cents is to be spent to assure the public of their safe design, construction, and operations.

According to the AEC's own figures, as of March 31, there were 17 operable nuclear powerplants—and, parenthetically, I note the AEC is careful to distinguish between the operable and operating plants, for the performance record of the Oyster Creek, and Nine Mile Point powerplants has been anything but reliable—there are 17 operable nuclear powerplants, 49 being built, 37 more on order, and 7 planned but not yet ordered. The total generating capacity for these 110 nuclear powerplants is 85 million kilowatts. Of this, all but 5 million kilowatts are in construction, planning, and anticipation. There is an enormous regulatory workload coming up, yet in the AEC's scale of values, it proposes to spend almost four times more on space nuclear propulsion than it will on regulation of nuclear power; almost nine times more on high energy physics, four times as much on chemistry and eight times as much for its own internal bureaucracy. For me, this is the latest of many factors that demonstrate it is time to remove the regulation of nuclear power from the Atomic Energy Commission. That is why I am proposing now an amendment to the AEC's authorization bill to correct the present incompatible combination of promotional and regulatory functions for civil nuclear power within the AEC.

According to the Nucleonics Week, the AEC's regulatory staff has been frozen at a ceiling of 504 for the 2 years that began last July and end in June of 1971. Since 1965 the regulatory staff has increased about 50 percent while the combined caseload of reactor licensing and compliance has increased by 600 percent.

Mr. Chairman, ever since Congress in 1954 revised the Atomic Energy Act with the intention of opening the doors to private development of this new source of energy, the AEC has been in an untenable position. And as the utilities rush toward nuclear power, the AEC is increasingly forced into the position of King Solomon. But our Government, as we all too well know, is not comprised of Solomons, as the young men who drafted our Constitution were well aware. The solution is to remove from the AEC the function of regulation and relieve it of the stress of setting in motion with one hand activities which must be curbed or even stopped by the other.

If the AEC is relieved of this regulatory function, who then should perform it? We are told that almost half of the Nation's electrical output is to be in nuclear powerplants just 10 years from now. Thus, the coming regulatory effort will be enormous both in sheer volume of work and in demands of the best judgment to protect the public against the immediate horrors of a major accidental release of radioactive materials, or the long delayed, insidious perils of prolonged exposure to routine releases from nuclear powerplants. Who should do this?

The amendment I am introducing would transfer the functions of regulating nuclear power from the Atomic Energy Commission to the Department of Health, Education, and Welfare. There, at least, the regulators will have no vested interest in promoting nuclear power. There too we find the nucleus of a capability which would, of course, be expanded by the concurrent transfer of staff and funds.

The amendment would also restrain the promotional efforts of the AEC in two ways. First, it would provide that no nuclear powerplant would be licensed by the DHEW if the Federal Power Commission determines that the facility has not been sufficiently developed to be of practical value for industrial or commercial purposes. Second, it would give the Secretary of the Interior a veto over the licensing of a nuclear powerplant that he determines would be contrary to or inconsistent with the conservation of natural resources at the proposed site or with the national conservation policies of the United States.

A few months ago one of our most responsible critics of nuclear power programs, Prof. Harold Green of the George Washington University National Law Center, observed that the "nuclear controversy" is here to stay. It will not be dissipated, he points out, through slick advertising and public relations campaigns or carefully staged congressional hearings. What is necessary to defuse the current controversy is that all parties recede from extremist positions. I propose that relieving the AEC of its regulatory responsibilities is a vital first step in this deescalation. Furthermore, by bringing regulation of atomic power within the public health philosophy, we can expect a drastically altered role of the regulatory staff. Its mission would then be to bring about full and candid disclosure of what the risks of the proposed facility are, what the applicant has done to minimize the risks, what risks remain despite these efforts, and how these balance against the anticipated benefits of the facilities.

Mr. Chairman, the next 5 to 10 years are literally vital to the future of the American nuclear power industry, to the future of the electricity industry, and to the future radiological health of the Nation. If we delay, if we pass by this opportunity to provide urgently needed further assurance that nuclear power in its applications will indeed be safe both for the long and short term, we and our children may indeed have cause to look back in pain and sorrow.

Mr. HOLIFIELD. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from New York introduced an amendment which seeks to accomplish a very important change in the structure and function of the AEC. Therefore it is a matter of considerable importance—I might say of major importance—to the whole atomic energy program.

I am aware that the gentleman cosponsored a bill early in 1970 to accomplish approximately the same purpose. I want to say I respect the gentleman. He has talked of his concern to me a number of times on this matter. I have tried to give him what I thought was the best information I could on the subject matter. When the bill which he cosponsored came to the Joint Committee on Atomic Energy I immediately sent it to the Department of Health, Education, and Welfare, the Office of Science and Technology, the Department of the Interior, the Department of Justice, the Atomic Energy Commission, and the Federal Power Commission for their comments. As of today we have not received a response from these agencies. I will say to the gentleman from New York that when I receive their comments I will transmit them to him, and if at that time the gentleman wishes to appear before the Joint Committee on Atomic Energy and testify on this matter, I am sure that that can be arranged.

However, I must, because of the great effect that this would have upon the Atomic Energy Act—and I believe it is more far reaching than the gentleman may realize—I must oppose the amendment and call for a "no" vote on the amendment offered by the gentleman from New York.

Mr. HOSMER. Mr. Chairman, I rise in opposition to the amendment and urge its defeat.

Mr. Chairman, the regulatory group should be left in AEC because:

First. Coordination of regulatory and development reactor safety research requires continuing those functions within a single agency;

Second. Day-to-day technical liaison between regulatory and development personnel within a single agency, as can and is done under the present organization, should be continued;

Third. Through Atomic Safety and Licensing Board hearing procedures now in effect there is adequate impartial exercise of the regulatory responsibilities.

I urge that the amendment be defeated.

The idea that the AEC cannot develop and promote and at the same time regulate is fallacious. The very essence of developing and promoting atomic applications is to do so safely, with every regard for the public health and safety. And that is the purpose of the regulatory group. It is where it belongs and where it can function best.

If it were moved, it would still be somewhere in the Government, part of Uncle Sam's activity and such a move accomplishes exactly nothing.

Further, the U.S. Government is not a profitmaking enterprise. It is organized and exists to serve its citizens. That is exactly what the present organizational setup accomplishes. It should not be tampered with.

I urge that the amendment be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. WOLFF).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BURKE of Massachusetts, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17405) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, pursuant to House Resolution 973, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the Senate bill (S. 3818) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes, an identical bill to the bill just passed by the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3818

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

SEC. 101. There is hereby authorized to be appropriated to the Atomic Energy Commission in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended:

(a) For "Operation expenses", $2,013,307,000, not to exceed $119,450,000 in operating costs for the High Energy Physics program category.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following:

(1) SPECIAL NUCLEAR MATERIALS.—

Project 71–1–a, contaminated storm water runoff control facilities, Savannah River, South Carolina, $900,000.

Project 71–1–b, in-tank waste solidification systems, Richland, Washington, $6,300,000.

Project 71–1–c, storage and waste transfer facilities, Richland, Washington, $1,700,000.

Project 71–1–d, radioactive contamination control improvements, National Reactor Testing Station, Idaho, $1,400,000.

Project 71–1–e, gaseous diffusion production support facilities, $14,700,000.

Project 71–1–f, process equipment modifications, gaseous diffusion plants, $6,400,000.

(2) ATOMIC WEAPONS.—

Project 71–2–a, weapons production, development and test installations, $10,000,000.

(3) REACTOR DEVELOPMENT.—

Project 71–3–a, modifications to reactors, $2,000,000.

Project 71–3–b, research and development test plants, Project Rover, Los Alamos Scientific Laboratory, New Mexico, and Nevada Test Site, Nevada, $1,000,000.

Project 71–3–c, modifications to ERB–II and related facilities, National Reactor Testing Station, Idaho, $2,000,000.

(4) PHYSICAL RESEARCH.—

Project 71–4–c, accelerator improvements, zero gradient synchrotron, Argonne National Laboratory, Illinois, $900,000.

Project 71–4–b, accelerator and reactor additions and modifications, Brookhaven National Laboratory, New York, $925,000.

Project 71–4–c, accelerator improvements, Lawrence Radiation Laboratory, Berkeley, California, $825,000.

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Project 71–4–d, accelerator improvements, Stanford Linear Accelerator Center, California, $950,000.

Project 71–4–e, accelerator improvements, medium and low energy physics, $400,000.

(5) Biology and Medicine.—

Project 71–5–a, addition to physicas building (human radiobiology facility), Argonne National Laboratory, Illinois, $2,000,000.

(6) Training, Education and Information.—

Project 71–6–a, National Nuclear Science Information Center (AE only), Oak Ridge, Tennessee, $600,000.

(7) General Plant Projects.—$42,000,000.

(8) Capital Equipment.—Acquisition and fabrication of capital equipment not related to construction, $173,050,000.

Sec. 102. Limitations.—(a) The Commission is authorized to start any project set forth in subsections 101(b) (1), (2), (3), and (4) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Commission is authorized to start any project set forth in subsections 101(b) (5) and (6) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Commission is authorized to start any project under subsection 101(b) (7) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $500,000 and the maximum currently estimated cost of any building included in such project shall be $100,000 provided that the building cost limitation may be exceeded if the Commission determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b)(7) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

Sec. 103. The Commission is authorized to perform construction design services for any Commission construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Commission and (2) the Commission determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction.

Sec. 104. When so specified in an appropriation Act, transfers of amounts between "Operating expenses" and "Plant and capital equipment" may be made as provided in such appropriation Act.

Sec. 105. Amendment of Prior Year Acts.—(a) Section 110 of Public Law 86–50, as amended, is further amended by adding the following at the end of the present text of subsection (f) of said section: "*And provided further,* That waiver of use charges by the Commission may not extend beyond ten years after initial criticality of the reactor."

(b) Section 101 of Public Law 89–32, as amended, is further amended by adding to subsection (b) (4) for project 66–4–a, sodium pump test facility, the words "for design and Phase I construction."

(c) Section 101 of Public Law 91–44 is amended by striking from subsection (b) (1), project 70–1–c, waste encapsulation and storage facilities, Richland, Washington, the words "(AE only)" and further striking the figure "$1,200,000" and substituting therefor the figure "$10,750,000".

Sec. 106. Liquid Metal Fast Breeder Reactor Demonstration Program—Fourth Round.—(a) The Commission is hereby authorized to enter into a cooperative arrangement with a reactor manufacturer and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor powerplant, in accordance with the criteria heretofore submitted to the Joint Committee on Atomic Energy and referred to in section 106 of Public Law 91–44, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended, and the Commission is further authorized to continue to conduct the Project Definition Phase subsequent to the aforementioned cooperative arrangement. Appropriations totalling $50,000,000 are hereby authorized for the aforementioned cooperative arrangement and for the Project Definition Phase authorized by section 106 of Public Law 91–44 and this section, said total amount to include the sum authorized by section 106 of Public Law 91–44. The Commission is also authorized hereby, without regard to the provisions of section 3679 of the Revised Statutes, as amended, to agree under said cooperative arrangement to provide assistance up to a total amount of $50,000,000 less the sums available to the Commission and utilized for the Project Definition Phase contracts authorized pursuant to section 106 of Public Law 91–44 and this section; and, in addition to said total amount, in the Commission's discretion, to provide assistance up to a total amount of $20,000,000 in the form of Commission-furnished services, facilities or equipment otherwise available to or planned by the Commission under its civilian base program: *Provided,* That said ceiling amounts shall not be deemed to include assistance in the form of waiver of use charges during the term of the cooperative arrangement and the Commission may agree to provide such assistance without regard to the provisions of section 53 of the Atomic Energy Act, as amended, by waiving use charges in an amount not to exceed $10,000,000.

(b) Before the Commission enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which the Commission proposes to execute (including the name of the proposed participating party or parties with whom the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by the Commission and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either House is not in session because of adjournment for more than three days): *Provided, however,* That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of, or all or any portion of, such forty-five day period: *Provided further,* That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: *And provided further,* That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by the Commission exceeds the estimated cost previously submitted to the Joint Committee by not more than 15 per centum.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 17405) was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and to include extraneous matter on H.R. 17405 and S. 3818, the bills just passed.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## ARMSTRONG NASA AERONAUTICS HEAD

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILLER of California. Mr. Speaker, I am very happy to report that NASA has selected Col. Neil A. Armstrong to head the aeronautics program of the National Aeronautics and Space Administration.

Colonel Armstrong is one of the most efficient aeronautical engineers in the United States. He will make a great contribution in this field.

I am incorporating as a part of my remarks the following release from NASA·

### Armstrong NASA Aeronautics Head

Neil A. Armstrong, the first man to set foot on the Moon and one of the nation's foremost engineering test pilots, has been named to head the aeronautics program of the National Aeronautics and Space Administration.

Armstrong, commander of the Apollo 11 lunar landing mission, becomes Deputy Associate Administrator for Aeronautics, Office of Advanced Research and Technology at NASA Headquarters, Washington, effective July 1.

He succeeds Charles W. Harper who is joining Dr. Wernher von Braun, NASA Deputy Associate Administrator, in carrying out the agency's planning effort for future United States space missions.

In his new position, Armstrong will be responsible for the coordination and management of overall NASA research and technology work related to aeronautics and cooperation and coordination between NASA, industry and other government agencies with respect to aeronautics.

NASA conducts a broad program in aeronautics including aerodynamics, loads and structures, propulsion, operational environment problems and flight dynamics. The program is directed toward all types of aircraft, both civilian and military in the areas of general aviation, vertical and short take-off and landing aircraft, subsonic aircraft, supersonic and hypersonic aircraft and other advanced aviation technologies.

NASA in the past few years has been devoting some $75 million of its annual budget for aeronautics. The fiscal year 1971 budget request calls for $87 million in aeronautics research.

Armstrong, a civilian astronaut, has more than 20 years experience as an engineer and pilot. He was a Naval aviator from 1949 to 1952 and flew 78 combat missions during the Korean action.

He joined NASA's Lewis Research Center in 1955 (then NACA Lewis Flight Propulsion Laboratory) and later transferred to the NASA High Speed Flight Station (now Flight Research Center) at Edwards, Calif., as an aeronautical research pilot for NACA and NASA. He was an X–15 project pilot and flew that aircraft to altitudes above 200,000 feet and at speeds approximately 4,000 miles per hour.

Other flight test work included piloting the X–1 rocket airplane, the F–100, F–101, F–102, F–104, F5D, B–47, the paraglider, and others. As pilot of the B–29 "drop" aircraft, he par-

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ticipated in the launches of over 100 rocket airplane flights.

Armstrong's aircraft test pilot flights covered the areas of icing research and deicer tests, gust research, varying leading-edge slat configurations, supersonic compressor stall, boundary layer determination, roll coupling alleviation using pitch damping, supersonic boundary layer transition and heat transfer research, minimum aircraft controllability, subsonic boundary layer noise research and catapult and arrested landings.

Armstrong became a NASA astronaut in September 1962 and he was command pilot for the Gemini 8 mission March 16, 1966. During that mission he was successful in achieving the first space docking of two vehicles.

Shortly after docking, a malfunctioning thruster caused the spacecraft to gyrate widely but exceptional piloting skill by Armstrong and his fellow crewman, Astronaut David R. Scott, overcame the problem and resulted in a successful recovery.

Armstrong and Astronaut Edwin E. Aldrin, Jr., on July 20, 1969 accomplished man's first landing on the Moon. Armstrong, and then Aldrin, became the first men to walk on the Moon as they conducted a two-hour and 40-minute exploration of the lunar surface, deployed experiments and collected Moon material for return to Earth.

Armstrong has received many awards and honors including the Octave Chanute Award, the Collier Trophy, the Thomas White Trophy, the Presidential Medal for Freedom, the National Civil Service League Award, and the National Geographic Society's Hubbard Medal.

Armstrong was born Aug. 5, 1930 in Wapakoneta, Ohio. He attended local schools, received a bachelor of science degree in aeronautical engineering from Purdue University in 1955 and master of science in aerospace engineering from the University of Southern California in 1970. He is married to the former Janet Shearon of Evanston, Ill. The Armstrongs have two children.

## COORDINATE AND FUND ANTIPOLLUTION PROGRAMS

(Mr. PHILBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. PHILBIN.** Mr. Speaker, while my own interest in antipollution measures goes back a considerable period of time, every day new evidence is reaching me indicating that my many previous utterances calling for organized, massive war against pollution were well justified and timely.

The fears I expressed so often are actually coming to pass in more ways than many of us could possibly have anticipated some years ago, when we first started our fight on pollution.

Every day brings startling new evidence of more widespread, deeper, more dangerous pollution than even those of us who mounted the antipollution fight could ever have foreseen. New infected areas and victims are being uncovered daily.

As new developments unfold, day after day, it seems literally that the whole economy, flora, and waters, in most of their principal features are infested with foul pollution.

Our transportation media, streets, byways, highways, tracks, streams, waters, and oceans—every phase of it except possibly isolated and remote areas—are becoming actually contaminated with dirty water, stench, rubbish, filth, litter, unsightliness, and wastes, noise, and esthetic chaos and discard.

It is not only a question of water, soil, and air that is polluted, but the ground we walk on is littered with dirty wastes, often with poison, pesticides, herbicides, and the screaming, earsplitting noises from many sources, the smoke and gas in the air. All add up to what may well be termed a ghastly situation, horrible to view and experience, dangerous to human and animal life and all living things, unsightly, stench ridden, and disgraceful.

The cars and aircraft we ride on are permeated with pollution, noxious gases, odors, disease-bearing molecules, atoms, and substances.

So many polluted materials are spreading on the waters, over the ground, in the air of our civilized world that as yet we can hardly identify and classify all of them, even though we know that many of them are filthy, odoriferous, and loaded with disease.

We ask ourselves: How can human life and animal life possibly continue to exist tolerably in such environments?

Is it any wonder that people everywhere are rising up in a loud cry of demand for the alleviation of such baneful conditions which are threatening humankind, animal life, and the order, scenic beauty and esthetic outlines of the places of our habitat, our waters, our green areas and the air we breathe?

Under these circumstances, it is surprising that we are not moving faster than we are to combat and eliminate these frightful conditions.

Congress has taken strong action. We have authorized antipollution measures, provided the funds to implement them, and the organization to plan and carry out counter measures against pollution of every kind.

But what good does it do for the Congress to take such action, and then see the moneys we have appropriated, not in all instances as generous as they should be, but nevertheless very substantial, cut back by massive meatax slashes by the executive department, and watch all the planning efforts that have been started bogging down in delay, talk, dialog, confrontations, and vocal multiplicity of local, State, county, regional, and National agencies talking, debating and haggling, while, in effect, to put it figuratively, "Rome is burning"?

To be sure, we need more money in this fight against pollution, but first we need some additional strong, vigorous leadership at the top in the Federal Government that will cleave through the mass of uncoordinated agencies and efforts, some of them working at cross purposes, that characterize antipollution programs, and focus administrative attention upon coordinating all these efforts under one central leadership, and moving all necessary programs, whatever and wherever they are, to start a vigorous attack, and take broad, effective, remedial action to banish pollution of all kinds from our Nation.

I think this kind of effort and organization can no longer be delayed. In fact, further delay in these matters is intolerable. The country is screeching for action, and the Congress, and especially the executive department, must move to give action to the people, and boldly strike out to track down and eliminate every source and type of pollution currently contributing to turn our beautiful country into pools, puddles, and masses of obnoxious wastelands, where no civilized people could hardly hope to survive.

I urge that the administration speed up its administrative forces engaged in combating pollution, so as to organize into a coherent, coordinated, central agency, embracing regional, State, local, and Federal bodies that can combat the evils of pollution throughout the country. This effort should involve all kinds of pollution in our waters, on our streets and local communities, in the air—everywhere corrective or preventive measures may be needed.

Every day that we allow to pass without moving against these evils will be threatening human life, increasing the dangers of spread of disease in our country. It will also be causing widespread deterioration, spoilage and rot in many parts of the country, our local communities, and the environments in which people live and work.

Not only must the Government at every level be mobilized for this battle, but the entire country must be organized, and goaded into action to stand behind and support the massive efforts that will be necessary to attack and, hopefully, to banish these evils, and purge and cleanse our Nation from the widespread environmental filth that threatens us so gravely.

Let us insist upon total coordination of our national efforts against pollution, and let us make sure that the Congress provides all necessary funds to do the job. There is no time to lose.

## TROUBLES GETTING TO SEE THE PRESIDENT

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. ALEXANDER.** Mr. Speaker, I noticed in the morning newspapers that my good friend and colleague, Congressman BILL CLAY, has been having his troubles getting to see the President. It appears that his prophecy of 16 months ago is coming true.

It was on January 17, 1969, that Congressman CLAY and I, along with the other freshmen Democratic Members of the 91st Congress, were invited to the White House for a chat with former President Johnson. We were just preparing to walk in the door of the White House when Congressman CLAY stopped us.

He looked around for a few minutes, studying that famous House and getting a good look at the door through which famous persons have passed for years. He then made a statement that I have not forgotten and which, apparently, is coming true. He said:

> I just want to get a good look at this place now because this is the last time I will be walking through this door for four years.

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## TAKE PRIDE IN AMERICA

The SPEAKER. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world's largest producer of pork. In 1966 the United States produced 5,138,000 metric tons of fresh pork. The Soviet Union, the second-ranked nation, produced 1,992,000 metric tons.

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## AMERICA SHOULD NOT SURRENDER CROWN OF ST. STEPHEN

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 5 minutes.

Mr. HOGAN. Mr. Speaker, I rise to call attention to a letter which I have today sent to the President:

MAY 19, 1970.

The PRESIDENT,
*The White House,*
*Washintgon, D.C.*

DEAR MR. PRESIDENT: Recent news reports indicate that the diplomatic and commercial relations between the United States and Hungary are improving and it has come to my attention that the Holy Crown of St. Stephen, Hungary's national treasure and main symbol of constitutional government, may be surrendered by the United States in future negotiations. Allow me to impress upon you, Mr. President, that this should not be a negotiable item.

The Crown of St. Stephen is the symbolic source of all Hungarian laws and powers. It has become the symbol of Hungarian sovereignty, achieving particular significance since 1945 when the Crown was entrusted to the United States for safekeeping until Hungary would once again function as a constitutional government established by the Hungarian people through free choice.

Despite the current improvement in our relations with the leaders of the Hungarian government, the United States cannot violate her trust by surrendering this state symbol to the totalitarian regime of a Soviet satellite. The unresolved dispute over United States claims on American properties confiscated or nationalized by Hungary after World War II gives us ample legal justification for holding this Crown as security against those unpaid claims. I urge that we maintain a firm stance on this matter.

The hopes of the oppressed people of Hungary for a future of freedom and liberty and the hopes of their brothers and sisters, the American-Hungarians in this country, will be dashed forever if the United States breaks its sacred trust and relinquishes the Crown.

Sincerely,

LAWRENCE J. HOGAN,
*Member of Congress.*

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## BUDGET DEFICITS DUE TO ADMINISTRATION'S FAILING ECONOMIC POLICIES

The SPEAKER. Under a previous order of the House, the gentleman from Oklahoma (Mr. ALBERT) is recognized for 10 minutes.

Mr. ALBERT. Mr. Speaker, the President's statement today on the budget verifies in a most distressing manner recent statements concerning the deteriorating state of the Nation's economy. Many in Congress have been pleading with the President to utilize the tools which Congress has provided to help bring down the excessive interest rates fostered by the economic policies of this administration; our pleas have been ignored.

The budget deficits both for 1970 and 1971 can be laid directly at the door of the White House where policies were formulated which brought on the excessive high interest, recession, and unemployment which are creating the deficits.

The shortfall of $3 billion in tax revenues over earlier estimates for fiscal year 1970 is due to declining business brought on by the recession and inflation. Unprofitable businesses and men out of work do not pay taxes. For fiscal year 1971, the President's own report shows that there is an additional $1 billion estimated tax revenue shortfall, an additional $1 billion in interest costs due to the excessive interest rates, and another one-half billion more expected to be paid in unemployment insurance. All three factors—decreased tax revenue, more interest on the money borrowed by the Government and increased unemployment are directly attributable to the failing economic policies of this administration.

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## LEGISLATION REGULATING NATIONAL GUARD USE OF LIVE AMMUNITION ON COLLEGE CAMPUSES

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced on behalf of myself and six other Members of the House of Representatives H.R. 17698, legislation prohibiting the use of live ammunition by National Guardsmen on college campuses unless a situation imperiling life exists.

U.S. Army guidelines and almost every respected military authority warns against confronting students with loaded weapons. Yet with the increased use of Guardsmen on college campuses has come an increased disregard for life. The result can only be more Kent and Jackson States, where the innocent onlooker is the victim.

We introduced this legislation because we see no excuse for National Guardsmen carrying live ammunition when so many nonlethal methods of controlling potential riot situations exist.

The bill prohibits the carrying of weapons with live ammunition by Guardsmen on college campuses except where a situation imperiling life exists, and a specific order to carry ammunition has been issued. In addition it prohibits the sending of any Guardsmen to a college campus who did not have a minimum level of riot control and live ammunition training. States failing to meet these procedures would lose Federal grant assistance to their Guard units.

Increased riot control training makes the Guardsman more sure of himself and less likely to react violently to unexpected or fatiguing situations. Neither of the guard units at Kent State University received anywhere near the average amount of such training of units throughout the country. One received only the minimum level recommended by the U.S. Army. The other did not even receive that much. Units elsewhere have three or four times the recommended minimum.

The recent National Guard performance on many college campuses appears symptomatic of the slipshod character of training in some States. When a Guardsman takes a test in some units, he is asked if he has studied for it. If he replies in the affirmative, he is passed. I believe supervisory officers should administer critical National Guard tests to eliminate such situations. A full scale investigation of the Guard's procedures should also be undertaken immediately leading toward a total overhauling of it.

Joining me in sponsoring this bipartisan legislation are Congressmen DANIEL E. BUTTON, Republican, of New York; JAMES G. FULTON, Republican, of Pennsylvania; SEYMOUR HALPERN, Republican, of New York; ROBERT E. LEGGETT; Democrat, of California; SPARK M. MATSUNAGA, Democrat, of Hawaii; and OGDEN R. REID, Republican, of New York.

I insert at this point in the RECORD the text of the bill:

H.R. 17698

A bill to amend title 32 of the United States Code to prescribe standards for training and control of National Guard units assigned to duty in connection with civil disturbances occurring on or adjacent to institutions of higher learning, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) chapter 5 of title 32, United States Code, is amended by adding at the end thereof the following new section:

"§ 508. Training and use of the National Guard for certain civil disturbances.

"(a) No enlisted member or officer of the National Guard may be assigned to duty in connection with any civil disturbance occurring within or adjacent to the boundaries of any public or private university, college, junior college, or other institution of higher education unless such enlisted member or officer has had at least 100 hours of training in the use of firearms and at least 56 hours of training in riot control.

"(b) No enlisted member or officer of the National Guard who is assigned to duty in connection with any civil disturbance described in subsection (a) of this section and who is armed with a firearm may load such firearm with live ammunition in connection with such duty until ordered to do so by the commanding officer and no such order may be given by the commanding officer unless the disturbance is of such severity that the lives of the members and officers are in imminent peril.

"(c) Notwithstanding section 108 of this title, if the Secretary of the Army finds that any violation of subsection (a) or (b) of this section has occurred, the National Guard of the State concerned is barred from receiving money or any other aid, benefit, or privilege authorized by law until such time as the Secretary determines that all units of the National Guard of such State have taken such actions as the Secretary deems appropriate and necessary to insure that such violations do not again occur."

(b) the analysis of such chapter 5 is amended by adding at the end thereof the following:

"508. Training and use of the National Guard for certain civil disturbances."

## ANTHONY LEWIS AND THE WASHINGTON STAR COMMENT ON THE SST

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. Reuss) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, the New York Times columnist, Anthony Lewis, commented yesterday on the SST, calling it "utterly uneconomic" and "a civilian version of our society's tendency toward vainglory and official self-deception." That sums it up rather well.

In addition, the Washington Star noted yesterday in an editorial that there is already a $76 million cost overrun on the SST and suggested that "before the first SST shatters its first silence the civilian planners may yet be contending for top honors in underestimation with the Pentagon."

I include both these comments in the Record at this point:

[From the New York Times, May 18, 1970]

### Vainglory on the Civilian Side

(By Anthony Lewis)

London.—The cause of the environment, for all its deep significance, has seemed something of a distraction in recent months. The moral disquiet of Americans about the Vietnam war was channeled into environmental protest—too often into rather empty, abstract gestures instead of the specific, difficult, controversial programs really required to reduce the destruction of our surroundings.

Any thought that vague environmental cheerleading could be a substitute for political action and protest against the war has been dispelled by Cambodia. It is hard for even the person most worried about clean air or water to keep his mind on that subject while Americans are widening the war in Southeast Asia and shooting each other at home.

But there is one issue related to the environment that now requires urgent public attention—the development of supersonic transport planes.

All along, the arguments for supersonic transports have been of a mystical kind—the urge to the ultimate, the irrepressible human desire for bigger and faster machines, the challenge of design.

Those are understandable motivations. When the first Concorde lifted its odd-shaped beak off the runway, there were doubtless feelings of pride among Englishmen and Frenchmen apart from the engineers and politicians who feel their prestige so directly engaged.

#### LIKE CLIPPER SHIPS

But the Concorde and the projected SST are a little like the American clipper ships of fond memory: beautiful in their way, adventurous—and utterly uneconomic. Most people forget that those lovely sailing ships were never competitive with tubbier competitors. And the clippers were a burden only on venture capital, not on the public purse, public health and public tranquility.

Professor R. E. Newell of the Massachusetts Institute of Technology estimates that 400 supersonic transport planes—a moderate projection of the sales targets of the Concorde and SST—would inject about 150,000 tons of water vapor into the stratosphere every day. That, he says, would increase the natural intake of water by a third.

The result could be to increase cloud cover, reflect more of the sun's heat away and reduce the earth's temperature. Members of President Nixon's Council on Environmental Quality have said that there might be "serious consequences on climate."

Then there is noise. So far attention has been focused on the sonic boom. Prince Charles reflected the concern of many Britons when he remarked the other day that the Concorde's worth would be questionable if it damaged ancient churches, as some fear it will on the forthcoming first supersonic flights over Scotland and England.

But engine noise may be a more painful and destructive fact of supersonic life than the boom. The chairman of the President's Council, Russell E. Train, has just testified that the planned SST would be "three to four times louder" than the present legal limits on aircraft engine noise. The Economist, the British weekly, speaks of "the noise of fifty jumbo jets at take-off."

#### MARGINAL BENEFITS

For a society willingly to undergo pain of that kind, one would assume that it expected in return an enormous increase in efficiency and convenience of air transportation. But in fact the supersonic planes, by the most optimistic accounts of their boosters, would provide only marginal benefits if any.

The actual cabins would be less spacious and comfortable. Assuming that SST's would be bearable at present urban airports and that ground time would not increase—doubtful assumptions—the trans-Atlantic traveler might save two hours. To do so he would have to pay a premium fare. Even then, the aircraft would probably not be economic to operate; airline executives are saying that they would have to be subsidized from other operations.

All airline passengers, then, would be paying for the doubtful time-saving of a handful of travelers in SST's. So would the public, of course; billions of dollars in development costs are being paid by the British, French and American Governments.

#### BALANCE OF PAYMENTS

In the light of this grotesque imbalance of costs and benefits, why should governments press on with the adventure? The latest American answer is that otherwise airlines might buy supersonic planes elsewhere and injure the balance of payments. And the Nixon Administration put that argument forward, The Economist says, "largely because it could find no other sensible reason."

In short, the SST is a civilian version of our society's tendency toward vainglory and official self-deception. And here, as on the military side, it will take an aroused public to end the illusion and the waste.

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[From the Washington (D.C.) Evening Star, May 18, 1970]

### Off We Go

The supersonic transport has already gone off into the wild red yonder with the first announcement of a cost overrun since the United States joined the international race for a bigger and better sonic boom.

As such things go these days, the amount involved is no great shakes—a mere $76 million. But it's still early in the game, and before the first SST shatters its first silence the civilian planners may yet be contending for top honors in underestimation with the Pentagon.

It must be considered that military equipment, such as the much maligned C5A transport, may be a very handy thing to have around. It may even, someday, prove to be worth what we paid for it.

The billion dollar SST program, on the other hand, was conceived not because of a pressing need for jet passengers to roar along at mach 2.7, but because of a belief that America will lose face—and part of aircraft market—if we stay too long out of the supersonic race. The Russians and the British-French combine have beaten us, of course. But just the knowledge that Uncle Sam is in the race, we are told, will preserve a part of our prestige. And the fact that when we do arrive we will be the fastest, the roomiest, and noisiest of all will, presumably, restore our image and our international balance of payments. Lots of luck.

It might have been pleasant, just for once, to let someone else make the costly mistakes so that the United States might profit by them instead of paying for them. But that, it seems, is too much to hope for. All that's left now is to watch the cost overruns rise like a one-way tide, and to hope for the best.

## THE NEED FOR LAW AND ORDER AMONG THE BIG BANKS

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, for many years I have been deeply concerned by the lawlessness that exists in the big banking community.

This disregard for law and order has been aided and abetted by the policeman on the corner—the bank regulatory agencies. My statements concerning this continued disregard for the law, have, in large part, fallen on deaf ears, both in the press and official Washington.

Last week, a courageous public official—J. L. Robertson, Vice Chairman of the Federal Reserve Board of Governors—stepped forth and told it like it is in the world of the big banking community. He pointed to numerous instances of the big banks' efforts to circumvent the law for their own particular desires and needs. He pointed out that the banks were in a poor position to talk about law and order in the society as a whole while they consistently made end runs around the law and banking regulations.

Even more startling—and this fact was missed in many reports of Governor Robertson's speech—is the fact that the bank supervisory agencies have, in many cases, actually been partners in the banks' end runs around the law. Comptroller of the Currency James J. Saxon used his office to issue administrative fiats designed to destroy the intent of banking laws passed by the Congress and gave the banks a free run throughout the economy. His successor, William Camp, has followed faithfully in his footsteps.

Governor Robertson points out that the bank regulatory agencies have declined to follow up Supreme Court decisions and thus have allowed the banks to continue unlawful activities. I quote this significant paragraph from Governor Robertson's speech:

> Sticking as closely to my own field of endeavor as possible, let me say that I have seen no great rush by the federal bank regulatory agencies to comply with the law of the land, as expressed by the Supreme Court, in the first decision written by Warren Burger as Chief Justice, over five months ago. (*First National Bank in Plant City, Florida vs. Fred O. Dickenson et al.*, 396 U.S. 122). The actual decision in that case calls for reversals of administrative rulings with respect to whether depositories and pick-up services are branches, and its reasoning calls for a change in the rulings concerning loan production offices.

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In addition, Governor Robertson calls attention to the big banks' efforts to circumvent the Federal Reserve's program to control inflation. Governor Robertson says:

> One of the reasons we have had so much trouble bringing inflation under control during the past year and a half is because we have not had the willing cooperation of much of the banking system.

Governor Robertson, of course, referred to the importation of billions of "Euro-dollars" at a time when the Federal Reserve was tightening the money supply. He also refers to the banks' use of commercial paper as another end run device around the Federal Reserve's inflationary program.

Mr. Speaker, I hope that the Members of Congress and the public will remember Governor Robertson's speech the next time they see an ad by one of the big banks proclaiming their great desire to control inflation. Governor Robertson is one of the most knowledgable men on banking in the entire United States and he says that it is the banking community itself that has blocked the efforts to bring it under control.

Mr. Speaker, Governor Robertson's criticism of the banks' lawlessness is summed up in this paragraph:

> Cutting corners may not be a violation of law, but is it ethical to seek out ways of legally evading laws and regulations adopted to promote the public interest? To be sure, there are those who say that it is up to the authorities to devise perfect laws and regulations that will have the effect of making everything that is undesirable also illegal. But there is a higher standard. A man of character does not require laws that constrain him to do what is ethical or is in the best interests of the community. We rightly look down on those shady types who make their way in the world by skirting along the fringes of the law, observing the letter but ignoring the spirit. The best society is one in which men do what is right because they believe that it is right, not because a policeman is standing over them watching their every move.

Mr. Speaker, I place in the Record a copy of Governor Robertson's speech to the Board of Directors of the Federal Reserve Bank of San Francisco, given at Phoenix, Ariz., and articles from the Washington Post and the American Banker concerning the speech:

### The Task Ahead

(Remarks of J. L. Robertson, Vice Chairman of the Board of Governors of the Federal Reserve System, before the Boards of Directors of the Federal Reserve Bank of San Francisco and its Los Angeles branch and area bankers and businessmen, Phoenix, Ariz., May 14, 1970)

It is a great pleasure to be out here in sunny Phoenix. However, there is one difficulty that I encounter when I get out of Washington. I find that people are constantly asking me what is going to happen to the economy, apparently assuming that I know the answer. I do not consider myself to be a prophet, and I am not an expert at economic forecasting. The economists are becoming more and more adept at making projections, but I find that sometimes even they get so wrapped up in trends that they make mistakes similar to the one made by an old friend from my home town, Broken Bow, Nebraska.

She was taking her first airplane ride to Europe. Soon after leaving New York, the pilot announced to the passengers that the number one engine had failed. "There is nothing to worry about," he said, "but we will be about an hour late getting into London." An hour later he came on the intercom again to announce that the number two engine had failed. "Don't be concerned," he said. "We have plenty of power in the remaining two engines, but we will now be two hours late into London." Shortly after, he came on again. "Ladies and gentlemen," he said, "I regret to announce that the numbr three engine has just failed. Please don't be concerned, but we will be delayed an additional hour in getting to London."

My friend turned to the man sitting next to her and said, "Sakes alive! I certainly hope that fourth engine doesn't fail or we will be up here all day."

Obviously it is not always safe to project a trend, and it is difficult to call a change in a trend in advance. I do not intend to project any economic trends today. However, I would like to say a few words about a different kind of trend that should be of concern to all of us. I refer to the trend away from strict adherence to the law. This is not as easily measured as economic data, but it can be observed. And I think that we can forecast with some assurance what its consequences will be if we do not reverse it.

One of the remarkable achievements of any civilization, including our own, is the establishment of the rule of law. This involves securing the consent of something like 99 percent of the population that they will abide by certain rules. I do not know exactly what the percentage is, but it has to be pretty close to unanimous consent for the system to work. If any substantial percentage of the population refuses to observe the agreed rules—the law—then the whole system breaks down. We do not have enough policemen and prisons to make the system work if a substantial portion of the population is determined to ignore or defy the law. This was what the British discovered in India when Mahatma Gandhi and his followers resorted to massive civil disobedience.

This is what we recently discovered in our own country when many of our postal employees flouted the law and went on strike. The postal strike was soon followed by another illegal strike, that of the air controllers. These strikes, because of the number of people involved and the number affected, dealt a serious blow to the notion that the law must be obeyed.

However, viewed in prospective, they are only the latest events in a trend of permissiveness and law-flouting that goes back several years. Those who have engaged in illegal strikes have justified and rationalized their actions by pointing to the others who have advanced their own interests by defying the law. Every act of defiance, every violation of law that goes unpunished serves to weaken one of the bedrock principles upon which our society is based—that the law must be obeyed. This produces a cumulative effect, which will in the end profoundly weaken and perhaps destroy the rule of law.

This should be of profound interest to all of us. No group, least of all those in the banking business, can sit back and view these trends with equanimity. I am sure that all of you are well aware of what happened to the Bank of America branch at Isla Vitsa, California. All of you have probably seen the statement attributed to one of the country's leading opponents of the rule of law, Rennie Davis, in which he said that the 1970's would be the years in which to burn the banks.

If we are to reverse this disastrous trend, we must individually raise our voices to demand that the laws of this country be respected and be enforced. They will not be respected if they are not enforced, and they cannot be properly enforced if they are not respected by the overwhelming majority of the people. All of us, government officials, bankers, businessmen, labor leaders, and, in fact, all concerned citizens, must be scrupulously correct in observance of the law. We are going to be in a weak position to criticize others if we ourselves are guilty of stretching the law as if it were a rubber band, or of cutting legal corners.

Cutting corners may not be a violation of law, but is it ethical to seek out ways of legally evading laws and regulations adopted to promote the public interest? To be sure, there are those who say that it is up to the authorities to devise perfect laws and regulations that will have the effect of making everything that is undesirable also illegal. But there is a higher standard. A man of character does not require laws that constrain him to do what is ethical or is in the best interests of the community. We rightly look down on those shady types who make their way in the world by skirting along the fringes of the law, observing the letter but ignoring the spirit. The best society is one in which men do what is right because they believe that it is right, not because a policeman is standing over them watching their every move.

I cannot condemn too strongly those who burn banks or college buildings or who advocate illegal violence for any end. But I also shudder at the damage that is being done by those who ignore court rulings, or who interpret the law to suit their own notions of what it ought to say. One could cite examples from almost any walk of life today, but if I looked too far afield I might be charged justly with hypocrisy. So let me use tendencies observable in my own field—banking. But let it be clear that in so doing, there is no intent to leave the implication that banks and bank regulators are the only ones touched by the malady to which I am pointing a finger.

Sticking as closely to my own field of endeavor as possible, let me say that I have seen no great rush by the federal bank regulatory agencies to comply with the law of the land, as expressed by the Supreme Court, in the first decision written by Warren Burger as Chief Justice, over five months ago. (*First National Bank in Plant City, Florida vs. Fred O. Dickenson et al*, 396 U.S. 122) The actual decision in that case calls for reversals of administrative rulings with respect to whether depositories and pick-up services are branches, and its reasoning calls for a change in the rulings concerning loan production offices.

In the field of commercial banking one need look no further than the devices used by some bankers, in the last year or so, to enable their institutions to avoid the impact of the Federal Reserve's restrictive anti-inflationary monetary policies.

I do not think the banks want to have the Federal Reserve act as an omnipresent policeman, directing every move they make. The Federal Reserve, as a regulatory agency, strives to lay down guidelines for the banks that are generally recognized to be in the public interest. The System has been deliberately structured to insure that its decisions are made after taking into account a wide diversity of views. This is because we know that we must have the willing cooperation of the banks we regulate.

When that cooperation is not forthcoming, our system is in trouble. [One of the reasons we have had so much trouble bringing inflation under control during the past year and a half is because we have not had the willing cooperation of much of the banking system.] We sought to curb the volume of money and credit chasing after goods and services, driving prices upward at an excessive rate. Our efforts to reduce inflationary pressures by the imposition of monetary restraint were frustrated and delayed by the ingenuity of the banking system in finding ways to get around the restraints of

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monetary policy and regulation. A large part of this ingenuity was exercised to raise funds with which to honor unwise "commitments to lend", which had been designed to enable big customers to avoid the impact of "tight money" and force others (like small business, housing, state and local governments, etc.) to take the brunt of it.

As you know, the Federal Reserve has endeavored for a year and a half to combat inflation by tightening the availability and cost of money and credit. Ever since December 1968, we have directed our open market operations to achieve this goal. In April 1969 we increased reserve requirements and boosted the discount rate. Throughout 1969 we maintained the existing ceilings on interest rates under Regulation Q (although we did adjust them upwards early in 1970). By those actions we hoped to achieve a substantial moderation in the expansion of business loans, with some slowdown in the growth of consumer credit as well. If this objective had been achieved and demand curtailed, much of the steam would have been taken out of the inflationary forces early in the struggle.

While some of the expected cutbacks in lending took place, the objective was not achieved because of the use by many banks of various devices to acquire additional loanable funds, free from the restraints imposed by reserve requirements and interest ceilings.

Initially these activities were helpful to the banks in cushioning their adjustments to deposit losses, caused by market interest rates rising well above the ceiling rates that they were permitted to pay on deposits. But as time went on and banks continued to increase their use of these other sources of funds, the devices became escape hatches rather than safety valves. They became massive leaks in our system of monetary restraint.

One result was that commercial bank lending was not effectively curbed in 1969. Business loans expanded at about the same rapid pace as in the latter part of 1968. If we adjust the statistics to take account of sales of business loans under repurchase agreements, the rate of increase of business loans made by weekly reporting banks actually rose in 1969. Monetary policy succeeded only in curbing business lending by the smaller banks. The big banks found ways to step up their lending while the Federal Reserve was trying to get them to exercise restraint.

We tried to plug up some of the loopholes. One big one was the banks' use of Eurodollars. The big banks doubled their Eurodollar liabilities in the first seven months of 1969. This led us to impose a reserve requirement of funds acquired through overseas branches, effective last October. This has helped discourage increased use of this source of funds.

Some banks also made heavy use of commercial paper, mainly that of their newly created one-bank holding companies, to obtain so-called nondeposit funds with which to make more loans. We have had under consideration for some time measures designed to plug this loophole, but they have not yet been applied. The loophole still exists, and commercial paper liabilities of the banks rose nearly 50 per cent in the first quarter of 1970.

There are those who have described the success the banks have had in finding ways to avoid the impact of tighter monetary policies as imaginative and healthy. They have certainly been imaginative. But I question whether they have been healthy.

It is true that these actions were not strictly illegal or contrary to existing regulations, but only because when the regulations were drafted, both the regulators and the banks *knew* that deposits were deposits, and no one thought they could become nondeposits when called by another name. However, the frantic search for ways to increase lending activity at a time when the whole nation, including the entire banking fraternity, was alarmed at the inflationary pressures that were so apparent, did not reflect a high degree of intellectual consistency.

Is it really necessary and desirable that the Federal Reserve find itself in what one official has described as the "undignified position of chasing after commerical banks to plug up loopholes or throttle overworked safety valves?" I guess I am only saying what was said better by the president of the New York State Bankers Association, Mr. Patrick J. Clifford, about a year ago. He said: "Banks have a moral obligation to live up to the intent—even more than the letter—of the regulations designed to reduce inflationary pressures."

It is most unfortunate, for many reasons, that the drive to bring inflation under control has been so long delayed. Aside from the disastrous effects on those people least able to protect themselves, this lack of effective action contributes to the erosion of faith in government and respect for law. Those who are hard hit by inflationary price rises have a legitimate grievance against those of us who have, by our actions or inactions, let inflation get so far ahead of us.

I am convinced that we are now on the right track and that inflation will be curbed without a depression—despite the many doubters still in our midst. However, it is incumbent upon us to examine the experience of the last few years with great care, to determine what our mistakes have been and how they can be avoided in the future. We simply have to find better and quicker ways of achieving our objectives—full utilization of our human and material resources, with a reasonable degree of price stability.

Our dilemma is well known. We know that inflation can be checked if we put the brakes on economic expansion hard enough. This has been done in the past and it has been successful in bringing inflation under control, though admittedly at the cost of keeping the economy operating below capacity for too long. We have been searching for a better way of reconciling the conflicting demands of price stability and the maintenance of a high rate of utilization of our productive resources. Some despair of achieving this goal, but I do not. I think it is possible, but only if we can reach broader agreement on the rules of the game. All concerned, management and labor, bankers and business, consumers and government, must understand the agreed rules and then follow them—not try to find ways to evade them.

The government's responsibility is especially heavy, for others will not be inclined to collaborate willingly in a battle against inflation if they do not see government doing its part. Government must provide the leadership, and it must lead by itself adopting and adhering to proper policies. The people must be convinced that the government is serious when it says that it intends to bring inflation to an end. In short, we must have a credible anti-inflationary program and the willingness to bear whatever pain may be involved in making it effective. We cannot again permit the development of a credibility gap which leads businessmen to believe that government will not follow through on its program when the going gets rough.

Now we have in place a program that can do the job. It is causing some pain, evidenced by a profit squeeze, higher unemployment, lower stock prices, etc.; all of which I regret. However, the pain of the hangover is the fault of the binge, not the fault of the black coffee and tomato juice. If we wanted to avoid the pain, we could simply prolong the binge, but the results would in the end be something worse than a hangover.

Superficially, it would seem that quicker results could be obtained by adopting controls over wages and prices, but the consequences of that make me shudder. It would take an army of policemen to enforce the rules, and we would truly lose a large part of our precious freedom. Those who had increased their wages and prices through the exercise of their economic muscle would be frozen into position and the more public-spirited members of society would be precluded from catching up.

We are right to press forward with an impersonal stabilization program, based on sound monetary and fiscal policies. But we must do our utmost (much more than we have done thus far) to bring about a broad understanding of the fact that this program will succeed, that evasive tactics are not praiseworthy, and that inflation will be halted. *When,* of course, depends upon how long it takes for businessmen, labor leaders, bankers, and others who make the decisions that are pushing wages and prices up, to understand that they, too, have an obligation to society to take a broad view of their own interests and the public's interest.

As I said before, we must have agreement that everyone will not only play by the rules, but will cooperate in achieving our common objective. This is easily said, but I have no illusions that it will be easy to achieve. We have had some experience with labor-management councils, and we have tried to obtain voluntary compliance with economic guideposts. These methods had some success for a time, but they could not withstand the pressure created by the failure of government itself to abide by the rules. Too much inflationary pressure from the budget washed out the guideposts and created tremendous problems for monetary policy. Fine tuning will help an automobile that is fundamentally sound run better; but a tune-up will not help if the transmission is bad.

I think that a large part of our problem has been in the transmission—the transmission of the basic ideas that must be understood if everyone involved in this joint effort is going to pull together and move in the same direction.

Ultimately, it is ideas that move the world. The political leaders, the consumers, the bankers, the businessmen and the labor leaders will cooperate only if they all share a common goal and agree on the best way to achieve it. This is not something that we can hope to accomplish overnight. It takes time for ideas to penetrate and produce results. John Maynard Keynes pointed this out when he wrote: "But soon or late, it is ideas, not vested interests, which are dangerous for good or evil."

This being the case, we might reasonably conclude that our frustrations in dealing with inflation in recent years have been caused in large part by the ideas about inflation and economic policy that were popularized in past decades. If we want to ameliorate these problems in the future, we should give the highest priority now to the dissemination of the ideas that will help us combat inflation.

Put more specifically, people must understand that maintenance of the integrity of the dollar is of foremost importance. Without it we are in for trouble—trouble from which even our bright younger generation will not be able to extricate us. Consequently, one of the most important services we can perform now is to educate the public about the evils of inflation and the measures necessary to prevent it.

What do we tell them?

First, we must make it clear that our governmental and economic institutions exist to benefit the people, balancing as equitably as possible the diverse demands that must be satisfied in our pluralistic society. This is fundamental, because if a substantial number of people are hostile to our institutions, it will be difficult to get them to play the game by the rules, whether the game is combatting inflation or something else.

Second, I think we can agree that while our system is predicated upon individualism, we should teach people to take a broad view of self-interest. Maximization of profit or

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maximization of wage increases may be self-defeating if the result is to add to inflation and create losses in real income for important segments of the population. People must understand that the proper functioning of the system is in their own best interests. They should be guided not only by immediate personal opportunities for gain, but by a broader understanding of what helps our economic system to function properly.

Third, we must teach in every possible way the elementary principles of economics that explain what inflation is, what its effects are, and how it can be avoided. It is not enough these days that this information be confined to the experts. Our policies are being influenced by popular opinion, which is only proper. But where popular opinion is swayed by information that is false, and theories that bear no relationship to reality, countries are in trouble. It is inevitable in such circumstances that economic messes are created, and such messes either have to be lived with or cleaned up by rulers who override public opinion. We do not want either result in our country.

I suggest, therefore, that we have an obligation not only to carry out forcefully, with no backsliding, the policies that are indicated at this juncture. We have an equal obligation to use our resources of talent to educate ourselves and the public concerning the facts about inflation, its causes, its effects, its dangers to people and to the nation, and how we must manage economic policy to keep our economy on an even keel. Our nation cannot escape from the consequences of failing to abide by the laws of economics, any more than it can escape from the consequences of a breakdown in respect for its legal laws. I have always been an optimist, and I still am. But I realize that today we have our work cut out for us if we are to halt and reverse the trends that spell grave trouble for our country. We must individually and collectively dedicate ourselves to the task of teaching by both example and precept that our nation can continue to be great only if its leaders and its people understand and observe both its legal laws and the laws of economics.

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[From the Washington (D.C.) Post, May 15, 1970]

### ROBERTSON CHASTIZES BIG BANKS

The nation's big banks are on weak ground deploring the current trend toward disregard for the law after their own frantic scramble to find ways to evade the effects of recent tight money policies, a governor of the Federal Reserve Board suggested yesterday.

Fed governor J. L. Robertson identified one reason for continued inflation in the U.S. as the absence of "the willing cooperation of much of the banking system."

While the Federal Reserve tried for a year and a half to fight inflation by tightening the availability and cost of money and credit, the banks searched for new ways to acquire loanable funds, Robertson continued.

Later, the agency "tried to plug up some of the loopholes" by curbing use of Eurodollars and considering regulation of commercial paper, he noted.

The result was that small banks curbed business lending while big banks found ways to step up theirs, he said.

Robertson conceded that the banks' actions were not strictly illegal or contrary to existing regulations, but he made clear his view that they violated the spirit of announced anti-inflation policy.

Pointing a finger closer to home, he noted there had been no rush by bank regulators to comply with a recent Supreme Court decision on bank branching.

"I cannot condemn too strongly those who burn banks or college buildings . . . But I also shudder at the damage that is being done by those who ignore court rulings, or who interpret the law to suit their own notions of what it ought to say," Robertson said.

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[From the American Banker, May 15, 1970]

### ROBERTSON CHARGES BANKS INTERPRET LAW FOR OWN PURPOSES

(By Robert Dowling)

WASHINGTON.—Bankers "are going to be in a weak position to criticize others" who burn their branches or disrupt mail service if they too are "guilty of stretching law as if it were a rubber band," J. L. Robertson, vice chairman of the Federal Reserve Board warned Thursday.

In an unusually sharp and frank speech to directors of the San Francisco Federal Reserve Bank and guests at a meeting in Phoenix, the Fed governor said last year's performance by banks in evading the intent of monetary restraints is a prominent example of "those who interpret the law to suit their own notions of what it ought to say."

Specifically, he told the group that the rush by many banks last year to the Eurodollar and commercial paper markets in an attempt to frustrate the Fed's policy of monetary restraint and more recently the slow response of Federal bank regulatory agencies to write new rulings on branches and loan production offices as a result of the Plant City case, are examples of the "malady."

"To be sure, there are those who say that it is up to the authorities to devise perfect laws and regulations that will have the effect of making everything that is undesirable also illegal," he noted.

"But there is also a higher standard. A man of character does not require laws that constrain him to do what is ethical or what is in the best interests of the community.

"We rightly look down on those shady types who make their way in the world by skirting along the fringes of the law, observing the letter but ignoring the spirit." Yet, he concluded, "the best society is one in which men do what is right because they believe that it is right, and not because a policeman is standing over them watching every move."

In at least two major areas, last year, he noted, banks were guilty of frustrating the Fed's objectives by ignoring what they called the "spirit of the law."

The first, which ran uncontrolled during the first seven months of 1969, was the push by "big banks" into the Eurodollar market, which culminated with the Fed applying reserve requirements to Eurodollar holdings in July 1969.

The second, still uncontrolled, has been the industry's greatly increased use of commercial paper as a source for loanable funds. Noting that the "loophole still exists," the Fed member said it accounted for a 50% rise in commercial paper liabilities during the first quarter of this year.

Initially, he noted, the loopholes were viewed as "safety valves," helpful to banks in cushioning their adjustments to deposit losses." But as time went on, he noted, their continued use for securing loanable funds made them like "escape hatches," operating as "massive leaks in our system of monetary restraint."

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## LEADERS HAVE DUTY TO SPEAK OUT AGAINST VIOLENCE

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, some Democrats have the happy facility of demanding from Republicans responsibilities they are not willing to accept for themselves.

In recent days we have heard cries about toning down the attack on those who burn books and schools, those who riot, and those who advocate violence.

Those attacks, we are told, are responsible for additional violence and for polarizing segments of our population.

Yet, Mr. Speaker, I heard on Saturday, May 9th, the foul-mouthed chants against the President, the inflamed and inflaming rhetoric against the President, and I have heard not one protest from those same Democrats, some of whom were out there participating in the demonstration.

Sometimes it appears that those who warn us of further violence if we speak out against those who create it are, in fact, helping to incite that violence by condoning it and expecting it.

Two weeks ago Hubert Humphrey said:

> We now face the unhappy prospect of increased tension, protest and, I'm afraid, even violence here at home.

You will notice Hubert did not decry violence, did not urge that it not take place, he just expected it. Fortunately, he did not get as much as he expected, but that was certainly not because of any words or deeds on his part.

Mr. Speaker, those who seek to be leaders of our Nation, it seems to me, have a duty to speak out against violence, against incitement to violence, and against wrongdoing, even from their supporters. Hubert Humphrey has failed miserably in this respect.

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## DISAGREEMENT WITH PRESIDENT'S POLICY IN INDOCHINA

(Mr. BLACKBURN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BLACKBURN. Mr. Speaker, recently the Members of this body have had many visits from college students and professors to inform them of their disagreement with President Nixon's policy in Indochina.

These people have been successful in giving the impression that the whole academic community is united in its opposition to President Nixon's policy. However, I would like to bring to this body's attention a statement issued by Prof. Charles A. Moser, of the George Washington University Sino-Soviet Institute regarding President Nixon's action. His statement shows that there is support within the academic community for President Nixon's policy. Dr. Moser's statement has been signed by 13 professors of Washington area colleges.

For the information of my colleagues, I hereby insert Professor Moser's statement into the RECORD.

I am further inserting the statement of Dr. Franz Michael for the benefit of my colleagues.

The statements follow:

### PROFESSORS IN AREA COLLEGES AND UNIVERSITIES SUPPORT NIXON SOUTHEAST ASIA POLICIES

(Statement by Charles A. Moser of the George Washington University, Washington, D.C., May 12, 1970, at a press conference in Washington, D.C.)

The members of this group of academic people from several institutions of higher

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learning in the Washington area (most of whom have met today for the first time) represent various disciplines ranging from chemistry to Asian studies. Some have specialized knowledge of Southeast Asia; some have not. Some have visited Southeast Asia; some have not. Not all view the situation in Southeast Asia in the same way. But all agree that, given the situation in which President Nixon found himself in that part of the world, his decision to move against the long-protected sanctuaries in Cambodia—and at the same time relieve some of the pressure being exerted on the unprepared Cambodian army by the North Vietnamese invaders—was an extremely reasonable one, and deserves the support of reasonable men. Unfortunately, there has been a strong element of irrationality in the reaction to the Cambodian decision now sweeping American campuses. By our presence here today we affirm publicly our support for the President's move, which will almost certainly save the lives of many American and South Vietnamese troops. We also appeal for a more rational discussion of the issues in Southeast Asia within the academy than has generally taken place up to now.

Professors in Washington area colleges and universities expressing support for President Nixon's Southeast Asia policies at a press conference in Washington, D.C., May 12, 1970:

Dick O'Keefe (George Mason College).
Jose Bufill (George Mason College).
Donald Devine (University of Maryland).
Walter Jacobs (University of Maryland).
Sister Rosemary Rogers (Catholic University).
Chester Earle (American University).
Leonard F. Colwell (Montgomery College).
Joseph Schiebel (Georgetown University).
Charles A. Moser (George Washington University).
Franz Michael (George Washington University).
Vladimir Petrov (George Washington University).
Theodore Perros (George Washington University).
Richard Thornton (George Washington University).

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(Statement of Dr. Franz Michael, Director-elect of the Institute for Sino-Soviet Studies at the George Washington University)

Our policy in Asia was once defined by former President John F. Kennedy in his inauguration speech. In his ringing phrases Kennedy said, "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to insure the survival and the success of liberty." And he added, "To those new states whom we welcome to the ranks of the free, we pledge our words that one form of colonial control shall not have passed away merely to be replaced by a far greater iron tyranny." I regard this still today as the basis of our Far Eastern policy. The question is not so much the principle involved as its application.

Because of a lack of understanding of the kind of force we are up against, we have tried to handle the defense of our Asian allies through predominantly military means and to handle it ourselves. This is wrong for two reasons. First, the kind of communist warfare that we face in Viet Nam as well as elsewhere is not a war of traditional variety. Wars of national liberation, as initiated by Lenin right after the Bolshevik Revolution and as directed by Stalin in the first application in China, are not traditional wars between governments. These are wars of infiltration and terror, in which the use of regular combat units is only a part of the story. To fight such wars, we must understand the political tactics applied by the Communists and to find an answer.

Secondly, as in any traditional war, we tried to do everything ourselves and in the American way. The Vietnamization policy, if properly applied, is the answer to both these mistakes. We should have started along that line long ago, but in order to apply it now, we need time, time not only for Viet Nam but time for the other countries threatened: Cambodia, Thailand, Burma, Malaya, and India. Our action in Cambodia is a part of a protective strategy that will gain us this time and a safe transfer of the major burden of the battle to the people directly involved. The attack against the sanctuaries does not constitute an invasion. It is rather a part of the same battle and has always been so.

Should we surrender, thereby losing the battle, this will not be the end of it, but only the beginning. It would prove to the Communists the success of a strategy applied not only in Indo China but in the Arab world as well. In fact, the two moves of the Soviets and the Hanoi-Peking cooperation remind us of the time when the Nazis threatened the Suez Canal and the Japanese moved into Indo China. If we give up, we will not only lose the confidence of our allies, but will bring the danger much closer than many realize today.

There is, of course, the hope for negotiations, but as long as we appear divided and as the enemy counts on our caving in, he can hardly be expected to give up any part of his purpose.

What is at stake is not a small Asian country. It is truly the pluralist world in which we believe and on which our own national security rests.

## WAKE UP, AMERICA

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, the very talented columnist, Henry J. Taylor, in his syndicated article for release on May 18, 1970, invites our attention to campus disorders, with very disturbing implications.

It is suggested all concerned Americans read this article and digest the serious international pattern Mr. Taylor points out.

The article follows:

### WAKE UP, AMERICA

(By Henry J. Taylor)

Are part of the campus disorders a Red plot? You be the judge. For a perilous feature of our day is that too many people are either too civilized, too inexperienced, too distracted or too dense to grasp the documented truth.

We are being brainwashed whenever we are told that the thrust here is not organized. The CIA and FBI both know that the center for it is in Prague, within the shadow of the Ruzyne Airport. There the immense so-called International Union of Students, financed and brain-trusted by Moscow, is supporting university anarchists here and throughout the free world.

The Kremlin departmentalizes this place into "country desks." Each section supervises a country. Cunningly, each tailors the "issues" for each country. Naturally, the IUS drums on the Vietnam issue here and "Peace! Peace! Peace!" to further a Red victory in Southeast Asia.

A Pole, Vlod Konarski, a man with a bite like a saber tooth tiger, supervises the British thrust. The IUS vehicle there is the militant Radical Student Alliance in London. Two subdivisions are supervised by Jean Bougareau, a Frenchman, and Martin Abeln, who is Dutch.

In Eire the IUS thrust, locally called the International Movement, is based at Trinity College, Dublin. The IUS supervisor is Hardial Sinh Bains, a naturalized Canadian born in India.

A Bains sidekick is Ralph Schoenman, 34, the student shepherd of the Bertrand Russell Peace Foundation—the man who concocted the mock trial of President Johnson in Stockholm in protest against Vietnam. Iron-fisted Schoenman served a "martyr" stretch in Montjoy Prison, Dublin. Britain banned Schoenman and Scotland Yard caught him. To the dismay of the CIA and FBI, Schoenman had an American passport.

In West Germany the Berlin police documented the IUS's control of Rudolf Dutschke ("Red Rudi") when Dutschke was arrested on April 11, 1968, during riots in nearly all the West German universities.

In France the IUS thrust is supervised by Daniel Cohn-Bendit ("Before you can build you must destroy"), who is not even a Frenchman. He's German. The success, typified by the March 3 Natarre campus mayhem which saw Dean Paul Ricouer kidnapped and 125 policemen injured, has all but paralyzed French education. University faculty members are brutalized and kidnapped almost daily.

The French Parliament has enacted a university reform law. In it the campuses are supposed to be autonomous. But by staging demonstrations identical with those here the continued attacks have forced Education Minister Oliver Quichard to open France's campuses to police jurisdiction by declaring university grounds to be public thoroughfares.

President Georges Pompidou himself has stated, in desperation, that "there is no security on many major campuses in France."

I had lunch in New York not long ago with Italian Foreign Minister Aldo Moro. Italy, too, has enacted a new university reform law. Mr. Moro, himself a professor, sponsored it. "But what can we do?" he asked. "In my country, as in France, your country and throughout the free world, the Reds' technique is always to up their demands with every concession they gain."

Japanese Premier Eisaku Sato spoke similarly on his visit here. He said that last year student arrests in campus disorders exceeded 14,000 (ours exceeded 3,600) and that the IUS thrust has reduced Japanese education to a shambles. The IUS vehicle there is the immense Zengakuren student organization along with five other factions.

In addition to its thrusts in Europe, Asia, Latin America and the United States the IUS now runs terrorist training centers for African students. The CIA has uncovered them in Budapest and Warsaw and in Leipzig, Bernau and Bautzen, East Germany. These have trained and sent back to their African homelands more than 1,000 student insurrectionists in the past six months. The IUS's anarchists are entrenched in the colleges all the way from Morocco on the Atlantic clear down to the border of the Union of South Africa.

There's no Alfred Hitchcock mystery in what is happening here, nor the brainwashing that accompanies it. Of course, none is so blind as one who will not see. But wake up, America! Our enemies are promoting a civil war in the United States. "It can't happen here" is a totally dangerous philosophy. It will happen if we still refuse to wake up and call a spade a spade.

## DRAFT COUNSELING NOW PROVIDED IN NEW YORK CITY HIGH SCHOOLS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. KOCH.** Mr. Speaker, on February 12, 1970, I proposed by letter to Col. Paul Akst, Director of the Selective Service in New York City that a program be undertaken in the high schools informing the students of exemptions and deferments available to them under existing regulations. Colonel Akst immediately responded and stated in his letter:

> We are always anxious to speak, not only in high schools where you think there is a dearth of information concerning the draft, but also, to associations and colleges.

At the time that I wrote to Colonel Akst, I also wrote to the New York City Board of Education urging that it approve a proposal that was then before them to have full-time draft counselors in each of the city's 92 high schools. In responding to that letter, Joseph Monserrat, president of the board of education, replied on April 17 as follows:

> This matter is still under discussion by the Board of Education and consequently it is not possible at this time to determine either the support for the proposal or even its exact nature. In my deliberations in this matter I will take your support into consideration. I recognize the needs both met and raised by this proposal. Even though the inequities in the Selective Service System are abundant, I am still not sure whether the New York City school system should become entangled in the much needed effort to resolve and eliminate those inequities.

Fortunately, for the students and the parents of those students attending the New York City high schools, the board of education has resolved the matter in favor of undertaking such a program. On May 17, it was announced by that board that a draft counseling program would be established in the New York City school system.

Far too many students in the high schools and colleges across this country are unaware of their few rights under the Selective Service Act. And indeed, much misinformation is too often given currency by the students themselves. I am pleased that the New York City Board of Education is now leading the way by providing expert draft advice to those who desperately need it. And, I hope that the colleges and the private schools in New York will undertake similar programs. I urge our colleagues to examine the possibilities of introducing similar programs into their districts.

I annex for the interest of our colleagues the following article in the New York Times which reports the new program:

### CITY SCHOOLS WILL COUNSEL STUDENTS ON DRAFT OPTIONS

(By Andrew H. Malcolm)

The city's Acting Superintendent of Schools, Irving Anker, announced yesterday that he would establish soon a network of draft counselors to serve students in each of the 92 high schools. The counselors represent the first organized attempt by the city school system, the largest in the nation, to provide students with information and advice on the military draft and its legal alternatives.

The counselors would, for instance, advise a student how to apply for medical deferments or conscientious-objector status, as well as detail all the special enlistment programs available, such as Officer Candidate School and Reserve Officer Training Corps units.

#### COORDINATOR TO BE NAMED

Mr. Anker said the counselors probably would take up their new duties next fall and would be headed by a full-time coordinator, who will be named in a few weeks.

The Superintendent said the new guidance system was being organized now because of the "critical importance" of the draft for youth today and to provide draft information to the city's poor students who do not have access to professional assistance.

He spoke with newsmen after an appearance on WNBC–TV's "Direct Line" program.

At present, such draft counseling in the city's schools is unorganized and informal, Mr. Anker said, with individuals familiar with the draft system making themselves available to students. Until recent years military recruiters provided most of the information for students during infrequent visits to schools.

Much the same applied to local colleges, such as units of the City University, a spokesman there said yesterday

Mr. Anker said that a few other cities, such as Philadelphia, were examining the possibility of draft counseling but that New York's would be the first organized on such a scale.

"The Selective Service Law provides a whole range of options to the young man," Mr. Anker said, "and we want to make sure that each student is informed about all of them—from enlistment to conscientious-objector status.

He said the counselors would provide information from sources ranging from the Selective Service and individual armed forces to pacifist organizations.

"The counselors will describe the draft and all alternatives to it," Mr. Anker said, "but they will not discuss acts outside the law."

He said he was referring to young men who leave the country to avoid being drafted.

"We hope the counselors will take the same approach as a good social-studies teacher, discussing all sides and not moralizing," the Superintendent added.

The counselors may have other guidance duties at their individual schools, he went on, but arrangements will be made so that existing guidance services are not reduced by the new demands.

The citywide coordinator can be from any field, Mr. Anker said, but he must not be "someone prejudiced in any direction," such as a recruiting officer or a member of an anti-war group.

The coordinator will provide the training for the individual counselors.

"The draft," the Superintendent added, "has only become a critical issue in recent years. It is of such critical importance now that I feel we need a more structured and organized program."

He said he had no estimate of what the new guidance opportunities would cost but that it was covered under existing budget allocations.

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## THE SUCCESS OF OUR CAMBODIAN ACTION

(Mr. HALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. HALL.** Mr. Speaker, there is no lack of those who are trying to paint the blackest possible picture of President Nixon's courageous, timely, and well planned decision to move against the Communist sanctuaries of Southeast Asia. Much less has been mentioned about the apparent success of that action, yet the one man who knows all the facts has termed the operation, still in its early stages, an "enormous success." I refer, of course, to the Commander in Chief, President Nixon.

Two recent news items have been brought to my attention that comment on both the success of the mission, and the courage involved in the decision to activate the mission. The first is from the Republican Congressional Committee's weekly "Newsletter," the second from the San Francisco Examiner. I offer both for the enlightenment of all.

The articles follow:

### "AN ENORMOUS SUCCESS" IN CAMBODIA—NIXON

As some American troop withdrawals from Cambodia got under way last week, President Nixon characterized the operation to clean out Communist sanctuaries there as "an enormous success—far exceeding expectations."

In a special briefing for the AFL–CIO Executive Council, the President pointed out that the ammunition captured by allied forces operating in the sanctuary areas amounts to more than has been expended by the enemy in South Vietnam in the last five to six months.

At *Newsletter* press time, materiel seized or destroyed included.

7,274 individual weapons—enough to equip from 42 to 51 North Vietnamese battalions (400–600 men in a battalion).

1,012 crew-operated weapons.

2,390 tons of rice—enough to feed 105,160 men for a month.

22,256 rocket and motar rounds—enough to conduct 4,000 attacks on allied bases at an average level of five to six rounds per raid.

8,375,925 rounds of small-arms ammunition.

1,200 land mines.

3,294 bunkers destroyed.

171 vehicles captured or destroyed.

In addition, some 5,097 of the enemy so far have been killed in the operation. The number of United States killed was described as "very, very low."

Summed up by House Republican Leader Gerald R. Ford:

"I think the operation will wind up when the President said it would, by July 1, and that the President will achieve his goals. I think the operation will be successful; that it will pay the dividends the President expects and that it will pay extra dividends in shortening the war and hastening troop withdrawals."

Meanwhile, the 35-member Executive Council of the big labor federation overwhelmingly endorsed the President's Cambodian operation, with only 3 dissenting votes. Earlier, AFL–CIO President George Meany had commended the President for acting "with courage and conviction" and said he "should have the full support of the American people."

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### THE COURAGE OF THE PRESIDENT

(By Charles L. Gould)

President Nixon did not take the fighting to Cambodia.

The Viet Cong and the North Vietnamese did.

In both world wars hundreds of thousands of American troops fought across Europe.

They were not concerned with invisible national boundaries. They were concerned with meeting the enemy and destroying him.

In 1917 and again in 1941 our nation made open declarations of war. War-time rules were imposed at home. Dissent was stifled. Battle goals were established. And power at our command was used to achieve them.

Had we fought Hitler as we have fought Hanoi, our troops would still be mired down in the battlefields of Europe. Or—we would be saluting the swastika.

For six long years our men have fought in Vietnam under a weird, one sided code of Marquis of Queensbury rules.

Our men were not permitted to fight to achieve victory. Our fighting men and their allies were not permitted to pursue the enemy into North Vietnam. They were not permitted to pursue the enemy into Laos and Cambodia.

Thus the enemy was given the right of initiative. He could pick the time and place and method of his attacks. He could strike and run.

Our men could lose but they could not win.

The danger of the fighting escalating into a worldwide conflagration was our alibi for not defining the enemy's defeat as our goal.

The danger that the war would erupt on a global scale was present the moment we committed our first fighting man to the conflict.

The same danger is implicit in each of the pacts we have with fifteen nations of Europe and with numerous other nations in Asia and the Middle East.

These pacts were established to protect weak friends and allies from the repeatedly declared aggressive aims of the Communists.

All should recognize that the danger of a third world war is ever-present. This danger was born the moment following World War II that the Communists again restated their goals of global domination.

If World War III comes it will come when the Communists believe the time is right.

They may believe the time is right if our country is so hopelessly divided that we—as a people—fail to support our President in supporting our fighting men as he did last night.

Let it be clear that President Nixon has not established victory as a goal in Vietnam. Months ago he mapped plans for honorably extricating our troops from the conflict and turning the defense of South Vietnam over to the forces of that nation. He has not changed those goals.

However, if the Viet Cong and the North Vietnamese were permitted to expand and perpetuate their sanctuary in Cambodia, President Nixon saw grave danger that his carefully planned timetable of de-escalation would be destroyed.

He saw a stepped-up threat to the safety of our fighting men. He saw the danger of expanded war through failure to act.

He acted with courage and statesmanship. He merits our support.

*Reprinted from the San Francisco Examiner, Friday May 1, 1970.*

## SPEAKING OF MUZZLES

(Mr. MICHEL asked and was given permission to extend his remarks at this point in the Record.)

Mr. MICHEL. Mr. Speaker, recently the sophisticated, esoteric, intellectual aristocracy has been telling us that President Nixon should not have used the word "bums" to describe college students who are guilty of rioting, arson, and vandalism. We also have heard suggestions that Vice President Agnew should be muzzled.

Let me say here and now, at the top of my voice and with all the eloquence that I can command, that I am adamantly opposed to censoring the Chief Executive and I am unalterably against efforts to gag the Presiding Officer of the other body. There are, however, some other individuals who ought to be turned off.

Jerry Rubin, in a recent address to over 1,500 students at Kent State University, said:

> The first part of the Yippie program is kill your parents. I mean that quite seriously, because until you're prepared to kill your parents you're not really prepared to change the country, because our parents are our first oppressors."

Who is Jerry Rubin? He was recently convicted for inciting riots at the Democratic National Convention of 1968.

William Kunstler recently told an antiwar, anti-income-tax rally in New York:

> You must resist and resistance means everything short of revolution—and if resistance doesn't work, revolt.

Who is William Kunstler? He is the attorney for the infamous "Chicago 7" and faces 4 years in jail for contempt of court.

In its issue of March 7, Human Events, a conservative weekly published here in the Nation's Capital, summarized Kunstler's activities:

> The "Chicago 7" attorney has hit the road to raise funds for his clients and himself, addressing radical groups from coast to coast.
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> Four times in the past week, Kunstler has drawn blood. His clenched-fist salutes and his heated attacks on the hated "power structure" have preceded "street action" from New York to California.
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> Kunstler's first appearance, in Evanston, Illinois, was followed by rioting that left two injured and three others in jail. The barrister then flew to New York, where he denounced government "repression" in a speech to some 5,000 radicals in Bryant Park. Hundreds of youths then swept up Fifth and Sixth Avenues, smashing windows and pelting police with rocks.
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> Kunstler appeared also in Washington, D.C., where he addressed several thousand radicals on "the lessons of Chicago." He also said, "There isn't anything that's going to change anything in this country unless the people are in the streets." Violence followed quickly as young radicals, some carrying Viet Cong flags and chanting obscenities, poured into the streets. They hurled missiles at police and government buildings and tried repeatedly to rip down American flags.
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> Kunstler's greatest moment came in Santa Barbara, California, where he harangued a crowd of 3,000 gathered in the local football stadium. At the end of his "speech," where he advised his audience to fill the streets, some 600 youths marched on nearby Isla Vista.
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> Rocks and bottles were hurled at police. Fire-bombs smashed through windows of the local Bank of America as demonstrators screamed, "Burn, baby, burn!" and "Death to corporations!"
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> Firemen who rushed to the scene were driven back by the protestors' fury. Deputies in full riot gear were unable to control the rioters and the bank burned to the ground. "You can blame this entire affair on one man—Bill Kunstler," said a government agent who monitored the speech and watched the aftermath. "If this isn't a violation of the anti-riot statute, I don't know what is."
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> "Kunstler's actions seem to be in clear violation of the anti-riot act," Representative William C. Cramer said. "Although already sentenced to four years in jail for contempt of court in the "Chicago 7" case, Kunstler has been allowed to remain free for the sole purpose of preparing his clients' appeals.
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> "Instead, he has used this time to make speeches around the country, protesting the jury's verdict. He has urged people to take to the streets and invariably disorder and arrests have followed."

The best way to turn off Rubin, Kunstler, and other revolutionaries is to incarcerate them in the penitentiary. In short, shut them up bodily and vocally.

Mr. Speaker, why should the President of the United States and the Vice President of the United States be the subjects of insulting demands that they be gagged when criminals, subversives, and anarchists are permitted to travel from coast to coast and issue all sorts of invitations to violence?

## DECENCY WEEK

(Mr. PODELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PODELL. Mr. Speaker, as proclaimed by this Congress, May 17 marked the beginning of Decency Week. There are few guidelines as to what should actually be observed during such a week. It is a truism that the observance must rest upon the individual's interpretation of the meaning of "decency."

All too often we rest content with such antiseptic definitions as "suitable" "modest," or "proper." I ask: Suitable for whom? Modest in what sense? Proper in what context? In the days that follow I propose to give my interpretation of the meaning that Decency Week might have for this Nation.

Freedom in America is based upon the premise that the rights of the individual must be carefully protected. Only when such rights are free from danger of infringement can man, as a rational being, fulfill his potential.

Yet there is one important qualification that is placed upon the exercise of such rights: we must insure that the individual in the exercise of such rights does not infringe upon the rights of another. If allowed to happen, we would have the opposite of freedom; we would have coercion and tyranny.

Violence represents the antithesis of the meaning of freedom in this country. Too often, the individual is left powerless in the wave of violence that may sweep over an area. The killings at Kent State and at Jackson College are cases in point. Because of these events, I believe that Decency Week is an appropriate time to reflect further upon this relationship, and to ask what is the "proper" course of action if our freedom is to continue unabated.

Polarization of a people into separate and mutually exclusive groups is a dangerous precedent if we seek to preserve a stable democracy. Usually the existence of such a deep polarization is a manifestation of a deep malcontent: the disappearance of tolerance by one individual for the beliefs of another. In an atmosphere of intolerance, too often violence will erupt and will be met by counterviolence.

Yet, it is not enough to say "no more violence," and to continue to send troops with loaded rifles onto college campuses.

It is not enough for the average citizen to say "no more violence," and retreat into apathy.

Each is an indecent reaction to the situation at hand. Each group is guilty of taking a position which says, "Do not do as I do, but do as I say."

I propose the Decency Week be the beginning of a period when people take stock of their aims and the methods for achieving their aims. It should be time to hear from people who continue to support peaceful rather than violent alternatives to our problems.

Peaceful alternatives do not represent the absence of alternatives. Rather they are very real and usually the most powerful in bringing about a solution.

It is time to hear from such people on a permanent rather than on a sporadic basis. It is time to fill the vacuum that allows violence to grow and thrive. The ballot box remains the most powerful weapon in the hands of our citizenry. I propose that it be used to promote the end we seek—peace. Only then will Decency Week have some meaning.

## A RADICALLY NEW DRUG PROGRAM

(Mr. PODELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. PODELL.** Mr. Speaker, a radically new program for the control of drug addiction and related crime is an absolute necessity. We are introducing such a program today. Our present inaction and patchwork remedies have thus far proven ineffective and, at times, dangerous. This program is designed to stop making criminals out of "sick people," and to remove the profit motive from the distribution of heroin. Instead, it seeks to encourage addicts to come to treatment centers where they can be helped. This program will reduce both drug addiction and crime. It will help society defend itself and at the same time enable society to help the helpless individuals who have turned to heroin.

The legislation we are introducing today is entitled "the Narcotic Addict Rehabilitation, Research, and Maintenance Act of 1970," and is the first comprehensive program of its kind. It calls for the appropriation of $200 million for the establishment of drug centers which would offer a broad range of services for the heroin addict.

I believe that the vast sums of money presently being wasted in fruitless and unworkable programs will more than defray the major costs of these projects.

The centers, under the direction of a trained physician, would provide everything from "cold turkey" or complete withdrawal from drugs, to free methadone or heroin if the doctor in charge deemed such drugs necessary for the health of the proven addict. At no time, would the addict be given the supply of drugs to take from the center. Instead, drugs would be administered by the physician only within the center.

Drastic action is necessary because heroin addiction continues to grow at an unparalleled rate. There is, at this time, no satisfactory medical, social, or legal program in operation. Each program deals unsuccessfully with only a small part of the total problem.

The program proposed is based on the idea that today any person who really wants to obtain heroin will be able to obtain it. Organized crime has a vested interest in increasing the number of addicts. Most of the crime in our cities is a direct result of the policy of totally restricting the addict's access to heroin.

The choice we face today is whether we want an addict to get his heroin from the underworld, which is continually encouraging him in his addiction, or from a mental health agency or hospital that is encouraging him to break his habit.

In New York City alone, we have 100,000 addicts. The support of a habit costs at least $50 per day. The addict must get his daily dose 7 days per week and 365 days per year. Statistics show that this is but one-half of the total addict population in the United States.

If 270,000 addicts must steal to support their habit, this costs the United States $5 billion per year in crime. This money could be put to better use for the rehabilitation, treatment, and finally, the cure of addicts.

The proposed system is entirely unlike the so-called British system, where private physicians were able to give out supplies of heroin to anyone who said he was an addict. Under my program methadone and heroin would be available only at licensed centers, and the addict would not be given possession of the drug. Also, the addict would not necessarily be given a supply of the drug upon asking. The physician in charge would have to determine that there was a medically sound reason to give the addict the dosage.

If the addict is administered the drug, he would have to take part in a complete program of rehabilitation and treatment, which would include such things as therapy sessions, vocational training, and education. No comparable facilities are available in Great Britain.

To complement the first bill, I, along with my five colleagues, have introduced a House resolution to establish an international consortium within the United Nations to buy up the world's supply of heroin at its source. The consortium would be empowered to buy the poppy from farmers who are now growing it for profit in such countries as Turkey and Iran. They would be paid to grow food instead of opium.

The rising number of heroin addicts among our citizens, and especially among our youth, have demonstrated that the heroin supply must be stopped before it reaches our shores.

Otherwise, heroin will continue to elude even the most watchful customs official. For every pound of heroin that is captured, another hundred pounds is not. A multinational and preventive approach to the problem is mandatory.

These two pieces of legislation approach this serious social problem of drug addiction with a bold new program. We must try something new. All the present programs have not met the challenge. Addiction is destroying our society and threatens our No. 1 national resource—our youth. It is time for our youth to stop getting high on drugs and to begin to get high on life.

## EVEN FLAG WAVING CANNOT GENERATE SUPPORT FOR CAMBODIAN INVASION

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. LEGGETT.** Mr. Speaker, every political officeholder spends considerable time wondering how much of his mail on any given issue is spontaneous and how much is generated by organized groups. This is particularly true of the Cambodian invasion, which has produced an unprecedented flood of letters and telegrams into most of our offices.

The President says his mail favors the invasion by a large majority. I do not doubt his word, but I would like to insert in the RECORD a telegram which has recently been brought to my attention. This telegram, apparently sent by the president of the Retired Officers Association to all chapter presidents, urging that letters and telegrams supporting the invasion be sent to Congressmen, Senators, and the President.

I can report that in my district Admiral Smedberg's effort has produced the dullest of thuds. I have received only 20 letters and telegrams supporting the President's position, as against nearly 700 opposed to it.

I insert Admiral Smedberg's telegram in the RECORD at this point:

> As the result of two small White House briefings which I attended as president of the Retired Officers Association prior to the President's report to the Nation last night, I have a strong conviction that his action was both militarily sound and urgently required. I hope you and your individual members will express support for our Commander-in-Chief by immediate telegram or letter, both to him and your Senators and Congressmen, on his difficult and courageous decision.
>
> W. R. SMEDBERG III.

## NIXON'S WAR

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. LEGGETT.** Mr. Speaker, a recent editorial in the Sacramento Bee points out that the Cambodian caper has made the Southeast Asian involvement into "Nixon's war." Let us hope he abandons all thought of escalating into the nations which border Vietnam, and that he proceeds to wind down the entire military involvement as quickly as possible.

I insert the editorial entitled "By His Cambodian Conspiracy, Nixon has Made the Vietnam War His Own," from the Sacramento Bee of May 1, 1970, in the RECORD at this point:

### BY HIS CAMBODIAN CONSPIRACY, NIXON HAS MADE THE VIETNAM WAR HIS OWN

It is now the Nixon war.

President Richard Nixon's decision, detailed last night in his television address to the nation, to invade Cambodia with firepower and American GI units, ends the time when the war in Asia could be called the Kennedy or the Johnson war.

For Nixon it may only be a gamble of political brinkmanship, and indeed it may render him a one-term president as he suspects it could; but for the nation, it commits us even further to a war the late President Dwight D. Eisenhower so carefully avoided and a war termed "unthinkable" and "suicidal" by the late Gen. Douglas MacArthur.

The administration has put the United States back on the road of escalation, even as it seeks to mollify the American people with token troop withdrawals.

It has cast itself in a strange image as it assures the Communists in the peace negotiations in Paris it seeks no military victory yet widens the war.

It exposes the elements of growing military supremacy as it yields to the Pentagon's urgings and disregards Congress and the hopes of the American public for peace.

Obviously Nixon is reverting to his earlier hawkmanship. From the beginning the Pentagon has sung its delusory, siren song: "If our hands were only unshackled. If we could only bomb North Vietnam. If we could only get to the Viet Cong in their sanctuaries in Laos and Cambodia."

It was a fool's delusion. Every expansion of the war has spelled deeper alienation of the South Vietnamese people and greater loss of life, and victory has moved phantom-like even farther away into a mirage.

The United States is weakening its own democracy.

Not speeches but actions to end the war can restore the credibility of the Nixon administration. Congress and the American people must speak louder than the Pentagon.

## MYTH OF STRICT CONSTRUCTIONISM

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, in recent months we have seen a great debate centered around the President's efforts to place a Justice on the Supreme Court who would be a "strict constructionist" of the Constitution.

With the overriding emphasis on the need for this judicial characteristic so much at issue, an in-depth analysis of the meaning of "strict constructionism" has been conspicuously absent from the debate.

A rare and timely analysis written by Mr. Leo Rennert appeared in the April 26 edition of the Sacramento Bee, and is inserted here for the benefit of my colleagues:

### MARSHALL EXPLODED MYTH OF "STRICT CONSTRUCTION"

(By Leo Rennert)

WASHINGTON.—In his determination to place "strict constructionists" on the US Supreme Court, President Richard Nixon is giving new currency to an old myth which was exploded more than 150 years ago by the greatest chief justice of them all—John Marshall.

In effect, Nixon would have the nation believe that the Constitution is a very precisely worded document which lends itself automatically to just one kind of interpretation by jurists who respect its every word.

If only "strict constructionists" were in control of the high tribunal, he suggests, the true intent of the Founding Fathers once again would blaze forth from every decision.

Although this notion undoubtedly has wide popular appeal, it is grounded in pure myth.

The Constitution is a brief document. It can be read in a matter of minutes. It is replete with general, almost vague, phrases which permit—nay require—judges to furnish their own interpretations at any given period in history.

It is not a detailed architect's blueprint susceptible to only one meaning, rather, it is more akin to a sketchy road map with hazily defined directions and ambiguously worded landmarks. Each traveler must find his own way. And there are many ways.

This is exactly the view of the constitution Marshall took in 1819 in the landmark case of McCulloch vs. Maryland.

Three years earlier Congress had created a federal bank. In 1817, a branch was established in Baltimore. A year later, Maryland decided to slap a tax on Uncle Sam's operation. McCulloch, the cashier of the federal bank, ignored the state directive.

#### CONFRONTATION

It was a classic federal-state confrontation with the key issue: Did the Constitution give Congress the power to incorporate a bank?

Marshall acknowledged that nowhere in the Constitution is there a provision which gives the federal government specific authority to go into the banking business.

But he still ruled in favor of McCulloch and against Maryland. Why?

Because he held that the Constitution could not possibly detail every operation that the federal government could conduct. Because of its very brevity, he declared, it requires judges to render a "fair construction of the whole instrument."

If the Constitution contained a ready answer for every legal contest, he said, it "would partake of the prolixity of a legal code and could scarcely be embraced by the human mind. It would, probably, never be understood by the public."

But this type of document, he emphasized, is not what the Founding Fathers had in mind when they kept the document short and furnished only some "great outlines" which judges later had to fill in.

"We must never forget," said Marshall, "that it is a constitution we are expounding." And he emphasized the word "constitution" to make the point that this basic blueprint could not possibly provide an "expressly and minutely described" solution to every legal question.

#### OTHER EVIDENCES

It is not necessary to accept Marshall's argument on blind faith to be convinced of its veracity.

Anyone willing to take the time to read the Constitution from beginning to end soon will see his point.

What is the exact meaning of Article I, Section 8, which gives Congress power to "provide for the . . . general welfare" and "regulate commerce . . . among the several states?"

Do these clauses contain immutable truths or are they not in effect a mandate for evolving interpretations according to the wisdom and needs of the times?

Or consider the Bill of Rights. Contrary to widespread misconceptions, it still is—and always has been—an integral part of the Constitution.

How does a "strict constructionist" tackle the meaning of the Fourth Amendment's prohibition against "unreasonable" searches and seizures.

Does anyone really believe that language drafted in the late 18th century can provide a single, clear clue to cases involving electronic eavesdropping and other invasions of privacy brought about by sophisticated 20th century inventions?

And what about the Fifth Amendment's guarantee that government cannot take life, liberty or property "without due process of law"?

Would Nixon argue as a lawyer (or even as President) that "due process" is a simple legal equation which any jurist with a strict slide-rule mentality always would interpret in the same way?

Or take the Sixth Amendment's right to a "speedy and public" trial. There again are words which can lead fair-minded men—and judges—to varying conclusions.

Actually, the President might do well to ask Atty. Gen. John Mitchell to re-read the Bill of Rights. For if he did, he might think twice about the advisability of packing the court with "strict constructionists."

After all, the framers of the Bill of Rights only recently had participated in a bloody revolution. They intended the first 10 amendments to the Constitution to be an eternal bulwark to protect personal liberties against the encroachment of central authority.

Any "strict" interpretation of the Constitution easily could lead Nixon's appointees to invalidate "no-knock" arrests, preventive detention, extensive snooping and other assaults on personal freedoms so dear to the heart of his attorney general.

Still, there is no denying that whenever the Supreme Court strikes out in new directions or reverses prior decisions, there is a widespread popular assumption that "strict constructionism" would not permit such action. The myth is alive and doing well. The President obviously thinks so.

But again, a careful reading of the Constitution would indicate that "strict" interpretation of its provisions not only permits—but actually requires—departure from precedent.

Capital punishment is a case in point. Quite aside from the merits, it can be argued with great legal plausibility that the court in the near future actually may find it necessary as a matter of "strict" constitutional interpretation to outlaw executions.

A startling idea? Not at all. Just open your copy of the Constitution and turn to the Eighth Amendment. Notice that it prohibits "cruel and unusual" punishments.

Now, there can be no argument that the death penalty was not considered "cruel" or "unusual" in the 18th and 19th centuries. Or for that matter in a good part of the 20th century.

But in recent years, there certainly has been rising public acceptance of the notion that it is "cruel." More importantly, executions have become not merely "unusual" but virtually nonexistent for long stretches of time.

What is a "strict constructionist" to do with the Eighth Amendment and capital punishment? Is it really far-fetched to assume that the court some day may feel compelled to hold the death penalty unconstitutional if it finds that it has become sufficiently "cruel" and sufficiently "unusual?"

Suppose you were on the court. How would you rule with only these two words, "cruel" and "unusual," to guide you?

If you find it difficult to offer a snap answer, you're in good company. Judge Harry A. Blackmun, the President's latest nominee for the Supreme Court, has expressed growing doubts about the constitutionality of capital punishment—precisely because of the wording of the Eighth Amendment.

Although he now is a White House certified "strict constructionist," Blackmun said just a few days ago: "I guess I would say it wouldn't surprise me if one day the Supreme Court would say today in 1970 or 1980 that it (the death penalty) is cruel and inhuman."

#### TRIAL AND ERROR

Justice Brandeis—often mentioned by Nixon as one of the greats—once remarked:

"The court bows to the lessons of experience and the force of better reasoning, recognizing that the process of trial and error, so fruitful in the physical sciences, is appropriate also in the judicial function."

The point made by Marshall and Brandeis also was echoed by Earl Warren when he retired as chief justice. Warren, of course, has been the No. 1 target of the "strict constructionists" in modern times—just as Marshall was in his day.

Echoing McCulloch vs. Maryland, Warren said the high tribunal has no choice but to interpret the "broad language" of the Constitution.

But he also offered the executive and legislative branches a simple prescription to restrain the activism of the court: Do not dump the nation's most pressing problems in the laps of judges. Take action, get involved, pass laws—and the court will not have to step into the vacuum.

XUM

"There was a long time, from the 1870s until 15 years or so ago that Congress passed no laws affecting the civil liberties of the people," Warren remarks. "Because there were no laws passed during that time and because problems involving civil rights were developing, the only refuge people had was in the courts, and the only law that the court could apply was the broad principles of the Constitution and we were very much alone at that time."

Happily, Warren said, as Congress moved into the civil rights field, it could devise far more detailed and appropriate remedies through statutes than the court could with the "broad" language of the Constitution.

The Nixon administration might do well to ponder Warren's words at a time when it is again moving toward a policy of "benign neglect" toward some of the nation's most vexing problems.

To the extent that the executive and legislative branches again may default on their responsibilities, the Supreme Court once more will be besieged by aggrieved groups and once more may have to decide issues better left to other branches of the government.

If that time should come, it would not do for the administration to feign surprise and shock. The judiciary cannot be expected to show restraint if the other two branches follow a do-nothing course.

In the meantime, if Nixon still feels irritation toward a court which stubbornly insists on going its own way, he might console himself with the words of another president who wrote to a friend that his political opponents "have retired into the judiciary as a stronghold—and from that battery all the works of republicanism are to be beaten down and erased."

That complaint was voiced in 1801 by Thomas Jefferson.

## CRITICS WANT NO INDOCHINA SUCCESS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include editorial material.)

Mr. GERALD R. FORD. Mr. Speaker, it is incredible and yet true that some Americans apparently do not want the United States and South Vietnamese sweep of the Communist sanctuaries in Cambodia to be a success. I personally believe that the Cambodian operation is proving enormously successful. I believe it means that we will be able to withdraw more than 150,000 U.S. troops from Vietnam over the next 12 months.

Yet some of President Nixon's critics do not want the United States to succeed in Indochina and they refuse to believe that the Cambodian operation can be successful. They shut their eyes and their ears to any word of success because they want the United States to withdraw precipitously from Vietnam.

The point that these critics, in effect, want the United States to fall on its face in Indochina is clearly made by Columnist Richard Wilson in the May 18 edition of the Evening Star. I invite my colleagues to read Mr. Wilson's comments. The article follows:

### EMOTIONAL CRITICS WANT NO INDOCHINA SUCCESS

(By Richard Wilson)

The positive view in the Nixon administration is that the worst will be over by August and the polluted atmosphere will clear away to let in a little sunshine.

U.S. troops will be out of Cambodia, the economy will strengthen, the explosive tension on college campuses will have eased off, and it will be seen that the steady, protected retreat from Vietnam is proceeding on schedule.

There is real reason to surmise, however, that these idealized conditions may not be realized. They could be complicated by another hot summer in racial relations. The confrontation in the Middle East grows increasingly ominous. There appears to be another hard freeze developing in relationships with the Soviet Union.

Elements of continuing bitter controversy over Cambodia are forecast by the evident intention of the South Vietnamese forces to remain in Cambodia for a long time. If they do, they will want, need and no doubt demand American logistical and air support which the Senate is now trying to forestall in its limitations on the President's use of military funds.

It would be incredible folly, from the military point of view, to relinquish favorable positions in Cambodia following the pullback of American troops.

Once these sanctuary areas have been made reasonably secure the kind of war the Communist side has conducted in the past could not continue and the South Vietnamese are fully justified in demanding that they remain there as long as they can, or until they can be as certain as possible that Cambodian forces can prevent Communist re-occupation.

This is in the American interest, also, so that the withdrawal can continue with the minimum of external threat.

Why the Senate and the raging, rioting college students cannot see this illustrates how emotion is blinding reason. Why they cannot see that Nixon is facilitating the orderly American retreat from Vietnam shows, too, how cultivated fear and distrust can befuddle the minds of those who wish to believe Nixon is playing some kind of a trick to prolong the war.

But from that point of view nothing fails like success. With the Cambodian operation Nixon is farther along toward a withdrawal that will leave behind an independent government in Vietnam than would have been thought possible a few months ago.

The very success of the operation so far is cause for complaint. He shouldn't have done it, the argument goes, because the war would be widened.

But it is not being widened for the simple and valid reason that clearing out the Cambodian sanctuaries reduces the ability of the Communist side to conduct the war, at least for the next 6 to 12 months while 150,000 American troops are coming home.

Nixon is also being criticized because it now becomes apparent that he seized an opportunity to help create the conditions he thinks must prevail in Indochina when all combat troops are gone. Why not? What is so sacred about enemy troops operating out of Cambodia against the desires of the Cambodian government?

It has been pointed out that this would be like denouncing the British for invading German-held Holland in World War II operations at Arnhem. Cambodia's neutrality was violated no less by the North Vietnamese than was Holland's neutrality by the Germans.

The difference, of course, is that the critics of Nixon in the Senate and on the inflamed college campuses want no success at all in Indochina.

They want defeat and admission of wrong. They want atonement and apology—apology for justifiable exercise power to bring political stability to Southeast Asia, apology for helping little countries avoid external domination, apology for as unselfish a national sacrifice as any nation ever made.

It is this atmosphere which will continue to prevail into that hopeful August the Nixon administration prays for.

Even if the economy picks up, even if there is no intensification of the war in the Middle East, even if we should move more rapidly toward nuclear arms agreement with the Russians, the recriminations will remain to embitter the national atmosphere.

Success on Nixon's part will be greeted with the reproach that he has not gotten all troops out of Vietnam and has not let the Thieu-Ky government go down the drain. There is no winning that argument with his opponents. Nor will they, it appears, win their argument with him.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLYNT (at the request of Mr. FALLON), for today, on account of official business.

Mr. BROWN of Michigan (at the request of Mr. GERALD R. FORD), for today and until further notice, on account of illness.

Mr. PATTEN (at the request of Mr. ALBERT), for today, on account of official business.

Mr. PEPPER (at the request of Mr. ALBERT), for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALEXANDER) and to include extraneous matter:)

Mr. ALBERT, for 10 minutes, today.

Mr. LOWENSTEIN, for 30 minutes, today.

Mr. FARBSTEIN, for 20 minutes, today.

Mr. REUSS, for 10 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.

(The following Members (at the request of Mr. WHITEHURST) and to include extraneous matter:)

Mr. PRICE of Texas, for 60 minutes, today.

Mr. MILLER of Ohio, for 5 minutes, today.

Mr. HOGAN, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BYRNES of Wisconsin to extend his remarks prior to the passage of the bills called up by the chairman of the Ways and Means Committee.

Mr. MILLS to extend his remarks on bills called up by him.

(The following Members (at the request of Mr. WHITEHURST) and to include extraneous matter:)

Mr. STEIGER of Wisconsin.

Mr. RAILSBACK.

Mr. WHALEN.

Mr. LANGEN.

Mr. FOREMAN in four instances.

Mr. DUNCAN in two instances.

Mr. GOLDWATER.

Mr. WHITEHURST.

Mr. BERRY in three instances.

Mr. Goodling.
Mr. Wyman in two instances.
Mr. Scherle.
Mr. Bow in three instances.
Mr. Reid of New York.
Mr. Stanton.
Mr. Ashbrook in two instances.
Mr. McDade.
Mr. Bray in three instances.
Mr. Dellenback in two instances.
Mr. Fulton of Pennsylvania in five instances.
Mr. McDonald of Michigan.
Mr. Don H. Clausen in two instances.
Mr. Halpern in five instances.
Mr. Minshall in three instances.
Mr. Rhodes in five instances.
Mr. Skubitz in two instances.
Mr. Morton.
Mr. Pelly.

(The following Members (at the request of Mr. Alexander) and to include extraneous matter:)

Mr. Powell.
Mr. Scheuer in three instances.
Mr. Bolling in two instances.
Mr. Harrington.
Mr. Edwards of California in two instances.
Mr. Pucinski in six instances.
Mr. Giaimo in 10 instances.
Mr. Pepper in three instances.
Mr. Evins of Tennessee in three instances.
Mr. Rarick in three instances.
Mr. Helstoski in two instances.
Mr. Ryan in three instances.
Mr. Gonzalez in two instances.
Mr. Brown of California in five instances.
Mr. Albert.
Mrs. Griffiths.
Mr. Meeds.
Mr. Friedel in three instances.
Mrs. Chisholm.
Mr. Kluczynski in two instances.
Mr. Fountain in two instances.
Mr. Anderson of California.
Mr. Bingham.
Mr. Thompson of New Jersey in two instances.
Mr. Murphy of Illinois.
Mr. Mann in five instances.
Mr. Fisher in four instances.
Mr. Daniels of New Jersey.
Mr. O'Neal of Georgia in three instances.
Mr. Mahon in two instances.
Mrs. Mink in two instances.
Mr. Patman.
Mr. Miller of California in five instances.
Mr. Stephens in four instances.
Mr. Yates.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 940. An act to prohibit the licensing of hydroelectric projects on the Middle Snake River below Hells Canyon Dam for a period of 8 years; to the Committee on Interstate and Foreign Commerce.

S. 3479. An act to amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands; to the Committee on Interior and Insular Affairs.

## BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on May 18, 1970, present to the President, for his approval, a bill of the House of the following title:

H.R. 780. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Merlin division, Rogue River Basin project, Oregon, and for other purposes.

## ADJOURNMENT

Mr. ALEXANDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 16 minutes p.m.) the House adjourned until tomorrow, Wednesday, May 20, 1970, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2066. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, to increase below-zone selection authorization of commissioned officers of the Navy and Marine Corps, and for other purposes; to the Committee on Armed Services.

2067. A letter from the Secretary of the Treasury, transmitting an explanation of the provisions of legislation to be proposed providing for an environmental control tax on the lead content of additives used in motor fuels; to the Committee on Ways and Means.

### Received From the Comptroller General

2068. A letter from the Comptroller General of the United States, transmitting a report on the audit of the Export-Import Bank of the United States, fiscal year 1969 (H. Doc. No. 91-338); to the Committee on Government Operations and ordered to be printed with illustrations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DULSKI: Committee on Post Office and Civil Service. H.R. 17070. A bill to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes; with an amendment (Rept. No. 91-1104). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 4605. A bill to amend the Tariff Act of 1930 and the United States Code to remove the prohibitions against importing, transporting, and mailing in the U.S. mails articles for preventing conception, and advertisements with respect to such articles; with amendments (Rept. No. 91-1105). Referred to the Committee of the Whole House on the State of the Union.

Mr. COLMER: Committee on Rules. House Resolution 1029. Resolution for consideration of H.R. 15424, a bill to amend the Merchant Marine Act, 1936 (Rept. No. 91-1106). Referred to the House Calendar.

Mr. YOUNG: Committee on Rules. House Resolution 1030. Resolution for consideration of H.R.17604, a bill to authorize certain construction at military installations, and for other purposes (Rept. No. 91-1107). Referred to the House Calendar.

Mr. BARING: Committee on Interior and Insular Affairs. H.R. 12960. A bill to validate the conveyance of certain land in the State of California by the Southern Pacific Co., with an amendment (Rept. No. 91-1108). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR: Committee on Interior and Insular Affairs. H.R. 15012, a bill to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes; with amendments (Rept. No. 91-1109). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 16418, a bill to amend the Communications Act of 1934 so as to prohibit the broadcasting of pay television programs; with amendments (Rept. No. 91-1110). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ABBITT:

H.R. 17692. A bill to permit a retired Federal employee to designate a spouse of a remarriage as the recipient of a survivor annuity; to the Committee on Post Office and Civil Service.

H.R. 17693. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on Post Office and Civil Service.

By Mr. BROYHILL of Virginia:

H.R. 17694. A bill to provide for the regulation of the practice of dentistry, including the examination, licensure, registration, and regulation of dentists and dental hygienists, in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. CELLER:

H.R. 17695. A bill to amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737; to the Committee on the Judiciary.

H.R. 17696. A bill to amend sections 2734a (a) and 2734b(a) of title 10, United States Code, to provide for settlement, under international agreements, of certain claims incident to the noncombat activities of the armed forces, and for other purposes; to the Committee on the Judiciary.

By Mr. CELLER (for himself, Mr. Addabbo, Mr. Biaggi, Mr. Bingham, Mr. Button, Mr. Delaney, Mr. Fish, Mr. Horton, Mr. King, Mr. Koch, Mr. McKneally, Mr. Ottinger, Mr.

Podell, Mr. Reid of New York, and Mr. Ryan):

H.R. 17697. A bill to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection; to the Committee on Public Works.

By Mr. FARBSTEIN (for himself, Mr. Button, Mr. Fulton of Pennsylvania, Mr. Halpern, Mr. Leggett, Mr. Matsunaga, and Mr. Reid of New York):

H.R. 17698. A bill to amend title 32 of the United States Code to prescribe standards for training and control of National Guard units assigned to duty in connection with civil disturbances occurring on or adjacent to institutions of higher learning, and for other purposes; to the Committee on Armed Services.

By Mr. HELSTOSKI:

H.R. 17699. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

By Mr. MURPHY of New York:

H.R. 17700. A bill to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection; to the Committee on Public Works.

By Mr. ROBISON:

H.R. 17701. A bill to safeguard the consumer by prohibiting the unsolicited distribution of credit cards and limiting the liability of consumers for the unauthorized use of credit cards, and for other purposes; to the Committee on Banking and Currency.

By Mr. ROYBAL:

H.R. 17702. A bill to amend section 242(b) of the Immigration and Nationality Act to require special deportation proceedings in connection with the voluntary departure from the United States of any alien who is a native of a country contiguous to the United States; to the Committee on the Judiciary.

H.R. 17703. A bill to provide for the establishment of a national cemetery in Los Angeles County in the State of California; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself, Mr. Haley, Mr. Duncan, and Mr. Saylor):

H.R. 17704. A bill to amend title 38 of the United States Code to provide improved medical care to veterans and certain of their dependents; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROYHILL of North Carolina (for himself, Mr. Latta, Mr. Skubitz, Mr. Dennis, Mr. Denney, and Mr. Schadeberg):

H.R. 17705. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. DENNEY:

H.R. 17706. A bill to amend section 120 of title 23, United States Code, to increase to 75 percent the Federal share of projects on the Federal-aid primary and secondary systems; to the Committee on Public Works.

By Mr. BENNETT (for himself, Mr. Abbitt, Mr. Addabbo, Mr. Button, Mr. Byrne of Pennsylvania, Mr. Downing, Mr. Dulski, Mr. Friedel, Mr. Gilbert, Mr. Goodling, Mr. Halpern, Mr. Helstoski, Mr. Leggett, Mr. Lennon, Mr. Moss, and Mr. Rogers of Colorado):

H.J. Res. 1237. Joint resolution to authorize the establishment of a Joint Committee on Peace; to the Committee on Rules.

By Mr. PATMAN (for himself, Mrs. Sullivan, and Mr. Halpern):

H.J. Res. 1238. Joint resolution to extend the time for the making of a final report by the National Commission on Consumer Finance; to the Committee on Banking and Currency.

By Mr. BLACKBURN:

H. Con. Res. 622. Concurrent resolution to express the sense of Congress that no further troop withdrawals should take place until an agreement has been reached by the United States with representatives of the North Vietnamese and the Vietcong regarding the release of all American prisoners; to the Committee on Foreign Affairs.

By Mr. NELSEN:

H. Con. Res. 623. Concurrent resolution expressing the sense of the Congress with regard to the establishment of a United Nations international supervisory force for the purpose of establishing a cease-fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

H. Con. Res. 624. Concurrent resolution expressing the need of small and medium sized cities for service by certificated air carriers; to the Committee on Interstate and Foreign Commerce.

By Mr. STANTON (for himself, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Arends, Mr. Ashley, Mr. Ayres, Mr. Betts, Mr. Biaggi, Mr. Biester, Mr. Boland, Mr. Bow, Mr. Button, Mr. Carter, Mr. Don H. Clausen, Mr. Cleveland, Mr. Conte, Mr. Coughlin, Mr. Daddario, Mr. Donohue, Mrs. Dwyer, Mr. Edwards of California, Mr. Erlenborn, Mr. Esch, Mr. Evins of Tennessee, and Mr. Gerald R. Ford):

H. Con. Res. 625. Concurrent resolution expressing the sense of the Congress that the President should establish a commission to examine the recent events at Kent State and other college campuses; to the Committee on Education and Labor.

By Mr. STANTON (for himself, Mr. Gray, Mr. Grover, Mr. Halpern, Mr. Harrington, Mr. Hechler of West Virginia, Mrs. Heckler of Massachusetts, Mr. Hosmer, Mr. Johnson of Pennsylvania, Mr. King, Mr. Latta, Mr. Leggett, Mr. Lukens, Mr. McCloskey, Mr. McClure, Mr. MacGregor, Mr. Matsunaga, Mr. Melcher, Mr. Miller of Ohio, Mr. Minshall, Mr. Moorhead, Mr. Mosher, Mr. O'Konski, Mr. Olsen, and Mr. Ottinger):

H. Con. Res. 626. Concurrent resolution expressing the sense of the Congress that the President should establish a commission to examine the recent events at Kent State and other college campuses; to the Committee on Education and Labor.

By Mr. STANTON (for himself, Mr. Pirnie, Mr. Powell, Mr. Rees, Mr. Robison, Mr. Rodino, Mr. Rooney of Pennsylvania, Mr. Ruppe, Mr. Scheuer, Mr. Scott, Mr. Smith of New York, Mr. Steiger of Wisconsin, Mr. Taft, Mr. Teague of California, Mr. Thompson of Georgia, Mr. Tiernan, Mr. Van Deerlin, Mr. Watkins, Mr. Williams, Mr. Wolff, Mr. Wydler, Mrs. Chisholm, Mr. Duncan, and Mr. Fulton of Pennsylvania):

H. Con. Res. 627. Concurrent resolution expressing the sense of the Congress that the President should establish a commission to examine the recent events at Kent State and other college campuses; to the Committee on Education and Labor.

By Mr. WRIGHT:

H. Con. Res. 628. Concurrent resolution encouraging a United Nations peace initiative in Indochina; to the Committee on Foreign Affairs.

By Mr. COLMER (for himself, Mr. Sisk, Mr. Bolling, Mr. Young, Mr. Smith of California, Mr. Latta, Mr. Madden, Mr. Delaney, Mr. O'Neill of Massachusetts, Mr. Pepper, Mr. Matsunaga, Mr. Anderson of Tennessee, Mr. Anderson of Illinois, Mr. Martin, and Mr. Quillen):

H. Res. 1031. Resolution amending clause 19 of rule XI of the Rules of the House of Representatives with respect of lobbying practices and political campaign contributions affecting the House of Representatives, and for other purposes; to the Committee on Rules.

By Mr. HOWARD:

H. Res. 1032. Resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

By Mr. PERKINS (for himself, Mr. Ayres, Mr. Thompson of New Jersey, and Mr. Ashbrook):

H. Res. 1033. Resolution: International Labor Organization Conference in Geneva, Switzerland; to the Committee on Rules.

By Mr. RIEGLE (for himself, Mr. O'Konski, and Mr. Pepper):

H. Res. 1034. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ROYBAL:

H.R. 17707. A bill for the relief of Mrs. Jilma Venegas de Westbrook; to the Committee on the Judiciary.

By Mr. DERWINSKI:

H. Res. 1035. Resolution commemorating the 100th anniversary of Loyola University of Chicago; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H. Res. 1036. Resolution commemorating the 100th anniversary of Loyola University of Chicago; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H. Res. 1037. Resolution commemorating the 100th anniversary of Loyola University of Chicago; to the Committee of the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

388. By the SPEAKER: A memorial of the Senate of the Commonwealth of Massachusetts, relative to the antiballistic missile system; to the Committee on Armed Services.

389. Also, a memorial of the Legislature of the State of New York, relative to the establishment of a labor-management program covering agricultural employment; to the Committee on Education and Labor.

## PETITIONS ETC.

Under clause 1 of rule XXII,

467. The SPEAKER presented a petition of the City Council, East Orange, N.J., relative to Cambodia, which was referred to the Committee on Foreign Affairs.

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# EXTENSIONS OF REMARKS

## CYRUS VANCE, WORLD STATESMAN, CHALLENGES COLLEGE GRADUATES—SERIOUS BUSINESS OF EDUCATION PARAMOUNT AT SALEM AND FAIRMONT COLLEGES

### HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 19, 1970*

Mr. RANDOLPH. Mr. President, while the newspapers give the headlines to campus disorders, a great majority of our 2,500 colleges and universities are proceeding with the serious business of education.

It was my privilege last weekend to return to the campus of my alma mater, Salem College, for the 1970 commencement exercises. I also delivered the commencement address at Fairmont State College, in West Virginia. What I experienced was both rewarding and refreshing. For I found that the real academia depends not on the place, but on the people—and how they interact with rationality and responsibility.

Salem College, in Harrison County, W. Va., was founded in 1888 as an independent liberal arts school with the assistance of the Seventh Day Baptist Church. Its enrollment today is approximately 1,600.

Last Sunday there were 212 graduating seniors and, interestingly enough, 164 of them are from outside the State. They came from as far away as California, but most of the student body is drawn from the surrounding States of the East and Midwest.

There were three distinguished speakers during the 2 days of ceremonies. Each received an honorary doctorate. They are: The Reverend DeWayne Woodring, administrative assistant to the bishop of the United Methodist Church, of Akron, Ohio; John F. Heflin, a native of Doddridge County, a renowned educator and inspired business management authority who addressed the Centurion breakfast; and the commencement speaker, another West Virginia native, Cyrus R. Vance, of Clarksburg and New York City.

On most of the small college campuses, reason has prevailed over riots and the students are unmoved by the turbulence and turmoil. There are still many bases of scholarly serenity and student concern for the necessary but well-reasoned participation of youth.

As I told the audience of 2,500 at Fairmont State College:

> It is particularly critical that we, who are older, afford our young people the opportunity to seek answers, to express their views, and to use their influence in the development of our national policies. Young people want to do this—and *the large majority of them want to do it in an orderly and effective manner*. . . .

This is what impressed me most about my visits to these two colleges. It is heartening to be reminded that, on many campuses, the visitor can expect to hear hymns being sung instead of harangue, that he will find honest discussion instead of obscene rhetoric, and that he will see gratifying examples of mutual respect between students and faculty. For these examples, I congratulate Presidents K. Duane Hurley, of Salem, and E. K. Feister, of Fairmont, and their devoted staffs.

Mr. President, in this atmosphere, the commencement address by Mr. Vance at Salem College, was received with the careful attention that it deserved. His profound remarks impressed the audience of approximately 2,000 persons, and I feel his speech actually deserves a much broader audience.

Mr. President, I ask unanimous consent that Mr. Vance's address, together introductory remarks I was privileged to make, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR JENNINGS RANDOLPH, INTRODUCTION OF THE HONORABLE CYRUS R. VANCE, SALEM COLLEGE COMMENCEMENT, SALEM, W. VA., MAY 17, 1970

There are men who stand above partisan considerations and narrow viewpoints, and they are acclaimed as true leaders.

When such a man is found, he is entrusted with a role that transcends the ordinary and, quite often, his performance of this role dictates the turn of history.

Such a man is Cyrus Roberts Vance, a West Virginian who rose to the highest ranks of government, a distinguished lawyer and international statesman.

Our speaker was born in Clarksburg, the fourth generation of Vance in that city. His great-grandfather was a former mayor of Clarksburg. His grandfather was a member of the first Secession Legislature at Wheeling.

His father, John Carl Vance, was a successful Clarksburg insurance man who moved to New York soon after Cyrus was born to join an international firm. The father headed the War Materials Insurance Board during World War I. When Cy was five years old, his father died of pneumonia. The mother, Amy Vance, brought him and his older brother John back to their Clarksburg home.

Cyrus Vance attended Kent School and Yale University. He was graduated cum laude from Yale Law School in 1942. During World War II, he served as a gunnery officer aboard destroyers for almost two years.

He is married to the former Grace Sloane, a gracious helpmate, and they are the parents of five children.

After Navy service, "Bobs", as he is known to close friends, joined the Mead Corporation as assistant to the president in New York City, and shortly thereafter became associated with the law firm of Simpson, Thatcher and Bartlett, one of Wall Street's leading firms.

In 1952 he became a full partner. His legal performance was so outstanding that, following the launching of Russia's Sputnik in 1957, he was called to Washington to serve as special counsel to the preparedness investigating subcommittee of the Senate Armed Services Committee. Two years later, he was named consulting counsel to the Special Senate Committee on Space and Astronautics where his ability caught the eye of the committee chairman, Senator Lyndon Johnson.

So it was no surprise—except possibly to Cy and his wife—that late in 1960 he was again called to Washington to serve as counsel for the Department of Defense. He was one of the first official appointments of President John Kennedy.

In 1962, Cy Vance was named Secretary of the Army. Two years later, he became Deputy Secretary of Defense and held that post until 1967, when he returned to private law practice. During his Defense Department tenure, he was credited with a major role in reorganizing and improving the combat readiness and efficiency of our vast military establishment.

His "retirement" from public service was short. He was called by President Johnson at different times to serve as the President's special representative in the Cyprus crisis, in Korea, and during the tragic riots in our major cities. Cyrus Vance came to be known as "the nation's number one troubleshooter." And in May of 1968, he again responded to a call from President Johnson. He and Averell Harriman went to Paris to begin negotiations with representatives of Hanoi for an honorable settlement of the Vietnam war. How successful the mission was is yet to be determined. It was, as you recall, difficult, in the beginning, to get the North Vietnamese to even agree to the configuration of the negotiating tables. Today, the two sides are at least communicating.

Cy Vance returned from Paris 15 months ago. I assume that he is keeping a suitcase packed for another mission when he is called. His long service as a negotiator of non-negotiable demands might be in great demand on some of our college campuses today, including Yale.

It is a pleasure to present Cyrus Vance. . . . A native Harrison countian—a West Virginian who has brought honor to our State—a great American—a statesman of the world.

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REMARKS OF CYRUS R. VANCE, COMMENCEMENT EXERCISES, SALEM COLLEGE, W. VA., MAY 17, 1970

Dr. Hurley, Senator Randolph, distinguished guests, members of the Class of 1970, ladies and gentlemen: It is a special privilege for me to be asked to share this Commencement Day with you. I am particularly moved to be back in the state and county where I was born and raised and with old and dear friends. I hope that you will bear with me for a few minutes, while I speak about certain deeply-felt convictions which I believe are both important and relevant today.

Each of you is keenly aware, I'm sure, of what awaits you. There will be greater freedom and greater responsibilities—wider choices and more decisions, and these decisions will be made in stormy and divisive times.

In recent weeks I have often recalled the words of President Lincoln. Perhaps you remember them. He said, "The dogmas of the quiet past are inadequate to the stormy present . . . As our case is new, so we must think anew and act anew . . ."

This charge, this responsibility of each member of each new generation, is especially true for us. We live in a society which, despite its many shortcomings is blessed with more individual freedom than man has ever known. In creating it, our forebears drew upon the long-held dreams of many men in many lands. What they really did, 194 years ago, in declaring our liberty, was to make the individual sovereign rather than subject. And those who are sovereign are also responsible.

Each member of each new generation, then, is responsible for what he, his fellowmen, and his nation become. They build on the past. They live in the present. But they must reach for the future.

Julian Boyd, editor of *The Jefferson Papers*, wrote not long ago about some of Thomas Jefferson's fundamental convictions. They are relevant to us today. Jefferson, he said,

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". . . expected each generation to confront its own problems and to seek their solution in the light of reason and justice, not of ancient dogma. The essence of his meaning is that in a society dedicated to improvement in the condition of man, change was not only inevitable but necessary, that it was to be sought out and embraced, and that indeed—whatever laws, institutions and customs might be discarded by one generation after another—there was in reality, 'nothing . . . unchangeable but the inherent and unalienable rights of man.' "

We must seek and embrace change not for its own sake. We must seek it to keep our institutions responsive.

By molding our institutions to fit changing conditions, needs, and aspirations we preserve the best of the past. When structures harden, they easily break.

The important point is that each individual be concerned with the fundamental issues, that he seek responsible, flexible, and compassionate solutions for them, that he take his position upon them.

For concern and responsibility do not exist in a vacuum. They exist in the community. And it is ultimately in the community that they must be exercised.

President Kennedy once observed, "That in a dangerous and trying time in the life of this country, there is no substitute for action. We cannot drift or sleep or lie at anchor." That is clearly still true, and it is likely to be true all your lives. But it is equally true that such action should be nonviolent. For the use of violence is corrupting and defeats the cause in the name of which it is used.

This is where you stand, then, confronting the problems of your generation educating yourselves so that you can seek solutions fitted to the need and reason of the time. But this—I believe—is not a rootless process. Rather, it is a new growth on the plants of yesteryear, and an infusion of new energy and imagination in the society which now exists.

As a new generation grows, its roots draw sustenance from knowledge of the past; from things built well, long ago; and from long-tested values and ideals. The new generation can and should question everything, test everything, and reach its own conclusions.

But there is a continuity in the affairs of man. If it is true that many of our problems stem from the errors of the past, it is also likely to be true that some of the learning of the past is applicable today. And it is certainly true that the price for discarding old values is the creation of better alternatives. Failure to do this is to destroy rather than to build, and, through building, to help one's fellowman.

There is a need, I submit, to preserve those old roots from which a revitalized society can draw strength to meet the world which lies ahead. In this endeavor, you will not be alone. The biblical allotment of three-score-and-ten means that several generations will always be living side by side—hopefully in "peaceful coexistence"—facing the challenges and opportunities together. There is an old German proverb which holds that "the old forget and the young don't know." The task of the several generations, I think is to prove this a libel on both counts and to merge what they remember and what they learn for the benefit of all.

The old do remember some things which are worth preserving. Perhaps, above all, they have learned to discount absolute certainty—they know that men can often be wrong. This, for example, is a part of what Benjamin Franklin said in September of 1787, in urging the adoption of what the British statesman Gladstone later called "the most wonderful work ever struck off at a given time by the brain and purpose of man."

Franklin said: "I confess that there are several parts of this Constitution which I do not at present approve, but I am not sure I shall never approve them. For having lived long, I have experienced many instances of being obliged by better information or fuller consideration, to change opinions even on important subjects, which I once thought right, but found to be otherwise . . . the older I grow, the more apt I am to doubt my own judgment, and to pay more respect to the judgment of others . . . I cannot help expressing a wish that every member of the Convention, who may still have objections to it, would with me . . . doubt a little of his own infallibility and . . . put his name to this instrument."

The young bring a questioning, an energy, and an impatience with the status quo—qualities which energize society and broaden the horizons of all, young and old.

A vital ingredient, needed, however, almost above all others, to assure that the new generations make constructive contributions to society, is knowledge. We need criticism, but it must be informed. We need dissent, but it must be informed. We need new ideas, but they must be informed. We need new programs and new initiatives, but they must be informed with the learning of the past and made revelant to the problems of the present.

But even being informed is not enough. It is, in fact, worth little—unless you are prepared to take a stand.

It need not be a public stand, although it can be. It need not be a stand that leads you to participation in an active movement, although it can be. But it must be your own stand. It is all too easy to run with the pack, to take the currently popular positions, merely because your peers are doing so. Your stand must represent your own thinking and your own convictions.

How and where one proceeds from that stand depends upon one's particular talents. And it depends upon one's particular opportunities. The individual with the greatest talent might, in some instances, have the opportunity to influence only his or her neighbor. One person's talent and opportunity might permit him to express his concern and convictions at a moderate level in a small community; another at a high level of government.

As I have previously said, the important point is that you involve yourselves in the fundamental issues, seek solutions for them, and take positions upon them.

I cannot in this troubled world, at this time, let this day pass without briefly touching on two issues which dominate our time. They are the question of our national priorities and the war in Indochina. These are issues on which all of us have a responsibility to take a stand.

Clearly the time has come for us to reorder our priorities. In this you will and should play a major role. It will no longer do for us to continue to starve our budgets—federal, state, and city—for housing, health, education, welfare, and the quality of life. Each of you in West Virginia knows how much work needs to be done to revitalize our towns, our cities, and our rural areas.

In the international area—I believe—we must find a way to bring to an early end the war which has riven our country and polarized its people. The expansion of the war into Cambodia should be reversed, and new initiatives—including the proposal of a standstill cease-fire—pressed in an urgent new effort to find peace.

Looking ahead, you can see, then, how much there is that remains to be done. What you must do is do it—do it all. I urge you to continue to turn your attention to public matters. For the ultimate fulfillment of man lies in the best use of his talents in the best interests of his fellowmen.

Thank you, and may God bless and keep the Class of 1970 in the years ahead.

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## SENATE COMMITTEE REPORTS ON NLRB

# HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. FISHER. Mr. Speaker, I wish to call the attention of the House to a report on the National Labor Relations Board issued by a Subcommittee of the Senate Judiciary Committee, the Subcommittee on Separation of Powers, around March 1 of this year.

This subcommittee is headed by Senator ERVIN, of North Carolina, recognized as a constitutional authority and its membership includes, in addition to the North Carolinian, Senator MCCLELLAN, of Arkansas, Senator BURDICK, of North Dakota, and Senator HRUSKA, of Nebraska, all regarded as able men. The majority report was signed by Senators ERVIN, MCCLELLAN, and HRUSKA, and Senator BURDICK dissented.

Some Members of the House are aware of this report on the NLRB and its significance. But little publicity was given the findings and all Members of this body are busy, day in and day out, with their own affairs. I hope, however, that all Congressmen find time to get this document and study it for, sooner or later, I feel that additional legislation dealing with the National Labor Relations Board is inevitable.

As is well known, I have been critical of the NLRB in the past. My attention was called to actions by this body in my district which I regarded as biased and high handed and with little regard for the law, itself, the National Labor Relations Act, As I went into this matter, I came to the conclusion, which I still firmly hold, that the National Labor Relations Board is simply an adjunct of the major unions and that, in particular, it feels its duty embraces helping the AFL–CIO, the UAW, the Teamsters, and other groups in their never-ceasing campaigns to organize all the workers in this country.

In case after case, the NLRB, in my considered judgment, and that of many others, ignored the law and fair play in its effort to help unionize employees. This partisanship towards unions is reflected in many other cases.

My view is the view taken by the majority of the Senate subcommittee, which goes into a good deal of detail in citing individual cases which support its conclusions. However, the attitude of the majority is pretty well summed up in the following statement from the report:

> On the basis of its study, the Subcommittee has found that in choosing between conflicting values—in difficult cases and some that are not so difficult—the National Labor Relations Board has of late unrea-

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> sonably emphasized the establishment and maintenance of collective bargaining and strong unions to the exclusion of other important statutory purposes which often involve the rights of individual employees. Unions unable to persuade a majority of employees to opt for collective bargaining have been able to get the Board to impose it for them. An the Board has been able to do this by a freewheeling interpretation of the statute's more general provisions, by applying double standards, and by ignoring plain legislative mandates. The Board has also, we find, in matters going beyond recognition and the establishment of bargaining, given interpretations to the statute which reflect an overemphasis on helping unions impose their will on employers and individual employees. The Board clearly believes that it knows what is best for employees and all too frequently subordinates individual rights to the interest of organized labor.

These are harsh words but I think, and so do a lot of other people who have followed the Board's decisions, that they are warranted.

In support of its criticism of the Board, the majority of the subcommittee points out that the agency purports to test the validity of a representation election by determining whether it was held in "laboratory conditions." I am uncertain as to just what is meant by "laboratory conditions" and the report points out "this concept of 'laboratory conditions' has no counterpart in American political practice."

If we examine the Board's rulings in certain key cases, we will find that the determination as to whether a representation election was held under "laboratory conditions" gives the NLRB an excuse to do just about anything it wants to do. The validity of an election is determined also whether either party committed a preelection unfair labor practice which affected the election. If an employer is not guilty of a preelection unfair labor pratice, in the opinion of the NLRB, he is always vulnerable under the "laboratory conditions" formula.

In Peoria Plastic Co., 117 NLRB 545, (1957) the NLRB ruled that if an employer called all or a majority of his employees into his office to urge them to reject the union, this action was sufficient to upset election. This verdict also applied to calling them into the office individually, or calling upon them at their homes to urge them to vote against unionization.

But in Plant City Welding and Tank Co., 119 NLRB 131 (1957) the NLRB held that calls by union organizers at the home of employees to urge them to vote for unionization did not destroy "laboratory conditions."

Section 8(c) of the NLRA holds that speech alone cannot be the basis of an unfair labor practice charge unless it coerces or promises some benefit. The definition of coercion is, of course, difficult but it is clear that the Board has moved toward ever-increasing restrictions on employer speech. In this connection, *NLRB* v. *Golub Corp.*, 388 F. 2d 921, 926 (1967) is referred to, with the comment that the Board "has gone the limit and beyond in finding a coercive impact in isolated and relatively innocuous remarks by employers." In the Golub case, for example, the NLRB found that the employer's statements that unionization might result in disadvantages to the workers was unfair but, as the subcommittee reports pointed out:

> The Union is always free to promise increased benefits as a result of its efforts.

The tendency of the Board to direct an employer to bargain with the union on the basis of authorization cards signed by employees is emphasized in the report. The Taft-Hartley Act gives "election by secret ballot" as the only specified means for resolving questions of representation but more and more, the NLRB relies on cards provided they accord with the wishes of the union involved.

I find some remarks from the subcommittee report about the insistence of the Board upon bypassing secret elections—ordered by the NLRA—in favor of cards both interesting and enlightening. I quote:

> The Board's disregard of secret elections as the best means of determining employee choice and its determination to impose unionism whether or not the employees want it is exemplified by its decision in Conren Inc., 156 NLRB 592 (1966). Section 9(c)(3) forbids the holding of valid elections within 12 months of each other. The section clearly is intended to establish industrial stability and peace for 1 year after an election. The Board in Conren held the employer violated 8(a)(5) when he refused to recognize a union with authorization cards from 28 of 53 employees 9 months after the union lost a valid election. The Board's holding that the employer did not have a good faith doubt as to majority status seems unbelievable in light of the previous election and the slim majority of authorization cards. Indeed, given the Board's experience, as reflected in Chairman McCulloch's speech, on the unreliability of cards, an employer who recognized a union on the basis of 28 cards with 53 employees might more plausibly be found to have committed the unfair labor practice of recognizing a minority union.

The reference to Chairman MCCULLOCH is to the Chairman of the National Labor Relations Board, who emphasized the unreliability of authorization cards in a speech in 1962.

The subcommittee report continued:

> And yet the Board does not give serious consideration to the efficacy of a rerun secret election. It issues bargaining orders based solely on authorization cards from a bare majority of employees whenever it can in Bernel Foam cases. The Board not only relies on what is conceded by everyone, including Mr. McCulloch, to be a generally unreliable indicator of employee opinion but it also has constructed rules which minimize the impact of evidence indicating that in particular cases that cards were secured by questionable conduct. The Board requires, for instance, that each card be invalidated individually by proof as to how it was secured. It gives no consideration to the totality of the atmosphere. It permits union organizers to indulge in the pretense that the purpose of the cards is merely to bring about an election and will not invalidate them unless it was represented that was the sole purpose. See NLRB v. Golub Corp., 388 F. 2d 921, 923 (1967).

The original Bernel Foam decision was handed down in 1964 and gave rise to a series of so-called Bernel Foam cases. Bernel Foam, a Buffalo, N.Y., based firm, refused the request of the Textile Workers Union of America to bargain on the basis of authorization cards. The matter then went to an election and the union lost. Nevertheless, the NLRB ordered the company to bargain with the union, claiming that statements by Bernel Foam constituted unfair labor practices. This is a heads the employer loses, tails the union wins kind of decision. If the union loses an election to bargain for the workers, it can always appeal to the NLRB, knowing this agency will lean over backward to help it out.

In many respects, I regard the Board's disregard of the rights of individual employees as shocking and unjustified. The Taft-Hartley Act specifically gives an employee the right to engage in, or to refuse to engage in, concerted union activities. This protection did not extend to internal union rights. Under the plain intent of the law, as I read it, a union might expel a worker from membership but this should not affect his employment or put him in physical danger. The Taft-Hartley Act does permit the collection of union dues from workers where the union is the bargaining agency, but the States do have the right to ban this compulsion. Nineteen have done so and are called right-to-work States.

But the NLRB has trespassed on individual rights to the extent that it permits the union to fine the worker for such things as refusing to cross a picket line, or for exceeding union imposed work limitations.

NLRB and union supporters point out that many of the decisions which management has complained about have been upheld by Federal courts, including the Supreme Court. These decisions are the law, it is true, but I would remind Members of this legislative body that the courts, and the Supreme Court among them, have changed their rulings—the law—many times. There has been a controversy about the Federal Court for years, with many well informed attorneys believing that the courts are legislating and going far beyond the meaning of the statute through interpretations that are strained and unrealistic. As a matter of fact, the decisions of the Supreme Court in both civil and criminal areas have become matters of national concern and controversy. As is well known, the recent rejection by the Senate of two Supreme Court nominations of Federal judges from Southern States revolved around the attitude of the Court. The fundamental question was whether the Highest Tribunal should interpret the Constitution and legislation broadly or whether it should confine, itself, generally speaking to a more strict construction.

To those who defend the NLRB by pointing out that most of the rulings in the labor field of that body have been upheld by the Courts, let me point out a couple of things on my own.

In most instances, the Court refuses to examine the facts involved, relying on the so-called expertise of the NLRB in the labor field. Let me give you an example of what I am talking about.

For several years now, the courts, the Supreme Court among them, have held against J. P. Stevens & Co., one of the largest national textile concerns, in cases arising from the efforts by the Textile Workers Union of America, AFL-

CIO affiliate, to organize Stevens workers. In almost every case which has come before it, the NLRB has ruled that Stevens was guilty of unfair labor practices. Insofar as I recall, in every case which has been decided thus far by the courts, Stevens has lost.

As a result, the word has spread far and wide that Stevens had violated the law and without knowing the background, the average person would draw the conclusion that the textile company has stubbornly and willfully refused to let its employees join the union. But this matter, if one goes into it, is extremely complicated and illustrates the length to which the NLRB will go in helping the unions organize employees.

Examiners for the NLRB questioned witnesses for the company and witnesses for the union at length. Both had the support of formidable lists of reputable persons but, curiously enough, or maybe it is not so curious after all, the examiners said they believed the witnesses for the union but did not believe the witnesses for the company. Or to state it another way, the dice were loaded against the company on the very first throw. I am making a strong statement but I can put no other interpretation on the ruling by the NLRB that all the witnesses for one side lied and all the witnesses for the other told the truth. There were, however, no charges of perjury brought. One examiner for the NLRB did try to explain why one group would falsify en masse. What he came up with was that the witnesses for the company believed so strongly that they were doing the right thing in opposing unionism, or supporting the company, that they were willing to lay aside ordinary moral convictions and lie, just as men are willing to put aside ordinary moral convictions against killing in time of war.

A fantastic explanation. To accept it one must presuppose that opposition to unionism among a majority of the Stevens employees amounts to fanaticism. I do not think either the union, or the NLRB, would like to accept this theory, even though it was put forward by a Board examiner. Certainly, however, there is a strong sentiment against unionism among Stevens employees. Otherwise, with the help of the Board and the tremendous resources available to the union, Stevens would have been organized years ago.

I mentioned the fact that the NLRB had trespassed on the individual rights of the worker. Let me illustrate the extent to which this trespass has gone. The NLRB ruled that it was not an unfair labor practice for a union to fine a member who continued to work during a strike called by the labor organization. The Board did not say that the member had the option of leaving the union rather than to pay the fine. He was given no such alternative and the union was told, in effect, to impose its will.

This case, which went to the Supreme Court in NLRB against Allis-Chalmers Manufacturing Co. et al., is famous in the long line of Court decisions on labor matters. Or perhaps, I should say, infamous. The Supreme Court upheld the Board ruling but the decision was 5 to 4. Justice Black dissented strongly, saying, in effect, that union rights had been placed ahead of individual rights. Even the Washington Post, regarded as extremely liberal in viewpoint, could not stomach the majority opinion handed down by Justice Brennan. The Post said:

> The answer of the dissenters . . . (Justice Black and others) is pointed and severe.
>
> The real reason for the Court's decision is its policy judgment that unions, especially weak ones, need the power to impose fines on strikebreakers and to enforce these fines in Court. The dissenters go on to say that the Court has written this new proviso into the law despite a strong and clear purpose of Congress to leave the workers wholly free to determine in what concerted labor activities they will engage or decline to engage.

The Ervin Subcommittee report goes ahead to comment that, extending the Allis-Chalmers rationalization, the Board since has permitted "a union to discipline a member who invoked the processes of the Board in order to obtain a decertification election."

I will not try to detail other sections of the report which should be examined by everyone interested in labor relations. Some of the interesting discussion concerns unit determination, the duty to bargain, organizational picketing, hot cargo clauses, and judicial review.

The influence of politics on the Board is gone into frankly and suggestions are made as to alternatives to the NLRB as it exists today.

I am not calling attention to the subcommittee report in justification for the stand I have taken that NLRB is dangerously unfair. I simply want to emphasize that I am only one of many who feel that something needs to be done about this problem, a problem which will not go away.

The appointments to the Board which will be made by President Nixon may change the biased prolabor attitude of the NLRB but what we need is a body which deals with the National Labor Relations Act in an impartial spirit. Congress has attempted, through two major legislative revisions, to change the obvious prolabor letter and spirit of the original Wagner Act. Yet, we find that the NLRB and the courts have insisted on revising what Congress has tried to do and the bias remains. This whole area is too important to the Nation's economy to let this situation continue.

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## POWER TO WHAT PEOPLE?

## HON. BARRY GOLDWATER

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 19, 1970*

Mr. GOLDWATER. Mr. President, Mr. Kenneth Crawford, who writes for Newsweek magazine, has written a very thoughtful, to the point column, "Power To What People?" which appears in this week's issue of that magazine.

I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### POWER TO WHAT PEOPLE?

(By Kenneth Crawford)

The 75,000 or so young people who gathered in the Ellipse behind the White House to say that they disapproved of military raids into Cambodia and continued war in Vietnam have gone their way—"Right on," presumably. Serious, efficient and near-heroic marshals among them kept the vandal minority in check. Most of the demonstrators behaved well in their own strange fashion. Having done their thing in Washington, they returned to their campuses, some to resume old strikes or start new ones, others to make serious political plans.

It cannot be said this time that the demonstration was irrelevant or wholly ineffectual. Administration officials and members of Congress listened. The announcement that U.S. troops would be out of Cambodia by the end of next month was a concession of sorts. Speakers at the rally, Jane Fonda through David Dellinger, made no notable impression, but delegations of students bent on "dialogue" rather than "confrontation" did. Some even accommodated themselves to the realization that to be heard isn't necessarily to be immediately heeded. The 75,000 in the Ellipse naturally pretended to speak for all 200 million Americans. They, of course, didn't, but their cause probably enlisted more sympathy than ever before.

#### BACKLASH

What seems quite clear from various samplings of attitude, and the mail congressmen and senators are getting, is that the antiwar majority, if it is a majority, wants to speak for itself, not to be spoken for by college students, be they obstreperous or restrained. Indeed, many who dislike the war dislike the students even more. An entirely predictable backlash against campus disruption is being felt even on campuses. Serious students, especially needy students trying to prepare themselves for careers, resent the often well-heeled, fake proletarians who are denying them access to classrooms. On some campuses they have forced resumption of normal operations.

Off campus, the worst outbreak of resentment against students was the demonstration of hard-hat construction workers in the Wall Street district of New York. The spectacle of burly working men mauling stringy school boys, disguised in beards, was not edifying. But an angry worker, shaking a thick finger into a television camera, explained himself by charging that these kids, getting the breaks he never got, had the gall to taunt him and his kind, hard-working people whose dignity was not to be affronted. The violent march was applauded from office windows and by noonday crowds on the sidewalks.

The Wall Street incident said something about this year's political alignments. Many students, resolved to make another try at working within the system, as they did disappointingly in the McCarthy campaign two years ago, are cutting their hair preparatory to canvassing for "peace candidates" in the Congressional elections. They are already constituting themselves a lobby to promote resolutions now before Congress to cut off funds first for operations in Cambodia and later for Vietnam itself. How a senator or representative votes on these measures will determine his eligibility for student support.

#### DILEMMA

Most members of Congress have a position on the war, but not all of them have advertised it. They believe either that the President, as Commander in Chief, should be trusted to withdraw U.S. troops from Indochina as Vietnamization proceeds or that his hand should be forced by drawing in the purse strings. Cut-off resolutions will force those who have been merely passive to come out from behind the bushes. The resulting political dilemma is obvious. Should a candidate for re-election play up to hard-line, or to student sentiment? Will student doorbell ringers help or hurt? For many, this choice will not be an easy one.

Some have been swept up by the hysteria of the Cambodian moment or intimated, as so many college faculties have been, by the student stampede. They may be caught in a reaction, already setting in, if and when the success of the sanctuary clean-out is fully recognized. As students simmer down and disperse for summer vacations, high-tension polarization will diminish. Issues other than the war will command attention. May's political atmosphere may not be November's. Elections, as they always do, will restore power to the people. But what people get it and how they use it may disappoint the sloganeers as much as 1968's outcome did.

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## MEN, CARS, AND SPEED: TONY HULMAN AND THE "500"

## HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. BRAY. Mr. Speaker, the tension at the Indianapolis Memorial Speedway on Saturday, May 30, 1970, will mount into an almost unbearable crescendo starting at 6 a.m. when the gates open and the stands and infield begin to swell with hundreds of thousands of spectators from all over the world.

At 10:30, the cars are on the apron, in front of the pits.

At 11, the bands parade in front of the pits and tower, on the mainstraightaway.

At 11:50, hundreds of brightly colored balloons soar upward into the Indiana sky.

At 11:53, Mr. Tony Hulman, president of the Indianapolis Motor Speedway, speaks the world-famous command, most thrilling in all auto racing: "Gentlemen, start your engines!" Starting mechanisms whine; engines cough into life; blue smoke from the exhaust spirals into the air; 33 cars, the apotheosis of motor engineering skill and design thunder their hoarse challenges to each other, the sound reverberating across the track and around the world.

One minute later, at 11:54, they move out in 11 glistening, glittering rows of three each, behind the pace car, for the pace lap at a steady 100 miles an hour. Into the southwest turn, low on the inside and riding high on the banks of the "Brickyard," across the south end of the oval, into the southeast turn and up the backstretch, as the crowd, on its feet and roaring, watches them pass as in a grand review. Across the north end of the track, into the main stretch, the tension climbs; then, past the control tower, the green flag snaps down, and the pace car pulls aside. Released from the restraint of the pace lap, 33 throttles are pushed toward the firewall, and the cars plunge ahead in a snarling, charging pack. As the clock marks 12 noon, the 54th annual Indianapolis 500-mile race is underway.

The late, great, beloved Hoosier journalist, Ernie Pyle, once wrote of the 500:

> I've felt the great 500-mile auto race at Indianapolis was the most exciting event—in terms of human suspense—that I've ever known.

Let us see the story behind the event, as told in the words of Speedway officials themselves:

### INDIANAPOLIS MOTOR SPEEDWAY: HOME OF THE 500-MILE RACE

The Indianapolis Motor Speedway, incorporating a two and one half mile race course inside a 571-acre site just west of Indianapolis, became a reality in 1909, when four men—Carl G. Fisher, James A. Allison, A. C. Newby and Frank H. Wheeler—pooled their ideas and resources to create what has become the greatest race course in the world.

The track surface, originally crushed stone and tar, was opened for competition on August 19, 1909, for three days of sprint racing and the great Barney Oldfield set a new world's record for a closed circuit course when he drove a Benz at an average 83.2 mph for one mile. After those initial contests, however, the founders realized that a paved surface was necessary for the safety and protection of the drivers. Work was begun immediately and a total of three million, two hundred thousand paving bricks went into the huge project, which was completed in time for a series of sprint races on December 18 of the same year.

### FIRST "500" IN 1911

The first 500-mile Classic was held in 1911 and the winner, driving a six-cylinder Marmon Wasp at an average speed of 74.59 mph, was Ray Harroun. Since that time, except for war years, the annual Classic has grown to become the world's greatest sports event. At the same time, the famed race course has fulfilled the ideas of its founders by leading the parade of progress for the entire automotive industry. Through the courage and untiring efforts of the drivers and mechanics of Gasoline Alley, who annually prove new ideas and equipment in the 500-mile race, the automotive industry has benefitted greatly. High compression engines, four wheel brakes, hydraulic shock absorbers, torsion bars, fuels and lubricants, various chassis designs, safer tires, better spark plugs, better piston rings, lighter and more durable metals, fuel injection, magnesium wheels, and many other features adding to the safety and comfort of present day passenger cars, were developed on the Speedway.

From a strictly-racing standpoint, the emphasis since 1961 has been placed on the development of light-weight rear-engine cars; and turbine powered cars were strong contenders for premier honors in 1967 and 1968.

### PROGRESS OF THE SPEEDWAY

Over a period of 61-years, many changes and improvements have been made to the Speedway, including two changes in management, with emphasis placed primarily on facilities for the safety and convenience of spectators and participants alike. The actual race track, however, has remained virtually unchanged and it still serves as an accurate measuring stick for automotive progress although most race fans apparently are interested primarily in the performance of outstanding drivers who have earned their particular admiration.

During the early years of the Indianapolis Motor Speedway, the names of DePalma, Dawson, Mulford, Milton, Chevrolet and Resta, through their memorable deeds behind the wheel made an indelible impression in the hearts and minds of the motoring public.

In 1927, when such men as Souders, DePaolo, Lockhart, Shaw, Meyer, Hartz and Hepburn were continuing to write 500 history, the Speedway was old to Captain E. V. "Eddie" Rickenbacker and his associates. Rickenbacker, noted World War I flying ace, remained in control throughout the depression years, preserving the color and tradition of the 500-million race despite financial and economic problems. His reign over the Speedway continued until the advent of World War II, when racing was suspended for the duration. In 1945, following Japan's surrender, the Speedway was purchased by Anton Hulman, Jr., of Terre Haute, Indiana, under whose control the big plant has flourished throughout the past twenty-four years. Under Hulman's control the Speedway was developed far beyond the wildest dreams of race fans and the racing fraternity. Wilbur Shaw, former three-time winner of the 500-mile race, was named president and general manager under Mr. Hulman, and served until his death in a 1954 plane crash.

One of the first major changes to the track itself was the resurfacing program under the Rickenbacker regime during the 1930's, when all but the main straightaway was paved with asphalt. Under Mr. Hulman many more improvements and changes have taken place, eight of the nine wooden grandstands have been placed with structures of steel and concrete, and new stands have been added, as well as a new museum-office buiding near the main entrance to the grounds. The main straightaway also was paved with asphalt in the fall of 1961 and the remainder of the track was resurfaced in 1964 and the summer of 1969.

### CONTROL TOWER BUILT IN 1957

Major changes made in an expensive improvement program prior to the 1957 event included the removal of the historic Pagoda which had been a Speedway landmark since the early 1920's. It was replaced by a modernistic, steel and concrete Tower Terrace which seats approximately 14,000 people and houses vantage points for official timers, scorers, members of the press and radio, and the safety director. This seating section is designed so as to give spectators the best possible view of activity. Located adjacent to the garage area, it is surrounded by a walkway which affords fans a closer view of the cars and garage activity. Strolling along the walkway, spectators now have an excellent opportunity to meet and talk with many of the drivers and personalities on practice and time trial days.

Also included in the improvement program was the remodeling of the pit area proper. This section was greatly enlarged, giving crews 100 per cent more working room behind the safety of a concrete retaining wall and a 15-foot grass plot which separate the pit area from the actual track. A pit driveway, 35-feet wide, gives drivers a safe route to and from the pit area where their cars are serviced.

A new double-decked steel and concrete Paddock Grandstand at the starting line was completed for the 1961 Golden Anniversary "500" and was enlarged in 1963. New grandstands also have been built outside the No. 1, No. 3 and No. 4 turns.

The track itself varies in width from 50-feet on the straight stretches to 60-feet on the turns. Each of the four turns is banked 9 degrees and 12 minutes, and they measure a quarter-mile in length. The front and back stretches measure ⅝ of a mile while the short straightaways at the north and south ends are ⅛ of a mile long. From the air, the course appears as a giant rectangle, measuring two and one-half miles, contained in the 571 acres, which also house a 27-hole golf course. Reserved seats are available for more than 200,000 spectators and an additional 125,000 can be accommodated in the infield where there is also room for 30,000 automobiles.

XUM

### THE FABULOUS 500-MILE RACE

Since 1911, the 500-Mile Memorial Day Classic has been an annual affair. Only the war years of 1917–18 and the 1942–45 have disturbed the running of this famed international contest. The 1969 race, won by Mario Andretti at a new record speed of 156.867 miles an hour, was the 53rd Classic held at the Speedway and Mario's share of the $805,000 purse was $206,727, also a new record.

In the period from 1911 to 1969, excepting the war years, there have been 42 different winners. Four men Louis Meyer, Wilbur Shaw, Mauri Rose and A. J. Foyt have won three times. Rodger Ward, Tommy Milton, and Bill Vukovich have won the race twice.

In the early years of Speedway competition, racing teams from Europe and other parts of the world were not uncommon. Foreign competitors, in fact, won the race in 1913, and '14 and again in 1916. But Clark, the World's Grand Prix Champion from Scotland, driving a Lotus-Ford, was the first European driver since 1916 to score a 500-mile victory. Graham Hill of England won in 1966. The last foreign-powered car to do it was an Italian Maserati driven by Wilbur Shaw in 1939 and '40. Alberto Ascari of Italy, Jack Brabham of Australia, Jack Stewart of Scotland, Denis Hulme of New Zealand and Jochen Rindt of Austria also have added international flavor to the "500" in recent years.

Speeds, along with new equipment and safety measures, have progressed steadily at the Speedway. Today's four-lap qualification record of 171.559 mhp, set by Joe Leonard in 1968 and Andretti's 500 Mile record of 156.87 mph in 1969 are in sharp contrast with the 74.59 mph average with which Ray Harroun won the 1911 Classic. Through the years, competing cars have become faster and safer through the efforts and ideas of racing men directly responsible for many of the pleasures we enjoy in our passenger cars today.

XUM

### TICKET INFORMATION

Although the 500-mile race comes only once annually, preparations and pre-race activity are full-time projects for both the participants and Speedway management. Entries are accepted from early January until April 15, and more than 70 usually are received each year. Ticket orders are accepted at the Speedway office by mail, beginning July 1st each year, and thousands of fans make ticket reservations on that date. Over-the-counter sales begin after all mail orders for tickets have been filled. Ticket order blanks, showing seat locations and prices are always available to fans calling in person or writing Indianapolis Motor Speedway, Speedway, Indiana 46224.

The Speedway maintains a permanent year round staff of about one-hundred persons, but this is augmented as demands require until Race Day, when thousands more are involved. For example, the Speedway hires a Safety Patrol of approximately 2,400 men each year during the month of May. There are seven first aid tents and twelve ambulances with a personnel of more than 100 to man them. In the main hospital and in the stands, more than 250 doctors and nurses are on duty.

A large number of other organizations also work with the Speedway staff, such as Bell Telephone Company's 135 men and women, Western Union's 50 operators, and the group of some 350 representatives of the United States Auto Club who conduct the race. Drivers, mechanics and pit crewmen number about 600 while an additional 100 men are occupied with official timing of the race. In addition, there are 350 city, county, state and Speedway City police and Marion County deputy sheriffs, plus 250 firemen. A site of 571 acres is transformed into a city of approximately 300,000 persons on Race Day, with 30,000 cars parked in the infield alone. Busses and taxicabs also carry many thousands of spectators to and from the track.

The starting field for the International 500-mile race is open to the fastest thirty-three cars, and these are determined by four-lap (ten-mile) qualification runs timed to one-one hundredth of a second by an electric timing device. Four days (two weekends prior to race day` are allotted as qualifying days. Each entrant is allowed three chances to make a time trial, and the lineup for race day is determined through speeds posted by each qualifier. Cars qualifying the first day are awarded starting positions at the front of the field with number one or pole position going to the day's fastest qualifier. Cars posting second and third fastest time on the first day, receive number two and three starting positions. The same procedure is used throughout each day of qualifications, with cars lining up behind those qualified on previous days, until the field is full. Then it is possible for additional qualifiers to bump slower cars from the lineup, regardless of the day on which they qualified, by posting faster speeds.

All track activity throughout practice, qualifications and the race itself, is under the strict supervision of United States Auto Club (USAC) officials. From the time practice begins, on May 1st, cars on the track are under observation at all times from veteran USAC observers stationed at vantage points around the two and one-half mile track. Every practical precautionary measure is taken for the safety of drivers and spectators.

### "ROOKIES" GIVEN STIFF TEST

Drivers appearing at the Speedway for the first time must pass a strict driving test under the watchful eyes of USAC officials and veteran drivers. Even though a driver may have years of racing experience elsewhere, he is required to take this test before attempting a qualification run. Officials deem this necessary since speeds and driving techniques at Indianapolis differ greatly from other types of racing in this country. Drivers failing to pass their "rookie" test are usually advised to obtain more experience and try again the following year.

Race day at Indianapolis is the climax to months of preparation and tense excitement. The pre-race activity, the colorful last minute preparations, and the roar of thirty-three powerful automobiles taking the starting flag, provide a thrill unmatched anywhere in the world. A quotation written by Ernie Pyle—"I've always felt the great 500-mile auto race at Indianapolis was the most exciting event—in terms of human suspense—that I've ever known".

During a race, pit crews refuel a car and change all four tires if necessary in the phenomenal time of 24 or 25 seconds.

One of the most treasured points of interest to Speedway visitors is the Musuem, located in the east wing of the office building at the main entrance to the grounds. Opened in May 1956, just prior to the race, the Museum contains an array of interesting exhibits including race cars that have contributed to 500-mile race history throughout the past 58 years. To thousands of visitors passing through, these exhibits offer a link with the early history of the internationally famous 500-mile Classic.

### THE 11 WINNING CARS ON DISPLAY

Among the prominent cars on display are 11 former winners, including the famous Marmon Wasp with which Ray Harroun won the first 500 in 1911; the National which Joe Dawson drove to a record victory in 1912; and the French Delage with which Rene Thomas won in 1914. In addition, there is the Duesenberg which Jimmy Murphy drove to Victory Lane in 1922—the same car in which he won the French Grand Prix at Le Mans, France to become the first American race driver ever to win a European Grand Prix event. Other former winning cars include the Italian Maserati which Wilbur Shaw drove to two of his three victories; Louis Meyer's 1928 Miller Special; the famous Lou Moore Blue Crown front drive, chauffered to victory in 1947 and '48 by Mauri Rose; Lee Wallard's 1951 winner; the car Bill Vukovich drove to consecutive victories in 1953 and '54; the Belond Special which Sam Hanks and Jimmy Bryan used to win in 1957 and 1958, respectively; and the Sheraton-Thompson Special in which Foyt scored his 1964 triumph. The Shaw car, an eight cylinder creation, was the last foreign-powered automobile to win the 500-mile race, and the first care to win consecutive. "Indy" races (1939–1940). Clark and Hill drove cars powered by Ford V–8 racing engines.

Other famous cars from France, Germany, Italy and England also are included in the Speedway display.

Etchings of each 500-mile race winner make up an impressive display in the center of the Museum, in addition to many pictures which tell an interesting story of the Speedway from its beginning to the present. There also are trophies—some of them dating back to 1909—plus medals; early-vintage programs; pit badges; the famous Krauss Crown of Jewels; a huge plaque honoring all members of Auto Racing's Hall of Fame; and the first crash helmet worn in the U.S.

Since the Museum was opened to the public, it has been expanded constantly. Vigorous research and uncounted hours have continued to turn up new items of interest for display. Before long, it is expected that the Indianapolis Motor Speedway Museum will be one of the most unique and complete establishments of its kind in the world. Already it has become a national showplace, with persons from each of the 50 states as well as visitors from every continent passing through its portals. The Museum is open to the public free of charge, from 9 a.m. to 5 p.m. daily.

Admission to the Speedway grounds also is free of charge except during the month of May, when a nominal charge is made during the practice and qualification periods. Visitors are welcome daily, including Saturday and Sunday, from 9 a.m. to 5 p.m., and they may go into Grandstand E near the main gate, in order to get a good view of the grounds. From this location it is possible to see most of the track as well as the garages and pit area. When the cars are not running on the track, visitors may ride around it in one of the Speedway's buses for a nominal charge of 25 cents.

Let us look, for a moment, at the man behind all of this: Anton "Tony" Hulman:

He is one of Indiana's most prominent leaders in business and industry, and has maintained a constant interest in sports since he first attracted attention as an outstanding athlete at Worcester Academy and Yale. Hunting and deepsea fishing are his favorite forms of recreation today, but he still has all of the enthusiasm and aggressiveness which characterized his performance in more strenuous sports during the athletic "boom" which followed World War I.

At Worcester, in 1919, Tony earned recognition as the best schoolboy pole vaulter in the United States while engaging in other sports with almost equal success. Two years later he represented Yale in an international track meet at Boston, when the combined Yale-Harvard squad met the Oxford-Cambridge forces from England. In 1923 he won the international high hurdles championship in a similar event at Wembley, England; and he also starred at end on the Yale football team.

Tony's principal responsibilities now are as president of Hulman & Co. at Terre Haute, Ind., the Indianapolis Motor Speedway, and the Coca Cola Bottling Co. of Indianapolis.

At Hulman & Co. he is carrying on the business founded by his grandfather, but he has devoted almost an equal amount of time to the Indianapolis 500-mile race since he acquired the famous race track in November of 1945. As the world's greatest sports spectacle, the annual event attracts approximately 300,000 spectators; and the participants compete for prize money in excess of $700,000 each year on May 30.

Tony also serves on the board of directors of many important industrial and public utility firms throughout the Wabash and Ohio River Valleys; he is associated in various capacities with several of Indiana's educational institutions; and is active in numerous civic enterprises.

The following, from the official 1970 speedway souvenir program, tells how this outstanding Hoosier has contributed so much to the great sport of auto racing, and to his State:

### TONY HULMAN AND THE "500"

As the world's outstanding cars and drivers await the starting signal for the 25th Indianapolis 500-Mile Race under the dedicated stewardship of Tony Hulman, there is little resemblance between today's magnificent facilities and those which existed when Tony assumed control in November of 1945.

After four years of idleness since the last previous race in 1941 (because of World War II) thickets of tall weeds and young trees blocked every entrance to the grounds. The dilapidated wooden grandstands, almost stripped of paint, appeared ready to collapse on the first windy day. Grass grew in the crevices between the bricks which formed the actual racing strip. But, with the same pioneering spirit which had inspired Carl G. Fisher and his associates to build the Speedway in 1909, Tony experienced a compelling desire to accept those conditions as a personal challenge.

There were several reasons he might have sidestepped the issue. The first contractors he called for consultation, for example, expressed the opinion that it would be impossible to refurbish the big plant and replace two grandstands—regarded as unsafe for occupancy—in time for a 1946 race on May 30. Some of his friends also believed that auto racing never again would attain its prewar magnetism as a spectator sport; and that no amount of money and effort could re-establish the "500" on a sound economical basis. This was a challenge of even greater magnitude than any others Tony had faced during his career as an outstanding athlete and sportsman and businessman.

Evaluating the importance of the traditional race as a civic responsibility rather than a business opportunity, however, he followed the dictates of his provincial patriotism as a native Hoosier and purchased the Speedway from Capt. Eddie Rickenbacker.

Wilbur Shaw (killed in the crash of a small airplane nine years later) was Tony's choice to head the new "Speedway team" as president and general manager. During subsequent weeks, a solution was found for each of the many problems encountered in an effort to have the track ready for the start of practice on May 1. Members of the racing fraternity, meanwhile, completed their various wartime responsibilities and began preparation for the first important automobile race in five years. There was too little time to create much in the way of new equipment. The necessary replacement parts for the pre-war cars also were extremely scarce, but a field of 56 entries finally was assembled.

Some of the wooden forms used in the construction of new concrete grandstands still were in place on the morning of the race as the largest crowd in the history of the sport created a gigantic traffic jam while "storming the gates" to be on hand for the long-awaited resumption of big car championship competition. Many ticket holders, caught in the worst of the incredible congestion, didn't reach their reserved seat locations until the race leaders already had passed the 300-mile mark. By that time, most of the highly-regarded "chargers" already were on the sidelines and the contest had developed into an endurance test with George Robson and Jimmy Jackson battling for first place.

Only eight other starters still were running when Robson crossed the finish line in an eight-year-old race car. Jackson, in an entry of similar vintage, trailed by only 34 seconds; but he had a lead of more than seven laps on Ted Horn in third place.

The "500" purse reached six figures for the first time in Speedway history as race participants shared $115,450 at the victory dinner on the following night. Then, under Tony Hulman's guidance, the Speedway management embarked on a long-range plan of expansion with two principal objectives in mind: (1) everything possible would be done for the safety and convenience of drivers and spectators, alike; and (2) prize money would be increased as rapidly as sound business practices permitted.

New entrances to the grounds and a better system of interior roads solved the traffic problem for 1947. More steel and concrete grandstands, 18 additional garages and special accommodations for accessory companies followed as rapidly as gate receipts permitted. Next in chronological order came the new office-museum building, the control tower, the modern and much safer pit area, Tower Terrace seats, electric scoreboards, the motel and clubhouse, more tunnels and grandstands, a new championship golf course and the resurfacing of the race track.

Tony also increased the prize money steadily—to a new record of $805,127 for last year's international classic—and members of the racing fraternity responded by building safer and faster cars. On 17 occasions since 1946, the race winner has shattered all previous records; and Mario Andretti surpassed Robson's performance by an average speed of more than 42 miles an hour to set the present mark of 156.867 a year ago.

Civic and business leaders, working together as members of the "500" Festival Committee and the Citizens Speedway Committee of the Indianapolis Chamber of Commerce, also deserve credit for helping establish the race more firmly as the world's greatest sports spectacle. But everything that's been accomplished by the combined efforts of everyone involved can be traced to that November day in 1945 when Tony Hulman accepted a new challenge as an important obligation of his Hoosier Heritage.

A truly American sports classic, the 500 attracts competitors in auto racing from all over the world. In past years, the rivalry was great, as it is in a somewhat similar vein today. The following lines are from a poem which was written around that intercountry rivalry for the 500 checkered flag, but within these lines, I believe, are contained the spirit and the drama and the excitement of this great classic sports event:

### FROM: TO AMERICA'S DEFENDERS

(By J. C. Burton)

O! my sons, give heed to the gods of speed
When they call on you today;
There's a race to be run from the starting gun
Till the bolts and nuts give way;
And the call to flight is a challenge old
From the men who dare to the men who're bold.

O! my sons, give heed to the gods of speed,
For they call on you again;
If you give your best in this crucial test,
Then our hopes will not be in vain;
And the call to flight is a challenge rare
From the men who're brave to the men who dare!

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## A FIGHT TO THE FINISH

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. DERWINSKI. Mr. Speaker, I have been especially interested in the editorials carried over WGN television 9 commenting on the problems involved in drug abuse. Its editorial, "A Fight to the Finish," emphasizes the fact that it will continue to spotlight the subject and not drop it for other headline issues. I commend WGN for its determination to stay with this issue and continue to provide figures and information on drug abuse which we must do to combat the problem.

The editorial follows:

### A FIGHT TO THE FINISH

A broadcast station perhaps comes closest to its reason for being when those who watch and listen understand that it cares.

The air waves can be impersonal. Broadcasting can be mechanical. But when lives unseen to us here are touched . . . when people are entertained, informed, and educated as a result of our efforts . . . then the broadcasting thing is working.

But it is incumbent upon us—the broadcasters—to care. We do. And that is why the week of April 26 thru Sunday, May 2 became "Anti-Drug Abuse Week" at WGN Television.

And now, through your letters, we are realizing how very personal broadcasting can be.

Teen-agers, using drugs, who—in their minds for this exact moment—have nowhere else to turn, are turning to us for help . . . to the whole vast complex known as WGN . . . in letters addressed to "Anyone."

Anyone.

"I know you will think I am a ridiculous teenager." . . . "I have a drug problem." "You could really help me if you could write me and tell me where . . . I could talk to someone." Or, ". . . really I would like to know of someone who wants to talk to me."

For those of us at WGN Television who read these letters, the anguish of their writers becomes, in a sense, our anguish . . . for how can we help now? We can and will send all the literature available to us to all those who request it.

But these 15 and 16 year olds whose letters we are holding need more than that. They need someone who cares about them personally right now!

These letters we're getting could be coming from your son: "I know that my parents are not the type that would try and understand."

These letters we're getting could be coming from your daughter: "I am looking for guidance with a drug problem. . . . I usually have our car and my parents trust me."

Do you care enough to be sure that the teen-ager you love isn't feeling compelled to turn to WGN for help . . . help that you desperately want to give him?

As first planned, Anti-Drug Abuse Week on WGN–TV was to be over on May 2. But our efforts to help aren't over. Our efforts have just begun. Henceforth every week is Anti-Narcotics Week. WGN Continental Broadcasting Company continues to care.

## OUT STONE MOUNTAIN WAY

### HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. BLACKBURN. Mr. Speaker, a few miles from the center of Atlanta is Stone Mountain Park. This park presents unique recreational opportunities for all Georgians. In fact, it is considered the foremost tourist attraction in north Georgia.

Because the carving on the face of this mountain depicts three leaders of the Confederacy—Jefferson Davis, Robert E. Lee, and Stonewall Jackson—it has become a monument which is adored by most Georgians.

Recently, Mr. Marvin Mobley wrote a poem which outlines the feelings Georgians have for this region. The poem, as it appeared in the Atlanta Constitution, is as follows:

#### OUT STONE MOUNTAIN WAY

(By Harold Martin)

Our old friend Marvin Mobley has been courting the Muse again and comes up with a tribute to Georgia, and Georgians, and the country around Stone Mountain that makes us forget for a moment our current concerns with politics, pollution and general poltroonery.

Mr. Mobley is a noted penman, who writes with an antique flourish which makes his verse look like something that might have been inscribed by Percy Bysshe Shelley or John Keats. But maybe if the printer sets it just like Mr. Mobley wrote it the music will come through the cold type just as well. It's called "Out Stone Mountain Way" and it goes:

"This is the song in the Georgian's heart:
'Here I want to stay,
in these hills where bobwhites are
Out Stone Mountain way.'

"Georgians like the camp-fire meal,
the broiling bacon's lure,
Coffee hot, from the oldtime pot,
and ham with the country cure.

"Yes, these things, too, a Georgian likes:
A cabin in the hills,
A boat, a lake and quiet cove
for the fishing pole's fine thrills.

"Give him shotgun and beagle hounds,
—and a log fire burning,
and the corn pone he'll be munching on
while he's returning.

"This is the song in the Georgian's heart:—
Here oh let me stay;
With the cabin, lake and lofty pines,
Out Stone Mountain way!"

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## IMAGE OF OUR ARMED FORCES

### HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. FISHER. Mr. Speaker, on May 13, Armed Forces Day, the Honorable Robert F. Froehlke, Assistant Secretary of Defense, addressed a large gathering of people in San Antonio. The meeting was sponsored by the downtown Rotary Club and the San Antonio Chamber of Commerce. The address was well received by an appreciative audience.

Under leave to extend my remarks, I include a copy of Mr. Froehlke's remarks. They follow:

Armed Forces Day is an appropriate occasion to look at America's attitude toward its Armed Forces. It is particularly appropriate to look at that attitude from this city—the home of so many members of the Armed Services, past and present. I confess that I anticipate a friendlier reception here than many other parts of this country—and that might be indicative of what can be improved throughout this country.

Today I want to discuss the image of our Armed Forces. What is the reputation of our servicemen and the Services they serve?

I am reluctant to use the word "image". It has a Madison Avenue connotation. Nevertheless, any public figure or institution must know how he looks to the public. To ignore this aspect of public life might well result in public and Congressional disapproval and a serious lowering of morale among the employees of the institution in question.

In a democracy the Armed Forces must have the support of the electorate—the people. The public must support our mission and have confidence in the military. We can have temporary image set backs. However, should our Armed Forces lose the confidence of its constituents over a long period of time, the consequences for our country's security are grave.

The military must also have the support of the Congress. That body authorizes and appropriates. Without Congressional support our Armed Forces will wither and become ineffectual. Each Congressman is also a molder of public opinion—another reason why his support is important.

As a manager I know how important a role image plays in morale and organizational efficiency. It is impossible to have a hard-charging efficient operation if the operation itself, or the members of the operation, are constantly the target of derisive comments from their friends, neighbors and the press. All of us want to spend our waking hours working for something worthwhile. What our peers think of us and what we are doing does affect our morale. Thus, image does affect morale.

What is the image of our Armed Forces? My personal evaluation is that the public tends to distrust and depreciates the role of the military. Worse than that, the trend line is unfavorable.

In a very personal way I have felt this distrust. Fifteen short months ago I was one of the good guys. Once I entered the halls of the Pentagon, however, it was as though I wore a constant black hat. Motives are questioned. Snide remarks are made. Eyebrows are lifted. All a part of the formal initiation to our Armed Forces—1970!

What are the causes?

They are far from simple. Yet I think they stem primarily from a misunderstanding of the basic responsibility of the Armed Forces. At the risk of oversimplifying, I would like to discuss some basics as to the part the military plays in a democracy. I fear a misunderstanding as to basics has led to a tarnished military image.

The military is not responsible for America's worldwide commitments:

Vietnam was a Presidential and Congressional decision.

So was Korea.

So was NATO.

Defense's role is to give military advice and to be prepared to carry out such commitments as the President and the Congress may make. When, or if, the combat forces are not ready we should be criticized. We should not be criticized for the involvement itself.

Even the conduct of the action after the commitment is not entirely in the hands of the military. Without deciding their correctness, it should be obvious that the ground rules of our Vietnam involvement are as much politically as militarily motivated.

The military must be prepared for any eventuality. Or, to put it another way, the military must be prepared in every peaceful minute to wage war within the hour. By any definition this makes combat forces uneconomical in peacetime. It is their role—their responsibility—to have more men, more ammunition, more materiel than needed for a peacetime operation. Using hindsight this is horribly wasteful. Unfortunately military leaders are not born with 20–20 foresight.

Do you recall the affirmative response accorded Secretary Louis Johnson when he pared the Defense budget to the bone in the late 40's? Do you also recall the criticism when we weren't ready for Korea? Query—Did we learn anything by that drill?

We are frequently accused of using "scare events" to get more money out of the Congress. Intelligence is usually the scapegoat for this criticism because it is by intelligence that we learn what is going on in the world. It is true that this information is sobering—and at times downright scary. However, it seems to me any criticism should be leveled at those who cause the facts to occur and not the messenger.

A complicating problem with intelligence is that many people don't understand that we generally are not able to determine the "intentions" of individual leaders and their countries. In those cases we are restricted to determining capability and basing our decisions on the known rather than the unknown—or wished for—intentions. Thus the comment that "no one would ever start a nuclear war" isn't too helpful to those responsible for national security—when our intelligence tells us that a foreign power is building towards a first strike nuclear capability.

We are also accused of being warmongers—of heating up the arms race. There are those who would have us walk into the Salt talks and unilaterally give up Safeguard as a token of good faith. These well-meaning people would have us go into the talks with good intentions and no negotiating strength.

The military very much desires a cessation of the arms race—particularly as applied to strategic weapons. However, we are convinced that the best chance for successful SALT talks is to have the USA go to the table with weapons in being, willing to negotiate. We have seen little indication from the Soviets that unilateral disarmament prior to negotiations is a wise or fruitful step.

Some of our management problems (perhaps I should say some of the management problems we inherited) shake the public's confidence in the Department. The C–5A is an example. There can be no argument—the cost of the airplane rose substantially from the time it was originally conceived. Some of the increase can be blamed on sloppy management and, for that, we should take our licks—and I dare say we are!

It is too easy to attribute the entire cost growth to poor management. Consider these facts:

It takes about 8 years to conceive, design and produce a major weapons system.

In that 8 year period inflation affects cost and, by law, we are not allowed to include inflationary factor in all our cost projections.

The strategy and world situation which dictate the need for a new weapons system can change markedly in that 8 year period. When it does, it frequently requires a major change in the system . . . and changes are expensive.

Technology marches on and when it does the technological improvements during the 8 year period frequently are incorporated in the new weapon. This again causes delay and added expense. But who wants a weapon that is obsolete when it comes off the production line?

We are changing the procurement practices which were used when the C-5A was designed. We anticipate this will make our cost projections more realistic. However, don't expect anybody to bat 1,000%.

Frequently businessmen say "DoD is not run in a businesslike manner."

I wish it could be.

When I was in business my Board of Directors agreed on the policy and goals, and let us operate as long as we met our goals under established policy. There was no disagreement among the Board's members as to goals or policy. It checked once a quarter to see that we met our goals within that policy. Those were the good old days!

Defense's Board of Directors meets about a mile away in continuous session. It has 535 members. I have yet to know it to speak with one voice, and many of these voices advise us daily—much of this advice is good, much of it is contradictory.

I have just described the democratic process. I would not change it if I could. But it is the governing process and it is *not* businesslike! Defense cannot be run strictly on a "businesslike" basis in a democracy.

More and more taxpayers are increasingly accusing the DoD of taking too big a bite of the Federal budget. It is true that Defense continues to be the big spender of all the Cabinet Departments. However, these facts should be considered:

In FY 1971 Defense will be less than 35% of the Federal budget. The lowest since 1950.

Defense spending in FY 1971 is approximately 7% of the Gross National Product. The lowest since 1951.

This administration in FY 1970 and 1971 has cut 682,000 military and civilian positions and $9.8 billion dollars out of the total budget.

We in the DoD agree that there should be a reevaluation of our national priorities. However, in light of the world situation and our commitments, we question whether further budgetary cuts are advisable. Any further cuts would cut muscle and scrape bone—highly undesirable where national security is at stake.

The military will be the object of many protests this year. This, in itself, is not bad.

Protesting, in one form or another, seems to be the in thing today. Some of the more active and more vocal protesters believe they have invented it as an art form. This is a singularly uneducated view—in itself an insight into these protesters. For the Nation itself was born as a result of protests against injustices. Protesting in this sense is an institution older than the Nation itself. I believe in protesting.

Of late I have become somewhat of an expert in protests—or at least a target of some of them. The right kind are not only a part of our heritage but also very useful. Much of what is good about America today has come about as the result of courageous people protesting yesterday.

It seems to me, we citizens should neither ignore nor worship at the shrine of protesters. Admittedly, it is simpler to go either extreme route. (Who ever said being a useful citizen was easy?) Let me suggest a test for determining the credibility of the protest.

One, is protesting selling a point of view or is it attempting to stifle another's? If it is the former, I tend to listen. My hearing aid goes off when confronted with the latter.

Secondly, I look at the protesters themselves. What selling techniques do they use? Are they honest or high pressure? For instance, do they oversimplify? Is a situation presented as all good or all bad? I have rarely found life that simple. Most of the situations with which I have been faced recently have been of the neck and neck variety. (Beware of those who say the ABM, Cambodia, the Draft or ROTC are either all good or all bad.)

Perhaps most revealing, have the protesters spent any time working in any civic organization, to improve the local community? In the Jaycees, Chamber of Commerce, their church, local politics, or in community fund raising? Are they full of prescriptions and broad generalizations about the state of the world—but do nothing to improve the street on which they lived? Frankly, I have little time to give the individual who deplores and offers suggestions for the state of the world and doesn't have time to put his arm around his neighbor next door.

Since joining the Defense Department, I have observed and served with officers and men of all branches of the Services. I cannot say they are more brilliant or imaginative than others with whom I have been associated. I can—and unequivocally do—say they are more dedicated and unselfish. They are solid citizens serving what they conceive to be the highest call—supporting their country. Without such people and without such a commitment to the country, the nation cannot long survive.

Though they would not say so themselves, military personnel are patriots. They do not seek undue reward nor special recognition. On their behalf, I ask that this free and open society apply another American standard to them—that of fair play. I hope some of my comments today will help to put the military point of view in better focus.

Because my colleagues in the military have impressed me with their dedication, I am particularly pleased to be in San Antonio, a town that is proud to be a "military town," to celebrate Armed Forces Day. I hope you gathered from my comments that I'm proud of my country, its system of government and the military that insures the longevity of both.

In the Secretary of Defense's hall is a picture and an inscription that typifies to me the attitude of the military man towards his country. It portrays an airman and his family kneeling in a chapel at prayer. The caption under it is from Isaiah, Chapter 6, Verse 8. "I heard the voice of the Lord saying whom shall I send, who will go for us? Then said I—here am I. Send me."

This is the unfailing response of our military men when faced with a call to duty.

Would that we had more Americans today, who, seeing a job that needs to be done, would come front and center and proudly volunteer "Here am I. Send me."

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## COORDINATED TRANSPORTATION

## HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. FRIEDEL. Mr. Speaker, there was an important measure recently cleared for floor action by the Rules Committee which in my judgment will go far in improving our Nation's transportation system. I refer to H.R. 8298, the so-called mixing rule bill which was favorably reported by the House Interstate and Foreign Commerce Committee last year.

This bill will at last unshackle our valuable domestic inland water carriers from an unfortunate Federal ruling which has long impeded the growth and progress of this vital industry. H.R. 8298 will make it possible at long last to have the benefit and full use of the productive and efficient technology which has been developed over the years by this industry. By making proper use of this important know how on the rivers, we will surely lower unit costs on many products. In a time of rising prices and costs and faced with increased demands by consumers such a step seems abundantly wise and proper.

For a complete description of the evolution and history involved in seeking a solution to the problem faced by our domestic water carriers, I commend to all the Members the speech recently made at the University of Alabama Transportation Forum by Mr. Peter Fanchi, Jr., president of the Federal Barge Lines, Inc., St. Louis, Mo.

I include it at this point in the RECORD:

### THE PEOPLE PROBLEM

(By Peter Fanchi, Jr.)

In the first half of the first year of the new decade, a number of us have been called to the University of Alabama's justly renowned annual transportation forum to talk about a new decade in transportation. In the past is has been customary for each speaker to stick closely to his own field. I plan to cover very briefly the new developments which may be expected in the inland barge industry.

But for most of this talk I want you to consider with me a universal problem which in transportation takes an extreme form. Perhaps, in this decade, the water carriers, the railroads, the pipelines, the truckers, the airlines and the shippers can, together, reduce this problem to a more manageable form.

I refer to the "people problem," the problem of the resistance of people to new ideas, their refusal to consider new circumstances on their merits, their love of the unthinking knee-jerk reaction to something a little different from the carbon copy of what happened yesterday.

If one considers the real roadblocks to progress in the different modes of transportation, one almost always finds that it stems from a "people" problem.

We can have new and more productive technology, more efficient organization of shipping, and lower unit costs. The roadblock is not the need to invent new technology or to think out better ways of doing things. The roadblock is almost invariably one of human resistance.

As an illustration, let me give you in brief terms the story of what has happened over 15 years in an attempt to achieve and maintain reductions in barge costs. Surely there can be no more praiseworthy project than an improvement in technology which results in lower costs for the shipping public and for the consumer. Who can be against that?

The story begins back in the early 1950's when marine engineers and the river shipyards began talking about building very powerful new towboats with a capacity for handling more than double the number of barges compared to those handled at the time. The change did not come overnight. But as a few of the big boats were tried,

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it soon became clear that they could do everything that had been promised and more. By 1960, the big towboat and the 30 to 40-barge tow were commonplace sights on the river. Federal Barge Lines contributed the biggest towboats of all, the MV America and the MV United States with 9,000 horsepower capable of moving over seven acres of freight. And let's give credit where credit is due. The maritime labor unions supported this technological advance. Other unions in other times have resisted technological advances. The maritime unions took the long view that increased efficiency would mean more and better jobs.

From 160 on, a downward trend began in river freight rates. Larger tows meant lower unit costs, lower unit costs permitted lower rates. In a time of inflation, at a time when labor costs and material costs were rising, the barge line rates were going down.

I stress this because I want everybody to understand that we are talking about an actual proven technological advance with actual proven benefits to shippers; not a pie in the sky promise of reductions to come some day.

There was a small cloud on the horizon. We didn't pay a great deal of attention to it at the time because we really couldn't bring ourselves to believe that anyone would try to cancel out the economic advantages of the big towboats. We couldn't imagine anyone suggesting that we go back to the little boats and discard the new and more efficient method of operating any more than we could imagine anyone suggesting that the airlines abandon the jets and go back to operating DC-3's.

But there definitely was a small cloud over the legality of mixing regulated traffic—paper, steel, packages of one kind or another—and unregulated dry bulk traffic—grain, coal, salt and the like. Technology outdates laws all the time; we had every confidence that the Interstate Commerce Commission would interpret the law so that we could continue to offer low rates to shippers, particularly since the ICC had actually at one time found the practice of mixing was legal. Why do we need to mix regulated and unregulated commodities? The answer is simple: we need both kinds in one tow to accumulate enough barges for a big tow.

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The Commission could have agreed with its original finding, but chose not to do so. We were disappointed, but confident that, on appeal, the courts would reverse the Commission and allow us to continue to offer the benefits of the new technology. To be on the safe side, however, in 1961 we supported the introduction of a bill in Congress which would have clearly legalized the mixing of regulated and unregulated traffic. It was a simple bill. There was no attempt to resolve the true anomaly of the exemptions: why in the name of reason barge lines are only permitted to haul three dry-bulk commodities in a tow without losing the exemption. Older members of the Congress said this had something to do with the fact that there are three holds in Great Lakes steamers and the restriction somehow spilled over to river flotillas more or less by accident. For 20 years it meant little, because tows were small and there was seldom any demand for the transportation of more than three commodities. But, by 1960, with the big towboats in service, the restriction was clearly obsolete.

However, in 1961, the barge lines did not aspire to a complete modernization of the exemption provision. That, it was thought, was too ambitious, however, logical it might have been. The over-riding need in the public interest was to continue the mixing of regulated and unregulated commodities.

It was with this simple change that the "people problem" first arose. There was quite violent opposition to the bill from those who didn't take the trouble to understand it. I say they didn't understand it because today those same people are endorsing the 1961 concept. The bill got nowhere. Meantime the appeal from the ICC decision was wending its way through the courts.

The courts finally passed the buck to the Congress. If enforcement of the Commission's order meant adverse results, to the public interests, i.e., high costs, then the Congress should fix the Act, the courts said.

Let us pause here to remember that all that was at stake was continuation of proven low operating costs for barge lines. At any point in this complex process some universal transportation ombudsman could have stopped all the wheel spinning and said: "mixing is in the public interest; it should be permitted."

But further extended struggles lay ahead. On the one hand the Commission and the Congress didn't want to be tagged, in a period of rising prices, with the responsibility for a totally unnecessary cost increase for a very large part of that essential 10 per cent of the nation's inter-city freight which goes by barge. On the other hand, the solution did not appear to be obvious.

A number of public spirited water carriers and shippers got together to discuss what was the logical, the sensible, the right thing to do—always a highly dangerous occupation. A new bill resulted which, in effect, thoroughly modernized the dry-bulk exemptions. I won't take time to describe this bill, but it did more than fix the mixing problem. It was a good compromise and was widely hailed by shippers, farm groups, labor groups, industrial groups, dozens of nationally known individual companies, State industrial development groups and others too numerous to mention. The questions it raised were very clear. Are you for improved technology? The answer of course was universally, yes. Are you for lower costs for the barge lines? The answer of course was universally, yes.

The Senate Commerce Committee liked the bill and recommended it unanimously. The Justice Department liked it, Agriculture liked it, and the new Department of Transportation liked it. The entire government generally endorsed it.

When the bill was called for hearings in the House of Representatives, it ran into serious trouble. One leading member of the committee explained the problem as follows: There was nothing wrong with the bill. In fact, it obviously had a great deal of merit. Indeed, it was one of the cleanest pieces of legislation he had seen in many years. "Why all this does," he said, "is to provide for low rates." But, he continued, the bill had no chance in its present form.

We had hit the people problem again.

When the exemptions from economic regulation became law in 1940 the water carriers got them and the railroads did not. The theory was that water carrier rates were so low that they did not compete with the railroads so there was no point in regulating them.

Conditions have changed. Railroads have enjoyed technological advances. Dry-bulk traffic on the rivers—corn, salt, wheat, coal, alumina and similar commodities moving by river—are quite competitive with the railroads. The railroads had convinced the House Committee that a great injustice existed. The barge lines were partially regulated and the railroads fully regulated. This represented an unfair competitive advantage to the barge lines, the railroads said. It would not be fair to the railroads to modernize the exemption to permit mixing unless the Committee did something, at the same time, about this greater injustice.

That argument was persuasive to the Committee and it was clear that the bill to permit the continuation of low rates had no chance unless some accommodation were made of the railroad complaint.

Members of the Congress said that they believed the railroads would be reasonable and urged that some sort of compromise be struck. With a compromise bill, there would be no more trouble.

So again, as had taken place in the beginning, shippers, railroads, water carriers and others began to think of what such a compromise might be.

In the meantime, one of the shippers was distressed by the fact that there was no clear cut evidence that mixing regulated and unregulated commodities really did produce savings. Have a study made, it was suggested. Some of those involved found it a little hard to believe that a study was needed to prove that using one boat to do the work of three produced significant savings. However, Stanford University School of Business was engaged to do such a study and the barge lines contributed data on all shipments in the year 1967 to show what precisely would have happened if the law had been applied.

Sure enough, the study concluded that, if the new technology were discarded, costs would go up dramatically and rates would then have to go up. According to one estimate, rate increases between 10 and 15 percent could be expected. The Congress and the ICC had before them some precise figures on the unnecessary cost increases which would result if no solution were found.

I should explain that the ICC, at the specific request of the Commerce Committees of the House and Senate, has suspended the effective date of an ICC order compelling an unmixing of the tows no less than four times in the expectation of a legislative solution. The current suspension runs out on June 30, 1970.

Many good people earnestly studied a variety of compromises ranging over the whole spectrum of the Interstate Commerce Act.

This discussion often got quite out of focus. To some people mixing was a valuable lollypop the barge lines wanted. Someone else had to have a lollypop of equal value. To others the barge lines had, in mixing, an economic advantage. They should be willing to accept an economic disadvantage to balance out the advantage.

Mixing was and is a technological advance. The benefits have already been passed on to consumers in the form of low barge rates. The Senate Commerce Committee, in its favorable report on the bill stressed that mixing should be considered on its own merits and its benefits not denied the public while solutions to all transportation problems were found.

There was a special shipper committee formed to consider the problem. In all, about a year and a half elapsed in fruitless study.

Finally, the House Transportation and Aeronautics Subcommittee, under the chairmanship of Representative Samuel N. Friedel of Baltimore, took the bull by the horns. It isolated two well-established facts. Mixing the dry-bulk and regulated commodities in the same tow produced lower costs and therefore was in the public interest. The railroads were disadvantaged in competing with water carriers because the water carrier rates were secret. Why not a bill to permit mixing—and denying for the time being a thorough-going modernization of the exemption provision—and equalize the competitive situation between railroads and water carrier by requiring the publication of rates of all dry-bulk commodities shipped by water?

There would be no economic regulation of barge rates; just a requirement for posting the rates.

The barge lines didn't get everything they wanted, but they could not be completely unhappy; the railroads didn't get everything they wanted but they, too, could not be completely unhappy. The public was advantaged because mixing would continue, there would be more intense competition between railroads and water carriers leading to greater efficiency on both sides, and with rates out in the open the public's right to know freight rates would be satisfied.

Finally, the bill called for a study of the entire problem based on facts that would become available for the first time and a report back to the Congress with policy recommendations for further action. The bill had a termination date so that if it turned out that anyone was seriously hurt, it wouldn't be for long.

The regulated barge lines, which account for one third of the river traffic, endorsed the bill. The railroads endorsed it. Maritime and railroad labor endorsed it.

The bill made a lot of sense to the House Interstate and Foreign Commerce Committee. The favorable vote was an overwhelming 18 to 6.

That was last October. In November, the bill went before the Rules Committee and was held up there until only three weeks ago, when it was voted out for floor action by a 7 to 6 margin.

The delay was caused by another people problem. Some large shippers like secret rates and are prepared to fight to kill the bill so that no one knows the freight rates by water on dry-bulk commodities. I suspect that the trend is against them. We have truth in lending, truth in packaging and I expect we will soon have truth in barging. The whole trend is toward the public having the right to know essential facts affecting its welfare.

It does not seem logical that a shipper will use railroads for part, usually the greater part, of his shipments of precisely the same commodities at rates which are not only published, but economically regulated, and can then turn around and make a public interest case for keeping the rates on the water-borne shipments secret.

No one is against mixing. No one is against cost reduction. Our people problem on these issues is over. But those who are against the public's right to know a transportation rate are actively trying to break down the compromise the House Committee has reached. I can only say, I hope they do not succeed.

My point in this long recital is this. If transportation is to meet the needs of the economy over a period of very substantial expansion in economy activity, we must find some way to curb the people problem.

Every mode has a people problem. I know nothing about the truckers' problem in winning approval for the use of tandem trailers. But it stands to reason that two trailers with one engine and one driver represent a more economical way to transport freight over the highway. We see these "double bottom" rigs all the time in the west. But apparently there is a great people problem involved in extending the service to the east.

The railroads have people problems. I'm sure the airlines saw 10 years ago that their airports and airways would be now jammed to overflowing. But a people problem got in the way of adequate planning. Now of course in most airports I visit there's a wall-to-wall people problem brought on by a people failure 10 years ago.

We just can't go on this way.

I'm an optimist at heart. Despite our problem with the mixing rule, which, you might assume, would be enough to discourage any thinking about innovation and technological improvement in the barge lines to the end of the century and beyond, I do want to leave you with a brief list of items to look for in the decade of the 1970's.

The boats and the horsepower are likely to get bigger and the tows will carry more tonnage with consequent lower unit costs. I wish I could say that the rates would continue down, but inflation has hit all of us hard and the barge lines are no exception.

We can also look at other ways to improve productivity and achieve cost reductions. There has been a rush of industry to the river banks since World War II. The production line leads to the barge loading dock in more and more plants. The water freight rate is usually about one third the surface rate. High costs are usually incurred in rehandling by rail or truck to get to water. Many companies are eliminating that rehandling and cutting transport costs dramatically.

A co-product of the on-going flood control, bank stabilization, power, irrigation and other water resource programs continues to be navigation. Already the re-development program of the Ohio has reduced the number of locks and dams from 53 to 28, greatly improving the economy of barging on the Ohio. We'll be down to 23 locks by 1974, another advance in productivity, and 19 when the re-development program is finished.

The lower Mississippi is rapidly developing a 12-foot channel from the bank stabilization program. The Arkansas will shortly be navigable to Tulsa, opening five more states to water transportation. Ground is being broken on the short cut from the Tennessee to the Gulf via the Tombigbee-Warrior Rivers. In a couple of years, slack water navigation will reach to Lewiston, Idaho on the Columbia and the Snake. Other developments are coming.

The ocean-barging program appears to be a success. Ocean-going barges have been sent to Vietnam and regularly serve Alaska. Cross-Gulf operations from Florida to New Orleans are successful in 26,000 ton self-unloading barges.

Huge barge-carrying mother ships are sending lighters up the river as far as Chicago from New Orleans and eliminating rehandling at ports on both sides of the ocean.

Even mini-ships are finding their way up the river to Greenville and beyond to provide new service between the Mississippi heartland and the Caribbean and South America.

The Water Transport Association's program to join the best efficiencies of rail and water seems to be off the ground. Proper coordination of rail and water transportation, according to the industry's studies, can mean savings of from 10 to 30 per cent in transport costs.

Taken together, all these developments should mean great dependence on the part of the economy on water transportation in the coming decade.

But if we could add to more intensive use of low cost water transportation the rewards of eliminating the problem of unreasoning resistance—the people problem—we would really be on our way to greater economy and efficiency in transportation.

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## INVASION OF CAMBODIA VIOLATES INTERNATIONAL LAW: N.Y.U. LAW STUDENTS BRIEF PROVES

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. FRASER. Mr. Speaker, in a carefully documented, well reasoned paper, a group of students in the Root-Tilden program at New York University School of Law have shown that the U.S. invasion of Cambodia violates international law.

Wide distribution should be given to this excellent statement. I am placing in the RECORD excerpts from this copyrighted paper. It deserves careful review by Congress, the administration, and the American public.

The statement follows:

### PART TWO. QUESTIONS UNDER INTERNATIONAL LAW

### I. CAMBODIA

### *A. Collective self-defense under the United Nations Charter*

1. Definition of "Armed Attack." Under international law, the legal justification for the incursion of United States forces into Cambodia was presented in a letter of May 5, 1970, from the Permanent Representative of the United States to the United Nations, Ambassador Charles Yost, to the President of the Security Council. The letter states that the United States action in Cambodia was taken as a measure of "collective self-defense." In essence, this same justification has been employed to explain all United States military actions in Vietnam. It forms the foundation of the March 1966, Department of State Memorandum on the legality of United States participation in the defense of Vietnam.

It is important, then, to consider the meaning of the concept of "collective self-defense" as embodied in Article 51 of the United Nations Charter. Article 51 constitutes an exception to the basic Article 2(4) obligation of members of the United Nations to "refrain in their international relations from the threat or use of force." It states in part:

"Nothing in the present Charter shall impair an inherent right of individual or collective self-defense if an armed attack occurs against a member of the United Nations until the Security Council has taken the measures necessary to maintain international peace and security."

Military action taken in "self-defense" which does not satisfy the Article 51 exception results in a prima facie violation of the obligations assumed under the Charter. The invocation of self-defense as the justification for the use of force depends on the satisfaction of two preconditions. The threshold question is whether an "armed attack" occurred. The following argument demonstrates that no credible claim of actual, physical armed attack on allied forces in Vietnam was asserted; and that, assuming arguendo that the threat of an armed attack would qualify as an "armed attack" under Article 51, the military movements of North Vietnamese troops in Cambodia merely raised the possibility of an attack, a possibility so remote in time and so contingent on fortune as to fall outside the meaning of a "threat of armed attack."

President Nixon described that attack in his televised address to the Nation on April 30, 1970, as follows:

"North Vietnam in the last two weeks has stripped away all pretence of respecting the sovereignty or neutrality of Cambodia. Thousands of their soldiers are invading the country from the sanctuaries. They are encircling the capital of Phnom Penh. Coming from these sanctuaries as you see here, they had moved into Cambodia and are encircling the capital.

"[I]f this enemy effort succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier: a refuge where enemy troops could return from combat without fear of retaliation."

Apparently, the attack to which the President referred was the increasingly intensive strife between Cambodian and North Vietnamese forces. The joint United States-South Vietnamese response involved an attempt to prevent a defeat of the Government in Phnom Penh. The President confirmed this view in a latter portion of his speech:

"But the aid we will provide will be limited *for the purpose of enabling Cambodia to defend its neutrality* and not for the purpose of making it an active belligerent on one side or the other."

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Ambassador Yost's letter to the President of the Security Council refers to base areas maintained for five years by the North Vietnamese in Cambodia for purposes of conducting military operations against South Vietnam. The letter identifies the developments which triggered United States action as the expansion by the North Vietnamese of the perimeters of the base areas, the expulsion of any remaining Cambodian presence in those areas, the linking of the base areas into a continuous chain along the South Vietnamese border, and the extension of the bases deeper into Cambodian territory. The letter asserts that North Vietnamese forces were massing in those areas in preparation for attacks against South Vietnam.

When the United Nations Charter was originally drafted an "armed attack" was generally understood as action(s) through which a state sought the initiative by the violent exercise of physical power. Since then, some have argued for an expanded concept to include a military process rather than a single, hostile, offensive event. The Department of State's 1966 Memorandum espoused this broadened concept. Specifically, the Memorandum argues that the concept of an "armed attack" included the processes of externally supported subversion, clandestine provision of arms, infiltration of armed personnel, and introduction of regular units of the North Vietnamese Army into South Vietnam. Assuming *arguendo* that the Memorandum's much criticized position is valid, Ambassador Yost's letter to the Security Council in justification of the Cambodian incursion further broadens the concept of "armed attack."

In effect, the Yost letter defines an "armed attack" in two extremely expansive senses. First, it views the enlargement and extension of military staging areas as falling within the concept of an "armed attack." In light of reports from Southeast Asia and the President's address indicating that the movement of the North Vietnamese forces in Cambodia had the apparent objective of isolating or overthrowing the Government of Phnom Penh, the current American military response appears designed to minimize the threat to the existence of the Cambodian Government. Certainly the use of all of Cambodia as a base of operations against Vietnam would increase the strength and flexibility of North Vietnamese operations. However, it strains both language and credulity to consider the enlargement of a base of operations an "armed attack." More plausibly, North Vietnamese activity in Cambodia constituted an effort to facilitate the threat of an "armed attack." This is the second sense in which the Yost letter expands the concept. For the threat foreseen is sufficiently distant in time as to render meaningless any attempt to equate the "threat of armed attack" with an "armed attack" as defined under Article 51. The following answer by President Nixon to a reporter's question at the President's press conference indicates the time at which the Administration considered the threat would materialize:

"Q. On April 20, you said Vietnamization was going so well that you could pull 150,000 American troops out of Vietnam. Then you turned around only 10 days later and said that Vietnamization was so badly threatened you were sending troops into Cambodia. Would you explain this apparent contradiction to us?

"A. Well, I explained it in my speech of April 20, as you will recall, because then I said that Vietnamization was going so well that we could bring 150,000 out by the spring of the next year, regardless of the progress in the Paris talks and the other criteria that I had mentioned.

"But I also had warned at that time that increased enemy action in Laos, in Cambodia, as well as in Vietnam was something that we had noted and that *if I had indicated and if I found that that increased enemy action would jeopardize the remaining forces who would be in Vietnam after we had withdrawn 150,000, I would take strong action to deal with it.*

*"I found that the action that the enemy had taken in Cambodia would leave the 240,000 Americans who would be there a year from now without many combat troops to help defend them would leave them in an untenable position. That's why I had to act."*

Apparently, the United States crossed an international boundary and employed armed force in response to a threat which, by its own admission, would not materialize for at least one year. Attempting to justify preemptive actions exclusively in terms of an incipient threat does violence to the clear meaning of Article 51. Furthermore, such an overly broad definition of what constitutes an armed attack eliminates the distinction between the concepts of armed attack and self-defense. A defensive measure taken in anticipation of an attack can be interpreted by the country or force under attack as an armed attack necessitating self-defense measures. To define self-defense in such a way as to legally entitle the aggressor to in turn respond in self-defense is to destroy the legal justification for self-defense embodied in the United Nations Charter.

Quite, clearly, the concept of "armed attack" cannot be woodenly or mechanically applied. An armed attack is properly differentiated from other forms of hostile behavior. Safeguards designed to deal with both types of unauthorized intervention have been incorporated in various treaty instruments. For example, the distinction exists in the Charter of the Organization of America States, which, in Article 25, differentiates unequivocably between an armed attack and other forms of aggression. The distinction is also found in Articles 3 and 6 of the Inter-American Treaty of Reciprocal Assistance of 1947, in the North-Atlantic Treaty of 1949, in the Warsaw Treaty of 1955 and in the United States—Japanese Treaty of Mutual Cooperation and Security of 1960. All these treaties refer only to "armed attack" while specifically noting Article 51 of the United Nations Charter. Interestingly, Article 2 of the Southeast Asia Collective Defense Treaty (SEATO) also carefully distinguishes between armed attack and subversive activity directed from without; Article 4(1) of the SEATO Treaty covers "aggression by means of armed attack"; while Article 4(2) covers threats "in any way *other* than by armed attack" or "by any *other* fact or situation which might endanger the peace of the area." This distinction has been propounded consistently in treaty instruments drafted after the United Nations Charter, to many of which the United States is a party. Consequently, it would appear that Article 51 has always been understood to embody a narrow construction of "armed attack." The position taken by the President, as justified in the Yost letter, conflicts with that construction.

The latent threat of hostile action launched from a neighboring state has not traditionally justified resort to armed force in preemptive self-defense. Two examples sufficiently illustrate the point.

The "Caroline," an American vessel used for supplies and communication in a Canadian insurrection, was boarded in an American port at midnight by an armed group acting under the orders of a British officer. The boarding party set the vessel afire and let it drift over Niagara Falls. The U.S. protest resulted ultimately in an apology by Lord Ashburton, the British Special Commissioner to the United States. In a note of reply of August 6, 1842, Secretary of State Webster stated:

"[R]espect for the inviolable character of the territory of independent states is the most essential foundation of civilization. . . . Undoubtedly it is just, that, while it is admitted that exceptions growing out of the great law of self-defense do exist, those exceptions should be confined to cases in which the 'necessity of that self-defense is instant, overwhelming, and leaving no choice of means and no moment for deliberation.'"

More recently, in the Nürnberg trial of War Criminals, the court dealt with the defense, "that Germany was compelled to attack Norway to forestall an allied invasion, and her action was therefore preventive." The Tribunal said:

"It must be remembered that preventive action in foreign territory is justified only in case of 'an instant and overwhelming necessity for self-defense, leaving no choice of means and no moment of deliberation.' . . . From all this [evidence as to German belief regarding an allied attack on Norway] it is clear that when the plans for an attack on Norway were being made they were not made for the purpose of forestalling an imminent allied landing, but, at the most, that they might prevent an allied occupation at some future date. . . . In the light of all the available evidence it is impossible to accept the contention that the invasions of Denmark and Norway were defensive and in the opinion of the Tribunal they were acts of aggressive war."

Furthermore, the assertion of a claim of collective self-defense is primarily the right of the victim state, and not of the would-be protector. Collective self-defense involves the right of a nation to request assistance in its defense. It differs fundamentally from any contention that third party nations have a discretionary right to intervene by force in conflicts between other countries. Assuming *arguendo* that the North Vietnamese launched some sort of "armed attack," either in the traditional sense or in the loose, expansive sense articulated in the Yost letter, the question of determining the victim of such an attack remains. The North Vietnamese activity which, according to the United States argument, constituted an "armed attack" involved the enlarging of staging and supply areas within Cambodia, troop movement in the direction of Phnom Penh but within Cambodia, and the possibility of an eventual threat by North Vietnamese forces within Cambodia to remaining United States units in South Vietnam. On these facts, it is clear that the asserted depredations of North Vietnamese main force units were directed against Cambodia. If a victim need be found, (and for purposes of properly invoking the justification of self-defense under the United Nations Charter a victim must exist), it is the Cambodian Government of Premior Lon Nol.

On these facts, the only state which could have claimed to be acting in self-defense was Cambodia. There is no indication however, that Cambodia asserted a claim of self-defense. Even if Cambodia has asserted a claim of self-defense, the United States, under the concept of self-defense embodied in the United Nations Charter, could not legally have joined in an action of collective self-defense. For, under the Charter, the right of self-defense does not extend to a state which seeks to associate itself in the defense of a state acting in self-defense. However, the United States did not invoke the doctrine of collective self-defense in conjunction with South Vietnam, which was not in this instance a victim of any "armed attack," the tenuous justifications in the Yost letter notwithstanding.

2. Proportionality. The second precondition necessary for the justification of the use of armed force in self-defense under Article 51 is that the response must be proportionate to the attack. A disproportionate response to a situation which validly requires self-defense will transfer an otherwise justifiable exercise of the right of self-defense into an act of aggression. The application of this standard to the allied thrusts into Cam-

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bodia reflects the basic flow in labeling North Vietnamese activities in Cambodia an armed attack on Vietnam or allied forces therein. The only military operations against which the proportionality of the allied incursion can be measured are the expansion of the Cambodia sanctuaries and the concurrent attacks on Cambodian forces by North Vietnamese troops. Such measurements would be difficult to make as they turn on factual determinations not readily available. But the standard of proportionality cannot be applied in this case as the nations using armed force under the right of collective self-defense were not the objects of an armed attack.

Ambassador Yost's letter states that "North Vietnam has stepped up guerrilla actions into South Vietnam and is concentrating its main forces in these base areas in preparation for further massive attacks into South Vietnam." This factual assertion is not reflected in President Nixon's address of April 30 or subsequent press conference of May 9. The President indicated that he was responding to the threat which would exist to United States forces following another withdrawal of 150,000 men should North Vietnamese forces succeed in consolidating their position in Cambodia through the overthrow of the Government of Premier Lon Nol or by a severe limitation of its power. Without dwelling on this rather crucial discrepancy, one cannot seriously say that the incursion into Cambodia of at least 50,000 allied troops on six fronts with accompanying air support, a flotilla of 140 gunboats and a one-hundred mile allied blockade of the Cambodia coastline was a proportionate response of self-defense to "stepped up guerrilla actions," the only alleged new military action emanating from Cambodia against South Vietnam.

### *B. The neutrality of Cambodia*

As President Nixon affirmed in his address of April 30, the United States acknowledged Cambodian neutrality. Respect for that neutrality was assured by a diplomatic note during the Johnson administration and was reiterated on numerous occasions by repeated demands that North Vietnam respect the neutrality and territorial integrity of Cambodia.

Generally, a neutral state must remain impartial while the belligerent state must respect the neutral's impartiality. The belligerent must also respect the territorial integrity of the neutral state. On the other hand, the neutral state is obligated to prevent the use of its territory for the launching of attacks by one belligerent upon another. While a state may disregard violations of its territorial integrity, a neutral state has the duty to protect such violations, because failure to do so would offend its duty to maintain impartiality. However, the breach of neutrality by either a belligerent state or a neutral state does not terminate neutral status. Only a declaration of war or hostilities amounting to acts of war by one of the parties will have that effect.

The Administration argues that North Vietnamese forces have violated the territorial integrity of Cambodia and that they have utilized Cambodia as a base for military operations against South Vietnam. Certainly, these actions constitute a breach by North Vietnam of Cambodia neutrality. But they do not terminate Cambodia's neutral status. Indeed, it has been the announced policy of the Cambodian government, albeit unsuccessful, to keep its territory free of armed Viet Cong troops. Hence under traditional principles of international law, the movement of American forces into Cambodia is itself a violation of that state's neutrality unless some further justification can be shown.

The argument that Cambodia ratified the American action after it had taken place is not persuasive. In fact, two members of the Cambodian government made an initial protest. Clearly, the joint U.S.-South Vietnamese incursion constituted a fundamental breach of Cambodian neutrality which could not later be rectified by acquiescence, particularly since the Cambodian government had little choice but to acquiesce. Nor does the argument that the areas subjected to invasion were no longer under the effective political control of Cambodia justify the incursion. The political and military realities do not diminish in law the rights of the Government of Cambodia with respect to the maintenance of its territorial integrity and neutrality. Otherwise, one might argue that South Vietnam could claim no rights over Viet Cong-held portions of its own territory. The argument that, under general principles of international law and particularly neutrality, Cambodia's failure to repel the North Vietnamese presence justified the allied incursions into a neutral country must fail in view of the treaty obligation, under Article 33(1) of the United Nations Charter, to *first of all* seek a solution of disputes, other than armed attack, by peaceful means.

### *C. Rights and obligations under SEATO*

The Administration did not attempt to justify its policy under the Southeast Asia Collective Defense Treaty (SEATO). The reluctance to invoke the SEATO commitment is understandable since a colorable case for the Cambodian incursion under the SEATO Treaty cannot be made.

At the outset, the SEATO Treaty obligates the signatories to uphold the United Nations Charter. As demonstrated above, United States actions in Cambodia are violative of that document, and therefore violative of the SEATO Treaty as well. If pursued further, the inquiry discloses other damaging discrepancies. First, the treaty speaks of meeting "the common danger in accordance with its (each country's) constitutional processes." Thus, any action taken in violation of such constitutional processes, as argued in the discussion of the constitutional issues above, is *per se* invalid under the treaty. Secondly, the SEATO Treaty creates certain obligations in the event a party is the victim of an "armed attack." In Articles 4(1) and 4(2), the treaty carefully establishes a distinction between an "armed attack" and "subversive activities directed from outside." As pointed out above, the thesis that an "armed attack," to which the United States could legally respond, occurred, cannot be sustained. The late Secretary of State John Foster Dulles himself cautioned that the treatly language would not support the contention that "any country which feels it is being threatened by subversive activities in another country is free to use armed force against that country." The SEATO Treaty expressly requires, moreover, that the parties consult before taking any action to meet the common danger posed by such outside subversion. The United States made no effort to consult with the SEATO allies prior to taking action in Cambodia. More important, the failure to obtain Cambodian consent or act in response to a Cambodian invitation resulted in a direct, unequivocal violation of Article 4(3), Cambodia having been designated a state within the scope of Article 4 by the September 1954 Protocol to the SEATO Treaty. The Cambodian incursion, demonstrably violative of the SEATO Treaty, could hardly have been justified under it.

### *D. The position taken by the United States in analogous situations*

The action taken by the United States in Cambodia is inconsistent with the position propounded by the United States in the past. When confronted with similar types of action initiated by other states, United States spokesmen in the United Nations have consistently condemned unilateral attacks directed across national borders in pursuit of foreign troops using foreign soil as sanctuaries.

1. Tunisia, 1957. For example, in 1957, French forces operating in Algeria attacked Sakiet-Sidi-Youssef in Tunisia, then being used as a sanctuary and staging area by Algerian revolutionary forces. The United States publicly expressed concern about the incident and the Department of State summoned the French Ambassador to explain the French action. The official French explanation markedly parallels the stated U.S. objective in Cambodia, to destroy enemy sanctuaries, staging and supply bases used by guerrilla forces for raids into Algeria.

2. Yemen, 1964. In 1964 Ambassador Stevenson, speaking in the Security Council, condemned a British bombing attack on Habir in Yemen which was undertaken in response to Yemeni attacks against the British Protectorate of Aden.

3. Middle East. During the course of the ongoing conflict in the Middle East, the United States has repeatedly expressed, in the United Nations and in other forums, negative reactions ranging from concern to condemnation of Israeli attacks upon Arab guerrilla sanctuaries in other Arab countries. The Israeli raids were designed to accomplish the dual objectives of reprisal and destruction of guerrilla sanctuaries and staging bases.

The American incursion into Cambodia hardly lends credence to the aforementioned expressions of dismay, much less to any future United States attempts to limit the use of armed force as an instrument of national policy throughout the world. The Cambodian affair invites cynicism toward subsequent United States efforts to encourage respect for law in the conduct of international affairs.

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## LESSONS FROM OUR DARKEST HOUR

## HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. DON H. CLAUSEN. Mr. Speaker, the recent tragedy at Kent State University is on the minds of many Americans today and will have its impression for years to come.

This past week, the Ohio State Society held a meeting, presided over by our former colleague Walter Moeller, and attended by members of the Ohio congressional delegation, their wives and, of course, present and former Ohio residents now living and serving in some capacity with Federal agencies, congressional staffs and other private and public sector positions of responsibility. I was among the invited guests.

The principal event of the evening was to have been the presentation of an award to the very distinguished president of Kent State University, the Honorable Robert White. However, due to the extenuating circumstances associated with the tragic incident, President White felt that he should remain at the university and sent his vice president for administration, Dr. Ronald W. Roskens, to represent him.

In addition to receiving the award for Dr. White, a message was delivered to those attending by Dr. Roskens, that, in my judgment, was one of the finest, most

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timely and constructive speeches I have heard since my arrival here in the Congress nearly 8 years ago.

Everyone in the audience was visibly moved by the devilery but, more importantly, the content of the speech.

It prompted me to seek recognition and respond, briefly, to his remarks. I felt then, as I do now, that this speech could, conceivably, generate the turning point in American history on just what direction our American colleges and universities take in the future as it relates to campus conduct and student, faculty, and administration roles and responsibilities.

Once all the facts are revealed relating to this tragic incident, I believe we can look forward to new policies being established in colleges and universities and new attitudes developed in the minds of students.

Personally, I believe the time has come when all Americans must realize that educational institutions are established for the purpose of providing education, and not for politicization. We cannot continue to permit the so-called "emphasis on social experimentation" in our colleges and universities.

In the current hysteria that is far too prevalent on our campuses today, more and more colleges are becoming committed, as institutions, to partisan positions. This movement was primed by previous antiwar protests, by militant demands for institutional activism and by erosion of the faculty's authority by an overemphasis on student participation in the administration of the institutions. I strongly believe in student input and involvement, but this trend toward mobocracy tends to make one think we are seeing, here in America, a repetition of what happened to the universities in Hitler's Germany, Latin America, Japan, and other countries.

Academic freedom can only be sustained through the retention and assumption of basic academic responsibilities.

I believe Dr. Roskens' very eloquent speech could serve as a guideline for the future, based upon their very sad and tragic circumstances of the immediate past.

Therefore, I submit to my colleagues a partial transcript of his recent remarks:

### Lessons From Our Darkest Hour

(Ronald W. Roskens, vice president, Kent State University)

(These remarks were presented to a joint gathering of the Ohio Society and Kent State University alumni in Washington, D.C., Wednesday, May 13, 1970. On this occasion the Ohio Society presented an honorary membership to President Robert White in absentia.)

There is no rational being in the universe who would not gladly exchange the first thirteen days in May at Kent State University for an opportunity to begin the month *de novo*. But the easy route of fantasy is not available to us.

Nor is there anyone in this assemblage who would not prefer to see and hear the distinguished gentleman in whose stead I appear tonight. You understand his inability to be present, and you recognize that I am a mere substitute, but, I should add, one who feels profoundly honored to represent President White on this occasion.

For a brief period of the fourth day of May, nineteen hundred and seventy, the sympathy and sorrow of the world rested on the Kent State University campus. The attention of the global community shifted from the conflicts of Southeast Asia and the Middle East, and focused on the tragedy which had befallen our University.

Lord Byron's story of Don Juan tells us that all tragedies are finished by death. For Kent, the tragic deaths of four young students write not the epitaph but leave instead indelible scars that linger on.

The events of the first four days in May are still not clearly understood. Unfortunately, some reports in the public media added to confusion, rumor and speculation. Indeed, criticisms of reporting inaccuracies have been registered in media reviews, including assertions that the bias shown by certain commentators helped polarize an already inflamed public.

What can we say with reasonable assurance?

We do know that Law Day celebrations were taking place in other parts of the nation on May 1, a group of Kent State students met on the University Commons to bury our Constitution and to protest U.S. involvement in Cambodia. By evening the symbolism of a dead Constitution took a more tangible form when an unruly mob of some 400 persons smashed store fronts and windows through a two block section of the City.

The citizens of Kent were understandably frightened. The City constabulary numbers fewer than twenty men and is an hour or more from immediate neighboring help. As a precaution the Mayor alerted the Governor of the possible need for troops of the Ohio National Guard. Less than twenty-four hours later when the midnight blue sky of Saturday, May 2, gave way to the red fires of arson as the torch was put to the University R.O.T.C. Building, the Mayor requested that aid. Troops of the National Guard subsequently patrolled the Kent community—City and campus.

That "violence begets violence" can be no more dramatically portrayed than during those four tense days in early May. The window smashing melee of Friday night became a building burning sortee by Saturday night and served as prologue for the armed and tragic confrontation of Monday noon. The same bell that heralded the beginning of a peaceful rally on Friday noon, tolled sad and mournful sounds on Monday—a postlude to death.

That a number of Kent students were involved in the disruptions of campus and City is clearly fact. But there is additional evidence which indicates that outside elements helped stoke the forges of violence. We may fully expect the final report to document the importation of some hard core revolutionaries into the Kent community. Consequently, we urge that any disposition to condemn the Kent State student body, *per se*, be reserved until all facts have surfaced.

The wagging fingers of accusation have been busy since death struck that Monday noon but I believe that far too much time has been spent in recriminatory efforts to assess blame. The question of blame is moot and fruitless, but impossible to obliterate. I would simply suggest that small parcels of accountability must be placed on many—if not all—doorsteps.

. . . While one side cries that Guardsmen should not have fired . . . another cries that students should not have gathered to taunt, harass, and throw potentially injurious items . . .

. . . While one group cries that troops should never have been called . . . the other side remonstrates that buildings should not have been burned nor property damaged . . .

. . . While one side argues that University officers and faculty should have established more dialogue with dissident students . . . another side points to the obvious abandonment of reason by some of these students . . .

. . . The list can go on and on . . . and we must add to any consideration of causal factors the sincere aggravation of a large faction with the increasing involvement of the U.S. in Cambodia and Southeast Asia . . . while another vociferous core group cries for total military victory.

I keep visualizing that scene in MacBeth when Lady MacBeth cries out in desperation, unable to remove the blood from her hands. All of us must accept responsibility for this terrible turn of events both at Kent and in a larger, national sense.

Our overriding concern, however, must be for the future; we must try diligently to maintain our equilibrium so that we can view this horrendous event in broader perspective than that of the moment, at the same time not forgetting the personal tragedies, and the kind of suppression which these circumstances temporarily thrust upon us.

We lived for the whole country an experience which revealed something alarming about what we regard to be one of our most precious elements—academic freedom. The eyes and ears of the world experienced, through Kent State University, what it means to find academic freedom meaningless in a democratic society. They witnessed the results of escalating threats, and terror, and violence in a University milieu.

Conceptually, academic freedom accords respect to whatever views individuals may take as a result of intellectual analysis and discourse. It implies independence from all unreasonable and improper pressures, be they from government or industry, patriotic organizations or students. But academic freedom dissipates rapidly whenever intimidating or threatening propositions are intruded. It is eroded completely and becomes pointless whenever violence erupts and the insidious influences of force are present—as we witnessed at Kent State University.

A nationally known scholar and historian Dr. Henry Steele Commager spoke not long ago to the use of force on the campus:

> The use of force . . . closing buildings, assaulting or intimidating members of the faculty, setting fire to . . . (buildings) . . . (is) . . . the very antithesis of reason and the deepest repudiation of the university.

Force is abhorrent to academic freedom and to the University itself. But if we are repulsed by the force and violence used to close a university or destroy its buildings, we must be equally repulsed when force is employed to keep the university functioning.

The problem facing our University along with several hundred others and perhaps every American educational institution, is not how to keep the universities open, but how to keep them *open and free!*

We must not permit what I am certain is a relatively small, but well organized group of revolutionaries, to close the educational institutions of America. If they prevail they will reduce to shreds the very fabric through which the threads of our matchless freedoms have been so carefully interwoven. The progress of this nation and the world depends on the success of education in general and on the success of higher education in specific.

At a press conference following the May 4 shootings, President White told the nation's newsmen:

> I hear lunacy on the one side and frightening repressions on the other and I don't hear from that traditional center position that says: 'Let us discuss fully and without limits and let us come to a decision and a conclusion within orderly processes which are in themselves subject to orderly change.'

At this point we must note the good fortune of Kent State University in having as president a man with the strength and leadership of Dr. Robert White. He represents,

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in composite sense, that balanced temperament that is so desperately needed in times of tension and crisis.

Here I should like to pause to insert a paragraph contained in a recent letter addressed to President White from a nationally recognized, highly respected educational leader:

> At last, a chance to send you a note to let you know our sorrow for you, your good wife and the university you built. No one else can really feel your sadness but we know it exists, deep and full of personal anguish. No other college or university president, of the hundreds we have known, has as compassionate a spirit as yours. Always you put students first, talking with them all the time and trying to build an open institution in which they could be heard, could be individual persons, and could learn from dedicated teachers in a warm, friendly environment. I remember your quiet optimism on the phone just 6 nights ago, full of hope that reasoned, rational, concerned students would prevail and that forces of un-reason could not develop a mob psychology. It is a tragedy that it could happen in quiet, peaceful Kent, in a place where the president, his staff, and many faculty really put students first. No one in America has done more, out of personal conviction and desire than you have.

It is that deep reservoir of compassion, that determined sense of purpose, that quiet inner strength which have enabled him in recent days to bear the burden of tragedy and grief. And in all of the cruel loneliness of our darkest hour, he never lost his equilibrium.

If the universities are to remain open and free we must hear from that traditional center position. Patience, reason, cooperation, compromise must be touchstones in the relationships between those with differing views. The myth of the generation gap has been divisive, and must be replaced with a partnership between generations based on mutual accord and respect.

The distance between emotional outbursts and physical force is short and quickly traversed, and those who engage in such uncivilized battle destroy the hope of compromise so earnestly sought by the center group. We dare not frustrate the centrists drive for moderation because it is they who must separate from the cacophony of extremes those chords which may blend a peaceful harmony.

Violence imperils the survival of a free university—but recognition of that stark reality is insufficient. Violence has always been anathema to the academic community and we now see clearly the horrible results of the substitution of violence for reason.

We can afford nothing less than complete rededication of all parties to the substantive principles of the university.

In this light we must all—students, faculty, staff and responsible citizens everywhere—renew our memberships in the university community.

Two years ago our University Press published a book in which HEW Secretary Gardner's article reported an imaginary conversation between a leading educator and a visitor from the 21st century. The visitor described the demise of the University structure during the closing years of the 20th century and said:

> The difficulties were intensified by a disintegration of the university community. Individual professors and departments might have been persuaded to rise above their vested interests to preserve or advance a beloved community—but in most places the community no longer existed, and where it existed, it was no longer beloved. Each professor believed that he owed his loyalty to his professional or scholarly group and not to the university. All elements related to the university—trustees, faculty, administration, students, alumni—distrusted one another and engaged in combative inter action that made a sense of community even less attainable.

That conversation is painfully close to the realities of the moment and it behooves us now to insure that the character and copy of John Gardner's story remain fiction. We must not permit the University community further to disintegrate, nor can our free larger society afford the demise of its universities.

Ladies and gentlemen, the situation before us is gravely serious and the challenge immense. The times call not for emotion, but rather for logic and return to reason, poignantly phrased by Pope Leo XIII:

> It is the mind, or reason, which is the predominant element in us who are human creatures; it is this which renders a human being human, and distinguishes him essentially and generically from the brute.

I express to you my personal recommitment to the university community and to the principles of true academic freedom. I stand and speak from that traditional center position and I invite you and our fellow citizens throughout the land to join with me: Together we will keep our universities open and free.

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## POLLUTION: THE PROBLEM FOR US ALL

## HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. BRAY. Mr. Speaker, pollution has become a matter of grave concern to many of our citizens. The following are the first six reports of a planned series I am writing on this problem:

### POLLUTION

### REPORT

There can be no denial of the "pollution problem" but at the same time it is becoming obvious that we're skidding dangerously close to a pool of hysteria about how to deal with it. This is the "run-in-circles-and-scream" mentality—the running deals with those trying to cash in on this relatively new awareness, and the screaming refers to those who are trying to make political capital out of it all. We don't need either; what we do need is a calm, reasoned approach to how it came to be, and an equally calm, reasoned approach to finding the solution. Both are at hand; a problem created by Man can be solved by Man. It has always been thus and it always must—and will—be, or else we will have served notice that we are no better than beasts.

First, the problem, or concern about it, is not new. One of the English Kings, in the Middle Ages, proclaimed an edict against burning coal because it made too much smoke, and there are records of some executions of his subjects who didn't take him seriously. And Charles I, of course, was violently anti-tobacco; whether on grounds of health or air pollution, I am not sure. There is record of his angrily upbrading the captain of his guard, when he was confined and waiting trial, prior to his execution, because the unthinking captain lit a pipe in his presence.

For the present day, we have the whole topic lumped conveniently under the term "ecology." Ecology as a science is only about 70 years old; coined from a Greek word meaning "house," it is a study of how living organisms and the non-living environment get along together.

The fundamental principle of ecology is this: We can never do just one thing. By way of further explanation, Charles Darwin gave us an amusing example of an ecologic system in his *Origin of Species;* Darwin's discussion of the consequences of introducing a cat into rural England is a classic:

"The number of humble-bees in any district depends in a great measure upon the number of field-mice which destroy their combs and nests . . . Now the number of mice is largely dependent, as everyone knows, on the number of cats; . . . Hence it is quite credible that the presence of a feline animal in large numbers in a district might determine, through the intervention first of mice and then of bees, the frequency of certain flowers in that district!"

(Note: "humble-bees" is correct; that was the term at the time)

Further writers had fun with this. They pointed out, on one hand, that old maids keep cats, and, on the other, red clover (which required bees as pollinators) made the hay that nourished the horses of the British cavalry. From this, it followed that the continuance of the British Empire depended on a bountiful supply of old maids!

So, in essence, tinkering with nature never stops with one move and one move only. Today's classic example is the Aswan Dam, of Egypt. We all remember the Aswan Dam, of course, this great water-conserving project that would tame the Nile, and how castigated Secretary of State John Foster Dulles was when he withdrew American support for its construction. So the Russians moved in and helped Nasser build it; a great victory for Egypt, wasn't it?

Indeed not! The Dam controlled irrigation, and deprived the Egyptian flood plains of the annual fertilization the Nile floods had given them for 5,000 years. The fertile silt now piles behind the Dam, which will eventually have to be abandoned. And, artificial fertilizers now have to be imported into the Nile Valley.

Second, there is no longer any periodic flushing of the soil, such as the floods provided. This means the soil is being salinated, bit by bit. Methods for correcting this cost money and they haven't yet been faced by Egypt.

Curious footnote to history, here; I myself have traveled in the great Mesopotamian Valley, in the area around Babylon, the city whose name is synonymous with dead civilizations. The soil is—and has been for years—heavily salinated to the point where it is worthless for anything.

Third, the eastern Mediterranean is deprived of flood-born nutrients; the sardine catch in that area is down from 18,000 tons a year to 500 tons, a staggering 97 per cent loss. No one has reimbursed the fishermen.

Fourth, there has been a great increase in the terribly debilitating disease known as schistosomiasis among the Egyptians. The disease organism depends on snails, which depend on a steady supply of water (the present constant irrigation furnishes this, but flooding did not).

So the first effect of the Aswan Dam has been to mean a larger population for Egypt, of whom a greater proportion than before are chronically ill.

This is, then, what it's all about. We need, now most of all, honest concern; we need panic not at all; and political demagoguery, for sure, will pollute the atmosphere far more than anything else.

### REPORT

A citizen of the American Republic, today, quite properly concerned with garbage-strewn fields and highways, gaseous air hardly fit to breathe, and rivers too thin to plow but too thick to swim in, due to pollution, might well ask "How did it get that way?"

When the country was first settled everything looked inexhaustible. Sir Walter Raleigh's representatives wrote back to him that everything on the continent was "even in the middest of summer in incredible

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abundance." By 1800 we had four million people; less than one century later, there were 60 million. We moved across our land, and, as Walt Whitman sang:

"We primeval forest felling,
We the rivers stemming, vexing we, and
piercing deep the mines within;
We the surface broad surveying, we the virgin
soil upheaving. Pioneers! O Pioneers!"

In the history of almost every country and culture there has been pride in one's land, and its natural beauties and glories. It is no accident, for example, that the loveliest, most lilting American sea chantey of them all was the hauntingly beautiful "O Shanadore!" Its strains soared about the royals and topgallants of Yankee clipper ships in ports all over the world as American seaman sang nostalgically of the Shenandoah River, which to them was symbolic of the beauty of their homeland.

But then, swiftly, the balance of nature was altered. The prairie dweller literally did not miss the buffalo until they were gone. "Virgin soil" was virgin no longer; it blew away in great whirling clouds of dust. Rain and melting snow poured unchecked floods over land unable to hold water, as the topsoil was no longer there.

Walden Pond, immortalized by Thoreau, was not immune. A biting, satirical account of a modern-day visit to the spot noted that as one approached the pond:

"From beneath the flattened popcorn wrapper . . . peeped the frail violet. The pond lay clear and blue in the morning light. . . . In the shallows a man's waterlogged shirt undulated gently."

But even with all of this, we are still fortunate, we Americans, are blessed beyond all other people on earth. We still retain much. Daniel Boone and his party saw the "ample plains, the beauteous tracts below" before them as they stood on a mountain ridge in Kentucky; these are still there. The Ohio River still pulses majestically on in what one early writer called "silent dignity." Skyscrapers line the shores of the Hudson, but in April, May and June, fishermen still net shad as the Indians did off "Manhatas" in the 1600's.

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But not all of the changes made by Man in the New World were bad. When Lewis and Clark went up the Missouri, there were no trout; it was too muddy. When Coronado gave the Colorado River its name, it had no game fish; it was too full of red silt. The situation was unchanged until development and reclamation projects of the first few decades of the 20th Century.

It has been half a thousand years since the first mail-clad Spanish Don came to Florida, but deep in the mangrove keys life goes on even as it did centuries before the Spaniards. In the words of one naturalist:

"A million years have done little to change the aspect of a hidden pool inside the mangrove. If you don't believe it, crawl with crocodile and terrapin through the slime and watch the lowly gastropod leave his smooth track beside yours. . . . Best of all, stay out there at night. You will listen to the silence of centuries and you will hear, as I have, the noiseless murmur of the Pleistocene."

It is these things that lie within the soul of a nation and its people, and give its life the quality without which no culture nor nation can survive. Nor would it care to survive, I think, if these were gone. It is these things that make us aware of what we had, what we have lost, and of the necessity to regain, and restore, and help a basically benevolent Mother Nature to fight back. If we do not, the results can be truly horrible; worse, if possible, even, than an Earth seared to a cinder after a nuclear war. The next newsletter will go into the really frightful aspect of what could be, unless. . . .

### REPORT 3

The "Black Death" of the 14th Century—bubonic or pulmonary plague—was apparently born of the fertility and filth of Asiatic populations, impoverished by war and weakened by famine. It crossed Arabia into Egypt and the Black Sea into Russia and Byzantium. From Mediterranean ports of the Near East, the merchants and ships of Venice, Syracuse, Pisa, Genoa and Marseille (with the help of fleas and rats on these ships) brought it to Italy and France.

It found fertile ground. There had been a succession of famine years in Europe already, and the plague swept all over Europe from 1348 onwards. From a third to one-half of Europe's population died—generally horribly, in shrieking agony; as a chronicler in Sienna, Italy wrote in 1354: ". . . And people said and believed, 'This is the end of the world.' . . ." The total deaths were estimated at 25 million in Europe, and Chinese chronicles say 13 million died in that land. It came closer to wiping out mankind than any other evil, before or since.

There are certain distinctive parallels between the reaction of the people of that age to the Black Death, and the reaction in some quarters—some, by no means all—to the "pollution problem" today. The nameless, unspeakable fear of the Black Death caused one of the oldest examples of mass psychosis, known to history, what is called by some historians the "Dance Madness." Great masses of people, fleeing from they knew not really what, except that it would kill, and fleeing to they knew not where, except feeling that anyplace would be better than where they were, literally danced their way across the roads of Europe. Totally, completely, senseless—chanting and shrieking oaths or prayers, as the mood moved them—great wriggling snakes of crowds of humanity—goaded by terror to near-madness—until they, too, were struck down.

The Black Death was a stark reality, a horror unmatched, and no one knew how to cope with it. There are quite a few very serious aspects of pollution that also hold within them the potential for horror unmatched. "Earth Day" brought about, on a national scale, attention to many things that have bothered a lot of people for some time. And it also brought about a great deal of demagoguery, senseless name-calling, distorting of facts, over-simplification of the issue, fright tactics, and a general collection of idiocies in some quarters that skate perilously close to resembling the witless dancing of the Dark Ages when the plague struck.

Burying new cars; collecting trash—then dumping it on the steps of a city hall; these smack more of some long-dead pagan ritual, planned to appease heathen gods. They are not only witless and thoughtless but also detract from the real good others tried to do.

On the other hand, there was what the Indianapolis Star, on April 24, 1970, called ". . . down-to-earth things. There were young people picking up litter. There was the schoolmaster telling his boys that the problem is a serious and complicated one which will go on day after day, and which must be understood and met and conquered. . . ."

Exactly! Right now there seems to be precious little inclination to do any understanding of something that existed, for example, in Rome centuries before the birth of Christ. So far back the date of its construction is unknown, Roman or Etruscan engineers built the *Cloaca Maxima*, the Great Sewer, with massive stone arches so wide a wagon loaded with hay could pass under them. The city's refuse and rain water passed through openings in the streets into the Cloaca Maxima and drains—which all emptied into the Tiber, and, to quote one authority, "whole pollution was a lasting problem to Roman life."

For that matter, let's go back even farther. so far back the example exists only in mythology. Do we realize, for instance, that the first recorded example of a truly serious pollution problem was solved by what we might call private industry, of sorts, after the governing authorities despaired of a solution? It was the Sixth Labor of Hercules when, by diverting the flow of the River Alpheus, the hero cleansed in one day the incredibly filthy stables belonging to Augeas, King of Elis.

### REPORT

Take the delicately-balanced Scales of Nature, in which are weighed the elements of the Earth upon which our very existence depend. Put in one scale the Earth's load of ice, six million cubic miles, covering 10 per cent of the surface of the globe. Put in the other scale the Earth's atmosphere, 5.1 x $10^{15}$ tons of dry air, composed of nitrogen, oxygen, argon and carbon dioxide, plus water vapor and non-gaseous matter such as domestic and industrial smoke, natural dust picked up from the earth by the wind, salt spray from the Seven Seas, and, within recent years, fission products of atomic tests and nuclear reactors.

I said "delicately-balanced Scales of Nature." Yes, far beyond the point where an imbalance would require, as one person has suggested, gas masks on carburetors of automobiles, over the air intakes. Nature isn't always too helpful, here, and has some tricks of her own with the atmosphere. "Inversion layer" is probably the most common, and has, for the longest period of time, been the most troublesome.

Before the white men came to Southern California, the Indians of the region noted smoke from their campfires hung in the air and did not disperse. Los Angeles, on a coastal plain and bordered on three sides by mountains, is in a box, where sea breezes, westerly winds and the mountains (forming an inversion layer) trap smoke and everything else that rises from the ground. Los Angeles' smog problem is a subject for bad pokes and also great concern. In early December, 1930, in the Meuse Valley, in Belgium, smoke from the industrial city of Liege concentrated so heavily (inversion layers again) that hundreds had acute respiratory attacks and 63 died. Twenty died and hundreds were sickened by the same thing at Donora, Pa., in October 1948; Donora is in the deep and narrow Monongahela River Valley, near Pittsburgh.

What does this have to do with the polar ice caps? Quite a lot; truly catastrophic and geologically revolutionary changes can come from an imbalance between these two elements and the scope is much wider than regional "inversion layers." Now, to repeat, I am not in the "fright merchant" business stench created when your neighbor burns rubber tires has implications far beyond the smell that drifts into your yard. The atmosphere is a giant insulator: by day, from the heat and lethal rays of the sun; by night, preventing Earth's heat from escaping into outer space. Meddle with the qualities of an insulator and its insulating properties change drastically.

This has happened in the past. Geologists know there have been catastrophes on truly immense and grand scales. And the probable cause was changes of sea level, relative to the surface of the continents. This, in turn, is directly attributable to a change in the temperature of the earth; a drop in the annual average temperature of only 3½° Centrigrade (about 38° Fahrenheit) would bring on a new Ice Age. And a rise of the same amount would melt Antarctica and Greenland down to bare rock in a time period estimated to be a few centuries, by some, and a few decades, by others.

The end of the major geologic periods—Cambrian, Ordovician, Devonian, Permian, Triassic and Cretaceous, in particular—saw these mammoth changes on earth. The Cambrian seas, for instance, swarmed with trilobites, primitive creatures related to the shrimp, lobster and crab. There were about sixty families of trilobites, but at the end of the Cambrian, two-thirds of them disappeared. The greatest mass extinction of all came at the end of the Permian, when nearly half of all the known animal families in the world were wiped out. The end of the Cretaceous saw dinosaurs, marine reptiles, flying reptiles and many forms of land and sea life go without leaving a trace. Why? Probably change in temperature due to, yes, air pollution.

True, there were no factory chimneys nor autos; not much for smoke except volcanoes and forest fires. Volcanoes? Few things discharge so much carbon dioxide into the air. A young earth, heaving, buckling, trembling—volcanic activity almost constant—carbon dioxide content of the air increases. It doesn't take much. Present content is 0.03 per cent of the air; doubling this to 0.06 would raise the temperature the required amount to melt the ice caps, as escape of heat from the earth at night is blocked. Again, if carbon dioxide content dropped to half of what it is today, glaciers would level the towers of Manhattan.

So what does this have to do with burning rubber tires? Simply to point out that while Nature holds the scales, Nature also sometimes tips the balance. The extinction of prehistoric life, mentioned above, quite probably came about from this imbalance of Nature herself. Even here there is still a balance to be struck. The same thundering volcanoes pouring carbon dioxide into the air exposed new, unweathered rock, which absorbs the same gas. So, gradually, the balance was restored and the temperature fell again as this prehistoric "pollution" was taken from the skies.

The Washington STAR for April 28, 1970, noted the Smithsonian Institution on that day reported a 16 percent reduction in direct sunlight from that measured no more than two generations ago. Where was it measured? Right on the Mall, within one mile of the U.S. Capitol. Why? Air pollution, 20 Century style. What will it add up to? The next newsletter will look at three possible situations.

### REPORT 5

The preceding newsletter in this series on pollution went rather extensively into geology to show two things: first, the truly precarious balance in Nature that allows life to exist in various forms, and, second, how Nature herself can upset this balance. Drop or increase of a few degrees in temperature, brought about by drop or increase of a few hundredths of a percent of carbon dioxide content in the atmosphere, and there can be trouble.

What these changes did to prehistoric life itself, i.e., exterminating dinosaurs and other forms of life, wouldn't necessarily occur in such scope today. Animal and vegetable life might not be quite as susceptible to these relatively small fluctuations in the thermometer. So we go back to the other factor in the Scales of Nature: the ice caps, and the "greenhouse effect" as heavier concentrations of carbon dioxide hold heat and modify the temperature.

During the first half of the 20th Century average temperature for the earth has risen about .55 degrees Centigrade. It's been calculated, as I pointed out in the last newsletter, that an increase of 3½° Centigrade would melt the Antarctic and the Greenland ice cap down to bare rock. The International Geophysical Year (July 1, 1957 to December 31, 1958) did show among other things that glaciers are receding. One of these in the Himalayas had receded 700 feet between 1935 and 1959; others as much as 1,000 or 2,000 feet. Fish adapted to cold waters were migrating northwards; warm-climate trees were found sprouting farther north than ever before. In Scandinavia, arrowheads over 1,000 years old have been found where for centuries the land was under snow and ice—for the snow and ice are melting. The North Polar ice cap is thinning and shrinking.

Some estimate the critical increase in temperature (3½° Centigrade) will come about in forty years, as six billion tons a year of carbon dioxide enter the atmosphere. Already, violent storms at high tide don't miss by much flooding the New York subway system. Total melting of the ice caps would mean a rise in sea level of between 200 and 400 feet—more than enough to drown most of the world's major cities, which after all are located on sea coasts.

Another flood? Not necessarily; there is another thesis that this increased carbon dioxide content in the air will reduce the amount of sunlight reaching the earth. Then, of course, we head back down the scale—that drop of 3½° Centigrade that means return of the glaciers.

There is yet another intriguing idea. Intriguing, yes, even though if it happened it would be probably more catastrophic than a nuclear war, and intriguing as anything about the earth around us is intriguing. It is this: the warming trend, melting the polar ice caps, will deprive Earth of these two mammoth counterweights that keep it in its present position. Enough ice melted from the Antarctic, for example, and the loss of weight at that end of the globe would cause it to tilt.

Now, the North Pole has not always been in its present position; this is easily enough determined by noting alignment of bits of magnetized iron in ancient rocks. These are natural compass needles and show the magnetic pole was in different places, at different times. Within the last few months it has been established beyond question that the South Pole was once in the middle of what is now the Central Sahara. Some think this was merely due to continental drift, the proven theory that continents have drifted apart. Others speculate it may have been a mammoth, major upheaval when the entire globe out of balance, spun crazily, until it stabilized where it is today.

Flood? Another Ice Age? During the last Ice Age, there were glaciers over most of northern and western Europe and south of the Great Lakes on the North American continent. Or a truly frightful upheaval, as the earth spins off its present axis; this would be in terms of sheer disaster probably even beyond the apocalyptic, last-ditch, insane nuclear slugging match between nations that some feel will incinerate our globe.

These things are there, on the spectrum of "possibles," when Man's existence on this planet is concerned. They are, admittedly, far extremes of "possibles" and how far they are usually depends on who is advancing what theory.

I cite these things as part of this series on the environment as examples of how very small changes can produce thunderingly major upheavals in the pattern of existence. And, for another reason, too: in the process of cleaning up and preserving our planet, it doesn't hurt any of us, one bit, to look a little deeper into its natural history. The more you know about something, the more you take care of it, and cherish it.

### REPORT NO. 6

So where do we go, all of us, caught up one way or another in this sudden, highly-intensified concern with the problem of pollution that has plagued us in one way or another for centuries? In what direction do we look to preserve our environment? In the right direction—and with that in mind it is time to knock down some of the phony signposts so noisily and wrongheadedly erected lately.

False premise No. 1: Pollution is a by-product of an advanced industrial society, where the market is glutted with senseless consumer products, and their residue is scattered all over the landscape. Anyone who swallows this one would know he was wrong the minute he stepped off the plane in, let's say, Calcutta, India. In a country where it is an article of faith to let sacred cows roam the streets (unmolested) and sacred monkeys swarm over the rooftops (unmolested), the pollution threat from beer cans and stacks of yesterday's newspaper pale into insignificance.

False premise No. 2: Pollution of the environment is solely a by-product of the capitalistic system. Two recent newspaper stories answer this one: the New York Times for April 27, 1970, reported the concern of a Moscow conservationist over careless use of pesticides, that killed animals and birds. "It happens everywhere. This question is worrying us more and more every year." Then on April 28, 1970, the same newspaper announced the Soviet Union had opened a "comprehensive legislative program . . . to conserve water and curb increasing pollution. . . ."

False premise No. 3: Modern industrial society has measurably and significantly made the problem worse. Well, this same modern industrial society may have more chimneys, but it also has more techniques to cut down the smoke output of these same chimneys. And were the "Good Old Days" better? Theodore Roosevelt once wrote of an extremely hot summer in New York City, where the heat killed horses where they stood. As Roosevelt told it, the city simply did not have adequate facilities to remove the dead horses. Well, I hate seeing abandoned junked cars on the streets as much as anyone, but if the choice is a defunct sedan to a dead horse with five days of July heat having worked on it, I will take the car any time.

False premise No. 4: We are going to soon be submerged in trash because there isn't anyplace to put it. Not quite; all the household trash for the entire United States for one year could be buried in a pit one mile square and five hundred feet deep. A large pit, to be sure, but no great problem with today's modern technology, and especially with the giant pits already gouged out of the earth by strip-mining, that are just waiting to be filled.

False premise #5: The Federal Government should get involved, instantly, on a large scale. Totally misleading; to begin with, the Federal Government is in it—up to the eyebrows. Thirteen Congressional Committees (some of which are quarreling with others and hauling and tugging over who should do what); 90 separate federal governmental programs; 26 quasi-governmental bodies; 14 inter-agency committees. The first 15 months of President Nixon's Administration saw submission of 23 major legislative proposals to Capitol Hill, and, by executive order, 14 new measures dealing with the environment. Of course, this isn't enough for the doom-shouters; the President's proposed $3 billion was denounced as "hilarious" and a demand made for $100 billion. This gets us into the "anything-you-can-spend-I-can-spend-more" game. So let's stay out of it.

False premise #6: The most vocal of the environmental activists today are idealistic, concerned, dedicated people with no ulterior motives. Now, some are—very much so—a recent flood of well-written letters to me from students in several 6th Indiana Congressional District high schools made this perfectly plain.

But hanging around the fringes and, in some instances, I believe, right smack in the center, the whole environmental movement is threatened by a tinge of radicals who would not, from what I read of them and what they say, necessarily shrink from tossing a bomb at a power plant to get rid of its smoking chimneys. You think not? A recent magazine much beloved by the radical

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fringe, young and old, led off with a sour editorial whose tenor can be determined from its comment on the students burying a new car as a symbol. The magazine said it was ". . . an indication of dangerous political naivete that must be overcome. To buy the car in the first place was to pay the criminal and strengthen him. . . ."

And for a clincher, the last paragraph referred to the recent burning of a branch of the Bank of America, in Santa Barbara, California, by a youthful mob.

"Burning a bank is not the same as putting the banks and their system out of business. To do that, millions of people in this country will first have to wake up to the real source of their misery. The action in Santa Barbara, a community which has seen its environment destroyed by corporate greed, might spark that awakening. If it does, the students who burned the bank of America in Santa Barbara will have done more to save the environment than all the Survival Fairs and 'Earth day Teach-Ins' put together."

This was condensed to appear on the front of the magazine as this chiller:

"The students who burned the Bank of America in Santa Barbara may have done more towards saving the environment than all the Teach-ins put together."

A lot of what is being said and printed about the environment is foolish nonsense, and I tried to cite the prime fallacies in the first 5 false premises. But this last is more than foolish; it is dangerous, incendiary and volatile. And it is far more threatening to us all than a littered landscape, filthy rivers, or dirty air.

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## DR. JOHN J. MENG, PRESIDENT OF MARYMOUNT COLLEGE DISCUSSES RELEVANCE OF THE CATHOLIC WOMEN'S COLLEGE TO TODAY'S WORLD

### HON. HUGH L. CAREY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. CAREY. Mr. Speaker, at a time when private liberal arts colleges are finding it increasingly difficult to continue in their commitment to the educative process, it is encouraging to read the views of Dr. John J. Meng, president of Marymount College, Tarrytown, N.Y., concerning the relevancy of such institutions to today's world.

The spring issue of Marymount contains an article by Dr. Meng entitled, "Relevance and the Catholic Women's College," based upon his remarks last November at the inauguration of Sister Marie Barry, SND, as president of Emmanuel College in Boston.

Alluding to the axiom that each institution should do that for which it is best fitted, Dr. Meng concludes that "our society requires the preservation and development of instruction which liberal arts colleges in general, and Catholic women's colleges in particular, are best fitted to provide."

So that our other colleagues may have the benefit of Dr. Meng's views on this important subject, I include the full text of his remarks at this point in the RECORD:

### RELEVANCE AND THE CATHOLIC WOMEN'S COLLEGE

(By John J. Meng)

"Relevance" is a word now used in connection with almost every educational topic—sometimes sensibly, more often nonsensically. The dictionary tells us something is "relevant" if it "fits or suits given requirements." What this means to me is that anything "relevant," including a Catholic women's college must be "relevant to something." I would conclude that if these colleges are effectively accomplishing an appropriate purpose, they are relevant. If their purpose is not appropriate to today's world, they are not relevant.

Until shortly before the beginning of the twentieth century, American higher education was exclusively education in the liberal arts. This educative process was designed to enshrine in the minds of students the principles of private and civic morality, of self-reliance, of self-control, and of self-government. It was designed to transmit to posterity knowledge of the great achievements of man. It was honestly directed toward character building; toward a deep-seated understanding of the world and of its peoples rather than toward a knowledge of superficial techniques and methods. It was intended to train young adults in the art of original thinking. It was designed, in short, to keep the heart of civilized culture beating strongly.

The liberal arts college for women roughly paralleled in its development the gradual entrance of American women into the business and civic life of the nation. Today, with the rights of women more nearly equal to those of men than ever before in our history, the need for the continuance of colleges for women exclusively is being seriously questioned.

Practically all American liberal arts colleges, with the exception of those created by government, were established by one of the religious denominations. Church-related colleges are still numerous, although many that were originally so are today in practice completely non-sectarian. Facilities for various forms of denominational worship are supplied with increasing frequency in both public and private higher educational institutions. The utility and economic feasibility of maintaining separate Catholic colleges are subjects for debate.

The sum of these questions is whether there is a need in today's American society for the liberal arts college which is dedicated to the education of women and to the value system of Roman Catholic Christianity. If the answer to this question is affirmative, it must be based upon the existence of real needs rather than sentimental attachments. If it is affirmative, we must justify it in terms of today's facts and tomorrow's reasonable probabilities rather than in terms of wishful thinking and hopeful guesswork. Many American colleges and universities are today as open to women as they are to men; large Catholic colleges and universities are coeducational, and public and nonsectarian institutions generally provide facilities and opportunities to Catholic students for Catholic religious worship. I am forced to the conclusion that, if the availability of a good secular education and opportunities for religious worship were the sole criteria justifying the Catholic women's college, the answer to the question "is there a need?" would be a clear and evident "No." But these are not the only criteria.

The utility of the liberal arts curriculum as a pattern for baccalaureate education is under heavy fire. Many believe that the liberal arts have lost all pertinence to today's world. American higher education is confronted with major dilemmas. New knowledge makes obsolete much that was taught as axiomatic in earlier days. Colleges are large. Their students, their faculties, and their administrators seek to adapt educational programs to the apparent needs of the times.

There is general agreement that we cannot divorce ourselves from involvement with the society of which we are intimately a part. Yet that involvement must be intelligent, rational, effective, and properly balanced. Are we to abandon the ideals of a liberal arts education and become operating social agencies of one type or another? None of us can ignore the realities of life about us. Must today's college deemphasize the past and concentrate on the present? Must it exchange philosophy for technology, and social theory for social commitment? Must it concentrate on "know how" and abandon "know why"? There is nothing wrong with the idea of participation in the life of the world outside the college doors, but other purposes, too, should be served inside those doors. Study and reflection are the truly important ingredients of the liberal arts college experience.

Education is a mosaic of many factors. It is the sum of patterned studies and environmental circumstances surrounding an individual during the formative years of life, plus the experiences and lessons of daily living throughout life. Education does not and should not stop at the door of the college classroom. Formal schooling is designed to provide a *base* for learning rather than learning itself. Organized patterns of instruction save each generation of the human race from learning over again by experience the hard lessons their ancestors learned over the centuries. That portion of a person's education which is expected to take place in a college is education different from the education one acquires in the world of work. Some things are best learned by "doing"—other things are best learned by study and reflection.

"Learning by doing" teaches man to know the society in which he lives, and the tools and techniques best suited at any given moment to achieve whatever his purpose may be at that moment. Such knowledge is a valuable asset, but it never remains fixed. Constant social change requires a constant adaptation of tools and techniques. No educational institution—not even professional schools whose stock in trade it is—can hope to keep abreast of this type of knowledge. Witness the wide variety of "retooling" seminars now provided in increasing numbers for even the most prestigious of our professions. No college can supply this type of knowledge to its students in any comprehensive fashion, nor can its students acquire such knowledge as effectively in college as they can outside college.

Learning by study and reflection is designed essentially to train the intellect and the will, to develop principles of conduct and action, and to discipline the mind in order that it may grasp concepts and ideas more readily. These aims remain valid and valuable, whatever changes may occur in the surrounding civilization. With the ability to think and plan, with a system of values against which to weigh the ideas and proposals of others, an individual may hope to contribute something to society and to keep abreast of the "knowledge explosion" in the world around him. These are abilities not easily learned in the work-a-day world.

All the above is designed to emphasize the significant difference between the legitimate role of the liberal arts college and the current demand for active social commitments as a college function. I do not mean to imply that the liberal arts college should be wedded to the past, or that it should ignore the present. Far-reaching changes in the traditional liberal arts curriculum are essential. The instruction which these colleges impart must take into account new ideas, new learning, and new social experiences. If our teaching has been confined within national or regional bounds, it should be broadened and expanded to include other areas and other systems of thought. It must encompass systematic treatment of current social problems so that these things can be done effectively. We must be prepared constantly to change the content of our teaching. We must make our colleges adaptable and sufficiently pliable so that they may continue to pursue their high purposes under whatever set of changed circumstances the future may bring. This implies the creation of an adventurous spirit in education. It implies a willingness to consider drastic alterations in content and methods of instruction. The time has certainly come for Catholic institutions to throw off some of the intellectual shackles which have bound them to the past, to cease to be primarily "apologetical" establishments existing principally for the purpose of protecting the faith of young Americans. There is a much broader and more significant role for our colleges in today's world than any which they have played before.

American institutions of higher education come in all sizes and shapes. Their purposes are varied. They range from great universities, generally coeducational with a major interest in research, through the large urban colleges with a nonresident student body, to the relatively small liberal arts colleges for men or for women. Academic standards in some may be high, in others moderately low, and perhaps in still others very low indeed. An axiom I think we all would recognize is that each institution should do that for which it is best fitted.

Universities and large coeducational colleges are mostly career-oriented. Their undergraduate curricula are appropriately designed as underpinnings for advanced studies leading to graduate or professional degrees. Considerable diversity of undergraduate curricular choices results from the variety of specialized competencies found among university faculties and from the large numbers of students enrolled. For the career-oriented student, such an institution may be the wise choice. Large size, however, places a premium on individualized instruction and seriously limits institutional freedom to engage in educational experimentation. Direct contact between senior faculty members and undergraduate students tends to lessen as the size of the college or university increases.

Just as the large diversified institution may possess certain advantages for students with specific career aspirations, so can the relatively small liberal arts college offer a type of education well adapted to the needs of other students.

And what is it that the very excellent Catholic liberal arts college for women can do best? In effect, what makes it "relevant"? What can it do which makes it "fit or suit given requirements"?

By keeping its academic standards high it can attract from the great mass of college-directed students young women of sound intellectual capacity, with the greatest potential for future personal development. For many young women of this caliber the large coeducational college, the large urban university, the large research institution with only a tangential interest in undergraduates can provide a stultifying experience. The excellent liberal arts college, whether it be for men or for women, with economic stability and a lively and dynamic faculty provides a milieu in which the academically oriented student of great potential can develop to the utmost her intellectual capacity and her understanding of the practicalities of life.

Our current intense desire to establish social and economic equality for all citizens causes us to forget or ignore the sociological implications of the biological fact that men and women are different. The facts of biological and psychological distinctions between the sexes create sociological conditions which legislation cannot change. In our society, the woman is the head of the home, and in that capacity she not only brings children into the world, but she is the most important element in their upbringing and in the formation of their minds at the most malleable stage of life. The woman's particular role in the partnership of marriage is unique and highly significant. This is not the place to define the specific elements that should be included in the education of young women for the significant roles of mother, wife, and mentor of the very young. Of one thing I am quite sure, however. Sources of vast wisdom in this area are available, and the need for instruction is great.

Of another fact I am also quite certain. The development of future generations, of their characters, of their attitudes, and of their sensibilities will continue to depend in very large part upon the maternal direction of their young minds. One of America's greatest social needs is for upright, intellectually alert women who understand and appreciate the tremendous social significance of woman's place in our society. We need women who are prepared to create the sound home life and uplifting atmosphere for their children which will provide us with citizens of whom the future may be proud. Here, as I see it, is the true justification for a women's college. None of this is intended to disparage or deny the aspirations of young women for careers in business, in politics, or in the professions. In all of these activities women should have opportunities equal to those of men. I wish simply to point out that our society will crumble if many women do not recognize the social essentiality of the career of motherhood and if American higher education ignores the particular needs of those who recognize its significance.

Whatever may have been the motivations for the establishment of Catholic women's colleges, they have an additional important reason for continuation. Roman Catholicism considered from the point of view of the temporal order alone is a force for stability in a world torn by conflicts. In different times and different eras, this has always been true. It is no less true today. The principles which Catholicism teaches are principles which lie at the foundations of social order. Even violent opponents of the Church hesitate to deny this fact. They may attack persons, or church institutions, or methods of implementing church teaching, but the inherent integrity of the Church's social principles is practically unassailable. The membership, the organization, and the geographical diffusion of this universal Church confer upon it a potential power for good in our disordered civilization which it would be folly to abandon. Now, as in few other periods in history, it would be wise to expand and develop this power for social good to its utmost. Developing Catholic dialogue with men of good will of all nationalities and of all philosophies provides encouraging evidence of this trend.

If these things are true, the role of the Catholic college in America today should become greater than it has before. Our young people need to know and understand their faith fully—not in an apologetic sense, but in a more dynamic way. They need to learn something not only of the ideas, ideals, and principles of their Catholic forebears, but they need also to learn of other great philosophies and other great teachers of moral and ethical ideas. With knowledge of these ideas they also need to learn respect for them. This way, too, our world is moving—toward an intellectual social synthesis which may incorporate in it not only the aspirations and the hopes but also the experiences and the ideals of great moral leaders everywhere.

I am not suggesting that Catholics should abandon their theological concepts. One of the most important life forces is religion. If civilization is to be preserved, religion can be one of its saviors. The material well-being of this world is at stake, and religions have much to contribute to its preservation. At this point in time Roman Catholics have an obligation to move out into the world to contribute their share along with others of good will toward the maintenance and recreation of a better social order. Our society requires the preservation and development of instruction which liberal arts colleges in general, and Catholic women's colleges in particular, are best fitted to provide. If these things are true, then our colleges are "relevant," for they "fit or suit given requirements."

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## "MOONFLAG"

## HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. DON H. CLAUSEN. Mr. Speaker, recently I was the recipient of a very outstanding and somewhat unique presentation during the annual banquet of the Rio Dell Chamber of Commerce.

The presentation was made by a very lovely, talented, and patriotic young lady, Ruth Senteney.

To say that it was a pleasant surprise would be an understatement of my true feelings. She has sent "Moonflag" to, and received acknowledgments from, President Nixon and Governor Reagan.

I feel singularly honored to have been the recipient of this beautiful "Moonflag," but also to have the privilege of representing the "Creator of Moonflag."

Recently, during the "Rhododendron Festival" parade in Eureka, Calif., Ruth Senteney displayed "Moonflag" as a float entry in the parade. It was particularly appropriate, inasmuch as I had Dr. William Lenoir, a scientist-astronaut, as my special guest during the parade and festival.

I take the liberty of bringing to the attention of the Congress, the creative work of Ruth Senteney, by inserting her own description of how she became personally motivated to design "Moonflag." In my judgment, it is truly inspirational.

### THE CREATING OF "MOONFLAG"

We, Earth people, all have a flag for our own nations. It was while watching the First Step on the Moon, that I decided the moon, in all its loneliness, needed a flag too. One that was as beautiful as our "Old Glory" and for all nations to enjoy. So, on July 27, 1969, on a Sunday afternoon, I made a drawing of the moon as it was the night the astronauts first landed there.

In observing the moon and the many beautiful stars around her, what would be more fitting than a burst of moonbeams and stars to come dancing from the moon.

There will be more people going to the moon, so I decided Neil Armstrong and Edwin Aldrin should represent all others who will land on the moon. While they will always need one to help guide them as Michael Collins did, so he as a mother ship should be hovering near to watch out for her children.

Now put them all together, a white crescent moon, 13 white moonbeams and 50 red stars on a sky blue background, plus two pale blue stars for Armstrong and Aldrin and one navy blue star for Collins and that's how "Moonflag" was created.

Long may "Moonflag" live in the hearts of all Earth people as she the moon has no people to enjoy her.

Now that the moon has a flag for her, maybe she'll shine a little brighter and not mind these Earth people that go up there to see her.

## "MODERATION" A LA CHICAGO 3

## HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. WYMAN. Mr. Speaker, recently at the University of New Hampshire after considerable debate relative to policy concerning the invitation, the Chicago 3—Hoffman, Rubin, and Dellinger—appeared and spoke. Much of Rubin's and Hoffman's remarks were unprintable even in this RECORD, but it has been contended by some that Dellinger was "moderate" in what he said.

David Dellinger's background is significant, for there is no question concerning his intentions, which are to disrupt America by encouraging recourse to anarchy through violence. In this connection the following editorial from today's Manchester, N.H. Union-Leader is of interest:

DELLINGER'S "MODERATION"

We're getting a little tired of hearing references to the "moderate" speech given by David Dellinger at UNH on the evening on May 5th. The speech was moderate only in it's paucity of obscenities—and, perhaps, in comparison to the wild ranting of Rubin and Hoffman, it seemed moderate to some.

But when we hear someone describe the speech as reflecting a moderate point of view, we immediately begin to doubt the ability or willingness of that listener to discriminate between truth and malicious falsehood.

It is not moderate to accuse the Illinois commander of the National Guard of being personally responsible for the deaths of the 4 students at Kent State.

It is not moderate to accuse the Chicago police of murdering Black Panther Fred Hampton "in cold blood"—or in any other manner.

It is not moderate to define truth as constituting whatever Ho Chi Minh or the North Vietnamese delegates to the Paris peace talks allegedly told Dellinger "in personal conversation."

It is not moderate to say that the U.S. Air Force deliberately slaughters water buffalo because, Dellinger suggested, a small child is tied to the end of a rope attached to each animal.

It is not moderate to praise the Black Panthers' record of hate and mayhem.

It is not moderate to call for "a second American revolution," and then apparently try to skirt the Chicago court's warning to him not to make seditious speeches by drawing a phoney distinction between violence against property and violence against people.

It is not moderate to state that UNH radicals have "opened up the university as liberated territory from which people can paralyze the war machine."

And it is not moderate for anyone to try to palm off Dellinger as being simply an idealistic pacifist.

Dellinger's Communist leanings are no secret to anyone who has even begun to research his background. Instances of his reported association with Communist front organizations and Communist publications are legion.

Dellinger sent greetings which were read at the annual banquet of The Worker, official organ of the Communist Party, in New York City on October 17th, 1965.

He was a sponsor of the 1968 and 1969 DuBois Centennial Year celebration of Freedomways, a Red publication cited by the House Committee on Un-American activities.

He belonged to or sponsored programs of the following Communist fronts:

The Medical Aid to Cuba Committee (in 1962 and 1963), cited in 1965 by the House Committee on Un-American Activities.

The Socialist Workers Party (from 1963 to 1968), cited as long ago as 1947 and 1948 by the U.S. Attorney General and HCUA, respectively.

The National Guardian (from 1964 to 1966), cited by HCUA in 1956.

The Emergency Civil Liberties Committee, now known as the National Emergency Civil Liberties Committee (from 1965 to 1968), cited by HCUA in 1959 and by the Internal Security Subcommittee of the Senate Judiciary Committee in 1956.

Youth Against War and Fascism (in 1966), cited by HCUA in 1967.

The Spring Mobilization Committee to End the War in Vietnam (in 1966 and 1967), cited by HCUA in 1967.

The W.E.B. DuBois Clubs of America (in 1966 and 1968), cited by HCUA in 1967.

The Committee to Secure Justice for Morton Sobell, also known as the Committee to Free Morton Sobell (from 1966 through 1968), cited in 1967 by HCUA.

The Student Mobilization Committee (in 1967 and 1968), cited in 1967 by HCUA.

National Mobilization Committee, formerly the Spring Mobilization Committee (from 1967 through 1969), cited in 1967 by HCUA.

The National Committee to Abolish the Un-American Activities Committee (in 1969), cited as a Red front by HCUA in 1961.

In addition, in May 1965, Dellinger spoke at the Vietnam protest teach-in, sponsored by the Vietnam Day Committee, at the University of California at Berkeley. In May of the following year, he spoke at VDC's first anniversary teach-in at Berkeley. VDC, according to the House Committee on Un-American Activities, was "organized at the University of California . . . in May of 1965, and controlled by members of various participating Communist and Marxist-oriented organizations. (It has) lent support to the campaign for the collection of money and medical aid for North Vietnam and the Viet Cong."

Dellinger has spoken at rallies sponsored by the Students for a Democratic Society (from 1965 through 1967). The SDS has been characterized by FBI Director J. Edgar Hoover as "one of the most militant organizations now engaged in activities protesting U.S. foreign policy . . . Communists are actively promoting and participating in the activities of this organization, which is self-described as a group of liberals and radicals." A more complete background of SDS appears in a Union Leader editorial of May 2, 1970, entitled "SDS Is 'In' at UNH." (SDS has an office on campus, but Young Democrats, Young Republicans and Young Americans For Freedom have none).

In 1965 and 1968, Dellinger spoke at rallies sponsored by the so-called Chicago Peace Council. According to HCUA, the Council "follows a 'united front' course, cooperating and participating in projects with Communist, pacifist and front organizations," and is run by a mixed group of Communists (both of Moscow and Trotskyite variety), pacifists, and individuals from the so-called New Left."

From 1965 through 1969, Dellinger spoke often at anti-war rallies of the Fifth Avenue (Vietnam) Peace Parade Committee, described by HCUA as "a New York City antiwar in Vietnam organization, which . . . has a mixed group of identified Communists, notorious fellow travelers, and pacifists in its leadership."

Dellinger's role in the Chicago riots of 1968—he was later convicted—is outlined extensively in Parts 1, 2, and 3 of the HCUA report (1968), "Subversive Involvement in Disruption of 1968 Democratic Party National Convention."

Of course, we are NOT contending that Dellinger, who calls himself a "non-Soviet Communist," would deny any of his Communist affiliations. (He certainly made no secret during his May 5th address at UNH of his current love affair with the Viet Cong.)

But we ARE contending that it is dishonest or naive to try to pass him off as a kindly, nonideologized "pacifist" who wants no more than to see peace in Vietnam.

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## ADDRESS BY HON. WILBUR D. MILLS

## HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. ALBERT. Mr. Speaker, the distinguished chairman of the Committee on Ways and Means has today delivered a very important address to the Council of the U.S. Investment Community. Under leave to insert it in the RECORD, I am happy to include it with my remarks for the edification of Members:

ADDRESS BY THE HONORABLE WILBUR D. MILLS BEFORE THE COUNCIL OF THE U.S. INVESTMENT COMMUNITY, OLD SUPREME COURT CHAMBER, U.S. CAPITOL, MAY 19, 1970

It is a real pleasure for me to be here this morning and to share in the program of the United States Investment Community. When my friend, Joe Fowler, called me, I was quite interested, since it is not often that this type of gathering takes place. This group of 100 overseas investment managers plus other portfolio managers and distinguished financial leaders is unusual, representing as you do management of funds and financial institutions that are so important to the economic strength of our own country and many countries around the world. I hope that the visitors from abroad will find their visit to this country both edifying and enjoyable.

It is the responsibility of the Committee on Ways and Means, of which I am Chairman, to pass on legislation of considerable interest to your own activities in the money markets. As a Committee whose primary responsibility is the initiation of tax legislation in the Congress, we must be constantly aware of the effects of tax policy on the capital market in this country and those abroad. This has become increasingly necessary in the last 20 years as the deficits in the United States balance of payments have continued.

Our payments deficits and the economic problems of other countries have constantly challenged the international monetary mechanism of the post-World War II period. Fortunately, it has been through international cooperation that the problems and challenges to international monetary and financial stability have been met. Problems remain, but the willingness of the major countries to act in a spirit of cooperation and of burden-sharing is a hopeful sign amidst other economic, political and social problems which confront us.

In recent years, it has indeed been fortunate that with the decline in our trade surplus the international flow of funds has developed into such a favorable factor in the United States balance of payments.

Not only has the United States' returns on foreign investment become the most positive sector in our balance of payments but your own activities in the investment of common stocks has aided significantly in this regard.

Net foreign purchases of common stock increased from $760 million in 1967 to $2.3 billion in 1968. This was a substantial contributing factor to the surplus in the United

States' balance of payments in 1968—the first such favorable balance of payments both in terms of liquidity and official settlements that we had achieved since 1957. Although there was a slight decline in the surplus to $1.7 billion in 1969, it is hoped that a sizable surplus in foreign portfolio investments can remain a key factor in the longer term efforts to achieve balance in our international accounts.

As I have indicated, the Committee on Ways and Means has legislative responsibility for a number of areas which involve financial stability and growth potential. An example is the statutory limitation on our public debt.

I anticipate next week that the Committee on Ways and Means will consider an administration proposal to increase the public debt limit as budgetary pressures make it necessary that the Treasury borrow additional funds. While there are differing views on the need for a statutory limitation on the amount of public debt, Congressional consideration of the public debt limitation does provide the Committee with the occasion to examine the expenditure policy of the Federal Government in relation to the revenue system for which the Committee on Ways and Means does have responsibility.

The need to take up legislation to increase the public debt limitation comes at a time when the Committee is holding an extremely important set of hearings on foreign trade and tariffs. These hearings represent the beginnings of a Congressional review of our foreign trade and tariff policies which has not been held in the Congress since 1962. Those deliberations in 1962 resulted in the Trade Expansion Act which set the stage for the Kennedy Round of trade negotiations. As significant as those negotiations were in reducing barriers to trade, it has become obvious to us that the conditions for liberal trade anticipated with the enactment of the Trade Expansion Act and the beginning of the Kennedy Round have not developed.

We can all take a great deal of satisfaction in the tremendous growth in world trade that has developed since World War II. To a large degree this growth has been made possible by international economic cooperation. In the trade field this has involved the dismantling of trade barriers which grew up in the early '30's as a result of the depression and the wartime controls imposed by all countries.

We can also recognize the benefit of economic recovery and growth abroad, in particular that which has occurred in the developed countries of the free world. The growth and spread of productive capacities and market abilities in the developed countries and developing countries alike have brought a dynamic aspect to world markets. It is a dynamic aspect, however, that we have not yet been able to assimilate in terms of trade policy.

The leadership that the United States has provided in liberalizing the barriers to international trade as authorized by the Congress and administered by the President is very much questioned in the United States today. It is also being challenged by the policies being pursued by other countries. For in order to lead, others must join with you in seeking the goal that all agree is desirable.

The testimony being presented and that which will be presented in the hearings before the Committee on Ways and Means indicates that many Americans feel that there is a lack of reciprocity in our trading relationships with many countries. Others have said, and I have said, that the United States is the most open market in the world. I believe this to be true. There is a question, however, of how open it can remain in the absence of greater access which other countries offer to their own markets.

As to the openness of our market, consider the fact that during the years 1962 through 1969, United States exports increased from $21.4 billion to $37.3 billion, or 74 percent. Normally this increase of a little over 10 percent a year could be considered an acceptable performance, although smaller than the rate of increase in exports enjoyed by many developed countries.

However, for the same period, United States imports increased from $16.4 billion to $36.1 billion, or a 120-percent increase. The rate of increase in imports as compared with exports has resulted in a virtual elimination of our export surplus although apparently there will be some improvement in the export surplus in 1970.

A fundamental change has been the increase in the ratio of imports to the gross national product, an increase of from 2.9 to 3.9 percent during the period 1962–1969. This relationship between imports and GNP when compared with generally higher ratios of imports to GNP in other countries does not seem too striking. However, the commodity trends behind the increased participation of imports in the domestic economy indicate a somewhat different picture.

I would like to share with you just a few of these trade trends in terms of some product lines in order to emphasize what lies behind the concern that is shared by many in the United States.

Imports of machinery during the period 1962–69 increased from $954 million to $4,571,000,000, or a 379-percent increase. This is an average annual increase of 54 percent. At the same time, exports of machinery increased from $5.4 billion to $10.1 billion—an increase of 87 percent, or an average annual increase of 12 percent.

Imports of transport equipment increased from $720 million in 1962 to $5.2 billion in 1969—a 622-percent increase, or an average annual increase of 89 percent. Exports of transport equipment grew from $2.3 billion in 1962 to $6.2 billion in 1969—an increase of 166 percent, or an average annual increase of 24 percent.

Thus, while exports of transport equipment were increasing by $3.9 billion, imports of transport equipment were increasing by $4.5 billion. The average rate of increase for imports was almost four times the average rate of increase for exports of transport equipment.

I have chosen to cite trade statistics for machinery and transport equipment because both cover industries which are among the strongest in the United States. There have been similar rates of increases in imports for other product lines. I cite these figures, however, not to indicate that imports are undesirable in themselves. It is the rate of increase in imports which often makes necessary economic adjustments in our own economy that are unacceptable in the time span involved. Moreover, they are unacceptable if our own producers are artificially restrained from participating in growth in markets of other countries who are at the same time exporting in ever increasing quantities to the United States.

These are some of the concerns which confront the Committee on Ways and Means as it considers the President's proposals to provide additional trade agreement authority, for the approval of the elimination of American Selling Price valuation, the proposed changes in our domestic law to provide tariff adjustment and other adjustment assistance to industries, firms, and workers being injured by import competition and the request for additional authority to deal with problems of foreign barriers to United States exports.

In addition, there are many bills before the Committee which represent a very grave concern felt by domestic industries that existing United States law and the administration of those laws place them at a disadvantage in competing not only in foreign markets but in the domestic market. In effect, these bills represent a conclusion on the part of some domestic producers that quantitative restrictions on imports are the only means by which the domestic industry may maintain a fair share of the United States market.

Specifically in terms of the textile and apparel industry, I have attempted to indicate that I felt that the solution to these problems could best come by international cooperation and agreements that would provide fair access to the United States market and which would preserve the health of our own domestic industry. My own voice and the voices of others calling for international cooperation in this problem thus far have gone unheeded.

But the problem, as I have indicated, is larger than textiles. In a sense, it is a problem that calls for the same degree of international cooperation that has been achieved in the international monetary sphere. In the field of international financial and monetary policy, the United States holds a unique position. In the area of world trade our responsibilities are also great. We have, however, reached a time, just as we did in international monetary policy, when other countries have developed not only the economic strength but also the economic responsibility to cooperate and to share common burdens in finding solutions to the common problems that all of us face.

## ROLL THE DICE, ER, TAXPAYERS

### HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. LANGEN. Mr. Speaker, the bureaucrats are normally a rather industrious and I might add creative bunch; but this time they really outdid themselves. For now the taxpayers are paying through the nose to rehabilitate so-called disadvantaged persons to be blackjack players, dice throwers, keno table operators, and professional gamblers to work in the casinos of Las Vegas.

This one goes to the credit of the Labor Department and those good folks in the concentrated employment program, without whose sense of humor this could not be possible. For to date $49,977.40 of the taxpayers' inexhaustible money supply has been invested to rehabilitate 56 enrollees—at the bargain basement price of $890.66 per head for a 2-month course. And given the generosity of the Congress to renew appropriations beyond 1970, we are assured by the Labor Department that this program will continue turning out polished graduates to fulfill the continued demand for dealers in Las Vegas.

Mr. Speaker, I believe it is necessary to emphasize two points concerning this whole affair.

First and foremost, I find it incredible and utterly shocking to think that Federal tax moneys are being used to subsidize an operation that is illegal in 49 out of 50 States. Surely the Labor Department or others who may be charged with helping the so-called disadvantaged could find more worthwhile occupations for which to train these persons—after all, should that individual decide to move to a different area, of what use would his profession then be? In a way such a program can only serve to heighten the disadvantage of those it had intended to help since they are now assigned to an inflexible role behind a card table.

Furthermore, it is inconceivable that the taxpayers under any conditions should be made to subsidize trainees for Las Vegas gambling casinos, among the most lucrative business in operation today. For if these multimillion-dollar enterprises are to be accepted as legitimate business corporations, then they should also be prepared to accept the responsibilities shouldered by other companies, including the training and employment of so-called disadvantaged persons.

But then, as long as Uncle Santa is around, it looks like they can have their cake and eat it too.

## YAF SUPPORTS VOLUNTEER MILITARY

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. STEIGER of Wisconsin. Mr. Speaker, over the past several years we have witnessed a groundswell of support for an all-volunteer army. I and many of other Members of this body have introduced bills to establish such a military system.

One of the groups which has spoken out forcefully for an all-volunteer army is the Young Americans for Freedom. As YAF notes prominent conservatives and liberals have come out in favor of eliminating the military draft. They realize that an army based on volunteers will be more efficient and cheaper and more in tune with American principles.

The following is the most recent statement by the Young Americans for Freedom in favor of an all-volunteer army:

#### STATEMENT BY YOUNG AMERICANS FOR FREEDOM

If Barry Goldwater and Ronald Reagan and Wm. F. Buckley, Jr., and Richard Nixon want to end the Draft; and if Eugene McCarthy and John Kenneth Galbraith and George McGovern want to end the Draft, why hasn't the Draft been ended? You can start your answer by saying it's hard to end any Government program that's been going on for thirty years. On top of that, student radicals have made ending the Draft harder because they confuse being against the Draft with being against America. Most important of all, the American people aren't convinced we ought to end the Draft.

We can't do much about thirty years history, and we probably can't do anything about student radicals who hate America. But we can do something about persuading the American people that the Draft ought to be ended. We think it is the job of all young Americans who love freedom (1) to show why a volunteer army can serve freedom more efficiently and at lower cost than a conscript (drafted) army, (2) to show why a peacetime Draft is against American principles, (3) to show how a volunteer army will promote social justice in America. Let's take them in order.

#### 1. A VOLUNTEER ARMY WILL BE MORE EFFICIENT AND CHEAPER

No one argues that a conscript army is more efficient than a volunteer army. It takes the better part of two years to train a man for technological warfare: it isn't very efficient to do that when the man is only going to be in the army for two years. A couple of centuries ago, any kid who could shoulder a squirrel-gun could be a soldier. No more. To be a part of our modern technological army requires training, and we waste more than two billion dollars a year training men who quit when their two years are up. They quit because they didn't want to serve in the first place—they were drafted. And we draft men for desk jobs civilians could do better—that costs us $50 million a year. Add in the cost of running 4000 Draft Boards, and you come up with an extra cost of two and one-half billion dollars a year for the Draft.

Those who want to keep the Draft will say that the extra payroll costs of a volunteer army of three million men would be almost eight billion dollars a year, the difference between what draftees are paid and what volunteers would have to be paid. Trouble is, the eight-billion dollar cost is there now. It comes out of the draftees' pockets, the difference between what they could be earning and what they are earning. It's called an "implicit tax," and instead of being shared by all the people, it's shared only by those in the army—by the men on hardship duty as well as by those in safety stateside. So put it down that the Government loses $2.5 billion a year on the Draft, and the draftees themselves bear an $8.0 billion a year cost that would be paid out of general taxes if we had a volunteer army.

#### 2. A PEACETIME DRAFT IS AGAINST AMERICAN PRINCIPLES

Thirty years ago, the peacetime Draft was extended by a one-vote margin in the House of Representatives. Only because they thought the very existence of the United States and Western Civilization was in clear and present danger, this slim majority voted against individual liberty and for the peacetime Draft. Senator Robert Taft called the move "totalitarian." And even those who voted for it said it was only temporary. That was thirty years ago.

The Civil War was fought to free the slaves. The War of 1812 was fought because the British seized our ships to draft men into their Navy. The War of the Revolution was fought in part because Americans were required to support any army in time of peace. The last war declared by Congress ended a quarter-century ago: but our Government is still drafting men in time of peace. The Constitution forbids involuntary servitude except for crimes committed: is it a crime to be between the ages of 19 and 26? Or has our Government decided that individual freedom doesn't matter any more?

When our country needs our services, we ought to volunteer. In time of national emergency, a Draft will be permissible. But we should not have the Draft now.

#### 3. A VOLUNTEER ARMY WILL PROMOTE SOCIAL JUSTICE

The "implicit tax" is paid by those who would otherwise be marrying, starting families, buying homes, cars, appliances—in short by the young working middle class. It is paid by Black people, because at current pay levels the army is relatively more attractive to Blacks than to Whites. You'll hear that a volunteer army will be a Black army. But that isn't true. Raise the pay levels and the army will attract both Black and White to volunteer. Another thing—the Lottery system takes a little uncertainty out of the Draft, maybe, but Draft-age American men still can't plan much for the future. No system that doubly penalizes those who will be the backbone of America—by sending them to fight and by taxing them extra—is fair, nor is it good for the United States.

If you agree with us, join with Young Americans for Freedom to fight effectively for a Volunteer Military. And when you send in the membership blank, send letters to your Senators and Congressmen as well: tell them to vote for the all-volunteer armed force.

## DELANO FREEDOM BELL CEREMONY

### HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. THOMPSON of New Jersey. Mr. Speaker, on May 4 a ceremony was held in the AFL–CIO headquarters lobby here in Washington at which time the "Delano Freedom Bell" was presented by Cesar Chavez, director of the United Farm Workers Organizing Committee to AFL–CIO President George Meany.

Our distinguished colleague from Michigan (Mr. O'HARA) was present at the ceremony to represent the many Members of Congress who have fought for equal rights for the American farmworker. His remarks and the complete transcript of the ceremony follow:

AFL–CIO Organizing Director WILLIAM KIRCHER. I thank all of you for coming. This will be rather short. I'd like to first introduce to you Cesar Chavez, who is the director of the United Farm Workers Organizing Committee, who has been here for the past couple of days. As you know, we had a very interesting march and a real old time trade union rally on the Mall in front of the Agricultural Building yesterday. Following Brother Chavez's statement, President George Meany will respond. Let me introduce at this time Brother Cesar Chavez.

CHAVEZ. Thank you very much, Bill. President Meany: ever since the union received this bell from England, we have planned that the bell should come to the House of Labor and rest here for at least a day. So that in its history it will have visited this building—will have been in the presence of President Meany, and more importantly it will be a part of labor history that this bell will make as it travels across the land.

We were, of course, happy and anxious that this bell be here, because it symbolizes to us the support that the AFL–CIO and President Meany have given us and the encouragement that, God knows, we need so much in order to stay with the struggle and to continue making progress.

After serious consideration we decided that symbolically it would be a good thing to have the bell chained, to keep it silent, only momentarily, until farm workers are able to get their freedom. Some people across the seas, who gave us the bell do not fully understand the significance of the meaning of the silencing of the bell. We want to tell them and everyone else that the chain only symbolizes what we consider to be the silence of the farm workers for not being able to have their freedom as workers and their union. At the point when the farm workers are able to make their first big breakthrough and establish a union in the grape fields—at that point we're going to take the chain off—we're going to ring the bell loud enough so that President Meany can hear it in this building—and so that all men of good will hear it all over the world signifying the end of the oppression of the farm worker.

So it's indeed a great pleasure for me to be here and to have the bell here where it should be—in the House of Labor. Thank you.

KIRCHER. Thank you. Let me now introduce President George Meany.

MEANY. First I'd like to express our appreciation to Cesar Chavez and the farm workers for bringing the bell here even for a short time. This bell was cast in the same foundry where the Liberty Bell, which rests in Philadelphia, was cast almost 200 years ago. So we think it has great significance.

The fact that it is chained into silence awaiting the liberation of the American farm worker, I think will be understood very clearly by all of the American people.

This fight for justice for farm workers has been going on for a long time and I don't know how much longer it is going to go on. But, as far as the AFL–CIO is concerned, it's going to go on until this bell can proclaim liberty throughout the land for all of the people of the land especially the farm workers of the country.

So I'd like to again pledge to Cesar Chavez and his co-workers the full support of the AFL–CIO, until we can really say that the farm workers are not second-class citizens—that they're covered by the labor laws of the land, the same as all other workers.

I think that is the first requisite to bringing about freedom for farm workers— putting them under the same labor law—giving them the same right to organization, the same right to recognition as the workers in any other part of the land.

So I'm delighted that you brought the bell here and I look forward to the day when it will ring and ring in a meaningful way.

Thank you.

KIRCHER. We have one additional presentation Brother Chavez would like to make.

CHAVEZ. We're, of course, very pleased to present this piece of shook. It's the first union label box that was printed after the first grape contract. It's the beginning, we hope, of a very familiar sign for all of you—not only in grapes—but in years to come in all of the things that are produced in this country—that are produced with union labor. And I'd like to present this to President Meany as the first piece of shook with the union label printed on it. I am very happy to present it to you and to give you this memento.

MEANY. I am delighted and I hope that we see a whole lot more of it. Very good.

KIRCHER. To those uninitiated—a shook is what you commonly call a box or sometimes a lug. So from now on, when you go into a market, if you want to identify yourself as one of the real knowledgeable friends of the farm workers, you can refer to the lug or the box as a shook. I'd like now for you to hear from a real great farm worker friend, who has walked a lot of shoe leather off. This fellow came out to the very hot Coachella Valley a year ago. I remember I walked with him. He has just a little less hair on top than I have and he had an awful sunburned top. He came out and marched about seven miles the last day of the Coachella March last year and it was 107 that day. When you march out in the sun at 107 degrees to the Mexican border you have to really be dedicated to your friends. He was out and again marched at the beginning of the pilgrimage from Baltimore to Washington that took place this past weekend. What is even more important than his marching with the farm workers is the fact that each day he is locked arm and arm with our cause in his work in the legislative efforts. He is one of the leading voices on behalf of the farm workers in the Congress of the United States. He has sponsored and is fighting for legislation there and he is a true friend of the labor movement and a most particularly dear and dedicated friend of the farm workers. I'd like to introduce for just a couple of words, Congressman Jim O'Hara of Michigan.

O'HARA. Thank you, Bill, and I'll consider my appearance here this morning as being on behalf of the dozens of members of Congress who have engaged in this legislative struggle to help guarantee the equal rights of the American farm worker. I think it is very appropriate that it should be a Freedom Bell from the foundry that cast the Liberty Bell, that we have here today, because the struggle we're talking about is more than a struggle for decent wages, even more than a struggle for decent working conditions—although heaven knows that both are seriously lacking in the agricultural industry. It's a struggle really for freedom and equality, for firstclass citizenship for the farm worker.

You know all these years the farm worker has been offered the second best and he's being offered the second best again by his friends—the American Farm Bureau Federation. Under the terms of the Murphy Bill, if you will pardon the expression, he's being offered the chance to organize and bargain, but only on a second-class basis, without the same rights as other American workers. And that it seems to me is the one principle that we must insist on. This is the one thing that makes this fight a much bigger fight than simply that of the farm worker, because it makes it a fight for first-class citizenship for a depressed group. We must insist that they have every right that any other American enjoys and that has to be our goal. When we reach it, it will be because of the dedicated leadership of Cesar Chavez and because of the strong and unstinting support he's received from George Meany and the American labor movement as a whole. And we're going to reach that day, and soon. Thank you.

KIRCHER. Thank you very much, Congressman O'Hara. In closing let me show you the label that you are going to be seeing a great deal of. I've got a favorite union label story—a true story that I think you'd enjoy hearing. My good friend here—Cesar—they talk about him being charismatic and one thing or another. He's also pretty tough. And he gets pretty nasty with the management at the negotiating table every now and then. It was in the breakthrough a few weeks ago—it was 4 o'clock in the morning and many of you know how you go on in those last marathon sessions—and by this time it had become clear that the management was going to sign a contract. But if management was going to sign a contract, it was very interested in what it could get out of the contract. All of a sudden we found ourselves talking, not about contractual clauses, but about how we could help them sell their grapes at a higher price and they were asking us what we could do to promote it through the label. And about this time Chavez says: "look, you know for the last thirty years you guys have been using the state of California's money up at the University of California, at Davis, to do all of your scientific and laboratory and experimental work. You've made yourselves wealthy by the kind of processes that were developed there for you from public funds. Now I've got a good project for you. Why don't you go up to Davis and see if they can't grow a grape that, just as it ripens, a little thunderbird can fly up out of the staff of the grape and then we won't have any trouble."

Let me thank all of you for coming. Thank you very much.

## TRIBUTE TO HON. CLIFFORD R. HOPE

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. EVINS of Tennessee. Mr. Speaker, I want to take this means of joining with Members of the Kansas delegation and others in paying a brief but sincere tribute to the memory of Clifford R. Hope, who served with distinction in the House of Representatives for 30 years.

Cliff Hope was a dedicated American. He had a national outlook.

And as chairman of the Committee on Agriculture he carried out his legislative responsibilities with the national interest as his guiding influence and philosophy.

Cliff Hope believed deeply in America and he fully understood and appreciated the importance of farming and agriculture to the Nation.

It has been said that he was perhaps one of the truly nonpartisan Members of the House.

He was able, genial, warm, and friendly. We who served with him loved him and respected him.

Cliff Hope served his district, State, and Nation well and his achievements and accomplishments are a monument to his ability and dedication.

I want also to take this means of extending to his family this expression of my deepest and most sincere sympathy in their loss and bereavement.

## NATIONAL HOUSING STARTS GAIN IN RURAL PROGRAM

### HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. DELLENBACK. Mr. Speaker, at a time when housing starts on a national basis are far below where we would like to see them, we find one aspect of the picture which is encouraging. The Farmers Home Administration of the Department of Agriculture recently reported that its home insurance program is making it possible for rural Americans to move into new or improved homes at a 17.4-percent faster rate than a year ago, despite the national slowdown in housing starts.

In a progress report, FHA Administrator James V. Smith, our very able former colleague, said:

> For the first nine months of fiscal 1970, the agency approved almost 44,000 home ownership loans totaling $465.4 million, as compared to 37,000 loans totaling $360.7 million in the corresponding period of fiscal 1969.

He continued:

> New home starts will run approximately twice as high this year as in any previous year. Loans for new one-family homes under the rural program exceeded 25,000 through March equaling the number approved for the entire fiscal year 1969. By contrast, new home starts in the nation as a whole declined by an estimated 15.3 percent during the 9-month period ending in March.
>
> The Spring seasonal upsurge of building is expected to result in the Farmers Home Administration surpassing $800 million in insured housing loans for the year ending June 30. This will account for about 80,000 new and improved homes for rural Americans of low and moderate income. Last year, the agency's previous record year, Farmers Home insured $500 million worth of loans on 50,000 homes. Next year the target is 156,000 insured home-buyer loans.

### U.S. WAR FOES WARNED OF "DISASTER"

## HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BOLLING. Mr. Speaker, the following story by Kingsbury Smith, European director and chief foreign writer for the Hearst newspapers, appeared in the Baltimore News American of Friday, May 15. I hope that those of my colleagues who have not seen it will read it:

BRITON SUPPORTS NIXON'S CAMBODIA MOVE—U.S. WAR FOES WARNED OF "DISASTER"

(By Kingsbury Smith)

ROME, May 15.—Those who are trying to sabotage President Nixon's effort to save Cambodia from Communist conquest and safeguard his Vietnam troop withdrawal policy should beware lest they precipitate a disaster.

This is the warning of Sir Robert Thompson, former head of the British Advisory Mission in Vietnam, chief architect of the British victory over the Malayan Communist guerrillas in the late 1950's, and a special adviser to the President on Southeast Asia.

In a letter written to me from his home in Winsford, Somerset, England, Sir Robert said:

"I do hope that those who are protesting against the war and the President's present actions realize that they could be inviting a disaster."

The British expert on Asia was responding to questions I submitted to him in connection with the President's decision to send American troops along with South Vietnamese forces into Cambodia.

While he did not say so specifically, Sir Robert seems to share the view I have heard expressed elsewhere in recent days that the anti-Nixon movement in the United States might encourage Red China to intervene in Indochina or tempt North Vietnam to launch a major offensive in the hope that large-scale fighting, coupled with heavy American casualties, would cause very grave domestic difficulties for the President.

Those who know President Nixon well do not believe he would prove a weakling in face of such a challenge. They consider it much more likely that he would do as he warned he would do, and as he has done in Cambodia, if the Communists jeopardized the security of the remaining American forces in Vietnam by increased military action in Indochina—"Take strong and effective measures to deal with the situation."

The danger that the Communists might be encouraged to miscalculate the impact on the President of the antiwar movement and might consequently be tempted to resort to a reckless move is what Sir Robert means by warning that the anti-Nixon protesters in the United States could be inviting a disaster.

The British expert, who reported to President Nixon late last year that a "winning position in the sense of obtaining a just peace" had been achieved in South Vietnam, believes that the destruction of Communist supplies in the Cambodian sanctuary should make it almost impossible for North Vietnam to mount an offensive operation into the southern portion of South Vietnam for more than 12 months.

"This will," he said, "enable the Americans and South Vietnamese to consolidate their pacification and Vietnamization programs.

"By reducing the threat on the Cambodian flank and enabling these programs to continue, President Nixon may in turn be able to proceed with his planned withdrawal policy."

Sir Robert believes that if President Nixon had allowed North Vietnam to gain control over the whole of Cambodia with a secure supply port at Sihanoukville for unlimited Russian and Chinese supplies, the whole withdrawal policy would have been in jeopardy.

He further believes that the move into Cambodia will have a strong and beneficial psychological effect.

"Quite apart from making it clear that the Cambodian bases are no longer sanctuaries, the President will have shown that neither diversions in Laos nor attacks on Cambodia can throw him off his set course to achieve a just peace in this tragic area."

This confidence that President Nixon will prove no weakling is also reflected in an article in the conservative London Daily Telegraph, one of the few newspapers in Europe which supports American foreign policy generally. Written by Peregrine Worsthorne, the article said:

"The first and perhaps the most important point to notice about the American crisis over Cambodia is that the man in charge, President Nixon, is not what most of the American and British press say he is—a weakling posing as a warrior, a panicky opportunist trying to prove himself an heroic statesman, a chronic trickster reverting to form.

"Mr. Nixon is a man who does not easily give way, whose political reputation was originally made by refusing to give way, moreover, to precisely those forces of political liberalism, ideological dissent and youthful idealism which are today once again ranging themselves against him in furious condemnation."

Describing the President as "determined to the point of obstinacy, single-minded and, once convinced of the rightness of his cause, relentless and ruthless in his pursuit," the Daily Telegraph article added:

"The danger is that the North Vietnamese may have dangerously miscalculated, encouraged to believe they were dealing with a caricature rather than the reality."

Stating that the highest price for this misunderstanding may well be paid by America herself, the article blames the liberal American press for painting a "grossly misleading" picture of the President.

"One reads the New York Times, for example, with dreadful fascination, as it trots out all the arguments most certain to inflame student opinion against the Cambodian operation, practically encouraging them to take to the streets and campuses in violent opposition. Does this organ of the liberal establishment not realize what manner of President they are inciting the students to confront.

"The New York Post, another such organ, sought to suggest . . . that Mr. Nixon's Cambodian foray was the action of an important man seeking to demonstrate his virility, the implication being that he could easily be frightened off by a show of real strength. This is playing with fire with a vengeance.

"Can the Anglo-American liberal establishment not realize that the man now in the White House is a formidable figure?

"Mr. Nixon is not Lyndon B. Johnson. He will not abdicate. Nor can he. It is madness to suppose that the forces of protest can humiliate two Presidents in swift succession, without calling into question the very basis of constitutional government.

" 'Tricky Dicky' would certainly not be the man to stand up to the challenge. That is why it is so important that everybody should realize—and the sooner the better—that the man in the White House is not 'Tricky Dicky,' but somebody whose true measure his enemies both at home and abroad have always failed to take, as they may, with luck, be about to discover."

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### GEN. WLADYSLAW ANDERS, 1893–1970

## HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. HELSTOSKI. Mr. Speaker, the free world was saddened when the news came over the wires that Gen. Wladyslaw Anders, who commanded Polish troops who fought with the Allies in World War II was dead. He died at the age of 77 in a London hospital on May 12 of a heart attack.

General Anders was born of Polish parents in Lithuania, then a Russian province. He studied mechanical engineering at Riga and began his military career in the army of the czar. He was wounded five times while leading a cavalry squadron during World War I.

Following Polish independence after the war, General Anders led a Polish cavalry brigade. When Germany invaded his country in 1939, General Anders was wounded in fighting his way out. When Russian troops entered eastern Poland, he was again wounded and then captured before he could carry out his plan to escape to Hungary.

Captured, he spent 20 months in solitary confinement in Moscow. In 1941, after the German invasion of Russia, he was freed and appointed commander of the Polish forces in Russia. He organized Polish prisoners of war freed from Soviet camps into units making up more than five divisions, then went to the Middle East with them. The Polish II Corps, as the army was called, fought alongside the Allies in Africa and Italy.

His name will always be linked with the bitter struggle for Monte Cassino during the 1944 Allied offensive in Italy when crack German units entrenched on the mountain and in the monastery crowning it were barring the way to Rome.

His Polish II Corps was given the task of capturing the stronghold. After days of bombardment and bombing that attack was launched on May 11, 1944. A week later General Anders and his men stormed the last battlement to hoist the British and Polish flags side by side on the summit.

General Anders was honored by the American, English, and French Governments for his service. From the United States he received the Legion of Merit, from the French Government he received the Legion of Honor and Croix de Guerre with Palms, and King George VI made him a companion of the Order of the Bath.

After the war General Anders settled in London and held the title of inspector general of the Polish expatriate army since the war. He was a militant opponent of Soviet Russia and the Polish Communist Government. When he died he was living on a British military pension of less than $48 a week.

The Polish Communist Government stripped General Anders of his nationality in 1946, accusing him of "activities detrimental to the state."

XUM

Mr. Speaker, General Anders devoted his life to the cause of Poland in her pursuit for freedom and independence. His was a patriotic devotion for a free Poland and the necessity of continuing the fight for freedom.

Mr. Speaker, as part of my remarks on General Anders, I would like to include an article which appeared in the Polish-American, a newspaper published in Chicago, Ill., and widely circulated among this Nation's Polish communities.

The article, which appeared on May 9, 1970, follows:

GENERAL ANDERS: IN MEMORIAM

This past Tuesday General Anders of World War Two fame died. His family remains in Britain, where they settled with the General after World War Two.

In these times, when the military is feared and even hated in various countries of the world, and sometimes with good reason, we should recall this great Polish General, and do honor to his memory.

General Anders gained world-wide fame as the founder and leader of the Polish Army in the East. During the War years, Anders went into Russia (at that time an ally) and rescued over forty thousand Poles from the camps of Siberia, where Russia held them captives. He led them to Iraq, where he formed an army out of them which was to be used against the German and Russian foe in the World War. By common consensus it was the sharpest, the best force of Polish soldiers then in existence.

It was General Anders, who, on May 11, 1944, launched the Polish II Corps (the famous Drugi Korpus) against the impenetrable Monte Cassino. It was the Second Corps which planted Polish and British flags atop that monastery.

But after the war was over, and his homeland had not regained her independence, Anders continued fighting for it, doing what he could as a civilian.

General Anders belongs to that invaluable and minutely small group of men in this world who fought for their country with greatest honor not only when hope was at its highest, but also when there was no hope. He belongs to the ranks of Polish Generals-statesmen—scholars who understood the golden mean between the need for war and the need for peace. Undoubtedly Polish history and the history of the free world will put him on an equal footing with such great Polish leaders as General Marian Kukiel, General Kazimierz Pulaski, General Thaddeus Kosciuszko, Marshal Pilsudski, and General Kazimierz Sosnkowski.

With the passing of General Anders this past week and the passing of General Sosnkowski not too long ago, as well as with the recent and not-so-recent deaths of many of the valiant leaders who fought for the freedom of Europe and the world, the tangible substance of that era of great international conflict is passing. Our whole attention must now shift from that era of war to our times. We can not but wonder, as we look around us, what did the prodigious effort of those millions of men in World War Two change for the better. More countries are enslaved now than had been before the War. More little wars are raging now than had been going on before the War. More people are hungry now than had been before the war. The danger of the annihilation of mankind is greater now than when Hitler began his invasion of Poland on September 1, 1939.

It is at times such as our own, that we can look back with fond memory on the deeds of such as General Anders, whose efforts produced results, concrete results. Many of those he rescued from the internal, cold hell of Siberia are alive today, living in the West. The freedom he gave them they continue to cherish and hold. Monte Cassino today is still free, after General Anders captured it for the Allies when all the other Allied troops: British, French, American and others, could not budge it. General Anders was a man who intuitively knew how to bring back freedom, and retain it where he brought it back. That there would be more men of his genial intuition in this world today.

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## A FINAL TRIBUTE TO WALTER P. REUTHER

### HON. LLOYD MEEDS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. MEEDS. Mr. Speaker, last week many Americans young and old from every section of the country, paid their final tribute to a man who will long be remembered in the journals of our history, both as a labor negotiator and social reformer. The tragic death of Walter P. Reuther, president of the United Auto Workers Union and a man of action, principle and passion, was indeed a great loss to this Nation especially in light of these troubled times.

Many of labor's gains in the past two decades can be directly attributed to the work and efforts of this one man. Because of his negotiating ability tens of thousands of auto workers now benefit from company profit-sharing plans, increased retirement pensions, extended and improved medical coverage, as well as guaranteed annual incomes. Also stressing the desire for organized labor to play an expanded role in industrial planning, Walter P. Reuther held a deep concern toward the effects of automation upon his workers and other results stemming from the scientific age now besetting us.

While always striving for their economic betterment, as a union leader Walter Reuther tried to encompass his followers in social and political action as well. In doing so he, himself, set an example hard to match. An advocate of equal rights for all regardless of race, color or creed, Walter P. Reuther was one of those leading the civil rights march into Washington in 1963. Depressed by the critical housing shortage, he worked closely with industrialists in seeking to apply space technology to the mass production of housing. Moved by the efforts of many working to save man and his environment from pollution, Walter P. Reuther had planned to make new demands on auto manufacturers during this summers contract negotiations for supplying strong new safeguards gainst occupational health and safety standards.

Yes, Walter P. Reuther was a great American. His dedication to the welfare of the members of his union, his broad vision of an ever greater America, and his leadership to achieve social and economic justice for all people whatever background, will inspire us all throughout our lifetimes.

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## WALTER P. REUTHER—1907–70

### HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. HELSTOSKI. Mr. Speaker, the United Auto Workers and the entire labor movement lost a giant among the labor circles when Walter P. Reuther, the auto workers' leader of 24 years was killed in an airplane crash.

The Nation will miss Walter Reuther since, as president of the Nation's largest industrial union, he filled a leadership role that far outreached his union's bread-and-butter concerns.

As a union leader, Walter Reuther did not shrink from the use of economic pressure against him. He relied more than most on economics, research, and his extensive knowledge in seeking the ends he sought for his union constituents. Moreover, he was not simply a union advocate; he was a vocal and constant proponent of social justice, as he saw it.

Reuther's death leaves a void in the labor movement which will not be easy to fill. But of great immediate concern is the void he will leave at the bargaining table when the UAW opens critical negotiations in mid-July with the big three auto manufacturers. In past negotiations Walter Reuther filled that seat with imagination, daring, and success—pioneering concepts in the field of labor relations and increasing the pay envelopes of his members and assuring their security when their productive years are over.

In the labor movement, there is sadness at Walter Reuther's death. He was respected as a brilliant and able leader of the UAW, even by those who did not agree with him and did not agree with his approach to correcting social injustices.

As a labor leader, Walter Reuther's first priority was securing wages and benefits for the rank and file. His vision led to several breakthroughs such as a guaranteed annual wage for the assembly line worker and company-paid pensions for those who were "too old to work and too young to die," a slogan he coined in the 1950 battle for retirement pay.

The concept of the guaranteed annual wage, first envisioned by Walter Reuther, was the forerunner of President Nixon's welfare reform plan which now calls for a guaranteed annual wage, not for automobile workers alone, but for everyone.

In the 1955 bargaining talks, he won a system of "supplemental unemployment benefits," from the Ford Motor Co. to increase the out-of-work payments to regular Ford employees who were laid off from time to time.

His leadership within the labor movement routed Communist elements from his own union and later helped expel Red-led unions from the CIO.

Reuther, in his strong espousal of his views, made some enemies, inside and outside the labor movement. His liberal ideas were not always universally accepted. But his shoes will be hard to fill

XUM

Whatever else may be said, Walter Reuther's death has taken from the labor movement, and from the political scene, one of the most aggressive, visionary, and effective men of our time . . . a true leader in the cause of labor and social justice.

## SOUTH CAROLINA TRICENTENNIAL

### HON. JOHN G. TOWER

OF TEXAS

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 19, 1970*

Mr. TOWER. Mr. President, the State of South Carolina is observing this year its Tricentennial and has constructed outstanding visitor exhibit centers in its three major cities, Columbia, Greenville, and Charleston.

As one of the original 13 Colonies, the history of South Carolina is rich in the history of Colonial America.

A brief outline of some of this history and other items of interest on the Tricentennial were noted April 30, 1970, by the distinguished senior Senator from South Carolina (Mr. THURMOND).

Because the Tricentennial observance in South Carolina will continue for the remainder of this year and many citizens across the Nation will visit the State this summer, the Tricentennial newsletter by Senator THURMOND should be of wide interest.

Mr. President, I ask unanimous consent that the newsletter entitled "The Tricentennial," published in the North Augusta Star of April 30, 1970, be printed in the Extensions of Remarks.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

#### THE TRICENTENNIAL

(By Senator Strom Thurmond)

This is the year of the Tricentennial of the first permanent settlement in South Carolina. We are happy to share our heritage with the whole United States. South Carolina has been at the pivot of history again and again in the development of our Nation. From our tradition have come the men who made critical decisions at moments of turmoil, men who have affected the destiny of the whole country. We have had men of initiative whose ideas opened new dimensions of culture and development.

#### S.C. FIRSTS

Let us look at some of our historical "firsts."

The first Charter or Constitution for South Carolina was drafted by the great philosopher, John Locke.

In 1685, South Carolina was the first province in the New World to plant rice for sale, thus opening up a basis for the agricultural economy of the South.

In 1698, the first free library in America was started by the provisional General Assembly.

In 1712 the first state health officer in America was Gilbert Guttery of South Carolina.

In 1735, the first opera advertised by title on American soil was given in Charles Town.

In 1736, the first building in America devoted wholly to drama was built in South Carolina.

In 1740, the first free school for Negroes in America was founded in South Carolina.

In 1762, the first musical society in America, the St. Cecelia Society was organized in Charles Town.

In 1773 the first public museum and city Chamber of Commerce were founded in Charles Town.

In 1776, South Carolina was the only State whose signers of the Declaration of Independence were all natives of the State, and all college men. They were: Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., and Arthur Middleton.

South Carolina was the eighth State to ratify the U.S. Constitution, leaving only one more State to ratify to trigger the Constitution into effect.

South Carolina was also the first State to secede from the Union, on December 20, 1860.

#### SHARING OUR TRADITION

It is appropriate that we share this tradition of courage and vision with today's America. For too long the South has been excluded from a position of equality in the halls and councils of our Nation's leaders. Many younger regions have not had the opportunity to understand the depth of our traditions. Our social structure has been viewed from the bias of narrow mercantile and liberal prejudices and judged by a poverty imposed upon a conquered region.

Today this unhappy situation has changed. We are making progress in raising the stahdard of living for all of our people. We have brought in new industries to give jobs to those who want to work. We are consciously developing the best strains of our culture, as the Tricentennial celebration demonstrates.

#### THE VICE PRESIDENT

Best of all, we are being understood in other regions of the country. Today people are listening, and their ears are attuned with sympathy and justice.

In the midst of this celebration, we were pleased to welcome the Vice President of the United States, the Honorable Spiro Agnew, to participate in this noteworthy event. It is highly appropriate that the Vice President, a former governor of his State of Maryland, was able to speak at the ceremonies in Edgefield County, birthplace of ten governors of our State. Mr. Agnew exemplifies the new interest which the Nation as a whole is taking in the South.

This year's Tricentennial, therefore, represents the turning of the full circle. South Carolina once more plays its proper role in the affairs of the Nation. The rich traditions of our past equip us in a significant way to contribute to the future development of America. The Tricentenial is not a turning toward the past, but a turning toward the future.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

## BRIG. GEN. WILLIAM R. BOND, FIRST GENERAL OFFICER TO BE KILLED IN VIETNAM GROUND COMBAT ACTION

### HON. MARGARET CHASE SMITH

OF MAINE

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 19, 1970*

Mrs. SMITH of Maine. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks a statement by me with respect to Brig. Gen. William R. Bond, the first general officer to be killed in ground combat action in Vietnam.

There being no objection, the tribute was ordered to be printed in the RECORD, as follows:

#### A TRIBUTE TO BRIG. GEN. WILLIAM R. BOND

Brigadier General William R. Bond was killed in action 70 miles northeast of Saigon on 1 April 1970 while in command of the U.S. Army's 199th Light Infantry Brigade. The fifth general officer to die in action during the Vietnamese War, he was the first to be killed in combat on the ground. Receiving word that the brigade's armored cavalry troop was involved in a sharp action with two North Vietnamese companies, General Bond had flown to the scene to determine the situation at first hand. At the time he was felled by hostile arms fire General Bond was assisting in consolidation and resupply of the unit and in directing search of the surrounding areas for enemy remnants. For his inspirational leadership and heroism on that occasion, he was awarded his second Silver Star medal.

A veteran of nearly 29 years service, General Bond was universally regarded as one of the Army's finest; in the estimate of many he was the "complete professional." Certainly, his range of assignments and his superb performance in each are mute evidence of his extraordinary versatility, intellectual depth and capacity for command.

General Bond graduated from the University of Maryland in 1940, majoring in Political Science and History. A three year letterman, he starred on the Maryland lacrosse teams of that era.

After a year at the University of Maryland Law School, he enlisted in the Army and within months was a staff sergeant. He took officer training at Fort Knox, Kentucky, and was commissioned a second lieutenant of Infantry in September 1942. Lieutenant Bond was immediately assigned to the Armored Reconnaissance Troop of the 82d Airborne Division. He moved with that unit to North Africa and participated in the invasion of Sicily. While in Sicily he volunteered for duty with the famed "Darby's Rangers" and joined the First Ranger Battalion in time to lead a company onto the beach at Maiori, just west of Salerno, in early September 1943. Once the Fifth Army advance to Naples was well underway, the Rangers were withdrawn to prepare for a tough special mission. This turned out to be, for Bond's battalion, a fierce two week battle for control of the rocky heights above Venafro deep in the Italian Apennines. When the Rangers at last dislodged the Germans, employing tactics reminiscent of Wolfe's Army at Quebec, the way was clear for the advance of the Fifth Army's right flank.

In late January 1944, Captain Bond and his unit landed with the assault waves at Anzio, where the Rangers occupied a critical sector of the Allied perimeter which linked the 3d U.S. and 1st British Divisions. On 29–30 January, Darby's Rangers made their gallant but ill-fated night attack to cut the Appian Way at Cisterna di Littoria as part

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of the larger design to break out from the ridge end. Infiltrating the German lines by stealth, the 1st and 3d Ranger Battalions were on the edge of their objective by dawn, only to find themselves in the midst of German strength, completely cut off from the remainder of the attacking forces. Surrounded by vastly superior strength and subjected to relentless pounding by tanks and artillery, the Rangers fought on for over 5 hours until all ammunition was exhausted. At the time of surrender, casualties had reduced the force to less than half of its original 900 man strength. For his magnificent exploits on that day Captain Bond was awarded the Silver Star.

For the next 11 months, Bond was confined at an officer prisoner of war camp at Szubin, Poland. When the Russians breached the line of the Vistula in early January 1945, the Allied officers were evacuated westward. On the second night of the move, Bond, his Battalion Commander (Jack Dobson, now Brigadier General, USA-Retired) and several others made their escape to find the Russian lines. Six days later, they encountered a Russian armored column and, after some difficulty, established their identity as American officers. For the next week Bond's group had the unique distinction of being integrated into the Red Army, as a special reconnaissance detachment, in the drive west. Thereafter the group was interned in the former Polish War College at Rembertow until the completion of the Yalta Conference. Bond was ultimately moved by rail to Odessa, by British ship to Port Said and by air to the United States headquarters at Caserta.

Upon his return to the United States, Bond immediately volunteered for Pacific duty and was undergoing refresher training at Fort Benning when the Japanese surrendered. He nonetheless continued on to the Far East where he joined the 7th Division on occupation duty in Korea. Major Bond divided the ensuing two years between battalion command and the post of Division G-3 (Operations). It was during this period that he developed an interest in Asian social and cultural patterns which was to be a continuing avocation throughout his life.

His next two assignments evidenced his growing reputation. At the outset of 1948, he was selected as one of the principals for conduct of the Universal Military Training Experiment at Fort Knox. Subsequently, in mid-1949, he was detailed to the U.S. Delegation to the United Nations as a member of the initial Truce Supervision Team in Palestine. In the explosive, and emotion-charged disputed areas of Jewish and Arab confrontation, Bond proved himself a shrewd military observer and perceptive political reporter, earning friendships on both sides and high plaudits from both his U.N. superiors and regional State Department authorities. He was cited for gallantry when he intervened to prevent a serious clash north of the city of Jerusalem.

Bond's assignments over the next nine years were reasonably typical of the mid-career pattern of an outstanding officer being groomed for high responsibility. In succession, he was an instructor at the Ranger Training Command at Fort Benning (finding scope to also win a master parachutist rating). As a lieutenant colonel he commanded an infantry battalion in the 8th U.S. Division in Germany; served as an operations staff officer in the senior, junior U.S. headquarters in Europe under General Gruenther; attended a year long course at the Command and General Staff College; and had his first taste of duty at the national level. In this last capacity, he was a member of the White House staff and represented the Army on the interdepartmental board charged with coordination of politico-military actions world-wide. In 1956, he began a tour with the re-activated 101st Airborne Division at Fort Campbell, to include a year each as the Division plans and operations officers and as Commander of the 501st Airborne Battle Group. The significance of these assignments is highlighted by the fact that the 101st was then the Army's elite organization. Logically, Lieutenant Colonel Bond was selected to attend the War College at Carlisle Barracks, Pennsylvania, and graduated therefrom in June 1959.

The ensuing year was a specially momentous one. He was assigned to the Military Assistance Advisory Group in Vietnam coincident with the first serious moves of the Viet Cong to challenge the established South Vietnamese government of then President Ngo Dinh Diem. Although a middle ranking staff officer, Bond's work was of such caliber and his reports of combat actions so precise and penetrating that the Commanding General promptly elevated him to the post of Deputy Chief of Staff for Operations. Of equal import was his short leave to the United States to wed the former Miss Theodora Sedgwick, daughter of Ellery Sedgwick, dynamic and notable Editor of Atlantic Monthly, and great-great-great-granddaughter of Judge Theodore Sedgwick, fifth Speaker of the House of Representatives.

In November 1960, then Colonel Bond was assigned to the Office of the Chief of Staff, U.S. Army. In this capacity he was responsible for some of the Army's most important programs. Notable among these was the development of an Army capability for counterinsurgency. Bolstered by his Vietnam experience, Colonel Bond was an early and articulate advocate of the importance of gearing for a form of warfare which was then generally misunderstood and underestimated. His subsequent duty as Chief of Plans and Policy, and Deputy Director of Special Warfare from June 1962 until the summer of 1964 provided him the opportunity for staff leadership in this field; and he deserves a major share of the credit for the rapid and effective progress the Army made in restructuring its organization and capabilities to meet this new threat. His efforts earned him a Legion of Merit.

Colonel Bond left the Pentagon in the summer of 1964 with the exuberance characteristic of any true soldier, for he had been selected to command the 2d Brigade, 101st Airborne Division. Over the next 6 months, with the enthusiasm and drive that were his hallmarks, he brought his brigade to new levels of esprit and readiness. In January 1965, in the course of a field exercise, he suffered a slight heart tremor and was rushed to Walter Reed Army Medical Center for observation and treatment. Weeks later, a Medical Board found Colonel Bond permanently unfit for retention on active duty. For the ordinary officer, this would have been the end of career and aspirations. But Bond was cast in a special mold.

By a complex series of persuasive appeals and waivers he secured medical assent to a probationary assignment, this time in Thailand where he had been urgently requested to fill the post of J-3 in the newly activated Military Assistance Command—an upgrading of the joint MAAG in anticipation of the American buildup in that pivotal country.

A year later (1966) he was elevated to the post of Chief of Staff. In both capacities, Bond was enormously productive. He was, in fact, the guiding genius of the Command in coping with the burgeoning military requirements of the third largest U.S. military population in Asia, in coordinating the politically sensitive and multiple interfaces with the Thai government and in influencing the Thai Armed Forces approach to the first sizeable insurgency in that country's long history. To paraphrase his immediate superior (who recommended Bond for the Distinguished Service Medal): "This team is unanimous that Colonel Bond, the finest Chief of Staff I have ever known, deserves the predominant credit for our accomplishments. Under continuous heavy pressure for two solid years, he has never faltered, never once failed the Command. He has been my data bank, innovator, principal negotiator, sensitized antenna and, above all, indispensable counsellor. His universally acknowledged professionalism, consummate ability to assess and handle people and situations, catholicity of knowledge of interests, skill in synthesis, buoyancy and wit and genuine compassion combine to place him high in that miniscule group destined to lead the United States Army."

Bond left Thailand in late 1967 with the affection and admiration of Thai officialdom and with the total respect of the American community. His incomparable performance earned him his second Legion of Merit. Fittingly, he returned to Bangkok one month before his death to receive, from the hands of the Prime Minister, the Order of the Crown of Thailand, Knight Commander grade.

Back on the Department of Army Staff as of September 1967, he was appropriately assigned as Deputy Director (and sometimes Acting Director) for International and Civil Affairs in the Office of the Deputy Chief of Staff for Military Operations. Superbly equipped for this duty, Bond was singularly effective in improving the substance and authority of the Army's view in national security policy matters, in politico-military affairs, in foreign assistance plans and programs and in international military organizations. He was a highly competent and respected representative in inter-Service and inter-departmental conferences and was extensively consulted on counter-insurgency and unconventional warfare matters. Specially selected by the Army Chief of Staff to organize and conduct the IX Conference of American Armies in 1969, he won the resounding praise of all participating Latin American Army Chiefs of Staff for the success of that major event and for his brilliant performance as the Secretary General. His great contributions during his last two years in Washington were recognized by award of the Distinguished Service Medal. A year earlier, this military prototype who had once faced medical retirement, was nominated for promotion to brigadier general.

The IX Conference concluded, General Bond was released for the combat command he had long sought. He departed for Vietnam in November 1969 to take the helm of the 199th Light Infantry Brigade. A full fledged member of the Profession of Arms, he had attained his most cherished military goal. During his tenure, he was awarded the Distinguished Flying Cross and the Air Medal with 8 Oak Leaf Clusters. His posthumous awards include, in addition to the Silver Star, the Purple Heart, the Vietnamese National Order and the Vietnamese Cross of Gallantry with Palm.

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## GROUNDBREAKING CEREMONIES, McCLUSKY CANAL, GARRISON DIVERSION IRRIGATION UNIT, McCLUSKY, N. DAK.

## HON. MILTON R. YOUNG

OF NORTH DAKOTA

IN THE SENATE OF THE UNITED STATES

*Tuesday, May 19, 1970*

**Mr. YOUNG** of North Dakota. Mr. President, on Saturday, May 16, groundbreaking ceremonies were held for the McClusky Canal of the Garrison Diversion Irrigation Unit at McClusky, N. Dak. This is a project North Dakota has been

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endeavoring to obtain for nearly half a century. The groundbreaking ceremonies mark a great milestone in our efforts to bring water to eastern North Dakota for various purposes—principally for irrigation, but also for water supplies for our major cities, as well as for recreation and fish and wildlife development.

Mr. President, Commissioner of the Bureau of Reclamation Ellis L. Armstrong, speaking at the groundbreaking ceremonies, made what I believe to be a great speech, not only for this project, but also pointing out the benefits which have accrued to the country from all reclamation projects. The speech, I believe, is of nationwide significance and importance. I ask unanimous consent that it be printed in the Extensions of Remarks.

There being no objection, the speech was ordered to be printed in the Record, as follows:

### North Dakota and the Worth of Irrigation

(By Ellis L. Armstrong)

Just a few miles from where we are today, and at just about the same time 17 years ago—1953—President Dwight D. Eisenhower presided at ceremonies marking the closure of Garrison Dam. With those ceremonies, one of the greatest manmade, fresh-water reservoirs in this Nation began to form. With this storing of water, North Dakota was provided the key to open a whole new era of opportunity for its people.

Today, new and positive steps are being taken which will be of direct benefit to your State in using the waters of the Missouri River.

I am pleased and deeply honored to join you in breaking ground on the start of the Garrison Diversion Unit's lifeline waterway—the McClusky Canal—the 73-mile connecting link between Garrison and Lonetree Reservoirs. This is the lifeline in a chain of water delivery that will bring new wealth and new life.

As we, at long last, begin this exciting new chapter, turn with me nearly a century back into the pages of history. In 1889 Major John Wesley Powell, Director of the U.S. Geological Survey, addressed the North Dakota Constitutional Convention. Speaking in somber tones, he warned that "years will come of abundance and years will come of disaster, and between the two, people will become prosperous and unprosperous."

But Powell foresaw, for all the West, the importance of utilizing the available water from rivers and streams, small and large alike. One of the greatest of those rivers crosses through North Dakota and now you are finally turning it to your own purposes, in your own area.

The "boom and bust" economy Powell predicted for North Dakota has been as erratic as its annual precipitation. As a farm State with limited industry, your economy historically has been tied to the success or failure of agricultural production. From force of circumstances, you have not been able to maintain a level of growth which now can be achieved by utilization of your now existing stored water.

For example, the population of North Dakota decreased by 4 percent between 1940 and today. Meanwhile, the population of the north central region increased by 20 percent and that of the United States as a whole increased by 50 percent.

During the decade between 1950 and 1960, the total net out-migration from the State is estimated at 105,000 people, half of whom were in the productive age bracket of 20 to 39. Similarly, the migration from the farm to the city has continued unabated with the rural farm population declining from 327,000 in 1940 to 204,000 in 1960, a decrease of nearly 50 percent. I expect the 1970 census will show an even further out-migration from the rural areas to the cities and to other States.

Cash receipts from farming since 1950 have increased only 50 percent in North Dakota compared with about 80 percent for the west north central region and 70 percent for the Nation as a whole.

The importance of a water supply is demonstrated by the variability of farm income from year to year when dependent on the weather. For example, in 1961, a severe drouth year, the total net farm income in North Dakota amounted to about $70 million. The next year, 1962, timely and adequate rainfall resulted in a total net farm income of nearly $400 million, nearly six times greater. In 1963, net farm income was about $260 million. It is impossible to build sound, stable communities with these variations.

Retail sales in North Dakota increased only 40 percent during the period 1948–1963 compared to a 60 percent increase for the west north central region and a 90 percent increase nationally.

But now these rather discouraging statistics are going to change. With the groundbreaking today, a new era of growth and opportunity begins.

To see what happens with irrigation, we can look at the Columbia Basin Project in Washington State, an area somewhat similar in characteristics to your area. With the coming of irrigation, tremendous growth in the project area has occurred. In contrast, an adjacent dry farm wheat production comparison area, similar to the project area before irrigation, showed only small growth or actual decline.

The economy of the Columbia Basin Project irrigation area, which is still far from a mature development, exceeded the comparison dryland area by a ratio of: 20 to 1 in employment and wages; 19 to 1 in business and occupation taxes; and 17 to 1 in population, business establishments, postal receipts, retail sales, taxes, and Federal income taxes.

Battelle Memorial Institute, the well-known research foundation, completed a study just last month of the prospective economic impact of irrigating an additional 460,000 acres in the East High area of the Columbia Basin Project.

This land is presently in a dryland wheat-fallow cropping system with an average yield of 33 bushels per acre. The annual gross value of agricultural production from this dryland area is $9 million, which in turn has a direct and indirect impact on income to the State economy of $17 million.

Under irrigation, the value of agricultural production is predicted to be $200 million, which will generate total income in the State economy of $358 million, a twenty-one fold increase. Furthermore, the population density in the Project area is expected to increase twelve-fold, and 28,000 new jobs will be created within the State.

We also can look at experience in Nebraska where a study by the University of Nebraska showed that $5.70 in increased business volume resulted from each dollar of increased farm income credited to irrigated crop production. This included about $1.30 of increased volume for businesses and services supplying items necessary in producing the irrigated crops and about $4.40 in increased volume among businesses involved in processing and selling that part of the increased crop production which was processed and sold within the State.

The total increased business activity due to irrigation in Nebraska was over $812 million per year, which was over $300 per acre of irrigated land. About $153 million of this was increased personal income to households within the State. The total increased business volume in Nebraska due to irrigation during the 25-year post World War II period is estimated at about $13 billion.

With experiences such as the Columbia Basin Project and irrigation in Nebraska, it is not difficult to predict the economic growth and stabilizing effects the Garrison Diversion Unit will have on the economic future of North Dakota. Availability of irrigation water to the 250,000 acres in the initial phase of the project will free those acres from an uncertain "one crop" boom-and-bust economy and permit a choice or diversification of cropping plans never before available to those lands. It will provide sound, solid, stable communities, with economic opportunity for growth in a quality environment. Further, you can get away from the "surplus" crop problem and grow crops and livestock that will contribute to a high quality diet for the Nation.

Farm operators will have the opportunity to increase their net income by intensification and employing a varied crop pattern rather than by expansion in terms of additional acres. This, in turn, will tend to decelerate the trend toward larger farm size. It will slow down the migration from the farms and small towns to the metropolitan centers, and will provide additional opportunities for farm labor, thereby providing new employment in the area. Additional employment opportunities and economic growth possibilities will be attracted to this stable base.

Surely in this day when we are seeking a solution to the overcrowding of our great cities, such a program is of value far beyond a dollar yardstick. But even so, the dollar yardstick is impressive. We can with fair certainty estimate the dollar value of new agribusiness which will be generated by the demand for additional machinery, fertilizers, chemicals, processing and marketing plants and services.

This increased business volume generated by the Garrison Diversion Unit is expected to increase from about $1.4 million in the first year of irrigation to about $62 million in the 10th year. Ultimately an annual rate of $90 million in present-day dollars is anticipated:

It is estimated that 50 years after the first year of irrigation the increased business volume will have accumulated to more than $3.7 billion. This is over ten times the total cost of the $300 million project and over 15 times the total irrigation allocation of about $240 million.

Of the $90 million ultimate annual increased business volume, about $31 million will result in increased personal income to households of the State. Other significant increases include $9 million with the construction industry, $8 million in automobile and machinery sales and services, $4.5 million with legal and financial institutions, $3.5 million with lumber and hardware businesses and $2.6 million with food and kindred products.

You should remember too, that an irrigation development of this magnitude will have widespread effects upon the social, economic, and political structure of individual communities. As opportunity for a better life increases, as a stable economic base is established, a new spirit of enthusiasm, with optimistic activity will occur. Public and private investment will be required to satisfy the increased volume of business. It all adds up to the wonderful story of American ingenuity and progress of which we are so proud.

The construction of the Missouri River mainstream multipurpose reservoirs has taken many acres of your most productive bottom lands to achieve benefits from river regulation, flood control, and navigation which are being felt all down the river valley to New Orleans. Now, by this great irrigation project, your turn has finally come. You are getting into position to realize direct and specific benefits of your own.

You see, water is not just a commodity. Rather it is the heart of a circulating system of environmental and economic progress. The proper development and utilization of water means quality as well as quantity, stability as well as growth, protection as well as production, distribution as well as size, human well-being as well as economic growth. It becomes the very core, the essential catalyst, of the good life in a quality environment, which is our goal.

This needs to be better understood and appreciated. You have a unique opportunity now to see this actually unfold in your lives.

Complex water resource development projects, such as the Garrison Diversion Unit, require large investments of Federal funds. These investment costs are allocated to the various project functions served for purposes of economic analysis and repayment. Such allocations are made through a standard procedure based upon the separable costs of a particular project function and the remaining benefits above such costs.

In the case of irrigation, total irrigation benefits are used in the allocation process. This includes those benefits attributable directly to the water users and those attributable to the indirect beneficiaries as well. Direct irrigation repayment, on the other hand, is based largely upon charges to the water users in accordance with their ability to pay.

This sometimes results in a large imbalance between the total allocated Federal irrigation cost per acre of land served and the repayment responsibility per acre of the water users. Irrigation costs often are above the water users ability to pay and financial assistance from surplus revenues from the power produced at project dams and other miscellaneous project revenues are used to pay these additional costs.

Considering the total benefits realized as I have outlined, such assistance is fully justified. Certainly, it is a proud boast that Reclamation returns 90 percent of its investment to the Federal Treasury, cash on the barrelhead. No other resource program can show such a record.

These investments are clearly justified regardless of how the costs are allocated. As has been shown by the Columbia Basin study, the Nebraska study, and as estimated for the Garrison Diversion Unit, the increased business volume and returns to indirect beneficiaries complements that of the irrigation water user. The total increase in net returns to all beneficiaries well justifies the required capital investment.

Nevertheless, as it now stands, the apparent imbalance is there and it makes it look as though the water users are either ducking their repayment responsibilities or the project was poorly conceived in the first place.

Our cost allocation and repayment policies need modification so that an equitable portion of the so-called irrigation investment can be allocated to indirect beneficiaries. There is need for a greater amount of repayment to be obtained from the indirect beneficiaries through ad valorem taxes or other public revenues in order to spread the burden of repayment more equitably.

This problem is under intense study by the Water Resources Council, and others, as well as those of us in the Department of the Interior and the Bureau of Reclamation. We must improve the identification and measurement of total project benefits. This reevaluation has been long overdue. We are taking a whole new look at our procedures for allocating costs. An equitable portion of the Federal irrigation investment should be allocated to the indirect beneficiaries in proportion to the indirect benefits they receive. Costs allocated to the water users should include only those supportable by their direct benefits rather than the total benefits from irrigation.

Right now irrigation is in somewhat the position of the groom at a wedding. As the ceremony progressed, the minister asked the congregation:

"If there is anyone here who knows why these two should not be joined in wedlock, let him speak now or forever hold his peace."

"I want to say something," came a quavering voice.

"You keep out of this," snapped the minister, "You are only the groom."

Well the irrigation allocation is something like that. It is charged in a rather lopsided and inequitable fashion compared to other benefits, but without irrigation users having much to say about it. It seems a matter of tradition starting from the early days of Reclamation, to associate all agricultural and related benefits with the land to be served.

However, progress is being made. In recent years there has been greater recognition of other benefits in allocation of costs. In fact the main support for irrigation projects often comes from the business interests. Certainly here in North Dakota there are overwhelming benefits for recreation and fish and wildlife purposes with the restoration of potholes and dried up lakes which are contemplated. These benefits and others must be fully represented in the allocation of costs. With our new look underway, I am hopeful that we can get a much more realistic and essential understanding of the great importance of water resources development.

I am as interested as you are in your State achieving maximum benefits from the Missouri River Basin Project and particularly the use of the waters of the Big Muddy. We are working with you in a number of areas to insure that this comes about.

For instance we are studying the possibilities of adapting the latest sprinkler irrigation technology to the project area. The best means of water conveyance to the farm units is the subject of intensified consideration. A number of materials for underground conveyance, including fiberglass materials, are under study.

We are proud to be cooperating with other State and Federal agencies in regards to crop-variety trials, water-use studies, water applications, and other aspects of irrigation farm management. We are especially proud to be working with your State Water Resources Research Council. These studies can be especially beneficial to irrigation farm production and management to insure maximum returns from the utilization of your water and land resources.

We are working closely with your North Dakota Water Commission and the city of Minot to develop an interim water supply. The city's present supply is limited and must be shared with a major defense installation—the Minot Air Force Base. A pipeline connecting an underground aquifier and the city's treatment plant represents the first stage for an improved supply for the city. Later when Missouri River water is available from the nearby Velva Canal, the city's increased demands can be accommodated from the Garrison Diversion Unit.

Even though we are now launched on the construction of this great project, there is a long road ahead. As we break ground today, we look forward to further progress in the chain of events that will lead toward the completion of this huge waterway. Next Tuesday, bids will be opened in Fargo for the next 2¼ miles of this McClusky Canal. That will be the second of seven reaches of the canal to enter the construction stage. It is located a short 4 miles north of where we are today, and will require the excavation of about 7 million cubic yards of earth material, or about half the quantity involved in this reach on which we are breaking ground.

To accomplish our goal of completing the principal supply works by the mid-70's, we will be making a number of additional major contract awards, including the five remaining reaches of the McClusky Canal, the Lonetree and Wintering Dams, the James River Dike, and several smaller dikes that will be required to confine the waters of Lonetree Reservoir—the principal storage facility for the entire unit.

To keep these construction works moving along will take continuing work and support by all of you. Competition for available Federal funds is tough and we need all the help you can give us to keep the show on the road.

Let me say to you who have advanced the Garrison Diversion Unit up through its formulation and authorization to the point of construction, I salute you and commend you for a job well done. You are great pioneers. And as the sons of the pioneers take the helm in the days ahead to keep the project moving, the promise is still good. I am sure that you will get the job done.

You, and the folks in the other States of the Missouri River Basin, are due for an upturn in your economic situation. Certainly this is wonderful country, and an integral and important part of America the Beautiful, the miracle of America, that we all love so much.

Your State will contribute greatly to our national well being, to our national goals, by providing these new economic opportunities, new wealth productivity, new jobs, new communities, and the enlargement and stabilizing of those you now have. Projects like this, which require people cooperatively working together for the common good, bring out the best that is in man. And we occasionally get a fleeting glimpse of the great potential of man, and of what this old world can be, and will be, when we pool our efforts to produce the good life in a quality environment. The Garrison Diversion Project will help all of us to progress toward those goals. There are great days ahead.

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## NIXON WAS RIGHT ON "NO TIME OUT"

## HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. FOREMAN. Mr. Speaker, thousands of Americans are voicing their support of the American military actions in Cambodia as directed by our President. One such voice is the Irving Independent of Irving, Tex. I insert the newspaper's editorial of May 10, 1970:

### NIXON WAS RIGHT ON "NO TIME OUT"

President Richard M. Nixon was right when he decided it was time to stop calling time outs in the Vietnam War to permit the Communist forces to regroup and replenish their supplies.

It is the firm conviction of The Irving Independent that the President exhibited a "Texas tub" full of political nerve when he made the decision to move our forces into Cambodia and begin an elimination process of the enemy's hideouts which the Cong and other North Vietnam troops have been swarming back to for years when they were knocked around during combat.

And, although this may not be in line with the thinking of some people in Irving, we believe the President's only fault was he didn't do it sooner.

Lyndon Johnson and John P. Kennedy could have taken the same position Nixon did but the record shows they refused to act, either because of decisions their high echelon advisers made or because they were worried about their political and public opinion standings.

Regardless of the way Johnson and Kennedy acted it was their decision to make and not that of the people as a whole, since they were the commanders-in-chief and the burden was upon their shoulders. However, members of our military forces continued to die as the enemy struck time after time, inflicting casualties, destroying supplies and creating consternation among the troops because the commanders would call an "all stop" when our people were about to step across a line that would put them out of bounds, according to the thinking in Washington.

Mr. Nixon, according to the thinking of this newspaper, had no other choice. It is inconceivable for anyone to believe we could bring all our forces out of Vietnam at one time for they would be slaughtered on the beaches, any military man will support that.

It is inconceivable to believe that the President would continue to permit the enemy to run roughshod over our people. It is also unbelievable that the scum of the nation be allowed to stage out-and-out rebellion and not be brought to justice for their actions simply because some people in Washington say "they have the right under the Constitution to voice their approval."

One of the agitators who deserves his just desserts is the avowed Communist Jerry Rubin. He should be in the penitentiary instead of roaming across the nation instigating trouble on campuses and at other locations, but an appeals court held back the sentence he received in the widely publicized trial at Chicago so the tramp is still on the loose.

It's people like McGovern, Rubin, Rap Brown, among others, who are causing the troubles we face. They defy the President and in so doing they defy the policies established under the Constitution. They are playing a game established by the Communists to undermine this country, and The Irving Independent strongly believes it's time to call a halt to their movements.

We have been blunt in this. We intended to be. It's time for the news media and others, not to stand idly by while the United States of America falls into ruination, just as did the Roman Empire.

We do not condone any war. We do not condone killing. And although some of our people are dying in Cambodia—and we deeply regret it—Mr. Nixon had to make a decision. He did and we think he acted correctly because, looking at it in the cold light of fact, he had to make his move.

That took guts—intestinal fortitude, if you please—and we greatly admire him for it.

## YOUNG REPUBLICANS SUPPORT THE PRESIDENT

## HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. GOODLING. Mr. Speaker, during this season of controversy over our policies in Southeast Asia, we should be careful lest we mislead the enemy in Hanoi into believing that our internal fabric is torn and that we are not unified as a nation.

History is replete with instances where countries engaged in conflict with another country have refused to sit down to the bargaining table with that country because there was evidence it was suffering trouble within.

All of us have a right to dissent, but we should do it in a way that is peaceful and constructive, thereby laying the groundwork for intelligent resolve of any problem concerned. If we will proceed in this manner during the current controversy on Southeast Asia policy, then the leadership in Hanoi will not be led to believe that we are a country disunited. The enemy will not be inclined to believe that we are divided and, therefore, he can conquer, and he will more likely become disposed to come to the conference table for the purpose of negotiation.

Just recently young Republican organizations throughout the land have gone on record as being solidly behind President Nixon with respect to his policies in Southeast Asia. On May 2, 1970, for instance, the Kansas Young Republican Federation forwarded President Nixon a wire, advising him as follows:

> You have our full confidence and support concerning Southeast Asian decisions and policies.

Just recently, too, the Young Republicans of York County in my congressional district sent me a letter advising me that they had unanimously resolved "to fully support President Nixon on the action he has taken in Cambodia." Because both this resolution and the previously mentioned wire properly should be considered in the current controversy on Southeast Asian policy, I insert them into the CONGRESSIONAL RECORD and suggest an analysis of their content by those interested in obtaining a balanced view with respect to this vital foreign policy matter that confronts us today.

YOUNG REPUBLICANS OF YORK COUNTY,
*York, Penna., May 9, 1970.*

Hon. GEORGE A. GOODLING,
*House Office Building,*
*Washington, D.C.*

DEAR GEORGE: On May 5th the Executive Board of the Young Republicans of York County unanimously and enthusiastically resolved to fully support President Nixon on the action he has taken in Cambodia. In doing so, we are urging members of both the United States Senate and House of Representatives to also lend their support to the President and stand firmly behind him on this important issue.

The purpose of our resolution extends much further than partisan politics. We feel that since the President is privy to all the information regarding the Vietnam conflict, which is not available to Congress, nor to students on college campuses, he is the most credible source of truth.

In a time when there is a higher percentage of young people fortunate enough to be attending colleges than ever before in our history, a minority of radical militants lead groups of naive students into acts of violence and destruction that have sometimes ended in death. Students commit unlawful and outrageous acts in the name of PEACE, but are themselves warlike and when they provoke gunfire by government troops, who would not be on the campus if there was a semblance of peace there, they seem stunned and their views on violence become one-sided. This outlook is condoned and encouraged by certain members of college faculties, who will often participate in meetings and demonstrations that stir up the emotions of the young, instead of setting a good example of social and personal responsibility for their students. College administrators are failing to fulfill their obligations to those who truly desire an education; the quiet students who attend classes, study and do not burn buildings, but whose tuition may well be raised to recover money for damages done by others, and who are barred from classes because administrators are not maintaining order on their campuses. When officials of schools bow to coercion by youthful agitators, the quality of education is reduced.

The question of the United States involvement in Southeast Asia has become clouded by time, technicalities and commitments of the past, but one thing is clear: President Nixon did not start the Vietnam conflict, but he is the first President to initiate and carry out steps towards getting this conflict resolved, and our troops withdrawn from Vietnam. And, if to do this, he must send troops into Cambodia to protect American fighting men in Southeast Asia and enable the continuance of our withdrawal from Vietnam, he deserves the support of his countrymen, Congress and Party.

Therefore, we ask for your full support on this important issue.

Yours very truly,
DONALD F. MENGES,
*Chairman.*

## END THE WAR

## HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. FOREMAN. Mr. Speaker, during the past few days, I have received various letters and telegrams expressing the concern of some citizens over the proposed political amendment to end the war. My reply is as follows:

DEAR FRIEND: Thank you for your thoughtful note urging me to "vote for the amendment to end the war." How very much I do wish the solution were that simple. If that was really all that it took, you can be sure we'd end the war tomorrow . . . we'd also pass amendments to stop crime, end hunger and poverty, eliminate pollution, and establish a friendly world of international brotherhood, of love, of happiness . . . a world free of hate, greed, disease, pain and discomfort.

No one wants the war ended more than I do, or more than President Nixon does . . . but it can not be ended by the passing of an amendment any more than it can be ended by demonstrations and protests.

Protest is a cinch. It is easy to be *against* those things that are bad . . . and *for* those things that are good. What is not a cinch is to find practical and workable solutions for a world that is beleaguered with conflicts, starvation and the by-products of an exploding technology. That takes devotion and study and a painstaking consideration of more or less unpalatable alternatives.

If you observed an irrational arsonist working his way up your street, one house at a time, pouring gasoline on each house, setting it on fire and burning it to the ground . . . would you (1) call your next door neighbors to warn them of the impending danger, (2) notify the police and fire departments of the events and urge their appropriate response, (3) remain calm and "uninvolved" with an "at least it's not my house" peaceful attitude, or (4) urge your Representative to "vote for an amendment to end fires"?

Now, admittedly that's an unreal, but simple analogy that most people can comprehend. But let's review a more complicated situation. Suppose you were a citizen of a strong, free country that had recently elected a President, who when he assumed the responsibility of the leadership of his country,

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found his immediate two (2) predecessors had involved your country in a war in a far-off land . . . an indecisive, vacillating war that had committed 550,000 of your fellow countrymen to fight a holding action for the right of self-determination of a small nation of people against outside aggressors who were trying to forcibly impose their will upon the small nation.

Your new President reviews the circumstances he has inherited, by reason of his election to office, and determines that this war in a far-off land should not be the responsibility of his countrymen. He declares, "We will materially assist the small nation to strengthen itself to become able to defend its own people against the aggressors . . . but we will not assume the responsibility of doing that job for them with our countrymen".

The new President initiates his announced plan. The small nation's military strength and capabilities grow and they begin to assume an ever-increasing role of defending themselves. Your nation begins to withdraw your fellow countrymen from the war . . . 125,000 are withdrawn the first year. The plan continues, and your President announces the continued withdrawal of another 150,000 of your countrymen . . . advising the world, all along, that he will proceed in an orderly, systematic withdrawal program as rapidly as the small nation can assume the role of its own defense . . . and, yet, announcing that at all times he'll protect his Army's flanks against increased enemy action that might endanger the lives of your fellow countrymen. The withdrawal proceeds regularly, orderly and carefully.

As you observed these accomplishments, would you then, (1) advise your President to throw knowledgeable advice and military caution to the wind, and demand that he unilaterally try to withdraw all the troops immediately, (2) write your Representative and urge him to forsake the elected President's succeeding plan of withdrawal, "vote for the amendment to end the war", and cut off materials and supplies to your remaining countrymen in the far-off land, or (3) would you lend your support and encouragement to your President and help him and your fellow countrymen to honorably extricate themselves from an indecisive, costly, killing eight-(8)-year war?

Some people are confused because they don't understand. Some don't understand because they don't want to understand. Some can not hear the facts because they are protesting too loudly.

Sincerely,

ED FOREMAN.

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## HEW LAWYERS WHO WITHHELD THEIR LABOR SHOULD NOT BE PAID

## HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BERRY. Mr. Speaker, the lawyers at HEW went out on a strike against the war yesterday. Their "Exodus for Peace" brochure that was handed to everyone as they went to work. It said in part:

> Some of us feel that only by withholding our labor * * * can the war machine be halted.

I am including the statement for the RECORD but I hope that HEW will make sure none of the lawyers listed below will get 1 cent pay for yesterday at least. I hope they do not try to use this as a day for sick leave or some other "time off" excuse. If they want to withhold their labor, that is one thing, but the Department must also withhold their pay for that day as well.

It should be pointed out that I was told by one of them that they did not have the answer for getting the troops out of Vietnam but they were supporting Senator GEORGE MCGOVERN. It might be, Mr. Speaker, that all this legal talent might just read over the "Hatch Act." Their great support of a candidate for the President might just be covered by the act.

Their brochure is as follows:

### EXODUS FOR PEACE

We, the undersigned members of the Office of General Counsel of the Department of Health, Education, and Welfare, can be silent no longer about the War in Vietnam, the War in Cambodia, and the domestic strife that is tearing our country apart.

We are speaking out for many and varied reasons. Some of us believe that the United States never had an interest to protect nor a right to be involved in Vietnam. Some of us supported the War once, but now believe it essential to bring all American troops home at once. Some of us see Vietnam as a mistake; some see it as an inevitable consequence of a foreign policy based on the use of military might to frustrate any form of social change. Some of us see all War as unjustified; some think War is sometime permissible, but oppose the senseless killing in Vietnam and Cambodia.

Some of us believe the War is illegal; some believe it is immoral; some believe it is not in the best interest of our country; some find it altogether incomprehensible.

Some of us feel that only by withholding our labor (and by encouraging others to do likewise) can the War Machine be halted; some want only to bear personal witness to our absolute opposition to the expansion and continuation of the War. Some of us feel that the greatest obstacle to achieving Peace is the "BUSINESS AS USUAL" complacency which must be shattered; some want to take one day to spend our energies for Peace.

But all of us agree that:

1. We can no longer be silent. Nor is it enough to talk Peace without doing something to stop War.
2. We can no longer let fear guide our conduct. If it takes risk, action, and sacrifice to end this war now, then risk, act, and sacrifice we will.
3. We can no longer speak with separate voices. United we can and will end the War.
4. We can no longer wait for two months, or two years, or two decades to see if a policy of escalation works. American troops—all of them—must be withheld at once.
5. We can no longer allow guns to be our country's dominant response to the world's real social and economic problems. We can no longer allow guns to be our country's dominant response to its own real social and economic problems.
6. We must not stop striving to end the war until the war is ended.

Robert Anderson, Wesley W. Collins, Margaret M. Conway, Elizabeth Croog, Darrell Grinstead, Ronald B. Gutmann, Christopher Hagen, Marcia Harrison, Robert Jacoby, Michael James, Alan Jones, William A. Kaplin, Stephen M. Kraut, Daniel J. McAuliffe, John D. McCabe, C. Brian McDonald.

Marlaina K. McMillan, William Metzger, Bruce K. Miller, Virginia R. Mitz, Eugene Pfeifer, Michael Romain, Jeffrey H. Schwartz, Jeffrey M. Shaman, Arthur Shapiro, Sarah Hertz Spector, S. N. Spiller, Borge Varmer, Howard Walderman, David D. White, Frances White, John L. Wodatch.

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## THE LADY WHO LOST TO JUSTICE AND A THIEF

## HON. MARTHA W. GRIFFITHS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mrs. GRIFFITHS. Mr. Speaker, at this time, I would like to insert into the RECORD an article by Judd Arnett, of the Detroit Free Press. Mr. Arnett is one of America's most perceptive columnists, whose sharp wit portrays the sometimes humorous but frustrating consequences we all have experienced in meeting the problems of today's world. The article follows:

### THE LADY WHO LOST TO JUSTICE AND A THIEF—A CITIZEN'S COMPLAINT

(By Judd Arnett)

A good part of what follows will be excerpted from a letter which arrived at this desk a few days ago. The author is Mrs. Madge G. Becker of Detroit, who approves of the use of her name.

In fact, when I telephoned and offered to withhold her name she replied: "Why not use it? I am not afraid of a little more trouble." No member of the silent majority, she. So away we go . . .

"On April 14, at about 7:30 on that brilliant Tuesday morning," Mrs. Becker tells us, "my purse was snatched as I walked on Park Avenue toward a bus stop. By sheer luck two squad cars were within two minutes of me, and the culprit was apprehended within minutes. My purse and contents were found, also immediately, in an abandoned garage from which the man was emerging when he was arrested.

"On the prisoner's person," she continues, "was found the exact amount of money I had in my purse, and two unopened packages of Virginia Slim cigarets I had purchased just before the incident. (I had checked the cash in my purse just before leaving my hotel at $5.22 and had spent $1.04 at the time I bought the cigarets).

"The arresting officers were Patrolmen Jack Masters, Paul Getzen, Charles Holman and Lawrence Szynkowski. They did an excellent job.

"Then the case was turned over to Detective Sergeant G—and his partner, Detective L—," Mrs. Becker tells us. "Later that morning I identified the purse snatcher in the lineup (a positive identification) and signed a complaint. Altogether I spent about four hours at the police station that day, just waiting.

"All of a sudden, nothing began to happen. I was asked to appear at the preliminary examination on Monday, April 20. I was in the court room promptly at nine, and at 10:30 the defendant had not shown. It was then that I learned that Judge James N. McNally, before whom the prisoner had been arraigned, had let the man go on a personal bond.

"In effect, that judge had said to the defendant, 'Go and sin no more,' or, to put it more bluntly, 'Get out of town before it's too late, chum.'

"My purse and money and sundry other personal items are being held at the police station," Mrs. Becker reports, "and to Detectives G- and L- I have suddenly become a damned nuisance. L- told me eight days after the scheduled examination that a fugitive warrant had not been issued. He hinted not too subtly that he had more important things to do than answer my questions (I had called him once) and he would appreciate it if I would get lost.

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"G- told me frankly when I talked with him that the defendant deserved to be let out on a personal bond because he had no record." (Note: The names of the detectives have been withheld because I have been unable to reach them for comment.)

"I suspect," Mrs. Becker concludes, "That both detectives feel that I was remiss in walking down Park Avenue in broad daylight carrying a purse, because the poor man was tempted beyond bearing. Should I be the one to don sack cloth and pour ashes over my head?"

Now at first glance this seems a trivial matter, doesn't it? After all, only a small amount of money and two packs of cigarets were involved.

But there is more to it than this, especially in view of frequent police (and court) protestations to the effect that all too often the victims of crime will not stand hitched when it comes down to push and shove. But here we have a lady who was willing to sign a complaint, appear at a police lineup and show up in court at the appointed time. The fact that the culprit, as she calls him, did not appear may indicate there was some weakness in the court's decision to give him personal bond. And one wonders about the delay in issuing a fugitive warrant.

We keep hearing from apologists that if there was just enough money to flood the streets with police, crime would be brought under control. But if one accepts the testimony of Mrs. Becker (and she is not alone in such reports), patently there is more to it than that. In this instance, the police on the street did their jobs, adequately. And then "All of a sudden nothing began to happen. . . ."

Incidentally, she did not want the man imprisoned. But she did think it a good idea to have him on the record, just in case he might go purse-snatching, or worse, again.

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## KENT TRAGEDY

## HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BERRY. Mr. Speaker, the recent columns of two widely known columnists shed some light on the Kent tragedy which should not be overlooked.

The first is the column of David Lawrence, the other the column of Victor Riesel. Both columnists point out that SDS had been building up the student body at Kent for just such a situation as took place. The point that neither of them made however is the fact that National Guardsmen are just plain businessmen called to duty and are not accustomed to having long-haired kids hit them with bricks and rocks—yes—and possibly even a shot or two.

The two columns follow:

### KENT TRAGEDY 2 YEARS IN BREWING

(By David Lawrence)

All of a sudden a sensational piece of news saddens millions who read it on the front pages of newspapers or hear it on radio or television broadcasts. Immediately, people in politics make accusations, and everybody in authority—the governor of the state, the National Guard or even the President—is blamed. But the vast majority of citizens do not get the background of what has happened.

The Kent State University episode, in which four students were killed, is an interesting example. A summary of Associated Press and United Press International dispatches with particular reference to campus disturbances in the last two years at Kent College is significant.

The United Press International, in November, 1968, reported that about 250 members of the Students for a Democratic Society and the Black United students demonstrated against police recruitment on the campus.

The Associated Press reported a demonstration on April 8, 1969, led by the Students for a Democratic Society, which brought clashes with university police. The SDS was then banned from the Kent campus, 37 students were suspended and five were charged with assault and battery. The demonstrators had demanded that the university abolish the Reserve Officers Training Corps, a crime laboratory and a law-enforcement-training school. On Oct. 7, a campus survey showed that 81 percent of the Kent students approved the calling in of the state police to put down the April disruption.

On May 1, 1970, according to the Associated Press, hundreds of students broke windows, set fires and damaged cars in a march from downtown Kent to the 19,000-student campus in a protest against the American military move into Cambodia.

On May 2, the Associated Press said National Guards were sent to the Kent campus, and demonstrators burned down the Reserve Officers Training Corps building. Students took away firemen's hoses and turned them on the fire fighters.

On May 4, the Associated Press reported that four students were shot to death and 12 other persons were wounded or injured when National Guardsmen opened fire on demonstrators at Kent State University. The Guardsmen had been targets of bricks and rocks before they opened fire.

Many millions of readers see news accounts of student raids on ROTC buildings, and don't know what the initials means. They don't realize that these are branches of the Reserve Officer Training Corps and are operated by the Armed Forces of the United States. Attacks on such structures are a grave offense, especially during a war.

Senator Mike Mansfield, leader of the Democratic party in the U.S. Senate, said on Friday, according to the United Press International, that the program of the Reserve Officers Training Corps on campuses has become a convenient but somewhat mistaken target for student frustration and occasional violence. He declared that the ROTC law was changed years ago to make the project one of "local option" with each campus and largely elective with the students. He added:

"The right of students to participate in ROTC should be honored and respected."

The army needs men with college training in certain fields. It surely is not in the public interest for any group to block the efforts of the military to obtain volunteers who can be enlisted for officer training. Surprisingly, the campus demonstrations against the ROTC have been continued notwithstanding the fact that the training programs are primarily voluntary.

Members of Congress are by no means in agreement as to what caused the shootings at Kent University, but the opinion of many is that in a disturbance involving many hundreds of students, sniping by outsiders is likely as a provocation.

Representative Roger H. Zion, R-Ind., mentions that he has gotten a copy of an instruction sheet given demonstrators at Lafayette, Ind., which he says included information on how to use molotov cocktails, how to disrupt communications and how to wreck trains. He adds:

"The dangerous subversives who are organizing these activities travel from campus to campus."

A better-informed student body in every college will help to defeat the troublemakers.

### SDS LONG TARGETED OHIO UNIVERSITY FOR "BURNING TO THE GROUND"

(By VICTOR RIESEL)

WASHINGTON, D.C.—It is the fashion of revolutionists to cry for blood. And cry they did at Kent State U. which many an observer would have you believe is a panty-raid enclave, where strollers down the tree-lined campus worship their wrestling team. And when the blood came, it came to children of working people who sought uncostly education ($642 a year) for their youngsters.

But Kent State U. is no movie set for an old Jack Oakie film. There are those of us who would hop off at Akron, drive the 10 miles and observe the SDS Weatherman faction—Mark Rudd, Bernardine Dobrn and comrades—scream, literally, for blood, for murder, for revolt, for the leveling of its buildings to wind-blown ashes, and for armed rebellion. For some time now Kent State U. has been the target for the SDS Ohio region and the Akron communes.

It's all in the record. There is the SDS pamphlet, written in the ancient argot of old Czarist era terrorists which shouts: "The war is on at Kent State." It was written by two SDS regional staff people. It was distributed from a table set before the auditorium on April 28, 1969. It lay among publications of the Peking Chinese, the early rifle-toting Progressive Labor Party, and other "splinters." This pamphlet begins with today's nihilist father image, as did the old Russian literature. The paragraph under "the war is on" is a quotation from Mao. "Then follows a report of weeks of intense struggle" on the college grounds—especially to "raise the political consciousness of thousands on the campus, while the pig-thug Administration has responded with swift and heavy repression."

Intelligence sources have been reporting Kent State U. as the target for years. And why?

No one has bothered to look at the SDS "demands" at Kent. There are four points—indeed significant. And this quadripartite program should be the pivotal point of any objective probe—preferably by a Congressional select committee whose report should be unimpeachable to the reasonable.

Note what the SDS shouted for on this bucolic campus. (1) The elimination of the ROTC. This demand is standard neo-anarchist operating procedure. (2) "End Project Themis Grant to the Liquid Crystals Institute."

Do note that there are but two such institutes in our land. One is on Kent State campus. Its objective is to develop "liquid crystal detectors." These crystals are extremely sensitive to heat. They are used in mechanisms to detect campfires in jungle areas and in some instances to detect body heat at long range. This is of vital strategic use by our troops in Southeast Asia seeking hidden Viet Cong and North Vietnamese forces either encamped or set to spring an ambush. In recent years, Project Themis has funded some two-score anti-insurgency scientific projects for the Department of Defense.

Third point in the SDS tactical schedule is a demand for the abolishment of the Law Enforcement School. This trains students for police careers. And fourth, Abolish the Northeast Ohio Crime Laboratory used for swift identification of rioters as well as criminals.

Obviously the SDS is out after more than the radicalization of a quiet campus where in the spring young man's fancies turned to panty raids.

Let's pass over for a moment the looting, the burning, the attacks on banks, the assault on firefighters and the destruction of inventories of small businessmen which hit Kent U. last week. Let's go back some years when the SDS's national self-appointed female revolutionist, Bernardine Dohrn, created herself in the image of a young Russian woman who almost 100 years ago became the sole survivor of a band of bomb-making terrorists who even then worked with electrical gadgets.

"Bernardine," who sees herself as a latter-day "Lapassionaria," is one of several National SDS leaders. It is she who targeted Kent State U. for quite a while. Then on April 28, 1969, she spoke to a student crowd in Willams Hall. At one point during the discussion which followed her speech she became agitated, lost her cool, rushed to the rostrum, grabbed the microphone and shouted that she could murder for self-defense, an eye and ear witness has reported under sworn testimony, and could murder for revenge. She stopped. And she added "in a sense." Well, what sense?

A week later, on May 6, almost exactly a year before the awesomely tragic shooting of four students, the SDS helped whip up a rally. Joyce Cecora, reportedly an important SDS speaker, bluntly called for the use of arms to end "the repressive action of the administration."

"They used guns at Cornell and they got what they wanted," said this young woman now typical of the new fraternity of violence. "It will come to that here!"

On Feb. 27, 1969, this same Joyce Cecora had said that, unless the administration gave way, the SDS would burn and level the campus (according to sworn testimony in federal reports).

Blood, now rotting the earth of Kent's lovely campus, did not spill accidentally. That soil was tilled—furrowed by the clanging iron words of the toughest band of nihilists this land has known. Virtually all of them are outsiders. Virtually all of them chose Kent State because it is what it is, a source of strength for American forces, a source of learning for the children of working people, a spot in middle America.

The SDS has been crying for blood. It knows, for its leaders are deeply read, what can happen when any military in any land shoot down children of America's middle class. It identifies. It cries out. It can shake governments.

In the "right on" argot, let's cool it. Men of stature must go to the scene and search the record.

I have criss-crossed this land a hundred times. I know America will listen to an appeal to reason. It is time there be more reason or there will be more blood.

And it is time for the young men and women to appeal for that reason. The SDS is not their world—or it would be fighting for true peace and not be the explosive advocate of a provincial Mao Tse-tung.

## ACTION BY THE ATTORNEY GENERAL OF NEW YORK ON BEHALF OF LAW STUDENTS

### HON. SEYMOUR HALPERN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. HALPERN. Mr. Speaker, I have just received an answer from the able and distinguished Attorney General Louis J. Lefkowitz in response to my May 15 telegram to him, a copy of which I inserted into the RECORD, Monday May 18.

I am informed that the attorney general wrote to the court of appeals on behalf of the students and in support of the petition for a rehearing.

I would like to call my colleagues' attention to the action of the attorney general whereby supporting the plight of those graduating law students who are faced with both final test prerequisite to the bar examination, and a greater commitment to constructively take part in our country's great dissent against the latest administration moves in Southeast Asia, particularly Cambodia.

## VIOLENT PROTEST: A DEBASED LANGUAGE

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. EVINS of Tennessee. Mr. Speaker, Time magazine in its current issue has an excellent essay on the futility of violence as a means of protest—"a confession of ultimate inarticulateness."

Because of the interest of the American people and my colleagues in this most important subject, I place the article in the RECORD herewith:

VIOLENT PROTEST: A DEBASED LANGUAGE

Words, like trees, bend with the prevailing winds. In the climate of opinion of the past few years, the word dissent has undergone a decided transformation. For most of U.S. history, it clearly meant speech—the unorthodox opinion, the challenging idea. Then, during the 1960s, civil rights protesters took to the streets to fight segregation, and the word became associated with demonstrations as much as with speech. As protests have continued to broaden and increase, dissent has come to be used to describe and defend a wide variety of physical acts, including violence toward property and even toward people.

The explanation many protesters offer for their switch from verbal to physical dissent is that no one pays attention to words alone any longer. However eloquent it has been, however imaginative its uses, language has not succeeded in eliminating racial discrimination or ending the war in Indochina. So the protesters have resorted to what Social Psychologist Franklyn Haiman of Northwestern University calls "body rhetoric"—sit-ins, lie-ins, marches—and more and more bodies have started colliding. Such public confrontations are an expression of gathering frustration over a society that no longer seems to respond to more traditional forms of dissent.

COMMUNICATION OF FEELING

This argument contains a measure of truth. It is also true that in many cases the massed forces of dissent—as at most of last week's rallies mourning the Kent State four—have demonstrated a commendable restraint in not letting verbal protest build into violence. The fact remains, however, that all too often these days dissent is a matter of arson and rock throwing. The reason may be that protesters have despaired of the efficacy of words before they have really mastered them. It is significant that this generation of dissenters has failed to produce a literature, or even a polemic that is likely to endure. On the contrary, it has been persistently, even proudly, nonverbal. It has emphasized a communication of feeling rather than of words. The vocabulary of protest, often weighted down with an outmoded Marxism, is relentlessly conventional and conformist. The same phrases—"up against the wall," "get the pigs," "tell it like it is"—are endlessly repeated, less for their intrinsic eloquence than for their emotive and symbolic value. And that sort of thing gets tiresome; to borrow from the jargon, it "turns people off." Even the most outrageous obscenities lose their impact when they are used ad nauseam.

There is often a disconcerting inexactness about today's rhetoric of dissent. To denounce the Establishment in blanket terms makes little sense in a society composed of several establishments, each with its own ideology and set of mores—many of them surprisingly competitive. "Power to the people" is an admirable democratic slogan—except that, as used presently, what it really seems to mean is power to the leftist radicals who seek to control any revolution in America. It is verbal overkill to describe every mild demurral by whites against the most bluntly radical of black-militant demands as nothing but "racism." And the case for political dissent is weakened when almost any attempts, however peaceful, by college authorities to restore law and order on campus are automatically condemned by militant radicals as proof that the U.S. is a "fascist Amerika." Taken at face value, many protest slogans suggest that the dissenters have seriously misestimated U.S. society and its possibility for evolutionary change.

The ultimate debasement of language, of course, is violence. Except for protesters who simply want to destroy—and there are more than a few—most dissenters turn to violence in a desperate effort to communicate their profound feelings of grievance. Yet surely this is too crude a way to get their message across. A bomb, for example, lacks specificity; its meaning is as scattered as its debris. Some people may interpret such an act as a signal to pay more attention to the protester and his cause; many more are likely to read into it a need to make life a lot tougher for the protester. Violence is, essentially, a confession of ultimate inarticulateness.

Throughout history, dissent has been more effectively expressed by the word than by the weapon. The French Revolution was betrayed by the ruthless masters of the Terror who silenced all opposition with the guillotine. The enduring importance of the revolution lies, rather, in the principles enunciated on its behalf by the philosophers of the Enlightenment, who bequeathed the notion of human equality to the modern world. During its bleakest hours, the American Revolution was resuscitated not so much by brilliant military strategy as by brilliant words—those of Tom Paine in the "times that try men's souls." Even less persuasive and more recondite words can have an impact that dramatic acts do not. Wrote Lord Keynes: "Madmen in authority, who hear voices in the air, are distilling their frenzy from some academic scribbler of a few years back. I am sure that the power of vested interests is vastly exaggerated compared with the gradual encroachment of ideas."

Debasement of the language cannot be blamed on protestors alone. The news media, the advertising agencies, the Government—even President Nixon himself—have all helped flatten and attenuate the English tongue. When radicals misuse language, they are only applying the lesson they have been so well taught by their society. That lesson has been reinforced by philosophers now in fashion—Marshall McLuhan, for instance, who says that pictures are more important than words and contemplates a society of inarticulate tribal emotions based on instant sight and sound. Or Herbert Marcuse, who teaches that protesting words are as empty as air in a technological society where power is concentrated in a few hands. Such a contempt for language makes people impatient with the orderly processes of thought. No sooner is something glimpsed or considered than it is demanded. Not only is dialogue destroyed, but so is rationality, when protesters insist upon immediate capit-

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ulation to their "nonnegotiable demands." This is what infants demand—and totalitarians.

EXAMPLE OF AGNEW

Reactionary as the thought may seem, words are still as powerful a force as ever. when they are cogently used. It was, after all, language alone that catapulted Spiro Agnew from a political nonentity to a national figure with an enthusiastic personal following. Agnew, to be sure, can be accused of appealing to the raw emotions of the body politic in his now-famous attacks on "effete snobs" and "tomentose exhibitionists." On the other hand, a protester would have a hard time telling the Vice President that mere speech is not capable of stirring people. Unwittingly, he has shown his antagonists on the left that it can still be done.

During a period of national turmoil and self-doubt, it is all the more imperative for protesters to put down their rocks and find their voices again. As a commentary on the Kent State tragedy, President Nixon's remark that "when dissent turns to violence it invites tragedy" is callously inadequate. His warning, however, carries the weight of history; in a general unleashing of violence, dissent is the first casualty. Today the nation is in considerable need of healing, as well as elevating, language; often in the past that need has been filled by protecters whose perspective on society matched their passionate commitment to its improvement. Now is the time for dissenters to assert their own dignity and maintain their tradition by upholding the ultimate value of the word.

## IS SCHOOL OUT OR IN?

## HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. FLOWERS. Mr. Speaker, I take this opportunity to offer for inclusion in the RECORD, in order to share with my colleagues and others, an editorial appearing in the May 14 issue of the Birmingham Post Herald entitled "Is School Out or In?", which eloquently expresses some of my personal feelings about the current student problems:

IS SCHOOL OUT OR IN?

With thousands of college students wandering over the countryside like Quantrill's Raiders, the question arises as to whether anyone is back on the campus studying for exams.

We are told, of course, that the arena of public affairs is a better teacher than some gloomy professor lecturing from 20-year-old notes.

And, indeed, there may be merit in spending a few days in Washington, as the entire faculty and student body of Haverford College did last week, to talk to congressmen about the war in Indochina, or any other public issue.

Nor is there any special objection to giving students time off next fall, as Duke, Princeton and other schools have done, to campaign for candidates in the congressional elections.

This is where dissent should be channeled—into the political process.

But there is not much educational value in blocking highways, tossing rocks at police, burning down Old Main (as they did at Colorado State) and refusing to go to class until U.S. troops are brought home from Asia.

From the student squattertown at the University of Denver to the "Effete Snob Corps Marching Band" at UCLA, there is a great deal of nonsense passing for war protest these days.

This is the time of year when "birds do sing, hey ding a ding, ding." And the voice of the cuckoo is heard distinctly through the land.

At last count, more than 150 colleges and universities either were closed indefinitely or their students were out on strike. How these schools will be able to offer academic credit this semester is a mystery; but that's only half the rub.

What about the students—in most cases the majority—who might prefer to go to class instead of attending peace rallies?

Eight students at Wayne State in Detroit finally were forced to get an injunction giving professors the right to teach even if the university was closed down.

Similar suits have been filed in New York, Georgia and Florida by students who paid their tuition and would like to get a little schooling in return.

Any student whose "conscience" compels him to stay out of class as a protest against American foreign policy has a right to do so, of course.

But other students have rights, too. Or have we forgotten?

## THE GOLDEN EAGLE PROGRAM

## HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. GOLDWATER. Mr. Speaker, I would like to comment regarding the continuation of the golden eagle passport program under the Land and Water Conservation Fund Act.

This program has provided a passport to recreational enjoyment for millions of Americans, while at the same time easing the administrative burdens of the U.S. Park Service and the U.S. Forest Service.

The benefits for individuals and families are enormous. The passport is universally applicable, so that a family touring the scenic attractions of our country is assured of entry to our parks and forests no matter to what State they may travel. In California, which contains some of the most popular parks in the country, golden eagle passport sales accounted for approximately one-quarter of the total sales in the country.

At a time when the President and the Congress are encouraging travel within the United States, in order to aid the balance of payments, it seems very strange to me that the House committee should have delayed so long in taking action on the measure. The Senate passed the bill in September of last year, and yet the bill sat in the House Interior and Insular Affairs Committee past the point where the program officially expired—March 31, 1970. This is inexcusable, both in terms of bureaucratic efficiency and in creating confusion among passport users as to the future of the program.

What were the reasons for this delay? The program has provided vast recreational benefits by encouraging more widespread use of our national parks and forests through a simplified entry procedure. Total sales of golden eagle passports were 1,953,517 in fiscal 1969. Total visitor-days in the same year were 157,356,500.

The staggering increase in the number of people visiting our parks, camping, hiking, and generally enjoying America has placed a great strain on the resources of the U.S. Forest Service and the National Park Service. Yet the golden eagle passport allowed for a simplified fee collection procedure which saved many man-hours of time. Indeed, it enabled collection of fees from those users of remote national forest areas who might not otherwise have paid.

It is especially interesting to note that the estimated costs of administering this program run at 10 to 15 percent of the revenues—some $14 to $21 million annually. This leaves an overall revenue increment from the passport program of over $120 million. Yet just last week Congress passed a bill to promote travel within the United States funded at $15 million—with no guarantee of such a high financial return on the dollar investment.

I therefore recommend speedy passage of this measure by the House, and a more expeditious consideration of the needs and wishes of the American people in the future.

## ADDRESS BY HON. DANIEL J. FLOOD AT GEORGETOWN UNIVERSITY

## HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. McDADE. Mr. Speaker, on May 10 of this year, our distinguished colleague from my neighboring congressional district in Pennsylvania was awarded the degree of Doctor of Science honoris causa at the commencement exercises of the school of medicine, here at Georgetown University.

There, before a learned body of men who had completed their studies in the field of medicine, our colleague spoke to them, not principally about the healing of the bodies of men and women and children, but of caring for the soul and the mind of mankind.

The words he spoke on that occasion were memorable, as so often his words on the floor of the House are memorable. With your permission, therefore, I should like to append here the commencement address he delivered on that occasion. It is a text that all of us might study with profit:

ADDRESS BY CONGRESSMAN DANIEL J. FLOOD

It is a privilege and pleasure alike for me to be here today and to be invited to speak to you who are gathered together for this Commencement of the Georgetown University Medical School. I am deeply appreciative of the honor bestowed upon me in your granting of the degree Doctor of Science *honoris causa*, an honor which I am proud to accept. I am glad to extend to those of you who have completed or are completing your medical studies at this school, to its able faculty and administration, and to all, families and friends, who share in the joy of this occasion sincere congratulations and every good wish for the future years.

We hear much these days of priorities and their reordering, nationally and in our local

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communities. Living, as we do, in a troubled time when the fabric of society itself seems frayed and strained by tensions and disruptions of every kind, this concern with priorities becomes increasingly urgent and evident. In my remarks today I want for a moment to direct your attention to the ultimate, basic priorities of our lives in contemporary America.

For practical purposes, you know, we can say that we live—all of us—in three different worlds. Every human being, like a juggler, so to speak, keeps three balls in the air at the same time: think briefly of those three worlds and what they are like.

The first is the relatively small world of a man's private life—the world he is born into, grows up in, is educated in; the world in which he develops habits, some good, some bad; makes a living, falls in love, perhaps; raises a family or lives alone without a family; meets handicaps, makes decisions. In other words, it is the relatively small world of his daily routine—the neighborhood in which he lives, works, and plays.

The second is the much larger world of public events in which he lives, but may not take an active part in, either because he can't or doesn't care to. It's the world in which there are economic depressions and inflation; the world in which wars are fought, and peace bought and paid for at a price. It is the world in which men go to the moon, cities go downhill, institutions rise and fall, empires come and go. It is the world in which men in high office make momentous decisions which affect us all. It's the world in which taxes are levied, laws are made, and men are drafted into military service.

There is another world, a third one and harder to describe. It's the world, not as it is, but as it is meant to be, ought to be; the world in which a man's conscience feels the pull of a magnetic pole—an irresistible moral force which he ignores at his own peril. This is a world of vision and vitality—in a sense invisible, yet often more real than the other two, and sometimes visible in a flash of beauty or a deed of truth and goodness manifest in human life.

These are the three worlds through which a man goes—not as one might go through successive grades in a school, but meshed with each other; we live in all three at once, so to speak, and different people handle these worlds in very different ways. Our concern today is how best to manage this juggling act, if you will, of living in three worlds at once.

First is the question of your scale of priorities. For most of us, the first world is the most immediate and pressing. The second is perhaps the most urgent and in a way the most revelant because we are directly affected by everything that happens in it; there is no selectivity or personal choice in depression or inflation, war or peace.

The third is the most ultimate, not necessarily the most immediate or intimate or relevant—at least from a superficial point of view, but the most ultimate. That being so, our ultimate priorities lead us to questions of relationship—how do we relate life in this third world, the world of ideals and values, of faith and spirit, to life in the other two. The answer is to be found in the long, sometimes tragic, sometimes glorious story of man's spiritual journey and of his awareness of the meaning of God in human life and experience.

In truth, the relationship between these three worlds should and could be quite different: it could be that life in that third ultimate world can liberate us from bondage to the first, that is, your little private world, and enable us to be usefully active in the second. No man, no body of men, can do anything significant in the larger world until he can get out of himself. Except a grain of wheat fall on fertile soil, it cannot nourish life. Once a man gets out of himself, he is free, free to do his part in this confusing, troubled world—to set the crooked right, to upset what may need upsetting to set right and reconcile; to bring us to the sorrows and tragedies of the world of his joy, his hope, and his loving kindness; to draw together those who have been torn asunder.

It seems to be that this applies to every individual and community, but with this special pertinence here today to you who are entering into or are already a part of the medical profession. The virtues of professional knowledge and experience can easily blind us to the dangers of mere professionalism in a society and world in which the need for medical care at every level is greater than ever. The opportunities for service to human suffering demand a generation of doctors who are able to relate to their fellowman beyond the limited sphere of personal or collective self-interest.

This is the great challenge which confronts you who are gathered here today, just as—in different but not dissimilar ways—it confronts those of us in other areas of human life—whether in politics or in religion, in business or in the arts and sciences. If we are to live creatively as free and responsible men and women in the three worlds I have described, we must reorder our priorities and their relationships.

I have spoken of these worlds today because I believe it must be a vital ingredient in the practice of medicine—is in every area of life. The tradition which speaks of medicine as "the art of healing" and which associates medicine with religion is essentially sound, even in this technological and scientific age, sound in its perception that medicine, in its ministry to the whole man, touches the heart of life—the issues of life and death, the mystery, the tragedy, and the glory of man.

In his recent study of modern German history, Hajo Holborn speaks of the decline of education in pre-Nazi Germany; the failure of German education in the professions, he writes, was a failure to deal with the whole man in his necessary relationship to his society. The result (he continues) was the production of "men proficient in special or special knowledge but lacking not only in the most primitive preparation for civic responsibility but also in a canon of absolute ethical commitments." You who are gathered here know well the growing number of difficult, specific techniques which must be mastered in modern medicine and the pressures which make for acute specialization. We can and must seek to recover for our day the humanizing, liberating values of social and community concern. The challenge rests upon you who are about to enter the high calling of the medical profession as doctors, as citizens, and as human beings alert, open, and responsive to the needs and aspirations of your fellowmen.

So may it be said of you, in the ancient words of the author of Ecclesiasticus in the Hebrew Bible:

"Honor the physician with the honor due him according to your need of him, for the Lord created him. For healing comes from the Most High . . .

His work will never be finished; and from him health is upon the face of the earth."

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## RUMANIAN INDEPENDENCE DAY

### HON. CHARLES W. WHALEN, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. WHALEN. Mr. Speaker, it has been 92 years since the Congress of Berlin confirmed Rumania's independence. We recall this arrival of the Rumanian State into the community of nations as we pause to commemorate the May 10 anniversary of the two events which made the recognition of this nation possible.

On May 10, 1866, the first prince of Rumania was selected and on May 10, 1877, the Rumanian Principality proclaimed its independence. The date of May 10 was again singled out in the history of Rumania when in 1881, the Rumanian people decided to raise their nation to the rank of kingdom.

Mr. Speaker, it is indeed unfortunate that the celebration of these events is done primarily by those who no longer reside in their homeland. By recalling these historic dates here in the House, it is my hope that our words will serve to remind our Rumanian friends of the commitment we share to free and independent nations.

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## RESPONSIBLE APPROACH TO THE PROBLEMS CONFRONTING US TODAY

### HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. FOREMAN. Mr. Speaker, in the May 18, 1970, edition of the Washington Post is a full page statement paid for by the Youth Committee for Peace With Freedom. I do not know the sponsors of this open letter to the U.S. Senate, but I am in agreement with the responsible approach they take to the problem confronting us today.

I was particularly impressed with their statement that some 2,000 of the Nation's 2,400 colleges have not taken part in violent protest. In my home State of New Mexico, our schools, colleges, and universities are carrying on education as usual.

Mr. Speaker, I submit for the RECORD and consideration by my colleagues the statement of the Youth Committee for Peace With Freedom:

[From the Washington Post, May 18, 1970]

AN OPEN LETTER TO 100 SENATORS

Gentlemen: Over the coming days the Senate of the United States will be passing on two legislative amendments which may be fateful for the future of our country, for the wider cause of freedom, and for the peace of the world.

We take the liberty of addressing this letter to you because as students and young citizens, we are profoundly concerned over the crisis through which our country is passing. It is a crisis which has an internal component and an external component, and the two are clearly interrelated.

Like the students who have come to visit your offices, by the hundreds and by the thousands, over the past two weeks, we fear that we may lose our country if we fail to pay adequate attention to certain pressing national priorities. But we do not share their well-intentioned isolationism, their apparent belief that they can build a beautiful America even if the rest of the world crumbles around them.

Unlike them, we fear that we can also lose our country—and lose the peace of the world in the process—if we fail in our obligations as the free world's greatest power. Indeed, so strained and delicate is the balance in the field of world affairs that single blunder by our country may be enough to open the way to catastrophe.

We believe that the Senate's passage of the Church-Cooper Amendment and/or the McGovern-Hatfield Amendment would constitute precisely such a blunder.

The protesters who have come to Washington have argued that the Senate *must* pass the Church-Cooper Amendment and the Hatfield Amendment because the great majority of our students and the Majority of the American people support them. We think that the premise on which this contention is based is false.

A Gallup Poll taken immediately after the President's speech, showed that two-thirds of those who took a stand supported the President's action in Cambodia. That the President's action is not without important support is also evidenced from the fact that AFL-CIO President George Meany and other leading trade-unionists have also supported the President.

As for the many campus demonstrations and the large number of students who have come to Washington, we note (1) that some 2000 out of 2400 colleges have not taken part in the current protest movement, (2) that strike votes were defeated in a number of colleges and carried only by slender majorities in other colleges, and (3) that substantially more than half of our young people do not go to college and have not been affected by the campus ferment. But even if the protesters were ten times as numerous and ten times as passionate in the advocacy of their cause, this by itself would not constitute a guarantee that they were right. Public opinion can be wrong. Indeed, there have been many occasions in the history of our country and in the history of other countries when courageous leaders have had to stand up against what appeared to be an overwhelming tide of public opinion.

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The supreme example of such courage in the history of our own country was provided by *President Abraham Lincoln* in the latter part of the Civil War. By the middle of 1863 there was growing agitation against the war . . . The people were weary and tired of the inconclusive bloodshed . . . There were violent anti-draft riots in New York, in which scores were shot down . . . Increasingly vicious attacks on the President began to appear in the press . . . Salmon P. Chase resigned from the Lincoln cabinet and struck up an anti-Lincoln alliance which included congressmen, businessmen, officers and the distinguished editor of the New York Tribune, Horace Greeley . . . In August 1864, the Democratic National Convention adopted a resolution which read: "After four years of failure to restore the Union by the experiment of war . . . justice, humanity, liberty and the public welfare demand that immediate efforts be made for a cessation of hostilities. . . . Lincoln himself was convinced that his administration would not be re-elected. But he persevered in his course because he was convinced of its correctness.

In modern times Winston Churchill provided us with a sublime example of the kind of courage that is willing to swim full against the tide of public opinion. Despite the rise of Hitler, public opinion in Great Britain was predominantly pacifist and, at a later stage pro-appeasement. The spirit of the British campus was reflected in the so-called peace pledge, under which the members of the Oxford Union, by an overwhelming majority, voted to "never again bear arms for King and County." As Churchill commented: ". . . In Germany, in Russia, in Italy and Japan, the idea of a decadent Britain took deep root and swayed many calculations. Little did the foolish boys who passed the resolution dream that they were destined quite soon to conquer or fall gloriously in the ensuing war, and prove themselves the finest generation ever bred in Britain. Less excuse can be found for their elders, who had no chance of self-repudiation in action."

When Chamberlain returned from Munich with the shameful agreement he had signed with Hitler, there was no question that he had the support of the overwhelming majority of the British people—perhaps more than 90 percent of the people. The verdict of history is now in on the conflict between the Churchillian handful and the tide of British public opinion in the period preceding World War II.

In *Profiles in Courage*, our martyred President, John F. Kennedy, told stories of a number of American Senators and American Presidents who displayed exemplary fortitude in standing up against misled majorities in Congress or against a misled public opinion. John F. Kennedy had this kind of courage himself, and he had it in abundance.

About the situation and the commitment which the Senate will be discussing over the coming days, President Kennedy had this to say in July of 1963: ". . . To withdraw from that effort (the defense of South Vietnam) would mean a collapse not only in South Vietnam, but Southeast Asia, so we are going to stay there."

This was not an isolated statement, but one in a series of many similar statements, remarkable for their consistency and continuity, going back to 1956.

If President Kennedy were alive today, there can be little question about where he would stand on the Church-Cooper Resolution, or on the McGovern-Hatfield Resolution.

Gentlemen of the Senate! We are young people, but we know enough about the history of appeasement and about the Nature of Nazi and Communist totalitarianism, to be convinced that these two amendments, if they were ever approved by the United States Congress, would spell disaster both at home and abroad—not in decades to come, but in the next few years—perhaps in the immediate future.

*For these two amendments are not a formula for peace; they are—we will mince no words about it—a formula for betrayal and capitulation, and for a neo-isolationism so rigid and so blind that it makes the "Fortress America" isolationism of the thirties look like the most radical internationalism in comparison.*

The Church-Cooper Amendment not only demands that we get out of Cambodia by July 1; if rigidly interpreted, it would prevent the Administration from giving a single M16 rifle, or even a captured AK47 rifle, to the Cambodian government with which to defend itself against the North Vietnamese Communist aggression. In the eyes of the world it will be interpreted as saying that, so far as the United States Senate is concerned, the Communists can take over wherever they wish in Asia, and we will not lift a finger to assist their victims.

The McGovern-Hatfield Amendment would compound the mischief done by the Cooper-Church Amendment. By calling for the termination of all military activity in Vietnam by the end of 1970 and the withdrawal of all American forces by the end of June 30, 1971, it sets up a timetable whose excessive tempo and absolute rigidity constitute a virtual guarantee of a Communist takeover—not merely in Vietnam but throughout Southeast Asia.

In less than a year's time, the President has withdrawn 115,000 combat forces; and he has pledged the withdrawal of another 150,000 American soldiers over the next 12-month period. While ambitious, the President's timetable gives the South Vietnamese government the time it needs to take over the burden of defense in an organized manner; and it gives Southeast Asia a precious breathing space in which to organize its defenses against the further encroachment of Communist imperialism. *It is a timetable which, if Congress does not undercut it, can bring peace with freedom for Southeast Asia and peace with honor for the United States.*

The debate to date in the Senate has distressed us and made us apprehensive. We know that Senators are weary of the war, as the American people are, and that they would like to see it terminated as soon as possible. But we cannot help wondering whether those Senators who support these two amendments but of a sincere desire for peace realize that *the manner in which we withdraw from Vietnam is all-important*—that, if we withdraw with honor, we withdraw with credibility, whereas if we withdraw in humiliation and defeat there will be nothing left of our credibility.

More than one authority has made the point that it is American credibility that preserves the peace of the world. For if a time ever arrives when our allies and friends feel that they no longer trust us, and when our enemies have come to regard us as a paralyzed giant or a paper tiger, World War III would become a serious possibility. Perhaps the first point of testing would be the Middle East, where the Soviets might react to an American defeat in Southeast Asia by intervening openly to crush Israel and impose its empire throughout the Arab lands, all the way from the Indian Ocean to Gibraltar.

We also wonder, whether the Senators who support the amendments truly believe that a withdrawal in defeat from Vietnam would usher in a new era of domestic tranquility? We wonder whether they are not, at least, worried that the President might be right when he warned that such a humiliation, would produce a far more dangerous polarization in our society than the one we confront today.

Perhaps it would be better if the President had acted in greater consultation with Congress. Perhaps it would be better if there were a clearer delineation of the powers of the President and the role of Congress in the field of foreign affairs. But are the Senators who sponsor the pending amendments not at least concerned that their proposal seriously undercuts the President's authority as Commander-in-Chief at a critical juncture; that it creates a spectacle of division that can only delight and embolden our enemies; that if they push their contest with the President to its logical conclusion, they will stand responsible before history for the shattering defeat which is bound to result, and for all the tragic consequences that will flow from it?

We appeal to those Senators who have supported the President's program for withdrawal with honor from Vietnam to stand fast against the pressures—yes, and outright intimidation—that will be brought to bear on them.

We appeal to those Senators who have supported the pending amendments to reassess the relative risks of the President's course as against the course of surrender and humiliation.

We cannot at this point begin to match the massive and lavishly financed lobby which has been visiting Senate offices on a non-stop basis. The groups of the undersigned, and of other concerned young people from all parts of the country will be visitng your offices over the coming days. We hope that they will get the same respectful treatment that you have accorded to those who came before us.

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## URGENT NEED FOR NATIONAL ACTION

### HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. STANTON. Mr. Speaker, over 2 weeks have passed since the tragic deaths of four students on the campus of Kent State University. Last Friday, two more students died on the campus of Jackson State.

The urgent need for national action has never been more evident. That this terrible thing can happen again is shocking and abhorrent to every thinking American.

Mr. Speaker, before the events at Jackson State, 71 of my fellow colleagues requested to join with me in expressing the sense of the Congress that the President should establish a commission to examine the recent events on our college campuses.

As the original sponsor of this resolution, I know that my colleagues join me in hoping that a Presidential commission's examination of events at Kent State, Jackson State, and other college campuses will result in specific recommendations to guide us as individuals and as a nation in meeting our responsibilities.

## EDWARD VASON JONES: THE NATION'S BEST RESTORATION ARCHITECT

### HON. MASTON O'NEAL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. O'NEAL of Georgia. Mr. Speaker, it pleases me greatly to know that my close, personal friend of many years, Edward Vason Jones, of Albany, Ga., has attained the recognition he so richly deserves in the field of restoration architecture.

He has been chosen by Mrs. Richard M. Nixon to design major changes in the Blue Room of the White House.

The First Lady selected Jones after she went to New York and personally viewed the marvelous work he accomplished in creating six rooms of Early Americana for the Metropolitan Museum of Art.

Berry B. Tracy, curator of the American Wing of the Metropolitan, and Clem Conger, curator of the White House, were high in their praise of Jones. He also gained national attention for his great work in the State Department's eighth floor diplomatic reception rooms.

Mr. Speaker, in early April of this year Maxine Cheshire of the Washington Post discussed the proposed White House changes in considerable detail. I am happy to offer this for the RECORD in the interest of history:

RESTORATION

(By Maxine Cheshire)

Mrs. Richard Nixon is bringing the nation's foremost 19th-century restoration architect to the White House for a refurbishing that will include a major overhaul in the Blue Room and a new look in the Red Room.

The expert is Edward Vason Jones of Albany, Ga., recognized as the most authoritative voice on circa-1800 interiors in the United States.

It was Jones who created six flawless rooms for the 19th-Century Americana Exhibit, which Mrs. Nixon is scheduled to open at the Metropolitan Museum of Art in New York on Sunday night.

He is "so good," one Metropolitan spokesman said yesterday, that Berry B. Tracy, the curator of the American Wing, "would accept no one else to work on the settings."

Jones, because he has been tied up so many months on the Met project, has had only one conference with Mrs. Nixon at the White House.

He was introduced to her by her new curator, Clem Conger. Jones worked with Conger to create the magnificent woodwork which President and Mrs. Nixon admire so greatly in the State Department's Diplomatic Reception Rooms.

Jones had craftsmen and millworkers in Georgia reproduce woodwork from a distinguished Philadelphia house in the period of 1775-1800.

Jones' ideas for 1600 Pennsylvania Ave. haven't got to the planning stage yet. But one source said last night that the first priority will be given to the state rooms.

These were the major interiors where the former Mrs. John F. Kennedy began a restoration project that she hoped other First Ladies would keep alive.

Mrs. Nixon is known to have been "boning up" on the 19th century and has some very definite ideas about the way she wants things to look.

Mrs. Kennedy's decorating was done by a Frenchman, Stephan Boudin of Paris—a fact she tried unsuccessfully to keep secret from American decorators and American taxpayers.

Not everyone approved Boudin's ideas when they were completed, including the Winterthur Museum's Henry F. duPont, who headed the restoration committee.

DuPont so intensely disliked the Blue Room that he grumpily referred to it, upon completion, as "Boudin's Boudoir."

"The Blue Room is going to be the Blue Room again," said someone who knows. "The architect, Hoban, who designed the White House, intended that to be the most beautiful room in the building, and it simply is not."

The source added:

"I know that research is being done to try to find out what Hoban had in mind. I know it couldn't have been that silk fringe hanging around the ceiling. I think wooden cornices will probably be the first thing added, with new BLUE silk on the walls and windows, instead of white."

All the state room fabrics are going to be replaced, but the Red Room is scheduled for the most drastic changes.

The cerise color scheme is going to be replaced with something that is a truer red.

Mrs. Nixon, who is keenly sensitive to colors, is known to like the pale shade of almost-chartreuse *moire* that is now on the walls of the Green Room.

That color will "probably" be used again, but the silk may not be the same very expensive water-marked type which was specially woven for the room during the restoration of Mrs. Kennedy.

"Mrs. Nixon loved what Mrs. Kennedy had done," another source said last night. "But that doesn't mean it cannot change and get better and better. The Nixons want the very best, and it is very exciting that they put so much emphasis on improving it.

"This is a field Mrs. Nixon was interested in before she became First Lady," the source said. "She used to spend her afternoons browsing through the great antiques galleries in New York, and this is her very favorite period."

Everyone knowledgeable about the White House has been aware since the Nixons arrived that the state rooms have grown shabby from the hard wear and tear of some 9 million tourists who have filed through in recent years and put their hands on the walls and upholstery and snipped tassels off the fringes.

In addition to the redecorating, which is long overdue, the Nixons are known to want to upgrade the furniture in various rooms and get museum-caliber replacements which might not have been available to Mrs. Kennedy when she was foraging.

The Oval Drawing Room upstairs in the private quarters, where the President and First Lady traditionally entertain heads of state privately before state dinners, has some very valuable 18th-century French salon furniture. But it also has some reproductions, and those are slated for replacement as soon as possible.

## SOME MEN ARE PROUD TO EXPRESS THEIR LOVE FOR THEIR COUNTRY

### HON. DOMINICK V. DANIELS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. DANIELS of New Jersey. Mr. Speaker, I received yesterday a letter from Sgt. Kenneth Lee who lives in Jersey City, which I am most proud to represent.

Sergeant Lee was drafted into the Army in 1968 and, after serving his full tour of duty, will be released this coming August.

In this time of discontent when school buildings are burned, public institutions bombed, and the flag desecrated, while students are shot and tempers rage over our national military policy, I am able to report to my colleagues in the House that we still have among us patriotic young men such as Sergeant Lee who, as he says in his letter, "love our flag because it stands, today as it did before, for the finest country on earth."

Sergeant Lee and others like him, who are not too proud to express their love for their country as Sergeant Lee has done through word and deed, are the bulwark of our great Nation.

There are hundreds of thousands of young people such as Sergeant Lee, who serve in the Armed Forces and who work within and have faith in our constitutional government.

My faith in our young people remains unshaken. I am grateful to Sergeant Lee for his letter because it strengthens that faith.

Sergeant Kenneth Lee's letter follows:

COMPANY C, 440TH SIGNAL BATTALION,
*APO New York, May 11, 1970.*

DEAR SIR: This letter is about the day I was drafted into the Army, and I felt I had to put it on paper to let others know how I felt about our flag and country.

The first day in the Army, September 5, 1968 was a rough day. As I swore my allegiance before an officer in Newark's Federal Building, I felt a chill running down my side. Then I looked up at our National Colors, I realized that I was a part of the Flag, and it was a moment I will remember all my life.

It brought to my mind men who went into teaching, marriage and parenthood to get out of the draft, the burning of draft cards, the fleeing to Canada, and the hippies who think America is too old fashioned and mistaken.

If I were to tell you why I love and respect our Flag, it would take a book, because it would be a long and brave story

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of America and the gallant men who gave their lives so that we could live in freedom. I love our Flag because it stands, today as it did before, for the finest country on earth.

There is a need today for a new commitment to the basic principles that make our Flag so great. I would hope that everybody would find some way to display this beautiful banner, not just on patriotic days, but on every day throughout the year.

Such respect for the Flag and country would do a lot to bring about a renewed pride and faith in America. Especially for the young men fighting in Vietnam.

Thank you,

KENNETH LEE,
*Sergeant, USA.*

## DISADVANTAGED STUDENTS DISAVOW STUDENT STRIKE AT UNIVERSITY OF OREGON

### HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. DELLENBACK. Mr. Speaker, disadvantaged and minority students have sometimes been unjustly accused of alining themselves with the most militant campus protests. Personally I am convinced that many of these students are, in fact, among the most dedicated and hardest working in colleges and universities today.

The five student directors of disadvantaged programs at the University of Oregon in my State and district have just sent me a statement which reinforces my conviction that these students hold higher education in high regard. Besides disavowing support of or involvement in the strike, which some students were striving to organize on the University of Oregon campus, these students emphasize their desire to use legitimate means to negotiate with the university administration and to take full advantage of the educational opportunities now open to them.

Because the students' statement is well worth our close attention, I insert it at this point along with two related editorials from the Eugene Register-Guard and the Portland Oregonian:

MINORITY STUDENTS

Five student directors of disadvantaged programs at the University of Oregon have issued a statement disavowing any support of, or official involvement in the recent student strike at the UO.

Felipe Canedo, director of the Mexican-American program and one of the signers of the statement said the minority leaders especially objected to the strikers' demand for open admissions for minority and poor white students.

"We already had been negotiating for open enrollment through legitimate means," Canedo said, "and the issuance of this demand was made without consulting us."

He said the strikers "have caused more problems for us . . . they have hurt us in our recruitment and given the public fuel for prejudicial fires."

Program directors who signed the statement in addition to Canedo were Jose de la Isla, director of the High School Equivalency Program; Richard Wilson, director, Native-American Program; Lucious Hicks, co-director of Project 75; and James Hill, co-director of Upward Bound.

A STATEMENT FROM THE PROGRAMS FOR THE DISADVANTAGED PERTAINING TO RECENT STUDENT DEMONSTRATIONS AT THE UNIVERSITY OF OREGON

The programs for the disadvantaged (Upward Bound, High School Equivalency Program, Project 75, Native American Educational Program and Mexican-American Education Program) concur that the student strike does not relate directly to the goals of these programs. Several major points should be taken into consideration:

1. The various "demands" relating to minority and disadvantaged students were advocated not at the first calling but in the second.

2. Program students cannot afford classroom boycott since the ambition of the programs is to take full advantage of all course offerings at this University.

3. All program students receive financial aids. That financial aid is subject to being withdrawn if program students participate in "disruptive activity."

4. The consequence of participation in some aspects of the strike requires the willingness to be arrested and to pay bail. To our knowledge no program student can afford the police record and the bail money.

5. It should be remembered that the political climate in the state and nation is one where the first victims of retribution are the programs creating educational opportunities.

6. The assumption cannot be made that the striking students and the programs are in the same negotiating situation. After the strike almost all of the striking students have a secure niche in the University. This is not true of the program students. Negotiations with the University relate to the day in and day out continuation of the programs and academic success of program students.

Program students (if any) who participate, do so entirely on an individual basis. The program directors have instructed program students on these points and concurrence has been obtained. Because the University has not held itself accountable to the complete success of program students, program students cannot be held accountable for the unresolved problems in the University.

We do not fear nor avoid confrontations on relevant issues, and the public at large should take careful note that we do not prefer injustice to disorder. The fact is that this "strike" is not relevant to our needs or desires, and we wish to make clear to each of our communities that we do not support it.

Signed by: Jose de la Isla, Director, High School Equivalent Program; Felipe Canedo, Director, Mexican-American Program; Richard Wilson, Director, Native-American Program; Lucious Hicks, Co-Director, Project 75; James Hill, Co-Director, Upward Bound.

[From the Eugene Register-Guard, May 3, 1970]

THE REAL SPOKESMEN

Elsewhere on this page is a short, important statement. It is from the student leaders of five programs for minority and disadvantaged groups at the University of Oregon. They seek to disassociate themselves and their groups from the "strike" that some radical students tried to organize a week ago.

Unlike some other students, these people understand that going to college is a privilege, a privilege that many of their friends have been denied. They know the larger community is watching, hoping they do well. It is a matter of understandable pride for them to do well.

The radicals who tried to make it appear that they spoke for these groups did them a grave disservice. The Register-Guard is happy to print the statement on this page.

[From the Portland Oregonian, May 2, 1970]

SUBSIDIZED RIOTERS

There is a common assumption that students of minority races are generally allied with the militant protesters on college and university campuses. That this is not at all the truth of the matter was demonstrated this week at the University of Oregon when student leaders of five programs designed to encourage enrollment of such students emphatically disavowed involvement in agitation for a student strike there.

One of the demands of the "strike" leaders was that university admission standards be dropped for applicants of all minority races and poor whites. A statement signed by Felipe Canedo, Mexican-American program director, speaking for his and other programs involving Mexican-Americans, blacks, and so-called "disadvantaged" young men and women, specifically rejected that demand. It said the "strike" promoters "have caused more problems for us . . . They have hurt us in our recruitment and given the public fuel for prejudicial fires."

This tallies with the experience on many other campuses. Except in those instances in which race is a particular issue in a protest, blacks and other minority races are seldom involved in any significant degree. College and university administrators who have dealt first-hand with campus unrest and violence generally agree that the complaints of minority-race students differ markedly from those of the typical campus activist. The former want an education and appreciate its value despite the obstacle of their backgrounds, whereas the middle and upper class radicals who constitute the core of rebellion among students want to tear the system down. This is no help to poor students anxious to taste the benefits of education.

The poor are, of course, subsidized in many instances, by the government or the institution. So, too, are the more well-to-do students who have the time to devote to sit-ins, strikes, rock-throwing and bank-burning; they are subsidized by parents or others who pay their way. Some rioters, incidentally, are subsidized by the public; they are the faculty members who are sometimes among the chief strategists of violence on the campus. Such self-destructive subsidies make little sense.

## BREWSTER GI WROTE THE DAY BEFORE HE DIED—"WITH SUPPORT, THIS WAR WILL END SOON"

### HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BOW. Mr. Speaker, I wish to include in the RECORD, as part of the debate on Cambodia, a letter from a young helicopter pilot, Thomas M. McDonald, who wrote a significant letter about the operation on the day before he lost his life.

He wrote:

> "The move that President Nixon has taken . . . is the most significant and outstanding move anyone has taken . . ."

He then went on to describe the reason for and the results of the first few days of the mission.

I submit herewith the Massillon Evening Independent stories which give, first, the text of the letter and second, the story of this fine, young man:

### Brewster GI Wrote the Day Before He Died—"With Support, This War Will End Soon"

(Note.—Army Warrant Officer Thomas M. McDonald, 21, of Brewster, died in combat Tuesday in Cambodia. The day before his death he wrote to his parents, Mr. and Mrs. Thomas M. McDonald, and his sister Cindy expressing his views on the war and the Cambodian involvement. The letter is printed in its entirety.)

"Hi folks and Sis,

'Well, I'm back for the day and tonight. I've been involved in the Cambodia operation. I'd like to tell you some about it and some of my feelings on the issue. I don't know what type of feelings any of you have or what political views you take on the U.S. intervention in Vietnam, but here is how I feel.

"The move that President Nixon has taken and is standing pat on is the significant and outstanding move anyone has taken since this war has begun.

"We have been hurt time and time again by the installations the NVA have in Cambodia. Their operation is not a small one, but major enemy installations. For six years the NVA have been coming across the border, killing and destroying U.S. and Vietnamese people, homes, etc., then returning to safety back across the border.

"Now they can't. We've hit them and very hard.

"Even in these short few days you can tell the difference. Hundreds of the enemy are surrendering, we are not being hit near as much, and we are destroying their strongholds and sanctuaries.

"If we can only gain and hold the support of our own people, this war will end soon. Every day all of us read about all of protesting, bombings and opposition toward the war and the decision of our president toward Cambodia.

"To be frank, I'm very ashamed of the actions of my own people in the United States. I don't even want to return to all of that. We are here for a purpose and we are accomplishing our goal.

"I've become quite involved with what we are doing here. I don't know how to explain it exactly; maybe it's even corny to say I believe in a free democratic society, a free world, and the United States of America and everything it stands for.

"President Nixon is our man. We that are here believe in him, pledge him our votes and support. I truly loathe the man or woman who denounces him and hate to hell every protester that lives.

"I know that what I have just said is a bit strong, but I firmly believe this and I hope you share my ideas, because I'm here and I see what's happening every day. The people in the states don't.

"As for my personal well being, I'm healthy, suntanned and safe. My only problem is that I am homesick and miss and love all of you. We are quite busy with this operation and I don't have much time to write letters, so please bear with me.

"I'll be going to Australia the first of June for R and R and believe me I'm ready.

"So I'll close for now. My mail has not caught up with me yet. I hope it does soon. Tell everyone 'hi' for me and take care."

Love,

Mick.

### "He Didn't Die in Vain"—Family

(By Mary Wallace)

Tragedy entered the Thomas M. McDonald residence at 434 Tuscarawas st, Brewster, Friday night when they learned their only son—Thomas M. (Mickey) McDonald—died in combat Tuesday in Cambodia.

Mickey's parents and his teen-age sister Cindy still grieve today and they will in the future, but the blow has been softened for them.

Saturday's mail brought a letter written by their son the day before he died while serving as a helicopter pilot.

News of American reaction to the Cambodian operation had reached the troops and apparently prompted Mickey to share his convictions with his family.

The McDonalds respect his opinions and are proud of him and his devotion to America. They do not feel he has died in vain.

For these reasons, they are sharing his letter, knowing well that not all Americans agree and that they may be criticized.

Mickey was interviewed last spring by a wire service reporter concerning his views on "Moratorium Day." He later received a letter of protest from a woman who wanted to persuade him that he was wrong.

McDonald read it in Vietnam. The letter and nine months of combat which followed the awarding of his Army wings last July did not change his mind.

During those months, he decided to return to college (he had completed 1½ years) when his enlistment was up. He already had received his acceptance papers from Ohio State university for the March 1971 quarter.

Plans of the Fairless high school graduate were figured precisely. Although his enlistment was not up, he had already "signed on" for an extra six months' duty in Asia. This would have taken him up to time for the spring 1971 quarter.

The usual signs of mourning were present Sunday at the McDonald residence where friends, neighbors and relatives called to express their sympathy.

But a quiet dignity prevailed. There was even a Mother's Day gift from Mickey—a vase of lilacs centered the dining room table.

Mickey had given the lilac bush to his mother on Mother's Day when he was so small.

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## WHY ARE WE IN VIETNAM?

## HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. HARRINGTON. Mr. Speaker, in the May 9 edition of the New York Times there appeared an article by Anthony Lewis discussing this Nation's continued presence in Vietnam. In the interests of open discussion, I place Mr. Lewis' article in the Record. The article follows:

### Why Are We in Vietnam?

(By Anthony Lewis)

London.—President Nixon's action in Cambodia has had at least one constructive effect: it has dramatized the flawed character, not to say illogic, of his declared plan to get the United States out of Vietnam.

As outlined in his address to the nation last Nov. 2, the plan had two objectives. One was gradually to withdraw American troops. the other was to achieve the political goal that the troops were there to secure—maintenance of the Thieu-Ky regime or some other non-Communist government in South Vietnam.

In short, the President seemed to have it in mind to pull American troops out and still "win." That was the significance of his repeated warnings against "defeat" and "humiliation."

#### INCONSISTENT GOALS

On the face of it, the two objectives were inconsistent. If we could not make the writ of the Thieu-Ky Government run with 500,000 American soldiers, how could we expect to secure that aim as we withdrew?

The Administration's answer, the key to the plan, was "Vietnamization": we would strengthen the forces of South Vietnam quickly enough to permit a reasonably prompt American withdrawal.

Possibly out of wishful thinking, most Americans assumed that Mr. Nixon was committed to the withdrawal part of the formula. If South Vietnam did not prove politically or militarily capable of taking up the withdrawing Americans' burden, she would have to compromise with the other side; in any case, we would go.

#### POLITICAL PRIORITY

But now, in the Cambodian affair, we see that the President still rates the securing of his political aims in South Vietnam over the objective of withdrawal. He had to send troops into Cambodia, it is explained, to clear out the threat from there and make possible continuing withdrawals. In other words, we have to assure the Thieu-Ky Government's security before we withdraw. We, not the South Vietnamese themselves.

If American military action, in Cambodia or elsewhere, could fully guarantee a happy political future for South Vietnam, how simple life would be. But we know from five years of death and destruction that it is not like that. And so the Cambodian action brings us back to the old questions: Can American arms win a political victory? And at what cost?

A British politician has just addressed himself to those questions in a speech that President Nixon and other American conservatives ought to read. The speaker was Enoch Powell, a right-wing figure in the Conservative party, an unsentimental man, a man utterly opposed to Communism.

"American military power," Mr. Powell said, "cannot secure any specific political result in Southeast Asia. This is a war in which the United States can win, if it wishes, every battle; but it is a war which the United States is bound to lose.

"I have no doubt that the United States forces can eliminate the Vietcong base which has so long flourished—of course it has—in Cambodia. But when the operation is over, the underlying facts of the situation reassert themselves like the tide washing out footmarks in the sand.

"The ultimate fact reasserts itself: the Americans do not live there; everyone knows that their presence is destined to be temporary; everyone knows the realities which will prevail over them."

Of course victory of a kind is available to the United States. The other day American forces went into a little Cambodian town called Snoul. They bombed it and burned it and then looted the few pathetic belongings left. A colonel said, "We had no choice." A soldier, looking at the body of a child killed by napalm, said, "I've seen worse, but I hate to see the kids get it."

#### WE MUST LEAVE SOMETIME

And that sort of victory, even if we are ready to pay the moral price for it, will still not secure Mr. Nixon's political objective. Some day, as Mr. Powell said, we shall have to go, and then the Vietnamese and the Cambodians will settle their own future. The North Vietnamese like to say that they have fought off foreign invaders for a thousand years, and they will be there long after the Americans are gone.

The longer we stay in Vietnam, the more painful and humiliating will be our eventual exit. "It is the futility of American policy," Enoch Powell said, "which constitutes its culpability." We can still bargain. But when the American Government at last strips away its illusions, it will adopt a policy with a single objective overriding all others: to get out of Vietnam.

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## AN ACTION PROGRAM TO END THE WAR IN INDOCHINA

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# HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. POWELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the New York Law Journal, May 14, 1970]

### AN ACTION PROGRAM TO END THE WAR IN INDOCHINA

As members of the legal profession we are alarmed by the action of the President in extending the war into Cambodia. We are deeply concerned that the divisions caused by this war endanger our fundamental institutions.

On May 20, 1970, we will cease, to the extent consistent with our professional responsibilities, our usual business and devote our efforts exclusively toward ending the war in Indochina. We call upon all lawyers to join us. We seek to fulfill our responsibilities as lawyers, and candidates for admission to the Bar, by speaking directly with our elected representatives and administration officials to advocate immediate withdrawal from Cambodia, the earliest possible termination of our involvement in Indochina and a return to the rule of law at home and abroad.

#### TUESDAY, MAY 19, 4:30 P.M.

Convocation at the Association of the Bar of the City of New York, 42 West 44th Street.

Speakers: Francis Plimpton; John V. Lindsay; Eleanor Holmes Norton; Bernard Botein.

Details of Washington program and press conference; reports on continuing programs for effective action to end the war.

#### WEDNESDAY, MAY 20

Lobbying trip to Washington—Final Briefing and Team Assignments En Route.

Departure: 6:30 a.m., Penn Station, Train No. 131.

Return: 7:30 p.m., Union Station, Washington.

*If you are joining us in Washington, meet us at the Quality Motel, 415 New Jersey Ave., N.W. at 10 A.M.*

Sponsors: Morris B. Abram, Fritz Alexander, Bernard Botein, Robert Carter, Ramsey Clark, Louis Craco, Stanley Danzig, Adrian W. DeWind, Simeon Golar, Arthur Goldberg.

John V. Lindsay, Robert McKay, Eleanor Holmes Norton, Paul O'Dwyer, Manfred Ohrenstein, Francis Plimpton, Simon H. Rifkind, Orville H. Schell, Theodore Sorensen, Michael Sovern.

Joseph Trachtman, Lyman Tondel, Cyrus Vance, William vanden Heuvel, William Warren.

Floyd Abrams, Joseph J. Ackell, Barry A. Adelman, Garett J. Albert, Neale M. Albert, Mark H. Alcott, John S. Allee, Burton Z. Alter, Robert S. Anderson, Roger Andrus, Albert M. Appel, Guy P. Archer, Carl R. Aron, Paul H. Asofsky, Steven T. Atkins, Jack C. Auspitz, Edwin H. Baker, Joel C. Balsam, Haywood F. Bands, Frederick Baum, Joel I. Beeler, Edwin H. Bennett, Donald L. Bergmann, Peter A. A. Berle, Arthur S. Berner, Lawrence D. Bernfeld, Stanley B. Berstein, William Bernstein, Richard A. Bertocci, Joel P. Biblowitz, Nathaniel J. Bickford, Diane W. Bishop, Charles O. Blaisdell III, Charles M. Blieberg, Regina Bligh, Neil J. Bloomfield, Allen Blumstein, Judith Boles, Glen E. Books, Frederick B. Boyden, Edward Bradley, David N. Brainin, Harry Brecher, Stephen M. Brett, Allen H. Brill.

Joseph L. Broadwin, Bruce Bromley, Patricia A. Brooks, Walston S. Brown, Lawrence C. Browne, Thomas L. Ryan, Fenton J. Burke, William L. Burke, Howard C. Buschman III, Albert K. Butzel, Daniel L. Calihan, Doris Carroll, Seymour A. Casper, Franklin Ciaccio, John H. Clark. Jerome L. Coben, Julius Cohen, Martin A. Coleman, Warren H. Colodner, Irving Constant, Allan F. Conwill, O. Wayne Coon, Steven D. Cooper, John M. Corn, John F. Corrigan, Arlene Cramer, James L. Crane, Thomas F. Curnin, William M. Curtis, John S. D'Alimonte, Joan C. Daly, Sidney Danielson, Richard H. Darsky, Jack David, George A. Davidson, Richard R. Davidson, Monty Davis.

Arthur A. Dawbusch II, John H. de Boisblanc, Charles R. Dickey, Leonard F. DiNapoli Jr., Steven P. Dolberg, David Dolgenos, Barbara L. Dolgin, John A. Donovan, Jerome Doyle, Robert J. Dryfoos, Robert F. Dunbar, Allen B. Eaker, Lawrence D. Eisenberg, David N. Ellenhorn, Dwight W. Ellis III, George M. Elvin, Howard S. Ende, Walter A. Engdahl, John W. Fager, Larry B. Faigin, Robert H. Falk, Walter V. Farber, Peter L. Felcher.

Richard T. Abrams, David Abramson, Elliott M. Abramson, Stephanie W. Abramson, George B. Adams Jr., Michael B. Adams, John R. Adler, John F. Afton, Fritz W. Alexander II, Richard Allan, David R. Almond, Irving J. Alter, Ethan D. Alyea, Martin B. Amdur, John K. Anderson, Ashley R. Andrews, Woodbury H. Andrews, Patricia N. Andron, Hans H. Angermueller, Christopher C. Angell, Nicholas B. Angell, John F. Arning, Selma Arnold, Richard C. Art, Robert Arum, Robert W. Ashton, Harrison H. Augur, Philip J. Bahr, John C. Baity, Robert H. Baker, G. B. Balamut, Charles Ballon.

Eugene F. Bannigan, Paul E. Barke, Franklin Bass, Frank C. Baterman, Jeffrey H. Becker, William J. Beerworth, Carol Bellamy, Michael S. Belohlavek, Terence H. Benbow, Stephen Benjamin, James W. B. Benkard, Philip P. Berelson, Marshall C. Berger, Paul B. Bergman, Daniel G. Bergstein, George Berlstein, Richard Bernard, William Bertin, Richard E. Best, John W. Biasucci, Peter R. Bierstedt, Charles A. Bilich, Elliott L. Biskind, Richard C. Blake, Robert S. Blanc, Herbert H. Blau, Margaret J. Blettner, Melvin Block, Mock N. Bloom, Martin J. Bluestein, Herbert M. Blum, Alan G. Blumberg, Barton P. Blumberg, Edward E. Blythe, Bruce Bodner, Robert Boehm, Laurence W. Boes, Robert C. Boffa, E. Carrington Boggan, Alfred J. Bohlinger, William S. Boles, George Bolsten, Lawrence P. J. Bonaguidi.

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A joint project of The Lawyers Committee for Effective Action to End the War and The Lawyers Convocation on Vietnam.

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## EDITORIALS BY JOHN ROCHE

## HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BOLLING. Mr. Speaker, the two columns by John Roche which follow I read in the Saturday, May 16, Baltimore News American and in the Sunday, May 17, Washington Post. Both are thought provoking.

The articles follow:

[From the Baltimore (Md.) News American, May 16, 1970]

### OUR "REPRESSIVE" SOCIETY

(By John P. Roche)

At the risk of sounding like a slightly cracked drum, there is one further aspect of the current campus follies that I think requires discussion.

Although the Federal Constitution—Article VIII of the Bill of Rights—flatly prohibits "cruel and unusual punishment," I spent the equivalent of a normal working day in a faculty meeting last week.

For over eight hours (divided into two segments), various of my colleagues rose to denounce Cambodia, the Panther trial, Kent State, and miscellaneous topics that struck them as cogent.

The dominant theme was that the United States was the most "repressive society" in the world, a reactionary, historical monstrosity.

After a while one got numbed by the chant—it reminded me of a jukebox jammed on one record. The evidence? Well, Cambodia, Bobby Seale, the Kent State four, Vice President Agnew's "fascist" speeches, etc., etc.

Those of us who rose in opposition were put in a neat (and nasty) rhetorical corner. After all, anyone who would try to deny that we are savagely oppressive must "justify" the deaths in Kent, Ohio, the expansion of the war, the killing of various Panthers, and every act of every policeman in the country. This is both impossible and preposterous, but it served to intimidate a number of individuals who, if accosted privately, would eschew such witless anti-Americanism.

Now, I "justify" nothing. I support the war. I am interested in whether a jury in a fair trial finds Seale guilty of murder conspiracy. I know a lot of cops, know they hate violence (after all, they are in the front lines), but recognize there are always a few hard cases.

Events at Kent were appalling, but I did not "pull the trigger" and I refuse to accept for one moment the proposition that this random act of frightened brutality was part of a national conspiracy against "dissent."

Indeed, a strong case can be made for the opposite premise: that the student upheaval and the success with which the militants have closed down school after school indicates an amazingly unrepressive political environment.

This heretical sentiment brought a gasp of stunned disbelief when I presented it to a faculty meeting, but I will stand on it: By any historical indices, the United States is one of the least repressive, least indecent societies in the world.

Of course there are injustices and acts of brutality—we have over 200 million people to account for—but the crucial consideration is not that these injustices occur. It is that the protesters—many claiming to be overt "revolutionaries"—are free to advocate just about anything (including the killing of policemen) without even being prosecuted, let alone "repressed."

I listened for several hours to a live broadcast from New Haven on May 2 and I frankly cannot imagine any other nation in the world that would have permitted this vision of apocalyptic violence to go out over the air. Or to take place. Even the stolid British would have broken that one up, and the French "companies of republican security" would simply have mopped up the green.

In short what is needed is some perspective. Without suggesting for one minute that we should stop campaigning against the real injustices in America, we should also appreciate that the protests could only occur in a climate of freedom unmatched in the world.

In this connection let me recommend to the thoughtful Leopold Tyrmand's "Notebooks Of A Dilettante (MacMillan). Tyrmand is a refugee from both Nazi and Communist oppression. As an alumnus of totalitarian prisons, he looks with shrewd skepticism on oppression in America.

As one of my faculty colleagues, who survived a Nazi death camp, noted sardonically to his unimpressed peers, "You Americans can not conceive of real oppression."

[From the Washington Post, May 17, 1970]

### RELEVANCE MUST MEAN COPS—AMERICAN STUDENTS LACK EXPERIENCE TO UNDERSTAND THE TRUE IMPACT OF VIOLENCE ON SOCIETY

(By John P. Roche)

A few weeks back, when the problems of the State University of New York at Buffalo first hit the headlines, I had a discussion with a number of students about the alternatives that a school has when threatened with violence. There are three options to capitulation: close the school, call the police, or form student vigilantes.

My students kept circling around: They belong to the vast "silent majority" on the nation's campuses who want to get an education, and bitterly resent disruptions, but they refuse to accept any of the alternatives.

One can understand why they don't want the university closed down. By definition, a university must be open—and nothing would cheer the extremists more than shutting the place up. Their goal in life is precisely this—to paralyze the system. But if we keep it open, how can we maintain the peace?

Now here there are two answers and two answers only. One must rely on either public or private force—on the police, or on a student militia, a home guard. The latter is in the great American tradition of direct democracy; it is the technique with which a frontier society policed itself.

It could be argued that since the extremists are always talking about participatory democracy, this would be the ideal way to deal with them. After all, a lynching is usually an overwhelming demonstration of majority rule: there is only one dissenter.

However, before anyone bubbles with enthusiasm for vigilantes on the campus, he should read "The Ox-Bow Incident" and maybe a little Faulkner. We spent two centuries in this country trying to bottle up the vigilante spirit, trying to substitute reliance on the public force for private retribution.

Indeed, one of the most appalling aspects of the glorification of violence by Weathermen, Panthers, and assorted sects is its tendency to energize every violent nut in the country.

Fortunately in one sense, unfortunately in another, the great bulk of college students—particularly at private colleges and universities—has been sheltered from violence. In talking to my students, for example, it suddenly occurred to me that they had been insulated from fear. I asked, "How many in this room"—there were perhaps 160 present—"have ever really feared for their lives?" Not a hand went up. This, I reflected, is the "generation gap."

Because of this insulation, this innocence, they have no sense of the extent to which violence threatens the very fabric of community. Violence is, in fact, the most malignant infectious disease known to man, and the only hope for a decent society is to maintain force as a public monopoly to be exercised only under rigorous standards. Yet, when I suggested that the only sensible course a university can follow, when it is subjected to ideological gangsterism, is to call the police, my students winced and wiggled.

Ironically this notion of the university as a "sanctuary," off-limits to the police power, has the practical result of turning it into the softest target in town for extremists. But when the students thus reject the principle of authority in favor of a new medievalism, they create a vacuum that society must fill. Since in another mood they demand a "relevant education," the point must be made; in any society confronted by nihilists, relevance is cops.

## PEACEFUL DISSENT

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

**Mr. BROWN of California. Mr. Speaker, although the general public probably is a bit more familiar with the few turbulent instances of protest that have arisen over President Nixon's invasion of Cambodia, I have been extremely impressed with the overall-peaceful and organized manner of dissent of the past 3 weeks.**

**For each confrontation, I see 50 to 100 examples of orderly and constructive efforts aiming at positive redirection of many of our misguided national policies.**

**For each rock thrown, a thousand names on petitions.**

**For each epithet, 10 to 20 silent manifestations of prayers for peace.**

**For each new nilhist, a hundred new converts to working to reform within the existing system.**

**Today, I would like to place in the RECORD, a series of statements, articles, and documents presenting the peaceful nature of our current dissent.**

**I am proud of the young Americans whose activities are outlined here. I am very proud to be associated with them, and I heartedly endorse and support the programs and policies for peace that they have established at this crucial point in our Nation's history.**

**Specifically, I want to congratulate the students, faculty, and administration of the University of California at Riverside—in whose behalf yesterday I introduced a petition on the Speaker's table signed by about 35 percent of the Riverside campus community, a petition calling for immediate withdrawal of all American military and paramilitary forces from Southeast Asia, for congressional actions to halt war funding, and for a congressional censure of President Nixon's Cambodia policies—Cypress College, and the College of San Mateo.**

**The material follows:**

SEVEN DAYS IN MAY—AT UC RIVERSIDE:

During the period between Monday, May 4 and Sunday, May 10 a series of unique incidents occurred involving students and faculty at UCR as well as the general community of Riverside. You may find them of interest.

*First day: Monday, May 4:*

Several hundred UCR students marched two miles from campus to the Riverside City Hall. The march occurred at the rush hour for traffic (5 p.m.). Patrol cars of the Riverside Police Department, and members of the Riverside Police Department on motorcycles, convoyed the group.

*Result:* The march was peaceful. In a gesture unique in these times, the students cheered the police for their help (the police conveniently neglected to insist on a parade permit for the spontaneous demonstration). There was no violence.

*Second day: Tuesday, May 5:*

Several hundred UCR students left a campus rally, entered the administration building, and marched to the office of Chancellor Ivan Hinderaker. Their object: to protest U.S. policies in Indochina.

*Result:* The march was peaceful. After talking with University officials—the Chancellor was in Berkeley—the students left. There was no violence.

*Second day: Tuesday, May 5, afternoon:*

Several hundred UCR students then marched down to the Council Chambers where the Riverside City Council was in session. They asked for and received permission to enter the Council. City business was set aside and the members of the City Council talked with the students for more than two hours on the war and related issues.

*Result:* The City Council agreed to the request of the students for a city-wide rally set for Saturday noon, May 9, in the downtown mall of the city and also a one-and-a-half-mile march to Fairmont Park for an afternoon discussing the issues. Following their meeting with the City Councilmen—a session that had occasional stormy moments of rhetoric—students once again cheered police for their courtesy. There was no violence.

*Third day: Wednesday, May 6:*

Members of the Radical Student Union and others who stood at the entrances to the USR campus and gave each motorist entering two sheets of paper, one of them a message to students from Chancellor Hinderaker, the other instructions for peaceful protests. The message from the Chancellor was reproduced by the students at their own expense for mass distribution.

*Result:* There was no violence.

*Third day: Wednesday, May 6, noon:*

UCR shut down at noon at the request of UC President Charles Hitch and Governor Ronald Reagan. Student rallies continued all afternoon.

*Fourth day: Thursday, May 7:*

Chancellor Hinderaker stood for five hours outside the locked administration building to talk with students. Some 1500 students and many faculty joined in a massive community effort to inform Riverside about the issues as they saw them.

*Result:* Student and faculty teams began house-to-house canvass of the city of Riverside. Teams were instructed in ways of informing without undue irritation. There was no violence.

*Fifth day: Friday, May 8:*

Today followed much the same pattern with the Chancellor available to students (he also held informal discussions with students in his home on Wednesday and Thursday evenings between 8 p.m. and midnight), and the faculty-student canvass moving into high gear. Students and administrators met with city police to plan Saturday's rally and march. The students asked for and received permission to control all aspects of the event. Police remained in the background as students organized a monitor corps for the task of maintaining order.

*Result:* There was no violence.

*Sixth day: Saturday, May 9:*

The rally in the Riverside mall attracted some 3000. It was held adjacent to the main office of the Bank of America in Riverside. Not a dime's worth of damage occurred. Students policed the area, picking up every scrap of paper on the mall at the conclusion of the rally. The march to the park was uneventful. Student monitors with walkie-talkies functioned perfectly. Police were required only at intersections for traffic control. At the park Chancellor Hinderaker was among the speakers who praised students for their commitment to non-violence. The rally was chaired by Councilman Sam Digall.

*Result:* There was no violence.

*Seventh day: Sunday, May 10:*

The student-faculty canvass committee maintained its information and education program. The campus was quiet. The crisis—for the moment—appeared over.

### COMMENT

In many ways, UC Riverside—its students, faculty, administration and adjacent community—was unique in the nation: united in their commitment to non-violence, they achieved an expression of dissent without resort to destruction.

In a time of trouble, the example of university students in Riverside seemed to offer a hopeful development. UCR and its students were not then and are not now seeking congratulations. The times are too uncertain for that. A dozen moments during the period of May 4–10 situation flirted with disaster. But the UCR experience proved that not all university campuses are battlefields, not all communities hostile, and not all police are unfriendly. However, the future of the UCR experiment is, perhaps, uncertain at best and subject always to the special pressures of this angry age.

UCR's 5500 students and 450 faculty have—so far—a unique thing going for them. With continued commitment—and a little bit of luck—they may yet make it. But it is not, and won't be, easy.

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UNIVERSITY OF CALIFORNIA, RIVERSIDE,
*Riverside, Calif., May 6, 1970.*

To Members of the UCR community.

Last fall in my annual "State of the Campus" address, I stated my personal feeling that the war in Vietnam is "disastrous." Now that this war has officially spread to Cambodia, as an individual, I see the disaster as having been compounded.

I am deeply concerned. I know that many of you—students, faculty and staff—are also deeply concerned. The question we all ask ourselves is: What can we do? Realistically, the answer is: Not as much as we might like.

One thing we *can* do is become better informed about the issues. Another thing we *can* do is to discuss these issues—and the implications they have for our freedom as a people—with our friends, not only on campus but in the community as well. As individuals we may be able to exert a more direct influence on the direction of our foreign policy.

As a start, I am suggesting to members of the faculty that they set aside Thursday and Friday, May 7 and 8, for special discussions on the Cambodian crisis in their classes, in campus meetings and in other suitable ways.

During this period of crisis and concern, I urge members of the faculty to give special priority to such discussions, and to delay examinations and other regular instructional requirements that may be scheduled for these days.

As I have stated on many occasions in the past, I will give every protection to students who wish to protest or demonstrate their dissent so long as they remain within the ample limits of campus rules affecting such

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behavior. I will also give every protection to those students who wish to refrain from open demonstration.

I understand the special frustrations affecting students today. I feel frustrations too. Despite our frustrations, we have a responsibility to maintain the freedom and integrity of our campus. We must always remember that the integrity of the University is what gives us our strength. To close the University, even as a symbolic act, would squander that strength. Let us seek to solve civic problems with tools available to us as citizens.

IVAN HINDERAKER,
*Chancellor.*

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### TEXT OF A STATEMENT GIVEN TO MEMBERS OF THE UCR COMMUNITY BY CHANCELLOR IVAN HINDERAKER ON SATURDAY, MAY 9, 1970

We experienced this week an event unprecedented in California higher education: the shutdown of this campus and the University. I did not like to close UCR. You did not like it either.

I have always strongly supported the right of students to dissent lawfully. But I am opposed to any decision—regardless of the provocation—that prevents other students who wish to attend class from doing so. Once the right of students to attend class and the right of teachers to teach is tampered with, the campus moves into uncharted territory with unknown consequences to its future freedom and independence. It is my earnest hope that this decision to close the University will soon be seen as incompatible with those very values which we as a campus, and as a society, are pledged to preserve.

During this difficult period, however, when it would be so easy to succumb to despair, I have found reason for hope. I have found reason for hope—and, yes, pride, too—in the constructive fashion in which concerned UCR students and faculty have conducted their activities this week. In what I wish could be a model for the nation's college and university campuses, UCR students and faculty have gone to the community, with pamphlets and persuasion, peacefully carried their suggestions for change from door-to-door.

I have found reason for hope in the generous spirit of the members of the Riverside community who have listened and, in most cases, responded in gracious fashion. I would not expect everyone to agree with the point of view expressed by their campus visitors, but I am heartened by the courteous reception they gave to them.

I have found reason for hope in the attitude of helpfulness—and patience—exhibited by members of the Riverside City Police during this period of crisis. Surely the city of Riverside must be the only spot in the nation this week where students, on two occasions, gave cheers to the police of this city.

I have found reason for hope in the willingness of the Riverside City Council to set aside "business as usual" this week and spend considerable time listening to the concerns of students.

The *Press-Enterprise* carried an editorial on Thursday titled "Good Sense Prevails in Riverside." It said, in part: "If everyone continues to do as many things right as they have done so far this week . . . Riverside can be enriched in the understanding of a burning public issue while still protected on its civic peace." I couldn't agree more with the expression of this idea.

This is not the time to become complacent. There remains too many uncertainties for that. But what has occurred at UCR and in Riverside this week gives me renewed confidence in the ability of campus and community to survive this period of crisis more united than ever in a joint commitment to the nonviolent solution for our mutual problems and concerns.

CYPRESS COLLEGE,
*Cypress, Calif., May 7, 1970.*

Congressman GEORGE BROWN,
*House of Representatives,*
***Washington, D.C.***

DEAR SIR: We, as students of Cypress College, represent the youth of a sizeable portion of Orange County. On the assumption of this responsibility we feel that we must convey to you the concern of our fellow students relating to contemporary issues.

We view with alarm the rising number of violent demonstrations on our nation's campuses, and with greater alarm the reactive attitudes reflected by our government and the populace of this country.

As rational individuals we are expressing our opinion without violence in the hope that your response will prove that there really is an obligation to the people on the part of our elected officials. We are concerned with the ability of our Chief Executive to once again involve us in a military action on foreign soil without even attempting to fulfill his constitutional obligations to Congress.

We are also concerned with the attitude engendered in the American public which has enabled them to accept, without significant protest, the killing of several unarmed students on a college campus. We feel that this attitude is due in part to the derogatory statements concerning the academic community which have been expressed by the present administration.

We are enclosing a copy of a resolution which has been passed by our Student Body Cabinet. This resolution formally states what has been conveyed in this letter.

Thank you for your consideration and expected response.

Respectfully,

DAVID H. FLORES,
*President, Associated Student Body.*

COLLEGE OF SAN MATEO,
*San Mateo, Calif., May 7, 1970.*

DEAR CONGRESSMAN: The President's decision to enter Cambodia without consulting his Congress and the people is dictatorship—and he is accusing those who protest of anarchy.

The youth of this country cannot be expected to respect their country and its constitution if the highest office in the Nation shows none.

We must get out of Southeast Asia. It is a needless waste of our natural and *human* resources. As our representatives, you must act to implement this withdrawal. Peace there will bring Peace at home.

Most sincerely,

Michael Chirs, Martha P. Eddy, J. W. Wilson, T. B. Curre, G. C. Diavel, Alice E. Shoir, Joyce Carlson, S. Roslaniche, Maxine J. Danjoir, D. H. Krigh.

Brooks Lambert, Laura J. McGrady, Valerie Manuel, Evelyn Long, Barbara Hart, H. C. Monroe, J. E. Innis, Benjamin D. Pretzzi, Stuart Williamson, M. C. Bucher, Karl A. Grassenbacker, Shirley Mainwaring, Norman F. Brestner, D. R. Le Galliar, Lea V. Kelly.

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[From the New York Times, May 18, 1970]

### STUDENTS TURN TO POLITICS IN EFFORT TO CHANGE SYSTEM

(By Steven V. Roberts)

LOS ANGELES, May 17—Two years ago, when the nation's college students propelled the Presidential campaign of Senator Eugene J. McCarthy, Jeannie Kemper could not have cared less. "I was a home economics major," she recalled the other day. "All I worried about were recipes and parties."

But last week Jeannie Kemper, a junior at Long Beach State College was sitting at a long table in the headquarters of Representative George E. Brown Jr., addressing envelopes. Miss Kemper, a deeply tanned girl with streaked blonde hair, explained why she was there:

"We're all faced with a decision in this country, whether to break off from the Establishment completely or to try to change it. I just think the system is too strong to go outside it, but we can change it by electing the right people. The people on the far left accomplish nothing except to polarize the country."

Miss Kemper is typical of the thousands of young people who are turning to politics—within the system—in the aftermath of Cambodia and Kent State. Interviews here and by New York Times correspondents across the United States show that the new student activists tend to be new to the game, frustrated by the pace of peaceful change, yet opposed to violence.

And many of them do not come from the liberal, well educated homes that had traditionally produced student activists. Like Jeannie Kemper, a sizable number are children of the silent majority.

"My father is a military man and I just can't talk to him any more," said Miss Kemper. "He's ready to kick me out of the house. He still believes it's all a Communist conspiracy."

There are still plenty of students who would rather canvass a beach than a precinct, and many radicals feel electoral politics is a fraud. But for those who occupy the middle ground between apathy and anarchy, politics provides a chance to overcome their sense of helplessness and hopelessness.

"Students who were never involved before now suddenly feel they've got to do something," said Hal Mickelson, a student leader at Stanford. "This Cambodian thing is insane to them."

#### CONGRESSIONAL RACES

Probably the most ambitious political development has been the Movement for a New Congress, whose basic aim is to mobilize students to work for peace candidates. Since the organization was started at Princeton two weeks ago, chapters have been formed at more than 100 campuses.

Princeton has already agreed to allow students to take time off next fall to work in the election, and students are pressuring other schools to follow suit. But in some areas, young people have already plunged into critical primary campaigns.

Here in California, students are turning out for Representative Brown, who is competing for the Democratic senatorial nomination. For instance, several departments at the University of Southern California have each taken an assembly district to canvass for the candidate, one of the first Congressmen to vote against funds for the Vietnam war.

Other candidates receiving youthful support include Norval Reece, Senator McCarthy's campaign manager in Pennsylvania, who is running for the Senate in that state; the Rev. Andrew Young, an aide to the late Rev. Martin Luther King Jr., a House candidate in Atlanta; and Gary Hart, who worked in Representative Allard K. Lowenstein's campaign on Long Island in 1968 and is now running for the House in Santa Barbara, Calif.

#### COORDINATION SOUGHT

Student interest has been running so high that some people are already trying to coordinate what threatens to become chaos. Mark Talisman, an assistant to Representative Charles A. Vanik, Democrat of Ohio, is organizing a telephone clearing house to give prospective workers information about candidates in their own areas. The Democratic National Committee has announced a similar operation.

While the new political concern has pro-

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duced a massive lobbying effort in Washington against war spending, students are also invading state capitals from Madison to Sacramento, urging passage of bills that would prohibit local residents from fighting in undeclared wars.

The young people engaged in these efforts are united by more than a desire to "do something." Many of them oppose violence and resent the popular image of the students as rock-throwing radical.

"Violence might get rid of frustration, and it is understandable, but it only brings on more repression," said a U.C.L.A. student handing out literature for Representative Brown.

Moreover, many of them do not want merely to vent their feelings. A key word in their vocabulary is "effective."

"It is about time," said Mary McCormack, a senior at the University of Illinois, "that something was done for effective political action rather than just standing around at a rally."

### A LINGERING FAITH

Perhaps most important, the students who choose politics maintain a lingering faith in the system, or at least an appreciation of its influence. Susan Salisbury, a law student at Southern California, said:

"In 1966, a lot of people said it would not make any difference whether Pat Brown or Ronald Reagan got elected. But I was working for the Welfare Department, and I saw a lot happen. After Reagan won, there was tremendous pressure to cut people off welfare and cut back on other benefits. Elections do make a difference."

Most of the new activists have never been involved in politics before. "These are the fence-sitters, not the long-haired crazies," said Susan King, a staff member for the Committee for an Effective Congress in Washington. "A lot of them don't even know who their Congressman is, but all of a sudden they're radicalized."

### OTHERS OPPOSE POSITION

Other veterans of the political wars have given up. The Daily Cardinal at the University of Wisconsin reacted to the Princeton plan this way:

"No, the political position of Princeton students can perhaps be most kindly described as oblivion. In the face of crisis at home, a murderous war abroad, and rioting in the streets they are talking about 'doves' and 'hawks' and Congress. We have been there and back. We will not retrace our steps again but right now we'll move in the only way we know how—by bringing our anger to the streets."

The new activists also have their doubts. "I don't know if the political system can work," said Andy Schwartz, a law student at U.S.C. "I'd like to give it a last try, but none of us are sure."

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[From the Los Angeles Times, May 15, 1970]

### Peace Activities on Campus Feature Bubble Gum, Paint

(By Paul Houston)

At UCLA Thursday, a group called Headquarters of World Happiness began passing out the first of 106,000 pieces of bubble gum they plan to distribute on the university's nine campuses to promote peace and happiness.

In Oakland, a group of Mills College girls in leotards and flowing robes invited boys bound for the Induction Center to refuse to join the armed forces and go to the Mills campus for some tea and talk.

At UC Santa Barbara, 13 students smeared their clothes with red paint to protest the bloodshed in Southeast Asia and lay down in front of the administration building. Campus police had to drag them away.

While these scenes demonstrate the variety of activity on the state's campuses Thursday, a fourth scene actually predominated: students going to class.

### DISCUSSION OF ISSUES

Class attendance was reported high around the state, but many classrooms were filled more with the talk of war and other pressing concerns than with normal instruction.

Many students were already taking advantage of relaxed grading procedures and curriculum requirements by devoting the bulk of their time to working against the war in Southeast Asia.

A committee of the UCSB Academic Senate approved a plan under which students may devote nearly their entire schedule to an experimental extension course already in existence, "The National Crisis: The Problem and its Solutions." The course will meet from May 18 to June 16.

### STUDENTS HAVE ALTERNATIVES

As an alternative, students also may suspend their normal class work and take an incomplete rather than a failing grade, or they may have a faculty member allow other requirements to be substituted for the final exam.

Cal State L.A. President John A. Greenlee issued a statement permitting students who do not want to continue formal classroom work to pursue other activities without penalty. They may take incompletes, extend final deadlines one week or take grades they would have been given May 13.

Meanwhile, UC Irvine Chancellor Daniel G. Aldrich issued a clarification of the faculty's action last Sunday night, allowing students to receive credit for taking part in antiwar activities.

Aldrich explained that students can use an existing "individual studies" provision and work out coursework in Education 199 or 299 of their own choosing, with the approval of a professor.

The chancellor said it was important to note that the Irvine faculty "has not in any way suggested that academic work on this campus should cease during the remainder of the spring quarter . . . (The faculty) has assured that all regular courses will continue, that students who wish to add studies of immediate interest will be able to do so . . ."

At UCSB and UC Davis, the Academic Senate has approved a resolution calling for a two-week recess to give students time to participate in the November election campaigns. A faculty spokesman said the measure must be approved by the statewide administration.

At UC San Diego, the Academic Senate rejected by a vote of 119–57 a proposal to request dropping of charges against all students involved in sit-ins, substituting a recommendation that the courts consider the "deep moral motivation and restraint shown" by the students.

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## TRIBUTE TO MISS U.S.A., VIRGINIA'S DEBBIE SHELTON

### HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. WHITEHURST. Mr. Speaker, I take pride in calling the attention of my colleagues to the winner of the Miss USA Pageant, Miss Debbie Shelton. She received the title over 50 contestants at Miami Beach, Fla., Saturday, May 16.

Miss Shelton is a resident of Norfolk, Va., and is one of my constituents in the Second District. She is the daughter of Dr. and Mrs. John P. Shelton, and is a junior at Old Dominion University, in Norfolk, majoring in art. She has been a cheerleader for the Norfolk Neptunes professional football team, and is a professional model.

As Miss Virginia she was a swimsuit finalist in the Miss USA Pageant and was named as the most photogenic contestant. Miss Shelton will represent the United States in the Miss Universe Pageant this July. Four of the previous Miss USA's have gone on to become Miss Universe, and I have great confidence in this year's Miss USA.

Mr. Speaker, I want to express the pride of the people of the Second District, and indeed of Virginia, in the selection of Miss Shelton as Miss USA. Her gracious manner and pleasing personality reflect the hospitality of Norfolk and the Commonwealth of Virginia. She will be an outstanding representative of this Nation, and we will be among her most enthusiastic supporters in the Miss Universe Contest.

Winning the title of Miss USA is surely one of the high points of a young woman's life. I extend my congratulations and best wishes to Miss Debbie Shelton.

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## TOO MUCH FREEDOM NO FREEDOM AT ALL

### HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BERRY. Mr. Speaker, I have asked consent to insert in the CONGRESSIONAL RECORD an editorial appearing in the McLaughlin, S. Dak., Messenger, which I feel should be widely read. The editorial follows:

### Too Much Freedom No Freedom at All

It may be that the students who are rioting and causing unrest suffer from an overdose of freedom. In a free society there must be laws, rules and regulations or there is no freedom. There has to be a society of law in order to have freedom or one group of people will infringe upon the freedom of others.

Perhaps we have too much freedom—freedom to see any kind of films we wish, freedom to take LSD and marijuana, freedom to burn public property, freedom to grow long hair and wear filthy clothes, freedom for boys and girls to live together in college dorms, freedom for a supreme court justice to advocate revolution, freedom for people to go around the country shouting "burn, baby, burn."

We may be suffering from a backlog of failure to say "no" in our schools, homes and churches.

We cannot become a nation governed by riots and protests or we will soon be no nation at all but a country of mobs, bands and tribes.

There must of course be the right to dissent. People must have the right to speak out when they think the government is wrong. When decisions are made through legitimate processes by people elected to make those decisions we must abide by their actions.

We went through one civil war to preserve this point. Let us hope we do not have to go through another.

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# HOUSE OF REPRESENTATIVES—*Wednesday, May 20, 1970*

The House met at 12 o'clock noon.

Father Michael Petty, S.J., Chaplain of Cuban Crusade, Chicago, Ill., offered the following prayer:

O God, Lord of History and Prince of Peace, all nations are in Your hands and subject to Your care. Hear our plea as we strive to bring peace and understanding among nations.

We pray today for all the people of the noble Cuban Nation: may they grow and develop in harmony and solidarity.

We thank You, Lord, for endowing the many peoples of our hemisphere with an immense variety of gifts, with abundant natural wealth, with a great capacity for human sympathy, and with ardent desires of peace and justice.

Grant us your strength to accept the challenge of Your loving message to mankind which calls us to be builders of peace among men and summons us to anchor in our hearts a profound respect for the options of individuals and of nations. "Happy the peacemakers for they shall be called the sons of God."

Open our minds that we might see beyond the horizons that separate our shores, how children play on every beach, and sunsets glow for every land. Open our minds, Lord, that we might read in the signs of the times Your loving care for all men, so that someday Your justice may be acclaimed from east to west and someday all men might be completely one. Amen.

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## THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On May 14, 1970:

H.R. 1049. An act to amend the Anadromous Fish Conservation Act of October 30, 1965, relating to the conservation and enhancement of the Nation's anadromous fishing resources, to encourage certain joint research and development projects, and for other purposes;

H.R. 1187. An act to amend the act of August 7, 1961, providing for the establishment of Cape Cod National Seashore;

H.R. 1706. An act to provide for the conveyance of certain mineral rights in and underlands in Pike County, Ga.;

H.R. 1951. An act to confer U.S. citizenship posthumously upon Sp4c. Aaron Tawil;

H.R. 2817. An act for the relief of Delilah Aurora Gamatero;

H.R. 3955. An act for the relief of Placido Viterbo;

H.R. 5936. An act for the relief of Kong Wan Nor;

H.R. 6125. An act for the relief of Anne Reale Pietrandrea;

H.R. 9001. An act for the relief of William Patrick Magee;

H.R. 11578. An act for the relief of Patricia Hiro Williams;

H.R. 12037. An act for the relief of Ali Somay; and

H.R. 12605. An act to amend section 613 of the Merchant Marine Act, 1936, as amended.

On May 18, 1970:

H.R. 12673. An act to authorize the transfer by licensed blood banks in the District of Columbia of blood components within the District of Columbia.

On May 19, 1970:

H.J. Res. 1232. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2624. An act to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 782. An act to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy;

S. 885. An act to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the Treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission dockets Nos. 314, amended, 314-E and 65, and for other purposes;

S. 3558. An act to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting; and

S.J. Res. 144. Joint resolution to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools.

## TULALIP RESERVATION, WASH.

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 11372) to amend the act entitled "An act to authorize the partition or sale of inherited interests in alloted lands in the Tulalip Reservation, Wash., and for other purposes," approved June 18, 1956 (70 Stat. 290), with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, lines 15 and 16, strike out "within, adjoining, or adjoining other land of the Tulalip Tribes which adjoins, the boundaries" and insert "within the boundaries".

Page 3, line 22, strike out "Reservation and adjacent areas,"." and insert "Reservation,".".

(Mr. ASPINALL asked and was given permission to extend his remarks at this point in the Record.)

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 11372 is to give the Tulalip Tribes of the Tulalip Reservation in Washington additional authority to acquire, manage, and dispose of tribal property. As the bill passed the House it permitted, among other things, the Secretary to accept from the tribes and to hold in trust title to lands already acquired by the tribes in fee either within or adjoining the reservation. An amendment was adopted by the Senate which limits this authority to land within the reservation. The Secretary now has under the Indian Reorganization Act of June 18, 1934, authority to acquire lands in trust either inside or outside a reservation, and the Senate amendment will therefore cause no problem. I believe the House should concur in the Senate amendments.

The SPEAKER. Is there objection to the request of the gentleman from Colorado (Mr. Aspinall)?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## LONGER TERM LEASES OF INDIAN LANDS AT THE YAVAPAI-PRESCOTT COMMUNITY RESERVATION IN ARIZONA

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 12878) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, after line 7, insert:

"Sec. 2. Section 1 of the Act of August 9. 1955 (69 Stat. 539), as amended, is further amended by adding the following new sentence at the end thereof: 'Prior to approval of any lease or extension of an existing lease pursuant to this section, the Secretary of the Interior shall first satisfy himself that adequate consideration has been given to the relationship between the use of the leased lands and the use of neighboring lands; the height, quality, and safety of any structures of other facilities to be constructed on such lands; the availability of police and fire protection and other services; the availability of judicial forums for all criminal and civil causes arising on the leased lands; and the effect on the environment of the uses to which the leased lands will be subject.'."

Mr. ASPINALL. Mr. Speaker, the purpose of H.R. 12878 is to give the Yavapai-Prescott Indian community the same long-term lease authority that Congress has given to 18 other tribes. This is done by amending a 1955 statute that governs both long- and short-term leases by Indian tribes generally. All H.R. 12878 did as it passed the House was to add this one tribe to the group that has long-term lease authority.

The amendment to the bill that was added by the Senate applies to both long-term and short-term leases by any tribe. It requires the Secretary to satisfy himself before approving any lease that adequate consideration has been given to the following factors:

First. The relationship between the use of the leased Indian land and the use of neighboring lands. One of those relationships might involve local zoning restrictions. The Secretary is only required to consider the zoning; he is not required to comply with it.

Second. The group of factors that are usually covered by building codes. Again, the Secretary is required only to consider—not necessarily to comply.

Third. The availability of police and fire protection.

Fourth. The availability of judicial forums for handling civil and criminal causes of action arising on the leased land. This is a subject governed by Federal statute, and there is not much the Secretary can do about the subject when he considers it.

Fifth. The effect of the lease on the environment.

While I see no particular need to add this kind of language to the 1955 leasing statute, because the Secretary is well aware of all of these factors, I also see no harm in it. For that reason I believe the House should concur in the Senate amendment.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## NOTHING BUT THE FACTS

(Mr. BRINKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRINKLEY. Mr. Speaker, to distinguish and differentiate between racial separation because of a history of dual schools, on the one hand, and a history of dual housing patterns, on the other; to label the former as de jure segregation and to label the latter as de facto segregation; to accord similarly situated citizens different treatment under different rules, is both illogical and invalid, and allows a technical, artificial distinction to take precedence over facts.

An analogy might be that of a man timing two cars on a measured track. One car has a speedometer and the other one does not. The timer clocks each of the cars at 60 miles per hour.

Yet the timer disqualifies the speedometerless auto from its time trial because it had no gage to record its speed. Ridiculous?

Of course it is ridiculous; the cars should be "graded" according to the facts—according to their actual rate of travel, however it might be measured.

Likewise, there should be one nationwide standard on integration-segregation on factual situations wherever they may exist.

If it is wrong to bus quotas of children in the North for the purpose of achieving racial balance in schools, it is just as wrong in the South under the same facts.

One country—one set of rules. That is all we ask. This is the rationale of Hands Across Georgia, the members of which are today testifying before a Senate Judiciary Subcommittee. I commend these dedicated, fair-minded citizens.

Mr. CORMAN. Mr. Speaker, will the gentleman yield?

Mr. BRINKLEY. I yield to the gentleman from California.

Mr. CORMAN. Mr. Speaker, the gentleman is right. We in contending that there is really no difference in de facto and de jure segregation cannot have different rules, and we really cannot say when little children are isolated because of their color that it makes a difference whether it is de facto or de jure segregation. They are generally unacceptable in a nation dedicated to equal justice under law. Mr. Speaker, I thank the gentleman for yielding.

## NEWS CORRESPONDENTS ENCOURAGE DISUNITY AND DISLOYALTY IN AMERICAN FORCES

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, those who saw a May 6 CBS-TV network program involving CBS correspondent Gary Shepherd were shocked at this man's attitude and his apparent efforts to encourage traitorous conduct by American soldiers. In the telecast, three soldiers were interviewed in a way to encourage them to express their reluctance to fight, and in one instance where a particularly strong objection was made by a soldier, the scene was repeated. The network claimed this was due to an editing error. Very convenient. This is one of the worst of a long line of bad programs which, intentionally or otherwise, leave the impression that everything America does is wrong and that whatever our enemies do is right. Shepherd and his kind should be barred from Southeast Asia. It is bad enough to have to fight Communists there without having news correspondents encouraging disunity and disloyalty in American forces. It is this sort of thing that is causing the American people to give enthusiastic support to SPIRO AGNEW's criticism of the news media.

## PROPOSED INVESTIGATION OF BRUTALITY IN NEW YORK

(Mr. NICHOLS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NICHOLS. Mr. Speaker, it has been brought to my attention that a Member of this body is so disturbed about recent events on the University of Alabama campus that he has gone down there to hold hearings into charges of police brutality. This is, of course, a free country where Members of Congress and other citizens are allowed to go where they wish. Certainly this gentleman has every right to go to the university.

It would be wonderful if each of us here had a congressional district and a State that had no problems whatsoever, and we could concentrate our efforts where it would do us the most good politically. This gentleman is to be congratulated. In only one short term in the Congress, he has cleared up every problem his district had, and apparently solved so many of the problems of his State that he has time to help the rest of us with our problems.

He may have overlooked this one little matter, so I would like to call it to his attention at this time. This week's issue of U.S. News & World Report states on page 18

> The attack by hundreds of construction workers at noon May 8 on young demonstrators gathered in New York's Wall Street was seen as an ugly portent. At least 70 protestors were injured. New York City police were accused of failing to halt the assault.

Now that our colleague has acquired some experience in investigating brutality, I sincerely hope that his next investigation will be held in his home State of New York.

## SHORTEN OUR NATIONAL CAMPAIGNS

(Mr. MONAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONAGAN. Mr. Speaker, another country has again shown us the way in which national political campaigns should be conducted.

In yesterday's paper we read that Prime Minister Wilson of Great Britain had asked the Queen to dissolve Parliament. The news was also issued at the same time that the national campaign would be completed within 30 days from the dissolution of Parilament.

This again raises the question as to why we in the United States insist on continuing our quadrennial political circuses, with their inordinate expenditure of campaign funds, with their wear and tear on the emotional and physical resources of the candidates, and, most importantly, with the gradual loss of contact with the voting public and the diminishing returns in communication which result from these expenditures.

I suggest again that we should follow the example of Canada, England, Israel, and nearly every other civilized country in the world, and reduce our campaigns to reasonable and manageable and constructive proportions.

## UNIVERSITY OF MONTEVALLO STUDENTS, MONTEVALLO, ALA., SUPPORT THE PRESIDENT

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUCHANAN. Mr. Speaker, last week it was my privilege to speak at the

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annual Honors Day program at the University of Montevallo in Montevallo, Ala., near my congressional district.

While I was there a graduating senior, Dan Cooper, expressed his concern about student unrest and demonstrations and his desire to have registered support of the President on the part of many students like himself.

Out of that concern came a telegram to President Nixon yesterday signed by approximately three-fourths of the student body and faculty of that university. The telegram was 40 feet long. It took 3½ hours to transmit, and it was the longest telegram ever sent from the Birmingham office, according to the office.

Mr. Speaker, when the tumult and the shouting dies, it will prove true that the President is right in his Cambodian and Southeast Asian policy and it will become clear that the majority of the American people support our President, including many students at colleges and universities like those of the University of Montevallo in Alabama.

## APPOINTMENT OF CONFEREES ON H.R. 12941, DISPOSAL OF CADMIUM FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12941) to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 15839, DISPOSAL OF TUNGSTEN FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 15021, RELEASE OF COBALT FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15021) to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 15833, DISPOSAL OF ACID GRADE FLUORSPAR FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 15836, DISPOSAL OF TYPE A, CHEMICAL GRADE MANGANESE FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 15837 DISPOSING OF TYPE B, CHEMICAL GRADE MANGANESE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 15831, DISPOSING OF BISMUTH FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 15835, DISPOSING OF MAGNESIUM FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 15838, DISPOSING OF SHELLAC FROM THE NATIONAL STOCKPILE

Mr. PHILBIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15838) to authorize the disposal of shellac from the national stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts if there was not a single one of these bills, calling for disposals from the stockpiles, that the other body could accept?

Mr. PHILBIN. If the gentleman will yield, there was an amendment inserted in the other body.

Mr. GROSS. I beg the gentleman's pardon?

Mr. PHILBIN. There was an amendment inserted in the bills in the other body, we believe is unworkable and there was a disagreement concerning some of the language. We are going to conference to see if we can work out some agreement with the other body to insure proper disposal of critical materials in the interest of the Government and the economy.

As the able gentleman knows, these bills all relate to stockpile disposals, and we are asking to go to conference so as to work out differences between the House and the other body.

Mr. GROSS. I understand the purpose of the gentleman's request, but I could not understand why the other body would reject every one of these bills. The gentleman has explained and I accept his explanation.

Mr. Speaker, I withdraw my reservation of objection.

Mr. PHILBIN. I thank the distinguished gentleman.

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The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 15832, DISPOSING OF CASTOR OIL FROM THE NATIONAL STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 16291, DISPOSING OF CHRYSOTILE ASBESTOS FROM THE NATIONAL STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 16292, DISPOSING OF CORUNDUM FROM THE NATIONAL STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 16289, DISPOSING OF NATURAL CEYLON AMORPHOUS LUMP GRAPHITE FROM THE NATIONAL STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 16297, DISPOSAL OF MOLYBDENUM FROM THE NATIONAL STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 16290, DISPOSAL OF REFRACTORY GRADE CHROMITE FROM THE NATIONAL STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 16295, DISPOSAL OF NATURAL BATTERY GRADE MANGANESE ORE FROM THE NATIONAL STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## APPOINTMENT OF CONFEREES ON H.R. 15988, DISPOSAL OF SURINAM-TYPE METALLURGICAL GRADE BAUXITE FROM THE NATIONAL STOCKPILE

Mr. **PHILBIN**. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 15998) to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon

The Clerk read the title of the bill.

The **SPEAKER**. Is there objection to the request of the gentleman from Massachusetts? The Chair hears none, and appoints the following conferees: Messrs. PHILBIN, BENNETT, and KING.

## CALL OF THE HOUSE

Mr. **HARVEY**. Mr. Speaker, I make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

Mr. **ALBERT**. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 128]

Abbitt
Adair
Anderson, Tenn.
Ayres
Baring
Biaggi
Bingham
Brasco
Brown, Calif.
Brown, Mich.
Brown, Ohio
Bush
Button
Byrne, Pa.
Carey
Clark
Clay
Cohelan
Colmer
Conyers
Corbett
Crane
Davis, Ga.
Dawson
Edwards, Calif.
Fallon
Feighan
Flynt
Foley
Ford, William D.
Green, Oreg.
Gubser
Halpern
Hays
Heckler, Mass.
Jacobs
Jones, Ala.
Kee
Kirwan
Lowenstein
McCarthy
McClory
McDade
McMillan
Meeds
Moorhead
Morse
Morton
Murphy, N.Y.
Nix
Ottinger
Pepper
Pollock
Powell
Railsback
Rees
Reid, N.Y.
Reifel
Roberts
Roe
Rogers, Colo.
Rosenthal
Roudebush
Scheuer
Schneebeli
Smith, Iowa
Springer
Stokes
Stratton
Stubblefield
Stuckey
Teague, Tex.
Thompson, N.J.
Tunney

The **SPEAKER**. On this rollcall 355 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

## PERMISSION FOR SELECT SUBCOMMITTEE ON EDUCATION TO SIT DURING GENERAL DEBATE TODAY

Mr. **BRADEMAS**. Mr. Speaker, I ask unanimous consent that the Select Subcommittee on Education be permitted to sit this afternoon during general debate for the purpose of considering legislation.

The **SPEAKER**. Is there objection to the request of the gentleman from Indiana?

There was no objection.

## PERSONAL EXPLANATION

Mr. **DULSKI**. Mr. Speaker, I was absent on rollcalls No. 100, 121, 123, and 124. Had I been present and voting I would have voted "yea" on rollcalls No. 100, 121, and 123. On rollcall No. 124 I would have voted "nay."

## THREAT OF OIL POLLUTION FROM SHIPS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC NO. 91-340)

The Speaker laid before the House the following message from the President of the United States; which was read and referred to the Committee of the Whole House on the State of the Union and ordered to be printed:

*To the Congress of the United States:*

The oil that fuels our industrial civilization can also foul our natural environment.

The threat of oil pollution from ships—both at sea and in our harbors—represents a growing danger to our marine environment. With the expansion of world trade over the past three decades, seaborne oil transport has multiplied tenfold and presently constitutes more than 60 percent of the world's ocean commerce.

This increase in shipping has increased the oil pollution hazard. Within the past ten years, there have been over 550 tanker collisions, four-fifths of which have involved ships entering or leaving ports. The routine discharge by tankers and other ships of oil and oily wastes as a part of their regular operation is also a major contributor to the oil pollution problem.

The development of world commerce and industry and its growing dependence on oil need not result in these added dangers. The growing threat from oil spills can be contained—not by stopping industrial progress—but through a careful combination of international cooperation and national initiatives.

This message outlines a number of actions which the Congress should take to reduce the risks of oil pollution. It also announces additional executive measures which will promote this same end and calls for the cooperation of industry and the American public to aid in this important effort.

### 1. INTERNATIONAL CONVENTIONS

The problem of oil spills is a major international environmental problem and any remedy must deal effectively with its global implications. Last year in Brussels, working under the auspices of the Intergovernmental Maritime Consultative Organization, an arm of the United Nations, the United States joined with other nations in reaching important agreements in this area. We signed two new conventions which would allow us to take actions within an international framework to prevent oil spill damages and to assure compensation when spills occur.

Today, I am transmitting these conventions to the Senate for its advice and consent. The ratification of the first of these conventions will empower us, by international agreement, to take preventive action against vessels on the high seas which threaten imminent pollution danger to our coasts. Had this treaty been in force at the time of the Torrey Canyon disaster in 1967, effective action could have been initiated without delay to prevent or limit the damaging effects. The second convention imposes strict civil liability upon the owner of vessels responsible for pollution damage to coastal areas, regardless of the location of the vessel. The Congress should consider the differences between existing domestic legislation and this convention and, if necessary, enact conforming legislation. In ratifying these conventions, we will demonstrate our firm belief that the danger of oil pollution is an urgent matter for international regulation, and that innocent victims of oil spills should not go uncompensated.

Another major international action to curb oil pollution was the adoption last year of amendments to the 1954 Convention for the Prevention of Pollution of the Sea by Oil. These amendments deal principally with the intentional discharge of oil or oily wastes on the high seas and establish new rules prohibiting the discharge of oil within 50 miles of our coast. These amendments are also being submitted to the Senate for its advice and consent, and legislation will be submitted to provide for the effective enforcement of these new international requirements.

The amendments to the 1954 Convention may not go into effect for some time, since they require ratification by other nations. This process could take several years. Therefore, I am instructing appropriate United States authorities to bring the provisions of these amendments into effect with respect to American vessels as soon as the implementing legislation is adopted. I hope that other nations will take similar action to implement these changes for their own vessels before the treaty amendments go into effect.

The Government of the United States is eager to participate in any international forum considering the problems of marine pollution. We particularly support the efforts of NATO's Committee on the Challenges of Modern Society which will sponsor a conference this fall in Brussels to exchange information and make recommendations for further international action concerning oil spills.

### 2. INTERNATIONAL STANDARDS FOR SHIP CONSTRUCTION AND OPERATION

The best way to protect our ocean resources and coastal areas from oil damage is to prevent the occurrence of oil spills. The establishment of more effective international standards for both the construction and the operation of tanker vessels will materially reduce the potential hazard.

The Secretary of State is being instructed to seek effective multilateral action to prescribe international standards for the construction and operation of tankers. The Secretary of Commerce, with the assistance of the Secretary of Transportation, will develop the specific technical standards or criteria which could form the basis for multilateral action.

### 3. PORTS AND WATERWAYS SAFETY ACT

I am asking the Congress to enact the Ports and Waterways Safety Act of 1970, a law which would give the Coast Guard additional authority to protect against oil spills in several important ways. It would allow the Coast Guard to control vessel traffic in the inland waters and the territorial seas of the United States, to regulate the handling and storage of dangerous cargoes on the waterfront, to establish safety requirements for waterfront equipment and facilities, and to set up safety zones or other controlled access areas in and near U.S. ports and harbors. This legislation could significantly enhance our drive to prevent oil pollution and I hope the Congress will give it early and favorable attention.

### 4. INCREASED SURVEILLANCE

A large number of oil spills occur in waters close to our shores. Many of these spills result from willful violations of laws which limit the discharging of oil. Such spills can be reduced by more stringent surveillance procedures. All government agencies are being directed to instruct their vessel and aircraft commanders and other personnel to immediately report all oil spills to the Coast Guard. Every citizen who observes a spill of oil should do likewise. The Commandant of the Coast Guard will increase all shore air patrols in the areas of highest spill potential and will enforce vigorously all of our antipollution laws.

### 5. HARBOR ADVISORY RADAR SYSTEMS

Just as air traffic controllers are necessary to the safe operation of airplanes, so an improved traffic control system is needed in our Nation's most active harbors. A system which is known as the Harbor Advisory Radar System has been developed and is now operating successfully in the San Francisco area. The Secretary of Transportation will establish more such systems in ports that have a heavy traffic of oil-bearing vessels. These radar systems, operated by the Coast Guard, will enable tankers and other vessels to move through congested areas with much less risk of collision and will make ports such as New York, New Orleans, and Houston safer than they are at present. Pilots who use these ports will receive harbor surveillance data and traffic information by radio from a control center that will be manned 24 hours a day throughout the year.

### 6. RESEARCH AND DEVELOPMENT: EMERGENCY OIL TRANSFER AND STORAGE SYSTEMS

In addition to specific legislation and regulations that can contribute significantly to the reduction of oil spill hazards, a broad program of research and development concerning oil pollution must also be pursued. These efforts must be sufficiently diverse to treat all aspects of spill prevention, cleanup and the mitigation of ecological damage. Many such programs are now underway in government agencies and university laboratories. These research and development efforts will continue to receive emphasis until satisfactory solutions are found.

One notable result of our research is the test which was conducted last week of an ingenious system for collecting and removing oil from damaged vessels. Using this system, up to 20,000 tons of oil a day could be pumped from stranded or leaking tankers into oil-tight plastic bags. These bags could be delivered by air to the scene of the accident and could be towed away safely. The Secretary of Transportation will examine the results

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of the current tests and will make such a system available for use on both the east and west coasts of this country as soon as practicable.

###### 7. COOPERATION OF PRIVATE INDUSTRY AND PORT AUTHORITIES

If we are to stop or even reduce the discharge of waste oil at sea, then we must provide alternate means of disposing of it. Port areas should be equipped with facilities, stationary or mobile, to receive oily discharges from vessels upon their arrival in port. If the amendments to the 1954 Oil Pollution Convention I have referred to are adopted and permissible oil discharges at sea are further reduced, then such facilities will be indispensable. Therefore, I am calling upon private industry and port authorities to develop additional facilities for the reception of oily wastes. The Secretary of Commerce with the assistance of the Secretaries of Interior and Transportation will coordinate this effort.

###### 8. RADIOTELEPHONES

Vessels in the United States navigable waters are presently required only to use whistle signals to communicate with other vessels. Direct radio communications between vessels would supplement and clarify the information they are able to exchange as they maneuver in close proximity to one another. Legislation to require the use of bridge-to-bridge radiotelephones is now pending in the Congress and I urge its prompt enactment.

###### 9. THE LICENSING OF TOWBOAT OPERATORS

Legislation is also pending in the Congress that would require uninspected towing vessels to be under the direction and control of a licensed operator. I endorse that concept and call for its consideration by the Congress. We must do everything we can to increase the margin of safety for maritime traffic.

###### 10. FINANCING CLEANUP OPERATIONS

When oil spills occur, considerable resources are required to finance the cleanup operation. The provisions of the Water Quality Improvement Act of 1970 call for the establishment of a revolving fund which will assure that money is immediately available to initiate and conduct such efforts. The law provides that the fund shall be reimbursed by those who are responsible for the spill.

Today, I am announcing the formal establishment of that fund and am delegating responsibility for its administration to the Secretary of Transportation. As soon as regulations governing the operations of this fund are completed and approved, I will forward to the Congress a request for $35 million to finance its operations.

This Administration is committed to protect the national environment without retarding social and economic progress. The program outlined in this message involves significant national and international actions which will help us to meet this commitment. By working to reduce and prevent oil spills and by responding more effectively to those spills which do occur, these measures will help to improve the quality of life in our nation and in all parts of our world.

RICHARD NIXON.

THE WHITE HOUSE, *May 20, 1970.*

## MILITARY CONSTRUCTION AUTHORIZATION, 1971

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1030 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1030

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. ALBERT). The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield myself 30 minutes, pending which I yield to the distinguished ranking minority member of the Rules Committee, the gentleman from California (Mr. SMITH) 30 minutes.

Mr. Speaker, House Resolution 1030 provides an open rule with 2 hours of general debate for consideration of H.R. 17604, the military construction authorization for fiscal year 1971. The resolution also provides that the bill shall be read for amendment by titles instead of by sections.

The purpose of H.R. 17604 is to provide military construction authorization and related authority in support of the military departments during fiscal year 1971. The authorization totals $1,973,810,000, as follows:

| | |
|---|---|
| Army | $583,067,000 |
| Navy | 256,713,000 |
| Air Force | 244,792,000 |
| Defense agencies | 43,600,000 |
| Family housing | 808,138,000 |
| Reserve components | 37,500,000 |

Of the Army request, $325.2 million is for construction projects for the Safeguard ABM System; $3.2 million is for research and development facilities on Kwajalein Island.

The family housing portion of the bill is for support of the entire military housing program.

This includes operating expenses, leasing, maintenance, payment of principal and interest on mortgage debts, payments to Commodity Credit Corporation, mortgage insurance, and construction of 8,000 new housing units.

This year's bill has been modified to omit for each separate installation the general language for the so-called facility categories, thereby shortening and simplifying the act.

Mr. Speaker, I urge the adoption of House Resolution 1030 in order that H.R. 17604 may be considered.

I yield to the gentleman from California (Mr. SMITH).

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my distinguished friend, the gentleman from Texas, has said, the rule provides for 2 hours of debate, an open rule, for the consideration of H.R. 17604, the military construction authorization for 1971. It will be read by titles rather than by sections.

The purpose of the bill is to authorize military construction for fiscal 1971 including projects for the active military forces, the reserve components, defense agencies and military family housing.

The major divisions of the bill are as follows:

| | |
|---|---|
| Army | $583,067,000 |
| Navy | 256,713,000 |
| Air Force | 244,792,000 |
| Defense Agencies | 43,600,000 |
| Family Housing | 808,138,000 |
| Reserve Components | 37,500,000 |

The bill provides $325,200,000 for construction for the Safeguard ABM System. Construction will be carried out at Grand Forks Air Force Base, N. Dak., at Malmstrom Air Force Base, Mont., at Whiteman Air Force Base, Mo., and at Kwajalein Missile Range in the Pacific.

For Southeast Asia, unlike previous years, very little construction funding is authorized—only $25,000,000. Much of this is for highway construction in South Vietnam.

Family housing is authorized for a total of $808,138,000 for all military service personnel. This will provide funding of 34 projects covering 8,000 new family housing units. Eighty-eight percent will be for enlisted men and junior officers. Seventy-three percent will be either three- or four-bedroom units. The bill also provides funds for trailer court sites, where appropriate.

The bill continues the existing rental guaranty program which provides family housing in foreign countries.

The bill is supported by the Department of Defense. There are no minority views.

Mr. Speaker, I urge adoption of the rule.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. RIVERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17604) to authorize certain construction at military installations, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina.

The motion was agreed to.

###### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17604, with Mr. STEED in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN**. Under the rule, the gentleman from South Carolina (Mr. RIVERS), will be recognized for 1 hour, and the gentleman from Indiana (Mr. BRAY), will be recognized for 1 hour.

The Chair recognizes the gentleman from South Carolina.

Mr. **RIVERS**. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are presenting the annual military construction authorization bill H.R. 17604.

It provides $1,973,810,000 for construction at military installations in the United States and overseas during fiscal year 1971.

The bill as reported by your committee is $95,284,000 below the $2,069,094,000 in new authorizations requested by the Department of Defense.

The increase in this year's bill over what was provided last year is due primarily to two factors: family housing and Safeguard.

The bill provides $809,038,000 for all housing expenditures of the Department of Defense during fiscal year 1971, and $325.2 million for construction related to the Safeguard anti-ballistic-missile system. These two items, thus, take a total of $1,134,238,000.

This leaves but $839,772,000 for all other military construction at home and overseas during the year. This is a particularly austere program when it is remembered that for several years construction has been held below requirements for economic reasons. The Members will recall that last year your committee recommended the deferral of many projects which were desirable, even necessary, in order to reduce spending in that particular year. We have taken a similar approach for the present bill.

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### HOUSING

The $809,038,000 for all housing expenditures includes authorization for construction of 8,000 new family units at an estimated cost of $219,502,000. In addition, the authorization covers all other housing costs such as leasing, maintenance and debt payment, and various insurance requirements. By contrast, last year's authorization bill—that is, for fiscal year 1970—provided $699,418,000 for family housing.

Thus, if family housing expenditures are excluded for both years, the total for other construction is $1,260,056,000 for fiscal year 1971, compared to $1,198,921,000 for fiscal year 1970.

Thus, the increase in this year's bill over last year's bill exclusive of housing costs, is some $61 million.

When you consider that we are providing, as indicated, $325.2 million in authorization for construction of Safeguard compared to only $12.7 million last year, and when you consider the effect of inflation on the relative construction value of the dollar, it is obvious that we are reporting a very austere bill indeed.

### SAFEGUARD

The House has already expressed its approval of the President's proposed modified phase II of the Safeguard ABM system by its vote on the military procurement authorization bill. You will recall that the House overwhelmingly rejected amendments to knock out phase II of the Safeguard, as well as amendments to knock out all procurement.

The total authorized in procurement and research and development for Safeguard was $1,026 million.

The funds authorized in the present bill for Safeguard $325.2 million, represent the amount necessary to support the level of deployment called for by the earlier legislation.

The Safeguard funds will be used to provide support facilities and phase I and phase II work at Grand Forks Air Force Base in North Dakota; for the missile site radar—MSR—perimeter acquisition radar—PAR—support facilities and phase I and phase II work at Malmstrom Air Force Base in Montana; for the MSR, support facilities, and site work at Whiteman Air Force Base in Missouri; for site investigation and planning activities pointing toward possible additional deployment at five additional sites; and construction of research, development, and test facilities at the Kwajalein Island test site.

### COMMITTEE REDUCTIONS

Despite the austerity of the program, your committee, after extensive hearings by a special subcommittee, agreed to make reductions totaling $95,284,000 in the bill.

All of the projects deleted by the committee were those which the committee felt were not of immediate or critical urgency and which would work no hardship on the services if deferred for reconsideration at a later date.

The Committee on Armed Services is convinced that these reductions will certainly not impair the operational effectiveness of the armed services nor will they in any way jeopardize our national security.

Of the total reduction made by the committee, virtually the entire amount was levied against the Active Forces portion of the program, which was reduced nearly 8 percent.

In view of the austerity of the program to begin with, I feel this was a significant reduction and belies the baseless charge that our committee blindly approves anything the military services ask for.

One area of concern to your Armed Services Committee is the large number of inefficient and overage structures which encumber our military plant.

This year, however, the severity of the fiscal situation will not allow us to make any substantial progress toward long-range replacement goals.

### SOUTHEAST ASIA REQUIREMENTS

Crucial to the success of the Vietnamization program and, hence, to the withdrawal of our boys from Southeast Asia is construction in support of the Republic of Vietnam Armed Forces—RVNAF.

The construction program in South Vietnam is about 85 percent complete. However, substantial requirements remain.

A subcommittee composed of Mr. BYRNE of Pennsylvania and Mr. BRAY of Indiana reported in January on the importance of these various construction programs to both the Vietnamization and pacification efforts. As reported by that subcommittee at the time, construction for our own forces in Vietnam is now limited to those items absolutely necessary for the safety and security of our forces or required in connection with the redeployment of U.S. forces. Remaining construction goes chiefly for the restoration of the essential highway network, for the repair of battle damage, and for cantonments and operating, training, and logistics facilities for the RVNAF.

General Abrams views the highway construction and restoration as the most essential program in relation to the disengagement of U.S. forces and has, thus, committed a major portion of both troop and contract construction efforts to this program. Proper highway construction not only helps the RVNAF but contributes substantially to the economy of the country and, thus, is essential to the pacification program.

The nature and magnitude of the overall construction backlog dictates that current levels of capability be retained into the calendar 1972 time frame.

However, your Armed Services Committee concluded that the $40 million requested for these levels of activity should be reduced to $25 million. We are confident that this amount should be adequate to meet construction requirements in this area for the new fiscal year.

### CONSTRUCTION AT 305 BASES

The bill before you includes approximately 579 line items for construction at 305 military bases throughout the world.

All the construction authorized by this bill will occur at existing bases and military installations throughout the world, there being no new installations for the services proposed in this bill.

### UNUSED AUTHORIZATIONS

The Committee on Armed Services had made a determined effort over the past years to continuously reduce the amount of unfunded and unused construction authorization available to the military departments.

In order to avoid the unnecessary accumulation of unused authorization, the committee has reduced the period of validity of authorizations provided in the annual military construction bill to a 2-year period for all facilities other than military family housing. In the case of military family housing, the authorization is limited to a 15-month period.

It is heartening to be able to report that based on estimated data furnished to the committee this year, there will be no residual authorization estimated to be available at the end of the coming fiscal year for any of the three services.

### LAND ACQUISITION

The bill as submitted by the Department proposed the acquisition of approximately 7,200 acres of land at a total estimated cost of $7 million. This is considerably less acreage than was requested last year, and similarly the total cost of proposed acquisition is much less than last year's $25.7 million.

The major part of the proposed land acquisition involved acquiring 2,895 acres at the naval weapons station at Charleston, S.C., at a cost of $5.2 million. An additional $1 million is required for land acquisition of 3,900 acres at Guam. The remaining requirements, which involve a much lesser amount of acreage and at relatively low cost, are for purchasing miscellaneous rights-of-way, clearance easements, and various minor base expansions at four other locations.

The committee has approved the full total of $7 million for real estate acquisition on the grounds that those requirements are deemed to be urgently necessary to meet operational needs.

### MEDICAL FACILITIES

Included in H.R. 17604 are authorizations amounting to approximately $77.2 million for medical facilities of all types. These include hospital additions, dispensaries, dental clinics, and four new hospitals to replace the existing obsolescent facilities at Fort Gordon, Ga.; Griffis Air Force Base, N.Y.; Luke Air Force Base, Ariz.; and Keflavik, Iceland.

In the case of medical facilities, the committee feels strongly, as it has indicated in the past, that the pace of replacement for many of the outmoded World War II hospitals and similar facilities should be accelerated. Only in the past 2 fiscal years has the Department seen fit to recognize the committee's longstanding concern in this area and to submit programs which, in the committee's judgment, begin to meet the many overdue requirements for improved health facilities. Despite the enforced austerity inherent in this fiscal year, the committee is determined that the Defense Department should maintain a minimal but suitable emphasis on replacement of vital health facilities.

Now, I would like to briefly review the authorization by relating it to the nature of the support facilities which this construction is intended to provide for the operating forces.

For purposes of simplicity, the contents of the bill can be summarized in nine principal categories. Two of these, medical facilities and real estate, I have already discussed.

I will now briefly run down the remaining seven, not attempting to list all expenditures but giving only the major highlights:

Operational and training facilities, $503.2 million.

The operational facilities contain essential airbase, fleet operations support, communications, security, command and control, and other operational facilities necessary to support the combat readiness capability of the services.

Within the above total, the requests for such facilities are:

Army, $379 million.
Navy, $47.6 million.
Air Force, $76.6 million.

The most significant portion of the Army's request, which totals $379 million, involves $325.2 million required to continue the deployment of the Safeguard ABM system. Also included in the Army's authorization is $50 million for financing the U.S. share of the NATO infrastructure program.

Of the $47.6 million included in this category for Navy, $19.4 million is for operational facilities, and $28.2 million for training facilities. Operational facilities include nearly $9.4 million for waterfront facilities at seven Navy installations; $1.2 million for undersea surveillance facilities; and $3.2 million for an Omega navigation transmitter in Hawaii. The Navy's training request includes $14.4 million for officer training facilities at the Naval Academy and War College, and $13.8 million for urgently needed enlisted training facilities at eight Navy installations.

The Air Force program totals $69.8 million for operational facilities and $6.8 million for training facilities. Significant items within the operational portion include Minuteman facilities, $1.2 million; theater airbase vulnerability—TAB VEE—facilities, $7.3 million; facilities in support of Strategic Air Command aircraft, $13.7 million; airfield pavement projects, $13.2 million; airfield lighting and navigational aids, $10.4 million; and air freight and air passenger terminals, $15.9 million. Major items within the $6.8 million for training consist of $4 million for a technical training facility at Chanute Air Force Base, Ill., and $1.5 million for a base engineer training facility at Sheppard Air Force Base, Tex.

Maintenance and production facilities, $86.3 million.

This category includes all types of facilities necessary for the production, maintenance, and repair of military hardware, including field and depot maintenance shops and hangars, shore-based marine maintenance facilities for the fleet, and production, assembly, and maintenance facilities for rockets, guided missiles, and various types of conventional ammunition.

The totals of the services' requests for such facilities are:

Army, $11.8 million.
Navy, $39.8 million.
Air Force, $34.7 million.

Over half of the Army's authorization entails construction of three tactical equipment shop complexes with supporting facilities at Fort Riley, Kans., for $7.3 million.

Significant items for the Navy include $10.9 million related to naval air rework facilities at three air stations; $17.3 million for facilities related to the shipyard modernization program at five shipyards; $2.7 million related to aircraft maintenance; and $3.5 million related to submarine maintenance.

For the Air Force in this category are $27.8 million for various aircraft maintenance shops, including $15.7 million for an aircraft engine inspection and repair shop at Kelly Air Force Base, Tex.; and $2.4 million for aircraft maintenance docks and hangars.

Research and development facilities, $46.7 million.

This portion of the authorization program is considerably smaller than similar requests in recent years. Despite its reduced size, the Department of Defense considered the projects to be vital to the maintenance of U.S. technological leadership. The totals by the services for R. & D. facilities are:

Army, $29.8 million.
Navy, $4.1 million.
Air Force, $12.8 million.

The largest part of the Army's request involves $14 million for the initial phase of the planned relocation of the Harry Diamond Laboratories to the grounds of the Naval Ordnance Laboratory at White Oaks, Md. Additionally, the bill would provide $7 million for the initial phase of establishment of the Western Medical Research Laboratory at the Presidio of San Francisco; a weapons development laboratory at Watervliet Arsenal, N.Y., $1.4 million; and miscellaneous laboratory improvements and range facilities at White Sands Missile Range, Yuma Proving Ground, and Fort Eustis, for $3.7 million.

For the Navy, the bill provides $2.5 million for a threat simulation facility at Point Mugu; and $1.6 million for a systems analysis for computer facility at China Lake.

The Air Force program includes the following items: A propulsion engine test cell at Arnold Engineering Development Center, Tenn., $4.3 million; aerospace environment science laboratories at four locations, $4.9 million; an optical physics laboratory at L. G. Hanscom Field, Mass., $1.2 million; an electronic research laboratory at Griffiss Air Force Base, N.Y., $1.1 million; and five miscellaneous projects, $1.3 million.

Administrative facilities, $42.3 million.

The total approved for administrative facilities, including headquarters, squadron operation, and similar facilities, is $42.3 million. Within this total, the service increments are:

Army, $10.2 million.
Navy, $27.3 million.
Air Force, $4.8 million.

Army's administrative facilities includes $5.7 million for a reception station at Fort Dix, N.J.; and $3 million to relocate Defense Department activities to Bayonne, N.J., in connection with the closing of the Brooklyn Army Terminal.

In the Navy's $27.3 million for administrative facilities is included $16.2 million for foundations and site work for the defense office building at Bolling-Anacostia. In addition, there is $8.6 million for engineering management buildings at Long Beach and Portsmouth, N.H., as part of the shipyard modernization program.

The Air Force program provides consolidated base personnel offices at Eglin Air Force Base, Fla., and Charleston Air Force Base, S.C., $2.9 million.

Housing and community facilities, $177.9 million.

Troop housing is one of the most important and vital requirements in the defense construction program. We recognize the importance of this item in persuading personnel to stay in the military service as a career, and we believe implicitly that improved housing will provide both immediate and long-range benefits through increased reenlistment, heightened morale, and reduced recruitment costs. The service programs in fiscal year 1971 are:

Army, $50.6 million.
Navy, $66.1 million.
Air Force, $61.2 million.

Within Army's request for troop housing and community facilities, the largest portion is directed toward construction of 4,920 enlisted barracks spaces and support facilities, at $31.8 million, and

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619 bachelor officer quarters for $7.7 million. Additionally, the Army's request includes $11.1 million for various community support facilities. Among these are a laundry at Fort Dix, N.J., two dependent schools in Germany, a commissary at Fort Ord, Calif., a chapel and enlisted men's club at Fort Huachuca, Ariz., and a post office at Fort Campbell, Ky.

The Navy's programing for bachelor housing totals $52.3 million, and will provide quarters for 11,442 bachelor enlisted men and 311 bachelor officers. Mess facilities total $4.6 million. Community support items total $9.2 million, and include brig facilities at Quantico and Camp LeJeune; a chapel and Sunday school at Little Creek; and a theater and enlisted men's club at Gulfport, Miss.

The Air Force program for this category provides $40.1 million for troop housing facilities, and $21.1 million for community facilities. The $41.1 million will provide 6,745 airmen dormitory spaces at a cost of $26.7 million; alterations and improvements to existing dormitories, $5.4 million; 480 bachelor officer quarters, $6.1 million; alterations to existing officers quarters, $600,000; and airmen dining halls, $1.3 million. The $21.1 million for community facilities will provide for dependent schools at Bolling Air Force Base, Washington, D.C., RAF Alconbury, RAF Woodbridge, and RAF Chicksands, United Kingdom; Bitburg Air Base, Germany, and Goose Air Base, Canada; three chapel centers and two chapel support facilities, four commissaries, one post office, three gymnasiums, and eight miscellaneous community facilities.

Utilities and ground improvements, $136.6 million.

This portion of the program provides for expansions and additions to utility systems and road nets at various United States and overseas locations. The Military Department totals in the category of utilities and ground improvements are as follows:

Army, $55.4 million.
Navy, $50.4 million.
Air Force, $30.8 million.

A significant element of this year's, as in last year's program, is directed toward further implementing the national policies for controlling water and air pollution.

For pollution abatement at various installations of the active military services, there is included a total of $69.3 million for 100 projects as a continuation of the program begun 2 years ago to eliminate pollution at our military installations. The committee fully supports this program.

Supply facilities, $7.4 million.

This category includes various supply facilities, including fuel storage, cold storage, depot and arsenal warehouses, and open storage facilities.

The totals for the services for such facilities are:

Army, $1.5 million.
Navy, $4.2 million.
Air Force, $1.7 million.

Mr. Chairman, that completes my presentation of the bill. Our committee worked hard on this legislation. We did the best we could. We drafted the legislation with one eye on a troubled national economy. We were severe. Maybe we were too severe. If Members believe that we have cut too deeply, we are prepared to listen to suggestions for improvements in the bill. But the bill represents the considered judgment of your committee, and I urge Members to support it.

Mr. BRAY. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. PIRNIE).

Mr. PIRNIE. Mr. Chairman, the chairman of our committee has very well outlined the material provisions of this bill. He has made reference to the provision for Safeguard construction.

Mr. Chairman, if we do not proceed with Safeguard construction now, we will deprive the President of the option to move forward rapidly with the phase II options should the need arise within the next few years.

Activation activities at phase I sites are proceeding according to schedule. At Grand Forks a contract for construction of major technical facilities was awarded on March 31, 1970 and at Malmstrom award of bids for major construction at both PAR and MSR sites is scheduled in the near future.

If the Army is permitted to keep to currently planned activation schedules for modified phase II, by the time its site activation procedures progress to the point of component and integration testing, sufficient highly valuable experience will have been gained from tests already completed at Grand Forks and Malmstrom. The equipment readiness dates—ERD's—for the first three sites in our currently planned schedules have been deliberately picked to be a minimum of 4 months apart so that the contractor may use the knowledge and experience gained at one site to apply directly from one to another.

It has been suggested that modified phase II deployment be delayed now in order to gain more experience and to obtain more definite results of tests now being conducted. Although continuation of phase I plus additional research and development with no action to move forward with modified phase II would certainly enable us to proceed toward one desirable objective—that of the operational checkout of the system—such a course of action would be disastrous from other angles. It would be very difficult to justify a delay which would amount to foreclosing the option to proceed with any kind of phase II until as late as mid-1975.

It must be emphasized again that the threat is real and exists today. The present growth of the Soviet threat is continued deployment of ICBM's coupled with the serious SLBM threat on the way, and the prospect of Chinese Communist deployment of an ICBM threat in the mid-1970's make it necessary for us to protect ourselves against these threats. There is no indication that the Soviets are slowing down their deployment. They have achieved a parity in ICBM forces and they are still moving forward. If we delay the Soviets could outstrip this country's capacity to produce a countering force short of a crash deployment of more offensive weapons with a massive impact on our budget and resources.

With this in mind, and consistant with President Nixon's policy of an orderly and measured deployment of Safeguard through taking only those steps necessary to meet the threat as it evolves, your committee has considered very carefully all aspects of this fiscal year 1971 Milcon authorization request for Safeguard deployment. As you recall it totals $325.2 million. Of this amount approximately $322 million is required for site construction inside the United States. Basically this includes funds for:

First, continuation of construction at phase I sites near Grand Forks Air Force Base, N. Dak., and Malmstrom Air Force Base, Mont.;

Second, construction at the proposed modified phase II sites near Whiteman Air Force Base, Mo.; and

Third, advance preparation of five additional sites to include possible land procurement.

In addition, $3.2 million is requested for construction in support of R. & D. at Kwajalein Missile Range.

We feel very strongly this authorization request represents the minimum essential funds to support the administration proposal for a modified phase II.

In summary, the administration has recommended moving forward now with modified phase II as a necessary step in the deployment of Safeguard in order to keep pace with the Soviet threat. The experience in both R. & D. testing being conducted at Kwajalein and the phase I site activation will be invaluable in support of this deployment. If no activity beyond phase I is conducted this year, a delay of at least 1 year in the deployment of a site will develop. Postponing authorization of a third site until phase I is completed would waste money through duplication of effort and production delays, and would delay installation of a third site by 5 years or more. The fiscal year 1971 MCA request as recommended for approval by the Armed Services Committee will support, to the minimum extent necessary the orderly and stepped deployment required to meet the threat which is fast developing.

Mr. BRAY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I would like to comment in behalf of the troop housing projects for the Army in the military construction bill.

As all of us who have served in the Army or visited Army installations know, a large percentage of the Army's barracks and bachelor officer's quarters on permanent installations consist of World War II mobilization facilities erected in the early 1940's. The temporary wood frame buildings, which had a life expectancy of 5 years when originally constructed, are now nearly 30 years old. These aging structures become more expensive to maintain each year and increase fire and safety hazards due to the obsolescence of their utility systems and electrical distribution lines. Temporary wood buildings are, by nature of their construction, unbearably hot during summer months in the warmer climates of the Southern States, and extremely difficult to heat during the winter in the colder climates of the Central and Northern States.

The Army troop housing projects in the military construction bill include a 2,696-man barracks complex for basic Medical Corps trainees at Fort Sam Houston, Tex.; a 326-man barracks at Hunter-Liggett Military Reservation, Calif., supporting troops of the Army's Combat Developments Command Experimentation Command; a 200-man BOQ for junior officers at Fort Sam Houston, Tex.; a 124-man BOQ at Fort Leonard Wood, Mo.; and a 200-man BOQ for officer students attending the Defense Language Institute at the Presidio of Monterey, Calif. The personnel who will occupy these new facilities are presently housed in old temporary structures similar to those I described earlier, with the exception of Hunter-Liggett Military Reservation where the only troop billets consist of bivouac hutments constructed of wood framing and siding and rolled roofing. These uninsulated structures have no interior walls and latrine facilities are located in separate buildings.

Approval of this bill will result in removing slightly over 2½ percent of the Army's deficit in troop housing. At this rate it will take approximately 40 years before the Army's total deficit of troop housing in the United States will be erased.

The inadequacy of bachelor housing has constantly been cited as a source of irritation and discontent by both bachelor enlisted men and junior officers who compare their accommodations to those available to their civilian contemporaries. At this critical time when serious consideration is being given to the development of a volunteer force and reduction in the selective service system, it is even more paramount that we provide adequate accommodations for our soldiers. If we continue to require that they live in old dilapidated structures, which furnish nothing more than a roof over one's head, we cannot possibly expect to attract quality personnel to volunteer for service in our Armed Forces, much less retain those career personnel who are presently serving.

I therefore make this appeal to you to approve those troop housing projects included in the bill presently before you for consideration.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. McClory).

Mr. McCLORY. Mr. Chairman, this bill—H.R. 17604—is the result of extensive hearings held by the Armed Services Committee and I am of the opinion that the members of the committee have acted responsibly.

I note that the bill is more than $95 million less than the administration had requested. This reduction is encouraging. It is my hope and expectation that much greater reductions in military spending can be accomplished in the future—including funds for military construction.

The bill provides essential funds for the Great Lakes Naval Training Center totaling $19,054,000. This sum will be available to the Navy Public Works Center which provides essential public works, transportation support, engineering services, utilities, and other public works-type logistic support. This total will also be utilized to improve facilities for recruit training and for the Service School Command. Perhaps the most important use to which this sum will be put is for the Naval Hospital which provides excellent care for many of the men who are wounded in South Vietnam.

The military construction projects at Great Lakes should enable the Navy to perform its missions more efficiently and should serve the essential needs of the men of the Navy—as well as the men of the other services who are cared for at the Great Lakes Naval Hospital.

Mr. Chairman, I recognize that some $325 million is provided for the Safeguard anti-ballistic-missile system. The principal argument against this appropriation appears to be that we should rely on our offensive deterrent. Indeed, that is the argument advanced by the gentleman from New York (Mr. Pike). I prefer to support a "defensive" system which can protect American lives and discourage a potential enemy from attacking our cities or industries.

Mr. Chairman, in the event the SALT talks are productive—and I hope and pray that they will be—there is every expectation that all strategic weapons expenses and other kinds of military spending can be cut. The President's initiative in behalf of arms control—and reducing our military presence in various parts of the world—has resulted in cuts in overall military spending. Further reductions will be possible if the Soviet Union indicates its intention to cooperate in programs of mutual understanding—and peace.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from New Mexico (Mr. Foreman).

Mr. FOREMAN. Mr. Chairman, I commend the chairman of the committee, the gentleman from South Carolina (Mr. Rivers) and the ranking member, the gentleman from Indiana (Mr. Bray) for their leadership and work in the expeditious consideration and handling and guiding of this bill to the floor.

### WHITE SANDS MISSILE RANGE

Mr. Chairman, I would like to provide support for a very vital group of construction projects at White Sands Missile Range. White Sands is the largest and most highly instrumented of all land ranges. It is operated for the entire Department of Defense and managed by the Department of the Army for the use of all military services, NASA, and other Government agencies.

Developments in solid propellants and improved command and control and guidance systems has resulted in higher missile acceleration rates, longer and higher trajectories, faster flight, and improved maneuverability. In order to collect more precise data during R. & D. tests, the Army embarked in 1965 on a 10-year program to improve the range instrumentation and data gathering capability at White Sands. These improvements consist of a complex of instrumentation developed with the most advanced technology available, connected by communications to a computer center which directs the total intrumentation system, as well as processes, displays and reduces the data necessary to evaluate our missile programs. This very high precision data collection and reduction system must be available to provide precise data to technicians and developments contractors in the shortest possible time. This timely data provides the range users with full knowledge of launch and flight characteristics.

As improved instrumentation is developed and scheduled for procurement and delivery, corresponding construction to support this instrumentation is required in a parallel time frame.

The construction projects included in this bill will provide the buildings, instrumentation sites, and communications systems to house new equipment and furnish operational sites which will insure the most beneficial use of this instrumentation. These facilities are directly related to a measuring technique which is necessary for the successful test of systems now being evaluated at White Sands. Projects being tested at the range include missile reentry characteristics, advanced navigational aids for aircraft used by the Air Force, and include NASA's manned space flight efforts.

A brief description of the functions and construction requirements involved are:

Mobile Tracking Sites for the AN/MPS 36 radar will improve data accuracy three to five times over that presently available. These sites are concrete pads with an antenna pedestal, access roads, communication lines, and electric power.

Telescopes are deployed along the flight line of the missile being tested. Mobile instruments have been developed which can easily be relocated as necessary, to support specific trajectories. These sites consist of a mound with a concrete pad, access road, and supporting communications and power.

An improved computer system is to be housed in an operations control center to support the entire range. White Sands will automate and mechanize many of its operations so that the range customer will receive more accurate results in a reduced time frame. This building addition will complete the construction of this control center which was time phased to match computer development and procurement.

An optical calibration center will be constructed in an underground tunnel which will serve as an optical bench to permit calibration of the advanced optical equipment used at White Sands. There is a crucial requirement for the evaluation, acceptance testing, and calibration, as well as cleaning, and alinement of these long focal length telescopes.

Located at White Sands is a unique facility which was developed to test components of major weapon systems in a nuclear environment which simulates radioactive fallout without the necessity for actual atomic testing. A facility will be provided by this bill to house equipment which will provide pure gamma radiation of high intensity to simulate residual radiation from an atomic blast.

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These tests will determine the susceptibility of weapon systems to nuclear radiation and help to reduce vulnerability.

This project also will provide the necessary range power to the instrumentation sites surrounding the White Sands impact area and will improve power reliability to the radar target scatter facility located at mid-range. The equipment to be supported by these facilities is on hand at White Sands or is under contract for procurement.

I therefore earnestly recommend that we endorse the continued development of this vitally important research and development installation. I would also like to congratulate Chairman RIVERS, our Construction Committee members, and the professional staff for the expeditious, but nonetheless thorough, manner with which this bill was guided to the floor.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, I rise in support of H.R. 17064, the fiscal year 1971 military construction authorization bill. This is a sound bill. I urge its immediate enactment.

At this point I would like to commend the chairman of the Committee on Armed Services, the gentleman from South Carolina, for his vigorous and patriotic leadership in drafting and presenting this bill. Members of the committee also worked diligently and effectively to produce it. They too, deserve much credit.

This bill reduces the legislation proposed by the Department of Defense. We have reduced it—not by a meat ax approach, but by a reasoned and systematic process. The result is admittedly an austere program, but one which will provide the essential and timely support needed by the Active Forces of the Army, Navy, Marine Corps, and Air Force.

During the hearings several witnesses spoke of new programing procedures. These interested me and therefore I considered they warranted a closer examination, Mr. Chairman. I would like to outline briefly the management techniques being pioneered by the Navy in the development of a planning and decisionmaking "tool" for military construction. I believe it will help you to reach a favorable decision on this bill. This management "tool" provides orderly and effective techniques for guiding decisionmakers. It is known by the Navy as multiyear programing. Multiyear programing is founded on the validation of the Navy's total outstanding military construction needs. Under the planning and programing system, the complete range of facilities needs are identified. The system identifies construction needs to satisfy new and emerging missions, as well as facilities for current missions, and those needed to modernize or replace old and obsolete facilities.

The Navy's defined backlog of essential military construction projects totals $9 billion. As a result of our efforts in Southeast Asia, the normal construction effort had to be postponed in deference to urgent support for Southeast Asia during the past 3 or 4 years. Of course, the backlog has not accumulated over just the past 3 or 4 years, the backlog to replace and modernize obsolescent and deteriorating World War II mobilization-type structures of the Navy and Marine Corps is long standing.

This situation has furnished a backdrop for the Department of Defense to establsh a multiyear program for military construction. Although I will direct my discussion to the Navy system, I am advised that the Army and Air Force have similar systems in being or under development.

The basic implementing concept in the Navy's multiyear program is a balanced rate of correcting deficiencies in the various facility categories within an established time frame. The foregoing concept is, of course, measured in terms of budgetary constraints. Similar facilities, such as bachelor enlisted quarters, bachelor officer quarters and mess halls are grouped together under an investment category. This particular investment category, for example, is "troop housing and messing." Other examples of investment categories are: administrative, medical, training, and aviation operational facilities. A total of 19 categories are used to group the various facilities.

In addition to analysis by investment categories, the Navy has also found it advantageous to analyze military construction line items as functional or geographic groups. Functional and geographic investment programs were established to treat a set of military construction line items as an entity. Examples of functional investment programs are those in the bill under consideration for shipyard modernization, naval air rework facilities, and pollution abatement. Examples of geographic investment programs are represented by the implementation of master plans for the Naval Academy and the Naval Training Center, Orlando, Fla.

The purpose of defining investment programs is to illuminate the need for a particular program of facility acquisition at some established rate in order to improve military readiness. The rate is not established in isolation from the other needs of the Navy. On the contrary, it is related directly to other programs such as procurement and maintenance of ships, aircraft, and weapons; personnel and training. A comparative evaluation is made of the total capital investment program by investment categories and the functional and geographic investment programs. In this way it is possible to achieve an overall, balanced multiyear program. This enables the Navy to carefully examine the current year program as a single year increment of a plan to meet specific long-range needs over a period of years.

When one has carefully examined the Navy's long-range needs it becomes readily apparent that the level of funding of military construction for the past 10 years has been inadequate. If the last 10 years' average funding level is continued, new deficiencies will exceed the rate at which the deficiencies are being corrected. The total deficiencies obviously would not be reduced, but would grow.

If we continue tc authorize facilities at the level of this year's program, it would take approximately 30 to 35 years to eliminate the current deficiency of $9 billion at noninflated costs. This does not take into consideration the new deficiencies that develop each year totaling approximately $300 million. In the face of these facts which, incidentally, parallel those of the Army and Air Force, it was most difficult to make reductions in this program. But, in view of the increased need for fiscal prudence, we deferred those projects that could be safely postponed without seriously impairing our national security.

We must recognize a potentially serious problem that may be developing for the operating forces of the Army, Navy, Marine Corps, and Air Force. The facilities base structure required for supporting operating forces may be declining at a time when it should be improved to support the new weapons systems of the 1970's. The Congress should take corrective action in future years to increase the authorization for facilities. We will not otherwise be fulfilling our responsibility to the services and the American taxpayer. I believe the bill is valid; that it is responsive to the needs of the military departments and to the American public in these troublesome times. Thank you.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. HALL).

Mr. HALL. Mr. Chairman, I would like to support the construction of the Western Medical Institute of Research included in the bill before you.

In the annals of armed conflict, infectious diseases, particularly tropical diseases, have taken a toll in man-days which has far exceeded that of enemy action. When our brave young men fight in tropical environments they must face these diseases. Many of these diseases are capable of killing and incapacitating just as surely as enemy arms. Many such diseases are parasitic and/or affect the skin primarily.

At the present time, the Army's research in tropical medicine is fragmentary and is conducted by two medical research institutes in the United States, two teams in Southeast Asia, one small research unit in Malasia, a small unit in Panama, and 35 contractors. The Walter Reed Army Institute of Research in Washington, D.C., is the largest of these elements and is charged with supporting the other elements. Walter Reed is operating under severely overcrowded, totally inadequate conditions. Scientists and equipment are spilling out into corridors. Broom closets are serving as research laboratories and numerous specimens must be kept in deep freeze for extended periods before analysis, because working space is insufficient for expedient processing. Although presently funded plans will solve this between the AFIP and the new Walter Reed General Hospital, it will be much worse before it gets better.

The Western Medical Institute of Research will correct this deplorable situa-

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tion. The shipping costs now experienced by forwarding specimens and sending research teams from the west coast to Walter Reed or Fitzsimons General Hospital, will be eliminated. The Western Medical Institute of Research represents the first step in a long-range plan to consolidate the Army Medical Department's 11 research institutes in the continental United States into six such facilities. This consolidation will increase efficiency, reduce overhead costs, and diminish needs for supporting personnel. The Western Medical Institute will combine into one facility the activities of four laboratories now scattered over the United States. These activities will join with related programs of research on tropical skin diseases and combat surgical problems now in progress at the Letterman Army Institute of Research in San Francisco. This consolidation will enormously enhance the productivity of the research effort in tropical diseases. Collocation of the Western Medical Institute with Letterman General Hospital is essential to correct another of McNamara's follies, if for no other reason. This relationship will provide research expertise and corresponding research laboratory support to the hospital in return for access to its clinical facilities and patient population. The Letterman staff will be stimulated, and patient care will be improved to even higher levels than those now achieved. They will be side by each.

The research program will include field studies in representative areas of Latin America, Africa, and Asia, as well as laboratory work in the United States. The latter must be accomplished principally in Army facilities to provide continuity, responsiveness to military needs, and the flexibility to change emphasis as required. Focus will be on the tropical disease and combat surgical problems. The results will be available to all, of course.

Location of this facility in San Francisco is ideal as this city has an outstanding medical and educational community. It is a communications hub. It is a center for concentration of military patients from the Southeast and Western Pacific, and it is a base for deployment and supply of research teams operating in Southeast Asia and the Western Pacific. Well-located Government-owned property is available for the building site.

The trouble spots in today's world are found predominantly in tropical or subtropical environments, where these diseases needing study abound. Before committing troops to such areas we should, if possible, develop the medical weapons to conquer, and especially prevent these diseases.

The present inadequate facilities severely limit research upon prevention and treatment of such conditions as malaria, snail fever, dengue fever, sand fly fever, and diarrheal diseases. All of these diseases plus many others, have the capability to immobilize armies. These few examples are provided to illustrate the urgency of construction of the Western Medical Institute. Research programs addressing these kinds of problems are indispensable to timely development of effective preventive measures for future use with troops. This effort must be launched now, since the research to accomplish the stated goals will require a number of years for completion. The preventive measures must be ready in advance. The cost of not having them will be tremendous. Exemplary of the cost of tropical disease are the more than 42,000 cases of malaria which have occurred in U.S. troops operating in Vietnam that has cost over $36 million in hospitalization, personnel replacement, and man-days lost. To delay the necessary research will not save money. It will, on the other hand, engender a significant risk of an enormously more expensive disease among combat troops in the next several decades.

Protecting the health of our fighting men will continue to be an essential ingredient of our national preparedness posture. Regardless of the level of U.S. military involvement, our men must be kept sufficiently well to function effectively. This is best achieved by development of individual disease-preventive measures through meaningful research. This is the aim and objective of the medical department of the armed services.

Gentlemen, I solicit your support of this worthy project which is clearly in the national interest to say nothing of the quality care of our service personnel. The citizens of the United States of America will settle for no less. Thank you.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. LONG).

Mr. LONG of Louisiana. Mr. Chairman, I am appalled that there is not one red copper cent in this construction authorization bill for Fort Polk, not one single item, not one single project. It is doubly appalling that the Department of the Army and the Director of the Bureau of the Budget would not have approved requests for construction at Fort Polk in view of all the promises, in view of all the commitments made by the Department of Defense and by the Department of the Army to the people of Louisiana for the permanency of Fort Polk as an active military installation.

On October 23, 1968, Secretary of Defense Clark Clifford announced the decision to make Fort Polk a permanent military installation. Secretary of the Army Stanley Resor later advised me by telephone at my home in Louisiana that the decision to make Fort Polk a permanent post was based on an Army engineering study showing a real need for Fort Polk with or without a war in Vietnam. This is not the first time Fort Polk has been made permanent. During the Eisenhower administration it was declared permanent and its designation changed from camp to fort, and then it was promptly closed. In fact the post has been opened four times and closed three times, something of a record even for the Army, and left to interminable doubt as to its future. It is now operating in one of its perennial doubtful periods, inasmuch as the Army has seen fit to withhold funds appropriated and authorized by the Congress for construction of 260 family housing units at Fort Polk pending "studies (now) underway pertaining to the size, location and structure of the future Army."

This refrain is all too familiar to those of us who are concerned with the future of Fort Polk, both as a military facility and an economic factor, and it has a familiar and ominous sound.

Let us review the rationale of the civilian sector which necessarily supports any military installation, because even a defense facility does not operate in a vacuum. It is affected by and affects the civilian community from which it draws much of its sustenance. In the case of Fort Polk, the thousands of small homesteaders, the lumbermen, the stockmen, the businessmen of western Louisiana did not want to give up their homes and lands and their peaceful and normal way of life to make way for a military reservation. They did because it was necessary to national defense. They swallowed their pride and pocketed their losses and looked to the future. It has not been a rewarding future. Out of Vernon Parish the Army and the U.S. Forest Service carved 300,000 acres of land. This is land out of production whether the post is open or closed. The Army uprooted thousands of families, and it periodically threw a huge burden on the limited tax base of the parish for essential services. In times of national emergency it contributed a great deal to the local economy. In times of peace and prosperity elsewhere it sat on its investment, and the civilian sector fell into depression. More important, it kept out of the area other normal economic units, such as manufacturing plants which have located in adjacent parishes and which could be expected to grow up there and provide jobs and payrolls.

In 1940 when the Army condemned and seized the 200,000 acres of land for military purposes it paid about $4.50 an acre for title to the surface rights, leaving to former owners in most cases the mineral rights. But because of the imposition of a prohibition against mineral exploration and drilling, these are rights neither the owners or the parish can benefit from until the Army allows it.

Still, the people of the area are willing to accept Fort Polk as a permanent active installation, but they will not accept further deception and prevarication.

Take the matter of funds for family housing on the post. In January 1969 the Army requested and the Congress granted funds to build 260 homes for military personnel. As a result of the President's directive of September 1969, Defense housing funds were deferred until February 1970 when they were released, except for the 260 units at Fort Polk. Repeated requests for clarification of the status of the Fort Polk funds results in well-phrased doubletalk about certain studies now being conducted.

On March 24, 1966, during hearings before the House Armed Services Committee, I asked Lt. Gen. Leonard D. Heaton, Surgeon General of the Army, if the Army would request and build a new permanent hospital at Fort Polk to replace the present structure, a wood frame building thrown up in 1941. General Heaton answered affirmatively. The dialog is recorded on page 5768 of the Armed Services Committee Reports for 1966—book 1, 89th Congress, second session. This constitutes a flagrant misrepresentation, but it is not at all unusual. In fact, it is wholly typical of the Army's attitude toward Fort Polk. To date only one permanent structure has been built on the post from appropriated funds, a cold storage plant simply because there is no way to build a temporary cold storage plant. A few months after it was opened the Army discontinued the plant's meat-cutting operations, leaving that single permanent structure almost unused.

These are a few of a long series of deceptions by the Army, the result of which undoubtedly will be complete mistrust among the civilian sector which heretofore has firmly supported Fort Polk. This view is widely held in both military and civilian circles in the vicinity, as excerpts from a letter written by an officer at the post will attest. His letter states:

> The state-wide community in Louisiana is becoming increasingly impatient with this attitude because thirty years ago they gave up this land in good faith. The populace has subsequently invested heavily in the economy surrounding the post, only to be threatened with annual bankruptcy or pacified with false and broken promises by military officers.
>
> This area is dissimilar to those populated sections of New Jersey, Washington, California, or Maryland where other large posts are located. The loss of Fort Polk, or any part thereof, would effect a severe blow to the economy of the area. As an example: Eight million dollars in taxes have been voted for improved schools here. A loss of the largest single payroll in the State of Louisiana would significantly be felt by those left to face the bonded indebtedness.
>
> Over half of the children in Vernon Parish Schools, where Fort Polk is located, are military dependents. In Beauregard Parish, which borders Vernon Parish, there are thirty full-time and thirty substitute military dependent teachers, comprising 25% of the total teaching staff. In Vernon Parish, 59 are full-time, while ten military dependents perform substitute teaching, combining for a 33% portion of the Parish teaching force.
>
> These considerations are important from a local viewpoint and materially affect our Army relationship in this area, but they are not overriding when considering a cut in Defense budget.
>
> What is significant, however . . . Fort Polk is one of the Army's most valuable resources. Here are the facts.
>
> (1) There are 200,000 acres of land at Fort Polk with another 100,000 immediately available from the U.S. Forest Service. This land area duplicates topography found in North Africa, Europe, Latin America, and the Far East. The post itself is one of the most beautiful on which I have ever had the privilege to serve.
>
> (2) The climate affords year-round training.
>
> (3) There are no real estate or industrial developers encroaching upon the reservation or its training area.
>
> (4) Training is cheaper at Fort Polk because (a) fuel costs are low since there are fewer days required to heat the barracks; (b) Fort Polk enjoys one of the best soldier health records of any post in the world (it is the only CONUS post offering basic training that has surpassed two years without a meningitis death); (c) there is no smog, no air or water pollution, and the post has an inexhaustible supply of fresh water for utilization and recreation; (d) there is no requirement for special seasonal clothing as is the case in wet or cold weather climates; (e) food costs are reduced since soldiers who train in warm climates require less caloric intake than soldiers who train in cold weather; (f) construction costs are lower since insulation requirements are depreciated.
>
> (5) Fort Polk is located in a rural area away from the major jet airways, thus providing unrestricted skies.
>
> (6) There have been no dissident or racial problems at Fort Polk and the communities stand solidly behind the military establishment.
>
> These are but a few of the many assets this resource offers. Vacillation on the part of our planners at Department of Army level as to the permanency of the post is in my judgment completely irresponsible and unwarranted.
>
> Every general officer who ever served or visited here, from the present Chief of Staff on down, has praised Fort Polk as an outstanding facility.
>
> LTG Harry H. Critz, the present Fourth Army Commander, has publicly declared it the 'finest training area in the world.' General Richard Irby, who left Fort Polk recently to take command of Fort Knox, unequivocally stated 'Fort Polk is without a doubt the finest training area I have ever known.' Others, such as MG Ellis W. 'Butch' Williamson, MG William B. Fulton, MG Charles M. Mount, and BG Emil P. Eschenberg, have spoken the same sentiments on numerous occasions.
>
> These officers are sincere and honest men. They know whereof they speak. The dilemma is clear: Why must Fort Polk suffer the trauma of yearly threats of closing when men of this calibre praise it so highly? The Army must take cognizance at the highest level of the fact that it has an asset here that far exceeds mere monetary considerations. Unlimited land areas and wholehearted community support are precious items in this day and age and we must not—we cannot—afford to lose them.
>
> The land area and climate of this Louisiana facility could be lost if the post is closed again. The Army faces severe criticism if it turns its back on the post now. Three times Fort Polk has been closed. Should it be closed a fourth time, an Army officer's word will never be trusted again.
>
> Editorials are beginning to appear in the state press. The Army should stop its vacillation of thirty years and award Fort Polk a permanent mission so the American people can take advantage of the unique resource offered by this post.
>
> Possible mission options for Fort Polk are:
>
> (1) Home station for an airmobile or mechanized infantry division, or components thereof.
>
> (2) The conduct of all Basic Combat Training for Infantry.
>
> (3) Permanent home of the U.S. Army Chaplains School (as the only major installation named for a clergyman, Fort Polk is a logical home for such a school.)
>
> (4) Training of foreign national allies, unit size or junior leaders.

Here this officer completes his appraisal with the hope that the Department of the Army will take positive action to save Fort Polk for the Army.

One of the editorials he mentioned appeared in the Shreveport, La., Journal on May 2, 1970, and I think it would add immeasurably to this discussion. The editorial follows:

### FORT POLK'S CONTRIBUTION TO LOUISIANA

The following is an editorial which appeared in the Shreveport Journal May 2.

Although Fort Polk at present enjoys permanent status, its potentials for a permanent installation have not been fully developed. What the fate of the big base will be after most American troops are withdrawn from Vietnam is conjectural, but it is to be hoped that the Defense Department will show better judgment than did the Pentagon when it placed the fort on a stand-by basis at the end of World War II and then ordered it closed in 1954 and again in 1959.

The uncertain status of the fort in years past retarded improvements and old facilities with inadequacies and inconveniences gave the place a bad public image. But since reactivation of the fort in 1961, millions of dollars have gone into modernization. The current value of the installation is approximately $335,000,000. The reservation embraces about 200,000 acres and if a larger area were needed an additional 200,000 acres could be taken from U.S. Forest Service lands. Among the new buildings that have been completed are brigade classrooms, a 1,000-seat theatre, a large post exchange and a bowling alley. Planned construction includes a new post chapel, bachelor officer quarters, 260 housing units, dental clinic and a new club building for noncommissioned officers. Preliminary plans have been drawn for a new hospital.

Military authorities recognize Fort Polk as an ideal place for military training. It offers a diversified terrain, fuel costs are low, there is little pollution of air or water, the water supply is abundant and health conditions are excellent.

Training costs are lower at this fort than at many other posts, because of the mild climate. An adequate, civilian labor force is available for jobs that require trained personnel who aren't in service.

DeRidder, Leesville and other communities in the Fort Polk area have an unblemished record of cooperation with military authorities. Fort Polk men and their families are welcomed in civilian activities. Great outdoor recreation assets are available to military personnel.

More than 770,000 troops or more than one-half of the infantry replacements for the Army's combat forces in Vietnam have been trained at the fort since 1961. During the Korean War 37,000 soldiers received training there and during World War II 8,000,000 men were given training at that installation. The low AWOL rate at Fort Polk is proof of the high morale of men stationed there and evidence of the outstanding character of the whole military organization.

Basic combat training is the primary mission of the post. Secondary missions are advanced individual and combat support training. The present population of the fort includes 6,759 permanently assigned military men, 19,234 trainees, 2,300 civilian employes whose salaries are appropriated by Congress and 869 civilian workers whose pay is not appropriated.

Louisiana's stake in the operation of the post is far greater than the average citizen realizes. Total disbursements at the fort this current fiscal year amount to $139,366,079, including the military payroll of $55,301,179 the civilian payroll of $19,526,400 and military allotments of $30,000,000.

Local expenditures for supplies and equipment, as projected for the present fiscal year, will come to $8,267,958. Expenditures within a 350-mile-radius of the post will be $23,410,042.

According to a study made by military authorities, the monetary impact of the post on the state is as follows: $1,713,300 in the First and Second Congressional Districts; $1,104,800 in the Third Congressional District; $2,406,000 in the Fourth Congressional District which includes Caddo and Bossier parishes; $504,000 in the Fifth Congressional District; $184,600 in the Sixth Congressional District; $4,328,800 in the Seventh Congres-

> sional District; and $39,692,000 in the Eighth Congressional District, where the fort is located. These figures include civilian pay, military pay, contracts, local procurement, non-appropriated fund personnel pay and non-appropriated fund supplies.
>
> Beneficial as the post is to Louisiana economy, the installation is by its very nature a restrictive agent in development of a more diverse economy in the region, because the fort has taken a huge acreage out of agricultural and industrial production. Naturally, when there is uncertainty about the future of the post, private capital is hesitant to invest in new businesses in the area that would depend in large part on a post-dominated economy.
>
> What the fort needs to assure stability is an addition function. Several possibilities have been suggested: the stationing of a new airmobile division; the permanent stationing of an Army Chaplains School; or training of noncommissioned officers from Latin America, Thailand, South Vietnam, Indonesia, Cambodia, Korea or the Philippines. Present facilities are reported to be adequate for such training.
>
> The Army Chaplains School at Fort Hamilton, N.Y., is tentatively scheduled to be transferred to Fort Knox, Ky., within the next four or five years. But, as Fort Polk bears the name of the illustrious Louisiana Episcopal bishop who became a Confederate general, it would be an appropriate place for the Chaplains School.

Mr. Chairman, I urge the Department of Defense and the Department of the Army to keep faith with the people of Louisiana and of the Eighth Congressional District, and with me, by living up to their word and their commitment to us in Louisiana to make Fort Polk a permanent active installation. I urge these departments to release funds already authorized and appropriated for much-needed family housing at Fort Polk. I urge them to fund the dental clinic, for which funds have been authorized and appropriated. And I urge them to keep the commitment made to me by Surgeon General Leonard D. Heaton to build a much-needed new permanent hospital at Fort Polk. We in Louisiana ask only that the Army keep its promises.

Thank you, Mr. Chairman.

Mr. RIVERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. DANIEL).

Mr. DANIEL of Virginia. Mr. Chairman, I rise to express my support of the military construction authorization bill. Under the able guidance of our committee chairman, the distinguished gentleman from South Carolina, this bill has been composed of only the most essential projects required by the military departments. A number of other proposed projects have been deferred when it was determined that they could be reasonably included in a future program. I urge enactment by this body of the measure as it has been reported by your Committee on Armed Services.

As you know, each military department prepares its annual program very carefully. Then, these are combined into a Department of Defense program. The review by the Secretary is critical. It is done by a small but competent staff. They view the professed needs for facilities on the basis of known commitments, available facilities, current and future plans and manpower requirements. The manpower criterion is of vital importance in today's unsettled world. It has only been in recent years that the Navy Department has given precedence to facilities for their manpower equal to those for their ships, aircraft and other weapons systems.

Because of this importance of the Navy and Marine Corps' manpower, I propose to address my remarks to their program for people-oriented facilities included in the bill before us. This distinguished assembly is well aware of the needs for high motivation and morale, and specialized skills by the military personnel of our Defense Department.

The complex and sophisticated force structures, weapons systems and defense measures of this Nation are increasingly costly. Their effective functioning would not be possible without the military personnel. People are the most important part of our operating forces. We spend large sums of money on procurement of modern ships, aircraft and equipment for military officers and enlisted men to operate in the interest of national security. Large sums are also spent to educate and train them in the use and maintenance of complex systems of equipment and weapons. When these people are assigned to duties at shore installations, it is not only desirable, but logical, that they be provided suitable living conditions.

The minimum amenities of civilian life must be provided. These include adequate space and reasonable privacy in sleeping quarters, study and recreational opportunities, and health and medical care. Your Armed Services Committee recognizes the severe and longstanding need to have a standard of living that will allow the services to attract and retain the people who are the very heart of our military capability.

There has been a continued and uneconomical use of outmoded and obsolescent facilities which were constructed many years ago under austere criteria. A large portion of the structures have far outlasted their emergency need. This has resulted in conditions which are simply unacceptable by modern standards. We must face the fact, however, that the continuing austere economic climate, coupled with the overriding necessity to provide urgently needed operational, maintenance and production facilities, permits us to approve only a nominal portion of longstanding facility needs.

During the hearings on this bill, your committee reviewed the Navy and Marine Corps personnel facilities by particular groups. Those which withstood our objective examination we believe to be the bare essentials needed.

The first group considered is for construction of barracks. The Navy and Marine Corps representatives stated their requirement for approximately 459,793 bachelor spaces for enlisted personnel. They reported that they have only 210,454 existing, adequate spaces at their shore bases. They also stated that approximately 14,976 spaces are available at reasonable rental cost in nearby communities. This leaves a deficiency of 243,375 barracks spaces. This bill includes two line items for amended authorization and 19 for new authorization for a total of 21 line items to provide 11,630 barracks spaces, only 4.8 percent of the deficiency. These barracks will be at 19 installations inside the United States, one oversea location, and one classified location. Many of the enlisted personnel are students, others are assigned to exacting tasks during the day or at night. In either case, a quiet, restful environment is essential and will be provided by the new barracks.

The next group considered is for construction of bachelor officers' quarters. The service witnesses testified that 42,169 spaces are needed, but that only 14,790 are available at their shore bases, with an additional 4,832 available for rent in neighboring communities. This leaves a deficiency of 22,547 accommodations for the young officers. This program includes two line items for 276 spaces, only 1.2 percent of the deficiency. One of these line items is located at an activity inside the United States and one will be at an overseas activity. Like the barracks for the enlisted personnel, the proposed spaces will provide proper quarters for the bachelor officers to study and rest.

Another group of personnel support facilities is for construction of four mess halls for enlisted personnel at stateside activities. The dining facilities will accommodate the personnel living in the bachelor quarters plus the relatively few who must use the mess for only the midday meal.

The next group is also for a small number of line items. These are for construction of two commissary stores. One store will be located at the Naval Station, Keflavik, Iceland. This will provide a larger and more conveniently located facility to replace the existing badly deteriorated store which is the only available reasonable source of food supply. Foods in Keflavik stores cost much more than in their American counterparts with the exception of fish, lamb, and dairy products. The stores are small and the relatively few items stocked are primarily European in origin and of a variety designed to satisfy the Iceland style of diet rather than American. This new store will be located nearer the family housing area where it will become part of a planned community center. This consolidation of facilities will greatly benefit dependents by reducing the time they must be exposed to the rather harsh Iceland climate. A second commissary store is proposed for the Naval Station, Charleston, S.C. Replacement of this 27-year-old facility has been justified by structural failure of trusses supporting the roof which forced closing of approximately half of the store. Prior to this occurrence, the store was about 50 percent undersized for current business by existing commissary store standards, which I might add do not permit construction of stores as spaceous as the present-day civilian supermarkets.

Another important group of personnel support facilities provides for the confinement of prisoners at the Marine

Corps base, Camp Lejeune, N.C., and the Marine Corps Development and Education Command, Quantico, Va. Two confinement facilities are proposed, one to alleviate severe overloading, up to 300 percent, and provide confinement space for an alarming number of pending disciplinary cases where no confinement space is now available. The second item proposes a much needed addition to include a workshop, classrooms, laundry, barber shop, and similar facilities necessary to support a proper rehabilitation program and adequate control of prisoner population. These facilities will further enable the Navy to meet its obligation in providing modern, adequate facilities for confinement and rehabilitation which are acceptable under current penology standards and within the Navy's responsibility.

In August of last year Hurricane Camille struck the Naval Construction Battalion Center, Gulfport, Miss. The result was extensive damage and destruction in the surrounding area as well as at the Center. There are two line items in this bill for personnel support facilities at the CB Center which are related to Hurricane Camille destruction. One provides for a theater and visual training facility, the other for an enlisted men's club. Prior to the hurricane, both facilities were accommodated in inadequate structures built during World War II; however, the hurricane damage they sustained makes it no longer possible for their use. As I mentioned before similar facilities existing in the local communities have also been damaged and destroyed. In addition the possibility of utilizing the enlisted club at Keesler Air Force Base is impractical as it is located 13 miles away and is already overcrowded.

This program includes one line item for construction of a chapel and Sunday school. It will provide the proper religious environment for conducting worship services, counseling and instruction at the Naval Amphibious Base, Little Creek, Va. It also includes a line item for a multipurpose building at the Naval Radio Station, Thurso, Scotland. This will provide a single facility to house administrative and dispensary functions currently occupying needed barracks space, an exchange and commissary now taking valuable warehouse space and provide additional areas for a library and conference, training and counseling rooms.

Another personnel support line item in this program is for construction of a gymnasium at the Naval Communication Station, Harold E. Holt, Exmouth, Australia. Indoor recreational and sports activities for personnel and dependents at this station are required because of temperatures ranging between 90° and 120° for 8 months of the year, 15- to 20-knot prevailing winds, blowing sand and fine clay, and large infestations of Australian bush fly. The nearest existing indoor facility to this isolated activity is located 800 miles away at Perth; therefore, it becomes mandatory for the Navy to provide the proper facilities for morale as well as to assure the physical fitness of its first line personnel.

The final group of personnel support facilities considered by your committee is for construction of Navy and Marine Corps medical and dental facilities. In this program there are two line items for amended authorization for construction of hospitals. One is a 600-bed hospital at Camp Pendleton, Calif., adjacent to the Marine Corps base and the second is a 195-bed hospital at Corpus Christi, Tex. Both facilities replace obsolete World War II structures built in 1941 and 1942. Requirements have since changed such that the medical needs of the present eligible active duty, retired, and dependent population cannot be served by the functionally inadequate and deteriorated facilities. The new hospitals will provide modern facilities for inpatient nursing care, outpatient department and the repertory of medical services. There is a third medical facility line item for amended authorization which provides a 5-bed dispensary for the San Onofre area at the Marine Corps base, Camp Pendleton, Calif. This item will provide facilities for replacement of quonset huts now crowded to the point that Marines with respiratory aliments must often wait outside during inclement weather for treatment.

The single dental facility included in this program provides for the construction of a dental clinic at the Marine Corps base, Camp Pendleton, Calif. The operating efficiency of the existing 24-year-old facility and equipment is critical at this major clinic providing treatment for 38,000 officers and men. The use of modern dental techniques, severly curtailed under present conditions of obsolescent equipment, will be made available through construction of the proposed clinic.

Within the constraint of prudence and economy, your Armed Services Committee has developed a well conceived, balanced construction program. I repeat my endorsement of this bill and strongly recommend your support.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Chairman, this is the second of the major authorization bills that the Armed Services Committee presents to the House each year. Earlier we presented the weapons procurement authorization bill.

H.R. 17604 provides the authorization for construction at our military installations both in the United States and overseas.

The legislation provides $1,973,810,000 in construction funds for fiscal year 1971. I think the bill recognizes twin goals:

It provides construction which is absolutely necessary if our Armed Forces are going to retain their capabilities; and, at the same time, it recognizes the persistent call for economy and for reduction of defense expenditures whenever possible—calls that are heard frequently in this Chamber as well as elsewhere in our society.

The chairman of the Armed Services Committee, in his usual competent fashion, has explained the bill in great detail, and I will not take the time of the House to go into the measure extensively. I do not think it is necessary for me to repeat what the chairman has already said.

Let me assure you that the Armed Services Committee, and particularly the Subcommittee on Military Construction, has given extraordinary attention to this legislation. In addition to their attendance at the hearing sessions, the members of the subcommittee spent many, many extra hours studying the justification books and the various other backup material concerning the requested projects.

Almost 600 line items are included in the bill, involving construction at more than 300 military installations.

I think it is fair to say that the committee's approach this year is summed up not by the question, "Is it needed?" but by the question, "Can we possibly do without it?" Is it essential? Can it be deferred?

The reductions the committee made in the bill were not based upon a judgment that the items were not desirable or important. In many cases we were convinced that the items will eventually be necessary. But our judgment was based on the premise that we would defer projects if we possibly could, because of the pressing demands on our Federal budget and because of the extraordinary effort that the Government must make in the coming year if the inflationary trends in our economy are going to be controlled.

There is included in the legislation $325.2 million for construction in support of the Safeguard antiballistic-missile system. This is the minimum construction required as part of the President's program for measured minimal deployment of Safeguard at this time. Amendments may be offered today to delete these funds. Such action would merely create chaos in our defense program.

The Safeguard construction included in this bill is merely that which is required to support the deployment that the House has already extensively debated and approved. You cannot have antiballistic missiles unless you construct facilities from which to launch them. I cannot think of anything that would make the House look more ridiculous than to approve an ABM system and then refuse to approve the construction of the facilities to house the very system we approved.

The legislation contains $25 million to support long-range construction needs in Vietnam. The committee reduced by $15 million the amount requested in this category by the Department of Defense. We may have been too stringent in this regard. But we wanted to assure that construction in Southeast Asia would be limited to that which is absolutely essential. Bear in mind that this proposed construction is necessary for the improvement of the Republic of Vietnam Armed Forces. These forces suffer a severe shortage of adequate training facilities. And bear in mind that improvement of the Republic of Vietnam Armed Forces is crucial to our Vietnamization program and withdrawal of our American boys from Southeast Asia.

Mr. Chairman, this year's legislation is

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only $426,595 more than the authorization recommended last year. At the same time, the amount recommended for Safeguard construction is $312.5 million more than recommended last year. And the amount recommended for family housing is $116,721,000 more than provided for that category last year.

So the total addition for these two categories from what was provided last year is $429,221,000.

Therefore, if the additions for housing and for Safeguard were excluded, the bill would be $2,626,000 less than the authorization we recommended last year. This indicates the care we took in preparing this bill.

Let me also point out that what I am talking about is what our committee recommended last year to the House. The amount finally authorized last year was higher. Thus, when compared with last year's authorization, if the additions for housing and Safeguard are excluded, this year's bill is $82,321,000 less than the authorizations finally approved last year.

When you consider the effect of general price increases, I think you could say that the committee has been, if anything, too stringent in its approach.

As far as the major additions for housing are concerned, I can think of no area where the requirement is more justified, or where we are likely to get a better return for our money. Numerous Members of the House have called for increased pay for members of the Armed Forces, and for an all-volunteer armed force. The call has come from Members on both sides of the aisle.

In line with such objectives, the President has recommended a substantial pay increase for those with under 2 years of service, and has indicated his desire to move to an all-volunteer force as soon as feasible. I can think of nothing more contradictory than to approve a pay increase, and then disapprove the housing expenditures which have, if anything, an even greater impact on career retention. In this regard, I am especially pleased with the bill not only in relation to family housing, but in the steps we have taken to improve the quality of bachelor housing for both officer and enlisted personnel. We are long overdue in making improvements in this area. We have repeatedly shortchanged the single people in our Armed Forces; and we have paid the price by reduced reenlistments among our bachelor personnel.

The bill provides an increase in a unit cost of bachelor housing to $3,200 for enlisted personnel, and $11,000 for officers. And in the case of barracks, it provides an increase in space allowance and other facilities. Most of the barracks projected in the bill are for the lowest enlisted personnel in the grades of E-4 and below, and would provide 90 square feet in area per man, as compared with the present standard of 72 square feet per man.

Mr. Chairman, there are many other things I could say about this legislation, but I will not take the time of the House to do so now. The committee report fully spells out the various programs approved, and we are prepared to answer any questions that the Members may have.

I know that there are Members who feel that there are justifiable programs in their districts which deserve to be financed. I can only say that, looking at one project alone, I would probably agree with them. But we are obliged to evaluate each project on its merits relative to other proposed projects. This bill is limited to what we deem essential. We look upon a stable economy as the second line of defense.

I hope that the Members of the House will support the bill in that spirit.

Mr. BRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. SCOTT).

(Mr. SCOTT asked and was given permission to revise and extend his remarks.)

Mr. SCOTT. Mr. Chairman, I rise in support of this measure not only generally but specifically with regard to a $2.2 million item at Fort Belvoir in my district.

This item will be for sewage facilities at Fort Belvoir and will permit pipelines to be run from the present Fort Belvoir plants, which only provide secondary treatment of sewage, to a new facility being constructed in Fairfax County at the Pohick Sewage Treatment Plant.

These new facilities at the Pohick plant will provide for tertiary treatment of this sewage, which I am advised is 98 percent effective, well above the 96 percent currently given as a standard for effluent discharge into the Potomac and well above the approximately 80 percent presently provided by secondary treatment. This worthwhile project will go a long way toward reducing pollution in the Potomac and practically eliminate such pollution insofar as Fort Belvoir is concerned.

I appreciate the committee including this item and urge passage of the bill.

Mr. BRAY. Mr. Chairman, I have no further requests for time.

Mr. RIVERS. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. STRATTON).

Mr. STRATTON. Mr. Chairman, I rise in support of this legislation, and would like to point out particularly that it contains construction funds for enlarging the research facilities at the Watervliet Arsenal in Albany County, N.Y. I think this is an especially significant item in view of the cutbacks that have recently taken place at the Watervliet. Obviously the construction of these new facilities will not only increase our ordnance capability in the high-grade weapons turned out at this great arsenal, but it is another indication that Congress does not intend this great facility in New York State to be eliminated or further reduced.

I am proud, as one member of the committee, to have been able to persuade the committee to leave these funds in the bill, and I am hopeful they will also be approved by the Appropriations Committee.

Mr. HAGAN. Mr. Chairman, I would like to speak briefly in support of two vital medical projects in the military construction bill—the new hospital at Fort Gordon, Ga., and the project to relocate services and expand utilities in preparation for the replacement of Walter Reed General Hospital.

The Fort Gordon hospital is urgently required as a replacement for the existing substandard, crowded, obsolete hospital plant. The existing facilities, which were erected in 1942, are of World War II mobilization design, comprising 138 separate wooden buildings dispersed over an 85-acre site.

The existing plant becomes increasingly inadequate as the utility systems and electrical distribution lines become more and more obsolete.

The aging wooden structures require greater maintenance each year; are fire, safety, and sanitation hazards; and fail to provide facilities satisfactory to the needs of a specialized treatment center.

They do not contain adequate space for radiology, clinical laboratory, intensive care, or examination and treatment rooms.

It becomes necessary to improvise facilities, resulting in inefficient operations.

Dispersion of facilities interconnected by miles of wooden corridors causes highly uneconomical operations and wastes much staff time on travel between scattered elements.

These distances consume many staff and maintenance dollars and are aggravated by a lack of modern communications and labor-saving equipment.

The new facilities will meet long-range requirements for the Fort Gordon area and meet the specialized treatment requirements for the southeastern part of the United States.

The Walter Reed project is required to permit orderly execution of construction planned for a new Walter Reed General Hospital. The existing hospital, one of the foremost medical centers in the world, is the primary Army professional teaching hospital. It is presently housed in structures some of which are 60 years old.

Despite constant, costly maintenance the utilities and buildings meet only minimal acceptable levels of safety.

Due to the age and inflexibility of the existing structures, the use of advanced medical technological procedures is frequently hampered.

In order for the hospital to continue patient care and professional training programs, and provide the necessary regional medical support to northeastern United States, some functions and services must be relocated prior to construction of the new hospital at its proposed site.

Additions to and rehabilitation or modification of buildings are required to accommodate the services to be relocated.

Utilities within the construction site require relocation, and additional connections are necessary to support continuing operations during the construction phase.

Portions of these utilities will support the new hospital when it becomes operational.

Walter Reed General Hospital is the largest of the Army's seven specialized treatment hospitals.

In addition to serving the Army medical requirements in the Washington area,

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special services are rendered to the Office of the President, the State Department, and other designees of the Secretary of the Army. Walter Reed General Hospital is the focal point for worldwide referral of military patients with complex and demanding medical problems.

These problems require the utmost in modern scientific equipment, professional talent, and health administration.

Space requirements for efficient accomplishment of this mission are presently critical.

The dispersion, congestion and structural inadequacies present today are impediments to maintaining or improving the quality and proficiency of medical care.

In order that Walter Reed General Hospital continue in the forefront of medical progress in the United States, a new physical plant is a most urgent requirement.

Completion of this project is essential to clear and prepare the site in sufficient time to allow construction of the new hospital to begin in the subsequent fiscal year.

These two hospital projects are necessary for the orderly replacement of obsolete and antiquated medical facilities.

For this reason I strongly urge the approval of these two projects included in the military construction bill presently before the Congress.

Mr. POFF. Mr. Chairman, two urgently needed pollution control projects for Radford Arsenal are included in the legislation under debate. Briefly described, they are the following:

First, $1,549,000 for an electrostatic precipitator to be installed near the powerhouse at Radford Arsenal and a new concrete stack 300 feet in height to handle the smoke presently insufficiently handled by five smaller stacks. The present mechanical cyclone separators associated with the five stacks remove 75 percent of the smoke components, but the 25 percent released into the atmosphere is in excess of Federal standards and is detrimental to the health of employees and local residents; and second, $784,000 for construction of water pollution abatement facilities. Work will include construction of a 40,000 gallons per day sanitary sewage treatment plant to serve the cast propellant area; construction of a waste acid facility including storage house, settling basin, and neutralization pits; replacement of components and reactivation of ash removal system; construction of sewage systems for 11 separate areas.

On behalf of the people of the community surrounding Radford Arsenal, including sportsmen and others who have occasion to use the waters of New River which flows through the Federal reservation, I want to thank the chairman and members of the committee and subcommittee for recognizing and acting upon these two problems. Radford Arsenal is an important industrial citizen of this area of Virginia, and the military personnel and civilian contractor are to be complimented upon their decision to cooperate in this effort to improve the environment.

Mr. COHELAN. Mr. Chairman, I rise in opposition to the military construction authorization.

I am opposed to this bill because it authorizes more money for the Safeguard ABM system. We have been over this territory over and over again. Ever since I voted against the Nike X, an earlier version of ABM in 1966, I have not been convinced that available technology could produce an operational ABM. All my information leads me to conclude that the new Safeguard system will not work. To compound the disastrous initial decision to deployment of the Safeguard ABM, we are now asked to go ahead with further deployment at a time when the entire system has not been tested.

Within the committee report, there is specified that Safeguard construction funds can be used for "advance preparation for five additional sites" beyond phase I and II requested by the administration. This is unconscionable.

Nothing has changed since I voted against the ABM on the military procurement bill in early May. During that debate I stated my objections:

> The official justification of an ABM system is confounded by the strategic objectives of the ABM. In 1968 we were to build an ABM against the Chinese threat, in 1969 it was the Soviet Union, and now in 1970 it is the threat from the Chinese again. What is more discerning is that Secretary Laird himself predicts that if the USSR continues in their present pace in ICBM production and development, by 1975, the year of the operational Safeguard, the Safeguard ABM could not provide adequate protection for our Minutemen missiles. I am further disturbed because the assumptions of a future Chinese nuclear ICBM capability is predicated upon the belief that the Chinese could not develop ICBM's with enough decoys that could exhaust our ABM missile contingent. If the Chinese get this capability to have the ICBM's and the decoys, they could exhaust our ABM system.
>
> There are questions that I have raised in the past in regard to the ABM and I have yet to receive satisfactory answers to them.
>
> Even if the ABM system should work—a big "if"—will not the result pollution of an interdicted Soviet first strike against our Minutemen missiles result in widespread death and pollution within the United States because of nuclear fallout?
>
> What will be the final cost of the ABM? Safeguard was to cost only $10 billion in 1969, and now the projected cost for the same Safeguard system is $12 billion.
>
> Are the Safeguard radars, MSR, invulnerable to attack or sabotage? If they are not, would this then incapacitate the entire ABM system?

Mr. Chairman, nothing has changed. I am voting against this bill because Safeguard ABM is a nonworking, extravagant Maginot line.

Mr. SCHEUER. Mr. Chairman, I oppose the military construction authorization for fiscal year 1971. In a year when the budget is tight, when labor, health, and education programs are woefully underfinanced, when the key criteria for funding programs are supposedly "cost-effectiveness" and "performance," and, most of all, when the need for reordering our national priorities is more urgent than ever, I find it impossible to vote for such desirable but deferrable facilities as theaters, expensive commissary quarters, and men's clubs for the military.

Some glaring specific shortcomings have also induced me to object to this legislation. The Safeguard missile program, I am convinced, is ineptly planned, unnecessary, and counterproductive as it is a dangerous provocation in our international relations. If we grant the $325.2 million this bill requests, these funds will simply disappear into the insatiable maw of the omnivorous military industrial complex which has been so unreliable, and what is worse, unaccountable in the past decade.

The CHAIRMAN. There being no further requests for time, pursuant to the rule, the Clerk will now read the bill by title.

The Clerk read as follows:

### H.R. 17604

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction.

#### INSIDE THE UNITED STATES

#### UNITED STATES CONTINENTAL ARMY COMMAND

(First Army)

Fort Belvoir, Virginia, $2,200,000.

Carlisle Barracks, Pennsylvania, $503,000.

Fort Dix, New Jersey, $11,671,000.

Fort Eustis, Virginia, $260,000.

Fort Hamilton, New York $575,000.

Fort Lee, Virginia, $98,000.

Fort George G. Meade, Maryland, $257,000.

(Third Army)

Fort Benning, Georgia, $2,855,000.

Fort Campbell, Kentucky, $497,000.

Fort Gordon, Georgia, $31,447,000.

Fort Jackson, South Carolina, $506,000.

Fort Rucker, Alabama, $1,435,000.

Fort Stewart, Georgia, $1,534,000.

(Fourth Army)

Fort Sam Houston, Texas, $15,496,000.

Fort Sill, Oklahoma, $581,000.

(Fifth Army)

Fort Carson, Colorado, $623,000.

Fort Benjamin Harrison, Indiana, $523,000.

Fort Riley, Kansas, $7,515,000.

Fort Leonard Wood, Missouri, $1,946,000.

(Sixth Army)

Hunter-Liggett Military Reservation, California, $2,915,000.

Fort Lewis, Washington, $1,567,000.

Presidio of Monterey, California, $2,635,000.

Fort Ord, California, $3,497,000.

Presidio of San Francisco, California, $7,004,000.

(Military District of Washington)

Fort Myer, Virginia, $525,000.

#### UNITED STATES ARMY MATERIEL COMMAND

Aeronautical Maintenance Center, Texas, $3,738,000.

Alabama Army Ammunition Plant, Alabama, $117,000.

Anniston Army Depot, Alabama, $915,000.

Atlanta Army Depot, Georgia, $117,000.

Badger Army Ammunition Plant, Wisconsin, $1,604,000.

Burlington Army Ammunition Plant, New Jersey, $384,000.

Charleston Army Depot, South Carolina, $67,000.

Cornhusker Army Ammunition Plant, Nebraska, $650,000.

Harry Diamond Laboratory, Maryland, $14,020,000.

Edgewood Arsenal, Maryland, $990,000.

Iowa Army Ammunition Plant, Iowa, $300,000.

Letterkenny Army Depot, Pennsylvania, $410,000.

Fort Monmouth, New Jersey, $2,757,000.

New Cumberland Army Depot, Pennsylvania, $99,000.

Picatinny Arsenal, New Jersey, $752,000.

Radford Arsenal, Virginia, $2,333,000.

Ridgewood Army Weapons Plant, Ohio, $120,000.

Rock Island Arsenal, Illinois, $2,750,000.

Sierra Army Depot, California, $369,000.

Tobyhanna Army Depot, Pennsylvania, $115,000.

Tooele Army Depot, Utah, $249,000.

Watervliet Arsenal, New York, $1,362,000.

White Sands Missile Range, New Mexico, $2,261,000.

Yuma Proving Ground, Arizona, $1,798,000.

### UNITED STATES ARMY STRATEGIC COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $2,383,000.

Fort Ritchie, Maryland, $876,000.

### UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $8,519,000.

### ARMY MEDICAL DEPARTMENT

Walter Reed Army Medical Center, District of Columbia, $10,216,000.

### MILITARY TRAFFIC MANAGEMENT AND TERMINAL SERVICE

Military Ocean Terminal, Bayonne, New Jersey, $3,440,000.

Oakland Army Base, California, $1,458,000.

### SAFEGUARD SYSTEMS COMMAND

Safeguard, $322,000,000.

### UNITED STATES ARMY, HAWAII

Schofield Barracks, $2,955,000.

## OUTSIDE THE UNITED STATES

### UNITED STATES ARMY, PACIFIC

Korea, Various Locations, $6,190,000.

Vietnam, Various Locations, $25,000,000.

### SAFEGUARD SYSTEMS COMMAND

Kwajalein Missile Range, $3,760,000.

### UNITED STATES ARMY SECURITY AGENCY

Various Locations, $2,476,000.

### UNITED STATES ARMY, EUROPE

Germany, Various Locations, $4,852,000.

Various Locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $50,000,000: *Provided*, That, within thirty days after the end of each quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

SEC. 102. The Secretary of the Army may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $2,000,000

SEC. 103. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with constructions made necessary by changes in Army missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Army, or his designee, shall notify the Committee on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 104. Within the amounts of the authorizations for military construction for Safeguard, the Secretary of the Army or his designee is authorized to provide for, under such terms and conditions as he may determine, two hundred and twenty-five units of temporary family housing for occupancy on a rental basis by military and civilian personnel of the Department of Defense and their dependents at each Safeguard site in connection with any military construction and installation and checkout of system equipment which is or may hereafter be authorized at a Safeguard site: *Provided*, That the Secretary of the Army or his designee determines that such temporary housing is necessary in order to perform the construction and installation and checkout of system equipment, and that temporary housing is not otherwise available under reasonable terms and conditions.

SEC. 105. (a) Public Law 88–174, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Aberdeen Proving Ground, Maryland", strike out "$4,065,000" and insert in place thereof "$4,326,000".

(b) Public Law 88–174, as amended, is amended by striking out in clause (1) of section 602 "$155,919,000" and "$200,788,000" and inserting in place thereof "$156,180,000" and "$201,049,000", respectively.

SEC. 106. (a) Public Law 88–390, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101, as follows:

With respect to "Edgewood Arsenal, Maryland," strike out "$6,843,000" and insert in place thereof "$7,405,000."

(b) Public Law 88–390, as amended, is amended by striking out in clause (1) of section 602 "$256,536,000" and "$307,597,000" and inserting in place thereof "$257,098,000" and "$308,159,000", respectively.

SEC. 107. (a) Public Law 89–188, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

(1) With respect to "Aberdeen Proving Ground, Maryland", strike out "$3,419,000" and insert in place thereof "$3,874,000".

(2) With respect to "Rock Island Arsenal, Illinois", strike out "826,000" and insert in place thereof "$835,000".

(b) Public Law 89–188, as amended, is amended by striking out in clause (1) of section 602 "$261,135,000" and "$317,996,000" and inserting in place thereof "$261,599,000" and "$318,460,000" respectively.

SEC. 108. (a) Public Law 89–568, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

With respect to "Fort Jackson, South Carolina", strike out "$5,565,000" and insert in place thereof "$5,928,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (1) of section 602 "$59,352,000" and "$134,067,000" and inserting in place thereof "$59,715,000" and "$134,430,000", respectively.

SEC. 109. (a) Public Law 90–110, as amended, is amended under the heading "INSIDE THE UNITED STATES", in section 101, as follows:

"With respect to United States Military Academy, West Point, New York", strike out "$15,495,000" and insert in place thereof "$18,077,000".

(b) Public Law 90–110, as amended, is amended by striking out in clause (1) of section 802 "$284,625,000" and "$388,018,000", and inserting in place "$287,207,000" and "$390,600,000", respectively.

SEC. 110. (a) Public Law 90–408, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101, as follows:

(1) With respect to "Fort Benjamin Harrison, Indiana," strike out "$4,590,000" and insert in place thereof "$7,200,000".

(2) With respect to "Pine Bluff Arsenal, Arkansas", strike out "$169,000" and insert in place thereof "$253,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (1) of Section 802 "$363,805,000" and "$450,957,000" and inserting in place thereof "$366,499,000" and "$453,651,000", respectively.

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

### AMENDMENT OFFERED BY MR. PIKE

Mr. PIKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PIKE: On page 5, strike lines 2 and 3, which read:

"SAFEGUARD SYSTEMS COMMAND

"Safeguard, $322,000,000."

Mr. PIKE. Mr. Chairman, when I showed this amendment to one of the members of the committee, one of my good friends, he said, "What again?"

And the answer is, "Yes, again," because there is not going to be any end ever to spending money on the Safeguard ABM system.

First, it will not work.

To hear some of our colleagues talk during the procurement debate, you might get the impression that ABM's have been knocking off target warheads right and left over the test ranges. In fact, no Safeguard ABM has even been fired at a target. When we talk about a "successful test," all we are saying is the thing got off the pad and went in the general direction we wanted it to go without blowing up first.

But this is a minor point; I do not doubt that Safeguard will eventually be able to work in a test situation. But this is an entirely different thing from a combat situation.

To begin with, the entire system is dependent on 12 missile site radars. These radars have a blast resistance of 25 to 30 pounds per square inch, which is about the same as a human being has. Let me repeat that: A blast strong enough to kill you will also kill a missile site radar.

If the Russians wanted to, they could probably have a saboteur knock out the radar with a satchel charge or bazooka.

XUM

Or they could target their first ICBM's against the radars. Probably they will do both. And once they have knocked out the radars, the whole system is useless.

The new small radars will improve this situation, but not enough.

So by spending a few hundred million on antiradar measures, the Russians will be able to neutralize our entire Safeguard investment of more than $12 billion. And we should be in no doubt that the Soviets will take these steps; they are not going to watch us build Safeguard while they sit by and do nothing.

What we have here is the most ineffective and cost-ineffective weapons system in history.

Second, we do not need it.

One mission of Safeguard is to protect an additional 225 Minuteman ICBM's; $12 billion to protect 225 missiles comes to more than $53 million per missile. For the $12 billion we could double the size of our ICBM force, or we could nearly double the size of our Polaris-Poseidon force.

And what is going to protect us from a Chinese, Russian, or any other attack using means other than missiles? What is to prevent them from making a hundred-megaton bomb—or a thousand-megaton bomb—putting it in the hold of a freighter with a neutral flag, or maybe a submarine, and detonating it off our coast? This would kill millions of people by tidal wave and fallout. For that matter, what is to stop them from sailing one of these ships right into New York Harbor? These big bombs are easy and cheap to make if you do not care about size and weight. One of these ships could be sailing into New York Harbor this very minute, and what could we do about it? How would Safeguard help us?

XUM

Let us face reality: Our only defense against China is our deterrent. They know they can take out a few of our cities, but they also know that, if they do, we will retaliate by wiping their country off the map. The Chinese talk nasty, but they are not stupid enough to commit national suicide.

Third, the cost of missile defense is literally infinite.

It is hard to imagine this today, but only 4 years ago, in the fiscal 1967 bill, we were talking about buying the Sentinel ABM for less than $4 billion. Today we are up to $12 billion and still climbing like a Saturn rocket. The fact is, the ABM will never be finished. Every time we expand or augment our defense, the Soviets will expand their offense to match, and at much less cost, and we will have to expand the ABM again. So let us not talk about the final cost of Safeguard being $12 billion, or $24 billion, or $120 billion. It has no finite cost. As long as this project is alive, we will have three choices:

We can continue to put money into it; we can keep expanding it forever.

We can stop expanding it at some point, knowing we have an inadequate system and having wasted billions.

Or we can scrap the whole idea and turn the money to cost-effective military programs to constructive civilian programs.

Gentleman, our two basic responsibilities are to protect our society from outside aggression and, even more important, to keep that society worth protecting. Both considerations demand that we abandon this unwise, infinitely expensive and unworkable ABM.

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 17604, the military construction authorization bill for fiscal 1971, with one important exception. I intend to support the amendment offered to delete construction funds, in the amount of $325 million, for Safeguard, or anti-ballistic-missile sites.

Last year, Congress carefully scrutinized requested military outlays for the first time in nearly a decade, thus ending the era when any military request was automatically approved, almost without review. I think this is healthy, and that it has had beneficial effect. I am particularly pleased with what the Secretary of Defense, our former colleague, Mr. Laird, has been able to do in paring down the initial budget requests for military items.

The cutbacks Secretary Laird has announced indicate that some very careful reviewing and questioning of the need for several categories of military expenditures is beginning to take place in the Pentagon. I am hopeful that this trend will continue to progress, and progress faster, to a point where our domestic and military budget priorities are in better balance.

I support this bill, in general, because I feel it is irresponsible to assume a one-sided view of the priorities question, as between defense and domestic needs. There is no question that the position we have in the world demands a strong, a modern and responsive military.

There are many items in this military construction authorization bill which will contribute to insuring that our defense structure stays modern and responsive.

There is one item of expenditure, however, and a substantial one, which I believe should not be authorized at this time. I refer to the $325 million item for construction of ABM sites.

I have consistently supported expenditures for research and development of antimissile defense systems, including the antiballistic missile. I have just as consistently opposed any spending for deployment of such a weapon until there is more certainty that it will serve a viable defense purpose.

There have been several thoughtful and well-founded questions raised about the workability of the Safeguard system as it is presently offered, and there have been even further questions raised about the possible obsolescence of the system if and when it becomes operational.

Little has been offered by the advocates of ABM deployment to show its applicability or effectiveness against multiwarhead Soviet missiles currently being tested. Nor has the system been justified solely on the basis of its necessity as a defense against any future Red Chinese ICBM threat. Further, we are told by the Defense Department that the U.S. MIRV system, applied to both land and submarine based ICBM's is such an advanced offensive system, that it serves as a deterrent defense.

With all of these open questions, the SALT talks are now in progress. They could, and hopefully, with good-faith bargaining on both sides, they will change the whole perspective of the need for and development of new strategic offensive and defensive weapons.

Thus, I cannot at this time support over a quarter billion dollars for Safeguard deployment. I would continue to support research and development funds until the crucial questions I have cited above are sufficiently answered.

Mr. EVANS of Colorado. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take the 5 minutes. This has been studied year after year. I think the decision has been made by the House and Senate in spite of the position of the gentleman from New York and others who have argued against the deployment of this weapon.

I still find myself convinced by the logic of the arguments of the gentleman from New York (Mr. PIKE). I think his statement today is an excellent summary of why again we should not go to the expenditure of these funds for deployment of a system I do not think will add to the safety of the United States.

Mr. CLANCY. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in announcing his decision to proceed with a ballistic missile defense system last year, President Nixon referred to a Safeguard program to be developed in a phased, orderly manner toward certain modified defense objectives. He also stated that the program would "be reviewed annually from the point of view of technical developments, the threat, and the diplomatic context including any talks on arms limitation." Additionally, he promised last year that each phase of the deployment, as the program moves forward, "will be reviewed to insure that we are doing as much as necessary, but not more than that required by the threat existing at that time."

The commitment was made and, as the Secretary of Defense stated when presenting the Defense budget to the Congress on March 2, 1970, in accordance with it, "information was developed on various alternative courses for consideration, and a thorough review was accomplished."

A measured and orderly deployment of Safeguard, taking only those steps necessary to preserve the ability to meet the threat as it evolves, is the most prudent and the most economical course of action that can be pursued.

In other words, it is the intent of the Department of Defense in compliance with the commitment of a yearly review, to recommend as it has this year, a move forward with Safeguard a step at a time after careful analysis of the current situation. Each subsequent step—or phase—will be calculated to combine with the former in such a way so that one supports the other in a logical, timely manner.

In support of this concept, the Department of Defense submitted in its defense budget for fiscal year 1971 a Safeguard request which your committee considers to be well within the bounds of the minimum funds necessary to carry on the program through modified phase

II. A failure to provide authorization now for a third site will result in delays which we can ill afford for our own protection. The authorization requested which provide basically for continued work on construction of the two phase I sites, construction for one additional site, construction in support of R. & D. at Kwajalein Missile Range, and advance preparation at five other sites have been carefully scrutinized. There is no extra fat on the bones. This is all muscle and necessary muscle, if we are to support the Administration in providing this much needed tool of protection which, in the long run, will help control escalation in the arms race.

One important point, which is worth mentioning here, concerns the administration's intended phasing of Safeguard. Considerable discussion concerning Safeguard R. & D. activity extended into phase I took place last year during testimony presented to the Congress. On May 13, 1969, Secretary Packard in explaining the need to deploy phase I sites, stressed the verification of the system as a whole. He said:

> I want to emphasize that one of the reasons why we think it is important to do this is so that we can put the complete set of equipment together, do the shakedown work, get the computer programming checked out, and do all of those things which cannot be done in the laboratory and have to be done on an actual operational installation.

In further amplification of the need for phase I as an extension of research and development, Dr. Foster, on May 13, 1969, stated:

> A great deal will be learned in extension of the R&D tests at Kwajalein and other test sites as the tactical system is deployed in Phase I. Because we will not rely alone on the R&D testing to establish the performance level of the system, the Phase I deployment will be exercised and tested continuously to realistically assess the performance of all major systems functioning as an entity.

He went on to explain the various tests to be conducted and ended this thought on these points with:

> Thus, in Phase I, we will extend the testing begun in the R&D program and be able to give greater attention to operational factors and the performance of men in the Safeguard system.

However, it must be noted that the administration did not say, nor was it intended, that each phase be separate or that one be completed prior to the beginning of the next. The plain fact is that the opposite is true. Of necessity, in the development and deployment of a complex system such as Safeguard, planning must be far-reaching in scope. Decisions must be made and congressional authorization and appropriated funds must be available and construction completed in sufficient time to preclude gaps from forming in the program of deployment which could cost unnecessary loss of time and money. I urge that the amendment be defeated.

Mr. RIVERS. Mr. Chairman, I wonder if we can arrive at some agreement on time for this amendment?

The CHAIRMAN. The Chair was about to put the question on the amendment.

Mr. RIVERS. First, Mr. Chairman, I rise to oppose the amendment.

The CHAIRMAN. The gentleman from South Carolina is recognized for 5 minutes.

Mr. RIVERS. Mr. Chairman, I want the Members to know that this amendment offered by the distinguished gentleman from New York would knock out phases I and II.

The scientists who are working on this system tell us it is going to work. I do not know who better to ask. So if Members want to kill the whole business, when Russia has its own ABM system, and we have nothing at all, they can vote for this amendment.

We have already authorized this ABM. This implements it and puts it into place. It authorizes construction at the new base in Missouri and at the Grand Forks, N. Dak., and Malmstrom, Mont., sites. We have already debated this. But this amendment would stop the whole business, phases 1 and 2.

Mr. Chairman, I oppose the amendment.

Mr. VANIK. Mr. Chairman, I want to rise in support of this amendment to strike $322 million from this authorization bill which would be spent on the ABM installation.

Grave doubt remains as to the effectiveness and need for this program.

With reports coming from the Bureau of the Budget on the grave condition of our economy, we can no longer tolerate any questionable expenditures which may prove wasteful.

The only way I can effectively protest this spending policy is to vote against this measure.

Mr. FRIEDEL. Mr. Chairman, I wholeheartedly support the amendment offered by my friend and colleague from California. This is, of course, consistent with my position against the deployment of new weapon systems until some new diplomatic incentives on arms reduction are undertaken by the Administration.

Moreover in my mind, the expenditure of $325.2 million for more unproductive military hardware of this kind is a further gross distortion of our national priorities. While the administration is cutting funds for vitally essential and necessary programs, such as medical school training and research and needed educational programs in our cities, we are being asked to support expenditures of this kind. This is plainly crazy. There is simply no other way to describe it.

Mr. Chairman, at this time in the country with the unwarranted and tragic events that have occurred recently at Kent State, Augusta, Ga., and Jackson, Miss. in mind, all of us in this House must simply rededicate ourselves to putting human needs first. I submit we must simply start to eliminate this kind of military expenditure which is leading the country down the wrong road. I shall vote for the Leggett amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PIKE).

The question was taken; and on a division (demanded by Mr. PIKE) there were—ayes 11, noes 42.

Mr. NEDZI. Mr. Chairman, on that I demand tellers, and pending that, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

Fifty-six Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 129]

Abbitt
Adair
Addabbo
Anderson, Tenn.
Ashley
Ayres
Baring
Bingham
Brown, Calif.
Brown, Mich.
Brown, Ohio
Bush
Byrne, Pa.
Celler
Chisholm
Clark
Clay
Cohelan
Colmer
Davis, Ga.
Dawson
de la Garza
Denney
Dent
Dickinson
Diggs
Dwyer
Edwards, Calif.
Flynt
Fraser
Gibbons
Green, Oreg.
Gubser
Hansen, Wash.
Hays
Jacobs
Jones, Ala.
Kee
Keith
Kirwan
Kuykendall
McCarthy
McMillan
Miller, Calif.
Moorhead
Morse
Morton
Murphy, N.Y.
Nix
Ottinger
Pepper
Pollock
Powell
Price, Tex.
Railsback
Reid, N.Y.
Reifel
Roberts
Rogers, Colo.
Roudebush
Scheuer
Schneebeli
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Stokes
Stubblefield
Stuckey
Teague, Tex.
Tunney

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. STEED, chairman of the Committee on the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17604, and find itself without a quorum, he had directed the roll to be called, when 359 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of order of no quorum was made there was pending a demand for tellers on the amendment offered by the gentleman from New York (Mr. PIKE).

Tellers were ordered.

### PARLIAMENTARY INQUIRY

Mr. RIVERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RIVERS. A vote of "aye" on this amendment is to kill the ABM and a vote of "no" is to maintain the strength of our defenses.

Mr. ARENDS. Mr. Chairman, I ask unanimous consent that the amendment be reread for the benefit of the House.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk reread the amendment.

The CHAIRMAN. The Chair appoints as tellers the gentleman from New York (Mr. PIKE) and the gentleman from South Carolina (Mr. RIVERS).

The Committee again divided, and the tellers reported that there were—ayes, 76, noes 146.

So the amendment was rejected.

The CHAIRMAN. Are there any more amendments to title I of the bill?

### AMENDMENT OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

XUM

Amendment offered by Mr. Rivers: Page 2, after line 8, insert: "Fort Knox, Kentucky, $8,249,000.".

Mr. RIVERS. Mr. Chairman, this amendment is offered to cure an error which was made through an omission in the final draft of the subcommittee bill to the committee bill. That is all it is. It is to insert "Fort Knox, Kentucky", and it cures an omission made through an error in the final draft of the bill. That is all that the amendment does.

Mr. NATCHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank my friend, Mr. Rivers, the distinguished chairman of the Committee on Armed Services, for yielding to me at this time.

The amendment just offered to the bill, H.R. 17604, which provides the sum of $8,249,000 for Fort Knox, Ky., should be adopted. The projects involved are important projects not only to Fort Knox but to our country generally. They are essential and necessary at this time.

Mr. Chairman, I urge adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. Rivers).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

### TITLE II

Sec. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

#### INSIDE THE UNITED STATES

##### FIRST NAVAL DISTRICT

Naval Shipyard, Portsmouth, New Hampshire, $5,685,000.

Naval Station, Newport, Rhode Island, $2,409,000.

Navy Public Works Center, Newport, Rhode Island, $644,000.

Naval War College, Newport, Rhode Island, $4,390,000.

##### THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $6,652,000.

##### FOURTH NAVAL DISTRICT

Navy Ships Parts Control Center, Mechanicsburg, Pennsylvania, $697,000.

Naval Station, Philadelphia, Pennsylvania, $4,342,000.

Navy Aviation Supply Office, Philadelphia, Pennsylvania, $790,000.

Naval Publications and Forms Center, Philadelphia, Pennsylvania, $250,000.

##### NAVAL DISTRICT, WASHINGTON

Bolling/Anacostia, Washington, District of Columbia, $16,200,000.

Naval Air Facility, Washington, District of Columbia, $57,000.

Naval Research Laboratory, Washington, District of Columbia, $2,628,000.

Naval Station, Washington, District of Columbia, $573,000.

Naval Academy, Annapolis, Maryland, $10,000,000.

Naval Ordnance Station, Indian Head, Maryland, $692,000.

Naval Weapons Laboratory, Dahlgren, Virginia, $530,000.

##### FIFTH NAVAL DISTRICT

Naval Amphibious Base, Little Creek, Virginia, $4,408,000.

Naval Station, Norfolk, Virginia, $1,120,000.

Naval Air Rework Facility, Norfolk, Virginia, $2,070,000.

Naval Shipyard, Norfolk, Virginia, $5,216,000.

Naval Supply Center, Norfolk, Virginia, $55,000.

Naval Air Station, Oceana, Virginia, $1,886,000.

Naval Weapons Station, Yorktown, Virginia, $1,221,000.

##### SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $470,000.

Naval Air Rework Facility, Jacksonville, Florida, $3,869,000.

Naval Station, Mayport, Florida, $519,000.

Naval Training Device Center, Orlando, Florida, $1,665,000.

Naval Air Station, Pensacola, Florida, $8,444,000.

Naval Air Station, Saufley Field, Florida, $457,000.

Naval Air Station, Meridian, Mississippi, $2,782,000.

Naval Construction Battalion Center, Gulfport, Mississippi, $1,721,000.

Naval Shipyard, Charleston, South Carolina, $6,884,000.

Naval Station, Charleston, South Carolina, $2,448,000.

Naval Weapons Station, Charleston, South Carolina, $5,180,000.

##### EIGHTH NAVAL DISTRICT

Naval Air Station, Corpus Christi, Texas, $2,957,000.

Naval Inactive Ship Maintenance Facility, Orange, Texas, $146,000.

##### NINTH NAVAL DISTRICT

Navy Public Works Center, Great Lakes, Illinois, $12,525,000.

Naval Training Center, Great Lakes, Illinois, $3,537,000.

Naval Hospital Corps School, Great Lakes, Illinois, $2,992,000.

##### ELEVENTH NAVAL DISTRICT

Naval Observatory Flagstaff Station, Flagstaff, Arizona, $286,000.

Naval Weapons Center, China Lake, California, $1,805,000.

Naval Dental Clinic, Long Beach, California, $1,163,000.

Naval Shipyard, Long Beach, California, $8,371,000.

Pacific Missile Range, Point Mugu, California, $2,929,000.

Naval Construction Battalion Center, Port Hueneme, California, $3,225,000.

Naval Weapons Station, Seal Beach, California, $405,000.

Naval Air Station, Miramar, California, $3,100,000.

Naval Air Station, North Island, San Diego, California, $1,122,000.

Naval Station, San Diego, California, $1,909,000.

##### TWELFTH NAVAL DISTRICT

Naval Air Station, Lemoore, California, $3,973,000.

Naval Air Station, Alameda, California, $3,023,000.

Naval Weapons Station, Concord, California, $455,000.

Naval Air Station, Moffett Field, California, $48,000.

Naval Supply Center, Oakland, California, $195,000.

Naval Shipyard, Hunters Point, San Francisco, California, $5,058,000.

Naval Shipyard, Mare Island, Vallejo, California, $4,246,000.

Naval Auxiliary Air Station, Fallon, Nevada, $2,222,000.

##### THIRTEENTH NAVAL DISTRICT

Naval Ammunition Depot, Bangor, Washington, $70,000.

Naval Radio Station T, Jim Creek, Oso, Washington, $159,000.

Naval Shipyard, Puget Sound, Bremerton, Washington, $4,914,000.

Naval Air Station, Whidbey Island, Washington, $2,541,000.

##### FOURTEENTH NAVAL DISTRICT

Naval Submarine Base, Pearl Harbor, Oahu, Hawaii, $4,123,000.

Naval Shipyard, Pearl Harbor, Oahu, Hawaii, $1,258,000.

Navy Public Works Center, Pearl Harbor, Oahu, Hawaii, $220,000.

Naval Dental Clinic, Pearl Harbor, Oahu, Hawaii, $1,752,000.

Naval Ammunition Depot, Oahu, Hawaii, $529,000.

Naval Air Station, Barbers Point, Oahu, Hawaii, $2,480,000.

OMEGA Navigation Station, Haiku, Oahu, Hawaii, $3,162,000.

Naval Communication Station, Honolulu, Wahiawa Oahu, Hawaii, $200,000.

##### SEVENTEENTH NAVAL DISTRICT

Naval Station, Adak, Alaska, $4,781,000.

Naval Arctic Research Laboratory, Barrow, Alaska, $2,638,000.

##### MARINE CORPS FACILITIES

Marine Barracks, Washington, District of Columbia, including special relocation costs, $700,000.

Marine Corps Development and Education Command, Quantico, Virginia, $5,283,000.

Marine Corps Base, Camp Lejeune, North Carolina, $1,384,000.

Marine Corps Air Station, Cherry Point, North Carolina, $6,516,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, $112,000.

Marine Corps Air Station, Yuma, Arizona, $332,000.

Marine Corps Supply Center, Barstow, California, $75,000.

Marine Corps Air Station, El Toro, California, $5,344,000.

Marine Corps Air Station, Santa Ana, California, $1,050,000.

Marine Corps Auxiliary Landing Field, Camp Pendleton, California, $1,570,000.

Marine Corps Base, Camp Pendleton, California, $9,294,000.

Marine Corps Base, Twentynine Palms, California, $1,605,000.

#### OUTSIDE THE UNITED STATES

##### TENTH NAVAL DISTRICT

Naval Station, Roosevelt Roads, Puerto Rico, $343,000.

##### ATLANTIC OCEAN AREA

Naval Station, Keflavik, Iceland, $10,613,000.

Naval Facility, Argentia, Newfoundland, $1,580,000.

##### EUROPEAN AREA

Naval Air Facility, Sigonella, Sicily, Italy, $582,000.

Naval Radio Station, Thurso, Scotland, $282,000.

##### PACIFIC OCEAN AREA

Naval Communication Station, Harold E. Holt, Exmouth, Australia, $747,000.

Naval Magazine, Guam, Mariana Islands, $3,287,000.

Naval Station, Guam, Mariana Islands, $1464,000.

Naval Ship Repair Facility, Guam, Mariana Islands, $740,000.

Navy Public Works Center, Guam, Mariana Islands, $2,363,000.

Sec. 202. The Secretary of the Navy may establish or develop classified Navy installations and facilities by acquiring, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the amount of $974,000.

Sec. 203. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) new and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next military construction authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000: *Provided*, That the Secretary of the Navy or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Sec. 204. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, such avigation, flight clearance, and other easements over privately owned property contiguous to the south approach to Runway 34R of the Marine Corps Air Station, El Toro, California, as he considers necessary for sale and efficient operations at that Station. Acquisition of such easements shall be effected by the exchange of such excess lands or interests in land of approximately equal value as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the easement interests to be acquired is less than the fair market value of the Government property to be exchanged therefor, the owner of the property covered by the easement shall pay to the Government an amount equal to such deficiency.

Sec. 205. The Secretary of the Navy is authorized to acquire, under such terms as he deems appropriate, land or interests in land (including easements) in approximately four hundred eighteen acres of privately owned property contiguous to the western approach to Runway 06–24 of the Marine Corps Air Station, Santa Ana, California, as he considers necessary for safe and efficient operations at that Station. Acquisition of such land or interests in land shall be effected by the exchange of such excess land or interests in land of approximately equal value, as the Secretary of Defense may determine to be available for the purpose. If the fair market value of the land or interests in land to be acquired is less than the fair market value of the Government property to be exchanged, the amount of such deficiency shall be paid to the Government.

Sec. 206. (a) Public Law 89–568, as amended, is amended under the heading "Inside the United States" in section 201 as follows:

(1) With respect to Naval Submarine Medical Center, New London, Connecticut, strike out "$6,101,000" and insert in place thereof "$10,846,000".

(b) Public Law 89–568, as amended, is amended by striking out in clause (2) of section 602 "$119,164,000" and "$143,327,000" and inserting in place thereof "$123,909,000" and "$148,072,000" respectively.

Sec. 207. (a) Public Law 90–408, as amended, is amended under the heading "Inside the United States" in section 201 as follows:

(1) With respect to Naval Air Station, Lakehurst, New Jersey, strike out "$1,284,000" and insert in place thereof "$1,448,000".

(2) With respect to Naval School, Underwater Swimmers, Key West, Florida, strike out "$100,000" and insert in place thereof "$175,000".

(3) With respect to Navy Training Publications Center, Memphis, Tennessee, strike out "$289,000" and insert in place thereof "$413,000".

(4) With respect to Naval Weapons Station, Concord, California, strike out "395,000" and insert in place thereof "$650,000".

(5) With respect to Naval Shipyard, Bremerton, Washington, strike out "$1,640,000" and insert in place thereof "$3,102,000".

(6) With respect to Marine Corps Base, Camp Pendleton, California, strike out "$1,838,000" and insert in place thereof "$2,040,000".

(7) With respect to Naval Hospital, Corpus Christi, Texas, strike out "$8,000,000" and insert in place thereof "$9,900,000".

(b) Public Law 90–408, as amended, is amended by striking out in clause (2) of section 802 "$234,900,000" and "$241,765,000" and inserting in place thereof "$239,082,000" and "$245,947,000" respectively.

Sec. 208. (a) Public Law 91–142 is amended under the heading "Inside the United States" in section 201 as follows:

(1) With respect to Naval Air Station, Cecil Field, Florida, strike out "$1,135,000" and insert in place thereof $1,288,000".

(2) With respect to Naval Undersea Warfare Center, San Diego, California, strike out "$6,400,000" and insert in place thereof "$6,736,000".

(3) With respect to Naval Hospital, Camp Pendleton, California, strike out "$19,805,000" and insert in place thereof "$24,100,000".

(b) Public Law 91–142 is amended in clause (2) of section 702 by striking out "$271,251,000" and "$306,305,000" and inserting in place thereof "$276,035,000" and "$311,089,000" respectively.

## TITLE III

Sec. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for the following acquisition and construction:

### Inside the United States

#### AEROSPACE DEFENSE COMMAND

Logan Field, Billings, Montana, $32,000.

Otis Air Force Base, Falmouth, Massachusetts, $81,000.

Peterson Field, Colorado Springs, Colorado, $5,189,000.

Tyndall Air Force Base, Panama City, Florida, $1,584,000.

#### AIR FORCE LOGISTICS COMMAND

Gentile Air Force Station, Dayton, Ohio, $240,000.

Griffiss Air Force Base, Rome, New York, $8,615,000.

Hill Air Force Base, Ogden, Utah, $2,090,000.

Kelly Air Force Base, San Antonio, Texas, $17,095,000.

Robins Air Force Base, Macon, Georgia, $5,551,000.

Tinker Air Force Base, Oklahoma City, Oklahoma, $2,727,000.

Wright-Patterson Air Force Base, Dayton, Ohio, $1,159,000.

#### AIR FORCE SYSTEMS COMMAND

Arnold Engineering Development Center, Tullahoma, Tennessee, $5,082,000.

Brooks Air Force Base, San Antonio, Texas, $2,414,000.

Edwards Air Force Base, Muroc, California, $214,000.

Eglin Air Force Base, Valparaiso, Florida, $6,456,000.

Holloman Air Force Base, Alamogordo, New Mexico, $650,000.

Kirtland Air Force Base, Albuquerque, New Mexico, $1,263,000.

Laurence G. Hanscom Field, Bedford, Massachusetts, $1,228,000.

Satellite Tracking Facilities, $869,000.

#### AIR TRAINING COMMAND

Chanute Air Force Base, Rantoul, Illinois, $8,504,000.

Columbus Air Force Base, Columbus, Mississippi, $372,000.

Craig Air Force Base, Selma, Alabama, $1,510,000.

Keesler Air Force Base, Biloxi, Mississippi, $8,057,000.

Lackland Air Force Base, San Antonio, Texas, $342,000.

Laredo Air Force Base, Laredo, Texas, $627,000.

Laughlin Air Force Base, Del Rio, Texas, $310,000.

Lowry Air Force Base, Denver, Colorado, $6,002,000.

Moody Air Force Base, Valdosta, Georgia, $2,227,000.

Randolph Air Force Base, San Antonio, Texas, $1,297,000.

Reese Air Force Base, Lubbock, Texas, $1,047,000.

Sheppard Air Force Base, Wichita Falls, Texas, $6,251,000.

Vance Air Force Base, Enid, Oklahoma, $1,901,000.

Webb Air Force Base, Big Spring, Texas, $349,000.

Williams Air Force Base, Chandler, Arizona, $4,199,000.

#### AIR UNIVERSITY

Maxwell Air Force Base, Montgomery, Alabama, $677,000.

#### ALASKAN AIR COMMAND

Elmendorf Air Force Base, Anchorage, Alaska, $2,309,000.

Various Locations, $4,886,000.

#### HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $4,273,000.

Bolling Air Force Base, Washington, District of Columbia, $2,300,000.

#### MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $590,000.

Charleston Air Force Base, Charleston, South Carolina, $7,136,000.

Dover Air Force Base, Dover, Delaware, $8,327,000.

McChord Air Force Base, Tacoma, Washington, $619,000.

Norton Air Force Base, San Bernardino, California, $2,308,000.

Scott Air Force Base, Belleville, Illinois, $3,879,000.

Travis Air Force Base, Fairfield, California, $696,000.

#### PACIFIC AIR FORCES

Hickam Air Force Base, Honolulu, Hawaii, $1,984,000.

#### STRATEGIC AIR COMMAND

Barksdale Air Force Base, Shreveport, Louisiana, $354,000.

Blytheville Air Force Base, Blytheville, Arkansas, $213,000.

Castle Air Force Base, Merced, California, $82,000.

Davis-Monthan Air Force Base, Tucson, Arizona, $3,304,000.

Dyess Air Force Base, Abilene, Texas, $150,000.

Ellsworth Air Force Base, Rapid City, South Dakota, $196,000.

Francis E. Warren Air Force Base, Cheyenne, Wyoming, $178,000.

Grand Forks Air Force Base, Grand Forks, North Dakota, $991,000.

K. I. Sawyer Municipal Airport, Marquette, Michigan, $483,000.

Loring Air Force Base, Limestone, Maine, $515,000.

March Air Force Base, Riverside, California, $209,000.

McCoy Air Force Base, Orlando, Florida, $139,000.

Minot Air Force Base, Minot, North Dakota, $134,000.

Offutt Air Force Base, Omaha, Nebraska, $593,000.

Pease Air Force Base, Portsmouth, New Hampshire, $488,000.

Vandenberg Air Force Base, Lompoc, California, $3,158,000.

Westover Air Force Base, Chicopee Falls, Massachusetts, $1,992,000.

Wurtsmith Air Force Base, Oscoda, Michigan, $663,000.

Various Locations, $430,000.

### TACTICAL AIR COMMAND

Bergstrom Air Force Base, Austin, Texas, $262,000.

Cannon Air Force Base, Clovis, New Mexico, $645,000.

England Air Force Base, Alexandria, Louisiana, $726,000.

Forbes Air Force Base, Topeka, Kansas, $415,000.

George Air Force Base, Victorville, California, $962,000.

Homestead Air Force Base, Homestead, Florida, $856,000.

Langley Air Force Base, Hampton, Virginia, $4,792,000.

Little Rock Air Force Base, Little Rock, Arkansas, $425,000.

Lockbourne Air Force Base, Columbus, Ohio, $518,000.

Luke Air Force Base, Phoenix, Arizona, $12,247,000.

MacDill Air Force Base, Tampa, Florida, $240,000.

McConnell Air Force Base, Wichita, Kansas, $148,000.

Myrtle Beach Air Force Base, Myrtle Beach, South Carolina, $813,000.

Nellis Air Force Base, Las Vegas, Nevada, $2,082,000.

Seymour-Johnson Air Force Base, Goldsboro, North Carolina, $1,353,000.

Shaw Air Force Base, Sumter, South Carolina, $2,548,000.

### UNITED STATES AIR FORCE ACADEMY

United States Air Force Academy, Colorado Springs, Colorado, $700,000.

### AIRCRAFT CONTROL AND WARNING SYSTEM

Various Locations, $704,000.

### UNITED STATES AIR FORCE SECURITY SERVICE

Goodfellow Air Force Base, San Angelo, Texas, $1,216,000.

## OUTSIDE THE UNITED STATES

### AIR FORCE SYSTEMS COMMAND

Eastern Test Range, $243,000.

Satellite Tracking Facilities, $1,455,000.

### MILITARY AIRLIFT COMMAND

Wake Island Air Force Station, Wake Island, $1,330,000.

### PACIFIC AIR FORCES

Various Locations, $6,607,000.

### STRATEGIC AIR COMMAND

Andersen Air Force Base, Guam, $2,273,000.

Goose Air Base, Canada, $862,000.

Ramey Air Force Base, Puerto Rico, $406,000.

### UNITED STATES AIR FORCES IN EUROPE

Germany, $5,255,000.

United Kingdom, $11,504,000.

Various Locations, $59,000.

### UNITED STATES AIR FORCE SECURITY SERVICE

Various Locations, $644,000.

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permament or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $22,712,000.

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by: (a) unforeseen security considerations, (b) new weapons developments, (c) need and unforeseen research and development requirements, or (d) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000: *Provided*, That the Secretary of the Air Force or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including those real estate actions pertaining thereto. This authorization will expire as of September 30, 1971, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

SEC. 304. (a) Public Law 89–188, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 301 as follows:

(1) With respect to Andrews Air Force Base, Camp Springs, Maryland, strike out "$2,923,000" and insert in place thereof "$3,081,000."

(b) Public Law 89–188, as amended, is amended by striking out in clause (3) of section 602 "$216,360,000" and "$340,106,000" and inserting in place thereof "$216,518,000" and "$340,264,000", respectively.

SEC. 305. (a) Public Law 90–408, as amended is amended under the heading "INSIDE THE UNITED STATES" in section 301 as follows:

(1) With respect to Vance Air Force Base, Enid, Oklahoma, strike out "$164,000" and insert in place thereof "$280,000."

(2) With respect to Westover Air Force Base, Chicopee Falls, Massachusetts, strike out "$150,000" and insert in place thereof "$220,000."

(3) With respect to Langley Air Force Base, Hampton, Virginia, strike out "$537,000" and insert in place thereof "$631,000."

(4) With respect to Seymour-Johnson Air Force Base, Goldsboro, North Carolina, strike out "$99,000" and insert in place thereof "$173,000."

(5) With respect to Shaw Air Force Base, Sumter, South Carolina, strike out "$614,000" and insert in place thereof "$707,000."

(b) Public Law 90–408, as amended, is amended by striking out in clause (3) of section 802 "$121,917,000" and "$193,572,000" and inserting in place thereof "$122,363,000" and "$194,018,000", respectively.

## TITLE IV

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment, for defense agencies for the following acquisition and construction:

## INSIDE THE UNITED STATES

### DEFENSE ATOMIC SUPPORT AGENCY

Bossier Base, Louisiana, $170,000.

Sandia Base, New Mexico, $1,090,000.

### DEFENSE SUPPLY AGENCY

Defense Construction Supply Center, Columbus, Ohio, $942,000.

Defense Depot, Ogden, Utah, $98,000.

Defense Personnel Support Center, Philadelphia, Pennsylvania, $3,570,000.

Defense Depot, Tracy, California, $1,813,000.

### NATIONAL SECURITY AGENCY

Fort Meade, Maryland, $917,000.

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities and equipment in the total amount of $35,000,000: *Provided*, That the Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public work undertaken under this section, including real estate actions pertaining thereto.

## TITLE V—MILITARY FAMILY HOUSING

SEC. 501. The Secretary of Defense, or his designee, is authorized to construct, at the locations hereinafter named, family housing units and trailer court facilities in the numbers hereinafter listed, but no family housing construction shall be commenced at any such locations in the United States, until the Secretary shall have consulted with the Secretary, Department of Housing and Urban Development, as to the availability of adequate private housing at such locations. If agreement cannot be reached with respect to the availability of adequate private housing at any location, the Secretary of Defense shall immediately notify the Committees on Armed Services of the House of Representatives and the Senate, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

(a) Family housing units—

(1) The Department of the Army, one thousand seven hundred units, $40,632,000:

Redstone Arsenal, Alabama, two hundred units.

Fort Huachuca, Arizona, one hundred units.

Sacramento Army Depot, California, one unit.

Sharpe Army Depot, California, one unit.

Fort Carson, Colorado, two hundred twenty units.

U.S. Army Installations, Oahu, Hawaii, three hundred units.

Rock Island Arsenal, Illinois, forty units.

Fort Leavenworth, Kansas, one hundred fifty units.

Natick Laboratories, Massachusetts, twenty-eight units.

Malmstrom ABM Site, Montana, two hundred units.

Grand Forks ABM Site, North Dakota, two hundred units.

New Cumberland Army Depot, Pennsylvania, twenty units.

Fort Jackson, South Carolina, two hundred forty units.

(2) The Department of the Navy, three thousand five hundred units, $87,312,000:

Marine Corps Air Station, El Toro, California, three hundred units.

Naval Air Station, Lemoore, California, two hundred fifty units.

Naval Complex, San Diego, California, nine hundred units.

Naval Submarine Base, New London, Connecticut, three hundred units.

Naval Complex, Pensacola, Florida, two hundred units.

U.S. Naval Installations, Oahu, Hawaii, three hundred units.

Naval Training Center, Great Lakes, Illinois, one hundred fifty units.

Naval Complex, Newport, Rhode Island, two hundred units.

Naval Complex, Norfolk, Virginia, six hundred units.

Naval Station, Guam, three hundred units.

(3) The Department of the Air Force, two thousand eight hundred units, $68,075,000:

Williams Air Force Base, Arizona, two hundred units.

Castle Air Force Base, California, two hundred fifty units.

Norton Air Force Base, California, two hundred fifty units.

Homestead Air Force Base, Florida, two hundred units, and additional real estate.

Moody Air Force Base, Georgia, two hundred units.

Robins Air Force Base, Georgia, two hundred units.

U.S. Air Force Installations, Oahu, Hawaii, two hundred units.

Scott Air Force Base, Illinois, four hundred units.

Keesler Air Force Base, Mississippi, four hundred units.

Seymour-Johnson Air Force Base, North Carolina, two hundred units.

Wright-Patterson Air Force Base, Ohio, three hundred units.

(b) Trailer court facilities—

(1) The Department of the Navy, fifty spaces, $150,000.

(2) The Department of the Air Force, three hundred eighty-nine spaces, $1,050,000.

Sec. 502. Authorization for the construction of family housing provided in this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the following limitations on cost, which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures:

(a) The average unit cost for each military department for all units of family housing constructed in the United States (other than Hawaii and Alaska) and Puerto Rico shall not exceed $24,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) No family housing unit in the areas listed in subsection (a) shall be constructed at a total cost exceeding $40,000 including the cost of the family unit and the proportionate costs of land acquisition, site preparation, and installation of utilities.

(c) When family housing units are constructed in areas other than those listed in subsection (a) the average cost of all such units shall not exceed $32,000 and in no event shall the cost of any unit exceed $40,000. The cost limitations of this subsection shall include the cost of the family unit and the proportionate costs of land acquisition, site preparation and installation of facilities.

Sec. 503. Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations contained in section 502 of this Act shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed by date of enactment of this Act.

Sec. 504. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(a) for the Department of the Army, $5,170,000.

(b) for the Department of the Navy, $6,300,000.

(c) for the Department of the Air Force, $7,400,000.

(d) for the Defense Agencies, $326,000.

Sec. 505. The Secretary of Defense, or his designee, is authorized to construct, or otherwise acquire, two hundred family housing units in foreign countries at a total cost not to exceed $5,523,000. This authority shall be funded by the use of excess foreign currencies, when so provided in Department of Defense Appropriation Acts, except that appropriation of $488,000 is authorized for purchase of United States manufactured equipment in support of the housing.

Sec. 506. Section 515 of Public Law 84–161 (69 Stat. 324, 352), as amended, is amended to read as follows:

"Sec. 515. During fiscal years 1971 and 1972, the Secretaries of the Army, Navy and Air Force, respectively, are authorized to lease housing facilities for assignment as public quarters to military personnel and their dependents, if any, without rental charge, at or near any military installation in the United States, Puerto Rico or Guam if the Secretary of Defense, or his designee, finds that there is a lack of adequate housing at or near such military installation and that (1) there has been a recent substantial increase in military strength and such increase is temporary, or (2) the permanent military strength is to be substantially reduced in the near future, or (3) the number of military personnel assigned is so small as to make the construction of family housing uneconomical, or (4) family housing is required for personnel attending service school academic courses on permanent change of station orders, or (5) family housing has been authorized but is not yet completed or a family housing authorization request is in a pending military construction authorization bill. Such housing facilities may be leased on an individual unit basis and not more than seven thousand five hundred such units may be so leased at any one time. Expenditures for the rental of such housing facilities may not exceed an average of $190 per month for each military department, nor the amount of $250 per month for any one unit, including the cost of utilities and maintenance and operation."

Sec. 507. Section 507 of Public Law 88–174 (77 Stat. 307, 326), as amended, is amended by striking out "1970 and 1971" and inserting in lieu thereof "1971 and 1972."

Sec. 508. The Secretary of Defense, or his designee, is authorized to relocate family housing units from locations where they exceed requirements to military installations where there are housing shortages: *Provided*, That the Secretary of Defense shall notify the Committees on Armed Services of the House of Representatives and the Senate of the proposed new locations and estimated costs, and no contract shall be awarded within thirty days of such notification.

Sec. 509. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(a) for construction and acquisition of family housing, including improvements to adequate quarters, improvements to inadequate quarters, minor construction, relocation of family housing, rental guarantee payments, construction and acquisition of trailer court facilities, and planning, an amount not to exceed $219,502,000, and

(b) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed $588,636,000.

## TITLE VI

### GENERAL PROVISIONS

Sec. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529) and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

Sec. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, $488,789,000 outside the United States, $92,278,000; section 102, $2,000,000; or a total of $583,067,000.

(2) for title II: Inside the United States, $234,738,000; outside the United States, $21,001,000; section 202, $974,000; or a total of $256,713,000.

(3) for title III: Inside the United States, $191,442,000; outside the United States, $30,638,000; section 302; $22,712,000; or a total of $244,792,000.

(4) for title IV: A total of $43,600,000.

(5) for title V: Military family housing, $808,138,000.

Sec. 603. (a) Except as provided in subsection (b), any of the amounts specified in titles I, II, III, and IV of this Act, may, in the discretion of the Secretary concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress. However, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(b) When the amount named for any construction or acquisition in title I, II, or IV of this Act involves only one project at any military installation and the Secretary of Defense, or his designee, determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), the Secretary concerned may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

(c) Subject to the limitations contained in subsection (a), no individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation may be placed under contract if—

(1) the estimated cost of such project is $250,000 or more, and

(2) the current working estimate of the Department of Defense, based on bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until after the expiration of thirty days from the date on which a written report of the facts relating to the increased cost of such project, including a statement of the reasons for such increase has been submitted to the Committees on Armed Services of the House of Representatives and the Senate.

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(d) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommended and the Secretary of Defense approved to assure the most efficient, expeditious and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected, together with the design, construction, supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report semiannually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder.

SEC. 605. (a) As of October 1, 1971, all authorizations for military public works (other than family housing) to be accomplished by the Secretary of a military department in connection with the establishment or development of military installations and facilities, and all authorizations for appropriations therefor, that are contained in titles I, II, III, and IV of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293), and all such authorizations contained in Acts approved before December 6, 1969, and not superseded or otherwise modified by a later authorization are repealed except—

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts or land acquisitions in whole or in part before October 1, 1971, and authorizations for appropriations therefore; and

(3) notwithstanding the repeal provisions of section 705(a) of the Act of December 5, 1969, Public Law 91-142 (83 Stat. 293, 315), all authorizations for military public works (other than family housing), contained in titles I, II, III, IV, and V of the Act of July 21, 1968, Public Law 90-408 (82 Stat. 367), and all authorizations for appropriations therefor, and not superseded or otherwise modified, are hereby continued and shall remain in full force and effect until October 1, 1971.

(b) Effective fifteen months from the date of enactment of this Act, all authorizations for construction of family housing, including trailer court facilities, all authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and all authorizations for related facilities projects, which are contained in this or any previous Act, are hereby repealed, except—

(1) authorizations for family housing projects as to which appropriated funds have been obligated for construction contracts or land acquisitions or manufactured structural component contracts in whole or in part before such date; and

(2) authorizations to accomplish alterations, additions, expansions, or extensions to existing family housing, and authorizations for related facilities projects, as to which appropriated funds have been obligated for construction contracts before such date.

SEC. 606. None of the authority contained in title I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction cost index is 1.0:

(1) $41 per square foot for cold storage warehousing;

(2) $11 per square foot for regular warehousing;

(3) $3,200 per man for permanent barracks;

(4) $11,000 per man for bachelor officer quarters; unless the Secretary of Defense or his designee determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable: *Provided*, That notwithstanding the limitations contained in prior Military Construction Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

SEC. 607. Chapter 159 of title 10, United States Code, is amended:

(1) By striking out the figure "$200,000" in the item relating to section 2674 in the analysis and inserting "$300,000" in place thereof.

(2) By striking out the figure "$200,000" in the catchline of section 2674 and inserting "$300,000" in place thereof.

(3) By striking out the figures "$200,000", "$50,000", and "$25,000" in section 2674(b) and inserting "$300,000", "$100,000", and "$50,000", respectively, in place thereof.

(4) By striking out the figure "$25,000" in sections 2674 (a) and (e) and inserting "$50,000" in place thereof.

SEC. 608. Section 2675 of title 10, United States Code, is amended by (1) inserting "(a)" before "Notwithstanding", and by (2) adding the following new subsections:

"(b) A lease may not be entered into under this section if the average estimated annual rental during the term of the lease is more than $250,000 until after the expiration of thirty days from the date upon which a report of the facts concerning the proposed lease is submitted to the Committees on Armed Services of the Senate and House of Representatives.

"(c) A statement in a lease that the requirements of this section have been met, or that the lease is not subject to this section, is conclusive."

SEC. 609. Section 709 of the Military Construction Authorization Act, 1970 (83 Stat. 317), is amended by (1) deleting from the first sentence thereof "1971" and inserting in its place "1972"; and (2) deleting from the last sentence thereof "$750,000" and inserting in its place "$3,000,000".

SEC. 610. Notwithstanding any other law, the Bolling/Anacostia Elementary School authorized under the heading "HEADQUARTERS COMMAND" in title III of this Act shall be operated by the Department of Defense for the exclusive use of dependents of members of the Army, Navy, Air Force, and Marine Corps residing in the Bellevue, Wilburn, and Bolling family housing areas.

SEC. 611. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1971."

## TITLE VII

### RESERVE FORCES FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(a) Air National Guard of the United States, $13,700,000.

(b) Army Reserve, $9,300,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $4,500,000.

(3) For the Department of the Air Force:

(a) Army National Guard of the United States, $6,500,000.

(b) Air Force Reserve, $3,500,000.

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774(d) and 9774(d) of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

SEC. 703. This title may be cited as the "Reserve Forces Facilities Act, 1971."

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the bill be dispensed with, and that it be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

### AMENDMENT OFFERED BY MR. HOWARD

Mr. HOWARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOWARD: Page 4, line 1; delete the entire line and substitute the following:

"Fort Monmouth, N.J., $4,157,000; *Provided*, That $1,400,000 of that amount shall be utilized for participation in the sanitary sewer system program of the Northeast Monmouth County Regional Sewerage Authority."

Mr. HOWARD. Mr. Chairman, this amendment will give the congressional authority for the military installation at Fort Monmouth, N.J., to participate with various surrounding communities in the establishment of the proposed Northeast Monmouth County Regional Sewerage Authority.

Mr. Chairman, for several years central New Jersey has attempted to clear up the pollution of its waters. One of the most important aspects in this effort has been the need for the military installation at Fort Monmouth to join with the local communities in a regional sewerage authority. In order to do this it must have the authorization of both Houses of the Congress as well as the small appropriation of $1.4 million.

The State has urged that the military take part in this authority, and the local communities have made all the necessary arrangements as well as the tax increase so that they will meet their responsibilities. I believe it is urgent that the Federal Government cooperate in this project.

The President made a very fine statement recently wherein he requested the Federal Government and its agencies to take the lead in eliminating pollution from the streams of our country. I believe this will be a proper step in that direction. I would urge the House to authorize such participation by Fort Monmouth in this regional sewerage authority.

**Mr. RIVERS.** Mr. Chairman, will the gentleman yield?

**Mr. HOWARD.** I yield to the gentleman.

**Mr. RIVERS.** Mr. Chairman, there are a number of such areas in the country which are similar to this. However, this bill does not contain any one of these projects. None of them are budgeted.

But I will say this to the gentleman, if I am here next year, we are going to try to get the Department of Defense to request funds for all of these projects and bring them up.

I think the gentleman would be wise, since it would not be funded, if he would withdraw his amendment. He has my word if I am here next year, I will do my best to get this included with others, which are being held up under similar conditions. We recognize this situation.

**Mr. HOWARD.** Mr. Chairman, since I have such great faith that the gentleman from South Carolina (Mr. RIVERS) will be here next year as chairman of the Committee on Armed Services, and I am very grateful for his remarks, I ask unanimous consent in consideration of his statement, that the amendment be withdrawn.

**The CHAIRMAN.** Is there objection to the request of the gentleman from New Jersey?

There was no objection.

### AMENDMENTS OFFERED BY MR. CRAMER

**Mr. CRAMER.** Mr. Chairman, I offer two amendments.

The Clerk read as follows:

Amendments offered by Mr. CRAMER: On page 12 between lines 20 and 21 insert the following:

"Naval Training Center, Orlando, Fla., $11,327,000."

Strike out in clause (2) of section 602 "$234,738,000" and "$256,713,000" and insert in place thereof "$246,065,000" and "$268,040,000", respectively.

**Mr. CRAMER.** Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

**The CHAIRMAN.** Without objection, it is so ordered.

There was no objection.

**Mr. CRAMER.** Mr. Chairman, to briefly explain my proposed amendment, its purpose is to reinstate $11,327,000 of the $16,013,000 total reduction made by the House Committee on Armed Services for the Naval Training Center at Orlando, Fla.—service school command. The $11,327,000 represents funds needed to provide for bachelor enlisted quarters with mess, $8,892,000; and for utilities, $2,435,000. The total reduction recommended by the House committee—page 18 of House Report 91-1098—would result in the deferment of both of these projects, as well as the academic training building and the technical training building.

While I would prefer to have the entire $16,013,000 amount reinstated, the quarters and the utilities are the immediate need items. I am further assuming that the other items, the academic and the technical training buildings, will be included as the need arises, and no later than the next fiscal year. The fact that the bachelor enlisted quarters are estimated to require more time for construction, approximately 6 additional months, provides further logic to the agreement to temporarily delay the two training buildings.

The decision to establish the Orlando Naval Training Center was made in 1965 and included the planned relocation of the Service School Command from Bainbridge, Md., to Orlando. The primary justification for this relocation was and is economy.

Cost studies on where to locate the Naval Training Center indicate development at Orlando would save $0.6 million annually in operation and maintenance funds, plus a one-time cost avoidance of $13 million in military construction. At least 75 percent of the graduating recruits go directly to service school; therefore, location of service schools contiguous to recruit training facilities conserves transportation time and funds. This savings would amount to an additional $2.5 million annually.

The majority of the recruit training facilities for the Orlando Training Center have been authorized and funds appropriated in previous military construction programs. In order to start reaping the benefits of collocated service schools, the first authorization of funds for the barracks and utilities is needed now. Approval of these items is essential in order to provide basic facilities for housing and messing of service school students, with approval of the two training school buildings at the earliest date possible required to prevent separation of the interdependent facilities.

It would be false economy to defer authorization of the Orlando barracks and mess hall and utilities programs at this time. Such deferment would disrupt the orderly development of the Orlando plan and would delay the transfer of those facilities at Bainbridge, Md., and Newport, R.I., which are to be relocated at the Orlando Center.

The operation of these service schools at locations widely separated from the associated recruit training results in excessive transportation costs and inefficiencies which will be eliminated by the planned development of the Service School Command at the Orlando National Training Center. If budgetary curtailments dictate a current reduction in the funds provided for the development of the Orlando Center, I implore my colleagues to support my amendment to reinstate at least $11,327,000 of the reduction, believing this action is not only necessary for the orderly and efficient relocation of these facilities at the Orlando Center, but it is also a move toward long-range, sound future economy in our military construction program.

I respectfully urge the Members of this House to support my proposed amendment.

**Mr. FREY.** Mr. Chairman, will the gentleman yield?

**Mr. CRAMER.** I yield to the gentleman from Orlando.

**Mr. FREY.** Mr. Chairman, first I want to commend my colleague and fellow Florida Congressman, BILL CRAMER, for his excellent presentation on behalf of the amendment. It has been my privilege to represent the district in Florida which includes the Naval Training Center, even though I was not a Member of this distinguished body when the decision was made to construct the Nation's third naval training center in Orlando. On November 25, 1965, Deputy Secretary of Defense Cyrus Vance approved the memo from the Assistant Secretary of Defense for Installations and Logistics concurring in the Navy's need for a third training center to eliminate the severe overcrowding at the existing Great Lakes and San Diego Centers. Seven locations throughout the eastern United States were carefully studied as possible sites for the third training center. On December 6, 1966, Mr. Vance wrote to the chairmen of respective committees of the House and Senate reconfirming the Navy's position that Orlando was the proper location for a naval training center.

May I point out to my colleagues that the primary justification for this selection was economy. Results of comparison studies between Orlando and the only other site determined to be acceptable indicated approximately $0.6 million annually in operations and maintenance and $13 million in military construction. The functions at the Orlando Center were to include recruit training, service schools, WAVE recruit training, a nuclear power school and supporting units.

To date, Congress has provided $46.5 million in funds for construction of the facilities necessary to provide recruit training for 8,000 men. At Orlando, these facilities are now under construction and will be completed in the near future so that the overcrowding at the San Diego and Great Lakes Centers can be eliminated.

As of January 29, 1970, the total capacity at the three centers was 18,722 while the number of recruits on board totaled 24,303. In other words, the centers were overcrowded to the extent of 5,581 recruits. Presently the capacity at the Orlando Center is 3,752, and I think you can see what it will mean when the full 8,000 recruits can be accommodated.

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I have personally visited the center on a number of occasions and it is a facility of which we can all be proud, not like the training centers many of us went through which gave us our first impression of life in the Navy. As has been pointed out, at least 75 percent of the graduating recruits go directly to service school and the location of these schools at the same sites where recruit training takes place conserves transportation time and funds. This is presently the situation at Great Lakes and San Diego, and approximately $2.5 million annually will be saved when service school facilities are located in Orlando. The full $16 million recommended in the Defense Department's military construction budget for fiscal 1971 is needed to effect the substantial savings in operating expenses indicated by the Navy's economic analysis. I am hopeful this amendment of $11,327,000 for bachelor enlisted barracks with mess facilities will be adopted so we can at least begin to provide the first facilities for this development. I hope the academic training building and the technical training building will be included as the need arises and no later than the next fiscal year. Only when the complex is fully completed will we realize the full savings possible.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman.

Mr. RIVERS. Mr. Chairman, we have found out that these projects which the gentleman has included in his amendment for Orlando are high priority projects. We asked the Navy about them. As far as I am concerned, I accept the gentleman's amendment.

Mr. CRAMER. I thank the distinguished gentleman.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman.

Mr. ARENDS. Mr. Chairman, I am glad the gentleman has called this matter to our attention. I am in complete agreement with the chairman of the committee that this is a thing we should do. This amendment should be adopted.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman from Florida, a member of the committee.

Mr. BENNETT. Mr. Chairman, I am pleased to support the amendment offered by my colleague from Florida. The House Armed Services Committee, of which I am a member, has found that the items included in the amendment at the new Naval Training Center at Orlando, Fla., are of high priority. This addition to the military construction bill—$11,327,000 for bachelor enlisted quarters with mess and for utilities—will provide for an orderly and economical relocation of the Navy facilities to Orlando from Bainbridge, Md., and Newport, R.I. I hope the amendment will pass.

Mr. SIKES. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentleman.

Mr. SIKES. Mr. Chairman, I am very happy that the situation on additional needed facilities for Orlando has been worked out favorably. I recently was privileged to visit the Naval Training Center there, and I am highly impressed with the outstanding work which is being done there. The Naval Training Center is one of the most pleasing bases in appearance that I have seen, and much more important, the attitude of the trainees is outstanding and their morale is high.

Nevertheless, it is very clear that the additional facilities are needed. The workload is increasing, and I can state that the facilities which are included in the amendment offered by our distinguished colleague from Florida are essential. They should be provided at the very earliest moment. I am glad the chairman of the committee has concurred in the amendment. It is meritorious and should be approved.

Mr. CRAMER. I thank the distinguished leader for his remarks. Recently he received the Chamber of Commerce award in Orlando.

Mr. CEDERBERG. Mr. Chairman, will the gentleman yield

Mr. CRAMER. I yield to the gentleman from Michigan.

Mr. CEDERBERG. As ranking member of the Subcommittee on Appropriations for Military Construction, I too agree that this amendment is important. I had some serious concern when I noticed that it was not in the authorization bill, and I am delighted now that it is going to be in there. I believe that we should go ahead with this naval training station, and it is essential that the authorization be made.

Mr. CRAMER. I thank the gentleman. As the Members of the House know, I do not offer such amendments lightly.

Mr. VANIK. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. The gentleman from Ohio is recognized.

Mr. VANIK. Mr. Chairman, I do not desire to delay action on this bill, but I want to say that I object to the authorizations that are provided to expand and improve military facilities in West Germany and in Japan.

Right now before the Ways and Means Committee we are considering a very, very important trade program. Time and time again before our committee we are told about the remarkable economic recovery of both Japan and West Germany. These two nations have indeed had a remarkable economic recovery. They are trading giants, and they are killing us in the world marketplaces. One reason is that we assume for them a tremendous cost of their national security and defense. This creates a special burden for all American production and all American labor. In the world markets, we have an overhanging defense cost of $72 billion on everything we produce. This includes what we spend to defend countries that ought to be building up their own defenses by this time.

Mr. GILBERT. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from New York.

Mr. GILBERT. I would like to compliment the gentleman for his statement. As a member of the Ways and Means Committee, I can say we have been having hearings in trade and tariffs, and the gentleman raised the point during the testimony we received this morning. I think it is a very valid point. I agree with him completely and thoroughly.

Mr. FARBSTEIN. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I yield to the gentleman from New York.

Mr. FARBSTEIN. I want to tell the gentleman that about 2 months ago I was in Germany as chairman of a subcommittee studying the withdrawal of troops from NATO. In Germany the individual that I spoke with when I asked that they contribute toward the maintenance of our 310,000 soldiers in NATO said to me, "Well, I don't know. We are not going to do anything." He refused to say that they would give any assistance toward the cost of maintaining our troops in Europe. I do not think there is anything that we should do today in the way of expending our funds in order to assist them any further when they absolutely refuse to come to the aid of the United States in the maintenance of our troops in Europe.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the distinguished chairman.

Mr. RIVERS. Of course, the gentleman does not object to our providing for the comfort and the protection of our own troops so long as they are in foreign countries.

So far as Germany is concerned, Germany has paid hundreds of millions of dollars for the maintenance of our troops. Furthermore, they have equipped themselves with our tanks and other equipment. Germany has paid many times what the other NATO allies have.

So far as Japan is concerned, I appreciate what the gentleman is talking about, but we have troops over there. We have them in both countries. But this is for the comfort of our own flesh and blood, whom we compel to serve overseas. That is all this is.

Mr. VANIK. I want to bring them home, I want to reduce these expenditures. I want to make American goods competitive in the world. The only way we can do that is by taking off our backs this tremendous expenditure which is added to the cost of everything we sell in the markets of the world.

Mr. ARENDS. Mr. Chairman, will the gentleman yield?

Mr. VANIK. I am happy to yield to the gentleman from Illinois.

Mr. ARENDS. Mr. Chairman, is the gentleman from Ohio suggesting that we bring our troops home from everywhere in the wide world? It sounds as if the gentleman is moving in the direction of isolationism, which may be the case. I do not know.

Mr. VANIK. I am suggesting we shift the defense burdens to those countries which are capable of handling their own defense expenditures. I do not think that these economically strong countries should rely on us for defense and use their released energies and resources to take over our own world markets. I do not think that is fair competition.

**Mr. RIVERS.** Mr. Chairman, I wonder if we can arrive at some agreement on a time limitation.

Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. NEDZI).

**Mr. NEDZI.** Mr. Chairman, I have asked for this time for the purpose of announcing to the House that when we go back into the House it is my intention to ask for a vote on the previous question following the motion to recommit. This is for the purpose, if the previous question is voted down, of amending the motion to recommit in line with the Pike amendment, to provide for the striking of funds for construction of Safeguard facilities.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. FARBSTEIN).

**Mr. FARBSTEIN.** Mr. Chairman, I just want to embellish the statement I made a moment ago. We spend about $12 billion a year to maintain our troops in Europe. In the course of my travels, I could not get the admission of any nation's defense minister to agree to pick up the burden of the cost of the defense of our troops there. I said our priorities are such that they must pick up the cost of our troops. I could not get the consent of anyone. Why we should pay the costs to maintain our troops which protect them is beyond me.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. FISHER).

**Mr. FISHER.** Mr. Chairman, a few days ago I spent several hours at Kelly Air Force Base. There I was briefed on operations and plans, which brings me to a provision I desire to discuss.

The Air Force proposes to construct a modern depot engine overhaul facility for $15.7 million at Kelly Air Force Base in San Antonio, Tex. This plant will pay for itself within the first year of operation. In fact, the Air Force, in anticipating the beneficial use of this building by July of 1972, has already reduced its request for engine procurement this year by $10 million. Engines to be overhauled in this new plant include those used in the F-4, the C-130, and the C-5A aircraft. The facilities presently being used for the overhaul of engines at Kelly Air Force Base were built in World War I as truck repair shops, and in World War II as wooden warehouses. These buildings, even if repaired and modified, would be completely inadequate for efficiently overhauling modern jet engines. Nearly $2 million would be required to repair and modify these old buildings if this new plant were not constructed.

Currently, work force productivity is limited by the conditions within the existing buildings. These limitations are due to poor environmental control and material flow patterns made necessary by adapting the job to the facility. The dispersed location of these buildings also creates an equivalent engine overhaul flow distance of 37 miles.

The proposed facility will provide a modern highly productive engine overhaul plant which will allow for a 10 or more percent productivity increase. Engine overhaul flow distance will be reduced by 80 percent. This increased productivity and decreased flow distances will, in turn, effect considerable inventory reductions.

The labor, inventory, and other savings to be achieved make this a most worthy and wise investment at this time.

My colleague, the gentleman from Texas (Mr. GONZALEZ), has been very actively interested in this project.

The CHAIRMAN. The Chair recognizes the gentleman from Florida (Mr. CRAMER).

**Mr. CRAMER.** Mr. Chairman, I ask for a vote on the amendment and yield back the remainder of my time.

The CHAIRMAN. The Chair recognizes the gentleman from South Carolina (Mr. RIVERS).

**Mr. RIVERS.** Mr. Chairman, I yield back the balance of my time so we can get moving.

The CHAIRMAN. All time has expired.

The question is on the amendments offered by the gentleman from Florida (Mr. CRAMER).

The amendments were agreed to.

### AMENDMENTS OFFERED BY MR. RIVERS

**Mr. RIVERS.** Mr. Chairman, I offer two amendments to title III.

The Clerk read as follows:

Amendments offered by Mr. RIVERS: Page 23, after line 4, insert:

"McClellan AFB, Sacramento, California, $4,615,000."

On page 25, after line 22, insert:

"Beale AFB, Marysville, California, $1,364,000."

**Mr. RIVERS.** Beale Air Force Base and McClellan Air Force Base are in the same category, Mr. Chairman. We required the Air Force to certify to us the need for these projects, because we got information that certain of these installations were going to be curtailed, particularly in the case of McClellan. McClellan is the largest air materiel base on the west coast. It has approximately 22,000 civilians.

We do not want to see it closed. We want it to remain open. It has a logistics requirement which is needed, and we do not believe it should be tampered with.

There are a lot of people who think that with the "longlegged" aircraft like the C-5A, of which we have only a few, we do not need these air materiel bases. We wanted the Air Force to certify the need and they did. That is the reason why we restored these.

**Mr. MOSS.** Mr. Chairman, will the gentleman yield?

**Mr. RIVERS.** I am delighted to yield to the gentleman from California.

**Mr. MOSS.** I want to extend to the distinguished chairman my appreciation for the cooperation extended to me and to my colleagues representing this area during the past few days, and also for the cooperation of the staff of the committee. I recognize this is a very complicated and difficult piece of legislation. I appreciate the amendment the gentleman has offered to correct what had been put forward.

**Mr. RIVERS.** I thank the gentleman.

I should like to say, just about anything we deferred is needed. It was merely deferred. We could put in 10 times as much.

We do not think there ought to be any cutback. Last year there was about an $800 million deferral. We do not want any of this bill held back. I hope it will not be.

We want these people to tell us things on which we can depend to make future plans. That is the reason.

So far as I am concerned, Mr. Chairman, they have satisfactorily explained this.

**Mr. JOHNSON of California.** Mr. Chairman, will the gentleman yield?

**Mr. RIVERS.** I yield to the gentleman from California.

**Mr. JOHNSON of California.** Mr. Chairman, I take this time to thank the chairman and the ranking minority Member of the great Committee on Armed Services for the consideration given to McClellan Air Force Base and to Beale Air Force Base. They are very worthy facilities, located in the West. They do a very good job in supplying our people in the area of Southeast Asia.

We are happy the committee has seen fit to restore the items.

**Mr. GROSS.** Mr. Chairman, I move to strike the necessary number of words.

Mr. Chairman, I should like to ask someone what this new Pentagon, or Pentagon auxiliary, to be constructed at Bolling Air Force Base, is going to cost?

**Mr. RIVERS.** Mr. Chairman, will the gentleman yield?

**Mr. GROSS.** I yield to the gentleman from South Carolina.

**Mr. RIVERS.** I am delighted the gentleman asked that. We own property over at Bolling-Anacostia which is invaluable.

**Mr. GROSS.** I understand.

**Mr. RIVERS.** We have over 200 projects in the District of Columbia, Northern Virginia, and Maryland, where we pay rent, which goes up into many millions of dollars each year. We asked Secretary McNamara to go over and utilize the ground we have there, to centralize our defense activities. Secretary Laird is the first person who seems to comprehend.

This is the beginning of what I hope will be the utilization of valuable land, where we can put all of the installations in the District of Columbia, Northern Virginia, and Maryland into one area. This is the beginning of it.

**Mr. GROSS.** As I understand it, this building starts off in this bill at $16.2 million?

**Mr. RIVERS.** That is correct.

**Mr. GROSS.** What I am trying to ascertain is the estimated total cost.

**Mr. RIVERS.** How much will it cost?

**Mr. GROSS.** Yes.

**Mr. RIVERS.** It will cost $75 million or $100 million.

**Mr. GROSS.** How much?

**Mr. RIVERS.** $75 million or $100 million.

**Mr. GROSS.** Is it anticipated that

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those who are now being moved out to facilities such as Crystal City will later be located in this new building?

Mr. RIVERS. Yes, sir.

Mr. GROSS. I beg the gentleman's pardon.

Mr. RIVERS. In this one building alone there will be approximately 10,000 employees.

Mr. GROSS. It is not proposed to abandon the Pentagon, sometimes known as "Fort Fumble", is it?

Mr. RIVERS. As the gentleman knows, I am in the same business he is in. I believe we ought to try to save money. The only way we can do it is to have as many facilities as possible on our own ground. I agree with the gentleman 100 percent. This is the beginning. We have to save the taxpayers' money.

The CHAIRMAN. The question is on the amendments offered by the gentleman from South Carolina.

The amendments were agreed to.

### AMENDMENT OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rivers: On page 37, line 16, delete "facilities" and insert "utilities."

The CHAIRMAN. The gentleman from South Carolina is recognized for 5 minutes in support of his amendment.

Mr. RIVERS. Mr. Chairman, in the haste to get this bill printed they printed the word "facilities" when they should have printed "utilities." That is all this corrects there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rivers: On page 41, lines 22 and 23, strike the figure "$488,789,000" and insert in lieu thereof "$497,038,000"; and on line 24, strike the figure "$583,067,000" and insert in lieu thereof the figure "$591,316,000"; and on page 42, lines 4 and 5, strike the figure "$191,442,000" and in lieu thereof insert "$197,421,000"; and on line 6, strike the figure "$244,792,000" and insert in lieu thereof the figure "$250,771,000".

The CHAIRMAN. The gentleman from South Carolina is recognized for 5 minutes in support of his amendment.

Mr. RIVERS. This amendment just corrects the totals and the grand totals under the proper titles. That is all it does.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. RIVERS

Mr. RIVERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Rivers: on page 50, line 9, delete "Air" and insert in place thereof "Army."

On page 50, line 15, delete "Army" and insert in place thereof "Air."

The CHAIRMAN. The gentleman from South Carolina is recognized for 5 minutes in support of his amendment.

Mr. RIVERS. Mr. Chairman, all this does is correct a printer's error.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina.

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. SIKES

Mr. SIKES. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Sikes: On page 22, lines 22 and 23, strike out "$1,584,000" and insert in lieu thereof "$1,853,000".

The CHAIRMAN. The gentleman is recognized for 5 minutes in support of his amendment.

Mr. SIKES. Mr. Chairman, this amendment is offered to correct an error by the Air Force in tabulating the costs of the projects for Tyndall Air Force Base in Florida that are covered in this bill and for no other purpose. I have cleared the amendment with the distinguished chairman and the distinguished ranking minority leader. I am most appreciative to them and to the committee for their action in approving these needed facilities, but the dollar amount listed is wrong and I hope to correct it here.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. Sikes).

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. BENNETT

Mr. BENNETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Bennett: On page 51, after line 9, insert the following:

"Sec. 801(a). There is hereby created for use by the Secretary of Defense the Defense Facilities Replacement Fund, hereinafter referred to as the 'Fund,' which shall be available without fiscal year limitation, for expenses authorized in accordance with section 803 of this Act.

"(b) The fund shall be credited with (1) the net proceeds, as defined in the last sentence of 40 U.S.C. 485(c), hereafter received from the handling and the disposal of real and related personal property of the Department of Defense as authorized by section 802 hereof, exclusive of family housing, and (2) such funds as may hereafter be appropriated by the Congress for the purpose to provide adequate capital for the fund.

"Sec. 802. Whenever the Secretary of Defense determines that it is in the public interest or is necessary for national defense purposes to relocate or replace an existing military installation or facility, including family housing, in whole or in part, he may authorize the disposal of all or part of the real and related personal property which comprises such installation or facility. The General Services Administration shall act as the disposal agent in accordance with the Federal Property and Administrative Services Act of 1949, as amended: *Provided, however,* That any property reported by the Department of Defense to the General Services Administration for disposal pursuant to this Act must be either sold for fair market value as determined by the Administrator, General Services Administration with the concurrence of the Secretary of Defense or exchanged for other property acceptable to the Secretary of Defense for use as a replacement installation or facility: *And provided further,* That disposals pursuant to this section shall be upon such terms and conditions together with such reservations, exceptions, convenants and restrictions as the Secretary of Defense determines to be necessary in the public interest or for the national defense.

"Sec 803. Appropriations, to be derived from the fund, are authorized to be made for the purpose of: (1) defraying expenses of acquiring, constructing, converting, expanding, rehabilitating, repairing or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment which are necessary to establish or develop military installations or facilities for those to be disposed of in accordance with section 802, (2) defraying expenses of supervision, overhead, planning, design and inspection and related expenses incident to the establishment of such military installations and facilities; and (3) defraying the expenses incurred in connection with the transfer of activities to the new location.

"Sec. 804. Section 501(b) of Public Law 87–554 (76 Stat. 223, 237) as amended, is amended by deleting the period at the end thereof and adding the following new clause: 'and (4) for the purpose of acquiring or constructing family housing units at installations or facilities to be established or developed in accordance with the Defense Facility Replacement Fund Act and for the purpose of debt service as provided in this section: proceeds of the handling and the disposal of family housing of the Department of Defense at installations or facilities to be relocated or replaced in accordance with the Defense Facility Replacement Fund Act, including related land and improvements, whether handled or disposed of by the Department of Defense or any other Federal Agency, but less those expenses payable pursuant to section 204(b) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 485 (b)); and such funds which may be transferred by the Secretary of Defense from the Defense Facility Replacement Fund; to remain available until expended.'

"Sec. 805(a). No military installation or facility, or any part thereof, may be disposed of pursuant to the authority contained in section 802 of this Act, and no expenditures may be made from the fund for relocating or replacing an installation or facility to be disposed of unless such a project is specifically authorized by law.

"(b) This section is not applicable to the disposal or exchange of real property or the acquisition or construction of facilities which may be otherwise authorized.

"Sec. 806. This title may be cited as the 'Defense Facilities Replacement Fund Act.' "

Mr. RIVERS (during the reading). Mr. Chairman, I ask unanimous consent that this amendment be considered as read so that the distinguished gentleman who is acting for the committee can explain just exactly what this amendment proposes to do.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. BENNETT. Mr. Chairman, such a long amendment really has a very brief purpose.

There are some places in the United States where the military are occupying pieces of land where they are being almost involuntarily forced out of this land because of the nature of the areas. There is just not enough over-flight space and the various communities have a hard time living with it. It is more expensive land than the Government should use for the use now made of it. However, under present circumstances there is no way, really, as the law now stands, without this amendment, whereby the Government can get out of this

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land and get into less expensive land and land that they can use better.

The sole purpose of this amendment is to provide a means whereby funds which are developed as a result of the disposal of lands in these congested areas would be applied toward the removal of a particular base to another area.

Any action taken under this amendment will have to be reported back to the legislative Committees on Armed Services of both the House and the Senate and the two Committees on Appropriations. Thereby, we will have plenty of oversight as well as further oversight by the Real Estate Subcommittees of both the House and the Senate. There will be three oversights before both the House and Senate before anything is actually done as a result of this amendment.

Mr. Chairman, the adoption of this amendment will allow the military where it has been encompassed by construction in metropolitan areas to remove its operations to a more remote area.

We have been looking for a solution to this problem for a long time. As chairman of the Subcommittee on Real Estate I am glad that we have come up with a workable system in order to accomplish this.

Mr. CAREY. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from New York.

Mr. CAREY. Not having seen the amendment nor the wording of it, I have this fear: Would this amendment do anything to change the distribution of surplus property and disposal funds that would take those funds away from their present purposes, some of which are for recreation and some of which are for education and health priorities in the local areas? Would it change these?

Mr. BENNETT. It would change the format of the existing law, but as a practical matter you cannot lose any money for this particular objective because the military is not about to move out of these bases without the aid of this amendment.

Mr. CAREY. Well, if the military does not move out of the base, how will the base be sold?

Mr. BENNETT. The base just will not be sold at all.

Mr. CAREY. Let us talk about the Brooklyn Navy Shipyard. Say they sold that base and moved the facilities to Charleston, S.C.; What would happen with the funds they received for the sale of the Brooklyn Navy Yard?

Mr. BENNETT. Of course, the gentleman is suggesting this in the context of a particular move. Any such move would have to be approved in the authorizing committees.

Mr. CAREY. I do not think they would have much trouble getting approval from the authorizing committees to move it to South Carolina.

Mr. BENNETT. On the contrary, I think they would have difficulty.

Mr. CAREY. Well, they did not, and that is exactly what happened.

Mr. BENNETT. What happened? We did not make a move from the Brooklyn Navy Yard to Charleston, S.C.

Mr. CAREY. My dear colleague, I regret to say it, but we lost everything in Brooklyn.

Mr. BENNETT. To Charleston, S.C.?

Mr. CAREY. It went somewhere.

Mr. BENNETT. I do not think it is accurate to say that it went to Charleston, S.C.

Mr. CAREY. Then let us say that it went to Philadelphia and Norfolk. It certainly left Brooklyn, and the funds for that facility now are converted into funds for recreation and certain other purposes, for the acquisition of open space and parkland.

Mr. BENNETT. I get the point the gentleman is making, and I am yielding because I think I can make the point very clear, I bleieve the gentleman is. It is true that the funds that accrue from the sale of this land would be involved only in the movement of this particular base or some other base under similar circumstances; and that is the purpose of this legislation. Unless you pass this amendment we will just continue to carry on just like we have in the past.

We must have priorities, but there are some priorities which are not proper priorities in this country. For example, we find that we have the military occupying land which really ought to be going for high rise apartments or something else. For instance, we find that such valuable land is being used for rifle training purposes, and for people going up in helicopters, much to the concern of people living in those areas; and they are protesting such uses, and as a consequence naturally the Federal Government is leaving itself wide open for suits because of these lawsuits from overflights.

If you resist this amendment you would just leave things as they are. These communities are insisting that the military get out, but the Federal Government cannot afford to get out, because the moneys simply are not there to move these facilities. When it does, it has to spend a tremendous amount of money to move, or it has to spend a tremendous amount of money to provide new facilities. If it does not move it opens itself up to judgments and things like that because of overflights.

And bear in mind that each one of such moves would have a triple oversight in both Houses, Congress would have six times in which to look it over before it could happen.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RIVERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, let us talk for a moment about the volunteer army for our military services. There is but one way that you are going to be able to talk people into joining a volunteer military force, and that is if you are going to provide adequate accommodations and conveniences. For example, we have people living up in New York at Camp Drum, N.Y., who are living in World War II housing, housing that does not even have the proper protection against the cold in the winter months, they have no weather stripping, "no nothing."

When we sell a piece of valuable property, it will be placed in escrow to provide proper accommodations at a new location. We are tens of thousands of houses short for our military. This will permit us to maintain orderly planning.

As it is now, the money is taken and placed into the Treasury and other use is made of it. However, this way it will be held in escrow. We will know where it is, and its use will be considered by the proper committees of the Congress.

As of now we have so many priorities—all sorts of priorities, and frequently our military funds are the source that they are looking to, because they always look to the military to get something. We have had cases where surplus property has been turned over to the cities and they have made many millions of dollars out of it. Why should we not utilize some of this money?

Secretary Laird is the first person who has comprehended this situation. We have begged them to do this, so that they could orderly plan for the use of the money. There will be plenty of restrictions, plenty of oversight, plenty of opportunity for the proper committees who have cognizance of these matters to look into these matters.

That is why it was turned over to the gentleman from Florida (Mr. BENNETT) and he had hearings on it and that is why it is here.

Mr. NEDZI. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. NEDZI. I do not know whether I support this amendment or not. Here is an amendment that is three pages long.

The question I have, Mr. Chairman, is why this did not come up before the Committee on Armed Services. It seems to me rather unusual to bring an amendment of this length and so complicated before the House at this point.

Mr. RIVERS. It did come before the Committee on Armed Services and it was turned over to the gentleman from Florida (Mr. BENNETT) and he had hearings.

Mr. NEDZI. Why was it not reported to the committee?

Mr. RIVERS. It is being reported right now. I am telling the gentleman. The last hearings were held last week by the subcommittee.

Mr. NEDZI. The full committee never had any knowledge of this.

Mr. RIVERS. That was subsequent to the last date of the full committee hearings, and that is why, if the amendment had come before the full committee, it would have been acted upon as a part of this bill.

Mr. NEDZI. I thank the gentleman.

Mr. VANIK. Mr. Chairman, will the gentleman yield?

Mr. RIVERS. I yield to the gentleman.

Mr. VANIK. As I understand it, these funds that are accumulated through the sale of real estate and other things that belong to the various portions of the Defense Establishment can then only be used by the Department of Defense for such purposes as they might determine wise. Would there be any reappropriation of these funds?

Mr. RIVERS. I yield to the gentleman from Florida (Mr. BENNETT) to answer the gentleman.

Mr. BENNETT. Mr. Chairman, this

only applies where there has been pressure on a military installation to remove from an area because of overflights and for whatever other reason—but does not apply generally speaking.

This particular situation relates only to places where the military has been involuntarily forced out of an area.

Mr. VANIK. And this money would not have to be reappropriated?

Mr. BENNETT. Oh, yes, it would have to be reappropriated.

Mr. VANIK. Out of the escrow funds?

Mr. BENNETT. They would first have to go before the committee, the authorization committee for a line item. Then there would have to be an appropriation for it as well.

Mr. VANIK. Can the gentleman tell me that it would have to be reappropriated? That is all I want to know.

Mr. BENNETT. It would have to be reappropriated.

Mr. VANIK. The gentleman can reassure me as to that?

Mr. BENNETT. Yes, I can.

This was unanimously passed out of our subcommittee by both Democrats and Republicans.

Mr. SAYLOR. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in the years that I have been privileged to be a Member of the House of Representatives, I have always supported the Armed Services Committee and their legislation which they have presented to the House of Representatives, and I intend to support the present bill, but the amendment which was offered by our colleague from Florida strikes at the very heart of several other pieces of legislation now on our statute books and I must, therefore, oppose the amendment. The chairman of the Government Operations Committee and the chairman of the House Interior and Insular Affairs Committee have not been consulted in this matter.

I have been astounded at the statements made by members of the Committee on Armed Services that when military property is declared surplus and disposed of by the General Services Administration that the moneys derived therefrom go into the general fund of the Treasury.

This is not a correct statement of fact. When property is declared surplus by the military and handled in the manner provided for the disposal of surplus property, the proceeds thereof go into the land and water conservation fund. The money in the land and water conservation fund is then appropriated by the Appropriations Committee to the various agencies of the Federal Government and to the States for the acquisition and construction of recreational areas. If any funds from the sale of military surplus are not appropriated within a 5-year period from the date of their being covered into the fund, then and then only does it go into the General Fund of the Treasury of the United States.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I am happy to yield to the gentleman from Florida.

Mr. BENNETT. I agree with you. I never said anything to the contrary.

Mr. SAYLOR. No, you did not say so, but some other people did.

The change in the manner of disposition and the funds received from the sale of surplus military property was agreed to by the Honorable Carl Vinson when he was chairman of the Committee on Armed Services. Mr. Vinson heartily endorsed the establishment of the land and water conservation fund and felt that it was proper that the funds of the sale of surplus military property should go into that fund, and remain there to be appropriated by the Committee on Appropriations. It was at his insistence that the 5-year provision was placed in the land and water legislation in order to prevent funds languishing in the land and water conservation fund or creating a surplus for that fund as this amendment proposes to do for the military.

Now very frankly, there has been no recommendation that I know of by any prior administration or this administration that has ever changed that position. The position of the prior administrations and this administration is that this land and water conservation fund be increased. The fact of the matter is there is now pending before the Committee on Rules a bill increasing from $200 million a year to $300 million a year, the amount that goes into the land and water conservation fund.

If you adopt this amendment and if you adopt this approach for the military, then you are completely negating what the Congress has said they want to do with the land and water conservation fund.

It is that simple. Now I am happy to yield to the chairman of the Armed Services Committee for any comment that he desires to make.

Mr. RIVERS. Mr. Chairman, if the money is not expended, it ends up in the general revenue. But when military property, defense surplus, is cataloged through the military, it then goes to GSA.

Mr. SAYLOR. It goes to the General Services Administration.

Mr. RIVERS. I am not talking about the Surplus Property Act. Once the property is sold, the military has no control over the money. It makes no difference where it goes. The gentleman has stated that now it goes into the land and water conservation fund. I accept that statement. What I want, and what the amendment seeks to provide, is that when we have a piece of property that is owned by the military, we can dispose of it and use the money received to further the interests of the military. That is all the amendment would do.

There is a great deal of property which would not be handled in that fashion. Lots of property would be allowed to go the other way. But when we have an out-and-out business deal, that is what this amendment would be applicable to.

Mr. SAYLOR. The net effect of this amendment will be that $50 million a year or more received from the sale of surplus military property will not go into the land and water conservation fund.

Mr. KING. Mr. Chairman, will the gentleman yield?

Mr. SAYLOR. I yield to the gentleman from New York.

Mr. KING. If the gentleman will read section 802, at the end of the line, the second line, he will see the following language: "For purposes of relocating or replacing existing military installation or facility."

This provision would not interfere with any sale of surplus property, real or personal, except, for example, in a situation such as that which exists at El Torro, Calif., where I understand the community wants to get us out of there. We have to replace that base. We want to take the money received from the sale of that valuable property and use it to build and install another base in order to provide the same facility.

Mr. RIVERS. Mr. Chairman, will the gentleman yield further?

Mr. SAYLOR. I yield to the chairman.

Mr. RIVERS. The New York Port Authority might desire to use McGuire Air Force Base. If it is so needed by them, and we can sell it, we still need the McGuire Base or some such base as that facility provides. Under this amendment we can proceed to replace it. That is all the amendment would do.

I have a high respect for the gentleman's ability. I do not question what the gentleman says about the land and water conservation fund because I know he knows what he is talking about. But this amendment would take care of a business deal in such cases as those referred to. We may not want to be in a metropolitan area. A base is a base to us. We may not want such a base in a congested area. The gentleman from New York has spoken about a base in California. We have a city which has grown up at the end of the runway.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. BENNETT. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman from Florida is recognized.

Mr. BENNETT. Briefly, I merely wish to emphasize that I believe the gentleman from Pennsylvania, in speaking, did misunderstand the purpose of the amendment. If he will read it carefully, he will see that this is so. Actually, I seriously doubt that a single penny would not find its way into the land and water conservation fund, or any other such meritorious fund, if we passed this legislation. I have been chairman of the Subcommittee on Real Estate I do not know how many years now, a long number of years, and the most frustrating thing that I see in this committee is the fact that the Federal Government, in the military, is occupying some extremely expensive land. It is not in accord with the proper priorities of this country to have the Federal Government, through the military, occupy this land. It is expensive land. The people who live in the area do not want the military there, and the military do not want particularly to be there. But they do not have the money to move out. For instance, we might have a $50 million base, and if the base would be moved 50 miles west or something like that, it could be built on land that would be valued at $5 million. So I say the military should not be discouraged from moving out and giving proper priorities to that land. Under this

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they could move away and the project could be financed.

Then they can move away and finance the project. As it now is, they are just not going to move. The Federal Government is not going to give up a military base it now has and needs for military purposes just because it sits on an expensive piece of land.

This has been one of the frustrating and difficult things for my committee to meet. Then the Department came up with this proposal. It seemed a good one. We held hearings. There was not a dissenting vote in the committee. We made some change in it as it came to us. They were not extensive changes.

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, was anyone from the conservation people in to testify before the gentleman's committee?

Mr. BENNETT. The conservation people would not have very much interest in going before our committee. Except in a very few cases these are not places involving the conservation people. They are not places the conservation people would be interested in. For the most part they are urban, downtown areas.

Mr. MEEDS. The money from the sale of surplus property will go into the Land and Water Conservation Act?

Mr. BENNETT. The gentleman must not have listened to what I said. I said there was not going to be any amount of money coming to that fund from this operation.

The Government is just not going to move. It has the property it needs, and it needs the property. It ought to be getting out of that property and going to less expensive types of land.

The House can defeat this if it wants to, but it will not add one penny to the conservation purposes. Then we will have the Federal Government sitting on land which has potential better use, which is not being used to the extent it should be, and we are really fighting against the priorities of this country if we fight this amendment.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from South Carolina.

Mr. RIVERS. Mr. Chairman, I want the committee to absolutely understand what is involved here. The Defense Department has testified to our committee that the release of those pieces of land in the amendment is needed because cities are growing up around them. If they cannot dispose of these bases and get a better deal somewhere else in the same area, such as in California, they are not going to move. This is not surplus property. They will stay there if they have to, but they want to move under an orderly process, and this is the only way they can do it, as we see it now.

That is what this is all about. This is not surplus property. This is not water conservation property, as the gentleman from Pennsylvania said. It is property such as McGuire in New York and one in California, where they would like to build a new base if they can sell their present property at a price which would justify their removal. Otherwise they will stay there as long as they have to. That will not be declared surplus, I can guarantee that.

The CHAIRMAN. The time of the gentleman from Florida has expired.

(On request of Mr. RIVERS and by unanimous consent, Mr. BENNETT was allowed to proceed for 2 additional minutes.)

Mr. RIVERS. This is not the reason for having this in here. We want it so we can plan in an orderly manner. That is all it does. There is not any hocus-pocus. We do not do business in this way.

Mr. ANDREWS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Alabama.

Mr. ANDREWS of Alabama. Mr. Chairman, does not this amendment simply permit the Army to sell parcel A, so to speak, and take the money for the sale and with it buy parcel B?

Mr. BENNETT. That is correct—with thorough scrutiny by the Congress in the process.

Mr. ANDREWS of Alabama. And if they get more money for the parcel A than they have to pay for parcel B, the money goes into escrow to buy parcel C.

Mr. BENNETT. That is right. It is to encourage the Government to move off property where they should not be.

Mr. TIERNAN. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Rhode Island.

Mr. TIERNAN. Mr. Chairman, in the example given where they want to move from a property in town, if they get $105 million for that, and they have to pay $60 million for another property, and they have a surplus of $45 million, what happens to that surplus?

Mr. BENNETT. It goes into an account to be used for similar moves.

Mr. TIERNAN. That $45 million should go into the land and water conservation program.

Mr. BENNETT. When the proposal first came to us, it had a proposal for funding of $50 million immediately, so it would have more flexibility.

At my motion we took that out. I said, "Well, you ought to have enough, because you are going to have this money coming back, which you mentioned. That is all we are going to give you. We will let you have that money which comes that way."

The CHAIRMAN. The time of the gentleman from Florida has again expired.

Mr. NEDZI. Mr. Chairman, I move to strike the requisite number of words.

I should like to ask the gentleman from Florida to answer a question. What effect will this amendment have, if any, on the disposal of surplus military property for school purposes, fire stations, and that kind of thing?

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Florida.

Mr. BENNETT. It will have no effect as a practical matter as to anybody getting any money for any purpose, because the military, as the chairman pointed out, is not going to move from these bases without this legislation. It is not going to diminish one penny for other purposes because the military has no intention of moving unless this passes. These are only bases they need. These bases are not being closed for a diminution of military need. These military bases have been encompassed by cities. The property has become valuable.

They should be moved into a lower type of land use, allowing housing to be built, and that type of thing.

There will not actually be any money going to the water conservation fund or to the general treasury or to anybody if we do not pass the amendment. If we do pass the amendment the Government will be moving the military off the higher priority type land onto lower priority type land. That is the purpose of the proposed legislation.

Mr. NEDZI. I believe it is quite apparent that the amendment raises a great many questions. It would have been completely in order to have this amendment heard by the full Committee on Armed Services.

As I stated before in my question to the chairman, this matter did not come up before the full committee. To me it is a matter of great importance, and certainly it should have.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from South Carolina.

Mr. RIVERS. It did come before the full committee. I asked the gentleman from Florida (Mr. BENNETT) to have a hearing on it. It was before the full committee, and it was not offered to the full committee because the subcommittee hearings were held subsequent to the last full committee hearings.

Mr. NEDZI. The committee did not have the benefit of hearings.

Mr. RIVERS. It did come before the Committee on Armed Services.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. NEDZI. I yield to the gentleman from Florida.

Mr. BENNETT. When this matter came up the chairman announced what it was. The policy was announced to the full committee. My committee was given the responsibility of drafting the precise language. Thus the issue had already been settled.

I did not dream up this procedure. It was a question of doing it in the speedy time it needed to be done. This was done in my subcommittee, which was directed at the command of the chairman in a full committee meeting to find precise language which would accomplish the objective. So in a sense it was before the full committee.

Mr. NEDZI. In a sense.

Mr. KYL. Mr. Chairman, I move to strike the requisite number of words.

I would respectfully direct some questions to the gentleman from Florida, Mr. BENNETT.

The first question I believe can be answered rather briefly. Is it the contemplation of the committee that this arrangement would apply to three, four, five or six specific cases which they have in mind, or would it be a long-range policy?

Mr. BENNETT. Well, it certainly would apply to three facilities that are in mind at the present time in the Department of Defense. One of them, I believe, is El Toro in California.

Mr. KYL. The second question also requires only a brief answer.

Does this language of this amendment in any respect involve exchanges of land?

Mr. BENNETT. I presume it could be done, but it was not the real purpose of the proposed legislation. I presume there is that general power in the Government to do that. If there is not, this does not add it.

Mr. KYL. Does the amendment in any way relate by language to exchanges of land?

Mr. BENNETT. This does not add to any such power the Government might have in that.

I do not know whether that power exists in the Government at the present time or not, but this legislation does not add to that power and does not create the power.

Mr. KYL. The third question is: Is there any provision in this amendment which would permit the sale of present military property for less than fair market value or at less than fair value for any consideration such as schools, hospitals, recreation, and so forth?

Mr. BENNETT. There is no provision in this legislation to do what you suggest.

Mr. KYL. Am I correct, then, in assuming that the price at which this property would be sold would be on an appraised fair market value or by bid?

Mr. BENNETT. That is correct.

Mr. KYL. But in no case would it be less than fair market value?

Mr. BENNETT. In no case would it be less than fair market value.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. KYL. I yield to the gentleman.

Mr. RIVERS. That is the present law. It has to be fair market value.

Mr. BENNETT. Yes. He was asking about the law.

Mr. HOLIFIELD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am probably not as well informed on the meaning of this amendment as I should be, but I submit that it is far-reaching in its effect.

Now, I do not appear in the well of the House as an antagonist to the military program of this country. As the chairman of the committee knows, I have supported the military program. But, as I understand it—and I speak as the author of the Federal Property and Administrative Act of 1949 that set up the General Services Administration and set up a formula for the disposition of federally owned property. In the disposition of this property there are three categories. First, there is the category that if the property is not needed by the Federal agency, it is circulated among the other Federal agencies. Secondly, if the other Federal agencies do not need it, then it is declared surplus.

At first it is excess to the agency's need that happens to be occupying the property. For example, if the Air Force is occupying it and it is excess to their need, all of the other agencies of the Government, both civilian and military, are circulated as to their need for it. Then, if no one claims it from the other Government agencies, it is declared surplus. At that time there are certain well-defined provisions in the Surplus Property Act which say that that property can be claimed by State or local political subdivisions for education or hospitals at a nominal cost. The taxpayers paid for it and the taxpayers are supposed to be allowed to use it.

In the third category it is for recreation, parks and that sort of thing. The local entity is allowed to buy it as 50 percent of its appraised market value. This is not what the Government paid for it. The Government may pay $1 for it, but it may be worth $1 million. I have in my district an Air Force base of 400 acres that was ceded to the Government for $2—two different parcels for $2. That property today is worth $100,000 an acre. If it were sold by the Federal Government, it would bring $100,000 an acre, because it is 4 miles from downtown Los Angeles and is in the center of a very high-priced industrial district. If that property is sold, then the money goes into the General Treasury.

Now, if I understand the gentleman's amendment correctly, this says, for instance, that if the Presidio in San Francisco were to be declared surplus—and I would not even attempt to say what it is worth, although I would say it is worth maybe $1 billion because it is very valuable land—if that property were sold—and it ought to be sold, I believe, because the Government, right across the bay from it, around Vallejo, has several thousand acres, or they did the last time I knew anything about it, which is relatively cheap land. Letterman's Hospital—and other facilities could be moved to Government-owned land across San Francisco Bay—land which is relatively cheap. The homes of the generals and admirals who live on the Presidio property could very easily be moved there.

If it is sold for $1 billion and then the money remains in a revolving fund in the military, the Congress loses control over it. The Appropriations Committee loses control of the appropriations—and in my opinion it sets up backdoor financing about which we have heard so much.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I am glad to yield to the distinguished chairman of the Committee on Armed Services.

Mr. RIVERS. Not under this. This would be under the cognizance of the committee having jurisdiction.

Mr. HOLIFIELD. Well, the committee having jurisdiction is the Armed Services Committee.

Mr. RIVERS. The Armed Services Committee and the Congress. It would have to be authorized by law.

Mr. HOLIFIELD. The chairman has jurisdiction over the Presidio at this time and if the Presidio is sold, the jurisdiction would go, under the formula for the disposal of excess property, into the Treasury and then the gentleman if he wanted to use any of that money would go and justify it in a regular routine way.

But, I submit, as I understand the amendment, and if I do not, I would like to have it explained to me, under the gentleman's amendment—and it is quite ambiguous; I have looked at it and it is not clear—his answer to one of the questions posed by the gentleman from Iowa (Mr. Kyl) was not a clear answer when it was stated that it would not be sold for less than its market value. There is nothing in the amendment that says it has to be sold for fair market value.

Mr. BENNETT. That is the general law.

Mr. HOLIFIELD. That it would be general but in the category of general law the 1949 Property and Administrative Act provides a present formula which Congress has approved and which has stood the test of time.

The CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent Mr. Holifield was allowed to proceed for 5 additional minutes.)

Mr. HOLIFIELD. Under existing law that money goes into the general fund and is not available as a pool for the Defense Department to use, without proper congressional control.

Now, Mr. Chairman, I will support every justifiable appropriation that is asked for by the Armed Services Committee and have done so in the past. I have supported it because I believe that they know their business and they know what they are doing. But I submit to you as I understand this amendment, it sets up a completely different method of disposing of military property. It takes land just like the Presidio or any other lands that have increased tremendously in value and it gives to the military a tremendous fund which has not been appropriated by the Congress nor specified for certain purposes.

Mr. KYL. Mr. Chairman, will the gentleman yield?

Mr. HOLIFIELD. I yield to the gentleman from Iowa.

Mr. KYL. Is not this the difference? This amendment proposes that if the military has plot A and wants plot B, they sell plot A and buy plot B and if there is a surplus it is held in escrow?

Mr. HOLIFIELD. The surplus is held in a revolving fund in the control of the military for such uses as they may use it to acquire other properties without congressional consent and without the screening through the Congress.

Mr. KYL. Mr. Chairman, will the gentleman yield further?

Mr. HOLIFIELD. Yes.

Mr. KYL. This then as the gentleman describes the intent of the amendment, under the present system if the Government holds plot A and wants to move to plot B, they buy plot B and declare plot A surplus?

Mr. HOLIFIELD. That is right. And, if the amount is greater for the selling of A, the difference—the amount of money involved may be considered by the Appropriations Committee as an offset, probably, by the Appropriations Committee for the purchase of plot B.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

XUM

Mr. HOLIFIELD. Yes, I yield further to the distinguished chairman.

Mr. RIVERS. Let us take the case of the Presidio for a moment. Now, if you are located near a city and the city has grown up around a base and it is declared surplus, the procedure follows the course of the Surplus Property Act. Then you can build a new base and authorize the money and if someone holds it up, you will never get the property.

It does not make a continental to me if you adopt this amendment or not. It is a good idea. But in view of the confusion, I ask unanimous consent that the gentleman from Florida be permitted to withdraw this amendment.

Mr. HOLIFIELD. Mr. Chairman, I just want to say that I do not find it a happy instance to oppose this amendment, but I do so because it was sprung on me suddenly, and I feel that in justification as the acting chairman of the Committee on Government Operations, that we are changing a procedure under the Federal Administration and Property Act of 1949 and I, as acting chairman, would like to come before the gentleman's committee and testify at length on this.

Mr. RIVERS. If the gentleman would yield, I would say, why, certainly.

But, Mr. Chairman, may I say to the gentleman from California, that this has no reference to a particular base here or there, but it is to take care of those bases where we are being driven out, the city fathers and the county fathers, and the other local people want the property for civilian purposes.

Mr. Chairman, I believe we have gotten so much misinformation on this subject here this afternoon, I think that perhaps the gentleman from Florida might be willing to withdraw his amendment, and that would be best under the circumstances.

Mr. Chairman, I ask unanimous consent that the gentleman from Florida (Mr. BENNETT) be permitted to withdraw his amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. BENNETT. Mr. Chairman, reserving the right to object, I would like to say that if I withdraw this amendment, that the amendment, as has been expressed many times here before, is strictly designed for the purpose of seeing to it that expensive land which should have a better priority for some of our urban needs today can be utilized for that purpose, and to encourage the military to move off of such land.

I think it is a well-drafted amendment. I did not originally draft the amendment myself, so I have no pride of authorship, but I think it is a good amendment, and I think the colloquy that has taken place here today shows that it would be a good thing for somebody to introduce it as a bill. I do not plan to introduce it as a bill myself at this time.

Mr. RIVERS. Mr. Chairman, if the gentleman will yield, if we decide to bring it up later may I say that we will invite all of these gentlemen to testify. We do not sail under false colors, and again I say that this legislation is not for the purpose of getting rid of any particular base. It is not directed at what the gentleman from Pennsylvania had to say about it, but, in view of the colloquy today let us withdraw the amendment.

Mr. BENNETT. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. CAREY. Mr. Chairman, reserving the right to object, I make the reservation, Mr. Chairman, simply for the purpose of clearing up the colloquy that I had with the distinguished gentleman from Florida and the distinguished chairman of the committee, during which time we discussed the movement of the Brooklyn Naval Shipyard, and at one point I mentioned Charleston, S.C., and I did so merely for the purpose of example. I want to say to the chairman that he knows as well as I do that he did work very hard to keep that base open, and that it was the then Secretary of Defense who had it closed.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

Mr. DINGELL. Mr. Chairman, reserving the right to object, I would simply like to add, in addition to the remarks of the distinguished chairman of the committee, that everybody should be given an opportunity to be heard on such an amendment as this. Such an amendment definitely should be considered carefully as legislation by introduction of a bill. It should have careful consideration in committee where all people can be given the opportunity to be heard, rather than for the Members to be suddenly confronted with such an amendment on the floor, without notice and without opportunity for study.

Mr. Chairman, I withdraw my reservation of objection.

Mr. BENNETT. Mr. Chairman, I join in the unanimous consent request of the gentleman from South Carolina that my amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina that the amendment offered by the gentleman from Florida (Mr. BENNETT) be withdrawn?

There was no objection.

### AMENDMENT OFFERED BY MR. COLLIER

Mr. COLLIER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLLIER: On page 51, after line 9, add "SEC. 704" and the following:

"The Comptroller General of the United States is authorized and directed to report to Congress as soon as practicable on the economic feasibility of the disestablishment of any naval ordnance plant or until such time as such report is made and the Congress takes action thereon. None of the funds authorized under this act may be used for the construction of facilities at any such plant to which activities are transferred from any plant to be disestablished or deactivated until the report on the economic feasibility is submitted to the Congress."

Mr. COLLIER. Mr. Chairman, this amendment——

Mr. RIVERS. Mr. Chairman, if the gentleman will yield, I did not see a copy of this amendment.

Mr. COLLIER. Mr. Chairman, I wrote the amendment out in longhand, and I have only one copy of the amendment.

Mr. RIVERS. Mr. Chairman, I will reserve the right to a point of order on the amendment.

The CHAIRMAN. Is the gentleman from South Carolina making a point of order against the amendment?

Mr. RIVERS. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from South Carolina reserves a point of order on the amendment offered by the gentleman from Illinois (Mr. COLLIER).

The gentleman from Illinois (Mr. COLLIER) is recognized for 5 minutes in support of his amendment.

Mr. COLLIER. Mr. Chairman, may I say to the distinguished chairman of the committee that this is the sum and substance of the amendment that I offered to the procurement bill a couple of weeks ago. It is a simple and sensible amendment that everyone can and should support, because it merely says that where the Department of Defense has ordered the deactivation or disestablishment of a naval ordnance plant on the ground that it is an economy move, that the Comptroller General of the General Accounting Office make a study and report back to the Congress on the economic feasibility.

Certainly, no one in this Chamber wants a defense activity that is not being closed—and I repeat—not being closed but its functions and activities merely being transferred, to be done, unless it is economically feasible. It is just that simple.

So, I would say that every Member of the House could support this in very good conscience because it merely guarantees that no such move will be made until it is economically feasible, until a report to that effect is made to the Congress by the General Accounting Office. That is all it does.

Mr. PELLY. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I am delighted to yield to the gentleman.

Mr. PELLY. Does the amendment cover naval ammunition depots or just an ordnance plant?

Mr. COLLIER. It would basically cover an ordnance plant. However, if the gentleman would like to amend the amendment to include a depot, I see nothing wrong. If this application of good commonsense and fiscal judgment is applicable to a naval ordnance plant, I see no reason why it should not be.

Mr. PELLY. I know of a naval ammunition depot, which is not in my congressional district, which I believe had the lowest cost of handling ammunition of any ammunition depot in the country. It is being deactivated and its program and work transferred. This work will be done in California where it is necessary to lighter ammunition and they have double handling. I know it is not economically feasible or in the interest of economy to transfer the loading of ammunition from Bangor Ammunition Depot near Puget Sound naval shipyard to any other naval installation.

Mr. COLLIER. Let me say to the gentleman, I have experienced the same situation and I can be very sympathetic with him. To avoid the reoccurrence of any such situation as this, all that is necessary is to adopt this amendment. It is in the best interest of the defense program in terms of higher efficiency and lower costs.

Mr. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. COLLIER. I yield to the gentleman.

Mr. RIVERS. The amendment provides:

> The Comptroller General of the United States is authorized and directed to report to Congress as soon as practicable on the economic feasibility of the disestablishment of any naval ordnance plant or until such time as such report is made and the Congress takes action thereon. None of the funds authorized under this Act may be used for the construction of facilities at any such plant to which activities are transferred from any plant to be disestablished or deactivated until the report or the economic feasibility is submitted to the Congress.

Under this amendment, you could not do anything. What if the report was never submitted—you would not have any kind of facility and it would create an impractical situation that you just could not cope with.

Mr. COLLIER. I might suggest to the distinguished chairman that the deactivation or disestablishment of an industrial plant of this type is not done on a decision made on Tuesday and followed out on the following Friday.

Usually, as the gentleman knows, and much better than I do, this is a year or a year and a half operation and during this time it seems to me where there is a great disparity in the figures of the Department of Defense and cost accountants' figures, it is the responsibility of the General Accounting Office to move in and determine whether this move is economically feasible. Otherwise the taxpayers have absolutely no protection.

Mr. RIVERS. If the gentleman will yield, I just do not know how you can keep the Department of Defense from closing up a facility. They can transfer all the people. It is something over which they have the management and we have no control as to that.

While I would like to help the gentleman, I just plain do not know how to do it. We have looked into this before.

Take the Pentagon over here, for example, they move people all the time. I just do not know how you are going to stop it.

Mr. COLLIER. I have the greatest respect, as the chairman knows, for him and his committee. I repeat, however, that this amendment will do nothing more than to insure and assure that any move of this nature contemplated by DOD would be in the best interests of the defense posture of the country on the one hand and the taxpayers on the other.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. COLLIER).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. ALBERT), having resumed the chair, Mr. STEED, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 17604), to authorize certain construction at military installations, and for other purposes, pursuant to House Resolution 1030, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. TALCOTT

Mr. TALCOTT. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. TALCOTT. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. TALCOTT moves to recommit the bill H.R. 17604 to the Committee on Armed Services.

Mr. RIVERS. Mr. Chairman, I move the previous question on the motion to recommit.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. NEDZI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 251, nays 133, not voting 45, as follows:

[Roll No. 130]

YEAS—251

Abernethy
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Baring
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Blackburn
Blanton
Boggs
Bow
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, Utah
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Collier
Collins
Conable
Corbett
Cowger
Cramer
Crane
Cunningham
Daniel, Va.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Devine
Dickinson
Dingell
Dorn
Dowdy
Downing
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Erlenborn
Eshleman
Evins, Tenn.
Fallon
Findley
Fisher
Flood
Flowers
Ford, Gerald R.
Foreman
Fountain
Frelinghuysen
Frey
Fuqua
Galifianakis
Garmatz
Gettys
Goldwater
Gonzalez
Goodling
Gray
Griffin
Gross
Grover
Hagan
Haley
Hall
Hammerschmidt
Hansen, Idaho
Harsha
Harvey
Hastings
Hébert
Henderson
Hogan
Holifield
Hosmer
Hull
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
King
Kleppe
Kluczynski
Kuykendall
Kyl
Landrum
Langen
Latta
Lennon
Lloyd
Long, La.
Lukens
McClory
McClure
McCulloch
McDade
McEwen
McFall
McKneally
MacGregor
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
May
Mayne
Meskill
Michel
Mills
Minshall
Mize
Mizell
Mollohan
Montgomery
Morgan
Morton
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
O'Konski
O'Neal, Ga.
Passman
Patman
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Rivers
Rogers, Fla.
Rooney, N.Y.
Rostenkowski
Roth
Ruth
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Scott
Sebelius
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Taft
Talcott
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Waggonner
Wampler
Watkins
Watson
Watts
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wyatt
Wylie
Wyman
Young
Zablocki
Zion
Zwach

NAYS—133

Adams
Addabbo
Anderson, Calif.
Ashley
Barrett
Biester
Blatnik
Boland
Bolling
Brademas
Brasco
Burlison, Mo.
Burton, Calif.
Button
Carey
Celler
Cleveland
Cohelan
Conte
Conyers
Corman
Coughlin
Culver
Daddario
Daniels, N.J.
Dent
Derwinski
Diggs
Donohue
Dulski
Eckhardt
Eilberg
Esch
Evans, Colo.
Farbstein
Fascell
Fish
Foley
Ford, William D.
Fraser
Friedel
Fulton, Pa.
Fulton, Tenn.
Gallagher
Gaydos
Giaimo
Gibbons
Gilbert
Green, Pa.
Griffiths
Gude
Halpern
Hamilton
Hanley
Hanna
Hansen, Wash.
Harrington
Hathaway
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hicks
Horton
Howard
Hungate
Karth
Kastenmeier
Keith
Koch
Kyros
Leggett
Long, Md.
Lowenstein
Lujan
McCloskey
McDonald, Mich.
Macdonald, Mass.
Madden
Matsunaga
Meeds
Melcher
Mikva
Miller, Ohio
Minish
Mink
Monagan
Mosher
Nedzi
Nix
Obey
O'Hara
Olsen
O'Neill, Mass.
Patten
Pike
Podell
Powell
Pryor, Ark.
Rees
Reid, N.Y.
Reuss
Riegle
Robison
Rodino
Roe
Rooney, Pa.
Rosenthal
Roybal
Ruppe
Ryan
St Germain
Scheuer
Schwengel
Shipley
Stafford
Sullivan
Symington
Thompson, N.J.
Tiernan
Udall
Ullman

Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Weicker
Whalen
Wolff
Wydler
Yates
Yatron

NOT VOTING—45

Abbitt
Adair
Anderson, Tenn.
Ayres
Bingham
Brown, Calif.
Brown, Mich.
Brown, Ohio
Bush
Byrne, Pa.
Chisholm
Clausen, Don H.
Clay
Colmer
Dawson
Edwards, Calif.
Feighan
Flynt
Green, Oreg.
Gubser
Hays
Jacobs
Jones, Ala.
Kee
Kirwan
Landgrebe
McCarthy
McMillan
Miller, Calif.
Moorhead
Morse
Murphy, N.Y.
Ottinger
Pollock
Railsback
Reifel
Roberts
Rogers, Colo.
Roudebush
Schneebeli
Smith, Iowa
Stokes
Stubblefield
Stuckey
Tunney

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Byrnes of Pennsylvania.

Mr. Flynt for, with Mr. Tunney against.

Mr. Murphy of New York for, with Mr. Stokes against.

Mr. Colmer for, with Mr. Edwards of California against.

Mr. Abbitt for, with Mr. Bingham against.

Mr. Stubblefield for, with Mr. Brown of California against.

Mr. Miller of California for, with Mrs. Chisholm against.

Mr. Anderson of Tennessee for, with Mr. Clay against.

Mr. Jones of Alabama for, with Mr. Morse against.

Mr. Roberts for, with Mrs. Green of Oregon against.

Mr. Don H. Clausen for, with Mr. Jacobs against.

Mr. Gubser for, with Mr. McCarthy against.

Mr. Smith of Iowa for, with Mr. Moorhead against.

Mr. Stuckey for, with Mr. Ottinger against.

Mr. Adair for, with Mr. Rogers of Colorado against.

Mr. Landgrebe for, with Mr. Feighan against.

Until further notice:

Mr. Kee with Mr. Schneebeli.
Mr. Kirwan with Mr. Ayres.
Mr. Dawson with Mr. Railsback.
Mr. McMillan with Mr. Brown of Ohio.
Mr. Pollock with Mr. Brown of Michigan.
Mr. Roudebush with Mr. Bush.
Mr. Reifel with Mr. Coughlin.

Mrs. HANSEN of Washington changed her vote from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore (Mr. ALBERT). The question is on the motion to recommit.

The motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. RIVERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 335, nays 47, answered "present" 2, not voting 45, as follows:

[Roll No. 131]

YEAS—335

Abernethy
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Aspinall
Baring
Barrett
Beall, Md.
Belcher
Bell, Calif.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Bray
Brinkley
Brock
Brooks
Broomfield
Brotzman
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Byrnes, Wis.
Cabell
Caffery
Camp
Carter
Casey
Cederberg
Chamberlain
Chappell
Clancy
Clark
Clawson, Del
Cleveland
Collier
Collins
Conable
Conte
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Dorn
Dowdy
Downing
Dulski
Duncan
Dwyer
Edmondson
Edwards, Ala.
Edwards, La.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Fisher
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Fuqua
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Goldwater
Gonzalez
Goodling
Gray
Griffin
Griffiths
Gross
Grover
Hagan
Haley
Hall
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harsha
Harvey
Hastings
Hathaway
Hébert
Heckler, Mass.
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, N.C.
Jones, Tenn.
Kazen
Keith
King
Kleppe
Kluczynski
Kuykendall
Kyl
Kyros
Landrum
Langen
Latta
Leggett
Lennon
Lloyd
Long, La.
Long, Md.
Lujan
Lukens
McClory
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
MacGregor
Madden
Mahon
Mailliard
Mann
Marsh
Martin
Mathias
Matsunaga
May
Mayne
Meeds
Melcher
Meskill
Michel
Mills
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Montgomery
Moorhead
Morgan
Morton
Moss
Murphy, Ill.
Myers
Natcher
Nelsen
Nichols
Obey
O'Hara
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pickle
Pike
Pirnie
Poage
Poff
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quie
Quillen
Randall
Rarick
Reid, Ill.
Rhodes
Rivers
Robison
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Ruppe
Ruth
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stratton
Sullivan
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, Ga.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vigorito
Waggonner
Wampler
Watkins
Watson
Watts
Weicker
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wold
Wright
Wyatt
Wydler
Wylie
Wyman
Yatron
Young
Zablocki
Zion
Zwach

NAYS—47

Ashley
Bolling
Brasco
Burton, Calif.
Button
Carey
Celler
Cohelan
Conyers
Eckhardt
Farbstein
Fraser
Gilbert
Green, Pa.
Gude
Halpern
Harrington
Hawkins
Hechler, W. Va.
Helstoski
Karth
Kastenmeier
Koch
Lowenstein
McCloskey
Macdonald, Mass.
Mikva
Miller, Ohio
Mosher
Nedzi
Nix
O'Konski
Podell
Powell
Rees
Reid, N.Y.
Reuss
Rosenthal
Roybal
Ryan
Scheuer
Thompson, N.J.
Vanik
Waldie
Whalen
Wolff
Yates

ANSWERED "PRESENT" -2

Riegle
Talcott

NOT VOTING—45

Abbitt
Adair
Anderson, Tenn.
Ayres
Bingham
Brown, Calif.
Brown, Mich.
Brown, Ohio
Bush
Byrne, Pa.
Chisholm
Clausen, Don H.
Clay
Colmer
Davis, Ga.
Dawson
Edwards, Calif.
Flynt
Green, Oreg.
Gubser
Hays
Jacobs
Jones, Ala.
Kee
Kirwan
Landgrebe
McCarthy
McMillan
Miller, Calif.
Morse
Murphy, N.Y.
Ottinger
Pollock
Railsback
Reifel
Roberts
Rogers, Colo.
Roudebush
Schneebeli
Smith, Iowa
Stokes
Stubblefield
Stuckey
Symington
Tunney

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Adair for, with Mr. Talcott against.

Mr. Hays for, with Mr. Brown of California against.

Mr. Miller of California for, with Mr. Bingham against.

Mr. Roberts for, with Mrs. Chisholm against.

Mr. Stubblefield for, with Mr. Edwards of California against.

Mr. Murphy of New York for, with Mr. Ottinger against.

Mr. Flynt for, with Mr. Stokes against.

Mr. Rogers of Colorado for, with Mr. McCarthy against.

Mr. Davis of Georgia for, with Mr. Clay against.

Mr. Abbitt for, with Mr. Dawson against.

Until further notice:

Mr. Byrne of Pennsylvania with Mr. Ayres.
Mr. Colmer with Mr. Brown of Ohio.
Mr. Anderson of Tennessee with Mr. Don H. Clausen.
Mr. Jones of Alabama with Mr. Bush.
Mr. Kee with Mr. Brown of Michigan.
Mrs. Green of Oregon with Mr. Morse.
Mr. Smith of Iowa with Mr. Landgrebe.
Mr. Stuckey with Mr. Pollock.
Mr. Jacobs with Mr. Roudebush.
Mr. Tunney with Mr. Reifel.
Mr. Symington with Mr. Schneebeli.
Mr. Kirwan with Mr. Gubser.

Mr. O'KONSKI changed his vote from "yea" to "nay."

Mr. TALCOTT. Mr. Speaker, I have a live pair with the gentleman from Indiana (Mr. ADAIR). If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## GENERAL LEAVE TO EXTEND

Mr. RIVERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the bill H.R. 17604, just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

### GENERAL LEAVE TO EXTEND

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to extend their remarks on the speech given earlier today by the gentleman from Florida (Mr. FASCELL) on Cuban independence.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

### PARLIAMENTARY INQUIRY IN RESPECT TO LEGISLATIVE PROGRAM

Mr. PICKLE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. PICKLE. Mr. Speaker, I would like to inquire if there are other matters pending before the House this afternoon?

The SPEAKER. The Chair understands that there are two rules to be called up, in connection with legislation that will be considered by the House tomorrow.

Mr. PICKLE. It was my understanding, Mr. Speaker, with reference to the matter of the amending of the Social Security Act that that legislation was scheduled on the calendar for tomorrow.

The SPEAKER. This relates solely to the rule providing for consideration of the legislation and not to the legislation itself.

Mr. PICKLE. I understood that, Mr. Speaker. Would it therefore be in order to consider the rule this afternoon?

The SPEAKER. Yes, both rules could be brought up and then the bills will be considered tomorrow.

Mr. PICKLE. As the Speaker knows, there is some concern about the rule on the social security measure and I know that the entire House would want to be apprised of the fact that this rule is pending. I wonder, Mr. Speaker, if consideration of the rule might be put over so that we might act on the rule tomorrow instead of today?

The SPEAKER. The Chair understands that an agreement has been worked out with the leadership on both sides and members of the Committee on Rules on both sides that both rules would be called up today but not to consider either one of the bills today.

### LEGISLATIVE PROGRAM

(Mr. ALBERT asked and was given permission to address the House for 1 minute.)

Mr. ALBERT. Mr. Speaker, at the request of the gentleman from Maryland and others who wanted to be sure that we could finish both bills on the program tomorrow, we had hoped to come in at 11 o'clock. But we found that that would interfere with the operation of some of the committees. It was then the hope, in the interest of expediting the business of the House that we might adopt the rules and I agreed to that.

Mr. Speaker, in view of the fact that there is opposition to the rule on the social security bill, and I understand there is opposition to it, but I did not know of it at the time, I would suggest that we put that rule over and we take up the rule on the merchant marine and fisheries bill.

Mr. PICKLE. I thank the gentleman.

### PROVIDING FOR CONSIDERATION OF H.R. 15424, TO AMEND THE MERCHANT MARINE ACT, 1936

Mr. YOUNG. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the distinguished Chairman (Mr. COLMER), I call up House Resolution 1029 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1029

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15424) to amend the Merchant Marine Act, 1936. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from California (Mr. SMITH) pending which I yield myself such time as I may require.

Mr. Speaker, House Resolution 1029 provides an open rule with 2 hours of general debate for consideration of H.R. 15424 to amend the Merchant Marine Act of 1936. The resolution also provides that it shall be in order to consider the committee substitute as an original bill for the purpose of amendment.

The purpose of H.R. 15424 is to provide for a long-range merchant shipbuilding program of 300 ships in the next 10 years, a general lessening of dependence on operating-differential subsidy for the liner carriers, and the buildup of our bulk commercial carrier fleet in the foreign commerce of the United States.

Our flag fleet today consists of 967 ships, only 650 of which are engaged in foreign trade. Our fleet now ranks fifth in the world on a tonnage basis. The present fleet will decline to 310 by 1980 unless new ships are built.

Worn out World War II ships constitute the largest segment of the foreign trade fleet and continued operation of these ships after 1974 cannot be expected and the fleet will be reduced to 272 ships by that time.

An additional 51 ships will become overage in the period 1974–80, which would drop the fleet to 221 ships by 1980.

It is particularly important to note that the 650 ships in operation now are the equivalent in carrying capacity of only 228 modern ships.

While our fleet has been declining dramatically, our trade with the world has been steadily growing and the continued growth of our foreign trade depends on efficient and reasonably priced ocean transportation. We must rebuild our merchant fleet if continued access to such transportation is to be assured.

The number of seafaring job opportunities will decrease from the present 56,700 to 22,300 by 1980 if the fleet is not augmented.

If the proposed program is carried out, the fleet in 1980 will be equivalent to 344 modern ships and seafaring job opportunities will be restored.

Mr. Speaker, I urge the adoption of House Resolution 1029 in order that H.R. 15424 may be considered.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the distinguished gentleman from Texas, House Resolution 1029 provides an open rule with 2 hours of debate for the consideration of H.R. 15424, the merchant marine program.

The committee amendment in the nature of a substitute is made in order as an original bill.

Mr. Speaker, this is the first time a major revision has been made in the maritime law since 1936. At the close of World War II, the U.S. merchant fleet of 3,696 ships was the largest in the world and the pride of this Nation. In the intervening 24 years, however, the U.S.-flag fleet steadily decreased. The present foreign trade fleet of but 650 ranks fifth in the world, and in 1974, balancing present rates of obsolescence and construction, our fleet will dwindle to 272 ships.

In 1968, the value of U.S. exports and imports was $67 billion, one-third of the world's trade. Yet, only 6 percent of the total tonnage of that trade was carried by American-flag ships. Understandably, with the growth of U.S. trade dependent upon efficient and reasonably priced ocean transportation and the security of the Nation contingent upon the mobility of the men and supplies, the American shipping and shipbuilding record must be improved drastically.

The bill, H.R. 15424, calls for:

An increase in the level of subsidized ship construction from the present 10 ships per year to 30 ships per year for a period of 10 years;

A gradual reduction in the maximum construction differential subsidy;

Payment of the subsidy directly to the shipyard rather than to the ship operator;

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Extension to shipbuilding of a multi-year procurement system;

An increase in the present $1 billion ceiling on mortgage and loan insurance to $3 billion;

Emphasis upon construction differential subsidies to bulk carriers;

Creation of a commission to review the status of the American shipbuilding industry;

Computation of wage subsidies on an index system for the purpose of operating differential assistance;

Elimination of the operating differential subsidy recapture provisions of the Merchant Marine Act of 1936;

A new direct operating subsidy for bulk carriers; and

Extension of the tax deferment system now permitted for subsidized operators to all qualified ship operators in foreign, Great Lakes and domestic noncontiguous trade, and the fisheries.

Passage of these proposed amendments to the Merchant Marine Act of 1936 will start to revitalize our merchant marine, reverse the sharp decline of our flag fleet, and provide the immediate and substantial aid required to meet the goals of national policy.

A comprehensive maritime program is required by H.R. 15424.

Mr. Speaker, I urge adoption of the rule.

Mr. YOUNG. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## THE 68TH ANNIVERSARY OF CUBAN INDEPENDENCE: "INDEPENDENCE" IN FIDEL CASTRO'S CUBA

(Mr. FASCELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, on May 20, 1902, Tomás Estrada Palma began his term as the first constitutionally elected President of a newly sovereign Cuban Republic, and a free and independent Cuban nation came into being. For the Cuban people, this event marked the culmination of years of struggle and sacrifice as they sought to rid themselves of Spanish colonial rule and establish a government of their own choice, based on democracy, respect for individual rights, and social justice.

On January 1, 1959, another struggle for freedom was culminated, and another Cuban independence was celebrated—this time the victor was a young revolutionary, Fidel Castro. Four months later, the new Cuban Premier, Fidel Castro, stated:

> We wish to free man from fear, we want to free man from dogmas, to free him socially and economically, without dictatorship of any kind. . . . I know that the Cuban people and the Latin American people understand what a revolution is that satisfies man's material necessities without sacrificing his liberties. . . . And here we . . . are going to achieve a revolution with democratic methods. . . . If we achieve this the Cuban Revolution will become a classic revolution throughout the world because it will have achieved the objectives which people seek. . . . after having respected their rights and the liberties of man.

Thus did Fidel Castro declare a new era of independence for the Cuban people. These were the promises which led students, labor leaders, the press, the ordinary citizens, and the statesmen within and outside of Cuba to acclaim Dr. Castro as a new figure on the American scene, one who was genuinely interested in the welfare of his people, who was dedicated to a program of democracy and economic betterment, and who would faithfully adhere to the ideals and philosophies revered by free men everywhere.

Eleven years later, what has happened to Castro's "independent" Cuba and to his pledges of "freedom from fear and dogma," of "revolution by democracy," and of "respect for the rights and liberties of man"?

As early as 1953, in his famous manifesto of purposes for taking up arms against Batista, Castro publicly proclaimed—as he continued until after his assumption of power to vigorously ensure—that his government would "restore sovereignty to the people," that it would be a "government of popular election," and that the rights guaranteed in the 1940 Constitution would be restored and strictly enforced, including the "absolute guarantees" of freedom of information, press, and all individual and political rights guaranteed therein. On many occasions, he gave his "formal promise" that his provisional government would within 1 year, hold honest general elections open to participation by freely functioning political parties, to ensure the Cuban people a "genuine representative government." In his "Unity Manifesto" of July 1958, Castro proposed a governmental system based on minimal governmental interference whose primary motivation would be to guarantee the rights of all of the people and to ensure their peace and freedom and their economic, social, and political progress.

What Castro has actually done is to create a harsh Communist political and military apparatus which, in the name of its "high revolutionary objectives," tolerates no significant dissent. In Cuba today, revolutionary committees control the public, the party controls the committees, the regime controls the party, and the regime is controlled by Castro. The price of Castro's plan for so-called Cuban "independence" has been total suppression of political liberty and the annihilation of the quality of Cuban life.

Castro has ridiculed elections. He has denied the existence of any public representative body or legislature. He has fostered a press and communications media which is wholly controlled by the state. He has presided over wholesale confiscation and socialization. He has blatantly ignored any semblance of civil rights and any exercise of political liberty. He has seized and imprisoned close to 40,000 Cubans whose crime was to criticize a government which Castro himself had pledged to be a government "of the people, to the people and with the people," a government that sought the Cuban people's support on the promise of free elections, free press, and free speech. He has structured a vigilance system—the Committee for the Defense of the Revolution—which is stationed on every city block and in every Cuban hamlet. The express duty of these "revolutionary control centers" is to keep track of every aspect of the life of each Cuban citizen; even the armed forces and police are held in check by watchdog groups to insure their continued "dedication" to the ideals of the revolution.

In short, Castro's brand of "independence" for Cuba has meant the substitution of one dictatorship for another, and the perpetuation of a drab and fearful life for 6 million Cubans. The watchwords of Castro's Cuban revolution were "bread and liberty." But 11 years later, Castro has failed to supply his people with sufficient food, and has never offered the Cuban people liberty. Cuba in 1970 is a drab, regimented, oppressive society where, as William Attwood, editor-in-chief of Look magazine, described it last month:

> Waiting in line is a national pastime and cutting sugarcane an obligatory hobby, and where the atmosphere varies between that of a permanent Community Chest Drive and a gigantic military stockade.

If you were a member of Castro's Cuban society today, you would live by standards like the following. Your home or apartment, property, and business would not be your own possession, but rather the property of the Communist state. If you wanted to read a paper or listen to a radio to get news of events in your own country or the outside world, you would read Granma and other Government-dominated publications, and you would listen only to Government-sanctioned radio stations. If you were a laborer, you would find yourself stripped of your prerevolutionary rights and benefits guaranteed by free unions and legislation, and compelled to work long hours "voluntarily" on your job and on the state agricultural farms, for the "good" of the revolution. If you were a canecutter or a butcher, you would have to accept that status for the rest of your life, because the state controls all conditions of labor. If you were a housewife, you would be facing the overwhelming task of juggling myriad ration cards in an attempt to provide your family with basic food staples, clothing, soap, and other essential items. If you were a student, you would enjoy a virtually free education—provided that you proved your zeal for the revolution—but your studies would consist more of propaganda than of scholarly pursuits and your instructors would be inexperienced people whose primary qualification is their knowledge of and devotion to Marxist philosophy.

Such is a sample of the life which Castro has carved out of the revolution for his people. How has he fared in other aspects of that revolution?

In the area of social amelioration, one of the most vitally needed changes in the social and economic life of Cuba has been agrarian reform. Reform of the agricultural structure was one of Castro's primary objectives. His first agrarian re-

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form law, written in October 1958 while he was still waging revolution in the Sierra Maestra, called for redistribution of the land to the peasants and small farms based on the principal that "those who cultivate the land should own it." On October 2, 1963, he proclaimed the second agrarian reform, a dictum which legalized full-scale arbitrary seizures of the Cuban farmers' privately-owned land with no thought of compensation. Through this law, landownership was changed from a ratio of 40 percent state owned to 60 percent privately owned land, to 70 percent state-owned land and 30 percent privately owned. Instead of small farms worked and managed by the peasants, the Cuban agricultural structure was transformed into large granjas, state farms. Today, virtually no land in Cuba is privately owned and managed. Moreover, agricultural production has been considerably cut partly as a consequence of opposition to these procedures, contributing even more to crucial shortages and resulting in ever greater rationing. And this is Castro's answer to his people's profound yearning simply to own land upon which they worked.

Tragically, Fidel Castro has betrayed all of his glowing promises for a better social, economic, and political life for Cuba. He has betrayed the people who believed so eagerly in him as their liberator.

Hundreds of thousands of Cuban people, despairing of a system which they feel powerless to change and yet are unwilling to endure have fled their beloved homeland. Some of them have escaped at great peril, some of them have died trying to be free. Thirty-five hundred Cubans are still leaving on the airlift to Miami every month, and many more thousands remain on waiting lists. Many of these sorrowing people have come to the United States in search of peace, freedom, and a future for themselves and their children. Their feelings about Castro were well summed up by one arriving refugee who sadly stated, "Freedom under Castro is no freedom at all."

More than a decade ago we watched with regret and sympathy for our Cuban neighbors as Castro began this forced march toward oppession. In January of 1960 I said that the Castro pattern was "old, simple, brutal, and effective. As conditions get worse in Cuba the speeches will become more abusive; the Americans will be blamed for everything; one violent act will follow another; and turmoil will not subside in Cuba." Events have tragically followed this story line.

On that early day in 1960 it appeared to me:

> The doctor intends to operate at once without anesthesia for the United States. Anesthesia for Cuba will be planned anti-American villifications and tirades to cover up harsh and illegal acts.
>
> Our good friends, the Cuban people, are clearly being driven down a blind alley. One act of this play calls for Dr. Castro to become a martyr. The U.S. must be taunted into taking retaliatory military or economic action. This will then justify to the Cuban people and the world, Castro's right to seek help and assistance from the real friends of Cuba—the Communists.
>
> He can then proceed with the completion of the people's revolution and the establishment of the new order—the classless society. The hated foreigner and property-owner would be gone. In fact, all property owners would be gone. The campesino workers are then armed and become mighty rulers. This idyllic play then comes to a screaming climax when the ruler and the ruling group of this classless society is properly rewarded.

This play sounded familiar then as it does now. It should. It is as old as Marx and Lenin. But with each passing day the Cuban people saw that the revolution had not terminated.

Mr. Speaker, on this 68th anniversary of Cuban independence, I am sure we all deplore the tragic situation in Cuba, and the monstrous crimes against the Cuban people committed by Fidel Castro in the name of Cuban "independence." Such blatant tyranny over the hearts and minds of men cannot endure—and I say that it will not endure. I have faith that the revolutionary spirit of the Cuban people—a spirit which has been deeply ingrained in the Cuban soul since their first great struggle for independence—will someday succeed in putting an end to the long and tragic nightmare of Fidel Castro.

On this Cuban independence day, let us pay tribute to the Cuban people, with whom we have always shared a warm and close affection and deepest esteem, and to the spirit of freedom, of independence, and of justice which dwells within them.

**Mr. SIKES.** Mr. Speaker, will the gentleman yield?

**Mr. FASCELL.** I yield to my distinguished colleague from Florida.

**Mr. SIKES.** I am pleased indeed that my distinguished colleague from Florida is giving the House the facts on Cuba. I congratulate him, and I wish to associate myself with his remarks. We must not forget that Castroism and communism are strangling Cuba and that we in American can help to free the Cuban people.

**Mr. FASCELL.** I thank the gentleman. I appreciate his observations.

## CONGRESSMAN YATES WILL OFFER AMENDMENT TO STRIKE FUNDS FOR SST

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

**Mr. YATES.** Mr. Speaker, on Thursday next the Committee on Appropriations will consider the bill to make appropriations for the Department of Transportation, including an appropriation for the SST. I intend at that time to offer an amendment which will strike out all funds for the SST. I do not know whether my amendment will be successful. If it is not, I shall offer the following separate views to the report of the committee in which I will request the House to reverse the action of the committee approving funds for the SST:

### SEPARATE VIEWS OF REPRESENTATIVE SIDNEY R. YATES ON THE SUPERSONIC TRANSPORT

### I. INTRODUCTION

The great naturalist, Charles Darwin, was once a house guest of a friend whose two small boys decided to play a joke on him. They took a centipede and glued to it a beetle's head, a butterfly's wing and a grasshopper's legs. Then, showing it to Darwin, they asked innocently: "Mr. Darwin, what kind of bug is this?" Darwin looked at it solemnly. "Did it hum when you caught it, boys?" he inquired. Scarcely able to conceal their mirth, the boys replied, "Yes, sir, it did." "That's it!" said Darwin triumphantly. "It's a humbug!"

Some may say the word "humbug' is too strong to apply to the SST, but the fact is that only now Congress becoming fully aware of the truth surrounding the SST program.

It now appears that the costs to the government may escalate to $5 billion (shades of the C5A!) if the contractor cannot obtain financing for production. Compare this with President Kennedy's promise when he approved the program in 1962 that the SST would not cost the government more than $750 million.

And certainly the plane, if and when built, will not hum. It will roar . . . and such a roar! The eminent physicist, Dr. Richard L. Garwin, a member of the President's Science Advisory Council, told a congressional subcommittee recently that the SST would produce as much noise as fifty 747 "jumbo jets" taking off at once!

Dr. Garwin was not referring to sonic boom. That's another matter and another supersonic handicap. He was talking about engine noise, noise that builds up as engines are gunned for takeoff. The Anglo-French supersonic plane, the Concorde, is just as noisy. There is a good possibility that the harassed, noise-sensitive airport authorities will not permit the ear-splitting supersonics to use their facilities because the angry reaction of the surrounding residents would be immediate and strong.

I have not raised the issue of sonic boom in this report, not because it is not important, but rather because the administration insists there will be no supersonic flights which generate sonic boom over the United States. I am willing to accept that pledge for the time being, even though I am concerned that the pledge may be rescinded if the SST comes into existence. At such time the pressures to permit supersonic flight with sonic boom may become so great as to be irresistable because it is exceedingly doubtful that the SST can achieve economic viability as long as it is required to fly subsonically over populated areas. The American people must not overlook the statement of Major General Jewel E. Maxwell, who was previously the head of the SST program. General Maxwell said:

> "We believe that people in time will come to accept the sonic boom as they have the rather unpleasant side effects which have accompanied other advances in transportation."

I suspect that in time a huge propaganda campaign will be undertaken to woo the American people with some slogan about "the wonderful world of the SST" and for them to stop worrying and learn to love the boom. But no matter how attractive the sales pitch, or how enticing the advertising, the fact will be that the sonic boom will constitute a major degradation of man's environment and cannot be accepted.

### II. THE SST WILL CONTRIBUTE SIGNIFICANTLY TO POLLUTION OF OUR ENVIRONMENT

### *A. Airport Noise*

A few weeks ago the entire nation observed "Earth Day." Meetings were held all over the country to take stock of the deflement of our environment through the polluting of our lakes and streams, the fouling of the atmosphere and the increasing bedlam of noise dinning our ears. The SST will be an instrument for further deterioration of our environment and it is incredible that the Federal government should be financing its development.

*Aviation Week and Space Technology*, a respected trade publication which editorially supports the SST, stated in its January 5, 1970 issue:

"The noise-limiting factor in the airplane's introduction will be a sideline noise emanating from the airplane's massive 67,000-pound thrust turbojets. It is a characteristic already accepted in the design of the aircraft. FAA has strong hopes solutions will be found by the time the airplane enters service in 1978. But currently there are no proven technological methods of substantially cutting the noise without severely reducing engine performance."

It is true that the SST will create less community noise along its flight path than present subsonic aircraft. It is less noisy in its approach, too. However, and this is most important, it generates a noise called "sideline noise," which is much greater than any subsonic jet like the 707 or the 747. In terms of the noise limits issued by the FAA, the SST will be three or four times louder than such standards permit. Its sideline noise will be 4 or 5 times louder than the 747.

The day is past when we must accept such penalties as the price of "progress." The condition of our environment is in great measure attributable to the unheeding pressure of industrial advances. If Earth Day meant anything, it signifies that the people of this country are determined to assess the impact of scientific advances in terms of their possible degradation of the environment. The SST must be weighed by that standard.

Mr. Russell Train, the Chairman of President Nixon's Council on Environmental Quality, has expressed similar fears before a Senate subcommittee:

"At present the most significant unresolved environmental problem I see for the supersonic transport is the high level of noise in the vicinity of airports. Because of its relatively steep degree of climb, the SST will actually create less community noise in the direction of its flight path than present subsonic jet aircraft. The SST also generates less noise on approach. However, the current design of the U.S. supersonic transport and of the Concorde leads to a noise field radiated perpendicular to the runway, called "sidline noise," than that of the conventional subsonic jets. In terms of the measures used by the Federal Aviation Administration to assess annoyance, the SST would be three to four times lounder than current FAA sideline noise standards and four to five times louder than the 747. In terms of noise pressure, the sideline noise level would also be substantially higher than that of subsonic jets meeting FAA requirements."

Additionally, Dr. Raymond Bisplinghoff, Dean of the MIT School of Engineering and Chairman of the SST Technical Evaluation Commitee formed last year by FAA to review the plane, said much the same thing before our committee last year.

"Although the community noise generated by the SST is no greater than contemporary subsonic transport airplanes, the sideline noise is appreciably greater. There is very little prospect of bringing the sideline noise down to subsonic transport levels by any practical methods known at the present time."

And this year, Dr. Garwin told our committee:

"It should be emphasized that at 125 PNdB of airport noise, the SST will produce as much noise as the simultaneous takeoff of 50 jumbo jets satisfying the 108 PNdB subsonic requirement."

In its passage of P.L. 90–411, Congress moved to limit the aircraft noise. Pursuant to the authority granted by law, the FAA has established proposed maximum limits for subsonic aircraft. The limits established for supersonics should be within the same levels, or else communities and air facilities in the United States which have become accustomed to lower noise levels will suffer a very great increase in perceived noise.

The whole purpose of environmental protection is to act before the problem appears. The Department of Transportation seems to be tailoring noise restrictions on the SST according to what can be achieved by the manufacturer rather than what is necessary to protect the public. The inescapable result of such a policy would be further deterioration of the environment.

### *B. By Modifying the World's Climate*

At first glance the notion that the SST could produce changes in the world's weather seems to be implausible in the extreme. When I first heard, several months ago, of the concern of meterologists about the effects of SST fight on the stratosphere, I was skeptical. But any doubts I might have had about the reality of their objections were laid to rest by Mr. Russell Train, the Chairman of the President's Council on Environmental Quality.

Mr. Train is extremely well qualified to make an informed judgment about all matters relating to the environment. This is what he says about SST's and the weather:

"I now turn to a potential problem which has not received the attention it deserves. The supersonic transport will fly at an altitude between 60,000 to 70,000 feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides and particulate matter. This part of the atmosphere is to a substantial extent isolated from the rest of the atmosphere. For example, on the average, 18 months are required for a water molecule introduced into the atmosphere at 65,000 feet to find its way to the lower atmosphere. A fleet of 500 American SST's and Concordes flying in this region of the atmophere could, over a period of years, increase the water content by as much as 50 to 100 percent. This could be very significant because observations indicate that the water vapor content of the stratosphere has already increased about 50 percent over the last five years due presumably to natural processes, although there is a possibility which should be researched that subsonic jets have been contributing to this increase.

"Water in this part of the atmosphere can have two effects of practical significance. First, it would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature. Calculations on the magnitude of this increased temperature are most uncertain but probably it would be on the order of .2 to .3°F. Secondly, water vapor would react so as to destroy some fraction of the ozone that is resident in this part of the atmosphere. The practical consequences of such a destruction could be that the shielding capacity of the atmosphere to penetrating and potentially highly dangerous ultraviolet radiation is decreased. As in the case of surface temperature, we do not have adequate knowledge on which to make secure judgments as to the practical significance of the effect of water on the ozone. Finally, the increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate.

"Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before *any country* proceeds with a massive introduction of supersonic transports."

## III. THE SST HAS BEGUN TO MOVE ALONG THE OVERRUN ROAD

The most important new fact is that the SST has experienced a $76 million cost overrun over the last 6 months, $57 million of which must be assumed by the government. In the hearings of the Transportation Subcommittee, James Beggs, Undersecretary of the Department of Transportation, blamed the overrun on Congress and the Bureau of the Budget. His reasoning goes like this, and I quote from our hearings:

"The estimate we gave the committee last year was predicated on a schedule which was given to you at that time.

"Since that testimony was given, the program has slipped. It slipped because, as you know, there was some $11 million taken out of the appropriation last year. This year the Bureau of the Budget cut the projected appropriation which we had for this year of $315 million, back to $290 million. The result of these two actions has been a slip in the program of about four months in the completion of the prototype phase.

"This has meant that necessarily, because we are incurring costs in this period, that those 4 months cost us money. It turns out they cost about $76 million."

The lesson Mr. Beggs would seem to have us draw from the overrun is that Congress had better provide the entire appropriation request every time his department asks for it, or we will end up paying more for the prototype airplanes. He would have us believe that overruns are not the responsibility of the contractor or the Department of Transportation, but of the Congress and of the Bureau of the Budget.

Needless to say, Mr. Beggs' reasoning overlooks the recent history of overruns in military weapons systems procurement in which Congressional scrutiny and restraint provides virtually the only hedge against cost growth.

This overrun can only be the first example of the results of technical difficulties encountered by the contractor. That it has experienced trouble is indicated by the action of the Department of Transportation in relaxing a number of contract requirements that the Boeing Company has been unable to meet in the original performance specifications of the contract within the cost targets set in the production schedule. Technical problems in development programs such as the SST result in some combination of time stretchouts, degraded performance characteristics, and increased costs.

It makes no sense at all to go ahead with the SST program until we have some way of knowing what its long-range environmental impact will be. We cannot ignore warnings such as that offered by Mr. Train and hope to preserve the environment.

### *C. The Department of Transportation has not complied with the Requirements of the Environmental Policy Act*

The Environmental Policy Act of 1969 requires that all agencies of the Federal government include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Additionally, the law provides that prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved.

It is inconceivable that the Congress could appropriate another cent, much less $290 million, until the Environmental Policy Act is complied with. The Department of Trans-

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portation has had ample time to comply with the provisions of the Act, but has not supplied the information required. Their present plans are to submit their environmental statement "before the end of the calendar year," by which time we will have spent another $290 million on a plane that can only contribute to further deterioration of our environment.

Until now, the DOT has chosen to degrade performance characteristics and the primary means of dealing with technical problems. But they cannot realistically degrade the performance of the SST much more without losing what little credibility remains for their aircraft. Since there is no margin left in performance standards and since stretchouts in the program inevitably cut into the projected market, future technical problems are likely to cost still more cash.

It is reasonable to expect that this year's overrun is only the first of many which will plague the prototype program should it proceed. It was stated in the subcommittee hearings that $60 million in additional overruns were avoided only by a substantial cut in Boeing's overhead. The cost pressures on the development program are clearly mounting, and Mr. Beggs was unable to give any assurance that there will not be further overruns.

### IV. THE SUPERSONIC TRANSPORT PLANE NOW ENVISIONED INVOLVES MUCH GREATER RISKS AND EXPENDITURES FOR THE GOVERNMENT

The original contract for the supersonic transport provided performance requirements which, if met, might have produced a plane with some chance for financial success. It was on that basis that the program was originally approved and funded by the Congress. However, as the development program has progressed and design difficulties have been encountered, performance requirements for the SST have been successively downgraded to the point that the plane now planned for production has virtually no chance for satisfactory commercial operation.

The Department of Transportation has consistently accommodated Boeing's failure to meet technical specifications for the SST by modifying the original contract. The prototypes now planned are inferior in many important respects from the production aircraft first planned, but the Department of Transportation continues to use the original contract provisions in making its optimistic market predictions. In the table which follows, column 1 lists the performance requirements specified in the original contract; column 2 lists the performance expectations of the prototype aircraft:

| Characteristics | Original contract (1) | Prototype (2) |
|---|---|---|
| Takeoff field length (feet) | 6,800+700 | 10,300 |
| Landing field length (feet) | 6,200+600 | 8,250 |
| Approach speed (knots) | 135 | 158 |
| Lift-off speed (knots) | 162 | 197 |
| Airport noise (PNdB)* | 116 | 122-129 |
| Takeoff noise (PNdB) | 93 | 110 |
| Approach noise (PNdB) | 109 | 112 |

*PNdB—Perceived noise decibels.

The greatly extended takeoff field length means that very few airports, either in the United States or abroad, will be able to accommodate the SST, and its economic utility will be greatly diminished. If it is allowed to fly, the SST will require new huge, expensive airports even more remote from communities than those being built today. The federal government will foot a large part of the multi-billion dollar bill for the larger airports.

**Most aircraft accidents take place on takeoff and landing. The faster takeoff and landing speeds of the present SST configuration significantly increase the risk of a crash. The increased risk of a crash on takeoff and landing, along with the great number of unknowns about supersonic passenger flight generally, combine to make the SST even less attractive as a commercial venture.**

The tremendous racket created by the SST engines further compromises the financial prospects of the plane. Unless the United States decides to throw its recently established airport noise standards out the window, the SST will not be able to operate from our airports, thereby eliminating any possibility that the plane could operate at all. Alternatively, if the FAA does renege on its current noise standards, local airports will bar the plane on an individual basis rather than be subjected to its enormous racket. In any case, the airport noise caused by the plane will force it to operate from fields located at a considerable distance from the urban areas the plane is to serve, thereby reducing the time saving which is the SST's sole reason for being.

The prototype plane as it is now envisioned, with its noisy engines, long runway requirements, and design shortcomings, is not the kind of aircraft which will attract private financing. Certainly, it should not attract government financing, either.

Dr. Garwin told our committee he thought "the contract should have been terminated for default before April 15, 1969. . . ."

He explained the changes in SST contract objectives in this way:

"The development contract by Boeing on the basis of the swing-wing design and requiring the prototype to be very close to the actual production version as well as to have outstanding takeoff and landing characteristics, has been successively modified to the point at which it is problematical whether the SST will fit on existing airfields, and to a point at which the airport noise is far beyond the maximum considered acceptable for jet aircraft now."

The Department of Transportation has always insisted that government participation in the funding of the SST development program will terminate upon completion of the prototype phase, but they have not produced a single shred of evidence that private financing will be available for the certification and production phases of the program.

The assumption that production of the original aircraft envisioned in the SST contract could be financed with private capital was excessively hopeful. The assumption that the plane now planned can attract private capital is nothing short of preposterous. That the Department of Transportation continues to insist that phases IV and V of the development program will be privately financed is evidence of excessive and misplaced optimism in presenting the SST to the Congress.

Even the Boeing Company is concerned that it may not be able to obtain production money. H. W. Withington, Boeing Vice President and Manager of its SST division, confirmed Boeing's post prototype financial dilemma in his April 29 press conference. According to the *National Journal* for May 2, he is reported to have said:

"But the hard fact is that we've got to pick up $1.5 to $2 billion dollars somewhere to move into the production phase. Since Boeing's net worth is only about $800 million, it is doubtful we could raise that amount by ourselves. I don't rule it out, but under the current situation, it's hard to see how we can get that kind of money up."

Withington said that the financial position of the airlines will be a major factor in financing the production of the SST's. "If they don't get out of the financial bind they are in now," he said, "there is no sense worrying about this program because they won't be able to buy anything."

The Congress must be concerned, therefore, that the nearly $700 million in Federal funds which has already been plowed into the SST program is merely the tip of a multi-million dollar iceberg. The Congress should be aware of possible costs now rather than waiting another 5 years and spending hundreds of millions of dollars. The Department of Transportation still has not required Boeing to fulfill its contractual obligations and provide a credible plan to show how the certification and production phase will be financed.

### CONCLUSION

It is essential that the Congress act on the basis of the merits of the SST program as it exists at the present time, rather than on the basis of past support or opposition to the plane. It is important that the Congress this year take a new look at the SST with the understanding that the development we are being asked to fund is fundamentally different from the program which was originally proposed and has had congressional support in the past.

It is impossible to look at our nation today and not be deeply troubled by the disaffection of large numbers of our citizens from their government. Millions of Americans today believe that their elected representatives are not listening to them. The SST is a classic case study of why they feel that way.

The Federal government has never before used its funds to develop a commercial plane. This is the first time. Should the taxpayers' money be used to develop and produce a plane aimed at "snob appeal."

That was the phrase used by Chairman Secor Browne of the Civil Aeronautics Board in testimony before our Appropriations Subcommittee. This dialogue appears on page 1149 of our hearings:

"Mr. BROWNE. So if you consider the Concorde as an all first-class airplane, it will not only appeal to the businessman but it will have a distinct snob appeal. Whether we approve of that or not, it is a real economic fact.

"Mr. YATES. Do you think the United States ought to spend $4.5 billion to develop snob appeal in an SST?

"Mr. BROWNE. Because the ladies' garment trade is largely snob appeal, and you get your money back with a return on investment, and since I believe the $4.5 billion will come home with all sorts of benefits which have been expounded to you many times in the way of return on investment, I say, yes, the same as cosmetics or ladies' garments.

"Mr. YATES. You do not find any distinction between ladies' garments and cosmetics and the SST paid for by the Government?

"Mr. BROWNE. We are not paying for it.

"Mr. YATES. We are paying for it in the first instance.

"Mr. BROWNE. I consider it a sound investment."

There is no popular support for the SST. Even the airlines are less than enthusiastic about buying it. Every opinion poll that has ever been taken on the issue indicates that the American people do not want their money spent on a plane that provides so little for so few. For every American who gains a few hours time on a flight to Europe or Asia there will be hundreds more who are disturbed by the racket caused by the SST engines.

The Department of Transportation asks us to accept this kind of unacceptable tradeoff as the price of propping up the aerospace industry.

In a budget in which only $106 million is requested for air pollution control, $80 million for mass transit and inadequate amounts for health research, hospital modernization, medical education, primary and secondary education, it is shocking that almost $300 million is allocated for the SST this year. It must be remembered, too, that another $225 million must be appropriated next year.

I ask the House to reject the appropriation for the SST and allow the government to get on with the business of serving all its citizens, not just the favored few who would use the plane.

Yesterday the President announced that the budget surpluses he had predicted earlier this year for this fiscal year and the next have evaporated and that there will be budget deficits. Ask yourselves: does the SST deserve top priority at this time?

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## THE UNITED STATES SHOULD RETAIN COMMERCIAL AIR SUPERIORITY

(Mr. PELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. PELLY.** Mr. Speaker, a few minutes ago the distinguished gentleman from Illinois (Mr. YATES) announced that tomorrow morning in the full Committee on Appropriations he intends to offer an amendment to strike out funds for the SST. Of course, it is no news here that the gentleman from Illinois is in favor of a move which would result in the United States losing its supremacy in the air transportation field.

In this connection, Mr. Speaker, I call the attention of the House to the fact that the civil aviation minister of the Soviet Union has said that the TU-144 has flown 1,240 miles an hour and will be in commercial service by 1973. Meanwhile France's Concorde prototype reached speeds of 1,240 miles an hour, also.

Mr. Speaker, I hope that the Members of this House will not contribute to seeing this country's technological superiority lost so that the United States reverts to a so-called horse-and-buggy technology.

Mr. Speaker, I urge my colleagues to oppose any attempt to strike funds for development of a civilian supersonic airplane.

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## CONGRESSMAN ANNUNZIO LAUDS $1 MILLION GIFT OF MARBLE FROM ITALY FOR THE KENNEDY CENTER

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

**Mr. ANNUNZIO.** Mr. Speaker, I rise today to call to the attention of my colleagues in the House of Representatives that the last piece of marble was put into place at the John F. Kennedy Center for the Performing Arts here in the Nation's Capital on March 9, thus bringing to completion a gift from the Government of Italy valued at more than $1 million.

Italy has donated the Center's entire requirement for marble, about 3,500 tons from the quarries near Carrara, Italy, including marble from one of the quarries used by Michelangelo for his statues. This represents the largest gift to the Center from a foreign nation, and was pledged by former President Antonio Segni of Italy during President Kennedy's visit to Italy in 1963.

The marble from the Carrara quarries was cut to specification for both interior and exterior use at the Center, and was transported directly to the United States from the port of Leghorn, Italy. The rare stone from this northern Italian town has long been regarded by architects and sculptors as just about the finest quality marble available in the world. Its donation by the Italian people to the American people is a token of the love and admiration which Italians hold in their hearts for the late President Kennedy.

With the final placement of Carrara marble in its exterior wall, the Kennedy Center is drawing noticably closer to completion. When complete, the Center will house under one roof an opera house a concert hall, a theater for drama, and a film theater. The official opening is scheduled for September 1971 and it is anticipated that the Center will attract millions of visitors from all over the United States and the world.

Mr. Speaker, I was one of the original sponsors in 1965 of the bill to establish a National Foundation for the Arts and Humanities, and have long advocated the promotion of progress in the arts and humanities.

Today, we regard ourselves as a great Nation and have assumed the economic, political, and military leadership of the entire free world. If we are to play out this role with honor and acclaim on the stage of history, we must also offer the world a great civilization which will have a lasting impact on the world through the ideals it fosters, the truths it upholds, and the works of beauty in art and music that it produces.

The Kennedy Center for the Performing Arts will make a major contribution toward achieving this objective by recognizing the finest achievements in music, drama, dance, opera, poetry, and film, and will encourage national and international exchange of talent in the performing arts.

The $1 million gift from Italy brings closer the day when this international exchange will be a reality, and through this exchange of art and music, which are the universal languages of mankind, the peoples of the world will be drawn closer together and will achieve a better understanding of each other's problems.

As an American of Italian descent, I am proud that such a magnificent gift has been donated to America by the Government of Italy in order to foster creativity in the world of art and music. I know that more than 25 million Italo-Americans—the largest ethnic group in the United States—share my pride and pleasure in this generous contribution.

Mr. Speaker, at this point in the CONGRESSIONAL RECORD I would like to include a brief history of the John F. Kennedy Center for the Performing Arts, which follows:

### BRIEF HISTORY OF A LIVING MEMORIAL

"Behind the storm of daily conflict and crisis, the dramatic confrontations, the tumult of political struggle, the poet, the artist, the musician, continues the quiet work of the centuries, building bridges of experience between peoples, reminding man of the universality of his feelings and desires and despairs, and reminding him that the forces that unite are deeper than those that divide."—President John F. Kennedy, November 29, 1962.

The short history of the John F. Kennedy Center for the Performing Arts is marked by the active support of four Presidents. President Eisenhower signed the Act of Congress which created the National Cultural Center in 1958. President Kennedy encouraged national support of the project and signed legislation extending the fund-raising deadline three years in 1963.

In January 1964, President Johnson signed the John F. Kennedy Center Act, renaming the cultural center and designating it the official memorial to President Kennedy in the nation's capital.

President Nixon has taken a personal interest in the establishment of the Center and has said, "This Center was conceived with full bi-partisan support as an effort to promote the performing arts throughout the nation. I personally pledge full support to the successful realization of this project." In October, 1969 President Nixon signed legislation which increased the Center's matching Federal grant and its borrowing authority from the United States Treasury.

Facilities for the performing arts have been woefully inadequate in the capital of the United States, particularly when compared with the capital cities of Europe.

After years of considerable public and private discussion and debate, Congress passed legislation authorizing a national center for the performing arts and provided a government-owned site on the Potomac River upstream from the Lincoln Memorial in August 1958.

In 1962 Edward Durell Stone, the Center's architect, submitted his design for a single building housing an Opera House, a Concert Hall, a Theater and a Film Theater and on December 2, 1964 President Johnson turned the first spade of earth at the Center's ground breaking ceremony. Construction was begun in 1966 and completion of the building is expected in 1971.

The Kennedy Center will provide a national stage for the finest in classical and contemporary music, opera, drama, dance, film and poetry from this nation and from nations abroad. The Center will sponsor various performing arts projects, such as the American College Theatre Festival initiated in 1969 to provide opportunities for the growth and experience of young performers and young audiences, and for other age groups as well. Through its programs, and through telecasts and broadcasts, the Kennedy Center will seek to influence and invigorate the performing arts throughout the nation.

### FUNDING THE KENNEDY CENTER

Although the original legislation for the national center for the performing arts specified that fund-raising was the responsibility of the American people, the John F. Kennedy Center Act authorized a Federal grant of $15.5 million for construction provided that this amount could be matched with voluntary contributions. At the same time, Congress authorized a $15.4 million United States Treasury loan to finance underground parking facilities.

In 1969 the matching Federal grant was increased to $23 million and the Treasury loan to $20.4 million by Congress to meet the meteoric rise in construction costs.

Gifts to the Kennedy Center from individuals, foundations, industry and the governments and peoples of eight foreign nations have totaled over $20 million qualifying the Center for an equal amount of the matching Federal grant. The Trustees are currently seeking about $2.5 million to qualify for the remaining Federal funds and welcome support from all sectors of the general public.

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## ROGERS WARNS AGAINST RUSSIAN ACTIVITY IN CUBA

(Mr. ROGERS of Florida asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Florida. Mr. Speaker, each year Members of the Congress take time out on this day to make special note of the Cuban Independence Day. Today marks the 68th anniversary of that occasion.

But since Fidel Castro imposed himself as the dictator of that island, the very celebration of independence day has had a very hollow ring. This year, however, it appears that Fidel Castro has made some sort of military agreement with the Russians which will turn Cuba into a floating air and naval supply base. Since Castro took over the economy of that island has gone down hill. In the past year things have disintegrated to the point that Cuban economy could no longer stumble along on the million dollar a day handout which Russia was providing.

So Fidel Castro's price for delivering the Cuban people into bondage was hiked from a million dollars a day to approximately $1½ million a day. But since Cuba has nothing but sugar—and most of Russia's satellite bloc countries produce sugar—and a very limited supply of beef and fish, Castro was forced to give the Russians something in return for the additional one-half million dollars a day he needs as a crutch for his faltering economy.

There is, Mr. Speaker, evidence building that indicates that Castro is literally selling Cuba's soil.

There have been TU–20 or –95—Bear—aircraft in and out of Cuba this year and presently there are seven Soviet ships using Cuban facilities. The Bear aircraft, I have been informed, are outfitted for reconnaissance rather than as bombers which the TU–95 was originally built for.

Still, this gives the Soviet Union air surveillance over the east coast of the United States which they would not otherwise have. This also allows them very complete reconnaissance of south Florida. The fact that the Bears are long distance turbo-props and have landed in Cuba, stayed over several days, indicates that Cuba now has the staging and support capabilities for these aircraft. Without Cuba as a turn-around point such reconnaissance would not be possible. I would also mention that so far as I know, this is the first time that this type of aircraft has visited Cuba since the missile crisis.

Among the Russian flotilla of ships now in Caribbean waters is a nuclear submarine, two conventional subs, a destroyer and a cruiser which is capable of carrying missiles. By using Cuba as a floating port and taking advantage of the harbor at Cienfuegos, the Soviet Union has doubled its "at sea" capabilities for offshore surveillance and, of course, this also means they need one-half as many ships for this job.

One year ago, the Soviets sent a flotilla into the Caribbean on a state visit in connection with the Soviet Minister of Defense's visit to Cuba. This year Russian ships are in the Caribbean for their "second annual visit," giving all indications that the Soviets are attempting to establish the Caribbean as part of their sphere of influence because of Cuba.

I am very concerned about this entire situation. Castro is exporting every marketable commodity on the island to the point that he is denying his own people normal food staples. It now appears that he has nothing left to sell and he is turning over Cuban soil to Russia.

Each year people coming out of Cuba have told us that the conditions have deteriorated, yet sources coming out of Cuba last week say that they are even worse than a year ago.

Mr. Speaker, I am sure that my colleagues in the Congress and our neighbors in the Western Hemisphere join with me in expressing our hope that Castro's betrayal of the Cuban people will soon end and we will be able to see a true celebration of Cuban independence. So long as the present regime is propped up by the Soviet Union and Fidel Castro denies free election, we can only look forward to more tyranny. I hope that at this time next year we can welcome Cuba back into the brotherhood of free nations.

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## RAY GALLAGHER, A GREAT AMERICAN, VFW COMMANDER

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BERRY. Mr. Speaker, it was with much regret to read the remarks in the other body concerning a distinguished citizen of my congressional district, who presently heads the largest overseas veterans organization in the Nation. I am referring to Ray Gallagher of Redfield, S. Dak., commander in chief of the Veterans of Foreign Wars, whose recent statement in vigorous opposition to congressional action to tie the hands of the President respecting the war in Southeast Asia was the subject of harsh criticism by one of its principal sponsors and advocates, the junior Senator from my State.

First, let me point out that the Veterans of Foreign Wars is an organization of men who have served overseas in war, campaign, or expedition for which service they were awarded a badge or medal. These men left their homes and traveled all over the world to carry out the commitments and obligations of this Nation. No one will argue that these men represent an elite group in our Nation. They have made an extra sacrifice in behalf of all by their service in the Armed Forces during a war or a period of great peril.

The VFW has long demonstrated that a man who fights for his country on the battlefield will want to continue to fight to build and improve his country during peacetime. Unquestionably a veteran has earned for himself an important stake in the destiny of his Nation.

The VFW through its many programs affords a veteran, when he returns from the front, an opportunity to continue the battle for a better America. Veterans have found that when they return, there are many battles to be won on the homefront. I refer to the battles against apathy, forgetfulness of ideals and purposes, the deterioration of our moral and physical strengths, and the abuses of freedom. We all know that the VFW has engaged in campaigns for better neighborhoods, healthier communities, quality schools, and a more effective and responsive Government at all levels. More basically, veterans and members of the VFW realize that the struggle for peace is a never-ending one.

Mr. Speaker, two of the great purposes of the VFW are to maintain and extend the institution of American freedom and preserve and defend the United States from all her enemies, whomsoever. In carrying out these great purposes, the VFW has dedicated itself to military preparedness without losing sight of the fact that we must work diligently to strengthen our ability to wage peace. That is why the VFW strongly supports the program of the President and the Congress to bring the Vietnam war to a prompt and successful conclusion. That is why the VFW has supported the ABM and other modern, sophisticated weapons systems capable of helping to prevent the spread of communism throughout Southeast Asia and other parts of the world. That is why the VFW advocated and now supports the President's decision to move against the sanctuaries in Cambodia as being in the best interests of our fighting men and the Nation.

On the homefront, the VFW has a long record of ferreting out Communists and other groups who are dedicated to the overthrow and destruction of the United States. The Communist Party has long been the avowed enemy of the VFW, both at home and abroad. In recent years, militant action groups, such as the SDS, have been accurately described by the VFW as representing a serious threat to the continuation of the American way of life. All Americans are indebted to the VFW for its continuing campaign against all extremist-anarchist-nihilistic groups, who want to tear this Nation down, whose way of life is violence, and seize upon every opportunity to accomplish their sinister goal.

Mr. Speaker, despite these achievements, Commander in Chief Gallagher has been singled out for criticism and attack for coming to grips with the paramount issues of our day. It should be emphasized that all of Commander in Chief Gallagher's statements regarding both foreign and domestic matters are pursuant to unanimously approved convention mandates, representing 1.5 million members. One of these mandates, by the way, is the VFW endorsement of cleaning out preferred sanctuaries of the enemy to protect our fighting men.

Commander in Chief Gallagher is to be commended for his strong support of President Nixon's move into Cambodia. Gallagher has indicated that the antiwar Senators, by their continued attacks on the United States, are helping to contribute to the student unrest in this country. Gallagher has pointed out that these same Senators who supported the Gulf of Tonkin resolution in 1964, which put American soldiers in Vietnam, never complain about the enemy. Likewise, these Senators do not criticize the invasion of the neutral countries of Southeast Asia. Gallagher's conclusion that these Senators are supporting policies which could jeopardize the lives of American servicemen in Southeast Asia is a fair and reasonable one.

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Most important, I cannot emphasize too much, Mr. Speaker, that these statements of Commander in Chief Gallagher are in direct support of national convention mandates. To state that Gallagher was playing politics was not only inaccurate but unfair. He was simply carrying out convention mandates which he promised he would do when he was sworn into office in Philadelphia last August.

With your permission, Mr. Speaker, I would like to include as a part of my remarks the press release issued by Commander in Chief Gallagher April 14 in which he advocated the action subsequently taken by President Nixon to eliminate the sanctuaries in Cambodia, the letter to the President in support of the second phase of the ABM, and resolutions adopted by the delegates to the most recent national convention of the VFW, which was held in Philadelphia last August, which represent the official position of this great veterans organization endorsing the Cambodian action and condemning the SDS.

The material follows:

### Cambodian Decision Praised by VFW Commander

Washington, D.C.—Ray Gallagher, Redfield, South Dakota, Commander-in-Chief of the Veterans of Foreign Wars of the United States, commented Thursday night that President Nixon's decision to move against sanctuaries in Cambodia is the "most sensible decision made by any President on conduct of the Vietnam war."

The President's decision to combine South Vietnamese and American military might against the nerve centers of the enemy could prove to be the key move leading to a conclusion of the war. This policy will, at last, provide the security needed for our troops.

The V.F.W. believes we should take "initiatives" calculated to hurt the enemy, weaken his will to conquer and hasten the end to this tragic conflict.

The allies can no longer sit and wait while the enemy picks and chooses. Gallagher maintained that this action is in line with the V.F.W.'s continued demand that the sanctuaries be closed to the enemy.

### Letter to President Nixon From VFW Commander in Chief Gallagher

On November 3, 1969, in your speech to the nation regarding your plans for peace in Vietnam you stated that 'If the level of infiltration (by North Vietnamese troops) or our casualties increase while we are trying to scale down the fighting, it will be the result of a conscious decision by the enemy . . . If I conclude that increased enemy action jeopardizes our remaining forces in Vietnam, I shall not hesitate to take strong and effective measures to deal with the situation.'

For the week ending April 4, 1970, the United States suffered more casualties, both killed and wounded, than during any previous week since mid-September, 1969. Although the enemy's list of casualties also increased during the foregoing period, it appears the enemy is now making a maximum effort to disrupt U.S. efforts to pacify and to Vietnamize the war.

Mr. President, it is our understanding that the increased enemy attacks of last week have not jeopardized the position of our remaining forces in Vietnam. Nevertheless, we recommend your strategists take a renewed and hard look at the self-imposed restrictions which have been placed on our military forces and tactical options in that war. More importantly, we urge a new look at the military restrictions which have been placed on the armed services of South Vietnam. Specifically, I can see no justification for the territories of an aggressor nation, such as North Vietnam, to remain a privileged sanctuary while North Vietnamese troops terrorize South Vietnam, Laos and Cambodia. Borders should make no difference where the security of our troops and the troops of our allies are concerned.

North Vietnam does not merit "sanctuary status." It makes no sense for North Vietnam to remain free of violence, terrorist raids, and disruptive measures while the troops of that aggressor nation conduct all manner of terrorist and combat activities inside South Vietnam. On the face of it, this is a grossly unfair situation. This war should be conducted from a military point of view rather than from a political one. There would appear to be considerable room for innovative thinking and the introduction of a few elements of surprise actions, customary in war, actions which are calculated to increase the pressures, uncertainties, and difficulties against the government and homeland of North Vietnam. We are thinking of measures and actions which go beyond a renewal of the bombing.

Writing in behalf of the more than 1,500,000 members of the Veterans of Foreign Wars of the United States, I urge you to reconsider all the options available to you, the full spectrum, in an effort to find new measures and methods to persuade the Communist forces of that area that international crime does not pay.

### Resolution No. 338—Military Reassessment in Vietnam

Whereas, the military and political problems in Vietnam are related, they are not identical; and

Whereas, political efforts such as periodic calls for cease fire have been repeatedly scorned and violated by North Vietnam and the Viet Cong; and

Whereas, the political restraints on military operations such as bombing restrictions against military targets in North Vietnam have improved the military posture of enemy forces and diminished the posture of allied forces; and

Whereas, all efforts to appease the government of North Vietnam have been interpreted as allied weaknesses and have not resulted in a cessation of hostilities; and

Whereas, allied forces continue to suffer heavy casualties defending South Vietnam during peace discussions in Paris; and

Whereas, certain U.S. political and religious leaders and media writers have systematically helped the enemy forces and hurt the image and purpose of allied forces who are defending the right of self-determination for South Vietnam; now, therefore

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that, as long as the lives of U.S. troops remain endangered and face the threat of injury and death, U.S. and allied military leaders be given sole responsibility for conducting combat operations, and that political leaders be restrained to judgments and decisions relevant to their fields of knowledge and expertise; and

Be it further resolved, that failure by the North Vietnamese and Viet Cong to seriously negotiate will cause the leaders of allied forces defending South Vietnam to reevaluate the situation with a view toward increasing the military pressures, by conventional means, to halt those aggressive acts against South Vietnam and bring peace to that country.

Adopted at the 70th National Convention of the Veterans of Foreign Wars of the United States held at Philadelphia, Pennsylvania, August 15 through 22, 1969.

### Resolution No. 27—Condemning the Students for a Democratic Society (SDS)

Whereas, many of our colleges and universities have been rocked by violence, riots and hostile demonstrations by students; and

Whereas, many students have left their academic pursuits to engage in lawless vigilantism involving vandalism, arson, kidnapping of university personnel, destruction of property, and the rifling of private papers; and

Whereas, these students not only have impeded the orderly operation of the college and students sincerely interested in obtaining an education from attending classes, but have tried to destroy the whole university community; and

Whereas, these students have protested the presence of military and industrial recruiters on the campus, have urged the abolition of the ROTC and, on occasions, have forcibly tried to prevent ROTC classes and parades, have attacked veterans organizations and intelligence agencies, such as the CIT and FBI, have heckled and tried to embarrass ranking government officials when they visited on campus; and

Whereas, an organization known as Students for a Democratic Society (SDS) has spearheaded this student attack against our universities, encouraging violence, violent demonstrations, and a desire to destroy the school; and

Whereas, SDS is basically an anarchistic organization which detests the American form of government, our democratic liberties and free enterprise system, and seeks to mock, scorn, belittle and destroy our freedoms; and

Whereas, these students have mutilated destroyed, spat upon, defiled and desecrated the United States flag on many occasions and in some instances substituted the flag of North Vietnam for the United States Flag; and

Whereas, the idols of the SDS and the New Left are Fidel Castro, Mao Tse-tung, Che Guevera and Ho Chi Minh and others regarded as fighters against "imperialism", the "establishment", and capitalist society; now, therefore

Be it resolved, by the 70th National Convention of the Veterans of Foreign Wars of the United States, that we fully support the right of dissent, the right of students to think and study in the search of truth, but we abhor violence, strong-arm tactics and other unlawful acts of students; and

Be it further resolved, that we condemn the SDS for what it is, a group bent on anarchy which works for dissension, violence and whose ultimate goal is the destruction of the American democratic, constitutional system and that every V.F.W. member is urged to do everything in his power to expose this anarchistic group for what it is so that the American people and the American college students will realize its true purpose, which is the destruction of American society.

Adopted at the 70th National Convention of the Veterans of Foreign Wars of the United States held at Philadelphia, Pennsylvania, August 15 through 22, 1969.

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## TIME FOR A NEW UPRISING: "PARENT POWER"

(Mr. BRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRAY. Mr. Speaker, I think it is high time this country saw a new form of uprising, what I call "parent power."

The papers have been loaded in recent weeks with a great deal about this so-called student power. It has now reached the point where 281 colleges and universities all over the country are indefinitely on strike. They have suspended all normal teaching and learning operations for an indefinite period—until the strikers' demands are met, or the faculty and administration loses patience or until the war in Vietnam is over, or until the air and water are no longer polluted—you name it, you will find a reason to have classes closed down and normal academic life thrown into a whirling chaos.

About 30 of these schools have closed down with approval and cooperation of their faculties and administration for the rest of the academic year. This means pass/fail instead of examinations and very probably degrees being mailed to those judged worthy to receive them. The explanation given is that the year's work was almost over, anyway, and there has been no real harm to learning.

I cannot help but wonder at this last. In my college days, and in those even more recent, of my acquaintances, the faculty found something to keep a student busy up until the very last minute.

Now, every citizen ought to take part in our political process. No one faults this argument at all. It is important; current events are important; in an age of mass communication there is a lot more floating around about what is going on than in years past. Much of it is wildly out of focus, true, but that is the price we pay for a republican form of government and a free press.

However, students, like the rest of us—like their parents who are paying all or helping to pay part of their education costs, or like the taxpayers whose tax money is going for scholarship or loan programs—have work to do. Their first job is getting an education. They cannot afford to skimp on that any more than the rest of us can let our jobs slide by.

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This trend is disturbing a lot of persons, and I heartily agree with a lead editorial in the Washington, D.C., Post of Tuesday, May 20, which said:

> We confess to a measure of uneasiness about the closing or suspension of so many institutions of higher learning, as though education were a sort of pablum which could be set aside in a freezer until students regained an appetite for it.

Well, I would like to suggest invoking "parent power." If the parents of a student where a college is on strike do not like it, they should by all means write the administration and tell them so. And, if their son or daughter is at a university where the administration still feels it can function as it should, they should write, again, but congratulate and compliment the administration for keeping the institution going.

For those of us who have graduated, what do we feel about what our Alma Mater is doing? Is it on strike, and are we disturbed? We should write and say so. Has the administration kept it open? Then, if we agree, let us write and say we approve.

I am convinced that a relatively small minority of noisy troublemakers has buffaloed and bulldozed and cowed subservient faculties and administrations into going along with this strike—a minority of students and rabble-rousing faculty combined. If this is allowed to go on it is going to be the devil's own calculus and the sum is not going to be at all pleasant to figure out.

So, how about some "parent power"? Parents owe it to themselves; they owe it to their children, and let us have no nonsense about whether the child thinks so or not; it is owed to the taxpayers, and it is owed to the country. How about it?

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## DIRECT POLITICAL ACTION WITHIN THE ESTABLISHED DEMOCRATIC PROCESS

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, apparently some 281 colleges across the country are still closed in opposition to the war in Southeast Asia and the violence and bloodshed on American campuses.

I take the well—as one who is opposed to the war in Vietnam—to urge that every effort now be made to reopen our colleges and universities wherever possible. The shutdown of colleges has made its point—but events have changed—and the emphasis now must shift to direct political action within the established democratic process. Students who wish to return to their classes—and teachers who wish to teach—must be free to do so.

Reasonable and responsible end-the-war amendments are well underway in the House and Senate—and gaining increasing support. These amendments should become the focus of effort by those across the country who want to end the war.

Further, direct political action programs are being developed to insure meaningful student volunteer participation in this year's elections. Efforts like the Princeton plan—to release students to work in the fall elections—are constructive avenues now opening up to allow needed changes in national policy. It is clear that national policy will change—when election outcomes at the grassroots are changed.

With the issues now drawn, I hope we can reopen most—if not all—of our colleges and universities in the days ahead. If young people are to be pursuasive in rallying broad public opinion for a reasonable end to the war—it is now urgent that the actions of young people reflect maturity, high purpose, commitment, and commonsense.

An unrepresentative handful of revolutionaries—preaching and practicing violence—cannot be allowed to continue as the most visible symbol of young people. Increasing polarization based on stereotypes can only further damage our country.

With practical political goals and targets now clear, I believe we should get our colleges and universities back in operation—a move that would strengthen the credibility of the concerned and stand that we must end the war quickly.

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## PROGRAM TO ASSIST RACIALLY IMPACTED SCHOOL DISTRICTS

(Mr. QUIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. QUIE. Mr. Speaker, this morning when I picked up the Washington Post, I was amazed to read a headline, "United States Slashes Aid to Schools With Special Race Problems," and the column written by Don Oberdorfer. This is completely untrue.

In the first place, you cannot slash something that does not exist, and the aid announced by President Nixon on March 24 for racially impacted schools had not even been budgeted at that time. The President announced $500 million to be made available in fiscal year 1971 and $1 billion in fiscal year 1972. The $150 million which the article refers to is the amount the administration will now request of the Congress through the Appropriations Committee from existing authority in such programs as the Economic Opportunity Act, the Civil Rights Act, Cooperative Research Act, Education Professions Development Act, and the Elementary and Secondary Education Act.

After careful consideration, the administration found that the wisest course of action would be to request new authority to fund a program to assist racially impacted school districts. In order to move more quickly than would be possible if they awaited passage of the authorization legislation, the administration has now specifically requested the initial $150 million come from present authority, so that assurances can be made to the schools involved, before classes begin again next September. The schools we are talking about are those who are implementing plans to overcome de jure racial segregation and those that are suffering from de facto segregation.

The administration still intends to seek the additional $350 million for fiscal year 1971 when the new authorization legislation is adopted, and their review of the budget this summer will show that request. In a nutshell the administration, in its "reordering of priorities," is asking that its 1971 budget be revised to add $500 million to help racially impacted schools, $150 million from existing authority, and $350 million from new authority.

What amazes me about articles like that written by Don Oberdorfer, which I shall include at the end of this statement, is the constant effort to develop a credibility gap with this administration. A fairer reporting of administration actions certainly is called for and the Washington Post ought to correct their error.

The following is portions of the article covering the points referred to in the headline:

### UNITED STATES SLASHES AID TO SCHOOLS WITH SPECIAL RACE PROBLEMS

(By Don Oberdorfer)

The White House announced yesterday that the Nixon administration plans to spend only $150 million next year to aid schools with special racial problems—not $500 million as earlier expected.

The announcement was made by Budget Director Robert P. Mayo, who drew a sharp distinction between the half-billion-dollar special school "program" announced by President Nixon on March 24 and the $150 million now scheduled actually to be spent under that program in the next fiscal year starting July 1.

Mayo's announcement came as a surprise to officials in the government who had been working on the special school fund. There had been no hint in Mr. Nixon's announcement on the school outlay that actual spending would be so low, and no indication of this in the briefings surrounding that announcement.

The announcement came after a three-hour Cabinet meeting on foreign and domestic matters.

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In announcing the special fund for schools with racial problems in his March 24 desegregation statement, Mr. Nixon said he would ask Congress to divert $500 million from his previously submitted budget for fiscal 1971.

White House officials told newsmen at briefings that day that the money would be taken from other domestic programs by "a reordering of priorities" and that studies already had been completed to pinpoint the source of the funds. At the same time, however, it was learned that Budget Director Mayo was informed of the $500-million fund only hours before it was announced.

The legislative proposal is expected to call for total budget authority of $500 million, even though actual spending next year is now estimated at $150 million.

Mr. Nixon told lawmakers March 24 that he hoped to submit detailed legislation on the school fund by mid-April. The legislation still had not been sent to Congress yesterday.

Last week Secretary of Housing and Urban Development George Romney publicly denied reports that large portions of the $500 million school fund would be taken from Model Cities or other urban programs. As it turned out yesterday, the $150 million actually to be spent on the school fund exactly matches a $150 million decline in anticipated spending for the year under the Model Cities program.

Romney said late yesterday that the Model Cities decline is merely an "estimate" based on slower than anticipated action by cities applying for the money, and that more money will be provided if the estimate proves to be too low.

White House and Budget Bureau officials said the same of the $150 million to be spent for the special school fund. "There is no lessening of our commitment," a White House official said.

## SOCIAL SECURITY AMENDMENTS OF 1970

(Mr. HAGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAGAN. Mr. Speaker, I am deeply concerned over a section in the bill H.R. 17550, which I understand is coming before the House this week.

That section proposes to cut medicaid costs by $238 million, by reducing by one-third the Federal matching funds paid to a skilled nursing home after 90 days of care of an individual.

I have received numerous communications from my district, the first district of Georgia where many of our people, including nursing home directors, are greatly distressed at this proposal.

The directors tell me that as many as 99 percent of their patients are in the nursing homes for periods far exceeding 90 days.

Furthermore, this proposal would cost the State of Georgia approximately seven and a half million dollars in additional funds and no State funds are presently available to offset this loss.

We all know the House rule under which this bill will be considered will not permit amendments from the floor, but, I sincerely hope that steps can be taken to prevent these elderly senior citizens from being put in the position of not having the proper care and comfort they have earned and need in their golden years.

## BILL PROVIDING INSURANCE FOR MEMBER ACCOUNTS IN STATE-CHARTERED AND FEDERALLY CHARTERED CREDIT UNIONS

(Mr. WIDNALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WIDNALL. Mr. Speaker, today, Congressman BROCK and I introduced for appropriate reference a bill to provide insurance for member accounts in State-chartered and federally chartered credit unions and for other purposes.

I think there are few people who realize that there is no share insurance covering the savings accounts of those who choose to save through federally chartered or State-chartered credit unions. We have grown accustomed to the sense of security offered by such insurance on savings deposits in commercial banks, mutual savings banks and savings and loan associations, and many of those who save through the credit union system have simply assumed that they enjoyed similar protection. Unfortunately, this is not so. It is our objective with this legislation to provide that all federally chartered credit unions avail themselves of this share insurance and that it be available on a permissive basis to State-chartered credit unions.

There are over 8½ million account holders in Federal credit unions who have less than $500 in savings. For most of these people this represents their only savings and their only protection against a rainy day. Surely they are entitled to insurance protection for these deposits just like those who save in other institutions. While the record of credit union failures is a good one, the fact remains that whenever any one fails, there is human suffering which could be avoided by such a sound insurance program as this legislation proposes.

I urge all of my colleagues to join with me in supporting this much-needed consumer legislation.

## TRIBUTE TO HON. JOHN W. McCORMACK

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, I was saddened to hear my dear friend, Speaker JOHN W. McCORMACK, will tell the press today of his intention to retire. It is difficult for me to contemplate the House of Representatives functioning without his wise counsel and outstanding leadership. JOHN McCORMACK is without question the preeminent legislator of the world and one of the most remarkable men ever to serve in the House of Representatives. His vision, energy and courage have been primarily responsible for the prodigious amount of progressive legislation enacted by the Congress in the last 40 years. In addition to being one of the great statesmen in American history, he has given me the benefit of his warm personal friendship. It is impossible for me to express the depth of my affection for JOHN W. McCORMACK. I am confident, despite his retirement as announced today, that he will continue to give the Congress and the Country the benefit of his wise counsel and superior judgment for many years to come. For as long as free government remains in America, this country will reap the rewards of his great service and lasting contributions.

JOHN W. McCORMACK has been my leader ever since I became a Member of this House. He will always be my leader; he will always be my friend.

[Applause, Members rising.]

## TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. BOGGS asked and was given permission to address the House for 1 minute.)

Mr. BOGGS. Mr. Speaker, I join, with the same degree of regret and sadness, in the remarks made by the distinguished majority leader today, in the fact that you have told us that come January you will not be in this body.

To me it is very difficult to imagine the House of Representatives without JOHN McCORMACK. I came here as a very young man. I think the man who has had the greatest influence on my life has been Speaker McCORMACK. That extends to the lives of millions of other people all over this world.

For more than 40 years you have been the great leader in passing the monumental social and economic reforms that have characterized this turbulent period in this history of our country.

While you have spent practically your whole career in Congress as a spokesman for the Democratic Party, without exception your devotion has always been first to our country.

I have never seen you flinch when you knew or felt that the interest or the security of this country at home or abroad demanded decisive, quick action.

No man is more beloved by our colleagues on both sides of the aisle. You have been a unifying force in the Democratic Party, in the Congress, and in the country.

I know that your counsel has been sought by every President since Franklin Roosevelt, and all have found your judgment to be wise, trustworthy, and prudent.

Those of us who have served with you in the leadership—and I have had the pleasure, and sometimes the burden, of being the majority whip for 8 years now—hope to work with you to achieve the broad legislative objectives now pending in the Congress so that your career will be concluded at the height of success.

Finally I should like to say, on behalf of myself and my wife, who is equally devoted to you, and my children, that we

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share your deep concern over the illness of your lovely wife, and we hope that she will have a speedy recovery. We know of no man who has been a more devoted, a more steadfast or a more loving husband.

Finally let me say that your friendship has been a tower of strength to me.

### TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. SMITH of California asked and was given permission to address the House for 1 minute.)

**Mr. SMITH of California.** Mr. Speaker, on behalf of the Members on our side of the aisle—this being late in the day, and many not being here—and particularly on behalf of myself in this the 14th year I have been in the House of Representatives, I should like to say to you at all times you have been 100-percent fair, cooperative, and honest in every possible way in your associations with me in my position. I am deeply grateful. I wish you the very, very best.

I will say to the distinguished majority leader that I sincerely hope an appropriate date will be set aside sometime in the future so that all of us can pay the tribute to the Speaker which he so greatly deserves.

Mr. Speaker, thank you.

### TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. PATMAN asked and was given permission to address the House for 1 minute.)

**Mr. PATMAN.** Mr. Speaker, it has been a pleasure to me to serve under the Speaker of the House, Mr. McCORMACK. I have known him now more than 41 years. I have worked with him. Very few times did we ever differ on legislation.

Since I commenced my service in March 1929—the delegations from Texas and Massachusetts have always worked together in the interests of the public, to help the people.

Although our interests in our area are in large part agricultural and Mr. McCORMACK has represented a district that does not have an agricultural plant of any kind, he has always, invariably and without exception, voted in favor of the farmers of this country. He never failed. He has been with the poor people and the small business people.

Mr. Speaker, I will not take up more time, but I want to say that I have a fond remembrance of Speaker McCORMACK. I have many pleasant memories of my service with him here. He is a fair man and a just man, and he always made sure that everyone, even the newest Member who came here, received a fair deal in every way. I have often said that I have never heard Mr. McCORMACK make a speech that I did not learn something from that speech, and I can repeat that statement today. This is true whether it was a long speech or a short speech.

JOHN McCORMACK has been a great inspiration to me, because he is not only a great man individually but a great statesman.

Of course, naturally, I regret having heard him announce that he will not be a candidate for Speaker any more and that he is terminating his service in the Congress. I know that he has good reasons for that and, of course, we all wish him the very best of everything in the world.

Speaker McCORMACK is a great American who always placed his country above all else. I have served with JOHN McCORMACK in the House of Representatives for more than 41 years and I know that he will be sorely missed in the 92d Congress.

JOHN McCORMACK's singular devotion to the House of Representatives has been the bulwark of strength for many of us who have been privileged to serve with him through the years.

His love for this House and its part in our representative democracy has infected newly arriving Members, and continually sustained his colleagues.

The House of Representatives and the Nation owe JOHN McCORMACK a great debt for his dedicated service through these many Congresses.

### ON THE ANNOUNCED RETIREMENT OF SPEAKER JOHN McCORMACK

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

**Mr. PUCINSKI.** Mr. Speaker, I am sure that I speak for all of America's people today, Democrats, Republicans, independents, young and old, rich and poor, white and black, in expressing sorrow at the news that our very beloved and highly distinguished Speaker will not seek reelection to the House of Representatives.

There is no question that during the last 40 years, JOHN McCORMACK has left an indelible mark on every single plateau of progress this Nation has made and in every field of social endeavor. Whether it be in foreign affairs or in domestic affairs, whether in the space program, in defense, in medicare—you name it—JOHN McCORMACK was there leading the fight. This country today has reached the heights of a trillion dollar economy and it will continue to be the great hope of the world economically and otherwise. It is only because we had JOHN McCORMACK at the helm leading this great House of Representatives that we have achieved this pinnacle.

I know that he has served under seven Presidents—Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, and Nixon—Democrats and Republicans, who had always looked upon him as a friend, a loyal American, and a stalwart defender of the principles of freedom for which this country stands.

Mr. McCORMACK, I want to congratulate you on the fact that after midnight next Sunday you will write another exciting chapter in your long, historic career when you will attain the record of being the Speaker of this House for the longest continuous period of time in the history of the United States. Certainly, there are many, many magnificent pages in your history of achievement and accomplishment in this Government, and the fact that you will top off this great service with the historic achievement in Congress as Speaker, speaks for your great ability, the honor and respect that all of us have for you.

I know that every Member who has come to this House since JOHN McCORMACK has been in the leadership has felt his assistance, his aid, his leadership, his guidance, and I am sure that all of us are going to miss his advice.

Whoever takes JOHN McCORMACK's place will have to follow in footsteps hard to fill because mankind seldom has the great opportunity of seeing men like JOHN McCORMACK pass upon the world scene.

I am sure the whole Nation is going to feel the great loss of his leadership. I am sure that the whole country is saddened by learning that he will not be with us in his role of leadership next January. I wish you, Mr. Speaker, the greatest of joy and happiness in your well deserved and hard earned retirement. And I wish for your lovely wife, a speedy recovery to good health so both of you can enjoy the pleasures of your retirement.

I have a very nice wish which I hope you will grant mankind. That is that you will consent to write your memoirs as Speaker of the House and Majority Leader during the most dramatic period of American history. You owe it to American scholars and the American people to record for eternity the excitement that has surrounded you in participating in most of the momentous moments of our Nation's history. I honestly hope you will record your memoirs for the enlightenment of generations to come.

### THE HONORABLE JOHN McCORMACK

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. EDMONDSON.** Mr. Speaker, millions of Americans will be saddened by the news of the decision by our beloved Speaker, the Honorable JOHN McCORMACK, not to seek reelection this year as a Member of this body.

I do not know of any living American who has made a greater contribution as a legislative leader than JOHN McCORMACK of Massachusetts. The statute books of the Nation are filled with splendid legislative monuments that testify eloquently to his ability; his leadership, and his preeminent statesmanship in this century.

The Speaker's decision was motivated by love and concern for his lovely wife, who has shared with him one of America's finest Washington careers. I know all of us will be wishing the best of everything in life for these two wonderful people, who have done so much to enrich all our lives and to build a better America.

### THE HONORABLE JOHN McCORMACK

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. ALEXANDER.** Mr. Speaker, I have

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just a while ago heard the news that JOHN McCORMACK is retiring after 42 years of service to his constituents in Massachusetts and to the Nation. He has served well, and he deserves the thanks of all of the people of this country.

JOHN McCORMACK has been a patriarch of the U.S. House of Representatives, of the Democratic Party, and of the Nation. His list of accomplishments will fill the history books, and his biographers will have much to work with. He is a symbol of the strength, the intelligence, the aggressive honesty, and the stability of the American Government. He is living proof of the effectiveness of our constitutional democracy.

Since the Presidency of Herbert Hoover, JOHN McCORMACK has been setting the pace for Members of Congress, providing the leadership needed by Democratic Presidents, and providing loyal opposition to Republican Presidents.

As a freshman Member of Congress, Speaker McCORMACK has provided me with encouragement and support, advice and counsel, words of wisdom and, when necessary, words of caution.

The hallmark of my experiences as a freshman Member of the 91st Congress has been the opportunity and the honor to know and to work with JOHN McCORMACK. Thank you, Mr. Speaker.

### THE HONORABLE JOHN McCORMACK

(Mr. OLSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

**Mr. OLSEN.** Mr. Speaker, I am saddened by the news and deeply regret that the Speaker has elected to discontinue his service at the end of this year in this great House of Representatives.

I want to say for the RECORD what has been his record but it would take too long.

In every kind of progress during the Speaker's time the gentleman from Massachusetts has been in the forefront. In every progressive step in this Government it has been achieved with his leadership. Even back during the time of the consideration of the minimum wage of 25 cents an hour, he knew how to progress, he knew how to make a progressive settlement. In my time which is very short I know that he knows how to make progressive compromise.

I greatly appreciate his progressive leadership. I am very happy that I was here to follow him. I note that Republicans join us Democrats in extolling the fairness and justness of this great Speaker, JOHN W. McCORMACK.

### TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

**Mr. HECHLER of West Virginia.** Mr. Speaker, I want to add my words of high tribute to a great leader and a great man. As has been well pointed out, there are very few pieces of progressive legislation over the past 40 years that have not borne the mark, the participation and the active leadership of the Honorable JOHN W. McCORMACK. Just mentioning one or two, as a member of the House Committee on Science and Astronautics, I want to call attention to the fact that Speaker McCORMACK is the architect of the Space Act of 1958. More recently, last year, in connection with the coal mine health and safety bill, the Speaker exerted a tremendous influence and leadership in getting this piece of legislation through the Congress—a piece of legislation for which the coal miners of this Nation will be forever grateful to the Speaker for his leadership and to those who participated in bringing this landmark law into being.

The young people of this Nation can be proud of the leadership Speaker McCORMACK has exerted. I know there are many, many Members of the House who wonder how the Speaker has the time to come out and greet all of the many groups of young people that come here to their Nation's Capital. One of the most inspiring sights and opportunities I think for young people visiting Washington is to have the chance to sit here on the floor of the House when the House is not in session and have the Speaker come out and talk with them, and answer questions.

I am proud to have served under Speaker McCORMACK's leadership, and I join with those who express sorrow at his decision to retire.

### A TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

**Mr. MATSUNAGA.** Mr. Speaker, I too was greatly shocked to learn that our beloved Speaker, JOHN W. McCORMACK, has announced his retirement as of the end of this session.

Only a few days ago I was asked by an inquiring reporter as to what I thought the chances of JOHN W. McCORMACK were to be reelected as Speaker of the House of Representatives, and whether I would vote for him if he were to seek reelection. My answer was an unqualified "yes," and that I thought that without any question whatsoever, at least, in my mind, and in the minds of the overwhelming majority of the Members, JOHN W. McCORMACK would be continued as the Speaker of the House of Representatives if he chose to do so.

It is with regret, therefore, that we learned of his announcement. It is understandable that the Speaker would want to spend more time with the ailing Mrs. McCormack.

I served in the 88th Congress, which became known as the "Civil Rights Congress." I was proud to have served in that Congress. I served in the 89th Congress, which came to be known as the "Education Congress." I was proud to have served in that Congress. I served in the 90th Congress, later to be known as the "Consumers' Congress." I was proud to have served in that Congress. And all of those Congresses were led by JOHN W. McCORMACK, the greatest progressive in the history of our Nation to sit in the Speaker's chair.

Perhaps the greatness of JOHN W. McCORMACK is best revealed in his own words, and he has said this repeatedly, "If I had a choice to be known either as a great man or a good man, I would choose to be known as a good man."

Here is a man of rarity whose goodness led him to greatness, and whose true greatness lies in his goodness. JOHN W. McCORMACK has proven to the world that a man can be good and still be great.

God bless you, Mr. Speaker.

The **SPEAKER.** The time of the gentleman has expired.

### THE HONORABLE JOHN W. McCORMACK

(Mr. O'NEILL of Massachusetts asked and was given permission to address the House for 1 minute.)

**Mr. O'NEILL of Massachusetts.** Mr. Speaker, it was with a sense of sadness that I heard of your announcement today to retire from this great and august body, and to retire not only as Speaker of the House but also as a Member of the Congress.

I have known you, Mr. Speaker, as a close and dear friend for many, many years. No man knows you better than I do. No man understands you better than I do or loves you more dearly than I do. No man appreciates your kindnesses to him through the years more than I do.

As a youngster, I can remember the Horatio Alger stories, and how they thrilled me. I have always compared you with those great stories—the oldest son of a family whose father had died, a boy who had to leave school at 13 years of age to become the breadwinner of the family, who educated himself, and without a high school diploma and never a day in college, studied in a law office and learned law at a wage of $3 to $5 a week, and then became one of the outstanding trial lawyers in our section of the country; and who from there decided that he would enter the field of politics and run for the Constitutional Convention.

The year 1919 in Massachusetts was part of an era of giants, of great industrial powers, great labor leaders, and great scholars from the academic world. These were the men who were elected to this constitutional convention. Out of that convention came a shining light, a new leader, who was ultimately to become the Speaker of the House of Representatives after serving here as minority whip and as majority leader.

He knows the meaning of the Speakership. He knows the power of the gavel and the authority of the mace. And, more than anyone here today, he knows the responsibilities of that office. The Speakership is more than the second highest office in the land, it is the leadership of the people's Chamber, the House of Representatives.

Our beloved Speaker understands that office and uses it wisely.

He is a great man and because of him America has become a greater country.

So it is with sadness in my heart, Mr.

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Speaker, that I contemplate the end of your service here—service that has improved and, indeed, saved the Nation. This is not a fond adieu at this time because we will see a lot of each other between now and the end of the session, but I just had to express my sincere and deep feelings about you and my appreciation in this hour when you are telling the world that you are leaving this House of Representatives. You have served the Nation, this House, and Massachusetts well. We all tend to you our devotion and love and our deep gratitude. It is with pride and honor that I call you my leader and my friend.

Mr. EVINS of Tennessee. Mr. Speaker—and as I utter the words, "Mr. Speaker," I am stricken with a sense of sadness and regret as I have just learned that Speaker John W. McCormack has announced plans to retire and not seek reelection to the Congress.

Speaker McCormack is unquestionably one of the great Speakers of all time—and history will record his greatness in deeds and performance.

Speaker McCormack is in the tradition of the great Speakers of the House—Speaker Sam Rayburn, his predecessor; Speaker Henry Clay, Speaker Thomas B. Reed, Speaker James K. Polk, Speaker Joe Cannon, Speaker Nicholas Longworth, and Speaker Champ Clark, among others—men whose names live forever on the roll of honor of outstanding leaders who have guided the House through challenging and momentous times.

Such a man is Speaker John W. McCormack.

Speaker McCormack has served ably, courageously and effectively during one of the most difficult periods in American history—one of the periods of turmoil, upheaval, and change that "try men's souls," in the words of the great patriot Thomas Paine.

Speaker McCormack has never wavered or vacillated in providing the strong, firm leadership needed in the House. He has been instrumental in the passage of volumes of legislation in the public interest. The 89th Congress under his leadership is regarded as perhaps the most productive legislative Congress in our history.

He has never hesitated to take strong positions and to step out in the vanguard in advocating and supporting needed and necessary legislation, always championing the public welfare and the public interest.

Speaker McCormack, apart from his ability and integrity and force as a leader, is a grand gentleman—a man of unfailing compassion—a thoughtful man whose acts of kindness and consideration are countless. He is not only a great man, he is a good man in the fullest meaning of the term.

He is a great leader and a great American—and the House will sorely miss his leadership and his guidance. He has made his mark as he lays down the gavel.

Speaker McCormack came to the Congress in the 70th Congress in 1928 and has served faithfully and effectively since that time in subsequent Congresses—a period of 42 years. He became Speaker in the second session of the 87th Congress in 1962 following the death of Speaker Sam Rayburn of Texas.

Before becoming Speaker he served as majority leader and Democratic whip. Prior to coming to Congress he had an illustrious career as a member of the Massachusetts Legislature.

His vast experience and great ability have provided the House with excellent and effective leadership, and it is with deep regret that we acknowledge his decision to retire.

The lessons of history teach clearly that the greatness of a Nation lies in the greatness of its leaders.

Certainly the greatness of John McCormack has elevated him to a prominent place in history. As a lighthouse on the foggy Massachusetts coast provides light and guidance to the mariners at sea, so John McCormack has provided guidance and leadership necessary for the House of Representatives across the shoals and breakers to many right and just decisions for this Nation.

We shall miss John McCormack as Speaker.

When a great man relinquishes the mantle of leadership it is always a sad occasion.

As Speaker McCormack ends his leadership in the House, there is pain and regret—but the footsteps he has left in the sands of time and history as Speaker will always remind us that we were privileged to walk beside one of the great and good men—a giant in history.

Certainly I want to wish Speaker McCormack and his beloved Mrs. McCormack the best of good luck and happiness as he relinquishes his duties as Speaker. He deserves rest and relaxation from the stresses and strains of leadership after many years of dedicated service. Our thoughts and prayers and best wishes will always be with Speaker McCormack of Massachusetts—an all-American.

Mr. WOLFF. Mr. Speaker, the retirement of our distinguished Speaker after so many years of service in the leadership and as the Representative of Massachusetts' Ninth District takes from us a uniquely committed Congressman.

John W. McCormack, in more than 40 years of selfless service, has given all of us an excellent example of how a Member can serve his country and his constituents. Since coming to the House in 1965 I have been repeatedly impressed by the high standards of patriotism, leadership, and public service maintained by the Speaker.

He has shown us time and again that he is not only selfless but truly committed to doing what he believes best for our country.

The wisdom he has gained through the administrations of seven Presidents has given the Speaker truly unique insights into the operation of the Congress and our Government. He has been a leader, a colleague, and a friend to all who have served with him.

I regret that the Speaker's retirement is made necessary by his wife's ill health and I can only say to the Speaker that I wish him and Mrs. McCormack many more years of happiness together.

As an American I must say to John W. McCormack: "Thank you for your exemplary service to our country."

Mr. MONAGAN. Mr. Speaker, you certainly deserve great credit for your decision not to seek reelection to the House. You have had an outstanding career in Congress for over 40 years and have made a record which few, if any, will be able to surpass. You will leave with your faculties unimpaired.

Throughout your career and especially in the days of the New Deal you were a prime mover in the passage of the social legislation which forms the basis of our free economic system today. In addition, you performed yeoman service in helping to prepare our Nation for its eventual involvement in World War II.

Another element in reaching your decision I am sure has been the illness of Mrs. McCormack who has been a support and helpmate through your entire political career.

You leave the House with the appreciation of all Democrats for the role you have played in the development of our party, but above that with the gratitude of all Members of the House and millions in the Nation as a whole for your contribution to the economic progress in American life and to the increased dignity of every individual American citizen.

Mr. PHILBIN. Mr. Speaker, I am deeply saddened by the retirement announcement of my esteemed, beloved friend and outstanding American, Speaker John W. McCormack.

While I had some intimation recently that the Speaker was contemplating retirement, somehow I could not conceive that it could happen.

I have known the Speaker since before I came to Congress. He has been my warm, loyal friend ever since I have been privileged to serve in this great body, and he assisted me in many ways to lighten the burdens of office, and make my service here more meaningful to my district, my constituents, and our country.

Speaker McCormack is universally known as one of the greatest Americans who has ever served in the Congress. To my mind, he is our greatest Speaker. He is a man of great humane sensibilities, and he is endowed with a sense of dedication and inspiring loyalty to his family, his friends, his country, and the commitments of the very high office he holds with such brilliant distinction.

It is impossible here to do more than touch upon some of the facets of his character that have endeared him to so many people, and the quality of his truly extraordinary leadership that enabled him to achieve a record of unprecedented success in charting in the House the legislative accomplishments of the Congress, in war and in peace, through one of the stormiest, difficult periods of extraordinary advancement and progress that this or any other nation has ever experienced.

Speaker McCormack is known the country and the world over for the great-

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ness of his leadership, his essential goodness as a human being, his amiable, personal qualities, the sweep and import of his memorable achievements, his unselfish labors for the country, the world and the American people. These attributes comprise a glorious chapter in the history of this House and this Government.

The fairness, impartiality and justice with which he conducts the affairs of the House—his dignity, the broadness of his vision, the high aims of his objectives, the warming generosity of his impulse, and the invariable kindness, compassion and helpfulness to others that he has shown in the discharge of his heavy responsibilities, are known to all of us who have served here with him, and are recognized by the people throughout this country and in many parts of the world.

Master of parliamentary law and procedure, skilled in legislative accomplishment, resolute, tenacious and resourceful in seeking his goal, yet always animated by respect and consideration for others, our esteemed, beloved Speaker stands out as an inspired, sagacious advocate and unyielding fighter for the things in which he believes, eager at all times to give of himself to advance the cause of human betterment, to broaden the horizons of freedom, to speed the reality of universal peace and a world governed by the principles of law, rather than the savage impediments of violence and hatred.

JOHN McCORMACK is an illustrious son of our renowned Bay State of Massachusetts, proud of his heritage and his faith, and unalterably committed to the free way of life for this Nation and all peoples who chose it. Our beloved, inspired leader has moved unfalteringly with superb skill, ability and determination to carry out the vital missions of highest responsibility for the security, well being, and ever higher aspirations and standards for this great free Nation and all its people regardless of race, creed or class and especially for the lowly and the inarticulate for whom he did so much.

The Speaker is endowed with a great mind, a great heart, and a great spirit that never gives up, never retreats, never ceases to press forward, boldly and courageously, in his quests for social justice and peace, to which years ago he so prayerfully dedicated himself to serve.

JOHN McCORMACK, humble boy from south Boston, has advanced himself step by step by his own powers, strength of character and zeal for achievement until he now ranks with the greatest leaders of our national history.

A great age has produced him to serve America; a great generation has seen him give his all to make this country, as he played such a vital part in doing, in so many respects, a better place to live in; and many generations, some yet unborn, will hail this illustrious American Speaker and statesman as a courageous, farsighted leader, who served so fearlessly and well in times of peril, in times of unprecedented prosperity, and in times of restlessness and upset, and did his great and memorable tasks to conserve, to develop, to advance and bring to fruitful realization the powers, the great potential, and the great destiny of our country in the annals of humanity.

I am so very sorry that this great American is leaving the House he has led with such conspicuous outstanding success and unrestrained dedication, but he has earned the rest and relaxation that I hope and pray may now be his, and the opportunity to spend some time with his beloved wife, family, and friends, from whom he has been separated, in so many respects, during the long, hard years of troubles, sacrifices, and historic victories that his great service has helped so much to impress indelibly upon the official records of this House, and above all in the hearts, the gratitude, the abiding love of his colleagues, and the American people.

For JOHN McCORMACK his departure from public life will not end his interests in and his labors for the principles and the missions he has lived throughout his long, fruitful life.

The call of public service, the call of the people will come to him again and again, in other areas of service to the Nation, and the American people, that he will unselfishly and effectively perform as long as the good Lord gives him the strength and the ability to respond, and I hope and pray that will be for many years to come.

This country could never possibly thank JOHN McCORMACK for what he has done to protect, preserve, enrich, and develop this great Nation which he in his lifetime, to a large extent through his efforts and under his leadership helped become the greatest, the richest, the most powerful, and the freest nation in the history of the world.

Let all those who remain take up the torch of freedom which he passes to all those who serve here, and seek to hold it as high as he did for the House, the Nation, and the people of the country, and the world.

What our great Speaker has achieved here to build and expand the horizons of justice, compassion, and love of fellow man is an enduring inspiration. It is up to those who follow to continue this great work until all our dreams for humankind shall be realized.

Mr. ZABLOCKI. Mr. Speaker, it is with genuine personal regret and disappointment that I heard the announcement of Speaker McCORMACK's decision to retire from Congress at the end of the current session.

A truly distinguished American and leader, he has earned the respect and gratitude of the entire Nation. His outstanding record of achievement and dedicated public service extends for more than a half century. During the 40 years he has served in Congress his legislative record in both domestic and international affairs is second to none.

Knowing of his deep affection and love for his wife, his decision was not entirely unexpected, particularly since her illness became known. Mrs. Zablocki joins me in the urgent hope and prayer that her recovery be prompt and complete.

Speaker McCORMACK's renown was already firmly established when I was first elected to Congress 22 years ago. During those years it has been my privilege to work with the late Speaker Sam Rayburn and Speaker JOHN McCORMACK—two of the most distinguished and respected House leaders in history.

As leader and Speaker, Mr. McCORMACK was always cooperative and considerate of all Members of Congress—sometimes perhaps to a fault. His wisdom and ability will be sorely missed. My earnest hope is that even in retirement he will continue at times to share with his colleagues in the House his wisdom and counsel.

This country—a country he loves deeply—is and forever will be grateful.

## GENERAL LEAVE TO EXTEND

Mr. BOGGS. Mr. Speaker, I ask unanimous consent that all Members be permitted to extend their remarks on the subject of the Speaker.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

## STATEMENT BY CONGRESSMAN SEYMOUR HALPERN OPPOSING THE USE OF LIVE AMMUNITION ON COLLEGE CAMPUSES BY NATIONAL GUARDSMEN EXCEPT WITH TRAINING OF TROOPS IN RIOT CONTROL AND THE USE OF FIREARMS

The SPEAKER pro tempore (Mr. PUCINSKI). Under a previous order of the House, the gentleman from New York (Mr. HALPERN), is recognized for 10 minutes.

Mr. HALPERN. Mr. Speaker, I would like at this time to express my strong opposition to the carrying of live ammunition on college campuses by National Guardsmen except when guardsmen have received proper training in riot control and the use of firearms. As the recent events at Kent State University so tragically illustrate, the use of improperly trained guardsmen to control a riot is fraught with the potential for death. We must not allow this possibility to continue to threaten a nation already divided by intense feelings of discord and disharmony.

The recent deaths of four college students at Kent State has raised a number of questions concerning the level of National Guard training. It is abundantly clear that National Guardsmen, insufficiently trained in the use of live ammunition and unsure of their response to riot situations, are likely to resort to violence at the first difficult moment. Such action can only occasion more massive confrontations on college campuses.

The Ohio adjutant general's office has informed me that one of the two units at Kent State had only the minimum level of riot control training recommend by the U.S. Army, while the other did not have even that much. Some units in other States receive three or four times the minimum level. It is obvious that the more hours of training an individual guardsman has received, the surer he will be of himself and of his response to unexpected situations.

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For these reasons I am pleased to have joined the able gentleman from New York (Mr. FARBSTEIN), in introducing legislation restricting the carrying of live ammunition by National Guardsmen on college campuses to situations in which there have been sufficient riot control and live ammunition training for guardsmen.

In order to prevent the future use of National Guardsmen from intensifying the level of violence on college campuses, the proposed legislation would prohibit any National Guardsmen from carrying weapons containing live ammunition on a college campus unless he has received 56 hours of riot control training and 100 hours of live firearms training. This legislation would also prohibit the carrying by guardsmen of weapons containing live ammunition unless a situation should exist in which life is imperiled and a specific order for the carrying of such ammunition has been issued. States failing to comply would lose Federal funding of National Guard training and equipment.

I am greatly concerned with the necessity for such legislation, to avoid repetition of the Kent State tragedy. Already, police at Jackson State College in Jackson, Miss., have been confronted with a situation resulting in the deaths of two students. In the interest of human concern, as well as of our national well-being, I urge all of my colleagues to give to this problem their urgent attention and careful study.

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## TAKE PRIDE IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world's largest paper producer. In 1966 the United States produced 7,078,000 metric tons of paper—other than printing. Italy, the second-ranked nation, produced 2,116,000 metric tons.

## CAMPAIGN A. & P.—A "CAMPAIGN GM" FOR THE FOOD INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today launched a campaign to make the Nation's food chains more responsible to the consumer. Called Campaign A. & P., the project is patterned after the Ralph Nader inspired Campaign GM, which reaches its culmination on Friday, May 22, in Detroit.

Like the GM effort the food chain campaign will utilize the power of the stockholder to force changes in corporate policy.

The campaign has three objectives: First, voluntary unit pricing; second, voluntary "open dating" of all foods; and third, election of at least one consumer representative to the corporate board of directors.

These demands went out in letters to the 10 largest grocery chains in the country.

Primary emphasis will be placed on A. & P. because it is the largest retail chain in the country and because it has consistently turned up with the most consumer abuses. In recent surveys of food freshness in the District of Columbia conducted by the District of Columbia Democratic Central Committee and my staff, A. & P. stores were found to have the most stale items. Similar findings also developed in Chicago and New York.

It is about time for A. & P. to emerge into the 20th century from its Darwinian approach to the consumer. The company and the consumer do not have to be in competition for the survival of the fittest. The A. & P. stockholders meeting is scheduled for June 16 in New York City.

I have previously introduced on behalf of 50 other Members of the House and myself H.R. 17005, legislation to require the label of all perishable and semiperishable foods to contain the date—openly stated—after which the item can no longer be safely sold. Such legislation would be unnecessary if the food chains were more consumer oriented.

I have secured the stock proxies for some of the 10 companies and intend to contact foundations, labor unions, universities, members of consumer organizations, and the city of New York, all of which have large holdings in food chain stock, to request them to cast their votes for the three proposed propositions if the companies do not respond favorably to my three demands.

The 10 largest food chains in order of size are Great Atlantic & Pacific Tea Co., Inc., A. & P.; Safeway Stores, Inc.; Kroger Co.; Food Fair Stores, Inc., Jewel Companies, Inc.; Acme Markets, Inc.; National Tea Co.—controlled by George Weston, Ltd.; Winn-Dixie Stores, Inc.; Lucky Stores, Inc.; and Grand Union Co. In addition to these also included as targets of Campaign A. & P. are Daitch Shopwell and Key Food Supermarkets.

The text of my letter to the food chains follows:

### TEXT OF LETTER TO STORES

MAY 20, 1970.

DEAR SIRS: In recent years there has developed an increased questioning of the food industry and a growth of public doubts as to whether the industry is really doing all that it possibly can to bring to the consumer the safest and freshest foods. This concern has been brought about by surveys by government and private citizens which have uncovered abuses with respect to ingredients, freshness, prices which rise when the welfare checks come out, etc.

While all industries have a responsibility to the public, the responsibilities of the food industry go well beyond those of other industries. If a vacuum cleaner fails to work, one can always have it repaired. If a food item is unsafe to eat, one may be putting his health in danger. Vacuum cleaners are not basic requirements of life. Food is. No matter how rich or poor you are, how young or old, you need food.

The public concern and questioning of the food industry has brought forth a series of proposed remedies, many of them in the form of legislation or regulations proposed at the local, state, or federal level. The discovery that the larger sized package is not necessarily cheaper brought a call for unit pricing. The discovery that food unfit for human consumption or greatly diminished in nutritional value is being sold to the public brought a call for "open dating." The discovery that prices on some items were higher in ghetto stores than in middle income stores brought a call for price uniformity. Each of these has been proposed as a government regulation or law to compel the food industry to act.

But it is not necessary for the federal, state or local government to pass a law or regulation for a food chain to adopt unit pricing, or open dating, or any of the number of other remedies which would greatly benefit the consumer. You do not need a law to enable a food chain to undertake such consumer reforms.

I am writing to ask your company to undertake these reforms voluntarily. Specifically, I am requesting you to undertake: (a) voluntary unit pricing on all items; (b) voluntary "open dating" on all foods; and (c) election of at least one consumer representative to your board of directors.

I am sure that your officers and board of directors have considered these questions before. Yet nothing relating to the foregoing has been done to date by your company. I am interested in learning and trust you have no objections to furnishing me with the following information. Did you do any studies with respect to price per size and food coding policies of your stores to see if abuses existed? Did you undertake studies as to cost of unit pricing and open dating as solutions? I am informed that more than one chain has said privately that unit pricing will not cost one cent in higher prices or lost profits to the company. If you decided against, I would appreciate your advising me of the basis for your decision. Who made the decision? What were the specific reasons? If it was your board of directors, could you please supply me with a list of those who supported and opposed each of these measures? I would ask the same questions with respect to election of consumer representatives to your board.

I ask you to consider undertaking each of these three courses of action now. Unless your officers or board of directors are favorably inclined toward the aforementioned, it would seem to me that a Campaign GM might be appropriate.

I would appreciate receiving your reply within two weeks. I would also appreciate your sending me, in any case, a list of the names and addresses of your current stockholders and biographies of the members or candidates of your board of directors.

The undertaking by your company voluntarily of these reforms would go a long way toward restoring the public image of the food industry and put your company at a competitive advantage with the aware and enlightened consumer. I certainly hope that I can expect a favorable reply from you.

With kind regards, I am,

Sincerely yours,

LEONARD FARBSTEIN,
*Member of Congress.*

**M. W. Alldredge, Chairman of the Board, W. J. Kane, President, Great Atlantic & Pacific Tea Company, Inc., 420 Lexington Avenue, New York, N.Y. 10017.**

**R. A. Magowan, Chairman of the Board, Quentin Reynolds, President, Safeway Stores, Incorporated, 4th and Jackson Street, Oakland, Calif. 94604.**

**J. E. Davis, President, Kroger Company, 1014 Vine Street, Cincinnati 1, Ohio.**

**Louis Stein, Chairman of the Board, Jack Friedland, President, Food Fair Stores, Inc., 3175 John F. Kennedy Blvd., Philadelphia, Pa. 19101.**

G. L. Clements, Chairman of the Board, D. S. Perkins, President, Jewel Companies, Inc., 1955 West North Avenue, Melrose Park, Ill. 60160.

P. J. Cupp, Chairman of the Board, J. R. Park, President, Acme Markets, Inc., 124 North 15th Street, Philadelphia, Pa. 19102.

G. C. Metcalf, Chairman of the Board, N. A. Stepalton, President, National Tea Company, 1000 North Crosby Street, Chicago, Ill. 60610.

B. L. Thomas, President, Winn-Dixie Stores, Inc., 5050 Edgewood Court, Jacksonville, Fla.

G. A. Awes, Chairman of the Board, W. H. Dyer, Jr., President, Lucky Stores, Inc., 1701 Marina Blvd., San Leandro, Calif. 94577.

T. C. Butler, Chairman of the Board, C. G. Rodman, President, Grand Union Company, 100 Broadway, East Paterson, N.J.

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## PRECONCEIVED PLAN FOR SEA-LEVEL CANAL DESTROYED: TIME FOR ACTION ON TERMINAL LAKE-THIRD LOCKS PLAN HAS COME

The **SPEAKER** pro tempore. Under previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 20 minutes.

**Mr. FLOOD.** Mr. Speaker, in the April 13 and 15, 1970, issues of the Washington Post and Baltimore Sun, respectively, there were published two highly significant articles on the current interoceanic canal study authorized in 1964, the final report of which to the President is due not later than December 1, 1970.

The principal facts revealed by the two articles are:

First. The Committee on Ecological Research, named by the National Academy of Science at the request of the Atlantic-Pacific Interoceanic Canal Study Commission, opposes using nuclear explosives for constructing a canal of so-called sea level design.

Second. This committee also opposes connecting the Atlantic and Pacific Oceans by a salt water channel as in a sea level canal, because of the danger of massive extinction of marine life that would result from mingling the species of the two oceans. This is especially important for the conservation of food resources and the current emphasis being placed on ecological problems.

Third. Officials of the Atomic Energy and Canal Study Commissions now admit, after 5 years of study and the expenditure of $22,500,000, out of a total authorization of $24,000,000, that it will not be possible to determine the feasibility of using nuclear excavation for the construction of a new canal.

Fourth. Because of the 10 to 15 years required and cost of $3 billion—initial estimate not including indemnity—to construct a canal of sea level design, the canal commission study officials now, at long last, acknowledge that it is not economically justified.

Fifth. Although the articles make vague reference to improvement of the present canal, both ignore the true solution of the canal problem. This solution is the Terminal Lake-Third Locks plan developed in the Panama Canal organization as the result of World War II experience, submitted to President Franklin D. Roosevelt, and approved by him as a postwar project.

Mr. Speaker, the revelations in the two newspaper articles, evidently inspired by the canal study commission, discredit in advance any report that it may submit of its inquiry under Public Law 88–609, 88th Congress, approved September 22, 1964, as amended. Moreover, the apparent failure of the informants of the authors of the two articles to mention in definite terms the only practical solution of the canal problem that applies, the Terminal Lake-Third Locks plan, reveals their bias and predisposition toward prolonging past confusions of the crucial canal question.

In these general connections, I would invite attention to a major address by me on June 8, 1967, on "Panama Canal Issues and Treaty Talks: Defects and Validities" in the CONGRESSIONAL RECORD, volume 113, part 11, pages 15192–15207. In this address, I quoted the full text of the minority report of a special report of the Georgetown University Center for Strategic Studies. This minority report was prepared by Vice Adm. T. G. W. Settle and Dr. Donald M. Dozer, both eminent authorities in their fields. The indicated newspaper articles fully justify the views of Admiral Settle and Dr. Dozer. Also I may add that the history of the Panama Canal is a record of minority decisions and not of consensus-formed opinions, such as those expressed in the previously majority report.

Mr. Speaker, the Members of this body who were present on September 1, 1964, during the debate on S. 2701 will recall that this measure authorized an investigation to determine the feasibility and site for a canal of so-called sea level design across the American Isthmus. The special rules adopted for its consideration in the House did not allow sufficient time for adequate debate and the Congress did not have the benefit of printed hearings on this important bill. Because I had studied the canal question in depth and breadth and understood the main problems involved, rather than have my name associated with what I knew would eventually fail, I voted "No". The previously mentioned articles fully vindicate my stand.

The measure was passed by a vote of 320 to 23, and I am particularly proud of my negative vote in view of the latest information discrediting the current canal study, which was pursued on a wholly preconceived basis; and was in no wise objective.

Because of the facts now revealed, the way is open for early consideration of pending measures for the major modernization of the Panama Canal for which identical bills have been introduced in both House and Senate.

As the previously mentioned articles vindicate my 1964 and later stands on the canal question, I shall include both of them and the text of the identical bills as parts of my remarks.

When the time comes for the President to transmit the report of the current canal inquiry under Public Law 88–609 to the Congress, I trust that he, following the 1947 precedent of President Truman, will not be controlled by the ex parte recommendations of the study commission, but will support the program for the major modernization of the existing Panama Canal as contemplated in current measures in the Congress, which do not involve the negotiation of a new treaty with Panama.

The two subject articles and the text of H.R. 3792 follow:

[From the Washington Post, Apr. 13, 1970]

### A-CANAL DEALT BLOW—ADVISERS FEAR RADIOACTIVITY

(By Victor Cohn)

The dream of a future sea-level Atlantic-Pacific canal blasted out cheaply by nuclear explosives has been dealt a severe blow—maybe a fatal one—by a group of biological advisers to the canal study commission.

The advisers have agreed in recent months that nuclear digging would create too much dangerous radioactivity, as well as other risks to nearby populations.

They also agreed Thursday and Friday in a final set of meetings at the National Academy of Sciences that no one can say yet whether a sea-level canal, even if dug by conventional explosives, is biologically safe.

This is because it could mix Atlantic and Pacific fish and other life forms, with possible large-scale extinction of many species.

The biologists think at least 10 to 15 years of intensive research are needed. For one thing, they advise annual counts of ocean populations, like fish and shrimps, just to set base lines by which to judge a new canal's long-range effects.

A set of conclusions like these is now being drawn up as the result of the meetings here of this group—the Committee on Ecological Research for the Inter-Oceanic Canal, headed by Dr. Ernst Mayr, Agassiz professor of zoology at Harvard University. The committee was named by the National Academy of Sciences at the request of the Atlantic-Pacific Inter-Ocean Canal Study Commission, created by Congress in 1964.

The commission must tell President Nixon by Dec. 1 whether a new sea-level canal to supplement the present Panama Canal is commercially and technically a good idea; where and how it ought to be built; and how much it might cost.

Many new ships are far too large for the narrow passage of the present canal, built early in this century. Others laden with valuable cargoes are forced to delay passage because of the traffic jam in the complex series of locks.

Some authorities believe that the saturation point of the present canal will be reached in a few years, lending urgency to studies for a new canal.

The biologists were asked only to design ecological studies of a new canal's effect, not to say how or if one should be built. Their formal report thus may be more limited in scope than their actual conclusions.

All their conclusions, however, are certain to be transmitted to the administration and to the scientific community in one way or another.

Dr. Mayr declined to reveal any of the group's formal recommendations before they are made to the science academy, then to the canal commission. But another committee member said the group "definitely" opposes using nuclear explosives.

Mayr conceded that: "Giving you just my own personal opinion, I think it's rather widely agreed now that using nuclear explosives is nonsensical, especially if the canal is built near any populated areas.

"It's been established just for one thing that the world's tritium level would go up by about 50 per cent." Tritium is a form of hydrogen produced by some nuclear processes.

Several canal sites have been proposed, including some in little-populated areas that cross Colombia and Nicaragua-Costa Rica.

But those now most favored, it is learned, are two within 50 miles of the present canal. The other sites are far lengthier, and economical only with cheap nuclear blasting.

### THREE REASONS ADVANCED

"I think there are three reasons," Mayr said, "why nuclear blasting is unwise—one, radioactive fallout; two, tritium level; three, possible seismic (earthquake-causing) effects of blasts near any populated areas."

Study of nuclear blasting has also won little recent backing from the Nixon administration, though the Atomic Energy Commission still thinks there is an excellent chance that it could prove safe and economical with more development. Soviet officials recently said they are planning some extensive nuclear digging, on the basis of what one U.S. official called "more extensive tests than ours."

The AEC did six canal excavation experiments between 1962 and 1968, setting off devices around 350 feet beneath the surface. The last blasted a crater 852 feet across and 208 feet deep.

"As in all cratering experiments," an AEC spokesman reports, "some radio-activity was released. But it was a comparatively small amount—most is trapped in the crater bottom or comes back in earth-rock debris thrown around the crater.

"We found you could go back to the area and work within several months. And we would expect by the time the canal is built—some years away—we would have explosives that release much less radioactivity."

The AEC is working on "cleaner" explosives at its Livermore, Calif., Lawrence Radiation Laboratory. But it also says it needs "at least" four more cratering tests before it can say whether nuclear excavation is a good idea.

### NONE IN BUDGET

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None is included in the AEC's fiscal 1971 budget. One was planned for this year, but was finally set aside to concentrate on the Livermore research.

"We've already told the President we can't define the feasibility of nuclear excavation," says John P. Shefey, executive secretary of the canal commission. "But we certainly think the nuclear experiments should be completed."

The idea of U.S. nuclear blasting anywhere in Central America has found little favor in State Department halls, many diplomats see it creating only anti-American feeling, even if fallout is miniscule.

"But you can find all sorts of opinions, and no determination has been made," one official said. "No one has faced the question fully, and no one needs to for several years."

Here, some scientists disagree, though they are aware that the canal commission test incidentally, used a 35-canal being built for around 15 years. "Once projects get going and reach a certain size," one scientist said, "it's very hard to choke them off, even if many people then feel the idea is ecologically poor. Look at the SST."

The latest AEC cratering test, incidentally, used a 35-kiloton device (equal to exploding 35,000 pounds of TNT). One estimate has it that digging a canal would take 35 megatons, or the equivalent 1,000 35-kiloton bombs.

But it is the ecological consequence of the canal, no matter how it is dug that has worried the biologists most.

A National Academy of Science publication last fall credited committee members with saying that environmental effects would go "far beyond" merely altering the sea environment and its life forms, "and include effects on migratory species, on terrestrial (earth) fauna and flora, on micro-organisms and on local urban and rural human populations."

This report said that: "While a few successful migrations have apparently taken place between the oceans, there has been nothing to equal the predicted inter-Oceanic migrations that would be inevitable if a sea-level canal were built. Many scientists believe the invasion of competitive marine fauna on either coast might result in large-scale extinction of many species, an irrevocable catastrophe to science and a loss to future generations of men."

The biologists have some interesting ideas about how it might be possible to prevent or minimize mixing of the oceans. These include building effective tidal gates and keeping them closed at high-tide, and building a big man-made lake in mid-canal—much like Gatun Lake, which has served the old canal as a highly effective biological barrier. Salt-water species get into the present canal despite its locks, but seldom get across this fresh-water body.

A problem here, Mayr said, is that "no one knows yet whether such a man-made lake can be built." In all, he guessed, some $20 million a year ought to be spent, starting soon, if a new canal's ecological consequences are to be estimated and, hopefully, minimized.

### REPORT DUE IN WEEK

The biologists' major recommendations should be turned over to the Science Academy in another week. A more detailed report will be made to the canal commission by June 30.

A major question the commission must address is: Is a new multibillion-dollar canal really necessary? (Cost estimates so far have ranged from $1½ billion—for a nuclear job—up to $3 billion.)

Engineers' reports indicate the present canal, with improvements, could serve 60 per cent more traffic. But it still could not handle big wide-beamed aircraft carriers and super-tankers.

One commission job, therefore, is to balance a new canal's cost and value against the cost of a large oil pipeline across the isthmus, to transfer oil between super-tankers.

The commission, headed by Robert B. Anderson, head of a New York investment firm and former secretary of the treasury, meets here every two months. There will "definitely" be a report to the President by Dec. 1, Sheffey said, despite two previous one-year delays.

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[From the Baltimore Sun, Apr. 15, 1970]

## CANAL REPORT WILL LACK DATA ON ATOMIC BLASTING

(By Richard Basoco)

WASHINGTON.—After five years of study and the expenditure of $22.5 million, the Atlantic-Pacific Inter-Ocean Canal Study Commission will be unable to suggest the feasibility of using nuclear excavation techniques when it submits its final report on a new canal through Central America.

John P. Sheffey, executive director of the canal commission, said today that "political constraints and budgetary problems" at the Atomic Energy Commission have made it impossible to collect the kind of data required to make a responsible recommendation regarding the use of nuclear explosions to create a "second" Panama Canal.

The AEC's nuclear cratering test program "has fallen behind the planned schedule so that the [canal] commission won't have enough information to find it either feasible or unfeasible," Mr. Sheffey said.

If construction of a canal across Panama—where two routes are under consideration—or across Colombia were deferred "for a large number of years," he said, the use of nuclear energy may be feasible, Mr. Sheffey said.

But, he added, if a decision were made to go ahead with a new canal project in the near future, "there is no question about it, it would have to be done through conventional excavation." A canal project would have to be delayed "a minimum of ten years" for nuclear blasting to become a realistic alternative, he said.

Created in September, 1964, the commission is scheduled to submit its final report to President Nixon by December 1, 1970. Congress charged it with the responsibility of recommending which of several possible routes for a new canal seemed preferable, and to consider, in reaching that conclusion, the feasibility of using nuclear excavation methods.

Mr. Sheffey said that the commission's total authorization for its work was $24 million and that he expected it would return some $1.5 million to the government. Most of the $22.5 million that will have been spent by December 1, he said, was allocated to extensive field surveys which probed the difficulties involved in the use of nuclear excavating techniques.

Most of the data, required to assess conventional excavation methods was already available, he said, but the possible use of the atom required studies of wind currents, the food chain from plant to animal to man, and the like.

But the Atomic Energy Commission was able to conduct only two significant tests, Mr. Sheffey said, when at least five had been anticipated and more than that preferred.

John Kelly, an AEC official involved in the testing program, said, "We are encouraged by what we've been able to do," but conceded that not enough experiments have been conducted to make realistic recommendations.

He said his agency has conducted about half a dozen nuclear cratering tests and "a substantial number" of cratering tests with conventional explosives, such as TNT.

### SEVERAL MILLION PER TEST

But much more testing with higher yield nuclear blasts are required and they are more expensive, he said. There is no money for any excavation testing at all in the AEC's budget for fiscal 1971, he said, although the current budget had more than $7 million for that purpose.

Each of the tests conducted, Mr. Sheffey said, "runs several million dollars."

Both Mr. Kelly and Mr. Sheffey expressed the hope that the AEC's test program would continue, although Mr. Kelly suggested that one reason no funds were provided in next year's budget was that the data would not have been available for the canal commission anyway and the urgency for continuation of the testing had therefore melted away.

### COMPARISON ESTIMATE

A new canal dug by conventional means would take some 10 to 15 years to complete at a cost of perhaps $3 billion, while, "if everything went perfectly," Mr. Sheffey said, nuclear excavation would take six to nine years and save about $1 billion.

The difficulties in negotiating the use of nuclear devices, however, could mean that the length of time from inception of the project to completion might not be any shorter than by conventional means, he added.

The present canal is reaching the point of saturation usage by shipping and is too small to accommodate either the large tankers or big aircraft carriers already afloat.

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## H.R. 3792

A bill to provide for the increase of capacity and the improvement of operations of the Panama Canal, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Panama Canal Modernization Act".

SEC. 2. (a) The Governor of the Canal Zone, under the supervision of the Secretary of the Army, is authorized and directed to prosecute the work necessary to increase the capacity and improve the operations of the Panama Canal through the adaptation of the Third Locks project set forth in the report of the Governor of the Panama Canal, dated February 24, 1939 (House Document Numbered 210, Seventy-sixth Congress), and authorized to be undertaken by the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), with usable lock dimensions of not less than one hundred and forty feet by not less than one thousand two hundred feet by not less than forty-five feet, and including the following: elimination of the Pedro Miguel Locks, and consolidation of all Pacific locks near Miraflores in new lock structures to correspond with the locks capacity at Gatun, raise the summit water level to its optimum height of approximately ninety-two feet, and provide a summit-level lake anchorage at the Pacific end of the canal, together with such appurtenant structures, works, and facilities, and enlargements or improvements of existing channels, structures, works, and facilities, as may be deemed necessary, at an estimated total cost not to exceed $850,000,000, which is hereby authorized to be appropriated for this purpose.

(b) The provisions of the second sentence and the second paragraph of the Act of August 11, 1939 (53 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), shall apply with respect to the work authorized by subsection (a) of this section. As used in such Act, the terms "Governor of the Panama Canal", "Secretary of War", and "Panama Railroad Company" shall be held and considered to refer to the "Governor of the Canal Zone", "Secretary of the Army", and "Panama Canal Company", respectively, for the purposes of this Act.

(c) In carrying out the purposes of this Act, the Governor of the Canal Zone may act and exercise his authority as President of the Panama Canal Company and may utilize the services and facilities of that company.

Sec. 3. (a) There is hereby established a board, to be known as the "Panama Canal Advisory and Inspection Board" (hereinafter referred to as the "Board").

(b) The Board shall be composed of five members who are citizens of the United States of America. Members of the Board shall be appointed by the President, by and with the advice and consent of the Senate, as follows:

(1) one member from private life, experienced and skilled in private business (including engineering);

(2) two members from private life, experienced and skilled in the science of engineering;

(3) one member who is a commissioned officer of the Corps of Engineers, United States Army (retired); and

(4) one member who is a commissioned officer of the line, United States Navy (retired).

(c) The President shall designate as Chairman of the Board one of the members experienced and skilled in the science of engineering.

(d) The President shall fill each vacancy on the Board in the same manner as the original appointment.

(e) The Board shall cease to exist on that date designated by the President as the date on which its work under this Act is completed.

(f) The Chairman of the Board shall be paid basic pay at the rate provided for level II of the Executive Schedule in section 5313 of title 5, United States Code. The other members of the Board appointed from private life shall be paid basic pay at a per annum rate which is $500 less than the rate of basic pay of the Chairman. The members of the Board who are retired officers of the United States Army and the United States Navy each shall be paid at a rate of basic pay which, when added to his pay as a retired officer, will establish his total rate of pay from the United States at a per annum rate which is $500 less than the rate of basic pay of the Chairman.

(g) The Board shall appoint, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, a Secretary and such other personnel as may be necessary to carry out its functions and activities and shall fix their rates of basic pay in accordance with chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates. The Secretary and other personnel of the Board shall serve at the pleasure of the Board.

Sec. 4. (a) The Board is authorized and directed to study and review all plans and designs for the Third Locks project referred to in section 2(a) of this Act, to make on-the-site studies and inspections of the Third Locks project, and to obtain current information on all phases of planning and construction with respect to such project. The Governor of the Canal Zone shall furnish and make available to the Board at all times current information with respect to such plans, designs, and construction. No construction work shall be commenced at any stage of the Third Locks project unless the plans and designs for such work, and all changes and modifications of such plans and designs, have been submitted by the Governor of the Canal Zone to, and have had the prior approval of, the Board. The Board shall report promptly to the Governor of the Canal Zone the results of its studies and reviews of all plans and designs, including changes and modifications thereof, which have been submitted to the Board by the Governor of the Canal Zone, together with its approval or disapproval thereof, or its recommendations for changes or modifications thereof, and its reasons therefor.

(b) The Board shall submit to the President and to the Congress an annual report covering its activities and functions under this Act and the progress of the work on the Third Locks project and may submit, in its discretion, interim reports to the President and to the Congress with respect to these matters.

Sec. 5. For the purpose of conducting all studies, reviews, inquiries, and investigations deemed necessary by the Board in carrying out its functions and activities under this Act, the Board is authorized to utilize any official reports, documents, data, and papers in the possession of the United States Government and its officials; and the Board is given power to designate and authorize any member, or other personnel, of the Board, to administer oaths and affirmations, subpena witnesses, take evidence, procure information and data, and require the production of any books, papers, or other documents and records which the Board may deem relevant or material to the performance of the functions an activities of the Board. Such attendance of witnesses, and the production of documentary evidence, may be required from any place in the United States, or any territory, or any other area under the control or jurisdiction of the United States, including the Canal Zone.

Sec. 6. In carrying out its functions and activities under this Act, the Board is authorized to obtain the services of experts and consultants or organizations there in accordance with section 3109 of title 5, United States Code, at rates not in excess of $200 per diem.

Sec. 7. Upon request of the Board, the head of any department, agency, or establishment in the executive branch of the Federal Government is authorized to detail, on a reimbursable or nonreimbursable basis, for such period or periods as may be agreed upon by the Board and the head of the department, agency, or establishment concerned any of the personnel of such department, agency, or establishment to assist the Board in carrying out its functions and activities under this Act.

Sec. 8. The Board may use the United States mails in the same manner and upon the same condition as other departments and agencies of the United States.

Sec. 9. The Administrator of General Services or the President of the Panama Canal Company, or both, shall provide, on a reimbursable basis, such administrative support services for the Board as the Board may request.

Sec. 10. The Board may make expenditures for travel and subsistence expenses of members and personnel of the Board in accordance with chapter 57 of title 5, United States Code, for rent of quarters at the seat of government and in the Canal Zone, and for such printing and binding as the Board deems necessary to carry out effectively its functions and activities under this Act.

Sec. 11. All expenses of the Board shall be allowed and paid upon the presentation of itemized vouchers therefor approved by the Chairman of the Board or by such other member or employee of the Board as the Chairman may designate.

Sec. 12. There are hereby authorized to be appropriated to the Board each fiscal year such sums as may be necessary to carry out its functions and activities under this Act.

Sec. 13. Any provision of the Act of August 11, 1939 (54 Stat. 1409; Public Numbered 391, Seventy-sixth Congress), or of any other statute, inconsistent with any provision of this Act is superseded, for the purposes of this Act, to the extent of such inconsistency.

## BAD COMMUNICATIONS DESTROY THE FIBER OF A SOCIETY

(Mr. HANLEY asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HANLEY. Mr. Speaker, St. Paul, in his First Epistle to the Corinthians, wrote that "evil communications corrupt good manners." If I may, I would modernize that statement to say that "bad communications destroy the fiber of a society." In the midst of the turmoil and confusion presently sweeping the country, it has become painfully clear that one of the major stumbling blocks to national unity, to national harmony, is a lack of communications. It is one of the great ironies of our time that the most technologically advanced society in the history of the world, a society which has developed a capacity for mass communications, is apparently losing the simple capacity to talk with one another. We hear and read much about a supposed generation gap. I suggest, however, that what we really have is a "communications gap," and I suspect from my own observations that the communications gap is rooted not in enmity, but in indifference. Too many middle-aged and older Americans do not want to bother talking with members of the younger generation, apparently on the theory that young people, supposedly unenlightened and inexperienced, have nothing to offer. Conversely, too many of our young people will not take the time to communicate rationally with their elders on the weak theory that the older generation has run out of good ideas and are no longer "with it." Both are wrong, of course. Long hair and sandals do not denote revolution any more than baldness and a vest denote senility. Perhaps it

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might help to bridge the communications gap if a few more older Americans started wearing long hair and sandals and a few more young people started wearing vests and pinstripes. At least there would be some common ground for conversation.

But the communications gap is not just between the old and the young or between parent and child. In varying degrees, it exists between black and white, between the haves and the have nots, between the citizenry and their government, between labor and management, between the educated and the uneducated. I think perhaps we have taken this gap for granted for too long. How often has each one of us turned a cold shoulder to the opinions of someone else and simply dismissed his or her ideas as the product of a demented mind, unworthy of even our slightest consideration?

The conditions of our present society, and the rapid pace with which we move today tell us, however, that we can no longer afford the luxury of noncommunication. Middle-aged Americans can no longer lump all students into one mass and dismiss them all as beatniks. And the student population can no longer write off their elders as "old goats" and "has beens."

The dizzying events of the last few weeks have shown us that communications are possible. I myself have spoken with literally hundreds of concerned citizens who had never bothered to express their opinions before. And it was, to be sure, an educational dialog for all. Those who visited me in Washington came away with a better idea of the responsibilities of a Member of Congress, and I derived from our meetings a much better insight into the deep-rooted feelings and moods of our young.

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In simple form, communication is really a learning process. Those who fail to communicate, fail to learn; those who fail to learn continue to make mistakes.

The late Sir Winston Churchill once wrote that it was better to "jaw, jaw than to war, war." In the vernacular of the day, it is better to "rap, rap than to slap, slap."

## MEN MUST BE BROTHERS

Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am truly alarmed by what appears to be a byproduct of the increasing divisiveness in our country. We have disagreed before, but never before has so substantial a portion of our people, old and young, lost that self-confidence required of a great people to resolve great problems.

Crisis has become an almost meaningless word in these days of national agony, senseless death, and endless war. Our ability to discriminate has been dulled by constant pressures and constant frustrations. In place of communications, we have self-righteousness, false pride, and mistrust.

It seems impossible that one short month ago our Nation and indeed our world were united as never before in concern for the lives of the three Apollo astronauts. As the Miami Herald noted in its April 16 editorial:

> Out of the dilemma of three frail men battling forces previously unknown there has come a kind of unity which suddenly finds all other men their brothers on startled earth.

For the ancient Chinese, the word "crisis" was composed of two characters: One represented danger, and the other, opportunity. The danger inherent in our present hypercrisis is two-sided. A democracy may disagree on anything except the "rules of the game" which give the people the right to disagree and the right to be heard. On the one hand we seem to hear from our young people a moral imperative which will countenance no disagreement. On the other hand, from the administration we discern until very recently a systematic deafness to the voice of youth and even opposing counsel. In both extremes there is danger.

The opportunity inherent in our present upheaval is more elusive and harder to articulate. It may have been demonstrated best in the universal concern for the lives of astronauts Lovell, Haise, and Swigert. The high regard for the value of one human life has been one of the most uplifting and distinguishing qualities of mankind. When we lose it, we lose our very humanity. We are in danger of losing it now, just as we are in danger of losing the self-confidence and determination necessary to the resolution of any problem.

When we combine the consideration for human life with the determination to meet and overcome our problems, we cross the boundary between anger and opportunity. Put in the context of the events of last month, as noted by the Miami Herald:

> Astronauts Lovell, Haise and Swigert have given their countrymen and a watching, waiting, praying world more than a little to think about. How petty indeed are the quarrels of that world.

The editorial follows:

[From the Miami Herald, Apr. 16, 1970]

### A Crippled Apollo 13 Makes Brothers of Men

When Apollo 13 burst the bounds of earth and reached for the moon this newspaper called its mission the "most meaningful exploration of outer space."

These words are true today in a sense we had not intended nor could have foreseen. The mission failed, but even as it tests the resourcefulness and courage of three men and the ingenuity of the scientists back on earth who largely control their return flight, that mission is a success.

Never before have men spun through space in a crippled space ship. As no other event in world history and as perhaps only one in the experience of the United States, the plight of these men has captured the sympathy of almost the whole planet.

There were prayers at the Wailing Wall and in the Vatican, among many holy places.

Britain, Italy, Brazil and South Africa have alerted naval units should Apollo 13 land off course and in their vicinity.

Even the Soviet Union has dispatched two freighters toward a possible touchdown point near the Fiji Islands in a gesture coldly rebuffed by the State Department.

Out of the dilemma of three frail men battling forces previously unknown there has come a kind of unity which suddenly finds all other men their brothers on startled earth.

There is perhaps a primitive parallel in the case of Floyd Collins, the trapped Kentucky cave explorer 45 years ago. For days the nation and much of the world watched and waited while rescuers struggled to reach the doomed man.

Everyone is reminded now that each is mortal and that three lives are of special consequence. Despite the incredible accomplishments of space science, man can be thrust on his own when he seemed about to achieve what had become the well arranged commonplace.

Astronauts Lovell, Haise and Swigert have given their countryman and a watching, waiting, praying world more than a little to think about.

How petty, indeed, are the quarrels of that world.

## CONGRESS AND WARMAKING POWER

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, the question of who has the warmaking authority under our Constitution—the President, or the Congress, or both—remains in considerable dispute.

In the May 14 issue of Roll Call, Mr. Allan C. Brownfeld provided a capsule history of how various American statesmen have treated this issue since 1789.

I commend Mr. Brownfeld's article to all our colleagues for their study:

### Congress and War-Making Power

(By Allan C. Brownfeld)

The rhetoric concerning the war in Vietnam is on a steadily escalating path. Student radicals state that they intend to smash the state, and last Friday they flew a Viet Cong flag from the Peace Corps building. Those circling the building called not only for a Communist victory in Vietnam but also urged the "freeing" of the Black Panther leaders who are now under indictment for murder. That evening, at his press conference, President Nixon somehow expressed the view that what the protestors were for, he also supported.

We must not prejudge the President's motives, for he apparently intended simply to be conciliatory in an effort to maintain peace and order through the weekend. He did, however, perform the function of misleading the American People about the nature of much of the protest movement. Many colleges are now closed, many campuses have had buildings destroyed and many professors are unable to perform their academic functions. What such protestors have done does not merit anyone's support. The President, in identifying his goals with that of the protestors may have given some listeners the impression that such destructive tactics also meet with his approval, which clearly is not so.

Beyond all of this, however, those protestors who do not seek to smash the state, to free the Panthers, or to see a Communist victory, are posing a question which must, at some time, in some forum, be answered. We have sent troops to Vietnam, and now to Cambodia, without a Congressional declaration, just as President Truman sent troops to Korea without such a declaration. Is this the kind of system the Constitution sets forth, and is this the kind of system we want to have?

In his volume, The Way We Go To War, Merlo Pusey asks: "Can the United States be committed to war without action by Congress? In 1787, the Founding Fathers resolved that it could not be, and the country

**held to that principle with little deviation for a century and a half. In recent years, however, the President has been exercising the power to make war with alarming consistency. One-man decisions involving the lives of citizens and the fate of the Nation have become the rule at a time when the President has at his command more power than any other human being has ever had."**

Criticism of the use of executive power in foreign policy is, of course, not a new theme in American political history. President John Adams' use of troops in the Mediterranean, President Jefferson's Louisiana Purchase, and the Monroe Doctrine all met with some hostility as usurpations of congressional authority. Unfortunately, fine lines of authority over our foreign relations are not drawn by the Constitution.

The preamble states that a purpose of the new constitutional arrangements adopted in 1787 is to provide for the common defense. This obligation appears to lie upon both the executive and legislative branches. Concerning executive responsibility, the Constitution provides the following in Article II, Section 2: "The President shall be Commander-in-Chief of . . . the United States, and of the militia of the several States when called into the actual service of the United States . . ."

Article II, Section 2 also provides that "He shall have power by and with the advice and consent of the Senate to make treaties provided two thirds of the Senators present concur; and he shall nominate and by and with the advice and consent of the Senate shall appoint ambassadors, other public ministers and consuls . . ."

Congress, in turn, is also given certain responsibilities in the field of foreign affairs. Article I, Section 8 gives Congress the right to regulate commerce with foreign nations; to declare war and make rules concerning capture on land and water; to raise and support armies; to provide and maintain a navy to make rules for the government and regulation of the land and naval forces; and to provide for calling forth the militia to repel invasion.

These powers were purposely divided to prevent excessive domination by one branch. In a letter to James Madison in 1789, Thomas Jefferson wrote: "We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay."

But recent history has witnessed an increase in the exercise of Presidential power in the area of foreign policy. Presidents have used U.S. forces abroad or against foreign nations more than 150 times without a specific declaration of war by Congress, sometimes under the authority of a joint congressional rescolution; sometimes in execution of a treaty which envisioned the use of force without further authorization; often to protect American lives, property and shipping; and at times without prior congressional statement.

In 1900, President McKinley sent troops to China to help put down the Boxer Rebellion. President Theodore Roosevelt sent U.S. forces to Panama, Cuba, and the Dominican Republic. President Wilson gave the order to take Vera Cruz in 1914 to "enforce respect" for the United States. And before the United States entered World War II, President Roosevelt used the executive agreement as a convenient instrument at a time when American public opinion was still largely isolationist and congressional approval might not have been forthcoming. In this way, he traded U.S. destroyers for British bases. After Pearl Harbor, the need for secrecy increased the use of executive agreements.

After the war an attempt by Senators John W. Bricker and Walter E. George to amend the constitution to prevent future use of executive agreements failed. Among the opponents at that time was Senator J. William Fulbright. He then advanced the view that the executive must have a wide latitude in dealing with foreign affairs. Today, when the executive is acting in a way of which he disapproves, he is expressing a contrary view.

The case for the current role of the executive being continued was made in August, 1967 when, as Under Secretary of State Nicholas deB. Katzenbach, testified before the Senate Foreign Relations Committee. He said: "I think it is fair to say . . . that under our constitutional system the source of an effective foreign policy is presidential power. His is the sole authority to communicate formally with foreign nations. . . . His is the responsibility for controlling and directing all the external aspects of the Nation's power. To him flow all of the vast intelligence and information connected with national security. The President of necessity has a preeminent responsibility in this field."

One way in which Congressional critics of the war in Vietnam now hope to challenge the President's authority is through the Congressional power of the purse. Senator Mansfield, for example, hopes to deny the President the power to order troops into Cambodia by refusing to authorize funds for such an action in the next military appropriations bill. If the Senate or House places real limits on the President's freedom of action, an unprecedented constitutional confrontation will be the result.

The Supreme Court has, thus far, refused to consider the complex question of which branch of government, under our Constitution, has the power and responsibility to make war. Not only the protestors, but all Americans have a right to some clear and decisive answer to that question.

## STOP THE KILLINGS ON CAMPUS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, in the period of a few short weeks we have watched six of our Nation's youth fall from the heights of their dedication and enthusiasm to senseless death. The students at Kent State and Jackson State Universities could have been the children of any one of us. No less were the young and frightened National Guardsmen our children. Both were caught in the agonizing struggle to maintain and preserve the greatness of this Nation.

Excuses and accusations pale in relation to the untold grief brought upon the households of these young people. The questions which need to be asked are being lost in the attempts to determine guilt or innocence in these events.

What has come about in our country to cause our youth to face each other across embittered campus battlegrounds, separated by uniforms and weapons as well as distance? Neither wants violence, but as John Kennedy prophetically stated early in the last decade: "Where peaceful protest is made impossible, violence becomes inevitable."

Why has peaceful protest become so often the exception rather than the rule? The responsibility lies on both sides. Force called in on one side brings counterforce on the other. Loaded weapons make triggers of mere rocks. A mob assembled defuses as easily as a time bomb, and like a time bomb, the longer it is fused, the closer it comes to explosion.

Mr. Speaker, I confess to be at a frustrating loss to explain, or even know the answer to, the conditions we find on our campuses in these troubled days. They are symptomatic of a larger malaise the only cure of which may be a review of our national priorities. The use of our human and material resources to solve the enormous problems of our cities, the environment, and myriad other domestic crises would do much to "defuse" our campuses. Just as violence begets violence in the confrontation of students and police, violence as a national policy begets violence as a domestic policy.

I offer my deepest condolences to the families of these children. They have been lost to the family of man as well, and although they cannot be replaced, they must not be forgotten. We, in the Congress, by our influence on the policies and priorities of this country, can do much to return our campuses to their primary and rightful focus on education.

## DR. MILLER UPTON WRITES AN OPEN LETTER TO PRESIDENT NIXON

(Mr. SCHADEBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SCHADEBERG. Mr. Speaker, living in First District, Wisconsin, is one of the outstanding educators in our Nation. He is a man who commands the respect of all who know him because his integrity is beyond reproach; his ability as an administrator is unchallenged; his loyalty to this Nation is unsurpassed, and his complete frankness and honesty is a breath of fresh air in a day in which are heard relatively few voices of reason.

Dr. Miller Upton is at present and has been for the past 15 years the president of Beloit College, Beloit, Wis. He is also a personal friend with whom I have had numerous discussions in which we were on opposite sides philosophically. While we do agree on many things, there are issues on which we honestly disagree, but this does not lessen to any degree my respect for him and for his intellectual honesty.

I am a recipient of a copy of a letter Dr. Miller Upton has written to President Nixon in which he pours out his heart in anguished concern. His letter clearly exposes his inner sensitivity to the problems created in our Nation by some of his colleagues laboring within the academic community of which Beloit is a vital part. My colleagues in the House may not all agree with him. That is unimportant. What is important is that reading his letter they will have a keener appreciation of what this college president believes to be the opportunity and responsibility of the academic community in these troubled times. I commend the letter for their thoughtful consideration:

### AN OPEN LETTER TO PRESIDENT RICHARD M. NIXON

BELOIT COLLEGE,
OFFICE OF THE PRESIDENT,
*Beloit, Wis., May 11, 1970.*

DEAR MR. PRESIDENT: As a college president, a past scholar-teacher, and one who has consciously devoted his whole life to the cause of higher education in the conviction that

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it offers the gretest hope for social progress and the elevation of man to his highest potential, I wish to apologize to you and the nation for the grotesque failure of the academic community at this hour of national trial and turmoil.

I am fully aware of how extremely presumptuous it is for one to represent himself to apologize for the many, but I am constrained to do so nonetheless for the shame I feel for the community with which I have been so intimately related for so long and in which I have placed so much confidence in the past. Those who do not agree with me will, of course, be able and willing to speak for themselves.

Let me establish a point about myself at the outset so that my position can be more accurately interpreted. I was a conscientious objector during World War II, and were I of draft age now I would be a conscientious objector again. But my moral opposition to war, however deeply and conscientiously held, does not entitle me on any ethical or moral grounds to take violent action against those who disagree. I must bear witness to truth as I see it, but I must also respect the right of the other person to do the same. Certainly, I must never hurt or demean another simply because he won't go along with my own conviction.

This commitment to respect for the individual, intellectual openness, and freedom of inquity is the transcendent value to which an academic community must be subservient. In fact, it is the only value to which the academy can pledge allegiance if it is to be consistent with itself. To elevate any other value is to break faith with this transcendent value and it is at this point that we have violated our public trust as professional educators: we have given in to violence and threats of violence in support of a particular point of view, and in doing so we have allowed the academic integrity of our individual institutions and the academic community at large to be violated.

Being a conscientious objector to war and one who would issue such an open letter as this, I clearly am not opposed to dissent and protest. But I am vigorously opposed to violence in any form and for any reason, and most of all I am opposed to would-be leaders capitulating to intimidation and violence. Those who respect violence when used against them will inevitably employ violence when it suits their cause.

We in the colleges and universities have tolerated unspeakable intimidation and thought control on the part of radical students, faculty and others, and yet when Vice President Agnew speaks out forcefully against such the only voices that are heard from the academy are those who castigate him and you for repressing dissent. There are few college campuses, if any, where Vice President Agnew, or any member of your cabinet for that matter, could speak without disruption and even physical abuse and intimidation. But a convicted murderer, dope peddler, or one committed to the forceful overthrow of the government will receive not only a respectful hearing, but will be paid a handsome honorarium in addition. In the light of his high position, I have been embarrassed by some of the Vice President's intemperate language. But surely he has as much right to dissent and to be given a respectful hearing as any of the criminal element of our society.

Much of the academic community is now telling you how to settle the war in Vietnam and being critical of your effort to protect lives and shorten the war by moving troops into Cambodia. I find it highly unbecoming of us to presume to tell you how to fight the war in Vietnam when we aren't even able to settle the wars on our own campuses. Nor do I use the word *war* in this context lightly. The throwing of missiles to do physical harm, the throwing of firebombs to burn buildings, the use of guerrilla tactics via arson and vandalism, the shooting and killing of combatants and noncombatants is every bit as much war as that which prevails in Vietnam, Cambodia, and the Near East. I have often wondered sardonically how many protestors of napalm have themselves thrown fire bombs or engaged in arson.

I have also been appalled by a certain arrogance and inconsistency on our part with regard to the way we are free to tell you and others how to handle your jobs but become deeply resentful, insulted, and even hostile when there is any suggestion of your intrusion into "our" domain. I am quite sure that I am able to run Beloit College better than you, but by the same token I am sure that you are able to deal with the issues of the Presidency of the United States, including fighting the war in Vietnam, better than I. The widespread propensity of members of the "intellectual" community to make judgments without benefit of facts is one of my greatest disillusionments and embarrassments.

As a matter of fact, my early naivete led me to embrace the academic life because of my belief that members therein were committed to intellectual honesty, rational behavior and humanistic concern and compassion. Recent incidents have merely confirmed all the more what my life's experiences have suggested. Academic man is as much motivated by vested interest, is as much controlled by base emotion, and reasons as much from predjudice as any other mortal. My readings of Ecclesiastes, the New Testament and the life of Mahatma Gandi should have prepared me for this, but they didn't.

We who work closely with young people and should know and understand them best have not been very helpful to them or to you and others of the adult community in serving as a vehicle of communication. We have too often taken sides ourselves and been critical of one group or the other and not been sufficiently discriminating in our communicative role.

Maybe we can be forgiven on the grounds that the task is such a difficult one. I know that the great bulk of college students are genuinely concerned about the inhumanity and futility of war and deeply question the legitimacy of a life that sanctions and even glorifies indiscriminate killing and maiming. I also know that the great bulk of adults and members of the establishment are sincere, dedicated individuals with the same hopes and aspirations as the young. But I also know that in each group there are examples that support the worst stereotype of each. The great frustration of the day is that despite this great community of interest and concern there is a growing separation based upon the sinful tendency to judge by stereotype and preconception. We in the academic community are frequently party to this sin even though our training should particularly help us to know better.

Although my own sentiments are basically with the young people, I must admit that there is a general pandering to the young at the present time that is both disgusting and irresponsible. Disgusting because it prostitutes normal respect and affection. Irresponsible because it is creating an unrealistic cleavage between age groups.

Of course, young people on the whole are wonderful, but what's new about that? The great reward of college work is the opportunity it affords to associate regularly with this age group. The idealism, absolutism, intellectual honesty and great aspiration of the young are the eternal attributes of this age group upon which society is dependent to preserve its vital, dynamic quality. These attributes are the standards of behavior to be expected, not glorified as unique in any narrow time span of human history.

Young people are first and foremost people. Those who are young today will be old tomorrow and having to relate to those who are younger then. As people they represent all types, some taller than others, some fatter than others, some with higher IQs than others, some more criminally inclined than others, some more saintly than others, some more hostile than others, some more vocal than others, and so forth. There is no general virtue attributable to youth any more than there is general evil. We have done all young people a great disservice in recent years by suggesting to them that they are of a different breed from the rest of us and beyond reproach. They are nothing more than the fresh blood being pumped into the human society, just as we were in the past and their children will be in the future. We in Academe should have known this better than anyone else and not have failed them and you in your common need for understanding.

We have been quick to tell you that you are alienating the youth of America, but we seem to pay little attention to the way we are alienating our own constituencies by our failure to protect the authentic academic integrity of our institutions. Implicitly we are also alienating the youth of America over the long run by our failure to be faithful to our leadership responsibilities.

The pain that hurts most of all is the realization that I bear partial responsibility for the unnecessary deaths of four young people on the campus of Kent State University. The National Guard troops should never have been there in the first place, because we should never have permitted the conditions to develop which necessitated the presence of troops. Once this die was cast, it was simply a matter of time before tragedy would strike. If fault lies anywhere for the Kent State deaths it lies not with you and the Vietnam war but with the radical acts and excesses we have tolerated in the name of dissent.

I am sure you know, Mr. President, that I do not say these things with tongue in cheek to placate others, to curry favor, to advance partisan interest, or to defend your war policies. Last fall I joined with a number of other college presidents to urge your rapid withdrawal of troops from Vietnam. I reaffirm this plea. But when I consider the whole matter fully and objectively, I have to concede that you have been more faithful to your leadership responsibilities than we in Academe have been to our own.

With respect for the tremendous burdens you must bear for the rest of us and the conscientious way you are bearing them and with apology for the cruel injustices that have been foisted upon you by the professional community of which I am a part, I remain,

Respectfully yours,

MILLER UPTON.

## LORD, FORGIVE US OUR DISHMOPS

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WAGGONNER. Mr. Speaker, I am sorely tempted to send a bill to the Appropriations Committee asking for a few dollars with which to chisel into concrete the words of James J. Kilpatrick's column in yesterday's Washington Evening Star, then to mount the plaque above the door of this Chamber so that every Member would see it each time he enters here.

No one has ever captured the sentiment of the Nation's majority better than has Mr. Kilpatrick in these words:

### EAT THE TOSSED PIE—AND BE SURE TO TIP

(By James Kilpatrick)

A couple of years back—perhaps it was more than that—Bill Buckley wrote a delightful little essay in which he rued our

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lost capacity for outrage. I am not feeling so delightful just now, but I mark his remonstrance anyhow.

My erudite friend noted, for example, the reluctance of the humblest diner in the humblest hash-house to complain of bad service: The food arrives both cold and tough; the waitress slops it down with a sneer; the customer says not one word, and he leaves the usual tip. The commuter train is 15 degrees too hot or 10 degrees too cold; the cowed passengers sweat or shiver depending on the season, but they are inhibited from speaking out.

All of us know what Mr. Buckley meant. All of us have experienced the rude clerk, the insolent mechanic, the reckless driver of a cab; and we are their captives. We will not make a scene. We are prisoners, if you please, of manners. We are patsies.

Reading the Washington papers, a few nights ago, one recalled the Buckley reproach. It is just as he said; but the captivity grows worse.

There in the papers was a report of the visit of Kingman Brewster, president of Yale. Mr. Brewster's message to the Congress, ever so slightly simplified, was this: Surrender. Quit. Give in. If we fail to give the hardcore students everything they demand, he appeared to be saying, the brutes will burn the country down. Can we let a thing like that happen? No. So sign here. And leave a tip.

I was in Kansas City on Thursday, and picked up the morning Times. There was an article over the byline of Arnold Toynbee explaining the vileness of the United States of America. We are everywhere feared and hated, he said. Let me quote:

"Would I rather be a Vietnamese who was being 'saved' by the American army, or be a Czech who was being 'saved' by the Russian army? Of course I would rather be the Czech."

Of course. Mr. Toynbee, in the awful alternative, would rather be Red than dead. He would surrender his freedoms before he would defend them. If his statement means anything, that is precisely what it means: Don't talk back to the waiter. Tip him. It is ungentlemanly—it might soil one's coat—to fight for so small a thing as freedom. Tyranny is no more than inferior gravy. Mr. Toynbee would rather be the Czech. Of course.

The distinguished historian is not alone. I fly back to Washington Thursday night, dump the dirty shirts, and pick up the papers. A gang of insolent bums, it appears, have occupied the office of Welfare Secretary Finch. They broke in without notice or invitation, ousted him from his chair, put their feet on his desk, and proceeded to belabor him with three hours of abuse.

How did Mr. Finch react? He was calm. He never raised his voice. His visitors were shouting obscenities at him. He took a chair to one side; he attempted to reason with the intruders. As any child might have imagined, the intruders refused to be reasoned with. They cursed him until they wearied of the fun; they sat there all day, and finally, late in the afternoon, they negotiated the terms of cheap arrest and swaggered into paddy wagons belatedly summoned to the scene.

Meanwhile, the Federal Commission on Obscenity and Pornography had been holding a public hearing. A 28-year-old witness by the name of Thomas K. Forcade, coordinator of the obscene Underground Press Syndicate, turned up, spouting obscenities, and concluded his testimony by hurling a whipped cream pie into the face of one of the commission members. Two policemen watched, uncertain, paralyzed, wondering what to do. The commission member, Dr. Otto N. Larson, professor of sociology at the University of Washington, apologized for being in front of the pie. He made no move to have Forcade arrested. He ate the pie off his vest; and he tipped.

There are times, honest to Pete, when some of us long for George Wallace: "The next pointed-headed demonstrator," he said, "who lies down in front of my car . . ." When a cabinet secretary and a federal commission member quiver like so much lemon Jello before outrageous insolence, they do not achieve communication or promote reconciliation. They invite further outrage. Lord, I am minded to pray, forgive us our dishmops; they know not what they do.

To which I add, Amen.

If any of these men had a sense of decency, they would resign their positions. In the absence of that decency, the alumni of Yale should boot Brewster out of his chair, the President should ask Dr. Larson to step aside and urge Finch to submit his resignation, something he apparently wants to do but lacks the courage to do.

## CAPITOL POLICE MASQUERADING AS MEMBERS OF THE PRESS

(Mr. BURTON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURTON of California. Mr. Speaker, the president of the Washington-Baltimore Newspaper Guild, Mr. Llewellyn King, has called my attention to a complaint that members of the Capitol Police Force are masquerading as members of the press.

Mr. King outlines in his letter the problems of legitimate journalists because of such tactics and I would like to call them to the attention of the House.

WASHINGTON-BALTIMORE
NEWSPAPER GUILD,
*Washington, D.C., April 30, 1970.*

HON. PHILIP BURTON,
*The House of Representatives, Longworth House Office Building, Washington, D.C.*

DEAR SIR: I am writing to you to solicit your support in a grave matter that can have a long-range impact on the life of every American.

It is not disputed, I believe, that the constitutional right of the freedom of the press to publish the news is dependent on the freedom of the press to gather the news. Recent actions by federal law enforcement agencies seriously threaten that freedom.

I will quote to you the experience of a Washington Post reporter covering a demonstration near the Capitol:

"On Wednesday, April 15, while covering the day's antiwar demonstration at 9th Street and Constitution Avenue, NW, I ran into a situation that I believe is becoming more and more common, and which is making the job of covering such demonstrations more and more difficult.

"Among those standing around the speakers' platform were two men, both in casual dress (slacks and windbreakers) who were filming the proceedings with a video tape unit. Both men wore red stenciled badges reading "Press". A small identification sticker on the side of their camera read "U.S. Capitol Police". When questioned, the men admitted that they were with the Capitol Police but insisted that they were members of the press."

This incident is typical of many that have been reported to the Guild over the past year and a half. The use of the press by the authorities as a cover comes at a time when the job of the media in covering demonstrations is more sensitive and more critical than at any time past. Both newspapermen and television crews are increasingly identified by the electronic equipment that has become a tool of the trade.

They are constantly in a position of deciding whether their presence itself will change the nature of the event (Television stations bear the heaviest burden in this respect.)

Reporters, with radio cars, often arrive on the scene simultaneously with the police and are identified with the authorities, particularly in the ghetto.

Sleuths masquerading as reporters complicate these delicate matters, are an affront to the profession, endanger further the safety of the legitimate working press, and are a violation of the spirit and the fact of the freedom of the press as envisioned by the Constitution. The Guild believes separation of the fourth estate and the state are essential to the wholesome survival of both.

Therefore, sir, we should be glad if you would raise this matter on the floor of the House and in other appropriate quarters to bring this abuse of a freedom to an end.

Very truly yours,
LLEWELLYN KING,
*President.*

## FARM SUBSIDIES

(Mr. BURTON of California asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BURTON of California. Mr. Speaker, a distinguished California labor journalist, Mr. Felix Rodriguez, has recently written an article in Organized Labor, the publication of the Building & Construction Trades Council of San Francisco, which I should like to share with my colleagues.

Felix Rodriguez has been and is a respected progressive voice. His column, "Crystal Bawling," which I am placing in the RECORD is but one example of his deep and abiding concern for his fellow man and of the courageous and forthright manner in which he fights injustice wherever he finds it.

### CRYSTAL BAWLING

(By Felix Rodriguez)

### FREE MONEY

You hear so much about farm subsidies. Everybody complains about how the most successful farmers pick up extra spending money from the taxpayers for not producing or for converting their lands from one produce to another.

It's like everybody complaining about the war: The taxpayers whose money is disappearing and families whose young men are also disappearing.

And both, farm subsidies and war, continue to escalate to a point of no return. In this here piece, let's examine the subsidy program; it probably won't bring me as much trouble as mentioning the dirty word—Peace.

In preparation for this, I have just spent more than an hour reading recent copies of the Congressional Record; you can look at it without getting emotionally upset.

The first thing that comes to mind after reading figures is not enough members in Congress are listening to the farm workers, the most economically deprived sector of the American economy and only because their faces have changed over the past decades of farming operations, they are not as racially deprived as the blacks.

How does this grab you? In California alone, the Government pays out in subsidies to farmers enough to buy school lunches for every child of a farm worker's family, plus a second hand car for each such family.

Considering that the farm worker is limited to seasonal work, you will find him no better off than the welfare recipient.

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#### ASKS LIMIT

Congressman Paul Findley of Illinois has, again, introduced a bill to limit subsidy payments to $20,000 for each farm. (Findley's bill last session passed the house but was shouted down, very conveniently, in the Senate, so that Congress could adjourn for Christmas. Senator James Eastland, wearing a Santa Claus suit, announced he had stockings to fill.)

Findley's limit proposal, he said, would save the taxpayers more than $300 million a year. How public education would have liked a bit of that! To say nothing of the farm workers who are having a hard enough time trying to be recognized as people.

Findley's disclosures (a matter of record) are quite revealing. They are suggested reading for Governor Reagan and Senator Murphy who this week urged full speed ahead for the Murphy Bill that would outlaw strikes on farms, except when there is little or no need for workers. Like telling a carpenter he cannot go on strike once he has started construction work.

The J. G. Boswell Co. of Kings County has accepted a check of $4,370,657 in 1969 farm subsidies. It does not take a stretch of the imagination to see that, at the moment of accepting the government gift, the firm was not thinking of a tattered farm child who went to bed hungry, tired of not-belonging and with a dread of facing more endless days of pretending.

Findley's figures show subsidies af $659,327,827 for 1969 payments to U.S. farmers. The names are given of all those who were paid over $15,000. They number hundreds. Those paid under $15,000 number thousands and bring the total to hundreds of millions of dollars more. And it must be remembered, too, that the subsidies are paid principally to farmers for the use or non-use of their lands, not for crop losses.

#### FARMERS, WHO?

We should apologize to farm workers for saying that farmers receive the subsidies. Actually, the word farmer, in this instance, is a misnomer. Many of them do their harvesting by remote control from the plush offices in the agricultural capital of the world, San Francisco's Montgomery Street This farm work is referred to as agri-business.

Here are some of Findley's figures (you can guess how the gifts would have helped the undernourished bodies and minds of children.):

609,327,827, paid to farmers receiving checks of $15,000 or more. Figures are not available for the millions paid in lesser amounts.

The eight farmers receiving the highest payments in the U.S. All, incidentally, are from California counties:

J. G. Boswell Co., Corcoran, $4,370,657.
Giffen, Inc., Fresno, $3,333,385.
South Lake Farms, Fresno, $1,788,052.
Salyer Land Co., Corcoran, $1,637,961.
Mt. Whitney Farms, Five Points, $1,152,294.
Kern County Land Co., Bakersfield, $974,163.
A. Camp Farms Co., Shafter, $928,917.
Vista Del Llano Farms, Firebaugh, $778,624.

The California farms are mentioned here first because they represent the highest payments. More important, they give evidence that California farms are the largest in the country. While farm production is higher, the number of California farms is now about half the number of a few years ago.

But there are other, most revealing, figures. Here are the top three states receiving highest subsidies (totals for payments of $15,000 or more):

Texas—$176,981,133.
California—$76,337,801.
Mississippi—$66,291,101.

For comparison purpose, New York state received $378,043.

These payments do not include those for sugar and wool.

Texas, California and Mississippi received 38 per cent of the total subsidies for all 50 states.

Mississippi's huge support payments should be understandable. That state's Senator James Eastland is chairman of the Senate's Agricultural Committee and he is the godfather of the present subsidy program. Is it any wonder, then, that his Eastland Plantation in Sunflower County, Mississippi, received $146,792 for 1969?

#### TEXAS, TOO

To repeat, the figures given are only for farms receiving $15,000 or more (1969 payments were considerably higher than in 1969). Texas had a far larger number of farms receiving payments, although California farms received larger individual checks. Texas for 1969 received about 29 per cent of all payments above $15,000.

The payments of some $609 million of the nation's farms would more than double with the addition of the smaller farms under $15,000. Findley's saving of $300,000 would only reduce the largest payments.

I have not tried to study the significance of the figures showing that all of California's large payments, mostly in Kings, Kern and Fresno counties, are in southern part of the state. The largest recipient of all is Kern County where in Delano the farm workers have centered their struggle for recognition. Some of them are grape growers.

#### BAY AREA MONEY

Subsidy payments for the nine-county San Francisco Bay Area were almost negligible. The longest farm area, Santa Clara County was not listed among those receiving $15,000 or more. Only Contra Costa and Solano counties were listed:

Contra Costa County:
A. J. Al Porto—$19,136.
E. Girsky—$16,170.
Solano County:
Peter Cook, Jr.—$44,618.
Moore Bros.—$31,1220.
George Struve, Jr.—$27,624.
Arnold Collier—$24,147.
E. A. Anderson & Sons—$20,028.
Gnos Bros.—$19,198.
Mayhood Ranches—$18,612.
Solano Farms, Inc.—$17,193.
Tom Abel—$16,699.
Hastings Farms—$16,609.
Floyd Bonnified—$21,077.
Wallace McCormack—$20,416.

#### WORKERS' BEEF

The struggle of farm workers, then, is far more than a mere demand for decent wages. It seems that when new laws are passed affecting farm production, farm workers are usually bypassed. They want dignity and fairness, too.

The farm workers do not argue the policy that, especially in California, result in small farms disappearing. Large farms gobble them, and get bigger and richer thanks to the free government money. Farm workers do not argue about the additional millions of dollars it costs for administration of the program.

But farm workers do argue that they do not have the same rights for unionism and government protection that other Americans do. They argue against the labor contractors who hold them subservient to theirs and the growers conditions of contracts and servitude. They argue against the government farm labor offices that are established for the benefit of the growers. They argue against the attacks made regularly by conservative politicians against their rights to legal services, principally against attacks on the Rural Legal Assistance.

#### VIVA LA CAUSA!

The figures contained in this article are from official records. The comments on conditions are my own, from actual experience. Many of the ranch conditions have not changed since I worked for many years, starting as a boy of eight picking and cutting fruit and missing many days of school. We were always at the mercy of standing and improvised rules imposed upon us by grower and/or labor contractors. Often at the end of a day's work the handkerchief from my nose would show evidence of dust and pesticides. Often before going to work in the cool mornings I could literally jump into my pants, they were so stiff from the previous day's prunepicking juices. Modesty would tell us to hide behind a tree for a toilet, always careful at the next picking not to trespass over the same area. Insect bites were occupational hazards. The pay was as lousy as the creatures and, in addition, there were deductions for this and that. And beware of strike talk—there were the town vigilantes. All this only within a few miles of the Bay Area.

## NOT THE HEATED WORDS

(Mr. RANDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RANDALL. Mr. Speaker, a few days ago it was my privilege to share with my colleagues an editorial from one of the newspapers in our district entitled, "Time To Keep It Cool." That same paper, the Sedalia Democrat, in its issue of May 14, 1970, has printed another excellent editorial under the title, "Not the Heated Words."

While the earlier editorial concerned the President's Cambodian incursion, this later editorial had to do with the very careless comments made by many television commentators and columnists after the tragedy at Kent State University. I call attention as contained in the editorial to the inflammatory language used by a Cleveland television commentator, and the intolerant and hideous language of a Boston College professor of political science.

Once again may I suggest that all of us, meaning those in the executive branch of Government, the other body of Congress, and Members of the House of Representatives including myself, should follow the suggestion of this editorial and not join the chorus of wordy dissonance and unreason. The editorial follows:

### NOT THE HEATED WORDS

"Plain, outright murder," was how a respected Cleveland television commentator labeled the shootings at Kent State University. This is another example of emotionally inspired exaggeration of the news about which we have previously commented.

Another illustration of the heated words came from a director of a committee for a sane nuclear policy in a letter to a newspaper editor. He charged that the violence was a direct result of the Ohio Governor's sending in the National Guard, "for the main purpose of suppressing student expression of protest and dissent."

A Boston College professor of political science gave this intolerant and hideous opinion: "All people now see that the Government is not only willing to kill Vietnamese and blacks, but its own students."

Such statements and others like them are worse than asinine. Whether made in the heat of emotion or out of cold calculation, they can only confuse and divide and inflame. They can be as destructive to the fiber of Americans as flames are to educational structures burned on campuses or elsewhere.

Responsible leaders and molders of opinion must not join the choruses of wordy dissonance and unreason when supplemented by acts of violence.

What happened at Kent was unplanned and unexpected but made inevitable by the current disregard for the standards of civilized behavior without which a free nation cannot remain free.

America does not have a Government which dispatches troops to fire on those who dissent with its policies. But it must never become a country where the right of free speech and petition of grievances extends to the destruction of property, the stoning of legally constituted authorities and infringement on the rights and safety of others.

Those who claim that the Government of the United States is at war with its own citizens make a mockery of the deaths of innocent people. Wittingly or unwittingly, radical elements bent on the destruction of America are using such preposterous statements as additional treacherous devices to distort the minds of young people and spawn universal prejudice among them.

## MRS. ALICE KOHN POLLITZER CELEBRATES HER 100TH BIRTHDAY

(Mr. RYAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RYAN. Mr. Speaker, on Monday evening, May 18, the Encampment for Citizenship, Inc., honored Mrs. Alice Kohn Pollitzer's 100th birthday and its own 25th anniversary.

Mrs. Pollitzer was a founder of the encampment and has been a guiding spirit throughout its 25 years. Known to her friends and admirers as "Nanny," Mrs. Pollitzer has devoted her lifetime to the community and to the causes of liberalism and reform.

One of the nine women graduated in the first class at Barnard College in 1893, she helped to institute Barnard's Alumnae Association, of which she is the oldest living member.

She has been actively involved in such organizations as the Ethical Culture Society, the Visiting Nurses Association, the Play School Association, and the American Civil Liberties Union.

She campaigned for enlightened child labor laws and women's suffrage, and helped found the Vocational Services for Juniors—now Vocational Advisor Service—an organization aimed at guidance counseling and vocational placement.

An active campaigner for President Franklin Roosevelt, in later years she worked with Eleanor Roosevelt for Democratic Party reform in New York.

In 1946, at the age of 75, Nanny Pollitzer founded the Encampment for Citizenship, a pioneer intergroup-relations organization of young people sponsored by the American Ethical Union. Mrs. Pollitzer served as chairman of the board for 13 years, and presently is honorary chairman of the board. The encampment teaches young people about the nature and extent of their own political power by bringing them together to share a common experience of work, study, and recreation without indoctrination into any specific religious, political, or economic points of view.

An independent group of social scientists has called the encampment "a rare and successful experiment in democratic education."

"Nanny" Pollitzer's concern for democratic institutions and the education of young people to the democratic process has inspired countless young Americans who have made major contributions to our society. Her dedicated career of service is a model for her fellow Americans to attempt to emulate.

It is a pleasure to extend my best wishes and congratulations to Alice Kohn Pollitzer and the encampment on their common birthdays.

I include at this point in the RECORD an article by Enid Nemy about Mrs. Pollitzer which appeared in the New York Times on May 18, 1970.

[From the New York Times, May 18, 1970]

### CENTENARIAN RECALLS SUFFRAGETTE DAYS

(By Enid Nemy)

Mrs. Sigmund Pollitzer doesn't feel old until she remembers that her two daughters are over 70. Mrs. Pollitzer will celebrate her 100th birthday May 31.

The only living member of the first graduating class of Barnard College (1893) and still active in several voluntary organizations, Mrs. Pollitzer will be honored tonight by The Encampment for Citizenship at a 25th anniversary banquet in the Plaza Hotel. The organization, of which she is honorary chairman and a board member, trains teenagers for community leadership.

#### YOUNGSTERS BRIGHTER TODAY

"Young people today are brighter," she said, a small smiling figure in a bright green suit, the afternoon sunlight reflecting a face mobile with awareness.

"My sister and I have decided that we would have a difficult time getting into college now," she said. Mrs. Pollitzer and Dr. Lucile Kohn, her surviving sister, who is 87, were the only two college graduates of five sisters.

"I don't know the answers to anything and the problems are of such magnitude that one needs to know so much to make a judgment," she said. "I'm sorry for young people who have to make them."

A woman who walked in suffrage parades "before anyone else was born," she is concerned about the generation gap and feels that "the older generation should take more trouble to understand young people."

"If there was a generation gap when I was growing up, I wasn't aware of it," she said. "It was the age of innocence. I thought my parents understood me very well."

The daughter of a silk and velvet importer, she had no difficulty when she decided that she would like to enter the first class at Barnard College.

"My parents encouraged me," she said. "But some of my contemporaries who wanted to go, ran into problems."

But Alice Kohn, as she was then, did meet a few lifted eyebrows in another direction.

#### NICE GIRL, BUT

"The boys were very worried about it," she said. "One of them told my husband before we were married that Miss Kohn was a very nice girl but nothing to marry. The idea was that you weren't interested in the other sex if you went to college."

Mrs. Pollitzer, who was married just before her graduation to Dr. Sigmund Pollitzer (a dermatologist who died in 1937), smiled as she recalled another comment made about her higher education.

"One man said, 'What difference does it make if a woman knows mathematics—it's enough if she knows more arithmetic than the cook.' "

After working for women's suffrage ("My husband walked in the parades with me—we were spat upon"), Mrs. Pollitzer casts a benevolent but critical eye on the women's liberation movement.

#### WOMEN IN POLITICS

"I think it's exaggerated and some of the minor details are foolish," she said. "But women are still not playing as large a part as they should in public affairs. I'm disappointed there aren't more women in political life. I'm not sure whether it's that men are more interested or it's the traditional business of women having children."

The mother of two daughters, both now widows (Mrs. Louis Weiss, with whom she lives in New York, and Mrs. Lindsay Hoden in Milwaukee), Mrs. Pollitzer has six grandchildren and 25 great-grandchildren ("I'm responsible for the population explosion but they're nice").

She has been active in educational activities for most of her life and has been professionally associated with the Vocational Advisory Services, Story Parade magazine and the Walden School. She also has worked for numerous organizations, including the Ethical Culture Society, which she joined in 1913 and of which she is now an honorary trustee, the Legal Aid Society, the Play School Association and the Civil Liberties Union.

#### SOAPBOX ORATOR

Although she was a soapbox orator for Franklin D. Roosevelt at the age of 70 and considers herself "a good Democrat," she would, if she were able, "work for Mr. Lindsay."

"I voted for him," she said firmly. "I think he's imaginative and courageous."

Mrs. Pollitzer regrets that her sight now precludes reading ("I can do without Shakespeare, but it's very inconvenient not to be able to read recipes on a soup can") and that her hearing isn't what it once was, but she has found compensations.

"I listen to Channel 13 television a great deal," she said. "I enjoy the news and discussions and public affairs. And I find the world is very kind to old people—wherever I go, I find people very helpful."

Known generally to friends and acquaintances as "Nanny," a name derived from her grandchildren, Mrs. Pollitzer said she had no problems about the outfit she would wear tonight. It was already in her wardrobe.

"I got it for my 95th birthday, or perhaps it was my 90th," she announced. "When I went to buy it, I told the salesgirl I'd take any color but pink. She brought out the dress and I thought it was pink, but when I asked her about it, she told me it was 'ashes of roses' so I bought it."

A woman who treats each day as "the first and the last," Mrs. Pollitzer looks back on what she terms "an extraordinarily happy life."

"If everybody could have as happy a life as I've had, the world would be a different place," she said. "I feel ashamed I've learned so little in 100 years—I know many people who, in fewer years, have learned much more. But I don't spend too much time regretting things."

## THE SST IS NOT A GOOD INVESTMENT

(Mr. MACGREGOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MACGREGOR. Mr. Speaker, a summary of the supersonic transport program that was recently distributed by the Department of Transportation served to highlight one of the most questionable factors in the SST project. The DOT flier says:

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> The present SST program calls for developing and flight testing two prototype airplanes. Total cost is estimated at $1.5 billion, with the Federal Government's participation amounting to about $1.3 billion.

Very frankly, I appreciate this reminder from DOT, because it is easy to overlook the total Federal share as we consider the annual appropriations year after year. Last year, over my objection, we appropriated $85 million for the SST. This year we are being asked to vote $290 million. These are rather exorbitant sums in themselves, yet they pale in comparison to the $1.3 billion total. Out of the overall cost of the project, the Federal Government is expected to pay some 85 percent.

The DOT flier has an answer to this. It says:

> The Government's investment would be returned, with interest, with the sale of the 300th airplane.

Whether 300 of them will ever be sold, and whether the Government even then would recover its share, are questions that are now being studied by independent observers who are truly objective, and the conclusions do not put the SST in a favorable light.

Dr. Richard L. Garwin, who chaired a panel of the President's Science Advisory Committee in a study of the SST, told the National Journal:

> My position is that the SST is not a good investment for the U.S. government.

Among the variables that Dr. Garwin said make the SST a bad risk are the airport noise problem—"There is a risk whether localities will allow them to operate"—and the uncertainty of passenger fares being competitive with subsonic jet fares—"How many people will pay a surcharge to fly the SST?" In addition, it is unclear whether the Government will have to put up still more money after the prototypes are completed. Said Dr. Garwin:

> Boeing has said that private financing after the prototype phase will be hard to come by, and the President's ad hoc committee said it will be only prudent to consider that government aid will be required after the production phase begins. Boeing will be able to point to its candor when they come back for more money.

Mary Goldring, business editor of the Economist, also has reported that at the present state of aviation technology an economically feasible SST is an impossibility. Her views were expounded in some detail in the National Journal of May 2.

Quite aside from these risks in the SST project, we are already experiencing overruns, $76 million to date, on the cost of the SST, and these are surely not the last. The SST project, in fact, is beginning to resemble a near bottomless pit into which the Congress will be asked to pour millions upon millions of dollars through the next few years, far exceeding the cost figures that were cited when the SST was first considered. Lt. Gen. Elwood R. Quesada, former head of the FAA, has predicted that even the prototype development will cost the Government not $1.3 billion, but more than $3 billion.

If we spend all that money on it despite the risks, bearing with the SST through overruns and all, what will we have? An airplane that may well do more to hurt environment of our citizens than any single Federal project in history.

We know enough already about the economic risks of the SST, and about its likely environmental effects. Let us call a halt to all Government financing of the SST project now, before sheer momentum carries the SST any farther down this dead end runway.

The Minneapolis Tribune published a perceptive editorial on this subject on March 30, 1970. Under unanimous consent, I include it at the conclusion of my remarks, along with an editorial from the Washington Post:

[From the Minneapolis Tribune, Mar. 30, 1970]

### MR. NIXON, THE SST, AND THE ENVIRONMENT

The case against the supersonic transport (SST) has been stated many times by many groups. The plane will be too expensive, too noisy; it probably will not pay for itself; it will present technical dangers; it will pose many environmental problems.

But somehow the SST—with its 90-percent federal funding—keeps taxiing ahead. More than $600 million already has been spent, much of it wasted because early designs were scrapped. Mr. Nixon wants to spend $662 million more over five years, including $275 million next fiscal year.

Two Cabinet-level task forces have recommended against the SST—one in 1967 to then-President Johnson, one to Mr. Nixon last year. The President's chief science adviser, the Environmental Quality Council, the Council of Economic Advisers and representatives of five federal departments all have signed in against the SST.

The administration's response to criticism has been to say that the SST and its thunderous wake of sonic boom will be banned over "populated areas" of the country. That is no answer. The President can't speak for authorities 10 years hence. If the SST proves unprofitable without high-speed overland routes (a distinct possibility), what will be scrapped—the overflight ban or planes costing perhaps $50 million each?

But sonic booms in populated areas are only part of the SST threat to the environment. No one knows the effect of sonic booms on sea life. The SST is expected to be noisier at subsonic speeds and on the ground than present planes. And, perhaps worst, some scientists fear that the SST willl pollute the upper atmosphere in a way that will cause significant alterations in weather.

A militant new organization, Friends of the Earth, recently took a full-page advertisement in the New York Times to point out some of the SST's drawbacks and to ask that citizens write the President, senators and representatives in opposition to the project. That is good advice; Mr. Nixon's $275-million request will be heard in the Senate Appropriations Committee next month. Congress should have little trouble, it seems to us, in finding better uses for the money.

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[From the Washington Post, May 8, 1970]

### QUESADA ASSAILS U.S. ROLE IN SST, SEES $3 BILLION COST TO TAXPAYERS

(By George Lardner Jr.)

A former head of the Federal Aviation Administration said yesterday that the government should never have gotten into the financing of a supersonic transport and predicted that it would cost the taxpayers more than $3 billion.

"A lot of people say the airlines wish the plane would go away. I'm one of them," former FAA chief Elwood R. Quesada told the Joint Economic subcommittee on economy in government.

He blamed the difficulties and rising costs of the controversial SST on "heavy-handed government interference" in a project that should have been left to private industry.

Now chairman of the board of the L'Enfant Plaza Corp. and a director of American Airlines, Quesada headed the FAA from its inception in 1958 until 1961.

During his tenure, he told the subcommittee, the SST had always been envisioned as a technological spinoff of the Defense Department's program to build a supersonic bomber, the B–70.

The B–70 was dropped early in the Kennedy administration. Quesada suggested that the government should have dropped any thought of financing the SST at the same time, except for some help with research and development.

Instead, the Kennedy and succeeding administrations committed close to $1.3 billion for construction of two SST prototypes by the Boeing Co. Officials have defended the government investment primarily on the grounds that the subsidized British-French entry in the supersonic race, the Concorde, might capture the market and the pre-eminence now held by the U.S. aviation industry.

"Europe has bought our airplanes for decades," Quesada said. "I can see nothing wrong with our buying a Concorde."

Quesada said he saw even less reason to get excited about the Soviet Union's SST.

"Let the Russians develop it," he said. "If they do, nobody'll buy it. I doubt that a Russian airplane could be given away this side of the Iron Curtain."

In any event, Quesada said, the U.S. aviation industry has long been the world's best. If the private market should demand an SST, he said, he had no doubt that a privately financed American model would pop up soon enough.

"Government interference and government participation to the degree it has invested in the SST is not a healthy thing," he said in testimony expanding on views he first voiced last year during a private session with a Nixon administration task force on the SST.

By contrast, Quesada pointed to the Boeing Co's new 747 "jumbo jets" which the company developed "solely within the free-enterprise system" and which he called "one of the best airplanes we've ever developed."

FAA officials have repeatedly said they hope to see private financing take over after SST prototype construction. Critics such as the subcommittee's chairman, William Proxmire (D-Wis.), and Rep. Henry Reuss (D-Wis.), who also testified yesterday, have contended that the project will require $3 billion to $4 billion in federal funds.

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## CRIME COMMITTEE HEARINGS, REPORT AND DRUG COMMENTARY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, the following is a status report on the availability of documents prepared by the Select Committee on Crime:

Marihuana report—The House has approved the printing of 10,000 additional copies; Senate approval requested.

Drug documentary—A 30-minute audio program on the subject of narcotics addiction and drug abuse narrated by singer, "Oliver." For radio programming and classroom discussion use.

Washington overview hearings—"The Improvement and Reform of Law Enforcement and Criminal Justice in the United States." Supply exhausted.

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Boston hearings—"Crime in America—Drug Abuse and Criminal Justice." 1,000 copies available.

Omaha and Lincoln hearings—"Crime in America—A Mid-America View." 1,000 copies available.

San Francisco hearings—"Crime in America—Illicit and Dangerous Drugs." Supply exhausted.

Marihuana hearing—"Crime in America—Views on Marihuana." 1,000 copies available.

Amphetamine hearing—"Crime in America—Why 8 Billion Amphetamines?" 3,000 copies available.

Columbia, S.C., hearings—"Crime in America—Response of a Midsouth Community." 1,000 copies available.

Miami hearings—"Crime in America—Aspects of Organized Crime, Court Delay and Juvenile Justice." 500 copies available.

Washington hearings—"Crime in America—In the Nation's Capital." 400 copies available.

Baltimore hearings—To be printed; 3,000 copies requested.

## OPERATION FLORIDA SUNSHINE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. PEPPER.** Mr. Speaker, While recognizing the large differences of opinion in regards to the war in Southeast Asia, we as a nation must do all we can to help our wounded and hospitalized veterans of the Vietnam conflict.

"Operation Florida Sunshine" is a program designed to give rest and recuperation in the Miami area to those brave men wounded in the Vietnam conflict. The program, conceived in 1967 by Lt. David F. Bird, infantry, U.S. Army, area adviser, Miami area, 3d U.S. Army, is now entering its third year. Much of the success of this program belongs to the South Florida Chapter of the Disabled Officers Association and to its chapter commander, Lt. Col. Sydney G. Osborne.

The residents of Miami are proud of the part they are playing in providing housing, meals, and entertainment to the wounded war veterans and we are all hopeful that other areas of Florida and other States will contribute to the expansion of this most worthy program.

I want to express my pleasure at attending the Third Annual Awards Banquet of the South Florida Chapter of the Disabled Officers Association. As I did on that occasion, I again wish to offer my warm and personal thanks to all who have so enthusiastically participated in this effort to show the wounded veterans of the Vietnam conflict that we are truly grateful for the sacrifices they have undertaken.

## CUBA, 1970—A WOUNDED FAUN SEEKING REFUGE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. PEPPER.** Mr. Speaker, 75 years ago a patriot and statesman gave of his life on a dusty road outside the city of Santiago, Cuba, so that a people might enjoy the priceless gifts of freedom and liberty.

Of his death, it was written:

> Jose Marti died, but a people was born.

Cuba, an independent nation, a free people, obtained its quest only after the longest of struggles and human suffering.

The document signed in 1902 bore the ideals of Marti, incorporated the deeds of Maximo Gomez, and the leadership of Tomas Estrada Palma.

Today, the Cuban Constitution of 1902 has been abrogated by a repressive regime that fears the rights and liberties that document guarantees. As well it should.

For Jose Marti is once again in exile. He lives in the hearts and minds of the hundreds of thousands of exiles who have fled the tyranny of subjugation.

His words cry out today as they did three-quarters of a century ago:

> I am a truthful man, from the land of palm trees. Before dying, I want to share these poems of my soul.
>
> My poems are light green, but they are also flaming crimson. My verses are like a wounded faun, seeking refuge in the forest.
>
> With the poor people of this earth, I want to share my fate. The little streams of the mountains please me more than the sea.

Jose Marti lives again in exile. A people await a rebirth.

## LEGAL IMPACT ON PROPOSED EQUAL RIGHTS AMENDMENT BY ADELE T. WEAVER

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. PEPPER.** Mr. Speaker, for many years, both in the other body and in this House, I have introduced a resolution for an amendment to the Constitution of the United States providing equal rights for women. Following is a statement I made in the Senate, 78th Congress, on January 21, 1943, on Senate Joint Resolution 25 on a constitutional amendment for equal rights for men and women:

> STATEMENT MADE BY SENATOR CLAUDE PEPPER, JANUARY 21, 1943, 78TH CONGRESS, ON SENATE JOINT RESOLUTION 25: "CONSTITUTIONAL AMENDMENT DECLARING THAT MEN AND WOMEN SHALL HAVE EQUAL RIGHTS THROUGHOUT THE UNITED STATES, AND GIVING CONGRESS POWER TO ENFORCE THE AMENDMENT BY APPROPRIATE LEGISLATION"
>
> Mr. PEPPER. Mr. President, I regret very much that the very few remarks I shall make should appear so proximate to contrary sentiments expressed by my distinguished colleague, for whom I have not only the greatest affection and deepest friendship, but to whose opinion I always very much defer. However, I cannot escape the conclusion that those of us who have advocated by our signatures the equal-rights amendment, which is now upon the desk and properly referred, as well as those who are favorably inclined toward it, advocate an ideal too long delayed, the complete emancipation of women.
>
> The whole question of the evolution of human rights is a matter of interesting historical trend. There was a time when men were not regarded as entitled to many privileges or prerogatives, and protected by few immunities, if they happened to be men of poverty or without estate. I have read that at the time of the French Revolution in France it was permissible for one of the grand gentlemen of France, a member of the nobility, on a cold morning's hunt to have the privilege of warming his feet in the bowels of not to exceed two peasants.
>
> We all know what great progress was made in the protection of human rights when the Magna Carta was promulgated.
>
> There was a long time in this country when able, earnest, and honest men and women opposed the extension of the suffrage to women because they really thought that association with politics would contaminate women and to subject women to such taint was unworthy of men.
>
> I remember very distinctly a clever gentleman who was later in the Senate, making a remark in my high school, when I was a high school student, when he spoke against women's suffrage, to the effect that John was a suffragist—and Mary was a suffragette, and they were both suffering it. Those were just a few of the sentiments of ridicule and scorn which were hurled at those who advocated what we all now take as a matter of fact and right, and the right of women to vote.
>
> I feel, therefore, that the trend toward women enjoying equal rights has progressed until today they are entitled to enjoy all rights equally with all human beings, and that sex is not a sufficient line of demarcation for different rights. There may be instances where there would be a difference in duties, but that will depend upon the ability of the person or persons affected to perform the obligation required, not to their rights equally to share and to enjoy the benefits which are derived from citizenship and equality due to all.
>
> When the Declaration of Independence was written, and those moving words that "all men are created equal" were incorporated therein, to lift the hopes and the hearts of the oppressed everywhere in the world, I do not believe that Thomas Jefferson was thinking only of mankind which happened to be masculine in sex. I think he spoke about human beings, and therefore that it is in accordance with the principles of the Declaration of Independence to say that women are born equal with men in the rights of citizenship and civil prerogatives.
>
> I hope, therefore, that this may be the last hurdle which it will be necessary to surmount; that the race to bring equality, complete freedom, independence, and liberty for women shall at long last be won.

I believe the time is long past due when such an amendment should be adopted by the Congress and presented to the States for approval. The principal impediment which has been interposed by many conscientious people's approval of this proposal is that it would deprive Congress and respective legislatures of the capacity to enact legislation favorable to the health and welfare of women, much of which is on the statute books of the country and the several States today. I have always strongly believed as an attorney in either the Congress or States to give proper protection to women where there was a proper basis for classification of women or certain women engaged in fitting occupations as a predicate for such legislation.

Recently hearings have been in progress in the other body before the Constitutional Subcommittee of the Senate Judiciary Committee chaired by Senator BIRCH BAYH, upon this proposal. Among the many distinguished women of the country testifying was the president-elect of the National Association of Women Lawyers, Mrs. Adele T. Weaver, who, I am proud to say is an associate in my law office. Senator BAYH and many who heard Mrs. Weaver warmly commended her upon her able presentation affirming the compelling need in the interest of justice for the adoption of such an amendment and her able legalizing

**that the adoption of such an amendment would not deprive the Congress and several legislatures of their power to give due protection to the women of this country.**

**I commend Mrs. Weaver's statement to my colleagues and to those who read this RECORD and include it immediately following my remarks in the body of the RECORD:**

## LEGAL IMPACT OF PROPOSED EQUAL RIGHTS AMENDMENT

(By Adele T. Weaver)

This statement is not intended to be a legal treatise on Discrimination as to Sex under the laws of our fifty sovereign states since obviously, upon the ratification of the proposed Equal Rights Amendment to the United States Constitution, each state would be obliged to set up its own equal rights commission for the purpose of researching the Constitution and Statutes of that particular state and to propose legislation that would achieve the result of eliminating any conflict with the Equal Rights Amendment. This would also result in the enactment of statutes that would put into effect the intent of the proposed Equal Rights Amendment. There is no need, herefore, and it would be presumptuous of me to attempt to discuss the various legislative enactments that would be necessary in our fifty states. I shall limit my statement to a general survey of certain areas that would be affected by the proposed Amendment, i.e.:

I. Political Rights of Women.
II. Disabilities of Women.
III. Family Law.
IV. Divorce, Alimony and Custody.
V. Military Service for Women.

I deliberately eliminate the area of Equal Opportunity in Employment for Women because it has been so thoroughly covered by other witnesses.

### I. POLITICAL RIGHTS OF WOMEN

#### *A. Suffrage*

Suffrage has been defined as a political right or privilege as distinguished from a civil right, a property right, or a right of the person. It is not a natural, absolute or vested right. Although some authorities hold that the right of suffrage is included within the liberties and immunities guaranteed to every citizen in a republican form of government and that he may not be deprived of it except by due process of law, the right is not considered as being a privilege or immunity under the Constitution of the United States.[1] Women did not receive the right of suffrage in the United States until fifty years ago when the XIX Amendment to the Constitution was ratified. It is to be noted that the XV Amendment to the United States Constitution, ratified 100 years ago on March 30, 1870, provided that the right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of *race, color* or *previous condition of servitude*.

It is worthy of comment that the political, social and legal rights of women are running generations behind the rights of black people. For this reason alone, the Equal Rights Amendment is vitally necessary to insure woman taking her place in today's society. The XIX Amendment erased from the constitutions and laws of each state every provision restricting the right of women to vote, and it gave to women the same right of suffrage that has been conferred on men in their respective states. Prior to the XIX Amendment, the Courts had taken the view that the status of women as citizens did not confer upon them the right to vote, and that right could be constitutionally limited to males.[2] This first recognition of woman as a person and citizen was only achieved by a constitutional amendment.

#### *B. Jury duty*

Since the qualifications of jurors are governed by state constitutional or statutory provisions, rather than by rules of the common law, a state may prescribe such relevant qualifications as are deemed proper for jurors without offending the XIV Amendment to the United States Constitution. This is true as long as there is no unlawful discrimination with respect to the jury service against any class of citizens. At common law, women were not eligible to serve as jurors; however, there is no doubt that states have the power to make them eligible, and in most jurisdictions women are now qualified to be jurors, although the view has been taken that the XIX Amendment to the United States Constitution guaranteeing the right of suffrage, does not require states to admit women as jurors.

Therefore, though most states have now enacted jury duty statutes automatically qualifying women for jury duty and have eliminated the necessity of women having to volunteer for jury duty as was the case in my state of Florida until 1967, the proposed Equal Rights Amendment to the United States Constitution would make unconstitutional any discrimination against women in that regard so that any state not yet having provided for automatic selection of persons for jury duty without discrimination as to sex would be obliged to enact such legislation.

Since present statutory provisions disqualify persons in certain professions, for example, attorneys, and since jurors are consistently excused for hardship reasons, there is no legal problem involved in a statutory provision excusing the mothers of children under a certain age from jury duty upon their application to be excused.[3] The need for women to be called consistently to fulfill this primary duty of citizenship is obvious; so long as we retain the jury system, the jury should be representative of the entire population, and not just 50% or less of it. Moreover, we not only make greater demands upon men for jury duty where such discrimination exists, but we neglect a tremendous potential source of capable jurors.

### II. DISABILITIES OF WOMEN

#### *A. Single women—disability of minority*

The legal disability of single women is generally related to the age requirement for marriage, voting and entering into legal contracts. At the present time, influenced by the common law, most states allow a girl to marry without parental consent at a younger age than boys; here, the discrimination is actually against the male sex. The effect of the proposed Equal Rights Amendment prohibiting discrimination as to sex would be to lower the age requirement to that of the female. It follows that State Legislatures might well wish to enact legislation advancing the age requirement for marriage without parental consent for both the girl and boy, if this be deemed desirable. As to the right of suffrage, there has generally been no discrimination insofar as the age requirement is concerned; it has generally been consistent with the attaining of the legal status of majority by either sex. Many states, including my own state of Florida, are currently considering lowering the voting age requirement. This is, of course, a prerogative of the sovereign state, and the Equal Rights Amendment would not affect a state's right to legislate age requirements for voting, for marriage without parental consent, or for attaining majority so long as there is no discrimination as to sex in such legislation.

#### *B. Married women*

The real impact of the Equal Rights Amendment would be felt by the married woman. It is in the area of the disabilities of married women, particularly in the handling of property, and in the areas of family law and divorce that great discrimination exists; and I must add that this discrimination is not always directed toward woman, but frequently toward the man.

The disabilities of marriage are generally the result of the common law under which a married woman lost her identity and husband and wife became legally only one person, i.e., the person of the husband. We have for so long in our Anglo-American society accepted the fact that Mrs. John Smith is merely the spouse of John Smith that we think of her in no other terms unless she makes a name for herself in some manner.

The married woman under the common law lost her right to contract, and except as that right was remedied or was granted to her by the legislature, her attempted contract was void. Under the common law she could not acquire or dispose of property without consent of her husband and she could not contract with her husband. Many states have removed most of these common law disabilities; yet the law has not placed husband and wife on an exact parity. For example, the husband, as head of the family (a) alone establishes the family domicile, and (b) is primarily obligated for support of the family. The wife, even where the common law has been modified, is limited to her own earnings in employment separate from her husband's and in many states still must obtain joinder of her husband in any conveyance or encumbrance of her separate property.

These common law restrictions and their many statutory modifications have resulted in the enactment of Free Dealer laws and their equivalents. Such Free Dealer laws would become unnecessary and would be eliminated by the Equal Rights Amendment. The necessity for free dealership or free agent statutes is an anachronism in this era when the majority of married women work, generally to contribute to the support of the family, many of them being in professions and businesses requiring them to contract, to bind themselves legally, to sue and be sued, etc. The only proper questions with regard to a woman's contracts or right to contract with third parties should have nothing whatsoever to do with her marital status, but should relate only to her own personal responsibility for her contract, i.e., her own personal credit rating, ability to pay, etc.

Heretofore, only under Free Dealer laws or specific legislation has a woman been able to convey or encumber her own separate property without joinder by her husband. The Equal Rights Amendment would eliminate the discrimination against either sex in this regard; naturally, if the constitutional or statutory requirements of a given state were identical as to conveyancing or encumbering of their separate property by either sex, the proposed Equal Rights Amendment would not affect such requirements.

In my state of Florida, our new 1968 Constitution provides that there shall be no distinction between married women and married men in the holding, controlling, disposition and encumbering of their property. However, because of existing statutes requiring a married woman to join her husband in the conveyance or encumbrance of his own separate property in order to release her inchoate dower right to that property, and which also require the joinder of a husband in any conveyance or encumbrance by a woman of her own separate property that that in conflict with the new Constitution, bills have been introduced and have passed the House of Representatives in our current legislative session putting into effect the policy and intent of the new Constitution. These bills, if passed, will

(a) eliminate the necessity for a woman to secure the joinder of her husband in any

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Footnotes at end of article.

conveyance of encumbrance of her own separate property, and

(b) eliminate the necessity of joinder by the wife in the conveyance or encumbrance by a husband of his own separate property by elimination of the inchoate right of dower, i.e., limiting the right of dower to that property owned by the husband at the time of death.

In this regard, therefore, the Equal Rights Amendment would affect dower laws or their counterparts where the equivalent right of curtesy or its counterpart is not given to the husband. There is no reason whatsoever why a married man should not have at the moment of his wife's death a right to a portion of her property equivalent to the right of dower which she has in his property. I, of course, refer here only to those states having such statutes. In other states, the statutory share of the spouse's property to which the surviving spouse is entitled should be identical. In the community property states there would appear to be no problem that cannot be solved by some form of the community system of property, assuming that there is no discrimination as to sex. Generally, the effect of the proposed Equal Rights Amendment would be to eliminate any discrimination whatsoever in the area of the right to convey or encumber one's separate property and the right to dower, curtesy, community property or an equivalent right of inheritance between the spouses.

### III. FAMILY LAW

#### *A. Domicile*

At common law, the husband establishes the domicile in most jurisdictions. The legal effect of the proposed Equal Rights Amendment would be to affect the automatic establishment of the domicile by the husband as head of the family. From a practical point of view, since marriages are established for the purpose of living together and it is generally desirable from the woman's point of view to be domiciled in the area most conducive to the welfare and business or professional activity of the husband, the Equal Rights Amendment would have little or no effect. Statutes that follow the common law could be modified to hold that the breadwinner of the family determines the domicile for the family or in those cases where neither one party or the other is predominantly the breadwinner, the domicile could be established by either party. The concept of domicile has lost its importance in family law, except as a basis for the right of one party or the other to come into the courts of any particular state for solution of domestic or family matters. Domicile is now primarily concerned with the establishment of the right to vote and other civil rights.

#### *B. Right to support*

Generally the support of a wife or child is the legal duty of the husband and father, and some states even make it a criminal offense for a husband to withhold support from his wife or child. Yet courts have consistently interpreted the obligation of the husband to support his wife with due regard to financial conditions, earning capacities and other circumstances of either spouse that bear upon the discharge of his obligation. Therefore, the legal effect of the Equal Rights Amendment would be to make the obligation of the husband to support the wife consistent with actual practice. Obviously, it should be the legal duty of either spouse to support the other more dependent spouse.

The argument of some opponents of the Equal Rights Amendment that it would allow a man to escape from his obligation of support is not a valid argument. So long as the wife contributes in services to the family, in the duties of homemaking, of rearing children, of being a social hostess for her husband, etc., she is contributing equally to the marriage, and with each year that she makes such contribution to the marriage her ability to earn an independent income from the outside world diminishes while her contribution to the marriage increases. It is conceivable that there may be a few cases where the spouse contributing the services to the home or caring for small children would be the husband. This may sound ludicrous, but the possibility exists, and the Equal Rights Amendment should result in State Legislation making the support of one spouse by the other dependent upon the circumstances of those spouses, and their respective contributions to the marriage, (the contribution of home-making and related duties being as vitally important a contribution as that of earning the family income).

It follows that both spouses should be responsible for the support of their children, and pursuing this thought—when have we ever seen a mother who would not go out to work or even to beg, borrow or steal to support her children when they were not being supported by the father? The legal effect of the Equal Rights Amendment in this area of support for the spouse and the children of the marriage would be to place the responsibility upon both spouses with due regard to their respective contributions to the marriage and their respective abilities to be self-supporting.

#### *C. Dower*

Mention has already been made of the effect of the proposed Equal Rights Amendment on the common law concept of dower. Where there is no equivalent right in the husband, i.e., the right of curtesy, obviously legislation would be necessary either to establish the latter or to eliminate the former. The necessity for married women who have dedicated their lives to the occupation of home-making, to share in the fruits of the marriage partnership can be established in any one of several ways, i.e.,

(a) by dower and the equivalent curtesy;

(b) by one of the community property systems, (community of acquisitions, full community or a compromise community system); or

(c) inheritance laws; and

(d) by alimony awards in the event of divorce. The nature of the particular measure will depend in each jurisdiction upon existing laws and the circumstances involved.

### IV. DIVORCE

#### *A. Alimony*

It is not in the grounds or procedures for divorce that the impact of an Equal Rights Amendment will be felt; it is rather in the determination of the rights of the parties as to alimony, support and custody of children that the greatest thrust of the Equal Rights Amendment will be seen.

While the Amendment would make unconstitutional the award of alimony to a wife based simply on the ground of sex there would be no deterrent to an award of alimony on grounds such as the following:

(a) Her financial contributions or their equivalent in homemaking services to the marriage partnership;

(b) years of duration of the marriage;

(c) need for support based on inability to be self-supporting;

(d) age;

(e) lack of education or training;

(f) lack of availability or need for services that dependent spouse is capable of performing.

Using the above or similar guidelines, it is obvious that either spouse who, having dedicated many years to the marriage partnership without remuneration and with resulting depreciation of value in the labor market, is entitled to support by the other spouse; such support or alimony should, of course, be commensurate with the need of the dependent spouse and should be based upon the employed spouse's ability to pay. As a matter of fact, these are the guidelines generally used in our courts today by judges accustomed to hearing and deciding matters of support and alimony in divorce cases.

#### *B. Custody of Children*

At common law, the husband was automatically entitled to custody of his child. Gradually the concept of making a determination of custody solely "for the best interests of the child or children . . ."[4] came into effect. Generally, neither parent has priority as to custody, although many courts follow the rule that the best interests of a child of tender years are served by granting custody to the mother, with reasonable rights of visitation to the father. An Equal Rights Amendment should have no effect whatsoever upon the existing law and practice in our courts.

### V. MILITARY SERVICE FOR WOMEN

Amongst other possible legal effects of the proposed Equal Rights Amendment would be the eligibility of young women for military service. While it may seem at first impression a bit shocking to think of the young girl of eighteen being drafted, the fact is that many thousands of our young women went into the military service of their country in World War II, wore their uniforms with pride and rendered immeasurable service to this nation. There is no reason whatsoever why any healthy young woman should not serve her country for a year or two in any capacity for which she is physically, mentally and emotionally suited. No young man is required to do more. While we may not wish for our young women to be placed in hazardous battle areas, the fact remains that our military nurses are and have been subjected to such hazards. We may not wish to follow the example set by the Israeli Army—but there are thousands of activities by which our young military female could give her service to her country.

There are, no doubt, many other areas of concern to the American woman today which would eventually be affected by the proposed Equal Rights Amendment. Certainly one cannot be omniscient and predict the outcome of such an evolutionary measure as the proposed Equal Rights Amendment. The legal effects would seem, however, to be beneficial not only to woman, but to society generally. It is my humble contention that the American woman today really does not recognize her own value as a person and a human being, and until she is accorded the constitutional right to equality under the law in every respect, she will not begin to free herself from the bondage of centuries of self-deprecation. She must assume the full responsibilities as well as the full rights of citizenship and until she does this, this great country of ours will be deprived of the benefit of the service, the brains and the talent of a half of our population—woman!

### FOOTNOTES

[1] 25 Am.Jur. 2d Elections, Sec. 53, pp 742 et seq.

[2] 25 Am.Jur. 2d Elections, Sec. 64, pp 756 et seq.

[3] For example, see Sec. 40.01(1) Florida Statutes 1967.

[4] Adams v. Adams, 206 Ga. 881 (1950).

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## INVASION OF CAMBODIA

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I insert immediately following my remarks the statement I issued on May 1 in respect to the President's order, sending our Armed Forces, air and ground, into Cambodia, announced by him the evening before:

### STATEMENT OF REPRESENTATIVE CLAUDE PEPPER

I know the President is acting very conscientiously in this matter and I hope wisely. Yet I share the very deep concern of many members of the Congress and my fellow citizens that this move on the President's part, regrettably without consultation with Congress, is simply an enlargement of the war and will make it more difficult for us to get out rather than easier.

If the same logic applied to our going into Cambodia is applied to our going into Laos and perhaps to Thailand, it means that we are simply getting more deeply mired in Southeast Asia rather than making progress in emerging from that costly involvement.

We would like to free oppressed people everywhere in the world but we must recognize there are limitations upon even our strength, great as it is, and our resources, enormous as they are. And sometimes in critical situations we have to determine priorities. We cannot save the world and lose our unity and well-being at home. I feel we must try to bring this war to an end as soon as possible.

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## CREDIT UNION SHARE INSURANCE LEGISLATION INTRODUCED BY CHAIRMAN PATMAN

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. PATMAN. Mr. Speaker, credit unions began in Boston and Speaker of the House, Mr. MCCORMACK, has been interested in credit unions for many years. He has worked on these bills and he has helped me greatly with credit union legislation for many years.

Today, Mr. Speaker, I want to report to you that I am introducing a bill for share insurance for credit unions all over the United States. It is a great giant step in the right direction of helping more poor people. Next to the church, the credit unions are the greatest good to humanity. Today there are 22 million members of credit unions—or in other words, 10 percent of all the people in every State and in every district.

Credit unions are great institutions and, Mr. Speaker, you have had much to do with making them a success. Through the years, I have deeply appreciated the help you have given me on these credit union bills.

Mr. Speaker, today I have introduced legislation that provides for the insurance of savings accounts in credit unions.

My bill would establish a National Credit Union Share Insurance Fund in the U.S. Treasury. It would insure credit union share deposits up to $20,000 each. The fund would be self-financing based on annual assessments of one-twentieth of 1 percent of a credit union's aggregate members' share accounts.

### ADMINISTERED BY NEW ADMINISTRATION

The fund would be administered by the Administrator of the National Credit Union Administration. The Administrator would be authorized to reduce annual premiums or assessments when the fund had no outstanding loans from the U.S. Treasury and its operating level equalled or exceeded 2 percent of insured member accounts. The Administrator would also be authorized to make special assessments of not to exceed one-half of the regular annual premium of one-twentieth of 1 percent in any year that fund expenditures exceeded income.

The bill would also authorize the fund to borrow up to $100 million from the U.S. Treasury when needed. No capitalization assessment for the fund would be required. The Administrator would be authorized to use the fund to make loans to credit unions faced with liquidation, or to assist a credit union in liquidation.

Under the provisions of the bill, participation in the share-insurance program would be mandatory for Federal credit unions. State-chartered credit unions could participate in the program if they so desired subject to meeting certain requirements.

The bill also carries provisions for changing the reserve requirements for Federal credit unions by relating the reserve to outstanding loans and risk assets. A reserve of 7 percent of outstanding loans and risk assets would ultimately be required, with a graduated scale of gross income going into reserve to reach the 7-percent total.

In addition, the legislation would allow Federal credit unions to establish deposit accounts under rules and regulations established by the Administrator of the National Credit Union Administration. This provision is not to allow credit unions to offer checking accounts to their members, but rather to enable the credit unions to have greater flexibility in their savings account operations similar to those provisions enjoyed by many State-chartered credit unions.

### CREDIT UNIONS WOULD BE FISCAL AGENTS

The legislation would further automatically designate federally insured credit unions as fiscal agents of the U.S. Government and allow the credit unions to hold tax and loan accounts for the U.S. Government and maintain accounts to which nonappropriated and appropriated funds may be deposited. By allowing the deposit of such funds, military credit unions will be able to hold savings accounts for such nonappropriated fund activities as officers, noncommissioned officers, and enlisted men's clubs.

In introducing this legislation, I want to make certain that credit unions will receive the best possible insurance and at a rate that will not work a great financial hardship on credit unions. It is my feeling that the legislation introduced today will accomplish both of these goals and will not at the same time involve the credit unions in a great deal of administrative redtape in determining share insurance premiums.

Under the twentieth of 1 percent share of deposit accounts formula, the cost of the credit union would be minimal. For instance, a credit union with $100,000 in insured accounts would pay an annual insurance premium of $50; a credit union with a half a million dollars in insured accounts would pay a premium of $250; while a large credit union with $5 million in accounts would pay $2,500 a year.

### AN INITIAL POOL OF $3.5 MILLION

Based on present figures, the premium charged in my legislation would provide the insurance fund with an initial pool of $3½ million. And, of course, any State credit unions that joined the insurance program would increase the pool of money. Each year the amount of money in the pool will be increased until adequate reserves are reached.

It is important that the insurance premiums be kept as low as possible since credit unions have maintained an excellent record of safety of members' savings over the years. For instance, since Federal credit unions were established in 1934, only about $1.2 million has been lost in these credit unions. This excellent record has been achieved because of stabilization funds, State, and central credit unions and other liquidity saving methods adopted by CUNA International and State member credit union leagues throughout the country. I cannot speak in too glowing terms of the outstanding job that CUNA and the State leagues have done in this area and the very fact that losses have been so minimal is perhaps the most fitting tribute that can be paid to CUNA and the State leagues.

I would at this point like to state an example of how effective the work of CUNA and the State league have been in assisting credit union liquidation.

Recently the Swift Employees' Credit Union in South St. Paul, Minn., was forced to liquidate because the plant which sponsored the credit union was closing. At the time the credit union closed down, it immediately distributed to its members $284,282 on payment of their share accounts. On March 15 of this year a final distribution of $279,724 was made to shareholders.

The total distribution by this credit union to its shareholders was 198 percent, or almost double, what shareholders had on deposit. For example, a shareholder with $1,500 on deposit in the credit union received $2,974.50 in return.

### A TRIBUTE TO STATE LEAGUE

The prompt and efficient liquidation of Swift Employees' Credit Union was the result of effective management within the credit union and the wholehearted cooperation of the Minnesota Central Credit Union, which purchased the outstanding loans of the credit union, amounting to $123,908. As a result, shareholders were promptly paid off in full with a dividend of almost 100 percent.

The point of the illustration is to show that savings insurance should be made available to credit unions not because they are poor risks, but rather because credit unions should be rewarded for their diligence and hard work in protecting the savings of millions of Americans, particularly the little man.

As I stated earlier, it is my desire to make certain that credit unions receive the best possible insurance with the least amount of expense and redtape. Therefore, my legislation is being introduced, not as a finalized product, but rather to provide credit unions throughout the country with a workbook so that they may discuss the question of savings insurance with their members. After all sections of the credit union movement have had an opportunity to discuss the legislation, it is my plan to hold hearings on the subject. I feel that it would be unwise to rush into this subject without full discussion and complete consultation with credit union people across the country, and, therefore hearings on the legislation would not be scheduled prior to the 92d Congress.

### SPEED NOT THE ANSWER

This is the same approach that was

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adopted with H.R. 2, the recently enacted legislation creating an independent agency for the supervision and regulation of the credit unions. The legislation was introduced in the 90th Congress, was thoroughly discussed throughout the credit union movement, and was reintroduced and passed in the 91st Congress, incorporating many of the changes suggested by credit union members.

Mr. Speaker, it must be remembered that many credit unions throughout the country are operated to a large extent by volunteers. We must make certain that any legislation passed by this body will not become so cumbersome as to cause volunteers to lose their interest or devotion to credit union work.

There are nearly 24,000 credit unions in the United States today, with a membership of more than 22 million people. As I have stated many times before, there are more credit unions in the United States than all other financial institutions combined. Because of the magnitude of these institutions, it is imperative that we seek quality legislation rather than quickie legislation.

*Number of credit unions by States*

| | |
|---|---|
| United States: | |
| Alabama | 375 |
| Alaska | 38 |
| Arizona | 163 |
| Arkansas | 154 |
| California | 1,870 |
| Colorado | 333 |
| Connecticut | 502 |
| Delaware | 81 |
| District of Columbia | 190 |
| Florida | 662 |
| Georgia | 421 |
| Hawaii | 169 |
| Idaho | 175 |
| Illinois | 1,728 |
| Indiana | 612 |
| Iowa | 420 |
| Kansas | 312 |
| Kentucky | 278 |
| Louisiana | 483 |
| Maine | 196 |
| Maryland | 240 |
| Massachusetts | 791 |
| Michigan | 1,162 |
| Minnesota | 427 |
| Mississippi | 212 |
| Missouri | 521 |
| Montana | 144 |
| Nebraska | 158 |
| Nevada | 63 |
| New Hampshire | 71 |
| New Jersey | 604 |
| New Mexico | 135 |
| New York | 1,207 |
| North Carolina | 320 |
| North Dakota | 124 |
| Ohio | 1,444 |
| Oklahoma | 201 |
| Oregon | 264 |
| Pennsylvania | 1,441 |
| Rhode Island | 138 |
| South Carolina | 185 |
| South Dakota | 116 |
| Tennessee | 572 |
| Texas | 1,430 |
| Utah | 317 |
| Vermont | 76 |
| Virginia | 359 |
| Washington | 407 |
| West Virginia | 201 |
| Wisconsin | 780 |
| Wyoming | 55 |
| Total | 23,327 |
| Commonwealth of Puerto Rico | 437 |
| Grand total | 23,764 |

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. Randall, for 30 minutes, on Thursday, May 21.

(The following Members (at the request of Mr. Cowger), to revise and extend their remarks and to include extraneous matter to:)

Mr. Halpern, today, for 10 minutes.

Mr. Hosmer, today, for 15 minutes.

Mr. Miller of Ohio, today, for 5 minutes.

Mr. Buchanan, on May 21, for 30 minutes.

Mr. Price of Texas, on May 20, for 60 minutes.

Mr. Price of Texas, on May 21, for 60 minutes.

Mrs. Heckler of Massachusetts, today, for 10 minutes.

(The following Members (at the request of Mr. Preyer of North Carolina), to revise and extend their remarks, and to include extraneous matter to:)

Mr. Gonzalez, today, for 10 minutes.

Mr. Farbstein, today, for 20 minutes.

Mr. Reuss, today, for 30 minutes.

Mr. Flood, today, for 20 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Yates and to include extraneous matter.

Mr. Friedel, immediately prior to the vote on the amendment offered by Mr. Pike in the Committee of the Whole today.

Mr. Horton, to revise and extend his remarks after the remarks of Mr. Pike on his amendment today.

Mr. O'Neill of Massachusetts, to have his remarks placed in the Record following those of Mr. Matsunaga today.

(The following Members (at the request of Mr. Cowger) and to include extraneous matter:)

Mr. Roudebush in six instances.

Mr. Berry.

Mr. Gerald R. Ford.

Mr. Blackburn.

Mr. Ruppe.

Mr. Quie in three instances.

Mr. Biester.

Mr. Whitehurst.

Mr. Pollock in five instances.

Mr. Findley in two instances.

Mr. Kleppe.

Mr. Ashbrook in two instances.

Mr. Hogan.

Mr. Foreman in three instances.

Mr. Goodling.

Mr. Scherle in two instances.

Mr. Wydler.

Mr. Landgrebe.

Mr. Hosmer in two instances.

Mr. Derwinski in two instances.

Mr. Bob Wilson.

Mr. Nelsen in two instances.

Mr. Horton in two instances.

Mr. Cramer in two instances.

Mr. Burton of Utah in five instances.

Mr. Skubitz in three instances.

Mr. Lukens.

Mr. Taft.

Mr. Hastings in two instances.

Mr. Wyman in two instances.

Mr. McCloskey in three instances.

Mr. Button in two instances.

Mr. Goldwater in three instances.

Mr. Broyhill of Virginia.

(The following Members (at the request of Mr. Preyer of North Carolina) and to include extraneous matter:)

Mr. Rarick in two instances.

Mr. Gilbert.

Mr. Bolling in two instances.

Mr. Gonzalez in two instances.

Mr. Montgomery in two instances.

Mr. Teague of Texas in eight instances.

Mr. Evins of Tennessee in three instances.

Mr. Burton of California in two instances.

Mr. Yatron.

Mr. Daniel of Virginia.

Mr. Jacobs.

Mr. Edwards of California in two instances.

Mr. Hébert.

Mr. Fulton of Tennessee in two instances.

Mr. Hathaway in two instances.

Mr. Scheuer in two instances.

Mr. Chappell in two instances.

Mr. Galifianakis in three instances.

Mr. Vanik in two instances.

Mr. Pike in two instances.

Mr. Fountain in two instances.

Mr. Long of Maryland in two instances.

Mr. Bingham in two instances.

Mr. Biaggi in five instances.

Mr. William D. Ford in two instances.

Mr. Ryan in five instances.

Mr. Carey.

## SENATE BILLS AND A JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 782. An act to protect the civilian employees of the executive branch of the U.S. Government in the enjoyment of their constitutional rights and to prevent unwarranted governmental invasions of their privacy; to the Committee on Post Office and Civil Service.

S. 885. An act to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kaskaskias, merged under the Treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgment in Indian Claims Commission Dockets Numbered 314, amended, 314–E and 65, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 3558. An act to amend the Communications Act of 1934 to provide continued financing for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

S.J. Res. 144. Joint resolution to provide for the appropriation of funds to assist school districts adjoining or in the proximity of Indian reservations, to construct elementary and secondary schools and to provide proper housing and educational opportunities for Indian children attending these public schools; to the Committee on Interior and Insular Affairs.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 19. An act to reimburse certain persons for amounts contributed to the Department of the Interior; and

S. 1934. An act for the relief of Michel M. Goutmann.

## ADJOURNMENT

Mr. PREYER of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, May 21, 1970, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2069. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a Presidential determination that the sale of defense articles and defense services to a country in the Western Hemisphere will strengthen the security of the United States and promote world peace, pursuant to the provisions of section 3(a)(1) of the Foreign Military Sales Act of 1968; to the Committee on Foreign Affairs.

2070. A letter from the Commissioner, Federal Prison Industries, Inc., U.S. Department of Justice, transmitting the annual report of the Directors of Federal Prison Industries, Inc., for fiscal year 1969, pursuant to the provisions of 18 U.S.C. 4127; to the Committee on the Judiciary.

2071. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States; to the Committee on Merchant Marine and Fisheries.

2072. A letter from the Acting Administrator of General Services, transmitting prospectuses proposing alteration of public buildings in various locations, pursuant to the provisions of 73 Stat. 480; to the Committee on Public Works.

2073. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report listing required information with respect to contracts negotiated by NASA under 10 U.S.C. 2304(a) (11) and (16) for the period July 1, 1969, through December 31, 1969, pursuant to the provisions of 10 U.S.C. 2304(e); to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

2074. A letter from the Comptroller General of the United States, transmitting a report on the feasibility of using "should cost" concepts in Government procurement and auditing; to the Committee on Government Operations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GREEN of Pennsylvania: Committee on Ways and Means. H.R. 2076. A bill relating to withholding, for purposes of the income tax imposed by certain cities, on the compensation of Federal employees; with an amendment (Rept. No. 91-1111). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 15979. A bill to provide that the interest on certain insured loans sold out of the agricultural credit insurance fund shall be included in gross income (Rept. No. 91-1112). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLS: Committee on Ways and Means, H.R. 16506. A bill to amend the Internal Revenue Code of 1954 to clarify the applicability of the exemption from income taxation of cemetery corporations; with an amendment (Rept. No. 91-1113). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER:

H.R. 17708. A bill to extend the fourth-class mail rate for books and educational materials to photographic prints mailed to and from amateur photographers and nonprofit photographic exhibitions, photograhic societies, and photographic print study groups; to the Committee on Post Office and Civil Service.

By Mr. CÓRDOVA:

H.R. 17709. A bill to authorize the Secretary of the Army to cooperate with the Commonwealth of Puerto Rico in the preparation of plans for the development, utilization, and conservation of water and related resources of drainage basins and coastal areas in the Commonwealth of Puerto Rico and for other purposes; to the Committee on Public Works.

By Mr. CORMAN (for himself, Mr. ADDABBO, Mr. BIAGGI, Mr. BRADEMAS, Mr. BROYHILL of Virginia, Mr. DOWNING, Mr. FULTON of Tennessee, Mr. HARRINGTON, Mr. HALPERN, Mr. HAWKINS, Mr. HOLIFIELD, Mr. LEGGETT, Mr. MATSUNAGA, Mr. MOORHEAD, Mr. MOSS, Mr. OTTINGER, Mr. POLLOCK, Mr. REES, Mr. RODINO, and Mr. TUNNEY):

H.R. 17710. A bill to amend title 5, United States Code, to authorize election of health benefits coverage by employees and annuitants for themselves and their spouses at a special rate based on coverage of two persons, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FUQUA (for himself, Mr. ABERNETHY, and Mr. NELSEN):

H.R. 17711. A bill to amend the District of Columbia Cooperative Association Act; to the Committee on the District of Columbia.

By Mr. HANSEN of Idaho:

H.R. 17712. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. LONG of Maryland:

H.R. 17713. A bill to provide additional protection for the rights of participants in employee pension and profit-sharing retirement plans, to establish minimum standards for pension and profit-sharing retirement plan vesting and funding, to establish a pension plan reinsurance program, to provide for portability of pension credits, to provide for regulation of the administration of pension and other employee benefit plans, to establish a U.S. Pension and Employee Benefit Plan Commission, and for other purposes; to the Committee on Education and Labor.

By Mr. OTTINGER:

H.R. 17714. A bill to amend title VII of the Public Health Service Act to establish a program of grants for hospitals to provide in-service training to employees who served as medical corpsmen in the Armed Forces to facilitate the advancement of such employees into positions which will advantageously utilize such training; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER:

H.R. 17715. A bill to suspend for a temporary period the import duty on L-Dopa; to the Committee on Ways and Means.

By Mr. QUIE:

H.R. 17716. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to deduct certain expenses paid by him for special education furnished to a child or other minor dependent who is physically or mentally handicapped; to the Committee on Ways and Means.

By Mr. ROYBAL:

H.R. 17717. A bill to authorize the Secretary of Housing and Urban Development to provide or to guarantee any bid, payment, or performance bond applied for by or on behalf of a small business concern which is a construction contractor or subcontractor; to the Committee on Banking and Currency.

By Mr. SCHERLE:

H.R. 17718. A bill to encourage institutions of higher education to adopt rules and regulations to govern the conduct of students and faculty, to assure the right to free expression, to assist such institutions in their efforts to prevent and control campus disorders, and to amend the Higher Education Act of 1965; to the Committee on Education and Labor.

By Mr. SHRIVER:

H.R. 17719. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. SLACK:

H.R. 17720. A bill to amend title 38 of the United States Code so as to make certain widows of veterans of periods of war and certain children of such veterans who are deceased eligible for care in Veterans' Administration hospitals; to the Committee on Veterans' Affairs.

H.R. 17721. A bill to amend title II of the Social Security Act to provide a 35-percent benefit increase with a $100 minimum and subsequent cost-of-living increases, to improve the computation of benefits and eligibility therefore, to raise the earnings base, to eliminate the actuarial reduction and lower the age of entitlement, to provice optional coverage for Federal employees, and to liberalize the retirement test; to amend title XVIII of such act to reduce to 60 the age of entitlement to medicare benefits and make such benefits available to the disabled without regard to age, to provide coverage for certain governmental employees, and to include prescription drugs under the supplementary medical benefits program, and for other purposes; to the Committee on Ways and Means.

By Mr. WIDNALL (for himself and Mr. BROCK):

H.R. 17722. A bill to provide insurance for member accounts in State and federally chartered credit unions, and for other purposes; to the Committee on Banking and Currency.

By Mr. WINN:

H.R. 17723. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. YATRON:

H.R. 17724. A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 17725. A bill to provide that all federally assisted child day-care programs shall provide, as a part of such program, nutritional meals and preventive, diagnostic, and emergency medical care; to the Committee on Education and Labor.

By Mr. GOLDWATER:

H.R. 17726. A bill to provide for the arrest and punishment of violators of certain laws and regulations relating to the public lands; to the Committee on Interior and Insular Affairs.

By Mrs. HECKLER of Massachusetts:

H.R. 17727. A bill to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property of public museums; to the Committee on Government Operations.

By Mr. MAHON:

H.R. 17728. A bill to provide additional assistance to the State of Texas for the reconstruction of areas damaged by tornadoes occurring on April 17 and 18, and May 11, 1970; to the Committee on Public Works.

By Mr. PATMAN:

H.R. 17729. A bill to provide Federal share insurance for credit unions, and for other purposes; to the Committee on Banking and Currency.

By Mr. REID of New York:

H.R. 17730. A bill to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on real property owned by a foreign government and therefore exempt from taxation; to the Committee on Foreign Affairs.

By Mr. ROTH (for himself, Mr. Podell, Mr. Lukens, Mr. Button, Mr. Halpern, Mr. Hosmer, Mr. Fisher, Mr. Dellenback, Mr. Esch, Mr. Lujan, Mr. Horton, Mr. McCloskey, Mr. Hansen of Idaho, and Mr. Donohue):

H.R. 17731. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITEHURST:

H.R. 17732. A bill to amend section 3104 of title 38, United States Code, to permit certain service-connected disabled veterans who are retired members of the uniformed services to receive compensation concurrently with retired pay, without deduction from either; to the Committee on Veterans' Affairs.

By Mr. GALIFIANAKIS:

H.J. Res. 1239. Joint resolution to hasten the safe withdrawal of American military personnel from Southeast Asia, and for other purposes; to the Committee on Rules.

By Mr. PEPPER (for himself and Mr. Pucinski):

H.J. Res. 1240. Joint resolution proposing an amendment to the Constitution of the United States relating to the power of the President to make treaties; to the Committee on the Judiciary.

By Mr. ANDERSON of California:

H. Con. Res. 629. Concurrent resolution to provide for a joint meeting of Congress to hear the views of five students on the Indochina war and the cause of peace; to the Committee on Rules.

By Mr. DEVINE:

H. Con. Res. 630. Concurrent resolution expressing the sense of Congress that the question of the maintenance of the neutrality and territorial integrity of Cambodia and the human rights of the Cambodian people be referred to the Security Council of the United Nations; to the Committee on Foreign Affairs.

By Mr. HARRINGTON:

H. Con. Res. 631. Concurrent resolution providing for a joint meeting of Congress on Friday, May 22, 1970; to the Committee on Rules.

By Mr. MacGREGOR:

H. Con. Res. 632. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a ceasefire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. POLLOCK:

H. Con. Res. 633. Concurrent resolution expressing the sense of Congress regarding the conflict in Southeast Asia and the exercise of constitutional authority in matters affecting grave national decisions of war and peace; to the Committee on Rules.

By Mr. RARICK:

H. Con. Res. 634. Concurrent resolution expressing the sense of the Congress that the President, acting through the U.S. Ambassador to the United Nations Organization, take such steps as may be necessary to pace the question of denial of the right to self-determination, and other human rights in Cuba on the agenda of the United Nations Organization; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Con. Res. 635. Concurrent resolution providing for a joint session of Congress; to the Committee on Rules.

By Mr. STANTON (for himself, Mr. Friedel, Mr. McEwen, Mr. McKneally, and Mr. Whalen):

H. Con. Res. 636. Concurrent resolution expressing the sense of the Congress that the President should establish a commission to examine the recent events at Kent State and other college campuses; to the Committee on Education and Labor.

By Mr. CAREY:

H. Res. 1038. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. POWELL:

H. Res. 1039. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Res. 1040. Resolution creating a select committee to conduct an investigation and study of the care of the aged in the United States and the effects of Federal laws and programs on the availability and quality of care; to the Committee on Rules.

By Mr. CHARLES H. WILSON:

H. Res. 1041. Resolution: 1970 U.S. census of population; to the Committee on House Administration.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL of California:

H.R. 17733. A bill for the relief of Mr. Ting Wah Shen and his family; to the Committee on the Judiciary.

By Mr. BURLISON of Missouri:

H.R. 17734. A bill for the relief of Sherman Webb and others; to the Committee on the Judiciary.

By Mr. LEGGETT:

H.R. 17735. A bill for the relief of Gloria R. Talinao; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 17736. A bill for the relief of Earl R. Rawson; to the Committee on the Judiciary.

By Mr. REES:

H.R. 17737. A bill for the relief of Philip Tang; to the Committee on the Judiciary.

By Mr. ROBERTS:

H.R. 17738. A bill for the relief of Barbara A. Marlow; to the Committee on the Judiciary.

By Mr. ROBISON:

H.R. 17739. A bill for the relief of Kim Ai Ni; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 17740. A bill for the relief of Vladimir Rodriguez LaHera; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII,

390. The SPEAKER presented a memorial of the House of Representatives of the State of Missouri, relative to relocating the battleship U.S.S. *Missouri* in the State of Missouri, which was referred to the Committee on Armed Services.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

488. By the SPEAKER: Petition of Leslie Kosloff, New York, N.Y., et al., relative to trading with the enemy; to the Committee on Foreign Affairs.

489. Also, petition of the Episcopal Diocese of Washington, D.C., relative to the war in Indochina; to the Committee on Foreign Affairs.

490. Also, petition of the Reserve Officers Association of the United States, Department of Minnesota, relative to the elimination of the Selected Reserve in the Coast Guard; to the Committee on Merchant Marine and Fisheries.

# SENATE—*Wednesday, May 20, 1970*

The Senate met at 11 o'clock a.m. and was called to order by Hon. Fred R. Harris, a Senator from the State of Oklahoma.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Our Father God, from the clash and clamor of the world without and from the tumult of our times, we quiet our spirits and open our hearts to Thy presence. Help us to be still and know that Thou art God—and to hear again Thy still small voice. Forgive our failures and our sins. Be to us the Silent Sentinel, monitoring our thoughts, illuminating our pathway, guiding us through this day.

Endow Thy servants here with light and wisdom from beyond themselves that in the stewardship of their high office they may serve the Nation's welfare and advance Thy kingdom.

In these dangerous and turbulent times help us, O Lord, to cherish all that is holiest in heritage, to welcome all that is healthiest in change, and to be unafraid of the future. Help us to live by the higher truth that "whosoever shall lose his life for My sake shall find it again."

In Thy holy name we pray. Amen.

## DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate.

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, D.C., May 20, 1970.*

*To the Senate:*

Being temporarily absent from the Senate, I appoint Hon. FRED R. HARRIS, a Senator from the State of Oklahoma, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
*President pro tempore.*

Mr. HARRIS thereupon took the chair as Acting President pro tempore.

## ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I ask unanimous consent to insert a statement of mine at this point in the RECORD, pertaining to the Public Broadcasting Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## PUBLIC BROADCASTING ACT

Mr. SCOTT. Mr. President, I welcome the Senate's action in passing S. 3558, legislation which I was pleased to cosponsor to extend the Public Broadcasting Act for another 3 years.

As approved, this bill would authorize Federal assistance for educational broadcasting in amounts up to $9 million for the remainder of this fiscal year, and $20 million each for fiscal years 1971 through 1973. In addition, this bill provides a unique incentive feature that will enable the Federal Government to further Federal assistance to the Public Broadcasting Corporation by matching on a dollar-per-dollar basis private grants, donations, and contributions received by the Corporation.

As the ranking Republican member of the Senate Commerce Committee's Communications Subcommittee, I followed with close interest our hearings earlier this year on S. 3558. I was impressed especially with the progress in educational broadcasting that already has been made in the little more than 12 months during which the Public Broadcasting Corporation has been in actual operation. With funds of less than $10 million—from both private and Federal sources—the Corporation has made program grants, without restricting content, to almost all public television stations and more than 75 public radio stations. The Corporation has also been successful in negotiating a temporary tariff with the American Telephone & Telegraph Co. that has made possible a network that today ties together 185 public television stations.

Several developments in my own Commonwealth of Pennsylvania are worth noting. One of the most successful programs to come out of public broadcasting, a show called simply "The Show," is designed especially for the teenage audience which most commercial broadcasters find hardest to reach. This program is produced each week using the editorial facilities and supervision of educational channel 33, WITF–TV, in Hershey, Pa.

In the area of children's programs, Pennsylvania has recorded a similar success. "Misteroger's Neighborhood," produced at Pittsburgh's educational channel 13, WQED–TV, has become a nationally known favorite because its star, Fred Rogers, refuses to talk down to his small viewers in discussing realistically problems of special concern to the young.

Equally popular in my Commonwealth is "Sesame Street," a daily series which uses all the techniques of modern television to entertain preschool children while teaching them letters, numbers, and basic concepts. "Sesame Street" has been called the beginning of a new era in television as a teaching tool, and its effectiveness has drawn the admiration and support of educators prominent in both National and State circles. Hopefully, it will be possible for the Public Broadcasting Corporation to build on the concepts and success of "Sesame Street" to provide equally effective programs for other age groups as well.

Last summer, grants from the Public Broadcasting Corporation made it possible for national audiences to see and hear each Sunday the best music and folk festivals from every part of the country. Surveys indicated that the greatest percentage of the national audience had not seen these excellent performances before. This series was called "Sound of Summer," and featured all kinds of American music, represented by artists ranging from Erich Leinsdorf and the Boston Symphony to Arlo Guthrie. Corporation grants have also brought into American homes, for the first time, series such as "The Forsyth Saga," 26 widely acclaimed plays based on the novels of John Galsworthy.

Earlier this year, it appeared that Pennsylvania's public television network might have to go off the air because of a lack of State funds. Aroused Pennsylvanians delivered more than 20,000 petitions to the State capitol in Harrisburg, and State legislation granting needed funds was passed. Much of the credit for this effort, I might add, goes to Mrs. Mary Lou Murray, a housewife in Mechanicsburg, Pa., who almost singlehandedly organized more than 200 women working statewide under seven regional chairmen.

Mr. President, the action by the Senate in passing S. 3558 represents a logical extension of the support for public broadcasting which already has been forthcoming from the Federal Government, States, and from private sources, including a number of private foundations. We have already seen what public radio and television broadcasting can do. This is the kind of innovation to which the President referred in his message on education. It must be further explored if we are to allow the use of this magic medium of mass communication to enlighten and inspire as well as to entertain. It is my sincere hope, Mr. President, that the House of Representatives will now make this possible by moving quickly on the bill which we in the Senate have passed.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, May 19, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS, WITH STATEMENTS THEREIN LIMITED TO 3 MINUTES

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Ohio (Mr. YOUNG), there be a morning hour for the transaction of routine morning business, with a time limitation of 3 minutes in relation thereto.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio (Mr. YOUNG) is now recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Ohio yield to me briefly, without losing his right to the floor or any of his time, in order that I may make a few unanimous-consent requests and a few remarks?

Mr. YOUNG of Ohio. I am happy to yield to the Senator from Montana 10 minutes or more, whatever he may need.

Mr. MANSFIELD. I thank the Senator

The ACTING PRESIDENT pro tempore. The Senator from Ohio has yielded to the Senator from Montana, with no time to be taken away from the Senator from Ohio.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider nominations on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The ACTING PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated.

## SECURITIES AND EXCHANGE COMMISSION

The assistant legislative clerk read the nomination of Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1975.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. HARRIS subsequently said: Mr. President, earlier today the Senate confirmed the nomination of Hugh F. Owens for reappointment as a member of the Securities and Exchange Commission.

Hugh F. Owens is an outstanding Oklahoman who has distinguished himself in government service.

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While I was a member of the Oklahoma State Senate, we recodified and updated State laws regulating securities in 1959, creating a new Oklahoma Securities Commission. Mr. Owens, a prominent Oklahoma City attorney, was appointed first administrator of the new commission and attracted national recognition for his leadership in organizing and supervising this agency.

In 1964, he was appointed to the Securities and Exchange Commission, and his dedicated and effective work earned him reappointment a year later to a full 5-year term.

Mr. Owens is an expert in this field. He is a man of unquestioned integrity and of tremendous ability, and is certainly deserving of another term.

## U.S. TAX COURT

The assistant legislative clerk proceeded to read sundry nominations in the U.S. Tax Court.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## AMENDMENT OF THE WAR CLAIMS ACT

Mr. MANSFIELD. Mr. President, without impinging upon the Pastore rule of germaneness, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 880, H.R. 4204.

The ACTING PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 4204, to amend section 6 of the War Claims Act of 1948, to include prisoners of war captured during the Vietnam conflict.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with amendments: on page 2, line 23, after the word "of", strike out "$1" and insert "$2"; on page 3, line 21, after the word "of", strike out "$1.50" and insert "$3"; and on page 4, line 4, after the word "of", strike out "$1.50" and insert "$3".

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered and agreed to en bloc.

The bill is open to further amendment.

Mr. MANSFIELD. Mr. President, before the pending bill is passed, I should like to give expression to my deep concern about the plight of our prisoners of war in North Vietnam, Laos and, perhaps, in Cambodia now.

It is my understanding that there are something on the order of 1,500 U.S. prisoners of war. It is my further understanding that North Vietnam has adhered to the so-called Geneva conventions. It would, therefore be my hope that they would live up to their pledged word and they would allow messages and parcels to reach the prisoners.

Mr. President, it would also be my hope that we would continue, in both the Senate and the House, and in the administration, as well as in our private capacities, such as H. Ross Perot, of Texas, is doing, to bring about the release of our prisoners and their safe return to their loved ones.

First and foremost, I should like to find out which ones are alive and under what conditions they are being incarcerated.

Mr. SCOTT. Mr. President, will the distinguished majority leader yield at that point?

Mr. MANSFIELD. I am delighted to yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I join in the comments of the distinguished majority leader. I should like the families of our prisoners of war to know that the concern of Members of the Senate is very great and very deep for them. We are all anxious to have them return safely to America and to their loved ones. That anxiety continues undiminished.

We are very much interested in securing the lists of prisoners. The governments of other nations have urgently been solicited to keep pressing North Vietnam for this information.

Some very fine work with respect to our prisoners of war has been done over a considerable period of time by the distinguished Senator from Kansas (Mr. DOLE).

Mr. President, let me add that, today, so far as I am aware, there are no U.S. prisoners of war in Cambodia. If I learn of any, I shall be glad to make that information immediately available.

Mr. MANSFIELD. I appreciate what the distinguished minority leader has said.

I am happy that the distinguished Senator from Kansas (Mr. DOLE) is now in the Chamber. He has been a leader in the fight to bring about the relief, alleviation, and release of U.S. prisoners of war held in Indochina.

Mr. DOLE. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. DOLE. Mr. President, I applaud the statements just made by the Senator from Montana and the Senator from Pennsylvania.

There are, as the Senator from Montana pointed out, some 1,529 Americans who are missing in action or prisoners of war in Southeast Asia.

On May 1 of this year, Constitution Hall was filled with mothers, wives, fathers, children, relatives, and friends of prisoners of war and men missing in action in Southeast Asia. An effective tribute was paid to these dedicated Americans. Thus, I wish to join in the statements made by the distinguished majority and minority leaders and to express the hope that the enemy, the North Vietnamese and the Vietcong, will live up to the Geneva accords and will furnish information, will repatriate the wounded, and will permit the prisoners to communicate with their families.

Mr. President, as of now, of the 1,529 Americans who are prisoners of war or missing in action, only about 440 are known to be prisoners.

I thank the distinguished Senator from Montana for yielding.

Mr. MANSFIELD. I thank the Senator from Kansas for his remarks and for his continued and undeviating efforts in regard to this most significant and important question.

The ACTING PRESIDENT pro tempore. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–878), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PRINCIPAL PURPOSE OF THE BILL

The bill would authorize payments under the War Claims Act of 1948 to members of the Armed Forces captured and held prisoner by the forces of North Vietnam, and to persons captured by North Korea while assigned to duty on board the U.S.S. *Pueblo*, for the period of their captivity at the same rates and under the same conditions as applied with respect to the members of Armed Forces held prisoner during the Korean conflict. In general, benefits are paid at the rate of $2.50 for each day of captivity. In addition, the bill provides for payments to civilian American citizens held by the forces of North Vietnam at the rate of $60 per month, in the same manner as was provided for civilians interned by the forces of North Korea.

### HEARINGS; AGENCY REPORTS: COST

Hearings were held on this legislation on March 5, 1969. Testimony in support of the bill was received from the Foreign Claims Settlement Commission and the American Legion. No testimony adverse to the bill was received.

In their reports on the bill, the Foreign Claims Settlement Commission recommended enactment of H.R. 4204 with amendments, and the report of the Department of Defense recommended similar amendments, but also suggested that consideration of the bill be deferred. The report of the Depart-

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ment of Justice defers to the views of the Commission.

Subsequently, the Bureau of the Budget submitted a report stating that, subject to the committee's consideration of the points raised in the reports of the Commission and the Department of Defense, the Bureau of the Budget would not object to enactment of the bill.

The committee has considered the recommendations of the Commission, and has amended the bill appropriately; and has also considered the recommendation of the Department of Defense that enactment be deferred. The committee feels it is appropriate for this legislation to be enacted at this time.

The United States has received considerable information through escaped prisoners and through prisoners released by the North Vietnamese forces, concerning the treatment of persons held prisoner by the North Vietnamese. Although North Vietnam has subscribed to the Geneva Convention of 1949, the consistent showing by escaped and released former prisoners has been one of inhumane treatment and treatment of prisoners in flagrant violation of the Geneva Convention. Under the circumstances, the committee sees no justification for delay in payment of the token sums prescribed in this legislation to those prisoners who have been released. With respect to members of the crew of the *Pueblo*, it is also clear that the forces of North Korea followed a similar pattern of mistreatment of those members of the Armed Forces.

It is impossible to determine the exact cost of the legislation at this time; however, based upon experience with the similar program established for members of the Armed Forces held prisoner in Korea, it appears likely that the cost of the bill will not exceed $500,000. The costs of the bill are discussed in more detail hereafter in this report.

### BACKGROUND

At the conclusion of World War II, the Congress provided through the War Claims Act of 1948 for payment out of the proceeds of vested German and Japanese assets in the United States of a number of categories of war claims. A major category of claims provided for under this legislation was claims of members of the Armed Forces in the amount of $1 per day for each day on which the member was furnished an inadequate quantity or quality of food during the period of his imprisonment. Subsequent amendments in 1952 provided for payment of an additional $1.50 per day to members for each day with respect to which they established that they were required to engage in forced labor or received inhumane treatment, defined generally as treatment in violation of specified articles of the Geneva Convention of 1929 relating to treatment of prisoners of war. Payments under these two programs to 179,578 World War II prisoners of war totaled $123,397,604.

In 1954 the Congress amended the War Claims Act of 1948 to provide for the establishment of a similar program providing compensation to members of the Armed Forces held as prisoners of war by the forces of North Korea. The amounts and conditions for payment were the same as had been provided earlier for persons held prisoner during World War II, except that payments were to be made out of appropriated funds, since there were virtually no assets of North Korea in the United States available for this purpose. In addition, the 1954 amendments provided that no payment would be made to any individual who "voluntarily, knowingly, and without duress, gave aid to, collaborated with, or in any manner served" the forces of North Korea during his imprisonment. Payments were made under this program to 9,460 prisoners, or their survivors, totaling $8,886,743.

With respect to civilian internees, the World War II claims legislation provided for the continuation of the pay and allowances of contractors' employees during the period of their captivity, authorized medical care for these employees for physical disabilities incurred as a result of their captivity and provided for payment of detention benefits in addition at the rate of $60 per month for adults and $25 a month for children for the period of their captivity. 11,652 internees were paid a total of $18,092,461 in detention benefits under this program.

Subsequent amendment to the Missing Persons Act and the War Hazards Act authorized continuation of pay, and provided other benefits, for employees of the United States, and for employees of contractors with the United States captured after World War II in zones of military hazard. Therefore, the 1954 amendments to the War Claims Act provided only for payment of detention benefits to civilians who were captured in Korea of whom seven received payments under the 1954 act totaling $16,774.

### PROVISIONS OF THE BILL

The reported bill would provide for payment to members of the Armed Forces held prisoner by the forces of North Vietnam at the rate of $1 per day for each day on which the member received an inadequate quantity or quality of food during his captivity and $1.50 per day for each day on which he was required to perform forced labor, or was subjected to inhumane treatment (defined generally as treatment in violation of the Geneva Convention of August 12, 1949, to which North Vietnam is a signatory). The bill also provides for payment to all civilian American citizens who are held captive by the North Vietnam forces at the rate of $60 per month, which is in addition to any payments they may receive under the Missing Persons, Defense Base, or War Hazards Acts.

The committee recognizes that the amounts provided by the bill for members of the Armed Forces and for civilian American citizens held captive are inadequate compensation for the hardships they have suffered; however, since in general no monetary payment can actually be adequate compensation, the committee feels that the payments provided in the bill serve as a symbolic gesture on the part of the United States expressing recognition of the hardships suffered by the beneficiaries in keeping with the procedure established under the World War II and Korean conflict claims program.

In addition, the bill provides for payment, at the same rates and under the same conditions as applied under the Korean conflict claims program, to all persons captured while serving on board the U.S.S. *Pueblo*. The committee feels that the circumstances under which these individuals were captured and held are essentially the same as apply to members of the Armed Forces captured and held by the forces of North Vietnam, and by the forces of North Korea during the Korean conflict, so as to justify treatment of these persons in the same fashion as applies to persons captured while serving in other zones of hostilities.

### PROCEDURES OF THE COMMISSION

The 1954 Korean conflict claims legislation dealt with the deeply troublesome problem of collaboration by some members of the Armed Forces with their captors during the periods of their captivity in Korea. As a result, the 1954 legislation provided that no payments would be made to members of the Armed Forces, or civilians, who "voluntarily, knowingly, and without duress, gave aid to, collaborated with, or in any manner served" the interests of North Korea during their captivity. The reported bill applies the same test with respect to members of the Armed Forces and civilians held prisoner by the forces of North Vietnam and to persons serving on board the U.S.S. *Pueblo*.

The test obviously excludes persons who voluntarily defect to the enemy, but does not exclude persons who surrender when faced with overwhelming odds. In addition, the legislation recognizes that through torture, whether physical or mental, and through deprivation of food, the will to resist of many, if not most, men can be broken. Therefore, the legislation provides that, in order for benefits to be denied, the aid, collaboration, or service of the interests of the captors of the individual must have been performed by the affected person voluntarily, knowingly, and without duress.

A procedural problem arose during the consideration of the Korean claims program which made the work of the Foreign Claims Settlement Commission particularly difficult. The Commission was required to grant a hearing to each person who requested such a hearing upon denial of benefits. The Commission was furnished a substantial amount of information by the Department of Defense bearing upon the question of collaboration of individual members of the Armed Forces while held prisoner. Although this information in the hands of the Department of Defense was well known to the forces of North Korea, and presumably the remainder of the Communist world and, if accurate, was also well known to the individual claimants, the information was generally classified as "Top Secret." The Commission was therefore placed in the dilemma of having to deny benefits to individuals on the basis of top-secret information which could not then be disclosed to the individual about whom the information related, except in general summary form which of necessity was so vague as to make it virtually impossible for the person charged with collaboration to rebut precise charges made against him.

During the hearings, this procedural problem was discussed with the Chairman of the Foreign Claims Settlement Commission. The committee expects that in the adjudication of individual cases arising under this legislation where benefits are proposed to be denied to an individual on the basis of information that he gave aid to, collaborated with, or served the interests of North Vietnam or North Korea, as the case may be, the Commission's procedures will provide that the individual will be furnished a precise statement of facts indicating such activity. If the information is classified, and therefore cannot be disclosed to the claimant or his counsel, the committee expects that the Commission will seek to obtain declassification of this information. Where the information is already known by the North Vietnamese or North Koreans, as the case may be, and is also presumably known by the claimant, it would seem rather useless to the committee to retain a security classification on such information. If the Commission is unable to obtain declassification of such information, the committee expects that this information will be disregarded by the Commission in its adjudication of the individual case, and the Commission's decision will be based entirely on the record made at the hearing.

Mr. **HARRIS** subsequently said: Mr. President, I am happy that the Senate today has passed H.R. 4204, a bill which amends the War Claims Act to provide compensation for members of the Armed Forces captured and held prisoner by the forces of North Vietnam and to persons captured by North Korea while assigned to duty aboard the U.S.S. *Pueblo*.

Mr. President, after World War II it seemed appropriate to compensate members of the Armed Forces or civilians who had been held prisoner because of hardships and indignities they suffered at the hands of the enemy. Again, during the Korean conflict we recognized our responsibility to provide some compensation to prisoners of war for the hardships and indignities which they suffered during those years. The bill which the Senate has passed today extends this policy and provides that prisoners of war in Vietnam and the crew of the *Pueblo* which was, as you know, captured by North Korea, be compensated at the rate of $5 per day for each day they were interned. The House version of this bill provided that the prisoners of war be compensated at the rate of $2.50 per day; however, I feel that the Senate bill is much more realistic, and I am hopeful that the House will accept the Senate's amendment thereto.

Further, Mr. President, the legislation provides that civilians who are captured and held prisoners by North Vietnam shall be compensated at the rate of $60 per month for each month they spend in prison. This is once again the same as the amount paid during the Korean conflict.

We, of course, all realize that these small amounts authorized in this legislation for compensation to these prisoners of war are grossly inadequate; however, it is hoped that they will help in some small way to offset the hardship which these individuals are suffering at the hands of the North Vietnamese. I certainly applaud the Senate's action in adopting this legislation and I congratulate the committee for its farsightedness in increasing the amounts of that provided by the House of Representatives.

Mr. President, once again I join with other Senators and all right-thinking people everywhere in calling upon North Vietnam to release the names of all those it holds as prisoners, to accept mail and medical and other supplies for them, to provide humane treatment and to agree to a prisoner exchange. I hope that the President and all concerned will continue to do all in their power to bring this about and to continue to mount the full pressure of world opinion on Hanoi so to act.

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## FORUM ON ENVIRONMENTAL QUALITY

Mr. MANSFIELD. Mr. President, the people of Montana are especially sensitive and concerned about the environmental issues which are receiving so much attention today. This is due in large part to our vast natural resources which we have come to accept and are determined to protect.

We also have several isolated and very serious environmental problems centered around air and water pollution. The people of Montana are not only concerned but they are active in the conservation and environmental quality movement. Several of the Nation's conservation groups are headed by Montanans. Late in April, one of our young leaders returned to the University of Montana to deliver an address on the environment.

James M. Smith, now Director of Conservation Services, is a graduate of Montana school systems and the University of Montana. He has been in the Washington area for a number of years. At one time Jim Smith was a member of Senator Metcalf's staff and then went to the Department of the Interior and was associated with the Nation's beautification program before joining the staff of Conservation Services. Jim Smith delivered an excellent address at this Missoula, Mont., meeting and I ask unanimous consent to have it printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

### FORUM ON ENVIRONMENTAL QUALITY PROGRESS AND PROSPECTS

(By James N. Smith, Director of Conservation Services, the Conservation Foundation)

(Note.—The views expressed herein are the author's, and do not necessarily reflect the position of the Conservation Foundation.)

I have been asked to address my remarks this morning to the central theme of your meeting—the progress and the prospects of environmental quality in Montana.

As a native son, but one who has long since expatriated, this is both an inticing and intimidating assignment. Enticing, because it is always a great temptation to come back home and tell everyone what their problems are. And there are a lot of things I would like to say to you about the quality of Montana's natural environment and some of the disappointing things that seem to have happened.

But none of this would come as news to you. You know your problems far better than I, and you would be right in reminding me that even though I grew up in Montana and graduated from this University, I have not lived here for a very long time and am, in a very real sense, an outsider.

This does not mean that I care less for the state or that I do not have my own ideas as to what the state should be. But what I would like Montana to be and what a great many other interested outsiders might expect of it, may not bear much relevance to those of you who make your homes here and your living.

If I had my way, I think I should like to return to Montana and find it much as it was some 20 to 25 years ago when I was growing up here. I would like to find much of the National Forest still primitive—unpenetrated by roads and unscarred by cutting. I would like to find again some of the colorful quaintnesses that I remember—Indians in braids and blankets, and teepees on the reservation.

Not living here, I take no particular pleasure in knowing that the state now has its share of Interstate juggernauts ripping through the terrain. Nor am I enamoured with the prospects of new mineral discoveries in the Lincoln Country or the potential for exploiting the lignite resources of eastern Montana—or even the idea of a multimillion dollar resort development in the Galletin. These changes and prospects for change offend my romantic sense of the state.

This is all very fine, of course, providing you don't happen to live here anymore and depend on the area and its economy for your livelihood—or if you don't happen to be an Indian and live in one of those teepees—or if you are lucky enough to be among that growing group of affluent Americans who have the means and mobility to seek their emotional and spiritual sustenance in the "wilds" of Montana and then return to the urban environment to restore their financial and professional assets. This is selfish and unrealistic.

Montana is not a static condition. It cannot stand still either to indulge the sentimentality of youthful remembrances or the dreams of pristine retreats from the pressures of urban living for those who can afford to "get away from it all." It has to be, first, a viable and respectable environment for those who live here and this, of course, implies a progressive economy and a decent standard of living.

But there are many, myself among them, who begrudge every cultural and economic change which makes an in-road into the kind of environment, either real or fancied, that we would like for Montana.

Ours, however, is not the only misconception of what Montana should be. Even more damaging is that peculiar syndrome which might be characterized as the "frontier ethic." It believes, essentially, that Montana is still on the vanguard of the frontier and that it is every man's inalienable right to plague, plunder and pollute, so long as a few bucks are gained in the process. It is the kind of intellect which believes that nature's resources are a conquest to be exploited in the most expedient and profitable way, and damn the environmental consequences—whatever that might be. There are always plenty more resources just over the mountain.

The harsh fact, of course, is that we are running out of mountains. By and large, the American public is waking up to this reality. This realization is what the new environmental awareness or new conservation movement is all about. People see the limits of their resources and the consequences of their profligacies of the past, and are ready to come to terms with the environment in which they must live and treat it with some sympathy and respect.

But not the latter-day frontiersman. He is still Daniel Boone in the wilderness—out to stalk the resources of the land and exploit them for whatever they are worth. Ironically, he shows up most often in some very unfrontiersman-like places—the local chamber of commerce, the board rooms of business and industry, and even in the state legislature. His ethic is expressed in such shibboleths as: The conservationists are taking away our jobs; Planning and land-use controls are a socialist conspiracy; What's good for Montana industry is good for the state; and so on, ad nauseam.

This is nonsense, of course, but the "frontier ethic" has been a persuasive influence on the state and continues to take its toll. It is the exact antithesis of those who would keep Montana unchanged, and herein is the cause of what may be a growing impasse between two dominant influences in the state.

Montana cannot afford a polarization between those who would keep it exactly like it is and those who would desecrate the entire state for a few new jobs and some short-run financial returns.

Regardless of the influence from either group, the state will grow and it will develop. There are already signs of its impending change in the indication of potential new mineral and coal exploitation, and the prospects of a major new recreational industry.

Missoula will certainly never be a Chicago or probably even a Denver, but I doubt if many people here want it to be. It will grow, though, in spite of itself, and the challenge to the citizens and the government of Montana, and especially to you here today, is to make sure that the growth that does come to the state is planned and developed in a way that protects the natural qualities of the environment.

This is no small challenge, but it is essential to the future of this state and the well-being of those who live here. The thing to remember is that development can take place which does not lay waste to the land and pollute the atmosphere. There are control devices that can be built into the physical plant to collect and reduce the wastes before they are released into the air or the water. There are methods for harvesting and reforesting the timber resources of the state

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which would protect the forest resource and assure a continued sustained timber industry to the future economy of the state. There are ways to plan and design for the location and construction of new homes, plants, roads and other public facilities to avoid their having a destructive influence on the environment.

Unfortunately, things have not been accomplished in this way in the past in Montana or, for that matter, in most places in the United States. Much of what has been constructed and developed in the state in the last couple of decades seems to have been done with a view to the maximum exploitation of the resources and the minimum regard for the environmental effects. I don't want to go into a long litany of abuses, but there are a few outstanding examples that I can't resist.

The shocking condition of the air quality here in Missoula is one. During certain atmospheric conditions, pollution can reach levels here that even Chicago and New York City seldom achieve. Suspended particulates in the air over Missoula average almost 162 micrograms per cubic meter. The National Air Pollution Control Administration has suggested that levels in excess of 85 micrograms per cubic meter are injurious to human health and welfare, and the state's own requirement is 75.

But Missoula has had this problem for a long time and, although no one likes it, very little seems to be done about it. Given its adverse health effects, if the local Chamber of Commerce wanted to perform a real service, it might erect signs at the airport, reading, "Welcome to Missoula! While you visit us, for your own health and safety, please wear a gas mask at all times."

A particularly enterprising scientist here at the University has detected fluoride emissions from the Anaconda Company's aluminum refining plant at Columbia Falls by associating it with the effects of plant and tree damage surrounding the refinery, and reaching even into parts of Glacier National Park. This appears to be a classic example of a project that was developed to stimulate one element of the Montana economy, and may very well end up by diminishing one of the state's proudest and most valued resources Glacier National Park.

The exploitation of the timber resources in western Montana left its mark on the land—great swatches of forest stripped bare, giving a strange and unpleasant pie-bald effect to the mountain scenery. I have seen something of the debate that is raging here over the efficacy of open-cutting and forestry management, and I don't want to enter into it. I am no forester. But one doesn't have to be an expert in silviculture to observe that a great deal more energy and resources go into the cutting of timber than go into the managing and reforesting of the resource. Or, to put it quite simply, the Forest Service and the lumber industry would rather cut than plant.

Montana has some new Interstate highways. It also has a Stream Preservation Law which has been on the books since back in 1963. Its intent is to protect the state's streams and rivers from encroachment and damage to the fish and wildlife habitat by highway construction. It is an exemplary piece of legislation. Other states, as well as the Federal government, have looked to it as a guide and a model. If the section of Interstate between here and Garrison is any example, however, there is good reason to believe that it's a model law—and nothing more. In my experience, I have hardly seen a worse example of how a highway can alter, damage and, in some areas, obliterate a stream bed. Clearly, something went wrong in the implementation of the Act.

If the progress has been faltering, what are the prospects for environmental quality in the state in the years ahead. This, of course, is hard to determine. It will depend so much on the will and wisdom of the citizens of Montana. It will depend on what values they place on their resources and how cheaply they give them up. It will depend on the leadership of the state and whether that leadership will work toward the kind of protective controls that are needed if the state is going to achieve a balance between growth and environmental quality.

It will depend, too, on groups such as the Montana Conservation Council, and the kind of pressure and influence it is able to exert on the decision-making processes within the state.

I don't know what the prognosis will be, but if I had to guess, I would say that things don't look too bad.

There are a couple of reasons for guarded optimism. One of these is the Montana press, or at least parts of it. I am amazed and delighted to see the kind of critical and probing news coverage and editorial policy that is appearing on the Montana journalism scene. For one who grew up here under a tradition of company-controlled news on a statewide basis, this is indeed a refreshing and promising development. The public and their elected officials can only make intelligent judgments on issues when they are well informed. The focus which several of the dailies have given to the state's environmental issues and the critical judgments that they display can only serve to illuminate the issues and inform the public on the environmental impacts of private and public decisions.

Another is a state administration which does not seem to regard the concept of planning as anathema, and is willing to approach the issues of growth and development with a cautious regard for environmental considerations.

Youth is another encouraging sign. The new involvement of young people (especially college students) in the environmental issue here, as elsewhere in the United States, can only be a positive influence on the environment. The Conservation Foundation has been one of the original incorporators of the Environmental Teach-In, which has culminated in Earth Day activities at thousands of campuses all over the U.S. We helped to set up the national office and get the program going. From this experience, I can personally testify that this phenomenon of youth involvement promises to be one of the healthiest things to happen to the environmental movement since Teddy Roosevelt.

I am most encouraged, though, by the demonstration that Montana citizens do really value their environment and want to protect and preserve its quality. The caution and skepticism with which the announcement of potential mineral development in Lincoln County seem to have been received are a healthy indicator of an informed and interested citizenry. Twenty years ago, this news would have been greeted with about the same forethought and restraint as the California Gold Rush!

I suppose what I am suggesting is that *maybe* there are some good indications on the horizon that the "frontier ethic" has seen its last days: That Montana is in a process of social and cultural maturing which rejects the old saw that new is better, that bigger is best, that more is good; That perceives, like John Kenneth Galbraith, that ". . . The penultimate Western man, stalled in the ultimate traffic jam and slowly succumbing to carbon monoxide, will not be cheered to hear from the last survivor that the gross national product went up by a record amount."

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## ECONOMIC ASPECTS OF THE WAR IN VIETNAM

**Mr. MANSFIELD.** Mr. President, two of the Nation's outstanding businessmen have had comments of great significance to make relative to business and the impact of the war in Southeast Asia.

One of them happens to be Louis B. Lundborg, chairman of the board of the Bank of America, in testimony before the Committee on Foreign Relations, on April 15, 1970.

Incidentally, Mr. Lundborg is an Montanan and we are very proud of his exceptional achievements in commerce.

The speech of the other businessman, entitled "The Impact on the American Economy of the Vietnamization Program," delivered before the business council meeting at Hot Springs, Va., on May 8, 1970, is by John T. Connor, chairman of the board of Allied Chemical Corp., and former Secretary of Commerce under the previous administration.

He is a former marine with an outstanding combat record.

In their speeches, Mr. Lundborg and Mr. Connor display a wide range of knowledge and comprehension of the war in Vietnam and its implications for the Nation. They speak as distinguished businessmen. They also speak with the great breadth and the profound concern of thoughtful Americans who can place their immediate pursuits in the perspective of the Nation's well-being.

Mr. President, I ask unanimous consent that the views of these two outstanding businessmen, one from the east coast and one from the west coast, be printed in the RECORD.

There being no objection, the testimony and remarks were ordered to be printed in the RECORD, as follows:

### TESTIMONY BY LOUIS B. LUNDBORG

My name is Louis B. Lundborg. I am Chairman of the Board of BankAmerica Corporation and of the Bank of America N. T. & S. A. I am pleased to respond to your request that I testify here today.

My testimony this morning will be on some of the economic aspects of the war in Vietnam. In preparing this testimony I have had the benefit of the best thinking of the staff of the bank's Economics Department, as well as that of many other officers of our bank on the economic impact of the war.

In this testimony I will confine my remarks to the economic impact of the war. While I have strongly held personal feelings on other aspects of the war, I do not feel it is appropriate or proper to express these views as Chairman of the Board of Bank of America.

The thrust of my testimony will be that the war in Vietnam distorts the American economy. The war is a major contributor to inflation—our most crucial domestic economic problem. It draws off resources that could be put to work towards solving imperative problems facing this nation at home. And despite the protestations of the new left to the contrary, the fact is that an end to the war would be good, not bad, for American business.

There is, I think a pernicious, but widely-held belief that war generally has been an agent for economic growth, and therefore good for business. My plan this morning is to spend a few minutes discussing that belief and then to move on to the specifics of Vietnam where it is possible to speak, not only in general terms, but to back up our conclusions with specific economic statistics and indicators.

First, therefore, let's look at the general proposition that war has been an engine for rapid economic growth. While it is difficult, if not impossible, to prove conclusively that on balance war has not been an agent for rapid economic growth, there are a number of carefully reasoned investigations into this subject supporting the position that peace is far better for economic development. Although these careful analyses tend to reject the assumption that war is a boon to the economy, the public is generally unaware of this and continues to believe that war contributes positively to economic development. It is time to set this record straight. Mr. John U. Nef's book, *War and Human Progress,* systematically examines the interrelations of war and economic growth from 1494 down to 1950. His analysis indicates that the industrial revolutions of both the Elizabethan and Napoleonic periods were developed not in warring Europe, but in peaceful England; that the invention of gun powder and of many other weapons of war was a by-product, not of military need but of peaceful industry, and that, certainly, pure and possibly even applied science has flourished most in peace and least in war.

Dr. John J. Clark, Dean of the College of Business Administration at St. John's University in New York, in his book, *The New Economics of National Defense,* reviews the impact of war on economic development.

In summary, he states, "The preponderance of evidence supports the judgment that war, on balance, does not correlate positively with economic progress. Settlement by arms not only causes a great net waste of resources: it also retards industrial development and the division of labor."

Other authorities have shown (1) that rising expenditures for research and development may actually be reducing the rate of economic growth in the United States, and (2) that the process of transferring scientific and technological advances in space and military R and D is becoming increasingly difficult. To the extent that it can be shown that war in general is not good for economic progress, then it should be equally obvious that war is not good for business.

I could go on citing other expert testimony that war in general is not an engine of economic progress—but let me move on to the real issue—the war in Vietnam.

As you probably know, Mr. A. W. Clausen, the President of the Bank of America, specifically rejected the charge that we as an institution support and profit from the war in Vietnam. He further stated, "this bank has consistently pointed out that an end to the war in Vietnam would be good, not bad, for American business." I would like to elaborate on this point.

There have been reckless and often deliberately malicious charges that the U.S. business community has supported the Vietnam war in an effort to reap huge profits. Let's look at the record. In a very narrow sense, it is certainly true that individual firms which supply material and services to the military have made profits. In our market economy, the federal government purchases most of the goods and services it requires from private firms, and those firms must be profitable in order to survive. This is true whether the firm is contracted to build a highway, produce a postal delivery truck, construct a school, improve a slum or produce a military aircraft. But as Mr. Hudson B. Drake pointed out in the January-February 1970 *Harvard Business Review,* the Government has established elaborate procedures to assure that profits on government contracts are not excessive, and in general these procedures have been effective.

I recognize that it is statistically impossible with the data available to calculate what portion of various firms' profits are generated by demands for goods and services needed to prosecute the Vietnam War. In an effort to get some rough approximation of the profitability of corporations doing substantial business with the Government, I did some checking on the corporations receiving the largest amounts of funds from Government contracts. Actually, I took the list from a publication of a "peace group" who proclaimed these firms to be war profiteers. The top ten firms for which we had data had a pattern of profits after taxes per dollar of sales quite similar to the national average. This means that the firms did better in the 1962–1965 period than in the post-escalation years. It is also interesting to note that except for 1962 the average profits after taxes per dollar of sales for the ten firms was below the comparable national average for all manufacturing industries or durable goods industries. When I checked the twenty-five largest firms their profit after taxes per dollar of sales figure was also below the national average.

I realize, as I said before, that these figures are inadequate to prove any case conclusively. They do, however, cast serious doubt on the extravagant claims we have heard about war profiteering.

We do have more than adequate data to demonstrate that the escalation of the war in Vietnam has seriously distorted the American economy, has inflamed inflationary pressures, has drained resources that are desperately needed to overcome serious domestic problems confronting our country, and has dampened the rate of growth in profits on both a *before* and *after* tax basis. In the middle of 1964 when the Vietnam escalation began, the economy was in quite good shape. We had at that time an uninterrupted economic advance of 52 months—a peacetime record—unemployment averaged 4½ percent, the consumer price index had increased only 1.2 percent during the first 6 months of 1965, and the average operating rate of industrial capacity was at 90 percent. There had been considerable success in maintaining Federal expenditures for goods and services below 11 percent of GNP from 1960 through mid-1965. In fact, the Government had even been able to change the composition of its spending by deliberately shifting emphasis from defense to non-defense spending.

The expenditures related to the Vietnam war, added to the near full employment economy that existed in mid-1965, generated severe inflationary pressures. Consumer prices began increasing rapidly as the federal deficit grew. While there is room for a wide range of opinion covering proper tax policies during this period, especially over the timing and magnitude of tax increases, and the proper role of monetary policy, the basic cause of the inflationary forces was a sharp increase in federal spending associated with the escalation of the conflict in Vietnam.

The inflation, the growth in inflationary psychology, and the very stringent anti-inflationary monetary policies have combined to produce serious distortions in the United States financial markets and resulting distortion in the economy. These distortions include the sharp drop in residential construction and the sharp growth in investment spending.

The facts clearly show that the Vietnam war has not been good for business profits. During the four years prior to the escalation of the conflict in Vietnam, corporate profits after taxes rose 71.0 percent. From 1966 through 1969 corporate profits after taxes rose only 9.2 percent. To avoid any thought that the recent tax increase may have fudged the figures, I also have similar corporate profit figures on a before tax and inventory adjustment basis. These figures show corporate profits rose 51.3 percent from 1962 through 1965 but the gains in profits were dampened to a 16.6 percent increase during the post-escalation 1966–1969 period. It should be clear from these figures that what is good for the economy is good for business.

Most of the concern about the upward pressures on prices and costs originating in expenditures associated with the Vietnam war arise from recognition of the damaging effects of inflation on the domestic economy. This should not lead us to neglect the important impact on our position in international markets and the balance of payments. This is not to lay the blame for our balance of payments problems on the recent period of inflation or on the Vietnam war. Inflation and the war associated expenditures, however, have made the problem more intractable and solutions more difficult. These difficulties with our balance of payments have postponed indefinitely any relaxation of the restraints and controls under which international business has been forced to operate for the past several years in particular.

It is important, therefore, to comment briefly on what has happened to the U.S. balance of payments in the past few years, specifically with reference to the impact of the Vietnam war. Perhaps the first point that should be made is that the official measures of the balance of payments deficit have been misleading. The view, for example, that the balance of payments in 1968 was satisfactory because there was a surplus of $168 million and that the balance of payments in 1969 was very unsatisfactory because the deficit exceeded $7 billion is unacceptable. In fact, the greatest deterioration in the payments position in recent years occurred in 1968. The difference between the two years may be accounted for largely by massive flows of foreign funds in opposite directions which had very little to do with the basic balance of payments position.

The best measure of what happened to the long run position is the balance on current account, that is goods and services plus private remittances and payments of U.S. Government pensions. This balance declined from a surplus of $7.8 billion in 1964 to about $4 billion in 1967 and $1.4 billion in 1968 and less than $1 billion in 1969.

A good part of the progressive deterioration in this position over the years since 1964, the year before the major acceleration of the Vietnam war, may be accounted for by the large increase in foreign exchange outflows associated with military expenditures. These rose from less than $3 billion in 1964 to nearly $5 billion in 1969. This, however is not the only measure of the impact of the war and the subsequent inflation on the balance of payments. The more important impact and the one which is likely to have the most long lasting effects is on our competitive position in international and domestic markets, reflected in the rapid rise in the rate of importing of goods and services. In 1964 merchandise exports exceeded merchandise imports by nearly $7 billion. By 1968 this excess of exports over imports had declined to less than half a billion dollars. With moderation in the rate of inflation and inflation induced expenditures our trade balance may be expected to improve this year and in subsequent years.

It is too early to tell, however, what permanent damage to our international competitive position the recent period of inflation has induced. It generally takes several years, perhaps four or five, before the full effects of excessive increases in price and costs show up in the competitive position and the effects are not confined to world markets where our products compete with that of other nations, but also in the United States where foreign products compete directly with U.S. products.

So much for balance of payments considerations. Let me return to the domestic scene.

I do not think there is any doubt that the resources used towards the Vietnam war effort could have been put to work towards solving imperative problems facing this nation at home. In the five-year period prior to the Vietnam escalation, defense spending in the United States averaged $50 billion per year. If we assume that this level would have

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been maintained over the most recent five-year period in the absence of escalation, the increase in actual spending totaled $118 billion. During the past four years, total spending for residential construction in the United States totaled only $112 billion.

When we survey the very real needs in our economy in the areas of housing, urban transit, environmental pollution, etc. It is clearly evident that we do not need to create war-related demand for resources in order to maintain full employment. Our problem now is one of establishing meaningful priorities to meet the quality of life demands of our citizenry. We obviously cannot do everything at once, we need to start strategic planning and action now if we hope to resolve these demands.

There is another point that at first blush might not appear to be an economic issue. But it is in real fact a very basic one: The war has divided, confused and bewildered Americans. Some Americans are strongly in favor of the continued prosecution of the war. Others are strongly opposed. But for many, the war and the issues surrounding the war are a source of confusion and bewilderment. As a result of this confusion and bewilderment, many people are losing trust in the institutions, public and private, through which we govern ourselves and run our economy. Such loss of trust is destructive of the cohesion necessary for an economy's ability to function at maximum effectiveness. To the degree banks, industrial firms, corporations, state and local governments. Federal Government agencies and universities are under attack or suspicion for their alleged part in the war in Vietnam, they lose some of their effectiveness as institutions that can provide for the common good. In the case of Vietnam it is my belief that the sum total of such loss of effectiveness is very great indeed and, while unmeasureable by any known economic indicator, this loss of effectiveness produces a very real drag on the economy.

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Gentlemen, I deeply regret that the frustrations and misunderstandings arising from this conflict, make it necessary to testify that overall war is not a stimulant of economic development nor is the war in Vietnam good for U.S. business. I find it repugnant, even if necessary to have to add that I would not support our role in the war in Vietnam even if it could somehow be made profitable for American firms.

The thought that war would be initiated or sustained for a single day because it might stimulate the economy should be abhorrent to any decent human being. And yet there are those who say that American business is helping to do just that.

We do know that aggressive war has been waged, all through history, to gain territory. Certainly that was war for economic gain.

But even that kind of war, that purpose for war, has been so outmoded by the experience of this century that I would like to be able to say to potential aggressors all over the world, "If you want to profit, if you want to own the world, don't dissipate your energies in wasteful warfare—follow the example of Japan and Germany since World War II and be economically aggressive."

War is, as we would say in business, a low yield operation.

I think from all this it is obvious that Vietnam is a negative influence on our economy. Let me conclude by restating my initial premise. The war in Vietnam distorts the American economy. It is a major contributor to inflation—our most crucial domestic economic problem. It draws off resources that could be put to work towards solving imperative problems facing this nation at home. And despite the protestations of the new left to the contrary, the fact is that an end to the war would be good, not bad, for American business.

[From the Washington Post, Apr. 12, 1970]

### Business Can't Ignore Protests

(By Hobart Rowen)

"Because the war (in Vietnam) distorts the economy and contributes substantially toward the inflation . . . an end to the war in Vietnam would be good, not bad, for American business."

This statement by Louis B. Lundborg, head of the nation's biggest bank, the Bank of America, articulates a theme that will be heard increasingly at annual meetings of major U.S. corporations this year.

It will be pushed by an activist minority who label themselves "Business Executives Move for Vietnam Peace." Coupled, at the same time, with an assault by consumer groups and students pushing for everything from Pollution control to solution of ghetto problems, the growing antiwar sentiment will make donnybrooks out of some corporate get-togethers.

Business disaffection with the war has been growing since President Johnson's massive escalation of the fighting produced no victory on Vietnamese battlefields but inflation at home.

Beginning some time in early 1968, the corporate power structure that had been dazzled by LBJ in 1964 began to lose confidence in him, and a new coolness in the business community probably played a subtle role in the President's decision not to be a candidate in 1968.

The prototype of the U.S. businessman, especially as seen by student rebels, is that of the greedy imperialist who feeds on war and arms production. That there is a munitions industry in this country that benefits from war cannot be denied.

But it should also be clear that the biggest profits, for the overwhelming number of businessmen as well as consumers, lie in a long stretch of peaceful years when a highly developed capitalistic society, attuned to social needs, can reach peak, meaningful production and distribution of wealth.

Lundborg's comment was in answer to the Business Executives' query for a statement on Bank of America's involvement in Vietnam. Lundborg replied that the bank had to leave to Washington officials the responsibility for extricating the United States from the war.

But then he emphasized the economic impact theme, one that will be taken up in a broad-scaled study to be launched soon by Sen. J. William Fulbright (D-Ark.). Fulbright's Foreign Relations Committee will also probe the impact of the war on the structure of American society.

"We feel it is completely proper and within our sphere of competence," Lundborg wrote A. R. Appleby of the antiwar business group, "to point out the economic consequences of the war. We have been doing this for at least three years.

"The war distorts the American economy; it is a major contributor to inflation; it draws off resources that could be put to work toward solving imperative problems facing this nation at home."

Is that radical or leftist thinking? If so, it makes a revolutionary out of none other than former chairman of the Federal Reserve Board, William McC. Martin Jr., who holds precisely the same view.

The Business Executives Move for Vietnam Peace carries no name with "establishment" clout. It is chaired by Henry E. Niles, chairman of the board of the Baltimore Life Insurance Co. Among its military sponsors is war critic Gen. David Shoup, retired Marine Corps Commandant, Roger Hilsman, former State Department official, and Edwin O. Reischauer, former U.S. ambassador to Japan, are among the diplomatic sponsors.

But what the group lacks in big names it makes up in drive and energy, and protests in the role of stockholders at annual meetings will bring it more attention than ever before. With consumer groups, employing the same tactic, many a corporate management will find its patience and good sense tested.

Harold Willens, a small Los Angeles businessman who has devoted almost full time the past few years to the B.E.M. group, says that "the iron curtain that used to separate the economy from society has melted. The question will no longer be how the company profits and what its dividends were, but also how it did in sustaining life."

The Securities and Exchange Commission gave this kind of corporate scrutiny a big boost forward when it instructed General Motors to include two Ralph Nader-sponsored proposals in its proxy statement for the May 2 annual meeting.

There will be other confrontations before the GM test. The Cleveland meeting of American Telephone and Telegraph Co. on April 15 will be the target of a Student Mobilization Committee antiwar protest.

But the use of proxies to contest company policies will get a better workout, apparently, at Minneapolis-Honeywell in Minneapolis and Gulf Oil in Pittsburgh on April 28; and Commonwealth Edison in Chicago on April 27.

The Nader team proposals for GM call for election of three public representatives on the board of directors, plus establishment of a shareholder committee "for corporate responsibility." This implies that there should be other motives than just profit in a company of GM's giant size.

Response to the SEC determination has been dramatic. New York Mayor John Lindsay has told the city's pension funds to vote their GM shares in favor of the proposals; the University of Pennsylvania has announced it will vote all its shares pro-consumer; and a campaign is under way to get other universities that have substantial ownership of GM shares to do the same.

It would seem hardly likely that the GM management, which opposes the proposals, can be beaten on these issues. But General Motors—as well as other major enterprises—clearly have a new force to reckon with. These are not pesky gadflies engaged in a career of petty harassment of management.

These are serious people who want to come away with something better than a headline and a box lunch. As such protests grow in strength, the corporate hierarchy will have to make accommodations. So long as the arguments are made peacefully and rationally, they represent a healthy development in the power of freely expressed public opinion—which is, after all, a source of strength and security for this nation.

If Big Business is really sophisticated, it will not turn a deaf ear to its stockholder-protestors. If it does, it will be a misreading of the shifting mood in the country, making things easier for the dialecticians of the extreme left.

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### The Impact on the American Economy of the Vietnamization Program

John Harper took quite a chance when he asked me to predict the impact on the American economy of President Nixon's Vietnamization program of bringing our troops home and turning over military responsibilities to the South Vietnamese. Certainly it's a topic on which we need as much information as we can get. Some industries and areas are already feeling the program's effects, and all of us should prepare for an intensification of the process in the months ahead. That is, of course, we should prepare for an intensification if in fact the Vietnamization program is still relevant. Our recent military actions in Cambodia raise serious doubts about the future of the program, and I question whether my discussion of its economic effects is worth your while. Putting aside the Cambodian complications for the moment, I will go ahead and make some assumptions and predictions about the Vietnamization program and its economic effects. In so doing, however, I want to remind you that my track record on predictions is not very impressive.

The embarrassing fact is that my past predictions about what would happen in Vietnam, or what would happen in the United States and elsewhere in the world because of Vietnam, have been rather wide of the mark. Many of you will recall that Sidney Weinberg and I, among others, were instrumental in persuading some of you to take a public stand in support of the Johnson-Humphrey ticket in 1964. Our most persuasive argument was that some of Senator Barry Goldwater's statements were alarming because they indicated that, if elected President, he would lead us into a ground war in Asia. Many of us were gravely concerned about the domestic and foreign consequences of that kind of escalation in Vietnam, and we decided to support President Lyndon B. Johnson on the ground that his actions and words clearly indicated that *he* wouldn't involve us in any Asian ground war. We know now that President Johnson maintained that position only until the 1964 election was firmly hung on the wall.

The cheers of victory were still ringing when he authorized a sharp escalation of our troop commitments in Vietnam, although the facts of the escalation and its scope were kept secret from the American people and the Congress for some time. I don't have to spell out the tragic consequences of that decision, nor of President Johnson's subsequent decisions to escalate again and again, always said to be justified by the desire to end the war quickly and bring the boys home. Thousands and thousands of lives have been lost or ruined, our foreign relations have been jeopardized, serious social problems have been caused, our young people have become bitter, reckless and disillusioned, and disastrous inflation rages in the national economy, affecting all of us.

Without making any predictions, I shall assume that with a slight interruption we will soon be back on the track of deescalation in Vietnam, and that the President will again emphasize the Vietnamization program in the manner that won the confidence of so many of us in his speech last November 3rd.

Making that hopeful assumption, I can proceed to discuss Vietnamization, first, in the general context of the social and economic environment of the day.

Then I want to indicate the economic impact of Vietnamization under three headings: (1) the aggregate impact; (2) the impact on specific industries; and (3) the impace on regions and communities.

Finally, I want to discuss some of the policy implications for business and government stemming from Vietnamization.

As for the general social and economic environment, I don't see how we can escape the conclusion that some kind of momentous re-ordering of priorities is taking place in our country.

We aren't sure of its meaning, or where it's leading us, but apparently its effects will be vast and far reaching. The many changes wrought by the social revolution of the 1930's come to mind as a comparison of what may be taking place today. Its manifestations include a sharpened aversion to war, a deep concern for the environment, a desire for equality of opportunity for all, and a general longing to do something about the urban and population crises. Perhaps the phrase we hear so much, "a new concern for the quality of American life," sums up about as well as anything else the great tidal wave of change in national mood and outlook that is taking place.

Our most sensitive barometer of changes in national aims is, of course, our political institutions. And President Nixon's Budget Message for fiscal year 1971 reflected the current change when he said, "For the first time in two full decades, the Federal Government will spend more money on human resource programs than on national defense."

I think we have all concluded, from the President on down, that we cannot win victories abroad on the foundation of defeats at home. Certainly we must maintain a defense establishment second to none in this dangerous age of nuclear weapons. But we must also demonstrate that our system can build a better life for our own people, if we hope to help lead the world in the ways of peaceful progress.

Now let's turn to the economic impact of the Vietnamization program.

Recognizing the many uncertainties, we'll assume that the disengagement can be accomplished on schedule. We do not know, however, how much or what kind of support the South Vietnamese army will require after our ground combat forces are withdrawn. We do not know the quantity of supplies they will need if the fighting continues, nor the number of supporting American troops that may remain.

In addition, any measurement of the impact of Vietnamization is complicated by the fact that some defense cuts have been made that may have little relation to the war in Southeast Asia. Some older and ineffective weapons systems are being retired, some bases are being closed, other military activities are being consolidated or reduced. While these cuts can often be separated from those resulting from Vietnamization, our national economy does not differentiate between their effects. Nor do we always segregate the substantial reductions being made in the space program, which uses many of the same resources as defense.

On the other hand, there are counterbalancing expenditures planned for new weapons systems for both our strategic and general purpose forces. The proposed 1971 budget provides for several such programs that had been deferred for several years as the Vietnam outlays rose.

With these caveats in mind, let's zero in as best we can on the impact of Vietnamization.

First, the aggregate impact.

As you probably know, the Defense Department has published no specific cost breakdown for the war, but fairly accurate estimates can be arrived at.

In a new Brookings Institution study he cited in testifying before the Senate Foreign Relations Committee last week, former Budget Director Charles Schultze estimated that the outlays for Vietnam were at an annual rate of $23 billion at the end of fiscal 1969, almost a year ago. He expects the figure to be about $17 billion by the end of the current fiscal year next month. And in the fiscal year ending June 30, 1971, the annual rate will be down to about $11 billion.

This figures out to a total cutback of about $12 billion for Vietnam over a two-year period. But the cut in budget outlays for all national defense from fiscal 1969 to 1971 is not that meaningful. The 1971 defense budget calls for outlays of $73.6 billion, down $5.8 billion from 1970 and $7.6 billion below 1969.

Another measurement of the possible aggregate impact of Vietnamization can be seen in manpower figures.

The total involved is comprised of three categories: military personnel, civilian personnel in the Defense Department, and defense related employment in the private sector. Sharp reductions are already scheduled for each of these three categories.

The budgeted cut in military personnel is about 550,000 over the two-year period fiscal 1970–71. The troop withdrawals from Vietnam over this period equal about half this number. Including the President's most recent announcement, these withdrawals will total about 265,000. That will leave some 285,000 American troops in Vietnam a year from now.

The cut in civilian personnel on the Defense Department payroll will amount to more than 130,000 in the two-year period. That brings the total Defense personnel reductions, including the military, to about 680,000 by June 30, 1971.

In addition, the Defense Department estimates that total program cuts in fiscal years 1970–71 will cause a dislocation of about 650,000 in contractor personnel. Half of these workers will have been let out by the end of next month, with most of the remaining cuts to take place by the end of June, 1971.

The total of these reductions—in military and Defense Department civilian personnel, plus contractor personnel—will be more than 1.3 million, about 1.6 percent of the total labor force.

In addition, we must include the workers engaged in producing the consumer goods and services required by contractor and Defense personnel. This calculation involves the multiplier effect of defense spending, which is felt directly in many localities by merchants, barbers and beauticians, as well as by manufacturers of consumer goods. A University of Michigan study has shown that each dollar of war outlay generates about 85 cents of additional output of consumer goods. So during this present adjustment, the producers of consumer goods and services, as well as defense contractors, are likely to feel the increasing effects of defense cutbacks, at least until the defense workers and servicemen find other employment.

As a recent Labor Department study pointed out, even a total withdrawal from Vietnam would not mean that 1.3 million jobs would be lost. Deferred non-Vietnam requirements will probably keep overall defense employment at a high level, and in some industries increased civilian demand would take up the slack. There is no question, however, that the movement of resources from defense to domestic uses, such as is now taking place, can cause adverse economic impacts. The Defense Department Comptroller, Mr. Robert Moot, pointed to this fact last month in comparing today's cutbacks with those after the Korean War.

Following the conclusion of hostilities in Korea, military spending, which reached its peak in 1953, dropped sharply in 1954. The reduction in defense purchases was $11 billion, or 15 percent, and represented 3 percent of the GNP (gross national product). It contributed significantly to the onset of a recession, during which unemployment increased from 2.9 percent to 5.5 percent and real GNP declined by 1.4 percent.

In the Vietnam War period from 1969 to 1971 defense purchases are slated to be reduced by $7.6 billion in current dollars, or slightly in excess of 9 percent. In relation to GNP, the decrease would be less than 1 percent, suggesting a markedly smaller aggregate impact on the economy than in the post-Korean years. In constant dollars the cutback in military spending over the two-year period will be significantly greater, but not great enough to alter the conclusion with respect to its overall impact on the economy. The present mild contraction in general business activity and the recent rise in unemployment from 3.5 percent to 4.4 percent are mainly a result of the restrictive monetary and fiscal policies and the eroding effect of inflation on the purchasing power of consumers, with declining defense outlays being only a contributing factor. The economic effects can be more serious, of course, if all the adverse factors accumulate before there is the recovery and upswing in the national economy now predicted for the second half of 1970.

Now let's turn to some of the specific industries that will feel the impact of Vietnamization the most.

The Labor study is our best guide here. It pinpoints the industries most affected by the Vietnam buildup and which presumably are most likely to be affected by withdrawal.

Aircraft, ordnance, and transportation are at the top of the list. Together they accounted for almost 40 percent of the increase in defense employment due to Vietnam.

In aircraft, more than 230,000 jobs were in Vietnam-related production at the height in 1968. They accounted for 27 percent of the industry's total employment.

In ordnance, the number was 140,000 jobs—42 percent of the industry's total. Most were in ammunition production, which will be cut back severely. The study pointed out that increased missile expenditures will probably help to counter the overall decline in employment in the ordnance industry, but this would not affect ammunition workers.

In transportation, there were 165,000 Vietnam-related jobs, but this number represents only 6 percent of the industry's total. Many were in Pacific shipping and airlines, and West Coast warehousing.

Other industries with 10 percent or more of their employment due to Vietnam were communications equipment, electronics, textiles, and machine shop products. Still further down the list were shipbuilding, 7 percent; primary nonferrous metal manufacturing, 6 percent; electrical equipment, 6 percent; and scientific instruments, 5 percent.

All these industries, and many of their suppliers, will feel the Vietnam cutbacks unless other military orders or demand from the civilian sector take their place.

Now let's consider the geographical impact of Vietnamization.

During the Cold War period, the arms build-up was largely concentrated in highly sophisticated strategic weapons. These were manufactured largely in the southern and western areas of the country which were more suitable for testing the new weapons.

Vietnam required a shift to conventional weapons associated with limited warfare—ammunition, vehicles, textile and clothing products, and other supplies of an ordinary kind. The older manufacturing regions—the Midwest, the South Central and the New England regions—already had established suppliers of these needs, and therefore received relatively greater increases in defense orders during the Vietnam build-up.

While the cutbacks will be greatest there, these older regions also have relatively higher concentrations of production in civilian goods. They therefore will be able to absorb the impact of the cutbacks better than the newer manufacturing areas along the Pacific Coast and in the Mountain States, which are more heavily dependent on defense expenditures.

But while a whole region or even a large metropolitan area with a diversified economy can take such reductions without too much difficulty, small communities cannot. There, a shutdown of a manufacturing facility or closing of a military base can result in serious local unemployment, declines in retail sales and construction, and depressed property values. Older and low-skilled workers are particularly vulnerable.

Beyond this summary of the cutbacks is what they mean to the economy and what measures government can take to ease the adjustments during the demobilization period. Certainly we want to avoid a downturn similar to that following the Korean War.

To that end our government today is providing expanded manpower training for workers and increased educational assistance for veterans. For communities hit by cutbacks, other Federal resources are being channeled in, or facilities in abandoned bases are being developed to attract industry.

In the planning efforts of recent years, much attention has been focused on how to maintain aggregate demand to compensate for the reduction in defense expenditures. Measures suggested included tax cuts, a speed-up of government spending on existing projects, a launching of new programs and easier monetary policies. But the current inflation adds a new factor to the equation. In fact, the Vietnam cutbacks have been considered in some quarters as a welcome assist to the fight on inflation. Our major preoccupation today is not the stimulation of the economy, but how to moderate the strong forces that have been working for expansion. At least, this was the view in March of Mr. Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy and a long-time student of the economic consequences of a Vietnam pullout. He pointed out that Vietnamization would reduce the demand for military goods and services and, as servicemen are returned to civilian life, they would increase the labor force available to produce goods and services for nonmilitary purposes.

The Administration's policy has become somewhat less restrictive since March, but I think it's proper to characterize it still as one of "responsible restraint." The course that the government officials must set for the future, however, is not easy to chart. The measures to be taken must be timely and appropriate if we are to avoid even more serious inflation than we now have, on the one hand, or a severe cumulative contraction, on the other.

Two weeks ago we could have said that there was little question but that the cloud of Vietnam was finally lifting. President Nixon's commendable program to disengage seemed to be working and to be more or less on course. His plans had the backing and support of a large majority of the American people and the members of Congress, and he had our confidence. It is true that his more recent commitment about bringing home troops was more long range in its timing, extending over a full year, rather than a more specific short range commitment, but yet he seemed to indicate a firm resolve to continue on course.

Now we seem to have made a 180 degree change in direction. The President's decision to support the Vietnamese border crossing into Cambodia with American troops and other means set us off on a new course of action that shakes the confidence of many Americans in his judgment and intentions. In his speech justifying the decision the President attempts to reassure us by saying:

"This is not an invasion of Cambodia. The areas in which these attacks will be launched are completely occupied and controlled by North Vietnamese forces.

"Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed we will withdraw.

"These actions are in no way directed to security interests of any nation. Any government that chooses to use these actions as a pretext for harming relations with the United States will be doing so on its own responsibility and on its own initiative and we will draw the appropriate conclusions."

Despite those soothing words the troop movements into Cambodia, followed by the renewed aerial bombing of North Vietnam, shocked and stunned many of us because they certainly do amount to an escalation of the recent level of military activities. What happens from now on will depend to a great extent on the reactions of the North Vietnamese, the Chinese Communists and the Russians, and we already have the disquieting initial reactions from them. The earlier escalation moves directed by President Johnson invariably met with reactions from our enemies that finally resulted in an unsatisfactory military stalemate and caused intense and widespread human suffering, as well as a tremendous waste of assets that could have been used much more productively to satisfy human needs.

Certainly the Cambodian decision has precipitated a constitutional crisis of the most serious nature. The Congress is now moving to reassert its constitutional responsibilities to the American pepole and make it clear to the world that the President does not have unlimited power to wage war on his own initiative. Within the populace at large it is already clear that the Cambodian move will result in more widespread dissension in this country, involving many other loyal citizens besides most of the young, the intellectuals and the blacks. This time many of the silent majority will cease to be silent and will speak out against the continuation and expansion of this senseless warfare.

We hope that the President is right in his evaluation and that these new moves will in fact save lives and shorten the war. But we can't forget that too often in this war other escalating moves were made to achieve the same objectives. Their results were invariably disappointing, and we found ourselves bogged down time and time again in jungle warfare for which we are ill prepared and for which we have no heart. My personal view is that we should pull back and terminate these new offensive measures, and continue our disengagement program quickly, before it is too late. Any loss of face and any real or imagined blow to our national pride involved in a pullback weighs lightly in the balance against the dreadful consequences of further escalation into an all-out war in Southeast Asia and perhaps elsewhere.

Despite the immediate economic and other problems and dislocations, I think many of us can agree that for the long term a Vietnam disengagement would gain us many benefits of a social, humanitarian, economic and political nature in this country and around the world. Any continuation, much less an intensification, of the Vietnam war is bad for American business, every bit as much as it's harmful for the people of the United States generally.

There is every indication that in these final three decades of the 20th century our technological revolution will accelerate even faster than it has in recent years. This will require enormous investments in new plants and equipment, in skilled manpower, more scientists, more engineers, more technicians and more experienced and skilled managers.

Certainly there will be no lack of demand. Our mushrooming population may well reach 300 million by the year 2000. The markets for housing, pollution control, better transportation, education, health and recreational facilities will dwarf anything we've seen in the past.

We shall need all the resources we can get—human and material—to satisfy the demand. And then some! For the benefits of the long term, therefore, it is clear that we should put the immediate problems in proper perspective and continue to support the Vietnamization program of disengagement and withdrawal. Only in that way can we have the opportunities to enable us to solve our nation's urgent problems.

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## CAMBODIA

**Mr. MANSFIELD.** Mr. President, President Nixon has stated that all American troops will be removed from Cambodian territory by July 1, 1970, and that Americans will not reenter Cambodia in the future. The Cooper-Church amendment is consistent with the President's pledge on Cambodia. By adopting the Cooper-Church amendment, the

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Senate will be acting in concert—and let me emphasize those words "in concert"—with his intent, even as it exercises its separate constitutional responsibility in matters of war and peace. The Cooper-Church amendment will reinforce President Nixon's announced expectation that the troops will be removed from Cambodia and that they will not be ordered—without congressional sanction—back into that nation.

It has been urged on the floor of the Senate that this action is an attempt for the first time in history to define the limits of a battlefield in a war. I think it is more appropriate to describe the amendment as an effort to limit U.S. involvement, U.S. casualties, and U.S. costs in a tragic war. It is an effort to confine the war to a country before it spreads over a continent.

To speak of the Cooper-Church amendment as an affront to the President as Commander in Chief is to affront the Senate. Each branch has its own constitutional functions. The President has his duties. We have ours. The Senate—the Congress—have fundamental constitutional responsibilities with respect to the Nation's foreign relations and war-making. How can the assertion of this constitutional obligation by the Senate be an affront to the President?

It seems to me that the constitutional distortion which treats this amendment as an affront to the President is the consequence of years of erosion, decades of erosion, of congressional responsibility in these matters. For too long, the Senate has been all too ready to accept this situation. It is time, now, for the Senate to stop going along for the ride. We have reached the end of the line in Cambodia. It is time to confront our own constitutional responsibilities in matters of war and peace, to accept them and to act on them.

It is absurd to assert that the passage of the amendment will cut off funds from Americans who are fighting in Cambodia and, thus, put them in jeopardy. Not a single life will be lost because of this amendment, but many will have been lost because it was not on the statute books before the offensives were launched inside Cambodia. If anything, this amendment will curb the accumulation of new casualties in Cambodia by assuring the return of American forces from the jeopardy in which they have been placed in Cambodia without the advice or the consent of the Senate.

The amendment is not a rash and reckless step. It is the surest way of protecting the safety of the U.S. forces in Cambodia because it will require their withdrawal in accordance with the President's own timetable. Yet, to take the President at his word is now called a repudiation of the President. That is the same kind of reverse logic which sees expanding the violence throughout Indochina and, hence, rising American casualties and costs, as the safest and shortest path out of Vietnam.

Thomas Jefferson said that the Constitution was intended to shackle the President in the exercise of his power. It is doubtful that Alexander Hamilton agreed and the executive branch, for several administrations, clearly has not agreed. Nevertheless, I do know that foreign relations and war making are among the most serious problems of Government which come within the purview of the Constitution. I do know that both branches of the Government are involved in them—expressly and implicitly—by the Constitution. That the Congress neglected to assert a sufficient responsibility at the outset of Vietnam—as we did neglect to do under the previous administration—is no excuse for not facing up to it now.

If a reassertion of a constitutional obligation by the Senate prevents expedient decisions by the executive branch in the future that is precisely its intent. Expediency is not the highest virtue in a constitutional democracy. Indeed, I am not sure it is a durable virtue in any society. In any event, I believe that the cross-checks and safeguards of the constitutional processes in matters of war and peace must be accepted by the Senate if we are retain free constitutional government in this Nation.

The Cooper-Church amendment, Mr. President, is a valid step in this process. It can act in concert and again I emphasize the words "in concert"—with the President's intent, to close out this venture into Cambodia and to shrink our involvement in Indochina where no vital interests of this Nation are at stake, where our casualties now number over 325,000, including almost 50,000 dead, and are still rising, where our costs are well in excess of $100 billion and where we have immersed ourselves in a bottomless well of war—in a tragic conflict without a visible end.

Mr. SCOTT. Mr. President, would the distinguished majority leader yield, with the understanding that the distinguished Senator from Ohio (Mr. Young) does not have this time taken from his time?

Mr. MANSFIELD. Mr. President, I yield with that understanding.

Mr. SCOTT. Mr. President, I have listened with interest and deep and genuine understanding to what the distinguished majority leader has said. I was reading a novel this week by Charles Collingwood, the correspondent, in which he has his principal character speaking with a distinguished activist for peace.

He says to him:

> We are both for peace. The difference is that you are obsessed with the principles involved and I am obsessed with the techniques.

To a great degree that is the dilemma facing the Senate, in trying to find and bring together the essential principles of ending the war in Cambodia and ending our involvement in Vietnam, accelerating at the greatest practical rate the withdrawal of our forces from Vietnam consistent with their security and consistent with the obligations we have as well, and at the same time developing the techniques whereby these things are to be accomplished.

I am delighted that the distinguished majority leader has referred to the fact that the Cooper-Church amendment is designed to operate in concert with the declared intent or declared objectives of the President. I assume there would be no objection to our continuing to make that clear as we debate the Cooper-Church amendment.

Mr. MANSFIELD. Mr. President, quite the contrary, I would hope that we would emphasize it at every available opportunity. I understand the distinguished minority leader's thoughts and thinking on these problems. And I know that he and the others on the other side of the matter are just as much concerned as those who are in favor of the proposal.

Mr. SCOTT. Mr. President, as the distinguished majority leader knows, I have never at any time taken a position that I personally am automatically against any amendments to the military sales bill. Indeed, there will be several of them that I will support.

I am most hopeful that we can work out a consensus rather than a confrontation as we proceed with these amendments.

Therefore, I am also very grateful that the distinguished majority leader has referred to the date here of the 1st of July.

I said a few moments ago to the press that I have made a completely unauthorized statement. I have discussed this with no one with regard to this statement. But it is my personal opinion that we will be out of Cambodia before the 1st of July—I did not know how long before, whether it is an hour, a day, a week, 2 weeks, or 3 weeks. But I believe that we will be out of Cambodia before that date.

I believe the operation is a tactical success. However, it has become a matter of political concern to Americans of all opinions.

Therefore, I believe we can get somewhere if we make it clear as we debate the Cooper-Church amendment that everybody agrees that the effectiveness of the amendment does not fall in or lock in until the date when the President has given the country his solemn pledge we will be out of Cambodia. I believe it; I act on it; and I think the country expects it. I am satisfied with the promise and I support the President's assurance that it is for the purpose of shortening the war.

I myself look not so much at the map as I look at the calendar because what we are concerned with is the operation of the calendar, the passage of time, and the shortening of time, which means the less time we are in Vietnam the less casualties we incur.

Therefore, subject to what I regard as not insuperable operables as to the rest of the language, I hope the Senate will find itself to be of such a mind that virtually all Senators may be moved to support the intent of the Senate to make it clear that we do not wish to go to the aid of the Government of Cambodia.

Therefore, I think we made some important progress here today in the discussion with the distinguished majority leader.

I will say to the distinguished Senator from Idaho, who has entered the Chamber, that I was referring to a statement by the distinguished majority leader that, indeed, what the Senate is doing is in concert with the President's declared intention; and that I speak with

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honesty of the importance of making clear that we do not distrust the President, that we accept his word, and that perhaps we can say somewhere in the amendment the 1st of July or before.

Mr. MANSFIELD. May I say that the question of a date is something on which I am sure an agreement could be reached.

As far as the President's word is concerned I have never doubted it. As far as the majority leader, the Senator from the State of Montana, is concerned, there is nothing personal in this amendment and the Senate may rest assured, again as far as I am concerned, that there will be nothing political or partisan in it. It is a question of acting in concert with the executive branch because there is a delineation of powers, a line of demarcation, and each branch must make it the objective, in concert, to see that their separate responsibilities under the Constitution are retained.

Mr. SCOTT. I conclude by saying the majority leader's patriotism and complete devotion to his responsibilities are unquestioned in this Chamber, as he knows.

Mr. MANSFIELD. I can say the same for the distinguished minority leader.

Mr. CHURCH and Mr. GRIFFIN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Ohio has the floor.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. Mr. President, I yield to the Senator from Idaho without losing my right to the floor.

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Mr. CHURCH. Mr. President, I am happy first to defer to the Senator from Michigan.

The ACTING PRESIDENT pro tempore. The Senator from Idaho would have to ask unanimous consent since there is no pending business and the Senator from Ohio has the floor. The Senator would have to ask for unanimous consent.

Mr. CHURCH. Mr. President, I ask unanimous consent that I may respond to the distinguished minority leader, but I am happy to defer first to the assistant minority leader.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I certainly do not take issue with anything that the distinguished minority leader has said; I am in full accord with his remarks. Yet, I cannot let some of the statements made by the distinguished majority leader—and we know he speaks with deep sincerity and great conviction—stand completely unchallenged.

This is an historic debate going on in the Senate. Among Senators there are some basic and fundamental differences in points of view which cannot be clouded over and should not be dismissed. As I said on the floor the other day, if any Senator wants to offer a resolution to declare war against the Government of North Vietnam, he would certainly be within his constitutional right to do so. The Constitution makes it very clear that Congress has that responsibility. Perhaps at some earlier date, Congress should have debated such a resolution and should have taken action, one way or the other.

The fact is that when this President assumed office, we were already in a war against North Vietnam.

I feel very strongly that the Church-Cooper resolution as now worded—I do not know what changes may develop, but as it is now worded—cuts off options and ties the hands of the Commander in Chief, in areas where he has the responsibility to make what are essentially battlefield decisions.

In World War II, we did not confine ourselves to fighting the enemy in Germany. We fought the enemy where we found him.

Mr. MANSFIELD. Based on a declaration of war.

Mr. GRIFFIN. That goes back to the point I have already made in this colloquy with the distinguished majority leader. It is within the power of Congress to declare war. But that is a very broad policy decision. The Church-Cooper proposal goes far beyond such a broad policy declaration. It seeks to make what, in effect, are battlefield decisions; it would tie the hands of the President as Commander in Chief in his ability to protect the lives of American forces.

I know it is not the intention of the sponsors to aid the enemy; of course, it is not. But the amendment, if it were adopted in its present form, would have the effect of aiding the enemy by tying the hands of the Commander in Chief in a way that would prevent him from making decisions that need to be made.

I know the distinguished majority leader makes his argument with deep sincerity and he is entitled to his convictions. I hope whatever compromise can be reached here will not tie the hands of the Commander in Chief in this very, very important hour in our history. At a time when he is not sending more and more troops to Southeast Asia but he is bringing more and more troops home, the President is entitled to good-faith support and confidence in Congress.

Mr. MANSFIELD. Mr. President, allow me to reply to the extent that I saw on the ticker yesterday where the number of troops in Southeast Asia has been increased by 1,200. It is only momentary.

The President himself tied his own hands because he is the one who said U.S. forces would not go beyond 21 miles; and he is the one who said we would be out not later than July 1, 1970.

What we are trying to do, in concert, is to add strength to the President's sinews to give him support he is entitled to and deserves. In withdrawing from Cambodia, and to make certain what he has said will be upheld by law throughout the Government.

Mr. GRIFFIN. Will the Senator agree that there are other substantive limitations in the Church-Cooper resolution which go beyond what the President said?

Mr. MANSFIELD. No; only to the extent that there will not be a reentry in Cambodia after July 1, 1970. And I am sure in my mind that the President does not contemplate that. I think the Senate should exercise some of its advice-and-consent functions with respect to the President, rather than to leave them to those who are around the President all the time and are not aware of what the people whom we represent in the Nation are thinking.

Mr. CHURCH. Mr. President, I wish to say, first of all, that I heard the President himself say he had no plan to return to Cambodia after the present operation; that if any necessity were to arise in the future for again reaching into Cambodia to strike at these sanctuaries, he said that would be undertaken by the South Vietnamese. So I think there is nothing in the present amendment that contradicts the policy as delineated by the President.

However, I hope the talk of compromise would stop. What we are trying to reach, really, is an accommodation; not a compromise. The purpose of the amendment is neither to undercut the President, nor to question his powers under the Constitution to discharge his responsibilties as Commander in Chief. Indeed, even if we wanted to do it, we could not reduce or diminish his constitutional power anyway.

Rather, this amendment seeks to assert a congressional responsibility to share with the President the burden of defining the outer limits of this operation in Cambodia.

We have drawn those limits exactly where the President fixed them. If some change in language seems to be desirable in order to make the intention perfectly clear, without in any way affecting the substantive thrust of the amendment, then certainly as one sponsor, I would be most amenable. Remember, this is a bipartisan effort. Some of the most distinguished Republican Members of this body have joined in it, and no aisle severs this debate as between Democrats and Republicans.

Mr. SCOTT. Mr. President, if the Senator will permit, I would be very anxious to see made clear in the debate—perhaps the language makes clear—that in the process of withdrawal from Cambodia, the President does have the presidential power to protect those troops as they are going out. We all want that. That is one of the other things that I see is perfectly feasible. I am sure we can work it out.

Mr. MANSFIELD. There is no argument about that.

Mr. SCOTT. I do not see why.

Mr. CHURCH. The President is Commander in Chief. We do not question it. But Congress has powers, too, and it is time for Congress to exercise them. If we are going to come out of this war, there is only one way to do it, and that is for Congress and the President, standing together, to assume a joint responsibility for a plan which will bring us out. This amendment is drawn in that spirit and with that intention. However it may be construed in the course of the debate, that is the spirit and intention of the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Ohio (Mr. YOUNG) is recognized for 30 minutes under the previous order.

## SOUTHEAST ASIA AND DIVISION IN THE COUNTRY

Mr. YOUNG of Ohio. Mr. President, at the outset, may I express my admiration for the fine statement made this morning by the distinguished majority leader (Mr. MANSFIELD) and the statement made by the distinguished Senator from Idaho (Mr. CHURCH), and also the statement made by the distinguished minority leader, the Senator from Pennsylvania (Mr. SCOTT), and the other Senators who spoke here.

Mr. President, very definitely it is my intention to vote in favor of the Cooper-Church amendment.

Mr. President, when President Eisenhower left the White House on January 20, 1961, we Americans had 685 military advisers in Vietnam. On that sad day in 1963 when President John F. Kennedy was assassinated, we had more than 16,000 military advisers in Vietnam. Then, under President Johnson, that number of 16,000 military advisers under President Kennedy, and 685 on the day that President Eisenhower left the White House, had grown into an armed force of more than 500,000 in South Vietnam.

From that time on we have had military advisers in all of Southeast Asia and probably as many as 3 million combat troops fighting in Vietnam during that period.

They talk about Vietnamization. From 1961 we have been trying Vietnamization.

For more than 10 years we in the United States have been paying, in blood and in billions of dollars, for Vietnamization of Vietnam; and the United States has no mandate from Almighty God to police the entire world.

Mr. President, within the next few days we shall have an opportunity to take the first step toward restoring the constitutional authority of Congress in foreign policy and waging war.

At the same time the Senate can move to introduce an element of sanity to U.S. policy in Indochina. This dual opportunity is presented to us in the pending amendment sponsored by the distinguished senior Senator from Kentucky (Mr. COOPER) and the distinguished senior Senator from Idaho (Mr. CHURCH), who spoke just this morning in this Chamber and who has all along been taking a solid, sound position in support of sanity in our policy in Southeast Asia.

The Cooper-Church amendment is the first of several which will at long last give Senators and Congressmen, as representatives of the American people, the chance to declare whether they favor continuation, extension, and expansion of the Indochina war, or whether they wish to bring an end to our involvement in an immoral, undeclared war in Southeast Asia within the next 13 months. Because I favor the latter course, I shall vote for the Cooper-Church amendment.

This is not only an immoral and undeclared war, but it is the most unpopular war and longest war the United States has ever fought. It has cost a tremendous toll of killed in action and wounded.

Many lives of the wounded have been saved, but a tremendous number of the wounded have been maimed for life. An Ohio youngster I know had one leg off below the knee and the other leg off above the knee and lost both arms in combat. I served for 37 months in World War II, most of that time in combat overseas and I know that in World War II, or in any previous war, that would have been a mortal wound and he would have died within a matter of minutes. Now helicopters evacuate the wounded from the battlefield and, with the great advance in surgery, such lives are saved. We are going to have problems for years and years with those who have been pitifully maimed for life.

Mr. President, the Cooper-Church amendment simply binds President Nixon to his promise. We believe he intends to keep his promise, but we in the Senate have the right to speak out on this issue. It binds him to withdraw all American troops from Cambodia by next June 30. Furthermore, it would assure that those troops will not be sent back into combat in Cambodia without the approval of Congress.

Mr. President, it has been stated that President Nixon rejected the advice of his Secretary of Defense and Secretary of State in ordering the invasion into Cambodia by men of our Armed Forces. I do not know about that. I am not privy to what goes on in the White House. But I do know that the President yielded to the CIA, the leaders of the military-industrial complex and the generals—including the Attorney General from Wall Street. The result is that thousands of American ground combat troops have been sent into battle in another distant Southeast Asian land. That decision was a tragic mistake involving grave risks.

The folly and failure of this latest adventure into Indochina are becoming increasingly evident. I note in an article before me that when President Nixon ordered American forces into Cambodia on May 1, he told the American people the mission was to destroy the central office for South Vietnam—COSUN—that is the Communist's jungle pentagon. President Nixon, in his demagogic television address to the American people announcing that the invasion of Cambodia had taken place said U.S. troops were wiping out the Cambodian sanctuaries and that the main objective was to destroy the "headquarters for the entire Communist military operation in South Vietnam located in Cambodia" and that our troops would penetrate not to exceed 21 miles into Cambodia and that this entry into Cambodia and the operation would be completed by July 1.

That headquarters, known as COSVN, has not, in fact, been attacked by American or South Vietnamese forces, though that was the purpose, it was said, of this adventure across the border of a nation, Cambodia, whose neutrality we had guaranteed.

But it appears now, that this headquarters has not been found and destroyed, and that American military intelligence and the CIA are guilty of the most serious blunder since the time they assured General MacArthur that if he invaded North Korea the Chinese would not cross the Yalu and enter the Korean conflict. General MacArthur disregarded his instructions from President Truman, advanced into North Korea close to its northerly border and the Chinese Army crossed the Yalu and hurled our forces back into South Korea with great slaughter. This was an equally horrendous blunder. Our CIA and military intelligence were again proven wrong. Now the public relations men at the Pentagon—and they have 300 or more personnel doing nothing but that—and Defense Secretary Laird glibly say that COSVN or the military headquarters directing the Vietcong and North Vietnamese forces is mobile and has been moved somewhere in Cambodia.

We did not hear about this mobile headquarters until we suddenly invaded, and then it eluded our forces.

As a result of our invasion of Cambodia there has been a strengthened resolve on the part of North Vietnam and an increased willingness to help on the part of China and the Soviet Union. Now they are finally getting together; and no doubt these great superpowers will be more than happy to replace every weapon and every round of ammunition captured by the United States in the Cambodian sanctuaries. If we force the North Vietnamese to seek closer alliance with the Chinese and to become dependent upon the Chinese, we will have created a situation which could doom all of Southeast Asia to another 20 years of war.

The most serious consequence of the decision to invade Cambodia has been the terrible division within our own country. Students on our college campuses and thoughtful citizens of all ages felt that they had been betrayed by their leaders. They feel that way now. Four young students at Kent State University in my home State of Ohio, who were on the Common, where they had every right to be, were killed. Two of those four were girls. One was a spectator, and the other had just come out of a dormitory from a class, with school books under her arm.

There had been demonstrations over Cambodia on the previous Saturday and Sunday nights on the streets of Kent. There had been denunciations of the invasion of Cambodia. The fear expressed by the students of Kent State on that Saturday night and Sunday night over the invasion of Cambodia was that we had opened another front in Southeast Asia, and the war had been expanded and extended on another front, and there was no end of hostilities in sight.

There had been some rioting downtown. But on that beautiful Monday afternoon of May 4, there had been no violence on the campus and at about 12:20 many students were attending their classes. No student was closer to the National Guard than 75 feet, and most of them were more than 100 feet distant.

Suddenly there was a volley from guardsmen who seemed to be trigger happy. They had run out of tear gas and as Vice President AGNEW very properly and wisely stated, they reacted to the crowd on the campus. They killed four students, not one of whom had resorted to any violence whatever.

Mr. President, this can be attributed to the tremendous feeling in our country against entering into Cambodia and into Laos.

Two other students were murdered by

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policemen following similar demonstrations at Jackson State College in Mississippi. No possible military gains in Cambodia could be worth the tearing apart of the very fabric of our society.

The fact that should now be evident above all else is that wars, especially wars of the Vietnamese and Cambodian variety, are too important to be left to the generals.

Mr. President, on this floor we frequently hear from Senators who are regarded as war hawks, who favor all-out invasion, even to the extent, perhaps, of involving some of our allies, and sinking the British freighters which come from Hong Kong into Haiphong Harbor. We have heard them speak out, time and again, saying that while we should never have been in Vietnam in the first place, now that we are there, we must see it through.

Mr. President, 2,500 years ago Confucius said that a man who makes a mistake and does not correct it makes another mistake. Mr. President, that goes for the U.S. Government also. Now we have compounded our mistake by extending combat in Cambodia and in Laos.

In 1965 and 1966, Pentagon officials released optimistic reports on an early end to the Vietnam war. They persuaded President Johnson to begin the escalation which has led to the death of more than 50,000 young Americans and maiming and wounding more than 281,000 other Americans, and the waste of hundreds of billions of dollars. In addition, many of our soldiers and military advisers overseas from 1961 to the present have been afflicted with malaria fever, bubonic plague, and other tropical and jungle diseases. Some of them have died from those diseases, and thousands and thousands of others will suffer malaria fever and other diseases as long as they live. The generals of our Armed Forces win wholesale promotions, so we have a flock of major generals, lieutenant generals, and brigadier generals. They attain wholesale promotions, but the bombing of North Vietnam and other military escalation and expansion of our involvement in a civil war in Vietnam proved it is impossible to bomb a determined people into submission.

That is a civil war in Vietnam. I was in Vietnam in 1965 and again in 1968. On my visit in 1968, General Westmoreland told me that the bulk of the Vietcong fighting us in the Mekong Delta were born and reared in the Mekong Delta. General Stilwell, then the deputy commander, told me that it was 80 percent. I mentioned that, therefore, it was a civil war. He did not like that. He said it might be considered an insurrection.

The CIA and the generals of the Joint Chiefs of Staff have been unable to understand that political considerations and human values must often override military strategy. The tragedy of our intrusion into Cambodia is the revelation that President Nixon has accepted the simplistic rhetoric of the same generals and admirals who have led us into the Southeast Asian abyss under the guise of victory.

By ordering the invasion of Cambodia, President Nixon has expanded the war. By refusing and failing to consult Congress on that decision, he has made it what could be termed "Nixon's war." I am not using that term, but it could be applied the same as "Johnson's war" was applied during the latter's administration.

The Cooper-Church amendment before us should be sustained. It is a declaration of the Senate that this unwinnable war must be ended. Adoption of the Cooper-Church amendment is our declaration of the will and determination that civilian authority in the United States is supreme, just as the Founding Fathers proclaimed when they wrote our Constitution. Let us try to return to that.

The truth is that, after nearly a year and a half in office, Mr. Nixon, as his predecessor, President Johnson, has become hypnotized by the alluring but foreboding idea of complete military victory in Southeast Asia. Those members of the National Liberation Front, or Vietcong, in Vietnam, and those who are fighting in Laos, are fighting for national liberation of their country. In some areas they have been fighting ever since the French tried to restore the lush Indochinese empire, following the end of World War II; and in their opinion, and in the opinion of the heads of states in many Asiatic countries, the United States has now taken over the aggression of the French colonial leaders who sought to restore their empire, which kept the Vietnamese and other Indochinese in suppression for many, many years. Mr. Nixon has fallen victim to the advice of Pentagon persuaders. He has broadened our commitment, deepened our involvement, and is fast causing the United States to become mired in the mud of Indochina.

Given the traditional ethnic hostilities between the Vietnamese and Cambodians together with the fragile grip of Gen. Lon Nol over Cambodians, a concerted Communist attack on their combined forces after the administration's proposed current withdrawal would put the South Vietnamese-Cambodian force in grave jeopardy that might require in the eyes of Pentagon generals an American rescue operation. Therefore, it seems to me that it is very important that the Cooper-Church amendment be adopted by the Senate.

Throughout the entire world, in the capitals in Asia and in Europe, there has been a revulsion of feelings of outrage and dismay over this violation of the neutrality of Cambodia which we had guaranteed. There have been riots outside American embassies, damage to embassy buildings in Asia and in Europe, and injuries inflicted upon some of our nationals, due to this expansion and escalation of the war by invading Cambodia and also by taking action in Laos. I recall distinctly in 1965, when I was in every area of Laos, that, having guaranteed the neutrality of Laos, our warplanes were disguised as they bombed Laos. But in 1968, when I was again taken by helicopter throughout all areas of Laos, I saw our American planes going back and forth without any disguise whatever on their bombing missions.

Beyond all this is the bitterness toward us that this ill-timed Nixon adventure has engendered in the Soviet Union. Soviet leaders have denounced this policy recently and seem to be greatly concerned. Let us hope that the success of the SALT talks, which have been proceeding in Vienna, with not be gravely endangered by this.

Mr. President, the fear that the SALT talks might be endangered is another argument in favor of adoption of the Cooper-Church amendment.

Mr. President (Mr. CRANSTON), this Cambodian adventure is tearing us apart. More and more Americans are coming to accept the very dangerous philosophy that superiority in physical strength or weapons can be equated with moral superiority.

Some students have burned ROTC buildings, which they consider to be a protest against the military and against our fighting in Vietnam. I deplore this very much. I have friends who could not have made it in college had it not been for the ROTC.

I denounce any student who destroys or damages ROTC buildings. As a former chief prosecuting attorney, I believe that acts of violence of that kind, like a shadow, should be followed by arrest and certain punishment.

More recently, that excuse has been given on college campuses as a protest against our aggression and invasion of Cambodia. There is no rhyme nor reason for destructive tactics such as that.

Students who break and enter ROTC buildings and destroy property should not only be expelled from college but should also be prosecuted for violations of the law. I feel strongly on this subject.

Unfortunately, in Ohio some students of Kent State University on Saturday night, May 2, indulged in violence in the city of Kent. Preceding the violence they destroyed the ROTC building. Later some hundreds of students enjoying themselves in downtown Kent were joined by a hundred or so who seemed to be bent on violence. Rioting extending over the period of some hours throughout Saturday night resulted in broken windows and bruised bodies of students rioting and also of policemen and deputy sheriffs attempting to restore order.

Those students guilty of unlawful acts should be punished and no doubt some will. A number were arrested at the time and then later released on bail. The mayor declared a 6 a.m. curfew and, unfortunately, quite a substantial number of girls and boys who had not participated in any misdeeds whatever nor aided in the destruction of any property were taken to jail.

Local authorities refused to permit these girls and boys to use the telephone to call their parents. They were kept in jail throughout the night and then released only upon payment of a fine, usually $50.

The PRESIDING OFFICER (Mr. CRANSTON). The time of the Senator from Ohio has expired.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent to proceed for 10 additional minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Ohio? The Chair hears none, and it is so ordered.

Mr. YOUNG of Ohio. Mr. President, National Guardsmen called to the scene by order of the Governor had just com-

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pleted riot duty in Cleveland where some hundreds of Teamsters engaged in a wildcat strike. Violence resulted between the strikers and nonstriking Teamsters. Trucks were burned, drivers shot at, and the guardsmen were given a bad time during the short period they were on duty in Cleveland and vicinity. Then the guardsmen were called immediately from that violence to Kent and on Sunday to the campus of Kent State University. Those militiamen were in a thoroughly bad mood.

Now, let me make it clear that I do not wish to speak ill of the National Guardsmen of my State. Many years ago, I was proud to be a member of the Ohio National Guard. But times have changed. We in the Senate, through an oversight, no doubt, made provision in the selective service laws that permitted young men 18, 19, and 20, who had been high school dropouts, or could not enter college, to join the National Guard. They were exempted from the draft in all the States. I do not know anything about the situation in other States, but I have made it a point to inquire, to take statements, and to talk with people, and I do know that a great many of the new members of the National Guard joined only to escape the draft and avoid being sent to Vietnam, and that therefore the caliber of the National Guardsmen, in my State at least, has deteriorated because of that.

Mr. President, Monday, May 4, was a beautiful, sunshiny day. Kent State University was in full operation. Classes were proceeding. Boys and girls came out on the common—as it is called—walking to and from their classes. Some who had no classes were simply out mingling with their friends.

Members of the State highway patrol, who had also been called out by the Governor, were present on the campus. They had seven helicopters flying over the college buildings that morning. No one in the helicopters witnessed—I have it in writing from some of them, and some statements—any sniper fire, or any sniper on any of the buildings or on the rooftops.

These highway patrolmen are experienced civil service employees of the State of Ohio. They had a pacifying influence at Kent State University. However, the National Guard situation was different.

On this beautiful day, the students were loitering around, and suddenly two fully armed National Guard units, the 1st Battalion, 145th Infantry Division, and the 2d Squadron, 107th Armored Cavalry Regiment, appeared and moved toward the crowd on the campus. The Guard officers bellowed through their bullhorns for the crowd to move on, to disperse, and to leave.

The crowd did not do it quickly enough to suit them, so, immediately, the unit of the 107th Armored Cavalry Regiment, with bayonets unsheathed, advanced on the students, with the officers ordering them, via their bullhorns, to disperse, and at the same time hurling tear gas canisters at them.

The distance between the students and the National Guard units was probably 75 to 100 feet. The canisters would spew forth the tear gas as they rolled along the ground, and some boy would pick one of them up and hurl it back at the guardsmen.

By about 12:20 p.m., the guardsmen had thrown all their tear gas canisters at the students and some canisters had been hurled back. No one was injured that morning, although some of the guardsmen had been injured on Saturday night and perhaps Sunday night. No doubt some of the students threw some stones. Some students have denied it. But I have some statements to the effect that perhaps 12 to 15 stones were thrown by students toward the guardsmen. But the distance was so great that no guardsman was injured from the stones.

The guardsmen ran out of tear gas canisters, and they immediately ran up a little hill in some disorder.

Suddenly the front line of guardsmen kneeled, according to some signed statements I have. Not all of the students saw this, but I have some statements, and I shall be glad to turn them over to the distinguished majority leader if there is a Senate investigation. And if the U.S. attorney in Ohio calls a grand jury, I shall turn over all statements.

One Saturday morning we had 40 students from Kent State University in my Senate office. We tried to take statements from them. Some students came to my home and I took their statements there. My Washington address is hard to find. I have also taken some statements of guardsmen. Those statements will be turned over by me at a later time to the proper authorities.

The FBI called on me, and I was affable in dealing with them. I said to them, "You are doing your job. And I am trying to do my job. I will not give you the statements I have taken from students."

At the time of this occurrence at Kent State University, a lieutenant put his hand up and one girl heard the word "fire," as his arm went down. A volley of shots rang out. Fortunately, many of the guardsmen fired in the air as is shown by the marks on bricks on a building. But, unfortunately, two girls were killed.

One of them standing there with her schoolbooks was one of those killed. Another girl who was just a spectator was also killed. And there were two fine young men killed.

Mr. President, these young people were not bums. They were not rioting. But their young lives were snuffed out. And 10 more were hospitalized.

Mr. President, of the National Guard platoon that perpetrated this, one fainted and one had a heart attack. There was no first-aid treatment for anyone.

This all came about as a result of our expanding the war in Southeast Asia. Those students are familiar with political affairs. They know that back in 1968, Richard Nixon, when campaigning for the office of President, said that he had a secret plan to end the war in Vietnam. They had expected the war to be ended. Many of them were subject to the draft if the war were not ended. They had hoped for an end to the war.

Then, instead of having that hope realized, the war was suddenly expanded and extended by our invasion of Cambodia.

Mr. President, William L. Shirer, a distinguished historian and author, has commented on our invasion of Cambodia in a letter to the editor of the Washington Post. Mr. Shirer's book, "The Rise and Fall of the Third Reich," is a monumental work in its field. Mr. Shirer detects a number of similarities between the war policy of the Third Reich and that of the present administration in the United States.

The observations of Mr. Shirer deserve thoughtful consideration by all in this country who share the responsibility for the making of foreign policy. Mr. President, I ask unanimous consent that the letter of William L. Shirer published in the May 14 edition of the Washington Post be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

### WILLIAM L. SHIRER ON CAMBODIA

I hesitate to draw parallels between what one saw in Nazi Germany and what we now see here. The Third Reich, after all, was a totalitarian dictatorship. We are a democracy. Nevertheless . . .

When Hitler invaded Poland on Sept. 1, 1939, the official communique of the German High Command called it a "counter-attack." The official communique of the American High Command in Saigon called our moves into Cambodia "counter-attacks."

When Hitler invaded Denmark and Norway on April 9, 1940, the official German communique said this was "to protect their freedom and independence." We have been hearing similar language from Washington to justify sending our armed forces into Cambodia.

Press dispatches from Washingon indicate that the President is gambling on "victory," and that if the gamble succeeds he believes the American people will forget everything else. "What really matters as far as the people are concerned," the President said at the Pentagon, "is that it comes out all right. If it comes out all right, that is what really counts." Senator Aiken seemed to sense this when he said: "If his strategy is successful . . . then we will have to call him a hero."

This somehow reminds me of the secret speech Hitler made to his generals on the eve of the German aggression against Poland.

"I shall give a propagandist reason for starting the war—never mind whether it is plausible or not. The victor will not be asked afterward whether he told the truth or not. In starting and waging a war it is not right that matters but victory."

I do not for one moment compare President Nixon with Hitler. But the shabby propaganda out of Washington since our going into Cambodia is bound to remind one of the Nazi propaganda used to justify the Germans going into Poland, Denmark and Norway.

WILLIAM L. SHIRER.

LENOX, MASS.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I yield.

Mr. CHURCH. Mr. President, I commend the distinguished Senator from Ohio for his address today. His long opposition to the war is well known. And what he says today is consistent with what he was saying last year, the year before, and the year before that.

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Mr. President, had the words of the distinguished Senator from Ohio been heeded when he first began to speak out against the war, we would not be in the deep trouble in which we find ourselves today.

I commend the Senator. He is one of the early dissenters who foresaw that the course we were following in Southeast Asia would lead inexorably to a crisis at home so serious that, tragically, young college students of his own State have fallen victims to it. In a sense, they, too, are casualties of this war.

I commend the Senator for his exceptionally fine address.

Mr. YOUNG of Ohio. Mr. President, I thank the distinguished Senator from Idaho for his kindness and for the statements he has just made.

I hold the Senator from Idaho in the highest admiration. He is a great leader of this Nation and a great statesman. I know that during the past years he has been outspoken time and time again not only in his own State but also in the Senate and elsewhere in the United States. He has expressed strong opposition to our involvement in Vietnam.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, is the Senate now transacting routine morning business?

The PRESIDING OFFICER. The Senate is now in the morning hour.

Mr. BYRD of West Virginia. With statements therein limited to 3 minutes?

The PRESIDING OFFICER. The Senator is correct.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On May 14, 1970:

S. 2452. An act to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services; and

S. 3435. An act to provide for the striking of medals in commemoration of the completion of the carvings on Stone Mountain, Ga., depicting heroes of the Confederacy.

On May 18, 1970:

S.J. Res. 193. Joint resolution to provide for the appointment of **James Edwin Webb** as Citizen Regent of the Board of Regents of Smithsonian Institution.

## OIL POLLUTION—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91–340)

The ACTING PRESIDENT pro tempore (Mr. HARRIS) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Commerce:

*To the Congress of the United States:*

The oil that fuels our industrial civilization can also foul our natural environment.

The threat of oil pollution from ships—both at sea and in our harbors—represents a growing danger to our marine environment. With the expansion of world trade over the past three decades, seaborne oil transport has multiplied tenfold and presently constitutes more than 60 percent of the world's ocean commerce.

This increase in shipping has increased the oil pollution hazard. Within the past ten years, there have been over 550 tanker collisions, four-fifths of which have involved ships entering or leaving ports. The routine discharge by tankers and other ships of oil and oily wastes as a part of their regular operation is also a major contributor to the oil pollution problem.

The development of world commerce and industry and its growing dependence on oil need not result in these added dangers. The growing threat from oil spills can be contained—not by stopping industrial progress—but through a careful combination of international cooperation and national initiatives.

This message outlines a number of actions which the Congress should take to reduce the risks of oil pollution. It also announces additional executive measures which will promote this same end and calls for the cooperation of industry and the American public to aid in this important effort.

### 1. INTERNATIONAL CONVENTIONS

The problem of oil spills is a major international environmental problem and any remedy must deal effectively with its global implications. Last year in Brussels, working under the auspices of the Intergovernmental Maritime Consultative Organization, an arm of the United Nations, the United States joined with other nations in reaching important agreements in this area. We signed two new conventions which would allow us to take actions within an international framework to prevent oil spill damages and to assure compensation when spills occur.

Today, I am transmitting these conventions to the Senate for its advice and consent. The ratification of the first of these conventions will empower us, by international agreement, to take preventive action against vessels on the high seas which threaten imminent pollution danger to our coasts. Had this treaty been in force at the time of the Torrey Canyon disaster in 1967, effective action could have been initiated without delay to prevent or limit the damaging effects. The second convention imposes strict civil liability upon the owner of vessels responsible for pollution damage to coastal areas, regardless of the location of the vessel. The Congress should consider the differences between existing domestic legislation and this convention and, if necessary, enact conforming legislation. In ratifying these conventions, we will demonstrate our firm belief that the danger of oil pollution is an urgent matter for international regulation, and that innocent victims of oil spills should not go uncompensated.

Another major international action to curb oil pollution was the adoption last year of amendments to the 1954 Convention for the Prevention of Pollution of the Sea by Oil. These amendments deal principally with the intentional discharge of oil or oily wastes on the high seas and establish new rules prohibiting the discharge of oil within 50 miles of our coast. These amendments are also being submitted to the Senate for its advice and consent, and legislation will be submitted to provide for the effective enforcement of these new international requirements.

The amendments to the 1954 Convention may not go into effect for some time, since they require ratification by other nations. This process could take several years. Therefore, I am instructing appropriate United States authorities to bring the provisions of these amendments into effect with respect to American vessels as soon as the implementing legislation is adopted. I hope that other nations will take similar action to implement these changes for their own vessels before the treaty amendments go into effect.

The Government of the United States is eager to participate in any international forum considering the problems of marine pollution. We particularly support the efforts of NATO's Committee on the Challenges of Modern Society which will sponsor a conference this fall in Brussels to exchange information and make recommendations for further international action concerning oil spills.

### 2. INTERNATIONAL STANDARDS FOR SHIP CONSTRUCTION AND OPERATION

The best way to protect our ocean resources and coastal areas from oil damage is to prevent the occurrence of oil spills. The establishment of more effective international standards for both the construction and the operation of tanker vessels will materially reduce the potential hazard.

The Secretary of State is being instructed to seek effective multilateral action to prescribe international standards for the construction and operation of tankers. The Secretary of Commerce, with the assistance of the Secretary of Transportation, will develop the specific technical standards or criteria which could form the basis for multilateral action.

### 3. PORTS AND WATERWAYS SAFETY ACT

I am asking the Congress to enact the Ports and Waterways Safety Act of 1970, a law which would give the Coast Guard additional authority to protect against oil spills in several important ways. It would allow the Coast Guard to control vessel traffic in the inland waters and the territorial seas of the United States, to regulate the handling and storage of dangerous cargoes on the waterfront, to establish safety requirements for waterfront equipment and facilities, and to set up safety zones or other controlled access areas in and near U.S. ports and harbors. This legislation could significantly enhance our drive to prevent oil pollution and I hope the Congress will give it early and favorable attention.

### 4. INCREASED SURVEILLANCE

A large number of oil spills occur in waters close to our shores. Many of these spills result from willful violations of laws which limit the discharging of oil. Such spills can be reduced by more stringent surveillance procedures. All Government agencies are being directed to instruct their vessel and aircraft commanders and other personnel to immediately report all oil spills to the Coast Guard. Every citizen who observes a spill of oil should do likewise. The Commandant of the Coast Guard will increase all-shore air patrols in the areas of highest spill potential and will enforce vigorously all of our anti-pollution laws.

### 5. HARBOR ADVISORY RADAR SYSTEMS

Just as air traffic controllers are necessary to the safe operation of airplanes, so an improved traffic control system is needed in our Nation's most active harbors. A system which is known as the Harbor Advisory Radar System has been developed and is now operating successfully in the San Francisco area. The Secretary of Transportation will establish more such systems in ports that have a heavy traffic of oil-bearing vessels. These radar systems, operated by the Coast Guard, will enable tankers and other vessels to move through congested areas with much less risk of collision and will make ports such as New York, New Orleans and Houston safer than they are at present. Pilots who use these ports will receive harbor surveillance data and traffic information by radio from a control center that will be manned 24 hours a day throughout the year.

### 6. RESEARCH AND DEVELOPMENT: EMERGENCY OIL TRANSFER AND STORAGE SYSTEMS

In addition to specific legislation and regulations that can contribute significantly to the reduction of oil spill hazards, a broad program of research and development concerning oil pollution must also be pursued. These efforts must be sufficiently diverse to treat all aspects of spill prevention, cleanup and the mitigation of ecological damage. Many such programs are now underway in government agencies and university laboratories. These research and development efforts will continue to receive emphasis until satisfactory solutions are found.

One notable result of our research is the test which was conducted last week of an ingenious system for collecting and removing oil from damaged vessels. Using this system, up to 20,000 tons of oil a day could be pumped from stranded or leaking tankers into oil-tight plastic bags. These bags could be delivered by air to the scene of the accident and could be towed away safely. The Secretary of Transportation will examine the results of the current tests and will make such a system available for use on both the east and west coasts of this country as soon as practicable.

### 7. COOPERATION OF PRIVATE INDUSTRY AND PORT AUTHORITIES

If we are to stop or even reduce the discharge of waste oil at sea, then we must provide alternate means of disposing of it. Port areas should be equipped with facilities, stationary or mobile, to receive oily discharges from vessels upon their arrival in port. If the amendments to the 1954 Oil Pollution Convention I have referred to are adopted and permissible oil discharges at sea are further reduced, then such facilities will be indispensable. Therefore, I am calling upon private industry and port authorities to develop additional facilities for the reception of oily wastes. The Secretary of Commerce with the assistance of the Secretaries of Interior and Transportation will coordinate this effort.

### 8. RADIOTELEPHONES

Vessels in the United States navigable waters are presently required only to use whistle signals to communicate with other vessels. Direct radio communications between vessels would supplement and clarify the information they are able to exchange as they maneuver in close proximity to one another. Legislation to require the use of bridge-to-bridge radiotelephones is now pending in the Congress and I urge its prompt enactment.

### 9. THE LICENSING OF TOWBOAT OPERATORS

Legislation is also pending in the Congress that would require uninspected towing vessels to be under the direction and control of a licensed operator. I endorse that concept and call for its consideration by the Congress. We must do everything we can to increase the margin of safety for maritime traffic.

### 10. FINANCING CLEANUP OPERATIONS

When oil spills occur, considerable resources are required to finance the cleanup operation. The provisions of the Water Quality Improvement Act of 1970 call for the establishment of a revolving fund which will assure that money is immediately available to initiate and conduct such efforts. The law provides that the fund shall be reimbursed by those who are responsible for the spill.

Today, I am announcing the formal establishment of that fund and am delegating responsibility for its administration to the Secretary of Transportation. As soon as regulations governing the operations of this fund are completed and approved, I will forward to the Congress a request for $35 million to finance its operations.

This Administration is committed to protect the national environment without retarding social and economic progress. The program outlined in this message involves significant national and international actions which will help us to meet this commitment. By working to reduce and prevent oil spills and by responding more effectively to those spills which do occur, these measures will help to improve the quality of life in our nation and in all parts of our world.

RICHARD NIXON.

THE WHITE HOUSE, *May 20, 1970.*

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the bill (S. 3818) to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4983. An act for the relief of James M. Buster;

H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.;

H.R. 8512. An act to suspend for a temporary period the import duty on L-Dopa;

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;

H.R. 12959. An act for the relief of Gloria Jara Haase;

H.R. 14449. An act for the relief of Eugene M. Sims, Sr.;

H.R. 14619. An act for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired);

H.R. 14720. An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products;

H.R. 16199. An act to establish a working capital fund for the Department of the Treasury;

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum;

H.R. 16997. An act for the relief of Colie Lance Johnson, Jr.; and

H.R. 17241. An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper.

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## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred, as indicated:

H.R. 4983. An act for the relief of James M. Buster;

H.R. 12621. An act for the relief of Lt. Robert J. Scanlon;

H.R. 12959. An act for the relief of Gloria Jara Haase;

H.R. 14449. An act for the relief of Eugene M. Sims, Sr.;

H.R. 14619. An act for the relief of S. Sgt. Lawrence F. Payne, U.S. Army (retired); and

H.R. 16997. An act for the relief of Colie Lance Johnson, Jr.; to the Committee on the Judiciary.

H.R. 6854. An act to provide for the free entry of a peal of eight bells and fittings for use of Smith College, Northampton, Mass.;

H.R. 8512. An act to suspend for a temporary period the import duty on L-Dopa;

H.R. 14720. An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products;

H.R. 16199. An act to establish a working capital fund for the Department of the Treasury;

H.R. 16940. An act to extend until December 31, 1972, the suspension of duty on electrodes for use in producing aluminum; and

H.R. 17241. An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper; to the Committee on Finance.

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## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HARRIS) laid before the Senate the following letters, which were referred as indicated:

### REPORT ON CONTRACTS FOR EXPERIMENTAL, DEVELOPMENTAL, TEST OR RESEARCH WORK

A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting, pursuant to law, a report on contracts for experimental, developmental, test or research work, for the period July-December 1969 (with an accompanying report); to the Committee on Armed Services.

### PROPOSED PORTS AND WATERWAYS SAFETY ACT OF 1970

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to promote the safety of ports, harbors, waterfront areas, and navigable waters of the United States (with an accompanying paper); to the Committee on Commerce.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 3176. A bill to authorize a program for the development of a tuna fishery in the Central and Western Pacific Ocean (Rept. No. 91-887).

By Mr. MAGNUSON, from the Committee on Commerce, with amendments:

H.R. 4813. An act to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes (Rept. No. 91-888).

By Mr. YOUNG of Ohio, from the Committee on Public Works, without amendment:

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S. 528. A bill to provide that the reservoir formed by the lock and dam referred to as the "Millers Ferry lock and dam" on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir (Rept. No. 91-889).

## EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. JAVITS, from the Committee on Labor and Public Welfare:

Edward B. Miller, of Illinois, to be a member of the National Labor Relations Board.

## BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HARRIS:

S. 3859. A bill for the relief of Burl Hays, Jr.; to the Committee on the Judiciary.

By Mr. SCOTT:

S. 3860. A bill to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes; to the Committee on Commerce.

(The remarks of Mr. SCOTT when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HARRIS:

S. 3861. A bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Oklahoma for potential additions to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. HARRIS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. FONG:

S. 3862. A bill for the relief of Elena Schwarze-Chamier; and

S. 3863. A bill for the relief of the estate of Edith Kiaer; to the Committee on the Judiciary.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 3864. A bill to authorize the naming of the reservoir to be created by the Little Goose lock and dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan; to the Committee on Public Works.

(The remarks of Mr. JACKSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS:

S. 3865. A bill to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Finance.

(The remarks of Mr. TYDINGS when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. HART:

S. 3866. A bill to amend the Hazardous Substances Act to provide for more effective protection against the hazards caused by economic poisons; to the Committee on Commerce.

(The remarks of Mr. HART when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. NELSON (for himself, Mr. BAYH, Mr. CRANSTON, Mr. HART, Mr. HUGHES, Mr. MONDALE, Mr. RANDOLPH, and Mr. YARBOROUGH):

S. 3867. A bill to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. NELSON when he introduced the bill appear later in the RECORD under the appropriate heading.)

By Mr. SPARKMAN:

S.J. Res. 202. Joint resolution to amend section 19(e) of the Securities Exchange Act of 1934; to the Committee on Banking and Currency.

## S. 3860—INTRODUCTION OF A BILL TO BENEFIT THE NATION'S SPORTSMEN, HUNTERS, FISHERMEN, AND OUTDOORSMEN

Mr. SCOTT. Mr. President, I introduce a bill to amend and strengthen the Federal Aid in Wildlife and the Federal Aid in Fish Restoration Acts in order to benefit the Nation's many millions of sportsmen, hunters, fishermen, and outdoorsmen.

My bill would provide a new source of money for the wildlife restoration funds, would greatly increase Federal-State assistance for hunters' safety training, and would promote long-range planning for the preservation of natural wildlife habitats and the conservation of wildlife and fish.

We are all acutely aware, Mr. President, of the concern over environmental quality in this country. For the past 8 or 9 months, the entire Nation has been absorbed with questions about the environmental quality of life. We have concluded that natural areas must be preserved and that access to a natural environment must be provided for the well-being of our people. Proposals now under consideration in Congress, including the administration's package of seven environmental bills, of which I am the primary Senate sponsor, would make further changes to improve the Federal Government's ability to respond to our national environmental problems.

Much of this has come about as a result of a rather recent and quite sudden realization by our population that all of us have a stake in natural things and natural surroundings.

One group of citizens, however, has been interested and involved, for many years, in the preservation of natural environments and the conservation of wildlife in these environments. I refer to the sportsmen—hunters and fishermen—who have made annual contributions in cash for the preservation of natural environments and the conservation of wildlife through the payment of hunting and fishing license fees.

In 1937, the Congress acted to assist these citizens by passing legislation establishing the wildlife restoration fund. This legislation insured that the license fees paid by hunters would be used for the conservation efforts of State fish and game departments by making this a condition to receiving Federal assistance for approved wildlife restoration purposes.

But here again, the hunter was called upon to pay the bill for the preservation of nature. The source of the funds for this financial assistance was a manufacturer's excise tax on sporting firearms, shells, and cartridges which had been levied by the Revenue Act of 1932. This was not a new tax, but rather the application of the proceeds of an earlier tax to purposes closely allied to the interests of the people who ultimately paid the tax. So we had the sportsmen contributing to the preservation and restoration of natural environments and wildlife not only through the annual license fees which they paid for the support of their State fish and game departments, but also through the taxes that they paid on some of the equipment and materials which they used in pursuing the sports of hunting and target shooting.

I might also point out that since 1934, the hunter has been supporting the conservation of migratory birds, a program of the Federal Government, through the annual purchase of migratory bird hunting stamps.

For more than 30 years now, State fish and game and conservation departments have been the most active and potent force individually and collectively in the preservation of natural environments. They have cooperated fully and consistently with Federal agencies involved in this effort such as the Forest Service, the Bureau of Sport Fisheries and Wildlife, and the Bureau of Land Management. Nearly all of the accomplishments of State game agencies have been made possible by funds that came directly from the pocket of the often maligned sportsman-hunter through taxes paid willingly on sporting arms and ammunition and license fees. Without question, sportsmen were 30 years ahead of many in their appreciation for natural surroundings and environmental quality.

Mr. President, the bill I am introducing today would bring to the wildlife restoration fund, for the first time, the proceeds from the Federal 10-percent excise tax which for many years has been levied on the purchase of pistols and revolvers. This Federal excise tax now goes to general revenues. What I am proposing is, again, not a new tax, but the proper application of an existing tax to programs which will benefit directly the often-maligned sportsmen, hunters and target shooters who are the very ones who pay this tax.

For the benefit and safety of this singular group of taxpayers, my bill proposes also a new program of Federal assistance for firearms safety training, including the construction, operation, and maintenance of target ranges for this purpose. Hunter training programs already being conducted by State game departments and the National Rifle Association have shown encouraging results. They deserve the estimated $3 million in new, annual Federal-State assistance which my bill would make possible. This provision of my bill should help not only to reduce accidents among the Nation's 15 million hunters, but also to encourage each year a recruitment of an additional 1 million new hunters, each of whom should be properly trained. I am pleased to note that this objective of my bill is supported by many prominent national sportsmen's and conservation organizations, including their affiliated groups in my Commonwealth of Pennsylvania, and also by State wildlife agencies throughout the country.

Finally, Mr. President, my bill proposes to make possible long-range planning for the preservation of wildlife and fish and their natural environments. The Federal aid in wildlife and fish restoration programs have made available some $387 million to State fish and game departments for wildlife restoration projects through fiscal year 1970. They have enabled fish and game departments to control and manage over 1,800 wildlife management areas, comprising 50 million acres of land and water. The annual national public benefit resulting from wildlife restoration projects has been calculated in terms equivalent to 50 million man-days of hunting and another 33 million man-days associated with recreation, including fishing, camping and hiking.

In view of the projected demand on open spaces for future urban programs, transportation corridors, forest products, and outdoor recreational uses not related to fish and wildlife, it is imperative that State fish and game departments, through the amendments I am proposing today, be encouraged and enabled to enter into the planning process at every level of government. These State agencies employ some of the best trained ecologists in the world. Not only is their expertise needed to protect fish and wildlife habitat, it is needed by the Nation to guarantee maintenance of environmental quality suitable for continued human existence. The potential for further destruction of the natural environment makes it imperative that agencies responsible for these resources plan adequately to protect the public interests.

Fish and wildlife are our most reliable barometer of environmental distress. Dead and dying fish and birds usually are the first indicator of environmental contamination. They warn of dangers that ultimately can afflict man, if uncorrected. Those who may be inclined to dispute this very fundamental truth should read Rachael Carson's "Silent Spring," the one perceptive book that started this Nation along the path of its present concern about the environment. Miss Carson was a biologist, one of that small group of professionally trained fish and wildlife personnel who long have been concerned about our total surroundings. Miss Carson was also, I am proud to note, a native Pennsylvanian.

The Federal aid in wildlife and fish restoration programs are already a proven success. My bill, by providing three important further amendments, will help reach the full realization of their potential, not only for this, but for future generations.

Mr. President, I ask unanimous consent that the full text of my bill be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Cranston). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3860) to revise and clarify the Federal Aid in Wildlife Restoration Act and the Federal Aid in Fish Restoration Act, and for other purposes, introduced by Mr. Scott, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

### S. 3860

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—FEDERAL AID IN WILDLIFE RESTORATION

Sec. 101. The first sentence of section 3 of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669b), is amended to read as follows: "An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1971) from any tax imposed on specified articles by section 4181 of the Internal Revenue Code of 1954 (26 U.S.C. 4181) shall, subject to the exemptions in section 4182 of such Code, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the 'fund') and is authorized to be appropriated and made available until expended to carry out the purposes of this Act."

Sec. 102. Sections 4, 5, 6, 7, 8, and 8(a) of the Federal Aid in Wildlife Restoration Act of September 2, 1937 (16 U.S.C. 669c—669g-1), are amended to read as follows:

"Sec. 4. (a) So much, not to exceed 8 per centum, of the revenues covered into said fund in each fiscal year as the Secretary of the Interior may estimate to be necessary for his expenses in the administration and execution of this Act and the Migratory Bird Conservation Act shall be deducted for that purpose, and such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year, and within sixty days after the close of such fiscal year the Secretary of the Interior shall apportion such part thereof as remains unexpended by him, if any, and make certificate thereof to the Secretary of the Treasury and to the State fish and game departments on the same basis and in the same manner as is provided as to other amounts authorized by this Act to be apportioned among the States for such current fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion, except as provided in subsection (b) of this section, the remainder of the revenue in said fund for each fiscal year among the several States in the following manner: One-half in the ratio which the area of each State bears to the total area of all the States, and one-half in the ratio which the number of paid hunting-license holders of each State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game departments, bears to the total number of paid hunting-license holders of all the States. Such apportionments shall be adjusted equitably so that no State shall receive less than one-half of 1 per centum nor more than 5 per centum of the total amount apportioned. The term fiscal year as used in this Act shall be a period of twelve consecutive months from July 1 through the succeeding June 30, except that the period for enumeration of paid hunting-license holders shall be a State's fiscal or license year.

"(b) One-half of the revenues accruing to the fund under this Act each fiscal year (beginning with the fiscal year 1972) from any tax imposed on pistols and revolvers shall be apportioned among the States in proportion to the ratio that the population of each State bears to the population of all the States: *Provided,* That each State shall be apportioned not more than 5 per centum and not less than 1 per centum of such revenues. For the purpose of this subsection, population shall be determined on the basis of the latest decennial census for which figures are available, as certified by the Secretary of Commerce.

"Sec. 5. Within sixty days after the approval of the Federal Aid in Wildlife Restoration Act Amendments of 1970, the Secretary of the Interior shall certify to the Secretary of the Treasury and to each State fish and game department the sum which he has estimated to be deducted for administering and executing this Act and the Migratory Bird Conservation Act and the sum which he has apportioned to each State for the fiscal year ending June 30, 1970, and, shall make like certificates for each fiscal year thereafter. Any State desiring to avail itself of the benefits of this Act shall notify the Secretary of the Interior to this effect within sixty days after it has received the certification referred to in this section. The sum apportioned to any State which fails to notify the Secretary of the Interior as herein provided is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act.

"Sec. 6. Any State desiring to avail itself of the benefits of this Act shall, by its State fish and game department, submit programs or projects for wildlife restoration in either of the following two ways:

"(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreation enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up

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to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this Act from funds apportioned under this Act upon his approval of an annual agreement submitted to him.

"(2) A State may elect to avail itself of the benefits of this Act by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any wildlife-restoration project proposed for that State. If the Secretary of the Interior finds that such projects meet with the standards set by him and approves said projects, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for the project, he shall notify the State fish and game department and immediately set aside so much of said fund as represents the share of the United States payable under this Act on account of such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof. The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive wildlife plans or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this Act. No payment of any money apportioned under this Act shall be made on any comprehensive wildlife plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

"(b) If the State elects to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a), then the term 'project' may be defined for the purposes of this Act as a wildlife program, all other definitions notwithstanding.

"SEC. 7. (a) When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to wildlife, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a), and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States pro rata share agreed upon between the State fish and game department and the Secretary.

"(b) Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior and in accordance with rules and regulations made pursuant to this Act. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this Act. Such payments shall be made by the Secretary of the Treasury, on warrants drawn by the Secretary of the Interior against the said fund to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

"SEC. 8. (a) Maintenance of wildlife-restoration projects established under the provisions of this Act shall be the duty of the States in accordance with their respective laws. Beginning July 1, 1945, the term 'wildlife-restoration project', as defined in section 2 of this Act, shall include maintenance of completed projects. Notwithstanding any other provisions of this Act, funds apportioned to a State under this Act may be expended by the State for management (exclusive of law enforcement and public relations) of wildlife areas and resources.

"(b) Each State may use the funds apportioned to it under section 4(b) of this Act to pay up to 75 per centum of the costs of a hunter safety program and the construction, operation, and maintenance of public outdoor target ranges, as a part of such program. The non-Federal share of such costs may be derived from license fees paid by hunters, but not from other Federal grant programs. The Secretary shall issue such regulations as he deems advisable relative to the criteria for the establishment of hunter safety programs and public outdoor target ranges under this section at least sixty days prior to July 1, 1971.

"SEC. 8A. The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of wildlife-restoration projects, as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, and the Virgin Islands, out of the money available for apportionment under this Act, such sums as he shall determine, not exceeding for Puerto Rico one-half of 1 per centum, for Guam one-sixth of 1 per centum, and for the Virgin Islands one-sixth of 1 per centum of the total amount apportioned, in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, on any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act."

SEC. 103. This title may be cited as the "Federal Aid in Wildlife Restoration Act Amendments of 1969".

## TITLE II—FEDERAL AID IN SPORT FISH RESTORATION

SEC. 201. Section 4 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777c) is amended to read as follows:

"SEC. 4. So much, not to exceed 8 per centum, of each annual appropriation made in pursuance of the provisions of section 3 of this Act as the Secretary of the Interior may estimate to be necessary for his expenses in the conduct of necessary investigations, administration, and the execution of this Act and for aiding in the formulation, adoption, or administration of any compact between two or more States for the conservation and management of migratory fishes in marine or fresh waters shall be deducted for that purpose, and that such sum is authorized to be made available therefor until the expiration of the next succeeding fiscal year. The Secretary of the Interior, after making the aforesaid deduction, shall apportion the remainder of the appropriation for each fiscal year among the several States in the following manner: 40 per centum in the ratio which the area of each State including coastal and Great Lakes waters (as determined by the Secretary of the Interior) bears to the total area of all the States, and 60 per centum in the ratio which the number of persons holding paid licenses to fish for sport or recreation in the State in the second fiscal year preceding the fiscal year for which such apportionment is made, as certified to said Secretary by the State fish and game department, bears to the number of such persons in all the States. Such apportionments shall be adjusted equitably so that no States shall receive less than 1 per centum nor more than 5 per centum of the total amount apportioned. Where the apportionment to any State under this section is less than $4,500 annually, the Secretary of the Interior may allocate not more than $4,500 of said appropriation to said State to carry out the purposes of this Act when said State certifies to the Secretary of the Interior that it has set aside not less than $1,500 from its fish-and-game funds or has made, through its legislature, an appropriation in this amount for said purposes. So much of any sum not allocated under the provisions of this section for any fiscal year is hereby authorized to be made available for expenditure to carry out the purposes of this Act until the close of the succeeding fiscal year, and if unexpended or unobligated at the end of such year, such sum is hereby authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport or recreation. The term fiscal year as used in this section shall be a period of twelve consecutive months from July 1 through the succeeding June 30, except that the period for enumeration of persons holding licenses to fish shall be a State's fiscal or license year."

SEC. 202. Sections 6, 7, and 8 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777e–777g) are amended to read as follows:

"SEC. 6. (a) Any State desiring to avail itself of the benefits of this Act shall, by its State fish and game department, submit programs or projects for fish restoration in either of the following two ways:

"(1) The State shall prepare and submit to the Secretary of the Interior a comprehensive fish and wildlife resource management plan which shall insure the perpetuation of these resources for the economic, scientific, and recreational enrichment of the people. Such plan shall be for a period of not less than five years and be based on projections of desires and needs of the people for a period of not less than fifteen years. It shall include provisions for updating at intervals of not more than three years and be provided in a format as may be required by the Secretary of the Interior. If the Secretary of the Interior finds that such plans conform to standards established by him and approves such plans, he may finance up to 75 per centum of the cost of implementing segments of those plans meeting the purposes of this Act from funds apportioned under this Act upon his approval of an annual agreement submitted to him.

"(2) A State my elect to avail itself of the benefits of this Act by its State fish and game department submitting to the Secretary of the Interior full and detailed statements of any fish restoration and management project proposed for that State. If the Secretary of the Interior finds that such projects meet with the standards set by him and approves said projects, the State fish and game department shall furnish to him such surveys, plans, specifications, and estimates therefor as he may require. If the Secretary of the Interior approves the plans, specifications, and estimates for any project, he shall notify the State fish and game department and immediately set aside so much of said appropriations as represents the share of the United States payable under this Act on account of

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such project, which sum so set aside shall not exceed 75 per centum of the total estimated cost thereof. The Secretary of the Interior shall approve only such comprehensive plans or projects as may be substantial in character and design and the expenditure of funds hereby authorized shall be applied only to such approved comprehensive fishery plan or projects and if otherwise applied they shall be replaced by the State before it may participate in any further apportionment under this Act. No payment of any money apportioned under this Act shall be made on any comprehensive fishery plan or project until an agreement to participate therein shall have been submitted to and approved by the Secretary of the Interior.

"(b) If the State elects to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan under option (1) of subsection (a), then the term 'project' may be defined for the purposes of this Act as a fishery program, all other definitions notwithstanding.

"SEC. 7. (a) When the Secretary of the Interior shall find that any project approved by him has been completed or, if involving research relating to fish, is being conducted, in compliance with said plans and specifications, he shall cause to be paid to the proper authority of said State the amount set aside for said project. The Secretary of the Interior may, in his discretion, from time to time, make payments on said project as the same progresses; but these payments, including previous payments, if any, shall not be more than the United States' pro rata share of the project in conformity with said plans and specifications. If a State has elected to avail itself of the benefits of this Act by preparing a comprehensive fish and wildlife plan as provided for under option (1) of subsection (a), and this plan has been approved by the Secretary of the Interior, then the Secretary may, in his discretion, and under such rules and regulations as he may prescribe, advance funds to the State for financing the United States' pro rata share agreed upon between the State fish and game department and the Secretary.

"(b) Any construction work and labor in each State shall be performed in accordance with its laws and under the direct supervision of the State fish and game department, subject to the inspection and approval of the Secretary of the Interior in accordance with the rules and regulations made pursuant to this Act. The Secretary of the Interior and the State fish and game department of each State may jointly determine at what times and in what amounts payments shall be made under this Act. Such payments shall be made against the said appropriation to such official or officials, or depository, as may be designated by the State fish and game department and authorized under the laws of the State to receive public funds of the State.

"SEC. 8. To maintain fish-restoration and management projects established under the provisions of this Act shall be the duty of the States according to their respective laws. Beginning July 1, 1953, maintenance of projects heretofore completed under the provisions of this Act may be considered as projects under this Act. Title to any real or personal property acquired by any State, and to improvements placed on State-owned lands through the use of funds paid to the State under the provisions of this Act, shall be vested in such State."

SEC. 203. Section 12 of the Federal Aid in Fish Restoration Act of 1950 (16 U.S.C. 777k) is amended to read as follows:

"SEC. 12. The Secretary of the Interior is authorized to cooperate with the Secretary of Agriculture of Puerto Rico, the Governor of Guam, and the Governor of the Virgin Islands, in the conduct of fish restoration and management projects, as defined in section 2 of this Act, upon such terms and conditions as he shall deem fair, just, and equitable, and is authorized to apportion to Puerto Rico, Guam, and the Virgin Islands, out of money available for apportionment under this Act, such sums as he shall determine, not exceeding for Puerto Rico 1 per centum, for Guam one-third of 1 per centum, and for the Virgin Islands one-third of 1 per centum of the total amount apportioned in any one year, but the Secretary shall in no event require any of said cooperating agencies to pay an amount which will exceed 25 per centum of the cost of any project. Any unexpended or unobligated balance of any apportionment made pursuant to this section shall be made available for expenditure in Puerto Rico, Guam, or the Virgin Islands, as the case may be, in the succeeding year, or any approved project, and if unexpended or unobligated at the end of such year is authorized to be made available for expenditure by the Secretary of the Interior in carrying on the research program of the Fish and Wildlife Service in respect to fish of material value for sport recreation."

SEC. 204. This title may be cited as the "Federal Aid in Fish Restoration Act Amendments of 1970".

## S. 3861—INTRODUCTION OF A BILL TO AMEND THE WILD AND SCENIC RIVERS ACT

Mr. HARRIS. Mr. President, I introduce for appropriate reference, a bill to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Oklahoma for potential additions to the national wild and scenic rivers system.

Mr. President, the northeastern part of Oklahoma is one of the most scenic sections of the entire southwestern part of the United States. This section of my State, which has been given the name of "Green Country" by its residents is traversed by numerous mountain streams and rivers which are visited and enjoyed by thousands of tourists each year. People come to this area to view it in its natural beauty, unmarred by manmade structures. They fish its streams, float its rivers, and hike its mountain trails. It is a good place to commune with nature, and enjoy the fauna and flora of the hills.

Congress has rightly passed legislation authorizing the establishment of "wilderness areas" to be protected from manmade developments and the designation of wild and scenic rivers to be maintained in their natural, free-flowing state.

Northeastern Oklahoma is fortunate to have three such streams which should be protected as wild and scenic rivers for the enjoyment of future generations. The legislation which I have sent to the desk would designate a portion of the Illinois River, Flint Creek, and Barren Fork Creek for addition to the national wild and scenic rivers system.

I have had the distinct pleasure of floating on and fishing in the Illinois River, and I can personally attest to its great scenic beauty. I feel it should be protected for others to enjoy as I have. Its waters abound with fish, and its shores are lined with beautiful foliage, high cliffs, and sandy beaches. The water is crystal clear and, fortunately, has not yet been polluted by man. Flint Creek and Barren Fork Creek are much the same, Mr. President, and, because of their natural beauty, the Oklahoma State Legislature this year passed legislation designating these three streams as scenic river areas to protect them from unnecessary development. I feel that the Illinois River, Flint Creek, and Barren Fork Creek would certainly be new additions to the national system of scenic and wild rivers, and I, therefore, hope the Congress will take speedy action on this bill, so the Secretary of the Interior may proceed immediately with the study of these rivers and streams for designation as wild and scenic rivers and their addition to the national system.

I might add further, Mr. President, that, since these streams cross a large section of what was originally the Cherokee Indian Nation, it is my hope they will be considered together and, when added to the national wild and scenic rivers system, will be referred to as the "Cherokee National Scenic Riverways."

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (S. 3861) to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Oklahoma for potential additions to the national wild and scenic rivers system, introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

## S. 3864—INTRODUCTION OF A BILL TO PROVIDE FOR THE NAMING OF THE RESERVOIR TO BE CREATED BY THE LITTLE GOOSE LOCK AND DAM, SNAKE RIVER, WASH., IN HONOR OF THE LATE DR. ENOCH A. BRYAN

Mr. JACKSON. Mr. President, I introduce for myself and Senator MAGNUSON, for appropriate reference, a bill which would provide for the naming of the reservoir to be created by the Little Goose Lock and Dam, Snake River, Wash., in honor of the late Dr. Enoch A. Byran.

Born in 1855 in Bloomington, Ind., Dr. Bryan, from an early age, distinguished himself as an educator. At the age of only 27 he became president of Vincennes University and held that position for 11 years.

In 1893, Dr. Bryan followed the advice of Horace Greeley to "Go West, young man," and accepted an invitation to become president of a small, struggling, land-grant college in Pullman, Wash., known then as the Washington Agricultural College and School of Science. Dr. Bryan went on to build one of our Nation's great land-grant institutions, now known as Washington State University.

From 1917 to 1923, Dr. Bryan held the post of Commissioner of Education for the State of Idaho. He then returned to the then State College of Washington to serve as president emeritus, and continue his active involvement in education and writing until his death, November 6, 1941.

Not only was Dr. Bryan a great educator, but he was a visionary before his time. Always interested in conservation and the wise use of natural resources, in

1909 Dr. Bryan formed a colony known as the Riveria on the south bank of the Snake River.

For a time, the future of the colony looked bright, but a chronic shortage of water for irrigation and an exodus of participants to World War I shipyard opportunities caused a total collapse of Dr. Bryan's dream.

Ironically, in 1965 when the U.S. Army Corps of Engineers was doing exploratory drilling for the Snake River's Little Goose Dam, they struck artesian wells at the site of the former colony.

It would be appropriate, that the reservoir which will inundate the colony site be named in honor of Dr. Bryan, educator and visionary.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred.

The bill (S. 3864) to authorize the naming of the reservoir to be created by the Little Goose Lock and Dam, Snake River, Wash., in honor of the late Dr. Enoch A. Bryan, introduced by Mr. JACKSON (for himself and Mr. MAGNUSON), was received, read twice by its title, and referred to the Committee on Public Works.

## S. 3865—INTRODUCTION OF A BILL RELATING TO POSSESSION OF EXPLOSIVES BY CERTAIN PERSONS

Mr. TYDINGS. Mr. President, several weeks ago in Bel Air, Md., a car suddenly exploded killing both occupants. The next night, another bomb demolished a section of the courthouse in Cambridge, Md.

These senseless and destructive occurrences in my own State of Maryland are part of the disturbing rash of bombings which in recent months have resulted in terror, destruction, and death throughout the Nation. A police station dynamited and a policeman killed in San Francisco. The bombings of the Mobil Oil, IBM, and General Telephone and Electric Buildings in New York. The total destruction of a police station-court building in Shaker Heights, Ohio. The firebombing of the Bank of America branch near Santa Barbara, Calif. The University of Wisconsin's Army ROTC building attacked with bombs. Thirty-two separate bombings in the city of Seattle just last year.

All the evidence suggests that these bombings have been perpetrated by political fanatics of the first magnitude, self-styled revolutionaries whose maniacal efforts will surely bring no less destruction upon themselves then upon the persons and property of others. They are in the same mold as the extremists of the right who engaged in over 500 bombing attacks during the height of the civil rights movement. Indeed, the work attributed to the Weathermen today is hard to distinguish from the work of the Ku Klux Klan and the Minutemen not long ago.

Regardless of whether the bombings come from the extreme right or the left, such conduct is commonly despicable, singularly criminal, and must be dealt with firmly. It must be recognized for what it is—the work of the worst sort of criminal, one who chances indiscriminate death and destruction—and it must be treated by our law enforcement authorities accordingly. Indeed, as the New York Times has recognized:

> The actual and threatened bombings . . . must not be glossed over as the action of idealistic if misguided revolutionaries; they are criminal acts of potential murderers.

No doubt, we must apprehend the bombers and bring them to justice. And we must quickly impose upon them penalties that are equal to the seriousness of their offense.

However, we cannot afford to stop there. We cannot afford to be long on penalties but short on prevention. We must couple our law enforcement efforts with a program that is designed to help prevent the bombings in the first place. In short, we must move to keep explosives out of the hands of those who should not have them.

Recently I discovered that in many States of our Nation it was as easy to buy a stick of dynamite as a stick of candy. In many States there is absolutely nothing to prevent a convicted felon, a fugitive from justice, or a person who is mentally deranged from buying huge quantities of explosives. Indeed, there is virtually no control over the sale of explosives in 22 States. And the absence of explosive controls in these States undermines the existence of controls in others. Criminals can easily avoid regulations in their home State by buying explosives in neighboring nonregulating States.

For instance, in Maryland the law provides that one must have a license, which must be renewed annually, to manufacture, deal in, or possess explosives. The license is not issued to those who are not sufficiently experienced in the handling and use of explosives, unless used for agricultural purposes or infrequently on their own land. A license is also not issued to those who have been convicted of a crime involving moral turpitude or are disloyal to the United States.

The problem is that Maryland's controls can be easily avoided by purchasing the explosives in Delaware, Pennsylvania, or the District of Columbia where similar control does not exist and bringing the explosives back to Maryland. It is clear that so long as some States have no controls over explosives, explosives and bombs in the hands of men intent upon violence will be a problem in all States.

Mr. President, today I am introducing legislation that is designed to remedy this problem. My bill will support and strengthen existing explosive legislation, such as exists in the State of Maryland, by establishing control over the purchase, sale, and transfer of explosives throughout the Nation. The bill requires the registration of importers, manufacturers, and dealers of explosives. The key section provides that a person wishing to purchase or otherwise obtain explosives may not do so unless he has registered or an application for the sale or transfer of explosives to him has been approved. A person who would be ineligible to receive explosives is one who: First, is under indictment or has been convicted of a crime punishable by more than 1 year imprisonment; second, is a fugitive from justice; third, has been adjudicated as a mental defective; or fourth, is not a citizen. The bill calls for stiff penalties to enforce these controls.

I believe that control over the sale and transfer of explosives stands as an essential part of an effective law enforcement effort in this field.

I ask unanimous consent that the bill be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3865) to amend the Internal Revenue Code of 1954 by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

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*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) subtitle E of the Internal Revenue Code of 1954 (relating to alcohol, tobacco and certain other excise taxes) is amended by adding at the end thereof the following new chapter:

"CHAPTER 54—EXPLOSIVES

"SEC. 5901. TRANSFER TAX.

"(a) IMPOSITION OF TAX.—There is hereby imposed on the transfer of any explosive from a person registered under section 5902 to either a transferee registered under section 5903 or a person to whom such transfer is approved under section 5904 a tax equivalent to 1 percent of the fair market value of the explosive at the time of transfer. The tax imposed by this section shall be paid by the transferor.

"(b) EXPLOSIVE.—For purposes of this chapter, the term 'explosive' includes dynamite, gunpowder, blasting caps, and nitroglycerin.

"(c) PAYMENT.—The tax imposed by subsection (a) of this section shall be payable by the appropriate stamps prescribed for payment by the Secretary or his delegate.

"SEC. 5902. REGISTRATION OF IMPORTERS, MANUFACTURERS, AND DEALERS.

"On first engaging in business and thereafter on or before the first day of July of each year, each importer, manufacturer, and dealer in explosives shall register with the Secretary or his delegate in each internal revenue district in which such business is to be carried on, his name, including any trade name, and the address of each location in the district where he will conduct such business. Where there is a change during the taxable year in the location of, or the trade name used in, such business, the importer, manufacturer, or dealer shall file an application with the Secretary or his delegate to amend his registration. Explosives operations of an importer, manufacturer, or dealer may not be commenced at the new location or under a new trade name prior to approval by the Secretary or his delegate of the application.

"SEC. 5903. REGISTRATION OF TRANSFEREES.

"Upon application to the Secretary or his delegate any person (other than a person described in section 5905) shall be approved as a registered transferee of explosives if the Secretary or his delegate is satisfied that—

"(1) such person regularly uses explosives (A) in his trade or business or (B) for scientific or educational purposes, and

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"(2) that such use is lawful in the jurisdiction in which such use occurs.

"Sec. 5904. Transfers to Unregistered Transferees.

"(a) Application.—No explosive may be transferred to a transferee who is not registered under section 5903 unless (1) the transferor of the explosive has filed with the Secretary or his delegate a written application, in duplicate, for the transfer of the explosive to the transferee on the application form prescribed by the Secretary or his delegate; (2) any tax payable on the transfer is paid as evidenced by the proper stamp affixed to the original applicable form; (3) the transferee is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe, except that, if such person is an individual, the identification must include his fingerprints and his photograph; (4) the transferor of the explosive is identified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; (5) the type and quantity of the explosive, and the purpose for which it is to be used is specified in the application form in such manner as the Secretary or his delegate may by regulations prescribe; and (6) the application form shows that the Secretary or his delegate has approved the transfer of the explosive to the transferee. Applications shall be denied if the transferee is a person described in section 5905 or if the transfer, receipt, or possession of the explosive would place the transferee in violation of law.

"(b) Transfer of possession.—The transferee of an explosive shall not take possession of the explosive unless the Secretary or his delegate has approved the transfer of the explosive to the transferee as required by subsection (a) of this section.

"Sec. 5905. Ineligible Transferees.

"No individual who—

"(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

"(2) is a fugitive from justice;

"(3) has been adjudicated as a mental defective or has been committed to any mental institution; or

"(4) is not a citizen of the United States, may receive or possess any explosive. For purposes of paragraph (1), the term 'crime punishable by imprisonment for a term exceeding one year' shall not include (A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices as the Secretary may by regulation designate, or (B) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

"Sec. 5906. Records and Returns.

"Importers, manufacturers, and dealers shall keep such records of, and render such returns in relation to, the importation, manufacture, making, receipt, and sale, or other disposition, of explosives as the Secretary or his delegate may by regulations prescribe.

"Sec. 5907. Other Laws Applicable.

"All provisions of law relating to special taxes imposed by chapter 51 and to engraving, issuance, sale, accountability, cancellation, and distribution of stamps for tax payment shall, insofar as not inconsistent with the provisions of this chapter, be applicable with respect to the tax imposed by section 5901.

"Subchapter B—Prohibited Acts

"Sec. 5911. Prohibited Acts.

"It shall be unlawful for any person—

"(1) to engage in business as a manufacturer or importer of, or dealer in, explosives without having registered as required by section 5002; or

"(2) to receive or possess explosives transferred to him in violation of the provisions of this chapter; or

"(3) to transfer explosives in violation of the provisions of this chapter; or

"(4) to make, or cause the making of, a false entry or any application, return, or record required by this chapter, knowing such entry to be false.

"Subchapter C—Penalties and Forfeitures

"Sec. 921. Penalties.

"Sec. 5922. Forfeitures.

"Sec. 5921. Penalties.

"Any person who violates or fails to comply with any provision of this chapter shall, upon conviction, be fined not more than $10,000 or be imprisoned not more than ten years, or both, and shall become eligible for parole as the Board of Parole shall determine.

"Sec. 5922. Forfeitures.

"(a) Laws applicable.—Any explosive involved in any violation of the provisions of this chapter shall be subject to seizure and forfeiture, and (except as provided in subsection (b)) all the provisions of internal revenue laws relating to searches, seizures, and forfeitures of unstamped articles are extended to and made to apply to the articles taxed under this chapter, and the persons to whom this chapter applies.

"(b) Disposal.—In case of the forfeiture of any explosive by reason of violation of this chapter, no notice of public sale shall be required; no such explosive shall be sold at the public sale; if such explosive is forfeited for a violation of this chapter and there is no remission to mitigation of forfeiture thereof, it shall be delivered by the Secretary or his delegate to the Administrator of General Services, General Services Administration, who may order such explosive destroyed or may sell it to any State, or possession, or political subdivision thereof, or at the request of the Secretary or his delegate, may authorize its retention for official use of the Treasury Department, or may transfer it without charge to any executive department or independent establishment of the Government for use by it."

## S. 3866—INTRODUCTION OF A BILL TO PROVIDE FOR MORE EFFECTIVE PROTECTION AGAINST HAZARDS CAUSED BY ECONOMIC POISONS

Mr. HART. Mr. President, the battle to regulate pesticides properly is one of the most important in man's efforts to maintain a decent and habitable place in which to live. The authority to permit the use of a pesticide is an awesome power indeed. The tremendous good or harm that an individual pesticide may inflict upon the environment dictates that the utmost care be taken in deciding which pesticides will or will not be approved for use.

Recent events have shown the regulation of pesticides in this country to be woefully inadequate. The simple fact that so many hard pesticides have been in use for so long points to a continuing absence of proper concern for the environmental damage these chemicals may cause. Contamination of food with pesticide residues has become so prevalent in recent years that today it is nearly impossible to eat any food without ingesting some quantity of DDT.

Testimony in recent hearings of the Subcommittee on Energy, Natural Resources, and the Environment of the Senate Commerce Committee has revealed that 2,4,5-T, a compound in use for over two decades, causes birth defects. On May 8, the subcommittee learned that currently used mercury fungicides release a significant amount of toxic contaminants into the environment. The list goes on and on. Clearly, enough attention has not been paid to the human health and environmental damage certain pesticides may cause.

In response to these problems I am today introducing a bill which would amend the Federal Hazardous Substances Act to include pesticides among the substances regulated by that law. Under the bill's provisions, the Secretary of Health, Education, and Welfare would be authorized to prevent the movement in commerce of any pesticide whenever protection of the public health and safety requires such action. The Secretary would also be required to review all labels prior to the registration of any pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act and to approve only those labels which most effectively protect the public health. Finally, the bill would make criminal the misuse of a pesticide in violation of any approved label.

When the Federal Insecticide, Fungicide, and Rodenticide Act became law, primary concern was with the efficiency, rather than the safety, of pesticide use. Under such conditions, the vesting of control over pesticides in the Department of Agriculture did not seem unreasonable. Our increased awareness of the environmental dangers caused by pesticides, however, now necessitates a change in the orientation of pesticide regulation. Given the acknowledged significance of safety factors in decisions regarding pesticides, it seems only fitting to expand the role of the Federal agency whose primary function is the protection of public health.

The proposed legislation, if passed, will not strip the Department of Agriculture of its existing powers under the Federal Insecticide, Fungicide, and Rodenticide Act. It will, however, subject the exercise of those powers to an independent check by an agency with a different orientation, different makeup, and to some extent different objectives. The current state of our environment argues strongly for this change in our regulatory scheme.

I introduce the bill, for appropriate reference, and ask unanimous consent that it be printed in full in the Record.

The PRESIDING OFFICER (Mr. Schweiker). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3866) to amend the Hazardous Substances Act to provide for more protection against the hazards caused by economic poisons introduced by Mr. Hart, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3866

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That (a) section 2(f)(2) is amended by striking out the word "The" and inserting in lieu thereof "Except as otherwise provided, the".

(b) Section 2(q)(1) of such Act is amended by striking out "or (B)" and inserting in lieu thereof the following: "(B) any economic poison which the Secretary by regulation classifies as a 'banned hazardous substance' on the basis of a finding that the degree or nature of the hazards involved in the presence or use of such poison as currently labelled is such that the objective of the protection of the public health and safety can be adequately served only by keeping such poison out of the channels of interstate commerce, or (C)".

(c) Section 2(q)(2) of such Act is amended by inserting "or clause (C)" immediately after the words "clause (B)", and by inserting after the words "Provided, That" the following: "(i) if the Secretary finds that the use of any economic poison presents an imminent hazard to the public health, he may by order published in the Federal Register give notice of such finding and thereupon such poison shall be deemed to be a 'banned hazardous substance' pending the completion of proceedings relating to the issuance of such regulation, and (ii)".

(d) Section 2 of such Act is further amended by inserting at the end thereof the following:

"(r) The term 'economic poison' has the same meaning as prescribed under section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act.".

SEC. 2. Section 4 of the Hazardous Substances Act is amended by adding at the end thereof the following new subsection:

"(i) The use by any person of an economic poison in a manner that is prohibited by the express terms on the label of such poison".

SEC. 3. (a) The heading of section 10 of the Hazardous Substances Act is amended to read as follows:

"ADMINISTRATION"

(b) Section 10 of such Act is amended by adding at the end thereof the following new subsection:

"(c) In order to assure that the safe use of any economic poison is, to the extent practicable, stated on the label, the Secretary of Health, Education, and Welfare shall consult with the Secretary of Agriculture on the labeling of economic poisons prior to the registration of any such economic poison pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act. No economic poison shall after the date of enactment of this Act be registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act without the prior approval of the Secretary of the proposed label. The Secretary shall not approve any such label without first finding that the label as proposed constitutes better protection of the public health and safety than any other reasonable alternative".

SEC. 4. Section 17 of the Hazardous Substances Act is amended by inserting a comma and "except as otherwise provided" before "of the Federal Insecticide, Fungicide, and Rodenticide Act.".

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## S. 3867—INTRODUCTION OF THE EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

Mr. NELSON. Mr. President, I introduce for proper referral the Employment and Training Opportunities Act of 1970.

The purpose of this legislation is to make a reasonable beginning toward a truly effective national manpower policy including a public service employment program.

Back in 1946 the Congress declared it the national purpose to "use all practicable means to promote maximum employment."

It has been evident for some years that a federally funded program of public employment has been a necessary and a "practicable" means to that end, yet we have hesitated to take that step. Now it is time to begin.

There has been a fear in some quarters that work of a public nature for the unemployed would be "makework." Others have felt that the private economy could be counted on to provide work for all Americans willing and able to work if only the persistent sluggishness of the economy in the late 1950's and early 1960's could be overcome.

It is my belief that both of these objections to a public service employment program have now been shown to be invalid.

First, as to the need for work to be performed. In 1965 Greenleigh Associates did a careful national survey of needed public service employment jobs that could be filled by unskilled workers. They found 4.3 million jobs in 12 different categories. In 1966 the National Commission on Technology, Automation, and Economic Progress found 5.3 million public service jobs in six categories.

The noted economist, Harold L. Sheppard, working for the Urban Coalition, reported a survey of cities of 100,000 or more population in January 1969. His conclusion: 280,000 jobs, in these 130 cities alone, in 13 municipal public service functions, of which at least 140,000 could be filled quickly by inner city residents.

This committee has conducted hearings on manpower proposals over the last 7 months, including field hearings in Los Angeles, Corpus Christi, Tex., Milwaukee, Cleveland, and San Francisco, asking mayors and county executives—among other questions—what potential they saw for public service employment in their communities.

The response has been unanimous. Often the first reason in pleading for Federal funds for public service employment has not been the need to create jobs—as acute as that need is—but rather the desperate need the cities feel for personnel, especially people from the community, to maintain needed public services in education, health, recreation, police, fire, conservation, and sanitation.

In Los Angeles, county officials testified that there are some 2,000 jobs that desperately need doing, could be performed largely by low-skilled people, but cannot be budgeted for lack of tax revenue. The city of Los Angeles found 1,675 positions that could be immediately filled in day care, neighborhood improvement, sanitation, and social services.

In Cleveland the city reported a similar total number of jobs available, and the private welfare organizations named over 4,000.

Back in 1964, when I introduced the Human Resources and Conservation Act of 1964 to establish a $1 billion national program of conservation work for the disadvantaged, we wrote to Federal, State, and local officials with conservation and land management responsibilities. At that time the Department of the Interior alone estimated that there was 57,000 man-years of work to be done on conservation projects through the National Park Service, the Bureaus of Sport Fisheries and Wildlife, and other agencies of the Department. The State of Wisconsin reported over 14,000 man-years of work on State-owned land. There was not then and is not now any national inventory of conservation work to be done. But all experts agree there is ample real work to occupy all Americans able to work.

The legislative fruit of that Human Resources Conservation Act was the Nelson amendment to the Economic Opportunity Act of 1964, now known as Operation Mainstream. It has been largely used to provide part-time work for older, rural workers. Even now, 6 years later the program provides barely enough jobs for the Nation—only 10,700 annually—to fill the State of Wisconsin's annual needs.

The New Careers program—run at about half the modest level of Operation Mainstream—$18.6 million and 4,400 jobs in 1969—has effectively demonstrated that it is perfectly feasible to train and hire the hard core unemployed for public service jobs. These new Government employees—as we learned in testimony in a number of cities—are especially effective in programs that involve personal service in their own communities. They can help with long delayed reforms in civil service regulations that often stand as arbitrary roadblocks to advancement rather than the assurance of fair consideration of job related merit that such regulations ought to be.

The New Careers program has suffered not only from its very modest size, but also from the fact that Federal funds for salary support end after the second year. In a number of programs New Career trainees have found themselves trained for jobs that local governmental units cannot budget for lack of tax revenues. Considerably longer term Federal salary support for people hired to expand public services is desperately needed if public employment is not to be simply another token manpower program leading only to a cruel disappointment.

The Operation Mainstream program proved that a public service employment program—and one often largely involved with conservation—is enormously popular with local officials and citizens.

This popularity should come as no surprise. Public opinion polls over the last 30 years have consistently shown the American people favorable to the concept of federally subsidized work for those unemployed by the private economy. For instance, in 1967, 66 percent of the whites and 91 percent of the blacks questioned favored a large scale Federal employment program.

At a time when the Nation is starved for adequate public services in schools, hospitals, sanitation, conservation, recreation, police and fire and child care work, is it any wonder that such programs are particularly attractive?

There is now general agreement that there is ample real work to be done, and that pilot projects under the Labor Department and the Office of Economic Opportunity in Operation Mainstream and New Careers, the paraprofessional programs in health, education, and day

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care have shown us how to run effective programs.

And now as the Nation heads back down the slope of recession—with unemployment now at 5.4 percent of the work force, measured by the 1965 yardstick—we must be honest enough to admit that even at the height of the economic boom in 1967 unemployment and underemployment in the Nation's ghettos and rural backwaters remained explosively high.

As Willard Wirtz—then the Secretary of Labor—said in January 1967 to President Johnson in a confidential memo outlining his proposal for what became the concentrated employment and job opportunities in the business sector programs:

> If a third of the people in the nation couldn't make a living, there would be a revolution. This is the situation—and the present prospect, unless action is taken—in the nation within a nation, our ghettos and slums.

The failure of the JOBS program to come anywhere near reaching its goals testifies to the limits of the private economy in meeting the whole problem alone.

For fiscal 1970 the Labor Department's table of manpower training opportunities listed 140,000 training opportunities in the JOBS program.

What have been the results?

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|---|---|
| Jobs pledged by business | 99,846 |
| Persons hired | 84,703 |
| Terminations | 50,225 |
| Presently in program | 34,478 |

These are figures supplied by the Secretary of Labor. They are not 1-year figures but the cumulative data from the beginning of the program in 1968 through January 1970.

I do not mean to criticize the enormous effort made by businessmen in the JOBS program and privately by quoting the figures. The point is that private enterprise cannot be responsible for solving the manpower problems of the Nation by itself.

As George C. McGhee, testifying for the Urban Coalition told our committee:

> It would not be reasonable, however, to expect the private sector to do the whole job. The jobs are just not there.

Meanwhile, the terrifying unemployment and underemployment statistics continue to mount.

In 1965 unemployment in Watts was at the 24,000 level. In 1967, after heroic effort by local business it was down to 12,000. But when our committee was in Los Angeles in January, local witnesses testified that the level was back at 24,000 and conditions were not measurably better than 5 years before.

Mr. President, the fact of the matter is that there simply are not now enough jobs in America for all her citizens, jobs where the people live—or near enough to be within reach—jobs at the skill level people have—or can be trained for in short space of times—jobs that pay enough to support a man and his family at even the poverty level—and offer hope of advancement.

At the same time the Nation is in an extraordinary crisis, a crisis brought on in part by the wholesale neglect of our clear duty to our common life, a starvation of the public services that alone can make a modern industrial society a livable habitat for man.

The answer to these twin dilemmas has been clear for some time: a substantial public service employment program.

Today I introduce a bill to make a start in that direction—to create in the first year 150,000 to 200,000 in the public sector at the cost of $1 billion.

The time for rhetoric is long, long past. If we are ever to reorder our priorities the time is now. Let us not lose the opportunity.

Mr. President, I ask unanimous consent to place in the RECORD at the conclusion of my remarks a summary of the bill I am introducing and I ask that the text of the bill also be printed in the RECORD.

The PRESIDING OFFICER (Mr. SCHWEIKER). The bill will be received and appropriately referred; and, without objection, the bill and summary will be printed in the RECORD.

The bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes, introduced by Mr. NELSON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3867

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act, with the following table of contents, may be cited as the "Employment and Training Opportunities Act of 1970":

Sec. 1. Short Title.
Sec. 2. Authorized Appropriations.
Sec. 3. Advance Funding.
Sec. 4. Legal Authority.
Sec. 5. Special Limitation.
Sec. 6. Labor Standards.
Sec. 7. Definitions.

TITLE I—PUBLIC SERVICE EMPLOYMENT

Sec. 101. Financial Assistance.
Sec. 102. Authorization.
Sec. 103. Eligible Applicants.
Sec. 104. Public Service Employment Councils.
Sec. 105. Applications.
Sec. 106. Allocation of Funds.
Sec. 107. Special Conditions.
Sec. 108. Emergency Employment Assistance.

TITLE II—COMPREHENSIVE MANPOWER SERVICES

Sec. 201. Secretary's Responsibilities.
Sec. 202. Use of Funds.
Sec. 203. Eligible Applicants.
Sec. 204. Prime Sponsors.
Sec. 205. Applications.
Sec. 206. Health, Education, and Welfare.
Sec. 207. Allocation of Funds.
Sec. 208. Special Conditions.
Sec. 209. Allowances and Compensation.

TITLE III—SPECIAL WORK TRAINING AND CAREER DEVELOPMENT PROGRAMS

PART A—General Provisions

Sec. 301. Equitable Distribution of Assistance.
Sec. 302. Limitations on Federal Assistance.
Sec. 303. Administrative Regulations.

PART B—NEW CAREERS

Sec. 311. Program Authorized.
Sec. 312. Assistance Authorized.
Sec. 313. Special Conditions.
Sec. 314. Program Participants.

PART C—UPGRADING PROGRAMS

Sec. 321. Program Authorized.
Sec. 322. Requirements.

PART D—OPPORTUNITIES INDUSTRIALIZATION CENTERS

Sec. 331. Program Authorized.

TITLE IV—SPECIAL YOUTH WORK AND TRAINING PROGRAMS

PART A—JOB CORPS

Sec. 401. Statement of Purpose.
Sec. 402. Individuals Eligible for Job Corps.
Sec. 403. Screening and Selection of Applicants.
Sec. 404. Special Limitations.
Sec. 405. Enrollment and Assignment.
Sec. 406. Job Corps Centers.
Sec. 407. Program Activities.
Sec. 408. Allowance and Support.
Sec. 409. Standards of Conduct.
Sec. 410. Community Participation.
Sec. 411. Counseling and Job Placement.
Sec. 412. Evaluation; Experimental and Demonstration Projects.
Sec. 413. Advisory Committees and Boards.
Sec. 414. Participation of the States.
Sec. 415. Application of Provisions and Federal Law.
Sec. 416. Special Limitations.
Sec. 417. Political Discrimination and Political Activity.

PART B—NEIGHBORHOOD YOUTH PROGRAMS

Sec. 451. Programs Authorized.
Sec. 452. Special Conditions.
Sec. 453. Program Participants.
Sec. 454. Administrative Regulations.
Sec. 491. Existing Laws.

TITLE V—ENVIRONMENT IMPROVEMENT PROJECTS

PART A—GENERAL PROVISIONS

Sec. 501. Equitable Distribution of Assistance.
Sec. 502. Limitations on Federal Assistance.
Sec. 503. Administrative Regulations.
Sec. 504. Special Conditions.

PART B—MAINSTREAM PROGRAM

Sec. 511. Program Authorized.
Sec. 512. Program Participants.

PART C—COMMUNITY ENVIRONMENT SERVICES

Sec. 521. Program Authorized.

TITLE VI—INDIAN MANPOWER SERVICES

Sec. 601. Statement of Findings and Purpose.
Sec. 602. Establishment of Office of Indian Manpower Services.
Sec. 603. Eligible Applicants.
Sec. 604. National Indian Manpower Advisory Committee.

### AUTHORIZED APPROPRIATIONS

SEC. 2. (a) There are authorized to be appropriated such amounts as may be necessary to carry out this Act for the fiscal year ending June 30, 1971, and for each fiscal year thereafter.

(b) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds appropriated to carry out this Act which are not obligated and expended prior to the end of the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure during the succeeding fiscal year.

### ADVANCE FUNDING

SEC. 3. (a) For the purpose of affording adequate notice of funding available under this Act appropriations under this Act are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation.

(b) In order to effect a transition to the advance funding method of timing appropriation action, the amendment made by subsection (a) shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

### LEGAL AUTHORITY

SEC. 4. Rules, regulations, guidelines, and other published interpretations or orders issued by the Department of Labor, or any official thereof, in connection with or affecting the administration of any authority under this Act shall contain, immediately following each substantive provision of such rules, regulations, guidelines, interpretations, or orders, citations to the particular section or sections of statutory law or other legal authority upon which such provision is based.

### SPECIAL LIMITATION

SEC. 5. No authority conferred by this Act shall be used to assist in relocating establishments from one area to another or to enter into arrangements for, or otherwise establish, any training programs in the lower wage industries where prior skill or training is typically not a pre-requisite to hiring and where labor turnover is high. Such limitation on relocation shall not prohibit assistance to a business entity in the establishment of a new branch, affiliate, or subsidiary of such entity if the Secretary of Labor finds that assistance will not result in an increase in unemployment in the area of original location or in any other area where such entity conducts business operations, unless he has reason to believe that such branch, affiliate, or subsidiary is being established with the intention of closing down the operation of the existing business entity in the area of its original location or in any other area where it conducts such operations.

### LABOR STANDARDS

SEC. 6. All laborers and mechanics employed by contractors or subcontractors in any construction, alteration, or repair, including painting and decorating of projects, buildings, and works which are federally assisted under this Act, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a-5). The Secretary of Labor shall have, with respect to such labor standards, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 64 Stat. 1267) and section 2 of the Act of June 1, 1934, as amended (48 Stat. 948, as amended; 40 U.S.C. 276(c)).

### DEFINITIONS

SEC. 7. For the purposes of this Act, the term—

(1) "Secretary" means the Secretary of Labor;

(2) "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

## TITLE I—PUBLIC SERVICE EMPLOYMENT

### FINANCIAL ASSISTANCE

SEC. 101. The Secretary of Labor shall enter into arrangements with eligible applicants in accordance with the provisions of this title for the purpose of providing financial assistance to public and private nonprofit agencies and institutions for the creation of jobs providing employment for unemployed or underemployed persons in carrying out needed public services.

### AUTHORIZATION

SEC. 102. (a) For each of the two fiscal years ending prior to July 1, 1972, not less than one-third and for each fiscal year thereafter, not less than one-half, of the amounts available for the purpose of carrying out this Act shall be used for the purpose of carrying out this title.

(b) In addition to the amounts available for the purpose of carrying out this title pursuant to subsection (a), there are authorized to be appropriated for the purpose of carrying out this title $1,000,000,000 for the fiscal year ending June 30, 1971, and for each fiscal year thereafter.

### ELIGIBLE APPLICANTS

SEC. 103. For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) States, counties, cities, and other units of local general government which have established Public Service Employment Councils pursuant to plans approved by the Secretary under section 104 in order to carry out comprehensive public service employment programs; and

(2) other public and private nonprofit agencies and institutions (including community action programs and public service agencies and institutions of the Federal Government) which desire to provide public service employment opportunities.

### PUBLIC SERVICE EMPLOYMENT COUNCILS

SEC. 104. (a) Any State, county, city, or other unit of local general government which desires to be an eligible applicant in order to enter into arrangements with the Secretary under this title for the purpose of carrying out a comprehensive public service employment program shall submit to the Secretary a plan for the establishment of a Public Service Employment Council which shall—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such Council shall appoint the members of the Council and shall designate one member to be chairman.

(2) provide that the Council shall include members who are representative of community action programs, the public employment service, education and training institutions, and business and labor, and shall include members who are representative of child care, education, environmental quality, health, recreation, and other social service agencies;

(3) provide that the chairman of the Council shall, with the approval of the Council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the Council;

(4) provided that applications from eligible applicants to which this section is applicable shall be prepared and submitted for such applicant by the Council;

(5) set forth the Council's plans for conducting on a continuing basis surveys and analyses of needs for public services in the area served by the Council to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action programs will be involved in the development of applications for financial assistance under this title;

(7) set forth the Council's plans for evaluating the effectiveness of programs for which it receives financial assistance under this title; and

(8) describe the area to be served by the Council.

(b) The Secretary shall approve plans submitted by units of government under subsection (a) which are consistent with the purposes of this title and meet the requirements of subsection (a). A plan submitted by a unit of government shall not be disapproved without an opportunity for a hearing upon which an appeal to the Secretary may be based.

(c) The Secretary shall make available not less than 1 percent of the sums appropriated to carry out this Act for the purpose of paying such amounts as may be reasonably necessary to cover the staff and other administrative expenses of the Councils established pursuant to subsection (a). The amount made available for the purposes of this subsection shall be allocated in the same manner as set forth in section 106.

### APPLICATIONS

SEC. 105. (a) Financial assistance under this title may be provided by the Secretary only pursuant to an application from an eligible applicant approved by the Secretary in accordance with the provisions of this title. Such application shall set forth a public service employment program designed to create jobs providing employment for unemployed and underemployed persons in carrying out needed public services in such fields as health; public safety; education; recreation; streets, parks, and municipal maintenance; solid waste removal; pollution control; housing and neighborhood improvement; rural development; conservation; beautification; and other fields of human betterment and community improvement.

(b) An application for financial assistance for a public service employment program under this title shall include provisions setting forth—

(1) assurances that the activities and services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such activities or services under such supervision;

(2) a description of the area to be assisted by such programs, including data indicating the number of potential eligible participants and their income and employment status;

(3) a description of the methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(4) a description of unmet public service needs and a statement of priorities among such needs;

(5) description of jobs to be filled, a listing of the major kinds of work to be performed and skills to be acquired, and the approximate duration for which participants would be assigned to such jobs;

(6) the wages or salaries to be paid participants and a comparison with the prevailing wages in the area for similar work;

(7) the education, training, and supportive services (including counseling and medical care) which complement the work performed;

(8) the planning for and training of supervisory personnel in working with participants;

(9) a description of career opportunities and job advancement potentialities for participants;

(10) an indication of the full participation and maximum cooperation among local public officials, area residents, and representatives of private organizations in the development of the program and a description of their respective roles in the conduct and administration of the program.

(c) An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the provisions of this title;

(2) the application meets the requirements set forth in subsections (a) and (b);

(3) an opportunity has been provided to

the appropriate community action programs in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) the application has been reviewed by a panel of experts to which the application is referred in accordance with procedures established by regulation and is accompanied by the recommendation of the panel on the amount of requested funds which it finds to be approvable; and

(5) the approvable request for funds does not exceed 90 percent of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances warrant the waiver of this requirement.

### ALLOCATION OF FUNDS

SEC. 106. If the funds available for carrying out this title are not sufficient to satisfy fully all approvable requests for funds under section 105 of this title, then not less than 80 percent of the total funds available for comprehensive public service employment programs to be carried out by eligible applicants under section 104 shall be allocated among such applicants in the same proportions as the total number of unemployed persons, of persons heading low-income families, and of unrelated low-income persons, in the area served by such applicants, bears to the total number of such persons in the Nation as a whole. To the extent that any of such funds are not required to satisfy approvable requests for funds, then such remaining funds may be allocated in such manner as the Secretary deems appropriate.

### SPECIAL CONDITIONS

SEC. 107. (a) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will result in an increase in employment opportunities over those which would otherwise be available and will not result in the displacement of currently employed workers (including partial displacement such as a reduction in the hours of non-overtime work or wages or employment benefits), and will not impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(3) wages paid to a participant shall not be lower than whichever is the highest of (A) the minimum wage which would be applicable to the employment under the Fair Labor Standards Act of 1938 if section 6 of such Act applied to the participant and he were not exempt under section 13 thereof, (B) the State or local minimum wage for the most nearly comparable covered employment, or (C) the prevailing rate of wages in the area for similar work;

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants;

(5) all participants will be assured of workman's compensation, retirement, health insurance, unemployment insurance, and other benefits at the same levels and to the same extent as other employees, and to working conditions no less favorable than such other employees enjoy;

(6) the place of work provides employees with safe and healthful working conditions; and

(7) every participant shall be advised, prior to entering upon employment, of his rights and benefits in connection with such employment;

(8) if such employees are, under State law, exempted from the operation of the State workmen's compensation or unemployment compensation laws, generally applicable to employees, unless the employer shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as allowed by State law, that such employees shall enjoy workmen's compensation and unemployment compensation coverage equal to that provided by law for covered employment.

(b) Programs approved under this title shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement, including civil service requirements which restrict employment opportunities for the disadvantaged.

(c) Where a labor organization represents employees who are engaged in similar work in the same labor market area to that proposed to be performed under any program for which an application is submitted under this title, such organization shall be notified by the Secretary prior to the approval of such application.

(e) The Secretary shall prescribe regulations to assure that programs under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, and other policies as may be necessary to promote the effective use of funds.

### EMERGENCY EMPLOYMENT ASSISTANCE

SEC. 108. (a) In addition to financial assistance otherwise available under this Act, the Secretary shall extend financial assistance to eligible applicants which have approved applications under section 105 to provide employment for unemployed persons in public service employment programs in local areas of high unemployment which are eligible for the allocation of funds under this section. Local areas (as defined in regulations by the Secretary in accordance with the purposes of this section) shall be deemed to be local areas of high unemployment when, and programs serving such local areas shall be eligible for assistance under this section in proportion to the extent that, the rate of unemployment exceeds 4.5 percent in such area.

(b) For the purpose of making funds available to carry out this section on a timely basis, the Secretary shall transfer funds otherwise available under this Act. Without delay when needed, the Secretary shall submit to the President, and the President shall submit to the Congress, the estimated funds which it would be necessary to appropriate to satisfy fully all approvable requests under this section, which are hereby authorized to be appropriated.

## TITLE II—COMPREHENSIVE MANPOWER SERVICES

### SECRETARY'S RESPONSIBILITIES

SEC. 201. The Secretary of Labor (hereinafter referred to as the Secretary) shall develop and carry out a program of comprehensive manpower services under this title that will—

(1) provide for the prompt referral of all those persons who are qualified and are seeking work to suitable employment opportunities;

(2) guarantee training and related manpower services to all other persons who are unemployed, in danger of becoming unemployed, employed in public service jobs, or employed in low-paying jobs who could through further training qualify for job opportunities that would provide an adequate standard of living for themselves and their families;

(3) provide appropriate training and related manpower services for persons in correctional institutions to assist them in obtaining suitable employment upon release;

(4) provide appropriate training and related manpower services for persons who have recently been or will shortly be separated from military service;

(5) develop an early warning system and standby capability that will assure a timely and adequate response to major economic dislocations arising from changing markets, rapid technological change, plant shutdowns, or business failure;

(6) promote and encourage the adoption of employment practices by public agencies, nonprofit agencies, labor organizations, and private firms that will remove unreasonable barriers to employment, without reducing productivity, and expand opportunities for upward mobility;

(7) reduce the level of youth unemployment by improving the linkages between educational institutions and job markets; and

(8) support and encourage the development of broad and diversified training programs by public, nonprofit, and private employers designed to improve the skills and thereby the promotion and employment opportunities of employed workers.

### USE OF FUNDS

SEC. 202. The services for which funds under this title may be expended shall include but not be limited to the following:

(1) basic education, including literacy and communications skills which will assist individuals to become more employable or more suitable for participation in occupational training;

(2) outreach, counseling, testing, work evaluation and adjustment, work sampling, recruitment, placement, and followup services;

(3) orientation to work discipline and acclimation to the work situation;

(4) institutional and on-the-job occupational training, including training of employed workers for the purpose of upgrading their skills and improving the utilization of available manpower;

(5) supportive services, including health services, physical examinations, the furnishing of prosthetic devices, child care, bonding, and other special services, including residential support, deemed necessary for enhancing the employability of participants in programs assisted under this title;

(6) work experience for unemployed and disadvantaged individuals, including the performance of socially useful work in public and private agencies or organizations in the fields of health, public safety, education, recreation, streets, parks, and municipal maintenance, housing and neighborhood improvement, conservation and rural development, beautification, and other fields of human betterment and community improvement, including the establishment, operation, or strengthening of any such program;

(7) part-time work for students in ninth through twelfth grades (and youths of equivalent ages) to assist them in remaining in or returning to school; and with such employment opportunities developed in consultation with educational authorities to enhance, to the extent feasible, the educational growth of such students;

(8) relocation assistance, including grants, loans and the furnishing of such services as will aid an involuntarily unemployed individual to relocate in an area where he may obtain suitable employment;

(9) the development of job opportunities including activities designed to promote job restructuring and redesign for the purpose of providing more effective utilization of manpower;

(10) incentives to public or private employers including reimbursements for a limited period when an employee newly hired or being upgraded might not be fully productive;

(11) training for specialized or other personnel and technical assistance which is needed in connection with the programs established under this title or which other-

wise pertains to the purposes of this title; and

(12) such other services as the Secretary deems necessary to carry out the purposes of this Act.

ELIGIBLE APPLICANTS

SEC. 203. (a) To the extent consistent with the purposes of this title, the Secretary is authorized to enter into arrangements with any eligible applicant in accordance with the provisions of this title for the purpose of carrying out manpower services which the Secretary determines can be most effectively implemented by such applicant.

(b) For the purpose of entering into arrangements with the Secretary under this title, eligible applicants shall be—

(1) States, counties, cities, and other units of local general government which have been approved as prime sponsors pursuant to plans approved by the Secretary under section 204;

(2) other public and private agencies, institutions, and organizations, including community action programs.

PRIME SPONSORS

SEC. 204. (a) Any State, county, city, or other unit of local general government which desires to be a prime sponsor in order to enter into arrangements with the Secretary under this title for the purpose of carrying out a comprehensive manpower services program shall submit to the Secretary a plan for the establishment of a Manpower Services Council which shall—

(1) provide that the chief executive officer or officers of the unit or units of government establishing such Council shall appoint the members of the Council and shall designate one member to be chairman;

(2) provide that the Council shall include members who are representative of community action programs; the public employment service; public educational agencies; community postsecondary educational and training institutions; social service programs, including child care, health, vocational rehabilitation, and welfare agencies; industrial development organizations; apprenticeship programs; business; and labor;

(3) provide that the chairman of the Council shall, with the approval of the Council, appoint a staff director who shall supervise professional, technical, and clerical staff serving the Council;

(4) provide that applications from eligible applicants to which this section is applicable shall be prepared and submitted for such applicant by the Council;

(5) set forth the Council's plans for conducting on a continuing basis surveys and analyses of needs for manpower services in the area served by the Council to be used in the development of applications for assistance under this title;

(6) set forth arrangements assuring that community action programs will be involved in the development of applications for financial assistance and in the implementation of programs assisted under this title;

(7) set forth the Council's plans for evaluating the effectiveness of programs for which it receives financial assistance under this title; and

(8) describe the area to be served by the Council.

(b) The Secretary shall approve plans submitted by units of government under subsection (a) which are consistent with the purposes of this title and meet the requirements of subsection (a). A plan submitted by a unit of government shall not be disapproved without an opportunity for a hearing upon which an appeal to the Secretary may be based.

(c) In the event that a unit of government does not submit a plan approvable under this section, including adequate arrangements with community action programs in accordance with clause (6) of subsection (a), the Secretary may designate a community action agency as prime sponsor for a specific area.

(d) The Secretary shall make available not less than 1 percent of the sums appropriated to carry out this Act for the purpose of paying such amounts as may be reasonably necessary to cover the staff and other administrative expenses of the Councils established pursuant to subsection (a). The amount made available for the purposes of this subsection shall be allocated in the same manner as set forth in section 207.

APPLICATIONS

SEC. 205. (a) Financial assistance under this title may be provided by the Secretary only pursuant to an application from an eligible applicant approved by the Secretary in accordance with the provisions of this title. Such application shall set forth—

(1) a description of the services for which such financial assistance will be used;

(2) assurances that the services for which assistance is sought under this title will be administered by or under the supervision of the applicant, identifying any agency or agencies designated to carry out such services under such supervision;

(3) any arrangements made for services to be performed, on a reimbursable basis or otherwise, with the public employment service or any other public or private agency, institution, or organization;

(4) a description of the area to be assisted by such programs, including data indicating the number of potential eligible participants and their income and employment status.

(b) An application, or modification or amendment thereof, for financial assistance under this title, may be approved only if the Secretary determines that—

(1) the application is consistent with the purposes of this title;

(2) the application meets the requirements set forth in subsection (a);

(3) an opportunity has been provided to appropriate community action programs in the area to be served to submit comments with respect to the application to the applicant and to the Secretary;

(4) in the case of an application from an eligible applicant other than the State, an opportunity has been provided to the Governor of the State to submit comments with respect to the application to the applicant and to the Secretary;

(5) in the case of an application from a State, an opportunity has been provided to officials of the appropriate local units of general government to submit comments with respect to the application to the State and to the Secretary;

(6) the approvable request for funds does not exceed 90 percent of the cost of carrying out the program proposed in such application, unless the Secretary determines that special circumstances warrant the waiver of this requirement.

HEALTH, EDUCATION, AND WELFARE

SEC. 206. In the case of any application which sets forth services of a health, education, and welfare character, the Secretary of Labor shall not approve such application without the concurrence of the Secretary of Health, Education, and Welfare. Such services include basic education; institutional training; health, child care, and other supportive services; and new careers and job restructuring in the health, education, and welfare professions.

ALLOCATION OF FUNDS

SEC. 207. If the funds available for carrying out this title are not sufficient to satisfy fully all approvable requests for funds under section 205 of this title, then not less than 80 percent of the total funds available for prime sponsors under section 204 shall be allocated among such prime sponsors in the same proportions as the total number of persons in the labor force, of unemployed persons, of persons heading low-income families, and of unrelated low-income persons, in the area served by such prime sponsor, bears to the total number of such persons in the Nation as a whole. To the extent that any of such funds are not required to satisfy approvable requests for funds, then such remaining funds may be allocated in such manner as the Secretary deems appropriate.

SPECIAL CONDITIONS

SEC. 208. The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he may prescribe, that—

(1) conditions of employment or training will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant;

(2) appropriate standards for the health, safety, and other conditions applicable to the performance of work and training on any project are established and will be maintained;

(3) appropriate workmen's compensation protection will be provided to all participants;

(4) no discrimination will be exercised, threatened, or promised by any person with responsibilities in the operation of any program, against or in favor of any program participant or any applicant for participation in such program because of race, creed, color, national origin, sex, membership or lack of membership in any organization, political affiliation, or beliefs;

(5) the program does not involve political activities nor will any participant be employed on the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(6) the program will not result in the displacement of employed workers or impair existing contracts for services or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(7) funds will be used to supplement, to the extent practicable, the level of funds that would otherwise be made available from non-Federal sources for the purpose of planning and administration of programs within the scope of this title and not to supplant such other funds;

(8) the applicant will make such reports, in such form and containing such information as the Secretary may from time to time require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure that funds are being expended in accordance with the provisions of this title.

ALLOWANCES AND COMPENSATION

SEC. 209. (a) The Secretary shall where appropriate provide for the payment of weekly allowances to individuals receiving services under this title. Such allowances shall be at a rate prescribed by the Secretary which, when added to amounts received by the trainee, in the form of public assistance or unemployment compensation payments, shall approximate the minimum wage for a workweek of forty hours under section 6(a)(1) of the Fair Labor Standards Act of 1938 or, if higher, under the applicable State minimum wage law, or where the trainee is being trained for particular employment, at a rate equal to 80 per centum of the weekly wage for such employment, whichever is greater. In prescribing allowances, the Secretary may allow additional sums for special circumstances such as exceptional expenses incurred by trainees including but not limited to meal and travel allowances or he may reduce such allowances by an amount reflecting the fair value of meals, lodging, or other necessaries furnished to the trainee. The Secretary shall take such action as may be necessary to insure that

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such persons receive no allowances with respect to periods during which they are failing to participate in such programs, training, or instruction as prescribed herein without good cause. Notwithstanding the preceding provisions of this subsection, the Secretary may, in the case of programs carried on outside the continental United States, make appropriate adjustments in allowances which would otherwise be payable under this Act to reflect the special economic circumstances which exist in the area in which the program is to be carried on. Allowances shall not be paid for any course of training having a duration in excess of one hundred and four weeks.

(b) For purposes of subchapter I of chapter 81 of title 5, United States Code, persons receiving services under this title shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply, except that in computing compensation benefits for disability or death, the monthly pay of such a person shall be deemed to be is allowance for a month, if he is receiving one, but in no event shall the monthly pay be deemed to be less than the minimum wage for four workweeks of forty hours each under section 6(a)(1) of the Fair Labor Standards Act of 1938, or, if higher, under the applicable State minimum wage law.

## TITLE III—SPECIAL WORK TRAINING AND CAREER DEVELOPMENT PROGRAMS

### PART A—GENERAL PROVISIONS

#### EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 301. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under each of the parts of this title. In developing such criteria as are appropriate for each part, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums available for any fiscal year for programs authorized under each such part not more than 15 percent shall be used within any one State.

#### LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 302. Federal financial assistance to any program or activity carried out pursuant to this title shall not exceed 90 per centum of the cost of such program or activity, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

#### ADMINISTRATIVE REGULATIONS

SEC. 303. The Secretary shall prescribe regulations to assure that programs assisted under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

### PART B—NEW CAREERS

#### PROGRAM AUTHORIZED

SEC. 311. The Secretary shall carry out a special program to be known as "New Careers" which will provide unemployed or low-income persons with jobs leading to career opportunities, including new types of careers, in programs designed to improve the physical, social, economic, or cultural condition of the community or area served in fields of public service, including without limitation health, education, welfare, recreation, day care, neighborhood redevelopment, and public safety, which provide maximum prospects for on-the-job training, promotion, and advancement and continued employment without Federal assistance, which give promise of contributing to the broader adoption of new methods of structuring jobs and new methods of providing job ladder opportunities, and which provide opportunities for further occupational training to facilitate career advancement.

#### ASSISTANCE AUTHORIZED

SEC. 312. In carrying out this part, the Secretary is authorized to—

(1) provide financial assistance to public or private nonprofit agencies to stimulate and support efforts to provide the unemployed with jobs and the low-income worker with greater career opportunity;

(2) provide financial and other assistance to insure the provision of supportive and follow-up services to supplement programs under this part including health services, counseling, day care for children, transportation assistance, and other special services necessary to assist individuals to achieve success in these programs and in employment.

#### SPECIAL CONDITIONS

SEC. 313. (a) The Secretary shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development and upward mobility of individual participants.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

#### PROGRAM PARTICIPANTS

SEC. 314. Participants in programs under this part must be unemployed or low-income persons. The Secretary, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

### PART C—UPGRADING PROGRAMS

#### PROGRAM AUTHORIZED

SEC. 321. The Secretary shall enter into arrangements with public or private employers under the terms of which the employer undertakes to provide the necessary education and skill training to prepare employees for positions of greater skill, responsibility and remuneration in the employ of such employer.

#### REQUIREMENTS

SEC. 322. Financial assistance under this part may be provided by the Secretary only pursuant to an application setting forth arrangements satisfactory to the Secretary, including assurances that—

(1) the position for which employees will be trained are positions that cannot with reasonable effort be filled by the employer with unemployed or underemployed workers already possessing such skills and willing to accept such employment;

(2) the selection of trainees shall be based upon merit, ability, and length of service, and that no person shall be selected as a trainee until such person has been in the employ of the employer for a period of not less than six months;

(3) the training content of the program is adequate, involves reasonable progression, and will result in the qualification of trainees for suitable employment in a recognized skill or occupation in the service of that employer and of other employers in the same industry;

(4) the training period is reasonable and consistent with periods customarily required for comparable training;

(5) adequate and safe facilities, and adequate personnel and records of attendance and progress are provided;

(6) successful completion of the employee's training program can reasonably be expected to result in an offer of employment in the employer's own enterprise in the occupation for which he will be trained at wage rates not less than those prevailing for the same or similar occupations in that industry;

(7) the training and placement of such employees is part of a program that can reasonably be expected to lead directly to the employment of an equivalent number of new employees in entry level employment; and

(8) the trainees are compensated by the employer at such rates, including periodic increases; as may be deemed reasonable under regulations issued by the Secretary, considering such factors as industry practice and trainee proficiency, and that in no event shall the wages or employment benefits of any trainee be less than those received by him immediately before his starting such training program.

### PART D—OPPORTUNITIES INDUSTRIALIZATION CENTERS

#### PROGRAM AUTHORIZED

SEC. 331. The Secretary shall make financial assistance available under this part for the establishment and operation of "Opportunities Industrialization Centers" designed to provide comprehensive employment services and job opportunities for low-income persons who are unemployed or underemployed. Such services shall include recruitment, counseling, remediation, vocational training, job development, job placement, and other appropriate services. No funds shall be made available for any program under this part unless the Secretary determines that adequate provisions are made to assure that (A) the residents of the area to be served by such program are involved in the planning and operation of such center, and (B) the business community in the area to be served by such program is consulted in its development and operation. The Secretary shall give priority to any program authorized under this part serving residents of an inner-city area with substantial unemployment or underemployment.

## TITLE IV—SPECIAL YOUTH WORK AND TRAINING PROGRAMS

### PART A—JOB CORPS

#### STATEMENT OF PURPOSE

SEC. 401. This part establishes a Job Corps for low-income, disadvantaged young men

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and women, sets forth standards and procedures for selecting individuals as enrollees in the Job Corps, authorizes the establishment of residential and/or nonresidential centers in which enrollees will participate in intensive programs of education, vocational training, work experience, counseling, and other activities, and prescribes various other powers, duties, and responsibilities incident to the operation and continuing development of the Job Corps. Its purpose is to assist young persons who need and can benefit from an unusually intensive program, operated in a group setting, to become more responsible, employable, and productive citizens; and to do so in a way that contributes, where feasible, to the development of national, State, and community resources, and to the development and dissemination of techniques for working with the disadvantaged that can be widely utilized by public and private institutions and agencies.

### INDIVIDUALS ELIGIBLE FOR THE JOB CORPS

SEC. 402. To become an enrollee in the Job Corps, a young man or woman must be a person who—

(1) is a permanent resident of the United States who has attained age fourteen but not attained age twenty-two at the time of enrollment;

(2) is a low-income individual or member of a low-income family who requires additional education, training, or intensive counseling and related assistance in order to secure and hold meaningful employment, participate successfully in regular schoolwork, qualify for other training programs suitable to his needs, or satisfy Armed Forces requirements;

(3) is currently living in an environment so characterized by cultural deprivation, a disruptive homelife, or other disorienting conditions as to substantially impair his prospects for successful participation in any other program providing needed training, education, or assistance;

(4) is determined, after careful screening as provided for in sections 403 and 404, to have the present capabilities and aspirations needed to complete and secure the full benefit of the program authorized in this part, and to be free of medical and behavioral problems so serious that he could not or would not be able to adjust to the standards of conduct and discipline or pattern of work and training which that program involves; and

(5) meets such other standards for enrollment as the Secretary may prescribe (including special standards for the enrollment on a residential basis of 14 and 15 year olds) and agrees to comply with all applicable Job Corps rules and regulations.

### SCREENING AND SELECTION OF APPLICANTS

SEC. 403. (a) The Secretary shall prescribe necessary rules for the screening and selection of applicants for enrollment in the Job Corps. To the extent practicable, these rules shall be implemented through arrangements which make use of agencies and organizations such as community action agencies, public employment offices, professional groups, and labor organizations. The rules shall establish specific standards and procedures for conducting screening and selection activities; shall encourage recruitment through agencies and individuals having contact with youths over substantial periods of time and able, accordingly, to offer reliable information as to their needs and problems; and shall provide for necessary consultation with other individuals and organizations, including court, probation, parole, law enforcement, education, welfare, and medical authorities and advisers. They shall also provide for—

(1) the interviewing of each applicant for the purpose of—

(A) determining whether his educational and vocational needs can best be met through the Job Corps or any alternative program in his home community;

(B) obtaining from the applicant pertinent data relating to his background, needs, and interests for evaluation in determining his eligibility and potential assignment; and

(C) giving the applicant a full understanding of the Job Corps program and making clear what will be expected of him as an enrollee in the event of his acceptance.

(2) the conduct of a careful and systematic inquiry concerning the applicant's background for the effective development and, as appropriate, clarification of information concerning his age, citizenship, school and draft status, health, employability, past behavior, family income, environment, and other matters related to a determination of his eligibility.

(b) The Secretary shall make no payments to any individual or organization solely as compensation for the service of referring the names of candidates for enrollment in the Job Corps.

(c) The Secretary shall take all necessary steps to assure that the enrollment of the Job Corps includes an appropriate number of candidates selected from rural areas, taking into account the proportion of eligible youth who reside in rural areas and the need to provide residential facilities for such youth in order to meet problems of wide geographic dispersion.

### SPECIAL LIMITATIONS

SEC. 404. (a) No individual shall be selected as an enrollee unless it is determined that there is reasonable expectation that he can participate successfully in group situations and activities with other enrollees, that he is not likely to engage in actions or behavior that would prevent other enrollees from receiving the benefit of the program or be incompatible with the maintenance of sound discipline and satisfactory relationships between any center to which he might be assigned and surrounding communities, and that he manifests a basic understanding of both the rules to which he will be subject and of the consequences of failure to observe those rules. Before selecting an individual who has a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other major behavioral aberrations, the Secretary shall obtain a finding from a professionally qualified person who knows such potential enrollee's individual situation that there is reasonable expectation that his conduct will not be inimical to the goals and success of the Job Corps and that the opportunity provided by the Job Corps will help him to overcome his problem.

(b) An individual who otherwise qualifies for enrollment may be selected even though he is on probation or parole, but only if his release from the immediate supervision of the cognizant probation or parole officials is mutually satisfactory to those officials and the Secretary and does not violate applicable laws or regulations, and if the Secretary has arranged to provide all supervision of the individual and all reports to State or other authorities that may be necessary to comply with applicable probation or parole requirements.

### ENROLLMENT AND ASSIGNMENT

SEC. 405. (a) No individual may be enrolled in the Job Corps for more than two years, except as the Secretary may authorize in special cases.

(b) Enrollment in the Job Corps shall not relieve any individual of obligations under the Universal Military Training and Service Act (50 U.S.C. App. 451 et seq.).

(c) Each enrollee (other than a native and citizen of Cuba who arrived in the United States from Cuba as a nonimmigrant or as a parolee subsequent to January 1, 1959, under the provisions of section 214(a) or 212 (d)(5), respectively, or any person admitted as a conditional entrant under section 203 (a)(7), of the Immigration and Nationality Act, or a permanent resident of the Trust Territory of the Pacific Islands) must take and subscribe to an oath or affirmation in the following form: "I do solemnly swear (or affirm) that I bear true faith and allegiance to the United States of America and will support and defend the Constitution and laws of the United States against all its enemies foreign and domestic." The provisions of section 1001 of title 18, United States Code, shall be applicable to this oath or affirmation.

(d) After the Secretary has determined whether an enrollee is to be assigned to a men's training center, a conservation center, or a women's training center, the center to which he shall be assigned shall be that center of the appropriate type in which a vacancy exists which is closest to the enrollee's home, except that the Secretary, on an individual basis, may waive this requirement when overriding considerations justify such action. Assignments to centers in areas more remote from the enrollee's home shall be carefully limited to situations in which such action is necessary in order to insure an equitable opportunity for disadvantaged youth from various sections of the country to participate in the program, to prevent undue delays in the assignment of individual enrollees, to provide an assignment which adequately meets the educational or other needs of the enrollee or is necessary for efficiency and economy in the operation of the program.

(e) Assignments of male enrollees shall be made so that, at any one time, at least 40 per centum of those enrollees are assigned to conservation centers as described in section 406, or to other centers or projects where their work activity is primarily directed to the conservation, development, or management of public natural resources or recreational areas and is performed under the direction of personnel of agencies regularly responsible for those functions.

### JOB CORPS CENTERS

SEC. 406. The Secretary may make agreements with Federal, State, or local agencies, or private organizations for the establishment and operation of Job Corps centers. These centers may be residential and/or nonresidential in character and shall be designed and operated so as to provide enrollees, in a well-supervised setting, with education, vocational training, work experience (either in direct program activities or through arrangements with employers), counseling, and other services appropriate to their needs. The centers shall include conservation centers, to be known as Civilian Conservation Centers, to be located primarily in rural areas and to provide, in addition to other training and assistance, programs of work experience focused upon activities to conserve, develop, or manage public natural resources or public recreational areas or to assist to developing community projects in the public interest. They shall also include men's and women's training centers to be located in either urban or rural areas and to provide activities which shall include training and other services appropriate for enrollees who can be expected to participate successfully in training for specific types of skilled or semiskilled employment.

### PROGRAM ACTIVITIES

SEC. 407. (a) Each Job Corps center shall be operated so as to provide enrollees with an intensive, well-organized and fully supervised program of education, vocational training, work experience, planned avocational and recreational activities, physical rehabilitation and development, and counseling. To the fullest extent feasible, the required pro-

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gram for each enrollee shall include activities designed to assist him in choosing realistic career goals, coping with problems he may encounter in his home community or in adjusting to a new community, and planning and managing his daily affairs in a manner that will best contribute to long-term upward mobility. Center programs shall include required participation in center maintenance support and related work activity as appropriate to assist enrollees in increasing their sense of contribution, responsibility, and discipline.

(b) To the extent practicable, the Secretary may arrange for enrollee education and vocational training through local public or private educational agencies, vocational educational institutions, or technical institutes where these institutions or institutes can provide training comparable in cost and substantially equivalent in quality to that which he could provide through other means.

(c) Arrangements for education shall, to the extent feasible, provide opportunities for qualified enrollees to obtain the equivalent of a certificate of graduation from high school; and the Secretary of Labor with the concurrence of the Secretary of Health, Education, and Welfare, shall develop certificates to be issued to enrollees who have satisfactorily completed their services in the Job Corps and which will reflect the enrollee's level of educational attainment.

(d) The Secretary shall prescribe regulations to assure that Job Corps work-experience programs or activities do not displace presently employed workers or impair existing contracts for service and will be coordinated with other work-experience programs in the community.

ALLOWANCE AND SUPPORT

SEC. 408. (a) The Secretary may provide enrollees with such personal, travel, and leave allowances, and such quarters, subsistence, transportation, equipment, clothing, recreational services, and other expenses as he may deem necessary or appropriate to their needs. Personal allowances shall be established at a rate not to exceed $35 per month during the first six months of an enrollee's participation in the program and not to exceed $50 per month thereafter, except that allowances in excess of $35 per month, but not exceeding $50 per month, may be provided from the beginning of an enrollee's participation if it is expected to be of less than six months' duration and the Secretary is authorized to pay personal allowances in excess of the rates specified herein in unusual circumstances as determined by him. Such allowances shall be graduated up to the maximum so as to encourage continued participation in the program, achievement and the best use by the enrollee of the funds so provided and shall be subject to reduction in appropriate cases as a disciplinary measure. To the degree reasonable, enrollees shall be required to meet or contribute to costs associated with their individual comfort and enjoyment from their personal allowances.

(b) The Secretary shall prescribe specific rules governing the accrual of leave by enrollees. Except in the case of emergency, he shall in no event assume transportation costs connected with leave of any enrollee who has not completed at least six months service in the Job Corps.

(c) The Secretary may provide each former enrollee, upon termination, a readjustment allowance at a rate not to exceed $50 for each month of satisfactory participation in the Job Corps. No enrollee shall be entitled to a readjustment allowance, however, unless he has remained in the program at least ninety days, except in unusual circumstances as determined by the Secretary. The Secretary may, from time to time, advance to or on behalf of an enrollee such portions of his readjustment allowance as the Secretary deems necessary to meet extraordinary financial obligations incurred by that enrollee; and he may also pursuant to rules or regulations, reduce the amount of an enrollee's readjustment allowance as a penalty for misconduct during participation in the Job Corps. In the event of an enrollee's death during his period of service, the amount of any unpaid readjustment allowance shall be paid in accordance with the provisions of section 5582 of title 5, United States Code.

(d) Under such circumstances as the Secretary may determine, a portion of the readjustment allowance of an enrollee not exceeding $25 for each month of satisfactory service may be paid during the period of service of the enrollee directly to a spouse or child of an enrollee or to any other relative who draws substantial support from the enrollee, and any sum so paid shall be supplemented by the payment of an equal amount by the Secretary.

STANDARDS OF CONDUCT

SEC. 409. (a) Within Job Corps centers, standards of conduct and deportment shall be provided and stringently enforced. In the case of violations committed by enrollees, dismissals from the Corps or transfers to other locations shall be made in every instance where it is determined that retention in the Corps, or in the particular Job Corps center, will jeopardize the enforcement of such standards of conduct and deportment or diminish the opportunity of other enrollees.

(b) In order to promote the proper moral and disciplinary conditions in the Job Corps, the individual directors of Job Corps centers shall be given full authority to take appropriate disciplinary measures against enrollees including, but not limited to, dismissal from the Job Corps, subject to expeditious appeal procedures to higher authority, as provided under regulations set by the Secretary.

COMMUNITY PARTICIPATION

SEC. 410. The Secretary shall encourage and shall cooperate in activities designed to establish a mutually beneficial relationship between Job Corps centers and surrounding or nearby communities. These activities shall include the establishment of community advisory council to provide a mechanism for joint discussion of common problems and for planning programs of mutual interest. Whenever possible, such advisory councils shall be formed by and coordinated under the local community action agency. Youth participation in advisory council affairs shall be encouraged and where feasible separate youth councils may be established, to be composed of representative enrollees and representative young people from the communities. The Secretary shall establish necessary rules and take necessary action to assure that each center is operated in a manner consistent with this section with a view to achieving, so far as possible, objectives which shall include: (1) giving community officials appropriate advance notice of changes in center rules, procedures, or activities that may affect or be of interest to the community; (2) affording the community a meaningful voice in center affairs of direct concern to it, including policies governing the issue and terms of passes to enrollees; (3) providing center officials with full and rapid access to relevant community groups and agencies, including law enforcement agencies and agencies which work with young people in the community; (4) encouraging the fullest practicable participation of enrollees in programs or projects for community improvement or betterment, with adequate advance consultation with business, labor, professional, and other interested community groups and organizations; (5) arranging recreational, athletic, or similar events in which enrollees and local residents may participate together; (6) providing community residents with opportunities to work with enrollees directly, as part-time instructors, tutors, or advisers, either in the center or in the community; (7) developing, where feasible, job or career opportunities for enrollees in the community; and (8) promoting interchanges of information and techniques among, and cooperative projects involving, the center and community schools, educational institutions, and agencies serving young people.

COUNSELING AND JOB PLACEMENT

SEC. 411. (a) The Secretary shall provide for the counseling and testing of each enrollee at regular intervals to follow his progress in educational and vocational programs.

(b) The Secretary shall counsel and test each enrollee prior to his scheduled termination to determine his capabilities and shall seek to place him in a job in the vocation for which he is trained and in which he is likely to succeed, or shall assist him in attaining further training or education. In placing enrollees in jobs, the Secretary shall utilize the United States Employment Service to the fullest extent possible.

(c) The Secretary shall make arrangements to determine the status and progress of terminees and to assure that their needs for further education, training, and counseling may be met.

(d) Upon termination of an enrollee's training, a copy of his pertinent records, including data derived from his counseling and testing, other than confidential information, shall be made available immediately to the Department of Labor.

(e) The Secretary shall arrange for the readjustment allowance provided for in section 408(c) of this Act, less any sums already paid pursuant to 408(d), to be paid to former enrollees (who have not already found employment) at the public employment service office nearest the home of any such former enrollee, if he is returning to his home, or at the nearest such office to the community in which the former enrollee has indicated an intent to reside. The Secretary of Labor shall make arrangements by which public employment service officers will maintain records regarding former enrollees who are thus paid at such offices including information as to—

(1) the number of former enrollees who have declined the officers' help in finding a job;

(2) the number who were successfully placed in jobs without further education or training;

(3) the number who were found to require further training before being placed in jobs and the types of training programs in which they participated; and

(4) the number who were found to require further remedial or basic education in order to qualify for training programs, together with information as to the types of programs for which such former enrollees were found unqualified for enrollment.

If the Secretary deems it advisable to utilize the services of any other public or private organization or agency in lieu of the public employment office, he shall arrange for that organization or agency to make the payment of the readjustment allowance and maintain the same types of records regarding former enrollees as are herein specified for maintenance by public employment service offices, and shall furnish copies of such records to the Secretary. In the case of enrollees who are placed in jobs by the Secretary prior to the termination of their participation in the Job Corps, the Secretary shall maintain records providing pertinent placement and follow-up information.

EVALUATION; EXPERIMENTAL AND DEVELOPMENTAL PROJECTS

SEC. 412. (a) The Secretary shall provide for the careful and systematic evaluation of the Job Corps program, directly or by con-

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tracting for independent evaluations, with a view to measuring specific benefits, so far as practicable, and providing information needed to assess the effectiveness of program procedures, policies, and methods of operation. In particular, this evaluation shall seek to determine the costs and benefits resulting from the use of residential as opposed to nonresidential facilities, from the use of facilities combining residential and nonresidential components from the use of centers with large as opposed to small enrollments, and from the use of different types of program sponsors, including public agencies, institutions of higher education, boards of education, and private corporations. The evaluation shall also include comparisons with proper control groups composed of persons who have not participated in the program. In carrying out such evaluations, the Secretary shall arrange for obtaining the opinions of participants about the strengths and weaknesses of the program and shall consult with other agencies and officials in order to compare the relative effectiveness of Job Corps techniques with those used in other programs, and shall endeavor to secure, through employers, schools, or other Government and private agencies specific information concerning the residence of former enrollees, their employment status, compensation, and success in adjusting to community life. He shall also secure, to the extent feasible, similar information directly from enrollees at appropriate intervals following their completion of the Job Corps program.

(b) The Secretary may undertake or make grants or contracts for experimental, research, or demonstration projects directed to developing or testing ways of securing the better use of facilities, of encouraging a more rapid adjustment of enrollees to community life that will permit a reduction in the period of their enrollment, of reducing transportation and support costs, or of otherwise promoting greater efficiency and effectiveness in the program authorized under this part. These projects shall include one or more projects providing youths with education, training, and other supportive services on a combined residential and nonresidential basis. The Secretary may, if he deems it advisable, undertake one or more pilot projects designed to involve youth who have a history of serious and violent behavior against persons or property, repetitive delinquent acts, narcotics addiction, or other behavioral aberrations. Projects under this subsection shall be developed after appropriate consultation with other Federal or State agencies conducting similar or related programs or projects and with the prime sponsors, as described in title II of this Act, in the communities where the projects will be carried out. They may be undertaken jointly with other Federal or federally assisted programs, and funds otherwise available for activities under those programs shall, with the consent of the head of any agency concerned, be available to projects under this section to the extent they include the same or substantially similar activities. The Director may waive any provision of this title which he finds would prevent the carrying out of elements of projects under this subsection essential to a determination of their feasibility and usefulness. He shall report to the Congress concerning the actions taken under this section, including a full description of progress made in connection with combined residential and nonresidential projects.

### ADVISORY COMMITTEES AND BOARDS

SEC. 413. The Secretary shall make use of advisory committees or boards in connection with the operation of the Job Corps, and the operation of Job Corps centers, whenever he determines that the availability of outside advance and counsel on a regular basis would be of substantial benefit in identifying and overcoming problems, in planning program or center development, or in strengthening relationships between the Job Corps and agencies, institutions, or groups engaged in related activities.

### PARTICIPATION OF THE STATES

SEC. 414. (a) The Secretary shall take necessary action to facilitate the effective participation of States in the Job Corps program, including, but not limited to, consultation with appropriate State agencies on matters pertaining to the enforcement of applicable State laws, standards of enrollee conduct and discipline, the development of meaningful work experience and other activities for enrollees, and coordination with State-operated programs.

(b) The Secretary may enter into agreements with States to assist in the operation or administration of State-operated programs which carry out the purpose of this part. The Secretary may, pursuant to regulations, pay part or all of the operative or administrative costs of such programs.

(c) No Job Corps center or other similar facility designed to carry out the purpose of this Act shall be established within a State unless a plan setting forth such proposed establishment has been submitted to the Governor, and such plan has not been disapproved by him within 30 days of such submission.

### APPLICATION OF PROVISIONS OF FEDERAL LAW

SEC. 415. (a) Except as otherwise specifically provided in the following paragraphs of this subsection, enrollees in the Job Corps shall not be considered Federal employees and shall not be subject to the provisions of law relating to Federal employment including those regarding hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits:

(1) For purposes of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.) and title II of the Social Security Act (42 U.S.C. 401 et seq.), enrollees shall be deemed employees of the United States and any service performed by an individual as an enrollee shall be deemed to be performed in the employ of the United States.

(2) For purposes of subchapter I of chapter 81 of title 5 of the United States Code (relating to compensation to Federal employees for work injuries), enrollees shall be deemed civil employees of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, United States Code, and the provisions of that subchapter shall apply except as follows:

(A) The term "performance of duty" shall not include any act of an enrollee while absent from his or her assigned post of duty, except while participating in an activity (including an activity while on pass or during travel to or from such post of duty) authorized by or under the direction and supervision of the Job Corps;

(B) In computing compensation benefits for disability or death, the monthly pay of an enrollee shall be deemed that received under the entrance salary for a grade GS–2 employee, and sections 8113 (a) and (b) of title 5, United States Code, shall apply to enrollees; and

(C) Compensation for disability shall not begin to accrue until the day following the date on which the injured enrollee is terminated.

(3) For purposes of the Federal tort claims provisions in title 28, United States Code, enrollees shall be considered employees of the Government.

(b) When the Secretary finds a claim for damage to persons or property resulting from the operation of the Job Corps to be a proper charge against the United States, and it is not cognizable under section 2672 of title 28, United States Code, he may adjust and settle it in an amount not exceeding $500.

(c) Personnel of the uniformed services who are detailed or assigned to duty in the performance of agreements made by the Secretary for the support of the Corps shall not be counted in computing strength under any law limiting the strength of such services or in computing the percentage authorized by law for any grade therein.

### SPECIAL LIMITATIONS

SEC. 416. (a) The Secretary shall take necessary action to assure that for any fiscal year the direct operating costs of Job Corps centers which have been in operation for more than nine months do not exceed $6,900 per enrollee.

(b) The Secretary shall take necessary action to assure that all studies, evaluations, proposals, and data produced or developed with Federal funds in the course of the operation of any conservation or training center shall become the property of the United States.

### POLITICAL DISCRIMINATION AND POLITICAL ACTIVITY

SEC. 417. (a) No officer or employee of the executive branch of the Federal Government shall make any inquiry concerning the political affiliation or beliefs of any enrollee or applicant for enrollment in the Corps. All disclosures concerning such matters shall be ignored, except as to such membership in political parties or organizations as constitutes by law a disqualification for Government employment. No discrimination shall be exercised, threatened, or promised by any person in the executive branch of the Federal Government against or in favor of any enrollee in the Corps, or any applicant for enrollment in the Corps because of his political affiliation or beliefs, except as may be specifically authorized or required by law.

(b) No officer, employee, or enrollee of the Corps shall take any active part in political management or in political campaigns, except as may be provided by or pursuant to statute, and no such officer, employee, or enrollee shall use his official position or influence for the purpose of interfering with an election or affecting the result thereof. All such persons shall retain the right to vote as they may choose and to express, in their private capacities, their opinions on all political subjects and candidates. Any officer, employee, enrollee, or Federal employee who solicits funds for political purposes from members of the Corps shall be in violation of the Federal Corrupt Practices Act, 1925.

(c) Whenever the United States Civil Service Commission finds that any person has violated the foregoing provisions, it shall, after giving due notice and opportunity for explanation to the officer or employee or enrollee concerned, certify the facts to the Secretary with specific instructions as to discipline or dismissal or other corrective actions.

## PART B—NEIGHBORHOOD YOUTH PROGRAMS

### PROGRAMS AUTHORIZED

SEC. 451. The Secretary shall provide financial assistance to public and private agencies serving urban and rural areas to carry out—

(1) programs to provide part-time employment, on-the-job training, and useful work experience for students from low-income families who are in the ninth through twelfth grades of school (or are of an age equivalent to that of students in such grades) and who are in need of the earnings to permit them to resume or maintain attendance in school;

(2) programs to provide unemployed, underemployed, or low-income persons (aged sixteen and over) with useful work and training (which must include sufficient basic education and institutional or on-the-job training) designed to assist those persons to develop their maximum occupational potential and to obtain regular competitive employment;

(3) programs to provide job and recreation opportunities for youth during the summer months.

SPECIAL CONDITIONS

SEC. 452. (a) The Secretary shall not provide financial assistance for any program under this part unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed;

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant; and

(4) the program will, to the maximum extent feasible, contribute to the occupational development or upward mobility of individual participants.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in urban or rural areas having high concentrations or proportions of low-income persons and families.

(c) Programs approved under this part shall, to the maximum extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement.

(d) Projects under this part shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

(e) In the case of a program under section 451(a)(1), the Secretary shall not limit the number or percentage of participants in the program who are fourteen or fifteen years of age and in the case of a program under section 451(a)(2), the Secretary shall not limit the number or percentage of participants in any age group under twenty-two years of age.

PROGRAM PARTICIPANTS

SEC. 453. Participants in programs under this part must be unemployed or low-income persons. The Director, in consultation with the Social Security Administrator, shall establish criteria for low income, taking into consideration family size, urban-rural and farm-nonfarm differences, and other relevant factors.

ADMINISTRATIVE REGULATIONS

SEC. 454. The Secretary shall prescribe regulations to assure that programs under this part have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

EXISTING LAWS

SEC. 491. (a) Effective with respect to fiscal years after June 30, 1971, title I of the Economic Opportunity Act of 1964 is amended by—

(1) amending the heading thereof to read as follows:

"TITLE I—COMMUNITY ECONOMIC DEVELOPMENT";

(2) repealing all of the matter that appears in title I except the heading thereof as amended by the preceding clause and except sections 150 through 155, the section numbers of which are redesignated as sections 101 through 106, respectively; and

(3) all references in law or regulation to part A or B (or sections thereof) of title I of the Economic Opportunity Act of 1964 shall be deemed to be references to part A or B, as the case may be, of this title.

(b) Effective with respect to fiscal years after June 30, 1971, the Manpower Development and Training Act of 1962 is repealed. Unexpended appropriations for carrying out such Act may be made available to carry out this Act during the fiscal year ending June 30, 1971, as directed by the President.

(c) The repeal of provisions of title I of the Economic Opportunity Act of 1964 and the repeal of the Manpower Development and Training Act of 1962 provided for in subsections (a) and (b) shall not affect any grant or contract entered into pursuant to such statutes prior to the effective date of this Act.

## TITLE V—ENVIRONMENT IMPROVEMENT PROJECTS

### PART A—GENERAL PROVISIONS

EQUITABLE DISTRIBUTION OF ASSISTANCE

SEC. 501. The Secretary shall establish criteria designed to achieve an equitable distribution of assistance among the States under each of the parts of this title. In developing such criteria as are appropriate for each part, he shall consider, among other relevant factors, the ratios of population, unemployment, and family income levels. Of the sums available for any fiscal year for programs authorized under each such part not more than 15 percent shall be used within any one State.

LIMITATIONS ON FEDERAL ASSISTANCE

SEC. 502. Federal financial assistance to any program or activity carried out pursuant to this title shall not exceed 90 per centum of the cost of such program or activity, including costs of administration. The Secretary may, however, approve assistance in excess of that percentage if he determines, pursuant to regulations establishing objective criteria for such determinations, that this is necessary in furtherance of the purposes of this part. Non-Federal contributions may be in cash or in kind, fairly evaluated, including but not limited to plant, equipment, and services.

ADMINISTRATIVE REGULATIONS

SEC. 503. The Secretary shall prescribe regulations to assure that programs assisted under this title have adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs, and other policies as may be necessary to promote the effective use of funds.

SPECIAL CONDITIONS

SEC. 504. (a) The Secretary shall not provide financial assistance for any program under this title unless he determines, in accordance with such regulations as he may prescribe, that—

(1) no participant will be employed on projects involving political activities, or the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship;

(2) the program will not result in the displacement of employed workers or impair existing contracts for services, or result in the substitution of Federal for other funds in connection with work that would otherwise be performed; and

(3) the rates of pay for time spent in work-training and education, and other conditions of employment, will be appropriate and reasonable in the light of such factors as the type of work, geographical region, and proficiency of the participant.

(b) For programs which provide work and training related to physical improvements, preference shall be given to those improvements which will be substantially used by low-income persons and families or which will contribute substantially to amenities or facilities in rural or urban areas having high concentrations or proportions of low-income persons and families.

(c) Projects under this title shall provide for maximum feasible use of resources under other Federal programs for work and training and the resources of the private sector.

### PART B—MAINSTREAM PROGRAM

PROGRAM AUTHORIZED

SEC. 511. The Secretary shall carry out a special program to be known as "Mainstream" by providing financial assistance to public or private nonprofit agencies for the support of projects which involve work activities directed to the needs of those chronically unemployed poor who have poor employment prospects and are unable (because of age, physical condition, obsolete or inadequate skills, declining economic conditions, other causes of a lack of employment opportunity, or otherwise) to secure appropriate employment or training assistance under other programs. Such projects, in addition to other services provided, shall enable such persons to participate in projects for the betterment or beautification of the community or area served by the program, including but not limited to activities which will contribute to the management, conservation, or development of natural resources, recreational areas, Federal, State, and local government parks, highways, and other lands; the rehabilitation of housing; the improvement of public facilities; and the improvement and expansion of health, education, day care, and recreation services.

PROGRAM PARTICIPANTS

SEC. 512. Participants in programs under this part must be unemployed or low-income persons. The Secretary, in consultation with the Commissioner of Social Security, shall establish criteria for low income, taking into consideration family size, rural-urban and farm-nonfarm differences, and other relevant factors. Any individual shall be deemed to be from a low-income family if the family receives cash welfare payments.

### PART C—COMMUNITY ENVIRONMENT SERVICE

PROGRAM AUTHORIZED

SEC. 521. The Secretary shall carry out a special program to be known as the Community Environment Service by providing financial assistance to public and private nonprofit agencies, especially community environment service programs sponsored by State, county, and city governments. Such programs may provide employment on a full-time or part-time basis for persons to help restore the environment in urban and rural areas, including restoration of housing and neighborhoods; and the planning, development, and maintenance of parks and recreation areas and facilities in inner cities as well as roadside recreation projects; and sanitation and clean-up projects, including solid waste removal. Support may also be provided for the employment of environmental health aides in community health facilities and water and air pollution control programs. Community environment service programs shall be encouraged to involve volunteers from the community in environmental planning and action campaigns.

## TITLE VI—INDIAN MANPOWER SERVICES

STATEMENT OF FINDINGS AND PURPOSE

SEC. 601. The Congress finds and declares that—(1) almost half the Indian working age population is chronically unemployed; (2) much of the labor force on Indian reservations is untrained and unaccustomed to the requirements of steady employment; (3) there is a compelling need for the establishment of comprehensive manpower training and employment programs on Indian reservations; (4) because of the special relationship between Indian tribes and the Federal Government, such programs can best be administered at the national level.

### ESTABLISHMENT OF OFFICE OF INDIAN MANPOWER SERVICES

Sec. 602. There is hereby established in the Department of Labor an Office of Indian Manpower Services which, under the direction of the Secretary of Labor, shall have responsibility for administering the Indian manpower services program authorized by this title.

### ELIGIBLE ACTIVITIES

Sec. 603. The programs and activities for which funds under this title may be expended shall include but not be limited to the programs and activities authorized under other titles of this Act, and such other programs and activities as the Secretary deems necessary to carry out the purposes of this title.

### NATIONAL INDIAN MANPOWER ADVISORY COMMITTEE

Sec. 604. The Secretary shall appoint a National Indian Manpower Advisory Committee which shall consist of at least 5 but not more than 10 members, and shall be composed of men and women representing Indian tribes and groups, and other persons interested in the problems of manpower training and employment on Indian reservations and among Indian groups. From the members appointed to such Committee, the Secretary shall designate a chairman. Such Committee or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policy relating to employment and manpower and to the carrying out of his duties under this title. Such Committee shall hold not less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Committee shall be paid compensation at a rate of up to the per diem equivalent of GS–18 while engaged in the work of the National Indian Manpower Advisory Committee, including travel time and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis.

The summary, presented by Mr. Nelson, is as follows:

## Summary of the Employment and Training Opportunities Act of 1970

### PUBLIC SERVICE EMPLOYMENT

The bill authorizes appropriations of $1 billion annually for a public service employment program. It requires that in any event at least ⅓ of total manpower appropriations be devoted to this purpose. States, cities and counties, in fact any unit of general government would be an eligible applicant. In order to be eligible applicants, these local governments would first set up Public Service Employment Councils, made up of representatives of local agencies, to assess the public service needs of the community and then apply to the Secretary of Labor for funds. In addition, the bill authorizes additional funds for specific local areas where unemployment exceeds 4.5%.

### COMPREHENSIVE MANPOWER SERVICES

In hearings carried out by the Subcommittee on Employment, Manpower and Poverty since last November in cities small and large all across this nation, no question about proposed manpower legislation has aroused more concern than suggested new arrangements between the Department of Labor, the States and the cities. All recognize that the present system, which sees the Department contracting with some 10,000 individual program sponsors is unworkable. Yet plans to turn over chief responsibility for manpower programs to the states and state employment services have run into considerable opposition. The Administration favors a state plan approach. Mayors favor city control. Community Action groups wish a guaranteed role. Vocational educators fear being submerged in an overall State manpower bureaucracy. Experts on manpower programs point out that the actual situations in specific cities and states vary so widely that no single format can be said to be workable for all. In attempting to steer a middle course amid these various concerns, we have drafted a bill designed to give as much flexibility as possible to the Secretary of Labor, while allowing a fair role for all parties to the system.

### PRIME SPONSOR

The prime sponsor—as the concept is used in manpower terminology—is that agency charged with the responsibility of planning and conducting overall manpower programs for a specified geographic area. It is understood that the prime sponsor—like a prime contractor—will subcontract with other agencies for much of the actual performance of the program elements.

Under our legislation States, cities and county governments would be eligible to apply to the Secretary of Labor to be prime sponsors in their areas. It is the intent of the legislation that the Secretary not designate the State government as prime sponsor for all manpower operations in a State. Rather it is our intent that cities and counties serving substantial populations be prime sponsors for their localities, where they can demonstrate a desire and a capacity to do the job. The presumption of the legislation in favor of local prime sponsors in such cases is indicated by the fact that the legislation provides for a hearing before a local unit of government's application for prime sponsorship may be disapproved by the Secretary. It is our expectation that in large cities local governments will become manpower prime sponsors. The States would then assume the role of prime sponsors for smaller towns and rural areas. Any subdivision of a state applying for prime sponsorship would be required to submit their application and plan to the Governor for comments. In the event a State is not designated as a prime sponsor, the Secretary of Labor would have the authority to carry on with manpower programs as is done now. so that no area would be without manpower services.

The Administration proposed that each State set up a manpower agency built around the employment service. We believe that such a design is too rigid and would conflict in a number of States with existing bureaucratic arrangements. We also believe that local prime sponsors must be free to choose what subcontractors seem most able to carry out the program in their specific locality. Specifically we do not believe that there is justification for mandatory requirements that prime sponsors contract with state employment services for the carrying out of manpower programs. The local employment service offices have a key role to play in any manpower program, but it would be excessively rigid to require a dominant role for such an agency. The manpower picture varies in quality widely from state to state and area to area.

### MANPOWER SERVICES COUNCILS

Rather than requiring a State comprehensive manpower agency, our legislation requires that those seeking to be prime sponsors, States, cities and counties alike, set up Manpower Services Councils, including representatives of Community Action programs, the public employment service, public educational agencies, community colleges, and social service agencies. The chairman and members of the Council would be appointed by the Governor or the Mayor.

Federal funds would be available for staff and the expenses of such Councils. It would be the Council's responsibility to prepare a comprehensive manpower plan for the area.

### ROLE OF COMMUNITY ACTION AGENCIES

Local community action agencies would be represented on the Manpower Services Council. Any application for Federal funds sent to the Department of Labor must be accompanied by the comments of the local Community Action Agency. In addition, Community Action Agencies would be eligible as subcontractors for parts of the manpower program, and could apply directly to the Secretary of Labor for special programs.

### NEW PROGRAMS

The bill also adds the following new national emphasis programs:

*A Community Environment Services Program* to authorize inner city programs of environmental improvement by local residents, with Federal support for wages. It also includes provision for volunteer community environmental planning for the action programs to be funded under the provision.

In the bill, we include the existing Operation Mainstream along with the Community Environment Service Program in a Title V—Environmental Improvement Projects. Operation Mainstream has been given a rural and older persons emphasis by the Department of Labor.

### NATIONAL EMPHASIS PROGRAMS

While desiring that States and local communities have all the flexibility possible in designing manpower programs to meet local needs, we believe that a number of national emphasis programs should be set forth in the legislation, apart from the comprehensive manpower programs. These programs include New Careers, and Opportunities Industrialization Centers (O.I.C.).

In addition, the bill establishes an *Indian Manpower Services Program* to aid in the development of adequate manpower programs on reservations; and an *Upgrading Program,* to enable Department of Labor funds to be used in programs to increase the upward mobility of working in private industry and public employment. Upgrading features are also included in the Public Service Employment and New Careers legislation.

## ADDITIONAL COSPONSORS OF BILLS

### S. 939

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of S. 939, to amend the Higher Education Act of 1965 in order to provide for a U.S. Foreign Service Corps.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

### S. 3267

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of S. 3267, to amend title III of the Higher Education Act of 1965, relating to developing institutions, in order to promote the availability of higher education to Indians.

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The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

S. 3268

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of S. 3268, to amend title V of the Higher Education Act of 1965 in order to improve educational opportunities for Indians.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

S. 3785

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Nebraska (Mr. Hruska) be added as a cosponsor of S. 3785, to amend title 38, United States Code, to authorize educational assistance and home loan benefits to wives of members of the Armed Forces who are missing in action or prisoners of war.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

S. 3795

Mr. DOMINICK. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Nebraska (Mr. Hruska) be added as a cosponsor of S. 3795, to amend the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in order to extend under certain circumstances the expiration date specified in a power of attorney executed by a member of the Armed Forces who is missing in action or held as a prisoner of war.

The PRESIDING OFFICER (Mr. Schweiker). Without objection, it is so ordered.

## SENATE CONCURRENT RESOLUTION 68—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS THAT THE PRESIDENT SHOULD ESTABLISH A COMMISSION TO EXAMINE THE RECENT EVENTS AT KENT STATE AND OTHER COLLEGE CAMPUSES

Mr. SAXBE. Mr. President, the tragic deaths at Kent State University and events which followed have centered the national spotlight on America's college campuses.

Since then, a persistent question has been echoed across our land: Why?

The answers will be as complex as the question itself, but we must find them. One way I hope this can be done is to commence a thorough investigation into the Kent State tragedy, as well as the violence on some of our other campuses. Hopefully, we can learn what positive and constructive steps are in order as a nation so that such a horrible incident may be avoided in the future.

I am submitting a concurrent resolution expressing the sense of the Senate that the President of the United States should establish a commission to examine the recent events at Kent State and other college campuses. The purpose of my resolution is to give the Members of the Senate an opportunity to express their desire to see Presidential action on this matter of national concern.

It would be my hope that the commission would be representative of the entire spectrum of forces at work on our campuses—students themselves, of course; faculty, university administrators, government officials, and the National Guard.

A similar resolution was to be submitted in the House today by Representative J. William Stanton, of Ohio. Congressman Stanton assures me that the resolution has the full support of the president of Kent State.

I welcome the support of my colleagues for this resolution.

The PRESIDING OFFICER (Mr. Cranston). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the Record.

The concurrent resolution (S. Con. Res. 68) expressing the sense of the Congress that the President should establish a commission to examine the recent event at Kent State and other college campuses, which reads as follows, was referred to the Committee on Labor and Public Welfare:

S. Con. Res. 68

Whereas the nation has been deeply saddened and troubled by the deaths of four students at Kent State University; and

Whereas voices of genuine concern have questioned the role of the student body, the community, outsiders, and State and Federal governments as they relate to the events which led to the horrible violence; and

Whereas our methods for preserving law and order are being questioned; and

Whereas the echoing "Why?" has reverberated from the commons at Kent State to the heart and mind of every American; and

Whereas the basic and fundamental issues apply to every college campus; and

Whereas this is a time for reasoned recovery, not the reactions of emotion and rhetoric: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress that the President should act to establish a commission to examine the events at Kent State and the events on other college campuses and to report its findings to the Nation together with its recommendations.

## SENATE RESOLUTION 411—SUBMISSION OF A RESOLUTION TO REFER SENATE BILL 3862 TO THE U.S. COURT OF CLAIMS FOR A REPORT THEREON

Mr. FONG submitted the following resolution (S. Res. 411); which was referred to the Committee on the Judiciary:

S. Res. 411

Resolved, That the bill (S. 3862) entitled "A bill for the relief of Elena Schwarze-Chamier", now pending in the Senate, together with all the accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of section 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

## SENATE RESOLUTION 412—SUBMISSION OF A RESOLUTION TO REFER SENATE BILL 3863 TO THE U.S. COURT OF CLAIMS FOR A REPORT THEREON

Mr. FONG submitted the following resolution (S. Res. 412); which was referred to the Committee on the Judiciary:

S. Res. 412

Resolved, That the bill (S. 3863) entitled "A bill for the relief of Edith Kiaer", now pending in the Senate, together with all the accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 20, 1970, he presented to the President of the United States the following enrolled bills:

S. 19. An act to reimburse certain persons for amounts contributed to the Department of the Interior; and

S. 1934. An act for the relief of Michel M. Goutmann.

## FOREIGN MILITARY SALES ACT—PERFECTING AMENDMENT TO AMENDMENT NO. 620

AMENDMENT NO. 644

Mr. ERVIN. Mr. President, the Cooper-Church amendment to the Foreign Military Sales Act would, in effect, prohibit the Commander in Chief of the American forces from sending American forces into the sanctuaries of the North Vietnamese and the Vietcong in Cambodia after the Foreign Military Sales Act becomes effective.

I expect to offer a perfecting amendment to the Cooper-Church amendment at the appropriate time which would add an additional paragraph to that amendment reading as follows:

On page 5, after line 18, add the following:

; the prohibitions set forth in this section shall become inoperative if the military forces of North Vietnam and the Vietcong reoccupy their former sanctuaries in Cambodia and use them as bases for operations against the military forces of the United States and its allies in South Vietnam and the President acting as Commander-in-Chief finds that such action imperils the safety of military forces of the United States operating in South Vietnam.

Mr. President, I think this amendment to the Cooper-Church amendment is necessary if we are going to protect the safety of American boys who have been sent to South Vietnam by the President with the consent of Congress.

I have placed a copy of the amendment at the desk. I ask unanimous consent that the proposed perfecting amendment to the Cooper-Church amendment be printed and lie at the desk until the Foreign Military Sales Act becomes the pending business, and I call up the proposed perfecting amendment.

The **PRESIDING OFFICER** (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table.

The amendment (No. 644) was received, and ordered to lie on the table.

### AMENDMENT NO. 646

Mr. **MILLER** submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

## OFFICE OF EDUCATION APPROPRIATION BILL 1971—AMENDMENTS

### AMENDMENT NO. 645

Mr. **KENNEDY** (for himself and Mr. MONDALE) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, which were ordered to lie on the table and to be printed.

## AMENDMENT TO MANPOWER TRAINING ACT TO INSURE THAT PROGRAMS BENEFIT ELDERLY

### AMENDMENT NO. 647

Mr. **JAVITS**. Mr. President, I submit today an amendment to the Manpower Training Act of 1969, of which I am the principal sponsor in the Senate, designed to insure that manpower programs are responsive to the elderly unemployed as well as to younger persons who lack skills to enter the labor market.

Under my amendment, the needs of such persons for manpower services would be recognized in the following ways.

First, the "Statement of Findings and Purpose" section of the act would be amended to acknowledge the needs of older persons who desire to enter or reenter the labor force for adequate academic and vocational skills which will allow them to work at the level of their full potential.

Second, that "part-time" and full-time work and manpower services for such persons would specifically be listed as one of the activities eligible for funding under the act.

Third, that the research and development conducted by the Secretary of Labor under the act would include efforts contributing to the provision of opportunities and services for older persons who desire to enter or reenter the labor force.

Fourth, that evaluations conducted by the Secretary of Labor under section 304 of the act would include an assessment of the extent to which manpower programs meet the needs of persons of various age groups.

Mr. President, more than 7 million men and women age 65 or over live at or below the poverty level.

In 1966, three out of every 10 elderly persons were poor or about twice the national rate for all ages. Like their younger counterparts they need assistance ranging through counseling, training, and placement in part-time or full-time employment in order to join or rejoin the labor force.

We must overcome the myths that justify age discrimination in employment and realize that there are many jobs where the elderly are just as productive or more so than their juniors and that studies show that the attendance records of the elderly are as good as other age groups.

There are estimates that between 1 and 2 million men and women 65 years of age or over are capable of accepting part-time employment if training and employment were available to them.

Where there have been categorical manpower programs and efforts for the aged, such as those initiated by my colleagues, the Senator from Wisconsin (Mr. NELSON) and the Senator from Massachusetts (Mr. KENNEDY), it has been shown that the needs of the elderly and their capacity to contribute to meaningful efforts within our society differ not at all from their younger counterparts.

I would not want our concern with the employment problems of youth and the so-called hard-core to overshadow what must be considered as an equal concern for the employment problems of older persons.

I, therefore, consider it crucial that this legislation specifically acknowledge the needs and potential of older persons, so that the States and the cities, as they assume greater responsibility for manpower programs, will not bypass those to whom we owe so much of the productivity of our Nation.

Mr. President, I ask unanimous consent that there be printed at this point in the RECORD the text of my amendment, together with a chart prepared by the Department of Labor which indicates the extent to which older persons are now enrolled under federally assisted work and training programs.

The **PRESIDING OFFICER** (Mr. SCHWEIKER). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment and chart will be printed in the RECORD.

The amendment (No. 647) was referred to the Committee on Labor and Public Welfare, as follows:

On page 5 between lines 24 and 25 insert the following new paragraph:

"(8) part-time and full-time work and manpower services for older persons who desire to enter or reenter the labor force;

On page 5, line 25, strike out "(8)" and insert in lieu thereof "(9)"

On page 6, line 4, strike out "(9)" and insert in lieu thereof "(10)"

On page 6, line 8, strike out "(10)" and insert in lieu thereof "(11)"

On page 6, line 12, strike out "(11)" and insert in lieu thereof "(12)"

On page 6, line 16, strike out "(12)" and insert in lieu thereof "(13)"

On page 37, line 23, insert after the semicolon:

"opportunities and services for older persons who desire to enter or re-enter the labor forces,"

On page 40, line 20, insert after the comma, "the extent to which they meet the needs of persons of various ages,"

The summary, presented by Mr. JAVITS, is as follows:

TABLE 3.—CHARACTERISTICS OF ENROLLEES IN FEDERALLY ASSISTED WORK AND TRAINING PROGRAMS, FISCAL YEAR 1969

| | Percent of all enrollees | | | | | | |
|---|---|---|---|---|---|---|---|
| | | | Age | | Years of school completed | | |
| Program | Women | Negro [1] | Under 22 years | 45 years and over | 8 or less | 9 to 11 | On public assistance [2] |
| Manpower Development and Training Act: | | | | | | | |
| Institutional training | 44 | 40 | 38 | 10 | 19 | 39 | 13 |
| On-the-job training | 35 | 35 | 36 | 10 | 17 | 35 | 5 |
| Neighborhood Youth Corps: | | | | | | | |
| In school | 47 | 47 | 100 | | 20 | 79 | 30 |
| Out of school | 54 | 48 | 97 | | 27 | 69 | 32 |
| Operation Mainstream | 18 | 21 | 2 | 58 | 60 | 24 | 17 |
| New Careers | 70 | 61 | 8 | 12 | 10 | 40 | 35 |
| Concentrated employment program | 42 | 65 | 37 | 11 | 26 | 44 | 13 |
| Job opportunities in the business sector [3] | 29 | 78 | 48 | 4 | 14 | 53 | 10 |
| Work incentive program | 60 | 40 | 16 | 10 | 31 | 41 | 100 |
| Job Corps [4] | 28 | 58 | 100 | | 38 | 50 | 27 |

[1] Substantially all the remaining enrollees were white, except in Operation Mainstream, JOBS, and Job Corps. In these programs, 10 to 12 percent were American Indians, Eskimos, or Orientals.

[2] The definition of public "assistance" used in these figures varies somewhat among programs (e.g., it may or may not include receipt of food stamps and "in kind" benefits). In the NYC program, it may relate to enrollees' families, as well as enrollees themselves.

[3] Includes only those enrollees in the JOBS program who were hired by employers under contracts with the Department of Labor.

[4] Data relate to calendar year 1968.

## ADDITIONAL COSPONSOR OF AN AMENDMENT

### NO. 609

Mr. **HATFIELD**. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of Amendment No. 609 to H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The **PRESIDING OFFICER** (Mr. CRANSTON). Without objection, it is so ordered.

## NOTICE OF HEARING ON NOMINATION FOR DIRECTOR OF THE BUREAU OF MINES, DEPARTMENT OF INTERIOR

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from Washington (Mr. JACKSON), together with a biographical sketch which the Senator from Washington asks to have printed in the RECORD.

There being no objection, the statement by Senator JACKSON and biographical sketch were ordered to be printed in the RECORD, as follows:

Mr. JACKSON. Mr. President, on behalf of the Committee on Interior and Insular Affairs I announce that an open hearing will be held by the Committee at 2 p.m. on Monday afternoon, May 25th, on the nomination by President Nixon of Dr. J. Richard Lucas to be Director of the Bureau of Mines, Department of the Interior.

Dr. Lucas presently is chief of the Division of Mining Engineering at the University of Virginia in Charlottesville. Over and above his academic background, he has had intensive practical field experience in mines and mining, having worked with several private mining organizations and associations. He has held, and holds, office in an impressive number of professional societies.

The directorship of the Bureau of Mines is an extremely important post in the executive branch. The mine health and safety laws impose upon him grave responsibilities for the welfare of a great number of human beings. In addition, he has direct responsibilities for assuring that our country has an adequate supply of minerals and mineral fuels.

The hearing on Dr. Lucas' nomination will be held in the Interior Committee Room, 3110 New Senate Office Building, and will commence at 2:00 o'clock on the afternoon of May 25. Any member of the Congress is of course welcome to testify on this highly important appointment. It is requested that the Committee staff be notified as far in advance as possible.

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### RÉSUMÉ

Name: J. Richard Lucas.

Residence: 408 Hemlock Drive, Blacksburg, Va., 24060.

Birth: May 3, 1929, Scottdale, Pa.

Marital Status: Married—Two children ages 5 and 14.

Education: 1947–48, Pennsylvania State University; 1948–51, B.S., Waynesburg College, Mathematics and Physics; 1951–52, B.S., West Virginia University, Mining Engineering; 1952–54, M.S., University of Pittsburgh, Mining Engineering; 1963–65, Ph. D., Columbia University, Mining Engineering.

Experience: Virginia Polytechnic Institute, Blacksburg, Virginia, Head, Mining Engineering; duties include teaching, administrative, and research, 1961–.

Mining Consultant and Engineer, 1956–present; specializing in evaluation and analysis of mining properties, beneficiation processes, and mining operation. Have served as consultant to mining firms, industrial firms, and governmental agencies.

The Ohio State University, Columbus, Ohio, 1954–61; Head, Mining Engineering, 1956–61; duties included teaching, administration and research.

Joy Manufacturing Company, Franklin, Pennsylvania, 1952–64; worked in mines across the U.S. including coal, potash, gypsum, bauxite as a field engineer in the application, development, and research for the improvement of mining equipment.

Crucible Steel Company, Crucible, Pennsylvania, 1948–52; worked for five years underground in a wide variety of assignments, including timbering, track, drilling, ventilation, haulage, and general utility in the face area. Further, received the "First Grade Mine Foreman" certificate from Pennsylvania. Was a member of the United Mine Workers of America during this period.

Research: Director, U.S. Office of Coal Research Project at VPI to study computer applications in coal mining; six-year study—$480,000, 1962–69.

Director, Research Project, Union Carbide Ore Co., VPI, "Closed Circuit Ball Mill Grindability Studies of Manganese Ores." 1961–62.

Director of important mining research projects in rock mechanics, coal preparation, and beneficiation, mining ventilation, and acid mine drainage from coal mines.

Performed contract research for basic work in bulk solids sponsored by Bituminous Coal Research, Inc., the official research organization of the bituminous coal industry, 1956–59.

Was a member of an interdisciplinary research group at the Ohio State University performing contract research on acid mine drainage for the Ohio River Sanitary Commission and the State of Ohio, 1957–61.

Developed an experimental coal mine in Southeastern Ohio for basic studies in mine acid formation and pollution, 1957–61.

Member, Research Committee, Institute of Natural Resources, The Ohio State University, 1956–61.

Licenses: Virginia—Licensed Mining Engineer; Ohio—Licensed Mining Engineer; West Virginia—Licensed Mining Engineer; Pennsylvania—Certified First Grade Mine Foreman.

Societies: AIME—American Institute for Mining, Metallurgical and Petroleum Engineers.

Coal Mining Institute of America.

Virginia Academy of Science.

American Society for Engineering Education.

American Association of University Professors.

Tau Beta Pi.

Sigma Gamma Epsilon.

Sigma Xi.—National Society for Professional Engineers.

University Club.—Virginia Society for Professional Engineers.

American Association for the Advancement of Science; West Virginia Mining Institute.

Positions in Societies and Committees: Chairman, Coal Division, AIME—SME, 1969–70.

Chairman-Elect, Coal Division, AIME—SME, 1967–68.

Chairman, General Editorial Committee, AIME—SME, 1965–66.

Board of Directors, Society of Mining Engineers, AIME, 1965–68.

Vice Chairman, Program Committee, Society of Mining Engineers, AIME, 1964–65.

Member, 1962, Program Committee, American Mining Congress, Coal Convention.

Chairman, 1963–64, Associate Chairman, 1962–63, Virginia Safety Association, Mining Section.

Chairman, 1963–64, Publication Committee, Coal Division, Society of Mining Engineers, AIME, Associate Chairman, 1962–63.

Chairman, Annual Meeting Program, Coal Division, Society of Mining Engineers, AIME, 1962–63.

Member, Ohio Governors' Conference on Natural Resources, Mineral Resources Committee, 1958.

Chairman, United Engineering Center Campaign, Engineers Joint Council, New York, Ohio Valley Section, 1958–60.

Associate Chairman, Mining Committee, Coal Division, Society of Mining Engineers, AIME, 1960.

Chairman, Mining Committee, Coal Division, Society of Mining Engineers, AIME, 1961.

Secretary-Treasurer, Ohio Valley Section, AIME, 1957–58.

Executive Committee, Ohio Valley Section, AIME, 1955–59.

Publications and Papers: "Open Pit Mining in the Ohio Valley Section," *Mining Engineering*, February, 1957.

"Acid Mine Drainage Problem in Ohio," *Bulletin 166*, Engineering Experiment Station, The Ohio State University, 1957, (Contributed one chapter).

"Fundamental Studies in Bulk Solids," W. J. Verner and J. Richard Lucas, *Reprint No. 58SF2*, 1958, Coal Division, AIME, New York, New York.

"A Field Study in Acid Mine Drainage," *Reprint No. 60F35*, 1959, Coal Division, AIME, New York, New York.

*Fundamental Studies of the Acid Mine Drainage Problem*, F. W. Moulton, C. I. Randles, and J. Richard Lucas, Report Project No. EES 149, Water Resources Center, The Ohio State University, 1960.

"Internal Vertical Stress Distribution in Confined Bulk Solids," W. J. Verner, and J. Richard Lucas, *Mining Transactions*, 1960, AIME.

*A Plan for Organized Research of the Acid Mine Drainage Problem*, G. P. Hanna, Jr., C. I. Randles, R. A. Brant, E. E. Smith, and J. Richard Lucas. ORSANCO, Cincinnati, Ohio, 1961.

"Progress Report: A Field Study in Acid Mine Drainage," R. L. Frantz and J. Richard Lucas, *AIME Transactions*, (Mining) 1962, Vol. 223, page 31–71.

"The Largest Undeveloped Sulfide Ore-Body in the Eastern United States: A Benefication Progress Report," R. M. Coiner and J. Richard Lucas, *Mineral Industries Journal*, December, 1961, School of Engineering and Architecture, VPI, Blacksburg, Virginia.

"Digital Computers in the Coal Industry," R. J. Fruend and J. Richard Lucas, *Proceedings*, West Virginia Coal Mining Institute, 1962.

"Close Circuit Ball Mill Grindability Studies of Manganese Ores," R. M. Coiner and J. Richard Lucas, *Final Report*, Virginia Engineering Experiment Station, Project 390, May, 1962.

"Coal Technology in 1962," J. Richard Lucas, *Mining Engineering*, AIME, February, 1963, pp. 87–92.

"Acid Mine Drainage Research Potentialities," J. Richard Lucas, and others, *Journal of Water Pollution*, March, 1963.

"Computers in Coal Mining," R. J. Fruend and J. Richard Lucas, *Mining Congress Journal*, December, 1962.

"Evaluation of Elastic Rock Properties by High Frequency Wave Energy," *AIME Transactions*, Vol. 223, pp. 319–324, 1962.

"Time and Dimension Parameters in Face-Mining Systems and Their Effect on Production," *Proceedings* of the Coal Mining Institute of America, 1963, Pittsburgh, Pennsylvania, 77th Annual Report, 1963, pp. 41–54, J. Richard Lucas, L. J. Prelaz, E. P. Bucklen, and P. T. Sironko.

*Optimization of Underground Mining*, Technical Documentation Center, U.S. Bureau of Standards, Springfiled, Virginia, Report No. PB166291–1–2–3, Volumes 1, 2, and 3. 20 p, 325 p, and 154 p. J. Richard Lucas, L. J. Prelaz, E. P. Bucklen, and P. T. Sironko, 1964.

"A New Cost Reduction Tool for the Coal Industry," *Mining Engineering*, March, 1965, pp. 54–58.

"Outlook for the Future Mining Engineers," L. Adler and J. Richard Lucas, *Mining Congress Journal*, September 1965.

"Mining Engineering Education at Virginia Polytechnic Institute," Staff, *Mining Congress Journal*, December 1965.

"The Coal Industry," *Mining Engineering*, AIME, February, 1966.

"The Competitive Position of Coal," *Proceedings*, Council of Economics, AIME, 1967.

"Plant Waste Contaminants," J. Richard Lucas and W. E. Foreman, Chapter 19, *Coal Preparation*, AIME, 1968.

"Bituminous Coal and the Electric Utility Market," Chapter, *Fossil Hydrocarbon and Mineral Processing*, Editor, L. B. Lyon, AICHE, 1968.

*Computer Applications in Underground Mining*, Seven Volumes:

Vol. 1—Summary Report 37 pp.; Vol. 2—COST-SCHED Program, 96 pp.; Vol. 3—RAILSIM Program, 45 pp.; Vol. 4—BELTSIM Program, 27 pp.; Vol. 5—VENTSIM Program, 47 pp.; Vol. 6—POWERSIM Program, 35 pp.; Vol. 7—PUMPSIM Program, 34 pp.; Bucklen, E. P., L. J. Prelaz, S. C. Suboleski, J. Richard Lucas, Office of Coal Research, U.S. Department of the Interior, Research & Development Report No. 37, 1969.

"Simulation of Face Mining Systems," S. C. Suboleski and J. Richard Lucas, *Proceedings*, International Computer Application Symposium, AIME, 1969.

"Underground Coal Production Technology and the Impact of Recent Developments," J. Richard Lucas and C. Haycocks, *Mining Congress Journal*, American Mining Congress, Feb. 1970.

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## THE NATIONAL BASIC INCOME AND INCENTIVE ACT

**Mr. HARRIS. Mr. President, on February 10, 1970, I introduced the National Basic Income and Incentive Act, S. 3433, a bill designed to completely federalize the welfare system through a simple, unitary plan of administration and benefits. Further, the bill proposes a comprehensive but simple Federal plan of basic cash payments, moving toward the poverty level over a period of years, plus work incentive supplements equally applicable to all who need them.**

**In hearings before the Senate Finance Committee, of which I am a member, we learned that certain basic defects existed in the administration's family assistance program. First, it was revealed that, because of the various categories provided for in the family assistance program and because of the varying treatment accorded to people falling in the various categories, there would actually be disincentives to work under the proposed program. Second, it was learned that the family assistance program did not provide sufficient financial relief to the States so that they could devote more of their own funds to compelling and mounting local needs.**

**The unitary plan provided for in the National Basic Income and Incentive Act, which over a transitional period provides for complete Federal financing, eliminates the most objectionable features of the administration's family assistance program. Support has been growing for the unitary concept of S. 3433, and recently both houses of the Hawaii State Legislature passed House Concurrent Resolution 110 in support of S. 3433.**

**I ask unanimous consent that a letter I received from Peter S. Iha, representative, 21st district, of the House of Representatives of the Hawaii State Legislature, and a copy of House Concurrent Resolution 110 passed by the Hawaii State Legislature, be printed at this point in the RECORD.**

**There being no objection, the letter was ordered to be printed in the RECORD, as follows:**

HOUSE OF REPRESENTATIVES, THE
FIFTH LEGISLATURE,
*Honolulu, Hawaii, April 24, 1970.*

Hon. FRED R. HARRIS,
*U.S. Senator,*
*Washington, D.C.*

DEAR SENATOR HARRIS: Thank you very much for sending me a copy of Congressional Record Volume 116, dated February 10, 1970, regarding S. 3433—Introduction of the National Basic Income and Incentive Act.

I was very pleased and very much impressed with the provisions of the bill and also with the comments that you made on the floor of the United States Senate. May I say that I whole-heartedly endorse and support the concept of your bill and hope that Congress may be able to enact this measure into law.

As recognized by your colleagues, the present program in dealing with the poor, the underprivileged, is archaic and your bill will certainly provide tremendous financial relief to all of the states throughout the nation.

I have introduced House Concurrent Resolution 110 in the Hawaii State Legislature in support of your proposal. The Resolution was adopted unanimously by both Houses, copies of which are enclosed for your record.

Aloha, and may I wish you my best in achieving the goals you are seeking.

Sincerely,

PETER S. IHA,
*Representative, 12th District.*

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HOUSE CONCURRENT RESOLUTION No. 110

House concurrent resolution endorsing the concept of the National Basic Income and Incentive Act

Whereas, Congress now has under consideration S. 3433, the National Basic Income and Incentive Act, introduced by Senator Harris for himself and other Senators, including Senator Inoyue; and

Whereas, the Act is intended to: (1) federalize over a three-year, phase-in period the present archaic, unworkable, and inhumane welfare system; (2) replace it with a Federal income maintenance system; (3) grant immediate financial relief to the States by permitting them to keep more of their own money; (4) provide every child in the Nation with a minimum standard of life that would give him a chance to break out of poverty and to become whatever his abilities and ambitions permit; and (5) help hold families together; and

Whereas, under the Act, the officially determined poverty level would become the effective floor below which the income of no American family or individual would be permitted to fall, at a cost reliably estimated as about two per cent of the gross national product; and

Whereas, welfare and public assistance are matters of national responsibility and for purposes of fairness and effectiveness should be a national responsibility, as recognized by United States Supreme Court decisions, the 1969 National Governors' Conference, and numerous public and private national and state welfare organizations; and

Whereas, the proposed National Basic Income and Incentive Act, as demonstrated by research and experimental programs, will create incentive in contrast to the present welfare system which destroys incentive and initiative along with its degrading and dehumanizing tendencies; and

Whereas, the incentive features of the Act include provisions for earned income exemptions above the basic poverty level, initially by disregarding in the calculation of a person's resources all of the first $75 monthly earnings, half of the next $150, and one-fourth of the remainder; and

Whereas, the National Basic Income and Incentive Act would assist the State by providing relief to its increasingly growing financial burdens since the Federal Government would meet the full cost of undergirding the income of all persons and at the same time prevent poverty by allowing every baby a chance to be born wanted; every child a chance to be raised in good health and educated to full capacity; every person a chance to be accepted upon individual merit and welcomed to a range of job choices according to capacity and interest; and to be paid a good wage, be insured at adequate levels against the economic hazards of the industrial economy, be assured a comfortable house in a supportive neighborhood and opportunities for cultural enrichment and participation in decisions affecting his own life; and every mature person a chance for survival into a respected and secure old age; now, therefore,

Be it resolved by the House of Representatives of the Fifth Legislature of the State of Hawaii, Regular Session of 1970, the Senate concurring, that the concepts incorporated in S. 3433, the National Basic Income and Incentive Act, be endorsed as of great potential benefit to this State and other states and in the interests of the general health and welfare of the people of this State and other states; and

Be it further resolved that Senator Harris and his colleagues be commended for their work in producing S. 3433 and be encouraged to continue their efforts toward enactment of such a measure for the good of the Nation; and

Be it further resolved that copies of this Concurrent Resolution be sent to Senator Harris and to each member of the Hawaii Congressional delegation.

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HONOLULU, HAWAII, *April 20, 1970.*

Hon. TADAO BEPPU,
*Speaker, House of Representatives,*
*Fifth Legislature,*
*State of Hawaii.*

SIR: Your Committee on Public Institutions and Social Services to which was referred H.C.R. No. 110 entitled: "House Concurrent Resolution Endorsing the Concept of the National Basic Income and Incentive Act.", begs leave to report as follows:

The purpose of H.C.R. No. 110 is to endorse the concepts contained in S. 3433, the National Basic Income and Incentive Act, which is under consideration in the Congress of the United States.

The National Basic Income and Incentive Act proposes sweeping revisions of welfare assistance throughout the United States. The Act is intended to: (1) federalize over a 3-year period the present archaic, unworkable, and inhumane welfare system; (2) replace it with a Federal income maintenance system; (3) grant immediate financial relief to the States by permitting them to keep more of their own money; (4) provide every child in the Nation with a minimum standard of life to give them a chance to break out of poverty and become whatever his abilities and ambitions permit; and (5) help hold families together. Your Committee finds that the proposed Act will create incentives in contrast to the present welfare system, which destroys incentive and initiative and has degrading and dehumanizing tendencies.

This Concurrent Resolution supports the motivation concepts contained in the proposed Act, and commends its introducer, Senator Harris of Oklahoma, and his colleagues for their work in producing the bill. It further encourages Senator Harris and the members of the Hawaii Congressional Delegation to continue their efforts toward enactment of S. 3433 or a measure similar to it.

Your Committee is in accord with the

intent and purpose of H.C.R. No. 110 and recommends its adoption.

Respectfully submitted,

Emilio S. Alcon, Chairman, Kenneth K. L. Lee, Vice Chairman, Anthony C. Baptiste, Jr., Harold L. Duponte, Peter S. Iha, Minoru Inaba, Hiroshi Kato, Richard S. H. Wong, Peter A. Aduja, Ralph K. Ajifu, Dorothy L. Devereux.

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HONOLULU, HAWAII, *April 22, 1970.*

Re H.C.R. No. 110.  
Hon. DAVID C. MCCLUNG,  
*President of the Senate,*  
*Fifth Legislature,*  
*State of Hawaii.*

SIR: Your Committee on Public Health, Welfare and Housing to which was referred H.C.R. No. 110 entitled: "House Concurrent Resolution Endorsing the Concept of the National Basic Income and Incentive Act," begs leave to report as follows:

The purpose of H.C.R. No. 110 is to endorse the concepts contained in S. 3433, the National Basic Income and Incentive Act, which is under consideration in the Congress of the United States.

The National Basic Income and Incentive Act proposes sweeping revisions of welfare assistance throughout the United States. The Act is intended to: (1) federalize over a 3-year period the present archaic, unworkable, and inhumane welfare system; (2) replace it with a Federal income maintenance system; (3) grant immediate financial relief to the States by permitting them to keep more of their own money; (4) provide every child in the Nation with a minimum standard of life to give them a chance to break out of poverty and become whatever his abilities and ambitions permit; and (5) help hold families together. Your Committee finds that the proposed Act will create incentives and reward initiative, in contrast to the present welfare system which destroys incentive and initiative and has degrading and dehumanizing tendencies.

This Concurrent Resolution supports the motivating concepts contained in the proposed Act, and commends its introducer, Senator Harris of Oklahoma, and his colleagues for their work in producing the bill. It further encourages Senator Harris and the members of the Hawaii Congressional Delegation to continue their efforts toward enactment of S. 3433 or a measure similar to it.

Your Committee on Public Health, Welfare and Housing is in accord with the intent and purpose of H.C.R. No. 110 and recommends its adoption.

Respectfully submitted.

VINCENT H. YANO,  
*Chairman.*  
DONALD D. H. CHING,  
*Vice Chairman.*  
MAMORU YAMASAKI,  
*Member.*  
PERCY K. MIRIKITANI,  
*Member.*  
WADSWORTH YEE,  
*Member.*

## PROPOSED ESTABLISHMENT OF A NATIONAL ECONOMIC EQUITY BOARD

Mr. HARRIS. Mr. President, with the continuing deterioration of our economy, it was not too surprising that a Cabinet member, Secretary of Housing and Urban Development, George Romney, and the Federal Reserve Chairman, Arthur F. Burns, would break with the administration's policies and suggest that something other than is presently being done is needed to gain some degree of economic stability.

Earlier this year I proposed the establishment of a National Economic Equity Board which, if created, could set up voluntary guidelines on prices and wages and could act to insure that the public's interest would be stated and hopefully would influence the decisions reached by all segments of our economy on key matters.

Such a Board could also advise the administration and Congress on what it considered to be a proper mix of fiscal and monetary policy, which has been so lacking in our economy. An article appearing in the May 19 recent edition of the New York Times, entitled "Strengthening the Economy," touches on this problem and contains some rather interesting observations about the economic difficulties we are experiencing. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### STRENGTHENING THE ECONOMY—I

The United States economy today presents a "bleak picture," as Dr. Arthur F. Burns, chairman of the Federal Reserve Board, conceded to the Joint Economic Committee last week. The Real Gross National Product has dropped, and the odds have increased that the economy is in a genuine recession.

Although Dr. Burns still holds to the Nixon Administration line that the economy will soon turn up and unemployment decline before the end of the year, it has become too risky to persist with the economic "game plan" that the White House has been following. It is clear that the economy is simply not responding well to the Administration's medicine.

Capital markets are badly strained: it has been necessary for the Federal Reserve to rescue a Treasury bond issue. Henry Kaufman, investment economist, estimates that the Treasury will have to raise upward of $13 billion in the second half of this year, adding to the economic strain.

Interest rates have gone sky high. A month ago, Dr. Burns expressed his confidence that interest rates "have already passed their peak." But the rates have since climbed higher. If it were not for fear of political resistance and criticism, the nation's banks, which cut their prime rate to 7½ per cent under Administration pressure would be going back to the peak rate of 8 per cent.

Aggravating the nation's financial problem is the slippage of the Federal budget into deficit. Whether its alarm was warranted or not, the stock market reacted strongly—and adversely—to the effect it thought the President's precipitate decision to send American troops into Cambodia might have upon the budget deficit.

Escalating interest rates have produced a depression in housing while social needs for housing go unmet. The shortage of tax revenues has choked off crucial expenditures for human and environmental needs. Although tax reduction has been looked upon by some citizens as a means of stopping the Vietnam war, what the lack of fiscal resources in fact has done is to limit social programs and worsen inflation, without checking the war.

There have been many mistakes in economic policy in the past year. The Administration's green light to business and labor to raise prices or increase wage demands as they saw fit was one such blunder. But the most important mistake of economic policy lies in the "mix" of fiscal and monetary policy. Fiscal policy—the relation between Government spending and tax revenues—has been too loose; and monetary policy—the rate at which money and credit have been fed to the economy—has been too tight.

The present unbalanced state of the economy results from the basic failure to achieve a proper balance of fiscal and monetary policy.

## INTENTION TO OPPOSE CONFERENCE REPORT ON H.R. 14705, THE EMPLOYMENT SECURITY AMENDMENTS OF 1970

Mr. HARRIS. Mr. President, the distinguished senior Senator from New York (Mr. JAVITS), the distinguished junior Senator from Minnesota (Mr. MONDALE) and I have previously notified the Senate of our intentions to oppose the conference report on H.R. 14705, the Employment Security Amendments of 1970.

Our opposition to H.R. 14705 is not founded on a disagreement with the basic provisions that are contained in the bill, but because of the fact that the action of the Senate, extending coverage of unemployment compensation to farm employers who have eight or more employees in each of 26 different weeks during the year and to agricultural crew leaders and their employees, was reversed in conference.

A question and answer explanation of unemployment insurance coverage of farm employees provided for in H.R. 14705, as passed by the Senate, has been prepared by the Subcommittee on Migratory Labor. Before the Senate considers the conference report, I think the explanation will be helpful to Senators, and I ask unanimous consent that the explanation be printed at this point in the RECORD.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

### A QUESTION AND ANSWER EXPLANATION OF UNEMPLOYMENT INSURANCE COVERAGE OF FARM EMPLOYEES PROVIDED IN H.R. 14705, AS PASSED BY THE SENATE

#### BACKGROUND

President Nixon, in his July 8, 1969 Message to the Congress on the Unemployment Insurance Program, recommended that the Federal Unemployment Tax Act be amended to provide unemployment insurance coverage to agricultural workers who are employed by an agricultural employer who during the calendar year or preceding calendar year had 4 or more agricultural workers in his employ during each of at least 20 weeks.

H.R. 14705, the unemployment insurance bill passed by the House of Representatives on November 13, 1969, did not extend coverage to any farm workers.

The Senate added limited farm coverage to H.R. 14705 on April 7, 1970. The Senate provision (Section 103(b)) provides that farm employers who employ eight or more workers in any 26 weeks of the current or preceding calendar year are covered by the Federal Unemployment Tax Act. However, nonimmigrant alien workers admitted temporarily for temporary agricultural work, who are employed by such employers, would not be covered by unemployment insurance.

*Question.*—How many farm employers would be brought under the Federal Unemployment Tax Act?

*Answer.*—23,000 or about 2 percent of all farm employers.

*Question.*—How many farm jobs would be brought under unemployment insurance protection?

*Answer.*—250,000 or about 22 percent of all farm jobs. Another 25,000 farm jobs would

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also be covered, but they are already covered under State laws.

*Question*.—How big are the farms that would be covered in terms of jobs?

*Answer*.—Clearly the great preponderance of them will be large commercial farming operations or agri-businesses, most of which have annual sales of farm products of over $100,000. There were 20,000 farming operations that had annual sales of that magnitude in 1964.

*Question*.—How big are the farms that would be covered in terms of payrolls?

*Answer*.—A precise answer is not possible. However, in 1964, the 45,000 largest farm operators had average payrolls of $33,000. They constituted only 3 percent of all farm operators, but they paid 53 percent of total farm wages. Clearly, the preponderance of the farm employers who would be covered by the Federal Unemployment Tax Act would be in this group of farm operators.

*Question*.—Would farm crew leaders be included in this coverage?

*Answer*.—Yes, a crew leader who was, under common law rules, the employer of at least 8 farm workers in 26 weeks would be a covered employer. By a roll call vote, the Senate deleted a Finance Committee recommendation to exclude crew leaders as defined under the Social Security law.

*Question*.—How many crew leaders would be covered?

*Answer*.—It is estimated that there are about 1,000 crew leaders who have 8 or more employees for 26 weeks. This is probably less than one-tenth of the crew leaders in the United States.

*Question*.—What information do we have about these crew leaders?

*Answer*.—All of the 1,000 who would be covered are required to pay Social Security taxes for their workers. In fact, about 2,500 crew leaders report covered wages for Social Security purposes each year. In other words, UI coverage would apply to those crew leaders who are apt to be the most businesslike in their operations. Furthermore, virtually all of the 1,000 come under the requirements of the Farm Labor Contractor Registration Act, and hence, most now register annually with the U.S. Department of Labor. This registration involves furnishing a permanent address, evidence of adequate liability insurance, etc. Most important with respect to UI coverage, the Registration Act requires crew leaders who pay migrant workers engaged in interstate agricultural employment, to keep records which show for each worker total earnings in each payroll period, all withholdings from wages, and net earnings. The crew leader must also provide to each worker a statement of all sums paid to him (including sums received on behalf of the worker) on account of the labor of the migrant worker. A directory of all registered farm labor contractors is compiled quarterly by each regional office of the Manpower Administration of the U.S. Department of Labor.

*Question*.—If a crew leader employs his workers in three different States during a year, where does he pay his unemployment insurance taxes?

*Answer*.—An interstate crew leader has the same two reporting possibilities as presently covered interstate employers such as construction, sales crews, and traveling circuses and carnivals. In the absence of special arrangements, the crew leader would report and pay taxes to each State in which he operated, based on the wages paid for services in that State.

However, to provide continuity of coverage for individuals working successively in different States for the same employer, 46 States have adopted legislation which enables them to enter into reciprocal arrangements with other States, under which such employment in different States is covered in a single State if the employer so chooses and if the States involved agree. Under such reciprocal coverage arrangements, States and employers willing, the crew leader would report all of the wages of his employees to his home State, regardless of the fact that they performed much of the work in other States.

*Question*.—Wouldn't there be serious administrative difficulties if crew leaders paid taxes in more than one State or even if they paid taxes in their home State for employment performed in other States?

*Answer*.—There has been very extensive experience with coverage of employers whose employees work in different States during the year. This is a frequent situation in construction, entertainment, sales, and other industries. Circus workers, for example, work in many more States during a year than do most employees of crew leaders. Since coverage of the 1,000 crew leaders would not be effective until 1972, there will be ample time to prepare for covering them, including informing them of their responsibilities. Also, the coverage of just 1,000 crew leaders will give a basis for research into the feasibility of covering other crew leaders.

*Question*.—What new administrative arrangements would have to be developed in order to pay interstate claims for benefits filed by migrant workers?

*Answer*.—No new arrangements would need to be developed. Workers with wages in more than one State present no new problems for the unemployment insurance program and the Federal-State employment security system. The United States labor force has a high degree of mobility. Millions of workers move from one State to another every year.

In 1969, a year of low unemployment, 584,172 initial interstate claims were paid. Approximately 30,000 involved combining wages that were earned in more than one State.

Existing voluntary arrangements provide for interstate benefits to workers in any of 3 different situations. Concern over the rights of mobile workers, aside from farm workers, was great enough to lead to provisions in both House and Senate versions of H.R. 14705 which require interstate arrangements to be universal and mandatory.

The Interstate Benefit Payment Plan, operative since 1938 and applicable in every State, permits a worker who qualifies for benefits in any one State to file his claim against that State from any other State. The Basic Wage Combining Plan, operative since 1945 and now participated in by all but 2 States, permits a worker who has had covered employment in several States but does not qualify in any to have his base period wages in all participating States combined as if they had all been paid in the State in which he files his claim. The Expanded Interstate Plan for Combining Wages, which began in 1956 and in which all but 5 States now participate, applies to a worker who qualifies in one State for less than maximum benefits, and who has base period wages in another participating State or States. Such a worker can have his benefits in the State where he qualifies increased by combining with those wages any base period wages in other participating States in which he does not qualify.

Interstate migratory farm workers, whether they have been employed by crew leaders or farm operators, will be able to file for benefits under these arrangements.

*Question*.—In simple terms, how is an interstate claim which involves combining wages earned in more than one State processed? (Such a worker would have been employed in more than one State during the base period.)

*Answer*.—The claimant goes to the State employment security agency office where he is residing. The claims taker interviews him to learn the States where he worked during a base period and to determine which State the claim will be filed against.

If the claimant qualifies for benefits in another State (i.e., he earned enough or worked long enough during that State's base period to qualify), the claim is sent to that State. That State then contacts the other States where he worked to learn how much he earned in covered employment while working in them. That State then pays the claimant a benefit based on his total wages and bills the other States for any charges against their funds.

If the claimant does not qualify for benefits in any single State, the State where he makes his claim contacts the other States where he worked during its base period, combines the wages, pays a benefit based on the total wages, and bills the other States for any charges against their funds.

This process was followed in $30,000 claims in 1969. As noted earlier, H.R. 14705 provides for a greatly improved system of processing and paying interstate claims that involve wage combining.

*Question*.—What is the effect of the exclusion from unemployment insurance coverage of alien agricultural workers who are admitted to the United States on nonimmigrant visas pursuant to Sections 214(c) and 101(a)(15)(H)(ii) of the Immigration and Nationality Act?

*Answer*.—A temporary nonimmigrant alien worker is admitted to the United States to do work of a temporary nature. As soon as his employment is terminated, he must leave the United States. A claimant must be in the United States or Canada to receive benefits. Hence, with the exception of Canadians, these workers are not eligible to receive benefits anyway. Canada is a participant in the Interstate Benefit Payment Plan, and all but four States do pay claims to Canadian workers on a reciprocal basis. (H.R. 14705 will require all States to do so.) Canadian agricultural workers now enter the United States for apple and potato harvesting. Both seasons are short (6–8 weeks), and it is doubtful that more than a few of the workers would be employed by farm employers which have 8 workers for 26 weeks. However, since Canadian workers are eligible for benefits on a reciprocal basis, and H.R. 14705 strengthens that eligibility, it may be desirable to exempt Canada from the nonimmigrant alien worker exemption, for purposes of consistency.

*Question*.—Will all workers who work for covered farm employers be eligible for UI benefits; that is, will persons who engage in farm work for a short time such as students draw benefits?

*Answer*.—The fact that a worker has been employed by a farm employer who is covered by UI does not mean that he is eligible for benefits. He must still meet the State qualifying requirements which are generally pegged to number of weeks worked, total wages received, or a combination of these. Furthermore, the claimant must meet all State eligibility requirements each week to receive benefits, including being available for, and actively seeking work. In determining whether any claimant is eligible for benefits for a particular week, the agency looks not only at the individual's statement that he is available for work, but at his actions to determine whether he is acting as a reasonable individual who wanted work would act.

Eligibility for benefits would be no different for persons who worked on farms than for persons who worked in other industries. For example, hundreds of thousands of students work in every segment of the U.S. economy during the summer, but with rare exceptions they are ineligible for unemployment insurance benefits when they return to school. Usually they do not work long enough to qualify. Even those who do work enough in the summer to meet the monetary qualifying requirement are not ordinarily considered available for work when they return to school.

## JOHN GRAVES—A CREDIT TO THE SENATE

**Mr. CHURCH.** Mr. President, I was deeply saddened to learn of the tragic and untimely death of John Graves. I first knew John when he began work as an elevator operator with the Office of the Sergeant at Arms in 1958. A talented and hardworking young man, he soon rose to the position of assistant secretary to the Senate majority.

In his job as assistant to the secretary, he brought distinction both to himself and the Senate. There were many times when I sought out John's assistance and on all occasions he was well-informed, courteous and helpful. His death at the age of 32 is a tragic loss.

At a time such as this, little can be said to lessen the sorrow which those who knew and loved John must feel, but he was one of those individuals of whom it can be truly said—he was a good man.

Mrs. Church and the members of my staff join me in extending our deepest sympathies to his wife and family.

## IMPLICATIONS OF THE SENATE'S DECISIONS

**Mr. DOLE.** Mr. President, as the Senate continues deliberations on its role in foreign policy, it is appropriate to look closely into the objectives and achievements of the Cambodian operations, as well as the broader implications of senatorial assertions of power in this delicate area.

The Washington Evening Star of May 19 published three articles concerning these issues. Crosby S. Noyes, Charles Bartlett and Orr Kelly authored these observations and analyses. They raised several points which Senators might find persuasive in reaching their decisions. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### CONGRESS CURBS ON WAR POSE DANGER TO ALL

(By Crosby S. Noyes)

The present congressional assault on the war-making powers of the President—embodied in a variety of "end-the-war" proposals in both houses—is being presented under a number of different guises.

For some, it is simply a matter of being against the war in Vietnam. For others, it is a complex constitutional argument over the prerogatives of the Congress as opposed to the Executive. For still others, it is a matter of returning to the principles and the intentions of the Founding Fathers.

But it really is far more than any of these things. What the argument is all about is, in fact, the role that the United States should play in the world today. What we are witnessing could turn out to be the greatest resurgence of classic isolationism that has been seen in this country for nearly half a century.

The arguments are being closely tied to events in Vietnam and Cambodia. The time has come, it is being said, for the Congress to assert its constitutional powers in orders to prevent a widening of the war in Asia.

But the issues go far beyond the war and far beyond Asia. The underlying thesis, subscribed to by virtually all the leaders of the congressional revolt, is that the Executive is inherently given to the overcommitment of American power overseas. The clear implication is that if the Congress succeeds in interposing its collective wisdom between the President and the conduct of American foreign policy, a new spirit of caution and restraint will result.

This assumption deserves a couple of observations.

As we have noted, the present trend in the Congress and perhaps in the country is strongly in the direction of isolationism. Very decidedly, if the leaders of the revolt get their way, American commitments will be severely curtailed, not only in Asia but everywhere else as well.

But this would not always necessarily be the case. Times change. It must be remembered that some of the same men who argue for global retrenchment today were most instrumental in turning the United States away from an isolationist course in the 1930s and 1940s.

It is significant that Chairman J. William Fulbright of the Senate Foreign Relations Committee has said Congress probably would have declared war on North Vietnam if it had been asked to at the time of the Tonkin Gulf incident.

Curtailing the warmaking powers of the President, furthermore, is an uncommonly tricky business. In an age of split-second nuclear warfare, almost everyone agrees that the President must have the power to act without congressional sanction to protect the safety of the nation and its armed forces.

There is little agreement, however, on what kind of an emergency justifies such presidential action. One can only wonder what might have happened if Congress had been asked to make up its mind what to do at the time of the Cuban missile crisis.

Altogether, it is hard to generate enormous reverence for the collective wisdom of the Congress, especially at a time when the revolt against the Executive is being accompanied by some of the silliest oratory ever produced on Capitol Hill.

Today, it is held to be the epitome of wisdom to forget everything that history has ever taught us about the behavior of peoples and nations. The new Youth Cult has reached the point where United States senators are solemnly assuring us that it is only the young people, motivated by an overwhelming desire to be left alone to do their thing, who hold the key to a responsible American foreign policy.

Of course, at this point, the significance of the various congressional proposals to curb the powers of the Executive is being interpreted in the narrowest context by their proponents. They are designed, we are assured, simply to hasten the end of the war in Cambodia and Vietnam.

But make no mistake about it. These proposals are no more than the nose of the camel. The trend is toward the outright abdication of the United States as a major world power. If it prevails, the world is going to be a very dangerous place to live in, not only for Americans, but for everyone else as well.

### DOVES COULD DIM GENEVA HOPES

(By Charles Bartlett)

One negative consequence, if Congress ties President Nixon's hands in Cambodia, may well be a diminution of the chances for convening a Geneva conference, the best hope of bringing real neutrality to the country.

The enemy's response to the intrusion upon its sanctuaries is taking the shape of an effort to establish a new base in northeast Cambodia, a sparsely-populated highland between the Mekong River and the border. Communist troops seem bent on taking the river towns, a move which will open their new staging area to supplies brought down the Khong River from southern Laos.

This is a reluctant compromise of the happier arrangement they contemplated before they were flushed out of their sanctuaries. They may never have intended to take Phnom Penh; that would have promised all kinds of problems. But they clearly meant to seize a corridor that would keep open the supply lines between Sihanoukville and the sanctuaries.

The enemy's plan was predicated on a strong assumption, which endured even after Prince Sihanouk's ouster, that the United States would make no move in Cambodia. In scheming how to regain their sanctuaries and their access to the sea, they now must consider the nagging question of where and whether they will find the advantages they enjoyed before.

The President gave them significant reassurance with his self-imposed restraint of a 21.7-mile penetration. But if Congress enacts the Church-Cooper amendment, with its proposal to halt all American activities in Cambodia after June 30, most of the troubling uncertainties in the Communist calculations will have been eliminated.

Except for a need to keep a wary eye on the South Vietnamese, they will be back in business with license to harass the Lon Noi government. More important, they will have no real cause to give second thoughts to the option they have rejected, possibly against the advice of Moscow and Peking. They will not be uncertain or uncomfortable enough to feel the need for a conference on Cambodia.

The Cambodian crisis sinks deeper into the grip of the cold war. All the familiar cliches are being used by and against Sihanouk, who once found phrases that warded off the big-power issues. A personality squabble in the Phnom Penh government has been magnified by events and rhetoric into something far more awesome and tangled.

The Lon Noi coup was a bad mistake and, as Sen. Church (D.-Idaho) points out, the Americans have made no promises and incurred no obligations to rescue the beleaguered government. Within the Nixon Cabinet some key men say they couldn't care less about what happens in Cambodia as long as it does not interfere with the pace of withdrawal from Vietnam.

Many bureaucrats are busy protecting themselves against an expectation that the new government will eventually fall. Some are bold enough to say that chaos in Cambodia will be a certain detriment to withdrawal in Vietnam. A few are optimistic that a solid neutral government may emerge from the turmoil.

Three factors inspire this optimism. The Communist troops can survive, but they will find it increasingly hard to fight in Cambodia with shattered supply lines. The Cambodian army, bolstered by mercenaries and weapons, can only improve. Finally the neighbors, especially the Thais and South Vietnamese, are expected to perform constructively.

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This is not a solid base for confidence. But it may be enough to make the Communists feel insecure enough to join the call for a conference on Cambodia. If Mr. Nixon car. add to this insecurity by masking his intentions, he should be permitted to do so.

### Bum Rap on Cambodia Objectives

(By Orr Kelly)

Along with all its other troubles, the Nixon administration is taking a bum rap for the failure of American soldiers to find anything in the jungles of Cambodia that can be clearly labeled as enemy headquarters.

What has evolved is an almost classic case of a credibility gap created by the press, with only modest help from the government.

In effect, the argument goes like this: President Nixon and his advisers said American troops were going into Cambodia to find and destroy the enemy headquarters, known as COSVN, an acronym for Central Office for South Vietnam. COSVN has not been found. Therefore, the Cambodian operation has been a military failure.

Somehow, the impression was created that the enemy had something as solid and visible as the Pentagon stashed away in the jungle with the letters COSVN chiseled in granite over the front door.

It is instructive to go back to what the President and his advisers actually said they were seeking in the Cambodian operation. In his speech the night of April 30, Nixon said:

"Tonight, American and South Vietnamese units will attack the headquarters for the entire Communist military operation in South Vietnam. This key control center has been occupied by the North Vietnamese and Viet Cong for five years in blatant violation of Cambodia's neutrality. . . .

"Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and once their military supplies are destroyed, we will withdraw."

In the hour preceding the President's televised speech, a top White House official, who cannot be identified by name or quoted directly, talked over the purposes of the operation. In answer to a question, he said the targets in the Fishhook area were those often described as COSVN I and II.

But he emphasized that the operation was directed against the base areas from which military activities are being conducted into South Vietnam and that American forces would remain only long enough to destroy supplies in those areas.

The area contains major supply dumps and the communications network for the headquarters, he said. The personnel in the headquarters rotate around in the area, on both sides of the border.

The purpose of the operation was not the personnel, but the supply depots and communications equipment.

This was the goal of the operation, stated before it had been publicly announced.

Two days after it began, in a Pentagon briefing, Col. F. H. Thrush, an operations briefer for the Pentagon joint staff, described the purpose this way:

"These allied operations in the Fishhook and the Parrot's Beak areas will have a long-lasting effect on the enemy's aggressive operation in South Vietnam. Hopefully, it will destroy his political and military command posts, his supplies, base camps, training areas, and disrupt his lines of communications . . ."

A week after the operation began, Defense Secretary Melvin R. Laird said the "primary mission is to destroy facilities so that they can't be used for six to eight months."

The attention focused on the failure, at least in the early phase of the operation, has obscured the degree to which the operation has succeeded in achieving the goal of disrupting enemy activities for at least six months.

Actually, some of the best-informed officials in the Pentagon believe that the time gained by the operation has been generally understated. Instead of the 6 to 10 months commonly mentioned, they think the attacks across the border may well have provided a breathing spell of at least 12 months, and perhaps as much as 18 months, for the South Vietnamese to take over their own defense.

The price paid for this breathing spell has been fearful—in the cost of dissent at home, in the cost of relations between the President and the Senate, and in the cost of relations with other countries.

But, in assessing the long-term effects of the operation, the failure to find something clearly identifiable as COSVN should not lead to the conclusion that the operation itself was a failure. All the evidence, in fact, suggests that, from a strictly military point of view, it has been even more successful than might have been hoped.

## ORDER OF BUSINESS

The **PRESIDING OFFICER**. Is there further morning business?

Mr. **BYRD** of West Virginia. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **BYRD** of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

## APPOINTMENT OF ADDITIONAL DISTRICT JUDGES—CONFERENCE REPORT

Mr. **BYRD** of West Virginia. Mr. President, on behalf of the Senator from Mississippi (Mr. Eastland), chairman of the Committee on the Judiciary, and at his request, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 952) to provide for the appointment of additional district judges, and for other purposes. I ask unanimous consent for the present consideration of the report.

The **PRESIDING OFFICER**. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of May 14, 1970, pages 15571–15573, Congressional Record.)

The **PRESIDING OFFICER**. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. **BYRD** of West Virginia. Mr. President, I am authorized by the Senator from Mississippi (Mr. Eastland) to make the following statement of explanation of the effect of the action agreed upon by the conference and the recommendations of the accompanying conference report.

The first section of the Senate bill authorized 67 new permanent district judges and the first section of the Senate bill as amended by the House authorized 54 new permanent district judges. The conference substitute authorizes 58 new permanent district judges, four more than were authorized in the bill as amended by the House. The four new judges not in the House version are as follows:

Middle district of Florida: The Senate bill authorized two new judges and the House amendment authorized no new judges. The conference substitute authorizes one new judge.

District of Maryland: The Senate bill authorized two judges and the House amendment authorized one new judge. The conference substitute authorizes two new judges.

District of Nebraska: The Senate bill authorized one new judge and the House amendment authorized no new judges. The conference substitute authorizes one new judge.

Southern district of West Virginia: The Senate bill authorized one new judge and the House amendment authorized no new judges. The conference substitute authorizes one new judge.

The House amendment contains a provision not in the Senate bill which moves Panola and Shelby Counties in Texas from the Tyler division of the eastern district of Texas to the Marshall division of that district. The conference substitute conforms to the Senate bill.

Mr. **HRUSKA**. Mr. President, I join with my colleagues in urging the Senate to accept the conference report on S. 952.

The judges authorized by the conference report are urgently needed for our district courts to handle the present and increasing number of civil and criminal cases which are being filed.

I personally would have preferred an even greater increase in our judge power and urged the House conferees to accept each of the judgeships which the Senate had recommended. The conference report does not contain all that I would like, but it is the most that we can obtain at the present time. The House conferees have assured us, moreover, that they would be willing this next year to take another look at those judgeship requests that are not included in the conference report.

Mr. President, the additional judges authorized by this bill will not solve all the problems that confront our judiciary. Improvements in administration, court proceedings, and the law are also necessary. We will be considering these matters in the near future and recommending appropriate changes. It is evident, however, that regardless of the improvements made, the additional judges authorized by this bill are an absolute necessity if the citizens of this country are to receive a prompt and satisfactory disposition of the civil and criminal cases filed in the Federal courts.

Mr. **EASTLAND**. Mr. President, will the Senator yield?

Mr. **HRUSKA**. I yield.

Mr. **EASTLAND**. The Senator realizes, of course, that a number of additional judges are urgently needed, such as in the western district of the State of Missouri. Even though we could not get all that I think is necessary, I think the Senator will agree that this is the best we could do. We obtained the greatest number that the House would agree to. Does the Senator agree with that statement?

**Mr. HRUSKA.** I certainly do. There was an additional session of the conferees for the purpose of making a last-stand effort to get the job done, but we were unsuccessful.

**Mr. EASTLAND.** In the case of Missouri, we did everything we could to get the western district of Missouri included.

**Mr. HRUSKA.** That is correct.

**Mr. EASTLAND.** That is true of other districts. There is going to be another bill next year, and I certainly hope that we can include the districts urgently needed, but that will depend upon what the position of the House conferees may be at that time.

**Mr. HRUSKA.** The Senator from Nebraska is certainly willing at this moment to strive in every possible way to get that extra judge for the western district of Missouri. The statistics and the weighted case load demonstrate that an additional is very badly needed and should have been allowed at this time.

**Mr. SCOTT.** Mr. President, will the Senator yield?

**Mr. SYMINGTON.** I do not have the floor. The Senator from Mississippi has the floor, but I would appreciate commenting on the remarks made by the able Senator from Mississippi.

**Mr. SCOTT.** That is what I have in mind. If the Senator from Mississippi has no objection, I would simply add that, as a conferee, as the Senate conferee generally, I strongly supported the addition of the district court judgeship in Missouri as very much needed. I had been advised by a member of our own circuit, one of our own judges, that he had experience with the Missouri situation and felt it was necessary. We did our level best. There were three conferences. As the distinguished chairman of the committee has noted, there will be another bill, in time. I hope we will be successful then. I am very sorry we were not at this time.

**Mr. EASTLAND.** But we did everything we could. The need is there in Missouri, as it is in other States. The distinguished senior Senator from Missouri requested us to make a fight for Missouri, and we certainly did. For some reason that I do not know, the House would not include the western district of Missouri.

**Mr. SYMINGTON.** Mr. President, I appreciate the great efforts made by the Senate conferees and would like to thank the able chairman of the Senate Judiciary Committee, the senior Senator from Mississippi (Mr. Eastland), and also the distinguished minority leader for their assistance and remarks.

I requested yesterday that Senate consideration of the conference report on legislation to provide for additional Federal district judges be delayed until today in order to stress the superiority of the Senate bill to the compromise that had to be reached with the House.

At a time when it is abundantly clear that the courts are overcrowded, that the speeding up of our system of administration of justice is a needed ingredient in the effort to curb crime, it is difficult to understand why the full needs for additional judges throughout the country have not been met.

The bill originally passed by the Senate was superior to the compromise not only from the standpoint that the Senate made adequate provision for the additional judgeships that are needed but also with respect to Senate amendments recommended by Senator Tydings to provide new administrative tools to improve the efficiency of the judiciary system.

We are gratified that the conference report does provide for an additional Federal district judge in the eastern district of Missouri. We deeply regret that provision was not made for nine other judgeships, including one for the western district of Missouri. It is unfortunate too that the Senate administrative provisions were not retained. I regret that the House did not agree with the Senate on this matter, but I know that the House conferees were strongly opposed and therefore it would be futile to seek rejection of this conference report in effort to obtain restoration of the western Missouri district judgeship.

The Senate conferees did their very best to hold these provisions in conference and again I thank them for their efforts and the improvements over the House bill that they were able to achieve.

The evidence presented to the Judiciary Committees by Chief Judge Becker as well as the widespread support from lawyers, potential litigants, and concerned citizens throughout Missouri demonstrated fully the need to provide an additional judge for the western district.

May I say I am deeply grateful to the distinguished minority leader and also to the chairman of the Judiciary Committee for stating that this matter would come up again, perhaps before the end of the year? Am I correct in that?

**Mr. EASTLAND.** I cannot state whether it will come up before the end of the year. There will certainly be another bill next year. As I understand the provisions, bills will be introduced that will be considered by the House this year, and I think there is a reasonable chance to add additional judges to meet the Senator's situation in Missouri before the end of the year.

**Mr. SYMINGTON.** I am very grateful to the distinguished chairman.

Mr. President, I ask unanimous consent that page 194 of the Senate report incident to the legislation providing for additional district judges, relating to the western district of Missouri, and information incident thereto be included at this point in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

### Western District of Missouri

The western district of Missouri now has three authorized judgeships. There are also two roving judgeships for the eastern and western districts of Missouri, but since 1942 one of these roving judges has spent all of his time in the eastern district and the other spends all of his time in the western district. The Judicial Council of the Eighth Circuit recommended one additional judgeship for the western district of Missouri, but this recommendation was not made in time for consideration by the Judicial Conference. The committee recommends the creation of one additional judgeship for the western district of Missouri.

The number of civil case filings of this district has decreased since 1964 but the criminal docket has shown an increase of approximately 15 percent over the same period. The weighted caseload per judgeship in the western district of Missouri was 232 in 1968, which placed it in 57th rank order position among the districts.

In testimony before the Subcommittee on Improvements in Judicial Machinery, Chief Judge William H. Becker explained the need of his court for an additional judge and described the failure of the present weighted caseload formula to reflect adequately the case burden in this district. Judge Becker testified:

"The primary reasons for the failure of the existing weighted caseload measures to reflect the unusually heavy judicial burden in this district are as follows:

"1. The weights given the many unique, difficult Federal prisoner petitions, filed by prisoners in the U.S. Medical Center at Springfield, Mo., are grossly inadequate to measure the heavy judicial burden of these petitions, and the resulting hearings and other proceedings.

"2. The weights given the many difficult State prisoner petitions, filed by prisoners in State prisons in the district, are grossly inadequate to measure the judicial burden of those petitions and the resulting hearings and other proceedings.

"3. The weights given the civil and criminal cases of the out-of-State divisions which require periodic travel from Kansas City and return, are inadequate to measure the extra judicial burden of those cases in the out-of-State divisions."

Judge Becker emphasized the particular burdens on this court of the petitions filed by Federal prisoners at the Springfield, Mo., Medical Center, which holds almost all of the Federal prisoners with mental problems outside the District of Columbia. In proceedings filed by these prisoners, the court travels to Springfield to hold court, and thereby eliminates the security problems which could result from transporting the prisoners to Kansas City. In these proceedings the court may be required to hold evidentiary hearings or take other pre-trial actions which are not now reflected in the weighted caseload.

Attached hereto and made a part hereof is statistical information for the western district of Missouri provided by the Administrative Office of the U.S. Courts.

TABLE 1—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

Authorized judgeships, 4:
Resident judges:
  William H. Becker, Chief Judge
  John W. Oliver
  William R. Collinson
  Elmo B. Hunter
Places of holding court:
  Kansas City
  Jefferson City
  Joplin
  St. Joseph
  Springfield
District population 1960[1], 1,967,339.

| Year [1] | State population | Percent increase over 1960 |
|---|---|---|
| 1960 | 4,319,813 | |
| 1967 | 4,603,000 | 6.6 |
| 1970 | 4,636,000 | 7.3 |
| 1975 | 4,870,000 | 12.7 |

[1] 1960 actual. Years 1967, 1970, and 1975 are estimates published by the Bureau of the Census.

### TABLE 2.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

### CIVIL AND CRIMINAL CASES, COMMENCED, TERMINATED AND PENDING

| | Total civil cases[1] | | | Total criminal cases | | |
|---|---|---|---|---|---|---|
| Fiscal year | Commenced | Terminated | Pending | Commenced | Terminated | Pending |
| 1959 | 792 | 997 | 691 | 380 | 364 | 48 |
| 1960 | 653 | 741 | 603 | 296 | 289 | 55 |
| 1961 | 757 | 738 | 622 | 392 | 407 | 40 |
| 1962 | 842 | 717 | 747 | 402 | 391 | 51 |
| 1963 | 826 | 877 | 696 | 358 | 344 | 65 |
| 1964 | 880 | 857 | 719 | 298 | 285 | 78 |
| 1965 | 796 | 789 | 726 | 336 | 332 | 82 |
| 1966 | 798 | 910 | 614 | 381 | 383 | 80 |
| 1967 | 734 | 783 | 565 | 327 | 285 | 122 |
| 1968 | 708 | 577 | 696 | 343 | 335 | 130 |
| 1969 | | | | | | |
| 1970 | | | | | | |

[1] Private civil and U.S. civil cases shown below.

### DISTRIBUTION OF CIVIL CASES

| | Private civil | | | U.S. civil | | |
|---|---|---|---|---|---|---|
| Fiscal year | Commenced | Terminated | Pending | Commenced | Terminated | Pending |
| 1959 | 480 | 667 | 462 | 312 | 330 | 229 |
| 1960 | 396 | 466 | 392 | 257 | 275 | 211 |
| 1961 | 485 | 470 | 407 | 272 | 268 | 215 |
| 1962 | 478 | 346 | 539 | 364 | 371 | 208 |
| 1963 | 476 | 516 | 499 | 350 | 361 | 197 |
| 1964 | 557 | 511 | 545 | 323 | 346 | 174 |
| 1965 | 480 | 479 | 546 | 316 | 310 | 180 |
| 1966 | 438 | 576 | 408 | 360 | 334 | 206 |
| 1967 | 388 | 436 | 360 | 346 | 347 | 205 |
| 1968 | 376 | 314 | 422 | 332 | 263 | 274 |
| 1969 | | | | | | |
| 1970 | | | | | | |

### TABLE 3.—U.S. DISTRICT COURT OF THE WESTERN DISTRICT OF MISSOURI

### CIVIL CASES COMMENCED DURING THE FISCAL YEARS 1959 THROUGH 1968, AND CIVIL CASES PENDING ON JUNE 30, 1958, JUNE 30. 1967, AND JUNE 30, 1968, BY NATURE OF SUIT

| Nature of suit | Civil cases pending June 30, 1958 | Civil cases filed, by fiscal year | | | | | | | | | Civil cases pending June 30, 1967 | Civil cases filed 1968 | Civil caes pending June 30, 1968 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | 1959 | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | | | |
| **Total** | 896 | 792 | 653 | 757 | 842 | 826 | 880 | 796 | 798 | 734 | 565 | 708 | 696 |
| **U.S. plaintiff, total** | 196 | 206 | 159 | 134 | 199 | 203 | 181 | 172 | 188 | 125 | 100 | 139 | 148 |
| Land condemnation | 87 | 46 | 14 | 13 | 13 | 11 | 12 | 15 | 18 | 20 | 54 | 70 | 119 |
| Note cases and overpayments | 61 | 90 | 89 | 68 | 106 | 112 | 101 | 85 | 86 | 39 | 16 | 27 | 8 |
| Antitrust | | 1 | 2 | | | 1 | 1 | 1 | | | | 1 | 1 |
| Labor cases | 6 | 7 | 8 | 7 | 7 | 12 | 6 | 8 | 12 | 9 | 3 | 7 | 4 |
| Tax | 2 | 1 | 1 | 1 | 1 | 2 | 1 | 2 | 2 | | 1 | 3 | 2 |
| Other | 40 | 61 | 45 | 45 | 72 | 65 | 60 | 61 | 70 | 57 | 26 | 31 | 14 |
| **U.S. defendant, total** | 51 | 106 | 98 | 138 | 165 | 147 | 142 | 144 | 172 | 221 | 105 | 193 | 126 |
| Tort Claims Act | 12 | 7 | 7 | 10 | 14 | 13 | 19 | 16 | 31 | 16 | 18 | 14 | 18 |
| Prisoner petitions | 5 | 78 | 57 | 77 | 115 | 101 | 73 | 84 | 113 | 149 | 30 | 133 | 38 |
| Tax refund | 28 | 9 | 11 | 30 | 21 | 16 | 33 | 20 | 13 | 26 | 35 | 24 | 43 |
| Social Security | (1) | (1) | (1) | 14 | 8 | 7 | 6 | 9 | 5 | 13 | 5 | 10 | 10 |
| Other | 6 | 12 | 23 | 7 | 7 | 10 | 11 | 15 | 10 | 17 | 17 | 12 | 17 |
| **Federal question, total** | 78 | 71 | 60 | 70 | 152 | 120 | 137 | 111 | 153 | 158 | 142 | 164 | 181 |
| Marine contracts | | | | 1 | 2 | | | | | | | | |
| Jones Act | | | 3 | | 3 | | 1 | 3 | | | | | |
| Federal Employer's Liability Act | 4 | 1 | | 2 | 2 | | 5 | 3 | | | | 1 | 1 |
| Miller Act | 3 | 3 | 4 | 7 | 28 | 22 | 10 | 6 | 12 | 10 | 16 | 3 | 14 |
| State habeas corpus | 1 | 21 | 13 | 12 | 23 | 43 | 50 | 53 | 55 | 85 | 36 | 76 | 50 |
| Labor cases | 7 | 6 | 12 | 12 | 11 | 16 | 26 | 16 | 19 | 12 | 13 | 29 | 22 |
| Antitrust | 36 | 18 | 8 | 21 | 65 | 9 | 8 | 6 | 32 | 12 | 38 | 6 | 40 |
| Patent | 9 | 6 | 4 | 4 | 1 | 7 | 5 | 2 | 5 | 3 | 8 | 6 | 11 |
| Copyright and trademark | 9 | 2 | 5 | 5 | 5 | 3 | 4 | 2 | 7 | 11 | 8 | 9 | 10 |
| Civil rights | 1 | | 2 | | 1 | 2 | 3 | 1 | 8 | 4 | 3 | 10 | 6 |
| Other | 8 | 14 | 9 | 6 | 11 | 18 | 25 | 19 | 15 | 21 | 20 | 24 | 27 |
| **Diversity of citizenship, total** | 571 | 409 | 336 | 415 | 326 | 356 | 420 | 369 | 285 | 230 | 218 | 212 | 241 |
| Contract actions | 190 | 91 | 83 | 97 | 72 | 107 | 125 | 110 | 101 | 87 | 103 | 75 | 108 |
| Stockholders' suits | | | | | | 1 | | | | | | | |
| Real property | 13 | 6 | 4 | 5 | 4 | 5 | 12 | 4 | 6 | 4 | 3 | 8 | 6 |
| Personal injury, motor vehicle | 238 | 247 | 183 | 247 | 196 | 188 | 207 | 185 | 125 | 101 | 74 | 88 | 85 |
| Other personal injury | 116 | 57 | 50 | 43 | 49 | 53 | 60 | 60 | 48 | 31 | 29 | 39 | 34 |
| Other | 12 | 8 | 16 | 23 | 5 | 2 | 8 | 10 | 5 | 7 | 9 | 2 | 8 |

[1] Not available.

### TABLE 4.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

### CRIMINAL CASES[1] COMMENCED AND PENDING ON JUNE 30, 1967 AND JUNE 30, 1968, BY NATURE OF OFFENSE

| Offense | Criminal cases | | | | | | |
|---|---|---|---|---|---|---|---|
| | Commenced | | | | Pending June 30, 1967 | Commenced 1968 | Pending June 30, 1968 |
| | 1964 | 1965 | 1966 | 1967 | | | |
| **Criminal cases, total** | 276 | 308 | 351 | 306 | 122 | 304 | 130 |
| **General offenses:** | | | | | | | |
| Homicide | | | 1 | 2 | 1 | 2 | 2 |
| Robbery | 4 | 7 | 8 | 11 | 6 | 10 | 2 |
| Assault | | 2 | 1 | 1 | | 1 | |
| Burglary | 4 | 5 | 2 | 5 | 4 | 6 | 3 |
| Larceny and theft | 28 | 28 | 42 | 31 | 11 | 34 | 10 |
| Embezzlement | 12 | 12 | 15 | 14 | 4 | 21 | 4 |
| Fraud | 31 | 17 | 24 | 17 | 9 | 11 | 12 |
| Auto theft | 94 | 126 | 125 | 70 | 20 | 74 | 23 |
| Forgery and counterfeiting | 39 | 50 | 62 | 44 | 15 | 25 | 8 |
| Sex offenses | 1 | | | | | 2 | 2 |
| Narcotic laws | 5 | 3 | | 4 | 2 | 11 | 5 |
| Miscellaneous general offenses | 10 | 16 | 24 | 30 | 13 | 33 | 15 |
| **Special offenses:** | | | | | | | |
| Immigration laws | 3 | | 1 | | 1 | | 1 |
| Liquor, Internal Revenue | 10 | 6 | 3 | 2 | 1 | 4 | |
| Selective Service Act | 3 | 6 | 16 | 22 | 4 | 47 | 30 |
| Other Federal statutes | 32 | 30 | 27 | 53 | 31 | 23 | 13 |

[1] Excludes transfers.

TABLE 5.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

TIME INTERVAL FROM ISSUE TO TRIAL OF CIVIL CASES[1] IN WHICH A TRIAL WAS COMPLETED

| Fiscal year | Number of trials | Median time interval (in months) | National median time interval (in months) | Fiscal year | Number of trials | Median time interval (in months) | National median time interval (in months) |
|---|---|---|---|---|---|---|---|
| 1961 | 59 | 7 | 11 | 1966 | 65 | 10 | 11 |
| 1962 | 49 | 8 | 10 | 1967 | 39 | 8 | 12 |
| 1963 | 79 | 10 | 10 | 1968 | 59 | 5 | 12 |
| 1964 | 70 | 9 | 11 | 1969 | | | |
| 1965 | 65 | 9 | 11 | 1970 | | | |

TABLE 6.—U.S. DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI

AGE OF CIVIL CASES[1] PENDING AT THE END OF FISCAL YEARS

| Fiscal year | Total | Less than 1 year | 1 to 2 years | 2 to 3 years | Over 3 years | | Fiscal year | Total | Less than 1 year | 1 to 2 years | 2 to 3 years | Over 3 years | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Number | Percent | | | | | | Number | Percent |
| 1961 | 547 | 404 | 97 | 27 | 19 | 3.5 | 1966 | 566 | 378 | 103 | 37 | 48 | 8.5 |
| 1962 | 692 | 457 | 172 | 40 | 23 | 3.3 | 1967 | 510 | 330 | 93 | 41 | 46 | 9.0 |
| 1963 | 666 | 423 | 160 | 54 | 29 | 4.4 | 1968 | 577 | 331 | 135 | 55 | 56 | 9.7 |
| 1964 | 694 | 456 | 118 | 74 | 46 | 6.6 | 1969 | | | | | | |
| 1965 | 692 | 424 | 139 | 47 | 82 | 11.8 | 1970 | | | | | | |

[1] For both tables 5 and 6 excludes land condemnation cases. For table 5 also excludes habeas corpus cases, deportation reviews, and motions to vacate sentence.

TABLE 7.—WEIGHTED CASELOAD PER JUDGESHIP FOR ALL UNITED STATES DISTRICT COURTS AND FOR THE WESTERN DISTRICT OF MISSOURI[1]

| Fiscal year | Number of district courts in the United States | Number of judgeships | | Weighted caseload per judgeship[1] | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Civil | | Criminal | | Total | | |
| | | United States | Missouri, Western | United States | Missouri, Western | United States | Missouri, Western | United States | Missouri, Western | |
| | | | | | | | | | Number | Rank[2] |
| 1962 | 87 | 289 | 4 | 185 | 182 | 57 | 53 | 242 | 235 | 42 |
| 1963 | 88 | 289 | 4 | 195 | 194 | 56 | 43 | 251 | 237 | 46 |
| 1964 | 88 | 289 | 4 | 207 | 232 | 57 | 41 | 264 | 273 | 36 |
| 1965 | 88 | 288 | 4 | 214 | 203 | 60 | 38 | 274 | 241 | 50 |
| 1966 | 87 | 318 | 4 | 200 | 197 | 55 | 53 | 255 | 281 | 26 |
| 1967 | 89 | 322 | 4 | 198 | 174 | 54 | 44 | 252 | 218 | 58 |
| 1968 | 89 | 323 | 4 | 207 | 184 | 58 | 48 | 265 | 232 | 57 |

[1] Based on civil and original criminal cases filed. The weighted caseload reflects the amount of court time used for types of civil or criminal cases divided by the proportions of total terminations. A description of the method used appears on pp. 156-161 in the Annual Report of the Director of the Administrative Office of the United States Courts, 1964. The weighted caseload per judgeship refers only to the overall average per judgeship for each district as provided by 28 U.S.C. 133. Therefore, the number of judgeships does not include the services of senior judges or services of visiting judges. In computing the weighted caseload for the United States, the District of Columbia and territories are excluded.

[2] Refers to the rank of the district court compared to all of the district courts for the year indicated. The lower the ranking the higher the average weighted caseload.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. JAVITS. I merely wish to express my appreciation for the work of the conferees in giving New York some very badly needed district judges. I understand cuts were made at the self-sacrificial recommendation of the dean of the New York delegation, Representative CELLER. Nevertheless, the help is material, and we deeply appreciate it.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, the omnibus judgeship bill has had a long road, and I think by and large, with the exception of some areas where we unfortunately were unable to persuade the other body to agree with us, it is a very good bill. It will do a great deal to reduce the backlog of cases and to meet the rising tide of crime in this country. It is a very much needed bill, and I am delighted that it is now progressing through Congress.

I am especially pleased, of course, that it contains provisions for nine additional judges in my Commonwealth of Pennsylvania, and that these provisions have survived unimpaired through the legislative process.

The Judicial Conference recommended all of these judgeships. They are extremely necessary. In the eastern district of Pennsylvania there is one of the largest backlogs of any judicial district in America, and so I am most pleased that this has been done, and also that permission has been given for the Federal court for the eastern district of Pennsylvania to meet, now, in addition to other places, in the cities of Reading and Allentown.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield to the Senator from Florida.

Mr. HOLLAND. I thank the Senator. I simply want to express my appreciation and the appreciation of the citizens of my State to the distinguished chairman of our committee, the Senator from Mississippi (Mr. EASTLAND), and the distinguished Senator from Nebraska, the ranking minority member (Mr. HRUSKA), for having obtained, in the conference with the House of Representatives, the results that they did obtain—not all that we would have liked, but nevertheless they did a great deal for us, and I feel that I would be derelict if I did not state that we appreciate greatly the two new judges in the southern district and the one in the middle district of Florida.

We are grateful to the conferees, and particularly to the two leaders whom I have mentioned, for their strenuous efforts in conference to overcome the attitude of the other body.

Mr. HRUSKA. Mr. President, there is one other aspect of the bill as passed by this body which deserves a little comment, those portions which dealt with the creation of court executives.

It was the recommendation, after very thorough hearings on this side under the chairmanship of the chairman of the Subcommittee on Improvements in Judicial Machinery, the senior Senator from Maryland (Mr. TYDINGS), that such a system of court executives be included. That provision would have provided a court executive for each of the circuits, and permitted court executives for district courts with six or more judges if, in the judgment of the judicial council in which district courts were located, such a court executive would be advisable.

The other body, however, felt that any measure along these lines should not be included in a bill creating additional judgeships. We were assured that a draft of a bill including provisions relative to court executives is in the process of preparation, that it will soon be introduced in the other body, that hearings will be held promptly, and that the matter will be expedited.

It was upon those assurances that the chairman of the committee and members of the conference committee agreed to delete those provisions. Our interest in court executives, however, has not diminished, and we hope that progress will be made soon in that direction.

**Mr. EASTLAND.** Mr. President, will the Senator yield?

**Mr. HRUSKA.** I am happy to yield to the chairman of the committee.

**Mr. EASTLAND.** Mr. President, I think that we all owe a debt of gratitude to the Senator from Maryland (Mr. TYDINGS) for the very fine job that his subcommittee did on this bill. I have never known a man to work harder; and he brought us to the Senate floor with a good bill. I think he is to be congratulated on the very fine work which he did on this measure.

**Mr. HRUSKA.** Mr. President, I associate myself with those remarks. It is not an easy task to produce a bill of this kind. It requires the detailed analysis of individual cases. The senior Senator from Maryland performed that task most admirably; and in those cases where he had to say no, he was able to justify each one of those negative decisions on the basis of the record before him.

I join in the congratulations and commendations to the Senator from Maryland just enunciated by the Senator from Mississippi.

**Mr. BYRD of West Virginia.** Mr. President, will the Senator yield.

**Mr. HRUSKA.** I am happy to yield.

**Mr. BYRD of West Virginia.** Mr. President, I share in the sentiments expressed with respect to the able senior Senator from Maryland (Mr. TYDINGS). This is very tedious work; it requires many long hours of painstaking effort, and I congratulate him on an excellent job well done. I express my appreciation to both Senator TYDINGS and the able and distinguished chairman of the committee, as well as the able ranking minority member of the committee, and all those who were conferees.

I want further to express my appreciation, on behalf of my State of West Virginia, and on behalf of my senior colleague (Mr. RANDOLPH) for the consideration that was given by the inclusion in the conference report of the additional judgeship for the southern district of West Virginia. As a member of the Committee on the Judiciary, I had sought to have this additional judgeship added to the bill that went to conference. I was not a conferee, but I did work with our Senate conferees, and I know of their efforts in behalf of this judgeship, and express my deepest thanks to them for the assistance which they have given in this respect.

This additional judgeship for West Virginia was sorely needed. The workload for our three current Federal district judges has been increasing greatly, and the court dockets in our State have become overcrowded.

**Mr. EASTLAND.** Mr. President, I should like for the record to show that for each judgeship that was put in by the distinguished Senator from Maryland (Mr. TYDINGS) there was a reason. There was no politics involved. If he had to say no, he had the facts and the reasons, and he made it stick in every instance.

**Mr. HRUSKA.** Mr. President, I yield the floor.

**Mr. COOPER.** Mr. President, I am very happy that the Senate has before it today the conference report on S. 952, the omnibus district judgeship bill. This bill has made slow but sure progress over a period of several years. It is of particular importance to my State of Kentucky.

It was during the 90th Congress that I introduced for myself, and on behalf of Senator MORTON, S. 656, which would have provided for the appointment of one additional district judge for the eastern district of Kentucky. In my remarks of January 25, 1967, I pointed out the need for this additional Federal judgeship in eastern Kentucky if the work of that court is to be dispatched with promptness and efficiency.

In late September of 1968, the Judicial Conference of the United States met and filed its report of October 22, 1968, in which, based on the conference's findings, it recommended the establishment of an additional judgeship for the western district of Kentucky as well as for the eastern district. These recommendations are based on carefully accumulated statistics and an analysis of the dockets of the courts in both districts.

On January 22, 1969, for myself and for Senator COOK, I introduced S. 567 to provide for the establishment of additional district judgeships for the eastern and western districts of Kentucky.

Because of the widespread interest that the Kentucky State Bar Association and county and city bar associations throughout Kentucky have taken in this matter and because of the many comments I have received from judges and attorneys, in the State, I was pleased to bring these views to the attention of the Senate and House judiciary committees in statements I filed with both committees. The Senate bill incorporated this provision for two additional judgeships and this provision was retained by the House.

I support the conference report and urge its adoption.

**Mr. BYRD of West Virginia.** Mr. President, if there are no further statements to be made in connection with the conference report, I move the report be agreed to.

**The PRESIDING OFFICER.** The question is on agreeing to the conference report on S. 952.

The report was agreed to.

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## THE BAR WAS MISINFORMED

**Mr. WILLIAMS of Delaware.** Mr. President, Senators are very fortunate today in that a group of several hundred lawyers from New York have taken time out of their busy schedules to come down to share with the Members of the Senate a portion of their wisdom as to how we can best get ourselves extricated from our problems both in Cambodia and in Vietnam. As one Senator, I appreciate their concern and went out of my way to arrange an appointment with some of these men, and I appreciate the conferences we had.

I was surprised, however, to find that they were under a slight misunderstanding. While they recognize that the enactment of the so-called Cooper-Church amendment would stop the pay and compensation of the men in Cambodia until such time as they get out, they felt that this was not a pertinent point because, as they pointed out, their understanding was that, this Cooper-Church amendment would not be effective until July 1, and therefore they said that the troops would all be out before it became effective.

I pointed out to them that the bill was effective on the date of enactment. Much to my surprise they took exception to that and tried to prove their point by quoting from an article from the New York Times, one of our great eastern newspapers which had insisted that the amendment was effective June 30.

I then asked if any of them had ever read the bill. They acknowledged that they had never read the amendment or the bill. I showed them a copy and that it was to become effective on the date of enactment, and they were surprised and admitted it would change their position somewhat.

I recognize that many of our constituents can get confused as to the effective date of a bill such as this and would not realize that it is effective on enactment. I appreciate that. I also appreciate the fact that misunderstandings can develop on the part of the reporters. I am not criticizing that. But I was somewhat amazed and shocked to learn that nearly a thousand members of the legal profession would take their time, after discussing this issue for several days as they said they had, to come to Washington to share their wisdom on this measure with the U.S. Senate and, at least in the group that came to see me, not one of them had ever read the bill itself.

I only express the hope that in preparing cases for their clients they will take this word of advice as coming from one of the nonlawyer friends: That they not prepare their cases based entirely on what the newspapers say about the cases but that they at least read their documents and study their cases thoroughly in order to prepare themselves for argument.

At the same time, if they come back to lobby they are always welcome to stop in my office. I appreciate their advice and will always listen to them with an open mind. But I would respect their position a little more if they would accompany the statement of their position with the preface that they had at least read the bill, and understood the subject about which they were talking.

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## CONVENTIONS RELATING TO INTERVENTION ON THE HIGH SEAS IN CASES OF OIL POLLUTION—REMOVAL OF INJUNCTION OF SECRECY

**Mr. MANSFIELD.** Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive G, 91st Congress, second session, two conventions done in Brussels at the International

Legal Conference on Marine Pollution Damage, 1969, relating to intervention on the high seas in cases of oil pollution casualties and civil liability for oil pollution damage, and certain amendments to the International Convention for Prevention of Pollution of the Sea by Oil, transmitted to the Senate today by the President of the United States, and that the conventions and amendments, together with the accompanying papers, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the Record.

The PRESIDING OFFICER (Mr. Cranston). Without objection, it is so ordered.

The message from the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith two Conventions done in Brussels at the International Legal Conference on Marine Pollution Damage, 1969: the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, and the International Convention on Civil Liability for Oil Pollution Damage. The United States, along with eighteen other nations, signed each Convention on November 29, 1969, subject to ratification. I transmit also, for the information of the Senate, the report of the Secretary of State with respect to the Conventions.

I transmit also, with a view to receiving your advice and consent to acceptance, certain amendments to the International Convention for the Prevention of Pollution of the Sea by Oil. These were recommended by the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization and were adopted by the Assembly of that Organization on October 21, 1969.

The two Brussels Conventions are vital in coping with the dangers to our environment posed by the increased carriage of oil by sea. The Convention Relating to Intervention on the High Seas authorizes governments to take action against tankers on the high seas, while at the same time protecting the vessel owner from unreasonable action by coastal authorities. The Convention on Civil Liability establishes a system of liability to meet both the present dangers and those posed by larger tankers planned for the future. Furthermore, the limits of liability set forth in the Convention are at present insurable in the world market.

The amendments to the 1954 Oil Pollution Convention establish more rigid control measures for oil tankers and other ships which should reduce materially the discharge of persistent oils into the sea. There should be resulting benefits to beaches and other coastal areas and in the preservation of wildlife and marine resources.

I recommend that the Senate give early and favorable consideration to the Conventions and the amendments submitted herewith and give advice and consent to ratification of the Conventions and acceptance of the amendments.

Richard Nixon.

The White House, *May 20, 1970.*

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADDITIONAL STATEMENTS OF SENATORS

### PROTECTION OF PRIVACY AND RIGHTS OF GOVERNMENT EMPLOYEES

Mr. HRUSKA. Mr. President, yesterday S. 782 passed the Senate. The bill is an important step toward protecting Government employees as to personnel practices. I cosponsored the bill, and it has my wholehearted support. It was considered before by this body in 1967. Although the Senate approved it, no action was taken by the House.

Many long hours of study have gone into the bill by the members of the Subcommittee on Constitutional Rights. The hearings have uncovered many instances of the flagrant violation of the employee's basic rights. The Congress must draw the line and decide whether the employee must surrender his dignity to keep his job.

Often quoted is the adage that "The king can do no wrong." I would go further, Mr. President, and say that "The king should not do any wrong."

This Government was the first to proclaim in a Constitution the first amendment freedoms, the fifth amendment freedoms, the concepts of due process and equal protection of the laws. Our courts vigorously defend these constitutional restrictions. Government agencies espouse the principles.

However well intentioned the Civil Service Commission, however voluntary the study, however beneficial the goal of surveys and fund drives, the fact remains that too often the individual has been coerced into revealing personal information, forced to account for his off-duty hours, and compelled to donate his time and money to projects and drives. His integrity has been questioned without reason, and, in extreme cases, he has been stripped of his dignity. All of this has been done in the name of high ideals.

We all recognize that procedures are required to insure that capable employees perform governmental duties. We recognize that, in some cases, the security of the Nation depends on the integrity and stability of these employees. This bill does not restrict control over the qualifications of Federal employees.

Mr. President, certain exemptions are provided in the law. The exemptions provided for the Central Intelligence Agency and the National Security Agency are based on existing statutory or executive authority of the directors of these agencies to protect their information in cases involving employees and on the well-established procedures concerning information affecting the national security.

The Federal Bureau of Investigation is exempted as well. The bulk of the FBI's work is outside the field of national security; hence, exemptions based on the protection of national security information would provide no protection with respect to its responsibilities in the criminal, civil, and applicant fields.

Yet, the very lives of some persons, such as informants within the organized underworld, depend on the protection of information concerning them. And the potential for blackmail or other grave misuse of information in FBI files not covered by the protection given to national security information is so great that special precautions must be taken to keep it inviolate. A complete exemption for the FBI from the provisions of this legislation is warranted and essential.

It is hoped that the House of Representatives will act with dispatch on this very necessary legislation.

### ANALYSIS OF CONSTITUTIONAL ISSUES INVOLVED IN SOUTHEAST ASIA AMENDMENTS

Mr. MANSFIELD. Mr. President, 1 week ago the distinguished Senator from South Dakota (Mr. McGovern) placed in the Record a legal memorandum analyzing the constitutional issues raised by all of the amendments dealing with the war in Southeast Asia. I believe that that memorandum was most helpful. A sequel to it has been prepared, and I ask unanimous consent that it be printed in the Record.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

#### INDOCHINA: THE CONSTITUTION CRISIS—PART II

#### I. THE CONGRESSIONAL AND EXECUTIVE ROLES IN WAR-MAKING: AN ANALYTICAL FRAMEWORK

In a famous concurring opinion in *Youngstown Sheet & Tube Co.* v. *Sawyer,*[1] [the Truman steel seizure case], Justice Jackson developed a theory of the power relationship between Congress and the President which is useful in analyzing the current constitutional crisis over the Indochina War. *Justice Jackson posited that a large measure of power to make national policy is fixed in neither the Presidency nor the Congress, but rather fluctuates with the initiatives and actions of each branch.* According to Jackson's theory: (1) There is a zone of constitutional power which is exclusively executive—an area in which the President is authorized to act even against the express will of Congress. (2) Similarly, there is a power zone which is exclusively legislative. (3) In between these two exclusive areas, there is "a zone of twilight in which he [the President] and Congress may have concurrent authority, or in which its distribution is uncertain."[2] In that twilight area, either branch can act in the absence of initiative by the other.

Justice Jackson did not explicitly state

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Footnotes at end of article.

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what would happen if both the President and Congress attempted to operate in the twilight zone in ways that brought their wills into conflict. In such a situation, the conflict would best be resolved through the spirit of cooperation which has been the underlying strength of American constitutional government. If cooperation proved impossible, however, deadlock could result. Congress could legislate, but the President might refuse to execute its laws; the President could issue orders, but Congress might deny funds necessary to carry them out.

Of course, under the constitutional scheme of "checks and balances," either branch can almost always block action by the other. Thus, all federal power is in a sense subject to the same limits as power located in the twilight zone. Congress can, for example, refuse to appropriate funds to execute a presidential order made within his zone of exclusive power. Similarly, the President can refuse to execute a law passed over his veto pursuant to an exclusive grant of congressional power. The difference, at least under Jackson's theory, is that (1) while either branch can constitutionally block the other from attempting to exercise power exclusively vested in itself,[3] (2) each branch is under a constitutional obligation not to block exercises of the exclusive power granted to the other branch.[4]

Furthermore, under Jackson's analysis, *Congress has no constitutional obligation to refrain from blocking the President when he attempts to exercise twilight zone power.*[5] *The President, however, is prohibited from blocking congressional exercise of such power.* He can, of course, veto legislation within the twilight zone, for that is his constitutional prerogative as a participant in the legislative process. But if two-thirds of Congress overrides his veto, then the legislative will must prevail: For, under the Constitution, there is a bias toward Congress as the ultimate repository of national power.

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Congress is closer to the electorate and represents a greater diversity of views than the President. Therefore, in terms of traditional democratic theory, the power of Congress is more "basic" than that of the President. Indeed, it might be argued that, in terms of democratic theory, the only justification for granting the President *any* power which is concurrent with that of Congress is that there may be situations in which the national interest requires speedy action. But if Congress has acted in a given case, then that justification disappears. Finally, the text of the Constitution itself indicates that in cases of conflict within the twilight zone, the congressional will should prevail. Whenever the Constitution explicitly divides the responsibility for a particular action between the two branches, it provides no method by which the President can effect his will over the opposition of Congress.[6] On the other hand, whenever Congress has power to legislate, it *can* legally obligate the President to effect its will: For a bill passed over a presidential veto is as much the law of the land as one which he signs; and the President is charged with the duty of faithfully executing the laws. His only legal excuse for failing to execute a law is that Congress lacked power to pass it. But, in the twilight zone, Congress has power by definition.

Furthermore, the lesson of the steel seizure case itself is that the legislative will must prevail when there is conflict within the twilight zone. Although there is language in the Court's opinion to the effect that the power to order the seizure of the steel mills was exclusively legislative, such a conclusion was neither necessary to the result reached nor supported by a majority of the Justices.[7] A better analysis is that power to order seizure of the mills was in the twilight zone, that in a wartime emergency the President could have ordered the seizure in the absence of a contrary expression or congressional will, but that there was in fact such a contrary expression.[8]

In summary, the implications of Justice Jackson's analysis are that: (1) In the zone of exclusive executive power, any legislation attempting to restrict presidential action is void and can be ignored by the President, even if it is "passed" over his veto. (2) In the zone of exclusive congressional power, any presidential action is illegal and can be prevented or ended by action of Congress. (3) In the twilight zone of concurrent power, either the President or Congress can act in the absence of initiative by the other. If both attempt to act in ways that bring their wills into conflict, the deadlock must be resolved in favor of congressional action through valid legislation passed over a presidential veto.

Justice Jackson's theory is in one respect difficult to reconcile with the traditional conceptions of constitutional "separation of powers" and "checks and balances." As they are normally conceived, those principles describe a system in which complementary but distinct powers are granted to different branches of government. In Jackson's twilight zone, however, identical powers are granted concurrently to the President and Congress. With regard to foreign and military affairs, however, a twilight zone *must* exist: For in those areas there is a residuum of power over and above those specifically enumerated in the constitution.

"The broad statement that the federal government can exercise no powers except those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs. In that field, the primary purpose of the Constitution was to carve from the general mass of legislative powers *then possessed by the states* such portions as it was thought desirable to vest in the federal government, leaving those not included in the enumeration still in the states. . . . And since the states severally never possessed international powers, such powers could not have been carved from the mass of state powers but obviously were transmitted to the United States from some other source." [9]

The federal government, in short, possesses all the "necessary concomitants of nationality" [10]—all those powers necessary to enable the United States to act in the international arena on an equal footing with other nations.

It is doubtful whether the powers which are necessary concomitants of nationality could be enumerated in any constitution: they are too much dependent on an evolving historical context, and too little susceptible of definition. In any case, our constitution did not attempt to enumerate them. The sum of the war and foreign policy powers specifically granted to the legislative and executive branches is less than the totality of power inherent in the concept of sovereignty. And it is precisely because there exists an amorphous residuum of national power above and beyond the sum of enumerated powers that Jackson's twilight zone *must* exist, despite its apparent incongruity with traditional separation of powers and checks and balances notions. Those powers must vest somewhere, and there is *nothing*—nothing in the Constitution,[11] nothing in history,[12] nothing in the case law,[13] and nothing in common sense—to suggest that the entire residuum vests exclusively in one or the other branch.

It is of course possible that part of the residual power vest exclusively in either or both branches. But it would be futile to attempt to define which parts, if any, do. As noted above, the totality of residual power is not susceptible to precise division and definition. Further, the enumerated powers would be of only slight help in specifically allocating exclusive portions of residual power, for they themselves have never been precisely defined. In short, it would be unwise to attempt to derive, from either enumerated or residual powers, rigid rules as to which branch has authority to decide whether the nation should take certain specified acts vis a vis other nations. Rather, the best approach is to attempt to reach a general understanding of the nature of the power appropriate to each branch, based on (1) the special competences of each, and (2) the probable internal consequences of external actions.

The special competence of the office of the Presidency is its capacity for fast, efficient, and decisive action. Power in the executive branch is hierarchial; in Congress it is diffuse. Decisions in the legislative branch are made according to complex procedural rules in two separate institutions; in the White House they can be made by one man. The essence of the legislative process is deliberation and compromise; in the executive process, at least in theory, it is command.

Speed and efficiency, however, are not the proper ends of government. If they were, the framers would have created a dictatorship. The main theme underlying the Constitution is, of course, the desire to temper the decisiveness of a President with the prudence inherent in a large body which acts through deliberation, compromise, and consensus. And it is that prudence, coupled with the fact that Congress is closer to the People and reflects the diversity of their views, that gives rise to *its* special competence, a unique legitimacy to commit the resources and will of the nation.[14]

The foregoing considerations support two conclusions: (1) When a decision in foreign or military affairs demands speed and decisiveness, there is a presumption that it is within the exclusive power of the President. (2) *All other decisions* are within the power of Congress. Some of that congressional power is in the twilight zone and held concurrently with the President. But when the decision entails a significant commitment of the nation's human, physical, and moral resources, there is a presumption of congressional exclusivity. The presumption can be rebutted: The President can unilaterally commit a significant amount of the nation's human, physical, and moral resources; but he can do so *only if* there is a *clear need* for speed and decisiveness.

There are, of course, no clear lines of division. It is impossible to define "a significant amount" of resources; and certainly the President has twilight zone power to commit less than "a significant amount" to foreign and military actions (but only in the absence of a prior expression of conflicting congressional will). The basic consideration is simply that *there is a point at which decisions become so momentous—in human, physical, and moral terms—that power passes from the twilight zone into the exclusively legislative zone.*

## II. THE INDOCHINA WAR IN CONTEXT: INSTITUTIONAL RESPONSIBILITY

### A. *A Note on Precedent*

Since the basic questions of legislative/executive power relationships are largely nonjustifiable,[15] the boundaries of constitutional power are in practice determined by the actions of both branches. However, not every case in which either branch has acted unilaterally constitutes a "precedent" indicating that it alone had authority to act. Certainly a unilateral action by the President, acquiesced in by the silence of Congress, is an indication that both branches thought that the President had *power* to act—that the action was not within the exclusively legislative zone. But it does *not* indicate that the power was exclusively presi-

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Footnotes at end of article.

dential, precisely because there is a large zone of overlap in which *both* have authority to act.[16] *Although the historical trend of the last one hundred years has been one of presidential initiative within the twilight zone, the fact of presidential initiative in that zone does not deny the Congress its concurrent—and, in the last analysis, paramount—power to act.*

Furthermore, the large number of presidential initiatives should not be allowed to obscure the fact that congressional twilight zone power has not gone unexercised. The following are a few examples:

In 1871, Senator Sumner introduced a resolution condemning President Grant for sending warships to Santa Domingo. It was tabled, but may have been influential in persuading Grant to abandon his attempts to annex the island.

On April 20, 1898, five days before declaring war on Spain, Congress passed a joint resolution demanding that Spain withdraw all forces from Cuba.[17] The resolution stated that "the people of the Island of Cuba are, and of right ought to be, free and independent" [thus, in effect, recognizing a foreign government] and that "the President of the United States be, and hereby is, directed and empowered to use the entire land and naval forces . . . to such extent as may be necessary" [thus directing the President to exercise force in the absence of a declaration of war].

In June, 1917, Congress passed a statute which provided in part: "During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war . . . with any intent or under any agreement or contract . . . that such vessel shall be delivered to a belligerent nation . . ."[18]

In August, 1935, Congress passed over the strenuous objection of the State Department an act which required the President to embargo the sale of arms and munitions to belligerents "upon the outbreak of war between two or more foreign states."[19]

Because the neutrality legislation did not apply to civil wars, Congress in 1937 passed a joint resolution forbidding the export of arms to either side in the Spanish Civil War.

In an advisory opinion to President Roosevelt, Attorney General (later Justice) Jackson advised that the famous destroyer for bases deal with Great Britain would not violate either the 1917 or the 1935 neutrality legislation, since the destroyers were of ancient vintage and not built, armed, or equipped with intent to deliver to a belligerent, and since it was technically a trade rather than a sale. But Jackson did advise that the 1917 law prohibited the proposed transfer to the British of "mosquito boats" then under construction. *Congress had taken the initiative in the twilight zone, and the President was bound:* "If these boats were released to the British Government, it would be legally impossible for that Government to take them out of this country after their completion, since to the extent of such completion at least they would have been built, armed, or equipped with the intent . . . that they would enter the service of a belligerent . . . ."[20]

In the Selective Service Act of 1940, Congress provided that "Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States . . . ."[21]

And, of course, there is Section 643 of the Defense Appropriations Act for the current fiscal year, which provides that "none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos and Thailand."[22]

### B. *Indochina and institutional responsibility*

The thrust of Justice Jackson's analysis and the thrust of history support strongly one basic conclusion: *Within the twilight zone of shared power, if members of Congress have views on the conduct of foreign and military affairs which differ from those of the President, there is no reason—in the Constitution, in theory, or in precedent—why they should hesitate to write their policy preferences into law.* The framers of the Constitution, in creating concurrent power, did not intend that Congress would limit its expressions of disagreement with the President to speech-making. *The possession of power creates a responsibility to ensure that it is exercised when needed.*

The basic decisions concerning the war in Indochina *are* within the power of Congress—held either concurrently or exclusively. That is, as distinguished from those command-type tactical decisions which must be made quickly and decisively in order to protect American personnel and which are exclusively presidential, the policy and strategy decisions concerning Indochina are within the power of Congress to make. And because they have the *power*, Congressmen have the *duty* to consider the issues, to consult their constituencies, to deliberate, and then *to decide* whether the course which the President is pursuing is one which should be continued. If they decide that the President's course is the wrong one, they would be acting well within the letter and spirit of the Constitution if they changed it.

Of course, it may be that a majority of Congressmen will decide that the nation is on the right course and that they have "confidence in the President" to continue. There is one matter, however, in which Congress can not place its "confidence in the President." *Whether Congressmen are for or against the war, whether they favor escalation or withdrawal, they have a responsibility as members of one of the three branches of the federal government to preserve the integrity and power of that branch.* As noted above, since the great questions involved are largely non-justiciable, the boundaries of constitutional power are fixed by the actions of the two branches themselves. The legislature can have "confidence in the President" to take the initiative in exercising twilight zone power, because the historical precedent thereby set is not a negation of concurrent congressional authority.[23] *But Congressmen cannot, they must not, allow the President to take the initiative in the zone which is exclusively legislative.*

In our opinion, the major questions concerning peace and war in Indochina approach the zone of authority which belongs exclusively to the Congress. Thousands of our young men are killing and being killed; billions of dollars of resources are being expended; and the moral strength of the nation is being undermined. Indochina *does* go further toward the legislative pole than any President has gone unilaterally in the past. Never before has a President committed so much of our human and material resources, so much of our moral fibre, for so long a time, when there was so little urgency.[24]

Congress must ask itself whether the Gulf of Tonkin Resolution—passed in haste, at a time when there was no indication that large numbers of ground troops would be committed to Southeast Asia, and when Congress was without all the facts[25]—can fairly be read to delegate to the Presidency authority to do what has been done. And, even if the Resolution can be so read, Congress must consider whether that is an authority which any President—any one human being—should be allowed to exercise.

The issue of institutional responsibility cannot be circumvented by placing confidence in the person of the President to do the right thing: For in the exclusively legislative power zone, it is essential not only that the right thing be done, but also that the legislature authorize it. Whenever Congress acquiesces in the actions of a President, it admits that the power to act was not exclusively legislative—that the President had at least concurrent authority. In short, *Congress as an institution must realize that its action or inaction in the current situation will define for the future the boundary between the twilight and exclusively legislative zones.* Even if Congressmen believe that the man who is now President would wisely wield legislative power, they cannot make that judgment of the man who will be President ten, twenty, or thirty years from now.

If Congress decides it must act, it will not precipitate a constitutional crisis: For we are *in* a constitutional crisis. And it is a crisis in which Congress cannot avoid a response—in this situation, *inaction is a response.* Inaction, just as surely as will action, will define the boundaries of constitutional power for years to come.

FOOTNOTES

[1] 343 U.S. 579 (1952). The Supreme Court held that the President was without power—in either the Constitution or statute—to order the seizure of the nation's steel mills during the Korean emergency.

[2] 343 U.S. 579, 637.

[3] For example, Congress could constitutionally provide that no funds can be used to collect a tax which the President had purported to lay, since that is a power vested by the Constitution exclusively in Congress.

[4] For example, assuming *arguendo* that it is within the President's exclusive power to order the armed forces to repel a foreign attack on American territory, Congress could not constitutionally legislate that appropriated funds can not be used for that purpose. They *could* pass such a law; but it would be illegitimate and void, even though the question of its constitutionality would probably not be justiciable.

[5] For example, assuming *arguendo* that a decision to blockade Haiphong harbor would fall within the middle power zone, Congress could *constitutionally* provide that no appropriated funds might be used for that purpose, since it would have as much constitutional authority to act on that matter as the President. Note in this connection that the thrust of the argument in part VI of the first Yale paper [*Congressional Record*, May 13, 1970, p. 15409] that Congress can restrict the President's conduct of the war through limits in appropriations is that Congress could constitutionally do so—that it would be exercising either twilight zone power or its own exclusive power.

[6] He can negotiate treaties, but only if two-thirds of the Senate consents do they become the law of the land. He can nominate ambassadors, but they can head American missions abroad only if the Senate approves.

[7] The Opinion of the Court was signed by one Justice. Two Justices concurred in the opinion and the judgment, three in the judgment only, and three dissented.

[8] "When the Taft-Hartley Act was under consideration in 1947, Congress rejected an amendment which would have authorized such governmental seizures in cases of emergency. Apparently it was thought that the technique of seizure, like that of compulsory arbitration, would interfere with the process of collective bargaining." 343 U.S. 579, 586.

[9] *United States* v. *Curtis-Wright Export Corp.*, 299 U.S. 304, 315–16. Emphasis is the Court's.

[10] *Id.*, 318.

[11] The fact that the enumerated powers in foreign and military affairs are divided between the President and Congress is an indication that the residual power should not vest exclusively in either. That some of the residual power must vest in Congress is indicated in Article I, Section 8. Congress is given

power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and *all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.* [emphasis added]

[12] Indeed, the lesson of history is that the President and Congress have shared the residual power. See the first Yale paper and Part II, *infra*.

[13] The statement in *United States* v. *Curtiss-Wright,* 299 U.S. 304, 320, that the President is "the sole organ of the federal government in the field of international relations" is not to the contrary. It asserts that the President is the sole executor of American international policy, but does not deal with the question of which branch is to make that policy.

[14] The competence of Congress to commit the resources and will of the nation is reflected in the allocation of enumerated constitutional powers. It can commit the human and material resources of the nation by laying taxes, borrowing money, and raising an army. It can commit the will of the nation by declaring war. And, perhaps most significantly, it can change the very character of the nation by establishing standards for naturalization. All these things, furthermore, Congress can do over the President's veto.

[15] See *Mora* v. *McNamara,* 389 U.S. 934 (1967), Justice Stewart dissenting.

[16] The first Yale paper outlined three theories under which unilateral Presidential action has been justified: 1) The Sudden Attack Theory—which justifies unilateral presidential response to defend the sovereignty and integrity of the nation in an emergency; 2) The Neutrality Theory—which justifies unilateral presidential action to protect American lives and property so long as the use of force is neutral with respect to external conflicts; and 3) The Collective Security Theory—which justifies Presidential action under one of the collective defense treaties. Of these three theories, only the first is an argument for presidential exclusivity—and then only if it is clear that the time for response is short.

[17] 30 Stats. at Large 738–39.

[18] 40 Stat. 217, 222.

[19] 49 Stat. 1081.

[20] 39 Opinions of the Attorney General, 484, 496 (1940).

[21] 54 Stat. 885.

[22] 83 Stat. 469.

[23] See *supra*, p. 9.

[24] In the Korean emergency of June, 1950, for example, the suddenness of the aggression necessitated a speedy response.

[25] See "The Gulf of Tonkin, the 1964 Incidents," U.S. Senate, 90th Cong., 2d Sess., Committee on Foreign Relations, Hearings, February 20, 1968.

## WALTER REUTHER

**Mr. FULBRIGHT.** Mr. President, shortly before his untimely death, the president of the UAW, Mr. Walter Reuther, issued a statement regarding Cambodia and the Kent State University tragedy. It was, I believe, the last official statement signed by Mr. Reuther. It is characteristic of his deep understanding of the tragic situation which faces our country today. I ask unanimous consent that the statement be printed in the Record.

There being no objection, the statement was ordered to be printed in the Record, as follows:

### Following Statement by UAW on Cambodia and Kent State University Deaths Sent to President Nixon

"On behalf of the UAW I wish to convey to you our deep concern and distress over your action authorizing the use of United States forces and materiel in a broadening of the war in Indo China. Your decision to invade the territory of Cambodia can only increase the enormity of the tragedy in which our nation is already deeply and unfortunately involved in that region. Your action must stand as a repudiation of your oft repeated pledge to bring this tragic war to an end and not to escalate it. Widening the war at this point in time once again merely re-enforces the bankruptcy of our policy of force and violence in Vietnam.

Your action taken without the consultation or authorization by the Congress has created a serious constitutional crisis at a time when there is growing division in our nation. Many senators are understandably aroused. Senator Cooper has clearly pointed out that your action represents a turnabout in your policy and Senator Aiken has warned that your escalation of the war means the end of the Vietnamization policy.

However this dangerous adventure turns out militarily, America has already suffered a moral defeat beyond measure among the people of the world.

You pledged to bring America together. Yet by your action you have driven the wedge of division deeper and you have dangerously alienated millions of young Americans. The bitter fruits of this growing alienation and frustration among America's youth have been harvested on the campus of Kent State University where the lives of four students involved only in an emotional protest against the war were ended by the needless and inexcusable use of military force.

At no time in the history of our free society have so many troops been sent to so many campuses to suppress the voice of protest by so many young Americans.

With the exception of a small minority, the American people, including our young people, reject violence in all its forms as morally repugnant and counter-productive. The problem, Mr. President, is that we cannot successfully preach nonviolence at home while we escalate mass violence abroad.

It is your responsibility to lead us out of the Southeast Asian war—to peace at home and abroad. We must mobilize for peace rather than for wider theaters of war in order to turn our resources and the hearts, hands and minds of our people to the fulfillment of America's unfinished agenda at home."

## STRENGTHENING THE ECONOMY—II: NEW YORK TIMES EDITORIAL

**Mr. PROXMIRE.** Mr. President, yesterday I placed in the Record the New York Times editorial entitled "Strengthening the Economy—I," which called for the institution of an income policy, and other fiscal and monetary action, to ease both inflation and unemployment.

Today the New York Times has published "Strengthening the Economy—II." As usual, it has a number of exceptional insights and suggestions which both the administration and Congress should consider most seriously.

The editorial points out what some of us have been saying; namely, that the administration appears to be underestimating the size of the coming deficits. That was my position in a major speech I gave in the Senate on Monday and I am especially gratified to see support for my view that the administration's estimates may well be based on ". . . an unrealistically high forecast of corporate profits and unrealistically low estimate of defense expenditures."

I think that is a very real danger and that the administration ignores these points at their and the Nation's fiscal peril. The editorial also calls for a reduction in defense spending and reluctant continuation of the 5-percent surtax as the major means of setting matters right. But as the Times rightly points out, raising taxes is unlikely in an election year. In my own view, it is also not desirable when such vast waste, overruns, and questionable expenditures exist at the Pentagon. The time has come to cut military spending, and to cut it hard.

There is a great deal of factual information and good sense in the Times editorial. I commend it to the Senate and the public. I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial be ordered to be printed in the Record, as follows:

### Strengthening the Economy: II

The Administration has at last issued the new figures showing that its projected thin surpluses for fiscal 1970 and 1971 have indeed become deficits. However, it still appears to be underestimating the size of the coming deficits—by holding to an unrealistically high forecast of corporate profits and unrealistically low estimate of defense expenditures. From the time it took office Mr. Nixon's Administration talked a great deal about the need for balancing the budget to check inflation and permit an easier monetary policy. Yet the President and his aides were indecisive in their support of a continuation of the 10 per cent surtax which Congress had adopted in the summer of 1968 as a mainstay of the Johnson Administration's effort to keep inflation under control.

By the time Mr. Nixon decided that he might want the surtax extended, Congress had already started down the road toward the ill-fated Tax Reform of 1969 which was to turn into a tax-cutting act. In the competition between Republicans and Democrats over who will gain the credit for tax reduction, the nation lost revenues desperately needed both to meet public needs and to restrain inflation.

The so-called Tax Reform Act will cost the Federal Treasury $8 billion a year by fiscal 1975, not counting the cost of the lapsed surcharge. The cut in the surtax to 5 per cent last Jan. 1 will result in a loss of $6 billion. The remainder of the surtax is slated to expire at the end of next month. That will cost more than $6 billion, since inflation has raised the dollar amount of Gross National Product although real G.N.P. has stagnated.

Meanwhile, the President's planned level of expenditures has been broken by the strike of postal workers and by extra Federal support for construction, mostly highways. Additional pressures for spending are coming from both the military and the civilian sides. The evolving social crisis at home makes it virtually impossible for the President to substitute one expenditure item for another—such as Model Cities for anti-segregation educational programs—without boosting the aggregate level of expenditures.

If crucial social problems are to be met and stability restored to the economy, basic fiscal and monetary policies must be changed. On the fiscal side there are two options: one is to reduce military spending; the other is to increase tax revenues.

Implementation of the President's Guam decision not to commit troops against the contingency of a land war in Asia could save $10 billion a year. And a scaling down of strategic nuclear programs—especially the ill-advised ABM and MIRV—could save another $4 billion. It seems highly unlikely, however, that all those savings could be achieved in the fiscal year ahead.

That means any immediate strengthening of fiscal policy requires action on the tax front. This too is unlikely in an election year. Yet even the President recognized the realities yesterday by admitting that he might have to ask for new taxes in January. Despite the negative attitude expressed yesterday by Mr. Nixon, the process could be expedited relatively simply by a Congressional decision to forgo elimination of the final 5 per cent of the surtax, which is now slated to expire June 30. Such action would preserve more than $6 billion in tax revenues in the coming year.

Bolstering fiscal policy both by defense cuts and by retaining half the surtax would at the same time necessitate an easing of monetary policy in order to avoid putting an excessive burden on the flagging economy. Such a course would restore balance to the nation's over-restrained capital markets and help to revive the depressed housing market as well.

## TOWN MEETING ON SOUTHEAST ASIA

Mr. AIKEN. Mr. President, on Sunday, May 17, the junior Senator from New Hampshire (Mr. McINTYRE) addressed a "Town Meeting" on Southeast Asia.

In the tradition of New England, Senator McINTYRE went home to his people and gave them his views on the current situation in Southeast Asia as he saw it.

I am sure that not everyone agreed with Senator McINTYRE's views. The point is that he expressed them for all to ponder.

I ask unanimous consent that the remarks of my New England neighbor be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### WE MUST HELP THE PRESIDENT

I am a Middle American.

I say that with neither pride nor apology. It is simply a fact.

I am a small-town boy from Laconia, New Hampshire, and I have all the values and principles, the blind spots, and the instincts of a small-town boy from Laconia, New Hampshire.

I stop at "Stop" signs. I walk around grass that is marked "Keep Off." I still practice the faith I was reared in. And the sight of Old Glory to this day thrills my heart.

So it should come as no surprise that like most Middle Americans I am disgusted by Jerry Rubin or Abbie Hoffman. I am outraged by the waving of the VC flag, the burning of ROTC buildings, the so-called "liberation" of college administration offices, the obscene abuse of authority, and violence and disorder.

So it is as a Middle American that I have come home tonight—as I did last October—to express my conviction that *we must withdraw from Vietnam with all due speed*.

In my considered judgment, we are now in the midst of the gravest domestic crisis since the Civil War.

And if we are to survive this crisis, no American can substitute stereotyped attitudes and prejudices for the kind of hard, painful, analytical evaluations and judgments the situation demands of all of us.

So we must force ourselves to look beyond the Rubins and the Hoffmans, beyond the burned ROTC buildings, beyond the abuse and the rock throwing, the beards and the bare feet, the love beads, and the four-letter words.

And when we do, what do we see? We see a third of a nation alienated, polarized, and well on the way, my friends, well on the way to becoming *de*-Americanized, if I can use that word.

Their disenchantment with institutions and political leaders is profound. Their cynicism is deep and bitter. Their feelings of helplessness are growing by the day.

There is no longer any question but the radicalizing process is accelerating everywhere. Moderate students are becoming activists. Activists are becoming militants. Militants are becoming revolutionaries.

We simply can't afford to lose a third of our people through repression *or* alienation—not when the leadership of tomorrow is *in* that third. For like it or not, on campus after campus, the truth is that many of the best and the brightest of the young people are among those most alienated from the mainstream of society.

I've met with many New Hampshire students in the past few days who have come to Washington to make their views known to the President and to the Congress. Their familiar names reflect the breadth and variety of our State—McLane of Manchester, Harrigan of Colebrook, LaRoche of Franklin. They are convinced that the war is morally indefensible, that the basic questions about it have been ducked, glossed over, or ruled out of debate, and that we must get out of Southeast Asia if we are to solve the problems of race, poverty and pollution control at home.

And now they are outraged over the Cambodian incursion.

Most of them firmly believe we never should have gone into Vietnam.

As one expressed it: "Our role in Vietnam contradicts everything we've been taught all our life. We've been taught to love our neighbors, to respect others, not to impose our will on weaker people—and here our Nation, the moral leader of the world, is violating every one of those precepts."

When I asked him how we could walk out on our commitment to South Vietnam without losing face, he said:

"The immorality of our presence there already has cost us face. To be a good moral leader, and a realistic leader, a country must be strong enough to admit its mistakes."

I report these comments to give you some idea of the fervor of the peace movement among the young. It is moralistic, idealistic. Indeed, it is quasi-religious.

The strength of the movement has survived the most disastrous, most distasteful, in some instances the most disgusting false leadership ever wished on any group. This alone should give pause to any who wishfully think it will simply disintegrate and disappear. It wasn't the Rubins and Dellingers lobbying this week. It was the representatives of the *real* peace movement—people whose desire for peace in Vietnam leads them to deplore all violence—including campus violence—at home.

As I noted last Fall, let us not delude ourselves that the movement is confined to the young. The typical American who, like myself, supported our intervention step-by-step, saw optimistic report after optimistic report turn to dust, and continued to hope for the best, has wrestled with himself over the rightness, the wrongness, and the effectiveness of our presence there, and has now concluded that we must withdraw. This desire for peace cuts across party lines, generation gaps and all the old labels including "Hawk" and "Dove." Indeed, in a Nation which is polarized in so many ways, the deep desire for peace in Southeast Asia is probably the most broadly American feeling in our land today.

The Middle American has come to this conclusion partly because he has borne more than anyone else the terrible cost of this war.

The 113 billion dollars which the war has cost us over the last five years has come out of the average taxpayer's pocket. Every two and one half days we spend for Vietnam the equivalent of New Hampshire's annual budget, and we all know that the average New Hampshire taxpayer considers that a goodly sum.

All of this outlay has led us into a disastrous inflationary spiral. And who does it hurt most?—the fireman and teacher whose salaries don't rise as fast as the cost of living; the retired couple whose savings in effect shrink; the average worker whose real wages have dropped more than a dollar even though he earns $18 more a week than he did in 1966.

Money has become tighter and tighter. With interest rates higher than any since the Civil War days, the small businessman can't get the loan he needs to expand, and the young family has to wait to buy a home.

So it is the average guy who has felt the pinch of inflation brought on us by the war.

But there have been even higher costs than these, of course—immeasurable costs—the cost in anguish, in bitterness, in grief.

277,000 Americans—wounded. 41,000 American boys—killed. 191 New Hampshire men—killed.

Understandably one of the most anguished steps for the average American has been to face up to the contradiction between what we have wanted our Nation to be and what this war has led us to do. And he now realizes that this contradiction is one of the dearest costs of the war.

We have waged this war in the name of freedom, yet we have propped up one repressive oligarchy after another, each of which has jailed its political opponents, restricted a free press, and refused to democratize its government.

We have waged this war in behalf of the Vietnamese people. Yet we have dropped almost 5 million tons of bombs on Vietnam.

That's tons! Not individual bombs. Or pounds of bombs. That's *tons* of bombs!

That amounts to more than double the tonnage of bombs we dropped on Europe *and* Asia in the entire course of World War II!

And much of what hasn't been bombed has been defoliated by 100 million pounds of chemicals with ecological and human consequences which no one really knows.

A plot of Vietnamese ground as large as Massachusetts has been denuded and may prove unsuitable for farming.

And even if it were suitable, how well could it be tilled by a generation of Vietnamese farmers who come to the task without arms, without legs or without eyes—or with spirits crippled by the brutal loss of loved ones. I doubt that many of these villagers—many relocated from bombed-out villages to refugee camps—can distinguish which side's bombs left them homeless.

We've always aspired to the highest standards of national conduct, even in war. And we've gone through war after war with a proud self-image of GI Joe's passing out Hershey bars to the kiddies and K rations to hungry mothers and fathers. And then came My Lai.

All of a sudden we were reading about an anguished mother from Middle America saying, "The war made my son a murderer."

And then it came home to us that this war was doing things to our young men that chilled the blood and sickened the heart.

Of course, the Communists have employed murder and massacre as a matter of policy. We all know it. And the entire civilized world deplores it. But the civilized world, including the average American, *also* deplores My Lai.

Finally, it is the average American who sees his Nation being torn apart under the ordeal of Vietnam. He senses the depth of polarization around him. He knows that the blind rage, the willingness to hate our countrymen, which this war has incited, is alive on all sides of him. At times he feels it in himself.

A student calls a policeman or guardsman his own age, "pig"; and rocks—tear gas—

night sticks—follow. Both sides feel degraded, angry, and in a sense radicalized. The next time it is easier to go one step further.

*God knows what one more incident like the Kent State University tragedy might provoke.*

One man wrote me this week suggesting that the Congressional Medal of Honor be given to the National Guardsmen who killed the four Kent students. He said he only regretted that many more had not been shot down.

But this kind of vindictive, callous thinking is itself a product of the war.

So are the frightening contradictions which beset and bewilder the average American. He hears calls for repression in the name of constitutionalism and in the name of a so-called liberating revolution. He sees illegal violence used in the name of peace, and in the name of law and order.

Somehow we all know deep in our hearts that these furies in our land have been bred by this war.

The average American realizes that it is now time to save our own Nation lest our nationhood itself be the ultimate victim of the war.

But how do we get out?

First, we must not be diverted from our pursuit of peace into a partisan and divisive search for scapegoats.

We got *into* this war together. And we can only get *out* of it together.

Four Administrations, both parties, and the Congress of the United States share the responsibility for our involvement there. And the responsibility for the difficult and agonizing decisions necessary to get us out of there must be above party and branch of government.

The goal must be peace not politics.

We must all remember, especially we Democrats, that this was not Mr. Nixon's war; he inherited it from us.

I promise to speak out against any Democrat who is tempted to take partisan advantage of the President's dilemma.

Accordingly, I call on my colleagues to approach this problem in a spirit of cooperative bipartisanship. I will continue to support the President *in his* efforts for peace.

And, in my opinion, we must also do more. We must help the President make the difficult decisions which alone will bring us the peace we so badly want.

The Constitution makes clear that in matters of war and peace there is a shared responsibility between the Congress, which is given the power to declare war and to raise and support armies, and the President as Commander-in-Chief.

The existence of this shared responsibility is deeply enshrined in our long history. Its importance to our domestic tranquility has had articulate spokesmen from our own state—Webster, Tobey, and Bridges among them.

Thirty-one years ago one of these gentlemen—Senator Styles Bridges, whose Senate seat I now hold and a man who knew the face of Middle America well—told the nation in a radio address:

"Our manifest destiny is to keep unspoiled the best example in our civilization of a democracy that works . . . The decision of war or peace is too great to leave in the hands of any one man."

It is in this spirit that I have turned my attention to our strike into Cambodia and the protests and proposals for action which it has spawned.

I do not question the President's motives when he moved into Cambodia. I am confident that his decision was made in the sincere belief that it would expedite our withdrawal from Vietnam under the only conditions he now deems acceptable.

But along with my senior colleague, Senator Norris Cotton, and along with my neighbors, Senator Aiken and Brooke, I must register my disagreement with the President's decision.

Whatever its short-run tactical advantages, it has involved great risks of broadening and deepening the war. It has raised serious constitutional questions, because we invaded another country uninvited and without Congressional approval. And it has set us back in the building of public confidence in our resolve to withdraw from Vietnam with all due speed.

The President has assured the nation that United States ground forces will not be retained in Cambodia after June 30th and that they will not be sent back again in the future. I support legislation designed to implement the President's intent and to enable Congress to share with him responsibility for this decision.

But Cambodia itself is really not the issue. The real issue is Vietnam. It was to insure the success of his Vietnamization policies that President Nixon decided to enter Cambodia in the first place and it is against that policy that millions of Americans, silent for many months, have raised their voices in protest once again.

Secretary Laird told a meeting of the Armed Services Committee last week that Vietnamization is proceeding so well that we will be able to withdraw all United States ground troops from Vietnam by July, 1971. He asked us to support this system of orderly withdrawal.

I do support it, but it itself is not enough. Vietnamization will not insure peace there or at home.

It would leave us with at least 250,000 support troops in Vietnam over a year from now. It would require sending to Vietnam, annually, about 125,000 more boys each year in rotation. And thousands of these would not come back.

The devastation to Vietnam would continue. The bombs would continue to fall and Vietnamese casualties to mount. And as they did, our Nation would remain divided.

And how long would this continue? The Administration does not try to predict. I myself cannot say with certainty, but on the basis of our last five years experience in Vietnam, we have no assurance that it would not continue to last for another five years or more into the future.

And even then, Vietnamization might not work.

Ten days after telling us that Vietnamization was proceeding so well that troop withdrawals could continue, the President found it necessary to enter Cambodia.

Who is to say what else he may find necessary, when these withdrawals are completed, if the South Vietnamese are unable to bear alone the brunt of the combat role? What will be needed then to protect the lives of the Americans left behind?

In my opinion we must recognize now that we have no objectives in Southeast Asia of sufficient importance to warrant the continuation of this conflict indefinitely and under such uncertain terms.

We must recognize now that withdrawal in the foreseeable future is an objective, the realization of which means more to the peace, stability, even security of this country than any objectives we could achieve by staying longer, even if they were realized. This is a difficult decision to make. But it must be made.

I, as a Middle American, have made it, and I intend, as a United States Senator to help the President make it also.

There are presently pending before the Senate a number of proposals directed to this end. And I assure you tonight that as your Senator I intend to seek an effective legislative means of acting on my conviction.

For now is the time for bloodshed to end.

Now is the time for the Congress of the United States, through legislative action, to help the President to insure our orderly withdrawal from Vietnam.

And now it is time, as I have said before, to concentrate all of the American grievance about this war into a single eloquent, powerful voice that says to Mr. Nixon:

"Mr. President—Do what has to be done to get us out of Vietnam. You will have the Nation's support *and help* in doing it. You will have the Nation's gratitude—and history's blessing—for having done it."

For now it is time, in Lincoln's words: ". . . to bind up the Nation's wounds: to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace among ourselves, and with all nations."

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## NATIONAL SMALL BUSINESS WEEK

**Mr. BIBLE.** Mr. President, in marking Small Business Week for 1970, I could say, in my capacity as chairman of the Small Business Committee, that small enterprise is the heart of our economy, that it contributes about 40 percent of the Nation's jobs and national product, and that we should have the utmost effort on the Federal, State, and local levels to keep open the channels of economic opportunity so that the dynamism of individual enterprise can contribute as much to America's future as its past.

However, these are not ordinary times. As Abraham Lincoln once observed:

> The occasion is piled high with difficulties, and we must rise to the occasion.

Small business is not only a major contributor to the American system, but it is equally a beneficiary of it. Small business cannot prosper apart from the destiny of our entire economy and the welfare of our whole Nation.

Extraordinary events in the foreign field this year, and the responses of the President, have called into question many of our most basic assumptions.

Not only has Government spending, borrowing, taxing, and monetary policies, and their consequent impact upon the economy been placed in question for the duration; but so has our vision of the United States, what role it should undertake in world affairs, what efforts are really vital to our national interests, and what priorities we intend to give to the whole range of our domestic concerns, including economic opportunity for all our people.

That is the context in which I view the position of small business this year.

Therefore, during this 1970 Small Business Week, I feel that an appropriate motto would be: "What is good for the country is good for the small businessman."

In the past we have stated that our 5½ million small businessmen should be granted appropriate recognition by Government policy and should receive the aid, counsel, and protection which they deserve. We believe this just as strongly today.

But along with this, and in the larger context, we also believe the time is at hand when our small business community should join with big industry and commerce, our labor force of working men and women, our farmers, our student-teacher academic world, and all other segments of American society in a

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sincere self-examination of what can be done to promote upright decisions and policies on the part of Government. Our turbulent times certainly suggest the appropriateness of a reexamination of our country's national goals, our sense of national values, our national purpose—and what together we can do for the future good of our Nation.

## LAST LETTER OF A GI

Mr. HART. Mr. President, we do not often discover how the casualties of war feel about the conflict in which they died.

We suspect they would be petitioners for peace, but we must term them silent petitioners.

But one of the American dead in Vietnam, a young medical corpsman, does speak to us. He wrote his views about the conflict in a letter to be opened only in event of death.

A story in the Washington Post today describes that letter. It is a letter which he would have wanted read by every American. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Last Letter of Dead GI Hits War

Salamanca, N.Y., May 18.—"If you are reading this letter, you will never see me again . . . if you are reading this, I have died."

Army Spec. 4 Keith K. Franklin wrote those words Feb. 27, just before he left for Vietnam and a war he believed should never have begun. He wrote them in a letter left with his parents to be opened only in the event of his death.

Franklin, 19, a medical corpsman, died last Tuesday in Cambodia.

His parents opened the letter Saturday, a short time after they were notified of their son's death.

When he had handed the sealed envelope to them, the parents told him, "You'll be back. You'll read it then and have a good laugh about it."

But in the letter they found a premonition of death and bitterness against war and the "war-mongering hypocrites in Washington."

"If you are reading this letter, you will never see me again, the reason being that if you are reading this I have died," Franklin wrote. "The question is whether or not my death has been in vain. My answer is yes."

"The war that has taken my life and many thousands before me is immoral, unlawful and an atrocity unlike any misfit of good sense and judgment known to man. I had no choice as to my fate. It was predetermined by the war-mongering hypocrites in Washington," the letter said.

"As I lie dead," Franklin wrote, "please grant my last request. Help me inform the American people, the silent majority who have not yet voiced their opinions."

Franklin entered the Army in March, 1969. He is survived by his parents, two sisters and a brother.

By his own request he will have a civilian burial.

## A QUESTION FOR US ALL

Mr. HATFIELD. Mr. President, one aspect of the war in Southeast Asia that has received little attention within our country, except for those in our racial minorities, is racism. Historically western civilization has looked down upon those of other civilizations as somehow inferior, subhuman, ignorant, and in need of enlightment. Such is the case in our war in Indochina exemplified by body counts, "gooks," and the idea that we can somehow bring those embattled people what we call freedom—while we are decimating their population and ecology.

The national reaction to our last 6 years' involvement in Southeast Asia is symptomatic of a sickness from which we have suffered since our country's founding. A few days ago I participated in a memorial service for the four students slain at Kent State. During the service that evening in Washington, D.C., the fact was alluded to that the four students we were memorializing were not the first to die by unjustified gunfire from officials' weapons on a U.S. college campus. The only difference between the killings at Kent State and those previous is that the four students killed at Kent State were white, the other students black. "The massacre at Kent State" was covered nationally for several days by the media: Television, radio, newspapers, and magazines. Marches, vigils, rallies, and memorial services were held to mourn the four deaths. But what of the campus killings committed earlier and those subsequent?

In the New York Times of May 19, 1970, Tom Wicker has taken a hard look at this question, one which we should all ponder.

I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the New York Times, May 19, 1970]

### In the Nation: For White Readers Only

(By Tom Wicker)

Washington, May 18.—Suppose you were black. What would you think if you had read these items in your newspaper in the last ten days?

From Augusta, Ga.: Six black men are dead, all shot in the back by police rifles or shotguns. At least four may have been no more than bystanders at rioting last week that followed the death of a black youth in a jail where conditions are known to be so terrible for blacks that community protests have been regularly made for years. One of these protests was a letter to Attorney General John Mitchell. He never answered.

From Jackson, Miss.: At Jackson State College, two black students are dead and nine are wounded, including several girls. All fell before a thirty-second barrage of gunfire from state highway police who for unexplained reasons took over the task of quelling a student disturbance, although town police and National Guardsmen also were at hand. The highway police justified the shooting by contending that they were receiving sniper fire from a dormitory roof. No evidence or witnesses have been found to substantiate the sniper story, although there are dozens who refute it, and there is no explanation at all of why trained police officers, upon receiving what they thought was sniper fire from a rooftop, fired more than 140 bullets into a crowd of unarmed students standing on the ground in front of a girls' dormitory. At the moment, no national protest rally is being planned for the Ellipse in Washington.

#### THE CHICAGO SHOOT-OUT

From Chicago: Months after Fred Hampton, a Black Panther leader, was killed by Chicago police in what they described as a blazing gun battle with a band of armed Panthers, a grand jury has discovered that only one bullet was fired at the police raiders. It was the police who poured a massive fire into the apartment where Fred Hampton and others had been sleeping; it was the Federal Bureau of Investigation that provided the preliminary information, and it was police and city officials who later covered up the truth and concocted the story of the shoot-out." Some Chicago newspapers as well helped carry out the distortion.

From Washington: The Justice Department has filed a brief in support of the proposition that Southern parents should get a tax deduction for making contributions to private academies set up as an alternative to desegregated public schools. As recently as January, Robert Finch, the Secretary of H.E.W., pledged to fight any such move, because he knows well that these academies can survive only through tax-exempt status; and that if they receive it, they will spring up throughout the South, thus effectively re-establishing a tax-supported dual school system.

#### SOMEONE TO TURN TO

Well, since I am white, I don't know for sure what I would think if I were black and read those news stories. But even the effort to put oneself in the other fellow's skin, under these circumstances, is frightening. It is bad enough to be, say, the victim of a crime, or to be in fear of crime and disorder, when you have recourse only to an ineffective police force and to a court system heavily overburdened. But at the least, in that case the law is on your side, or you believe it to be; there is someone to whom you can turn.

But suppose you feel that the armed policeman is not there to protect your life and rights but to do away with them? Suppose even the Federal Government is no longer trying to assert your rights in court and its highest law enforcement arm seems more interested in helping the police exterminate black militants than in impartially observing and enforcing the law? Suppose that, by all evidence available to you, the law does not even seem to be on your side—is at best indifferent and at worst hostile?

No wonder Dr. Aaron Shirley, up to now a moderate black leader in Jackson, said the other day that "if black folks have to die, they ought not to die so peacefully." White men who read that as a threat instead of a desperate plea for rudimentary justice and humanity can make no answer that will not ultimately echo the Mississippi patrolman who said after the Jackson slaughter: "You better send some ambulances, we killed some niggers."

## DR. RICHARD GARDNER DISCUSSES THE EMOTIONAL BARRIERS TO RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the opponents of the Genocide Convention have raised many objections to Senate ratification of this treaty. A large part of their attack has centered on what they see as the disastrous effects of certain provisions of the treaty on the American people. Frequently mentioned in this respect are the clauses of the convention dealing with "mental harm," "the international penal tribunal," and "extradition."

I submit that these and similar objections are entirely without merit.

The recent hearings on this treaty held by a special Foreign Relations subcommittee dealt primarily with the legal and

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constitutional aspects of the Genocide Convention. However, these emotional objections were also discussed, and were conclusively dismissed by the many expert witnesses testifying in support of Senate ratification. They emphasized the irrational nature of many of these arguments, and pointed out that a thorough examination of the treaty leads to prompt rejection of these objections.

One of the witnesses supporting the treaty at these hearings was Dr. Richard Gardner, an eminent professor of law and international organization at Columbia University. Dr. Gardner specifically directed his testimony at several of these emotional arguments. His knowledgeable comments are well worth noting.

I ask unanimous consent that a portion of Dr. Gardner's testimony be printed in the RECORD.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### DR. RICHARD GARDNER'S TESTIMONY

Various objections, to be sure, have been raised against ratification. These have been carefully examined and rejected by all the relevant divisions of the American Bar Association—including the Section of Individual Rights and Responsibilities, the Standing Committee on World Order Through Law, and the Section on International and Comparative Law.

It should be emphasized that the Genocide Convention is not self-executing. Any implementing legislation would be in accordance with our domestic procedure, and would, therefore, be subject to all the safeguards provided in the Constitution, including the substantive guarantees in the First Amendment and the procedural guarantees in the Fourth, Fifth, Sixth, Seventh and Eighth Amendments. Needless to say, acts of Genocide are already punishable under Federal as well as State law, and therefore implementing legislation would not create criminal liability where it does not now exist.

The American people regard genocide as abhorrent. It is inconceivable that any act of genocide would be tolerated or defended by them.

The Convention has been carefully and strictly drawn to require specific intent to commit genocide: therefore, it does not apply, as some have suggested, to racial discrimination, to segregation, or to American military operations in Viet Nam. Other specified operations were dealt with by the Report of the ABA's Section of Individual Rights and Responsibilities which deemed them "not meritorious."

It should be clearly understood that Americans abroad, in Viet Nam or anywhere else, are normally subject to local criminal law. If a foreign sovereign includes genocide among the crimes which it condemns, then Americans can be accused of committing it there, even if neither the United States nor the other country is a party to the Convention. Our ratification would not make Americans any more subject to foreign prosecution for genocide than they already are.

American citizens could not be extradited to Viet Nam to be tried for genocide or any other crime. Our law forbids extradition in the absence of an extradition agreement between the foreign government and ourselves. We have no such agreement with any part of Viet Nam. Article VII of the Convention requires extradition for genocide only in accordance with "laws and treaties in force".

Our ratification of this Convention will dissipate the embarrassing contradiction between our failure to act and our traditional leadership in support of basic human rights. Ratification will put the United States in a better legal and moral position to protest acts of genocide in other parts of the world. Ratification will also increase United States influence in the continuing U.N. process of defining and implementing legal norms in the field of human rights. This is surely a cause that expresses the highest ideals of the American people and advances our national interest. At a time when our commitment to human dignity is being questioned by some of our own people as well as by some overseas, it is particularly important that we ratify a treaty so fundamental in importance and so thoroughly consistent with our national purpose.

## FRANCIS BELLAMY

Mr. SAXBE. Mr. President, Monday, May 18, was the birthday of an important but relatively obscure American, Francis Bellamy, clergyman and editor. He led a full and varied life of 76 years: a Baptist minister for 12 years, serving successively as pastor of three churches; staff member and contributor to the Youth's Companion and to various other publications for another 12 years; advertising editor with Everybody's Magazine for 11 years; and advertising account executive for a final 6 years before his retirement. This was a life of service and achievement, marked by concern for social welfare, for the education of youth, and for political responsibility. Francis Bellamy's talent for concise statement, and his heartfelt passion for his native land, fused once in that noble and powerful statement for which his name is remembered today, the Pledge of Allegiance to the flag. This statement, as Bellamy composed it for the national public schools celebration of Columbus Day in 1892, sponsored by Youth's Companion read:

> I pledge allegiance to my flag—and to the Republic for which it stands—one Nation indivisible—with liberty and justice for all.

Today we have altered the phrase "my flag" to "the flag of the United States of America," and we have added the words "under God." Otherwise, the pledge remains as Bellamy wrote it, and this pledge, and the spirit of loyalty which it inspires and expresses, stands today as a lasting memorial to the great soul and penetrating mind of Francis Bellamy. It is fitting that this Nation, to which he wrote so fine a tribute, should rejoice upon the anniversary of his birth May 18, 1855.

Having brought this to the attention of the Senate, I hope that Senators will concur in making May 18 a special day in the hearts of all Americans.

## JOHN GRAVES

Mr. HOLLINGS. Mr. President, I know that I speak for all Senators in expressing sorrow over the untimely death of John L. Graves, who formerly served with distinction as assistant secretary for the majority in the Senate.

John's assistance to the Senators and staff during his service was extremely helpful and sound. He always discharged his duties in a courteous and responsible manner and was a valued and trusted friend. His retirement from the Senate due to illness afforded John an opportunity to embark on a new career where his knowledge of the legislative process could continue to be of assistance. His absence will be missed by all.

We extend to his wife, Karen, and his children, Cody and Caroline, our deepest and heartfelt sympathy.

## U.S. POLICY IN GREECE

Mr. HART. Mr. President, it has been more than 3 years since a military junta overthrew Greece's parliamentary government and seized power.

Since that time it has appeared to many of our European allies and to Greeks of all political persuasions that the United States has been the primary suporter of the junta, despite the partial, unspecified U.S. arms embargo. One of the most telling criticisms has been that we have been preoccupied with short-term tactical military considerations at the expense of our best moral, political, and strategic interests.

One of the leading students of the Greek political situation and U.S. policy is Dr. George Anastoplo, chairman of the political science department at Rosary College, River Forest, Ill. His perceptive article in the spring 1970, issue of the Southwest Review is worthy of our closest attention.

I ask unanimous consent that excerpts from the article be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

### SWAN SONG OF AN EAGLE: AMERICA IN GREECE

(By George Anastaplo)

I

A conspiracy of Greek colonels, in an army trained and equipped for a generation by the United States, began in the early hours of April 21, 1967, to put American foreign policy to a decisive test. A challenge was, in effect, issued that morning to the purpose and good faith of what we Americans have been doing the past quarter-century not only in Greece but all over the world. The remarkable failure of the United States to rise to this occasion in Greece has been irresponsible, revealing, and disquieting. Our failure to appreciate where our true interests lie and what our strength consists in suggests that we may not possess the prudence required if so great a power as ours is to be used responsibly.

Those who argue that the United States, dedicated to imperialism, is determined to ally itself with "reactionary" governments all over the world (whether from ideological sympathy or from considerations of military strategy) really offer us more comfort than the circumstances permit. For they at least infer a sense of purpose from what our government has been doing. It might even be some comfort, for instance, if we could be assured that the colonels who struck down the troubled constitutional government of Greece in April, 1967, acted at the direction, or at least with the connivance, of the United States. Instead, we seem to have been caught by surprise on that occasion, unable to respond prudently to what these men were or to what could be expected of them.

One can see in our confused and vacillating policy toward Greece since the colonels seized power critical features of the approach in handling foreign affairs which led to our debacle in Vietnam. On one side of the world, our approach led to unbecoming paralysis; on the other side, to wasteful adventure. We

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have exhibited in both places an inability to influence the armed minority whom we have furnished the weapons and respectability which they require to maintain themselves in power against the wishes and welfare of most of their countrymen and against the long-run interests of the United States. Critical in both Greece and Vietnam have been our remarkable inability to find out what is going on and our willingness to accept appraisals that permitted us to continue doing what we had been doing—in one case, nothing, in the other case, too much. Such reluctance to learn and thereafter to change course threatens our ultimate undoing as a great people.

It is no longer necessary to argue that our policy in Vietnam has been disastrous both abroad and at home, so much so that even the American politician who wanted in 1954 to take us into Indochina in support of the French is now constrained as President to attempt to withdraw us from there as unobtrusively as possible. In Vietnam we overstepped ourselves and did serious damage not only to others but to ourselves as well, so much so that we have (in excessive reaction to that misstep) refused to act where we can and should do so effectively. This, we have been told, is in conformity with the determination that the United States now expose abroad a "low profile." Thus, we are now moving to redeem our failure in Vietnam and to insure that we have "no more Vietnams."

But in Greece, we have since April, 1967, so conducted ourselves as to repudiate a success, and indeed perhaps the greatest success of our foreign policy since the Second World War. There the American eagle can be said to have soared, to have displayed itself in its majesty and sense of purpose. For it was in Greece, we have been reminded again and again, that the United States did help a beleaguered people save itself (virtually at the last minute) from being taken behind the Iron Curtain. It was in Greece, that a seriously trouble constitutional government was saved from imminent collapse and the economic and social conditions for its revival and maintenance were furnished. Indeed, we are told, it was what we did in Greece that provided the model and the inspiration for what we were to do immediately thereafter on a grand scale in Western Europe through the Marshall Plan. It was what we did in Greece that earned for us the gratitude and respect of virtually every major political leader of that country, so much so that we enjoyed there for a generation (with general approval of the Greek people) remarkable privileges for the military facilities and operations that we consider vital for the defense of the Eastern Mediterranean and of Europe.

It was what we did *not* do in Greece in April, 1967, when the colonels dared to rise that compelled some Greeks to begin question the judgment of the United States in Greece. It was what we did not do during 1967 and 1968, as an oppressive, self-righteous, and incompetent regime (cynically invoking the American alliance) systematically purged from their posts most of the military, political, and financial leaders who had been closest to the United States, that led Greeks to question the good faith of the United States in Greece. It was what we did not do when opposition to the regime was expressed in its most authoritative form on September 30, 1969, that required Greeks to question the seriousness of the professed American concern for the restoration of constitutional government in their country. In short, it was what we have not done in Greece since April, 1967, that has raised far-reaching questions about the reliability of the United States as an ally in the cause of freedom under the rule of law, unless that freedom is so fortunate as to seem to be threatened from the extreme left.

### II

The army which was exploited by a handful of junior officers on the evening of April 20, 1967, had been trained in large part by the United States here and in Greece. Promotions and assignments of officers were usually made with American consultation. The relations between the Greek and American commands were intimate and warm: Greek officers regarded the Americans as saviors of their country, a bulwark against the inundation of Greece by "Slavic Communism" from across her northern borders. American officers admired in Greece an army which had fought well in 1940–41 (despite overwhelming odds) against both Italian and German invaders, which had been further tested in the Civil War of 1944–49, and which had contributed gallantry thereafter to the United Nations effort in Korea.

When the long-planned conspiracy struck in April, 1967, proclaiming that it was saving Greece from communism, it brought to power officers who had never distinguished themselves in any of the three campaigns which had shaped the contemporary Greek army: these officers had just barely received their commissions in 1940; they had, for the most part, sat out (and, in a few instances, may even have collaborated with) the Occupation of Greece by the Germans; and they had done far less in the anticommunist Civil War and in the Korean War than many of their colleagues whom they proceeded to arrest, dismiss, and exile in order to secure the power they had unlawfully seized.

American military experts had consistently assured Washington before April, 1967, that the equipment, training, and advice we had so generously provided the Greek army had helped shape it into one of the best in Europe, man for man. Since the seizure of power in 1967, extensive purges have stripped the army of most of the senior officers who had distinguished themselves in battle and who had thereafter served in important NATO assignments. The better younger officers have been assigned to posts where they can be least dangerous to the usurpers.

Thus, the military apparatus that we helped put together has been dismantled. Nevertheless, one finds upon talking to our military experts both in Athens and at the Pentagon that their assessment is that the Greek army remains as good as it was. When were they wrong, now or then? Greek officers with whom one can talk confidentially insist that the American judgment is based on superficial considerations, on what is readily apparent to the visiting reviewing officer, rather than on the spirit of the army and on the quality of the officers who are now in the ascendancy. I was told on more than one occasion during my most recent visit to Greece (in September-October, 1969), that the army officers least respected by their colleagues have been the ones who have gone along with the colonels and who have been put in key positions: such officers are the only ones who can bear to associate themselves with the kind of men who have seized power on this occasion; such officers are the only ones whom the present rulers of Greece dare trust. The conspirators who now rule Greece remain obsessively alert to threats of conspiracy, so much so that the common good is readily sacrificed in their efforts to preserve themselves in power.

This is the evaluation one hears again and again of what has been happening as well in the towns and villages throughout the country: the elements in the community which had been held in contempt by the bulk of the residents—irrespective of their political sympathies—are the ones who are now collaborating with the colonels' tyranny. Often, they are the very men who collaborated with the Germans during the Occupation a generation ago: they are now able to reassert themselves, just as are the practitioners of torture who had been without "serious" employment since the Civil War. These collaborators take care to parade themselves as acting with the sufferance, perhaps even at the instigation, of the United States: these are the people we have permitted ourselves to remain associated with in Greece, in order (as the Preamble to the North Atlantic Treaty of April 4, 1949, proclaims) "to safeguard the freedom, common heritage and civilisation of [our] peoples, founded on the principles of democracy, individual liberty and the rule of law."

One might have hoped that our sense of self-respect, to say nothing of our long-term interest in the Mediterranean, would keep us from continuing to be thus identified with the worst elements in an allied country, with the very elements which have now been charged with attempting to export military subversion of parliamentary institutions to Italy as well.

### III

When the colonels took over, we found ourselves confronted in Greece (for the first time since the Second World War) by a government we did not know. We *did* know that our sincere friends in Greece—royalists, liberals, conservatives—were immdeiately arrested by these colonels. We also knew that the communist threat of which so much was made by the colonels (and by the Greek-Americans whom they tricked) was unfounded, so much so that we are not surprised to find less and less made of that justification as the regime becomes more and more secure. But the American government hoped that the colonels were sincere in the assurances they offered that they would return the country to constitutional government as soon as possible.

American officials not only hoped that this was so, but also somehow believed it—and, even worse, they acted on that belief. What they have said both publicly and privately, in both Athens and Washington, exposed them as believing that the colonels had extensive popular support and that their intentions were honorable. (One could see, upon discussing Greek affairs with American officials in 1967 and 1968, how the Vietnam debacle was permitted to happen.) It is indeed curious that our officials would not understand what was being revealed for all the world to see about the real intentions and the standing in their country of the colonels by the many courtmartials of dissenting citizens, by the widespread and deliberate use of torture on suspected opponents, by the extensive purges of all the principal institutions of the country, by the incessant propaganda campaigns (reinforced by repeated raids on the treasury) disparaging the old way and extolling the new, and by the staging in September, 1968, of a "constitutional referendum" in which no effective opposition to the program espoused by the government was permitted.

Our friends in Greece—friends of all parties and of no party—pleaded with American officials to do something, at least to disassociate themselves from the regime, to counter the impressions deliberately given by the colonels to the Greek army that the takeover had been executed or was being maintained at the instigation of Americans. We have made halfhearted efforts from time to time to disassociate ourselves from the regime, but none that were really serious, and certainly none having the decisiveness and effect which would have characterized our actions for everyone in Greece to see if we had detected an incipient communist dictatorship in that country. We have insisted that we should not interfere with the domestic affairs of another country—a rather unfortunate time and place, considering our interference theretofore in Greek affairs, suddenly to become so principled in this respect. It should be noticed, moreover, that the

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principal "interference" call for by our friends in Greece has been that we make it absolutely clear to the Greek people that we are not supporting the colonels.

The most charitable explanation of why we did not act in 1967 and 1968 is that we allowed ourselves to be deceived. We allowed ourselves to believe, against the evidence that was there for all to see, that the colonels meant well and that, maybe, they would soon go away. We refused to exercise our judgment and thereby began to fritter away our influence. It did not seem to matter to us that the colonels, who had started by being apprehensive of what we might do to them, have come to regard us with contempt and that the Greek people, who had looked to us with hope, have come to regard us with increasing disappointment and hostility. Indeed, it is only a matter of time before the colonels also will be able to become openly hostile to the United States if only to win thereby some genuine support from a people who feel betrayed by us.

Our political analysts now have only one argument to fall back upon in justifying our continued acquiescence with the colonels, the assurances given them by the American military that the Greek army is still in excellent condition, that our military bases in Greece are still essential to the security of the United States, and that the colonels are able to guarantee those bases to us. Our loss of bases in Libya and the marked coolness toward us in Turkey merely intensify the admiration of the Pentagon for our Greek ally, an admiration that disregards the political component of any realistic military assessment. But it is likely that the people who now counsel us about being "pragmatic" with respect to Greece are of the same mentality (they may even be the same individuals) as those who counseled us ten, or even five, years ago to be pragmatic (and consequently self-destructive) with respect to Turkey and Libya.

Do we really believe the colonels will stay forever? We act as if we do believe that. When the colonels do leave—after five years or a decade or even a generation of domestic strife and bitterness—what kind of regime do we anticipate will follow in Greece?

Do we care?

### IV

The American government did begin in 1969 to have second thoughts about Greece. It had finally become apparent, at least to our political experts, that things were not going well in Greece and that the colonels had not the slightest intention either of withdrawing from power or of restoring constitutional government. Indeed, the Greek government had even begun to be an embarrassment to its faithful American ally. Although we have taken half-hearted measures against the colonels from time to time, we have always refused to resort to those actions (culminating in an announced repudiation of our military association with Greece) which would probably have aroused the Greek army to bring down its usurpers.

We have never been more than half-hearted in disassociating ourselves from the colonels because we felt (after awhile) that we had finally come to know who they were. That is, we have had to find out what the colonels are like, unpalatable and unpromising as they have turned out to be, and so they have become familiar and hence "acceptable" to us as allies. In this attitude, consistent with our desire for a "low profile," we have been "pragmatic": we have insisted, that is, that it is better to "bear those ills we have than fly to others that we know not of." Even so, our insistence, since 1967, that we did not know whose government would follow if the colonels were obliged to decamp required a deliberate act of self-deception on our part; for it did not require much talent to figure out in 1967 or in 1968 or in 1969 who would have succeeded to power in Greece upon the departure of the colonels.

The United States has faced three problems with respect to any potential successor to the colonels: would he be friendly to the United States? would he be wanted by the Greek people? and would he serve if the opportunity offered itself? The potential successor one has heard most about in the three years since the colonels took over was Constantine Karamanlis, living since 1963 in self-imposed exile in Paris. The United States had to admit, with respect to Mr. Karamanlis, that there was no difficulty on the first count: Mr. Karamanlis, who had served successfully for almost eight years (between 1955 and 1963) as a conservative prime minister of Greece, was indeed a proven friend of the United States. So our officials had to fall back upon the insistence that nobody in Greece really wanted Mr. Karamanlis any more, or that, even if he was wanted, he would not be willing or able to return to Greece to take up anew the burdens of office.

Of course, all this was unpersuasive rationalization for an unimaginative, sadly irresponsible, and ultimately inexplicable do-nothing policy. Consequently, no serious effort was made by our government to find out either what the Greek people and the politicians wanted or what Mr. Karamanlis thought. I recall having to insist at length to our official experts both in Washington and in Athens, in 1967, in 1968, and in early 1969, that there could be no question that Mr. Karamanlis was the overwhelming favorite of the Greek people to replace the colonels immediately, that even the minority of sincere supporters of the colonels preferred him to them, and that he himself would be willing and able to return to Greece in the appropriate circumstances. What I knew, our officials could have known, simply by talking to people in Athens and in the towns of Greece, in the villages, and in the countryside, as well as by talking to the most eminent Greeks living abroad.

But it was easier for our government, burdened with its troubles on the other side of the world and concerned about the instability of the Middle East, to rely upon the colonels' pronouncements and assurances, even going so far as to argue that if the Greeks really did not like the colonels' regime they would have expressed themselves in more acts of violence than had yet become evident. "Why should we resist in this way, and thereby risk our lives and liberty and jobs," Greeks have responded to such an argument from Americans, "when it is evident to us that the junta is ruling only because your government wants or at least permits it to do so?" Or, put in the American vernacular, "Why fight city hall?" No doubt, some criticisms can be made of the Greek people, and particularly of *all* their political leaders, of the past decade. But this is not the occasion, nor is it my role, to do so: there are Greeks enough to do this in due time. My legitimate concern and duty are with respect to the conduct of my government in Washington—and that conduct has been incredibly foolish both in its disregard of moral principle and in its strategic shortsightedness in going along with a regime far worse than the one which was overthrown.

And so there were two and a half years of self-deception, of false hopes, of repeated postponements of the decisions that should have been made by the United States. But then there came Mr. Karamanlis's Paris statement of September 30, 1969. The statement made absolutely clear what had been apparent to everyone who had talked seriously with Mr. Karamanlis since the summer of 1967, that he thought the colonels a disaster for Greece both domestically and internationally and that he was willing to accept a political role in Greece upon their removal from office. The enthusiastic response to his statement in Greece, from people and politicians of all political persuasions, made absolutely clear what should have been long apparent to anyone who claims any ability to gauge the sentiment of a suppressed people—that the Greek people and their legitimate leaders are sick and tired of the colonels and eager to have Mr. Karamanlis contribute to the restoration of "democracy, individual liberty and the rule of law" to his troubled country.

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### VIII

Those of us who have been predicting serious damage to both the United States and Greece if we continue to support the colonels' regime and thereby help perpetuate it in power will, I am afraid, have an opportunity to test our prediction. It now seems likely that even the halfhearted rebukes the United States has leveled now and then at the colonels are going to be suspended (and that the military aid we have partially suspended is now going to be fully restored). Indeed, the United States further identified itself with the colonels' regime by making unsuccessful efforts in December, 1969, to dissuade member governments of the Council of Europe from "push[ing Greece] out of the family of free nations."

We can expect the dramatic Karamanlis intervention of September, 1969, soon to begin to lose momentum—and with it the hope of a peaceful solution to the continuing Greek crisis. We can expect to find serious-minded Greeks becoming even more bitter than they already are about the role of the United States in their country. This should be accompanied, among informed Greeks, by a sense of helplessness even deeper than before the issuance of the Karamanlis statement on which so many hopes had ridden. We can expect to find, thereafter, a sense of resignation among moderate Greeks and (for the first time) even some cooperation with the regime by some educated men who will come to feel that they must "get on with the business of living." Thus, within a couple of years we can expect to find that even Mr. Karamanlis will have become passé, as Greeks discern he has been exposed to be as helpless as they are to influence the Americans or to displace the colonels.

*When* the regime has thus found its position better secured—with Mr. Karamanlis (and other political figures) out of contention from abroad and with its thorough purges of domestic institutions completed—the colonels can then begin to try to repair the damage they will have done in their campaign to remain in power at all costs. Thus, for example, they can then consider devaluating the drachma, which has been much abused and artificially maintained by them in order to bolster their prestige among economic illiterates and Greek-Americans. Whether a recession develops in 1971 may depend on how lucky Greece and the colonels are, on what happens elsewhere in Europe and in the Middle East. Certainly, the colonels have recklessly created conditions for serious economic and social difficulties in Greece—if not for themselves, at least for their successors.

There is no prospect in Greece of a return to genuine parliamentary government so long as the colonels stay. They themselves must realize that they could not long survive, should martial law be lifted and shoud freedom of speech and of the press be restored, the public ridicule which the liberated Greek people would be capable of and which the colonels already invite. A public debate is something that none of them has experience in or is capable of: without their guns and tanks they would be laughingstocks that no one would take seriously, except perhaps as objects of revenge. The prospect then is of a military tyranny which, in its vulnerability, could fall overnight due to the sudden pressure of chance events (related, for example, to Cyprus), but which is more likely to retain its conspiratorial grip for a generation.

Whether civil war, as distinguished from an escalation of bombings and sabotage and underground activity, will erupt in Greece, will depend on circumstances that are difficult to predict. But what can be predicted with some assurance (if the United States continues as it has) is that the political governments which follow the colonels five, ten, or twenty years from now will find it virtually necessary (if they are to survive popular attack and if they are to prevent a decisive move of Greek politics to the extreme left) to revise radically their alliance with the America which has been so successfully deceived and exploited by the colonels and to which the Greeks will (not without some justice) attribute their humilitating oppression.

Thus, the American policy makes political and military sense only if it should be assumed that Greece's friendship and strategic position are of use to us only for a few more years. Or, put another way, the United States must make the Gaullist NATO-policy of Andreas Papandreou look better and better to the suppressed Greek people every time we permit an American general to be photographed in comradely association with the colonels.

### IX

Even more serious for America than the deterioration of a valuable alliance between the United States and Greece is what our behavior with respect to Greece may reveal about how we conduct our affairs all over the world.

If our political leaders, including our State Department experts, had a better idea of what they were doing, and were to insist upon their professional and constitutional prerogatives, our military people would be more likely to do their jobs properly. To some extent, the usurpation of political functions and judgments by military men may represent a sincere attempt on their part to take up the slack left by the incompetence, diffidence, or negligence of civilians. But our military are ill-equipped to make political judgments: in this they share the disabilities of the Greek colonels, who can seize and hold power but who do not really know what to do with it. Our military (if permitted to behave elsewhere as they have behaved, or as they *seem* to have behaved, in Greece) can succeed only in undermining our traditional respect for them, that public trust and accompanying honor which most fittingly reward and sustain men who devote their lives to the defense of their country.

Thus, we cannot be fair either to our military or to ourselves if we permit or require them to assume duties and make judgments for which they are not equipped. We are not realistic about the enduring sources of our influence and self-confidence as a republican people if we "pragmatically" exclude from our calculations in our relations abroad considerations of either political integrity or human dignity.

In continuing to associate as allies with the petty tyrants of Greece, we may be hopeful that we will be able to raise them to our level. Instead, we are much more likely to lower ourselves to theirs, at least in the eyes of decent men who know what is really going on in that long-suffering country.

Is this what our "low profile" is to mean abroad—that the American eagle must be ignominiously grounded?

## AN ELOQUENT PLEA FOR PEACE

Mr. TYDINGS. Mr. President, today millions of Americans across our Nation are besieging their representatives in Washington, D.C., to end our tragic military involvement in Southeast Asia. After 15 years of U.S. involvement, the loss of 44,000 American lives, the wounds inflicted upon over a quarter of a million servicemen, the expenditure of more than $100 billion in desperately needed resources, the rapid decline in America's moral leadership around the world, the divisiveness, turmoil, and violence at home, the damage wrought upon our economy, Americans are saying that for whatever real or imaginary interest we might have had in Southeast Asia, we have given in blood and treasures much more than our share.

Among the most cogent and eloquent of these pleas for peace is that of James W. and Elizabeth Rouse, of Columbia, Md. In an open letter to the President, reprinted at their own expense in the Washington Post on May 3, 1970, Mr. and Mrs. Rouse call upon the President to extricate our Nation rapidly from the widening military quagmire in Indochina and to "wage peace, Mr. President, as it has never been waged before."

To their beautifully written and persuasive message, one thought should be added. Congress must live up to its own constitutional responsibilities over the issue of peace and war. It can no longer sit back falsely claiming that the war is the sole prerogative of the President. Since Congress has the constitutional power to stop the war, Congress must share with the President the culpability for continuing the war or the credit for bringing it to an end. Thus, I would add, "Let the Congress and the President move forward and wage peace together."

Mr. and Mrs. Rouse stand among Maryland's finest and most civic-minded citizens. Their expression for peace is further evidence that they live among the angels. I ask unanimous consent that their poetic and important message be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

RICHARD M. NIXON,
*The White House.*

DEAR MR. PRESIDENT: We know it is your purpose to lead our country to peace. We write to help; to plead the case for a course of action that can bring peace—and hope and new unity to our country.

Mr. President, it is not the Viet Cong nor the people of Vietnam nor of China who threaten our country. It is war itself.

You can "win" this war. That is, you can annihilate the people we are fighting, their land, and their homes—and you can do it quickly, but at the price of using weapons so dreadful and spreading destruction so appalling that neither your conscience nor that of our nation will permit it. To so "win" the war would be to lose the soul of our nation and our people.

So we wage war within the narrow outer limits of our national conscience, destroying over time the nation we seek to save and eating away the fabric of our own society here at home.

Responsible, adult Americans are sickened by this war. They are horrified by the worldwide image of America as a brutal bully among little nations a long way from our shore. They are deeply worried about the widespread erosion of faith in our nation among the fine young people in our schools and colleges. They are worried about the ability of our country to survive the disillusionment and division that is making violence and counter violence commonplace in American life.

And what if we should "win," Mr. President—within the limits of destruction to which our national conscience so far has been stretched? What if the Viet Cong and the North Vietnamese give up and go back north? What then? Do we bring our boys home and wait—wait for the next Communist excursion in Southeast Asia? And do we then move in again to protect South Vietnam or Cambodia or Laos? And what about Europe—and the Middle East—and Africa? Do we really mean to police the world with American resources and American lives? Can we defend the freedom of the world by war—without destroying the very freedom and dignity and morality we mean to uphold?

Mr. President, isn't war itself our proven enemy—isn't war itself obsolete—isn't war an unreliable system for the protection of freedom and democracy? Isn't it, in fact, the greatest danger that confronts our people and our way of life?

Mr. President, you can use the enormous investment in Indo-China to mark victory for mankind. Let this be where a great nation discovered the futility of war and had the courage and wisdom to proclaim that discovery to the world.

Be the giant of this century, Mr. President, by letting the world know that war itself is man's greatest enemy. Pledge this nation to building—beginning now—a system of order throughout the world to replace war as an instrument for settling differences among nations.

Go before the nation, before Congress, before the U.N.; instruct your embassies throughout the world that the U.S. means business in ending war.

Begin by announcing the earliest possible withdrawal of all American troops from Southeast Asia and schedule the withdrawal, in the shortest possible time, of all American troops from foreign lands everywhere. Lead the country to committing a big share of the billions of dollars thus saved for the improvement of environment and for the advancement of health and education throughout the world.

Enlist the resources of business, of youth, of the universities, of our vast technology in a massive effort to build a system to maintain peace without the threat of war. Commission a group of our most resourceful leaders to design the techniques for waging peace.

Wage peace, Mr. President, as it has never been waged before.

Some will point to the risk of waging peace—and there is risk. But let it be measured against the risk of waging war—the risk of financial, social, and moral exhaustion such as our country now faces. Let's start taking risks, Mr. President, on the side of peace—of morality—of justice. Let's align our people and our nation with love and hope instead of hate and fear.

And there are those who point in despair to the inevitability of war. Let them note that institutions change. Slavery, child labor, and second-class citizenship for women have largely disappeared in modern times. Mankind surges forward, in our day, in its claim for freedom and dignity, wiping out colonialism—building civil rights into the structure of law. The time has come to destroy the most oppressive, extravagant, archaic, and irrelevant institution of all—War!

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In this campaign, Mr. President, you will bring inspired new purpose to our nation. You will give force and meaning to freedom and democracy throughout the world. You will light up the young with hope. You will restore the revolutionary flame that has made America great.

Mr. President, you are the one who can do it.

God will bless you in the task.

Sincerely,

JAMES W. and ELIZABETH W. ROUSE.

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## A NEW CONSERVATIVE FOREIGN POLICY FOR THE SEVENTIES

**Mr. TYDINGS.** Mr. President, the overriding objective of U.S. foreign and military policies today is American security; a world in which we can conduct our affairs free from the fear of foreign invasion or interference. Indeed, this has been the purpose of our international policies since the American Declaration of Independence from England 194 years ago.

However, while the objective remains the same, the policies for preserving our security must continually change to meet the constantly shifting realities of international politics. Policies that succeeded yesterday are not necessarily suited to the exigencies of today.

After World War II, recognizing the catacylsmic changes that war had wrought, the United States undertook a fundamental reassessment of its foreign and military policies. It was clear that the new realities of the postwar era would not permit a return to the isolationism of the 1920's and 1930's.

Now the time has come for another major reinterpretation of America's role in the world; we must decide anew what policies will best promote both United States security and world peace in the decade ahead.

I raise this point with you tonight because our present foreign and military policies are falling dangerously out of date.

Our view of the world and the Military Establishment we have built on that view remain post-World War II vintage.

The international threats and opportunities that currently confront us are dramatically different from those that emerged from the ashes of the Second World War.

V-E Day presented America with the spectacle of a prostrate Europe, too war weary and weak to defend itself from threatened Soviet aggression. With the final collapse of the British and French Empires in 1945, much of Africa and Asia were in a state of chaos and ripe for foreign domination. And in Moscow, we were confronted by a paranoid who personally directed a united Communist movement which sought to seize power in every vulnerable nation on the globe.

But much has changed in the past quarter of a century.

Europe today is booming and possesses the wealth and manpower to provide for its own nonnuclear defense needs. Japan has become the leading economic power in the Far East. New nations have emerged in Africa and Asia which are determined to manage their internal affairs free from the domination of the great powers. And most importantly, the old united Communist movement directed from the Kremlin has been deeply divided, with each Communist nation and party striving to pursue its own interests based on its own nationalistic desires.

No longer are the costly interventionist foreign and military policies formulated in the late forties necessary to preserve U.S. security in the seventies.

On the contrary, the continuation of these policies represents a growing menace to America's security in a nuclear age.

Past is the time when we need to play both Santa Claus and policeman for the rest of the world. Increasingly, our allies around the globe boast the economic capacity and military manpower to shoulder the burden of their own defense.

Given our growing inventory of pressing domestic problems—a deteriorating environment, decaying cities, a rising crime rate, the lingering of poverty amid affluence—we can no longer afford the staggering cost of our present foreign and military programs. Estimates put the price tag on current U.S. overseas commitments at between $43 and $50 billion a year—more than the entire Federal budget for 1950.

Today, the American taxpayer supports 1.2 million U.S. military personnel stationed abroad on 2,270 overseas bases in 33 foreign countries. In addition, we are footing the bill for 26,000 U.S. civilians and 350,000 U.S. dependents stationed abroad.

What is worse, we are currently underwriting with U.S. tax dollars more than a quarter of a million foreign nationals in defense jobs overseas while unemployment grows in this country and military bases are being closed in Maryland.

Such a policy is scandalous.

Nor is this the whole cost story. Since 1945, U.S. economic and military foreign aid has totaled more than $135 billion.

Our economic assistance, with the exception of the Marshall plan to help rebuild Europe after the war and our food-for-peace programs, has been a dismal failure.

More tragic still is the story of the $39 billion in military foreign assistance we have dispensed. Rather than deterring armed conflicts, this assistance has tended to create them. In the wars between India and Pakistan and Honduras and El Salvador, for example, the United States trained and armed both sides. The time has come for change.

No longer is U.S. security and the cause of international peace best served by the interventionist policies the United States has pursued over the past quarter of a century. Today's conditions dictate the formulation of a more prudent and conservative U.S. foreign and military policy neither intervensionist nor isolationist; a policy that relies more heavily on our allies' ability to provide for their own defense, and on a strengthened peacekeeping role for the United Nations.

Let me reemphasize that by a conservative policy I do not mean neoisolationism. America has an active and important role to play in world development. Our economy, technology and the basic human values for which we have traditionally stood insure a continuing position of international leadership for this country.

By a conservative foreign policy, I mean a policy which reduces the risks of accidental and unnecessary wars, relies less on sheer military might as a means of preserving U.S. security, and conserves our limited resources for the solution of urgent problems here at home.

Reshaping our foreign and military policies along more prudent, conservative lines will not be easy. Abandoning old slogans for new realities never is.

But I believe we must begin now.

While I do not pretend to have all of the answers, I believe a fundamental reassessment of U.S. foreign and military policies for the seventies should include the following elements.

First, Congress must initiate a comprehensive review of all U.S. commitments and treaty obligations to determine which remain essential to the preservation of American security. To the best of my knowledge a review of this scope has not been attempted in more than 20 years.

Second, we should begin withdrawing all U.S. military personnel and their dependents stationed abroad who are not needed for immediate defense or deterrence purposes.

There is broad agreement among defense experts that many of our troops in Asia and Europe could be pulled out this year without significantly diminishing our security or that of our allies.

Third, we must begin negotiating firm timetables with our treaty partners for the replacement of U.S. troops abroad with indigenous forces. Our ultimate objective must be the return to U.S. soil of all American ground forces currently scattered around the globe.

This does not mean that we are abandoning our allies and returning to a fortress America posture. Our Navy and Air Force must be kept strong and prepared. We must continue to provide nations threatened by external aggression with a nuclear shield and with military and economic assistance when necessary. But the day is past when American boys can be called on to die in foreign conflicts that do not directly threaten the security of the United States. This point must be made absolutely clear.

Fourth, we must insist that the administration develop a plan for liquidating our most costly foreign involvement today—the war in Vietnam.

Vietnamization is a program for deescalating U.S. participation in that spreading Southeast Asian conflict. But it is not a policy for total U.S. military extrication from Vietnam.

Secretary of Defense Laird has made it clear in testimony before the Congress that the administration contemplates keeping 100,000 to 200,000 American military personnel in Vietnam indefinitely in advisory and support capacities. For all we know, 1980 will find 200,000 U.S. troops at a cost of $15 billion a year and

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continuing American casualties still stationed in and around Saigon. This is a costly and unacceptable foreign policy.

In 1968, the American people voted to end U.S. involvement in the war in Vietnam. It is long past time for this administration to tell us how they intend to do it.

Fifth, Congress must take a hard look at our economic and military foreign assistance programs. Billions are currently being wasted in foreign aid which serve neither our interests nor the welfare of the peoples in the recipient nations.

Sixth, and perhaps most important, if we are to establish a more conservative and less costly foreign policy, the United Nations must be given the resources and power to settle international conflicts. If a need remains for a global policeman or mediator, that role should be filled by the United Nations, not by the United States.

Six years ago in a speech prior to my election to the Senate, I stated that "funds to support a strong, permanent U.N. peacekeeping force is the best foreign investment America could make." That statement still holds true today.

A great statesman once wrote that:

> The man or nation that makes the greatest mistake is one that hesitates to attempt changes for fear of making mistakes.

The hard facts of the world of the seventies all point to the need for change. Establishing a new conservative foreign policy in this country for the coming decade is imperative.

U.S. national security and world peace depend upon such a policy.

Our pressing domestic needs demand such a policy. And the hardpressed American taxpayer deserves such a policy.

## JAVITS PRAISES NEW YORK EIGHTH GRADER FOR MATURE UNDERSTANDING OF POVERTY AND HUNGER

Mr. JAVITS. Mr. President, I am certain that every Senator regards responding to his mail as one of his most important functions—one way of his sensing the pulse beat of his constituents regarding the crucial issues of the day.

As the ranking Republican member of the Select Committee on Nutrition and Human Needs and of the Committee on Labor and Public Welfare. I receive many letters regarding the problems of hunger, malnutrition, and poverty. However, I have not received a letter which has touched me more than the one I received a few weeks ago from an eighth grade student of the St. James Institute in Albany, N.Y.

Theresa expressed feelings and views on hunger and poverty with a sophistication and understanding which one would expect from a well informed adult. She expressed the belief, which too few adults express, that hunger and poverty know no color or racial boundary and went even further to point out, and rightfully so, that hunger and poverty often cause people to "rob from others."

Our country is deeply troubled on many fronts, at home and abroad. During such tension filled times, it is reassuring to know that there are young people, such as Theresa, who understand the basic principle that men must be brothers and help one another. I am proud of Theresa's letter and, therefore, wish to share it with my colleagues by asking unanimous consent that it be printed in the RECORD together with my response. It is a good example of the goodwill, understanding, and faith possessed by so many of our young people.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALBANY, N.Y.

DEAR SENATOR JACOB JAVITS: I am an eighth grade student of Saint James Institute. This week we are not eating lunch to see how it feels to be really hungry like the poor people. We have a very small breakfast and supper. In school it is very hard to concentrate on school work while we are hungry. This gives us a better understanding of why the poor people are not learning anything in school. Being hungry sometimes is the reason why people steal and rob from others who are more fortunate. I am really thankful for what I have and want to help others who are not so fortunate as I am.

A lot of people think that poor people are always colored and that colored people are always poor. This is not so. Some white people are poor and rich. Some colored people are poor and rich. The color has nothing to do with it. When most people think of colored people they think slums and ghettos. There should be programs to show people how it really is. Thank you.

Yours truly,

THERESA FARRELL.

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U.S. SENATE,
*Washington, D.C., May 1, 1970.*

Miss THERESA FARRELL,
*Albany, N.Y.*

DEAR THERESA: Thank you very much for your wonderful letter.

I am proud of you because you have said what many grown-ups should be saying and understand what many grown-ups do not understand. As you said, hunger and poverty is a problem that effects all races of people and not just one group or color, and that hunger and poverty often cause people to commit serious crimes—"to rob from others."

There are millions of children in our country who go without lunch everyday—not because they choose to as you and your classmates did—but because their families cannot afford the price of lunches for their children.

As a Senior member of the Senate Select Committee on Nutrition and Human Needs, I have traveled around the country and have seen and heard much on the problems of hunger and malnutrition. However, I have not heard anyone express the problem of poverty and hunger any clearer or more accurately than you did in your letter. I am sure that your family and the faculty at Saint James Institute are all very proud of you.

America today is troubled with many problems and poverty is one of our biggest. If we are to solve such problems, it will take people like you who express concern and understanding for your fellow human beings. We grown-ups have not solved these problems. Therefore, it will be young people such as yourself who will have to speed up the solution. I have faith in our young people and your letter reaffirmed my faith.

Because I want to share your letter with my colleagues, in the Senate, I am having it reprinted in the Congressional Record, together with my response.

Please feel free to write me again if I can be of any further assistance.

Sincerely,

JACOB K. JAVITS.

## TRANSPORTATION NEEDS AS SEEN BY THE ELDERLY

Mr. CHURCH. Mr. President, the distinguished Senator from New Jersey (Mr. WILLIAMS) is necessarily absent from the Chamber at this time.

I ask unanimous consent that there be printed in the RECORD a statement which he had prepared on the transportation needs of the elderly and a copy of the questionnaire which prompted the remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### TRANSPORTATION NEEDS AS SEEN BY THE ELDERLY

(Remarks by Hon. HARRISON A. WILLIAMS, New Jersey)

Mr. President, older Americans are among the most hard-hit victims of inadequacies in transportation systems in many parts of the nation. They are confronted by high fares, poor scheduling, inaccessible destinations including clinics and physicians' offices, and fear of crime during night hours.

The U.S. Senate Special Committee on Aging has received much evidence about the need for better public transit in rural and urban regions of the nation. We have been told often about individuals who could not reach churches, friends, relatives, shopping areas, and medical care because of the high costs or sheer inconvenience.

The United States Administration on Aging is conducting some research on the subject, and we are getting hard facts from several cities around the nation. There is, however, a clear need for more data to help us understand the dimensions of the problem and to offer constructive suggestions for change. Some idea of the magnitude of the research task can be obtained from a study recently conducted in Paterson, N.J.

There, the City Council on Aging prepared a questionnaire on transportation for Senior Citizens and sent it to 3,000 older citizens. Responses were returned by 417 individuals, and the results were computerized by the local business machine school.

Mr. President, I would like to summarize several of the major findings because I believe that they are significant and indicative of similar conditions in other urban centers.

| | |
|---|---|
| Respondents wish to go downtown for business or shopping | 339 |
| Respondents wish to go to doctors' offices | 311 |
| Respondents wish to go to clinics | 86 |
| Respondents wish to go to hospitals | 157 |
| Respondents wish to go to church | 163 |
| Respondents wish to visit friends | 274 |
| Respondents wish to travel to various other areas | 65 |
| Respondents wish to travel before 10 a.m. | 11 |
| Respondents wish to travel between 10 a.m. and 3 p.m. | 350 |
| Respondents wish to travel in the evening | 8 |
| Respondents are afraid to go out at night | 298 |

There was also a strong desire expressed for reduced fares during daylight hours.

I believe that the Paterson study is a useful model for similar action elsewhere, and I ask permission to reprint in the RECORD a copy of the questionnaire.

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### QUESTIONNAIRE ON TRANSPORTATION FOR SENIOR CITIZENS

In order to secure accurate information on your transportation needs, we must have your cooperation in answering the following questions:

1. Where do you wish to travel? (Please check)

(1) Down town for shopping or business.

(2) To the doctor's office.
(3) To a clinic.
(4) To the hospital.
(5) To church.
(6) To visit friends.
(7) Other. Specify.

2. What hours of travel are best for you? (Please check)

(1) Before 10 a.m.
(2) Between 10 a.m. and 3 p.m.
(3) Between 3 p.m. and 6 p.m.
(4) Evening. What hours?

3. If convenient transportation were available during the evening hours, would you use it? Yes. No. If your answer is yes, would your travel be: (Please check)

(1) For recreation events such as—
Movies.
Sports events.
Lectures.
Educational classes.
Shopping.
Visiting friends.

If your answer is no, is it because: (Please check)

(1) You would rather stay at home.
(2) You are afraid to go out at night.
Other. Specify.

4. Would your day time travel be to: (Please check)

(1) Your place of employment.
(2) Volunteer work.

5. What do you feel would be a fair price to pay for travel? (Please state amount)

(1) One way.
(2) Round trip.

6. Is the present transportation system adequate to meet your needs? Yes. No.

Name.
Address.
Please fill out this questionnaire.

## CONCLUSION OF MORNING BUSINESS

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**Mr. MANSFIELD.** Mr. President, is there further morning business?

**The PRESIDING OFFICER.** Is there further morning business? If not, morning business is closed.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

**The PRESIDING OFFICER.** The bill will be stated by title, for the information of the Senate

The LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

**The PRESIDING OFFICER.** Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

**Mr. MANSFIELD.** Mr. President, I suggest the absence of a quorum.

**The PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

**Mr. BENNETT.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

### A REASSESSMENT OF AMERICAN INVOLVEMENT IN SOUTHEAST ASIA

**Mr. BENNETT.** Mr. President, in today's world of instantaneous communication, it is perfectly logical for us to interpret the problem in Vietnam in terms of each day's headlines instead of considering the overall, long-term, worldwide issues involved.

Therefore, before I present my point of view on the present Cambodian situation, I want to go back and review the background of events leading up to it so that—at least for myself—I can put it into perspective.

In preparing to do this, I have found a speech I made in October 1967, to be very useful and I want to repeat excerpts from it here today.

I began by saying the need to get at the true meaning of the war in South Vietnam grows more imperative with every passing day. I think that is still true. There are those who claim it is based solely on American cupidity—or stupidity. Others, hoping for the end of the war, seek in vain for signs that North Vietnamese Communists are really willing to negotiate. Still others believe that only by driving through with our overwhelming military superiority can we ever hope for an early and acceptable end to the conflict.

I think most of the confusion grows out of amateur attempts to second-guess the President, the generals, and the diplomats with respect to the daily conduct of the war. I am not going to do that. Instead, for what it may be worth, I shall present my conception of how this conflict fits into the framework of 20th-century history.

I begin with a word that has already been worked to death, the word "escalation." Ordinarily, it is used to describe the calculated steady increase in our commitment of men and materiel in South Vietnam. But there are those who use it to express their fear that the present experience in Cambodia is an open ended one that will eventually lead to world war III.

The usual inference is that it will be a natural extension of the present conflict that will eventually expand across the Chinese border, first bringing China and then Russia in against us. They see the United States facing the massed power of more than a billion people and risking a fearful nuclear holocaust.

Because our own west coast fronts on the Pacific, the United States must always have a deep concern about the fate of the nations of Asia. This concern has been put into words many times, as President Johnson did when he said,

> No single nation can or should be permitted to dominate the Pacific region.

In World War II, Japan made the attempt to do just this and failed. Now it is China and Russia whose mastery of Asia we fear and must prevent. However, I should also point out that in taking this position, I am not in any way advocating American domination of Asia; nor do I think that our present participation in South Vietnam can be interpreted as part of such a process.

I believe our past history and record in Asia supports my position.

There is a fundamental reason why this war is different from World Wars I and II both in its inception and its pattern. The other wars began when the would-be imperialists thought they had strength enough to conquer Europe and the world. They were defeated, but the holocaust left all of Europe and much of Asia almost completely destitute, both of productive capacity and military might.

This created a near vacuum into which the Communists could start the new type of war they had long planned. The weakness of their own postwar exhaustion would not permit them to undertake any massive attack against any free nation or any combination of which the United States was a part. They felt, however, that they could move immediately against countries whose impoverished economies appeared to be fertile soil for Communist ideology. Instead of open warfare, they proceeded to foster internal revolutions in these nations, begun with subversion and pursued through the use of native Communist guerrilla forces.

This time the world was not to be swallowed whole but, chewed up in little bites. This time they hoped to consume many key areas without arousing the sleeping giant which is the United States. This time they even hoped not only to conceal the relationship of these wars to their worldwide objectives, but also to give them a noble purpose by calling them, deceptively, "wars of national liberation."

But, like would-be conquerers, they talked too much and eventually gave the whole evil plan away. In December 1965, Premier Kosygin told James Reston of the New York Times:

> We believe that national-liberation wars are just wars, and they will continue as long as there is national oppression by imperialist powers.

Translated, that means as long as the United States has an interest in trying to help its friends.

In September, 1965, the Red Chinese Minister of Defense, in a long policy statement, announced that Mao expected to use "wars of liberation" to expand communism to Latin America, Africa, and Asia.

A statement along this line by General Giap, the Commander in Chief of the North Vietnamese forces, is of greatest significance. He said:

> South Vietnam is the model of the national-liberation movement of our time. If the special warfare that the United States imperialists are testing in South Vietnam is overcome, then it can be defeated anywhere in the world.

The list of countries against which the Communists have already used subversive warfare and direct attacks is longer than most Americans realize. All in all, we can count 19: Yugoslavia, Greece, Malaya, Philippines, Cuba, Laos, Thailand, Vietnam, Cambodia, Korea, Guatemala, Venezuela, Colombia, Dominican Republic, Bolivia, Nicaragua, Burma, and India.

The method succeeded in Yugoslavia, in China, in Cuba, and in North Vietnam. It is currently underway in embryonic form in South America—in Bolivia, Venezuela, Colombia, Guatemala, and Nicaragua. And in Southeast Asia—in Thailand, Cambodia, and the rest of Laos, as well as in South Vietnam itself.

But sometimes it has failed, particularly when the United States has moved in to provide help to the legitimate government. The first major failure was in Greece, immediately after World War II. Other Communist failures in the Philippines, in Burma, Indonesia, in Guatemala, and in Malaya are encouraging. But the biggest test of all is still facing us in South Vietnam.

Looking at this conflict as another in a series of local wars, which although widely separated in time and place are related to each other, we can easily see how the Communists hope to succeed by exploiting weakness, where the Germans and Japanese failed by exerted strength. In that framework, I shall ask and try to answer four questions:

First, in what way does this Communist pattern produce a type of warfare which differs from or resembles that which took place in the earlier World Wars?

Second, why are we in this war?

Third, has our intervention been good or bad for South Vietnam and the world?

Fourth, what is the best way to end the conflict?

Turning to the first question, it is easy to see why South Vietnam was selected by the Communists as a promising battleground in their wars to exploit weakness. Their capacity to govern themselves had almost been eroded away by more than a century of French colonial rule, which seems to have been particularly repressive and marked by calculated corruption.

It is no wonder that the Vietnamese people rebelled. But, in light of what is happening now, 13 years later, it is unfortunate that the hero of that fight for freedom, Ho Chi Minh, was a Communist, and that even today his communism is more important to his followers than the freedom for which he fought the French.

The fact that the South once followed his leadership made it possible for him to organize the Vietcong and leave them in the South, like time bombs, to explode after the treaty of 1954. Between then and now, they have literally dug themselves in—both into the earth itself and into the village life. From these two points of strength, they have carried on a grisly program of subversion and murder for the purpose of wiping out all free local government by destroying its leaders.

Mr. President (Mr. GRAVEL), I think that one of the great successes of our efforts in South Vietnam has been the extent to which we have been able to root out the Vietcong and its installations, particularly in the delta area, until today its strength is much weaker than it was 3 years ago when I discussed this same subject.

I think the fact that the love of freedom has survived is eloquent testimony to the dedication and determination of the South Vietnamese. The fact that they twice turned out to vote in unexpectedly large numbers underscores the depth of that feeling. I am sure they know that voting is a privilege that Ho and his successors did not allow his subjects north of the 17th parallel.

Another political liability from which they suffer—and we might as well face it—is that they do not have full faith in their leaders. Some of them are still corrupt and, after 13 years, their government is still weak from the constant pressure of the Vietcong.

I can only note, in passing, that this is rather common in Asia and that it is not completely unknown in the United States. Therefore, I do not believe we can take a holier than thou position in this particular instance.

But even though the majority of the people in South Vietnam, including the illiterate peasants, prefer it to the communism of the North, they are obviously still willing to fight for it.

When we look at the military aspects of this war, it is easy to see how different it is from the other wars we have fought in Asia—far different from the island-hopping of World War II, and even from the mass-movements combat in Korea. This war is confined to an area that, while small, includes a topography that varies from rice swamps to densely wooded mountains. The actual fighting is usually between small units, involved in hit-and-run engagements of very short duration. The ability of the South Vietnamese people to fight may have been worn away by the 20 years of continuing warfare that has raged back and forth across their land and taken its toll of their young manhood, and their resources.

Mr. President, I think it is significant that today they are actually able to increase their military capacity, both in terms of numbers, equipment, and training, so that we can begin to think of our own withdrawal with some assurance that, when they do, we will leave behind us a military force capable of defending its own country.

The war's most significant feature is the enemy's use of the pattern of guerrilla combat. That this has been the basic pattern for what the Communists call "wars of national liberation" had already been demonstrated earlier in other countries. Looking back, we see that this was the pattern used by Tito's Partisans in Yugoslavia. It was used again in the attempt to take over in Greece. It has been tried and has failed in Malaya and the Philippines, it was tried in the Dominican Republic, and is still continuing in Thailand, and now in Cambodia. Of course, for us the most vivid and embarrassing example was Castro's takeover of Cuba with a handful of men.

By now, it is obvious that we have made steady progress against the guerrilla warfare in Vietnam.

Not only have we reduced its intensity in Vietnam, but we have also pushed the guerrillas back into their illegal Cambodian sanctuaries. This having happened, the logical next step was to destroy, or at least weaken, those sanctuaries. I believe that President Nixon was farsighted in seeing this necessity, and in moving to take advantage of it. He possessed the courage to move, in order to take advantage of it.

At this point, I will leave the question of the current Cambodian policy and return to it later, moving on instead to my second question, which is: Why are we in this war?

It is clear to me that in all these little wars, the United States has been reacting in accordance with its traditional policies. Contrary to belief of some, we have not been improvising our foreign policy in Vietnam. We have been pursuing there the same objectives that we held in Europe when we opposed the Kaiser, Hitler, and Stalin, and in Asia when we opposed Japan. It has been our policy not to allow one nation, either directly or through proxies like North Vietnam, to dominate whole regions of the globe.

Today, the task is harder because the current threat used the cutting edge of communism, and for a while at least that has an appeal to people who have been impoverished and held down previously under a colonialist's thumb. But the principles for which we stand and our objectives are the same. Any changes we detect in our attitude then and now are simply those made necessary by differences in time, circumstances, and tactics.

At least four American principles stand out, and in every war of this century we have sacrificed much blood and treasure rather than give them up. Let me list them:

First. Devotion to the principle of personal freedom as a fundamental concept of government.

Second. Our belief that all other peoples who desire to live with these same freedoms should have the right to do so, and that when we protect their freedom, we are also protecting our own.

Third. A willingness to help other peoples improve their economic conditions, even to the extent of opening our own markets and sharing our own wealth with them if necessary.

Fourth. A determination never to be an aggressor or to embark on a policy of colonialism.

In listing these, it should go without saying that we believe such a policy will always be in our own national self-interest, and result in long term benefits to ourselves as well as to our friends. I am sure that in this present contest with communism in South Vietnam, there is no essential conflict between our own goals and the hopes of those we seek to help.

Of course, the application of these four principles has varied with the changing circumstances of our expanding history. Its first major expression was for the protection of the infant Latin American Republics when early in the 19th century they began to try to throw off the yoke of European colonialism. Because this principle was laid down during the Presidency of James Monroe, the principle has been known since as the Monroe Doctrine. Our commitment to this principle led us into our war with Spain in the Philippines at the end of the 19th century, and this in turn brought us for the first time into Southeast Asia more than 70 years ago. That experience, now two-thirds of a century

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behind us, set the precedent for our more recent intervention in Japan, Korea, Taiwan, the South Seas, and now South Vietnam.

Since this has been the latest of many confrontations between our foreign policy and that of the Communists, perhaps we should pause to look at Vietnam in terms of these principles. When we do, it is obvious: First that there has been a challenge to a people seeking to establish freedom as the basis for their own self-government; second, that we have come to the aid of a nation so challenged, and, third, that we have been generous with our economic aid.

I want to dwell a little longer on my analysis of the fourth aspect of our foreign policy, that we have never been the aggressor nor succumbed to the temptation of neocolonialism.

If there is one case in which this might not have been true, it is the Philippines. But over the years, certainly we have made up for any partial failure of our devotion to that principle in the service we have given to those people.

If ever a nation was in a perfect position to take advantage of a world situation, that nation was the United States after World War II. During the troubled years since, we could easily have become the world's greatest neocolonial power, a label which now very obviously fits the great Communist nations. We could easily have turned our economic aid programs into international mortgages and foreclosed them to gain territorial control in many parts of the world.

When World War II ended, all of Europe was broken and prostrate and Japan was helpless. If the Communists had been in our place, all these countries would have been dragged behind the Iron Curtain. But our devotion to the moral values in self-government has been stronger among us than the urge to dominate other people.

We could have conquered and held Japan; instead we chose to rebuild it as an independent democracy. And so well did we succeed that today it challenges us for our place in the world economy. Our success in Japan holds promise for what we can do for the people in Vietnam. The successful growth of free government in Japan is proof that Buddhism is not incompatible with the essential concepts from which democracy must grow.

The same spirit shines through our record in Taiwan. By supplying military protection and foreign aid, we have helped make that once-backward nation economically independent, and its example stands as a beacon of hope to the other nations of Southeast Asia. We have provided them with foreign aid so effectively that they have reached a point that we have determined that they no longer need it.

As I have tried to demonstrate, our presence in Vietnam is in keeping with our long time foreign policies. We are there to protect ourselves and our own interests by protecting the existence and interest of still another small nation. We are doing this: First, because our own security requires that Red China or Russia not be allowed to become the dominant nation in Asia; second, because we cherish freedom, and third, because we believe such help rather than territorial acquisition or colonial control is better for us and the whole world.

Having indicated my belief that we are in this war as a logical expression of our long-established foreign policy based essentially on self-interest, I am led naturally to reask my third question: Has our intervention already created benefits for Vietnam and for those other countries in Southeast Asia who love freedom? I think the answer is a resounding "Yes."

Had we not been there, Vietnam at least would have been behind the Iron Curtain, with a real chance that her neighbors would have long since joined her.

I think there is great value in the fact that South Vietnam is still a free country, free enough at least to adopt a new constitution and elect the new officers it provided for, both by popular vote. But of greater worldwide significance is the indirect effect of our intervention in preserving the freedom of other countries in Southeast Asia. Before we put our military power in South Vietnam, several had already been set up for Communist takeover, and all would probably have been lost by now.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. HANSEN. Mr. President, first of all, I express my gratitude to the distinguished Senator from Utah and express my appreciation for the scholarly presentation he is making.

It occurs to me that his observations are timely and that they reflect an in-depth study that certainly attaches more than usual significance to what he is saying.

In that context, I should like to ask if it is not true that the President sent some observers over to observe the elections in South Vietnam not too many months ago.

I ask my distinguished colleague if that did not happen.

Mr. BENNETT. We had a great deal of interest. We had another President at that time and it is true that while these observers were not to interfere in any way with the operation of the election process, they were there to give some assurance to us in the United States that the process had been carried out properly.

Mr. HANSEN. Do I recall correctly that it was the observation and perhaps a consensus of those who were there that by and large the election process, as they witnessed it in South Vietnam, was one that would reflect considerable credit upon that government and that there was an opportunity for people there to freely express their deep convictions?

Mr. BENNETT. That was my memory at the time. I am sure there were some comments made about individual incidents, but by and large, considering the fact that these people have no background in the democratic process and many of them are illiterate, I think it was a remarkable demonstration of their ability to take this first step 1 toward self-government.

Mr. HANSEN. I share that feeling, Mr. President. Despite our sophistication in this country, the fact that most of our citizens here can read and write, percentagewise we have a very low rate of illiteracy in the United States.

I hope it is not too long before all of those who are educable in this country have an education and I am sure that is the President's desire in taking the steps he has taken in offering further to shore up education and trying to spend money particularly where it may most be needed. While we do have a great many advantages that probably are not reflected completely in Vietnam, it occurs to me that by comparison they had a pretty good election over there. With respect to those who seek now to discredit the government, I think the government we find in South Vietnam today comes as nearly as is humanly possible through the elective process to place people in power who can best serve that nation.

Does the Senator agree with that statement?

Mr. BENNETT. I certainly do. I thank the Senator for his comments.

The fact that the Communists have stepped up their military activity against the supposedly neutral nations of Laos and Cambodia is eloquent testimony of our success in South Vietnam, which has produced so much pressure that Communist leaders are turning to face what they consider to be easier opposition, and the fact that the free nations of this part of the world have just concluded their first regional conference is a clear evidence that they intend to take advantage of our presence and the time we have gained for them by planning for mutual military actions to replace our strength as we withdraw.

I realize that there were no definite statements to that effect in the reports on the conference, but you do not take the ultimate step; you have to take the first step in the beginning, and I think this was an important first step.

Actually, this meeting in Jakarta is only the latest in a significant series which began in 1966 when nine free Asian nations formed the Asian and Pacific Council; when five Southeast Asian nations formed the Association of Southeast Asian Nations; and when in 1967 the Asian Development Bank was established.

That bank is now 3 years old and is beginning to operate very successfully. I returned a month ago from its third annual meeting which was held in Korea.

Now, let us move on to our final question, which leads naturally from the previous one. What would happen now if the United States withdrew immediately under the present pressure?

Most experts recognize the Vietnam confrontation as crucial. It has been building up for nearly 15 years now, and if we should allow the Communists to prevail, storm warnings would immediately rise around the world. Our premature withdrawal would demonstrate that the Communists have at last found the key to victory in a war. If we allow this to happen, all free nations, particularly the small ones, would be justified in believing that we are unworthy to be trusted as the leader of the free world.

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Those other countries to which we have given promises of support would properly doubt whether our help would be forthcoming when they needed it, especially when the going got tough. In other words, our friends would lose faith in us, and we would deserve it.

If we ever lost the right to lead the free world, Communist power would be unchallenged, and communism could eventually become the wave of the future. One by one, the smaller free countries would have to bow under its yoke, and the day conceivably could come when we stood isolated and alone. Obviously, we must not risk that great tragedy by trying to isolate ourselves from freedom's problems now.

Our capitulation would put all the free nations now along the Pacific coast of Asia into great and immediate jeopardy, including the giant Japan—which under the terms of peace we dictated has no military establishment except an internal defense force—the now stable Formosa, the still struggling Korea, Thailand and the remarkable Indonesia.

Because we know that communism hates Christianity, we might soon expect religion to disappear in Asia as the Philippines, then Australia and New Zealand were outflanked and overrun.

Am I seeing nightmares? The Japanese almost did all this less than 30 years ago from a much weaker power base. But do not take my word for this risk. Listen to what the leaders of these threatened countries have to say.

The statement of the Prime Minister of Malaysia, Prince Abdul Rahman, very effectively destroyed the civil war concept when he said:

> The power vacuum left over from the retreat of Western colonial rule . . . has not been filled by the growth and consolidation of indigenous power. On the contrary, taking advantage of the situation, a giant outside power, the People's Republic of China, seems bent on a long-range program of expanding its power and influence through its proxies in Southeast Asia. It is not South Vietnam which seeks to annex North Vietnam, but vice versa. This has been officially admitted by Hanoi, and Peking is giving Hanoi every encouragement. Peking's and Hanoi's involvement in the Communist offensive in Laos is also well known.
>
> And since early last year.

This was said in early 1967 so the reference is to 1966:

> . . . Peking has repeatedly threatened Thailand, Malaysia and Singapore with so-called people's wars to be launched by local Communist movements against these three countries.

I have other quotations:

One from the Thai Government clearly underscores the source of the danger:

> Decent nations the world over already know that aggression in Southeast Asia, either against the Kingdom of Laos, the Republic of Viet Nam, or Thailand, was started many years ago by none other than the Communist regime of North Viet Nam in collaboration with certain Communist countries.

Another statement is by the Prime Minister of Australia, who in the same year explained what American involvement means to his country:

> No region today contains greater dangers for world peace and security than Asia. Southeast Asia has been singled out by the Communists as a critical area of challenge. They believe that if their technique of so-called wars of national liberation can succeed in South Viet Nam, it can be employed with similar success in many other countries.

A third from Singapore's Prime Minister, Lee Kuan Yew:

> I feel the fate of Asia—South and Southeast Asia—will be decided in the next few years by what happens in Viet Nam. If the Americans decide to pack it up because the position is untenable in South Viet Nam, then what happens to the 500 armed Communists wandering around the borders of Thailand and Malaysia is very pertinent. And if Malaysia cannot be held—

And this next phrase is very interesting and significant—

> then Singapore must make adjustments accordingly.

In other words, if Malaysia cannot be held, "We in Singapore must be prepared to be swallowed by the Communists."

But the prospect for peace and freedom in all of Southeast Asia will be very bright indeed if we stay until the situation is truly stabilized. And I think we are beginning to approach that time.

Japan, which has developed firmly rooted traditions of freedom since World War II, would undoubtedly emerge as the great economic leader of the people of Asia.

On my trip out there last month, I saw many evidences that this process is already well along the way.

Our Anglo-Saxon counterparts in Australia and New Zealand would be able to carry out their stupendous programs for the development of their heretofore undeveloped natural resources. There would be hope that in time the tides of freedom, which are being sustained in Vietnam and which already have begun to flow north from Indonesia, could flow into and across China, thus weakening and eventually removing this potentially dangerous threat.

We come at last to the final question—the one on everybody's mind: How can we end this—when can we get out?

I have taken all this time to get to the point because I believe we can only find the right answer if we understand how and why we got in.

Why cannot we just stop fighting one day and wait to settle our problems with the Communists at the negotiating table? There are several reasons why this is impossible.

The first grows out of the difference in attitudes that each side has toward the process of negotiations. To us, it is a process by which decisions are reached through mutual concessions. To the Communists it is merely an extension of the conflict on a different level, on which they continue to fight to hold their own position. Rather than compromise, they will "negotiate" interminably, as witness the negotiations still going on in Korea after nearly 17 years and the many years of general peace conferences in Geneva and Paris.

It was my privilege, a little over a month ago, to stand at Panmunjom and be a witness to the charade that takes place there every day because we could not settle that conflict with a peace treaty. Every day at noon, an American officer representing the United Nations marches into a room and sits at a table. Across from him sits a North Korean officer. Each is flanked by an agreed-to number of attendants. Each is supposed to hand the other a paper listing whatever complaints may have developed in the preceding 24 hours. We always have a paper to hand across. The North Koreans practically never do. Once a month there is a different conference, at a higher level, with a colonel instead of a lieutenant colonel, and the problems discussed there, if the other side is willing to discuss them, are of a little broader nature. When a crisis arises, we have an officer of general rank prepare to meet a general from their side to discuss a serious problem.

This goes on day after day, week after week, month after month. One may say this is an effective solution to the war, but the day we went as observers to that event, the South Koreans discovered, and after a fire fight, killed three North Korean infiltrators who had used the protection of a river to cross over the border during the night.

Not very long ago four American soldiers stationed at that point as guards decided, for some reason, that they would not go back to the base camp using the protected vehicles. It must have been a nice moonlit night and they decided to walk back. They walked about a block, and they were all killed by North Korean snipers.

Our negotiation with the Communists is a fruitless charade unless they come to the table prepared to settle; and if they can keep it going in Korea for 17 years, heaven knows how long they can keep it going in Paris.

When our spirit of compromise meets their intransigent attitude, who usually loses? The answer is obvious and has been written into history many times from Yalta on.

Because we believe in compromise, we give. They seldom, if ever, do.

Of course, this has been demonstrated by the almost complete failure of the Paris negotiations in spite of the tremendous American concessions such as a bombing halt, and large troop withdrawals.

The second reason is equally fundamental. The outcome of any conference is determined mainly by the relative power, strength, and influence which the two opponents bring to the bargaining table at the end of any war or whenever a conference is set up. This obviously reflects the relative military strength of the two.

There is still a third reason, and it is the most important of all. Have we accomplished what we went in to do? Can we be sure that, after any negotiation undertaken without a military decision, the people and Government of South Vietnam can be assured of freedom from the continuing Communist pressures of subversion and terror as well as from actual military invasion? Until we can, have such an assurance, any precipitate withdrawal on lesser terms will mean tragedy for the South Vietnamese—a faith-destroying defeat for us, and a great encouragement for the Communists to make the next local war a much bigger one.

In concluding my review of the past situation as I see it, I state again the four basic questions:

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First. How is this war different? Every war is both different and similar as controlled by the conditions under which it is fought, and this one was planned by the Communists to make our power ineffective. Fortunately, we have learned how to adjust our use of power to offset enemy guerrilla tactics, and I am sure by now have regained the military superiority.

Second. Why are we in this war? We are in it for the same reason we went into the earlier wars, because in the interest of U.S. security, we cannot allow a hostile power to gain control of any dominant region of the world. The present region, of course, is Asia. We have always been willing to fight to maintain the freedom of our friends, whether they are the British, the French, or the Greeks.

I question if we can allow communism to slowly peck away at the institutions of freedom around the world and still preserve freedom for our own posterity.

Third. Up to this time, has our intervention been bad or good for Vietnam and the rest of Southeast Asia? Definitely and dramatically good. Behind the shield of our power, the Vietnamese people have begun to construct a viable government and have gone a long way to regain control of their own territory. The most dramatic change has been in the Mekong Delta country, which a few years ago the Vietcong completely controlled, but from which they have largely had to withdraw into Cambodian sanctuaries. Today the delta region is controlled and defended almost entirely by South Vietnamese troops.

Fourth. Finally, when and how can we bring this tragedy to an end? This can only be done when the South Vietnamese people can be assured of a future free from internal terror and external force.

To have withdrawn or to quit precipitously sooner, would not only have rewarded Communist aggression, and confirmed the effectiveness of their so-called "wars of liberation," as I have stated, but would inevitably have encouraged further Communist military adventures elsewhere—just at a time when, in fact I believe their power in Vietnam is going downhill.

Having explained my understanding of the reasons why we are in Vietnam, I am sure it must be clear why I support and have supported the President of the United States in his decision to move against the Cambodian sanctuaries used by Communist forces against allied personnel and positions in South Vietnam.

I am sure it is obvious that it is for the same reasons that I am opposed to the various amendments now pending before the Senate designed to limit the President's authority in Vietnam and Cambodia. This does not mean that I believe the President should have unlimited authority to expand the war. It means that I think such amendments as those before us are unnecessary and ill-timed particularly under the circumstances. It is interesting to note that the sponsors of the pending amendments have fastened upon the power of the Congress to appropriate money as a means of stopping the President. It is my feeling that this attempt to use the power of the purse usurps the responsibility clearly vested in the President to issue orders for the protection of our Armed Forces. The President has determined that the limited actions he has ordered within Cambodia are necessary for the protection of our forces in South Vietnam. The proposed amendments would try to substitute the judgment of the Congress on that question for the judgment of the President. Knowing a little and the American public that the President, having been a Member of Congress for 18 years, and knowing my own weakness in this respect, I am choosing the Commander in Chief in this instance.

Actually, Mr. President, the amendment before us is unnecessary because President Nixon is in the process now of reducing American participation in the war, and because I believe he has established a record which I think Americans have faith in. I would remind the Senate and the American public that the President's timetable for troop withdrawals has been met and exceeded.

For these reasons, I believe President Nixon when he says he will withdraw American forces from Cambodia by June 30, 1970. President Nixon has actually eliminated the credibility gap which grew up between 1965 and 1968 simply because his actions have coincided with his words, and I commend him highly.

The Senate now finds itself participating in a debate over Presidential powers and their relationship to the powers of Congress. In a sense, this shows that the American Government—in spite of some weaknesses—has a great deal of vitality. This ongoing debate goes back to the beginning of our history. It began in earnest in the Constitutional Convention. Even then among the great men who forged the Constitution, it was not resolved; for Madison and Hamilton and the other men present in Philadelphia either could not or did not see fit to specify in great detail the powers of the President and the powers of the Congress in the field of foreign policy, with its underlying issue of war powers. I suppose this debate has been one of the longest in American political history and, as we are obviously learning again this week, the issue has not been resolved.

While fascinating to political scientists and legal scholars, it has been frustrating to the Congress and perhaps confusing to the American public.

The Sunday Star of May 17, 1970, contained a timely editorial reflecting on the longstanding and unresolved debate. I should like to quote a few paragraphs which bear directly on the issue.

The Star reminds us:

> Paragraph 11, Section 8, Article I of the Constitution clearly allocates to the Congress the right to "declare war." The problem is that the five post-World War II Presidents of both parties—Truman, Eisenhower, Kennedy, Johnson, and Nixon—not to speak of earlier practitioners of the fine art of gunboat diplomacy, have neatly finessed the issue by committing or keeping American troops in combat situations abroad when they felt it was in the national interest, without seeking the assent of Congress or asking for a declaration of war.

Further the Star tells us:

> What some Members of the Senate and House are trying to do now is to reassert an atrophied Congressional prerogative, which understandably is dear to members of Congress, at the expense of the implied powers of the President as Commander-in-Chief, which equally understandably is a popular thesis with occupants of the White House. The Supreme Court has been commendably wary of trying to delineate the line between the Executive and Legislative powers.
>
> The trouble is that the world has changed since the founding fathers wrote the Constitution. In illustration, the same paragraph which authorizes Congress to declare war grants it the right to issue "letters of marque and reprisal," which authorized private entrepreneurs to engage in naval warfare for their own profit. Very few letters of marque have been granted in recent years.
>
> In effect, in an era of instant mass communications and push-button warfare, the Senators are resting their constitutional case on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men, but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

Those are quotations from the Sunday Star which I feel go to the very heart of this matter.

In addition, Mr. President, I think all of us in the Senate would be less than honest if we did not admit that politics has always played a significant role in this debate down through the years. While men of conviction have argued on both sides, one cannot deny that political considerations generally have been present. I think this remains true at this hour. I feel that although these amendments have long-range constitutional ramifications, the pending 1970 congressional election is certainly lurking in the background. I cannot and will not say that the prospect of winning or losing a congressional election should be eliminated as a consideration. I merely make the point that political advantage is a key consideration in this foreign policy issue. I can make that statement safely because I shall not have to stand for election this year.

Although this Presidential power debate has been going on since 1787 or even longer, I question its relevancy in its present context. My main reason for doubting the relevancy of this debate is that President Nixon is moving against Communist sanctuaries in Cambodia, has done little more than make a tactical military decision. Is it wrong to try and stop the enemy's main source of supplies and arms which are being used to kill American boys?

Also on this subject, the distinguished Senator from Colorado (Mr. ALLOTT) pointed out a few days ago:

> It is no more sensible to say the attacks on the sanctuaries "extend" the war in Cambodia than it is to say the Normandy invasion "extended" World War II to France.

At that time, of course, a foreign power, Germany, occupied the country of France.

The authority of the President in both instances has been established by congressional action and by his inherent and constitutional authority as Commander in Chief of U.S. military forces.

Under the Constitution, the President's powers for the direction of our

Armed Forces abroad are derived from those parts of article II which make him the Commander in Chief of the Army and the Navy of the United States and which give him a special responsibility in the field of foreign affairs. Congress, for its part, is given the power to declare war, to raise and support armies, to make rules for the Government, and regulation of land and naval forces, and other powers important to the conduct of foreign affairs and to the national defense. However, it is clear to me that these powers of Congress may not lawfully be used so as to undermine or replace the powers of the President as Commander in Chief.

Mr. President, until the fall of Prince Sihanouk, Cambodia had retained a facade of neutrality, but everyone knew it was only a facade because North Vietnamese Communist and Vietcong troops have been using Cambodian and Laotian sanctuaries and supply routes for many years. Prince Sihanouk could not enforce that neutrality; and when he was deposed, the facade was stripped away. In the past month, the sanctuaries have become a much greater threat to South Vietnam and allied forces.

Unfortunately, the entire role of the sanctuaries in this war has been generally ignored by virtually everyone but the fighting man in the field. I am certain that the fighting man, who knows the situation best, does not have any qualms in striking back at the enemy where it hurts.

I have felt for a long time that the American public has found it difficult to understand how guerrilla warfare is conducted. An absolute necessity in this type of warfare is a safe area to which the guerrilla fighters can return to rest, resupply, refill their ranks, and treat their wounded. In the Vietnam war we have allowed him unmolested use of "over the border sanctuaries" for 6 long years. It has never made sense to me to chase a Communist across the border into a very unneutral part of a supposedly neutral country only to have him come back a week later, well rested, with a stomach full of "neutral" Cambodian rice, to shoot at Americans again with his new Russian-made machinegun just shipped down the Ho Chi Minh Trail through neutral Laos.

The contest would have been much different had the Cambodian Government had both the willpower and the means to deny these sanctuaries to the enemy. The truth, of course, is that the Cambodian Government did not. To me it is an incontestable fact that Communist violation of Cambodia and Laotian neutrality has been a key factor in keeping Hanoi and its Communist forces in the war. The supply lines down the Ho Chi Minh trail and the sanctuaries which have been the terminal points of those lines have been absolutely vital to the Communist war effort south of the 17th parallel.

Now, for the first time in several years, we have a President who decided to quit watching helplessly while the enemy crossed the border, and America has had the courage to deny to the enemy this major military advantage.

I should point out that, despite the fact that we did not cross the border before, progress in South Vietnam has been continuing and American forces have departed from the Mekong Delta area below Saigon, as a result of the success there of both our forces and those of the South Vietnamese Army.

As the President reported to the Nation on April 20:

> Tonight I am pleased to report that progress in training and equipping South Vietnamese forces has substantially exceeded our original expectations last June. Very significant advances have also been made in pacification. Although we recognize that problems remain, these are encouraging trends.

The President also told us:

> As the enemy force levels have declined and as the South Vietnamese have assumed more of the burden of battle, American casualties have declined. I am glad to be able to report tonight that in the first 3 months of 1970 the number of Americans killed in action dropped to the lowest first quarter level in 5 years. In June, a year ago, when we began troop withdrawals, we did so on a "cut and try" basis—with no certainty that the progam would be successful. In June we announced withdrawal of 25,000 American troops; in September another 35,000 and then in December 50,000 more. These withdrawals have now been completed and as of April 15, a total 115,500 men have returned home from Vietnam.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. BENNETT. I am glad to yield.

Mr. HANSEN. Mr. President, the Senator has been discussing in detail our operations in Cambodia; and I think it would be appropriate and informative for Senators to have before them, for inclusion in the RECORD at this point, an up-to-date summary, as of 8 a.m. today, May 20, 1970, of what has been accomplished in Cambodia.

Mr. BENNETT. I am glad to yield to the Senator for that purpose, provided I do not lose my right to the floor.

Mr. HANSEN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tabulation setting forth an overall summary, with a breakdown on each of the sanctuary areas, showing what has been accomplished.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

| Total operations | Number | 24-hour change |
|---|---|---|
| Individual weapons | 9,613 | +119 |
| Crew served weapons | 1,608 | +24 |
| Bunkers/structures destroyed | 5,853 | +474 |
| Machine gun rounds | 7,812,464 | ([1]) |
| Rifle rounds | 3,802,256 | +31,260 |
| Total small arms ammunition (rounds) | 11,614,720 | +31,260 |
| Grenades | 7,065 | +140 |
| Mines | 1,884 | +19 |
| Satchel charges | 500 | ----------- |
| Miscellaneous explosives (pounds) | 72,000 | ----------- |
| Antiaircraft rounds | 159,047 | ([1]) |
| Mortar rounds | 20,363 | +1,904 |
| Large rocket rounds | 972 | +1 |
| Smaller rocket rounds | 16,697 | +766 |
| Recoilless rifle rounds | 13,627 | +60 |
| Rice (pounds) | 7,234,000 | +572,000 |
| Man months | 159,148 | +12,584 |
| Vehicles | 215 | +9 |
| Boats | 40 | ([1]) |
| Generators | 36 | ([1]) |
| Radios | 169 | +27 |
| Enemy KIA | 7,026 | +44 |
| POW's (includes detainees) | 1,731 | +117 |

[1] Unchanged.

*Toan Thang 43—Fish Hook*

| | |
|---|---|
| Enemy KIA | 1,832 |
| POW's | 267 |
| Individual weapons | 4,053 |
| Crew served weapons | 730 |
| Bunkers/structures destroyed | 2,354 |
| Small arms ammunition | 3,483,413 |
| Anti-aircraft rounds | 25,220 |
| Grenades | 3,302 |
| Mines | 1,415 |
| Mortar rounds | 3,901 |
| Large rocket rounds | 185 |
| Smaller rocket rounds | 681 |
| Recoilless rifle rounds | 6,257 |
| Rice (pounds) | 3,594,000 |
| Man months | 79,068 |
| Vehicles | 170 |
| Gas masks | 1,100 |
| Medical supplies (pounds) | 24,000 |

*Rock Crusher—Parrots Beak—base area 367*

| | |
|---|---|
| Enemy KIA | 1,858 |
| POW's | 1,037 |
| Individual weapons | 1,091 |
| Crew served weapons | 265 |
| Bunkers/structures destroyed | 827 |
| Small arms ammunition | 1,104,260 |
| Mortar rounds | 6,589 |
| Grenades | 1,445 |
| Mines | 128 |
| Large rocket rounds | 7 |
| Smaller rocket rounds | 2,638 |
| Recoilless rifle rounds | 854 |
| Rice (pounds) | 1,270,000 |
| Man months | 27,940 |
| Vehicles | 11 |

*Toan Thang 45—Base Area 351*

| | |
|---|---|
| Enemy KIA | 512 |
| Individual weapons | 902 |
| Crew served weapons | 86 |
| Small arms ammunition | 6,800,745 |
| Large rocket rounds | 410 |
| Small rocket rounds | 8,382 |
| Recoilless rifle rounds | 4,744 |
| Anti-aircraft rounds | 133,827 |
| Mortars | 3,669 |
| Grenades | 1,117 |
| Rice (pounds) | 596,000 |
| Man months | 13,112 |
| Bunkers/structures destroyed | 82 |
| Vehicles | 19 |

*Toan Thang 46—Base Area 350*

| | |
|---|---|
| Enemy KIA | 17 |
| Individual weapons | 220 |
| Crew served weapons | 29 |
| Small arms ammunition | 17,800 |
| Mortar rounds | 2,006 |
| Mines | 116 |
| Grenades | 200 |
| Small rocket rounds | 541 |
| Recoilless rifle rounds | 1,090 |
| Rice (pounds) | 58,000 |
| Man months | 1,276 |
| Bunkers/structures | 171 |

*Binh Tay I—Base Area 702*

| | |
|---|---|
| Enemy KIA | 227 |
| POW's | 17 |
| Individual weapons | 803 |
| Crew served weapons | 23 |
| Small arms ammunition | 36,682 |
| Grenades | 626 |
| Small rocket rounds | 727 |
| Recoilless rifle rounds | 123 |
| Mortar rounds | 2,715 |
| Mines | 64 |
| Rice (pounds) | 1,200,000 |
| Man months | 26,400 |
| Bunkers/structures destroyed | 1,180 |
| Live stock (head) | 1,079 |
| Boats | 40 |

*Binh Tay II—Base Area 701*

| | |
|---|---|
| Enemy KIA | 38 |
| POW's | 3 |
| Individual weapons | 222 |
| Crew served weapons | 114 |
| Small arms ammunition | 58,200 |

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| | |
|---|---|
| Small rocket rounds | 823 |
| Recoilless rifle rounds | 36 |
| Mortars | 386 |
| Rice (pounds) | 104,000 |
| Man months | 2,288 |
| Bunkers/structures destroyed | 284 |

*Cuu Long I—Base Area 704/709*

| | |
|---|---|
| Enemy KIA | 622 |
| POW's | 81 |
| Individual weapons | 712 |
| Crew served weapons | 112 |
| Small arms ammunition (rounds) | 25,000 |
| Small rockets | 500 |
| Mortars | 414 |
| Vehicles | 7 |
| Rice (pounds) | 30,000 |
| Man months | 660 |
| U.S. KIA | 6 |

*Cuu Long II— Base Area 704*

| | |
|---|---|
| Enemy KIA | 452 |
| POW's | 35 |
| Individual weapons | 320 |
| Crew served weapons | 65 |

*Terminated operations—Operation Rock Crusher IV and Operation Tia Chop*

| | |
|---|---|
| Enemy KIA | 1,468 |
| POW's | 270 |
| Individual weapons | 1,290 |
| Crew served weapons | 184 |
| Small arms ammunition | 92,620 |
| Grenades | 349 |
| Mines | 161 |
| Mortar rounds | 683 |
| Large rocket rounds | 365 |
| Smaller rocket rounds | 2,405 |
| Recoilless rifle rounds | 515 |
| Bunkers/structures destroyed | 355 |
| Rice (pounds) | 382,000 |
| Man months | 8,404 |
| Vehicles | 3 |

Mr. HANSEN. I thank the distinguished Senator for yielding.

Mr. BENNETT. The President then told us:

> I am, therefore, tonight announcing plans for the withdrawal of an additional 150,000 American troops to be completed during the spring of next year. This will bring a total reduction of 265,500 men in our Armed Forces in Viet Nam below the level that existed when we took office 15 months ago.

It is a common fact, Mr. President, that after the fall of Prince Sihanouk, Communist forces began to operate over a wider area in Cambodia, and the sanctuaries in Cambodia became a major threat to the Allies and to the entire Vietnamization effort. Also, it became apparent that Communist supply lines and the sanctuaries in Cambodia came close to becoming linked together from the Ho Chi Minh Trail to the sea. Such a threat was intolerable to the Allies. It threatened not only the Vietnamization program, but also the lives of American soldiers. Therefore, the President wisely decided that if he were to continue his withdrawal of American troops, he could not jeopardize the remaining forces by allowing the sanctuaries to expand as even more effective bases for Communist operations.

The President has been widely criticized, and many are saying that because the sanctuaries will be used again after the allies withdraw across the border, our action is futile. To me, that is an incorrect assessment. The President made his move at a critical hour. At a reasonably small risk, American and South Vietnamese forces have captured great amounts of Communist supplies, weapons, and ammunition. I would remind those who pooh-pooh the capture of these supplies, that for every bullet we lay our hands on over there, that is one less bullet that will be fired at an American or allied soldier.

These supplies, Mr. President, are the sinews of war. They are the supplies that allow the Communists to carry on—not supplies in China or Russia, but supplies in Cambodian sanctuaries. By preventing a linkup to the sea and by destroying the supplies, the President has gained between 6 and 10 months' time—valuable time, I point out, for the strengthening of the Vietnamization program for South Vietnam and its military establishment.

This program is in high gear and 10 additional months will be most useful in its overall success. We might ask, therefore, how was this time obtained. Experts have calculated that it takes 5 months for supplies to move from North Vietnam into the sanctuaries, and possibly 5 more months for them to be smuggled on a piecemeal and clandestine basis to the forward areas in South Vietnam. With the monsoon rains about to begin in Indochina, it is fairly clear that these supplies cannot move into the sanctuaries or to the forward areas for several months, and without these supplies and ammunition, the guerrillas will be greatly hampered. I personally feel that the President has made a wise choice and that events will prove it to be a masterful decision.

I would like to turn now, for a moment, to the protest movement. I strongly believe in the right of all Americans, and I underscore the word "all," to express their views on foreign and domestic issues. I believe that dissent and protest are essential ingredients in a representative government. I believe that young persons have a right to express their views to the President, to their elected representatives, and to gather together, if they choose, in mass rallies for that purpose. For my part, I have met with dozens of young Americans throughout the country during the past few weeks, as well as from my own State of Utah.

As much as I believe in the right of persons to have differing views, I also do not believe in violence, because to protest war—which is violence personified—through destructive protest is self-deception and a defeat for democracy. I also question the haphazard closing down of so many universities and colleges, because, while I believe in the right of a student to protest, I question his right to disrupt the educational process of the student who does not share his views or does not wish to protest.

Mr. President, I believe that students who want to go to school have just as much right to attend class as those who do not.

The American college student who did not participate in this latest series of protests is the forgotten American. I feel that he has been abused and poorly treated. While I believe in the right of minority protest, I caution against a practice which is rapidly growing in this country, of attempting to dictate foreign policy by vocal protests from a minority. It would be a serious mistake for this Nation, its President, and its Congress, to formulate major foreign policy decisions based upon the principle that those who shout the loudest, the longest, and the last shall determine America's foreign policy.

As I said, I have talked to dozens of students in the past few weeks. I have listened to their viewpoints and heard their concerns. They are valid and they are meaningful—simply because it is the young who must fight the wars. I found that out in 1918, when I went into the Army in World War I at the age of 19. On the other hand, the Senate should never forget that there are over 200 million Americans in this country. While I am sure the students speak for many thousands of Americans, I question their claim that they speak for all Americans. Contrary to the notion of some protestors, the death of the "silent majority" is greatly exaggerated.

For instance, in Monday's mail I received a letter from a Utah constituent, Mrs. L. Glen Snarr, of Salt Lake City, who had this to say on the subject:

> Senator WALLACE F. BENNETT,
> *U.S. Senate,*
> *Washington, D.C.*
>
> DEAR SENATOR BENNETT: Although I am a member of the "silent majority"—I am getting awfully sick of having our policy set by the "noisy minority." It is most unfair that the dissenters get so much publicity on all news medias; while the rest of us go about our daily chores peacefully and quietly. They are the ones marching on the campuses and the capitol, gaining access to our Senators and Representatives, while we have to depend on a letter now and a vote in the fall. But I am sure you realize that there are a lot more of us than them. We have been silent too long. It is a shame when our nation's colleges are shut down by a few radicals who destroy public property, while the other students who wish to go to school and have paid their tuitions too, are denied the right by such a few.
>
> I support the President 100% and hope you will not be among those who want to cut and run and cut off financial support for the Cambodian phase, which should have been carried out during the Democratic Administration. After all the North Vietnamese have been there for more than five years playing "King's X." It is the smartest and most lucrative thing that has been attempted in this war to date. Everybody wants to get out but the way to get out quickest and best is to support the President's present plan instead of hindering every possibility at home (which some in Congress are doing) with much consolation to Hanoi and the whole Communist world. I am happy that so far you have not been one of these.
>
> I am so pleased that we have a President and Vice President with so much backbone.

Also in the Gallup poll of a week ago, President Nixon's popularity jumped from 53 to 57 percent after he made his Cambodian announcement. The initial poll taken by the Gallup organization showed that 51 percent approved the President's handling of the Cambodian situation while 35 percent disapproved. All of us in the Senate should be aware that we are living in very emotional times and letterwriting campaigns are becoming very common, particularly those inspired by some central focus of influence. I have never been one to put the pro mail on a scale opposite the con mail and vote accordingly. However, obviously some persons in this country seem to think that this is the way the system works. Why else would I receive some 20 letters addressed to my home, all containing the same postmark from a city in upstate New York, and all addressed in the same handwriting and containing the same number on the metered stamp.

Frankly, I think we should be careful in gaging public reaction and not give the so-called protest movement more credence than it actually deserves.

However, I must quickly add that I do not fault the protesters or the letter-writers against the war. I fault the silent majority. Yes, the silent majority who, frankly, are allowing the protesters to have free reign in the Halls of Congress and in the mails and on the Western Union wires. I realize that most of the silent majority are out working for a living, or are studying for a better grade in the colleges that remain open.

However, I feel that the time has come for that silence to be broken. It is time to begin flooding Congress and the President with letters, wires, and calls of support. Heaven knows, I do not want to burden our offices with any more mail than we already have, but the time has come to break down the walls of "silence" on the part of the silent majority, and let their views be known.

The time has come to follow Mrs. Snarr's example.

Fortunately, the silent majority is beginning to come forward in several areas. We have all seen the recent advertisements of support in the Washington newspaper and in the rest of the country.

An excellent example of the ripping away of the silence came to my attention on Sunday, May 10, 1970, in the Salt Lake Tribune, where a total of 443 University of Utah students signed an advertisement which reads as follows:

> This Ad serves notice to all that the Silent Majority has had enough!
>
> As students of the University of Utah in Salt Lake City, we wish to make it absolutely clear that we do not support—in fact we resolutely oppose—the loud and disruptive activities of those self-styled "patriots of the New Left" who think that the calling of a general strike or the takeover of a University are the only ways in which change can be wrought in America today.
>
> We believe in America, and we believe in the democratic processes and the institutions of government established among us.
>
> We recognize that no society is without its problems, but we do not believe that our government and our society are inherently unresponsive to the problems that exist among us. We believe, rather, that the lines of communication can and must be maintained between young and old, rich and poor, black and white, and between the governors and the governed, and that through rational discussion and legitimate methods, order can be preserved and grievances remedied. To these ends we remain firmly and irrevocably committed.
>
> Paid Political Advertisement by: Jeff M. Bingham, University Village; Craig L. Jensen, Dale L. Van Wagoner, Salt Lake City, Utah.

I welcome this approach which came from the pocketbooks of Utah's students.

As I said, this advertisement was written by 443 students of the University of Utah. Earlier 75 students had to be arrested when they attempted to take over the administration building; 443 is six times as much as 75.

Mr. GRAVEL. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. GRAVEL. Mr. President, I wonder if the Senator can enlighten me on why the students are protesting. What would be the substance behind their disagreement?

Mr. BENNETT. Mr. President, I am sure the Senator from Alaska has met many of the students. There are many reasons. But I think that the fundamental reason is that they see the draft beginning to creep up on them. They have had deferments as students, and they see under the President's new draft program that those deferments may disappear.

Mr. President, I do not like war any more than anyone else. As I say, I got into it when my turn came. President Nixon did not get us in the war. He is doing a pretty good job of getting us out—more than his predecessors had done.

I am inclined to think that the protest is a little late and that it reflects both a national revulsion against war and a personal realization that their involvement in the war may be getting closer.

Mr. GRAVEL. Then, if there is revulsion against this war and the youth are against the draft, the inference is that the youth today are more cowardly than the youth of the prior generation.

Mr. BENNETT. Mr. President, I think that some of them may well be, but only each individual protestor can answer that for himself. But I think that the people who are engaged in this protest represent a very small percentage of the total youth of their age group, as is certainly demonstrated by the situation in the universities and colleges in my State.

Mr. GRAVEL. Mr. President, let us suppose that the protest represents the views of the majority of the youth of this Nation. Is it not odd that, of the people who will inherit the legacy that we of the prior generation will leave—since we are fighting the war for freedom from communism—the major segment of our young population revolts against that policy.

Mr. BENNETT. Mr. President, the Senator included in his supposition one fundamental proposition that I cannot accept. That is the supposition that the majority of the youth take this position.

It is equally hard for me to understand the attitude of the typical hippie, probably the product of an affluent family, who will sooner or later have the responsibility of maintaining that affluence, in turning his back on those values and goes out in the world of drugs and self-delusion.

I think this constitutes a small majority. I think that most of the youth of the United States are just as sound as their parents and their grandparents were.

Mr. GRAVEL. Then, how does the Senator account for the fact that the youth by and large constitute the only vocal groups really giving testimony on any large scale against the expansion of the war in Cambodia?

Mr. BENNETT. Mr. President, the Senator and I know that people who have faith in what is going on, even though not satisfied with events, have no personal reason for getting stirred up. And they do not get stirred up.

So, I think that the phrase the "silent majority" is very valid and that it represents not apathy so much as an expression of faith in the process that is now being used to try to resolve our problems.

Mr. GRAVEL. Mr. President, I submit that from my observations the youth have lost faith in the process. And that is the reason why they are protesting.

Mr. BENNETT. Mr. President, I submit that a very small percentage of the youth has lost faith, and not the majority.

The Senator and I have no way of counting noses. But in my State, I am sustained by the fact that in our three institutions of higher learning, with a total student population of 70,000 or more, there have only been 75 students of one institution who have attempted to follow the pattern established here in the East and take over the institution.

By the way, they did the institution a great favor. They felt that they had to burn something down symbolically. So they chose to burn down a building that the institution had abandoned and had decided to wreck. They saved the college $9,000. But they had their symbolic experience of setting fire to something on the campus.

Mr. GRAVEL. Mr. President, was the distinguished Senator from Utah present in Washington at the time of the moratorium on November 15?

Mr. BENNETT. Yes; I was.

Mr. GRAVEL. The newspapers reported that about 90,000 young people were in attendance at this moratorium and that the amount of violence that took place was due to the action of about 250 people.

The Senator made much of the fact that the youth are burning down buildings and the like. May I submit that there might exist within the silent majority a very large student majority which comes forward and protests, but in very peaceful fashion.

Mr. BENNETT. Mr. President, the students from the University of Utah who came to see me came peacefully. There is no doubt about that.

I cited that incident because I think this is the kind of symbolic gesture that some of these people feel that they have to carry out.

I was present also in Washington during the big rally a couple of weeks ago. And I have the impression that most of those who were there got as bored as I did with the repetitive speeches, including the obscenities, which said the same thing over and over again.

I think that could be described as a happening that was the stylish thing.

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It showed that one was concerned without getting involved too deeply.

And I have the impression also that this manifestation of dissent is on the way down and not on the way up. I think that it has peaked and is now going out.

Mr. GRAVEL. Mr. President, I wish I could share that confidence. I have the opposite view. I think that it is on the way up and that it is a very dangerous thing.

Mr. BENNETT. Mr. President, time will tell.

Mr. GRAVEL. Very much so. Perhaps time will tell.

Could the Senator elaborate further on this matter? If we are victorious in wiping out these sanctuaries that have caused us trouble because of the guerrilla activity the Senator says we have experienced there and the Senator said earlier that we would gain about 9 months' time, what would happen at the end of that 9 months' time? What would be the positive gain that we would have accomplished?

Mr. BENNETT. Mr. President, I do not have the kind of mind that can project exact events. But I think that there are these possibilities.

We have 9 months in which the Vietnamese Army can improve its capacity to protect itself.

We have 9 months in which Russia and China can take stock of their situation and evaluate the value to them of continuing this conflict.

We have captured or destroyed large volumes of supplies that will be costly in terms of lives, money, and time to replace.

We have 9 months in which representatives of the other free nations of Southeast Asia, who met in Jakarta last week, can consider whether or not they want to expand their relationship into one of military support for each other, and thus move in to help take the burden off of us. Many things can happen in 9 months.

Mr. GRAVEL. Suppose what happens will be what happened in the last 5 years; that is, all the other nations of Southeast Asia will not use their economic muscle in connection with South Vietnam, and the situation will remain the same and we will continue to withdraw troops. Then where is the net gain as far as the goal attained with respect to our taking people out of South Vietnam?

Mr. BENNETT. In the first place, I do not think the last 5 years can be compared with the present situation, because now the North Vietnamese have deliberately and openly involved the Cambodians. I think this has created greater pressure on the Thais, who have been involved in minor guerrilla warfare, but who see the North Vietnamese taking over South Vietnam.

History does not stand still and I think there is a very good chance that the events of the next 9 months might lead us closer to a resolution of this program. In the meantime, we have weakened the capacity of the enemy to make war because we have destroyed a substantial amount of his supplies and rendered useless, even if temporarily, this hideaway, this sanctuary, this safe haven to which he could run. He may be able to build it up again but 9 months is a long time to be without those supplies.

Mr. GRAVEL. The Senator makes mention of the existence of guerrilla activity in Thailand. Would it not seem logical, since we have gone into Cambodia to take away some of the sanctuaries, to move into Thailand, and to hit some of those sanctuaries which are becoming active?

Mr. BENNETT. Those sanctuaries cannot be used against us because there is no common border with South Vietnam.

Mr. GRAVEL. They can be used in connection with Cambodia.

Mr. BENNETT. The President said we will be out of Cambodia by the end of June, and I am willing to wait until the end of June to see if he lives up to that program.

Mr. GRAVEL. Suppose we begin to get unsuccessful in Cambodia. Do we cut and run, as the Senator has said, or do we expand our activities to protect the goals we created?

Mr. BENNETT. The Senator and I may be good Senators, but we cannot predict the military situation at any time between now and the end of June.

It may be that the President would have to tell the country his program has not worked and he has a new program to take its place. This has happened before with other Presidents. I do not think the end of the world is coming at the end of June; and I cannot guess what all the options of the President may be, or try to limit them.

Mr. GRAVEL. One has to examine the options as I have examined the options in order to support or not support. If support means entrapment and that I no longer have control at the next decision-making process, then I do not favor that option.

Mr. BENNETT. The Senator does not know it means entrapment and neither do I. I have been in the Senate ever since the Vietnam program developed. I supported and took on faith the decision of President Kennedy to go in. I supported President Johnson during the period when he was escalating the number of troops that went in. I did not sit down to try to second guess him and say, "If you do so-and-so, I will not support you or if it turns out this way." I think we in the Senate should give the same faith, confidence, and opportunity to the Republican President that all of us gave the Democratic Presidents, who from my point of view largely led us into the present situation.

Mr. GRAVEL. I have been in the Senate for only 16 months, and on every action of the President where I am involved, I will reexamine it and oppose it if I think it needs to be opposed and support it if I think it needs to be supported. I think his program in Cambodia needs opposition. It expands the war and leaves us in an untenable position. I hope we exercise our duty to see what can come about as a result of his program.

Mr. BENNETT. I feel the President's move is a logical move and a tactical step in his program to make it safe to remove that additional 150,000 people.

Mr. GRAVEL. Would it not be safer to wage an efficient war? I feel we have placed our military in an uncompromising position. I think there is no way they can adequately defend themselves.

The nature of the business is one of victory. If we truly want victory, we can purchase that victory; if we want to win it militarily, we can win it.

Mr. BENNETT. That option was taken from us diplomatically years before President Nixon came into the White House.

Mr. GRAVEL. If that is so, he erred in seeking a military solution when he should have sought a diplomatic solution.

Mr. BENNETT. This is not a solution but a logical step in a series of military activities.

There is an old saying with which I am sure the Senator is familiar. There used to be talk about Communists having a program of two steps forward and one step backward. I think the President is reversing it and is taking one step in order that perhaps he can take two steps backward in moving toward ultimate withdrawal.

Mr. GRAVEL. I think certainly the goal is there but I agree with the Senator that time will determine the logic.

Mr. BENNETT. I thank the Senator.

Mr. FONG. Mr. President, will the Senator from Utah yield to me?

Mr. BENNETT. I yield.

Mr. FONG. Mr. President, although I was unable to be in the Chamber to hear the Senator's entire statement, I heard the last portion of his statement and I have read the first portion. I commend my colleague for the tremendous service he has rendered the American people by putting the Cambodian action and the Vietnam war into proper perspective.

The Senator has reminded all of us that in every war the American people have been guided by three principles and that these principles prevail today. The distinguished Senator from Utah has made a very courageous and timely address which I hope all of our colleagues will read and heed. I commend the Senator for his fine address.

Mr. BENNETT. I thank the Senator.

Mr. President, in summary, I again restate my support of President Nixon's action. I am pleased that there is growing support for his foreign policy decisions of the past 3 or 4 weeks and I, for one, think that in the end his action will be well justified and hailed as a success. I think that the present attempts by Congress to tie the President's hands are grossly unfair not only to him but also to our fighting men overseas. I, for one, do not want to go down in history as having voted to cut off arms and ammunition, supplies and materiel, funds, wages, and support for our fighting men in the rice paddies of Indochina.

If the Cooper-Church amendment comes before us without acceptable modification I shall vote against it. I hope it will be possible for those with both points of view who are sincerely concerned about this problem to develop an adjust-

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ment of these two points of view in the American tradition so that every Member of the Senate can vote for it.

I yield the floor.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H.R. 12878) to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 11372) to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes," approved June 18, 1956 (70 Stat. 290).

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 12941) to authorize the release of 4,080,000 pounds of cadmium from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15021) to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15831) to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15832) to authorize the disposal of castor oil from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15833) to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15835) to authorize the disposal of magnesium from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15836) to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15837) to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15338) to authorize the disposal of shellac from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15839) to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 15998) to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16289) to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16290) to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16291) to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16292) to authorize the disposal of corundum from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16295) to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 16297) to authorize the disposal of molybdenum from the national stockpile; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PHILBIN, Mr. BENNETT, and Mr. KING were appointed managers on the part of the House at the conference.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

S. 19. An act to reimburse certain persons for amounts contributed to the Department of the Interior; and

S. 1934. An act for the relief of Michel M. Goutmann.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. FONG. Mr. President, I am opposed to the third committee amend-

**ment, which includes the so-called Cooper-Church amendment, primarily because if enacted the Cooper-Church language would endanger the more than 400,000 American troops ordered to duty and now serving our country in South Vietnam.**

I am as concerned as any other Member of this body about the risk involved in the President's decision to clear out the enemy sanctuaries in Cambodia.

I am as concerned as any Member of this body about the constitutional prerogatives of the Congress and the constitutional prerogatives of the President

But, today, we are not debating whether Congress should authorize our troops to be ordered into Cambodia. We are faced with the fact that they have been ordered there and that thousands of Americans are presently in Cambodia as well as Vietnam.

At such a time and in such circumstances where the lives of more than 400,000 Americans as well as millions of South Vietnamese people are at stake, the Senate of the United States should take no action that would jeopardize our forces under fire.

It is my firm belief that the Cooper-Church amendment would indeed jeopardize American men now in Southeast Asia.

Let us examine what the Cooper-Church amendment would do.

The first provision of the amendment provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to retain U.S. forces in Cambodia.

The Senate Foreign Relations Committee report states that this provision "will prevent the indefinite presence in Cambodia of U.S. forces in Vietnam which are now there to engage in actions against Vietcong and North Vietnamese forces and bases—and would also prohibit the sending of U.S. personnel into Cambodia as advisers to South Vietnamese military units."

The President has assured us that all U.S. forces will be out of Cambodia by July 1.

I believe the President has every intention of fulfilling his scheduled withdrawal from Cambodia.

By adhering to his announced schedule the President will not only be keeping faith with the American people and the U.S. Congress, but he will also be establishing his credibility with the entire world, including the enemy.

As the President of the United States is our one and only Commander in Chief and as the President of the United States is the only officer who can conduct foreign relations, this credibility is crucial to expediting an end to the war, expediting an end to U.S. combat involvement, and expediting negotiations toward a just peace.

If the Senate adopts this amendment, the Senate of the United States will be saying not only to the President but to the entire world that it doubts the President's credibility.

Mr. President, I repeat. If the Senate adopts this amendment, the Senate of the United States will be saying not only to the President but to the entire world that it doubts the President's credibility.

In defiance of traditional American fair play, the Senate will be doubting the President's credibility on Cambodia long before the President has had the opportunity to establish his credibility.

I repeat. The Senate will be doubting the President's credibility on Cambodia long before the President has had the opportunity to establish his credibility.

It is traditional that U.S. Senators do not doubt the credibility of their colleagues. Yet some of them are apparently willing to go on record doubting the credibility of their President.

Mr. President, I shall not be a party to undermining the credibility of the President before the President has had an opportunity to fulfill his pledge to the American people.

Let us give him the opportunity to fulfill his pledge. This is the least we should do.

I simply cannot comprehend how those who support the Cooper-Church amendment can justify to the American people why they would be willing to undermine the credibility of the President—the only American who can negotiate peace—at this critical time.

Now let us look at the second provision of the Cooper-Church amendment. It provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to pay the compensation or allowances of, or otherwise support directly or indirectly, any U.S. personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces.

The Senate Foreign Relations Committee report states that this language is designed "to prevent (A) involvement by U.S. personnel, military or civilian, in combat activities in support of Cambodian forces, and (B) any U.S. personnel from providing military instruction to Cambodian military forces."

I would be the last person to want to see American forces bogged down in any quicksand in Cambodia.

On the other hand, the Senate of the United States should at this time be extremely wary of enacting a provision which could conceivably hamper the President in his efforts to protect our American troops temporarily in Cambodia, our American troops scheduled to be withdrawn from Vietnam, and our American troops who would still remain in South Vietnam.

Suppose Cambodian forces were striking an enemy base in Cambodia from which the enemy was attacking U.S. forces in Vietnam. Does the Senate of the United States want to prohibit any American from helping Cambodian forces trying to prevent the enemy from killing American troops?

I simply cannot comprehend how those who support the Cooper-Church amendment can justify to the American people their proposal to deny assistance to Cambodia even if Cambodia is helping our troops.

The third provision of the Cooper-Church amendment also provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to enter into or carry out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces.

According to the Senate Foreign Relations Committee report, this language is "intended to prohibit any U.S. financed contracts or agreements which provide for persons, other than American personnel, to engage in combat in support of Cambodian forces or to provide military instruction in Cambodia. It would prohibit the United States from doing indirectly what cannot be done directly because of the restriction in subparagraph 2. It would, for example, prevent the United States from paying for the service of mercenaries or others who, without this provision, could be brought in to aid the Cambodian forces."

Suppose again, Cambodian forces were striking an enemy base in Cambodia from which the enemy was attacking U.S. forces in Vietnam. Does the Senate of the United States want to prohibit any American or any other person from helping Cambodian forces trying to prevent the enemy from killing American troops?

Mr. President, it is a good thing for the American people that France did not have a similar prohibition against assistance to our American revolutionary forces under Gen. George Washington.

Now let us look at the remainder of the Cooper-Church amendment. I ask unanimous consent that the entire text of the amendment be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. FONG. The fourth and last subparagraph of the Cooper-Church amendment provides that—unless specifically authorized by law hereafter enacted—no funds may be spent to conduct any combat activity in the air above Cambodia in support of Cambodian forces.

The Senate Foreign Relations Committee report gives no explanation of this subparagraph. But we might well question what would happen in the event Cambodian forces were attacking the enemy's sanctuary from Cambodia and U.S. forces were attacking the same sanctuary from the border of South Vietnam. Under the terms of this language, would any combat activity in the air above Cambodia be prohibited because it might be partly in support of Cambodian forces although mainly in support of U.S. forces?

Shall the Senate deny our American forces air support in combat just because that might support Cambodian forces in the same battle?

Mr. President, to ask such a question reveals the hazards of the Senate of the United States trying to set forth battlefield rules and regulations while our American troops are on the battlefield.

The Senate of the United States is in no position to direct battlefield operations.

I repeat, Mr. President, the Senate of the United States is in no position to direct battlefield operations—even if the Senate were unanimous, which it obviously is not.

XUM

This being true, then it follows as night follows day that where the safety of American men in battle is concerned, the Senate of the United States, indeed the entire Congress, should leave to the Commander in Chief and to his field commanders every option to protect our men.

The Senate of the United States is in no position to anticipate every situation, every contingency, every confrontation in a war.

We do not know what the enemy will try to do. But we do know he has been very resourceful, very flexible, and very clever so far.

When he cannot win big battles, he reverts to guerrilla war, harassment, terrorism, and small engagements.

When he finds out he cannot protect his forces inside South Vietnam, he takes refuge in sanctuaries in Cambodia and Laos.

To tie the hands of our Commander in Chief and our troops in the field under his command by legislative enactment, which could be changed only by another legislative enactment, could leave our troops at the mercy of a clever and resourceful enemy who is backed by one of the world's super powers and also by one of the world's most belligerent regimes.

For too many years the enemy has had a tremendous advantage on his side.

He could hit our boys and he could hit the cities of South Vietnam, then run back across the border where he knew no fear of pursuit. Such immunity enabled the Vietcong and the North Vietnamese to build up enormous supply and equipment arsenals.

Great quantities of the weapons and ammunition for enemy forces fighting in nearly two-thirds of South Vietnam have been coming through Sihanoukville or one of the Cambodian beaches to these base sanctuaries along the Cambodian border.

These bases have not only been there to receive supplies from Hanoi, Peking, and Moscow, but they have also been very valuable areas from which the Vietcong and North Vietnamese could obtain Cambodian fish and rice to feed their troops.

Supplies are the lifelines for the enemy operating out of Cambodia.

If the enemy can insure the availability of these supply lines and the use of Cambodia as a sanctuary, he can continue the war almost indefinitely.

Mr. President, I repeat: Great quantities of the weapons and ammunition for enemy forces fighting in nearly two-thirds of South Vietnam have been coming through Sihanoukville or one of the Cambodian beaches to these base sanctuaries along the Cambodian border.

These bases have not only been there to receive supplies from Hanoi, Peking, and Moscow, but they have also been very valuable areas from which the Vietcong and North Vietnamese could obtain Cambodian fish and rice to feed their troops.

Supplies are the lifelines for the enemy operating out of Cambodia.

If the enemy can insure the availability of these supply lines and the use of Cambodia as a sanctuary, he can continue the war almost indefinitely.

The Cooper-Church amendment will assure the enemy he can use Cambodia as a sanctuary and continue to hit us again and again without fear of retaliation. It telegraphs to the enemy in the plainest possible language:

> Come on in, hit our troops. We have prohibited our men from chasing you into Cambodia and we have prohibited our men from fighting you in your sanctuary.

If, however, the enemy cannot be sure he will be safe inside Cambodia near Vietnam—he will be forced to think twice about reestablishing his bases close to the border.

If, however, the enemy cannot be sure he will be safe inside Cambodia near Vietnam, he will be forced to think twice about concentrating his men and his supplies in a relatively small number of bases as he has done in the past.

If, however, the enemy cannot be sure he will be safe inside Cambodia near Vietnam, he will be forced to think twice about whether he can risk the loss—again—of large amounts of weapons and ammunition and food.

His resources are limited, and his losses so far in the Cambodian operation have been substantial.

Last Thursday, the distinguished Senator from Mississippi (Mr. STENNIS), who is chairman of the Senate Committee on Armed Services, reported on the supplies which South Vietnamese and American forces had captured according to the latest available figures at that time furnished by the Secretary of Defense.

The Secretary said in his statement to Senator Stennis that "more than 7,000 rifles and 1,000 crew-served weapons; that is, mortars and machine guns have been captured, along with more than 8 million rounds of small arms ammunition, which would have supplied 20 battalions for upwards of a thousand battalion-size attacks."

In addition, the statement declared "food supplies located so far comprise almost 5 million pounds of rice, the basic food for Southeast Asia. This rice would have fed the entire enemy force in III and IV Corps in South Vietnam for 5 months."

In reporting that 22,000 mortar and rocket rounds had been found, the Secretary of Defense in his statement pointed out "this amount of munitions would have supplied about 3,000 fire attacks in South Vietnam of the same intensity that the enemy has been conducting in recent weeks—about seven rounds per attack."

In addition, as of last Wednesday, nearly 3,300 enemy bunkers had been destroyed. These are the enemy underground chambers, heavily constructed, permanent type which have been so well hidden from the air that they could have only been uncovered and destroyed by the current ground action of U.S. and South Vietnam forces.

More than 1,000 landmines were captured—the scourge of our troops. Mines are hidden in the bushes, in the jungle, in the swamps, triggered in all sorts of ways. These captured landmines will not now go off to kill, injure, and maim American men and South Vietnamese.

The latest figures as of 8 a.m. today show the following arms and supplies captured so far in the Cambodian operation:

| | |
|---|---|
| Individual weapons | 9,613 |
| Crew-served weapons | 1,608 |
| Bunkers, structures destroyed | 5,853 |
| Machine gun rounds | (7,812,464) |
| Rifle rounds | (3,802,256) |
| Total small arms ammunition (rounds) | 11,614,720 |
| Grenades | 7,065 |
| Mines | 1,884 |
| Satchel charges | 500 |
| Miscellaneous explosives (in pounds) | 72,000 |
| Antiaircraft rounds | 159,047 |
| Mortar rounds | 20,363 |
| Large rocket rounds | 972 |
| Smaller rocket rounds | 16,697 |
| Recoilless rifle rounds | 13,627 |
| Rice (in pounds) (Man months—159,148) | 7,234,000 |
| Vehicles | 215 |
| Boats | 40 |
| Generators | 36 |
| Radios | 169 |
| Enemy killed in action | 7,026 |
| Enemy POW (includes detainees) | 1,731 |
| U.S. killed in action | 162 |
| ARVN (South Vietnamese) killed in action | 380 |

Mr. President, I ask this question: Why were these supplies in Cambodia?

There is only one answer. Whatever the misunderstanding about the Cambodian operation, there can be no misunderstanding whatsoever about the purpose of the weapons and ammunition stockpiled by the Vietcong and the North Vietnamese in Cambodia.

They were there for use against American men and South Vietnamese troops and civilians.

I repeat, Mr. President. Why were these supplies in Cambodia?

There is only one answer. Whatever the misunderstanding about the Cambodian operation, there can be no misunderstanding whatsoever about the purpose of the weapons and ammunition stockpiled by the Vietcong and the North Vietnamese in Cambodia.

They were there for use against American men and South Vietnamese troops and civilians.

Now that our troops and the South Vietnamese forces have captured these weapons of war and these food stocks, we at least know that these guns and these bullets cannot be used against American men or against ARVN troops or civilians in South Vietnam.

Who here can say that this action is wrong in safeguarding the lives of our American men?

We know that the devastating Tet offensive of February 1968 was launched from the enemy's sanctuaries in Cambodia.

Does the Senate of the United States want to invite a second Tet offensive?

I do not.

XUM

I know my colleagues do not.

But we will almost surely invite another Tet offensive if the Cooper-Church amendment is adopted as it is.

Yes, Mr. President, I am concerned about the constitutional prerogatives of the Congress and the constitutional prerogatives of the President. I am concerned about the erosion of congressional power, particularly over the past 40 years as our various Chief Executives have exercised vast and far-reaching powers.

Mr. President, I am also terribly concerned about the American men in Southeast Asia.

I am terribly concerned about our troops that are in Vietnam—more than 400,000 American men.

Mr. President, is the Senate of the United States going to say to those 400,000 American men, "Sorry, boys—mighty sorry—very sorry—as far as we U.S. Senators are concerned, the enemy can rebuild his sanctuaries as fast as he can. Then he can fire his mortars and machine guns, and he can come into South Vietnam and hit you and run back to his bases in Cambodia." After all that, is the Senate then going to tell our American boys, "Sorry, boys—mighty sorry—very sorry—as far as we U.S. Senators are concerned, you cannot go after him or destroy his war machines in Cambodia."

Whatever else other Senators may decide to do, and I respect their right to their views, the Senator from Hawaii does not intend to jeopardize the lives of 400,000 American men by voting for the Cooper-Church amendment.

XUM

Mr. CHURCH. Mr. President, I have listened to the Senator's remarks as they have become increasingly expansive and, I must say, I take issue when he characterizes this amendment as——

The PRESIDING OFFICER (Mr. SCHWEIKER). Does the Senator from Hawaii yield to the Senator from Idaho?

Mr. FONG. Mr. President, I will not yield at this time. I should like to finish my prepared statement, and then I shall be happy to yield at that time, and I will answer any questions and enter into colloquy with the distinguished Senator from Idaho.

The PRESIDING OFFICER. The Senator from Hawaii will continue.

Mr. FONG. Mr. President, my eldest son served in South Vietnam with the U.S. Army from 1967 to mid-1968. He knows what it is to be hit by the enemy and not be able to hit him back because the enemy fled to his Cambodian bases, safe from U.S. attack.

For 5 years, the United States and South Vietnam honored Cambodia's official neutrality. And our boys and the South Vietnamese had to take terrible punishment because of it.

In the Hawaii House of Representatives, of which my son is an elected member, he recently said in a debate on the Cambodian issue, that nothing was more frustrating than to be in his bunker and have the enemy attacking. Yet our boys could not attack the enemy bases just over the line into Cambodia.

For years the enemy has been safe in these Cambodian bases, which we all know were huge arsenals from which they were able to prolong the war and keep killing more Americans and more South Vietnamese.

Now, if the Senate passes the Cooper-Church amendment, the Senate would be telling the enemy, "Go ahead. Rebuild those bases. You'll be safe once more. We in the Senate have made sure neither our ground troops nor South Vietnamese ground troops can attack you there, even in self-defense, even in time-honored hot pursuit."

If the enemy can rebuild the Cambodian bases in 8 or 10 months, he would be sitting pretty under these terms, while our own American troops—some 300,000 to 440,000 in the coming year—would be sitting ducks, thanks to the Senate of the United States.

Since some of our troops are in Cambodia at the present time, I believe we would be grossly negligent and irresponsible if we did not provide for the possibility that their survival may depend on hitting nearby enemy bases in Cambodia.

We would be grossly negligent and irresponsible if we did not allow for the possibility—however remote—that some of our men could still be in that country when this legislation became law.

As I read this amendment, it means that American soldiers delayed for whatever reason in Cambodia after the projected withdrawal would not even be paid or supplied with food or ammunition for fighting on Cambodian soil through no fault of their own. Their families would lose their monthly allotments. And, as I understand it, if they were killed, their widows and surviving children probably would not be entitled to any survivor benefits.

As I read this amendment, it means, "Mr. President, you may not use our Air Force to provide assistance to any American soldiers caught in Cambodia."

I ask my colleagues, suppose your son were there, or your grandson, or your neighbor, of your friend. Would you be willing to leave them without air support to help protect them or to rescue them?

As I read this amendment, it means that our troops could not give "hot pursuit" to the enemy who attacks one of our bases, simply because he fled back into his Cambodian sanctuary.

As I read this amendment, it means that American troops cannot take all necessary defensive actions to protect themselves while our country is progressively reducing its military personnel in Vietnam.

Those who support this amendment should answer to our troops for their failure in this amendment to give American men the options for their self-defense.

Mr. President, neither President Nixon nor our brave fighting men in Indochina are to be blamed for the presence of over 400,000 Americans there.

Neither the President nor our brave fighting men in Indochina are responsible for the decision that eventually led to half a million American soldiers being present in Southeast Asia.

Mr. President, I repeat. Neither President Nixon nor our brave fighting men in Indochina are to be blamed for the presence of over 400,000 Americans there.

Neither the President nor our brave fighting men in Indochina are responsible for the decision that eventually led to half a million American soldiers being present in Southeast Asia.

But since we are there and since the President of the United States has taken action to disengage our forces from Vietnam at a reasonable and realistic rate, is it not incumbent upon Congress to give all the support the Commander in Chief and his men need while American troops are being removed from South Vietnam?

I repeat, since we are there and since the President of the United States has taken action to disengage our forces from Vietnam at a reasonable and realistic rate, is it not incumbent upon Congress to give all the support the Commander in Chief and his men need while American troops are being removed from South Vietnam?

I, for one, will not support an amendment that could possibly put our fighting men in great danger without allowing them all the assistance they may need to survive.

Mr. President, I do not deny that it may be proper sometime in the future for the Congress to consider imposing congressional restraints and control on the President in the matter of undeclared wars, police actions, or any other circumstances which may appear and in which we might find ourselves involved.

However, the present time seems to be the worst possible time to raise this question, especially when we are engaging in a most important—and so far very successful—military action designed to save American lives.

The Senate of the United States should not add to the risks of the present operation.

I repeat, Mr. President, I do not deny that it may be proper sometime in the future for the Congress to consider imposing congressional restraints and control on the President in the matter of undeclared wars, police actions, or any other circumstances which may appear and in which we might find ourselves involved.

However, the present time seems to be the worst possible time to raise this question, especially when we are engaging in a most important—and so far very successful—military action designed to save American lives.

The Senate of the United States should not add to the risks of the present operation.

The President authorized the actions against the North Vietnamese sanctuaries in Cambodia because he saw them as part of the South Vietnamese battlefield. As such, he has the great responsibility of making sure that the American troops who are left in Vietnam for the time being are not threatened by any major offensives from the Cambodian sanctuaries.

Critics of the President's action to defuse and minimize the threat from the North Vietnamese sanctuaries in Cambodia are using this latest defensive measure to accuse our Commander in Chief of expanding the war into another country.

Mr. President, we are not engaged in a war against the Cambodians.

We are not challenging the Government of Cambodia.

We are not contesting the armed forces of Cambodia.

As a matter of fact, Mr. President, the territory we are in has not been occupied or controlled by the Government of Cambodia during recent years.

In Cambodia, we are attacking the same enemy that we are fighting in South Vietnam.

We are fighting the enemy on ground that he, and not the Government of Cambodia, has occupied and controlled during recent years.

I repeat, Mr. President, we are not engaged in a war against the Cambodians.

We are not challenging the Government of Cambodia.

We are not contesting the armed forces of Cambodia.

As a matter of fact, Mr. President, the territory we are in has not been occupied or controlled by the Government of Cambodia during recent years.

In Cambodia, we are attacking the same enemy that we are fighting in South Vietnam.

We are fighting the enemy on ground that he, and not the Government of Cambodia, has occupied and controlled during recent years.

Under the Cooper-Church theory, allied forces should never have invaded occupied France to get at the German Nazis in World War II.

A look at the map of South Vietnam shows how our troops could be caught in a pincer squeeze by an enemy attack through the DMZ and an enemy attack along the Cambodian border, particularly in the Mekong Delta area of South Vietnam where the greatest enemy buildup was occurring.

The enemy has been setting up a flanking movement against our troops and the South Vietnamese, which if followed by encirclement and siege, could pound our troops and drive them to the sea. Such a tactic was used successfully against the French at Dien Bien Phu. It was used against American forces at Khe Sanh in early 1968. It failed then, but could be used successfully as more U.S. forces are withdrawn from South Vietnam.

Because our forces in Vietnam are being thinned out, it is all the more imperative that our remaining forces not be exposed to possible annihilation by the enemy operating from privileged sanctuaries in Cambodia.

President Nixon has stated—publicly and repeatedly—his firm determination to bring our soldiers and sailors home at the earliest possible date. When President Nixon took office in January of 1969, there were 525,000 Americans fighting in Vietnam. He has already withdrawn 115,500 men, and he has announced that another 150,000 men will be withdrawn during the coming year.

The President has kept his word on his earlier troop withdrawals. I believe he fully intends to keep his word to pull back from Cambodia by July 1 this year and to withdraw 150,000 more men from Vietnam in the coming year.

The Senate of the United States cannot run the war—only the President can.

The Senate of the United States cannot negotiate peace—only the President can.

The Senate should not, therefore, place obstacles in the way of the President who is exploring many avenues toward peace, including the limited Cambodian action.

There can be only one Commander in Chief at a time. The Senate should not try to bind and straitjacket the one and only person who can give orders to our troops and the one and only Commander in Chief we have.

I repeat, the Senate of the United States cannot run the war—only the President can.

The Senate of the United States cannot negotiate peace—only the President can.

Mr. President, I hate war. Hawaii is the only State that was attacked in World War II. I served in that war. As I said earlier, my eldest son has already served in Vietnam. He could be called back again. I have two younger sons who could be called to duty to serve in Vietnam.

I have received many letters and many visits from students who are worried about the war and worried that they may have to go to the battlefront. High school students as well as college-age students are suffering much anxiety. I know many of these young people personally. I know their fathers and mothers and grandparents. I have seen many of them grow up from infancy to manhood.

As a parent who suffered constant anguish when my own son was in Vietnam and as a parent who has two other young sons who may have to serve, I understand the anxiety these young people and their families endure.

I also know the anxieties of the families of those 400,000 men in Vietnam right now. And I know how those anxieties will increase if we limit their loved one's right to defend themselves.

I know the longing of the American people for peace.

I want peace.

President Nixon wants peace.

I want—and President Nixon wants—our American men—over 400,000 of them—who are serving under our flag in Vietnam to come home just as soon as humanly possible.

As long as they are under orders to serve in Vietnam, however, I do not propose to endanger their lives by any proposal such as the Cooper-Church amendment. There is no contingency provision in this amendment that would leave options for the protection of American troops ordered into Cambodia.

Therefore, as one Senator, I shall not be a party to a proposal that could endanger the 400,000 brave and loyal Americans who are under the enemy guns in Southeast Asia.

According to the most recent Gallup poll, 50 percent of the American people support the President's decision to wipe out the enemy sanctuaries in Cambodia. Opposing the President were 39 percent, with 11 percent undecided.

Mr. President, the people who support the President are not warmongers. They long for peace just as fervently, just as wholeheartedly, as do those who demonstrate against the war.

But the majority of the American people are not going to abandon their sons, fathers, brothers, sweethearts, neighbors, who are bearing the brunt of this war on the battlefield in Southeast Asia.

The majority of the American people recognize that our troops have been forced to defend themselves at a great disadvantage during all these years by the many restrictions placed upon the conduct of the war, including the previous ban on attacking enemy bases in Cambodia.

The American people know the risks involved in the Cambodia operation, but they also know that to allow the enemy protection in his sanctuary bases increases the danger for American troops in Vietnam.

At this crucial time the Senate of the United States should not panic, but should support the President so that we can speed the day when our men can be brought home and a just peace in Vietnam can be achieved.

Mr. President, I ask unanimous consent to print in the RECORD at this point an Associated Press dispatch today from Honolulu giving the following account of a couple who lost their son in Cambodia, and who sent a message to President Nixon supporting his policy of destroying the Cambodian sanctuaries.

There being no objection, the dispatch was ordered to be printed in the RECORD, as follows:

Hours after learning their soldier son had been killed in Cambodia, Edmund and Wattie Mae Hedemann cabled President Nixon: "If we could help you make others realize that your decision is right, we stand ready to serve you."

The Hedemanns learned of their son Wayne's death the same day the local newspapers published a letter from him that said: "With this attack, Nixon is getting my vote in the next election."

Hedemann, 24, a helicopter copilot, was Hawaii's first casualty of the Cambodia campaign. He was killed May 13 while flying a combat mission.

His father, commenting Tuesday on his cable to the President, urged a reporter to "tell them—tell them all—his parents are not going to quit. Good citizens must get together and do something about how they feel."

"My son was a good American," he said. "He backed his President, it didn't make any difference if he was a Democrat or Republican."

In his last letter to his mother, Wayne wrote: "Mom, I hope everyone back home is for Nixon. Because this should have been done three years ago."

EXHIBIT 1

TEXT OF COOPER-CHURCH AMENDMENT

SEC. 47. Prohibition of assistance to Cambodia. In order to avoid the involvement of the United States in a wider war in Indo-

XUM

china and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

(1) retaining United States forces in Cambodia;

(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces;

(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia or to provide persons to engage in any combat activity in support of Cambodian forces; or

(4) conducting any combat activity in the air above Cambodia in support of Cambodian forces.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. FONG. Mr. President, I am very happy to yield to the distinguished Senator from Kansas.

Mr. DOLE. First I wish to say that I certainly appreciate being in the Chamber to hear every word uttered by the distinguished Senator from Hawaii. I think perhaps the Senator has covered two questions very well that have troubled me. I would hope that between now and the time we vote on this proposal there can be some accommodation that does not tie the hands of the President.

As the Senator stated on page 4 of his text, there is no doubt in my mind that if the Cooper-Church resolution should be adopted in its present form it would be interpreted across this land and in other lands as a direct attack on the President's credibility.

As the Senator has indicated, this is not President Nixon's war. When he took his oath of office on January 20, 1969, there were 540,000 troops in South Vietnam; and that level has been reduced by 115,500 troops.

I believe that the President's credibility is at stake in this action—perhaps not intentionally, and I do not question the motives of the sponsors of the amendment, and I have said so many times before—but there should be some accommodation where it is made very clear that there is no intent, direct or indirect, to attack the President of the United States at this very critical time.

Second, I think that on or about page 23 of the Senator's statement he has clarified another area that has been confused and clouded, again not intentionally, but that is the way it has been, about an attack on Cambodia or some invasion of Cambodia.

As the Senator has indicated very clearly, we are fighting the same enemy in Cambodia that we are fighting in South Vietnam. The enemy has occupied these areas 3, 4, and 5 years. It cannot be construed as an attack on Cambodia or as an invasion of Cambodia. We are not at war with Cambodia. As the Senator has said, we are not fighting the Cambodians.

So I share the views expressed by the distinguished Senator from Hawaii that, certainly in its present form, the Church-Cooper resolution should not be adopted by this body. It is a direct affront to the President of the United States. It is a direct affront to a President who has been deescalating the war.

As I have indicated before, I would hope that some accommodation could be reached, and if not, that this amendment could be discussed in full detail day after day after day.

Mr. FONG. I thank the distinguished Senator from Kansas for his remarks.

When President Nixon came into office in January of 1969, he inherited this war. When he came to office he found there were approximately 525,000 Americans in Vietnam. In a search for peace, President Nixon has stated that he will bring an end to the war; that he is dedicated to bringing the American boys home.

He has now been in office for approximately 16 months. In these 16 months, he has brought back 115,500 American fighting men, and he has stated that he will bring back another 150,000 men by April 1971.

I was most surprised that the President mentioned such a large figure, a figure of 150,000 men. Even his most avid critics were surprised that he would bring back another 150,000 men.

In other words, the President stated that, by April of 1971, he will have brought back to America 265,500 men—almost one-half the number of American men who were in Indochina when he came to office.

Probably the sponsors of the amendment did not want to question the credibility of the President. But here is a President who comes into office and tells us that he is going to deescalate the war. He brings back 115,500 troops, and he says he is going to bring back another 150,000 by April 1971. That will make more than 265,000 men that he will have brought back.

Here is a President who has sought all means to attain a negotiated peace, but he has been unsuccessful so far. He says that this action in Cambodia is a limited one. It is limited in scope because he is not proceeding more than about 20 miles beyond the Cambodian borders. It is limited in time because he said we will be out by July 1. He said it is a defensive action.

Any military man will tell you that the first thing you learn in military tactics is that you do not subject your troops to cross action or to crossfire. You do not subject your troops to a flanking action. This is what the President is trying to avoid. The Vietnamese have been coming over the border, attacking our troops, running back to their sanctuaries, and we have not followed them because of the "neutrality" policy of Prince Sihanouk, who was playing two sides against the middle.

The President says that he wants up to July 1 to prove his point that this is a defensive action, that it is a limited one in time and territory.

Mr. President, when you bring an amendment like this before the Senate of the United States, what do you tell the world? What do you tell the world? You tell the world that we believe that this President of the United States will not keep his word, that this President is not to be believed, that this President has no credibility.

If there is one person who must have credibility, it is the President of the United States. He is the only one who can stop the war from our side, unless we suffer an ignominious defeat. He is the only man who can negotiate a peace.

Then, why throw obstacles in his way? Why do we not give him the time, give him to July 1, to see whether he can do the things that he said he would do?

Mr. President, I propose that the least the Senate could do would be to give him the time to prove his credibility. We should not say to him, "I will not give you the time because I want to show that you are not credible."

The distinguished Senator from Kansas pointed to the fact that we are not fighting the Cambodians. We are going into territory which has been held by the North Vietnamese for 5 years. The Cambodians had no control over those sanctuaries. To say that we cannot go into Cambodia in hot pursuit in defense of our boys is like saying we could not go into Holland when the Germans, the Nazis, were occupying Holland, or we could not go into France when the Germans were occupying France, because we were going into another country. We were fighting the Germans. We went into France and we went into Holland to fight the Germans.

We are doing the same thing here. We are going into Cambodia to fight the North Vietnamese, who are threatening the South Vietnamese and our troops.

The President said he can only keep his word to the American people to withdraw 150,000 American troops by April 1971 by taking this defensive action.

If he withdrew 150,000 troops by April 1971, and did not take this defensive action he would be leaving the remaining 260,000 American troops in great peril from North Vietnamese attacking from these sanctuaries in Cambodia.

What the President has said, Mr. President, is reasonable. I for one believe that the President is deescalating the war by this action. I believe that he will bring our boys home—the 150,000 troops that he promised. I believe him when he says this action will give the South Vietnamese at least 8 months to a year to strengthen themselves militarily, so that they can build themselves into a viable military force and withstand the onslaught of the North Vietnamese.

We all know that military victory at this juncture is not being considered by anyone. The President is not seeking a military victory. He came into office and found that this war could not be won militarily because of what had transpired before his term in office. He came into office and found that he had to do something to bring our boys home.

He looked at what had happened in Korea. In those years, many had said that the South Koreans could not build a viable economy. Many had said that

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South Korea could not withstand the onslaughts of Communists who wanted to come over the DMZ at the border between North and South Korea. But President Eisenhower correctly believed that South Korea could be built into a very viable, strong fortress—sufficiently strong to withstand the onslaught of the Communists.

Many people say Thieu is not the right man in South Vietnam. But where can one find a man who will have 100 percent support of his people? Look at what President Nixon is undergoing. Of course, a majority are supporting him, but he has a number of dissenters. Where can one find a man who is really pure, without sin, without deficiency, without defect?

They said the same thing of Syngman Rhee, who became the first President of Korea. They said, "Syngman Rhee is full of corruption, and South Korea will fall as soon as we leave there with our troops."

We withdrew most of our troops and now keep 60,000 troops in South Korea. Even though Syngman Rhee was overthrown, the Communists have not dared to cross the dividing line into South Korea. Although we do not have peace, Mr. President, we do have stability—stability such that we do not have to keep on sending increasing numbers of American boys to South Korea; stability that South Korea has built itself into, with such a strong economy that it could afford to send 50,000 of its own troops to be with us in South Vietnam.

The President has not stated it, but this is what I think he has in mind: Give the South Vietnamese another 8 months to a year. This action in Cambodia will give them that, because the monsoons are coming, and when the monsoon rains hit the area of South Cambodia, there will be very little movement of supplies and troops. By the time that the North Vietnamese could replenish their stock of supplies, ammunition, and things with which to hit our American boys, the South Vietnamese Army will be strong enough to take care of the situation. And, although we may not have peace in Indochina, we will have something like stability. We will at least have sufficient stability so that we will never be called upon again to send our boys in increasing numbers to South Vietnam.

Mr. CHURCH. Mr. President, earlier I undertook to ask the distinguished Senator from Hawaii a question during the course of his address. At that time, he refrained from responding, and I now think it best, having waited for him to complete his address, to take the floor in my own right, because I should like to make some remarks in rebuttal. I wanted to inform him of that fact so that he would not leave the floor unadvised, although, of course, if he cares to remain, he is most welcome to do so.

Mr. President, I find it hard to understand how any Member of the Senate can characterize the pending amendment as an attempt to call the credibility of the President of the United States into question. Even less do I understand how the amendment can be characterized as an affront to the President. No one has gone so far as to suggest that the sponsors—who include many distinguished Republican Senators—intend to embarrass the President; but nevertheless, the argument persists that somehow the amendment itself is an assault upon his credibility.

Apart from everything else, it should first be understood that no one can undermine the credibility of the President of the United States except the President himself. That will happen if his words are not backed up by his deeds; the only way the credibility of the President can be protected is by the President himself, by making certain that his words conform to his deeds. All the rest is so much idle talk.

Far from being designed in any way to embarrass the President, this amendment was carefully drafted to take him at his word. It is a new definition of "affront," if taking a man at his word constitutes some slight upon either the man or his office.

I have listened to the inflated, exaggerated, and distorted charges made by the Senator from Hawaii (Mr. Fong). He has charged that this amendment will somehow endanger our troops in the field. He has charged that it will jeopardize their lives; that it will constitute an abandonment of the men we have sent to Vietnam to fight. How can that be? How can that possibly be, when all we have done is to fix the line where the President himself has set it? There is not a word in the amendment that undercuts the Presilent, let alone puts our troops in jeopardy.

The President has limited his objectives in Cambodia. We accept his limits. We say we will share with the President the responsibility for fixing those limits. Yet the Senator from Hawaii protests that we seek to tie the President's hands; that we would place obstacles in his way; that we would pull the rug out from under him; that we would bind and straitjacket the President. So amazed was I to hear such charges that I carefully reread the amendment. Again, I am at a loss to find where any limitation at any place conflicts with the stated purposes of the President, as they have been explained to Congress and the American people, concerning the current operation in Cambodia.

The Senator from Hawaii, in his remarks, posed the possibility that the Cambodian forces might themselves undertake an attack on these sanctuaries along the Cambodian border, and suggested, if I understood him correctly, that in such a case we would want to help. The Senator from Hawaii cited the provisions of the amendment restricting our support of Cambodian forces and raised questions concerning them.

I should like to read them into the Record once more.

The first subsection of the amendment prohibits the retention of U.S. forces in Cambodia.

The second subsection of the amendment prohibits the paying of compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodia who furnish military instruction to Cambodian forces or engage in any combat activity in support of Cambodian forces.

The third subsection prohibits entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces.

Subsection 4 prohibits the conducting of any combat activity in the air above Cambodia in support of Cambodian forces.

That is the substantive language of the amendment. Let us see how it conforms with the stated policy of the administration. We had better know now if there is some other policy that has not yet been revealed which involves assuming a whole new set of obligations to defend the Cambodian regime. We had better know now, because there is nothing on the public record to suggest that any one of these provisions conflicts in any way with the stated policy of the administration.

First, I quote from the May 14 Washington Post, in an article by Murray Marder, concerning a recent press conference that the Secretary of State held. Writes Mr. Marder:

> Rogers, at an impromptu news conference, ruled out any future U.S. ground operations in Cambodia once American forces now there withdraw around the end of June.

He said:

> We do not intend to become involved militarily in the support of the Lon Nol government or any other Cambodian government.

In a press backgrounder on May 14, the Secretary of Defense, Mr. Laird, was questioned concerning administration policy respecting Cambodia, and he is quoted as having said:

> I do not believe our Government has a commitment to Cambodia. Our commitment is to our own forces, and our commitment is to see that the objective we have set out in Vietnam is achieved, and that is where I put it.

On May 17, Mr. Laird appeared before the Committee on Foreign Relations, and in the course of the questioning, the distinguished committee chairman, Senator Fulbright, put this question to Mr. Laird:

> Do you have any plans for flying combat missions to support the Cambodian government forces?

Mr. Laird replied:

> Not to support the Cambodian government forces, no.

Earlier in the same exchange, Senator Fulbright asked the Secretary:

> Do we have any mercenaries today that we are paying, helping the Cambodians?
>
> Secretary Laird. That we are paying?
>
> Senator Fulbright. Yes, that we are paying.
>
> Secretary Laird. Not to my knowledge.
>
> Senator Fulbright. That is what I meant. That is one of the elements involved in the

Church resolution. You would know if we had any, would you not?

Secretary Laird. If they were paid by the Department of Defense, I certainly would know. But I know of no mercenaries paid by the U.S. Government.

Mr. President, I stress the testimony of one of the chief lieutenants of this administration, the Secretary of Defense, plus statements made by the Secretary of State as evidence that the Cooper-Church amendment does not conflict with administration policy.

I could go further and quote directly from the President, who made it clear just the other day that he has no plan to return American troops to Cambodia after the current operation is completed. In fact, he went further, telling the American people that if it ever became necessary to go back to strike at these sanctuaries, the South Vietnamese would be in a position to do it themselves.

Senator Cooper and I are accepting the President at his word. The limits we define in this amendment are the very limits set by the President. How, under these circumstances, can the facts be so distorted as to charge the sponsors of this amendment with an attempt to place obstacles in the President's way, or to pull the rug out from under him, or to bind and straitjacket him, is quite beyond my comprehension.

I repeat once more, in this discussion let us stick with the facts. I can understand that sensitivities run high. But I do not think that gives us a license to make unsupportable charges. We have done our best, in a bipartisan manner, to set these limits where the President himself has set them.

Senator Cooper and I, in concert with Senators Mansfield and Aiken carefully drafted the amendment so as not to call into question any powers the President derives directly from the Constitution of the United States. All we seek to do is to assert powers which, under the Constitution, belong to Congress. The time has come, after many years of impotence, for Congress to begin to reassert its own authority and share with the President the burden of defining the outer limits of this war in Southeast Asia. Later on, if the President should want to extend the limits still farther, or should he want to send American forces to occupy all of Cambodia, or should he wish to assume the responsibility for the defense of the new regime in Phnom Penh, he would then have to come back to Congress and make his case. Congress, on the strength of that case, would then decide whether or not to lift the limitations and extend the perimeters of our involvement in Southeast Asia.

What we ask is fully consistent with what the drafters of the Constitution contemplated as the proper role of Congress. It is no reflection upon the Office of the Presidency of the United States

If there is any way, without altering the substance of the amendment, that we can make it clear that our purpose is not to contest the President, nor to intrude upon such power as he may have under the Constitution but, rather, to act in concert with him in establishing the outer limits of the American penetration of Cambodia, then I am amenable to language that will make our purpose clear beyond a peradventure of a doubt.

But, I think this debate would be better advanced if we attempted to confine our arguments to the reality of the pending amendment and keep the discussion relevant to the real issues involved.

The PRESIDING OFFICER (Mr. Schweiker). The Senator from Arizona (Mr. Goldwater) is now recognized.

Mr. FONG. Mr. President, will the Senator from Arizona yield, so that I may reply to the Senator from Idaho?

Mr. GOLDWATER. I am happy to yield to the Senator from Hawaii for that purpose.

Mr. FONG. I thank the distinguished Senator from Arizona for yielding to me so that I may answer the distinguished Senator from Idaho.

Mr. President, the distinguished Senator from Idaho says that this amendment does not question the credibility of the President, that all the amendment seeks to do is to hold the President's feet to the fire so that he will do what he said he will do. He said that the President is the only one who can destroy his own credibility, that Congress cannot destroy the credibility of the President.

Mr. President, if Congress continues to tell the President and to tell the whole world that we do not believe in the credibility of a U.S. President and that Congress must pass legislation to make sure the President fulfills his promise, then, pretty soon, the people of the world will believe that and they will say that our American President is not credible.

Mr. President, when we make an agreement with an individual and he trusts us, he does not ask us for a signed document. He takes our word for it.

That is what I am asking Congress to do, to take the President's word until July 1 and see whether he lives up to it. I, as one Senator, am willing to give him until July 1 to prove his credibility.

I do not feel that we can, at this time, pass such an amendment because it would be telling the whole wide world that the Senate, by a majority vote, although not unanimous, questions the President because we fear that he probably will, in some way, stretch his words and go back into Cambodia.

The distinguished Senator from Idaho says that we are not abandoning our troops, so how can we hurt the 400,000 men there?

When we telegraph to the enemy, write him a letter, or, via the press, report what we are doing here, we are telling the enemy that after July 1, when the President has removed our men from Cambodia, that we are not going back into Cambodia.

Mr. CHURCH. Mr. President, will the Senator from Hawaii yield?

The PRESIDING OFFICER (Mr. Dole). Does the Senator from Hawaii yield to the Senator from Idaho?

Mr. FONG. I yield.

Mr. CHURCH. Is that not what the President himself has already said to the American people and to the world?

Mr. FONG. Yes, he said that.

Mr. CHURCH. If there were any force to the Senator's argument, it was lost when the President telegraphed his intentions to the world.

Mr. FONG. But the President has constitutional powers to pursue the enemy in "hot pursuit," but in the pending amendment we will not give him the right to let our men pursue the enemy who may be coming across the border into Vietnam to hit at our troops from their sanctuaries.

Mr. CHURCH. I take issue with the Senator on that. We do not raise into questions here the power the President has as Commander in Chief. He derives that authority from the Constitution itself. We could not deny him his powers under the Constitution even if we tried.

Nothing in our amendment would interfere with his right to protect American troops in the field or provide for their immediate needs. I strongly disagree with the interpretation the Senator has placed upon the Cooper-Church amendment.

Mr. FONG. That is the trouble. Every time we pass something, there are a lot of interpretations. The mover of the amendment means one thing, those who oppose it mean another, and pretty soon, the Supreme Court says it means a third thing.

We are saying that the President has his constitutional powers. But in this amendment, if we read it literally, if we read it word for word, we are actually telling the President that certain constitutional powers he thinks he has, he does not have because the people here in Congress have told him in no uncertain words that he does not have those powers.

Now, how do we jeopardize our boys?

As I said in my prepared statement, we are telegraphing to the enemy, we are telling him in no uncertain terms: "When July 1 comes and our American boys come out of there, you can come back into the sanctuaries. You can build up your bunkers. You can bring in your supplies right across the line. Our boys cannot hit you until Members of Congress—by this kind of debate, where there will be probably 30 men on one side arguing and 30 men on the other side in the Senate, and then it will go over to the House, where there will be 435 men getting into the fray, debating whether the President has the power under his constitutional rights to give American troops the right of 'hot pursuit'—have taken up so much time that our men will have received the infliction of wounds by you."

What also bothers me is what would happen to the needs of South Vietnam who may see fit to protect their peoples as well as their fighting men who are being hit on the flanks by the North Vietnamese. We will have been prevented from using our airpower to go into Cambodia to help them.

There must be a lot of jubilation in Hanoi, there must be a lot of jubilation in Moscow, and there must be a lot of jubilation in Peking about this amendment that is being so lengthily discussed on the floor of the Senate.

Why should we telegraph to the enemy what we will do and what we will not do? This is actually the crux of the situation—telegraphing to the enemy what we will do and what we will not do.

Mr. CHURCH. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. CHURCH. Mr. President, I should like, in order that the record might be complete, to ask the Senator if he would have any objection to my including in the RECORD at this point the statement the President made at his press conference, which telegraphed his intentions to the world.

Mr. FONG. Mr. President, I have no objection. I think that the President said he expects also that the South Vietnamese will be able to take care of the enemy.

Mr. CHURCH. Mr. President, I will include both the questions and the answers.

Mr. FONG. Mr. President, I think the President said that he expects the South Vietnamese to take on the effort. But certainly the South Vietnamese expect us to give them some kind of air support and artillery support.

The President has been forced into a corner every time he has done something. He is questioned by Congress as to why he is doing it, what the limitation is, and where we go from here. And in order to have communication with Congress, he tells them what he will do.

And when the President tells them what he is going to do, he is also telling the enemy.

Perhaps that is the right thing to do in a democracy. But I say that we are at war. Our boys have been killed. Let us not give comfort and aid to those who would fight us.

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the RECORD the questions and answers from President Nixon's press conference of May 8, 1970, to which I have referred.

There being no objection, the excerpts from the President's press conference of May 8, 1970, were ordered to be printed in the RECORD, as follows:

### 8. TROOP WITHDRAWALS

Q. Mr. President, on April 30 you announced that you, as Commander in Chief, were sending in U.S. units and South Vietnamese units into Cambodia. Do the South Vietnamese abide by the same pullout deadlines as you have laid down for the American forces?

A. No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do, because when we come out our logistical support and air support will also come out with them. I would like also to say that with response to that deadline that I can give the members of the press some news with regard to the developments that have occurred.

The action actually is going faster than we had anticipated. The middle of next week, the first units, American units, will come out. The end of next week, the second group of American units will come out. The great majority of all American units will be out by the second week of June, and all Americans of all kinds, including advisers, will be out of Vietnam [the President meant Cambodia] by the end of June.

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### 10. CAMBODIA SANCTUARIES

Q. Mr. President, you mentioned that you expected the Americans to be out of Cambodia by some time in June. President Thieu was quoted as saying in an interview that he felt the North Vietnamese could re-establish their sanctuaries in Cambodia within six months and possibly, he was quoted as saying, within two or three months. If that's the case, what have we accomplished in Cambodia, was it worth the risk, and what do we do when they re-establish those sanctuaries?

A. I'm planning to give a report to the nation when our own actions are completed toward the latter part of June. At that time I will answer that question in full. At the present time I will say that it is my belief, based on what we have accomplished to date, that we have bought at least six months and probably eight months of time for the training of the Army—that is the Army of Vietnam, South Vietnam.

We have also saved, I think, hundreds if not thousands of Americans—as Frank Reynolds reported tonight on A.B.C., rockets by the thousands and small arms by the millions have already been captured and those rockets and small arms will not be killing Americans in these next few months.

And what we've also accomplished is that by buying time it means that if the enemy does come back into those sanctuaries, the next time the South Vietnamese will be strong enough and well trained enough to handle it alone. I should point out, too, that they are handling a majority of the assignment now in terms of manpower.

Mr. GOLDWATER. Mr. President, before I begin my prepared remarks, I thank the distinguished Senator from Hawaii for his great contribution to the discussion which is going on. I hope that he will be on the floor also during the weeks ahead when we are discussing the matter.

Mr. President, I apologize for my voice. I have what we in Arizona call a California cold.

This will prove to be, in my opinion, one of the most interesting debates ever held on the floor.

Many of us might think that the Vietnamese war is the first unpopular war that the United States has ever been engaged in. Many of the letters that I receive indicate that the writers feel it is the first undeclared war we have ever been engaged in.

Mr. President, we have been engaged in approximately 137—give or take one or two—military engagements in the history of this Republic, and only five have been declared—the War of 1812, the Spanish-American War, World War I, and World War II during which we made two declarations of war, one against Germany and one against Japan.

I bring that out at the outset because we are not in an unusual situation. And any reading of history will indicate that the Mexican War was most unpopular in this country. There is no such thing as a popular war.

Even what we call slogan wars—"Remember the Maine," "Make the World Safe for Democracy," and "Remember Pearl Harbor"—are not wars that have been liked by anyone.

Mr. President, one of the most fascinating stories about the first days of our Nation concerns an early meeting of the Constitutional Convention in the city of Philadelphia. One of the members attending that Convention was concerned over the possible warlike nature of our fledgling country and the possible cost of pursuing an aggressive course in the family of nations. This Convention member moved that—

> The standing army of the Republic be restricted to 5,000 men at any one time.

George Washington was serving as Chairman of the Convention and, therefore, could not offer an amendment of his own. But according to an historical anecdote, the Revolutionary War general and the first Commander in Chief of the U.S. Armed Services turned to a Convention member sitting nearby and whispered,

> Please amend the motion to provide that no foreign army shall invade the United States at any time with more than 3,000 troops.

General Washington's remark, of course, was a facetious allusion to the fact that no convention of the United States could possibly govern by any means the action of a foreign power who might oppose our strategic interest.

Mr. President, I am reminded of this story, whether it can be documented historically or whether it merely belongs to the historical lore of our early days, when I consider measures to place the Senate on record for ending the war in Vietnam or to prohibit Americans from fighting in Cambodia after a deadline arbtrarily fixed by Members of Congress who may or may not have experience in the exacting art of military science but who certainly do not possess the kind of information that is available to the Presdent of the United States.

We had better face up, right here and now—and I have said this across this Nation for years—to one fact of real international life—the fact that, like it or not, we are in a war in Indochina and the lives of thousands of American fighting men as well as millions of South Vietnamese civilians are at stake along with our honor as a nation that has a history of living up to its commitments.

We have to start from that fact, that we are engaged in a military war. From there I believe we must, as intelligent, rational legislators, recognize the further fact that when a nation is at war, political considerations take a back seat to military realities.

No Senator, Representative, or anyone else has any monopoly on a deep-seated desire for peace in Asia. I yield to no man in this regard. However, I happen to be one of those who believe that the way we attain that peace is important. I also believe that no amount of legislative desire, as incorporated in measures such as the McGovern-Hatfield resolution to force an end to American fighting in Indochina or in the so-called Cooper-Church resolution to prohibit any Americans from fighting in Cambodia after June 30 of this year, will accomplish the job correctly.

I certainly understand how the Father of our Country must have felt at that meeting in Philadelphia. I am moved to suggest that the McGovern-Hatfield resolution be amended to state that no foreign power be permitted to engage Americans in military activity after July 1, 1971—the arbitrary deadline fixed in that legislative approach to military tactics. I am also moved to suggest—still following the tongue-in-cheek approach attributed to George Washington—that the Cooper-Church resolution be amended to provide that no Communist troops, either of the Vietcong or North Vietnam, be permitted to fight in Cambodia after June 30 of this year.

Now, before anyone jumps in to say that the U.S. Congress cannot legislate the action of an enemy, let him consider first how ridiculous it is to tie our own hands, to restrict our own Commander in Chief, and to prohibit activity on the part of our fighting men by an act of Congress which has no consideration for the military actualities of the war in which we are engaged.

Mr. President, I have to depart a bit from my prepared text because the distinguished Senator from Idaho raised some interesting points with the Senator from Hawaii in attempting to point out that nothing in the language the Senator from Idaho and the Senator from Kentucky (Mr. COOPER) have submitted deviates at all from the announced intention of the President. And I would have to agree to some extent on that. But the point that the Senator from Hawaii was trying to make, I think—and which I will support him on—was the fact that the mere introduction of an amendment or a resolution that purports to give Congress the power to regulate strategy, to regulate tactics, and to regulate the size and use of force is to me the stumbling block that the Senator from Hawaii was talking about, not the specific language.

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For example, the Constitution gives Congress the power under section 8 of article I:

> To declare war, grant letters of marque and reprisal and make rules concerning captures on land and water.

I see nothing in there that gives this body the right to supersede the President who is the Commander in Chief.

Section 8 goes on to state that Congress shall have the power:

> To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years;
>
> To provide and maintain a navy;
>
> To make rules for the government and regulation of the land and naval forces;
>
> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions;
>
> To provide for organizing, arming, and disciplining the militia and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Now, we go over to section 2 of article II which states:

> The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States.

Of course, there is more to that section but it does not pertain here.

I suggest that the question raised by the Senator from Hawaii is not directed to any specific language or words in the Cooper-Church amendment or any other amendment that might be introduced, but rather to the whole idea of this body taking unto itself to determine strategy and tactics in a war in which we are engaged and to suggest that in any future engagements in which this country might be engaged we do the same.

Mr. President, I have to make this little remark, too. I spent a delightful 4 or 5 days in my State of Arizona last week. It was a joy to read Western newspapers. I came back to Washington late Sunday night. I read the morning newspaper and I told my wife that if I did not know I was still in the United States after reading the Washington Post I would have to say I left the country because I read nothing but sadness, nothing but disaster, and nothing but downgrading of our country.

I think each of us should get out of the city once in a while and go home and find out how the other part of the country lives.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield to the distinguished Senator from Kansas.

Mr. DOLE. Mr. President, since the Senator has mentioned the Washington Post it might be well to point out that the Cambodian operation has apparently upset the timetable of Hanoi, which should be front page news. We probably have upset their timetable not only for months but for years to come. There was a very brief reference to this in the Washington Post, but it did not appear on page 1, 2, 3, or 4, but it was on page 26.

I agree with the Senator that if one reads only the Eastern press he may be wondering what is happening in the world.

Mr. GOLDWATER. I was trying to present it as nicely as I could. I thank the Senator. I missed the article, by the way. If it is not on the comic page, usually I do not see it.

What is there in the air around Washington, D.C., that makes Senators and Representatives feel that they were formed after the pattern of von Clausewitz and are automatically military tacticians superior to any that might exist in the Joint Chiefs of Staff, in the National Security Council, or in the Office of the Commander in Chief?

What is there which leads prominent Senators as well as college professors and undergraduate students to believe that their judgment and their methods for ending the war in Vietnam are the only ones with any practical validity?

For make no mistake about it, we are not here debating the issue of peace versus war. I know of no Members of Congress, no one in this administration, or no one in this country who wants war. We all want an end to the conflict in Vietnam.

It has gone on far too long. I do not think anyone in the country has addressed himself to this unfortunate incident in our history more than I have. The debate here is over method.

Let me remind Senators that we have been engaged in this conflict to a greater or lesser degree, under three Presidents. There is disagreement over the actual starting point of our involvement, but I believe the strongest case can be made for the contention that President Kennedy put us into it with both feet when he sent military advisers to Southeast Asia armed both with weapons and orders to fire back if they were ever attacked. Any military man who has had experience with a jungle war can tell you that this was tantamount to sending armed forces to fight in Vietnam. This is true because any military man, with or without weapons, will become a target in a tense, strife-ridden area such as Vietnam.

So the hostilities and our big-scale involvement began under President Kennedy. I do not say that in a critical way or in a political way. I say it in a truthful way. The tempo throughout his administration, the tempo of our own involvement, certainly did not decrease during the limited tenure of the late President.

And it certainly did not diminish under President Kennedy's successor, Lyndon B. Johnson. Despite his campaign statements in 1964, President Johnson escalated the war in Vietnam during his entire term of office. Little by little, more men, additional equipment, and more supplies went to Vietnam during the Johnson regime.

Mr. President, again, not exactly in a political way but to keep the record straight, only one President has done anything about deescalating the fighting, and about withdrawing American fighting men.

That President is the one we have today, Richard M. Nixon. He is the only President in the last three who has come up with a viable and workable plan for the replacement of American fighting men with forces of the South Vietnamese.

I know it is popular today to charge that Mr. Nixon has widened the war by extending it to the territory of Cambodia. As a military reservist and as a person who has studied the war in Vietnam and discussed it at length with the President and his advisers, I absolutely and completely reject this over-simplification of the fact.

At this point I wish we had a large map in the Chamber. I always ask people at this point in my discussion to go home and get an atlas and open it up to that part of the world.

We find there a long strip known as Vietnam, which is now divided North and South. We did not agree with the formula which divided it at Geneva in 1954. At that time President Eisenhower said to the South Vietnamese, "If a government popularly chosen is threatened we will come to your aid." We did. Then, we look at this map and see that the country is divided at the 17th parallel.

Then we look over at the border, which is a high range of mountains going up to 8,600 feet, which is composed of very rough terrain. About November 1968, President Johnson stopped the bombing north of the DMZ. In effect, we said to the North Vietnamese, "Stockpile and build up your supplies. You probably will not have any trouble getting them down to the south."

There are four major passages through those mountains, all running north of the DMZ. Now, nightly their trucks pour through those passes, and we are not allowed to bomb those supplies. No, our tactical air support has to go out in the dark at night and try to destroy the passes they come through. But where are they by this time? They are in the eastern part of Laos where there are literally thousands of these trails.

Anyone who has lived in the West can recall that when we travel from one town to another town and we did not like the ruts in the road, we would move over. This is what one sees flying over Laos where the strategic air and tactical air are trying to stop the supplies.

What else is going on in Laos? The Committee on Foreign Relations discovered what many of us have known for a long time. We have not been getting tactical air support to them as they fight on the Plaines de Jarres, which is the only flat part of that country. Strange as it may seem, we have been allowed to bomb, with devastating effect, the land of Laos on the eastern border. Then we find Cambodia getting into the act.

But before I leave Laos, let me remind my colleagues that in 1962, when Mr. Harriman put together a recognition of the sovereignty of Laos and Cambodia as far as their neutrality was concerned there were over 60,000 North Vietnamese troops in Laos.

The Red Chinese were building a road across northwest Laos to get at Thailand, not for the purpose of invasion, but for the purpose of infiltration. Then we find where these supplies are going. The supplies have been going into Cambodia, and Cambodia has been providing a haven for our enemy. So that at one point along the border, 32 miles from Saigon, the enemy could venture almost at will, attack our men and our allies, run back into Cambodia, and up until about 18 months ago, we were not allowed to pursue and search. Since that time we have had a very limited ability to go a few miles over the border.

So what are we talking about when we talk about the President's escalating the war? It is difficult to understand how anybody can read into the Cambodian action escalation. We are fighting the North Vietnamese, whether it be in South Vietnam, Cambodia, or, in an indirect way, Laos. This is our enemy. We have not opened up another theater of war as we thought of theaters in World War II. We have merely reached an agreement with the Cambodian Government whereby we can search and pursue to a greater extent than we had been allowed in the country of Cambodia. We have not escalated the war. We have not enlarged the war. In fact, we have 115,000 fewer men over there fighting than we had a few short months ago.

The success of this action has already been discussed today. I am not going to reiterate it here, but I want to impress, if I can, the fact that the President has not escalated the war as far as the Cambodian action is concerned. In fact, to allege that President Nixon is widening and escalating the war while he is engaged in measures to wipe out enemy sanctuaries and thereby facilitate the rapid withdrawal of American troops is very simply an exercise in the propaganda technique which we once described as "the big lie."

The fact of the matter is, every move the President has taken in Southeast Asia has been designed to bring about a safe and intelligent withdrawal of American forces. It is, of course, very easy to charge the President with all kinds of evil designs and attach them to one word—Cambodia.

But it is an entirely different matter for the President's critics to come up with a sound alternative for wiping out enemy sanctuaries in Cambodia. Without such an alternative plan, we can only believe that these people want nobody to touch foot on Cambodian soil, regardless of how many American lives might be lost and regardless of how the war might be extended as a result of our permitting the enemy a safe harbor within rifle shot of our own troops.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. DOLE. I think the Senator has touched on what I consider to be the key issue in the entire debate, and that is the President's right to protect American troops, whether it be in Cambodia or anywhere in the world. It might be in the Mideast sometime in the future. I think that is the part of the Cooper-Church resolution that disturbs me most, because it does say very clearly to the President, if it is adopted, that, notwithstanding any danger to American troops, notwithstanding whether they may be in imminent danger, the President cannot take any action, under the resolution, because of the resolution. If they say the President has that power under the Constitution, I can see no objection to writing it into the resolution.

As far as I am concerned, the Senator from Arizona has just touched upon what I believe to be the very backbone and the most crucial question involved. What is the President's right, whether it be President Nixon, President Washington, President Polk, or the next President? What is his right to protect American troops, or Americans anywhere, for that matter, or American property?

He has some rights as Commander in Chief. He has some rights as the Chief Executive Officer of our country. He has some inherent rights to conduct the foreign policy of this country.

I hope the cosponsors of the Cooper-Church resolution will express themselves on the Senate floor on this very important question. Do they believe, notwithstanding the adoption of this resolution, that the President of the United States, whoever he might be, would retain the right to protect American troops? Unless they can answer that in the affirmative, I share the view of the Senator from Arizona that we may want to discuss this for a very, very long time.

Mr. GOLDWATER. I agree with the Senator from Kansas. I think this is far too serious a question to hope to get it done by June or July. I think this is a matter that the American people have to understand without any emotion involved.

The distinguished Senator from Idaho pointed out that the language of the amendment is the language that the President, Secretary Rogers, and Secretary Laird have used. We cannot quarrel with that. What I quarrel with and fear is that the Congress of the United States will take over the powers that the Constitution gives to the President. He is the Commander in Chief; we are not the Commander in Chief. We have some responsibilities under the Constitution, and I think we ought to go about it in the right way. If we want to prevent the the President from engaging in a war, I think the constitutional way for us to act on that is to deny expenditures under the authorization or appropriation bills that provide the Armed Forces with their materiel. I do not think anyone could quarrel with that but the fact is that we are trying to tell the President of the United States, as Commander in Chief, that he can do this and he can do that, but he cannot do this or he cannot do that.

I say with all charity to my friend from Idaho, who is one of the cosponsors of this piece of legislation, that if he is sincere—and I know he is sincere in what he is proposing—we decide not to have any vote or discussion of this amendment until after June 30. If that could be agreed to, I think the President could show to the country that he wants to get out of Cambodia. He has promised to get out of Cambodia, and, in my own mind, he will; but I do not think we can at the same time tie his hands.

I would suggest very seriously that, with the discussions going almost around the clock on this issue, the proponents of the amendment seriously consider saying to the Senate, "Let us wait. Let us give the President a chance." Let us not now, in effect, act to tie his hands.

Mr. DOLE. Mr. President, will the Senator yield further?

Mr. GOLDWATER. I am happy to yield.

Mr. DOLE. As I have indicated, the Senator has touched on a very crucial question. I am certain that the Senator from Arizona is of the belief that the President meant what he said when he said that the troops will be out of Cambodia by June 30, or before—probably before. But what happens in 5 or 6 months if there is imminent danger to the American forces remaining in South Vietnam? Perhaps it will be only a matter of hours in which the President of the United States will have an opportunity to act. Will he be forced, under the Cooper-Church amendment, to come before Congress, to come before the Foreign Relations Committee, have the Senate act and the House act, before he can move as Commander in Chief to protect American lives?

I would guess, in any event, the President would move. Then he would be faced with another confrontation for violating the intent and purpose of the Church-Cooper resolution.

I believe this is a matter that must be resolved before we can vote on the Church-Cooper resolution. It must be resolved by amendment or by explicit

XUM

statement by the cosponsors of the amendment.

Mr. GOLDWATER. Mr. President, I might say to my friend from Kansas that in reading the amendment, I see nothing in it, unless I have overlooked it, that calls for the President to come back to Congress for any advice. I would say also that the President could properly assume that if this amendment were passed, he could consider it unconstitutional and act, and then some court action would have to take place.

I speak as a layman, not as a lawyer, but without any specific language I have to think in those terms.

Mr. CHURCH. Mr. President, will the Senator yield for an observation?

Mr. GOLDWATER. Yes.

Mr. CHURCH. I do not mean to intrude on his argument at any length.

Today some of the most distinguished constitutional lawyers, deans of some of the eminent law schools of the country and leading attorneys, a very impressive panel, met in the Senate Office Building to discuss the very constitutional question to which the Senator has alluded. I was there, as one of several Senators asking questions.

I put this question to the panel: "Do any of you have any doubt at all to express with regard to the constitutionality of the Church-Cooper amendment?"

For the record, I wish to state that no member of the panel, none of these distinguished jurors, indicated any doubt whatever that the amendment lies entirely within the constitutional authority of Congress.

XUM

With respect to the argument that the President might somehow be inhibited in the exercise of his constitutional responsibility, again there is no real doubt on that matter. We cannot inhibit him. We could not if we wanted to, and we do not. I think these arguments are really strawman arguments, if I may say so; and I refer to the opinions of some acknowledged authorities on the Constitution of the United States, and their unanimity in the view that this amendment is fully constitutional.

Mr. GOLDWATER. Mr. President, I am glad the Senator from Idaho had such a happy experience with the lawyers he visited with, because the distinguished Senator from Delaware (Mr. WILLIAMS) earlier today related a rather sad tale, to the effect that none of the lawyers who visited him had even read the Senator's amendment, and did not even know its effective date, but were being guided by the New York Times, which as usual was wrong.

Mr. CHURCH. I am sure the Senator must have reference to other lawyers, because the members of this panel were fully versed, and their reputation was beyond question.

Mr. GOLDWATER. I am referring to a group of lawyers among the thousand or so who came down this morning. I do not know who they were.

I can say we can find equally competent constitutional lawyers who will argue to the contrary. But I repeat my argument: It is not based so much on the constitutionality or lack of constitutionality, because I think this body can do virtually anything it wants to. I look upon the effect it will have. Not the language, but the idea that Congress can suddenly become the determiner of strategy, tactics, military strength, or the employment of force in this country. That is the surest way I know of to say to an enemy, "Here is what our plans are; you design your attack and your resistance accordingly, because after a certain number of days, we are not going to give you any trouble."

Again, I am not inferring that any Senator has any ideas of aiding the enemy, but if I were a commander of troops, there is nothing I would like better than for my enemy to give me a time table and tell me they are not going to pay their troops after a certain day, and that there will be no more money involved.

I would just pitch my tent, cross my legs, get out a little bottle, and wait, because I would win that war. And I think that is probably what is going on in the minds of the enemy right now.

Mr. President, to continue with my prepared remarks, if Congress should adopt these legislative proposals, which would usurp the constitutional authority of the Commander in Chief, we will in effect announce to the world that we are renouncing our role of leadership, that we are turning back the clock to the days of comfortable isolationism when we were known as "Fortress America" and that we no longer care whether we become a third-rate power in the family of nations.

The adoption of either of these resolutions, to put it very bluntly, would be an announcement of American isolationism. It would serve notice on those people throughout the world who look to us to champion the cause of freedom that we are no longer interested. If we go in for this kind of meddling in the affairs of the Commander in Chief, we will also be telling the world that the Congress of the United States has no faith in the foreign policy of its President.

I, for one, do not want to be a party to any of this high-sounding but ill-conceived nonsense that is being pushed in this Chamber under the guise of peace or a design carrying the false label of a device to "end the war."

What we are talking about here—though I hate to say this—is a measure to force an American surrender. To some Senators it would seem like the manly thing to do to stand up and announce that we were wrong and that we are withdrawing from Vietnam. And I might say, Mr. President, that that could be done. It is not that simple, however. How would we describe in later weeks and months the bloodbath that would ensue in Southeast Asia if we were to withdraw either precipitately or in accordance with a legislatively fixed deadline? Would we not then shoulder a different kind of responsibility? Would we not then look to all the world as a Nation which went to war for the cause of freedom, grew tired of the effort, and found an excuse to turn tail and run while leaving millions of defenseless Asians at the mercy of Communist aggressors?

I do not intend to support either of these resolutions, regardless of how they are worded. I do not think they are needed. I intend to fight them—and not merely because an administration which I support also opposes them. I intend to vote against these resolutions because I feel that a vote in favor of them would be a vote for American isolation, a vote to make this country a selfish, ingrown, third-rate power, and a vote for dishonoring an American commitment.

I should like, Mr. President, at this time to request once again from the Committee on Foreign Relations—and I think they are probably able to furnish it—a paper which would describe what we would do if these amendments were passed, in the case that one of our 17 treaty nations calls upon us in the future for help, in view of our having renounced South Vietnam.

I do not say this facetiously. I have implored the chairman of that committee time and again to outline for us what the actions of the United States would be, once we have renounced one friend and are called upon by another for help.

But while we are engaged in this discussion, Mr. President, I should like to address myself to some of the charges which have been unfairly leveled at the President of the United States in his efforts to conduct the military operations in Indochina which he inherited from his Democratic predecessors. I take special exception to allegations such as that made by the Senate Foreign Relations Committee which accused the President of usurping the war and treaty powers of Congress and of conducting a "constitutionally unauthorized, Presidential war in Indochina."

It will be recalled that this charge was contained in a report urging repeal of the 1964 Gulf of Tonkin resolution. I am not a legal expert nor a constitutional authority; however, I pride myself in being able to understand plain English. And as I read the Gulf of Tonkin resolution I believe that it authorizes the President to take any action he considers necessary to repel Communist aggression and protect the interests of the United States in Southeast Asia.

Are we not indulging in a childish exercise in language when we talk about an illegal war in Indochina?

Mr. President, the Gulf of Tonkin resolution might not be a formal declaration of war, per se, but it certainly puts this body on record as authorizing any military measures the President might deem necessary.

I say we are quibbling when we point out that there has been no formal declaration of war. The Congress was asked for and the Congress agreed to the granting of powers equivalent to those that might be contained in a formal declaration of war.

Let me point out that the Congress not only authorized the Chief Executive to take any action he considered necessary in Indochina but subsequently gave its approval to what the President was doing, including the dispatch of more than half a million fighting men, and by appropriating money year after year for prosecution of the war.

In other words, Congress has taken dozens of actions such as this since 1964 which had the effect of confirming the authorization which the Gulf of Tonkin resolution contained.

Mr. President, I am rather personally interested in the way the Gulf of Tonkin resolution was evolved at the executive level, scrutinized at the committee level and approved at the floor level of the Senate.

The incidents leading up to the request for that resolution occurred immediately following my nomination as the Republican candidate for President in 1964. For this reason, I was consulted by President Johnson, informed of the events in the Gulf of Tonkin, and apprised of the gravity with which these developments were viewed by the Johnson administration officials in the Pentagon and in the White House. Very frankly, the President asked my support in a bipartisan gesture of unity for the action he proposed to take at a juncture in the Asian war which he felt to be critical. Again, the Commander in Chief felt it to be critical.

Needless to say, I assured President Johnson of my unqualified support so that we could show the world the kind of political unity which can be achieved in this country when its fighting men are confronted by enemy forces.

Mr. President, I feel that in all fairness we must here discuss the authorship and the support which President Johnson's Gulf of Tonkin resolution received from the committee which today is demanding its repeal and charging another President with the conduct of an unauthorized war.

The author of the Tonkin Gulf resolution was none other than Chairman J. WILLIAM FULBRIGHT of the Senate Foreign Relations Committee. As such, Chairman FULBRIGHT managed to steer the Tonkin Gulf resolution through a course of questioning in his own committee and to approval on the Senate floor.

If that resolution was a measure of usurping the war and treaty powers of Congress, the man who should have recognized it as such would seem to be the chairman of the Senate Foreign Relations Committee. Why it required 5½ years and action by a new President to bring the complaint by Senator FULBRIGHT and his committee to its present point is difficult to understand. If the contention which the Foreign Relations Committee is now making has any validity, then a large degree of legislative delinquency must be placed on the doorstep of Chairman FULBRIGHT and his supporters on the Foreign Relations Committee.

Actually, I believe the complaint now being made by the chairman is ridiculous on its face. It is true that Constitution gives only Congress the power to declare war in the formal sense, but it certainly does not tell Congress how to exercise that power. A strong case can be made for the argument that Congress did in fact declare war when it adopted the 1964 Gulf of Tonkin resolution. Members of this body will remember that our former colleague Wayne Morse of Oregon opposed the Fulbright resolution of 1964 on the specific grounds that it was a contingent declaration of war. That is precisely what it was, and that is precisely what President Johnson intended it to be. If Senator FULBRIGHT and other Democrats who helped to enact this resolution were not aware of this inherent power, it is not because they were not told and it is not because they are unacquainted with the intricacies of diplomatic legislation. I can only believe that the present attitude of Senator FULBRIGHT and the members of his committee who wrote this completely misleading report suffered a change of heart and, consequently, a change of position.

I must say that inconsistency is not a completely new experience for the chairman of the Senate Foreign Relations Committee. Back in 1961 he made a number of speeches which complained bitterly that the President of the United States did not have sufficient power in the field of foreign relations.

It should be remembered, too, that the Fulbright resolution on Indochina was no different in substance from one relating to the Middle East, under which President Eisenhower landed Marines in Lebanon, and one relating to the Formosa Straits, under which Mr. Eisenhower successfully challenged Red China, a far more formidable foe than North Vietnam.

Mr. President, to hear the critics of President Nixon rant about undeclared war and to read reports such as that put out by the Senate Foreign Relations Committee, one might be led to believe that a formal declaration of war was the accepted procedure followed by the United States when using military force in foreign areas. A little research on this point is highly edifying. My own shows that since the founding of our Republic, the United States has been involved in 137 separate military-type operations against foreign nations. But in our entire history there have been only five declarations of war. Formal declarations were voted by Congress in the War of 1812, in the Spanish-American War, in World War I, and in World War II. In the latter conflict, separate declarations were voted against Germany and the Axis Powers in Europe and against the Japanese in the Pacific area.

It is interesting to note, Mr. President, that some of our most memorable and historic military operations did not involve formal declarations of war. For example, there were no declarations in the naval war with France—1798–1800—in the war with the Barbary pirates in Tripoli—1801–05—in the Marine action in Nicaragua, or against the Communists in Korea.

This is only to mention a few. There are many other precedents, such as the action of President Woodrow Wilson in 1914, when he ordered a force of sailors and marines to capture the Mexican city of Vera Cruz, following an affront to the American flag.

Mr. President, I wind up my discussion today, grateful that I have had an opportunity to begin what I think will be a rather long and thorough discussion of this subject, because I feel that in this Nation we are very emotionally disturbed, and understandably so.

The Nation has been put to the test in the last several weeks as it has not been put to the test, in my opinion, since the days of the Civil War. In fact, I think grave questions can be brought up as to whether or not we can survive. I happen to think we will. I happen to think that the problems that beset us today can be solved.

I think that if we start talking with young people instead of talking to them, we will be a lot better off. We older people will realize that life is much different today than it was 50 years ago, when we started school, or 40 years ago, when we started work. I think we can begin to understand that things have changed.

But I am happy to say that the basic values of the young people I know have not changed. They love their country. They love their families. They love their church. But they have a proper reason to ask, "Why have you older people messed things up?"

I do not want to be a part of messing up the constitutional intent of our Founding Fathers, who said that the President shall be the Commander in Chief, not Congress. I repeat: We have responsibility in the area of raising and providing armies. But we have absolutely no responsibility in the areas of suggesting or ordering strategy, tactics, force structure, and so forth. We can, with our powers, deny the Commander in Chief the weapons when he asks for them. We can, under our powers, deny the funds to pay our Armed Forces. I do not think we would ever be that stupid, but we could do it.

As I have said, Mr. President, there will be other remarks from me on this subject. I would hope that possibly we could come to some kind of agreement on not voting on this question until after the President has had a chance to show his honest intentions. But if that not be the will of the Senate, so be it.

I thank my colleagues for their kind attention.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. DOMINICK. I have been sitting here, listening to the Senator's remarks; and, unfortunately, I only had a chance to listen to part of them. I intend to speak somewhat late in this discussion.

I was extremely interested in the Senator's comments as to the number of times we have been engaged in some type of hostility in which no declaration of war has been made. I would suspect, however, that in most of those cases we will find, upon analysis, that there had been a considerable amount of consultation or that the country in general was aroused in favor of the action that was being taken.

The problem as I see it now is that I am not a bit sure most of the people complaining about our Vietnam involvement really understand why we are these and what we are trying to do, or even recognize what the Senator and I have been saying for a long period of time; namely, that we want to get our ground troops out of there, not in.

President Nixon has been the first one to start to bring them out. That phase of it seems to have escaped them.

XUM

I therefore intend, in the process of my talk, to go into some of the incidents which the distinguished Senator from Arizona has been talking about and then see if, for the future, when the country is not engaged in any hostilities, we can insure, by some resolution of Congress, that we will be consulted.

The Senator will recall when President Johnson sent American troops into the Middle Congo, and how upset I was and that I initiated a letter to him suggesting we should get out of there immediately, that it was not our affair.

Well, for 30 days I did not receive a reply. Finally, I had to call the White House to find out whether they had received it, and then I received later a copy of a letter of acknowledgement. That was 30 days after writing the letter, when eight Members of the Senate, I believe, had signed it, including the ranking member of the Committee on Foreign Relations, the minority leader, and a group of other Senators.

Thus, I believe that what the Senator has said here today will be of real interest not only to the Senate but also to people around the country. I commend his remarks to everyone for serious study. Surely it is a fine addition to this whole dialog.

Mr. GOLDWATER. I thank my friend from Colorado, who serves with me on the Committee on Armed Services.

I might relate that I addressed the National War College this morning, and that question was raised by some of the future generals of our Army and admirals of our Navy, as to whether it could not be possible for Congress to be kept more aware of developments that could lead to conflict. I agreed with them. I think that as a member of the Armed Services Committee, we should be kept more up to date as to what is going on.

XUM

I would say that the Committee on Foreign Relations has certainly the same desire, even a greater privilege to know. But we must be careful, at what point do we involve secrecy which cannot be broken?

I believe that the Senator from Colorado will explore that in the remarks he says he will soon make, as to how we might go about keeping more abreast of developments, the kind of developments, for example, that led us into the Cambodian decision.

I do not mind saying that I was placed in somewhat of an embarrassing position by being asked about the announcement in Seattle as to whether we were going to use ground troops and I had said, "Certainly not, the President would never use our ground forces." Thank God, the show came off after I talked that night, so that I had a long way to go across the country and possibly gain some time for people to forget about that.

But, here in the Senate, we can suggest ways to the administration so that we could be kept more informed than we are as to world conditions which could lead to serious problems for our country.

Mr. President, I yield the floor.

Mr. CRANSTON. Mr. President, 29 years ago, President Roosevelt asked that:

> Congress declare that . . . a state of war has existed between the United States and the Empire of Japan.

The territory of the United States had been attacked, American lives had been lost, and our military might in the Pacific had been severely affected by the Japanese surprise attack.

Time was of the essence as Roosevelt came to Congress to ask that he be authorized and directed by Congress to use the entire forces of the United States and resources of the Government to carry on war against Japan.

During the afternoon of December 8, 1941, the Senate passed by unanimous vote Senate Joint Resolution 116—the Declaration of War against Japan.

Even in an emergency, the constitutional separation of powers which gives Congress the powers to declare war and raise and support armies had worked.

This classic case of constitutional separation of power stands in sharp contrast to many events in the post-war period and especially since 1960 when American forces have been committed to combat by the President and supported by congressional appropriations without a declaration of war by the Congress.

Democratic and Republican Presidents have acted without prior congressional approval in this area.

Even before Pearl Harbor, President Roosevelt had committed American forces to defend Greenland and Iceland.

The undeclared naval war in the Atlantic was also undertaken by the President without congressional authority.

In comparison with Pearl Harbor and the extreme urgency with which Roosevelt sought and obtained the consent of Congress in order to send American men to war, one has only to cite Lebanon, the Bay of Pigs, Santo Domingo, and our entire involvement in Southeast Asia to see that the failure to obtain congressional approval in these instances was a political decision rather than a decision based on urgent time requirements.

The decision taken by President Nixon on the evening of April 30, when large numbers of American troops entered Cambodia, is an alarming example of the loss by Congress of its constitutional power to declare wars and to direct where war funds can be spent.

Cambodia is only the last in a series of Presidential military decisions taken in Southeast Asia which raises the fundamental issue of the scope of the Executive's power to commit American forces to combat and support them with tax dollars without the prior approval of Congress.

Now, as we have the Church-Cooper amendment before us, the Senate must make it clear to the American people that congressional reassertion of powers which it possesses by constitutional right is not motivated out of jealous preoccupation with power for its own sake.

Congress has a constitutional power to alter a policy with which it disagrees by using its power of limiting appropriations.

The effort to end American involvement in Cambodia and in Vietnam through the vehicle of funds for the war is a legitimate exercise of power based on the Constitution's grant to Congress "to raise and support armies and maintain a navy."

I believe that today people too quickly forget that it was the intent of the Founding Fathers to write a Constitution giving Congress the power of the purse in military matters, and the sole power to declare war.

Although 190 years separate us from the events that made such provisions necessary, it is clear that in 1970 we must look again at the reasoning of the framers of the Constitution and other great Americans who interpreted this document.

To those struggling to establish democracy in 18th century America, the King of England, George III, stood as the supreme symbol of the unlimited powers of a head of state.

Here was a man who possessed the power of raising armies in peacetime according to his pleasure.

Such a practice was hated by the American colonists who had been oppressed by standing armies and the tyranny which they symbolized.

This sentiment which led to congressional possession of warmaking power was best explained by Lincoln when he wrote:

> The provision of the Constitution giving the war making power to Congress, was dictated, as I understand it, by the following reasons.
>
> Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object.
>
> This, our Convention undertook to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

In a nation of more than 200 million we find it difficult to conceive of Congress in the same way that the framers of the Constitution did in 1787.

A type of closeness and intimacy between the people and their representatives exists no longer because of size and distance.

Richard Henry Lee of Virginia wrote in 1787:

> Power to lay and collect taxes and to raise armies are of the greatest moment . . . the yeomanry of the country ought substantially to have a check upon the passing of these laws; this check ought to be placed in the legislatures, or at least in the few men the common people of the country, will, probably, have in Congress, in the true sense of the word "from among themselves."

The principles of 1787 take on a new relevance to a nation with so many of its citizens outraged and frustrated by Presidential actions in Cambodia and Southeast Asia.

The concern of Jefferson with unlimited Executive warmaking and war-funding power assume a new importance in 1970.

In 1789 he wrote to Madison to say that:

> We have already given in example one effectual check to the Dog of war by transferring the power of letting him loose from the Executive to the Legislative body, from

those who are to spend to those who are to pay.

The Church-Cooper amendment comes at a time when the expediency of a Presidential military decision taken without the approval of Congress has run headon into a nation's desire that a war be ended.

I do not believe that those opposing the President's recent widening of the war in Indochina must construct elaborate constitutional arguments in order to support the Church-Cooper effort to restrict funds and prevent continued American involvement in Cambodia.

The constitutional and historical records speak clearly as to the explicit powers of Congress in this area.

As early as 1787, and as late as 1969 with the passage of a similar amendment which prevents the introduction of American combat troops in Laos and Thailand, Congress was granted and exercised its power of the purse in military matters.

The Church-Cooper amendment and the amendment to end the war which I joined in cosponsorship with Senators McGOVERN, HATFIELD, GOODELL, and HUGHES and many others have been proposed at a time when recent Presidents have been asserting the Executive's sole power to commit the Nation to a war without the consent of the legislative branch.

Consent of Congress in such vital matters has become a political convenience not often granted by the Executive and only once formally during the 1960's.

Even in 1964 with the Gulf of Tonkin resolution, the circumstances presented to Congress which caused them to give a mandate to the President has proven to be highly questionable.

Lincoln's words of 1846 during the Mexican War, while he was in Congress, seem to me to be tragically significant when I review the Executive-congressional relationship in the foreign policy area during the 1960's:

> Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion. And you allow him to do so whenever he may choose to say he deems it necessary for such purpose—And you allow him to make war at pleasure.

The deterioration of congressional power—that is, the people's power—in the area of war has become so extensive in the postwar era that Congress' remedy seems radical to those not very familiar with our history and Constitution.

Cambodia marks the most recent example of this deterioration.

However, the modern historical record is strewn with examples of executive usurpation in an area that must be shared with Congress and the people.

Executive domination has reached such a point that members of the Cabinet have tried to dampen congressional discontent by promising "consultation" before any military operations are launched.

This was done in August 1969 when Secretary Rogers pledged for the Nixon administration that "utmost" consultation with Congress would occur about "any military venture" in Thailand.

A commitment to act only with advance congressional approval was not mentioned.

The Secretary stated in his testimony:

> Now, we will to the full extent of our ability, get the advice of Congress, consult with them along the way, and in any appropriate circumstances we will get their consent.

The Church-Cooper amendment is essentially a conservative document based on a strict constructionist view of the Constitution of the United States.

I view the amendment as a second step in an effort to restore Congress to its proper role in controlling the funding of military operations and giving the people a greater voice in the issues of war and peace through their elected representatives.

The first step was last December's Laos-Thailand amendment, adopted by an 80-to-9 vote, with a bipartisan group composed of Senator MANSFIELD, Senator COOPER, Senator CHURCH, Senator ALLOTT, Senator McCLELLAN, and myself playing a particularly active part in the initial and final steps leading to its enactment.

I want to make it clear that the Church-Cooper amendment is a document of restraint—not isolation.

In no way are its supporters advocating a return to "fortress America."

Action taken by the Senate in no way impairs American commitments to Israel or other allies throughout the world.

The war has gone on despite the wishes of a majority of the people that it be halted.

Our involvement in Southeast Asia endangers peace in the world.

The issue of the war in Vietnam has become so vital and significant to America in the last 10 days that references to the intent of the Founding Fathers in granting Congress the power to fund and declare war have become more than patriotic sloganeering.

At stake is the separation of powers upon which our experiment in democratic government is based.

The constitutional issue assumes great magnitude when we realize that at the heart of the problem are the lives of thousands of Americans.

The tragic death toll already stands at 41,733 killed and 322,750 casualties.

Violence in Southeast Asia has divided our country and bred violence in America. I find it difficult to separate the phenomenon of the application of massive violence to solve political problems in Vietnam and Cambodia and the presence of armed National Guardsmen on college campuses to deal with students.

It is difficult for anyone to deplore the tragedies at Kent and the violent deaths last week in Augusta and Jackson and isolate them for international violence conducted by our Government.

To the extent that the Church-Cooper amendment is a means for Congress to lessen American reliance on violence to deal with its difficult and complex problems, the amendment deserves the full support of the Senate.

## ORDER FOR ADJOURNMENT UNTIL 11 O'CLOCK TOMORROW MORNING

Mr. CHURCH. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. CHURCH. Mr. President, I ask unanimous consent that, following the prayer and disposition of the Journal on tomorrow, the distinguished Senator from Indiana (Mr. HARTKE) be recognized for not exceeding one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. CHURCH. Mr. President, I ask unanimous consent that, following the remarks of the Senator from Indiana on tomorrow, the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. CHURCH. Mr. President, I ask unanimous consent that on tomorrow, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. CHURCH. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p.m.) the Senate adjourned until tomorrow, Thursday, May 21, 1970, at 11 o'clock a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 20, 1970:

### SECURITIES AND EXCHANGE COMMISSION

**Hugh F. Owens, of Oklahoma, to be a member of the Securities and Exchange Commission for the term of 5 years expiring June 5, 1975.**

### U.S. TAX COURT

**The following to be a judge of the U.S. Tax Court for a term expiring 15 years after he takes office:**

**Howard A. Dawson, Jr., of Arkansas.**
**Bruce M. Forrester, of Missouri.**
**Leo H. Irwin, of North Carolina.**
**Samuel B. Sterrett, of Maryland.**

# EXTENSIONS OF REMARKS

## LETTERS FROM CONSTITUENTS

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. QUIE. Mr. Speaker, every Member of Congress, of course, is being bombarded with mail from constituents in regard to the Vietnam war now complicated by the Cambodia offensive.

One of the letters I have received in opposition to the war came from Mrs. James H. Carroll, 785 Upper Colonial Drive, St. Paul, Minn. It is her first letter to a Member of Congress.

I believe her thoughtful letter bespeaks the concerns of millions of Americans toward this conflict. Mrs. Carroll offers no one-shot solution to our present dilemma in Vietnam, but her letter sets out some of the effects of this war on the American people and the concerns that beset all of us.

I should like to have her letter reprinted in the RECORD.

In addition I should like to have reprinted a letter to the President from Mrs. Oran S. Olson, of 619 Albert Lea Street, Albert Lea, Minn. Mrs. Olson writes as the mother of a questioning teenager and makes the point that, if we are to have meaningful dialog between youth and their elders, both sides must listen.

I commend both of these women on their excellent letters in support of their individual points of view.

The letters follow:

ST. PAUL, MINN.,
*May 10, 1970.*

HON. ALBERT QUIE,
*House of Representatives,*
*Congress of the United States,*
*Washington, D.C.*

DEAR MR. QUIE: Last night on the news you were reported as saying that you had some misgivings about the situation in Cambodia but that "we must support the President." I heard this with alarm. I can see supporting the President's program for taxation, or space, or school lunch or whatever as a matter of party politics even if in conflict with your own views, but when he embarks on something which is in direct contradiction to the line of action he proposed in his drive for the presidency and which is of questionable legality having been done without consent of Congress as well as being un-Christian I find it reprehensible not to work for a change of direction.

I will not waste time discussing the morality of the Vietnamese (and now Cambodian) intervention which I consider totally indefensible but pass on at once to the pressing issue of national self interest, since in the materialistic society we have become this seems the only area in which pressure might have a chance of success.

For many years the north Vietnamese have pursued their objectives with foreign aid in money and materiel but apparently without manpower help. Despite enormous aid in every category South Vietnam has been unable to be secured which to me speaks in capital letters about the lack of concern among the average Vietnamese as to the importance of which political idea will utimately prevail. On television last week a young American soldier said something to the effect that he saw many Vietnamese who were not involved in fighting and found himself wondering why he was fighting for them. I ask myself the same question.

The only accomplishments I see coming from this engagement are totally negative.

1. We have brutalized a generation of young men who must one day take their turn as leaders.

2. In sending almost half a million to Asia we have widened and deepened exposure to drugs and increased our problems in that area.

3. We have left a legacy of countless fatherless children who by the nature of cultural patterns in Asia are alienated from the moment of their birth from their countrymen by lack of paternal name.

4. We have proved by our lack of success how well guerrilla activity works even in an undeveloped country. Think of its potential here! Does this explain the increasing amount of bombing and arson activities in this country? What dangerous knowledge to place in the hands of heedless revolutionaries who desire to destroy, not reform this great nation.

5. We daily increase the alienation of our young people. This to me is incredible and unacceptable. I have young people in school and on college campuses and I will not have them called bums because they dare to protest this war. Too long have we left the young people express and bear witness to a dissent many of us share with them. We must join them at once.

In closing I wish to mention the silent majority which I contend Mr. Nixon completely misunderstands. They are not a silent majority, but an apathetic majority of people like me who have not wanted to get involved on either side of an issue. They do not protect you from a revolution, nor support you if you get in one. They were around in 1775 when an angry militant minority struck against an intolerable governmental system of exploitation and repression and succeeded in spite of the silent or apathetic majority who would not adequately feed, clothe or support them as anybody who has read about Valley Forge remembers. They were even around during the last war, getting black market tires and gas and wanting triple time in war industries if overtime fell on a holiday!

This is my first letter to a congressman and I write because I am unhappy and deeply frightened. I see an angry nucleus in the United States and I see it on a snowballing course as it races through the discontented unanswered areas of need in our country—race relations, poverty, requirements for educational reform. These are the questions for which we must find solutions—not the political problems of Asia which need Asian answers.

Sincerely yours,
MRS. JAMES H. CARROLL.

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ALBERT LEA, MINN.,
*May 12, 1970.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

MY DEAR MR. PRESIDENT: This is a letter from one of the "silent majority." Last night my husband and I had an interesting but very disturbing conversation with our 17-year-old daughter. She seems to think that because we do not participate in peace rallies and marches that we do not care—that we have no real concern for the welfare of our country. I told her that we do care and that on different occasions have written letters to our Congressmen. We believe that is what the young people should do instead of marching down city streets and causing disturbances.

A "peace rally" was held in a downtown park in our small city last Saturday afternoon. This would have been just fine except for a certain element that was not content with staying in the park. They paraded down main street and as a result of this march one person was knifed and is in the hospital with a punctured lung. We believe that *high school teachers* and *college professors* have a lot to do with inciting these young people to this sort of action and this is deplorable.

We told our daughter that perhaps if the young people would stop relating to the "hippies" in their appearance that people might listen to them and not "turn them off." The young people talk of "revolution" and they had better be listened to. However, at the same time, the young people had better listen to their elders and not "turn us off."

We tried to explain to our daughter that we too are opposed to the Viet Nam war. We hope and pray that the troops will be removed from Cambodia by the end of June as you say. Also, we told her that as long as the President of the United States made the decision to send troops into Cambodia, we should pray that something good will come out of this venture.

One other thing that upsets me just as much as the war in Viet Nam is the *drug* situation in the United States of America. Forget about going to the moon and clean up our part of the earth not only from air pollution but from drug pollution!

Very respectfully yours,
MRS. ORAN S. OLSON.

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## "COME WITH ME INTO MACEDONIA"—THE PRESIDENT AND HIS CRITICS

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BRAY. Mr. Speaker—

In every circle and at truly every table there are people who lead armies in Macedonia, who know where the camp ought to be placed; what ports ought to be occupied by the troops; and when and through what pass that territory should be entered; where magazines should be established; how provisions should be conveyed by land and by sea; when it is proper to engage the enemy; and when to lie quiet. And they not only determine what is best to be done, but if anything is done in any other manner than they have proposed, they arraign the consul as if he were on trial before them . . . If therefore, anyone thinks himself qualified to give advice respecting the war I am to conduct, let him come with me into Macedonia . . . but if he thinks this too much trouble, and prefers the repose of city life to the toils of war, let him not on the land, assume the office of pilot. (Lucius Aemilius Paulus, speech in Rome prior to departing to take command in Macedonia, 168 B.C.)

On April 30, 1970, the President reported to the Nation that United States

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and South Vietnamese troops were attacking Communist sanctuaries in Cambodia in an effort to save lives of American troops and to end the Vietnam war. The immediate objective, as the President made clear, was to clean out and destroy a series of North Vietnamese military sanctuaries along the Cambodian border, from which hit-and-run raids were constantly being made into South Vietnam.

For 5 years, these sanctuaries were untouched. The United States had no wish to move into the territory of Cambodia, a neutral country. But within recent weeks, after the ouster of Prince Sihanouk, of Cambodia, North Vietnam dropped all pretense of Hanoi's respecting Cambodia's neutrality, and thousands of Communist soldiers fanned out all over Cambodia itself.

If this effort succeeds, all of Cambodia would turn into one mammoth staging area and give a 600-mile-long privileged sanctuary for Communist raiders into South Vietnam.

Cambodia asked for help. The United States had three options:

First. Do nothing. Meaning, allow North Vietnam to take, unhindered, a tremendous strategic and tactical advantage.

Second. Massive arms assistance to Cambodia. But its army is small; quick and effective utilization of arms aid would be next to impossible.

Third. Go in and clean out major North Vietnamese sanctuaries and supply bases which were being used for attacks on both Cambodia and South Vietnam.

President Nixon took the third option. As he put it in his April 30 address:

> Our purpose is not to occupy the areas. Once enemy forces are driven out of these sanctuaries and their military supplies destroyed, we will withdraw.

This entire move put the President into an extremely difficult position here at home—as he knew it would. Again, from his speech:

> A Republican Senator has said that this action means my party has lost all chance of winning the November elections. Others are saying today that this move against the enemy sanctuaries will make me a one-term President.
>
> No one is more aware than I am of the political consequences of the action I have taken. . . . But I have rejected all political considerations in making this decision.
>
> Whether my party gains in November is nothing compared to the lives of 400 thousand brave Americans fighting for our country and for the cause of peace and freedom in Vietnam. Whether I may be a one-term President is insignificant compared to whether by our failure to act in this crisis the United States proves itself to be unworthy to lead the forces of freedom in this critical period. I would rather be a one-term President than to be a two-term President at the cost of seeing America become a second rate power and see this nation accept the first defeat in its proud 190-year history.

And he concluded with this paragraph:

> It is customary in a speech from the White House to ask support for the President of the United States. Tonight, what I ask for is more important. I ask for support of our brave men fighting tonight half-way around the world—not for territory—not for glory—but so that their younger brothers and their sons and your sons will be able to live in peace and freedom.

So what does it all add up to; what is being attempted? Crosby S. Noyes, a leading columnist for the Washington, D.C., Star, wrote in that paper on Tuesday, May 12, 1970:

> The nature and function of the bases in Cambodia are quite different from the Communist bases in Vietnam itself. Their value to the enemy has lain in the fact that they were genuine sanctuaries, immune from attack. They provided the end of a long supply line, leading up through Laos to North Vietnam. They were the staging area for all of the enemy's military activities in the vital and heavily populated third and fourth corps areas of South Vietnam.
>
> The existence of the Cambodian sanctuaries—and their continued immunity from attack—has been the essential presumption in the Communist plans for a successful protracted war. Without them, there is virtually no prospect of sustained guerrilla activity in the southern two-thirds of the country.
>
> What is being demonstrated, quite simply, is the extreme vulnerability of these bases, once the decision is made to attack them. The North Vietnamese can, with great effort, rebuild their bases and stockpiles over the next six months to a year. And if they do, the South Vietnamese, with or without American help, are now prepared to destroy them all over again in a matter of a few days. In short, whatever the leaders in Hanoi decide to do, the Cambodian sanctuaries are no longer an essential factor in their calculations.
>
> To Americans weary of the war, this may seem to amount to a dubious victory. But to the North Vietnamese, also weary of the war, it is a disaster. And to their brethren in the South, it is the promise of ultimate salvation.

This, then, is what President Nixon has in mind. His action has come under most heavy and bitter attack—most of it ill-informed, hasty, and making up in shrillness and harshness of invective what it lacks in commonsense. It is now charged the President has further divided the country. Rot. If anyone has further divided the country, it is a clique of self-seeking politicians who are attempting to make what was President Nixon's rare act of raw, naked political courage into an outrageous affront to military judgment, strategic planning, and a careless, willful, deliberate, miscalculation of the Vietnam war. Not a bit of this has any truth in it; the falsity of the charges has not stopped the President's detractors from shrieking in ever-increasing crescendo of decibels. As so often happens, however, a foreign magazine has come up with the best and most incisive commentary on the President's domestic problems following the Cambodian move that I have yet read. The following is taken from the lead editorial in the London Economist of May 9, 1970, and was entitled "The Real War":

> If Mr. Nixon did not have to worry about public opinion—if he had, say, Mr. Kosygin's power to manipulate it or ignore it—the attack on the Cambodian sanctuaries would have been a risky but rational stroke of war. He could have told himself that it would simplify the task he has set himself in Vietnam, which is to leave South Vietnam in a position to defend itself, even though it was probably not absolutely essential for that purpose. It is not in any genuine way a violation of Cambodia's neutrality or its sovereignty. It is an extension of the war only in the limited sense that it has pushed the main arena of confrontation 20 miles to the west. These were all arguments for giving his men the order to march. Yet Mr. Nixon must know that his freedom of action in trying to bring the Vietnam War to a satisfactory conclusion is limited by the length of the tether that American public opinion sets upon him. The judgment must be that this week he has come very close to the rope's end.
>
> It will be said that this is putting things the wrong way round: that public opinion is not just the tug on the end of the rope when things go too far; it is where any calculation of policy ought to start. The answer is that on most issues, and especially those of foreign policy, the President of the United States has to make up his mind—and act—before most other Americans know what they think. The formulation of policy comes first, and checking it against popular approval happens afterwards. It is hard to see how else a president can be expected to act when he is dealing with an adversary who has no effective public opinion of his own to bother about. If a democracy lets its internal debate drag on too long it will find it has lost the power to take any effective action. That is what Demosthenes told the Athenians when they were threatened by Philip of Macedon; and the Macedonian army proved him right.

How has it gone so far? As of Monday, May 18, 1970, with 2 weeks of the total 8-week gamble past, reports were good. At this time, it is estimated that after U.S. forces leave Cambodia by President Nixon's July 1 deadline, it will take the Communists at least 6 to 8 months to resupply to previous levels. But the truth is Hanoi may have received a major military and psychological blow.

Many things point to this. First, this is the first time in the war that Hanoi has been hit where they did not expect a blow to come. Communist troops cleared out so quickly they did not even set booby traps or land mines; they just left.

Second, materiel already captured or destroyed exceeds total tonnage captured in all of 1969 in South Vietnam. Pacification gains in South Vietnam have made it impossible for the estimated 100,000 North Vietnamese regulars, and 200,000 Vietcong guerrillas, to live off the country. Removal or destruction of the Cambodian supply dumps mean short rations; this means lower morale—which has already showed up in the first week of the Cambodian operation, defections from Communist forces went up to 960 from 508 the previous week.

Secretary of Defense Laird has made it quite clear that it will be August or September before the "overall strategic success of the program can be judged." But it looks well on the way to giving South Vietnam a 6- to 12-month breathing space; and vastly increasing the chances for Vietnamization of the war, and further withdrawal of American troops.

### THE CONSTITUTIONAL ISSUE

I find it bitterly ironic that the very same voices that are the first to chorus praise for a "liberal" Supreme Court decision that admittedly does a very loose job of reading the Constitution now insist on a hard-line, strictly constructionist reading of the same document when it comes to President Nixon's Cambodian move. This is a gray area; the more thoughtful of the President's critics have openly admitted this. There are now very active moves afoot in Congress to write definite restrictions into pending legislation that will force a Southeast Asian timetable on the President, that would cut off funds for any further operations in either Cambodia or South Vietnam by a certain date. Doing this, it is argued, would reassert the constitutional right of Congress to take a hand in foreign policy.

On the surface, it all looks so very, very simple, but it is a deceptive, treacherous question, containing plenty of historical precedent to argue both sides. It is quite true that many of the Founding Fathers of this country in their own private remarks, writings, and actions, veered sharply away from having the Executive make any sort of unilateral move such as President Nixon has done. On the other hand, however, we have Thomas Jefferson himself writing in a letter to C. A. Rodney, in 1810, that—

> In times of peace the people look most to their representatives; but in war, to the executive solely.

The history of our country's foreign involvement bears this out. There are, give or take a few, around 150 incidents since the birth of our Republic when the President has committed our Armed Forces to action abroad without prior consultation with or consent of the Congress. The two Roosevelts, Woodrow Wilson, Harry Truman, Dwight Eisenhower, John Kennedy, Lyndon Johnson, and Richard Nixon—to name those of this century alone—have all moved troops into action or across national frontiers without so much as a by-your-leave from Capitol Hill.

One of our country's most outstanding scholars and historians, Henry Steele Commager, in his book "Presidential Power," said:

> The Issue Analyzed . . . It must be admitted at once that the constitutional document itself says very little about the matter of the conduct of foreign relations and the exercise of war powers, and what it does say is couched in general terms.

A group of distinguished lawyers, opposed to the Cambodian decision, did note in their own brief—which was reprinted in the CONGRESSIONAL RECORD—that President Nixon's move "is not without historical precedent and not without justification under a broad interpretation of the collective security theory."

Now, let us get one thing very straight: President Nixon had one thing and one thing only in mind—really two things, combined—when he made his decision. It was to protect American lives, and speed up the American withdrawal from Vietnam. Almost overlooked in his most recent press conference were three words he had never used before. He stated quite flatly that he put his withdrawal program "above everything else." This was never put so bluntly nor firmly previously.

It was not the President's intention to create a confrontation with the Senate or the House; he has enough confrontations from other sources to keep him occupied. It was certainly not to create a constitutional crisis. Neither, certainly was it to play domestic politics; his April 30 speech made it clear he knew what the risk was, as far as public opinion was concerned, and he made quite plain his readiness to take the blame as blame should be laid on.

As far as the prerogatives of the House of Representatives are concerned, this charge was answered quite concisely by the gentleman from Tennessee (Mr. BROCK) in the House on May 6, 1970. His remarks, in part:

> I have heard a great deal of criticism here today from those who have opposed the war in the past, saying that the policies of the past administration were wrong. I agree. But were they rising up on the floor of the House and defending the prerogatives of the House when it became known that we had lost American lives because our men were fired at from sanctuaries in Cambodia and the permission to fire back was refused? Were they standing up for American youth at that time? Where were those who criticized this war when we found out that, under the previous regime in Cambodia, a major amount of war materiel coming into South Vietnam was not coming down the Ho Chi Minh Trail but coming through the seaport of Cambodia called Sihanoukville? Where were they then?

Indeed. Where were they; not only in the Congress, but in the universities? Where were they? For that matter, while I am speaking of universities, it might be well to take a look at this desire for involvement that is now being shrieked so loudly, by both students and faculty. Their self-imposed, self-anointed mantle of political maturity and perception gets somewhat ragged and stained if we take a brief look, not too many years back, to see how and on what topic they have performed in the past.

For the students themselves, Carl Henry, a leading Protestant theologian, former writer for the New York Times, and founding editor of Christianity Today, recently reminded the American Baptist Convention that 30 years ago the senior class at Princeton voted Adolf Hitler the man of the year—because he got things done. So much for student political perception.

The faculty, the administration? The following quotations appeared in the May 17, 1970, Washington Post:

> I assume I have been invited here to present and explain the point of view of those many young citizens who oppose active official participation in the war abroad . . . Fundamentally, we believe that the peace of this hemisphere has more to offer the world of tomorrow than any possible outcome of a devastating transoceanic war. . . . If a transatlantic war is to be waged, we would rather make the enemy cross the water to try to land. . . . We resent the unwillingness of certain people to be honest and square with the public. We have resented the use of glib phrases just because they sound well even though they may be loaded with dynamite which may determine our future. We resent the effort to hide from the American people tomorrow's consequences of what we do today.

The time was February 1941; the place was before the Senate Foreign Relations Committee; the topic was lend-lease to Britain; the speaker was Kingman Brewster, then chairman of the Yale America First Committee. Brewster is today president of Yale; his recent intemperate remarks about the impossibility of the Black Panthers getting a fair trial were denounced by practically every major newspaper in the country regardless of political persuasion. As he would have left Britain helpless before Nazi Germany; as he implied in his 1941 testimony, a U.S. accommodation with Hitler would have been possible; so he today counsels unilateral, immediate withdrawal from Vietnam. If this country had followed Brewster's counsel in 1941, the swastika would fly over the world today. What if we follow his counsel today?

Now, just what is it historians say about the Bourbons of France? "They forgot nothing, and they learned nothing." After being booted off the throne of France, they or their spiritual descendants must have wound up attending, teaching, or running, U.S. colleges.

I would venture to say that all the screams about the constitutionality of the President's decision from the liberal left is because they suddenly realized what they, themselves, and their predecessors in and out of Government, were so hasty to create when the Executive was a man more to their liking, has now been used in a way by a man whom they admittedly hate, and will do all they can to cut down.

Max Lerner, prominent columnist and a writer with impeccable liberal qualifications, smashed his verbal hammer down on some writhing fingers just last week when his May 14, 1970, Washington Star column contained this paragraph:

> What do the new revolutionaries want to do with Nixon? Many talk of impeaching him, but that is the same sort of nonsense as the old far-right movement to impeach Earl Warren. The real question about Nixon's use of presidential power is not whether it is constitutional (the liberals themselves made it constitutional in their broad interpretation of it under Franklin Roosevelt) but whether Nixon can make it effective.

How very true. Now, in conclusion, let us get some facts straight about the short- and long-run implications of these pending amendments that, it is said, will "end the war," by limiting the President's freedom of action due to suspending funds for further operations in Southeast Asia.

There is absolutely no clear-cut definition of what involves American "participation" in a war, nor is there ever likely to be. One Senate amendment defines it as furnishing advisers to a friendly country—today, Cambodia—but if this is so, then we were certainly a belligerent in the Greek civil war, 1947–49. Loss of life? How about the Dominican Republic in 1965? And were we certainly not, under these premises, at war with North Korea and Communist China in the early 1950's? And with North Vietnam since 1964?

The truth of the matter is, simply, that these amendments to limit funds are attempts to reassert a congressional prerogative that has withered and fallen into disuse, not only and solely through lack of use, but through the inexorable movement of time and history. The Washington, D.C., Star on May 17, 1970, gave a very thoughtful and rational discussion of the problem in its lead editorial, and I wish to cite the concluding paragraphs of that editorial:

> In effect, in an era of instant mass communications and push-button warfare, the senators are resting their constitutional case

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> on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men, but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.
>
> We cannot believe it is the intention of Congress—or the wish of the people—to restrict the President's ability to protect the lives of American troops in Vietnam. The point is not whether they *should* be there; the point is that they *are* there, (italics in original text) despite what we believe to be Mr. Nixon's sincere desire to bring them home as rapidly as possible. On this basis alone, the Cooper-Church amendment, which would outlaw any future operations by U.S. troops in Cambodia after June 30 and ban virtually all aid to that country, is wrong and ought to be defeated. We hope that no more American expeditions will be necessary, but we would support them if we felt they would save the lives of American soldiers who might otherwise die in Vietnam.
>
> As to the larger question of future undeclared wars, we noted in these columns a few days ago that the alternative to an undeclared war often is not peace but a declared war. Given the temper of the times, President Johnson almost certainly could have obtained a declaration of war against North Vietnam at the time of the Tonkin Gulf incident.
>
> It would be useful—most of all to presidents—to have constitutional provision for some exigency short of war. But such does not exist and there is little chance of creating one. Any president's practical need for popular political support for his policies, doubled with the infinite capacity of Congress to make life miserable for the Chief Executive, seems to us to provide an adequate curb on the presidential powers.
>
> In the end, despite the Constitution, power belongs to him who is willing and able to exercise it. Presidents of both parties have sent troops into foreign countries primarily because Congress has been unwilling or unable to act. If congressional action were necessary before a solitary Marine could land, there would be much talk, few casualties and fewer freedoms, in this country and the world.
>
> It seems to us that the Senate would do better to support the President in his efforts to extricate us quickly and honorably from a war which almost everyone agrees, probably including most of those who to their credit have had the courage to fight it, has lasted too long.

The truth behind it all—all of this present criticism—is harsh and terrible in its implications, but I believe the majority of the American people know it for what it is. It was summed up in the title of a column by Richard Wilson in the Monday, May 18, 1970, Washington, D.C., Star: "Emotional Critics Want No Indochina Success." I wish to conclude by quoting from Mr. Wilson's column:

> Once these sanctuary areas have been made reasonably secure the kind of war the Communist side has conducted in the past could not continue and the South Vietnamese are fully justified in demanding that they remain there as long as they can, or until they can be as certain as possible that Cambodian forces can prevent Communist reoccupation.
>
> This is in the American interest, also, so that the withdrawal can continue with the minimum of external threat.
>
> Why the Senate and the raging, rioting college students cannot see this illustrates how emotion is blinding reason. Why they cannot see that Nixon is facilitating the orderly American retreat from Vietnam shows, too, how cultivated fear and distrust can befuddle the minds of those who wish to believe Nixon is playing some kind of a trick to prolong the war.
>
> But from that point of view nothing fails like success. With the Cambodian operation Nixon is further along toward a withdrawal that will leave behind an independent government in Vietnam that would not have been thought possible a few months ago.
>
> The very success of the operation so far is cause for complaint. He shouldn't have done it, the argument goes, because the war would be widened.
>
> But it is not being widened for the simple and valid reason that clearing out the Cambodian sanctuaries reduces the ability of the Communist side to conduct the war, at least for the next 6 to 12 months while 150,000 American troops are coming home.
>
> Nixon is also being criticized because it now becomes apparent that he seized an opportunity to help create the conditions he thinks must prevail in Indochina when all combat troops are gone. Why not? What is so sacred about enemy troops operating out of Cambodia against the desires of the Cambodian government?
>
> It has been pointed out that this would be like denouncing the British for invading German-held Holland in World War II operations at Arnhem. Cambodia's neutrality was violated no less by the North Vietnamese than was Holland's neutrality by the Germans.
>
> The difference, of course, is that the critics of Nixon in the Senate and on the inflamed college campuses want no success at all in Indochina.
>
> They want defeat and admission of wrong. They want atonement and apology—apology for justifiable exercise of power to bring political stability to Southeast Asia, apology for helping little countries avoid external domination, apology for as unselfish a national sacrifice as any nation ever made. . . .
>
> Success on Nixon's part will be greeted with the reproach that he has not gotten all troops out of Vietnam and has let the Thieu-Ky government go down the drain. There is no winning that argument with his opponents. Nor will they, it appears, win their argument with him.

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## THE ECONOMY OF OUR NATION

## HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

*Wednesday, May 20, 1970*

Mr. MOSS. Mr. President, on Sunday, May 17, and again on Monday, May 18, Mr. Hobart Rowen published in the Washington Post two articles concerning the economy of our Nation. Mr. Rowen is the business and financial editor of the Washington Post and a most discerning and able reporter of financial trends and developments in the Nation. What he says in his two articles is sobering, indeed, and I believe should be considered thoroughly by Members of the Senate and, indeed, by all who have access to the CONGRESSIONAL RECORD.

I ask unanimous consent that the articles be printed in the Extensions of Remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### BUSINESS IS SLOW TO PERCEIVE TREND

(By Hobart Rowen)

To many persons, young and old, U.S. business presents an image of insensitivity to the key issues of the day. Thus, at the meeting of the Business Council a week ago, former Commerce Secretary John T. Connor got a cold shoulder when he denounced the invasion of Cambodia, warning of "tragic consequences" at home and abroad.

"Within the populace at large," Mr. Connor told his executive suite peers, "it is already clear that the Cambodian move will result in more widespread dissension in this country, involving many other loyal citizens besides most of the young, the intellectuals and the blacks. This time, many of the silent majority will cease to be silent and will speak out against the continuation and expansion of this senseless warfare."

But when Mr. Connor was asked by newsmen what sort of reception he had gotten, Business Council Chairman Fred J. Borch (General Electric) brusquely cut in to say: "Polite."

The Business Council need not have agreed with Mr. Connor to have taken his warnings more seriously. Even supporters of President Nixon's move into Cambodia cannot shut their eyes to the deep division it has caused in our society.

Matching the economic and social consequences stressed by Mr. Connor, the foreign policy implications may be equally significant. As CBS White House Correspondent Dan Rather observed the other day, many of our European friends have concluded that the United States, not Russia, is the chief threat to world peace today.

So the issue, as raised by Mr. Connor, can hardly be ignored by leaders of the business community. Indeed, at another level, it is not being ignored by Wall Street, which no longer equates war and inflation with happiness on the stock market.

As a matter of fact, because of the invasion of Cambodia, the U.S. Treasury came within a hair, for the first time in modern financial history, of suffering a failure in a $3.5 billion borrowing. This has almost completely eluded the attention of the general public.

When the Cambodian crisis erupted, financial markets—banks and other investors—decided that it was not a good time to lend money to Uncle Sam. If the Federal Reserve had not stepped in with a frantic rescue operation, the borrowing would have failed and undoubtedly caused a financial panic.

If one grim fact stands out from the episode, it is that the Treasury and the Federal Reserve had no clue—when the borrowing was announced—where White House foreign policy was taking the country. At least that unnerving realization of bad management in Washington should have shaken up the Business Council.

But aside from the Southeast Asia war itself, it would seem that the Business Council and other modern businessmen can ill afford to ignore the social issues pressing upon all of us in today's America: racism, poverty, pollution, urban congestion, to name a few. Yet, some of the most perceptive students of American business think that corporate leaders give either lip service or public relations time to these problems, and little else.

The profit motive is still the main, and perhaps exclusive guide for business. For example, a man like George F. Bennett, president of Boston's State Street Investment Co. and treasurer of Harvard University, says flatly that Harvard's large stake in corporate enterprise should not be managed "for any purpose other than the growth of capital and income."

It is this sort of attitude that courts trouble. Harvard Business School of Administration professor John D. Glover believes that so many people are alienated by such

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"establishment" views typified by Bennett that revolution "is a conceivable alternative."

Mr. Glover paints a grim picture, and perhaps it is not all that bad. He himself points out that many big corporations have made good progress on minority hiring. The New York Telephone Co., for example, has done an outstanding job (about 50 per cent of new hires in the last few years have been blacks). Moreover, there are plenty of individuals, like Mr. Connor, who have the guts to step ahead of the pack. It took some courage for Jay Rockefeller IV to back Campaign GM, directed to forcing the big motor company to be "more responsive" to social and public needs.

But these are the hopeful exceptions to the rule, and one result is that many of the students in the Ivy League business schools, who used to be ranked as "square," are hesitant to follow the traditional path into careers with big corporations. The tendency today is for these young men to look for smaller firms, start their own businesses—or if they must go to one of the giants, they plan to stay just a few years.

"I would say," Mr. Glover told a group of financial writers in Boston the other day, "that none of the companies on Fortune's 500 list, or any of the companies on the Big Board or the Amex would be on a list of companies they would prefer to go to."

Mr. Glover, it should be understood, is no Bolshevik himself. He doesn't advocate revolution. But he thinks it could happen, whereas two, three or five years ago he would have said it was inconceivable. What is important for business to understand, he argues, is that the hostility is growing, and that "what the blacks and minority groups are saying strikes a resonance in a larger audience."

"We are not dealing here," he says, "with just a few nuts who have stirred up the docile natives. If the establishment, including the American corporation, can't provide a constructive voice, I think we are in for some parlous times. The 700 (level) on the Dow (stock index) could look like 'those golden days.' "

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[From the Washington Post, May 17, 1970]

### Market Drop Reflects Crisis of Confidence

(By Hobart Rowen)

When the stock market drops sharply over a long period of time—as it has done since December, 1968—everyone is involved in what's going on, whether or not he or she is an investor.

For the fact is, despite some simplistic explanations to the contrary, that the stock market *does* have a relationship that is real to the economic and political health of the country.

The loss of 300 points in the best known index of market prices is basically due to a crisis of confidence—confidence, that is, in the leadership of President Nixon in foreign affairs. This came to a head when, less than two weeks after giving details about withdrawal of troops from Vietnam, he confronted a startled citizenry with an invasion of Cambodia.

This has brought the nation to a state of political instability; young people are in revolt, racial tensions abound and social problems such as inadequate housing and pollution of the atmosphere are no closer to solution.

Moreover, it has become painfully clear that the Presidential performance in respect to the economy has been weak: production is down, unemployment is sharply higher—and interest rates and prices fail to retreat. Yet, Treasury Secretary David Kennedy and Economic Council Chairman Paul W. McCracken say with a straight face that things are "on schedule."

A high Nixon Administration official says privately and sarcastically: "Sure, we're on schedule: we're ahead of schedule in getting to high unemployment, and we're behind schedule in reducing excessive inflation. Just average those two things out, and you can see we're on schedule."

Meanwhile, the steady, painful drop in the market has both a real and psychological impact on the economy: people tend to spend less money, especially on luxury items and vacations, even if they have only "paper" losses to their stock portfolios. Fashion designers, furriers, jewelers—even country clubs and restaurants feel the pinch.

Even the automobile and TV-radio industries can tell the difference, especially at a time when declining payrolls and reduced overtime has hit sales hard.

Those who have money hang onto it, so much so that the Cambodian invasion nearly produced a failure of a $3.5 billion Treasury borrowing. When news of the escalation hit the markets, large investors decided that interest rates would be forced higher—and they kept their hands in their pockets, which necessitated a Federal Reserve rescue operation.

The most recently published figures contain the shocking news that the Gross National Product "deflator"—an over-all price index for the economy—was 6 per cent in the first quarter, instead of 5 per cent as first announced. Real output was down 3 per cent, or $5.5 billion in the first quarter. That's not nickel and dime stuff.

Despite soothing words from official sources in Washington, we are in the midst of a recession which (although mild in comparison with some others) has already cut deeper than anticipated. Moreover, there is a division of opinion among Administration economists, which does not surface in the formal speeches, over the prospects for an upturn later this year. We are beginning to hear that 1971 is not going to be a very good year, either.

Harvard Professor Otto Eckstein talks of the three-year period 1969 through 1971 as a "stretched recession," with unemployment hovering at or over 5 per cent for much of 1970 and 1971.

At 4.8 per cent, the unemployment level is already uncomfortably high. Those who dig behind the "global" number are concerned because layoffs are now hitting harder at blacks; because involuntary part-time employment is also up sharply; and because the recession is now broad enough to be spreading the increases in unemployment rather widely in non-durable as well as durable goods industries.

To those who have been brought up on some ancient text-book of economics, which suggested that war was good for business, the market's pessimistic response to Cambodia may have been confusing.

But businessmen and stock salesmen have long since learned over-all health of the economy is not based on war although, to be sure, there are some companies that thrive on munitions and war-connected business.

Former Treasury Under Secretary Robert V. Roosa, now a partner in Brown Bros., Harriman & Co., said in New York last week: "American business does not want this tragic war. Do not reach for that shibboleth. Any stock analyst here in the street will tell you that defense contracts hurt, and do not help, the earnings potential of the vast majority of firms. It is civilian business that brings through to earnings the yield that makes the difference between success or failure."

What war does is to create excessive strains in the economy, accompanied by inflation, high interest rates, and higher taxes. Nor are businessmen unaffected by the huge loss in life and the dissension at home that is a concomitant of a war-based economy.

Lewis B. Cullman, a New York money market man, put it this way in a recent roundtable discussion published by the Wall Street Transcript: " . . . if the American public or the American investing public is given some assurance that . . . we are going to get out of this Southeast Asia mess, that is when you are going to see some optimism and some change of attitude."

Neither the economy nor the stock market will do much better so long as uncertainty continues over direction of foreign policy. When one reflects on the scope of the current conflict, including not only Southeast Asia, but violence at home—not only provoked by campus radicals, but by right-wing elements like the construction union hardhatters in New York—one can agree with John Gardner that our survival as a society is threatened.

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## A NATIONAL HOUSING BANK: A WAY TO MEET THE HOUSING CRISIS

### HON. WRIGHT PATMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. PATMAN. Mr. Speaker, the high interest-tight money policies of the administration and the Federal Reserve Board have finally achieved their predictable result: The Nation is now suffering a disastrous housing depression.

Housing starts have dropped to an annual rate of 1.1 million units, only 42 percent of the total required each year to meet the national housing goals.

Half the Nation's population—those families whose incomes are too high for them to qualify for federally assisted housing programs and too low to afford a $20,000, 30-year mortgage—have been priced out of the housing market. Only those families with incomes of $13,000 to $15,000 a year can afford mortgage payments on home loans that carry interest rates of 8.5 percent, 9 percent, and more.

Unemployment in the construction industry has reached a level of 8.1 percent. The lack of mortgage funds at reasonable rates has brought the home building industry to the brink of collapse.

#### PIECE OF THE ACTION PIRACY

This terrible situation has been made even worse by an intolerable practice which is being adopted by a growing number of lending institutions across the country. These institutions are not content to charge exorbitant interest rates on real estate loans; they demand a part of the income or a part of the ownership of such property as well, thus raising the effective cost of the loan to a level bordering on piracy. This practice must and will be stopped. I intend to hold Banking and Currency Committee hearings just as soon as possible to examine the problem and consider legislative remedies, such as H.R. 16403, introduced by Congressman McFall.

#### A NATIONAL BANK FOR HOUSING

Mr. Speaker, Congress must act now to meet our worsening housing crisis. To this end, I have introduced H.R. 17495, the Emergency Home Finance Act which is cosponsored by many Democratic Members of the House. The heart of the Emergency Home Finance Act is title V which would create a National Development Bank to provide low- and moderate-income mortgage loans at interest rates not exceeding 6½ percent for those families who cannot obtain mortgage funds at rates they can afford. The Development Bank would be funded through the required purchase of its obligations by tax-exempt private pension funds and virtually tax exempt privately controlled foundations. These institutions have enormous assets totaling $156.2 billion. My bill would require them to channel a small portion of their assets, no more than 2.5 percent in any given year, into bank obligations which would have yields comparable to similar Federal agency obligations, be negotiable and fully and unconditionally guaranteed.

Title V of the Emergency Home Finance Act is the only proposal before Congress to provide an additional source of mortgage funds at reasonable rates. As such, it is the only proposal under consideration that effectively moves to meet the national housing crisis for low- and moderate-income families. Almost all the other money sections of the bill provide interest rate subsidies for loans from a pool of private funds which is and will continue to be totally inadequate. In short, title V is recognition of the fact that our low- and moderate-income housing needs cannot be met solely by continued reliance on subsidies which tend to support high interest rates. It is recognition of the fact that what is needed in addition is a new source of funds.

The National Development Bank would have a minimum of $4 billion a year to finance the construction and ownership of low- and moderate-income housing. It would not require congressional appropriations or Treasury purchases to provide loan funds, although authorization is contained in the bill to allow for such action, should Congress and the administration wish to take it. Loan funds provided through purchase of bank obligations by private pension funds and privately controlled foundations would be completely noninflationary because these funds would be invested elsewhere in the economy.

OTHER PROPOSALS

There are two other major money titles in H.R. 17495 as it was introduced. One would authorize an appropriation of $1.5 billion for interest rate subsidies on federally assisted housing program mortgages. The other would authorize an appropriation of $250 million to subsidize the interest charged on loans made by the Federal home loan banks to member borrowers, chiefly savings and loan associations, with the provision that the subsidy be used to reduce the interest rate on mortgage loans made to low- and moderate-income families. Loans to such families would be at a rate no more than 1 percent higher than rates paid by the lending institution originating the mortgage.

The restrictions on the use of this subsidy are a vast improvement over the administration's proposal in this area. The administration simply requested that a $250 million subsidy be provided for loans to savings and loan associations with the benefit ending at that point rather than being passed on to the homebuyer.

The only other major sections of the Emergency Home Finance Act provide for the creation of secondary markets for conventional, FHA and VA mortgages through the Federal National Mortgage Association and the Federal Home Loan Bank Board. Such secondary markets for conventional mortgages are needed and should prove useful in the collective effort being made to meet the national housing goals, but they will not provide to low- and moderate-income families the direct financial benefits extended by the Development Bank and the pass-through interest subsidy on Federal home loan bank loans. Of the two, the Development Bank is far more important because it not only furnishes low- and moderate-income borrowers with mortgage loans at a reasonable interest rate, but creates a substantial addition to the pool of mortgage funds available for this purpose.

Mr. Speaker, I urge every Member of Congress to support this legislation as a practical, effective approach to meeting the Nation's housing crisis. In this connection, I include in the RECORD a telegram addressed to me by Capt. Joseph L. Weiss of Housing Associates of America, a Los Angeles firm:

LOS ANGELES, CALIF.

Congressman WRIGHT PATMAN,
*Chairman, House Banking and Currency Committee, House Office Building, Washington, D.C.:*

We strongly endorse plan to provide mortgage financing at low interest rates for low and medium income families by an urban development bank set up for that purpose. However we urge concurrent steps to restrict immoral equity mortgage lending by banks and insurance companies. You must eliminate this vicious practice concurrent with your practical solution to provide mortgage funds for millions of Americans. We therefore endorse Congressman MCFALL'S bill H.R. 16403 before your committee. Our economy and society deserve the benefit of both courses of action. We oppose and object to the administrations plan to provide $250,000,000 subsidy for the $170,000,000,000 savings and loan industry which benefit a few and provide a barrier against lowering of mortgage rates. Please include this wire in your proceedings.

Capt. JOSEPH L. WEISS.

## SST WORTH BILLIONS TO OUR BALANCE OF TRADE AND U.S. INDUSTRY

### HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. PELLY. Mr. Speaker, commercial air transportation is one of the outstanding growth industries, and this growth is expected to increase sixfold between now and 1990. To carry this traffic, $125 billion worth of new commercial aircraft will be required. Of this amount, approximately $25 billion will be supersonic.

Currently, about 850,000 workers are employed in the aircraft industry in America. And, the U.S. SST program is expected to employ about 50,000 workers, including subcontractors in practically every State. An additional 115,000 will be employed in consumer and service industries as a result of the SST program.

Of the total market estimate of 500 U.S. SST's by 1990, 270 are expected to be exported to foreign airlines. This amounts, Mr. Speaker, to $13 billion of export business in the period of 1975 to 1990. Without a U.S. SST program, U.S. airlines would import about $5.6 billion. When accounting for all the offsetting effects of subsonic jet and Concorde business, it is estimated that the net difference in the U.S. balance of trade attributable to having a U.S. SST program as opposed to not having one would be $16.2 billion.

The manufacturing firm chosen to construct the SST is the Boeing Co., and this company has just been cited again by the Department of Commerce for its record of promoting the sale of U.S. products in foreign markets. Boeing Co. received the President's "E" Award in July 1962, and just last week was awarded the "E Star" for continued superior performance in foreign marketing activities.

The point is, Mr. Speaker, that America has a great industry that can produce the best supersonic transport in the world; an SST which economically is of vast importance to the industry, the American labor which will build it, and the U.S. economy that will be strengthened by its existence.

## SITUATION WORSENING IN NATIONAL DEBT

### HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. HANNA. Mr. Speaker, this morning the Wall Street Journal carried an article which I think should be of great interest to the Members of this House and which gives us a reading of some very serious situation in terms of financial conditions in this country.

Since 1963 the national debt has been shortening every year dramatically, so that in this year the average length of the national debt is about 3 years and 6 months. This means that the turnover requirements of the debt are very substantial. This year, not counting a deficit which, in my judgment, will be something in the nature of $3 to $6 billion, there will be a requirement in the marketplace of the national debt of about $121.3 billion. If you add to that the $3 to $6 billion deficit that must be covered, this shows you the size of the activity of just the Treasury Department on the basis of financing the Federal debt.

In addition to that, there are some 9 to 11 agencies of the United States who

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are also going into the marketplace regularly for both short- and long-term money.

Right now the problem is a division of a shortage of money in this country. At the same time the creative wealth of this country goes down.

Unless we realize that we have got to bring in line the productive capabilities where the wealth of this country can be brought to bear, there is no way we can go except to divide the shortages of money.

This problem will always remain with us regardless of what we do in this Congress, high interest rates, and as long as interest rates are more competitive, the price will continue to go up.

Mr. Speaker, our concern should be to increase the wealth of this country so we can increase the money supply.

## BUSING OF SCHOOLCHILDREN

### HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. McDONALD of Michigan. Mr. Speaker, there has been a great deal of controversy in the city of Pontiac over a Federal court's decision requiring the busing of children to achieve racial balance. Since taking office, I have opposed compulsory busing of schoolchildren beyond normal geographic school zones for the sole purpose of achieving racial balance.

The President has also indicated in his statement to Congress on elementary and secondary school desegregation that the neighborhood school is the most appropriate base for our educational system and that transportation of pupils outside school boundaries to achieve racial balance will not be required. I agree that our limited education funds should be used to improve the quality of education rather than to transport young students miles away from their neighborhood.

I would like to take this opportunity to share with my colleagues excerpts of a letter I received from Mr. and Mrs. Albert Weiss. I feel this situation clearly points out the problems that many Pontiac parents will be facing in the fall. I hope their remarks will be of interest:

PONTIAC, MICH.,
*April 6, 1970.*

Hon. JACK H. McDONALD,
*House Office Building,*
*Washington, D.C.*

DEAR REPRESENTATIVE McDONALD: We have reviewed the recent busing proposal submitted to U.S. District Judge Damon J. Keith by the Pontiac, Michigan School Board, and we agree that you, our elected official, must see that it is not put into practice.

Under this proposal, our daughter, who will enter kindergarten in the Fall, without our ever having moved, will have attended *seven different schools* by the time she graduates from the twelfth grade. In her thirteen years of schooling she will attend schools as follows:

School A (located in our neighborhood, within walking distance)—Kindergarten, 3rd and 4th grades.

School B—1st and 2nd grades.

School C—5th and 6th grades.

School D—7th grade.

School E—8th grade.

School F—9th grade.

School G—10th through 12th grades.

Look at it again—seven different schools, but she will have *changed schools eight times*. She will have been bused ten of her thirteen school years—not of necessity, but to achieve a so-called racial balance in the school system.

## REVISIONS OF BUDGET ESTIMATES FOR FISCAL YEARS 1970 AND 1971

### HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. MAHON. Mr. Speaker, the President today issued revised summary estimates of the overall Federal budget picture for the current fiscal year 1970 which ends this June 30, and for the forthcoming fiscal year 1971 which begins on July 1 next. He accompanied the Budget Bureau revisions with an explanatory statement briefly highlighting the basis for the revised figures on estimated budget receipts and outlays—expenditures and net lending.

#### DEFICITS IN BOTH 1970 AND 1971

On the unified budget basis which encompasses both Federal funds and the various trust funds, the President now projects a budget deficit of $1.8 billion for fiscal 1970. As compared to the figures for 1970 in the budget last February, fiscal 1970 estimated receipts are down by $3 billion; estimated outlays are up by the net amount of $0.3 billion.

For fiscal 1971 on the unified budget basis, the President now projects a budget deficit of $1.3 billion. As compared to the figures for 1971 in the budget last February, fiscal 1971 estimated receipts—including proposed revenue legislation—are up by the net amount of $2.2 billion; fiscal 1971 estimated outlays—including various proposed legislation involving both outlay increases and reductions—are projected upward by $4.8 billion.

Mr. Speaker, for the information of Members and others, and under leave granted, I include the President's explanatory statement and the release prepared by the Bureau of the Budget:

STATEMENT BY THE PRESIDENT, MAY 19, 1970

To slow down the rise in prices, we have been faced with the urgent need to slow down the momentum of rising Federal spending.

We have responded to this need. From fiscal 1965 to 1969, the average annual increase in Federal spending was over 13%; in fiscal 1970, that rise was cut to 7.4%, and in the coming fiscal year, that spending momentum will be further cut in half—to 3.7%.

I am issuing today the latest revisions of the Budget for the fiscal years 1970 and 1971, as prepared for me by the Bureau of the Budget.

*For fiscal 1970*, the budget last February projected a surplus of $1.5 billion.

To hold the line on the spending side, we are offsetting increases in uncontrollable outlays such as interest on the public debt, farm price supports, and public assistance grants, as well as a Federal employees pay raise, with reductions in other programs. By holding a tight rein on all others, we will succeed in meeting our overall spending target of approximately $198 billion.

However, tax revenues are running about 1½%, or $3 billion below previous projections. For this reason, rather than because of overruns of expenditures, we now estimate a deficit for 1970 of $1.8 billion.

*For fiscal 1971*, our budget revisions show an estimated deficit of $1.3 billion. This change of $2½ billion since my February budget message reflects principally:

1. A one billion dollar shortfall in the revenues projected in the budget;
2. A further increase of $2¼ billion in statutory outlays not subject to executive control; including $1 billion in increased interest and one-half billion in increased unemployment insurance.
3. An increase of more than one billion dollars to reflect the cost of the recently enacted Federal employee pay and postal wage increases, after deducting proposed postal rate increases;
4. About three-quarters of a billion dollars (net) for other pressing needs already announced, which became necessary after the February budget was prepared (more than one half of it for release of Federal assistance money to aid State and local construction); and
5. Another three-quarters of a billion dollars growing out of completed Congressional actions to date—actions in excess of my requests.

These, in turn, are offset to the extent of over $3 billion largely by:

6. My earlier proposal to the Congress to accelerate the collection of estate and gift taxes; and
7. A further proposal that I shall be making to the Congress to impose a tax on lead used in the manufacture of gasoline, a proposal closely related to our antipollution efforts as well as to our revenue needs.

The principle of comparability of pay for Federal employees may require an additional expenditure of slightly more than one billion dollars in the latter half of fiscal 1971. Other programs should be reduced to pay for such an increase should it become necessary, without adding to the deficit.

It should be noted that the deficit now projected for fiscal 1971 would have been more than covered by the amount of revenues the Congress chose to eliminate from my recommendations for the Tax Reform Act of 1969.

Despite this premature reduction by the Congress, our tax system would produce sufficient revenue to cover the present, restrained level of government spending if we had normal economic growth without inflation today. Progress is being made toward that goal. However, if government spending, in spite of the strict controls I have placed on it, were to exceed the potential yield of the tax system, I would not hesitate to ask the Congress for further increases in taxes when I present my new budget next January.

The Congress must cooperate if spending is to be controlled. If the Congress votes higher appropriations than I have requested for some programs, it should match these increases with cuts in other programs or raise the revenues to pay for them. Responsible action permits no other alternative.

As this Administration's actions have proved, we are determined to slow down the rise in prices, which imposes too great a hardship on too many of our people. One vital element in this campaign has been to gain control of Federal spending and in that we must continue to succeed.

I am equally determined to curb inflation.

Frankly, my concern about unemployment and my desire to bring about price stability without economic dislocation is why the campaign to control inflation cannot be accomplished quickly.

As I anticipated, price increases are beginning to slow down; as I forewarned, this has been accompanied by "slowing pains."

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We expect that economic activity will shortly resume a more rapid yet steady and more sustainable rate of increase that will not fuel a new inflation.

None of us can claim perfect vision of our economic outlook. I am confident, however, that by persevering in our policies as we have done in the past year, we shall achieve our goal of price stability in a climate of sound and sustainable economic growth.

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### REVISION OF THE FISCAL YEARS 1970 AND 1971 BUDGET ESTIMATES, MAY 19, 1970

On February 2, the President transmitted to the Congress his budget for the fiscal year 1971, along with revised estimates for fiscal year 1970. For 1970, receipts were estimated at $199.4 billion, and outlays at $197.9 billion, yielding a surplus of $1.5 billion. For 1971, receipts were estimated at $202.1 billion, outlays at $200.8 billion, and the surplus at $1.3 billion.

In his budget message, the President described the objectives of his first budget:

To provide the resources required to meet both our international responsibilities and such urgent domestic needs as crime control and improvement of the environment;

To help restore economic stability;

To begin the necessary process of reordering our national priorities;

To foster basic reforms in Government programs and processes; and

To begin to place greater reliance on private initiative.

This perspective called for the tight budget that was proposed by the President. Neither the perspective nor the need for fiscal restraint has changed since February. Conditions affecting the budget have changed adversely, however.

#### FISCAL YEAR 1970

Fiscal year 1970 budget estimates have been revised to reflect three factors:

The Federal employee pay raise retroactive to late December;

The effect of altered economic and other conditions on outlays that are uncontrollable under present law; and

Congressional actions on controllable programs.

The effect of these factors on the budget totals is summarized in the following table. The principal changes in outlays are listed in Table 1 (attached).

[In billions of dollars]

| Fiscal year 1970 | Budget estimate | Change | Revised estimate |
|---|---|---|---|
| Receipts | 199.4 | −3.0 | 196.4 |
| Outlays | 197.9 | +.3 | 198.2 |
| Surplus or deficit (−) | 1.5 | −3.3 | −1.8 |

The shift from surplus to deficit results almost entirely from a shortfall in estimated receipts from the corporate income tax, rather than from an overrun on spending. Both final payments on calendar year 1969 liabilities and initial payments on calendar year 1970 liabilities fell below expectations. Other changes in estimated tax receipts in fiscal year 1970 are approximately offsetting; excise taxes are now estimated to decline by $0.2 billion, while customs duties are expected to increase by an equal amount. Table 2 (attached) lists estimated receipts by major source and the changes in each.

Despite strong pressures for higher spending, total outlays in 1970 are expected to be close to the $198 billion estimate of the February budget. The pressures for higher outlays have, in fact, resulted in increases of $3 billion, but 90% of this amount is being offset by decreases.

The increases include:

$1.2 billion for the Federal pay adjustment;

$1.2 billion as a result of uncontrollable increases in interest, public assistance grants, farm price support payments, and unemployment benefits; and

$0.6 billion as the result of congressional action to increase education and veterans programs and congressional delay in enacting postal rate increases.

The principal reductions resulted from a decrease in estimated Export-Import Bank and Farmers Home Administration net lending, and lower than expected outlays for Medicare, space activities, Model Cities, and other programs.

#### FISCAL YEAR 1971

The factors that are pressing upward on 1970 outlays pose even greater threats to the 1971 budget. On the basis of the tax rates recommended in February, receipts will fall short of the earlier estimate. However, that shortfall will be more than offset by the President's earlier proposed acceleration of estate and gift tax collections and his new proposal for a tax on lead used in the manufacture of gasoline. Revised totals for fiscal year 1971 are shown below; greater detail is shown in Tables 2 and 3 (attached).

[In billions of dollars]

| Fiscal year 1971 | Budget estimate | Change | Revised estimate |
|---|---|---|---|
| Receipts | 202.1 | +2.2 | 204.3 |
| Outlays | 200.8 | +4.8 | 205.6 |
| Surplus or deficit (−) | 1.3 | −2.6 | −1.3 |

Economic assumptions underlying the fiscal year 1971 revenue estimates have not been changed significantly from the levels used in the February estimate. However, revenue from individual and corporation income taxes has been reduced by $0.5 billion and $1 billion, respectively, from the February estimates because of a re-evaluation of tax revenue expectations based on fiscal year 1970 receipts experience. On the other hand, higher receipts are expected from unemployment insurance taxes ($0.2 billion) as a result of legislation expected to be enacted soon, customs duties ($0.2 billion), and miscellaneous receipts ($0.2 billion). In addition, favorable congressional response to the President's requests for tax legislation will produce an additional $1.5 billion as a result of accelerated estate and gift tax collections and $1.6 billion from a tax on lead used in the manufacture of gasoline.

None of the $4.8 billion increase in the outlay estimates is attributable to our military operations, either in Cambodia or elsewhere. Almost half—$2.3 billion—of the increase is in uncontrollable programs, including:

Interest on the public debt ($1 billion),

Unemployment benefit payments ($0.5 billion),

Cash assistance grants, Medicaid and Medicare ($0.2 billion), and

Farm price supports ($.3 billion).

About $2.5 billion of the increase is associated with a number of actions that have been taken since the budget was transmitted.

The largest single increase—$1.4 billion—will result from the action taken in April to move the effective date of the Federal pay adjustment forward a full year from the January 1, 1971 date assumed in the February budget. Simultaneously with the announcement of this action, the President proposed that the collection of estate and gift taxes be accelerated—and thereby increase 1971 revenues by $1.5 billion. In addition, a further increase in postal rates was requested to offset about $0.4 billion of the higher postal costs attributable to the pay raise.

The remaining increases are expected to add $1.5 billion (net) to 1971 outlays. The principal ones are:

Withdrawal of the voluntary deferral of federally-assisted construction,

Veterans education and training.

The school lunch program,

Education programs,

Improving the quality of the environment,

Aids to housing and other construction incentives,

Farmers Home Administration net lending, and

The 1971 effect of higher appropriations for the Departments of Labor and Health, Education, and Welfare.

These increases are partially offset by a number of reductions, including:

Lower outlays for the Family Assistance Program, because of a later than expected effective date for the program,

Slower than expected spending for the Model Cities program and for highways, and

A net reduction in the outlays associated with other programs.

The revised 1971 budget, even with a $1.3 billion deficit, remains a tight budget and is fiscally responsible in the expected economic environment of fiscal year 1971. The deficit is less than the increased outlays for uncontrollable programs—a third of it due to higher unemployment compensation. The deficit is substantially less than the increase in receipts that would be produced were the economy operating at its normal capacity.

These revised estimates are, of course, just that—estimates. They are based upon expectations concerning economic conditions and congressional action on proposed legislation. In particular, they assume that the Congress will:

Approve the requested postal rate increases;

Enact the tax legislation proposed by the President in the February budget and later;

Pass the Economy Act of 1970 and thereby endorse the program reductions, restructuring, and terminations proposed in the February budget; and

Not add to the total of controllable 1971 spending proposed by the President in appropriations and other legislation.

If we are to hold to these fiscally-responsible estimates, continued outlay restraint is essential. The Administration is committed to such a course now and will stay on it. Congressional commitment is equally necessary. If the Congress votes higher appropriations, or does not approve the taxes proposed by the President, it should match these with specific cuts in other spending programs or increases in other taxes.

Continued fiscal restraint is essential to further progress toward the objectives stated in the President's budget message. Relaxation of that restraint now would risk the danger of permitting the economy to climb too fast as it begins to pick up in the months ahead. Too rapid an advance could nullify the progress made to date toward bringing inflation under control and undermine the Administration's progress toward achieving basic reforms in Government programs and processes.

TABLE 1.—*Changes in 1970 budget outlays*

[In billions]

| | |
|---|---|
| February budget estimate | $197.9 |
| Major increases: | |
| Federal comparability pay raises (enacted Apr. 15, 1970) | +1.2 |
| Interest on the public debt | +0.55 |
| Labor-HEW appropriation as enacted | +0.3 |
| Public assistance grants (including medicaid) | +0.3 |
| Farm price supports | +0.25 |
| Postal rate increase—no action by Congress to date | +0.15 |
| Veterans education and medical care | +0.1 |
| Unemployment insurance benefits | +0.1 |
| Subtotal, major increases | +3.0 |

| | |
|---|---|
| Other changes: | |
| Export-Import Bank | −$0.4 |
| Medicare | −0.3 |
| Other HEW programs | −0.3 |
| Farmers Home Administration, net lending | −0.3 |
| Model cities | −0.2 |
| National Aeronautics and Space Administration | −0.15 |
| Department of Transportation | −0.1 |
| Department of Labor, excluding unemployment insurance | −$0.1 |
| Civil service retirement, net | −0.15 |
| Allowance for contingencies | −0.2 |
| All other changes, net | −0.5 |
| Subtotal, other changes | −2.7 |
| Current estimates, 1970 outlays | 198.2 |

TABLE 2.—BUDGET RECEIPTS, FISCAL YEARS 1970 AND 1971

[In billions of dollars]

| Source | Fiscal year 1970 | | | Fiscal year 1971 | | |
|---|---|---|---|---|---|---|
| | Budget estimate | Current estimate | Change | Budget estimate | Current estimate | Change |
| Individual income taxes | 92.2 | 92.2 | | 91.0 | 90.5 | −0.5 |
| Corporation income taxes | 37.0 | 34.0 | −3.0 | 35.0 | 34.0 | −1.0 |
| Social insurance taxes and contributions | 44.8 | 44.8 | | 49.1 | 49.3 | +.2 |
| Excise taxes | 15.9 | 15.7 | −.2 | 17.5 | 19.1 | +1.6 |
| Estate and gift taxes | 3.5 | 3.5 | | 3.6 | 5.1 | +1.5 |
| Customs duties | 2.3 | 2.5 | +.2 | 2.3 | 2.5 | +.2 |
| Miscellaneous receipts | 3.7 | 3.7 | | 3.6 | 3.8 | +.2 |
| Total | 199.4 | 196.4 | −3.0 | 202.1 | 204.3 | +2.2 |

TABLE 3.—*Changes in 1971 budget outlays*

[In billions]

| | |
|---|---|
| February budget estimates | $200.8 |
| Changes in uncontrollable programs: | |
| Interest on the public debt | +1.0 |
| Unemployment insurance benefits | +0.5 |
| Cash assistance grants, medicaid and medicare | +0.2 |
| Farm price supports | +0.3 |
| Veterans compensation and pensions | +0.2 |
| Disaster relief | +0.1 |
| Subtotal, changes in uncontrollable programs | +2.3 |
| Other changes: | |
| Federal comparability (enacted April 15, 1970) and postal pay raises | +1.4 |
| New postal rate proposals | −0.4 |
| Increased postage for Federal mail | +0.1 |
| Withdrawal of voluntary State-local construction deferral | +0.5 |
| Housing and construction incentives | +0.15 |
| Environmental quality—revision in proposal and reestimate of budget program | +0.2 |
| Labor-HEW appropriation bill for 1970 as enacted—effect on 1971 outlays | +0.2 |
| Education appropriations—to maintain consistency with 1970 bill as enacted | +0.2 |
| School desegregation | +0.15 |
| Veterans education—GI bill | +0.2 |
| School lunch and child nutrition, as enacted | +0.2 |
| Coal mine health and safety bill, as enacted | +0.1 |
| Federal employee health benefits | +0.1 |
| Farmers Home Administration, net lending | +0.3 |
| Model cities—slower pace of outlays (no change in program level) | −0.15 |
| Highway trust fund | −0.05 |
| Delay in initiation of family assistance program | −0.4 |
| All other changes, net | −0.3 |
| Subtotal, other changes | +2.5 |
| Current estimate, 1971 outlays | 205.6 |

## SUPPORT FOR CAMPAIGN TO MAKE GENERAL MOTORS RESPONSIBLE

## HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BROWN of California. Mr. Speaker, this Friday marks the apex of a significant confrontation within the American business community. At the annual shareholders meeting of General Motors Corp. in Detroit, stockholders will vote on a series of historic public interest proposals aiming to increase GM's corporate responsibilities.

The following statement represents the views of 16 Members of the House—some of them shareholders in General Motors—who endorse the goals and policies sought by "Campaign GM":

### CAMPAIGN GM

The campaign to make General Motors responsible stands as an unprecedented effort to insure that American corporations, beginning with GM, become more responsive to society's needs. Decisions of giant corporations such as GM affect virtually everyone. Yet, those decisions are reached behind closed doors by a small fraternity of powerful men, insulated from the social pressures that shape the decisions of other policymakers in this nation.

Campaign GM is attempting to open up the corporate decisionmaking process, to expose those decisions to public scrutiny, to make decisionmakers accountable.

Regardless of the outcome at GM's annual meeting this Friday in Detroit when shareholders vote on public interest proposals supported by Campaign GM, we think the Campaign has been enormously successful. GM policies have been thrust into the limelight; there is growing scrutiny of its decisions; and, a great debate has opened on the roles of the corporation, its management and the place of the investor.

Campaign GM has caused banks, universities, foundations, mutual funds, insurance companies and individual investors to consider obligations to people as well as to profits. It has brought about new appraisals concerning how institutions should use their power as shareholders.

Even institutions that voted against the Campaign's proposals, such as the Rockefeller Foundation, admitted that Campaign GM has made them "realize that we must examine our overall investment philosophy. The responsibility of the Foundation as a stockholder requires us to consider the needs and problems of management. But the responsibilities of the Foundation, committed in its Charter to the missions of serving the well-being of mankind, requires us to recognize that more is at stake than our role as a stockholder."

We deplore the fact, however, that so few institutions actually supported the Campaign's proposals. We would have preferred more hard votes and fewer sanctimonious statements.

We particularly impugn those institutions—and especially the many universities—which have revealed themselves through this Campaign to be as unresponsive to their constituencies as are the purely private sector establishments which prompted Campaign GM by their unremitting drives for private gains at all costs. At many universities, students and faculty urged support of the Campaign only to be voted down in closed meetings by trustees. Over the last few months, university officials have paid much lipservice to the need for orderly, nonviolent channels for student sentiment. In fact, Columbia University even set up a committee of trustees, students and professors to advise the University Board of Trustees on policy matters. Yet, when that committee rendered its advice to support Campaign GM, it was ignored. What is the lesson we ask?

As representatives of the people we are dedicated to forwarding the rights of all citizens. We believe our support and efforts cannot be limited to affairs of government only. We desire, and we will work towards achieving a system in which the welfare of all citizens must be regarded in the decision-making process of the large corporations that dominate our economy and our society.

We support the goals and objectives of Campaign GM, and we believe that Congress, as guardian of the public welfare, should actively emphasize the need for responsive and equitable enterprise.

GEORGE E. BROWN, JR., RICHARD L. OTTINGER, PHILLIP BURTON, JONATHAN B. BINGHAM, SHIRLEY CHISHOLM, WILLIAM CLAY, JOHN CONYERS, JR., DON EDWARDS, LEONARD FARBSTEIN, DONALD M. FRASER, AUGUSTUS F. HAWKINS, KEN HECHLER, EDWARD I. KOCH, THOMAS M. REES, BENJAMIN S. ROSENTHAL, WILLIAM F. RYAN.

## TRIBUTE TO MRS. LOUISE GOFF REECE

## HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. EVINS of Tennessee. Mr. Speaker, I take this means of joining other members of the Tennessee delegation in paying a brief but sincere tribute to the memory of Mrs. Louise Goff Reece, our former colleague, who passed away recently.

It was my high privilege to serve with Mrs. Reece and with her distinguished husband, B. Carroll Reece, in the House.

When her husband died while a Member, Mrs. Reece succeeded him and carried on his work magnificently and with great dedication. She bore the mantle of public service of a distinguished family—the Reece family and her own family. Her father was a U.S. Senator from West Virginia.

She was a great lady, charming and gracious—and she was an able, talented Congresswoman who represented her district, State, and Nation with effectiveness and zeal.

She will be greatly missed and I want to take this means of extending to members of the Reece family this expression of my deepest and most sincere sympathy in their loss and bereavement.

## RATIONAL STUDENT DISSENT

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 18, 1970*

Mr. QUIE. Mr. Speaker, if one thing became clear during the recent antiwar demonstrations here, it was that violence and the ranting of the radicals has disenchanted more than a few of the Nation's students. Some of my colleagues were surprised to find that among their student visitors were many who were quiet, respectful, and eager for a dignified discussion of the many things which are upsetting them and their colleagues.

This was no surprise to those of us who have been closely associated with students over the years. It is noteworthy that they are willing to work through the polls which is the legitimate way to bring about policy change.

In this connection, I include in the Record the following article from the May 18 issue of the Republican Congressional Committee Newsletter:

College Demonstrators' Turn Toward Reason Is Noted by GOP Leaders

Something new seems to be developing among student demonstrators.

Despite occasional violence, the tear gas and the "hate America" speeches by the radicals, the demonstrations in Washington last week were relatively peaceful. What was new, a number of Republican House leaders agreed, was the very real effort by students to communicate rather than demonstrate.

They streamed through the House and Senate office buildings seeking interviews with members, asking to be heard and willing to listen.

Rep. Albert H. Quie of Minnesota, a ranking Republican on the House Education and Labor Committee who has spent many years on the problems of students, expressed what seemed to be the general view.

"Some who talked to me," he said, "told me that they deliberately avoided the Ellipse near the White House in order to avoid violence. Most of them were not radicals. What they want now is to communicate with their Congressmen, to become part of the political process, rather than to try to tear up that process. They have never felt that way before."

House Republican Conference Chairman John B. Anderson, of Illinois, said the scenes on the Ellipse reminded him of "the admonition of Paul to his young coworker Timothy in the Bible: 'Don't let people look down on you because you are young, see that they look up to you because you are an example to them in your speech and your behavior—in your love, and faith and sincerity'."

Anderson said he believed that "the vast majority of the young pepole who met in Washington . . . did succeed in assuring the people of our country that rather than looking down on them, we will look up to them with new hope for the future of our land."

House Republican Leader Gerald R. Ford of Michigan said:

"By far the most part of the young people who came to Washington over the weekend to demonstrate for peace were orderly, well-mannered and a credit to their schools. I think those of us who talked to them learned a great deal. We learned, for example, that they are very much concerned that our political system be made to function as a democratic system; that they want to be heard. And they learned, I sincerely believe, that members of Congress and the Administration want to hear them. Let us hope this dialogue will continue. All of us will profit."

## TRAGEDY AT KENT STATE

### HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. RAILSBACK. Mr. Speaker, recently an editorial was published in the Kewanee Star-Courier concerning the tragedy at Kent State. I would like to bring the editorial comment to the attention of my colleagues:

[From the Kewanee (Ill.) Star-Courier, May 7, 1970]

Reaping a Bloody Harvest

We are appalled as everyone else at the needless, tragic loss of young lives on the campus of Kent University in Kent, Ohio.

But how much of the dissent by the militants has to be tolerated even in a free society?

How many of you parents know what kind of a message had been given to the students?

We have received a letter from Evelyn M. Young, 123 N. Vine St., saying, "As a newcomer to your City of Kewanee, I am wondering what the reaction will be by the parents in this community if you should print this article from the Review of the News.

"As the Communists have said we will bury you! But it seems to me they have asked for help from Hitlerism."

The latest edition of the Review of the News, Vol. 6, No. 18, has a report on Kent State. This was written before the deaths of the four students, but is dated May 6.

Here is what the article reports:

"Revolutionary leader Jerry Rubin, convicted member of the Chicago 7, told more than 1,500 students at Kent State University in Kent, Ohio, on Friday that '. . . until you people are prepared to kill your parents you aren't ready for the revolution.'

"Calling parents the first oppressors, Rubin continued, 'Quit being students. Become criminals . . . We have to disrupt every institution and break every law.'

"As Rubin spoke, several students circulated through the audience, collecting money for the legal expenses of the Chicago 7 and for four KSU students convicted of riot charges stemming from 'incidents last fall'."

In the name of God, just what are we tolerating in our educational institutions? We permit rabble rousers of the vilest sort to touch the flame and then scream when someone gets burned.

Is the National Guard to blame because Guardsmen probably fired in panic when they were being hemmed in by students who already had beaten campus cops? Or should the blame be placed on the likes of Jerry Rubin?

## ABORTION—LIVE FETUSES FOR SALE

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. RARICK. Mr. Speaker, the London report that live fetuses, artificially and prematurely aborted infants, are being sold for research is shocking. If true, we now face the tragic thought that infant human beings may replace guinea pigs, rats, mice, rabbits, and monkeys in the laboratory. This report of the sale of live fetuses should be even more electrifying to us here in the District where Federal Judge Gerhard A. Gessel has now all but abolished abortion laws and where the same judge threatens by injunction and contempt local hospitals for not performing welfare abortions on indigent females.

This latest development in the abortion movement should hit home to those who have permitted pity, tolerance and apathy to cloud the moral and religious issues involved.

What society needs desperately is the development of an environment of morality, restraint, and discipline. Education is the answer but it must be education in wholesomeness, love, and understanding with strict parental respect and guidance. Society suffers from too much rhetoric on abortion, pornography, sex education, and permissiveness.

Mr. Speaker, I insert the news clipping and several related news articles:

[From the Washington Post, May 19, 1970]

Alleged Sale of Live Fetuses Set Off Uproar in Britain

London, May 18.—A furious controversy has broken out over one of the most emotion-laden issues it is possible to imagine: the alleged sale of live fetuses, acquired through abortions, for medical research purposes.

Since the allegation was made on Friday, investigation has disclosed that there has, in fact, been medical research on fetuses, kept alive for a few hours by researchers using a heart-lung machine. What is in fierce dispute, however, is whether "abortion clinics," functioning under Britain's recent and controversial liberalized abortion law, have actually sold embryos to research institutions.

The assertion was made public by Norman St. John-Stevas, a Conservative member of Parliament who, as an intensely dedicated Roman Catholic layman, was a leading opponent of the 1968 abortion legislation.

He described the alleged trade as "the most horrible that has ever taken place in Britain."

St. John-Stevas said he had notified Richard Crossman, secretary for social services, that he had received a letter about an alleged plan for an abortion clinic to sell live fetuses to a physiologist. The informant said the physiologist intended to keep them in a state of suspended animation on a heart-lung machine until they reached "term,"

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about 40 weeks, and then "slaughter them," in the words of the physiologist.

Crossman at once investigated, St. John-Stevas said, and verified that live fetuses had been bought by a doctor, whereupon he put an immediate halt to the practice. An intense investigation, under St. John-Steva's prodding, is now going on.

In the immediately ensuing storm, senior London medical specialists uniformly cast doubt on the possibility of keeping any aborted fetus alive for more than a matter of minutes or perhaps hours, and said that the technique of preserving them as living entities for days or weeks was far in the future.

But, most of the doctors insisted, it was essential to conduct research on human fetuses, either alive or dead, and on fetal tissue and to work intensively on developing an artificial placenta environment for saving the life of prematurely born infants in the future.

Dr. Lawrence Lawn, a member of the research staff of the Department of Investigative Medicine at Cambridge University, said yesterday that he had kept fetuses alive for up to five hours. He said he had no knowledge of any sale of fetuses.

Dr. Lawn said all were aborted before 28 weeks' gestation, the division line in law and medicine when the embryo has a life of its own.

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[From the Oakland (Calif.) Blu-Print, May 12, 1970]

### The Execution of a Defenseless Infant

A shocking piece of evidence for the total depravity of man is the willingness to allow the guilty murderer in the first degree to live by abolishing capital punishment and to put to death the innocent babe through the brutal act of abortion. There is just one question for a Christian and that is this: Is there even the faintest possibility that the fetus is a human being? If so, he must have the right to live. Listen to Detroit News staff writer, Tom Paulick, who is quoting Dr. Richard V. Jaynes, an obstetrician-gynecologist: "From about two weeks after conception onward, the fetus is in almost constant motion . . . By eight weeks it has all its organs—legs, arms, feet, hands, ears and looks like a human being. It often sucks its thumb at this stage. There is a definite heart beat. It waves its arms and legs and, if removed from the uterus, often struggles to take a breath into its lungs. It answers all the ordinary criteria for life. Frequently a three-month-old fetus removed from the uterus will struggle for life as long as two or three hours . . . At about five months, or shortly thereafter, the child is capable of making feeble cries. They make them when they are destroyed sometimes. These, obviously, are the only defense mechanisms an infant has, visibility and audibility." Dr. Jaynes said he performed just two abortions in 19 years of practice. Both were accidents, errors in diagnosis, which he admits. "In one of them, I had no idea there was a fetus inside the patient's uterus until I drew out a detached arm, still moving at the elbow. Personally, it was one of the most sickening experiences I've had in practicing medicine." In standard abortion procedure, however, this is normal, when an infant in the womb is murdered.

#### MEDICAL INSTRUCTIONS TO BUTCHER A FETUS

Instructions by Dr. H. P. Dunn, Royal College, London, are given as follows: "First, dilate the entrance to the womb, then insert a large forcep and drag out the baby and the afterbirth. This is not as easy as it sounds. The surgeon must work by touch alone; he gives a tug; a tiny arm gives way; then other fragments of the body. The head is always difficult; the skull gets crushed; the eyeballs protrude. All the time the bleeding is profuse . . . When the abortion is completed, the problem of the disposal of the remains has to be faced by the nursing staff . . . incineration is the favored method . . ." Quoted in "Off-The-Cuff" for April 9, 1970.

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[From the Washington Post, May 16, 1970]

### City Action Sought: Court Sets Hearing on Abortion Order

(By Peter Osnos)

The U.S. Court of Appeals yesterday directed that a hearing be held to determine whether D.C. General Hospital is obeying the court's order designed to make it easier for poor women to get abortions there.

The appellate panel had been asked by three lawyers to hold city officials in contempt for refusing on April 23 to process the abortion application of a pregnant 14-year-old girl.

This was more than one month after the Court of Appeals had spelled out the procedure D.C. General should follow to allow a greater number of indigent women to obtain therapeutic abortions on mental health grounds.

While sidestepping the contempt question, yesterday's strongly worded 15-page finding rebukes city officials and directs they be called before the U.S. District Court to account for their actions.

"Our primary concern," wrote Chief Judge David Bazelon, "is not the good faith of the city and hospital officials, but the deprivation of medical care suffered by indigent patients . . .

"If every poor person must bring a lawsuit each time her rights are infringed by the insensitivity or ignorance of city and hospital officials, all will be effectively deprived of those rights," Bazelon wrote.

Officials at D.C. General admitted when the contempt motion was filed that the hospital had "not yet set up our policy to go through with the court order."

Dr. John Nasou, medical director of D.C. General, conceded that in the month following the appellate panel's guidelines the hospital had performed only seven therapeutic abortions, about two more than in previous months.

Yesterday, Dr. Nasou sounded a different note. "We're working to meet the court order now," he said. "We've reexamined all the documents and found that the court was very flat about what it wanted."

Nasou said, however, that even with the new positive approach of the hospital, limited facilities would prevent it from doing more than four or five abortions a week. Other hospital officials have said in the past that two to three therapeutic abortions a day could be performed.

According to Nasou, the hospital's reluctance to comply with the court order until now was based on the mistaken belief of some doctors that to perform abortions might, somehow, violate local law.

The corporation counsel representing the hospital said, however, that the rejection of the 14-year-old girl was based on the fact that she did not appear at the hospital in person.

Bazelon noted yesterday that: "Government counsel would discharge its duty best not by shielding official misconduct from judicial scrutiny but rather by advising the public agency of the extent of its legal obligations."

The District Court hearing, Bazelon observed, should consider what measures the hospital has taken to implement the court order; to what extent the hospital is hampered by a lack of facilities and what harm has befallen Washington's poor from their continued inability to get free therapeutic abortions.

On the critical question of facilities, the court commented that increasing the number of abortions would likely decrease the number of women coming to the hospital for childbirth.

This, Nasou said yesterday, is a factor that cannot be predicted.

Bazelon was joined in his opinion by Judge Harold McGowan, Judge George MacKinnon concurred in sending the case to the District Court, but said he saw "no merit to the claim of contempt." No date has been set for the hearing.

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[From the Washington Post, May 16, 1970]

### Unwed Mother in School Wins Case—District of Columbia To Grant Her Welfare Until Graduation

(By Carol Honsa)

An unwed mother cut off from welfare and told to get a job six months before her high school graduation has won an appeal for relief benefits until she finishes school.

City Welfare Director Winifred G. Thompson upheld a hearing examiner's recommendation that the girl and her infant daughter receive public assistance while the girl finishes her senior year at Spingarn High School.

Washington's welfare department acted to cut off the girl's $85-a-month grant in January because her mother was baby-sitting with the infant while the girl attended school. It said she was "employable," and should get a job because she had someone to look after her child.

The girl appealed the cutoff at a welfare department "hearing," a procedure that entitled her to stay on aid until the issue was decided. Miss Thompson sustained hearing examiner James T. Horton's decision last week.

The decision sets a binding precedent for similar cases in the future, a department spokesman said. The case is expected to increase young mothers' demands for welfare benefits while they finish school. Fewer than 25 unwed mothers now receive relief while attending high school here.

#### MOTHER OF 3 REJECTED

In a related case, Horton ruled last week that the department erred in rejecting a relief application from an unwed mother of three who attends the 11th grade at Eastern High School.

The girl, who sought aid for herself and two of her children, was rejected on the grounds she was "employable" because her mother looked after the twin infants during school hours.

Horton's decision was pending before Miss Thompson yesterday. The hearing examination's recommendations are not final until the welfare director approves them.

Meanwhile, it was learned yesterday that the U.S. Department of Health, Education and Welfare is considering a regulation, specifically aimed at the District welfare agency, banning the so-called "employable mother" policy.

In general, the policy denies aid to able-bodied mothers if they have someone available to look after their children on the theory that this makes them free to hold jobs. The District is one of the few cities in the country with such a rule.

#### REFERRED TO CITY COUNCIL

HEW has never approved the District's policy, which was set in 1957. It has notified the city welfare department several times that the policy is not acceptable, although it has never brought the issue to a formal noncompliance hearing.

The welfare department itself has asked the D.C. City Council to delete the controversial policy. Welfare officials feel sure the City Council will drop it, but maintain that the rule stays in effect until the Council acts.

The estimated 25 high school girls on relief here were not considered "employable" because they did not have "adequate" child care plans freeing them for work, Deputy Director Albert P. Russo explained.

In the case of the Spingarn student whose

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mother was baby-sitting for her infant, the girl was found not "employable" after all, Russo said.

He said the hearing established that the girl paid her mother $25 a month to baby-sit, which made the arrangement an "inadequate" child care plan in the eyes of the welfare department. If the mother were baby-sitting for free, the girl would have an "adequate" child care plan and be ineligible for relief, he said.

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[From the Washington Evening Star, Mar. 21, 1970]

## Court Details Rules in Indigent Abortion

(By Donald Hirzel)

The U.S. Court of Appeals in a 2-1 decision ordered D.C. General Hospital last night to perform therapeutic abortions on indigent women, spelling out rules for the hospital to follow in determining if they qualify on mental health grounds.

The rules are to remain in effect until a case testing the hospital's abortion policies has been finally resolved by the court.

The hospital was told that "any woman requesting a therapeutic abortion on mental health grounds should be received and her application procesed with due regard for the urgency of the matter . . ."

The court previously had ordered the hospital to process the case of a 21-year-old woman who had sued the hospital with the backing of the American Civil Liberties Union to obtain an abortion.

In that case, the hospital required two psychiatrists to examine the woman after the court had said one psychiatrist was sufficient. The woman received the abortion last weekend in a private hospital.

### CONTEMPT RULING DENIED

Her attorneys, Michael Nussbaum, Gilbert C. Miller and Caroline Nickerson, then asked the court to hold the hospital in contempt, claiming it had not obeyed the previous court order. The court denied that request in its opinion last night.

The rules issued last night call for the hospital to determine if a woman meets District residency requirements and is indigent. The hospital is to determine her previous medical history and follow with other procedures it requires.

The court said the patient then should be directed to a gynecologist who is willing to perform a therapeutic abortion.

That doctor may perform any preliminary medical examination and incidental tests necessary to verify pregnancy, to determine the stage of development and to identify any possible medical problems in the abortion.

The court said the patient may establish the necessary psychiatric grounds that the unwanted pregnancy may affect her mental health by presenting letters of recommendation from two area mental clinic psychiatrists.

If at the time of her initial examination she has not seen a psychiatrist, the gynecologists should refer her to an area mental health clinic for an examination.

The gynecologist, if he chooses, may permit her to consult with a private psychiatrist. The gynecologist will determine whether one or two psychiatric evaluations will be required.

### COURT STATEMENT

The court concluded its order to the hospital with the statement:

"If the patient satisfies criteria . . . the abortion should be scheduled and performed without delay. No further criteria may be added."

The woman's attorneys had claimed that after the previous court order, the hospital had put stumbling blocks in the way of their effort to get the abortion. The court said it was issuing the rules so there would be no further misunderstanding.

The majority opinion was issued by Chief Judge David L. Bazelon and Judge Carl McGowan.

Judge George MacKinnon approved the denial of the contempt citation, but took strong issue with his colleagues on the right of the court to dictate rules to the hospital. He said this was properly a legislative function.

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[From the Washington Evening Star, May 14, 1970]

## Abortion Clinic Is Planned For City Hospital

(By Timothy Hutchens)

The District is planning an abortion clinic for D.C. General Hospital.

The proposal is linked to plans, now being studied, to liberalize the municipal hospital's abortion bylaws, which have been criticized as being conservative and discriminatory against indigent women seeking to end pregnancies but unable to afford private hospital care.

When the clinic might open is uncertain because of recruitment problems, according to Dr. John P. Nasou, medical director of D.C. General.

"Those qualified can make a fortune elsewhere," he said.

The plans call for a full-time municipal staff to run the clinic.

### SEPARATE STAFF

At present, the four to seven abortions monthly at D.C. General are performed in the obstetrics ward, where the medical schools of Georgetown and Howard universities maintain a training program for all 14 of the unit's residents. But the universities want a separate staff to run an abortion clinic because of strong feelings against such operations.

Georgetown, a Roman Catholic institution, does not perform abortions at its university hospital except in special cases because of the church's opposition to abortion. At Freedmens Hospital, which Howard University runs, there have been feelings, shared in black communities, that abortion represents genocide through population control.

Nevertheless, Howard's medical school has endorsed a liberalized policy on abortion for D.C. General and other medical facilities in Washington based on recommendations from a university-sponsored "Community Workshop Conference on Abortion in the Inner City" in March.

The workshop recommended that any woman, no matter how indigent, should be able to have an abortion if she and her physician decide on it, and that all hospitals, private as well as public, should allow the abortions upon request.

Since then, Freedmens has dropped a requirement of a review committee before abortions and is performing more now, according to Dr. John Clark, head of obstetrics and gynecology at Howard. He declined to specify how many abortions there are at the hospital.

At D.C. General, an abortion program might be established in the obstetrics ward two or three days a week, or elsewhere in the hospital, Nasou said. The 110-bed obstetrics ward, he said, usually is about 60 percent occupied and has room for the program.

### 20 APPLICATIONS

Nasou said he did not know what the demand for abortions would be under such a program, but said that there are usually about 20 applications on file for the procedure.

The demand is expected to increase. The U.S. Court of Appeals has ruled that the hospital can no longer require of abortion applicants a previous history of mental illness. Psychiatric reasons are the most common ground for therapeutic abortions.

The U.S. Supreme Court is to review the D.C. abortion law that Federal Judge Gerhard A. Gessell has ruled unconstitutional, leaving open the question of a legal prohibition against abortion in the city.

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[From the Washington Evening Star, May 19, 1970]

## Abortion Counsel

(By Joy Billington)

A pregnancy counseling service relating to abortion in the District of Columbia may be set up shortly, with the Planned Parenthood Association of Metropolitan Washington helping to establish it.

"We are being flooded with calls from all over the country, asking where and how they can arrange therapeutic abortions," Mrs. Fred Schumacher, executive director of the organization told the annual luncheon meeting yesterday at the YWCA.

As a result of such calls to doctors' offices, private agencies and hospitals in the District, "we are going to help start a referral system to counsel and to answer questions for callers."

"A lot of people don't understand that the law is no good if the hospitals are not willing to take responsibility. We have that problem here, although I think that D.C. General will be taking more responsibility in the future," she said.

The situation at present, she went on, is that therapeutic abortion is available "for people who can pay for it" but less available to people who cannot.

On the matter of planned parenthood education, Mrs. Schumacher explained that many different agencies are now tackling birth control—the Health Dept., D.C. General and private clinics all have birth control counseling programs.

The free clinics in the Georgetown and Anacostia areas find that 50 percent of their patients require pregnancy, abortion or birth control information. Comprehensive health care services in Shaw, Cardoza and an intensive family planning unit at Howard University are being developed.

In order to ensure coordination, she said, the Interagency Committee on Birth Control will be enlarged to include new family planning units, with a possibility of OEO financing.

William H. Greer, who was re-elected president of the Planned Parenthood organization for another year, spoke of the need for members "to evangelize" on the population crisis.

Dr. Charles Townsend, medical director of the Association, described how "pill" patients are being carefully watched, following controversy about the pill.

"We are concerned about safety of the pill's side effects. But it is 14 times safer to take the pill than have a therapeutic abortion." Young people wrongly assume that in the future, abortion will be the major birth control method, he added.

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[From the Washington Evening Star, May 19, 1970]

## Maryland Acts To Help Needy Get Abortions

(By Martha Angle)

ANNAPOLIS.—Maryland's secretary of health has announced steps to make therapeutic abortions more readily available to women of "limited economic circumstances."

Dr. Neil Solomon outlined the new program in a letter to Gov. Marvin Mandel, who still is trying to decide whether to sign or veto a controversial bill repealing Maryland's present abortion law.

The program unveiled by Solomon will become effective July 1, regardless of whether the existing law is repealed.

Actually, the action by the secretary of health appears to give Mandel extra incentive to veto the touchy repeal measure since it removes one significant argument in favor of eliminating the present law.

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Many doctors who testified before the General Assembly in support of striking all laws on abortion off the books said such a repeal would make abortion equally available to rich and poor women.

Under existing law, an abortion may be performed to protect the physical or mental health of the mother. Most women of means who want an abortion can find—and pay for—a psychiatrist who will certify that the operation should be performed.

But for low-income women, abortions are much more difficult to obtain under the existing law. It is this inequity which Solomon is seeking to overcome.

The secretary of health said he asked staff members to study Maryland's present abortion procedures to determine "whether this type of medical service is available to all of our citizens regardless of their financial circumstances."

The study indicated "a need for improved services to those women of limited economic circumstances who have a significant reason for an abortion," Solomon reported to Mandel.

Therefore, Solomon said, the health department's maternity service will offer counseling to all women in the early stages of pregnancy who seek abortions because of "grave emotional reasons."

In addition to the counseling, women seeking abortions for mental health reasons will be provided psychiatric examinations. When the psychiatrist recommends that the pregnancy be terminated, the maternity hygiene staff will make the necessary arrangements.

Solomon said funds for the new service will be available from medicaid, federal family planning funds, special funds amounting to $50,000 for "high risk" maternity patients and transfers from other health categories if necessary.

Mandel is expected to act within a week or so on the abortion legislation, which he has put aside in order to deal with disturbances at the University of Maryland.

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[From the Washington Evening Star, May 2, 1970]

### The Right of Abortion

At the point of its hearings next fall on the constitutionality of the District's contested abortion law, the Supreme Court will have the best opportunity presented thus far to dispel the vast fog of confusion surrounding this emotionally explosive subject and to advance the concept of abortion as a basic human right. We hope that opportunity is seized.

Whether it will be is by no means certain. The Gesell ruling of last November nullified the District of Columbia statute as being unconstitutionally vague in a single instance. In agreeing to hear arguments on appeal, the Supreme Court first will first decide whether this case is properly within its jurisdiction at this point. Only if that procedural hurdle is affirmatively crossed will the court proceed to the merits of the question. And in that event its findings may be applied narrowly, or broadly enough to have a major impact on state laws throughout the nation.

It is our belief that the public interest argues persuasively for the latter course. We have previously expressed the view that abortion should not essentially be considered a legal issue, but a moral question which properly should be left to the discretion of individuals in the hands of competent licensed physicians. We continue to believe so. And in that regard, the results of a recent membership poll conducted by the D.C. Medical Society deserve more weight and public understanding than they have received.

In brief, the doctors were asked whether they favor the society's present policies on abortions—also endorsed by the American Medical Association. Rather surprisingly, more than 75 percent of those responding favored a greatly liberalized alternative which would condone "therapeutic" abortions performed (1) by a licensed physician (2) in an accredited hospital (3) with the concurrence of one other qualified physician who has examined the patient. Abortions could be performed for purely "psychiatric indications" only during the first 20 weeks of pregnancy. But beyond that, under this proposal, the question of an abortion would be "left entirely to the discretion of the physician involved. The same physician-patient relationship should exist as in any other medical problem."

The type of safeguards endorsed by a majority of Washington's doctors would not resolve, as of course no procedures could, the difficult moral and religious elements of the abortion controversy. But neither do they presume any element of coercion against any individual—patient or doctor—who objects to abortion on those grounds. They would merely grant, and properly so, the same right of moral choice to those persons who do not have such objections.

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[From the Washington Sunday Star, Apr. 26, 1970]

### Marshall Tightens Policy on Aid to Unwed Mothers

(By Thomas Love)

Unless mothers of illegitimate children attend birth control clinics, their applications for welfare aid to dependent children will no longer receive necessary processing by the Prince Georges County state's attorney.

The new policy was announced by State's Atty. Arthur A. Marshall in a letter to the director of the county Department of Social Services. Whether the new policy would actually prevent the mothers from obtaining assistance was not clear however.

"I am sure you will understand the position of my office in not wanting to continue in these welfare handouts without knowing that some effort is being taken on a most limited scale to remedy what has become a most serious community problem," he said.

#### SAME THREAT IN 1967

Marshall made the same threat in 1967, but said Friday that he revoked the policy after birth control information was made available to the mothers.

His new stand, however, is that the women must attend the clinics—not just that they be informed of the availability of birth control information.

In discussing his new policy, Marshall said that present welfare policies of providing support to mothers and illegitimate children "encourages illegitimacy."

"This is a real social' problem," he continued. "It is a never-ending cycle" of the children in turn mothering more illegitimate children.

"Anyone with money can get birth control pills," he said. "They give them out to coeds at the University of Maryland." Welfare mothers should be able to get them too, he added.

"With seven children of my own, I'm tired of supporting other peoples' through welfare," Marshall said.

Marshall decided to change his office's policy when the mother of eight illegitimate children appeared with her 16-year-old unmarried daughter who was pregnant with her second child.

The state's attorney is involved in the welfare application because mothers must provide information for any appropriate legal action to force the fathers to support their children.

#### FUNDS ARE RETURNED

"During the past year," he wrote, "our office instituted legal proceedings on behalf of applicants for assistance which resulted in our being able to return to the State of Maryland $1,113,417.91 of which $136,802.17 was a result of paternity proceedings alone."

Under the new procedure, he said, suits will still be filed, but members of his office will not sign a form attesting to the action.

Virgil R. Hampton, director of the Department of Social Services, said Friday that he didn't know what results the new policy would have.

The only purpose of the signature, he explained, is to prove that the mother went to the state's attorney as provided by law to attempt to get the father to pay support.

#### MEETING PROPOSED

Some other method might be devised to prove this, he suggested.

However, Hampton said, he would have to discuss the matter with Marshall prior to proposing an alternative. It would be at least a week before the discussion could be arranged, he said.

It was his opinion, however, that Marshall could not legally require a mother to attend a birth control clinic.

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## TRIBUTE TO WALTER REUTHER

### HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 11, 1970*

Mr. MURPHY of Illinois. Mr. Speaker, it is with great sadness that I join with my colleagues in paying respect and tribute to the memory of Walter Reuther, president of the United Auto Workers, one of the outstanding leaders in the history of the labor movement and a great American.

It was my pleasure to know and work with Mr. Reuther in the early 1940's during a strike against the International Harvester's farm implement plant in Chicago by its employees, who were supported in their efforts by the United Auto Workers Union. Mr. Reuther was vice president of the Auto Workers and I, chairman of the Committee on Labor-Management of the Chicago City Council, was requested to intervene and mediate the dispute.

Throughout the years of my friendship with him I found him to be a bold, imaginative leader, a skilled practitioner of the art of collective bargaining and a man profoundly committed to improving the lot of the workingman. Throughout his career, his ideals, integrity, and ability earned the respect of all including those who disagreed with his views.

His tragic and unfortunate death deprived organized labor of one of its most effective and articulate spokesmen. Not only has the United Auto Workers suffered the grievous loss of its president, but the entire Nation is poorer by the passing of this dynamic and courageous leader. Mrs. Murphy joins with me in extending our deepest sympathy to his daughters, Linda and Lisa, to his brother, Victor and to the membership of the United Auto Workers on their loss.

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## MEMORIAL DAY

## HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BRAY. Mr. Speaker, the historian Will Durant has pointed out that, of almost 3,300 years of written, recorded history, less than 300 have been totally free of war and conflict. No one can reflect on this grim and tragic statistic with a feeling other than that of sadness. So has it been, always: in Matthew 24: 6, it is written "Ye shall hear of war and rumors of wars," and Plato wrote in the fourth century B.C. that "Only the dead have seen the end of war." Men pray for the end of war, but it often seems that the prayers must be eternally offered at the graves of those who have fallen.

This truth was told by Herodotus, in the fifth century, B.C. "In peace, sons bury their fathers; in war, fathers bury their sons." Probably nowhere else in the English language is this so movingly described than in the last scene of Shakespeare's Macbeth:

Your son, my lord, has paid a soldier's debt:
He only liv'd but 'til he was a man;
The which no sooner had his prowess confirm'd
In the unshrinking station where he fought,
But like a man he died.
Then he is dead?
Ay, and brought off the field: your cause of sorrow
Must not be measur'd by his worth, for then
It hath no end.
Had he his hurts before?
Ay, on the front.
Why, then, God's soldier be he!
Had I as many sons as I have hairs,
I would not wish them to a fairer death:
And, so his knell is knoll'd. . . .
They say he parted well, and paid his score:
And so, God be with him! . . .

It is only natural for man to cry out against what seems senseless tragedy; against a terrible thing, this one of the dread Four Horsemen of the Apocalypse, the ghostly, fearful rider who wheels and curves across the pages of history. But we cry out; this is what separates us from beasts; this is what makes us men; this is what gives us hope. Yes, we cry out, as did the dying King Arthur in Tennyson's Idylls of the King; from "The Passing of Arthur":

Oh me! for why is all around us here
As if some lesser god had shaped the world
But had not force to shape it as he would,
'Til the high God behold it from beyond
And enter it, and make it beautiful?
Or else as if the world were wholly fair,
But that these eyes of men are dense and dim
And have not power to see it as it is;
Perchance, because we see not to the close.

And let us never, in our agony or our grief over the trials and tribulations of our existence, which is admittedly much less than perfect in spite of all our centuries of striving to make it otherwise, let us never forget those who have fallen in this strife.

For memory serves a high and noble function, not only to those whom we recall, not only to the deeds they performed, not only to the cause for which they died, but also for us, the living. In the first century, A.D., Plutarch wrote that:

> Memory is for us the hearing of deeds to which we are deaf and the seeing of things to which we are blind.

At another point, he said:

> Memory: what wonders it performs in preserving and guarding the past!

What a fitting injunction this is for us today, for Memorial Day, and for every other day of the year. Hear the deeds to which we are deaf; see the things to which we are blind, and preserve and guard our past. All the more so, today, as there are forces who would stop our ears, as they have stopped their own; who would blind our eyes, as they have willfully closed theirs; who would defame and destroy our past and cause us to lose faith in ourselves.

We cannot afford to either lose or keep faith. For those we honor today, it is written in the Apocrypha, Ecclesiasticus 44: 8–14, that:

> There be of them that have left a name behind them. And some there be which have no memorial . . . Their bodies are buried in peace; but their name liveth forevermore.

"Their name liveth forevermore." The phrase has rung out through all of recorded history. Almost as if it were an integral, basic facet of the soul of any soldier's debt to their mother country have still lived on. One of the earliest distinctions given to the fallen of which we have record was after the Battle of Marathon, in 490 B.C. It was the custom of Athens, as a rule, to bury the bones of those killed in battle in a public sepulchre in the suburb of Athens called Cerameicus. But after Marathon, as a special distinction, the funeral honours were rendered right on the spot, and a monument was erected that endured for almost seven hundred years afterward.

A curious historical footnote, here: at the battle, the Athenians were joined by a small force of about 1,000 men, from the small state of Plataea, which Athens had once assisted when it was threatened by Thebes. They suffered heavily, for their numbers; they, too, were buried at Marathon, in a separate mound, and although the grave of the Athenian dead has not yet been located, that of the Plataeans was discovered by archaeologists a few short weeks ago.

And, probably the most famous funeral oration ever delivered over fallen warriors was that of Pericles, of Athens, a few short years after Marathon, in honor of the Athenian dead of the first year of the Peloponnesian War. Part of it is worth repeating here:

> The sacrifice which they collectively made was individually repaid to them; for they received again each one for himself a praise which grows not old, and the noblest of all sepulchres—I speak not of that in which their remains are laid, but of that in which their glory survives, and is proclaimed always and on every fitting occasion both in word and deed. For the whole earth is the sepulchre of famous men; not only are they commemorated by columns and inscriptions in their own country, but in foreign lands there dwells also an unwritten memorial of them, graven not on stone but in the hearts of men.

There survive, today, in Memorial Day ceremonies, two rituals so ancient that their roots probably go back to the dimmest, early mists of time. Firing three volleys over the graves; and the playing of "Taps"—familiar to us all, yet we do not realize how these parts of the ceremony link us with our ancestors of uncounted centuries ago.

"Taps"—that most haunting, incredibly sad and melancholy of all bugle calls, probably has its origin with the same form of martial bugle or trumpet sound going back to, and beyond, the trumpets of Joshua before the walls of Jericho. But let us turn, for the historical, semimythological background to these parts of the ceremony, to an explanation written by Pvt. Stephen Graham, a member of the British Guards' Regiment, who wrote on their significance in the years before the American Revolution. The "Last Post" mentioned is the British Army's equivalent of "Taps."

> The three volleys fired into the air are fired at imaginary devils which might get into men's hearts at such a moment as the burial of a comrade-in-arms. An old superstition has it that the doors of men's hearts stand ajar at such times and devils might easily get in.
>
> The Last Post is the *Nunc Dimittis* (contraction for the phrase "Lord, now lettest thy servant depart in peace") of the dead soldier. It is the last bugle call . . . but it gives promise of reveille . . . of the greatest reveille which ultimately the Archangel Gabriel will blow.

But, as we give our dead these honors, let us remember that Abraham Lincoln cautioned us, at Gettysburg, that we cannot hope to add to the honor they have already won for themselves:

> But, in a larger sense, we cannot dedicate—we cannot consecrate—we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our poor power to add or detract.

Rather, he called upon his fellow Americans then, and let his words reach out across a century to us, today, that:

> It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom; and that government of the people, by the people, for the people, shall not perish from the earth.

"The last full measure of devotion;" that wonderfully expressive phrase that contains within it, more than volumes ever could, the spirit that moved them. Perhaps they knew—at least, some of them did—what the British poet Allen Seeger so movingly put into verse during World War I:

I have a rendezvous with Death, at some disputed barricade,
When Spring comes back with rustling shade, and apple blossoms fill the air.

but they went on and beside them stood, at their shoulder, the figure of Horatius, at the Tiber Bridge, guarding the passage to Rome:

And out spake brave Horatius, the Captain of the Gate:
"To every man upon this earth, death cometh, soon or late.
Then how can man die better, than facing fearful odds,
For the ashes of his fathers, or the temples of his gods?"

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Or the spirit contained in what must surely be the most dramatic, thrilling, yet simple exhortation to battle I have ever read in my life:

> This is a good day to die! Follow me!

The leader? Low Dog, war chief of the Oglala Sioux. The date and place? Little Bighorn River, Mont., June 25, 1876. Custer and the 7th Cavalry were less than 90 minutes from the end of their existence.

These things are cited and quoted not to glorify war, as there is no glorification to what all rational, sane men know is essentially a vicious, brutal, bloody, heartless, and cruel pursuit. But we have wars with us—and, wrenchingly tragic though the thought may be, we probably shall for the foreseeable future to come, as long as the thought of aggression and conquest and enslavement exist in the breast of one man, and, in counterpoint, as long as the thoughts of peace, liberty, freedom and security exist in the breast of another.

They are mentioned, rather, to remind all of us that Memorial Day is not only to pay homage to the men who died, but to take anew a look at what they died for, and what their deaths achieved. Oh, to be sure, it is easy to look at the world about us, and to cry despairingly "They died in vain."

Did they? Did the Greeks who died on the Plains of Marathon realize, in the last moment of life before they went down beneath Persian spears or swords, that their death, and the Athenian victory, in the words of Sir Edward Creasy, would mean:

> It secured for mankind the intellectual treasures of Athens, the growth of free institutions, the liberal enlightenment of the western world and the gradual ascendancy for many ages of the great principles of European civilization.

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When Charles Martel, the Hammering Frank, led his heavy cavalry thundering into the Saracen lines at Tours, in 732 A.D., could he or his men foresee, again in Creasy's words, that it would be:

> A decisive check to the career of Arab conquest in western Europe, rescued Christendom from Islam, preserved the relics of ancient and the germs of modern civilization . . . Christendom, though disunited, was safe. The progress of civilization, and the development of the nationalities and governments of modern Europe, from that time forth, went forward in not uninterrupted, but ultimately, certain career.

And what is said today about the American victory over British General Burgoyne, at Saratoga, in 1777? Again, Creasy:

> Nor can any military event be said to have exercised more important influence on the future fortunes of mankind than the complete defeat of Burgoyne's expedition; a defeat which rescued the revolted colonists from certain subjection and which, inducing the course of France and Spain to attack England in their behalf, ensured the independence of the United States and the formation of that trans-Atlantic power which, not only America, but both Europe and Asia, now see and feel.

If Meade had lost at Gettysburg? England was ready to recognize the Confederacy; a Union defeat would very probably have meant just that, with a forever-fragmented American continent. And can anyone doubt the necessity of paying the high price in lives for the defeat of Germany and Japan in World War II?

A soldier's death is vain only if, and when, that for which he died is betrayed by those, the living, for whom he died. For the time came to the man to choose; he made the choice and by so doing he gave us an option to retain that for which he fell, or to pay false to the sacrifice he made:

> Here dead lie we because we did not choose
> To live and shame the land from which we sprung;
> Life, to be sure, is nothing much to lose;
> But young men think it is, and we were young.

For them, the time had come, as Robert Ingersoll said in 1882:

> When the will defies fear, when duty throws the gauntlet down to fate, when honor scorns to compromise with death—this is heroism.
>
> And now these waiting dreams are satisfied;
> From twilight to the halls of dawn he went;
> His lance is broken, but he lies content
> With that high hour, in which he lived and died.
> And falling thus, he wants no recompense,
> Who found his battle in the last resort;
> Nor needs he any hearse to bear him hence,
> Who goes to join the men of Agincourt.

As they died with courage, as they lived—and died—with honor, so, then, let us, who live in the blessing of liberty that their sacrifice made possible, vow here again today to rededicate ourselves to that same courage, that same honor, that they bore so nobly and well. And let us always remember that, for each and every one:

> They say he parted well, and paid his score:
> And so, God be with him!

With them all, with us, now and for all time, so that we may never forget.

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## OUTSTANDING CITIZEN

## HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. EDWARDS of California. Mr. Speaker, it is my pleasure to note here that John J. Espinoza of Morgan Hill has been chosen to receive the Outstanding Citizen of the Year Award for his long and devoted work with the young people of his community. A native of San Francisco, Mr. Espinoza joined the Marine Corps in 1947 at the age of 17 and was discharged in 1951 with the rate of sergeant after serving in China and the South Pacific. A father of six children, he has devoted more than a decade of volunteer work to the youth of the community, primarily through the Boy Scouts. He has been scoutmaster of troop 799 in Morgan Hill since 1965. He was cub leader and scoutmaster of troop 299 before that. He is also a member of the South Santa Clara County Association for the Retarded and a member of the committee to select an advisory board for the county's mental health program. It is people like Mr. Espinoza, giving quietly and selflessly of their time and energy in such worthwhile pursuits, that make up the backbone of community in America. I congratulate him on this greatly deserved recognition.

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## STUDENT SURVEY FINDS TV UNFAIR TO STUDENTS

## HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. MORTON. Mr. Speaker, a group of students at Washington College in Chestertown, Md., decided to take it upon themselves to discover exactly how much and what kind of violence was occurring on 21 of Maryland's college campuses following the Cambodia move and tragedy at Kent State. The results indicated that there was little violence. The complaint of the Washington College students was that the television coverage of campus activities centered on that little violence and disregarded the legitimate and constructive student activities.

I call your attention to the results of the survey which was released by the Student Government Association of Washington College. I have also inserted the questions which were used in conducting the survey. Gentlemen, I think the results are worthy of your attention:

### SURVEY RESULTS

A committee appointed by the President of the Student Government Association at Washington College has conducted a survey to determine if recent T.V. coverage of campus activities in Maryland has been unfair to students by overstressing violence. Officials of twenty-three of Maryland's four-year colleges and universities were polled yesterday by telephone.

According to Washington College student Louis Reedt, chairman of the survey committee, "information obtained from college administrators around the state clearly shows that the press is creating a distorted picture of what has happened on Maryland campuses since we learned about U.S. forces moving into Cambodia and the deaths at Kent State University."

It was found that some type of group action has occurred on 21 of these campuses. Only one of these colleges reported destruction of buildings and injuries to people while one other reported a possible attempt to do damage to a building. All told less than one-tenth of the institutions had any known violence or threats of violence and less than one-twentieth of the over 68,000 students in these colleges were involved in any form of violence. On the other hand, all 21 of the campuses had concerned and non-violent activities and most reported a goodly number of such actions. For instance, 13 seminars or lectures were reported, 8 colleges had letter writing campaigns and several had such things as memorial services and visits to congressmen.

The following colleges and universities in Maryland were polled: University of Maryland, College Park campus, Johns Hopkins University, Hood College, Mount St. Mary's College, Western Maryland College, Washington College, Anne Arundel Community College, St. Mary's College of Maryland, St. Joseph's College, Peabody Conservatory, Loyola College, Mount St. Agnes College, Essex Community College, Coppin State College, Salisbury State College, Frostburg State College, Baltimore University, Prince Georges Community College, Towson State College, Goucher College, St. John's College, Bowie State College and Maryland State College.

But what has the T.V. coverage been like? A major official at one institution at which trouble occurred stated that the violence received constant T.V. coverage. The T.V. media also reviewed the incident at another college at which they thought that individuals (unknown) might attempt to damage a building. On the other hand, only one third of the 21 colleges that had nonviolent activities concerning the war had received coverage of these activities.

"We believe that these facts speak for themselves," Reedt said. "T.V. news broadcasts are listened to by large audiences and these audiences are getting a distorted view of college students. We believe that the vast majority of students are concerned citizens who are currently engaged in peaceful efforts to make their views known." He added, "Why must the press emphasize violence on our campuses. Don't they know that this engenders dislike and hatred of decent students? Why must they provide such a distorted and unfair view?"

"We plan to go to each major T.V. station in Baltimore and try to arrange an appointment with the Presidents of the stations in order to discuss our findings and our grievences."

### NEWS COVERAGE QUESTIONNAIRE

I'm calling from Washington College in Chestertown, Maryland on behalf of a committee appointed by the President of the Student Government Association and endorsed by Dr. Daniel Z. Gibson, President of the College. We are concerned with fair press representation of campus activities regarding the war in Indochina and the deaths at Kent State University.

We feel that the press has overemphasized violence on campuses and underemphasized constructive nonviolent action either for or against the conflict in Indochina. We feel that this coverage gives the average college student an unjustified image, so we are conducting a survey to obtain factual information on the nature of recent campus activities.

I have some questions to ask you.

### GROUP ACTION

1. Has there been any group *action* by people in your college community since Thursday, April 30th, related to either the Indochina conflict or the deaths at Kent State University? Would you please answer this with a yes or no.

2. *If NO* to No. 1 above. By no do you mean that there have not been any formal or informal group activities by administrators, faculty, or students regarding either the conflict in Indochina or the deaths at Kent State University since last Thursday?

### VIOLENCE

*If Yes* to No. 1 above. We would like to ask you some questions on the nature of these activities. First I want to focus on whether any *violence* has occurred.

1. Has there been any violence on your campus since April 30th that could be attributed to feelings about the war or the deaths at Kent State University? Would you answer this question by yes or no please?

2. *If Yes.* Can you tell me approximately how many college community people were involved in the violence, and can you also tell me how many of these people were physically injured?

People involved ———.

People injured ———.

### NONVIOLENT ACTIVITIES

Now I want to focus on any *nonviolent* activities which may have occurred.

1. Have there been any organized nonviolent activities since April 30th by groups from the college community? Answer yes or no please.

2. *If YES.* Can you describe in a sentence or so each of the nonviolent group activities that have occurred since last Thursday?

For instance, have there been any forums speakers, letter writing campaigns or visits to government officials?

(Write nature of comments and inquire as to an estimate of the number or people involved in each.)

### PRESS COVERAGE

Finally we want to inquire about the *press coverage* on these activities on your campus since April 30th.

1. Have you had any T.V. coverage of activities? Answer yes or no please.

2. Has the T.V. coverage reviewed at all the constructive activities that have occurred? Answer yes or no please. How many times?

3. Has the T.V. coverage reviewed at all the destructive activities that have occurred? Answer yes or no please. How many times?

4. Have you had any newspaper coverage of activities? Answer yes or no.

5. Has the newspaper coverage reviewed any of the constructive activities that have occurred? Answer yes or no. How many times?

6. Has the newspaper coverage reviewed any of the destructive activities that have occurred. Answer yes or no. How many times?

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## THE VOICE I HEAR FROM VIETNAM

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. RARICK. Mr. Speaker, I include a poem by the Reverend Cornelius Vanderbreggen, Jr., a Christian missionary in Holland and former U.S. Marine Corps officer, as follows:

### THE VOICE I HEAR FROM VIET NAM

You said you sent me here to fight. That is a lie!
I answered duty's call and came. I soon may die
Because of your absurd decree, "You may not win!"
You call it "building bridges" or "restraint." I call it sin!
You spend our country's sons in vain. I see them fall.
Each day by scores they're killed or maimed. That is not all.

At home their dads and mothers stunned, bow low in grief.
From all this senseless, needless loss comes no relief;
No orders from headquarters, "Rise and fight!"
How this has caused me many a tortured day
And sleepless night!

But now the explanation's clear, solved is my plight!
While held your slave on Asian soil I've seen the light!
No longer need I seek the answer. Now I know,
As shackled here I wait for death, *You* are my foe!
You who pretend to lead the brave and free,
But won't resist our godless enemy!
You who possess the suave and pious gall
To mourn the foes of freedom when *they* fall!
You who stand idly by while anarchy
Burns down the land God gave to you and me!
You are my foe! In heav'n I have a Friend:
I pray to him to make a speedy end
To all your treason dark. He has the pow'r
To sweep away both it and you in one brief hour!
But, ah, I know He rather would forgive
Your folly and your guilt and let you live,
He will, if you will turn to Him, the true,
The one, the living God Who died for you,
Who on a cross bore all your sin and blame,
Whose blood can wash away your awful shame.
And I! My heart knows perfect peace! I soon may die.
If so, I'll be with Jesus Christ up there on high,
Rejoicing in the grace and love that He doth show
His own, and knowing there that when I lived on earth below
Not I my land's blest heritage did e'er betray,
Not I for Anti-Christ's vile rule did pave the way,
But like our noblest patriots I gladly died
For freedom's persecuted cause, which you've denied.

CORNELIUS VANDERBREGGEN, Jr.

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## ARBITRARY DETENTION AND ITS IMPLICATIONS

## HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. REID of New York. Mr. Speaker, recently in South Africa there has been a renewed outcry against the Terrorism Act of 1967 which permits indefinite detention of political prisoners, without trial, without recourse to the courts, and without access to anyone but Government officials.

Legislation such as the Terrorism Act offends the basic principles of Western justice and due process and seeks to make police officers higher authorities than courts of law. It represents in clearest form the erosion of the rule of law in South Africa.

Joel Carlson is a South African attorney who has been one of the outspoken opponents of repression and injustice in his country, often at great personal risk and inconvenience. He has defended many Africans detained under the law and his own passport was revoked for his actions and speeches. On April 20, he addressed a gathering at the University of Witwatersrand in Johannesburg on "Arbitrary Detention and its Implications." I believe that this penetrating and incisive analysis of the detention provisions of the Terrorism Act will be of interest to Members, and I am inserting Mr. Carlson's speech in the RECORD at this point.

### ARBITRARY DETENTION AND ITS IMPLICATIONS

(An address by Joel Carlson, Esq.)

Mr. Chairman, Ladies and Gentlemen, Fellow students and informers—the paid professionals, the part-timers and those who act in a fit of pique and run to the police with these stories.

Firstly, let me say how honoured I am to be asked by the Students' Representative Council of this University to speak to you today. So in this small way, I am associated with the many great thinkers. leaders and fighters this University has produced. I mention only a few: Hofmeyer, Schreiner, Mandela, Sobukwe and Macrone. I am proud to be part of this great University which itself

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has struggled against great odds to fight for and keep what little freedom remains. The people of this University have remained alert, alive and active especially since 11 years ago the right of academic freedom was lost. The University never failed to protest against the actions taken against it. Its courage and persistence and its voice of protest, heard clearly and loudly in the University and far beyond, gives hope to all the people in South Africa that the struggle for a freer society is not yet lost: a society where people will be free to learn what they want to learn in pursuit of the truth, free to move about without restriction, and be free of fear of arbitrary police action, and even free one day to enjoy all the fundamental freedoms outlined in the Declaration of Human Rights.

When I was a student here, about a quarter of a century ago, I was taught that a fundamental understanding of South African affairs could only be gained by studying Black/White relations. This, of course, was true and is still true today.

But as a student I spent most of my time out of classrooms, happily and leisurely mixing with all the people who were then allowed to come to this University and we relaxed as friends and talked and thought and acted together as equals.

Then I joined the Government Service and worked in those Courts concerned solely with applying the laws affecting Africans. We worked six days a week and for the first time the reality of Black/White relations shocked me into a realisation of the truth. I did not read books and listen to words. I saw people—grandfathers and grandmothers, husbands and wives, young men and women and some children, mothers carrying babies on their backs feeding them and struggling to keep them clean in custody without nappies and with primitive toilet facilities. These were not superfluous appendages, or labour units, whether productive or unproductive but human beings imprisoned, punished and suffering as the laws of the country, the Pass Laws, were enforced.

The Pass Laws are the greatest single cause of disruption of race relations in our society creating more hatred and fear, sowing more suspicion and causing more insecurity than any other single cause of injustice in South Africa. The Pass Laws are a cancerous growth, causing the depersonalisation of human beings, and degrading not only the persons suffering under them, but also those enforcing them.

It is because of these laws that we are able to pass and enforce all the other unjust laws; laws which we would not pass in Parliament or apply in practice if we considered the voteless, voiceless persons to whom they apply as human beings. The laws do not apply "to us", they only apply "to them".

How false is the cry of complaint now heard from those politicians who in Parliament voted to give the Security Police the extraordinary powers they exercise. These people did not complain when these laws were applied to "others." Now that these arbitrary laws are applied to themselves, they squeal in dismay. These are stupid men who do not appreciate that laws conferring arbitrary powers on the executive are arbitrarily applied by those in power. They are ignorant of the age old concepts learnt and stated long ago. Aristotle said: "The Rule of Law is preferable to that of any individual . . . He who bids the law rule may be deemed to bid God and reason alone rule, but he who bids a man rule adds an element of the beast; for desire is as a wild beast and passion perverts the minds of rulers, even when they are the best of men. The law is reason unaffected by desire." (Politics, III, 16)

This year, 1970, marks a hundred years of the application of the Pass Laws. They were first applied in the Transvaal Republic in 1870. How false were the promises made when the laws were introduced. It was said they were "for the protection of the Natives" entitling Natives to the "full protection of the law" and guaranteeing travel freely throughout the Republic, and being no more than an identification certificate. (Article 12—and quotation from the Hon. Justice F.E.T. Krause) In 1918 after 48 years of their application, Dr. D. F. Malan said: "I hope that more Natives become better educated . . . more civilized . . . so that it may be possible to remove the Pass Laws." He also promised to grant more and more exemptions. In 1942 Colonel Reitz, the Minister of Native Affairs, was suddenly appalled when he learnt that the previous year nearly 300,000 Africans had suffered under these laws. He said in Parliament: "I hope the conscience of the White man in South Africa will be awakened because this is an appalling indictment of our handling of the Native problem." He told the Senate he would recommend their abolition. Every Commission sitting from 1905 to 1948, recommended in strongly worded language their abolition but what happened? Some years back, only 750 people were arrested every day seven days a week—then the figure doubled; and a few years back it was only 1,500 people a day. Today, we are not sure of the figure but it is at least 2,500 people arrested every day. A parliamentarian in Parliament last year commented on the number of Africans arrested for pass offences and said that it had reached an appalling level, causing grievous human suffering—a heavy price to pay in pursuit of the unrealistic aim of apartheid. He quoted alleged contraventions of pass laws in 1967/68 as being 1,777,662. (R.D.M. 20/4/69—Mr. M. Mitchell). The average time for a case heard by a Court is 2 minutes and this has been demonstrated time and again.

From Pass Laws to arbitrary arrest and detention without trial, to practising sensory deprivation on persons held indefinitely in solitary confinement is but a stone's throw. The stones were thrown at Sharpeville ten years ago. Instead of a ripple on the water, the reaction was dramatic and violent. In a society practising racial discrimination as a way of life and a philosophy, and enforcing it in its law, the fear that one race might overtake the other controls the actions of the men in power who feel perpetually threatened. After Sharpeville the reaction was to deal with a violence threatened, by enacting even more violent laws.

Learning of the General Law Amendment Act of 1963 the Johannesburg Bar Council protested "at those provisions which in its view have as their consequence the virtual abrogation of the Rule of Law in South Africa". Assault upon assault on the Rule of Law was then made culminating in the Terrorism Act of 1967 and the Boss Act of 1969 (now under investigation).

The Bar of the City of New York, representing professional men in the greatest metropolitan complex in the world, saw fit to pass a Resolution condemning the Terrorism Act and the first trial under it.

"Resolved, that The Association of the Bar of the City of New York hereby records its deep concern and its protest over the actions of the Republic of South Africa in applying its own law and judicial process extra-territorially to inhabitants of South West Africa by prosecuting thirty-seven South West Africans under South Africa's Terrorism Act of 1967, in that:

1. The Terrorism Act of 1967 offends basic concepts of justice, due process, and the rule of law accepted by civilised nations and violates the Universal Declaration of Human Rights . . . . . ."

It then goes on to itemise specific reasons for its objections to the Act and its application (I've got the Resolution here) and finally resolved to call upon South African jurists to join the New York Association and all others concerned with the Rule of Law to speak out and protest

Abhorrent features of the laws passed by Parliament and eroding the Rule of Law in South Africa have justified jurists here and everywhere in the world in claiming that in South Africa there has been virtual abrogation of the Rule of Law. The significant parts of our law on which such a claim can be based are these:

1. *Retrospective effect of legislation:* This means that crimes which were not crimes yesterday and acts which were lawful when they were committed and were therefore entitled to be committed are made crimes today and for this crime you may be hanged—The Terrorism Act. Similar provisions exist in the Suppression of Communism Act and General Law Amendment Act (sec. 23, Act 62 of 1966).

2. *The wide definition of offenses:* Certain statutes provide such wide definitions that they virtually enable the executive authority or the security police to act at their discretion and at their convenience. The Lord Chancellor of England, Lord Gardener, said the definition of "Communism": "If you were a Communist 40 years ago, you are a Communist today . . . Whether you are a Communist or not, you are a Communist if the State says so".

The *Criminal Law Amendment Act,* No. 8 of 1953, which provides penalties of three years and whipping for any offence (no matter how minor) "committed by way of protest or in support of any campaign . . . for the repeal or modification of any law".

The *Sabotage Act,* No. 76 of 1962 (sec. 21 (1) and (2)) states it is an offence punishable by hanging in contravention of "any law to enter upon any land or building to further or encourage the achievement of any political aim, including the bringing about of any social or economic change in the Republic".

The *Terrorism Act,* No. 83 of 1967, which provides definitions of terrorism so wide that they go far beyond what the Common Law considers as treason. It punishes by death an act which had or is likely to have had the result of embarrassing "the administration of the affairs of the State" or furthering or encouraging "the achievement of any political aim, including the bringing about of any social or economic change . . . in co-operation with or with the assistance of any foreign or international body or institution". The minimum punishment is five years imprisonment.

3. *Shifting the burden of proof:* The Criminal Law Amendment Act No. 8 of 1953 says simply: "An offence is presumed to have been committed as alleged if an accused acted at the same time and place and in company with two or more persons similarly charged". (Such as a protest) The punishment under this Act is five years and whipping. Numerous Acts such as the Sabotage Act and the Terrorism Act have shifted the burden of proof to make the accused guilty until he is proved innocent.

A renowned South African jurist summarised the position by saying:

"The onus is virtually on the accused to prove his innocence beyond a reasonable doubt". (Arthur Suzman, South Africa and the Rule of Law, S.A.L.J. II, August, 1968.)

4. *Double jeopardy:* After having been acquitted of the charges brought against you, sec. 5(h) of the Terrorism Act provides that you can be re-arrested and charged again. Also sec. 21(4)(g) of the General Law Amendment Act of 1962. Therefore, if an accused is found not guilty and is acquitted, that is not the end of the matter. This, of course, happened more recently when 22 accused held in detention without trial for 5½ months were brought to trial and were acquitted on 16th February, 1970 and immediately rearrested in Court and detained

under the Terrorism Act. Their future is not known and the Attorney-General admits to having no information about the matter. We do not know what will happen to them.

Having the privilege of a trial and being convicted and serving a sentence is not an end of the matter. You can still be arbitrarily further punished without any trial by being banned or banished, or house arrested or held in detention.

*5. Place of trial:* Although it is normal to try accused persons at the place where the crime was committed, a number of our laws provide that you may be tried anywhere, even if it's 2,000 miles away from the place of the crime or the place from which you come where your relatives and friends are and where your possible witnesses may be. (Here, if time permits, quote from speech of Herman Ja Toivo.)

*6. Detention and imprisonment for police interrogation: Proclamation 400 in the Transkei* was imposed in 1960 during the emergency. It has remained a permanent part of the law of the Transkei; it provides for indefinite detention without trial.

The 90-day clause provided for arrest and detention to question a detainee until he gives satisfactory answers to his police questioners. This was followed by the 180-day clause when the 90-day clause was suspended.

The Terrorism Act, sec. 6, provides for indefinite detention without trial. A man or woman may be detained indefinitely, held incommunicado, kept in solitary confinement and given no access to anyone but his interrogators. No Court can question the validity of any action taken, no wife, no lawyer, no Minister of Religion has any access to a detainee, but "if circumstances permit, he may be visited by a Magistrate once a fortnight".

"A person under this Act may thus simply vanish and no one be accorded any information as to his fate or whereabouts". (A. Suzman)

In the inquest proceedings held into the death of the detainee detained on 5th March, 1969 and who died on 10th March, 1969, the lawyers for the widow called the widow to give evidence in Court. This is how the record reads:

"Court: Is she the widow of the deceased? Yes.

"Court: Is there anything special in her heart she wants to tell the Court?

Yes. My husband was arrested. After his arrest I received a message that he was dead. He was arrested on the 5th March—in the middle of the night. We were already asleep. My husband slept with me in the same room on one bed. I heard a knock on the window as well as on the door. I woke my husband.

My husband got up and went to the door of the room to open the door. I grabbed him and held him—I told him he must not open the door before he heard who was knocking on it. I then went to a window and drew the curtain—I saw a White man standing. A short thick set man. I asked 'Who is it?' He replied: 'It's the police'. My husband opened the door and I stood behind him and I heard the voice of a man outside the door—I saw two hands appear and they grabbed my husband and the hands pulled him outside. Then I screamed—"

The widow then described in detail what went on during that short time she and her husband got dressed. Then the Record reads:—

"Court: Did they then take her husband away?

My husband went to put on his shoes in the bedroom and they went with him.

"Court: Is that all she wants to tell the Court?

I am not finished yet. I again went to stand by the window and looked outside. I saw three motor vehicles. There were two private cars and a pick-up van. The pick-up van was in the front and the two motor cars behind it. My husband climbed into the middle car. They closed the door. All the vehicles rode off."

Then the widow told the Court how first some six or seven days later the police came to look for her husband's pass and to ask her for her husband's belt. She went on to say:—

"On Thursday I went to town. When I returned from town the neighbours told me that the police had been and that my husband was dead. As a result of this news, I was shocked and felt faint". (p. 287 onwards—Inquest James Lenkoe)

Time does not permit me to tell you more of this tragic and significant matter.

Prof. Arthur Larson of Duke University, a man who was one of Eisenhower's personal advisers, and who attended as observer at the terrorism trial in Pretoria for the Lutheran World Federation and the World Council of Churches, told the American Bar Association at Philadelphia in 1968:—

"If you pass a statute which gives the police and the executive authorities free rein to do almost anything they please in the way of violation of human rights, and then excuse this by saying that you will of course rely on the discretion of the authorities not to abuse this power, you have for all practical purposes thrown away law and substituted unlimited personal tyranny".

Another famous American jurist and judge of the Supreme Court, Mr. Justice Frankfurter, observed in a famous American case (McNabb v. United States (318 U.S. 332 at 347 1943)):

"The history of liberty has largely been the history of observance of procedural safeguards".

What does our law provide as safeguards of personal liberty? Has law been discarded and have we substituted unlimited personal tyranny? Again, we can examine the record of the inquest proceedings of the first detainee "who hanged himself". The record shows that he was arrested in Cape Town on 20th August, 1963. Evidence was given that he was found hanging in his prison cell in Pretoria on the night of September 4th/5th, 1963. According to the record, he was detained in solitary confinement in a cell 12' by 12' and in the cell there was a coco mat, about 1'' thick, on which he slept on the cement floor (pages 94/5–103). There was no stool and no table in the cell. He was given nothing to read and no writing material and he spent 23 or 23½ hours a day alone in his cell doing nothing (Page 171/2). His food was mielje pap and meat (Page 175) (in this respect he was privileged as other prisoners did not receive meat (Page 172). Another detainee alleged in the same proceedings that he only received bread and water (Pages 180/2).

This detainee "who hanged himself", the police said, was a key figure, a leader. He had been questioned many times but refused to answer questions or give information. The evidence given by his interrogators was that suddenly on the afternoon of the 4th of September he changed his mind and agreed to give a statement. The interrogators said: "Suddenly the man became a coward" (Page 75). The experience of these interrogators was, they said, that there was a sudden change and a brave man would become a coward. (Page 75 of the Record).

What is the effect of this detention and interrogation on people? This question was put to the Major in charge of the detainees being interrogated at Pretoria (at Page 163 of the Record): "Q. Would you agree with this then? . . . all the evidence indicates that a person during his period of solitary confinement should not be considered to be normal". A. I cannot deny it".

A study of the effects of solitary confinement was made, particularly by American psychologists and psychiatrists arising out of the treatment of American prisoners in Korea.

It was found, and this is still true today, that individuals who spend even a short time in solitary confinement, even a few days, can suffer various bizarre experiences, distortion of motivation and affect a change in intellectual ability, and distorted social relationships.

"Sufficiently prolonged isolation from society or deprivation of sensory stimuli can produce mental abnormalities in the form of hallucinations, anxiety states, depression and paranoid symptoms. Conditions likely to induce these phenomena occur . . . in prisoners kept in solitary confinement . . ." (Ziskind 1958).

Confinement alone without any form of physical assault or torture, is an extremely severe form of treatment. It can be expected to produce dramatic changes. The type of change has been examined carefully and can actually be scheduled.

Initially on arrest, there is fear and uncertainty. After one to three days in detention, there is bewilderment and discouragement followed by over-alertness, expectancy, rejection of food and attempts at fraternization. From between three and ten days there is anxiety, sleeplessness, compliance, increasing loneliness, boredom, fatigue and weight loss. From ten days to three weeks, there is increasing dejection, repetitive acts, intense fatigue, constipation, craving for companionship, humiliation and loss of all self-respect. From three to six weeks, there is despair, inactivity, filth, soiling, mental dulling, loss of discrimination, muttering, weeping, need for companionship and the detainee is highly suggestible and easily grasps at any help. The American authors (Hinkle and Wolff, 1957) maintain that a typical subject would require twelve weeks (nearly 90 days) from time of first incarceration to final "confession". The distinction between truth and fiction cannot be demarcated. They said that skillful interrogators utilise the prisoner's need to talk and craving for human association by discussing with him apparently innocent details of his past life. This cements a bond of companionship between the two that can be one of the most effective tools of the interrogator.

On reading the record of the inquest where the interrogators were questioned on their method of interrogation, it is clear that these skills were effectively used by the interrogators on the detainees. The Chief Interrogation Officer of South Africa, Rhodesia and South West Africa, said during an interview with the Star—1969, "In many ways our methods are the same as the Communists, psychologically speaking, but for a different reason". The detainee is left to suffer the effects of his isolation and then questioned time and again (at Page 149 of the record). At the inquest the following question was put to the chief interrogating officer:

"What do you think he would have been brought up for on so many occasions?"

A. "For questioning".

Q. "To try and get him to talk?"

A. "Well, that's the reason why he was questioned . . . .".

Q. "If a detainee, this man or any other, on being interrogated after he has been detained, says 'I am not under any circumstances prepared to give you any information whatsoever' do you leave him alone or do you take further steps?"

A. "Well, he's got to be asked again."

Q. "And again?"

A. "Yes".

Q. "And again?"

A. "Yes".

Q. "And again?"

A. "Yes".

Q. "And again?"

A. "Yes".

Q. "I see. The idea being to wear him down I suppose?"

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A. "I make no comment".

Q. "Well what is the idea, you give me your comment?"

A. "Well, he is there to give information, that's why he is detained".

Q. "But he's already told you two or three times he won't talk?"

A. "Then he'll eventually let go".

Q. "But the idea is to keep on questioning him to see whether he will change his mind?"

A. "Yes".

And at Page 152 of that record this was said:

"You see, we are concerned in these proceedings with finding out what motivated the deceased in committing suicide, if he did commit suicide, and that is why I'm asking you these questions".

At Page 154/5, the following is said:

"Well then supposing you had a case of a suspect who was detained because you, the Police, genuinely believed that he could give certain information, and if in fact your belief was wrong and this man couldn't give information, would you keep on questioning him over and over again?"

A. "I would question him, yes".

Q. "You would, over and over again?"

A. "Yes".

Q. "That would be a dreadful thing to happen to a man wouldn't it, if in fact you were wrong?"

A. "Yes".

Q. "It would be. And all that that man would be able to see as far as his future is concerned would be an endless vista of imprisonment coupled with repeated questioning?"

A. "Yes".

It was submitted in that case that not only was there sensory deprivation but that there was evidence that the detainees were tortured, that they were stripped, made to do unusual exercises, blindfolded, electrically shocked and otherwise assaulted. It was said that there were 20 such witnesses who could be brought to Court to testify to such tortures. One witness was called and his evidence was recorded. Objection was then taken as to whether such evidence was relevant in investigating the cause of death of the detainee. At Page 291 the learned presiding officer said:

"At the last hearing Counsel intimated that he intended calling a number of witnesse, 90-day detainees, to testify that they were, putting it mildly, ill-treated by the Police; he intends asking the Court to come to the conclusion, as an irresistible inference, from that evidence, that the deceased committed suicide as a result of such treatment. . . ."

He went on to say:

"The question of relevancy of this evidence arises. We are not sitting here as a tribunal, investigating the general circumstances of detention of 90-day detainees—that is common cause".

And concluded:

"In the circumstances the evidence it is intended to call is not considered relevant. Counsel's request cannot be granted".

It was said that the inquest was not a trial but an enquiry under a specific Act for a specific purpose. However, before the evidence was ruled irrelevant, not only did one detainee give evidence under oath about this torture, but Counsel advised the Court and read into the record a summary of the evidence that would have been given had the Court permitted the witnesses to be called. The witnesses were ready and able to give such evidence and endure cross-examination.

That was the position in 1963. Has the position changed? On the 15th December 1969, a State witness was called to give evidence in the Supreme Court in Pretoria. She refused but said this to the Court under oath:

"I have been in solitary confinement for the past six months . . . I have slept on the floor . . . Although we should have half an hour's exercise every day, there were many times when we had no exercise at all . . .".

Q. "Could you tell his Lordship briefly under what circumstances you came to make the statement?"

A. "I was interrogated, I was forced to make certain admissions because I couldn't stand the strain of standing on my feet for hours and hours."

Q. "Can you estimate for His Lordship the approximate period that you were made to stand?"

A. "I lost track of time completely. It is difficult to say. My mind went completely blank at times . . . And as a result . . ."

Q. "Yes?"

A. "Also I was threatened with detention of my whole family".

Q. "Now, as a result of the prolonged period of standing, can you describe the particular events that took place and that affected you, to his Lordship?"

A. "My mind went completely blank and I went to sleep standing and I had a sort of a dream in which I was actually speaking to the officers who were interrogating me, in my sleep, and afterwards when I had sort of regained my senses, I was interrogated on this dream I had which was complete nonsense. It had absolutely nothing to do with any . . ." (Court intervenes)

By the Court:

"I am afraid I am not with you at the moment. You fell asleep standing and you had a dream?"

A. "My mind went blank, I had a sort of a dream."

Q. "You dreamt?"

A. "Yes, and in this dream I was speaking to the officer who was interrogating me".

Q. "Yes, and then?"

A. "And when I regained my senses I was interrogated on this dream".

Q. "Can you tell his Lordship if it is at all possible, by way of estimate or otherwise, how long this interrogation".

Q. "The interrogation went on for five days without any sleep".

(Page 351 onwards of Record in State v. Ndou).

Where people simply vanish—where there is a virtual aborgation of the Rule of Law—inevitably, there is abuse and tyranny. In circumstances where the laws give such extraordinary powers to the police and the executive authorities and they can do almost anything, then indeed there is grave concern and good reason for alarm, when no less than 14 people have died while being detained without trial.

Seven of these, according to the findings of inquest Courts, were suicidal deaths. One detainee jumped from a 7th floor window of a room where he was being interrogated. Magistrates have on occasion expressed doubts on the cause of death. In some cases, the deaths are recorded as "due to natural causes"—these have included detainees who have died as a result of "falling in the shower", "falling down stairs", "slipping on a piece of soap". The records of all these deaths speak for themselves. Except in one case where the record merely reads:

"An unknown man died on an unknown date of cause unknown".

His death was disclosed without detail in Parliament.

Although solitary confinement is itself a punishment, again and again allegations have been made in Court that detainees have been tortured after their arrest and during their interrogation by the Security Police. Only a few cases are referred to here:

1. In the *State* v. *Tuhadeleni*, at Pages 599/600, such an allegation was made by Counsel but as it was not strictly relevant to the issues before the Court, no enquiry was made into the allegation.

2. A 68-year old grandfather, *Gabriel Mbindi*, was detained in May, 1967. In December 1967, it was alleged in Court proceedings by numerous of the detainees who had come from South West Africa, that they had been cruelly and brutally assaulted, suspended from a height and electrically shocked by members of the Security Police and they said that Gabriel had told them that he was assaulted in a similar way. Two months after the proceedings were brought, Gabriel was released and filed an Affidavit concerning the allegations. Shortly before the case was to be heard in Court, the State paid R3,000.00 to avoid further costs of litigation but none of the allegations concerning assault were withdrawn and the State persisted in its denials of these allegations.

3. In 1966 *Stephanie Kemp* sued for alleged assault during interrogation. In an out-of-Court settlement, she was paid R1,000.00 by the State.

One cannot detail here all the information on the subject, but one must ask if procedural safeguards protecting liberty were wanted, why were they not written into the law? Perhaps one can only conclude with the principle of law that a man intends the natural and foreseeable consequences of his actions. Numerous requests to appoint a Commission of Enquiry into these alleged abuses of police power have been rejected although today Commissions of Enquiry have been appointed almost at the drop of a hat.

The lesson of the PASS LAWS was that people become unpeople. Detainees are not looked upon as people, as human beings, but as threats to peace and security and it would seem that there is no great concern for their treatment. But what are these threats to peace? What do the facts disclose?

1. In April 1968, scores of people were arrested in Victoria West. The most serious allegations were made against them. After ten had been convicted by the Magistrate in November, an appeal was lodged. The Judge President in acquitting all these people, severely criticised the Magistrate for accepting State evidence which was anything but convincing and for wrongly rejecting defence evidence (Page 65 R.R. Survey 1969).

2. 24 others accused from the same place charged with sabotage, were acquitted in September 1969, as the State had insufficient evidence. The Judge in condemning a Security Police spy, X54, said: "It made a person shudder to think that someone like X54 could be placed in a position where he had an interest in the arrest of members of the public".

It did not compensate the accused for all the losses and suffering they had sustained for 17 months.

3. Tribesmen from Hebron near Pretoria were arrested and detained in late 1968. Of the 11 arrested, two died (one slipped on soap and a doctor found the other to have "sjambok and other wounds of assault on him"). Three were released and six were charged under the Sabotage Act. The Judge in acquitting all of them commented on the poor material the State had to prove its case.

4. Also at the end of 1968, numerous tribesmen were arrested and when allegations of unlawful assaults were made implicating the police, the charges against them were withdrawn and they were detained under the Terrorism Act. In September 1969, ten were charged under the Terrorism Act but one died on the night before the trial (it was stated that his death was due to natural causes). Of the remaining nine, three were acquitted on all charges and six pleaded guilty to attempted murder, a simple common law crime for which they received an effective one year's imprisonment.

5. The most serious and important case brought under the Terrorism Act was the trial of the 37 South West Africans. They were arrested during 1966 and 1967. Ministers of the government disclosed that they were aware of certain violence planned (Rand Daily Mail 1/11/66)—they could well have been aware of this as a result of the very arrest and interrogation of these South West Africans. Nevertheless, on June 21st 1967, the Terrorism Act was promulgated. On June 22nd the Attorney-General announced that persons would be charged and five days later 37 South West Africans were charged. They were handed a foolscap typed book, 41 pages in length, listing offences going back as far as June, 1962. In view of the fact that they had already been arrested prior to the passing of the Act, one cannot understand why this Act was passed and needed to deal with the accused. Professor Larson pointed out:

"No one has attempted to deny the fact that this Act (the Terrorism Act) was specifically passed in order to prosecute these particular defendants—all of whose alleged offences were committed long before the bill was even introduced—the idea that an Act can be passed specifically in order to hang a man for his past conduct is so intensely repellant to elementary concepts of law, no amount of outside condemnation can add much to the self condemnation of the statute itself".

Could one have a stronger condemnation of a law? Can there have been any justification for such a law? Well, listen to the words of the Judge who presided in that very case. In announcing sentence, he said, and I quote:

"But in my opinion, all the accused, except Nos. 21, 22 and 23, are guilty of *common law crimes* apart from any earlier legislation that has made such action punishable."

Previously, he had underlined the fact that he regarded their crimes as common law crimes and ignored the terrorism charge. He said:

"I will . . . take into account the Common Law offences which the accused have been proved to have committed in the assessment of the appropriate sentence, *although they were not so charged.*"

Concerning the extent of the threat of the actions of the accused, the Judge said they "were feeble and without the slightest hope of success." Therefore, when parliament considered and enacted the Terrorism Act in 1967, the Minister of Justice must have known he already had ample evidence to convict these defendants of Common Law crimes under laws already in existence. If the Terrorism Act was not required in order to deal with precisely those defendants against whom the Act was passed and whom the Government most widely billed as Terrorists, why was the Act necessary and why was it passed?

May one not, with reason, ask: Is the Act itself not an act of terror?

The rights of White and Black people today are sacrificed to a secret police force enjoying ever widening immunity from judicial restraint and enquiry.

These powers are given to the police and executive authorities not as temporary powers to meet a temporary emergency. These acts are now part of the permanent law in South Africa. They can be enforced and acted upon at the discretion or the whim of the police or the executive authorities.

"Under a system which renders any citizen liable to interrogation on the mere suspicion of a police officer, abuse and tyranny are inevitable.

"Where the jurisdiction of the Courts to enquire into the detention is completely ousted, the danger is extreme that a police officer will become a local tyrant, misusing his powers for political or personal ends, and that the way will be opened to blackmail and the evil of false informers." (Johannesburg Bar Council, April 29th, 1963).

Detention without trial has been used time and again for persons convicted of common law crimes.

Today those political opponents on the right of the Government, who now fear that these arbitrary powers will be used against them, rightly express their fears. All of us have reason to fear the abrogation of the Rule of Law as this will result inevitably in totalitarianism.

My function hereto today is to assist you as far as I am able to in the search for the truth. I believe that one must work hard to ascertain the facts and to find the truth. If in this talk I have made you aware of some facts, I have achieved my objective. Furthermore, if I also provoke you into investigating further for yourselfes, I have achieved more success than I could have hoped for and if you investigate for yourself, I submit to you that you, too, will be very disturbed by what you find.

You must determine what you can do. You can show others the truth and tell them what you have learned. You and all of you can and must take all lawful action of every kind to spread the truth and express your wholehearted condemnation of the evil that exists in South Africa. By your word and your action you must encourage others to join in unity with you to bring about whatever changes you lawfully can.

Should you fail to act or even refuse to act, your inaction and your silence is tantamount to condonation and approval and you make yourself a party to the wrongs perpetrated.

If you disapprove of the wrongs committed, then you must act . . . To vote against the Government takes but 5 minutes. To obtain and publish the truth takes longer. To organise protests, to join others and encourage all lawful protests using all the lawful means left to us, involves you and commits you to a hard and long struggle.

It is a struggle with which you may become impatient and it will require your dedication, a struggle in which you may not see results and you will require faith. Above all, you need courage and determination to go on.

But to know that such evil exists and to do nothing is soul destroying. Change will not come about by people wishing for it, but if we persist, with courage, we shall overcome.

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## SGT. KENNETH R. JONES, ARBUTUS, DIES IN VIETNAM

### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. LONG of Maryland. Mr. Speaker, Sgt. Kenneth R. Jones, a fine young man from Maryland, was recently killed in Vietnam. I would like to commend his courage and honor his memory by including the following article in the Record:

**Sgt. Kenneth R. Jones, Arbutus, Dies In Vietnam**

First Sgt. Kenneth R. Jones, USMC, son of Mrs. Barbara R. Jones and the late Roland E. Jones, of Sulphur Springs Road, was killed on April 23 in Vietnam.

The Defense Department, in a telegram to Mrs. Jones, said Sgt. Jones sustained multiple shrapnel wounds from a hostile explosive device while on a river boat patrol.

Sgt. Jones whose wife, Ann Partridge Jones, lives in Beaufort, S.C., grew up in Arbutus.

He attended elementary school here and Catonsville Senior High School, leaving the latter school at age 17 to enlist on August 3, 1951 in the Marine Corps.

At the time of his death, he was serving his third tour of duty in Vietnam. He had been wounded during his first tour there.

Funeral services were held on Monday, May 4, in Beaufort. A brother, Lynn Jones Shriver, of Decatur, Ga., formerly of Arbutus, also survives.

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## HOW ABOUT MOM AND DAD?

### HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. SKUBITZ. Mr. Speaker, two of the outstanding editorial writers in my district have put into words what, in my humble opinion, is in the hearts and minds of many of the folks in my district. Specifically—is it not about time mom and dad did a little investigating on their own?

The Independence Daily Reporter editorial contains this food for thought:

With some schools shut down and students being given a choice of attending class or talking about the war in others, no wonder there's belief today education is on the downgrade and diplomas mean little. . . . Isn't it time mom and dad got into this act of protesting? Maybe they didn't rear their offspring correctly. But it isn't too late to try a salvage job, even if it means cleaning out the inadequates who have been entrusted with these institutions.

And the El Dorado Times reporting on an antiwar rally incident at the University of Kansas, which caused an estimated $5,000 worth of damage, candidly states:

Isn't it about time that fathers and mothers of students around the state began asking their darlings in school just what they have to show for the hard-produced education dollars spent in their behalf?

I insert these two editorials in the Record and suggest it would be well worth the time of my colleagues to read them:

[From the Independence Daily Reporter, May 14, 1970]

**How About Mom and Dad?**

It's an old rule, and a good one. If junior won't behave call in mom or dad, or both. So why don't our college and university administrators admit their failures and for one week bring parents of the students to the campus to see just what is going on?

Would Junior and little Jane, knowing their parents were nearby, stay out in the wee hours of the morning throwing rocks at campus buildings or burn down the student union their folks helped to pay for?

Would the college administrators and young professors mount their soapboxes, stir a crowd of students into frenzied destructiveness and threaten the Establishment if the taxpayers were there looking them in the eye?

Would an ROTC Review, where devoted patriotic students were to be honored for a full year's work, be called off just to satisfy a few if the mothers and fathers of the ROTC honorees were present for the awards ceremony?

Would a college president or chancellor allow the cancellation of a rule sending grades home to parents if he had to account for the action in a face to face meeting with the parents?

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It's possible the entire campus, regardless of its size or location, would settle back to normal were parents brought into the picture in person.

Disregarding all titles, tenure or stature, if there's one need in these schools of higher learning today it's to explain once and for all to all those present, professors and students alike, these state schools belong to the taxpayers who built them and are now financing them.

If the governor, the board of regents, the chancellors or presidents can't operate these schools properly for the students who are really seeking an education, it's high time for a house cleaning.

The general public, mothers, fathers and all others—are fed up to here with the general climate in the upper educational field. All of us snickered at panty raids of past springs. But there are no snickers now. Property they helped bring about is being destroyed.

With some schools shut down and students being given a choice of attending class or talking about the war in others, no wonder there's belief today education is on the downgrade and college diplomas mean little.

What's being done about classwork and absenteeism for those who have regressed to their childhood ways of throwing rocks at windows, burning down buildings, going without baths, shying away from barbers, smoking pot and drinking beer?

Isn't it time mom and dad got into this act of protesting? Maybe they didn't rear their offspring correctly. But it isn't too late to try to salvage the job, even if it means cleaning out the inadequates who have been entrusted with these institutions.

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[From the El Dorado Times, May 11, 1970]

### JUST A "MINOR" INCIDENT

One of the "minor" incidents of Rebellion Week occurred last Wednesday evening at Kansas University's Military Science building. After an anti-war rally which attracted an estimated 800 persons, a smaller group of 200–300, evidently feeling the evening deserved another fillip moved to the building described.

There they picked up stones wherever they could find them and hurled them through glass windows and doors. When the stores of ammunition grew low, they moved cement blocks from a building project nearby and indulged in the hard labor of breaking these up into sizes suitable for throwing. Cost of this spree was an estimated $3,500 for the glass and another $1,500 for the clean-up.

This was just an idle act of vandalism. The young toughs have the feeling they can do as they please on the Hill—and act accordingly. The Lawrence Journal-World reported that campus security men and officials in plain clothes circulated in the crowd. Lawrence police officers were not informed of this disgraceful happening apparently because "campus officials feared uniformed men might drastically escalate the situation."

There were cries of "burn the building" from members of this mob, but strangely enough the torch was not applied.

This ugly incident was added to the numerous others which have characterized the recent disorderliness and violence occurring in Lawrence. It indicates that the "turn the other cheek" policy toward student rioters has not accomplished its ends. The scheduled ROTC review has been called off which Governor Docking deplores strongly. The final term of the University schedule has been grievously interrupted—if not altogether wiped out.

Isn't it about time that fathers and mothers of students around the state begin asking their darlings in school just what they have to show for the hard-produced education dollars spent in their behalf?

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## FREIGHT FORWARDING A PICTURE OUT OF FOCUS

## HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. FRIEDEL. Mr. Speaker, the small businessman and the millions of citizens who depend on him for employment need immediate relief from the cost spiral in freight movements. Larger businesses, insofar as they require small shipment service, are likewise aware of this need.

The remarks of Commissioner John W. Bush, of the Interstate Commerce Commission, before the annual Washington meeting on May 13, of the Freight Forwarders Institute relate to the role of the regulated freight forwarder in contributing to the solution of existing small shipment problems.

I am the sponsor of a bill, H.R. 10293, and am convinced that it goes to the heart of the problem of generating healthy competition. For, like Commissioner Bush, I believe the picture of the freight forwarder today is, indeed, out of focus.

I insert Commissioner Bush's remarks at this point in the RECORD:

### FREIGHT FORWARDING A PICTURE OUT OF FOCUS

I welcome this opportunity to meet with the members of the Freight Forwarders Institute. Instead of a formal speech I plan simply to make a few comments and observations and perhaps, if time permits, to exchange some points of view with you. I have entitled my remarks today very simply—"Freight Forwarding a Picture Out of Focus."

This, I understand, is your annual Washington meeting, designed as much for the purpose of keeping your membership in touch with what is going on in Washington as for the transaction of industry business. It seems an appropriate time for such a meeting. Three days from now, on May 16, your regulatory statute, Part IV of the Interstate Commerce Act, will mark its 28th birth date. Possibly a little reflection on the history of that act and its impact on your industry would be in order.

I believe it is a good thing for the Commission and its key staff members to be acquainted with the people who manage the industries which the Commission regulates. Regulation, after all, is not a mechanical process. No computer has yet been devised to "provide for fair and impartial regulation of all modes of transportation", which is one of the aims of our national transportation policy. Regulation is administered by people and it involves informed judgment as well as expertness in the technicalities and intricacies of laws and rules and regulations. But also, informed judgment *requires* first-hand, working knowledge of how the many facets of the industry we regulate operate. This simply cannot be learned from reports, studies, records of cases, or other stacks of paper neatly arranged on an office desk.

I do not subscribe to that school of thought which holds that the regulators and the regulated should be isolated from each other. Some people may think it is possible that just and reasonable regulation could be formulated in an ivory tower, but it would be extremely difficult, and impractical, to try to understand and to come to grips with the problems of the transportation industries with nothing more to go on than what can be absorbed in a host of formal proceedings. One picture is worth a thousand words!

It seems to me particularly important for those of us in the regulatory field to become better acquainted with the people who make up the freight forwarder industry; because your industry is, I believe, the least known and understood of the regulated common carrier industries. I do not say that in a disparaging sense nor do I suggest that the people who manage your Institute have been derelict in their duty to inform the public about the business of freight forwarding. But, I must say that yours is not the easiest of the transportation agencies to comprehend. I am sure your attorneys are fully attuned to having the question put to them by persons whom they have every right to expect should know the answer: "Now tell us, what is a freight forwarder?"

The people who sell your freight service to the shipping public probably do not encounter that question because they are dealing with the people who know what a freight forwarder is and what he does. But, when it comes to selling the idea that your industry has problems in other areas which need to be solved the matter is more complex.

Let me refer you to the definition of a freight forwarder as it appears in section 402(a)(5) of the Interstate Commerce Act. I doubt if the most astute of lawyers could read that definition for the first time and then tell anyone all that a freight forwarder is and does. Indeed, as all of you know, legal issues concerning the meaning and application of one or another of the provisions of the definition still arise after 28 years of regulation. The difficulty is that the definition does not conjure up a picture in the mind of the reader. It was not necessary for Congress to write a very detailed definition of a railroad, because the very term raises a picture of a locomotive and cars and tracks. The same is true of a truck or bus or steamship.

Freight forwarding is not so easily described or pictured. Freight forwarding is a service based upon a method of doing things. It is a very important method because it results in a rather pure form of coordination, but it is not self-defining. And although forwarders are almost as old as transportation itself the forwarding method is not yet as well understood as it ought to be. For one thing, it is a rather simple matter to imitate the forwarder method, and the industry does have its imitators. The basic ingredient of common carrier freight forwarding is the assumption of full responsibility to the person for whom goods are being carried in forwarder service.

If a person performing forwarder service claims not to be in the business for profit and disavows responsibility he can do exactly what a regulated forwarder does and yet escape regulation.

In some cases it has been found by the Commission and by the courts that some of these persons were not telling the truth when they said they did not make a profit and undertook to avoid the responsibility which regulation imposes upon common carrier forwarders.

Possibly because, in the language of the statutory definition, freight forwarders "utilize" other types of common carriers in the performance of their own coordinated and comprehensive service, there persists, even to this day, some confusion and misunderstanding about the true status of freight forwarders. I personally have no difficulty whatsoever in understanding that freight forwarders are common carriers in every sense of that term. But, I frequently hear it said that while freight forwarders are common carriers in relation to the public, they are *shippers* insofar as other carriers are concerned.

I find two things wrong with that statement. First, it is not a practical interpretation, and second, it does not have the significance which most of the people who make the statement attach to it. Let us examine the matter. The record shows that when freight forwarders were brought under regulation in 1942, the forwarding industry and the then young trucking industry had in effect one of the most extensive systems of through service based on contractual or joint arrangements between the two industries that had been developed up to that time. Under the scheme of regulation that Congress then adopted, joint rates between forwarders and motor carriers were authorized, but on a temporary basis pending the establishment of so-called "assembly and distribution rates" by the motor carriers to take the place of joint forwarder-motor rates.

For some reason the original congressional plan did not work and after the joint-rate authority had been extended several times the Act was amended, in 1950, in two respects:

First, the definition of a freight forwarder was amended by adding the words "as a common carrier" to the definition. And, second, section 409 was amened so as to provide for contracts between freight forwarders and motor carriers, which contracts, according to the legislative history, have the same effect as joint rates and divisions. Incidentally, I think there is some misunderstanding about the so-called 450-mile limitation on forwarder-motor carrier contracts. That limitation applies only to truckload lots of freight moving between forwarder terminals. Insofar as less-than-truckload lots are concerned, there is no mileage limitation whatsoever.

So it is quite clear that freight forwarders do not assume a shipper relationship as to the thousands of motor carriers with whom they interchange freight and they have never assumed such a relationship. Therefore as I said, a frequently repeated statement about the shipper status of forwarders in relation to other carriers is not really correct.

And, even if it could be considered that in some respects freight forwarders, under the existing plan of the law, step into the partial role of a shipper as to some of the carriers they utilize, that fact does not have the significance which some people find in it.

There is nothing inherent in the character of freight forwarders which prevents Congress, or, in my opinion, the Commission, from permitting them to make any kind of contractual arrangements with other carriers which seem practical and in the public interest. Witness the fact that Congress has consistently authorized contractual arrangements between forwarders and truck lines. Furthermore, the Commission has authorized truck lines and water carriers to ship their freight shipments by rail and TOFC service and to pay any published rates which are applicable. The Supreme Court has upheld that authorization. And yet no one argues that this makes shippers of the motor carriers and water carriers or that having the right to ship at tariff rates such carriers should be deprived of the right to make joint rates with the railroads.

I know that in times in the past your industry has sought changes in the regulatory pattern designed to put freight forwarders in a more nearly equal competitive posture in the field of transportation. It may well be that the kind of confusion about the status of freight forwarders which I have been discussing has had an important bearing on the outcome of your efforts, which outcome has not been all that you could have desired. There is pending in Congress at this time legislation which would authorize railroads to publish rates available to other common carriers, including freight forwarders. As you know, the Commission has stated its position on that legislation. In substance, a majority of the Commission opposes the bill in its present format because it thinks the whole matter should be considered in a broader format and resolved only in the light of a rather comprehensive investigation of all of the relevant facts.

Under the circumstances, I think that all it is appropriate for me to say with respect to your pending legislation is that I thoroughly agree with the following statement which appears in Chairman Stafford's testimony before the subcommittee of the House Interstate and Foreign Commerce Committee on that legislation:

"Certainly, the freight forwarders have proved that they fulfill a need that the shippers of this country have urgently required, and in the performance of their services we believe the freight forwarders should be encouraged to operate as efficiently and as economically as possible. Moreover, in competing with motor carriers, as they do, the freight forwarders certainly should not be handicapped by any artificial or possibly obsolete restraints. The time has come, and the Commission recognizes it, when fictions must not be continued, and service to the shipper must be paramount, within the bounds of reason and the provisions of the Interstate Commerce Act."

Not only has the time come to abandon fictions which stand in the way of providing for the shippers of the country the best transportation that we are capable of producing—the time has long since passed. I personally believe, and I speak solely for myself and not for the Commission, that the fiction that freight forwarders have a status that is not quite that of full common carriers was intended by Congress to be dispelled 20 years ago, and that the confusion that still exists ought to be swept aside.

When Congress enacted the common carrier amendment to Part IV of the Act in 1950 it did so in the light of a good deal of testimony about the status of forwarders. Let me read you, in conclusion, what the House Committee on Interstate and Foreign Commerce said in its report on that legislation. The following is from House report No. 2489–81st Congress, 2nd session to accompany H.R. 5967 which was enacted December 20, 1950:

"Therefore to describe freight forwarders as common carriers, as the amendment made by the first section of this bill proposes to do, does not change the status which they have always had, but simply recognizes that status by statutory law. This will remove any anomaly and confusion regarding the status of freight forwarders and make clear that they have the status of common carriers."

That is about as clear as the matter could be expressed in the English language. For me it leaves no confusion about the status of freight forwarders as common carriers—simply because I believe I understand what the Congress said—and because I think Congress said what it intended to say—and that it meant what it said.

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## TRIBUTE TO ARTHUR GRIFFIN

## HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. ANDERSON of California. Mr. Speaker, all too often the vital and time-consuming effort given by many of our most conscientious citizens to local community service goes unrecognized and unrewarded. I would like to take this opportunity to rectify that situation at least in response to one such public servant, Arthur Griffin, mayor of Lawndale, Calif.

Arthur Griffin, like so many of California's citizens, was born "back East"—in Georgia—but moved to California as a child. He got his education in the local schools, getting a B.S. in pharmaceutical chemistry. Like so many other men, he took time off from his education to serve his country during World War II. He spent 3½ years in the U.S. Navy serving in the Pacific theater. He was honorably discharged in October of 1945. After graduation he went into business for himself, owning and operating Griffin Pharmacy from 1951 to 1962 and Art's Drugmart from 1963 to the present.

Arthur Griffin has long been devoted to public service. His list of memberships is lengthy. Among them are the Lawndale Chamber of Commerce, South Bay and California Pharmaceutical Associations, Lawndale Masonic Lodge, Will Rogers PTA, Lawndale Rotary Club, Lawndale Good Government League, Inter-City Highway Commission, South Bay Councilman's Association, 67th Assembly District Democratic Council, and the 17th Congressional District Democratic Council. He is now serving his second term as president of the Lawndale Coordinating Council. He has served as president of the chamber of commerce, the Good Government League, and the 17th Assembly District Democratic Council; and was charter treasurer of the Rotary Club. In the area of community service, he has done excellent work in campaigns for the Boy Scouts and community chest and is a member of the advisory council, California State College at Dominguez Hills.

In 1966, he ran for the office of city councilman for Lawndale and was elected with the second highest number of votes. In April of 1969, he became mayor and has served in that capacity ever since. This year he has decided not to seek reelection. This decision will give him more time with his wife, Marilyn, and his four children, Judy, Sandra, Lynn, and Dennis.

I am sure so dedicated a citizen as Arthur Griffin can be counted on to continue the fine work he has been doing in community service. Too often the personal efforts on the local level of our citizens—efforts that improve the quality of life for us all—go unrecognized. I wish to join with the citizens of Lawndale in paying tribute to Arthur Griffin and thank him for the service he has rendered to his community.

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## "HATE THE SOUTH" SUBSIDIZED TAX FREE

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. RARICK. Mr. Speaker, the tax-free Ford Foundation has now assumed new leadership in advancing the "hate the South" educational program.

The "Andersonville Trial," a 2-hour-and-22-minute story about a Confeder-

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ate prison camp, produced at a cost of $100,000, has already been shown on channel 26, WETA, Washington, D.C., and is to appear on 149 other so-called public education television stations around our Nation. Many will remember that it was channel 26, heavily subsidized by tax-free Ford Foundation funds which recently fired its $50,000-a-year newcaster because his wife went to work in Washington for a southerner.

If it was not the desire and intent of the Ford Foundation to continue its vindictive attack against the South and southern people by promoting the "Andersonville Trial," then the Ford Foundation people need only prove their impartiality by producing the "Birth of a Nation," the tragic and suppressed story of Americans who lived in the South during the Reconstruction Era following the Civil War. It is unthinkable and anti-American that any tax-free educational foundation such as the Ford Foundation would consider resurrecting the events of over 100 years ago to revive past hatreds and prejudices. Their unthinkable action can only serve to redivide our country at a time when our country cries desperately for unity of people and preservation of the Union.

If the "Andersonville Trial" is exemplary of the explosive and detrimental caliber of entertainment to be expected from the public tax-supported television networks, ETA, I feel confident that people will demand that I not vote any additional appropriations nor special concessions for this tax-free controlled and subsidized media.

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"The Andersonville Trial" is educational and a public service? For whom? I include a story and remarks by an entertainment critic as appeared in the local newspapers to follow:

[From the Washington Post, May 17, 1970]

### DISTINGUISHED DRAMA ON THE TV SCREEN

(By Lawrence Laurent)

"The Andersonville Trial," a stunning production with a cast of frontline actors running nearly 2½ hours without commercial interruption, will bring distinguished drama to the television screen tonight.

It will be seen from 8:30 to 11 p.m. on Channel 26 and 149 other public TV stations.

"The Andersonville Trial" is the first offering of Lewis Freedman's Hollywood Television Theatre, operating under a grant from the Ford Foundation. Freedman is a veteran producer of television drama, including the fondly remembered "DuPont Show of the Month" and the superior "Play of the Week" series that began with Judith Anderson's memorable "Medea."

"The Andersonville Trial" runs for two hours and 22 minutes and was produced at a cost of $100,000. If that seems high, just remember that $100,000 will buy exactly 25 minutes of laughs in just one episode of "Here's Lucy."

The cast was willing to work for minimum scale in "Andersonville." One big reason for accepting the minimum wages was that the actors wanted to work with actor-turned-director George C. Scott. Others wanted to work in this show because it had "good material" and "time to rehearse."

Director Scott, in an interview with Cecil Smith of the Los Angeles Times and Freedman (telecast last Sunday), emphasized that this "is not a TV production. We just took the play as it was. We may have cut a paragraph or two." Nothing was cut from the final script that Saul Levitt wrote for Broadway in 1959. On Broadway, the role of the Judge Advocate (prosecutor) was played by Scott.

Scott would like to "phase out" his career as an actor and move to directing and producing. He will go to London in May to appear in "Jane Eyre" for director Delbert Mann and expects to direct a movie in New York this summer for David Susskind. He feels that an actor "can make a contribution" to a dramatic production but a director "can make a much greater contribution, can be part of the whole process. The director has much more to give."

In directing "Andersonville," Scott avoids the most common mistake that actors make as directors. He did not try to have William Shatner play the prosecutor as it had been played by George C. Scott. Shatner's portrayal is less sardonic and his doubts, late in the play, come through much broader.

"The Andersonville Trial" is not light drama. Most viewers will be feeling its impact hours after it is over. It is a play without answers. Each viewer will have to decide for himself the guilt of Confederate Capt. Henry Wirz. He commanded a prisoner-of-war stockade at Andersonville, Ga., where 14,000 Union soldiers died.

"I was only carrying out orders," he pleads, just as Adolf Eichmann pleaded in Israel a hundred years later.

During the climactic 28-minute cross examination, Wirz is asked, repeatedly, why he couldn't have the strength to disobey the orders that came from a Confederate general. Wrenched from him, in final pain, is the defense: "I did not have that feeling of strength inside. I could not disobey."

The moral issue remains with us and playwright Levitt refuses to provide an easy answer.

The play closes with an exchange between the defense attorney and the prosecutor. The defense attorney points out that the trial "hasn't anything to do with the real world."

"Men will go on as they are, subject to powers and authorities, and how are we going to change that slavery when it's of man's very nature?" he asks. "We redecorate the beast in all sorts of political coats, hoping that we change him, but is he to be changed?"

The prosecutor answers, softly: "We try. We try."

Scott has built a marvelous kind of tension into this drama of dilemma and he has drawn some superb performances from his cast.

Shatner is excellent, as usual. His Col. Chipman begins as a man of fire and wrath, intent on punishing the man responsible for Andersonville. He parades a tale of inhumanity: the filth, the hunger, the overcrowding, the desperation, the death and even cannibalism.

But in the Henry Wirz brilliantly played by Richard Basehart, the prosecutor has a formidable opponent. For each charge, except for man's moral responsibility to a fellow human being, there is an answer. Basehart's Wirz can only repeat the tortured answer that he had an "overwhelming responsibility."

Director Scott must be given part of the credit for the two most unexpected performances in this drama. The first is from Jack Cassidy as defense counsel and the other is from young Michael Burns as the shell-shocked, 19-year-old Union soldier named Davidson.

Cassidy has been around for years, known mainly for his 1,000-watt smile, his delight in posturing and his marvelous profile. In "The Andersonville Trial," he is a disciplined, professional actor. His playing of Otis Baker is a mixture of controlled anger, cool legal tactics and genuine—if sometimes questioning—compassion.

Burns has been around television since he landed a role in "It's a Man's World" in 1962. In the intervening years he has aged little and has matured greatly. This is his finest performance, one of those rare moments on television that will be remembered.

Another familiar face, in an unfamiliar role, is that of Cameron Mitchell. Usually, he's the brawling Buck Cannon on "The High Chaparral." Here he is Maj. Gen. Lew Wallace, the judge at this military trial. (Wallace later was to become governor of New Mexico when Billy the Kid was running loose and was to write "Ben Hur.") Cameron Mitchell has found many sides to Lew Wallace, a rather startling contrast to the one dimensional Buck Cannon.

Viewers may be in for another surprise with the appearance of Buddy Ebsen as Dr. John C. Bates, physician at the Andersonville Stockade. Ebsen is usually see as Jed Clampett in "The Beverly Hillbillies." In "Andersonville," he brings dignity to the role of Dr. Bates.

On and on runs the list of fine performances, for there is neither a weak character nor a bad characterization in this long production. Scott has also managed to avoid the immobility that often goes with a one-set, courtroom drama. The camera direction is fluid, deliberately saving the dramatic close-up for the most intense moments.

"What we do with television," Freedman has explained, "is to take the theater patron where he would like to be. That is, at special moments, we bring him right on the stage and let him look closely at what's going on."

Several notable character actors will be seen sitting around, without a single line to speak. This group includes such fine performers as Philip Bourneuf, Bert Freed, Alan Hale and Charles McGraw.

"They lent their presence," said Freedman. "They dressed up the production."

A final note must be a personal one. Over the past 17 years, I have seen nearly all of the quality drama that television has offered. TV did begin with a theatrical tradition and once there were 12 hourly dramatic productions each week. Now TV has a motion picture orientation and while this may give the medium a broader appeal, it does not give TV the same impact that it once had.

Over those 17 years, perhaps a dozen dramatic productions have been truly memorable becoming a permanent part of one's life. None, however, quite reached the heights that you will find in "The Andersonville Trial."

The cast for the Hollywood Television Theatre's production, "The Andersonville Trial," being telecast tonight 8:30 to 11 p.m. (Channel 26) includes:

| | |
|---|---|
| Ambrose Spencer | John Anderson |
| Henry Wirz | Richard Basehart |
| Dr. Ford | Whit Bisell |
| Davidson | Michael Burns |
| Otis Baker | Jack Cassidy |
| Dr. John C. Bates | Buddy Ebsen |
| Jasper Culver | Lou Frizzel |
| Major Hosmer | Wright King |
| Gen. Lew Wallace | Cameron Mitchell |
| James W. Gray | Albert Salmi |
| Lt. Col. N. P. Chipman | William Shatner |
| Chandler | Harry Townes |

## THE NURSING HOME SITUATION

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. OBEY. Mr. Speaker, the Council of the Wisconsin State Medical Society has urged that the nursing home situation be looked at closely, with an emphasis on enforcement action against violators of State regulations.

The action followed publication by the Milwaukee Sentinel of a series of articles on nursing homes and examination by officers of the Medical Society of Milwaukee County of a number of nursing home inspection reports.

I should like to commend the medical community for its interest in nursing home conditions, and insert this May 11 Milwaukee Sentinel story reporting the council's action. I think this most recent development in my home State is further evidence of the necessity for Congress to take action to unify administration of laws relating to the care of the elderly in nursing home facilities.

The article follows:

### MEDICAL SOCIETY URGES NURSING HOME PROBE

(By Gene Cunningham)

The council of the Wisconsin State Medical Society urged Sunday that the nursing home situation in the state be investigated with an emphasis on enforcement action against violators of state regulations.

Dr. Robert E. Callan, Milwaukee, president of the society, praised The Milwaukee Sentinel for its recent series of articles on nursing homes and thanked The Sentinel on behalf of the society for its "great interest" in nursing home conditions.

The Sentinel's eight part series and stories on nursing homes it has published since were reprinted by the medical society and distributed earlier to the more than 30 members of the council for study in advance of their meeting held here Sunday.

In addition to urging an investigation of the nursing home problem, the motion approved by the council included its offer "to participate in committee action with the Department of Health and Social Services and nursing home interests in a joint study of the problem."

The motion was recommended to the council by its executive committee which had approved it at a meeting Saturday night.

At the executive committee meeting, Dr. Robert Pittelkow, president of the Medical Society of Milwakuee County, presented information concerning nursing home operations and conditions.

"We have examined a number of the nursing home (state) inspection reports to verify for ourselves the extent of the violations. We are totally satisfied that there has been no misrepresentation or exaggeration in The Sentinel stories," Pittelkow told the committee.

"In the files that we examined, which dated back to 1965, we repeatedly found that reported and documented infractions and violations had been allowed to continue for years at a time," he said.

"It becomes readily apparent when scanning the files that for some undetermined reason, the flagrant code violations have been allowed to go uncorrected.

"This I feel is not because of any inadequacies of the inspection report, but rather because there has been an inexcusable lack of followup disciplinary action against nursing home violators," Pittelkow said.

He said that his primary concern, and that of the Milwaukee County Medical Society, is that adequate medical services are available and maintained at a quality level in all homes where skilled nursing is required.

"The intolerable conditions which exist in many nursing homes have a direct reflection on the quality of medical care provided," he told the committee.

Pittelkow predicted that various investigations already underway will lead to a review of nursing home licensing laws, inspection procedures and regulations.

"When the full impact of the various probes becomes known, I also think we will probably see a number of criminal indictments being issued and we may even see a general shakeup of personnel," he told the group.

Pittelkow recommended that the state medical society:

In conjunction with the Milwaukee County society and with the support of all county societies, "make a unified probe and evaluation of the nursing home problem."

Undertake a study of random samples of state nursing home inspection reports on a statewide basis.

Offer its support to state and local bodies now conducting investigations of the problem, and appoint a committee to review the state nursing home code and make recommendations concerning it.

Ask that the Department of Health and Social Services undertake new inspections of all nursing homes in the state within a reasonable period of time and document all code violations found.

Recommend that the executive committee and state medical society "use all power at its disposal to insure that immediate disciplinary action be taken against all nursing homes that continue to be in violation of and fail to comply with the regulations."

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## ALLEN PARK, MICH., RECEIVES BEAUTIFICATION AWARD

### HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. WILLIAM D. FORD. Mr. Speaker, I am pleased and proud to report that the city of Allen Park, in my congressional district, was selected as one of three Michigan cities to receive a special award for its beautification efforts during the past year.

Allen Park city officials were presented with a Community Pride Day plaque on Saturday, May 16, the opening day of the 1970 Michigan Week observance, which is underway this week.

In a day when all citizens are deeply concerned with the problems of pollution, I am especially proud that Allen Park has made such significant progress in the area of environmental control.

Allen Park was chosen for this honor because of a wholesale cleanup program to remove litter, clean up parks, control pollution, and encourage all citizens to become conscious of their environment. Hundreds of trees were planted, trash receptacles were placed throughout the city, old cars, junk, and litter were removed from streets and public areas, and city ordinances were passed to prohibit leaf burning and to require paving of parking areas.

City sidewalks were repaired, and businessmen were encouraged to improve both the interior and exterior of commercial buildings. Children and adults were brought into a cooperative venture to beautify homes and clean up vacant lots.

This outstanding community project was directed by a Beautification Commission which was organized in 1968. Each of the five members was placed in charge of a specific area of the city. The results indicate what an outstanding job they have done.

Present members of the Beautification Commission are John J. Rourke, chairman, Martha Pearson, secretary, and Phyllis Barry, Monica Spezia, and Louise Wiessman. Former members include Janice Duryea, Ruth Mosley, and Helen Pagnucco.

I would like to express my personal and public congratulations to them for a job well done.

In addition, I would like to compliment the Allen Park City Administration and all Allen Park residents for their part in bringing this honor to Allen Park.

Present city officials include Mayor John Metelski, Clerk Laura Mapes, Treasurer George Moore, Councilmen William Jones, Frank J. Lada, Harold N. Duda, Richard Caulfield, Leslie L. Demeter, Delroy E. Wagoner, and Judges Francis E. Burger and O. W. Johnson.

They have taken the lead in showing that enlightened planning and cooperation on the local level can bring dramatic results in solving community problems.

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## STOP HARMFUL IMPORTS

### HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. PHILBIN. Mr. Speaker, we may all well be concerned by the large, increasing flow of cheap imports of all kinds of manufactured goods and other products pouring into this Nation from abroad, under the provisions of the Trade Expansion Act of 1962 and related laws and regulations.

These commodities constitute definite, widespread, cut-throat competition with American goods and products produced at much higher costs in this country, due to labor and other differentials.

While shoes and textiles are coming into this country from abroad in large quantities, the same is true of the products of the so-called, newer industries—plastics, electronics, and the more sophisticated products of modern American technology and manufacturing expertise.

A large percentage of these imports stem from factories and manufacturing plants originally set up by American business interests abroad, which in a number of instances used U.S. Government funds for the most modern machinery, and were furnished expert counseling services and cheap labor to make these products in volume overseas, and to bring into the United States to compete with our own industries under special, advantageous, tariff rates established by negotiation procedures set up by trade laws.

In this manner, Congress is excluded from playing any real part in checking the large volume of competitive goods and products of many kinds. This incredible pattern constitutes a very serious threat to many American industries and the American economy. American workingmen and their families are in large numbers the victims of this very unfair, discriminatory arrangement which the Trade Laws made possible.

I have addressed myself to these serious problems many times, and it has been abundantly clear to me that there is no purpose on the part of the Executive Department of this Government, or of the Congress, for that matter, to do anything really effective to check these harmful, injurious importations, save to engage in futile, meaningless conferences about quotas that can never seem to be agreed upon, are an entirely inadequate solution, and usually wind up without any worthwhile results.

I am not implying by anything I am saying here that in any sense I am opposed to foreign trade; in fact, the contrary is true. I am very strongly for it, provided it is constructive and beneficial to our country, as well as to other nations which are importing products into this country.

I have said many times that I do not believe that the trade bill, or other policies of this Government, should constitute a one-way street to permit large quantities of cheaply produced, foreign goods that are clearly undermining our economy and displacing our labor to enter this country, while at this same time similar privileges are not accorded to American exporters by the very nations that are flooding American markets with cheap, competitive goods our industries can not match price-wise.

I am pleased that the House Ways and Means Committee, under its very able, distinguished leader, is now conducting hearings on the measures pending before it that would check these most injurious imports, and put our trade relations with other countries on a sound, fair, competitive basis that would be mutually beneficial and constructive and stop cutthroat competition from abroad.

I again urge in behalf of our working people, our industries and the consuming public of this country, the mothers and children in the homes, and families that are having so much difficulty these days trying to procure adequate necessaries of life in this inflated economy of super, high prices that these cheap imports be banned. They are taking bread out of the mouths of American families.

I hope that the House will move fast in these matters, because we have already lost a lot of time, gold and money through the years in fruitless, useless discussion and time-serving, since the very time the trade bill went into effect, and with the economy going the way it is at present, we can no longer afford to ignore the unfavorable, harmful impact of foreign imports upon the economy and monetary soundness of this Nation.

If something is not done soon to stop this cut-throat competition from cheap, foreign imports, we will be allowing the continued, and ever-growing release of deflationary factors, and unemployment and depressed conditions in our economy. Let us get on the ball and check these injurious imports.

I urge the House and other bodies to act before it is too late.

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## PROBLEMS OF OVERSEAS SCHOOLS

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mrs. MINK. Mr. Speaker, my good friend and colleague, Congressman WILLIAM D. FORD, has become one of the recognized experts in this Congress on the problems of the overseas schools operated by the Department of Defense or supported through the Office of Overseas Education of the Department of State.

An indication of his expertise in this field came recently when he was invited to be the principal speaker at Lausanne, Switzerland before the European Council of International Schools.

Congressman FORD's remarks at this conference give such a clear insight into the problems of the overseas schools, and of education in general, that I would like to have them reprinted in the RECORD.

#### REMARKS OF THE HONORABLE WILLIAM D. FORD

At the outset I would like to make the very obvious observation that I am happy to have this opportunity to come to Switzerland.

At this particular time in history, I am sure that you will agree with me that we could not be in a more appropriate place for discussing our efforts to educate children and to prepare them to help achieve a world where peace and harmony among nations will be the norm.

I would like to thank the European Council of International Schools and your President, Mr. John H. Bruce, for inviting me here to speak on American education at home and abroad.

It is my privilege to serve in the House of Representatives on the Education and Labor Committee, and particularly as a member of the General Education Subcommittee of that Committee having primary responsibility for writing federal legislation affecting elementary and secondary education.

I have been asked to speak briefly with you today of the progress in American education both at home and abroad with particular emphasis on what I view from the Washington scene as the Federal government's concern for, and commitment to, this progress.

#### AMERICAN TYPE EDUCATION ABROAD

I certainly hope that during my brief stay here at your Conference I will have the opportunity to exchange ideas, through direct personal discussions, with those of you attending this Conference as administrators, school board members, sponsors and professional educators directly involved in providing "American-type" education to American dependent school children in the many countries represented here today. I know that such an exchange will add to such experience as I have gained during the past five years as a member of the Education and Labor Committee. We are truly eager to actually learn and know of these overseas schools serving American students in many nations around the world.

Most of you in attendance at this meeting are directly involved in the administration of programs of elementary and secondary education for American children living with their parents in European nations.

Many of you are the people with direct responsibility for operation of what we refer to as "American-sponsored" elementary and secondary schools.

The stated purposes of the Federal assistance program for these schools are: to help the schools to provide adequate education for United States government dependents and to demonstrate to foreign nations the philosophy and methods of American education.

I need not tell you what a tremendous challenge this is when measured against the unique circumstances under which you operate.

At the present time, the Federal government is involved in the direct and full financing or the partial support of a worldwide education system comprising approximately 438 schools in well over 100 countries. The rough breakdown of the distribution is as follows:

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|---|---|
| Department of Defense dependents | 181, 348 |
| Non-Defense, civilian dependents and approved foreign nationals | 33, 725 |
| Total | 215, 073 |

This worldwide school system now employs 12,452 teachers and administrators with 7,839 in the Department of Defense School System and 4,613 in schools supported by the United States government through the State Department.

This year's budget for this educational system is more than $177 million. This system of schools, if located in any State in the continental United States, would be one of the largest in our country but most American citizens and even some Members of Congress are barely aware of your existence or purpose.

We would like to think that the hearings and investigative trips undertaken by the Special Subcommittee of the Education and Labor Committee headed by Congressman John Dent of Pennsylvania, first authorized by a Special Resolution adopted by the House of Representatives in 1965 and continued ever since, has contributed to a greater understanding within the Congress of the need for support for this great worldwide system of schools and their educational mission.

#### THE FEDERAL EFFORT IN EDUCATION

It was my privilege in January of 1965 to be assigned to the General Education Subcommittee of the Committee on Education and Labor in the United States House of Representatives at the very beginning of one of the most exciting periods of activity that the Committee has ever experienced.

Our Committee wrote the Elementary and Secondary Education Act of 1965 which was hailed by President Johnson as the greatest breakthrough in Federal support for public education in 100 years. More importantly, however, this signaled a new awareness in the Congress of its responsibility to American education.

I need not recount to you the great difficulty encountered by the friends of education over the past 50 years in attempting, without success, to bring the Federal government into partnership with the States and local school districts for the support of elementary and secondary schools and for assistance to our institutions of higher education as well.

The first real awakening of the Federal establishment to its responsibility for the support of education in our country really came toward the end of the Eisenhower administration and in the beginning of the Kennedy administration. Perhaps you have heard the now famous statement of former Commissioner of Education, Francis Keppel, who said he thought perhaps the greatest breakthrough for Federal aid to education in the United States came from Sputnik. You will remember that when the Russians successfully orbited the earth with Sputnik, the American public suddenly came face to face with the realization that we were not keeping up with other major countries in the world in the support of the institutions necessary to provide the trained persons needed by a country such as ours in a very complex and rapidly changing and shrinking world.

Although somewhat sudden, this increase in American commitment to education was, I believe, best characterized by President John F. Kennedy when he said:

"Education is both the foundation and the unifying force of our Democratic way of life—it is the mainstream of our economic and social progress—it is the highest expression of achievement in our society, ennobling and enriching human life. In short, it is at the same time the most profitable investment society can make and the richest reward it can offer."

I would not like you to think from what I have just said that we are any place close to the goal of a full commitment of the magnitude which many of us believe to be absolutely necessary at the Federal level. The Congress has recently passed more pieces of legislation affecting education in our country and providing greater support from the Federal level than ever before in the history of our country. However, we have not yet had a forthright and unqualified commitment by Congress to the proposition that the level of education of Americans is a national resource entitled to the massive commitment of national resources to its development and support in the same measure as any other essential national resource.

With all of the legislation we have passed, including the Elementary and Secondary Education Act of 1965 and the many additional programs that have followed it, we find our Federal contribution to elementary and secondary schools within the United States at the present time to be something less than 8% of the annual expenditure for education at this level from all sources. In my own state of Michigan, for example, the current rate of Federal expenditure from all programs is less than 5% of the total expenditures for elementary and secondary education in the state. It seems clear, therefore, that the Federal government's present commitment to education in our country, though significant, still falls far short of the commitment of national resources necessary to reflect our willingness to have the Federal government become a full contributing partner in the effort to provide quality education in all parts of our nation.

Recent events in Washington have, however, been most encouraging, and I see the American education community as well as the American public awakening to the realization that the Federal government will have to make a much greater financial contribution to the assistance of our state and local school systems if we hope to keep pace with the ever-increasing demand being made on those systems by a growing, energetic, mobile and ever-urbanizing American population. It is clear that the events of the past few years have brought home to Americans, more than ever before, a realization that our position as a leading country in the world depends upon our ability as a people to educate ourselves to compete successfully not only in technology but in every other way if we are to remain a leading nation of the world.

Last year we were dismayed when the outgoing President recommended an education budget that would have spent more money than we have spent before but which would not even keep pace with the increased costs being absorbed by ongoing programs. We viewed with even greater dismay, however, the fiscal 1970 and 1971 budgets of President Nixon who cut back the recommended appropriations for education on almost every front and recommended no money at all for some of our most successful ongoing programs. During the campaign of 1968, Mr. Nixon stated, on many occasions, his strong support for the commitment of the Federal government to support of education at all levels. Just some of his quotes—

"When we talk about cutting the expenses of government—either Federal, State or Local—the one area we can't short-change is education."

"Education is the area in which we must keep doing everything that is necessary to help achieve the American dream."

In his 1970 budget, Mr. Nixon proposed only 39% of the authorized amounts for Title I of the elementary and secondary education programs—the program for deprived children and youth: 20% of the authorization for vitally-needed supplemental education centers and services: 37% of the authorized money for strengthening state education departments: only 15% of the money earmarked for educating the handicapped: 25% of the authorization for bilingual education: and just 30% of the funding necessary for school operating expenses in areas with high concentrations of Federally-connected children—the "Impacted Areas" program which has been almost fully funded since its inception in 1950.

When Congress authorized $1.2 billion more than the President had requested, he responded by vetoing the bill.

Shortly thereafter, he submitted his 1971 budget which was even more shocking than his 1970 budget. He proposed only 31% of the authorized amounts for Title I of the Elementary and Secondary Education Act: 21% of the authorization for supplemental education centers and services: 27% of the authorized money for strengthening state education departments: 26% of the money for educating the handicapped: only 12% of the authorization for bi-lingual education: and 42% of the funding necessary for the Impacted Areas program.

These austere budget proposals have led to the longest sustained struggle between Congress and the President in this administration.

Having said this, why am I encouraged by recent happenings in Washington? The education community of America responded to the challenge to education funds presented by both a Democratic and a Republican administration. Those of us who have been advocating a greater financial effort found support coming to us from across the country in our efforts to broaden the Federal commitment and participation.

### THE REASONS FOR OPTIMISM

In a totally unprecedented move, the House of Representatives last year overthrew the recommendations of the powerful House Appropriations Committee by the adoption of a package of amendments now known throughout the country as the "Joelson Amendment," which added $1 billion one hundred and twenty million dollars to the appropriations recommended by the President in his budget. This billion dollar-plus increase was passed in the House of Representatives by an overwhelming majority.

The Senate subsequently supported our efforts and in fact indicated its willingness to go even further than the House had gone in increasing the Federal commitment to education.

This $1 billion increase for education was part of the $20 billion-plus Health, Education and Welfare appropriation for the year. In a dramatic appearance before the cameras of national television, the President vetoed the entire appropriation on the ground that the education increase would be inflationary. This framed the issue for a show down struggle on the relative priority of education spending. Without going into the details of what followed, I can tell you that we finally passed an appropriation bill with $700 million more than the President asked for and he did sign it.

This year we were successful in enacting a three year extension of the Elementary and Secondary Education Act which authorized a grand total of $25 billion for the three fiscal years of 1971, 1972 and 1973. And just last week the House passed an appropriation bill for education in fiscal year 1971 which is $744 million over the President's budget request and $313 million over the education appropriation for last year.

This didn't just happen. It didn't happen because of brilliant speeches or brilliantly-executed parliamentary maneuvers on the part of the friends of education who are Members of Congress.

More realistically, it happened because the American education community brought itself together in a concerted effort to impress the Congress with the urgency of their needs in the America of the 1970's.

A tremendous effort was put forth by organized groups of people interested in education ranging from the American School Boards Association, through the American Association of Libraries, the National Education Association, the Great Cities Schools Association, the AFL-CIO and many others who have been friends of education. This resulted in a coalition of over sixty organizations which early last year began a massive action program to impress their representatives in Congress with the need for immediate and meaningful action in the more adequate funding of the many educational programs we had previously authorized.

One member of the House, who was obviously piqued at the success of our efforts to overturn the Appropriations Committee and add this money to education, characterized these people from the education community as the new "Educational-Industrial Complex," and in a speech on the House Floor warned ominously that they might be a greater threat than the much-talked about "Military-Industrial Complex."

These efforts and the results produced, in my view, signal an era when education and educators are coming into their own as a political force to be reckoned with. This may indeed be the great breakthrough that will make it possible for us to set a goal for education like landing on the moon; then to set out to do whatever is found to be necessary to accomplish that goal.

In short, I would like to say that from my vantage point on the Education and Labor Committee, where we have the unique opportunity to hear and to learn from people in all phases of education from throughout all parts of the country, it appears that although education is facing the greatest challenge it has ever before faced in America, it is now moving more rapidly than ever before to meet that challenge. I believe that we are in one of the most exciting periods of change and growth ever experienced by institutionalized education in our country.

### THE INVESTMENT PAYS OFF

Although when measured in Federal dollars against dollars of annual expenditures for education by other units of government, the percent of Federal dollars is not outstanding, the effect of these Federal programs and expenditure of these funds from the Federal level has been very dramatic.

Through categorical aid, the Federal government has placed at the disposal of experienced and imaginative educators at the state and local level funds which cannot be swallowed up by the building pressures and increasing costs that go on each year outside of the effective control of school administrators. In other words, an administrator attempting to develop programs for the special needs of educationally-deprived children in a big-city ghetto or in the hills of Appalachia has been able to develop these programs with Federal aid without having to fight to take the funds from his general school budget.

Local school administrators have done an outstanding job of using their funds for innovative programs. In many instances, they are proving to be so successful that local

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pressure has developed to appropriate funds from local and state sources to extend these programs to the many students not reached by the Federal categorical aids.

In spite of all of the publicity given to the alleged taxpayer revolt in our country, people are voting to increase taxes for the purpose of financing education at the local and state level in greater amounts than ever before. The American citizen is communicating his concern for quality education for American children to his local school board, his county and state officials and now to his representative in the Congress and in the Executive Branch.

A reasonable goal for American education was offered by Thomas Wolfe who said in "You Can't Go Home Again," 1940:

"To every man his chance, to every man his shining golden opportunity—to every man the right to live, to work, to be himself, and to become whatever thing his manhood and his vision can combine to make him—this———, is the promise of America."

The school teacher, the school administrator and the school board member have all discovered that they can and must organize themselves as a special interest group with what we sometimes refer to as "political clout." The "special interest" is of course quality education available to every young American without regard to where or under what circumstances he attends school—what greater and more worthy special interest might one serve?

### AMERICAN SPONSORED SCHOOLS OVERSEAS

Now what about the American student, at the elementary and secondary grade level, who by virtue of the temporary residence of his parents in a foreign country while in the service of the American government or American private enterprise does not have access to the American public school system of which I have been speaking?

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The number of these pupils in our overseas schools and the importance to our nation of their parents being in the countries where they are found dictate the urgent need for serious concern for the quality of education available to them.

Lacking a clearly defined national policy with regard to the responsibility of the United States Government for the educational opportunities afforded these children, the Congress has nevertheless recognized its responsibility for the education of the dependents of military and civilian employees of the United States Government through development of school systems such as the D.O.D. school system or the payment of educational allowances to offset the unavailability of American Government provided facilities. A responsibility for supporting the presence of private citizens employed by American private enterprise has also been recognized by our government.

In 1965 when the Select Committee of the Education and Labor Committee made its trip to foreign countries inspecting the schools attended by defense dependents, we more or less stumbled across the American-sponsored schools because of the number of D.O.D. dependents attending them on a tuition-basis. Since that time the Committee has had an increased interest in and growing concern for the American student attending such schools.

During the past years we have gathered a substantial amount of material through closer contact with Mr. Ernest Manino, Director of the Office of Overseas Schools in the U.S. Department of State; Mr. Gordon Parsons, and former teachers and administrators in such schools who appeared before our Committee from time to time. The Dent Committee has made on-the-spot inspections of facilities and held discussions with faculty, administration and students as well as parents in a substantial number of countries where the schools are located.

The Committee has visited American-sponsored overseas schools in Europe, Africa, Central America, South America, the Near East and South Asia, and East Asia.

Because the American-sponsored overseas schools are not Government owned or controlled (I know of no one on our Committee who advocates that they be Government owned or controlled) we have been somewhat reticent in our recommendations for administrative modifications of the programs we saw. People here from the Department of Defense schools will recognize that some of the greatest progress made since the Committee began working with these schools has been made by the administrative changes evolving from criticisms and suggestions emanating from the Committee.

The basis for our recommendation that the Federal government do more to support the overseas schools was stated in the first report that the Dent Committee made to the Congress and has been repeated many times by the Committee and its members in many places.

All Committee members recognized almost immediately the salutary effect the activities of the State Department's Department of Overseas Schools has had on the "American-sponsored" schools and the need to increase this activity at every level. The Dent Committee said in its report to the 90th Congress and will repeat in its report to this Congress, not yet released:

"It is apparent that resources of the United States Government available for the improvement of educational opportunities for American children should also be made available to American-citizen children living overseas. Their parents are serving the interests of the United States abroad: They are in danger of becoming educationally-disadvantaged youth if resources which would be available to them at home are denied them while their parents serve abroad."

Bear in mind that the Committee report went on to say to our colleagues in the Congress that we were generally favorably impressed with the quality of education offered, the curriculums, and most definitely, the facilities of the various schools visited. We nevertheless developed some areas of concern and directed our attention toward them in subsequent years.

We are convinced that there is much more that we need to know about your schools and your problems but that there is much to be done on the basis of what we have encountered. The Committee has already made some general and some specific recommendations to the Congress and to the Federal agencies which might implement them by Executive action, and we do have some specific legislation pending.

In the area of legislation the Committee has recommended some things which might be done:

(1) Review all existing Federal aid to education legislation with a view to providing extension of the benefits of such legislation to students, teachers and school systems overseas. For example:

(a) Tailoring the provisions of the International Education Act of 1966 to provide funds for training programs for staff employed in these schools to be held within or outside the United States and not limited to United States citizens;

(b) Amending the National Defense Education Act to include the Overseas Schools under the loan provisions of Title III for equipment and remodeling and under the teacher institute provisions of Title XI to provide for institutes to be held outside the United States again not limited to United States citizens;

(c) Amending the Higher Education Facilities Act or other appropriate construction legislation to permit overseas schools to borrow under long-term, low-interest rates for academic construction and remodeling with such loans contingent upon the recommendation of the Office of Overseas Schools; and other appropriate agencies such as the U.S. Office of Education.

(d) Extend coverage under Title II, III and IV of the Elementary and Secondary Education Act of 1965 to children enrolled in overseas schools.

I should say here that some of these recommendations have already been implemented with regard to the D.O.D. school system and some legislative attention has been focused on attempting to do the same for "American-sponsored" schools. You might be interested in my bill, H.R. 12385 cosponsored by other members of the Education and Labor Committee to extend the Loan Forgiveness features of the National Defense Education Act of 1958 to teachers "in American schools abroad supported by the United States." Although action has not yet been taken on this bill there is considerable sympathy for its purpose among the members of the Education and Labor Committee.

Another bill which you should be interested in even though it does not at the present time include you within its terms is H.R. 10308 introduced by Mrs. Mink of Hawaii and cosponsored by me and other members of the Education and Labor Committee. This bill would establish a "National Overseas Education Board" which would *not be an operating agency for overseas schools* but would be the one central coordinating agency for all overseas education; that might be calculated to guarantee some semblance of equal treatment for American children overseas through formation and implementation of some *identifiable national policy* with regard to our responsibility toward them.

Other specific recommendations that have been made include amending foreign aid legislation to permit the lending of P.L. 480 funds for long-term-low-interest construction loans and attempts to loosen up the restriction on the use of counterpart funds for teachers' salaries, textbooks and teaching materials.

We might also review the deductibility of corporate gifts to overseas schools with the purpose of encouraging this practice by American corporations doing business in foreign countries.

In closing, I should like to make some brief observations on some matters of particular concern to me and at least some of the other members of the Committee at the present time. If I may use what may be a non sequitur—the one thing we found that the American-sponsored elementary and secondary schools overseas have in common with each other is that each one of them is unique.

In expressing some general concerns, I do not intend to imply that they are found in all or even a majority of the schools which you represent here but they have been found by the Committee frequently enough to make them worthy of consideration:

1. The private schools meet an educational need and there is great freedom in the development of the curriculum; however, many of these schools can only provide a very minimal educational program.

2. In some cases, the private schools are established to meet a need of the private companies and the children of United States Government employees are third or last in priority for admission.

3. Sometimes requirements of the Ministry of Education of the host country limits or controls the educational program: For example, in Buenos Aires, the American curriculum is taught in English in the mornings, but the Argentine Government requires that the Argentine curriculum be taught in Spanish in the afternoon.

4. The private schools, generally, have a greater mixture of children and teachers than the Department of Defense schools. In Rome,

Italy, the faculty came from 15 different countries. This can have a very fine and stimulating educational effect, but might not be good for the student returning to a state-side school after a short time.

5. Most of the private schools have financial problems. The schools, generally, must or desire to accept children from host-nation countries. The tuition charged will not provide moneys for teachers' salaries and instructional supplies comparable to the state-side or Department of Defense educational programs. Teachers' salaries are generally low and, as a result, many teachers are employed who lack formal education and qualifications and have some other principal reason for being in the country.

6. In many cases, APO facilities are not available to the private schools; thus, costs of getting books and supplies into a country are increased.

7. In many cases, influential people on the Board of Governors exercise too much control over the educational program. Sometimes this board is dominated by "old-timers" and semi-permanent members of the business community.

8. There is no uniformity in curriculum offerings or in instructional materials and textbooks being used.

9. In general, the facilities of private schools seem quite adequate. We have some concern about the Federal government providing grants for some facilities and then the children of Federal employees being required to pay the same tuition as others, when their sponsors did not contribute substantially to building costs. It seems that Uncle Sam is paying twice.

As I said, these are generalized concerns and are not offered as a criticism of the "American-sponsored" schools, but merely as an outline of the specific areas in which the Federal government might assist in guaranteeing equal and quality education abroad, as indeed we should at home.

### THE NEW STUDENT INVOLVEMENT IN THE PROBLEMS OF THEIR WORLD

Finally, I would like to make a few observations on how our concern with education, as teachers, parents, administrator, is relevant to the new student involvement in the problems of our world. This subject is the focus of your conference, and I hope to leave you with some thoughts which you can expand upon from your own experiences, observations, and further discussions.

Today, April 22, is a most appropriate day to be discussing the implications of the new student activism both at home and in the overseas schools—because today has been declared "National Earth Day." On this day, in every part of the United States, young people are joining with their parents, their teachers, and their leaders to express a dedication to preserving and improving our environment. The growing concern at home over stopping pollution and preserving our natural resources has been generated mostly by the sincere conviction of our young people that they have a stake in the future condition of this world of ours.

We are hard put to think of a more constructive, and hopeful effort which has been initiated within this century; and it is the youth of our country who initiated and will carry forth this cause.

I believe that it is most important to stress this positive aspect of student activism because there has been far too much emphasis on the destructive action of a very small minority. As a result it has become all too easy for those who would resist change of any kind to label all efforts directed at achieving change as radical and destructive.

I would ask that as educators you never forget that the very aim of education is change—change from childhood to maturity—change from ignorance to knowledge. You must have asked yourselves many times what the activity you read about in the papers will mean to your students and your children.

There are many areas where this activism has direct relevance to the Overseas school system. The questions which students are asking of the educational system in the United States should also be asked of our overseas schools. I pose a few questions for your further consideration.

(1) *Is curriculum relevant to the adult world we are preparing students to enter?* This raises the whole problem of whether we are providing the proper basis for future jobs and careers. The lack of adequate vocational training, the lack of innovative work-study programs, and the paucity of adequate math and science courses in many schools is but part of the problem.

(2) *Are we providing students with enough personalized instruction in a world which is becoming increasingly depersonalized?* The complaints of students at "multiversities" who are lucky to even get 10 minutes of personal conversation with the graduate student who is teaching their class are equally relevant to elementary and secondary students in large schools.

(3) *Are we providing for adequate student participation in the decision-making process?* While I do not advocate total student control of educational institutions, I find that all too often we forget that the best source of information as to what kind of job a school is doing is from the student himself.

(4) *Are schools providing courses which have a reasonable relationship to the total community and culture in which the students live?* At home students raise this question out of a growing desire to improve the living conditions of all Americans of all races. You in the overseas school system have a unique opportunity to be acquainting your students with the foreign culture in which they are living. Are your students being allowed to take advantage of that opportunity?

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## THE REAL ALTERNATIVE

## HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. ASHBROOK. Mr. Speaker, in contrast to recent campus disorders, an encouraging experience of one institution of learning, Kenyon College in Gambier, Ohio, was reported by the Evans-Novak column in the Washington Post of May 15. While antiwar protests and demonstrations were breaking out on other campuses, the administration, faculty, and students of Kenyon cooly and calmly worked together to continue their mutual commitment to educational progress. As the column points out, this recent Kenyon success story is no guarantee of continued peace on that campus, but at least for the time being, an attempt to separate the students from their educational goals and their faith in school officials and faculty has been thwarted. As I have pointed out before, students must ask themselves to what extent their education will suffer if suggested proposals by innovators and even militants are supported and adopted by individual students.

Following is the Evans-Novak column cited above:

### NOTABLE VICTORY SCORED AT KENYON FOR CAUSE OF ACADEMIC FREEDOM

(By Rowland Evans and Robert Novak)

GAMBIER, OHIO.—Tense and dramatic days last week on the normally pastoral campus of Kenyon College here revealed the extent of the crisis for liberal education in America under even the best of conditions.

What happened at Kenyon was a signal triumph by administration, faculty, and students against politicizing the campus despite the volatile atmosphere. While some 450 colleges were shutting down, Kenyon not only remained open but displayed some unfashionable virtues: Civility, an appreciation of academic freedom, and mutual respect between faculty and student body.

Yet, even at Kenyon with less than 1,000 students and physically isolated in rural Ohio, worried professors and student leaders warily approach the future—fearing the barbarians are at the gates. They wonder how long sanity can survive here while student fury, often abetted by faculty, engulfs Harvard, Michigan, and Berkeley. "How long can we stay quiet when all hell is breaking loose around us?" asks one Kenyon professor.

Every campus has its own peculiarity, and Kenyon's conspicuous success is no prescription for restoring liberal education nationwide or even a surefire formula for saving it here. What the Kenyon story underlines is that a firm stand by the faculty in the interest of intellectual civility is the one essential for survival of the American university.

Following the pattern of every campus today, students and faculty at Kenyon are emotionally opposed to the Vietnam war. Nor were they immune from the campus frenzy over the Cambodian operation and the killing of four Kent State University students. When Kenyon's students watched fellow students elsewhere man the barricades via the evening television news, they started planning their own student strike.

Where Kenyon differed from most other campuses was the reaction of administration and faculty. Instead of submitting to student demands, Kenyon's professors persuasively argued with the students that closing down the campus would accomplish nothing and that a planned student march on the State Capitol might only lead to more tragedy.

The appeal to reason succeeded. After a long meeting last Thursday night, the students voted not to participate in the Columbus march and to recommend that the college stay open. But they also recommended cancelling final examinations. Instead, they wanted "symposiums, open forums, and teach-ins" on the Indochina war, on violence and dissent, and on the use of force on the campus.

At most campuses, the administration would have eagerly gobbled up this seeming panacea. Indeed, a proposal for teach-ins, passe to student radicals, departs from the present collegiate principle that important matters should be settled by conscience instead of intellect.

Remarkably, however, the Kenyon faculty did not accept that easy way out. Realizing that cancellation of final examinations would open the door to disruption of education whenever external political developments intrude, the faculty voted to hold examinations as scheduled but to arrange three days of "convocations and seminars" on transcendent political events.

Even more remarkably, the students overwhelmingly endorsed that decision at a meeting Saturday night. There was no hissing or booing. When a student actually referred to the faculty as "honest men and good men," there was sustained standing applause. This was possible only because the Kenyon faculty has consistently opposed politicization of the campus and had implanted that principle with a significant number of students.

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Moreover, when a few students at Saturday night's meeting proposed a student voice in determining curriculum and faculty selection, they were politely but firmly rebuffed. President William Caples, a non-academician who retired as a vice president of Inland Steel to run his alma mater, will not permit any such trampling on academic freedom. The fact that speakers will actually be permitted to defend the Cambodian operation during the Kenyon seminars proves that devotion to academic freedom is no mere slogan here.

Yet, there is no reason for blind optimism about the future of this small, select liberal arts college. A minority of faculty members has been haranguing students, charging they were bullied by the administration and sold out too easily.

The tenuous nature of academic freedom was apparent at Saturday night's meeting. When some students started probing for loopholes in the faculty's decision. Provost Bruce Haywood urged them not to pressure individual professors to cancel examinations. As Haywood put it: "Academic freedom is a very delicate flower."

Other Ohio campuses, because of differing circumstances, did not fare as well as Kenyon. Ohio State, the State's largest institution of higher learning with a student population of 45,000, closed on May 6 after 6 days of campus rioting. It was due to start reopening last Friday.

On the same Friday, at Athens, Ohio, students were leaving for home following the closing of Ohio University, after the second night of skirmishes between police and brick-throwing students. On the previous Wednesday Ohio University President Claude W. Sowle had tried to talk to unruly students on the steps of the administration building and for his efforts was shouted down with obscenities. The mob then moved into the downtown Athens area breaking windows and setting small fires.

Miami University and the University of Cincinnati were scheduled to reopen this week, having closed due to disorders on campus.

Ashland College reopened yesterday after a week's closing, a precautionary measure taken after outsiders began converging on Ashland for an appearance at the college by Bob Hope and Governor Rhodes on Sunday, May 10. The influx of transients increased to such an extent that police facilities would have proved inadequate had disruptions taken place. With no assurance that the National Guard would have been available for any outbreak, the school officials had no choice but to close down temporarily. Several sources have claimed that the increase of out-of-towners could be explained by the fact that on other Ohio campuses the word was out that if one could not go to the antiwar demonstrations in Washington, D.C., one should descend on Ashland for the Hope affair.

It is not my purpose here to offer panaceas for the solution of campus disruptions. The situation at Kenyon College certainly differed from conditions at Ashland College, Ohio State, or Ohio University. Like the officials and students at Kenyon, President Sowle sought to keep Ohio University open and he was supported by a majority of Ohio University students. His explanation of his failure to do so should be memorized by every student who sincerely seeks an education:

> We've proven free universities are so fragile that a relatively small group of 100 or 200 can, if they are willing to go to extremes, close a university where thousands of students want to keep it open.

Students must realize that they are the targets of those abroad in our academic communities who would use any cause or legitimate goal for their own extremist ends. There are some whose methods are clever and cooly calculated as the following excerpt from an SDS publication, "An Organizer's Manual for the Spring Offensive," clearly proves:

> Escalating actions—During the course of the struggle it will probably be necessary and helpful to carry out a series of escalating "mini" actions to help build consciousness and dramatize the issue. Beginning with guerrilla theater actions in dorms we can escalate to disrupting classes, street marches, quick assaults on buildings, etc., before moving to the major confrontation of the struggle.

This manual was distributed at Kent State in 1969 at which time four disturbances—two violent—resulted from SDS activities.

If one has any doubts as to the motivation behind these actions, the manual in a final note spells it out in nihilistic and anarchistic fashion:

> All over America, capitalism is creating the objective conditions that cut people loose from their normal way of life. The meaninglessness of school, the hypocrisy of the war, excessive taxes, brutal cops, the oppression of blacks have made many people *alienated* from their institutions and their society.

The manual continues:

> Our task is to speak to that alienation, to give it *political content,* and to provide *real alternatives* to people's lives *through struggle*. That means that our politics must be precise, coherent and revolutionary; and that we must be ready to move, to desanctify, to confront, to escalate, and ultimately to defeat the system we live under.
>
> The task is before us.

From the beginning of this Nation, the role of education, provided in well ordered institutions, has claimed a top priority—and rightly so. The indebtedness of our country's progress to formal education is beyond measure. The ills and deficiencies which distress the individual student will best be remedies by them as our future leaders through well functioning schools of learning. This is the real alternative we have, in contrast to the goal of the SDS and other radicals: "ultimately to defeat the system we live under."

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## THE SENIOR CITIZEN SERVICE CORPS OF THE BRONX RIVER NEIGHBORHOOD CENTERS

### HON. JACOB H. GILBERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. GILBERT. Mr. Speaker, as we observe this month of May as "Senior Citizens Month," I take this opportunity to congratulate the many senior citizens organizations and groups throughout the country, but, especially, in my 22d Congressional District. An outstanding such group in my district in the Bronx, N.Y., is the Senior Citizen Service Corps of the Bronx River Neighborhood Centers. There are many outstanding and dedicated officers of this organization. One of them is Mrs. Mae Laufer, of my congressional district, who is chairman of the Social Action Committee of the Senior Citizen Service Corps.

Mr. Speaker, I wish to call to the attention of my colleagues in the House a statement which Mrs. Laufer recently made in behalf of her organization before the New York Governor's Conference on Aging. Again, I commend Mrs. Laufer and her group for the excellent programs in behalf of senior citizens of our community It is my understanding that Mrs. Marcelle Levy, director of the New York State Office of the Aging, has worked with this and other senior citizen groups in the Bronx and has been extremely cooperative and helpful.

STATEMENT BY MRS. MAE LAUFER

I am pleased to come before you today to talk about the social action and education programs of the Senior Citizen Service Corps at the Bronx River Neighborhood Centers.

I have been a widow for 16 years with both of my children living very far from the Bronx. I have felt the pangs of loneliness by living alone. I am very grateful to the Senior Citizen Service Corps for having given me the opportunity to help other senior citizens—and there are thousands and thousands of us who are in the same predicament.

I would like to tell you about some of the things we are doing for our senior citizens because of the new Senior Citizen Service Corps project.

Before this project began, our senior citizens had to walk four blocks to mail a letter and four blocks back home—rain or shine, winter or summer. One of our first efforts in the project was to correct this situation, and with the help of the Postmaster General of the Bronx, we were able to have a mail box put right near the housing project so that not only the senior citizens, but all of the other families living in the area, were able to benefit from this new service.

For 18 years, Bronx River was virtually cut off from any convenient form of transportation. Only one bus ran on the highway and in order to get to it, it was necessary to cross four service roads, two cloverleafs, two islands, and an underpass. We felt that this was such an important problem for older people that we immediately gave it our attention and I am pleased to say that we now have a bus running in front of the Bronx River Neighborhood Houses.

Another serious situation confronting our senior citizens had to do with their fear of going out in the evening. Once again, we contacted the local housing authority police as well as the captain of our precinct and we are hopeful that, very shortly, we will obtain special attention from both of these agencies so that our senior citizens can come out at night and enjoy the programs at the center.

It was quite obvious to us that we had to work with our local, state, and national elective officials in order to get many of our programs implemented. We have had our borough president come to speak at the Center. We have also chartered buses to go down to present our views to the Board of Estimate. We, along with many other groups in New York City, presented our views on the reduced fare program and I am pleased to say that it appears that we will have a reduced fare program for senior citizens by this June. I might also add that it was seven above zero the day we went down to the Board of Estimate.

Another important program which we developed for our senior citizens was a food buying club where older persons would be able to purchase their food at reduced prices. This program helps not only the senior citizens, but the general community as well.

Still another important program which we developed was our Sunday Program at the Center. Many of our senior citizens live in small apartments and when their children would come to visit them, they did not have room to accommodate them. Also, many of our senior citizens have children, like myself, who live a great distance away and are not able to visit them. Sundays can be very lonesome for older people, and so, we decided that we would establish the Sunday Program so that older people would have someplace to go. We found also the older people who are visited by their children and relatives like to bring them to the Center to show them what they do during the rest of the week and give them an opportunity to meet their other friends.

During the month of May—which is Senior Citizens' Month—we conduct special programs to honor our senior citizens. On the 24th of May, we are going to give awards to the senior citizens who volunteer in our programs.

I don't want you to think that we do nothing but work on projects. We have fun also. We recently had a party for 200 senior citizens—it was a combined St. Patrick's Day and Purim party—sort of a double play. We also have bus trips once a week during the summer, and once a month during the winter. We also charter buses to go down to City Hall so that our senior citizens can come out and fight for what they want—no matter how hot or how cold it is. Last year, we chartered two buses and took a trip to Lakewood, New Jersey for an all-day outing. It was a beautiful trip, and for many of our senior citizens, it was the first time in a long time that they had been able to get away from the City.

In addition, we also have a daily lunch program. Our senior citizens are able to work on various programs in the morning, then have their lunch, and return to their projects.

We also have the traditional programs of many of the senior centers: sewing classes, arts and ceramics, jewelry making, and study groups. I might also say that we have a bingo game, because without a bingo game, there is no center.

We are very pleased that we are going to begin a new program which will be an escort service for senior citizens who are afraid to come down to the Center. We are going to have other senior citizens visit their neighbors and take them not only to the Center, but out on various trips which we will make.

One of the special trips which we took recently was to Carnegie Hall where we saw Leopold Stokowski. We were able to get three tiers of box seats for our senior citizens. One of our seniors, a lady of 84, told me that she felt like a queen for a day. She told me that her children would never believe that she was able to go down and see a performance at Carnegie Hall.

All of these things may seem like little things to many people, but to isolated and lonely older people, they are very important and provide a great deal of happiness. And for this reason, we are very grateful to the New York State Office for the Aging for giving us this opportunity to be able to serve our senior citizens the way we do.

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## GEN. WLADYSLAV ANDERS

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. DULSKI. Mr. Speaker, peoples of Polish descent throughout the world, as well as many other persons, were saddened to learn of the passing last week of one of Poland's all-time great military leaders and statesmen.

Gen. Wladyslav Anders, commander of Poland's armed forces in World War II, died in England where he had lived in exile since the war.

Polish history already gives important and well-deserved prominence to the achievements and dedication of General Anders on behalf of his native land. His heroic leadership of his Polish troops in World War II represent one of the great chapters of this struggle for peace.

General Anders particularly is recalled for his great leadership during the bloody and significant battle at Monte Cassino in 1944 during the Allied offensive in Italy.

The 2d Corps, headed by General Anders, was assigned the task of capturing the German stronghold and launched his attack on May 11, 1944. A week later, General Anders led his men in storming the final location where the Polish flag and the Union Jack were hoisted side by side.

Since the war, General Anders had carried on the struggle in exile to free the Polish people from Communist domination, a chore that the rest of us of Polish extraction now must carry on without his inspiring leadership.

At the time of the Katyn Forest Massacre at the outset of World War II, General Anders was placed in solitary confinement for a period of 20 months before he was freed to take command of the Polish forces. During the 1952 congressional investigation of the Katyn Forest Massacre, General Anders was one of the most helpful and knowledgeable witnesses.

General Anders has gone from our midst, but his heroism, his dedication, his patriotism remain as inspirations for all good men of good will.

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## TRIBUTE TO STUDENTS OF FLETCHER JUNIOR HIGH

### HON. BILL CHAPPELL, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. CHAPPELL. Mr. Speaker, at a time when trampling feet and loud voices are making the headlines, a group of young people of junior high age have spoken more loudly and more clearly to me in a very quite way—a way I hear and respond to much more readily than marching and shouting.

This week, I received a petition signed by about 750 students at Fletcher Junior High School in Jacksonville Beach, Fla. Their request is simple. It reads:

> We, the students of Fletcher Junior High School, Jacksonville Beach, Florida, request your initiation and support of all legislative bills concerned with improving and protecting our environment.
>
> We are aware of the crisis affecting the delicate balance of life, not only in the United States, but in the world. We are aware that the results of this threat will be even more critical by the time we are old enough to vote; therefore, we ask you to represent our interests so that we too may enjoy a long and healthy life on this earth.

Mr. Speaker, I intend to represent the interests of these young people and I want to urge every Member of the U.S. Congress to hear their plea. Their request is a poignant call for our help. We must all hear and act.

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## ASTRONAUT NEIL ARMSTRONG JOINS NASA

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to compliment NASA and Astronaut Neil Armstrong on the fine appointment of Neil Armstrong to the responsible position of Deputy Associate Administrator for Aeronautics.

We longtime friends and admirers of Neil Armstrong have followed his outstanding career and successes from his early days as pilot of the remarkable X15 research plane at Edwards Air Force Base in California. Neil Armstrong has been at the forefront of research and exploration of both aeronautics and astronautics so that his appointment by NASA fills a vital research executive position with a man of remarkable competence, dedication, and ability.

It is a pleasure to insert in the RECORD the article from the Washington Evening Star of Tuesday May 19, 1970:

> ASTRONAUT NEIL ARMSTRONG JOINS NASA
>
> HOUSTON.—The first man on the moon, astronaut Neil Armstrong, has closed the door to his chances for another moon flight. He announced yesterday he will take a desk job in Washington.
>
> The 39-year-old spaceman who commanded the Apollo 11 moon landing mission will become head of the National Aeronautics and Space Administration's aeronautics program in Washington on July 1.
>
> The move takes him out of the astronaut corps, but Armstrong said yesterday he plans to keep his flying skills sharp by flying helicopters, jets and sail planes.
>
> BUDGET IS $87 MILLION
>
> As head of the aeronautics program, Armstrong will oversee NASA research into all types of aircraft. The program is scheduled to receive $87 million for fiscal year 1971.
>
> He will succeed Charles W. Harper, who is being reassigned to assist Dr. Wernher von Braun in planning future manned space flights.
>
> Armstrong was at the controls when the Apollo 11 lunar module landed on the moon's Sea of Tranquility last July. During the early morning hours of July 20, he walked down a ladder and became the first man to step on the lunar surface.
>
> He and astronaut Edwin E. Aldrin Jr. walked on the moon for almost three hours while the third Apollo 11 crewman, Michael Collins, orbited overhead in the command module.
>
> Armstrong's exit leaves only Aldrin of the Apollo 11 crew still in the astronaut corps. Collins left last year to become assistant secretary for public affairs in Washington.
>
> Armstrong said he had "a lot of reservations" about leaving the space program, but "I don't think that it will be a permanent parting. I foresee that space and aeronautics will not always be so far apart."

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He said the space shuttle, planned as a reasonable spacecraft which can fly into space and then land on earth like an airplane, "will require the best of both space and aeronautics."

Armstrong is scheduled to travel to the Soviet Union on Saturday to speak at a meeting of the Committee on Space Research, an international organization meeting in Leningrad.

## A VIABLE SOCIAL SECURITY PROGRAM

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BIAGGI. Mr. Speaker, for many families with low incomes, and for large families with modest incomes, social security benefits during retirement years have come to mean an important and, in many cases, the only source of income to the elderly.

The old age retirement benefits originally conceived in the Social Security Act of 1935 were first designed to provide a basic floor of protection on which individuals could build through their own efforts. I am happy that the Congress, through the years, has expanded this concept to provide even greater benefits for those who, during their working years, pay into the social security fund. Special categories and additional benefits have been added to cover many categories of recipients who it was felt deserved special consideration under the act.

This week the House will be considering legislation which the Ways and Means Committee has reported out, amending the old-age, survivors', and disability insurance system, the medicare program and the medicaid program under the Social Security Act. I am strongly in favor of these provisions and amendments because they reflect congressional awareness of present needs and past inequities in the Social Security Act as it is currently written.

However, I have been extremely concerned with the role of the retired citizen over the past 2 years. Squeezed by a spiraling economy, neglected and shoved aside after retirement, the older American is bearing the brunt of the psychological and economic costs of old age in America. More than any other segment of our society, the older American who lives on social security is the one hardest hit by inflation.

Revisions in our present social security laws could help make the burdens of living on a fixed income more tolerable. A change in our thinking about the social security program as it relates to retired persons could help channel the talents of older Americans to useful programs that need and want the skill and expertise that only time and training can offer.

One way to encourage the participation of the retired citizen in the economy after retirement is to eliminate the outside earnings limitation presently placed on social security recipients. Not only would this enable those who want to work full or part time to supplement their modest incomes and enjoy their golden years in more comfort and dignity, but it would encourage older persons to lend their talents and leadership to national programs which are desperately in need of experienced personnel.

Although I am pleased that the Ways and Means Committee has reported out a bill which makes the retirement income test more bearable, nevertheless, I view this modest amendment as insufficient to the demands and realities of Twentieth century living. The extension of the outside earnings limitation from its present $1,680 to $2,000 and the institution of a formula to reduce benefits on each $2 of earnings up to $3,200 by $1 does not reflect the high cost of living in 1970, nor does it encourage retired social security recipients to work after retirement.

For this reason, Mr. Speaker, I am introducing a bill today which, among other things, would remove the outside earnings test entirely. We should encourage, not discourage social security recipients to work if they so choose. They should not be penalized money that they have contributed to the social security fund over many years because they choose to continue to contribute to the American economy after regular retirement.

Relating to the "pocket-book pinch" of inflation, I am especially pleased that the committee bill calls for another 5-percent increase in social security benefits beginning with payments for January 1971. Combined with the 15-percent increased passed by the Congress last session, the projected 20-percent increase in social security benefits is exactly the amount called for in my social security benefit bill H.R. 14431, which I introduced in October of 1969. I heartedly endorse the passage of this extra 5 percent, especially in view of the fact that the Administration's original request was only for a 10-percent across-the-board increase, an amount which I am pleased to say the Congress felt entirely too low for approval.

The most recent social security amendments relating to the social security cash program also call for the passage of some provisions that I had outlined in my H.R. 14431 social security bill of last October. One of these provisions is the elimination of the discriminatory aspects of social security laws as they relate to men and women and their families. The committee has endorsed a 100 percent widow's and widower's benefit increase at age 65. Under present law a full widow's benefit applied for at age 62 or later is equal to only 82½ percent of the primary insurance amount of the wage earner.

My bill, and the committee amendment entitle a widow or widower to a benefit equal to 100 percent of the primary insurance amount if first applied for at age 65 or later. Benefits applied for between age 62 and 65 would be proportionately increased over the present 82½ percent according to the age of the applicant at the time of application.

In conformity with the intent of the Civil Rights Act of 1964 as it relates to discrimination because of sex, I am introducing as part of my social security bill today a provision which further amends the act to provide for the determination of insured status and average monthly wage on the same basis for men as well as for women. The onus of sex must be eliminated from the provisions of the Social Security Act.

In addition, this bill would provide benefits for dependent parents of individuals who are entitled to old-age or disability benefits. I feel this is a necessary addition to the act which will be benefical and helpful to many recipients who now are faced with the almost impossible burden of a dependent family member or parent.

Mr. Speaker, turning to the medicare provisions in the social security amendments reported out by the House Ways and Means Committee, I would like to express my regret at the fact that the committee did not see fit to cover disabled children or chiropractors under the provisions of medicare. I have introduced legislation to accomplish this aim in the firm belief that both these areas should justifiably be covered under medicare. I shall continue to support the inclusion of both these provisions in the medicare program and I am encouraged that the committee did provide for the establishment of a commission to study the value of including chiropractors under medicare.

In further reference to what I consider significant omissions from the medicare revisions, I would like to express my dismay at the committee's lack of action on the question of drugs under medicare. The cost of the program is initially large, but I believe its need has long been proved. If the committee would act to institute some reforms in the administration of the medicare and medicaid programs as I suggested in separate legislation designed to eliminate fraud and waste in medicare and medicaid, the cost of drugs could easily be included in the program.

Mr. Speaker, the burdens of our older Americans are many. In keeping with the traditionally keen interest of the Congress of providing for the needs of those whose past membership in the labor force has entitled them to a share of the strength of the economy, I would like to endorse the social security measures that will be considered by the House this week. Although I personally envision even more equitable social security laws than we now have and more liberal provisions than the House Ways and Means Committee has seen fit to adopt, the committee bill is a step in the right direction. Social security laws should enable and encourage, not restrict and penalize. They should allow and even attempt to enlist the participation of older Americans in the American economy.

I hope that the bill I am introducing today will help accomplish this aim. A cohesive and equitable security act is needed, and needed now.

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## REPORT ON RABBIS' CONFERENCE

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### HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. LONG of Maryland. Mr. Speaker, Rabbi Martin M. Weitz, director of the Center for Inter-Faith Studies at Lincoln University and the Rabbi of Temple Adas Sholom at Havre de Grace, Md., in my district, participated in the 1970 Convention of the Central Conference of American Rabbis in Israel. He has told me about the rewarding 10 days that he spent in the company of more than 300 other Rabbis and their families from many nations. At this point I would like to share his account of this experience with my colleagues;

REPORT ON RABBIS' CONFERENCE IN ISRAEL—MARCH, 1970

(By Dr. Martin M. Weitz)

First in its history was the 1970 convention of the Central Conference of American Rabbis, so that even now it remains an exalting memory. The delight in sharing ten days in company with three hundred or more Rabbis and their families was enhanced by representation on the part of many from different sections of the country and different countries of the world. All were Reform Rabbis who came to know and appreciate one another by living and traveling together and by learning the living landscape. Mount Scopus was an appropriate opening site for the convention itself. All present sat on the stone benches hewed out of the very limestone hills which graced the setting and which made it an amphitheater so that one could see the distant hills of Moab and know he was in the land of the Bible. The events of the Conference were packed daily with experiences that were deeply moving and richly significant. The first few days before the Conference itself, in the City of Jerusalem, were assigned to a variety of activities and with a system of bus transportation. Upon our arrival, March 3rd, Tuesday, we explored the Negev and visited Ashdod, Beersheba. Lachish as well as Kiryat Gat, all of which are not merely Biblical sites but modern sights. We were able to see much of the tremendous industrial progress and the cultural emancipation and the political rights for which modern Israel is so justly proud.

On March 4th, we continued our itinerary so that it became a pilgrimage with stopovers at Nahariyah, Caesarea, Haifa and with a fine afternoon spent at the dedication ceremonies of the Leo Baeck School and then with a visit to and through Nazareth.

March the 5th was continued in Haifa, Afula, Bet Shaan and we visited a special kibbutz dedicated to collective experience in the organization in economy as well as in forms of life with a socialist base and yet with a universal cultural pattern. We also visited En Gev.

Friday, March the 6th, we spent several hours at Megido (Armegeddon) and continued then to Nablus, where we were able to have a moment with the High Priest of the Samaritans, who invited us into his little sanctuary for as much time as he and we could share and spare. We then had a breathless view of the City of Jerusalem from the north as we came via Nablus and saw the magnificient and Golden City from afar and then from anear, with its glistening walls clear around the old section and its pulsations of spirtual significance for all in our entourage. Many broke out into tears at the sight of the old Sacred City, sacred to three great world religions and literally we knew that this was the climax of the tour to date.

On March 7th many of us took long, lingering and lyrical walks through the Old City and beheld the magnificence of the Dome of the Rock as well as the moving and stirring setting of the Western Wall (mistakenly called the Wailing Wall) and spent evening in the Israel Museum where the Mayor of the city, Teddie Kollak, welcomed us with good humor, fine refreshments and generous hospitality.

The next day several of us took our own little tour to the Dead Sea, Dimona and Beersheba where we beheld the miracle of reconstruction and the setting of rehabilitation for the vast area of what goes by the name of Negev. That very evening it was a pleasant reunion to visit with Marc Winderman, who is enjoying his sojourn in Israel and has learned Hebrew quite well for communication and for the spirit of the land and its people. Later we were all guests of the Kenesset (Parliament) where the featured speaker of the evening, after a very suitable dinner, was Abba Eban, Foreign Minister of Israel, who explained the point of view prevalent in the land and indicated his general commentary of life and labor in Israel. His elegant banquet in Chagall Hall was more than an evening unforgettable with fine oratorical outbursts.

Some of the memorable phrases were: "You cannot understand our policies unless you understand our memories . . ." "Israel offers no apologies for her eccentric refusal to perish . . ." "The victor sued for peace; the vanquished demanded unconditional surrender . . ." These and many other gems of diction and forms of expression glittered in his verbal firmament.

On March 9th, in company with several Rabbis, we took off for Jericho where we beheld the twenty-two or more levels of civilization on this oldest inhabited city on the face of the planet, and followed this with a visit along-side Jericho paralleling the Dead Sea and beheld a rim of the Sea and on to Qum Run, the setting of the Sectarians who helped create the Dead Sea Scrolls and deposited them in the nearby caves, 227 in all discovered first in 1947.

The following day was invested in another trip to, and ascent up, Masada, which is an inspirational stronghold made into a fortress-palace by Herod the Great and which today is one of the most significant archeological discoveries in the history of our time. That evening we were privileged to "hearken to the voice" of Golda Meir herself and her fearless charm, magnificent conversational style of speaking and convincing manner of presentation, representing the beleaguered status of Israel today, graced with charisma, great courage, dignity and personality.

On March 11th, about 10:00 A.M., we left Lod outside of Tel Aviv, in order to make our way back via El Al to New York City with a stopover, for one hour, in London for purposes of refueling and for checking the plane against possible bomb threats.

The above is but a skeletal format of the total schedule for ten days but we now flesh-in some of the significant observations and impressions. First of all, why was the setting of Scopus so significant. Because it carried the theme of from 70 of the Common Era, or A.D., to 1970. This is the first time of a reunited and restored Jerusalem. It linked us with the days of the Second Temple, the hills nearby served as a Beacon Chain announcing the new moons from hilltop to hilltop. This setting also was where Titus of Rome mounted his final assault which ended in the destruction of the Temple and Jerusalem in the year 70 C.E. Here too, a remnant of Judea lived through many dark centuries, survived the bloody Crusades and on through medieval times in order to make their identity with Jerusalem and the land of Israel, not merely a poetic overtone but a realistic pattern for life. Here was the setting where Rabbi Judah Magnes, an American Rabbi, helped create the Hebrew University so that it was one of the great lights in the world and not merely in the Near East. . . .

Israel, at the western window of Asia, covered approximately seven thousand, eight hundred and twenty-two square miles before June, 1967.

It has a varied topography of mountains and hills, valleys and plains, lakes and deserts, rivers and seas, all in a matter of miles or minutes depending on one's direction. Its storied and gloried rivers are the Jordan, the Yarkon and Kishon, while its lakes are the Huleh (now evaporated mostly), the Sea of Galilee and the Dead Sea. Its highest point is Mount Jermak, almost 4,000 feet above sea level while its lowest depression is the Dead Sea, 1,290 feet below sea level. A Mediterranean climate pervades throughout Israel, even the winter has many summer days. The population at the end of 1967 was 3,767,000, of which 2,500,000 were Jews or Israelis, while 191,818 were non-Jews. The Arabs, largely Moslems, made up 131,500 of the non-Jews, with 42,800 Christians and 17,500 Druzes. In 1967 about 1,050,000 were Arabs in occupied areas.

Primary among the "moments" that were thrilling was an exposure to the Western Wall. The gigantic, Herodian stones were not alone from present street level up. Recent digs under the direction of Dr. Mazur and others, at the Southwest corner of the Wall, had discovered that this supports the ancient enlargement of the Temple Mount. Debris of centuries is now being cleared, seventy or more feet to the very walks placed by Herod two thousand years ago. Spectacular Roman-styled, cut stones go beyond forty feet in length at the present and they go deeper when completely uncovered. Another season of bull-dozers will lay bare titanic dimensions on this very wall and add another cubit or two to the claims to Israel's rootage in history here.

Another magnificent "moment" was with the Dome of the Rock and its nearby mosque of Omar, a magic gem in architecture, a beautiful edifice in design. This creation is breathtaking within and without. We had a conducted tour through the brilliance of the new Knesset also, its carpet in mosaic, its walls of artistry as executed by Chagall and others, and its meaningful format for cabinet rooms, offices and chambers. All was a rendition of modern Israel with creative continuity with ancient Israel in beauty, history and utility. Here we had most of our meetings, especially when we were able to meet with Abba Eban and others who bespoke the voice of Israel today.

Still another "moment" in history was our clumb up Masada, overlooking the Dead Sea, a blunt, blank, brutal rock with nothing to commend it except its size and stature. This was Herod's rock-fortress, the last refuge of the Jewish Zealots, after Rome's Titus had destroyed the Temple of Jerusalem in 70 C.E. It was here that a thousand Jewish men, women and children honored a mass suicide pact rather than fall to the hands of the Roman garrison, which had been besieging them for three years. The story is graphically recorded in Josephus Flavius' history and today the stirring account has been proven true in every heroic detail, as archeologists under the leadership of Yagael Yadin have laid

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bare the mountain's secrets. Thousands of volunteers, from all over the world, joined in the recent digs and helped in its restoration.

Masada today is a symbol of heroism to Israelis, a solemn pilgrimage for the country's youth and the visitors who follow the route to the summit, whereby they make their own tribute to freedom. Visitors like ourselves, toured the Roman camps, appraised ingenious siegeworks which held off the conquering army for so long and wander around the same palaces which Herod built as well as delight in the mosaics and wonder at the chambers which provisioned the defenders and also gave into eternity as well as history while we silently shared a "moment" in the oldest extant synagogue discovered on the face of the earth, right on top of Masada.

We also learned to know the Negev from Biblical historic and contemporary sources and resources. The Negev is four thousand square miles of Israel, South, as a limitless sea of sandstone and scrub. It is a golden ocean navigated by Bedouins and camels islanded by Jewel-green settlements, bounded by barrier reefs of rising peaks. It is a landscape of rainbow-hued craters and craggy gorges seared by fiery sun-heat. Today, with water pumped from the far North, in Galilee, this totality of aridity is reclaimed by many *Kibutzim* and farm villages so that they are alive and aware in the total impact of modern times.

Travel throughout any part of modern Israel shows us the outcroppings of history as well as parts of the King's Highway which was the royal road of Sargon the First, five thousand years ago.

But the real miracle of Israel is the Ingathering of men, women and children to the four corners of Israel from the four corners of the earth. In a matter of a year or two a medieval fragment of being is transmuted into a human being with adequate housing, freedom from illness and sense of stability. The Ingathering of the Exiles truly is the miracle of the Twentieth Century where broken people are made whole and lives bereft of speech gifted again with song in the lyric of reconstruction. One of the inspiring "moments" was an exposure to the personality of Golda Meir, for she is studded into Israel over several generations, who came quite young from eastern Europe and grew up in Milwaukee, Wisconsin, and Denver, Colorado. Her whole biography is a study of personality in the period. The saga of Israel centered about this great lady for she played a vital part in every phase from pioneering struggle to the creation and continuity of the State, in her roles as a first Premier (when Ben Gurion and Sharrett were "detained" outside Palestine), as Bedouin-garbed woman of mystery who visited Abdulla of Jordan to plead with him to stay out of the Arab-Israeli struggle in 1948, as first ambassador to Russia, as Minister of Labor in Israel's first cabinet, as Foreign Minister until a brief year ago and in other notable assignments. In her discussion with us she told in simplicity and beauty and in brevity of expression why she feels the way she does and she explained that she recalled (one) hunger in her home and (two), flight from a Russian "Pogrom."

These became her passions for life, justice for all who suffer hunger, peace for all people including her own people and both of these were established in the old, new commonwealth of Israel as a new kind of covenant. She has resolved these two currents in her stream of life, an American Jewess who became a pioneer, a woman who resolved dramatic conflict between a public role as a national leader and a private role as a wife and mother.

We also learned to appreciate the cities of Israel we visited. All of them together are like parts of a family and this made a most memorable and vivid impression, for each is as a member of a large family. Each as its own personality even though the Israeli household occupies so little area. As they have different sizes they also have different tempers and temperaments.

Tel Aviv is like a lady with a large brood. It is a home of small and fairly large businesses and much activities. Its personality has variety as well as energy, it is a theater center, the Times Square and the playground of the country. It has more dailies than New York City, five full-time companies for the theater.

Jerusalem is the Patriarch, the man with the long beard, so to speak, but it is strong, erect and unbent. It is quiet, meditative, reflective in its mood, with the long-range look to all its efforts.

Here is Kiryah, capital of government, the Hebrew University, center for learning, very little part in business in contrast to Tel Aviv, the world famous hospital Hadassah and many academies for learning and other cultural-religious storehouses as well as the glamour and the gilt of the Old City.

Haifa is a young, dedicated man with an upward look and boundless energy. If Tel Aviv is the city of the present and Jerusalem is the city of the past, Haifa is the city of the future. It is a port city with a third of its people living off the literal "litteral," as it were. It is anchorage for Jewish boats and many others and is crowned by the new Technion in which oils and chemicals of feature ingredients are basic for its first "alchemy" in this world old and new.

Beersheba is a growing lively maiden still with her mother, as a Biblical Ruth rather than her teenage counterpart in America. She has a number of suitors and not all of them are as Boaz. Her's is an old story, with growth arrested during many years of neglect but with a sudden, almost startling, adolescence since a decade age in new Israel's saga of life. A new road to the Negev, the Dead Sea and its minerals is a new lifeline for Israel itself. The dams and irrigation pipes and reservoirs are reflected glories of Abraham and the ancient wells he uncovered at Beersheba.

Ascalon and Ashdod are twins in braids or curls depending on their mood and what day it is. These settings recall the deeds of Samson and suggests "scallion," an English word that comes from Ascalon when it implied a source for green vegetables, notably onions. A few years ago this was all a memory; now it is a reality, a marketplace of factories, for cement pipes—largest in the world. Both cities are youthful girls looking to the sea and looking to the desert.

Elath is still an infant in the family of cities of Israel. It was not exactly left on its doorstep which cradled its commerce, culture and conscience. It is the infant-step of the story of the Red Sea and beyond it, world destiny. It is permanence of railroad-to-be, oil pipeline in the making, possible alternate to the Suez Canal, road already reality as well as memory of Solomen's Port in Etzyon Geber. It is also the testing ground of innocent passage for ships and because of the climate, has become a winter resort. It is an Israeli Riviera. All cities as members of the family are found coddling this lusty infant so that it takes its rightful place among them all and is to be defended in peace or war.

It is not adequtae merely to report on the impressions and observations of the ten-day stay and the exposures and experiences that were thrilling, personal, social and communicative, in all values.

It is equally significant, as results of the many conferences with leaders, the sessions in the Conference itself and also from reports from different sources to evaluate the total prospects of peace in the Middle East and to be able to discern the "myths" and the *facts* for 1970. Here are some impressions and observations that are garnered as the result of the gleanings in exposure to a number of outstanding personalities during our ten-day stay as well as some of the major charges and perhaps answers that may help clarify the salient, factual positions in this total confusing landscape in the possibilities of today and tomorrow for peace or war.

It is wise to indicate, however, that efforts to discredit Israel, to undermine her supporters, and to win uncommitted nations as well as to isolate her when the rollcall is called in the U.N., are all part of the targets currently so that it be resultful for the opposition. These are some of the specific targets and aims according to what we've learned in the recent visit:

1. To neutralize western powers; 2. To win over neutrals in the Third World; 3. To secure economic and military largesse more than ever on the Soviet Bloc and from Chinese Reds; 4. To corral an anti-Israel majority in the U.N. as much as possible; 5. To weaken the support of Congress for Israel as well as to do so in the Department of State; 6. To win cooperation from a variety of missionaries and other religious representatives in order to divide Christian from Jew in the United States and elsewhere;

7. To indoctrinate college students of today who may be tomorrow's diplomats, educators and politicians as well as statesmen; 8. To foster Anti-Semitism among American blacks in order to make this a current significance; 9. To blackmail oil and other powerful conservative business interests so that it is one-sided in all dealings;

10. To align the New Left against Israel regardless of consequences. In this way common cause is secured with a variety of groups, all of whom might be in "unity" and diverse in their interest and at the same time arranging "facts" and other expressions to make the widest appeal to the current audience of the moment, right and left, fringe and center.

## MAY DAY

## HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. WHITEHURST. Mr. Speaker, on May 1 a large group of wives and friends of the men who are prisoners of war or missing in action in North Vietnam met in Washington. At that time, Mrs. Louise Mulligan of Virginia Beach, whose husband, Comdr. James A. Mulligan, Jr., is a POW in North Vietnam, gave the following message when the group assembled at Constitution Hall.

She speaks for the wives and families of the POW–MIA's, Mr. Speaker, and I wish to pass her message along so that these men may not be forgotten:

### MAY DAY

May Day has many connotations as many military men know and the one that comes to mind is the international call of distress—May Day—May Day—Help! Help!

People have estimated that the normal lifetime for the world's great nations has been about two hundred years. The pattern of these civilizations or nations runs something like this: From bondage to spiritual faith, from such faith to courage, from courage to liberty, from liberty to abundance, from abundance to selfishness, from selfishness to complacency, from complaceny to apathy, from apathy to dependency, and from dependency back again into bondage.

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This sequence may seem pessimistic, but there seems to be enough truth in the fact that nations do rise and fall, and that prosperity seems to carry within it the seeds of selfishness, that we should ask ourselves: What of America? What can be done by us to turn the tide is a question, but to see the problems is itself half the battle. We must not let complacency and apathy reign and ruin our nation.

We beg of you hear our call—May Day, May Day! Do not turn your back on the hundreds of mothers who want their sons returned! Do not ignore the children who cry out for the love and guidance of their fathers and the hundreds of wives who have grieved for years, some for husbands who will never return! Hear our call of distress and the cry from within the walls of the prison camps—May Day—May Day—Help. Please Help!

## REVOLUTIONARY TACTICS

### HON. W. C. (DAN) DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

**Mr. DANIEL of Virginia. Mr. Speaker, an editorial by Leon Smith, vice president of radio station WBTM, in Danville, addresses itself to a condition which exists on many college and university campuses today. It also suggests how these problems might properly be handled. It is apparent that a small group of revolutionaries on our campuses will not be swayed by reason, and the force which they are generating must by necessity be met by stronger force.**

**Dr. T. Marshall Hahn, Jr., president of Virginia Polytechnic Institute, was faced with this problem last week. His firm action is calculated to maintain a climate in which the university can fulfill its contract with those who desire to obtain an education. Dr. Hahn has my unqualified support.**

**The following is Mr. Smith's editorial:**

WBTM RADIO EDITORIAL, MAY 13, 1970

The adults of this world who make up what the youth of today call "The Establishment" are truly, as the Now Generation charges, unable to comprehend the direction being taken on college campuses and in the streets of the nation.

The demands of youth are almost daily outdoing those of yesterday, and becoming in the process even more incomprehensible to those of us who are charged with having built an impossible world for the young to inherit. The latest round of violence on college and university campuses against the occupation of border areas of Cambodia has taken a turn which no parent will be able to understand or accept. Students are demanding the right to strike their own institutions and close them for the rest of the academic year. The senselessness of the move in view of the generally accepted intelligence of today's college student defies understanding. A college education at today's prices starts at a sacrificial cost to a parent of some $3,000 a year and up, the value received in the classroom supposedly worth it to give a son or daughter the necessary preparation for the responsibilities after graduation.

There may be parents willing to stand for such shenanigans, but we haven't met them. Parents can understand their children who see any excuse as justified to get out of school for an unscheduled holiday, but we of the establishment have the naive idea that the attitude of the young changes at the college level where preparation through education is of prime importance.

That being so, it's also of prime importance for us at home to understand that the chances are pretty good that our sons and daughters away at school are being victimized by a riotous few radicals on campus who through force and violence bend the majority of their fellow students to inactivity. The demand has gone up at Virginia Tech that Tech be closed for the remainder of the year.

This, we hold, is academic blackmail, which can only be answered by the authorities in charge of higher education in the State. The answer is to us clear. As long as one conscientious student chooses to attend class, his contract with the State for an education is valid and must be honored. Those who would deny a student his right to a college education expose themselves to legal restraint and appropriate penalty.

A college campus is no sanctuary for those students who would deny another an education.

## MORE COMMUNICATION, LESS VIOLENCE

### HON. OTIS G. PIKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

**Mr. PIKE. Mr. Speaker, I am very slow to put editorials from newspapers in the CONGRESSIONAL RECORD because I believe that the proliferation of such matter in the RECORD detracts from its real purpose. Once in a great while, however, twice in 10 years, to be precise, something crosses my desk which demands wider circulation than it has received. Recently a weekly newspaper in my district—the Long Island Advance, Patchogue, Long Island, N.Y.—published a very thoughtful editorial on the state of the Nation in general, touching in particular on the generation gap and the need for more communication and less violence.**

**This is a newspaper which has opposed me six out of the six times I have run for Congress, and I am sure will continue to bat a thousand in my seventh campaign this year. The fact that such a loyal Republican standardbearer would take such a very moderate and constructive position leads me to believe that there may indeed be hope for the Nation:**

MORE COMMUNICATION, LESS VIOLENCE

When young Anthony Moffett resigned recently as youth adviser to President Nixon his act symbolized, as he no doubt intended, the profound differences between youth and the administration. Events since expansion of the Vietnamese war into Cambodia have left no doubt that great numbers of young people on college and university campuses throughout the country are deeply alienated and disturbed—more deeply perhaps, under the stimulus of the student deaths at Kent State University, than at any previous time in the nation's history.

The lines of communication between not only the administration but of the whole establishment have been pretty weak in the past but fortunately they seem to be opening slowly and greater understanding between the various segments of our people is beginning to be felt. One thing that will help to speed the day when youth's voice can be more plainly understood is lowering the voting age from 21 to 18. It has taken us several years to reach this conclusion and we are now convinced that if youth can be drafted to fight at the command of the President or of the Congress that it should enjoy the right of franchise.

One thing is certain and that is if this nation is to survive as a democracy violence must cease. We cannot go on having our people killed, maimed and beaten up. Our schools and colleges must be kept open for all who wish to learn. Students cannot go on burning buildings, wrecking furniture, destroying files, throwing rocks and other forms of pillage in order to gain their ends. If they want peace they must act in a peaceful manner in pressing their demands; if they wish to be treated as adults they must behave in adult fashion. They must learn to recognize communistic propaganda and of how it inflames people into committing acts of violence that they would never think of committing if a calm appraisal were to be made of a problem.

And no good will come from any more acts of violence created by adults as took place recently in the financial district of New York City when a gang of construction workers broke up a peaceful demonstration of students by attacking them with their fists, their metal helmets and various other things such as pliers that inflicted severe injuries on some of the young people.

There must be a cooling off of violence in all levels of life. And in this respect more attention must be paid to findings of the National Commission on Violence which held that there is far too much depiction of violence in television shows, and that this has a bad effect on viewers, especially children. The remedial action recommended by the commission does not involve federal standards or coercion. What is proposed is that the commercial networks act voluntarily to limit television violence and schedule adult programs with a significant violence content after 9 p.m.

Everything possible must be done to create a feeling of respect for the rights of others.

## PIGS ARE BEAUTIFUL

### HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

**Mr. HOGAN. Mr. Speaker, there are few times when the public recognizes the contributions of the police who daily protect the lives of all Americans.**

**I would like, therefore, to call the attention of my colleagues to a recent WMAL editorial which praises the police of the District of Columbia and urges a greater sense of urgency for completing action on the District of Columbia crime bill.**

**For those who did not hear this editorial, I include it at this point in the RECORD:**

PIGS ARE BEAUTIFUL

That's the slogan adopted by some policemen on the West Coast . . . who have good-humoredly turned around a term used against them. A similar suggestion in Washington was hailed by a high police officer as an example of how "training can change an attitude from one that was once hostile to one now amused." Or in the childhood phrase: "Sticks and stones may break my bones, but names will never hurt me." It shows the police are better adjusted than most of those who have used the term in hatred.

Well, police *are* beautiful. And nowhere are they more beautiful than when the average Washingtonian sees one on the street. As an apparent result of increased patrols,

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crime statistics in the District of Columbia now have a slight downward trend. Yet authorities still are lacking the major tool they need—the new D.C. anti-crime bill . . . locked in a conference committee. Despite the complex legal problems, the conferees need a greater sense of urgency. With that bill added to the stepped-up patrols, there is every reason to believe Washington has an excellent chance to bring crime under control.

Broadcast on Tuesday, April 28, 1970.

## ORGANIZATION SUPPORTS PRESIDENT'S DECISION

### HON. JOEL T. BROYHILL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BROYHILL of Virginia. Mr. Speaker, Mr. Volodymyr Y. Mayewsky, chairman of the Organization for the Defense of Four Freedoms for Ukraine, Inc., has asked that I make a letter his organization has sent to the President, supporting the President's decision to move Americans into Cambodia, a part of the RECORD.

Under leave to extend my remarks, I insert Mr. Mayewsky's letter in full at this point in the RECORD:

ORGANIZATION FOR THE DEFENSE OF FOUR FREEDOMS FOR UKRAINE, INC.,
*Washington, D.C., May 4, 1970.*

Hon. RICHARD M. NIXON,
*The President of the United States of America, The White House, Washington, D.C.*

DEAR MR. PRESIDENT: The membership and the Executive Board of the Organization for the Defense of Four Freedoms for Ukraine, Inc., Washington, D.C. Branch 17, take this opportunity to congratulate you on your excellent speech on Thursday, April 30, 1970, and to express a full agreement with and support for your courageous decision on the communist North Vietnamese sanctuaries in Cambodia.

We stand behind you, Mr. President, in your declaration that "We will not be defeated" and we fully support your policy decision to secure an honorable peace in Southeast Asia.

We would like to point out, and we feel you are aware of this, that the plans for the communist aggression in Southeast Asia (and other places) are being prepared by the communist leaders in Moscow and are only executed by the Hanoi communist regime.

We would like also to emphasize that until *all Captive Nations* are liberated from communist oppression, *including the captive non-Russian nations in the U.S.S.R.*, and until the last vestige of tyranny is erased from Eastern Europe, Southeast Asia, and wherever else it may exist there can be no true PEACE in the World.

It is because of the historic experience of Ukrainians with Russian Communist totalitarian persecution, cultural and physical genocide, and abridgement of human rights that the Ukrainian-Americans strongly uphold and support constitutional democracy in the United States of America, human rights and peace with freedom and justice to all.

May God bless you and grant you bountiful wisdom in carrying your burdens as our Chief Executive.

Sincerely yours,
Volodymyr Y. Mayewsky,
*Chairman.*
Bohdan Maksymchuk,
*Secretary.*

## REPRESENTATIVE HECHLER HITS UNJUSTIFIED CRITICISM OF DEDICATED LEGISLATOR

### HON. WILLIAM D. HATHAWAY

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. HATHAWAY. Mr. Speaker, the perceptive and hard-working gentleman from West Virginia, Mr. HECHLER, recently expressed the shock that many of us in the Congress and a great many people throughout the country experienced when the Ralph Nader-supported task force on air pollution questioned the devotion of Maine's junior Senator, EDMUND S. MUSKIE, to the cause of preserving and protecting our environment.

The gentleman's incisive remarks were reproduced in a number of the Nation's newspapers and I request that they be inserted in the RECORD:

REPRESENTATIVE HECHLER HITS "UNJUSTIFIED CRITICISM OF DEDICATED LEGISLATOR"

WASHINGTON, D.C.—Rep. Ken Hechler (D-W.Va.), one of Ralph Nader's most ardent supporters in Congress, has labelled the Nader-sponsored criticism of Senator Edmund Muskie as "unwarranted, unjustified and unfair."

The West Virginia Congressman took particular exception to the 548-page Nader Task Force Report written by John C. Esposito, which he said contains some excellent analysis and good recommendations, but suffers from a holier-than-thou, dog-in-the-manger attitude. To blast Senator Muskie for what was done three years ago naturally raises the question: where was Mr. Esposito during the hearings on the Air Quality Act of 1967? Why hasn't all this useful information been presented during this year's House and Senate hearings on revision of the Act?

"Although I gave Mr. Esposito and he included in his report, information on air pollution problems in my Congressional District he refused to return eighteen telephone calls pleading with him to present valuable information to Senator Muskie's Air and Water Pollution Subcommittee or the House Committee considering new air pollution legislation. Mr. Esposito prefers to criticize rather than to be constructive. Furthermore, when I discovered a gross inaccuracy in his Task Force Report and repeatedly telephoned him to inform him of that fact, he has made himself more inaccessible than President Nixon is to Secretary Hickel.

"I resent unjustified criticism of a dedicated, conscientious and public-spirited legislator like Senator Muskie. He has carried forward the banner of clean air and clean water, has exerted effective national leadership in these fields, and I place my confidence in his future efforts. The Nader Report has served a very useful purpose in again focusing public attention on what needs to be done to clean up the air, but name-calling is just another form of air pollution the nation can do without."

Like the gentleman from West Virginia, Mr. Speaker, I too consider myself to be one of Mr. Nader's staunchest supporters in the Congress and one of the greatest admirers of his always impressive, usually objective work. He has, for a number of years now, been a pioneer in areas affecting the health, safety, and welfare of the American people and his efforts have resulted in real and lasting progress in these areas.

I was especially surprised, therefore, that the report of a task force under his direction should cast unfair and unjustified aspersions upon another of the Nation's true pioneers, the junior Senator from Maine, who, for a time, fought the lonesome battle against pollution almost single-handedly, and who, more than any man in the United States, is responsible for the progress we have made in saving our environment. I would only suggest, as my distinguished colleague has, that the task force now turn away from misdirected criticism to a constructive, cooperative effort against the common enemy so well defined and to a great degree already subdued by the Senator from Maine.

## ACTION TO IMPROVE QUALITY OF OUR ENVIRONMENT

### HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to insert in the CONGRESSIONAL RECORD the letter from John P. Schmidt, manager of Public Affairs Department of the Duquesne Light Co. in Pittsburgh, Pa.

The Duquesne Light Co. is a new civic-minded utility with operations in the city of Pittsburgh and in Western Pennsylvania. I am also enclosing for the RECORD the excellent Air and Water Quality Control fact sheet dated March 19, 1970, which to quote Mr. John P. Schmidt:

> Describes what the electric industry and specifically Duquesne Light Company has done and is doing to improve the quality of our environment.

As I feel air and water quality control as well as protection of our environment are most important obligations and challenges for our generation, I am glad to insert these fact sheets:

DUQUESNE LIGHT,
*Pittsburgh, Pa., May 6, 1970.*

Hon. JAMES G. FULTON,
*Federal Building,*
*Pittsburgh, Pa.*

DEAR JIM: With all of the current interest in our Environment, I thought you would be interested in the attached Air and Water Quality Fact Sheet. This sheet, while brief, describes what the electric industry and specifically Duquesne Light Company has done and is doing to improve the quality of our Environment. If you care to enter this information into the Congressional Record, we would be most appreciative.

Glad to see you recovering so well from your recent illness.

Sincerely yours,
JOHN P. SCHMIDT,
*Manager, Public Affairs Department.*

AIR QUALITY CONTROL PROGRAM

Here are some of the company's pollution control efforts within the scope of the $385 million current Duquesne Light Company 5-year capital expenditure program:

1. Approximately $250 million is allocated to pay for new generation—1969–1973. These new generating stations will permit us to take advantage of the most modern technology in the field of air quality control. The new units will permit the Company to shut down and place in cold reserve seven of the oldest generating units.

2. Duquesne Light Company's new *coal-fired* generating station expansion in 1970–1972 includes:

(a) Cheswick; Springdale, Penna.; 1970—570,000 kilowatts.

(b) Sammis; Ohio; 1971—195,000 kilowatts (Duquesne Light Company's share).

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(c) Eastlake; Ohio; 1972—195,000 kilowatts (Duquesne Light Company's share).

3. Duquesne Light Company's new Cheswick Power Station, scheduled to be in operation in the summer of 1970, will be equipped with modern air quality control devises costing over $3.7 million. Included are:

(a) 750-foot stack. Cost=$943,000.

(b) 99.5% efficient electrostatic precipitator. Cost=$1,461,000.

(c) Special equipment for removal of sulfur from coal before it is burned. Cost=$101,000.

(d) Space has been provided for additional $SO_2$ removal equipment when such equipment becomes available for industrial installation.

(e) Fly ash removal system to abandoned coal mine. Cost=$760,000.

4. The $200 million nuclear Beaver Valley Power Station is scheduled for completion in the summer of 1973 (Duquesne Light Company's share—402,000 kilowatts.) A nuclear station, although more expensive to build than a coal station, will not contribute any combustion pollutants to the atmosphere.

5. Fort Martin, a coal-fired power station added in 1967, (Duquesne Light Company's share—276,000 kilowatts) is another modern station and is jointly owned by Duquesne Light Company and the Allegheny Power Company system. It is located in West Virginia.

6. Two new units, 800,000 kilowatts each, will go into operation at the Bruce Mansfield Power Station in Beaver County, one in 1975 and one in 1976. Duquesne Light Company will own a substantial, but as yet unallocated, share as tenant in common in each of the two units.

### RESEARCH AND DEVELOPMENT

7. A network of meteorological monitoring stations has been installed and a network of pollution monitoring stations is being set up in the Springdale-Cheswick area to measure air pollutants. Data from this system will be made available to the Allegheny County Bureau of Air Pollution Control. Approximate cost—$500,000.

8. To comply with the most recent Allegheny County and Pennsylvania State regulations, research and measurement studies are being conducted at each of our coal-burning power stations to determine the pollutants for which Duquesne Light Company is responsible. With this data, engineering consultants already retained by the Company, will specify pollution control equipment necessary at each power station to meet existing air pollution regulations.

9. A large national manufacturer is now studying, at our request, the feasibility of designing and installing additional $SO_2$ removal equipment at our Cheswick Power Station.

10. The Company is cooperating with other utilities and equipment manufacturers by jointly funding research projects like these:

(a) Bituminous coal research with National Coal Association.

(b) Stanford Research Institute—study of sulfuric acid market.

(c) Edison Electric Institute—to which the Company contributes funds annually, financed 50 research projects during 1969 valued at $42 million, aimed at improvement of electric service reliability and the maintenance and improvement of environmental quality. As part of the EEI study, a $5½ million project on sulfur oxides is being conducted at the Hazleton Laboratories on the effects of sulfur oxides on primates. This will determine the maximum concentration of oxides of sulfur in the air at ground level that are compatible with good public health.

(d) In 1969, Duquesne Light Company spent over $135,000 on various Research and Development programs.

11. Two old generating stations, Colfax built in 1920 and Reed built in 1930, will be derated. This means coal consumption will be reduced considerably, which will also reduce pollutants. At Colfax, in Springdale, two of four units will be shut down in 1970 and the balance will be shut down in 1972.

12. The output of Reed Power Station on Brunot Island will be reduced 85% by 1973. Presently at Reed, washed coal is being used with 35% less ash content. An experimental use of additives to remove sulfur trioxide is being conducted.

13. All boilers on Duquesne's system are now equipped with stack density recorders and closed circuit TV showing stack conditions to aid operators to control emissions.

14. To date, Duquesne Light Company has invested more than $18 million in air quality control equipment, with an annual operating cost of $2½ million.

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### AIR AND WATER QUALITY CONTROL—RESEARCH AND DEVELOPMENT

A 1969 survey of Pennsylvania's leading electric utilities reflected the industry's active participation in research and development projects designed to improve the quality of the air and water. Research and development outlays, equipment installation and operating expenditures by the 17 Pennsylvania power companies questioned totaled more than $74 million. Duquesne Light's share was more than $17½ million, or approximately 24% of the total. Nuclear projects were not included in the study.

The entire development of the electric industry has been based on a concept of "reliability, economy, and a cleaner way to do things." The "cleaner way" is reflected in the fact that until 1967, the electric industry purchased approximately 90% of all air pollution equipment sold, while contributing only about 12% of the air pollutants, according to estimates of the U.S. Public Health Service. In eliminating the need for what would otherwise have to be done with millions of small engines, electric energy from a large central generating source equipped with the most advanced pollution control equipment does the job more economically and efficiently with less effect on the total environment.

Fortune magazine recently conducted a survey of 500 businessmen, asking them to rate the nation's basic industries according to their concern for the resulting consequences to the environment. Only the electric utility industry scored a clearly positive response. In all other cases, there was general recognition that individual industries have done less than a satisfactory job.

In Pennsylvania, new power plants are being designed to operate within the standards set by State and County Health Department regulations. The performance of all older power units is being analyzed with the result that many are being scheduled for limited operation and early retirement. For example, two of the four units at Duquesne Light's Colfax Power Station in Springdale will be shut down this year, and the whole plant will be phased out by 1972; the Reed Power Station on Brunot Island is scheduled for an 85% reduction in output by 1973. Duquesne Light is participating in a major power pool with four other utilities which, through joint construction efforts, will accelerate the phasing out of the older, less efficient, coal-fired power stations.

Recently, more than 1500 research projects were reported as either under way or recently completed by investor-owned electric utilities, exclusive of nuclear power projects. Depending on the nature and scope of the problem, the companies may work singly, in groups, or on an industry-wide basis on their research activities. Equipment manufacturers continue to spend additional millions of dollars for electric utility research and development.

One area in which the benefits of research are apparent is that of nuclear power. Power from the atom has no by-products of combustion. It is the cleanest method developed by modern science for steam electric generation. Duquesne Light holds a position of leadership in this field. The first full-scale commercial nuclear power plant in the world, Shippingport, in Beaver County, was built jointly by the Atomic Energy Commission and Duquesne Light Company and is operated by Duquesne Light. Many millions of dollars have been spent on basic research at this plant. The major advances in the chemistry of water treatment at Shippingport, for example, are being utilized throughout the world. Almost every commercial nuclear station owes part of its existence to the pioneering research at Shippingport. Attention is now being directed to the development of fast breeder reactors, which are expected to be far superior to any yet developed. Incidentally, Pennsylvania is a very major first with the most nuclear power capacity operating, under construction and committed to the year 1975, of any state in the nation.

The new Beaver Valley Power Station, to be constructed adjacent to Shippingport, will be equipped with the latest cooling tower system. Costing approximately $2 million, the cooling facility will permit the station to operate in accordance with stringent State discharge water temperature regulations. To develop the water temperature criteria for the cooling system, Duquesne Light invested approximately $140,000 in special research conducted at the Alden Hydraulic Research Laboratories of Worcester Polytechnic Institute. A 100-foot scale model of a 2½ mile stretch of the Ohio River was used to simulate temperature variations and flow conditions, as well as water discharges from the Shippingport and new Beaver Valley stations.

The bituminous coal and electric utility industries have initiated a broad program of air pollution research. Primary aims of the program are to find economical, feasible means of controlling sulfur oxide emissions from coal-burning electric generating stations.

Duquesne Light is supporting numerous research projects relating to this program which are being conducted by Bituminous Coal Research, Inc., Westinghouse Electric Corporation, Edison Electric Institute, and numerous other companies and research organizations.

Duquesne Light has contributed to research work conducted by EEI on possible methods of converting heat and chemical energy directly into electricity. One of the processes studied was magnetohydrodynamics (MHD), which utilizes a stream of liquid metal or high-temperature, high-velocity ionized gas to produce electricity, thereby eliminating the need for a conventional turbine-generator. Another concept, involving the release of energy during the fusion of light atoms into heavier elements, is being investigated as a future means of generating electric power.

A major research project is being conducted locally by the Environmental Safeguards Division of NUS Corporation for Duquesne Light at a cost of more than $500,000. This extensive environmental study includes analysis of particulate matter and establishment of permanent air and meteorological monitoring stations. Information from this system will be supplied to the Allegheny County Bureau of Air Pollution Control. This consultant is also studying all generating stations concerning air and water quality control as related to present and future local, State, and Federal regulations and criteria.

Duquesne Light has also participated in major pilot efforts in finding feasible uses for fly ash, the abundant nuisance by-product of coal-fired power stations. It is being substituted for a portion of the cement in making concrete. It's being mixed into lightweight concrete blocks; also being pumped underground as a slurry to fill old mine shafts and prevent subsidence. Fly ash from Duquesne Light plants is also being used by the U.S. Bureau of Mines to combat mine fires. In addition, Duquesne Light has a sintering plant at its Elrama Power Station in Washington County for producing lightweight aggregate.

Monsanto is currently conducting a study of the possibilities for $SO_2$ removal equipment for Duquesne Light's new Cheswick Power Station. The Company has provided space in the design of the plant for installation of the equipment as soon as it is available. Another study is being conducted by Chemico of the possibilities of $SO_2$ equipment for all Duquesne Light power stations. A study of the market potential for sulfur and its compounds is also being conducted.

Duquesne has and is also conducting extensive studies of chemical additives to coal to improve combustion and reduce pollution.

Another industry project which will combat air pollution is a program to develop an improved rechargeable battery system for powering vehicles. All segments of the electric utility industry have joined to expand and accelerate research on underground transmission of power. A $4 million program to extend research into power transmission at ultra-high voltages is also underway, thus permitting the building of power plants in isolated areas, preventing pollution in highly populated areas. Other research experiments, in almost every conceivable field related to electricity, are being carried out—from the study of the use of computers in planning distribution networks and controlling entire systems to application of new developments in cryogenics and super-conductivity.

The investor-owned electric utility industry is now engaged in over 100 environmental studies on water problems, according to a survey announced by Edison Electric Institute, of which Duquesne Light Company is a member. The projects are carried on by companies throughout the country and many of them are studies of the effect of water temperatures on fish and other aquatic life. The companies are working with colleges, universities, and independent research organizations on the projects.

In addition, the EEI is also carrying on a $1.1 million cooling water research program at Johns Hopkins University.

The Duquesne Light Company is also a supporting member of the Ohio River Valley Sanitary Commission, ORSANCO, and participates in many of its research activities.

The Duquesne Light Company is injecting fly ash into abandoned portions of one of its mines which neutralizes acid mine drainage producing a clean and almost neutral water which is pumped to the river. In addition, the Duquesne Light Company has conducted research in water treatment and equipment for acid mine drainage and has and is installing such equipment.

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## WHAT MAKES THEM OUTSTANDING?

## HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

**Mr. FASCELL. Mr. Speaker, Saturday we celebrated Armed Forces Day in honor of our men serving in the various branches of the military. It is appropriate in these days of blanket condemnations and generalizations that we pause to honor and commend the outstanding work being done by young men and women to guarantee the security of the United States.**

**I particularly wish to cite the accomplishments of the 915th Military Airlift Group, Homestead Air Force Base, Fla. On February 14 of this year the "Flamingo Flyers" received the U.S. Air Force Outstanding Unit Award and the General DeBrier Trophy for outstanding operational excellence.**

**"What Makes Them Outstanding?" is the title of an article about the 915th Military Airlift Group recently appearing in the Air Reservist, the official magazine of the Air National Guard and the Air Force Reserve. I believe our colleagues would wish to join me in congratulating the "Flamingo Flyers" and I respectfully commend the attention of the Members to the full text of the Air Reservist article:**

### WHAT MAKES THEM OUTSTANDING?

(By Lt. Robert K. Wilcox)

"Exceptionally meritorious achievement" . . . top combat readiness . . . 22 million miles of accident-free flying . . . military airlift support throughout the world . . . "dedication and professionalism as Citizen-Airmen"—That's what makes them outstanding.

These achievements have earned the 915th Military Airlift Group (MAG), Homestead AFB, Fla., the respect of the Air Force and their neighbors.

For these Air Force Reservists, this past Valentine's Day (Feb. 14) holds special significance. On that date, the 915th (nicknamed the Flamingo Flyers) received the USAF's Outstanding Unit Award and the General DeBrier Trophy which is presented by the Military Airlift Command's (MAC) 21st Air Force for outstanding operational excellence.

In addition, the mayors of Miami, South Miami and Homstead issued proclamations naming Feb. 14 "Air Force Reserve Day," "915th MAG Day" and "Flamingo Flyer Day," respectively. These honors were bestowed upon the Reservists for their military contributions and for their outstanding community relations program.

The ceremony was conducted at Homestead AFB and was attended by many local civilian dignitaries as well as top level representatives of the Military Airlift Command, Tactical Air Command, Air Force Reserve and other services.

The Outstanding Unit Award was presented by Brig Gen. Alfred Verhulst, vice commander Headquarters Air Force Reserve. The 915th was cited for "exceptionally meritorious achievement from 26 January 1968 to 31 August 1969," and for its top combat readiness and accident-free flying record which includes more than 22 million miles since its activation in 1947.

The 915th is the first Reserve unit to receive the General DeBrier Trophy since the award was established four years ago. Previously it had gone to Air National Guard units. Sponsored by Brig. Gen. Daniel DeBrier, USAF, retired, the award is presented annually to a flying unit of the Air National Guard or Air Force Reserve for superior performance. Maj. Gen. Gilbert L. Curtis, commander, 21st Air Force Headquarters, MAC, made the presentation.

The 915th is a descendant of the 435th Flamingo Wing which also was located at Homestead AFB and mobilized for the Korean Conflict in 1951 and the Berlin Crisis in October 1961.

In December 1965 the 435th was reorganized as the 915th Troop Carrier Group and assigned to the 445th Military Airlift Wing. In April 1966, the 915th was redesignated a military airlift group and equipped with C-124 Globemasters and given a MAC mission.

Since that date, the 915th has provided airlift support to U.S. forces throughout the world, including high-priority airlift missions to the Republic of Vietnam.

In addition to global airlift operations, the 915th has participated in numerous inter-theater and domestic emergency airlifts. These operations include the Dominican Republic Airlift of 1965; Operation Christmas Star, airlift of gifts to servicemen in Vietnam during Christmas 1965; Operation Combat Leave, emergency airlift ordered by former President Lyndon B. Johnson during the airlines strike of 1966; the New Orleans Hurricane of 1966; and the emergency airlift of food and medical supplies into Mississippi in August 1969 following Hurricane Camille.

Another memorable event for the 915th took place during the Feb. 14 ceremony as Col. Clifford C. Root turned over the reins of command to Col. Harry Amdur. He is the former commander of the 904th MAG currently located at Hamilton AFB, Calif. Colonel Root is now the director of Operations, Central Air Force Reserve Region, Ellington AFB, Tex.

Colonel Root concluded the ceremony by commending the 1,100 Reservists of the Flamingo Group: "They have gained national recognition for their dedication and professionalism as Citizen-Airmen, and through their actions, they have proven the slogan of the Air Force Reserve—'Ready Now'."

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## RESOLUTION IN SUPPORT OF NATIONAL SURVIVAL

## HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

**Mr. LANDGREBE. Mr. Speaker, last Wednesday the Indiana Republican State Central Committee unanimously passed a resolution in support of national survival. In my opinion, this resolution states those basic principles which need to be remembered if our great Nation is to retain its freedom and sovereignty. I understand that this resolution was authored by Theodore L. Sendak, attorney general of Indiana. I insert the text of this resolution at this point of the RECORD:**

### RESOLUTION IN SUPPORT OF NATIONAL SURVIVAL

Whereas, in the 194-year history of the American Republic, certain truths have emerged in every struggle for national preservation;

Whereas, in the War for American Independence, Washington's men endured great hardships at Valley Forge and in the crossing of the Delaware without adequate shoes and supplies while enemy sympathizers withheld their support;

Whereas, in the undeclared War against the Barbary Pirates who kidnapped and tortured American civilians and sailors, the American Navy fought bravely with barest necessities while unsympathetic citizens advocated tribute and withdrawal;

Whereas, in the War of 1812, patriotic Americans defended this country and its institutions even while others with anti-American predilections cheered the burning of the nation's capital;

Whereas, in the protracted Civil War of the 1860's, Americans made great sacrifices to preserve this country despite the activities of street agitators and Copperheads who aided the enemy by sabotaging military recruitment, denying material backing, and vilifying President Lincoln in the press;

Whereas, in the war against Spanish oppression in Cuba, American men championed the cause of freedom while others refused support;

Whereas, in both World War I and World War II, vast numbers of Americans worked and fought valiantly and long for the freedom of the oppressed while enemy sympathizers advocated appeasement and surrender;

Whereas, in the Korean War, American men saved South Korea from Communist enslavement while others who were unsympathetic held back;

Whereas, today Americans are devoting their lives, their fortunes, and their sacred honor again to maintain the freedom and independence of small nations threatened by tyrants, again the faint-hearted and the inexperienced are content to follow the Pied Pipers of enemy propaganda who seek the nearest red-lighted exit from responsibility;

Now therefore be it resolved that this committee of American political leaders calls upon the political leaders of both political parties in all parts of the United States to stand up in support of national survival, a sacred proposition to which loyal American political leaders have always adhered, and which provides that petty politics ends at the waterline when it comes to sustaining American soldiers already committed to battle, and that all of mankind's history and human nature alike teach the fundamental truth that the most humanitarian way to end a war and to secure the peace is to win that war on the psychological, the economic, and the military fronts as expeditiously as possible.

## THE WAR POWER: CONGRESS VERSUS THE PRESIDENT

### HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. DON H. CLAUSEN. Mr. Speaker, there appeared in the Sunday Star of May 17 an editorial which attempts to place in historical perspective, the so-called "War Power of the Congress."

This editorial, in my judgment, clears a lot of the air surrounding the constitutional authority of both the Congress and the Chief Executive, as it applies to the present situation in Southeast Asia.

I am taking this opportunity to insert a copy of this editorial in the RECORD with the thought and in the hope that my colleagues, who have not already done so, will take a few moments to read and evaluate its contents. I would also hope that those who read the CONGRESSIONAL RECORD regularly would do likewise because it seems to provide a balanced appraisal of the powers and authority that exist between the Congress and the Executive Branch of Government.

The editorial follows:

THE WAR POWER: CONGRESS VERSUS THE PRESIDENT

The current furor in and outside the Senate over funding the Cambodian operations after June 30 is larded with irrational emotion and political opportunism. Yet the issue at stake—the war-making power of Congress as opposed to the authority of the President as Commander in Chief—is real, complex and of far-reaching importance.

Paragraph 11, Section 8, Article I of the Constitution clearly allocates to Congress the right "to declare war." The problem is that the five post-World War II presidents of both parties—Truman, Eisenhower, Kennedy, Johnson and Nixon—not to speak of earlier practitioners of the fine art of gunboat diplomacy, have neatly finessed the issue by committing or keeping American troops in combat situations abroad when they felt it was in the national interest, without seeking the assent of Congress or asking for a declaration of war.

The great majority of these adventures—the 1958 landing in Lebanon and the 1965 intervention in the Dominican Republic are two recent examples—happily did not become conflicts of major significance, at least in terms of casualties abroad or political impact at home. Two others, however—the Korean "police action" and the Indochinese conflict—mushroomed into undeclared wars which resulted in the deaths of more than 75,000 Americans. The Vietnamese war, with its related conflicts in Laos and Cambodia, has divided this uneasy nation as has no other similar issue since brother took up arms against brother in the American Ciivl War. It is a repetition of this sort of tragedy which some senators hope to prevent through congressional control of the purse strings.

The primary difficulty lies in the definition of what involves American participation in a war. If, as Senators Cooper and Church maintain in their amendment, furnishing advisers to a friendly country (Cambodia) amounts to direct involvement, then the United States was a belligerent in the Greek civil war of 1947–49. If loss of life defines involvement, then the United States was indeed at war (with whom?) in the Dominican Republic in 1965. And yet no reasonable man would hold to either of these theses.

By the same token, this hypothetical reasonable man (so much distinguished by his apparent absence from the United States these days), would have to admit that, despite the lack of ringing calls to arms from Capitol Hill, we were at war with North Korea and Communist China in the 1950s and we have been at war, at least since 1964, with North Vietnam. In neither case could diplomats burn their official papers before asking for their passports, as was the style in a more mannered age, since we have had diplomatic relations with none of the nations which we have been fighting.

Since American presidents have sent U.S. forces into action abroad more than 150 times without a declaration of war by Congress, the common sense of the matter, it seems to us, is that an undeclared war becomes reprehensible only when it is lost, or when it becomes politically impossible for the President to prosecute it. While such a theory obviously can be found neither in the Constitution nor in the canon of international law, it seems as demonstrable as the fall of Newton's apple. The Korean war, for instance, over a shorter period resulted in almost as many American deaths as the Indochinese fighting. Yet there was no significant popular or congressional outcry against that war. Boys who had no more desire to be shot at than today's draft dodgers in Canada went docilely if not joyfully to that war because it did not, could not, occur to them to do otherwise.

While the great majority of this generation have done the same, the situation and the ethic have altered. It is clear that, in the eyes of many Americans, the Indochinese war has become odious, partially because the government of South Vietnam is regarded by such people as unworthy (would that of Syngman Rhee have stood up to close scrutiny?) and partially because this war, like all others, involves an element of risk and inconvenience to the participants. Hence the war in a practical political sense no longer is possible, which is precisely why, we would suggest, the President is trying to end our direct involvement in it.

What some members of the Senate and House are trying to do now is to reassert an atrophied congressional prerogative, which understandably is dear to members of Congress, at the expense of the implied powers of the President as Commander in Chief, which equally understandably is a popular thesis with occupants of the White House. The Supreme Court has been commendably wary of trying to delineate the line between the Executive and Legislative powers.

The trouble is that the world has changed since the founding fathers wrote the Constitution. In illustration, the same paragraph which authorizes Congress to declare war grants it the right to issue "letters of marque and reprisal," which authorized private entrepreneurs to engage in naval warfare for their own profit. Very few letters of marque have been granted in recent years.

In effect, in an era of instant mass communications and push-botton warfare, the senators are resting their constitutional case on a document forged to deal with contingencies in the age of sail. The founding fathers were wise men but they were not prophets. Only a lunatic in the 18th Century could have predicted the world in which we live today. The problem, then, is to interpret the Constitution to deal with the world as it is, not as it was or as we might wish it to be. It happens to be an extremely dangerous world.

We cannot believe it is the intention of Congress—or the wish of the people—to restrict the President's ability to protect the lives of American troops in Vietnam. The point is not whether they *should* be there; the point is that they *are* there, despite what we believe to be Mr. Nixon's sincere desire to bring them home as rapidly as possible. On this basis alone, the Cooper-Church amendment, which would outlaw any future operations by U.S. troops in Cambodia after June 30 and ban virtually all aid to that country, is wrong and ought to be defeated. We hope that no more American expeditions will be necessary, but we would support them if we felt they would save the lives of American soldiers who might otherwise die in Vietnam.

As to the larger question of future undeclared wars, we noted in these columns a few days ago that the alternative to an undeclared war often is not peace but a declared war. Given the temper of the times, President Johnson almost certainly could have obtained a declaration of war against North Vietnam at the time of the Tonkin Gulf incident.

It would be useful—most of all to presidents—to have constitutional provision for some exigency short of war. But such does not exist and there is little chance of creating one. Any president's practical need for popular political support for his policies, doubled with the infinite capacity of Congress to make life miserable for the Chief Executive, seems to us to provide an adequate curb on the presidential powers.

In the end, despite the Constitution, power belongs to him who is willing and able to exercise it. Presidents of both parties have sent troops into foreign countries primarily because Congress has been unwilling or unable to act. If congressional action were necessary before a solitary Marine could land, there would be much talk, few casualties and fewer freedoms, in this country and the world.

It seems to us that the Senate would do better to support the President in his efforts to extricate us quickly and honorably from a war which almost everyone agrees, probably including most of those who to their credit have had the courage to fight it, has lasted too long.

## AID FOR THE EDUCATION OF HANDICAPPED CHILDREN IN PRIVATE SCHOOLS

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. QUIE. Mr. Speaker, I am today introducing a bill which would provide a tax deduction for the expenses of educating a handicapped child in a private school.

It is encouraging that the Congress has approved many bills I have sponsored to increase public education of handicapped children. Many school systems are incorporating special programs to meet the educational needs of physically and mentally handicapped children. However, these programs are not available in many communities, particularly where the community is small and the number of handicapped children does not warrant special programs. In such a situation, parents have no choice but to enroll handicapped children in private schools. This places a tremendous financial burden on these parents and I believe that a tax deduction should be granted for the expenses of tuition; required fees and charges; books, materials, supplies, equipment; and any special devices necessary for or directly related to such education; and one round trip per school year between the handicapped person's home and the institution.

I welcome support for this proposal and hope that the Ways and Means Committee will schedule consideration of this measure in the near future.

## STATEMENT BY NATIONAL GUARD PRESIDENT

### Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. MONTGOMERY. Mr. Speaker, I commend to my colleagues the following statement by Maj. Gen. James F. Cantwell concerning the tragedy at Kent State University and the National Guard. General Cantwell is president of the National Guard Association of the United States.

The statement follows:

STATEMENT BY MAJ. GEN. JAMES F. CANTWELL

The tragic occurrence at Kent State University on May 4 set off an angry, unreasoned reaction that was marked more by emotion than by any sober, factual understanding of what actually happened on that unfortunate campus.

All of us—National Guardsmen more than others—were saddened by the death of four Kent State students in a clash with Guardsmen during the campus disorders. It was indeed, as many Americans have characterized it, a tragedy.

No fair assessment of cause or blame can be made, however, until investigators have developed a full and factual account of what actually transpired. Distorted, hysterical recollections of what took place, offered by distraught eyewitnesses, cover only fragments of the sequence of events leading up to the deaths, and are no substitute for facts. Yet it is on the basis of such fragmentary, highly colored information that terms like "trigger-happy," "poorly trained," "young and immature," and others equally damning have been applied to Ohio troops and the entire National Guard.

Such accusations cannot be justified by the facts. From January 1, 1968 until May 1, 1970, a period of more than two years culminating just three days before the Kent State episode. National Guardsmen in every section of the country were called on 191 occasions to help civil authorities restore or maintain order during civil disturbances. Approximately 224,500 National Guardsmen were involved in those unpleasant, frequently dangerous operations. Yet no more than one or two fatalities can be attributed to the actions of National Guardsmen during that entire period. The period included, incidentally, the massive, widespread riots of April, 1968.

This is an almost phenomenal record considering the tense and explosive atmosphere that prevailed during most of those 191 occasions. It is even more remarkable when one is aware of the extreme physical and verbal abuse and provocation to which National Guardsmen were subjected in disorder after disorder.

It is a record of which even the best-trained police or professional troops could boast with pride.

National Guardsmen receive extensive training in riot control operations, with continual, heavy emphasis on humane techniques and restraint in use of force. They have repeatedly demonstrated both their competence and their humanity. No element among law enforcement agencies has been more insistent that the Guard in protecting the right of all citizens to peaceful, orderly protest. Only the presence of Guardsmen, in fact, guaranteed that right on numerous occasions.

## ENVIRONMENTAL QUALITY: THE ISSUE OF THIS GENERATION

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. BROWN of California. Mr. Speaker, even though Earth Day was celebrated almost a month ago, concern over environmental quality still continues to grow.

And still, I am increasingly impressed by the sincere dedication and interest expressed by young Americans in this crucial struggle.

Yet, I should not be so surprised.

Our decisions today will shape the world of these young people, and we have no right to ruin their future.

As long as it was possible to procrastinate over pollution problems, as long as we were able to keep environmental decay more or less invisible, as long as ecology was not political, then it was perfectly safe for us to give only fleeting attention to these mounting dangers.

But, now there is a bandwagon.

Everyone speaks out against smog, dirty water, overpopulation, indiscriminate use of pesticides and herbicides.

Yet, where is the action?

Young Americans are not going to accept promises any longer. We cannot debate the philosophical importance of environmental quality while the environment rots.

We must do more than just listen to these young Americans. We must act, and act decisively to halt pollution in all its forms, no matter the cost, no matter the tradeoffs.

The following letters and articles are not mere rhetoric. They represent the voice of young America, and that voice is calling out for action now:

[From Cry California magazine]

THE ISSUE OF THIS GENERATION

(By Richard F. Conrat)

Last fall, we asked Dick Conrat to travel around the state and interview young citizens at random with the purpose of finding out how they feel about our environmental problems and what they perceive their role, if any, to be in meeting these problems. We believe their answers, which follow, are required reading for the politicians, high and low, in whose hands the future of our nation lies.

(Alan Jones, Brisbane, Architect, Interviewed at Zellerbach Square, San Francisco)

I sit up on the hillside where I live, and I look out over the Bay every day, and I see the smog and the garbage trucks dumping their garbage in Brisbane. It bothers me, but most of the time I feel there's nothing I can do. I guess I just gripe about it.

I drive to work about half of the time. And when I drive, I cuss at the pedestrians, and when I'm a pedestrian, I cuss at the cars.

I feel that I have fewer answers to these problems now than when I was younger. I used to feel that it was somebody's fault—some bad guy's—that the air was polluted. Now I drive a car to work, and add to the congestion and the smog. I don't like driving; I really like to walk. But now I no longer live in the city, and the bus service is terrible. So I drive, and now I see that everybody is in the same situation, in a way.

I look for ways, in my own habits of life, to find ways of living that don't contaminate the environment. But it's hard. For instance, I have 20 acres in the Santa Cruz mountains. My only interest in this land is to build a cabin to visit on weekends, and to hike around and enjoy it. I walk around in certain ways and make paths, and then I see that the water runs off differently. Try as I may, I find there are ways in which I mess up the land. I just can't help it.

Ultimately, the solution to environmental problems is a personal thing. I have tried to find ways of living that are not injurious to other people and animals. Imposing solutions on people may be necessary where the problem is terribly acute, like the problems of smog, or polluting the Bay, or of filling the Bay. But people have to learn, in a personal way, how to live in natural or manmade environments without screwing them up. So most of our environmental problems won't be solved until people's attitudes change—until their personal habits and patterns of life reflect an understanding of their relationships to each other and to the environment.

(Peggy Holm, Los Altos, University of California, San Diego, biology major, interviewed at University of California, San Diego)

I live in the hills, where people are pretty spread out, and I enjoy living there a lot. But when I go into the city, even going into La Jolla here, I don't enjoy it at all. There are just too many people everywhere, jostling you all the time. People don't look at each other in the city any more, when you're walking down the streets. It's so depersonalized, it drives you mad. All the people in this country seem to be jammed into certain spaces, while all the rest of the country is almost uninhabited. My response to all of this is to run away from it, move away from the city to some small community. But I would back any sound proposals for regulating what's going on.

I'm really aware, and so are all my friends, that we've got incredible problems, but I'm stymied, and don't know what to do about them.

John Jones, Rolling Hills, University of California, San Diego, biology major, interviewed at University of California, San Diego

The reason I came here was because the smog was so bad in Los Angeles that I didn't care to go to UCLA. You just can't breathe up there. And the water is polluted along the coast, and I like to skin dive. I'd like to do something to solve these problems, and if

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there were programs which students could get behind, I'd certainly want to participate.

I feel more money should be spent on the control of these polluters and their pollutants, and stricter laws should be passed. Just off Palos Verdes I have seen beautiful kelp beds completely destroyed. The Hiperian plant in particular has discarded millions of tons of effluent which, though they say it hasn't, has swept back in and caused the urchins to multiply to such an extent that they've eaten away the kelp. Now groups such as Marineland, among others, have taken measures to prevent this kind of thing. But unless we stop throwing all our garbage into the oceans, they will all go, too.

(Unidentified cocktail waitress interviewed at Mission Bay, San Diego)

I'm really troubled by our having no knowledge about the possible effects that things might have, like the buildup of pesticides in our system. It's already having an effect on birds and fish. I've even read that there won't be any birds left along the California coast within ten years. It's frightening. I think something should be done, but there aren't any means or methods available. There's so much politics before you can even begin to put something into motion, that by the time something is put into effect, I'm afraid it will be too late.

(Unidentified bartender interviewed at Mission Bay, San Diego)

It's kind of a bad deal for the common laborer, you know. You drive a truck or you do construction work, and what do you have to say? I don't produce it, I don't use it. All I can do is wait for someone to say something that sounds right and stand behind him. Somebody with some power has got to start it. Because the peasant's not going to start anything. That's just the way the country's run. The peasant follows, you know. And you can try, but the chances are so slim that anyone would listen that it's just not worth the effort. I'd stand up behind anyone who has a good thought on it, or a good plan. I really would.

(Michael Declues, East Los Angeles University of Southern California chemistry major interviewed at University of Southern California)

I'm affected by a whole lot of problems, but there's not much that I can do about them. What can I do about smog? I live in a small house on the East Side, and to me the worst environmental problem is the crummy housing that black people have to live in. There's nothing I can do about these things now. Maybe, after I get out of school and make some money . . . maybe then. Right now I feel powerless, and I don't know of any group which is effective in working on these problems.

(Rick Marienetti, Novato delivery boy, brokerage firm interviewed at Zellerbach Square, San Francisco)

I'm most bothered by the fact that I have to breathe this air. Much of the time it isn't too clean. There's not much I can do about it, though, except maybe to wear a gas mask. Either that, or people could get together and do something about it. But it probably won't come to that until people are really in bad shape—either from breathing the air, or drinking dirty water. I wouldn't know where to begin in order to do something effective. I wouldn't even know how to go about organizing people. But I'd sure lend my support to something that could have impact.

(Rick Jordan, Pasadena, San Diego State College student, interviewed in San Diego)

We're on our way camping. Going up high in the mountains, far from the city. Far from the restrictions of the city, where we can enjoy a more natural setting and acquire a more natural viewpoint. We're living a specialized, compartmentalized life and way of thinking, and getting into something where you can begin to feel and see the whole thing. The city environment and the urban society put you into school, or into work, and you get all wrapped up in that one little thing. That's all you're doing, and you get all hung up in the particular intricacies of that one little trivial piece of your life, and you don't really have a chance to be aware of a larger dimension to life and living.

I guess one might be able to exert some control over the shape of one's environment if you could acquire an understanding of how all things interrelate—if you could transcend the boxes society puts you in—school, job, family . . . But that's a pretty hard thing to do.

(Colleen Forbes, San Diego State College ecology major, interviewed at San Diego Zoo)

I'm an ecology major, and conservation is the only way to go! A lot of people are getting super uptight about the whole environmental deal. They're beginning to get involved, and do things. At State we have a conservation society, and I belong to that and to the Sierra Club and to a few other groups, and I hope they'll have an effect. We're trying right now to get the Torrey Pines into a preserve—there's only about 3,000 to 6,000 trees left.

We just moved out from Boston. And over the past couple of years, there as well as here, I have come to feel like just not doing things, or going places, because of the fact that it is harder to get there, and once you're there, there's less opportunity to really enjoy something, because of the numbers of people doing the same thing.

You come to realize how seriously the environment affects people when you live in the city. You see how commuting in cars and overloaded buses, all on overcrowded streets, with people so close together, just makes for an unpleasant atmosphere, and puts people into bad and unfriendly moods. Everyone looks so irritable. I don't think it's a healthy situation. The big thing is, what can you, as an individual do about it? I just tend to feel that there's not very much that I can do. But if I really felt I could make a dent, so to speak, I'd really try; but it seems too insurmountable.

(Dennis Martin, San Pablo, airman, March Air Force, Riverside, interviewed at San Diego Zoo)

Cutting down the forests is something I sure don't like. I like to go hunting or fishing or camping just about every chance I get. And the countryside sure has changed over the past ten years. Just empty hills—nothing there—where there had been forests. Nothing I can do about it—that's progress. I don't like smog, either. But again, there's nothing I can do. If you want cars, you've got to have smog. There actually is something they could do about it, if they came out with steam or electric cars. But we're pretty much at their mercy.

(Don Silverek, San Francisco, photography student, interviewed at San Francisco Art Institute)

I've done a lot of thinking about what's going on in our physical environment. Every day, you're struck with the fact of overpopulation, questions like "where is the food going to come from?" I'm fleeing this metropolitan area because it causes me to be very uncomfortable. You live here, and you come to realize that space has become a commodity that is dealt in, and you pay so much to sit here, you pay so much to store your stuff, to park your car, to go to work; it costs you money every time you move.

The problem is to make people more aware of all this. I, personally, am at the point where I can go one of two ways. I can say, well, I can either get into this problem, I can pick out certain areas which I can photograph to show change from better to worse, photographs that cause people to become more aware of aspects of their everyday life which they had lost sight of, which they had canceled out due to overexposure—their reaction to pictures of isolated aspects of their environment is maybe going to cause them to think about the problem in a different way—or, I was thinking, why not just forget it, say, well, to hell with it; and instead of using my photography to isolate images that might cause them to act in a different way, I'll not concern myself with what's going to happen to people, because, after all, if they were really concerned about it, about their own lives, they'd get in and straighten it out. So I'll say, to hell with these people, and I'm going to go and take pictures of flowers.

(Stewart Branch, Van Nuys, insurance salesman, interviewed at University of Southern California)

First of all, I would say that anyone who doesn't want to put up with it, with smog and traffic and the irritations of Los Angeles, can very well leave it. It's difficult, it's trying and yet I feel the good things overweigh the bad. There certainly are bad things in terms of overdevelopment, in terms of the transportation problem, smog. . . .

(Gary Wright, Burbank, operations manager, trucking firm, interviewed at University of Southern California)

What are we doing to solve these problems? Is anything being done to solve our number one problem, the population explosion; and number two, the transportation problem; and third, the pollution problem. We are all touched by these problems because we are all participants.

The internal combustion engine is the problem, and things are only going to get worse until we can put some real pressure on Detroit to develop some alternative.

The individual is very limited in what he can do about things like this. He can do one of two things. He can boycott buying automobiles, which I favor doing; or he can write to his congressman. And those are the only things he can do. There's no other choice. Stop and think about it. It's pretty limiting. I'm pretty conservative politically. I didn't dig the moratorium. But smog is right here. It's a tangible thing: I can smell it, see it, breathe it. It's in front of me. We've got to do something about it.

(Ken Kiser, San Mateo, student, San Mateo Junior College, interviewed at Ocean Beach, San Francisco)

We ain't going to make it, you know, if we keep on building these cars. It seems like we're living in a world of death, and people are dying. We're doing ourselves in through over-population through greed—people getting rich and then they want to get richer—it ain't cool. People ought to really face reality. People ought to look at the mess they're making a little more closely, help their brothers instead of always just themselves. When people have got it good, they don't think about any of these things; when people get rich, they go, "why hassle I'm doing all right." I don't think this way of thinking is right. But I don't know what I can do about it. I'm still thinking about it. It's hard. I'm just one person, and don't have the power to change anything. I just don't know. But if there were a way, I'd sure put my two cents worth in.

(Linda Purdy, Susanville, University of Southern California English major, interviewed at University of Southern California)

I'm from Susanville, a small town in northern California. I've only been here a few months, and the smog bothers me greatly. I've been used to clean air and clean water. I sure hope there's something that can be done about it, because I don't like it here. There's got to be an answer to these problems. I don't know what it is, though.

(Carey Sunahara, Hawaii, University of Southern California, mathematics major, interviewed at University of Southern California)

I'm from Hawaii, and as I look back on it, everything there seems so clean. Here in Los Angeles, everywhere I look are cars and traffic and highways and smog. I find the life so different here. It's just dog eat dog. I mean, people really don't care about each other. Just about themselves. And that's really, really bad. Because if people live in close proximity, you have to care about the next person, or everything will just fall apart. Here it seems that all people care about is making money, and I really don't like it.

(Vivian Smith, Gary, Indiana, University of Southern California, engineering major, interviewed at University of Southern California)

The environment affects me most particularly in the economic restrictions and disadvantages that I grew up with. I see it more clearly when I come to this big university, and see how differently other people live. It puts a strain on me sometimes. I'm from Gary, Indiana, and people live in very crowded conditions. The effect of this seems to be to alienate people from one another.

I hope my education will prepare me to take a stand relative to these problems. I feel strongly that I want to be involved, and right now I don't know how. But I'm ready to stand behind any effort that I can believe will really address itself to the problems I see around me.

(Roger Ruby, Michigan City, Indiana, University of the Pacific, business administration major, interviewed at University of the Pacific)

I'm not a native Californian, but I sure feel the effect of environmental problems where I come from, in northern Indiana. We have incredible water and air pollution, both connected to the major industrial areas around Chicago and Gary. This is a truly major concern for me, personally; and I feel it should be for everyone else, too. We should work on our politicians to enforce laws already on the books. I know that even in the case of public utilities and power companies which are now violating the laws, nothing is being done. These problems are not unique to California, they occur in and around every large metropolitan area, with only a few exceptions in the cases of cities which had the foresight to plan ahead.

The part I can play in affecting some of these problems is in conveying my concerns to other people, and making them aware of the urgency of these problems. We have to get our politicians to put a stop to all of the polluting and killing of our water and air.

In the end, we're all going to suffer, including the politicians and the industrial owners and managers . . . they'll realize that they're also hurting themselves. I think it's a matter of pressing—for laws, for enforcement, for technology to develop methods of disposing of wastes without polluting the environment. My role is to join with others who are concerned, and demand solutions.

It's really sad that these problems are in need of such urgent solution, and there is so little that I can do about them. We almost need a revolution of awareness—of getting people to realize that pollution will kill all of us if we don't do something about it.

(William Stretton, San Diego State College student, interviewed at Mission Bay, San Diego)

Right now, the problem of pollution hasn't begun to affect me. But I have the funny feeling that if things continue unchecked as they are, it soon will. Smog's getting worse and worse. I don't care to live in the city because of it. I live in Fallbrook, north of San Diego County, a little out in the country. But now the smog seems to be moving in there, too. About the only thing I could do about it is to sign a petition banning automobiles from the cities. I would like to think that I could have some kind of effect. But up to now I've been sitting on my can, watching things get worse.

(Carey Stretton, Palomar College student, interviewed at Mission Bay, San Diego)

It all strikes me as so unnecessary: smog and other pollutants. Our technology can surely produce vehicles that don't produce air pollution. And the way industry spills its wastes into rivers and lakes is utterly wasteful and unnecessary. But no one seems to do anything about these problems because they're so materially oriented, so worried about the dollar. Businesses seem more concerned with immediate profits than with the long-range problems and effects. They're just greedy. This could be a rich country for everyone, but the very rich thrive more on the poor than they would if everyone was rich in it. And the rich don't want it to change.

I don't feel I can do anything about all this. I really don't. A lot of kids are dropping out for this reason. They say, "what's the use? why even try?" I feel personally ineffective—incapable of doing anything about these problems. And yet I want to, I would like to do something very much. I don't want to drop out. I don't know what to do. I'm really confused.

(Tom Hitchcock, Colorado Springs, Colorado, U.S. Navy, San Diego, interviewed at San Diego Zoo)

Smog. Congestion. Blight. What can you do about it? It's kind of like stopping progress. Pretty hard to do. You've got to keep on progressing. But progress sure takes its toll. Unfortunately, it's taken its toll of the land, of natural balances, of species of animals. . . . Like some of these monkeys here are almost extinct because of hunting practices in Africa, or progress going on down there. I don't know, but somehow you've got to put a certain amount of land out of reach of progress. And after spending the last couple of summers in Los Angeles, I've certainly come to appreciate the need for smog control. It's a real bummer, LA is. About all I can do is write my congressman. But that doesn't seem to do much good. They sure need to pass some laws, though.

(Dale Frazier, Plainview, Texas, U.S. Navy, San Diego, interviewed at San Diego Zoo)

I'm from Plainview, Texas, and I thought we didn't have that smog problem. But my dad works at Best Fertilizer, and they're already having a problem of it. And they passed a law that just so much smoke and stuff could go into the air.

(Pam Middelbrook, Sacramento, Sacramento State College student, interviewed at Sacramento State College)

I've been listening a lot to Arthur Godfrey's programs, and he's started me thinking about things. He's a conservationist, and he's brought up a lot of things that have reinforced my thoughts about pollution in this country. . . . The effects of pesticides on our rivers and streams and wildlife . . . pesticides that don't wear off, and have a recurring effect on the ecological chain and on the environment. As parts of this balance are upset or destroyed, wildlife that we enjoy are affected and die off, and our children won't be able to enjoy things on this earth that we did.

It seems to me that people are looking at these problems with a very short view; they don't seem to show any realization that future generations are going to be affected by this, and that maybe in 20 years our kids aren't going to be able to enjoy the things that we now do, just the natural surroundings. They're just destroying everything for convenience and expedience now; they're dumping the sewage in the rivers . . . even at the American River down here, there are sewage pipes running into it. . . . It just makes me mad that people aren't looking to the future any more. Me and my kids are the future, and I'm going to protect them if I can.

I really can't see any kind of legislation being effected that defines the number of kids you can have, but that just might end up happening if we can't educate people to decide for themselves to limit the size of their families. I feel, too, that the Church is going to have to loosen up a bit. I myself am Roman Catholic. I hope that it isn't too long before the Church reviews the situation practically, and revises its stand on birth control. I looked at the situation from a practical standpoint, and decided that I would exercise family planning, although I don't know by what means, yet. And I know this is true of most of my Catholic friends. We have a situation here where the Church will probably end up following the example of its members, rather than leading as I believe it should.

(Caroline Johnson, Sacramento, State College student, Interviewed at Sacramento State College)

What I'm concerned about is doing something about smog now, here in Sacramento, before it ever reaches the levels you see in L.A. I'm not sure what effect one can have on these problems, but all I know I can do is to write my congressman, and sign petitions. I signed one the other day, relating to Point Reyes. If movements like the one involved with circulating that petition meet with any success, I'm sure they will take up more and more of the environmental issues that confront us.

I read recently something about proposals to have the federal government legislate the number of children people could have. My first reaction was, 'they're taking away my rights!' I have the right to have the number of kids that I want. But when you get thinking about it, you ask whether you want to bring kids into the world in an environment that deprives them of the space, and the air, and the clean water that they need . . . then it seemed to me that legislation, or at the least education of people as to the consequences of overpopulation, ought to be effected in order to prevent this kind of world from happening.

(Tom Young, Spring Valley, High school student, Interviewed at San Diego Zoo)

They're just building and building, and cutting down all the forests and natural sights and greenery that people can go see. Like where we live, they're building that new freeway—U.S. 395—and destroying lands where we don't have any more sites for parks left. They let all the other places go. And now up in L A, they're planning on ripping up one of the only green spaces left to make a parking lot. Where are people going to go? Makes you want to run off to some secluded island, or something. I don't think that I could have effect at all.

(Ron Greenspan, San Francisco Orthodontist, interviewed at Ocean Beach, San Francisco)

The main thing bothering me is the population explosion, the number of people on the highway, or enywhere else you go. It seems that there are larger and larger numbers of people, and that it gets harder and harder to go places, and to do things and to enjoy things.

The only thing that we, as individuals, can do about this is not to produce too many offspring. I mean, if people want more than two children, say, in their family, they should start adopting children. There are so many

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children who are hungry, who need homes, that if you really love children, I don't see any reason why you wouldn't adopt them.

Today there are so many problems that people are apt to take the attitude of, you know, that the whole thing is to damn big for one individual, or a couple, to do anything about. With the population problem, the only answer is to educate masses of people. What can you or I, as individuals, do about it? The temptation is, as with anything else, to stay, well, within my own little sphere of neighbors and friends, to involve these people close to you—and that's the only thing you can do about it. I am not capable, as few people are capable, of doing anything on a large scale.

(Kathy Milne, Phoenix, Arizona, University of the Pacific student, Interviewed at University of the Pacific)

Of course environmental problems concern you . . . they are part of you, and they are everywhere. I don't know what I can do, because all I can do is not litter in the streets, little things that are part of my life. My actions affect just myself, and not the problem, really; except that other people are affected by my actions, because they're catchy, like. They have programs to curb smog, but they don't seem to be doing anything. If they don't have strong public backing, it's because people won't do anything until it's right there.

These problems are right there for me, but I'm not in a position to affect or sway anything other than my immediate environment. I never thought too highly of writing my congressman about anything, probably because I didn't feel it would do much good. I have a hard time working for causes, because everything is so remote . . . nothing is on an individual basis. But the role I feel comfortable in is acting in ways consistent with my values, and thereby influencing those directly in contact with me, and things kind of just radiate. . . . But nobody's going to do anything about smog until they just can't see.

(Albert Holguin, San Francisco, Heald College engineering student, Interviewed at Steinhart Aquarium, San Francisco)

People are the problem. There's just too many people around. I'm kind of pessimistic as far as expecting things to change. We don't like seeing the environment go to pot; we all are aware of what's happening. But it seems that the people who have the authority to effect the necessary changes are not responsive to public sentiment. It seems they're more concerned with the special interests of private enterprise. So I'm pessimistic. We're going to run. We're going to another country—to Argentina, which has only 20 million inhabitants, as opposed to the 200 million here.

I believe in a natural balance. In a couple of years, when people start dying from the smog in Los Angeles, they'll do something. They'll do it when they have to. As an animal, you do have to react to your environment and to protect it, eventually. Nature will take its course, eventually.

It's too expensive to clean up. The whole problem is money, really. And the politicians' whole gig is money; like where is it going to come from? Money is tight, but we spend it on a war, on making more money, on a little bit of housing; but when it comes to cleaning up the mess, there's none left. And people don't want to pay more taxes. They're over-taxed as it is. And the politician sees it this way, and nothing gets done.

("Fred," Topanga Canyon, No stated occupation, Interviewed at Griffith Park, Los Angeles)

It's really smoggy here today, isn't it? It makes me sick. The only thing you can do is leave. You know the government won't do anything about it until it really starts killing people, right? They haven't done a whole lot about it so far. It's been getting steadily worse, and every day there's more evidence that it's harming you in some way—that it's doing something to the trees and the grass. . . . But they're not going to do something until it starts killing people, or people start getting really angry. If enough of us get real angry, they (the politicians) will listen.

("Zero," Hollywood, Student of life, Interviewed at Griffith Park, Los Angeles)

I stay high. That's the only way I can take the world. The world's problems are too heavy for me. A few years ago I used to watch Huntley and Brinkley: saw Vietnamese kids with their legs and arms blown off, their faces scarred. It really turned me off—the whole military-imperialistic aggressive thing. It turned me against my own country. Now there are people who want revolution. But the way I see it is that after the revolution it's still the people with the guns who are in power—maybe different faces, but that's all. Power freaks.

(Peter Phillips, Pomona, Pomona College economics major, Interviewed at Pomona College)

Maybe the college environment tends to promote a very remote perspective relative to solving these problems. We're Quakers, and we look at the Vietnam war, and smog, and the industrial urban society, and just throw up our hands and scream "b———." Let's just leave. But at the same time, I think we'll come to realize, particularly after leaving the giant womb of the university, that these things are not really escapable. And then you face the choice of fighting or submitting and I think we're too young to submit. At the moment I view society in terms of massive interests which have a momentum of their own as they affect life styles, ideas of work, etc.

Looking at the way industry is set up, the kind of consumer society we have created, the concepts of private property and capitalism—looking at all of the foundations of present-day America, you realize that the individual doesn't have any way to come to grips with the social questions which affect us all. . . . You've got to be kind of quixotic to take on a society like this. The McCarthy and anti-war movements last year kind of disillusioned me with regard to this approach to solving problems. It's hard to imagine any more widely and solidly supported a movement than the anti-war movement, but look at how slow and ineffectual it is in extricating us from that war.

(Billy Cox, Southgate, Pomona College international relations major, interviewed at Pomona College)

The things that bother me are like smog, traffic, aspects of modern society like billboards and TV advertising. And with respect to these problems, I don't feel that I have any control over these things at the moment. Like I have one two-hundred-millionth of a choice; or in California, one twenty-millionth of the say. It's hard to affect the structure of society, and smog is a pretty hard thing to get at. Smog comes from an industry which is situated in a different political jurisdiction; California government doesn't carry much weight in Detroit. And the federal government is too far away, and there are too many people in Washington who come from places which aren't bothered by smog, and they have an equal voice with those who are affected.

I generally feel that I am very disconnected from these decisions. We've been conditioned over the past five years from the Vietnam experience to take an angered, fatalistic view.

I get to feel I don't want to live in cities at all. We've considered going to Canada. And I don't want to own or drive an automobile. I'd rather walk everywhere I go, or take public transportation.

(George Hutcherson, Concord, University of California, Davis, civil engineering major, interviewed at University of California, Davis)

I've lived in Concord for about 17 years, and I've noticed that smog has been creeping in from the river over the last few years. We have steel mills, paper mills, and other industry down there. It's really painful to see it, because only a few years ago the sky was nice and blue. Now it's hazy most of the time around Mt. Diablo. The population has increased, over the time that I've lived there, from 5,000 to 80,000. I can see that population is a factor in this increased pollution, but if people is the problem, I can't see how we're going to control it. I personally would favor restrictions on the number of people who could live in a particular geographical area, to limit the concentration of people in a particular air basin or land area. But I don't see how this could be accomplished.

I can see, too, the need for population control, but I don't know how we can convince people of this need, particularly in view of the Catholic Church's stand. It seems to me that unless you can get both major political parties and all the churches in this country to support the concept of limited family size, it's going to be pretty tough to convince people of its necessity.

I hope that I'll be able to do something about these things one day, perhaps when I'm old enough to vote, and when I've completed my education. I'm a civil-engineering major, and I would like to go into something like air pollution or water quality control, and do as much as I can. But in the meantime, I don't think I can do much. Maybe sign my name to petitions, but that's about it.

(Stan Gamble, Riverside, University of the Pacific engineering major, Interviewed at University of the Pacific)

I'm from Southern California, around Riverside, and the smog is really bad down there. I know a lot of people are moving because of it. I know it's not the answer, because sooner or later it will catch up with you. I've never thought about what I could do to stop it. There's nothing I can do, just one individual. But if people got together in groups, then, maybe, they'd have a chance.

(George Mason, Connecticut, Occidental College art major, Interviewed at Occidental College)

I'm from Connecticut and, upon coming out here, I find that the problems of the city—of urbanization—are very real for me. . . . I find the city weakening to me, to my personality. I cannot be as strong as I have been, and as I would like to be, here in the city. I don't have room to run, or a place I can identify with. I like to do a lot of running, and I like to do a lot of thinking and walking. When I run I can think more clearly, and feel strong. And I can't do that here, in the city.

I suppose I have a lot of idealistic solutions to the restraining and destructive effects of urban and environmental problems, but realistically . . . I wouldn't know how to handle the problem. It's almost as if the city runs without us—or that it runs us.

I would say, as I look back on it, that I have been running away from these problems. But I would hope that I would become increasingly involved. If my running away, and taking refuge in those beautiful places that are left, reflects a feeling that the problems are overwhelming to me, possibly that's true. Because I simply don't know what to do.

(Therese Regan, Los Altos, University of California, San Diego, biology major, interviewed at University of California, San Diego)

Environmental problems seem so remote here in this associated pocket of well-planned grounds, buildings, and trees. I'm from the

Bay Area, where things were a little different. The filling of the Bay was really sad. I've lived near Palo Alto for the past nine years, and when we first came, we were surrounded by beautiful orchards, and now it's just solid houses, and it's like a concrete city. It's really sad. Population control is really necessary, but I don't know how it can be effected. I can do something personally—limiting the size of my family—but I can't affect the rest of society. More than anything else, I suppose it's the feeling that I can't do anything that causes me to be apathetic towards these problems. I feel I have no control over Detroit and the other industries which have created so many of these problems. There's just not much that the individual can do.

(Steve Shank, Irvine, Pomona College philosophy major, interviewed at Pomona College)

I don't know what effect, if any, an individual can have on things like the Vietnam War, or smog, or other environmental problems. It's frustrating if you believe in something, and you see that as an individual you can't do much.

(Dave Klatzker, Los Angeles, Pomona College English major, interviewed at Pomona College)

I'd like to think that as a citizen you had some effect on what is going on. My parents have written letters to their congressman about the smog problem, but I don't see any real effect that has had. If everyone got together they might have some greater effect. Like I say, I'd like to think I would have some effect, but I really don't see how. I'd like to think that part of my education is making me more aware of how I could contribute to a better environment.

(John Brown, Orange, Claremont Men's College, political science major, interviewed at Claremont Men's College)

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It's pretty obvious, living in Claremont, that a lot of environmental factors have an effect on people. Number one would be smog. You walk to class and you feel the effects of that daily. Number two would be traffic. It's hard to go someplace; it's harder to get back. Those are just two very noticeable things. Other things come to my attention through the media, such as the deteriorating cities, industrial water pollution, etc. Those things touch my life in more remote ways.

My personal, individual effect on these things that concern me is virtually nil. There's very little that I as an individual can do to affect large, environmental problems. The answer probably lies in massive public support for massive outlays of money—but the individual feels pretty helpless in relationship to these problems. What can a person do about 100 million automobiles and the smog produced by them?

I'm going to start by running away. That may sound like a big cop-out, but living in Southern California is becoming really intolerable. Beyond that, the solution lies in getting large numbers of people to do something about things. I think I'd like to become very involved in this process, in solving environmental questions. At the moment, though, the only solution is grassroots: don't drive an automobile; call for a better means of transportation; or go down to the river and drink polluted water to call attention to how foul it is.

(Neil Nunokawa, Honolulu, University of Southern California, pre-dentistry major, interviewed at University of Southern California)

We're both from Hawaii, and Los Angeles is incredible! It's a big city with big-city problems. Smog is only the most visible and irritating. There's nothing one can do about smog; smog is going to be a part of every city, all over the world. It's a question of whether you want to advance technologically. I feel we should use our technological advances to solve these problems.

There is not much we can do about these problems as individuals. Everybody has to get together and work together to be effective. I feel the culprit is big business—the people who are out to make money.

The climate for solving these problems is much better in Hawaii than it is in Southern California, as I see it. In Hawaii, a large and ever-growing number of people are really concerned. They care. And even people who move to Hawaii get caught up in this, and they become concerned, and are willing to give of themselves to help solve these problems.

Here in L.A., people are more apathetic. I feel that Hawaiians are deeper, more open and more honest people. But the people in L.A. seem to me to always be hiding their real feelings, wearing masks. My impression is that people in L.A. have no roots, no commitments to the place. They're here to make their buck, and get out.

(Gary Loop, Walnut Creek, University of California, Davis, chemical engineering major, Interviewed at University of California, Davis)

I used to live in Los Angeles, and I think smog is one of the main reasons I moved up here. Because if you've ever been in an airplane, and looked down on that stuff . . . it's pretty sickening, you can't even see the ground. But I know moving away isn't the answer, because you can already begin to see it pile up elsewhere, even where we live now. As an individual, I really can't see that much that I can do about it. To tell the truth, I really, really don't know what I could do.

(Darrell van Fleet, San Diego City College history major, Interviewed at San Diego Zoo)

I feel that the urban environment that we've established out here isn't very healthy for human beings. We're all bothered by smog and by a lack of an adequate transportation system. The only thing we've got is cars, and they cause smog and freeways. The neighborhood I live in—southeast San Diego—is crisscrossed with freeways. You open your window and that's all you can see. You see the freeway, you hear the freeway, you smell the freeway. We have to do something to preserve our environment. We're rapidly destroying this country.

I don't know what an individual can do about it. He can not drive an automobile which produces smog. That's about all he can do. I don't drive for this and other reasons. A lot of people talk about the environment as a problem. But I don't see any effort to organize politically with this as an issue. It seems to me that this is a potentially *the* major political issue. The question of overpopulation, and destruction of the environment, DDT, and this sort of thing. Seems to me this is the major issue. I mean, a lot of other things we talk about pale by comparison. We have to organize politically with this as an issue. What form this is going to take, I don't know. . . .

(Mary Byrne, Evanston, Illinois, Occidental College biology and art major, Interviewed at Occidental College, Los Angeles)

I don't come from California. I come from Illinois. And I live in Chicago, right on Lake Michigan. So pollution affects me a great deal. I can see it!

When I was little, the water was clean, and we could go swimming. But in the time I've lived there, I've seen the pollution come and grow and destroy. So this week I'm switching from an art major to biology. I want to be able to do something about pollution; I think it's awfully important to work in this field, and have some effect on these problems.

I'd like to become a researcher and have a direct and immediate part in such work; but there have to be organizers and educators and other kinds of people, too, to enlist the necessary public support. Public force is the only thing that is going to move the legislators who have to make the laws which have to curb the industries and the other exploiters of our resources.

(Dennis Lynch, Sacramento, Musician, Interviewed at University of the Pacific)

Things like cutting down trees, and smog, and garbage . . . they're a drag. I don't know what you can do about them, except for not throwing garbage around yourself. And maybe other people will learn something from the way you do things. Bigger things, like industry dumping stuff in rivers, smog . . . well, I sure think something should be done about it, but I don't know what. If I knew the answer to that, well, I guess we'd have the problem solved! And if I knew the answer, probably everyone else would too. Sure, it bothers me that I don't know what I can do, but what can you do about it?

(Wayne Parra and Coral Ideras, Modesto, Interviewed at Steinhart Aquarium, San Francisco)

If we don't control environmental problems now, it's going to soon get to the point where everything will be destroyed, and we won't have anything left.

(Greg Hudson, Escondido, University of California, San Diego, political science major, Interviewed at University of California, San Diego)

Man polluting himself out of existence. I feel I have to do something. Everybody has to do something, even if it's just yelling and screaming. It's a terrible feeling, it really is—that man is so detached from nature—that he is destroying it so thoroughly and at such an incredible rate . . . just so he can go on existing in a way that seems comfortable to him at the time. It's terrible—man is no longer even a part of nature; he's either controlling it or destroying it; he no longer tolerates the balance of nature in any way.

Running away from all this certainly helps my mind, and it's a very strong impulse, but I know it's not the answer.

(Walter Sakai, San Mateo, University of California, Davis, zoology major, interviewed at University of California, Davis)

I'm majoring in zoology, and I guess my field is ecology. Everywhere you look, you see environmental problems, but you can't do anything about them, because they are controlled by the Establishment. What can you do about the internal combustion engine? Right now the car is a necessity as transportation, at least here in the West where public transportation is poor. But some day soon the necessity for survival will require that they be eliminated. Sooner or later, people are going to begin dying off from emphysema . . . and then people are going to realize that the internal combustion engine has to be dispensed with . . . of necessity.

I'm fatalistic about certain of these problems, but not about others. I feel that it is within our power to save the redwoods, and Point Reyes, and other such specific issues, when people get together and let their voices be heard. But when it comes to larger problems, like smog, or like overpopulation, what can you do? As a native Californian, can you say, well, we don't want any more people moving in?

What I'd really like to see is the division of Northern and Southern California. I feel the north would be a much groovier place without the south. We wouldn't have to be building all these giant dams all over the mountains, wrecking the local ecology, wiping out beautiful valleys, and so on. . . . The effect of this in Southern California would be that people would have to recognize that they can't continue to increase the population, developing everything in sight. This would have a stabilizing effect on growth and development.

But realistically, I can't see this split actually happening. Southern Californians wouldn't support the move. But I don't know what other options are open. I just don't know what we can do about these problems.

(Jessica Dunn, San Francisco, escrow clerk, mortgage company, interviewed at Zellerbach Square, San Francisco)

Traffic bothers me. But what can you do about traffic? It will always be there. All I can do about it is not drive. I take the bus. But rapid transit isn't really the answer, as far as I'm concerned. I'm from New York, and I know what the subways are like. And BART is going to be just another New York City subway. Downtown San Francisco is just as congested as New York right now. I don't want to live outside the city; I just wish the city were a little more livable. But there's not much I can do about it.

(Patrick Pace, Mill Valley, photography student, interviewed at San Francisco Art Institute)

I really don't believe I can have any effect on people, or on the environment. There are too many variables. As one human being, I feel I have no control, nor any potential control, over anything. Moreover, I feel that no one, no institution, no force that I can perceive, is in control of where this country is going. A certain kind of economic inertia is at work, forcing people to live and work in ways which they have little control over. Cities are big because the economy has caused this to happen. People live in and around cities because they have to make a living. I feel most people would prefer to live in less congested, less polluted environments. But they don't move because they fear economic reprisals. That's really it—people are afraid, very afraid. And in many ways, I myself am afraid. In this climate, I don't see how any one can get his message across. I can use my medium of photography to make myself more aware, but I doubt seriously that I can cause anyone else to be affected—to become more aware.

In order to be reached, people have to first want to listen. And then what we need is a whole new framework—a re-thinking of the principles of private property, of whether land should, in fact, be owned at all, concepts that our society have been built on—it is doubtful whether anyone will want to listen. Yet nothing short of a complete reexamination of our basic values and beliefs will allow people to once again assert some control over their lives. I feel that our culture, our society, is on a suicide course. Thinking about it sometimes really makes me sick . . . sick with frustration over my inability to affect things. I suppose that's why I'm in school now—to search for what I might be able to do, if anything.

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Representative George Brown, Jr.

As a student and member of the society, I am becoming increasingly alarmed at the destruction that has is or planned to happen to the Calif. coast line. Action must be taken now. I urge you to support the creation of strong CCDC bills to protect our coastline.

Thank you for your time,

Kim Dines,
*Saratoga, Calif.*

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May 9, 1970.

George Brown, Jr.,
*House of Representatives,*
*Washington, D.C.*

Dear Mr. Brown: On Wednesday April 22 many high schools throughout the United States participated in an Earth Day celebration. Students wore arm bands, rode their bikes to school, and had special discussions and debate sessions.

I am a junior attending Rosemead High School in Rosemead, California. On Earth Day we had a special closed circuit television broadcast and a rally with our bikes. The students who participated in this demonstration are concerned about our natural resources and pollution. I feel that you need to be more concerned. The lakes, rivers, and oceans are methodically being destroyed. I am afraid that my children will not have fresh water to drink or air to breathe.

I know that organizations are being initiated and legislation introduced to improve this terrible situation, but doesn't this cause deserve an all out campaign? It does concern us all. Facts have proven that we need to start NOW if we hope to survive much longer. A famous biologist has said that if one of the candidates for the president in 1972 does not campaign for such goals, then he will take his family to live in the wilderness because he doesn't think that people will be able to survive in the metropolitan areas.

An Ecology Action Club is being formed at Rosemead High. Our first project may be to collect glass bottles and aluminum cans. I feel that the students of the United States are trying to put forth an honest effort. You MUST do the same.

Sincerely,

Bricky Allsop.

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May 10, 1970.

Dear Sir: I am a college sophomore.

I am alive today breathing with a 10% oxygen deficiency with each breath, because of the pollutants that seem to get hold of my hemoglobins before the oxygen has any chance. People commit suicide that way you know! My nutrition is fairly uncontaminated compared to the Brown Pelican that became extinct on a certain island because of D.D.T. contamination in the food they eat. I myself am unfit to eat because of D.D.T. accumulation. I inhale, ingest, digest, and grow with more junk than I exhale or egest. It seems to me that you would have a little faster pace knowing that the earth is so ill. But we're making it sicker and what's worse we are aware of it. The earth is violently ill with a growing disease called pollution. Man is too specialized (as are every other organism) to adapt to such an environment as fast as it is forming.

What am I doing? We bury our garbage, avoid buying aerosol cans, plastics, non-returnable bottles, colored tissue paper (pollutant dyes); I don't drive, I'm buying a bicycle this week. We have even adjusted the toilet so it uses less water. I have joined Zero Population Growth because they hit the problem at the very root of many problems; too many people. What are *you* doing? Please don't send me a list of all the bills you've supposedly been pushing. If you people up there were really working at it something would have come through. You certainly seemed to pass judgment on the evils of "Grass" easily enough but plain old tobacco is more harmful. The world depends upon you! I'm optimistic or I wouldn't have written this. I'm not a member of a small interest group want only for me. Everybody wants to live. Even you. *We* are a majority but we need a stimulant. Please, make life the major issue!

Love,

Janelle Aeschleman.

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Cresthaven Elementary School,
*Silver Spring, Md., April 24, 1970.*

Congressman George Brown,
*House Office Building,*
*Washington, D.C.*

Dear Sir: During recent weeks our class has been discussing the causes and effects of pollution. Arjun Yodh who is ten years old has expressed his concern by writing a poem. His father brought the poem to my attention. I thought that perhaps it would interest you.

POLLUTION

A thick, greyish, mist that hangs in the air;
Factories, smoke, and gas, all do their share,
Now people are coughing and paying death as a fare
While scientists lately start looking for the end of the nightmare.
For the hatred of pollution wasn't really hate,
People just put it aside and it's too LATE.

Sincerely,

Jean Birmingham.

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Monterey Park, Calif.,
*May 12, 1970.*

Hon. George E. Brown,
*U.S. House of Representatives,*
*Washington, D.C.*

Dear Sir: I am a student at Mark Keppel High School and would like to ask for your help in solving one of man's disastrous problems. Pollution is destroying our lives in front of our very eyes, and nothing is done about it. As you well know, it is increasing more and more every day, and unless we put a stop to this problem, we will lose everything that we have achieved and worked so hard to protect for the past 500,000 years, since mankind began inventing different devices to improve living conditions.

I realize that Pollution isn't an easy problem to solve, but we must start *now* in order that we might save what is left of "The Beautiful Green Earth." I urge you, sir, to look into this problem more deeply, because it is a matter of importance to mankind as well as other creatures.

I would appreciate a quick and desirable reply, so that I and other fine citizens of Monterey Park, as well as other citizens have some knowledge about what is being done regarding a solution to this devastating problem.

Sincerely yours,

Ahmed Abdullah.

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Alhambra City Schools,
*Alhambra, Calif., April 22, 1970.*

Hon. George E. Brown, Jr.,
*House Office Building,*
*Washington, D.C.*

Dear Mr. Brown: The Alhambra Board of Education desiring to join with the students and adults of this district and throughout the Nation in constructive action to help reverse the rapidly increasing pollution and destruction of our environment adopted the attached resolution at its regular meeting of April 22.

Our students in cooperation with their teachers have planned and are planning many activities to emphasize the importance of doing something positive to call attention to the problems and to possible solutions. These include a campaign to collect aluminum throw-away cans; drives to keep the campuses clean; a drive to form car pools, to walk, or to use bicycles for transportation; the scheduling of films and slides and the distribution of literature on pollution; writing letters to government officials urging immediate constructive action; and class discussions on the danger of ecological destruction and proposed methods of counteracting the processes bringing this about.

We urge that you make every effort to join the concerned forces taking a positive stand on this environmental issue; furthermore, that you take action in your position of leadership of doing something constructive and of informing your constituents of the results of your efforts.

Sincerely,

Elmer Ensz,
*Secretary, Board of Education.*

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RESOLUTION TO DECLARE APRIL 22, 1970, AS "EARTH DAY"

We, as members of the Alhambra Board of Education, give our enthusiastic support to the recognition of April 22, 1970, as "Earth Day." This day will be a national day of action on environmental problems. Our school district joins the thousands of other districts

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across the Nation in taking a stand in the battle for healthier environment. We encourage the general public as well as the students to become actively involved in the study of facts about pollution. It is necessary for the schools to create an awareness of the problem. This is especially true when you realize that the youth of today and tomorrow will suffer from the errors committed in the past and present.

The students and the general public should not be led to believe that "Earth Day" is only one day set aside to talk about pollution, rather they should know that this is only the beginning in a long struggle against environmental destruction.

I hereby certify that the above is a true and exact copy of the resolution approved and adopted by the Board of Education of the Alhambra City High School District at a regular meeting held on the 20th day of April 1970.

Dated: April 20, 1970.

ELMER ENSZ,
*Acting Superintendent and Secretary to the Board of Education.*

## DAIRYMEN HURT BY CLASSIFICATION SYSTEM

### HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. NELSEN. Mr. Speaker, at this time thousands of pounds of cheddar cheese are being imported into this Nation under the label "Monterey" cheese. The Customs Bureau refuses to include "Monterey" cheese in the cheddar cheese quota, but classes it in the significantly large "other cheeses" quota. This cheese case smells. It smells like we have catered to the wants of the dairy industry of New Zealand and other countries who are trying to unload their dairy surpluses on the United States. This hurts the American dairyman, and it hurts the American taxpayer in terms of the required price-support expenses.

Most recently, the April 25 issue of Hoard's Dairyman, the leading journal of dairy farming in America, noted this situation on its editorial page. The gentleman from Wisconsin, Hon. JOHN BYRNES, has taken considerable interest in this matter, but I know all our colleagues will be interested in reading this call to "Investigate Customs Bureau." I include it in my remarks at this time:

INVESTIGATE CUSTOMS BUREAU

On January 6, 1969, just before he left office, President Johnson made some temporary dairy import decisions permanent and then added a special provision that New Zealand would be granted a permit to ship 7.5 million pounds of "other cheeses" to this country annually. This meant New Zealand could ship additional cheese than the American cheddar and other types covered by quota.

The President's action has never been explained because New Zealand had no history of shipping "other type" cheese.

In any event, on June 28, a ship steamed into Newark, N.J., with 8,490 cases of New Zealand "Monterey" cheese. Reportedly, the Customs Bureau rejected the advice of experts that the cheese was mislabeled and should properly be charged against New Zealand's quota for cheddar cheese.

After all these months, a panel of eight nationally recognized authorities on cheese identification and grading went to Washington, March 23, and positively identified the "Monterey" as cheddar. They were invited to the test by Wisconsin's Senator Nelson and Representative Byrnes.

It is not the amount of cheese imported nor the special grant to New Zealand that bothers us about this episode. After all, the annual imports of Monterey are equal to only the production of about 150 U.S. dairy farms. And dairy imports, in total, have been going down. During the first half of 1967, dairy imports were coming in at the rate of 4.4 billion pounds of milk equivalent annually. With subsequent presidential actions, imports have been substantially reduced, to 1.8 billion pounds in 1968 and 1.6 billion in 1969.

But the malodorous aspect of the present situation is the subterfuge which lead to apparent collusion between the New Zealand dairy industry and our Customs Bureau. This is no way to do business. It appears that a white paper is due from the Customs Bureau or a congressional investigation is in order.

## SOMETHING BEAUTIFUL IS HAPPENING

### HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BUTTON. Mr. Speaker, in my district there is a unique organization doing an heroic job as a day care center. Its services were well described in a recent issue of "Local 301 News" by a member of that IUE local, Helen Quirini.

The center, known as Refreshing Springs Day Care Center, is in Schenectady, N.Y. Its history is well recounted in the following article:

SOMETHING BEAUTIFUL IS HAPPENING

(By Helen Quirini)

Something beautiful is happening in our town and I would like to share it with you. About three years ago some people in a church in our inner city realized that there was a desperate need for a place where children of working parents could be cared for. Working parents or parents going to school to train for a job had no place that they could afford to send their children. This little church decided to do something about the need, and started a day care center in their one room basement. The center survived on parent fees administered on a sliding scale only because many staff members were willing to work without consistent salaries. The director still works up to 11 hours a day at the center without compensation.

Before long their church was overflowing with children and they looked around for help. Many people after hearing of the wonderful work this church was doing pitched in to aid them. The Inner City Ministry is now helping to supplement the small paid staff with nearly 80 volunteers. The volunteers come from all walks of life, rich and poor, black and white, Protestant, Catholic, Jewish, labor representatives as well as management people. A psychologist, social workers, nurses, a bookkeeper from Vita, and financial advisors from the JCs as well as many Skidmore students joined the other dedicated people.

The State Street Presbyterian Church located on the corner of Catherine Street offered their beautiful new five room basement facilities and the Emmanual Baptist Church on Nott Terrace offered two rooms to take care of the overflow from the State St. Church. The Albany Presbyterian donated $2000 to pay expenses for the year, and the Trinity Methodist Church pledged $3700.

The center operates 11 hours and 45 minutes a day. Many children are served breakfast each morning. 50% of the children come from broken homes. 20% are on partial welfare. The others are borderline poverty cases. The children also participate in a clinic in St. Clares which has been set up for Head Start children staffed by public health nurses.

This is the largest child care center in Schenectady and is operating on the smallest budget. Among the 65 children there are 8 babies, 20 toddlers, 15 preschoolers, and 22 school age children. The group is approximately 50% black and 50% white. The children served by this center come predominantly from Census Tracts 9 and 10, the "Hamilton Hill" area of Schenectady. This is the heart of the city, and the lowest income area of the county. The area holds about 70% of the welfare clients of the county. The center is ideally located to serve the children attending the two schools in the area, the Martin Luther King and the Halsey school. A continuance of the center would mean 47 mothers could keep their jobs. This would insure dignity and self-reliance, while making taxpayers out of possible welfare recipients.

This center was built with love and uses TLC (tender loving care) to teach ABC's to a group of exciting and eager kids. A survey by the Community Welfare Council revealed that there are about 800 children who need this kind of care.

Maybe you are wondering why I said something beautiful is happening in our town. Well isn't it beautiful that originally a church should assume the responsibilities of caring for children in order that their parents could become self reliant, and when the problem became bigger than expected, other churches in the area comprising the SICM (Schenectady Inner City Ministry) joined in this fine work not only with their money but with over 80 volunteers. And that all the people previously mentioned also pitched in to help. This is truly one of the best living examples of brotherhood that I have ever seen.

Now the center must solicit funds to continue its fine work. Again many people have joined the ranks. Space prohibits my mentioning all the people, clubs, organizations, etc. that are helping. To just mention a few, a fashion show was held, the Welcome Wagon ladies and the Woman's Guild are having special projects, St. Helen's Catholic Church and the Eastern Parkway Methodist jointly sponsored a supper to raise money. Between 30 and 80 coffee parties will be held in the near future to tell the story interested women with the hopes that they will contribute money so that this fine service can continue. Over 100 people are volunteering to help raise money so that this center can continue. I am proud to be one of them.

The name of the center is the Refreshing Springs Day Care Center originally sponsored by the Refreshing Springs Church, 30 Steuben Street, Schenectady. The name of the director is Mrs. Georgetta Dix.

## VIETNAMIZATION PLAN FLAWS

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. JACOBS. Mr. Speaker, I commend my colleagues, Congressman BENJAMIN BLACKBURN, of Georgia, and Senator ROBERT DOLE of Kansas, for identifying the more obscure of the two prohibitive flaws in the so-called Vietnamization plan.

Despite my efforts to bring to the attention of the public what I have called the life imprisonment flaw of Vietnamization, little general recognition seems thus far to have been generated of the clear fact that the Vietnamization plan contains no provision whatever for obtaining release of American prisoners held by the Communists in Vietnam.

Logically the only way to obtain such release is through an agreement with the other side under which the United States would terminate its intervention in return for accounting for and release of all American prisoners.

In a sense then the Vietnamization policy is draining or frittering away our bargaining power. If we would simply go to Paris and acknowledge that we are doing what we are doing, namely withdrawing American troops, we then could obtain something to show for it.

The other prohibitive flaw in Vietnamization is the fatal flaw reported each week in the American casualty list.

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## JOBS FOR THE HARD-CORE UNEMPLOYED

### HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. WYDLER. Mr. Speaker, there has been much discussion during the past year or so about the accomplishments of the National Alliance of Businessmen, a voluntary organization of businessmen dedicated to finding jobs for the hard-core unemployed. Mr. Donald M. Kendall, president of PepsiCo, Inc., recently completed a 1-year term as chairman of the National Alliance of Businessmen and, in a speech before the National Press Club, cited the good work that the NAB is doing.

Mr. Kendall's speech contains several points which are in the public interest. I commend the speech, which follows, to my colleagues:

#### JOBS FOR THE HARD-CORE UNEMPLOYED

I have a threefold purpose in my talk to you today, but before I start I would like to say something personal. I'm happy to be here at the National Press Club. Like any other big business executive, I've appeared before audiences up and down the country—but I'm proud to be here. I'm glad you asked me also because it gives me a chance to thank you correspondents and reporters, editors and publishers and TV and radio producers for the great interest in the subject—this very crucial subject that brings me here today.

We—Paul Kayster the President of NAB, and I—have in the past year or so held more than 90 press conferences and 40 backgrounders with editors and publishers. And in every instance—whether we have met with you personally or your associates in your home towns—the story that we have had to tell about, as I have said, this very crucial subject of jobs for the hard-core unemployed, has been treated with interest and understanding.

We have been given a good deal of public notice—"publicity" if you will—in the wake of our press conferences throughout the nation. Thus you have helped us tremendously—through your interest and your own understanding—with our job of creating understanding among the general public, of the task that faces all of us as Americans. And so I want to take this occasion to render our formal recognition of the interest and understanding of the press.

Now for the three objectives that I have in my talk here today:

First, I want to give you an advance informal accounting of what we've done at NAB—National Alliance of Businessmen—during the year I've been honored to be its chairman. I want to stress that this will be an informal accounting since a more formal report will be coming through the NAB Board of Directors shortly. But let's assume this is a secret background—and I authorize an immediate leak.

Second—and perhaps most important—I want to tell you what we've learned on the job. I want to tell you about the problems we've run into and the continuously evolving solutions that we're worked out.

Third—and this may be, potentially, most important—I would like to emphasize what may well be the basic breakthrough toward the elimination of massive unemployment of so-called "hard-core unemployed."

As many of you know, the National Alliance of Businessmen is a non-profit, private organization with headquarters a few blocks from here. It is a voluntary alliance of businessmen, Democrats and Republicans—in the very best sense of the term—non-political.

NAB received its charter in January of 1968 when President Johnson called upon the American business community to apply its talents to the crucial national problem of finding jobs for the hard-core unemployed in our cities.

We business leaders were asked to devise means of bringing these hard-core unemployed out of their backwaters and bypasses, out of their festering swamplands of poverty and discontent into the fresh, active, hopeful mainstream of the American economy. To show them the way to change themselves from tax-eaters to taxpayers. The result of our efforts thus far has been an absolutely unique and truly exciting partnership between business and government—a partnership that might well be considered as a kind of pilot project for future social and economic development.

Our program of "Job Opportunities in the Business Sector"—J-O-B-S, for short—started operating in June 1968 with Henry Ford as Chairman and Leo Beebe as full-time administrative head. Besides its Washington headquarters, eight regional offices were set up as well as fifty metropolitan offices in the nation's largest cities. All these offices were staffed principally by executives on loan from private corporations for periods of from six months to one year.

During this first year some 1000 executives were recruited for full-time duty—another approximately 7,000 worked-part time mostly as job solicitors all over the land.

From the very beginning, NAB—quite wisely, I feel—saw its function as not to create jobs but to act as catalysts in bringing people and jobs together. I will not burden you with details or furl out organizational charts, but I'd like to impress you with the salient point of our JOBS program.

It is expressed in our motto: "Hire—Train—Retain."

Most programs of the past that were designed to help the hard-core unemployed had as their watchword "employability."

But NAB operates on the "hire first" principle. An individual business or private non-profit organization agrees straight out to hire a certain number of unemployed or underemployed people for jobs in its plant or office. Candidates are referred to the employer by the State Employment Service or by the local office of the U.S. Department of Labor. The employer then hires the men or women he chooses. And he is responsible for providing them with the training as well as the counseling and other special services that are needed to help them become productive workers and remain on the job.

How is it all financed? The federal government—under the Manpower Act—offers contracts to employers to cover the costs of training these men and women. It may come as a surprise to you, however, to realize that some companies did not avail themselves of this source of funding. They spent their own money.

Now let me say this—I do not believe, from my own experience with the program, that this is the best, most efficient and most businesslike way to operate. In this I share the conviction expressed by many informed judges of the program who have concluded that the best performance records are shown by those companies that hire and train under a government contract as against those who do this voluntarily.

But what about achievements?

They were considerable—starting originally under the tremendous vigorous and pioneering administration of Henry Ford and Leo Beebe. Some fairly ambitious targets were staked out for the first fiscal year ending on June 30, 1969—while they were running the new programs through its first shakedown cruises. By the end of May, 1969—one month ahead of target—the National Alliance of Businessmen had met its first-year goal of 100,000 men and women on the job.

Well here we are on February 26th—18 days before my one-year mark as chairman. Where do we stand? What kind of accounting can I give you to pass on to the American people? What kind of record have we chalked up?

As of January 31 I can report to you that we have a total of 383,573 pledges of jobs by employers. Our target is to retain 338,000 of them on the job.

Hiring under the JOBS program has continued strong throughout 1969. Reports from employers show cumulative hired as of the end of January of 379,000 for a gain of 232,000 in the last ten months. The number of employers pledging to hire and train the disadvantaged under the JOBS program has grown in the same period from 14,000 to over 23,500.

Of the workers hired under the program 200,000 are reported still at work. This means that the rates of turnover are not much higher than most of these businesses had experienced previously with more highly qualified new workers.

Now we don't quote the figures of people who have been in this program for example for 6 months and then leave us, which I think probably we could, because once you have had a man in this program for six months, they have a job skill at that point and they have mobility.

Many of these people have gone and gotten jobs in other countries because they have something to sell. They have a skill.

On the initiative of President Nixon, there has been a large increase in government funds available to employers for hiring and training purposes. This administration has requested a $300 million budget for this fiscal year for NAB.

I think you'll agree that NAB has ticked off some fairly solid progress. But in a sense, as is all change under the American system of continuous pragmatic growth, we are all in a continuing process of learning on-the-job.

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What, specifically, have we learned?

We don't have all the answers, but we are more than ever convinced of the value of the program in dollars and cents.

I remember, not too long ago, the president of a medium-sized manufacturing company in a northeastern city was confronted by a small group of his stockholders and he hit them with an eloquent slab of simple arithmetic based on the most recent information from the Department of Labor and cited frequently by the NAB.

"Look," he told his stockholders in effect, "the average cost of training a hard-core individual to become a productive employee under a Department of Labor contract at an NAB company is exactly $2,917. If he's on welfare, that's an immediate savings to the government ranging as high as $3,100 a year for the head of a family of four—depending on where he lives. Moreover, the new employee is now a taxpayer instead of a tax-eater. So he'll be paying federal income tax of about $240 a year plus a state sales tax of up to $100—again depending on the state."

"In the case of a welfare family," he went on, "we've learned that the government's total investment will be repaid within a period of from 10 to 21 months depending on the level of welfare payments. If we're talking about a young, single man who is not a regular productive worker—then, by the time he has a wife and children he'll be adding them to the welfare mills rather than supporting himself. And if he ends up in jail rather than on the job, the average cost of supporting him in prison for single year will be far greater than the cost of training him to be a productive worker for, perhaps, the next 40 years of his life."

Finally he hit them in their self-interest solar plexus. "When an unemployed individual becomes a productive worker," he said, "his purchasing power for goods and services is increased about $3,400 a year—and he contributes some $10,000 a year to the gross national product."

So far I haven't run into anyone who can argue in the face of such enormous potential benefits to himself as taxpayer and investor.

Let me call attention to a major problem area. This involves the human element—the attitudes that people have on both sides of the job fence, the emotions they feel, what one man hopes to achieve by moving out into the economic mainstream, the personal reasons why another man—an employer—will pledge the job.

All these things cannot be reported to you in terms of statistics or goals or by graphs or charts. But they've played a rule all along the line.

For example, let me tell you about Burny Brothers, Inc. This is a major bakery products company in the Chicago area with 1,800 employees. Burny Brothers joined the program back in June 1968 at the very beginning with a pledge of 20 jobs. Last year the company pledged to hire an additional 240 hard-core unemployed. Their reason for doing this was very simple, very personal. The company had been founded in 1910 by three brothers who dropped out of grade school in southern Illinois. They had come to Chicago with their widowed mother and baked french bread which they sold door-to-door. Because the founders were once themselves disadvantaged, the company has long followed a policy of investing in other disadvantaged people. When they originally pledged with the program, President Jule F. Burny told us: "A number of our foremen and supervisors are school dropouts of 20 to 30 years ago. By hard work these men have created a good standard of living for themselves and have contributed to the growth and prosperity of their company and city. Burny Brothers is continuing a long tradition of providing opportunities to those in need of a helping hand."

Now here's another human interest story. John F. Craver, General Manager of the Hotel Mayflower here in Washington, discussed this problem with real frankness. "We must eliminate dead-end jobs," he said. "Traditionally, we in the hotel industry have placed a man in a job, dusted our hands and said, 'Well, that problem is solved forever.' We have at the Mayflower a man who has been a lobby porter for 44 years. Another man who's been an oyster shucker for 33 years and so on. What we've done now is to take a mental oath that no job will be a dead end. The hotel industry must adopt the concept of upward mobility. All employees should have the opportunity to make the most of their abilities to progress as far as they can possibly go—regardless of race, sex, skin color or religion. Career ladders must be built," he went on, "that specify job titles and salaries. For example, dishwasher to floor steward to assistant steward to executive steward to assistant food and beverage manager and on up."

The question has been raised about the effect on our program of the present slowdown in the rate of economic expansion. Well—I think our record of the past few months becomes even more impressive when you consider that it was accomplished in the face of a slowdown in the national rate of economic expansion.

True, layoffs have begun to show up in some industries and some parts of the country.

I might also say that those involved in the automobile industry in the government training program are still training.

But in spite of this, new hirings under our programs have contnued at the rate of approximately 25,000 per month, while government reports show that the rates of unemployment for minority workers remain lower than they were one year ago.

Our NAB metro offices and employers recognize that a leveling off in the economy will, in the short run, make their efforts harder. But not every employer nor every part of the country will be affected. Many companies heavily involved with our program—such as telephone companies and banks—will probably not be affected. And many major industries—the food-processing industry is one that comes to mind—have a degree of employment stability that should enable them to continue hiring and training the disadvantaged during a period of temporary economic slowdown.

Moreover, we have made a special effort over the past year to broaden the base of our program. We have stressed service industries, nonprofit employers such as hospitals and private schools, and small businesses not directly dependent upon manufacturing. Many of these employers are relatively insulated against economic change insofar as their labor requirements are concerned.

Now a word about President Nixon's proposals for long overdue reforms in our national welfare system. These reforms have made the private sector effort to provide jobs and job-training for the disadvantaged more important than ever before. They offer our best chance of stopping the spiraling costs of the main welfare category—namely, aid to dependent children in fatherless families. And they will provide financial incentives for people on welfare to go to work and seek training in order to raise their earnings and become self-supporting.

As a businessman, I believe that the proposed family assistance plan is a sound investment in the future of our country. It is a program based on encouraging the able-bodied to work and to remain with their families. It is allied to the NAB program for it retains and reinforces the traditional American emphasis on the individual's rights to hope for a life of fruitful independence for himself and his family.

I said at the beginning of this talk that I wanted to emphasize a possible new massive employment breakthrough. We have stressed repeatedly during my tenure the role of small employers as the prime instruments for our big job drive of the future. Let us put our hopes—and make our bets—on the small employers of America.

This nation, as you well know, is not made up only of the corporate giants—or even of companies with hundreds of people on their payrolls. The backbone of our economy is the employer of less than 50 persons. We have fully 3,300,000 companies that have less than 50 people each on their payrolls.

At first we concentrated on the big fellow—the employers with whom we could chalk up pledges for 100, 200 and 300 or more jobs each. Now we want commitments from all these 3,300,000 companies throughout the nation that have 50 men or less on their payrolls.

If a large percentage of these employers could each train one or two or three hard-core unemployed for permanent, productive and meaningful jobs, the effect would be like the limitless number of small, seemingly unimportant stars which, in combination, make up the light of the milky way. This could have a dazzlingly beneficial effect on our economy.

How could this be done?

Certain thoughts come informally to mind: Perhaps a special task force could be created at NAB to develop ways and means for seeking out the job possibilities among the small employers. This would be a task force of young executives—perhaps a dozen or so—and conceivably would be recruited from the most dynamic ranks of the junior.

## CAMBODIA—A LEGAL QUESTION

### HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. GOLDWATER. Mr. Speaker, the President's firm and courageous move to destroy Communist sanctuaries in Cambodia has been challenged by spokesmen for the political left. These liberals label this positive action as constitutionally illegal and a usurpation of the powers of Congress.

Experts in national and international law firmly state that this is not the case. Thus, what the liberal move boils down to is a direct challenge to the fundamental authority of the President in planning and conducting the military and foreign affairs of the United States.

The new isolationists are telling us that Congress should have the preeminent right, under the Constitution, of determining our military and foreign policy. Their reading of the Constitution says that Congress should decide the conduct of American military operations. But this, of course, is not the way our Republic was established.

If there is one thing clearly established in constitutional law, it is that the Constitution does not confer upon Congress the primary power over conduct of American military actions. It is true that Congress does possess the enumerated powers of raising and supporting armies, providing for the common defense, and declaring war. But these powers have never been construed so as to curb the authority of the President over military and international affairs.

The North Vietnamese have repeatedly violated the 1954 Geneva accord by invading and utilizing areas of a neutral Cambodia as sanctuaries, and for staging raids into South Vietnam. And, under article 51 of the United Nations Charter, a belligerent nation invading the sanctity and neutrality of another nation may be attacked and destroyed by the opposing party or nation in the conflict.

The President is empowered to take the action he did by virtue of constitutional law. On March 7, 1800, when he was still a Member of the House of Representatives, Chief Justice Marshall said:

> The President is the sole organ of the nation in its external relations and its sole representative with foreign powers.

This statement was reaffirmed by the Supreme Court in 1936 in the famous Curtis-Wright decision. The Nation's highest tribunal declared that the power of the President to act as the sole agent of the Federal Government in the field of international relations is "a power which does not require as a basis for this exercise, an act of Congress."

Looking closely at the Constitution, this decision is clearly based. Article II, section 2 spells out the President's authority to act as Commander in Chief of the Armed Forces. The first sentence of article II declares:

> The Executive powers shall be vested in a President of the United States of America.

This sentence clearly implies that the Constitution has vested in the President all the executive powers of a sovereign nation, including the authority to formulate important policies independently of any direction by Congress.

Section 3 of article II requires that the President, and the President alone, "take care that the laws be faithfully executed." As we all know, the laws of the land include treaty law and international law, and this section thus gives the President the power to enforce International Law. Both the Supreme Court—Cunningham against Neagle—and Professor Corwin, considered by many to be the Nation's top constitutional authority, have indicated that the President may determine and enforce the rights, duties, and obligations evolving from our international relations without awaiting action by either Congress or the courts.

History, of course, presents the final verdict as to whether a President has acted correctly and within the purview of his constitutional powers. Since the Constitution was adopted, there have been 140 instances in which the President, without prior congressional authorization, and without a formal declaration of war, has ordered the Armed Forces of the United States to take action or undertake military involvement abroad.

The pragmatic basis for such actions is easy to recognize. The first Chief Justice of the United States Supreme Court, John Jay, observed in the "Federalist Papers" that the Executive possesses great inherent strength behind his direction of matters affecting our international affairs. This strength lies in the unity of the office, the capacity to act with secrecy and speed when required, and superior sources of information. If these observations were true in the 18th century, they are even more relevant to the breathtaking tempo of history in the 20th century.

In conclusion, there can be no argument that the President did not act within his constitutional jurisdiction. In addition to the support of international law in this area, the precedents set by prior Presidents, there are the clearly delineated constitutional prerogatives.

It is comforting to see a President finally taking a firm stand on foreign policy. It is comforting to see a President who leads the people, rather than following the vociferous proscriptions of the leftist individuals whose theories were soundly rejected by the American people in 1968.

While I firmly believe that the President should keep the Congress informed as to his actions, there are no grounds for Congress to complain of usurpation of authority. So long as President Nixon fulfills his obligations and promises to the American people, and so long as he continues to demonstrate firm and positive leadership in the quest for peace in Vietnam, I shall support him.

For these reasons, I cannot support any legislation which would limit the President's powers as Commander in Chief.

The Cooper-Church amendment to the Foreign Military Sales Act would prohibit any direct military involvement in Cambodia, and any indirect support through instruction, air cover, or armaments. President Nixon has already promised the American people that the Cambodian action will be completed and all support withdrawn by July 1 of this year. This is approximately the same time at which the amendment would become law. Because I have no reason to doubt the President's integrity on this subject, the Cooper-Church amendment is an entirely superfluous structure.

The McGovern-Hatfield resolution—and corresponding House legislation—would impose a definite time limit for the completion of withdrawals of U.S. troops from South Vietnam. President Nixon has already withdrawn over 120,000 American troops from Vietnam, and plans to withdraw 150,000 more over the next year. As the Vietnamization program proceeds, less and less American support will be required. The President's programs have been successfully deescalating our commitment in Vietnam, while at the same time enabling that nation to continue its fight against Vietcong and North Vietnamese aggression. To impose a time limit on the withdrawals would defeat the whole purpose of this program, give Hanoi free rein in the conduct of the war, and seriously undermine the Paris peace talks. Even more important, it would seriously impair the credibility and honor of the United States as a country which honors its commitments to treaty nations.

Our President is working to bring the war to a just and honorable conclusion, and no action should be taken by the Congress which would undermine this goal.

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## THE NEW NAZIS

## HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. ROUDEBUSH. Mr. Speaker, the Indianapolis Star has drawn editorial comparison between the modern Fascists of the New Left and the Nazis of Hitler's Germany.

Another editorial rips the mask from the revolutionary slogan, "Power to the People."

I invite the attention of the entire Congress to these fine editorials:

[From the Indianapolis Star]

### THE NEW NAZIS

Adolf Hitler is dead but many of the trappings of his Third Reich have been adopted, perhaps in ignorance, by present-day militant student groups who go by a variety of names, of which New Left is an all-encompassing one.

In order to succeed, Hitler had to capture the fire and imagination of the young of his day. That he did is history, although those same imaginative young perished by the millions when Hitler's demonic creation precipitated World War II.

But a new generation has sprung up which has startling similarities to Hitler's young men and women, with the big exception, however, that it isn't Germany we're talking about—it's the United States.

This fact is revealed by Steve Kelman, a 21-year-old Harvard University senior who has written a book, "Push Comes to Shove," excerpts from which are being published in the Chicago Tribune. Kelman, who has been in the midst of the radical student movement since his freshman year, has had misgivings about its propelling force. He has this to say regarding the Students for a Democratic Society.

"I used to believe that the comparison frequently made by seasoned adults between SDS and young Nazis in the Weimar Republic was ridiculous . . . However, I must say that the more I study the Nazis the more I agree with the comparisons."

He also says: "Students don't realize that there also exists the idealistic 'revolutionary conservatism' of the youths who were the backbone of Mussolini's support before 1922 and who won the German universities for the Nazis. Like SDS, they accuse all their opponents of being people who put their self-interest above what is right. (A Nazi youth slogan was 'Common good before personal advancement.')

"It was the Nazis who invented the phrase 'the system' (Das System) to describe the hated Weimar democracy of compromise and soullessness. ('The system must die so that the people can live' was another Nazis slogan.)"

Commenting on the end results of Nazism—results quite unexpected by the young idealists who helped bring Nazism about—Kelman says: "Come the mass murders and the stifling regimentation, the monototalitarians among today's revolutionaries . . . would flinch and turn away." And he adds, "I can see the ones who were deceived, though, painfully and pleadingly asking themselves, why? 'This isn't what we meant by the revolution. This isn't what we wanted.' "

Kelman then poses a final question, ". . . Could there have been any other 'Third Reich?' Was there a safe stopping place in this wild leap from political reality . . . can one condemn all existing institutions without preparing the triumph of irresponsibility?"

Here, from one who refers to "my friends in SDS" and has been intimately involved in

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student radicalism, comes a timely warning that revolutionary destruction of organized society leads inevitably to totalitarianism of the right or of the left and that, in either case, individual liberty is totally lost.

But Kelman is writing about what happened in Nazi Germany. This is the United States and, of course, it couldn't happen here. Could it?

### "Power to the People"

"Power to the people," cry the revolutionists in America.

But under the United States Constitution all power is vested in the people. It was that way when the Constitution was written. It still is.

Legislative power is vested in the Congress, the members of which are elected by the people.

Executive power is vested in the President, elected by electors appointed by state legislatures, the members of which are elected by the people.

Judicial power is vested in the Supreme Court, the members of which are nominated by the President and confirmed by the Senate, the members of which are elected by the people.

The Tenth Amendment reserves to the states or the people all powers not specifically delegated to the government of the United States. All powers enjoyed by the states are conferred on the appropriate authorities within the states by the people of the states.

Thus, there is no power in the United States that does not ultimately derive from the people of the United States.

Let us get at the truth. Do the revolutionists want power vested in the people, as it now is? Or do they want a tight oligarchy or a dictatorship which wields power in the name of the people, but not by the will of the people?

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## LETTER FROM A CONSTITUENT

### HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

**Mr. YATES.** Mr. Speaker, I recently made a speech on the subject of the President's decision to intervene in Cambodia. In the course of that statement, I made reference to one of my constituents, Peter Temple, and Haverford College and their views on the war. Another of my constituents, Mr. John H. Burns, requested that his views in opposition to those of Peter Temple and Haverford College be inserted in the Congressional Record and I am pleased to do so at this time:

Chicago, Ill.,
*May 14, 1970.*

Representative Sidney R. Yates,
*House Office Building,*
*Washington, D.C.*

Dear Mr. Yates: I read with interest your insert in the Congressional Record as of May 7, 1970.

I was particularly interested in your printing a copy of the statement of purpose given to you by Peter Temple of Haverford College, and the following statement by you: "Mr. Chairman, we must give the young men and women of this country the opportunity to express themselves and to know that their duly elected representatives are listening to them. This resolution offers that opportunity."

The mistake made by many, including yourself, is to equate "listening" with "complying." We are listening. It doesn't follow that we must comply.

Another interesting observation is my own case. I am a Republican, therefore a member of the minority in your Congressional District. I partcularly wrote you with regard to your vote against the ABM system. I stated and my view has not changed, that a vote against the ABM involved a moral responsibility for any lives lost that might be saved by voting for the ABM.

I am for all out victory in Vietnam. All other solutions, in my opinion, will result in eventual disaster. The Presidents, Johnson, and now Nixon, have acceded to the carping and sniping for the last six years of people who state if only you will do this peace will come; i.e. don't invade North Viet-Nam, don't bomb or blockade Hanoi or Haiphong, don't bomb, period, don't disturb the materiel or men coming down the Ho Chi Minh Trail, pull out the troops, etc. With every concession peace never came and the cry was for something else. The fact that North Vietnam agrees to nothing and is intransigent to all concessions is conveniently ignored.

To get to the crux of my letter. I am a minority (as are the students). I am concerned that no one is listening and no one is complying—re. you my Republican in Congress. What do you want me to do? Tear apart the North Side because no one is listening.

Maybe this letter will get you to listening and maybe you will insert my letter in the Congressional Record on the same ground that the statement of purpose of Haverford College was inserted—that we must listen to our neglected minority.

I am interested in your reply to my letter.

Very truly yours,

Jerome H. Burns.

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## IN THE OTHER FELLOW'S SKIN

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

**Mr. EDWARDS** of California. Mr. Speaker, there is not an American alive who does not share the anguish of the parents of those four students who died in a senseless fusillade of bullets at Kent State University. These wanton deaths in the heartland of Middle America have shocked us to the core. Official violence, death at the hands of authority figures, has touched us where we live.

Perhaps now, while our sensitivities are raw from the events of the past 2 weeks, it would be well for us to reflect on the role official violence has played in the lives of certain groups within our society. I speak of black Americans particularly, but also of the Mexican Americans of the Southwest and other American minorities who have not been as sheltered as we from official violence, people whose lives have been seared by it and whose loved ones have been consumed by it. In just such a thoughtful mood, Tom Wicker of the New York Times asks in the following article, "Suppose you were black?"

### In the Nation: for White Readers Only

(By Tom Wicker)

Washington, May 18.—Suppose you were black. What would you think if you had read these items in your newspaper in the last ten days?

From Augusta, Ga.: Six black men are dead, all shot in the back by police rifles or shotguns. At least four may have been no more than bystanders at rioting last week that followed the death of a black youth in a jail where conditions are known to be so terrible for blacks that community protests have been regularly made for years. One of these protests was a letter to Attorney General John Mitchell. He never answered.

From Jackson, Miss.: At Jackson State College, two black students are dead and nine are wounded, including several girls. All fell before a thirty-second barrage of gunfire from state highway police who for unexplained reasons took over the task of quelling a student disturbance, although town police and National Guardsmen also were at hand. The highway police justified the shooting by contending that they were receiving sniper fire from a dormitory roof. No evidence or witnesses have been found to substantiate the sniper story, although there are dozens who refute it, and there is no explanation at all of why trained police officers, upon receiving what they thought was sniper fire from a rooftop, fired more than 140 bullets into a crowd of unarmed students standing on the ground in front of a girls' dormitory. At the moment, no national protest rally is being planned for the Ellipse in Washington.

### THE CHICAGO SHOOT-OUT

From Chicago: Months after Fred Hampton, a Black Panther leader, was killed by Chicago police in what they described as a blazing gun battle with a band of armed Panthers, a grand jury has discovered that only one bullet was fired at the police raiders. It was the police who poured a massive fire into the apartment where Fred Hampton and others had been sleeping; it was the Federal Bureau of Investigation that provided the preliminary information, and it was police and city officials who later covered up the truth and concocted the story of the "shoot-out." Some Chicago newspapers as well helped carry out the distortion.

From Washington: The Justice Department has filed a brief in support of the proposition that Southern parents should get a tax deduction for making contributions to private academies set up as an alternative to desegregated public schools. As recently as January, Robert Finch, the Secretary of H.E.W., pledged to fight any such move, because he knows well that these academies can survive only through tax-exempt status; and that if they receive it, they will spring up throughout the South, thus effectively re-establishing a tax-supported dual school system.

### SOMEONE TO TURN TO

Well, since I am white, I don't know for sure what I would think if I were black and read those news stories. But even the effort to put oneself in the other fellow's skin, under these circumstances, is frightening. It is bad enough to be, say, the victim of a crime, or to be in fear of crime and disorder, when you have recourse only to an ineffective police force and to a court system heavily overburdened. But at the least, in that case the law is on your side, or you believe it to be; there is someone to whom you can turn.

But suppose you feel that the armed policeman is not there to protect your life and rights but to do away with them. Suppose even the Federal Government is no longer trying to assert your rights in court and its highest law enforcement arm seems more interested in helping the police exterminate black militants than in impartially observing and enforcing the law? Suppose that, by all evidence available to you, the law does not even seem to be on your side—is at best indifferent and at worst hostile?

No wonder Dr. Aaron Shirley, up to now a moderate black leader in Jackson, said the other day that "if black folks have to die, they ought not to die so peacefully." White men who read that as a threat instead of a desperate plea for rudimentary justice and humanity can make no answer that will not ultimately echo the Mississippi patrolman who said after the Jackson slaughter: "You better send some ambulances, we killed some niggers."

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## REPRESENTATIVE KOCH EXPLAINS NEED FOR TRANSPORTATION TRUST FUND

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. MIKVA. Mr. Speaker, our colleague, the gentleman from New York (Mr. KOCH), has long been an eloquent advocate of a transportation trust fund which would cover more than merely superhighways. He has argued convincingly that if we are to develop a truly balanced transportation system in America, Federal support must be available on a regular and continuing basis, for all forms of transportation—especially urban mass transit—rather than only for superhighways.

Recently, Congressman KOCH made his point before the House Public Works Subcommittee on Roads. I believe that all of our colleagues would benefit from having available to them Congressman KOCH's cogent testimony. I include that testimony at this point in the RECORD:

STATEMENT BY REPRESENTATIVE EDWARD I. KOCH

Mr. Chairman, I am pleased to have the opportunity to come and speak before your Committee today. One of my principal interests since coming to Congress last year has been mass transit legislation. In February, 1969, I introduced a bill to provide for the establishment of a $10 billion Mass Transportation Trust Fund similar to the Highway Trust Fund, but with its own independent source of financing through the automobile manufacturer's excise tax. The bill has gained 106 House sponsors.

While I realize that your Committee does not have specific jurisdiction over the urban mass transportation program, I would urge that you study carefully the needs of mass transit as part of your consideration of a highway program for the next decade. For, today's transportation crisis has reached such proportions that we no longer can afford the luxury of treating each mode of transportation individually, but must integrate all kinds of transportation.

Your Committee has done a spectacular job in both the initial establishment and maintenance of the Highway Trust Fund. The assured source of funding that has been made available for highway construction has enabled states to engage in long term, comprehensive highway planning and construction. Mass transit has never had an assured source of funding, however, and those funds that have been appropriated have been so meager that a total of only $1 billion has been appropriated for mass transit construction since the enactment of the Urban Mass Transportation program in 1964. This compares to the $50 billion in federal funds that have been made available for highway construction since 1957.

THE CRIPPLING EFFECT OF INADEQUATE MASS TRANSIT FUNDS

The lack of funding has severely crippled mass transit construction throughout the country. Many cities have recognized the critical public transportation needs that exist and have developed construction plans, but they have not been able to execute them because their voters have refused to approve the needed bond issues. Examples of this are found in Seattle and Atlanta where bonding referendums were defeated because of the lack of assurance that federal support would be forthcoming. And most recently, in Boston, the voters approved the bond issue, but savvy to the government's unreliability, stipulated that the bonds could be floated only when the federal government came forth with its share. Last year, the President of Atlanta's Transit system, Mr. W. P. Maynard wrote and told me that Atlanta's bond issue referendum to launch the city's plans for a $751 million mass transit capital improvement and expansion program was "defeated by a vote of 57% to 43%, primarily because there was no substantial long range federal help in view." Mr. Maynard continued:

"Even though the urgent need for a rapid transit system was recognized by the voters, there was a strong feeling that this was such a large financial undertaking that the total financing could not be borne locally."

MIS-USE OF OUR HIGHWAYS

Today, 80% of our population lives in urban areas. And, in the year 2000 this figure will reach 90% with an additional 80 to 100 million persons. I would submit that what urban dwellers, even now, say nothing of the future, need to get to work and back home again is mass transit. Yet, this year the FY 1971 budget estimate for the mass transit program is $285 million, just 6% of the highway program's $4.5 billion budget.

With this funding imbalance producing what locally has gotten to be known as "free" highway money, many states and cities developed in the 60's a "highway reflex." They automatically turned to the highway to solve their transportation needs without even considering mass transit because financially it has been out of the question.

One of the major problems with this is that the use of highways, particularly in the interstate system, for commuter transportation purposes is both self-defeating and uneconomical: self-defeating because it has meant that cars, equipped to go 60 mph and better are slowed down to a snail's pace; and uneconomical, because of the space and construction costs required by a highway and the relatively small number of travelers it can handle as compared to mass transit. It takes 20 lanes of highway to service the same number of passengers carried by one pair of subway tracks.

This weekend, America lost one of her great leaders, Walter Reuther. One of Walter Reuther's great qualities was his courage to look at the world with a realistic eye and to accept change. As President of the United Auto Workers, whose members' livelihood certainly depends on the success of the auto industry, Walter Reuther said in 1966 before a Senate Committee:

"I think it is absolutely ridiculous for 100,000 Americans living in the same urban center to try to go to the same place for the same purpose at the same time, as each drives a ton and a half of metal with him. I just think that this is utterly stupid from an economic point of view and from a human point of view."

In his wisdom, Walter Reuther realized that public transportation did not pose a threat to the auto industry. He saw mass transit in our metropolitan areas as a needed complement to highways, freeing the roads and our cities of commuter traffic. He foresaw that the eventual alternative would be the banning of cars from our cities entirely.

The automobile has provided our country with great mobility. But, this function of mobility is greatly decreased with the escalation of traffic congestion. What our cities need are not more highways, but mass transit. Our cities simply don't have the resources for large intra-city highway networks: they don't have the space, they can't afford the loss of housing demolished to make way for the highways, they don't have facilities to park the cars that highways disgorge into the city's core each day, and their citizens' health cannot support all the pollution spewd into the air through auto emissions.

MASS TRANSPORTATION DOLLAR NEEDS

I understand, Mr. Chairman, that some question has been raised, because of testimony already received from other witnesses, over just how inadequate the current mass transportation program is. I can tell you that billions more are needed in the decade of the 70's than recommended by the President. To substantiate this, I would like to offer to the Committee some hard statistics.

Last year the Institute of Rapid Transit computed the capital requirements for the construction of just 19 systems during this decade. The Institute's chart, entitled, "1970-79 Capital Requirements of the Rapid Transit Industry—Preliminary Study," which I would like to introduce into the record, yielded a grand total for these 19 metropolitan systems of $17.708 billion. New York alone will need $2.5 billion; Chicago, $2.2 billion; Baltimore, $1.7 billion; Southern California Rapid Transit District, $2.5 billion; Boston, $784 million; and the Bay Area Rapid Transit District, $1.8 billion. And of course this does not begin to account for the many middle size cities also needing help. In addition, these figures do not take into account the inevitable 10% annual rise in construction costs.

The mass transit program, as it is now designed and even as proposed by the Administration and approved by the Senate, is not capable of getting the job done. Good mass transit planning and construction need the same kind of long term secure financing and level of funding that has been given highways. And yet, last year the President turned down the trust fund proposal for mass transit and instead submitted to Congress a contract authority financing program for public transportation. But, as this Committee knows all too well, through its experience with the Highway Beautification and Safety programs, the Appropriations Committees have exhibited a propensity for placing ceilings limiting contract authority levels.

Even more important than the financing mechanism chosen by the President, however, was his recommendation that only $3.1 billion be made available in the next five years for contractual obligations with a total of $1.86 billion in appropriations for expenditures in this period.

Unfortunately, this level of funding is going to be of very little help to our major cities. While the law provides for federal participation in up to two-thirds of a project's construction costs, because of funding limitations, the federal share may actually amount to only 20% if, for instance, only $200 million is made available for a $1 billion project. Municipalities simply cannot finance 80% of a project—and so nothing is done.

Thus, it is essential that we bring the federal level of funding for mass transit to a point which is most suitably called "a threshold for action," below which point funds are insufficient to enable our communities to

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undertake transit modernization and new construction.

### A SINGLE TRANSPORTATION TRUST FUND

Because of the need for a balanced transportation program and because of the magnitude of our public transportation requirements, I would respectfully urge this Committee to seek the establishment of a single Transportation Trust Fund providing for all modes of transportation, including highways and mass transit, instead of extending the Highway Trust Fund to 1978. The desirability of a "balanced transportation system" has been espoused by both the Administration and the Congress, but we will never be able to achieve such a balance as long as there is an imbalance in funding and a Highwey Trust Fund that has an existence of its own, isolted from the nation's total transportation needs. I would urge that consideration be given by this Committee to the need for a "comprehensive transportation program" and not just a "comprehensive highway program."

The Department of Transportation was established so that the nation's transportation systems could be more effectively coordinated; but surely, the Department must be handicapped in carrying out this mandate if each mode of transportation has its own source of funding, which funding levels having no inter-relationship, and with highways receiving such a large portion of the transportation funds.

With a limited amount of money available for our country's transportation requirements, it simply does not make sense to put $4.5 billion into highways each year and then not have more than $285 million for mass transit, particularly when our country is becoming more urban.

I would therefore suggest that a single Transportation Trust Fund be established in 1972 when the Highway Trust Fund's revenue collecting authority expires. In this way, the Highway Administration through its trust fund could continue to disperse through 1974 funds already collected to meet contracts previously entered into, and at the same time, the Secretary of Transportation could begin to put together a more meaningful transportation program.

I recommend this, not by way of undermining the highway industry, but to give some balance to our nation's transportation program and to give our Governors and Mayors greater flexibility in meeting today's transportation crisis—to give them a real choice in determining what mode of transportation is most suitable for meeting their local transportation needs.

I know that some people question the legitimacy of using money collected through gasoline taxes or the automobile manufacturers' tax for facilities other than those used by the automobile. When carefully considered, however, it is very clear that mass transit and the automobile are not unrelated—auto driving will be greatly enhanced if commuter traffic is diverted from the single passenger auto to subways, trains and buses. In addition, it is clear that if we do not do something to improve mass transit in our metropolitan area, traffic congestion will reach such a peak that cars simply will be banned from the central city.

Mass transit is not a competitor for the automobile; it is its complement. In relieving traffic congestion on the highways we will enhance the potential as well as the enjoyment of driving an automobile, as opposed to their being lined up on every highway, stalled as if in the most expensive open air garages.

It is time, gentlemen, for the sake of highways as well as our cities, that careful consideration be given to the use now being made of the Interstate system, and particularly of the traffic that will travel on those roads that are proposed for our metropolitan areas—and that we recognize the inadequacies of highways in our cities. It is essential that we provide for the construction of public transportation conveyances so that our highways once again can be used for the fast and easy long distance travel for which they were designed. For as Walter Reuther warned in 1966:

"Unless we develop . . . a modern mass transportation system that can take some of the load off our highways, then the automobile industry will strangle in the congestion of traffic, and people will be paralyzed in their mobility."

Thank you.

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## AMVETS 13TH ANNUAL SILVER HELMET AWARDS BESTOWED

## HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. GERALD R. FORD. Mr. Speaker, recently the AMVETS held their 13th Annual Silver Helmet Awards Banquet at which a number of distinguished people from all walks of life received awards and honors for service to mankind.

Those honored included President Nixon, Gen. Creighton W. Abrams, astronauts Neil Armstrong, Edwin Aldrin, and Michael Collins, Red Skelton, the Reverend Father Theodore Hesburgh, U.S. Representative W. J. Bryan Dorn, Robert E. Hampton, William McCahill, and the AMVETS own Joseph R. Sanson of Michigan.

The certificates presented by the AMVETS read as follows:

The 25th Annual National Convention of AMVETS, Assembled in Detroit, Michigan on August 16, 1969 Did Unanimously Resolve That Its Gold Helmet Award Be Presented to President Richard M. Nixon "In Behalf of Your Commitments to Mankind, Your Love of Country, Your Revered Belief in America's Ideals and Your Continuing Search for World Peace, We Give Our Thanks."

In 1960, AMVETS presented its highest award, the Silver Helmet World Peace Award, to the Vice President of the United States for his exceptional contributions to the cause of world peace.

Now, ten years later, although the name remains the same—Richard M. Nixon—the heavy responsibilities and myriad duties became ten-fold as he has accepted the awesome tasks we assign the President of the United States.

During World War II, he, too, wore the uniform of our country when he served in the United States Navy. Perchance that explains his deep concern for the needs of our veterans and their families.

In his inaugural address, he alluded to veterans programs. Under his leadership, a special committee has been instituted to study veterans benefits and their relationship to the Viet Nam veteran.

We are confident that history books shall record this man as a true patriot and a fearless leader, who helped to bind up the nation's wounds and to unify and rebuild a great trust in America's ideals. Throughout his entire political life, he has been a man who has sought to enhance the American way of life.

This year, it is more than fitting that we honor our President with out Gold Helmet Award in behalf of his commitment to mankind, his love for country, his revered belief in America's ideals and his continuing search for world peace.

It is, indeed, an honor that I representing AMVETS, make this special award—the Gold Helmet—to our Commander-in-Chief, the President of the United States, Richard M. Nixon.

Presented April 18, 1970, Washington, D.C.

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The 25th Annual National Convention of AMVETS, Assembled in Detroit, Michigan on August 16, 1969 Did Unanimously Resolve That Its Defense Award Be Presented to General Creighton W. Abrams "For Accepting the Challenge of Viet Nam—To Lead Our Troops and To Prepare the People of South Viet Nam for the Responsibility of Their Country in Time of War and in the Ultimate Peace."

Throughout his military career, General Abrams has evoked fear in the enemy and respect among the men of his command. After graduating from West Point, he spent four years as a troop officer in the 1st Cavalry Division. In 1940 he was tank company commander in the 1st Armored Division. He was assigned to the 4th Armored Division from its activation in 1941 until VE Day in 1945. The exploits of General Abrams, as a tank commander under General George S. Patton, are legendary. He is recognized for his part in turning the German counter-offensive at the Battle of the Bulge into a decisive defeat.

General Abrams, an expert in tactical warfare, has served in a number of posts in the United States, Europe and Korea. In 1967 he went to Viet Nam as Deputy Commander to General William C. Westmoreland. Fourteen months later, he became Commander of the Allied forces in that country.

His task is not easy and he knows it, for his primary goal in Viet Nam is to build the confidence of the Vietnamese people in themselves. He has said: "We've got to get authority back to the villages; let them run their own local militia, their own police. True, you give yourself a lot of problems that way, but it's the only way you can build a nation." We support General Abrams in this goal.

It is especially meaningful for the veterans of World War II, Korea, and Viet Nam to honor this man of vision, whose understanding and faith extends to all men of good will. AMVETS is proud to present its Silver Helmet Defense Award to General Creighton W. Abrams.

Presented April 18, 1970, Washington, D.C.

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### Resolution by AMVETS Honoring U.S. Astronauts

The 25th Annual National Convention of AMVETS, assembled in Detroit, Mich., on August 16, 1969 did unanimously resolve that its World Peace Award be presented to Col. Edwin E. Aldrin, Jr., U.S. Air Force, Mr. Neil A. Armstrong, and Col. Michael Collins, U.S. Air Force. "In recognition of three men whose accomplishment awakened the dream of mortals. Time stood still while the world remembered that all things, sought in peace, are attainable when the capabilities of mankind join with the guidance of God."

Few men, during their lifetime, are assured a place in history. The astronauts we honor have been recorded among the most courageous of heroes and will always be remembered as pioneers pre-eminent in the exploration of space—the first men to walk on the moon.

Today, nine months after the flight of Apollo XI, it is still difficult to comprehend the accomplishment of Edwin E. Aldrin, Jr., Neil A. Armstrong and Michael Collins.

Little can be added to the myriad honors they have received. However, a lesson can be learned from their gracious acceptance of these accolades. They shared their triumph—with the countless numbers of devoted men and women who worked on the project; with the contributions of each earlier flight by fellow astronauts; with the awesome scientific advancements of 20th century man, and

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with the will of God. If mankind would follow this example, the whole world could take a giant step toward peace.

We also want to pay a special tribute to the Astronauts' families. They gave us courage during the exciting days of the Apollo XI flight, and we believe they were very much a part of its success.

In the past, other great Americans have received our World Peace Award. We know that they join our tribute to these recipients of the AMVETS World Peace Award for 1969, Colonel Edwin E. Aldrin, Jr., Mr. Neil A. Armstrong, and Colonel Michael Collins.

Presented April 18, 1970, Washington, D.C.

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### Resolution by AMVETS Honoring Red Skelton

The 25th Annual National Convention of AMVETS, assembled in Detroit, Michigan on August 16, 1969 did unanimously resolve that its Americanism Award be presented to Red Skelton "For inspiring millions of Americans when he said: 'I—me, an individual, a committee of one . . . pledge Allegiance . . .' "

In January 1969, Red Skelton electrified a vast television audience by reciting an interpretation of the Pledge of Allegiance. Young and old responded when Red Skelton, American, spoke to his countrymen.

This version of the pledge has been with him since he was a schoolboy in Vincennes, Indiana and learned it from a teacher. He had been thinking about it for some time and decided it would be appropriate to recite on the program nearest the inauguration of President Nixon. And so it was that he gave renewed life to this document of our childhood whose meaning has been sadly blurred by mindless repetition.

Red Skelton's career mirrors the history of show business—he's played them all—riverboats, tent shows, burlesque, minstrel, vaudeville, radio, movies. The 1969–70 television season finds him in his 19th year as the star of a weekly series. His biography is an exciting story of success but we want to take this occasion to express what he means to us.

Red Skelton prefers to be introduced as "one of America's clowns." To AMVETS, there is no finer. We regard him as on old friend and a fellow veteran, whose extraordinary talent has been an important part of our lives—through our youth, the wars, the GI mortgages, the children, and even today. The laughter he brings is good. The antics of the characters he portrays are wholesome. This is Americanism too—the right to laugh and the freedom to appreciate the humorous side of events in this world of ours.

Rarely is the serious face of a clown revealed. We share this privilege tonight when we recognize the man behind the mask—a famous, beloved entertainer who chose to salute the President and the country by simply reaffirming his faith in the Pledge of Allegiance. AMVETS proudly present its Americanism Award to Mr. Red Skelton.

Presented April 18, 1970, Washington, D.C.

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### Resolution by AMVETS Honoring Reverend Hesburgh

The 25th Annual Convention of AMVETS, assembled in Detroit, Michigan on August 16, 1969 did unanimously resolve that its Special Silver Helmet Award is presented to Reverend Theodore M. Hesburgh, C.S.C., "For jarring the social conscience of America and meeting contemporary problems in a fair and forthright manner."

Reverend Theodore M. Hesburgh, C.S.C., president of the University of Notre Dame, made abundant news in 1969. His blunt letter to potential student demonstrators was widely hailed. A few months later, as Chairman of the U.S. Commission on Civil Rights, he issued a thoughtful statement on the handling of school desegregation and the passivism which has engulfed the drive for human rights and dignity. Father Hesburgh described the root of the malady as: "The virulent social disease infecting America—prejudice. And underneath that, Human pride."

A strong leader is swayed neither by unthinking adoration nor by hostile criticism. Often, his path is lonely. His strength comes only from personal philosophy and conscience. In Father Hesburgh's actions, we see a man more concerned for the future of his country than for himself—we hail his moral courage.

In 1945, at the age of 28, Father Hesburgh joined the faculty of Notre Dame where he served as chaplain to World War II veterans on campus. Seven years later, Father Hesburgh was appointed the 16th president of Notre Dame.

In addition to heavy responsibilities as head of the university, Father Hesburgh holds a number of important posts in the increasingly interrelated areas of education, government, public affairs and science. He has served on the U.S. Civil Rights Commission under Presidents Eisenhower, Kennedy and Johnson, and was appointed Chairman by President Nixon. His interests include The Rockefeller Foundation, the American Council on Education, the United Negro College Fund, and the Freedoms Foundation. He has been identified with the "atoms for peace" movement since its inception and has served as permanent Vatican City representative to the International Atomic Energy Agency in Vienna. An early supporter of the Peace Corps, he was instrumental in establishing the first University Peace Corps project. His tireless public service was recognized in 1964 when he received The Medal of Freedom, the nation's highest civilian honor.

AMVETS are proud to present the Special Silver Helmet Award to the man who says what must be spoken and does what must be done—Reverend Theodore H. Hesburgh, C.S.C.

Presented April 16, 1970, Washington, D.C.

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### Resolution by AMVETS Honoring Hon. W. J. Bryan Dorn

The 25th Annual National Convention of AMVETS, assembled in Detroit, Michigan on August 16, 1969 did unanimously resolve that its Congressional Award is presented to The Honorable W. J. Bryan Dorn "For his unwavering faith in the heritage of America and his firm leadership in veterans affairs."

W. J. Bryan Dorn of South Carolina took his seat in Congress in January 1947 with a freshman class that included John F. Kennedy and Richard M. Nixon. Mr. Dorn came to Washington with the promise that his office would always be open to veterans, servicemen and other persons having problems with Federal programs. He has well kept that vow.

Representative Dorn has worked hard and effectively for veterans. He is Vice Chairman of the Veterans' Affairs Committee and Chairman of the Subcommittee on Compensation and Pension. He was author of the Veteran's Pension and Compensation Readjustment Act of 1967 and co-author of the Cold War GI Bill of Rights for Viet Nam veterans.

Since coming to Congress, Mr. Dorn has always been in the forefront of the fight for a strong America. He helped create the Unification Act which united the Armed Services and established the United States Air Force and the Central Intelligence Agency. He is a strong advocate of our science and space program and champions the cause of physical fitness programs.

His outspoken support for the heritage of our country and his opposition to Communism, led the late Russian Foreign Minister Andrei Vishinsky, in a speech before the United Nations, to call him the number one enemy of Communism in America.

Mr. Dorn is a ranking member of the powerful Public Works Committee. He is organizer and Secretary of the House Informal Textile Committee and a member of the Steering Committee.

During World War II, Mr. Dorn was serving as the youngest State Senator in the history of South Carolina. He resigned his seat to volunteer for the Army Air Corps where he served three and one-half years as an enlisted man, including 18 months in the European theater. He has been a member of AMVETS for many years.

We are proud to present the AMVETS Congressional Award to an outstanding legislator, gentleman, and concerned citizen, United States Representative W. J. Bryan Dorn.

Presented April 18, 1970, Washington, D.C.

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### The 25th Annual National Convention of AMVETS, Assembled in Detroit, Michigan on August 16, 1969 Did Unanimously Resolve That Robert E. Hampton, Chairman, United States Civil Service Commission, be Honored as AMVETS Civil Servant of the Year "In Recognition of Outstanding Leadership and Public Service as a Career Employee of the United States Government."

Robert E. Hampton is the chief executive and administrative officer of the U.S. Civil Service Commission. His leadership and decisions influence the careers of Federal employees throughout the land.

Basically, Bob Hampton's job is people. In this sensitive area of human relations, where the interpretation of laws must be tempered with compassion, Commissioner Hampton is challenged every day. He meets this challenge well. For example, in speaking about the Equal Employment Opportunity program he has said: ". . . I don't think it's a program—I think it's a state of mind, a bent toward fairness, impartiality, compassion. It starts here—in the heart—not with what we write in the rules and regulations. . . ."

Commissioner Hampton served in the U.S. Army Air Corps during World War II and is a life member of AMVETS. Among the positions he has held during his Federal career are: Vice Consul, Munich, Germany with the Department of State; Staff Assistant to Secretary of State John Foster Dulles, and Assistant Deputy for Manpower, Personnel and Organization for the Air Force. He served as Special Assistant during the Eisenhower Administration and continued under the Kennedy Administration until he became Special Assistant to the Secretary of the Air Force. In 1961 he was appointed U.S. Civil Service Commissioner; last year he was named Chairman by President Nixon.

He serves with dignity and honor. We proudly salute Robert E. Hampton as AMVETS Civil Servant of the Year 1969.

Presented April 18, 1970, Washington, D.C.

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### The 25th Annual National Convention of AMVETS, Assembled in Detroit, Michigan on August 16, 1969 did Unanimously Resolve That Its Rehabilitation Award be Presented to William P. McCahill "In Recognition of the Tireless Enthusiasm, Understanding, and Compassion With Which He Serves the President's Committee on Employment of the Handicapped."

For 23 years, Bill McCahill has been the Executive Secretary of the President's Committee. As a result, handicapped persons have benefited. But how do you measure the impact of one man on a special community of citizens?

The President's Committee is a voluntary group working to increase job opportunities

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for qualified mentally and physically handicapped workers. Mr. McCahill is its nucleus.

He is a journalist and has utilized the tools of his trade to convince employers that, truly, it's good business to hire the handicapped. He has carried the message around the world. By speaking, by writing and through friendly persuasion he's made it a lot easier for handicapped persons to get a job.

The list of Bill McCahill's civil activities is long—and it tells a bit about the man—for most of his free time is spent working with other groups concerned with the health and rehabilitation of the human race.

During World War II, Mr. McCahill was a Marine. Today he is a Colonel in the Reserve. He is author of *Hit the Beach* and *First to Fight* and was general editor of *The U.S. Marine Corps Reserve—a History, 1916–1966.* He has long been a member of AMVETS.

His work has been recognized by the Department of Labor; Goodwill Industries of America; the People-to-People Committee for the Handicapped; the American Cancer Society and the National Easter Seal Society.

We realize that no award can surpass the gratification that comes from spending each day working on behalf of handicapped citizens but we want to express our thanks to this good citizen by presenting AMVETS Rehabilitation Award to Mr. William P. McCahill.

Presented April 18, 1970, Washington, D.C.

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AMVETS PAST NATIONAL COMMANDERS ASSEMBLED IN DETROIT, MICHIGAN AT THE 25TH ANNUAL NATIONAL CONVENTION ON AUGUST 16, 1969 DID UNANIMOUSLY RESOLVE THAT PAST NATIONAL COMMANDERS' TROPHY BE PRESENTED TO JOSEPH R. SANSON

Twenty-four years ago Joe Sanson joined AMVETS, Detroit Post 33. He had just been discharged from the Army after serving in the European Theater of Operations where he participated in the campaigns at Normandy, Northern France, the Rhineland and Ardennes. He had spent many months as a patient in a military hospital.

Time passed and Joe was a busy man. He attended school under the G.I. Bill, advanced in his career, and worked very hard for AMVETS.

Professionally, he is a Tax Executive in the Wayne County Treasurer's Office. Voluntarily, he utilizes his financial expertise for the benefit of veterans. Joe is well known for his activities with the Michigan Veterans Facility, a state home for veterans. He was appointed to its Board of Managers in 1951 and has been reappointed consecutively every six years with the unanimous confirmation of the State Senate. He served four years as chairman of the Board and has spearheaded the budgetary requests of the Facility before the State Legislature on many occasions.

In AMVETS, the work of Joe Sanson has contributed to the stability of his local post, his state department, and the national organization. He has held many offices on all levels, including Post Commander, State Commander, and National Executive Committeeman. To each he brought enthusiasm, leadership and lasting benefits. Through it all his loyalty to Post 33 never waivered. For example, he became the Post Service Officer in 1956, a job which requires minute knowledge of veterans legislation and is demanding of time—today, he still holds the position.

Joe Sanson has received numerous awards from AMVETS. At the 1969 state convention, his department expressed gratitude for his years of service. Tonight, we recognize the efforts expended by one member on behalf of veterans and the cause to which we are dedicated. All of us join the Past National Commanders in this tribute to the AMVET of the Year—Mr. Joseph Sanson of Michigan.

Presented April 18, 1970, Washington, D.C.

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## RESOLUTION TO END THE WAR IN VIETNAM

## HON. NICK GALIFIANAKIS

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. GALIFIANAKIS. Mr. Speaker, today I introduced House Joint Resolution 1239, a resolution to hasten the safe withdrawal of American military personnel from Southeast Asia.

This resolution is in no way intended as a criticism of President Nixon's reasons for sending American troops into Cambodia. I think few would question the President's sincerity in his explanation that he took this action to protect American troops and safeguard the Vietnamization program.

On the contrary, this resolution is an attempt to help President Nixon reach his announced goal of ending the war in Indochina as soon as possible.

As a candidate in 1968, the President made an eloquent case for withdrawing our troops quickly from Vietnam when he said:

> The swift, overwhelming blow that would have been decisive two or three years ago is no longer possible today. Instead, we find that we have been locked into a massive, grinding war of attrition.

Mr. Speaker, I agree with that statement. And now that the President, as Commander in Chief, has decided to withdraw from the war, we in the Congress have a responsibility to insure that as few Americans as possible become casualties from now on. We cannot let the war of attrition continue.

This resolution should not be interpreted as another effort to shackle the President as Commander in Chief in Southeast Asia. We must all realize that it is in the national interest for the President to be able to take emergency actions without informing the Congress until those actions are underway. Surely no one entertains the idea that the 535 Members of Congress are capable of conducting a war.

But when the President's military actions result in the creation of new foreign policy—and particularly when those actions are not in response to an emergency—then the Congress has its own constitutional responsibility to join in the shaping of that policy. This congressional responsibility is just as legitimate as the President's. For it is the Congress which appropriates the billions of dollars to enable the President to execute American policy abroad.

I would hope that by now, any President would realize that the Congress must take an active part in planning to bring the Vietnamese war to a close. In fact, I think any President should seek whatever assistance the Congress could provide him.

The war in Indochina has been a burden to every President since the term of President Eisenhower. This does not have to be a personal war for President Nixon. The outcome of the fighting in Southeast Asia does not have to be either a shining victory or a personal defeat for him. It is not his war, any more than it was the war of any one of his predecessors. This war is the responsibility of the entire Government and ultimately, of the American people.

I think we in the Congress should do everything we can to share with the President the burden of this war by helping him to achieve his own announced goals. Surely the question of whether our men will continue to die in Southeast Asia must not rest on the prestige of any one man.

But in order to help the President, we will have to assert our constitutional responsibility in the area of foreign affairs, an area where the Congress has been dormant in recent years. I think one of the reasons for that dormancy is that too few have shown a willingness to compromise on what has become for many a moral issue of right and wrong. And because of this inflexibility—this belief that if a bill concerning the war is not ideologically pure, it is reprehensible—I do not think we should be surprised that the war has occupied our energies for so long.

We have all seen the proposals to immediately terminate funds for the war, without careful regard for the safety of American troops. Those bills have rightly gotten nowhere.

And we have also seen the bills calling for a declaration of war against North Vietnam, bills with the underlying intent of desolating that country. I think we can agree that the time for those bills is past.

I did not choose to introduce another uncompromising bill. This resolution is not so extreme in its philosophy that it will have no chance of serious consideration by the House and Senate. It is intended to accommodate both sides: those who want to withdraw from Southeast Asia tomorrow, and those who believe that an immediate withdrawal, undertaken by the Congress over the President's objections, would jeopardize the safety of our troops and amount to a vote of "no confidence" in our Chief Executive.

Mr. Speaker, it would be easy to stand here today and call for the "immediate withdrawal" of American troops from Southeast Asia. The people of my district in North Carolina are as tired of this war as any people in the United States. They recognize what it has cost us in lives, disorder, and damage to the economy.

"Immediate withdrawal" would be an appealing phrase because it is so simple. But like the President, I do not believe that our troops can be withdrawn both immediately and safely. It takes a certain amount of time to move 400,000 men and their equipment without inviting a military disaster.

My constituents recognize this reality, and the large majority of them seem to support the President's decision to invade the Cambodian sanctuaries so that his Vietnamization program would not be endangered. And so do I, although I must say that I have little more information about the Cambodian situation than the administration has revealed to the press. Throughout the last 3 weeks, the administration has informed the press of its decisions before it sought even the advice of the public's representatives.

Surely the invasion of Cambodia was not an emergency operation; the Communists had retreated from their bunkers long before the American and allied advance began. They knew about the administration's decision before the Congress of the United States did.

My constituents also do not want the Congress to take any action that might threaten the lives of the American soldiers who are still in Indochina. None of us here does. The war in Vietnam has lasted for nearly 10 years and has cost us more than 47,000 lives and 325,000 casualties. We do not want to lose thousands more now that we have decided to withdraw. And we must not forget that if our troops and those of our allies are not fully protected, the process of withdrawing from Indochina will be extremely difficult.

However, I am concerned that by expanding the war into another country, the United States might easily be drawn into another prolonged war in the jungle of Southeast Asia. I am confident that the President was sincere when he said he would remove all American soldiers from Cambodia by June 30, and predict that he will do so. But I am not sure that it will not become necessary to attack another Vietcong sanctuary, and another, and yet more. We could pursue the Communists forever, particularly since there is little chance of containing them behind a demilitarized zone, such as we accomplished in the Korean war.

Mr. Speaker, the resolution I introduced today is directed at this concern. As it is drafted, it would guarantee that the war can expand no further without the approval of Congress. Yet it would not restrict the President as Commander in Chief from taking necessary military actions to protect our withdrawal. And it contains a special procedure so that in emergency situations, the President could act quickly and secretly while the Congress still retained control over expansions of the war.

My resolution provides that by next June 30, 1971—13 months from now—all American troops will be returned to the United States. It also provides that in accord with President Nixon's announcement, no appropriations may be spent for military operations in Cambodia after June 30, unless an emergency arises and the President requests more funds. Military assistance to Laos would be terminated after December 31, 1970. That last date also marks the point when future appropriations for the war in Southeast Asia must be used for the purposes of safe withdrawal, not for independent offensive maneuvers unrelated to a real enemy threat.

Until the President addressed the Nation on April 30, I was reluctant to support any bill that would fix a specific date for withdrawal of American troops from Southeast Asia. It seemed to me that such a bill might foreclose any chance we still had for meaningful negotiations in Paris.

But President Nixon himself has set a precedent for naming a specific date by announcing that he will remove American troops from Cambodia by the end of June. I think if we can set one date to leave Cambodia, we can set another to leave all of Indochina. And I think it is time that we asked ourselves whether, in view of the 2 years of futility, we are clinging to a false hope that the Paris negotiations will ever be productive.

Thirteen months, Mr. Speaker, may seem like a short-time schedule for removing American soldiers from Southeast Asia. And it is, compared to Secretary Laird's own calculations, which would leave some 280,000 American troops in Vietnam as late as next May.

But the undeclared war in Vietnam has been going on for nearly 10 years. My State alone has lost more than 1,300 men, ninth in the Nation. Many of these men were draftees who were sent to fight after less than 6 months training in the United States. Much of the training they did receive was designed to help them cope with the geography of South Vietnam.

If we can send our own men to Vietnam with less than 6 months of preparation, what is wrong with limiting the South Vietnamese Army to more than twice that amount of time? As natives of Indochina, the South Vietnamese presumably should adapt to jungle warfare more easily than Americans. If anything, it should take less time to train them than to train our own troops.

I think if the South Vietnamese knew they would be on their own after June 30, 1971, we would see unparalleled progress in the Vietnamization program. And if there was still no real progress—if the South Vietnamese Army still did not become motivated despite the fact that we were leaving—then we should ask ourselves another question: why are we there in the first place? Why are we there, if the South Vietnamese do not regard the Vietcong as enemies worth fighting? As President Nixon said in 1968 during his campaign:

> We believe deeply in our ideas, but we believe they should travel on their own power, not on the power of our arms.

Mr. Speaker, just as I have reservations about the idea of "immediate withdrawal," so I also have misgivings about the amendment introduced in the Senate by Senator McGOVERN and others. My misgivings about that amendment have deepened in recent days as the McGovern proposal has gained support and become a rallying point for peace groups across the United States.

I do not pretend to be an expert in the drafting of legislation, but as the McGovern amendment is now worded, I think it contains serious flaws.

First, the McGovern amendment would restrict the Congress to one of two alternatives in Southeast Asia: either of declaring war, or of doing nothing. I think that is too inflexible. It surprises me that those who are so anxious to restrict the President are willing to box themselves into a corner. For my part, I believe the Congress should reserve the ability to take intermediate steps in Southeast Asia short of a declaration of war.

In drafting the resolution I introduced this morning, I took a different approach. Instead of a flat declaration of war, the Congress could act by joint resolution. And if a real emergency occurred during the withdrawal—if, for example, the President again found it necessary to enter the Cambodian sanctuaries—then a majority of a new Select Joint Committee on the War in Southeast Asia could meet in executive session and approve whatever temporary expansion of the war the President found necessary for a safe withdrawal. If that meant returning to Cambodia after June 30, the committee could authorize such an action and the Congress would not be forced to declare war.

Some may question this provision because it places the chairmen of certain authorization committees and the two majority leaders in the role of approving appropriations. I include it because I think the Congress should have discretion over future expansions of the war, but at the same time be able to act quickly and secretly in an emergency. If there is another procedure which would better accomplish both of these aims, I would be receptive to it. I only think we need a procedure more flexible than Senator McGOVERN's.

To be sure, if the McGovern amendment were adopted and an emergency situation arose, the Congress could repeal his amendment and then take whatever action it found necessary. But that would require a delay that might be deadly to a safe withdrawal. And I see little to gain by enacting an amendment with language so narrow that it will later have to be repealed.

Mr. Speaker, the McGovern resolution would also virtually tie the President's hands in providing emergency assistance to South Vietnamese efforts to protect our withdrawal. As the amendment is now drawn, assistance to South Vietnam would be available "in amounts and for purposes specifically authorized by the Congress."

Suppose an emergency occurred in which our withdrawal was endangered because of a shortage of supplies to the South Vietnamese Army. Under the McGovern amendment, the President would need a special appropriation in order to help them. I think that in this respect, the McGovern amendment is simply too inflexible for safety.

If our withdrawal from Vietnam were ever threatened by such an inflexibility, it would not surprise me if the President asserted his authority as Commander in Chief and overrode this section. And then the constitutional crisis would begin.

The resolution I introduced today is more flexible. It provides that appropriations may be spent for military assistance to South Vietnam "for purposes authorized by the Congress." Not in specific amounts, but for purposes. The President then would be able to take such emergency actions in supplying South Vietnam as he found necessary. His constitutional power as Commander in Chief would not be impaired.

Senator McGOVERN's amendment would also prohibit our furnishing any "defense articles" to Cambodia without a formal declaration of war. I think that, too, is unrealistic. In the future, the United States might well be in a position when it would be in the national interest

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to supply arms to any nation—whether it be Cambodia, or some other country. In the resolution I introduced this morning, arms supplies would not be prohibited.

Many liberals may disagree with me on this point, as may many of the university students and faculty members who have come to Washington in the past 10 days. We will simply have to disagree. I am not prepared for the United States to retreat into isolationism, and I do not think my district is prepared for such a retreat, either.

Nor would my resolution bar all American advisers from Southeast Asia. I think it would be unrealistic for us to think that by enacting a resolution, all intelligence activity in Indochina would cease. And I am not sure that the continued presence of limited members of advisers in Southeast Asia would not be desirable.

Mr. Speaker, I do not think this is an unreasonable resolution. It was drafted as a compromise on an issue where compromise has been noticeably absent in recent years.

This resolution gives the South Vietnamese army more than twice the time to prepare their native soldiers for self-defense as we allot to our own troops. It would permit offensive operations in Vietnam to continue for 7 more months as a prelude to withdrawal.

The resolution does not tie President Nixon's hands as Commander in Chief and leaves him great latitude in conducting military operations guaranteed to protect our withdrawal. That is what the President himself has said he wants to do.

This resolution does not place the Congress in the restrictive position of being forced to declare war or else do nothing. It is flexible in the amounts of military aid we can give South Vietnam during the withdrawal. It has a special provision for dealing with emergency situations that would enable the President to act quickly to protect our troops, even if that meant a temporary expansion of the war. But the Congress would retain discretion over such expansions.

Most of all, this bill would insure that, whenever the military actions of the President as Commander in Chief resulted in the creation of new foreign policy, the Congress would be a party to the determination that a new foreign policv was needed.

The passage of this resolution would do much to lift the awful burden of this war from President Nixon. It would prevent the outcome of the war from becoming a personal defeat or victory—and I do not think that the responsibility for the Vietnamese war should rest on any one man. It is the war of all of us, and we have a responsibility to help President Nixon reach the goals which he has announced that he wants to attain. We must all work together in the coming months and devote all our energies to bringing our troops home safely.

### House Joint Resolution 1239

A resolution to hasten the safe withdrawal of American military personnel from Southeast Asia, and for other purposes.

Whereas, Questions have been raised about the extent of American commitment in Southeast Asia, and

Whereas, The authority of the President to wage war under the Gulf of Tonkin Resolution, Public Law 88-408, is in doubt, and

Whereas, It is the responsibility of the Congress of the United States to assure the safe and rapid withdrawal of American military personnel from Southeast Asia without expanding or prolonging the conflict.

Now therefore be it Resolved, That unless pursuant to a joint resolution of the Congress on or after the adoption of this resolution, no part of any of the funds appropriated pursuant to any Act shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict;

Provided, That funds may be expended as required for the safe and systematic return of all American military personnel to the United States, the termination of United States military operations, the provision of assistance to South Vietnam for purposes authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces;

And further Provided, That the withdrawal of all United States military personnel shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

Unless pursuant to a joint resolution of the Congress on or after the adoption of this resolution, no part of any funds appropriated pursuant to any Act shall be expended after December 31, 1970, to furnish to Laos any military assistance, or to support military operations by the forces of the United States or any other country in or over Laos.

There is hereby established a select Joint Committee on the War in Southeast Asia (hereafter called the "Committee"), whose membership shall consist of: the Majority Leader of the House of Representatives; the Majority Leader of the Senate; the Chairman and ranking minority member of the House Committee on Foreign Affairs; the Chairman and ranking minority member of the Senate Committee on Foreign Relations; the Chairman and ranking minority member of the House Committee on Appropriations; and the Chairman and ranking minority member of the Senate Committee on Appropriations.

Unless a majority of the Committee shall approve a finding by the President that such funds are required to insure the safety of American and allied military personnel during the withdrawal process, no part of the funds appropriated pursuant to any Act shall be expended after June 30, 1970, to furnish to Cambodia any military assistance, or to support military operations by the forces of the United States or any other country in or over Cambodia.

Upon notice by the President to the two Majority Leaders that further assistance to Cambodia is required, the Committee shall meet in executive session to consider the President's finding. In its considerations, the Committee may make such use of the staff and facilities of the House Committee on Foreign Affairs, the Senate Committee on Foreign Relations, the House Committee on Appropriations, and the Senate Committee on Appropriations as it deems necessary.

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## ANALYSIS OF GATES COMMISSION REPORT BY ASSOCIATION OF THE UNITED STATES ARMY

### HON. F. EDWARD HÉBERT

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. HÉBERT. Mr. Speaker, the Association of the United States Army has prepared and distributed an analysis of the recently published report of the President's Commission on an All-Volunteer Armed Force—the Gates Commission. The AUSA paper is entitled "Protecting the Free Society" and is a concise presentation of both the favorable and unfavorable aspects of the all-volunteer proposal.

After weighing all factors involved, the AUSA study concludes that the all-volunteer Armed Force proposal is not feasible under current circumstances. The Army association has made a valuable contribution to the discussion of this question. Therefore, I am inserting the text in the Record and commend it for consideration:

### Protecting the Free Society

#### INTRODUCTION

Almost since the inception of warfare, the problem of how to obtain manpower for the fighting forces has been a real bone of contention. Impressment, lotteries, universal military service, selective service, hiring substitutes and All-Volunteer systems have all been tried in a variety of forms but none has produced a system that both meets the need and satisfies the participants.

This subject has most recently come under scrutiny again as a result of the recently published report of the President's Commission on an All-Volunteer Armed Force—popularly known as the Gates Commission.

For those not familiar with the background of the Gates Commission, it had its genesis in some remarks prepared for a campaign speech of President Nixon's which was aired on radio on 17 October 1968. He said in part:

"A system of compulsory service that arbitrarily selects some and not others simply cannot be squared with our whole concept of liberty, justice and equality under the law. . . . The inequity stems from one simple fact—that some of our young people are forced to spend two years of their lives in the Nation's defense while others are not. It is not as much the way they are selected that is wrong, as it is the fact of selection. . . . The military services are the only employers today who don't have to compete in the job market."

Following Mr. Nixon's inauguration he announced on 27 March 1969, the creation of a Presidential Commission to be chaired by Thomas S. Gates, Jr., the former Secretary of Defense, which would "develop a comprehensive plan for eliminating conscription and moving toward an All-Volunteer Armed Force."

At the same time the Gates Commission was beginning its work, the President directed the Secretary of Defense to undertake a similar study of the actions within the Department that would be required to reach the same All-Volunteer goal. The DOD group was known as the Project Volunteer Committee. Each of the services had a subordinate study group feeding their views into the Project Volunteer Committee. The Project Volunteer Committee has not issued a public report.

In 1967 two blue-ribbon panels undertook exhaustive studies that addressed themselves to the feasibility of an All-Volunteer Armed Force and what improvements should be made in the methods of procuring military manpower.

One of these was the President's National Advisory Commission on Selective Service—a group of 20 distinguished citizens, headed by Burke Marshall, which concluded that an All-Volunteer Force was not feasible or desirable.

The second 1967 study group was the Civilian Advisory Panel on Military Manpower Procurement which was set up by the Committee on Armed Services of the House of Representatives. Retired Army General

Mark Clark was the Chairman of this distinguished group of eight educators and business leaders. Even more forcibly this group rejected the feasibility of an All-Volunteer Armed Force.

In the interim, several Congressional Committees have delved deeply into the subject and major draft reforms have been enacted.

This excerpt from the introduction of the Marshall Committee's report summarizes the problem:

". . . the necessity to search for a method of manpower procurement that would assure the Armed Forces' ability to acquire the men they need, under any circumstances, to protect the nation's security and to meet its commitments, and at the same time function as uniformly and equitably as possible with due regard for the problems and the rights of the individual into whose lives it must intrude".

Proponents of the All-Volunteer Armed Force including the Gates Commission advance some arguments with which there can be little quarrel.

As President Nixon pointed out, we have never been able to devise a system of conscription that was completely fair to all concerned. It is unlikely that we ever will, although Selective Service legislation is under almost constant review and modification.

If it were feasible to have an All-Volunteer Force it almost certainly would be more cost-effective as the pipeline of entries was reduced and concurrently the training overhead. Up to a point, an All-Volunteer Force should be a more efficient one. Although it is difficult to conceive of a more superbly trained Armed Force than we have right now.

There can be little question that conscription is an invasion of the personal liberties of the young men being drafted. Some 17½ million young men have, since 1917, been drafted for duty to the country and they have borne this invasion of their liberties with surprising goodwill and comparatively small complaint.

We agree also with the premise of the Gates Commission that an All-Volunteer system, maintaining the same standards of quality, would be manned by approximately the same ethnic distribution of individuals as are in the service today.

We heartily endorse the Commission's strong fundamental consideration of: "The need to maintain and improve the effectiveness, dignity, and status of the Armed Forces."

We strongly support the Commission's view that material increases in compensation are overdue in our Armed Forces. The Commission is absolutely correct in emphasizing the needs for improvements in a variety of phases of career attractiveness.

There are, however, some areas of fundamental disagreement with the Gates Commission's recommendations which we shall enumerate.

First and foremost, is the very basic question will the All-Volunteer scheme work? We don't think so—for several reasons. First, there is nothing in our history to suggest that Congress will consistently appropriate the very sizeable expenditures that will be required to do all things necessary to attract volunteers in the numbers needed. Secondly, it just isn't realistic to expect that the expanding manpower requirements of the Reserve Forces could ever be met solely on a volunteer basis. We can't afford Reserve Force units manned at less than 75 to 80%.

The Gates Commission has recommended that the Selective Service System be put on a stand-by basis not to be reactivated without the consent of Congress after "public debate." Considering the past history of public debate surrounding Selective Service legislation this would have to be considered a very risky recommendation which we cannot support.

The Committee's recommendation that the standby draft system be established by 30 June 1971 is most unrealistic. We support Secretary of Defense Laird's view, "The transition to an All-Volunteer Force must, of course, be handled cautiously and responsibly so that our national security is fully maintained." Also, we feel his objective of getting to zero draft calls under the present Selective Service System is eminently more practical and desirable than undertaking the risky course toward an All-Volunteer Force.

The cost figures advanced by the Gates Commission appear to us to be seriously understated and fail to include many of the costs of improving career attractiveness which the Commission feels are necessary if sufficient volunteers are to be attracted. When these additional figures are included they exceed the Commission's cost estimates substantially.

It seems to us that the approach to the Reserve Forces manning problems as outlined by the Commission is not in keeping with our national defense needs nor is their recommended course of action, in fact, feasible or desirable.

We have some thoughts also in rebuttal to the Commission's philosophy expressed in this statement:

"A return to an All-Volunteer Force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has never been lacking among our youth, promote the efficiency of the armed forces, and enhance their dignity. It is the system for maintaining standing forces that minimizes government interference with the freedom of the individual to determine his own life in accord with his values."

As the Commission so rightly points out elsewhere in its report, the vast majority of those now serving are volunteers and have had the full opportunity to express their patriotism, as did those who had to be drafted. Government interferes with our freedoms in a variety of ways—laws and regulations—taxes and civic responsibility—and some of these invasions are considered by many to be far more onerous than the draft. But this is part of the price we pay for our liberty under a democratic system which Winston Churchill has described as "the worst form of government except for the alternatives."

That young men be permitted, in time of national need, to decide whether or not a particular conflict is to their liking seems to us to be sheer folly. Even a cursory examination of our manpower procurement problems starting with the Revolution would suggest that to the young man of draft age the most unpopular war is the present one in which his life might be endangered.

PAY

The Gates Commission has made two kinds of pay recommendations:

1. Those requiring implementation prior to or concomitant with the transition to an All-Volunteer Force. These would include: increased basic pay; extension of skill differential pay to men in the first two years of service; and an increase in hostile fire pay.

2. Those the committee considers equally necessary for reasons of equality and efficiency but not primarily essential to an All-Volunteer Force. These would include the development of a military salary system comparable to that in the civilian sector, including the substitution of cash for some benefits that are now provided in kind. The modification of the present retirement system, including the introduction of vesting.

In this immediate examination, we shall restrict our comments primarily to those recommendations which the Commission felt were fairly essential to move promptly toward a volunteer system. Later on we shall discuss some of the points mentioned in 2 above.

The Commission started with an assumption that there would be an across-the-board 8% increase in basic pay for all military personnel effective 1 July 1970. From this point the Commission then made these specific recommendations:

1. Raise the average level of basic pay for enlisted military personnel in the first two years of service from $180.00 a month to $315.00 a month effective 1 July 1970.

2. The basic pay of officers in the first two years of service be raised from an average level of $428.00 per month to $578.00 per month.

On a percentage basis the Commission's recommendations and assumptions for pay increases are as follows:

57% for 1st term EM*.
14% for 2d term EM*.
36% for officers in first 3 years of service*.
8% for all other ranks.

If the Committee's recommendations for pay increase only are put into effect, they would entail a budget increase of an estimated 3.3 billion for the following:

| | |
|---|---|
| Basic pay increase (billion) | 2.68 |
| Proficiency pay | .21 |
| Reserve pay increase | .15 |
| Additional medical corps expense | .12 |
| Recruiting, ROTC and misc | .08 |
| Total | 3.24 |

The Committee computes that about 540 million of this budget increase would be returned to the Treasury in the form of income tax collections so that, in fact, this pay portion of their recommendation is an actual net increase in military costs of only 2.7 billion.

Let us look first at the Committee's recommendations for increases in basic pay and then later on in the context of other career compensation required, discuss its longer range recommendations.

First of all, AUSA strongly supports the 8% across-the-board pay increase. It is essential almost at once to keep military pay from falling any further behind pay in the civilian sector. So this increase for all is needed.

We agree also with the Commission in its view that those in the earliest years of service both officer and enlisted are deserving of the substantial increases which have been recommended. Certainly the adoption of these increases will improve the attractiveness of service and should increase the number of volunteers.

The Commission has made some assumption and estimates that appear to us to require considerable testing before acceptance. For example, consider their linear mathematical equation which states, "a 10 percent increase in the current value of first term military compensation will result in an increase of about 12.5 percent in the voluntary enlistment rate from the 17 to 21 year old civilian population."

This says in effect that *all* you have to do is increase the pay and adequate volunteer enlistments will be forthcoming. We suggest that the situation is more complex. If it were purely a matter of pay, how is it that the D.C. Metropolitan Police Force cannot fill its ranks with personnel of very similar standards at a starting pay scale of $8,500.00 per year vs. the $3,750.00 plus room, board, medical care and uniforms per year which the Commission has recommended for military entrants?

A sub-committee of the Senate's Judiciary Committee put the problem this way, "Staffing the military establishment is not a typical employment problem, because of the singular circumstance that fighting may be part of the job." For many, even the hostile fire pay of $200.00 per month which the Commission has recommended will not make service that attractive since it is "restricted to those who in the course of their duties are regularly exposed to hostile fire and then only for the period of such exposure".

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*These include the 8% across-the-board increase.

Allied with this concern is the problem of the inequality of hardships amongst the services and even within the services. Presumably volunteers will be permitted to select the service of their choice and probably the branch they desire within that service. The Commission recommends "an expansion of the current program whereby enlistees are permitted to specify their choice of occupation as a condition of enlistment". If that be true, the Army and Marines will continue to be the least popular. Consider these casualty figures from the Korean War—which are being pretty well validated in Vietnam:

| | |
|---|---|
| Army (Infantry 84%) | 27,604 |
| Marines | 4,267 |
| Air Force | 1,200 |
| Navy | 458 |
| Total | 33,629 |

In the draft calls during the Vietnam conflict only the Army and occasionally the Marines have had to rely on Selective Service to fill their quotas.

All of this suggests that while pay will have an important bearing on our ability to attract volunteers some scheme not covered by the Committee's recommendations will have to be found to fill the ranks of those who must close with the enemy on the battlefield and defeat him. In the current vernacular, that's what it's all about.

So far we have discussed only the entering officers and enlisted personnel and have not discussed the very serious problems of retention. This plays an important part in an evaluation of the Commission's report since many of its recommendations are based on a low rate of personnel turnover both to reduce manpower requirements and costs. We shall return to this when we discuss other forms of compensation but we suggest that beyond the 8% across-the-board increases already included in this plan, that military pay scales generally are well behind those of their civilian counterparts even when you translate present pay and allowances and other emoluments into a salary basis such as the Hubbell Committee recommended and which the Gates Commission most strongly endorses. We feel therefore the amounts recommended for pay alone are too low to accomplish the objectives.

We shall discuss the Commission's recommendations on the Reserve Forces later on in this paper but while we are on the subject of pure pay a few observations are appropriate. The Commission's basic recommendation concerning Reserve drill pay is to increase it significantly in the lower grades (up to $2.50 per hour from about $1.00 an hour now) and lesser amounts in the higher grades. For an individual in the 6th year of service, the current point for initial reenlistment, pay would be increased about 6% over what it is now. The Committee's efforts here were to improve the position of Reserve drill pay compared to other part time employment compensation. To the extent this will affect volunteer enlistments and reenlistments in the Reserve Forces this is a sound move. However, the Commission points out that surveys indicate that as many as 75% of the enlisted personnel on their first enlistment in the Reserve Forces are there because of draft motivation. It seems unlikely that these comparatively modest pay increases would attract anywhere near enough people to meet this requirement if the draft were stopped.

We shall not comment to any extent on the Commission's discussion of the conscription of physicians. They are quite undecided as to what course should be pursued in this troublesome area. They have made some pay increase suggestions, not funded in their cost figures, which would give a first year doctor $12,834.00 per year increasing to $39,995 at 22 years service. They indicate that the reduction in forces now going on plus the medical students already committed to military service gives more time to study the problem and to do some experimenting. We agree—and point out that it will also be necessary to keep a viable Selective Service System going until this and other problems are proven to be solved.

We subscribe to the Commission's opening statement in their chapter on Compensation:

"Pay is not the only, and perhaps has not been the primary motivating force for joining or remaining in the military services. A sense of duty, a desire for adventure or travel, society's esteem for the military service, a desire for training, the quality of military life and the general conditions of military service—all affect an individual's decisions." We agree—that's why we question the linear mathematical equation the Commission has used. That's why we think its cost estimates are unrealistically low since the only cost that they have funded is for the basic pay increases. The general conditions of military service and the quality of military life need serious upgrading and this too will cost considerable sums—as will other needed improvements.

### OTHER COMPENSATION

If, as the Commission has suggested, pay may not even be the primary motivating force for joining or remaining in the military service, what then is being proposed to improve other areas of compensation that help affect these decisions? The Commission has not made concrete recommendations on some of these key problems.

The Commission has strongly urged the adoption of the so-called "salary plan" of pay for the Armed forces. This would give military pay more visibility and, to the extent that pay motivates, it should be more efficient in attracting and retaining personnel.

The Commission believes that it would be equitable and desirable to give officers and enlisted men the same vested retirement rights that civil service employees currently have. This would involve increasing military pay sufficiently to enable military personnel to contribute 6⅓% of their salaries annually to their retirement account without any loss in net income. I would introduce partial vesting after 5 years of service and a reduction in the retirement income available in the years prior to approximately the 25th year of service in most cases. The Commission *did not*, however, include the costs of this part of any pay raise in their estimates of the total cost of the Volunteer Force scheme.

The Commission decided against recommending general increases in such benefits as housing, educational programs, dependent medical and dental care and other items they refer to as "income in kind". They believe that instead individuals in the military should be compensated in cash for these. However, *no provision for funding* or specific recommendation for providing for these most important areas was made by the Commission. This is another reason why we feel their cost estimates are so fundamentally understated.

The whole area of housing, education, adequate medical and dental care are deserving of more attention than is evident in the Commission's report. For along with pay, among the tangible rewards, these areas have as much to do with job satisfaction and retention as almost any other factors. Certainly nothing contributes more to family well-being than these vital areas.

Secretary of Defense Laird said it this way in his FY 71 Posture Statement:

"We should improve the quality of education, both military and civilian, to ensure a high degree of professionalism and technical competence through the Department of Defense."

"We should reduce the inherent personal and family hardships of military service life by providing among other things: (a) reasonable sharing of the risks of combat; (b) quality education in overseas dependent schools; (c) adequate housing for all personnel without discrimination, and (d) quality medical care with efficiency."

"Despite budget reductions for almost all DOD activities, the Department has not cut back its request for 4,800 units for family housing for FY 1970. Moreover, we are requesting funds for the construction of another 8,000 units for FY 1971. This program represents an increase of 67 percent over FY 1970 and 86 percent over the average annual family housing construction program for the previous four years."

"I feel strongly that we must increase our efforts to upgrade housing conditions for military personnel. The provision of satisfactory housing for our servicemen and their families is a key factor in career motivation and retention and contributes substantially to improved morale within the Armed Forces."

One of the more puzzling contradictions in the whole Commission report stems from its stated belief, on the one hand, that the quality of military life needs to be improved generally if it is to attract and retain good people, and on the other hand, to recommend against general increases in the very sectors which would materially enhance the quality of military life. This it seems to us is a fundamental weakness in the report.

Surveys suggest that there are a number of reasons why young men and women enlist in the Armed Forces. Foremost among these is the desire to serve the nation and to receive recognition for that service. Patriotism is still an important motivator—and would be even more so with greater national recognition.

If good young people are to be attracted to the service, morale must be improved, job satisfaction must be provided, we must convey a sense of accomplishment and find ways to further enhance self-respect. The optimum would be for the service to satisfy both a desire to serve and the means to return to civilian life better prepared to assume a meaningful role in the community.

The goals can only be met by a major effort on several fronts. We have discussed improved pay. The living and working conditions, and in many instances, the facilities themselves, need immediate improvement. The services must reexamine many of the traditional restrictions on the personal lives of service people to see if living and working conditions cannot be improved. Those unnecessary or unpleasant duties not essential to the mission need careful examination with a view toward eliminating those we can.

Probably more needs to be done in supplying enlistment and reenlistment bonuses and options as well as providing greater post service benefits. Efforts in this latter category have often been studied but never adequately funded.

Finally, the importance of his duty to his country must be clearly evident to the serviceman and he must be given the best tools and equipment available to carry out his mission.

One of the weaknesses of the Commission's report in our view is its insistence of equating military service so directly with civilian employment. There is a considerable difference between the two and the difference is most important in a morale sense. If the Commission feels, for example, that the great bulk of its young officers or career enlisted men would prefer to rent civilian housing as opposed to being provided even less adequate housing on post, we suggest their survey sample was small indeed.

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They have failed to grasp the real importance of these intangible factors of morale and camaraderie that for years have motivated career service people to put up with a life of genteel poverty while serving their country. They take pride in their service and their dedication to the country and pay alone will not motivate this type of individual to a career in the military.

### RESERVE FORCES

Because about 75% of their first term enlistees are draft motivated, the Commission felt that they should give special attention to the manpower problems of the Reserve Forces. However, in our view, they failed to come to grips with some very basic problems that will have to be solved before any serious thought could be given to moving the Reserve Forces to an All-Volunteer status.

Beyond a modest pay raise, heavily weighted toward the first two years of the initial enlistment, the Commission recommended no other specific actions. They did feel that the Reserves should lower their sights both in terms of numbers and the quality of personnel they take in but beyond that, the Commission seems to feel that there are no unsurmountable problems. In its view, as far as the Reserve Components are concerned, modest injections of pay will enable the Reserve Components to reverse the present situation.

This seems to us to be an unusual viewpoint. To begin with, President Nixon has made it abundantly clear on more than one occasion that this country will stand by its international commitments with more than 40 nations. And as the Commission has said, "In the event of a national emergency requiring a rapid increase in the number of men under arms, the first recourse should be the ready reserves, including the National Guard." So it would follow logically we think that if your commitments remain the same and you reduce materially the size of your active establishment, you may very well be talking about increasing the size of your Reserve Components. Certainly you will be placing greater reliance on them.

To assume that a modest increase in pay would permit the Reserve Forces to revert to voluntary enlistments flies directly in the face of all of our previous experience.

If we are realistically to give any consideration to reverting only to volunteer enlistments as the only source of manpower for the Reserve Forces there are a whole host of actions, many of them costing considerable sums, that seem to us to be almost as essential as they are for the active establishment.

First, we must provide the Reserve Forces with the training facilities and equipment they require to conduct meaningful and interesting training. Never in their entire history have the Reserve Forces been adequately supplied with the late model equipments they need for realistic training in anywhere near the quantities they need.

The monies expended for Reserve recruiting will have to be greatly increased.

It would probably be necessary to reduce 1st term enlistment from 6 years, which now calls for 6 month's active duty plus 5½ years in a unit, to 3 years to coincide with the active duty enlistments and be more realistic in an All-Volunteer environment. This, of course, doubles the input figures required. Where you now need 55,000 men each year going into the Reserve Enlistment Program for six years, you would need 110,000 under a 3 year enlistment.

Other possible inducements might include:

1. A reenlistment bonus of $100.00 or more and a bonus of similar amount for each year of satisfactory service for reservists.
2. Additional awards for reserve service.
3. Extending servicemen's group life insurance coverage to all reservists.
4. Allow credit for all inactive duty points accumulated in computing reservists retirement pay.
5. Medical care for reservists who contract a disease or aggravate an injury during any training period.
6. Provide proficiency pay for enlisted reservists.

The Commission maintains that the draft motivation data (i.e. 75% reservists draft motivated) significantly overstate the problem. It feels that if recruitment is focused on a younger, less well-educated group, than those who now populate the Reserve Forces, the flow of volunteers will be substantially larger than it is now. They do not suggest nor do we believe that this would amount to replacing the 75% figure in question. They feel the Reserves could be reduced by 113,000 (about ⅙th) with no harm to the national defense. Our position is just the opposite. In the present world climate as our active forces are cut back, we feel that we may wish to increase the size of our Reserve Forces while maintaining high standards of personnel quality.

We note with further concern that the Commission has made no provision for the maintenance of personnel currently maintained by all services in the Individual Ready Reserve. This vast reservoir of trained personnel are not only essential in time of national emergency, they are needed almost at once. These individuals are used to bring units of the active Army up to strength as well as to flesh out Reserve units called to active duty. A minimum of 600,000 Individual Ready Reservists are required for the Army manpower pool alone.

### STANDBY DRAFT

Many of the theories and recommendations of the Gates Commission are subject to test and validation without lessening our security one bit. If Congress can be persuaded to provide the money for the pay increases and other improvements in career living for the military, we can determine whether or not these assumptions are correct and whether we can in effect buy enough volunteers to make conscription unnecessary. All of this can be done without taking the unwarranted risk that would result from terminating the draft as a viable on-going program. We should strive instead for a lengthy period of what Secretary Laird calls "zero draft calls".

The Commission recommends that Selective Service be put on a standby status on 30 June 1971 to be activated only by joint resolution of Congress upon request of the President. This strikes us as the most dangerous recommendation that the Commission has made, for the evidence is clear that the hot breath of the draft is solely responsible for large numbers of those now serving in both the active and reserve forces.

One of the reasons that the Commission recommends that Congressional approval be a prerequisite to the use of Selective Service is to guarantee the propriety of whatever action is under consideration. This seems to us to be a wrong reason.

The implication is that Selective Service legislation provides a vehicle for the Congress to exercise a stronger veto over the foreign policies of the administration. Since this is written in today's world, one draws the conclusion that had Selective Service been on a standby status it might have been possible to keep us out of let's say the Dominican Republic, the Cuban Crisis or most probably Vietnam. Things like the passage of the Gulf of Tonkin resolution, for example, indicate that this line of thought is in error. In any event, Selective Service legislation has no place in these kinds of foreign policy considerations.

Selective Service legislation comes up for review and extension every four years at least and in recent years it has been under almost continuous Congressional scrutiny with numerous public hearings and great public discussion as witness the introduction of the lottery and the "youngest first" call changes last year.

So we fail to see any validity in this particular recommendation of the Commission. The Commission goes on to state:

"The viability of an All-Volunteer Force ultimately depends upon the willingness of Congress, the President, the Department of Defense and the military services to maintain: (1) competitive levels of military compensation; (2) reasonable qualification standards; (3) attractive conditions of military service".

While the Commission's recommendations suggest a good start on (1) we do not feel that the Committee has made appropriate recommendations nor suggested the funding necessary for (3). Hence, we can only conclude that realistically, our political representatives will not be willing to undertake the fiscal expenditures required for a viable All-Volunteer Force.

Mr. Nixon made it clear that his basic goal was to stop conscripting people as soon as that was feasibly consistent with national security needs. We suggest along with Secretary of Defense Laird that we can do this and leave Selective Service intact. If draft calls drop to zero as a result of the implementation of the Commission's other recommendations, the young men who must register will not really care whether Selective Service is on standby or operational basis.

### CONCLUSION

What then is the sum and substance of all this discussion? There are many who feel that it should not be necessary to conscript young men to meet the military manpower requirements of the nation. This may be true if we as a nation were willing to do those things and spend the money that would make military service a nationally recognized, prestige career.

However, in the present national climate of frustration with a whole host of problems, we feel strongly that no irrevocable, emotional decision should be made on such a fundamental matter. We must not repeat the mistakes of the past. We cannot reduce the strength of our Armed Forces to the point where they are no longer an effective instrument of national policy.

There is a practical way to prove out not only the feasibility of volunteer forces but at the same time insure that our national defense needs can be met.

This Association feels strongly that it is important to maintain an operational Selective Service System and, at the same time, strive thorugh every practicable means to make military service attractive enough to eliminate the need to actually draft anyone. To discard a viable operative Selective Service System without first clearly establishing our ability to maintain adequate military forces without it, would be to accept a risk to our national security that is both unwise and unnecessary to take.

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## RECOGNITION EQUIPMENT CREATIVITY FOR FUTURE

### HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. COLLINS. Mr. Speaker, scientific breakthroughs have been paced by Recognition Equipment Co. and its subsidiary, Docutel. Recognition, located in Dallas and Irving, Tex., is gaining an international reputation as the leader in visual scanning computers. President Herman Phillipson is a genius and combines talents with team leaders, Sheinberg and Tinsley. The following is an interesting summary in Parade magazine's May 1970 issue. You will be interested in Phillipson's Recognition developments.

In Irving, just outside Dallas, the other day, I asked a computer for fifty bucks. The computer pondered the matter a moment, asked me a few salient questions, then handed over the fifty. "Thank you, Computer," I said. "Thank you for the transaction," a sign on its friendly facade replied.

You think I was drunk, don't you? Well, I wasn't. I was at the headquarters of the Docutel Corporation, an imaginative enterprise that is teaching computers to replace tellers in many bank transactions. It is one of scores of industries that have sprung up in the last decade to make Texas the third, and maybe the second, most important state in the data game—the amazing computer industry that's reckoned to outstrip the auto industry in revenue by 1975.

Just how intimately the computer is insinuating its mysterious self into our everyday lives is illustrated by my lucrative Irving adventure. Gayle C. Tinsley, president of Docutel, was my host on that occasion, and it was his credit rating, actually, and his identity card and secret code number that accounted for the computer's generosity. Indeed, it was his demonstration fifty that his Docuteller Currency Dispenser so amiably handed over (and which, to keep the books straight, I felt obliged to return to Mr. Tinsley).

More than 50 Docuteller devices have been delivered now to banks from coast-to-coast (including two in Houston), and the firm expects to be turning them out at the rate of 60 machines monthly this year. Basic Docutellers deliver $25, $50, or $100 to customers of established credit on demand. The machine will honor a valid credit card only after a customer's secret code number has been punched out by him on a keyboard at the front of the machine. If the card should be a lost or stolen one, and the wrong code number is inevitably punched, the machine keeps the card and suggests that the patron talk to a bank officer. The Docuteller is a tough customer.

The firm has now perfected similar currency dispensers that will allow you to make withdrawals from checking or savings accounts, and to make deposits 24 hours a day. Linked to a central computer, your bank statement reflects your correct balance in a thousandth of a second.

Another is an amazing device developed by Recognition Equipment, Inc. of Dallas. The device enables computers to *read!* Started just eight years ago, REI is the largest manufacturer of computer optical scanning equipment in the world. If you have a gasoline credit card, chances are that your charge tickets—printed by your service station attendant—are read monthly in Houston by an REI Electronic Retina Computing Reader. Information on the ticket you signed at the service station is *read* by the machine, then recorded on magnetic tape that's fed into a computer. At month's end, Computer tots up all your transactions of the month and comes up with your total bill. Says Bill Lovvett, an executive at Humble Oil & Refining Co.: "The Retina Reader eliminates the need for personal reading of charge tickets and recording them by key-punch operators. So the chances of human error in the preparation of millions of bills a month are dramatically reduced."

Israel Sheinberg, the brilliant senior vice president of REI, is largely responsible for the development of the Electronic Retina reading system. Operating much like a human eye, the system's inception actually traces back to Electronics Engineer Sheinberg's medical studies of the human eye at Southwestern Medical School. "Earlier systems had to scan a character many times before recognition dawned," he says. "Ours recognizes a complete character image at one time—just like your eye does. But even if you've taken the Evelyn Wood speed-reading course, chances are you aren't as fast a reader as the Electronic Retina reader. It reads 2,400 characters a *second!* It can read a complete upper and lower case alphabet, plus numbers, and it can read 360 different typefaces. It can also read hand printing, and smudged, mutilated, or even torn documents. We think it's a doozy."

So do a staggering array of customers who have bought the REI reader. They range from a British soccer pool to a storage center for Mormon family trees at Salt Lake City. Under a federal contract, the firm is developing an advanced optical reader to read and sort letters in post offices.

It was a subsidiary company of sprawling REI that afforded me my short-term fifty in Irving recently. The same subsidiary has developed the darndest contraption you ever saw.

Underwritten by the Air Transport Association, the complex system uses a computer and frenetic little rail cars to handle airline baggage. In operation, you would park your car at the airport lot, affix a coded ticket (you got it when you bought your airline ticket) to your bag, then drop it into a rail car. Computer guided, the car would then take your bag to the proper airplane or, if the plane should be late or you should be early, to a holding area. On landing, the system would do the same thing, except in reverse.

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## SUPPORT FOR THE PRESIDENT'S CAMBODIAN POLICY

## HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. KLEPPE. Mr. Speaker, along with all of my colleagues, I am receiving a heavy volume of mail from my district concerning the President's decision to send troops into Cambodia to clean out hitherto protected North Vietnamese sanctuaries, a move which I strongly support.

Many of the letters set forth the view that somehow the war in Southeast Asia can be successfully resolved through legislative action here in Washington. Many others who have written to me disagree strongly, as I do, and express full support of the Cambodian action. I include some of these comments in the RECORD:

MINOT, N. DAK.

DEAR MR. KLEPPE: I am writing in support of President Nixon's decision to send troops into Cambodia to clean out the communist sanctuaries maintained there. I also commend our Congressional delegation for indicating support of the President. I fail to see how anyone can complain about a lack of communication regarding the Cambodian move. I feel that the President very well outlined the policy there for all Americans.

It has been on the news this morning that there is a movement to eliminate credit for R.O.T.C. at the University of North Dakota. I would hope that our University and State officials will stand against such demands. The contribution of the R.O.T.C. program to the service of this nation is irrefutable. I have tried to teach my children that it is not only an honor and privilege but a duty for all to give some of their time to the service of our country.

I personally urge you to continue to stand for obedience to law and support of the democratic process as in the past.

Sincerely,

MARK NICHOLS.

GRAND FORKS, N. DAK.

DEAR CONGRESSMAN KLEPPE: Having just read Senator McGovern's appeal for a deluge of letters from college campuses and elsewhere in opposition to the President's Cambodia action, I hasten to let you know that I side with the President on this issue.

Although I have read what I can find to read, and studied the opposing positions, I recognize that you have access to far more information than I, and I would not suggest that you substitute my judgment for yours. While I feel strongly that we must either forthwith abandon all of southeast Asia to the Communists, or do whatever is necessary to contain them, there being no acceptable middle ground, and while I choose the latter course, I ask only that you exercise your own informed judgment as to what is best for our country.

As you may know, I disapprove of government by the counting of letters, but if this is to be the accepted process of government, I want mine to be counted as a "Yes" vote in this referendum.

Sincerely,

HAROLD D. SHAFT.

BISMARCK, N. DAK.

Representative THOMAS KLEPPE,
*Washington, D.C.*

DEAR SIR: Tonight I saw and heard on T.V. the panel of 5 (Politicians) members of our Congress, demanding support from the American people, to their amendment to cut off monies to end the war in Vietnam. Why now?

I hope as a representative of our State you will support our President Nixon. His way in this matter I think is Right and Right will prevail.

Yours sincerely,

MRS. FLORENCE STOEN.

BISMARCK, N. DAK.

Representative THOMAS KLEPPE,
*House Office Building,*
*Washington, D.C.*

DEAR TOM: I listened to President Nixon's speech last night and believe that he made a correct decision. I have a son who will be draft age in 4 years, and think the destruction of Viet Cong & North Vietnamese bases in Cambodia represent his best chance of never having to fight in Viet Nam.

Since you will have many letters critical of the speech, I think you should know that some of us approve.

Very truly yours,

JOHN DYER.

FARGO, N. DAK.

DEAR CONGRESSMAN KLEPPE: Attached is a copy of a letter which I have sent to President Nixon.

Sincerely,

NOEL A. GAGSTRETTER.

FARGO, N. DAK.

Hon. RICHARD M. NIXON,
*President of the United States,*
*Washington, D.C.*

DEAR PRESIDENT NIXON: I am deeply concerned with the attitude, which seems to be developing in our country, that if you do not agree with a situation or circumstance, anything can be done in evidencing that disagreement. Our society is too complex to expect concurrence in all areas; but resorting to violence, defamation of our country's flag, and overt acts of violation of our laws certainly guarantees to no one, individual or

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party, not even those performing the actions, the liberties they seek or espouse.

I believe, as do many I have visited with, that our first responsibility is to recognize the legal framework and the political processes which exist in our country, and through which differences of opinion can be settled and to utilize these channels for this purpose. There are many of us, although we have not publicly demonstrated, who believe that there is no place for anarchy in any of our institutions and that to succumb to the pressures which are publicly evident by student protests, etc., would be to sacrifice principle and responsibility.

I support our country's actions in Southeast Asia and believe you are performing the best job possible with the problem facing you. Much of the propaganda and criticism directed at your leadership suggests no alternatives, nor does it objectively seek to provide solutions. When complete and immediate withdawal from Viet Nam, Cambodia and Laos is demanded, are the consequences considered? I do not think so. Many of us have children who will eventually be involved in Viet Nam and certainly this is not the situation you would ask for, but each of them also has a responsibility. Evading it only prolongs the end and may lead to more tragic developments.

I support your decisions both within and outside our nation.

Sincerely,

NOEL A. GAGSTETTER.

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## CONGRESSMAN POLLOCK INTRODUCES A CONCURRENT RESOLUTION DEALING WITH SOUTHEAST ASIA

## HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

**Mr. POLLOCK.** Mr. Speaker, today I am introducing a concurrent resolution expressing the sense of Congress regarding the conflict in Southeast Asia and the exercise of constitutional authority in matters affecting grave national decisions of war and peace.

The first part of the resolution contains several findings of fact relative to the present situation in Southeast Asia. These findings contributed greatly to my ultimate conclusions, which are contained in the latter sections of the resolution.

In summary, recent events in Vietnam and Cambodia have led me to conclude that the Congress should support the President in his efforts to bring peace and freedom to the people of Southeast Asia; that recent limited American and South Vietnamese military reprisals against once-privileged enemy sanctuaries in Cambodia are necessary for the protection of American troops, allied military personnel, and the South Vietnamese people; that such retaliatory military activity will shorten the course of the Vietnam conflict; and that the Congress should declare it to be the national policy of the United States that American troop withdrawals from South Vietnam and Cambodia shall continue in accordance with the expressed policy of the President to accomplish the speedy, total withdrawal of American forces from Vietnam at the earliest possible time consistent with the capacity of the South Vietnamese to protect their nation from blatant aggression.

In addition to my conviction that the President should be supported in his efforts to obtain an honorable and lasting peace in Vietnam, I also believe very strongly that except in cases of immediate and extreme national emergency, the Congress should exercise its full constitutional responsibilities and authority in all matters now and henceforth affecting grave national decisions of war and peace. To this end, I believe that there should be full congressional debate under liberal rules of parliamentary procedure in order that meaningful discussion and resolution may evolve on the future course of American involvement in Southeast Asia. To assist the Congress in making this determination, I have recommended in the resolution that select committees be appointed in the House and Senate to proceed forthwith to Southeast Asia for the purpose of evaluating all aspects of the American involvement in that area. The committees would also be required to incorporate their findings into written reports which would be submitted to the Congress.

Mr. Speaker, the President's decision to send troops into Cambodia was, perhaps, the most difficult one that he has been called on to make during his tenure in office. Based upon information carefully gathered from many different sources, the President came to the conclusion that the Cambodian venture would save American and Vietnamese lives, and would most likely shorten the future course of the conflict in Southeast Asia. Certainly, the President's decision will give the United States more time to implement its Vietnamization program and will facilitate the secure withdrawal of additional American troops from Southeast Asia.

In order fully to evaluate the President's decision, one must be aware of the extremely complex set of circumstances which confronted the President at the time he made his determination to send American troops into Cambodia. To begin with, the President was in possession of reliable information which indicated that the North Vietnamese and Vietcong intended to expand existing border sanctuaries in Cambodia. For years, these sanctuaries have been used as staging areas from which enemy forces have launched death and destruction upon American and South Vietnamese military personnel and upon the people of South Vietnam. Any escalation in this campaign of terror and assassination would have placed the allies in an untenable military position. In fact, if enemy troops had been permitted to mass along the length of the Cambodian border, it is very possible that the United States would have suffered a defeat of the same magnitude as the tragic French defeat at Dien Bien Phu. Confronted with this rapidly worsening military situation, the President decided to authorize the pursuit of the North Vietnamese and Vietcong aggressors into the border areas of Cambodia for the limited purpose of destroying the enemy's capacity to wage war in South Vietnam.

Recent developments in Cambodia seem to confirm the wisdom of the President's decision. Important supplies of weapons, food, and military vehicles have been uncovered in the enemy's once-privileged sanctuaries. This materiel would be sufficient to equip and maintain great numbers of enemy troops for long periods of time. The large amounts of weapons and ammunition which the North Vietnamese and Vietcong have abandoned in the wake of advancing allied forces represent supplies which will not now be used to kill American and South Vietnamese troops fighting in South Vietnam.

Mr. Speaker, each time that the President has announced American troop withdrawals from Vietnam, he has warned that the North Vietnamese and Vietcong would be taking grave risks if they should attempt to use the occasion of American withdrawals to jeopardize the security of American military personnel remaining in Southeast Asia. In the President's considered judgment, enemy military ventures launched from the Cambodian sanctuaries posed precisely the kind of threat that the President had warned against so many times. I concur in the President's evaluation. Moreover, it is my belief that the President will keep his promise to the American people not to expand the conflict in Southeast Asia and will, in accordance with his previously announced plans, withdraw all American forces from Cambodia by June 30, 1970.

Mr. Speaker, in making his courageous but very unpopular decision to send American forces into Cambodia, the President rejected partisan politics in favor of a policy premised on the conception that a lasting peace will be achieved in Southeast Asia only after the North Vietnamese and Vietcong become convinced that further aggression in South Vietnam will not result in the acceleration of American troop withdrawals or the capitulation of the South Vietnamese Government. I believe that history will vindicate the President's decision and that the course of the Southeast Asian conflict will be shortened. However, as my resolution indicates, I also believe that Congress must exercise its constitutional authority in all matters affecting grave national decisions of war and peace. Such an exercise of congressional responsibility will insure that important foreign policy decisions reflect the collective will of the American people as expressed by their elected representatives.

My distinguished colleagues, the limited American presence in Cambodia has greatly intensified the debate in Congress and among the American people concerning the U.S. involvement in Southeast Asia. I believe that this debate is healthy and necessary, and it is my fervent hope that such dialog will lead to a national consensus regarding the future course of American activity in Southeast Asia. The resolution which I have introduced today presents my current thoughts on this extremely complex issue. I offer the resolution for the consideration of this august body in the hope that it will contribute something of value to our continuing dialog on the foreign policy and constitutional questions raised by the Southeast Asian conflict.

## THE NEED TO STRENGTHEN THE WORLD COURT

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FINDLEY. Mr. Speaker, last December 9, the International Law Committee of Members of Congress for Peace Through Law invited Dr. Arthur Larson, director of the Rule of Law Research Center at Duke University Law School, to address 23 Members of Congress at a luncheon in the House wing of the Capitol. As chairman of the committee, I invited three distinguished officials of the Department of State to be guests of the committee: John R. Stevens, Legal Advisor; Richard T. Pedersen, Counsellor; and Samuel de Palma, Assistant Secretary of State for International Organization Affairs. The need to strengthen the World Court and to increase the use of international law and international arbitration, adjudication, and legal institutions for the peaceful settlement of international disputes was the central concern at the luncheon.

In light of that occasion and other initiatives of my own and of the committee's, I was greatly pleased to read the very excellent address by Secretary of State William P. Rogers to the American Society of International Law in New York City on April 25.

This address states the new and progressive policy direction of this administration. It is the first step that will demonstrate clearly and forcefully to the peoples of the world that the United States of America is determined to substitute the rule of law for the rule of force in affairs between nations.

I commend this superb address and its many concrete recommendations and policy directions. I hope that it will be read with approval by my colleagues in the Congress and by the millions of Americans who earnestly seek a world in which the family of man will live at peace with justice for all under law.

The Secretary's speech follows:

### THE RULE OF LAW AND THE SETTLEMENT OF INTERNATIONAL DISPUTES

Modern international law developed in an age when war was still the sport of kings. Today nations have the power to annihilate each other. This bleak fact underscores our vital need to search for alternatives to force or the threat of force as a means of settling disputes between nations.

A major objective of the Nixon Administration is to further the development of a stable and progressive world community based on an accepted system of international law.

Outside the legal community—and within it too for that matter—there are those who are skeptical about the reality and value of international law. They ask if it is really law since there is no effective provision for enforcement. They question whether nations, notoriously unwilling to bow to processes of adjudication will ever accept a broad international legal system. They refer to the failure of states to use the International Court of Justice, and point out that it does not now have a single pending case on its docket.

Candor requires us to acknowledge that for the immediate future no international legal order, however restructured, is likely to solve many of the major disputes involving issues of war and peace.

And, we must agree, with sadness, with the allegation concerning the International Court of Justice. There has been a certain euphoria in our approach to international law. Our rhetoric often has been out of touch with reality. In our zest to take giant steps we have failed to take the confidence-building smaller steps which are necessary to move from routine, and less significant international cases, to more important and major ones.

However, we need not exaggerate our lost opportunities. There has been considerable progress in some areas. I do not have to emphasize to this audience the important role that international law plays in our international relations. Territorial boundaries are largely respected, diplomacy functions effectively, and in such activities as shipping, international air travel, foreign trade and investment, etc., international law plays a vital role.

It is clear, however, that there is much to be done to advance the cause of international law. With that goal in mind, I would like to make these three recommendations.

*First*, we should try to breathe new life into the neglected—in fact moribund—International Court of Justice.

*Second*, we should encourage greater use of multilateral law-making treaties.

*Third*, nations should live up to their obligations under international agreement.

Why is the Court important?

International law requires more than treaties and agreements to fulfill its promise. A judicial system is needed to support it.

Regrettably, as I have indicated, the International Court of Justice has become increasingly inactive in recent years. Why is this so?

The basic problem is the reluctance of states to refer international disputes to the Court. States have not been willing to accept the idea of going to the Court on a regular basis, expecting to win some cases and lose others. If the legal adviser of the foreign ministry is not confident of victory, he recommends against litigation.

Refusal to submit a case to the Court unless it is virtually a sure win has a short-term advantage from a national vantage point. But what nations so far have failed to grasp or to accept is the long-range gain, from an international vantage point, of establishing a system of settling international disputes by legal methods.

In 1946, the United States accepted jurisdiction of the International Court only in cases which excluded matters of domestic jurisdiction "as determined by the United States of America." This gave the United States the right in each case to determine whether the Court had jurisdiction or not. It is not generally known, however, that since 1946, we have committed ourselves, without reservation, to the jurisdiction of the Court with respect to disputes arising under some twenty multilateral treaties. These include, among others, the constitutions of a number of international organizations as well as the Japanese Peace Treaty. Similarly, we have committed ourselves to the Court's jurisdiction over more than twenty bilateral agreements, principally commercial treaties.

But this is far too few when you realize that we have become a party to 106 multilateral and 125 bilateral treaties since 1946.

This Administration is committed to strengthening the role of international adjudication in the settlement of international disputes. We are taking specific steps to carry out this policy.

In the future, the Department of State will examine every treaty we negotiate with a view to accepting, wherever appropriate, the jurisdiction of the International Court of Justice with respect to disputes arising under the treaty. In a treaty in which we or the other government cannot accept the Court's jurisdiction, we will urge the inclusion of other appropriate dispute settlement provisions.

In addition, I have directed that, wherever disputes arise with other countries, we give active and favorable consideration to the possibility of submitting them to the International Court of Justice. Recently, we asked the Canadian Government to join us in submitting to the Court the differences arising from Canada's intention to establish pollution and exclusive fisheries zones more than 12 miles from her coast. We are presently exploring the possibility of submitting several other disputes to the Court.

In this connection we can recall the early experience of our own Federal courts, which attracted legal business through increasing popular confidence in their handling of what at first were principally routine matters. We can also learn from the experience of other countries which have found the Court useful in resolving small disputes. For example, France and the United Kingdom submitted a case relating to two small islands. And Belgium and the Netherlands litigated before the Court the issue of sovereignty over a few small enclaves. In these and other cases involving relatively minor issues the Court has been able to develop important legal principles.

Advisory opinions are also important in building confidence. It is a disappointing fact that, in the last eight years, no international organization has submitted a request to the Court for an advisory opinion, although clearly there has been no dearth of problems.

If changes in the statute of the Court are given serious consideration, I would like to suggest two ways in which its advisory jurisdiction might be expanded.

First, additional international organizations could be authorized to request advisory opinions. It would be particularly useful to give regional organizations access to the Court.

Second, serious consideration should be given to authorizing disputing states to ask the Court for an advisory opinion, when they prefer that approach to a binding decision.

It is of course also important for states to accept and respect the pronouncements of the Court. In one important case when the Court made a courageous ruling—that United Nations members were obliged under Article 17 of the Charter to pay for UN peacekeeping activities assessed by the General Assembly—its implementation was blocked by certain states for political reasons.

However, we should recognize that the Court is at least partly to blame for its state of neglect. There is no doubt that its reputation was damaged by its decision in the Southwest Africa case—that the complainants had no standing to present their claims—after more than five years of proceedings. A similar decision early this year in the Barcelona Traction case—after more than seven years—has further eroded confidence in the Court.

I hope that the Court will take steps to prevent such delays in the future by deciding preliminary questions promptly, without joining them to the merits of a dispute. The Court also should be willing to impose reasonable time limits on parties and their counsel.

I have requested my Legal Adviser, Mr. John Stevenson, to begin consultations with other governments to consider recommendations for possible improvements in the Court's procedures. The following suggestions may be worthy of consideration:

Greater use might be made of the chambers of the Court, in an effort to relieve apprehensions about submitting disputes to the 15-judge tribunal sitting *en banc.*

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The chambers could meet outside The Hague, in order to make the Court more visible in other regions of the world.

Regional chambers could be established, to make the Court more attractive to Latin American, Asian, and African states in disputes with other states in the same region.

Summary proceedings might be used more often, and the length of pleadings and oral argument might be appropriately limited.

Turning now to my second point—I believe that we should make greater use of multilateral law making treaties.

The need to develop new international law by the treaty or international agreement route has become more urgent because of advances in technology. To cite one example, the rapid growth of commercial aviation has confronted us with a dangerous international problem we never had before: airplane hijacking.

The United States has taken several steps to deal with this problem. We recently ratified the Tokyo Convention on Offenses Committed Aboard Aircraft. We are actively participating in the International Civil Aviation Organization's efforts to draft a convention which would require the state where a hijacked aircraft lands either to punish the hijacker or to extradite him to a state where he can be punished.

Another major area urgently requiring multilateral treaties is the oceans, which cover 70 percent of the globe.

We are supporting measures at the United Nations for the preparation and conclusion of two supplementary Law of the Sea Conventions. One would set the breadth of the territorial sea at 12 miles, with guaranteed rights of free transit through and over international straits and carefully defined preferential fishing rights for coastal states in the high seas adjacent to their territorial seas. The other would define the outer limit of coastal states' sovereign rights to exploit the natural resources of the seabed and would establish an international regime governing exploitation of seabed resources beyond that limit.

In addition, yesterday, we signed at the United Nations Headquarters here in New York the Convention on the Law of Treaties adopted at Vienna a year ago. This treaty provides the basic "contract law" for treaty-making, interpretation, and termination. It is a treaty of major importance.

In suggesting the need for increased efforts to conclude multilateral treaties developing and clarifying international law, I do not want to deprecate customary international law. We all recognize in the day-to-day conduct of our foreign relations, the importance of observing the rules of custom which nations have accepted as appropriate rules for international conduct. They represent the accommodation and balancing of interests which states have found it in their reciprocal interest to make. Thus, they are a very useful means of avoiding international conflict.

However, like our common law, the rules of customary international law are frequently somewhat vague. In certain areas, particularly where international standards for the protection of aliens' property rights are involved, they are under attack in the developing countries. These countries argue that they did not participate in the development of these customary rules and, therefore, should not be bound by them. While we may not accept this line of argument, we must take into account the threat it presents to the stability of the international legal system.

Multilateral law-making treaties have advantages over customary international law. They make the legal rules more precise. They bring the newly independent countries into the development and clarification of international law. And they should increase the willingness of states to submit disputes to international judicial tribunals.

The third point which needs to be stressed is that nations must live up to their obligations under international agreements. International law, like any other set of rules, can function effectively only in a climate of respect and observance.

It is important for states to respect the international agreements they enter into on economic and technical matters. But it is of much greater importance for them to honor their commitments under those agreements involving international peace and security.

In Laos and Cambodia—the focus of recent international concern—the cessation of all hostilities and respect for territorial integrity and neutrality are matters of international agreement.

North Viet-Nam committed itself in Laos in 1954 to a "complete cessation of all hostilities," withdrawal and a prohibition on introducing "any reinforcement of troops or military personnel." In 1962 it undertook similar and even more substantial obligations. They included obligations not to "commit or participate in any way in any act" which might impair "directly or indirectly" the sovereignty or neutrality of Laos and "not to use the territory of Laos for interference in the internal affairs of other countries."

In Cambodia, North Viet-Nam committed itself in 1954 to a "complete cessation of all hostilities" to be enforced by its Commanders "for all troops and personnel of the land, naval and air forces" under its control. It also committed itself to the withdrawal from Cambodia of "combatant formations of all types which have entered the territory of Cambodia."

With those international agreements as a backdrop, what are the facts?

In Laos over 65,000 regular North Vietnamese troops have invaded and now occupy large portions of Laotian territory. About 40,000 are in the southern part of the country, along the Ho Chi Minh Trail. More than 25,000 North Vietnamese troops are in northern Laos. On February 12, this force launched the current offensive which has led to the increased anxieties. Prime Minister Souvanna Phouma has strongly objected and condemned this invasion of his country by the North Vietnamese—to no avail.

In Cambodia, as in Laos, North Viet-Nam has long been occupying territory in direct violation of its repeated treaty commitments to respect the country's neutrality. More than 40,000 North Vietnamese and Viet Cong troops have invaded and now occupy Cambodia. In Cambodia, as in Laos, Hanoi is using armed force against a state where it has no legitimate rights and against a people with whom it has no ethnic affinity. Both Prince Sihanouk, and his successor, Prime Minister Lon Nol agree that this is the case.

A more explicit and unprovoked violation of the fundamental provisions of the Charter of the United Nations and of additional specific international obligations to respect the territory of others could hardly be imagined.

Seven nations endorsed the Geneva Accords of 1954 upholding the independence and neutrality of Cambodia and Laos. Fourteen nations undertook further obligations in 1962 to hold consultations in the event of a violation, or threat of violation, of the neutrality of Laos. The violations of those accords by North Viet-Nam in Laos and Cambodia are explicit, uncontested, open and without any shred of international sanction. Is it not time for nations which are signatories to international agreements actively to support them. Should not the international community itself more actively look for ways to shoulder its responsibilities?

Article 4 of the 1962 Agreement on Laos is explicit in requiring the signatories to "consult" on measures to insure observance of the agreement in event of a violation or even the threat of a violation. The Soviet Union, whose Foreign Minister is a Co-Chairman of the Geneva Conference, has a particular responsibility "to exercise supervision over observance" of the agreement. Yet, except for a proposal by the Soviet United Nations Representative, Mr. Malik, about reconvening the Geneva Conference machinery—a proposal from which the Soviet Union has been steadily backpedaling since—the Soviet attitude has been negative toward exercise of its treaty responsibilities.

The flouting of international agreements which were freely entered into by Hanoi is not just a problem for the parties to the agreements. It is a problem for the world community. If states fail to honor their obligations solemnly agreed to then the role of law in the settlement of international disputes becomes minimal and nations have no recourse but to resort to force to protect their sovereignty and territorial integrity.

In addiion to the obligations of signatories to the 1954 Accords there are responsbilities of a more practical sort which concern particularly the states of the area. In this regard it is encouraging to note that the Foreign Ministers of such nations as Indonesia, Thailand, and Japan are initiating consultations to determine what action they can take in the international community to protect and restore the independence and neutrality of Cambodia.

In conclusion, the suggestions I have made today—to revive the International Court of Justice, to encourage more multilateral law-making treaties and insist on observance of international agreements, reflect my conviction that it is both necessary and possible to increase the role of international law in the settlement of disputes.

We must take steps which will build international confidence in international law. Mankind eventually must become wise enough to settle disputes in peace and justice under law. That is your goal—that is the goal of your government.

Mr. Speaker, as evidence of the support in Congress for the policies set forth by Secretary Rogers and for further initiatives in the same area, I submit for the RECORD the letter sent to President Nixon on April 30 by 70 Members of both Houses of Congress:

Hon. RICHARD NIXON,
*President of the United States, the White House, Washington, D.C.*

DEAR MR. PRESIDENT: We share your long-standing interest in forwarding the world rule of law. We recall the address you made as Vice President to the Academy of Political Science on April 12, 1959, in which you proposed that all disputes over the interpretation of international agreements should be referred to the International Court of Justice for a binding decision and said, "I am now convinced, and in this I reflect the steadfast purpose of the President and the wholehearted support of the Secretary of State and the Attorney General, that the time has now come to take the initiative in the direction of the rule of law in the world to replace the rule of force".

We firmly agree that the attainment of peace and justice in the world demands greater efforts to promote the acceptance and use of international law, internaional arbitration, and international legal institutions.

We respectfully suggest that the United States demonstrate its willingness to employ international legal procedures and institutions and, through its example and influence, encourage other nations to resolve disputes peacefully by recourse to mediation, arbitration, and adjudication.

It would be a highly significant contribution to the purposes of the United Nations during this 25th Anniversary Year and a tangible demonstration of America's willingness to resolve international disputes peacefully if the following specific steps could be taken this year:

First, a review by the Secretary of State of all disputes to which the U.S. is a party to ascertain which ones, or portions of them, might lend themselves to arbitration or adjudication. When this review has been completed, we would urge that the United States move to take the disputes that are determined to be justicable to the International Court of Justice or other appropriate international tribunals.

Second, the employment of the provision of Article 96 of the United Nations Charter to seek advisory opinions of the World Court by the United Nations and the U.N. Specialized Agencies on issues where such an opinion would help to clarify the legal aspects of a dispute.

Third, the instructing of U.S. negotiators to seek inclusion of a provision in future treaties and agreements which provides for the World Court's adjudication of disputes arising under those treaties and agreements.

We believe that these steps, modest though they seem, would be favorably received by the international community and lead to an enhanced regard for the rule of law throughout the world.

As Members of Congress for Peace Through Law, we have devoted considerable time and attention to this question and have sought the advice of skilled international lawyers outside the Congress.

We welcome your comments and reactions to these suggestions and would be pleased to discuss them in greater detail with you or with members of your Administration.

### LIST OF SIGNERS

Senators Edward W. Brooke, Alan Cranston, Charles E. Goodell, Philip A. Hart, Mark O. Hatfield, Harold E. Hughes, Gale W. McGee, George S. McGovern, Lee Metcalf, Walter F. Mondale, Frank E. Moss, Robert W. Packwood, Claiborne Pell, Richard S. Schweiker, Joseph D. Tydings, Harrison A. Williams, Jr., and Stephen A. Young.

Congressmen Thomas L. Ashley, Jonathan B. Bingham, Edward P. Boland, Richard Bolling, John Brademas, George E. Brown, Jr., Daniel E. Button, Silvio O. Conte, John Conyers, Jr., James C. Corman, John R. Dellenback, Bob Eckhardt, Don Edwards, Joshua Eilberg, Paul Findley, Donald M. Fraser, Peter H. B. Frelinghuysen, Cornelius E. Gallagher, Jacob H. Gilbert, William J. Green, Gilbert Gude, Seymour Halpern, Michael Harrington, William D. Hathaway, Augustus F. Hawkins, Henry Helstoski, Robert W. Kastenmeier, Hastings Keith, Edward I. Koch, Robert L. Leggett, Richard D. McCarthy, Paul N. McCloskey, Jr., Abner J. Mikva, Patsy T. Mink, William S. Moorhead, F. Bradford Morse, Charles A. Mosher, John E. Moss, Richard L. Ottinger, Claude Pepper, Bertram L. Podell, Thomas M. Rees, Ogden R. Reid, Donald W. Riegle, Jr., Benjamin S. Rosenthal, Edward R. Roybal, William F. Ryan, James H. Scheuer, William L. St. Onge, Louis Stokes, Frank Thompson, Jr., John V. Tunney, and Morris K. Udall.

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## CUBAN INDEPENDENCE DAY

## HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. CRAMER. Mr. Speaker, May 20 is a very special day for Cubans and Americans. On that date in 1902, the Cuban flag was first raised at the city hall in Havana and at El Moro Castle. On that date Cuba became a free country.

Most Americans know about the sinking of the battleship which made the cry "Remember the Maine" a part of our history. Most Americans know that this country interceded on behalf of the Cuban people fighting for independence from foreign domination.

Unfortunately, however, most Americans are not totally aware of the valiant fight put up by the Cuban people, alone and unassisted, for nearly a century.

The Cubans fought a 10-year war from 1868 to 1878 against a powerful Spanish Army. They have consistently sought freedom from oppression and their battle for independence from 1895 to 1898 found the United States fighting alongside of them.

But we cannot forget that the Cubans so loved liberty that the number of casualties in their two wars of independence mounted to a quarter of a million people. The total population of the island at that time was less that 2 million.

What this means is that one out of every four Cubans became casualties in their quest for liberty.

It is shameful to say that the United States seems to have turned its back on Cuba when it is suffering from the imposition of another foreign tyranny, international communism headed by the Soviet Union. Yet, State Department spokesman Robert McClosky, a holdover bureaucrat, threatens freedom fighters who wish to return and help their brothers throw off the yoke of this tyranny.

My colleague, Senator STROM THURMOND, has already brought this to the attention of the Senate. It is my wish to bring it to the attention of my colleagues in the House of Representatives and the American public.

The amount of sabotage being committed by Cubans inside Cuba is in line with the tradition of its people. Just a few days ago, on May 15, the Castro regime announced the execution by firing squad of a campesino who burned down a sugar warehouse at Isabela de Sagua.

This patriot lived in Cuba and gave his life in exchange for the destruction of 2,000 tons of sugar.

From all over Cuba come official admissions that the Cuban people are in massive resistance to the Communist regime of Fidel Castro.

It is fair to say that today resistance to Castro and communism is many times greater than the resistance which brought him to power in 1959. Yet, Cuban freedom fighters in exile are persecuted when their only purpose is to help their fellow man regain the liberty for which 250,000 Cubans fought and were wounded or gave their lives.

I should like to ask this question: Is it not in our own national interest that Cuba be freed from domination by a country a thousand times more powerful than the Spaniards of the 19th century? Does not the presence of a fleet of Soviet Navy ships anchored in Cienfuegos Harbor pose a threat to our own national security?

Among those ships are a missile firing cruiser and an atomic submarine. What is the practical difference between land base missiles which brought on the crisis of 1962 and Soviet ships with missiles now anchored in Cuba?

It is no secret that our intelligence community fears that the Soviet Union is now prepared to establish a Caribbean fleet based in Cuba, and surely this fact must relate to our own security. I say that official efforts to protect Fidel Castro by suppressing freedom fighters are dangerous and nonsensical.

True, the State Department apprehends Cuban exiles on the grounds that forrays from the United States are in violation of our neutrality laws. But I would like to cite an interpretation of those neutrality laws as rendered by the late Robert Kennedy when he was Attorney General of the United States.

His ruling was that the neutrality laws were, and I quote:

> Among the oldest laws in our statutes books. They were not designed for the kind of situation which exists in the world today.

The late Attorney General continued, and I quote from his April 20, 1961, ruling:

> The neutrality laws were never designed to prevent individuals from leaving the United States to fight for a cause in which they believe. There is nothing in the neutrality laws which prevents refugees from Cuba from returning to that country to engage in the fight for freedom, nor is an individual prohibited from the United States, with others of like belief, to join others in a second country for an expedition against a third country.

I believe that ruling not only is just but also was made in the cause of our own security. Unfortunately, it has been all but forgotten by our State Department which continues to harass Cuban exiles and even instructs the U.S. Coast Guard to apprehend freedom fighters on the high seas—a form of official piracy, I might add.

In conclusion, I would like to emphasize that Cuba is little more than a Soviet base dedicated to the destruction of our society, and that of free men everywhere. I should like to emphasize that our freedom is inextricably interwoven with the freedom of the Cuban people. The ominous presence of the powerful Soviet fleet based just off our shores underscores this fact.

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## KSU STORY ONE-SIDED IN TV REPORTING

## HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. LUKENS. Mr. Speaker, the events at Kent State are tragic enough without having emotions aroused and magnified by biased news coverage. Today I received an article which appeared in the Cleveland Plain Dealer, May 7, by Mr. William Hickey, which illustrates the irresponsible reporting of the deaths at Kent State.

Mr. Hickey, who is a TV and radio critic for the paper is well equipped to

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analyze his fellow newsmen. His comments certainly give substance to Vice President AGNEW's criticism of unbalanced and biased news coverage.

I submit the following article for the interest of my colleagues:

### KSU STORY ONE-SIDED IN TV REPORTS

(By William Hickey)

The events of the past few days at Kent State University and elsewhere, tragic enough in themselves, created still further tragedy in that they brought out the worst in a number of local and network broadcast news departments.

Try as I may, I cannot recall what so distorted the reason and objectivity of television and radio news teams as did the deplorable incident on the Kent State campus. Never has one side of a story been so graphically illustrated, while the other has been so completely ignored or discounted.

This is not to suggest that the print media, both here and across the nation, was above reproach in handling the story, but at least a great deal more attention was given students and members of the National Guard than was heard over the electronic counterparts.

It was a case of emotion winning the day and reason be damned. Unfortunately, that attitude was displayed time and time again. This is the ultimate disservice to the community, for in a time of highly charged feelings the last thing needed is additional fuel.

Dorothy Fuldheim, long one the city's leading news analysts, hosted a special broadcast Monday evening on WEWS–TV after returning from a trip to the scene of action and reason played little or no part in it.

The program was unworthy of Miss Fuldheim, who never quite managed to get her emotions under control. It should never have been aired for, taken in substance it was a blatant assault on the National Guard, with no regard for the particular circumstances its members faced that fateful day.

However, Miss Fuldheims' single-mindedness of purpose paled in comparison when placed along side the National Broadcasting Co.'s Huntley-Brinkley Report of Tuesday evening.

NBC–TV news has too many skilled and talented people on its payroll to push a half-hour of such one-sidedness upon a nation of viewers as it did with that piece of programming.

To make matters worse, the program was a technological horror. The lip sync was completely off and served only to make it all the more ominous.

David Brinkley, who has never mastered the fine art of concealing emotion despite his long tenure in front of television cameras, was nothing less than a disgrace.

Posturing, glaring, letting the world know exactly where he stood on that situation out in Ohio, left him no time to be a newsman.

He was too busy acting.

Watching these and several other shows, one gathered the impression that a troop of National Guardsmen invaded the campus without cause, provoked the students into a protest action and then fired into their ranks at will.

The cheapest moment of the Huntley-Brinkley Report came when the NBC–TV cameras rested upon the father of one of the slain students. The man, understandably near hysteria, made a number of irrational charges against the government and the condition the country was in, labeling it a totalitarian state.

While it was heart-wrenching to watch and all one's prayers and sympathies were extended to the father, that piece of film was totally dishonest and begged for rebuttal.

It is incumbent upon the news media, broadcast and otherwise, to investigate and understand both sides of a particular situation before it takes up a crusade in defense of what it knows not.

Certain facts should have been brought off with great emphasis, such as the demolition of downtown Kent of Friday evening; the total destruction of the ROTC Building Saturday evening; and that a state of martial law was in force.

If those points were stressed, the average viewer could better understand why the Guard was there in the first place, for as far as I know, nice college kids don't demolish towns and buildings. Radical types do, however, and some protection was needed for the town's citizens, as well as the students themselves.

Perhaps, if NBC–TV had interviewed and shown a number of former members of police departments, who are now condemned to live the remainder of their lives as vegetables, because they were struck on the head by rocks, that would have allowed the average viewer to better understand the nervousness and discomfort of the Guardsmen.

NBC–TV could have done any number of things to put the tragedy at Kent into proper focus.

However, to its undying discredit, it chose not to.

As a result, Vice President Agnew could present that 30 minutes of film as evidence to any court in the world to prove without doubt that the broadcast news media is biased.

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# SENATE—*Thursday, May 21, 1970*

The Senate met at 11 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, giver of health and strength, send us into today's work trusting in Thy loving kindness, pledged to Thy loyal service, standing in Thy strength, and not our own.

We pray for those who have special need of Thee:

For all who are faced by great decisions affecting the lives of men and nations;

For all molders of public opinion;

For all who write what others read;

For all prophets and priests;

For all who hold aloft the lamp of truth;

For all whose hands are worn with too much toil and those whose hands are idle through unemployment;

For all prisoners of war and their loved ones.

May these Thy children be enfolded by Thy love and have grace sufficient for the day.

In the name of the Great Burden Bearer. Amen.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 20, 1970, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Indiana (Mr. HARTKE), who is about to be recognized under the order of yesterday, permit me to proceed briefly without losing his right to the floor or any of his time?

Mr. HARTKE. I am glad to yield.

## EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination on the Executive Calendar will be stated.

## NATIONAL LABOR RELATIONS BOARD

The assistant legislative clerk read the nomination of Edward B. Miller, of Illinois, to be a member of the National Labor Relations Board for the term of 5 years, expiring December 16, 1974.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

**Mr. MANSFIELD.** Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Arizona (Mr. FANNIN), that there be a period for the transaction of routine morning business, with a time limitation on speeches of not to exceed 3 minutes.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

## ORDER OF BUSINESS

**The PRESIDING OFFICER.** Pursuant to the previous order, the distinguished Senator from Indiana (Mr. HARTKE) is now recognized for 30 minutes.

## FOREIGN MILITARY SALES ACT—AMENDMENT

### AMENDMENT NO. 648

### AID TO GREEK DICTATORSHIP MUST BE STOPPED

**Mr. HARTKE.** Mr. President, I submit an amendment, intended to be proposed by me, to the bill (H.R. 15628) to amend the Foreign Military Sales Act.

XUM

**The PRESIDING OFFICER** (Mr. ALLEN). The amendment will be received and printed, and will lie on the table.

**Mr. HARTKE.** Mr. President, the purpose of the amendment, simply stated, is to halt military aid by this Nation to the Greek dictatorship. I offer it because of my deep concern about the continuing deterioration of the political situation in Greece. It is a situation which, if it continues to worsen, could well lead to a new Vietnam—this time in Europe.

The amendment also registers my dismay at the fact that the present administration is following the same set of policies established by the previous administration that must inevitably lead to disaster, not only for Greece, but for long-range American interests in that vital part of the world. The net result of these policies has been that the majority of the Greek and European peoples generally believe that the United States is responsible for bringing the military junta to power in the first place and maintaining it in power since April 21, 1967.

As early as August 10, 1966, 8 months before the colonels destroyed Greek democracy in its own ancient birthplace, I had occasion to refer to the impending disaster in an interview with the political editor of the Athens Daily Post, "If we want," I said, "to avoid more Vietnam and Dominican Republic interventions in other crucial parts of the world, both the White House and Capitol Hill should thoroughly investigate these grave charges voiced in Greece against the United States."

The following year it was my unhappy distinction to be the first Member of this body to visit Athens after the colonels came to power. I had lengthy talks then with junta leaders. The impression I gained from those conversations has only been reinforced by the events in the interim. And that is why last December I voted against granting U.S. military assistance to the present regime. How tragic it is that a majority of the Senate determined otherwise on the very day that member nations of the Council of Europe took the unprecedented action of forcing Greece to resign from the council because of the regime's violation of the human rights of the Greek people and its torturing of political opponents. I might add that the council took this step in the face of intense lobbying by American spokesmen arguing against it.

Thus the Greek issue has now become a European issue. The action of our allies last December constitutes a sharp diplomatic slap against our policies in that area. We had better heed the warning before it is too late.

The Truman doctrine of 1947 saved Greece from becoming a satellite of the Soviet Union. The Greek people have been deeply grateful to us for this, but their gratitude is turning now to resentment and worse because of our support of the dictatorship. If we fail to join our European allies in their efforts to restore democracy to Greece, we may soon be faced with developments too terrible to contemplate. And we may end up by having to bury, with our own hands, that Truman doctrine which is so proud a milestone in our postwar resistance to tyranny.

A most important signal that European hostility to the Greek colonels is fast arising came in the April 16, 1970, communique of the Common Market. For the first time in Common Market history, a communique dealt with a purely political matter, the Greek military dictatorship. The full text of this communique with its harsh language is as follows:

> The Commission of the European Communities has followed the evolution of the situation in Greece with growing concern. The recent trials in Athens and the continuing arrests of persons held in particularly high esteem have increased its concern still further.
>
> These events do not suggest a return to normal democratic life, which is awaited more and more impatiently by public opinion in Europe.
>
> Because of the repeated offences against human and civic rights, the Commission feels it must reconsider the working—already very difficult—of the agreement associating Greece and the European Community.
>
> The Commission deeply deplores this situation, being more than ever convinced that total participation by the Greek people in the work of European integration remains eminently desirable.

Last Sunday the well-known nationally syndicated columnists, Rowland Evans and Robert Novak, disclosed that—

> Renewal of full-scale U.S. arms shipments to Greece threatens an explosion at the meeting of the North Atlantic Treaty Organization (NATO) later this month in Rome, with several NATO countries threatening to reappraise their NATO membership.
>
> The U.S. slapped its arms embargo on the Greek junta three years ago, after the coup by army colonels established a military dictatorship. Now, however, with Soviet power growing in the Eastern Mediterranean and the Arab world, the U.S. has reached a hard—but not yet announced—decision to resume full-scale shipment of heavy armaments to the junta. Small arms shipments have been going on for many months.
>
> The U.S. decision has not been announced for one reason: fear that making it public now would envenom the Rome NATO meeting by further exacerbating rising bitterness against the junta throughout Europe, particularly in the Scandinavian countries, Belgium, and Holland.
>
> Top Nixon administration diplomats have been warned that the intense feeling against the junta in Denmark and Norway is creating a political backlash against their conservative government that might get out of control.
>
> Despite this clear handwriting on the wall, the Nixon administration's decision to resume heavy arms shipments soon after the Rome meeting will not be changed.
>
> The only concession the U.S. has made to its anti-junta NATO friends is to postpone the announcement until after the NATO meeting, and even that concession involved hard political infighting within the Administration. Some top Administration officials, arguing privately that the junta actually has eased its repressive rule, wanted to meet the issue head on before the Rome conference.
>
> Pentagon officials, in fact, flatly informed Greek Adm. Constantine Margaritis during his informal visit to Washington three weeks ago that U.S. naval air craft had already been "released" for early shipment to Greece. There will be no backdown here.
>
> Accordingly, with the political left forcing the issue in several NATO countries, the U.S. will confront an extremely hostile atmosphere at Rome and the threat of possible withdrawals by Denmark and Norway at the least.

In view of these disclosures, Mr. President, I deem it important to bring to the Senate's attention a position paper prepared by the Hudson Institute titled "Greece—A New Vietnam?" written by Mr. Elias P. Demetracopoulos, a leader of the resistance movement in the United States against the Greek military dictatorship and with a favorable introduction by the noted U.S. strategic thinker, Herman Kahn, director of the Hudson Institute. Mr. Demetracopoulos writes:

> The Greek situation I believe not only denies the Greek people basic democratic rights but is also harmful to the national interest of the United States and contains the seeds of another "Vietnam." The element of time is terribly important in this connection, as the dangers posed by the current Greek situation leave little time for constructive action by the United States. In other words, I believe the clock is running out in Greece, and unless some major changes are forthcoming in American policy, both the U.S. and NATO are apt to be faced with the reality rather than the potential of explosive political, military, and economic development on NATO's Southern Flank.
>
> U.S. foreign policy in Greece, inherited by the Nixon Administration, is based on the hypothesis that the present dictatorial regime provides sufficient military, political and economic stability to satisfy America's strategic interests in the area—the kind of stability, supposedly, which could not be guaranteed by any realistic alternative.
>
> First, let us begin with the premise that the Junta has brought military stability. Both the Pentagon and other senior U.S. officials claim that the Greek armed forces and terrain, as well as the U.S. and NATO basis in Greece, are necessary to maintain control of the Eastern Mediterranean, to deter direct

communist aggression from the North, and to provide a vital link with Turkey which would otherwise not be a viable military ally. In addition they cite increased Soviet naval strength in the Mediterranean to strengthen their argument. I agree with their assessment as to the importance of a strong and stable Greece as far as NATO is concerned. The key question then is: have the Colonels indeed provided this stability?

The Greek armed forces today are far less effective than they were prior to the coup. They are mainly an internal security force in which the Junta-controlled elements watch not only potential civilian opponents but also the very real latent opposition in the armed forces themselves. To this effect the continuing purges of the Greek military establishment two whole years after the April 21, 1967 coup are a key indicator.

The Junta has systematically removed from the armed forces an alarming number of the officers they consider unreliable. These hundreds of officers were trained at enormous American expense in the U.S., other NATO countries and Greece, since the Truman Doctrine of 1947. The officers purged were not and could not possibly be communist, considering the nature of the recruiting process and the close ties between the Greek Armed Forces and the U.S. military and intelligence communities. Indeed many of these officers purged by the Junta were generally considered by Washington, the NATO authorities and the Joint U.S. Military Aid Group to Greece to represent the elite of the Greek officer corps. Their only sin was to have opposed the illegal seizure of power by a relatively small group of officers.

The usurpers, the officers who seized power two years ago, are reliably reported to number no more than 300, with a good percentage of them having intelligence and security training and background.

The purging of the cream of the Greek officer corps and a preoccupation with the internal security duties make the combat effectiveness of the Greek armed forces in time of full mobilization of the reserves an agonizingly open question mark for NATO planners. Thus the illegal seizure of power by the Junta and its subsequent actions have not only seriously weakened the combat capabilities of the Greek armed forces; they have also undermined Greece's political and moral ability to fulfill its NATO commitments. For any crisis which required full mobilization would in all probability lead to the speedy overthrow of the Junta. This really explains why the Junta thought it wise to 'defuse" the Cyprus crisis in November 1967. The armed forces have become mostly a police force which, under the new constitution, are also charged with preserving the "existing social order." The same reasoning applies to the U.S., NATO bases and other American listening posts and propaganda machinery operating on Greek territory. These bases are important. Yet in view of the climate in which they exist today, it is a real question how much long-range strategy in the area can be built around them.

The Soviet naval build-up in the Mediterranean, the Middle East crisis, the events in Czechoslovakia and the outflanking of Greece and Turkey by the Soviet Union's rapid strategic deployment along North Africa's coast-line and the Middle East, were used by the Johnson Administration as reasons for supporting the Junta. This is indeed tragic, since the Junta's actions have weakened the military capabilities and stability of the Greek armed forces and consequently NATO's strength in the area.

More recently, Mr. Demetracopoulos was interviewed by the well known syndicated columnist Eliot Janeway for the Chicago Tribune Press Service. In response to the question, "What are the major foreign sources of material support for the Junta today?" Mr. Demetracopoulos replied:

> The Pentagon and the World Bank. Both of these sources have come under increased Congressional criticism based on the fact that the long run strategic interest of the U.S. will not be served by supportnig the unpopular Greek regime which inevitably must become a source of increasing instability in the vital area of the eastern Mediterranean.

Mr. President, I fully concur in that analysis and fully share the profound concern expressed by Mr. Demetracopoulous. It seems to me absolutely imperative that we act now to associate ourselves with our European allies in withdrawing both moral and material support from a regime that persists in violating every standard of Western democracy.

By cutting off military aid to Greece now, we will at least demonstrate to the democratic forces within Greece that they can move to restore constitutional government without fear of having to face U.S. weapons in the hands of the Junta's mercenaries. That is not intervention in internal Greek affairs. It is, on the contrary, a long-delayed statement of neutrality. It is the very least we can or should do to honor our own principles and to protect our vital interests in the eastern Mediterranean.

## THE CALENDAR

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished Senator from Arizona (Mr. FANNIN), I ask unanimous consent that the Senate turn to the consideration of the calendar beginning with Calendar No. 873, then skipping over to Calendar No. 879 and considering the rest of the calendar down to and including Calendar No. 888 in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT OF THE INTERNATIONAL TRAVEL ACT OF 1961

The Senate proceeded to consider the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States and for other purposes.

Mr. MANSFIELD. Mr. President, I move that all after the enacting clause be stricken and that the text of S. 1289, a compromise bill that has already been passed by the Senate, be inserted in lieu thereof and that the bill be passed as thus amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and the pending bill (H.R. 14685) was amended by striking out all after the enacting clause and substituting in lieu therefor the text of S. 1289, as passed by the Senate.

The amendment was ordered to be engrossed, and the bill to be read a third time. The bill (H.R. 14685) was read the third time, and passed.

## AUTHORIZATION FOR ACQUISITION OF THE PLAZA HOTEL PROPERTY

The bill (S. 3594) to authorize the acquisition of certain property in square 724 in the District of Columbia for the purpose of extension of the site of the additional office building for the U.S. Senate or for the purpose of addition to the U.S. Capitol Grounds was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3594

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in addition to the real property heretofore acquired under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028), as a site for an additional office building for the United States Senate, and under Public Law 85–591, approved August 6, 1958 (72 Stat. 495–496), and Public Law 85–429, approved May 29, 1958 (72 Stat. 148–149), for purposes of extension of such site or for additions to the United States Capitol Grounds, and authorized to be acquired for such purposes by Public Law 91–145, approved December 12, 1969 (83 Stat. 352–353), the Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, for purposes of further extension of such site or for additions to the United States Capitol Grounds, all privately owned property contained in lots 845 and 832 in square 724 in the District of Columbia, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act.

SEC. 2. For the purposes of this Act, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square.

SEC. 3. Any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351–1368).

SEC. 4. Notwithstanding any other provision of law, any parts of streets contained within the curblines surrounding square 724 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol.

SEC. 5. Upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

SEC. 6. The jurisdiction of the Capitol Police shall extend over any real property acquired under this Act and such property shall become a part of the United States Capitol Grounds.

SEC. 7. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

SEC. 8. The appropriation of such sums as may be necessary to carry out the provisions of this Act is hereby authorized.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–877), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### SUMMARY OF THE LEGISLATION

S. 3594 authorizes the Architect of the Capitol under the direction of the Senate Office building Commission to acquire on behalf of the United States, lots 845 and 832 in square 724. It further authorizes the Architect of the Capitol when directed by the Senate Office Building Commission to provide for the demolition of buildings or other structures on this property and pending demolition to use the property for Government purposes or to lease any or all of such property under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection with demolition use, or leasing of such property. The legislation further provides that the property acquired shall become a part of the U.S. Capitol Grounds and extends the jurisdiction of the U.S. Capitol Police over the property.

### HEARING

On April 9, 1970, the Subcomimttee on Public Buildings and Grounds conducted a hearing on this measure. Testimony was received from Members of the Senate, Chairman of the Senate Office Building Commission, the Architect of the Capitol, the District of Columbia government, and the owner of the property. The testimony was generally favorable.

### GENERAL STATEMENT

Square 724 is bounded by C, First, D, and Second Streets NE, and is across C Street from square 725 which is the location of the New Senate Office Building. The Plaza Hotel is located on lot 845, while lot 832 is a very small parking lot located across the alley from the Plaza Hotel and used in connection with the hotel. The two lots contain a total of 17,000 square feet and have an assessed valuation of $306,000. Lot 845 on which the Plaza Hotel is located is located at the corner of First and D Streets NE. with frontage on both First and D Streets.

Approximately one-half of square 724 is already owned by the Federal Government, most of which was acquired for the use of the U.S. Senate under the authority of Public Law 85–429 in 1959, and is presently used for parking. The other federally owned property in the square is a general purpose office building under the jurisdiction of the General Services Administration, presently occupied by the Immigration and Naturalization Service. The remaining half of square 724 is privately owned and contains in addition to the Plaza Hotel mostly apartment buildings. Using the past as a guide, it is probably only a matter of time before the Senate will require the remainder of the privately owned property in square 724 to meet further expansion needs. If this assumption is correct, the Government should avail itself of the present opportunity to acquire the Plaza Hotel property while it is on the market, and before some new private owner completely renovates the building for use as a modern hotel. The property can undoubtedly be purchased now for a much lower price than it can be purchased at some future date after considerable money is spent on restoration.

### COMMITTEE VIEWS

The committee is convinced that it will be necessary at some future date to acquire the remaining privately owned property in square 724 for the use of the Senate, and believes that lots 845 and 832 should be acquired while they are available at a reasonable price. The committee therefore recommends the enactment of S. 3594.

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

The Senate proceeded to consider the bill (H.R. 3215) to amend the National Foundation on the Arts and the Humanities Act of 1965 to provide for a permanent authorization for programs under such act, which had been reported from the Committee on Labor and Public Welfare, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as "The National Foundation on the Arts and the Humanities Amendments of 1970".

### ASSISTANCE RELATING TO THE DISTRIBUTION OF WORKS OF ART AND WORK IN RESIDENCE BY ARTISTS

Sec. 2. Clause (3) of subsection (c) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting after "enable them" the following: "to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or".

### CONSOLIDATION OF LAWS RELATING TO THE NATIONAL COUNCIL ON THE ARTS

Sec. 3. (a)(1) Subsection (b) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

"(b)(1) The Endowment shall be headed by a chairman, to be known as the Chairman of the National Endowment for the Arts, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The term of office of the Chairman shall be four years and the Chairman shall be eligible for reappointment. The provisions of this subsection shall apply to any person appointed to fill a vacancy in the office of Chairman: Provided, That upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified."

(2) Such section 5 is further amended by striking out subsection (d) and by redesignating subsections (e), (f), (g), (h), (i), (j), (k), and (l), and all references thereto, as subsections (d), (e), (f), (g), (h), (i), (j), and (k), respectively.

(3) Clause (2) of subsection (a) of section 10 of such Act is amended by striking out all that follows "sections 5(c) and 7(c)" and inserting in lieu thereof a semicolon.

(4) Section 11(a) of such Act is amended by striking out "and the functions transferred by section 6(a) of this Act,"

(b) Section 6 of such Act is amended to read as follows:

### "NATIONAL COUNCIL ON THE ARTS

"Sec. 6. (a) There shall be, within the National Endowment for the Arts, a National Council on the Arts (hereinafter in this section referred to as the 'Council').

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, who shall be Chairman of the Council, and twenty-six other members appointed by the President who shall be selected—

"(1) from among private citizens of the United States who are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in, the arts;

"(2) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and

"(3) so as collectively to provide an appropriate distribution of membership among the major art fields,

The President is requested, in the making of such appointments, to give consideration to such recommendations as may, from time to time, be submitted to him by leading national organizations in these fields.

"(c) Each member shall hold office for a term of six years, and the terms of office shall be staggered. No member shall be eligible for reappointment during the two-year period following the expiration of his term. Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

"(d) The Council shall meet at the call of the Chairman but not less often than twice during each calendar year. Fourteen members of the Council shall constitute a quorum.

"(e) Members shall receive compensation at a rate to be fixed by the Chairman but not to exceed the per diem equivalent of the rate authorized by grade GS–18 by section 5332 of title 5 of the United States Code and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(f) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, duties, or responsibilities under this Act, and (2) review applications for financial assistance under this Act and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove any such application until he has received the recommendation of the Council on such application, unless the Council fails to make a recommendation thereon within a reasonable time. In the case of an application involving $10,000, or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council."

(c) Subsection (e) of section 8 of such Act is amended to read as follows:

"(c) Members shall receive compensation at a rate to be fixed by the Chairman but not to exceed the per diem equivalent of the rate authorized for grade GS–18 by section 5332 of title 5 of the United States Code and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently."

(d)(1) The National Council on the Arts established under section 6 of the National Foundation on the Arts and the Humanities Act of 1965, as amended by subsection (b), shall, for any purpose determined to be necessary by the Chairman of the National Endowment for the Arts, be deemed to be a continuation of the National Council on the Arts established under the National Arts and Cultural Development Act of 1964, Public Law 88–579, without interruption.

(2) Members appointed to the National Council on the Arts pursuant to section 5 of the National Arts and Cultural Development Act of 1964 shall be deemed to have been appointed as members of the National Council on the Arts established under section 6 of the National Foundation on the Arts and the Humanities Act of 1965, with such terms of office as may be remaining under the prior appointment on the effective date of the amendments made by subsection (b).

(3)(A) The amendments made by subsections (a) and (b) shall be effective after June 30, 1970.

(B) Effective July 1, 1970, the National Arts and Cultural Development Act of 1964, Public Law 88–579, is repealed.

### TECHNICAL AMENDMENT RELATING TO THE DISTRICT OF COLUMBIA

Sec. 4. Clause (A) of paragraph (2) of subsection (g) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting after "Recreation Board" a comma and the following: "or any successor designated for the purpose of this Act by the Commissioner of the District of Columbia,".

### ALLOTMENTS OF FUNDS TO STATES

SEC. 5. Paragraph (3) of subsection (g) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

"(3) From the sums appropriated to carry out the purposes of this subsection for any fiscal year, $50,000 shall be alloted to each State. That part of such sums as may remain after such allotment shall be allotted among the States in equal amounts, except that for the purposes of this sentence the term 'State' shall not include Guam and American Samoa. If the sums appropriated for any fiscal year to carry out the purposes of this subsection are insufficient to satisfy allotments under the first sentence of this paragraph, such sums shall be allotted among the States in equal amounts.".

### AMENDMENT RELATING TO THE TERM OF OFFICE OF THE CHAIRMAN OF THE ENDOWMENT FOR THE HUMANITIES

SEC. 6. Paragraph (2) of subsection (b) of section 7 of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

"(2) The term of office of the Chairman shall be four years, and the Chairman shall be eligible for reappointment. The provisions of this paragraph shall apply to any person appointed to fill a vacancy in the office of the Chairman: Provided, That upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and have qualified.".

### AUTHORIZING CONTRACTS RELATED TO STRENGTHENING RESEARCH POTENTIAL IN THE HUMANITIES

SEC. 7. Paragraph (2) of subsection (c) of section 7 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting "contracts," before "grants,".

### INCLUSION OF THE ARCHIVIST OF THE UNITED STATES AS A MEMBER OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

SEC. 8. Subsection (b) of section 9 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting after "the Chairman of the Commission of Fine Arts" a comma and the following: "the Archivist of the United States".

### METHOD OF MAKING PAYMENTS

SEC. 9. The first sentence of subsection (a) of section 10 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by redesignating clauses (6) and (7), and all references thereto, as clauses (7) and (8) and by inserting after clause (5) the following new clause:

"(6) to make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529)."

### TECHNICAL AMENDMENT

SEC. 10. Subsection (a) of section 10 of the National Foundation on the Arts and the Humanities Act of 1965 is amended—

(1) in clause (3) by inserting "to" before "appoint";

(2) in clause (4) by inserting "to" before "utilize";

(3) in clause (5) by inserting "to" before "accept";

(4) in clause (7) by inserting "to" before "rent";

(5) in clause (8) by inserting "to" before "make".

### AUTHORIZATIONS OF APPROPRIATIONS

SEC. 11 (a) Subsection (a) of section 11 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by—

(1) striking out "and $6,500,000 for the fiscal year ending June 30, 1970" in the first sentence of such section and inserting in lieu thereof the following: "$6,500,000 for the fiscal year ending June 30, 1970, $12,875,000 for the fiscal year ending June 30, 1971, $21,000,000 for the fiscal year ending June 30, 1972, and $28,625,000 for the fiscal year ending June 30, 1973";

(2) striking out "and $9,000,000 for the fiscal year ending June 30, 1970" in the first sentence of such section and inserting in lieu thereof the following: $9,000,000 for the fiscal year ending June 30, 1970, $17,000,000 for the fiscal year ending June 30, 1971, $26,500,000 for the fiscal year ending June 30, 1972, and $35,500,000 for the fiscal year ending June 30, 1973"; and

(3) striking out "and $2,500,000 for the fiscal year ending June 30, 1970" in the second sentence of such section and inserting in lieu thereof the following: $2,500,000 for the fiscal year ending June 30, 1970, $4,125,000 for the fiscal year ending June 30, 1971, $5,500,000 for the fiscal year ending June 30, 1972, and $6,875,000 for the fiscal year ending June 30, 1973.

(b) The first sentence of subsection (b) of section 11 of such Act is amended by inserting immediately before the period at the end thereof a comma and the following: "and the amount so appropriated for the fiscal year ending June 30, 1971, shall not exceed $6,000,000, the amount so appropriated for the fiscal year ending June 30, 1972, shall not exceed $7,000,000, and the amount so appropriated for the fiscal year ending June 30, 1973 shall not exceed $9,000,000".

**Mr. PELL.** Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–879), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### BACKGROUND

The National Foundation on the Arts and Humanities was established in 1965 by Public Law 89–209. The original act was thereafter amended in 1967 by Public Law 90–348. The 1965 legislation created the National Foundation on the Arts and Humanities and its two cooperating entities, the National Endowment for the Arts and the National Endowment for the Humanities. Each Endowment has a presidentially appointed Chairman and Council who are responsible for program operation. The National Endowment for the Humanities and the National Endowment for the Arts have a joint administrative staff which reports to both chairmen.

Since the enactment of the National Foundation on the Arts and the Humanities Act of 1965, the Federal involvement in, and support of esthetic activities has broadened in scope and become more sophisticated in approach. When the original bill was in the formulation stage there were two areas of discussion which were of great concern to the framers of the act. The first questioned whether the Federal involvement would be oriented to all segments and schools of cultural endeavor and all geographical portions of the country. The second was a great concern that enactment of legislation to foster support of the arts and humanities could bring about establishment of a central Federal control of the arts and humanities. Some voiced this concern with the phrase "cultural czar."

The committee finds that, from their inception, the programs of the Endowments have been broadly distributed on an equitable geographical basis. In the 1967 reauthorization, questions as to this distribution were discussed. At that time Endowment leadership indicated that they would further intensify their efforts to see that the programs were broadly based. The committee is satisfied, from information submitted for the record, that this objective has been achieved and that all sections of the Nation are receiving benefits under the program.

Statistical information received by the committee could indicate, at a cursory glance, that one portion of the country received more funds than another. However, it should be clearly understood that while a group may be based in one city, a large expenditure for a touring program brings that activity to cities and towns throughout the Nation and not to the base city.

The committee is also satisfied that the operation of the Endowments has been in a manner which negates the concern of those who feared the establishment of a "cultural czar." The record indicates that a scrupulous concern for openminded consideration of all applications has been built into the grant approval mechanism, with the ultimate responsibility for making a grant in a 26-member Council, which represents a broad geographical, cultural, and school cross section of the country.

The committee recognizes the growing appreciation of the arts and the humanities by citizens across the Nation and urges the Endowments to continue their efforts to decentralize American art and culture and emphasize those programs that will stimulate the creation of new cultural institutions and strengthen established ones in local communities, States, and regions. By further integrating the arts and humanities into into the mainstream of American life, increased opportunities for broader appreciation of them will be created as well as an improved awareness of the duplicity of the country's culture.

A meaningful measuring device as to the success of the program is the ability of the Federal activity to engender support at the State and local level. This report discusses in a separate paragraph the meaningful growth of the State arts councils as a result of passage of the enabling legislation. Of equal importance is an indication that the Federal dollar expended is utilized in a manner which creates an even greater sum of money. It has been pointed out to the committee that for every Federal dollar appropriated there have been generated $3 of funds at the State and local level for arts and humanities programs.

### ADMINISTRATION OF THE ENDOWMENTS

The committee, in its oversight role, noted with favor the efficient operation of both endowments since their establishment. It would appear that procedures have been adopted which not only provide for expeditious operation, but also operation in an economical manner.

One matter pertaining to administration of the program has come to our attention which warrants specific comment. Upon the enactment of the National Foundation of the Arts and the Humanities Act of 1965, it was envisioned that certain administrative functions necessary to each endowment would be operated on a shared basis. One of these functions was that of the legal adviser who has been termed the "General Counsel of the Foundation." Until this past year there was a single general counsel who provided legal services to both the National Endowment for the Arts and the National Endowment for the Humanities. During the past year, this single office was abolished and there are now two associate counsels: one for each of the Endowments. The committee expects that this change in organization will be further studied by the Endowment Chairmen and that a return to the original use of one counsel will be effected.

The administration proposed the establishment of an executive committee of each Endowment Council which would be empowered to act in the interim between regular Council meetings. The committee studied the advisability of the suggested amendment and rejected it. It is believed that the present method of awarding grants is one which insures that all the various schools of artistic and humanistic endeavor are given equal consideration. In an area as subjective as that of making awards in the arts and humanities fields, a procedure which insures

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the broadest possible consideration is desirable.

The committee believes that concentrating the grantmaking authority in an executive committee could have many negative effects: the consolidation of grantmaking authority could work to lessen the broad scope of consideration presently given to grant application, establishment of an executive committee could relegate the role of the Endowment Council to one of secondary authority, and the coalescing of authority in a small group could make the Endowments procedures more amenable to political pressure, a situation which does not now exist.

As introduced, S. 3215 would have provided for the permanent establishment of each Endowment, thus negating the necessity for reauthorization every 2 or 3 years. While the Special Subcommittee on the Arts and Humanities strongly supports this concept it was felt that at this time it would be best to leave the method of authorization as it presently exists, with a hope that at the next consideration of the enabling legislation there will be further study on the question of making the Endowments permanent bodies.

### STATE COUNCILS ON THE ARTS AND THE HUMANITIES

One of the most salutary effects of the original enactment of the 1965 Act has been the establishment and growth of the State arts councils, which provide for involvement in and substantial contributions to the arts at both the State and local levels.

The success of the State arts councils movement is seen as a direct result of section 5(h) of Public Law 89-209 which provides funds, on a matching basis, to bodies established by the States, whose prime function is the broadening of support of and participation in esthetic activities within each State. The committee noted that each State and territory has established an arts council. What is even more significant is the fact that, for fiscal year 1970, 31 States and Territories appropriated sums of money which were in excess of the Federal matching contribution.

Noting that some of the State councils are termed "State council on the arts and the humanities," the committee questioned the Chairman of the Endowment on the Humanities on the advisability of an amendment to provide for the establishment of State humanities councils on a matching basis. The reply to the question pointed out that the Endowment has funded regional programs in the area, but also raised some doubts as to whether support of the humanities can meaningfully be organized along this line and for that reason no new language is recommended. However, the committee is of the opinion that a program of demonstration grants throughout the country at both the State and local levels may be a feasible approach to demonstrate the effectiveness of a humanities council approach and expresses its hope that the Humanities Endowment would make grants in this area. It is understood that no change in existing law is necessary to authorize such a demonstration grant program.

### LIMITATION ON FUNDING OF MATCHING GRANTS FOR CERTAIN OUTLYING TERRITORIES

The committee has recommended a marked increase in the funding of matching grants for the purpose of State arts councils. In its discussion of this increase, it was noted that American Samoa and Guam would be automatically included in such an increase under the present language. Noting the level of involvement in previous years, and with the understanding that these two territories have often been treated as separate entities, the committee has amended the language to exclude American Samoa and Guam from any matching State arts council funds over a $50,000 level. The mechanism used to effect this objective provides that each State and territory as defined under the original law will participate at a $50,000 level but that any appropriated sums over this level will be equally shared by the 50 States, District of Columbia, Puerto Rico, and the Virgin Islands.

### ARTISTS AT EDUCATIONAL AND CULTURAL INSTITUTIONS

The committee has amended section 5(c) (3) of the act to provide the projects that will assist artists to achieve wider distribution of their works and enable them to work in residence at an educational or cultural institution. This provision is meant to encourage artists to spend time working in residence at educational and cultural institutions, helping to motivate young artists and teach the interested public about various art forms, and, generally, to add a healthy cultural dimension to that institution at the same time as providing income to free artists for their creative work.

This provision will also serve to complement and encourage the growing interest in the arts on the Nation's campuses.

In this connection, the committee also wishes to invite the attention of the Arts Council to encourage arts projects situated on college campuses which serve both nearby communities as well as students.

### THE HUMAN ENVIRONMENT

During the joint hearings, members of both committees closely questioned the chairman of each endowment on the activities of the endowments which are relative to domestic problems such as race, student unrest, and the crisis in our environment. many projects in these areas which have The committees were pleased to learn of the been funded by the endowments in a manner which makes the arts and humanities more relevant to our everyday life.

An area receiving emphasis was the discipline of ekistics, the science of human settlement. In the 1967 amendments to the enabling legislation the definition of both the arts and the humanities was enlarged by the addition of the following phrases: "application of the humanities to the human environment," and "application of the arts to the human environment." When studying the desirability of including the word "ekistics" in the definition of arts and humanities, both endowment chairmen stated that they felt that the present language is sufficient to cover the aims and no further change is necessary. Nevertheless, the committee urges the endowments to become more involved in the ekistical approach to the study of our environment, with further grants supportive of the art and science of human settlement.

### STUDIES

The committee has noted with interest the Belmont report on America's museums, a study initiated by the Federal Council on the Arts and Humanities, which explored problems in the museum field. The committee suggests that the Council consider additional similar studies in other areas; among those which have been suggested to the committee are the problems of the theater, profit as well as non-profit; how public policy, such as, for example, tax laws, affects the arts and the humanities; and the areas of manpower training and resources for the arts and the humanities.

### CODIFICATION OF STATUTES RELATING TO THE NATIONAL COUNCIL ON THE ARTS

When the National Foundation on the Arts and the Humanities was first enacted in 1965, the National Council on the Arts established under the National Arts and Cultural Development Act of 1964 was continued and strengthened in association with the National Endowment for the Arts. The result has been that the National Council on the Arts has two basic organic statutes. This situation created confusion when amendments to the earlier act were considered, and, therefore, the committee recommends that the organic provisions of the 1964 act be incorporated into section 6 of the National Foundation on the Arts and the Humanities Act with one substantial change: The independent study authority under the 1964 act is not incorexercised in recent years, the committee felt porated. Since that authority has not been that it ought not be continued.

In connection with the effort of this committee to effectuate its policy in favor of simplification and codification of statutes, the committee recommended and the Congress enacted in Public Law 91-230 a consolidation of section 12 of the National Foundation on the Arts and the Humanities Act with title III of the National Defense Education Act of 1958. Question has been raised with respect to the manner in which that consolidation should be construed. For that reason the committee wishes to make clear that, when consolidations are enacted upon the recommendation of this committee, they should be narrowly construed and that the authority under the consolidated statute should not be construed to be greater than that of the earlier statutes, unless greater authority is expressly provided for on its face.

### FUNDING

Both the administration bill, S. 3238, and S. 3215, as introduced, contained no funding levels. The committee, after consideration of present programs, projected needs, and ability of the endowments to fully utilize funds, recommends the following levels of funding: For fiscal year 1971, $40 million; for fiscal year 1972, $60 million; for fiscal year 1973, $80 million. The totals would break down to $20 million, $30 million, and $40 million for each endowment over the 3 fiscal years and it should be noted reflects the President's message on the arts as to fiscal year 1971. The committee also has markedly increased the amount of funds authorized for matching purposes for State arts councils and recommends a sum total which would break down for each State to the following approximate figures: For fiscal year 1971, $75,000 per State; for fiscal year 1972, $100,000 per State; and for fiscal year 1973, $125,000 per State.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes."

**Mr. GOLDWATER.** Mr. President, in acting today on legislation to extend the life of the National Foundation on the Arts and Humanities, the Senate is completing a bipartisan movement that demonstrates our concern with the Nation's cultural life. I am pleased to be a cosponsor of both of the major bills that were offered in this field and I am delighted that a happy compromise was swiftly worked out between them.

It is a special pleasure for me to note that the Senate Labor and Public Welfare Committee has approved language closely along the lines of two amendments which I had offered to strengthen the bills.

The first amendment which I introduced was designed to carry out the request made by the respective State art agencies for a direct grant of funds to each State of not less than $100,000 per program year. It is significant that the States passed the funding resolution almost unanimously, with only four nays recorded. This was done at the Federal-State conference held here in Washington in 1969 by the National Endowment for the Arts.

In view of the excellent record of ac-

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complishment by the various State agencies, and in light of the tremendous rate of return for each dollar spent by the States, I believed this request to be supported by good commonsense.

That is why I submitted an amendment—No. 495—on February 16 to provide a minimum arts program grant to each State of $100,000. The Senate committee has taken action which not only fulfills my proposal on behalf of the State agencies, but over a 3-year period will surpass it.

What the committee has done is to recommend an increase in the funding of matching grants to State councils up to $75,000 in fiscal 1971, $100,000 in fiscal 1972, and $125,000 in fiscal 1973.

Mr. President, I am happy to put my stamp of approval on this recommendation and to say that it carries out the full extent of my amendment and even allows a little more for the future.

The second amendment which I introduced on February 16 was for the purpose of directing equal attention by the National Endowment for the Arts to the wonderful things happening on college campuses throughout the United States.

The need for this amendment was brought to my attention by Dean Robert L. Hull at the College of Fine Arts, University of Arizona.

Dean Hull pointed out that the College of Fine Arts has been responsible for concerts, dramatic productions, and art exhibitions numbering over 125 during fiscal year 1969. These events were heard or seen by audiences of 130,000 in Tucson and other places in Arizona.

In addition, the University of Arizona sponsored an artist series of 31 concerts during 1969 which were given before audiences of over 40,000 persons. This means that concerts, plays, and exhibitions sponsored by this one university alone reached audiences of over 170,000 Arizonans, or fully 10 percent of our State's total population.

Another indication of the progress being made at the university is the fact that KUAT–TV, which is the educational television station at the University of Arizona, received a Broadcast Media Award presented at the annual Broadcast Industry Conference of 1969.

Mr. President, with advances and contributions of this magnitude occurring on the campus in America, I feel strongly that the National Foundation should devote close attention to the needs of colleges and universities which are conducting fine arts productions and projects.

In order to prod the arts endowment a bit, I suggested the adoption of an amendment to require that equal attention be given to the needs of institutions of higher learning when the decisions were made as to whom the endowment's general grants should be awarded.

In the words of Dean Hull, I was announcing my hope, through this legislative device, that the National Endowment for the Arts "might restudy the current situation of the arts in America" and "reflect in future support programs the fact that some of the most important artistic activities in America now are being generated by the universities."

Again, I am grateful to the committee for having taken action which implements the purpose of my amendment.

One step the committee took in this direction is to amend section 5(c)(3) of the arts law to provide for projects that will draw artists to the college scene and thereby boost the role of colleges in the arts world.

But, even more, the committee inserted language, in no uncertain terms, into its report that nails down its desire to have the arts endowment pay equal attention to what is going on at the college level.

The committee report reads:

> This provision will also serve to complement and encourage growing interest in the arts on the Nation's campuses.
>
> In this connection, the committee also wishes to invite the attention of the Arts Council to encourage arts projects situated on college campuses which serve both nearby communities as well as students.

Consequently, the committee has approved everything I was asking in my two amendments. I certainly want to express my sincere gratitude to the committee members of both parties for the action they took.

Also, I want to add some words about the excellent way the arts endowment has been conducting itself. My two amendments were offered to strengthen our Nation's arts support, and in no way did I intend them to imply any criticism of the National Foundation on the Arts and Humanities.

In reviewing the arts scene in America and the Foundation's role in our cultural life, I must say that I am very impressed by the tangible, down-to-earth contributions that can be traced directly to the Foundation. The hallmark of this body has been its ability to foster the development of artistic activities naturally and freely across the United States without in any way dampening local initiative or private participation in the arts.

Historically, Americans have supported the arts by private, voluntary assistance coupled with help from local sponsoring agencies or groups. And, clearly, this source must continue to be the primary base on which the arts will stand.

But it is here, where the dangers of outside interference are greatest, that the National Foundation has performed with the highest distinction. Far from imposing a meddlesome, heavy hand over the arts scene, the Foundation has achieved a remarkable record of arousing, inspiring, and sustaining local activity and involvement in the arts.

The greatest achievement and strength of the National Foundation has been its proven ability to cultivate action in the arts by private individuals and groups and local governments to the highest point in American history.

The mere existence of the Foundation is directly responsible for an amazing growth in the number of State agencies devoted to the arts. In 1965, before the Foundation was established, there were only 15 statewide bodies concerned with the arts. Today, commissions or councils on the arts exist in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

Before the Foundation was created, the amount of funds budgeted for support of cultural programs in most States was practically nil. Today every State appropriates sizable sums at least for the administration of a program in the arts.

In previous remarks on the Senate floor, I have detailed the tremendous advances that have occurred in my home State of Arizona since the Foundation began its operations. I put a complete history of the activities occurring in Arizona in the Record for February 17.

The hallmark of our programs has been the ability to engage the whole community in cultural activities. The Arizona Commission on the Arts and Humanities has encouraged localities to increase their own patronage of the arts and it has fostered an expansion of local efforts to bring the performing arts to people and places where there had been little or past opportunity to enjoy "live" events. In short, the Arizona commission has geared its program to the people.

And, hand-in-hand with the great strides taken by the Arts Commission, there has been a fired-up spirit of cultural awareness and enthusiasm sweeping the villages and localities in Arizona.

All this relates to what I am going to say in closing these remarks. Credit should be given where credit is due.

Mr. President, I believe the record is crystal clear that the arts endowment has been a helpful partner where needed to encourage new programs or sustain existing ones. It has kept its nose out of places where it was not needed or wanted. It has unobtrusively contributed to uplifting the Nation's cultural climate, to increasing the national awareness of the importance of the arts, and to sowing the kind of conditions in which the arts can flourish naturally and freely.

Mr. President, so long as the Government's role is limited to providing a climate in which the arts can grow, to engaging each local community in the cultural currents flowing across the Nation, and to bringing the arts to the people, I intend to support the program and commend it. I cannot see anything wrong with preserving our cultural treasures. Cultural resources need to be protected and nurtured fully as much as other national resources.

## CAPT. JOHN T. LAWLOR

The bill (H.R. 8694) for the relief of Capt. John T. Lawlor (retired) was considered, ordered to a third reading, read the third time, and passed.

Mr. **MANSFIELD**. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–883), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

### PURPOSE

The purpose of the proposed legislation is to relieve Capt. John T. Lawlor, a retired Army officer of liability in the amount of $4,705.84, representing overpayments of retired pay in the period from May 26, 1958, to August 31, 1967, which resulted from an administrative error in the determination of service credit in the computation of that pay.

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### STATEMENT

The Department of the Army in its report to the House Judiciary Committee on a similar bill in the 90th Congres stated that it was not opposed to the bill.

The overpayment which is referred to in H.R. 8694 resulted in an error in the compensation of retired pay which remained undiscovered for more than 9 years. John T. Lawlor retired from the Army on August 31, 1955, in the grade of chief warrant officer (W-3). Prior to his enlistment in the Army he had served in the Navy and in the National Guard. At the time of his retirement he had a total of 31 years, 2 months, and 18 days' service of which 27 years, 3 months, and 5 days were active service. Upon retirement, under section 14 of the Warrant Officer Act of 1954, 68 Stat. 163 (restated as 10 U.S.C. 1293), he was entitled to retired pay equal to 75 percent of the basic pay of a chief warrant officer (W-3), based on his more than 30 years total service. The committee feels that this is a significant fact because, as is noted above and outlined in the Army report, at that time he was paid on the basis of his more than 30 years total service. The pay situation was changed because on May 26, 1958, he was advanced, under section 3964 of title 10, United States Code, to the highest temporary grade in which he had served satisfactorily on active duty; i.e., the grade of captain. Upon his advancement on the retired list, he was entitled to have his retired pay recomputed as provided in section 3992 of title, United States Code. Under this section, the multiplier is determined by multiplying his years of active service, rounded off to the nearest year, by 2½ percent. As thus computed, his new multiplier was 67½ percent. The percentage factor used, however, in computing Captain Lawlor's retired pay in his advanced grade was not 67½ percent but the old rate of 75 percent. This error was not discovered until 1967 and the error resulted in an overpayment to Captain Lawlor in the amount of $4,705.84 for the period May 26, 1958, through August 31, 1967. As of January 31, 1968, Captain Lawlor has repaid, by withholding $45 per month from his retired pay, the amount of $90. As of that date, the balance was $4,615.84.

The Army report stated that Captain Lawlor's wife, then 57 years of age, was dependent upon him for financial support and is afflicted with a pulmonary ailment. His daughter, then aged 20, was a second-year student at Louisiana State University and was also dependent upon him for support. His income from his Army retirement and his civilian job is approximately $665 a month. His home is subject to a $9,000 mortgage and, at the time of the Army report, he owed $1,000 on the 1966 Corvair automobile. Captain Lawlor is over 60 years of age and suffers from arthritis. As of the time of the Army report, it was contemplated that his then employment contract would end on August 31, 1968, and he anticipated difficulty in securing additional employment. The Army further determined that he had no knowledge that he was receiving excess pay and received his retirement pay in good faith. The Army further determined that repayment in this instance would impose a hardship on Captain Lawlor and his family. For these reasons, the Army did not oppose the bill. The committee agrees that this is a proper subject for legislative relief and recommends that the bill be considered favorably.

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## HANNIBAL B. TAYLOR

**The bill (H.R. 9910) for the relief of Hannibal B. Taylor was considered, ordered to a third reading, read the third time, and passed.**

**Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-884), explaining the purposes of the measure.**

**There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:**

### PURPOSE

The purpose of the proposed legislation is to authorize and direct the Secretary of the Treasury to pay the sum of $964.93 to Hannibal B. Taylor of New Haven, Mo., in settlement of his claims against the United States based on the failure of the U.S. Air Force to compute his retirement pay for the period October 1, 1949, through September 22, 1958, at the rate to which he was entitled as a second lieutenant who served in the Army during World War I.

### STATEMENT

The Department of the Air Force in its report to the House Judiciary Committee on the bill noted that Hannibal B. Taylor had attempted to have the matter adjusted by timely action on his part, and that the Air Force personnel had failed to take the proper action and, for these reasons, it would not object to the bill's enactment.

The Comptroller General in his report to the House committee on the bill indicated that in view of the particular facts and circumstances of this case, the General' Accounting Office is not opposed to the bill.

Air Force records show that Lieutenant Taylor, AW2126360, retired from the Army Air Corps on December 31, 1945, after more than 31 years of military service. During his military career, he served as an enlisted member except for a period during World War I, when he served as a second lieutenant, and a period during World War II, when he served as a warrant officer. Concurrent with his retirement, he was advanced from the grade of first sergeant to the grade of second lieutenant on the retired list. Advancement was in accordance with the act of May 7, 1932 (47 Stat. 150), which provided that upon retirement a member would be advanced on the retired list to the highest grade held. This advancement did not authorize computation of retired pay based on the grade to which advanced. Under the act of June 6, 1924 (43 Stat. 472), as amended by the act of June 24, 1936 (49 Stat. 1900), he was entitled to retired pay computed on the pay of a warrant officer. These acts authorized any enlisted member who served as a commissioned officer between April 6, 1917, and November 12, 1918, to have his retired pay based on the pay of a warrant officer upon retirement.

The Career Compensation Act of 1949 (Public Law 81-351 (63 Stat. 802)), effective October 1, 1949, changed the rules for determining the grade in which a member was entitled to be retired and authorized increases in the rates of retired pay. Section 511 of that act provided, among other things, that a member retired before October 1, 1949, was entitled to (*a*) retired pay based in the active duty rates in effect September 30, 1949, or (*b*) retired pay equal to 2½ percent of the monthly basic pay of the highest grade held multiplied by his years of service, whichever was greater. To implement this provision, the military departments recomputed the member's retired pay based on the method which would give him the highest rate of retired pay. Under section 513 of the act, an enlisted member who served during World War I was entitled to be advanced on the retired list to the highest federally recognized officer grade held, under a permanent or temporary appointment, between April 6, 1917, and November 11, 1919, and to have his retired pay computed on the basis of the grade to which advanced.

Early in 1950, Lieutenant Taylor applied to the Air Force to have his retired pay recomputed under the Career Compensation Act. On May 5, 1950, the Air Force informed him that he was eligible for consideration under section 511 of the act. However, the Air Force stated, erroneously, that since the retired pay of all members had been recomputed in accordance with that act, he was receiving retired pay in the highest grade he had ever held and was receiving the maximum benefits for which he was eligible under the Career Compensation Act.

In 1968, an article published in an information bulletin for retired members pointed out that certain members were entitled to be retired in and receive retired pay computed on the highest temporary grade held while on active duty. Lieutenant Taylor asked the Air Force whether he was entitled to have his retired pay recomputed under this provision based on his service as a second lieutenant during World War I. A review of his records showed he was not eligible for advancement under the provisions discussed in the information bulletin since he had held a permanent officer grade during World War I. However, this review showed that the information furnished him in 1950, that he was receiving retired pay based on the highest grade he had ever held, was erroneous. It was also established that he was entitled to receive retired pay computed on the pay of a second lieutenant based on his service during World War I in that grade.

Effective October 1, 1968, Lieutenant Taylor's retired pay was recomputed based on the pay of a second lieutenant. As a result, he received an increase in retired pay of $5.82 a month. The difference between the retired pay he had received and the pay he should have received from October 1, 1949, through September 30, 1968, was computed at $1,586.47. Since a portion of this amount represented a claim against the United States which had not been received by the General Accounting Office within 10 years of the date it accrued, the case was submitted to the Claims Division, GAO, for approval prior to payment. This is the basic problem that H.R. 9910 would remedy. The amount stated in the bill is the amount which was not paid to Lieutenant Taylor because of this statute of limitations.

Early in January 1969, GAO approved payment of $621.54 which was paid to Lieutenant Taylor on January 13, 1969. This amount represents that portion of the claim which accrued from September 23, 1958 (10 years prior to the date the claim was recorded by GAO), through September 30, 1968. As has been noted, payment of the remainder of the claim $964.92, representing his claim for increased retired pay for the period October 1, 1949, through September 22, 1958 (the period which extends beyond the 10 years within which the claim was recorded by GAO), is barred by the statute of limitations on the filing of claims against the United States (act of October 9, 1940 (31 U.S.C. 71*a*)). There are no administrative procedures under which this portion of the claim may be paid.

The Department of the Air Force in its report recognized that the failure to properly adjust Lieutenant Taylor's retired pay as authorized by the Career Compensation Act effective October 1, 1949, was the result of administrative error. In considering his case, Air Force personnel overlooked the fact that although his grade on the retired list was that of second lieutenant, which was the highest grade he had ever held, he was receiving retired pay computed on the pay of a warrant officer. The error was compounded when his request for adjustment was received in 1950.

The Air Force in indicating that it was not opposed to enactment of the bill took into consideration the factors outlined above and, in particular, the fact that Lieutenant Taylor in 1950 specifically requested the Air Force that his pay be recomputed under the Career Compensation Act and was given erroneous information which had the effect of denying him the payment with which this bill is concerned. In this connection the Air Force stated:

"The Air Force regrets these administrative errors. Generally, the Air Force opposed any deviation from or exception to the statute of limitations on claims against the United States. In this case, however, Lieutenant Taylor's attempt to have his claim considered on a timely basis was nullified by administrative error. Therefore, the Department of the Air Force interposes no objection to enactment of H.R. 9910."

The General Accounting Office in its report referred to the same facts discussed above and further pointed out that the statute of limitations applicable to payments in this instance required that the application be made to the General Accounting Office within the period. Accordingly, the request made by Mr. Taylor to the Air Force did not have the effect of tolling this statute. However, as has been noted, this factor and the other circumstances of this case were recognized by the General Accounting Office and are taken as the basis for its not opposing enactment of the bill.

Accordingly, the committee recommends favorable consideration of H.R. 9910, without amendment.

## SANBORN LUMBER CO., INC.

The bill (H.R. 6402) for the relief of Sanborn Lumber Co., Inc., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-882), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE

The purpose of the proposed legislation is to waive the time limitation contained in section 2680 of title 10, United States Code, and to permit consideration of the application of the Sanborn Lumber Co., Inc. for reimbursement of resettlement expenses in connection with the acquisition of its property for the Milford Dam and Reservoir project on the Republican River in Kansas; such application to be filed within 1 year from date of enactment of the bill.

### STATEMENT

The Department of the Army in its report to the House Judiciary Committee on this bill stated that it had no objection to its enactment.

The property referred to in the bill was acquired by the Government in connection with the construction of the Milford Dam and Reservoir project on the Republican River in Kansas. This project was constructed by the Corps of Engineers under the supervision of the Secretary of the Army, as authorized by the Flood Control Act of September 3, 1954 (68 Stat. 1248, 1262). In this connection, the United States has acquired fee title to approximately 45,000 acres of land involving 675 tracts, and easements over 4,500 acres of land in 200 tracts. Among these lands were tracts 1358 and 1359 acquired in fee from the Sanborn Lumber Co.

Section 2680 of Title 10, United States Code, authorizes the Secretary of a military department to reimburse owners and tenants of lands acquired for that department, for reasonable expenses, losses and damages, incurred as a direct result of moving themselves and their possessions because of the land acquisition. However, it also provides that the application for reimbursement, by the owner or tenant, must be filed within 1 year after the date of acquisition or within 1 year after the property is vacated, whichever date is later.

The Sanborn Lumber Co. was the owner-occupant of business property in the City of Wakefield, Kans., comprising .70 acre of land with improvements, and designated as tracts 1358 and 1359 of the Milford Dam and Reservoir project, Kans. The Corps of Engineers acquired this property by direct purchase on June 14, 1965, for the sum of $20,000 and the reservation of improvements. In anticipation of the acquisition, the lumber company had previously vacated the property on August 27, 1964. An application for reimbursement of moving expenses in the amount of $1,575.73, dated January 31, 1967, was received by the Corps of Engineers on February 3, 1967. Since the application was not filed within the statutory time limit, the Sanborn Lumber Co. was advised that the corps was without authority to consider the same. Had the filing been timely, the claim would have been allowed in the full amount.

The Department of the Army in its report advised the House Judiciary Committee that the delay in filing the application within the prescribed time is attributed to the physical disability of Austin P. Sanborn, president and manager of the company. Information furnished the Department by his secretary indicates Mr. Sanborn suffered a heart attack which confined him for many weeks; that subsequently he worked only part time; during 1966 his condition became progressively worse and was often physically or mentally unable to conduct normal business operations. Mr. Austin P. Sanborn died in early 1967. The application was thereafter filed by his brother, Theodore A. Sanborn, as new president of the company.

The Army found that the circumstances outlined above and the practical difficulties which served to delay the filing provide a basis for that Department to withhold any objection to the bill. The Army report stated in this connection:

"It is the general policy of this Department not to favor the waiver of statutory limitations where such affords a special preference over all other persons. However, in the instant case, it appears evident that the failure to submit a timely application was due to physical incapacity rather than negligence or inadvertence. It is believed the equitable consideration of Congress is warranted."

The committee agrees that relief is merited in this case and therefore recommends that the bill be considered favorably.

## COMDR. EDWIN J. SABEC

The bill (H.R. 5419) for the relief of Comdr. Edwin J. Sabec, U.S. Navy, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-881), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE

The purpose of the proposed legislation is to relieve Comdr. Edwin J. Sabec, U.S. Navy, of liability to the United States in the amount of $4,129.03 representing overpayments of basic pay he received in the period from June 6, 1952, through June 30, 1967, as the result of administrative error in the computation of service for use in establishing his pay entry base date.

### STATEMENT

The Department of the Navy in its report to the House Committee on the Judiciary advises that it has no objection to favorable consideration of this legislation. The Comptroller General of the United States stated that whether relief should be granted in this particular case is a matter for determination by the Congress.

This indebtedness with which this bill is concerned resulted from an administrative error in the computation of service to be used in establishing Commander Sabec's pay entry base date. A review of his records by the Department of the Navy indicated that on December 15, 1952, his pay entry base date was established as April 3, 1948. This pay base date erroneously credited a period of enlisted service in the U.S. Marine Corps Reserve from July 30, 1948, to July 25, 1950, while he was serving as a midshipman at the U.S. Naval Academy. He served as a midshipman from July 30, 1948, to June 5, 1952.

The Navy Department advises that the overpayment was the result of an administrative error in granting credit for enlisted service in the U.S. Marine Corps Reserve. He enlisted in the Reserve on July 26, 1948, and was at the Academy until July 25, 1950. After he was commissioned in the U.S. Navy on June 6, 1952, he applied for a revised pay entry base date which would give him credit for his enlisted service prior to entering the Academy. As a result of this request, the pay entry base date was established as April 3, 1948, which included the period that Commander Sabec had dual status as an enlisted Marine reservist and as a midshipman in the Naval Academy. Commander Sabec made an informal request for a verification at that time and he was advised that the pay entry date was correct.

Nothing more occurred in connection with the matter until August of 1967 when Commander Sabec received correspondence from the Bureau of Naval Personnel which stated that his pay entry base date had been changed to March 29, 1950.

No part of the period while Commander Sabec was a midshipman at the Naval Academy is creditable service for pay purposes and it is indicated that the amount of $4,129.03 represents the overpayment of basic pay which resulted from crediting him with part of such midshipman service.

The Navy Department advises that there is no evidence of lack of good faith and that the error occurred solely as the result of erroneous administrative action by Government personnel, and the Navy Department favors favorable consideration of this legislation.

The committee is in agreement with the Department of the Navy that this bill receive favorable consideration and accordingly the committee recommends favorable consideration of H.R. 5419, without amendment.

## BEVERLY MEDLOCK AND RUTH LEE MEDLOCK

The bill (H.R. 3920) for the relief of Beverly Medlock and Ruth Lee Medlock was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-880), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE

The purpose of the proposed legislation is to provide that the Administrator of Veterans' Affairs shall pay, out of current appropriations for the payment of pension, to Beverly Medlock and Ruth Lee Medlock, the children of Willie Lee Medlock (VA No. XC 11 649 545), in lump sum, the amounts which would have been payable on behalf of each respectively as pension from May 23, 1960, to the date claim therefore was filed for the said Ruth Lee Medlock (November 1, 1967) if application therefore had been appropriately made under laws administered by the Veterans' Administration.

STATEMENT

The Veterans' Administration in the report to the House Judiciary Committee dated August 5, 1968, on a previous bill recommended the favorable consideration of the bill.

The Veterans' Administration report states that Willie Lee Medlock, the father of the two children named in the bill, was an honorably discharged veteran of World War II who died in Florida on May 22, 1960, of a non-service-connected cause. An application for monetary death benefits on behalf of the veteran's child, Ruth Lee Medlock, was filed by her paternal grandmother on November 1, 1967.

That application indicated that the other child was not attending school at that time. The grandmother stated that the veteran had left the children in her custody in 1950 and that she adopted them in 1959. The reason that application for benefits was not filed until 1967 was that the veteran had disappeared after placing the children in the grandmother's custody. As noted in the Veterans' Administration report, the grandmother had no knowledge of the veteran's death in 1960 until July of 1966. Apparently she then secured the necessary evidence of the veteran's death and shortly thereafter filed the application referred to in the departmental report.

Veterans' Administration death pension is not payable on account of a child over 18 years of age unless the child became permanently incapable of self-support prior to that age, or is pursuing a course of instruction at an approved educational institution. Consequently, death pension based on the November 1, 1967, application was awarded, effective the same date, only on behalf of Ruth Lee, in the amount of $40 per month. Payments of that benefit continued through June of 1968, when the child was scheduled to complete her high school education.

There is no limitation on the time in which application may be made for death pension. The law provides a limitation, however, regarding payment of the benefit for a period prior to the date of application. Retroactive payment is authorized, from the month of the veteran's death, if application is received within 1 year from the date of death. Otherwise the benefit is payable only from the date of receipt of the application. (38 U.S.C. 3010 (a) and (d).)

Since the application in this case was not filed within a year after the veteran's death, there presently exists no authority for payment of death pension for any period prior to November 1, 1967, when the application was actually received.

Under the law in effect until July 1, 1960, relating to death pension based on service in World War II, it was required, in addition to 90 days of wartime service, that the veteran at death have had a service-connected disability for which compensation would have been payable if 10 percent or more in degree disabling. Effective July 1, 1960, the law was liberalized to authorize pension based upon 90 days of active service (or less if discharged for disability) without regard to existence of service-connected disability at death.

The Veterans' Administration report states that it is acknowledged that the bill is intended to authorize payment of death pension from the date an award would have been effective under controlling law if an application on behalf of the two children had been filed within 1 year after the veteran's death. It is noted that the earliest possible date of an award based on the death of Willie Lee Medlock was July 1, 1960. This is because he did not have a service-connected disability. This bill would make it possible to pay the benefits these children would have been entitled to had the application been filed within 1 year after May 22, 1960, the date of the veteran's death. The actual amount of retroactive death pension would depend upon a determination by the Veterans' Administration as to whether the children met all of the requirements of eligibility for the period in question. The Veterans' Administration has stated that if both children met the income and net worth limitations in the law during the period and if the eldest child, Beverly, did not attend school after she became 18, the aggregate amount payable under the bill would be $4,006.99. This amount consists of an estimated figure of $1,372.97 for benefits to Beverly Medlock and $2,634.02 for Ruth Lee Medlock.

The report of the Veterans' Administration recognizes the inequities in this situation. It further notes that the strict provisions of the law bar any administrative relief for the two children. It is therefore obvious that the only recourse for them is to appeal to the Congress for relief. With reference to legislative relief in this instance, the Veterans' Administration stated:

"The current law is such that the responsible Veterans' Administration employees had no choice but doing what they did in assigning the effective date of the death pension award. We feel that the law is too rigid in cases such as this. We plan to study the desirability of legislation that would allow more equitable determinations under these and similar circumstances. Favorable consideration of H.R. 15908 is accordingly recommended."

In view of the recommendation of the Veterans' Administration and the particular circumstances of this case, the committee recommends that the bill be considered favorably.

## VICTOR L. ASHLEY

The Senate proceeded to consider the bill (H.R. 11060) for the relief of Victor L. Ashley which had been reported from the Committee on the Judiciary with an amendment on page 2, line 3, after the name "Ashley," insert "or in the event of his death, to his estate,".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91–885), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

PURPOSE

The purpose of the proposed legislation, as amended, is to relieve Victor L. Ashley of Green Cove Springs, Fla., of liability to the United States in the amount of $2,717.76, representing an overpayment of compensation from January 27, 1957, through June 30, 1960, received by him while employed with the Florida group, Atlantic Reserve Fleet, Green Cove Springs, Fla. The bill would further authorize the repayment of any further amounts repaid or withheld by reason of the above liability.

STATEMENT

The Department of the Navy in its report to the committee on an earlier bill stated that it had no objection to enactment of the bill. The Comptroller General in his report on the same bill questioned legislative relief. In the current Congress, in a report on H.R. 11060, the Comptroller General advised the committee that partial relief had been extended to Mr. Ashley under the provisions of Public Law 90–616 and that the claim had been determined by the Comptroller General to merit relief under that law for that portion of the payment which occurred after July 1, 1960, the date fixed in the law.

The bill would make it possible to relieve Victor L. Ashley of liability to the United States which is based on the same facts and circumstances as were found by the Comptroller General to merit relief under the public law. The compensation in question was received by him while he was employed with the Florida group, Atlantic Reserve Fleet, Green Cove Springs, Fla. The bill also authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Mr. Ashley an amount equal to the aggregate of the amounts paid by him or withheld from sums otherwise due him, in complete or partial satisfaction of his liability to the United States which was set forth above. In addition, the bill also provides that in the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved as a result of this bill.

Prior to January 7, 1957, Mr. Ashley held the upgraded position of shop personnel supervisor and received as compensation the sum of $6,489.60 per annum. On January 27, 1957, Mr. Ashley's position was brought under the Classification Act and it was changed to personnel assistant, carrying a GS–6 grade. His pay, however, was set in accordance with Federal Employees Pay Regulations 25.103(d) which authorized a saved pay rate and he continued to draw $6,489.60 per annum for his personnel assistant position. On August 3, 1957, the Civil Service Commission, as a result of a decision of the Comptroller General, B–10480 (unpublished) of August 2, 1947, revoked Federal Employees Pay Regulation 25.103(d). The unpublished Comptroller General decision previously mentioned referred to 31 Comp. Gen. 251, 253 (1955) which stated that with regard to Federal Employees Pay Regulations 25.401 through 25.408 pertaining to salary retention in demotion actions, "we will be required to withhold credit for any payment of compensation hereafter made under said sections." A similar statement was not included in the unpublished decision of August 2, 1947, and consequently it was concluded that actions processed prior to the date of the unpublished decision of October 2, 1957 required no change. Mr. Ashley was included within this category and as a result continued to draw at a saved pay rate. The Department's instructions issued on January 13, 1958 (Office of Industrial Relations Notice 12195) were based on the above interpretation. That notice provided that if an employee's rate of pay had been saved on the basis of Federal Employees Pay Regulation 25.103(d) effective on or after August 3, 1957, it would be necessary to correct his rate of pay to the maximum scheduled step of the grade in which his position was placed, retroactively to the effective date of the original action. Under this interpretation, no corrective action was required for those employees, in Mrs. Ashley's category, whose pay had been saved prior to August 3, 1957.

As is obvious from the facts outlined above, Mr. Ashley's salary was computed on the basis of the saved rate in accordance with instructions issued by the Navy Department. Further, these instructions were based upon civil service regulations.

This committee has considered all of the aspects of this matter and has concluded that this case presents a clear-cut basis for relief. Further, the committee has been advised that Mr. Ashley is over 60 years of age and this liability places a heavy burden upon him presently and presents a problem concerning his retirement plans. Accordingly it is recommended that the bill be considered favorably, as amended.

## DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT AND TEACHERS' SALARY ACT

The Senate proceeded to consider the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries and for other purposes, which had been reported from the Committee on the District of Columbia, with an amendment, strike out all after the enacting clause and insert:

### TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SEC. 101. Section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-823) is amended to read as follows:

"SEC. 101. The annual rate of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

"SALARY SCHEDULE

| "Salary class and title | Service steps | | | | | | Longevity steps | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | A | B | C |
| Class 1: | | | | | | | | | |
| Subclass (a) | $8,500 | $8,755 | $9,180 | $9,605 | $10,285 | $10,965 | $11,390 | $11,815 | $12,240 |
| Fire private. | | | | | | | | | |
| Police private. | | | | | | | | | |
| Subclass (b) | 9,095 | 9,350 | 9,775 | 10,200 | 10,880 | 11,560 | 11,985 | 12,410 | 12,850 |
| Private assigned as: | | | | | | | | | |
| Technician. | | | | | | | | | |
| Plainclothesman. | | | | | | | | | |
| Station clerk. | | | | | | | | | |
| Motorcycle officer. | | | | | | | | | |
| Class 2: | | | | | | | | | |
| Subclass (a) | 9,775 | 10,340 | 10,905 | 11,470 | | | 12,035 | 12,600 | 13,165 |
| Fire inspector. | | | | | | | | | |
| Subclass (b) | 10,370 | 10,935 | 11,500 | 12,065 | | | 12,630 | 13,195 | 13,760 |
| Fire inspector assigned as technician. | | | | | | | | | |
| Class 3 | 10,625 | 11,155 | 11,685 | 12,215 | | | 12,745 | 13,275 | 13,805 |
| Assistant marine engineer. | | | | | | | | | |
| Assistant pilot. | | | | | | | | | |
| Detective. | | | | | | | | | |
| Class 4: | | | | | | | | | |
| Subclass (a) | 11,050 | 11,600 | 12,150 | 12,700 | | | 13,250 | 13,800 | 14,350 |
| Fire Sergeant. | | | | | | | | | |
| Police Sergeant. | | | | | | | | | |
| Subclass (b) | 11,475 | 12,050 | 12,625 | 13,200 | | | 13,775 | 14,350 | 14,925 |
| Detective sergeant. | | | | | | | | | |
| Subclass (c) | 11,645 | 12,195 | 12,745 | 13,295 | | | 13,845 | 14,395 | 14,945 |
| Police sergeant assigned as motorcycle officer. | | | | | | | | | |
| Class 5 | 12,750 | 13,390 | 14,030 | 14,670 | | | 15,310 | 15,950 | |
| Fire lieutenant. | | | | | | | | | |
| Police lieutenant. | | | | | | | | | |
| Class 6 | 13,815 | 14,505 | 15,195 | 15,885 | | | 16,575 | 17,265 | |
| Marine engineer. | | | | | | | | | |
| Pilot. | | | | | | | | | |
| Class 7 | 14,875 | 15,620 | 16,365 | 17,110 | | | 17,855 | 18,600 | |
| Fire captain. | | | | | | | | | |
| Police captain. | | | | | | | | | |
| Class 8 | 17,000 | 17,850 | 18,700 | 19,550 | | | 20,400 | 21,250 | |
| Battalion fire chief. | | | | | | | | | |
| Police inspector. | | | | | | | | | |
| Class 9 | 19,550 | 20,530 | 21,510 | 22,490 | | | 23,470 | 24,450 | |
| Deputy fire chief. | | | | | | | | | |
| Deputy chief of police. | | | | | | | | | |
| Class 10 | 21,500 | 22,500 | 23,500 | 24,500 | | | 25,500 | 26,500 | |
| Assistant fire chief. | | | | | | | | | |
| Assistant chief of police. | | | | | | | | | |
| Commanding officer of White House Police. | | | | | | | | | |
| Commanding officer of the U.S. Park Police. | | | | | | | | | |
| Class 11 | 27,000 | 28,000 | 29,000 | 30,000" | | | | | |
| Fire chief. | | | | | | | | | |
| Chief of police. | | | | | | | | | |

SEC. 102. The rates of basic compensation of officers and members to whom the amendments made by section 101 of this title apply shall be adjusted as follows:

Each officer and member receiving basic compensation immediately prior to the effective date of this title at one of the scheduled service or longevity rates of a salary class or subclass in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 shall receive a rate of basic compensation at the corresponding scheduled service or longevity rate in effect on and after the effective date of this title, except that:

(a) Each officer or member who immediately prior to the effective date of this title was assigned as technician I or plainclothesman in subclass (b) of class 1 or as technician II, station clerk, or motorcycle officer in subclass (c) of class I shall, on the effective date of this title be assigned as and receive basic compensation as technician, plainclothesman, station clerk, or motorcycle officer in subclass (b) of class 1 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(b) Each officer or member who immediately prior to the effective date of this title was serving as a fire inspector assigned as technician I or technician II in subclass (b) or (c) of class 2 shall, on the effective date of this title, be placed and receive basic compensation as fire inspector assigned as technician in subclass (b) of class 2 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(c) Each officer or member who immediately prior to the effective date of this title was serving in subclass (b) of class 9 shall, on the effective date of this title be placed in and receive basic compensation in class 10 at the service step or longevity step corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(d) The Fire Chief or Chief of Police who immediately prior to the effective date of this title was serving in class 10 shall on the effective date of this title be placed in and receive basic compensation in class 11 at the service step in which he was serving immediately prior to the effective date of this title.

(e) Each officer or member of the Metropolitan Police force who is performing the duty of a dog handler on or after the effective date of this title shall receive in addition to his basic compensation an additional $595 per annum, except that if a police private is classed as technician in subclass (b) of class 1 in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 solely on account of his duties as dog handler, such police private shall not be entitled to the additional compensation authorized by this paragraph.

SEC. 103. Section 303(c) of the District of Columbia Police and Firemen's Salary Act of 1958, as amended (D.C. Code, sec. 4-829 (c)), is amended by deleting "(b), or (c)" and inserting in lieu thereof "or (b)".

SEC. 104. Paragraphs (2) and (3) of section 401(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-832(a)) are amended to read as follows:

"(2) Not more than three successive longevity step increases may be granted to any officer or member in salary classes 1 through 4, nor more than two successive longevity step increases may be granted to any officer or member in salary classes 5 through 10.

"(3) In the case of the officers or members serving in salary classes other than class 1, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving."

SEC. 105. (a) Section 105 of Public Law 88-575, approved September 2, 1964 (78 Stat. 882; D.C. Code, sec. 4-832(c)), is repealed, effective on the date of enactment of this title.

(b) Notwithstanding this section, the rate of basic, gross, or total annual pay received by an officer or member immediately before the effective date of this title shall not be reduced by reason of the enactment of this section.

SEC. 106. Except for section 105, this title shall take effect on the first day of the first pay period beginning on or after July 1, 1969.

SEC. 107. This title may be cited as the "District of Columbia Police and Fireman's Salary Act Amendments of 1969".

## TITLE II—SALARY INCREASE FOR DISTRICT OF COLUMBIA TEACHERS

SEC. 201. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1969".

SEC. 202. The District of Columbia Teachers' Salary Act of 1955 (69 Stat. 521), as amended (D.C. Code, sec. 31-1501 et seq.), is amended as follows:

(1) Section 1 (D.C. Code, sec. 31-1501) is amended by striking the salary schedules contained therein and inserting in lieu thereof the following:

"PROPOSED TEACHERS' SALARY ACT AMENDMENTS

| | "Service Steps | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Class 1: | | | | | | | | | |
| A Superintendent of Schools | $38,500 | | | | | | | | |
| B Vice superintendent | 35,000 | | | | | | | | |
| Class 2: | | | | | | | | | |
| A Deputy superintendent | 31,000 | | | | | | | | |
| B Associate superintendent | 29,000 | | | | | | | | |
| Class 3: | | | | | | | | | |
| Assistant superintendent | 22,190 | $22,720 | $23,250 | $23,780 | $24,310 | $24,840 | $25,370 | $25,900 | $26,430 |
| Class 4 | 19,480 | 19,940 | 20,400 | 20,860 | 21,320 | 21,780 | 22,240 | 22,700 | 23,160 |
| Director, curriculum. | | | | | | | | | |
| Director, staff development. | | | | | | | | | |
| Executive assistant to superintendent. | | | | | | | | | |
| Class 5: | | | | | | | | | |
| Group A, bachelor's degree | 17,600 | 18,040 | 18,480 | 18,920 | 19,360 | 19,800 | 20,240 | 20,680 | 21,120 |
| Group B, master's degree | 18,380 | 18,820 | 19,260 | 19,700 | 20,140 | 20,580 | 21,020 | 21,460 | 21,900 |
| Group C, master's degree plus 30 credit hours | 18,770 | 19,210 | 19,650 | 20,090 | 20,530 | 20,970 | 21,410 | 21,850 | 22,290 |
| Group D, doctor's degree | 19,160 | 19,600 | 20,040 | 20,480 | 20,920 | 21,360 | 21,800 | 22,240 | 22,680 |
| Chief examiner. | | | | | | | | | |
| Executive assistants to vice and Associate superintendents. | | | | | | | | | |
| Director of food services. | | | | | | | | | |
| Director, industrial and adult education. | | | | | | | | | |
| Class 6: | | | | | | | | | |
| Group B, master's degree | 17,860 | 18,285 | 18,710 | 19,135 | 19,560 | 19,985 | 20,410 | 20,835 | 21,260 |
| Level IV, principal | 17,860 | 18,285 | 18,710 | 19,135 | 19,560 | 19,985 | 20,410 | 20,835 | 21,260 |
| Level III, principal | 17,345 | 17,770 | 18,195 | 18,620 | 19,045 | 19,470 | 19,895 | 20,320 | 20,745 |
| Level II, principal | 16,830 | 17,255 | 17,680 | 18,105 | 18,530 | 18,955 | 19,380 | 19,805 | 20,230 |
| Level I, principal | 16,315 | 16,740 | 17,165 | 17,590 | 18,015 | 18,440 | 18,865 | 19,290 | 19,715 |
| Group C.M.A. plus 30 | 18,250 | 18,675 | 19,100 | 19,525 | 19,950 | 20,375 | 20,800 | 21,225 | 21,650 |
| Level IV, principal | 18,250 | 18,675 | 19,100 | 19,525 | 19,950 | 20,375 | 20,800 | 21,225 | 21,650 |
| Level III, principal | 17,735 | 18,160 | 18,585 | 19,010 | 19,435 | 19,860 | 20,285 | 20,710 | 21,135 |
| Level II, principal | 17,220 | 17,645 | 18,070 | 18,495 | 18,920 | 19,345 | 19,770 | 20,195 | 20,620 |
| Level I, principal | 16,705 | 17,130 | 17,555 | 17,980 | 18,405 | 18,830 | 19,255 | 19,680 | 20,105 |
| Group D, doctor's degree | 18,640 | 19,065 | 19,490 | 19,915 | 20,340 | 20,765 | 21,190 | 21,615 | 22,040 |
| Level IV, principal | 18,640 | 19,065 | 19,490 | 19,915 | 20,340 | 20,765 | 21,190 | 21,615 | 22,040 |
| Level III, principal | 18,125 | 18,550 | 18,975 | 19,400 | 19,825 | 20,250 | 20,675 | 21,100 | 21,525 |
| Level II, principal | 17,610 | 18,035 | 18,460 | 18,885 | 19,310 | 19,735 | 20,160 | 20,585 | 20,010 |
| Level I, principal | 17,095 | 17,520 | 17,945 | 18,370 | 18,795 | 19,220 | 19,645 | 20,070 | 20,495 |
| Assistant to assistant superintendent (elementary schools). | | | | | | | | | |
| Assistant to assistant superintendent (junior and senior high schools). | | | | | | | | | |
| Assistant to assistant superintendent (general research, budget, and legislation). | | | | | | | | | |
| Assistant to assistant superintendent of pupil personnel services. | | | | | | | | | |
| Assistant to assistant superintendent (industrial and adult education, vocational education, evening and summer school). | | | | | | | | | |
| Director, elementary education (supervision and instruction). | | | | | | | | | |
| Director, health, physical education, athletics, and safety. | | | | | | | | | |
| Director, special education. | | | | | | | | | |
| Principal, senior high school. | | | | | | | | | |
| Principal, junior high school. | | | | | | | | | |
| Principal, elementary school. | | | | | | | | | |
| Principal, vocational high school. | | | | | | | | | |
| Principal, Americanization school. | | | | | | | | | |
| Principal, boys' junior-senior high school. | | | | | | | | | |
| Principal, Capitol Page School. | | | | | | | | | |
| Principal, health school. | | | | | | | | | |
| Principal, laboratory school. | | | | | | | | | |
| Principal, veterans' high school. | | | | | | | | | |
| Class 7: | | | | | | | | | |
| Group B, master's degree | 16,205 | 16,595 | 16,985 | 17,375 | 17,765 | 18,155 | 18,545 | 18,935 | 19,325 |
| Group C, master's degree plus 30 credit hours | 16,595 | 16,985 | 17,375 | 17,765 | 18,155 | 18,545 | 18,935 | 19,325 | 19,715 |
| Group D, doctor's degree | 16,985 | 17,375 | 17,765 | 18,156 | 18,545 | 18,935 | 19,325 | 19,715 | 20,105 |
| Supervising director, elementary education (supervision and instruction). | | | | | | | | | |
| Supervising director, audiovisual instruction. | | | | | | | | | |
| Supervising director, adult education and summer school. | | | | | | | | | |
| Supervising director, subject field. | | | | | | | | | |
| Supervising director, reading clinic. | | | | | | | | | |
| Supervising director, athletics. | | | | | | | | | |
| Director, school attendance. | | | | | | | | | |
| Supervising director, cuirriculum. | | | | | | | | | |
| Director, elementary education. | | | | | | | | | |
| Director, elementary education (administration). | | | | | | | | | |
| Class 8: | | | | | | | | | |
| Group B, master's degree | 14,685 | 14,985 | 15,385 | 15,785 | 16,185 | 16,585 | 16,985 | 17,485 | 17,985 |
| Group C, master's degree plus 30 credit hours | 15,005 | 15,305 | 15,705 | 16,105 | 16,505 | 16,905 | 17,305 | 17,805 | 18,305 |
| Group D, doctor's degree | 15,325 | 15,625 | 16,025 | 16,425 | 16,825 | 17,225 | 17,625 | 18,125 | 18,625 |
| Statistical analyst. | | | | | | | | | |
| Assistant principal, senior high school. | | | | | | | | | |
| Assistant principal, junior high school. | | | | | | | | | |
| Assistant principal, elementary school. | | | | | | | | | |
| Assistant principal, vocational high school. | | | | | | | | | |
| Assistant principal, Americanization school. | | | | | | | | | |
| Assistant principal, health school. | | | | | | | | | |
| Class 9: | | | | | | | | | |
| Group A, bachelor's degree | 13,880 | 14,240 | 14,600 | 19,960 | 15,320 | 15,680 | 16,040 | 16,400 | 16,760 |
| Group B, master's degree | 14,660 | 15,020 | 15,380 | 15,740 | 16,100 | 16,460 | 16,820 | 17,180 | 17,540 |
| Group C, master's degree plus 30 credit hours | 15,050 | 15,410 | 15,770 | 16,130 | 16,490 | 16,850 | 17,210 | 17,570 | 17,930 |
| Group D, doctor's degree | 15,440 | 15,800 | 16,160 | 16,520 | 16,880 | 17,240 | 17,600 | 17,960 | 18,320 |
| Assistant director, food services. | | | | | | | | | |
| Class 10: | | | | | | | | | |
| Group B, master's degree | 14,095 | 14,445 | 14,795 | 15,145 | 15,495 | 15,845 | 16,195 | 16,545 | 16,895 |
| Group C, master's degree plus 30 credit hours | 14,485 | 14,835 | 15,185 | 15,535 | 15,855 | 16,235 | 16,585 | 16,935 | 17,285 |
| Group D, doctor's degree | 14,875 | 15,225 | 15,575 | 15,925 | 16,275 | 16,625 | 16,975 | 17,325 | 17,675 |
| Assistant director audiovisual instruction. | | | | | | | | | |
| Assistant director, subject field. | | | | | | | | | |
| Assistant director, adult education and summer school. | | | | | | | | | |
| Supervisor, elementary education. | | | | | | | | | |

"PROPOSED TEACHERS' SALARY ACT AMENDMENTS—Continued

| | "Service Steps | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Class 11: | | | | | | | | | |
| Group B, master's degree | $13,670 | $14,005 | $14,340 | $14,675 | $15,010 | $15,345 | $15,680 | $16,015 | $16,350 |
| Group C, master's degree plus 30 credit hours | 14,060 | 14,395 | 14,730 | 15,065 | 15,400 | 15,735 | 16,070 | 16,405 | 16,740 |
| Group D, doctor's degree | 14,450 | 14,785 | 15,120 | 15,455 | 15,790 | 16,125 | 16,460 | 16,795 | 17,130 |
| Assistant director, practical nursing. | | | | | | | | | |
| Class 12: | | | | | | | | | |
| Group B, master's degree | 13,200 | 13,525 | 13,850 | 14,175 | 15,400 | 14,825 | 14,150 | 15,475 | 15,800 |
| Group C, master's degree plus 30 credit hours | 13,590 | 13,915 | 14,240 | 14,565 | 14,890 | 15,215 | 15,540 | 15,865 | 16,190 |
| Group D, doctor's degree | 13,980 | 14,305 | 14,630 | 14,955 | 15,280 | 15,605 | 15,930 | 16,255 | 16,580 |
| Chief attendance officer. | | | | | | | | | |
| Clinical psychologist. | | | | | | | | | |

| | "Service steps | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| Class 13: | | | | | | | | | | | | | |
| Group B, master's degree | $12,080 | $12,465 | $12,850 | $13,235 | $13,620 | $14,005 | $14,390 | $14,775 | $15,160 | | | | |
| Group C, master's degree plus 30 credit hours | 12,470 | 12,855 | 13,240 | 13,625 | 14,010 | 14,395 | 14,780 | 15,165 | 15,550 | | | | |
| Group D, doctor's degree | 12,860 | 13,245 | 13,630 | 14,015 | 14,400 | 14,785 | 15,170 | 15,555 | 15,940 | | | | |
| Assistant professor, laboratory school. | | | | | | | | | | | | | |
| Psychiatric social worker. | | | | | | | | | | | | | |
| Class 14: | | | | | | | | | | | | | |
| Group A, bachelor's degree | 9,250 | 9,660 | 10,070 | 10,480 | 10,890 | 11,300 | 11,710 | 12,120 | 12,530 | $12,940 | $13,350 | $13,760 | $14,170 |
| Group B, master's degree | 10,030 | 10,440 | 10,850 | 11,260 | 11,670 | 12,080 | 12,490 | 12,900 | 13,310 | 13,720 | 14,130 | 14,540 | 14,950 |
| Group C, master's degree plus 30 credit hours | 10,420 | 10,830 | 11,240 | 11,650 | 12,060 | 12,470 | 12,880 | 13,290 | 13,700 | 14,110 | 14,520 | 14,930 | 15,340 |
| Group D, doctor's degree | 10,810 | 11,220 | 11,630 | 12,040 | 12,450 | 12,860 | 13,270 | 13,680 | 14,090 | 14,500 | 14,910 | 15,320 | 15,730 |
| Coordinator of practical nursing. | | | | | | | | | | | | | |
| Census supervisor. | | | | | | | | | | | | | |

"CLASS 15

| | "Service steps | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | Y |
| Group A, bachelor's degree | $8,000 | $8,320 | $8,640 | $8,960 | $9,280 | $9,600 | $9,950 | $10,300 | $10,650 | $11,000 | $11,350 | $11,700 | $12,050 | $13,000 |
| Group A-1, bachelor's degree plus 15 credit hours | 8,400 | 8,720 | 9,040 | 9,360 | 9,680 | 10,000 | 10,360 | 10,720 | 11,080 | 11,440 | 11,800 | 12,160 | 12,520 | 13,800 |
| Group B, master's degree | 8,800 | 9,175 | 9,550 | 9,925 | 10,450 | 11,000 | 11,500 | 11,900 | 12,300 | 12,700 | 13,100 | 13,500 | 13,900 | 15,200 |
| Group C, master's degree plus 30 credit hours | 9,200 | 9,575 | 9,950 | 10,325 | 10,850 | 11,400 | 11,900 | 12,300 | 12,700 | 13,100 | 13,500 | 13,900 | 14,300 | 15,600 |
| Group D, master's degree plus 60 credit hours | 9,600 | 9,975 | 10,350 | 10,725 | 11,250 | 11,800 | 12,300 | 12,700 | 13,100 | 13,500 | 13,900 | 14,300 | 14,700 | 16,100." |
| Teacher, elementary and secondary schools. | | | | | | | | | | | | | | |
| Attendance officer. | | | | | | | | | | | | | | |
| Child labor inspectors. | | | | | | | | | | | | | | |
| Counselor, placement. | | | | | | | | | | | | | | |
| Counselor, elementary and secondary schools. | | | | | | | | | | | | | | |
| Librarian, elementary and secondary schools. | | | | | | | | | | | | | | |
| Research assistant. | | | | | | | | | | | | | | |
| School social worker. | | | | | | | | | | | | | | |
| Speech correctionist. | | | | | | | | | | | | | | |
| School psychologist. | | | | | | | | | | | | | | |

(2) Section 2(c)(2) (D.C. Code, sec. 31-1511(c)(2)) is amended to read as follows:

"(2) The terms 'plus fifteen credit hours' and 'plus thirty credit hours' means the equivalent of not less than fifteen graduate semester hours beyond the bachelor's degree or thirty graduate semester hours beyond the master's degree as the case may be in academic, vocational, or professional courses, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the fifteen or thirty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such thirty credit hours. The term 'plus sixty credit hours' means the equivalent of not less than sixty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the sixty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such sixty credit hours."

(3) Section 3 (D.C. Code, sec. 31-1512) is amended by adding the words "or salary class" immediately after the word "position" each time it appears in the section.

(4) Section 4 (D.C. Code, sec. 31-1521) is amended to read as follows:

"SEC. 4. Any employee of the Board of Education in group A of salary class 15 who possesses a bachelor's degree plus fifteen credit hours shall be transferred in accordance with section 10 (a) and (b) to group IA of salary class 15."

(5) Section 5 (D.C. Code, sec. 31-1522) is amended by adding a subsection (f), reading as follows:

"(f) Whenever a teacher or school officer is changed to a lower salary class or to a lower level in the same salary class as in the case of school principals in the public school system, the Superintendent of Schools is authorized to fix the rate of compensation at a rate provided for in the salary class or level to which the employee is changed which does not exceed his existing rate of compensation, except that if his existing rate falls between two service steps provided in such lower salary class or level, he shall receive the higher of such rates; if he is receiving a rate of basic compensation in excess of the maximum rate provided in such lower class or level in which he is to be placed, he will retain his existing rate of compensation and receive one-half of any future increases granted his new salary class or level: *Provided*, That such reduction to a lower salary class or level is for reasons other than (a) for personal cause; (b) at his own request; (c) as a condition of a previous temporary promotion to a higher grade; or, (d) because of a reduction in force brought about by lack of funds or curtailment of work."

(6) Section 6(a)(1) (D.C. Code, sec. 31-1531(a)(1)) is amended to read as follows:

"(1) On July 1, following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969 each permanent employee in salary class 15 who is on service step 13 and completes 15 years of creditable service shall be assigned to longevity step Y. Each permanent employee in salary class 15 who is on longevity step X, on such effective date, shall be assigned to longevity step Y. In determining years of creditable service in salary classes 3 through 15 for placement on service steps, credit shall be given for previous service in accordance with the provisions of this Act governing the placement of employees who are newly appointed, reappointed, or reassigned or who are brought under this Act in accordance with the provisions of section 5."

(7) Section 6(b) (D.C. Code, sec. 31-1531(b)) is amended by striking everything in the paragraph after the second sentence and inserting in lieu thereof the following: "Beginning July 1 following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969, each permanent employee who has not reached the highest service step for his salary class, or class and group, under this Act shall advance one such step each year until he reaches the highest step for his class, or class and group, except that each employee in salary class 15 shall advance from service step 13 to longevity step Y on July 1, following the completion of fifteen years of creditable service: *Provided*, That the Board of Education, on the written recommendation of the Superintendent of Schools, is authorized to deny any such salary advancement for the year immediately following any year in which the employee fails to receive

a performance rating of 'satisfactory' from his superior officer."

(8) Section 10, subsections (a) and (b) (D.C. Code, sec. 31–1535 (a) and (b)) are amended to read as follows:

"(a) On and after the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969, each promotion to group B, group C, or group D, within a salary class or group IA within salary class 15, shall become effective—

"(1) on the date of the regular Board meeting of the twelfth month prior to the date of approval of promotion by the Board, or

"(2) on the effective date of the master's degree or doctor's degree or on the completion of thirty or sixty credit hours beyond the master's degree or fifteen credit hours beyond the bachelor's degree in salary class 15, as the case may be, whichever is later.

"(b) Any employee in a position in a salary class in the salary schedules in section 1 of this Act who is promoted to group B, group C, or group D of such salary class or group IA in the case of salary class 15, shall be placed in the same numerical service step in his new group which he would have occupied in the group from which promoted."

(9) Section 13(a) (D.C. Code, sec. 31–1542(a)) is amended to read as follows:

"(a) The Board is authorized to conduct as part of its public school system the following: summer school programs, extended school year programs, adult education programs, and Americanization schools under and within appropriations made by Congress. The pay for teachers, officers, and other education employees in the summer school programs, adult education programs, and veterans' summer high school centers shall be as follows:

| "Classification | Per period | | |
|---|---|---|---|
| | Step 1 | Step 2 | Step 3 |
| Summer school (regular): | | | |
| Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist | $6.86 | $7.61 | $8.42 |
| Psychiatric social worker | 8.02 | 8.92 | 9.86 |
| Clinical psychologist | 8.35 | 9.29 | 10.28 |
| Assistant principal, elementary and secondary school | 9.69 | 10.77 | 11.92 |
| Supervising director | 10.02 | 11.15 | 12.33 |
| Principal, elementary and secondary schools | 10.69 | 11.89 | 13.15 |
| Veterans' summer school centers: Teacher | 6.86 | 7.61 | 8.42 |
| Adult education schools: | | | |
| Teacher | 7.54 | 8.38 | 9.27 |
| Assistant principal | 10.66 | 11.85 | 13.11 |
| Principal | 11.76 | 13.07 | 14.46." |

(10) Section 13(d)(1) (D.C. Code, sec. 31–1542(d)(1)) is amended to read as follows:

"(1) The Board is authorized to pay an employee in salary class 15 who performs an extra-duty activity the additional compensation prescribed for such extra-duty activity by the Commissioner in accordance with this subsection: *Provided*, That (1) the activity involves the supervision and direction of students who select such activity voluntarily and (2) that the activity is performed on a continuing basis in addition to the standard teaching load of a regular duty school teacher or work load assigned to other employees in salary class 15."

(11) Section 13(d)(2) (D.C. Code, sec. 31–1542(d)(2)) is amended by adding the words "or other employees" after "classroom teachers" each time it appears in the subsection, and by striking out "monthly" and inserting in lieu thereof "semimonthly".

(12) Section 14 (D.C. Code, sec. 31–1543) is amended to read as follows: "On July 1, 1970, each employee assigned to salary class 15 shall be classified as a teacher for payroll purposes and his annual salary shall be paid in semimonthly installments in accordance with existing law. All other employees covered by the provisions of this Act shall have their annual salaries paid in twenty-four semimonthly installments in accordance with existing law. Annual salaries for employees paid in twenty-four semimonthly installments means calendar year for purposes of this section."

SEC. 203. The increase provided in this title for the position of Superintendent of Schools under class IA shall be effective only with respect to an individual who is appointed to that position subsequent to the date of the enactment of this title.

SEC. 204. The Act approved May 26, 1908, entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes" is amended as follows:

(1) The final proviso under PUBLIC SCHOOLS, ALLOWANCE TO PRINCIPALS (D.C. Code, sec. 31–609), is amended to read as follows: "That, effective July 1, 1970, the salaries of employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969, whose services commence with the opening of school and who shall perform their duties, shall begin on the 1st day of September and shall be paid in twenty semimonthly installments. The first payment shall be made on the 1st day of October, or as near that date as practicable; and the second payment shall be made fifteen days thereafter or as near that date as practicable. Subsequent payments shall be on the first and sixteenth days of the month or as near those dates as practicable: *Provided*, That the salaries of other employees in salary class 15 shall begin when they enter upon their duties.

(2) The final paragraph under PUBLIC SCHOOLS, ALLOWANCE TO PRINCIPALS (D.C. Code, sec. 31–630), is amended to read as follows:

"Effective July 1, 1970, the following rules for division of time and computation of pay for services rendered are hereby established: Compensations of all employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969 shall be paid in twenty semimonthly installments. In making payments for a fractional part of a month, one-fifteenth of an installment shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a semimonthly period in connection with the compensation of such employees, each and every semimonthly period shall be held to consist of fifteen days, without regard to the actual number of days in any semimonthly period thus excluding the thirty-first day of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the schools during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many days thereof as there were days elapsed prior to the date of entry: *Provided*, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited."

SEC. 205. The provisions of this title shall take effect on the first day of the first pay period which begins on or after September 1, 1969.

### TITLE III—FUNDS

SEC. 301. (a) For the fiscal year ending June 30, 1970, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the District of Columbia, in addition to any other amounts authorized under this or any other Act to be appropriated to the District of Columbia for such fiscal year, the amount of $5,200,000 for use in payment of increases in salaries of police, firemen, teachers, and school officers authorized by this Act for the period commencing January 1, 1970, and ending June 30, 1970.

(b)(1) For the fiscal year ending June 30, 1970, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated to the District of Columbia, in addition to any other amounts authorized under this or any other Act to be appropriated to the District of Columbia for such fiscal year, the amount of $5,600,000 for use in payment of increases in salaries of police, firemen, teachers, and school officers authorized by this Act for the period commencing January 1, 1970, and ending June 30, 1970.

(2) In the event that the tax revenues of the District of Columbia are increased during the fiscal year ending June 30, 1970, by reason of legislation enacted by the Congress subsequent to the date of the enactment of this Act, the District of Columbia, with respect to any amount appropriated pursuant to paragraph (1) of this subsection, shall reimburse the United States in an amount equal to the amount of such increase in tax revenues received by the District of Columbia during such fiscal year, or such amount so appropriated, whichever is the lesser.

SEC. 302. For the fiscal year ending June 30, 1970, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the District of Columbia, in addition to any other amounts authorized under this or any other Act to be appropriated to the District of Columbia for such fiscal year, the amount of $10,746,000 for use in payment of increases in salaries of police, firemen, teachers, and school officers authorized by this Act for the period commencing July 1, 1969, and ending December 31, 1969.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–886), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE OF THE BILL

The bill, H.R. 17138, as amended by the committee, will provide long overdue pay increases for District of Columbia police, firefighters, and teachers, as well as the revenue to pay for those pay increases.

### BACKGROUND OF THE LEGISLATION

The committee amendment, in the nature of a substitute, is identical to S. 2694, passed by the Senate December 22, 1969, to amend the District of Columbia police and firemen's salary act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes. Subsequently, on May 11, 1970, the House of Representatives passed H.R. 17138, to provide similar pay increases and an increase in the District of Columbia income tax to finance them.

The committee desires the promptest possible congressional action to enact the pay increases provided by both of these bills. Therefore, the committee now reported the House bill with the Senate-passed bill as an amendment in the nature of a substitute.

Favorable Senate action on H.R. 17138, as amended, will permit a conference on the pay raise legislation passed separately by the two Houses.

Mr. MANSFIELD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ALLEN) appointed Mr. TYDINGS, Mr. BIBLE, Mr. SPONG, Mr. EAGLETON, Mr. PROUTY, Mr. GOODELL, and Mr. MATHIAS conferees on the part of the Senate.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Arizona is recognized for not to exceed 20 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum without any time being taken from the Senator's time.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## U.S. BALANCE OF TRADE

Mr. FANNIN. Mr. President, for so many years our great Nation has enjoyed a favorable balance of trade. Our industrial development overshadowed that of the other nations of the world. That picture has been changing. Our surplus in our balance of trade has virtually disappeared. This is serious and alarming.

In the early 1960's our trade balance was $5 to $6 billion a year. This went a long way to offset other elements in the balance of payments such as foreign aid which has shown a great outflow of dollars over the years.

By 1968 our trade balance fell to less than $1 billion, and there is no immediate prospect that 1970 or 1971 will be any better.

It is not because our exports have shrunk. We simply have been losing jobs to our overseas competitors at a rate that cannot be anything but disturbing to us.

The Secretary of Commerce, Maurice Stans, pointedly cited this concern last September:

> If imports of textiles and apparel continue to grow at the present rate there could be a loss of 100,000 jobs a year in this country.

Mr. President, this is the ultimate result when our imports grow at a much faster rate than our exports. Last year, our imports reached 24 percent, while our exports reached only 10 percent.

Textile-apparel unions estimate that increased synthetics and wool imports have wiped out 200,000 jobs since 1964. And these jobs largely are low-income workers whose skills, or lack of them, make them relatively unavailable to other industries.

The Labor Department has reported the loss in the last 2 years of 48,000 jobs in the manufacture of radio and TV sets and components. Many of those affected are middle-aged women with few other job opportunities. Similar complaints have been heard from other industries such as steel, chemicals, shoes, and flat glass.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from the United Shoe Workers of America dated April 29, 1970.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED SHOE WORKERS OF AMERICA,
*Washington, D.C., April 29, 1970.*

DEAR SENATOR: Our workers in the shoe industry are very concerned about a letter of October 30, 1969 addressed to President Nixon, with copies to each member of Congress, by Morton B. Weiss, President of the Volume Footwear Retailers of America, formerly the National Association of Shoe Chain Stores. These retailers have every right to fight restrictions but they have not presented all the facts. The shoe workers are concerned because they feel that the Senators and Congressmen may not be aware of exactly whom VFRA represents and where their interests lie. Further, our workers are concerned about some very misleading statements made in this letter.

As the chain store points out, its association represents some 20,000 stores and departments that purchase over 600 million pairs of footwear per year. This gives the impression that it represents all the shoe retailers of America. What the letter does not say is that VFRA's membership consist of some 50 giant chain store operators. They represent less than one-tenth of one percent of the more than 80,000 firms in this country that sell footwear at retail, although they account for 60 percent of the nation's annual shoe volume. Hundreds of medium and small shoe manufacturers depend on these chains for their continued operation.

Furthermore, VFRA's letter to President Nixon does not mention that these giant multiple chain store groups account for the bulk of the footwear imported into this country. The lower prices abroad, because of lower wages paid to workers abroad, has made it possible for them to maintain their price lines and increase their profits.

The year of 1969 total footwear imports amounted to around 200 million pairs of leather and vinyl shoes. For every 10 million pairs of shoes imported, 3,000 American shoe workers lose their opportunity for work. Our industry employs some 200,000 of these people. They have a talent and preference for jobs that call for hand skills. Many of these are older people and are from disadvantaged urban and rural areas. Also, the shoemaking industry offers job opportunities to many of the veterans coming back from Vietnam.

At the rate that imports have increased, from 3.5 percent of U.S. shoe production in 1959 to 37.5 percent in 1969, they will, in all likelihood, equal American output by 1975. You can plainly see why our workers are very much concerned. The chains apparently consider this a healthy situation, but it would certainly be unhealthy for the workers who lose their jobs.

The chain's letter makes it clear that they know imports are hurting shoe manufacturers. They say they are willing to help. But they don't want to go along with voluntary arrangements like those in the steel and cotton industries and those being negotiated in Geneva for wool and man-made textiles. They would probably support adjustment assistance, which is nothing more than "burial" expenses. How will that help the workers in the shoe industry who cannot get jobs elsewhere? The shoe industry needs the same arrangements that the steel and textile industries have. These arrangements were explained so well in the President's message of November 13, 1969, when he said:

"We are trying to persuade other countries to limit their textile shipments to the United States. In doing so, however, we are trying to work out with our trading partners a reasonable solution which will allow both domestic and foreign producers to share equitably in the development of the U.S. market."

This statement by President Nixon expresses exactly what the workers in the shoe industry want. It is only fair that they should have the same consideration.

Sincerely,

GEORGE O. FECTEAU,
*General President.*

Mr. FANNIN. Mr. President, before I suggest remedies, let us look at four primary causes.

Inflation, to my mind, is probably the most serious cause of the worsening trade balance. As our prices go up, it makes it easier for foreign producers to sell here and it makes it harder for our exports to sell abroad.

Inflation, too, brings on a new round of labor-management contracts. But when wage gains are higher than productivity increases warrant, imports benefit and exports find it harder to compete.

Second, there is no question that many foreign producers are becoming more advanced in their technology. Their modernization has in many cases followed the American model. They are becoming more competitive through management, marketing, and other skills.

Third, there is a growing trend in many parts of the world to erect, in effect, a host of trade barriers to American goods. Quotas, subsidies to their own exporters, border taxes, restrictions on purchases by government agencies and nationalized industries, and a variety of excessive technical restrictions are among these devices.

Fourth, and the point I wish to emphasize, is the lack of adequate remedy for those injured by unfair competition, such as dumping practices and the granting of subsidies.

My primary thrust today will be to suggest in general terms recommendations to streamline the procedures, both statutory and administrative, designed to see that our domestic producers do not face unfair and indiscriminate exports from abroad.

I wish to focus on three provisions, now on our law books, intended to protect domestic producers from unfair trade practices: The countervailing duty law; the Antidumping Act; and unfair trade practice provisions of section 337 of the Tariff Act. Let us examine each of these.

The countervailing duty dates back to the American Tariff Act of 1890. The duty has been defined as a surtax added to goods benefiting from a bounty or similar assistance from the exporting country.

Thus, the intention is to neutralize the foreign subsidy and thus prevent injury to domestic producers of comparable products who operate without benefit of such bounty.

The Secretary of the Treasury determines whether the goods have been subsidized and, if so, to impose the appropriate balancing duty.

However, there is no time limit set in which he must act, or if he does act and decides against the complainant there is no procedure for appeal provided by Congress.

I am introducing legislation that would amend this act to provide that an administrative decision must be made within a specified time, and to give a complainant the right to appeal an adverse ruling directly to the U.S. Circuit Court of Appeals for the District of Columbia.

The antidumping duty likewise has been defined as a surtax. The additional tax is intended to equalize the price of imported goods when less than a predetermined fair value for such goods.

This law was enacted in 1921 following a Tariff Commission report on dumping practices. Large concerns were selling at lower prices in the United States than in their own home market abroad. The purpose was to dispose of surplus production or to drive a United States competitor out of business.

Therefore, in enacting the antidumping provisions, the Congress provided that where a domestic producer was injured by such dumping, a special duty would be imposed. The Treasury Department determines when imports are sold at less than fair value and the Tariff ency to destroy or substantially injure to a domestic producer or industry.

Again, no time limit, like the countervailing duty act, was set for administrative action. In addition, no appeal procedure was provided in cases where the Treasury Department decided not to act on a complaint. But, on the other hand, if dumping duties are assessed against an importer, provisions were made for him to appeal.

I am introducing legislation that would amend the Anti-dumping Act to provide a set time limit in which the administrative agency is to act upon a complaint, and to allow a procedure for appeal against an adverse ruling or failure to act within the time limit.

The Unfair Trade Practice Act declares that unfair methods of competition or unfair acts in the importation of articles into the United States are unlawful if they have the effect or tendency to destroy or substantially injure an industry in the United States.

If the President determines the act has been violated, he may direct that the imports involved be excluded from entry. To assist the President, the Tariff Commission receives complaints, investigates them, and reports its findings. Appeal may be taken to the court of customs and patent appeals on questions of law.

After these procedures, the Tariff Commission's report is forwarded to the President for final action. If a violation is found, the President may, but is not required to, order that the customs authorities forbid entry of the involved goods.

The legislation I am introducing would eliminate presidential review and provide that the Tariff Commission's determinings be final, subject to judicial appeal.

Finally, my proposed legislation would provide that the administration of the above acts and their remedies be placed in an independent agency. Sufficient authority should be provided to allow the implementation of policy guidelines specified by Congress.

The Tariff Commission, because of its expertise in dealing with foreign unfair trade practices, logically could administer these acts. Or such provisions could be administered in a newly created agency dealing exclusively with trade problems.

Hopefully, the procedure requiring action within a time limit with right of appeal would tend to develop the technique of self-enforcement in trade matters that we have in our domestic trade laws, and would provide a deterrent to the rise of international unfair trade practice.

In addition, Congress would have a record of agency and judicial opinions from which to review the operations and effectiveness of the acts toward producing a more efficient and consistent and a speedier administration of the regulatory acts.

Mr. President, this legislation is timely, especially in view of the number of quota bills introduced in Congress and the expressed sentiment of the members of the House Ways and Means Committee.

It appears that the Congress is in the mood for legislating quotas for certain imports. This may curtail free world trade efforts in which the United States has been in the forefront and from which we have benefitted. Annual world trade volume is up twentyfold since 1934. It had only doubled in the 70 years prior to 1934.

Mr. President, my legislation would relieve this continuing pressure on Congress for quota restrictions and other trade relief. It would do this by providing a procedure for administrative relief—with right of judicial appeal. If all that failed, then Congress may be called upon for corrective action.

We need only the opportunity to compete fairly both at home and abroad. But we need that opportunity urgently. We must insist in such fairness with our world trading partner.

It is my opinion that protectionism is not the answer to our serious trade imbalance and would only lead to retaliation that would undoubtedly follow such a policy. What I do recommend, however, is a reevaluation of our current procedures to curb illegal imports—illegal under the General Agreement on Trades and Tariffs—GATT—and a vigorous cooperative effort on the part of government and industry to induce business through the profit motive to divert a larger share of domestic production to export.

It is my opinion that present and future U.S. trade policy must be based on recognition of the fact that, in terms of expanding free world trade, the tariff-cutting phase of international trade relations has run its course, and a new phase has begun—the painstaking work of eliminating or reducing those nontariff trade restrictions and advantages which are rooted in national and regional economic policy. The series of postwar multilateral tariff negotiations confirmed the trading nations' general commitment to expanded trade and rejecton of out-and-out protectionism. But, precisely as these obvious evidences of prewar protectionism have been stripped away, so the underlying imbalances and restrictions have emerged. These are the real inhibitors of expanded trade on a fair and competitive basis.

I am particularly concerned with two of these underlying imbalances and restrictions:

First. Nationalistic procurement policies and practices of foreign government owned or controlled companies which exclude U.S. products from competing in their markets; allow and encourage high noncompetitive prices from their domestic suppliers in these insulated markets; and thus permit and encourage those same domestic suppliers to export to the United States and third countries at prices which, in a true commercial sense, are at less than fair value. The competitive disadvantage to the U.S. industry, thus, is twofold: exclusion from potentially profitable world markets; unfair pricing in the U.S. market.

Second. The tax structure of most of the European trading nations, which impose equalization charges on imports—border taxes—and provide for remission of internal taxes on exports, confer a major trade advantage on those nations. Their indirect border tax system is not neutral in its effect on the U.S. competitor who is operating on a direct tax structure.

The proceedings in the general agreements on tariffs and trade whereby tariffs were progressively reduced were not sufficient to maintain an effective and comprehensive U.S. trade policy, and this country has not been able to even schedule discussions leading to the removal of nontariff barriers. What is needed is a resourceful and determined utilization of present statutory and administrative procedures to provide timely remedies which can be invoked to discipline unfair competition on a case-by-case basis. As a practical matter, however, the available procedures have not provided effective relief against the consequences of exclusionary procurement practices of foreign governments and the dual pricing by foreign suppliers when selling to this country.

Mr. President, as I have emphasized

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in recent statements, I am concerned about several aspects of our international trade. I do not advocate a return to high tariffs, nor am I advocating a protectionist program.

But I do urge a realistic policy, lest the failure to reach a solution to our problems does result in protection and high tariffs.

In this regard I call attention to a very discerning article concerning preferential agreements and the Common Market. The article, entitled "Difficulties for United States Loom as European Union Grows," was written by Andrew Borowiec and published in the Monday, May 4, 1970, issue of the Washington Evening Star. I ask unanimous consent that the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

## Difficulties for United States Loom as European Union Grows

(By Andrew Borowiec)

Brussels.—Earlier this year, a minor storm developed among the officialdom of the European Common Market Commission.

It concerned an unusually blunt statement by America's able and generally respected representative to the European communities, Ambassador J. Robert Schaetzel.

Addressing the German Foreign Policy Association in Bonn last February, Schaetzel charged that some of the preferential trade agreements which the Common Market has with other countries are incompatible with America's struggle for global tariff cuts.

### U.S. FRUSTRATION CITED

He described America's attitude toward the Common Market as characterized by irritation, frustration and a brooding sense of apprehension as to what the future will hold.

Schaetzel is clearly in a position to know what he is talking about, and there is plenty of evidence to prove that the United States should be concerned.

Although overall American exports to the European Economic Community increased by more than 140 percent between 1958 and 1969, the last two years have witnessed a steady decline averaging 6 percent a year in agricultural exports.

### EUROPE DUMPS PRODUCE

In addition, the Europeans began dumping their vast agricultural surpluses on certain traditional American markets such as Taiwan, Britain, Japan, Austria and Switzerland, further hurting America's export posture.

Referring to the Common Market's preferential agreements, Schaetzel described them as creating "resentment on the part of those countries outside the boundaries of the new agreements." But the bulk of the concern he expressed in Bonn—and on subsequent occasions—centered on the growing challenge to America's economic might. That challenge is being forged in Western Europe.

Edmund Wollenstein, the Common Market's director general for external trade, subsequently suggested that the United States and the six member nations seek to overcome their difficulties and adopt "a fundamental long-term attitude" toward world trade.

### LITTLE ACCOMPLISHED

But apparently little of any concrete value has been done since, and American experts continue to eye the Common Market with increasing concern—particularly since the market may become a 10-nation community.

It is clear that unless some joint measures are taken, the preferential agreements of the European Economic Community are likely to provoke a protectionist reaction in the United States. This, in turn, would start an unhealthy round of competition, with the resulting economic problems and dislocation.

Friction instead of harmony is likely to dominate the relations between the new Europe, so coveted by its founders, and the United States, which helped this Europe get to its feet after World War II.

### HELP FORGOTTEN

But that help already has been forgotten. The new generation of Europeans does not remember the war and seems hardly aware of the role played by the Marshall plan in European recovery.

Europeans are preoccupied with what French writer-politician Jean-Jacques Servant-Schreiber called the "American challenge"—a smooth and powerful American economic machine taking over more and more European firms by the sheer weight of its money and expertise.

Officially, the American attitude toward the European Economic Community is that of approval. In his foreign policy statement of Feb. 18, President Nixon said:

"Our support for the strengthening and broadening of the European community has not diminished. We recognize that our interests will necessarily be affected by Europe's evolution, and we may have to make sacrifices in the common interest. We consider that the possible economic price of a truly unified Europe is outweighed by the gain in the political vitality of the West as a whole."

### UNITED STATES TO PAY PRICE

Thus the American attitude is clear: A United Europe is better than a Balkanized Europe. But the price the United States may have to pay is beginning to seem higher and higher.

For the time being, only the agricultural picture seems to cause immediate concern. A look at non-agricultural trade figures and at America's investment in the "six" shows impressive statistics.

In 1958, direct U.S. investment in the EEC area was $1.9 billion; in 1969 it was $9 billion. The same year, American companies operating in the Common Market area netted profits of $540 million, of which $100 million was reinvested in Europe.

It is difficult to predict at this stage whether the rhythm of American investment and economic expansion in Europe will continue. Chances are that it will drop as European firms start seeking amalgamation, particularly if they are bolstered by the know-how and capabilities of British companies.

### MILESTONE REACHED

The Common Market summit meeting at The Hague in December was an important milestone in the history of the European community. It gave the green light for negotiations with new membership applicants, thereby clearing the ground for a larger and better Europe. And it asked the "six" to study ways of bringing about political integration.

American specialists fear, however, that the same summit could also mark a turning point in relations between the community and the United States.

According to Schaetzel, "To a very considerable extent, what happens with the relations depends on Europe. American opinion and policy will primarily react to progress in Europe—progress in the internal development of the community and in its enlargement."

The American ambassador feels that it would be "dangerous and certainly shortsighted" to think that European success automatically will be appreciated in America.

### U.S. APPREHENSIVE

"Today a more uneasy America gives considerable attention to possible economic costs after Britain and the other applicants are in," he said.

Regardless of the warnings by the American envoy, there is little preoccupation with the American position and attitude in Brussels at the headquarters of the Common Market.

Forging ahead, laying vast and still-undefined foundations for its future, Europe is full of itself these days, perhaps more unable than unwilling to concentrate on the more distant implications of its movement.

Unless the trend is changed, unless somewhere along the line joint plans are made and problems are tackled jointly, it is not unlikely that the birth of the Europe of 10 may dramatically change America's relations with the old continent.

Mr. FANNIN. Mr. President, I would like to point out that European community in its own magazine released in February of this year, has recognized the existence of the nontariff barriers to International trade, and the threat they present in Europe to the true growth of free and fair trade.

In an article entitled "NTB's: 1970 and Beyond," Mr. H. Peter Dreyer, who is the New York Journal of Commerce's European news editor assigned to Brussels, has detailed some of the significant nontariff barriers effective today against American goods.

For instance, France requires insurance premiums 30 percent greater on foreign cars and other administrative fees which are not charged on domestic cars.

Italy requires a 3-percent customs value supplement and a 7.8-percent turnover equalization tax. There are many delays in processing import transactions, delays of several weeks before an imported car can be registered, unfavorable credit rules, restrictions on TV advertising and other restrictive practices.

The United Kingdom has generally higher import insurance requirements, less favorable credit terms, import deposit required and a 5-percent customs value supplement.

Finland imposes import and tax charges that top 100 percent of the c.i.f. value and limits imports by a system of value licenses. They also impose discriminatory regulations which favor cars imported from the east block countries.

A listing of these restrictions made by the German Automobile Industry Association leaves out the difficulties in importing cars into Germany, but mentions additional restrictions in Japan, Portugal, and Spain. The point to be remembered is that since the elimination of tariff duties within the Common Market countries in 1968, the nontariff barriers have continued to be a significant trade obstruction and in some cases have caused trading to grind to a complete halt.

These nontariff barriers are, in many cases, most difficult to contend with and more complex than the simple tariff problems. Research into this area has produced a grand total of more than 800 NTB's which break down into six basic categories:

There is government participation in trade relating primarily to problems with state monopolies and government export subsidies. Incidentally, these are the areas in which I believe our use of countervailing duties would be most effective.

Customs valuation: These are equalization and antidumping levies, as well as different customs valuation methods.

Safety regulations, quantitative restrictions—quotas—price mechanism, and miscellaneous NTB's such as discriminatory freight regulations.

These, Mr. President, serve as just a small example of the maze of additional restrictive regulations and practices which face Americans trying to fairly and equitably enter markets overseas.

It is entirely possible, and indeed it happens every day, that a country can be on an equal tariff footing while still cutting the ground out from under an American firm trying to do business there with its nontariff barriers.

Mr. President, I ask unanimous consent that the article to which I have made reference be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

## NTB's: 1970 and Beyond

(By H. Peter Dreyer)

World trade—especially trade between industrial nations—has advanced by leaps and bounds over the past two decades. Many factors have made possible these enormous, continuing gains, but a decisive factor has undoubtedly been the gradual fading out, or curtailment, or national protective measures.

Such dismantling has gone furthest in the field of quantative restrictions and customs duties, but as these first two lines of protectionism's defense have withered or become less formidable, a third has assumed a correspondingly larger importance—nontariff barriers. Once the tariff cuts agreed on in the Kennedy Round of negotiations of the General Agreement on Tariffs and Trade (GATT) have been fully implemented, the average incidence of industrial countries' customs duties will not exceed 10 per cent. In many instances, therefore, tariffs no longer represent more than nominal barriers to trade. Nevertheless, goods moving across borders run into a multitude of other obstacles.

### GATT MOVES IN ON NTB'S

Most non-tariff barriers (NTB's) are not new devices. For many years past, most countries, acting for a variety of motives, have displayed enviable imagination in developing ever new means for making the access of foreign merchandise harder. There is nothing very novel in governments and international groups and agencies turning their thoughts to this topic. Some aspects of NTB's were the subject of discussions and negotiations in the Kennedy Round, for instance, though with only modest results to show for these efforts.

At the same time, if the NTB's are now moving into the limelight of debate, it is not merely due to the lessened significance of the more obvious impediments to trade. Anxious as the GATT must be to remain an active and forward looking organization, it was bound to pick NTB's as one of the most challenging outlets for its activities. The tackling of NTB's has gotten under way, but it is clearly something altogether different from the successive tariff-cutting exercises sponsored by the GATT, of which the Kennedy Round was the latest and most impressive. At this point, it is not even certain how specific negotiations can be arranged, much less whether they could succeed.

It is not only the enormous number of NTB's in operation the world over that makes them such a hard nut to crack but also their extremely diffuse and variegated character. The GATT member countries needed a full year just to list existing NTB's, which still left them far away from assessing their impact.

### A CASE STUDY

A useful, though patently incomplete, illustration of obstacles that an important industry might run into was offered a short while ago in the annual report (for 1968) of the German Automobile Industry Association. Among the impediments encountered in principal markets, it listed:

United States: a 7 per cent supplementary tax on cars imported by tourists, making it more difficult to sell imported vehicles to government and other public agencies.

France: insurance premiums 30 per cent higher on foreign cars; various administrative fees (not charged on domestic cars).

Austria: customs value supplement, plus a 13 per cent turnover equalization tax; various administrative fees.

Italy: a 3 per cent customs value supplement and a 7.8 per cent turnover equalization tax; delays in processing import transactions; delays of several weeks in registering new foreign cars; less favorable installment credit regulations for imported cars; a recommendation to government and other public agencies not to buy such cars; restrictions on TV advertising for such cars; compulsory registration of imported car dealers' contracts.

United Kingdom: a 5 per cent customs value supplement; generally higher insurance premiums for imported cars; less favorable installment credit terms; the import deposit requirement enacted in 1968 under the program to eliminate the balance-of-payment deficit.

Finland: import and tax charges topping 100 per cent of c.i.f. value; import limitations by a system of value licenses; discriminatory regulations favoring car imports from East Bloc countries.

This listing, which also included obstacles met with in Japan, Portugal, and Spain, naturally makes no reference to whatever difficulties exporters of automobiles to Germany may be faced with. As far as can be established, there are no grave ones, although some problems have arisen in connection with the classification of imported sports cars.

### NUISANCE OR DEAD-END?

Limited as it is to conditions in a single industy, the German Association's report, nevertheless, lends itself to some general comments. It reveals, for instance, that NTB's operate also within the Common Market. It is indeed arguable that there, since the complete elimination of tariff duties in mid-1968, NTB's have constituted a relatively more significant trade obstruction.

Secondly, while some NTB's are identical or at least similar in appearance, there are also considerable differences in the manner and extent to which national governments use this approach. Of course, NTB's trade effects also vary markedly from one country to another. In some instances, they may be little more than a nuisance; in others, they may cause trading to grind to a virtual halt. Conversely, the German automobile manufacturers, who export well over 50 per cent of their output, are themselves proof that the barriers in their path are hardly insurmountable. They do sell in the countries listed above: the United States actually has become their single most important market.

It goes without saying that, while some obstacles are general in nature, others, and quite often the more painful ones, are peculiar to this or that industry. The producer of electric household appliances will encounter difficulties quite dissimilar to those confronting automobile exports; and if he sells heavy electrical equipment as well, he most likely will have yet another set of stumbling blocks to contend with. These, in turn, will probably bear scant relation to the ones foreign trade in pharmaceuticals must contend with.

The difficulties connected with trade in agricultural produce are in a class all by themselves. In this area, protection by tariff is not of major significance now, and has not been for quite some time. Instead, nontariff restrictions abound. Trade in virtually all temperate zone foodstuffs and processed foods, for instance, is subject to some kind of NTB. In some cases, NTB's effectively prohibit trade.

### CUT AND DRIED BARGAINING IMPOSSIBLE

These comments so far point unmistakably to the complexities involved in dealing with the NTB's. Not even in the relatively "straightforward" tariff negotiations of the Kennedy Round was it always easy to establish a universally acceptable approach, for example in the issue of the "peaks and valleys" in the United States' tariff structure. It will be infinitely harder to arrive at ground rules for the NTB negotiations. There may be some similarity between different kinds of NTB's, but that, by itself, does not mean that one could be canceled out in exchange for another.

In any event, most NTB's lack similarities, since an assortment of motives inspired this or that barrier. Inevitably, the priorities assigned by different countries for eliminating or attenuating individual NTB's also vary. Customs valuation methods or obstructive sanitary regulations may be one country's favorite *bête noire*, while the elimination of NTB's hampering the sale of agricultural produce may be the chief objective of another.

Naturally, under these circumstances, the GATT had to choose a most cautious and deliberate procedure. It is equally evident that, if this approach is ever to yield anything, several more years of slow and methodical work will be required, without any assurance of eventual success at that.

### GATT'S YEAR OF FACTFINDING

Thus, more than a year has been spent on the operation's initial phase, now just about completed. It has been strictly a fact-finding venture. The process of individual notifications with subsequent confrontation and explanation has produced a grand total of more than eight hundred NTB's which have now been classified in six categories.

Governmental participation in trade. This type relates not only to the purchasing procedures of states (and other public agencies) but also to problems inherent in the existence of state monopolies and government export subsidies.

Customs valuation and other administrative procedures affecting importers. This type includes the formalities connected with consular and other customs documents, equalization and anti-dumping levies, and different customs valuation methods, of which the famed (or ill-famed) American-selling-price (ASP) system is a prime example. And, last but not least, there are the difficulties arising from differences in customs nomenclatures; as is generally known, neither the United States nor Canada is a party to the Brussels Customs Nomenclature Convention.

Norms and standards. In this group belong regulations applied to imports of medical and pharmaceutical products and other industrial goods, safety rules, and regulations affecting measurements, marking, and packaging.

Quantitative restrictions. This class deals not only with straight or tariff quotas, but also with import and export embargoes, licensing systems, and price and foreign currency controls.

Price and similar mechanisms affecting foreign trade. Import deposit plans, like the requirement introduced by the United Kingdom in late 1968, are one case in point. Others include customs, harbor, consular, and statistical fees; insurance premiums, and various levies. (The United States puts in this category the Common Market's agricultural levies and border adjustments for indirect taxes.)

Miscellaneous. Under this catch-all heading would come, for instance, discriminatory freight rate regulations.

### THE GATT'S NEXT MOVE

With this inventory drawn up, what will be the GATT's next move? The curtain obviously cannot yet rise on effective negotiations. The next objective, therefore, must be to prepare carefully for that moment, to create the machinery, and tools so that, if ever such unprecedented negotiations get off the ground, they would have a reasonable chance of success.

Work in Geneva is now starting on this stage, and the contracting parties may well devise a formal mandate for it at their annual meeting, in February 1970. It would appear to have several implications. In the first place, of course, it is a sorting out process. Which NTB's match, or are readily comparable? The trade effect, large or small, of the NTB's in force may also be investigated.

In parallel lines, the comparison and coordination of the known NTB's could theoretically lead to the point where some could be grouped in either functional or national packages. This procedure would make it easier, once negotiations were under way, to offer concessions against counter-concessions.

But then, the NTB's will probably not be dealt with in a vacuum. Instead, the whole issue will probably have to be correlated with the tariff study on which the GATT Secretariat is also working, specifying the tariff levels that will exist after the Kennedy Round reductions have been fully implemented. Data have already been assembled for the principal trading units, including the United States, the United Kingdom, and the Common Market.

### SLOW PACE NOT DISTURBING

Phase two of the GATT exercise, now in progress, will undoubtedly last a long time. If it could be polished off in the course of 1970, it would be quite satisfactory but rather surprising, in the light of the pace managed to date. This all too certain slowness is not in itself disturbing, for the fact remains that one of the major parties involved, the United States, possesses no authority to negotiate. Theoretically, perhaps, the Washington Administration might sit down at the conference table with the expectation that the Congress would subsequently sanction any agreement reached there.

In practice, however, such an approach is open to two objections. In the first place, legislators very likely would consider it an infringement of their constitutional rights and be the more reluctant to approve later any accord attained. Secondly, not only would U.S. delegates negotiate from a position of distinct weakness in such circumstances but other countries might also refuse to have any talks at all on that basis. They would cite as a warning example their experience with ASP. Today, about 30 months after the completion of the Kennedy Round, congressional action to remove this prime instance of an NTB still seems far off.

As a matter of fact, the ASP controversy, together with some other protectionist strains evident on the American scene, has caused Europeans to question, not unreasonably, how serious and sincere the United States is about removing NTB's. It is the more welcome, therefore, that so important an organization as the Committee for Economic Development, in a statement of policy issued jointly with sister outfits like the Political and Economic Planning (PEP) of the United Kingdom and the Comité européen pour le progres économique et social (CEPES) of the Common Market, should have unambiguously advocated the elimination through GATT action of what it calls "non-tariff trade distortions."'

There will be no quick result, but there is at least one consolation. The current approach to the problem does avoid one of the Kennedy Round's major deficiencies: the Trade Expansion Act, the foundation of the GATT exercise, was strictly speaking a unilateral American move, undertaken without consulting the country's main trade partners. Many Europeans have claimed that, had they been heard while that law was in the making, some of its features would have been different and the subsequent negotiations correspondingly less jarring. It is obviously far too early to say when, or even whether, negotiations proper on NTB's will start. But if and when they do, they will have been amply prepared by all participants.

Mr. FANNIN. Mr. President, I yield the floor.

## TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Senate will now proceed to the consideration of routine morning business, with statements therein limited to 3 minutes.

## MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 14, 1970, the President had approved and signed the act (S. 3007) to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit.

## EMERGENCY SCHOOL AID ACT OF 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-341)

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Labor and Public Welfare:

*To the Congress of the United States:*

Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

In my statement on school desegregation on March 24, I said that I would recommend expenditure of an additional $1.5 billion—$500 million in fiscal 1971, and $1 billion in fiscal 1972—to assist local school authorities in meeting four special categories of need:

"—The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

"—The special needs of racially impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

"—The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

"—The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools."

To achieve these purposes, I now propose the Emergency School Aid Act of 1970.

Under the terms of this Act, the four categories of need I outlined would be met through three categories of aid:

(I) Aid to districts now eliminating *de jure* segregation either pursuant to direct Federal court orders or in accordance with plans approved by the Secretary of Health, Education and Welfare, for special needs incident to compliance.

(II) Aid to districts that wish to undertake voluntary efforts to eliminate, reduce or prevent *de facto* racial isolation, with such aid specifically targeted for those purposes.

(III) Aid to districts in which *de facto* racial separation persists, for the purpose of helping establish special inter-racial or inter-cultural educational programs or, where such programs are impracticable, programs designed to overcome the educational disadvantages that stem from racial isolation.

In all three categories, administrative priority will be given to what I described on March 24 as "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation." In all three, also, there will be special attention given to the development of innovative techniques that hold promise not only of helping the children immediately involved, but also of increasing our understanding of how these special needs can best be met.

### THE BACKGROUND

The process of putting an end to what formerly were deliberately segregated schools has been long and difficult. The job is largely done, but it is not yet completed. In many districts, the changes needed to produce desegregation place a heavy strain on the local school systems, and stretch thin the resources of those districts required to desegregate. The Federal Government should assist in meeting the additional costs of transition. This Act would do so, not only for those now desegregating but also for those that have desegregated within the past two years but still face additional needs as a result of the change.

The educational effects of racial isolation, however, are not confined to those districts that previously operated dual systems. In most of our large cities, and in many smaller communities, housing patterns have produced racial separation in the schools which in turn has had an adverse effect on the education of the children. It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects.

In some cases this can best be done by reducing or eliminating the isolation

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itself. In some cases it can best be done through interracial educational programs involving the children of two or more different schools. In some cases, where these measures are not practicable or feasible, it requires special measures to upgrade education within particular schools or to provide learning experiences of a type that can enlarge the perspective of children whose lives have been racially circumscribed.

This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present. It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

This Act is addressed both to helping overcome the adverse effects of racial isolation, and to helping attain the positive benefits of integrated education. It is concerned not with the long range, broad-gauge needs of the educational system as a whole, but rather with these special and immediate needs.

### HOW IT WORKS

The procedures under this Act are designed to put the money where the needs are greatest and where it can most effectively be used, and to provide both local initiative and Federal review in each case.

Two-thirds of the funds would be allotted among the States on the basis of a special formula. One-third would be reserved for use by the Secretary of Health, Education and Welfare for especially promising projects in any eligible district. In all cases, whether under the State allotment or not, the grants would be made for specific individual projects with each project requiring approval by the Secretary. Application for grants would be made by local education agencies, with the State given an opportunity to review and comment on the grant application.

The State allotment formula begins by providing a basic minimum of $100,000 in each fiscal year for each State. The remainder of formula funds for each fiscal year would be allotted among the States according to the proportion of the nation's minority students in each State, with those in districts required by law to desegregate and implementing a desegregation plan double-counted. This double counting is designed to put extra money where the most urgent needs are, recognizing that there is a priority need at the present time for the ending of *de jure* segregation swiftly, completely, and in a manner that does not sacrifice the quality of education.

If any given State's allocation of funds is not fully utilized under the terms of this Act, the remainder of those funds would then be reallocated on the same formula basis for use in other States.

Under Category I (*de jure* desegregating), any district would be eligible which is now implementing an approved desegregation plan, or which had completed implementing one within two years prior to its application. Those not yet doing so would become eligible upon submission of an acceptable plan. Funds would be available to help meet the additional costs of implementing the desegregation plan itself, and also for special programs or projects designed to make desegregation succeed in educational terms.

Under Category II (*de facto* desegregating), any district would be eligible if it has one or more schools in which minority pupils now constitute more than half the enrollment, or appear likely to in the near future. Funds could be provided to help carry out a comprehensive program for the elimination, reduction, or prevention of racial isolation in one or more such schools within the district.

Under Category III (special programs in racially impacted areas), a district would be eligible if it has 10,000 or more minority students, or if minority students constitute 50 percent or more of its public school enrollment. Funds could be provided under this category for special interracial or intercultural educational programs or, where these proved impracticable, for unusually promising pilot or demonstration programs designed to help overcome the adverse educational impact of racial isolation.

In connection with this Category III aid, it is worth noting that such research data as is available suggests strongly that from an educational standpoint what matters most is not the integrated school but the integrated classroom. This might, at first glance, seem a distinction without a difference. But it can make a great deal of difference, especially where full integration of schools is infeasible. It means that, by arranging to have certain activities integrated—for example, by bringing students from a mostly black school and from a mostly white school together for special training in a third location—the educational benefits of integration can be achieved, at least in significant part, even though the schools themselves remain preponderantly white or black.

In a number of communities, experiments are already under way or being planned with a variety of interracial learning experiences. These have included joint field trips, educational exchanges between inner-city and suburban schools, city-wide art and music festivals, and enriched curricula in inner-city schools that serve as a "magnet" for white students in special courses. Other innovative approaches have included attitude training for teachers, guidance and counseling by interracial teams, and after-hour programs in which parents participated. I cite these not as an inclusive catalogue, but merely as a few examples of the kinds of experimental approaches that are being tried, and that give some indication of the range of activities that could and should be further experimented with.

Examples of the kinds of activities which could be funded under all categories are teacher training, special remedial programs, guidance and counseling, development of curriculum materials, renovation of buildings, lease or purchase of temporary classrooms, and special community activities associated with projects funded under the Act.

### THE URGENCY OF ACTION NOW

It now is late in the legislative year, and very soon it will be the beginning of the next school year.

In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet desegregated must do so by then. The educational problems they confront are enormous, and the related problems of community social and economic adjustment are equally so.

Some 220 school districts are now under court order calling for complete desegregation by this September; 496 districts have submitted, are negotiating or are likely to be negotiating desegregation plans under HEW auspices for total desegregation by this September; another 278 districts are operating under plans begun in 1968 or 1969; more than 500 Northern districts are now under review or likely soon to be under review for possible violations of Title VI of the Civil Rights Act of 1964. Quite beyond these matters of enforcement, we also must come seriously to grips with the fact that of the Nation's 8.7 million public school students of minority races, almost 50 percent are in schools with student populations made up 95 percent or more of minority pupils.

Desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation.

Teachers and education specialists for the fall of 1970 are being recruited now. Materials and equipment must be purchased this summer to be on hand for the opening of school. Curriculum revision requires months of preparation. Contracts for renovation must be entered into and work commenced soon.

Administration representatives are now discussing with members of Congress possible ways of making the first of the funds for the purposes of this Act available when they are needed, which is now, through the use of existing legislative authorities.

Five hundred million dollars will be spent in Fiscal 1971. I recommend that $150 million be appropriated under these existing authorities, on an emergency basis, as "start-up" money. I recommend that the remaining $350 million for Fiscal 1971 and $1 billion for Fiscal 1972 be appropriated under the Emergency School Aid Act itself. It is this Administration's firm intention to spend these funds—$500 million in Fiscal 1971 and $1 billion in Fiscal 1972—in the years for which they are appropriated.

### QUALITY AND EQUALITY

If money provided under this Act were spread too thinly, it would have very little impact at all on the specific problems toward which it is addressed. Therefore, the criteria laid down in the Act are designed to insure its use in a manner sufficiently concentrated to produce a significant and measurable effect in those places where it is used.

This is not, and should not be, simply

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another device for pumping additional money into the public school system. We face educational needs that go far beyond the range or the reach of this Act. But the specific needs the Act addresses are immediate and acute. It represents a shift of priorities. It places a greater share of our resources behind the goal of making the desegregation process work, and making it work *now*. It also represents a measured step toward the larger goal of extending the proven educational benefits of integrated education to all children, wherever they live.

Properly used, this $1.5 billion can represent an enormous contribution to both quality and equality of education in the United States.

With this help, the process of ending *de jure* segregation can be brought to a swift completion with minimum disruption to the process of education. It is in the interest of all of us—North and South alike—to insure that the desegregation process is carried out in a manner that raises the educational standards of the affected schools.

Beyond this, our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist. This does not mean imposing an arbitrary "racial balance" throughout the nation's school systems. But it should mean aiding and encouraging voluntary efforts by communities which seek to promote a greater degree of racial integration, and to undo the educational effects of racial isolation.

Nothing in this Act is intended either to punish or to reward. Rather, it recognizes that a time of transition, during which local districts bring their practices into accord with national policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

This legislative recommendation should be read in the context of my comprehensive public statement of March 24 on school desegregation. In that, I dealt with questions of philosophy and of policy. Here, I am dealing with two aspects of the process of implementation: aiding the desegregation process required by law, and supporting voluntary community efforts to extend the social and educational benefits of interracial education.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be acted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

RICHARD NIXON.

THE WHITE HOUSE, *May 21, 1970.*

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes; and

H.R. 17619. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

## ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

S. 2624. An act to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes;

S. 3818. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes;

H.R. 11372. An act to amend the Act entitled "An Act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes", approved June 18, 1956 (70 Stat. 290); and

H.R. 12878. An act to amend the Act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona.

## HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred, as indicated:

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

H.R. 17619. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes; to the Committee on Appropriations.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

### REPORT ON CONTRACTS NEGOTIATED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated by that Administration, for the 6-month period ended December 31, 1969 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

### PROPOSED REPORTING OF WEATHER MODIFICATION ACTIVITIES TO THE FEDERAL GOVERNMENT

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the reporting of weather modification activities to the Federal Government (with accompanying papers); to the Committee on Commerce.

### REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the feasibility of using "Should Cost" concepts in government procurement and auditing, dated May 20, 1970 (with an accompanying report); to the Committee on Government Operations.

## PETITIONS AND MEMORIALS

Petitions and memorials were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution of the House of Representatives of the State of Missouri; to the Committee on Armed Services:

"RESOLUTION OF MISSOURI HOUSE OF REPRESENTATIVES, 75TH GENERAL ASSEMBLY

"Memorializing Congress and the United States Department of Defense to conduct a feasibility study relative to relocating the battleship U.S.S. Missouri in the State of Missouri:

"Whereas, the United States Navy battleship, known as the U.S.S. Missouri, was flagship of the Pacific Fleet before being retired in 1955, and since being removed from active naval service by the Department of Defense has been placed in the "mothball fleet"; and

"Whereas, the battleship Missouri has unusual historical significance, particularly for Missourians, because it was the site of the Japanese surrender at the conclusion of World War II, during the administration of President Harry S. Truman, the only Missourian to hold that high office; and

"Whereas, the location of the battleship Missouri in the State of Missouri was requested by the Missouri House of Representatives through adoption of House Resolution No. 42 on January 21, 1963; and

"Whereas, location of the battleship Missouri in the State of Missouri would make it easily accessible to millions of people from many states as they pass through the center of the nation on vacations or other trips; and

"Whereas, it is the feeling of this body that the State of Missouri should be given first priority as a permanent home for the U.S.S. Missouri when and if the Department of Defense feels that this great battleship may permanently be released from naval service;

"Now, therefore, be it resolved by the House of Representatives, that the Congress of the United States and the United States

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Department of Defense be respectfully memorialized and requested to cause a feasibility study to be conducted relative to relocating the battleship U.S.S. *Missouri* in the State of Missouri; and

"Be it further resolved that copies of this resolution be forwarded to the leaders of each House of the Congress of the United States, to each Representative and Senator in the Congress of the United States from the State of Missouri, to the Secretary of Defense and to former President Harry S. Truman.

"I, Agnes Moore, Chief Clerk of the House of Representatives of the Missouri General Assembly certify that the above is a true and correct copy of House Resolution No. 60 adopted on May 14, 1970.

"Agnes Moore,
*"Chief Clerk."*

A concurrent resolution of the Legislature of the State of New York; to the Committee on Labor and Public Welfare:

"Resolution No. 128, State of New York

"Concurrent resolution of the Legislature of the State of New York memorializing the President of the United States and the congress to enact appropriate laws relating to the establishment of a labor-management program covering agricultural employment

"Whereas, Agriculture is the number one industry in New York, and generates, directly, or indirectly, jobs, products and services having a total value of three billion, five hundred million dollars per year; and

"Whereas, New York agriculture directly employs more than three hundred fifty thousand workers, most of whom depend primarily upon agricultural wages for income; and

"Whereas, The products of New York agriculture move widely in both national and international commerce, and must compete with agricultural products originating in other states and countries where labor standards and labor costs are lower than those in New York; and

"Whereas, A percentage of the New York farm labor force also seek farm employment or maintain residence outside of the state during a portion of the year; and

"Whereas, The problems of labor-management relations law in agriculture are truly national in character and can be appropriately dealt with only through federal legislation; now, therefore, be it

"Resolved (if the Senate concur), That the Legislature of the State of New York, respectfully memorializes the President and the Congress of the United States to promptly enact legislation establishing labor-management relation laws, separate from the national labor relations act, covering agricultural employment; and be it further

"Resolved (if the Senate concur), That the Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from New York in the Congress of the United States.

"By order of the Assembly,

"Donald A. Campbell, *Clerk.*"

Four memorials remonstrating against the war in Southeast Asia, signed by sundry citizens of the United States; to the Committee on Foreign Relations.

The petition of Joy Suchomel, of New Brunswick, N.J., praying for the enactment of Senate Joint Resolution 61, proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, with an amendment:

S. 3302. A bill to amend the Defense Production Act of 1950, and for other purposes (Rept. No. 91–890).

(The remarks of Mr. Sparkman when he reported the bill appear later in the Record under the appropriate heading.)

By Mr. YOUNG of Ohio, from the Committee on Public Works, without amendment:

S. 1100. A bill to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program (Rept. No. 91–891); and

S. 1500. A bill to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham (Rept. No. 91–892).

## BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GRIFFIN:

S. 3868. A bill for the relief of Toshiko Saito; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 3869. A bill for the relief of Albina Lucio Z. Manlucu; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 3870. A bill for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi; to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 3871. A bill to amend section 601 of the Federal Aviation Act of 1958; to the Committee on Commerce.

(The remarks of Mr. Dominick when he introduced the bill appear later in the Record under the appropriate heading.)

## S. 3871—INTRODUCTION OF A BILL TO AMEND THE FEDERAL AVIATION ACT OF 1958

Mr. DOMINICK. Mr. President, I introduce, for proper referral, a bill to amend section 601 of the Federal Aviation Act of 1958. The purpose of this bill is to require the installation of emergency locator beacons on certain classes of aircraft used in air commerce in the United States.

I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

Senators will recall that this requirement was passed by the Senate as an amendment to the Airport and Airways Development Act; however the amendment was deleted in the conference with the other body.

I hope the committee will promptly hold hearings on this measure, and that we can again bring the matter before the Senate at an early date.

The PRESIDING OFFICER (Mr. Saxbe). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3871) to amend section 601 of the Federal Aviation Act of 1958, introduced by Mr. Dominick, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

### S. 3871

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 601 of the Federal Aviation Act of 1958 is amended by inserted at the end thereof a new subsection, as follows:

"EMERGENCY LOCATOR BEACONS

"(d)(1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator beacons shall be installed—

"(A) on any fixed-wing, powered aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

"(B) on any fixed-wing, powered aircraft used in air commerce after three years following such date.

"(2) The provisions of this subsection shall not apply to jet-powered aircraft; aircraft used in air transportation (other than air taxis and charter aircraft); military aircraft; aircraft used solely for training purposes not involving flights more than twenty (20) miles from its base; and aircraft used for the aerial application of chemicals."

## ADDITIONAL COSPONSORS OF BILLS

### S. 2545

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of S. 2545, to amend title I of the Higher Education Act of 1965 in order to authorize the Commissioner of Education to arrange for community service programs seeking solution to national and regional problems.

The PRESIDING OFFICER (Mr. Hart). Without objection, it is so ordered.

### S. 3707

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. Yarborough) be added as a cosponsor of S. 3707 to amend title V of the Higher Education Act of 1965—relating to education professions development—to authorize training programs for teachers in order that they may teach other grades or subjects in which there is a teacher shortage.

The PRESIDING OFFICER (Mr. Hart). Without objection, it is so ordered.

### S. 3723

Mr. CHURCH. Mr. President, on behalf of the distinguished Senator from New Hampshire (Mr. McIntyre), I ask unanimous consent that, at the next printing, the names of the Senator from Wisconsin (Mr. Nelson), the Senator from South Carolina (Mr. Thurmond), the Senator from Maine (Mrs. Smith), the Senator from Pennsylvania (Mr. Scott), and the Senator from Nebraska (Mr. Hruska) be added as cosponsors of S. 3723, to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes.

The PRESIDING OFFICER (Mr. Eagleton). Without objection, it is so ordered.

### S. 3803

Mr. COTTON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. Moss) be added as a cosponsor of S. 3803, to amend part I of the Interstate Commerce Commission Act, as

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amended, to authorize railroads to publish rates for use by common carriers.

The PRESIDING OFFICER (Mr. Eagleton). Without objection, it is so ordered.

S. 3835

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Iowa (Mr. Hughes), I ask unanimous consent that, at the next printing, the names of the Senator from Idaho (Mr. Church), the Senator from Minnesota (Mr. McCarthy), the Senator from Maine (Mr. Muskie), the Senator from Rhode Island (Mr. Pell), and the Senator from Ohio (Mr. Young), be added as cosponsors of S. 3835, to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The PRESIDING OFFICER (Mr. Hart). Without objection, it is so ordered.

## SENATE CONCURRENT RESOLUTION 69—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS RELATING TO AN APPROPRIATE FINAL TRIBUTE TO AMERICAN SERVICEMEN WHO HAVE DIED IN COMBAT OR OTHERWISE IN THE SERVICE OF THEIR COUNTRY

### THE "VENICE TRIBUTE" TO AMERICA'S HEROES

Mr. SMITH of Illinois. Mr. President, I am submitting, for appropriate reference, a concurrent resolution I believe very timely in these days of debate, demonstration, and dissent about America's Southeast Asian policies.

For, although these policies have in fact generated disagreement across a broad spectrum of American society, they have never generated anything but empathy, respect, and deepest gratitude for the sacrifice and virtue of the brave American fighting men who daily risk—and daily give—their lives in the service of their country. Their devotion to duty, their honor, courage, and patriotism, are an example to all of us; and there dare not be a single one of us—whether Republican or Democrat, "dove" or "hawk," young or old—who fails to revere their sacrifice.

The resolution I offer today is based on the "Venice tribute" to our fallen American heroes. The good people of Venice, Ill., who know, firsthand and all too well, the sacrifices of our fighting men, their families, and their communities, have adopted a moving ordinance. It provides that the American flag be flown at half-mast on all public buildings to honor any serviceman who has lost his life in combat or military service, from the time his body arrives at home until after his burial or funeral service.

It is not surprising that this humble tribute to America's real heroes is spreading throughout a grateful nation, that it is being hailed by veterans' organizations, private citizens, and public officials alike. It is a simple tribute, but a touching one. In a small town or a large one, the half-masted flag stands a silent vigil, reminding passersby of the ultimate sacrifice of a young man from next door, or down the block, or across town evoking their sorrow, their respect, their feelings of loss and compassion—their personal rededication to those American principles for which that man and his family have given all.

It is not surprising, either, that private citizens join in the "Venice tribute" wherever it is adopted, by flying their own flags at half-mast, by joining in simple but heartfelt memorial services to their towns' fallen sons. The chill of pain and pride that a half-masted flag at a town hall or local school evokes does not disappear without leaving a mark—a mark of dignified sorrow for the lost serviceman and his family, of new solidarity with his still-serving buddies.

Mr. President, the "Venice tribute" is an honor we owe all our veterans, living and dead, of this conflict and all others, but extending this tribute to each of them might prove impractical, and I know that all living veterans understand the reasonableness of limiting this tribute to those who die in the service of freedom. The homage we pay our fallen sons in no way detracts from the respect and gratitude we owe those whom God has mercifully chosen to return to us after their time of testing, wounded or well.

Mr. President, I urge my colleagues to join me in sponsoring this resolution, and I commend the "Venice tribute" to communities across the Nation who seek an appropriate memorial to their fallen sons and a timely symbol of unity and support for all our gallant servicemen.

Mr. President, I ask unanimous consent that the text of my resolution, together with various related materials, be printed at this point in the Record.

The PRESIDING OFFICER (Mr. Cranston). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution and related materials will be printed in the Record.

The concurrent resolution (S. Con. Res. 69), which reads as follows, was referred to the Committee on the Judiciary:

S. Con. Res. 69

Whereas, the United States is presently engaged in military operations beyond its borders, and

Whereas, in the course of these operations American servicemen are displaying great courage, honor, patriotism, and devotion to duty, and many are selflessly giving their lives in the service of their Country, and

Whereas, the flying of the flag of the United States at half-mast has traditionally denoted final tribute to one who has dedicated his life to the unselfish service of his Country: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of the Congress that in each community, town, or city of the United States to which the body of an American serviceman is or would be returned for burial or memorial service after his death in combat or in the service of his Country, it shall be appropriate to fly the flag of the United States at half-mast as a final tribute of sorrow, gratitude, and unity, from the time his body shall arrive until his burial or memorial service, or for such other reasonable time as may be prescribed by local authorities.

Sec. 2. The Congress urges local authorities, veterans and civic groups, and all citizens, to adopt and participate in a simple and dignified final tribute to each local American serviceman who has died in combat or in the service of his Country.

The material, presented by Mr. Smith of Illinois, is as follows:

Amvets, Quad-City Post 51,
*Granite City, Ill., March 20, 1970.*

Hon. Ralph T. Smith,
*U.S. Senate,*
*Washington, D.C.*

Dear Sir: Enclosed copies of letters relative to the "Quad Cities Amvets Venice Tribute, held recently in Venice, Illinois, on February 28.

We have a tremendous and great program going "nationwide" that originated here in Venice, and was promoted by AMVETS, locally, and now on a national scale.

Reports are coming in from Amvets National Headquarters, that communities throughout the land are adopting the "Venice Tribute" to its war dead, in lowering the American Flag, at half-staff, while he lies in state, till final services.

Granite City, your hometown, last week passed a ordinance to follow the City of Venice. We lost 30 servicemen here in Granite City, and the American Flag wasn't lowered one time, that anyone can recall. We also received word that Madison, also is following with an ordinance.

It's a shame that the "final salute" to our fallen heroes, had to go the route of passing an ordinance, for something that should have been done without it. I'm sure if you would check throughout the country, very few communities give a local boy his due rights, who died for that flag.

You can help us at AMVETS, by mentioning what happened in Venice, Illinois, and urging other veteran groups, and the State of Illinois to follow their patriotic policy, for our men in Vietnam. I'm sure all veterans, as well as the country would appreciate it, if brought to their attention, whenever you speak in the United States Senate, and other functions, to lower the American Flag for that boy that fought for you, and now is no longer here.

Amvets is 100% behind the Americanism of the "Venice Tribute" and it is being presented to all our posts, but we cannot cover every veterans group or community where we do not have a Amvet Post.

As our Senator from Illinois, we most assuredly would appreciate any effort given to this program. As you are a veteran yourself, you can see the impact of this program.

And in these troubled times, we need it. Our flag is not given it's just honor and respect as it use to be in days gone by.

Best wishes from Amvets.

Yours for Amvets,

Steve Conkovich,
*Public Relations Officer.*

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United States Senate,
*April 1, 1970.*

Mr. Steven Conkovich,
*Public Relations Officer,*
*AMVETS Quad-City Post 51,*
*Granite City, Ill.*

Dear Mr. Conkovich: Thank you so much for your letter advising me of the program which has been put into effect in Venice relative to our war dead. I think it is a wonderful program, and I shall do anything I can to help.

I shall try to introduce a resolution in the United States Senate not only commending your efforts but suggesting that it be done on a nation-wide basis. Thank you for letting me know about this worthy tribute.

Sincerely yours,

Ralph Tyler Smith,
*U.S. Senate.*

AMVETS,
*May 14, 1970.*

Hon. RALPH TYLER SMITH,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR SMITH: On behalf of the membership of my organization, I wish to commend you for your *support* of the *proposal made by AMVETS* in the City of Venice, Illinois, that resulted in the adoption of an ordinance which prescribes that the American Flag will be flown at half-mast whenever a local serviceman is brought home for burial.

We were pleased to learn that you plan to introduce a resolution in the United States Senate suggesting that this be done Nationwide.

We hope that this very worthy tribute to men of the armed forces who have made the supreme sacrifice will receive favorable consideration in the Senate.

I offer the support of my organization in any way we may be of assistance.

Very truly yours,
ROBERT B. GOMULINSKI,
*National Commander.*

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AMVETS ANNOUNCE PLANS FOR TRIBUTE TO VENICE

A special program to pay tribute to the city of Venice, believed to be the first community to authorize by city ordinance lowering of all city flags to half staff upon the death of a serviceman in action, will take place at 2 p.m. Saturday, Feb. 28, Amvets Post 51 members were informed last night.

The program, sponsored by Post 51, will include formal presentation of a plaque and staff by National Amvets Commander Robert Gomulinski of Washington, D.C.

Amvets throughout the country are being urged to seek passage of similar ordinances. At the Illinois Amvets state executive board meeting this weekend in Peoria, National Amvets Vice-Commander John Cain of Manchester, Mo., will review preliminary plans for the Feb. 28 ceremony with state officials.

Arrangements for the special awards program were discussed last week at a meeting in the Venice city hall between Mayor John E. Lee, City Clerk William M. Ebersoldt, Leo Clements, Post 51 commander and Steve Conkovich, public relations director. A second planning session with Venice officials and the National Amvets vice-commander is arranged for Wednesday, Clements said.

Invitations to participate in the Feb. 28 program with National Commander Gomulinski are being issued to U.S. Senators Charles Percy and Ralph T. Smith; U.S. Senator Edward Muskie, a former Amvets National Executive Director; Congressman Melvin Price; Gov. Richard Ogilvie; Lt. Gov. Paul Simon; Illinois Secretary of State Paul Powell; State Representatives Horace Calvo, a member of Amvets Post 51, and Leland Kennedy; and Amvets officials from Illinois and Missouri.

Conkovich reported last night, a letter received from L. Niederlehner, acting general counsel of the Department of Defense, written on behalf of President Nixon, which read in part . . .

"I would like to take this opportunity to commend you and your post for your part in publicizing this practice (lowering the flag) . . . The President is acutely aware of the distress occasioned by the death of our service members in Vietnam and he desires that appropriate honors be rendered to all those who make the supreme sacrifice for our country."

In addition to the Feb. 28 public ceremonies in Venice, Amvets Post 51 is planning a buffet dinner immediately following the presentations at the post home on Lakeview drive, Clements said.

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NATIONAL HONOR CEREMONY SET FEBRUARY 28 IN VENICE

The city of Venice will be honored by National Amvets Commander Robert Gomulinski and other national and state dignitaries in a ceremony arranged for 2 p.m. Feb. 28 in Venice.

The honor is in recognition of the city's ordinance adopted last year to place the American Flag at half-staff in mourning and respect for local servicemen who give their lives for their country.

Quad-City Amvets Post 51 took up the program and promoted it on a national Amvets level for nation-wide adoption of the "Venice Tribute" in all cities and villages.

Announcement of the Feb. 28 ceremony was made Monday night in a letter to Granite City Mayor Partney from Leo Clements, Post 51 commander, who said the city of Granite City also is to be congratulated for adopting the "Venice Tribute."

"Your action," Commander Clements wrote to Mayor Partney, "is being forwarded to Amvets National Headquarters, Washington, D.C., as officials there have requested to be informed on all cities, villages that adopt the 'Venice Tribute' to their fallen heroes."

At the Feb. 28 ceremony, National Commander Gomulinski is to present the Amvets Presidential Citation to Mayor Lee and the city of Venice "for its patriotism and Americanism."

Local mayors and dignitaries are invited to be present.

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AMVETS TO HONOR CITY OF VENICE SATURDAY

Amvets officials and representatives of Quad-City fraternal, civic and service organizations will be joined by national, state and area dignitaries at a special program Saturday to pay tribute to the city of Venice, believed to be the first community to authorize by ordinance lowering of all city flags to half staff upon the death of a serviceman in action.

Ceremonies will take place outside the Venice city hall starting at 2 p.m. Saturday under the auspices of Amvets Post 51 of Granite City. The public is invited to attend.

Amvets throughout the country are being urged to seek passage of ordinances patterned on similar lines to the Venice statute, which has received the commendation of President Richard Nixon and other officials.

Interest generated about the project has spread to Amvets posts in many states, with the program already adopted by individual posts in the Chicago area and elsewhere.

PLAQUE PRESENTATION

Highlighting Saturday's event will be formal presentation of a plaque and staff by National Amvets Commander Robert B. Gomulinski of Washington, D.C., and a flyover by jet fighter aircraft from the 131st Tactical Air Group, Air National Guard, based at Lambert Field, St. Louis.

A program of patriotic music performed by the Venice school band, placing a wreath at the Venice flagpole in commemoration of all Venice war dead; and a salute played by National Amvets Bugler Andy Sgori of University City, Mo., also are scheduled.

Remarks to be made by Commander Gomulinski at the Venice ceremony are expected to touch on his experiences during a trip last month to South Vietnam and Korea.

The 18-day Southeast Asia fact-finding tour was arranged by the Department of Defense for the purpose of familiarizing the Amvets top officer with matters of national security and foreign affairs in the Far East.

KOREAN WAR VET

Gomulinski, 37, an accountant in the U.S. Automotive Manufacturing Group of Chrysler Corp., is the first Korean veteran to lead any of the major veteran organizations. He resides in Frazier, Mich., but is headquartered for one year in Washington while serving as Amvets national commander.

A U.S. Air Force veteran, Gomulinski is a Life Member of Amvets and has long been involved in veteran and community affairs in his home state. He was educated in the Detroit school system and at Lawrence Institute of Technology and the Walsh College of Accountancy.

Beside serving as president of the Dads Club at his church, he is president and chairman of the Board of the Chrysler Corporation Power Train Group Management Club, an affiliate of the National Management Association.

A buffet dinner will be served at Amvets Post 51 post home, 5100 Lakeview drive, immediately following Saturday's public ceremony, with many of those taking part in the program invited to a reception honoring the national commander.

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VETERANS' ADMINISTRATION,
*Washington, D.C., February 19, 1970.*

Mr. STEVE CONKOVICH,
*Public Relations Officer, Quad-City Post 51, American Veterans of World War II, Granite City, Ill.*

DEAR MR. CONKOVICH: The President has requested me to extend his heartfelt appreciation and commendation to the Quad-City AMVETS, Mayor John Lee and the City of Venice, Illinois, for the unique and touching patriotic ceremony they are inaugurating to honor former members of the community who gave their lives for their country.

The lowering of the American Flag to half-staff in memory and mourning for those brought back to Venice for their final resting place is an act of love and honor to those gallant heroes and to the Flag they died for.

May I add my own sincere thanks to you on behalf of all America's veterans as you inaugurate this program.

Sincerely,
DONALD E. JOHNSON,
*Administrator.*

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## SENATE RESOLUTION 413—SUBMISSION OF A RESOLUTION RELATING TO A PROPOSED ADDITION TO RULE XVI OF THE STANDING RULES OF THE SENATE

Mr. MANSFIELD submitted the following resolution (S. Res. 413); which was referred to the Committee on Rules and Administration:

S. RES. 413

*Resolved,* That Rule XVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"8. Every general appropriation bill reported by the Committee on Appropriations during any session of the Congress shall be accompanied by a report which shall identify with particularity each item of appropriation contained therein which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session."

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## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 21, 1970, he presented to the President of the United States the following enrolled bills:

S. 2624. An act to improve the judicial machiney in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes; and

S. 3818. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENTS

AMENDMENT NO. 648

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

(The remarks of Mr. HARTKE when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 649

Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. GRAVEL, Mr. HATFIELD, and Mr. PACKWOOD) submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. MAGNUSON when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 650

Mr. GOLDWATER submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. GOLDWATER when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 653

Mr. COOPER (for himself, Mr. CHURCH, Mr. MANSFIELD, and Mr. AIKEN) proposed an amendment to House bill 15628, supra, which was ordered to be printed.

## AUTHORIZATION OF APPROPRIATIONS DURING FISCAL YEAR 1971 FOR PROCUREMENT OF AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES—AMENDMENT

AMENDMENT NO. 651

Mr. HUGHES (for himself, Mr. CRANSTON, Mr. GOODELL, and Mr. MCGOVERN) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

## AMENDMENT OF SOLID WASTE DISPOSAL ACT—AMENDMENTS

AMENDMENT NO. 652

Mr. JAVITS (for himself, Mr. BOGGS, Mr. MUSKIE, Mr. RANDOLPH, and Mr. SCOTT) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 2005) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes, which were referred to the Committee on Public Works and ordered to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear later in the RECORD under the appropriate heading.)

## NOTICE OF HEARING ON S. 3389, THE PUBLIC LAND RECREATION ACT OF 1970

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Washington (Mr. JACKSON) announcing a public hearing on S. 3389, the Public Land Recreation Act of 1970.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JACKSON

Mr. President, I wish to announce that the Public Lands Subcommittee of the Committee on Interior and Insular Affairs will hold a public hearing on S. 3389, the Public Land Recreation Act of 1970, on May 26, 1970 at 10 a.m. in Room 3110, New Senate Office Building.

This measure, which I introduced on February 4, 1970, is designed to increase the recreational potential of the 450 million acres of public land under the administration of the Bureau of Land Management. These lands, which constitute 20% of the nation's total land mass, have a tremendous potential for meeting the outdoor recreation demands of our citizens.

Yet, we have neglected the responsibility to meet the growing use of these lands. Today's appropriations for the construction and operation of recreational facilities is about one-twentieth the amount provided for our national parks two decades ago when their annual visits were equal to what the public domain lands receive today. Recent figures reveal that over 30 million recreation visits a year are made to these public lands, with a projected increase of 50 million by 1975.

Anyone interested in testifying on S. 3389 is requested to notify the Senate Committee on Interior Affairs.

## WAIVER OF RULE OF GERMANENESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Pastore rule on germaneness not begin to operate until the unfinished business is laid before the Senate at the conclusion of the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, first, I ask unanimous consent that the distinguished Senator from Colorado (Mr. ALLOTT) be recognized as the first speaker at the conclusion of the morning business period, when the unfinished business is laid before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from South Carolina, and then I will make my remarks.

Mr. THURMOND. I thank the majority leader.

## U.S. MILITARY ASSISTANCE TO GREECE

Mr. THURMOND. Mr. President, in my judgment, it would be a fatal blow to our national security for the Senate to adopt an amendment to eliminate military assistance to Greece. The distinguished Senator from Indiana (Mr. HARTKE) is overly concerned about U.S. support to the junta government in Greece, in view of the greater issues at stake.

The United States took measures in 1967 to suspend major items to Greece because of the military coup. Consequently, the junta government is fully aware of the U.S. disapproval of oppressive actions. As a result, there are trends toward democratic policies. In my view, the President must continue to have this flexibility. President Nixon must have some options in considering greater issues involved.

Mr. President, Greece is one of our strongest NATO allies in opposing Soviet aggression. The United States has a vital interest in the security of Greece because their security is directly related to our security. The effectiveness of their armed forces must be maintained by the MAP program in order for their joint participation in the North Atlantic Alliance. NATO must remain a viable force.

U.S. installations in Greece are essential to our security. The elimination of the MAP program could well result in the loss of these vital facilities. We have extensive communications and air and naval bases in Greece which must be maintained for our own security. Our over-fly authority must remain secure.

Mr. President, this amendment to weaken one of our allies comes at a time when the Soviet threat is greater than it ever has been in the past.

Soviet activities in the Mediterranean are well known. Their assistance to the Arabs in the war against Israel is well known. It is beyond my comprehension why anyone would want to reduce the capability of Greece, our friend, in the face of the Soviet's provocative actions.

Mr. President, there is a continuous effort to attempt to legislate foreign policy. These efforts are leading the United States to isolationism. They will separate the United States from her allies, especially in view of the Soviet's increasing strategic power.

Mr. President, I strongly recommend that the Senate oppose this amendment to eliminate military assistance to Greece.

## THE COOPER-CHURCH AMENDMENT

Mr. MANSFIELD. Mr. President, a few days ago there was a public report, later confirmed by the Secretary of Defense,

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that South Vietnamese troops had gone into Laos and had been accompanied by American advisers. It was brought out that that was not the first time a venture of that sort into that country had been undertaken. It was stated that very likely it would not be the last time.

This morning, the radio carried a report that 217 Americans had been killed in the week ending last Saturday. That brings the total, if my figures are correct, to 42,118 Americans killed in combat. With respect to those who were killed in Southeast Asia not as a result of action by hostile forces since January 1, 1961—but dead, anyway—the total number I have as of a week ago Saturday is 7,852, for a total of 49,970 Americans dead. But still the war is being expanded and extended back into North Vietnam, as it was a week or so ago; now into Cambodia, into Laos, and who knows where else before we are through.

I have noticed some other things, which I intend to discuss briefly at a later time, to which I think this Government and our people and this Congress should give the most serious consideration.

First, I have noted that there are reports—persistent, it seems—that there will be extended debate until after June 30, 1970, with respect to the Cooper-Church amendment. It is somehow thought that if only the Senate would put off acting until after June 30, the questions raised would disappear or be rendered moot. To put off this vote will be such a waste of time; a waste of time, because the full thrust and effect of the Cooper-Church amendment occurs after July 1, 1970.

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Just let me say that anyone with the most limited legislative experience would realize that this measure could not become law prior to July 1, 1970, in any event. The measure must return to the House—go to conference—return to each body for approval of the conference report and then be forwarded to the President for signature within 10 days. To think that the process could be accomplished before July 1, 1970, or that there will be some point in evading a vote until that date is to dream the impossible dream.

The full thrust of the Cooper-Church amendment is prospective and should be seen in perspective. It cements into law and, therefore, adds weight to the President's commitment to the American people that U.S. forces will not reenter Cambodia without the concurrence of Congress, after they are once brought out prior to July 1, 1970.

May I say, Mr. President, that I agree with the distinguished minority leader who stated yesterday that "in my opinion, the President of the United States will have all U.S. forces out before July 1, 1970." But, if the Cooper-Church amendment is enacted, no appointed adviser to the President—military of civilian—will include in the future the option of giving to the President a recommendation for a U.S. invasion of Cambodia—for exposing U.S. soldiers to that added risk—without noting, too, that the action requires prior action in accordance with constitutional processes by an elected Congress.

In short, this amendment strengthens the President's hand in adhering to his stated policy in the future. Insofar as I am concerned, the Senate ought to be prepared to face up to the issue today, tomorrow, next week, or next month. The issue will not go away on June 30. It will not go away, period.

I might add that the present Military Sales Act has no authority for continued operations.

This bill authorizes funds for those operations from July 1, 1970, to July 1, 1971—the next fiscal year. If we do not get to a vote on this bill before June 30, there will be no authorization for this program and if it is not enacted, no continuing funding authority for this program should be permitted.

I was most disturbed to note General Ky's remarks in this morning's press. "A silly argument of silly people" is the way he put it. "We will not let anyone tie our hands" in prosecuting the war in Cambodia." Mr. Ky is Vice President of the Republic of South Vietnam. He certainly is not remiss in telling us what to do, in indicating how to act, and in stating to us what he and his Government intends to do in Cambodia, in Laos, and 'elsewhere.

These are only the latest threats he has hurled at this Nation. Let him make his threats about expanding the war in Indochina without American men, without American supplies, without American advisers. Let him make his threats after U.S. troops leave Vietnam.

All I can say is that I am confident the Senate of the United States will not yield to or be cowed in doing what must be done for the well-being of this Nation by the taunts of one of the chief administrators of the Government that for so long has been protected by the money of the American people and the blood of American men.

I would hope that the Senate will face its responsibilities and vote on this issue without prolonged delay rather than neglect its constitutional obligations.

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## ORDER OF BUSINESS

Mr. **GOLDWATER.** Mr. President, I ask unanimous consent that I may proceed for not more than 5 minutes.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

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## WAR PRISONERS A CENTRAL ISSUE IN CAMBODIA DEBATE

Mr. GOLDWATER. Mr. President, over the past few weeks, I have heard more concern expressed on the subject of Southeast Asia and the American presence there than I have heard in the past 4 or 5 years. We are at the moment involved in what has been described as the debate of the decade by some and by others even the debate of the century.

Yet, among all this considerable amount of discussion, I have heard very little about one situation which is directly and deeply involved in the whole complex Southeast Asian problem—and that is the plight of those Americans now being held prisoner of war by the North Vietnamese.

Being human we have a tendency, I fear, to push aside as of small consequence the fate of a handful of people when we are discussing the broad sweep of history and its great issues.

I am afraid that when we plunge ourselves into the all-encompassing issues of the rights of Congress versus the rights of the Presidency, we sometimes overlook the rights of small groups of people even though they may be more closely bound to the issues under consideration than almost anyone else in the land.

When we become deeply involved in a discussion of the needs of our Nation in its foreign policy dealings, we sometimes overlook the needs of a small group of people, even though their needs are of paramount importance in the larger issues involved.

The President of the United States in his speech to the Nation regarding the Cambodian military situation did focus, even if briefly, on this issue of what has happened to our men held prisoner. He said then that these men could not be held hostage by the enemy. As a Nation we cannot allow it.

Mr. President, their plight, their future, and the future of their families are tied up inexorably in the discussions we hold here now. We cannot ignore them, nor can we brush aside their future without at the same time ignoring the whole central issue of Southeast Asia.

That issue, stated in its simplest terms, is to bring the enemy to the negotiating table with some assurance that he will negotiate in good faith.

Part of the issue to be negotiated at any and every conference with the enemy is the issue of American prisoners of war.

The North Vietnamese Communists have adopted a peculiar approach to the whole problem of prisoners of war. The North Vietnamese will not discuss an exchange of prisoners because they stoutly maintain the fiction that there are no North Vietnamese war prisoners.

They arrive at this rather strange conclusion by saying that there are no North Vietnamese in South Vietnam and, therefore, there could be no North Vietnamese prisoners. Thus, there is nothing to exchange.

I would remind the Government of North Vietnam that the shoe can sometimes be on the other foot, and recall for them the Red Chinese rage and frustration when 50,000 Chinese prisoners of the Korean war refused to go home to slavery. Perhaps it is fear of something like that which causes North Vietnam to claim we have no prisoners from their side.

Against this pig-headed stand by the Hanoi government there are no successful arguments. We can give them all the statistics in the world about the number of men we hold, their names, the names of their villages, their condition, the place where they were captured, and even the names of their families. It is of no avail. The North Vietnamese at Paris steadfastly continue to deny their existence.

Therefore, they say, any discussion of an exchange is irrelevant.

The result of this diplomatic impasse is the continued suffering of the men themselves and the continued agony of their families here in America.

I know that, when we think about it, our hearts go out to these families and our concern for them and their situation is deep. Let me suggest, let me urge, that my colleagues keep the situation involving these men and their families ever foremost in their thoughts as they debate the broad issues which now confront us. Perhaps such consideration, such concentration on the plight of a few specific human beings will tend to keep the discussions more sharply in perspective.

There are fewer than 2,000 of these prisoners of war.

Together with their families they constitute perhaps less than 10,000 members of a 205-million-member society we know as the United States.

Yet these few thousand citizens find themselves at the very eye of the hurricane of history.

Around them thunder the great seas of human events.

Like a small boat caught up in the vortex of weather, there is little they can do about it, there is little they can do to protect themselves.

They look to us for rescue.

We cannot, as humane people, fail to offer them that rescue while we consider larger things. Because, in all reality, there is no larger issue involved.

## ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CRANSTON). Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CONTINUED PRESENCE OF SOUTH VIETNAMESE FORCES IN CAMBODIA

**Mr. PERCY. Mr. President, General Ky stated yesterday that South Vietnamese forces will stay in Cambodia after American forces have been withdrawn. And Robert McCloskey, the State Department press officer, acknowledges this.**

**My reaction to this is as follows: If the South Vietnamese Army is strong enough to fight in Vietnam and Cambodia at the same time, we should now be able to increase substantially the pace of U.S. troop withdrawals from Vietnam. If 30,000 South Vietnamese troops can be spared from duty in Vietnam to fight in Cambodia, we can afford to withdraw an additional 30,000 American troops from Vietnam.**

**The South Vietnamese forces should be withdrawn from Cambodia, just as the American forces have been committed to withdraw. Let the 30,000 South Vietnamese troops return from Cambodia promptly following the American withdrawal and let us withdraw 30,000 American troops from Vietnam at that time.**

## TRIBUTE TO NIXON ADMINISTRATION FOR ITS SUPPORT OF INTERNATIONAL CONFERENCE ON INDOCHINA

Mr. PERCY. Mr. President, I should like to commend the Nixon administration for the support that it has publicly given to the Asian Nation Conference that has just been completed in Indonesia and the welcome and support that it has given for further Asian consultations leading toward an early convening of an international conference on Indochina.

The administration's position and the proposals of the 11 All-Asian Nations Conference in Jakarta give hope of increased efforts for a negotiated peace and of increased cooperation among Asian nations in the interest of peace.

The conference in Indonesia called early this week for a new International Conference on Indonesia and reactivation of the International Control Commission in Cambodia.

Mr. President, in July 1966, I called for an all-Asian peace conference. I have long felt that the Asian nations themselves are best able to solve Asian problems. And this, it seems to me, is the essence of the Nixon doctrine enunciated at Guam.

Let these nations whose security is so important to the stability of that area of the world and let these nations who are fighting for their own freedom and their own security find a way to stabilize the Southeast Asian community.

I think that consultations of this type and the progress made in this first all-Asian conference should certainly lead us to encourage efforts on their part in the future.

## INDOCHINA: THE CONSTITUTIONAL CRISIS—PART II

Mr. PERCY. Mr. President, all of us who have studied the report "Indochina: The Constitutional Crisis," appearing on pages 15411–15417 of the CONGRESSIONAL RECORD of May 13, 1970, will be pleased to know that the Yale law professors and students who prepared that report have, since that time, broadened their research. Their new report addresses two questions, the congressional and executive roles in warmaking, and institutional responsibility in regard to the Indochina war.

The new report is signed by Louis H. Pollak, dean; Charles L. Black, Jr., Luce professor of jurisprudence; and Alexander M. Bickel, chancellor Kent professor of law, all of the Yale Law School. Yale students of law who participated in preparation of the report include David B. Cook, Timothy W. Bingham, Charles D. Calvin, Gary L. Fontana, Howard O. Hunter III, and Eric P. Stauffer.

They have made a very important contribution to understanding of the constitutional crisis involving executive and legislative powers in the warmaking process. Their report illuminates the debate which is now beginning on the war-making power. As I noted in my speech introducing Senate Resolution 409 on May 14, 1970, there is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities, except that the President, as Commander in Chief, was empowered to repel sudden attacks. Senate Resolution 409 seeks to define more clearly the separation of powers between President and Congress in the use of troops for combat, and to reassert the constitutional role of Congress.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

### I. THE CONGRESSIONAL AND EXECUTIVE ROLES IN WAR-MAKING: AN ANALYTICAL FRAMEWORK

In a famous concurring opinion in *Youngstown Sheet & Tube Co.* v. *Sawyer*,[1] [the Truman steel seizure case], Justice Jackson developed a theory of the power relationship between Congress and the President which is useful in analyzing the current constitutional crisis over the Indochina War. *Justice Jackson posited that a large measure of power to make national policy is fixed in neither the Presidency nor the Congress, but rather fluctuates with the initiatives and actions of each branch.* According to Jackson's theory: 1) There is a zone of constitutional power which is exclusively executive—an area in which the President is authorized to act even against the express will of Congress. 2) Similarly, there is a power zone which is exclusively legislative. 3) In between these two exclusive areas, there is "a zone of twilight in which he [the President] and Congress may have concurrent authority, or in which its distribution is uncertain."[2] In that twilight area, either branch can act in the absence of initiative by the other.

Justice Jackson did not explicitly state what would happen if both the President and Congress attempted to operate in the twilight zone in ways that brought their wills into conflict. In such a situation, the conflict would best be resolved through the spirit of cooperation which has been the underlying strength of American constitutional government. If cooperation proved impossible, however, deadlock could result. Congress could legislate, but the President might refuse to execute its laws; the President could issue orders, but Congress might deny funds necessary to carry them out.

Of course, under the constitutional scheme of "checks and balances," either branch can almost always block action by the other. Thus, all federal power is in a sense subject to the same limits as power located in the twilight zone. Congress can, for example, refuse to appropriate funds to execute a presidential order made within his zone of exclusive power. Similarly, the President can refuse to execute a law passed over his veto pursuant to an exclusive grant of congressional power. The difference, at least under Jackson's theory, is all that (1) while either branch can constitutionally block the other from attempting to exercise power exclusively vested in itself,[3] (2) each branch is under a constitutional obligation not to block exercises of the exclusive power granted to the other branch.[4]

Furthermore, under Jackson's analysis, *Congress has no constitutional obligation to refrain from blocking the President when he attempts to exercise twilight zone power.*[5] *The President, however, is prohibited from blocking congressional exercise of such power.* He can, of course, veto legislation within the

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twilight zone, for that is his constitutional prerogative as a participant in the legislative process. But if two-thirds of Congress overrides his veto, then the legislative will must prevail: For, under the Constitution, there is a bias toward Congress as the ultimate repository of national power.

Congress is closer to the electorate and represents a greater diversity of views than the President. Therefore, in terms of traditional democratic theory, the power of Congress is more "basic" than that of the President. Indeed, it might be argued that, in terms of democratic theory, the only justification for granting the President *any* power which is concurrent with that of Congress is that there may be situations in which the national interest requires speedy action. But if Congress has acted in a given case, then that justification disappears.

Finally, the text of the Constitution itself indicates that in cases of conflict within the twilight zone, the congressional will should prevail. Whenever the Constitution explicitly divides the responsibility for a particular action between the two branches, it provides no method by which the President can effect his will over the opposition of Congress.[6] On the other hand, whenever Congress has power to legislate it *can* legally obligate the President to effect its will: For a bill passed over a presidential veto is as much the law of the land as one which he signs; and the President is charged with the duty of faithfully executing the laws. His only legal excuse for failing to execute a law is that Congress lacked power to pass it. But, in the twilight zone, Congress has power by definition.

Furthermore, the lesson of the steel seizure case itself is that the legislative will must prevail when there is conflict within the twilight zone. Although there is language in the Court's opinion to the effect that the power to order the seizure of the steel mills was exclusively legislative, such a conclusion was neither necessary to the result reached nor supported by a majority of the Justices.[7] A better analyis is that power to order seizure of the mills was in the twilight zone, that in a wartime emergency the President could have ordered the seizure in the absence of a contrary expression of congressional will, but that there was in fact such a contrary expression.[8]

In summary, the implications of Justice Jackson's analyses are that: 1) In the zone of exclusive executive power, any legislation attempting to restrict presidential action is void and can be ignored by the President, even if it is "passed" over his veto. 2) In the zone of exclusive congressional power, any presidential action is illegal and can be prevented or ended by action of Congress. 3) In the twilight zone of concurrent power, either the President or Congress can act in the absence of initiative by the other. If both attempt to act in ways that bring their wills into conflict, the deadlock must be resolved in favor of congressional action through valid legislation, which includes legislation passed over a presidential veto.

Justice Jackson's theory is in one respect difficult to reconcile with the traditional conceptions of constitutional "separation of powers" and "checks and balances." As they are normally conceived, those principles describe a system in which complementary but distinct powers are granted to different branches of government. In Jackson's twilight zone, however, identical powers are granted concurrently to the President and Congress. With regard to foreign and military affairs, however, a twilight zone *must* exist: For in those areas there is a residuum of power over and above those specifically enumerated in the constitution.

"The broad statement that the federal government can exercise no powers except those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs. In that field, the primary purpose of the Constitution was to carve from the general mass of legislative powers *then possessed by the states* such portions as it was thought desirable to vest in the federal government, leaving those not included in the enumeration still in the states. . . . And since the states severally never possessed international powers, such powers could not have been carved from the mass of state powers but obviously were transmitted to the United States from some other sources."[9]

The federal government, in short, possesses all the "necessary concomitants of nationality"[10]—all those powers necessary to enable the United States to act in the international arena on an equal footing with other nations.

It is doubtful whether the powers which are necessary concomitants of nationality could be enumerated in any constitution: they are too much dependent on an evolving historical context, and too little susceptible of definition.

In any case, our constitution did not attempt to enumerate them. The sum of the war and foreign policy powers specifically granted to the legislative and executive branches is less than the totality of power inherent in the concept of sovereignty.. And it is precisely because there exists an amorphous residuum of national power above and beyond the sum of enumerated powers that Jackson's twilight zone *must* exist, despite its apparent incongruity with traditional separation of powers and checks and balances notions. Those powers must vest somewhere, and there is *nothing*—nothing in the Constitution,[11] nothing in history,[12] nothing in the case law,[13] and nothing in common sense—to suggest that the entire residuum vests exclusively in one or the other branch.

It is of course possible that parts of the residual power vest exclusively in either or both branches. But it would be futile to attempt to define which parts, if any, do. As noted above, the totality of residual power is not susceptible to precise division and definition. Further, the enumerated powers would be of only slight help in specifically allocating exclusive portions of residual power, for they themselves have never been precisely defined. In short, it would be unwise to attempt to derive, from either enumerated or residual powers, rigid rules as to which branch has authority to decide whether the nation should take certain specified acts vis a vis other nations. Rather, the best approach is to attempt to reach a general understanding of the nature of the power appropriate to each branch, based on (1) the special competences of each, and (2) the probable internal consequences of external actions.

The special competence of the office of the Presidency is its capacity for fast, efficient, and decisive action. Power in the executive branch is hierarchical; in Congress it is diffuse. Decisions in the legislative branch are made according to complex procedural rules in two separate institutions; in the White House they can be made by one man. The essence of the legislative process is deliberation and compromise; in the executive process, at least in theory, it is command.

Speed and efficiency, however, are not the proper ends of government. If they were, the framers would have created a dictatorship. The main theme underlying the Constitution is, of course, the desire to temper the decisiveness of a President with the prudence inherent in a large body which acts through deliberation, compromise, and consensus. And it is that prudence, coupled with the fact that Congress is closer to the People and reflects the diversity of their views, that gives rise to *its* special competence, a unique legitimacy to commit the resources and will of the nation.[14]

The foregoing considerations support two conclusions: (1) When a decision in foreign or military affairs demands speed and decisiveness, there is a presumption that it is within the exclusive power of the President. (2) *All other decisions* are within the power of Congress. Some of that congressional power is in the twilight zone and held concurrently with the President. But when the decision entails a significant commitment of the nation's human, physical, and moral resources, there is a presumption of congressional exclusivity. The presumption can be rebutted: The President can unilaterally commit a significant amount of the nation's human, physical, and moral resources; but he can do so *only if* there is a *clear need* for speed and decisiveness.

There are, of course, no clear lines of division. It is impossible to define "a significant amount" of resources; and certainly the President has twilight zone power to commit less than "a significant amount" to foreign and military actions (but only in the absence of a prior expression of conflicting congressional will). The basic consideration is simply that *there is a point at which decisions become so momentous—in human, physical, and moral terms—that power passes from the twilight zone into the exclusively legislative zone.*

## II. THE INDOCHINA WAR IN CONTEXT: INSTITUTIONAL RESPONSIBILITY

### *A. A note on precedent*

Since the basic questions of legislative/executive power relationships are largely nonjustifiable,[15] the boundaries of constitutional power are in practice determined by the actions of both branches. However, not every case in which either branch has acted unilaterally constitutes a "precedent" indicating that it alone had authority to act. Certainly a unilateral action by the President, acquiesced in by the silence of Congress, is an indication that both branches thought that the President had *power to* act—that the action was not within the exclusively legislative zone. But it does *not* indicate that the power was exclusively presidential, precisely because there is a large zone of overlap in which *both* have authority to act.[16] *Although the historical trend of the last one hundred years has been one of presidential initiative within the twilight zone, the fact of presidential initiative in that zone does not deny the Congress its concurrent—and, in the last analysis, paramount—power to act.*

Furthermore, the large number of presidential initiatives should not be allowed to obscure the fact that congressional twilight zone power has not gone unexercised. The following are a few examples:

In 1871, Senator Sumner introduced a resolution condemning President Grant for sending warships to Santo Domingo. It was tabled, but may have been influential in persuading Grant to abandon his attempts to annex the island.

On April 20, 1898, five days before declaring war on Spain, Congress passed a joint resolution demanding that Spain withdraw all forces from Cuba.[17] The resolution stated that "the people of the Island of Cuba are, and of right ought to be, free and independent" [thus, in effect, recognizing a foreign government] and that "the President of the United States be, and hereby is, directed and empowered to use the entire land and naval forces . . . to such extent as may be necessary" [thus directing the President to exercise force in the absence of a declaration of war].

In June, 1917, Congress passed a statute which provided in part: "During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war . . .

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with any intent or under any agreement or contract . . . that such vessel shall be delivered to a belligerent nation. . . ."[18]

In August, 1935, Congress passed over the strenuous objection of the State Department an act which required the President to embargo the sale of arms and munitions to belligerents "upon the outbreak of war between two or more foreign states."[19]

Because the neutrality legislation did not apply to civil wars, Congress in 1937 passed a joint resolution forbidding the export of arms to either side in the Spanish Civil War.

In an advisory opinion to President Roosevelt, Attorney General (later Justice) Jackson advised that the famous destroyer for bases deal with Great Britain would not violate either the 1917 or the 1935 neutrality legislation, since the destroyers were of ancient vintage and not built, armed, or equipped with intent to deliver to a belligerent, and since it was technically a trade rather than a sale. But Jackson did advise that the 1917 law prohibited the proposed transfer to the British of "mosquito boats" then under construction. *Congress had taken the initiative in the twilight zone, and the President was bound:* "If these boats were released to the British Government, it would be legally impossible for that Government to take them out of this country after their completion, since to the extent of such completion at least they would have been built, armed, or equipped with the intent . . . that they would enter the service of a belligerent. . . ."[20]

In the Selective Service Act of 1940, Congress provided that "Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States. . . ."[21]

And, of course, there is Section 643 of the Defense Appropriations Act for the current fiscal year, which provides that "none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos and Thailand."[22]

### *B. Indochina and institutional responsibility*

The thrust of Justice Jackson's analysis and the thrust of history support strongly one basic conclusion: *Within the twilight zone of shared power, if members of Congress have views on the conduct of foreign and military affairs which differ from those of the President, there is no reason—in the Constitution, in theory, or in precedent—why they should hesitate to write their policy preferences into law.* The framers of the Constitution, in creating concurrent power, did not intend that Congress would limit its expressions of disagreement with the President to speechmaking. *The possession of power creates a responsibility to ensure that it is exercised when needed.*

The basic decisions concerning the war in Indochina are within the power of Congress—held either concurrently or exclusively. That is, as distinguished from those command-type tactical decisions which must be made quickly and decisively in order to protect American personnel and which are exclusively presidential, the policy and strategy decisions concerning Indochina are within the power of Congress to make. And because they have the power, Congressmen have the duty to consider the issues, to consult their constituencies, to deliberate, and then to decide whether the course which the President is pursuing is one which should be continued. If they decide that the President's course is the wrong one, they would be acting well within the letter and spirit of the Constitution if they changed it.

Of course, it may be that a majority of Congressmen will decide that the nation is on the right course and that they have "confidence in the President" to continue. There is one matter, however, in which Congress can not place its "confidence in the President." *Whether Congressmen are for or against the war, whether they favor escalation or withdrawal, they have a responsibility as members of one of the three branches of the federal government to preserve the integrity and power of that branch.* As noted above, since the great questions involved are largely non-justicable, the boundaries of constitutional power are fixed by the actions of the two branches themselves. The legislature can have "confidence in the President" to take the initiative in exercising twilight zone power, because the historical precedent thereby set is not a negation of concurrent congressional authority.[23] *But Congressmen cannot, they must not, allow the President to take the initiative in the zone which is exclusively legislative.*

In our opinion, the major questions concerning peace and war in Indochina approach the zone of authority which belongs exclusively to the Congress. Thousands of our young men are killing and being killed; billions of dollars of resources are being expended; and the moral strength of the nation is being undermined. Indochina *does* go further toward the legislative pole than any President has gone unilaterally in the past. Never before has a President committed so much of our human and material resources, so much of our moral fibre, for so long a time, when there was so little urgency.[24]

Congress must ask itself whether the Gulf of Tonkin Resolution—passed in haste, at a time when there was no indication that large numbers of ground troops would be committed to Southeast Asia, and when Congress was without all the facts[25]—can fairly be read to delegate to the Presidency authority to do what has been done. And, even if the Resolution can be so read, Congress must consider whether that is an authority which any President—any one human being—should be allowed to exercise.

The issue of institutional responsibility cannot be circumvented by placing confidence in the person of the President to do the right thing: For in the exclusively legislative power zone, it is essential not only that the right thing be done, but also that the legislature authorize it. Whenever Congress acquiesces in the actions of a President, it admits that the power to act was not exclusively legislative—that the President had at least concurrent authority. In short, *Congress as an institution must realize that its action or inaction in the current situation will define for the future the boundary between the twilight and exclusively legislative zones.* Even if Congressmen believe that the man who is now President would wisely wield legislative power, they cannot make that judgment of the man who will be President ten, twenty, or thirty years from now.

If Congress decides it must act, it will not precipitate a constitutional crisis: For we are *in* a constitutional crisis. And it is a crisis in which Congress cannot avoid a response—in this situation, *inaction is a response.* Inaction, just as surely as will action, will define the boundaries of constitutional power for years to come.

FOOTNOTES

[1] 343 U.S. 579 (1952). The Supreme Court held that the President was without power—in either the Constitution or statute—to order the seizure of the nation's steel mills during the Korean emergency.

[2] 343 U.S. 579, 637.

[3] For example, Congress could constitutionally provide that no funds can be used to collect a tax which the President had purported to lay, since that is a power vested by the Constitution exclusively in Congress.

[4] For example, assuming *arguendo* that it is within the President's exclusive power to order the armed forces to repel a foreign attack on American territory, Congress could not constitutionally legislate that appropriated funds can not be used for that purpose. They *could* pass such a law; but it would be illegitimate and void, even though the question of its constitutionality would probably not be justiciable.

[5] For example, assuming *arquendo* that a decision to blockade Haiphong harbor would fall within the middle power zone, Congress could *constitutitionally* provide that no appropriated funds might be used for that purpose, since it would have as much constitutional authority to act on that matter as the President. Note in this connection that the thrust of the argument in part IV of the first Yale paper [*Congressional Record*, May 13, 1970, p. 15411] that Congress can restrict the President's conduct of the war through limits in appropriations is that Congress could constitutionally do so—that it would be exercising either twilight zone power or its own exclusive power.

[6] He can negotiate treaties, but only if two-thirds of the Senate consents do they become the law of the land. He can nominate ambassadors, but they can head American missions abroad only if the Senate approves.

[7] The Opinion of the Court was signed by one Justice. Two Justices concurred in the opinion and the judgment, three in the judgment only, and three dissented.

[8] "When the Taft-Hartley Act was under consideration in 1947, Congress rejected an amendment which would have authorized such governmental seizures in cases of emergency. Apparently it was thought that the technique of seizure, like that of compulsory arbitration, would interfere with the process of collective bargaining." 343 U.S. 579, 586.

[9] *United States* v. *Curtiss-Wright Export Corp.*, 299 U.S. 304, 315–16. Emphasis is the Court's.

[10] *Id.*, 318.

[11] The fact that the enumerated powers in foreign and military affairs are divided between the President and Congress in an indication that the residual power should not vest exclusively in either. That some of the residual power must vest in Congress is indicated in Article I, Section 8. Congress is given power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and *all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.* [emphasis added]

[12] Indeed, the lesson of history is that the President and Congress have shared the residual power. See the first Yale paper and Part II, *infra.*

[13] The statement in *United States* v. *Curtiss-Wright*, 299 U.S. 304, 320, that the President is "the sole organ of the federal government in the field of international relations" is not to the contrary. It asserts that the President is the sole executor of American international policy, but does not deal with the question of which branch is to make that policy.

[14] The competence of Congress to commit the resources and will of the nation is reflected in the allocation of enumerated constitutional powers. It can commit the human and material resources of the nation by laying taxes, borrowing money, and raising an army. It can commit the will of the nation by declaring war. And, perhaps most significantly, it can change the very character of the nation by establishing standards for naturalization. All these things, furthermore, Congress can do over the President's veto.

[15] See *Mora* v. *McNamara,* 389 U.S. 934 (1967), Justice Stewart dissenting.

[16] The first Yale paper outlined three theories under which unilateral Presidential action has been justified: (1) The Sudden Attack Theory—which justifies unilateral

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presidential response to defend the sovereignty and integrity of the nation in an emergency; (2) The Neutrality Theory—which justifies unilateral presidential action to protect American lives and property so long as the use of force is neutral with respect to external conflicts; and (3) The Collective Security Theory—which justifies Presidential action under one of the collective defense treaties. Of these three theories only the first is an argument for presidential exclusivity—and then only if it is clear that the time for response is short.

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[17] 30 Stats, at Large 738–39.

[18] 40 Stat. 217, 222.

[19] 49 Stat. 1081.

[20] 39 Opinions of the Attorney General, 484, 496 (1940).

[21] 54 Stat. 885.

[22] 83 Stat. 469.

[23] See *supra*, p. 9.

[24] In the Korea emergency of June, 1950, for example, the suddenness of the aggression necessitated a speedy response.

[25] See "The Gulf of Tonkin, the 1964 Incidents," U.S. Senate, 90th Cong., 2d Sess., Committee on Foreign Relations, Hearings, February 20, 1968.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

### AMENDMENT NO. 649

Mr. MAGNUSON. Mr. President, I submit an amendment intended to be proposed to the bill now pending before the Senate (H.R. 15628) which, in effect, would add at the end of the bill a new section, section 14.

This amendment is sponsored by my distinguished colleagues, the junior Senator from Washington (Mr. JACKSON), the distinguished senior Senator from Oregon (Mr. HATFIELD), the distinguished junior Senator from Oregon (Mr. PACKWOOD), the distinguished junior Senator from Alaska (Mr. GRAVEL), and myself.

The amendment reads as follows:

> At the end of the bill add the following new section:
>
> "SEC. 14. No funds authorized or appropriated pursuant to this Act or any other law may be used to transport chemical munitions from Okinawa to the United States."

Mr. President, the amendment speaks for itself. I send the amendment to the desk and ask that it be printed.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table.

Mr. MAGNUSON. Mr. President, I have submitted this amendment to the Foreign Military Sales Act (H.R. 15628) on behalf of myself, the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), and my colleague from the State of Washington (Mr. JACKSON) for the following reason:

The amendment would prohibit the movement of deadly chemical warfare agents now located in Okinawa through the State of Washington for storage at Umatilla, Oreg. The amendment would accomplish this purpose by prohibiting the expenditure of any funds for movement of the chemical warfare agents from Okinawa to the United States.

I and many of my colleagues from the Northwest in the Senate and House of Representatives and many other persons have spoken out vigorously against the Department of Defense plan—known as Operation Red Hat, which might be an appropriate name—in an attempt to persuade the Secretary of Defense and the President that the planned movement of deadly gases from Okinawa to the States of Washington and Oregon creates a risk to the population so far outweighing any conceivable benefit that these deadly agents should be destroyed at their present location if their storage on Okinawa must be discontinued.

I am not familiar with every detail of the arrangement the President of the United States made with the Premier of Japan in relation to storage of weapons on Okinawa. I do know that the Japanese people have been concerned for a long time mainly with nuclear weapons stored on Okinawa. I do not believe there is any commitment or promise by the President that he would move the so-called nerve gas from Okinawa. The Defense Department has said there would be no harm in leaving it there, and the Okinawans do not think it would be harmful. Why should it be moved back to the United States for storage in the State of Oregon?

I know the Department of Defense does stupid things—I cannot understand this movement. In the first place, we are not going to use the nerve gas in the United States. In the second place, assuming it is a part of our defense arsenal, if it is going to be used in the Far East or abroad, what is the sense of moving it to the United States and then moving it back? If anyone understands this movement, explain it, I do not understand their reasoning.

I have been trying to get the cost figure from the Department of Defense. Finally, they came up with a figure of $6 to $7 million to move it one way. That probably means $10 or $11 million by the time they get finished. By the time we move it back, we will be talking about $20 million to do something that is completely unnecessary.

If there is any awareness at the Pentagon at all, which sometimes I doubt, this is the wrong time and the wrong place to ship these chemical munitions. This shipment will alarm people who are already very concerned because of the demonstrations and bombing in the Seattle area.

Mr. President, when you talk about nerve gas, you touch a very sensitive nerve ending. Someone might lie down on the railroad tracks or throw a bomb at a car, or do something of that nature.

I understand ships are now standing by in Okinawa to pick up the nerve gas containers. Many scientists in the United States are familiar with this chemical material and they all say this is a gas which could be easily destroyed, and there could be no harmful effects on the environment, either to the ocean or the air.

Mr. President, it is my personal conviction that these hideous weapons such as nerve gas do not belong in our arsenal. My colleagues know that I have always been a forceful advocate for a strong and adequate defense. But I cannot imagine a situation in which our Nation, which so well proclaims the rhetoric of humanitarian concern, could ever choose to unleash weapons such as nerve gas upon the peoples of the world. These weapons should be destroyed. I do recognize, however, that it is properly the concern of the Department of Defense whether these existing chemical warfare agents now stored in Okinawa should be maintained or destroyed. I cannot conceive, however, that the proper exercise of that concern could mean exposing the population of the States of Washington and Oregon to the serious risk of an incident occuring during the movement of these chemical weapons.

What is the use of moving it? No one wants it anywhere in this country. It is already stored in Okinawa. I saw that storage area in Okinawa last September. No one seemed very concerned about it. They have truck gardens over the storage area where they are raising turnips and onions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I stand second to no one in my support of a strong and adequate defense.

As I recall, and perhaps the Senator from Idaho can refresh my memory, the President sent up a strong message in this regard a few weeks ago. Is that correct?

Mr. CHURCH. The Senator is correct. The President announced we were going to get out of the nerve gas business.

Mr. MAGNUSON. My recollection is that he said we were going to get out of it altogether.

Mr. CHURCH. Since we had the power to blow up the world; it did not seem necessary to poison it as well.

Mr. MAGNUSON. Mr. President, the Governors of the States of Washington and Oregon have joined with other concerned officials and citizens in a legal action seeking to stop this imminent movement of chemical warfare agents to these two States. I do not know anyone out there who is for "Operation Red Hat." I have not found anyone who supports this movement except Pentagon officials.

I hope the Senate will favorably consider the amendment. There is legitimate and well considered concern that a serious incident might occur if the planned operation is carried out.

While the detailed safety plan for Operation Red Hat drawn up by the administration may look fine on paper it

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does not take into account the very real danger of irrational action by citizens that could endanger the lives of millions. The movement plan involves nearly a full month of constant presence within Washington State of trains moving with this awful cargo. How can we assure that some deranged or misguided person will not provoke an incident that could set off a tragedy unparalleled in our history? Perhaps the risk of such action is slight, but in view of the terrible consequence that could result we cannot in good conscience allow Operation Red Hat to be carried through.

Mr. President, I am sure my colleagues well remember the mysterious deaths of hundreds of sheep in Utah some several months back. It is generally known that the deaths were due to an accident involving nerve gas. I have viewed the tragic pictures of sheep lying dead in their tracks over many acres of the Utah countryside. Our citizens must not be exposed to the possibility of a similar fate.

The Department of Defense has sought to assure us that the chemcial warfare agents create no real threat and have briefed us in some detail as to the manner in which the gases are prepared for movement. I am sure that it is possible to store such weapons in a safe manner but the real danger comes in the process of transit from their present storage location to the docks, into the ships, being unloaded from the ships in the United States, and then loaded onto railroad cars for a lengthy trip through an area heavily populated with people who are very upset about this activity.

Surely, Mr. President, if the United States should ever use these hideous weapons—and I pray we never do—I cannot imagine that they would be used against the citizens of Washington and Oregon. The readiness of these weapons for possible use would only mean another movement out of the States with the attendant dangers of such movements and the expenditure of millions of dollars more to accomplish that purpose. In short, Operation Red Hat does not make military, economic, or public safety sense.

If the nerve gas is as well packed and safely stored as the Department of Defense asserts then why not just leave it at its present location? Why run the risk of transporting these weapons? It is my understanding that our agreement with Japan requires only the removal of our nuclear weapons and does not require the action contemplated by Operation Red Hat.

Mr. President, I cannot understand any wisdom to "Operation Red Hat." It is my most serious intention to do all in my power to see that this plan is not implemented.

Mr. President, even if they moved it safely, it is a stupid plan from an operational or cost viewpoint.

The Governor of Oregon called the Vice President and said:

> For heaven's sake, Ted, give the feelings of Oregonians a little consideration and ease up on the bullheadedness that is forcing so many supporters of the administration to the wall in Oregon.

That may sound a little political but I agree with the Republican Governor of Oregon. Speaking over the telephone to the Vice President, he said:

> You have no conception of the concern the proposed shipment of nerve gas from Okinawa to Oregon has created in this State. It is the broadest and deepest protest base ever created here over any issue in my memory.

The Governor of my State, who happens to be a Republican Governor also protested even more vigorously than the Governor of Oregon.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, in addition, the plan for making the move proposes that the two States call out police and the National Guard to clear the tracks and to evacuate citizens near the shipment route. All these things cost money, and the States do not want to carry out the proposed plan.

I am hopeful we will take the "red hat" off the painted head of the Defense Department and destroy it. That is what should happen to this plan and this gas. If it is needed for defense there, let the President say so and it can be left there. If there is involved a promise to Sato, I understood that it dealt only with nuclear weapons.

The ships are ready to ship these horrible weapons. I do not know what we are going to do with it. We are not going to use it in the United States, I hope.

Some irresponsible person might say they are bringing it here to use in the United States—for whatever purpose. That is pretty serious allegation in these troubled times. We are inviting nothing but disaster with this movement and I say this without again mentioning the basic weaknesses in the reasoning of the Defense Department.

So I have submitted this amendment on my behalf, and I am certain a majority of Senators will join us when it comes up for consideration. I do not intend to bring it up before we dispose of the Church-Cooper amendment, which is so very important, but when we are through with that crucial amendment, then I am going to bring this amendment up.

I appreciate the Chair's giving me the extra time.

Mr. CHURCH. Mr. President, if the Senator will yield, I want to assure him that he has my full sympathy and support in the position he has taken. I hope his efforts prove successful.

Mr. GRAVEL. Mr. President, as a cosponsor of the proposal of the Senator from Washington (Mr. MAGNUSON) to prohibit the Defense Department from shipping nerve gas from the storage depot at Okinawa to Alaska, Hawaii, or the Continental United States, I believe I speak for the vast majority of Alaskans, Mr. President, when I say that we do not want such lethal commodities to be shipped to or stored in Alaska.

More properly, the gas should either remain in Okinawa or be detoxified and destroyed. I can understand the concern that has been expressed in Washington and Oregon regarding the prospect of receiving the gas there and I can assure you that citizens of Alaska are similarly concerned.

I would personally and strongly oppose any proposal to move this gas to Alaska and believe that Senator MAGNUSON's amendment properly deals with this issue.

### ROLE OF SENATOR MUSKIE IN POLLUTION CONTROL

Mr. MAGNUSON. Mr. President, there are still a few stubborn souls who believe that the great plays of Shakespeare were not written by Shakespeare. There may even still exist on this planet, mystics who are convinced that the world is flat. And, apparently, there are those who fail to recognize that this country would still be in the dark ages of pollution control if it were not for ED MUSKIE.

Today, in this time of environmental awareness, it might be instructive to look back on the days of the 1960's. I doubt that there was a man in this body in 1963 who had ever heard the term "ecology." Yet in 1963 ED MUSKIE and his committee considered seven air pollution bills, held 9 days of hearings, three executive sessions, published one committee report, and produced the Clean Air Act of 1963 and the Water Quality Act which passed the Senate that year.

I asked the staff of the Air and Water Pollution Subcommittee, which Senator MUSKIE chairs, to provide me with a list of subcommittee activity and environmental legislation. I ask unanimous consent that these lists be printed at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MAGNUSON. Mr. President, these are impressive lists, and they demonstrate beyond question that Senator MUSKIE and his subcommittee have made enormous contributions to environmental control in each of the intervening years.

But I also speak at firsthand. We on the Commerce Committee have had the good fortune to join with Senator MUSKIE and his subcommittee in a shared effort to come to grips with the pollution hazards of the internal combustion engine. Together, through joint hearings on the technology of the electric and steam cars, we first focused attention on the potential for radical pollution reforms through the development of innovative propulsion systems.

This year, again in joint hearings, we have acted to develop legislation to stimulate the development of technological breakthroughs in low pollution vehicles. Senator MUSKIE joined with us in hearings, brought his expertise to bear in the development of our record, and supported our legislation (S. 3072) as it passed the Senate this year.

EXHIBIT 1

SUBCOMMITTEE ACTION ON AIR POLLUTION LEGISLATION SINCE 1963

The following lists the activities of the Subcommittee on air pollution legislation from 1963 to the present:

1963: The Subcommittee considered 7 air

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pollution bills, held 9 days of hearings, 3 Executive Sessions and published one Committee report (S. Rept. 638). In this year the Clean Air Act was passed.

1964: The Subcommittee heard 125 witnesses during 11 days of hearings. In October 1964 "Steps Toward Clean Air" was published.

1965: The Subcommittee considered 2 bills, heard 37 witnesses during 7 days of hearings, held 2 Executive Sessions and published 2 Committee reports (S. Rept. 128, 192). During this year the first amendments to the Clean Air Act were passed.

1966: The Subcommittee considered 3 air pollution bills, heard 16 witnesses during 5 days of hearings, held 2 Executive Sessions and published one report (S. Rept. 1361). The Clean Air Act was further amended.

1967: 3 bills were considered. The Subcommitee heard from 113 witnesses during a total of 23 days of hearings—5 days of these were held jointly with the Commerce Committee. 2 Executive Sessions were held and one report (S. Rept. 403) was published. The Air Quality Act was passed.

1968: The Subcommittee considered one bill (S. 3031) and held 2 days of joint hearings on external combustion engines with the Commerce Committee with 12 witnesses testifying.

1969: This year was spent on oil pollution legislation. No hearings or Executive Sessions. Section 104 of the Clean Air Act was extended and S. 3229 proposed.

1970: This year the Subcommittee has heard a total of 51 witnesses during 12 days of hearings—3 of which were joint hearings with the Commerce Committee.

### Environmental Legislation

#### WATER POLLUTION

1965: Water Quality Act (P.L. 89-234): Enunciated a national policy of water quality enhancement; established the Federal Water Pollution Control Administration and the water quality standards program.

1966: Clean Waters Restoration Act (P.L. 89-753): Authorized $3.4 billion in Federal Grants (including incentives) for construction of municipal waste treatment facilities and eliminated limitations on grants which restricted participation by major cities.

1970: Water Quality Improvement Act (P.L. 91-224): Strengthens Federal authority to deal with oil pollution, sewage discharges from vessels, and pollution from Federal and Federally-related activities. Title II establishes an Office of Environmental Quality in the Executive Office of the President to staff the Council on Environmental Quality (signed into law April 3, 1970).

*S. 2393: The Marine Resources Preservation Act: Authorizes the Interior Secretary to recommend the creation of marine preserves and prohibits the development or removal of any minerals, including gas or oil, from such preserves.

*S. 3516: The Santa Barbara Channel Preservation Act: Authorizes acquisition by the Federal Government of all oil leases in the Channel, provides for the removal of drilling platforms and setting aside of the mineral reserves to be tapped only in a national emergency.

*3687. The National Water Quality Standards Act: Authorizes $2.5 billion per year in Federal construction grants for waste treatment facilities over the next five years; extends the water quality standards program to all navigable waters; requires that enforceable effluent standards and compliance schedules be included in any standards implementation plan and that all new industrial facilities using navigable waters use the best available pollution control technology; and permits class suits against alleged violators of standards.

*3688: The Clean Water Commitment Act: Represents proposals which the U.S. Conference of Mayors and the National League of Cities believe necessary to stimulate construction of waste treatment facilities at the local level; enunciates a national commitment for financing of expanded water pollution programs and encourages better coordination in the development of clean water programs.

#### AIR POLLUTION

1963: Clean Air Act (P.L. 88-206): Authorized Federal research and technical assistance to the States, matching grants to state, regional and local agencies for the creation or improvement of regulatory control programs. Federal enforcement program.

1965: Clean Air Act Amendments (P.L. 89-272): Provided Secretary of HEW with authority to establish standards for automobile exhaust emissions.

1966: Clean Air Act Amendments (P.L. 89-675): Provided for grants to the states to maintain effective air pollution program.

1967: Air Qualty Act (P.L. 90-148): Enunciated a national policy of air quality enhancement; provided for designation of air quality control regions and for setting of air quality standards.

1969: Clean Air Act Amendments (P.L. 91-137): Extended the authorization for research on low-emission fuel and vehicles, Sec. 104 of the Clean Air Act, for one year. $45 million was authorized for this purpose.

*S. 3229: Air Quality Improvement Act: Authorizes the Secretary of HEW to set national emission standards for new and used vehicles which move in interstate commerce, including aircraft, vessels, and engines; authorizes low-emission vehicle research and establishes an Office of Noise Pollution Abatement and Control in HEW.

*S. 3072: The Federal Low-Emission Vehicle Procurement Act: Requires that the Federal Government purchase certified low-emission vehicles for its own use.

*S. 3546. The Air Quality Standards Act: Accelerates the implementation of the 1967 Air Quality standards program by requiring that states set and enforce standards for all areas of a state not covered by Federally-designated air quality regions; provides for citizen suits to enforce air quality standards and for new enforcement authority.

#### SOLID WASTE DISPOSAL

1965: Solid Waste Disposal Act (P.L. 89-272): Authorized matching grant program for research, development and demonstration of improved methods of disposing of solid waste.

1968: (P.L. 90-574): Extended the Solid Waste Disposal Act to allow the Eliassen study on solid waste management to be completed.

*S. 2005: Resource Recovery Act: Provides for financial assistance to the States in the construction of solid waste disposal facilities and directs Secretary of HEW to carry out research into new and improved methods to recover, recycle and reuse wastes.

#### OTHER LEGISLATION

*S. 3042: Provides for an evaluation of the environmental effects of underground nuclear testing.

*S. 2752: The intergovernmental Power Coordination and Environmental Protection Act: Provides for effective public participation in site selection for bulk power facilities and requires that proposed facilities meet environmental and other standards in order to be licensed for construction or operation.

S. 3410: The National Environmental Laboratories Act: Sets up a system of laboratories throughout the country to evaluate the potential effects of new technologies.

*S. 3677: The Environmental Quality Administration Act: Sets up an independent, watchdog agency to develop and enforce Federal environmental quality standards, support research, and provide technical aid to various government agencies.

*S.J. Res. 89: Provides increased support for ecological research in the International Biological Program.

*S. Res. 78: Proposes setting up a select Senate Committee on Technology and the Human Environment.

*S. Res. 179: Expresses the sense of the Senate that the United States should actively participate in the 1972 United National Conference on the Human Environment.

## FORMER GOVERNOR McKELDIN'S ADDRESS IN DENVER, COLO., ON LAW DAY, 1970

Mr. ALLOTT. Mr. President, the Denver Bar Association and the Citizens' Law Day Committee in 1970 observed Law Day U.S.A. on May 1 with various activities.

A highlight of the event was an address by the Honorable Theodore R. McKeldin, the former Governor of Maryland and Mayor of Baltimore.

I should like to call Governor McKeldin's address to the attention of my colleagues, and I ask unanimous consent that the text of his remarks be printed in the Record at this point.

There being no objection, the address was ordered to be printed in the Record, as follows:

### Address of Theodore R. McKeldin

"Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap, let it be taught in schools, in seminaries and in colleges; let it be written in primers, spelling books and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls and enforced in courts of justice. And, in short, let it become the political religion of the nation and let the old and the young, the rich and the poor, the brave and the gay of all sexes and tongues and colors and conditions, sacrifice unceasingly upon its altars."

So, in 1838, spoke Abraham Lincoln, then aged 29, to an audience of young men in Springfield, Illinois, and who is rash enough to deny that he was right?

"The world has never had a good definition of the word liberty, and the American people, just now, are much in want of one."

So, in 1864, spoke Abraham Lincoln, then aged 55, to the Sanitary Fair, ancestor of the Red Cross, in Baltimore. Again, who is rash enough to deny that he was right?

He *was* right then, and he *is* right today. Indeed, I am tempted to say that neither in 1838, nor in 1864, was he half as right as he is in 1970. I would say it, except that I know that rightness is not something that can be measured with a foot-rule.

Each of those declarations is a plain statement of truth. Yet take them together and you have a statement, not of fact, but of the most baffling problem the American people have been called on to solve, namely, the reconciliation of reverence for law with love of liberty.

We still need a good definition of liberty, but we also need a good definition of reverence, specifically reverence for law. There is no lack of definitions of both, but most of them are partly and some of them blatantly false. For instance, Simon Legree, the infamous overseer in "Uncle Tom's Cabin," defined reverence for law as reverence for the blacksnake whip with which he lashed the slaves to their daily tasks.

Old Simon Legree is dead and gone, thank God, although sometimes I think I see his ghost stalking our streets, and even sneaking

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*Under consideration.

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into the offices of high officials and into legislative chambers. But at least he is no longer a part of our professed creed, only a relic of ancient superstition, like fear of black cats and of the evil eye.

Very much alive, however, and visible—all too visible—in broad daylight are people who are giving to liberty a definition as monstrous as Legree's definition of reverence. Different people give them various names, "yippies," "hippies," "far outs," plain "nuts," and others, but you know the class I mean. I am not referring to mere eccentricity. If a man or woman chooses to dress in fantastic fashion, it is no concern of mine, as long as it does not involve indecent exposure. If people entertain what to me are eccentric ideas, that, again, is no concern of mine. It is not until this liberty begins to restrict mine that I have a right to object.

If a man finds himself alienated from society, he may have reasons that I must respect, even though I do not understand them; but if he is alienated from soap, he becomes an offense to the nostrils, which is no man's right. If a man disbelieves what I take to be truth, I may disapprove, but I may not distrain him. But if he assumes to forbid me to learn what I wish to know, or to believe what I choose to believe, then it becomes my right and my duty to assist in throwing him into the calaboose with what the Supreme Court calls "all deliberate speed."

I believe in the right of public demonstrations of approval or disapproval. I believe that "the right of the people peaceably to assemble and petition the Government for a redress of grievances" cannot lawfully be abridged, by the police, by the courts, by the Congress, or by the President. But the key word in that guarantee is "peaceably". Shouting through a bull-horn is not peaceable. Obscene or opprobrious language is not peaceable. Squawk and squalls and shrieks intended not to refute but to drown out a speaker's argument, are not peaceable.

In any public place acts, language, even gestures intended to provoke a breach of the peace are disorderly conduct, which is a misdemeanor, punishable by fine, or imprisonment, or both. When people undertaking to suppress other people's liberty are themselves suppressed, liberty is not infringed, it is defended.

This is, I believe, sound theory, but when it comes to practice we run into that troublesome old maxim, "circumstances alter cases". Cool reason is just about the most fragile thing on earth. One touch of passion shatters it and often, much too often, the passion is due not to anything present, but to remembrance of things past which we call prejudice. To adapt an old adage, when prejudice and passion come in at the door, justice flies out of the window. There is nothing specifically American about this. It applies to all nations, for it is a law of human nature.

But has it occurred to you that civilization is merely an effort to repeal those laws of human nature that make for anarchy? It is a law of human nature to wish to hit the person who angers you, but civilized people seldom do it. A higher law takes precedence, and it is not merely a police measure, it is an effect of centuries of civilized living.

A little less than two centuries ago this republic was founded for the specific purpose of repealing what had until then been regarded as a law of human nature, namely, the proposition that a herd of men can no more govern themselves than can a herd of sheep. The proposition had been challenged before, but never with more than a momentary success. We have managed to make our challenge work tolerably well for nearly two hundred years, which made Lincoln call our nation, even when it seemed about to collapse, "the last, best hope of earth".

We have given the world proof that self-government by free men in an imperfect, but workable form, can be maintained for as much as two hundred years. That proof is the greatest gift that America has given or can give to the rest of mankind, for on the success of our experiment all their hope depends. If we now permit internal rivalries, dissensions and hatreds to defeat that experiment, we shall do more than bring ruin on ourselves, we shall also defeat the last, best hope of earth. Some sort of organization called a nation might survive, but the great republic would end as a wreck cast into the dust-bin of history.

Anarchy obviously would defeat the dream, but a police state would defeat it even more completely. Any division of our people into castes and classes would defeat it, and it matters not at all how the lines were drawn, whether racially, religiously, economically or in any other way that would divide Americans into first, second, and third class citizens. There are forces, as there have always been, drawing us toward that catastrophe, and to resist those forces is a double duty—one to our forefathers who pledged their, and our, lives, fortunes and sacred honor to the success of the experiment. The other is to our sons to the *nth* generation, that we shall not destroy their chance to kindle the world's spark of hope into a blaze, lighting it toward that day when, in the words of the Prophet of Israel, "nation shall not lift up sword against nation, neither shall they learn war any more".

But to achieve it we, and I have in mind especially the rising generation, must surmount this crisis, which can be done only by the exercise of both intelligence and tolerance. We must neglect no possible source of power, however fantastic it may appear.

The hippies and yippies, the raving students, the black extremists, have displayed an energy that, because it is so often aimless and fruitless, has created an alarm that threatens to mount into panic. But I maintain that the situation would be far more alarming if these young people had gone to the other extreme by sinking into dull apathy. Senseless activity is dangerous, but not as dangerous as no activity at all. Are we of the older generation so morally blind, so spiritually dull, that we think there is no injustice, no oppression, no stupidity in our world? Are we grown so slothful that we think injustice should not provoke wrath, that oppression should not be resisted, that stupidity should not be lashed with scorn? If we have come to that pass, then the real reason for alarm is not turbulent youth, but doddering age.

I do not believe it. I believe that with no more than average intelligence, no more than reasonable tolerance, we can harness this energy that is now running wild and apply it to the task of lifting this nation to a moral and intellectual level higher than it has ever reached hitherto. It is probable that it would also increase our wealth and physical power, but that is less important than making our nation so valuable to the rest of the world that none would wish to destroy it, and that would be national security indeed.

Knowing full well how stressful are the times, dismayed as I am by riots, and revolts, and wild threatenings, I am yet steadfast in the faith that we shall yet find a clearer definition of reverence, and a sharper definition of liberty than Lincoln knew; and with their aid we shall give the world a larger pattern of government than he drew.

Have I the audacity to suggest that we should think ourselves capable of surpassing the vision of Lincoln? I have. A dwarf can see farther than a giant, if the dwarf stands on the giant's shoulders, as we stand on Lincoln's. The final proof of the greatness of a great man is that he lifts succeeding generations to a level at which the range of their vision exceeds his own. If we can see no further into the problem of good government than Lincoln saw, it is because we have fallen off his shoulders and are groveling on the ground.

Sometimes, no doubt, we have done just that. But I hope and believe that we have always climbed back to the height he made it possible for us to reach. That is why I remain an optimist, even in these times that are too confusing for me to understand. That is why I hope and believe that we may share the feeling of those two old heroes of the first crisis of the republic, Thomas Jefferson and John Adams. We, too, may say, as Jefferson wrote to Adams, "Laboring always at the same oar, with some wave ever ahead, threatening to overwhelm us, and yet passing harmless under our bark, we knew not how we rode through the storm with heart and hand, and made a happy port."

## ADDITIONAL STATEMENTS OF SENATORS

### WE LOSE A GREAT LEADER

Mr. McINTYRE. Mr. President, I was saddened to learn today that Speaker of the House JOHN McCORMACK will not return at the end of this term.

For more than 40 years, JOHN McCORMACK has served the Nation with devotion, integrity, and wisdom. First as a Representative from his home district in Massachusetts and for the past 8 years as Speaker of the House, he has been a major participant in some of the most important decisions ever made by the Nation.

While I regret his decision to leave the Halls of Congress, I know, too, that his retirement will give him the rest and the leisure he has so richly earned. With his friends in Boston and at his summer home in Laconia, N.H., I am certain that JOHN McCORMACK will find the ease he has forgone for so many years in his selfless service to his country.

His leadership will be missed by Congress and by the Nation. I wish him the very best in the years ahead.

### RICHARD F. CLEVELAND, PUBLIC SERVANT

Mr. MATHIAS. Mr. President, one of the most serious illnesses that affects Americans is the disease called Potomac fever. It might just as well be called Severn fever, Hudson fever, or Sacramento fever. It is a kind of disease which makes people believe that they have to live lives of public service and that public service can be accomplished only through holding public jobs—sometimes elective jobs or sometimes appointive jobs—a member of the President's Cabinet, a high official of State government, or perhaps a member of the cabinet of the mayor of a large city.

For some reason, we seem to think that public service is the same thing as public employment. But happily, this is a disease of the imagination. This is a disease which really does not have to exist because many Americans—in fact, the great majority of Americans—make enormous contributions to America without ever having received a dollar in public pay and without ever having served a day as an official of government. One American who illustrates this point is a Marylander named Richard Cleveland.

Richard Cleveland has spent a lifetime

of public service, but he has done it as a private individual. He has been a trustee of several educational institutions, and his own broad experience as a lawyer and as a newspaperman has contributed to the institutions that he served. He has exerted leadership in the Maryland community through being willing to take on the thankless jobs that are involved in defending the defenseless and in raising funds for public purposes such as the Community Chest. He has generated in others a spirit of public interest and of public assistance because of his leadership in this work. He has, as a private citizen, been active in the political spheres of Maryland life.

He grew up with a Democratic Party heritage, but he has exercised the highest duties of citizenship by choosing carefully the candidates that he would support. One of the early candidates for whom he campaigned was Maryland's Gov. Albert C. Ritchie, a contender for the 1932 Democratic presidential nomination. Later he viewed the needs of the country as he saw them and gave his total support for the presidential candidacy of Republican Wendell Willkie. Throughout his life he has made these decisions as a citizen, and he has led others to make the same hard choice between what was, perhaps, the easy, convenient, or even comfortable way and the hard personal decision which was dictated by the requirements of the times.

We are grateful to Richard Cleveland for a lifetime of public service, for service as a lawyer, and as an advocate of justice for all our people. Richard Cleveland is a leading citizen because he has been a leader of citizens, and we are all grateful. But in citing his example, I think we ought to express gratitude to all those millions of Americans who through quiet lives of public service are the real leaders of this country.

A testimonial dinner was held in Baltimore last night to honor Richard Cleveland and to mark his retirement from the active practice of law. During the evening, John H. Finley, Jr., a distinguished member of the faculty of Harvard University, spoke in appreciation of their lifetime friendships. I ask unanimous consent that his remarks be printed in the Record.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

### Remarks by John H. Findley, Jr.

Richard my dear friend; Babs; assorted Clevelands; Richard's many friends and fellow admirers: What a pleasure, but what a daunting pleasure, to be and, as friend, to belong here but not as Baltimorean—like the old Cape Codder whose obituary said, "Though not a native, he was brought here in his mother's arms." Indeed I was brought in just that way to feeling for Richard and cannot imagine my life without his clear figure slightly ahead along the road. When we were at school his brother Francis once said: "We'll go to New Hampshire and find our souls hanging in the closet a little stiff beside our khaki trousers." What ladies do with their souls in off-seasons is, like most other things about them, somewhat unclear. They are presumably less careless about private belongings. But as for me and for most men, I imagine, the great figures just ahead at school and college remain the indelible heroes. One, of course, likes and admires many people that one meets in middle life, but few of them, so to speak, fought at Troy in the youth of time with Achilles and Hector or sat at the Round Table with Sir Lancelot and Sir Gawain.

Mr. Cleveland died when I was four, but I took for granted the photographs of Richard with his father, with gun or dog or fishingrod or in a boat or just man and boy together—happiest companions, as their unconscious ease and simple attitude of trust made clear. One never thought to wonder what it was like to be cast from earliest youth in the role of heir apparent, so fully did he fit it and always has. Exeter and Princeton yearbooks (how well one knew such books from times just ahead, though not from times after, when the glory had departed from the earth) showed him as handsome athlete and chief figure. One heard distantly of his famous assault on the Princeton club-system (which nowadays girls carry forward with wily lightness at Princesston); when he was a Marine in the First War, my sister would bleach his khakis to the impeccable shade; in Law School he would find time to cheer a somewhat lost Harvard freshman; in the early days of radio we listened over crackling ear-phones to his speech in the Democratic Convention seconding Governor Ritchie.

But I remember most feelingly pre-dawn fishing expeditions in an old car (it might have been a Maxwell), he driving, with our worms and sneakers—we were innocent of flies and waders in those untaught days. O green of youth. My point is how sparkling the green was with Richard as example, and how inviting the world in which, though few would be or his stature, one wanted to come as near as possible.

American society is shaped like a lobster-pot; a man can go forward but at the apex finds it hard to know where to go. One need hardly recall Mr. Cleveland's astonishing rise; how in his thoroughly unpolitical middle life he was persuaded to run for Sheriff of Buffalo in the clean-up campaign of a friend as Mayor; how the friend died and he succeeded to the Mayoralty; how while Mayor he was elected Governor; and while Governor was elected President—from Sheriff to President in about six years. But what must have remained for him a standing surprise became the received fact, and Richard was born on an elevation that his father in youth never dreamed of.

What the world gives, the ancient Stoics said, is not in our control; we control only the use of our thoughts. In prospect of this evening, I have kept seeing Richard's incomparably beautiful mother—a presiding goddess of our earlier years—weeding her garden. It is not now—no garden easily could be—what she kept making it; the weeds creep back. But her parents and Mr. Cleveland's parents clearly believed that weeds—I mean actually and figuratively—do not belong in gardens, and from his parents Richard in turn has so believed. If he had been born unknown like his father, he might have had a better chance of becoming President than he in fact has had. The world is not ours to control; it is keeping the weeds out that is ours. Not that the world is largely weeds—though a certain voice from Maryland seems to discover a good many—but that the weeds that in youth our parents by word or example bade us discard set the standards of our lives.

At the best, like Richard and his father and his parson grandfather for whom he is named, a man is quite simply who he is. Either, like his grandfather, he becomes president of his obscure flock, or, like his father, President of the United States; or, like Richard, president of the hearts and minds of all of us here and of a far greater circle outward.

These poor words, old friend, are a little circular, like the small-town telephone central in the old days who kept being called by a man for the right time. Finally she asked "Why do you keep wanting to know the right time?" "Oh," he said, "I'm the man who blows the noon whistle and it has to be on time." "It is," she said, "I always set my clock by the noon whistle." But life is pretty circular after all. What can one live by but the beauty of nature, the example of extraordinary people, and one's fond and grateful admiration for them—who in their turn felt all this for the beautiful world that they knew and for admirable people before them? I omit all that you have been in Baltimore, but everyone here knows that. Thank you, dear Richard, for having been for me the bright star ahead that your father was for my father, though in later years. I have been the luckier because the light has lasted me all my life.

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## THE LUDICROUS MR. KY

Mr. EAGLETON. Mr. President, the flamboyant and bellicose Vice President of South Vietnam, Gen. Nguyen Cao Ky, has been very active in the past several days. At a press conference yesterday, Ky:

Ridiculed the President of the United States;

Declared, in effect, that Vietnamization was a complete and total success; and

Envisioned the formation of an Asian anti-Communist front consisting of Vietnam.

Today, at the National Defense College in South Vietnam, Ky said South Vietnamese troops will stay in Cambodia "as long as the Communists fight there."

President Nixon stated in his May 9 press conference:

> I would expect that the South Vietnamese would come out of Cambodia approximately at the same time that we do because when we come out, our logistical support and air support will also come out with them.

This was "a silly argument of silly people," according to General Ky yesterday.

Further, according to a dispatch from Robert G. Kaiser, of the Washington Post, Ky asserted that the South Vietnamese forces have the capability to fight in Cambodia and in Vietnam simultaneously.

If the South Vietnamese can do that by themselves, then we must deduce that Vietnamization already is a success. Then why should we not immediately set a rapid and accelerated timetable for withdrawal?

And now Ky speaks, in effect, of Vietnamizing Cambodia, as well, despite apparent growing resistance to such a move from the Cambodian Government.

What are South Vietnamese troops fighting for in Cambodia? The survival of an anti-Communist regime, said Ky. "The Cambodian operation offers us an opportunity to form an anti-Communist front consisting of Cambodia, Thailand, Laos and South Vietnam," he said at his press conference.

Are we now going to be asked to foot the bill while the South Vietnamese attempt to do in Laos and Cambodia what they have failed to do in their own country? Has Ky sold this idea to the visionaries planning U.S. foreign policy? God help us if he has.

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If men were not fighting and dying, if the United States were not being torn apart internally, Ky would be no more than a ludicrous figure from a Gilbert and Sullivan opera. But men are dying, and there is a crisis in the United States.

Mr. President, I ask unanimous consent that Mr. Kaiser's dispatch containing General Ky's statements be printed in the Record. I also ask unanimous consent that a UPI dispatch from Saigon dated May 21 be printed in the Record. They reflect better than any speech could the type of regime we have protected at a cost of almost 50,000 American dead, hundreds of thousands of casualties, $125 billion, and untold domestic divisiveness.

There being no objection, the items were ordered to be printed in the Record, as follows:

### Ky Ridicules Joint Pullout Talk as Silly

(By Robert G. Kaiser)

Saigon.—Vice President Nguyen Cao Ky this morning ridiculed the notion that South Vietnamese troops would withdraw from Cambodia when American forces do as "a silly argument of silly people."

Ky declared that "we will not let anybody tie our hands" to prevent continued prosecution by South Vietnam of the war in Cambodia. He said the South Vietnamese forces had the capabilities to fight on the Cambodian front and in Vietnam simultaneously.

Ky's remarks, delivered at graduation ceremonies of the Vietnamese War College in Saigon, were the toughest yet heard from a senior Vietnamese official on the increasingly sensitive subject of South Vietnamese operations in Cambodia after June 30.

It appears that the South Vietnamese government is determined to continue those operations after President Nixon's deadline for the withdrawal of American troops from the Cambodian front.

#### NIXON'S STATEMENT

[When President Nixon announced May 9 that "all Americans of all kinds, including advisers, will be out of Cambodia by the end of June," he was asked whether the South Vietnamese would abide by the same deadline. He answered: "No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out, our logistical support and air support will also come out with them."

[Last Saturday, White House officials in Key Biscayne said they had every reason to believe the South Vietnamese forces would withdraw from Cambodia on approximately the same timetable as U.S. forces.]

Such determination to flout the wishes of the United States has been seen here before, but this time it appears to be more serious than previously.

#### DECISIVE OFFENSIVE

Ky said this morning that the offensive against Vietcong sanctuaries in Cambodia would be decisive in the war. With the sanctuaries destroyed, he said, the Communists will have just two choices: They can return to underground guerrilla tactics, which will mean that the war will fade away, or they can engage in serious negotiations.

Ky saw other benefits from the new offensive: "The Cambodian operation offers us an opportunity to form an anti-Communist front consisting of Cambodia, Thailand, Laos and South Vietnam. Its formation would guarantee the security of all of Southeast Asia," he said.

Whether President Thieu would use such harsh language as Ky's "silly people" remark in this context is doubtful. But the Thieu-Ky relationship sometimes resembles the Nixon-Agnew relationship: the vice president here, as in the United States often does the President's tough talking, though Thieu's language on the issue has been more restrained, he has also said there is "no deadline" for his forces in Cambodia.

[Wednesday, Lt. Gen. Do Cao Tri, commander of South Vietnamese troops operating east of the Mekong River in Cambodia was asked about reports from Washington that a South Vietnamese withdrawal would be linked with the U.S. pullout, according to news dispatches.

["I have not heard that from the Vietnamese side," he said, adding that the Saigon troops "are not under any restrictions, like U.S. forces, unless President Thieu orders us back to our territory."

[Asked how long South Vietnamese troops might remain in Cambodia, Tri replied: "That depends on the enemy. Our objectives are purely tactical. We have gone only where the enemy had bases, unless he tried to evade us. Then we pursued him."]

Saigon.—Vice President Nguyen Cao Ky said today South Vietnamese troops will stay in Cambodia "As long as the Communists fight there."

Ky told a graduating class at the National Defense College the removal of American troops as promised by President Nixon would not affect the South Vietnamese intention to continue operations in Cambodia.

"You will see the presence of our troops as long as the Communists fight there," he said. "As long as it is necessary for us to maintain our entity, we will continue to maintain the presence of our troops."

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## A CHANCE FOR CHANGE

Mr. HARTKE. Mr. President, at this most crucial juncture in our history, all Americans must seriously reflect on what they might do personally to aid the cause of peace. Clearly it is not enough to sit and decry the events which have brought us to this fateful period. Nor will it suffice to refuse to listen to those with whom we disagree. Rather, it is incumbent on us all to search out positive ways by which we can aid in the effort to end the present divisiveness which pits parent against child, black against white, worker against protester, and ultimately, I fear, the people against their leaders.

All this conflict, all this division, can be traced in logical fashion to our nightmarish involvement in the affairs of Indochina. If our wounds are to be bound up, it is incumbent on the Senate to act in the most purposeful manner.

We are now engaged in a debate which very well could determine the relationship between Congress and the Executive for years to come. More important, however, our discussion holds out the considerable hope to the people of this land that they are not now powerless to influence the course of our foreign involvements. In short, the Members of this body, acting on behalf of our profoundly troubled constituencies, have it within our power to influence dramatically the course of events in Indochina. It is my fervent hope that we will seize this opportunity to demonstrate that substantial change can still be worked within, rather than without, our political system.

A column written by Mr. Anthony Lewis for last Sunday's New York Times sets out most incisively what I believe to be the predominant mood in our country. It highlights in unique fashion the importance of the amendment which we are now considering. I ask unanimous consent that the column be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Pride, Prejudice and Persuasion

(By Anthony Lewis)

London, May 15.—In one of the great Supreme Court opinions on freedom of speech, Mr. Justice Brandeis wrote that those who won America's independence thought "the deliberative forces should prevail over the arbitrary" in society. They wrote into the Constitution what they thought would be "the path of safety" for the Republic: "The opportunity to discuss freely supposed grievances and proposed remedies." They believed in "the power of reason as applied through public discussion."

But the democratic theory of free speech as a corrective for official error and a safety valve for public resentment cannot work when people get the idea that no one is listening. And that feeling, if one can judge from a distance, is a dangerous element now in American opinion.

#### LETTERS FROM HOME

A law student at the University of Pennsylvania writes to a friend abroad that he should be able to think rationally about Government policy and express reasoned criticism. But "I have lost this ability—I can only scream at the excesses and moan at the hypocrisy. If you can offer me any reason not to give up this Government for lost, I implore you to tell me what it is."

Or, from a woman in Flushing, N. Y.: "What should people do who sincerely believe in the American heritage of reform and checks on arbitrary power? Most such Americans detest violence, but also detest silence and inaction. All protests against arbitrary power have proved ineffectual."

And from a man in Allentown, Pa.: "I am sitting around watching my wonderful country be torn apart and feeling powerless to do anything about it."

#### THE DESPAIRING NOTE

Powerlessness. That must be a widespread feeling. Certainly it is a consistent despairing note among Americans who come to Europe these days and try to explain to their English or French or German friends what has gone wrong.

For on the face of things Americans might well believe that nothing they say can affect the course of policy in the most ill-conceived, disastrous foreign adventure in our history. No election, no protest, no reasoned argument, no lesson from experience seems to alter the central fact of American policy in the Indochinese war. That is our commitment to the Thieu-Ky Government in Saigon.

President Nixon may go down to the Lincoln Memorial in the early morning and soliloquize to a group of students about college life. He may redefine the limits of his Cambodian invasion to make it seem more acceptable to American opinion.

But a week later the South Vietnamese generals are talking about indefinite operations in Cambodia. The same men who have drawn us into an endless war on their behalf—men whose power rests entirely on American money and American blood—now confidently assume that we will support them in a new theater. It is in that light that the issue now before the Senate, the proposed mild restriction on American warmaking in Cambodia, has to be seen.

The significance of the Senate proposal does not lie so much in the constitutional question of the President's power, which it cannot resolve. It lies, rather, in offering critics of the war some hope of change through the political process. For there would at least be hope; the President could not altogether ignore the feelings reflected in a Senate vote.

What the Senate can do, then, is to show that the system is still open to persuasion. It can prove wrong those who say that violence and revolution are the only answers. It can renew confidence in the power of reason. Or, to put it more modestly and more accurately, it can begin to do those things.

The picture of the United States as a country where minds are almost closed to persuasion is not one held only by frustrated American critics of the war. A sense that the political process is not working underlies the deep fear for America now felt, for example, by many leading British politicians.

"We depend so much on the United States," one man said the other day. "Not only in economic and defense but so much more broadly, in politics. We need your leadership. And now the basis of that leadership, the whole relationship between your Government and your people, seems to be falling apart. There is a dialogue of the desperate and the deaf."

### TO RENEW CONFIDENCE

The comment came not from the trendy left but from one of the most solid figures in British political life. That is not surprising, for he and others like him care about the United States, indeed love it. They are afraid when they see the politics reduced to mutual invective, hate and violence.

The democratic process is not dead in the United States—far from it, as the reaction to the Cambodian invasion showed. But frustration has put it under terrible strain. By insisting now on a voice in policy, the Senate can begin to ease the frustration and renew confidence inside and outside the country.

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## CONGRESSIONAL POLITICS LEADS TO FEDERAL DEFICIT

**Mr. GOLDWATER.** Mr. President, last winter Republican Senators took to the floor of the Senate day after day in an attempt to stem the tide of chopping, hacking, slashing giveaways rushed through Congress during the course of the tax debate.

We were unsuccessful.

Congress finally enacted a tax package which guaranteed that President Nixon's promised budget surplus would be wiped out, and another deficit presented to the Nation in its place.

On May 19, President Nixon took note of the results of last year's tax debacle. He said in perfect truth and candor:

> It should be noted that the deficit now projected for fiscal 1971 would have been more than covered by the amount of revenues the Congress chose to eliminate from my recommendations for the Tax Reform Act of 1969.

But the majority of Congress chose to do otherwise. The result is that we now face a deficit of $1.3 billion instead of a surplus of $1.3 billion.

This morning, the editorial page of the Washington Post took note of the deficit, its true causes, and on whom the responsibility must fall.

They lay the blame not upon President Nixon, but squarely on Congress.

Mr. President, I ask unanimous consent that the editorial, entitled "A Tax-Cutting Spree Ends in Red Ink," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### A TAX-CUTTING SPREE ENDS IN RED INK

The red ink which Budget Director Mayo has finally acknowledged to be showing at the Treasury for fiscal 1970 and 1971, and possible 1972, is directly attributed to reduced revenues from corporations and a $3 billion increase in expenditures. Higher government pay and interest costs and bulges in welfare payments, farm supports and unemployment benefits turned a paper-thin budgetary surplus into a small deficit. But the basic cause of the embarrassing predicament in which the government now finds itself was the tax-cutting spree in which Congress indulged last December.

At the time the tax plums handed out to sweeten an essential tax-reform measure were defended on the ground that the administration could still balance its budget. In a government as big and as complex as ours, however, some allowance must always be made for unexpected outlays. By shaving the prospective surplus down almost to the vanishing point, Congress threw prudence to the winds. There are many indications that other unforeseen expenditures will be added before the present session is over, and the deficits now in prospect may be further increased.

The outlook will be changed but little if Congress enacts the President's proposed tax on lead additives to gasoline. This measure designed to raise $1.6 billion is an anti-pollution tax, not an anti-inflation tax. The President has indicated that he will not hesitate to ask for tax increases next January if government spending exceeds the "potential yield" of the present tax system. But Congress is likely to be extremely reluctant to pass any new taxes at that time, especially if the economy is still coasting along in low gear and unemployment has substantially increased.

Ordinarily a small deficit would not be meaningful in a total budget of nearly $200 billion. This slippage into red ink comes, however, at a time when inflation resulting largely from the whopping deficits of the late sixties is still running strong. Surpluses were needed to convince the country that the government has at last put its house in order. When Congress is unwilling to face the necessity of matching its expenditures with revenue, industry and labor have a ready excuse for the assumption that inflation is ineradicably built into our system.

It would be futile, of course, to talk now of reversing what was done last December by way of tax reductions. The new law is on the books, and the country must go from there. But it is unmistakably clear that more revenue is needed to relieve many of our social problems, even if the venture into Cambodia can be terminated without substantial increases in spending for the war. And whatever course may be taken to obtain this revenue will be infinitely more difficult than it would have been to keep the taxes we had last year, with adjustments only in the interest of equity.

There will be no easy "out" for Congress if the economy should be so slack next January that new taxes would not be advisable in any circumstances. If a recession should be in full swing and if the price-wage spiral should still be moving upward, the country might well be faced with the drastic question of adopting controls. No doubt everyone hopes that that problem will not arise, but the risk has been notably increased by the congressional decision to keep the Treasury so close to the red ink bottle.

## YOUTH AND THE FORGOTTEN PROMISE—ADDRESS BY SENATOR GRAVEL

**Mr. CRANSTON.** Mr. President, it has come to my attention that the distinguished Senator from Alaska (Mr. GRAVEL), delivered an address at the California Town Hall meeting in Long Beach last week. His subject was "Youth and the Forgotten Promise."

Since his topic is so timely and the contents of his remarks of such special interest, I feel they should be shared more widely.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### YOUTH AND THE FORGOTTEN PROMISE

(Address by U.S. Senator MIKE GRAVEL)

#### I. INTRODUCTION

I would like to approach my subject in three ways: Youth and the Vietnam war: Youth and the Nixon administration: and a proposal for youth.

I'm aware of the complexity of the topic and the difficulty in generalizing about it. But I am even more aware of the need to understand what is going on with youth and to heed the signals that we are being given. My remarks are not to youth or for youth but about youth.

We still look without seeing and we listen without hearing. I deeply believe that we in established power positions in government, in business, in academics, in parenthood—miss, at our peril, the messages that youth are putting forward. Especially since I believe youth has something right and relevant to say. Let me explain.

#### II. YOUTH AND VIETNAM

There is a great deal more to the opposition of youth to the government's prosecution of the Vietnam war than the obvious (and correct) fact that it is their generation and not ours that makes up most of the casualties in the fighting. At least three central themes recur again and again.

First, despite the occasional cases to the contrary, the youth of today are essentially peaceful and constructive, socially aware and activistic, and are committed to making their idealism a living, vital force and not a facade.

Appalled by violence, they do not thrill to the Teddy Roosevelt view of the U.S. in world affairs. They see the wholesale killing of Vietnamese—combatants and innocents alike—as purposeless and insane. They are drawn to making the "live and let live" philosophy a reality.

In short they have seen through the absurdity of the tortured rationalizations for the Vietnam war.

Youth feels that the U.S. has no essential national interest in Southeast Asia.

At least not an interest worth 42,000 Americans; 106,000 South Vietnamese; and 630,000 enemy dead.

In the face of this, the President's decision to expand the war into Cambodia has brought a predictably severe reaction on the part of youth, as dramatized principally on campuses. The depth of the frustration of youth on this issue has been dangerously underestimated.

We must remember that while those of us who are inside the orthodox institutional power structure have some orthodox outlets for being felt on this great issue, the youth who are neither convinced of the worthiness of these institutions nor their capacity for change see their alternatives for venting their outrage as very narrow indeed.

Parenthetically it is interesting to note that if we had a parliamentary form of government along the lines of say, the British, such an issue as the President's recent action on Cambodia would be resolved rather rapidly—and not dragged out until the 1972 elections. There would be an up-and-down vote and the government would, be either sustained or struck down.

Second, they are a new and different generation that, unlike some earlier ones, does not see fraternity parties and the winning of

Saturday afternoon football games as the highest value—nor the U.S. role in the world affairs as an extension of competitive sports.

They don't blindly accept the Agnew image of an America with a "manifest destiny;" where "character" is demonstrated by talking tough and acting accordingly in world affairs.

And where loyalty is defined as believing the U.S. Government is always right in time of war and patriots are those who can be the most anti-Communist.

The youth of today want America to be a decent place to live and want government policies to have a basic decency to them. It is on these grounds that the youth of the country are concerned about civil rights, the degradation of the environment—and the war.

*In the third place*, they are not willing to talk one way and live another. The younger generation has a high regard for honesty and a great distaste for hypocrisy wherever found—in government, in universities, in churches, in parents.

They are skeptical of the vitality of ethics and morality because they see so little of this around them in government, in academics, in business. Youth is aware that the system has some great lies in it, and they're not satisfied to "paper them over" and play "let's pretend."

Even their music deals with the great concepts of peace, equality, love. And these ideas are treated not in the romantic sham of earlier decades, but in direct straightforward fashion. They are more interested in adding *life* to their years than *years* to their life.

How tragic it is that this terrible misadventure on the other side of the world in Indochina so completely contradicts youth's great themes of a peace-loving, decent, honest America. Clearly the awful fraudulence that surrounds our role in the Vietnam war is, for youth, enormously disillusioning.

### III. YOUTH AND THE ADMINISTRATION

Two weeks before the 1968 presidential elections, Richard Nixon addressed the Nation in a radio broadcast entitled "Today's Youth: The Great Generation."

His speech focused on the failures of the Johnson administration in its dealings with young America and proceeded to outline Mr. Nixon's solution—a national youth policy designed to bridge and close the generation gap.

Candidate Nixon hit hard on the theme that many young people refused to identify themselves with a society they considered to be impersonal, immoral, and unjust.

He advanced the view that Government and our educational institutions had failed to provide the kind of leadership and direction that challenged the idealism and enthusiasm of youth.

He agreed that many students were frustrated and felt powerless to influence events because the power structures failed to heed their concerns.

However, he reserved his strongest criticism for the failure of the older generation to listen and show respect for the opinions of our young people.

He stated, and I quote,

". . . for too few of us really listen to what young people are saying. We defend their right to speak up and dissent, we smile self-righteously at our own tolerance, and then we pay no attention to their message."

Candidate Nixon vilified the Johnson administration by saying, and I quote again, "In the long perspective of history, one of the most crucial failures of the past administration has been the breakdown in communications with the younger generation."

How tragic, in view of his knowledge, that candidate Nixon would so completely disregard his own advice once he had assumed the Presidency.

The promises of a national youth policy, an opening of communications with the young, and a closing of the generation gap have become the empty rhetoric of a presidential candidate.

Instead of lowering our voices and bringing us together, as he had promised, President Nixon has succeeded in gaining the mistrust of more and more young Americans.

By his failure to distinguish the legitimate concerns of a vast majority of young people from the unreasonable demands or the violent manifestations of a small percentage of radical elements, President Nixon has alienated a majority of young America—particularly on our college campuses.

He has badly misjudged the motives of our young people. He has failed to realize that our youth's concern is not prompted by a rejection of the ideals upon which this republic was founded but upon a desire to see those ideals fulfilled.

I believe the first brick in the wall of misunderstanding was laid last fall when President Nixon indicated that he would not be influenced in his Vietnam policy by the voices of dissent.

This wall of misunderstanding has grown higher with the divisive statements of the Vice President.

Mr. Agnew's continuing attacks on student protesters while primarily directed at those who advocate and participate in violent confrontation, nevertheless carried the implication that his criticism applied to all students.

At this point let me state that I abhor violence as much as the President or the Vice President. I do not condone violent tactics regardless of the cause.

Violence only begets further violence, and becomes counterproductive to the cause it seeks to advance. There is no redeeming value in the idea that the only way to build is to destroy.

I do not condone the burning of school buildings and banks, the humiliation of teachers, or the disruption of campuses.

Authority to protect rights, life and property, should be exercised without hesitation. Laws should be enforced not only in business and in government but also in our schools.

However, it is not enough to call out the police and the National Guard. Our goal should be to reunite our citizens and to defuse an already inflammatory domestic crisis.

We certainly cannot regain the confidence of young people and restore their faith in the American system of government by insulting them, talking down to them, shutting them out, and ignoring their views.

The events of the past several weeks have dramatized the gulf that exists between the Nixon administration and the young.

The President's choice of the word "bums" in describing some of our youth was received by most students as a reflection on the total student community.

This was followed by what many considered to be inappropriate remarks by the President on the occasion of the deaths of the four Kent State University students.

In addition, Vice President Agnew indicated that if it wasn't the war, the students would be demonstrating about something else.

Unfortunately, this kind of statement is a direct challenge to the sincerity and motives of our young people and they resent it.

It should be noted that today's young people have grown up in an "electronic world", characterized by accelerated technological development and the rapid dissemination of information.

Consequently, our young people are more aware, better informed, and more mature than generations past.

I am sure of one thing, students will always be turning from one cause to another; I would be greatly concerned if they were not.

I think young people deserve credit for expressing their views on the vital issues facing this Nation.

I am distressed with the Vice President's implication that America's problems are not the concern of the young.

Against the background of the President's campaign promises, the only visible undertaking of this administration regarding young people is a one-week White House conference on children and youth to be held in mid-December.

President Nixon has discarded the national youth policy he proposed as a candidate; I only hope that he will now heed the advice of his current youth adviser, Mr. Stephen Hess, who advocated a national youth policy in a speech delivered on February 5, 1970.

Mr. Hess stated at that time, "It is clear to those of us who have begun the planning and work for the White House conference on children and youth that there must be a national youth policy, a policy designed to meet the legitimate demands of the young, and use their legitimate talents for the national benefit."

It should be noted that any action even if taken tomorrow, will still come late in the President's second year in office.

I will not confine my criticism to this administration alone for some youth have been similarly irresponsible.

Too often, and to their detriment, some young people engage in irresponsible acts while attempting to achieve a worthy objective.

To deny others the right to speak or to do violence to others and their property is hardly compatible with the goals they seek.

Youth has an obligation to be tolerant, to listen, and to examine subjects in depth.

While young people demonstrated their effectiveness in Senator McCarthy's campaign, their participation in the elective process has for the most part been limited. The unhappy fact is that young people have poor voting records.

In 1968, only 51% of young people under the age of 25 exercised their voting privilege compared with 75% of those in the 45 to 64 age group.

It is obvious that young people have a lot of catching up to do. I would urge them to become more active in politics through the use of their organizational talent.

They should run their own candidates for office and most importantly they should just plain get out and vote.

I would hope that young people would continue to work within the framework of our institutions and understand the "revolutionary" concept that it only takes 51% of the vote to accomplish dramatic and total change.

However, our present dilemma is to find ways for young people to participate within these institutions. And to find vehicles for the expression of their energies.

There are over 39 million young people in the United States between the ages of 14 and 24.

They represent almost a fifth of the total population.

It should be obvious that our ever-increasing and well educated young population should be afforded the chance to participate actively in the solution of our many domestic problems.

Unless we channel their energies, commitment, and involvement to the challenges facing our nation, we will continue to see their efforts dissipated in other directions.

In their impatience, young people tend to measure success or failure by whether their views are accepted today rather than next month or next year.

In talking with young people, I find that they downgrade their accomplishments and

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fail to recognize the impact they are having in America today.

### IV. YOUTH AND A PROPOSAL

I believe in young people. If we have the foresight to let them, I am convinced that they will make enormous contributions. They already have.

If it were not for their criticism and pressures we would not be where we are today in beginning to change our Vietnam policy.

No voluminous research or lengthy studies are necessary to arrive at common sense approaches for involving the youth of this Nation in a whole host of voluntary and channelized efforts.

It is my conviction that this country needs an agency for youth affairs. An agency at the highest level of government.

Certainly there must be room within our representative type of government for one of the largest segments of our population.

I am, therefore, preparing legislation which would establish a youth affairs agency. In developing this measure I would first want to solicit the views of young people as to the role they might envisage for such an agency.

My consultation to date with youth groups indicates that the proposed youth agency should establish communications with every sector of the youth community.

These consultations with youth indicate a similar need for youth agencies or youth advisers within the government structure of each of our 50 states and possibly in many of our cities.

There are many opportunities for young people to have an impact in various areas of our society—such as protecting and cleaning up our environment, working with underprivileged youth, participating in community work, bridging the cultural gap of our disadvantaged by broadening the experiences of art and music, and in other constructive undertakings that young people consider important.

The possibilities for the involvement of youth are limitless.

Most importantly, such a program would insure that the views of youth are heard and translated into activities that provide young people with the opportunity to participate in a meaningful way in our government and our society.

Our youth should be a part of the decision-making process at every turn and at the earliest possible time. To take any other stance in corporations, colleges, government—in all our institutions—is at the very least shortsighted and at the very worst extremely dangerous.

We have the responsibility to make the system respond, not just to satisfy or appease our young people, but in the wisdom that their enthusiasm, energy, and talent will benefit us all.

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## AGRICULTURAL AND OTHER DEVELOPMENTS IN ASIAN NATIONS

Mr. BELLMON. Mr. President, as a participant in the recent meeting of U.S. agricultural attachés in Canberra, Australia, which I was privileged to attend, I was impressed by the wealth of information regarding agricultural and other developments in Asian nations. This meeting proved to be a valuable opportunity for our agricultural attachés to be brought up to date on agricultural development in this country. The address of the Honorable Andrew J. Mair, Deputy Assistant Secretary of Agriculture for International Affairs sums up this information. I ask unanimous consent that this speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

### REMARKS BY ANDREW J. MAIR

It is a pleasure for me to be with you in this first year of the 1970's—an anniversary year that has special meaning in the history of Australia. It is also a special privilege to bring you greetings from Assistant Secretary Palmby. He had hoped to attend the conference, but was unable to do so. He joins me in wishing you the greatest success in your efforts on behalf of American agriculture in the months and years ahead.

We all recognize that the work of the Agricultural Attache is extremely important, and no one understands this better than does the Secretary of Agriculture—Clifford Hardin. Not long ago, he made the point in this way: "Our agricultural attaches have played a key role in maximizing U.S. farm product exports. They have helped tremendously in doubling commercial farm product sales abroad—which have contributed a net of $4 billion to the balance of payments since 1960." The Secretary went on to say that: "More than ever, we need attache reporting to keep us on top of the greatly increased competition we are getting on wheat, cotton, rice, fruits, and other products."

In the 1970's the attaches will be called upon to meet a variety of problems in the countries where you serve.

Your farm lands range from paddies to dry plains, agricultural techniques from the most primitive to the most sophisticated, and economics from developing to developed.

But with all their differences, change is one constant common to each of the countries. In my opinion, how well we can anticipate these changes and how well we prepare for them, and how quickly, and how wisely, we react to them will determine the future of American agricultural exports—not only in the Far East and South Asia, but all over the globe.

Japan is a prime example of what change can mean. Ten years ago, Japan's Gross National Product was $25 billion on a constant price basis; last year it was $141 billion. Per capita income was $1,400 in 1969, $500 more than it was just four years ago, and the Japanese have reacted as people everywhere to rising incomes—they want more food and better food. Japan has become our farmers' best single cash export market.

Taiwan is another example of rapid change. A captive island a quarter of a century ago, it has begun to move almost as rapidly as Japan, changing from a P.L. 480 outlet to a commercial market of good potential.

Its rate of economic growth is among the highest in the Far East, and industrial expansion has overtaken and passed agriculture as a factor in Gross National Product, which reached $4.8 billion last year. Per capita income has doubled in 10 years.

Wheat production in Taiwan is declining, while consumption is rising. There is a new Swine Institute to improve hog production. The implications for American wheat, and soybeans, and feed grain producers are obvious, but there are more as diets and incomes improve. Raisins, for example, are catching on in Taiwan—and this is a country that is one of the world's largest exporters of fruits and vegetables.

Similar conditions, but in an earlier stage, prevail in South Korea. Gross National Product in 1969 was $4.5 billion, up almost 16 percent from 1968. Per capital that figures to $145 compared with $134 a year earlier.

As industry has carried that bill in Korea's economic expansion, there has been a shift to urban areas, and rising incomes are generating growing and changing demand for food.

I have mentioned these three countries briefly because I think the patterns of growth, of change, that they represent will be repeated sooner or later throughout this vast area which we are concerned with at this meeting, and because I think we in the Department of Agriculture—in Washington as well as in the field—cannot afford to mire ourselves in the daily problems of this area at the expense of planning for the future.

When you look at the growth in national economies around the world, you find a great many parallels to what has happened and is happening in the United States—increased urbanization, industrialization, and increased purchasing power based on solid economic growth. There is therefore, an opportunity to expand over-all world trade in farm products, with advantages to both exporters and importers. This is our challenge, as we work to expand U.S. exports and to lower the barriers that restrict trade between nations.

One evidence of the growth in purchasing power is the burgeoning demand for meat in many parts of the world. In America, the demand for livestock and poultry products is certainly related to our standard of good living, and there is evidence that this is increasingly true elsewhere.

Because of the increase in demand, many countries are expanding their meat imports: Canada, Switzerland, Spain, Portugal, Japan, and the three major markets—U.S., Great Britain, and the European Community.

Production of beef and veal is rising almost everywhere in the Free World, and world trade reflects this. In Eastern Europe, there seems to be a general meat shortage, and this has brought some interesting turns in the meat trade, particularly in pork.

But the point is that economic growth in other countries is bringing change in food preferences and effective demand. The U.S.—as the world's most efficient producer of grains and soybeans—should be in a position to have a part in this growth. Our export future in those commodities depends on our success in meeting this opportunity.

For example, Taiwan's per capita consumption of meat is more than double the consumption in Japan. And if Japan's consumption per person could be raised just to the Taiwan level, it could mean a doubling of Japan's need for feed grains. Growth potentials might be even greater in other Asian countries.

So it is apparent that a world of rising economies and rising expectations offers at least the long-run potential for a large expansion in the use of feed grains and meals. This is an opportunity for U.S. agriculture as an efficient producer and exporter of these commodities.

I would like to take this opportunity to recognize, on behalf of the Department of Agriculture, the fine working relationship this Administration has had with the officials of the Department of State. Philip A. Trezise, Assistant Secretary for Economic Affairs, and many others have provided very valuable assistance in working out our complicated trade problems. We have also had excellent support from the Office of the Special Representative for Trade Negotiations in the White House. Our relationships have never been better.

I am pleased to be able to report to you that one of the most valuable export tools we have had in this region is expected to continue to play its vital role.

I am talking about Public Law 480. It is evident that most price support commodities will be available in substantial quantities for concessional use and there will be continuing need for food and fiber in developing countries. Although the volume of P.L. 480 activity has declined somewhat in recent years, shipments under the program still represent about one-fifth of U.S. agricultural products moving to foreign markets.

A three-year continuation of the program appears quite certain. Legislation which

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would extend P.L. 480 in its present form through 1973 has cleared the House Agricultural Committee. One of the reasons for a reduction in shipments under P.L. 480 during 1968 and 1969 has been the encouraging gains in grain production in some of the recipient countries. However, even as these nations move toward improvement of their agricultural systems, they continue to require outside food aid for a number of reasons. Technological problems in drying the grain and preparing it for storage must be solved. Storage, transportation, and distribution systems must be improved. Rising populations and increasing incomes keep a constant and increasing pressure on food supplies. And, there remains the universal uncertainty of the weather.

I might speculate on what the future holds for P.L. 480. It looks like the major programs will be found in the Asian countries—in South Vietnam, Indonesia, India, Pakistan, and Korea. We can foresee that the so-called "Green Revolution" will remain somewhat uneven and incomplete and there can be more setbacks, such as in Pakistan and Turkey where grain self-sufficiency had already been proclaimed but now we see continuing P.L. 480 wheat programs for these two countries.

It also looks as if we will be under continuing expenditure constraints, as P.L. 480 must compete with urgent domestic programs for funds. We will face hard choices as to the use of resources, not for the lack of commodities but for the limits of funding.

With this money squeeze, we will be under pressure to obtain the maximum return to the U.S. to the extent this can be done, consistent with P.L. 480 objectives. And we will stress market development at every opportunity. The money squeeze also dictates a worldwide policy to limit ocean transportation financing to the differential cost between U.S. and foreign flag rates. Having said this, we still can foresee a viable program that may run about one billion dollars a year, a program with a mixture of different influences such as market development, self-help, food aid and good will. We can envisage a challenging period ahead of us to preserve the P.L. 480 tradition and achievements of the past.

There is another important aspect of our work to which I should like to direct your attention—that is our participation in the international intergovernmental organizations in which the U.S. holds membership.

These organizations are a product of the 20th Century. The first intergovernmental organization in the field of agriculture—the International Institute of Agriculture—was formed only in 1905. The Food and Agriculture Organization, or FAO, into which the assets of the now defunct Institute were absorbed, will be celebrating its 25th anniversary in October of this year. As a member of FAO, and a number of other intergovernmental organizations that deal in one way or another with agricultural matters, and as the major financial contributor to these organizations, we still have a great deal to learn about using them effectively—and thus getting the maximum return on our investment in them. If we are to use them most effectively, it will be necessary for you as Agricultural Attachés to become increasingly informed about their activities and to become more involved in our activities relating to them.

I have mentioned FAO, and would like to say a bit more about it. Among the many organizations in which we participate, it is most important for a number of reasons:

It is the largest and most influential body dealing with international agricultural matters. It comprises 119 member countries and two associate members.

It is the leading organization in giving technical assistance to developing countries in the agricultural field, and as such is the largest user or UNDP funds.

Through a cooperative program with the World Bank (International Bank for Reconstruction and Development), it has an important influence on the channeling of more funds into loans for agricultural development around the world.

FAO, jointly with the UN, sponsored the World Food Program, through which substantial quantities of food are now being used in support of agricultural development.

In cooperation with the UN, it maintains an Agricultural Division jointly with ECAFE, in Bangkok, where the agricultural economic problems of the Asia and Far East Region are studied.

In the commodity field, FAO through its Committee on Commodity Problems and the various working parties of that Committee, provide the primary forums for discussion of commodity situations and trends in international trade.

And finally, FAO is the major source of international statistics on food and agriculture, and its many economic and technical publications are important sources of information not only to us but to all the member countries of the organization.

We are concerned with many other international organizations as well but, since FAO must be our chosen instrument for broad international action in the field of agriculture, it is important that you keep yourselves fully informed of its activities, and of the attitudes of the countries in which you are stationed towards those activities.

I might say that there has been growing, within some members of FAO, a feeling that the developed countries should substantially curtail their inputs to agriculture in order to accommodate the export ambitions of the less developed countries. The United States has expressed very serious reservations about this kind of assumption.

Last November, at the 15th Annual Conference of FAO in Rome, Assistant Secretary Palmby put it like this:

"Many of the high-income nations are efficient producers of the food and fiber that the entire world wants and needs. That is true of several major commodities produced in the United States. As an advocate of liberal trade, the U.S. wants to export the production in excess of domestic needs that its efficient agriculture has made possible. The U.S.—and I am sure the same is true of other efficient producing countries—could not curtail inputs to efficient sectors of its agriculture in order to permit other countries to expand their output." (The words of Secretary Palmby.)

Now let me report briefly on what is happening on farm policy and programs back at the ranch and then I will close.

The House Agriculture Committee bill is the culmination of many months of work on a bi-partisan basis to produce legislation that is sound, workable, and passable. In addition to dairy and wool provisions, pilot land retirement, and extension of P.L. 480, the bill would put into law the new approach that we call "set-aside."

The set-aside would eliminate the old individual crop-by-crop controls, and would provide instead a single set-aside of acreage which a cooperating farmer would agree to keep out of production. In addition, he would maintain his conserving base.

Beyond his set-aside and his conserving base, a farmer would have a maximum choice in growing whatever he wishes on his remaining land. An exception would be that he could not use this program to expand his acreage of crops still under quota—rice, sugar, peanuts, or tobacco.

For example, a farmer with a wheat allotment and a feed grain base would no longer face individual restrictions on the wheat he could grow or the corn he could grow. Instead, he would agree to put into set-aside a portion of his tillable acres or base, maintain his conserving acreage, and beyond that choose to grow all wheat, all corn, all soybeans, or all something else on his remaining acreage.

In return for this participation, the farmer would be eligible for a commodity loan on all of his production of these crops and an additional income payment in a part of his crop related to his share of the national domestic market, a portion of which would reward him for land diversion.

The purposes of this proposed legislation can be summarized under these three major objectives:

1. To make the most effective possible use of those Treasury funds that can be channeled into agriculture. To use these funds to strengthen farm income, stabilize supplies, and expand markets.

2. To provide increased opportunity and flexibility to farmers to specialize in those crops which will maximize their net returns. To enable these farmers to do the kind of farming they are best prepared to do—by ability, desire, land, equipment, and other capital.

3. To expand exports by making our commodities as competitive as posisble in quality, availability, and price.

The idea is that the loan should be at a level to permit commodities to move into use—*not* so high as to provide an umbrella over world production as we have had it so often on some commodities in the past.

As the bill is now written, it would provide for a three-year program with average prices received and payments totaling $2.77 a bushel for domestically consumed (for food) wheat, $1.35 for corn, for 50% of feed grain base, and 35 cents a pound for cotton produced on 11.1 million acres.

The proposed set-aside legislation is based on the proposition that we want an agriculture capable of responding to changing markets. The bill must, of course, be one that Congress will accept, or all our effort is for nothing. And, it must be within an acceptable range of cost.

There are other issues that are also important to rural America in 1970.

*One is environment.* E-Day or Earth Day or Environment Day—which was April 22—was primarily an outgrowth of a new concern among young people. However, it is part of a general concern that has more or less exploded in the past year or two—a concern that the planet may be permanently damaged or defiled if we do not move quickly against pollution and destruction of air, land, water and other resources.

This effort is moving on many fronts. The resource agencies of the Department are involved—SCS, ASCS, Forest Service, and others. Research people are also engaged in efforts to assure minimum damage to the environment from farm chemicals and wastes—while at the same time assuring adequate production from an agriculture that is not tyrannized by insects and disease.

*Another immediate concern is rural development.* Secretary Hardin and all of us are concerned that opportunities be developed within rural America to give people a choice of where to live. If present trends continue, all of the 100 million people added to our population in the next 30 years will wind up in the steadily worsening congestion of major cities. The implications of such an "anthill society" are, to say the least, frightening.

These are some of the concerns that engage the attention of Secretary Hardin and others in the Administration—as we look to new policies for rural America in the 1970's.

## ENDING THE WAR

Mr. HARTKE. Mr. President, Roger Hilsman, former Assistant Secretary for the Far East, has written a most informative and suggestive article about Vietnam for the New Leader of April 27, 1970.

**Mr. Hilsman emphasizes the obvious point that President Nixon's Vietnam policy "represents a decision to continue the war, not to end it." Even accepting the most optimistic of the administration's assumptions, the Nixon plan guarantees 5,000 to 10,000 American fatalities in the next 3 years with still 100,000 to 150,000 U.S. troops in Vietnam.**

**The United States still has an opportunity to achieve a negotiated settlement. Mr. Hilsman suggests that North Vietnam wants to negotiate because it wants to remain independent of Communist China. I ask unanimous consent that Mr. Hilsman's article be printed in the RECORD.**

**There being no objection, the article was ordered to be printed in the RECORD, as follows:**

### THE WAY OUT OF VIETNAM

(By Roger Hilsman)

President Nixon's policy of "Vietnamization"—a gradual withdrawal of American troops, concurrent with an increase in the amount and quality of aid to South Vietnam—is based on his hope that Saigon will be able to continue the war completely alone, or at most with the aid of U.S. air and artillery forces. The reduction in American casualties, it is believed, would not only mute the opposition at home, but make it possible to wage a "long-haul, low-cost" war. Meanwhile the North Vietnamese and Vietcong, unable to bear the continued casualties and cost over a period of years, would be forced, in Henry Cabot Lodge's words, either to "fade away," or work out a settlement on Washington's terms—presumably a Korea-type arrangement that leaves the South in the hands of a pro-Western, anti-Communist government.

According to the best information in Washington following the April 20 announcement of the withdrawal of 150,000 men this year, the Administration plans to reduce the troop level very little in 1971, to about 250,000. That will enable Nixon to withdraw another 50–75,000 troops in 1972, the Presidential election year, and to announce immediately before the election that he intends to bring home an additional 50–75,000.

This is very shrewd politics, to be sure, but it ignores the larger consequences. The monetary cost will be high, somewhere between $100–150 billion. Much more significant, though, is the probable toll in American lives. For although Nixon's plan will reduce U.S. casualties, we can nevertheless expect 5–10,000 fatalities in the three-year period. The figure, in fact, might well go higher, because in the final analysis, the President's program represents a decision to continue the war, not to end it. When all the reductions he is reportedly scheduling have been made, there will still be between 100–150,000 U.S. troops in Vietnam. And this means that in a year or two, the North Vietnamese and the Vietcong will feel compelled to launch a major offensive directly against the Americans.

There are, of course, a number of other very grave drawbacks to Vietnamization. But putting them aside for the moment, it is important to understand that there is an alternative: The Communists have made an offer for a more or less immediate peace on terms that many foreign affairs specialists find quite acceptable.

Indeed, for well over a year Hanoi and the National Liberation Front (NLF) have been issuing with increasing frequency a series of "signals" concerning different aspects of a possible settlement. Many of these have been sent out directly, by way of American newsmen, academics and others traveling in neutral countries or Eastern Europe. Some come through the embassy officials of various Communist nations or through their delegates at the United Nations. Finally, they are contained in public statements made by Hanoi and the NLF, and are transmitted during private conversations that take place in between the Paris negotiating sessions.

Often these signals are couched in subtleties of language that laymen may find confusing. Take, for example, the letter to Nixon written by Ho Chi Minh just before his death last September. In the past, it had been Communist practice to describe the "10 points" of the NLF peace proposal in such uncompromising terms as "the only possible solution." But the North Vietnamese President's letter referred to them as simply "*a* logical and reasonable *basis* for the settlement of the Vietnamese problem." [Italics mine. R. H.] If previous experience is any guide, the shift from "the" to "a," and from words like "only possible solution" to "basis for the settlement," was not accidental. Similarly, Ho made a distinction between the "population of the South" and the "Vietnamese nation"; seen in the light of other gestures, this suggests possible concessions on at least the timetable of reunification. Also encouraging was his mention of the need for finding a "path that will allow the United States to get out of the war with honor."

At times the signals are direct and clear. Thus in Paris, the Communists have rejected the notion of an electoral solution in the South in favor of an old-fashioned political deal—a negotiated settlement based on a coalition government. Although their propaganda continues to call for immediate, total withdrawal of U.S. forces, privately they have indicated that this could be phased over two or three years, which would permit a dignified departure and help insure a peaceful transition to coalition rule in Saigon. In addition, there are indications that Hanoi and the NLF would be willing to postpone reunification for a period of five to 10 years, and that the overall settlement could include international agreements guaranteeing the territorial integrity of Laos and Cambodia. All of these points, I might add, have been confirmed by representatives of Communist nations in close touch with Hanoi.

Interestingly, too, the Communist side once told W. Averell Harriman, our former chief negotiator in Paris, that after the war is over they would like to exchange ambassadors with Western nations, including the United States, and cited their friendly relations with the French in spite of the long struggle against them for independence. They also expressed interest in the so-called Mekong Valley Authority proposed by President Johnson. Harriman, who has had the longest contact with the other side, is convinced that had Johnson accepted the advice given him in the summer of 1968 to heed the enemy's signals for a coalition, a settlement could have been arrived at as early as that very September. He is equally convinced that if Nixon had been willing to move to negotiations on the same basis, peace would have been achieved by the summer of 1969.

What has not been explained, though, is why the Communists are willing to make a deal. It is very doubtful that Hanoi and the NLF have decided they cannot win. While they may be poorly informed on some aspects of American politics and excessively suspicious, there is reason to believe they can read the political signs in the United States well enough to know that President Nixon will find it impossible to return to a policy of escalation in Vietnam, and that even maintaining American air and artillery forces there may become politically difficult. In my own conversations with them in neutral countries and Eastern Europe, both the North Vietnamese and Vietcong pointed continually to their experience with the French, and expressed complete confidence that Washington would inevitably find the costs of the struggle out of all proportion to any possible U.S. interest. On the other hand, they argued, for their side no price would be too great: After all, it is their country. What impressed me most was the absence of stridency, the calm confidence with which they spoke. Surely Johnson's backing down from the 1968 Presidential race and Nixon's policy of Vietnamization have only served to strengthen their conviction that the United States will sooner or later withdraw.

Neither is there cause to believe the Communist side doubts it will prevail over the Saigon regime once the United States departs, or that it is wrong in this assessment. There is currently an upsurge of optimism in Washington about South Vietnam's ability to fend for itself, because the "statistical indicators" are more favorable than ever before. One would think that we have been around this particular race track too many times to be fooled again—the last wave of confidence based on this sort of evidence came just prior to the 1968 Tet offensive! The truth of the matter is that the "gains" implied by the statistical indicators are very fragile, since most of them have been made possible by the North Vietnamese forces simply pulling back or lying low. The initial purpose of the present lull was to signal a willingness to negotiate, as well as to respond to Nixon's troop reduction. But we now know that other Communist countries have been advising Hanoi to continue its relative inactivity until the U.S. phasedown is complete. In short, the North Vietnamese can dramatically reverse the entire situation by a decision to launch an offensive, or less dramatically by attacking the pacification effort itself.

The truly salient indicators in Vietnam are not statistical but political. And here the primary fact is that the Thieu-Ky government does not command the support of even all the non-Communist elements in South Vietnam. The second is that if a leader emerged who could unite and mobilize each and every non-Communist faction, the resulting alliance would prove no better than an equal match for the Vietcong alone, and would be vastly overbalanced by the Vietcong and North Vietnamese combined. My own feeling is that with the help of massive U.S. aid and air support, the Saigon regime will be able to offer resistance longer than some of its more ardent critics realize; in the end, though, it seems obvious that Thieu and Ky cannot win. North Vietnam may have its political and economic troubles, but the overwhelming evidence suggests that after 20 years of casualties, it has both the manpower and will to go on fighting for another 20.

So we are left with the question of motives. Why do Hanoi and the NLF want a settlement based on a coalition government when they must eventually win on the battlefield? Why don't they simply stick out the "long-haul, low-cost" war? The reason, I think, is Communist China. Thus far, the North Vietnamese have maintained their independence, even to the extent of suffering some very concrete punitive measures for going to the Paris negotiations against Peking's advice. And it seems perfectly clear that Hanoi is fiercely determined to continue to preserve its autonomy.

This attitude toward China on the enemy's part would seem to explain a number of things: the preference for negotiation as opposed to having the South fall into its lap; interest in the Mekong Valley Authority, and in friendly relations with the West; and the willingness to accept a phased withdrawal of U.S. troops and postpone reunification. A negotiated settlement formally agreed to by a dozen-odd signatories would act as a potent deterrent to China, regardless of whether it provides for an international police force. Peking has goals other than Vietnam, and is judicious enough to understand what the effects upon them would be were there a blatant violation of an agreement signed by a

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number of world powers, Communist and non-Communist. As for friendly relations with the West and cooperation in the Mekong Valley Authority, that would serve as an additional warning to China by guaranteeing a Western stake and presence in Vietnam. A phased withdrawal of American forces would further underscore the protective nature of the settlement, while postponed reunification would furnish time for healing wounds and forging a truly united Vietnam.

But if the North's signals are motivated by a concern about China, as I think they are, certain U.S. assumptions require reassessment. Foremost among these is the notion, expressed by Dean Rusk when he was Johnson's Secretary of State, that Hanoi is somehow a stalking-horse for Peking and therefore a negotiated settlement would advance Chinese aims. And second, there would appear to be little basis for Nixon's fear of a "blood bath" following the installation of a coalition government—a fear that was the foundation stone of the Vietnamization policy laid down in the President's November 3 speech. If the Communists do in the end come to dominate a coalition regime in Saigon, some individuals will undoubtedly be tried as war criminals—for instance, men like the secret police chief who shot an enemy suspect in front of an American TV camera. Then, too, in some villages where conditions are chaotic, there will be both Communists and non-Communists who will take advantage of the situation to settle old scores. But if Hanoi and the NLF want to preserve their independence of China, they will work toward reconciliation, for they will need to develop support among all elements of the population. The Vietnamese Communists also have a stake in maintaining the sympathies of the entire outside world, which any sort of blood bath would jeopardize—especially if Western ambassadors were present in the country. So it seems likely that their official policy will be one of no reprisals.

This view is confirmed by the expectations of persons who would otherwise be prime targets. Last year, I asked 12 non-Communist or anti-Communist Vietnamese professors and university officials what they would do if the Paris negotiations resulted in an NLF-dominated coalition. Would they go to France? To the United States? Each answered that he expected to remain in Vietnam and to continue in his university post. "What about reprisals?" I asked in some amazement. "Oh, there will be some harassment and sessions in self-criticism," was the usual reply. "But I expect to go on teaching and to draw my salary."

Yet President Nixon continues to turn away from the Paris talks, apparently because of two key issues: his insistence on free elections, and the Communist attitude toward the Thieu-Ky regime. He has declared that "anything is negotiable except the right of the people of South Vietnam to determine their own fate"; he feels this can only be exercised through elections, and the United States has indicated its willingness to negotiate a coalition election commission.

The Communist side, being deeply mistrustful of elections, rejects this position. In my own conversations with them, they argued that they have been cheated on this very point before: The 1954 Geneva accord called for an election, but it was never held. "We all know," they added, "how easy it is to manipulate elections in Asia, with the peasant population having so little schooling, and there is simply no way to hold fair elections where Saigon has troops." In the Communists' view, the way to insure the right of the people to determine their own fate is to permit the leaders of all the different political factions to form a coalition government, which might subsequently be ratified at the polls. A political arrangement of this kind, they feel, would meet Nixon's demand more realistically within an Asian context.

The emphasis on *all* political factions being represented leads to the question of the Thieu-Ky government. Hanoi and the NLF refuse to deal with the present Saigon regime, arguing that its leaders are not representative of even the *non-Communists*. What makes the problem so difficult for the United States is that many non-Communist South Vietnamese would agree. Moreover, no matter what policy we ultimately follow, a break with Thieu and Ky is inevitable. Since a popular South Vietnamese government would require more U.S. combat support than Nixon's Vietnamization policy contemplates, and would eventually need more U.S. troops than Washington is willing to give, this point is bound to be reached much more rapidly under the essentially unrepresentative Thieu-Ky government. Should Washington begin negotiating terms for a coalition government, the screaming would merely start sooner.

But whether the task is fighting or negotiating, the present Saigon regime is clearly too narrowly based. The initial step in any new U.S. policy must be to force Thieu and Ky to broaden the government. Once that is done, the problems of achieving a coalition will be greatly eased; the balance of the non-Communist forces not now represented in Saigon will themselves wish to move in this direction.

It does seem true, though, that the only possible alternative to a negotiated coalition settlement is Nixon's Vietnamization policy. The costs of either a return to escalation or immediate, unilateral withdrawal are clearly too great to be accepted. Even 2–3 million Americans might not be able to achieve a "victory" without invading North Vietnam, a course of action that would probably bring about intervention by the Chinese. While the consequences of complete withdrawal are less predictable, the step would certainly create a period of instability in Asia which in prudence we should try to avoid.

But the Nixon policy has too many serious deficiencies. The most important criticism has already been made—that it is totally unrealistic to believe Saigon alone can prevail against the combined strength of the Vietcong and the North Vietnamese. And since, as we have noted, the war is sure to be lengthened by the President's program, this means prolongation of the tensions here at home and a further polarization of American society.

Extending the conflict's duration also increases the chances of events getting out of hand and culminating in, say, Chinese intervention or a situation where complete American withdrawal is politically impossible. Indeed, Vietnamization puts the United States directly in Thieu and Ky's pocket; for if our pulling out is dependent upon their government's continued survival, then we give them a veto over both the rate and degree of our troop reductions. Equally significant, Nixon's plan overlooks the importance for the stability of Southeast Asia of an agreement, signed by all concerned, stipulating the future status of Laos and Cambodia as well as Vietnam.

This said, it must also be noted that although the Communists are signaling a deal which appears to be one we could live with rather comfortably, in the actual negotiations it might turn out that they have something in mind we cannot accept. The only hint of what they mean when they speak of a coalition came last November 14 when Mrs. Nguyen Thi Binh, head of the NLF's Paris delegation, said in a public statement that if General Duong Van Minh emerged as head of a "peace" cabinet in Saigon, "we are ready to begin conversations with him." Since the Communists have consistently refused to deal with the Thieu-Ky regime, Mrs. Binh's statement represents a break in the negotiating stalemate and may be a sign that the NLF would go so far as to accept a coalition headed by "Big" Minh.

If so, this would be very encouraging. For despite Minh's declared willingness to meet with the Communists, he is certainly neither pro-Communist nor a dove. On the contrary he is the South Vietnamese Army's senior and most popular officer, who led the 1963 coup against the hated Diem regime. He could form a non-Communist government far more representative than the Thieu-Ky regime, and hence one that would carry much more weight in negotiations and in any coalition that followed.

But we will never know precisely what the Communists have in mind unless we at least take the initial step of asking them to be specific. And this Nixon refuses to do—he rejects the principle of a coalition, and will not negotiate on that basis. If the foreign affairs experts who believe Hanoi and the NLF are offering an acceptable deal are right, his stand may prove as tragic as the decision to make Vietnam an American war in the first place. For recent events have greatly increased the possibility of a frightening escalation, with the conflict spreading into both Cambodia and Laos. Until just a few weeks ago, the Communist positions on Laos and Vietnam were clearly quite similar. The Pathet Lao had indicated a readiness to renegotiate a neutralized Laos, and after retaking lost territory on *their* side of the 1962 cease-fire line in their winter offensive, they halted and put forward a set of proposals to reconstitute the old coalition agreed to eight years ago.

The March coup in Pnompenh, however, which replaced the neutralist Prince Sihanouk with an anti-Communist military dictatorship, may upset everything. To pursue their combined guerrilla-political strategy, the NLF and the North Vietnamese need to use the jungle terrain in Cambodia, where they have large forces. They may be willing to tolerate Premier Lon Nol's cutting off their access to local rice and the arms and supplies they have been receiving through the port of Sihanoukville. But any attempt by the undertrained, underequipped, 35,000-man Cambodian Army to drive them out of the country might well lead to a Communist decision to attack Pnompenh or sponsor a revolt aimed at reinstating Sihanouk. American participation in such a Cambodian offensive would only make escalation more certain.

The sole redeeming feature of these events is that they provide Nixon with an opportunity to return to a policy of negotiation without political embarrassment. What we now face in Southeast Asia is an entirely changed situation that requires a fresh approach, and France's proposal for initiating a new set of talks—in effect, reconvening the Geneva Conference of 1954—could be the answer. The Communist side is currently negative to the idea. But if Washington came out in favor of the French suggestion, at the same time giving private assurances that it would accept the principle of coalition, the Communist attitude would quickly change.

There are fleeting moments when history allows statesmen an opportunity to alter the whole course of events, the chance for a creative act that could turn war into peace or enmity into friendship. Such an opportunity exists today, offering an honorable way out of Vietnam and the possible neutralization and stabilization of all Southeast Asia—if President Nixon would only seize it.

## JOHN GRAVES

Mr. **RIBICOFF**. Mr. President, the sudden and untimely death of John Graves has saddened us all.

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During his 6 years as assistant secretary for the majority in the Senate, John unfailingly brought patience, reliability, integrity, and good humor to his post on the floor of this Chamber.

He understood and cherished the traditions and ideals of the Senate and served his country and this body well.

I extend my deepest sympathies to his wife, Karen, his children, Cody and Caroline, and to other members of his family.

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## THE F-111 PROGRAM

Mr. PERCY. Mr. President, the Permanent Investigations Subcommittee, on which I serve, has recently completed another phase of hearings which began back in 1963 on the F-111 program. The fact that these hearings have been stretched out over such a long period of time bespeaks the vast complexity of the problems uncovered, the extent of continuing problems under the contract, and the dedication of the chairman, Senator MCCLELLAN, and the committee staff to pursue this whole issue until all the answers are developed.

For many of us in public office, the TFX debacle has been a source of national embarrassment and a cause for deep concern. Irrespective of where personal responsibility must fall in such a situation, the subcommittee has received an abundance of testimony indicating negligence at many levels in the Department of Defense, from drafting the contract, through scheduling the implementation, through receiving the nonconforming product, right down to meeting the terms of payment. Worst of all was the failure of supervision. At every instance, the Government, and, therefore, the taxpayer, has had to pay the cost.

It is both sobering and shocking to realize that, according to the original contract while each plane was supposed to have cost $3.6 million, the cost, so far, has jumped to $16 million per plane—nearly a fourfold increase.

We need not reiterate the whole story to know that tireless efforts were necessary to pull together all the pieces of information, an infinite number of loose ends, and pursue every possible lead to develop a clear picture of what actually happened on this project. This is the sort of information which we in the Senate must have if we are to avoid future large-scale waste. The public cannot and will not tolerate such squandering of the public moneys. I know this has been the chairman's and committee's commitment over the years of this investigation, and it is mine now as well.

Barron's, the national business and financial weekly magazine, has recently recapped the detailed findings of the subcommittee. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### INCREDIBLE CONTRACT—GENERAL DYNAMICS' GAIN IS THE NATION'S LOSS

As everyone over college age by now must know, the so-called military-industrial complex lately has been doing precious little profiteering. Even what used to be viewed as a legitimate profit has grown very hard to come by. Thus, North American Rockwell, which has developed a highly advanced avionics system (dubbed "Mark II") for the Air Force F-111, was jolted last month when investigators on Capitol Hill disclosed that owing to Pentagon-ordered (but not "approved") changes, the company's Autonetics division may lose as much as $500 million on the subcontract. NR's president quickly blasted the suggestion as "erroneous"—negotiations are still in progress (and "if litigation should become necessary, NR believes that it would prevail")—but he added that the company suffered a loss on the Mark II last year and "its best current estimate is a break-even position" on the program as a whole. Lockheed Aircraft, a prime contractor, tops the casualty list. Chairman Daniel Haughton last week told the annual meeting, hopefully, that contractual difficulties (on four separate programs, of which the most prominent is the celebrated C-5A jet transport) "one way or another will be solved." Meanwhile, however, Lockheed has "already shown a whopping deficit ($290 million in total writeoffs through 1969) . . . and I can't guarantee that our losses are at an end."

To the sombre roll call cited above there is one striking exception: General Dynamics Corp., prime contractor for the F-111 (formerly TFX) swing-wing aircraft. According to the latest projections, the U.S. will ante up at least $8.6 billion, for 547 planes, of which no more than 240 will be "serviceable" as originally intended. Yet General Dynamics still expects—informed sources in the Pentagon and Congress concur in the estimate—to wind up not with a loss but with a profit of over $300 million on its $6 billion share of the contract. At the moment, to be sure, all F-111s again have geen grounded (as a consequence of fatal crashes), and owing to recent test-program failures, the Air Force has held up some "progress" and "advance" payments. Nevertheless, according to expert interpretation, the terms of GD's unique contract make it impossible for the company ever legally to be found in default.

"There's no way the government can recoup its losses, no way the contractor can be held to account," Senator John L. McClellan (D., Ark.)—himself a lawyer as well as persistent critic of the TFX—told Barron's last week. Last month his Permanent Investigations subcommittee completed hearings (deferred since 1963) on the F-111 program. For the first time, the probers were given access to the contract and most of the documents pertaining to it, and could place the whole story in the public record. "As a lawyer myself, I have never seen a contract like this," the Senator said. "As things stand, we simply have to take what General Dynamics gives us and pay the price. In all my years as a member of Congress, it is the most sordid transaction I've ever encountered."

From its launching a decade ago, the TFX—first as development program, finally as flying machine—has been at once the most ambitious and disastrous in the annals of military aviation. It also has been kept one of the most secret, not always for purposes of national security; the facts, notably those involving the contract itself, have been a long time coming out. Even now, to be sure, key details remain obscure. As to the contract itself (two key contracts actually preceded the final "definitized" production version), no single author can be identified, even by Senator McClellan's dedicated staff; in the nature of things, large military contracts (particularly those of the Air Force) are the product of many hands and the result of lengthy negotiations. But several facts about this particular pact are clear. The award was made to General Dynamics Corp. instead of Boeing on the basis of neither cost nor technical superiority—Boeing's was the lower bid, while the Joint Chiefs of Staff unanimously opted for its design—but on the politically biased "rough judgment" of former Secretary of Defense Robert S. McNamara, backed by his civilian subordinates, notably Deputy Secretary of Defense Roswell L. Gilpatric.

The latter, who had served as counsel for General Dynamics immediately prior to joining the Administration of the late President Kennedy, his good friend, returned to his old law firm (and its corporate client) barely a year after the award was announced. During the long-drawn-out contract negotiations which ensued, "Roz" Gilpatric—known, according to a flattering 1965 profile in The New York Times, for "his deft touch with a defense contract"—has been second ranking partner in the prestigious New York law firm which, in turn, continues to serve as General Dynamics' general counsel. Mr. Gilpatric's record strikes some observers as a curious one; Senator McClellan goes further. Despite all demurrers—including one hastily drawn up nearly seven years ago by the Department of Justice, at the behest of then U.S. Attorney-General Robert F. Kennedy—the lawmaker told Barron's last week that, in his view, Mr. Gilpatric has been involved in a "flagrant conflict of interest."

As for former Secretary McNamara, now President of the International Bank for Reconstruction and Development, the sorry episode clashes violently with his burnished public image as hard-headed businessman. During the long contract negotiations, of course, this official bore the ultimate responsibility for protecting the government's interests, financial as well as military. Mr. McNamara once boasted of having been (at Ford Motor Co.) the second-highest-paid accountant in the United States, "paid for my judgment on contracts involving millions of dollars." Today, as head of the World Bank, he disposes of billions of dollars worth of loans and grants per year. Yet to judge by the voluminous evidence of the F-111 fiasco, amassed by the McClellan committee staff and others, Mr. McNamara, to take the most charitable view, emerges as a billion-dollar fumbler.

What's good for General Dynamics, in any case, has not been so good for the country. How high the final tab will run remains to be seen. "At this point in time," testified McClellan staff investigator Thomas E. Nunnally last month, "I doubt that anyone can forecast with reasonable accuracy the cost of the F-111 program." Its escalation to date, however, is amply documented. In April 1965, a letter contract was awarded GD covering 431 planes—this was the company's official go ahead to launch mass production (even though the research, development, test and evaluation contract was not then, and is not now, completed). Two years later, on May 10, 1967, the "definitized" production contract was signed, providing instead for 493 planes (a so-called strategic bomber, or FB-111, version had been added to the all-purpose mix) at a price of roughly $1.8 billion. As of last year-end, according to the McClellan committee, 240 of the total 516 contracted aircraft had been produced (of which 207 had been delivered). Meanwhile the Air Force, last October, told the Senate Appropriations Committee that for the then full-programmed "buy" of 668 F-111s, the cost would run to $8.5 billion; at the year-end, after 121 planes had been cut from the program, a Pentagon report indicated that the cost for a total of 547 programmed F-111s now was estimated at $8.65 billion. That's a nearly fourfold escalation. On a per-plane basis, the originally contracted average unit price of $3.6 million (or $4.5 million, including RDT&E costs) so far has jumped to $16 million. And the end—with at least 200 airplanes still undergoing radical design change—is nowhere in sight.

So much for the cost in treasure. Technically, the high-flying F-111's performance has gone nowhere but down. Originally

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slated as a bi-service plane, the F–111 lost its Navy configuration two years ago because—as every responsible flag officer had predicted long before the first contract was signed—it was grossly overweight and in other respects ill-designed for carrier operations. As for the Air Force (F–111A) version of the Tactical Fighter Experimental, operational specifications have been steadily downgraded. Here is how latest models of the plane compare with the contracted specs: takeoff weight, 82,500 pounds vs. 69,122 (a 20% deficiency); maximum speed at high altitude, mach 2.2 vs. mach 2.5 (12% too slow); combat ceiling, 58,000 feet vs. 62,300 (a 7% shortfall); takeoff distance (for a plane intended for launching from advance rough-terrain bases) 3,550 feet vs. 2,780 (28% too much); ferry range (distance the plane's fuel capacity will permit it to be flown from U.S. positions to forward bases) 2,750 miles vs. 4,180 (a 34% deficiency). In terms of combat maneuverability, the tactical fighter fares worst of all: supersonic dash distance of 30 miles vs. the specified 210 (an 85% deficiency); acceleration time (from mach .9 to mach 2.2), fully four minutes vs. the called-for 1.45 minutes.

Still more discouraging has been the performance of the FM–111, the strategic-bomber version launched late in the day by Secretary McNamara, as a calulated afterthought to save the TFX from total failure. Ironically, two of the Secretary's other early major decisions had been to cancel production of the General Dynamics' B–58 Hustler (thereby emptying the Fort Worth plant into which the F–111 then moved), and to scratch development of North America's B–70—against the advice, again, of Air Force experts—on the theory that ICBMs had eliminated the need for a strategic manned bomber to replace the Strategic Air Command's aging B–52. (Mr. Gilpatric, after leaving the Penatgon, was among the more vociferous advocates of that theory.) Sometime prior to signing of the "definitised" 1967 production contract, however, the Secretary changed his mind: the "all-purpose" TFX, outfitted roughly like the Navy version, he decided, could itself turn into a strategic bomber.

By last year-end, General Dynamic had built 20 of these and shipped nine; so enamored is the company of the "new" plane that its current corporate ads feature the FB–111 (over the F–111A) as "the next generation of strategic aircraft." Unfortunately, like virtually everything else in this curious product mix, the bomber also seems to be a bomb. Because of its essentially fighter-plane design, when the FB–111 is fully loaded with bombs (including those hanging on its wings, to give it B–52-equivalent punch), it has a top ceiling (when virtually empty of fuel) of 10,000 feet, against the B–52's 50,000 feet; when refueled, its maximum ceiling drops to 2,000. Fully loaded, moreover, its range (a still-classified but widely estimated figure) is just 3,000 miles, compared with the B–52's 6,000; accordingly, SAC's "profile" for an FB–111 mission (U.S. base to, say, Soviet target) calls for a one-way mission (landing in friendly overseas territory) and an enroute refueling (which, of course, doubles radar, vulnerability). Finally, to cover targets easily within range of the earliest models of the B–52 (long since obsolete), the FB–111 must fly at fuel-conserving speeds so slow as to make the plane virtually a sitting duck.

That's the dismal record of General Dynamics' super-plane aloft—where it hasn't been much lately. Last December 22, in a routine training flight over Nevada (at speeds well within the TFX's modified capabilities), an F–111A lost a wing and plunged into the desert in a fiery crash that killed both pilots. The tragedy ran the toll of F–111 accidents to 18, including 13 crashes and nine fatalities. It also led to the most recent grounding of all F–111s (except seven special models now being test-flown), which, the Air Force has announced, won't be lifted until each plane has been checked out for the faulty wing. (Just last week, another F–111 wing structure, undergoing on-the-ground fatigue tests, cracked at the equivalent of 7½ years' "standard flight operation." The specified requirement is a minimum of 10 years' safe service life. An Air Force spokesman said: "The test did prove that the aircraft has many years of use during which a fix can be devised.") Technically, the grounding and test program means that the Air Force is not formally accepting F–111s now coming off the production lines; hence, "advance" payments on these aircraft, requested recently by the contractor, are being withheld.

Withholding payments? Is General Dynamics then about to suffer the fate of Lockheed, et al.? Not at all. One of the interesting things about the F–111 production contract is that even though planes are not now being accepted, the government continues to make 90% of the "progress" payments during their assembly—which goes on uninterrupted. (The Fort Worth plant, indeed, has received kudos, and incentive bonuses, for its production records: "the more planes that get built, the fewer can be cancelled," a Washington cynic noted last week.) Only GD's remaining 10%, roughly equivalent to its profit, is being held back during the investigation. The company has asked that these payments be advanced, but the Air Force, after "thorough consideration of all the equities involved," has said no.

General Dynamics, in truth, has a defense contract which is extraordinary on any count. Only an expert in such matters can pretend to an easy interpretation of its unique complexities. Fortunately, for the sake of the records, the McClellan Committee boasts such an expert. John J. Walsh, a staff investigator since 1963, was assigned by Senator McClellan in 1967 "to make a review of both the Research and Development contract and the later Production contract awarded to the General Dynamics Corp. for the F–111 airplane . . .". He testified last month . . . "I updated the review before this hearing. To summarize briefly the results: I found that although certain basic aircraft procurement items are 'guaranteed' in the contracts, the 'guarantees' have no practical significance."

Mr. Walsh's years of investigation deserve far more than a brief summary. Here are his major conclusions, in testimony last month before the McClellan Committee, and in devastating detail:

"1. The record clearly shows that when the R&D contract was definitized in 1964, there was strong evidence that the design of both the Air Force and Navy F–111 planes would likely fail to produce on acceptable aircraft. Aeronautical experts were giving clear warnings that the performance set out in the specifications could not be met without major redesign of the airframe.

"2. The performance items in the specifications were stated to be 'guaranteed' but the 'guarantee' was little more than window dressing. The penalties for failure to meet these 'guarantees' were negligible in amount compared with the total cost of the program. Many of the 'guarantees' did not call for any penalty at all. Moreover, the 'guarantees' contained built-in contingencies and there was no time schedule in which they had to be met. This, for all practical purposes, resulted in the unenforceability of the 'guarantees.'

"3. The R&D contract was written in such a way as to make termination for default for performance deficiency a practical impossibility. . . .

"6. The government approved first a letter contract and then a definitive contract for production quantities of F–111 airplanes without binding performance specifications. General Dynamics was authorized to manufacture planes and has, in fact, delivered 207 aircraft and has 226 planes in production. By failing to include a binding performance specification, the Government is precluded from terminating the production contract for default for performance failure.

"7. The production aircraft delivered have been accepted by the government contingent on their meeting performance specifications which will 'evolve' from the R&D contract. After more than seven years of effort under the R&D contract, this 'evolution' has not taken place nor can any date be set in the foreseeable future when it will take place.

"8. The 'evaluation' requires, among other things, a detailed negotiation on thousands of engineering changes . . .

"9. Once this is done, the Government will downgrade the basic performance specifications in the contract. It then must be determined whether the hundreds of aircraft delivered meet this downgraded specification. If they do not, then the Government will have to determine on each plane the extent of and the reason for the deficiency. The Government will then attempt to negotiate an 'equitable' reduction in the price. The difficulties in this process are obvious.

"10. The Government now finds itself with 141 F–111As which are permanently limited in use because of the inlet and an underpowered engine. Further, all the planes delivered to date face the possibility of structural defects in the carry-through structure and the wings. The Government may be saddled with a multimillion-dollar retrofit program to make the planes delivered to date safe to fly.

"11. None of the 493 production planes delievered or on order will meet the performance required in the specifications . . . 'Mission requirements,' however, are undefined and will apparently be tailored to meet the actual performance of the F–111s on delivery. In any event, the 'mission requirements' will be severely degraded from that promised in 1962. For an expenditure of about $9 billion the Government will receive at best 240 useable planes with a capability greatly scaled down from the original specifications."

The incredible part, to sum up, is that the U.S. evidently has no recourse. "The actual situation," Walsh concluded, "is that General Dynamics has manufactured and delivered hundreds of production airplanes without a binding performance specification. . . . The possibility of protecting the government's interests in such a negotiation (which has not even started yet) appears to be exceedingly remote. . . . The responsibility for this failure extends to the highest level in the Department of Defense."

## DISTRICT OF COLUMBIA CRIME BILL

Mr. BAYH. Mr. President, I wish to offer my comments on the version of the District of Columbia crime bill passed by the other body and to urge the Senate conferees not to yield in their discussion of the crucial provisions contained in this bill.

Mr. President, the Constitution of the United States is truly a remarkable document. In times of peace and tranquillity, the people, and their representatives, have admired and respected its principles and the values embodied in its provisions.

But the true test of the Constitution's durability—the true test of any constitution's durability—is its ability to endure during times of emergency and periods of social unrest.

In such times, our Constitution has performed well, and our people have demonstrated that the rights and free-

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doms contained in the document are firmly embedded in the conscience of the Nation. There have been lapses, to be sure. During World War II, many Japanese-Americans were unjustly imprisoned and deprived of their property. But, on the whole, the wisdom of the Framers has prevailed.

I suspect that a time of testing is again approaching if, indeed, it is not already upon us.

I need not repeat the statistics which appear to indicate that the Nation as a whole and the District of Columbia in particular have experienced an enormous and rapid rise in crime. Whether these statistics are merely reflective of improved reporting procedures or whether they do in fact indicate a true rise in the crime rate or a degree of both these factors is not important at this time. What is important is the fact that the statistics have focused public attention upon the crime problem and that they have given rise to urgent demands for action.

Mr. President, I agree that we must take action. But we must take care that we do not, through design, haste, or oversight, forget the values and principles upon which this Nation is founded.

I am afraid that many provisions of the version of the District of Columbia crime bill adopted by the other body violate these principles, I believe that these provisions are either unconstitutional or extremely unwise.

One provision which has received much attention is the provision dealing with what has been termed "preventative detention." This provision provides for 60 days detention of criminal suspects who are alleged to have committed a "violent" or "dangerous" crime prior to their trial.

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Mr. President, this provision appears to be very unwise to say the least. There is little evidence to justify a belief that its enactment will reduce the crime rate. At most, its enactment will result in increased court backlogs and the unnecessary incarceration of innocent persons.

More importantly, this provision, which goes far beyond the common law, raises serious constitutional questions when considered in light of the eighth amendment's guarantee of "reasonable bail," the sixth amendment's guarantee of "access to counsel, and the opportunity to participate in preparation of a defense," and the fifth amendment requirement of "due process."

Another provision which has provoked a great deal of discussion is the so-called "no-knock" provision. This portion of the statute provides for immediate police entry into private homes without knocking and without identification when the officers act in the "reasonable belief" that evidence is likely to be destroyed or when notice would be "a useless gesture," whatever that may mean.

Mr. President, one of our more sacred rights is the right to be secure in the privacy of our own homes. This right, protected by the fourth amendment, is placed in grave jeopardy by the "no-knock" provision which, again, goes far beyond the common law.

Unfortunately, the danger to the fourth amendment does not result solely from the "no-knock" provision. The amendment is further endangered by those sections of the bill dealing with wiretapping and with the performance of chemical, medical, or scientific tests or experiments on any person who happens to be present when a search warrant is executed.

The provisions governing wiretapping are especially pernicious. They make no exceptions for ordinary privileged communications, such as doctor-patient, priest-penitent, and lawyer-client, and go far beyond the limits established in the Omnibus Crime Control Act of 1968.

In addition to these highly dubious provisions, the bill contains sections which are retrogressive in light of modern theories of criminology.

Most authorities agree that of all those who engage in criminal acts, youthful offenders are the most susceptible to rehabilitation. Despite this, the bill makes no effort to improve the juvenile code. Rather, the bill does much to destroy the advances which have already been made.

The bill makes trial as an adult mandatory for those between 15 and 18 under certain conditions unless the child proves that there are reasonable prospects for his rehabilitation. Once a child has been tried as an adult, he can never again be tried as a juvenile, even if he is acquitted.

Assuming the child succeeds in proving that there are reasonable prospects for his rehabilitation, a reversal of the prior requirement that the Government prove that there is no prospect that he will be rehabilitated, he is tried in a manner which will permit a declaration of delinquency upon a preponderance of the evidence rather than upon evidence which establishes his delinquency beyond a reasonable doubt. Finally under the bill, a juvenile sent to a juvenile treatment facility can be easily transferred to an adult prison facility without the benefit of the procedural protections provided an adult before being sentenced to prison.

All of these provisions clearly constitute a step backward and their enactment should be strenuously resisted.

Two other extremely unwise provisions deserve mention.

First, the bill requires mandatory life imprisonment with no parole for 20 years and no suspension or probation at all upon conviction of a third crime. This third crime, as the distinguished senior Senator from North Carolina has noted, could be "tampering with a gumball machine."

The elimination of flexibility is clearly undesirable. Suppose a man is convicted of two crimes in his youth and is subsequently convicted of tampering with a vending machine. Should this man be sentenced to life imprisonment? Rather than permit injustices such as this to occur, prosecutors will not prosecute and juries will not convict, and thus the type of crime will in many instances go unpunished altogether.

Second, the bill provides for the transfer of the Lorton facilities to the Federal Bureau of Prisons. This provision will result in an unnecessary bifurcation of responsibility in that women convicted of crimes in the District will be sent to facilities under the jursdiction of the Federal Government. This transfer, which will be of no benefit to the District or the Federal Government, should not be permitted to occur.

Mr. President, I have discussed today only a few of the pernicious features of this bill. Many of these features were included in the bill for the first time by the other body and have not been separately considered by the Senate. The remaining provisions are far broader than the versions adopted by this body and, as such, are either unconstitutional or very unwise.

Mr. President, the people of the District of Columbia are not second-class citizens. We cannot permit them to be treated as such and we cannot allow these provisions to become a model for the Nation. I urge the Senate conferees not to yield on these provisions. We can and must deal more effectively with the increased problem of crime and violence. But surely we have the responsibility and the ingenuity to do so in a manner which will not do irreparable damage to the constitutional fabric of the American system.

## ENLIGHTENMENT BY THE PRESS

**Mr. CURTIS.** Mr. President, I wish to report a degree of enlightenment that I never thought I would attain.

It is not every day, you know, that I read the Washington Post.

The newspapers of my own State are far more important and contain far more pertinent information, and, I might add, every one of them, including all of the country weeklies, is better edited than the Post. I have never found either a mediocre or a bad newspaper in Nebraska, and I try to read all of them.

So it is not every day that I get around to reading the Washington Post. Indeed, sometimes a whole week goes by, and when I am out of town during recesses perhaps 2 or 3 weeks or more pass without my seeing a copy of the journal published in the haze of downtown Washington.

But today was an exception, and a rare one, Mr. President. I don't know why it happened this way, except I guess the papers from Nebraska were a few minutes late arriving in the mail at the office, and a visitor happened to leave a Post there, so I picked it up and looked at the front page.

There I beheld as startling and revealing a piece of news as I have ever seen the front page of a newspaper in the 32 years I have served in Congress.

It was truly enlightening. The word had been handed down from on high, by one of the Post's own special story writers, filtered through the rewriters and headline writers and editors to become emblazoned in an esteemed position on the front page, the glorious and profound word that Mao Tse-tung, the top leader of Communist China, had made a rare pronouncement opposing and attacking the policies of President Nixon, and appealing to Americans to revolt against these policies.

Now I realize that this is such a rare

and revealing declaration that the Post's editors saw fit to print it on the front page, despite the fact, I am told, that another Washington paper, the Evening Star, beat the Post to the story by running it on the front page yesterday.

This comparison provides an interesting contrast in the importance which the Post attaches to certain of its articles after the same news has appeared in the columns of one or more of its competitors.

Yesterday there was a very revealing article by John T. Wheeler, of the Associated Press, describing how President Nixon's decision to send troops into Cambodia had disrupted Communist Hanoi's timetable for harassing and killing American troops in South Vietnam, and for chasing the Americans out in something short of an orderly process, so that the Communists could overwhelm the South Vietnamese, thereby making all of our years and lives of effort to preserve the freedom and right of self-determination of the South Vietnamese people in vain.

I think I can rightfully interpret the information in Mr. Wheeler's article as favorable to the President's position and the success of what he is trying to do.

The Washington Star saw fit on the evening before last to place Mr. Wheeler's article on page 3 of its first section, giving about three-fourths of a column to it. The Washington Post followed yesterday morning by cutting the story in half and carrying it on page 26.

I do think that the editors of the Post, the Evening Star, the New York Times, and any other papers which carried the Mao Tse-tung pronouncement on their front pages owe it to their own logic and to the American people to do research and publish a followup story.

I believe they should send out their reporters to take a poll of the top leaders of all the Communist countries to find out how all of them feel about President Nixon's policies.

I mean, Mr. President, that I do not think Mao Tse-tung should be given to feel that he has any kind of monopoly control on the front pages of the big eastern U.S. newspapers for the expression of the Communist line.

I think the editors out of fairness to all should let us know, too, how Kim Il Sung, of North Korea, and Le Duan, of North Vietnam, feel about President Nixon's policies, and perhaps even Podgorny of Russia.

And what about Fidel Castro, of Cuba, and Gomulka, of Poland, and Ulbricht, of East Germany, and Losonczy, of Hungary?

And certainly they would not want to overlook Ceausescu of Rumania, Llieshi, of Albania, and Traikov, of Bulgaria.

I hope the editors of the Post and other papers that carried the word from Mao on their front pages will pursue this poll of other Communist leaders on President Nixon's policies with the same sense of dedication and devotion to duty that they displayed in obtaining and publicizing Mao's views.

I feel very strongly, Mr. President, that the American people have a right to know.

## FUTURE ENERGY POLICIES OF UNITED STATES AND CANADA

Mr. BELLMON. Mr. President, in an address on May 12 by the Honorable J. J. Greene, Minister of Energy, Mines, and Resources, for Canada, to the midyear meeting of the Independent Petroleum Association at Denver, Colo., holds information of deep and lasting importance to our entire country. The message of the Honorable Mr. Greene, who apparently was speaking for the Trudeau administration, is one which has vast importance to our Nation, in that it relates not only to the future energy policies between the countries, but also because it points out a growing disenchantment and even antagonism of the Canadian attitude toward our country. When Mr. Greene says:

> A part of the cause for the rise of that new Canadian nationalism and a determination to build something unique, rests in the malaise that exists in your land—what appears to many as the sudden and tragic disappearance of the American dream which, in some ways, has turned to a nightmare.
>
> Vietnam and Cambodia—disorder in the streets and on the campus—the disaffection of the poor—the colored people, and youth—the writings of Reston and Wicker—and as recently as the last few weeks, the speech of President Brewster of Yale—indicate to many of our people—particularly our young—that we should not seek to make the American dream ours.

He speaks only to the Independent Petroleum Association and addresses himself to our entire Nation.

When Mr. Greene says:

> Canadian gas will be available to supplement United States supplies only if our petroleum industry as a whole receives the incentives of progressive growth and assured stability of access to export markets for oil and natural gas liquids.
>
> We have recently determined that a major proportion of a resource essential to our future well-being, uranium, will remain in Canadian hands. We are currently undertaking a complete review of foreign ownership of our resource and industrial entities.

And—

> Canadians are now determined that the time has come to take stock and to assure that a substantial proportion of the future growth remains in Canadian hands.

He is making a pronouncement of immense importance to the investors of this Nation and to citizens of this Nation whose ability to meet its energy needs from domestic sources has been sharply reduced by recent congressional action and which is facing an imminent critical shortage of natural gas and electrical energy.

Mr. Greene's comments deserve the careful attention of Members of Congress and policy makers throughout Government and in the private sector as well.

I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### ADDRESS BY THE HONOURABLE J. J. GREENE, MINISTER OF ENERGY, MINES AND RESOURCES, CANADA

#### INTRODUCTION

May I say how much I appreciated the invitation to address your gathering.

I count it as an honour that you have seen fit to add my name to the distinguished list of guest speakers featured at these midyear meetings.

And I value it as an opportunity to present a Canadian viewpoint for the first time since my friend and colleague, Jean-Luc Pepin, addressed your fall gathering in 1966.

I could have chosen to make the traditional speech of a visiting Canadian firemen to your great country, "Old No. 23," that all Canadian politicians, orators and other persons who pop off internationally from time to time have filed away on the shelf and which they dust off whenever they come your way. You know it so well. You have heard it often enough. It talks of the two hundred years of friendship—the longest unguarded border in the world—and the fact that we are the world's greatest trading partners. Yes, I could have given you "Old No. 23." It would have been easier and far less risky.

But these are difficult and perhaps critical times in which we live. Critical for the system of freedom to which we both subscribe. If that system and our way of life is to prevail and if Canadian-American friendship, harmony in our relationships, and economic good sense in the trade and economic arrangements between our two nations is to be maintained in future years, then our deliberations must be based on the presentation of the facts as they exist—on truth, as it is, not on things as they used to be, or as we might have liked them to remain. The posture of wishful thinking, of looking at the current scene in the light of past values, was that of all societies which foundered throughout history because they saw things through the opaque lenses of the yesterdays, rather than in the clear hard light of them—truth.

It is so human to look back wistfully at the comfort and security of the known—to avoid the vastness and challenge of the new, and the unknown. I concluded that it would be the mark of a real friend—because the real friend does speak his mind, does not merely pander to likes and dislikes, not to give you old "No. 23," but to speak to you the truth as I see it, despite the fact that amid the truth there may be some gall. If I speak to you here of the facts as I see them, and of the truth as it exists in the relationship between our two countries, not only on matters of petroleum and energy policies but in the broader prospect of the relationship between our two peoples, it is because I believe sincerely that the maintenance and growth of that friendship will be better nurtured in the tough outdoor garden of truth than in the sheltered greenhouse of polite exchanges.

To begin at the beginning, I know you maintain a lively interest in the Canadian oil scene. Indeed you number among your membership, companies with substantial exploration and production activities in Canada and also those which import and refine Canadian oil in this country.

In preparing for this occasion, I have tried to learn something about your Association, its aims, history and activities. I might say that I have been impressed:

Impressed by the breadth of its membership which encompasses not only petroleum companies of all sorts and sizes but also service companies, banking and financial organizations;

Impressed with the vigor and resilience of your Association, now in its fifth decade;

Impressed, too, by the scope of your activities as reflected in the various committees meeting here during these four days.

We in Canada have come to value and admire the competence of the work done by I.P.A.A. in the technical field and in connection with the joint association surveys. We have watched closely the stands which you have taken on a variety of issues, realizing the importance of your Association's voice.

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In this connection we recognize that you have taken a generally moderate line on the matter of imports of Canadian oil. I gather your position is that if the United States is going to have oil imports they could better come from Canada than from anywhere else. Since it does appear that growing import volumes will be needed, I can heartily endorse the line you have taken.

Although I detect support for this approach among your elected representatives, it would seem that this particular view does not at the moment prevail in official Washington.

### CONTROLS ON IMPORTS OF CANADIAN OIL TO DISTRICTS I–IV

*The Canadian government deeply regretted the imposition of quantitative restrictions on our exports of crude and unfinished oils to Districts I–IV.*

*We do not consider that these controls are in keeping with the conditions of trade in oil which both our countries have sought to preserve over the years.*

*Nor do we find them compatible with the traditional basis for trade and economic relations between the United States and Canada.*

We have made these views known to the United States government, both officially and unofficially; in so doing we have urged that its decisions should be reconsidered and the controls removed.

I believe our two countries have had, still have and will have a mutual interest in the furtherance of trade in oil between them.

This mutual interest has existed for many years. It was symbolized in the "overland exemption" provided for Canadian oil by President Eisenhower in 1959.

We attach great importance to the declared intention of your government that its controls on our oil are to be *temporary*.

And we are mindful of the fact that these temporary restrictions are causing problems of varying severity for refiners in the northern States, some of them members of this Association.

It would be instructive, I think, to examine briefly how this situation arose.

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### THE CANADIAN OIL EXPORT PROGRAM—JANUARY 1968–MARCH 1970

Since 1968, our export program for Districts I–IV has been based on an understanding entered into with the U.S. government in September, 1967. By this arrangement, Canada undertook that, short of imposing formal controls, exports of refinery feedstocks would not exceed certain predetermined levels through 1971. Canada further undertook that no sales would be made in the Chicago area prior to 1970 and that the growth needs of existing customers would be satisfied before export volumes available under the arrangements were directed towards development of new markets.

This sort of arrangement between our two countries was not new. In seeking export growth, we have always tried to accommodate the legitimate policy concerns of the United States authorities. At times this has involved Canada's entering into specific commitments. Such was the case in 1967 when, in view of the proposed large diameter looping of the Lakehead pipe line via Chicago, the United States government desired assurances regarding our export volumes and their geographical disposition.

Canadian responsiveness to these desires was reflected in the qualified assurances embodied in the 1967 arrangements. What the agreement did not reflect were Canadian misgivings about the assumptions regarding oil supply, demand and price which were implicit in its terms.

As to implementation of these arrangements, during the first part of 1968, the prescribed rate of export was exceeded, with the knowledge and consent of your government officials pending completion of Capline and attendant facilities for delivery of United States domestic oil to the upper mid-west, and for the very purpose of meeting an extremely difficult situation in the U.S. by reason of the delay of Capline. When the new pipe line connections were in place, Canada exerted vigorous restraining efforts to roll back exports from 350,000 b/d in the third quarter to some 280,000 b/d in the fourth. The latter volume being that envisaged for the year in the 1967 document. This was done at the demand of the then-administration, made despite our stated co-operation in the earlier part of the year, and made with clear knowledge of U.S. officials that the alteration of then-established economic patterns of oil flow by such radical and arbitrary cut-backs would create great difficulties not only for our customers in the United States, but for us in Canada, in political and economic terms.

We thus ended up 1968 with an average "feedstock" export rate of 307,000 b/d.

I want to comment on these numbers because I know how concerned this Association has been about the so-called "Canadian overages".

Public assessment of our performance against target has typically been made by setting total recorded overland imports from Canada against the estimates of such imports rolled into the Secretary of the Interior's annual calculation of licensed imports to Districts I–IV.

Thus, for 1968 you compared total actual imports of 329,000 b/d against the estimate of 280,000 b/d. And you made some noises. Understandably.

You did not at that time know that our export target was also 280,000 barrels a day and that it related to refinery feedstock, a category broadly comparable to "crude and unfinished oils" but having a coverage approximately 22,000 b/d *less* than the "all oils" number rolled in by the Secretary and recorded by the Oil Import Administration. Nor were you to know that a necessary element of flexibility had been introduced during the year.

This was not the first time that the basic "targets" agreed between Canada and the United States had been different from the "rolled-in numbers". Nor was it the first time that adjustments had been arranged during the life of an agreement.

To revert to our experience with the 1967 arrangements feedstock exports rebounded in the first quarter of 1969 despite our National Energy Board's continued efforts to keep the situation in hand. The high export level was associated with seasonal factors and also with an expectation on industry's part that prompt action would be taken to renegotiate the 1967 arrangements with the new Administration.

We started to talk with Washington in April 1969 and intermittent discussion continued at various levels throughout the summer. The message we got loud and clear was "hold the line". This we strenuously endeavored to do.

Our efforts in this regard were greatly handicapped by the sharp increase in United States crude oil prices which had taken place in the first quarter and which brought your average price up by some 15 cents a barrel. You know better than I how significantly this added to the already strong pressure of demand for Canadian oil. Nevertheless we were able to throttle back our feedstock exports to within a few thousand barrels a day of the 306,000 b/d rate prescribed for the year. In doing so, we secured assurance of the cooperation of all but three of our refiner-customers in District I–IV. But it appears that an 80% batting average was just not good enough in this ball game. Competitive pressures resulted in an increasing number of companies exceeding their target levels.

The situation in regard to compliance deteriorated in the fall of 1969, although we were still able to uphold the moratorium on Chicago deliveries.

When this expired at the beginning of 1970, we faced a runaway situation. Canadian oil started to flow for the first time into Chicago refineries, and our established customers predictably responded by further increasing their takes. The situation was compounded by the unusually cold weather experienced across the northern States this last winter.

We kept in close touch with your officials both directly and through our Embassy. The crucial talks took place in Ottawa in mid-February. We were again prepared to accept the responsibility and the administrative burden of restraining exports but we were only willing to do this at a level which, in our judgment, would be capable of achievement without imposition of formal controls across the board. This position proved unacceptable to your government and a month later the new Presidential Proclamation was issued.

The task of allocating among a group of American refiners, whose number has doubled to thirty, a volume of Canadian imports approximately 200,000 b/d less than current market demand for that oil has now fallen on our Washington friends. They have our deepest sympathy because the interference of officialdom with the natural economic law of supply and demand, is ever a difficult exercise.

I think the difficulties we faced in trying to allocate available volumes under the voluntary arrangements of the past are only just being realized in the United States. And coupled with this realization may be some appreciation of the job done by the National Energy Board as long as there was a ghost of a chance of retaining the voluntary system desired by both countries.

There were of course those in the United States who felt that we should have put on formal export controls. To them, I would say that this was a political impossibility in Canada, as well as going beyond what we had committed ourselves to in 1967.

If you remain unimpressed by this, then I ask you to reflect on the situation—political as well as economic—which would have arisen in the United States had Canada attempted to enforce the 332,000 b/d number stipulated in the 1967 arrangements for the year 1970.

Looking back, I think it was the increase in United States oil prices in early 1969 as much as anything which caused the breakdown of the voluntary program based on the 1967 arrangements.

### THE PRICE OF CANADIAN OIL

I know that your Association has long maintained a lively interest in the price of Canadian oil and that for a variety of reasons. I have a feeling that some of you may have wondered whether the Canadian oil industry has taken full advantage of its price opportunities in the U.S. market.

You will recall that for many years the wellhead price of Canadian crude was aligned with that of competing U.S. crudes in the domestic markets which were successively developed for our indigenous oil.

When Canadian oil first reached Ontario and thereby came into potential competition with overseas crude, Canadian pricing came to bear a relation to world-wide oil prices. But that was in the mid-1950's when U.S. prices too were relatable to those in overseas exporting areas. So there was no basic dichotomy in Canadian pricing.

Prices in both countries were adjusted sharply upwards in 1957 reflecting a general world price increase. When world prices started to fall after the end of the first "Suez crisis" Canadian and U.S. prices followed suit. The Canadian industry went further in this respect than the U.S. because demand for Canadian oil was much more severely affected by the post-Suez recession than was demand for American crude. Moreover, the Canadian industry did not receive protection of the sort which was developing in the U.S. from 1957 onwards.

This differential post-Suez price movement was the start of a Canadian oil price dilemma which has been with us these last ten years: should the Canadian industry cut prices in order to remain fully competitive with overseas oil in Ontario or should it raise prices in order to maximize its revenues from export sales? We were unable to emulate the textile trade and build a "two-way stretch" into our oil prices.

Thus, since 1959 your prices have gone up by something like 20 cents a barrel whereas world prices have fallen sharply and our prices have remained substantially unchanged in United States dollar terms.

Of course, the gap between Canadian and United States prices in key refinery markets of the northern States is much greater than the 20 cents by which your prices have gone up since 1959. There already was a differential because our prices fell more heavily than yours in the late 1950s. Moreover, the marginal domestic crudes against which the Great Lakes refiner compares Canadian oil are no longer Illinois basin, Kansas or even Oklahoma crudes but oil drawn long distances from west Texas or Louisiana.

On the basis of a pro-forma comparison, light sweet Canadian crude might lay down in Chicago at some 50 cents per barrel cheaper than comparable District III oil.

But such comparison could be misleading. After allowing for the "quota penalty" of using Canadian oil and for any differences in refining value, for the refiner's producing and pipe line interest in the two countries, the effective cost differential to a refiner of the two crudes may be found to be much less.

Canadian oil is attractive to many of your northern refiners primarily because they lack access to incremental sources of domestic oil. But in the large refining centres of the lower Great Lakes it does command a cost advantage over most alternative United States supplies.

Looked at from a United States producer's standpoint, we would find it difficult to see that Canadian oil creates particular price problems in that it has not to my knowledge had a decisive impact on the price of United States domestic crudes.

From the standpoint of the northern refiner, introduction of Canadian oil promises to give him the sort of crude oil costs which refiners in the South-West have long enjoyed.

I'm sure that the desirability of a rise in the price of Canadian oil has been periodically considered by the companies which post prices for this oil. I'm equally sure that such an increase has been rejected mainly on the grounds that it would make the Ontario situation intolerably difficult by further widening the already significant differential between oil prices in our eastern provinces, which draw on overseas supplies, and prices in that part of Canada which is supplied by domestic oil.

We recognize this matter of price as a problem in the context of both our domestic and our export programs. It has an obvious bearing on the balance of consumer and producer interests as well as on the question of regional interests, which both our governments seek to maintain. In terms of immediate significance, our determination to defeat inflation is the top priority of our government. Thus any question of price increases is especially sensitive, as government action which would contribute to price increases, would set a poor example indeed for the business and labour communities, when we are urging both to hold the price line. The price issue, however, does remain one that requires careful study in our own review of national oil policy.

### CANADIAN OIL POLICY REVIEW

Like the United States, Canada has been attempting a careful reappraisal of oil policy. We embarked on a review at about the same time that President Nixon announced the setting up of his Cabinet Task Force to review your oil import policy.

Our two countries have gone about this task in characteristically different ways. We have chosen to work away assembling information, receiving views from a multiplicity of sources, sounding out opinion and conducting analysis, all without undue exposure to the limelight of publicity.

Frankly, as Minister responsible for oil policy, I cannot help but feel that there are some advantages to this approach. My impression is that the controversy attending the work of the Shultz Committee at times appeared to generate more heat than light.

Nevertheless I can assure you that our review is no less thorough for being conducted so far largely in private. I am determined to bring to bear in our review the broadest range of views and sound opinion from all sources. To this end, I have committed myself to regular consultations with our petroleum associations and I have established the National Advisory Committee on Petroleum which is providing one valuable input to our policy deliberations. Additionally, I maintain an "open door" towards all companies and individuals who may wish to see me and make representations. And interested individuals and organizations have not been slow to make their views known about the direction which Canadian oil policy should take. All of these opinions are being taken into account, documented, collated, and compared.

Pending completion of our review, the government has taken steps to uphold the national oil policy which has served us well for nearly a decade. You will recall that under this policy the oil requirements of Canada west of the Ottawa Valley are to be supplied substantially by products derived from Canadian crude. Continued achievement of the objective was threatened by the movement of foreign-origin motor gasoline into this area and last Thursday I announced the introduction of licencing procedures for imports of gasoline to Ontario and our eastern provinces. The purpose of this system is to uphold the oil policy. It should not be mistaken for a fully-fledged oil import control system such as you have had since 1959.

Our study is taking longer than did the work of your Task Force. This is partly because it covers not just the matter of import policy but the whole spectrum of the industry's activities and its related problems.

Let me elaborate a little on this last point. We in Canada are still at a very early stage in the development of our oil resources. I am told that we have found perhaps 10% of our total potential reserves of 120 billion barrels of crude oil. But our difficulty is that we do not know where, when or in what volume the major resources which we believe to be present in our "frontier areas" are likely to be discovered and developed.

By contrast, the oil resources of your lower 48 States are in a mature stage of development—perhaps half or more of total ultimate reserves have been found. The general areas of oil occurrence are fairly broadly delineated.

These differences are important to bear in mind when considering the relationship of our respective oil economies to the worldwide industry.

The U.S., once the world's largest oil exporter is rightly concerned to establish the extent and rate at which overseas oil should supplement domestic resources.

In Canada, our basic policy concern is to define the extent to which imported oil can be displaced by domestic material. There are grounds for believing that we may for the moment have reached the limit of import displacement and to question whether our discovered resources in western Canada are adequate to permit the further major displacement of imports on an economic basis. For this reason, we are bound to watch developments in our frontier areas with the greatest interest.

This uncertainty as to the timing of development in Canadian frontier areas constitutes a major difficulty we face in coming to basic conclusions regarding any changes in our oil policy.

The second basic uncertainty is the extent and conditions of our access to the U.S. market.

### LONG-TERM EXPORT OUTLOOK

I think most of you will appreciate why we regard it as most important to clarify where we stand as to our export markets.

Here are some of the reasons.

About 45% of our oil is exported, 98% of these exports go to the U.S.;

The U.S. has just reviewed its import policy and interim action directed towards its modification is in hand;

Kind things have been said by U.S. policy makers about the desirability of looking to Canada to supply a large part of the growing volumes of imported oil your country will need;

But at the same time it has been recommended by the Shultz Committee that arrangements for free access for Canadian oil to U.S. markets should be contingent upon the negotiation of a "suitable energy agreement" with Canada.

Our desire for clarification of these matters is, I know, shared by many of your members whether as explorers and producers in Canada, refiners of Canadian oil in the U.S. or producers of U.S. domestic crude. We realize that "hang-ups" of this sort represent a major obstacle to you in industry in your operational and investment planning.

We were ready to talk with your government earlier this year. Indeed discussions between officials regarding the scope and nature of future energy talks had already started when the wrench of arbitrary import controls was thrown into the machinery of negotiation.

This stopped all activity for some weeks, but we have recently had an approach from your government to resume talks. However, a situation in which a large part of our exports are under control represents a less-than-ideal environment in which to hold discussions. For this reason, it is difficult for me to be precise as to timing of talks. *The unilateral action on quotas has created for us grave political problems which I am very sure were not considered by U.S. officials who recommended the arbitrary shut-off and restrictions. Canadian public opinion is interpreting this as a pressure play, to squeeze Canada into some form of energy deal which would not be to the Canadian advantage.*

Prime Minister Trudeau has described living next door to the U.S. to be a little like sleeping with a friendly elephant. Canadians interpret the unilateral oil cut back as the elephant rolling over on top of the poor Canadian mouse. A physical condition which is not only uncomfortable, but a difficult posture for the mouse, from which to begin long-term energy discussions.

When the time *does* come to sit down with representatives of your government, we shall want to find out more about what they have in mind with regard to an energy deal, and what arrangements can be achieved which are in the Canadian interest and yet of benefit to the United States.

*What we seek are realistic trading arrangements in respect of oil which would secure that Canadian oil enters United States markets on a normal commercial basis.*

I recognize that this simple goal may prove difficult of attainment. But I am confident as to ultimate success because I believe that such an outcome would be entirely consistent with the basic complementary of resources and requirements in the two countries and the mutual benefit of our two peoples.

### SUPPLY SECURITY OF CANADIAN OIL

The matter of supply security is going to come up in any negotiations regarding access for Canadian oil to U.S. markets.

Concerns have been expressed in the Shultz report and, orally, by American officials, that dependence of eastern Canada on imported oil carries unfavourable implications for the security of deliveries to eastern Canada and to the U.S. in conditions of world oil supply emergency.

Specifically, there have been suggestions that in an emergency western Canadian oil might be diverted from U.S. markets to meet needs in eastern Canada if adequate tanker-borne supplies were not available to that area.

Secondly, it has been suggested that the U.S. would have to be prepared to make emergency deliveries of its domestic oil to eastern Canada if overseas supplies to the whole eastern seaboard of North America were curtailed.

As to the security of our export deliveries to United States markets, this has surely never been seriously challenged. Indeed, the work of the U.S. Cabinet Task Force on oil import control tended, if anything, to confirm the reliability of Canadian supply. Diversion to eastern Canadian markets of oil flowing to the U.S. would not at present be possible because of the absence of the necessary pipe line connections. And having regard to the long standing arrangements between our two countries in defence, trade, and other areas, I cannot find it credible that we would divert such supplies unless by mutual agreement for a common purpose, or that we would violate trading agreements that were in effect between us.

As to the question of supply of U.S. domestic oil to eastern Canadian markets in crisis conditions, some movements took place during the Suez crises of 1956–57 and 1967. However, we shall point out to your government that the additional Canadian supply made available to U.S. west coast refineries, exceeded by a large margin the emergency deliveries we received from you in the east.

This is not to say that we are complacent as to the matter of east Canadian oil supply security.

Hithereto, we have not considered the danger of supply interruption to be such as to require revision of our policy. But there are changing circumstances and we have this question under careful examination in the context of our review of national oil policy.

If we conclude that a problem exists, then we shall seek to apply solutions appropriate to Canadian circumstances. These might include storage in eastern Canada, arrangements to exchange Canadian for U.S. oil in an emergency or the supply of some western Canadian oil to our eastern provinces. A complete answer could, of course, come with discovery of large oil resources on the Atlantic Shelf or in the Canadian Arctic.

In these circumstances it must be left to *us*, to Canada, to evaluate the matter of oil supply security in eastern Canada and to take any appropriate action. I am convinced that the solutions which will prove to best serve our joint interests will be those very solutions we come to as being the Canadian solutions in the Canadian interest.

This aspect of freedom of domestic policy-making is most important to us. We believe our national and international, political and economic circumstances are such, that we must retain freedom to apply Canadian solutions to Canadian problems. This is an important consideration entering into any discussions we may have with your government regarding long term arrangements on oil. The Canadian people would not tolerate decisions affecting Canadian security being made at the insistence of non-Canadians, even to win in the prize of larger oil markets.

### NATURAL GAS

One Canadian energy commodity which is likely to face minimal obstacles on importation to the U.S. is natural gas.

The U.S. faces a difficult, some would claim critical, supply-demand situation in respect of natural gas.

We in Canada have established a substantial natural gas resource base. And the potential for this hydrocarbon is expected to match that of oil. Supply which has been declared surplus to domestic needs by both federal and provincial authorities is available for export.

Any such surplus is likely to be very readily absorbed in the U.S. market. And there are clear indications your government and the Federal Power Commission would like to see steps taken to accelerate the volume of Canadian supply available to the U.S.

This is a far cry from the situation of a few years ago when the Energy Board and your F.P.C. were at considerably more than arm's length on this matter.

I believe your Association's policy was 'to recommend restriction of Canadian gas imports to a fixed proportion of total U.S. supply. I think your position here had considerably less to commend it than the line you have taken on Canadian oil imports.

Our National Energy Board currently has before it applications for licences for further large export volumes. At the same time the Board is reviewing the criteria used to satisfy itself, as by Statute it must, that the quantity of gas to be exported is surplus to reasonably foreseeable requirements for use in Canada.

This matter being *sub judice* it would be improper for me to comment further. I would, however, make two points.

First, viewed against the scale of United States needs, Canadian gas resources likely to be available for export presently appear relatively small. To illustrate: Based on resources in the western Canada sedimentary basin, we might have about 1.6 trillion cubic feet available for export in 1990, not much more than double the current annual volume. I feel it would be wrong for your industry and your policy makers, if they were so tempted, to look to Canadian supplies as a panacea for the ills of the American natural gas industry.

Secondly, Canadian gas will be available to supplement United States supplies only if our petroleum industry as a whole receives the incentives of progressive growth and assured stability of access to export markets for oil and natural gas liquids. Should this happen, it has been estimated that the western Canada sedimentary basin supplemented by our frontier areas, could supply as much as 5.4 trillion cubic feet to export in 1990.

### TAX POLICY

This matter of incentives is very important. I'm convinced of the need for appropriate investment climates to secure the objective of maintaining a vigorous, innovating petroleum industry to make the best use of our resources. And tax policy is, of course, an important element in such climates.

All of you who have interests in Canada will be aware that our government has made public proposals for tax reform. These are being studied closely and debated vigorously. The government has determined that a thorough overhaul of our whole tax system is required, one which will touch nearly every personal and corporate taxpayer. The petroleum industry is not the least of the affected parties.

This matter of tax reform is outside the immediate scope of my portfolio. But I would judge it unlikely that in implementing its proposals government would ride roughshod over the petroleum industry's best interests. In particular, I cannot see that it would legislate a tax climate in which the Canadian petroleum industry would be put at any significantly increased disadvantage compared with the industry in the U.S.

Which takes me to another aspect of our relationships in the petroleum industry, and at the same time to the doorway of the broader aspects of the relations between our two countries. This is the question of foreign ownership of Canadian resource and other industries. We have already adopted laws which assure the ownership by Canadians of our commercial banks, federally incorporated trust, loan, and insurance companies, our radio and television industry and our newspapers.

We have recently determined that a major proportion of a resource essential to our future well-being, uranium, will remain in Canadian hands. We are currently undertaking a complete review of foreign ownership of our resource and industrial entities. I feel very certain that if, in America, some 70 per cent of your petroleum industry and some 60 per cent of your natural resources, and some 50 per cent of your manufacturing industry was owned by non-Americans, you would share an equal concern. The problem of the absentee landlord was that which kept that wonderful, yet apparently ill-starred isle of Ireland in turmoil not only over the years, but almost centuries.

We are fully aware that a good proportion of our economic well-being is founded on the savings of the people of other lands, largely American, who have invested in Canada and formed the basis of our economic growth. We are not unmindful of the fact that much of our well-being stems from this bounty, but Canadians are now determined that the time has come to take stock and to assure that a substantial proportion of the future growth remains in Canadian hands.

This is at least in part because of the changing nature of the basic unit of the world of business. The basic unit of the future will likely be the conglomerate having a national home, but engaging in multinational business in the open marketplaces of the world.

If a country does not participate at sources, does not assure that these new business giants are domiciled at home, such a country will become essentially a branch plant economy, with attendant diminution of opportunity for its young people. Canadians are determined to participate to the full in the tomorrows, and give to their gifted and able young people the opportunity to participate as Canadians, in Canadian entities, which will compete in this new kind of business world. This opportunity will not exist unless we make those determinations now, which will assure a greater Canadian control of our own industries and resources.

Yet, there is no question but that we shall require continuing and increasing sources of investment capital from abroad, if we are to maintain a satisfactory rate of economic growth. We are convinced that this can be accomplished by rules which will achieve a greater and growing proportion of Canadian ownership and still provide a just return to the foreign investor.

Which takes me, as I say, to broader questions of Canadian policy and Canada-U.S. relations. Our concern about foreign ownership is not a recent Canadian aberration standing alone and lonely. It is a part of a new and growing Canadian sense of being, and national purpose.

I, for one, have come but lately to the

conviction that a growing degree of Canadian ownership in our own resources and industries was essential to the maintenance of Canada as a free and viable and independent nation. I had always previously stated that the nationality of the shareholder was of little importance so long as the corporation behaved in accord with Canadian law and in the Canadian interest when it did business in Canada.

But I had equally stated that if it came that Canadians determined to build something peculiarly Canadian, and unique, as their contribution to the total structure of man, then would be the time to review that question—not at such time with the question of foreign ownership standing by itself, but because of the very fact that Canadians had come to the conclusion that they wish to build something of their own.

Until recently I did not believe Canadians had reached this conclusion. Those Canadians who are candid, will admit that we were, until recently, quite satisfied to be but a small microcosm of America. Our only complaint was that we were not more so. You had more money—higher wages and incomes—than we did. This was the only beef, and the remedy of this defect was our chief aim.

But now the scene has clearly changed. Canadians are determined that they will build something which is clearly their own, and not the pale and small image of the great and powerful civilization to our south.

The important fact is that this new Canadian nationalism continues to be a positive force—that it be not anti-anyone, anti-any nation. Equally important that in our relationship with the U.S.A. it be possible to continue the kind of common sense economic decision and arrangement, which benefits both our people, despite the fact that, in the tomorrows, we will not be politically, socially or culturally so much like you as we have been in the past.

It is important that this new manifestation of Canadian nationalism and uniqueness, be not construed by you, as anti-American or as in any way restricting our continuing friendship. This change will indeed be the touchstone of our friendship. Real and lasting friendships are firmed, and made more certain, when one friend takes paths that are not those of the other, takes attitudes and viewpoints which are not identical with that of the friend. If, despite such differences, the friendship lasts and grows, then it is in fact that type of friendship which will withstand all the vicissitudes of time.

If you in the U.S. do not construe our new mood as inimical to yourselves or your interests, and thence harden your hearts towards us, with inevitable reaction on our part, then indeed, this new neighbour, who will be quite different from you, will be an even better friend than the one who looked so much like yourselves.

I said at the beginning that I would state what appeared to me to be the truth about the Canadian fact, rather than those things which it might please you to hear, but which would not be in accord with the truth. So I will say to you that, yes, a part of the cause for the rise of that new Canadian nationalism and determination to build something unique, rests in the malaise that exists in your land—what appears to many as the sudden and tragic disappearance of the American dream which, in some ways, has turned to nightmare.

We wonder what did happen to that bright star of hope—equality of opportunity—the office boy to president ethic—the model for the European Economic Community and many nations of the emerging world which, as recently as the post World War II period, was the cynosure of all eyes—an example for all mankind.

Vietnam and Cambodia—disorder in the streets and on the campus—the disaffection of the poor—the coloured people, and youth—the writings of Reston and Wicker—and as recently as the last few weeks, the speech of President Brewster of Yale—indicate to many of our people—particularly our young, that we should not seek to make the American dream ours. I would not be representing Canadian public opinion too candidly if I did not so state.

But this is not the whole story. The vast majority of us who are your true friends have faith that the present turmoil and dilemma is a passing aberration in the American dream. After all, you still are the people of the Marshall Plan. The fundamental humanity, decency, sense of fair play and justice of your people will assure that in time, the dream will be refurbished, and come out once more shining and clean and bright. But yes, this faltering will have been part of the cause for the new Canadian determination for a separate identity.

But there are other and positive reasons. The sudden blossoming of our great and untapped north country, peculiarly and completely Canadian—one of the last of the new frontiers in man's horizon—and one completely our own. Here Canadians and Canadian youth have found something of a dream of their own, where they can build anew, and avoid the errors of greed and haste and folly of the yesterdays. Where they can build without pollution and waste and where they can share the bounties of the new north with the indigenous peoples. Where they can build a society where the Indian and Eskimo peoples may maintain their own identity and cultures in dignity and respect.

Hence our declaration of sovereignty to the 12-mile limit, and the 100-mile area of pollution control from our northern shores to assure that we can and do build up this north under a clear ethic that economic progress will not be permitted at the expense of the ecology or the indigenous people.

There is nothing here of empty sovereignty, or petty jingoism, of pulling the feathers from the tail of the American eagle, or of hoisting a flag on a northern slope to satisfy the empty ego of the petty or posturing patriot.

Prime Minister Trudeau has stated our purpose in clear and unequivocal terms. We acted to fulfill our responsibility to humanity and the ecology in this area which we deem to be Canadian, and inferentially, if you like, this will be an essential aspect of that new Canadian dream.

If there are those who fear that our motivation in these things is that of anti-Americanism, I should point out that a substantial proportion of the professors, associate professors and instructors in our universities are American and American educated. Many of these are men and women who have come to Canada because they share our aspiration to build anew. There are those among Canadians who fear that because of the very quantum of U.S. professors in our colleges, that we should beware lest we be brainwashed. I have no fear in this regard. The humanist, whatever his nationality or origin, shares the same ideal and the same goal—the enlargement of the human spirit. Certainly if the motivation of our new nationalism were anti-American, we would not permit a large proportion of our youth in its most formative stage to be left to the direction of American teaching.

We see a manifestation of our determination for our own identity in our insistence in a growing degree, on Canadian content in our radio and television programming, as directed by the Canadian Radio-Television Commission. We have not gone to the extent of jamming the air waves along the border, but who knows—even this might come. We believe we can achieve Canadian quality in our radio and television. We do not believe that pandering to the tastes and intellects of the least common denominator, with no attempt at using these media for the uplifting of the intellect or the enrichment of the human spirit is the use Canadians will want to make of these powerful forces in the years ahead. We believe that the air waves can be used to give man a fuller life and make him a more complete being; this we believe, should be our purpose in their use, rather than merely supplying a medium for the hucksters and pitchmen.

In the realm of radio many, many of your own citizens who are within hearing distance, have told us that our Canadian Broadcasting Corporation is without peer in moving towards these objectives. We have yet to accomplish the same success in public television. It is still "Bonanza", Baloney and Commercials. But we are also determined to encourage Canadian content and programming to develop our own creative talents, our writers, our producers and directors and performing artists and thence to find quality—a quality which will be Canadian.

Apart from electronic communications, we believe we have made a start at a unique Canadian contribution in the realm of culture. In the National Ballet, The Royal Winnipeg Ballet and Les Grands Ballets Canadiens, we have three companies that can hold their own in the regions, but a little below those of the very best amid the giants of the artistic world.

In the city of Montreal is an artistic milieu in the French language, peculiarly Canadian, fascinating in its variety and encouraging in its quality. And in most parts of Canada are local groups of artists doing things peculiarly Canadian based on the singular admixture of our culture fundamentally French and English, but intertwined and enriched with the strength of many ethnic cultures.

And here is probably the essential ingredient of our present national motivation. In the past few years a resurging spirit of nationalism has blossomed in our peoples of French-speaking origin. There were those among them who believe that they could only sustain their language and culture in political separation from the rest of Canada. Through the leadership of men such as Prime Minister Pearson and Prime Minister Trudeau, I believe we and they have been reassured. But this connotes that we must have a land from ocean unto ocean which is truly the home of our two founding peoples in language and culture. This means that we will have a Canada which is much more bilingual and bicultural than was ever deemed before possible or even desirable. It means our two cultures will compete and vie for excellence, and thence once more create a unique Canadian pattern.

And yes, sometimes there are indeed pitfalls in proximity to that great neighbour to the south. These pitfalls sometimes arouse in humble but very concrete ways, our determination to build our own house.

Among such manifestations meaningful to a great number of Canadians, is what has happened to a once-Canadian institution, the National Hockey League. The hockey game belonged to Canada and Canadians, and was a truly Canadian institution, a very real link in our national unity, an essential element in our Canadian culture, to such a degree that one pundit got himself into permanent and irrevocable hot water with the witticism that Canadian culture consisted of Maurice Richard and Lily St. Cyr.

But the lure of American gold and American TV was too great and the National Hockey League is now an American domain. All but two of the teams are Americans, though they are condescending, after loud and nearly violent protest from Canadians, to give us a third. And many of our real hockey fans, which means about 96 per cent of Canadian males, all of whom cut their teeth on a hockey stick, now burn over the fact that the game now belongs not to them, but to the American TV advertiser—everything from the time and place of the game to the nature of the production is in his

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insensitive hands—and as the Canadian hockey fan says—"He doesn't know a puck from an apple." So it may well be we'll have them change the name to the National TV League of the U.S.A. and we'll have to form our own league to play hockey as she should be played—in the Canadian way.

I have cited but a few random examples of the manifestation of that new Canadian spirit of nationalism. There is no doubt whatsoever but that the Canadian people, and Canadian youth in particular, have a fixed and certain and unalterable determination to build that which is "their own thing", in the parlance of the day, on the northern half of this continent. I am convinced that this is not, and never will be, an anti-American demonstration, although I have candidly stated that some portion of the contributing factors to the new spirit have hinged on U.S. events.

I have chosen to say these words to you today at some length, because of my determination, which I know is shared by the very, very great majority of Canadians, that this changing Canadian syndrone will in no way diminish the friendship that exists between us. I believe, as stated earlier, that it will, if understood, strengthen our bonds. I have said my few poor words, to do everything in my power to reassure you, so that in our trade and business relationships, we will continue to do what we have done in the past, namely, make decisions based on good economic sense, and the rational use of resources, to the betterment of both our peoples. I have said my piece here that the demagogue or the chauvinist may not prostitute this new factor of Canadian national spirit to his sterile purposes. So that the rantings of the rabid and irresponsible few, which are ever played up as news, are not misinterpreted by you as being the voice of the Canadian people.

If a politician should have any gift—and many would suggest that he requires none at all—it is that of hearing, understanding and interpreting the voice of his people. If I have any portion of this gift, it tells me this. That the voice of my people cries out for a unique and distinct Canadian personality, which is not the replica of the U.S.A. or anyone else. But that voice also says equally clearly that it understands who its best friend is, and that it frevently desires that friendship to continue and to grow. It is desirous that you do not misinterpret the new Canadian spirit and thence make the friendship difficult. And hence it requires that such as I, who have the opportunity to come and speak to you, tell you this new story of Canada and reassure you as to the validity and soundness of our new course.

A great Canadian and former Governor General of Canada, Vincent Massey, once spoke of Canada and the United States as follows:

"I believe in our abiding friendship with our nearest neighbours, an honest friendship without either the subservience or the mimicry which must impair true partnership."

I suppose that in these words he prophesied some years ago the evolution of Canada which I have suggested to you today, has come to pass.

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## SECRETARY HICKEL'S REMARKS BEFORE THE NATIONAL PRESS CLUB

Mr. STEVENS. Mr. President, Secretary of the Interior Walter J. Hickel today delivered an inspiring talk to members of the National Press Club.

I ask unanimous consent that the Secretary's remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD as follows:

REMARKS BY SECRETARY OF THE INTERIOR WALTER J. HICKEL, THE NATIONAL PRESS CLUB, WASHINGTON, D.C., MAY 21, 1970

For years, the gifts of the American earth seemed boundless and inexhaustible.

They were the substance of our strength and the landscape of our aspiration. Their immensity and mystery were a challenge to us.

We tested ourselves against them.

We chopped and plowed our way across the land . . . three thousand miles to the rim of the Pacific.

In two hundred and fifty years we subdued a Continent created by the ages.

As the frontier was closing, we turned back on ourselves and plunged headlong into the age of machines.

The wilderness made us tough. Now we had machines . . . tough machines . . . and tough men who knew how to use them . . .

The land was our capital. To feed our brawling growth, we tore into the forests . . . mined the mountains . . . plowed the western plains . . . harnessed the rivers.

We believed in good hard work. A man was somebody who did a man's work.

We raced from the age of development into the age of anxiety. Our cities, uncontrolled and unplanned, began to melt one into the other.

People . . . more than two hundred million people.

More people . . . more concrete . . . more traffic . . . more miracles of progress.

In production and consumption we achieved a kind of greatness . . .

But at what a cost!

Just as the American dream seemed within reach, we found the limits of the American earth.

Now every major American city is afflicted with air pollution. Every major American river system has poison in it.

A third of our fresh water lakes are filthy.

So heavy is the air's cargo of dirt that the cleansing winds of North America are contaminated.

Air and water pollution travel without passport around the globe.

In the beginning we had so much natural wealth it seemed we could never use it all.

We grew careless and wasteful. We embraced every technical advance as progress.

We took for granted the abundance of nature, and failed to see how fragile it really was.

We turned our backs on our rivers and lakes—made them sewers and let them decay.

Our supply of fresh water is enormous, but so is our need . . . fifty-six million gallons of water are required to sustain the life of every American . . . and every eight seconds a new American is born.

And this brings us to the problem—and commitment—facing us today. . . . Our commitment to save the environment. This links us with the future, and the people of the future—today's young.

As Paul Jennings, President of the International Union of Electrical, Radio and Machine Workers, wrote to me last week, "America's youth is a natural resource the nation can no more waste and ignore than it can squander its rivers, its minerals and its air."

I respect our young people, for their capacity to reexamine everything and to take a fresh look at life and its values.

This, to me, is extremely important.

The test of a society is how it responds to this reexamination by its youth.

I do not agree with some of the views being expressed by the younger generation today, but I take them very seriously, and honor their motives.

It is not just a question of defending their right of dissent. It is a question of whether we respect them enough to weigh their dissenting opinions, to take the time to listen and to be ready to learn and change.

One of the problems of dissent is that it is essentially negative. The mass of the people will very rarely rally to a negative idea. They look for an alternative.

This is the reason that much of the student movement is moving into the political process. I welcome it, and I believe it will help the country.

It will help all of us in political life to communicate our philosophies and programs in a way that the youth can identify with.

In the last three weeks there has been a major shift in the mood of America's youth.

Since the Kent State, Augusta and Jackson tragedies a new soberness has entered the campus scene.

Many students find the courses they are taking no longer interesting, because they are more concerned about the immediate issues facing the country.

Which way will they turn?

Which way *can* they turn?

Thousands of them came in force to Washington two week-ends ago, and the *New York Times* wrote:

"Americans of all political persuasions can be proud of the young people who demonstrated at the Ellipse.

"By practicing peace as well as preaching it, these students gave added dignity and impact to their cause."

I agree with that evaluation.

The fact that violence was controlled was one more indication of the maturity and seriousness of our youth.

Today's college students, with a few exceptions, do not want to be pushed into the corner of violence. Peace is more than their motto, it is their instinct, and will remain so unless they are radicalized by isolation and hostility.

The triumph of the Washington demonstration was that new lines of communication were opened up.

The tragedy would be if they dried up, through impatience or stubbornness.

We've begun to see these channels operate these last weeks. In the Department of the Interior we have received dozens of student and faculty delegations.

Many have come simply to thank us for expressing our convictions about the mood of the nation's youth.

Others have come because they feel the battle to save our environment is interwoven with the question of our national priorities.

Last Tuesday I received a group of twenty-five from the University of Washington in Seattle. This group had taken a step further.

They came with a proposal for the creation of a "national quorum week" . . . something along the lines of Earth Week, in which teach-ins could be set up nationwide on the major issues of the day.

Such conferences could move Americans closer together, and give them greater opportunity to exchange ideas and opinions.

President Nixon knows that Washington tends to become isolated from the rest of the country . . . an isolation he has worked hard to eliminate.

He has taken the White House "to the people", by scheduling cabinet-level activities outside of Washington, in Chicago and Indianapolis . . . at the Western White House in San Clemente, and in other cities.

In the same way, I believe our campuses tend to get isolated from the rest of the country, and these quorums—or teach-ins—could do away with much of that isolation.

The most damaging attack on our young would be to label the entire youth community as anti-patriotic.

There are some in our society who have a compulsion to destroy and who relish violence and anarchy. But they are in a distinct minority.

Most of our young people love America.

They love the dream this nation is based on. They honor those who have died to keep us free.

But they are not content with the pace of change. They have new visions for our role in the world.

They entertain ideals which they refuse to sacrifice.

In effect, they are the voice of the future.

Those who stretch us, who make us reach, who dare to use their imaginations—those are some of our greatest patriots.

There are ways of establishing trust and mutual respect if we will commit ourselves to finding them.

All avenues of communication have not yet been exhausted. Many have not been tried.

Others have not even been thought of.

It is the same with the question of our environment the most urgent need is for a big enough perspective, and the optimistic belief that something can be done if we dare to think in entirely new ways.

The environmental crisis demands a drastic shift in man's entire way of doing things. What is needed is nothing less than the beginning of a new era. The age of security must give way to the age of opportunity.

When man first appeared on this planet some two million years ago, he was nearly helpless in a hostile environment. The beauties of nature were overshadowed by the terrors of nature. Self-protection was the primary need.

This drive has remained the overriding concern of the human race. Self-defense has escalated from the club to the China Wall to the massive machinery which now stands poised and ready to destroy all life on earth.

As societies developed, the security function was delegated to a small faction of the community. Most people were able to spend their time creating and producing.

The price of protection, however, was high; in this country alone, we now spend billions upon billions for this purpose.

Clearly, *some rearranging of this nation's priorities is in order.*

If we can make the shift from security to opportunity, our attitude toward dealing with the environmental crisis will change.

Our task is great. We must repair the damage of fifty years of spectacular, blissful and sometimes blind industrial, municipal and agricultural development.

After we catch up, we must keep up.

If we approach the task reluctantly, it will not be done well.

But if we take the challenge as an opportunity to show that man has the capacity and the will to be a responsible steward of his natural habitat, we can do a job of which future generations will be proud.

We must launch a major program—now—to inventory and catalogue all our public lands—our waters, our continental shelf, our beaches, our forests and prairies.

It is time we decided what is the highest and best use of a stretch of beach for example.

In the past, our values have been strictly monetary. New criteria are needed which can put an appropriate value on natural beauty and recreation.

It would also be a serious mistake to leave the responsibility for caring for our environment entirely in the hands of government.

Fortunately, this is not the prevailing attitude in the country, and thousands of individuals and scores of industries are beginning to take spontaneous initiative.

And talking about things which grow spontaneously—or out of control—I have sometimes said, only half jokingly, that what this country really needs is a pill for the automobile!

Reports come to me that there are too many people visiting our National Parks.

*But the problem is not the number of people. It is the number of cars.*

In Yosemite, for example, the roads are choked with traffic.

And the same is true, of course, in our cities.

We are reaching the point where the automobile is becoming counter-productive. It is using up more resources and time than it is worth.

*Rapid mass transit is the answer.* It is pivotal in our overall national environmental goals. All our major urban areas would be helped enormously if we would give it the same priority we have the automobile.

The Department of Transportation, under the leadership of Secretary John Volpe, is pushing strongly in this direction.

This could be accomplished quickly. Many of our freeways themselves are ideal locations for the new systems.

For example, monorails could be run right down the center dividers of the large highways, cutting the expense to a fraction of the normal cost.

The second great benefit of effective mass transit would be the dispersal of population. *We cannot begin to talk about improving the environment of our cities until we relieve the press of population.*

Man wants to live in open spaces but he is forced to stay close to his work. With elevated mass rapid transit, an individual could live fifty miles outside of the city and get to work in less time than it takes him now from his present location driving an automobile.

I am proud of the impetus the youth of our country has given to the environmental cause. Some people write it off as a fad, or a phase which will pass.

They are mistaken, for this is deeper than a cause or a movement. It is the stirring of the soul of a generation.

The values of those who have gone before are being challenged. The reply has been, "what is your alternative?"

Their alternative, our alternative, is a new way of life, based on opportunity and the appreciation for the riches of the earth which we have inherited.

A new life style is emerging that cares for nature as well as for man, and that cares for man in a wholly new way.

We are no longer just interested in meeting man's material needs and comforts.

We are committed to creating a community, a world, in which the finest sides of man's nature, his greatest talents and abilities can flourish.

I expect America to fulfill this commitment in this decade.

## CONCLUSION OF MORNING BUSINESS

The **PRESIDING OFFICER**. Is there further morning business? If not, morning business is closed.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. **CHURCH**. Mr. President, I move that the Senate proceed to the consideration of the unfinished business.

The **PRESIDING OFFICER**. The clerk will state the bill by title.

The **BILL CLERK**. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The motion was agreed to, and the Senate proceeded to consider the bill.

The **PRESIDING OFFICER**. Under the previous order, the Chair recognizes the Senator from Colorado.

Mr. **ALLOTT**. Mr. President, in considering alternative policies toward Vietnam we must continue to demonstrate a decent sensitivity to the very real danger that Communist domination of South Vietnam would bring about hideous massacres.

Unfortunately, the New York Times of Tuesday, May 12, carried a column which sowed much confusion on this crucial subject. This column—the inaccuracy of which is surprising, even considering the source—has at least done the service of calling attention to the issue of Communist cruelty.

The author of this remarkable document is Mr. Tom Wicker. His thesis is that the President is having "scary dreams" when he suggests that North Vietnamese conquest of South Vietnam will be followed by massive slaughters of the many South Vietnamese who have fought the Communists as our allies.

Since a reluctance to precipitate such slaughters is one reason why we are coordinating our withdrawals with attempts to strengthen South Vietnam's independence, Mr. Wicker's charge is important. If his argument is correct, then the President's policy involves some faulty reasoning.

I want to make clear today, and I will at some length and without the least hesitation so that there will not be any doubt on this matter, that the massacres are a real danger and that Mr. Wicker's thesis is entirely false.

In the process of rebutting Mr. Wicker I shall examine his column thoroughly. For that reason, I ask unanimous consent for Mr. Wicker's column to be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1970]

### IN THE NATION: MR. NIXON'S SCARY DREAMS

(By Tom Wicker)

WASHINGTON, May 11.—In his televised address on the war last Nov. 3, President Nixon declared that a "precipitate American withdrawal from South Vietnam would inevitably allow the Communists to repeat the massacres which followed their takeover in the north fifteen years before. They then murdered more than 50,000 people and hundreds of thousands more died in slave labor camps."

In his speech of April 30, when he announced the invasion of Cambodia, Mr. Nixon again adduced the bloodbath story to support his action. Part of what he called "the easy political path," he said, would be "to desert 18 million South Vietnamese people, who have put their trust in us, and to expose them to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the Communists took over North Vietnam in 1954."

Then, under fire at his news conference on May 8, Mr. Nixon escalated. It was a "moot question" whether the war had been worthwhile, he said, but "now that America is there, if . . . we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned."

Let us pass mercifully over the highly revealing remark about "the peacekeeper in the Asian world" to the question of the bloodbath. On each of Mr. Nixon's two earlier assertions of this historical hobgoblin, I wrote that the record disclosed no evidence that such an atrocity had occurred. Prof. George McT. Kahin, Director of Cornell University's Southeast Asia program, used this space on Dec. 6, 1969, to refute the Presi-

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dent's No. 3 statement. Several magazine articles have gone into the matter in detail, as have numerous books each concluding there was no bloodbath in North Vietnam in 1954.

### THE ICC RECORDS

In fact, quite the opposite; the records of the International Control Commission disclose only nineteen complaints of political reprisals and only one involving murder in North Vietnam in the two years following the armistice; nor did the I.C.C. allege that its inquiries were in any way hampered by the Communist Government. But in South Vietnam, 214 complaints were lodged in the same period against the Diem Government, and when Ngo Dinh Diem in 1957 summarily barred the I.C.C. from any further investigations, 1,047 complaints were still pending against him. Moreover, the Diem Government itself reported 48,200 arrests of Communists from 1954 to 1960.

So the only events resembling mass political reprisal after the 1954 armistice occurred in the South, not the North. What did happen in North Vietnam was a harshly repressed peasant revolt in 1955 and 1956 against a severe land reform program. It had nothing to do with Ho Chi Minh's takeover. Mr. Kahin thinks perhaps 10,000 to 15,000 may have died.

As evidence for the likelihood of a bloodbath, Mr. Nixon also mentioned on Nov. 3 that the troops who captured the city of Hué during the 1968 Tet offensive may have "eliminated" as many as 3,000 South Vietnamese. But D. G. Porter and L. E. Ackland, writing in *The Christian Century* of Nov. 5, 1969, have reported their findings, after careful research, that most of these wicked executions took place in the heat of battle and as "the revenge of an army in retreat" and were not the deliberate policy of Hanoi.

So there are at least three things to be said about the bloodbath Mr. Nixon insists will take place if the Communists take over South Vietnam. To the extent Americans are led to believe in this specter, the President makes it harder to justify any end to the war that would appear to give North Vietnam opportunity for such a massacre; that is, almost *any* compromise settlement.

### DUBIOUS JUSTIFICATION

The second is that, since there is no historical evidence to justify the bloodbath prediction, this is an emotional argument to match or exceed any of the "emotionalism" or "sentimentality" or "lack of realism" so often charged to war critics.

Finally, since Mr. Nixon's staff is perfectly capable of pointing out an untruth no President should wish to assert, his insistence on the bloodbath seems to stem from something stronger than evidence. It is as though he *wills* it to be true, even though it isn't, both to justify the war and his policy, and to confirm the anti-Communism on which rests so much of his public life. Believing, perhaps, has made it so.

Mr. ALLOTT. Mr. Wicker attempts to buttress his implausible thesis by citing the oddest kinds of arguments and evidence. He focuses his attention on two matters, the executions at Hue during the Tet offensive, when the North Vietnamese occupied the city for a number of days, and the executions of peasants in North Vietnam during the early days of the Ho Chi Minh despotism.

Mr. Wicker does not think the facts about either case are alarming. I will rebut him on each point, beginning with the matter of the Hue massacres.

Mr. Wicker wants to establish that the Hue massacres were a temporary and unrepeatable aberration that did not represent deliberate North Vietnamese Government policy. To support his case he cites an article in the Christian Century which, he says, concludes that the massacres were done in panic by scared soldiers "in the heat of battle." This is pernicious twaddle. The facts are as follows:

When the North Vietnamese invaded Hue they brought with them political cadre. These political cadre carried complete dossiers on all "enemies of the people", as they call them—all persons whose continued existence would be a stumbling block to Communist tyranny.

Far from acting in disorganized panic, the executions were carried out with systematic care and remarkable organization. The political cadre went down street after street in Hue conducting a house-to-house search. They found the persons on their execution lists and marched them away to mass graves. There the lucky victims were shot. The unlucky ones were buried alive. Clearly these executions were carefully premeditated acts by the North Vietnamese Army, representing the established policy of the North Vietnamese Government.

Neither Mr. Wicker nor the men who wrote for the Christian Century can possibly know the full reality about the Hue massacres because the full grim reality is still being explored. We are still discovering mass graves in and around Hue.

This is not surprising. The Communists have repeatedly emphasized that the collection of so-called blood debts—a term they use—is a central part of their policy of inflicting systematic terror on conquered people. Consider the following 13 examples of North Vietnamese announcements of the blood debt policy:

Nhan Dan editorial, Hanoi, June 24, 1965: In conclusion, the paper warns that the U.S. imperialists and their henchmen who have incurred blood debts must repay them in blood. Just as the patriot Tran Van Dang said before his death, the Vietnamese people will fight more fiercely against them and will certainly annihilate them. By recklessly attacking the people, they will be kicked into their graves by the people just like the Ngo Dinh Diem brothers and any other despots in the world.

Quan Doi Nhan Dan commentary, Hanoi, December 15, 1968: On 25 November 1968 the PLAF Command ordered all PLAF units to sweep away the stubborn villains in their bases, completely disperse the rural pacification teams, crush the mopping-up and occupation plot of the enemy, annihilate the Phoenix teams and other espionage organizations of the enemy, and protect and develop the liberated areas.

The campaign for annihilating the stubborn villains in the puppet administration is developing strongly throughout the south. The southern troops and people have deeply thrust strong attacks against the enemy's lairs in strategic hamlets and concentration camps and punished the secret agents, policemen, Phoenix commandos, and pacification teams. Thousands of stubborn villains, who have incurred blood debts toward the people, pacification teams have been crushed.

Radio Hanoi to South Vietnam, April 11, 1968: The days of the puppet government corpse are numbered. Together with the unavoidable defeat of the U.S. imperialists, the traitorous clique will certainly have to atone for its crimes one day. The present shameful and woeful situation of the Thieu-Ky clique fails to be a very good lesson for all those who still remain in the puppet army and administration to ponder.

Quan Doi Nhan Dan commentary, April 4, 1969; broadcast to South Vietnam April 5, 1969: Our armed forces, together with the people throughout the country nurture this hatred and are determined to compel the U.S. aggressors and their lackeys to pay for their blood debts.

Liberation Radio, April 17, 1969: In northern Quang Nam, almost all newly liberated areas have now established revolutionary administrations, and newly set up people's liberation committees have been presented to the people. In a number of areas in (words indistinct) in Quang Nam Province, after destroying strategic hamlets, local people have set up special courts to try cruel, die-hard agents who owe blood debts to the people. Revolutionary administrations in the Mekong Delta have also vigorously developed their role. In the suburbs of Ben Tre provincial capital and in Nhi Binh, Tam Hiep, and Binh Chuong villages in Kien Phong Province, revolutionary administrations have also established courts to try those cruel, die-hard puppet administrative agents and spies who owed blood debts but refused to obey our compatriots' teachings.

Liberation Radio, April 19, 1969: Developing our achievements, let us combine our military offensive spearheads better and better and step up the movement to annihilate villains, smash bondage, and punish hooligans, informers, intelligence agents, and so forth, who have incurred many blood debts to the people, thus increasingly decaying the puppet administration machinery and creating conditions for widening the battlefields and annihilating the enemy right in his last dens. Let us appropriately punish pacification teams, tumble basic puppet administration organizations, smash the U.S. puppets' accelerated pacification plan and village and hamlet election farce, tighten the liberation encircling belts around the enemy dens, and create springboards for directing military spearheads at cities and provincial and district capitals.

Liberation Radio, May 2, 1969: The liberation armed security teams also punished 303 evildoers who had incurred blood debts against the compatriots, including 88 rangers and informers, 106 policemen, 11 spywar agents, 17 pollsters, and 36 village and hamlet puppet agents.

Liberation Radio, May 4, 1969: The braggart Thieu-Ky-Huong clique cannot avoid the thunderous blows which our people are focussing on its head in order to swiftly end the life of the traitors who have incurred many debts toward our people.

Liberation Radio, May 14, 1969: In coordination with the PLAF's activities, compatriots in all three areas—city, city fringes, and the rural rear—are determined to rise up and, together with the guerrillas, exterminate puppets and spies to hunt down lackeys who owe blood debts to our people, to crush the puppet machinery at basic echelons, to disintegrate all forms of enemy control in rural areas, and to smash his accelerated pacification scheme.

Liberation Radio, May 22, 1969: A public trial of hoodlums was held by the people of Tan Binh, a town in Tay Ninh Province. With active cooperation from the armed forces the people of this town, on May 3, held a public trial of a bunch of flunkeys and hoodlums drenched with bloody crimes against the people. The people fiercely exposed and denounced their activities of collaboration with the U.S. aggressor bandits and of acting as their flunkeys to stubbornly oppose the revolution and commit innumerable crimes against the people.

Liberation Radio, May 25, 1969: Let us look at those so-called parties which have agreed to join Thieu's ranks. What are they? If we do not term them profiteering politicians, as

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> Saigon papers have usually done, we can say that they are social dregs, a clique which has long served as lackeys for the imperialists, incurring many blood debts to our people.
>
> Liberation Radio, June 5, 1969: People's revolutionary committees have been setting up courts to try diehard lackeys who owe blood debt to the people. Many spies and puppets have reported to local people's revolutionary committees to turn in firearms and confess their crimes.
>
> Liberation Radio, June 30, 1969: The blood of thousands of our incarcerated compatriots who have been killed by the U.S. puppets scream for revenge. Pouring deep hatred into the muzzles of weapons, our southern armed forces and people are determined to advance, to strike more vigorously, painfully, and unremittingly, to force the U.S. puppets to pay their blood debts, to defeat U.S. aggression completely, to overthrow the country-selling lackeys, and to regain independence and freedom for the country and nation. He who sows the wind shall reap the whirlwind. This is the inevitable fate of the U.S. aggressors and Thieu-Ky-Huong lackey clique.

These 13 announcements of the "blood debt" policy are dramatic enough. But what is even more interesting is the fact that the North Vietnamese took special care to boast of their responsibility for the Hue massacres. Among the documents that I will ask to have printed in the RECORD at the conclusion of my remarks is the text of a Hanoi radio broadcast in which the Hanoi regime boasts of its massacres. This is in line with a captured enemy document which proclaimed:

> Hue was the place where reactionary spirit had existed for over 10 years. However, it took us a short time to drain it to its roots.

It is clear that the North Vietnamese have not tried to keep their "blood debt" policy a secret—the policy that resulted in the planned, systematic, cold-blooded Hue massacres. It seems that Mr. Wicker and some kindred spirits are the only people who have not gotten the word, or who refuse to believe North Vietnam's candid description of the policies, of which I have quoted 13, which are just a small part of the whole.

Nhu Phong, in an essay entitled "Intellectuals, Writers and Artists," published in a book edited by P. J. Honey, "North Vietnam Today: Profile of a Communist Satellite," New York, Praeger, 1962, described on page 81 one aspect of the "blood debt" policy as applied in North Vietnam after Ho's takeover:

> As a result of developments both inside North Vietnam and abroad, the resistance movement of the writers and intellectuals was able to seize democratic freedom and again went into action, this time overtly and twice as strongly as before. While Khrushchev was destroying the image of Stalin in Russia at the 20th Party Congress of the Soviet Union, the agrarian reforms in North Vietnam had entered their most decisive phase. Exactly in accord with the instructions given to it by the Chinese Communist Party, the Vietnamese Lao Dong Party "unleashed the might of the masses to destroy the landlord class." From village to village the landlords and their families were all punished by the special "Land Reform Courts," and after them the rich peasants and the middle peasants whom the "masses' representatives" considered to be landlords. Scenes of the most horrifying kind were witnessed in very village and hamlet. Battalion commanders in the People's Army were recalled from their military camps to their native villages, where they were stripped of their Party offices, stripped of their military rank, stripped of their decorations for bravery, and then beaten and sentenced to prison for their crime of "being the children of landlords." Young children of six were forced to fend for themselves and to beg for food because their parents had had to "pay their debt of blood," or, in plainer language, had been executed.

Mr. President, while we are on the subject of North Vietnam's terror systems, it is worth pointing out that the Communists have other odious terror policies besides the "blood debt" policy.

Even those who escape the collection of "blood debts" still die as a result of a North Vietnamese policy called "rectification of errors." This aspect of Communist terror tactics has been explained by Hoang Van Chi in his book "From Colonialism to Communism—A Case History of North Vietnam," New York, Praeger, 1964. So that all Senators may familiarize themselves with the "rectification of errors" as practiced in North Vietnam, I ask unanimous consent to have chapter 16 of Hoang Van Chi's book printed in the RECORD at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### EXCERPTS FROM "COMMUNIST TERROR IN NORTH VIETNAM"

As soon as Land Reform was completed (by 1956) and the so-called peasant's authority well established in the villages, the party quite unexpectedly admitted to having made many serious mistakes during the two previous campaigns when the "masses" had been "given a free hand." Accordingly, the communists promised to correct all these mistakes which, in their own words, had had a devastating effect on the party's prestige and the well-being of the people. So a "Rectification of Errors" campaign was launched, beginning with the resignation of both Truong Chinh, secretary-general of the party, and Ho Viet Thang, vice minister in charge of Land Reform.

Vo Nguyen Giap, as the party's spokesman, read a long list of errors to the 10th Congress of the Party Central Committee. This ran:

"(a) While carrying out their anti-feudal task, our cadres have underestimated or, worse still, have denied all anti-imperialist achievements, and have separated the Land Reform and the Revolution. Worst of all, in some areas they have even made the two mutualy exclusive.

"(b) We have failed to realise the necessity of uniting with the middle-level peasants, and we should have concluded some form of alliance with the rich peasants, whom we treated in the same manner as the landlords.

"(c) We attacked the landowning families indiscriminately, according no consideration to those who had served the Revolution and to those families with sons in the army. We showed no indulgence towards landlords who participated in the Resistance, treating their children in the same way as we treated the children of other landlords.

"(d) We made too many deviations and executed too many honest people. We attacked on too large a front and, seeing enemies everywhere, resorted to terror, which became far too widespread.

"(c) Whilst carrying out our Land Reform program we failed to respect the principles of freedom of faith and worship in many areas.

"(f) In regions inhabited by minority tribes we have attacked tribal chiefs too strongly, thus injuring, instead of respecting, local customs and manners.

"(g) When reorganizing the party, we paid too much importance to the notion of social class instead of adhering firmly to political qualifications alone. Instead of recognising education to be the first essential, we resorted exclusively to organisational measures such as disciplinary punishments, expulsion from the party, executions, dissolution of party branches and cells. Worse still, torture came to be regarded as a normal practice during party reorganization." [1]

This confession, together with the spectacular removal of those responsible for the movement, has led many outside observers to believe that the confessed errors were genuine mistakes, and that there was a sincere effort on the part of the North Vietnamese leaders to correct them. A few even have gone so far as to conclude that the whole process had been a complete failure. This was far from true, for the so-called Rectification of Errors campaign was only another plan to be added to an already long list.

Rectification of Errors was indeed an integral part of the well planned process of Land Reform and, as such, it had been conceived long before as a necessary conclusion to Land Reform. The reader will recall that, right from the very beginning, in 1953, the party had engaged in the so-called Political Struggle (described as *First Wave of Terror* in Chapter Seven) to pave the way for Land Reform, *i.e.* to move step by step from a normal situation to that of terror. This time the process was reversed. After three years of sustained violence, the party wished to return to a normal situation as smoothly as possible. They did this by resorting to the Rectification of Errors campaign. It was inevitable that the party should suffer a certain loss of prestige but it was prepared to accept this small sacrifice.

There is no doubt that when Mao and his theoreticians devised their techniques for Land Reform, they deliberately planned an excess of violence because they believed it to be necessary to ensure success. According to their calculations, this excess would be corrected by a process of reversal called "Rectification." Convincing proof of this is to be found as early as 1926, when Mao clearly stated that "to right a wrong one should exceed the limit of the right." [2] Mao's attitude was later adopted by Ho, who carefully explained to a restricted number of party cadres the basic strategy of his policy. "To straighten a curved piece of bamboo," he said, "one must bend it in the opposite direction, holding it in that position for a while. Then, when the hand is removed it will slowly straighten itself."

Evidently, both Ho and Mao anticipated a strong public reaction against their Land Reform policy and concluded that only a deliberate excess of terror would annihilate that reaction. To understand why this excess was thought to be indispensable, one must first understand the purpose for which the two leaders carried out their Land Reform.

In the first place, Land Reform did not consist solely of confiscation and redistribution of land. If that had been its only object, then government regulations alone would have sufficed. Prior to Land Reform a number of landlords of their own free will had offered their lands to the state. The offers were rejected or, in some cases, accepted for a few years, after which the lands were returned to the former owners on the pretext that "no citizen should be deprived of his normal means of livelihood." The

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[1] *Nhan Dan*, No. 970 (October 31, 1956).

[2] Mao Tse-tung: "Report of an Investigation into the Peasants' Movement in Hunan Province," in *Selected Works* (Lawrence and Wishart, London, 4 vols., 1954–56).

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truth was that the landlords were required to remain landlords until the time came for them to become scapegoats. It was immaterial, after all, who owned the lands since these could have been confiscated by the dictatorial government whenever it wished. The true purpose behind Land Reform was this:

1. Confiscation and redistribution were only transitional stages before the ultimate aim—collectivisation of the land. In order to compel the entire peasantry to accept without rancour the collective pattern of life, communist leaders felt it necessary to "kill the spirit of ownership" which had existed in the mind of every peasant for centuries. To achieve this aim, they applied an ancient Chinese maxim which says: "Kill just one and frighten ten thousand others." In the circumstances, it might have read: "Kill a few landlords in every village and frighten the whole population." This explains why a minimum "quota" of death sentences was fixed for every village, even in those villages in which all the land was communal. "Fright" was achieved rapidly, and the people of North Vietnam coined a new maxim, which was on everyone's lips: "Take your water from the river, buy your rice from the market, go to hospital in case of illness and be buried in a public cemetery after death." (This expression is much more epigrammatic in the Vietnamese language.) It meant that the wise man would take care never to possess anything of his own throughout his whole life.

2. In forcing them to denounce and kill landlords, the party wanted to make the peasants share in the blood-guilt. Thus, those who had directly or indirectly participated in the massacre, being morally and politically compromised, were forced to side with the party through fear of retaliation. Unable to side with their former masters in a revolt against the new masters, they had to accept whatever fate the party had in store for them. The guilt-complex which haunted the peasants' minds after the massacre of about 5 per cent of the total population has been euphemistically described in official communist literature as "the peasant's consciousness of being master of his own fate."

3. Land Reform, in the political sense of the word, means a radical shift from the anti-imperialist to the anti-feudalist standpoint or, in other words, from the anti-colonialist war against the French to the mass slaughter of local landlords. In changing the aim of its fight, the party felt it essential not only to purge all nationalist elements from the Resistance, but also to throw overboard any party members (and there were many) in whom there was the least suspicion of unorthodoxy. It believed that a purge as drastic as this could not be carried out if decisions concerning the fate of each individual were left to the upper classes, for nepotism was still widespread and many would be bound to slip through the net. In the party's view, the purge must be implemented from the bottom up, that is, from the village level, since nobody could better assess a man's political attitude than his fellow villagers. 'The people are clear-sighted.' they said; and among the people 'only the poor and lesser peasants are trustworthy.' The logical result of this argument was that 'the masses should be given a free hand to carry out Land Reform'. Although the masses would inevitably abuse it and resort to indiscriminate accusations, the party nevertheless concluded, after due consideration, that such a method was the best that could be devised, since a complete success could not be ensured without excess. To quote Nguyen Manh Tuong, the sacred principle applied to Land Reform was: "It is better to kill ten innocent people than to let one enemy escape."[8]

Thus the party recommended an excess of violence and turned a blind eye to all the abuses they knew to be the inescapable consequences of the 'free hand' policy. Hundreds of thousands of people were unjustly killed, jailed or starved to death without the all-powerful party raising a finger to help any of them. According to the law, anyone sentenced to death had the right to appeal to the President of the Republic for clemency, but the stark truth is that Ho Chi Minh did not pardon one single person, not even loyal party members who, at the moment of their execution by firing squads, still shouted: 'Long live Ho Chi Minh.' In March 1956, Ho did, however, order the temporary postponement of all capital punishment, but this was a consequence of the far-reaching de-Stalinisation campaign started in Moscow on the occasion of the Soviet Party's Twentieth Congress. Those fortunate people whose executions were postponed, and who were later released from jail, owed their lives, indirectly, to Nikita Khrushchev—not at all to Ho Chi Minh.

A further proof that this policy of violence was deliberate is to be found by comparing Giap's speech with Truong Chinh's, previously discussed in Chapter Twelve. The point that stands out clearly is that all the so-called mistakes listed by Giap derived directly from the failure to apply basic principles which Truong Chinh enunciated and which he promised would be carefully respected during the process of Land Reform. In the event, the party made numbers of wild promises it did not keep. Only when the campaign was all over did it express regret for its failure to honour this or that promise. Truong Chinh was the hand which bent Ho's bamboo shoot, and Giap the hand which released it. Rectification of Errors represents the bamboo's resuming its normal straightness, the resumption of a more or less normal life.

The first step was the release of all landlords and party members who were still in the prisons or concentration camps. The total number of prisoners has never been disclosed, but Giap mentioned in his speech that among those released were 12,000 party members. Not unnaturally, it was these communists who suffered most in the party's jails. Ngo Duc Mau, a veteran communist who had ten years' experience of French jails, gave the following description of his sufferings in a communist prison:

"When we were in our dark, damp cells we would comfort each other . . . for there is a vast difference between the imperialist jail and our own. In an imperialist jail I suffered only physical pains, my mind being comforted and at peace. . . . But how was I treated in this place? I was trampled underfoot both physically and mentally. Those around me considered me to be an enemy a traitor and a spy, and no one understood my situation."

The same communist also disclosed that it was his own 'comrades' who had tortured him, forbidding him to speak in his own defense:

"A comrade from my province (Ha-Tinh) brought purely imaginary charges against me, transforming all my past achievements into crimes. I was not allowed to speak in my own defence. They tortured me day and night in order to force me to admit to crimes which I had never even thought of, let alone committed. (*Nhan Dan*, October 30, 1956.)"

These prisoners were told that they had been imprisoned through an unfortunate error and would be released before long. However, a month before they were allowed to leave the camps or prisons, they were made to attend a special course entitled "Preparation for Going Home." This required them to study and discuss, under the guidance of a party representative, such thorny subjects as Giap's long list of errors, the party's attitude of self-criticism, the eternal rightness of the Marxist-Leninist doctrine, and the "correct attitude toward those who had made false denunciations". They were assured that they would be rehabilitated as free and honest citizens, and that they would recover all their rights and their unjustly confiscated property. They were also urged to forget their recent misfortunes and to renew their faith in the party, serving it as faithfully as they had done in the past. But the essential point for them to remember was that they should not take any retaliatory action against the authors of their misfortunes.

Orders were then given to village authorities to arrange for a delegation to be sent to the jails to welcome the prisoners and take them home. As might be imagined, there were many pathetic scenes when they returned to their villages and became reunited with their families. *Nhan Dan* described the case of Tan, one typical of countless others:

"Tan belonged to a middle-level peasant family which had tilled the soil for three generations. He joined the Revolution when it first began (1945) and, after training and acquiring the necessary experience, he was admitted to the party. In 1947 his village fell under French occupation and, in his capacity as secretary of the village cell and president of the village committee, he led his villagers in a fight against the French. Frequently during enemy searches he was forced to remain hungry for long periods in underground hide-outs. Sometimes he was obliged to run away, but immediately the French had gone, he returned and rebuilt the village organisation, carrying out guerrilla warfare until final victory [1954]. After the truce, in accordance with his orders from higher authority, he prepared to carry out an attack against feudalism [Land Reform]. However, not only was he not allowed to participate in the attack, but was classified as a cruel landlord and a reactionary. He was accordingly denounced and tried before the People's Tribunal."

During the Rectification of Errors campaign, Tan was told that the case against him had all been a mistake and that very soon he would be released. Then:

"Tan counted on his fingers . . . eight months in jail awaiting execution, one month more attending the course: in all he had been absent from home for nine months. . . . When Tan entered the courtyard of his brother's house, he went first to the tumbledown kitchen in which his family had lived since the day his property had been confiscated. He was forced to bend double to get into the kitchen, which was coated in soot. A bamboo bed occupied about half the room, and the whole place was in complete disorder. . . . Tan was heartbroken to see this evidence of the wretched plight of his wife and children during his months in jail, but he made a great effort to remain calm and waved to his sister who still wept bitterly. 'Don't cry,' he said, 'tears and resentment are superfluous, they only increase our suffering.' He then entered his brother's house where there was great rejoicing. During the evening people came in groups to talk about the mistakes that had been made during Land Reform. They recalled how the villagers had been compelled to denounce and torture one another, to sever all family ties and to suppress all human feelings. There was sorrow in every heart. (*Nhan Dan*, November 14, 1956.)"

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[8] Nguyen Manh Tuong: "Concerning Mistakes Committed in Land Reform", quoted by Hoang Van Chi in ***The New Class in North Vietnam.***

Mr. ALLOTT. Mr. President, at this point I have dealt with Mr. Wicker's spurious notion that the Hue massacres were a disagreeable aberration.

Now let me consider the question of the massacres which the North Vietnamese Government inflicted on North Vietnamese citizens.

It is Mr. Wicker's contention that reports of North Vietnamese massacres in North Vietnam are exaggerated—they are, he might say, the idle talk of nervous nellies. He does admit that there was a lot of government-inflicted bloodshed in North Vietnam during the early years of the Ho Chi Minh despotism. But he says it is a gross exaggeration to say—as the President and a host of scholars have said—that 50,000 North Vietnamese were slaughtered. Mr. Wicker accepts a Cornell University professor's estimate that a mere 10,000 to 15,000 persons were slaughtered.

Mr. Wicker is partially correct on a minor matter. But, remarkably enough, even when he is correct, he injures his own petition.

There is a sense in which Mr. Wicker is correct to say that the largest bloodbath in North Vietnam did not occur in 1954. In fact, the Communists were not firmly enough in control, and the North Vietnamese people were not sufficiently desperate in 1954 to require a bloodbath.

Once the Communists got organized, however, there was a huge bloodbath. It happened in 1956.

Some of the background is given by P. J. Honey in an introductory essay in the book he edited—"North Vietnam Today: Profile of a Communist Satellite," New York, Praeger, 1962. On pages 8 and 9, he writes:

> In 1955, as the whole of North Vietnam passed under the control of the Vietnamese Communists, the frontier between the two halves of the country closed, and all Vietnamese watched with interest the experiment of a Communist state in Vietnam. The period following the victory of Dien Bien Phu had been one of excitement, of military parades, of speeches congratulating every section of the community for the part it had played in winning national independence. Foreign observers were still present in North Vietnam, and efforts had to be made to persuade experienced administrators and technicians to remain at their posts, so the Communist leadership tended to be at its most reasonable and benevolent, promising all benefits to all people. Once the frontier had closed, however, and escape was no longer possible, communism came into its own. The need for window-dressing had passed because the blind had been drawn down permanently.
>
> In those parts of the country which had been under Communist control during the war, the agrarian reform campaign had already begun, and this was now extended to the whole country. While Party Secretary-General Truong Chinh boasted endlessly about the achievements of this campaign, identifying himself as its inspiration and its leader, special cadres were trained to carry it out and dispatched to the countryside. People were classified, and the hundreds of thousands unfortunate enough to be placed in the landlord class were dragged before the people's courts for condemnation and execution. The atmosphere of terror spread throughout the land and nobody felt safe, for classification as a landlord often had little to do with whether one possessed any land or not. This campaign had three principal objectives. Firstly, to dispose of people liable to oppose communism; secondly, to impress the whole people with the irresistible might of the Communist authorities; and thirdly, to confiscate land and place it in the hands of new people who would depend entirely upon the Communist authorities for their ownership of it. In addition, by forcing the whole population to participate in the atrocities of the people's courts the authorities made everybody share in the blame for the criminal actions of these courts. By doing so, they sought to bind the whole population to the Communist regime by means of a shared guilt, for any other regime might seek to punish them for their actions.
>
> The atrocities and the terror were pushed too far, with the result that spontaneous popular revolts broke out in a number of areas and the whole regime, but particularly the Communist Party, was in danger. Truong Chinh was made to resign his Party office—he could not dismissed entirely because of the powerful backing he enjoyed from the Chinese Communists—and a rectification of errors campaign was carried out.
>
> In the towns and cities, massive taxes quickly forced most of the privately owned shops and businesses to close down, leaving their owners unemployed and penniless. Money became very scarce, and the few goods still available for sale reached staggeringly high prices. The artisans, too, were forced out of work because there was not enough money in circulation to permit people to buy their goods. Unemployment reached gigantic proportions, and even the hard, poorly paid manual jobs such as road building were eagerly sought.
>
> The census authorities, ostensibly gathering statistics for the compilation of a new census of population, in reality acted as a sort of security police force. Cadres would watch families for days on end entering their houses and reading all their papers or documents. Fear and terror accompanied their operations.

Consider the words of Bernard Fall in his famous book "Two Vietnams: A Political and Military Analysis," revised edition, New York, Praeger, 1964, pages 155 to 156. He is discussing a particularly draconian decree involving what is euphemistically called "land reform":

> With the extreme narrow-mindedness that seems to be the hallmark of the Viet-Minh low-level cadre (can-bo), the decree was applied throughout the D.R.V.N. with utmost ferocity. Local Party officials began to "deliver" veritable quotas of landlords and rich peasants even in areas where the difference between the largest and the smallest village plots was a quarter-acre. Special "People's Agricultural Reform Tribunals" ("Toa-An Nhan-Dan Dac-Biet") began to mete out death sentences to individuals who in any case were not landlords, and who in many cases had loyally served in the war agaist France or had even been members of the Lao-Dong. By the summer of 1956, the Lao-Dong was for the first time confronted with a severe internal crisis: A menace to life and property from whose arbitrariness no one any longer felt safe produced a wave of disobedience and outright hatred for the Party cadres throughout the country. While it is obviously impossible to give precise figures, the best-educated guesses on the subject are that probably close to 50,000 North Vietnamese were executed in connection with the land reform and that at least twice as many were arrested and sent to forced labor camps.

One can well imagine the number of fatalities among the 100,000 who were sent to forced labor camps.

Consider the following from Bernard Fall's "Two Vietnams," pages 156 and 157, where the author tells of a belated North Vietnamese effort to head off a rebellion in 1956:

> All this came too late, however, to prevent a popular explosion on November 2, 1956—at the very time when, at the other end of the Communist bloc, Soviet tanks began to crush the Hungarians who had rebelled under precisely the same conditions. What made the Vietnamese uprising particularly humiliating for Hanoi was that it took place in the middle of the Viet-Minh bastion of Interzone IV and in Ho Chi Minh's own native province, in fact, only a few miles from his birthplace. Since, by sheer accident, Canadian members of the International Control Commission were present when the outbreak took place, its completely fortuitous and popular origin can be well substantiated: It apparently started when villagers surrounded a Commission jeep with petitions asking that they be allowed to go south of the 17th parallel. A Viet-Minh soldier or militia member tried to disperse the villagers with his rifle butt, but the enraged farmers beat him and took his rifle. Thereupon the VPA soldier found it expedient to withdraw, only to return with a squad of troops; they met a fate similar to his, and shots were exchanged. By nightfall, the movement had swept over the whole huyen (district), and danger mounted that the farmers, like those of the first Nghe-An Soviet of 1930, would march on the provincial capital of Vinh, just as they had marched twenty-six years earlier in protest against the colonial power. Hanoi no longer had any choice; it responded in exactly the same way as the colonial power had, sending the whole 325th Division to crush the rebels. It did so with typical VPA thoroughness; allegedly, close to 6,000 farmers were deported or executed. With headlines pre-empted by the news from Suez and Hungary, the world press had little space left for the farmers of Nghe-An. And no U.N. member—neither of the always touchy Bandung bloc so concerned about the fate of its brothers in colonial shackles, nor of the habitually anti-Communist nations—mustered sufficient courage (or marshaled sufficient facts) to present the Nghe-An case to the conscience of the world.

The facts about the conditions of terror in North Vietnam make one thing clear. That is, the most astonishing part of Mr. Wicker's disquisition in his theory that political reprisals in North Vietnam could not have been severe because the North Vietnamese people did not bring their murderous government to justice before—of all things—the International Control Commission.

Not since the 1930's, when the American left went out of its way to support the Soviet Union, has there been a performance to match Mr. Wicker's attempt to support the North Vietnamese by citing International Control Commission—ICC—records.

This would be pathetic and ludicrous were it not contemptible as a transparent attempt at a whitewash.

Mr. Wicker says that ICC records "disclose only 19 complaints of political reprisals" in the 2 years following the 1954 armistice. It does not seem to have dawned on Mr. Wicker that many of those who suffered most were in no condition to complain to the ICC, nor, for that matter, to anyone else. Nor does Mr. Wicker consider the possibility that the surviving portion of the North Vietnamese population was in a terrorized condition—a condition which the Communists had worked to create.

Mr. President, it goes without saying

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that a terrorized people will not go running to a powerless international commission to make damaging charges against the savage authorities.

This is not to say that some North Vietnamese did not attempt to get aid from the ICC. In fact we have a report of such attempts from Mr. Theodore Beaubien Blockley, a Canadian who was, in 1957–58, senior political adviser to the Canadian Commission on the ICC. On September 29, 1965, Mr. Blockley, wrote a letter to Senator DODD in which he explained some of the discouraging and terrible things he saw while with the ICC in Hanoi. His letter includes this passage which is so illuminating that I read it somewhat at length:

> Early attempts by some Canadians and a very few Indians to insist that the North Vietnamese carry out the terms of the agreement in respect to certain individuals were tantamount to sentences of death for them.
>
> I have referred in an earlier letter to the hours spent by members of the Canadian delegation, including myself, in destroying thousands of petitions from people in North Vietnam who clearly came within the protecting clauses of the agreement, so that there would be no chance of the petitions falling into the hands of the Communist authorities. To give some of the Indians their due, I was told by some of them that they had done likewise with petitions addressed either to their delegation or to the Commission Secretariat.
>
> During Chou En-lai's state visit to Hanoi, I was invited, as acting leader of the delegation at the time, to attend the numerous receptions which were accorded him. At the first of these I was singled out by Ho Chi Minh as the only person at the reception besides the guest of honor, Chou, with whom he conversed. In the course of the evening, I had two long talks with him, and two with Chou En-lai.
>
> Early next morning I was roused by the delegation officer of the day who informed me a mob had gathered at the delegation office building, part of which had forced itself into the courtyard of the building, despite the efforts of armed Communist guards, and unarmed Canadian soldiers, to keep them out. I was driven hurriedly to the office building, the crowd (which I estimated at over a thousand and growing rapidly) letting the car through when the orderly officer called out, "C'est M. l'Ambassadeur canadien."
>
> Going through a postern in the main gates of the carriage entrance to the building courtyard, I found 200 or 300 North Vietnamese milling around in there, with a score or so of anxious Canadian soldiers keeping them from going up the staircases into the offices themselves. I went up to a half-way landing on one of these staircases and shouted for silence, then singled out an impressive looking Vietnamese matron to act as spokesman, demanding to know from her what the demonstration was all about. She told me the rumor had quickly spread about Hanoi during the preceding evening and night that the Canadian delegation now enjoyed cordial relations with the Communist authorities and would now be able to insure the issuance of exit permits to those who had been denied them. "So," she added quite simply, "I knew there would be thousands coming for them today, so I came early for mine, as have these other people."
>
> In the meantime truckloads of armed police and soldiers had been arriving outside, and struggles were developing as they tried to seize people in the crowd. Shouting so that I could be heard above the commotion, I managed to arrest these activities, and then addressed the crowd from the outside staircase landing. "**Que vous êtes fous—fous—fous**"—"How mad you are to come here" and going on in French, "The Canadian delegation can never, never, never help you—it does not want to help you. Never come near this building again, nor go near the Commission building. And tell everybody else so. Now run, run, run, and get away as fast as you can."
>
> As I cried out the last words I signaled to the Canadian soldiers who swung open the great gates, and the crowd in the courtyard erupted into the crowd outside, and all turned and scattered, bowling over many police and soldiers who, miraculously, refrained from opening fire (although we had heard rifle fire in Hanoi previous nights).
>
> The last I saw of the marvelous old Vietnamese dame, she had kilted her ground-length skirts up to her knees, had nimbly dodged two or three soldiers and police, leaped into a pedicab which she must have arranged for beforehand, and careened off down the street, rounding a corner on two wheels while a policeman who had been pursing her in another pedicab lay sprawled in the street, his pedicab operator, either deliberately or accidentally having upset in attempting to round the same corner.
>
> Mercifully, only two or three truckloads of prisoners were borne off in the police vans. All efforts in the Commission subsequently to ensure these luckless ones were not punished for attempting to exercise their rights under the Geneva Agreements went without success.
>
> In view of the Commission's sorry record of failure to extend any sort of protection to persons entitled to such protection under the Geneva Agreements, anyone who suggests it could do any better in assuring a terror free election throughout North and South Vietnam must be utterly disingenuous, incredibly ignorant or downright pro-Communist!
>
> I will but briefly mention the dreadful experience of finding North Vietnamese in my office and in my residence—the Lord knows how they had managed to get in, evading both the Vietnamese and Canadian guards—who would then plead with me to save them by smuggling them out, breaking down and throwing their arms around my feet, even threatening me, and whom I in turn would have to threaten with calling the Communist police before they would leave. Some of these were actually government officials.

This letter—the full text of which appears in the CONGRESSIONAL RECORD, volume 111, part 21, pages 27956–27957—deserves the attention of all persons who have a serious interest in the realities of International Control Commission work.

For additional insight concerning the usefulness of the ICC, consider the following from Bernard Fall's Vietnam Witness: 1953–66—New York: Praeger, 1966—pages 101–102:

> Nghe-An and its neighboring provinces have a long record of fierce nationalism. It had fought on longer than any other region against French colonial penetration in the ten-year "Revolt of the Intellectuals" in the 1880's. Ho Chi Minh, Vo Nguyen Giap, and other leaders originated there. It was the landless farmers of the Nghe-An who, in 1930 and 1931, organized village revolutionary committees—conveniently dubbed as the "Soviets of Nghe-An" by Communist propaganda—and marched unarmed against French troops. During the Indochina war of 1946–54, the Fourth Interzone, with its rice surplus, raw materials, and relatively well-educated population, was one of the Viet-Minh's main bastions and one into which no French troops had penetrated since 1946. In fact, the territory was considered so thoroughly permeated by Communist ideas that the D.R.V.N. had begun to establish Soviet-type collective farms there in 1954. That open revolt against the regime should nevertheless take place in this area suggests that depth of popular resentment against the Hanoi government.
>
> The available information indicates that farmers in the predominantly Catholic Quynh-Luu huyen (district), thirty-five miles north of the provincial capital of Vinh, when apprised of the new policy of the government, decided to march upon the district headquarters to air their grievances and demand immediate redress. Regional troops of the 325th Infantry Division, in platoon strength, were sent to Quynh-Yen village along with some representatives of the huyen administrative committee "to explain to the compatriots the government's policy." However, the indignant populace overwhelmed and disarmed the troops during the night of November 5 and now did to them what had been done to themselves for years: they forced the troops and party cadres publicly to confess their crimes and sign a prepared statement to that effect.
>
> Between November 5 and November 13, the rebellion spread to the whole district, and four columns, totaling perhaps 10,000 rebellious peasants, began to converge upon the district administrative headquarters. There are some indications that by then the rebellion had spread to neighboring districts, but now the thoroughly alarmed Hanoi government decided to commit the battle-hardened 304th Infantry Division to the job of sealing off the insurrectionary area and to crush the rebellion by military force. According to a declaration made on November 29 by President Ngo Dinh Diem, head of the Vietnamese national government in Saigon, a team of the International Control Commission, which supervises the enforcement of the 1954 ceasefire, passed through Quynh-Luu on November 9 and was handed a series of petitions demanding ICC support for the liberation of arrested family members, restitution of illegally seized property, and the right to be informed about world events as well as the right to circulate freely. There is no evidence that this petition was acted upon by the ICC or that a subsequent letter sent by the Vietnamese Government in Saigon to the United Nations resulted in any action by that body.

The inaction of the ICC and the United Nations in this regard should give us a clear understanding of why the North Vietnamese did not rest their hopes for safety on impotent international organizations. And this is why Mr. Wicker's use of the ICC records is foolish.

I do not think Mr. Wicker is silly enough to really believe that the North Vietnamese people thought it would be safe to vent their fears and memories to the ICC. I think Mr. Wicker is playing games, dangerous games.

Probably the most inane part in Mr. Wicker's lamentable column is the passage where he confides to us the information that the massacres of 1955 and 1956 "had nothing to do with Ho Chi Minh's takeover." This is the silliest statement to appear on the Times editorial page in years—and the competition for that title is very stiff. What does Mr. Wicker think brought about the massacres? Sun spots? Can Mr. Wicker doubt that Ho Chi Minh's coming to power was a necessary condition for the production of these Communist massacres? Is it not abundantly clear that his coming to power was a sufficient condition for unleashing 16 years of war, terrorism, massacres, and other enormities throughout Indochina?

Mr. President, I want to sum up and draw some conclusions.

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Based on the facts I have cited, I feel Mr. Wicker is dead wrong, tragically wrong about the likelihood of a bloodbath in South Vietnam should North Vietnam take over there.

Mr. Wicker is dead wrong about the nature of the Hue massacres. He denies that these represented settled North Vietnamese policy. He denies this in spite of the fact that North Vietnam has boasted about this policy.

Mr. Wicker is dead wrong about the massacres that took place in North Vietnam after—and resulting from—Ho Chi Minh's coming to power. He chooses to downgrade the size and significance of the bloodshed in North Vietnam in spite of the fact that—to put it mildly—the real amount of bloodshed has not been the best kept state secret of the 20th century.

All this has been written about in books which Mr. Wicker has surely read if his competence as an Asian expert is all that he advertises it to be. Mr. Wicker has not been bashful in proclaiming the fact that he reads books and articles on these vexing matters. Therefore one cannot help wondering how he arrives at conclusions which are not widely shared by recognized experts. Certainly, those who are recognized experts have not presented such a sanitized picture of our enemy—an enemy whose morals suggest kinship with the Waffen-SS.

Let it suffice to note that when Mr. Wicker says "there is no historical evidence to justify the bloodbath prediction" he is feigning an historical competence which he does not in fact possess, and he is ignoring the evidence of many serious sources.

Mr. President, I do not think the United States is obliged to spend unlimited resources over an unlimited period to protect the South Vietnamese. Honorable men of good will can and do disagree as to whether we have already done all we can do. I think we can do more while proceeeding with an orderly withdrawal of American forces. Further, there are honorable men who argue that the moral equation is such that we need not spend another dollar or risk another life to protect the South Vietnamese from any fate, however horrible.

I am not saying that this is a dishonorable position. But one does wish that those who advocate it would have the courage of their convictions. One does wish that those who feel this way would face the facts about the probable outcome of the policies they advocate so vociferously. And one wishes that men like Mr. Wicker would abandon the forum and leave this difficult debate to more candid men.

Mr. Wicker spills much ink on the subject of the President's veracity. I suppose this is one thing that caused me to speak at such length this afternoon, because there is no justification for such doubt. Mr. Wicker is in a constant pout because he does not think the President understands the world or describes it accurately for the American people. This takes a lot of brass considering the fact that if all Mr. Wicker's inaccuracies generated a nickel for the Treasury we would soon retire the national debt.

It would at least be nice if Mr. Wicker would read—or remember—what his own paper prints as editorial comment. It is sometimes worth remembering. Perhaps it might be well to remind him. It was on May 8, 1968, when the Times carried an editorial which, although based on incomplete figures about the Hue massacre—the graves were just being opened—is still very relevant, especially since a Times columnist seems to have forgotten its message. It said the following:

> The new wave of Communist assaults on Vietnamese cities, accompanied by the indiscriminate slaughter of innocent bystanders, is a timely reminder of the callous contempt for human life characterizing this war even beyond many others.
>
> This calculating cruelty was exposed most forcefully in a recent detailed American report on massive executions by the Communists in Hue during the Tet offensive. The murder of more than 1,000 Government workers, priests and women, some of whom apparently were buried alive, followed a pattern of wholesale political assassination that the Communists have practiced throughout South Vietnam—and in North Vietnam—for years.
>
> Strong guarantees against such bloody reprisals on either side after a cease-fire must be part of any peace settlement.

That is the end of the quotation, but I want to repeat that last paragraph from the Times itself:

> Strong guarantees against such bloody reprisals on either side after a cease-fire must be part of any peace settlement.

Mr. Wicker is a very brave man. Sitting here in Washington, he is willing to take no end of risks with the lives of the South Vietnamese. But Mr. Wicker's courage is strangely limited. He seems to think that it is neurotic to worry about the safety of the South Vietnamese, but he hardly lets a week go by without announcing his fear that the President, or the Attorney General, or the police, or the Army, or the American majority, or some other pernicious force is going to crush him under the darkest despotism.

In recent weeks Mr. Wicker and the paper he serves have done the Nation a favor. They have given up the pretense of practicing journalism. They have become active instruments of political forces in this Nation.

In this regard I would like to quote the wise commentary given by Howard K. Smith during the ABC evening news program of Monday, May 11:

> It will be a little while before last week's turbulent events can be assessed with certainty. However, the Sunday *New York Times* and a few other papers have already decided. Over the weekend, the *Times'* famous columnists pounded our ears with one litany: In his Cambodian venture the President was out of touch, misjudged the temper of the nation, was isolated from the people's opinion.
>
> What are the facts that are known?
>
> First of all, there are opinion polls. Since Cambodia, both CBS and Gallup polled the nation and came to the same conclusion: Americans are almost two to one in favor of the President's action. The *Times* flunked that test. The President looks pretty good.
>
> There is another way to judge opinion. That is how the elected representatives of the people vote. Last month the House of Representatives voted overwhelmingly to support the President. Last week the House voted equally overwhelmingly to defeat a motion criticizing the President's action in Cambodia.
>
> In the Senate critics have criticized loudly but never dared to bring their views to a vote. They didn't have a majority. Today they at last put forth a stern amendment against the Cambodia action, but we'll believe they have a majority when we see it.
>
> As of now, on the basis of available indices, the President seems to have gauged the public temper relatively well; better than the *New York Times* has.

Mr. President, I support Mr. Smith's opinion. I would only suggest that he is wrong in thinking that the Times was trying to accurately gage the temper of the American people. The Times was ignoring the evidence in order to promote its political point of view. That is not good journalism but, as I said, the Times is no longer practicing journalism. It has become the house organ of a political persuasion.

Prompt public recognition of this fact will serve the national interest in two ways. First, it will serve the good name of American journalism. Second, it will lessen the public confusion that ensues when the American people pick up what looks like a newspaper and find nothing reported in it—outside the sports section and perhaps the funny page—bears any resemblance to what they know to be the truth about the world.

It is fortunate that much of the media has avoided this transformation from instruments of journalism into tools of political opinions. It is gratifying that we can still gather much useful information from the media, and elsewhere, to help us understand the complex issues of foreign policy. In this regard, I would like to share with other Senators some of the information I have come upon in examining this subject.

Mr. President, so that the full nature of enemy cruelty may be known, and so that we can understand the real danger of a Communist-administered bloodbath in the event of a Communist takeover in South Vietnam, I request unanimous consent for the following documents to be printed in the RECORD.

Some of the articles have footnotes. I ask unanimous consent that the footnotes be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, these items—all of which pertain to evidence of enemy cruelty, and to the threat of future atrocities—are the following:

First. An article by Don Tate headlined "It Would Be a Bloodbath." It appeared in the Washington Daily News of November 25, 1969;

Second. A story from Time magazine of December 5, 1967, concerning the Communist massacre at Dak Son;

Third. An article by Ernie Zaugg entitled "Cloud Over Vietnam's Catholics." It appeared in the Kansas City Times of December 27, 1969;

Fourth. A column by Edith Kermit Roosevelt entitled "Putting the VC in Perspective." It appeared in the Philadelphia Bulletin of April 19, 1970;

Fifth. A column by Jack Anderson en-

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titled "Hanoi, Vietcong Kill Civilians Regularly." It appeared in the Washington Post of December 5, 1969;

Sixth. An article by Tom Buckley headlined "Midnight Vietcong Raiders Slay 6 as Informers." It appeared in the New York Times of July 26, 1967;

Seventh. A United Press International dispatch, datelined Can Tho, South Vietnam, and headlined "Survivor Describes Massacre by Reds." It appeared in the Washington Star of March 6, 1967;

Eighth. A column by John Chamberlain headlined "Rapid Vietnam Withdrawal Would Result in Bloodbath." It appeared in the Columbus, Ohio, Dispatch on November 11, 1969;

Ninth. A column by Joseph Alsop headlined "Massive Withdrawal by United States Would Spark Viet Massacre." It appeared in the Washington Post on September 15, 1969;

Tenth. An article by a Baltimore Sun staff correspondent from Saigon, headlined "Terrorism Stepped Up by Vietcong." It appeared in the Sun April 7, 1969;

Eleventh. An editorial from the Washington Star of September 13, 1969, headlined "Vietcong Terror Tactics";

Twelfth. An article entitled "Massacre at Hue" from Time magazine of October 31, 1969;

Thirteenth. An article by Don Oberdorfer, datelined Hue and headlined "Hue: Deliberate Slaughter." It appeared in the Washington Post December 7, 1969;

Fourteenth. An article from the Los Angeles Times news service headlined "Hue Slayings Seen Pattern If Foe Wins." It appeared in the Washington Post December 7, 1969;

Fifteenth. The text of a Hanoi radio broadcast of April 27, 1969, in which the North Vietnamese acknowledge that the Hue massacre was part of a deliberate, calculated policy.

Sixteenth. The text of a North Vietnamese editorial broadcast on Hanoi radio on March 21, 1968, at 11:15 GMT. Its title was "Defend Order and Security and Punish the Counter-Revolutionary Elements";

Seventeenth. A report by Truong Chinh, broadcast on Hanoi radio September 18, 1969;

Eighteenth. The text of the November 1967, Decree on Counter Revolutionary Crimes broadcast on Radio Hanoi on March 21, 1968 at 4:15 GMT;

Nineteenth. An article by Robert G. Kaiser, datelined Saigon, which appeared in the Washington Post May 15, 1970. This article concerns a report just prepared by Douglas Pike, one of the foremost authorities on the practices of the Vietcong and the North Vietnamese. It is Mr. Pike's considered judgment that "if the Communists win decisively in South Vietnam, all political opposition, actual or potential, would be systematically eliminated." Mr. Pike believes this might cost the lives of 3 million South Vietnamese; and

Twentieth. Chapter Six from Chester Bain's book "Vietnam: The Roots of Conflict"—Englewood-Cliffs, N.J.: Prentice Hall, 1967. Mr. Bain details the use of murder and torture as instruments of domination in North Vietnam.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Nov. 25, 1969]

### IT WOULD BE A BLOODBATH . . .

(By Don Tate)

SAIGON, November 24.—A former North Vietnamese army colonel who defected after 21 years of Communist Party membership said here today a communist takeover of the south would result in a bloodbath.

He is Lt. Col. Le Xuyen Chuyen. He joined a suicide youth group in North Vietnam when he was 15, was decorated by Hanoi as a war hero, helped write the sapper manual for the North Vietnamese army and was slated for command of a division at the time of his defection.

Asked in an interview if the possibility of a bloodbath in the event of a communist takeover had not been exaggerated, Lt. Chuyen said:

"It could not be exaggerated. It will happen."

Wouldn't unfavorable world opinion deter it?

Lt. Chuyen laughed. "Who would be around to report it? It happened in North Vietnam and nobody cared. You Americans wouldn't be here to see it. Once out, you would never come back. It would just happen. World opinion? It does not even grasp what is going on here right now?"

He said that while any American atrocity always gets a big headline, the calculated, day-to-day murder of civilians by communist terrorists is virtually ignored.

Lt. Chuyen estimated some five million people in the south are on what he called the communists' "blood debt" lists. For every 100 on the lists 10 to 15 would pay with their lives, another 40 would be imprisoned and the rest would undergo "thought reform," he predicted.

Included on the lists are a million Catholic refugees who fled North Vietnam, some two million South Vietnamese troops, government officials down to the hamlet level and paramilitary groups, more than 100,000 North Vietnamese and Viet Cong defectors, some 100,000 South Vietnamese working for the Americans and numerous elements of the "bourgeois" class.

Captured communist documents define "enemies of the people" as including "anybody who grumbles about the revolution; anybody with suspicious past activities or who acts suspiciously; individuals who display a backward ideology or dishonest concepts, exploiters (anyone benefitting from the labor of others); tyrants (anyone working for the government); anybody whose relatives are working for the enemy in any way; members of religions who still remain deeply superstitious," etc.

One document states what will happen when the communists take over: "Even after the Fatherland is completely liberated the fight will continue, fierce and complicated. Then the real tasks of eliminating reactionaries, informants, American henchmen, religionists, etc., will begin."

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[From Time magazine, Dec. 15, 1967]

### THE WAR—THE MASSACRE OF DAK SON

The worst atrocity yet committed in the Vietnam war began its course last week when a handful of Viet Cong crawled up to the wall-and-wire perimeter of the hamlet of Dak Son, some 75 miles northeast of Saigon. The V.C. called for the hamlet's inhabitants to surrender and come out. When they got no takers, they withdrew, hurling behind them their ultimate epithet: "Sons of Americans!" Earlier in the day, villagers had reported to their 140-man defense force that some Viet Cong were roaming through the surrounding fields. But that was hardlly unusual, or cause for any particular alarm. The Viet Cong had steadily harassed Dak Son, and four times this year had mounted an attack and tried to overrun it; each time they had been stopped short of the defense perimeter and thrown back.

The reason for the intense interest in Dak Son, a hamlet of 2,000 Montagnard people, was that it was the new home and sanctuary of some 800 Montagnard refugees who 14 months ago fled from life under the Viet Cong in the surrounding countryside, where they had been forced to work in virtual slavery as farmers and porters. The Montagnards are the innocents of Viet Nam: primitive, peaceful, sedentary hill tribesmen. The women go bare-breasted and the men, who scratch out a living by farming and hunting with crossbows and knives, wear loincloths. The Viet Cong not only missed the services of those Montagnards who had fled to government protection, but also feared that their lead might be followed by the 20,000 other Montagnards in the province of Phuoc Long, many of whom are still serfs of the V.C. Lest the others should get the idea of seeking government protection, the Communists decided to make an example of the refugees of Dak Son.

#### YELLING AND SCREAMING

As in most Vietnamese villages, the people of Dak Son were completely unarmed, and most of them were women and children. The Viet Cong began their attack at midnight, pouring machine-gun, mortar and rocket fire into Dak Son as they had in the past. This attack, however, was to be very different from the others. The 600 Viet Cong who assembled outside Dak Son were armed with 60 flamethrowers. Yelling and screaming, they attacked the town, shooting countless streams of liquid fire that lit up the night and terrified by its very sight a people who had only recently discovered the use of matches.

The Viet Cong first broke through the perimeter opposite the refugee quarter and forced the outmanned militia force to retreat across the road into the town proper. There the militiamen were surrounded and isolated—and for the rest of the macabre night pointedly ignored by the marauders. The Viet Cong were not intent on a military victory but on the cold-blooded, monumental massacre of the helpless Montagnards.

To that end, long ugly belches of flame lashed out from every direction, garishly illuminating the refugee hamlet and searing and scorching everything in their path. The shrieking refugees still inside their houses were incinerated. Many of those who had had time to get down into dogholes beneath the houses were asphyxiated. Spraying fire about in great whooshing arcs, the Viet Cong set everything afire: trees, fences, gardens, chickens, the careful piles of grain from the annual harvest. Huts that somehow survived the fiery holocaust were leveled with grenades. Then the houses of fire were sprayed down inside the exposed burrows. Later, the Communists incinerated a patch of the main town just for good measure.

#### NIGHT OF TERROR

One mile away, at the town of Song Be, Dak Son's intended defenders, a battalion of South Vietnamese soldiers, clenched their fists in helplessness as they watched the flames on the plateau mount higher and higher into the dark sky. Their small force of helicopters had earlier been sent out on another mission and could not be recalled. A march on foot to relieve Dak Son would lead through a wild and deep ravine separating the burning hamlet from Song Be. It meant three miles on a tortuous and twisting trail in the darkness—and an almost certain Viet Cong ambush. Dak Son's only outside help during its long night of terror and death was a single C-47 Dragonship that hovered over the hamlet, spraying the surrounding fields with its miniguns. The grim gunners had no need of flares to spot their targets.

Only when they ran out of fuel for their flamethrowers did the Viet Cong resort to guns. Forcing 160 of the survivors out of their dogholes, they shot 60 of them to death on the spot. Then, finally abandoning the smoking ruins of Dak Son at dawn, they dragged away with them into the jungle another 100 of the survivors.

### GHASTLY EMBRACE

In numb horror, the other survivors stumbled out to look for wives, children and friends. They held handkerchiefs and cabbage leaves to their faces to ward off the smell of burnt flesh that hung over everything. One by one the dogholes were emptied, giving up the fire-red, bloated, peeling remains of human beings. Charred children were locked in ghastly embrace, infants welded to their mothers' breasts. The victims were almost all women and children. The dead adults were covered with scorched mats and blankets salvaged from the ashes, the bodies of babies laid in bamboo baskets. One man lost 13 members of his family. All told, 252 of the unarmed Montagnards had been murdered and another 100 kidnapped; 500 were missing, either dead or fled into the hills. Nearly 50 were wounded, 33 with third-degree burns over up to 20% of their bodies. Three U.S. Army doctors treating them in Song Be's dispensary were sickened and appalled by the sight. One remarked that any hospital in the U.S. would be paralyzed by that many burn cases being brought in at once. The doctors did their best.

The Viet Cong's aim was clearly to frighten the rest of the Montagnards from seeking haven in government towns like Dak Son. But in this case, Communist terrorism had clearly overshot its mark. Chanting and weeping as they buried their dead, the Montagnard survivors resolved to stay in Dak Son and rebuild the hamlet. More than 100 men immediately volunteered for irregular-force training and a chance to defend Dak Son should the men with "the guns that shoot fire" ever show up again.

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[From the Kansas City Times, Dec. 27, 1969]

### CLOUD OVER VIETNAM'S CATHOLICS

(By Ernie Zaugg)

SAIGON.—It is a pleasure to meet a real nice Vietnamese family which struggles bravely with its difficulties.

You walk through clean, narrow alleys past tiny apartments to the house of Mrs. Chuyen Thai Khac, wife of the victim of the Green Beret killing.

During a previous visit when her troubles and the TV cameramen seemed about to overwhelm her I found her angry and frightened.

Her attitude then was "Why me, Buddha?"

She wrote a letter to President Nixon demanding compensation for the killing of her husband. She had gotten only three years wages from the Green Berets.

This time, though President Nixon has not answered. I found her calm and reconciled. A Buddhist priest had told her she must accept her fate.

"Not through enmity is enmity overcome, but through friendship," the priest told her.

In a rebel camp in the hills I had a visit from four men who came to tell me how their families had been massacred.

They said a truck in a convoy of the forces of order had been blown up by a mine. The soldiers of the government fanned out and killed 40 women and children in a village, while the men were hiding in the woods.

One bearded man said his entire family was wiped out.

His attitude was "Why me, Allah?"

The year was 1958. They were Algerians. The forces of order were the French. The massacre was at Martimprey near Frenda.

"Why me?" is a question one often hears. The young Americans caught in the draft lottery ask it.

"Why me, Buddha?" asked the villagers of My Lai, scene of an American massacre.

In 1954 almost one million Catholics fled from North Vietnam to South Vietnam to get away from communism. Many perhaps said, "Why me, God?"

If the United States should suddenly pull out of Vietnam without leaving adequate protection, they may again ask, "Why me, God?" along with millions of others.

Donald Horace Rochlen is an expert on psychological war for the U.S. State department in Saigon His office is full of captured Viet Cong documents and records of Viet Cong defectors. Since 1964 he has been interpreting this material. Perhaps nobody understands better than Rochlen how the Viet Cong and North Vietnamese think.

Rochlen said, "There are two striking opinions in the Viet Cong camp as to what will happen with the Catholic refugees from the North, if the Viet Cong win control of South Vietnam: they will be massacred or they will be forced to go back North on foot."

The Catholic refugees are referred to in the captured documents as "superstitious remnants of the old order." In North Vietnam their flight is believed to have been "instigated" by Cardinal Spellman and always has been regarded as a hostile act.

They escaped under great difficulties in 1954. Though their departure had been agreed to in Geneva the North Vietnamese Communist tried by guile and brutality to prevent them from leaving. At Haiphong they boarded American ships with their children and holy pictures after being cured of diseases by the famous Dr. Tom Dooley, then a Navy lieutenant.

Though preferable to massacre, a long march North would be a hardship for these Catholic families. They doubtless would be accompanied and "reeducated" on the way by political commissars to prepare them for life with communism.

They might find in the Viet Cong villages through which they pass punitive choruses singing reproachful refrains about their "crime"; for example. "They betrayed their home in the North: now they have to walk back."

Such choruses have been reported as part of the brainwashing system of Vietnamese communism. Like a chorus of ancient Greek tragedy, they are a grim background to action. Renate Kuhnen, the German nurse who was captured by the Viet Cong, said the guards who marched with her in the jungle formed such a chorus, singing the same refrain hour after hour: "She said she knew no English, but she knew English all the time." She had denied knowing English so they would not force her to do an English propaganda tape against the American army. The chorus was taken up by the villagers every where she stopped. It was often the last thing she heard at night and the first thing she heard in the morning.

Many of the political and military leaders of the war against the Viet Cong have come from the Catholic refugee families of the North. They would in any case be brought before people's courts and executed, if they did not succeed in escaping.

Donald Kirk, Asian expert of the Washington Star, comparing the Catholic refugees wtih the Jews escaping across the Red Sea, said. "It is unlikely they would let themselves be led back across the Red Sea into Egyptian bondage. They would fight to the last man in the streets of Saigon. They have not been fighting communism for 23 years to now give up so easily."

Donald Rochlen believes that reprisals against other categories could be expected, if the Communists win. He said, "I have had in-depth interviews with 600 defectors and prisoners. One defector, Col. Tran Van Dac, for 24 years a Communist party member, believes that 3 to 5 million people would be killed. I think about a million would be killed and another million would wish they were dead."

Rochlen showed me many documents which gave me an intimate and gruesome feeling for the struggle in the villages of Vietnam, where every night is a night of the long knives. One typical document said, "Group A should kill 11 tyrants (government officials) preferably those who have actively interfered with the Revolution."

Another document praised a group for the assassination of five government leaders of a group of hamlets.

This sort of thing has been going on for years. The assassinations are ordered by the Viet Cong security organizations, the most feared groups in Vietnam.

Rochlen said, "We know more about the Viet Cong security organization in this office than is known anywhere except in the office of the Viet Cong security. Lines of command go to the Viet Cong headquarters in South Vietnam and to central security in Hanoi."

Rochlen described the organization of a Viet Cong village. "There are many sub-organizations in every village, perhaps 17 in one village: clubs for old women, for boys, for men, for peasants, for tradesmen, political clubs, proselytizing clubs, clubs for just about everything. There is nothing more thoroughly organized than a Viet Cong village. Perhaps not all these clubs are active at any given time, but they are there and can become active immediately. So tightly is a Viet Cong village organized that one could almost say that the babes in arms have a political function."

(One political function of babies I have often seen on village sweeps. A Viet Cong peasant fires from ambush killing an American. Then he takes a baby in his arms and sits by a hut amidst the women and children. This gives him an innocent appearance and it is difficult for the American officer to get the baby out of the man's arms and give it to one of the women, so he can be taken into custody. This adds to the frustration of the Americans and leads to such things as the My Lai massacre. Small children have functions connected with the laying and watching of mines.)

Rochlen continued, "As a liberal I say there are two organizations in the world which are well-organized: the 2,000-year-old Catholic church which derives its structure from the Roman empire and the Communist party which is challenging the Church in countries like Vietnam.

"These things are not widely known in America or accepted. Men like Roger Hilsman and Senator McGovern, who say that the Viet Cong will not take reprisals, do not understand Asian realities. The public in America is not interested in Asian atrocities unless they are committed by Americans. We had demonstrations when two Greek journalists were executed in Athens, but at the same time 150 Chinese were publicly strangled in Peking. They went unnoticed."

The men of the Viet Cong security organization are from the lowest classes, landless peasants, pedicab drivers, who for the first time enjoy privileges and power. Perhaps there are some exceptions but the great bulk of the security men are the humblest. They can be relied upon for they never had so much power.

On the black list for the future trial by people's courts or for immediate assassination are all government officials, so-called "tyrants," also class enemies, people with property, people with land, people who live from the labor of others. From these lists came the massacre victims of Hue. About 3,000 bodies were recovered from mass graves around Hue, som buried alive, including two Franch priests.

Also on the lists are members of reactionary parties, people who perform "the enemy's" cultural work, art, the press, "those who grumble about the Revolution and land reform and those who have been put in jail by the Revolution."

Elite troops, the Vetnamese Marines, airborne and Rangers, who have volunteered are on the list.

The science of foretelling future massacres is of course not an exact science any more than is the science of telling of massacres which have already happened. However, there is no doubt about Rochlen's detailed and precise knowledge of the methods and mentality of Viet Cong.

He said, "Not all Viet Cong are killers. That is nonsense. Most of them are victims of the Communist party as much as their victims."

Rochlen, a voice crying in the wilderness, a prophet who will not be heard in his own country. He is like those in World War II who warned of Hitler's intentions in regard to the Jews. Rochlen claims that we know more about Viet Cong massacres and massacre-mentality than we know about Hitler.

In five years he may say, "I told you so."

Rochlen first attracted the attention of Viet Cong radio propagandists when he and Nguyen Que, his Vietnamese associate, discovered the fraud of the fake martyr Be. The Communists claimed that one of their soldiers, Be, killed 67 American soldiers and himself in an heroic martydom with a mine. Statues of Be were set up in Hanoi. Dramas and poetry and hundreds of articles were written about Be by the regimented writers of the North. Everyone in the North believed in Be and the youth emulated him. Then Rochlen and Que found Be alive and healthy in a jail. Be now lives in Saigon. Naturally our counter-propaganda exploited the Be myth to the hilt, but in the North people still believe in Be.

"Are you not afraid of the Viet Cong security organization?" I asked Rochlen. "No," he said. "You know in medieval times the average life of a man was 32 years. I have already reached 38."

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[From the Philadelphia Bulletin,
Apr. 19, 1970]

### PUTTING THE VC IN PERSPECTIVE

(By Edith Kermit Roosevelt)

WASHINGTON.—While the press has devoted special attention, complete with photographs, to alleged maltreatment of Viet Cong prisoners by American or Vietnamese armed forces, it has largely ignored the massive, systematized terror of the Viet Cong against the Vietnamese people.

Every once in a while, one sees a reference to the fact that Viet Cong terrorists have been assassinating and abducting many thousands of victims every year—South Vietnamese village chiefs, local administrators, teachers, wives and children of government militiamen, teen-age boys and girls. But the treatment given is so perfunctory, so impersonal and so statistical as to be virtually meaningless. Only rarely do American correspondents take the trouble to visit villages where Viet Cong atrocities have occurred and to gather material and photographs for on-the-spot stories.

#### A FACT OF WAR

Certainly, U.S. forces have been guilty in isolated instances of maltreatment of prisoners. There has probably never been a war situation in which some prisoners on both sides have not been subjected to some kind of physical duress in an effort to extract intelligence from them. Also, in Vietnam, where women and children carry arms and are trained to fight by the Viet Cong, the distinction between civilians and soldiers has become tragically blurred.

In contrast to any maltreatment of prisoners by U.S. forces, the Viet Cong terror has been a matter of systematic policy. After a trip to Vietnam, Sen. John Tower (R-Tex) compiled a list of major terror incidents from sources in the U.S. mission in Saigon, the State Department, Pentagon and the Library of Congress. He said the record showed that between 1957 and 1967 alone, the Communists assassinated 11,000 and kidnapped 40,000 South Vietnamese civilians.

#### "SMALL" INCIDENTS

Most of the thousands of Viet Cong atrocities that occur each year are on a small scale. But through the United States Information Agency, the American press corps in Saigon has been receiving daily reports listing some of these incidents—a village chief assassinated in one district, three young men kidnapped in another district, or a mother and child killed when a hamlet was fired on. Why don't American correspondents more often visit these sites for stories based on conversations with the victims or with their relatives, supplemented where possible with photographs?

After a visit to Vietnam, Sen. Thomas Dodd (D-Conn) declared he had received categorical assurances from the South Vietnamese Government that they would place no impediments in the way of any American reporter who decides to visit a Vietnamese village anywhere in order to check on Viet Cong atrocities.

One of the most damning documents on Viet Cong terrorism that was almost entirely ignored by the so-called prestige press is a report entitled "Impact on Education of Terrorist Activities in Vietnam," prepared by the World Confederation of Organizations of the Teaching Profession. A commission which made an on-the-spot study in Vietnam was under the chairmanship of S. Natarajan, vice president of the World Confederation and also vice president of the All-Indian Federation of Educational Associations. Among the commission's findings were:

"The Viet Cong has been conducting since 1959 systematic attacks against the national school system in South Vietnam, demolishing and burning schools, school materials and equipment and threatening, kidnaping and executing teachers."

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[From the Washington Post, Dec. 5, 1969]

### HANOI, VC KILL CIVILIANS REGULARLY

(By Jack Anderson)

This column has been shown a stack of documents, many of them classified, which prove beyond any doubt that the U.S. command has striven to prevent atrocities in Vietnam but that Hanoi has actually encouraged atrocities.

The evidence is overwhelming that the Communists have used murder and massacre, as a matter of policy, to eliminate political opponents and terrorize the population. The Americans, in contrast, have issued strict orders against cold-blooded killings and have brought pressure to stop their South Vietnamese allies from violating the Geneva code.

Also, the U.S. painfully investigates its own atrocities, whereas, Hanoi has tried to justify Communist war crimes.

Yet the American outrages, such as the Green Beret murder and the Songmy massacre, are blown up in the world press, which scarcely takes notice of worse Communist atrocities.

#### IGNORED MASSACRES

On Dec. 5, 1967, for instance, the Vietcong surged into the Montagnard village of Dak Son near the Cambodian border, scorching the huts with flame throwers and heaving hand grenades indiscriminately. More than 200 noncombatants, 70 per cent of them women and children, were killed. The Vietcong abducted another 400 villagers as forced laborers.

Reporters were shown the charred evidence, and survivors told their stories. But the press paid almost no attention.

On Feb. 23, 1969, North Vietnamese forces overran the hamlet of Kon Horing, wildly shooting and burning. They set fire to more than one-third of the shelters in the village. When the occupants tried to flee, the troops mercilessly gunned them down. All told, 78 were killed by gunfire, 100 burned to death and 125 homes were destroyed.

Perhaps the most shocking war crimes were uncovered in Hue while the Communists held the ancient city during the Tet offensive.

"Despite the intense fighting in the city," declares a State Department document, "cadres equipped with lists of names and addresses on clipboards went about arresting and executing Vietnamese and foreigners who were of significance in the community. Often their wives and children were executed with them."

A State Department telegram, dated May 6, 1968, and stamped "confidential," gave this preliminary report of what the U.S. forces found after driving the North Vietnamese out of Hue:

"More than 1,000 people were executed by the NVA (North Vietnamese) and Vietcong in the Hue area during the Communist Tet offensive. The victims were found in 19 separate mass grave sites. Many had been shot, some beheaded. A number of bodies showed signs of mutilation.

"Most were found with hands bound behind their backs. Almost half of the victims were found in conditions indicating they had been buried alive. Many were found bound together in groups of 10 to 15, eyes open, with dirt or cloth in their mouths."

#### GLORIFYING MASSACRE

Subsequent discoveries have boosted the number of victims, more than half of them women and children, to 3,500. Yet Hanoi, instead of showing any remorse over the incident, has given the massacre its official blessing.

On April 27, 1968, Radio Hanoi glorified the Hue massacre and described the helpless victims as Hooligan lackeys who had owed blood debts to the (Communist) compatriots and who were annihilated by the Southern armed forces and people."

Indeed, cold-blooded killings have become everyday affairs in the wake of the Vietcong. Their own documents tell how they systematically exterminate anti-Communists, including Nationalist Party members who oppose both Hanoi and Saigon rule. Quotas are even set, in Communist fashion, to make sure the extermination policy is carried out. A typical document, captured by U.S. forces in Quang Ngai province, boasts: "The anti-revolutionaries have become confused and panic-stricken because of our ever greater exploits scored during the recent (offensive). We killed 96 tyrants, captured 148 who owed blood debts to the people, and destroyed or disintegrated many rural pacification teams . . .

"Targets for elimination are members of the (Nationalist) party committees at province and district levels, the senior party members and the secretaries of village party committees . . .

"The destruction of Nationalist Party reactionaries is not a one-shot affair. It is a continuous process. We must destroy them by every means available . . . We must do this in such a way that the National Party committee members at district and village levels will be frightened into abandoning their activities, their offices and their party."

The U.S. documents, made available to this column, stress American concern for innocent civilians, helpless prisoners and other noncombatants. When a South Vietnamese soldier shot a guerrilla pinned in the wreckage of a bridge and an unidentified American officer commented that U.S. forces also shot wounded Vietcong, for example, the incident

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precipitated an immediate and typical investigation

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[From the New York Times, July 26, 1967]

### MIDNIGHT VIETCONG RAIDERS SLAY 6 AS INFORMERS

(By Tom Buckley)

BINHTRIEU, SOUTH VIETNAM, July 25.—Between 1 and 2 o'clock this morning, there were knocks on the doors of five huts in this hamlet on the outskirts of Saigon.

Men in khaki uniforms led six persons, among them a woman and her 16-year-old son, to Highway 13. Their hands were tied behind their backs. They were forced to kneel. Then each was shot in the back of the head.

Into the waistband of the shorts that each victim wore the men in khaki tucked a death warrant, stamped with the red seal of the Vietcong. The six had been tried and sentenced to death by the guerrillas, the warrant said, for acting as informers for the national police.

Early this evening, while a gray sheet of monsoon rain fell and four villagers closed the graves of two of the dead men, who were brothers, with gray paddyfield mud, their widows told how the sentence had been carried out.

"I am the village midwife," said Mrs. Lee Thi Hue, the widow of Lien Van Hai, a 41-year-old tenant farmer.

"The men outside the door said they were from the militia outpost down the highway. They said that the wife of one of the soldiers needed me.

"I refused to open the door. I said it was too dark to go out. My husband woke up. He was standing behind me. Finally, the men just pushed their way in.

"One of them asked my husband, 'Are you Mr. Hai?' My husband just nodded. They grabbed him by the arms and searched him. Then they led him off. He looked at me and shook his head. We did not exchange a word.

"They stopped on the path to Highway 13, made my husband take off his white undershirt. They must have thought it would be too easy to see. They threw it into the bushes and went on. I picked it up there this morning."

The widow, a short, worn woman who is six months pregnant, did not weep. Her pretty 9-year-old daughter, clung to her leg as she spoke. Both wore white bands of Buddhist mourning around their heads. They stood barefoot on the damp earthen floor of her sister-in-law's hut.

#### FUNERAL MEAL SERVED

On the square sleeping platform in one corner before a smoking kerosene lantern and sticks of burning incense, a funeral meal was set out. There were dishes of pork and beef, sliced cucumbers, green beans, noodles, rice, cake and bread, bananas and the sweet russet-skinned fruit known as mangosteens.

Mrs. Nguyen Thi Bong, the widow of Lien Van Thach, a 28-year-old army veteran who was a truck driver at a brick kiln, said she had tried to follow her husband out the door of their hut.

"They said they were taking him to the district headquarters," she said. "I tried to go with him. I was suspicious of what they said, but they forced me back inside with their guns. 'Go to sleep' they told me."

Binhtrieu lies about two miles north of the Saigon city limits.

Since the first of the year, Binthrieu has been designated as a "New Life hamlet." A 59-member revolutionary-development team is assigned there, as in hundreds of hamlets throughout the country, to assist the farmers and to try to re-establish Government influence.

The team, all of whose members are armed, remained in its quarters until dawn, as did a 10-man militia detachment stationed at a bridge 100 yards from the scene of the executions.

By midmorning, a company of the United States' 199th Light Infantry Brigade and a company of South Vietnamese rangers were searching the area for the assassins.

An American officer said that a partial description of two of the guerrillas had been obtained. "We think they're members of the local VC company,'" he said.

The two widows said their husbands had never been informers.

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[From the Washington Star, Mar. 6, 1967]

### SURVIVOR DESCRIBES MASSACRE BY REDS—THROATS OF 11 SLIT

CAN THO, SOUTH VIETNAM.—Vo Van Hiep, 44, was the only available witness who could talk about the massacre of chained Vietnamese civilian prisoners by the Viet Cong.

The other witness cannot talk because his throat is slit from ear to ear. He and Hiep were the only survivors of 12 in the brutal atrocity, discovered Saturday.

Just before sunrise Saturday, Vo Van Hiep lay with a gaping chest wound inflicted by a Viet Cong knife. He thought his time had come, but he was lucky.

From a hospital bed yesterday he told how Viet Cong soldiers killed the prisoners, then fled minutes before a company of South Vietnamese rangers swept through a village deep in the Mekong river delta south of Saigon.

#### FIFTEEN MONTHS A PRISONER

Hiep used to be a farmer. For the last 15 months, he was a Viet Cong prisoner.

He was seized, Hiep said, because the Viet Cong believed incorrectly that several of his relatives worked for the South Vietnamese government.

When the Rangers arrived they found the prisoners chained together at the ankles. Nine men and a woman were dead. They were lying in the jungle near the hamlet of Ap Rach Dia.

Hiep said the Viet Cong cut most of the prisoners' throats. He said he lay with his chest wound and a punctured lung for about five minutes before he was rescued and taken to the hospital here.

"I thought I was dead," Hiep said through an interpreter.

About 150 Viet Cong had been operating in the village, which is in a Communist-infested area 65 miles southwest of Saigon.

Hiep said he was kidnaped from the delta village of Nhi Long and lived manacled in a hut for the long months of his capture. His spindly limbs attested to his meager diet.

#### TOLD OF IMPENDING DEATH

The wounded man said he and his fellow prisoners had little warning of the massacre.

He said the Viet Cong told them the army was coming and that they were to be killed. With that, they were blindfolded and the bloodletting began.

The assassins retreated to the screams of the dying, and only minutes ahead of the advancing troops of the 43rd Ranger Battalion.

The other survivor is a 55-year-old farmer named Sanh.

While Hiep talked, Sanh lay in another bed at the end of the hospital ward. He occasionally grimaced with pain from multiple knife and gunshot wounds in his heavily-bandaged body.

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[From the Columbus Dispatch, Nov. 11, 1969]

### RAPID VIETNAM WITHDRAWAL WOULD RESULT IN BLOODBATH

(By John Chamberlain)

President Nixon, in his gallant effort to end the U.S. involvement in South Vietnam without selling out an ally, has to contend with students who have never traveled and have no firsthand memory of the crises that have created the pattern of the post-World War II world.

The students, being young, will live and learn, and one hopes it won't be on the beaches of Australia or Hawaii. But what do you do about a man like Averell Harriman, who has spent a lifetime dealing with the Communists and still seems unable to form any valid generalizations from the things he has experienced?

Just after President Nixon had warned his listeners that any sudden Viet Cong takeover in South Vietnam would surely be followed by massacres of the anti-Communist and Catholic populations, Harriman went on the air to hem and haw when asked about the probability of bloodbaths in case of a U.S. withdrawal.

It was quite impossible to know with certainty what Harriman was driving at, but he seemed to be saying that a coalition government in South Vietnam could be trusted to hold murder to a minimum, and, anyway, he didn't think the Viet Cong would want to kill large numbers of their enemies. He had told the Yale students the same thing the previous week, throwing in a gratuitous slap at columnist Joseph Alsop, who thinks Communists are murderous by conviction.

Harriman hasn't always been wrong in his predictions of Communist behavior; during World War II he warned Washington that Joseph Stalin intended to take all of Europe that the Russian marshals could get their hands on. But his flashes of good judgment have been intermittent, to say the least.

In 1945 he badgered the Romanian non-Communist leaders into entering a coalition with Communists. Naturally, the non-Communists didn't live very long to tell the tale, or, if they did, their words were wasted on the silent walls of Joe Stalin's prisons.

It may be quite true that Romania, being on the lee side of the Soviet armies when world War II was concluded, had no choice save to go Communist. However, Harriman might have warned the non-Communist Romanians to take a night train to Turkey while the going was still good.

Harriman didn't do much better when, as our Assistant Secretary of State for Far Eastern Affairs, he had to deal with the "neutralization" of Laos, where he tried to force the local anti-Communists into a coalition.

Harriman is now bemoaning the "unrepresentative" character of the Thieu-Ky government in South Vietnam. But, as one of the State Department group that advised John F. Kennedy to get rid of the Diem regime in Saigon, Harriman bears some of the blame for whatever has taken place in South Vietnam since 1963. As the late Marguerite Higgins, said, the destruction of the Diem government wiped out almost everyone in the country who had had any important experience in administration. Query: how do you advance "democracy" by killing off expertise?

If there is one generalization that can be made above all others, it is that Communists murder the opposition wherever they take power. Has Harriman forgotten the mass slaughter of the Polish army officers in the Katyn forest? Has he forgotten what happened in the Baltic provinces in 1940? A good estimate is that 70 million people have been killed by Communists since 1917.

Does anybody in his right mind believe that the successors to Ho Chi Minh would be less likely to indulge in massacre than the men who taught nice old Uncle Ho his business? I'd like to give Averell Harriman a second chance to answer that question.

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[From the Washington Post, Sept. 15, 1969]

### MASSIVE WITHDRAWAL BY UNITED STATES WOULD SPARK VIET MASSACRE

(By Joseph Alsop)

HUE, SOUTH VIETNAM. At this juncture, President Nixon had better reflect on what the Communists did in Hue at Tet a year and a half ago.

The President might start by pondering the Communists' method of avoiding needless waste of ammunition. For this purpose parties of 15 or 20 of their victims in Hue were forced to dig their own burial trenches. Their ankles were tied. Their elbows were also tied behind their backs, and a rope was passed through all their elbows. They were then ordered to squat in line on the brink of the trench.

That way, a sharp tug at each end of the rope was enough to tip the whole line of squatting men, women and children (for there were also children!) into the trench. No doubt they writhed in their rope; but it was still very easy to bury them alive.

Such was the fate of many, when the Communists briefly seized this lovely little city in the Tet offensive. In Hue itself, about 2000 civilians were buried alive or sprayed at the trench-side with automatic weapons, or had their heads broken with mattocks. About another thousand civilians were killed in the same manner along the line of march of the retreating North Vietnamese regiments.

When the horrible mass graves were found, the "Liberation Radio" finally reported the massacre but claimed that only "imperialist lackeys" had been executed. Of the bodies that could be identified, however, only 30 per cent had the remotest connection with the American or Vietnamese government. The rest were mere accidental victims, punished at random for Hue's failure to join the "popular uprising" that Hanoi's strategists had forecast.

Ironically, it is now needful to remember this savage episode because this city, so recently a shambles is once again the prettiest in South Vietnam. A brilliant province chief, Col. Li Van Than, has not merely rebuilt Hue; he has also led all the people of his province far down the road to peace and prosperity.

It is indescribably moving, in truth, to drive by jeep, unescorted and unarmed, through the little villages of this province and its neighbor to the north, Quangtri. The situation here is altogether different from that in Binhtuong and Haunghia provinces, where there are almost no remaining Vietcong but plenty of enemy troops from North Vietnam. In the populated areas of these two provinces around Hue, there are, to all intents, no enemy troops whatever. So there is peace.

Everywhere, the hard crusts of fields three or four years fallow are being broken to put in crops. In Hue's province, the dikes are everywhere beginning to be rebuilt, to keep the salty seawater from the land.

Almost every village and hamlet has its own elected government. Everywhere you run into the men of the Regional and Popular Forces. For these people are ready and eager to defend their peace. And in hardly any hamlet or village of this province do you see American or South Vietnamese soldiers.

In the province, the soldiers are either in the mountains or along the Demilitarized Zone. And that is the crux of the matter, which now makes it needful to recall the Hue massacre at every step and with every decision in Washington.

For the people live in peace, along the fertile coastal strip of these two provinces, because the soldiers * * * are in the mountains, or in the Ashau valley, or along the DMZ still fighting the war. The soldiers are in fact the screen for the people's newly found peace.

Over and over again, in heavy force all during the imaginary "lull," North Vietnamese regiments have tried to move south to drive through the screen and reach the populated areas. Let the President ruin this screen by too many troop withdrawals, and one or two or three regiments of North Vietnamese will manage to get through. There is not an American commander here who does not fear it.

Let those regiments get through the screen, moreover, and the Hue massacre will look like a Sunday school picinc. While other enemy units pin down our men and the 1st ARVN, the screen-penetrating regiments of North Vietnamese will surge up and down the coastal strip, killing the Regional and Popular Forces to the last man, murdering the village and hamlet chiefs, staining the whole land with blood. And that blood will be on our hands!

So what about it, Mr. Nixon and Mr. Laird and Mr. Rogers and Gov. Harriman and my dear friends in your editorial ivory towers? Here are a million people, to whom at long last we have managed to bring peace, who have also put their trust in us. At least a hundred thousand of them will be doomed out of hand, if that screen is even seriously broken through. Do you want the responsibility for a hundred thousand deaths, or shall we wait until Hanoi has been finally forced to end the war?

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[From the Baltimore Sun, Apr. 6, 1969]

### TERRORISM STEPPED UP BY VIETCONG

SAIGON, April 6.—The number of South Vietnamese civilians, government workers, local officials and paramilitary agents assassinated and kidnapped by the Viet Cong is increasing, according to Saigon government figures.

The increase in terrorism during the first three months of this year indicates:

1. The local guerrillas, far from being demoralized and disorganized by their heavy losses, have been able to step up their long-term tactic of selective murder and impressment while carrying out the post-Tet offensive by shelling military bases and outposts.

2. The accelerated pacification program, a three-month effort to speed up government reconquest of contested hamlets that began January 31, might have spread security forces too thin while offering more targets for Guerrilla terrorists.

3. The South Vietnamese Army and the regional militia forces, despite substantial rearming, retraining and recruitment over the past 12 months, are still unable to provide local security in areas nominally controlled by the government.

Government figures show that, exclusive of the mass murders during the Tet onslaught, 5,361 South Vietnamese were assassinated and 8,556 were kidnapped during 1968.

During the first three months this year, 1,995 assassinations and 3,072 kidnapings were reported.

And, including the increased number of victims of rocket, mortar and time-bomb attacks during the current offensive, the rate of terrorist killing has doubled from 100 assassinations a week to 200 in the first months of this year.

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[From the Washington Star, Sept. 13, 1969]

### VIET CONG TERROR TACTICS

A set of statistics released by the Thieu government indicates all too vividly that the Viet Cong's program of systematic terror is continuing unabated.

In the first eight months of this year, the Viet Cong killed nearly 4,283 South Vietnamese civilians, repeat civilians. Another 12,389 were wounded and 5,288 were kidnapped, leaving their eventual fate in doubt.

Read in the context of the political maneuvering by the Vietnamese government and the Viet Cong for postwar position, these grim figures can lead to only one conclusion: The Viet Cong are continuing by every means fair and foul to eliminate the local leaders—doctors, teachers, village officials—who will be needed desperately on that uncertain day when the shooting stops.

This is not to suggest that our side has not on occasion resorted to tactics not found in the combat infantryman's handbook.

The point is, however, that the weight of world public opinion invariably comes down like a ton of bricks on the South Vietnamese and Americans in such cases, while the horrible and systematic campaign of terror waged by the Viet Cong receives scant attention. If only for that reason, then, the news of these Viet Cong crimes against unarmed civilians is well worth publicizing as a way of restoring more measure of balance within the ranks of the more intemperate war critics.

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[From Time magazine, Oct. 31, 1969]

### THE MASSACRE OF HUÉ

"At first the men did not dare step into the stream," one of the searchers recalled. "But the sun was going down and we finally entered the water, praying to the dead to pardon us." The men who were probing the shallow creek in a gorge south of Hué prayed for pardon because the dead had lain unburied for 19 months; according to Vietnamese belief, their souls are condemned to wander the earth as a result. In the creek, the search team found what it had been looking for—some 250 skulls and piles of bones. "The eyeholes were deep and black, and the water flowed over the ribs," said an American who was at the scene.

The gruesome discovery late last month brought to some 2,300 the number of bodies of South Vietnamese men, women and children unearthed around Hué. All were executed by the Communists at the time of the savage 25-day battle for the city, during the *Tet* offensive of 1968. The dead in the creek in Nam Hoa district belonged to a group of 398 men from the Hué suburb of Phu Cam. On the fifth day of the battle, Communist soldiers appeared at Phu Cam cathedral, where the men had sought refuge with their families, and marched them off. The soldiers said that the men would be indoctrinated and then allowed to return, but their families never heard of them again. At the foot of the Nam Hoa mountains, ten miles from the cathedral, the captives were shot or bludgeoned to death.

Shallow Graves. When the battle for Hué ended Feb. 24, 1968, some 3,500 civilians were missing. A number had obviously died in the fighting and lay buried under the rubble. But as residents and government troops began to clean up, they came across a series of shallow mass graves just east of the Citadel, the walled city that shelters Hué's old imperial palace. About 150 corpses were exhumed from the first mass grave, many tied together with wire and bamboo strips. Some had been shot, others had apparently been buried alive. Most had been either government officials or employees of the Americans, picked up during a door-to-door hunt by Viet Cong cadres who carried detailed blacklists. Similar graves were found inside the city and to the southwest, near the tombs where Viet Nam's emperors lie buried. Among those dug out were the bodies of three German doctors who had worked at the University of Hué.

#### SEARCH OPERATION

Throughout that first post-*Tet* year, there were persistent rumors that something terrible had happened on the sand flats southeast of the city. Last March, a farmer stumbled on a piece of wire; when he tugged at it, a skeletal hand rose from the dirt. The government immediately launched a search operation. "There were certain stretches of land where the grass grew abnormally long and green," Time Correspondent William Marmon reported last week from Hué. "Beneath this ominously healthy flora were mass graves, 20 to 40 bodies to a grave. As the magnitude of the finds became apparent, business came to a halt and scores flocked out to Phu Thu to look for long-missing relatives, sifting through the remains of clothes, shoes and personal effects. 'They seemed to be hoping they would find someone and at the same time hoping they wouldn't,' said an Ameri-

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can official." Eventually, about 24 sites were unearthed and the remains of 809 bodies were found.

The discovery at the creek in Nam Hoa district did not come until last month—after a tip from three Communist soldiers who had defected to the government. The creek and its grisly secret were hidden under such heavy jungle canopy that landing zones had to be blasted out before helicopters could fly in with the search team. For three weeks, the remains were arranged on long shelves at a nearby school, and hundreds of Hué citizens came to identify their missing relatives. "They had no reason to kill these people," said Mrs. Le Thi Bich Phe, who lost her husband.

### NEGLIGIBLE PROPAGANDA

What triggered the Communist slaughter? Many Hué citizens believe that the execution orders came directly from Ho Chi Minh. More likely, however, the Communists simply lost their nerve. They had been led to expect that many South Vietnamese would rally to their cause during the *Tet* onslaught. That did not happen, and when the battle for Hué began turning in the allies' favor, the Communists apparently panicked and killed off their prisoners.

The Saigon government, which claims that the Communists have killed 25,000 civilians since 1957 and abducted another 46,000, has made negligible propaganda use of the massacre. In Hué it has not had to. Says Colonel Le Van Than, the local province chief: "After *Tet*, the people realized that the Viet Cong would kill them, regardless of political belief." That fearful thought haunts many South Vietnamese, particularly those who work for their government or for the Americans. With the U.S. withdrawal under way, the massacre of Hué might prove a chilling example of what could lie ahead.

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[From the Washington (D.C.) Post, Dec. 7, 1969]

## HUE: DELIBERATE SLAUGHTER—1968 KILLINGS BY VIETCONG ARE DETAILED

(By Don Oberdorfer)

HUE, SOUTH VIETNAM.—Four armed Vietcong led by a local youth came into the house and asked if any young men were there. The old man and old woman said no, but the invaders called out the names of those they sought, and began to search.

A South Vietnamese army captain, two lieutenants, two sergeants and a civil servant from the local treasury office surrendered without a fight in their hiding place in a side room after their names were called. Their arms were bound behind their backs and they were marched away—"They're only going to a meeting," the Vietcong said.

A week or so later, after the Communist forces had been driven from the city, the old woman found them lying in a common grave under the spreading arms of a fruit tree in the playground of the local high school.

"I recognized them very easily from their faces and their clothing," she recalled. "Two of them had a wire twisted round their necks. They all had their arms tied behind their backs. They had been shot in the head."

She had begun to weep when she started to tell the story, breaking down again toward the end. The two sergeants, ages 22 and 23, were her sons. The civil servant was her son-in-law. The officers were close relatives.

The young men have come to rest in the long narrow front yard where they frolicked as children. Most of the yard from the house to the street is taken up with six circular burial mounds. Vietnamese fashion, each with its own headstone bearing the name of the one who lies beneath.

The slaughter in Hue ranks among the most extensive mass execution of the decade and is by far the bloodiest to come to light in the second Indochina war. Though its broad dimension has been often cited as an object lesson about the Vietcong role by presidents and political leaders, the details have remained elusive.

In an effort to learn more about who was killed and why, I spent five days in Hue accompanied by Paul Vogle, an American who taught English at Hue University for five years and speaks fluent Vietnamese. We interviewed families and friends of more than two dozen victims from the Giahoi area of the city, a quiet residential section which suffered a large share of the killing. We also interviewed officials and old friends and acquaintances as well as a Vietcong leader of the attack who subsequently was captured.

Nearly all the killings we studied fall into one or both of two broad categories:

The deliberate and planned execution of government military men, policemen, civil service and elected functionaries and those suspected of working for or collaborating with the Americans.

The execution, sometimes on the spot, of those who ran from questioning, or who spoke harshly of the occupation force or who otherwise displayed what was described by the Vietcong as "a bad attitude."

### DOTTED WITH GRAVES

Almost two years after the occupation and the killings many women of Hue have puffy eyes from weeping, and the streets and lanes and parks and front yards of the city are dotted with graves from the recent past.

According to local officials, more than 2,700 bodies or skeletons have been found in circumstances which indicate they were executed by the Communists during or shortly after the 25-day occupation of the city in the 1968 Tet (Lunar New Year) offensive. More than half of the corpses were found in mass burial sites in the countryside this spring and fall, well over a year after death occurred.

### DISCRIMINATE KILLING

Our study indicated that in the Giahoi area the killings tended to be discriminate. The Vietcong shot or clubbed to death or buried alive those they meant to kill for political or disciplinary purposes. That does not justify the bloodletting. But it does help to explain it.

Except as noted above, we found no suggestions of random killing in Giahoi. In the predominantly Catholic area of Phucam, however, the Vietcong are reported to have abducted en masse and later killed 398 persons, including virtually every able-bodied man over 15 years of age who had taken refuge in the large cathedral there.

We obtained no first-hand reports of this wholesale abduction. But the captured Vietcong leader told us that the Communist party was "particularly anxious to get those people at Phucam . . . The Catholics were considered particular enemies of ours."

The former Vietcong leader, a bright-eyed native of the Hue area whose name is Ho Ty, was arrested by the government police on Sept. 4 this year. At the time of his arrest, he was party secretary for a section of Hue city.

Before the 1968 Tet attack, Ty said, he had been among those assigned to do the advance planning. He said his part of the job was to quickly build a Vietcong apparatus in his area to take the reins of government in a general uprising. He said the killings were planned and executed by a separate group in charge of security.

Ty reported that part of the plan from higher headquarters was to destroy the government machinery of Hue and the people who made it work. This is corroborated by Vietcong documents bearing dates before the attack but captured by U.S. forces much later. The documents describe the main purposes of the Hue attack as the overthrow of the government administration from the province level to the lowest echelon and the establishment of a revolutionary regime in its place.

### VC ELIMINATED 2,750

A Vietcong after-action report, captured in April 1968 and recently released by U.S. authorities in Saigon, states that in Hue "We eliminated 1,892 administrative personnel, 38 policemen, 790 tyrants, six captains, two first lieutenants, 20 second lieutenants and many noncommissioned officers." The list adds up to 2,750, which is roughly the number of bodies discovered so far.

The best accounts of what happened, though, are not from prisoners, documents or radio broadcasts but from the people of Hue, many of whom wept while recalling the fate of their loved ones. Some of them—like the old woman who lost her two sons and her son-in-law—asked that their names not be published because they are still afraid for their lives.

Giahoi is a pleasant residential area which extends from a single major commercial street to fertile farmland on the outskirts. It is located in the northeast part of Hue city in the Second Administrative District. The total population of the district, of which Giahoi is the largest component, is estimated at 78,000. The bodies of 618 Giahoi residents are reported to have been found since Tet in a total of 48 common graves.

Some residents of the second district were killed by Allied bombings and shelling during the fighting in the area, and by the stray bullets which are so common in the Vietnam war. No more than 50 to 60 of the district residents whose bodies were later dug up are estimated by the district officials to have been killed by accidents of war.

Certainly Le Van Rot, the proprietor of one of Hue's most celebrated Vietnamese soup shops, was not the victim of accidental death. About 9 a.m. on Feb. 5 two men speaking the Hue dialect in the accents of North Vietnam came to the soup shop. They told him to come with them to the Giahoi high school, which was being used as a headquarters by the Vietcong unit in control of the area.

### DEATH OF A SOUP MERCHANT

Rot readily identified himself and went along, and he and the men returned together that afternoon. After leaving the proprietor at his shop, the Vietcong began calling out his neighbors by name for questioning.

A short time later they returned and accused Rot in loud voices of operating the soup shop as a cover for spying. They bound his arms with wire and directed him to walk out with them. When he resisted they put a bullet in his head. His friends say the soup merchant was not a spy. He was the government block chief in his area and one of the most prominent citizens.

Word of the soup-seller's killing quickly spread new fear through the neighborhood, which was already frightened by sounds of shooting, rumors of assassinations and the sight of corpses in handcarts being wheeled down the street in the direction of the high school.

Civil servants, military personnel, police and anyone working for the Americans had been told to report to the house of a former mandarin around the corner from the high school grounds. After Rot was killed, at least one Vietnamese assistant to the Americans decided to report to the house near the schoolyard. The Vietcong there merely told him to go home and return again the next day. The second time, he was questioned about his job. (He told them he was only an English teacher but actually he fills a more important post.)

Young men whom he recognized as Hue students were standing around the check-in house. All were armed. On another occasion he recognized a coolie whom he had known for years among the armed Vietcong. Finally the functionary decided to flee the area, and was able to do so successfully.

Duong Chanh Vinh, who lived a few doors from the high school, had hidden out in his house with his wife and his 7-year-old daughter for more than a week. Vinh was a former district chief of another area of Hue and knew he was being sought.

On Feb. 7 he told his family he had decided to report, because all might otherwise be killed if he were found hiding. He walked out of his house across his yard to the gate, where two Vietcong quickly spotted him, held him and bound his arms.

### FATHER AND DAUGHTER

They began to tug on him to go, and he resisted. They shot him down in the lane outside his house. His wife and daughter fled, but afterward his daughter's body was found in the house, possibly the victim of a rocket which hit the structure and caused much damage. Today father and daughter are buried in separate circular graves inside the front gate in the yard of the house.

An old man who protested the arrest of his daughter was trussed up and marched off, and his son-in-law, who protested threats against the family, was also bound up. When the Vietcong soldiers began to slap the son-in-law, the old man declared, "If that's the kind of revolution you proclaim, nobody wants it." The soldiers shot both father and son-in-law on the spot, but let the daughter free.

Stephen Miller, an American civilian in information and propaganda work, was found hiding in the closet of a house where he had taken refuge across the Perfume River from Giahoi. He was taken into a field behind a nearby Catholic school and brutally killed.

Three West German doctors who were professors at the Hue University Medical School under a technical assistance program and the wife of one of them were marched away in the first hours of the Tet offensive and found in a shallow grave in a potato field south of the city two months later. The only known explanation for their deaths is a captured Vietcong order that all Americans, West Germans and Filipinos were to be detained.

Bodies have been found in the city and in the countryside, some well preserved and some utterly unidentifiable. One group of 250 skulls and many bones was found with the aid of Vietcong defectors in a stream bed so deep in the jungle that a landing zone for the helicopters had to be blasted out with explosives.

### THE STRAWBERRY PATCH

Perhaps the most poignant mass grave sites in the Giahoi area are near the big fruit tree in the high school playground, where 23 permanent burial circles and 19 small grassy mounds mark the locations of the dead, and in the rich earth of the Giahoe Community Cemetery at the Strawberry Patch where the bodies of civil servants, businessmen and community leaders were found in hastily dug mass graves amid the permanent burial circles. Four Vietcong soldiers killed in battle are also buried in the community cemetery, but people have deliberately strewn garbage and trash atop the unmarked mounds where they lie.

Near the end of our stay in Hue, we called on Trinh Cong Son, a slender young man who is perhaps South Vietnam's most celebrated song writer of the present day and a hero to the youth of the country. Son is a native of Hue and was there during the Tet fighting and afterwards, when bodies from the battle were being buried and bodies from the Vietcong executions were being unearthed.

We asked him what he had seen and heard, and he wrote for us in Vietnamese in his own hand a ballad he had written in March of last year to express his feelings. Translated into English, it read:

"When I went up a high hill of an afternoon
I sang on top of corpses
I saw, I saw, I saw beside a garden hedge corpses
A mother hugging her childs' corpse.
Mothers clap for joy over your children's corpses
Mothers clap in cheer for peace
Everyone clap to add another beat
Everyone clap to welcome hardship
When I went to the Strawberry Patch
I sang on top corpses.
I saw, I saw, I saw on the road
An old father hugging the corpse of his frost-cold child
When I went to the Strawberry Patch of an afternoon
I saw, I saw, I saw holes and trenches
Full of corpses of my brothers and sisters.
Mothers clap for joy over war
Sisters clap in cheer for peace
Everyone clap for more vengeance
Everyone clap instead of repenting."

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[From the Washington (D.C.) Post, Dec. 7, 1969]

## HUE SLAYINGS SEEN PATTERN IF FOE WINS

HONG KONG, December 6.—The massacre in Hue during the 24 days Communist troops occupied the city in February, 1968, was a three-phase operation, according to a U.S. authority on the Vietcong.

Douglas Pike, a Foreign Service officer whose book, "Vietcong," is generally regarded as the definite text on the guerrillas' organization, spent a week in Hue last month researching the mass slayings and concluded that as many as 5,800 Hue citizens may have been executed.

Pike, now stationed with the U.S. Information Service in Tokyo, is preparing a report on his findings. During a visit here, he said the massacre in Vietnam's old imperial capital "was quite impersonal."

### AGAINST GROUPS

"It was not a blacklist of individuals but a blacklist of titles and positions in the old society," he said. "It was directed not against people, but against 'social units'—religious organizations, political parties and social movements like women's and youth associations."

Pike said that Phase I of the Communist campaigns against Hue's civilians occurred during the first few days of the occupation, when the Vietcong did not expect to stay but wished to make an example and "break the enemy's administrative structure."

"Civilian cadres," Pike said, "accompanied by firing squads executed key individuals to weaken governmental administration following communist withdrawal. This was the blacklist period, the time of the drum-head court.

"Cadres with clipboards bearing lists of names and addresses summoned various 'enemies of the revolution' to kangaroo courts. Public trials usually lasted about 10 minutes, and there were no known not-guilty verdicts. Punishment, invariably execution, was meted out immediately."

### RECONSTRUCTION

Phase II was the period of social order, it was . . . occurred during the few days the Communist cadres believed they were permanently in Hue.

In order to "build a new social order, it was necessary to purge the old order." The "social negatives" were eliminated. Anyone who might stand in the way of the Communists' consolidating their hold and imposing their own rules was killed.

Phase III, however, was the worst. During the last week of their stay, the Communists knew they would be forced to withdraw. They were determined to leave no witnesses who might testify against them or identify the 150 clandestine Communist cadres who had "surfaced" to rule Hue.

"Most victims were killed in batches during this period. At the sand dune grave they were tied together in groups of 10 and cut down with submachine guns."

By Pike's count, 5,800 of Hue's civilians are dead or missing, while 1,800 were hospitalized. Of approximately 75,000 persons in the city during the Communists' rule, 7,600 became casualties. Allowing wide latitude for casualties in the battle for the city, at least 5 per cent and possibly closer to 10 per cent of the population were deliberately slain, he estimates.

He believes the Hue massacres were different from other Vietcong terrorism, "not only in degree but in kind." It was not the quick terror used to build Vietcong morale or to frighten the populace but the slow, intensifying terror intended to create the basis of a new government.

To Pike the lesson of Hue is clear: "If the Communists win decisively, all foreigners would be expelled from the South, particularly hundreds of newsmen. A curtain of ignorance would descend. Then the night of long knives would begin."

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## HANOI ADMITS HUE MASSACRES

Hanoi Radio in Vietnamese to South Vietnam—April 27, 1969; 1:00 GMT:

"According to LPA, in order to cover up their cruel acts, the puppet administration in Hue recently played the farce of setting up a so-called committee for the search for *burial of the hooligan lackeys who had owed blood debts to the Tri-Thien-Hue compatriots and who were annihilated by the southern armed forces and people in early Mau Than spring.*

The local puppet administration sent its lackeys to carry out searching activities in city wards and to force compatriots to pay for ritual presents. The compatriots in the Dong Ba city ward, especially the small merchants, were forced to collect the greatest sum of money. Profoundly indignant, the Hue compatriots cursed and violently opposed the puppet administration agents. Faced with this, on 19, 20, and 21 April, the Hue puppet administration was forced to broadcast a communique, denying this act by its lackeys and cast the blame on others for pocketing money in the name of the abovementioned committee. Well aware of the Thieu-Ky-Huong clique's cheating and crafty tricks, the Hue compatriots told one another to resolutely boycott its searching and memorial-service farce."

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## THE COMMUNIST DICTATORSHIP IN NORTH VIETNAM

(The November 1967 Decree on Counterrevolutionary Crimes—Editorial. Text of official NHAN DAN editorial of March 21, 1968 on "Defend Order and Security and Punish the Counter-revolutionary Elements." Broadcast by Hanoi Radio on March 21, 1968 at 11:15 GMT).

[Text] On 30 October 1967, the National Assembly Standing Committee passed a decree punishing counterrevolutionary crimes. On 10 November 1967 President Ho signed an order promulgating this decree.

At a time when feats of arms scored by both zones of our country resound everywhere, the promulgation of the decree punishing counterrevolutionary crimes proves the determination of our people to continue socialist construction in the north, defend the common basic ground of revolution over the entire country, struggle against the U.S. war of destruction, consolidate the great rear, support wholeheartedly southern compatriots to defeat the U.S. aggressors and their lackeys, and march forward to peacefully reunify the homeland.

Our people's democratic dictatorship is fulfilling the historic role of proletarian dictatorship. Our state is unceasingly extending democracy for people and intensifying dictatorship vis-a-vis the people's enemy, vis-a-vis the counterrevolutionary elements. *Maintaining firm control and correctly carrying out the two aspects of democracy and dictatorship,* we have led our people's revolutionary cause from victory to victory. Along with the repeated great victories by the armed forces and people in the south and socialist north, our armed forces and people have defeated and are defeating the U.S. imperialists' war of destruction. They have maintained security and order, unceasingly developed the economy and culture, consolidated and strengthened the defense force, and endeavored to satisfy to the greatest extent all the demands of the front.

Along with transforming the national economy along socialist lines and constructing socialism, *our northern society has increased unanimity in the political and intellectual fields day by day.* Now in the south of our country, the U.S. aggressors are sinking more and more deeply into a passive and defensive strategic position. They cannot avoid complete defeat. But they are stubborn and have refused to give up their aggressive designs.

Along with the intensification of aggressive war against the south, ceaselessly bombing and strafing the north of our country, during these last few years the U.S. imperialists drastically threw spies and commandos in the north to wage psychological warfare and incite the counterrevolutionary elements to oppose the people's democratic authority, the socialist revolution, and the anti-U.S. cause for national salvation.

The counterrevolutionaries in the north comprise the stubborn elements in the former exploiting classes, landlords and capitalists, the reactionary elements profiting by religion, the former puppet administration, army elements not wanting to transform themselves, and the other reactionary and sabotaging elements. Instigated by imperialists, mainly U.S. ones, they plot to intensify activity attempting to obstruct the socialist construction work, weaken our national defense force, and prevent the northern people's support for the liberation war waged by southern compatriots.

The counterrevolutionaries in the north of our country are only a small force. But their scheme is too perfidious and their activity is quite dangerous. Our people need to heighten vigilance to resolutely crush the counterrevolutionary attempts and acts and punish the criminals severely.

The decree on punishing the counterrevolutionary crimes is the sharp tool strengthening socialist legislation and strengthening dictatorship vis-a-vis the enemy of our people and our nation. In light of experience, this decree has systematized and perfected the past regulations about repressing counterrevolutionaries in the Democratic Republic of Vietnam and is aimed at satisfying the requirements of the current revolutionary tasks. It demonstrates the line and policy of quenching the counterrevolutionaries of our country in the present phase.

The decree points out the counterrevolutionary crimes, the target, the form, and the dangerous degree of each criminal, and the opposing and sabotaging maneuvers of counterrevolutionaries. It is a firm legal basis which our people and state organs will rely on to closely follow, stop in time, unmask, and punish their criminal attempts and actions.

The decree clearly stipulates: Counterrevolutionary crimes are crimes against the fatherland and the people's democratic government, and undermine socialist transformation and socialist construction, the national defense, the anti-U.S. struggle for national salvation, protection of the north, liberation of the south, and reunification of the fatherland. The objectives the reactionaries have been struggling against are the noblest revolutionary achievements and the most sacred aspirations of our people.

Our people's struggle against the reactionaries is a long-range and fierce national and class struggle. Our government is determined to punish the reactionaries. The principles have been set forth. Both guilty plot and guilty act will be punished. But, our state's policy is constantly the policy of (?reprieve) combined with clemency and punishment associated with reformatory education. We will not set free any criminals or misjudge the innocent. The decree aims at punishing those who consciously act against the revolution. Those culprits who do not act against the revolution will be considered general offenders and will not be subject to this decree. The reactionaries subject to severe punishment will be plotters, ringleaders, the enemies of the revolution, and the stubborn who act against the revolution. Those who are forced to act or are misled and those who show repentance will be given clemency. Those who act in a way to make up for their wrongdoings will have their punishment reduced or canceled.

To repress counterrevolutionary elements is the responsibility of state organs and all citizens. It does not mean only government agencies are responsible for the implementation of the decree against the counterrevolutionary elements, but *all citizens are bound to actively take part in it to denounce counterrevolutionary elements, to provide dictatorial organs with evidence and documents, to supervise punishment, and to educate and reform counterrevolutionary elements.* Correct implementation of the decree against counterrevolutionaries requires from our people *a collective mastership spirit* and adequate consciousness for self-protection and protection of the regime.

Our *government has issued many decisions and directives to guard against security* leaks and enemy penetration, to protect various agencies, to insure construction, to protect materials, warehouses, and other government and people's property. Our people are responsible for strict implementation of this decree and those directives and decisions to actively protect their fatherland and the regime, consolidate the people's democratic government, and avoid any shortcomings of which the enemy can take advantage to carry out sabotage. To develop the effects of the decree, we should exert it right in the campaign for strengthening the protection of order and security.

In conducting this campaign, our people should heighten their vigilance and determination to fight against the enemy, *to hit him strongly and in the right place, to destroy all counterrevolutionary plots and acts,* and to *seize and appropriately punish the* criminals. *To defend order and security and prevent and oppose counterrevolutionary acts must become the regular work of every state organ and of every citizen* in any part of the DRV, especially in those areas of an important character in politics, national defense, and economy.

Encouraged and proud over the repeated victories by our armed forces and people in both parts of our country and endowed with a revolutionary fighting spirit, our people are urged to foster even more their collective mastership spirit, to implement correctly and properly the decree against counterrevolutionary elements. We are determined to *deal deadly blows at the counterrevolutionary elements,* who are the lackeys of the imperialists and the reactionaries in the world, to insure security to the highest level for our vast year base, to contribute to defeating the U.S. aggressors, to contribute to complete socialist reform and to build socialism in the north, and to achieve a peaceful, unified, independent, democratic, prosperous, and strong Vietnam.

## The Communist Dictatorship in North Vietnam

(Report by Truong Chinh, no. 3 man in the Politburo of the Lao Dong (Communist Party of North Vietnam—Broadcast by Hanoi Radio September 18, 1969.)

Concerning dictatorship, it has been made clear that the dictatorship of the laboring people's majority will be realized, as opposed to counterrevolutionaries and exploiters who are in the minority and who refuse to convert themselves. Establishment of dictatorship aims toward the gradual abolition of classes, realization of a classless society—that is, communism—and self-destruction of the bourgeois dictatorial state. Under the socialist democratic regime, enemies of the people and of socialism are not allowed to enjoy democratic rights.

The proletarian dictatorial state determinedly prevents the use of slogans of democratization of the regime in order to weaken or abolish the proletarian dictatorship, belittle or deny the revolutionary leadership of the working class and of the Communist Party, or achieve step-by-step the "peace evolution" strategy and push the country to proceed gradually toward a liberal bourgeois system and eventually return to capitalism. At the same time, it is imperative to struggle against all manifestations of the national bourgeoisie, the enemy of proletarian internationalism which isolates and pushes the country into the arms of world capitalism.

On the other hand, it is necessary to struggle against officialdom and commandism, the system of family organization under one head of the family, and a personal cult, because they, too, are against the spirit of socialist democracy and cause serious consequences to the state. More often than not, they are used by the reactionaries as a weapon against the revolution. Our party has asserted that our people's democratic dictatorship does not mean the end of the class struggle, but continuation of the class struggle under a new form with new measures when the working class has assumed power.

To carry out this struggle, the working class must continuously strengthen its leadership on the basis of the worker-peasant alliance, the highest principle of proletarian dictatorship. At the same time, the working class must unite with other classes. Therefore, our people's democratic dictatorship must rely mainly on the worker-peasant alliance and, simultaneously, on the national unified front.

It is absolutely necessary for the people's democratic dictatorship to use violence against counterrevolutionaries and exploiters who refuse to submit to reform. Therefore, we must pay continuous attention to consolidating the repressive apparatus of the people's democratic state, the people's army, the people's police, the people's control institute, the people's tribunal, and so forth. At the same time, we must continuously take care to develop democracy for the people, to insure the people's right to collective ownership, to build and ceaselessly strengthen and improve the socialist (law system) and to see that civilian organs fulfill their role as the highest powerful organs of the state at all levels.

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## The Communist Dictatorship in North Vietnam

*The November 1967 Decree on Counterrevolutionary Crimes—Text*

Text Broadcast by Radio Hanoi on March 21, 1968 at 4:15 EMT

[Text] Recently, the National Assembly Standing Committee Secretariat held a press conference to make public a decree on the punishment of counterrevolutionary crimes. Newspaper, news agency, and Voice of Vietnam correspondents were present. On behalf of the National Assembly Standing Committee Secretariat, Comrade Truong Tan Phat read President Ho's promulgation and the

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decree on the punishment of counterrevolutionary crimes. Chairman of the National Assembly Standing Committee Comrade Truong Chinh discussed the meaning and importance of the decree, emphasizing some of its points. He then talked with the newsmen.

Following is the promulgation of the DRV President:

Considering Article 63 of the DRV Constitution and the resolution of the DRV National Assembly Standing Committee, a decree is hereby promulgated on the punishment of counterrevolutionary crimes.

DRV President Ho Chi Minh, 10 November 1967.

Following is the decree on the punishment of counterrevolutionary crimes:

Considering Article 7 on the DRV Constitution, in order to strengthen the people's democratic dictatorship, protect the fatherland, the people, and the people's democratic state, insure the complete victory of the socialist revolutionary cause and of the anti-U.S. national salvation resistance to protect the north, liberate the south, peacefully achieve national reunification, heighten the people's revolutionary enlightenment, and mobilize all the people to actively participate in maintaining security and order, the present decree defines counterrevolutionary crimes and stipulates punishment for counterrevolutionary criminals.

Chapter 1—Counterrevolutionary crimes and the principle governing the punishment of counterrevolutionary crimes:

Article 1—Counterrevolutionary crimes are opposition to the fatherland and the people's democratic power, sabotage of socialist transformation and construction, undermining national defense and the struggle against U.S. aggression for national salvation, aimed at defending the north, liberating the south, and reunifying the country.

Article 2—Both attempted crimes and actual crimes are punishable. The guiding principles on the punishment of counterrevolutionaries will be to severely punish the main plotters, leaders, principal culprits, and those who stubbornly oppose the revolution; to be lenient toward those who are forced, enticed, or misled and those who sincerely repent; to reduce or exempt punishment for those who show redemption.

Chapter 2—Crimes and punishments:

Article 3—Treason to the fatherland: Any citizen of the Democratic Republic of Vietnam who collaborates with a foreign country to harm the national independence and sovereignty, unification, and territorial integrity of the fatherland and the socialist regime will be imprisoned 20 years to life or executed.

Article 4— Plotting to overthrow the people's democratic power: Those who set up or participate in counterrevolutionary organizations to overthrow the people's democratic power and to destroy the political, economic, and social systems stipulated in the DRV Constitution will be liable to the following punishment:

a—The plotters, leaders, instigators, and principal accomplices will be imprisoned from 15 years to life or executed.

b—Other accomplices will be imprisoned from 5 to 15 years. Under extenuating circumstances, the culprits will be imprisoned from 3 to 12 years.

Article 5—Espionage: Those who commit the following crimes:

Supplying, transmitting, stealing, collecting, and retaining state and military secrets for future supply and transmission to the imperialists and their lackeys or to foreign intelligence services; receiving instructions from foreign countries, recruiting agents to gather intelligence or engaging in other counterrevolutionary activities; sending signals to direct enemy air raids; or receiving instructions from foreign countries, collecting and supplying information and documents which are not state secrets, but which can help foreign countries harm the interests of the Democratic Republic of Vietnam, will be liable to the following punishments:

a—The leaders, the commanders, the main accomplices, the fifth-column members, and those who have caused great damage will be sentenced to imprisonment ranging from 12 years to life imprisonment or to capital punishment;

b—The spies who do not belong to the above-mentioned groups will be sentenced to imprisonment ranging from 5 to 12 years.

Article 6—Violating security and territory: Those who intrude into the territory and undermine the security of the Democratic Republic of Vietnam will be punished as follows:

a—The leaders, commanders, and those who have committed serious crimes will be sentenced to imprisonment ranging from 12 years to life imprisonment or to capital punishment;

b—Their accomplices will be sentenced to imprisonment ranging from 5 to 12 years;

c—Those who provide the above-mentioned groups with supplies, guides, and assistance will be sentenced to imprisonment ranging from 2 to 10 years.

Article 7—Armed rebellion: Those who engage in armed rebellion to oppose or undermine the people's democratic power and the people's armed forces will be punished as follows:

a—The main plotters, leaders, commanders, main accomplices, and those who have caused great damage will be sentenced to imprisonment ranging from 12 years to life imprisonment or to capital punishment;

b—Their accomplices will be sentenced to imprisonment ranging from 3 to 12 years.

Article 8—Banditry: Those who for counterrevolutionary purposes engage in armed activities in mountainous or coastal areas; kill cadres, civil servants, militarymen, policemen, or the people; pillage and burn the properties of the state and people, and disturb security and order will be punished as follows:

a—The leaders, commanders, and those who have committed grave crimes will be sentenced to imprisonment ranging from 10 years to life imprisonment or to capitol punishment;

b—Their accomplices will be sentenced to imprisonment ranging from 2 to 10 years.

Article 9—Defecting to the enemy or fleeing to foreign countries for counterrevolutionary purposes:

a—Those who defect to the enemy or flee to foreign countries for counterrevolutionary purposes will be sentenced to imprisonment ranging from 3 to 12 years;

b—Those who for counterrevolutionary purposes force, entice, or help others defect to the enemy or flee to foreign countries will be sentenced to imprisonment running from 5 to 15 years. Under certain circumstances, the culprits will be sentenced to life imprisonment or capital punishment.

Article 10—Murder, assault, injuring, kidnaping, or threatening to kill people for counterrevolutionary purposes:

a—Those who, for counterrevolutionary purposes, kill cadres, state personnel, militarymen, policemen, or other people will be imprisoned from 15 years to life or executed;

b—Those who, for counterrevolutionary purposes, beat, injure, or kidnap cadres, state personnel, militarymen, policemen, or other people will be imprisoned from 3 to 15 years;

c—Those who, for counterrevolutionary purposes, threaten to kill cadres, state personnel, militarymen, or policemen while they are fulfilling their duties will be imprisoned from 2 to 10 years.

Article 11—Sabotage: Those who, for counterrevolutionary purposes, commit the following crimes:

a—Destroying the organs of the government, of political parties. and of people's organizations in the Vietnam Fatherland Front, the barracks of the people's armed forces, and the national defense installations;

b—Destroying dikes, dams, bridges, roads, means of communication, transport, information, and liaison, factories, warehouses, cultural works, or other property of the state, cooperatives, of the people;

c—Stealing weapons, explosives, machines, raw materials, fuel, or other state property;

d—Using poisons, disseminating insects and worms, spraying chemical poisons, or using other means to harm human beings, cattle, crops, or trees;

e—Undermining the socialist monetary system and trade;

f—Intentionally performing their tasks badly or refusing to carry them out in order to sabotage production, interrupt or hinder the activities of state organs, people's organizations, or economic, military, scientific, cultural, and social organizations;

g—Urging, enticing, or inciting others to undermine labor and military discipline and the fighting spirit of the people's armed forces and the people will be imprisoned from 10 years to life or executed. Under extenuating circumstances, the culprits will be imprisoned from 5 to 10 years.

Article 12—Undermining the people's solidarity bloc: Those who, for counterrevolutionary purposes, propagandize for, organize, or engage in other activities aimed at:

a—Undermining the people's solidarity and unity bloc, creating feuds and discord among the people and the people's armed forces, sowing discord within the Vietnam Fatherland Front, between the people and the government, between the people's armed forces and state organs;

b—Undermining the nationalities policy and creating enmity and disputes among the fraternal nationalities living together on Vietnamese territory;

c—Undermining religious policy, sowing discord among religions, between the religious and nonreligious, and between religious people and the government; using religion to encroach upon religious people's democratic freedoms and prevent them from fulfilling their citizens' duties or joining the people's organizations, cooperatives, or military, economic, cultural, and social organizations will be imprisoned from 5 to 15 years.

Article 13—Opposing or sabotaging the carrying out of state policies and laws:

a—Those who, for counterrevolutionary purposes, oppose, sabotage, or hinder the carrying out of state policies, laws, and plans will be imprisoned from 2 to 10 years;

b—Those who, for counterrevolutionary purposes, force, entice, or encourage others to oppose, sabotage, or hinder the carrying out of state policies, laws, or plans will be imprisoned from 5 to 15 years;

c—Those who oppose, sabotage, or hinder the execution of national defense plans or create serious obstacles to the carrying out of state policies, laws, or plans will be imprisoned for life or executed.

Article 14—Disrupting public order and security:

a—Those who, for counterrevolutionary purposes, agitate, attract, and assemble groups to disturb public security and order or obstruct state cadres and personnel, troops, and security agents in the performance of their duties are liable to prison terms ranging from 5 to 12 years;

b—Those, who, for counterrevolutionary purposes, participate in disrupting public security and order are liable to prison terms ranging from 2 to 5 years;

Article 15—Disseminating counterrevolutionary propaganda:

a—Those who, for counterrevolutionary purposes, disseminate propaganda opposing the people's democratic administration and distorting the socialist regime;

b—Those who, for counterrevolutionary

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purposes, disseminate the enemy's psychological warfare themes, distort the anti-U.S. resistance for national salvation and for national independence and national reunification, and spread rumors thereby, causing confusion among the people;

c—Those who, for counterrevolutionary purposes, disseminate propaganda favoring imperialist enslavement policy and debauched culture; and

d—Those who, for counterrevolutionary purposes, write, print, circulate, or conceal publications, [words indistinct] pictures, or any other materials having counterrevolutionary contents and purposes are liable to prison terms ranging from 2 to 12 years.

Article 16—Attacking detention camps, freeing convicts, and organizing escapes from detention camps and prisons: Those who, for counterrevolutionary purposes, attack detention camps, free convicts, and organize escapes from detention camps and prisons are liable to the following penalties:

a—Those who mastermind, lead, and command such actions, those who play active roles, those who cause major losses, and those detained for a serious crime and liable to prison terms ranging from 12 years to life or execution.

b—Those who participate in the above acts are liable to prison terms ranging from 3 to 12 years.

Article 17—Harboring counterrevolutionary elements: Those who knowingly harbor, conceal, provide supplies for, and help the counterrevolutionary elements to hide themselves, to conceal material evidence, or destroy the proof of their crime are liable to prison terms ranging from 2 to 10 years.

Chapter 3—General provisions:

Article 18—[Words indistinct] punishment: In addition to the punishment set forth in the provisions contained herein, those who commit the counterrevolutionary crimes listed in section two will also be punished as follows:

a—Those who commit any of the crimes listed from Article 3 to Article 16 will be deprived of the following civil rights for 2 to 5 years: The right to vote and to run for election; the right to work in state organizations and in the people's armed forces organizations; and the right to hold a responsible position in political, economic, cultural, and social organizations.

b—Part or all the property of those who commit one of the crimes listed from Article 3 to Article 16 may be confiscated.

c—Those who commit any of the crimes listed in Chapter 2 may be subjected to control, restricted residence, or prohibited from residing in a number of localities for 1 to 5 years.

Article 19—Cases which involve severe punishment: Those who commit counterrevolutionary crimes which are listed in Chapter 2 and which are committed in the following cases will be severely punished.

a—Those who cause direct damage to the anti-U.S. national salvation resistance and to the national defense task.

b—Those who take advantage of the wartimes situation or of the conditions existing in the localities subjected to hostilities, natural calamities, or other difficulties, to commit their counterrevolutionary crimes.

c—Those who carry out counterrevolutionary activities in an organized manner.

d—Those who take advantage of their authority to carry out counterrevolutionary activities.

e—Those who adopt extremely wicked tricks and particularly dangerous methods to commit counterrevolutionary crimes.

f—Those whose criminal actions have caused serious consequences.

g—Those who commit new crimes after having previously been convicted of counterrevolutionary actions or having committed crimes against the people.

h—Those who commit crimes as reactionary elements and who have refused to rehabilitate themselves.

Article 20—Cases involving reduction of punishment or exemption from punishment: Those who commit the counterrevolutionary crimes which are listed in Chapter 2 and which involve one or many of the following cases may be entitled to a reduction of punishment or an exemption from punishment.

a—Those who plot crimes but voluntarily refrain from carrying them out.

b—Those who, before their crimes has been discovered, sincerely confess and clearly reveal their own conspiracy and actions and those of their accomplices.

c—Those who deliberately carry out a conspiracy in a complete manner or advise their accomplices to carry out the conspiracy masterminded by the counterrevolutionary leaders in an incomplete manner.

d—Those who have carried out actions which have reduced the detrimental effect of their crimes.

e—Those who commit crimes because they were compelled or deceived and whose actions have not yet caused great damage.

f—Those who, while being detained and prior to trial, sincerely repent their crimes and render meritorious service in order to atone for their crimes.

Article 21—Application of identical principles: The trial of the counterrevolutionary crimes which are not listed in this decree may be conducted in accordance with the provisions concerning similar crimes listed in this decree.

Article 22—Effect of the decree:

a—The counterrevolutionary crimes which were committed prior to the promulgation of this decree and which have not yet been tried will be tried in accordance with this decree.

b—Provisions which run counter to this decree are hereby rescinded. This decree was approved by the National Assembly Standing Committee on 30 October 1967.

[signed]: DRV National Assembly Standing Committee chairman, Truong Chinh.

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[From the Washington Post, May 15, 1970]

### VC Would Liquidate 3 Million If It Won, U.S. Expert Contends

(By Robert G. Kaiser)

Saigon, May 14.—One of the U.S. government's leading experts on the Vietcong has written a paper predicting that "if the Communist win decisively in South Vietnam, all political opposition, actual or potential, would be systematically eliminated."

The author of the paper is Douglas Pike, who has written two books on the Vietnamese Communists and is now a United States Information Service officer in Tokyo. He wrote "The Viet Cong Strategy of Terror," a 125-page monograph earlier this year. The U.S. mission here plans to release it soon.

Pike's work seems to be a rejoinder to those who have mocked suggestions that the Communists would wipe out thousands of their opponents if they took over South Vietnam. Pike says that if the Communist win the war here decisively ("and the key word is decisively," he writes), the result will be "a night of the long knives" to wipe out all conceivable dissidents—perhaps 3 million persons.

Pike contends the massacre would go on in secret, after all foreigners had been expelled from Vietnam. "The world would call it peace," Pike writes.

He cites a list of 15 categories of citizens who would be murdered, saying such a list of categories is often found in captured documents. Pike notes a statement by Col. Tran Van Dac, one of the highest-ranking Communists ever to defect to the Saigon regime, that "there are 3 million South Vietnamese on the blood debt list."

Pike's predictions are the most dramatic aspect of his paper. Most of it is devoted to an analysis of the Vietcong's present and past uses of terror. A major section analyzes the 1968 massacres at Hue.

"It would not be worthwhile nor is it the purpose of this monograph to produce a word picture of Vietnamese Communists as fiendish fanatics with blood dripping from their hands." Pike writes. Rather, he says, he wants to describe how the Vietcong use and justify terror as a crucial part of their war strategy.

Current Vietcong doctrine, Pike contends, calls for terror for three purposes: to diminish the allies' forces, to maintain or boost Communist morale, and to scare and disorient the populace. He says the enemy seems to be moving more and more toward a terrorist strategy as part of a new kind of protracted war. (Official government terrorist statistics show a sharp increase in kidnappings, assassinations and other terrorism in recent months.)

In central Vietnam, Pike writes, Vietcong units are given terrorist quotas to fulfill. As an example, he cites intelligence information that special Vietcong squads in parts of two provinces were told to "annihilate" 277 persons during the first half of 1969.

In the most detailed analysis of the killings at Hue yet published, Pike writes that "despite contrary appearances virtually no Communist killing was due to rage, frustration or panic during the Communist withdrawal" from Hue, which the Vietcong held for 24 days in February 1968.

"Such explanations are often heard," Pike continues, "but they fail to hold up under scrutiny. Quite the contrary, to trace back any single killing is to discover that almost without exception it was the result of a decision rational and justifiable in the Communist mind."

According to Pike's analysis of the Hue massacres, the Communists changed their minds twice after seizing the city on Jan. 31. At first, Pike writes—he claims, captured documents show this—the Vietcong expected to hold Hue for just seven days.

During that first phase, Pike says, the Vietcong purposefully executed "key individuals whose elimination would greatly weaken the government's administrative apparatus . . ."

After they held on more than seven days, Pike's theory continues, the Communists decided they would be able to stay in Hue indefinitely. Prisoners, ralliers and intercepted messages at the time confirm this, according to Pike.

In this euphoric mood, he writes, the Communists set out to reconstruct Hue society, eliminating not just specific individuals, but whole categories of citizens whose existence would hinder creation of a new revolutionary society. Perhaps 2,000 of the estimated 5,800 persons killed at Hue were slain during this second phase, Pike suggests.

Eventually, Pike continues, the battle turned against the Communists in Hue and they realized they would have to abandon the city. This realization led to phase three, Pike writes: "elimination of witnesses." The entire underground Vietcong structure in Hue had probably revealed itself by this time, and now had to protect itself by eliminating many who could later turn them in to government authorities, Pike theorizes.

For this reason, citizens taken from their homes merely for political indoctrination had to be killed when the Communists decided to flee Hue, Pike suggests.

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### Establishment of Communist Dictatorship in North Vietnam 1946–1956

(From: Chester A. Bain, Vietnam, The Roots of Conflict, Prentice Hall, 1967; pp. 145–49.)

#### 6. THE COMMUNIST NORTH

In view of the Viet Minh's military victory over the French, the question has been raised frequently as to why the Communists ac-

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cepted the division of the country at Geneva. Certainly there was international pressure on them to do so and also the expectation that the South would fall in two years without fighting. But the Viet Minh were themselves in desperate circumstances. They had been fighting from the jungles and mountains for eight years at an increasingly terrible cost. Also casualties were high among the laborers who swarmed over jungle trails carrying supplies from China. Nearly everyone in the resistance suffered malnutrition, exhaustion, and disease. Having lost only 4 per cent of their Indochinese forces at Dien Bien Phu, the French could have continued the war, possibly with direct American involvement in the fighting. While a pro-Chinese faction led by Trong Chinh might have welcomed Chinese intervention Ho Chi Minh and General Vo Nguyen Giap feared that the Chinese, if invited in, might never leave.

When the Viet Minh returned to Hanoi, they found it more difficult to build than to destroy a government and economy, though the North had nearly all the industry and mineral resources of Vietnam. While it had over half the population, its smaller area included less food-growing terrain than the South. Communication, transportation, and irrigation facilities were badly damaged. The French had removed much of the factory and office equipment and machinery, because the Viet Minh refused to guarantee French investments against confiscation. Communist belligerence also frightened out all but a few French technicians who remained one year to run essential public services. Only by agreeing to pay for it with coal deliveries for 15 years, did the DRV save part of the coal-mining equipment.

### *Rehabilitation and political consolidation*

As in other Communist-controlled countries, all aspects of life in the DRV—politics, economics, social engineering, and the strategy of war or peace—serve the interests of the Party's goal of achieving a Communist society. Intermediate objectives are set by a series of development plans. The DRV's First Three Year Plan (1955–57) aimed at rehabilitating agriculture, industry, transportation and communications and preparing for collectivization and industrialization. It was also a period of political consolidation during which the united-front stage of the revolution ended. Following the surfacing of the ICP as the Lao Dong or Workers' Party in 1951, the Party hierarchy paralleled that of the DRV government, with Party organisms directly or indirectly controlling equivalent government bureaus at each level. Some non-Party men were given important-sounding offices but were flanked by Party men.

Even before the Geneva Conference, measures for close physical and thought control had been imposed in Viet Minh areas.[3] Everyone was enrolled in cells, whose members reported on each other and conducted criticism and self-criticism sessions. Children were encouraged to inform on their parents. All above the age of six were organized into a network of overlapping front associations based on age, sex, occupation, and special interests. Trusted Party cadre held the important offices and directed the meetings to serve Party ends, while simulating democratic procedures. To coordinate Party direction of these associations, the Lien Viet (United Front) was merged with the Viet Minh in 1951. It was further broadened into the Fatherland Front in 1955 to add "non-communist" political machinery for the absorption of South Vietnam by the expected 1956 elections. The Front's platform called for a two-stage reunification—a loose confederation with separate legislatures for the North and the South, followed by full integration. Although no reunification elections occurred, the Fatherland Front was maintained as a device for internal population control and indoctrination and for international propaganda.

Long range plans for purging traditional rural leaders through land reforms and for collectivizing agriculture had been announced in 1950 by Party Secretary General Truong Chinh, who was strongly motivated by Red Chinese experiences in these areas. In March 1953, remnants of the 1946 National Assembly met to rubber-stamp a Population Classification decree. All people, rural and urban alike, were divided into classes and subclasses, ranging from landlords to landless laborers. Elaborate formulas equated money, fish, or other forms of income with fixed quantities of rice. A two-stage "agrarian reform" began with a rent reduction campaign in 1953, which lowered rents and absolved debts, followed by a land reform campaign (1954–56), which confiscated money, property, and land from the more prosperous.[2]

Accompanying both stages was the punishment of "feudalists" for "crimes" against society. To direct the reform, Truong Chinh used Chinese Communist advisers and Vietnamese cadre trained in China. By terror and propaganda, Communist agitators incited the villagers to lodge accusations against their more prosperous neighbors. Although the few truly rich landlords had fled to the South, each village had to fill a quota of "feudalists." Estimates of the number killed range up to 100,000.[3] About half a million were driven from their homes and lands, some to prison or hard labor; others, including women and children, starved because people feared to aid them.

As purge excesses brought local Party factional strife, 12,000 Party members were jailed. Top Party leaders, sharply critical of Truong Chinh's dogmatic and inflexible attitude, tried to stem the purge with a "Mistakes Rectification" campaign that filled Hanoi's newspapers and journals for months with details of the reign of terror. In October 1956, Vo Nguyen Giap discussed the Party's errors in a remarkably frank speech before the Lao Dong Party Central Committee:

> "We . . . executed too many honest people . . . and, seeing enemies everywhere, resorted to terror which became far too widespread. . . . While carrying out our land reform program, we failed to respect the principles of freedom of faith and worship . . . in regions inhabited by minority tribes we have attacked tribal chiefs too strongly, thus injuring instead of respecting local customs and manners. . . . When reorganizing the Party we paid too much importance to the notion of social class instead of adhering . . . to political qualifications alone. Instead of recognizing education to be the first essential, we resorted exclusively to organizational measures such as disciplinary punishments, expulsion from the Party, executions, dissolutions of Party branches and cells. Worse still, torture came to be regarded as a normal practice during party reorganization.[1]

Though the purge gradually spent itself, the peasants remained alienated. In November, villagers openly revolted in heavily Catholic Nghe An, Ho's home province. This uprising and other lesser disturbances were brutally suppressed by regular army units. According to DRV reports, the land reform transferred some 2.25 million acres of land, 115,000 farm animals, 1,846,000 farm implements, and 71,000 tons of foodstuffs to 2.1 million peasant families with about 8.3 million members. This amounted to about 1/70 of an animal, 1/5 of a farm implement, 19 pounds of food and 1/5 acre of land per person. Half of the land distributed had been commonly owned and helped pay for village government, communal rites, and charities. Land redistribution brought a sharp drop in food production, partly because the people were demoralized and partly because land was taken from the most experienced cultivators and given to the poorest peasants, who were not always skilled farmers. The rebellions and purge excesses caused Truong Chinh's removal as Party chief, although Chinese support kept him in the Party Central Committee. Assuming Truong Chinh's position (renamed First Secretary), Ho Chi Minh managed to hold the Party together. One basic goal of the reform was achieved, however—the destruction of the traditional rural elite.

The elimination of troublesome intellectuals followed. At partition, the Communists, who needed all available skills, convinced many intellectuals not to migrate by bestowing liberal rewards and decorations and government employment. In this permissive climate, intellectuals contributed to the criticisms of the Mistakes Rectification campaign. Their criticism first focused on the Party's virtual military dictatorship that left little room for intellectual leadership. Later attacks were broadened, stimulated by the Hungarian uprising and by China's Hundred Flowers campaign. Several intellectual journals flourished briefly all critical of the Lao Dong party and the government.[5]

With both countryside and city aligned against them, the Lao Dong party leaders moved cautiously to regain command. Critical journals were closed by indirect means, such as strikes of their workers and stoppages of paper supplies. In December 1956, a presidential decree strengthened government controls over the press. Intellectuals were organized into a union with permission to publish its own journal under Party guidance. Through the mass associations, Party agitators incited a wave of anti-intellectualism. Critical intellectuals were forced to make humiliating public apologies. Millions of signatures were collected demanding their punishment as "enemy agents," and leading intellectuals were arrested as agents of Diem. Some died in prison; others were "re-educated" by labor in mines or factories after indoctrination courses designed to teach a "proletarian viewpoint." The purge of the intellectuals and the indoctrination movement spread to teachers and students and finally to the Party itself, extending over several years.

The dislocations caused by the reform and purges prevented realization of the first plan's economic goals.[6] However, the first steps toward socialization of agriculture were taken. Concurrently, city merchants were impoverished by confiscatory capital taxes ranging up to 50 per cent on merchandise stocks. Even street vendors were victimized. Without the usual commercial imports and with local production disrupted, stores emptied of nearly everything. Famine was averted only by rice rationing and by emergency food imports. Burma supplied rice under a three-way agreement with the USSR, and China provided food and clothing. Technical aid and capital equipment for rehabilitation were provided by all Communist-bloc countries, either as cash grants or loans, with China contributing over half of the total. Such aid helped restore rail links with China and put back into limited production the Hon Gay coal mines, Haiphong cement works, Nam Dinh textile mills, and a few other plants. Otherwise progress toward reconstruction was slow.

FOOTNOTES

[1] Hoang Van Chi, a former Viet Minh, vividly describes these techniques in *From Colonialism to Communism* (New York, 1964).

[2] See Hoang Van Chi, *op. cit.*, for details and Allen B. Cole, ed., *Conflict in Indo-China and International Repercussions: A Documentary History, 1945–1955* (Ithaca, N.Y., 1956) for the texts of the decrees, pp. 139–147, 150–56.

[3] Gérard Tongas, a leftist professor teaching in Hanoi, estimated 100,000 in his *J'ai vécu dans l'enfer communiste du Nord Viêt-*

*Nam et j'ai choisi la liberté* (Paris, 1960), p. 222.

[4] *Nham Dan* (Lao Dong party newspaper), October 31, 1956.

[5] Hoang Van Chi quotes articles from these journals in his *The New Class in North Vietnam* (Saigon, 1958).

[6] See William Kaye, "A Bowl of Rice Divided: The Economy of North Vietnam," in P. J. Honey, ed., *North Vietnam Today, Profile of a Communist Satellite* (New York, 1962), pp. 104–16.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. GOLDWATER. Mr. President, I congratulate the Senator from Colorado on an excellent speech on a subject on which someone should have spoken long ago. I am very glad that he selected that subject to focus our attention on the continuing inaccuracies of one of the Nation's large newspapers.

I am particularly impressed, Mr. President, by one statement in the Senator's speech:

> Mr. President, I support Mr. Smith's opinion.

Referring to Howard K. Smith's timely remarks on television—

> I would only suggest that he is wrong in thinking that the *Times* was trying to accurately gauge the temper of the American people. The *Times* was ignoring the evidence in order to promote its political point of view. That is not good journalism but, as I said, the *Times* is no longer practicing journalism. It has become the house organ of a political persuasion.

Mr. President, I should like to ask the Senator from Colorado if there is anything particularly new about this position.

Mr. ALLOTT. There is nothing new about this position. There is nothing particularly new about the opinion I have voiced here. I have been convinced for a long time that, as an organization of news and pure journalism, it has long since retired from the field. It is unfortunate that—even in the newspapers of this city—there is not provided equal news space for varying opinions.

I considered the editorial of Mr. Smith particularly pertinent here because it came at a time when the two other main broadcasting systems, CBS and NBC, through their chief commentators, were trying to press the panic button and panic the people. These commentators encouraged the development of a complete national organization to convince the people that they should close this war down right now.

The President has stated what he will do. He has done it in each instance since he was elected to the Presidency. And, frankly, I for one believe what he says.

Mr. GOLDWATER. Mr. President, I might comment further on this subject that, in my opinion, when Mr. Arthur Krock left the New York Times, that newspaper lost its last objective, honest reporter.

I can recall the New York Times' attitude on Cuba. It was wrong, wrong, wrong. Yet I have never seen anything done to retract its efforts to persuade the American people that Castro was coming over the mountain as another Simon Bolivar.

Mr. ALLOTT. Does the Senator remember—I am sure he does; I think he took part in it—the very long and extensive study that some six or eight of us on this side of the aisle did, considering alternatives for Cuba, which we presented on the floor of the Senate? And does he also recall that not one word of those lengthy studies and the colloquy that took place on the Senate floor ever appeared in the New York Times?

Mr. GOLDWATER. I can remember that very well, because we commented on it at the time. In fact, nothing is ever printed in that newspaper that opposes its political persuasion, either by its columnists or by its newswriters, who are supposed to be objective.

I might comment, Mr. President, on one other point, if the Senator is willing to continue to yield: Does the Senator recall the little-stated fact that when Vietnam became divided after the 1954 Geneva conference, more than 1 million North Vietnamese fled to South Vietnam?

Mr. ALLOTT. That is correct.

Mr. GOLDWATER. This is never mentioned. Why did they leave? They left, I think, for two reasons. One was that they did not want to live under communism; and second, they knew that, with that persuasion, their lives were in danger in North Vietnam.

Mr. ALLOTT. There is no question about that. And I am sure, although I do not remember the exact time, that then and subsequently there were questions by many of us as to whether some of them might have been, actually, cadres for the formation of Vietcong units and the beefing up of the Vietcong infrastructure in South Vietnam. But most of the millions of people surely were not. Most of those people were seeking to flee from what they were sure was bound to occur in North Vietnam.

I think one of the most interesting portions of my speech was the area in which I discussed the people who were tried by so-called people's courts that were set up the way such "courts" function is that you go out and pick up a dozen people off the street and call them a court, and then you get them to sentence your victims to execution, or something else.

One of the significant facts here is that some of the people who were declared to be landlords were declared to be landlords in an area where the amount of land held by the richest of the peasants compared with the amount of land held by the poorest of the peasants was less than a quarter of an acre more. It is a fantastic story, but it is a repetition of the stories we heard all through 1946, 1947, and 1948 about Mao Tse-tung. We were told that he was just a little, simple, agrarian reformer, and that we need never be concerned about this great idealist and wonderful man who was just going in to perform a job of agrarian reform in China.

The pattern of that whole operation is exactly the same pattern which has been carried out in North Vietnam, as I have detailed here this afternoon, especially, in the grim period between the years 1954 and 1956.

Mr. GOLDWATER. Will the Senator yield further?

Mr. ALLOTT. I am happy to yield.

Mr. GOLDWATER. I repeat my compliments, because I think this is a matter that has to be taken up.

I think Vice President AGNEW did this country a great favor by his criticism of the media. I do not think it can be let up. I do not think it should be thought for one moment that we are attacking freedom of the press. I have often said that the biggest danger to freedom of the press in this country is the press itself—the press which refuses to look at both sides of a question in an objective way.

I maintain that an editor, as the owner of his newspaper, can print anything he wants to on the editorial page. That is his business. But a reporter is supposed to report the news so that the American people can say, "Well, this is the side that Senator So-and-So presented; what did the opposition present?"

You cannot, in most of the Eastern seaboard newspapers, find an objective argument such as we hear every day on this floor between Members of the two parties, or Members of a single party. I would hope that the Senator would feel no compunction in continuing this as we attempt, in the coming weeks and perhaps months, to present our arguments against attempts to stifle the power of the President to make strategic and tactical decisions involving war.

Mr. ALLOTT. I thank the Senator very much. One of the other points involved in these remarks goes beyond the gross inadequacies of the reporting, as in this instance. It involves the serious danger that through the kind of writing the Senator has talked about, of the so-called liberal press, people are actually beginning to think of the North Vietnamese as just normal citizens. People are encouraged to think that the North Vietnamese Communists may have a different form of government, but they are just normal citizens like everybody else. Mr. President, they are vicious murderers and torturers, and there will be a blood bath if we forsake our duty. I have found that certain people, who seem to assume that all this drivel they read about and hear about in the news media is true, think that these Communists are just nice people, nice farmers. These badly informed people do not consider or know about the facts. Therefore, I thought it was necessary to bring these facts to the attention of interested people.

I thank the Senator very much for his intervention. He has been very helpful to me in this matter.

Mr. GOLDWATER. I might point out one other example of why these people are not nice, ordinary, little farmers. We have 1,500 prisoners of war in Vietnam. The North Vietnamese do not have the decency even to allow them to write letters home regularly, or the decency to allow packages to be delivered, or the decency to let us know the names of these prisoners. Yet, the New York Times bleeds for the North Vietnamese Government. I sometimes wonder what makes

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organs such as that go in this country. What is their purpose?

Mr. **ALLOTT**. I do not know. I am glad the Senator has brought this matter up. He will recall that the Geneva Convention was entered into because of the great abuses that occurred during the Crimean War and in subsequent conflicts. North Vietnam is a signatory to that convention, South Vietnam is a signatory to that convention, and the United States is a signatory to that convention. Of course, the Vietcong are not signatories, except as they are controlled by the North Vietnamese. But the North Vietnamese have not fulfilled even one of the agreements with respect to prisoners of war as required in that convention.

Mr. **GOLDWATER**. I invite the Senator's attention to another fact along the same line. The North Vietnamese, the Red Chinese, the Russians, the United States, and other countries signed an agreement in 1962 recognizing and respecting the neutrality of Cambodia and Laos. There were 67,000 North Vietnam troops in Laos at that time, and they are still there. The Red Chinese are building a road across northern Laos. Yet, in our own press we never hear about that. We do not hear the North Vietnamese and the Red Chinese being criticized. We hear the United States being criticized because we are trying to help people have their neutrality.

Mr. **ALLOTT**. That is entirely correct. I think it might be well for many people in the United States to remember why Prince Sihanouk was in Peking and Moscow at the time his government was turned over by a parliamentary action which, I understand, is legal according to their lights. He was in Peking and Moscow to try to influence those governments to bring influence to bear to pull the North Vietnamese and the Vietcong out of his own country, out of the sanctuary areas which President Nixon finally determined he had to destroy.

I thank the Senator very much for his intervention. He has been very helpful.

Mr. President, I yield the floor.

Mr. **BELLMON**. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **CURTIS**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **CURTIS**. Mr. President, I ask to be recognized.

The **PRESIDING OFFICER**. The Senator from Nebraska is recognized.

Mr. **CURTIS**. Mr. President, over the past weekend, my attention was called to a matter that concerns the entire U.S. Senate. I assume that this was brought to my attention because I happen to serve on the Committee on Rules and Administration.

Mr. **GRIFFIN**. Mr. President, will the Senator from Nebraska yield at that point?

Mr. **CURTIS**. I yield.

Mr. **GRIFFIN**. Is the subject the Senator is now discussing germane to the business now before the Senate? I have been asked that, because the Senate is operating under the rule of germaneness. It does relate to the pending business?

Mr. **CURTIS**. It does relate to the resolution now pending before the Senate.

Mr. **GRIFFIN**. I thank the Senator. I was sure that it was.

Mr. **CURTIS**. Mr. President, I refer to the letter signed by one Sam Brown and one David Hawk bearing date of May 11, which was sent under the franking privilege.

According to the newspapers and broadcasts, Sam Brown and David Hawk are connected with one or more of the committees or organizations engaged in antiwar activities. This letter that I refer to reads as follows:

> DEAR FRIEND: Citizens across the country are looking for a vehicle and a political focus for an effective citizens' movement against the re-escalation of the war in Vietnam. We believe the responsibility to end the war should now be placed squarely on Congress. Within Congress there is developing a very strong movement to cut off the appropriations that finance the military operations in Southeast Asia. *The Amendment to End the War*, which presently has 16 co-sponsors, could create the maximum pressure to stop the conflict.
>
> To facilitate a nationwide door-to-door canvassing operation, a petition drive in support of the Amendment is now being organized. This effort will take the case against the escalation and prolongation of the war to nearly every doorstep in the country. This signature drive will allow hundreds of thousands of adults to join with the students who are now out of classes protesting the war.
>
> The Petition:
>
> The war in Vietnam has gone on too long. We demand that Congress exercise its constitutional responsibility to end a war that has not been declared. We, the undersigned, support the amendment to end the war which will stop appropriations for the war in Cambodia, Laos, and Vietnam.
>
> This petition, already being circulated in several areas, is meeting with enthusiastic response. In some communities, signers are being asked to contribute 50¢ to finance the petition campaign.
>
> A national citizens committee is now being formed to give this effort visibility and focus.
>
> Enclosed is a copy of the Amendment and a copy of the petition on *The Amendment To End The War*. Reproduce and circulate them freely. Return petitions and funds collected to Petitions: P.O. Box 3237, Columbia Heights Station, Washington, D.C. 20009.
>
> Also, you can begin to organize delegations to visit Congressmen and Senators in Washington and in the home offices until this vote is taken.
>
> In peace,
>
> SAM BROWN,
> DAVE HAWK.

Mr. President, the franking of this letter raises some very serious questions. I would like to point out that the letter suggests a financial contribution. I do not know whether or not this particular communication which was franked would be related by the recipient to other appeals for financial contributions by the same group. This letter that I read states:

> Return petitions and funds collected to Petitions: P.O. Box 3237, Columbia Heights Station, Washington, D.C. 20009.

Should the Senate permit the franking privilege to be used to collect funds for any cause? What is the tax status of the funds so collected? To whom will these contributions belong? I have no idea how many people would respond with the suggested 50 cents contribution or how many would send considerably more than that. It is possible that the money coming in could run into a sizable amount.

In trying to secure some information that would be helpful to my colleagues, I inquired of the office of the postmaster for Washington, D.C., concerning the post office box listed. I asked whom the box had been rented to. I was told that that information could not be given to me. If funds are being solicited by use of the frank, I believe that the Senate should know where the funds are sent, what committee or organization in soliciting them, and who is receiving the funds. I believe this information should be available to the Internal Revenue Service also.

Mr. President, I make no charge. There may be an explanation of this entire transaction. I do believe that the Senate should be informed on all the facts and circumstances in regard to what has been done, and I believe that continued.

Mr. **HATFIELD**. Mr. President, will the Senator from Nebraska yield?

Mr. **CURTIS**. I yield.

Mr. **HATFIELD**. I wish to express my appreciation to the Senator from Nebraska (Mr. CURTIS) for bringing this particular issue to the floor of the Senate, because I believe that my frank was involved in the particular letter to which he refers.

I should like to make the RECORD clear that when a group of Senators organized the amendment to end the war, as it has been called, which is Senate amendment No. 609, the first report of that amendment created a great deal of response from many people and groups around the country who have been concerned about peace and who were looking for a vehicle upon which they could organize for a peaceful and an appropriate response, as citizens, to involve themselves in this matter of peace and war.

There were five Senators—I was one—who signed a letter. A form letter was to be reproduced and sent out in response to a number of the inquiries which individual offices had received concerning what they could do, and what we would suggest to them as being helpful in giving support to the amendment.

As in most cases, when there is such a large response we resorted to the use of volunteer helpers. The purpose was for those individuals to work together on this form letter and stuff it into envelopes, to be sent out to those who had inquired previously on occasion, or even at this particular moment. The letter to which he referred which was signed by David Hawk and Sam Brown then became a letter that was inserted as an enclosure to the official letter which we had signed as five Senators.

The letter inserted was done without my authorization and without my knowledge. The minute I found out about the insertion of this letter which was read by the Senator from Nebraska, I immediately took steps to withdraw the remaining number of envelopes which carried my frank and informed the people who were doing this that it was not authorized and that I disapproved heartily of this action.

It was immediately stopped. I would further report to the Senate that if the Senate Ethics Committee will review this—and I hope that they will review this particular incident in all of its detail—if it should find that it is not in keeping with the authorization of the franking privilege, I would be more than pleased to reimburse the Senate office, whichever office it would be, for the amount of money involved.

With respect to the situation the Senator from Nebraska raises, I join with him and say that I, too, would like to have a clarification of the policy.

I assure the Senator from Nebraska and the Senate that it was not done with my approval or authorization. And I stand ready to make it right if this is a matter of reimbursement, if there has been any violation of any franking privilege.

I have been informed by legal counsel that there is not a violation involved here of the franking privilege as far as the law is concerned. But I am not a lawyer. And I think that there is something more than the letter of the law to be followed. I think that there is also the spirit of the law. But even if there is only the spirit of the law involved, I still want to make the reimbursement if such is deemed appropriate.

Mr. President, I thank the Senator from Nebraska for making this a matter of record. I hope that out of this incident we can get a full clarification of the matter of the franking privilege under the circumstances which the Senator has outlined.

Mr. CURTIS. Mr. President, I thank the Senator for his forthright statement.

The junior Senator from Nebraska is not a member of the Ethics Committee. However, some of these matters do come within the jurisdiction of the Committee on Rules and Administration.

I am aware that the franking privilege law and regulations are rather broad. The purpose of this is so that material directly involved in the public issue under discussion can be inserted.

I directed my remarks not at whose frank was involved nor at the other parts of the communication. I directed my remarks entirely to the communication signed by Sam Brown and David Hawk and primarily to the request for funds.

There are more than 200 million people in the United States. Millions of them are concerned one way or another about all public issues. Millions of them are concerned about the matter now pending before the Senate. If 1 million were to respond with a sum of money averaging 50 cents, someone would have collected $500,000.

I assume that Sam Brown and Dave Hawk would be the recipients. They asked for it.

I do not think that Brown and Hawk should be in a position of embarrassing the entire Senate of the United States. I think that the entire Senate has a real stake and a real interest in matters of this kind.

I happened to serve in Congress prior to our entry into World War II. At that time there was great emotion all over the country about the various acts of involvement.

In those days they had an expression: "Aid short of war."

Television was not with us at that time. But radio was in great use.

A distinguished Member of the House of Representatives, motivated by patriotic desires, was somehow involved in an appeal for funds in order to get the information to the people.

The matter received considerable attention in the House of Representatives. I am not sure that the information was all shown in the RECORD. But there was grave concern among the leadership.

I do not want something like that to descend upon the Senate. The RECORD will show that I have singled out no Senator. I have not mentioned any Senator. My remarks were directed primarily at these outsiders and at the raising of funds behind the cloak of secrecy of a post office box which might be compared to a Swiss bank account that is operated by number.

Mr. HATFIELD. Mr. President, I would like to suggest—and, in fact, if I might make this in the form of a request, because the Senator from Nebraska is the ranking Republican member of the Senate Committee on Rules and Administration—that I would appreciate it if he would take this particular case, along with all of the material that I would be happy to provide him which he may not have and with the material that he does have, and present this matter to the Committee on Rules and Administration in order that we might have a clear understanding of the propriety or the impropriety of this act. Perhaps at the same time, the Senate ethics committee might look into it.

This matter of the use of the franking privilege needs to be clarified.

I have received solicitations under the franking privilege of Congress asking people to contribute to a right-to-work drive and to send their contributions to a certain post office box.

I have received communications under the franking privilege on behalf of a new student organization to compete with the NSA—National Student Association—that castigated the organization in strong language and requested that contributions be sent to a certain address.

I am not saying that this is right or wrong, or that the other is right or wrong.

I am simply saying that I think this is perhaps the time and that this is a good vehicle on which to move to get a new clarification or definition of the franking privilege.

I am told by legal counsel that my actions were legally right.

I do not know. But I do know that I do not appreciate the situation in which this has placed my office or the Senate. I do feel, as the Senator from Nebraska has said, that the entire Senate is involved in this particular thing.

I only regret that it was through my frank that it became involved.

Mr. BELLMON. Mr. President, in connection with the question the distinguished Senator from Nebraska has raised, I have in my possession a franked letter that arrived in our office this week. It is on the letterhead of the Columbia Society of International Law. It does not bear the signature of any Member of the Senate.

After this letter arrived we checked into the rules and we find in section 4166 on page 341 of the Senate Manual that—

> A person entitled to use a frank may not lend it or permit its use by any committee . . .

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. BYRD of West Virginia. Mr. President, I am most reluctant to bring up the question of the rule of germaneness. I think it might be argued as whether or not the matter which has been brought before the Senate by the able Senator from Nebraska is germane. I think, in its overall sense, there was some degree of germaneness to it. I think he performed a definite service in bringing it before the Senate. I am shocked and greatly disturbed about the use of the frank for the purposes described and by the persons identified, who are not Senators.

However, at the same time, I do not think it was entirely on point with reference to the unfinished business before the Senate. I did not raise the question of germaneness because I thought it would be argued that the Senator's speech was germane.

I am very reluctant to press the point in connection with what the Senator from Oklahoma has to say, but I do think that his remarks are not germane to the unfinished business before the Senate. I am sorry to have to interrupt him.

Mr. CURTIS. Mr. President, I appreciate the position of the acting majority leader.

Mr. President, I ask unanimous consent, notwithstanding any issue of germaneness, that the junior Senator from Nebraska be allowed to continue for an additional 5 minutes in order that I may yield to the Senator from Oklahoma who started to make a statement.

After that I shall yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I do object because if we are going to make the rule of germaneness work, we cannot agree under a unanimous-consent request that it be set aside.

I am embarrassed that I have to raise this question with the Senator from Oklahoma because he very graciously agreed a while ago to delay his remarks until a time today when the rule will not be operative.

Mr. CURTIS. Mr. President, I would like to be heard on the point of germaneness. I shall not delay the Senate long.

Mr. President, if this is germane to our discussion, then the content of the letter is germane to what is under discussion. If it is not germane, that would

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go to the point of whether or not the matter might be franked. I believe any discussion of any facet of the pending resolution must be germane. I do not see how we can narrow the discussion of the pending resolution and exclude certain facts and arguments that have to do with the basic issue involved in the resolution. I regard this appeal of Mr. Sam Brown and David Hawk as part of it.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I have listened very carefully to what the able Senator from Nebraska said about the item that was franked.

The fact that it dealt with the amendment that has been offered by the able Senator from Oregon and other Senators—the so-called amendment to end the war in Vietnam—led me to believe it was to some degree, at least, germane, even if the main thrust of the Senator's statement was not. So I did not object.

But now we have gone into an entirely different subject and I suppose if we allow the Senator from Oklahoma to proceed with the discussion of his matter before the Senate, then I could talk about my being chairman of the Cancer Crusade in West Virginia and whether or not it is ethical for me to frank a letter asking funds for the cancer campaign, all of which, of course, would be utterly nongermane. The line must be drawn at some point.

Mr. President, I have to object.

Mr. CURTIS. Mr. President, the material the Senator from Oklahoma started to read, which he has now handed to the Senator from Nebraska, begins:

> The United States invasion of Cambodia is in violation of its commitments. . . .

The letter is from the Columbia Society of International Law, School of Law, Columbia University, New York, N.Y.

I assumed all this resolution and debate concerned what was happening in Cambodia. Is the discussion of an editorial on this matter germane but this document not germane?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I certainly have no objection to the discussion of any matter that is germane to the unfinished business, but from my listening to the initial remarks by the distinguished Senator from Oklahoma I got the distinct impression the matter was not germane. I have not read the letter being held in the hands of the distinguished Senator from Kansas. If the matter is germane I, of course, have no objection.

Mr. CURTIS. Mr. President, I yield the floor.

### AMENDMENT NO. 627

Mr. CHURCH. Mr. President, I send to the desk a perfecting amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

> **On page 9, line 1, strike out "for any purpose" and insert in lieu thereof "for foreign assistance (including foreign military sales)".**
>
> **On page 9, line 8, after "appropriation" insert "for foreign assistance (including foreign military sales)".**

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. CHURCH. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I reserve the right to object only to clarify what these amendments are—I wish to ask the Senator whether this is the amendment that the Senator from Florida has been interested in, as well as the Senator from North Dakota.

Mr. CHURCH. The Senator is correct. Regarding the foreign assistance bill and the Foreign Military Sales Act, the amendment provides that appropriations shall not exceed the amount authorized in the future.

Mr. GRIFFIN. This has no relation to the so-called Cooper-Church amendment?

Mr. CHURCH. That is correct. This has nothing whatever to do with the Cooper-Church amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. CHURCH. Mr. President, I promised the distinguished Senator from Alabama I would yield to him, which I gladly do at this time.

### ORDER OF BUSINESS—OBJECTION TO SUBMISSION OF REPORT OF A COMMITTEE

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably with an amendment, the bill S. 3302, to amend the Defense Production Act. I submit a report thereon. I ask unanimous consent that the report be printed together with additional and individual views.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I object.

Mr. SPARKMAN. Mr. President, I thought any report was privileged material.

Mr. BYRD of West Virginia. Mr. President, this item falls in the category of morning business and should be handled during the period for the transaction of routine morning business—or later today when the rule of germaneness falls.

I am embarrassed to continue to make these objections.

Mr. SPARKMAN. I will reclaim my papers and come back later.

Mr. CHURCH. Mr. President, for the information of the Senate, when will the germaneness rule expire this afternoon?

Mr. BYRD of West Virginia. Mr. President, I can answer the Senator. It is at 3:32 p.m. today.

Mr. CHURCH. In approximately an hour. I thank the Senator.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. GORE. Mr. President, I call to the attention of the Senate certain information which seems to me to illustrate the need for Congress and the country, indeed the entire Government, to act so as to preserve the equation between the coordinate branches of the Government, particularly the executive and the legislative.

Although the movement of U.S. troops into Cambodia was not the subject of consultation with Congress, I would like to read a letter addressed to "Dear Fellow Officer," Vice Adm. W. R. Smedberg III, president of the Retired Officers Association. This letter is dated May 13.

Before reading an excerpt from the letter, Mr. President, in order that nothing be taken unfairly out of context, I ask unanimous consent that the entire letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORE. Mr. President, I read a paragraph from this letter:

> President Nixon told me, and a few other officers of veterans and patriotic organizations, two days before his talk to the Nation, that the action he was soon to order was imperative if we were to escape the probability of total humiliating defeat in Vietnam. Information from captured enemy documents, prisoner interrogation, aerial reconnaissance and other intelligence sources available to him had convinced him and his military advisors that our position in South Vietnam would soon be untenable, the Vietnamization program destroyed, and a humiliating defeat in Vietnam almost assured unless he ordered immediate and positive action to destroy the forces and massive supplies of arms, ammunition, food and equipment which had been stored in underground shelters in North Vietnamese "sanctuaries" on the Cambodian side of the border along the great length of South Vietnam. These stores were, he said, sufficient to supply several North Vietnamese divisions for six months.

Mr. President, that is the fourth paragraph in the letter. I direct the attention of the Senate to the entire letter, which will be printed hereafter.

Mr. President, if this letter is correct, then the President was imparting this information to nonofficials of the U.S. Government—I do not know how many; this says a few. But it was withheld from the Congress of the United States, insofar as this Senator is aware. In fact, Secretary of State Rogers appeared before the Senate Foreign Relations Committee on April 27. He testified at some length, considerable length, about 3 hours. It is, of course, possible that the Secretary of State was not aware, when he appeared on the 27th and also on April 2, of the planning underway to involve the United States militarily in Cambodia or that the invasion plans were actually then awaiting the President's decision.

If so, this would be an unusual, if not irregular, situation. If not, vital information on this grave issue was withheld from the committee and the Congress in violation of the spirit of the Secretary's assurance of April 2, that he would consult to the fullest extent possible with the committee on any possible military action by the United States in Cambodia.

The Sihanouk government was overthrown on March 18, thereby setting in motion a chain reaction that led to the opening of a third front in the Indochina war. The Committee on Foreign Relations, as I have said, met with the Secretary of State on April 2 and again on April 27. At both of those meetings, the members were virtually unanimous in urging that the United States not become involved in any way in Cambodia. As I have said, there was no indication whatsoever at the meeting on April 27 that any proposal was being considered in the executive branch other than Cambodia's request for military aid.

The Secretary of State told the committee that the real problem before the Government was on military assistance. There was no intimation, let me repeat, of any kind whatsoever of which I am aware that a decision has been made or that a decision was imminent on plans to invade Cambodia.

We now learn from the letter I have read that the President, according to this letter, was discussing with private citizens what was described as a grave threat some 2 days before his speech to the American people, at which time the Senate, so far as I know, first learned of this move.

We now learn that the planning for action in Cambodia began as soon as Sihanouk was ousted. Secretary Laird related this fact in a background session with reporters on May 14. The Senate Foreign Relations Committee requested a stenographic copy of the conference. I have a stenographic copy of the notes of that meeting, which I ask unanimous consent be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GORE. Mr. President, I would like now to read a brief excerpt from this background conference, a statement by Secretary Laird as reported by the stenographer for the Department of Defense:

> First, when the change of government came about in Cambodia, I requested planning be done at that time on the various courses of action that could be taken. Our government planning was started in the latter part of March, and various proposals were presented to me. I approved certain actions and made certain other recommendations to the National Security Council and the President.
>
> The plan that is currently going forward is a plan submitted by me to the National Security Council and supported by me.

Let me repeat that it may be possible that Secretary Rogers was unaware of such plans, unaware of such decisions pending or decisions taken. On this I am not advised.

If the Secretary of State were unaware, then it is a highly unusual, even irregular performance for a high administration official. If the Secretary were aware of these facts which I have related in part, and which will appear in greater part from the insertion soon to appear in the RECORD, the information was deliberately withheld from the Senate of the United States in violation of the Secretary's commitment to the committee, at an earlier date, to keep the committee fully and frankly informed.

### EXHIBIT 1

RETIRED OFFICERS ASSOCIATION,
*Washington, D.C., May 13, 1970.*

DEAR FELLOW OFFICER: Our Commander-in-Chief, the President of the United States, has made a difficult and courageous decision to attack and destroy North Vietnamese bases and war supplies along the South Vietnamese border inside Cambodia. His goals are understandable, particularly to military men; (1) to shorten the war, (2) to save American lives, (3) to enable his Vietnamization plan to carry on to a successful conclusion, (4) to permit self-determination of the South Vietnamese to continue to fruition, and (5) to minimize the prospects of a disastrous defeat as the strength of our forces in Vietnam grows less during his previously announced withdrawal program.

The order has been given, American military men are now in combat carrying out the Commander-in-Chief's orders, and some are dying in order that a larger number may live.

At home, opponents of the Administration, the "Doves", the Peace-At-Any-Price advocates, and those who have been persuaded that the United States has only to withdraw its forces from Southeast Asia in order for universal peace to exist throughout the world, are working right now to tie the hands of our President in this endeavor. Many well-meaning supporters of those policies seem to forget the additional jeopardy to which such actions will subject our troops in Vietnam.

President Nixon told me, and a few other officers of veterans and patriotic organizations, two days before his talk to the Nation, that the action he was soon to order was imperative if we were to escape the probability of total and humiliating defeat in Vietnam. Information from captured enemy documents, prisoner interrogation, aerial reconnaissance and other intelligence sources available to him had convinced him and his military advisors that our position in South Vietnam would soon be untenable, the Vietnamization program destroyed, and a humiliating defeat in Vietnam almost assured unless he ordered immediate and positive action to destroy the forces and massive supplies of arms, ammunition, food and equipment which had been stored in underground shelters in North Vietnamese "sanctuaries" on the Cambodian side of the border along the great length of South Vietnam. These stores were, he said, sufficient to supply several North Vietnamese divisions for six months.

I am convinced that the President had no alternative; to do nothing would almost certainly insure the loss of all that we have been fighting for in support of free peoples everywhere, and the abandonment of the principles for which more than 40,000 American men have died in this war.

The voices of the organized minority are stridently raised against our President's action, giving great comfort and aid to the enemy.

I believe that, as a citizen who holds, or has held, a commission in the Armed Forces, you will want to add your support to those of us who have for too long been the "Silent Majority" by upholding our Commander-in-Chief in his resolve to bring about an honorable peace, maintain the integrity of this nation, fulfill its commitments to its allies, and honor those who have died in their efforts to preserve freedom for all peoples.

At the time of our meeting, the President gave us a detailed briefing on our general military posture. Beginning on page 3 I have briefly outlined some of his more pertinent and important points.

If you agree with the viewpoint I have expressed, I urge you as a private citizen to take immediate and positive action along the lines suggested on the following page.

Sincerely,

W. R. SMEDBERG III,
*Vice Admiral, U.S. Navy, retired, President.*

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### EXHIBIT 2

### SECRETARY LAIRD'S MEETING WITH GODFREY SPERLING GROUP, MAY 14, 1970

Secretary LAIRD. However, will be judged finally on the basis of its overall strategic success, and I believe that this is the place where this operation will prove to be even more significant, and those were outlined by the President very carefully in his briefing of the Congressional leadership, the governors, in his press conference the other day; and they are, of course, the impact on Vietnamization and the pacification program which is tied up with the security aspects of Vietnamization.

Two, the rate of withdrawals of Americans from Vietnam, and three, the American casualties, as we move into the third and fourth quarter of this calendar year.

But I think in the final judgment, although it is a tactical success now in every way, the mission will be proven to be even more important from the standpoint of long-term strategic guidelines that were set forth by the President.

Question. I was travelling during this period and I saw several reports, and maybe these questions have been resolved while I have been away, but did you or did you not have reservations about our going into Cambodia?

Secretary LAIRD. First, when the change of government came about in Cambodia, I requested planning be done at that time on the various courses of action that could be taken. Our Government planning was started in the latter part of March, and various proposals were presented to me. I approved certain actions and made certain other recommendations to the National Security Council and the President.

The plan that is currently going forward is a plan submitted by me to the National Security Council and supported by me. I don't want to give the impression that when I present things to the National Security Council that no discussion takes place, that there is no give and take between the members of the National Security Council and others.

Every proposal which I have made to the National Security Council has not always been the proposal that has been adopted. I have made more proposals to the National Security Council than anybody else concerning the Department of Defense and military operations. But, I think the batting average has been pretty good as far as the Department of Defense is concerned if you go all the way back on the Vietnamization program, the outline of that, the timing of the troop withdrawals; if you go back on the biological research changes that we have made as far as biological warfare and as far as chemical warfare are concerned.

As far as this decision is concerned, I supported it fully and I continue to support it. There might have been a few things such as timing of this operation that are not exactly in accordance with the plan that I submitted; they are within a few days.

Question. Did you have any conversations at all with the President about the impact domestically?

Secretary LAIRD. Of course. I presented these evaluations to the President in very emphatic and strong terms. I did not anticipate, however, the Kent University affair and I would be misleading you that I even indicated that. But I certainly was aware of these problems. I am also aware of the Congressional problems involved. I spend more time with the Congress than anyone else does. I probably talk to more members of Congress, as well as more students, than anybody else does by the way. I understand those problems.

But, we are over here right now. Everyone is concerned about the Cooper-Church bill which is going to be up for consideration in the Senate today. When I was over in the Congress, I used to be very interested in working with few limitations on the Executive Branch of Government, and I understand that, and I think it is a perfectly legitimate area to operate in, because I believe that Congress is certainly a co-equal branch of the Government. And I don't get into these local arguments over this business because I've been on the other side of that issue for too long.

The Cooper-Church Amendment is a serious Amendment. It will be interpreted not for its effect of what is going on in Cambodia because it doesn't start until this operation is all over. But, as far as world opinion is concerned, it will have a tremendous effect upon the turndown of President even though it should be passed in the Senate, then in the House. It has that kind of effect.

The point I am trying to make here is that there are other amendments involved in that foreign military sales bill that are more far reaching and far more damaging as far as the security of the country, from my point of view, than many people realize. Of course, they deal with the disposition of military surpluses. This is a whole new ball game that is written into that bill, and I don't think that many people realize that.

It is a whole new ball game as far as our financing some of the commitments we have made to countries already, including Israel, including China, including Turkey. You can point to almost any country. These are very far-reaching changes that are in this bill, and there isn't much attention being paid to this.

Question. In the bill or in the amendment?

Secretary LAIRD. In the bill, as amended.

Question. In other words, in the bill as it comes to the floor.

Question. If you could respond just for a minute, Mr. Secretary. You stated you submitted as a plan of action back to Cambodia. Could you tell if this was your top option or just one of half a dozen possibilities? Did you favor this above others as possible approaches to the Cambodian question?

Secretary LAIRD. This was the top option. The problem here, to be very frank with you, the listing of the sanctuaries, is not exactly the same as in the program I presented. They are all covered. But it is not in the same order and I don't want to mislead you—the order has been shifted, but all of the sanctuaries are in the plan.

Question. On U.S. troops vs. non-U.S. troops, then from the beginning you favored the use of U.S. troops?

Secretary LAIRD. Well, you see, the reason you get into that, is that as soon as you go into the Fish-Hook area U.S. troops are involved. You understand that because the 25th Division and the 1st Cavalry Division are right opposite that area. They have the responsibility. The sanctuaries along the II corps area, the IV corps area and the rest of the III corps area, we have removed the Americans in those areas and they have no overall operational responsibility against the other sanctuary areas.

So, the question of timing is important from the standpoint of when we go into the various sanctuary areas. Now, as far as the Fish Hook area is concerned, this is the important area from the standpoint of where the command and control operations have been emanating. We have had four or five different fixes in that area where the command and control is operated over a period of the last few years. That, at the start, looked like it would be a very tough area.

Now what happened was that after the time the original plan was submitted and the time that the final decision was made by the President of the United States, the military situation within the sanctuaries changed. You had a situation where the risk involved militarily became much less than the risk involved militarily at the start of the operation when it was originally in the planning stage. I'm sure you understand that when the American planners were first looking at this situation, you had a situation in which the North Vietnamese were poised against South Vietnam. Starting about the middle of April, or in that general area, you found your forces facing the other direction and moving away from the sanctuary areas so you would not have as great a military confrontation.

So, the risk involved to Americans became much less at that particular point when the North Vietnamese became involved in pointing a large number of their forces in the other direction. And when the risks became less, not only as far as the South Vietnamese forces, but less also as far as the American forces, and when the possibility of the lower casualties, much lower casualties, because of a lower military risk became apparent from our intelligence information, there were certain changes and I supported those particular changes.

In the original plan, when you had a complete military confrontation up and down the border, and all of the forces were aimed toward South Vietnam, it was a little bit different situation. When the risk to the American forces was at a lower level because of changes that had been made in the intelligence information that showed the enemy were pointed towards Cambodia at that time, this was the time to hit.

Question. And that changed your mind on these. . . .

Secretary LAIRD. That changed my mind. Now, so, when you look at the different options that were available to us, I think you have to consider the time period in which you are looking at those options. The military threat that was posed at that time, not only to the Americans but also the South Vietnamese. You know, some people say you have until the 30th of June. Now, I am not sure that we will have weather conditions that will permit us to go until the 30th of June.

There are several things in the timing, the weather conditions, and the fact that you would not have a major military confrontation because of the shifts that had come about.

Question. Mr. Secretary, I don't think—I don't quite understand—it seemed to me that with the shifts that came about a reduction of sanctuaries would become less important. I don't know why suddenly this became such a critical problem.

Secretary LAIRD. This is not an operation to destroy people. This is an operation to destroy facilities and logistics support. They could not remove all of their equipment. They could not remove their ammunition. They could not remove any of this buildup in the time period that was involved. You know there was some criticism about using B–52's three days before you went into Fish Hook because it gave them warning. That is not important. We weren't interested in destroying, necessarily, the military forces. We were interested in making the movement as easily as we could as far as the Americans were concerned, but we weren't interested in destroying the people. You don't hear us putting out body count and things like that. I have stayed completely away from that kind of assessment of this operation.

This operation is being, I hope, judged on a tactical basis on what is actually destroyed and uncovered.

Question. What do you think of the argument that that really isn't a very persuasive case because the Russians can resupply them and the Chinese can resupply them with rice in a relatively short period of time, and, therefore, you have not really accomplished a lot.

Secretary LAIRD. Well, my answer to your question is that it will take from six to nine months. And, as you know, I keep in fairly close touch with General Abrams and he has always felt that during this period up through August into September is the most important period in our overall Vietnamization program. He feels that this period of time, because of really our great emphasis on the training and the increase in the RF and PF started just a year ago at the time of the Midway Conference when we approved the largest increase.

This training program is going very well. There is not a more sensitive military commander that I know than General Abrams, and no more sensible military commander. He feels that this period of time is very critical and an important period.

Question. If I may ask another question.

Secretary LAIRD. They may have to go back into the sanctuary areas.

Question. Americans or South Vietnamese?

Secretary LAIRD. The South Vietnamese. At that time, they will be in a position where they can carry on this operation, even on the basis of 24 to 36 hours. They will be in that particular position.

As I told the committee the other day, I would not be in a position where we said that from now on the South Vietnamese would never go into the sanctuaries. I just think that is a ridiculous type of commitment for the United States Government to take at this time if we really believe in the Vietnamization program, and I do.

Question. If there were not the angry backlash, a massive backlash, in this country to which the Administration has had to address itself, wouldn't the President have announced that you are pulling out of there in the middle of this week. . . . in other words, it seems as though you are engaged in an incomplete operation simply to placate public opinion?

Secretary LAIRD. Well, that is not the case. The President made the decision to announce some of the timetables. He has not announced all of the timetables. There is a timetable on every execution and in every plan that comes in.

Now, the decision as far as the two areas in which Americans have come out and are coming out this week—they have come out of other areas, but these are major numbers, in the thousands—those operations are completed. They have gone on schedule and they are completed. I don't believe that we should not announce the completion of operations and we have given our troop levels——

Question. My question is, have you intended all along to announce that we were going to come out the middle of this week and at the end of——

Secretary LAIRD. Oh, yes, we are going to announce each operation.

I don't know why it is so unusual. We have more newsmen, who are even using General Abrams' plane to take them around, and this idea that we can keep the completion of an operation a secret, I just don't understand that because you can't do it, Peter.

Question. Well, that is a little different. How do you know this is going to be completed, you know, at the end of a week?

Secretary LAIRD. Well, we tell them. They are briefed on this—how long they expect to go into a particular area. We have not kept that as to when it is completed tomorrow or Saturday——

Question. I know, but I don't understand

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what completion schedule can be laid down in advance on a military mission when you don't know what you are going to run into, the job of destroying supplies, the opposition you might meet—what is the theory behind announcing that certain units will be withdrawn by the end of a week and by the middle of the following week, I don't quite get that.

Secretary Laird. Well, in this particular operation, this week, the operation was scheduled to go on for 10 days and it was finished in seven. It was scheduled on the basis of 7 to 10 days based on the amount of time it was necessary to do the search and the fact that they thought there would be military encounter. This is one of the areas where we uncovered quite a bit of material.

The military action did not take place, and we are not going to stay there if we don't need to stay there for 10 days simply because we had no military activity involved.

Question. Could you unravel something for me, please?

Secretary Laird. I hope I can.

Question. You said that the 5th and 25th American Divisions were in position, therefore, we sent——

Secretary Laird. It is the reverse.

Question. The 1st Cavalry and the 25th Division were in position, and, therefore, because they happened to live there they were selected to go into Cambodia. Well, of course, as you know, the 1st Cavalry with 450 helicopters and they went all the way from Camp Evans to relieve Khe Son so it would seem that you don't necessarily have to use the forces on the border. That is one thing that confuses me.

The second thing that confuses me——

Secretary Laird. I don't know why that confuses you because we decided to use the forces that had the security responsibility and then we——

Question. Well, you had plenty of air lifts to take care of the South Vietnamese.

Secretary Laird. Well, we airlifted South Vietnamese behind the border area, but they didn't have the security. You know who has the security on that border area right now.

Question. Right.

Secretary Laird. Okay. Well, we didn't change the security responsibility.

Question. But there would——

Secretary Laird. The security responsibilities remained the same and we airlifted the South Vietnamese in behind that area.

Question. But that wouldn't dictate what you do though.

Secretary Laird. Now, if you wanted to take and put—change the security responsibility and air lift the 1st Cavalry Division down into IV corps where we pulled all American forces out and bring some South Vietnamese up opposite and change the security responsibility, it could have been done, and I looked at that, but there are certain disadvantages in moving American forces back into the IV corps area. And those disadvantages, changing responsibilities in the IV corps area, far outweighed the advantage that you are talking about as far as the 1st Cavalry.

Question. Do I infer correctly that you could not have done the whole operation as finally approved solely with South Vietnamese troops just on the basis of numbers and equipment?

Secretary Laird. You could have done it, but you would have to change certain security responsibilities along the border.

Question. Is that what you are talking about when you talk about considering moving the 1st Cavalry as a replacement for South Vietnamese troops that you would have used then?

Question. The second point, just a short one, on Tuesday, you told the Senate Armed Services Committee that there was evidence of stepped up activity from the border sanctuaries in Cambodia against South Vietnam—Americans and South Vietnam and you were, therefore, worried about increases in casualties.

This morning, if I tune you in correctly, you said the enemy was turning the other way and going into Cambodia which would seem to reduce the threat to Americans and Vietnamese.

Secretary Laird. As far as these operations were concerned, first, there are two questions that you asked there.

First, as far as the orders to the North Vietnamese and VC in-country during the period leading up to the first few weeks in May, there was no question and, many people fail to realize that this has come about, this last week the high point which was predicted in all of the documents and all of the intelligence information that we had and picked up during that period, and I discussed this before the Committee the other day, has come about.

This idea that there has not been an increase in activity—there has been an increase in activity in the last 10 days. This did come about, and we can show it to you statistically. Take our casualty figures today—the casualty figures that were released in Saigon this morning.

Question. Do you blame them on the raids—I don't believe that.

Secretary Laird. No, that is not the point that I am making. I am talking about the increased activity in-country that was being supported from Cambodia, and they will be supported from Cambodia.

Question. You can really confuse me, Mr. Secretary because—

Secretary Laird. Well, I am sorry.

Question. Because with the movements from the middle of the month to the end of the month, the movement that embraced the President's speech of the 20th and the 30th which way were they—you said earlier westward.

Secretary Laird. As far as the sanctuary areas are concerned, there was movement in the direction of by one-third, in the direction of Cambodia. I don't want to give you exact percentage, but about one-third in that area.

Question. Westward?

Secretary Laird. Yes.

Question. Were there movements that increased the threat to our forces?

Secretary Laird. There were movements, and there were plans and programs—if these had come about—now I don't want to give you the impression that they have not because they have in the last week. In-country there were movements supported from the sanctuary areas in III and IV corps.

Question. You earlier gave the impression that what happened after the 15th of the month was that the North Vietnamese troops in the sanctuaries began moving westward.

Secretary Laird. Yes, about one-third, 33 percent, about that. Don't use that exact——

Question. About how many? 30,000? 40,000?

Secretary Laird. Well, the full force in-country, the highest force in-country is around the 40,000 level. This was down to its low at 10,000 when they moved in-country.

Question. In-country means in Vietnam?

Secretary Laird. I am talking about in Vietnam. Now as they prepared for this particular highpoint, the in-country movement does go up. *The important thing that I was trying to point out here was that there was a movement out of the sanctuary areas in the other direction for the first time, and this makes the military challenge within the sanctuaries a much lesser threat because you have—now, if I have given the impression—*

Question. I understand that much.

Secretary Laird. Now, as far as the high point is concerned and as far as their plans for activities against American forces, these plans were from the sanctuary areas in the other direction. Now, they have come about. Let me just express, I am sure you know you have probably had the announcement today on our casualty figure. There were 168, which is a high casualty figure.

But, it is important that you understand that of that high casualty figure against American forces, it was in-country.

Question. That is not including the Cambodian operation casualties?

Secretary Laird. Yes, that does include Cambodia, and that Cambodian operation casualties—I can give the exact figures—I think its 40——

Question. Are you saying that the in-country figures excluding the Cambodian figures went up?

Secretary Laird. That is correct. We have a very high in-country casualty rate this week.

Question. Well, let me try to identify some of my confusion, because I am sure I can't claim enough—what were the movements that took place between the 20th and 30th in Cambodia that so dramatically increased the threats to our troops?

Secretary Laird. You are talking about different things.

First, I am talking about the threat to our troops in the sanctuary areas. Now, you are talking about the threats to our troops in-country. Now, they are different questions.

Question. I am talking about the 20th to 30th when we didn't have any troops so far as I know in that area.

Secretary Laird. The threats to our troops in-country came about by the orders that went out from the North Vietnamese headquarters to bring about a high level of activity in South Vietnam.

Now, that is a different threat than the threat I am talking about in the sanctuary areas. The threat in the sanctuary areas is a different threat. That particular threat has to do with the number of troops that are stationed and located within the sanctuary areas.

My point in answering the question about the military threat that was involved, the military threat in the sanctuary areas depreciated. But the military threat in-country, not only in Cambodia, it went up, but it also went up in-country, and that is the important point here. I hope that I didn't confuse you by talking about the military threat within the sanctuary areas. What I am talking about there is the number of people that are there to confront American forces as they move into the sanctuary areas.

Question. Who is the military threat in Cambodia—you just said the military threat in Cambodia.

Secretary Laird. The military threat as far as Cambodia went up. That was brought about by the increased activity by the North Vietnamese as they moved and faced west——

Question. You mean those couple of towns they talk about?

Secretary Laird. I think that, as you know, whether you were there when I testified on this yesterday—that particular military threat is not concerned, as far as I am concerned, in Cambodia and in Laos. I am interested in Cambodia and Laos for only one reason and that is the effect of the operations in Cambodia, and Laos, supply routes and its effect on Vietnam.

Question. Can I ask one question which may be of only historic significance at this point? How did 30,000 to 40,000 in three months become 120,000 in a year? Can you play back that process a little bit for us? The impression some of us had was that when the President left for Hawaii, in that general period, the end of that week, the 17th to 18th of April, there was a general feeling that this was going to be a three or four-month package involving 40,000 men or so.

After he went up to CINCPAC and came back and announced his decision out west, it became a one-year time frame and there were a larger number of people involved.

What were the considerations there and what was the process by which the thing changed?

Secretary LAIRD. The 284 figure which was used by the President is the figure at the end of the fifth increment that you probably—and what he did was combine the fourth and fifth increments as far as troop reduction is concerned and he carried the program through which was either the 7th or the end of April or the first of May.

Question. But he eliminated the interim deadline too by combining the two increments.

Secretary LAIRD. What he did was he took himself out of the business of having to meet a deadline every three or four months and turned it over to the Department of Defense.

Question. You still regard that as the interim deadline, at the end of the fourth increment as being a deadline which has to be met since it was turned over to the Department of Defense?

Secretary LAIRD. We have to meet it because we have these projections in our budget, gentlemen, and we can't go up for a supplemental appropriations bill and our budget is based on these planning figures. I had not wanted to go to the Congress and tell them what the planning figures were, but the President has made a determination to announce them and these are the planning figures that are in the budget, right to the numbers—right on the nose—these are our planning figures.

Question. What was McCain's input on the Cambodian operation?

Secretary LAIRD. On the troop withdrawal, he wanted the delay. He joined with General Abrams and wanted no announcement.

On the Cambodian operation, he supported the plans which were developed by General Abrams with a few modifications.

Question. I had the impression—it may be totally erroneous, that McCain was a pretty strong lever on the Cambodian thing. What was the degree of McCain's influence on the Cambodian decision?

Secretary LAIRD. He certainly supported it, there's no question about that. The briefing which he presented to the President—I had the briefing in advance, of course. The plan that was presented was the plan that had been presented to the National Security Council, and he briefed the President on it.

I think a major portion of his briefing many of you may have had. It has to do with a run through of Southeast Asia—I am sure you had been in his office and he—but I don't go over the briefings that are given to the President.

Question. You are talking about the briefing before April 20th now?

Secretary LAIRD. He asked me about the briefing Admiral McCain gave to the President of the United States at breakfast, in Honolulu, at the time the President went out to welcome the astronauts and he had breakfast with—spent an hour with Admiral McCain. They had a breakfast and he wanted to know whether that briefing had any effect upon the decision.

Question. And you are suggesting that the briefing was relatively routine?

Secretary LAIRD. The plan as presented by General Abrams and modified by discussions that we had had here, but that plan had been put together, you know, it had not been approved in the operations until Monday night or Tuesday morning of the weeks the President—but the plan had all been put together.

Question. But he had gotten it before he got it from McCain or is that the first time that he had seen it?

Secretary LAIRD. I had given him the plan, the plan has been transmitted to him.

Question. Last week?

Secretary LAIRD. Well, before that.

Question. The question——

Secretary LAIRD. But it had not been approved.

Question. How concerned are you on the divisiveness on the home front?

Secretary LAIRD. I am very concerned about it and that's why we have been making every effort not only to live with our budget, but to cut our budget, so that we can make available to other priorities within our Government resources. We have, I think, done very well on this. We have gone from 44 percent of the budget to 34 percent. We have gone from 8.7 percent of the Gross National Product down to 7 percent. I am concerned about the Selective Service Act. Last year they said we couldn't get it changed, we have gotten it changed. We have the random selection and during the months of March and April, the first two months that it has been used, we are back taking youngest first. The system is working.

Question. You anticipate——

Secretary LAIRD. We are also trying to make the changes as far as making the draft a more fair and equitable means of taking young people into the service. I am familiar with these other priorities that we have to face up to and that is why——

Question. I am not talking about this, sir, I am talking about the backlash to this Cambodian divisiveness, had you anticipated that?

Secretary LAIRD. I think I have answered that. I felt that there would be, it had to be considered. It was one of the considerations which I presented. As I said earlier this morning, I anticipated difficulty in that area, difficulty as far as the Congress was concerned, and this was taken into account during the decision-making process. It was taken into account by the President of the United States. There is one thing—and I don't want to be repetitious, but I did not anticipate the Kent University killings, I did not.

Question. Well, do you attribute to the Kent situation what might be called guerrilla warfare on the colleges in this country?

Secretary LAIRD. I think that, as well as some other things did escalate that type of activity. There's no question about that in my mind. It did have an effect.

Question. Do you have under consideration any scheme under which you would send no draftees to Vietnam?

Secretary LAIRD. I want this understood that such a program is a possibility when you get down to 200,000 to 240,000 and our studies show that it is a possibility in that area. What I am trying to do as Secretary of Defense is get all draft calls down to zero. Our primary goal is to get draft calls reduced to the zero level.

The problem is that if you go out and say you are going to have an all-volunteer force in Vietnam when we get to 240,000 or something like that, at that particular time you have a tremendous changeover because there would be a lot of draftees that would still be in your service and still there. So, you would have well over 70 percent of the people at that time.

Now, you could phase in the volunteer force, but I don't want to give the people the impression that you can just change it over night, because you're going to have quite a few draftees that are still in Vietnam even in your support force—in security force, your air support and in your logistics support.

So, this is something that we can move towards, but I don't want to say it will be all volunteer when we get between 200,000 and 240,000 because you still have draftees there. You see, we've got this short rotation, this is one of the problems. Last night I had dinner with Charlie Goodell and I told him that I watched a little bit of his TV performance, and I thought that one of the things that bothered me the most about it was the manner in which he handled the fact that we are putting men into Vietnam and not explaining—I just believe that it really destroys your credibility when you don't indicate that it's because of the short location period that we have to rotate people. Even if we come down to the figure sooner than the President anticipated in his announcement, you're still going to have an input, because we don't allow people to serve there for more than 12 months. The impression that we are putting thousands of people into Vietnam this month just is not an accurate portrayal of what's going on over there. We do put thousands in a week, but it's because of this rotation. Well, that is——

Question. Mr. Secretary, to what degree, if any, were we motivated in Cambodia by a desire, for military reasons perhaps, to support the anti-Sihanouk Government?

Secretary LAIRD. As far as I am concerned, I was not motivated in my recommendation.

Question. It may be military reasons that this would be——

Secretary LAIRD. Because I was motivated on the basis of the Vietnamization program, making further reductions in American forces a possibility and the reduction of casualties as far as Americans are concerned in the future.

I don't believe our Government has a commitment to Cambodia. Our commitment is to our own forces and our commitment is to see that the objective we've set out in Vietnam is achieved, and that's where I put it.

Question. What would you recommend if the communists appear to be about to overthrow Lon Nol Government and replace it with the one that is out?

Secretary LAIRD. I have made my position very clear on that as far as our operations are concerned, even applies to Laos too. This is my opinion and I would still recommend the interdiction of supplies and personnel. As far as our country is concerned even if we're asked to stop bombing the Ho Chi Minh Trail, I would recommend that we continue to bomb the Ho Chi Minh Trail, and the interdiction of supplies as long as it's in the protection of the Americans.

That's where I would limit it.

If we were asked to stop that kind of activity, either in Laos or Cambodia, I am talking as the Secretary of Defense, this is a decision that would be made by the President of the United States. I'm telling you what my recommendations would be and that's all I can tell you.

There has been no decision made. You don't make a decision on the basis of some iffy question like that, but I didn't want to hedge on what my recommendations would be.

Question: On the question of limits, has the Cambodian operation changed the character of limited war? It used to be pretty much a step-by-step business with pretty tight limits on what we could and could not do. As the President said, he made a massive step. What change do you foresee in the character of limited war as a result of this?

Secretary LAIRD. Well, of course, looking at this from the standpoint of the Secretary of Defense, I believe that the sanctuary problem, the occupied sanctuary problem is something that's existed as far as limited warfare is concerned for a long period of time and I don't look at this operation any differently than that which we have carried on for a good many years on the Ho Chi Minh Trail.

We have problems as far as limited warfare is concerned, but the sanctuary problem whether it applies to the United States or whether it applies to Israel or whether it applies to anyone else is a problem that from a military standpoint, and the defense planners standpoint, I think you have to take into consideration if you are going to commit Americans to that kind of limited warfare you have to give them protection.

Question. You define the sanctuary problem strictly then as a part of a country which is occupied——

Secretary Laird. By the enemy.

Question. By a force of another country which is the enemy?

Secretary Laird. Yes, that is correct. So that it wouldn't—I could get into that argument . . . (Note: Tape is blank.) But similar situation does exist.

Question. In talking about the Mideast, Mr. Secretary, is it your philosophy as Secretary of——

Secretary Laird. Gentlemen, I have to be at the White House at 9 o'clock. I don't mean to hedge on any of your questions, but I am running a little late.

Dan, you are supposed to get me out of here. [Laughter.]

Question. One more question on that sanctuary business, Mr. Secretary.

Secretary Laird. Really, I should be going.

Question. Thank you very much.

Mr. CHURCH. Mr. President, I commend the able Senator from Tennessee for placing these insertions in the Record. As one who was present at the committee hearing, I add my corroboration to the recollection of the distinguished Senator from Tennessee. The committee was in no way advised of the impending Cambodian operation.

From what the Senator has said, others were advised—others who were not even part of the U.S. Government.

This exemplifies what many of us in this body have been saying, the Senate is often the last to know. We must take action here that will rectify this situation, and restore the Senate to the role the Constitution intends for it to play. We can do that only if we reassert our own authority. This is, in part, what we seek to do through the adoption of the Cooper-Church amendment.

Mr. GORE. I thank the Senator. I should like to add emphasis to his remark that the Founding Fathers provided that the elected representatives of the people should have a responsible part in the making of such decisions as herein referred to.

This letter, if correct, indicates that the decision was being discussed with sundry private citizens while the information with respect to it was being withheld from the Senate by no less a personage than the Secretary of State himself.

This is a shocking situation. It is a subject to which the Congress and the country must direct their most serious attention.

Mr. CHURCH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

Mr. HOLLAND. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. I understand, from reading the amendment now proposed to section 12 of the pending measure, that the distinguished Senator proposes to limit the rather broad provisions of section 12, as appearing in the original bill, so that they will now apply only to funds appropriated for foreign aid or for the furnishing of arms.

Mr. CHURCH. The Senator is correct.

Mr. HOLLAND. And not to funds covered by any other appropriation bill.

Mr. CHURCH. Yes.

Mr. HOLLAND. The substance of this will mean that funds included in a foreign aid appropriation bill, or a bill providing for the furnishing of arms to other nations, must have been authorized prior to the appropriation or at the time of appropriation in order to become an actual appropriation, expendable out of U.S. funds?

Mr. CHURCH. The Senator's interpretation of the amendment is entirely accurate. Judging from previous colloquy we have had on the subject, it is my understanding that the version now pending has the approval of the Senator from Florida who, of course, is a ranking member of the Senate Appropriations Committee.

Mr. HOLLAND. Mr. President, I thank the Senator. The Senator from Idaho is correct in what he has just stated. It is my feeling that in connection with appropriations for foreign aid and for the furnishing of arms to other nations, we should be peculiarly careful, and I find no objection to limiting those appropriations alone to matters that have been previously authorized.

There is only one additional point I wish to explore, and that I think we covered in our earlier colloquy: I want to be very sure that if there were any items covered in the foreign aid appropriations bill of last year which have not yet been obligated or expended, they will not be affected by this provision as it is proposed to be amended by the current amendment.

Mr. CHURCH. That is my understanding. The current amendment is prospective. It does not reach back to business previously completed by Congress.

Mr. HOLLAND. I so understand it; and yet I am a little disturbed by the wording of section 12, which begins as follows:

> Notwithstanding any other provision of law enacted before the date of enactment of this section.

I simply wanted the record to be completely clear that notwithstanding the meaning of those words, the distinguished Senator from Idaho and those who stand with him from the Committee on Foreign Relations, in insisting upon this amendment, which is completely in line with their jurisdiction, have no intention whatever to affect appropriations made last year under the foreign aid appropriation bill of 1969.

Mr. CHURCH. We have no such intent. I assure the Senator on that score. If there is any doubt about this, the legislative history we have made on the Senate floor should clear it up.

Mr. HOLLAND. I thank the Senator. I have already stated in a previous colloquy what the Senator well knows to be the fact, that this legislation will have to be approved at the other end of the Capitol; but I do think appropriations in this particular field should have peculiar care, peculiar caution, and that subjecting them to the absolute condition that they must have previous authorization does provide that peculiar care and caution which I think is appropriate.

Mr. CHURCH. I thank the Senator, and I fully agree with his observation.

Mr. HOLLAND. I see the Senator from North Dakota in the Chamber also. He is the ranking minority member of the Appropriations Committee, as well as the committee which deals with foreign aid and with arms sales to other nations; and I should be greatly interested to hear any comment he cares to make upon it.

Mr. CHURCH. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, after listening to the colloquy which has taken place between the distinguished Senator from Florida and the distinguished Senator from Idaho, this amendment takes care of the objections I raised on this floor a few days ago.

Mr. CHURCH. I am happy that the Senator has no objection. We can proceed, then, with a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Does the Senator from Idaho still have the floor?

The PRESIDING OFFICER (Mr. Gravel). No; the Senator from Idaho gave up the floor. Does the Senator from Texas wish the floor?

Mr. CHURCH. Mr. President, I had not intended to yield the floor.

Mr. TOWER. I wish to have the floor before the question is put before the Senate.

The PRESIDING OFFICER. When the question was put, the Senator from Idaho lost the floor. Does the Senator from Texas wish the floor?

Mr. TOWER. Mr. President, I intend to proceed for some minutes. It may run to an hour, and conceivably longer than that. Therefore, I would be happy to yield to any of my colleagues who might have some comment on this particular amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. HOLLAND. If the Senator does oppose this amendment, I shall of course, stay here; but I have conferences in my office. If the Senator has no opposition to this amendment, I would hope he would permit its passage.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments beginning on page 9, line 1.

The amendment was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### PUBLIC OPINION POLLS: THE PRESIDENT FLUNKS

Mr. CHURCH. Mr. President, some Senators have argued, in the course of this debate, that the Senate should take no action of any kind, inasmuch as recent polls have shown the President commanding a better than 50 percent standing in public opinion in the wake of the American invasion of Cambodia. These polls are widely used to bolster the argument that a majority of the American people support the President's Cambodian action.

What these arguments fail to take into account, however, is the phenomenon known to public opinion analysts as the "rallying to the cause" factor in determining the depth of public opinion.

I have here a paper that has just been prepared by Prof. Richard A. Brody, of Stanford University, a respected analyst of public opinion, concerning the May 3 Gallup poll showing 51 percent of the public "approving of the way President Nixon is handling the Cambodian situation." It is interesting that this is the same percentage the President enjoyed in March on his handling of the Vietnam situation.

Professor Brody has come to the conclusion that contrary to the President commanding a favorable majority from the American public, this poll "actually indicates opposition and not support."

The professor points out that public opinion favoring the President "climbs sharply when he takes action—any action, it seems; if the action is a dramatic one, the rise in public approval is sharper yet."

Some examples well illustrate this fact. Public opinion favoring President Truman rose 11 points after American entry into the Korean conflict; President Kennedy enjoyed a 10 percent rise in popularity at the time of the Cuban Missile Crisis in 1962, and—as the professor notes:

> Even the disastrous Bay of Pigs invasion was followed by a rallying to the cause; approval of President Kennedy moved from 72 percent before the action to 82 percent after it.

In the final analysis, Professor Brody states:

> The question of approval of President Nixon's handling of the Cambodian situation is thus a test of the "rallying to his cause"; President Nixon flunked that test! . . . In other words, the tragically dramatic move into Cambodia has not occasioned a rallying of the American people to Mr. Nixon's cause.

Mr. President, I commend Professor Brody's paper to the Senate and ask unanimous consent that it be printed in the Record.

There being no objection, the paper was ordered to be printed in the Record, as follows:

### The Silent Majority Stands in Opposition to the Indochina War

(By Richard A. Brody)

The Gallup Poll showing more than fifty percent "approving of the way President Nixon is handling the Cambodian situation" actually indicates opposition and not support. In the face of this report, how can one claim that the "silent majority" opposes the war in Indochina?

Over the years public opinion analysts have identified a phenomenon called "rallying to the cause"; public approval of the President climbs sharply when he takes action (any action, it seems); if the action is a dramatic one, the rise in public approval is sharper yet.

Some examples: After the passage of the Truman Doctrine, public approval of President Truman rose from forty-nine percent to sixty percent; our entry into the Korean War was accompanied by an eleven percent rise in approval of Truman; the Cuban Missile Crisis was followed by a ten percent growth in approval. Even the disastrous Bay of Pigs invasion was followed by a rallying to the cause; approval of President Kennedy moved from seventy-two percent before the action to eighty-two percent after it.

The question of approval of President Nixon's handling of the Cambodian situation is thus a test of the "rallying to his cause"; President Nixon flunked that test! In March, on the question of approval of his handling of the situation in Vietnam, fifty-one percent approved, in April, forty-eight percent approved and forty-one percent disapproved; neither of these polls shows a different distribution than the Gallup poll following his action. In other words, the tragically dramatic move into Cambodia has not occasioned a rallying of the American people to Mr. Nixon's cause!

If we look at answers to other questions Gallup asked the public, we can come to understand why this dramatic failure to rally to the President has taken place: In the first place the public is pessimistic about the outcome. Fifty-five percent think a major involvement in Cambodia is unavoidable—they disagree with the President on this score. Rallying to the cause in the past has been accompanied by optimism or at least a hopefulness that "maybe it'll work"—that optimism is now lacking in the public; less than a third believe that we can avoid a major involvement in Cambodia. Beyond pessimism, the public disapproves of the major facet of the Cambodian escalation. Six Americans in ten disapprove of "sending troops to help Cambodia" and only twenty-eight percent believe we should.

Pessimism was reinforced by the flow of bad news from Vietnam was central in the massive growth in popular dissatisfaction with the Johnson administration. The pessimism over the Cambodian invasion is the prelude to a withdrawal of public support for the Nixon administration. And it should be remembered that Mr. Nixon began with a substantially smaller stock of public support than did President Johnson.

If the public rejects the sending of troops to Cambodia and thinks an undesired major involvement is likely, why do so many people still approve of Nixon's handling of the war? The answer can only be that a majority doesn't approve of the handling of the war but rather of the President as a symbol. We can come to understand this if we reflect on public opinion during the Johnson administration. At the ebb of public support of President Johnson, when substantial majorities disagreed with the main features of his Vietnam policy, a third of the American people still were willing to say they approved of his handling of the war. For President Johnson this situation contrasts sharply with the situation in 1966 when the public approved not only of his handling of the war but of the details of the policy lines he was following. President Nixon's support seems to be structured more like that of Johnson at the ebb than Johnson in 1966.

The symbol of the Presidency can only carry a President so long and Mr. Nixon's string is running out. The silent majority is not with the President in his Cambodian experiment.

Mr. TOWER. Mr. President, I would like to discuss two somewhat interrelated arguments which have been put forth as criticisms of the President and the administration and those who support the U.S. effort in Southeast Asia.

The first of these arguments avers that the government now in South Vietnam is so oppressive and indifferent to the needs of the people of South Vietnam that it is really no better than that of Hanoi. The argument is extended, somewhat illogically, to say that unless the United States undermines the South Vietnamese Government by negotiating it away at the bargaining table, this country cannot pretend to be assisting the people of South Vietnam.

Let us briefly compare the Government of South Vietnam with that in Hanoi and see if there is, in fact, "not a dime's worth of difference."

First, there are 25 newspapers in Saigon, many of which often disagree strongly with the Thieu-Ky government. There is one newspaper in Hanoi, and I defy anyone to show me an instance in which it has opposed the Communist government there.

There are 60 political parties in South Vietnam, many of them powerful and active enough to influence and oppose the Thieu-Ky government. In North Vietnam there is only one political party, the Communist Party.

In South Vietnam there is a strong union movement with some 500,000 members. In North Vietnam there is, of course, no union. I might add here that the president of the South Vietnamese union association, Phan Quoc Buu, is no puppet of the Saigon government. He and his newspaper have bitterly opposed it on occasion and even risked imprisonment to do so. And yet, the union movement is alive and thriving in South Vietnam.

Finally, I think it is important to note that the Thieu-Ky government has reinstituted the village government system in rural South Vietnam. Furthermore, the central government is rearming the villages through the village militia.

This is particularly noteworthy. No government as universally unpopular and oppressive as the Thieu-Ky government is accused of being by its detractors, would dare place weapons in the hands of the people. And yet, the Saigon government has actively pursued the armament of village militias. These militias have been effective defenders against Vietcong and North Vietnamese troops. They have used their weapons against the real oppressors, the Communists—not the Thieu-Ky government. This is tremendously significant. Is there a Communist country in the world that will allow its people to be armed? There is not—not one in the world.

Finally, I would remind those who are completely critical of the South Vietnamese Government of a simple historical fact.

During the 100 days in 1954 when the border between North and South Vietnam was open, over a million Vietnamese people fled from the North to the South. One million individuals, who "voted with

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their feet" against the Communist takeover of North Vietnam and the dictatorship of Uncle Ho, fled to safety in the South. I am unaware of any mass migration of dissatisfied South Vietnamese citizens to North Vietnam. Apparently, the people in the South are not as convinced as some war critics seem to think that they would profit from Communist domination.

I am reminded of the time prior to World War II when Nazi Germany closed its borders, on the assumption that the oppressed Swiss people might flee in too great numbers into free Germany.

Parenthetically, I would note that the border was closed by North Vietnam after 100 days in 1954 in order to stem the flow of Vietnamese from North to South. This action was taken even though the North Vietnamese had signed the Geneva agreement which called for the border to remain open for 300 days. For some reason, any alleged breach of the Geneva agreement by the United States or its allies is considered to be immoral and unconscionable.

But, for some reason, those who oppose our efforts in South Vietnam today seem to think that the breach of the Geneva accords by the North Vietnamese is a matter to be overlooked.

Those who accuse the United States of violating the Geneva agreement—an agreement which it never signed—might well ask just what we would gain from following an agreement continually broken by the North Vietnamese.

Mr. President, I do not hold the South Vietnamese Government out as a perfect model of democracy in action. Aside from the strangeness of democracy to Southeast Asia, one must remember that the Thieu-Ky government is a government at war. Even in this country, restrictions have been placed upon citizens in time of war.

It is interesting to note, as an aside, that we cannot apply the same standards of democratic government, the same standards of democratic self-determination to less developed countries of the world who have no experience in self-government.

I might point out that even this nation at war, South Vietnam, has had an election during the course of the time it was plunged into war, a war being fought on its own soil.

I also recall that highly civilized country, the United Kingdom, from which we derived our legal and political institutions, the home of the mother of parliaments, suspended all national elections during World War II.

What is important, however, is that the Thieu-Ky government is the preferred government, however imperfectly chosen, of the people of South Vietnam. If they are oppressed by it, they can and will change it. We should not force them to accept a provisional government in its place. A provisional government, which, if history is any guide, would soon be captured by communism.

Assuming that such provisional government was composed of some kind of troika of pro-Western, pro-Communist, and neutral forces, it might profit from the Laotian experience. There, we now have the spectacle of a neutral Laotian government fighting the Communists who are still nominally parts of that government.

The popularity of the South Vietnamese Government can, indeed, be debated, Mr. President. But what cannot be argued is the unpopularity of the Communist government. At this moment, in the real world of Southeast Asia, it is the Thieu-Ky government that offers the South Vietnamese people an opportunity to evolve an independent government of their own.

Insofar as the South Vietnamese people are concerned, the choice of governments available to them is limited to a Communist North Vietnamese government and the Thieu-Ky government. Let us not be confused by the existence of opposition to the Thieu-Ky government. It is not a vote for a provisional government; rather it is an indication of political give and take—the same kind of give and take, I might add, that we have in this country.

Perhaps a good hard look at our own actions in time of war will make it easier for us to understand why the South Vietnamese Government cannot always operate in the free and open environment which we might like.

In the United States during the War between the States, the Union imprisoned, without habeus corpus, between 18,000 and 35,000 citizens. Most of these were imprisoned because of opposition to war. In addition, some 300 to 400 Americans were shot in the famous New York draft riots of 1863.

Mr. President (Mr. SAXBE), there were many people in the North who did not want to go to war against the South and they demonstrated and responded to violence.

I do not recall anyone who will argue that Abraham Lincoln was a ruthless tyrant, bent on maintaining power through armed might. That simply is not accurate. He was a troubled man, leading a beleaguered nation through a terrible war. In order to preserve the Union which he so dearly loved, Abraham Lincoln invoked methods which, when observed outside of the context of a nation at war, seem repressive and authoritarian.

Some 90 years later, when this Nation was again at war, another President imprisoned thousands of American citizens on the west coast because they happened to be of Japanese ancestry—an ethnic minority. His decision to do so was upheld by the Supreme Court, composed of men who today, write books urging our young people to take extreme actions to end real and imagined oppressions of the "establishment."

I might note that Mr. Justice Douglas, who urges this sort of thing, was a party to the decision in Korimatsu versus the United States, which stamped the imprimatur of the Supreme Court of the United States on the incarceration of thousands of loyal Japanese-American citizens into concentration camps in Arizona.

I do not believe that President Roosevelt was dedicated to armed suppression of dissent or possible dissent. It is more accurate to observe that he made an error of judgment—an error concurred in by the Supreme Court of the United States.

I repeat, Mr. President, let us remember that the South Vietnamese Government is a government at war. Let us also remember that the United States of America has invoked some reasonably harsh and restrictive measures when it was defending its very existence. Perhaps we can be more understanding and less hostile if we do pause for thought.

While we are reflecting upon American history, it might be interesting to note that the present conflict in Southeast Asia is not the first war which has been opposed by an element within our country—despite its label as "the most unpopular war in American history."

I have already discussed some of the occurrences of the War Between the States. Can you imagine, Mr. President, the headlines some of our newspapers could have applied to those events? Perhaps, "Thousands of Dissenters Placed in Concentration Camps" or "Troops Shoot Hundreds in Streets of New York." The commentary would have been interesting too. One can almost hear the dulcet tones of some of our modern-day announcers intoning how "President Lincoln today, in the face of mounting war criticism, imprisoned more dissenters without allowing a writ of habeas corpus" or some similar remarks.

If President Lincoln had yielded to the pressure of those who opposed the war and responded to those who urged a settlement of the war on terms favorable to the South, we would not be one country today. Now there are those in my part of the country who think that this would have been for the better, Mr. President, but that is beside the point.

The point is that all war is unpopular and in virtually all wars there is internal pressure for "peace at any price." But this does not mean that all or a majority of the people oppose the war. It does not mean that a President who perseveres in bringing the war to an honorable conclusion is acting against the will of the people.

However, many of Mr. Nixon's critics and many of the supporters of this amendment argue that the war in general and the Cambodian mission in particular is so unpopular that the Senate must take upon itself the burden of defying the President so that the American people can have a "voice in their Government."

There is evidence, however, to indicate that the majority of Americans of all ages do not feel frustrated or cut off from effective means of expressing opinion. Furthermore, a recent Gallup poll reported in Newsweek—which can hardly be considered a publication that has a partisan bias towards President Nixon—indicated that of those who have an opinion on the Cambodian mission, a significant majority support the decision to send troops into Cambodia. I was particularly interested to note that of Americans in the 21-to-34 age bracket, 49 percent supported the President's decision.

I do not argue that this is conclusive,

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hard evidence of the popularity of the President's decision. No poll can give us that kind of evidence.

But it does indicate that those who claim an overwhelming support of the American people for the present amendment have overstated their case, or simply misunderstood the will of the American people.

I might note further that the House of Representatives which is considered to be closer to the people than is the Senate—is made up of proportionate representation from each State according to population.

The Senate represents each State as a corporate entity, regardless of population.

My distinguished friend, the Senator from Oklahoma (Mr. BELLMON) has as much of a vote as I do. His vote is equal to mine. Yet the population of his State is smaller than that of Texas. I hasten to add that it is a high quality population.

My good friend, the Senator from Kentucky (Mr. COOPER) represents a State that has a smaller population than mine.

My good friend, the Senator from West Virginia (Mr. BYRD) represents a State that has a smaller population than Texas.

Yet the vote of each of these Senators is equal to mine. Their influence may be much greater than mine.

Let us understand that the House of Representatives is a body which is far more reflective of the will of the people than is the Senate.

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The other day the House of Representatives rejected every attempt to tie the President's hands—and rejected it by a significant majority—in the conduct of the war in Southeast Asia.

Now, I would like to comment specifically on the pending amendment, the proposal to restrict expenditure of funds for the conduct of operations in Cambodia.

The President has stated that he does not intend to remain in Cambodia past June 30 and that he does not intend to go in there again. I certainly hope that he does not have to conduct further operations there; he hopes that he does not. Surely no Member of this body hopes that we will be required to engage in further operations in Cambodia. This amendment, however, is a superstitious reaction. It is an attempt to influence events beyond our control and beyond our reckoning by simply legislating that they shall not happen. Rather than insuring any such thing, the passage of this legislation makes us vulnerable to the unforeseen.

I believe that I could find broad general agreement with the assertion that it does little good to lay down rules when only one side is bound by them.

If legislation could protect the lives of American troops and hasten the day when we can safely and responsibly withdraw from Vietnam, I would be one of the strongest supporters of such legislation. But much of what can be done is shaped by events which we cannot legislate against. These contingencies the President must be charged with meeting. Clinton Rossiter observed in his study, "The American Presidency":

> Constitution, laws, custom, the practice of other nations, and the logic of history have combined to place the President in a dominant position (in the field of foreign affairs). Secrecy, dispatch, unity, continuity, and access to information—the ingredients of successful diplomacy—are properties of his office, and Congress, I need hardly add, possesses none of them.
>
> It is a body with immense power of its own in the field of foreign relations * * * but the power is essentially negative in character and application.

I cannot believe that we want to exercise these "essentially negative" powers when at stake are the lives of American men. I should think that we would want to do everything possible to insure the President's ability to act swiftly and affirmatively to defend those lives from the attacks of an enemy in privileged sanctuaries.

Many critics of the President's action seem to have lost sight of who the enemy is and of the fact that the enemy is actively bent on pursuing hostilities against us and our allies.

Mr. COOPER. Mr. President, will the Senator yield at this point, or would he prefer to wait?

Mr. TOWER. Mr. President, if the distinguished Senator from Kentucky will allow me to complete my thought, I would be delighted to yield to him for any question.

Saying that the President will no longer be free to take certain actions in defense of our troops and our position will only encourage the enemy to reestablish, less cautiously than they might otherwise, the sanctuaries from which they might strike without fear of retaliation. This, in my opinion, invites further loss of American life and seriously endangers our Vietnamization and withdrawal program.

We in Congress are not in a position to direct combat in the field. We cannot take decisions swiftly. We are rarely of one mind. This is as it should be, for our debates are often lively and intelligent and bear directly on the shaping of long-range policy for the direction of our country. But the day-to-day conduct of the Government and the direction of our Armed Forces fall to the President as Chief Executive and Commander in Chief. Five hundred and thirty-five cooks could spoil the finest broth. War is a bitter broth and demands the talents of a single cook, well supplied for the task at hand.

Let me read you an excerpt from an article in the recent issue of National Review which, I believe, describes the present situation well:

> In reality, there is nothing in the Cambodian operation that is out of line, objectively considered, with Mr. Nixon's avowed Vietnamization-withdrawal policy.
>
> In every military withdrawal, conditional or unconditional, there are tactical reversals, flank movements, shifts back and forth. The North Vietnamese bases in Cambodia were well known, and in the last analysis were incompatible with successful Vietnamization and American withdrawal. While Sihanouk was in power, The Cambodian situation held more or less in equilibrium; a solution for these enclaves could be postponed. But with Sihanouk's departure, the equilibrium was destroyed. There was an acute risk that Cambodia might be entirely taken over by the North Vietnamese before the new government could consolidate itself. American lives, as well as the chance for Vietnamization depended on a fast move to reduce at least the degree of the threat from these enemy-occupied areas. Therefore, the President, as Commander-in-Chief, ordered the move, as it was his duty to do.
>
> What is most fantastic about the response to this rather minor and routine military maneuver in furtherance of a known and established policy is its disproportion. From the hysteria in the Senate, in the media and the campuses, one would have imagined that the President had ordered, at the very least, the H-bombing of half of Asia, the conscription of all persons from eighteen to sixty, and the defoliation of the redwoods. It must be granted that several of Mr. Nixon's final sentences in his TV address were also over-inflated. The truth is that this Cambodia operation is in itself a secondary incident.
>
> If it comes off, it won't guarantee the success of Mr. Nixon's larger strategy, but it will enhance the possibility of success. If the hysterics wreck the Cambodia maneuver, however, as they seem bent on doing, the larger strategy may also go down in that wreck. One doesn't expect Abbie Hoffman to be concerned with that possibility. One might think a Senator would be.

I do not believe that anyone in this body consciously seeks to undermine the President's efforts to extricate our combat troops from Southeast Asia. But I am afraid that that might be the long term effect of the present amendment. I am afraid that this amendment would offer protection to enemy sanctuaries in Cambodia and ultimately scuttle the Vietnamization program at the cost of American life and prolonged involvement of American troops in active combat in Southeast Asia.

The constitutional questions which have been raised frequently during the course of this debate are interesting and serious. The balance between and among the three branches of Government does not give us cause for unlimited self-congratulation.

It is a situation which I believe we should examine unheatedly and at length with reference to more and broader problems than the present situation raises. We should examine, for example, how much of our constitutional responsibility we have abandoned to the independent regulatory agencies such as the NLRB, and how much legislative and judicial authority such agencies have subsequently usurped.

The power of the executive branch is awesome and it is incontrovertible that this power has grown far beyond the limits envisioned by the framers of the Constitution. But all too often when the shift of constitutional balance is brought under attack, it is more a result of dissatisfaction with a particular policy than of genuine concern with the broader philosophical questions involved.

Where do we stand? What are presently the relative powers of the legislative, judicial, and executive branches and the independent agencies? How did we arrive at this balance? And if not this, what should the balance properly be? I would welcome a full discussion of these questions. Such a discussion is, in my opinion, overdue. But let us not approach the problem piecemeal. The forces of history have brought us to this moment—not alone in the field of foreign affairs but in the entire conduct of our form of government. We cannot undo history, but hopefully, we can learn from it.

We must apply ourselves to discovering what its lessons are for they range far beyond the exigencies of an immediate situation or policy. They encompass the total business of our national life, the direction from which we came and the manner in which we may best proceed to the ultimate benefit of all our people.

Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have listened with a great deal of interest to the Senator's speech. It is a well reasoned speech and it is scholarly. I wish to compliment the Senator.

I think a mistake the opponents of the amendment are making is their interpretation of the amendment. I say this with respect for the views of the Senator.

However, it is continually said, and incorrectly, that our amendment limits the authority of the President to protect American forces. That is a power which the President has as Commander in Chief and Congress cannot give him that power, enlarge it or take it away, any more than the President can take away from Congress our constitutional powers.

That is the first answer I make to the Senator's speech.

Mr. TOWER. If the Senator will yield, I would like to respond at that point.

Mr. COOPER. I shall yield, but I would like to make a second response to his argument.

What we are insisting on as sponsors of the amendment is that, as there is no promise, no covenant, and no obligation of the United States to defend Cambodia, that before we become involved in a war or the possibility of a war in Cambodia, the constitutional power of Congress in this field should be recognized, and the consent of Congress should be given or refused.

I want to distinguish between the two questions, the power of the President to protect our forces, and the authority of the Congress to refuse or consent to war in Cambodia.

I believe the Senator, as a scholar, as a college professor, and eminent Senator will perceive that there is a distinction between the two.

Mr. TOWER. First, I wish to thank my distinguished friend from Kentucky for calling me a scholar.

Mr. COOPER. The Senator is a scholar.

Mr. TOWER. None of my former professors during my undergraduate or graduate years would have concurred. The Senator is very kind.

I hope that from the background of my experience I can draw some understanding of this. May I say that, although I might personally be reassured by what the Senator said, insofar as the legislative history is concerned, I think that, where the language appears to be so specific, as it is here, that any judicial interpretation might hold that the legislative history is inconsonant with the letter of the law as we enact it and, therefore, would hew to the letter of the law.

As I read the amendment, it states:

> No funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of:
>
> (1) retaining United States ground forces in Cambodia.
>
> (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly any person in Cambodia.

Mr. COOPER. For what?

Mr. TOWER. The amendment then reads:

> Who (a) furnishes military instruction to Cambodian forces; or (b) engages in any combat activity in support of Cambodia forces.

I shall skip that provision and move to the next:

> Supporting any combat activity in the air above Cambodia by United States air force except for the interdiction of enemy supplies or personnel using Cambodian territory for attack against or access into South Vietnam.

Now, "retaining United States ground forces in Cambodia" would occur to me to restrict the President from using ground forces in Cambodia, even though he called it necessary to protect the lives of American soldiers.

Mr. COOPER. There is a clash of powers. We have authority to say, insofar as we have no commitment to defend Cambodia, the war cannot be extended into Cambodia, without consent of the Congress.

Mr. TOWER. The President already said he had no intention to extend the war into Cambodia beyond the business of cleaning out the sanctuaries.

Mr. COOPER. Subsection 1 confirms what the President has said: that he intends to remove our forces from Cambodia by June 30.

I am correct in that, am I not?

Mr. TOWER. Yes.

Mr. COOPER. So we are following his expressed objections in subsection (1).

In subsections 2 and 3 as the Senator will note, the final words are "in support of Cambodian forces."

Mr. TOWER. I understand that, and we can deal with that separately.

Mr. COOPER. Those words specifically apply to a way for Cambodia, in which we could become involved by our presence, a new war—against our constitutional power.

Subsection (4) probably is more favorable to the Senator's position than has been indicated.

Subsection (3) uses the words "in support of Cambodian forces." If there should be movements of men and supplies down the Ho Chi Minh Trail, into South Vietnam our air power could be used to interdict men and supplies, in protection of American forces. So it is not correct that we are attempting to limit the authority of the President to protect the troops. The amendment intends that we shall not become engaged in a new war on the ground of "protection of the forces." I think the question the Senator from Texas really is asking is a different one, if he will permit me to explore his reasoning. I do not think the Senator argues that in the protection of our troops the President could open a general war in Cambodia to protect our troops. We have the right in the Congress to determine whether a new or extended war would give greater protection. I think what the Senator may be asking, is if the troops are withdrawn from Cambodia, and in the event there is a border clash placing our forces in imminent danger, whether the President would have constitutional power to take action along the border to protect our troops?

Is that one concern?

Mr. TOWER. That is a great concern.

Mr. COOPER. If it were limited and did not involve movement of large forces of troops into Cambodia, I would assume the President could take limited action along the border to protect our troops. He would assert his constitutional power. But we can lay down a general policy that the President cannot—and I say this with all respect, for I am talking about the office of the President, and President Nixon has said he does not so intend—engage in a major operation or war in Cambodia without the approval of the Congress. I think we have that authority as a matter of law. I think it is a correct policy, also, if we are to move out of Vietnam, as is the President's announced policy.

Mr. TOWER. Let me pose a question to the Senator from Kentucky. Suppose the President determined that a number of Americans were being held captive across the border in Cambodia. Would this amendment restrict him or tie his hands as he sought to liberate those prisoners?

Mr. COOPER. I think it would, by language, I will be honest, but the decision of authority, would be the President's.

Mr. TOWER. It would prevent liberation of American captives over there.

Mr. COOPER. Unfortunately, many of our men are held captive in North Vietnam. We have had no success in freeing them. North Vietnam has refused to obey the Geneva Conventions with respect to the treatment of prisoners. But do we continue to rely, if we can, upon international rules as a settlement to try to secure the release of those prisoners, or is the Senator asking whether we should engage in a larger war in an attempt to free them?

Mr. TOWER. It is possible that we could be heavily attacked across the demilitarized zone and the President might consider it necessary, in order to protect American troops, to make incursions into North Vietnamese territory. I am not suggesting he should. I am not suggesting what he should do under those circumstances. But I would not want to tell North Vietnam in advance that this is something we will not do. I would not like to tell North Vietnam that they can reconstitute their sanctuaries in Cambodia and our hands will be tied from destroying those sanctuaries or again mounting any offenses against them. I think this whole thing is going to be broadly construed as tying the hands of the President. I think this whole thing is going to be broadly construed as our having no confidence in the President. I think this whole unit is going to be con-

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strued as a manifestation of majority sentiment in the Senate, should it pass, that we have no confidence in the President's word.

I will concur with the Senator from Kentucky that what he is suggesting is what the President has said he intends to do, insofar as limiting himself is concerned; that he intends to do it by the end of June; that he does not intend to make further incursions into Cambodia. But the fact is that when we say, "All right, you must not do what you said you would not do, but you are a little tricky and we do not believe what you said. Therefore, we are going to show our lack of confidence and we are going to telegraph our lack of confidence to friend and foe alike all over the world." I think that is perhaps the worst fallout in this whole business.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. COOPER. Before we get into the Senator's new argument, I want to repeat what I said awhile ago. This has to be made clear to the Senate and to the American people. The Senator from Texas is talking about one thing and I am talking about another. The Senator from Texas is talking about this amendment as one which prevents the President from protecting our troops. I say that it does not prevent the President from protecting our forces, except to this extent, which is in our constitutional right. The United States cannot be engaged in a war in Cambodia, where we have no obligation, without the consent of the Congress.

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If there should come a time when we were threatened by Cambodia or operations in Cambodia—and I cannot believe we will be so threatened—then if the President came before the Congress and indicated this great danger, the Congress could pass a resolution if it thought proper and necessary to engage the United States and its forces.

The President has placed a time limit on the military operation. He has limited to some degree his freedom of action. He has said that the reason for the operation is to provide time—9 or 10 months' additional time—for the Vietnamization program to become effective.

We have a precedent. Last December Congress adopted an amendment to the defense appropriation bill and I believe some Members now making this argument against limiting the President authority voted for, which limited the authority of the President, and the President accepted the limitation.

We are making a distinction between the power of the President to protect our force when they are in imminent danger, a large military movement into another country, to which we have no obligation, without the consent of the Congress.

Mr. TOWER. May I note that the President has said that he has no intention of conducting joint military operations with the Cambodians, that he has no intention of allying the United States with Cambodia and going into Cambodia in support of Cambodian military operations.

There is, as there ordinarily would be in a case of this kind, an ancillary benefit to the Government of Cambodia, because they are fighting the North Vietnamese, trying to get them out of their country. So anything we do to the Cambodians and their country is of ancillary benefit to them.

Mr. COOPER. It is an ancillary benefit to them, but I do not want that ancillary benefit to engage the United States in a war for them. We just want to protect our own forces.

Mr. TOWER. We cannot separate it. If we are going to go in to protect American troops, if we are killing North Vietnamese who might be killing our troops, if we are going to destroy North Vietnamese forces that may be killing our troops, if we are going to confiscate rice supplies to feed those who might be killing American troops, there is necessarily an ancillary benefit that falls to the Cambodians, because the North Vietnamese are trying to invade Cambodia and trying to take over that country. So the fact of the matter is that we are fighting the same people there, not in conjunction with, not in alliance with, not together with the Cambodians, but we cannot deny that that benefit exists.

This language could be construed to mean that simply because the Cambodians might get some benefit, we cannot do anything to protect our own troops.

Mr. COOPER. May I say, in extension of the argument I made before, that my remarks have not been directed solely to the present operation. Our amendment does not sanction it or condemn it. In fact, it does not have any effect upon it except fixing the date on which the President said the operation ceases to become effective and laying down rules for the future.

I want to move now to the argument the Senator has just made, which has been made by others. It is: "You are condemning the President, you are showing you distrust our President, you are publishing around the world that you do not believe the President, you are giving comfort to the enemy."

I understand such arguments can be made, and perhaps they are believed; but I do not think they are legitimate arguments, because we are not trenching upon the President's powers. We are attempting to assert the congressional powers. We do not condemn and say we distrust the President. I believe the President. But if those who disagree with this amendment want to use such an argument, and state that he is condemned, and spread it around the world, of course they can do so.

If that type of argument is used—and Senators can use it—but if that kind of argument is to be used every time Members of the Congress believe in honesty, that they have a duty of their own as members of the legislative branch to perform, then, of course, there is nothing we can do—and there is nothing the Congress could ever do.

Mr. TOWER. Mr. President, I am sure it was not the intent of the Senator from Kentucky to condemn the President, or to mount a vote of no confidence in the President.

Mr. COOPER. I support his Vietnamization program. That is one reason I am against the continuation of this operation. I want to see his program work, and get our men out of Vietnam.

Mr. TOWER. But may I say to the Senator from Kentucky, it does not make any difference whether he or I think the argument that this is a condemnation of the President is an illegitimate argument. I am just saying that is the way this argument is going to be interpreted, because there is not very much precedent for it.

If we are going to assert the constitutional authority of the U.S. Senate in the conduct of foreign policy, why can we not do it in a dispassionate climate, one in which we are not faced with a particular kind of crisis? Why can we not, when the dust settles, sit down and consider the whole business of the tripartite separation of powers of the Government of the United States? This is a unique form of government. Very few nations in the world have it. No other major nation in the world has it. There are three separate, relatively independent branches of Government, each with its common source of authority, the Constitution of the United States. Why can we not—in a dispassionate climate, not at a time when the President has to deal with a crisis with speed and dispatch—sit down and talk about the constitutional prerogatives of the President, of Congress and, indeed, of the Supreme Court?

How many times has the legislative power of Congress been usurped by this agency, that agency, this department, that department, or the courts of the United States, and yet we have done nothing?

The fact of the matter is that our power over the conduct of foreign policy is essentially a negative power. We have the right to ratify treaties. We have the right to confirm appointments. We have the right to raise the stop sign. But seldom in our history have we gone over to the positive business of saying, "You may not do something in the future that we think you might do."

The supporters of this amendment have contended that this is in pursuance to what the President has said he will do; this is pursuant to presidential policy. Why not nail it down to this specific respect? If it is pursuant to presidential policy, then I submit that it is redundant for us to seal it into law here, in a really unprecedented action, at a time when we run the risk of convincing the world that we all disagree with our President, that we are not going to allow him to implement his policy and, from this point forward, "Ye shall know, be ye friend or foe, what the United States of America is going to do. We tie our hands."

In the Soviet Union, does the Presidium of the Supreme Soviet tell us what its limitations are? Does Hanoi tell us what its limitations are? Does Peking tell us what its limitations are? No. What we are doing is ourselves creating a strategic or tactical disadvantage for the United States in the face of aggressor powers in this world that are not concerned with all the niceties of being responsive to popular will, without concern for world opinion, without concern for Judeo-Christian concepts of law and right. We are putting ourselves at a grave disadvantage with a cynical, disciplined, dedicated force in this world that seeks to control; and I think it is a foolish thing for us to do.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama (Mr. SPARKMAN) for an unrelated matter, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXTENSION OF THE DEFENSE PRODUCTION ACT—REPORT OF A COMMITTEE—ADDITIONAL AND INDIVIDUAL VIEWS (S. REPT. NO. 91–890)

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes. I ask unanimous consent that the report be printed, together with additional views of Senators PROXMIRE, MUSKIE, MONDALE, BROOKE, GOODELL, and myself, and the individual views of Senators CRANSTON and BENNETT.

The PRESIDING OFFICER (Mr. SAXBE). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alabama.

Several Senators addressed the Chair.

Mr. TOWER. Mr. President, I shall return later to the Senator from Kentucky, but I agreed to yield first to the Senator from Oklahoma.

## THE USE OF THE FRANKING PRIVILEGE

Mr. BELLMON. Mr. President, earlier I had undertaken to discuss the matter of the use of the frank with the Senator from Nebraska (Mr. CURTIS), and the question of germaneness was raised. Since the hour of 3:30 is now past, I should like to get into this matter again.

The information I was discussing concerned a letter that was received in our office, which came in an envelope bearing the frank of a distinguished Member of this body.

The first sentence of the letter said:

> The United States invasion of Cambodia is in violation of its commitments under the United Nations Charter, the Southeast Asia Collective Defense Treaty, and accepted goals of international law.

This communication bears the letterhead of the Columbia Society of International Law, School of Law, Columbia University. I bring this up because there is no place in this material that has the signature of any Senator.

Wondering, since I am rather new here, just how the frank can be used, we checked into the Senate Manual, and found that section 495, on page 341, contains these words:

> A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

I should like to ask my distinguished colleague from Nebraska if, in his efforts to find the facts regarding the other matter which brought up earlier today——

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield, for the purpose of his engaging in colloquy, to the Senator from Nebraska, without losing my right to the floor.

Mr. BELLMON. If he would consider going into this matter at the same time he investigates the other questions which have been raised.

Mr. CURTIS. Mr. President, I say to the Senator that I am not sure that the Senator from Nebraska is going to go into the matter any farther, at least to the point of any investigation. I called the matter to the attention of the Senate because I felt it was a very serious situation. This additional material called to the attention of the Senate by the Senator from Oklahoma, I think, relates to something that does not come within the purview of the lawful and proper use of the frank.

The franking privilege, so far as Congress is concerned, is for a Member of the House of Representatives or of the Senate to communicate with others. The law and the regulations specifically provide that he cannot lend his frank to somebody else and cannot delegate to someone else the right to use his frank.

I believe that I have received exactly the same material to which the Senator from Oklahoma refers. It came in an envelope bearing the frank of one of our colleagues on the other side of the aisle. It bore a letterhead of the State of New York. There was no message from any Member of Congress, and I think it was a clear violation.

It was my hope, in speaking earlier today, that this matter might be called to the attention of the Senate and that several things would happen—not only that the right to frank would be withdrawn by the Senators involved, but also, I think that Sam Brown and David Hawk should come forth and make a full disclosure of whose post office box it is to which they are asking that funds be sent. I think they should make a full disclosure of how much in funds they have collected, who claims ownership of it, and what they are going to do with it. I think that disclosure should be made to the Internal Revenue as well as to the Senate. They have trespassed upon the good name and the rights of the U.S. Senate, and I think they should make a disclosure.

If all of that happens, then, so far as this Senator is concerned, I am not suggesting that any particular action ought to be taken. I do not know that it should. But I commend the Senator from Oklahoma for his contribution in this matter. It is of very great concern, because the names of Senators who did not write any letter, who have nothing to do with it, either by accident, unintention, or otherwise, were incorporated in one of the epistles that were sent out, because it was the letterhead of a committee. I believe that the Senator from Oklahoma has a just right to be concerned. I believe he has rendered a service to the country and to the Senate in so doing.

To answer more specifically, I would say that if the matter I have raised is not cleared up and a disclosure made by Sam Brown and David Hawk, and made available to the Internal Revenue, and then if the Senate, in its wisdom, decides to look into it, it should look into all the situations, including the one referred to by the Senator from Oklahoma.

Mr. BELLMON. Mr. President, will the Senator yield for another question?

Mr. CURTIS. I yield.

Mr. BELLMON. On page 321 of the Senate Manual, section 463, we find:

> Whoever makes use of any official envelope, label, or endorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than $300.

I ask the Senator whether he feels that, under the provisions of this section, Brown and Hawk should possibly be fined merely $300 for the one misuse of the frank or whether they possibly should be fined $300 for each and every case in which the frank was used to solicit these funds.

Mr. CURTIS. I think that after all the procedures are adhered to and all the presumptions of innocence applied, very definitely it is intent of the law that the court should have the right to treat every mailing as a separate offense. Otherwise, a law such as that could be violated in a wholesale manner and the punishment would be quite trivial. Just what a court would do, of course, should be determined by the circumstances and the extent to which wrongdoing occurred and the intent of the parties.

Mr. BELLMON. Does the Senator from Nebraska know how many people received this frank mail from Brown and Hawk, or the approximate number of names on the mailing list that was used?

Mr. CURTIS. No; the complaints made to me came from Members of the Senate whose names appeared on the letterhead, because it happened to be committee stationery that was involved in the mailing that included the communication bearing the names of Sam Brown and Dave Hawk.

The Senator from Nebraska was out of town Friday. When I returned, I found that several Senators were concerned and were asking about it. I have had no opportunity to make any survey as to how much of this was sent out. I have received no such report from my own State.

Mr. BELLMON. I agree with the Senator that the Senate needs to know how widely the frank was used. If it should develop that a substantial number of pieces of mail were widely disseminated by the improper use of the frank, does the Senator from Nebraska know of any means by which the taxpayers and the Government can be reimbursed or made harmless by such illegal activity?

Mr. CURTIS. Again, I would not want to intend to give a hard and fast legal opinion on anything other than a complete statement of the facts when they are all in. But I believe that there are precedents whereby the cost of the mailing has been assessed after an error has occurred, whether it be by an innocent

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error, an unfortunate mishap, whether it has been deliberate, whether it has been out of ignorance of the law, or what the cause be. There have been instances in which the cost of telegrams as well as the cost of franking has been later paid, and so the Government has been made whole.

I would think that in the one matter I raised in the original instance, in addition to the frank, by reason of the frank having been involved, the Senate should find out what is going on about the money raising.

Mr. BELLMON. Has the Senator been advised by the Parliamentarian, or does he know by reason of his own experience, which committee of the Senate has jurisdiction over the possible misuse of the frank and the authority to fully investigate such misuse of frank mail?

Mr. CURTIS. I think that certain aspects of it well come within the purview of the Committee on Rules and Administration. It is possible that a situation might arise in which it would involve the conduct of a Senator—again, I mean accidentally and not necessarily with intention to do wrong—and it might well be referred to the Committee on Ethics, so that some guidelines might be laid down. Also, if a resolution were introduced that involved that part of the problem in connection with punishment, I think that under certain circumstances the Committee on the Judiciary would have jurisdiction.

Mr. BELLMON. Mr. President, as a member of the Committee on Interior and Insular Affairs, I was frankly astounded that committee stationery was used on which the names of several Senators appear, including myself, who do not agree with the content of this letter.

I should like the RECORD to show clearly that I was not a party to this mailing, and I very strongly oppose the message that was contained in this mailing.

Mr. CURTIS. The distinguished Senator from Oklahoma is certainly justified in his statement.

It is true that individual Senators have used committee stationery for many years. That is a practice that might be wise or unwise. Nevertheless, it has been here for some years. The public is not always familiar with the practice, and it does put the Senator in an unfair light if the head of the stationery carries his name, or a message, and is used without his authorization or his signature. Thus, I believe that the Senator has rendered a valuable service in making his point. The RECORD should show—which it does—that the distinguished Senator from Oklahoma did not authorize and had nothing to do with sending out the letter. That must be the responsibility of those individuals who signed the letter at the bottom.

Mr. BELLMON. I thank the Senator from Nebraska.

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## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

**The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.**

Mr. TOWER. Mr. President, I have a few figures to bring to the attention of the Senate relating to our operations in Cambodia, some of which may have been already submitted for the RECORD. In any event, I submit them now, so that I may finish my remarks.

My understanding is that the distinguished Senator from Kentucky (Mr. COOPER) would like to comment on some of the things I have said today but he has a tight schedule, and I have, too; thus, I am perfectly willing to agree to a return engagement some time in the next few days.

I am sure that my good friend from Kentucky and I will have ample opportunity to do so, because I do not anticipate that this matter will be brought to an early conclusion.

Let me say here, that I thank my friend from Kentucky for his enlightening participation, which is in the best traditions of the Senate.

Mr. COOPER. We will meet again.

Mr. TOWER. Mr. President, there have been considerable assertions made that the Cambodian operation has not been profitable from the standpoint of the total military operations in Southeast Asia.

I submit that the potential of the materiel captured so far has probably saved untold thousands of Americans from losing their lives, to say nothing of those of our allies. Perhaps, it has even reduced significantly the possibility of a main force engagement at this time against the second, third, and fourth tactical zones, to the extent that we can now proceed with Vietnamization.

I think that one important benefit from the operations in Cambodia is that they have been conducted under the domination and control of ARVN. And they have acquitted themselves very well. The operation has come off, as most military men would say in applying objective military standards, in a very satisfactory way. Therefore, I think that we have had an opportunity to measure the progress of Vietnamization to date from the standpoint of the tremendous confidence exhibited by ARVN.

I believe that, given more time, and a reduction of pressure by the enemy, we can proceed even more quickly, since we have set the enemy back 5 or 6 months. I believe that that will result in a shortening of the war and will deny to the enemy a great deal of his logistic support, which in terms of numbers will not be replaceable.

The latest accumulative data from the Department of Defense, which is tentative, as reported from headquarters in Saigon, for May 21, are as follows:

Enemy killed, 7,177; detainees, 1,759; individual weapons captured, 10,019; crew-served weapons captured, 1,640; rice, in tons, 3,701; rice, in man-months, 162,844—in other words, enough rice to feed 162,000 troops for 1 month. If we translate that into terms of the North Vietnamese troops currently in Cambodia, and estimate them to be 40,000, that would mean enough food to feed a total force of North Vietnamese troops in Cambodia for some 4 months.

Rocket rounds captured, 18,113; mortar rounds captured, 20,526; land mines captured, 1,894 ;small-arms ammunition captured, 11,647,224; bunkers destroyed, 5,287; and vehicles destroyed or captured, 220.

Mr. President, regarding that figure on the bunkers, that is rarely referred to but is extremely significant; 5,287 bunkers were vital to the enemy. Bunkers constitute his base camp. They are not the defensive type which contain gun emplacements, but headquarters activities, hospitals, communication centers, and the like. They cannot be economically reconstituted.

Mr. President, these figures are impressive. Even the Washington Post of today, which can hardly be considered an avid supporter of President Nixon on the conduct of the war in Vietnam, has published an article over the byline of one of its staff writers, not a wire service story, which says in part:

> After three weeks of operations in Cambodia, allied troops have seized more enemy weapons and ammunition than were uncovered in enemy supply caches inside South Vietnam all last year, military officials said yesterday.
>
> All told, 2,100 tons of "hardware" have been found in Communist base areas—mostly in the Fishhook and Parrot's Beak—since the Cambodia operation began April 28.
>
> This loss has not crippled the enemy, military men familiar with the Cambodian operation said. But the captured tonnage equals about two-thirds of the total estimated to have been brought from North Vietnam into Cambodia last year alone, and exceeds by about 500 tons the weapons and ammunition found in enemy depots last year in South Vietnam.
>
> In assessing the results of the Cambodia operation, military men at the Pentagon did not echo the claims of President Nixon and Secretary of Defense Melvin R. Laird that the Cambodian operation will "shorten the war." Fifteen-thousand tons of enemy hardware has been stockpiled in Cambodia or transhipped into South Vietnam since early 1965, these sources said.

Mr. President, I ask unanimous consent to have the entire article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### APPROXIMATELY 2,100 TONS OF ARMS TAKEN IN CAMBODIA

(By Peter Braestrup)

After three weeks of operations in Cambodia, allied troops have seized more enemy weapons and ammunition than were uncovered in enemy supply caches inside South Vietnam all last year, military officials said yesterday.

All told, 2,100 tons of "hardware" have been found in Communist base areas—mostly in the Fishhook and Parrot's Beak—since the Cambodia operation began April 28.

This loss has not crippled the enemy, military men familiar with the Cambodian operations said. But the captured tonnage equals about two-thirds of the total estimated to have been brought from North Vietnam into Cambodia last year alone, and exceeds by about 500 tons the weapons and ammunition found in enemy depots last year in South Vietnam.

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shipped into South Vietnam since early 1965, these sources said.

But the short-term results so far, according to these sources have been worth the effort:

The weapons captured—9,600 rifles and submachine guns and 1,600 mortars and machine guns—were more than enough to equip 10,000 enemy troops, or about one-fourth the North Vietnamese and Vietcong strength in Cambodia.

The weapon loss, together with the allied capture of 17,700 rocket rounds and 20,400 mortar shells, should hamper the equipment of replacements sent from North Vietnam and delay the resupply of Communist forces for new offensives against Saigon and the Mekong Delta.

The presence of allied troops in long-secure enemy base areas has momentarily disrupted North Vietnamese replacements, communications and support for Vietcong and North Vietnamese troops inside the southern half of South Vietnam.

As reported from Saigon, enough rice—3,600 tons—has been captured in Cambodia to feed 15,910 troops for ten months. This is regarded as less serious than the loss of weapons sent from North Vietnam; there is no shortage of rice in Cambodia.

Although the prime target of the operations has been enemy material, not men, military officials said, 7,000 enemy troops have been reported as killed and 1,700 captured. (This is what the enemy was reported to have lost in South Vietnam in February). These figures, as usual, are regarded as tentative by military men here; they include South Vietnamese reports, which tend to be optimistic.

In a Pentagon news briefing yesterday morning, Jerry Friedheim, deputy assistant secretary for public affairs, noted that while South Vietnamese attacks on Cambodian bases continued, the U.S. troop commitment (about 20,000 men) to the operation "peaked" a week ago, when "several thousand" U.S. troops were pulled out from the Se San and Parrot's Beak areas.

The principal U.S. effort is still in the Fishhook, where the great bulk of enemy supplies have been seized.

Regarded as most important strategically of ten allied thrusts across the border has been the "end run" around enemy base area 704 and 709 by South Vietnamese forces pushing since May 16 along the coast of the Gulf of Siam to the Cambodian port of Kep. This effort is aimed at preventing reopening of the coast to small Communist supply ships, as well as any exodus by sea of North Vietnamese forces.

According to military planners, the long-term results of the Cambodian operations are uncertain, beyond costing the North Vietnamese three to five months—the rainy season—before they can begin to rebuild their bases.

Mr. TOWER. Mr. President, the Department of Defense has released a fact sheet, which is a very revealing sheet as to what we are doing all along to disrupt the enemy's activities. I ask unanimous consent to have this factsheet printed in the RECORD; and invite the attention of the Senate to the fact that a "rallier" as mentioned therein is a defector, or one who is sometimes called choi hanh in South Vietnam. They have provided intelligence which indicates that we have seriously disrupted their activities and their command activities which makes it impossible for them to maintain successful main force engagement against our forces.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

### FACTSHEET: DISRUPTION OF COSVN

1. This Fact Sheet provides a preliminary assessment of the damage to the COSVN apparatus by recent Allied ground and air operations.

2. COSVN directly controls enemy operations in South Vietnam's 3d and 4th Corps. The highly mobile headquarters complex normally located in the Cambodian "Fishhook" area, is made up of a number of political and military sections responsible for a wide variety of interrelated command-and-control functions. COSVN personnel have long been aware that their safe operation depends in large part on flexibility and mobility. As a result, the various headquarters' elements usually are dispersed in a series of small-base camps.

3. Since the early stages of Allied operations in the sanctuaries astride the Republic of Vietnam and Cambodia border serious disruption of COSVN elements has been apparent. Military and intelligence elements have been on the run, have had limited success in command and control between COSVN elements and subordinate echelons, and have been endangered by Allied military operations. During one brief period, the major political element of COSVN was completely unable to maintain command and control of its elements.

4. A major logistics complex (the "city") discovered on 3 May 1970, was located in an area known to contain COSVN intelligence elements. It is highly likely that infiltration groups destined for 3d and 4th Corps were forced to delay their trip south through the Lao Panhandle during mid-May because of disruptions of COSVN. At least two major COSVN intelligence elements moved deeper into Cambodia during the same period of time because of Allied pressure. By 16 May 1970, high-level military and political elements had relocated to positions north of Mimot, Cambodia. Throughout the initial Allied operations against Cambodian sanctuaries enemy military units received conflicting orders about launching attacks, in part to relieve the pressure on COSVN.

5. A rallier who served with a COSVN Office stated that a permanent base for 12 COSVN staff elements and two support units was located 10 miles west-northwest of Mimot; he said about 1,000 men were located at the camp. The source added that personnel at the base camp were being relocated on 11 May 1970, but that only two-thirds of them had been moved out before the installation was hit by a B–52 strike. A ground followup operation on the 17th disclosed 150 enemy bodies at this site.

6. Also on 17 May 1970, Allied forces discovered a complex near the base where the rallier had been stationed containing 135 bunkers, 10 classroom buildings, 57 shelters, 35 generators, more than 130 radios, field telephones and headsets, and more than 400 pounds of miscellaneous signal equipment. Documents, diagrams, and training aids also found at the site, in conjunction with the equipment and facilities, indicate that a COSVN signal school was located there. A study of these documents and the receipt of additional information should permit a more complete assessment of the COSVN structure and the effects of operations against the sanctuaries along the Republic of Vietnam-Cambodia border.

Mr. TOWER. Mr. President, I yield the floor at this point.

### AMENDMENT NO. 650

Mr. GOLDWATER. I send to the desk an amendment to the pending committee amendment to H.R. 15628. It will be called up at the appropriate time.

The amendment reads as follows:

On page 4, line 21, insert "(a)" after "Sec. 7.".

On page 5, between lines 18 and 19, insert the following new subsection:

"(b) The provisions of subsection (a) of this section shall become effective as soon as the President (1) obtains the release and safe return to the jurisdiction of the United States of every United States prisoner of war held by the North Vietnamese and the forces of the National Liberation Front, and (2) notifies the Congress that the provisions of clause (1) of this subsection have been satisfied."

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

## ORDER FOR ADJOURNMENT UNTIL 12 O'CLOCK TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

## LAWRENCE O'BRIEN, CHAIRMAN OF THE DEMOCRATIC NATIONAL COMMITTEE

Mr. DOLE. Mr. President, like a lot of his fellows, the chairman of the Democratic National Committee has changed his spots in the last 2 years. In fact, he has moved from one spot to another with great rapidity, agility, and intellectual dishonesty.

Remember when—as a member of President Johnson's Cabinet and as a leader of Vice President Humphrey's campaign—he cheered as America got further and further involved in the land war in Asia. He spoke nary a word as more and more men were sent overseas. He voiced nary a criticism as casualties mounted. This was Larry O'Brien's war then, and he supported it 1,000 percent.

Today, in contrast, Mr. O'Brien is trying to wash the blood off his hands, using political crocodile tears with which to fill the basin.

We hear him daily trying to pass the blame for Democratic folly on to a Republican President who has brought Americans home, who has reduced casualties, who has taken the actions necessary to bring, not the surrender Mr. O'Brien wishes now to exchange for his war—but an honorable peace that will allow America to live up to her commitments throughout the world and will allow the South Vietnamese to select the government of their choice.

Mr. President, I do not believe that Mr. O'Brien is fooling anyone, but just in case they may have missed Mr. O'Brien's support of the war during his days as a personal aide and confidant of Presidents, let me call to my colleagues' attention portions of a speech he delivered on July 9, 1966. The leopard has indeed changed his spots.

Let me quote from page 6 of that speech, in which he discusses South Vietnam and, I might add, it was an address to the Lions International Convention at Madison Square Garden on July 9, 1966. and it reads as follows:

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Against the current backdrop of a few nervous politicians, a few draft card pyromaniacs, and a few sign-carrying youth, our present Vietnamese policy may seem unpopular; seen in the perspective of history, there is remarkable national support for a struggle which is so complex, distant, and seemingly ambiguous.

I do not cite these facts to denigrate the importance of dissenting opinion. In fact, I believe that only through dialogue, which by definition means a difference of opinion, can we arrive at truth. But I do wish to point out that the mere fact of dissent should not, and must not, cause us to lose our nerve or our desire to formulate a policy that reflects the best interests of this nation. We are a nation of dissenters and the liveliest pages of our history reflect that spirit of dissent.

A President who regulated national policy according to the swings of opinion as measured by public opinion polls would be substituting a brand of exalted followership for the leadership for which he was elected. His policy would neither be worthy of the leader of a great nation nor would it serve us well. I do not believe that those who point to the findings of public opinion polls (and, incidentally, polls concerning Vietnam have often exhibited confusing and contradictory views) really wish to see a weathercock in the Office of the President.

Mr. President, I agree with the final statement made that day by the now Democratic National Chairman, Lawrence O'Brien, when he said:

I do not tell you this from any motive to celebrate war—any desire to see the fighting continue one moment longer—but from a deep conviction that a national course of action based on the magnified views of the summer soldiers and sunshine patriots who are always with us will only lead to greater sacrifices and greater cost.

Let us join ranks, and fulfill our responsibilities, for if we prevail, the outcome could mean a period of unparalleled international cooperation, prosperity and peace.

As our President strives to convince the aggressors that their warfare must be abandoned, he must not be left to bear his heavy burdens alone. I ask you to give him your support and your prayers in these trying times, and we will continue to move on the upward path to greatness that is our destiny as a nation.

Mr. President, I share the views expressed by one Lawrence O'Brien on July 9, 1966. And I would say to Mr. O'Brien today, as he attempts to shift the responsibility to President Nixon, that he might review the speech he made to the Lions International Convention in New York City. He might reflect on the words he used at that time.

I share the view he expressed that we must stand together and not let the President bear the burden alone, whether he be a Democrat or a Republican.

Mr. President, I ask unanimous consent that remarks made by Representative Rogers C. B. Morton in the May 18, 1970, issue of Monday be printed in the Record.

They are pertinent to this discussion.

There being no objection, the remarks were ordered to be printed in the Record, as follows:

### Loyal Opposition

". . . a tragic decision based on a series of extreme misjudgments."

That pronouncement on the President's courageous Cambodian decision did not come from a southeast Asian expert nor from a latter-day Clausewitz. It came from Mr. Larry O'Brien—realtor, public relations man and current chairman of the Democrat National Committee.

This is the same Larry O'Brien who, as Postmaster General under President Johnson declared on July 9th, 1966: "Against the current backdrop of a few politicians, a few draft card pyromaniacs and a few sign-carrying youth, our present Vietnamese policy may seem unpopular. But in the perspective of history, there is remarkable national support for a struggle which is so complex, distant and seemingly ambiguous."

It is of little moment that Mr. O'Brien changes his tune to fit any temporary political expediency. But his attack on the President last week was a sorry display of irresponsibility which placed partisan politiking far ahead of the national interest. It was a devisive tactic to drive a wedge between the American people and their President. And it was a black eye for the American tradition of loyal opposition.

Washington Post columnist Bill Gold doesn't pretend to be a fan of this Administration, but he rates high as a responsible journalist. Here are some excerpts from his May 11th column:

"I was opposed to our unilateral action [when we first went into Vietnam], but my disagreement was tempered with misgiving. I was not at all sure I was right. After all, a democratic majority had chosen our government and had given it the responsibility for formulating policy and exercising authority. One must be quite an egotist to assume that the entire government apparatus is made up of idiots who cannot match his own brilliance.

"I did not vote for Mr. Nixon and I feel no compulsion to defend him as 'mine' in a partisan sense. However, he is very much mine in the sense that he is every American's President. It seems appropriate, therefore, that those who take issue with him should do it in the traditional manner of loyal opposition.

"It seems quite gratuitous to circulate a petition which merely urges the President to make peace, for this implies that the President doesn't want peace, and isn't aware that his countrymen do.

"This is nonsense, of course. Every rational person wants peace.

"What kind of peace are we urging upon Mr. Nixon—the peace of surrender, the peace of justice and brotherhood. Justice, you say? Then whose definition of justice shall prevail, and who will decide which terms are just terms?"

Thank you, Bill Gold. In spite of Larry O'Brien, the spirit of loyal opposition will prevail as the nation joins ranks with the Administration to solve the critical problems bequeathed us by Mr. O'Brien's party.

Rog Morton.

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## CONDITIONS IN VA HOSPITALS NOT AS REPORTED IN LIFE MAGAZINE

Mr. DOLE. Mr. President, the May 22 issue of Life magazine carried a cover story on the care received by wounded Vietnam veterans in the hospitals operated by the Veterans' Administration. The article, "Assignment to Neglect," as well as the vivid and shocking pictures which accompanied it, caused me immediate and deep concern. Having spent 39 months of my life in hospitals following World War II, I was shocked to think that the Life article accurately reflected present day conditions in these facilities. I immediately contacted Donald E. Johnson, VA Administrator, to ascertain the viewpoint of the Veterans' Administration as to the accuracy and authenticity of the Life report.

Today, I received Mr. Johnson's reply, as well as a copy of a letter from Dr. Abraham M. Kleinman, Director of the Bronx VA hospital, which was the subject of the article. I believe these letters place the situation in its true light and raise serious questions regarding the journalistic standards of Life and its editorial personnel.

Mr. President, I ask unanimous consent that these letters be printed in the Record.

There being no objection, the letters were ordered to be printed in the Record, as follows:

Veterans Administration,
*Washington, D.C., May 21, 1970.*

Hon. Robert Dole,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Dole: In reply to your telephone inquiry, I am glad to provide Veterans Administration comment on the VA medical care article appearing in the May 22 issue of Life Magazine.

From the obviously contrived cover page and staged hospital photographs right down to every biting word of the all negative narrative, the article gives a totally distorted picture of the VA medical program.

Thus, it serves to needlessly alarm present and prospective patients; to discredit the competent and dedicated staffs at VA's 166 hospitals, and to make more difficult the recruitment of medical staff the article says we so sorely need.

The two photographs on the cover of Life tell a story of designed contrast that should be evident to every reader. The top photo—in color—shows happy and smiling servicemen during a moment of respite on the Cambodian front. The lower photo—a dimly lit and grainy study in plain black and white—depicts a VA patient posed in an attitude of dejection. The latter picture, although by no stretch of the imagination a typical scene in any VA hospital, does carry out the article's theme, "From Vietnam to a VA Hospital—Assignment to Neglect."

The same unsmiling patient, who plays the leading critic role in the text of the article, crops up again in the lead photograph of the article. This is a shower room scene with the notation that the veteran "waits helplessly to be dried."

Actually, a hospital attendant ready to dry the patient promptly so as to not delay baths for other waiting wheelchair veterans was waved aside by the photographer until he could shoot his "helpless wait" picture.

In fact, nurses, attendants and other VA helpers at the Bronx VA Hospital were often asked to stand outside camera range during the photographing—apparently to heighten the impression of patient neglect. Of 10 Bronx pictures in the article, VA employees are clearly visible in only two of them despite the fact the hospital staff numbers more than 1,600.

Although patients in the enema room are really curtained away from necessary disposal cans, there can be no denying that Life's "Trash Can" scene was more dramatic after the curtain was drawn and the cans suitably adjusted for exposure.

There has never been, incidentally, a single verifiable report of a rat ever having been seen in the long history of the hospital. This is attested to by long-time employees as well as commercial exterminators who are called in periodically—as they are in many large institutions—to guard against the intrusion of mice.

I might add that although our investigation discloses there have been a few incidents of urine bag overflow in unusual situations, this is by no means a common occurrence and is quickly remedied. I should report, too, that paraplegic patients at the hospital are generally moved every two hours, or more often if needed, and at no time is the wait more than three hours.

The article describes the VA hospital system as the biggest in the world, and yet in its zeal to condemn, Life could not find one good word to say about any part of this vast program.

The Life reporter held a nearly 90-minute interview with me in my capacity as head of the VA. What survived of this in-depth interview was a single two-line sentence in the final article, and even this one sentence contribution was airily dismissed in the next sentence of the story.

Life staffers visited the Washington, D.C., VA Hospital on three separate occasions, talked freely to many patients including severely disabled Vietnam veterans, and shot scores of photographs, many of a 22-year-old Vietnam amputee in his treatment routine.

Could the fact that all of these veterans voluntarily praised VA medical care be the reason that not one word or one picture about these veterans appeared in Life?

Could it be that of the 800,000 veterans treated each year the one complaining patient featured by Life—who condemned his country as well as VA care—better fitted the story Life wanted to tell?

The truth is that each month VA Hospitals receive literally hundreds of unsolicited letters from veterans and their loved ones expressing gratitude for the excellent VA care these veterans received.

Life describes the VA system as a medical slum. Here are just a few facts about this so-called slum—facts that were given to Life, but withheld from its readers by the magazine:

All of VA's 166 hospitals are fully accredited by the Joint Commission on Hospital Accreditation, which is composed of representatives of The American Medical Association, The American Hospital Association, The American College of Physicians, and the American College of Surgeons.

The basic VA medical care budget for the current fiscal year of $1,541,701,000 is by far the highest in all VA history. President Nixon has already asked Congress for $210,000,000 more than even this record sum for the fiscal year starting next July 1. The extra money will permit the addition of more than 5,700 employees to our hospital staffs.

VA hospitals are affiliated closely with nearly every major medical school in the Nation, an invaluable partnership that permits VA to keep abreast of the best and most sophisticated medical care.

VA hospital staffs are not only hardworking and completely dedicated to the proposition that our sick and disabled veterans will never be forgotten or neglected (as charged in the Life article), but include many of the real experts in American medicine. More than 2,200 of VA's 5,100 physicians are board certified specialists as the result of three to five years extra medical training.

All of this is not to say that the VA medical system cannot be improved just as every other medical program should seek improvement. We are committed to constant progress and improvement, for it is our goal to provide the very best possible medical care to every eligible veteran today as well as in the futre.

Sincerely,

DONALD E. JOHNSON,
*Administrator.*

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MAY 20, 1970.

Mr. THOMAS GRIFFITH,
*Editor, Life Magazine, Time and Life Building, Rockefeller Center, New York, N.Y.*

DEAR MR. GRIFFITH: In the interest of truth and in the hope of allaying the fears and deep concern which have been unjustifiably aroused in the American public by the article, "Assignment to Neglect", May 22, 1970, I trust that you will publish this letter. My comments are directed to the quality of care received by the spinal cord injury patients who are the subjects of the article, but they apply to our other patients as well.

The title "Assignment to Neglect" is a cruel misnomer. Our patients are far from neglected. Considering the handicaps under which we work the quality of care which our patients receive should be classed as "superb"—but we class it only as "good" because of certain handicaps. Yes, we do have shortcomings. The buildings are old, the physical layout of the wards is inefficient, space is limited, and personnel is small in numbers but enormously large in dedication and devotion.

Let us examine every picture of the article. Of the twelve patients shown about whom something is written, six are of Marke Dumpert. Some time ago Marke Dumpert was transferred to another hospital at his own insistent request. Shortly after his arrival there, he pleaded with us to take him back, which we did.

The cover shows Marke Dumpert as apparently very depressed. On page 25 Dumpert is pictured waiting "helplessly to be dried." Actually he had been wheeled under the shower by a nursing assistant assigned to this task, and after he had been partly lathered with soap, the assistant was asked to step aside by the photographer who wished to take this picture. The fact is that no patient is left under the shower after completion of the bath. All are wheeled away and dried immediately. This picture, like the others to be described, are posed to illustrate a point, but the point illustrated is untruthful as in this instance, or a partial or distorted truth in others.

The picture on page 25 shows quadriplegic patients (patients who are paralyzed in all four extremities) lying on Stryker frames in the enema room. The caption states that they "wait up to four hours to be attended by a single aide." This is a misrepresentation of the facts. These patients are given their enemas promptly after arrival in the enema room. However, unlike normal people who expel bowel contents shortly after receiving an enema, it takes most of these patients from one to two hours to do this. In a few patients the process may take up to three hours, very rarely four hours. And what are the patients doing during this interval? Some of them doze, others chat with one another, and still others may day dream. The patients may be left alone for short periods of time because they are securely strapped to the frames.

On page 29 Marke Dumpert is shown in three poses. In the bottom two he is shown being treated by therapists. The caption reads "hospital aides strap him into a brace so he can stand." This is a partial truth. The clinic in which this picture was posed is know as the ADL Clinic; i.e., activities of daily living are taught here.

This is the first and in many respects perhaps one of the most important phases of rehabilitation of paralyzed patients when they are permitted to get out of bed. Many patients are fearful and must be given steady and repeated encouragement to make the physical effort. Dumpert was one of these but one of our nurses spent untold hours of her own time to encouraging him to make the attempt. He finally did, and now attends this clinic and others regularly. This picture then, although posed, reflects a truth about the care which our patients receive, but no one can tell from the caption that this treatment is excellent. It might have been a gracious and truthful gesture in the direction of some of the positives of our care had the caption so indicated.

The picture on page 30 shows a patient lying almost naked in bed. Also shown is another patient lying on a stretcher. The caption reads: "In a partitionless ward of the Bronx VA Hospital a disarray of dirty linen is allowed to pile up around a quadriplegic's bed while the patient himself lies naked, unable to clothe himself after a shower." The whole thing was posed. The patient is Marke Dumpert who was taken to his bed after the shower previously interrupted was completed. Every bed has a cubicle curtain which is drawn when the patient is being cared for. In this instance, at the direction of the photographer, all of the cubicle curtains were drawn back out of sight of the camera lens. The "dirty linen" consists of the sheet which had covered the patient when he was being wheeled back from the shower room plus a number of clean pillows. Paralyzed patients need many pillows to be placed around them by nursing personnel for proper body positioning and for both comfort and convenience.

The other patient shown in the same picture, a World War II veteran, was asleep when he was photographed. He resents bitterly the fact that he was photographed without his knowledge or consent. If awake, he says that he would have refused to give permission. He says he feels that the Bronx VA has saved his life, and is thankful for the care which he receives here.

The upper picture on page 31 shows a sleeping patient and, on the floor beside him, a mouse caught in a trap. We do not use traps in our campaign against mice which admittedly we do have. We use tested and approved methods for mice control. Construction of buildings in the vicinity of the hospital, and some construction on the hospital grounds involving excavation tend to chase field mice into the buildings.

With respect to rats, there has been only one complaint made by a patient. This occurred last August. There have been no subsequent complaints. One of our experts states categorically that mice and rats do not exist together. If there are mice, there are no rats, and vice versa. What may have been seen is a black squirrel. We have many squirrels on our park-like grounds, some gray, others black. One of the latter could have invaded the hospital.

The bottom picture on page 31 shows "a totally crippled patient [who] must depend on a buddy who still has the use of his arms to get a sheet thrown over him." This is totally misleading. Quadriplegic patients have lost the inner body controls of temperature which normal people have. They frequently prefer to remain with as few coverings as possible, and we permit this inside the wards. The throwing of the sheet over the patient was the photographer's idea.

The final picture on pages 32 and 33 shows the enema room. On the right are two patients on Stryker frames while between them a hemiplegic patient in a wheel chair is giving a cigarette to quadriplegic patient Andrew Kmetz.

The caption states that the patients are waiting for treatment. This is not true. Kmetz was dozing while the photographer was taking pictures of him. He awoke as Frank Stopiello in the wheel chair was wheeled in to pose, giving Kmetz the cigarette. Stopiello was an overnight patient who had been admitted for the annual complete checkup which we give to all of our ex-patients, and he himself was not in need of an enema. Kmetz was disturbed at the invasion of his privacy. Stopiello is one of hundreds of paralyzed patients in our follow-up program. These patients have been rehabilitated to a full life in their communities and they return to us by appointment once a year for a complete checkup. Is this neglect?

The left side of the same picture shows several trash cans, one of them seemingly bulging with trash. The latter can is protruding into the area occupied by the patients. The caption reads, "Because of overcrowding, they must share a corner with trash cans." The cans are needed in the

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room for disposal of the trash which accumulates in the process of giving and evacuation of enemas and subsequent cleaning up of the patients. However, the trash cans are segregated to one side of the large room, and a curtain separates them from the patient area. This curtain was pushed back and the overloaded can pushed towards the patient for misleading photographic effect.

I began this letter by expressing the hope that you would publish it in the interest of truth and in the hope of allaying the fears and deep concern which have been unjustifiably aroused. In concluding I wish to express my fear and concern that the article may lead to the title "Assignment to Neglect" becoming a self-fulfilling prophecy.

The staff on the spinal cord injury wards who work so hard with such difficult patients to achieve the wonderful results that they do have become thoroughly disheartened by the article. Staffing these wards has always been difficult, people frequently refusing to accept assignments there. As attrition occurs, it may become even more difficult to recruit replacements. Without an experienced staff, these patients cannot be treated. Neglect, now untrue, may become true later. But I have faith in the spiritual strength of our staff and in their ability to overcome their disheartenment. I also know that sensationalism in the press usually has only short term effects. I hope that your article will prove to be no exception to the rule.

Yours truly,

A. M. KLEINMAN, M.D.,
*Hospital Director.*

## CAMBODIA

**Mr. CHURCH.** Mr. President, in view of the importance of the Cambodian issue, I believe it would be informative and useful for our deliberations here to share with my Senate colleagues Norman Cousins' telling editorial in the May 16 issue of the Saturday Review.

Mr. Cousins is concerned about the U.S. Government not providing the American public with sufficient information in regard to our policies and operations in Southeast Asia.

Mr. President, I ask unanimous consent that the editorial to which I have referred be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### CAMBODIA

Three statements offered by President Nixon to justify the decision to send American fighting forces to Cambodia call for close examination:

*Statement No. 1: American policy since the Geneva Agreements of 1954 has been to respect scrupulously the neutrality of the Cambodian people. From 1965 to 1969 we did not have any diplomatic mission whatsoever in Cambodia, and for the past five years we have provided no military and no economic assistance to Cambodia.*

The statement is misleading. The reason the United States did not have a diplomatic mission in Cambodia for four years was that the government of Cambodia in 1965 requested the United States to leave after uncovering evidence that the U.S. had been involved in the 1965 effort to subvert and overthrow the legitimate government of Cambodia. Similarly, the reason no military or economic assistance was given was that none had been requested or would have been welcome if offered.

The United States was permitted to reestablish its diplomatic station in August 1969. The Cambodian government under Prince Sihanouk reaffirmed its position of neutrality. Increasingly, however, the surrounding war pressed in on Cambodia. North Vietnam invaded Cambodian territory. South Vietnamese and U.S. forces conducted military operations inside Cambodia. Cambodian villages were shelled by the U.S. Prince Sihanouk appealed to all belligerents to respect Cambodian neutrality, then embarked on a trip to various capitals, including Moscow and Hanoi, to seek support for his neutralist position. While he was gone, the government of Cambodia was overthrown on March 18, 1970. Within twenty-four hours the new military government was recognized by the United States.

The government of Prince Sihanouk, elected in 1955, was the established constitutional government of Cambodia. The United States not only did nothing to help protect it or to restore it, but immediately recognized the military group that overthrew it. Nothing was said about the right of self-determination of the people of Cambodia.

*Statement No. 2: Beginning in mid-April 1970, North Vietnam intensified and enlarged its military operations in Cambodia.*

Correct but incomplete. After the military overthrow of his government, Prime Minister Sihanouk called upon Hanoi for help in restoring his government. The major North Vietnamese presence and a great deal of the current upheaval in Cambodia date, therefore, from the time of the military coup. The slaughter of Vietnamese civilians inside Cambodia and the sporadic unorganized fighting within that country are manifestations of fast-mounting unrest and possibly oncoming civil war.

*Statement No. 3: United States policy in Vietnam in particular and Indochina in general has been to uphold the right of self-determination of the people and to protect them against outside interference.*

Historically inaccurate. The 1954 Geneva Agreements, cited by President Nixon, provided for free elections to ensure the right of self-determination. The United States supported the decision of the South Vietnam government to cancel the elections scheduled for August 1962, because, as President Eisenhower later said, the evidence was clear that the people would have voted against the existing government in South Vietnam. In 1963, the United States was an acquiescent partner in the overthrow and murder of President Diem of South Vietnam.

Earlier, in 1960, the United States had been involved in the attempted overthrow of the constitutional and neutral government of Prince Souvanna Phouma of Laos. Against the advice of Great Britain and France, which argued that a neutralist government was the best one possible under the circumstances, the United States underwrote a military coup led by General Phoumi Nosavan, son-in-law of the Prime Minister of Thailand. The coup touched off a civil war. The United States, officially and diplomatically, had pledged itself to support the legitimate Souvanna government; actually, it was financing and supplying Nosavan. Both sides wore American-made uniforms. Both sides fought with American guns and bullets. For a month or two, both armies received their pay from U.S. paymasters. Then the United States withdrew all support from Souvanna, who appealed to the Soviet Union for help. Moscow was glad to oblige.

More than 30,000 citizens of Laos were killed in the civil war. A specific result of the war was the strengthening of the Communist Pathet Lao, which then came before the people as the party of national independence.

President John F. Kennedy recognized the need to stop the bloodletting in Laos and to keep the fighting from spreading. He initiated steps to restore the government of Souvanna Phouma. In direct talks with Premier Nikita Khrushchev, he was able to obtain agreement on military withdrawal of both the U.S. and the Soviet Union, and to have both nations respect the neutrality of Laos.

The right to know is as basic to the protection of a free society as the maintenance of a defense establishment. Yet the evidence mounts that the United States government is more concerned with manipulating public opinion than informing it. The problem is not that the government does not attach sufficient importance to public opinion. The problem is that the government has insufficient respect for its obligation to make the facts known as they develop. It has freely used security cover in cases where the security of error-prone officials rather than the security of the nation is the prime consideration. Why is the government not providing a full and accurate account of its policies? Is it because the policies are inexplicable or because they are indefensible?

A great deal is said about the need to uphold the right to self-determination of the people of Vietnam and Cambodia. There is at least an equal need to protect the right of self-determination of the American people. Self-determination is not just a matter of going to the polls once a year. The act of voting should be the culmination of a long process of which access to adequate information is a major part.

Nothing is more ominous today than the increasing shift of the ultimate power in this society from the American people to political and military policy-makers in government. The best way to begin to stop the drift is to identify it for what it is.

## ORDER OF BUSINESS

**Mr. CHURCH.** Mr. President, I suggest the absence of a quorum.

**The PRESIDING OFFICER.** The clerk will call the roll.

The bill clerk proceeded to call the roll.

**Mr. HARRIS.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

**The PRESIDING OFFICER.** Without objection, it is so ordered.

## JOHN GRAVES

**Mr. HARRIS.** Mr. President, last week, while I was in Oklahoma, I was shocked and saddened to learn of the untimely death of Mr. John Graves as a result of a heart attack at the age of 33. John, as a Senate employee for 12 years, was well known by my colleagues on both sides of the aisle and was considered by all Senate employees to be a friend. His service to the Senate was truly outstanding.

John started out working as an elevator operator in the Senate and through his initiative and ability was able to gain the position of assistant secretary for the majority. Any new aide working for the Senate soon learned that no one was more willing or able to be of assistance than John.

I express my deepest sympathy to Karen and the children and to John's parents in Clinton, Okla. We will all miss him greatly.

## AMERICAN INDIAN HEALTH CARE

**Mr. HARRIS.** Mr. President, I have on several recent occasions spoken on the floor of the Senate about the crisis we are facing in providing American Indian health care. Recently, I requested the Interior Subcommittee of the Senate Appropriations Committee to increase the appropriations for Indian health to meet a severe shortage in personnel and drugs.

This week, I received a letter from Mark J. Weiss, M.D., chief medical officer, Claremore Indian Hospital, Claremore, Okla., setting forth the seriousness of the personnel shortage that the Claremore hospital is facing. I hope that we will meet the needs of this hospital and other Indian hospitals throughout the country by increasing the funding for fiscal year 1971. I ask unanimous consent that the letter from Dr. Weiss be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CLAREMORE INDIAN HOSPITAL,
*Claremore, Okla., May 11, 1970.*

DEAR SENATOR HARRIS: I know you have heard a flood of rhetoric about the state of Indian Health in Oklahoma but I feel compelled to write to you about our situation. First of all, despite all the obstacles of poor funding and outmoded equipment I believe that our hospital provides the best medical care in the entire Northeastern section of Oklahoma outside of Tulsa. This is despite the fact that we lack any specialists except a general surgeon.

At present I am the medical director of the hospital. The number of physicians alloted to our present hospital is eight but almost the entire year we have been functioning one physician short; however, this year looks good compared to next year. I have been informed that we will be receiving only enough men to bring our entire complement of physicians up to *six* men. What this means in terms of care for the Indian community is rather sad. It means that if we do have only this number of men, that we will have to curtail our field clinics which have reached so many people in the outlying districts that were probably never getting the benefit of proper health service. We are not unique in this situation. The entire Oklahoma area is short of doctors.

This shortage of physicians seems unnecessary and uncalled for. I know of many men who were not included in the draft but were either refused Public Health Service or had to accept an armed forces commission because the PHS was late in choosing their men. To me there is no excuse for this type of non-planning, especially when it affects people who need medical service. I hope there is something you can do to rectify this situation. If you don't really see what I mean, look at the figures of the number of patients we see in a year. There is plenty of work here and not enough personnel to do it already. Please also consider that we have only one specialist. We delivered over 450 babies last year and saw thousands of children yet no one thought enough of the need of the people here to provide them with some men trained in pediatrics and obstetrics. Even our consultants in Tulsa have written to you and others pleading for the necessary specialists but instead we receive only fewer men.

Sincerely,

MARK J. WEISS, M.D.,
*Chief Medical Officer.*

## RELEASE OF FUNDS FOR REA LOANS TO RURAL ELECTRIC COOPERATIVES

**Mr. HARRIS. Mr. President, On May 11, 26 Members of the Senate joined with me in a letter to the President urging the release of $20 million appropriated for REA loans to rural electric cooperatives in fiscal year 1970.**

As we pointed out in that letter, the Congress appropriated a total of $365 million for REA loans to rural electric cooperatives for fiscal year 1970; however, the Bureau of the Budget has not yet released $20 million of that amount. Inasmuch as the total appropriation for fiscal year 1970 for the rural electrification program falls roughly $400 million below the amount needed in order for the one thousand rural electric cooperatives to meet the growing demands for service, it was felt by those of us who wrote the President that the additional $20 million appropriated by the Congress is certainly urgently needed and should be released immediately.

Because of the present shortage of loan funds many of these systems throughout the United States are being forced to reduce their work force or cut back to a 4-day workweek. The result of which will be that residents of rural areas are not going to get the type of electric service to which they have become accustomed and to which they are entitled. Furthermore, a great deal has been said recently about the possibility of inadequate electric supply in this country during the hot summer months just ahead and members of the administration have alluded to the possibility of brownouts or even blackouts in some instances because of inadequate electric capacity.

The release of the additional $20 million now being held by the Bureau of the Budget certainly will not solve all the capital requirements of the rural electric cooperatives, nor will it be sufficient to avoid short supplies of electricity in the immediate future. It will, however, allow the REA to make loans in those instances of pressing need. Mr. President, I ask unanimous consent that the letter signed by me and 26 other Members of the Senate to President Nixon urging the release of these funds be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON GOVERNMENT OPERATIONS,
*Washington, D.C., May 11, 1970.*

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Congress last year appropriated $365 million for fiscal year 1970 for REA loans to rural electric cooperatives. It has been brought to our attention that $20 million of that appropriation has not yet been released by the Bureau of the Budget.

Inasmuch as the total appropriation for fiscal year 1970 for the rural electric program falls roughly $400 million below the amount needed in order for the nearly one thousand rural electric cooperatives to meet growing demand for service, we feel that the release of the additional $20 million appropriated by Congress is urgently necessary. The rural electric cooperatives, in an effort to meet their needs for additional growth capital, have undertaken the establishment and operation of the National Rural Utilities Cooperative Finance Corporation. It is anticipated that some funds will be available for lending by this corporation early next year. However, CFC is presently still in its formative stages and cannot contribute significantly to the capital requirements of rural electric cooperatives at the present time.

Because of the present shortage of loan funds, many rural electric systems throughout the United States are being forced to reduce their work force or cutback to a four-day work week, the result of which will be that residents of rural areas are not going to get the type of electric service to which they have become accustomed and to which they are entitled.

The release of the additional $20 million now being held by the Bureau of the Budget certainly will not solve all of the capital requirements of these cooperatives. It will, however, allow the REA to make loans in those instances of pressing need. We, therefore, respectfully urge you to release this $20 million at the earliest possible date before the close of this fiscal year.

Sincerely yours,

Philip A. Hart, Fred R. Harris, Joseph M. Montoya, Ralph Yarborough, Quentin N. Burdick, Frank E. Moss, Daniel K. Inouye, Eugene J. McCarthy, Vance Hartke, Thomas J. McIntyre, Herman E. Talmadge, Mike Gravel, Harrison A. Williams, Jr., Albert Gore, J. W. Fulbright, Henry M. Jackson, Warren G. Magnuson, Gale W. McGee, Frank Church, Birch Bayh, Thomas F. Eagleton, George McGovern, Walter F. Mondale, Stuart Symington, Mike Mansfield, William Proxmire, Edmund S. Muskie, U.S. Senators.

## ORDER OF BUSINESS

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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## JACKSON, MISS.

Mr. BAYH. Mr. President, yesterday I joined my distinguished colleague from Minnesota (Mr. MONDALE) and Representative EDWARDS of California and Representative CLAY of Missouri in a visit to Jackson, Miss. I put aside my schedule, as they put aside their schedules, to see firsthand the circumstances surrounding the incident of a few days ago which led to the tragic death of two young men and the critical injury of eight or nine others, most of whom were women students at Jackson State College in Mississippi.

In the aftermath of the tragedy there have been a number of discussions and a number of people by the spoken and written word, have expressed their concern for what happened there. None of them has done so more eloquently than has been done in two articles I have read since that time, one written by Carl Rowan and the other written by Tom Wicker. I think these two distinguished columnists in their inimitable fashion capture the spirit of concern and passion, which compelled us to travel to Jackson.

Mr. President, I ask unanimous consent that the two articles may be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

### AMERICAN DREAM'S LAST VESTIGES

(By Carl T. Rowan)

Just 12 days ago, as the nation reacted with outrage and angry frustration to the killing of four students at Kent State University, I wrote that that was only the beginning.

Now two students have been killed and several more seriously injured at Jackson State College in Mississippi where policemen opened fire on rock-throwing demonstrators and what police say were "snipers."

I wish I could believe that these new killings would deepen the sense of horror and shame that ought to engulf America these days, but I know that is not to be expected. The Mississippi corpses are black.

One of the glaring symptoms of this society's deepening sickness is that it can go for months, shrugging off the killings of black protesters and demonstrators, only to become aroused when National Guardsmen gun down four middle-class white youngsters.

I said the Kent State tragedy was only the beginning of more serious repressions. I erred, for Kent State was not the beginning.

On Feb. 8, 1968, three youths were shot to death and at least 34 persons were wounded when police fired on demonstrators at South Carolina State College in Orangeburg.

The South Carolina students were protesting against a local bowling alley where the owner insisted on a Jim Crow policy in defiance of the Public Accommodations Act.

The parents of the Kent State victims got touching letters of sadness from President Nixon. There is no record of President Johnson or any other top official sending condolences to the relatives of those youngsters who were shot down in Orangeburg.

Nor was there any national expression of horror or outrage where the black student victims were concerned. There youngsters were symbols of black rebellion, of "uppity niggers," so an awful lot of white America found it easy enough to shrug off their deaths.

But a society that sows the wind will reap the whirlwind, as we now see with violence swirling across more than 300 campuses, leaving bloody destruction in its wake.

Even as the national sickness deepens, like that of a man being fed a dose of arsenic every day, we grope in helplessness—mostly because we cannot rise above our political, racial, and social prejudices and hostilities.

We look at the ugliness of Augusta, Ga., and know that the country is no wiser, no more humane, nor more moral today than it was at the time of the Orangeburg killings.

Six blacks were shot dead in Augusta after a mentally retarded 16-year-old Negro was tortured and killed while in jail. The medical examiner says that all six blacks were shot in the back—one of them nine times.

Let us all note that in the case of the Kent State killings, sympathetic media told us in poignant detail about the lives of the victims. In the case of Augusta, it would be a major research project to cull the press and find even the names of those who were shot down.

I fear that even Americans who consider themselves good people, incapable of murder, tend to wipe these Augusta victims off their consciences as "just six more dead black troublemakers."

And that double standard tells us just how deep and pervasive are the woes of this society. When the protections of the Constitution, and enforcement of the law, vary according to whether the subject wears a beard, has a black face, or comes from the poor part of town, we are all in trouble. It does vary, and we *are* in trouble.

As the sense of outrage deepens among the young, the black, the poor, it becomes almost hopeless to try to convince them that their violence will not achieve desired goals. It has always been hopeless to try to convince Americans like Georgia Gov. Lester Maddox that, when he warns demonstrators to "be prepared to meet their Maker," he gives license to kill blacks, yes, but also to kill the last vestiges of the American Dream.

Unhappily, it seems so useless to write these things, for so much of the public has put on blinders except for viewpoints that mesh into their own angry, narrow way of seeing things.

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[From the New York Times, May 19, 1970]

### IN THE NATION: FOR WHITE READERS ONLY

(By Tom Wicker)

WASHINGTON, May 18.—Suppose you were black. What would you think if you had read these items in your newspaper in the last ten days?

From Augusta, Ga.: Six black men are dead, all shot in the back by police rifles or shotguns. At least four may have been no more than bystanders at rioting last week that followed the death of a black youth in a jail where conditions are known to be so terrible for blacks that community protests have been regularly made for years. One of these protests was a letter to Attorney General John Mitchell. He never answered.

From Jackson, Miss.: At Jackson State College, two black students are dead and nine are wounded, including several girls. All fell before a thirty-second barrage of gunfire from state highway police who for unexplained reasons took over the task of quelling a student disturbance, although town police and National Guardsmen also were at hand. The highway police justified the shooting by contending that they were receiving sniper fire from a dormitory roof. No evidence or witnesses have been found to substantiate the sniper story, although there are dozens who refute it, and there is no explanation at all of why trained police officers, upon receiving what they thought was sniper fire from a roofstop, fired more than 140 bullets into a crowd of unarmed students standing on the ground in front of a girls' dormitory. At the moment, no national protest rally is being planned for the Ellipse in Washington.

#### THE CHICAGO SHOOT-OUT

From Chicago: Months after Fred Hampton, a Black Panther leader, was killed by Chicago police in what they described as a blazing gun battle with a band of armed Panthers, a grand jury has discovered that only one bullet was fired at the police raiders. It was the police who poured a massive fire into the apartment where Fred Hampton and others had been sleeping; it was the Federal Bureau of Investigation that provided the preliminary information, and it was police and city officials who later covered up the truth and concocted the story of the "shoot-out." Some Chicago newspapers as well helped carry out the distortion.

From Washington: The Justice Department has filed a brief in support of the proposition that Southern parents should get a tax deduction for making contributions to private academies set up as an alternative to desegregated public schools. As recently as January, Robert Finch, the Secretary of H.E.W., pledged to fight any such move, because he knows well that these academies can survive only through tax-exempt status; and that if they receive it, they will spring up throughout the South, thus effectively re-establishing a tax-supported dual school system.

#### SOMEONE TO TURN TO

Well, since I am white, I don't know for sure what I would think if I were black and read those news stories. But even the effort to put oneself in the other fellow's skin, under these cicumstances, is frightening. It is bad enough to be, say, the victim of a crime, or to be in fear of crime and disorder, when you have recourse only to an ineffective police force and to a court system heavily overburdened. But at the least, in that case the law is on your side, or you believe it to be; there is someone to whom you can turn.

But suppose you feel that the armed policeman is not there to protect your life and rights but to do away with them? Suppose even the Federal Government is no longer trying to assert your rights in court and its highest law enforcement arm seems more interested in helping the police exterminate black militants than in impartially observing and enforcing the law? Suppose that, by all evidence available to you, the law does not even seem to be on your side—is at best indifferent and at worst hostile?

No wonder Dr. Aaron Shirley, up to now a moderate black leader in Jackson, said the other day that "if black folks have to die, they ought not to die so peacefully." White men who read that as a threat instead of a desperate plea for rudimentary justice and humanity can make no answer that will not ultimately echo the Mississippi patrolman who said after the Jackson slaughter: "You better send some ambulances, we killed some niggers."

Mr. BAYH. Mr. President, we went to Jackson, Miss., with the obvious understanding that nothing we said and nothing we did there could restore the lives of those who had fallen on that tragic night. I went there feeling that the environment, the circumstances which compelled me to go, really are not limited to the events of the tragedy at Jackson State College or in the State of Mississippi.

I have been deeply concerned about a growing insensitivity that exists in the country today relative to the concerns and problems of our young people, of our minority groups.

I should hasten to say that I have seen some causes espoused and some activity pursued in the name of the young and in the name of black and other minority groups in this country that have little relationship to responsible activity in our democratic process. I can see little excuse for some activities of violence and anarchy. I see little reason to tolerate bombing and burning that have been espoused by some in the name of dissent.

But just as there are a far-out few who have gone far beyond the legitimate bounds of dissent and freedom of speech—and should be punished for the law violators they are—there are, at the same time, large numbers of young, disadvantaged, minority group members who have tried to peacefully express their concern, and have tried in the finest tradition of our American society to get their Government to listen to them, and, with what seems to me to be increasing frequency, they have found a deaf ear. They have found the door of the system slammed shut in their faces.

I am deeply concerned about what we can do in this body, what those of us who are, in the term of the young generation, a part of the establishment, a part of the system, can do to express our concern that the door be kept open—that it not be slammed shut—that to differ is not unpatriotic, that, indeed, if we do not do more than we have in the past to let everyone know that they will be heard—even if they are not agreed with, that

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they will be heard—that we are going to have the system left open to them, that the only alternative for being heard is to take to the street in violence and in anarchistic activity which would lead to the destruction of our Nation.

It was my deep concern that this not happen that led me to Jackson, Miss. We have seen tragic circumstances of action and reaction which have led to the death of students at Kent, black citizens in Augusta, and the student loss in Jackson. I thought it was important, and feel that it was important, that the white citizens of America express the same amount of concern for the loss of life of black students in Jackson as had been expressed for the loss of life of white students on the campus at Kent State University in Ohio.

Mr. President, I must say that when we arrived on the scene and witnessed firsthand what had happened and heard the eyewitness accounts of young and old, black and white, I came away appalled. Some who were with us suggested it made them sick to their stomach. It made me feel almost like crying that something like this could happen in the United States.

The Senator from Minnesota (Mr. MONDALE) is going to follow, and I hope my colleague will put in the RECORD a copy of the letter that some of us are going to send to our Attorney General, asking him to take action. In that letter we recount the series of events that transpired prior to the holocaust that was directed at the women's dormitory.

Apparently a dump truck had been set afire. No one knows who set that dump truck afire, but it was within reasonable proximity of the campus, a block or two away.

Mr. President, we were advised that this dump truck had been set afire because of a rumor that had excited the campus that Mayor Charles Evers and his wife had been murdered. Really, there is no factual evidence as to who set the fire or why, but at least there was a correlation between the fire being set and the rumor being spread. The fire department arrived there and put out the fire, to be followed by the Jackson, Miss., police and the Mississippi State Police, who marched from the scene of the fire to the men's dormitory.

Apparently there was some taunting, some word-calling, but no evidence of any rifle fire or significant exchange of bottles, bricks, rocks, or other missiles. This judgment of the Senator from Indiana was validated by a conversation that we had with a member of the college security force who was present at the time.

But for some reason or other, a handful of the officers proceeded to fire into the side of the men's dormitory, breaking out some windows. You could see the bullet marks on the facade of the building as well as the broken windows. Fortunately no one was killed. Then, for some reason, they marched, quasi-military fashion, up to the women's dormitory, which was about two blocks away.

There were about 100 or 200 students assembled in front of the dormitory. No one we talked to heard any shots until, apparently without any warning and without any suggestion that the crowd disperse, and without even the use of tear gas to accomplish whatever the purpose might be, the officers leveled a volley of gunfire at the front of the women's dormitory that successfully knocked out all the windows and left the front of that women's dormitory looking as though it might have been located in reasonable proximity to Normandy Beach.

At the same time, apparently, some officers fired in the opposite direction, toward, what I think was the cafeteria building, and knocked out some windows in that building across the street. One body was found in the proximity of that area, and one was found close to the women's dormitory.

Mr. President, it is difficult for me to understand how, in the light of almost no provocation, there could have been any rifle fire whatsoever; and, indeed, if it had been, as rumor has it, necessary for the police to respond to a sniper on the rooftop of the women's dormitory, it is difficult for me to understand how they could fire into the crowd of students in front of the building and practically destroy the whole face of a building five stories high in order to seek out a sniper supposedly hiding on the roof.

Mr. President, this is a tragic act. It is a dark day. And what compounds the tragedy, in my judgment, is the fact that there has been little if any concern expressed by local officials on the scene. In fact, we were told that the police who leveled the volley at the women's dormitory offered no assistance to those who were crying out for help, but spent their time immediately following this tragic event picking up the shell casings from their weapons, and left the scene without aiding the wounded and dying. I think it is to the credit of the Mississippi National Guard that when they arrived on the scene, they indeed did help the wounded black students into ambulances.

Mr. President, I think it is important for some of us to let the black citizens of Jackson, Miss., know that we are concerned that this kind of thing happened, that we see little excuse for it happening, and we see even less excuse for the public officials of that area not to show compassion and determination to ferret out those who are responsible and see that they are brought before the bar of justice and properly penalized. Yet the evidence made available to us is that this has not happened, that none of the students involved were questioned except one student who had been questioned by two local police officials. It appears, however, that questions concerning the identity of the officer who had leveled the fire at him were not included in the questioning.

Mr. President, I shall not proceed at any great length, but I think it is important to recognize the critical nature of a problem which was eloquently stated in one brief response. After our hearings, and after the questions had been asked and answered, there was one black student who came on the stage, at the close of the inquiry, and said, "We appreciate your sympathy and your presence, but we want justice; and there is no justice for a black man in Mississippi."

Perhaps that broad statement is too categorical and too all-inclusive, but I am here to testify that there are several hundred, if indeed not several thousand, students at Jackson State College in Mississippi who feel that there is no justice for them, who feel that this almost automatic, knee jerk response was a result of perhaps a decade or more of hate, perhaps a lifetime of hate, in the minds of the police officers who responded in this manner, and that most if not all of the students feel that that volley was a direct effort to assassinate them.

Mr. President, we have to find ways to prevent this from happening. We have to find ways to try to root out this type of hatred, this type of insensitivity which exists in all too many places throughout the country.

I am hopeful that we can search for more understanding, not just in Jackson and Augusta, but in Washington, Los Angeles, and New York. I am hopeful we will convince, not just the black students in Jackson, Miss., but student protesters wherever they may be, that if they are willing to work peacefully and lawfully within the system, this system is going to be responsive to their pleas.

Unless we do so, Mr. President, I fear that we will reach an intolerable level of action and reaction, of violence and repression, which will take away our freedoms and destroy our society as we know it today.

I could not help but think of the words of the late President Kennedy, when he discussed the need for us in positions of responsibility to address ourselves to change in our society. As I recall, he said:

> Those men who make peaceful revolution impossible make violent revolution inevitable.

Mr. President, it is our responsibiilty to see that that does not happen.

Mr. MONDALE. Mr. President, there is little that I can add to the eloquent and compelling statement of the Senator from Indiana. I think that Jackson State is an American Mylai. It is almost impossible to re-create the circumstances that existed at Jackson, Miss., at the time these innocent youngsters were killed and wounded.

Those of us who visited Jackson State yesterday joined together in a letter to Attorney General Mitchell urging him to convene a Federal grand jury to determine whether there has been a violation of Federal law, and to bring to trial those who were responsible for the deaths of James Green and Philip Getz, the wounding of nine others, and the assault on the entire group standing before Alexander Hall, a women's dormitory at Jackson State.

Mr. President, the destruction at Jackson State College is indescribable. At least 70 State and local officers accompanied by an armored truck which they called a Thompson tank, came down Lynch Street, and first stopped in front of the boys' dormitory, which is about 2½ blocks away. It took us approximately 5 minutes to walk from Alexander Hall to the boys' dormitory

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in front of which there had been a small disturbance. A truck had been set on fire allegedly in response to a rumor that Charles Evers had been murdered. There had been some taunting of the local police, by the men in the dormitory, and perhaps a rock or two thrown. I do not know.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BAYH. As I recall, we at least know of one dustpan that was thrown.

Mr. MONDALE. One dustpan was thrown from a window. That is all that is known for certain.

The police opened fire on that dormitory. Some 10 rounds were fired into the dormitory, and luckily no one was killed or injured, but both could easily have happened. Then, inexplicably, these 70 or 75 State and local law enforcement officers marched up these 2½ blocks and stopped in front of the girls' dormitory. Once again, there was little or no provocation. We cannot tell just exactly what happened, but according to eyewitness accounts, a pop bottle was thrown out in the street and may have exploded. There may have been a rock or two, but there is no evidence now of any actions on the part of the students in the dormitory which would possibly be construed as endangering the police.

The police claim there was a sniper firing from the women's dormitory, but that has not been established, and no one heard sniper fire. The local Jackson State College policeman to whom we talked, who was there, said he heard no such sniper fire; none of the college students heard sniper fire; and no one has heard about or been able to find any evidence that might support the allegation that there was sniper fire.

Without warning of any kind, without any appeal of the students to leave; without any use of tear gas; without even a verbal command of the person in charge of State and local police, these 70 or 75 officers raised their automatic weapons—most of them must have been automatic—and fired a volley that went for 30 to 45 seconds. I do not know how many rounds were fired, but it must have been at least 300; possibly slightly less, perhaps more. The entire area was decimated by this fusillade.

The front stairwell—it goes up five stories—was utterly shattered from top to bottom by the impact of this firing. In the middle of the court, on the ground floor, is a large student lobby. Many of the windows in that lobby were broken by the firing, and one of the girls, who was sitting in a chair, was hit in the leg.

Two boys were killed. One was 17 years old. He was coming home from work and was walking behind the officers. As the officers fired forward into the dormitory, he walked behind them, on the other side of the street. Apparently, one officer turned in his direction and fired a volley killing this young 17-year-old boy. The other young man who was killed was 21 years old. According to all witnesses, he had just taken his girl back to the dormitory from a date and was leaving at the time he was gunned down and killed.

It is an absolute miracle that at least 50 students were not killed in that fusillade—an absolute miracle.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BAYH. From the experience that the Senator has had when he attended the university, is it fair to suggest that when there is activity out on the dorm lawn, the normal reaction of students would be to rush to see what was causing the commotion?

Mr. MONDALE. That is right. However, there were 100 or 150, perhaps 200, students already outside in front of that girls' dormitory.

Mr. BAYH. I concur with the Senator from Minnesota that it is a miracle that dozens of people were not slain by that random firing.

Mr. MONDALE. An absolute miracle. There was not even a demonstration. The disturbances to which references have been made were very minor and were 2½ blocks away. This was a girls' dormitory at which most of the firing was directed. The people who were killed and injured, by every conceivable interpretation of the incident, were entirely innocent. There was no warning. There were no efforts in any other way to suppress whatever it was they were suppressing. It was an open explosion of firepower.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. SAXBE. I wonder whether the Senator from Minnesota or the Senator from Indiana have made any attempt to analyze what happens in such a firing. We had such a situation at Kent State, and I attempted to get at the bottom of what happened, as the Senators have in this matter.

I talked with military men. While I commanded an infantry battalion, I never commanded it under fire. So I had to go elsewhere to get direct experience in regard to this psychology. I found some very interesting things that I think have a great deal to do with what happened at Kent and what happened at Jackson. It is something that happens when men have guns and when men are frightened or think they are. Whether they are or not is neither here nor there.

One instance about which I was told by officers who have been in places under fire, or where they thought they were, occurred shortly after our landing in North Africa, when the city of Oran was occupied. They received word about 4 p.m. in the afternoon that there was to be an attack by six Nazi planes. They were prepared for them. The planes hit about 7 o'clock, just after dark. They made one pass and disappeared. The last shot was fired at 3 o'clock in the morning. Everything in the city opened up, and from then on one shot would be fired and then everything would open up again. This went on until 3 o'clock in the morning. A ship in the harbor would clear a gun, and everything would open up.

In Paris, there was an interval of 2 days after the fall of Paris before the army of occupation moved in. The underground was in force. There were a few Americans at the time, but not enough to keep any order. But the underground was there. There were reports of snipers on rooftops. The underground took it on themselves to clear this. One man would peek over the roof, and another one would open up, and every gun within a half mile would open up.

There is something about the psychology of the loaded gun. When we look at what happened at Kent and when we look at what happened at Jackson, we must remember that seasoned troops in Paris—later on, seasoned troops in Oran—were what we would call trigger happy.

It is regrettable that we cannot control this, and perhaps the best thing to do is not to call anybody out with a loaded gun. But what I am saying is that it should come as no surprise to us, because as long as men in organized peacekeeping or military units have been called out en masse, this is the logical result. Whether it is a dropped bottle, or what they think is a sniper shot, we are going to have the opening up of firepower. Thus, the only question I raise here is not that it happened there, but that it has not happened more often. I do not believe that we should be surprised when it does happen.

Now, we look with amazement at what happened down there and at what happened at Kent; but the important thing we have to think about, I think is will Kent be the incident where the four students were killed, because when we have military men or police organized in a military-like formation, as the Senator described, we are going to have people shot; because they are called out and they are armed—they may be scared, or at least they are trigger happy. I am therefore more disturbed as to what this type of activity will be in the future.

Mr. MONDALE. Mr. President, I must say that one of the tragedies of this event is that it is a repetition of the experiences we have had before. The Kerner Commission studied the data in each of the cities which exploded into a major conflagration in the late 1960's, and one of its strongest recommendations was directed at the very thing to which the Senator from Ohio makes reference, that much of the violence was caused—albeit unintentionally in some cases—by an overuse of armed might, and that, in itself, killed innocent people and escalated the level of violence.

This is my personal judgment as to what happened at Jackson State, that it goes beyond a couple of green troops making a mistake. It was not Oran. It was a girls' dormitory. It was not one or two shots. It was enough to clean out Cambodia.

Mr. BAYH. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. BAYH. I share the concern of the Senator from Ohio about Kent State. He has studied that and I have not. From what I have read, I understand that there were skirmishes, lines of students and guardsmen going back and forth, and that there had been an overt effort on the part of the Guard to disperse the students. They had used canisters of tear gas and an effort had been made to clear

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the students out. There was an exchange of rocks back and forth.

We had no evidence of this. It was almost as if those police marched up that street and decided that they were going to wipe out that dormitory. What the reaction was, I do not know, because we cannot bring those kids back to life. But, if we can do something to turn around this feeling of hate, this attitude which seems to permeate our society in so many places today, we have the responsibility to do everything in our power to accomplish that.

Mr. MONDALE. Mr. President (Mr. HART), I am glad that the Senator from Indiana made that point. There has been talk by high officialdom that there was great provocation, snipers, and violence. First of all, I do not think there was anything to justify any of that. What existed was the smallest amount of minor problems that could in no logical way, under any circumstances, justify the use of firepower.

As Roy Wilkins put it, "a rock is not a bullet." Then, of course, it follows, by this fact, which the Senator from Indiana pointed out, that when the local and State officials finished firing, the students were lying all over the lawn, bleeding and crying out for help, but the local law enforcement officers spent their time picking up used cartridges and left. Maybe they called an ambulance, but there was not one attempt—unless the students forgot everything they saw, and all our witnesses had been there—there was not one attempt on the scene by those who did the shooting to help any of them.

Mr. President, what are our kids to conclude from that?

I invite the attention of the Senator from Ohio to an interesting article in this issue's Time magazine, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### HOW TO KEEP ORDER WITHOUT KILLING

Four at Kent State. Then six in Augusta Ga. and two in Jackson, Miss. All dead because of the indiscriminate—and unnecessary—use of mass firepower by armed officers and troops trying to control destructive, or disorderly crowds. In each case a basic tenet of all enforcement agencies was violated: apply the minimum amount of force required to accomplish the objective. In an age of mounting civil dissent, many more such situations seem inevitable, raising the question: How can mobs be controlled without killing anyone?

The avoidance of death in most cases is simple: hold fire. Except to stop snipers, shooting to kill can rarely be justified. Even then, the Army, National Guard units and police departments instruct their men to first locate the source of the sniper fire, and to return it only by the pinpoint, one-shot-at-a-time marksmanship of a trained rifleman. Laying down a fusillade, Army military police are told, "accomplishes nothing constructive and creates hostility among innocent bystanders," even if none are wounded or killed. A sniper can often be silenced by surrounding his position and forcing him out with tear gas.

One of the clearest general guides to handling civil disorders is that of the U.S. Army. It places "full firepower" at the end of six escalating levels of force to be employed in riot situations—and then only when failure to use it would lead to the "imminent overthrow of the Government, continued mass casualties, or similar grievous conditions." The first need, the Army emphasizes, is to present a strong "show of force." By that is meant the presence of enough soldiers to convince a crowd that it can be overpowered. Even then, progressive steps for displaying force are urged. They range from keeping rifles in their slings, to fixing sheathed bayonets, then removing the sheaths, to finally placing one round of ammunition in the chambers of the rifles.

The next level of force includes various riot formations, a general principle of which is to always leave a mob a clear exit as troops advance to clear an area. New York City's Tactical Patrol Force has effectively used wedge formations in which officers advance to divide a crowd with nightsticks held low.

#### SHOOT TO WOUND

The U.S. Army advises use of fire hoses as a next step, if needed. Tear gas, now widely used as almost the first step by many agencies, is considered a fourth-level tactic by the Army. After that comes the use of fire by selected marksmen, shooting at well-defined targets, and finally volley fire. Even then, such fire should be aimed low to wound, rather than to kill.

After the race riots of 1967, the National Advisory Commission on Civil Disorders urged that a crash program of research be undertaken by the Federal Government to develop nonlethal weapons, which could more effectively bridge the gap between a strong show of force and the use of guns. It cited as one approach the practice of arming some Hong Kong police with guns that fire wooden pegs. Other possibilities would be the use of tranquilizer darts and the spraying of slippery foam. Nothing much has come of such research; yet the need for something more effective than tear gas and less deadly than bullets is increasingly an urgent necessity. Meanwhile, what seems to be needed most is better training, especially for young National Guardsmen, and more discipline among all lawmen who must contend with frightening and maddening confrontations in streets and on campuses. Many lives could be saved if armed officers were to follow conscientiously the general principles outlined in a booklet all Ohio National Guardsmen are expected to carry in their pockets when on riot duty: "The keynote of all operations aimed at the curtailment of civil disorder is *restraint*," it says. "The well-trained, disciplined soldier is capable of dealing successfully with civil disorder if he and his leaders use sound common sense."

Mr. MONDALE. Mr. President, the article states in part:

Army, National Guard units and police departments instruct their men to first locate the source of the sniper fire, and to return it only by the pinpoint, one-shot-at-a-time marksmanship of a trained rifleman. Laying down a fusillade, Army military police are told, "accomplishes nothing constructive and creates hostility among innocent bystanders," even if none are wounded or killed.

The Army has a detailed list of precautions and steps to be taken to put down violence where violence exists. I do not believe there was any at Jackson State, but even if there were, where violence exists, there are a series of escalated ways the Armed Forces can move in, specific ways directed at a sniper by a skilled marksman, in self defense, to act against an identified sniper.

Mr. SAXBE. Mr. President, as a former Attorney General I am sure that the Senator fought against what we call the warning shot. He knows the tragedies that result. A trooper takes after a speeder. The speeder attempts to escape—this was not uncommon years ago—and the trooper fires a warning shot. A policeman down the road observes a car being fired upon and he decides it must be a bank robber, an escaped murderer, or something, and the pursuit is taken up. Before long, shooting breaks out every place by everyone that can get hold of a gun. This way, speeders have been killed by people who observed the warning shot, thinking it was in pursuit of a felon.

As the Senator knows, that often happened.

At Kent State, the guardsmen had come from a truck strike, and they were edgy. Does the Senator say there was malice aforethought in the Jackson State incident?

Mr. MONDALE. I was not there. I have recited the evidence that we had—permit me to say that what the students said—I asked several of them, "What do you think the circumstances were?" and they said, "They were out to massacre us."

Maybe that is wrong. But the point of it is that there are hundreds of black students there who think the local authorities were out to get them, to take their lives. The behavior of the local authorities is unprecedented and indefensible, the way they fired upon innocent people in a girls' dormitory, the way they refused to help the sick and the dying, and the repeated use of "nigger" and other kinds of hostile comments by the authorities. That was testified to by the students. I believe this fits into the context of the death which occurred previously at the same college, under the same circumstances. It has opened up a tremendous sense of discrimination, hatred, and hostility that I think is so bad as to be obscene and unspeakable. I think it goes substantially beyond just a question of green troops.

Mr. TYDINGS. Mr. President, I should like to commend the Senator from Minnesota and the Senator from Indiana for bringing this one aspect of the facts of the tragedy at Jackson State to the attention of the Senate. I certainly respond in the same way that the Senator from Minnesota has outlined.

Mr. President, I would hope that the Attorney General of the United States would convene a Federal grand jury and make an inquiry into the events of the Jackson, Miss., tragedy.

I think this is one thing which this country has got to demand—equal justice under the law in all parts and all areas of the Nation.

Mr. President, I would be happy to join with the Senator from Minnesota and others in such a request to the Attorney General of the United States. I think that at the very least we need a complete inquiry. And if there has been criminal conduct involved, proper charges should be brought.

I think that the basic liberties of this country demand no less.

I am happy that I had the opportunity to listen to such a graphic and yet constrained description from the Senator from Minnesota and the Senator from Indiana.

I commend them both for the efforts that they took to make the personal surveillance, inquiry, and investigation into this tragedy.

Mr. MONDALE. Mr. President, I thank the Senator from Maryland. His statement is what we have come to expect of his characteristic sense of fairness and justice in these matters.

Mr. BAYH. Mr. President, I will not belabor the point to any great length. But I think it is important that we address ourselves to the relevant fact, and that is where do we go from here.

The Senator from Minnesota and I, as well as others who were present on the scene yesterday, are glad to be joined by the Senator from Maryland in the letter to the Attorney General of the United States asking him in the strongest terms to call a Federal jury.

I think it is important not only to find out who is responsible for the blatant misuse of authority, but also to take the steps necessary to let the students at Jackson State and black citizens all over the country know that this Nation is concerned that this type of thing can happen and will use all of the vehicles of our governmental system to see that those who perpetrated such a miscarriage of justice be brought before the bar of justice and punished accordingly.

Mr. President, it goes back to what I said earlier, that it is not confined solely to Jackson, but is also confined to all communities in this country. We have to let everyone know that we will keep the system open and see that those who are aggrieved can find justice and address their grievances through the system, and that they do not have to resort to revolution and violence.

The system can and will respond. That is why we went to Jackson.

Mr. MONDALE. Mr. President, I thank the Senator.

In our letter to the Attorney General, we point out that in this audience of some 100 students, most of whom had been on the scene at the time of the shooting, only one in the entire audience had been questioned by local authorities.

That one had been wounded in front of the girls' dormitory. He pointed out that he had not even been asked to identify, if he could, who it was that had been shooting at him.

We think it is perfectly clear that the local authorities have no intention of doing anything about the Jackson State massacre and that the only hope is for the Federal Government to use its legal authority to convene a Federal grand jury and thoroughly investigate the matter and determine who was responsible and issue an appropriate indictment.

If this is not done, it seems to me, as we have pointed out, that to fail to do so would encourage the committal of further atrocities and the black people in that area would despair of working within a system that looks the other way while their children are slaughtered.

Mr. President, as we finished today surveying the scene and listening to witnesses, an elderly black lady came up to me. She said:

> You know, Senator, in one sense we have seen this many times before around here—black people being killed at the college and elsewhere. But, you know, they have never shot at a girls' dormitory before.

If anyone thinks that we are progressing as a society, perhaps that is one thing he ought to think about.

Mr. President, I ask unanimous consent that our letter to the Attorney General of this date may be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 21, 1970.

DEAR MR. MITCHELL: We urge you in the strongest possible terms to convene a Federal Grand Jury in Jackson, Mississippi, to determine whether the killing of innocent people at Jackson State University constituted a violation of federal law.

We were summoned to Jackson on May 20 by state civil rights leaders as an ad hoc committee of inquiry to view the scene of the killings and to hear the testimony of student witnesses and state and local officials.

After inspecting the bullet riddled men's and women's dormitories, the committee members assembled in the Lynch Street Masonic Temple where we listened to testimony with an audience of some 200 students and townspeople. City and state officials who had been sent invitations to participate were not in evidence.

Our investigation revealed the following:

While there was some name-calling by the students there was no evidence of greater provocation than the throwing of one dustpan and of one bottle or small brick. There was no testimony or evidence of sniper fire, as alleged. Every person we talked to on the campus and during the hearing, including campus security guard M. L. Stringer, said they heard no sniper fire. In our opinion the shooting was essentially without provocation.

About 75 state and local police, accompanied by an armored truck, arrived on the scene while firemen were extinguishing a burning dump truck in a field opposite the men's dormitory. The fire had been set, presumably by students, after a rumor spread through the campus that Charles Evers had been murdered. Firemen had withdrawn from the scene when police massed in front of the men's dormitory. There was some name-calling and a dustpan was thrown from an upper story window. Several officers moved to the east side of the building and fired through the upper story windows. No one was wounded at this point.

Police then moved easterly up Lynch Street and massed in front of Alexander Hall. A large number of boys and girls were standing in front of the hall between the street and the building. There was more name-calling. A bottle or small rock was thrown into the street. An officer was seen to raise a bullhorn to his mouth, but no one heard him speak. The crowd grew quiet and then, without warning, there was a volley of automatic weapons fire and shotgun blasts lasting from 30 seconds to one minute. The police fired directly into the crowd and through every window in the five story west wing of Alexander Hall facing the street. About 20 shots were also fired through windows in the middle wing. Pockmarks on a cement wall about 30 feet from the north curb of the street opposite the dormitory indicate some police turned and fired automatic weapons in that direction. This is where the body of James Earl Green was later found.

The interior of the west wing was a shambles, with broken glass everywhere, with blood all over the ground floor entrance where the wounded sought shelter, and with bullet holes through the interior cement block walls. It was a deadly fusillade and it is a miracle more people weren't killed.

After the shooting the police busied themselves picking up spent shell casings while the wounded cried for help. We found no indication the police attempted to help the wounded beyond summoning ambulances with the words, "we shot some niggers."

The police made no attempt to disperse the students before firing on them. They gave no order to disperse. They fired no overhead warning shots. They did not use tear gas. They fired directly into the crowd and into the front of the women's dormitory *without warning*. They made no effort to aid the wounded afterward. In short, the act had all the characteristics of a mass lynching.

The statement you made in Cleveland, Mississippi, about violent demonstrations and repressive reactions could not have been construed to apply here since—and we cannot emphasize the point strongly enough—there was no provocation to warrant the bloodbath that took place. The claim of self-defense is absurd considering this was a women's dormitory that was stormed.

It is also revealing that of the approximately 100 students at our hearing, only one had been questioned by representatives of local or state police agencies. This was one of those wounded in front of Alexander Hall. He reported two Jackson police officials questioned him for about 45 minutes after the shooting and *never once asked* him if he could identify the man who shot him, although he told the hearing panel he thought he could do so.

It is perfectly clear, Mr. Mitchell, that neither state nor local officials have any intention of doing anything about the Jackson State massacre. If you don't do anything, then nothing will be done. We assert here that the moral responsibility for any consequences resulting from your failure to act will rest squarely on your shoulders. We can foresee two possible consequences: One, that the state and local police will be positively encouraged to commit further atrocities and, two, that the Black people will despair of working within a system that looks the other way while their children are slaughtered.

The Black people of Jackson and the students at Jackson State University have displayed remarkable restraint so far. That restraint is a gesture of good faith that can be abused only at great peril.

So we ask you, Mr. Mitchell, to act now by convening a Federal Grand Jury to investigate this tragic episode and to bring to trial those responsible for the deaths of James Green and Phillip Gibbs, the wounding of nine others and the assault on the entire group standing before Alexander Hall.

Sincerely,

Senator BIRCH BAYH,
Senator WALTER F. MONDALE,
Congressman WILLIAM CLAY,
Congressman DON EDWARDS,
Mr. CLIFFORD ALEXANDER, JR.,
Mr. JOSEPH L. RAUH, JR.,
Mr. ROY WILKINS.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. COOPER. Mr. President, I move to amend section 47 of H.R. 15628, the Military Sales Act, as follows:

Beginning on page 4, line 24, strike all to the end, including line 6, page 5, and insert in lieu thereof the following:

SEC. 47. Limitations on U.S. Involvement in Cambodia: In concert with the declared objectives of the President of the United States to avoid the involvement of the

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United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970.

The amendment is offered on behalf of the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), and myself.

The PRESIDING OFFICER. The Chair advises the Senator from Kentucky that the clerk must read the amendment, notwithstanding its being read by the Senator from Kentucky.

The amendment will be stated.

The assistant legislative clerk read as follows:

Beginning on page 4, line 24, strike all to the end, including line 6, page 5, and insert in lieu thereof the following:

"SEC. 47. Limitations on U.S. Involvement in Cambodia: In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRIFFIN. Mr. President, as I understand it, this is an amendment being offered by the Senator from Kentucky to the pending amendment.

Mr. COOPER. Mr. President, the Senator is correct. It is being offered on behalf of the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), and myself.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I move to modify the amendment which I have offered, as follows: In the last line of the amendment, after "1970" put a comma in place of the period and add "for the purposes of".

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. COOPER. Yes. But first I ask that the amendment as modified be read.

Mr. MANSFIELD. May I point out that when the original amendment was offered I think it did state through line 6 on page 5. I wish to ask the Presiding Officer if that is correct.

The PRESIDING OFFICER. The Chair is advised that that was the case.

Mr. GRIFFIN. Mr. President, as I understand it, the Senator can modify his own amendment as long as the yeas and nays have not been ordered.

The PRESIDING OFFICER. The Chair was about to make that announcement. The Senator has that right.

The Chair will ask the clerk to state the amendment as modified.

The assistant legislative clerk read as follows:

Beginning on page 4, line 24, strike the language down to and including line 6 on page 5 and insert in lieu thereof:

"SEC. 47. Limitations on U.S. Involvement in Cambodia: In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970, for the purposes of—"

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MANSFIELD. Mr. President, there will be no voting on the amendment tonight.

Mr. DOLE. Mr. President, a parliamentary inquiry.

Mr. COOPER. Mr. President, I thought I had the floor. I modified my amendment.

The PRESIDING OFFICER. The Chair has ruled the amendment is so modified.

Mr. COOPER. Mr. President, I would like to make an explanation of the change. I note that there is no change in the operative part of the amendment originally offered; there is no change in subsections (1), (2), (3), and (4). The amendment goes only to the preamble and there are two changes. First, the date July 1, 1970, is made a part of the amendment, and then, the words are added at the beginning of the amendment, "In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970."

I think the meaning is very clear. I doubt it needs further explanation by me at this time. I yield to my cosponsor, the senior Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. I thank the Senator very much. We have joined together in modifying the preamble of the Cooper-Church amendment for two reasons. During the course of the debate, some Senators have expressed the apprehension that it is just possible that this amendment could be acted upon swiftly, that the conference between the Senate and House might take place with uncharacteristic speed, and that the bill, with the amendment affixed to it, might then go to the White House, be considered by the President, and signed into law, and that all of this might conceivably happen before July 1, 1970, with the result that the law might then be construed, at least by critics of the war, as requiring a premature withdrawal of American troops from Cambodia. For the purpose of eliminating any possible doubt on this score, we have made the operative date July 1, 1970, which conforms with the President's own time limit.

The second reason has to do with the argument that this amendment somehow be regarded as an affront to the President, challenging his prerogatives as Commander in Chief. Nothing could be further from our intentions, a fact borne out by the broad bipartisan support the amendment enjoys.

Our purpose, from the outset, has been to act in concert with the declared policy of the President of the United States, so that the law itself could form a legislative backstop to the President's declared determination to bring American troops out of Cambodia by the end of June. We think this is a responsibility that Congress should share with the President. So, just to eliminate any argument about the purpose of the amendment, we felt that the language of the preamble should be changed as we have now suggested.

Again, I want to underscore what the distinguished Senator from Kentucky has said. None of the substantive provisions in the amendment are changed in any way by the proposed modification of the preamble.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Am I correct that section 47 is a committee amendment?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. And in the event the amendment now offered by the Senator from Idaho and the Senator from Kentucky were adopted, would further amendments be in order?

The PRESIDING OFFICER. Not to that specific part, but to the remainder, yes. All those sections of the committee amendment which are untouched by the amendment now pending would be open to amendment.

Mr. DOLE. It would not be possible to include what appears to be stricken out of the amendment sent to the desk, "or as may be required to protect American forces as their withdrawal from Cambodia proceeds"? If we adopt the amendment in its present form, we could not adopt another amendment to the preamble to include the words just stated?

The PRESIDING OFFICER. The Chair is advised, and responds, as long as it does not touch the exact portion that the modified Cooper-Church amendment touches.

Mr. DOLE. I thank the Chair.

## ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I am authorized by the able majority leader to repeat the announcement already made, that there will be no votes tonight.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

### AMENDMENT

Mr. GOLDWATER. Mr. President, earlier today I sent to the desk an amendment to the pending committee amendment, and I intended later to call for it

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as the business of the day, but I was persuaded out of decency to my friends on the other side not to do it. I am glad of one thing, that it forced a change in the preamble.

So now I send this amendment to the desk and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie at the desk.

## AMENDMENT OF SOLID WASTE DISPOSAL ACT

### AMENDMENT NO 652

Mr. JAVITS. Mr. President, I introduce for myself and the Senator from Delaware (Mr. BOGGS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Pennsylvania (Mr. SCOTT), an amendment to the Solid-Waste Disposal Act designed to help overcome critical manpower shortages in our Nation's solid-waste disposal and resource-recovery systems.

This amendment would provide financial assistance for the development, operation, and expansion of education and training programs for occupations involving the design, operation, and maintenance of solid-waste disposal and resource-recovery equipment and facilities.

Mr. President, we must take immediate action to both fill the manpower shortages in our Nation's solid-waste and resource-recovery activities and to eliminate the artificial job and skill requirements that restrict the opportunities for employment and upward mobility of low-income and unemployed persons otherwise qualified to fill these manpower shortages.

The amendment I am introducing today is a major step in this direction. It does more than simply authorize funds for manpower training in these vital areas. It also authorizes an investigation of our manpower training needs in solid-waste disposal and resource-recovery. It is deplorable that even though the business of getting rid of our Nation's solid waste is the Nation's third highest municipal expense, we do not even have a sophisticated idea of the number and type of personnel and manpower training programs needed to operate it.

In addition, my amendment authorizes the Secretary to encourage program relationships with industry that would enhance the success and relevance of education and training programs for persons preparing to enter an occupation involving the design, operation, and maintenance of solid-waste disposal and resource-recovery facilities. The relevance of all future manpower training and education programs in the field of solid-waste disposal and resource-recovery will depend on the coordination of manpower training programs with both the industries developing the products that present the greatest solid-waste problems, and the industries developing new technologies to deal with these problems. The technologies and managerial skills of the business world are crucial to the planning and design of innovative and comprehensive systems for solid-waste disposal and resource-recovery.

Specifically, the amendment I am introducing today would—

First, authorize the Secretary of Health, Education, and Welfare to submit to Congress the results and recommendations of a complete investigation into the need for additional trained State and local personnel to, first, develop and maintain solid-waste disposal and resource-recovery activities, and second, carry out the manpower training programs assisted under or for the same purpose of the bill.

Second, authorize the Secretary to provide funds to institutions of higher education and to nonprofit organizations for projects designed to first, train persons for occupations involving the design, operation, and maintenance of solid waste and resource, and second, train persons, including teachers, adult basic education personnel and supervisory personnel, to train or supervise persons in occupations involving the design, operation, and maintenance of solid-waste disposal and resource-recovery equipment and facilities.

Third, authorize the Secretary to carry out occupational training projects which involve a combination of training, education, and employment in the operation of solid-waste disposal and resource recovery equipment and facilities.

Fourth, authorize the Secretary to study the extent to which and manner in which, artificial barriers to employment and occupational advancement in the solid-waste disposal and resource-recovery field restrict opportunities for employment and advancement in such field.

Fifth, authorize the Secretary to, first, develop and promulgate guidelines, based on the latter study, designed to eliminate artificial barriers to employment and occupational advancement in solid-waste disposal and resource-recovery activities and, second, to provide technical assistance in complying with the guidelines.

Sixth, require that all programs must, as a condition for funding, provide procedures for fiscal control, fund accounting, periodic evaluation by an agency independent of the program and compliance with program guidelines developed as required by the amendment.

Seventh, authorize the Secretary to encourage business with operations or products in the solid-waste disposal and resource-recovery field to participate in and cooperate with occupational programs established with the assistance provided by the training amendment.

Eighth, authorize the Secretary to disseminate information which relates to outstanding teaching and training methods, materials, and curriculums developed by projects assisted by the bill.

Public attention recently has focused on the crisis our Nation faces in the disposal of the more than 200 million tons of solid waste processed each year. No one wants garbage, but everybody produces it. The question is, then, what are we going to do about it and who is going to do it? This question and other crucial questions of our solid-waste management crises deserve solid answers in terms of money and trained manpower.

The rapid expansion of our technology and economy, which creates the ever-greater volumes of waste and the ever-greater problems of proper waste disposal, also offers the hope of solving these problems. We have the technology and the managerial skills to solve our solid-waste problems. What we do not have are the funds and the skills to train the necessary manpower to utilize them properly.

In 1968, according to a study completed for the Urban Coalition, there was a total deficit of 13,586 personnel in the sanitation programs and 1,748 personnel in the antipollution programs in 130 of our Nation's cities with 100,000 or more population.

Today, New York City alone needs, to meet its present solid waste disposal schedules, an additional 2,125 unskilled personnel and 450 skilled personnel in its solid waste disposal programs. By 1974, New York City, according to plans developed to deal with its solid waste disposal emergencies, will have almost to double the number of its incinerating facilities. In light of this fact and the fact that the city's solid waste production rate is increasing 100 percent yearly, it is obvious that New York City, as well as other cities, will be confronted in the near future with significantly greater manpower shortages.

The problem is formidable and critical especially when we consider, in light of our Nation's unemployment crises, that approximately one-half of the vacancies that exist in sanitation and antipollution programs could be filled by persons without professional or advanced technical training.

Adding to this problem is a lack of the job analyses and reevaluation of skill requirements necessary to improve job prestige, merit system coverage, possibilities for advancement and public acceptability. This further restricts both the employment opportunities of the low-income and unemployed person and the efficient use of personnel in the field of solid waste management. These employment factors cannot be ignored for they, in concert with training programs, determine in the last analysis the availability of trained manpower at the point of need for our Nation's solid waste disposal resource-recovery activities.

The committee in question is going to mark up the bill tomorrow. The amendment has considerable interest in it, and I hope very much it will be adopted and be a part of the bill which will be reported by the committee.

I ask unanimous consent that the text of the amendment be printed as a part of my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred; and, without objection, will be printed in the RECORD:

### AMENDMENT No. 652

On page 2, line 2, strike out the quotation marks.

On page 2, between lines 2 and 3, insert the following:

"(8) The term 'resource recovery' means the processing and recovery of usable materials from solid waste."

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On page 6, between lines 16 and 17, insert the following new matter:

"TRAINING GRANTS

"SEC. 208. (a) The Secretary of Health, Education, and Welfare is authorized to make grants to, and contracts with, institutions of higher education, and to any other nonprofit organization which is capable of effectively carrying out a project which may be funded by grant under subsection (b) of this section.

"(b)(1) Subject to the provisions of paragraph (2), grants may be made to pay all or a part of the costs, as may be determined by the Secretary, or any project operated or to be operated by an eligible institution or organization, which is designed—

"(A) to develop, expand, or carry out a program of training persons for occupations involving the design, operation, and maintenance of solid waste disposal and resource recovery equipment and facilities;

"(B) to train persons, including teachers, adult basic education personnel, and supervisory personnel to train or supervise persons in occupations involving the design, operation and maintenance of solid waste disposal and resource recovery equipment and facilities;

"(C) to carry out occupational training projects which involve a combination of training, education, and employment in the design operation and maintenance of solid waste disposal and resource recovery equipment and facilities.

"(2) A grant or contract authorized by paragraph (1) of this subsection may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth a project for which a grant is authorized under paragraph (1) of this subsection;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section, and provides for making available to the Secretary or his designate, for purposes of audit and examination, such books, documents, papers, and records as relate to any funds received under this section;

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, for keeping such records, and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

"(D) provides for (i) a periodic examination of the effectiveness with which the goals set forth in the application are being met while the project is in operation; (ii) the conducting of such examination by an organization not affiliated with the institution or organization whose project is being examined; and (iii) furnishing a report of the results of such examination to the Secretary within thirty days after such examination is completed.

"(c) The Secretary shall—

"(1) encourage businesses with operations or products in the solid waste disposal and resource recovery field to participate in and cooperate with occupational training programs established with the assistance of grants or contracts made under subsection (b)(1)(C) of this section; and

"(2) disseminate information which relates to outstanding teaching and training methods, materials, and curricula developed by projects assisted under subsection (b) of this section.

"(d) The Secretary shall make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted under this Act and other programs for the same purpose as this Act; (2) means of using existing Federal training programs to train such personnel; and (3) the need for additional trained personnel to develop, operate, and maintain those solid waste disposal and resource recovery facilites designed and installed with assistance provided under this Act. He shall report the results of such investigation and study, including his recommendations, to the President and the Congress not later than July 1, 1971.

On page 6, line 18, strike out "Sec. 208" and insert in lieu thereof "Sec. 209".

On page 7, line 5, strike out "section 209" and insert in lieu thereof "section 210".

On page 8, line 3, strike out "and" after the semicolon.

On page 8, between lines 3 and 4, insert the following:

"(5) shall not be made, after guidelines are promulgated under subsection (e) of this section, unless the applicant agrees to incorporate such guidelines in such project; and".

On page 8, line 4, strike out "(5)" and insert in lieu thereof "(6)".

On page 8, between lines 22 and 23, insert the following:

"(e) The Secretary shall—

"(1) undertake, as soon after the enactment of the 'Resource Recovery Act of 1969' as is practicable, a study of the extent to which, and manner in which, artificial barriers to employment and occupational advancement in the solid waste disposal and resource recovery field restrict the opportunities for employment and advancement in such field;

"(2) develop and promulgate guidelines, based upon such study, setting forth task and skill requirements for specific jobs and recommended job descriptions designed to encourage career employment and occupational advancement in such field; and

"(3) provide technical assistance in complying with such guidelines to applicants for grants under this section.

On page 8, line 24, strike out "Sec. 209" and insert in lieu thereof "Sec. 210".

## ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 22, 1970, at 12 o'clock noon.

## NOMINATIONS

Executive nominations received by the Senate May 21, 1970:

### FEDERAL FARM CREDIT BOARD

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for the terms indicated:

For the remainder of the term of 6 years expiring March 31, 1971:

Ernest G. Spivey, of Mississippi, vice R. Watkins Greene, deceased.

For terms expiring March 31, 1976:

Kenneth N. Probasco, of Ohio, vice Marion A. Clawson, term expired.

E. G. Schuhart II, of Texas, vice David Gordon Gault, term expired.

### U. S. NAVY

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

Clarence M. Hart
Lewis A. Hopkins
George G. Halvorson
John D. H. Kane, Jr.
Edward L. Feightner
John M. Thomas
Brian McCauley
Thomas E. Bass, III
Billy D. Holder
Richard E. Henning
William H. Shawcross
Robert P. Coogan
Ralph S. Wentworth, Jr.
Daniel J. Murphy
John S. Christiansen
Richard E. Fowler, Jr.
William M. A. Greene
Julian S. Lake
Joe Williams, Jr.
Joe P. Moorer
Walter N. Dietzen, Jr.
Harvey E. Lyon
Emmett H. Tidd
Robert O. Welander
Robert Y. Kaufman
Stansfield Turner
William R. St. George
Thomas B. Hayward
John J. Shanahan, Jr.
John G. Finneran

## CONFIRMATION

Executive nomination confirmed by the Senate May 21, 1970:

### NATIONAL LABOR RELATIONS BOARD

Edward B. Miller, of Illinois, to be a member of the National Labor Relations Board for the term of 5 years expiring December 16, 1974.

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# HOUSE OF REPRESENTATIVES—*Thursday, May 21, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Blessed be the name of God forever and ever: for wisdom and might are His.*—Daniel 2: 20.

Our Father God, reveal to us Thy glory as we turn our thoughts upward and lift our hearts into Thy presence. May discernment and discretion with confidence and courage arise within us with new vigor as we open our minds to Thee who art always understanding, always merciful, and always seeking our good and the good of our people.

Grant unto us as we pray such an awareness of Thy spirit that this day may be spent in Thy service and for the best interests of our country. Give to us the grace to ask what Thou wouldst have us do that in Thy wisdom we may be saved from false choices, in Thy light we may walk and not faint, and in Thy love we may live with true freedom, through Jesus Christ our Lord. Amen.

## THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

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H.R. 4204. An act to amend section 6 of of the War Claims Act of 1948 to include prisoners of war captured during the Vietnam conflict, and for other purposes.

### TRIBUTE TO HON. JOHN W. McCORMACK

(Mr. KEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KEE. Mr. Speaker, while I was in my congressional district on official business yesterday, I heard over the news broadcast that our beloved, distinguished, and unsurpassed Speaker had announced that, after consultation with Mrs. McCormack, he had decided he would retire and he would not be a candidate for reelection again.

Mr. Speaker, I think the RECORD should show that the two greatest living Americans are former President Harry S. Truman and our Speaker, the Honorable JOHN W. McCORMACK.

Mr. Speaker, during your 42 years of leadership, America benefited, and it benefits today, and future generations will benefit, because you cared.

In conclusion, Mr. Speaker, in my humble manner, may I ask that the good Lord up in heaven look after you and Mrs. McCormack.

Thank you, Mr. Speaker.

### PERSONAL EXPLANATION

Mr. KOCH. Mr. Speaker, I was speaking at Rockefeller Institute on Monday, May 18, 1970, when the House considered S. 2624, S. 1508, and H.R. 3328.

Had I been present, I would have voted "yea" on S. 2624, the Customs Court Act of 1970, on rollcall No. 123; "yea" on S. 1508, retirement of justices and judges on rollcall No. 124; and "yea" on H.R. 3328, water supply for the Soboba Indian Reservation, on rollcall No. 125.

### TRIBUTE TO DR. J. D. HEACOCK ON OCCASION OF HIS 101ST BIRTHDAY

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I am pleased to join with my colleagues in paying tribute to an outstanding Alabamian, Dr. J. D. Heacock, of Birmingham. On May 23, 1970, Dr. Heacock celebrates his 101st birthday.

A remarkable individual, Dr. Heacock at the age of 101 takes a lively interest in current local, State, and National problems. He is a real optimist when it comes to today's college-age citizens, calling them the "best I ever saw."

A pioneer in the real sense, Dr. Heacock, early in life established a pattern of working and living that was based on helping others. He has persistently held to this belief.

Graduating from Tulane Medical School in 1894. Dr. Heacock started practice as a family physician, making house calls in a horse and buggy, accepting whatever the family could afford as payment for his services.

Dr. Heacock has served as president of the Jefferson County Medical Association of Alabama, county physician and a delegate to the AMA.

It is indeed an honor to extend to this outstanding American the warmest best wishes for many more years of health and happiness.

### RURAL HOUSING PROGRAM

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DON H. CLAUSEN. Mr. Speaker, one of the brightest spots in today's housing market has been the rural housing program of the Farmers Home Administration, which has shown a remarkable increase in the past year.

This vital program, under the very able administration of James V. Smith, has shown an increase of 17.4 percent over last year. This means that rural people served by the Administration are moving into new or improved homes at a much faster rate than last year.

According to Mr. Smith, FHA has approved, in the first 9 months of fiscal 1970, 43,748 homeownership loans totaling $465.4 million, as compared to 37,277 loans totaling $360.7 million during the corresponding 9-month period in fiscal 1969.

Mr. Smith said new home starts through his agency will run approximately twice as high this year as in any previous year. Loans for new one-family dwellings under the rural program, which serves countryside areas and towns of up to 5,500 population, exceeded 25,000 through March, equaling the number approved for the entire fiscal year 1969. By contrast, new home starts in the Nation declined by an estimated 15.3 percent during the 9-month period just ended.

The spring seasonal upsurge of home building is expected to result in the Farmers Home Administration surpassing $800 million in insured housing loans for the year ending June 30. This will account for about 80,000 new and improved homes for rural Americans of low and moderate income. Last year, the agency's previous record year, FHA insured $500 million worth of loans on 50,000 homes. Next year the target, according to Smith, is 156,000 insured home-buyer loans.

I would like to take this opportunity to congratulate Mr. Smith on the outstanding program he has developed at FHA. Through his efforts and those of the agency, 80,000 rural American families will have a better place to live—a remarkable and enviable record.

### CREDIBILITY OF ADMINISTRATION ECONOMIC PLANNERS

(Mr. ALBERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALBERT. Mr. Speaker, the latest Government report reflecting the sharp and unabated rise in the cost of living stretches beyond the breaking point, the credibility of administration economic planners who stubbornly insist on sticking to what they call their "game plan."

The six-tenths of 1 percent rise in the Consumer Price Index for April adds substantially to the unbroken string of accelerated price rises since this administration adopted its excessive interest rate policies. The inflationary spiral, fueled from unchecked price increases by concentrated big industry, continues to pile economic distress atop economic distress for America's millions of salary and wage earners, elderly, poor, retired and even small business. These policies have succeeded only in bringing on a recession, increasing unemployment by more than 1¼ million and creating a crisis of confidence in this administration's economic leadership.

Over a year ago, when the White House announced the withdrawal of the powers of the Presidency from influence on the price-wage increases, and when it became clear that the policy of excessive interest rates and tight money favoring only those with an abundance of money was being put into effect, responsible Members of Congress warned of the consequences. Repeatedly, we have called for a change in the failing policies, and for use of the tools which were provided by the Congress.

It is ironic to note that even some of the early architects of this failing policy have now joined us in calling for change and for action.

Further delay on the part of the administration to move, and move vigorously, to combat soaring inflation and accompanying recession will only compound the errors of the past 16 months. Once again, I call on the economic policymakers of this administration to face reality, to recognize that its policies have failed, to change directions and to join in efforts to combat recession and control inflation.

### MAO PREDICTS NIXON DEFEAT AT HOME AND ABROAD

(Mr. HUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNT. Mr. Speaker, on May 20 the Washington Star, a newspaper published in the District of Columbia, amplified some of the statements which many liberal Members of this House and the other body have been making insofar as the hamstringing of President Nixon's program has been concerned.

It is unusual to find a dateline from Hong Kong being inserted, tying together exactly what we have been saying for so long, trying to warn our colleagues and the American public.

Mao's statement exuded confidence that the United States is unable to cope with its problems, especially since the Cambodian intervention began three weeks ago.

In a very carefully worded statement Mao Tse-tung, the Chinese Red dictator, says as follows:

> The Nixon Government is beset with troubles internally and externally, with utter chaos at home and extreme isolation abroad.

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He said further:

> The danger of a new World War still exists and the people of all countries must get prepared.

These are his words.

And, he continues by saying:

> But revolution is the main trend in the world today. Standing against this trend, he indicated, is the United States, but it cannot stand for long.

Mr. Speaker, Mao Tse-tung, the Chinese leader, is advocating revolution and telling the American people that we are the only country that stands between him and world revolution. Yet, today we have those people in our country who shout "To the barricades," not knowing what they are saying, to destroy their own country, to bring us down in utter confusion, and to pull us down at this time when our brave men are fighting and dying over there, not because they want to, but because they are there as ordered. Many of us did not vote to send them there. We are trying to get them back as soon as possible. But I say to the Members of this House, "Good Lord, do not play into the hands of Mao Tse-tung."

Now, Mr. Speaker, what else does Mao say?

He said:

> I am convinced that the American people who are fighting valiantly at home will ultimately win victory and that the fascist rule of the United States will inevitably be defeated.

In other words, he is saying, Mr. Mao is saying, that the people who are shouting "To the barricades, and revolution," "We the Communists want to ruin your country and I am with you and you are with me. Continue your efforts to tear down your country." "We, the Communist forces are with you."

How long will the people of these United States tolerate those who consistently attack our liberty?

## PERMISSION TO COMMITTEE ON APPROPRIATIONS TO FILE REPORT

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the bill making appropriations for the Department of Transportation and related agencies for the fiscal year 1971.

Mr. CONTE reserved all points of order on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 17550, SOCIAL SECURITY AMENDMENTS OF 1970

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1022 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. Res. 1022

> *Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, and all points of order against said bill for failure to comply with clause 3, Rule XIII are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed four hours, to be equally divided and controlled by the chairman and ranking minority members of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Ways and Means, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Ways and Means may be offered to any section of the bill at the conclusion of general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. SMITH) pending which I yield myself such time as I may consume.

Mr. Speaker, this is a closed rule providing for 4 hours of general debate on the Social Security Act amendments.

The rule is unusual only as to the noncompliance with the Ramseyer rule, because compliance with the Ramseyer rule would necessitate such a voluminous report. Therefore, the rule provides for a waiver of points of order on the basis of noncompliance with clause 3, rule XIII, which of course is the Ramseyer rule.

The rule provides for one motion to recommit.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. BOLLING. I am delighted to yield to the gentleman from Iowa.

Mr. GROSS. Is it not a fact, with respect to a closed rule, and irrespective of the Ramseyer rule, that all bills out of the Committee on Ways and Means are considered under closed rules—virtually all of them—except what might be called unimportant bills dealing with the importation of scarce metals or articles? Is it not a fact that they all come out under closed rules?

Mr. BOLLING. I will say to the gentleman from Iowa that my experience to date is that all the bills that come from the Committee on Ways and Means which have dealt with the opening up of the tax code and reciprocal trade and social security have been under closed rules.

On occasion the Committee on Ways and Means seems to have a series of unanimous consent bills that come up, but I would say to the gentleman, speaking only for myself, I do not have a closed mind on the possibility of, sometime in the future, the Committee on Rules providing a modified closed rule on a bill from the Committee on Ways and Means on taxes, or some other subject. But it was the judgment of the Committee on Rules, and I believe unanimously, on this occasion, with one exception, that the bill deserved to come in under what has become in modern times, the usual practice—under a closed rule.

Mr. GROSS. I applaud the gentleman's statement and join him in the hope that at some future time—probably in the distant future—the House may get a bill of importance out of the Committee on Ways and Means under an open rule or at least a modified open rule.

We could have had a closed rule for this legislation with respect to the Ramseyer rule for I do not think anyone wants an expensive volume of printing, but we could have had an open rule on amendments. I believe the gentleman will agree.

Mr. BOLLING. Actually, there is no question but that that could have happened. But what we have as to the Ramseyer rule is not a closed rule—but a waiver of points of order on the basis of this rule.

Mr. GROSS. Well, all right.

Mr. BOLLING. I would like to say to the gentleman that I am quite serious about believing that sometime in the future, there may well be a modified closed rule on some tax bill, and particularly on one dealing with tax reform.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, as stated by the distinguished gentlemen from Missouri, we are about to consider the bill, H.R. 17550, the Social Security Amendments of 1970, under a closed rule with 4 hours of debate waiving points of order so far as the Ramseyer rule is concerned, and permitting amendments only as offered by the committee.

Now, Mr. Speaker, this is indeed a complex, complicated and far-reaching bill. I did not see it until late Saturday and spent Sunday reading the bill and report. I am not certain that I know everything that is in the bill, in fact, I am certain I do not. In fact, those who are on the Committee on Ways and Means who have heard the extended testimony are more competent to explain this bill than am I.

But in any event, as I understand it, the purposes of this bill are:

First, to provide for a 5-percent benefit increase, beginning January 1, 1971; second, to amend the medicare and medicaid programs to provide increased efficiency in their operation and administration; third, to provide increased benefits for widows and dependents and certain disabled beneficiaries; and, fourth, to increase the tax in order to keep the several programs actuarially sound.

The bill provides an across-the-board increase to social security beneficiaries of 5 percent, effective beginning January 1, 1971. This increase will be applicable to some 26,200,000 beneficiaries. The projected cost of this increase for the remainder of the 1971 fiscal year is $700,000,000. For the first calendar year, 1971, the projected cost is $1,700,000,000.

Under the new benefit schedule, beginning in January of next year, the minimum benefit for a beneficiary would be $67.20, up from the present $64. A couple or a widow with two children would receive at least $100.80, up from $96.

At the same time the bill increases the amount of earnings a beneficiary under age 72 may receive during a year and still qualify for his full benefits. The present figure of $1,680 is increased by the bill to $2,000. For the next $1,200 in earnings, a beneficiary would have his benefit reduced $1 for every $2 of earnings. If a beneficiary earned more than $3,200 in a year, he would have his benefit reduced by $1 for each dollar above that earnings level. This provision takes effect for all taxable years ending after 1970. Additional benefit payments in the first year are estimated to total $475,000,000.

Widows—or widowers—have their benefit level increased. Current law gives a widow, after age 62, a benefit level equal to 82½ percent of her deceased husband's benefit. The bill will permit a widow at 65 to receive 100 percent of her husband's benefit. This change is estimated to cost some $700,000,000 during the first year.

Also amended by the bill is the difference in determining benefits between men and women. This covers such items as using age 65 for men and 62 for women in fixing average earning levels, and benefit eligibility. By making rules for all beneficiaries the same—at age 62—the bill will increase benefits to male beneficiaries by about $925,000,000 during the first year.

The bill makes a number of liberalizing changes in current law with respect to disabled beneficiaries. These cover the blind, and those beneficiaries who are also eligible to receive workmen's compensation.

Servicemen will also receive additional benefits. Wage credits will be given for those beneficiaries who were in the Armed Forces between 1957 and 1967. Some 130,000 beneficiaries will receive $35,000,000 during the first year due to this change.

The total projected costs of these changes in the benefit levels and programs during the first year is estimated at between $3 and $4 billion. Costs in each category are not additive because an individual beneficiary may be affected by more than one provision.

The bill also makes a number of changes in the medicare and medicaid programs. They are primarily technical in nature, aimed at tightening up and improving present operation and administration of the two programs. These include: First, authority for the Secretary of Health, Education, and Welfare to set reasonable cost limits on services based on comparison of costs in the same area; second, limitations on increases in doctor's fees; third, authority for the Secretary of Health, Education, and Welfare to cut off payments to suppliers of health services found to be guilty of program abuses; fourth, a reduction in the Federal matching share in such programs as nursing care homes and mental hospitals; fifth, an increase in the Federal matching share for outpatient hospital services, clinic services, and home health services.

All covered employees would pay more in social security taxes beginning January 1, 1971. The tax rate would be applied to the first $9,000 of income, up from current $7,800 figure. The rate of tax on each employee would rise from the current 4.8 percent to 5.2 percent during 1971–72; to 6 percent in 1975 and to 6.5 percent by 1980.

The committee believes that these increases will keep the programs actuarially sound. The estimated actuarial balance of —.12 percent is not quite within the established limit of the system, —.10, but the difference is small and the committee believes it will be made up when data on 1971 pay-in to the fund is available.

We heard this bill in the Rules Committee on Monday morning. At that time I did not know there were any objections whatsoever to this particular measure. But starting Tuesday, to and including yesterday, I have received a number of telegrams and letters in relation to the bill. In fact, from my district I have received 71 telegrams in opposition to several portions of the bill and seven letters against. I have attempted to check into some of the things which were transmitted to me in an effort to find out what the objections are and what answers there might be to them. I attempted to see if I could get an explanation. At least they would be in the RECORD, and possibly the distinguished chairman and the distinguished ranking minority member will help to clear up these questions.

Although there are some portions of the bill which are not going to be beneficial to some States and some individuals, still there is a tremendous amount of good in the bill. So we will have to weigh the advantages and disadvantages.

I did want the RECORD to show the type of messages I have received. Maybe other Members have received similar messages. The ones I have are all from California. The first is from the administrator of one of the convalescent hospitals in my district. He states—

MONTROSE, CALIF.,
*May 18, 1970.*

Hon. H. ALLEN SMITH,
*House of Representatives,*
*Washington, D.C.:*

Cutbacks in the medicaid program could have disastrous effects on elderly patients. All our patient's families have been contacted and we all urge a no vote on H.R. 17550 to be voted on Wednesday, May 20th.

Patients, their families and myself request to know how you voted. Please reply.

SHELDON A. ROSENBLUM,
*Administrator, Montrose Convalescent Hospital.*

I have a telegram from the California Association of Nursing Homes, which says:

WASHINGTON, D.C., *May 15, 1970.*

Hon. H. ALLEN SMITH,
*House of Representatives,*
*Washington, D.C.:*

(The bill grants increases to social security beneficiaries and at the same time limits welfare patients (large percentage of which are senior citizens) to ninety days nursing home care after which Federal percentage of matching funds is reduced thirty-three and one-third percent and hospital and mental hospital benefits similarly reduced after sixty days.)

This will cost our State several million dollars in matching funds and may result in our State plan being out of compliance with the Department of Health, Education, and Welfare. Although House Ways and Means held two sets of hearings on the titles 18 and 19 amendments, these provisions were never discussed because they were submitted by HEW long after the hearings closed. We believe in view of all this H.R. 17550 should not have gag rule—should have eight hours of debate with certain floor amendments allowed.

CALIFORNIA ASSOCIATION OF NURSING HOMES, SANITARIUMS, REST HOMES AND HOMES FOR THE AGED.
SACRAMENTO, CALIF.

I also have a telegram from an individual which says:

BURBANK, CALIF.

Hon. H. ALLEN SMITH,
*House of Representatives,*
*Washington, D.C.:*

H.R. 17550 due Wednesday crime against old, sick, needy vote no. Community watching your stand.

KATHERINE ARTU.

Governor Reagan said:

WASHINGTON, D.C., *May 19, 1970.*

Hon. H. ALLEN SMITH,
*Rayburn Building,*
*Washington, D.C.:*

We understand that the Social Security amendments (H.R. 17550) will be considered by the House this week, if a rule is granted. The California Dept. of Health Care Services estimates that, in its present form the bill contains the provisions of H.R. 16654 (formerly H.R. 16264) which would increase State costs in fiscal 1970–71 by $20.4 million.

We understand Congress desire to reduce expenditures in the title XIX (medicaid) program. As you may know, California, has taken action this year to contain the ever increasing financial pressures in the medical program. We support continued efforts to contain medical care costs at the national level. We are concerned, however, that the change in Federal participation is not a true cost reduction measure. While it does no doubt reduce Federal expenditures, it does so in a way that shifts the fiscal burden to the States. Furthermore, the 235 million saved is earmarked by Bureau of Budget to help defray fiscal 1971 start up costs of Welfare Reform Act which is still a long way from law. We request that you withhold support of this portion of H.R. 17550.

RONALD REAGAN,
*Governor, State of California.*

Based upon those, I talked to a number of people yesterday, and this is the information I wanted to bring to the attention of the chairman of the Ways and Means Committee so that he can appropriately clear the record regarding it.

The individuals I talked to yesterday stated:

The proposed amendment to title XIX would be—

First, an increase in the Federal matching percentage by 25 percent for outpatient hospital services, clinic services and home health services;

Second, a decrease in the Federal percentage by one-third after the first 60 days of care—in a fiscal year—in a general or TB hospital;

Third, a reduction in the Federal percentage by one-third after the first 90 days of care in a skilled nursing home;

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Fourth, a decrease in Federal matching by one-third after 90 days of care in a mental hospital and provision for no Federal matching after an additional 275 days of such care during an individual's lifetime; and

Fifth, authority for the Secretary to compute a reasonable cost differential for reimbursement purposes between skilled nursing homes and intermediate care facilities.

My conclusion, from what they stated was that the States must then take action to—

First. Absorb the fiscal impact with State and local funds, or

Second. Reduce overall medicaid benefits, or

Third. Reduce skilled nursing home benefits regardless of patient need, or

Fourth. Classify patients as "intermediate care" or "custodial." Many States do not have an intermediate care program. Some States with an intermediate care program have already classified nursing homes and patients as intermediate care on a wholesale basis without regard to required standards or patient needs. The Feredal financial assistance in intermediate care is limited to grant-in-aid recipients. Medical-assistance-only patients in the medicaid program would not be eligible for Federal assistance in intermediate care facilities.

Mr. Speaker, I have attempted to check on these statements, and I have come to some personal conclusions.

It looks like the language they are questioning is found in the bill on page 83 beginning on line 21, and continuing through line 16 on page 87. In the committee report a discussion of this language is found beginning at (e) at the bottom of page 38 and continuing on page 39.

What the bill does is to attempt to encourage the several States to more efficiently and less expensively use the medicare and medicaid programs. To do this the bill provides for an increase in Federal matching funds by 25 percent for outpatient hospital services, clinical health services and home health services. At the same time, the bill decreases the Federal matching share payments by one-third after a patient's first 60 days in a general or TB hospital.

Also reduced by one-third is the Federal matching share after the first 90 days of patient care in a skilled nursing home or a mental hospital.

The reductions in Federal matching funds for institutional care, coupled with the increase in Federal matching funds for out-of-hospital patient care, reflects the bill's intention to cut costs of these programs.

The Ways and Means Committee has also received information concerning the average length of stay and similar statistics indicating that their cutoff is more than reasonable.

The nursing homes, however, state that they are in a box. Their position is that a number of patients need more care than an arbitrary 90-day period, that most nursing homes must operate at between 80 and 85 percent continuous bed capacity in order to make it economically. They fear that when patients are cut off from full Federal assistance after 90 days that new patients will not be available to fill the beds at the higher Federal matching payment level for a new 90-day period.

With the generally tight budget straits that most States find themselves in at the present time, it would seem to me rather unlikely that the States will try to pick up the slack caused by the reduction in the Federal percentage. As Governor Reagan pointed out, it could cost California $20.4 million the first year. Therefore, it does seem likely the States will cut back to the Federal level, thus reenforcing the fears of the nursing home people with respect to their economic situation.

So there is a dilemma here. Any cutoff will be arbitrary. Some indigent patients with no means of support and a disease requiring skilled nursing home care over a period exceeding 90 days probably are going to have some problems. Either the patient will have to pay $30 a day out of his own pocket, or, if he is unable to do it, probably the nursing home will have to pay or absorb it. Obviously patients in that condition will not be turned into the street.

Without being critical, I imagine there are some patients in these skilled nursing homes today who could well be moved out before the 90 days but they are not moved out in order to keep the beds full and to keep the Federal funds coming in.

However, I do suggest that some language might be considered to provide a waiver of the 90-day rule. It could provide for a medical review of any case where the doctor in charge believes that additional skilled care is required.

It seems that some cutoff date, reasonably arrived at, should be instituted in order that the Federal Government can assure some control over the expenditures of the Federal matching fund program.

While the nursing home people can make a case for possible future impairment of income due to the 90-day cutoff in the bill, I raise a question as to whether or not the constant clamor of patients to get into hospitals and the resulting overflow will not continue to provide for the skilled nursing home industry a continous flow of patients who are well enough to leave a hospital but still will require regular doctor and nursing care.

Obviously, no legislation can be perfect. There are some bad parts in this bill, but there are a number of very, very good provisions.

Mr. Speaker, if either the distinguished chairman of the committee or the ranking minority member wish to make any comments in connection with this, I will be more than pleased to yield to them. If not, I reserve the balance of my time.

Mr. BOLLING. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Speaker, I have some strong reservations about portions of this particular bill, H.R. 17550. I want to ask some questions that I think should be answered before we proceed with the rule. I have just now been able to reach the floor and I have not, therefore, heard all of the discussion of the two speakers who preceded me. I hope I am not repeating in some of these questions which concern me, but I think they ought to be discussed by this body.

I have received considerable correspondence and many telegrams from the skilled nursing homes in my district. I am sure many of my colleagues have received a similar number of protests or expressions of concern. These nursing homes and my Texas State Department of Welfare are concerned about section 225 of this bill, which deals with the establishment of incentives for States to emphasize outcare under the medicaid program. This provision, among other things, provides for the cutback of one-third of the Government's share of matching funds for every patient who stays in a skilled nursing home after 90 days. In Texas the Federal Government's share is two-thirds of the cost and the State's share is one-third. In some States the Federal Government's share is even greater. I believe it is in the State of Arkansas.

My concern is with regard to these patients who are still ill and require care after 90 days. Where are they going to go when the money is cut off? The Texas State Department of Welfare is already having severe trouble meeting its increased financial requirements. They are not sure that they can make up this loss of one-third of the Federal funds. So if the States cannot make up for the lost funds, then where are the sick and the elderly poor going to be cared for after 90 days?

Now, I suppose and I understand that it is intended that some of the patients can be placed in intermediate care centers, but I do not see any assurance here that there are near enough of these intermediate care facilities to handle all of these people who are going to be turned out of these skilled nursing homes after 90 days.

Also, where is the State going to get the money to care for the person whose health condition is so poor that he requires nursing care for a period longer than 90 days?

I certainly do not see why or how 90 days was picked as the cutoff point. It sounds as though that is an arbitrary number of days to me. How can we say everyone ought to be well enough to leave a skilled nursing home after 90 days?

The stated purpose of this bill is to encourage the States to utilize less expensive care than the skilled nursing home, such as the intermediate care centers. I want to know where is the money going to come from to pay for this increased use of these health care centers, these intermediate care centers.

Does it say in this bill that the Federal Government is going to increase the amount of matching funds that it is now putting into intermediate care centers, how much those intermediate care centers are going to cost the State, and where are they going to get the funds even if the Federal Government increases its share to the intermediate facilities? I am still concerned about where the States are going to get the funds with

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which to obtain the skilled nursing care for a period of more than 90 days.

Mr. KAZEN. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Texas.

Mr. KAZEN. The gentleman it seems to me is confusing two issues. The intermediate care centers are not the same thing as your skilled nursing institutions. You cannot substitute one for the other. In rural areas you do not even have enough nurses to staff the hospitals, and a lot of our hospitals are losing their affiliation with the medicare program as a result thereof. Where in the world would these people go if this skilled nursing service is denied them?

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. PICKLE. Mr. Speaker, I wonder if the gentleman from Missouri would yield to me 5 additional minutes?

Mr. BOLLING. The gentleman desires 5 additional minutes?

Mr. PICKLE. Yes.

Mr. BOLLING. I would be delighted to yield the gentleman 5 additional minutes.

Mr. KAZEN. Mr. Speaker, if the gentleman would yield further, I would remind the gentleman that there is no substitute for the skilled nursing program. Certainly the majority of the people that are in the skilled nursing facilities require more than the 90 days' care. In Texas alone I was advised this morning that this program is going to cost the State $33 million to begin with and they do not know where they are going to get it. Mr. Speaker, I commend the gentleman from Texas for his remarks and wish to associate myself with his position.

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Mr. PICKLE. If I may respond to the gentleman, Mr. KAZEN, I am not confused; at least, I do not think I am confused about the difference between the skilled nursing homes and intermediate care centers. I was advised yesterday that within the next year and a half, the next 18 months, it will cost Texas nearer the figure of $60 million but I do not have the comparative figures for the various other States.

Mr. FUQUA. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Florida.

Mr. FUQUA. I want to thank the gentleman for bringing this to the attention of the House because this is a very important matter and I want to associate myself with the remarks that the gentleman has made.

I want to support this bill. However, this is a very unfair provision. It will work a hardship on our States, especially in view of the fact that there has been no advance notice and many of the State legislatures are not in session. However, they are going to have to come up with this money. I see no way possible whereby they can make up the deficit they will be required to make if this particular section is enacted.

I would hope we could amend the rule in order to debate this particular issue and not have to depend entirely upon a motion to recommit.

Mr. MILLS. Mr. Speaker, will the gentleman yield to me at this point?

Mr. PICKLE. I shall yield to the distinguished gentleman from Arkansas to make a statement but before I yield to the gentleman I want to ask, What are we going to do with the nursing home industry, when we suddenly say to them, "We are not going to pay for any of this care after 90 days." This is a little harsh and constitutes a sudden requirement which they have got to meet. I am sure that there is some truth to the statement that some of the skilled nursing homes have either abused or have kept some of the patients in the home longer than, say, the 90 days that you have arbitrarily set in this bill. Perhaps, they have kept them there longer than necessary, I know in some cases up to 800 days. But to say in this bill, without a chance to amend it in order to get at the problem involved in carrying out the intent of the provision and that we have got to take it all, does violence to the skilled nursing home problem. I am concerned that if this rule is adopted we will have no chance to amend it or to work on it. We are not dealing with the tax aspect. We are talking about the skilled nursing care problem.

Mr. STUBBLEFIELD. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Kentucky.

Mr. STUBBLEFIELD. Mr. Speaker, I thank the gentleman from Texas for yielding, and I want to associate myself with the remarks being made by the gentleman from Texas. I too am deeply concerned about this bill, because the Kentucky State Legislature does not meet again for 2 years, and I do not know where in the world they are going to get the money to handle this situation.

Mr. PICKLE. Mr. Speaker, I would say to the gentleman from Kentucky that I think the problem that his State is faced with is the same one all the States are facing, and they are certainly becoming alarmed about this situation.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Arkansas.

Mr. MILLS. Mr. Speaker, I thank the gentleman for yielding, and I am not going to accuse the gentleman's State of being in the same category as some of the other States in the administration of this program, but if the gentleman is telling the House that this means a $30 million increase in the cost to the State then it simply means that the gentleman's State is not going to correct what we have found to be a real problem in connection with the Federal costs in these nursing homes. There is undoubtedly more overutilization in the skilled nursing homes than there is anywhere else when we hear about this problem because in many instances they keep people in these skilled nursing homes for long periods of time when the facts are, in a great majority of the cases, that the patient or the individual would be just as well off in the intermediate care-type nursing home, which is the type nursing home in the gentleman's State and my State that is in the big majority.

These skilled nursing homes are the skilled nursing homes that require a nurse around the clock. The patient who is there is supposed to have a doctor, maybe not every day, but on certain occasions. If they do not need that degree of care, then why continue to pay for that type of care when the other care will do them just as much good?

The SPEAKER. The time of the gentleman has again expired.

Mr. PICKLE. Mr. Speaker, will the gentleman from Missouri yield me 2 additional minutes?

Mr. BOLLING. Mr. Speaker, I yield 2 additional minutes to the gentleman from Texas.

Mr. MILLS. If the gentleman will yield further, these are the facts that we have found in our investigations.

Mr. PICKLE. I thank the gentleman for the additional time, because I want to respond to the gentleman from Arkansas on this matter.

I can report to the gentleman that my State has reported to me it will cost them in our State a very large sum of money, whether $30 million or $60 million, I am not sure, and it does concern them.

Mr. MILLS. If the gentleman will yield further, it could not cost that much money because, in the first place, there is not that much money involved in it.

Mr. PICKLE. I am more apt to believe that my State knows as much what they are talking about as the gentleman does.

Mr. MILLS. They do not in this instance.

Mr. PICKLE. The second thing is this: I have said that there may be some abuses in these skilled nursing homes——

Mr. MILLS. A whole lot of it.

Mr. PICKLE. I have some familiarity with the problem. I too sometimes wonder if they should keep them that number of days, and if it is not too long. But this bill is going to arbitrarily select a date of 90 days, and then turn them out. Well, that creates a big problem. I have no assurance that in my State there are enough of these intermediate care centers, and of those that we have they are already overloaded. All you are going to do is put more money into this particular sector. You do not really cure the problem. You do not give us any chance to work out this problem when you adopt this rule that is a closed rule.

Mr. MILLS. If the gentleman will yield further; if the gentleman's State does not change any of its present practices with respect to this program there would be an additional cost on your State of around $3 million. But the whole purpose of it is to avoid this cost to the Federal Government and to the State governments through elimination of this abusive overutilization, and I am sure the gentleman would want that done for his taxpayers.

Mr. PICKLE. Mr. Speaker, our State is willing to cooperate in trying to find a better answer to the nursing problems, but for this particular Committee on Ways and Means to come out and tell us you are going to make this a 90-day cutoff period because of these alleged abuses, and not give them a chance to work out some other solution, is an unfair position to put the States in.

Mr. **MILLS**. It is the same kind of limitation we have with respect to medicare and have had since its inception.

Mr. PICKLE. I hope, Mr. Speaker, that this rule may not be adopted so that we will have a chance to send it back to committee, and have a chance to work on this particular section on the nursing program.

The SPEAKER. The time of the gentleman has again expired.

Mr. BOLLING. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PICKLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 201, nays 181, not voting 47, as follows:

[Roll No. 132]

YEAS—201

Abbitt
Adair
Addabbo
Albert
Alexander
Anderson, Ill.
Annunzio
Arends
Baring
Barrett
Beall, Md.
Berry
Betts
Biaggi
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Button
Byrnes, Wis.
Carey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clark
Clausen, Don H.
Collier
Conable
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Wis.
Delaney
Dellenback
Denney
Dent
Devine
Dingell
Dulski
Dwyer
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Eshleman
Evins, Tenn.
Fallon
Fascell
Feighan
Findley
Fish
Flood
Flowers
Ford, Gerald R.
Frelinghuysen
Friedel
Fulton, Tenn.
Garmatz
Gibbons
Gilbert
Goodling
Gray
Green, Pa.
Griffiths
Gubser
Hagan
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hansen, Idaho
Hansen, Wash.
Harvey
Hastings
Hogan
Holifield
Hosmer
Hull
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Tenn.
Kee
Keith
Landrum
Langen
Latta
Lukens
McClory
McCloskey
McCulloch
McDade
McDonald, Mich.
Madden
Mailliard
Marsh
Martin
Mathias
May
Mayne
Meskill
Michel
Miller, Ohio
Mills
Minshall
Mize
Mizell
Mollohan
Moorhead
Morgan
Morton
Mosher
Murphy, Ill.
Murphy, N.Y.
Myers
Nedzi
Nelsen
Nix
Olsen
O'Neal, Ga.
Pepper
Perkins
Pettis
Poff
Price, Ill.
Pryor, Ark.
Pucinski
Quie
Railsback
Rees
Reid, Ill.
Rhodes
Rivers
Robison
Rodino
Rooney, N.Y.
Rostenkowski
Ruppe
Ruth
Sandman
Satterfield
Scherle
Schneebeli
Schwengel
Shipley
Sisk
Smith, N.Y.
Snyder
Springer
Staggers
Stanton
Steed
Steiger, Ariz.
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Udall
Ullman
Vander Jagt
Vanik
Vigorito
Watkins
Watts
Whalen
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Wyatt
Wylie
Wyman
Zablocki
Zion
Zwach

NAYS—181

Abernethy
Adams
Anderson, Calif.
Andrews, Ala.
Andrews, N. Dak.
Ashbrook
Bennett
Bevill
Blatnik
Brademas
Brinkley
Brock
Brooks
Broomfield
Brotzman
Burton, Calif.
Cabell
Caffery
Camp
Carter
Casey
Clawson, Del
Cleveland
Collins
Conte
Conyers
Culver
Daddario
de la Garza
Dennis
Derwinski
Dickinson
Diggs
Donohue
Dorn
Dowdy
Downing
Duncan
Eckhardt
Edwards, La.
Esch
Evans, Colo.
Farbstein
Fisher
Flynt
Foreman
Fountain
Fraser
Frey
Fulton, Pa.
Fuqua
Galifianakis
Gaydos
Gettys
Giaimo
Gonzalez
Griffin
Gross
Grover
Gude
Haley
Hanna
Harrington
Harsha
Hathaway
Hawkins
Hébert
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Horton
Howard
Hungate
Jarman
Jones, N.C.
Karth
Kastenmeier
Kazen
King
Koch
Kuykendall
Kyros
Lennon
Lloyd
Long, La.
Long, Md.
Lowenstein
Lujan
McClure
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
Mahon
Mann
Meeds
Melcher
Mikva
Minish
Mink
Monagan
Montgomery
Morse
Moss
Natcher
Nichols
Obey
O'Hara
O'Konski
O'Neill, Mass.
Passman
Patman
Patten
Pelly
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Powell
Preyer, N.C.
Price, Tex.
Purcell
Quillen
Randall
Rarick
Reid, N.Y.
Reuss
Riegle
Roe
Rogers, Fla.
Rooney, Pa.
Rosenthal
Roth
Roybal
Ryan
St Germain
Schadeberg
Scheuer
Scott
Sebelius
Shriver
Sikes
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Stafford
Steiger, Wis.
Stephens
Stratton
Stubblefield
Stuckey
Sullivan
Taft
Taylor
Teague, Tex.
Thompson, N.J.
Van Deerlin
Waggonner
Waldie
Wampler
Watson
Weicker
Whalley
White
Whitehurst
Whitten
Wiggins
Winn
Wold
Wolff
Wright
Wydler
Yates
Yatron
Young

NOT VOTING—47

Anderson, Tenn.
Ashley
Aspinall
Ayres
Belcher
Bell, Calif.
Bingham
Brown, Calif.
Brown, Mich.
Bush
Byrne, Pa.
Chisholm
Clay
Cohelan
Colmer
Davis, Ga.
Dawson
Edwards, Calif.
Foley
Ford, William D.
Gallagher
Goldwater
Green, Oreg.
Hays
Jacobs
Jones, Ala.
Kirwan
Kleppe
Kluczynski
Kyl
Landgrebe
Leggett
McCarthy
MacGregor
Matsunaga
Miller, Calif.
Ottinger
Pollock
Reifel
Roberts
Rogers, Colo.
Roudebush
Saylor
Stokes
Symington
Tiernan
Tunney

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

Mr. Hays for, with Mr. Edwards of California against.

Mr. Colmer for, with Mr. Brown of California against.

Mr. Kluczynski for, with Mr. Roberts against.

Mr. Aspinall for, with Mr. Stokes against.

Mr. Rogers of Colorado for, with Mr. Bingham against.

Mr. Matsunaga for, with Mrs. Chisholm against.

Mr. Byrne of Pennsylvania for, with Mr. Clay against.

Mr. Miller of California for, with Mr. Ottinger against.

Mr. Landgrebe for, with Mr. McCarthy against.

Mr. Kyl for, with Mr. Leggett against.

Mr. Roudebush for, with Mr. Foley against.

Mr. Kirwan for, with Mr. Symington against.

Mr. Reifel for, with Mr. Goldwater against.

Until further notice:

Mrs. Green of Oregon with Mr. Ayres.

Mr. Jones of Alabama with Mr. MacGregor.

Mr. Tunney with Mr. Pollock.

Mr. Davis of Georgia with Mr. Bush.

Mr. Ashley with Mr. Saylor.

Mr. Tiernan with Mr. Belcher.

Mr. William D. Ford with Mr. Brown of Michigan.

Mr. Cohelan with Mr. Bell of California.

Mr. Jacobs with Mr. Dawson.

Mr. Anderson of Tennessee with Mr. Kleppe.

Messrs. FISHER, MAHON, HECHLER of West Virginia, ECKHARDT, FRASER, MONAGAN, WHALLEY, and HARRINGTON changed their votes from "yea" to "nay."

Mr. TEAGUE of California and Mr. BIAGGI changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

The doors were opened.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on May 21, 1967, the President approved and signed bills of the House of the following titles:

H.R. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes.

## PROVIDING FOR CONSIDERATION OF H.R. 17550, SOCIAL SECURITY AMENDMENTS OF 1970

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LONG of Louisiana. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

### PARLIAMENTARY INQUIRY

Mr. BURTON of California. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state the parliamentary inquiry.

Mr. BURTON of California. Mr. Speaker, as I understand the situation, if the rule is rejected, then that would leave us an effective opportunity to restore the current Federal matching to the States for certain nursing home care after 90 days; is that correct, Mr. Speaker?

**The SPEAKER** The Chair understands the gentleman's question, but the Chair must state that that is not a parliamentary inquiry.

### PARLIAMENTARY INQUIRY

**Mr. BOLLING.** Mr. Speaker, a parliamentary inquiry.

**The SPEAKER.** The gentleman will state his parliamentary inquiry.

**Mr. BOLLING.** As the manager of the rule, would I be correct in stating that the parliamentary situation would be that if this rule were defeated, the bill made in order by the rule, namely, the increase in social security, could not come up?

**The SPEAKER.** The Chair will state that that is a matter of procedure and a question for the gentleman from Arkansas.

**Mr. BOLLING.** Mr. Speaker, a further parliamentary inquiry.

**The SPEAKER.** The gentleman will state it.

**Mr. BOLLING.** If the rule making in order the bill which is provided for by the rule were defeated, the bill would not be in order?

**The SPEAKER.** The Chair will state, without passing upon the question at this point as to whether or not this would be a privileged bill, that if the rule should be rejected the bill would not come up at this time.

**Mr. BYRNES** of Wisconsin. Mr. Speaker, will you permit me to comment on the fact that the report on this bill did not comply with the Ramseyer rule, so an objection could be made to bringing up the legislation unless there is a rule waiving that point of order.

**Mr. MILLS.** That is exactly the point of the gentleman from Missouri.

**The SPEAKER.** The Chair has ruled that a quorum evidently is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 297, nays 83, not voting 49, as follows:

[Roll No. 133]

YEAS—297

Abbitt
Adair
Addabbo
Albert
Alexander
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Barrett
Beall, Md.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Boggs
Boland
Bolling
Bow
Brasco
Bray
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Utah
Button
Byrnes, Wis.
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clancy
Clausen, Don H.
Collier
Conable
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Wis.
Delaney
Dellenback
Denney
Dent
Derwinski
Devine
Diggs
Dingell
Donohue
Dorn
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flood
Flowers
Ford, Gerald R.
Ford, William D.
Fountain
Frelinghuysen
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Giaimo
Gibbons
Gilbert
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Grover
Gubser
Gude
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hébert
Hicks
Hogan
Holifield
Hosmer
Howard
Hull
Hunt
Ichord
Jarman
Johnson, Calif.
Johnson, Pa.
Jonas
Jones, Tenn.
Karth
Kee
Keith
King
Koch
Kuykendall
Kyros
Landrum
Langen
Latta
Long, Md.
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
Macdonald, Mass.
Madden
Mailliard
Marsh
Martin
Mathias
May
Mayne
Meeds
Meskill
Miller, Ohio
Mills
Minish
Mink
Minshall
Mollohan
Monagan
Moorhead
Morgan
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Ottinger
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rhodes
Riegle
Rivers
Robison
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Sebelius
Shipley
Shriver
Sikes
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stratton
Sullivan
Taft
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Wampler
Watkins
Watts
Weicker
Whalen
Whalley
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H.
Winn
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—83

Abernethy
Adams
Anderson, Calif.
Ashbrook
Baring
Brademas
Brinkley
Brock
Brooks
Broomfield
Brotzman
Burton, Calif.
Cabell
Caffery
Chisholm
Clawson, Del
Cleveland
Collins
Conte
de la Garza
Dennis
Dickinson
Edwards, La.
Fisher
Flynt
Foley
Foreman
Fraser
Frey
Fuqua
Gettys
Gonzalez
Griffin
Gross
Hagan
Haley
Hall
Hawkins
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Horton
Hungate
Hutchinson
Jones, N.C.
Kastenmeier
Kazen
Lennon
Lloyd
Long, La.
Lowenstein
McKneally
McMillan
Mahon
Mann
Melcher
Michel
Mikva
Montgomery
Morse
Obey
Passman
Patman
Pickle
Poage
Purcell
Randall
Rarick
Roybal
Stephens
Stuckey
Taylor
Teague, Tex.
Thompson, N.J.
Waggonner
Waldie
Watson
White
Wiggins
Wold
Wright
Young

NOT VOTING—49

Anderson, Tenn.
Ashley
Aspinall
Ayres
Belcher
Bell, Calif.
Bingham
Blatnik
Brown, Calif.
Brown, Mich.
Bush
Byrne, Pa.
Clark
Clay
Cohelan
Colmer
Davis, Ga.
Dawson
Dowdy
Edwards, Calif.
Goldwater
Hansen, Wash.
Hays
Jacobs
Jones, Ala.
Kirwan
Kleppe
Kluczynski
Kyl
Landgrebe
Leggett
McCarthy
MacGregor
Matsunaga
Miller, Calif.
Mize
Mizell
Nichols
Pollock
Roberts
Rogers, Colo.
Roudebush
Saylor
Reifel
Stokes
Stubblefield
Symington
Tiernan
Tunney

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Hays with Mr. Ayres.
Mr. Davis of Georgia with Mr. Belcher.
Mr. Nichols with Mr. Kleppe.
Mr. Matsunaga with Mr. Pollock.
Mr. Miller of California with Mr. Bell of California.
Mr. Byrne of Pennsylvania with Mr. Reifel.
Mr. Kluczynski with Mr. Brown of Michigan.
Mr. Aspinall with Mr. Kyl.
Mr. Symington with Mr. Mize.
Mr. Roberts with Mr. Bush.
Mr. Rogers of Colorado with Mr. Landgrebe.
Mr. Stubblefield with Mr. MacGregor.
Mr. Edwards of California with Mr. Clay.
Mr. Colmer with Mr. Roudebush.
Mr. Blatnik with Mr. Saylor.
Mr. Jones of Alabama with Mr. Mizell.
Mr. Anderson of Tennessee with Mrs. Hansen of Washington.
Mr. Tiernan with Mr. McCarthy.
Mr. Tunney with Mr. Goldwater.
Mr. Clark with Mr. Bingham.
Mr. Stokes with Mr. Cohelan.
Mr. Leggett with Mr. Ashley.
Mr. Jacobs with Mr. Dowdy.
Mr. Brown of California with Mr. Kirwan.

Mr. CONYERS changed his vote from "nay" to "yea."

Messrs. HAGAN and DICKINSON changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

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## SCHOOL DESEGREGATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-341)

The SPEAKER pro tempore. (Mr. PRICE of Illinois) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor and ordered to be printed:

*To the Congress of the United States:*

Successfully desegregating the Nation's schools requires more than the enforcement of laws. It also requires an investment of money.

In my statement on school desegregation on March 24, I said that I would recommend expenditure of an additional $1.5 billion—$500 million in fiscal 1971, and $1 billion in fiscal 1972—to assist local school authorities in meeting four special categories of need:

"—The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

XUM

"—The special needs of racially impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real difference in terms of educational effectiveness.

"—The special needs of those districts that have the furthest to go to catch up educationally with the rest of the Nation.

"—The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools."

To achieve these purposes, I now propose the Emergency School Aid Act of 1970.

Under the terms of this Act, the four categories of need I outlined would be met through three categories of aid:

(I) Aid to districts now eliminating *de jure* segregation either pursuant to direct Federal court orders or in accordance with plans approved by the Secretary of Health, Education, and Welfare, for special needs incident to compliance.

(II) Aid to districts that wish to undertake voluntary efforts to eliminate, reduce, or prevent *de facto* racial isolation, with such aid specifically targeted for those purposes.

(III) Aid to districts in which *de facto* racial separation persists, for the purpose of helping establish special inter-racial or inter-cultural educational programs or, where such programs are impracticable, programs designed to overcome the educational disadvantages that stem from racial isolation.

In all three categories, administrative priority will be given to what I described on March 24 as "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the Nation." In all three, also, there will be special attention given to the development of innovative techniques that hold promise not only of helping the children immediately involved, but also of increasing our understanding of how these special needs can best be met.

### THE BACKGROUND

The process of putting an end to what formerly were deliberately segregated schools has been long and difficult. The job is largely done, but it is not yet completed. In many districts, the changes needed to produce desegregation place a heavy strain on the local school systems, and stretch thin the resources of those districts required to desegregate. The Federal Government should assist in meeting the additional costs of transition. This Act would do so, not only for those now desegregating but also for those that have desegregated within the past two years but still face additional needs as a result of the change.

The educational effects of racial isolation, however, are not confined to those districts that previously operated dual systems. In most of our large cities, and in many smaller communities, housing patterns have produced racial separation in the schools which in turn has had an adverse effect on the education of the children. It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects.

In some cases this can best be done by reducing or eliminating the isolation itself. In some cases it can best be done through interracial educational programs involving the children of two or more different schools. In some cases, where these measures are not practicable or feasible, it requires special measures to upgrade education within particular schools or to provide learning experiences of a type that can enlarge the perspective of children whose lives have been racially circumscribed.

This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present. It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

This Act is addressed both to helping overcome the adverse effects of racial isolation, and to helping attain the positive benefits of integrated education. It is concerned not with the long range, broad-gauge needs of the educational system as a whole, but rather with these special and immediate needs.

### HOW IT WORKS

The procedures under this Act are designed to put the money where the needs are greatest and where it can most effectively be used, and to provide both local initiative and Federal review in each case.

Two-thirds of the funds would be allotted among the states on the basis of a special formula. One-third would be reserved for use by the Secretary of Health, Education and Welfare for especially promising projects in any eligible district. In all cases, whether under the State allotment or not, the grants would be made for specific individual projects with each project requiring approval by the Secretary. Application for grants would be made by local education agencies, with the State given an opportunity to review and comment on the grant application.

The State allotment formula begins by providing a basic minimum of $100,000 in each fiscal year for each State. The remainder of formula funds for each fiscal year would be allotted among the States according to the proportion of the nation's minority students in each State, with those in districts required by law to desegregate and implementing a desegregation plan double-counted. This double counting is designed to put extra money where the most urgent needs are, recognizing that there is a priority need at the present time for the ending of *de jure* segregation swiftly, completely, and in a manner that does not sacrifice the quality of education.

If any given State's allocation of funds is not fully utilized under the terms of this Act, the remainder of those funds would then be reallocated on the same formula basis for use in other States.

Under Category I (*de jure* desegregating), any district would be eligible which is now implementing an approved desegregation plan, or which had completed implementing one within two years prior to its application. Those not yet doing so would become eligible upon submission of an acceptable plan. Funds would be available to help meet the additional costs of implementing the desegregation plan itself, and also for special programs or projects designed to make desegregation succeed in educational terms.

Under Category II (*de facto* desegregating), any district would be eligible if it has one or more schools in which minority pupils now constitute more than half the enrollment, or appear likely to in the near future. Funds could be provided to help carry out a comprehensive program for the elimination, reduction or prevention of racial isolation in one or more such schools within the district.

Under Category III (special programs in racially impacted areas), a district would be eligible if it has 10,000 or more minority students, or if minority students constitute 50 percent or more of its public school enrollment. Funds could be provided under this category for special interracial or intercultural educational programs or, where these proved impracticable, for unusually promising pilot or demonstration programs designed to help overcome the adverse educational impact of racial isolation.

In connection with this Category III aid, it is worth noting that such research data as is available suggests strongly that from an educational standpoint what matters most is not the integrated school but the integrated classroom. This might, at first glance, seem a distinction without a difference. But it can make a great deal of difference, especially where full integration of schools is infeasible. It means that, by arranging to have certain activities integrated—for example, by bringing students from a mostly black school and from a mostly white school together for special training in a third location—the educational benefits of integration can be achieved, at least in significant part, even though the schools themselves remain preponderantly white or black.

In a number of communities, experiments are already under way or being planned with a variety of interracial learning experiences. These have included joint field trips, educational exchanges between inner-city and suburban schools, city-wide art and music festivals, and enriched curricula in inner-city schools that serve as a "magnet" for white students in special courses. Other innovative approaches have included attitude training for teachers, guidance and counseling by interracial teams, and after-hour programs in which parents participated. I cite these not as an inclusive catalogue, but merely as a few examples of the kinds of experimental approaches that are being tried, and that give some indication of the range of activities that could and should be further experimented with.

Examples of the kinds of activities which could be funded under all cate-

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gories are teacher training, special remedial programs, guidance and counseling, development of curriculum materials, renovation of buildings, lease or purchase of temporary classrooms, and special community activities associated with projects funded under the Act.

### THE URGENCY OF ACTION NOW

It now is late in the legislative year, and very soon it will be the beginning of the next school year.

In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet desegregated must do so by then. The educational problems they confront are enormous, and the related problems of community social and economic adjustment are equally so.

Some 220 school districts are now under court order calling for complete desegregation by this September; 496 districts have submitted, are negotiating or are likely to be negotiating desegregation plans under HEW auspices for total desegregation by this September; another 278 districts are operating under plans begun in 1968 or 1969; more than 500 Northern districts are now under review or likely soon to be under review for possible violations of Title VI of the Civil Rights Act of 1964. Quite beyond these matters of enforcement, we also must come seriously to grips with the fact that of the nation's 8.7 million public school students of minority races, almost 50 percent are in schools with student populations made up 95 percent or more of minority pupils.

Desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation.

Teachers and education specialists for the fall of 1970 are being recruited now. Materials and equipment must be purchased this summer to be on hand for the opening of school. Curriculum revision requires months of preparation. Contracts for renovation must be entered into and work commenced soon.

Administration representatives are now discussing with members of Congress possible ways of making the first of the funds for the purposes of this Act available when they are needed, which is now, through the use of existing legislative authorities.

Five hundred million dollars will be spent in fiscal 1971. I recommend that $150 million be appropriated under these existing authorities, on an emergency basis, as "start-up" money. I recommend that the remaining $350 million for fiscal 1971 and $1 billion for fiscal 1972 be appropriated under the Emergency School Aid Act itself. It is this Administration's firm intention to spend these funds—$500 million in fiscal 1971 and $1 billion in fiscal 1972—in the years for which they are appropriated.

### QUALITY AND EQUALITY

If money provided under this Act were spread too thinly, it would have very little impact at all on the specific problems toward which it is addressed. Therefore, the criteria laid down in the Act are designed to insure its use in a manner sufficiently concentrated to produce a significant and measurable effect in those places where it is used.

This is not, and should not be, simply another device for pumping additional money into the public school system. We face educational needs that go far beyond the range or the reach of this Act. But the specific needs the Act addresses are immediate and acute. It represents a shift of priorities. It places a greater share of our resources behind the goal of making the desegregation process work, and making it work *now*. It also represents a measured step toward the larger goal of extending the proven educational benefits of integrated education to all children, wherever they live.

Properly used, this $1.5 billion can represent an enormous contribution to both quality and equality of education in the United States.

With this help, the process of ending *de jure* segregation can be brought to a swift completion with minimum disruption to the process of education. It is in the interest of all of us—North and South alike—to insure that the desegregation process is carried out in a manner that raises the educational standards of the affected schools.

Beyond this, our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist. This does not mean imposing an arbitrary "racial balance" throughout the nation's school systems. But it should mean aiding and encouraging voluntary efforts by communities which seek to promote a greater degree of racial integration, and to undo the educational effects of racial isolation.

Nothing in this Act is intended either to punish or to reward. Rather it recognizes that a time of transition, during which local districts bring their practices into accord with national policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

This legislative recommendation should be read in the context of my comprehensive public statement of March 24 on school desegregation. In that, I dealt with questions of philosophy and of policy. Here, I am dealing with two aspects of the process of implementation: aiding the desegregation process required by law, and supporting voluntary community efforts to extend the social and educational benefits of interracial education.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

Few issues facing us as a nation are of such transcendent importance: important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to live together in one nation, in brotherhood and understanding.

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be acted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

RICHARD NIXON.

THE WHITE HOUSE, *May 21, 1970*.

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## SOCIAL SECURITY AMENDMENTS OF 1970

**Mr. MILLS.** Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes.

The **SPEAKER** pro tempore (Mr. PRICE of Illinois). The question is on the motion offered by the gentleman from Arkansas.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 17550, with Mr. DINGELL in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The **CHAIRMAN.** Under the rule, the gentleman from Arkansas (Mr. MILLS) will be recognized for 2 hours, and the gentleman from Wisconsin (Mr. BYRNES) will be recognized for 2 hours.

The Chair recognizes the gentleman from Arkansas.

**Mr. MILLS.** Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, the general subject of social security has been the first order of business before the Ways and Means Committee for the past 7 months. On October 15 last the committee began its public hearings on all aspects of the Social Security Act including the old age, survivors, and disability insurance programs, the public assistance programs, and the medicare and medicaid programs. This bill, which was unanimously reported, is the third separate bill relating to the social security program recommended for action by the

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committee as a part of its recent deliberations. It completes, as far as I know, the committee's plans for action in the field of social security for this Congress.

Mr. Chairman, the committee spent many, many hours in executive session. We called into executive session many people who were in a position to be helpful to us with respect to the matters we had under consideration in the hearings and which we were then considering in executive session. At no time did we fail to consider any of the suggestions that were made to us either in the hearings or in the executive sessions of the committee.

Let me very briefly go through some of the provision of the bill and dwell a little more at length on one or two of the provisions that seem to have caused some degree of concern on the part of some of the Members today.

Social security payments to the 26.2 million beneficiaries on the rolls and others who come on the rolls in the future would be increased by 5 percent, beginning with payments for the month of January 1971. Of course, this payment generally arrives on the third day of the month, so it would be received around the 3d of February 1971. The benefit increase would mean additional payments of about $1.7 billion in the first year. Bear in mind that the amount rises as more and more people retire and become beneficiaries in the following years.

In addition, Mr. Chairman, because of great interest in the matter—not because of any personal feeling on my part that it is a good thing, frankly, but because there is a great deal of interest—the committee has again seen fit to raise the present level of $1,680 per year to $2,000 per year that one can earn in employment and still not lose any of his social security payments. It is estimated that this will benefit about 900,000 present beneficiaries and will make eligible about 100,000 more persons, and this in the first year alone will cost around $475 million.

A provision which was recommended by the President is included in the bill, increasing the widow's benefit taken at age 65 or later from 82.5 percent of the primary benefit—that is the retirement benefit which would have been paid to her husband at age 65—to 100 percent. That, Mr. Chairman, will provide an immediate increase to 3.3 million widows and widowers; it will cost $700 million in additional benefits for the first 12 months.

Another provision recommended by the President included in the bill would provide an age 62 computation point for men. That provision would apply the same rule to men that presently is in law with respect to the computation of benefits for women. The Congresswoman from Michigan (Mrs. GRIFFITHS) and others told us we were decidedly discriminatory in not making the provision in present law apply to men as well as to women. The gentlelady deserves a great deal of credit for convincing the committee that this provision was sound and should be adopted.

What it means frankly, let me take a moment, is that if it would result in a higher benefit the person who retires at 65 could include the 3 years of earnings between 62 and 65 in place of 3 previous years of earning some time back when the person was not paying taxes on as much earnings as he may have done just before retirement.

So what this provision does is grant men an additional 3-year dropout in addition to the 5 years which are presently in law in determining what the average income of that person is for benefit computation purposes. This will help immediately 10.2 million people who are on the rolls on the effective date, which in this instance would also be January 1, 1971.

In addition, it makes eligible 60,000 additional people who would not otherwise be eligible under existing law. Some of these are dependents or survivors of workers as well as the workers themselves.

Under present law, if a woman applies for a retirement benefit prior to age 65, which she can do on a reduced basis, she can get that benefit on the basis of her own work record. Then at age 65, if she applies for a benefit based upon her spouse's record, the law now requires that amount of the spouse's benefit be reduced because of the period—up to 3 years—that she has been drawing benefits on her own.

The gentleman from Wisconsin (Mr. BYRNES) called this situation to the attention of the committee, and pointed out that there are some 100,000 beneficiaries who would be immediately affected by the provision, and that it was simple equity to do what we are doing here. It does not cost as much as many of the other changes. In this instance it is about $10 million in the first year.

We have eliminated the test we have in the present law in regard to the support requirements for divorced women—this I will not go into at the moment.

The insured status requirement for disability insurance for individuals who are blind has been amended and liberalized, and I will describe this item in detail later.

Disability benefits under present law are affected by the receipt of workmen's compensation when a person gets workmen's compensation and also disability benefits. Both of these benefits are paid for, in one instance altogether by his employer and in the other by the worker and his employer. He cannot get combined payments under both programs of more than 80 percent of the average current earnings he had just before becoming disabled. We have changed that in the bill to 100 percent. We say he can get up to 100 percent of his average earnings—adjusted to take account of rising wage levels—for the 5 years prior to the time he became disabled. That, too, is helpful to many people on disability.

Additional wage credits for the members of the uniformed services are provided in the bill. We are providing them for the benefit of those who have been in the service from 1957, when military service first came under social security, through 1967. Present law provides for such credit for such service after 1967. There are approximately 130,000 beneficiaries who will be immediately affected, and there is a cost of some $35 million in the first 12 months.

There are other amendments I will not take time to mention now but will explain later in some detail. I want now to get into the medicare and medicaid contained in the bill.

These two programs have caused me considerable worry. I know that is true of other members of the committee and of other Members of the Congress, frankly. It has been utterly impossible for us to make any degree of accurate prediction with respect to the cost of medicare on the one hand. On the other hand, we are hopelessly involved in medicaid with no way in the world of making any determination whatsoever as to what the cost is going to be. The States determine those costs.

Here is an open-ended proposition. We tell the States to set the standards, to decide who is eligible for this, and that we will match them, with no State getting less than 50 percent of the total cost from the Federal Government and some States even up to 83 percent of the total cost from the Federal Government. That is the medicaid part.

We have made a series of changes both in medicare and in medicaid in trying to reduce what we see as forthcoming large increases in costs from year to year in both of these programs.

In the case of medicare it is difficult to make any prediction as to what the effect of the combined amendments will be, but we are told by those who are in a position to know, that we can say that we have obtained a tighter hold on this program. As a result of the many amendments and improvements we have made, in bringing about greater effectiveness and efficiency in operation, the costs in the future will not be as great in the case of medicare as they would be without this series of amendments.

One thing we have done in the nature of liberalizing the program, which many of us thought was fair and just, is to allow a person to buy his way into medicare. That is plan A of medicare. All people over 65 years of age who want to, whether they are under social security or not, can buy their way into plan B, which is the program that pays for the doctor bills primarily. Except for those who came under the transitionally insured provision, however, plan A has been exclusively available to those people who were eligible for benefits under railroad retirement or social security, where they have paid a tax at some time or other during their working years. However, there are many people—retired schoolteachers, for instance—in various States, where social security has never been extended to them, who would be given the opportunity now for the first time to pay their way into plan A. The cost initially is $27 a month to them. That premium will rise as the costs of hospitalization, which is largely the element within plan A, may go up. We thought this was a good change.

We also provided on a limited basis, by amendments to plans A and B, for people to have the option, if they want to, of getting their care under what is known as a health maintenance organization, such as the Kaiser plan, and such as the plan in New York City, and such as the plan in the city of Detroit. We have not designated this as plan C. We did not think it was necessary and there was some opposition to doing it that way. But we have made it available. We are saying, though, that anyone who does opt to take this arrangement, which involves, of course, hospitalization care and the other benefits under medicare, getting away from the hospital oriented aspects of plans A and B—we will not pay to the health maintenance organizations more than 95 percent of the cost of the medicare benefits that would have been paid under plans A and B outside the health maintenance organizations. Very frankly, I cannot tell you how they are going to make that determination, but I am assured by those who administer the program that it will be possible for them to make an actuarial determination as to what the costs would have been.

Mr. BYRNES of Wisconsin. Will the gentleman yield?

Mr. MILLS. Yes; I am glad to yield to the gentleman. I wish he would help me out if I do not elaborate on something.

Mr. BYRNES of Wisconsin. I think I would only say in addition that it is the beneficiary, the individual involved in getting the 5 percent. It is the provider of the service which would have to do it for 5 percent less than the cost for other providers.

Mr. MILLS. I did not make that clear, and I appreciate my friend saying that. I was talking about providers—the health maintenance organizations—getting 95 percent and having to agree that they would get no more than 95 percent in order to serve these people.

We have asked for some experiments to be carried on. We have asked the Department of Health, Education, and Welfare to undertake to find out just what would be the effect on costs on prepricing, or prospective reimbursement, of hospital costs. Today the medicare people in a given area may be paying $50 a day, let us say, for the cost of care for this particular medicare patient.

They could get a commitment for a year from the hospital that says: "We will take care of all of the medicare patients at a rate of $45 per day provided the program pay us that amount even if we do it, actually, by lowering our cost to $40 per day."

That is what we are asking them to experiment with, and we think there can be a material savings, because under the present program of paying the full retroactive cost to hospitals, there is no incentive whatsoever for the hospital to bring about any reductions, to bring about better management and procedures with respect to the care of these patients.

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. MILLS. Mr. Chairman, I yield myself 10 additional minutes.

The CHAIRMAN. The gentleman from Arkansas is recognized for 10 additional minutes.

Mr. MILLS. Mr. Chairman, there are other types of experiments that we want them to carry out.

Now, there is one provision in the bill that I am sure some of my friends may be somewhat concerned about, but I have not heard any opposition to it since we reported the bill. We had representatives of the AMA and the doctors with us in executive session. Under the committee bill the medicare program for reimbursing physicians' charges would be limited by providing:

First, for fiscal year 1971 medical charge levels—that is, the doctors' charges—recognized as prevailing today would be increased beyond the 75th percentile of actual charges in a locality during the previous elapsed calendar year;

Second, for fiscal year 1972 and thereafter the prevailing charge levels recognized for a locality may be increased in the aggregate only to the extent justified by indices reflecting changes in cost of the practice of physicians and earnings levels generally; and

Third, for medical supplies, equipment and such, that in the judgment of the Secretary generally do not vary significantly in quality from one supplier to another, charges allowed may not exceed the lowest levels at which such supplies, equipment, and services are widely available in a locale.

I think I must explain really what we mean by the term "75th percentile" for fear that there may be some who may get the wrong impression of what we are talking about. The doctors of a given community or area that is used constitutes 100 percentile. What we are saying is that we will not under any fee provision I mentioned pay what doctors charge in the highest 25 percentile. We will pay the fees that are charged by the doctors under the 75th percentile. That is what it means, and they have fixed their fees, of course.

The Department has paid fees in the past on the basis of them being prevailing charges, but there are different charges in the medical profession even within a city for the same services, and we can well understand that because doctors are like all the rest of us. Some of them think they are better than others in their profession. So, they charge a little higher fee. In other words, one doctor may want $1,500 for a particular operation but 75 percent of the doctors within that community charge $1,200 or less for the same operation. Therefore, what we are talking about and telling to this doctor who has been charging $1,500 in the past, we are not going to base our payment on more than 75 percent of what the doctors generally have been receiving—$1,200 in this case.

Mr. Chairman, we have a provision on the payment of services for teaching physicians. This has caused quite a bit of a problem in the past. There will be a committee amendment offered to see to it that the language of the bill actually does what the committee intended to do when it adopted the provision, because there seems to be some confusion as to whether it does. But they will be paid. They will be paid not on the basis of a fee for services, they will be paid for services on the basis of reasonable costs when other patients in the hospital, or that part of the hospital, who have the ability to pay actually do pay charges.

We are also providing the authority to the Secretary to terminate the payments to suppliers of services who are now and will in the future be abusing the medicare program.

We made a number of other amendments, but I will discuss them later in more detail—amendments having to do with physical therapy, things of that sort, which we have changed slightly.

Let me get to the point that seems to have disturbed some of my colleagues who voted to open up the rule and perhaps who even voted against the rule, other than for their personal view as to a matter of principle of opposing a closed rule.

The Federal medicare matching for State outpatient services will be increased, and the Federal matching with respect to long-term institutional care will be decreased. Certain other limitations would be improved.

It will cost us more additional Federal dollars to match moneys with the States, and it will cost the States some money for certain outpatient services, but if you supply them with the outpatient service in time you may well avoid the more expensive service of paying for their care in a hospital for an extended period of time, and then in a skilled nursing home even beyond that.

So on the whole the cost of the program, if it works as we think it should work, over a period of time could even be less with this new provision than it would be under existing law. But it is equally true to a degree, I have always found here in the Congress, that there are serious questions raised whenever you try to regulate something that is presently unregulated. Some people in the States may be more interested in collecting Federal dollars than in finding the most appropriate level of care for medicaid patients.

Let me tell you about the skilled nursing homes—and I have got many friends who run fine nursing homes, and I am not quarreling with them. I am quarreling with those who are not my friends, those who have abused this program and who have taken advantage of the program—a program with a total cost of almost $700 million this year in Federal funds alone—through overutilization of skilled nursing home facilities.

I want all of these people who are entitled to such a service to have that service, but if a person is in medical need we say under the medicare part we will not pay one penny for the support of that person beyond 100 days of extended care for somebody under medicare. We are saying now to the States that we will match you on the basis of our existing medicaid formula, which today in Texas is two-thirds of the total cost, and in Arkansas it runs close to 80 percent of the total cost, we will match you up to 90 days, but if you have not got that patient sufficiently improved, as we think you should, to move that patient out into an intermediate care facility or into the patient's home for further convalescence and recuperation, then we are going to cut that 66⅔ percent, or that 80 percent, by one-third. We are going to hold back one-third of it.

What we are trying to do is to impel these States to bring into existence a better degree of operational control, to see to it that there are not the types of overutilization in the future under these arrangements that presently exist in so many of these skilled nursing homes.

Now, out of that $700 million how much do you think we can save for the Federal Government and the States? We think we can save a $100 million when this is in full operation and not inconvenience anybody who otherwise would be entitled to this. But of course these nursing homes are going to scream; they have not down in my State, and they did not do it when we had them in executive session of the committee, but they are going to tell you their side of the story.

I would hope in the future when you do get complaints about what we are doing in this program that before you make up your mind just on the basis of a one-sided report on the proposition that you give some of us on the committee an opportunity to discuss with you what the other side may be.

I will tell you one thing; do not misunderstand the situation. This nursing home business has evidently become a very profitable business. Why is it that people who operate the Holiday Inn, for instance, are going into a nationwide program of Holiday Inn-type nursing homes? Now I know those people. They are smart. They are as good businessmen as we have anywhere in the United States. They do not go into something that is not a profitable venture. What we are saying in this provision is to take these people out of the skilled nursing homes when they have reached the point, whether it be after 90 days or 30 days or 60 days, of not needing this type of skilled help, and put them in an intermediate or domiciliary type of nursing home that is for those who are that far along in their treatment. We are doing this in the hope that it will cost the program a lot less to care for these people.

You get a lot less money from your State welfare department when you put them there. Is it not clear why there would be resistance to reducing payments to a nursing home for a year's care or a convalescent patient?

It is utterly impossible for me to believe that medical science has not gotten to the point where most of these people will not be so improved at the end of 90 days that they can get what it takes to care for their needs in a less expensive type of nursing home.

So I would suggest to you that what we have done in this instance is not to force the cost on the States.

All we want the States to do is to take advantage of the support that we are giving to them to see to it that these nursing homes are not overused, just as we have taken away some things with respect to hospitals under medicare.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. BYRNES of Wisconsin. I think the gentleman might point out that so far as medicare is concerned, we have a cutoff, completely—with no payment at all at 100 days.

Mr. MILLS. Yes, 100 days.

Mr. BYRNES of Wisconsin. Also, these people, it should be recognized, if their situation is such, have, prior to going into extended-care facilities, 60 days in a hospital or at least they have the potential of being there for that period of time. So it is not as though we are just saying we are going to give only 90 days of service to these people because if the situation requires it, they also had hospitalization preceding that.

Mr. MILLS. It is 60 days that are available, plus 90 days, and the Federal Government is a participant in that period of time. In most instances it pays most of the cost of that in most of the States.

All we are saying is, let us wake up, States, before you go bankrupt and before you bankrupt us through this overutilization. Let that not be the cause of either one of us going broke.

Mr. Chairman, I would now like to give a more detailed description of the major provisions of the bill.

### AMENDMENTS TO THE OLD-AGE, SURVIVORS AND DISABILITY INSURANCE PROGRAM

### BENEFIT INCREASE

The bill provides for a 5-percent across-the-board increase in benefits, to be effective with the benefits payable next January. In recommending this increase, the committee was not making any forecast of future economic changes. On the other hand, it was not unmindful of the continued rise in the cost of living—1.1 percent from January to March—that continues to erode the purchasing power of social security benefits.

In the committee we gave careful consideration to the President's proposal for automatic cost-of-living increases in benefits, but the majority of the committee, after reviewing all of the evidence presented, rejected the proposal.

Your committee has over the years taken action to maintain social security benefits at realistic and adequate levels. From time to time, these benefits have been increased to take account of changes in the national economy, including not only changes in living costs but also changes in living standards and changes in wage levels. It is clear that economic changes this year will necessitate a 5-percent benefit increase by the beginning of next year if we are to maintain the real value of the present social security benefits.

Monthly benefits for workers who retire at age 65 in 1971 now range from $64 to $193.70; under the bill they would range from $64 to $203.40. Benefits for a couple in January 1971 would average $199 under present law; under the bill the benefits would be increased to $218. For a widowed mother with two children, the average benefit for January 1971 under present law would be $298; under the bill, it would be $314.

Some 25.6 million beneficiaries on the rolls in January 1971 would have their benefits increased; and, of course, all those coming on the rolls thereafter will also get the advantage of the increase. An estimated $1.7 billion in additional benefits would be paid in the first 12 months as a result of the 5-percent benefit increase.

### INCREASE IN SPECIAL AGE 72 PAYMENTS

The bill would also increase by 5 percent the special payments that are made under present law to certain people who reach age 72 before 1972 and who are not insured for regular cash benefits under the social security system. These payments would be increased from $46 to $48.30 for an individual and from $69 to $72.50 for a couple. About 6,000 people who do not now get these special payments—generally because they are not eligible for higher payments under some other Government system—would qualify for some payments and about 620,000 who now get the special payments would get higher payments. An estimated $17 million in additional payments would be paid out in the first 12 months; about $15 million of this amount—payments to people who had very little or no coverage under the system—would be paid from general revenues.

### LIBERALIZATION OF THE RETIREMENT TEST

Your committee's bill would liberalize the retirement test by increasing from $1,680 to $2,000 the amount a beneficiary under age 72 can earn in a year and still be paid full social security benefits for the year. If a beneficiary's annual earnings exceed the $2,000 annual exempt amount, $1 in benefits is withheld for each $2 up to the next $1,200 of earnings—that is, earnings between $2,000 and $3,200 under the bill, rather than between $1,680 and $2,880 as in present law—and for each $1 above that amount. Under the bill, the amount of earnings a beneficiary can have in any month and still get benefits for that month—regardless of the amount of his annual earnings—would continue to be one-twelfth of the annual exempt amount. Thus it would be increased from $140 to $166.66.

The bill would also improve the operation of the retirement test as it applies in the year in which a worker reaches age 72. Only earnings for months before age 72 would be counted in determining whether earnings in that year exceed $2,000.

Under these provisions, effective for taxable years ending after 1970, about 900,000 beneficiaries would receive additional benefits and about 100,000 people who receive no benefits under present law would receive some benefits. The first year's cost would be about $475 million.

The retirement test liberalization in the bill, I know, does not go as far as some people would like. There are those who would eliminate the test entirely and make old-age social security benefits an annuity rather than benefits to replace earnings that are lost by reason of retirement. To eliminate the retirement test entirely, however, would cost over six-tenths of 1 percent of taxable payroll—more than $2.5 billion a year—and the additional expenditure would help only a small percentage of the beneficiaries—those who for the most part are already better off than most beneficiaries by reason of the fact that they can continue to work.

### INCREASE IN BENEFITS FOR AGED WIDOWS

The bill would increase benefits for a widow—or widower—who begins to get benefits at age 65 and over from 8½ percent to 100 percent of the amount her deceased husband would have received if his benefits had started at or after age 65. For widows and widowers who take their benefits between ages 62 and 65 the benefits would be reduced, similar to the way in which a worker's benefit is reduced under present law if he applies for benefits before age 65. Thus a widow would be assured of getting the same benefit amount as her husband would have gotten at the same age if he had lived. The increase would apply to beneficiaries now on the rolls and to those who come on in the future, and would, in conjunction with the 5-percent general benefit increase, provide an estimated increase of $21 in the average benefit paid to aged widows, an increase of almost 21 percent over the average widow's benefit of $102 a month paid under present law. Some 3.3 million widows and widowers on the rolls at the end of January 1971 would receive higher benefits under this provision, and $700 million in additional benefit payments would be made in the first 12 months.

### AGE 62 COMPUTATION POINT FOR MEN

Under present law the number of years used in figuring a man's average earnings on which his retirement benefit is based, and the number of years of work under the social security program a man must have to become insured for retirement benefits, are different than they are for a woman. For a man all years up to age 65 must be taken into account for both of these purposes, while for a woman, only years up to age 62 are included. As a result, when a man and a woman of the same age have exactly the same earnings and retire at the same age, the man's retirement benefit will be lower. This occurs because 3 more years of low earnings—as, for example, years when the limit on earnings taxed and counted for benefits was lower than it is now—must be counted in determining a man's benefit amount. Also, under present law, when a man and woman of the same age are credited with the same amount of earnings in the same years, the woman may meet the insured status requirement while the man may not. Your committee's bill would shorten by three the number of years over which a man's average monthly earnings are figured in retirement cases, and make the ending point for determining eligibility for retirement benefits the year in which a man reaches age 62, the same as the ending point for women under present law. About 10.2 million people—male workers, and their dependents, and survivors—now getting benefits would have their benefits increased by this change. In addition, about 60,000 people who are not now eligible for benefits would become eligible because of the change in the insured status provision. An estimated $925 million in additional benefits would be paid out in the first 12 months.

### ACTUARIAL REDUCTION IN BENEFITS

Under present law a married person who has worked and is eligible for a benefit as a retired worker and one as a wife or husband cannot apply for just one of the benefits; when he applies for one he is deemed to have applied for both. As a result, a person who claims benefits before age 65 has both benefits actuarially reduced. He cannot take one before age 65, wait until age 65 to claim the other, and get the second one in an unreduced amount, even though it might be advantageous for him to do so. Also, under present law, a wife—or husband—who has worked and become eligible for an old-age insurance benefit based on her own earnings, who takes that benefit before age 65, and who later becomes eligible for a wife's benefit when her husband applies for his retirement benefit can get less in benefits than would a wife who never worked or contributed to the program.

Under the bill, a person who is under age 65 and eligible for benefits as a retired worker and also as a spouse could choose to apply for one or the other of the benefits right away and wait until age 65 to claim the other, and the reduction that is made in the benefit taken early would not affect the amount of the benefit taken later.

Approximately 100,000 beneficiaries on the rolls would be immediately affected by this provision, which will result in additional benefit payments estimated at $10 million during the first 12 months.

### DEPENDENT WIDOWERS' BENEFITS AT AGE 60

Under present law an aged widow can become entitled to benefits at age 60, but an aged dependent widower cannot become entitled to benefits until age 62. This situation results from a provision in the 1965 amendments which lowered the age of eligibility for widows from 62 to 60, but did not change the age of eligibility for dependent widowers.

The age of eligibility should be the same for aged dependent widowers as it is for aged widows. Accordingly, the bill would lower the age of eligibility for aged dependent widowers' benefits from 62 to 60. The benefits payable to an aged dependent widower who starts getting benefits before age 62 would be actuarially reduced, as are the benefits under present law for aged widows who come on the benefit rolls before age 62.

### CHILDHOOD DISABILITY BENEFITS FOR CHILDREN DISABLED BEFORE AGE 22

Childhood disability benefits would be payable to a disabled dependent adult son or daughter whose disability began after age 18 and before age 22. Under present law, a person must have become disabled before age 18 to qualify for childhood disability benefits on his parent's social security account.

About 13,000 people—disabled children and their mothers—would immediately become eligible for benefits. About $10 million in additional benefits would be paid out during the first 12 months.

### DISABILITY INSURED STATUS FOR THE BLIND

The bill would modify the disability insured-status requirements for the blind. To qualify for disability benefits, a blind person would have to be fully insured only—that is, he would need only as many quarters of coverage as the number of calendar years elapsing after 1950—or the year he reached age 21, if later—up to the year of disability. For example, a 32-year-old person who becomes blind this year would be insured if he has 10 quarters of social security coverage, regardless of when his coverage was acquired. He would no longer have to meet a requirement of substantial recent covered work—generally 20 quarters of coverage in the period of 40 calendar quarters preceding disability.

About 30,000 people—blind workers and their dependents—would become immediately eligible for monthly benefits, and about $25 million in additional benefits would be paid out during the first 12 months.

### DISABILITY BENEFITS AFFECTED BY RECEIPT OF WORKMEN'S COMPENSATION

The bill would modify the provisions under which social security disability benefits are reduced in certain cases where workmen's compensation is also payable. Under present law, the combined social security and workmen's compensation payments for a disabled worker and his family cannot exceed 80 percent of the worker's average earnings before he became disabled. Under the bill, the disabled worker and his family would be able to receive combined benefits equaling 100 percent of his average earnings.

### WAGE CREDITS FOR MEMBERS OF THE UNIFORMED SERVICES

The bill would improve social security protection for some servicemen and veterans. Present law provides for a social security wage credit of $100 a month, in addition to credit for basic pay, for military service performed after 1967. Under the bill, the additional $100-a-month wage credits would also be provided for service during the period from 1957—when military service was covered under social security—through 1967. Approximately 130,000 beneficiaries would be immediately eligible for higher benefits because of the additional credit, and $35 million in additional benefits would be paid out in the first 12 months.

### OTHER OASDI AMENDMENTS

I have described the major changes the bill would make in the cash benefits part of the social security program. In addition, the bill contains a number of miscellaneous technical changes that I will not go into in detail. They are fully explained in the committee report.

### MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH

The Committee on Ways and Means conducted a thorough review of the operations of the medicare and medicaid programs. In the course of this review, the committee became convinced that there are serious deficiencies in the operation and administration of these pro-

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grams that need correction. The Department of Health, Education, and Welfare assured the committee that it will continue its present strong efforts to improve the operating effectiveness of these programs. This bill will make a number of modifications which, taken together, show promise of significantly advancing the goal of making these programs more economical and more effective in carrying out their original purposes. These amendments will, we believe, not only help to control the constantly rising costs of the medicare program, but also provide important new tools to the Government, as well as the carriers and intermediaries who help administer this program, to carry out their administrative functions more effectively.

### COVERAGE AND BENEFIT CHANGES UNDER MEDICARE

We gave extensive consideration to the problems of several groups of persons who are either denied medicare coverage presently, or who do not receive full benefit from the medicare program. We are recommending certain changes to remedy these existing inadequacies.

### FEDERAL EMPLOYEE HEALTH PROGRAM AND MEDICARE

First, the bill would require that, effective with January 1, 1972, no payment would be made under medicare for the same services covered under a Federal employees health benefits plan, unless in the meantime the Secretary of Health, Education, and Welfare certifies that the Federal employees health benefits program has been modified to make available coverage supplementary to medicare benefits and that Federal employees and retirees, age 65 and over, will continue to have the benefit of a Government contribution toward health insurance premiums.

It is our hope and intent that the Secretary will be able to make this certification before January 1972. The intent is to bring about a better coordinated relationship between the Federal employees health benefits program and medicare and to assure that Federal employees and retirees, age 65 and over, will eventually have the full value of the protection offered under medicare and the Federal employees program. At present, a Federal employee who is covered under an FEHB plan as well as the medicare plans has somewhat better protection than is afforded under the FEHB plan alone. But, because of the nonduplication clauses in the FEHB contracts, he does not derive the full value of the protection of both programs.

Federal retirees and employees who are covered under an FEHB plan generally do not find it advantageous to enroll in the medicare voluntary supplementary medical insurance plan, because of the overlapping of FEHB benefits and benefits under the supplementary plan. Thus, Federal retirees and employees do not receive the advantage available to virtually all other persons age 65 and over, of the 50-percent Government contribution toward the cost of the protection under the voluntary supplementary medical insurance plan.

### MEDICARE FOR THE UNINSURED

Another group to which we gave special attention is that group of individuals reaching age 65 who are not eligible for part A benefits. Under the bill, people reaching age 65 who are ineligible for hospital insurance benefits under medicare would be able to enroll, on a voluntary basis, for hospital insurance coverage under the same conditions under which people can enroll under the supplementary medical part of medicare. Enrollment for supplementary medical insurance is also required. Those who enroll would pay the full cost of the protection—$27 a month at the beginning of the program, rising as hospital costs rise. States and other organizations, through agreements with the Secretary would be permitted to purchase such protection on a group basis for their retired—or active—employees age 65 or over, including groups of teachers who have never been covered under the program.

Present law provides hospital insurance protection under a "special transitional provision" for people—with the exclusion of certain groups—who are not qualified for cash benefits under the social security or railroad retirement program and who attained age 65 before 1968. But some older people who reach age 65 after 1967 cannot qualify under the transitional provision, and the provision itself will phase out as of 1974, as persons attaining age 65 in those years must be insured for cash benefits under one of the two programs in order to be eligible for hospital insurance protection.

It has become very difficult for many in the uninsured group to obtain private hospital insurance comparable to coverage under medicare. Since the passage of the medicare law, private insurance companies have generally changed their hospital insurance plans available to people age 65 and over to make their coverage complementary to medicare. While there is generally some type of hospital insurance available to persons age 65 and over, most of that which is offered is in the form of specified cash payment insurance for limited periods of hospitalization. Few private health insurance companies offer their regular hospital expense plans to the aged and very little is comparable in protection to that afforded under the medicare program.

### STUDY OF MEDICARE FOR THE DISABLED

We also gave extensive consideration to a proposal to extend hospital insurance protection under title XVIII to disabled workers entitled to monthly cash disability benefits under the social security and railroad retirement programs. Extending hospital insurance protection to these beneficiaries would be most desirable. It is clear that a severely disabled social security beneficiary is as much or more in need of medicare protection as the able-bodied man who has reached age 65 and is still working. However, we have regretfully concluded that such an extension is not advisable at the present time primarily because of the cost involved.

The committee has requested the Advisory Council on Social Security that is currently in existence to include in its report to the Congress the results of its study of the current need of the disabled for health insurance protection, the costs involved in providing this protection, and the ways of financing this protection.

### HEALTH MAINTENANCE ORGANIZATION OPTION

Under the bill, individuals eligible for both part A and part B medicare coverage would be able to choose to have their care provided by a health maintenance organization—a prepaid group health or other capitation plan. The Government would pay for such coverage on a capitation basis not to exceed 95 percent of the cost of medicare benefits had the beneficiaries not been enrolled with the health maintenance organization.

Under present law, organizations providing comprehensive health services on a per capita prepayment basis cannot be reimbursed through a single capitation payment for services covered under both parts of the medicare program. Instead, medicare reimbursement to group practice prepayment plans must be related to the costs to the organization of providing specific services to beneficiaries. However, under the committee bill, the financial incentives to control the utilization and cost of services that such organizations have in their regular business would be made applicable as well to their relationship with medicare.

### IMPROVEMENTS IN OPERATING EFFECTIVENESS OF MEDICARE, MEDICAID, AND MATERNAL AND CHILD HEALTH PROGRAMS

### LIMITATION ON CAPITAL COST REIMBURSEMENT

Under the bill, reimbursement amounts to providers of health services under the medicare, medicaid, and maternal and child health programs for capital costs, such as depreciation and interest, would not be made with respect to capital expenditures which are inconsistent with State or local health facility plans. While a significant amount of Federal money is currently being expended in the interest of furthering health facility planning at the State and local levels, Federal funds are being expended under medicare, medicaid, and the maternal and child health programs without regard to whether the facilities providing the services are cooperating in such health facility planning. We believe that the connection between sound health facility planning and the prudent use of capital funds must be recognized if any significant gains in controlling health costs are to be made. Thus, it was decided necessary to assure that medicare, medicaid, and the maternal and child health programs reimburse providers in a manner that is consistent with State and local health facility planning efforts, in order to avoid paying the higher costs which will result from the duplication or irrational growth of health care facilities.

### PROSPECTIVE REIMBURSEMENT AND RELATED EXPERIMENTS

We considered carefully the possibility of providing for reimbursement under the medicare program on a prospective

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basis. There is reason to believe that payment determined on a prospective basis—rather than the present retroactive basis—offers the promise of encouraging institutional policymakers and managers to manage health institutions more effectively in order to achieve greater financial reward as well as a lower total cost to the programs involved. On the other hand, we were aware in our consideration of such a fundamental change in the present reimbursement method, that possible disadvantages as well as possible advantages must be taken into account. After exploration of the various problems that might arise, we concluded that in view of the far-ranging implications of such a change in reimbursement methods, it would be best at this time to provide for a period of experimentation under titles XVIII, XIX, and V with various alternative forms of prospective reimbursement designed to determine which would be the most effective methods. The Secretary would be required to submit to the Congress no later than July 1, 1972, a full report detailing the results of the experiments and demonstration projects and reporting on the experience of other programs with respect to prospective reimbursement. The report is to include detailed recommendations with respect to the specific methods which could be used in the full implementation of prospective reimbursement.

Although recognizing the promise and potential offered by prospective reimbursement, we also wanted to continue experimentation with other forms of reimbursement. The bill, therefore, includes authorization to engage in experiments and demonstration projects involving negotiated rates, the use of rates established by a State for administration of one or more of its laws for payment or reimbursement to health facilities located in such State, and alternative methods of reimbursement with respect to the services of residents, interns, and supervisory physicians in teaching settings. Authority is also provided to make payments, on an experimental or demonstration project basis, to organizations and institutions for services which are not currently covered under titles V, XVIII, XIX, and which are incidental to services covered under the programs if the inclusion of the additional services would offer the promise of program savings without any loss in the quality of care. The bill also authorizes experimentation with the use of areawide or communitywide utilization review and medical review mechanisms to determine whether they would bring about more effective controls over excessive utilization of services.

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### LIMITATIONS ON REASONABLE COSTS

The bill would authorize the Secretary of Health, Education, and Welfare to establish and promulgate limits on provider costs to be recognized as reasonable under medicare based on comparison of the cost of covered services by various classes of providers in the same geographical area. Hospitals and extended care facilities could charge beneficiaries for the costs of services in excess of those that are necessary to the efficient delivery of needed health services—except in the case of an admission by a physician who has a financial interest in the facility. Public notice would be provided where such charges are imposed by the institution, and the beneficiary would be specifically advised of the nature and amount of such charges prior to admission. Costs can vary from one institution to another as a result of several factors. However, where excessively high costs are a result of gross inefficiency, the provision of amenities in plush surroundings, or of other factors unrelated to the cost of the efficient delivery of needed health services, payment of the excess cost would be avoided.

### LIMITATION ON RECOGNITION OF PHYSICIAN FEE INCREASES

Members are no doubt concerned about the steady increase in costs of the supplementary medical insurance part of the medicare program, with the consequent rise in the monthly premium paid by the aged. While administrative steps have been taken to hold down this rise, they have certain inequities and other disadvantages. It is apparent that more positive action by the Congress is necessary.

The bill moves in the direction of an approach to reasonable charge reimbursement that ties recognition of fee increases to appropriate economic indexes so that the program will not merely recognize whatever increases in charges are established in a locality but would limit recognition of charge increases to rates that the economic data indicate would be fair to all concerned. Accordingly, under the bill, charges determined to be reasonable under the present criteria in the medicare, medicaid, and material and child health law would be limited by providing: First, that for fiscal year 1971 and thereafter medical charge levels recognized as prevailing may not be increased beyond the 75th percentile of actual charges in a locality during the previous elapsed calendar year; second, that for fiscal year 1972 and thereafter the prevailing charge levels recognized for a locality may be increased, in the aggregate, only to the extent justified by indexes reflecting changes in costs of practice of physicians and in earnings levels; and third, that for medical supplies, equipment, and services—other than physicians' services—that, in the judgment of the Secretary, generally do not vary significantly in quality from one supplier to another, charges allowed as reasonable may not exceed the lowest levels at which such supplies, equipment and services—including laboratory services—are widely available in a locality.

### TEACHING PHYSICIANS

The committee considered at length the matter of payment for services of teaching physicians under medicare and concluded that some changes in the situations under which such payments should be made, and how they should be made, is needed. We concluded that the present procedure of making payment to physicians on a fee-for-service basis in settings where patients are normally expected to pay such fees is entirely proper. On the other hand, it seemed clear that where patients are not expected to pay any fees for physicians' services or only reduced fees are normally paid, the payment of full charges represents an expense to the program that is not necessary to give medicare patients access to the care they receive. Under the bill, therefore, medicare would pay for the services of teaching physicians on the basis of reasonable costs, rather than fee-for-service charges, unless other patients who have insurance or are able to pay are also charged for such services and the medicare deductibles and coinsurance amounts are regularly collected from those who can afford to pay them. Medicare payment would also be authorized for services provided to hospitals by staff of certain medical schools.

### TERMINATING PAYMENTS TO THOSE WHO ABUSE THE PROGRAM

It has become clear that some few providers and suppliers of health services have abused the medicare and medicaid programs. Although the number of such persons has been relatively small, their actions reflect badly on the vast majority of conscientious men and women in the health care field. Moreover, their actions lead some people to question the soundness of the very programs which are victimized by this abuse. But most important of all, the beneficiaries of these programs are needlessly hurt by these few—not only in terms of the higher costs they must pay, but in some instances, the danger to their health sometimes posed by these abuses.

The bill would, therefore, authorize the Secretary of Health, Education, and Welfare to terminate payment for services rendered by a supplier of health and medical services found to be guilty of program abuses. The situations for which termination of payment could be made include overcharging, furnishing excessive, inferior, or harmful services, or making a false statement to obtain payment. Program review teams would be established to furnish the Secretary professional peer review in carrying out this authority. The Secretary would make the names of such persons or organizations public so that beneficiaries would be informed about which suppliers of health services cannot participate in these programs. We do not expect that any large number of suppliers of health services will be suspended from these programs because of abuse. However, the pressure of the authority and the exercise of the authority in even a relatively few cases can be expected to provide a substantial deterrent.

### REASONABLE COSTS NOT TO EXCEED CHARGES

We believe that it is inequitable for the medicare, medicaid, and the child health programs to pay more for services than the provider charges to the general public. The bill would provide, therefore, that payments for institutional services under the medicare, medicaid, and maternal and child health programs could not be higher than the charges regularly made for those services.

### INSTITUTIONAL PLANNING UNDER MEDICARE

Under present medicare law, there is no requirement for providers of services to develop their own fiscal plans such as operating and capital budgets. However, we are aware of the fact that health care facilities have come under increasing criticism on the grounds that they fail to follow sound business practices in their operations. The bill would require health institutions under the medicare program to have a written plan reflecting an operating budget and a capital expenditures budget.

### GUARANTEE OF PAYMENT OF EXTENDED CARE BENEFITS

Posthospital extended care benefits and posthospital home health benefits were intended as alternatives to continued inpatient hospital care and are limited to medicare beneficiaries who, while no longer in need of hospital care, still require skilled nursing care or, in the case of home health benefits, physical or speech therapy.

Under current law, a determination of whether a patient requires the level of care that is necessary to qualify for extended care facility or home health benefits cannot generally be made until some time after the services have been furnished. I imagine that nearly all members are aware that in many cases such benefits are being denied retroactively, with the harsh result that the patient is unexpectedly faced with a large bill, or the facility or agency has a patient who may not be able to pay his bill. Many Members have no doubt received letters from both nursing home administrators and beneficiaries graphically outlining the problems this situation creates for them. The uncertainty about eligibility for these benefits that exists until after the care has been given tends to encourage physicians to either delay discharge from the hospital, where coverage may less likely be questioned, or to recommend a less desirable, though financially predictable, cause of treatment. To provide a solution to this problem, the bill would authorize the Secretary of Health, Education, and Welfare to establish specific periods of time—by medical condition—after hospitalization during which a patient would be presumed, for payment purposes, to require extended care level of services in an extended care facility. A similar provision would apply to posthospital home health services.

### PROHIBITION AGAINST REASSIGNMENT

We also studied the problems which have arisen due to reassignment by physicians or others who provide services under the medicare and medicaid programs of their right to receive payment. Experience with this practice shows that such reassignments have often been a source of incorrect and inflated claims for services and have created administrative problems with respect to determinations of reasonable charges and recovery of overpayments, both in the medicare and medicaid programs. Fraudulent operations of collection agencies have been identified in medicaid; and substantial overpayments—in at least one case exceeding a million dollars—have been found in the medicare program. The bill would overcome these difficulties by prohibiting payment under medicare—part B—and medicaid to anyone other than a patient, his physician, or other person providing the service, unless the physician—or, in the case of medicaid, another type of practitioner—is required as a condition of his employment to turn over his fees to his employer or unless there is a contractual arrangement between the physician and the facility in which the services were provided under which the facility bills for all such services.

### NOTICE OF UNNECESSARY ADMISSION

The bill provides for stopping payment under medicare where a utilization review committee of the institution finds admission was not necessary. Under present law, the utilization review committee required to function in each hospital and extended care facility must review all long-stay cases and at least a portion of admissions. When the utilization review committee reviews a long-stay case and determines that further stay in the institution is not medically necessary, the committee notifies the physician, the patient, and the institution of its finding and medicare payment is discontinued after the third day.

The bill would require a similar notification, and a similar payment cutoff 3 days after notification to be made where the utilization review committee finds a case in its review of admissions where hospitalization or extended care is not necessary.

### PHYSICAL THERAPY

Under present law, physical therapy is covered as an inpatient hospital service, an inpatient extended care service, a home health service, and a service incident to physicians' services. Physical therapy is also covered when furnished under prescribed conditions by a participating hospital, extended care facility, home health agency, clinic, rehabilitation agency, or public health agency to its outpatients. The physical therapist may be either an employee of the participating facility or he may be self-employed and furnish his services under arrangements with and under the supervision of the facility.

The limitations imposed under present law on the coverage of physical therapy have been a source of some difficulty. For example, it has been difficult to explain why physical therapy services cannot generally be furnished in the therapist's office, especially in cases where the latter is more accessible than the facility to which the beneficiary must travel to obtain the service.

The bill would make three changes in the handling of physical therapy services under medicare. First, it would provide that beneficiaries would be covered under medicare's supplementary medical insurance program for up to $100 per calendar year of physical therapy services furnished by a licensed physical therapist in his office or the patient's home under a physician's plan of treatment. Second, hospitals and extended care facilities could continue to provide covered physical therapy services to inpatients who have exhausted their days of hospital insurance coverage or are otherwise ineligible for that coverage. Third, where physical therapy is furnished under contractual arrangement with any provider of services, medicare reimbursement to the institution will in all cases be based on a reasonable salary payment for the services.

### INCENTIVES FOR STATES TO EMPHASIZE OUTPATIENT SERVICES

Under present law a uniform Federal matching percentage is applied to all forms of health services covered under the State medicaid plan. In order to encourage more efficient use of health services, the bill would create incentives for the States to encourage outpatient services and disincentives for long stays in institutional settings. The bill would provide for: First, an increase in the Federal matching percentage by 25 percent for outpatient hospital services, clinic services and home health services; second, a decrease in the Federal percentage by one-third after the first 60 days of care—in a fiscal year—in a general or TB hospital; third, a reduction in the Federal percentage by one-third after the first 90 days of care in each fiscal year in a skilled nursing home; and fourth, a decrease in Federal matching by one-third after 90 days of care in a mental hospital and provision for no Federal matching after an additional 275 days of such care during an individual's lifetime. Also, under the bill the Secretary would be granted authority to compute for reimbursement purposes a reasonable cost differential between the cost of skilled nursing home services and the cost of intermediate care facilities in order to assure that supporting care in these alternate institutions results in decreased costs.

### ELIMINATION OF REQUIREMENT FOR BROADENED MEDICAID PROGRAMS

Under the present medicaid law, each State is required to make "a satisfactory showing that it is making efforts in the direction of broadening the scope of the care and services made available under the plan and in the direction of liberalizing the eligibility requirements for medical assistance." In accordance with the committee's recommendation last year, the Congress suspended the operation of this provision for 2 years, until July 1, 1971, and the date by which the States were to have comprehensive medicaid programs applying to everyone who meets their eligibility standards with respect to income and resources was changed from 1975 to 1977. The bill would remove this entire provision from the act. There is evidence that this requirement has been used to require States to have larger programs than they really wished to. When the operations of the State medicaid programs have been substantially improved and there is assurance that program extensions will not merely result in more medical cost inflation, the question of required expansion of the program could then be reconsidered.

### HOSPITAL REIMBURSEMENT UNDER MEDICAID

Under present regulations of the Secretary, States are required to reimburse hospitals for inpatient care under medicaid on the basis of the reasonable cost formula established under medicare. Many States have pointed out the serious problems which have arisen under this requirement. They pointed out that use of the medicare formula for medicaid reimbursement can result in their paying more than the actual cost of providing inpatient care to those eligible for medicaid. The bill retains the intent of the original provision—to avoid having hospitals or their private patients subsidize inpatient care for the poor—by providing for payment of actual and direct costs of inpatient care for medicaid eligibles. States would be permitted to pay hospitals on the basis of a State's own method of determining reasonable cost, provided there is assurance that the medicaid program would pay the actual cost of hospitalization of medicaid recipients.

### HELP FOR STATES TO SET UP MODERN MEDICAID CLAIMS HANDLING PROCEDURES

Under the present law, Federal medicaid matching is set at 50 percent for administrative costs and States are required to use methods of administration deemed necessary by the Secretary for efficient operation of the program. Despite the inducement of 50 percent matching and the requirement for efficiency, many States do not have effective claims administration or well-designed information storage and retrieval systems nor do they possess the financial and technical resources to develop them. The bill would meet this problem by providing that Federal matching at the 90-percent rate would be available under medicaid for the States to set up mechanized claims processing and information retrieval systems. Federal matching for the continuing operation of such systems would be at the 75-percent rate. It is expected that this financial support and technical support from Federal Government will aid the States in realizing efficient and effective administration of the program, and in reducing program costs. I expect the Department of Health, Education, and Welfare to provide substantial technical support to the States in carrying out this provision.

### UTILIZATION REVIEW COMMITTEES UNDER MEDICAID

Under the present medicare law, each hospital and extended-care facility is required to have a utilization review committee to review all long-stay cases as well as review, on a sample or other basis, admissions, durations of stay, and professional services. The reasons for requiring hospitals and extended-care facilities to have utilization review committees for medicare cases apply with equal force to review of medicaid cases, but there is now no such requirement in the medicaid law. The bill would require these institutions participating in the medicaid or maternal and child health programs to have cases reviewed by the same utilization review committee already reviewing medicare cases. A utilization review committee which meets the standards established under medicare would be required in hospitals and skilled nursing homes not participating in medicare.

### COST-SHARING UNDER MEDICAID

Under present law, a State cannot impose deductibles or other cost-sharing devices on cash public assistance recipients. In addition, while deductibles or copayments can be imposed with respect to the medically indigent, they must be "reasonably related to the recipient's income and resources." The bill would provide that States be permitted to impose a flat cost-sharing provision with respect to people eligible under medicaid programs but not eligible for cash public assistance payments. This change would allow States to explore the cost advantages that might result from the direct savings and possible decrease in utilization that cost-sharing devices of a specified amount for all the medically indigent might create. Even a small charge gives the recipient a sense of participation and might reduce excessive use of services.

### ROLE OF STATE HEALTH AGENCY IN MEDICAID

Under present law, one State agency may have the responsibility for certifying health facilities for participation in the medicare program and another agency for certifying health facilities for participation in the medicaid and maternal and child health programs. This duplication of effort in the establishment and maintenance of health standards is unnecessary and inefficient. The bill would require the State to have the same agency perform these functions for the medicare, medicaid, and the maternal and child health programs.

### MISCELLANEOUS AND TECHNICAL AMENDMENTS

The bill contains several miscellaneous provisions designed primarily to assist individuals who have been disadvantaged under the program. For example, the bill would remove from the law the requirement that an aged person must enroll for the part B medical insurance within 3 years after he became eligible to enroll. We found that this provision was no longer necessary to avoid selection against the program.

### FINANCING PROVISIONS

At the present time, the social security cash benefits program is in close actuarial balance, while the hospital insurance program has an actuarial deficiency; that is, it is expected that over the long-range future the income to the hospital insurance program will be considerably less than the cost of the program. To meet the cost of the cash benefits program as it would be expanded by the bill and to bring the hospital insurance program into actuarial balance, the contribution rates for the programs would be adjusted and the contribution and benefit base—the maximum amount of annual earnings subject to contributions and used in computing benefits—would be increased.

(a) Increase in the contribution and benefit base: The bill provides for an increase in the ceiling on taxable and creditable earnings to $9,000, effective for 1971. This increase would take account of the increases in earnings levels that have occurred since 1968 when the $7,800 ceiling on earnings went into effect and would cover the total earnings of an estimated 79 percent of all workers—the same percentage as the $7,800 base covered when it went into effect.

People earning amounts between $7,800 and $9,000 a year will pay taxes on an additional $1,200 of earnings. In return, of course, they will get credit for more earnings and will thus get higher benefits. The higher creditable earnings resulting from the increase in the ceiling on earnings will make possible benefits that are more reasonably related to the actual earnings of workers at the higher earnings levels. If the base were to remain unchanged, more and more workers would have earnings above the creditable amount and these workers would have benefit protection related to a smaller and smaller part of their full earnings.

The proposed increase in the contribution and benefit base would not only provide higher future benefits for people at higher earnings levels, but would also help to finance the changes made by the bill. This comes about because an increase in the base results in a reduction in the overall cost of the social security program as a percent of taxable payroll and the benefits provided are a higher percentage of earnings at the lower levels than at the higher levels while the contribution rate is a flat percentage of earnings. When the base is increased, higher benefits are provided on the basis of the higher earnings that are taxed and credited, but the cost of providing these higher benefits is less than the additional income from the employer and employee contributions on earnings above the former maximum and up to the new maximum amount.

(b) Changes in the contribution rates: Under the schedule of contribution rates for cash benefits contained in the bill, the contribution rates for employers and employees scheduled for 1971–72 would be held to the present level of 4.2 percent each, instead of being allowed to go up to 4.6 percent each as under present law. The rates scheduled for 1973–74 would be 4.2 percent each instead of 5 percent each as under present law. After 1979, the contribution rate would be 5.5 percent each, instead of 5 percent each as under present law.

For the self-employed, the rate scheduled for 1971–72 for the cash benefits part of the program would be 6.3 percent, instead of 6.9 percent as under present law. The rate scheduled for 1973–74 would be 6.3 percent instead of 7 percent. This rate would remain in effect until 1975, at which time the increase to 7.0 percent scheduled under present law would go into effect.

The bill also provides for increases in the contribution rate schedule for the hospital insurance program. The contribution rate scheduled for 1971–72 would be increased from 0.6 percent each for employees, employers, and the self-employed to 1 percent each, instead of being gradually increased from the present rate of 0.6 percent to 0.9 percent in 1987 and after, as under present law. The rate would be kept at 1 percent thereafter.

I include the full schedule of contribution rates under present law and under the bill, for both cash benefits and medicare, in the RECORD at this point:

PRESENT AND PROPOSED SOCIAL SECURITY CONTRIBUTION RATES

[In percentages]

| Period | Cash benefits: Present law | Cash benefits: Committee bill | Medicare: Present law | Medicare: Committee bill | Total: Present law | Total: Committee bill |
|---|---|---|---|---|---|---|
| EMPLOYER AND EMPLOYEE, EACH | | | | | | |
| 1971-72 | 4.6 | 4.2 | 0.6 | 1 | 5.2 | 5.2 |
| 1973-74 | 5.0 | 4.2 | .65 | 1 | 5.65 | 5.2 |
| 1975 | 5.0 | 5.0 | .65 | 1 | 5.65 | 6.0 |
| 1976-79 | 5.0 | 5.0 | .7 | 1 | 5.7 | 6.0 |
| 1980-86 | 5.0 | 5.5 | .8 | 1 | 5.8 | 6.5 |
| 1987[1] | 5.0 | 5.5 | .9 | 1 | 5.9 | 6.5 |
| SELF-EMPLOYED | | | | | | |
| 1971-72 | 6.9 | 6.3 | .6 | 1 | 7.5 | 7.3 |
| 1973-74 | 7.0 | 6.3 | .65 | 1 | 7.65 | 7.3 |
| 1975 | 7.0 | 7.0 | .65 | 1 | 7.65 | 8.0 |
| 1976-79 | 7.0 | 7.0 | .7 | 1 | 7.7 | 8.0 |
| 1980-86 | 7.0 | 7.0 | .8 | 1 | 7.8 | 8.0 |
| 1987[1] | 7.0 | 7.0 | .9 | 1 | 7.9 | 8.0 |

[1] And after.

Mr. Chairman, your committee believes that the bill we are submitting for your consideration is a good bill, a reasonable bill, and one that the Members of the House will accept as being needed in order to keep the social security program up to date and responsive to the needs of today. I urge its prompt passage.

Mr. DANIELS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman.

Mr. DANIELS of New Jersey. Mr. Chairman, I rise to compliment the distinguished chairman of the Committee on Ways and Means for his very fine and outstanding statement.

As you know, I served as chairman of the subcommittee on retirement insurance and health benefits. There is a section in the bill, section 201, dealing with payments under the medicare program of individuals covered by the Federal employees health insurance programs which causes me some concern.

The language appears to me to be rather ambiguous and also it appears that perhaps the Committee on Ways and Means has entered into an area of legislation which is properly within the jurisdiction of the Committee on Post Office and Civil Service of the House.

So I have asked my staff to prepare some questions to clarify the meaning of that section.

I would appreciate it if the distinguished gentleman from Arkansas would further explain the provisions of the bill which affect the Federal employees health benefits program. Can the gentleman tell me whether or not my understanding is correct, that when an individual is covered by medicare and also by other insurance including group insurance by an employer, medicare pays its benefits without regard to the other insurance?

Mr. MILLS. What happens now is that medicare picks up the initial cost for services rendered that are payable under medicare, whether or not a person may be entitled also to get payment under a Federal employee health program. Actually, the same thing is true with respect to insurance companies and others. What we are trying to do here is to call the attention of the Civil Service Commission and the people downtown to the fact that we think that there should be some integration of these two programs. An individual should not be eligible for the same benefits under two or three programs and have to pay for all of them but not get the full benefit of all of them. In each instance the employee has to pay something, of course. He is paying twice. What we want to do is to have it worked out on some basis to the point at which medicare will take the initial cost, and then let the health employees program provide whatever additional benefit the Civil Service Commission and the Congress, working with your committee and the comparable committee in the Senate, would decide would be appropriate.

But the way it is today, they are paying for two programs, and actually one program is paying the cost of their medical services. We are not invading your jurisdiction. We have a perfect right to say what we do here in that we say:

> (c) No payment may be made under this title with respect to any item or service furnished to or on behalf of any individual on or after January 1, 1972, if such item or service is covered under a health benefits plan in which such individual is enrolled under chapter 89 of title 5, United States Code, unless prior to the date on which such item or service is so furnished the Secretary shall have determined and certified that the Federal employees health benefits program under chapter 89 of such title 5 has been modified so as to assure that—
>
> (1) there is available to each Federal employee or annuitant upon or after attaining age 65, in addition to the health benefits plans available before he attains such age, one or more health benefits plans which offer protection supplementing the combined protection provided under parts A and B of this title and one or more health benefits plans which offer protection supplementing the protection provided under part B of this title alone—

And so on. We have no jurisdiction in this area, and that was recognized by the author of this suggestion, Mr. BROYHILL, who incidentally used to be on your committee. It would be his thought and my thought completely that we are not binding anybody here to do anything outside of the executive branch. We are trying, however, to put some degree of incentive and inducement in other areas downtown, other than the Department of Health, Education, and Welfare, to bring about some degree of integration and avoid in the future this duplicate payment by these people.

Any improvement of any program would clearly have to initiate in the gentleman's committee.

Mr. DANIELS of New Jersey. Unless the Secretary of the Health, Education, and Welfare determines and certifies that the plan is modified to provide a complimentary or supplementary level of benefits, then——

Mr. MILLS. Medicare is not responsible.

Mr. DANIELS of New Jersey. The employee is enrolled in that.

Mr. MILLS. The employee is enrolled in that program and he has been paying for it.

Mr. DANIELS of New Jersey. Then I refer the gentleman to page 116 of the committee report, where you go on to state, as I interpret it, that the Government will be obliged to pay 50 percent of the high-option benefits premium. I am wondering——

Mr. MILLS. Very frankly, I would have preferred that that provision not be worded quite that way because it can be interpreted by some as a directive by our committee to your committee with a specified position. Frankly, I do not think Congress has any right legally or under the Constitution to tell one department of the Government anything more than to report back to us with a solution. I do not think we can tell that department, frankly, that you have got to do it in this particular way.

Mr. DANIELS of New Jersey. I thank the gentleman for his explanation.

Mr. MILLS. I do not think it would be binding on them anyway.

Mr. HUNGATE. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I refer the chairman to section 263 of the bill, page 136.

A great many of my constituents have expressed interest in the subject of section 263 regarding chiropractic coverage and services. I commend the committee for its study on this and I wonder if the chairman can give us the committee's views.

Mr. MILLS. The committee made as diligent an effort in this area as it is possible to make in any area, trying to work this out. There are some questions involved and there is still some argument between those who practice this service and the department downtown as to what the costs would be

This is not a one-sided matter. There are some people violently opposed to chiropractic services being included and being described in a manner which will make the practitioners physicians under the program.

We have over 19 million people who are eligible to participate in plan B. I understand those 65 years of age and older who actually from time to time make use of chiropractic services number between 1 and 2 million. So the only thing we could work out is that we would be charging everybody—those who do not use such services and those who do use such services. And we tried to think of doing it on the basis of leaving it up to an individual and letting the individual who did take the option pay more, but it is my recollection that the costs of that would have been much higher because the costs would have been paid by the 1 or 2 million and not spread over the 19 million. We have asked the Department to report back to us just how this coverage can be properly included under the medicare program—not whether it should be, but we have asked them to tell us how it can be done.

Mr. HUNGATE. Mr. Chairman, I thank the gentleman from Arkansas.

Mr. PETTIS. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from California.

Mr. PETTIS. Mr. Chairman, I rise to ask a question for clarification.

Section 227 of the bill adds a new section 1862(d) providing that the Secretary of Health, Education, and Welfare will establish, in each State, "one or more program review teams" after consulting with "local professional societies, carriers, intermediaries, and consumer representatives." When a provider furnishes unneeded services or supplies, and so forth, the Secretary, with the concurrence of the physicians or other professional health personnel of the review team, will be allowed to refuse payment and, in some cases, to terminate agreements with the offending provider. Was it not the intention of the committee that true peer review take place, and is that not what was intended by the phrase, "concurrence of the physicians or other professional health personnel of the review team"? For example, does this not mean that when a physician provider is charged with abuse, his conduct would be judged only by the physician members of the review team.

Mr. MILLS. It will have to be by his peers. It has to be a doctor who is a peer of a doctor. The peer of a lawyer is a lawyer. This does not mean you have a team of lawyers going in and trying to evaluate the professional ethics and background of a physician. There is no question but what that is the intent of the bill. I think really the bill itself is clear, but I appreciate the gentleman's raising the point, so there can be no doubt as to what the intent of the language of the bill is.

XUM

Mr. DENNEY. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Nebraska.

Mr. DENNEY. Mr. Chairman, I have just one question for clarification. I heard the gentleman's statement about raising the widows up to 100 percent of entitlement if they apply after age 65. Let us take the situation of a husband who is 80 and whose wife is 74, and the husband dies, and they have been drawing social security. Is the widow still limited to 82.5 percent?

Mr. MILLS. No; this applies to those now on the rolls and in the future who become widows at 65.

Mr. DENNEY. Even though she is drawing the widow's entitlement?

Mr. MILLS. She gets 100 percent after January 1, 1971.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from California.

Mr. GUBSER. Mr. Chairman, I know the gentleman is familiar with the rather unusual problem which exists in teaching hospitals such as Stanford University. It is my understanding that language in the bill would correct the situation so they can live with it.

Mr. MILLS. We thought so, but we have a committee amendment to make certain that amendment does exactly what we intend it to do, and that amendment will probably take care of it.

Mr. RHODES. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Arizona.

Mr. RHODES. I thank my good friend from Arkansas for yielding.

As the gentleman from Arkansas (Mr. MILLS) is aware, I have been most interested in the concept of ambulatory surgical centers as a means of reducing medical costs while improving the quality of medical care now being delivered to this type of patient. I have also been privileged to direct the attention of the committee to a presently operating come-and-go surgical center in Phoenix, Ariz., known as Surgicenter. Surgicenter has been approved by almost every major commercial insurance carrier in the Phoenix area.

At present, as the gentleman is aware, some of the services provided by the Surgicenter are not included within the supplemental medical insurance program.

It is my understanding, however, that under the legislation reported by the committee, services rendered by an institution such as Surgicenter could be covered on an experimental basis. I would like to ask the gentleman whether, in his opinion, this could be done under the proposed legislation.

Mr. MILLS. Let me say to my friend from Arizona, under section 222, the section to which the gentleman referred, the Secretary would be permitted to conduct—the gentleman understands, he is not required—a demonstration project with a facility such as Surgicenter, Inc., and pay it for the noncovered medicare services the institution furnishes on an experimental basis.

I recall the gentleman's testimony concerning this very fine facility in Phoenix, and I trust the Secretary, who is a very fine individual, a very discerning individual, as the gentleman is well aware, will give every consideration to its inclusion under the applicable provisions of this legislation.

Mr. RHODES. I thank the gentleman.

Mr. CONABLE. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I am glad to yield to my friend from New York, a member of the committee.

Mr. CONABLE. I should like to compliment my distinguished chairman on his statement. There is some concern in my State, I find, about something the committee did relative to Federal reimbursement under the medicaid formula under title XIX. As I recall, this provision increases the Federal share of reimbursement for treatment in outpatient clinics in hospitals.

Mr. MILLS. That is true.

Mr. CONABLE. While decreasing the Federal share paid for long-term patients under medicaid.

Mr. MILLS. In skilled nursing homes.

Mr. CONABLE. In skilled nursing homes. There is some feeling this might run the cost of medicaid up. I wonder if I could have the view of the distinguished chairman on that?

Mr. MILLS. The whole purpose, as I said earlier, is to bring about a reduction in the total cost of medicaid, by requiring the State agency which administers the program to use greater care with respect to the type of medical facility that is being used in the care of the particular patient who is eligible for medicaid under that State law.

We feel—and we have a lot of evidence to justify it—there is an extreme amount of overutilization of skilled nursing homes. In other words, the people could get along just as well in the intermediate-care or domiciliary-type nursing homes. They do not need the more expensive type of care provided in the skilled nursing homes.

Mr. CONABLE. I thank the gentleman.

Mr. MILLS. The States can correct this without any additional cost to them, in our opinion. It does not mean that anybody is going to be thrown out. If it is decided that the patient has to stay, if that is the opinion of the doctor and the opinion of whatever review committee they may have, all we say is that we are not going to pay indefinitely the 66⅔ percent of the cost of such care in Texas or the 80 percent of the cost in Arkansas, that we will reduce that by one-third. If they want to keep them there, that is their business.

Mr. PICKLE. Mr. Chairman, will the gentleman yield?

Mr. MILLS. I yield to my friend from Texas.

Mr. PICKLE. I thank the gentleman for yielding.

What assurance do we have in this bill that the intermediate care centers will be given extra help in the furtherance of this program, if these people are assigned to them? Or what assurance do they have that their program will not be discontinued or cut off?

Mr. MILLS. There is no assurance of that.

Mr. PICKLE. Or what assurance do they have that the States can give them this?

Mr. MILLS. There is nothing in this bill on that. Whatever duration the State sets for a person to reside or stay in a domiciliary or nursing home we will match it under present law. In your State we said two-thirds of the cost would be Federal, and it will continue to be, with no cutoff date whatsoever for intermediate care. The only cutoff is with respect to that type of expensive nursing home care where we will say that if you cannot get your patient well in 90 days, where the patient can either go home or to an intermediate care facility, then we will have to cut back on the amount, because we are not going to continue to have this thing jump up by millions of dollars a year for every year in the future. That is the whole purpose of it. These are Federal dollars we are spending.

Mr. PICKLE. Yes. Will the gentleman yield further?

Mr. MILLS. Yes.

Mr. PICKLE. Under the bill as you have it before us, there is approximately $99 million to $100 million that will be saved or cut from the Federal expenditure in the future.

Mr. MILLS. It will not have to be picked up by the States at all.

Mr. PICKLE. Who picks up that $99 million, then?

Mr. MILLS. Nobody.

**Mr. PICKLE.** Or even a reasonable portion of it?

**Mr. MILLS.** If my friend from Texas will listen to me for 1 minute, we have unlimited evidence that the skilled nursing homes are being overutilized. The gentleman knows the meaning of the term "overutilization." It means that people are staying there for days, weeks, and months beyond the time required for them to stay there in order to recover from whatever ailment they have.

We cannot go on paying that kind of cost. It is what we tried to stop in hospitalization and have stopped in extended care facilities under the medicare program, where we have better control of it, and we will not let these States who have an overutilization problem spend us into Federal debt. The committee will not, at least.

**Mr. BYRNES** of Wisconsin. Mr. Chairman, I yield myself 15 minutes.

Mr. Chairman, in view of the very able and thorough explanation of this legislation by the chairman of the committee, I believe that my remarks can be quite brief. I do want to rise, however, in support of this legislation.

This bill includes many structural changes in the cash benefit program and the medicare, medicaid, and maternal and child health programs that, in my judgment, are much needed and certainly produce a more equitable system. Some of these changes remove clear inequities. Others, particularly in the medical programs, provide for experiments and pilot projects within general guidelines that it is hoped will lay the foundation for resolving some of our most difficult problems.

Let me emphasize, though, at this point some of the more salient and important changes in our present systems that are made by this legislation.

First, let me refer to the old age, survivors, and disability insurance program that we normally refer to as the cash benefit side of the system, as against the health and medical programs, which provide service benefits.

Mr. Chairman, a change which I know will be welcomed by most Members of the House and by many of our people is the increase in the annual amount that a person aged 65 or older can earn and still be eligible for full retirement benefits under the old age and survivors insurance system. That amount is increased to $2,000, from its present level of $1,680.

It should be noted at this point that Congress has failed through the years to keep the retirement test realistic in terms of changes in the real value of our money.

The cost of living has gone up from time to time, as we all know. Eventually, we have made corrections as far as cash benefits are concerned. We have sometimes delayed, but we have always done it.

In the case of the retirement test, however, we have neglected to keep its formula consistent with changes in the cost of living. I think the increase we provide here is definitely a step in the right direction.

Another major change, which I think is most needed, would liberalize benefits to widows and widowers. We must recognize that a retired man and wife can receive a benefit equal to 150 percent of an individual's benefit. In other words, if a retired male 65 or older is entitled to $100, he and his wife can receive $150 in benefits. But, let us assume that the husband dies. The living costs of the widow are not reduced to $82.50, automatically, even though they may decline to some extent because there is now only one person in this household. But $82.50 is all the widow would be entitled to receive under present law. And it seems to me this reduction to 82½ percent of the primary benefit has always been too much as far as the widow is concerned.

So under this bill the widow would be entitled to the same benefit that the husband would have had as a primary beneficiary. In other words, the widow's benefit would become 100 percent of her husband's primary benefit, rather than 82.5 percent as under present law.

Mr. Chairman, I think this is a most necessary recognition of a problem affecting many older people. It would mean that some 3.3 million widows and widowers would receive increased benefits.

Another proposed change would permit computation of benefits for men by including years only up to age 62. Women already can compute benefits by this method, so this is simply a matter of producing equity for men.

Another proposed change, which the chairman mentioned, is one of particular concern to me. It came to my attention that a married woman who had worked much of her life, took an actuarially reduced benefit at age 62, based upon her own earnings record. Then, when she became eligible at age 65 to receive a wife's benefit, she was held to the same reduction of her wife's benefit at age 65 that she received when she claimed a benefit on her own account at age 62. In such a case, a wife who had worked for years could be receiving a much smaller benefit than a wife who had never worked in her life.

This bill would correct that inequity, and no longer penalize a woman worker because she takes a reduced benefit before age 65 on her own account.

**Mr. MILLS.** Mr. Chairman, will the gentleman yield at that point?

**Mr. BYRNES** of Wisconsin. I yield to the gentleman from Arkansas.

**Mr. MILLS.** Mr. Chairman, one point I think everyone should understand in connection with what the gentleman from Wisconsin is talking about, is that this lady was taxed during her working years on her work record; is that not correct?

**Mr. BYRNES** of Wisconsin. That is right.

**Mr. MILLS.** It was on her own work record that she claimed benefits at age 62. Her husband was taxed on his work record during his working years, and she claimed benefits as a wife on his work record when she reached 65. Also I believe the record ought to show that the gentlewoman from Michigan (Mrs. GRIFFITHS) has been interested in this matter for some time.

**Mr. BYRNES** of Wisconsin. That is one of the areas which she and I have been working together on—the equalization of disparities in benefits between men and women, and between working women, and other women.

**Mr. MILLS.** But until we can do what the gentlewoman has recommended, this provision at least corrects the inequity that arises in this particular case.

**Mr. BYRNES** of Wisconsin. I am not suggesting—and the gentlewoman from Michigan and the gentleman from Arkansas would not agree, I am sure—that we have in this bill removed all the inequities that we would have liked to remove. There were items on which I think most committee members wanted to act. There was, for instance, the matter of covering the disabled under medicare. This was one of many suggested changes which we knew had great merit, but which we could not include in the bill. Managing this system involves much more than simply providing benefits. We also have to be concerned with how we are going to pay for any benefits that we do provide, and how we are going to keep the system in balance.

Let me suggest that this sort of problem involves basic questions which should be of concern not only to our committee, but to every Member of this House. And I am talking primarily about maintaining the integrity of this system.

Let us remember that some 25 million people are receiving cash benefits under this system and are dependent upon it in varying degrees. Some 72 million more are contributing to social security, and, therefore, have a vital interest in it.

One of the worst things this Congress, or any Congress, could do would be to take action which would jeopardize the capacity of the system to meet future commitments to those people who today are paying taxes. And this could be jeopardized if the burden of taxes rose beyond a tolerable level.

So as we look at proposals to liberalize benefits or to make any changes that cost money, we have to balance these against the burden they would impose on taxpayers. I suggest that we are reaching the point where that burden is tremendously high, and from now on we are going to have to be extremely cautious.

**Mr. MILLS.** Mr. Chairman, will the gentleman yield?

**Mr. BYRNES** of Wisconsin. I yield to the gentleman.

**Mr. MILLS.** I appreciate so much the gentleman from Wisconsin bringing up this matter. I have tried to impress upon the people who are presently receiving these benefits this very fact, that as this tax goes up it becomes an ever-increasing burden. And this tax, being imposed on wages without allowing deductions or a personal exemption, is different from the income tax.

For instance, I think the membership should know that the 1st of January 1971, if a man is making $9,000 or more he will be paying $468 in that year in social security tax.

**Mr. BYRNES** of Wisconsin. And I would add that it must be recognized that not only are we increasing the taxable base from $7,800 to $9,000 in this bill, but we also are increasing the rate, eventually, by 1.2 percent, which is an additional burden. We are approaching a point, in fact, under the bill, where a family of four with $7,000 annual income will be paying more in social security taxes than in income tax.

And this does not take into account the situation of the self-employed, whose tax is even higher.

In another dimension, we also have to recognize that the tax on the employer constitutes money which otherwise might go for an increase in take-home pay or other benefits to the worker. So the worker is, in large measure, paying not only his own tax but the employer's tax as well.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. BYRNES of Wisconsin. I yield to the gentleman.

Mr. GROSS. Mr. Chairman, the gentleman from Wisconsin is making an important statement and it seems to me there ought to be more than 13 Members on the floor of the House. Therefore, Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The gentleman from Iowa makes the point of order that a quorum is not present. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 134]

Adams
Addabbo
Albert
Alexander
Anderson, Tenn.
Ayres
Baring
Belcher
Bell, Calif.
Bingham
Blatnik
Brown, Calif.
Brown, Mich.
Buchanan
Burton, Utah
Bush
Byrne, Pa.
Celler
Chamberlain
Chappell
Clark
Clay
Cohelan
Colmer
Corbett
Davis, Ga.
Dawson
Dellenback
Diggs
Eckhardt
Edwards, Calif.
Eilberg
Evins, Tenn.
Findley
Foreman
Galifianakis
Goldwater
Gray
Hansen, Wash.
Harsha
Hays
Hébert
Horton
Jacobs
Kirwan
Kleppe
Kluczynski
Kyl
Landgrebe
Leggett
McCarthy
MacGregor
Matsunaga
Mikva
Miller, Calif.
Murphy, N.Y.
Nichols
Ottinger
Patman
Pirnie
Pollock
Powell
Rarick
Reid, N.Y.
Reifel
Riegle
Rivers
Roberts
Robison
Rogers, Colo.
Rogers, Fla.
Rosenthal
Roudebush
Scheuer
Sikes
Smith, Calif.
Springer
Stafford
Stokes
Stratton
Symington
Tiernan
Tunney
Watson
Wilson, Charles H.
Young

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PRICE of Illinois) having assumed the Chair, Mr. DINGELL, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 17550, and finding itself without a quorum, he had directed the roll to be called, when 342 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. BYRNES).

Mr. BYRNES of Wisconsin. Mr. Chairman, the burden of taxes that today's workers and tomorrow's workers will pay can be determined by looking at page 11 of the committee report which sets out the schedule of those rates for the old age, survivors, and disability insurance program and the health insurance program.

The rates on page 11 are those the employee must pay himself and therefore state only one-half of the actual total rate. In order to get the total rate, we must double the rate shown on page 11 for employees since an equal amount is also paid by the employer on behalf of the employee. The rate on the self-employed, which is generally about 50 percent higher than the individual employee rate, is also shown in this chart.

The chart shows that the real rate we are imposing by this bill on tomorrow's workers will reach 13 percent in 1980. And this assumes that no further increases are to be enacted in the future.

Let it also be remembered that this is a gross tax on wages or self-employment income. The tax is imposed on the first dollar a person earns. There is no deduction allowed. A personal exemption is not provided. Medical expenses, work-related expenses, casualty losses, and other items that are allowed in our income tax law are not allowed in the application of this tax. The student who works this summer and earns a very small amount will pay no income taxes, but he will pay a social security tax.

Amending the Social Security Act is not a one-sided proposition. We have to look at the benefits, as we have in this bill, to be sure that we provide equity to social security beneficiaries, but we cannot simply focus on the benefit side of the ledger. We must also look at the burden we are placing on the workers to pay for those benefits.

Quite frankly, I am afraid that too many Members of this House—and I am sure the situation is also true of the other body—have a tendency to look only at the benefits side of the picture. That is apparent if we look at the bills that have been introduced by various Members of the Congress. Nearly 1,000 bills have been induced to improve the social security program. While nearly all of these bills impose substantial costs, very few of them provide for the corresponding increase in the tax burden that would be necessary. Mr. Chairman, we must recognize that amendments to the program are a two-edged sword.

Let me briefly talk about the amendments to the medical programs—medicare, medicaid, and maternal and child health—included in this bill. This bill does not meet all of the problems that we face in these difficult programs. We have a long way to go before we can be content with our medicare and medicaid programs.

These programs do need remodeling. In this bill we did not remodel either. We have faced up to some of the individual problems that have developed and recommended specific solutions that we feel are sound.

Particularly in the medicaid program—which is now a $5 billion program and still growing—much more needs to be done, I am inclined to think we should look at the potential of converting medicaid, to the extent feasible, into a program of a subsidized insurance and impose a premium liability on the basis of the individual's capacity to pay rather than retaining the present welfare program.

But that is something for the future. In the present bill we have done the best we can do with the information available and the suggestions that were presented to the committee. Looking at the improvements as a whole, we have to say we have every expectation they will lead to improvement.

But now, Mr. Chairman, let me focus on an aspect of the bill that disappoints me a great deal. That is the refusal of the committee—and I dislike to say this, but it is a fact—on a partisan basis, to do what both major party platforms in the last election recommended: Provide for automatic increase in social security benefits commensurate with increase in the cost of living.

For my friends on the other side, in case they have not read their 1968 Democrat platform recently, let me quote from it:

> OLDER CITIZENS
>
> A lifetime of work and effort deserves a secure and satisfying retirement. Benefits especially minimum benefits, under Old Age, Survivors, and Disability Insurance should be raised to overcome present inadequacies and thereafter should be adjusted automatically to reflect the increases in living costs.

When the President of the United States sent his message on social security to the Congress, he recommended an "escalation provision" for social security recipients. He stated:

> I propose that the Congress make certain once and for all that the retired, the disabled, and the dependent never again bear the brunt of inflation. The way to prevent future unfairness is to attach the benefit schedule to the cost of living.

Describing the recommendation he made, the President went on to say:

> Benefits will be adjusted automatically to reflect increases in the cost of living. The uncertainty of adjustment under present laws and the delay often encountered when the needs are already apparent is unnecessarily harsh to those who must depend on Social Security benefits to live.
>
> Benefits that automatically increase with rising living costs can be funded without increasing Social Security tax rates so long as the amount of earnings subject to tax reflects the rising level of wages. Therefore, I propose that the wage base be automatically adjusted so that it corresponds to increases in earnings levels.
>
> These automatic adjustments are interrelated and should be enacted as a package. Taken together they will depoliticize, to a certain extent, the Social Security system and give a greater stability to what has become a cornerstone of our society's social insurance system.

Mr. Chairman, we will propose as a motion to recommit with instructions to report it back with an amendment providing automatic cost of living adjustments to take effect, not in substitution of anything that has been done in this bill, but to assure that in the future these benefits we have provided will keep pace with changes in living costs.

Our motion will insure that the earnings test, the amount people can earn without suffering diminution of benefits, will also keep pace with increases in real earnings.

In order to insure the financial integrity of the system as the President emphasized, the wage base will automatically be adjusted every 2 years as the earnings of covered workers increase. This will maintain the existing relationship between the wage base and the wages of covered workers.

Under the provision for automatic benefit increases, we will compare in the third quarter of each year the change in the cost of living as against that in the third quarter of the previous year. Whenever the cost of living has increased by 3 percent or more there will be a comparable increase in social security benefits beginning the following year.

The wage base computation will only be made every other year—in each even-numbered year beginning in 1972. This will avoid constant change in the wage base subject to tax with the readjustments of payrolls that would be necessary. The average wages paid covered workers in the first calendar quarter of the computation year will be compared with those paid covered workers in the first quarter of 1971. The taxable wage base will be adjusted, effective the following January 1, by a corresponding amount. A corresponding increase will also be provided in the earnings limitation, again effective the following January 1 for all calendar year taxpayers.

I hope the House will act on this issue on a bipartisan basis, as was expressed in both political platforms in 1968, in order to provide the simple justice that social security beneficiaries—both present and future—deserve and have been promised.

Let me make it clear that this does not assume that the administration and the Congress will not have to consider the appropriations of benefit levels sometime in the future. I believe it will be essential to do so, as we have in the past. From time to time, we should look at the changes in the standard of living and the general economic conditions under which all our people live in considering the benefit level. There should be adjustments when these criteria require them, and Congress can specifically deal with this issue periodically.

This amendment does not foreclose Congress from acting, but simply says that in the event Congress does not act, increases will be automatic. This will give the older people, dependent upon social security as their base of protection, an assurance that there will not be a long delay in compensating them for any inflation that occurs. There have been serious delays Mr. Chairman, the most conspicuous being between 1940 and 1951, and between 1959 and 1965 when no increases were granted. Some people retire and die before needed increases are enacted. Even those who collect increases have lost something in the interim.

I am not criticizing the committee for not having kept benefits current with the cost of living, but we can criticize the delay that has often occurred. This delay often has been much longer than would have occurred if we had provided automatic increases.

I know the argument will be made that we are delegating some authority to the executive branch. We are not delegating authority. We are saying in the statute that when specific well-defined events occur, certain equally specific and well-delivered results will ensue. We are not granting discretion to someone in the executive branch, or providing them with any options. We require specific action in the event of specific circumstances.

We also leave open to ourselves the opportunity—and I hope we will act on it, to make additional adjustments above the cost-of-living increases that may be necessary to maintain the standard of living of older people.

Mr. Chairman, I hope that this bill is adopted. I think it is good legislation. But I think we can make it much better and keep our promise, both as Republicans and Democrats, to the American people by adopting the motion to recommit.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Virginia (Mr. BROYHILL).

Mr. BROYHILL of Virginia. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, H.R. 17550 contains some badly needed changes in the social security, medicare, and medicaid programs.

On balance, it is a sound bill, providing greater equity than existing law for both the beneficiaries of these programs and for the taxpayers who support the programs.

But this is not to say the measure is flawless. Along with a number of my colleagues, I am concerned about one of its provisions, a major omission from it, and one of its implications.

The provision of concern is the 5-percent increase in cash benefits. Although I am wholeheartedly in favor of increasing social security payments so that beneficiaries do not have to lower their standards of living in inflationary times, I also am concerned about the burdens imposed on taxpayers every time benefits are increased. Together with the 15-percent rise we approved late last year, this newly proposed advance would bring the total benefit increase within 1 year's time to 21 precent, which is far above the advance in living costs due to inflation in this period.

The omitted item of concern is the administration's proposal to tie social security benefits in the future to increases in the cost of living. It is truly unfortunate that this was kept out of the bill by a straight, party line vote, especially in view of the fact that such a provision has been endorsed by both political parties.

The provision, among other things, would assure beneficiaries that they would no longer have to bear the brunt of soaring inflation. Our civil service retirees have had this assurance for 8 years, and our military retirees have had it for 12 years, so why should our social security beneficiaries not have this assurance now?

Tying benefit increases to a reliable statistical gage—actual increases in earnings of workers in covered employment—would be far more realistic and economically practical than leaving them dependent upon executive discretion or congressional inclination.

I might emphasize the point, which already has been made, that this provision would not turn over a congressional prerogative to the executive branch. The Congress still would be free to make whatever adjustments in social security it deemed desirable or necessary. Due attention could be paid, for example, to changes in standards, as well as basic costs of living.

My third cause for concern has to do with the actuarial imbalance the bill would bring about.

It is, of course, not the imbalance itself that bothers me. But the Committee on Ways and Means has, in the past, adhered strictly to rather narrow criteria on imbalances in social security funds. And I am lending support to this bill on the assumption, and trust, that the anticipated imbalance—however slight and short lived—does not represent a departure from longstanding form, and will not be used to provide a precedent for a policy shift in the future.

As I said at the outset, the bill is a good one, on balance. I have discussed my three points of concern, not so much to sound an alarm as to raise a note of caution.

The measure's imperfections are not only far outweighted by its merits, but are insufficient to form a solid base of opposition. They do not represent damage to the social security system, but they do represent steps which should be taken with great care, to avoid some serious stumbling in the future.

Most of the proposed changes in the social security system embodied in H.R. 17550 are not only sorely needed but long overdue.

I have felt for some time that the retirement test needed to be liberalized. Certainly a limit of $1,680 on the amount a beneficiary could earn annually without having his benefits decreased is not realistic. This exemption should be higher, and $2,000 is clearly not too high.

Other needed changes are proposed in benefits for widows and widowers, about 3.3 million of whom would be eligible for additional, and more equitable, payments starting in January of 1971.

For example, a lady who applies for widow's benefits at age 62 or older is entitled now to receive only 82½ percent of the amount her husband would have been eligible to receive. Under the bill, she could receive 100 percent of the husband's benefits.

Still another praiseworthy provision would liberalize the law allowing a social security wage credit of up to $100 a month—in addition to credit for basic pay—for military service performed after 1967. H.R. 17550 would provide those additional wage credits for military service starting in 1957, the year when military service became covered under social security.

As laudable and desirable as such changes would be, however, perhaps the most welcomed improvements proposed

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in the bill would be in the medicare, medicaid and maternal and child health programs.

Taken as a whole, these proposals would make the programs much more effective than they are today. Costs would be held down without sacrificing the health needs of the beneficiaries. And considering the financial condition of the medicare program, these are the sort of changes which simply must be made.

Although this entire section of the bill is commendable, I am especially pleased with one particular provision which is designed to bring about coverage, supplementary to medicare, in Federal employee health benefit plans.

This provision specifically would require that, effective January 1, 1971, no payment would be made under medicare for services which also were covered under a Federal employee health benefit plan, unless in the meantime the entire Federal employees health benefit program had been modified to include coverage supplemental to medicare, and provisions assuring that Federal employees and retirees age 65 or older would continue to have the benefit of Government contributions toward their health insurance premiums.

Under present law, the Federal employee health benefit plans provide coverage which duplicates that of medicare. But they do not make payments for services which are duplicated. Participants in both programs can collect only through medicare.

A Federal employee may have contributed all along to one of these Government plans and to medicare, too, yet would be able to benefit under medicare only.

Most private employers have furnished their employees with supplementary health care coverage. The Government has not done so, with the resultant inequities to Federal employees and retirees.

This provision of H.R. 17550 should force the Government's hand, and bring an end to an unfair practice.

Because of that provision, and because of the many others which make H.R. 17550 a bill of great value overall, I commend it to the House, Mr. Chairman, and urge its approval.

**Mr. BYRNES** of Wisconsin. Mr. Chairman, I yield such time as he may require to the gentleman from Michigan (Mr. CHAMBERLAIN).

**Mr. CHAMBERLAIN.** Mr. Chairman, I rise in support of H.R. 17550, the Social Security Amendments of 1970.

This is not to say that I am completely satisfied with this bill in all respects. I am not. This legislation does not include all the reforms that the President requested nor some additional changes which I believe should be made.

Nonetheless, H.R. 17550 makes definite and much needed progress in a number of areas which should serve to provide greater equity in our social security program.

Particularly encouraging is the committee's approval of the administration's proposals to improve benefits for widows and increase the amount that an individual may earn without losing benefits. While I personally had hoped that the retirement test could have been further liberalized and sponsored legislation to raise the annual limit to $2,400, I believe that the recommended increase from $1,680 to $2,000 a year will be of considerable help to those who have to work to supplement their retirement incomes.

I was very disappointed, however, that the committee rejected the proposal to provide automatic cost-of-living increases in benefits which I have joined in urging for some time and which was requested by the President. I feel it is regrettable that this decision was made by a strict party line division which is particularly surprising when you consider that such a provision was recommended in the platform of the Democratic Party in 1968 as well as in the platform of the Republican Party. This reform would have assured that the level of benefits would not lag behind the rest of the economy during periods of inflation and would have helped to remove social security adjustments from the political arena into which they have too often been cast. I commend to the attention of my colleagues the supplemental views contained in the report accompanying this bill which discussed this and other shortcomings of the bill as finally approved by the committee.

In addition, I support the purposes of the provisions of the bill designed to improve the effectiveness and hold down the cost of medicare and medicaid and maternal and child health programs. Because of the complexity of these programs we will have to watch carefully how these reforms are implemented in practice. It is apparent from the difficulties that have been experienced to date that the changes recommended by the committee deserved to be tested.

Another area which I very much regret the committee has passed over this time is the proposal to eliminate the requirement that those who continue to work past the age of 65 must nevertheless continue to pay social security taxes. There are hundreds of thousands of people over 65 who because they continue to work cannot under the present law receive any social security benefits, while many others have their benefits reduced. This built-in antiwork discrimination is compounded by the fact that these same people must continue to pay social security taxes, even though they will probably draw benefits for fewer years than those who fully retire at age 65. This is clearly unfair and should be corrected.

These are, of course, not all the reservations which I have about the legislation before us today. Nonetheless, I am satisfied the bill is the best that can be obtained at this time and urge its adoption.

**Mr. DEL CLAWSON.** Mr. Chairman, will the gentleman yield?

**Mr. BYRNES** of Wisconsin. I yield to the gentleman.

**Mr. DEL CLAWSON.** Mr. Chairman, I thank the gentleman for yielding. Mr. Chairman, although official business in my congressional district requires that I leave before the final vote is taken on the bill before the House of Representatives today, I would like to state that had I been present my vote would have been for H.R. 17550, the Social Security Amendments of 1970.

**Mr. WINN.** Mr. Chairman, will the gentleman yield?

**Mr. BYRNES** of Wisconsin. I yield to the gentleman from Kansas.

**Mr. WINN.** Mr. Chairman, I support H.R. 17550. I wish to commend my colleagues on the Ways and Means Committee for correcting a number of longstanding inequities in the social security system by this bill, H.R. 17550. I point specifically to that provision which liberalizes disability insurance benefits for blind persons and to that which raises the earnings level from $1,680 to $2,000 a year. Both revisions follow closely legislation which I have introduced in both the 90th and 91st Congresses and which is very long overdue.

However, I feel it is most unfortunate that this bill is being debated here in the House under a closed rule because it does contain one provision which relates to the medicaid program and will have a serious and adverse affect on many incapacitated elder citizens who must spend lengthy periods of time in some kind of skilled nursing home. We, in Kansas, have an unusually high ratio of senior citizens and many are benefiting from the medicaid program. It is estimated that this bill could withdraw at least $5 million which would have to be made up by State revenues, and it is unlikely the State can take up this additional burden. I fear that enactment of this provision in H.R. 17550 will mean disaster for Kansas welfare program for the aged will result in the closing of many skilled nursing homes, already in desperate short supply.

**Mr. MYERS.** Mr. Chairman, will the gentleman yield?

**Mr. BYRNES** of Wisconsin. I yield to the gentleman from Indiana.

**Mr. MYERS.** Mr. Chairman, I wholeheartedly support the provisions in the Amendments to the Social Security Act which would increase payments to the 26.2 million beneficiaries by 5 percent, increase the income limitation to $2,000, and increase survivor's benefits to 100 percent of the primary insurance amount.

I have some doubts about certain other provisions in this measure dealing with medicare and medicaid, but because of the closed rule under which we are considering this legislation it cannot be amended.

It is that which has been omitted from this measure that concerns me most. There is no doubt of the need for the increase in payments for those living on these benefits so long as we are experiencing the inflationary spiral we are in today. However, Congress will once again ignore its responsibility to these people if we fail to make certain that such increases are not used as a political football which is passed only in election years.

For that reason, I shall support the motion to recommit this legislation with instructions to the committee to amend it to include the automatic cost-of-living provision many of us have been working for over the last several years.

There are those who will argue here today that we should not do this because Congress will lose control over social security increases. To me that is an admission that Congress has used the social

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security issue as a political football. My provision for granting automatic increases based on the cost of living and not whether it is an election year would make the Social Security Administration responsive to the needs of the people.

While a stable dollar is the major long range need to protect older Americans and others who must depend on relatively fixed incomes, I feel this immediate action is required to provide help to these persons against the ravages of inflation. Adoption of our porposal to provide automatic increases in social security benefits equal to rises in living costs would be a major step in that direction.

As introduced and supported by scores of minority Members in the House, such an amendment to social security would provide that whenever the consumer price index goes up by a specified percentage, then old-age, survivors, and disability insurance benefits would be increased in an equal percentage.

The most important argument for automatic cost-of-living increases in social security benefits, of course, is the help it would give to older people.

Most older Americans are relatively defenseless against higher living costs produced by the inflationary spiral. Help should be available to the retiree as soon as he or she is hit by the dollar-value loss. He should not have to wait 1, 2, 3, to 5 years for such relief through general amendments to the Social Security Act. This is especially so when such increases often fail to compensate fully for changes in living costs anyway.

It is regrettable, but true, that many of the elderly simply cannot wait. Some are of most advanced age and may not even live to get the benefit of increase "promises." A high percentage of these extremely old people are ones with the lowest resources.

I believe that compassion, equity, and commonsense demand that we stop making older people wait until some future Congress chooses to compensate them for social security benefit losses created by inflation.

Convinced as I am of the urgent need for this reform in the social security system, I have introduced legislation in support of the cost-of-living provision and will continue to do so with the hope the majorities in Congress will cease its opposition and join us in providing for an automatic offset against the hardships of inflation and its resulting rise in prices which plague our senior citizens.

**Mr. MILLS.** Mr. Chairman, I yield such time as he may require to the gentleman from Louisiana (Mr. BOGGS).

**Mr. BOGGS.** Mr. Chairman, the committee has done an outstanding job in reporting this bill. It is vitally important to the millions of Americans who receive social security benefits.

Mr. Chairman, I want to express my support of the provisions of H.R. 17550, even though in many ways the bill does not go as far as I had hoped that it would.

The 5-percent benefit increase coupled with the 15-percent increase voted last December will greatly improve the ability of the beneficiaries to get along. Under the bill monthly benefits for a retired worker on the rolls who retired at age 65 or later would range from $67.20 to $231.90. Under existing law, the benefit range for those now receiving old-age benefits is $64 to $220.80. I would like to have raised the minimum benefit to at least $80, because, as we all know, those at the lower end of the benefit scale are generally in the greatest need, and I hope that in the near future we will be able to raise the new minimum of $67.20 substantially.

Under the bill, benefits to widows and widowers if taken at age 65 or later would be increased to 100 percent of the worker's primary insurance amount. Under present law, the widow or widower receives a benefit equal to 82½ percent of the worker's primary insurance amount whether the benefit is applied for at age 62 or later. Your committee's action corrects this long standing weakness in the social security program. For a widow or widower making application for benefits before age 65 the benefit would range from 82.9 percent at age 62 to 100 percent at age 65.

In addition, the bill would increase the amount that a person may earn without having his benefits withheld. Under existing law if he earns more than $1,680 a year he loses some or all of his benefits; between $1,680 and $2,880, $1 in benefits is withheld for each $2 of earnings and above $2,880, $1 in benefits is withheld for each $1 of earnings. Under the bill he would be able to earn $2,000 a year without losing any benefits and the $1 for each $2 band would be extended to $3,200 of earnings. These changes will make it possible for those among the beneficiaries who are able to work to supplement their social security benefits with fairly substantial earnings.

One improvement that I am particularly pleased to see in the bill is the change in the method of figuring benefits for male workers. Under present law benefits are figured differently for men and women and the result is a lower benefit for a male worker than for a woman worker with the same earnings. Under this bill, benefits for both men and women would be averaged over a number of years figured up to the year the worker attained age 62, as is presently the case for women workers. This provision means that a man and woman of the same age working side by side in a factory and earning the same amount of money would receive the same retirement benefit.

Two other changes in the program incorporated in this bill are due in large part to the efforts of our distinguished colleague from Michigan, the Honorable MARTHA GRIFFITHS. Under present law a divorced wife or surviving divorced wife can receive benefits on her former husband's account if they had been married for at least 20 years, if, at the time, she applies for benefits she was receiving support from her former husband or there was a court order for her support. Many women at the time of the divorce take a property settlement in lieu of alimony or for other reasons refuse to accept any support. Also, in some few States it is not possible under the law for a woman to get alimony. Under the bill, the support requirement would be removed and benefits would be payable solely on the basis of a marriage which lasted at least 20 years. Also, under the bill, widowers would be eligible to receive benefits at age 60, the same as that for a widow. Widow's benefits at age 60 have been payable since 1965 and now the same protection will be afforded dependent widowers.

So far as medicare is concerned I am glad to report that the bill would make some much-needed improvements in the health insurance program. But I am disappointed that there is no provision for medicare for the disabled. The 1967 Social Security Amendments required the Secretary of Health, Education, and Welfare to establish an advisory council to study the problems of health insurance for the disabled. In January 1969 the council recommended extension of health insurance coverage to disabled beneficiaries. I would have liked for this bill to have included a provision to carry out this recommendation. Nevertheless, the provisions that are included in the bill are good ones and I hope that all of you will join me in supporting them.

**Mr. MILLS.** Mr. Chairman, I yield such time as he may require to the gentlemen from Ohio (Mr. VANIK).

**Mr. VANIK.** Mr. Chairman, I am pleased to support H.R. 17550, which was reported out of the Ways and Means Committee on which I am privileged to serve. This proposal does not either completely or satisfactorily update the social security program, but it is a step in the right direction.

This bill increases by 5 percent the social security payments to the 26.2 million beneficiaries on the rolls at the end of January 1971, and to those who come on the rolls after that date. The benefit increase would be effective for the month of January 1971, payable in February, and would mean additional benefit payments of $1.7 billion in the first year.

The bill would increase the amount a beneficiary under age 72 may earn in a year and still be paid full social security benefits for the year, from the present level of $1,680 to $2,000. Then, as in present law, for the next $1,200 of earnings there would be a reduction of $1 in a recipient's social security benefits for each $2 of earnings. A reduction of $1 would be made for each $1 of annual earnings above $3,200. This change would involve a cost to the Social Security Fund of almost one-half billion annually.

Another provision would provide $700 million annually in additional benefits to 3.3 million widows and widowers on the rolls at the end of January 1971 by providing that a widow or widower would be entitled to a benefit equal to 100 percent of the primary insurance amount, if first applied for at age 65 or later. Benefits applied for between age 62 and 65 would be proportionately increased over the present 82½ percent rate according to the age of the applicant at the time of application. In addition, widowers under age 62 would be granted the same privilege of applying for benefits on an actuarially reduced basis as now applies to widows.

The further changes under this bill eliminate the differences which favor women over men by providing that male retirees can compute their average earnings to age 62 instead of age 65.

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In the medicare provisions, this proposal seeks to make the medicare, medicaid and maternal and child health programs more efficient.

As I stated in my separate views on this bill, I am distressed with the decision to reduce the old-age and disability insurance fund by $30.2 billion in the next 4 years with a compounded loss including interest totaling $54.9 billion by January 1, 1980.

The reduction of the old-age and disability tax rate was achieved by deferring the scheduled increase in the employer-employee combined contribution rate to 10 percent until January 1, 1975. Present law would have increased the combined 8.4-percent rate to 9.2 percent on January 1, 1971, and to 10 percent on January 1, 1973.

I cannot agree with the social security authorities who deplore the healthy growth of the social security fund. Those who criticize and question the soundness of this program are given comfort by our legislative action which diverts almost $62.6 billion from the fund over the next 40 years.

Under regular insurance actuarial standards, the social security trust fund is far below accepted reserve requirements. The tax stretchout further reduces the strength of the trust fund at a time of uncertainties beyond projection or prophecy.

Our action in reducing the tax rate on the old age, survivors', and disability insurance fund is an inflationary action which comes simultaneously with income tax reductions. It would seem provident to place some of the tax reduction into the retirement reserve.

Furthermore, the trust funds are becoming more substantial investors in the Federal debt. The time is not far distant when 40 percent of the Federal debt will be held by trust fund accounts. The trust fund contributions constitute the only investment in the Federal debt of millions of American taxpayers. Incredible as it may seem, the substantial investment of the trust funds in the Federal debt have served to keep the Federal interest rate and the public interest rate from reaching even greater heights.

Those who oppose the increased reserves in the social security trust fund are also those who oppose increased benefits. They are willing to shortchange the trust funds in order to reduce pressures for increased benefits and services needed by retired Americans. The worker-contributor will save a few pennies but the corporations of America will have a windfall of $15 billion in 4 years at the expense of a stronger social security fund and a better program.

It is my hope that the next Congress will review this decision and take appropriate action, if necessary, to strengthen the social security fund.

**Mr. MILLS.** Mr. Chairman, I yield such time as he may require to the gentleman from New York (Mr. GILBERT).

**Mr. GILBERT.** Mr. Chairman, I wish to congratulate and compliment the chairman of the Committee on Ways and Means and the members of the committee who worked so hard and diligently on this bill.

Mr. Chairman, I rise in full support of this bill to increase social security benefits by 5 percent.

This bill is the logical extension of the bill passed by Congress last year in which a 15-percent increase in social security benefits was authorized for more than 26 million Americans who today receive social security benefits.

I am also pleased that the committee has seen fit to take steps that will allow these senior citizens to live in relative comfort and security during this particularly crushing inflationary period the country is now undergoing.

The fight to increase the social security check has been a long, hard, often lonely battle for those of us who are concerned about the plight of our senior citizens. I laud the committee, and particularly our chairman, WILBUR MILLS, for responding so well to this worthwhile cause.

This bill, combined with last year's 15-percent increase, is in accord with my bill, provides a 20-percent benefit increase at the beginning and provides increases up to a total of 50 percent over several years. This is a first step toward the ultimate attainment of the 50-percent increase in benefits which will finally bring our golden age citizens up to a decent minimum living standard.

I will not go into detail on the bill since it has already been widely discussed, but the increases allowed in this bill raising the present level from $1,680 a year to $2,000 a year are certainly a step in the right direction.

For every $2 of earnings up to $3,200, a recipient's benefits would be reduced only by $1. This means that a social security recipient not only has a higher level under our bill, but is allowed incentive earnings.

An important provision of the new bill, as far as I am concerned, is the increased benefits for widows up to age 65. Up until now, they have only been receiving 80 percent of benefits. Under the new bill, as I had earlier proposed to the committee, benefits will now be 100 percent. There are presently more than 3 million widows and widowers on social security rolls. The increased benefits will dramatically increase their standard of living under social security.

As always, my committee has reported out a complex and tightly written bill which is primarily designed to assist those people who have worked hard all their lives and deserve to live out their retirement years in dignity and decency. We have discovered in our investigations in recent years that some social security recipients have had to go on welfare to survive. I cannot think of any worse condemnation of the social security system than that. Last year's 15-percent increase was an attempt to correct those inequities.

This year's bill is the second phase, and I am confident that as the years go on, my committee—and the House—will continue to move forward along the same liberal lines.

In these years of inflation and declining quality of services, we cannot desert those millions of people who have dedicated their lives to this Nation's improvement. This country was built by the working man and he is the bulwark of our free, democratic process today, and we must insure that when the working man or woman retire, we are not relegating him to second-class status. I am very pleased with this year's bill, and I would hope that it will receive the enthusiastic endorsement of all the Members of the House.

**Mr. MILLS.** Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. STUBBLEFIELD).

**Mr. STUBBLEFIELD.** Mr. Chairman, since the bill to amend the Social Security Act has been brought to the House floor under a closed rule, making it impossible to offer amendments from the floor and making it necessary to vote either for or against the measure in its entirety, I feel that I must vote for the bill. This is not to say, however, that I favor all of its provisions. I am definitely opposed to the nursing home provision and I expect to do all within my power to encourage the conferees to delete this section from the bill. I feel that it would work a great injustice on all our elderly citizens.

**Mr. MILLS.** Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. BURLISON).

**Mr. BURLISON** of Missouri. Mr. Chairman, today should mark a great milestone in the lives of our senior Americans. The bill we are now considering will add a 5-percent, across-the-board increase for social security recipients. This, added to the 15-percent increase which we approved a few months ago means that many of our people have received a substantial improvement in living standards in a short period of time. The Congress is to be commended for this action.

But this is not all we are doing by our action today. We are, first, raising the retirement exemption from the present $1,680 to $2,000, with a 50-percent reduction in benefits between $2,000 and $3,200.

Second. Benefits equal to 100 percent of primary insurance for widows and widowers over 65, with proportional increases over the 82.5 percent current rate for those between 62 and 65. In addition, widowers under 62 would be granted the same privilege accorded widows applying for actuarially reduced benefits.

Third. Reduction of the computation point for benefits for men from 65 to 62 and elimination of the actuarial reduction in spouse's benefits when such benefits are applied for in addition to retirement benefits.

Fourth. Permitting individuals receiving disability insurance, workmen's compensation, and social security to receive 100 percent instead of 80 percent of average earnings.

Fifth. Extension of the $100 monthly military service credit back to 1957 instead of 1967 in current law.

Sixth. Raising the age for child's benefits for persons disabled prior to age 18 to age 22.

Mr. Chairman, this is monumental legislation. Hopefully, we will overwhelmingly pass this bill today as an added incentive to the Senate and the President to promptly get our legislation into effect.

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**Mr. ROSTENKOWSKI.** Mr. Chairman, I rise in support of this bill.

Mr. Chairman, the bill not only improves benefits but also makes significant improvements in several provisions of the social security law—provisions relating to our old, our blind, our widows and widowers and to those adults who have been disabled since childhood. These provisions will benefit the approximately 26 million recipients presently on the rolls by increasing payments by nearly $4 billion during the first year after enactment. In the State of Illinois alone there are around one and a third million social security beneficiaries whose benefits would be increased under the bill by about $230,000,000 during the first year.

Of course, there are still problems to be solved and situations to be improved in the social security system, but I believe this bill has brought us further along on the way to take care of those of our people who can no longer take care of themselves.

The 5-percent, across-the-board increase in social security benefits is an indication of our concern not to let the income of our social security beneficiaries lag behind the steady upward movement of prices and wages.

I am happy to point out that the committee has increased the amount of earnings a social security beneficiary may have and still get full benefits. At present that amount is only $1,680 a year. The increase to $2,000 is not dramatic—it should be more—but it does represent the approximate increase in earnings levels since 1968 when the $1,680 figure was set. To that extent the committee has recognized that these beneficiaries who desire to and are able to work ought to be encouraged. I think, therefore, we have moved forward.

The bill corrects a situation relating to the benefits to our aged widows and dependent widowers. It recognizes that a widow's needs are the same as those of the retired worker, and provides that an aged widow's benefits would be the same amount as for the retired worker.

The bill will at long last remove an inequality in the law under which retirement benefits for men were computed on a less favorable basis than for women. I applaud this improvement. I hope that sometime soon we will also find a practical and equitable way to base a husband's and wife's retirement benefits on their combined earnings under social security.

Mr. Chairman, I am also pleased to support the provision in the bill which will extend disability benefits to those young people who become totally disabled after reaching age 18 but before age 22, where the parent is retired and getting benefits or has died. Patterns of living, and our education and training requirements have changed to the extent that many young people do not have any regular earnings and are dependent on their parents for support until they are in their early 1920's. The law had been brought up to date in one respect by providing child's benefits to students until age 22. This provision is a logical and commendable extension of this recognition.

Mr. Chairman, I have long been aware of the particular handicap that besets our blind disabled and I am pleased to report that under this bill the eligibility requirements for social security benefits are somewhat eased for the blind.

Mr. Chairman, we all know Mark Twain's witticism that everybody talks about the weather but nobody does anything about it. Similarly, there has been a lot of concern but not much action so far about the spiraling medical costs. I am particularly pleased to support the provisions of this bill that show energetic and resourceful efforts to control these costs and I earnestly hope that they will be as successful as the members of the Committee expect them to be.

Mr. Chairman, I am humbly proud to have had a part in developing this bill and I want, in particular, express my admiration for the untiring and competent leadership of the chairman of the Ways and Means Committee, our honorable colleague, WILBUR MILLS, in keeping this bill on the narrow path between the desirable and the possible. I entreat my colleagues in this distinguished body to join me in its support.

**Mrs. GRIFFITHS.** Mr. Chairman, as a member of the Committee on Ways and Means I wish to say that I strongly support all of the provisions in the bill reported by our committee. The bill would make many improvements in the social security program, a program that is vitally important to millions of Americans.

I was especially happy to see included in the bill two of the provisions that first I and then others among my fellow Congressmen have been recommending for so, long—provisions that would insure that men and women in the same situation would be treated equally under the program.

The age 62 computation point for men provided by the bill will provide equal treatment for men and women in determining benefit eligibility and computing benefit amounts under the program. Both will be figured up to age 62 now, instead of up to age 62 for women and up to age 65 for men, as is the case under present law. As a result, a man and a woman of the same age and with the same earnings will get the same benefits. No longer will the man get less, as he does under present law.

Another area in which equal treatment of men and women is provided by the bill is that of the age of eligibility for widow's and widower's benefits. Under present law the age of eligibility for widows is 60 while widowers must wait until they are 62 to get their benefits. The bill would lower the age for widowers from 62 to 60, making it the same as it now is for widows.

This provision would correct an unequality in the treatment of men and women that has existed since 1965 when the age of eligibility for widows was lowered from age 62 to 60 but the age of eligibility for dependent widowers remained 62. There is no valid reason for this difference in treatment of men and women and it should be corrected.

Another provision I am particularly happy to see included in the bill is the one that would eliminate the support requirements for divorced wives and widows. Under present law benefits are payable to aged divorced women and to divorced mothers with minor children only if they meet rigid support requirements. When I offered the amendment originally, I never expected it to work in this way. I am happy now to correct it. A divorced woman is required to show that, first, she was receiving at least one-half of her support from her former husband; or second, she was receiving substantial contributions from her former husband pursuant to a written agreement; or third, there was a court order in effect providing for substantial contributions to her support by her former husband.

The intent of the Congress is providing benefits for divorced women was to protect divorced women with young children and women whose marriages were dissolved after they have reached an age where they might not be able to go out and earn retirement protection for themselves. The need for social security protection is particularly acute for women who have spent their lives as homemakers and who have never worked outside the home. Removal of the support requirements will permit these women to qualify for benefits.

These provisions are unquestionably a substantial move in the direction of equal treatment of men and women under the program and, as I have said, I strongly support them. I must say though, that I was most disappointed that the bill does not include other provisions that are needed in order to give equal treatment to women and men. We need to eliminate the support requirements for husband's and widower's benefits since there are no support requirements for wife's and widow's benefits and we ought to provide father's benefits under the same conditions as we provide mother's benefits.

And I was more than disappointed that our committee did not see fit to include my proposal to permit a working couple to combine their earnings and have their social security benefits figured as though all of their earnings were the earnings of one of them. Under present law an aged couple can get less in total monthly benefits if both the man and wife worked than a couple getting benefits based on the same total earnings where only the husband worked. For example, when only the husband works and earns $7,800 a year, benefits to the couple at age 65 would be $376.10—250.70 to the husband and $125.40 to the wife; if the husband and wife each had earnings of $3,900—combined earnings of $7,800—their benefits would be $309—$154.50 each.

The committee did request the Advisory Council on Social Security that is currently reviewing all aspects of the social security program to study this issue and to include in its report specific recommendations on how the benefits paid to a married couple may be equitably based on their combined earnings. I shall be particularly interested in seeing that report.

While the bill does not include everything I would have liked it to include, and while I am sure that other Members

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have special interests that were not taken care of in the bill, it is, nevertheless, a good bill and one that I believe every Member of the House can accept with enthusiasm.

Mr. BURKE of Massachusetts. Mr. Chairman, I support the bill which the distinguished chairman and ranking minority member on the Committee on Ways and Means have introduced. Last year, when the committee provided for a 15-percent increase in benefits, I expressed my support for that increase, though I thought then that increase was insufficient. The 5-percent increase in the present bill will partially compensate for the inadequacy of the increase that was enacted last year. Nevertheless, the total increases passed last year and under consideration in this bill do not provide adequate purchasing power for the approximately 25 million social security beneficiaries—our aged, our widows, our orphans, and our disabled. These people generally have very little income other than the benefits they get under our Nation's social security program.

The bill also increases from $1,680 to $2,000 the amount of earnings a beneficiary may have in a year and still draw his full benefits. This is a step forward, though in today's economy I believe an amount higher than $2,000 would be preferable. For the large number of beneficiaries whose benefits supplemented by modest earnings constitute their source of income, the increase to $2,000 will be an important help in maintaining their purchasing power. For many beneficiaries who can earn $2,000 or somewhat more this increase will result in $320 more in total income for a year.

I am especially glad that the committee adopted a number of improvements in the disability insurance program. One much needed change which I have supported would permit payment of benefits to a child on his parent's record if he was disabled before age 22, rather than before age 18 as at present. This change will fill a much needed gap in the protection to young people who become disabled after leaving high school but before they have had the opportunity to work long enough in covered employment to build their protection on the basis of their own work. It is a vital and valuable improvement.

Another very important improvement in the disability provisions would permit a blind person to qualify for disability benefits even though he does not have 20 quarters of coverage during the 10 years up to and including the year in which he claims the benefits. I am sure we all realize the problems many blind people have in working sufficiently to be able to qualify for benefits.

One of the most unfortunate results of the present medicare program is the effect it has on the protection offered to employees of State and local governments who, because of a satisfactory retirement system of their own, do not have coverage under social security, and thus they do not have medicare protection. Yet for most of these, Blue Cross and other programs have adapted their protection to supplement the protection offered by medicare. Thus for many public servants, either the protection available to cover hospital and medical costs has gone down or their costs have risen beyond reason. It is with great satisfaction that I tell you that this bill makes medicare protection available to all uninsured workers at a cost of $27 a month for the hospital insurance coverage, and that the States and other organizations may, by agreement with the Secretary, purchase this coverage on a group basis for their retired employees age 65 or over.

I cannot stress too strongly the value of these and the many other improvements which this bill makes in the social security program. I urge all of you to vote for the bill, on which the committee has spent many hours of concerned study.

Mr. FULTON of Tennessee. Mr. Chairman, today we take an important step forward in passage of this legislation to helping an important and deserving segment of our society keep pace with the rising cost of inflation.

Passage of the Social Security Amendments of 1970 by the House of Representatives today will provide this protecttection to the millions of retired Americans who depend on their social security monthly benefits for their livelihood.

Since February of 1968, when benefits were increased by the 90th Congress the cost of living has risen almost 13 percent. In December of last year the Congress increased bnefits an additional 15 percent but this hardly keeps pace with inflation when one considers the preceding months for which they were not compensated.

This new legislation will add another 5 percent increase in benfits in January 1971. This will hardly match the expected 6 percent cost-of-living increase that is threatened to occur during calendar 1970.

Mr. Chairman, there is tragic irony in this increase in social security benefits. Since my election to the House Ways and Means Committee in 1965 that committee has reported and the Congress has approved social security benefit increase totaling more than 37 percent. Yet it is reported that the buying power today of the weekly after-tax earnings of the average nonsupervisory worker in private employment, about 48 million workers, is less than last year and below what it was in 1965.

Thus, while social security benefits have risen some 37 percent in the last 5 years the social security benefit dollar provides little more if any in purchasing power than it did half a decade ago.

It had been my hope that the committee would have found it possible to bring to the floor a bill with a 10-percent benefit increase effective July 1 of this year.

Regrettably we were not in a position to do so because existing and expected moneys in the trust fund simply will not permit an increase of this size at such an early date.

It is also unfortunate because this Nation is now in its 16th month of economic decline, a decline which gives no reassuring evidence of bottoming out.

The stock market has reached new lows. Industrial output in the Nation has slumped to less than 80 percent of capacity. Unemployment stands at almost 5 percent of the work force with over 1 million Americans joining the ranks of the jobless since December of last year.

And who is it that suffers the most? It is the man on the fixed income, the wage earner, the small businessman.

It is time this administration admitted candidly to itself that its anti-inflation policy of high interest rates and controlled expenditures simply are not sufficient to thwart the economic dangers facing this country. The Congress in December of last year gave the administration certain selective tools it could use to help curb inflation. To date these tools have been ignored despite pleas from almost every segment of the economy and warnings, just this week, from within the administration itself.

Finally, Mr. Chairman, the House has passed legislation which I was privileged to cosponsor, increasing railroad retirement benefits by 15 percent retroactive to January 1 of this year. The bill is now languishing in the Senate. In addition I have offered additional legislation to provide for another 5-percent increase in railroad retirement benefits on January 1, 1971, to maintain the traditional benefit equality between the social security and railroad retirement systems.

The need for an increase in railroad retirement benefits is urgent because while social security beneficiaries are enjoying their 15-percent increase today, railroad retirees have had no increase in more than 2 years.

It is my hope that the Senate acts immediately on the railroad retirement legislation already passed by the House and amends the bill to include the provision in my bill which will grant an additional 5-percent increase in January of next year when the new social security benefit increase becomes effective.

Mr. HOGAN. Mr. Chairman, I would like to state my enthusiastic support for the bill before us.

May I first commend the chairman and members of the Ways and Means Committee for their extensive review and analysis of a very complex piece of legislation and its programs.

In the product of their efforts I see the solution to many problems and inequities which have hampered the effectiveness of the social security and medicare-medicaid programs, and I feel the administration of these programs will be vastly improved as a result.

I am particularly pleased to note that certain provisions which I sponsored in my bill H.R. 14239 are contained in the committee's recommendations. Among those are provisions to—

Increase widows' benefits to 100 percent for those persons over 65 years of age;

Authorize a computation age of 62 for men, thereby eliminating an inequity;

Modify the earnings test so that earnings in and after the month a person

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reaches the age 72 are not counted against his annual income; and

Provide benefits to disabled dependents who become totally disabled after age 18 and prior to age 22.

Although the committee did not go as far as I would have liked in reducing the number of quarters required for the blind to be eligible for disability benefits, the bill before us does provide a relaxation of existing requirements which is an improvement.

Similarly, I would like to have seen the earnings limitation for those over 65 lifted completely. The committee has seen fit to increase the amount of $2,000, which I, of course, approve as it will mean a lot to those who are willing and able to work to supplement their meager annuity, particularly under existing inflationary conditions.

These are just a few of the myriad of situations to which this bill responds. As I understand it, benefits will accrue to approximately 41 million persons in the amount of $3.9 billion in the first year under the provisions of this bill.

This includes the overall 5-percent increase in benefits effective January 1, 1971, which I wholeheartedly approve. I praise the committee for its farsightedness in acting now to include this increase which I do not doubt will be sorely needed by next January 1.

We in the Congress have a commitment to maintain social security and to upgrade and extend that program and others to meet the needs of our senior Americans. By passing this bill, Congress will be continuing to fulfill that commitment. Therefore, I urge every Member to support this legislation.

Mr. MINISH. Mr. Chairman, the Social Security Act of 1970 contains many constructive amendments which provide needed structural improvements in social security, medicare, medicaid, and maternal and child health programs. However, the more substantive provisions of the legislation fall short of providing adequately for America's senior citizens.

Most of the Ways and Means Committee's decisions are worthwhile and deserving of strong support. For example, the legislation proposes a liberalization of the retirement test, alters the requirements for the blind to qualify for disability payments under social security, reduces the benefit computation point for men to 62, and raises the age for child disability benefits from 18 to 22.

H.R. 17550 also includes a section allowing both widows and widowers 65 or over to receive 100 percent of their spouse's retirement benefit. Under present law, they are restricted to only 82.5 percent of the spouse's benefit.

The 5-percent, across-the-board increase to take effect next January 1 is inadequate at a time when the cost of living is rising annually by approximately 6 percent. Inflation exacts its harshest toll on our elderly citizens, many of whom must struggle to get by on a low, fixed income while prices continue to rise.

A solution to the dilemma of inflation for older persons is contained in legislation I introduced last year. Under my measure an automatic reappraisal of social security benefits would be required every 3 months. Whenever prices in such a period have risen above a certain point, there would be a parallel increase in social security benefits. Such a cost of living mechanism is necessary to prevent the erosion of benefits by rising prices which force the elderly to fall further and further behind in the race with living costs.

Mr. Chairman, H.R. 17550 is being considered under a traditional closed rule barring all amendments. Hopefully the legislation will be improved when it reaches the Senate to provide for a more adequate increase in benefit levels and the institution of a cost-of-living mechanism to tie future benefit increase to the rising cost of living.

Mr. FLOOD. Mr. Chairman, I am grateful for this opportunity to express my strong support for H.R. 17550, a bill that would make several important and much-needed improvements in the social security program.

The improvements that would be made in the social security program under the bill would affect, of course, not only the 25½ million people now getting benefits, but also the 94 million workers who are currently contributing to the program. The most important provision of the bill, since it would affect all present and future beneficiaries, is the provision for an across-the-board benefit increase of 5 percent for all social security beneficiaries on the rolls in January 1971 and for those coming on the rolls thereafter. The 15-percent benefit increase that was enacted just last December brought the beneficiaries up to date with the cost of living. But, of course, the cost of living has continued to rise since that time and shows no signs of any significant slowdown in the very near future.

I am glad to see that the bill calls for an increase in the contribution and benefit base—the maximum amount of annual earnings taxed and counted for benefits under the program. The higher creditable earnings resulting from the increase in the base from $7,800 to $9,000 would make possible an ultimate maximum benefit, on average monthly earnings of $750, of $283. While this increase in the base will of course help to finance the improvements in the program that the bill would provide, the really important thing is that it will help to keep the program up to date in terms of today's earnings levels. As a result, it will be possible to pay benefits that are more reasonably related to the actual earnings of workers at the higher earnings levels.

The bill would also change the retirement test—the provision in the law under which a person under age 72 has some or all of his benefits withheld if he earns over a certain amount—by increasing from $160 to $2,000 the amount a person can earn and still get all of his benefits for the year. I am most pleased to see the change included in the bill.

I am also pleased that the committee has seen fit to increase the amount of an aged widow's benefit under social security. Women getting aged widow's benefits on the average get lower benefits than do most other social security beneficiaries. In addition, surveys of social security beneficiaries have shown that, on the average, women getting aged widow's benefits have less income from sources other than social security than do most other beneficiaries. Therefore, an increase in benefits for aged widows—and also for widowers—is an improvement in the social security program that we should all go along with. The bill would equalize the treatment under social security of aged widows and widowers by lowering the age of eligibility for aged dependent widowers' benefits from 62 to 60 and thereby granting widowers the same privilege of applying for actuarially reduced benefits as now applies to widows. I endorse this change.

I am only sorry that an emergency meeting in my State means that I will not be able to be recorded as voting in favor of this bill.

Mr. BRINKLEY. Mr. Chairman, I wish to call attention to the proposed amendment to title XIX of the Social Security Act relating to medicaid. It is my understanding that there were no public hearings on this part of H.R. 17550 to indicate what effect it would have on the aging.

If Federal medicaid funds for skilled nursing home care are reduced after 90 days of benefits in a year by one-third, we are saying, in effect, that if the aged recipient does not improve in 90 days, then give him less care with less skilled personnel.

I hope the Congress will carefully consider the fate of our elderly citizens in nursing homes should they suddenly have no place to live and no one to care for them. It is most important for us to realize that the present medicaid program is vital to the well-being of millions of indigent Americans.

In Georgia, as well as other States, many patients from State hospitals are admitted to nursing homes, and the only source of support most of them have is the medicaid program. Without medicaid, as it now exists, these senior citizens, who deserve the very best we can give them, would have to return to the State hospitals to a life of meaningless existence. It appears that the first program designed to assist our elderly ill is now being eroded.

Additionally, the nursing home industry would be seriously jeopardized financially throughout the country. Indeed, in the State of Georgia, the State health department has estimated that the nursing homes of Georgia would lose over $7 million in Federal funds, and State funds just are not available to replace them.

It is my further understanding that the proposed amendment is:

First, an increase in the Federal match ing percentage by 25 percent for outpatient hospital services, clinic services and home health services;

Second, a decrease in Federal percentage by one-third after the first 60 days of care—in a fiscal year—in a general or TB hospital;

Third, a reduction in the Federal percentage by one-third after the first 90 days of care in a skilled nursing home;

Fourth, a decrease in Federal matching by one-third after 90 days of care in a mental hospital and provision for no

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Federal matching after an additional 275 days of such care or during an individual's lifetime; and

Fifth, authority for the Secretary of Health, Education, and Welfare to compute a reasonable cost differential for reimbursement purposes between skilled nursing homes and intermediate care facilities.

The administration estimated that the amendment to title XIX would reduce Federal expenditures by $238,000,000. This will make it necessary for the States to:

First. Absorb the fiscal impact with State and local funds, or

Second. Reduce overall medicaid benefits, or

Third. Reduce skilled nursing home benefits regardless of patient need, or

Fourth. Classify patients as "intermediate care" or "custodial." Many States do not have an intermediate care program. Some States with an intermediate care program have already classified nursing homes and patients as intermediate care on a wholesale basis without regard to required standards or patient needs. The Federal financial assistance in intermediate care is limited to grant-in-aid recipients. Medical-assistance-only patients in the medicaid program would not be eligible for Federal assistance in intermediate care facilities.

I believe that the record will show that past efforts to severely curtail utilization of extended care facilities or skilled nursing homes have resulted in increased use of hospital benefits at several times the cost of skilled nursing home care. Similar results may occur under this amendment since the 60-day limit on hospital stays is almost no effective limit.

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Mr. SCHADEBERG. Mr. Chairman, I rise in support of this legislation, H.R. 17750. It is not perfect. That does not mean I am critical of the members of the Committee on Ways and Means. I think they have done a good job. They had to work with what we have and the needs that needed fulfilling.

Our senior citizens are the No. 1 victims of the inflational spiral that has been afflicting our economy. A large share of the blame for this inflationary spiral must be laid at the doorstep of members of this House who have through the years concocted scheme after scheme to spend the taxpayers' money. Many of the programs in unrestricted escalation caused a deficit spending by the Government of astronomical proportions. Our senior citizens had borne the brunt of reckless spending and the unrestricted proliferation of our Federal bureaucracy.

I congratulate the committee for including into this legislation the raising of the amount of money a social security beneficiary can earn before his benefits are reduced. I have introduced legislation in each new Congress to which I was privileged to represent my people that would permit a raise in earned income before reduction in benefits and it is good to know that the Committee has seen fit to act favorably on this matter at this time.

I am in favor of automatic increases in benefits in keeping with increases in the cost of living due to inflation. It is long past due since the social security beneficiaries are the victims of congressional fiscal actions. Social security benefits are paid for by the people and as such should not be manipulated for political advantage of members of this House who impose the taxes.

Mr. PATMAN. Mr. Chairman, nursing homes are providing an excellent and needed health service for our older citizens. Never before in history have such large numbers of elderly people had access to skilled long-term care. It seems to me to be highly unfortunate that this House would now, in an effort to achieve the worthy goal of improved preventive treatment and outpatient care, strike a damaging blow to nursing homes by approving an inflexible 90-day limit on extended care after which time Federal medicaid support funds would be reduced.

What of the patients affected by this action? If a State is unable to take up the financial slack when the Federal Government cuts back on assistance after 90 days, are the patients to be thrown out into the streets or deposited in the homes of their children who have neither the facilities nor the training to provide adequate care? While there may be a few who remain in extended care facilities when their health does not require it, the effect of the action being considered today would be to reduce assistance for all medicaid patients regardless of their health condition. This may remove the few who do not really need skilled care, but how many in genuine need will suffer as a result?

Mr. Chairman, there are better ways of going about this, and I hope the House will not approve this disruptive and inflexible requirement which threatens the nursing home industry, the fiscal condition of our States, and the health and well-being of many elderly citizens who require skilled long-term care.

Mr. DENNIS. Mr. Chairman, I vote today for H.R. 17550 which increases social security benefits by 5 percent, raises the amount of earned income which may be retained without sacrifice of benefits from $1,680 to $2,000, provides for a 100-percent widow's benefit if applied for at age 65 or later, liberalizes provisions as to benefits for divorced women, and, along with other amendments, makes several important reforms regarding medicare and medicaid.

I should like, however, to emphasize the concern which I feel, and which needs to be kept in mind by all of us, regarding the expense of these liberalized benefits and the tax burden on our working population which is necessary to support them. The tax base, starting January 1, 1971, will go from $7,800 to $9,000 per year, and the tax rate on each employee goes from 4.8 percent to 5.2 percent in 1971–72, and to 6.5 percent by 1987. This means a combined rate on employer and employee of 13 percent. The rate on the self-employed by 1987 will be 8 percent.

This burden is being imposed less than 5 months after a 15 percent increase, which I also supported, and this 20 percent increase admittedly outstrips the increase in the cost of living.

All of us, myself included, take pleasure in providing a livable retirement fund for our elderly people who depend on social security, but we can't ignore the ever increasing tax burden on the wage earner and on the income producer in our society.

The future is clouded, but the answer would seem, perhaps, to lie in so conducting our collective affairs that an ever increasing inflation does not constantly rob our elderly citizens, and force correspondingly increased taxes upon our wage earning people.

Mr. WIGGINS. Mr. Chairman, I have serious misgivings concerning that portion of the pending legislation dealing with nursing home services. I would have preferred a different procedure than that under which we are now considering this bill, so that appropriate amendments would be in order. But the rule is closed, and we are confronted with an all or nothing alternative when the legislation considered as a whole plainly contains much good, as well as the questionable nursing home provision.

The Congress must address itself to the problem of skyrocketing medicare and medicaid costs. The Ways and Means Committee has found that one reason for this cost spiral is that elderly patients are routinely placed in expensive skilled nursing home facilities for unlimited periods. Under existing law, the Federal Government pays a share of the cost of this service. The committee has further found that many, but not all, elderly patients do not require the expensive care which must be available in a qualified nursing home. Obviously, it makes fiscal sense to transfer patients to less expensive intermediate care centers as soon as it becomes medically possible to do so. Finally, the committee has found that nearly all patients do not require the intensive and expensive care available to them in a skilled nursing home beyond 90 days.

The response to these findings by the committee is to provide financial incentives to States to remove patients to less expensive facilities as quickly as possible. The recommendations contained in the bill are as follows:

First. The Federal share of financial assistance to patients in skilled nursing homes is reduced by one-third after the first 90 days of a patient's confinement; and

Second. An increase by 25 percent in the Federal share of financial assistance to facilities providing an alternative to the intensive care available in skilled nursing homes.

Mr. Chairman, I am entirely in agreement with the determination by the committee that medicaid costs for nursing home care must be brought under control. The efforts on the part of the committee to encourage transfers to less expensive facilities merits my support. But the committee has devised a formula which is arbitrary and does not recognize that proper medical care is an individual, personal matter, and cannot be intelligently dispersed based on statistical averages.

Were the House operating under procedures permitting amendments to this bill, I would have preferred language requiring an individual reevaluation of patients so that the full Federal contribution would remain available to individuals truly in need of intensive skilled nursing home facilities beyond the arbitrary limit fixed in the bill. Since such amendments cannot be considered in the House, it is my hope that the Senate will give special consideration to this problem during its deliberations.

Mr. Chairman, much misinformation has been furnished to families with loved ones in skilled nursing home facilities. These institutions will not close. Patients will not be turned out into the streets to die, as some of my mail has suggested.

The first impact will not be felt until January 1, 1971. On that date, the State of California will receive one-third less Federal support for patients remaining longer than 90 days in skilled home facilities. Thereafter, the State may either increase its contributions by the amount of the Federal share lost—estimated at between $15 and $30 million annually—and continue services at the present level, or adopt procedures requiring that patients be provided less expensive intermediate care after 90 days. In the latter event the taxpayers will save substantial sums and the quality of health services need not suffer. A third alternative exists, but it is unthinkable.

It is possible that the State will do nothing and some individual centers, being unable to absorb the lost revenues, will curtail services. This third alternative is not good government nor good business and should not be advertised as the likely consequence of the adoption of this bill.

**Mr. ADDABBO.** Mr. Chairman, I rise in support of H.R. 17550, the Social Security Act Amendments of 1970. Last October, I introduced legislation designed to bring the Social Security Act up to date through comprehensive amendments providing a substantial increase in benefits for our senior citizens. While this bill does not go as far as I would have liked, it is another important step forward in meeting the realistic needs of our senior citizens.

Last year, the Congress approved a 15-percent general increase in social security benefits, effective January 1, 1970. This was an urgently needed measure in light of inflation and dramatic increases in the cost of living. Those persons living on fixed incomes have been hit hardest by the inflationary period in our economy and the 15-percent increase barely covered the increase in living costs.

### INCREASED CASH BENEFITS

H.R. 17550 provides an additional 5-percent increase in benefits under social security effective January 1971—payable in February. This is in addition to the 15-percent increase enacted in December 1969. The amendment will mean additional payments of $1.7 billion to more than 26 million social security beneficiaries during the first year. My bill would have provided a more substantial increase—50 percent over a 2-year period—and I hope that Congress will continue to move toward a more realistic adjustment of cash benefits to meet the basic human needs of beneficiaries of this program.

### RETIREMENT INCOME

The restriction on outside earnings under the Social Security Act has been an unreasonable barrier to part-time employment for many social security beneficiaries who would otherwise keep occupied and prefer to work. This bill increases the amount a beneficiary may earn and still receive full benefits from $1,680 to $2,000 and provides a reduction in benefits of $1 for every $2 earned above $2,000 but below $3,200 with a $1 reduction for every $1 earned above that amount. This change in the law will benefit some 1 million persons.

### WIDOW'S BENEFITS

Another important amendment would entitle a widow, or dependent widower, to receive full benefits at age 65 or 82½ percent of full benefits if applied for at age 62 and a proportionate amount based on the age at which the widow or dependent widower applies for benefits, whether below age 62 or between the ages of 62 and 65. This change will benefit more than 3 million beneficiaries of the program.

### AGE 62 COMPUTATION FOR MEN

This amendment provides that benefits for men shall be computed by taking average earnings up to age 62, as is presently the law with respect to benefits for women. This removes the discriminatory provision which based computation of benefits for men on earnings up to age 65.

### DISABILITY BENEFITS

There are several major changes with respect to disability benefits. First the amendments would protect blind persons without the requirement that they meet the substantial recent covered work test. In addition, the bill would reduce social security disability benefits where workmen's compensation is paid only where the combined payments exceed 100 percent of average earnings before disability. The present law reduces payments where the amount exceeds 80 percent of average earnings.

Another amendment which I cosponsored provides childhood disability benefits where the disability occurs prior to age 22. This changes the present law which applies only to disabilities beginning prior to age 18. Approximately 13,000 persons will benefit immediately from this amendment.

### WAGE BENEFITS FOR SERVICEMEN

Present law authorizes wage credits of up to $100 per month for servicemen based on the number of months in service after 1967. This credit is in addition to benefits computed on basic pay. The amendment would extend this wage credit to servicemen for each month of service between 1957 and 1967 and would increase benefits for approximately 130,000 beneficiaries.

### MEDICARE AND MEDICAID AMENDMENTS

The legislation contains reasonable and necessary cost control provisions relating to the medicare and medicaid programs while expanding the benefits of these programs to those over the age of 65 but not previously covered. The ceilings on physician and hospital charges are based upon prevailing charges in each community and are simply designed to keep costs of the programs within normal bounds. These amendments will, if successful, enable us to expand the scope of health insurance to other parts of our society until such time as national health insurance for all Americans can be enacted.

Mr. Chairman, I would have preferred a broader bill, with higher cash benefits and with an automatic cost of living increase built into the system. I support H.R. 17550 without hesitation, however, because it is the second important step taken by the 91st Congress toward the goal of realistic benefits for our senior citizens. I urge my colleagues to join me in voting for this bill.

**Mr. ROTH.** Mr. Chairman, once again Congress has an opportunity to show its concern for the welfare of an important segment of our population—the aged, the widowed, and the orphaned by amending and improving the social security program. The bill before us—H.R. 17550—would make a number of important changes in the social security program. It would do away with a number of injustices which exist in the present program as well as update benefit amounts, the earnings test and the tax base. In addition, it seeks to improve the operation of the medicare program. I would like to congratulate the members of the Committee on Ways and Means who worked so long to bring out this important legislation.

This bill includes all the major legislation proposed by the President last fall except the provisions for automatic increases in benefits geared to rising prices and automatic increases in the tax base geared to rising wage levels. I feel that this is unfortunate, for social security benefits must constantly be kept abreast of the cost of living. The effectiveness of these benefits is greatly impaired when they do not become available to the people until 6 months or even a year after the serious need has arisen.

The 5-percent benefit increase which would be provided effective next January, is to me, an attempt to help assure that the rising cost of living does not erode the purchasing power of social security benefits. As a result of this increase the average benefit payable to retired people will rise from an estimated $118 next January to $138 and the average benefit to a retired couple will rise from $199 a month to $218. Altogether, some 25.6 million people will be paid increased benefits starting next January. An estimated $1.7 billion in additional benefits will be paid out in the first 12 months.

About the only way of keeping up with inflation and rising prices that is open to many older people is getting a job. However, the retirement test in the law restricts the amount that a person can earn and continue to receive all of his social security benefits. It is, therefore, quite appropriate that the legislation under consideration increase the amount that an individual can earn from $1,680 a year to $2,000 a year, with a 50-percent reduction in benefits between $2,000 to $3,000. As the result of this change, about $475 million in additional benefits will be paid to about a million people—about 100,000 of whom get no benefits under the present provision—for 1971.

For some time, it has been generally recognized that the benefits paid to widows are generally inadequate. This inadequacy results in large measure from the provision of present law which sets

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the widow's benefit at 82.5 percent of the retirement benefit which would be paid to her husband at age 65. Wisely, the legislation we are considering provides that benefits payable to a widow who qualifies for benefits at age 65, will be the full amount of the husband's retirement benefit. However, if the widow begins to get her benefit earlier than age 65, it will be reduced just like the other benefits which are payable under present law before age 65. In most cases, the benefits payable will be more than can be paid under present law, but in no case will they be less. This, I think, is a long overdue change. It will result in about 3.3 million widows receiving an additional $700 million in benefits in 1971.

A significant feature of H.R. 17550 is that it makes technical changes in the law to eliminate present provisions which discriminate against some people. One of the more important of these changes deals with the way benefits based on men's earnings are computed. Under the present law, the benefit for a man is based on the number of years up to the time that he is 65 while the benefit for a woman is based on the number of years up to age 62. As a result a man can have a smaller benefit than a woman who is the same age and who had identical earnings. For example, the highest benefit payable under present law for a man who becomes entitled to benefits at age 65 this year is $189.90, while the maximum for a woman is $196.40. The bill would change this so that the benefit for a man would be the same as for a woman.

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This change affects not only the retirement benefit paid to a man, but also the benefits paid to his wife while he is alive and to his widow after his death. As a result of the change, about $925 million in additional benefits would be paid out in the first 12 months the provision is in effect. About 10.2 million people who will be entitled to benefits in January 1971 will get higher benefits and about 60,000 people who do not qualify for benefits under present law will become entitled to benefits.

There are a number of other worthwhile changes in the bill which I will not go into at this time, except to say that they make needed minor or technical changes in the law which will result in fairer treatment and higher payments for a number of people. Altogether, the bill would provide more than 26 million people with about $3.6 billion in additional social security benefits next year.

To pay the cost of these benefits and help make the existing medicare program fiscally sound, the bill provides for increasing the social security tax base from $7,800 a year to $9,000 a year, and revises the schedule of social security taxes so that over the next few years a greater portion of the taxes collected will go into the medicare program. Eventually, however, the tax rates for the cash benefits part of the program, as well as for the medicare program, will be increased. As a result, it is hoped the entire social security program, both cash benefits and medicare will be soundly financed.

**Mr. DONOHUE.** Mr. Chairman, I most earnestly urge and hope that the House will approve overwhelmingly H.R. 17550, the Social Security Amendments of 1970.

Of all the provisions in this complex, far-reaching legislation, Mr. Chairman, by far the primary and most important one is the general 5-percent benefit increase which the bill calls for, effective in January 1971. Coupled with the 15-percent increase voted by Congress, effective in January 1970, this bill will provide, in effect, the 20-percent benefit increase which would have been provided in legislation I proposed some months ago. Infinitely more important than any personal gratification I might feel is the strong prospect that the full 20 percent will soon become a fact. For the 26 million Americans receiving these benefits, struggling to maintain the literal essentials of life, this adjustment is imperative.

It is an established, although unfortunate fact, that more than one of three Americans over the age of 65 is existing in a state of poverty. Social security's chief actuary estimates that one of every 10 social security recipients has an income low enough to qualify for additional welfare payments.

Current benefits dismally fail in most cases to allow even minimal subsistence standards for our older citizens. It is inconceivable to expect these tens of millions of Americans, all nearly totally dependent on social security payments, to exist on incomes at or near the poverty level. And despite all talk of a cooling economy and an imminent recession, Mr. Chairman, almost every independent economic analyst agrees that consumer prices will rise substantially again this year, probably by about 6 percent. So, clearly, this bill will do no more than permit these elderly persons to recover next year, most—but not all—of their income eroded away this year by inflation.

Also included in this measure, Mr. Chairman, are a great number of commendable provisions, over which the able ways and means committee no doubt labored for many difficult hours, and for which they are to be commended. Many of these changes, I am happy to say, are ones I have long advocated and supported, such as the increase to $2,000 in the amount of income a beneficiary may earn without a reduction in benefits, and permitting surviving spouses over 65 to receive benefits equal to 100 percent of primary insurance amounts.

A number of other sections of the bill are designed to, and in my judgment will, strengthen the social security system.

Many of these relate to the two major health programs in the Social Security Act, medicare and medicaid. While the need for these programs cannot be doubted, and their aims are indisputably desirable, evidence is mounting that there are serious deficiencies in their operation and administration which are in need of quick correction. Since the health field's problems are exceedingly complex, this bill proposes a great many relatively small modifications in present procedures. Although none of these individually can be described as sweeping, the changes recommended, taken as a whole, will hopefully allow significant advance toward making medicare and medicaid more economical and more effective in carrying out the goals of the programs.

Various other technical and miscellaneous amendments to the present law are aimed at streamlining the system's operation. As one who has called many times in the past for needed reforms in the social security machinery, I am pleased that many desirable changes are now within our grasp.

Of course, Mr. Chairman, we all realize that further improvements, both in benefit levels and in the system itself, are essential. For example, as costs for food, medical care and all the other basic life needs continue their upward spiral, I hope all Members of Congress will recognize the need for automatic cost-of-living changes in benefits. Many other improvements have been proposed by bills sponsored by me and other legislators.

But let us remember, Mr. Chairman, that we have a primary obligation to try to preserve a decent life standard for these senior Americans whose incomes, for the most part, depend on sympathetic congressional consideration. The measure we are considering proceeds along that path, and I urge its swift and unanimous approval.

**Mr. SYMINGTON.** Mr. Chairman, due to certain longstanding obligations, which require my presence in St. Louis County, I will not be on the House floor to register my support for the social security bill. If there was any question or doubt concerning the passage of this bill, then I would not allow myself to be absent from the debate on Thursday.

However, there can be no question or objection to the necessity of H.R. 17550, providing for amendments to the Social Security Act. Certainly increased inflation has reduced the real benefits of present social security payments. Therefore the 5-percent increase in payments to the 26.2 million beneficiaries is necessary to compensate for this decline. Increased benefits to widows and widowers are also proper and necessary in order that present legislation be more realistic and thereby effective.

**Mr. MIZELL.** Mr. Chairman, I rise in support of H.R. 17550, but also concur with the motion to recommit so that changes can be made to include an annual cost of living increase for our social security beneficiaries.

In the past the elderly and others who are confined to the fixed income of social security have suffered year after year from the general increases in the inflationary spiral. Consequently, they have found themselves barely able to maintain a meager income. There is no question that we want to see these people maintain a certain standard of living so that they can retain their pride, their dignity, and their independence in their retirement years.

Three-quarters of all of the social security beneficiaries are elderly. According to figures released by the Bureau of Labor Statistics last fall, it takes more than $4,000 a year for a retired couple to maintain a decent standard of living. In this time of fiscal despair, it is impossible for Congress to grant an overall increase to meet that desired level, but to fail to include a cost of living increase clause in this bill, would be risking the chance that the 5-percent overall increase we are passing would be wiped out by inflation in less than a year's time.

Last year's social security bill was reported to the floor almost a year late and we cannot allow the welfare of our elderly citizens to depend on whether or not Congress is going to be expedient in the passage of their bills. The cost of living increase proposal was made last year by the President, but was denied by the Congress. The average annual social security benefit is below the poverty level, and the least we can do for our elder citizens is to assure them of a chance to cope with the yearly increase in the Consumer Price Index. I hope that the Congress will see the wisdom today of making this vital addition to this important legislation.

Mrs. GREEN of Oregon. Mr. Chairman, I do not lightly vote for the recommital of this bill. What impels me to do so is the fact that we are literally always "running to catch up" in the matter of assuring the adequacy of social security benefits paid to those obliged to live on fixed incomes in these times of fierce inflation. The need for some sort of automatic cost-of-living escalation basic to the social security structure seems to me, very evident when we consider the plight of the elderly retired.

It is barely 5 months since we voted increases of 15 percent and already we must acknowledge that another five is quite in order. Who can predict when amendments to the Social Security Act will come before us again—and what is to become of the situation regarding the elderly's attempts to "make do" until that time?

The failure to include an escalator clause is, therefore, a singularly serious omission and I must, however reluctantly, vote to recommit in the hope that the commitee will see fit to fill in the gap.

Mr. REID of New York. Mr. Chairman, I rise in strong support of H.R. 17550, the Social Security Amendments of 1970.

While I regret the decision of the Ways and Means Committee not to adopt the Administration's proposal to tie future social security benefit increases to rises in the cost-of-living index, I am heartened by the 5-percent increase in social security benefits, effective January 1, 1971, which is included in this bill.

We have all felt the pinch of inflation in the past few months, but the rising cost of living has been hardest on those living on fixed incomes such as that provided by social security. The legislation before us today would provide additional benefits for 26.2 million Americans who will be on the social security roles at the end of January 1971, when the first increased checks will be issued, and for all those who enter the program thereafter. For example, a retired worker who now receives $112 per month will have his benefit increased to $125; a retired couple who now receive $195 monthly will receive $218; an aged widow who now receives $101 will receive $123. Clearly, these increases are vital if our older Americans are to be able to survive in today's economy, and I urge that they be accepted by my colleagues.

In addition to increasing monthly payments by 5 percent, H.R. 17550 would increase from $1,680 to $2,000 the amount a social security beneficiary can earn in a year and still receive his full benefit. I have urged for years that this limitation on earnings by social security recipients be removed completely, and I will continue to work for that ultimate goal. However, if the earnings limitation is to be retained, I am glad to note that it is at least being increased. With this liberalization of the so-called retirement test, about 900,000 persons will receive additional benefits in 1971 and about 100,000 persons who would receive no benefits under present law will receive some benefits.

Under present law, a widow's or dependent widower's benefit applied for at age 62 or later is only 82½ percent of the primary insurance amount of the wage earner. Under the bill before us, a widow or widower would be entitled to a benefit equal to 100 percent of the primary insurance amount, if first applied for at age 65 or later. This measure will result in additional benefits for about 3.3 million widows and widowers when it goes into effect.

The fourth important provision of H.R. 17550 would apply the same methods of computing benefits for men as those now applied for women—only years up to age 62 will be required to be taken into account in computing average earnings, and benefit eligibility will be figured up to age 62 for both sexes. An estimated 10.2 million men will receive larger benefits under this provision, and approximately 60,000 persons not eligible for social security under present law would be added to the rolls under the change in eligibility requirements.

In my judgment, these increases in benefits and the broadening of eligibility, as well as the constructive changes in the medicare program contained in the bill, represent useful modifications in the social security program at a time of increasing difficulty for our older citizens. I am deeply concerned, however, over the portion of the bill which would reduce Federal medicaid funds and reduce Federal matching funds for nursing home care by one-third after 90 days of benefits in 1 year, and would propose an amendment to change that provision if it were possible.

In my judgment, however, the Congress has an obligation to assist America's senior citizens, many of whom have no source of income other than social security, in a time of rising prices and resulting increased pressure on the pocketbook. I, therefore, urge the House to pass H.R. 17550.

Mr. CHAPPELL. Mr. Chairman, the social security bill which passed contains provisions I have vigorously supported.

I long have fought for increased benefits. I supported the provision calling for a 5-percent increase, and last year I introduced a bill calling for the 15-percent increase. I long have supported increases in allowable earnings and have introduced a bill to increase those earnings to $2,400 a year.

But, during the last minutes of consideration of the social security bill, a provision was inserted which, to my view, threatens the very future of the social security program and which gives additional and, I believe, unconstitutional authority to a huge federal agency.

This provision gives the Secretary of HEW the power to increase taxes for social security without consulting with or notifying the Congress. One man—the Secretary of HEW—will have the absolute power to set tax rates for millions of American workers and employers.

The power to tax belongs to the Congress, not an agency. No one else should have this authority except the Congress and most especially the Secretary of HEW should not have it. We have seen the results of HEW decisions in school matters and in welfare matters and to now give the head of that, or any other agency the power to increase taxes without congressional action is dangerous.

Under this authority, social security taxes can become larger than the amount of income tax paid by many Americans.

I opposed this provision because of the danger of unchecked power I see in delegating taxing authority to a Federal agency, and I voted in opposition to the bill for this reason. I hope this most dangerous provision is deleted in a conference committee and that I can support the whole measure when it again comes to the House.

Mr. SHRIVER. Mr. Chairman, I take this opportunity to discuss certain provisions of H.R. 17550, the Social Security Amendments of 1970.

Since 1963, Congress has voted three increases in social security benefits. The most recent of these increases was effective April 1, 1970, when the monthly benefits were raised 15 percent across the board.

But inflation is the constant enemy of the aging. It plays havoc with their fixed incomes. That is why many of us in the House, including myself, have sponsored legislation time and time again to provide for automatic increases in social security benefits whenever the cost of living rises 3 percent or more.

I certainly concur with the motion to recommit which includes a provision for automatic increases in the benefits geared to rising prices and automatic increases in the tax base geared to rising wage levels. If we failed to include this cost-of-living clause in this bill, we would be risking the chance that the 5 percent overall increase we are passing would be wiped out by inflation in less than a year's time.

I support the committee's recommendations providing a general benefit increase of 5 percent effective with the benefits payable for January 1971.

This legislation also takes another important step in liberalizing the retirement test by permitting the beneficiary to earn $2,000 a year rather than $1,680 and receive full benefits.

Under this bill, some 3.3 million widows and widowers on the rolls at the end of January 1971 will receive higher benefits. For example, the benefit for a widow who becomes entitled to a widow's benefits at or after age 65 would be increased from 82½ percent to 100

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percent of the amount her deceased husband would receive if his benefits started at or after age 65. This is in keeping with legislation which I have introduced in the past and this action is long overdue.

This is a broad piece of legislation we are considering. It contains many necessary and good provisions, but there are some which will have an adverse effect upon senior citizens.

The proposed cut in Federal matching funds to the States for skilled nursing home care and mental hospitals seems to be inadvisable. It will work a hardship on the elderly who are incapacitated and ill, as well as the institutions who are helping meet their needs.

Under the rule by which this legislation is being considered, we cannot offer amendments. This weakness in the bill should be corrected by the other body during its consideration.

On balance, however, H.R. 17550 is a needed measure and it has my support.

Mrs. DWYER. Mr. Chairman, this is a good bill, and I congratulate the committee for bringing it to the floor, but I believe it can be made substantially better by providing for automatic increases in social security benefits commensurate with increases in the cost of living.

Together with many of our colleagues, I have introduced legislation for some time to make benefit increases automatic when the cost-of-living index also increases, and I understand that a recommittal motion will be offered with instructions to add such language to the bill. I shall certainly vote for such a motion.

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This is a reform of the social security system which has long been needed, but it becomes especially urgent in periods of inflation when living costs tend to outrun incomes. No group in our society suffers more from inflation than those who are forced to live on fixed, and often inadequate, incomes. For them, every price increase means a consequent reduction in their standard of living. This is especially true of the retired and the elderly for whom social security benefits often comprise all or a substantial part of their incomes. The longer the delay in adjusting social security benefits, the greater the hardship and the farther behind they fall in maintaining a decent living standard.

The automatic benefit increase will help correct this situation in several ways. It will reduce the timelag between price increase and the needed benefit gain. It will eliminate the often lengthy period of debate and consideration in enacting special legislation changing benefit levels. It will provide certainty to the often insecure. It will build into the social security system a new element of fairness and assure the retired, the disabled, and the dependent they will no longer have to bear so heavy a burden of inflation.

This cost-of-living provision, Mr. Chairman, will also help in other respects. It will insure that the earnings test—the amount which social security beneficiaries can earn without the loss of benefits—will also keep pace with increases in real earnings. And in order to assure the financial integrity of the system, it will automatically adjust the wage base of covered workers as their real wages increase, thereby maintaining the existing relationship between the wages of covered workers and the amount of their contributions to the trust fund.

In every respect, our proposal meets the test of equity and justice, and I hope our colleagues will give it the support it deserves. By supporting the recommital motion, of course—and this should be emphasized—Congress will not be foreclosing the right or the responsibility to make additional adjustments in benefit levels in the future. Depending on changes in living standards and economic conditions, we can and should be ready to do whatever is required to assure that senior citizens are fairly treated.

In many other areas, this legislation also makes valuable improvements in the social security and related medicare and medicaid programs. I should like to mention only a few which seem to me to be of special significance:

First, social security payments to the 26.2 million beneficiaries now on the rolls and those who enroll in the future will be increased by 5 percent beginning with payments for the month of January 1971. This is in addition to any future automatic increases.

Second, the earnings test will be liberalized—a reform I have long and strongly urged—by increasing from the present $1,680 to $2,000 a year the amount a person 65 or older can earn and still be eligible for full retirement benefits. The new amount is still inadequate, I believe, and continues to lag far behind the corresponding increases in prices and average earnings, but it does represent an important step forward.

Third, widows will be entitled to 100 percent of the primary benefits to which their husbands would have been entitled rather than the 82½ percent under present law, thus preventing what has often been a drastic reduction in the standard of living of widows following the death of their husbands. Where appropriate, widowers will also be entitled to the benefits of this needed change.

Fourth, women workers will no longer be penalized when they take a reduced annuity at age 62 based on their own work record, but will be entitled to the full wife's benefit when they reach 65. Under present law, wives who had worked for years sometimes received smaller benefits than wives who never worked at all.

This brief summary, Mr. Chairman, cannot, of course, do justice to the great importance of this comprehensive and complex social security bill. Overall, it provides many needed liberalizations of benefits and entitlements, many structural reforms which will improve the medicare, medicaid, and maternal and child health programs. It removes a number of inequities, and it encourages a number of experimental programs and pilot projects which will, in turn, lead to other resolutions of the difficult problems still inherent in this vast but vital program.

We have a long way to go, but this bill—as improved by the recommittal motion—will take us a good distance in the right direction.

Mr. MESKILL. Mr. Chairman, I congratulate the House on the action that it has taken in incorporating many long-needed improvements into our social security laws.

I have long felt that a provision should be made for social security benefits to keep in step with changes in the cost of living and I introduced legislation during the 90th Congress and again during the first session of this Congress making benefit increases automatic whenever the Consumer Price Index rose at least 3 percent during the preceding year. Compassion and commonsense dictate that we not leave adjustments in social security benefits to meet increased cost of living to the arbitrary whim or inclination of future Congresses.

Passage of this amendment, along with a 5-percent across-the-board increase, effective next January 1, will go a long way in easing the minds of those who approach their retirement years skeptical of how they will get along in the face of constantly rising costs.

Although I would prefer to see the earnings limitation upon the amount of outside income which an individual may earn while receiving social security benefits removed completely, the increase from $1,680 to a $2,000 limitation is a welcome step in the right direction.

Passage of H.R. 17550 also served the need of equalizing the treatment men and women receive under social security laws by eliminating benefit computation for women on the basis only of working years through age 62 and permitting them to take into account average earnings through age 65 in determining benefit eligibility.

The newly approved bill is also praiseworthy in its provision enabling widows to receive 100 percent of their husbands' benefits at age 62 instead of only 82½ percent.

In the midst of spiraling inflation, we cannot abandon those citizens who have contributed so much to our country during their working years. They deserve a decent and dignified standard of living, not the dim prospect of having to resort to welfare as many of them have had to in the past.

The House has recognized this fact and acted on it.

### GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Chairman, in the interest of conserving time, because we do have another bill to consider this afternoon, I ask unanimous consent that all Members may have the privilege of inserting their remarks on the pending legislation at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. BYRNES of Wisconsin. Mr. Chairman, I have no further requests for time.

Mr. MILLS. Mr. Chairman, I had not intended to take any additional time, but I want to yield myself 5 minutes. I want to talk about what I understand is the motion to recommit which will be offered by the gentleman from Wisconsin (Mr. BYRNES).

Mr. GROSS. Mr. Chairman, would the gentleman yield for one question?

Mr. MILLS. I shall be glad to yield to the gentleman from Iowa.

Mr. GROSS. Has the gentleman explained how many amendments there are to the bill?

Mr. MILLS. The committee amendments are technical amendments, except for one which will be explained. There are only three or four of those.

Mr. Chairman, it is my understanding that the gentleman said he would offer as a motion to recommit an amendment that was submitted by the gentleman in the committee providing for increases in benefits, and increases in the wages subject to tax to do two things: First of all, to keep the benefits abreast with increases in the cost of living and to keep the wage base up to date with earnings as they increase; is that correct?

Mr. BYRNES of Wisconsin. Yes; and also retirement—the escalation of the earnings figure and retirement.

Mr. MILLS. Mr. Chairman, this motion seems to have a great deal of attraction when one first thinks about it, as is the usual case I must say when matters are written into either major political party platform. I am sorry that the gentleman referred to the fact that this is in both platforms. I do not think the members of the platform committee gave it enough consideration.

What they are asking the Congress to do is to give up the last restraining, sole possession that it has of all the functions that were given to the Congress in the Constitution and that is, namely, determining what an individual's tax will be.

Do you know what is involved here? We have got to raise the benefits just because the cost of living goes up. Every time you raise benefits you have to raise something else to obtain money in sufficient amounts to pay such benefits. So, how do they propose to do it? By saying they are going to keep the amount of income subject to tax at all times equated with the rise in earnings and salaries and so on.

We are being asked to do something now that I refused to do for the late President Kennedy when he wanted us to give authority to him to raise taxes or lower taxes as he saw fit by not more than 10 percent. President Johnson asked for the same thing. However, I did not hear anyone on either side of the aisle in those days urging that we take the responsibility of controlling the purse strings out of the hands of the Congress and turn it over completely to any administration or agency of Government.

This is not a power to be conferred upon a President or a Cabinet officer. Moreover, this is a power being conferred forever and in perpetuity upon whomever the man may be that sits as head of the Department of Health, Education, and Welfare.

Mr. Chairman, this is a far-reaching proposition. However, if my information is correct on this point, if you vote for his motion to recommit, as of this time you are voting to fix the amount of income subject to tax not at $9,000 but in about 2 years at $10,200; in a few more years at a still higher figure. Predicated upon the best estimates that are available to me, this means that you are voting to raise the amount of earnings of every covered individual subject to tax to more than $22,000 by 1993.

Now, what is that tax going to be? Because you are going to use all of the base increase that is available in the future to try to keep the benefits geared to what? Just to whatever the cost of living may be. How will Congress ever have any way of increasing benefits that may have to be adjusted upward, regardless of increases in the cost of living, except to increase the tax? When you do this you are not only taking away from the Congress the determination of what the taxable base will be, you are leaving it to an appointed individual downtown, not an elected individual, to say in the future what the tax under social security will be for all of our citizens.

That is more than I have ever been willing to do. I can see good points on the side of my friend, the gentleman from Wisconsin, but I can see these other things, and I hope that my colleagues in the House will fully understand before they pass judgment that they are giving up control of the social security tax; they are giving up control of social security benefits, and Congress will be out of business unless they want to go along with the administration, whatever administration may be in office, and say we are not satisfied with just the increased cost of living for which we have already used all possible increase in the base within the tax, we are out of business because we just cannot raise the tax itself at the same time that they do it downtown.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MILLS. Mr. Chairman, I yield myself 2 additional minutes.

Mr. BYRNES of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MILLS. Of course I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Chairman, of course the gentleman from Arkansas is trying to scare us with what the wage level may be in 1980, but let me call attention to the fact that that is exactly what we have done, is keep the same relationship that this amendment provides between the wages covered, the percentage of wages covered to which the tax is applicable. And you could have scared somebody, I suppose, if you had told them in 1951 that in 1970 the base will be $9,000, but that is exactly what we are at today.

Mr. MILLS. I would not have voted for it in 1950, and in 1950 I would not have given the right to whomever Harry Truman appointed to head that department—if there had been one—to fix this at whatever figure he felt that it should be, and to keep the base set at whatever statistics somebody gave him.

Mr. Chairman, my friend, the gentleman from Wisconsin, and I agree on most things, but we are from the North Pole to the South Pole apart on this.

Mr. BYRNES of Wisconsin. Let us talk about discretion, where is the discretion really that anybody has?

Mr. MILLS. Why should not Congress do this, as it has in the past? In the past Congress has increased the benefits periodically, and the amount of increase in benefits is in excess of the increase in the cost of living for that comparable period of time.

Mr. Chairman, I have had a table prepared which compares what would have happened had the automatic provision been in effect since 1940, since 1950, and since 1954, with what Congress actually voted. I include the table at this point:

*Comparison of benefit increases voted by Congress with administration cost-of-living proposal—Cumulative increase to January 1970*

[In percent]

| | |
|---|---|
| Base year 1940: | |
| Cost-of-living proposal | 166.0 |
| Increase voted by Congress | 234.9 |
| Base year 1950: | |
| Cost-of-living proposal | 55.4 |
| Increase voted by Congress | 89.1 |
| Base year 1954: | |
| Cost-of-living proposal | 37.5 |
| Increase voted by Congress | 48.8 |

I just want to ask the gentleman a political question. This is what it boils down to: Is the Congress going to get any credit for the future adjustments of benefits, or are we going to do what the gentleman from Wisconsin (Mr. BYRNES) suggests: let the Secretary of Health, Education, and Welfare get all of that credit and be accused in the forthcoming election with having voted in 1970 to fix the amount of income subject to tax at better than $22,000.

Now, maybe we will do it in 1993, but let us wait to see if that is what we need to do.

So, Mr. Chairman, I hope the motion to recommit will be defeated.

The CHAIRMAN. Does the gentleman from Wisconsin have further requests for time?

Mr. BYRNES of Wisconsin. No, Mr. Chairman; as much as I would like to add some rebuttal, I did agree with the gentleman from Arkansas that he would have the last opportunity to speak.

Mr. MILLS. Mr. Chairman, we yield back the remainder of our time.

Mr. BYRNES of Wisconsin. Mr. Chairman, I yield back the balance of my time.

Mr. MILLS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Under the rule, the bill is considered as having been read for amendment.

No amendments are in order except amendments to be offered by direction of the Committee on Ways and Means.

Are there any committee amendments?

### COMMITTEE AMENDMENTS

Mr. MILLS. Yes, Mr. Chairman, I have three committee amendments which are entirely technical, and two other committee amendments.

(The bill reads in part as follows:)

**(Page 84, line 5:)**

**(1) With respect to the following services furnished under the State plan after January 1, 1971, the Federal medical assistance**

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percentage shall be increased by 25 per centum thereof, except that the Federal medical assistance percentage as so increased may not exceed 95 per centum:

(A) outpatient hospital services and clinic services (other than physical therapy services); and

(B) home health care services (other than physical therapy services); and

(2) with respect to the following services furnished under the State plan after January 1, 1971, the Federal medical assistance percentage shall be decreased as follows:

**Mr. MILLS.** Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLS: Page 84, lines 6 and 17, strike out "January 1, 1971" and insert "December 31, 1970".

The amendment was agreed to.

(The bill reads in part as follows:)

(Page 84, line 20:)

(A) after an individual has received inpatient hospital services (including services furnished in an institution for tuberculosis) on sixty days (whether or not such days are consecutive) during any fiscal year (which for purposes of this section means the four calendar quarters ending with June 30), the Federal medical assistance percentage with respect to any such services furnished thereafter to such individual in the same fiscal year shall be decreased by 33½ per centum thereof;

(B) after an individual has received care as an inpatient in a skilled nursing home on ninety days (whether or not such days are consecutive) during any fiscal year, the Federal medical assistance percentage with respect to any such care furnished thereafter to such individual in the same fiscal year shall be decreased by 33⅓ per centum thereof; and

**Mr. MILLS.** Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLS: Page 84, line 23, and page 85, lines 3, 8, and 10, strike out "fiscal" and insert "calendar".

The amendment was agreed to.

(The bill reads in part as follows:)

(Page 87, line 12:)

(2) Section 1121(e) of such Act is amended by adding at the end thereof the following new sentence: "Effective July 1, 1970, the term 'intermediate care facility' shall not include any public institution (or distinct part thereof) for mental diseases or mental defects."

**Mr. MILLS.** Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLS: Page 87, line 14, strike out "July 1, 1970" and insert "January 1, 1971".

The amendment was agreed to.

(The bill reads in part as follows:)

(Page 87, line 17:)

### PAYMENT FOR SERVICES OF TEACHING PHYSICIANS UNDER MEDICARE PROGRAM

SEC. 226. (a)(1) Section 1833(a)(1) of the Social Security Act is amended by striking out "and" before "(B)", and by inserting before the semicolon at the end thereof the following: ", and (C) with respect to expenses incurred for services which are furnished to a patient of a hospital by a physician and for which payment may be made under this part, the amounts paid shall be equal to 100 percent of the reasonable cost, to the hospital or other medical service organization incurring such cost, of such services if (i)(I) such services are furnished under circumstances comparable to the circumstances under which similar services are furnished to all persons, or all members of a class of persons, who are patients in such hospital and who are not covered by the insurance program established by this part (and not covered under a State plan approved under title XIX), and (II) none of such persons, or members of such class of persons, are required to pay the reasonable charges for such similar services even when they have private insurance covering such similar services (or are otherwise able to pay reasonable charges for all such similar services as determined in accordance with regulations), or (ii)(I) none of the patients in such hospital who are covered by such program are required to pay any charges for services furnished by physicians, or (II) they are required to pay reasonable charges for such services but payment of the deductible and coinsurance applicable to such services is not generally obtained from them or on their behalf in addition to the portion of such charges payable as insurance benefits under this part".

**Mr. MILLS.** Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLS: Page 88, strike out "or (II)" in line 17 and all that follows down through the end of line 21 and insert in lieu thereof the following: "or (II) such patients are required to pay reasonable charges for such services but payment of the deductible and coinsurance applicable to such services is not obtained from or on behalf of some or all of them, in addition to the portion of such charges payable as insurance benefits under this part, even though they have private insurance covering such services (or are otherwise able to pay reasonable charges for all such services as determined in according with regulations)".

**Mr. MILLS.** Mr. Chairman, this is an amendment which while it is of substance is really a rewriting of the language in the bill so as to carry out the initial intent of the bill, so I would call it a technical amendment.

Mr. Chairman, this more nearly carries out the intention of the committee in this area than does the language in the bill, which we first thought carried out our intention.

The amendment was agreed to.

(The bill reads in part as follows:)

(Page 45, line 14:)

(b) In any case in which the provisions of section 1002(b)(2) of the Social Security Amendments of 1969 apply, the total of monthly benefits as determined under section 203(a) of the Social Security Act shall, for months after 1970, be increased to the amount that would be required in order to assure that the total of such monthly benefits (after the application of section 202(q) of such Act) will not be less than the total of monthly benefits that was applicable (after the application of such sections 203(a) and 202(q)) for the first month for which the provisions of such section 1002(b)(2) applied.

**Mr. MILLS.** Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLS: Page 45, after line 24, insert the following new section:

### "CERTAIN ADOPTIONS BY DISABILITY AND OLD-AGE INSURANCE BENEFICIARIES

"SEC. 120. (a) Clause (i) of section 202(d)(8)(E) of the Social Security Act is amended—

"(1) by inserting '(I)' after '(i)',

"(2) by adding 'or' after 'child-placement agency,', and

"(3) by adding at the end thereof (after and below clause (i)(I) as designated by paragraph (1) of this subsection) the following:

"'(II) in an adoption which took place after an investigation of the circumstance surrounding the adoption by a court of competent jurisdiction within the United States, or by a person appointed by such a court, if the child was related (by blood, adoption, or steprelationship) to such individual or to such individual's wife or husband as a descendant or as a brother or sister or a descendant of a brother or sister, such individual had furnished one-half of the child's support for at least five years immediately before such individual became entitled to such disability insurance benefits, the child had been living with such individual for at least five years before such individual became entitled to such disability insurance benefits, and the continuous period during which the child was living with such individual began before the child attained age 18,'.

"(b) The amendments made by subsection (a) shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after December 1967 on the basis of an application filed in or after the month in which this Act is enacted; except that such amendments shall not apply with respect to benefits for any month before the month in which this Act is enacted unless such application is filed before the close of the twelfth month after the month in which this Act is enacted."

Redesignate the succeeding sections of the bill accordingly.

And conform the table of contents.

**Mr. MILLS.** Mr. Chairman, this amendment would have been in the bill except for a misunderstanding on our part of the position of the Department of Health, Education, and Welfare with respect to it and of our own staff.

We had told them only to bring to us those amendments which they were both in agreement on at that particular time. This was not brought in because of a misunderstanding of the position.

It amends that part of the social security laws which says that if a person is adopting a minor, then under certain circumstances if the minor is to receive a social security benefit, the adoption must have taken place under the supervision of a public or private child placement agency.

Now that is existing law that I have just described.

This requirement has worked a hardship in some cases, particularly in certain States, one of which is the State of Texas, where a child placement agency is not normally utilized in certain adoption proceedings.

The proceeding goes forward under an officer of the court, someone appointed by the judge.

This provision would provide with respect to a child adopted by a disability insurance beneficiary, where the requirement that the adoption be supervised by a child placement agency is not met, that benefits would be payable for such child if he was related to the worker or the worker's spouse by blood, step relationship, or adoption and was living with and receiving one-half of his support from the worker for at least 5 years prior to the time the worker became entitled to disability benefits.

Does the gentleman from Wisconsin

(Mr. Byrnes), desire to make a statement on the amendment?

Mr. BYRNES of Wisconsin. I agree with what the chairman has said. The only thing I was going to suggest is that maybe some of the gentlemen from Texas who have a particular problem that they would like to meet here may be a little more charitable toward the action of the committee on some other matters.

Mr. MILLS. We would hope so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas (Mr. Mills).

The amendment was agreed to.

The CHAIRMAN. Are there any further committee amendments?

Mr. MILLS. No, Mr. Chairman.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. Albert), having assumed the chair, Mr. Dingell, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, pursuant to House Resolution 1022, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. BETTS

Mr. BETTS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BETTS. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Betts moves to recommit the bill H.R. 17550 to the Committee on Ways and Means with instructions to report the same back to the House forthwith with the following amendments: Page 10, after line 19, insert the following new section:

#### AUTOMATIC ADJUSTMENT OF BENEFITS

Sec. 103. (a) Section 215 of the Social Security Act is amended by adding at the end thereof the following new subsection:

#### Cost-of-Living Increases in Benefits

(i)(1) For purposes of this subsection—

(A) the term "base quarter" means the period of 3 consecutive calendar months ending on September 30, 1971, and the period of 3 consecutive calendar months ending on September 30 of each year thereafter.

(B) the term "cost-of-living computation quarter" means any base quarter in which the monthly average of the Consumer Price Index prepared by the Department of Labor exceeds, by not less than 3 per centum, the monthly average of such Index in the later of (i) the 3 calendar-month period ending on September 30, 1971, or (ii) the base quarter which was most recently a cost-of-living computation quarter.

(2)(A) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall, effective for January of the next calendar year, increase the benefit amount of each individual who for such month is entitled to benefits under section 227 or 228, and the primary insurance amount of each other individual as specified in subparagraph (B) of this paragraph, by an amount derived by multiplying such amount (including each such individual's primary insurance amount or benefit amount under section 227 or 228 as previously increased under this subparagraph) by the same percentage (rounded to the next higher one-tenth of 1 percent if such percentage is an odd multiple of .05 of 1 percent and to the nearest one-tenth of 1 percent in any other case) as the percentage by which the monthly average of the Consumer Price Index for such cost-of-living computation quarter exceeds the monthly average of such Index for the base quarter determined after the application of clauses (i) and (ii) of paragraph (1)(B).

(B) The increase provided by subparagraph (A) with respect to a particular cost-of-living computation quarter shall apply in the case of monthly benefits under this title for months after December of the calendar year in which occurred such cost-of-living computation quarter, based on the wages and self-employment income of an individual who became entitled to monthly benefits under section 202, 223, 227, or 228 (without regard to section 202(j)(1) or section 223(b)), or who died, in or before December of such calendar year.

(C) If the Secretary determines that a base quarter in a calendar year is also a cost-of-living computation quarter, he shall publish in the Federal Register on or before December 1 of such calendar year a determination that a benefit increase is resultantly required and the percentage thereof. He shall also publish in the Federal Register at that time (along with the increased benefit amounts which shall be deemed to be the amounts appearing in sections 227 and 228) a revision of the table of benefits contained in subsection (a) of this section (as it may have been revised previously pursuant to this paragraph); and such revised table shall be deemed to be the table appearing in such subsection (a). Such revision shall be determined as follows:

(i) The headings of the table shall be the same as the headings in the table immediately prior to its revision, except that the parenthetical phrase at the beginning of column II shall show the effective date of the primary insurance amounts set forth in column IV of the table immediately prior to its revision.

(ii) The amounts on each line of column I, and the amounts on each line of column III except as otherwise provided by clause (v) of this subparagraph, shall be the same as the amounts appearing in such column in the table immediately prior to its revision.

(iii) The amount on each line of column II shall be changed to the amount shown on the corresponding line of column IV of the table immediately prior to its revision.

(iv) The amount of each line of column IV shall be increased from the amount shown in the table immediately prior to its revision by increasing such amount by the percentage specified in subparagraph (A) of paragraph (2), raising each such increased amount, if not a multiple of $0.10, to the next higher multiple of $0.10.

"(v) If the contribution and benefit base (as defined in section 230(b)) for the calendar year in which the table of benefits is revised is lower than such base for the following calendar year, columns III, IV, and V shall be extended. The amount in the first additional line in column IV shall be the amount in the last line of such column as determined under clause (iv), plus $1.00, rounding such increased amount (if not a multiple of $1.00) to the next higher multiple of $1.00 where such increased amount is an odd multiple of $0.50 and to the nearest multiple of $1.00 in any other case. The amount on each succeeding line of column IV shall be the amount on the proceding line increased by $1.00, until the amount on the last line of such column is equal to the larger of (I) one-thirtysixth of the contribution and benefit base for the calendar year following the calendar year in which the table of benefits is revised or (II) the last line of such column as determined under clause (iv) plus 20 percent of one-twelfth of the excess of the contribution and benefit base for the calendar year following the calendar year in which the table of benefits is revised over such base for the calendar year in which the table of benefits is revised, rounding such amount (if not a multiple of $1.00) to the next higher multiple of $1.00 where such amount is an odd multiple of $0.50 and to the nearest multiple of $1.00 in any other case. The amount in each additional line of column III shall be determined so that the second figure in the last line of column III is one-twelfth of the contribution and benefits base for the calendar year following the calendar year in which the table of benefits is revised, and the remaining figures in column III shall be determined in consistent mathematical intervals from column IV. The second figure in the last line of column III before the extension of the column shall be increased to a figure mathematically consistent with the figures determined in accordance with the preceding sentence. The amount on each line of column V shall be increased, to the extent necessary, so that each such amount is equal to 40 percent of the second figure in the same line of column III, plus 40 percent of the smaller of (I) such second figure or (II) the larger of $450 or 50 per centum of the largest figure in column III.

(vi) The amount on each line of column V shall be increased, if necessary, so that such amount is at least equal to one and one-half times the amount shown on the corresponding line in column IV. Any such increased amount that is not a multiple of $0.10 shall be increased to the next higher multiple of $0.10.

(b) Section 203(a) of such Act (as amended by section 101(b) of this Act) is amended—

(1) by striking out the period at the end of a paragraph (3) and inserting in lieu thereof ", or", and inserting after paragraph (3) the following new paragraph:

(4) when two or more persons are entitled (without the application of section 202(j)(1) and section 223(b)) to monthly benefits under section 202 or 223 for December of the calendar year in which occurs a cost-of-living computation quarter (as defined in section 215(i)(1)) on the basis of the wages and self-employment income of such insured individual, such total of benefits for the month immediately following shall be reduced to not less than the amount equal to the sum of the amounts derived by increasing the benefit amount determined under this title (including this subsection, but without the application of section 222(b), section 202(q), and subsections (b), (c), and (d) of this section) as in effect for such December for each such person by the same percentage as the percentage by which such individual's primary insurance amount (including such amount as previously increased) is increased under section 215(i)(2)

for such month immediately following, and raising each such increased amount (if not a multiple of $0.10) to the next higher multiple of $0.10,"; and

(2) by striking out "the table in section 215(a)" in the matter preceding paragraph (1) and inserting in lieu thereof "the table in (or deemed to be in) section 215(a)".

(c)(1) Section 215(a) of such Act is amended by striking out the matter which precedes the table and inserting in lieu thereof the following:

(a) The primary insurance amount of an insured individual shall be the amount in column IV of the following table, or, if larger, the amount in column IV of the latest table deemed to be such table under subsection (i)(2)(C) or section 230(c), determined as follows:

(1) Subject to the conditions specified in subsections (b), (c), and (d) of this section and except as provided in paragraph (2) of this subsection, such primary insurance amount shall be whichever of the following amounts is the largest:

(i) The amount in column IV on the line on which in column III of such table appears his average monthly wage (as determined under subsection (b));

(ii) The amount in column IV on the line on which in column II of such table appears his primary insurance amount (as determined under subsection (c)); or

(iii) The amount in column IV on the line on which in column I of such table appears his primary insurance benefit (as determined under subsection (d)).

(2) In the case of an individual who was entitled to a disability insurance benefit for the month before the month in which he died, became entitled to old-age insurance benefits, or attained age 65, such primary insurance amount shall be the amount in column IV which is equal to the primary insurance amount upon which such disability insurance benefit is based, except that, if such individual was entitled to a disability insurance benefit under section 223 for the month before the effective month of a new table (other than a table provided by section 230) and in the following month became entitled to an old-age insurance benefit, or he died in such following month, then his primary insurance amount for such following month shall be the amount in column IV of the new table on the line on which in column II of such table appears his primary insurance amount for the month before the effective month of the table (as determined under subsection (c)) instead of the amount in column IV equal to the primary insurance amount on which his disability insurance benefit is based.

(2) Effective January 1, 1973, section 215 (b)(4) of such Act (as amended by section 101(c) of this Act) is amended to read as follows:

(4) The provisions of this subsection shall be applicable only in the case of an individual—

(A) who becomes entitled in or after the effective month of a new table that appears in (or is deemed by subsection (i) (2)(C) or section 230(c) to appear in) subsection (a) to benefits under section 202(a) or section 223; or

(B) who dies in or after such effective month without being entitled to benefits under section 202(a) or section 223; or

(C) whose primary insurance amount is required to be recomputed under subsection (f)(2).

(3) Effective January 1, 1973, section 215 (c) of such Act (as amended by section 101 (d) of this Act) is amended to read as follows:

### Primary Insurance Amount Under Prior Provisions

(c)(1) For the purposes of column II of the table that appears in (or is deemed to appear in) subsection (a) of this section, an individual's primary insurance amount shall be computed on the basis of the law in effect prior to the effective month of the latest such table.

(2) The provisions of this subsection shall be applicable only in the case of an individual who became entitled to benefits under section 202(a) or section 223, or who died, before such effective month.

(d) Sections 227 and 228 of such Act (as amended by section 102 of this Act) are amended by striking out "$48.30" wherever it appears and inserting in lieu thereof "the larger of $48.30 or the amount most recently established in lieu thereof under section 215(i)", and by striking out "$24.20" wherever it appears and inserting in lieu thereof "the larger of $24.20 or the amount most recently established in lieu thereof under section 215(i)".

Page 29, strike out lines 10 through 20 and insert in lieu thereof the following:

### LIBERALIZATION OF EARNINGS TEST

SEC. 107. (a)(1) Paragraphs (1) and (4) (B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$166.66⅔ or the exempt amount as determined under paragraph (8)".

(2) Paragraph (1)(A) of section 203 (h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$166.66⅔ or the exempt amount as determined under paragraph (8)".

(3) Paragraph (3) of section 203(f) of such Act is amended to read as follows:

(3) For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $166.66⅔ or the exempt amount as determined under paragraph (8) multiplied by the number of months in such year. The excess earnings as derived under the preceding sentence, if not a multiple of $1, shall be reduced to the next lower multiple of $1."

(b) Section 203(f) of such Act is further amended by adding at the end thereof the following new paragraph:

(8) (A) On or before November 1 of 1972 and of each even-numbered year thereafter, the Secretary shall determine and publish in the Federal Register the exempt amount as defined in subparagraph (B) for each month in any individual's first two taxable years which end with the close of or after the calendar year following the year in which such determination is made.

(B) The exempt amount for each month of a particular taxable year shall be whichever of the following is the larger:

(i) the product of $166.66⅔ and the ratio of (I) the average taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of the calendar year in which a determination under subparagraph (A) is made for each such month of such particular taxable year to (II) the average of the taxable wages of all persons for whom wages were reported to the Secretary for the first calendar quarter of 1971, with such product, if not a multiple of $10, being rounded to the next higher multiple of $10 where such product is an odd multiple of $5 and to the nearest multiple of $10 in any other case, or

(ii) the exempt amount for each month in the taxable year preceding such particular taxable year;

except that the provisions in clause (i) shall not apply with respect to any taxable year unless the contribution and earnings base for such year is determined under section 230(b)(1).

(c) The amendments made by this section shall apply with respect to taxable years ending after December 1970.

Page 46, strike out line 1 and all that follows down through page 49, line 17, and insert in lieu thereof the following:

### INCREASE OF EARNINGS COUNTED FOR BENEFIT AND TAX PURPOSES

SEC. 121. (a)(1)(A) Section 209(a)(5) of the Social Security Act is amended by inserting "and prior to 1971" after "1967".

(B) Section 209(a) of such Act is further amended by adding at the end thereof the following new paragraphs:

(6) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to $9,000 with respect to employment has been paid to an individual during any calendar year after 1970 and prior to 1973, is paid to such individual during any such calendar year;

(7) That part of remuneration which, after remuneration (other than remuneration referred to in the succeeding subsections of this section) equal to the contribution and benefit base (determined under section 230) with respect to employment has been paid to an individual during any calendar year after 1972 with respect to which such contribution and benefit base is effective, is paid to such individual during such calendar year;.

(2)(A) Section 211(b)(E) of such Act is amended by inserting "and beginning prior to 1971" after "1967", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 211(b)(1) of such Act is further amended by adding at the end thereof the following new subparagraphs:

(F) For any taxable year beginning after 1970 and prior to 1973, (i) $9,000, minus (ii) the amount of the wages paid to such individual during the taxable year; and

(G) For any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or

(3)(A) Section 213(a)(2)(ii) of such Act is amended by striking out "after 1967" and inserting in lieu thereof "after 1967 and before 1971, or $9,000 in the case of a calendar year after 1970 and before 1973, or an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective."

(B) Section 213(a)(2)(iii) of such Act is amended by striking out "after 1967" and inserting in lieu thereof "after 1967 and beginning before 1971, or $9,000 in the case of a taxable year beginning after 1970 and before 1973, or in the case of any taxable year beginning in any calendar year after 1972, an amount equal to the contribution and benefit base (as determined under section 230) which is effective for such calendar year."

(4) Section 215(e)(1) of such Act is amended by striking out "and the excess over $7,800 in the case of any calendar year after 1967" and inserting in lieu thereof "the excess over $7,800 in the case of any calendar year after 1967 and before 1971, the excess over $9,000 in the case of any calendar year after 1970 and before 1973, and the excess over an amount equal to the contribution and benefit base (as determined under section 230) in the case of any calendar year after 1972 with respect to which such contribution and benefit base is effective."

(b)(1)(A) Section 1402(b)(1)(E) of the Internal Revenue Code of 1954 (relating to definition of self-employment income) is amended by inserting "and beginning before 1971" after "1967", and by striking out "; or" and inserting in lieu thereof "; and".

(B) Section 1402(b)(1) of such Code is further amended by adding at the end thereof the following new subparagraphs:

(F) for any taxable year beginning after 1970 and before 1973, (i) $9,000, minus (ii)

XUM

the amount of the wages paid to such individual during the taxable year; and

(G) for any taxable year beginning in any calendar year after 1972, (i) an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective for such calendar year, minus (ii) the amount of the wages paid to such individual during such taxable year; or.

(2) (A) Section 3121(a)(1) of such Code (relating to definition of wages) is amended by striking out "$7,800" each place it appears and inserting in lieu thereof "$9,000".

(B) Effective with respect to remuneration paid after 1972, section 3121(a)(1) of such Code is amended (1) by striking out "$9,000" each place it appears and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)", and (2) by striking out "by an employer during any calendar year", and inserting in lieu thereof "by an employer during the calendar year with respect to which such contribution and benefit base is effective".

(3) (A) The second sentence of section 3122 of such Code (relating to Federal service) is amended by striking out "$7,800" and inserting in lieu thereof "$9,000".

(B) Effective with respect to remuneration paid after 1972, the second sentence of section 3122 of such Code is amended by striking out "$9,000" and inserting in lieu thereof "the contribution and benefit base".

(4) (A) Section 3125 of such Code (relating to returns in the case of governmental employees in Guam, American Samoa, and the District of Columbia) is amended by striking out "$7,800" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "$9,000".

(B) Effective with respect to remuneration paid after 1972, section 3125 of such Code is amended by striking out "$9,000" where it appears in subsections (a), (b), and (c) and inserting in lieu thereof "the contribution and benefit base".

(5) Section 6413(c)(1) of such Code (relating to special refunds of employment taxes) is amended—

(A) by inserting "and prior to the calendar year 1971" after "after the calendar year 1967";

(B) by inserting after "exceed $7,800" the following: "or (E) during any calendar year after the calendar year 1970 and prior to the calendar year 1973, the wages received by him during such year exceed $9,000, or (F) during any calendar year after 1972, the wages received by him during such year exceed the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year,"; and

(C) by inserting before the period at the end thereof the following: "and before 1971, or which exceeds the tax with respect to the first $9,000 of such wages received in such calendar year after 1970 and before 1973, or which exceeds the tax with respect to an amount of such wages received in such calendar year after 1972 equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) which is effective with respect to such year".

(6) Section 6413(c)(2)(A) of such Code (relating to refunds of employment taxes in the case of Federal employees) is amended by striking out "or $7,800 for any calendar year after 1967" and inserting in lieu thereof "$7,800 for the calendar year 1968, 1969, or 1970, or $9,000 for the calendar year 1971 or 1972, or an amount equal to the contribution and benefit base (as determined under section 230 of the Social Security Act) for any calendar year after 1972 with respect to which such contribution and benefit base is effective".

(7) (A) Section 6654(d)(2)(B)(ii) of such Code (relating to failure by individual to pay estimated income tax) is amended by striking out "$6,600" and inserting in lieu thereof "$9,000".

(B) Effective with respect to taxable years beginning after 1972, section 6654(d)(2)(B)(ii) of such Code is amended by striking out "$9,000" and inserting in lieu thereof "the contribution and benefit base (as determined under section 230 of the Social Security Act)".

(c) The amendments made by subsections (a)(1) and (a)(3)(A), and the amendments made by subsection (b) (except paragraphs (1) and (7) thereof), shall apply only with respect to remuneration paid after December 1970. The amendments made by subsections (a)(2), (a)(3)(B), (b)(1), and (b)(7) shall apply only with respect to taxable years beginning after 1970. The amendment made by subsection (a)(4) shall apply only with respect to calendar years after 1970.

### AUTOMATIC ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

Sec. 122. (a) Title II of the Social Security Act is amended by adding at the end thereof the following new section:

### AUTOMATIC ADJUSTMENT OF THE CONTRIBUTION AND BENEFIT BASE

Sec. 230. (a) On or before November 1 of 1972 and each even-numbered year thereafter, the Secretary shall determine and publish in the Federal Register the contribution and benefit base (as defined in subsection (b)) for the first two calendar years following the year in which the determination is made.

(b) The contribution and benefit base for a particular calendar year shall be whichever of the following is the larger:

(1) The product of $9,000 and the ratio of (A) the average taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of the calendar year in which a determination under subsection (a) is made for such particular calendar year to (B) the average of the taxable wages of all persons for whom taxable wages were reported to the Secretary for the first calendar quarter of 1971, with such product, if not a multiple of $600, being rounded to the next higher multiple of $600 where such product is a multiple of $300 but not of $600 and to the nearest multiple of $600 in any other case; or

(2) The contribution and benefit base for the calendar year preceding such particular calendar year.

(c)(1) When the Secretary determines and publishes in the Federal Register a contribution and benefit base (as required by subsection (a)), and

(A) such base is larger than the contribution and benefit base in effect for the year in which the larger base is so published, and

(B) a revised table of benefits is not required to be published in the Federal Register under the provisions of section 215(i)(2)(C) which extends such table for such larger base on or before the effective date of such base,

then the Secretary shall publish a revised table of benefits (determined under the provisions of paragraph (2)) in the Federal Register on or before December 1 of the year prior to the effective year of the new contribution and benefit base. Such table shall be deemed to be the table appearing in section 215(a).

(2) The revision of such table shall be determined as follows:

(A) All of the amounts on each line of columns I, II, III, and IV, except the largest amount in column III, of the table in effect before the revision, shall be the same in the revised table; and

(B) The additional amounts for the extension of columns III and IV, and the amounts for purposes of column V, shall be determined in accordance with the provisions of section 215(i)(2)(C)(v) and (vi).

(3) When a revised table of benefits, prepared under the provisions of paragraph (2), becomes effective, the provisions of section 215(b)(4) and (c) and of section 203(a)(4) shall be disregarded; and the amounts that are added to columns III and IV, or are changed in or added to column V, by such revised table, shall be applicable only in the case of an insured individual—

(A) who becomes entitled, after December of the year immediately preceding the effective year of the increased contribution and benefit base (provided by this section), to benefits under section 202(a) or section 223;

(B) who dies after December of such preceding year without being entitled to benefits under section 202(a) or section 223; or

(C) whose primary insurance amount is required to be recomputed under section 215(f)(2).

(b)(1) Section 201(c) of the Social Security Act is amended by inserting before the last sentence the following new sentence: "The report shall further include a recommendation as to the appropriateness of the tax rates in sections 1401(a), 3101(a), and 3111(a) of the Internal Revenue Code of 1954 which will be in effect for the following calendar year, made in the light of the need for the estimated income in relationship to the estimated outgo of the Trust Funds during such year."

(2) Section 1817(b) of such Act is amended by inserting before the last sentence the following new sentence: "The report shall further include a recommendation as to the appropriateness of the tax rates in sections 1401(b), 3101(b), and 3111(b) of the Internal Revenue Code of 1954 which will be in effect for the following calendar year made in the light of the need for the estimated income in relationship to the estimated outgo of the Trust Fund during such year."

Renumber sections 103 through 105 of the reported bill as sections 104 through 106, respectively.

Renumber sections 107 through 119 of the reported bill as sections 108 through 120, respectively.

Renumber section 121 of the reported bill as section 123.

Strike out "103" and insert "104" on page 30, lines 13 and 23, and on page 31, line 1, of the reported bill.

Strike out "section 101(b)" and insert "sections 101(b) and 103(b)" on page 44, line 5, of the reported bill.

Strike out lines 6 through 10 on page 44 of the reported bill and insert the following:

amended by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or", and by inserting after paragraph (4) the following new paragraph:

(5) notwithstanding any other provision of law,

And conform the table of contents.

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the motion to recommit and that it be printed in the Record. It has been discussed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. MILLS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to recommit.

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The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. GERALD R. FORD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 233, nays 144, not voting 52, as follows:

[Roll No. 135]

YEAS—233

Adair
Adams
Addabbo
Anderson, Calif
Anderson, Ill.
Andrews, N. Dak.
Arends
Ashbrook
Ashley
Beall, Md.
Berry
Betts
Biaggi
Biester
Blackburn
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brock
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burton, Calif.
Burton, Utah
Button
Byrnes, Wis.
Camp
Carey
Carter
Cederberg
Chamberlain
Clancy
Clausen, Don H.
Cleveland
Collier
Collins
Conable
Conte
Corbett
Coughlin
Cowger
Cramer
Crane
Culver
Cunningham
Daddario
Daniels, N.J.
Davis, Wis.
Dellenback
Denney
Derwinski
Dickinson
Donohue
Dowdy
Dulski
Duncan
Dwyer
Eckhardt
Edwards, Ala.
Erlenborn
Esch
Eshleman
Farbstein
Findley
Fish
Foley
Ford, Gerald R.
Foreman
Fraser
Frelinghuysen
Frey
Fulton, Pa.
Galifianakis
Gallagher
Gaydos
Gilbert
Goodling
Green, Oreg.
Green, Pa.
Gross
Grover
Gubser
Gude
Hall
Halpern
Hamilton
Hanley
Hansen, Idaho
Harrington
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Hogan
Horton
Hosmer
Howard
Hull
Hunt
Hutchinson
Ichord
Johnson, Pa.
Jonas
Kastenmeier
Keith
King
Koch
Kuykendall
Kyros
Langen
Latta
Lloyd
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McKneally
Macdonald, Mass.
Mailliard
Mathias
May
Mayne
Meeds
Meskill
Michel
Mikva
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Monagan
Morse
Morton
Mosher
Myers
Nelsen
Obey
O'Hara
O'Konski
Olsen
O'Neill, Mass.
Patten
Pelly
Pettis
Pike
Pirnie
Podell
Poff
Powell
Pucinski
Quie
Quillen
Railsback
Randall
Reid, Ill.
Reid, N.Y.
Reuss
Rodino
Roe
Rosenthal
Roth
Ruppe
Ruth
Ryan
St Germain
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Shriver
Skubitz
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steiger, Ariz.
Steiger, Wis.
Taft
Talcott
Teague, Calif.
Thompson, Ga.
Thomson, Wis.
Tiernan
Van Deerlin
Vander Jagt
Waldie
Wampler
Watkins
Watson
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wold
Wolff
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zion
Zwach

NAYS—144

Abbitt
Abernethy
Albert
Alexander
Andrews, Ala.
Annunzio
Aspinall
Baring
Barrett
Bennett
Bevill
Blanton
Boggs
Brinkley
Brooks
Burke, Mass.
Burleson, Tex.
Cabell
Caffery
Casey
Celler
Chappell
Chisholm
Clark
Conyers
Corman
Daniel, Va.
Davis, Ga.
de la Garza
Delaney
Dennis
Dent
Diggs
Dingell
Dorn
Downing
Edmondson
Edwards, La.
Eilberg
Evans, Colo.
Evins, Tenn.
Fallon
Fascell
Feighan
Fisher
Flowers
Flynt
Ford, William D.
Fountain
Friedel
Fulton, Tenn.
Fuqua
Garmatz
Gettys
Giaimo
Gibbons
Gonzalez
Gray
Griffin
Griffiths
Hagan
Haley
Hammerschmidt
Hanna
Hansen, Wash.
Hébert
Henderson
Hicks
Holifield
Hungate
Jarman
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Landrum
Lennon
Long, La.
Long, Md.
McFall
McMillan
Madden
Mahon
Mann
Marsh
Martin
Melcher
Mills
Mollohan
Montgomery
Moorhead
Morgan
Moss
Murphy, Ill.
Murphy, N.Y.
Natcher
Nedzi
Nix
O'Neal, Ga.
Passman
Patman
Pepper
Perkins
Philbin
Pickle
Poage
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Purcell
Rarick
Rees
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roybal
Sandman
Satterfield
Shipley
Sisk
Slack
Steed
Stephens
Stubblefield
Stuckey
Sullivan
Taylor
Teague, Tex.
Thompsoh, N.J.
Udall
Ullman
Vanik
Vigorito
Waggonner
Watts
Whitten
Wilson, Charles H.
Wright
Young
Zablocki

NOT VOTING—52

Anderson, Tenn.
Ayres
Belcher
Bell, Calif.
Bingham
Blatnik
Brown, Calif.
Brown, Mich.
Burlison, Mo.
Bush
Byrne, Pa.
Clawson, Del
Clay
Cohelan
Colmer
Dawson
Devine
Edwards, Calif.
Flood
Goldwater
Hawkins
Hays
Jacobs
Johnson, Calif.
Kirwan
Kleppe
Kluczynski
Kyl
Landgrebe
Leggett
McCarthy
MacGregor
Matsunaga
Miller, Calif.
Nichols
Ottinger
Pollock
Reifel
Rhodes
Riegle
Rivers
Roberts
Robison
Rogers, Colo.
Roudebush
Sebelius
Sikes
Stokes
Stratton
Symington
Tunney
Winn

So the motion to recommit was agreed to.

The Clerk announced the following pairs:

Mr. Hays with Mr. Ayres.
Mr. Sikes with Mr. Robison.
Mr. Roberts with Mr. Devine.
Mr. Flood with Mr. Roudebush.
Mr. Matsunaga with Mr. Pollock.
Mr. Kluczynski with Mr. Brown of Michigan.
Mr. Johnson of California with Mr. Sebelius.
Mr. Burlison of Missouri with Mr. Belcher.
Mr. Byrne of Pennsylvania with Mr. Reifel.
Mr. Miller of California with Mr. Bell of California.
Mr. Nichols with Mr. Kleppe.
Mr. Rivers with Mr. Rhodes.
Mr. Rogers of Colorado with Mr. Kyl.
Mr. Hawkins with Mr. McCarthy.
Mr. Leggett with Mr. Del Clawson.
Mr. Colmer with Mr. Bush.
Mr. Blatnik with Mr. Winn.
Mr. Anderson of Tennessee with Mr. MacGregor.
Mr. Stratton with Mr. Landgrebe.
Mr. Stokes with Mr. Riegle.
Mr. Edwards of California with Mr. Goldwater.
Mr. Cohelan with Mr. Clay.
Mr. Jacobs with Mr. Kirwan.
Mr. Symington with Mr. Ottinger.
Mr. Tunney with Mr. Dawson.
Mr. Bingham with Mr. Brown of California.

Messrs. WOLFF, GETTYS, GILBERT, MACDONALD of Massachusetts, ASHLEY, REUSS, OLSEN, HANLEY, WHITE, PATTEN, DONOHUE, YATES, MONAGAN and DANIELS of New Jersey changed their votes from "nay" to "yea."

Mr. GIAIMO and Mr. WILLIAM D. FORD changed their votes from "yea" to "nay."

The result of the vote was announced as above recorded.

The doors were opened.

Mr. MILLS. Mr. Speaker, in accordance with the instructions of the House in the motion to recommit, I report back the bill H.R. 17550 with an amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read the amendment.

(For amendment, see proceedings of the House today under motion to recommit.)

Mr. MILLS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the amendment be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. MILLS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 344, nays 32, not voting 53, as follows:

[Roll No. 136]

YEAS—344

Abbitt
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Baring
Barrett
Beall, Md.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blackburn
Blanton
Blatnik
Boggs
Boland
Bolling
Bow
Brademas
Brasco
Bray
Brinkley
Brock
Broomfield
Brotzman
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burton, Calif.
Burton, Utah
Button
Byrnes, Wis.
Camp
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chisholm
Clancy
Clark
Clausen, Don H.
Cleveland
Collier
Collins
Conable
Conte
Conyers
Corbett
Corman
Coughlin
Cowger
Cramer
Crane
Culver
Cunningham
Daddario
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Delaney
Dellenback
Denney
Dennis
Dent
Derwinski
Dickinson
Diggs

Dingell
Donohue
Dowdy
Downing
Dulski
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fallon
Farbstein
Fascell
Feighan
Findley
Fish
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Gallagher
Garmatz
Gaydos
Gettys
Giaimo
Gibbons
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffiths
Gross
Grover
Gubser
Gude
Hagan
Haley
Hall
Halpern
Hamilton
Hammerschmidt
Hanley
Hanna
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hastings
Hathaway
Hechler, W. Va.
Heckler, Mass.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hunt
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, N.C.

Jones, Tenn.
Karth
Kastenmeier
Keith
King
Koch
Kuykendall
Kyros
Landrum
Langen
Latta
Lennon
Lloyd
Long, Md.
Lowenstein
Lujan
Lukens
McClory
McCloskey
McClure
McCulloch
McDade
McDonald, Mich.
McEwen
McFall
McKneally
Macdonald, Mass.
Madden
Mailliard
Mann
Martin
Mathias
May
Mayne
Meeds
Melcher
Meskill
Michel
Mikva
Miller, Ohio
Minish
Mink
Minshall
Mize
Mizell
Mollohan
Monagan
Moorhead
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Patten
Pelly
Pepper
Perkins
Pettis
Philbin
Pike
Pirnie
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Quie
Quillen
Railsback
Randall

Rees
Reid, Ill.
Reid, N.Y.
Reuss
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rosenthal
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Saylor
Schadeberg
Scherle
Scheuer
Schneebeli
Schwengel
Scott
Shipley
Shriver
Sisk
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Smith, N.Y.
Snyder
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Stuckey
Sullivan
Taft
Talcott
Taylor
Teague, Calif.
Thompson, Ga.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Ullman
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waldie
Wampler
Watkins
Watson
Watts
Weicker
Whalen
Whalley
White
Whitehurst
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zion
Zwach

NAYS—32

Abernethy
Andrews, Ala.
Aspinall
Cabell
Caffery
Chappell
Dorn
Edwards, La.
Fisher
Flynt
Griffin

Hébert
Jones, Ala.
Kazen
Kee
Long, La.
McMillan
Mahon
Marsh
Mills
Montgomery
Passman

Patman
Pickle
Poage
Purcell
Rarick
Satterfield
Teague, Tex.
Waggonner
Whitten
Young

NOT VOTING—53

Anderson, Tenn.
Ayres

Belcher
Bell, Calif.
Bingham

Brooks
Brown, Calif.
Brown, Mich.

Burlison, Mo.
Bush
Byrne, Pa.
Clawson, Del
Clay
Cohelan
Colmer
Dawson
Devine
Edwards, Calif.
Flood
Fuqua
Goldwater
Hawkins
Hays

Jacobs
Johnson, Calif.
Kirwan
Kleppe
Kluczynski
Kyl
Landgrebe
Leggett
McCarthy
MacGregor
Matsunaga
Miller, Calif.
Nichols
Ottinger
Pollock

Reifel
Rhodes
Riegle
Rivers
Roberts
Robison
Rogers, Colo.
Roudebush
Sebelius
Sikes
Stokes
Stratton
Symington
Tunney
Winn

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Ayres.
Mr. Sikes with Mr. Robinson.
Mr. Roberts with Mr. Devine.
Mr. Flood with Mr. Roudebush.
Mr. Matsunaga with Mr. Pollock.
Mr. Kluczynski with Mr. Brown of Michigan.
Mr. Johnson of California with Mr. Sebelius.
Mr. Burlison of Missouri with Mr. Belcher.
Mr. Byrne of Pennsylvania with Mr. Reifel.
Mr. Miller of California with Mr. Bell.
Mr. Nichols with Mr. Kleppe.
Mr. Rivers with Mr. Rhodes.
Mr. Rogers of Colorado with Mr. Kyl.
Mr. Hawkins with Mr. McCarthy.
Mr. Leggett with Mr. Del Clawson.
Mr. Colmer with Mr. Bush.
Mr. Brooks with Mr. Winn.
Mr. Anderson of Tennessee with Mr. MacGregor.
Mr. Stratton with Mr. Landgrebe.
Mr. Stokes with Mr. Riegle.
Mr. Edwards of California with Mr. Goldwater.
Mr. Cohelan with Mr. Clay.
Mr. Jacobs with Mr. Kirwan.
Mr. Symington with Mr. Ottinger.
Mr. Tunney with Mr. Fuqua.
Mr. Bingham with Mr. Brown of California.

Mr. BLANTON and Mr. HAGAN changed their votes from "nay" to "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## DISPENSING WITH THE PRINTING OF THE BILL H.R. 17550

Mr. MILLS. Mr. Speaker, I ask unanimous consent to dispense with the printing in the RECORD of the House bill just passed due to its length and the cost of printing.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## GENERAL LEAVE TO EXTEND

Mr. MILLS. Mr. Speaker, I ask unanimous consent that all Members desiring to do so may have 5 legislative days within which to extend their remarks in the RECORD on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 17138. An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 17138) entitled "An act to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TYDINGS, Mr. BIBLE, Mr. SPONG, Mr. EAGLETON, Mr. PROUTY, Mr. GOODELL, and Mr. MATHIAS to be the conferees on the part of the Senate.

## MERCHANT MARINE PROGRAM

Mr. GARMATZ. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 15424) to amend the Merchant Marine Act, 1936.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland.

The motion was agreed to.

### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 15424, with Mr. WAGGONNER in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. GARMATZ) will be recognized for 1 hour, and the gentleman from California (Mr. MAILLIARD) will be recognized for 1 hour.

The Chair recognizes the gentleman from Maryland.

Mr. GARMATZ. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong support of H.R. 15424, which gives promise so long due of rehabilitating our U.S. merchant marine to serve our needs in national commerce and defense.

This bill, H.R. 15424, will amend the Merchant Marine Act of 1936. It is designed to provide a long-range merchant shipbuilding program of 30 ships per year for the next 10 years, with special emphasis on the need to build and operate commercial bulk ocean carriers, and a general lessening of dependence on operating-differential subsidy.

H.R. 15424 was introduced following a message from the President on October 23, 1969—the first of its kind in 30 years concerning the U.S. merchant marine. The President described our present merchant fleet as largely "antiquated" and in need of substantial rehabilitation.

The bill was favorably reported by our committee on May 12, 1970, with an amendment—report No. 91-1073.

In essence, the program under the bill is to build a substantial number of standard design merchant vessels over the next decade and to produce these ships in such quantity as to reduce unit costs. In this way, the rate of construction-differential subsidy may be reduced from a present ceiling of 55-percent subsidy of foreign costs for a comparable ship to 35 percent of such costs. One of the major objectives of the long-range program is to build bulk carriers in our commercial trades in world markets because we have virtually forfeited our bulk trades to foreign carriers.

The program has been termed one of "challenge and opportunity." The shipbuilding industry has been challenged to produce the required ships at reduced unit costs. The attraction in the program for shipbuilders is the opportunity to build ships in quantity lots. This approach should induce the yards to make the capital improvements necessary to reduce costs.

As reported, the bill will permit shipyards and ship purchasers to negotiate the price of a ship as an alternative to competitive bidding. It is expected that this alternative means of buying ships will help the shipbuilding industry to lower present ceilings on subsidy to construct ships in U.S. yards.

In addition, the bill as reported would permit presently unsubsidized operators in our foreign commerce, in our noncontiguous trades, and in the Great Lakes, to create a construction reserve fund for new ship construction. Presently subsidized operators in our liner trades have had this privilege since 1936. The bill would simply extend similar benefits to presently unsubsidized operators to rebuild that portion of our fleet which is in most need of replacement. Under this tax-deferred plan, shipping companies will be permitted to make deposits of earnings and other income into a ship construction fund. Such deposits will be tax deferred, if new ships are built with the money in the ship construction fund.

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It should be understood that deposits into the ship construction fund should not have an adverse effect on our U.S. Treasury. Taxes will only be deferred. There should not be any real loss of revenues to the U.S. Treasury. To the contrary, based on expert testimony received by our committee, we think that the potential benefits of the proposed deferment of taxes on earnings which are earmarked for vessel replacement deposited in a capital reserve fund, would be the modernization of our merchant fleet, reduced cargo preference freight rates, a positive contribution to the Gross National Product, and a beneficial effect on our balance of payment. In fact, we have good reason to believe, based on such testimony, that for each tax dollar deferred under this ship replacement plan, the U.S. Treasury will realize $3 to $4 in revenue.

The visible effects of this tax-deferred reserve fund should be: more work in U.S. shipyards; more ships under the U.S. flag; and more jobs for U.S. seamen.

I should not close this comment on the tax-deferred reserve fund for new ship construction without expressing my deep appreciation for the cooperation we received from the House Committee on Ways and Means, and from the staff of the Joint Committee on Internal Revenue Taxation, in preparing this legislation and the supporting report.

In the early stages of our committee's consideration of this important provision on a tax-deferred reserve fund, I, and the committee's ranking minority member, Mr. MAILLIARD, discussed this provision with the chairman and ranking minority member of the Ways and Means Committee, Mr. MILLS and Mr. BYRNES. At that meeting, the leaders of that committee indicated that because our committee had handled the matter in 1936, and in view of the fact that this bill does not amend the Internal Revenue Code, they would raise no objections to our handling the tax matters in the current bill. In fact, they made available to us staff members who are conversant with tax problems to help us coordinate the tax provisions in this bill with those in the Internal Revenue laws.

I wish to thank the chairman of the Ways and Means Committee and the ranking minority member for their cooperation in this matter.

In the tax legislation which has evolved, and in the underlying report to help administer those statutory standards, I think we have given to the maritime industry a clear and workable plan to utilize the tax-deferred reserve fund for new ship construction.

Finally, I believe that this provision for a ship replacement fund, more than any other, will induce ship operators not presently subsidized to build their ships in U.S. shipyards and to operate those ships under the U.S. flag.

To further help reduce the unit costs of building ships in U.S. shipyards, there has been some relaxation of the so-called buy-American provision. If we are to reduce unit costs, it seemed appropriate to the committee to permit the shipbuilders, and the ship operators who must purchase the ship at substantial cost to them, to purchase some materials and supplies in foreign markets. We have, however, retained the requirement that the hull and superstructure of the vessel, and any material in the construction thereof, be of domestic origin. The net result of the committee's action on the buy-American proposal is to relax the standards somewhat so that some materials can be purchased foreign. This relaxation of the buy-American standard is in keeping with current policy followed in the construction of naval vessels. Also, it is in accordance with existing maritime law since 1920 for the construction of vessels in the domestic commerce.

Despite this relaxation of the buy-American standards, however, it should be understood that in very substantial part the materials and supplies to be used in the construction of a vessel in a U.S. shipyard must be of domestic origin. In any event, shipbuilding workers in U.S. shipyards should not be adversely affected because they will have the job of putting the ship together whatever the source of the materials.

On the operating side of the program, numerous changes have been made in the Merchant Marine Act of 1936 to make American bulk carriers in the commercial trades eligible for operating subsidy. With both construction and operating subsidy, we hope American ship operators will build and operate U.S. ships to give us a bulk carrying capability.

Also, we propose a general lessening of dependence on operating subsidy for our liners to meet foreign competition. In this respect, the concept of a wage index has been introduced. Under this concept, the amount of subsidy paid for crew costs to equalize wage cost with foreign competition will be determined in accordance with a certain formula. This formula will be determined by considering the wages of other American industries, with equal weight given to the transportation industry—excluding seagoing personnel—and private nonagricultural industries.

Since there will be a floor and ceiling to the amount of subsidy the Government will pay for seafaring wages, it is expected that the operators will be encouraged to obtain the best agreement they can with labor. Within prescribed limits, under this wage index approach, the operator will have to pay the difference between the cost of the collective bargaining agreement and the wage index, if the cost of the agreement is higher. Conversely, if the operator negotiates a collective bargaining agreement below the wage index, he is paid the difference.

The committee also amended the bill to add what has come to be known as the grandfather clause. This is section 21 of the bill. One of the major purposes of this long-range maritime program is to build up a commercial bulk carrier fleet. At present, we have no such fleet. The absence of a commercial bulk carrying capability accounts for our carrying only about 6 percent of our foreign commerce.

To induce presently unsubsidized operators to build their ships in U.S. yards, and operate them under the U.S. flag, it became apparent during the hearings that some relaxation was required in section 804 of the Merchant Marine Act of 1936. This section prohibits U.S. operators getting operating subsidy if they own or use foreign-flag ships in competition with American-flag service. Accordingly, the committee adopted a provision which permits presently unsubsidized operators who participate in the new subsidy program to continue operating existing foreign-flag vessels for a period of 20 years. For the purposes of this section, a ship contracted to be built before April 15, 1970, will be considered to be an existing foreign-flag vessel. After 20 years, the operator must divest himself of all foreign holdings. The committee has, therefore, frozen the foreign-flag fleet as of April 15, 1970.

I wish to emphasize that it is the committee's considered opinion that the addition of the grandfather clause will make it possible for some operators to come under the U.S. flag, which they could not do otherwise. This has the potential of reducing, if not eliminating, the so-called runaway fleet, about which our seafaring unions, and others, have complained so bitterly over the years.

To the extent operators with foreign-flag ships are induced by this program to build their ships in U.S. yards and operate them under our flag, we will have strengthened our commerce, and provided for our national security. Further, we will have created more jobs than are presently available for our seafaring personnel.

Gentlemen, the U.S. maritime industry has waited long and patiently for a Government program to sustain it and put us back among the leaders of the maritime nations of the world. I am pleased to tell you that the President, the maritime industry, and at least our committee of the Congress, enthusiastically support the objectives of the long-range maritime program under H.R. 15424.

If this bill is passed, we look forward to a very exciting and challenging time as we rebuild our fleet to carry our Nation's commerce and provide for our national defense. It will be pleasing to see this Nation once again among the maritime leaders of the world—as we traditionally have been—rather than fifth ranked, as we are currently ranked.

Thus, I strongly urge the House to support this very important legislation to rebuild our merchant marine.

I appreciate the cooperation and thoughtful comments of my distinguished colleague, the ranking minority member of the Committee on Merchant Marine and Fisheries, the Honorable WILLIAM S. MAILLIARD, of California. The same thoughts go to many other members of my committee on both sides of the political aisle, and to the Maritime Administrator, the Honorable Andrew E. Gibson, and to the staff of my committee, which has worked hard and diligently to get this bill out.

Mr. HALL. Mr. Chairman, will the gentleman yield?

Mr. GARMATZ. I am pleased to yield to the gentleman from Missouri.

Mr. HALL. Mr. Chairman, I appreciate the gentleman from Maryland, the chairman of the committee, yielding to me, and I appreciate his statement, also.

One cannot study the need for an air and sea lift without realizing the need for a report such as the distinguished gentleman from Maryland gives here today.

I am a little bit concerned, however, and have only one question so far as his statement is concerned. After he said that they had relaxed the buy-American requirement, I listened with great care because we have a great need to expand our manufacturing capability base for propulsion units and other units.

Would it be possible under this relaxation to contract for entire sections of the jumboized tankers to be made in Japan, for example, where they have a unique capability in this field, and float them back across the ocean and have them assembled in our own shipyards?

Mr. GARMATZ. The answer to the gentleman's question is, "No."

Mr. HALL. In other words, when the gentleman stated that all of the hull and superstructure must be made in American yards, and the component parts, that leaves only fabrication of materials therein for any overseas contract. Is that correct?

Mr. GARMATZ. The gentleman is correct.

Mr. HALL. I thank the gentleman.

Mr. MAILLIARD. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I rise to join the distinguished chairman of our Committee on Merchant Marine and Fisheries, Mr. GARMATZ, in support of H.R. 15424, which was reported unanimously by the committee. The bill before us today in the form of a committee amendment is the result of months of hearings and executive deliberations by the Merchant Marine Committee. This legislation was introduced to an executive communication annd implements the President's message to Congress of October 23, 1969, transmitting recommendations for a new shipbuilding program.

At the outset, I would like to stress the fact that this legislation would not have been possible without the commitment of the President to a strong merchant marine, nor without the dedicated effort of the Secretary of Commerce, Maurice Stans, the Under Secretary, Rocco Siciliano, and the Maritime Administrator, Andrew Gibson, who guided the draft bill through the labyrinth of executive department clearance. Also it would not be here before us today without the stalwart leadership of our chairman, ED GARMATZ.

Mr. Chairman, the public is entitled to ask why the United States should embark at this time upon a comprehensive maritime program, which will involve the expenditure of approximately $2 billion over the next 10 years. This is an important question which should be answered. Unfortunately, congressional action on maritime appropriations has all too often been reported to the American people as simply a subsidy. Subsidy is a term which antagonizes many people regardless of the nature of the expenditure or its justification. For this reason, I will take a few moments to place this program, and the expenditures which will be required to sustain it, in perspective.

In considering the need for a merchant marine, we must bear in mind that ships are built not as works of art, although they may be an object of grace and beauty to many of us. They are, rather, very utilitarian machines intended to fulfill a vital role in the economy of the Nation. That role very simply is to move our exports to their foreign destinations and to bring to the United States the great variety of goods which the American people and American industry require. The foreign trade of the United States has reached truly staggering proportions. It now accounts for one-third of the world's international trade and is valued at around $70 billion. Some of this trade is the result of personal taste, a public liking for the products of a particular country which may be unique. Some of this trade is the result of competitive factors which enable goods to be produced more cheaply in certain countries. The trade which is generated due to widespread acceptance of the products of particular countries, and the trade which results from strong competitive factors arising largely from wage differentials generally falls into the category of liner goods—those items of reasonably high-retail value which are packaged and shipped on vessels plying regular trade routes between the United States and our principal trading partners.

While our liner trade has grown steadily over the years, its importance in terms of our economic well-being has been overshadowed in recent years by the growth of the bulk trades. There was a time when the United States was reasonably self-sufficient in terms of basic raw materials. That time is gone forever. The United States can no longer rely exclusively on domestic sources of oil, iron ore, bauxite, and the myriad other raw materials from which industry fashions the goods our economy demands.

The President has called for a 10-year program of merchant ship construction. Presently, our liner trade involves the carriage of approximately 46 million tons annually, while our bulk trades account for almost 350 million tons. At the end of this projected 10-year program in the early 1980's, our liner trade will have increased to perhaps 60 million tons each year, while it has been estimated conservatively that our bulk trades will have increased to between 550 million and 600 million tons. With each succeeding year, our dependence upon these foreign sources of raw materials will grow. Our ability to sustain our economy will become more and more dependent upon the availability of foreign raw materials and upon the efficient movement of those raw materials at reasonable cost. Herein, of course, lies the answer to the basic question of why a maritime program now.

If American-flag ships are not built to transport a reasonable percentage of our expanding foreign trade, we will be totally dependent upon foreign shipping interests to move these goods. We cannot afford that dependence. The availability of merchant ships has been proven in the past to be extremely sensitive to political and economic pressures. Freight rates in the world shipping market are subject to tremendous escalation whenever normal trading patterns are upset. The closure of the Suez Canal was perhaps the classic example in recent times of this phenomenon. A country which is becoming increasingly dependent upon foreign raw materials is in double jeopardy if it loses complete control over the means for insuring the flow of those raw materials. We must, therefore, have a merchant marine which will insure that at least our minimum essential needs can be met.

Counterbalancing the direct investment which we will make over the next 10 years is the fact that these ships will earn approximately $2 billion, which would otherwise be paid to foreign-flag carriers. Our balance of payments will, therefore, be substantially improved. Second, the Federal Government will realize between one-half and three-quarters of a billion dollars in increased taxes. The net cost of this program over a 10-year period in order to achieve the availability of American-flag ships to move our commerce will be minimal.

The maritime policy and programs of the United States are essentially embodied in the Merchant Marine Act of 1936. This basic law was enacted at a time when the economy of the United States was radically different. For all intents and purposes, the United States was self-sufficient from a standpoint of world trade and had not yet experienced the tremendous demand for raw materials which I have discussed. In fashioning a maritime program, the Congress was concerned, as we are today, over the lack of an adequate fleet to move our commerce. This commerce, however, consisted in large measure of the liner goods. The act was therefore molded to fit the needs of the time. It spoke in terms of financial aid in the operation of vessels in an essential service on a route or line in the foreign commerce of the United States. It did not take into account those ships which transport our basic raw materials and which do not ply regular trade routes between fixed ports-of-call. Although the construction subsidy portion of the 1936 act was not expressly limited to the building of ships for designated trade routes, the overriding philosophy of the act mitigated against the granting of construction subsidy for vessels engaged in the bulk trades. Additionally, the limited funds available for construction subsidy have, with few exceptions, been made available only to those carriers holding operating subsidy contracts, since these carriers are required by the terms of their contracts to replace their vessels systematically.

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This emphasis upon liner trades and service on essential trade routes has resulted in the development of a modern nucleus American-flag liner fleet owned by 13 companies which hold operating-differential subsidy contracts. Additionally, several unsubsidized carriers which have pioneered in the development of containerships now operate a large number of these vessels in those trades where the economics of containerization enable them to compete without direct subsidy.

At the same time, the failure of the Merchant Marine Act to take into account our bulk trades has created a crisis which cannot be ignored. Our bulk fleet now consists of a small number of tankers engaged in the coastwise movement of oil and a collection of World War II vintage ships which rely almost exclusively on the carriage of AID cargoes for their survival. We have absolutely no large, modern bulk carriers under the American flag engaged in the commercial carriage of raw materials in our foreign trade.

The recognition of this deficiency and of the fact that many improvements need to be made in the administration of our maritime programs have brought about this legislation. Broadly speaking, it will encourage the development of bulk-carrying capacity under the American flag. It will enable those carriers which do not receive operating subsidies in foreign trade and in certain segments of our domestic waterborne trade to accumulate the capital needed for ship construction through deferral of tax on earnings deposited in construction funds. It will rationalize the computation of operating subsidy through the establishment of a wage index system and will eliminate a great deal of the redtape and unnecessary administrative intervention in private business which was built into the 1936 act.

Mr. Chairman, H.R. 15424 contains three principal elements: revision of the construction-differential subsidy system of the 1936 Merchant Marine Act; extension and clarification of the tax deferral concept embodied in Section 607 of the act; and extension of the operating-differential subsidy system to include bulk carriers, together with the adoption of more workable procedures for the determination of operating subsidy.

Construction-differential subsidy is intended to enable an American-flag operator to purchase a ship from an American shipyard at a price approximately equal to that which the operator would pay to have the same vessel constructed in a representative foreign shipyard. In recent years, Japanese shipyards have been used as the basis for comparing American and foreign shipbuilding costs. The system of construction subsidy established in the 1936 act proceeded on the fiction, however, that the subsidy is awarded to the ship operator, whereas in reality construction subsidy is designed to support the American shipbuilding industry.

H.R. 15424 recognizes this subsidy as a shipyard subsidy and provides for payment directly to the shipyard rather than as in the past having the Government pay the ship operator who then, in turn, passed the subsidy along to the shipyard. The Merchant Marine Act provided that the shipowner must apply to the Government for the construction subsidy. As a result of this requirement, the shipyard was, for all practical purposes, eliminated from the design of merchant ships, and the shipowner in conjunction with his naval architect prepared all the plans and specifications for submission to the Maritime Administrator. Only after Government approval of the proposed ship did the shipyards come into the picture when requested by the Government to submit construction bids. This system resulted in the construction of many custom-designed ships and were often monuments to the skill of the naval architect employed by the shipowner. The vast experience of our shipyards, however, was rarely ever brought to bear, and the shipyards could do nothing to influence cost savings. The administration's program and H.R. 15424, as introduced, recognized this serious deficiency and provided that the shipyard be the applicant for subsidy. Under this concept, it is envisioned that the shipyards will develop their own expertise in the design of ships and will actively compete to sell their product to the ship operators. Once a shipyard and an operator have agreed upon a vessel design, the shipyard will apply to the Government for subsidy to offset the higher American building costs. Your committee has endorsed the concept which I have described, but has amended the bill to enable shipowners to continue to be applicants for subsidy, since there may be unique circumstances under which a shipowner cannot find a builder willing to apply for construction subsidy. The bill as reported, therefore, provides that both a shipowner and a shipyard may be an applicant for construction subsidy.

In order to assist the shipyards during the initial phase of this new program, the Maritime Administration has engaged two shipyards to develop standard designs for the principal classes of ships needed by our merchant marine. These designs are being unveiled in New York City today. They are not binding on the shipyards but will give them a point of departure for the preparation of their own designs, and will undoubtedly be heavily relied upon for the next 5 years. Construction of nearly standardized ships by our yards, coupled with production runs of reasonable length, should enable the yards to achieve considerable economies.

The Merchant Marine Act now contains a temporary ceiling on construction subsidy of 55 percent of cost. That ceiling will return to a permanent maximum of 50 percent on July 1. In recognition of the economies which these new procedures are expected to bring about, the bill sets forth as a goal progressive reductions in the rate of construction subsidy down to the level of 35 percent by 1975. It is important to note that these are goals which we expect to achieve not by simply passing on a higher share of the cost to the ship purchaser, but through reducing the cost of constructing vessels in American yards in relation to the cost of constructing comparable vessels abroad.

In order to encourage the series production of standardized ships, the bill authorizes the Secretary of Commerce to give preference to those applications for construction subsidy which, in his opinion, will bring about these reduced levels of subsidy and produce ships of high productivity. I wish to note at this point that the bill does not contain any language giving preference to one segment or another of our maritime industry.

The determination of foreign construction costs under the 1936 act always has been a subject of considerable delay and dispute. Under existing procedures, the foreign cost of a ship, which must be determined in order to compute the level of subsidy for building that ship in an American yard, has been determined on an application-by-application basis. As a result, the ship often has been built before a final determination of subsidy has been made, and both the shipowner and the shipyard have been compelled to make their investment and cost determinations without knowing what the level of subsidy for the ship may be. The bill provides that the Secretary of Commerce may establish foreign construction costs on the basis of types of ships rather than specific ships. These determinations will be recomputed as economic conditions change both here and abroad, but will undoubtedly remain constant for reasonable periods of time. Shipyards and operators will be able to use these computations as a guide in order to determine, while they are negotiating over a shipyard design, what the approximate level of subsidy for that ship will be. This will eliminate a great deal of the delay and redtape which has enveloped this program under the 1936 act.

Mr. Chairman, some concern has been expressed over the provision of this bill dealing with the so-called buy-American clause. Under the 1936 act, ships built with construction subsidy may contain no articles of foreign manufacture. This requirement is somewhat anomalous since ships built without subsidy for our protected domestic trades may utilize a considerable amount of foreign equipment. The language of H.R. 15424 simply places ships built with subsidy on the same footing as those built without construction aid for our domestic trades. Your committee amended the bill to clarify the requirement that major components of hull and superstructure must be of domestic origin by the addition of the language "and any material used in the construction thereof." Thus, the steel from which a subsidized ship's hull and superstructure is fabricated must be of domestic manufacture. Of course, any material or equipment used in the construction of the ship for which subsidy is paid must be of domestic origin. Only if the shipyard chooses to forego subsidy may it employ foreign materials, and then only with respect to equipment not involved in the fabrication of major hull and superstructure components. Mr. Chairman, I personally do not anticipate that the amendment of the buy-American provision will result in any significant use of foreign articles. There have been instances in the past where our shipyards have been delayed because domestic suppliers, knowing that the shipyards are a captive market, have concentrated their efforts in meeting deliveries for other industries where there is competition from foreign manufacturers. I expect that this amendment will enable our shipyards to deal with their domestic suppliers on a footing equal to other purchasers in the United States. In most aspects of ship construction, our domestic equipment is superior to that which can be obtained abroad. There are many factors, therefore, which I am sure will induce our shipyards to continue to purchase their requirements in the United States, provided American industry is willing to give our shipyards the same service it gives other customers who are not a captive market.

Bringing shipyards into the design of vessels and encouraging them to actively seek customers for their product has raised a serious question with respect to the bidding requirements of the 1936 act. With few exceptions, the act requires the submission of sealed bids by all yards which may be interested in constructing a particular vessel. The wedding of this traditional concept to the new program raises the possibility that a yard may design a ship, seek a buyer, and then lose the work to another yard after competitive bidding. This could deter many yards from investing their time and talent in the design of the most economical ship, since there would be no compensation for this effort if another yard were the low bidder. Accordingly, your committee has adopted an alternative bidding procedure which will permit a yard to negotiate directly with a customer, arrive at a sales price, and then apply to the Secretary of Commerce for construction subsidy. Numerous safeguards have been built into the alternative bidding system, including a requirement that the negotiated price must conform to the prevailing target subsidy level. The entire transaction is also subject to review and audit by the Comptroller General. As reported by your committee, the negotiating bidding concept will be limited to a trial period of 3 years. This will be a reasonable period of time and will enable your committee to evaluate the effectiveness of this system, and then make appropriate recommendations to the Congress.

Only in one respect did your committee act to retain completely a provision of existing law which the administration proposed to change. This dealt with the imposition of trade route restrictions on ships built with construction subsidy but not receiving operating subsidy. In this respect, your committee felt, on balance, that the existing law prohibiting the imposition of trading restrictions should be retained. While there are valid arguments in favor of such restrictions, your committee determined that a number of highly qualified operators might be reluctant to participate in this program if the administration's recommendation were adopted, and that this factor outweighed the possible benefits of such a restriction.

The second principal element of this program is related to ship construction but is so important that it deserves separate consideration. I refer to section 19 of the reported bill which completely revises the tax deferral system of the Merchant Marine Act. Section 607 of the act requires the establishment of capital and special reserve funds by carriers who hold operating-differential subsidy contracts. The operator must deposit into the capital reserve fund all depreciation on his subsidized vessels, if earned, and proceeds derived from the sale of vessels, indemnities from the loss of vessels, and most important, earnings to the extent required to carry out the operator's vessel modernization program. The act expressly provides that money deposited into the capital reserve fund shall be tax exempt. However, other provisions of section 607 are inconsistent with the concept of tax exemption, and as a result in 1947 the subsidized lines entered into agreements with the Internal Revenue Service providing that their capital reserve funds shall be tax deferred rather than tax exempt. Money deposited in these funds may be withdrawn by an operator for the purpose of acquiring new vessels, reconstructing existing vessels, and paying ship mortgages. Given the current 48 percent corporate tax rate, the deposit of earnings on a tax-deferred basis into a capital reserve fund virtually doubles the rate of capital accumulation for investment in ships. Our existing fleet of modern liner vessels could not have been built without the tax deferral system of the Merchant Marine Act.

Mr. Chairman, for years my colleagues and I on the Merchant Marine Committee have sought to expand the scope of the tax deferral system for merchant ship construction to include all qualified operators. The need for this has been acute, since the unsubsidized operators are faced with a vicious circle of spiraling operating costs and aging vessels to the end that few of them can hope to accumulate the capital required to purchase new ships. The administration's maritime program, therefore, extends the tax deferral privilege to all qualified operators in our foreign trade. Your committee has determined, however, that an equally critical situation exists with respect to our Great Lakes fleet, our fisheries, and the domestic fleet engaged in the noncontiguous trades. The so-called noncontiguous domestic trades are unique in that the States of Alaska and Hawaii, the Commonwealth of Puerto Rico, and the Territory of Guam are almost totally dependent upon ocean-going American-flag ships for their economic well-being. The ships that operate in these trades are faced with the same cost spiral and growing obsolescence which characterize our unsubsidized ships in foreign trade.

H.R. 15424, as introduced, simply expanded the existing tax deferral provision of the 1936 act to cover nonsubsidized carriers. However, in view of the great increase in the number of operators who will be establishing such funds, your committee determined that section 607 of the act should be completely rewritten to eliminate the need for Internal Revenue Service closing agreements. In order to accomplish this, we turned to our colleagues, the distinguished chairman of the Ways and Means Committee (Mr. MILLS), and the distinguished ranking minority member of that committee (Mr. BYRNES). Through their cooperation, the staff of the Joint Committee on Internal Revenue Taxation assumed the principal role in this undertaking. The bill, as reported, sets forth the technical revisions to the tax deferral system as recommended by the staff of the joint committee. This revision will permit the administration of the tax deferral system by the Secretary of Commerce in conjunction with the Secretary of the Treasury without the need for individual closing agreements.

The principal element in the new tax deferral system will be the vessel acquisition or modernization agreement which each carrier will enter into with the Secretary of Commerce. This agreement will simply set forth the building program which the carrier hopes to achieve and will provide for the orderly deposit of earnings into the fund. We have deliberately left the terms of this agreement flexible, so that it may be fitted to the needs of each carrier.

Mr. Chairman, I will not attempt to discuss the technical details of this section of the bill. However, I believe that one aspect should be emphasized. A number of novel financing arrangements have gained acceptance in the maritime industry in the last few years, the con-

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cept of leasing vessels being the principal one. Under existing law, each operator must deposit full depreciation into the fund. However, since depreciation is already claimed by the operator for Federal income tax purposes, there is no real tax benefit derived from the deposit of depreciation. It is only with respect to earnings which would otherwise be fully taxable that a true tax deferral occurs. An operator which leases its vessels will not have, of course, any depreciation, and the moneys deposited into the fund by that operator will normally consist of fully taxable earnings. In order to avoid the possibility that operators who own their vessels will be placed at a disadvantage in relation to competing operators who lease their vessels, the legislation eliminates the requirement that carriers must deposit depreciation to the extent earned as a prerequisite to the deposit of earnings. Instead, the bill leaves the question of whether depreciation or earnings should be deposited subject entirely to the agreement between the carrier and the Secretary of Commerce. It is expected that the Secretary will exercise this discretion so that competing carriers will be treated equally.

Mr. Chairman, the third major aspect of this legislation deals with operating-differential subsidies. As I already have indicated in these remarks, the Merchant Marine Act of 1936 was conceived to insure adequate service on essential trade routes in U.S. foreign commerce. Under title 6 of the act, the Secretary of Commerce may enter into operating subsidy agreements under which the Government pays to the contracting carriers the difference between their cost of doing business on a particular trade route and their foreign-flag competitor's cost. The carrier must agree to provide a minimum number of sailings on the trade route in order to maintain adequate U.S.-flag participation in the trade. The principal subsidized cost element of the U.S.-flag operators is wages. Other elements now included for subsidy computation purposes are maintenance and repair, insurance and subsistence. H.R. 15424 amends title 6 of the act to provide for the payment of operating-differential subsidy for bulk cargo-carrying vessels which do not operate on established point-to-point trade routes. The bill as introduced employed the concept of shipping "capacity" as the criteria for determining whether a need for operating subsidy exists in any given case with respect to both liner and bulk cargo carriage. Your committee determined, however, that the concept of adequate "service" was a more valid guideline for determining operating subsidy requirements, since this term embodies the concept of capacity and retains the important element of frequency of service which is as important in liner trades as capacity.

Since competitive factors in the bulk trades do not directly parallel the liner trades, the bill gives the Secretary of Commerce discretion with respect to the computation of subsidy for bulk carriers. He may compute bulk carrier subsidy on the same formula prescribed for liner operators or, if he finds that circumstances dictate a different formula, he may adopt such procedures as he deems necessary. It is important to note, however, that this discretion applies only with respect to bulk carrier operations in the classic sense of that term.

Your committee anticipates, Mr. Chairman, that the adoption of operating-differential subsidy for bulk carriers will lead to the elimination of the prevailing indirect subsidy which is now paid in the form of premium rates on AID cargoes. The premium rate system has been criticized justifiably by many of our colleagues in the past and by those agencies which administer the AID programs. There will be a transitional period, however, during which the premium rates will be gradually phased out, and during this time it is expected that the Secretary of Commerce will make every effort to see that our unsubsidized carriers successfully achieve this transition, particularly those who already have invested large sums of money to modernize their fleets without direct Federal aid.

With respect to the computation of operating subsidy under title 6 of the Merchant Marine Act, the bill introduces an important new concept. As I have indicated, wages are the principal element of operating subsidy. Under existing law, the Secretary of Commerce must find that the subsidized expenses of the operator are fair and reasonable in relation to what would be the cost if the subsidized ships were operated under the flag of a substantial competitor. This concept of fair and reasonable costs has involved the maritime industry and the Government in a prolonged dispute over wages and the manning of ships. These disputes involve many millions of dollars and have absorbed an inordinate amount of time and expense. To overcome this problem, the legislation introduces a wage index system and authorizes the Secretary of Commerce to compromise outstanding disputes under the fair and reasonable clause. While the existing legal rights of subsidized carriers with respect to outstanding claims will not be disturbed, it is expected that both the operators and the Government will find it mutually advantageous to settle these disputes as rapidly as possible. The wage index will provide a means of computing wage subsidy, the principal element of operating-differential subsidy, for reasonable periods of time.

Depending upon the date of enactment of this legislation, the Secretary of Commerce may begin the first cycle of the wage index on July 1 of this year. These cycles may run for a maximum of 4 years. However, it is expected that the first cycle will be for a period of 2 years.

The administration proposed to eliminate maintenance and repair on vessels constructed after January 1, 1970, as an element of subsidy, and to permit subsidized vessels to be repaired abroad if the operator chose to do so. After careful consideration of these amendments, your committee determined that the existing law should be retained in each instance.

Your committee also amended the operating subsidy provisions of the act to permit operators who currently have foreign-flag affiliations and who may apply for operating subsidy in the future to retain those foreign-flag affiliations for a period of 20 years after becoming such a contractor. The level of foreign-flag involvement, however, is frozen as of April 15, 1970. Contracts which were entered into by that date may be honored. This provision recognizes the fact that a number of highly qualified nonsubsidized operators have been compelled to build and operate ships under foreign flags because of the static nature of our maritime programs, particularly in the field of bulk carriage. These operators can make a substantial contribution to our maritime posture. Your committee believes it would be unreasonable to ask these carriers to give up overnight their foreign operations in order to qualify for participation in this new maritime program.

In this regard, Mr. Chairman, it should be recalled that this grandfather clause, as it is commonly called, is an amendment to section 804 of the act, which authorizes the Secretary of Commerce to grant waivers to enable carriers who have foreign-flag affiliations to participate nevertheless in the operating subsidy program. The effect of your committee's amendment is simply to grant a statutory waiver, the basic concept of waiver already having been firmly established in the 1936 act. The adoption of this amendment by your committee does not in any way disturb the basic waiver authority set forth in section 804.

The legislation establishes a Commission on American Shipbuilding which will be appointed by the President and will monitor the success of this program. The Commission shall submit to the President and to the Congress its report 3 years after the enactment of this legislation. This is a departure from past practices, Mr. Chairman, in which we have studied the maritime industry virtually to death without adopting any program.

Finally, Mr. Chairman, your committee determined that the importance of this program warrants the appointment of an Assistant Secretary of Commerce for Maritime Affairs. Section 36 of the bill, as reported, authorizes this position.

This comprehensive legislation, which might well be termed the "Merchant Marine Act of 1970," provides the foundation for a viable American-flag fleet for the next two decades. I urge its adoption.

Mr. ROSENTHAL. Mr. Chairman, will the gentleman yield?

Mr. MAILLIARD. I yield to the gentleman from New York.

Mr. ROSENTHAL. Mr. Chairman, I thank the gentleman for yielding, and I commend the gentleman for his statement, and I am in thorough agreement with his statement and support the bill.

Mr. ROSENTHAL. Mr. Chairman, I am delighted to have this opportunity today to speak about the American merchant marine and the proposed Merchant Marine Act of 1970.

The American merchant marine has had a vital role to play in the growth of this Nation since the middle of the 17th century. Long before there was a U.S. flag, there was an American mer-

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chant marine, sailing from Boston and New Bedford, New York and Philadelphia, Alexandria and Charleston, to the West Indies, throughout the Americas, and gradually the entire world.

The role was vital in the commercial sense, of course, for without these ships and the ability to export finished goods, this country would have remained totally dependent upon foreign nations for her industrial needs. But in a broader sense, let me speak of the American merchant marine's role as related to this Nation's security.

During the American Revolution, it was our merchant marine that braved the blockading warships to deliver the needed goods to the Continental Army and our populace. The same can be said of the 3 years during which the War of 1812 was fought.

The First World War was another time of great stress for the American merchant marine, which like our Navy, had been sadly neglected for several of the decades following our Civil War.

The contributions during the Second World War are well known to all Americans. The "Bridge of Ships" reaching into the Atlantic and Pacific theaters of operations carried millions and millions of our fighting men overseas and back, and was the lifeline for the untold tons of supplies and equipment that were so necessary for the successful prosecution of the war effort.

Despite these contributions, however, the American merchant marine was again sadly neglected after the war. Hundreds of wartime ships were sold during the late 1940's, most of which were then registered under foreign flags and returned to compete for American cargo. And compete they certainly did, with the percentage of our Nation's foreign waterborne commerce carried on U.S.-flag vessels declining from 57 to 6 percent in just over 20 years.

The disastrous effects of this long neglect became all too apparent by 1964 and 1965. There were simply not enough U.S.-flag ships available to move our military supplies to Southeast Asia. The Department of Defense first turned to foreign-flag ships for assistance, but found their crews to be unreliable at best. Thus, Defense was forced to turn to the mothballed reserve fleet, bringing out several hundred obsolete rustbuckets—with millions of dollars in refurbishing costs required merely to render them seaworthy—to supplement our merchant marine. How much more effective might our early efforts in Southeast Asia have been had there been a modern American merchant marine?

Fortunately, today there is good cause for optimism as to the health of our tried and true friend. The Merchant Marine Act of 1970 recognizes this long and proud history, and is specifically designed to remedy the many wrongs and defects I have briefly touched upon.

Mr. GARMATZ. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Chairman, as the ranking democratic member of the Committee on Merchant Marine I rise to support Chairman GARMATZ in urging the passage of this most vitally needed piece of legislation.

There have been numerous statements on the floor of the House over the past 4 or 5 years, outlining the sad state of our American merchant marine. Most Members are thoroughly familiar with the fact that over 75 percent of our merchant ships are in excess of 20 years of age; that the United States has fallen to a position of 13th among the shipbuilding nations of the world and fifth among the ship operating nations of the world; that the Soviet Union on the other hand, profiting by the lesson she learned by the missile crisis in Cuba, has set out to become a dominant maritime nation; and that for the last 5 years the Congress has been waiting anxiously for a maritime program which it could support.

Today we have before us a bill which will lay the groundwork for the construction over the next 10 years of 300 modern, productive merchant ships. The bill would extend to all segments of our fleet both construction and operating subsidies but would make drastic changes in the amounts of the subsidies in order to protect the interests of the taxpayer and hopefully to withdraw on a feasible basis, the necessity for subsidy assistance for the American merchant marine. At the same time, Mr. Chairman, if we are to become once more a leading maritime power, there are certain facts of life which we cannot disregard.

The American standard of living is the highest in the world, and we want to keep it that way. But this involves a price. The wages paid our shipyard workers, as well as the officers and crews on our ships, are 3 to 4 times as high as those of competing nation. If our ships are to carry goods in the foreign trades at competitive rates, the cost differentials represented by these wage rates must be offset by Government subsidy. True, American ingenuity may help. But, other nations are quick to adopt our innovations of maritime technology. Accordingly, it is doubtful that we will be able to completely eliminate the need for subsidy assistance in the American maritime industry.

At the same time, this country has come to greatness through sea power. And it will remain great only as long as we maintain a strong and virile merchant fleet composed of the best equipped, most modern ships which marine science can devise. We need ships of all types—break bulk, container, tankers, bulk carriers and passenger ships. We, in the Merchant Marine Committee, have every confidence that this bill will provide the mechanism by which our merchant marine will witness a new and dramatic advance in strength and vitality.

I should state at this point that there are no particular provisions included in this program with respect to passenger vessels. This is not to indicate any lack of interest in this problem by the Committee, but merely the fact that that situation is so different and so in need of special solution that it did not lend itself to treatment on the general basis provided in this bill for other types of ships. It is our hope that the Committee will be able to turn its attention to this problem as soon as possible.

The hour is late in our maritime destiny. Further delay cannot be tolerated. I urge, therefore, speedy passage of this bill so that the challenge which it lies down to the maritime industry which has been accepted by shipbuilders and ship operators can come to fruition in the form of a new modern merchant marine—one that all Americans can look to with pride for years to come.

Mr. GARMATZ. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. CELLER).

Mr. CELLER. Mr. Chairman, I am pleased to rise in support of this legislation.

Since the end of World War II, we have not served our merchant marine well, despite the fact that in war and peace, our merchant marine has been a bulwark for our Nation.

The tragic fact is that—until now—we have forced our maritime industry to swing sharply between feast and famine. There has always been a recognition of the need for ships in time of crisis. But, in the periods between wars, we have neglected this important segment of our economy and our defense. The result is that we have had crash shipbuilding programs in time of emergency, and we have ignored this industry in the periods of quietude.

Too few Americans realize the role which the merchant marine plays in time of trouble. Because we live in a supersonic age, too few Americans are aware that it has been the merchant marine which provided the lifeline for our forces in Vietnam—carrying 98 percent of the supplies and equipment, and two-thirds of the fighting men.

This was not an easy assignment. To carry out its role as our fourth arm of defense, this industry had to take ships out of the commercial trade, and the Government had to take the almost outworn, old World War II merchant vessels out of mothballs, so that we could keep open this lifeline which stretched across 6,000 miles of open water.

With this legislation, we are at last recognizing one of the basic facts of our national life: To have a merchant fleet in being in time of danger, we have to have a fleet in existence in peacetime, carrying our cargo and our flag to all of the ports of the world.

This is one of the few times in our Nation's history that we are doing something to revitalize the merchant marine without being under the pressures of a wartime regimen. This action inclines us to the view we are going to move back into position as one of the world's leading maritime powers—a position from which we have fallen so far in recent years.

I hope that the administration will give urgent priority to implementing the program which I know will be voted by the House today, so that we can move forward—with all possible speed—toward putting more and newer American ships into the commercial, naval, and military services of this country.

**Mr. GARMATZ.** Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. Downing).

**Mrs. MINK.** Mr. Chairman, will the gentleman yield?

**Mr. DOWNING.** I yield to the gentlewoman from Hawaii (Mrs. Mink).

**Mrs. MINK.** Mr. Chairman, I rise in support of House Resolution 15424, legislation which would reduce shipping costs in the noncontiguous trade including Hawaii and otherwise benefit the U.S. maritime industry. I urge my colleagues to adopt this much-needed legislation.

For many years the people of Hawaii have borne an unfair burden by being required to contribute in taxes to a national maritime program that subsidized ships in the foreign trade but not shipping between Hawaii and other States. As the only State completely cut off from alternative forms of surface transportation, Hawaii is forced to pay more than its fair share of transportation costs. This discriminatory policy still exists today.

Recently in Washington, representatives of Hawaii, Alaska, and Puerto Rico gathered to discuss with merchant marine labor and industry spokesmen ways to reduce the extremely heavy burden of the noncontiguous States and possessions. The principal recommendation made at this conference was that noncontiguous trade be given a "tax break" in the form of a tax-deferred construction reserve.

Last month as the distinguished members of the House Committee on Merchant Marine and Fisheries were about to meet in executive session to discuss the administration's proposed maritime legislation, I personally contacted and wrote to the members asking that the bill be amended to include this equity for the noncontiguous trade.

I am happy that the members of the committee responded to the urgent need by including this provision I requested.

The committee report on House Resolution 15424 states:

> Testimony before your Committee suggested that operators in the noncontiguous trade are sorely in need of assistance. While a few new vessels have been built for the noncontiguous trade, they have been built at full American costs and consequently, freight rates for those trades necessarily reflect the full cost of the vessel. This has a serious impact upon the economy of the noncontiguous States of Alaska and Hawaii, as well as Puerto Rico and the various possessions.

Under the provisions, shippers will be able to set aside a portion of their profits from noncontiguous trade in a fund from which withdrawals may be made to construct new ships for this trade. The fund would not be subject to tax. Thus shippers will be able to reinvest in trade to Hawaii and the result will hopefully be lower cost and improved transportation service to Hawaii.

I strongly support this bill, just as I have supported all legislation to benefit our maritime industry during my entire congressional service. The bill before us today in addition to the benefit for Hawaii will provide for a long-range merchant shipbuilding program of 300 ships over the next 10 years. This is the kind of program that is long overdue and should significantly reverse the alarming decline of our merchant marine fleet that has occurred during past years.

I support House Resolution 15424 and urge its adoption by my colleagues.

**Mr. KARTH.** Mr. Chairman, will the gentleman yield?

**Mr. DOWNING.** I yield to the gentleman from Minnesota, Mr. Karth.

**Mr. KARTH.** Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, with this being the first maritime week of a new decade and also the day for the reporting of the Merchant Marine Act of 1970, I think it most appropriate to reflect for a moment or two on one aspect of the maritime picture—the recent contributions of the American merchant marine to our Nation's defense efforts.

By 1964, the flow of men, equipment and supplies to Southeast Asia had already begun to tax the existing capacity of our merchant marine. I will only mention briefly that the strong fourth arm of defense of the 1940's had been sadly neglected during the ensuing two decades—and Mr. Chairman—the American taxpayer has been forced to pay a very dear price for that long neglect.

To obtain the necessary shipping capability in 1964 after existing resources were exhausted, the Department of Defense first turned to foreign-flag ships. I am certain that we all remember newspaper accounts of foreign crews simply refusing to sail to their assigned destinations.

Obviously then, foreign-flag fleets could not be counted upon to do the job so the Department of Defense then turned to the long-mothballed reserve fleet. This fleet, most of which had been laid up for 10 or more years, was largely composed of World War II-vintage Liberty and Victory ships. Each ship required extensive modernizing and refurbishing merely to make it seaworthy—the total cost to refurbish all of the ships that were finally reactivated runs into the millions and millions of dollars.

Of course, once the ships were reactivated, there were frequent breakdowns. They made only 10–15 knots at best, and one modern ship could have accomplished more, at less total cost, than any three of the reactivated ships. To some extent, Mr. Chairman, that is all water over the dam. The reserve ships were reactivated at a great cost, but they did assist our merchant marine and the job was done.

For the past 2 years, the Department of Defense has been gradually phasing the reserve ships out of the system. But not back into a mothball fleet—no, a great number of the reactivated fleet have been steaming directly to the scrap heap.

In short, if there ever is a "next-time," there will not be the hundreds of Liberty's and Victory's sitting there waiting a call. Rather, the entire burden will be placed on an existing American merchant marine.

The Merchant Marine Act of 1970 has been designed to accomplish many goals. One of those is to insure that our Nation has an effective, modern, reliable shipping capability available for meeting our national defense needs. I hope, Mr. Chairman that this particular aspect of the act will be given close attention—and great weight—by all Members of this House.

**Mr. FARBSTEIN.** Mr. Chairman, will the gentleman yield?

**Mr. DOWNING.** I yield to the gentleman from New York.

**Mr. FARBSTEIN.** Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have had the honor of representing in my district the International Longshoremen's Union, and the National Maritime Union, dealing with shipping, for many years. There has been in the past a deterioration of American shipping, and this is something a great nation like ours cannot permit.

I understand that this legislation will provide for a long-range merchant shipbuilding program of 300 ships. This I fully support.

**Mr. BIAGGI.** Mr. Chairman, will the gentleman yield?

**Mr. DOWNING.** I yield to the gentleman from New York.

**Mr. BIAGGI.** Mr. Chairman, our new merchant marine program—H.R. 15424—hopefully has come just in time. We all know the irony that exists in our merchant marine today—on the one hand we have ships on the high seas or in the yards that are the world's most technologically advanced, and on the other hand, four-fifths of our overall fleet is antiquated and ready for mothballs. Without the new fleet revitalization program contained in this bill, we would not begin to have the "ship power" needed to handle the economic surge of this country in the next decade. Our foreign trade has grown by leaps and bounds. It hit the lofty peak of nearly $74 billion last year.

As you are aware, the Government has a stepped-up national trade expansion program underway. This ties in directly with ocean transport and a move to reduce the critical U.S. balance-of-payments deficit. U.S.-flag shipping has contributed a favorable impact on U.S. balance of payments by $7.3 billion in a decade. Commerce Secretary Stans gave dramatic proof of the industry's value in correcting the payments dilemma in recent testimony on the President's program. He said the "net cost" to the Government of modernizing the merchant marine under the Nixon blueprint would be "less than a half a billion dollars" over a 10-year period adding:

> We estimate that over the next 10 years this program would bring in approximately a $2 billion improvement in our international balance of payments . . . (and that) . . . by reason of increased employment and more profitable operations for the shipowners, tax revenues of the Government will increase somewhere between a half a billion and three quarters of a billion dollars.

Every country is growing, becoming more dependent on the other. Our country, as you know, is dependent on 66 of 77 imported strategic materials needed for American industry and our military machine. Our gross national product will increase by $500 billion in the next 10 years; our wealth will also increase by

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50 percent in that time; our demands for goods and services will keep increasing as the country staggers toward a population of 300 million persons by the end of the century; and foreign trade and shipping will loom larger in the economic structure to supply finished goods and raw materials to keep our country moving forward.

The modern U.S.-flag fleet proposed under H.R. 15424 will be the economic lifeline between this country and the world marketplace. The result will be a much better balance of payments situation and our trade balance will be considerably strengthened.

As you are aware, virtually since World War II foreign shipping has dominated American ocean-borne commerce. In carriage of our foreign trade, the American merchant marine's percentage has plummeted in a 20-year span from over 42 percent to between 6 and 8 percent today. The competition has been fierce; some 44 new merchant fleets have come into existence since World War II. Ironically, while the rest of the world looked to the commercial sealanes to build and prosper, our Government ignored the longstanding national policy commitment to maintain a modern, well-balanced merchant fleet as a vital partner in the Nation's economic growth. Hopefully, this storm-tossed shipping era has passed. Our course—under H.R. 15424—charts us on a "sea of opportunity." A modern competitive merchant fleet flying the American flag is essential not only in expanding our foreign trade and our ties to our foreign friends across the world but will lead the way to a commercially healthier and more prosperous America.

Mr. **BURKE** of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman.

Mr. **BURKE** of Massachusetts. Mr. Chairman, I have frequently expressed my grave concern about the decline of our American merchant marine. Today, with the passage of this new maritime program legislation in the House, my concern has been supplanted by great optimism that we have concluded another important step in restoring this Nation to its rightful position on the high seas. I am particularly encouraged by the several portions of the program that are designed to encourage the building of vessels in American shipyards, the registering of the vessels under the American flag and the manning of these ships with American crews.

I would like to call attention to one particular segment of our maritime industry of which our entire Nation can be quite proud—these are the gentlemen, the geniuses of the maritime industry, the American architects and engineers who have created new designs of vessels which are technologically superior to those designed anywhere else in the world. This new program will permit their best efforts to be built in American yards rather than foreign yards, as unfortunately was the first American-conceived and American-designed LASH vessel.

American marine architects and engineers have achieved a major technological breakthrough unequaled in the last century of shipping. The new maritime program will increase our research and development efforts to insure that the United States stays technologically ahead in this field so important to U.S. commerce and balance of payments.

In the past the American maritime industry has taken great initiative to develop revolutionary ocean transportation concepts. The U.S. cargo liner industry has been the world's leader in ship automation. Its replacement ships, built under the 1936 Merchant Marine Act, featured increased speeds of 25–27 knots, pushbutton cargo handling gear, automatic tension winches, specialized installations developed for the carriage of cargo, plus many, many other innovations. Possibly the most startling breakthroughs are the containerships and the sea barges which provide the capacity of a number of conventional freighters. One survey by the American Institute of Merchant Shipping showed that 69 container or barge ships would have a carrying capacity equaling that of 259 fast, modern C–4 cargo ships.

The new maritime policy expressed in this legislation, in connection with statements by the administration, indicate efforts to increase the rate of American cargo carried on American vessels from a current low of 6 percent of our total cargo to a high of 50 percent over the next several years. To carry that amount of our own cargo would require that the U.S. fleet add 289 more container vessels and sea barges of the Seabee and LASH types in the next 6 years.

Our maritime architects and engineers have contributed much in making possible this effort at restoration of our American merchant marine, and we should all take great pride in their accomplishment.

Coming from one of the great shipbuilding areas of the world, Quincy, Mass., where the General Dynamics Fall River Shipyard is located, I support this bill with enthusiasm. Bethlehem Shipbuilding also has a large shipbuilding repair yard located in East Boston. Both of these yards are well equipped with the experienced workers, technicians, designers, and engineers. Yes, I can predict with confidence that my State will be able to continue their great contribution toward the buildup of our U.S. merchant marine.

Mr. DOWNING. Mr. Chairman, I think this legislation is the dawn of a new era in the maritime history of this country and we should welcome it.

With this legislation, I sincerely believe that we can reverse the decline of the merchant marine, which some of us have been witnessing for the past 10 years.

This legislation, if it is successful, is the culmination of the hard, patient, and dedicated work of men and women on both sides of the political aisle over a long period of time.

I must admit there were times when we were filled with frustration and despair. Now we have it and it is good legislation which will provide the country with the merchant marine that it needs as we go into the 1980's. I am convinced of the merits of it, and certainly the committee is.

Mr. Chairman, we went into this thing deeply and thoroughly even though we had gone into it year after year previously.

After the Presidential message, our committee met and held 13 executive sessions and at least 10 public sessions. We heard innumerable witnesses who offered their constructive advice and constructive advice it was. We compiled over 800 pages of testimony. This legislation was reported unanimously by the full committee and we commend it to this body and to the American people with every bit of pride at our command.

It is a complicated bill and it has to be studied carefully. It is the best bill that we can present at this time.

I intended to go into one section of it which may require a little explanation.

One of the provisions in the bill now being considered to which the Merchant Marine and Fisheries Committee gave a great deal of thought and to which objection is still being raised is the so-called grandfather clause in section 21. I should like to explain the reasoning behind the committee's action with respect to this provision.

As you know, the Merchant Marine Act of 1936 first gave rise to the system of operating subsidy. Subject to a number of terms and conditions, companies operating in the liner trades of the United States, were eligible to apply for an operating differential subsidy which was designed to meet the difference in the cost of operation between American and foreign-flag ships. One of the conditions spelled out in the 1936 act for this type of aid concerned ownership or affiliation of the applicant with foreign-flag vessels competing with American vessels. Thus, section 804 made it unlawful for any operating subsidy contractor to have any interest, directly or indirectly, in foreign-flag vessels.

Section 21 of this bill would permit applicants for operating subsidy to retain interests in foreign-flag shipping as they exist on April 15, 1970 for a period of 20 years. Quite obviously, this relaxation of the 1936 act requirement calls for an explanation.

As I have stated, operating aid was available heretofore only for liner-type service, that is, companies operating freight vessels on regular routes and fixed schedules. One of the principal features of this bill is to extend that type of aid to bulk carriers and tankers.

For the past 34 years, and for that matter, prior to that time also, any American company who wished to operate a bulk carrier or tanker commercially in the foreign trades necessarily had to put his ship under a foreign flag. Otherwise, he could not pay wages consistent with the American standard of living and still compete at the same freight rate with the vessels of other maritime nations of the world. In other words, he had no place else to go but to the ownership of foreign-flag vessels.

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Now, if this bill is to succeed in the encouragement of the construction of 300 vessels over the next 10 years, and if it is to succeed in its purpose to revitalize the American merchant marine, we must do everything possible to encourage American owners to seek out its provisions and to build ships. If we were to require as a condition precedent to eligibility the complete divestiture of all foreign-flag interests, the program would be doomed to failure because those shipowners would not build ships in U.S. yards. We must recognize the facts of life. We must appreciate that those owners had no place else to go. And, regardless of what we think about desirability of American ownership of foreign-flag vessels, we must permit those owners to phase out their foreign ships over a period of years.

At first, we thought that 10 years might be sufficient. But the committee determined that a number of these owners have comparatively new ships which they could not be expected to sell when less than half of the economic life of the vessel had expired. Thus, we became convinced that we should face this problem realistically and provide for a 20-year period.

Bear in mind, Mr. Chairman, that in the long run, the ultimate purpose of this provision is to freeze foreign-flag interests of these owners at their present level. Hopefully, 20 years from now, there will be sailing the high seas not only liner ships but bulk carriers and tankers flying the American flag in place of those now flying the flags of Panama and Liberia, as well as those of other countries.

One of the other features of this program is to accomplish this shipbuilding at minimum cost to the Government. And in turn, one of the important ways the bill seeks to achieve this purpose is by reducing, over the next 5 years, the amount of construction differential subsidy to be paid by the Government.

Under existing law, the Maritime Administration is authorized to pay up to 50 percent of the cost of a vessel constructed in a U.S. shipyard, where it is established that such a percentage represents the difference in cost between building the vessel here and building it in a representative foreign shipbuilding center. However, in recent years, this percentage has been increased to 55 percent by way of temporary legislation, which is now due to expire on June 30 of this year. The present bill provides a series of target differentials for the Government's contribution beginning at 45 percent for the fiscal year 1971, and then dropping 2 percentage points a year until it reaches the level of 35 percent for fiscal year 1976.

Obviously, this presents a challenge to the shipbuilding industry to reduce its cost so that these target differentials will be met. And, naturally enough, there has been some doubt expressed as to whether such a drastic reduction can be accomplished in the time frame set forth in the bill. However, the President of the Shipbuilders Council of America, speaking on behalf of that industry, stated before the Merchant Marine and Fisheries Committee that the industry supports the President's proposal and accepted the President's challenge.

The shipbuilding industry requested, however, a number of changes in the bill which would facilitate their effort in meeting these construction differential percentage targets. For example, they asked for an expression of congressional intent calling for the construction of 300 ships over the next 10 years. In this the committee concurred and included specific language to that effect. The shipbuilders also asked for authority to negotiate directly with the shipowner. This the committee granted as an alternative to competitive bidding. Other similar modifications designed to enable the shipbuilders to reduce construction costs were likewise provided for in the bill. One significant request that was not granted in full was one to require that all articles, materials and supplies required for the construction of the vessel be procured in the United States. This refers to the buy American provision of the bill.

The Merchant Marine Act of 1936 does require that all articles, material or supplies used in the construction of a vessel upon which construction subsidy is paid, shall be of the growth production or manufacture of the United States. However, 34 years ago, this country was in the midst of a severe depression. Many of our laws enacted at that time were designed to stimulate industrial recovery here in the United States. Many of these same laws have now been repealed. But, unfortunately, the shipping industry has been left subject to restrictions which apply to no other segment of the transportation industry.

The bill before you does require that all major components of the hull and superstructure, and any material used in the construction thereof, shall be of domestic origin. But, all other articles, materials and supplies used in the construction of the vessel may be procured abroad.

Military vessels, to a very considerable extent, may be built with foreign components. And, more significantly, vessels built exclusively for the domestic trade under the Merchant Marine Act of 1920 may be built with foreign components. It seemed to the committee, therefore, having in mind the overall objective of reducing to a minimum the Government's contribution to this building program, that as much flexibility as possible should be granted to the shipyards, with respect to the procurement source of the components going into the vessel.

The shipyards are not hurt—the shipworkers are not hurt, and the Government could greatly benefit by this relaxation of the buy-American requirement. It was, therefore, the considered judgment of the Merchant Marine Committee, after lengthy and careful consideration, that the administration proposal to relax this principle, as far as merchant ship construction was concerned, should be approved.

I am aware that objection to the committee's action on this subject has been raised in some quarters. However, it should be understood that there is nothing in this bill which requires that any of the articles, materials or supplies used in the construction of a vessel be procured abroad. And the chances are that shipyards will continue to procure such articles, materials, and supplies here in the United States so long as the resulting cost of the ship falls within the target differentials set forth in the bill.

Mr. WHITEHURST. Mr. Chairman, the first step in the reconstruction of the U.S. merchant marine was taken last week when the House overwhelmingly approved the appropriation of nearly $400,000,000 for the construction and operation of 19 new U.S. merchant vessels. I hope the second step is taken today, and the House passes H.R. 15424, the Merchant Marine Act Amendments of 1970.

The legislation we are considering today, will implement the first year of the President's 10-year program which calls for the construction of 300 new U.S. merchant vessels. This program reverses the governmental neglect that has allowed the country's merchant marine to fall from the position of leadership it held following World War II.

Of the 967 flag vessels we have today, only 650 are engaged in foreign trade, three-fourths of which are in excess of 20 years of age. These 650 vessels in terms of cargo potential represent only 228 contemporary ships and is the reason the United States is now only fifth in world shipping. If we continue with our current shipbuilding policies, these 228 vessels will shrink to 203 by 1980. If, however, we adopt the administration's program as outlined in this legislation, our merchant marine will number 344 by that time.

Another aspect of this program is benefits that will accrue to seafaring labor. If we do not adopt this program and continue with our current policy, there will be a net loss of over 10,000 seafaring jobs by 1980.

Mr. Chairman, the Federal Government cannot carry the load alone. Management and labor will have to contribute their energies and labor and be concurrently responsive and forward looking. The production challenges contained in the realization of goals set by this administration are both formidable and promising. They provide fresh opportunities for management proficiency, operational manpower stability, technological advancement and better earnings by all concerned.

Mr. Chairman, I am sure I am not alone in having a few reservations concerning some of the provisions of this legislation, particularly as pertains to the liberalization of the "Buy-America" clause, and the granting of construction subsidy assistance to owners of foreign-flag vessels.

However, all in all, it is an excellent piece of legislation and deserves our wholehearted support.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I wish to associate myself with the remarks made by the gentleman from Virginia. As reported, the Com-

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mittee on Merchant Marine and Fisheries did not approve one provision in the original bill concerning the operating subsidy provisions. This provision concerns the proposed elimination of operating subsidy with respect to vessel maintenance and repair. The net effect of the committee action is to leave the existing law as it is.

Since 1936, this item has been one of those upon which subsidy is paid measured by the difference in cost between having the work done here in the United States and having it done abroad. The administration felt that subsidy for this item could be eliminated with respect to vessels constructed on and after January 1, 1970, without serious damage, either to operators or to shipyards. I disagree.

In recent years, the subsidized operators have spent approximately $43 million a year on maintenance and repairs, and the Government's contribution by way of subsidy has been about $13 million. This is a comparatively small amount when viewed in the context of the overall subsidy program.

The committee felt that the elimination of subsidy for maintenance and repair could have a serious effect upon the welfare of the "small business" segment of the shipbuilding industry. The construction of the 300 ships will probably take place in the large shipyards of this country. However, we have many smaller yards which rely entirely upon maintenance and repair work. Although these yards probably would continue to get much of this work even if American operators were free to have their repairs made abroad, the committee in its wisdom—and I fully agree with them—decided that we should not run the risk of substantial damage to the repair yards in this country. Hence, the committee deleted the provision in the bill which would have eliminated the payment of subsidy for maintenance and repair work performed in U.S. ship repair yards, and I think this was a wise decision.

I must say that I am very pleased with these changes that the committee made in the original bill with regard to the subsidy for the ship conversion yards, and while the "Buy American" provision may not be as strong as I would like in the bill, yet I am glad to see that the change was made. I am very much in favor of this legislation.

Mr. DOWNING. I thank the gentlewoman.

Mr. LENNON. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from North Carolina.

Mr. LENNON. Mr. Chairman, others have emphasized the need to build up our merchant marine fleet and the need to expand our shipping on the Great Lakes, in the noncontiguous trade, and in our fisheries. As a result, I shall not dwell on this aspect of the problem. Instead, I thought it might be useful if I outlined in general terms what is probably the principal feature of the bill in terms of stimulating the growth of the American-flag merchant marine and in increasing shipbuilding in the U.S. shipyards.

I am, of course, referring to the section of the bill which extends to unsubsidized American-flag operators the privileges of tax deferral of income taxes on earnings deposited in a reserve fund, now generally available only in the case of subsidized ship operators. Generally, this tax deferral privilege is available only if the balances in the reserve funds are invested in vessels constructed in the United States.

This tax deferral I have referred to is made possible under the bill by deposits in a "capital construction fund."

Earnings and depreciation from all vessels used in the foreign or domestic commerce of the United States or in the fisheries of the United States may be set aside in this reserve fund without the payment of any income taxes on these deposits. Amounts in this fund then may be withdrawn without tax consequences to acquire vessels to be used in foreign trade—both the unsubsidized as well as the subsidized foreign trade—in the Great Lakes trade, in the noncontiguous domestic trade—such as that with Alaska, Hawaii, and Puerto Rico—and in the fisheries of the United States.

To be eligible for the tax deferral treatment I have described, a citizen of the United States who owns or leases vessels must enter into an agreement with the Secretary of Commerce to establish one of these capital construction funds. The agreement with the Secretary of Commerce is to prescribe the conditions and requirements under which deposits in the fund are to be used for constructing or acquiring vessels. Generally, the vessels which may be acquired without tax consequences with money from this fund are those constructed in the United States, documented under U.S. laws, and operated in U.S. foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States. The fund may also be used to pay off mortgages incurred in connection with the construction of these vessels.

Under the present provisions of the Merchant Marine Act of 1936, this tax deferral privilege is available only in the case of subsidized vessels in the foreign trade of the United States. This bill makes the tax deferral privilege available on a much broader basis. As I have indicated, it will be available for ships constructed for the nonsubsidized foreign trade, the noncontiguous trade with Alaska, Hawaii, Puerto Rico, and so forth, the Great Lakes trade and also ships constructed for use in the fisheries.

This will substantially expand the availability of this tax deferral privilege. In addition, this act sets forth in much more specific terms than did the Merchant Marine Act of 1936, the specific statutory rules which are to apply to the shipping companies making use of the tax deferral privilege. Under the prior law, there were only 13 subsidized shipping companies who made use of this tax deferral privilege and in these cases the Treasury Department has been able to administer the fund through closing agreements signed with each company. This process is essentially one of negotiations—an unsatisfactory process at best, especially where some companies have closing agreements less favorable than those applying to competitors. This bill's expansion of the availability of the tax deferral privilege, however, makes it impractical for the Treasury Department to continue the practice of signing closing agreements with each company. For this reason, the bill provides a more specific statutory framework for determining the tax status of deposits into and withdrawals from the fund. This aspect of the bill in placing into the statute the tax laws, as they apply to those using the tax deferred reserve fund, is a significant advancement made by this bill.

In general, the tax deferred reserve fund operates to allow withdrawals to be made from the fund without payment of tax for the purposes of acquiring vessels to be used in the specified types of trade. When amounts are withdrawn from the fund for other purposes, however, they are subject to tax in the year of withdrawal, unless they represent withdrawals of capital items, such as funds representing depreciation reserves deposited into the fund. An interest charge generally is imposed on the amount of the tax imposed in these cases, computed from the year of deposit to the year of withdrawal from the fund. This is not a penalty but merely is intended to restore the amount to the approximate tax status it would have been in if there had been no tax deferral in these cases.

In the case of the subsidized companies who, at present, have tax deferred reserve funds, the committee concluded that they should be allowed to maintain their existing funds until the normal expiration of their current agreements. The bill provides, however, that these companies may establish new funds under this bill at any time they desire and transfer the amounts held in their existing funds over to these new funds.

While this is a very general statement with respect to some very explicit tax provisions in the bill, nevertheless, I think it shows you, in general, how these provisions will work. In my estimation, these are highly significant provisions and will do as much as anything in the bill to expand our merchant marine and also to revitalize the shipbuilding industry in the United States.

Mr. LONG of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Louisiana.

Mr. LONG of Louisiana. Mr. Chairman, the bill before us today is the culmination of many months, in fact years, of plain hard work on the part of a number of people. The members of the Merchant Marine and Fisheries Committee have heard many witnesses and studied a great volume of evidence pertaining to the great need of this country for a revitalized merchant marine.

The right formula for reversing the trend of our merchant marine fortunes was, indeed, difficult to come by. Previous administrations made efforts which although well intentioned fell far short of

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providing what we here in Congress felt was the proper program. President Nixon outlined the goals during the campaign and then shortly after election set in motion the machinery to devise the ways and means by which those goals might be accomplished.

This is a complex industry, Mr. Chairman, composed of many diverse elements and segments. It is almost impossible to achieve agreement even in general principle upon any one set of proposals. Yet, the program which is encompassed in this bill has come as close to receiving approval from all segments of the industry, labor and management as any maritime program in the past 35 years.

It is true that there are still one or two provisions in this bill with which there exists some discord. However, I want to assure this body that each and every provision, each and every argument—pro and con—was thoroughly and meticulously considered during the course of our deliberations. No stone was left unturned in our effort to arrive at the best possible vehicle for rebuilding our merchant marine. The bill before you today is the product of our best judgment. If, as time goes on, and experience develops under this program, some changes appear to be required, I am sure this committee will be prompt to act.

In conclusion, Mr. Chairman, this bill was considered over a period of 6 months by many representatives of various departments in the executive branch of the Government, and has been, as I have indicated, the subject of many hours of hearings before the Merchant Marine and Fisheries Committee. I would hope, therefore, that this most vitally needed piece of legislation will be approved by an overwhelming vote.

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Mr. FEIGHAN. Mr. Chairman, will the gentleman yield?

Mr. DOWNING. I yield to the gentleman from Ohio.

Mr. FEIGHAN. Mr. Chairman, I wish to congratulate the very able and distinguished chairman of the full committee, as well as my other colleagues who have brought this fine piece of legislation to the floor, a measure which I think is in the category of being a landmark.

I wish to congratulate also the gentleman in the well for his tremendous contribution to the work of the Merchant Marine and Fisheries Committee, of which I am proud to be a member.

Mr. Chairman, I endorse wholeheartedly the passage of H.R. 15424. It has the support of not only the administration, but of all the members of the Merchant Marine and Fisheries Committee.

We have allowed our merchant fleet to deteriorate until today—we are only carrying about 6 percent of our seaborne export-import tonnage. It is frightening to consider the potential impact of deterioration, if allowed to continue, of our world commercial position, and even more frightening as to our national defense posture in the event of a large-scale war.

This bill as reported to the House floor by the committee will reverse the downward trend in our merchant fleet capacity. It provides for a 10-year shipbuilding program of 30 modern type ships per year. These ships will be constructed in U.S. shipyards and contribute to their ability to modernize and expand. Today, we only rank 13th among world nations in commercial ship construction, and this vital segment of our national defense posture must be restored to a position of readiness in the event of national emergency.

I am especially pleased that the bill as reported by the Committee on Merchant Marine and Fisheries recognizes the Great Lakes as a full partner with the other seacoasts of the United States in our maritime affairs. The bill does this in several important respects.

First, it specifically recognizes the Great Lakes as the fourth seacoast of the United States. When the basic maritime legislation passed in 1936, there was no St. Lawrence Seaway. Therefore, ships in the Great Lakes could not engage in our foreign commerce as ships do which move from ports on the other coasts. The opening of the St. Lawrence Seaway has changed this so that the heartland of the United States can be reached with oceangoing vessels.

Second, the basic maritime law would be amended to remove a prohibition against Great Lakes operators participating in the subsidy support programs under the Merchant Marine Act of 1936.

Most important of all, the bill as reported would extend to ship operators in the Great Lakes the same privilege as is being extended to operators on the other coasts to deposit earnings and other income into a tax-deferred construction fund to build new ships. As is well known, our Great Lakes fleet is old by any standard. It is absolutely essential that this fleet be replaced if we are to have maritime commerce on our Great Lakes. I am most pleased, therefore, that the tax-deferred benefits proposal has been extended to operators in the Great Lakes so they may have a fair opportunity to replace these old ships.

Recognition of the needs of the maritime industry on the Great Lakes has been long in coming. H.R. 15424 at long last recognizes this need. Accordingly, I fully support the bill as amended and reported by the committee and urge its approval.

Mr. DOWNING. Mr. Chairman, before yielding back the remainder of my time, I wish to compliment the chairman of the committee, the gentleman from Maryland (Mr. Garmatz), and also the ranking minority member, the gentleman from California (Mr. Mailliard), for what I think is an outstanding piece of work. It took patience, it took wisdom, and they certainly provided the committee with those qualities, and under their leadership the rest of the committee, on both sides of the aisle, really went to work and did the best they could in producing this legislation.

Mr. MAILLIARD. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. Pelly).

The CHAIRMAN. The gentleman from Washington is recognized.

Mr. PELLY. Mr. Chairman, I rise to express my enthusiastic support for H.R. 15424, which carries out the legislative recommendations of President Nixon to revitalize the American merchant marine.

I take great pride in the fact that President Nixon announced his commitment to restore our merchant marine to its rightful position on the high seas in my city of Seattle, Wash., on September 25, 1968. That statement is a concise and well-documented indictment of this Nation's failure to recognize the vital importance of our merchant marine to our economic growth and our national defense. Unlike so many other statements on our merchant marine, however, it does not simply record our failures. It offers, rather, solutions and points the way to the future. Under unanimous consent previously obtained, Mr. Chairman, I insert a copy of President Nixon's speech at this point in the Record:

### Restoring the United States to the Role of a First-Rate Maritime Power

#### TOWARD A REVITALIZED MERCHANT MARINE

The maritime industry of the United States has been permitted to decline to a point at which the nation's defense and economic welfare are imperiled.

The policies of the present Administration have put us on a course toward becoming a second-rate seapower.

Seapower is the ability of a nation to project into the oceans, in times of peace, its economic strength; in times of emergency, its defense mobility.

Seapower is composed of all those elements enabling a nation to use the world ocean advantageously for either trade or defense—its navy, its merchant shipping, its shipbuilding, its fishing, its oceanographic research, and its port facilities.

Even a cursory examination of the United States seapower today makes it clear that our present course has been wrong.

Two-thirds of the Navy's tonnage now afloat was designed during World War II to meet the conditions of that time. The replacement needs of the United States Navy are so great that last year the Secretary of the Navy stated that the Navy needs to build a ship each week for the next 10 years just to keep up.

Our fishing fleet is composed of some 13,000 vessels, most of which are too small and too old for efficient operation. Some 60 percent are more than 20 years old.

Our shipyards have suffered under misguided federal policies which have given them no incentive to increase productivity, to adequately update plant facilities or to introduce new technology.

In oceanographic sciences we have only begun to pierce the surface.

Almost every day a ship leaves the Soviet Port of Odessa with cargoes for North Vietnam. An estimated 80 percent of the materials used by the enemy in Vietnam arrives in Soviet merchant ships. More than 97 percent of all supplies used by the Allied troops in South Vietnam also moves by water, most of it aboard old ships flying the U.S. flag but which are no match for the modern Soviet merchantmen.

Two-thirds of our merchant ships are beyond their economically useful age. By contrast, half the Soviet fleet is less than 5 years old.

The Soviets are adding at the rate of 100 ships or about 1 million tons per year to their existing 1,500 ship fleet.

By contrast, the United States now has an active privately-owned merchant marine of fewer than 1,000 American flagships. We are producing less than 15 ships a year, and we have built only some 300 American flag merchantmen since the end of World War II. In less than a decade, erosion will reduce our fleet to one-third of its present inadequate size unless change is forthcoming.

In the early 1970's the Soviet Union not only will surpass us in number of ships but also in the quantity of goods they can transport on these ships.

They would not hesitate to use this growing economic power as part of their global strategy. At this very moment, the Soviets have created a rate war to undercut the British on the route from Australia to the United Kingdom and Europe.

Apart from its absolute size, our merchant fleet is dramatically unbalanced. The most glaring deficiency is in the dry bulk carrying segment, which is woefully inadequate in lift capability in spite of the vast export and import trade of this country in commodities of this type—imports of raw materials on which this nation's productive capacity depends—exports of farm products that feed the hungry of friendly nations.

In the face of these conditions, there is today in the executive branch of our government a shocking de-emphasis of our national maritime efforts. Continuation of such a lack of interest could only result in making the United States a second-class seapower during the 1970's and beyond.

If we permit this decay to continue we will find that we have abdicated our maritime position to none other than the Soviet Union. Even now their modern merchant fleet ranks sixth in the world—just one place behind our own much older fleet.

In 1965, the present Administration promised to recommend a new policy for our merchant marine.

But the Administration has failed to present a cohesive program to restore the United States as a maritime power.

The void between promise and action of the past four years has halted maritime progress. Our fleet carryings have declined to record lows, our balance of payments has suffered, vessel obsolescence has multiplied, and our ability to meet our maritime commitments overseas has decreased alarmingly.

Nuclear merchant vessel propulsion, which offers an encouraging possibility, is ready to be junked by the present Administration—this in spite of the long lead we developed in this field during the Eisenhower years with the Nuclear Ship Savannah.

Only through new and advanced technology can the American merchant marine minimize its competitive disadvantage with other merchant fleets. The same holds true in other components of seapower: naval, oceanography, fishing and port facilities.

### COMMERCE

Only 5.6 percent of the U.S. trade is carried on U.S. flagships. This is the lowest since 1921.

Soviet flagships already carry more than 50 percent of Soviet cargoes; Sweden, 30 percent of her own commerce; Norway, 43 percent; Great Britain, 37 percent; France, 48 percent; and Greece, 53 percent. Japan is carrying 46 percent right now, but Japanese shipping policy has prescribed that by 1975, the Japanese flag merchant marine should carry 60 percent of Japanese exports, and 70 percent of Japanese imports.

These nations have determined that a high degree of reliance on their own shipping resources is important to their own self-interest. We have not.

To state it bluntly, our trade is predominantly in the hands of foreign carriers, some of whom may be our trading competitors. We must have more control over the movement of our own cargoes not only for competitive reasons, but also because of the contributions our ships make to our balance of payments.

The stability of the dollar is vital to the whole free world. Increasing our exports is probably the healthiest method of removing our balance of payments deficit.

Exports of those services as well as goods, therefore, is essential to increase U.S. flag participation in our overseas shipping as part of our export promotion policy.

This cannot be done with our present fleet or under our present maritime policy.

### SHIPBUILDING

Continuing neglect of vessel replacement has led to an antiquated current fleet.

The new Administration's maritime policy will seek a higher level of coordination between naval and merchant shipbuilding.

In that way we can create a climate in which shipbuilding can attract the capital, as well as the stable labor force, needed to make it competitive with foreign yards and to provide an expansion base for national emergencies.

In turn I would expect initiative and cooperation from both industry and labor. Throughout the maritime industry, a new outlook must be encouraged to replace the current divisiveness and short sightedness.

Until such time as American yards can be independently competitive, I recognize that shipbuilding subsidies are necessary to enable shipyards to build ships and deliver them to operators at competitive world prices.

We must set as our goal a sharp increase of the transport of U.S. trade aboard American flagships. The present rate is 5.6 percent; by the mid-seventies, we must see that rate over 30 percent and the growth accelerating.

I support a building program to accomplish this objective.

In keeping with the traditions of private enterprise, our efforts will be directed toward the creating of a favorable shipbuilding environment through a better use of credit facilities and amortization procedures. The use of long-range government cargo commitments should be explored as a means to stimulate unsubsidized financing of ship construction.

Shipbuilding is not all financing and steel. This is an industry where many of our hardcore unemployed, and those whose jobs are displaced by automation, might be channeled and trained. During World War II, the United States established records for turning out nearly 6,000 merchant ships. Many of the people who participated in achieving these records had been classified as "untrained." This should serve as an example to us today.

### OPERATING SUBSIDY

Since the Merchant Marine Act of 1936 was passed, we have been living with an operating subsidy system. The system has been aimed primarily at removing the wage-cost disadvantage of the American operators who must pay seamen under U.S. working standards and levels of living.

The subsidy system has had its shortcomings. It has been extended exclusively to liner operators in the foreign trade; it has grown more costly; it has not created a modern merchant fleet even among its recipients nor has it had as a basic ingredient enough reward for increasing efficiency.

I propose, therefore, an immediate re-evaluation of this program, in consultation with industry members and labor representatives, with the goal of providing more incentives for productivity.

The unsubsidized sector of our merchant fleet must be given attention, so that it, too, can replace its deteriorating fleet in the immediate future. Included in this category are those who carry farm products to the underdeveloped nations, and the Great Lakes operators who daily face competition from their government-assisted Canadian counterparts.

Although the Eisenhower Administration provided the United States with a fourth seacoast through the St. Lawrence Seaway, the present Administration has chosen to turn its back on this inland network of water transportation.

Certainly these segments of our merchant marine can be stimulated by tax incentives and cargo assistance. The United States, in turn, can expect them to make a capital commitment in new ships and facilities.

### OCEANOGRAPHY

This Administration has paid too little attention to the new opportunities that science and technology can open beneath the surface of the sea.

New leadership will stimulate exploration and scientific study of the ocean depths, bringing to light hidden resources. And, we must never lose sight of the importance of oceanography to our nation's security.

My Administration will make full use of the Marine Resources Engineering and Development Act passed in 1966. That Act established a cabinet-level council and a study commission, which I will ask next year to submit to the new President and to the new Congress recommendations for bringing about a unified effort in the field of marine sciences and engineering.

### FOOD FROM THE SEA

The present Administration also has permitted a deterioration in our seafood industry. Under new leadership we may discover beneath the sea a food supply that will satisfy the growing needs of humanity.

In 1957 the U.S. imported only one-third of all the seafood we consumed. Today that figure has jumped to a startling 71 percent. In 1938 the U.S. ranked second to Japan in the amount of fish it caught. By 1965 the U.S. had slipped to 5th place, passed by Peru, Japan, Communist China and Russia, in that order. During this period, Russia more than tripled her catch, and Japan almost doubled hers, while the U.S. catch remained about the same.

This reflects a failure of our existing federal programs to encourage the fishing industry to modernize fast enough so that it can counter foreign competitors. Meanwhile, Soviet trawler fleets virtually dominate the Grand Banks off our shores. These trawlers have a multiple capacity—fishing and oceanography and electronic snooping.

At the present time, there is not one modern long-range trawler in service in the U.S. fleet. While the fleets of other countries roam the oceans, our fleets too often can only hug the coastlines.

The maritime policy of the new Administration will be to accelerate the technological improvements which we know can be achieved today in our fishing industry to make it competitive world-wide.

### PORTS

Federal maritime policy must recognize not only how essential the fleet is, but also how essential are the facilities and capabilities to handle the fleet's cargo.

Cooperating with local port authorities, the new Administration will encourage further modernization and development of our existing port facilities to meet the needs of the future.

### SUMMARY

All our goals will not be accomplished overnight. Restoring the U.S. to the role of a first-rate maritime power requires the cooperation of management, labor, local port authorities, and government; but the leadership for a national policy can and will come from a new Administration.

To overcome the present maritime crisis, I recognize that we have an opportunity and an obligation to reverse the gross deficiencies that have marked the present Administration's performance in this field.

We shall adopt vigorous research and de-

> velopment programs designed to harness the latest and best technology to the needs of our maritime fleet.
>
> We shall adopt a policy that recognized the role of government in the well-being of an industry so vital to our national defense, and stimulate private enterprise to revitalize the industry.
>
> We shall adopt a policy that will enable American flagships to carry much more American trade at competitive world prices.
>
> The old ways have failed, to the detriment of the seamen, the businessmen, the balance of payments and the national defense.
>
> The time has come for new departures, new solutions and new vitality for American ships and American crews on the high seas of the world.

In October 1969, President Nixon submitted to the Congress his message on the merchant marine. In it he stated:

> It is my hope and expectation that this program will introduce a new era in the maritime history of America, an era in which shipbuilding and ship operating industries take their place once again among the vigorous competitive industries of this nation.

Beginning in January, your Committee on Merchant Marine and Fisheries has studied in depth every facet of the President's maritime program and the implementing legislation embodied in H.R. 15424. We have received testimony from every segment of the maritime industry representing shipowners, shipyards, and the seafaring and construction unions. All segments of the industry have made constructive recommendations to the committee. This is, however, the President's program, and the bill as reported by your committee reflects his recommendations in all significant respects. The amendments which we have adopted have been drafted and refined in close cooperation with representatives of the administration. As is the case with every major piece of legislation, many proposals urged upon the committee could not be accommodated. Nevertheless, I am convinced that H.R. 15424, as reported, will be received by the industry, and that the industry will accept the challenge laid down by the President.

Seattle, of course, is one of the principal gateways to the State of Alaska and to the Far East. It is also the home of a substantial fishing industry. This legislation will greatly benefit each of these important areas of our economy. I am sure my colleague, the gentleman from Alaska (Mr. POLLOCK), will join me in endorsing the committee's amendment to the tax deferral provision of the bill, which will permit operators in the trades between the lower 48 States and Alaska to establish capital construction funds. This will, of course, substantially improve their position with respect to the investment of capital in new ship construction and in the modernization of existing fleets. It should be noted that the oceangoing barge operations which have become so significant in the Alaskan trade will be eligible to participate in this program. Considerable interest has been shown in the movement of Alaska natural gas to Hawaii to augment the fuel requirements of that State. It is my hope that the committee's action will facilitate the constructing of the specialized vessels required to transport liquified natural gas from Alaska.

Almost a year ago, we passed H.R. 4813 to amend the Fishing Fleet Improvement Act. Unfortunately, that bill has not yet been enacted into law. In passing that legislation, however, we recognized the crisis facing our fishing industry, which must compete daily with foreign fishing vessels heavily supported by their government, which come in fleets to our shores and then export to the United States the fish products which they have caught within sight of our country. No other industry is faced with competition on such a scale. The provision of H.R. 15424 which will enable the fishing industry to establish tax deferred vessel construction funds should help immeasurably in the development of a competitive American fishing fleet.

Mr. Chairman, I will only take a few more moments to comment on several specific committee actions. The Merchant Marine Act of 1936 sets forth a statement of national policy. It declares that it is necessary for the national defense and the development of our foreign and domestic commerce that the United States shall have a merchant marine sufficient to carry its domestic waterborne commerce and a substantial portion of our foreign commerce, capable of serving as a naval auxiliary in time of war or national emergency. These principles are even more valid today than they were in 1936, and certainly the events which have occurred during the intervening years have proven this validity. The statement of policy does not, however, recognize the fact that our merchant marine must be supported by an adequate shipbuilding and ship repair industry. Without these shipyards and the many skilled personnel which they employ, our maritime effort would be crippled. Your committee, therefore, has amended section 101 of the Merchant Marine Act to recognize this basic need.

As a corollary to this amendment, Mr. Chairman, your committee has amended section 210 of the Merchant Marine Act to require the Secretary to study and adopt a long-range program to insure that our shipbuilding and ship repair facilities will be maintained so that an adequate mobilization base will exist to meet the requirements of defense and commerce.

The President's message to Congress called for the building of 300 ships over the next decade. Your committee felt that this commitment should be recognized in law. We have, therefore, amended section 209 of the act to provide that the Secretary of Commerce prior to June 30, 1980, may approve applications and enter into contracts for construction-differential subsidy and for the cost of national defense features incident to the construction of 300 ships for operation in foreign commerce. In his testimony before your committee, Secretary Stans pointed out that our merchant fleet engaged in foreign commerce now consists of approximately 650 vessels. If there is no new construction after 1970, our fleet will decline to only 221 ships by 1980. The 300-ship program called for in this legislation will not enable us, however, to maintain the fleet at the same level in terms of numbers of ships.

You might wonder then how we can expect to significantly increase the carriage of our commerce in American-flag ships if we are going to suffer a net loss in vessels. The answer, of course, lies in productivity. While our existing fleet does contain well over 100 modern ships of high capacity, the overwhelming majority of our ships are nearing obsolescence. The ships which we will be building in the years to come will replace our existing fleet in terms of annual lift capacity on the basis of one new ship for every three to five existing ships. This quantum jump in productivity is a startling development in the maritime field which, for many years, saw little or no technological improvement.

With the advent of containerships, however, a completely new approach to ocean transportation has evolved in the liner trades. Beginning with the conversion of a few war-built cargo ships and tankers roughly 10 years ago operating in our domestic trades, we have reached the point where American-flag carriers are able to compete successfully without operating subsidy on the heavily tonnaged North Atlantic. A comparable revolution is now occurring in the transpacific trade to Japan. Cargo vessels regularly operating at speeds in excess of 30 knots will soon be commonplace, whereas only a few years ago a 16- or 17-knot ship was considered fast.

From the containership, the revolution has expanded to the barge carriers or LASH-type vessels which are, in reality, mother ships for floating warehouses which may be moved inland on our waterways such as the Mississippi to points far distant from our deep-water ports.

This revolution in ocean transportation was the product of American technological know-how and private investment. Our foreign-flag competitors have been quick to adopt these new systems, however, and we cannot sit back on our laurels and expect to remain ahead for long without further effort.

The fleet of 1980, Mr. Chairman, may be smaller than today's, but its carrying capacity will be substantially greater and will enable us to move a significantly higher share of our commerce than we are capable of today. The President has issued a challenge to the maritime industry and has extended to the industry an opportunity. This opportunity is perhaps unique for our merchant marine. Too much effort in the past has been directed into unproductive channels. It is time for management and labor to accept the challenge and work together for their common good. They must recognize, and I am confident they will, that this program is not intended to perpetuate preferences and policies of the past which have proven to be ineffectual. It is a new ball game with many new rules. None of us know with certainty what impact all of these rules will have, but we must approach the new program with a spirit of cooperation and willingness to move ahead forgetting the many differences and disputes which have characterized the past 20 years. The administration and the Congress have recognized their responsibilities, and we can expect no less from the maritime industry. Mr. Chairman, I join the distinguished chairman of the Merchant Marine Committee, the gentleman from Maryland, Mr. GARMATZ, and the distinguished ranking minority member, the gentleman from California, Mr. MAILLIARD, in endorsing this legislation.

Mr. GROVER. Mr. Chairman, will the gentleman yield?

Mr. PELLY. I yield to the gentleman from New York.

Mr. GROVER. Mr. Chairman, I rise in support of this legislation. It has been a long time coming. It seemed to me during the hearings there was a culmination of the sense of urgency which we have felt over a period of years in bringing about this legislation, and that sense of urgency I think was reflected in the many gentlemen who came from all areas of the industry, and who perhaps in the past had found themselves in cross currents and at cross purposes. The cooperation which we received and the help and suggestions we received from all segments from the industry I think was in great part responsible, in addition to the great work of the committee, in bringing about this legislation.

But it is only a start, Mr. Chairman. We have a long row to hoe. These ships will not be in the water tomorrow, and the manning of them and putting us back in the running as a great maritime nation leaves us a long way to go.

Mr. PELLY. Mr. Chairman, I yield to the gentleman from Ohio (Mr. MOSHER) such time as he may consume.

Mr. MOSHER. Mr. Chairman, I join my colleagues of the Committee on Merchant Marine and Fisheries in vigorously supporting H.R. 15424, amending the Merchant Marine Act of 1936.

President Nixon's maritime program as set forth in his message to the Congress last October and this legislation implementing that message, undoubtedly will be recorded in the annals of maritime history as the cornerstone for American influence on the commercial shipping lanes of the world for the balance of this century. The fleet which the President has urged us to build, when built, will insure access to markets for American exporters without dependence upon foreign-flag ships whose availability at all times at reasonable rates cannot be guaranteed.

It is up to us here today to take a giant step toward building that fleet. I am, of course, Mr. Chairman, especially and enthusiastically pleased that this legislation remedies certain deficiencies in the Merchant Marine Act of 1936, which relegated our Great Lakes fleet to a second-class position from the standpoint of national maritime policy.

During the hearings on H.R. 15424 conducted by your committee, a number of organizations representing the maritime industry of the Great Lakes testified most persuasively that the time has come to restore the Great Lakes fleet to a first-class position. This restoration is a matter of necessity to the economy of the Great Lakes States and the Nation.

Too few realize the importance of Great Lakes shipping to our industrialized economy. Bulk shipping on the Great Lakes now involves the carriage of over 200 million tons of cargo annually. The 200 million mark has been exceeded every year since 1966. Approximately 73 percent of the tonnage of the Great Lakes is transported in American-flag ships. By way of comparison, Mr. Chairman, our overseas bulk trade with all the rest of the world amounts to approximately 350 million tons. Great Lakes trade, therefore, is very significant.

Although our Great Lakes fleet transports huge quantities of goods for American industry, it is an aging fleet and is in desperate need of modernization. The age of the 250 ships in our Great Lakes fleet averages in excess of 40 years. By 1980, one-half of these ships at the very least will have been scrapped. Only because steel corrosion is almost nil on the Great Lakes and because of constant repair at ever-increasing cost will the remaining ships continue to operate. Not since 1960 has a new American-flag ship entered service on the Great Lakes. A handful are under construction now.

While the U.S.-flag fleet has been ignored from the standpoint of national maritime policy, the Canadian fleet has not. Over a decade ago, the Canadian Government recognized the serious need for upgrading its Great Lakes fleet. Extremely favorable tax provisions were enacted to stimulate the construction of new tonnage for service on the lakes. For example, capital investment in new ships and related equipment may be depreciated over a 3-year period. A number of Canada's major industries have taken advantage of this rapid depreciation for the building of new ships and have chartered the vessels at very attractive rates to ship operators.

Additionally, the Canadian tax laws waives the capital gains tax on the sale of ships so long as the profits are reinvested in new ships. The combination of rapid depreciation and avoidance of capital gains tax results in an effective deferral of income tax for Canadian Lakes ship operators.

Also, the Canadian Government subsidizes 24 percent of the capital cost of vessels built in Canadian yards. This shipyard subsidy is without budgetary ceiling. Given these inducements, it is not surprising that the Canadian Great Lakes fleet has been substantially upgraded during the past 10 years. Over 85 ships have been built for the Canadian flag during a time when one ship was launched for the American fleet. The average age of the Canadian fleet is only 27 years as compared to our in-excess-of-40-years average. The average capacity of Canadian vessels is considerably greater than their U.S.-flag counterpart.

Mr. Chairman, I have already alluded to the fact that the Merchant Marine Act of 1936 fails to recognize the importance of our Great Lakes fleet. H.R. 15424 will remedy this oversight in three important respects, which I now call to your attention.

Section 605(a) of the 1936 act states, in part, that no vessels operating on the Great Lakes shall be considered for the purposes of this act to be operating in foreign trade. This legal fiction had no merit in 1936 and certainly has none today. We are remedying that in the bill before us today.

Section 809 of the 1936 Merchant Marine Act states that contracts entered into pursuant to the act shall equitably serve insofar as possible the foreign trade requirements of the Atlantic, gulf, and Pacific ports of the United States. But the opening of the St. Lawrence Seaway has facilitated the development of international commerce moving through Great Lakes ports. While the benefits of the seaway have not yet been fully realized, we must recognize that the Great Lakes are, in fact, a fourth seacoast of the United States and foster the development of this seacoast on an equal footing with the other major ocean gateways of the country. Section 23 of the bill on which we will vote today deletes the language which excluded the Great Lakes from the act and will specifically add the Great Lakes to the seacoasts of the United States to be served by the act.

Third, and most importantly, Mr. Chairman, H.R. 15424 extends to operators on the Great Lakes the privilege of establishing tax deferred vessel construction funds, a right heretofore granted only to a handful of subsidized steamship companies.

That provision of the bill will have a profound effect upon our Great Lakes fleet. It will enable the Great Lakes operators to put aside their earnings for the further modernization of those vessels which have remaining economic usefulness, and also will enable the operators to begin a serious replacement program to eliminate the oldest units from the fleet for which further modernization cannot be justified.

The installation of bow thrusters, self-unloading equipment and new engines will substantially upgrade many of the younger ships. These are not small jobs, however. They involve hundreds of thousands of dollars each. A new vessel for lakes service means an investment of approximately $20 million.

Without the enactment of this legislation, it is unlikely that more than five or six new vessels could be built for lakes service during the next decade. Only two have been built in the last 10 years, and only two are today being built.

The revision of section 607 of the act to enable unsubsidized carriers to establish construction reserve funds will undoubtedly produce a substantial building program. As in the case of our deep sea fleet, the new ships which will be built for the Great Lakes will replace existing tonnage on the basis of perhaps one new ship for every three to five existing units. The average capacity of the bulk carriers in our present fleet is approximately 13,000 tons of cargo per trip. The new ships will have a capacity of 40,000 tons to 50,000 tons and substantially increased speed.

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This is indeed an important day for the Great Lakes region—a day we have waited for a long time. I urge my colleagues to support the passage of this important legislation.

Mr. Chairman, finally I want to salute our colleague from Massachusetts, Mr. Keith. At the time our Great Lakes amendment was adopted by the Committee, Mr. Keith offered a further amendment which, in effect, provides that fishing vessel owners can qualify for the benefits coming from the capital construction fund revisions.

The American fishing vessel owners need and deserve this assistance, as does the merchant fleet. All of us should be pleased that the Keith amendment is included in this bill.

Mr. PELLY. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. SCHADEBERG) such time as he may consume.

Mr. SCHADEBERG. Mr. Chairman, as a member of the committee and a cosponsor of H.R. 15424, I rise in enthusiatic support of this legislation. I associate myself with the gentleman from Ohio (Mr. MOSHER) in his remarks in which he points out the fact that the Great Lakes have been included in the program. This, I believe, is a landmark and a turning of a corner in the effort to provide our Nation with a merchant marine of which we can truly be proud.

Mr. Chairman, I join my colleagues in urging the support of the House for this legislation.

Mr. PELLY. Mr. Chairman, I yield to the gentleman from Pennsylvania (Mr. GOODLING) such time as he may consume.

Mr. GOODLING. Mr. Chairman, I rise in suport of this legislation.

Mr. GARMATZ. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Chairman, I wish to pay tribute to the distinguished and able chairman of the Committee on Merchant Marine and Fisheries, the gentleman from Maryland (Mr. GARMATZ) and to the ranking minority member, the gentleman from California (Mr. MAILLIARD) for the outstanding job they and the committee have done in bringing to us one of the most distinguished pieces of legislation that will be placed before this body this year. I commend them for the patient, effective, courteous, and diligent fashion in which they have pursued a difficult course of hearings and executive sessions in order to bring this bill before this body.

As my other colleagues have done, I endorse enthusiastically the provisions of H.R. 15424. Particularly I wish to comment on a section which was commented on by my distinguished and able colleague, the gentleman from Ohio (Mr. MOSHER) and to point out that for the first time the Great Lakes is to achieve recognition, which I believe merits real consideration here, and that is the recognition of the Great Lakes as a seacoast, something which has long needed to be done, and the fact that for the first time the Great Lakes area industries and vessels will receive tax benefits as a result of a tax-deferred construction fund.

I am particularly pleased to acknowledge this singular stride forward, because it can be accomplished with virtually minimal costs to the Treasury, and indeed over the long pull I believe it will pay back to the taxpayers a new level of tax revenues of about 3 or 4 to 1 over the amount of the monetary costs of the deferral—which is something highly desirable.

The report of the committee indicates the urgent need for the step to be taken here. It points out:

> The U.S. flag bulk carrier lakes fleet has an average age of 45 years while the Canadian fleet is 17 years younger.
>
> Fifty-four percent of the U.S. fleet is at least 40 years old.
>
> Sixty-one percent of the Canadian fleet is less than 15 years old.
>
> The newest U.S. vessel was built in 1960.
>
> In 1961 the Canadian government provided a vessel construction subsidy which has varied from 25 to 35 percent of cost.
>
> The Canadian fleet includes vessels totalling 977,000 dwt built since 1961. This is about 20 percent of the total Great Lakes fleet.

This is the story of a fleet desperately in need of the kind of help afforded it by H.R. 15424.

I again pay tribute to my colleagues on the committee who have worked to make this a reality. I express again, Mr. Chairman, my particular appreciation of the courteous, diligent, patient, and effective fashion in which the chairman and the ranking minority member have proceeded in consideration of this bill.

I am proud of it. It is a good bill. It deserves early and overwhelming passage.

Mr. MAILLIARD. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. KEITH).

Mr. KEITH. Mr. Chairman, I want to join my colleagues on this side of the aisle in complimenting the chairman for an extraordinarily fine piece of work in drafting this legislation, and in obtaining the support of so many segments of those Americans who go to the sea in ships.

Representing, as I do, the city of New Bedford and other coastal communities where commercial fishing is a way of life I am particularly pleased that the chairman entertained and the committee adopted an amendment which provides that the capital construction fund benefits will accrue to those engaged in commercial fishing.

The purpose of the construction funds provision is to help our merchant marine compete with foreign flag vessels. The problem, however, is not restricted to our commerce with foreign nations but also commerce in what is called the noncontiguous trade and that of the Great Lakes.

The committee recognized further that the impact of foreign competition on our fishing fleet was equally serious and amended the act so that it covered the fishing vessel owner as well as the American-flag vessel owner.

I am particularly pleased that the amendment which I offered was adopted in the committee, and I will be eternally grateful, as will my constituents, to the chairman for his favorable consideration and support of it.

Mr. MAILLIARD. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BETTS).

Mr. BETTS. Mr. Chairman, I listened with a great deal of interest to the remarks of my distinguished colleague from Ohio (Mr. MOSHER). I wish to associate myself with his remarks.

I am more than pleased to hear of the benefits this bill will bring to the Great Lakes area, and particularly to Lake Erie. I am happy to support the bill.

Mr. GARMATZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island (Mr. TIERNAN).

Mr. TIERNAN. Mr. Chairman, not since 1936—34 years ago—has any comprehensive and constructive measure been proposed by an administration for the U.S. merchant marine and shipyard industry—two first line elements of our national defense.

With all the changes that have taken place in our world trade and in shipping technology, this has been far, far too long. We have allowed our merchant fleet to deteriorate in numbers until we now rank only fifth among the maritime powers of the world. And, even worse, over two-thirds of our fleet is obsolescent in both quality and age.

This measure proposes a 10-year plan to rejuvenate the American flag commercial fleet. It provides for construction of 300 ships of the most modern type over a 10-year period. This is little enough. These ships will be built in U.S. shipyards, in large lots resulting in cost savings through multiconstruction. It will provide a further incentive for our yards to expand and modernize.

The members of the Merchant Marine and Fisheries Committee after many long hours and hard work have unanimously recommended passage of this measure. The committee has held extensive hearings at which experts from all segments of the marine industry and marine labor have testified. It is a good bill. It is sound legislation. I want to commend the committee on its fine work and I urge all Members of the House to support H.R. 15424 as reported.

Mr. TAFT. Mr. Chairman, this legislation amounts to an important landfall for the faltering U.S. merchant marine. It is long overdue, but nonetheless welcome. Its sponsors and the administration deserve great credit for the extensive work done and the meaningful results achieved.

Of especial importance to the State of Ohio and other Great Lakes States are the provisions which for the first time include the Great Lakes under section 809 as the fourth seacoast of the United States. The needed expansion of our aging merchant marine in those waters has long been a cause for concern. Hopefully this charge will help in its needed replacement and modernization.

I am happy to support this measure.

Mr. GERALD R. FORD. Mr. Chairman, I want to congratulate all concerned for their work in preparing this fine piece of legislation, H.R. 15425, especially Chairman GARMATZ and the ranking Republican, WILLIAM MAILLIARD. Mr. Nixon before his election had strongly urged the necessity of restoring our merchant fleet to its former preeminence. He pledged if elected to see that this was done.

As President he has promptly and forthrightly fulfilled that pledge. He appointed men who believed in the merchant marine to work out a new, forward-looking maritime program that would help all parts of the merchant marine and that all segments of the maritime industry would support. This difficult and exacting task was accomplished by Secretary of Commerce Maurice Stans, Under Secretary of Commerce Rocco Siciliano, and Maritime Administrator A. E. Gibson, with the cooperation of other interested Federal officials and maritime industry labor and management.

The President submitted his new maritime program last October, offering a challenge and an opportunity to the Nation to rebuild its merchant fleet within the next decade. This program received a heartening unanimity of endorsement by all segments of the industry. H.R. 15424 was introduced before adjournment last year and was promptly taken up by the House Merchant Marine and Fisheries Committee at the beginning of this session. The diligent and careful work of this committee is shown in the bill now before us.

I believe that the provisions of this bill will make it possible to rebuild our fleet, to lower Government costs by making our ships more productive, and by providing incentives to shipowners and shipbuilders to improve their efficiency.

If all segments of the industry continue to show the same spirit of cooperation in carrying out the program, I am sure we will soon have cause once again to speak with pride of a merchant marine that is second to none in quality and efficiency and in its capability of protecting our vital trade and defense.

**Mr. PICKLE.** Mr. Chairman, when we passed H.R. 15945, a shipbuilding authorization bill, about 2 months ago, I raised a question as I did last year when a shipbuilding bill was passed, as to what kind of ships are going to be built and what these ships are going to haul after they are built. I never have received a satisfactory answer. I am asking that question again today. We are setting up a long-range program to build 300 ships. I want to know a little more about what these ships are going to be hauling. I want to know if there is anything in this bill that will keep these 300 ships from being used to ship products into this country that will compete with our own domestic industry. My concern centers around a problem that arose in my district. About a year ago there were plans afoot to use the differential subsidy to haul in aragonite from the Bahama Islands into the coastal areas at almost half the cost that the limestone industry in the United States would compete against. I say that would be unfair competition. I want someone to give me some assurance that these 300 ships are not going to be hauling these kinds of products in competition with our own industries. I shall direct that question to the Secretary of Commerce, also.

I am assured the intent of this bill is not to compete against our own industry or industries, but rather to help our maritime fleet compete in world trade. If the building of these 300 ships creates a hardship against the limestone industry, for instance, this House will hear from me and others. We want to be proud of our merchant marine fleet, but we do not want to hurt our own merchants in America.

**Mr. CAREY.** Mr. Chairman, with our action on the merchant marine legislation now before the House today, Mr. Speaker, we embark on a new era for the American merchant fleet—an era that will make it possible for us to compete on a more equal basis with the ships of other nations in carrying the huge amounts of goods being shipped to and from this country.

For years, the merchant marine has been the victim of indifference and neglect. Although our imports and exports have increased steadily in the past two decades—although we are the most active trading nation on the face of the globe—this increased trade has not been shared in by ships built in this country, owned by private interests in this country, and manned by citizen-sailors from this country.

At the end of World War II, well over half of America's imports and exports were being carried in American-flag vessels. Today, that share has shriveled to only 5 percent. In other words, the ships of other nations have capitalized on the growth of our international trade, so that today they carry 95 percent of all our cargo.

The passage of the legislation now under consideration will begin to reverse that trend. We cannot do it all at once, because most of the ships that are left in our fleet are old, small, and slow—and it will take some time to overcome our past neglect of this industry. But this is the first step toward reversing the trend, and toward achieving the goal, enunciated nearly 2 years ago by the President, to see that, by the middle of this decade, at least 30 percent of our cargo is being carried by our own ships.

This legislation provides the tools by which the shipping industry and the shipbuilding industry in this country can start to build a proud new American-flag fleet. If these two industries respond to this challenge, as we have every reason to expect that they will, then next year, or the year after that, or the year after that, I think the Congress will be receptive to proposals to accelerate the pace at which this program moves, so that we can attain the goal of at least 30 percent carriage in American bottoms, as the President proposed.

I support this legislation, Mr. Chairman, and I urge the affirmative votes of my colleagues on this important first step toward maritime revival.

**Mr. ANNUNZIO.** Mr. Chairman, we have been waiting a long time for this program and this legislation. So, today is a significant event in America's maritime history. At last we have the opportunity to reverse the trend in our maritime fortunes and begin a slow, steady climb to a position of leadership among the maritime nations of the world. Over 15 years ago, we came to the realization that unless we instituted a replacement program, our entire American-flag merchant fleet would become obsolete at or about the same time. That was because the ships flying the American flag were all built during the comparatively short period from 1942 to 1946, when we were forced to construct a "bridge of ships" across the ocean.

Unfortunately, as time went on, due to budgetary restraints and the typical lack of interest in the merchant marine during peacetime, we let our replacement program slide.

But even more significant than that, the nature of our trade has changed over the past 35 years. When the 1936 act was passed, the great preponderance of our exports and imports were in the form of general cargo. And for this type business break bulk freight ships operating on liner routes at fixed schedules were the proper vehicles of carriage. Over the years since that time, the nature of our trade has changed so that today the great percentage of our exports and imports is in the form of bulk cargoes which ordinarily are carried in an entirely different type of vessel.

For by and large, the present sad plight of our merchant marine is due to two factors: one, the failure to replace our liner vessels and two, the failure to extend Government assistance to the building and operating of other types of vessels. The bill before you is designed to meet both of these deficiencies. It calls for a program under which 300 ships would be built over the next 10 years, comprised of an adequate number of liner vessels and, for the first time, to encourage the building of bulk carriers and tankers.

Mr. Chairman, it is almost unthinkable that this country has fallen to a fifth-rate maritime power. Our very heritage is founded in the traditions of the sea. Our growth and our strength rest upon seapower. Not only is trade in our own vessels essential to the health of our economy, but from a national defense standpoint, I well remember the words of General Eisenhower when in 1944, from London, he said:

> When final victory is ours, there is no organization that will share its credit more deservedly than the American merchant marine. We were caught flat-footed in both world wars because we relied too much upon foreign owned and operated shipping to carry our cargoes abroad and to bring critically needed supplies to this country. America's industrial prosperity and military security both demand that we maintain a privately operated merchant marine adequate in size and of modern design to insure that our lines of supply for either peace or war will be safe. I consider the merchant marine to be our fourth arm of defense and vital to the stability and expansion of our foreign trade.

Consequently, Mr. Chairman, I am proud to be able to contribute my vote and strong support to this vitally needed piece of legislation.

**Mr. ADDABBO.** Mr. Chairman, I strongly support the legislation now

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before the House, H.R. 15424, which is designed to put vigor back into America's merchant marine efforts on the high seas.

Although this legislation consists of amendments to existing law, it more properly should be titled the Merchant Marine Act of 1970—because it sets our maritime efforts onto an exciting new course. This legislation provides for the wholesale modernization of the body of maritime law which has been on the statute books, virtually unchanged, for more than a third of a century. At long last, it provides equal treatment for all segments of the maritime industry. In short, it puts our maritime laws in step with the times, and makes it possible for these laws to stay in step with any changes which may take place in world maritime affairs in the years ahead.

For years, Mr. Chairman, this body has been frustrated in its efforts to revitalize our merchant marine. This frustration has stemmed from the fact that the Congress has had a sense of urgency about maritime revitalization that has not been shared by the executive branch of Government. But now this situation has changed. This legislation before us was drafted in the executive department; it was modified and perfected through the efforts of the Committee on Merchant Marine and Fisheries; and it has the support of virtually all segments of the industry whose future is involved in the outcome of the legislative process in which we are now engaged.

We have waited a long time for this kind of cooperative effort and for the kind of consensus which this legislation represents. It is up to us, now, to give this legislation our wholehearted endorsement, so that we can move on to the next—and even more important—phase, which is the full implementation of this legislation and the maximum development of our total maritime potential.

Mr. FRIEDEL. Mr. Chairman, it is extremely important that H.R. 15424, to revitalize the American merchant marine, is passed by the House. We have long been in an economic war with the Soviets who have threatened to bury us at sea. The growth of Russia's merchant marine is perhaps the most startling in world maritime history. I recall that former Soviet Merchant Marine Minister Victory Bakayev in Moscow said:

> The Soviet Union can today deliver any cargo to any point on earth, using high-speed Soviet ships.

The Soviets moved from 21st position among the merchant fleets of the world in 1950 to fifth place today and continue to push ahead. While the U.S. merchant marine has aged and dwindled to less than 900 ships, the U.S.S.R. can boast of over 1,400 ships aggregating over 10 million tons. Adm. Thomas H. Moorer, Chief of Naval Operations, recently told a House committee:

> Another three-quarters of a million deadweight tons of new merchant shipping has been placed in the hands of Soviet economic and political planners.

The creation of a Soviet merchant marine has made it possible to free the nation from dependence on foreign vessels for maritime shipping. Four out of five Russian merchant ships are less than 10 years old, whereas four out of five U.S.-flag vessels are of World War II vintage or older. The huge merchant fleet buildup gives the Russians a powerful new weapon to heighten the effects of the cold war into the 1980's. You are well aware that a Soviet shipping company has served notice that it intends to compete with United States and Japanese shipping lines in the lucrative Pacific trade at cutrate prices. They hope to establish a third flag trade with the first scheduled cargo service to our Nation since the outbreak of the Korean war. They applied to the Federal Maritime Commission for approval to begin service June 1, and some of the rates they expect to charge will be 47 percent below charges of shipping companies in the Trans-Pacific Freight Conference.

Not only will the Russian merchant fleet prove a peacetime menace with a real potential for driving freight rates down to less than breakeven levels for ships under other flags, but, today, her new ships are headed for Hanoi with cargoes to sustain the North Vietnamese. It has been reported that over 400 Soviet ships annually transport war material to North Vietnam.

The fleet that flies the "hammer and sickle" is a major instrument of Soviet national power. They do more than just transport cargo. Theirs is a strategic function as well. Soviet merchant ships now visit 600 ports in over 90 different countries—and never lose sight of the fact that—at every port which a Russian merchant ship visits there must be some form of Russian trade organization and Soviet consular representation. As the U.S.S.R.'s merchant fleet expands, and her commercial dealings with the world expand, the Soviet commercial and consular penetration of the nations of the world also expand. And, we know, too, that the Soviets are using mushrooming fishing and oceanographic fleets in similar fashion—for political advantage as much as for food from the seas or sciences of the oceans.

The United States must be in a position to checkmate the Soviets in their bid to take over the sealanes of the world. Only a modern, well-balanced, competitive U.S.-flag fleet can accomplish this. H.R. 15424 will enable this Nation to regain its lost maritime prestige and effectively meet the Soviet challenge on the high seas.

Mr. MINSHALL. Mr. Chairman, I rise in support of H.R. 15424 and I heartily applaud and approve the wisdom of the great House Committee on Merchant Marine and Fisheries in adding to the Great Lakes amendment.

Adding the ports of the Great Lakes to the eligibility list for contracts to be awarded under this legislation is certainly only just in the light of the tremendous role our lake system plays in the economy of not only the entire Midwest but the Nation. This amendment is absolutely essential to an equitable program of U.S. shipbuilding expansion.

Our need for a strong American merchant marine has increased almost as steadily as our shipping-service capability has declined over the last decade. At the end of World War II our merchant fleet was the largest in the world, today the American-flag ship hovers on the brink of extinction, due chiefly to the neglect U.S. shipbuilding suffered during the 1960's. Today we are ranked in fifth place with only 650 merchant ships. By 1974, at the present rates of obsolescence and slow rate of construction, our fleet will consist of just 272 ships.

Passage of H.R. 15424 is epochal in that for the first time we will incorporate into basic maritime law provisions that explicitly establish that the Great Lakes fleet is just as much a part of our great Nation's maritime efforts as is the oceanic fleet.

I urge this measure be given the overwhelming support of the House.

Mr. LEGGETT. Mr. Chairman, I appreciate the opportunity to make my thoughts on the President's maritime program known to my colleagues through a formal statement. Let me state at the outset that I fully support the effort to revitalize our maritime industries, both shipping and shipbuilding, which is the theme of the administration's proposed legislation and has been the goal of this committee for a number of years. However, I am deeply concerned that we have taken only a superficial look at two provisions of this new legislation: the construction-differential subsidy—CDS—rate reductions and the ability of American shipping companies to fully employ the number of newly constructed ships that the program proposes. In addition, I am just as concerned that we have failed to address the maritime labor problem. As I see it, the management-labor tug of war on job promotion has played a major role in causing our present maritime woes. I have oriented my remarks to these major concerns and a number of minor provisions which need to be brought to the attention of this committee.

As to the construction-differential subsidy rates, I do believe that significant reductions in unit costs can be achieved through multiple procurement of standard ship designs. However, I have seen no evidence to date that suggests that the degree of construction-differential rate reductions called for in the proposed legislation can realistically be achieved. The Maritime Administration has based the proposed CDS rates on the results of a study, "Improving the Prospects for United States Shipbuilding," by the Center for Maritime Studies at Webb Institute of Naval Architecture. It may be that the conclusions of this study are completely valid. Regardless, we have no concrete documentation from the Maritime Administration as to how the conclusions of this study specifically relate to the CDS costs of the new program. In order to fully investigate the CDS provisions of the new program, we need detailed calculations which identify the cost of ships today, the cost of ships during the years of CDS reduction, the annual CDS authorizations, and the number of ships to be built each year.

It is not a minor issue which I am addressing, for we might be placing a

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stranglehold on the U.S. shipbuilding industry by legislating cost-reduction requirements which are not possible. Instead of revitalizing the shipbuilding industry we could be killing it. It is only after an analysis of the information which I have outlined that we will be able to evaluate the construction-differential subsidy program.

Another major issue at which we have merely taken a superficial look is the extent to which American shipping companies will be able to penetrate the world shipping market. The Maritime Administration estimates that the general cargo fleet proposed by the new program will have the capacity to carry 34 percent—by weight—of our general cargo foreign trade by 1975 and 48 percent by 1980. It should be noted by this Committee that at present we are only carrying 23 to 24 percent of our general cargo trade. To make such an extensive and rapid market penetration will require the displacement of foreign vessels by U.S. vessels. There are several factors which question the likelihood of this displacement: First, the operations of foreign shipping companies are considerably more efficient at present than those of our own shipping companies; second, the major maritime nations: Norway, Japan, United Kingdom, Germany, Netherlands, Denmark, Sweden, Italy, and Greece presently carry 47 percent of the U.S. general cargo trade; and third, these major maritime nations depend heavily on foreign exchange revenues earned by their merchant marines. While about 30 percent of the general cargo foreign trade moves in vessels not under the registry of the United States or the maritime nations listed above, this trade would be even more difficult to capture. This trade is moved by vessels from numerous smaller maritime nations who are protective of their limited shipping capability. In addition, our foreign trade carried by the vessels is also their foreign trade as there is almost no third flag carriage in this segment of our trade. Thus any efforts to "ship American" will result in effective countermeasures.

I would seriously question whether U.S. shipping companies actually believe that they can profitably employ the 300 ships that we have proposed in this program. I cannot imagine that they will risk the private funds needed to pay for the unsubsidized portion of the ship construction cost if heavy market penetration does not seem probable. I do believe that there is a hard requirement for 100 to 110 new vessels as replacements for existing ships but additional vessels will depend on the ability of U.S. ships to capture more of the market. If U.S. shipping cannot fully employ this number of vessels, I can see two possible developments: First, there will be increased pressures for greater cargo preference provisions for American vessels and for other protective practices; or, second, there will be large orders for new vessels during the first years of the program and relatively few thereafter. This first development could have serious international implications as it would directly affect the major maritime nations who are also our allies; while the second development would be disasterous to U.S. shipyards which will have just heavily invested in their facilities in order to modernize as urged by the new program.

It is my recommendation that we request the Maritime Administration to undertake an extensive market penetration analysis and to submit the results of that analysis to this Committee. I understand such a study has not been accomplished. It is unfortunate that such an analysis is not available to provide a basis for the new maritime program. So important is this analysis to our efforts to rebuild the U.S. merchant marine that I cannot but highly criticize the Maritime Administration for failing to initiate such an effort during its review of the maritime policy and program.

Maybe the most troublesome issue in the maritime area is that of organized labor. I am a diligent advocate of industrial democracy—particularly in the maritime area. The facts of the past several decades, however, cannot be ignored. In an effort to preserve jobs in the continuously competitive international shipping market, agreements have been negotiated after very damaging work stoppages that have further exacerbated the problems of the American merchant marine. In a word, we have priced ourselves out of the market.

As a practical matter no amount of Government subsidy is going to be adequate until Government, labor, and shipping and shipbuilding management unite with a common resolve that the United States is simply going to price itself back into the market.

Over the past year we have lost 2.7 million man-days due to shipping work stoppage.

There are two items which serve to identify the impact of maritime labor on American shipping; the first being the "flags of convenience" or "flags or necessity" fleet depending on how you view their foreign-flag registry and the second the termination of passenger service by six large liners. As to U.S.-owned vessels under foreign flag, it is most likely that the operators of these vessels would not return them to U.S.-flag registry with American crews even if we offered to completely equalize through subsidy their costs in comparison to foreign competitors. The reason behind this is very simple. The vessels in this fleet are almost exclusively dry and liquid bulk carriers; they deliver raw materials to refineries which represent heavy capital investments. To offset this heavy investment, the refinery operators, who are also the parent companies of the ship-operating firms, have designed production schedules which are geared to a steady flow of raw materials into the refineries, full utilization of the refineries, and a steady output of refined products. The frequent work stoppage characteristics of U.S. seagoing labor would have a disastrous effect upon their production schedules and seriously jeopardize the profitability of their operations.

The termination of service by our large passenger liners also resulted, in part, from the actions of maritime labor. Recently, the National Maritime Union—NMU—indicated that it would be willing to reduce crews by 15 percent and to ease working rules in order to reactivate the six large passenger liners. I applaud this meaningful concession by organized labor.

It was accelerating increases in operating costs resulting in unacceptable losses for the shipping companies which forced these vessels to be laid up. The major element in passenger ship operating costs is the cost of labor. These operating losses occurred despite the fact that the 13 passenger and combination ships had been accounting for approximately 25 percent of all operating subsidy—$57.5 million out of $232.3 million during 1967.

One could not expect companies to continuously allow million-dollar losses from passenger ships to eat into the profits of their cargo operations especially in light of the deteriorated condition of American cargo shipping.

I believe that there is a lesson to be learned from the termination of service by passenger vessels both for the Government and the industry. I am greatly concerned that our cargo vessels are also being burdened by heavy labor requirements. If this is so it would appear that now is the time for labor, management, and Government to talk. Certainly compromises can now be made anticipating the operations of our new 30-ship-per-year competitive merchant marine.

We have problems in the foreseeable future. At present we have 589 general cargo ships under U.S. flag. Even with our new program, the size of this fleet will be reduced by 40 percent to 345 ships in 1975. The impact upon seafaring labor will be significant. This impact will be even greater than is apparent from the fleet reduction, as the new vessels will require substantially smaller crews than the vessels being replaced.

Secretary Stans of the Department of Commerce has indicated that 25,700 seagoing jobs will be lost between 1970 and 1974. If this is so, certainly management, labor, and Government should talk about the ramifications of this action now.

I noticed with great interest that the Maritime Subsidy Board on February 10, 1970, notified four west coast shipping companies that in the future it will limit the number of jobs it will subsidize on C-4 type cargo ships regardless of what contractual arrangements these firms have with maritime labor. However, this ruling will not apply until June 1972, and only reduces the subsidized portion of the crew from 58 to 52 men. This appears to be too little and too late. Even this reduction will do little to make the C-4's really competitive with comparabe 30-man foreign ships.

The labor problem is not confined to seagoing personnel as the development of the container concept has caused the longshore unions to assert themselves in protection of their jobs. Back in 1960, longshore unions through their contracts established container royalty funds to which steamship companies contributed dollar amounts in accordance with the number of tons of containerized cargo offloaded from the ships of that com-

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pany. While this fund had a valid purpose to ameliorate problems of unemployment—my information is that the fund is not used for this purpose.

Congress has recently acted to greatly increase the amount of Government funds to be spent on maritime research and development—R. & D.—and the new program envisions high levels of R. & D. spending. I fully agree with increased authorizations in this area as I believe that through technology we can enhance the competitive position of the U.S. merchant marine. However, the efficiencies and automation that this R. & D. will provide cannot but severely aggravate the present labor situation. How can we hope to benefit from additional technological advances when we are far from implementing the advantages presently available.

What disturbs me most about this situation is that nothing is being done about it. On February 28, 1969, I wrote a letter to Secretary Shultz of the Department of Labor in which I asked him to provide me with information concerning "possible programs—and estimated costs—that would assist maritime personnel displaced by automation and modernization." His reply indicates that—

> The Department has made no projections of the future size of the Maritime work force nor the impact maximum automation would have on jobs. Neither do we have an analysis of all possible programs to assist displaced maritime employees.

It is significant to note as revealed by this reply that the Department of Labor is doing little work in what appears by the record to be the most troublesome labor area.

I do not understand how we can fool ourselves to believe that without rectification of the labor-management problem the proposed program can successfully rebuild the maritime industry. I do not believe that the Government can force labor and management to settle disputes without resorting to work stoppages; however, I do believe that the Government should exert whatever pressure it can on these groups to restore labor stability to the maritime industry today before we build a fleet without a program of operation. This may require the development of a system of mandatory arbitration, increased penalties for wildcat strikes and increase jawboning of management. With regard to manning scales and working rules, I believe that the Government should establish the policy that all vessels built or operated with Government subsidy should be manned in accordance with actual needs and should employ the most advanced and economically feasible technologies. I believe that the Maritime Administration is moving in the right direction in this area; however, they are moving too slow to provide any meaningful relief in the near future for U.S. shipping. As to workers displaced by technological advances and the reduction in the size of the commercial fleet, the Department of Labor should undertake extension programs to retrain these workers using Federal funds augmented by moneys from funds such as the container royalty fund.

As to the providing of additional Government subsidies to reactivate the laid-up passenger vessels, I am opposed. In 1961, in an effort to relieve some economic pressures on the operators of U.S.-flag passenger ships, legislation was enacted to permit American ships to compete with foreign-flag vessels for available off-route service in the increasing lucrative cruise business without impairing their eligibility for operating subsidy. Off-route operation was authorized for 4 months of the year—approximately the slack season on the regular service—to help reduce operating losses. However, operating costs continued to increase, and legislation was passed in 1968 to permit off-route operation for two-thirds of the year. Despite these efforts, the major passenger liner companies continued to incur heavy losses which forced termination of service. These cruise trade legislative actions called attention to three important developments: First, there has been some retreat from the essential trade route concept, the ground on which operating subsidy had been justified for over 30 years; second, operating subsidy is being diluted to support luxury passenger service; and, third, U.S. passenger vessels are not overcoming operating losses even by participating in the luxury cruise trade.

Despite the labor reductions proposed by NMU, it will require greater amounts of subsidy to operate the passenger ships than previously experienced. The NMU convention during October 1969 indicated that an additional $20 million in operating subsidy could keep the U.S.-flag passenger fleet in service. Added to the previous level of spending, this would total $80 million annually for subsidy support of American passenger vessels. In addition to this unreasonable expense, we would no longer be subsidizing essential passenger service but rather the vacations of the affluent portion of American society. Information for 1969 showed a decrease in demand of 11 percent for trans-Atlantic passenger service in comparison to 1968. The evolution of air transportation has eliminated the national defense need for maintaining a U.S.-flag passenger ship capability. For these reasons I cannot support efforts to reactivate the laid-up passenger vessels.

Modification of one provision of the President's maritime program can greatly benefit the shipping companies operating in the noncontiguous domestic trade. I propose that the tax-deferred construction reserve fund be expanded not only to include unsubsidized foreign trade operators but also noncontiguous domestic trade operators. From information submitted to me by the Maritime Administration, I have calculated that 84 percent of our dry cargo vessels operating in the domestic trade are 25 years of age or older. These vessels are economically obsolete and need to be replaced. I am a firm advocate of the Jones Act; however, I do not believe that we should require the domestic shipper and the noncontiguous States and possessions to pay the full cost of providing jobs for U.S. laborers in the domestic commerce. To do so we are placing an unfair burden on the economies of these areas and we could be forcing them to rely on supplies from foreign sources rather than the United States. However, by extensions of the construction reserve funds to shipping companies operating in the noncontiguous domestic trade, we can enhance, through new construction, efficient shipping services which will bolster rather than impair the economies of the noncontiguous States and possessions.

In conclusion, let me state again that I fully support the efforts to revitalize our maritime industry. However, unless we address and resolve the issues that I have discussed, we will waste the valuable opportunity provided by the President's maritime program. We will exhaust Government funds before we have effected the necessary changes and reforms which seek to enhance the competitive position of our maritime industry and to lessen the industry's drain upon the American economy and the Federal budget.

Mr. DENT. Mr. Chairman, I rise in support of the bill and wish to comment on the proposed operating subsidy for bulk carriers.

The bill would amend the Merchant Marine Act, 1936, to provide operating subsidy for U.S.-flag dry or liquid bulk vessels engaged in our foreign trade.

When the Merchant Marine Act, 1936, was enacted, the preponderance of our foreign trade was of a break-bulk variety transportable in liner vessels making regular sailings on fixed trade routes. As a result the act provided for operating subsidy assistance to liner vessels, and excluded bulk vessels. The nature of our foreign trade has changed. Today the vast preponderance of tonnage exported and imported is carried in bulk vessels. Many of the bulk commodities that are imported into this country are not only vital to our economy, but would be critical in times of national emergency.

Without some form of Government assistance, it is impossible for higher cost U.S.-flag bulk vessels to compete with foreign-flag vessels. For a number of years it has been generally recognized that one of the glaring deficiencies of the U.S.-flag merchant marine is a lack of bulk vessels to carry this vital segment of our foreign trade. At the present time U.S.-flag bulk vessels consist almost entirely of vessels carrying Government-sponsored cargoes at premium rates required to offset high U.S.-flag operating costs.

Section 4 of the bill would amend section 211 of the act by the addition of a subsection (b) describing an essential bulk cargo carrying service. Section 13 of the bill would amend section 601(a) of the act to expand the definition of essential service to include the bulk cargo carrying service described in section 211(b). Section 15 of the bill would authorize the Secretary of Commerce to pay any vessel in an essential bulk-carrying service such sums as he shall determine to be necessary to make the cost of operating such vessel competitive with the cost of operating similar foreign-flag vessels.

Section 15 of the bill also would grant the Secretary of Commerce broad authority and discretion in administering operating subsidies for U.S.-flag bulk vessels. This broad authority and discretion is required, at least in the innovative period when we are attempting to enter a competitive market from which our carriers have been effectively excluded, because we have no experience on which to draw in order to compare U.S. and foreign operating costs in the commercial bulk trades.

The granting of direct operating subsidy to U.S.-flag bulk carriers as provided by the bill would have two principal advantages.

First, the United States would have the potential of building a bulk carrier fleet in order to effectively compete with foreign vessels in carrying bulk commodities that constitute the predominant share of our foreign commerce. Such a fleet would insure that the commodities vital to our economy would be carried in times of emergency. Second, the United States would be substituting a direct subsidy for the indirect subsidy presently paid through preference rates for Government-sponsored cargoes.

The provisions of the bill for the payment of operating subsidy to U.S.-flag bulk vessels engaged in our foreign commerce is a long overdue amendment to the Merchant Marine Act if we are to have a viable well-balanced merchant fleet.

Mr. O'NEILL of Massachusetts. Mr. Chairman, on Friday, May 22, the Nation will celebrate Maritime Day. But, until this year, there has been little to celebrate, and less to commemorate, since the American-flag merchant marine has been going through a metamorphosis of decline for most of the last two decades.

By coincidence, we are now considering H.R. 15424 which is designed to construct a foundation for a reversal of this trend of decline and a framework for the restoration of the United States as a first-class maritime power.

For too long we have witnessed a decreasing volume of exports and imports being carried by U.S.-flag shipping. For too long, we have seen the level of merchant ship construction in American shipyards sink below that which is essential to our national interests. For too long we have been appalled by the shocking void in national policy in matters affecting our merchant marine and shipbuilding capability.

H.R. 15424 would change all of this. A 10-year coordinated maritime development program, such as is envisioned by this bill, will revitalize our shipping resources and stimulate ship construction in our shipyards. The aggregate cost is not prohibitive: the Secretary of Commerce has observed that the "net cost" to the Federal Treasury under this program will be "less than a half billion dollars" over a 10-year period.

The residual benefits in terms of economic well-being, increased tax revenues, national security, support of overseas interests and commitments, and improvement in the balance of international payments are impressive and convince me that a reasonable, workable, and logical program has been put forth by the administration and has been further perfected by the distinguished Committee on Merchant Marine and Fisheries, under the very able leadership of Chairman GARMATZ.

I enthusiastically support H.R. 15424 and urge my colleagues to join in approving this landmark legislation.

Mr. ASHLEY. Mr. Chairman, I support the bill before us wholeheartedly and urge its adoption by the House. The purpose of this measure is to reverse the declining trend in our merchant fleet capacity by providing for a 10-year shipbuilding program that will produce 30 modern vessels each year. These ships will be constructed in U.S. shipyards, thus restoring capability that is vital to our national defense. Today we rank 13th among world nations in commercial ship construction; in the years ahead this position should be substantially improved.

I am particularly gratified that the bill recognized the Great Lakes as a full partner with the other seacoasts of the United States in our maritime affairs.

Specifically—and pursuant to a provision which I insisted upon—it recognizes the Great Lakes as the fourth seacoast of the United States, thus putting them on an equal basis with the east coast, west coast, and gulf ports. Further, the basic maritime law would be amended to remove a prohibition against Great Lakes operators participating in the subsidy programs under the Merchant Marine Act of 1936.

Most important, perhaps, is that the bill will extend to the operators of the Great Lakes the same privileges extended to operators of the other coasts to deposit earnings and other income into a tax-deferred construction fund to build new ships. When we consider that the average age of the Great Lakes bulk cargo fleet is more than 50 years old, it is clear that a replacement program must be pursued if the maritime commerce of the Great Lakes is to continue. This has been a provision, I might say, that I have been interested in since coming to the Congress 16 years ago and I am especially pleased that it is finally secure in the bill before us.

Mr. FARBSTEIN. Mr. Chairman, I strongly support H.R. 15424, the bill we have before us. There has been, in the past years, a deterioration of American shipping. The number of ships under American registry has sharply declined. This has meant that we have had to increasingly rely on ships with foreign registry to carry our supplies, a situation which represents a great peril to our defensive capabilities. It has also thrown many able-bodied American seamen out of jobs. I am privileged to represent many of these men, who are members of two great unions, the International Longshoremen and the National Maritime Union.

A great Nation such as ours cannot permit this kind of situation to continue. H.R. 15424 provides a partial solution. By authorizing a long-range merchant shipbuilding program to construct 300 new American ships in the next 10 years, it will enable our country to regain its dominant position as a seafaring nation.

I urge the adoption of this legislation.

Mr. GILBERT. Mr. Chairman, I rise in support of the pending legislation, the purpose of which is to bring our country's maritime program into line with our country's maritime potential.

There may be some in this Chamber who might feel that this is not a perfect piece of legislation—and I would agree with them. As a matter of fact, it seldom happens that we ever develop the perfect bill, because of the necessity for accommodating our desires to the realities of life. Certainly that is true with this bill.

This legislation provides for building 30 ships a year—but the age and the condition of our fleet, and the continuing growth of our international trade, indicate that we could utilize considerably more than 30 ships a year over the next decade to make ourselves fully competitive in the world market.

The legislation provides the first substantive assistance for our Great Lakes and fishing fleets—but it still leaves these fleets far from receiving the all-out assistance that they require in order to make up for the years of neglect to which they have been subjected.

The legislation provides some assistance for the ships which serve the offshore areas of our Nation—the States of Hawaii and Alaska, the Commonwealth of Puerto Rico and the territory of Guam—but not nearly as much assistance as could be extended, to help improve the waterborne commerce on which these areas rely for their economic existence.

The legislation provides for adherence to our historic policy of building American-flag ships in American shipyards, and it will be a boon for this long-neglected industry—but it still does not provide assistance for our shipyards to match the more than 1 billion American tax dollars which we poured into the postwar modernization of the shipyards of other nations which are now our shipbuilding competitors.

So this legislation is not perfect. Its significance lies in the fact that we are making a start toward correcting the deficiencies of the last several decades; we are beginning to make up for our neglect of the merchant fleet which has served America so well in the past, and which is being given the opportunity to continue to serve our Nation in the future.

This is an important beginning, Mr. Chairman, and I urge on my colleagues that we vote overwhelmingly for this legislation—as a signal to our own merchant marine of our intention to devote more time, energy, and money to this important industry; and as a signal to all of the other maritime nations around the globe that, once again, we intend to take our place among them as a leading maritime power.

Mr. BYRNE of Pennsylvania. Mr. Chairman, it is indeed gratifying to me that this country has at last produced a new maritime program. The bill which is before the House today embodies all the basic provisions of the President's maritime program as announced last October. In my opinion, it represents the best possible and workable solution to our maritime problems.

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During the past few years the American merchant marine has found itself in the most unfortunate dilemma. All segments of management and labor recognized that our ships were overaged, that the 1936 act was outmoded, and that we were gradually but steadily declining both as a shipbuilding Nation as well as a maritime power. Yet, no suggested solution achieved anywhere near the necessary degree of support from all segments of the industry, of the executive branch, or of the Congress.

It is to the credit of the present administration that the experiences of the past few years were taken into consideration in the formulation of a new program. They came to realize that the proposal to build our ships abroad, letting our domestic shipbuilding facilities "go to pot," was not the right answer. They knew that dollars saved under such a proposal would be dearly paid for in time of emergency.

Mr. Chairman, the bill which the administration sent to the Congress contained the basic ingredients of a proper solution, but it was by no means perfect. The distinguished Chairman, Mr. GARMATZ, of the Merchant Marine and Fisheries Committee, of which I have the honor to serve as a member, conducted lengthy and detailed hearings on each and every provision—indeed, I might say, on each and every sentence of the administration's bill. No stone was left unturned in an endeavor to meet every objection from both labor and management which was voiced during these hearings. While there still remain doubts in certain quarters as to the efficacy of some few provisions of the bill, I can assure you, Mr. Speaker, that what we have brought to the floor represents the best considered judgment of all the members of the committee. I might say in this connection that the bill was reported out by unanimous vote.

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This is a bill presenting a challenge and an opportunity to the maritime industry. It is not overly liberal in the subsidy aspect of the program. In fact, it represents a tightening of the belt insofar as the taxpayer contribution to the merchant marine is concerned. I am perfectly satisfied that with the incentive, the ingenuity, and the resourcefulness of both the American shipbuilders and ship operators that we can meet the challenge which the program has laid down.

Representing as I do the great Port of Philadelphia and the great maritime community which exists within our port, it is my distinct privilege and honor to support with all the strength at my command the bill which is before you today.

Mr. GARMATZ. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the substitute committee amendment printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 101 of the Merchant Marine Act, 1936 (46 U.S.C. 1101), is amended as follows:

(1) by striking out of subdivision (a) the words "on all routes".

(2) by striking out the final "and" in subdivision (c) and changing the period at the end of subdivision (d) to a comma and inserting "and (e) supplemented by efficient facilities for shipbuilding and ship repair."

Sec. 2. Section 209(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1119(b)), is amended by striking the period at the end thereof and inserting a colon and the following: "*Provided, however,* That the Secretary of Commerce is authorized prior to June 30, 1980, to approve applications and enter into contracts for construction-differential subsidy and for the the cost of national defense features incident to the construction of 300 ships for operation in foreign commerce of such size, type, and design as he may consider best suited to carry out the purposes and policy of this Act."

Sec. 3. Section 210 of the Merchant Marine Act, 1936 (46 U.S.C. 1120), is amended as follows:

(1) by striking out of the second paragraph the words "on all routes".

(2) by inserting a new fifth paragraph as follows:

"Fourth, the creation and maintenance of shipbuilding and repair facilities in the United States with adequate numbers of skilled personnel to provide an adequate mobilization base."

Sec. 4. Section 211 of the Merchant Marine Act, 1936 (46 U.S.C. 1121), is amended as follows:

(1) By striking the final "and" in subsection (a) and inserting a comma in lieu thereof and changing the semicolon to a comma and inserting the words "and to other national requirements;".

(2) By redesignating subsections (b), (c), (d), (e), (f), (g), (h), and (i), as subsections (c), (d), (e), (f), (g), (h), (i), and (j), respectively.

(3) By inserting a new subsection (b) to read as follows:

"(b) The bulk cargo carrying services that should, for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and for the national defense or other national requirements be provided by United States-flag vessels whether or not operating on particular services, routes, or lines;"

(4) Redesignated subsection (c) is amended by inserting after the word "speed," the words "method of propulsion,".

(5) Redesignated subsection (c) is amended by inserting at the end thereof, immediately before the semicolon, a comma and the words "or which should be employed to provide the bulk cargo carrying services necessary to the promotion, maintenance, and expansion of the foreign commerce of the United States and its national defense or other national requirements whether or not such vessels operate on a particular service, route, or line".

Sec. 5. Redesignated subsection (e) of section 211 of the Merchant Marine Act, 1936, is amended as follows:

(a) By striking out the words "in particular services, routes, and lines".

(b) By striking out the words "service, route, or line" and inserting in lieu thereof the word "vessel".

Mr. GARMATZ (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of sections 1 through 5, ending on line 8, page 42, and that they be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any amendments to be offered to sections 1, 2, 3, 4, or 5? If not, the Clerk will read.

The Clerk read as follows:

Sec. 6. Section 501 of the Merchant Marine Act, 1936 (46 U.S.C. 1151), is amended as follows:

(1) Subsection (a) is amended as follows:

(a) By striking out the words "Any citizen of the United States" and inserting in lieu thereof the words "Any proposed ship purchaser who is a citizen of the United States or any shipyard of the United States".

(b) By inserting in subdivision (2) after the designation (2) the words "if the applicant is the proposed ship purchaser" and a comma.

(c) By striking out of subdivision (3) the words "to replace worn-out or obsolete tonnage with new and modern ships, or otherwise".

(d) By the insertion of a new sentence at the end of subdivision (3) to read as follows: "The Secretary of Commerce may give preferred consideration to applications that will tend to reduce construction-differential subsidies and that propose the construction of ships of high transport capability and productivity."

(2) Subsection (c) is amended by inserting in the first sentence after the words "Any citizen of the United States" the words "or any shipyard of the United States".

Sec. 7. Section 502 of the Merchant Marine Act, 1936 (46 U.S.C. 1152), is amended as follows:

(1) Subsection (a) is amended as follows:

(a) By striking out of the first sentence the words ", on behalf of the applicant,".

(b) By striking out of the second sentence the words "applicant, the Commission" and inserting in lieu thereof the words "proposed ship purchaser if he is the applicant, the Secretary of Commerce".

(c) By inserting after the second sentence the following new sentence: "Notwithstanding the provisions of section 505 of this Act, the Secretary of Commerce is authorized, at any time prior to June 30, 1973, to accept a price for the construction of the ship which has been negotiated between a shipyard and a proposed ship purchaser if (i) the negotiated price will result in a construction-differential subsidy that is equal to or less than 45 per centum in fiscal 1971, 43 per centum in fiscal 1972, and 41 per centum in fiscal 1973; (ii) the proposed ship purchaser and the shipyard submit backup cost details and evidence that the negotiated price is fair and reasonable; (iii) the Secretary of Commerce finds that the negotiated price is fair and reasonable; and (iv) the shipyard agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of three years after final payment have access to and the right to examine any directly pertinent books, documents, papers, and records of the shipyard or any of its subcontractors related to the negotiation or performance of any contract or subcontract negotiated under this subsection and will include in its subcontracts a provision to that effect."

(d) By striking out of the last sentence the words "with the applicant for the purchase by him" and inserting in lieu thereof the words "for the sale" immediately prior to the words "of such vessel" and by inserting after the words "upon its completion," the words "to the applicant if he is the proposed ship purchaser and if not to another citizen of the United States, if the Secretary of Commerce determines that such citizen possesses the ability, experience, financial resources, and other qualifications necessary to enable it to operate and maintain the vessel".

(2) Subsection (b) is amended as follows:

(a) By striking out of the first sentence the word "may" and inserting in lieu thereof the word "shall".

(b) By striking out of the first sentence the words "the construction of the proposed vessel", and inserting in lieu thereof the words "the construction of that type vessel".

(c) By the insertion after the first sentence of subsection (b) of three new sentences to read as follows: "The Secretary shall recompute such estimated foreign cost periodically, as necessary. Between recomputations the construction-differential subsidy shall be based on such estimated foreign cost, adjusted for the increases or decreases in labor and material costs. Such adjustments shall be based on the most reliable available statistics showing such increases or decreases."

(d) By striking out of the next to the last sentence the words "in any case exceeds the foregoing applicable percentage of such cost" and inserting in lieu thereof the words "exceeds the following percentages: in fiscal year 1971, 45 per centum; in fiscal year 1972, 43 per centum; in fiscal year 1973, 41 per centum; in fiscal year 1974, 39 per centum; in fiscal year 1975, 37 per centum; in fiscal year 1976 and thereafter, 35 per centum,".

(e) By inserting in the next to the last sentence after the words "the Secretary may negotiate" the words "with any bidder, whether or not such bidder is the lowest bidder" and a comma; by striking out the words "on behalf of the applicant" and inserting in lieu thereof the words "with such bidder, notwithstanding the provisions of section 505 with respect to competitive bidding,"; and by inserting before the words "or less" at the end of the sentence a comma and the words "or as close thereto as possible,".

(f) By inserting after the next to the last sentence the following new sentence: "Commencing with the fiscal year 1972 no construction contract requiring a construction-differential in excess of the applicable percentages set forth in the preceding sentence shall be entered into unless the Secretary shall have given due consideration to the likelihood that the above percentages will not be attained and that the commitment to the ship construction program may not be continued. If the Secretary of Commerce enters into such a contract, he shall notify the Commission on American Shipbuilding of such contract and the Commission on American Shipbuilding shall, not later than six months after such notification, submit its report on the American shipbuilding industry."

(3) Subsection (c) is amended as follows:

(a) By inserting after the third word the words "of sale".

(b) By striking out the word "applicant" wherever it appears, and inserting in lieu thereof the word "purchaser".

(c) By striking out of the third sentence the words "at the rate of 3½ per centum per annum".

(d) By striking out of the third sentence the words "applicant's purchase" and inserting in lieu thereof the words "purchaser's portion of the".

(e) By striking out of the third sentence the word "applicant's" and inserting in lieu thereof the word "purchaser's".

(f) By inserting in the third sentence, immediately before the period at the end thereof, the words "at a rate not less than (i) a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of 1 per centum, plus (ii) an allowance adequate in the judgment of the Secretary of Commerce to cover administrative costs".

(g) By striking out of the last sentence the words "of 3½ per centum per annum" and inserting in lieu thereof the words "per annum applicable to payments that are chargeable to the purchaser's portion of the price of the vessel".

(4) Subsection (e) is amended as follows:

(a) By striking out of the first sentence the words "the applicant" and inserting in lieu thereof the words "a citizen of the United States".

(b) By striking out of the third sentence the words "an applicant" and inserting in lieu thereof the words "a citizen of the United States".

(5) Subsection (f) is amended as follows:

(a) By striking out the word "applicant" wherever it appears and inserting in lieu thereof the word "purchaser".

(b) By striking out of the fourth sentence of the second paragraph the words "on any" and inserting in lieu thereof the words "in an".

(c) By striking out of the fourth sentence of the second paragraph the words "of the operator".

(6) Subsection (g) is amended as follows:

(a) By striking out of the first sentence the word "agreement" and inserting in lieu thereof the word "application".

(b) By striking out of the first sentence the words "an applicant under this title" and inserting in lieu thereof the words "any citizen of the United States".

Sec. 8. Section 503 of the Merchant Marine Act, 1936 (46 U.S.C. 1153), is amended as follows:

(1) By striking out the word "applicant" wherever it appears and inserting in lieu thereof the word "purchaser".

(2) By striking out of the first sentence the words "purchase between the applicant and the Commission" and inserting in lieu thereof the words "sale between the purchaser and the Secretary of Commerce."

Sec. 9. Section 504 of the Merchant Marine Act, 1936 (46 U.S.C. 1154), is amended as follows:

(1) By striking out the first three sentences.

(2) By inserting, after the section number, a new sentence to read as follows:

"If a qualified purchaser under the terms of this title desires to purchase a vessel to be constructed in accordance with an application for construction-differential subsidy under this title, the Secretary of Commerce may, in lieu of contracting to pay the entire cost of the vessel under section 502, contract to pay only construction-differential subsidy and the cost of national defense features to the shipbuilder constructing such vessel. The construction-differential subsidy and payments for the cost of national defense features shall be based upon the lowest responsible domestic bid unless the vessel is constructed at a negotiated price as provided by section 502(a) or under a contract negotiated by the Secretary of Commerce as provided in section 502(b) in which event the construction-differential subsidy and payments for the cost of national defense features shall be based upon such negotiated price."

Sec. 10. Section 505 of the Merchant Marine Act, 1936 (46 U.S.C. 1155), is amended as follows:

(1) Subsection (a) is amended as follows:

(a) By striking out the designation "(a)".

(b) By striking out the first sentence the words "within the continental limits".

(c) By striking out of the first sentence the words "the applicant to reject, and in".

(d) By striking out of the second sentence the words "In all such construction the shipbuilder, subcontractors, materialmen, or suppliers shall use," and inserting in lieu thereof the words "Any material or other articles used in the construction of a vessel and included in the United States construction cost for the purpose of determining the construction-differential subsidy payable and all major components of the hull and superstructure and any material used in the construction thereof shall,".

(e) By striking out of the second sentence the words "only articles, materials, and supplies" and inserting in lieu thereof the word "be".

(f) By striking out the last sentence and inserting in lieu thereof the following sentence: "For the purposes of this title V, the term 'shipyard of the United States' means shipyards within any of the United States and the Commonwealth of Puerto Rico."

(2) By striking out subsections (b), (c), (d), and (e).

Sec. 11. (a) Section 510(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1160(a)), is amended as follows:

(1) By striking out of paragraph (1) all of subdivision (B) other than the final word "and", and inserting in lieu thereof the words "in the judgment of the Secretary of Commerce, should, by reason of age, absolescence, or otherwise, be replaced in the public interest".

(2) By striking out of subdivision (C) of paragraph (1) the words "is owned" and inserting in lieu thereof the words "has been owned".

(3) By striking out of subdivision (C) of paragraph (1) the words "and has been owned by such citizen or citizens".

(4) By striking out of paragraph (1) the proviso its entirety.

(b) Section 510(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1160(b)), is amended by striking out of the next to the last sentence the words "capital reserve fund" and inserting in lieu thereof the words "capital construction fund".

Sec. 12. Section 510(i) of the Merchant Marine Act, 1936 (46 U.S.C. 1160(i)), is amended as follows:

(1) By striking out of the first paragraph the year "1970" and inserting in lieu thereof the year "1972".

(2) By striking out of the first paragraph the words "which were constructed or contracted for by the United States shipyards before September 3, 1945," and inserting in lieu thereof the words "which were constructed in the United States,".

(3) By striking out of the first paragraph the words "war-built vessels (which are defined for purposes of this subsection as".

(4) By striking out of the first paragraph the words "which were constructed or contracted for by the United States shipyards during the period beginning September 3, 1939, and ending September 2, 1945)".

**Mr. GARMATZ** (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of sections 6 through 12, ending on line 6, page 52, and that they be printed in the Record and open to amendment at any point.

**The CHAIRMAN.** Is there objection to the request of the gentleman from Maryland?

There was no objection.

**The CHAIRMAN.** Are there any amendments to be offered to sections 6 through 12? If not, the Clerk will read.

The Clerk read as follows:

Sec. 13. Section 601(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1171(a)), is amended as follows:

(1) By inserting after the first sentence a new sentence to read as follows: "In this title VI the term 'essential service' means the operation of a vessel on a service, route, or line described in section 211(a) or in bulk cargo carrying service described in section 211(b).".

(2) By striking out of subdivision (1) the words "such service, route, or line" and inserting in lieu thereof the words "an essential service".

(3) By striking from subdivision (2) the words "and maintain the service, route, or line" and inserting in lieu thereof the words "in an essential service".

SEC. 14. Section 603(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1173(a)), is amended as follows:

(1) By striking out the words "such service, route, or line," and inserting in lieu thereof the words "an essential service".

SEC. 15. Section 603(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1173(b)), is amended as follows:

(1) By striking out of the first sentence the words "on a service, route, or line" and inserting in lieu thereof the words "in an essential service".

(2) By inserting in the first sentence following the words "shall not exceed the excess of" the words "the subsidizable wage costs of the United States officers and crews,".

(3) By inserting in the first sentence after the words "cost of insurance," the words "subsistence of officers and crews on passenger vessels, as defined in section 613 of this Act,".

(4) By striking out of the first sentence the words "wages and subsistence of officers and crews, and any other items of expense in which the Commission shall find and determine that the applicant is at a substantial disadvantage in competition with vessels of the foreign country hereinafter referred to,".

(5) By inserting before the period at the end of the first sentence a colon and a proviso to read as follows: "*Provided, however,* That the Secretary of Commerce may, with respect to any vessel in an essential bulk cargo carrying service as described in section 211(b), pay, in lieu of the operating-differential subsidy provided by this subsection (b), such sums as he shall determine to be necessary to make the cost of operating such vessel competitive with the cost of operating similar vessels under the registry of a foreign country".

SEC. 16. Section 603(c) of the Merchant Marine Act, 1936 (46 U.S.C. 1173(c)), is amended as follows:

(1) By redesignating the subsection as subsection (f) and inserting new subsections (c), (d), and (e) as follows:

"(c)(1) When used in this section—

"(A) The term 'collective bargaining costs' means the annual cost, calculated on the basis of the per diem rate of expense as of any date, of all items of expense required of the applicant through collective bargaining or other agreement, covering the employment of United States officers and crew of a vessel, including payments required by law to assure old-age pensions, unemployment benefits, or similar benefits but excluding subsistence of officers and crews on vessels other than passenger vessels as defined in section 613 of this Act and costs relating thereto:

"(i) the officers or members of the crew that the Secretary of Commerce has found, prior to the award of a contract for the construction or reconstruction of a vessel, to be unnecessary for the efficient and economical operation of such vessel: *Provided,* That the Secretary of Commerce shall afford representatives of the collective-bargaining unit or units responsible for the manning of the vessel an opportunity to comment on such finding prior to the effective date of such finding, or

"(ii) those officers or members of the crew that the Secretary of Commerce has found, prior to the date of enactment of this subsection, to be unnecessary for the efficient and economical operation of the vessel.

"(B) The term 'base period costs' means for the base period beginning July 1, 1970, and ending June 30, 1971, the collective-bargaining costs as of January 1, 1971, less all other items of cost that have been disallowed by the Secretary of Commerce prior to the date of enactment of this subsection, and not already excluded from collective-bargaining costs under subparagraph (A)(i) or (A)(ii) of this subsection. In any subsequent base period the term 'base period costs' means the average of the subsidizable wage cost of United States officers and crews for the preceding annual period ending June 30 (calculated without regard to the limitation of the last sentence of paragraph (D) of this subdivision but increased or decreased by the increase or decrease in the index described in subdivision (3) of this subsection from January 1 of such annual period to January 1 of the base period), and the collective-bargaining costs as of January 1 of the base period: *Provided,* That in no event shall the base period cost be such that the difference between the base period cost and the collective-bargaining costs as of January 1 of any base period subsequent to the first base period exceeds five-fourths of 1 per centum of the collective-bargaining costs as of such January 1 multiplied by the number of years that have elapsed since the most recent base period.

"(C) The term 'base period' means any annual period beginning July 1, and ending June 30 with respect to which a base period cost is established. The Secretary of Commerce shall not start a new base period unless he announces his intention to do so prior to the December 31 that would be included in the new base period.

"(D) The term 'subsidizable wage costs of United States officers and crews' in any period other than a base period means the most recent base period costs increased or decreased by the increase or decrease from January 1 of such base period to January 1 of such period in the index described in subdivision (3) hereof, and with respect to a base period means the base period cost. The subsidizable wage costs of United States officers and crews in any period other than a base period shall not be less than 90 per centum of the collective-bargaining costs as of January 1 of such period nor greater than 110 per centum of such collective-bargaining costs.

"(2) The Secretary of Commerce shall determine the collective-bargaining costs on ships in subsidized operation as of January 1, 1971, and as of each January 1 thereafter, and shall as of intervals of not less than two years nor more than four years, establish a new base period cost.

"(3) The Bureau of Labor Statistics shall compile the index referred to in subdivision (1). Such index shall consist of the average annual change in wages and benefits placed into effect for employees covered by collective-bargaining agreements with equal weight to be given to changes affecting employees in the transportation industry (excluding the offshore maritime industry) and to changes affecting employees in private nonagricultural industries other than transportation. Such index shall be based on the materials regularly used by the Bureau of Labor Statistics in compiling its regularly published statistical series on wage and benefit changes arrived at through collective bargaining. Such materials shall remain confidential and not be subject to disclosure.

"(d) Each foreign wage cost computation shall be made after an opportunity is given to the contractor to submit in writing and in timely fashion all relevant data within his possession. In making the computation, the Secretary shall consider all relevant matter so presented and all foreign wage cost data collected at his request or on his behalf. Such foreign cost data shall be made available to an interested operator, unless the Secretary shall find that disclosure of the data will prevent him from obtaining such data in the future. In determining foreign manning for purposes of this section, the foreign manning determined for any ship type with respect to any base period shall not be redetermined until the end of such period.

"(e) The wage subsidy shall be payable monthly for the voyages completed during the month, upon the operator's certification that the subsidized vessels were in authorized service during the month. The Secretary of Commerce shall prescribe procedures for the calculation and payment of subsidy on items of expense which are included in 'collective-bargaining costs' but are not included in the daily rate because they are unpredictably timed."

(2) Redesignated subsection (f) is amended to read as follows:

"(f) Ninety percent of the amount of the insurance and maintenance and repair and subsistence of officers and crews subsidy shall be payable monthly for the voyages completed during the month on the basis of the subsidy estimated to have accrued with respect to such voyages. Any such payment shall be made only after there has been furnished to the Secretary of Commerce such security as he deems to be reasonable and necessary to assure refund of any overpayment. The contractor and the Secretary of Commerce shall audit the voyage accounts as soon as practicable after such payment. The remaining 10 percent of such subsidy shall be payable after such audit."

SEC. 17. Section 605(c) of the Merchant Marine Act, 1936 (46 U.S.C. 1175(c)), is amended as follows:

(1) By striking out of the first sentence the words "on a service, route, or line" and inserting in lieu threof the words "in an essential service".

(2) By striking out of the first sentence the words "in such service, route, or line".

(3) By striking out of the first sentence the words "a service, route, or line" and inserting in lieu thereof the words "an essential service".

(4) By striking out of the first sentence the words "competitive services, routes, or lines," and inserting in lieu thereof the words "such essential service".

(5) By striking in the first sentence the words "line serving the route," and inserting in lieu thereof the words "operator serving such essential service,".

SEC. 18. Section 606 of the Merchant Marine Act, 1936 (46 U.S.C. 1176), is amended as follows:

(1) By striking out of subdivision (3) the words "the service, route, or line" and inserting in lieu thereof the words "an essential service".

(2) By striking out of subdivision (4) the words "on such service, route, or line" and inserting in lieu thereof the words, "in such an essential service,".

(3) By striking out of subdivision (4) the words "service, route, or line", wherever they appear, and inserting in lieu thereof the words "essential service".

(4) By striking out subdivision (5) in its entirety.

(5) By redesignating subdivision (6) as subdivision (5).

(6) By striking out of redesignated subdivision (5) the words "the vessel's services, routes, and lines" and inserting in lieu thereof the words "essential services".

(7) By striking out of redesignated subdivision (5) the word "cruises" and inserting in lieu thereof the word "services".

(8) By striking out of redesignated subdivision (5) the words "the most" and inserting in lieu thereof the word "an".

(9) By striking out of redesignated subdivision (5) the words "but with due regard to the wage and manning scales and working conditions prescribed by the Commission as provided in title III".

(10) By redesignating subdivision (7) as subdivision (6).

(11) By striking out of redesignated subdivision (6) the words "the operator shall use" and inserting in lieu thereof the words "an operator who receives subsidy with respect to subsistence of officers and crews

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shall use as such subsistence item"; by striking out of that subdivision the words "and equipment"; by striking out of that subdivision the words "and the operator shall perform repairs to subsidized vessels within the continental limits of the United States," and inserting in lieu thereof the words "and an operator who receives subsidy with respect to repairs shall perform such repairs within any of the United States or the Commonwealth of Puerto Rico,"; and by striking the last sentence thereof.

SEC. 19. (a) Section 607 of the Merchant Marine Act, 1936 (46 U.S.C. 1177), is amended to read as follows:

"§ 607. Capital construction funds

"(a) Agreement Rules.

"Any citizen of the United States owning or leasing one or more eligible vessels (as defined in subsection (k) (1)) may enter into an agreement with the Secretary of Commerce under, and as provided in, this section to establish a capital construction fund (hereinafter in this section referred to as the 'fund') with respect to any or all of such vessels. Any agreement entered into under this section shall be for the purpose of providing replacement or additional vessels built in the United States and documented under the laws of the United States for operation in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States and shall provide for the deposit in the fund of the amounts agreed upon as necessary or appropriate to provide for qualified withdrawals under subsection (f). The deposits in the fund, and all withdrawals from the fund, whether qualified or nonqualified, shall be subject to such conditions and requirements as the Secretary of Commerce may by regulations prescribe or are set forth in such agreement; except that the Secretary of Commerce may not require any person to deposit in the fund for any taxable year more than 50 percent of that portion of such person's taxable income for such year (computed in the manner provided in subsection (b)(1)(A)) which is attributable to the operation of the agreement vessels.

"(b) Ceiling on Deposits.

"(1) The amount deposited under subsection (a) in the fund for any taxable year shall not exceed the sum of:

"(A) that portion of the taxable income of the owner or lessee for such year (computed as provided in chapter 1 of the Internal Revenue Code of 1954 but without regard to the carryback of any net operating loss or net capital loss and without regard to this section) which is attributable to the operation of the agreement vessels in the foreign or domestic commerce of the United States or in the fisheries of the United States,

"(B) the amount allowable as a deduction under section 167 of the Internal Revenue Code of 1954 for such year with respect to the agreement vessels,

"(C) if the transaction is not taken into account for purposes of subparagraph (A), the net proceeds (as defined in joint regulations) from (i) the sale or other disposition of any agreement vessel, or (ii) insurance or indemnity attributable to any agreement vessel, and

"(D) the receipts from the investment or reinvestment of amounts held in such fund.

"(2) In the case of a lessee, the maximum amount which may be deposited with respect to an agreement vessel by reason of paragraph (1)(B) for any period shall be reduced by any amount which, under an agreement entered into under this section, the owner is required or permitted to deposit for such period with respect to such vessel by reason of paragraph (1)(B).

"(3) For purposes of paragraph (1), the term 'agreement vessel' includes barges and containers which are part of the complement of such vessel and which are provided for in the agreement.

"(c) Requirements as to Investments.

"Amounts in any fund established under this section shall be kept in the depository or depositories specified in the agreement and shall be subject to such trustee and other fiduciary requirements as may be specified by the Secretary of Commerce. They may be invested only in interest-bearing securities approved by the Secretary of Commerce; except that, if the Secretary of Commerce consents thereto, an agreed percentage (not in excess of 60 percent) of the assets of the fund may be invested in the stock of domestic corporations. Such stock must be currently fully listed and registered on an exchange registered with the Securities and Exchange Commission as a national securities exchange, and must be stock which would be acquired by prudent men of discretion and intelligence in such matters who are seeking a reasonable income and the preservation of their capital. If at any time the fair market value of the stock in the fund is more than the agreed percentage of the assets in the fund, any subsequent investment of amounts deposited in the fund, and any subsequent withdrawal from the fund, shall be made in such a way as to restore the fund to a situation in which the fair market value of the stock does not exceed such agreed percentage. For purposes of this subsection, if the common stock of a corporation meets the requirements of this subsection and if the preferred stock of such corporation would meet such requirements but for the fact that it cannot be listed and registered as required because it is nonvoting stock, such preferred stock shall be treated as meeting the requirements of this subsection.

"(d) Nontaxability for Deposits.

"(1) For purposes of the Internal Revenue Code of 1954—

"(A) taxable income (determined without regard to this section) for the taxable year shall be reduced by an amount equal to the amount deposited for the taxable year out of amounts referred to in subsection (b)(1)(A),

"(B) gain from a transaction referred to in subsection (b)(1)(C) shall not be taken into account if an amount equal to the net proceeds (as defined in joint regulations) from such transaction is deposited in the fund,

"(C) the earnings (including gains and losses) from the investment and reinvestment of amounts held in the fund shall not be taken into account,

"(D) the earnings and profits of any corporation (within the meaning of section 316 of such Code) shall be determined without regard to this section, and

"(E) in applying the tax imposed by section 531 of such Code (relating to the accumulated earnings tax), amounts while held in the fund shall not be taken into account.

"(2) Paragraph (1) shall apply with respect to any amount only if such amount is deposited in the fund pursuant to the agreement and not later than the time provided in joint regulations.

"(e) Establishment of Accounts.

"For purposes of this section—

"(1) Within the fund established pursuant to this section three accounts shall be maintained:

"(A) the capital account,

"(B) the capital gain account, and

"(C) the ordinary income account.

"(2) The capital account shall consist of—

"(A) amounts referred to in subsection (b)(1)(B),

"(B) amounts referred to in subsection (b)(1)(C) other than that portion thereof which represents gain not taken into account by reason of subsection (d)(1)(B),

"(C) 85 percent of any dividend received by the fund with respect to which the person maintaining the fund would (but for subsection (d)(1)(C)) be allowed a deduction under section 243 of the Internal Revenue Code of 1954, and

"(D) interest income exempt from taxation under section 103 of such Code.

"(3) The capital gain account shall consist of—

"(A) amounts representing capital gains on assets held for more than 6 months and referred to in subsection (b)(1)(C) or (b)(1)(D) reduced by

"(B) amounts representing capital losses on assets held in the fund for more than 6 months.

"(4) The ordinary income account shall consist of—

"(A) amounts referred to in subsection (b)(1)(A),

"(B)(i) amounts representing capital gains on assets held for 6 months or less and referred to in subsection (b)(1)(C) or (b)(1)(D), reduced by—

"(ii) amounts representing capital losses on assets held in the fund for 6 months or less.

"(C) interest (not including any tax-exempt interest referred to in paragraph (2)(D)) and other ordinary income (not including any dividend referred to in subparagraph (E)) received on assets held in the fund,

"(D) ordinary income from a transaction described in subsection (b)(1)(C), and

"(E) 15 percent of any dividend referred to in paragraph (2)(C).

"(5) Except on termination of a fund, capital losses referred to in paragraph (3)(B) or in paragraph (4)(B)(ii) shall be allowed only as an offset to gains referred to in paragraph (3)(A) or (4)(B)(i), respectively.

"(f) Purposes of Qualified Withdrawals.

"(1) A qualified withdrawal from the fund is one made in accordance with the terms of the agreement but only if it is for:

"(A) the acquisition, construction, or reconstruction of a qualified vessel,

"(B) the acquisition, construction, or reconstruction of barges and containers which are part of the complement of a qualified vessel, or

"(C) the payment of the principal on indebtedness incurred in connection with the acquisition, construction or reconstruction of a qualified vessel or a barge or container which is part of the complement of a qualified vessel.

Except to the extent provided in regulations prescribed by the Secretary of Commerce, subparagraph (B), and so much of subparagraph (C) as relates only to barges and containers, shall apply only with respect to barges and containers constructed in the United States.

"(2) Under joint regulations, if the Secretary of Commerce determines that any substantial obligation under any agreement is not being fulfilled, he may, after notice and opportunity for hearing to the person maintaining the fund, treat the entire fund or any portion thereof as an amount withdrawn from the fund in a nonqualified withdrawal.

"(g) Tax Treatment of Qualified Withdrawals.

"(1) Any qualified withdrawal from a fund shall be treated—

"(A) first as made out of the capital account,

"(B) second as made out of the capital gain account, and

"(C) third as made out of the ordinary income account.

"(2) If any portion of a qualified withdrawal for a vessel, barge, or container is made out of the ordinary income account,

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the basis of such vessel, barge, or container shall be reduced by an amount equal to such portion.

"(3) If any portion of a qualified withdrawal for a vessel, barge, or container is made out of the capital gain account, the basis of such vessel, barge, or container shall be reduced by an amount equal to—

"(A) Five-eighths of such portion, in the case of a corporation (other than an electing small business corporation, as defined in section 1371 of the Internal Revenue Code of 1954), or

"(B) One-half of such portion, in the case of any other person.

"(4) If any portion of a qualified withdrawal to pay the principal on any indebtedness is made out of the ordinary income account or the capital gain account, then an amount equal to the aggregate reduction which would be required by paragraphs (2) and (3) if this were a qualified withdrawal for a purpose described in such paragraphs shall be applied, in the order provided in joint regulations, to reduce the basis of vessels, barges, and containers owned by the person maintaining the fund. Any amount of a withdrawal remaining after the appliction of the preceding sentence shall be treated as a nonqualified withdrawal.

"(5) If any property the basis of which was reduced under paragraph (2), (3), or (4) is disposed of, any gain realized on such disposition, to the extent it does not exceed the aggregate reduction in the basis of such property under such paragraphs, shall be treated as an amount referred to in subsection (h)(3)(A) which was withdrawn on the date of such disposition. Subject to such conditions and requirements as may be provided in joint regulations, the preceding sentence shall not apply to a disposition where there is a redeposit in an amount determined under joint regulations which will, insofar as practicable, restore the fund to the position it was in before the withdrawal.

"(h) Tax Treatment of Nonqualified Withdrawals.

"(1) Except as provided in subsection (i), any withdrawal from a fund which is not a qualified withdrawal shall be treated as a nonqualified withdrawal.

"(2) Any nonqualified withdrawal from a fund shall be treated—

"(A) first as made out of the ordinary income account,

"(B) second as made out of the capital gain account, and

"(C) third as made out of the capital account.

For purposes of this section, items withdrawn from any account shall be treated as withdrawn on a first-in-first-out basis; except that (i) any nonqualified withdrawal for research, development, and design expenses incident to new and advanced ship design machinery and equipment, and (ii) any amount treated as a nonqualified withdrawal under the second sentence of subsection (g)(4), shall be treated as withdrawn on a last-in-first-out basis.

"(3) For purposes of the Internal Revenue Code of 1954—

"(A) any amount referred to in paragraph (2)(A) shall be included in income as an item of ordinary income for the taxable year in which the withdrawal is made,

"(B) any amount referred to in paragraph (2)(B) shall be included in income for the taxable year in which the withdrawal is made as an item of gain realized during such year from the disposition of an asset held for more than 6 months, and

"(C) for the period on or before the last date prescribed for payment of tax for the taxable year in which the withdrawal is made—

"(i) no interest shall be payable under section 6601 of such Code and no addition to the tax shall be payable under section 6651 of such Code,

"(ii) interest on the amount of the additional tax attributable to any item referred to in subparagraph (A) or (B) shall be paid at the applicable rate (as defined in paragraph (4)) from the last date prescribed for payment of the tax for the taxable year for which such item was deposited in the fund, and

"(iii) no interest shall be payable on amounts referred to in clauses (i) and (ii) of paragraph (2) or in the case of any nonqualified withdrawal arising from the application of the recapture provision of section 606(5) of the Merchant Marine Act of 1936 as in effect on December 31, 1969.

"(4) For purposes of paragraph (3)(C)(ii), the applicable rate of interest for any nonqualified withdrawal—

"(A) made in a taxable year beginning in 1970 or 1971 is 8 percent, or

"(B) made a taxable year beginning after 1971, shall be determined and published jointly by the Secretary of the Treasury and the Secretary of Commerce and shall bear a relationship to 8 percent which the Secretaries determine under joint regulations to be comparable to the relationship which the money rates and investment yields for the calendar year immediately preceding the beginning of the taxable year bear to the money rates and investment yields for the calendar year 1970.

"(i) Certain Corporate Reorganizations and Changes in Partnerships.

"Under joint regulations—

"(1) a transfer of a fund from one person to another person in a transaction to which section 381 of the Internal Revenue Code of 1954 applies may be treated as if such transaction did not constitute a non-qualified withdrawal, and

"(2) a similar rule shall be applied in the case of a continuation of a partnership (within the meaning of subchapter K of such Code).

"(j) Treatment of Existing Funds.

"(1) Any person who was maintaining a fund or funds (hereinafter in this subsection referred to as 'old fund') under this section (as in effect before the enactment of this subsection) may elect to continue such old fund but—

"(A) may not hold moneys in the old fund beyond the expiration date provided in the agreement under which such old fund is maintained (determined without regard to any extension or renewal entered into after April 14, 1970),

"(B) may not simultaneously maintain such old fund and a new fund established under this section, and

"(C) if he enters into an agreement under this section to establish a new fund, may agree to the extension of such agreement to some or all of the amounts in the old fund.

"(2) In the case of any extension of an agreement pursuant to paragraph (1)(C), each item in the old fund to be transferred shall be transferred in a nontaxable transaction to the appropriate account in the new fund established under this section. For purposes of subsection (h)(3)(C), the date of the deposit of any item so transferred shall be July 1, 1971, or the date of the deposit in the old fund, whichever is the later.

"(k) Definitions.

"For purposes of this section—

"(1) The term 'eligible vessel' means any vessel—

"(A) constructed in the United States and, if reconstructed, reconstructed in the United States,

"(B) documented under the laws of the United States, and

"(C) operated in the foreign or domestic commerce of the United States or in the fisheries of the United States.

Any vessel which (i) was constructed outside of the United States but documented under the laws of the United States on April 15, 1970, or (ii) constructed outside the United States for use in the United States foreign trade pursuant to a contract entered into before April 15, 1970, shall be treated as satisfying the requirements of subparagraph (A) of this paragraph and the requirements of subparagraph (A) of paragraph (2).

"(2) The term 'qualified vessel' means any vessel—

"(A) constructed in the United States and, if reconstructed, reconstructed in the United States,

"(B) documented under the laws of the United States, and

"(C) which the person maintaining the fund agrees with the Secretary of Commerce will be operated in the United States foreign, Great Lakes, or noncontiguous domestic trade or in the fisheries of the United States.

"(3) The term 'agreement vessel' means any eligible vessel or qualified vessel which is subject to an agreement entered into under this section.

"(4) The term 'United States', when used in a geographical sense, means the continental United States including Alaska, Hawaii, and Puerto Rico.

"(5) The term 'United States foreign trade' includes (but is not limited to) those voyages in domestic trade in which a vessel built with construction-differential subsidy is permitted to operate under the first sentence of section 506 of this Act.

"(6) The term 'joint regulations' means regulations prescribed under subsection (l).

"(7) The term 'vessel' includes cargo handling equipment which the Secretary of Commerce determines is intended for use primarily on the vessel. The term 'vessel' also includes an ocean-going towing vessel or an ocean-going barge.

"(l) Records; Reports; Changes in Regulations

"Each person maintaining a fund under this section shall keep such records and shall make such reports as the Secretary of Commerce or the Secretary of the Treasury shall require. The Secretary of the Treasury and the Secretary of Commerce shall jointly prescribe all rules and regulations, not inconsistent with the foregoing provisions of this section, as may be necessary or appropriate to the determination of tax liability under this section. If, after an agreement has been entered into under this section, a change is made either in the joint regulations or in the regulations prescribed by the Secretary of Commerce under this section which could have a substantial effect on the rights or obligations of any person maintaining a fund under this section, such person may terminate such agreement."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1969.

Mr. GARMATZ (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of sections 13 through 19, ending on line 24, page 76, and that they be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any amendments to be offered to sections 13 through 19? If not, the Clerk will read.

The Clerk read as follows:

SEC. 20. Section 803 of the Merchant Marine Act, 1936 (46 U.S.C. 1221), is amended by striking out the section in its entirety.

SEC. 21. Section 804 of the Merchant Marine Act, 1936 (46 U.S.C. 1222), is amended as follows:

(1) The words "its discretion" are stricken

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out and the words "his discretion" are inserted in lieu thereof.

(2) The words "by affirmative vote of four of its members, except as provided in section 201(a)" and the comma that precedes them are stricken out.

(3) A colon and the following are inserted before the period at the end thereof: "*Provided further,* That this section shall not apply to any contractor under title VI, or those in the foregoing specified relationship to him, who is not such a contractor on April 15, 1970, and who becomes such a contractor after April 15, 1970, with respect to specific activities that he, or those in the specified relationship to him, are engaged in on April 15, 1970. Such contractor, or those in the foregoing specified relationship to him, may continue to engage in such of the aforesaid specific activities in which he was engaged on April 15, 1970, for a period of twenty years after the date he becomes such a contractor, after which time he, and those in the foregoing specified relationship to him, must divest themselves completely of such specific activities. During this twenty-year period, the contractor, or those in the foregoing specified relationship to him, may not acquire, charter or use directly or indirectly a foreign-flag vessel which was not owned, chartered or used directly or indirectly before April 15, 1970".

SEC. 22. Section 805 of the Merchant Marine Act, 1936 (46 U.S.C. 1223), is amended by striking out subsection (c) thereof.

SEC. 23. (a) Section 809 of the Merchant Marine Act, 1936 (46 U.S.C. 1213) is amended by inserting after the comma following the word "Gulf" the words "Great Lakes" and a comma.

(b) Section 605(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1175), is amended by deleting from the last sentence thereof the words "on the Great Lakes or".

SEC. 24. Section 1101(c) of the Merchant Marine Act, 1936 (46 U.S.C. 1271(c)), is amended as follows:

(1) By striking out the word "and" immediately before the words "floating drydocks".

(2) By inserting after the word "walls" and before the word "owned" a comma and the words "and oceanographic research or instruction vessels,".

SEC. 25. Section 1103(e) of the Merchant Marine Act, 1936 (46 U.S.C. 1273(e)), is amended by striking the figure "$1,000,000,000" and inserting in lieu thereof the figure "$3,000,000,000".

SEC. 26. Section 1104(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(a)), is amended by inserting in paragraph (8) immediately before the words "commercial use" the words "research, or for".

SEC. 27. Section 1104(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1274(b)), is amended as follows:

(1) By inserting in paragraph (2) immediately before the words "commercial use" the words "research or for".

(2) By striking from paragraph (4) the words "be less than" and inserting in lieu thereof the words "not exceed".

(3) By inserting at the end of paragraph (4), immediately before the semicolon, a colon and a proviso to read as follows: "*Provided, however,* That in the case of a vessel, the size and speed of which are approved by the Secretary of Commerce, and which is eligible for mortgage aid for construction under section 509 of this Act and in respect of which the minimum downpayment by the mortgagor required by that section would be 12½ per centum of the cost of such vessel, the advance and the principal amount of all other advances under insured loans outstanding at the time of said advance shall not exceed 87½ per centum of such actual cost".

SEC. 28. Section 1214 of the Merchant Marine Act, 1936 (46 U.S.C. 1294), is amended by striking out the words "20 years from the date of enactment of this title" and inserting in lieu thereof the date "September 7, 1975".

SEC. 29. (a) The word "Commission" is stricken out of sections 210, 211, 501, 502, 503, 504, 505, 601(a), 602, 603, 605(c), and 606 of the Merchant Marine Act, 1936, wherever it appears, and the words "Secretary of Commerce" are inserted in lieu thereof.

(b) Subsection (a) of section 211 of the Merchant Marine Act, 1936, is amended by striking out the word "its" and inserting in lieu thereof the word "his".

(c) The second sentence of section 501(a) of the Merchant Marine Act, 1936, is amended by striking out the word "it" and inserting the word "he" in lieu thereof.

(d) The second sentence of section 501(c) of the Merchant Marine Act, 1936, is amended by striking out the word "its" and inserting the word "his" in lieu thereof.

(e) The first sentence of section 502(a) of the Merchant Marine Act, 1936, is amended by striking out the word "it" and inserting the word "he" in lieu thereof.

(f) The third sentence of section 502(c) of the Merchant Marine Act, 1936, is amended by striking out the word "Commission's" and inserting the words "Secretary of Commerce's" in lieu thereof.

(g) The next to the last sentence of section 502(e) of the Merchant Marine Act, 1936, is amended by striking out the word "its" and inserting in lieu thereof the word "his".

(h) The third sentence of section 601(a) of the Merchant Marine Act, 1936, is amended by striking out the word "it" and inserting the word "he" in lieu thereof.

(i) The first sentence of section 603(a) of the Merchant Marine Act, 1936, is amended by striking out the word "it" and inserting the word "he" in lieu thereof.

(j) The last sentence of section 605(c) of the Merchant Marine Act, 1936, is amended by striking out the word "it" and inserting the word "he" in lieu thereof.

(k) Section 606 of the Merchant Marine Act, 1936, is amended as follows:

(1) By striking out of subdivision (1) the word "its" wherever it appears and inserting in lieu thereof the word "his".

(2) By striking out of subdivision (1) and (3) the word "it" and inserting in lieu thereof the word "he".

(3) By striking out of subdivision (1) the word "Its" and inserting in lieu thereof the word "His".

SEC. 30. Section 201(b) of the Merchant Marine Act, 1936 (46 U.S.C. 1111(b)), is amended by striking out the word "Commission" wherever it appears in the last sentence thereof and inserting in lieu thereof the words "Federal Maritime Commission".

SEC. 31. Section 303 of Reorganization Plan Numbered 21 of 1950 (64 Stat. 1273) is amended by striking out the words at the end thereof "or of the Maritime Administration".

SEC. 32. Section 301 of Reorganization Plan Numbered 7 of 1961 (75 Stat. 840) is amended by striking out the words "and to the Maritime Administrator and all other officers and employees of the Maritime Administration".

SEC. 33. The Act of April 29, 1941 (40 U.S.C. 270e), is hereby amended by adding a new section 2 to read as follows:

"SEC. 2. The Secretary of Commerce may waive the Act of August 24, 1935 (49 Stat. 793–794), with respect to contracts for the construction, alteration, or repair, of vessels of any kind or nature, entered into pursuant to the Act of June 30, 1932 (47 Stat. 382, 417–418), as amended, the Merchant Marine Act, 1936, or the Merchant Ship Sales Act of 1946, regardless of the terms of such contracts as to payment or title."

SEC. 34. (a) The amendments made by this Act shall not affect any contract with the Secretary of Commerce or his delegates that is in effect on the date of enactment of this Act. At the request of the other party to such operating-differential subsidy contract, the Secretary of Commerce shall amend such contract so as to be in accordance with all of the amendments made by this Act. No amendment made by this Act shall be incorporated in such contract unless all such amendments are incorporated in such contract, except that if the other party elects to continue under the "old fund" as provided in section 607 as amended by section 19 of this Act, such amendment need not be incorporated in such contract. Until such contract is amended or if such contract is not amended, it shall be administered in accordance with the provisions of the Merchant Marine Act, 1936, as they existed immediately prior to enactment of this Act: *Provided,* That the Secretary of Commerce may, in order to facilitate the amendment of existing controversies under such contracts in such manner as he determines.

(b) If any operating-differential subsidy contract in existence on the date of enactment of this Act is amended by including all of the amendments made by this Act, the operator may elect to terminate his recapture period as of the date of such contract amendment and have his recapture computed on the basis of the shortened period, or he may elect to continue his recapture period until the end of its ten-year term and continue his recapture obligations as provided by the Merchant Marine Act, 1936, prior to the enactment of this Act until the end of such ten-year period. The amendments in either event shall provide that, with respect to seafaring personnel, in determining the rights and obligations of the contractor under such contract, the limitation of section 805(c) of the Merchant Marine Act, 1936, as it existed immediately before the enactment of this Act shall not apply.

SEC. 35. (1) There is hereby established a commission to be known as the Commission on American Shipbuilding (hereinafter referred to as the "Commission"). The Commission shall be composed of seven members appointed by the President. Members of the Commission shall be appointed for the life of the Commission. The President shall designate one of the members of the Commission as Chairman.

(2) Members of the Commission who are not full-time employees of the United States Government shall each be entitled to receive the per diem equivalent of the rate authorized for GS–18 of the General Schedule under section 5332 of title 5 of the United States Code when engaged in the actual performance of duties vested in the Commission, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(3) The Commission shall meet at the call of the Chairman or at the call of a majority of the members thereof.

(4) The Commission may appoint an Executive Director without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and shall fix his compensation without regard to the provisions of chapter 51 and subtitle III of chapter 53 of such title relating to classification and General Schedule pay rates.

(5) The Commission shall have the power to appoint and fix the compensation of such personnel, as it deems advisable, subject (except as provided in paragraph (4) hereof) to the civil service laws and classification laws.

(6) The Commission may procure, in accordance with the provisions of section 3109 of title 5 of the United States Code, the temporary or intermittent services of experts or

consultants; individuals so employed shall receive compensation at the rate to be fixed by the Commission, but not in excess of the per diem equivalent of the rate authorized for GS-18 of the General Schedule under section 5332 of title 5 of the United States Code, including traveltime, and while away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

(7) The Commission shall review the status of the American shipbuilding industry, its problems and its progress toward increasing its productivity and reducing production costs. The Commission shall determine whether the American shipbuilding industry can achieve a level of productivity by the fiscal year 1976 such that the construction-differential subsidy payable under title V of the Merchant Marine Act, 1936, will not exceed 35 per centum of the United States construction cost. The Commission shall recommend a course of action which should be taken on the part of Government and industry to improve the competitive situation of the United States shipbuilding industry in world shipbuilding markets and if the Commission shall determine that the construction-differential subsidy cannot be reduced to 35 per centum of the United States cost it shall recommend alternatives to the ship construction program then in effect.

(8) The Commission shall not later than three years after the date of enactment of this Act or such earlier dates as shall be required by section 502(b) of the Merchant Marine Act, 1936, submit a comprehensive report of its findings and recommendations to the President and to the Congress, and sixty days thereafter shall cease to exist.

(9) There are hereby authorized to be appropriated such amounts as may be necessary to permit the Commission to carry out its responsibilities under this Act.

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SEC. 36. (a) There shall be in the Department of Commerce, in addition to the Assistant Secretaries now provided by law, one additional Assistant Secretary of Commerce who shall be known as the Assistant Secretary of Commerce for Martime Affairs, shall be appointed by the President by and with the advice and consent of the Senate, shall receive compensation at the rate prescribed by law for Assistant Secretaries of Commerce, and shall perform such duties as the Secretary of Commerce shall prescribe.

(b) Section 5315 of title 5, United States Code, is amended by striking "(5)" at the end of item (12) and substituting "(6)".

Mr. GARMATZ (during the reading). Mr. Chairman, I ask unanimous consent to dispense with further reading of pages 76 to 87 of the bill, sections 20 through 36, and that they be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. Are there any amendments to be offered to sections 20 through 36? If not, the question is on the committee amendment in the nature of a substitute.

The substitute committee amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having assumed the chair, Mr. WAGGONNER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 15424) to amend the Merchant Marine Act, 1936, pursuant to House Resolution 1029, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 308, nays 1, not voting 120, as follows:

[Roll No. 137]

YEAS—308

Abbitt
Abernethy
Adair
Adams
Addabbo
Albert
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, Ala.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspinall
Baring
Barrett
Beall, Md.
Bennett
Berry
Betts
Bevill
Biaggi
Biester
Blanton
Blatnik
Boggs
Boland
Bow
Brademas
Brasco
Bray
Brinkley
Brooks
Brotzman
Brown, Ohio
Broyhill, Va.
Buchanan
Burke, Fla.
Burke, Mass.
Burton, Calif.
Burton, Utah
Button
Byrnes, Wis.
Cabell
Caffery
Carey
Carter
Casey
Cederberg
Celler
Chamberlain
Chappell
Clark
Clausen, Don H.
Cleveland
Collier
Collins
Conable
Conyers
Corbett
Coughlin
Cramer
Crane
Culver
Cunningham
Daniel, Va.
Daniels, N.J.
Davis, Ga.
Davis, Wis.
de la Garza
Denney
Dent
Derwinski
Dickinson
Dingell
Donohue
Downing
Duncan
Dwyer
Eckhardt
Edmondson
Edwards, Ala.
Eilberg
Erlenborn
Esch
Eshleman
Fallon
Farbstein
Fascell
Feighan
Findley
Fisher
Flowers
Flynt
Foley
Ford, Gerald R.
Foreman
Fountain
Fraser
Frelinghuysen
Frey
Friedel
Fulton, Pa.
Fulton, Tenn.
Galifianakis
Garmatz
Gaydos
Gettys
Giaimo
Gilbert
Gonzalez
Goodling
Gray
Green, Oreg.
Green, Pa.
Griffin
Griffiths
Gross
Grover
Gubser
Hagan
Haley
Hall
Halpern
Hammerschmidt
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Harvey
Hathaway
Hébert
Hechler, W. Va.
Helstoski
Henderson
Hicks
Hogan
Holifield
Horton
Hosmer
Howard
Hull
Hungate
Hutchinson
Ichord
Jarman
Johnson, Pa.
Jonas
Jones, Ala.
Jones, N.C.
Jones, Tenn.
Karth
Kazen
Kee
Keith
Kuykendall
Kyros
Langen
Lennon
Long, La.
Long, Md.
Lujan
Lukens
McCloskey
McClure
McDade
McDonald, Mich.
McEwen
McFall
McKneally
McMillan
Macdonald, Mass.
Madden
Mahon
Mailliard
Mann
Marsh
Mathias
May
Mayne
Meeds
Michel
Mikva
Miller, Ohio
Mills
Minish
Mink
Minshall
Mizell
Mollohan
Monagan
Montgomery
Morgan
Morse
Morton
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nix
Obey
O'Hara
O'Konski
Olsen
O'Neal, Ga.
O'Neill, Mass.
Passman
Patten
Pelly
Perkins
Philbin
Pickle
Pike
Pirnie
Poage
Podell
Poff
Powell
Preyer, N.C.
Price, Ill.
Price, Tex.
Pryor, Ark.
Pucinski
Purcell
Quillen
Randall
Rarick
Reid, Ill.
Reid, N.Y.
Reuss
Rivers
Rodino
Roe
Rogers, Fla.
Rooney, N.Y.
Rooney, Pa.
Rostenkowski
Roth
Roybal
Ruppe
Ruth
Ryan
St Germain
Sandman
Satterfield
Saylor
Schadeberg
Scherle
Schwengel
Scott
Shipley
Shriver
Skubitz
Slack
Smith, Calif.
Smith, Iowa
Springer
Stafford
Staggers
Stanton
Steed
Steiger, Ariz.
Steiger, Wis.
Stephens
Stubblefield
Taft
Taylor
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Tiernan
Udall
Van Deerlin
Vander Jagt
Vanik
Vigorito
Waggonner
Waldie
Wampler
Watson
Watts
Whalen
Whalley
White
Whitehurst
Whitten
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H.
Wold
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Zablocki
Zwach

NAYS—1

Kastenmeier

NOT VOTING—120

Anderson, Tenn.
Ayres
Belcher
Bell, Calif.
Bingham
Blackburn
Bolling
Brock
Broomfield
Brown, Calif.
Brown, Mich.
Broyhill, N.C.
Burleson, Tex.
Burlison, Mo.
Bush
Byrne, Pa.
Camp
Chisholm
Clancy
Clawson, Del
Clay
Cohelan
Colmer
Conte
Corman
Cowger
Daddario
Dawson
Delaney
Dellenback
Dennis
Devine
Diggs
Dorn
Dowdy
Dulski
Edwards, Calif.
Edwards, La.
Evans, Colo.
Evins, Tenn.
Fish
Flood
Ford, William D.
Fuqua
Gallagher
Gibbons
Goldwater
Gude
Hamilton
Hanley
Hanna
Hastings
Hawkins
Hays
Heckler, Mass.
Hunt
Jacobs
Johnson, Calif.
King
Kirwan
Kleppe
Kluczynski
Koch
Kyl
Landgrebe
Landrum
Latta
Leggett
Lloyd
Lowenstein
McCarthy
McClory
McCulloch
MacGregor
Martin
Matsunaga
Melcher
Meskill
Miller, Calif.
Mize
Moorhead
Nelsen
Nichols
Ottinger
Patman
Pepper
Pettis
Pollock
Quie
Railsback
Rees
Reifel
Rhodes
Riegle
Roberts
Robison
Rogers, Colo.
Rosenthal
Roudebush
Scheuer
Schneebeli
Sebelius
Sikes
Sisk
Smith, N.Y.
Snyder
Stokes
Stratton
Stuckey
Sullivan
Symington
Talcott
Thompson, Ga.
Tunney
Ullman
Watkins
Weicker
Winn
Young
Zion

So the bill was passed.

The Clerk announced the following pairs:

Mr. Hays with Mr. Ayres.

Mr. Sikes with Mr. Rhodes.

Mr. Roberts with Mr. Devine.
Mr. Flood with Mr. Watkins.
Mr. Matsunaga with Mr. Pollock.
Mr. Kluczynski with Mr. Brown of Michigan.
Mr. Johnson of California with Mr. Goldwater.
Mr. Burlison of Missouri with Mr. Bush.
Mr. Byrne of Pennsylvania with Mr. Hunt.
Mr. Miller of California with Mr. Reifel.
Mr. Nichols with Mr. Belcher.
Mr. Dorn with Mr. Del Clawson.
Mr. Rogers of Colorado with Mr. Kyl.
Mr. Hawkins with Mr. McCarthy.
Mr. Leggett with Mr. Bell of California.
Mr. Colmer with Mr. MacGregor.
Mr. Evins of Tennessee with Mr. Riegle.
Mr. Anderson of Tennessee with Mr. Landgrebe.
Mr. Stratton with Mr. King.
Mr. Stokes with Mr. Kirwan.
Mr. Edwards of California with Mr. Clay.
Mr. Cohelan with Mr. Ottinger.
Mr. Jacobs with Mr. Brown of California.
Mr. Symington with Mr. Fuqua.
Mr. Tunney with Mr. Kleppe.
Mr. Bingham with Mr. Robison.
Mr. Burleson of Texas with Mr. Sebelius.
Mr. Landrum with Mr. Winn.
Mr. Daddario with Mr. Blackburn.
Mr. Delaney with Mr. Latta.
Mr. Dulski with Mr. Broomfield.
Mr. Edwards of Louisiana with Mr. Broyhill of North Carolina.
Mr. Pepper with Mr. Brock.
Mr. Gallagher with Mr. Schneebeli.
Mr. Sisk with Mr. Talcott.
Mr. Hanna with Mr. Gude.
Mr. Moorhead with Mr. Conte.
Mr. Young with Mr. Camp.
Mr. Evans of Colorado with Mr. Cowger.
Mr. Rosenthal with Mr. Hawkins.
Mr. Ullman with Mr. Dellenback.
Mrs. Sullivan with Mr. Dennis.
Mr. Corman with Mr. Meskill.
Mr. Dowdy with Mr. Bush.
Mr. Gibbons with Mr. Lloyd.
Mr. Hamilton with Mr. Clancy.
Mr. Stuckey with Mr. McClory.
Mr. Patman with Mr. Fish.
Mr. Rees with Mr. McCullock.
Mr. Zion with Mr. Hastings.
Mr. Weicker with Mrs. Heckler of Massachusetts.
Mr. Melcher with Mr. Martin.
Mr. Smith of New York with Mr. Mize.
Mr. Pettis with Mr. Nelsen.
Mr. Koch with Mr. Quie.
Mr. Snyder with Mr. Roudebush.
Mr. Lowenstein with Mr. Dawson.
Mr. William D. Ford with Mr. Diggs.
Mr. Scheuer with Mrs. Chisholm.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. GARMATZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed (H.R. 15424).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 17138, DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT

Mr. McMILLAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? The Chair hears none, and appoints the following conferees: Messrs. McMILLAN, ABERNETHY, DOWDY, FUQUA, CABELL, NELSEN, BROYHILL of Virginia, HARSHA, and HOGAN.

## PERSONAL ANNOUNCEMENT

Mr. PEPPER. Mr. Speaker, I was delayed in my office and reached the floor just as the rollcall vote was being announced on the pending measure. Had I been present I would have voted "yea."

## LEGISLATIVE PROGRAM

(Mr. WHITEHURST asked and was given permission to address the House for 1 minute.)

Mr. WHITEHURST. Mr. Speaker, I take this time for the purpose of requesting the distinguished majority leader to inform us of the program for next week.

Mr. ALBERT. Mr. Speaker, will the gentleman yield?

Mr. WHITEHURST. I yield to the majority leader.

Mr. ALBERT. The program for next week is as follows:

Monday is District Day. There are two District bills for consideration. They are H.R. 17711, to amend the District of Columbia Cooperative Association Act; and H.R. 17601, to exempt FHA and VA mortgages and loans from the District of Columbia interest and usuary laws.

Also to be considered are H.R. 15073, bank records and foreign transactions, under an open rule with 2 hours of debate; and House Joint Resolution 1117, to create a Joint Committee on Environment and Technology, under an open rule with 1 hour of debate.

Tuesday there is scheduled for consideration House Resolution 796, amending the rules of the House of Representatives relating to financial disclosure, under an open rule with 1 hour of debate.

Wednesday there is scheduled for consideration H.R. 17755, the Department of Transportation appropriations bill for fiscal year 1971.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and that any further program will be announced later.

We also advise the membership again that the Memorial Day recess will begin at the close of business Wednesday, May 27, 1970, and will last until noon on Monday, June 1, 1970.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER pro tempore (Mr. VANIK). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## ADJOURNMENT OVER TO MONDAY, MAY 25, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE CERTAIN REPORTS UNTIL MIDNIGHT FRIDAY, MAY 22, 1970

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight Friday, May 22, 1970, to file certain reports.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## TRIBUTE TO THE HONORABLE JOHN J. ROONEY OF NEW YORK

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, all of us have been made aware of the bitter opposition which some of our colleagues are encountering in the current primary elections. Few of us ever get so callous that we can shrug off the acrimony or totally ignore the unwarranted criticism or false charges which are hurled against those of this body whom we have long admired and respected.

One of our most distinguished senior Members is presently being subjected to a particularly bitter attack. While it is my policy not to engage in primary contests, after reviewing the particular situation facing my distinguished colleague, the Honorable JOHN J. ROONEY, of New York, I cannot remain silent and passively watch the unfolding of a severe injustice.

Our good friend JOHN J. ROONEY, who has so ably represented the people of the 14th Congressional District for practically 14 consecutive terms, is now facing strong opposition, but not from the voters who have elected and reelected him for 26 years. His opposition comes from a small but highly vocal and well-financed group whose members have deliberately ignored the facts in JOHN ROONEY's unblemished record covering his long years of service in this body. They have ignored the leadership he has shown in securing the enactment of much of our present social welfare and humanitarian legislation. They ignore the prestige which JOHN ROONEY commands as a lawmaker—a man honored as one of America's statesmen both here and abroad.

This group chooses to ignore the record which JOHN ROONEY has made in be-

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half of all the people in the United States, but most particularly in behalf of the people of his district.

Mr. Speaker, it would be presumptuous for me to attempt to defend our good friend from Brooklyn, for he is, himself, his own best defender. His public record is his most convincing defense. Hopefully, the voters in his district will review that record instead of heeding the distorted statements being used in an effort to defeat him.

We who have worked side by side with John Rooney know full well of his undivided loyalty to his friends and neighbors. We know even better than they the extent to which their Congressman devotes his full time to the job of representing them. We are well aware of his almost perfect attendance record for a period of time which exceeds the age of some of our newer Members.

But, Mr. Speaker, we are even more aware of John Rooney's stand on the great issues with which the Congress has had to cope. This man came to these halls as a freshman Congressman in the cyclonic atmosphere of the final months of World War II. He cut his legislative "eye teeth" on the problems which faced the world as an aftermath of war. He developed leadership in alleviating the miseries of the millions of refugees and displaced persons who were stranded and homeless. He was in the vanguard of our Members who sought to help give relief to and bring about the rehabilitation of both our war-torn allies and our equally crippled erstwhile adversaries.

I am particularly grateful that through John Rooney's efforts, Italy was included among the first nations receiving the life-giving help of this country—not only material help to feed the hungry, to heal the sick and suffering, to clothe the shivering and to house the homeless—but the economic aid and political support to permit the development of a strong and independent nation. This reborn nation in which so many of the kinsman of Americans still reside and the able leadership of this restored state have seen fit to honor John Rooney on several occasions for the successful efforts he made year after year in their behalf.

The people of Italy and those of us of Italian birth or lineage are grateful, too, for John Rooney's tireless efforts to bring about new immigration legislation which provided among other improvements the opportunity for immigrant families to be reunited.

But, Mr. Speaker, let us not forget that John Rooney's passion for helping the homeless, the sick, the poor, and the suffering related not only to the victims of war abroad, but to our own people here at home as well. Let us not forget that his ardor in condemning Red Russia for her ruthless steal of the Baltic States and her enslavement of half the free world was not spent entirely on these pathetic people overseas.

John Rooney's record will show that he made equal efforts to help the people of America and the people of his district. He was one of the first and most forceful proponents of civil rights measures to eliminate our own types of economic enslavement and political bondage.

In all likelihood, John Rooney's own childhood experience in growing up in his district with neighbors of all nationalities, creeds, and colors gave him not only the deep understanding but the insatiable urge to see that all mankind should have the full blessings of true liberty and independence.

Every workingman in Brooklyn and his family can join with workers throughout the Nation in gratitude for the strong support their Congressman has given over the years for the enactment of laws to protect workers' rights and improve working conditions. No man in Congress can boast a more enthusiastic endorsement than that given to John Rooney year after year by the AFL–CIO.

The people of Brooklyn can be proud of Representative Rooney's record for he has been a leader in expanding social security benefits, in obtaining medicare, in fighting crime, in seeking environmental improvements, in obtaining more jobs and job training, in securing better housing, and above all, in seeking world peace—a peace with honor and with justice for all.

Yes, Mr. Speaker, the voters of Brooklyn are indebted to John J. Rooney for his 26 years of dedicated and distinguished service, for the millions of dollars of material benefits to their district, and for his continuing personal concern for them.

We in the Congress are grateful for John Rooney's warm friendship, for his brilliant leadership, and for his constant cooperation.

We are confident that his unsullied record, commonsense, and the truth concerning him will prevail in the upcoming primary election in New York.

## VIETNAM

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, it was my duty as a member of the Committee on Armed Services to go to Vietnam recently. I returned only yesterday.

Our trip took us first to CINCPAC Headquarters in Hawaii, where we were briefed in detail by Adm. John McCain and his staff at CINCPAC Headquarters.

We then went to Saigon, where we talked to Deputy Ambassador Samuel Burger, Ambassador Bunker being in the United States.

We were given a very detailed and intimate briefing by General Abrams and his staff in Vietnam. We discussed in considerable detail the sweep along the Cambodian border to protect our forces and other friendly forces in South Vietnam.

I am most pleased to report that the operations are going better than expected. In addition to the thousands of tons of enemy supplies and arms captured, one of the biggest dividends to come to us is the tremendous boost in morale of the Armed Forces now serving in South Vietnam, both our own and the South Vietnamese.

The latest military figures updating the Cambodian operations verify the reasons for this tremendous boost in troop morale. Cumulative data as of today, May 21, 1970, reveals the following:

| | |
|---|---|
| Enemy killed | 7, 177 |
| Detainees | 1, 759 |
| Individual weapons captured | 10, 019 |
| Crew-served weapons captured | 1, 640 |
| Rice (tons) | 3, 701 |
| Rice (man months) | 162, 844 |
| Rocket rounds captured | 18, 113 |
| Mortar rounds captured | 20, 526 |
| Small arms ammunition captured | 11, 647, 224 |
| Land mines captured | 1, 894 |
| Bunkers destroyed | 5, 287 |
| Vehicles destroyed or captured | 220 |

The above figures are tentative cumulative results as reported by Headquarters, MACV.

Not only is there a tremendous upsurge in the morale of the South Vietnamese themselves, but there is a tremendous upsurge in their own self-confidence.

Mr. Speaker, no matter how many arms we send and no matter how much training we give to the South Vietnamese, the so-called Vietnamization program is doomed for failure if we cannot properly motivate these people, if they do not have the courage of their own convictions, and if they do not believe they are capable of defending themselves.

I am very pleased to report, Mr. Speaker, that, as a result of an on-site inspection and discussion with those who are most intimately acquainted with and involved in the Vietnamization program, I believe that it is ahead of schedule, and is already paying large dividends. As a matter of fact, I think the South Vietnamese are doing better than even they thought they could do. I am convinced that when the time comes for the American troops to be fully withdrawn, they will certainly be in a better position to fill the breach because of the sweep now going on along the Cambodian border.

## LIQUIDATION OF SOUTH VIETNAMESE PREDICTED

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, there are those in this country who have scoffed at the statement of the President and others that if the Communists took over South Vietnam there would result the murder of many thousands of South Vietnamese civilians. Robert G. Kaiser, however, reports from Saigon to the Washington Post in an article printed on Friday, May 15, that a leading U.S. Government expert now contends that the Vietcong would liquidate some 3 million people if it won decisively in Vietnam. Douglas Pike wrote a paper describing what happened in Hue when 5,800 people were murdered there and described the process as occurring in three phases. First, key individuals were murdered in order to facilitate the Communist takeover. Second, when they thought they could stay, whole groups and classes of people who would hinder the creation of a new revolutionary social order were killed. Finally, when it became clear that they had to leave, many others were murdered in an attempt to destroy all of the witnesses to what had happened. Mr.

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Pike contends that if the Communists should take over the country, they, in like fashion, will destroy whole classes and groups of people amounting to about 3 million South Vietnamese. To students of history this is no surprise, since this is a usual and normal Communist tactic. Heaven only knows how many millions of people have been destroyed in genocidal proportions murdered by Communist governments in our time. This underlines the fact that we must see this battle through. If we were precipitously to withdraw, it would not only mean a threat to the lives of 1,500 American prisoners of war and to soldiers who are in the process of being withdrawn, but literally several millions of South Vietnamese will be murdered as a consequence.

Mr. Pike's article follows:

### VC Would Liquidate 3 Million If It Won, U.S. Expert Contends

(By Robert G. Kaiser)

Saigon, May 14.—One of the U.S. government's leading experts on the Vietcong has written a paper predicting that "if the Communists win decisively in South Vietnam, all political opposition, actual or potential would be systematically eliminated."

The author of the paper is Douglas Pike, who has written two books on the Vietnamese Communists and is now a United States Information Service officer in Tokyo. He wrote "The Vietcong Strategy of Terror," a 125-page monograph earlier this year. The U.S. mission here plans to release it soon.

Pike's work seems to be a rejoinder to those who have mocked suggestions that the Communists would wipe out thousands of their opponents if they took over South Vietnam. Pike says that if the Communists win the war here decisively (and the key word is decisively, he writes), the result will be "a night of the long knives" to wipe out all conceivable dissidents—perhaps 3 million persons.

Pike contends the massacre would go on in secret, after all foreigners had been expelled from Vietnam. "The world would call it peace," Pike writes.

He cites a list of 15 categories of citizens who would be murdered, saying such a list of categories is often found in captured documents. Pike notes a statement by Col. Tran Van Dac, one of the highest-ranking Communists ever to defect to the Saigon regime, that "there are 3 million South Vietnamese on the blood debt list."

Pike's predictions are the most dramatic aspect of his paper. Most of it is devoted to an analysis of the Vietcong's present and past uses of terror. A major section analyzes the 1968 Massacres at Hue.

"It would not be worth while nor is it the purpose of this monograph to produce a word picture of Vietnamese Communists as Fiendish fanatics with blood dripping from their hands," Pike writes. Rather, he says, he wants to describe how the Vietcong use and justify terror as a crucial part of their war strategy.

"If there still be any at this late date who regard them as friendly agrarian reformers," Pike writes, "nothing here (in his paper) could possibly change that view."

Current Vietcong doctrine, Pike contends, calls for terror for three purposes: to diminish the allies' forces, to maintain or boost Communist morale, and to scare and disorient the populace. He says the enemy seems to be moving more and more toward a terrorist strategy as part of a new kind of protracted war. (Official government terrorist statistics show a sharp increase in kidnapings, assassinations and other terrorism in recent months.)

In central Vietnam, Pike writes, Vietcong units are given terrorist quotas to fulfill. As an example, he cites intelligence information that special Vietcong squads in parts of two provinces were told to "annihilate" 277 persons during the first half of 1969.

In the most detailed analysis of the killings at Hue yet published, Pike writes that "despite contrary appearances, virtually no Communist killing was due to rage, frustration or panic during the Communist withdrawal" from Hue, which the Vietcong held for 24 days in February 1968.

"Such explanations are often heard," Pike continues, "but they fail to hold up under scurtiny. Quite the contrary, to trace back any single killing is to discover that almost without exception it was the result of a decision rational and justifiable in the Communist mind."

According to Pike's analysis of the Hue massacres, the Communists changed their minds twice after seizing the city on Jan. 31. At first, Pike writes—he claims, captured documents show this—the Vietcong expected to hold Hue for just seven days.

During that first phase, Pike says, the Vietcong purposefully executed "key individuals whose elimination would greatly weaken the government's administrative apparatus. . . ."

After they held on more than seven days, Pike's theory continues, the Communists decided they would be able to stay in Hue indefinitely. Prisoners, ralliers and intercepted messages at the time confirm this, according to Pike.

In this euphoric mood, he writes, the Communists set out to reconstruct Hue society, eliminating not just specific individuals, but whole categories of citizens whose existence would hinder creation of a new revolutionary society. Perhaps 2,000 of the estimated 5,800 persons killed at Hue were slain during this second phase, Pike suggested.

Eventually, Pike continues, the battle turned against the Communists in Hue and they realized they would have to abandon the city. This realization led to phase three, Pike writes: "elimination of witnesses." The entire underground Vietcong structure in Hue had probably revealed itself by this time, and now had to protect itself by eliminating many who could later turn them in to government authorities, Pike theorizes.

## TRIBUTE TO WO STEPHEN C. CHASIN

(Mr. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLACKBURN. Mr. Speaker, I can think of no more meaningful, nor more sorrowful task this day than to pause to pay tribute to a young man from my congressional district who lost his life in Vietnam last week.

WO Stephen C. Chasin is the son of Mr. and Mrs. Murray M. Chasin of Decatur, Ga. He attended Avondale High School, where he was a star athlete—active in wrestling, track, and varsity football. He graduated from Avondale in 1967, and enlisted in the Army in the fall of 1968.

He had a number of physical defects which could have kept him from going to Vietnam, but he felt it was his duty to go and he had served as a helicopter pilot in Vietnam since January of this year.

Steve told his family that as a child, he thought war would be exciting since playing soldier was so much fun then. Recently, he described the horrors of war as he saw it firsthand in a tape which he sent to his family. He spoke of the close buddies he had seen wounded and killed. He expressed his disappointment in the student protests going on at home, and said that if the demonstrators could be in Vietnam for 1 week, he could tell them, and show them what it was all about.

Because of a number of close calls, Steve felt that he could survive any future battles, and almost his last words on the tape promised his family and his girl that he would be all right and make it home.

Fate had decreed otherwise, and Stephen Chasin died last week in a helicopter crash.

I cannot help but contrast the all too short life of Steve with the action of the student protesters we have been seeing in such numbers on the campuses and in the streets, and those who have visited my office by the dozens during the past 2 weeks. For those young people who have a sincere objection to war and killing as a matter of conscience, I feel compassion. But for those who would use moral objection as a cloak for cowardice, I have contempt—especially when I remember boys such as Steve who have given their lives for what they considered part of their duty as American citizens.

With all my heart, I feel that Steve Chasin is the typical American boy, not those who would tear down our Republic—its basic principles, its institutions, and our flag.

It is a small wonder that Mr. and Mrs. Murray Chasin are proud of their son, proud of the way he lived, and devotion to duty and country at the time of his death. But what can be said—what words of comfort can one give to this sorrowing family? Even in their tragic loss, may his parents know that those in positions of public trust are deeply aware of the immeasurable debt we owe to Steve, not only for his life, but for the courageous way in which he lived. May that knowledge bring some small measure of God's peace, "which passeth all understanding."

## REMARKS OF THE HONORABLE EDWARD M. CURRAN, CHIEF JUDGE, U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(Mr. BURKE of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BURKE of Massachusetts. Mr. Speaker, I would like to bring to your attention, by request of Mr. Leo Anderson, chairman, VFW Loyalty Day Committee, the following remarks of the Honorable Edward M. Curran, chief judge, U.S. District Court for the District of Columbia.

I submit the program, and the remarks follow:

### Loyalty Day, May 1, 1970

(Sponsored by the District of Columbia Department, Veterans of Foreign Wars of the U.S.A. and its Ladies Auxiliary)

#### PROGRAM

*Twelve noon*

Toastmaster: A. Leo Anderson, Chairman, V.F.W. Loyalty Day Committee.

Salute to colors: David G. Hungate, Captain, V.F.W. National Honor Guard.

Invocation: Eli Cooper, Past Commander, D.C. Department V.F.W.

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Introduction of guests: A. Leo Anderson, Chairman, V.F.W. Loyalty Day Committee.

*Lunch*

Loyalty Day proclamation: Gervasio G. Sese, Commander, D.C. Department V.F.W.

Principal address: Hon. Edward M. Curran, Chief Judge, United States District Court for the District of Columbia.

Award presentation: Paul E. Wampler, Jr., Member, National Council of Administration.

Flag presentation: Mrs. Virginia Dickerson, President, D.C. Department, V.F.W. Ladies Auxiliary.

Benediction: Eli Cooper, Past Commander, D.C. Department V.F.W.

Salute to colors: David G. Hungate, Captain, V.F.W. National Honor Guard.

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### BIOGRAPHY OF THE HONORABLE EDWARD M. CURRAN

Chief Judge Edward M. Curran, was born in Bangor, Maine, May 10, 1903; son of Michael J. and Mary A. Curran; married Katherine C. Hand (Deceased) June 6, 1934; married Margaret V. Carr, December 30, 1963. Judge Curran's four children are Ellen Curran Monahan, Mary Catherine Curran, Ann Curran Schmidtlein and Edward M. Curran, Jr.

Judge Curran is the recipient of the following degrees: Bachelor of Arts from the University of Maine, Juris Doctor from The Catholic University of America, and Honorary Doctor of Laws from The Catholic University of America.

He was admitted to the Bar of the United States District Court for the District of Columbia in 1929 and subsequently to the Bars of the United States Court of Appeals for the District of Columbia Circuit and the Supreme Court of the United States. He engaged in the private practice of law with the firm of King and Nordlinger until 1934, when he was appointed Assistant Corporation Counsel for the District of Columbia. From 1936 to 1940, he served as a judge of the Police Court of the District of Columbia (now the Criminal Division of the District of Columbia Court of General Sessions).

In 1937 he was the recipient of the Distinguished Service Award by the Junior Chamber of Commerce of Washington, D.C.

From 1940 to 1946 he served as United States Attorney for the District of Columbia. In 1941 a Resolution stating, "that the Board of Directors of The Bar Association of the District of Columbia acknowledges with gratitude and deep admiration the fine devotion, the distinguished and outstanding services to the Bench, the Bar and the public, by the Honorable Edward M. Curran, as expressed by his wise and efficient administration of the Criminal Law", was presented to him by the Board of Directors of The Bar Association of the District of Columbia.

From 1946 until the present he has served as a judge of the United States District Court for the District of Columbia, and in November, 1966, he became Chief Judge.

On November 18, 1961, he received the 1961 Alumni Achievement Award in the field of law, awarded by the Board of Governors of the Alumni Association of The Catholic University of America. In April, 1967, he received the Judicial Award of the Association of Federal Investigators for his outstanding contribution to the administration of justice. Also in 1967, he was the recipient of the "Big M" Award of the Maine State Society of Washington, D.C. for his devotion to community service and his accomplishments in regard thereto.

Judge Curran has served as Instructor of Law at The Catholic University of America School of Law, Professor of Law at the Georgetown University Law Center, Instructor of Law at Columbus University Law School, and Instructor of Debating at Trinity College. He was formerly First Vice President of the Federal Bar Association. He is a member of various organizations, including the American Bar Association and The Bar Association of the District of Columbia, Phi Kappa Fraternity, Gamma Eta Gamma Legal Fraternity, John Carroll Society, Merrick Boys Camp, Metropolitan Police Boys Club, and The Friendly Sons of St. Patrick. He is Vice President of the Benedictine School for Exceptional Children, Ridgely, Md.; a member of the Advisory Board of The Catholic University School of Law; and an honorary member of the Notre Dame Club of Washington and the Providence College Club of Washington.

It is with a deep feeling of pride that the District of Columbia Department of the Veterans of Foreign Wars of the United States takes in presenting the 1970 Loyalty Day Award Plaque to Chief Judge Edward M. Curran, "In recognition of his continuous outstanding judicial leadership exemplifying the principles of justice and human rights."

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### REMARKS OF JUDGE CURRAN

I am very happy to be here today and to address the Veterans of Foreign Wars on Loyalty Day—a day that is set aside on May first of each year as a special day for the recognition of the heritage of American freedom.

Our real hope in America today is for national unity. National unity is paramount not only in the United States but in every democracy. Our forefathers decreed that this shall be "one nation, indivisible, with liberty and justice for all". They further proclaimed, "We hold these truths to be self-evident; that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness".

There were few debunkers in those days. The school of sociological jurisprudence, with its nebulous bases and shifting norms of human wants had not as yet made its appearance to confound and confuse them. Freud had not yet appeared to tell them about their ego and their super ego. Marx, with his gospel of the economically determined man, had yet to make his appearance and Lenin was not yet on the earthly scene to proclaim, "We deny all morality taken from supernatural conceptions".

Unlike us, they not only knew what they were doing, but where they were going. They were a naive group of men, these fashioners of our American commonwealth. Free will to them was not the instinct of the herd or a mass illusion, and simple as they were, they were convinced that there was a moral order to which all man-made law must conform.

They were one with the cultural and intellectual tradition of the West, and upon that foundation they reared the structure of our American democracy.

It is our task, therefore, inherited from these founding fathers, to create on this continent, a nation of free people, strong enough to withstand tyranny and oppression; wise enough to educate our children in the ways of truth, and broad enough to accept as a self-evident truth the right of every human being to worship God according to the dictates of his own conscience.

This country is unique in that it has from the time of its discovery been the haven of the unfortunate, the oppressed, and the persecuted. For years people of every nationality, of every religion, of every race, have willingly and freely come to our shores in search of shelter and solace from the economic, political, and religious intolerances of other governments, America, the melting pot, has welcomed them with outstretched arms. We became a great nation because of our open-hearted welcome to the outraged and oppressed. We shall remain a great nation only by protecting ourselves against those people who would destroy such tolerance. In comparison with all the other nations of the world, the United States stands preeminent. In the genius of our people, in the productivity of our soil and in the vast store of our natural resources, we possess the elements which are bound to provide a high standard of living for all the citizens of this nation. The accomplishments of the past provide us with adequate reasons for confidence in the future.

America is truly one nation with many nationalities. It is a nation dedicated to inspired principles for which people have been willing to sacrifice and suffer; a democracy of cultures as well as a free and tolerant association of individuals; a country in which there is present the values and ideas, the arts and sciences, the laws and techniques of the people of every civilized tradition.

The United States was founded by individuals of Old World nationalities who shared the common love of freedom and who were motivated by the intense desire to establish this freedom into a government for the people. It is our duty to see that this government endures and perpetuates.

The American people have always been concerned with the flagrant violations of the rights of peaceful little nations; the cruel and bitter persecution of God-fearing men, women and children because of their religion, race or political opinions. The vile and barbarous deeds which were inflicted upon democratic peoples of the Old World represent an attack against everything that we hold dear—an attack against international good faith, against religion, against political freedom and against civilization itself.

We cry for peace, and there is no peace, for mankind, like Esau of old, has sold its birthright for a mess of pottage. We have, for the most part, repudiated the divinity of our origin and our destiny—the cultural traditions that bind us to the past. We glory in our achievements in the field of science. We possess in our libraries the accumulated wisdom of the ages, and yet, instead of ushering in Tennyson's fabled thousand years of peace, we have raised the curtain on the prelude to the very pit of hell itself.

The last world conflict was not only a struggle of armaments. It was not the revolution of a free people to determine a change in their government, but rather was it the spawn of that atheistic culture and philosophy that stemmed from Marx and Engel, the matriarch of all other "isms" that have sprung from generations of irreligion, the repudiation of fundamentals, false liberalism and the pursuit of the cult of pleasure—a conflict that not only threatened our peace but our very way of life by those who openly proclaimed that there was no God but Caesar, and that the altar of the omnipotent state was the only shrine before which every head must bow and every knee must bend.

We must relegate to oblivion all the destructive force of the many "isms" that are being promoted by those who seek to destroy our democratic institutions. We must recognize and we must fight for only one "ism", and that is Americanism.

And fight we did—for everything contained in the term "Americanism." No group of men know better than you that America assembled her full might and threw it with all her fury against mankind's enemies. The invasion of the Continent represented the hopes, the fears, and the sacrifices of millions of people whose hearts were steeled for the final encounter with the enemy. From the North, the South, the East and the West, the Nazis and their shackled minions were driven to their inevitable doom. All of the arms used in the fight against the Axis, both in Europe and in the Pacific, would not have been available had it not been for the sense of duty and fidelity which is inherent in every true American. The ships, the planes, and the guns that drove the Japs from the Solomon and Gilbert Islands, that wrested the Mariannas from the control of the Orient, and that had the Jap garrisons in Truk and the Philippines quaking in fear, were the result of the average American's sense of duty to his Government and of his loyalty to democracy and his unquestionable love of freedom.

The landing craft, the invasion barges and the paratroop planes that pierced Hitler's vaunted Atlantic wall, and took Hirohito's islands, were manned by the boys of the same heritage of Bunker Hill, Ticonderoga, the Alamo, San Juan Hill and Chateau Thierry, all of whom were consumed with the burning love of liberty and were willing to give the last drop of their life's blood that the light of freedom should always burn aloft over our Republic.

I daresay that there is not a man here today who has not been affected in some way or another by the great world crisis. Whether those who were so near and dear to you fought in the foxholes of Guadalcanal, or on the desert sands of Tunisia, or on the beachheads of Italy, or on Iwo Jima, on Tarawa, at Bataan or on Wake Island—remember this—they had had a rendez-vous with death, and yet despite all, the final victory was ours. Is it any wonder then that America's duty to the future demands that the cherished principles of liberty be preserved for all time? We can do this best by striking at the forces which assail liberty—the thoughtless and the exponents of totalitarian serfdom and slavery. The American people have always been concerned with the flagrant violations of peaceful little nations; the cruel and bitter persecution of God-fearing men, women and children, because of their religion, race or political opinions. The vile and barbarous deeds which have been inflicted upon democratic peoples of the Old World represent an attack against everything we hold dear—an attack against international good faith, against religion, against political freedom and against civilization itself.

If the people of this country have no convictions with regard to the values in which they so strongly believe, no faith in the principles for which their fathers and forefathers died, democracy then is doomed. If Americans will not voluntarily obey the disciplines of morality, then immoral forces will discipline us. And if the citizens of the United States have no ideals for which they would die to preserve, then despotism and darkness will come over the western hemisphere, just as it threatens to envelop Europe and the rest of the world. The salvation of this nation, therefore, lies in the full-hearted allegiance of every American to the self-evident truths contained in the Declaration of Independence and the liberties protected by the Bill of Rights.

The great problem in America today, as it has always been in the past, is how people with important differences and conflicting viewpoints in the realms of religion and politics can live together in harmony. The solution of this problem, perhaps, is America's destiny, and in that solution may lie her future as a nation. Since America is a medley of differences, engendered by the existence within her borders of more than a score of nationalities and an infinite number of religions, those differences must find one common denominator—one level, and that is, understanding. Understand others' views and appreciate them. It is not so much TOLERANCE which is needed, as APPRECIATION—an appreciation of the rights of others which all humans possess, because freedom of thought and conscience is not a matter of favor granted by the state and withheld by the state, or granted by the majority and withdrawn by the majority, but it is a matter of right, inalienable, God-given and self-evident.

We can thank God that our forebears came to America. They had something to do and they felt they knew how to do it. They had the job of clearing and plowing the land and making themselves and their families safe from the Indians. They had the job of tying together with ships and roads and rails and words and names a large area of undeveloped land into a single social unit. They knew who they were. They were the smartest, toughest, leanest, all-around knowingest Americans on God's green earth. Their way of living, in their opinion, was the handsomest way of living that human beings had ever hit on. Their institutions were the institutions history had been waiting for. If you had told them that anyone else had a better hold on the earth than they did, or anyone else believed in himself or his country more than they did, they would have laughed in your face. Who an American was and what he was, was not much of a secret. You could see for yourself.

An American was a man who knew which way to take to reach tomorrow. An American was a man who never asked anyone anything—who he was, or where he came from, or what he did—because it was answer enough to be a man, at least in America.

There is no group in this country that is more loyal to the principles of democracy than the Veterans of Foreign Wars. Everyone recognizes that you are indeed real Americans.

As the distinguished editor and publisher of The Rock County Star Herald, Alan C. McIntosh, so aptly said, "I am an American, but I am a tired American. I'm tired of being called the Ugly American. I am weary of the beatniks who say they should have the right to determine what laws of the land they are willing to obey. I am a tired American—fed up with the mobs of long-haired youths and short-haired girls who claim they represent the 'new wave' of America and who sneer at the old-fashioned virtues of honesty, integrity, and morality on which America grew to greatness. I am tired of supporting families who haven't known any other source of income than the Government relief checks. I am tired . . . of the filth peddlers . . . who try to foist on us the belief that filth is an integral part of culture in the arts, the movies, literature, and the stage. I am a tired American, weary of the bearded bums who tramp the . . . sit-ins, who prefer communism to capitalism, and sneer at the President as a threat to peace. I am a tired American who resents those who try to disseminate the belief, in our institutions of learning, that capitalism is a dirty word and that free enterprise and private initiative are only synonyms for greed. I am a tired American who gets a lump in his throat when he hears the Star-Spangled Banner. I am a tired American who thanks a merciful Lord that he was so lucky to be born an American citizen—a nation under God, with mercy and justice for all."

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## PROTEST THROUGH PUBLIC SERVICE

(Mr. RUPPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RUPPE. Mr. Speaker, across America students exploded in a nationwide protest over what they feared was a widening of the war in Southeast Asia. In the chaos and confusion that followed we have seen the demagogs and extremists of both the right and the left wrenching the Nation asunder. There has been rioting, violence, and even death. The very foundations of our democratic system have been shaken; yet, in the midst of all this there is simultaneously developing a new kind of protest that should capture the bold headlines of our major metropolitan newspapers and the imagination of our network television commentators. This is the new protest of the deeply concerned and troubled students who truly seek a better world. They are determined to build that world, not with destructive weapons that breed fear and hate, but with the constructive tools that build brotherhood and understanding. These are the students who are walking the halls of Congress to urge their cause and to discuss and exchange views with their Representatives and Senators. These are the students who respond to the challenge of ecology by improving their communities and environment. These are the students who will one day remold the system from within—not tear it down from without.

Michigan Technological University students in my hometown of Houghton, Mich., channeled their protest into the building of a people's park in memory of those who have died because of Vietnam. The people's park at Houghton will be a place where all citizens of the area can come to exchange views and diverse opinions.

Reading the "Houghton Mining Gazette" this week, I was particularly struck by the remarks of MTU President Raymond L. Smith. I commend those remarks to your attention:

### Dr. Smith Praises Students' Efforts

Houghton.—The constructive efforts of Michigan Tech students and their "protest through public service" project has been commended by Dr. Raymond L. Smith, MTU president.

He commented that: "Today we are beseiged from all sides with almost impossible questions—questions to which there are no real answers but only those that satisfy one segment of people at a time. We find ourselves deluged, however, with those who purport to know the answers, the person who seeks nothing but personal aggrandizement, the extremist who seeks only to satiate his appetite, the people who know not the difficult ways to build but know well the easy means to destroy. We become frustrated, caught up in this holocaust—going from one emotional binge to another until we are drained dry, weary, and in a state of confusion, become prey to those who would use us for their own purpose.

"What can we do? Where can we turn? Whom should we follow? I can't answer these questions for you—only for myself. But I do know that you are taking a positive step when you join together to build a peoples park in honor of those who have died because of Vietnam—a park in which students of different views can meet together to see if it contains common ground on which they can build a better world. As they cut out the weeds and remove the rubbish, they can recognize that the park they are trying to build is really like the world. There are trees that must be preserved and others that must go just as there are ideals and ideas that must remain while others must change. And that, in the process, people will disagree.

"You as students have been constructive. With different ideas you have carried on peaceful dialogue. All of you have conducted yourselves with dignity, restraint, and within a climate of mutual respect.

"At Michigan Tech over these past few days we have witnessed a minor miracle. In this era of violent dissent, we have seen a small island of constructive dissent. Yet we know all around us lurks hatred, fear, and coldness. It's almost as if an alien world had infected this planet with a hate virus. A self-feeding disease growing at a fantastic rate. Citizens against citizens, neighbor against neighbor.

"I don't know whether or not it can be stopped before we destroy ourselves as a nation. But I do believe with a passion that proclaiming peace on one hand while causing violence and destruction with the other is not the answer. That love of the things you believe in cannot truly live in the same mind that hates the things you do not believe in. And that somehow we must learn the true meaning of such words as love, trust, tolerance, and, yes, even moderation. If we could only try to taste them once again seasoned with a dash of humor, then perhaps there would be unity in the future.

"With students like you, perhaps we can expand this island to a broader spectrum of our country. I challenge the news media to recognize that protest in the form of a blow with a pick to build a peoples park is just as significant as a blow of a pick handle to the policeman or the dissenter's head, that cleaning the rubble out should be more welcome news to their readers than creating rubble through burning buildings.

"I believe the people of America, young and old alike, want to hear that there are students who love their country, who want to build on what they have, who want change but who believe that it can be brought about most effectively by peaceful means. It seems to me that news of this type would not be greeted by a bored "so what" but instead a relieved "thank God," Dr. Smith concluded.

## RURAL ELECTRIFICATION

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, as far back as 1923, when experiments on the farm uses of electricity were conducted in my neighboring State of Minnesota, farmers have recognized that electric power could help them make agriculture more efficient and improve the quality of farm products.

This is certainly true of Wisconsin's dairy farmers and the dairy products for which our State is famous. Rural electrification, which came to Wisconsin largely through the efforts of our 32 rural electric cooperatives, financed by loans from REA, has revolutionized and modernized the production of milk for the benefit of both dairymen and consumers. Pipeline milkers and bulk milk coolers are only two examples of how rural electrification has reduced farm labor costs and resulted in a higher quality product.

Last year, the average farm used 878 kilowatt-hours of electricty per month, according to a survey of the Crop Reporting Board, U.S. Department of Agriculture. That is nearly twice the average farm usage a decade earlier. Nearly all of America's farms depend on electric power these days—REA reports better than 98 percent now have central electric service.

Today, the job of our rural electric cooperatives is different from the early days of the program, when the emphasis was necessarily on building lines to serve whole sections of unserved farmers and rural residents.

Today, the rural electrics face the equally important—though probably less spectacular—challenge of keeping the power coming in the increasing amounts required by their farmers and other rural consumer members. This challenge involves making sure that an adequate supply of wholesale power is and will continue to be available, plus revamping lines and equipment installed during earlier years so that the heavier powerloads can be delivered efficiently and at the lowest possible cost.

More and more farmers are requiring three-phase electric service as they utilize kilowatts to improve production and try to hold down the cost of farm goods for consumers. Efficiency in production can spell the difference between success and failure for today's farmer, who operates on a narrow margin of profitability. Each year, he must add thousands of dollars worth of new machinery and equipment in order to save his business.

The rural electric cooperatives which furnish the farmer's power must also have larger amounts of new capital to meet their increasing service demands. The alternative is a deterioration of electric service in rural areas, which would add another handicap to our already handicapped agriculture and economically depressed rural areas.

In the rural areas of this country, the growth in the use of electricity by members of rural electric cooperatives has continued at a much faster rate than experienced by the electric utility industry as a whole. The rural electric systems' annual long term capital needs have been growing at a rate of from 8 to 10 percent per year. Unfortunately, the annual amount of funds made available under the REA loan program has been fixed at about the same level for the 4 fiscal years.

The administration has requested that a $345 million electric loan program be authorized for fiscal 1971. This request was made despite the fact that the administration anticipates a loan demand of more than $900 million for the same period. This will leave a capital gap of more than one-half million dollars.

These unmet loan needs are a result, in part, of the effects of inflation, which has eroded the buying capability of the dollar. In terms of 1958 dollars, the $345 million loan program proposed for fiscal 1971 is worth only $214 million.

The rural electrification program must not be allowed to become a victim of inflation and neglect. At a time when we are urging greater economic and human development in our rural areas, we must not rob these areas of the electrical energy needed for development.

I am urging members of the Appropriations Committee to increase the level of funding for the Rural Electrification Administration loan program. The appropriation must be raised to a level which will enable the rural electric systems to meet their utility responsibilities and build the plants needed to continue to adequately serve their farmers and other rural consumers.

## A TRIBUTE TO DR. J. D. HEACOCK ON HIS 101ST BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. BUCHANAN) is recognized for 30 minutes.

Mr. BUCHANAN. Mr. Speaker, I rise to pay tribute to a truly remarkable citizen of my congressional district, Dr. J. D. Heacock, who will celebrate his 101st birthday on Saturday, May 23. For 70 years, until he was a youthful 93, Dr. Heacock engaged in the active practice of medicine. He begins his 102d year with the clear mind and fine personality which have marked his life.

The greatest measure of the life of this distinguished citizen, however, is not its length. Dr. Heacock has throughout his days made a rich contribution to the welfare of his fellow man and the life of his city and State. Joseph Davis Heacock was born in Talladega, Ala., on May 23, 1869, the son of a general practitioner who was one of a family of Quaker doctors from Pennsylvania. He graduated from Howard College—now Samford University—in 1890 and from Tulane Medical School in 1894.

Recalling the days in the 1890's when he was first establishing his medical practice, Dr. Heacock says:

> My fee for an office visit was $2 and some people thought that was too much.

In 1900 he was named Jefferson County physician. In 1904 Dr. Heacock traded the saddle horse and buggy-puller with which he had begun his practice for an automobile.

In 1908 he was named a trustee of Howard College and continues to serve as a life trustee of Samford University. In 1931 he received an honorary LL.D. degree from Samford and in 1968 was cited for 60 years' loyalty and service and presented with a Samford University chair.

He is the only living founder of the Alabama Tuberculosis Association. Almost singlehandedly he preserved that association during the dark days of the depression and has served as its president. In grateful recognition, the Alabama Tuberculosis Association established "The Heacock Medal"—a gold merit award given to laymen for outstanding work in respiratory diseases. Dr. Heacock is the only physician to have received this award.

He is a past president of the Jefferson County and Alabama State Medical Associations and has also been a member of the House of Delegates of the American Medical Association. Dr. Heacock has served as dean of the Nurses Training School of the Birmingham Baptist Hospital and as a member of the State examining board for nurses. He has also served as medical director of the Protective Life Insurance Co.

When he began practicing medicine in the East Lake section of Birmingham in 1896, fees often consisted of such things as a bushel of corn or a chicken. According to his own testimony, he "almost starved to death getting started in the practice of medicine." Notwithstanding this, he gave himself to the service of people, the poverty stricken, the elderly, without regard to what the fee might be or whether there would be one at all—a pattern he continued even after more prosperous times came his way.

Dr. Heacock has two daughters, Mrs. James Alto Ward and Mrs. E. H. Wrenn, and a son, Joseph Davis Heacock, Jr. Six grandchildren and 12 great grandchildren complete the present family circle. One of his grandsons, Dr. James Alto Ward, Jr., is a distinguished surgeon of Birmingham and the entire family has made a rich contribution to the life of our city and State.

XUM

As Dr. Heacock begins his 102d year, he does so with the love, respect, and warmest best wishes of the many people whose lives he has blessed along the way. On behalf of the people of the Birmingham area, whom it is my privilege to represent in the Congress, I wish him the happiest of birthdays. Let the Record reflect that we are very glad he was born.

I also appreciate the participation of a number of my colleagues including the gentleman from Pennsylvania (Mr. Morgan), chairman of the Foreign Affairs Committee, and himself a physician and surgeon, and the distinguished minority leader of the House of Representatives, Hon. Gerald R. Ford.

Mr. HALL. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I am glad to yield to the distinguished gentleman from Missouri, who is not only a very valuable Member of this House but himself is a distinguished physician and surgeon.

Mr. HALL. I thank the gentleman.

Mr. Speaker, I certainly want to pay tribute to Dr. Heacock on his 101st birthday and compliment the distinguished gentleman from Alabama for bringing this before the citizens of the United States. As I understand it, Dr. Heacock has successfully passed his 100th birthday and on Saturday next will be 101 years of age. I know that he joins in the blessing of the good Lord that allows those of us who have passed 60, for example, to maintain their mental acuity regardless of what time wreaks on the old body.

We had a famous hillbilly singer who once upon a time said:

> It ain't the years on this old frame that wreaks, it's the mileage that has been that counts.

I know that Dr. Heacock and my distinguished friend from Alabama join with me in the mental acuity of Dr. Heacock as he approaches his 101st birthday.

I understand he is not only the son of a physician but he has sons who are physicians, and his grandson is an eminent surgeon. Certainly, he is to be congratulated for having chosen and sired many who lead this humanitarian form of quality service to his fellow man.

Mr. Speaker, I also understand that Dr. Heacock practiced in the days not only of the "$2 fees" which does not seem too ancient to this practitioner, but also in the days of candlelight which does predate my practice, although I at one time delivered children in the light of the North Island fire in Chicago in the depression days. This was the only light we had at that time. I do not believe I ever practiced surgery or brought new citizens into the world by the light of candles. However, I want to say how wonderful it is to have progressed from the days of candlelight to that of the laser beam as Dr. Heacock has and still maintain his interest in modern space technology, among many other things. This is, indeed, the seed from which great nations grow. Long may his life continue with fulfillment of his dream of service above self.

I thank the distinguished gentleman from Alabama for bringing this to our attention.

Mr. BUCHANAN. I thank the distinguished gentleman from Missouri for his fine contribution.

Mr. FLOWERS. Mr. Speaker, it is indeed a pleasure to join my colleague, the Honorable John H. Buchanan, Jr., in paying a truly deserved tribute to a distinguished citizen of our State, J. D. Heacock. On Saturday, May 23, Dr. Heacock will be celebrating his 101st birthday and the countless persons he has helped during his long service as a physician will share in the joy of this occasion.

Dr. Heacock certainly merits our admiration, and it is a privilege for us to extend this tribute on the occasion of his 101st birthday.

Mr. GERALD R. FORD. Mr. Speaker, my warmest and most sincere congratulation to Dr. J. D. Heacock who celebrates his 101st birthday Saturday. I am pleased to join with my colleagues in recognizing the outstanding achievements of this fine man who has done so much for so many people in the Birmingham area.

Mr. MORGAN. Mr. Speaker, as one of the few physicians in the House of Representatives, it is an honor for me to join in the tributes being paid to a very remarkable American who is celebrating his 101st birthday on Saturday, May 23. I speak of Dr. Joseph Davis Heacock who was born in Talladega, Ala., on May 23, 1869, who is the son of a general practitioner who was one of a family of Quaker doctors from my own State of Pennsylvania.

Dr. Heacock has devoted his life to the practice of medicine and to the betterment of the health of his fellow man. When the depression threatened the life of the Alabama Tuberculosis Association, his efforts were foremost in preserving it and he is now its sole surviving founder.

Throughout his long and distinguished career, Dr. Heacock has been active beyond the limits of his own private practice. He has been president of the Jefferson County Medical Society and the Medical Association of Alabama and has also served as a delegate to the American Medical Association. Among his many activities he has been medical director of the Protective Life Insurance Co., dean of the Nurses Training School of Birmingham Baptist Hospital and a member of the State examining board for nurses.

I salute Dr. Heacock on his anniversary and join with his host of patients and friends in wishing him many, many more happy and productive years.

Mr. DICKINSON. Mr. Speaker, Joseph Davis Heacock was born in Talladega, Ala., on May 23, 1869. This Saturday, Dr. Heacock will celebrate his 101st birthday. It is a privilege for me to join the distinguished gentleman from Alabama (Mr. Buchanan) in this tribute to one of Alabama's outstanding citizens. I congratulate Dr. Heacock as he approaches this new milestone in his life.

Mr. Speaker, Dr. Heacock's achievements have been many. He almost single-handedly preserved the Alabama Tuberculosis Association which was threatened by the effects of the depression. A past president of the association, he is now its sole surviving founder. He has been president of the Jefferson County Medical Association of Alabama, county physician and a delegate to the American Medical Association. Dr. Heacock has been medical director of Protective Life Insurance Co., dean of Nurses Training School of Birmingham Baptist Hospital, and a member of the State examining board for nurses.

Dr. Joseph Davis Heacock graduated from Howard College in 1890, and graduated from Tulane Medical College in 1894. Dr. Heacock's practice of medicine covers a 70-year span. A family physician, he dedicated his career to the welfare of his fellow man. A truly remarkable human being, Dr. Heacock is still active and alert. As the saying goes: He is thriving with vim, vigor, and vitality. On reaching his 100th birthday, Dr. Heacock made this observation:

> Today's college-age generation is the best I ever saw. Youngsters today are working in a good way—irrespective of all this rioting and anarchy business. I can tell it from my association with them.

Dr. Heacock will never grow old with the philosophy for life that is his.

Mr. Speaker, may I take this opportunity to wish Dr. Joseph Davis Heacock a very happy birthday and many more to come. If my colleagues in the House would like to send Dr. Heacock a birthday message, please address your correspondence to: Dr. J. D. Heacock, The Hanover House, 39 Hanover Circle, Birmingham, Ala. 35203.

Thank you, Mr. Speaker.

Mr. EDWARDS of Alabama. Mr. Speaker, it is with great pleasure that I join with my colleague, the Honorable John H. Buchanan, Jr. from Birmingham, Ala., in paying tribute to a very distinguished constituent of his, Dr. J. D. Heacock of Birmingham, who is celebrating his 101st birthday on May 23, 1970.

Joseph Davis Heacock was born in Talladega May 23, 1869, the son of a general practitioner who was one of a family of Quaker doctors from Pennsylvania.

He was a Howard College student in 1887 when the campus moved to East Lake from Marion. He was graduated in 1890, and went to Tulane Medical School from which he was graduated in 1894.

At that time, semiprivate Mobile Medical College was the only medical school in the State.

A member of Kappa Alpha fraternity, and a Howard College trustee since 1908, he is now a life trustee. His alma mater conferred upon him, in 1931, an honorary LL.D. degree.

Dr. Heacock's many years of outstanding service to the people in his area stand as an outstanding example for us all to follow. His optimistic and cheerful outlook on life and his ever readiness to help his fellowman are attributes we need more of in the world today. Happy Birthday, Dr. Heacock, we all hope you have many, many more.

Mr. NICHOLS. Mr. Speaker, I am pleased to join today in paying tribute to one of Alabama's outstanding citizens. Dr. J. D. Heacock was born in my home county of Talladega 101 years ago. Since then he compiled in almost unbelievable record of practicing medicine for over 70 years. His medical career lasted longer than the life of an average person.

XUM

Throughout his life, he has maintained a sense of humor. Although I have not heard say so, it seems to me that this might be the secret to his long life. Perhaps those of us here in the Congress might do well to cultivate a little more sense of humor as Dr. Heacock apparently did. Certainly the medical profession does not in itself lend a great deal to the development of one because of the long hours and the personal contact with pain and unpleasantness.

I know I speak for all the people of my district and my State when I commend Dr. Heacock for his service to humanity, and congratulate him on reaching this milestone in his life.

Mr. ANDREWS of Alabama. Mr. Speaker, I am especially pleased today to add my congratulations to Dr. Joseph David Heacock of Birmingham, as he celebrates his 101st birthday on May 23.

It is altogether appropriate and significant that we pay tribute to this great Alabamian today, not simply because he has lived for more than a century, but because he has compiled an enviable record of service to humanity.

A general practitioner—a family doctor—who served the needs of countless little people, Dr. Heacock is the kind of doctor we need more of—and the kind we are seeing less and less these days.

A native of Talladega, Ala., Dr. Heacock started his practice during some very lean years in the 1890's, following graduation from Tulane Medical School in 1894. He had earlier received his undergraduate degree from Howard College in Birmingham in 1890.

During his long medical career, Dr. Heacock has served as president of the Alabama Tuberculosis Association, which he helped found and preserve; president of the Jefferson County Medical Society; president of the Medical Association of Alabama; medical director of Protective Life Insurance Co., Inc.; dean of Nurses Training School of Birmingham Baptist Hospital; and a member of the State examining board for nurses.

Alabama is fortunate to have the services of this most uncommon man, whose vigor has not diminished for all of his 101 years.

## GENERAL LEAVE TO EXTEND

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent that all Members desiring to revise and extend their remarks on this subject of my special order may do so within 5 legislative days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## OIL IMPORT CONTROLS

The SPEAKER pro tempore (Mr. VANIK). Under a previous order of the House the gentleman from Texas (Mr. PRICE) is recognized for 60 minutes.

Mr. PRICE of Texas. Mr. Speaker, in recent days the House Interior Committee concluded its rather extended hearings on the subject of oil import control. I commend the members of the Committee for their diligence in pursuing this vital issue.

I think now is an appropriate time for the membership of the House to be given an opportunity to consider the subject in perspective for, as we are all well aware, the merits of the oil import issue have received different treatment from differing individuals and organizations.

For example, the President's Task Force on Oil Import has concluded, but by no means with complete agreement among the seven members, that the present quota system should be replaced by a tariff system. Thus it would appear that any alterations in the present quota system would have as their prime objective the reduction of domestic crude oil prices. In my judgment, an objective of this sort takes too narrow a view of the cost-price-value relationships of domestic oil to our economy and our way of life.

I am particularly disturbed by this recommendation of the Task Force. I believe if it were taken seriously and adopted as a course of national policy, it could well prove disastrous to the American way of life as we know it.

Mr. Speaker, I do not make this statement purely for shock value. Neither do I think I am overstating the case. I do think, however, I am fairly stating a chilling possibility. If this Nation trades the tried and proven quota system for a new and untested tariff system, we may save a few dollars in the short run, but we could destroy our country in the long run.

To prevent such a situation from having even a remote chance of developing, I have introduced legislation to make permanent the present quota system for oil imports. In addition, I have urged my colleagues to lay partisan politics aside and join with me in this endeavor. I have taken this course of action because I believe this issue to be larger than political party; indeed, it is larger than politics itself.

I believe I can speak with some insight on this subject, because I am from a major oil producing area of the country. In addition, as part of my continuing personal education, I have engaged in extended and ongoing dialogs with both independent and major oil and gas producers. As a result, I realize full well the major role the petroleum industry plays in our society, a role I would now like to discuss at some length for the benefit of those of my colleagues who are less than well acquainted with this vital subject.

The United States is the greatest consumer of energy in the world, and oil and gas are the single largest sources for this energy. Americans depend on oil and gas for approximately 75 percent of their energy requirements. Oil products fuel virtually all of our transportation systems, they heat our homes, they are intensively employed in manufacturing and production, and they power our military forces.

The extent of our national oil consumption is demonstrated by the fact that presently, the United States consumes more than 13,000,000 barrels of oil daily. Moreover, forecasters predict that our present rate of consumption will increase 50 percent by 1980, and will double by 1990.

I think it is clear that because of our great consumption of oil, it is absolutely essential for the United States to have a proven reserve of oil supplies capable of satisfying any national emergency, plus a supply of oil sufficient to supply our foreseeable normal oil consumption requirements. The stakes involved are very large; they center on our national security, our national self-sufficiency, and the economic well-being of all Americans.

Mr. Speaker, I would agree that in the short run, it would profit domestic refiners to use foreign crude oil. I would also agree that some of the resulting profit could be passed on to the final consumer in the form of lower prices for petroleum products. However, if one examines this condition from a larger perspective, it becomes readily apparent that these momentary pecuniary gains created by the tariff system are overshadowed by the larger problems that the system creates for the United States and the free world.

Even at current restricted levels, the value of U.S. oil imports exceed $1 billion annually. This is the largest single cause for an unfavorable balance of trade. If the level of imports were enlarged, as is contemplated under the tariff system, it will undoubtedly cause an alarming crisis in the U.S. balance of foreign payments. In this connection, the Chase Manhattan Bank has already disclosed that the effect of reducing the average price of domestic crude oil by 30 cents per barrel, as was suggested by the task force, would result in an adverse impact on U.S. balance of payments in the annual amount of approximately $10 billion by 1980.

Turning to the domestic scene, the oil and gas industry has not in any way been exempt from the inflationary pressures besetting the general economy. The industry has been plagued with rising costs, tight money, and high interest payments on alternative investment sources. As a result, the search for new U.S. oil and gas supplies has dramatically decreased. In 1956, 16,200 exploratory test drills were conducted as part of the continual search for oil and gas. In 1967 and 1968, however, only 8,800 such drillings were made. Moreover, total oil and gas wells drilled declined from 58,400 in 1956, to merely 30,900 in 1968, a 47-percent reduction in operations.

The consequences of this decline are as obvious as they are true. The domestic industry has failed to locate enough petroleum to keep producing ability abreast of rising demands for oil and gas. More particularly, less oil was found than was actually produced in 5 of the last 10 years. In gross terms, while production increased by 4.2 billion barrels between 1959 and 1969, 2.8 billion less barrels of crude oil were discovered than was the case in the preceding decade.

This production decline has taken its inevitable toll on our vital but limited oil reserves. An even more critical situation, however, is posed by the current state of domestic natural gas reserves. The U.S. demand for natural gas has soared from an annual consumption, expressed in trillions of cubic feet, of 16.6

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in 1965, to 21.1 in 1969, and is predicted to reach 26.6 in 1973. Our natural gas reserves, though, have substantially dwindled in terms of the number of years that natural gas reserves will last, in 1965 we had 17.5, in 1969 we had 13.7, and it is estimated that we will have only 10.2 by 1973.

In my judgment, coupling this critical established reserves condition with the fact that the full extent of Alaskan reserves have yet to be determined yields but one conclusion. Namely, any change in the present import quota system could wreak havoc on the petroleum industry and seriously disrupt the entire economy, which heavily depends on petroleum products.

Mr. Speaker, inflationary pressures have not been the only misfortune to befall the petroleum industry in recent years. A decline in U.S. crude oil prices has also been a problem of major significance. Prices paid U.S. crude oil producers dropped from $3.17 per barrel in early 1957, to $2.88 per barrel in 1960. As for the latter part of the decade, crude prices advanced to $2.95 per barrel in mid-1968, and then to $3.10 per barrel in May 1969. This increase notwithstanding, however, the current price is still 7 cents per barrel less than it was in early 1957. Moreover, today's crude oil prices run slightly less than 8 cents per gallon, a very modest figure by any reckoning.

One of the major factors contributing to the depressed price levels facing domestic oil producers has been imported oil. Despite the oil import control program, U.S. oil imports doubled from 1958 to 1969. Expressed in barrels, imports rose from 620.6 million barrels in 1958 to 1.2 billion barrels in 1969. At this increased rate, foreign sources supplied 22 percent of all the oil consumed last year in the United States.

While on this subject, I believe President Nixon took a wise course of action by establishing a formal ceiling on Canadian oil imports. He did so for obvious reasons; voluntary oil import controls simply have not worked. Despite them, Canadian oil producers flooded the Eastern United States with cheap crude and unfinished oil.

President Nixon recognized the problems this business situation created for domestic producers. By establishing a formal ceiling on Canadian oil imports to the Eastern United States the President not only lifted an unfair burden from the back of the petroleum industry, he protected our national security system which depends for its strength and effectiveness on the health of our oil and gas industry.

While placing a ceiling on Canadian imports was a vitally needed action, much if not all of its value would be canceled by increasing imports of foreign oil from other sources. To increase the already substantial inflow of foreign oil would be disastrous. Resort to a tariff of $1.45 per barrel, as was suggested by the task force, would roll back present price levels by approximately 30 cents. Were this to occur, I predict within 3 years of its imposition, the price roll-back and the resultant shut-in production would cost the U.S. oil industry about $1 billion per year in after-tax earnings.

If the net loss stemming from the proposed phase-out of import quotas were added, the total amount of annual after-tax loss following the phase-out period would be at least $1.5 billion—a loss just about equal to the total net annual value of the oil depletion allowance. My point nere is, while no Member of Congress has seriously suggested that the depletion allowance be completely phased out in a 3- to 5-year period, such a possibility becomes an eventuality under the tariff system proposed by the President's task force, for the monetary impact on the petroleum industry would be roughly the same.

Mr. Speaker, when all of these factors are taken into consideration and carefully evaluated, I believe the conclusion is inescapable. Increasing oil imports as proposed by the task force would cripple the domestic oil and gas industry. It would greatly discourage and limit production and would drastically reduce incentives for investors to finance essential operations. Moreover, thousands of oil wells, most of them owned by small and independent operators would be forced to close. Domestic production would drop approximately 500,000 barrels a day. This would ultimately create an unrecoverable oil reserve loss of at least 6 to 8 billion barrels. In addtion, the closing of the wells would drive out of work thousands of individuals who directly or indirectly owe their livelihood to the petroleum industry.

As a result of this unfortunate chain of circumstances, oil-producing States and the Federal Government would lose considerable tax revenue. In an effort to recapture this loss in revenue, the States affected and the Federal Government would be forced to levy more taxes from other already overburdened tax-paying segments of society. In the fiscal sense then, we would, by eliminating the quota system, be biting off our nose to spite our face.

Turning to another facet of this subject, it is my considered judgment that exchanging the present oil import controls for a tariff system would have grave implications for our national security. As beginning economics students soon learn, there is an inverse relation between supply and price; the scarcer the supply, the higher the price. In the case of domestic versus foreign oil, if the United States were to become dependent on foreign oil, foreign producers would naturally raise their selling prices.

With our newly self-created vulnerability, we would have no other alternative than to purchase our needed supplies of petroleum at the higher prices. In such a situation, we would not be able to tap our domestic reserves, because we would have no reserves. They would have been exhausted and not renewed by reason of the tariff system of oil imports control.

Extending the same line of reasoning, even the proponents of the tariff system admit the obvious fact that increasing the flow of oil imports would reduce the incentives needed to motivate domestic exploration for new petroleum sources. They argue, however, that foreign oil supplies are more than adequate to meet our consumer and defense needs. Conveniently ignored is the fact that if our foreign supplies were cut off, we would literally be left high and dry if our domestic oil and gas industry had withered away due to the operation of a tariff system.

In my view, it is entirely within the realm of possibility that the United States could be placed in this condition. After all, had we not had a healthy domestic petroleum industry in 1967, we would have been in dire straits when several oil-producing nations in the Middle East placed an embargo on oil exports to the United States.

The specter that an even worse situation could develop in the future was raised by no less a personage than United Arab Republic President Gamai Abdel Nasser, who stated in February that if the United States gave more Phantom jets to Israel it would lose its economic interests in the Arab world in less than 2 years. Subsequently, the Prime Minister of Libya declared he would nationalize the vast U.S. oil interests in his country if it would contribute to Arab victory in the Middle East.

Mr. Speaker, when individuals such as these, men who directly or indirectly control our foreign sources of oil, start making threats like this, our national interest is placed in clear perspective. We simply cannot afford to let the destiny of this great country be decided by foreign rulers. We must retain the mandatory oil import control program.

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## IN PRAISE OF SBANE

The SPEAKER pro tempore. Under a previous order of the House the gentlewoman from Massachusetts (Mrs. HECKLER) is recognized for 10 minutes.

Mrs. HECKLER of Massachusetts. Mr. Speaker, I would like to take this opportunity to applaud small business—one of the most important segments of the American economy. As this is National Small Business Week, there is no better time to pay tribute to these outstanding contributors to the economy. Since the birth of our Nation, the small businessman has been the backbone of our financial system. His strides have been immense and are now deeply etched into the framework of American society. The advancements made by these so-called "little men" underline the essential impetus they can and will continue to provide.

This week, National Small Business Week, should be a time to focus on small business, not just as an abstract concept but in the reality of day-to-day operation, with all its trials and tribulations. The far-reaching impact of small business on the daily life of every American may be observed by walking down the main street of any town in Massachusetts, my home State.

We, in New England, are especially fortunate to have the leadership of a well-organized and dynamic group of small businessmen, SBANE—the Smaller Business Association of New England, Inc. It behooves us all to applaud the initiative of SBANE for invaluable guidance in the protection of the rights and interests of small businessmen. We, in this Congress, must guard zealously against encroachment upon the opportunities of small business, lest we impede progress in this vital institution of American life.

The small businessman is faced with unique problems. Desiring as he does to join with others in our society in the fight against pollution, he may, nonetheless, be unable to afford the expense of costly antipollution devices if his operation is marginal. Yet, the long-overdue war on pollution must become an active and immediate crusade supported by all business enterprises both large and small. We can no longer delay. It is imperative that we act to assist the small businessman to overcome his difficulties in joining the antipollution effort.

For this reason I shall introduce in the very near future legislation designed to meet the needs of small business in combating the pollution problem and conforming to Federal and State regulations. If low-interest Government loans or tax credits are not quickly made available to the small businessman, he may be driven out of business, because he cannot meet the prohibitive costs of pollution control measures.

We cannot neglect the urgent necessity of making it possible for small business to become an active participant in the drive to combat the ravages of pollution. The very quality of our present and future life depends upon creative solutions implemented now.

## TAKE PRIDE IN AMERICA

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. MILLER) is recognized for 5 minutes.

Mr. **MILLER** of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world's largest producer of silver ore. In 1966 the United States mined 1,358 metric tons of silver ore. Canada, the second-ranked nation, mined 1,037 metric tons.

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## INTRODUCTION OF RESOLUTION CONCERNING CAMBODIA

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ROONEY) is recognized for 10 minutes.

Mr. **ROONEY** of New York. Mr. Speaker, these past weeks have been ones for much soul searching on the part of many of us. We have seen a number of concerned constituents who urge a halt to our expanded operations in Southeast Asia. Just yesterday I met for quite awhile with eight members of the Association of the Bar of the City of New York and much of what they had to relay is incorporated in my thinking today.

Every rational American wants to see the war in Vietnam ended right now. Not tomorrow, or next month, or a year from now, but right now. Yet the only person in this country who can end the war is the President of the United States, and up until now he has had my full support.

After the discussions I had yesterday with John J. Jerome, John E. Rogers, William B. Rozell, John L. Primmer, Benjamin M. Vandegrift, Michael K. Glenn, Walter F. X. Healy, and Jeffrey M. Siger, I feel that I am justified today in introducing House Resolution 1042. This provides that unless a joint resolution is approved by the Congress on request of the President, no funds may be expended to keep U.S. forces in Cambodia. No funds would be allowed compensation to persons who furnish military instruction to Cambodian forces or who engage in combat activity in support of Cambodian forces.

In addition, no money could be used to support any combat activity in the air above Cambodia except for the interdiction of supplies or personnel using Cambodian territory for attack against or access into South Vietnam.

I feel that this resolution expresses to the President the will of the Congress and at the same time makes available a means whereby if he feels he must he may come to Congress and openly explain why any operations must continue. The issue will then be decided by a vote of the Congress acting on behalf of the American people.

## SST WILL NOT HURT THE ENVIRONMENT, BOEING CLAIMS

The **SPEAKER** pro tempore. Under a previous order of the House the gentleman from Wisconsin (Mr. REUSS) is recognized for 30 minutes.

Mr. **REUSS**. Mr. Speaker, every congressional office has received an attractively printed pamphlet from the Boeing Co., entitled "The Supersonic Transport and the Environment." This document attempts to make a case for the proposition that the SST will not harm the environment.

Let us examine the Boeing contentions:

### AIR POLLUTION

According to Boeing:

> The SST will generate *less pollutants* per passenger mile than most other transportation alternatives.

That is true. As Boeing goes on to point out, the SST will generate less pollutants per passenger-mile than automobiles, ocean liners, diesel trains, and piston engine aircraft. But it will generate more pollutants per passenger-mile than any other form of jet aircraft, and that is what we are talking about. The choice is not between SST's and automobiles; it is between SST's and other types of jet aircraft.

Consider the following from Council on Environmental Quality Chairman Russell Train in a letter to Transportation Under Secretary James Beggs on March 21, 1969. Mr. Train was then Under Secretary of the Interior. After saying that he thought pollution resulting from SST engine discharges was a "significant environmental problem," Mr. Train went on to say:

> It is my understanding that operation at subsonic speeds, including takeoff and landing, results in inefficient fuel combustion with a resulting heavy discharge of pollutants into the atmosphere. Both atmospheric pollution and ground contamination seem likely to result.

### HIGH ALTITUDE EFFECTS—WEATHER CHANGES

According to Boeing:

> There is no known technical basis or available data to support the concern that the SST fleet operation will have an adverse effect on the weather.

This is at least arguably true, but again it is beside the point. The reason Boeing can say that there is no known technical basis for concern is that no adequate studies of the weather problem have been done. As Russell Train testified on May 12, 1970, before the Subcommittee on Economy in Government of the Joint Economic Committee, "we do not have adequate knowledge to make secure judgments" on these problems. Indeed, Transportation Under Secretary James Beggs acknowledged this gap in the data before the same subcommittee on May 11, and revealed that DOT was commissioning studies in this area at the request of Mr. Train.

There can be no question about Chairman Train's concern over the possible impact of the SST on the weather and the upper atmosphere. Let me quote briefly from his testimony on May 12:

> The supersonic transport will fly at an altitude of between 60,000 and 70,000 feet. It will place into this part of the atmosphere large quantities of water, carbon dioxide, nitrogen oxides and particulate matter. . . .
>
> Water in this part of the atmosphere can have two effects of practical significance. First, it would affect the balance of heat in the entire atmosphere leading to a warmer average surface temperature. . . . Secondly, water vapor would react so as to destroy some fraction of the ozone that is resident in this part of the atmosphere. The practical consequences of such a destruction could be that the shielding capacity of the atmosphere to penetrating and potentially dangerous ultraviolet radiation is decreased. As in the case of surface temperature, we do not have adequate knowledge on which to make secure judgments as to the practical significance of the effect of water on the ozone. Finally, the increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate.
>
> Clearly the efforts of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports.

### COMMUNITY NOISE

According to Boeing:

> Most people living in the vicinity of airports serviced by the SST will be exposed to less community noise, than they hear today. Sideline noise (principally noise on the airport itself) is a problem to be solved with an intensive development program.

It is probably true that there will be less community noise—that is, noise over the approach and takeoff paths—from the SST than from current jets—although the SST may be louder in terms of community noise than the quieter subsonic jets that will be in service at the same time as the SST.

But in terms of sideline noise—that is, noise on either side of the runway—the SST will be many times louder than even the noisiest jets now flying. Dr. Richard L. Garwin, a physicist and member of the President's Science Advisory Committee who last year conducted a still-secret study of the SST for President Nixon, has testified that the sideline noise from the SST will be equivalent to the noise from 50 subsonic jets taking off simultaneously. Hearings before the Subcommittee on Economy in Government of the Joint Economic Committee, May 7, 1970.

Boeing says sideline noise "is a problem to be solved with an intensive development program." But the evidence is that this problem cannot be solved. Dr. Raymond L. Bisplinghof, dean of the school of engineering at MIT and Chairman of the SST Technical Evaluation Committee formed last year by FAA to review the plane, has said:

> There is very little prospect of bringing the sideline noise down to subsonic transport levels by any practical methods known at the present time. (Memorandum to the FAA, February 7, 1969.)

Furthermore, sideline noise is not "principally noise on the airport itself." There is scarcely a single U.S. international airport in which this sideline noise can be confined to the airport.

I also have some question about Boeing's chart listing the SST's sideline noise at 112 PNdb. Aviation Week for January 5, 1970, reports that SST sideline noise is at a level of 122–129 PNdb, which makes it at least two or three times louder than the figure given in Boeing's pamphlet.

### SONIC BOOM

According to Boeing:

> The supersonic transport will be prohibited from making sonic booms over populated land areas. The sonic boom over water will be extremely mild and not harmful to marine life. Under these operating conditions, the SST fleet will be an economic success.

Although the FAA has tentatively proposed a rule that would bar the SST from boom-producing flights over the United States, it is by no means clear that this ban would hold up in the face of the pressures that could develop if it appears that the SST will be an economic flop unless it can fly over land supersonically.

FAA Administrator John Shaffer said as much last November before the Senate Appropriations Committee when he testified that the SST might be "dragged into" the market which he defined as "east to west or west to east over populated areas."

The FAA argues that sonic booms should be banned by regulation rather than by law because, in the words of one pro-SST Department of Transportation official, "It's much easier to change a regulation." Quoted in the April 30, 1970, Wall Street Journal.

Boeing's pamphlet also claims that they can sell 540 SST's in a boom-restricted market—500 sales are needed for the Government to get its money back plus 4 percent interest. But an economic analysis by the Department of Transportation's Office of Economics and Systems Analysis done early last year predicts an SST market of only 420, going down to 370 if there are significant delays in the program (CONGRESSIONAL RECORD, May 18, 1970, p. 15843). Outside analysts have predicted that SST sales will be as low as 139 (CONGRESSIONAL RECORD, volume 115, part 25, page 34357).

I commend Boeing's pamphlet to my colleagues. It is useful to have both sides of the case presented, especially when that of Boeing is so woefully weak.

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## VIETNAM

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Louisiana (Mr. RARICK) is recognized for 10 minutes.

Mr. RARICK. Mr. Speaker, the psywar promoters continue their tension strategy to frighten the American people with innuendos of the possibility of Red Chinese entry into the Vietnam-Indochina war. One premise used in this rationalization is the alleged surprise Red Chinese involvement in Korea because of under evaluation from our military intelligence and commanders at that time. Three years ago I had quoted from General MacArthur's reminiscences a communication by Maj. Gen. C. A. Willoughby denying the distortion in military accountability.

Despite the denial from his chapter on the Chinese Communist war from "MacArthur: 1941–51," by General Willoughby and John Chamberlain, as recently as May 12 of this year—page 15083—the military political apologist, Gen. James M. Gavin, is reported to have stated "I hasten to call on General Willoughby, MacArthur's G–2 to discuss with him the implications of possible Chinese entry into the war. He was the belief that they did not enter the war, that they had missed their opportunity to do so at Inchon when the landings were taking place."

Since General Gavin's purported testimony reinjected the charge of military misjudgment, I contacted General Willoughby at his home in Florida and have received the enclosed telegram:

NAPLES, FLA.

HON. JOHN R. RARICK,
*House Office Building,*
*Washington, D.C.:*

Reference General Gavin's remarks the whole trend is to warn against the intervention of Red China and thus disparage Nixon's current strategy including the maneuver in Cambodia which is approved of by many professional soldiers I know of. In order to make China's speculative entry into action plausible, Gavin revives the Sino Korean war. In quoting me as believing that the Chinese would not enter, he also revives the old Truman hoax that MacArthur misled him at Wake Island. The President had daily reports for months that the Chinese were massing along the Yalu.

So had Gavin as a member of J.C.S. I do not recall Gavin's visit to Tokyo nor this conversation. I raise the question as I did at Wake Island. Did Gavin expect a casual discussion to supersede daily telecons on the subject? We reported 24 Red divisions along the Yalu as of October 15th, 1950 ready and able to cross the river. Washington's guess was as good as Tokyo's if they would dare to cross. In fact they were encouraged to cross. Now some Chinese may want to get their fingers into the Viet Nam pie but are quite a distance away from Saigon. Why browbeat Nixon on what is still a speculative potential. Or browbeat him to learn from the Sino-Korean war 1951 with allegations that long have been disproved. This whole gambit is a repetition of the Wake Island hoax. It still crops up from time to time. We refuted it extensively and in detail in the Congressional Record, vol. 113, pt. 12, p. 15970. I published the same material in the Washington Post of May 29, '67. The nationally known columnist John Chamberlain covered the same data on December 1st, '64 and again on April 7, '67. He was co-author with me of "MacArthur 1941–1951." See chapter 16, "The Chinese Communist War," pages 378 to 417. I stand on my authoritative positions as the responsible editor-in-chief of the MacArthur reports. U.S. Government Printer, catalog Number D–1012M11. Four volumes, 1966 to 1968.

Maj. Gen. CHARLES A. WILLOUGHBY.

General Willoughby's telegram as well as his written reports should convince objective scholars that General Gavin's recent testimony is unsubstantiated, in fact denied, by the G–2 for Gen. Douglas MacArthur.

I include my remarks of June 15, 1967, as follows:

### CRISIS IN WORLD STRATEGY: INTIMIDATION OF PRESIDENT JOHNSON EXPOSED

(Mr. RARICK was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, in a brief discussion of the current crisis in world strategy in the CONGRESSIONAL RECORD, vol. 113, pt. 12, p. 15863. I quoted the immortal 1951 address of Gen. Douglas MacArthur before a joint meeting of the Congress. Its main points are just as applicable today in Vietnam as they were as regards Korea. Thus, I have read with interest and astonishment an article by a columnist of the Washington Post, Marquis Childs, in the May 29, 1967, issue of that newspaper on "The Viet Nam War: Will China Enter?"

In this article I find, in slightly modified form, the Wake Island Conference calumnious falsehood that General MacArthur misled President Truman as to the possible intervention by Red China in Korea, which author Childs cleverly stresses by quoting a relatively unknown writer's description of MacArthur's advance to the Yalu as "one of the most egregiously wrong strategic intelligence estimates in history."

Because of the seriousness of this criticism, I have looked into the matter and my search has been rewarding. The essentials are set forth in Gen. MacArthur's Reminiscences—McGraw-Hill, 1964—a "Communication from Maj. Gen. C. A. Willoughby in the Washington Post of May 9, 1964, and an article by John Chamberlain in that paper on April 7, 1967. In view of the completeness of the record it is difficult to understand why the Post permitted the publication of the Childs' article without corrective editorial comment.

The facts about the Wake Island episode are—

First, that near the end of that conference the possibility of Chinese intervention came up in a casual manner.

Second, that the consensus of those present was that Red China had no intention of intervening.

Third, that President Truman asked General MacArthur for his views.

Fourth, that the general replied that the answer could only be "speculative," that neither the State Department nor the Central Intelligence Agency had reported any evidence of intent by Peiping to intervene with major forces, but his own intelligence had reported heavy concentrations of Red Chinese in Manchuria near the Yalu, and that his "own military estimate was that with our largely unopposed air forces, with their potential capable of destroying, at will, bases of attack and lines of supply north as well as south of the Yalu, no Chinese commander would hazard the commitment of large forces upon the devastated Korean Peninsula."—MacArthur, "Reminiscences," page 362.

Fifth, that there was no disagreement from anyone present as to what MacArthur had stated.

The picture drawn in the Childs article

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that the President had to go to Wake Island to obtain strategic information of Red China's moves, and potential is false. That information was available in Washington in minute detail in daily intelligence summaries and required no confirmation at Wake Island or any other place. Conversely, General MacArthur did not need to make declarations that have since become the basis for articles such as that by Marquis Childs. MacArthur's own intelligence traced the progressive moving and massing of Chinese armies from the interior to the Korean border. His staff in Tokyo located 33 divisions on the Yalu at the time of the Wake Island casual conversations. President Truman went to Wake Island surely not for information that was already available to him in Washington but for political effect and MacArthur's advance to the Yalu was on direct orders of the United Nations—See statement by General Willoughby quoted later.

Many years later, when writing about this angle of the Wake Island conference, General MacArthur stated that it was "completely misrepresented to the public through an alleged but spurious report in an effort to pervert the position taken by him," and that it was done by "an ingeniously fostered implication that he had flatly and unequivocally predicted that under no circumstances would the Chinese Communists enter the Korean war." He described this as "prevarication."

Despite the glaring distortions of history in the Childs article, its author does perform one useful purpose: the identification of some of those responsible for opposing MacArthur's plan to end the Korean war. They were Assistant Secretary of State for Far Eastern Affairs Dean Rusk, Special Adviser W. Averell Harriman, William P. Bundy of the Central Intelligence Agency, and Secretary of State Dean Acheson. These same individuals are influential in foreign policymaking today and some of them are obviously trying to frighten President Johnson and thus to prevent him from allowing our forces to end the Vietnam war in the shortest time with the least cost in lives and treasure by applying every available means for victory. What these "strategists" are actually doing is playing into the hands of the international Communist forces under conditions favorable to them.

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Although General MacArthur did sense that a "curious and sinister change" was taking place in Washington aimed at "temporizing rather than winning" the war, he did not then know that our forces would be prevented by elements in our own Government from bombing Red Chinese sanctuaries in Manchuria, from using the forces of free China on Formosa, from intensifying the economic blockade of Red China, and from establishing a naval blockade of the China coast.

Fortunately, as previously indicated, others have written on this particular episode: Major General Willoughby, who was MacArthur's Chief of Intelligence, was in daily touch from Korea with both MacArthur and Washington; and John Chamberlain, who is an objective and forthright writer and coauthor with General Willoughby of "MacArthur 1941–1954"—McGraw-Hill, 1954. The facts in their articles previously cited refute with devastating completeness the allegations in the Marquis Childs article under discussion and expose the utterly false and malicious accusation that MacArthur had misled President Truman.

Because the use of this particular acquisition has become a habit among certain publicists and because it is still being used as a propaganda lever against the best interests of our country, utterly ignoring the refutation involved, I quote the three cited writings as parts of my remarks and commend them for study by all who seek the truth.

[From the Washington Post, Apr. 7, 1967]

## They Continue To Misuse MacArthur

(By John Chamberlain)

If a canard is repeated often enough, it becomes history. And then it is used to prevent clear thinking about history that is still to come.

This is exactly what is happening in the case of the lie that Gen. Douglas MacArthur led President Harry Truman astray at their Wake Island conference by assuring him that "he could march to the Yalu and not a single Chinese soldier would enter Korea."

The Wake Island canard is still being trotted out to scare Lyndon Johnson into treading lightly in Vietnam. The worst thing about using MacArthur's alleged "mistake" about Korea to prejudice our contemporary Vietnam planning is that it encourages Ho chi Minh to keep the war going while thousands continue to die.

I've been over this many times with MacArthur's Chief of Intelligence, Maj. Gen. Charles A. Willoughby, whose papers include some quick staff notes covering what happened at Wake Island. MacArthur was indeed asked about the chance of Red China's intervention if we were to move north to the Yalu. What he gave Mr. Truman was a "speculative" answer. He said his own local intelligence reported heavy Chinese concentrations near the Yalu border in Manchuria, but that a Chinese military commander would not dare risk committing large forces on the Korean peninsula when we had the "atomic potential capable of destroying at will bases of attack and lines of supply north as well as south of the Yalu." (The quotation is Willoughby's paraphrase of MacArthur.)

Of course, the Red Chinese did attack, but only after they had satisfied themselves that MacArthur would not be permitted to bomb the Yalu bridges or otherwise touch the "privileged sanctuary" in Manchuria. Since MacArthur's assurance that no sane Red Chinese commander would risk his troops on the Korean peninsula was based on the sound military proposition that the American forces would be permitted to destroy the enemy's communications over the Yalu, it is certainly stretching things to say that Harry Truman was "misled" by what was said at Wake Island. Mr. Truman knew that military men think in applicable military terms.

The Korean "parallel" has no relevance to the Vietnam situation unless we plan to assure Mao Tse-tung that even if the Red Chinese soldiers march south we will not touch his atomic plants or permit Chiang Kai-shek's 600,000 troops to land on the Asian mainland.

Fortunately there is one present-day commentator who doesn't fall for the continuing widespread misuse of Wake Island history. In his fascinating autobiographical memoir, "It's All News to Me," which is a smooth blend of light and serious stuff, Bob Considine has a lot to say about his encounters with MacArthur.

He mentions the use that 200,000 Chinese "volunteers" made of "a slender rail line, marshalling yards and depots, airfields and maintenance sites which MacArthur had been forbidden to bomb." The implication that MacArthur had had his hands tied is clear.

MacArthur is supposed to have warned against committing U.S. troops to continental Asia, but Considine shows that the General had no compunctions about using picked U.S. forces in special mainland situations.

In a birthday interview MacArthur told Considine that "of all the campaigns of my life—20 major ones to be exact—the one I felt most sure of was the one I was deprived of waging."

The General then outlined an operation that would "have won the war in Korea in a maximum of ten days. The enemy's air would first have been taken out. I would have dropped between 30 and 50 tactical atomic bombs on his air bases and other depots in . . . Manchuria . . . Dropped under cover of darkness, they would have destroyed the enemy's air force on the ground . . . I would then have called upon 500,000 of Chiang Kai-shek's troops, sweetened by two U.S. Marine divisions. These would have been formed into two amphibious forces."

Landing north of the Red Chinese, the amphibians would have squeezed the enemy between themselves and the U.S. Eighth Army. "The enemy," so MacArthur told Considine, "would have been starved out within ten days."

Would Russia have intervened? Not, said MacArthur, over "an endless one-track railroad."

If the Red Chinese had had any intimations that MacArthur would be allowed to exercise his own judgment, would they have marched into Korea? This question, and not the "mistake" made at Wake Island, is what should be pondered in relation to Vietnam.

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[From the Washington Post, May 29, 1967]

## The Vietnam War: Will China Enter?

(By Marquis Childs)

The tune is somewhat different but the words are the same. China, it is being said by men of authority, cannot or will not enter the war in Vietnam. These comfortable words are strikingly like the repeated assurances of 17 years ago when the United States was deeply committed in Korea and preparing to advance to the Yalu River, the boundary between North Korea and China. Moreover, certain of the same men then in authority have responsibility today for Asian policy.

Secretary of State Dean Rusk was at that time Assistant Secretary for Far Eastern Affairs directly concerned with Korea and China. William P. Bundy, currently Assistant Secretary for the Far East, was with the Central Intelligence Agency beginning in 1951, Dean Acheson, considered a strong supporter of Johnson Administration policy and from time to time a friendly counselor, was Secretary of State. Roving Ambassador W. Averell Harriman, who is the latest to utter reassuring words about China and North Vietnam, was a special assistant to the President.

The conviction widely held then was that the Chinese Communists, having only a short time before driven Chiang Kai-shek and the Nationalists off the mainland, were in no position to send a large force into Korea. They were too busy consolidating their position in a country laid waste by nearly 20 years of war.

The record shows that what the Chinese were saying in 1950 closely parallels what they say today. That record has been put together most impressively by Brig. Gen. Samuel B. Griffith, USMC (Ret.), in his new book, *"The Chinese Peoples Liberation Army,"* one of a series sponsored by the Council on Foreign Relations. Translating Mao Tse-tung's basic work, *"On Guerrilla Warfare,"* Griffith has made himself an authority on China since his retirement. He served in Peking before World War II.

He relates a conversation in August of 1950 between the then Indian Ambassador to Peking, K. M. Pannikar, and Gen. Nieh Jungchen, acting chief of staff of the Peoples Army. Pannikar told Nieh that America had the power to destroy China's industry and set the country back at least half a century. Nieh replied:

"We have calculated all that . . . They may even drop atom bombs on us. What then? They may kill a few million people. Without sacrifice a nation's independence cannot be upheld . . . After all, China lives on the farms. What can atom bombs do there?"

New Delhi passed the warning on to Washington where it was largely discounted. Gen. Douglas MacArthur, in command in Korea, based the continuing advance of his forces to the Yalu on what the author calls "one of the most egregiously wrong strategic intelligence estimates in history."

Premier Chou En-lai had said publicly that if American-United Nations forces crossed Korea's 38th parallel China would come in. This was put down to propaganda and bluff. Today Chou and Mao say that an American invasion of North Vietnam will bring China into the war. Pressure for that invasion persists both here and in Saigon despite assertions by the highest military and civilian authority that it will not occur. And when it comes to the consequences of nuclear attack, Mao has raised the stakes many times over, saying that China could take not several million but several hundred million casualties and still recover.

General Griffith also translated an ancient Chinese classic by Sun Tzu, *"The Art of War,"* that is said to have greatly influenced Mao. Had American leaders been familiar with the classic works which have governed the Chinese conduct of war they might not have fallen into such a fog of self-deception as in Korea when the massive Chinese invasion sent American armies reeling with heavy losses. He quotes Sun Tzu as follows: "All warfare is based on deception. Therefore, when capable, feign incapacity, when active, inactivity. When near, make it appear that you are far away; when far away, that you are near."

The circumstances are quite different in North Vietnam than they were in North Korea, both strategically and psychologically, as they are in the China of 1967 as against the China of 1950. Yet as a recent British visitor to Washington with a long background in China put it after a brief stay in Canton this spring: "They are so utterly divided and disorganized that they are capable of an act of incredible folly." It would seem the smallest part of wisdom to try to avoid inviting that folly.

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[From the Washington Post, May 9, 1964]

### A COMMUNICATION

(By C. A. Willoughby, Major General, USA (Ret.))

Recent isolated editorials and fragments of daily columns unwittingly perpetuate a "malicious hoax" which is damaging to General MacArthur and the Eighth U.S. Army and represent a complete historical falsehood.

Like a Wagnerian "Leitmotif" certain myths are apparently kept alive, over the years, in endless repetitions, viz:

On Intelligence: ". . . The War in Korea demonstrated anew his (MacArthur's) great talent as field commander. He was ill served by his own intelligence forces and compelled to conduct a hazardous retreat back to the 38th Parallel when Chinese "volunteers" poured in upon the U.N. Forces . . ."

Faulty intelligence, as alleged, did not force the Eighth Army to retreat. The enormous build-up of Chinese forces was known to both Washington and Tokyo, from 33 Red divisions (1950) to 73 Red divisions (1951).

MacArthur prudently retreated, in the face of overwhelming numbers, to stronger positions, with 8 American divisions, to gain space to bomb and delay the Chinese hordes which he was prohibited to do beyond the Yalu.

A discrepancy between 8 American divisions, the hard core of the U.N. assembly, and 33–73 Red divisions is a ratio of roughly 1 to 4 and/or 1 to 9. Eisenhower (in France) or Clark (in Italy) would not dream of risking such a discrepancy in any of their campaigns, and such adverse ratios are unheard of in modern war. The American G.I. is very good indeed—but he is no superman.

#### ON MACARTHUR

On MacArthur: ". . . The J.C.S flashed back a warning to MacArthur by Telecon Message TT 3848 Oct. 4/50: The potential exists for Chinese Communist forces to openly intervene in the Korean War if U.N. forces cross the 38th Parallel." General MacArthur (allegedly) "ignored the warning and pushed on to the Yalu . . ."

The impression created by this "juicy item" is a cynical perversion of facts. It reads as if MacArthur had crossed the 38th Parallel en route to the Yalu, as a willful, personal act when in fact he advanced on U.N. and Defense Department orders.

On Oct. 6th, The United Nations General Assembly voted explicit approval for the crossing of the 38th Parallel, to exploit MacArthur's smashing defeat of the North Korean Communist army. The U.N. decision was then spelled out in detailed orders by the Pentagon: ". . . The destruction of the North Korean armed forces . . . To conduct military operations North of the 38th Parallel . . . U.N. Forces not to cross the Manchurian or U.S.S.R. borders . . . No non-Korean ground forces will be used (in these areas) . . ."

And then the cloven: ". . . Support of your operations will not include air or naval action against Manchuria (we were at war with China!) or against U.S.S.R. territory (a red-herring, since we were not at war with Russia! . "

#### "ALLEGED WARNING"

As regards "alleged warnings" etc., both Washington and Tokyo were in daily touch for the exchange of current information. Both sides knew precisely what to expect. Tokyo issued a "Daily Intelligence Summary," a sort of military newspaper that was distributed daily to all commanders and staffs. That means thirty separate reports per month. In a limited space, I only list a few condensed highlights and leave it to the average reader to draw his own conclusions, viz.:

June 6: Red China can deploy considerable strength to assist the Red North Koreans. Manchurian estimates: 115,000 regulars and 374,000 militia.

July 8: Chinese troops have arrived in the Antung-Yalu area.

Aug. 15: The build-up of Chinese Communist forces in Manchuria is continuing. China has agreed to furnish military assistance to North Korea.

Aug. 27: High level meeting in Peking. Chinese ordered to assist North Korea. Lin Piao (Fourth Field Army) to) command Chinese forces. Indo-China to be invaded. Liu Po-Cheng (Second Field Army) to command (in that area). Soviet officer designated to command combined forces.

Aug. 31: Troop movements from Central China to Manchuria (considered preliminary to enter the Korean theater. Manchuria estimates: 246,000 regulars (and increase) and 374,000 militia.

Sept. 8: If success of the North Korean Red army doubtful, the Fourth Chinese Field Army, (under General Lin Piao) will probably be committed.

Oct. 5: All intelligence agencies focus on the Yalu and the movements of Lin Piao. The massing at Antung and other Yalu crossings appear conclusive. This mass comprises 9/18 divisions organized in 3/9 corps.

Oct. 14: The fine line of demarcation between "enemy intentions" (Peking) and "enemy capabilities" (along the Yalu), to be ascertained in diplomatic channels, the State Dept. and/or C.I.A., and beyond the purview of local, combat intelligence. (As regards enemy capabilities) the numerical troop potential in Manchuria is a fait accompli: A total of 24 Red divisions are disposed along the Yalu, at crossing points.

Oct. 28: Regular Chinese forces in Manchuria now number 316,000 (an increase) organized into 34 divisions and 12 corps (Map A–3 att.). The bulk of these forces are in position along the Yalu River. They assembled in complete safety since MacArthur's air force are forbidden to cross the border.

#### "LEAKING" IS NOTED

Indicative of the implacable hostility of certain segments of the Pentagon, certain private channels are "leaking" J.C.S. messages etc. that are obviously fragmentary and out of context. The result is a calculated distortion of history viz:

Against the background of the Oct. 14th item (enemy intentions) MacArthur is quoted (out of context) as "advising the J.C.S. against hasty conclusions 'that the Chinese' would employ their full potential military forces" (Nov. 4).

Washington had been fully "advised" of the Red potential (and for many weeks). The point here is that the J.C.S. did nothing about it. They did much worse: They created a "sanctuary" along the Yalu, permitting 33 Red divisions to leisurely pitch their tents along the river, from August to November.

On Nov. 5th, within 24 hours, MacArthur ordered the bombing of the Yalu bridges (under technical restrictions), but true to form, the J.C.S. are reported "as not understanding this action" etc. They thus maneuvered MacArthur into a strategic "impasse"; His eight (8) battered divisions were to take on 3- to 9-times the number of Red divisions, evidently hoping for a tactical miracle. They did not place any such burden on Eisenhower in France, Germany or Italy.

General Collins was dispatched to Tokyo—to investigate—as if Washington had not been aware, for months, the Chinese in Manchuria.

#### COMMENT BY COLLINS

Collins is reported as commenting "on MacArthur's emotional state." He could have done something infinitely more constructive: He could have drawn certain inescapable strategic conclusions and passed them on to his coconspirators in Washington, viz:

1. That Red China was at war with the United States.
2. The discrepancy in divisional totals (1–3 and soon 1–9) placed an intolerable and risky burden on the American forces.
3. No such discrepancies were permitted in the European Theater.
4. The employment of Chiang Kai-shek's forces.
5. All-out aerial bombing against Manchurian bases.
6. This would have certainly slowed down the Chinese hordes.
7. All-out U.S. carrier strikes against the flanks of the Chinese, from Antung to Shanghai.
8. Once a full-scale war starts, there is no substitute for victory.

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## HALF FARES FOR SENIOR CITIZENS—ANOTHER WAY OF PROVIDING JUSTICE FOR SENIOR CITIZENS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from New York (Mr. FARBSTEIN) is recognized for 20 minutes.

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 17744, a bill to provide senior citizens with half fare rates on all public transportation in the United States, including airplanes, trains, buses, and all local transportation during nonpeak hours.

Senior citizens are physically less mobile and thus need public transportation more than other age groups; yet they are also less economically able to afford such transportation. The result is that many senior citizens are forced to forego a richer life because they cannot afford such transportation.

This legislation would provide half

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fares in a manner similar to the airlines youth fares, except that elderly persons would be able to reserve their seats in advance.

Half fare rates during nonpeak periods would enable senior citizens to escape the loneliness of exile in one's own home and permit them to get away from their daily routine once in a while, and visit friends or recreational facilities away from their homes. It would also enable underutilized transportation facilities to increase the number of passengers they carry and thus increase revenue. In spite of the fact that it would be best for them, as well as the senior citizens, most transportation companies have refused to adopt half-fare rates.

This is but one of many examples of the lack of concern demonstrated by large sectors of society toward our elderly persons. There is a lot of talk about the silent majority. Well, I believe our senior citizens are the forgotten majority. Their problems go unheeded, or if they are talked about, it is only in piecemeal terms.

As a Member of Congress, I have placed a very high priority on securing justice for senior citizens. I have introduced, and have been fighting to obtain the enactment of legislation to provide a sizable increase in social security benefits, to secure a minimum monthly benefit of $120 for an individual and $180 for a married couple, and to obtain automatic increases in benefits to compensate for any increase in the cost of living.

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I have also introduced legislation to make other badly needed reforms in the system, including elimination of the limitation on earnings for social security recipients, elimination of the current practice of deducting from veterans and other Government pensions any increase an individual receives from social security, extension of eligibility under the Prouty amendment to retired teachers, and the extension of medicare to include other badly needed services such as prescription drugs and home maintenance worker services.

I am pleased that the social security bill passed today by the House of Representatives provides reforms in a number of these areas, and that my efforts may have in part contributed to what is in the bill. But I must admit that I am not totally satisfied with the bill. It provides a 5-percent increase in benefits. I believe this is totally inadequate. What is needed is a 35-percent increase. Nor is a minimum payment established. The bill provides for an increase in the limit on earnings. I believe the limitation should be abolished altogether or raised far above the limit provided in the bill. The bill also provides for the inclusion of new services under medicare but leaves out home maintenance workers services or prescription drugs.

I am particularly pleased that the bill, as passed, included an automatic cost of living provision. This is something I voted for and have long advocated.

Mr. Speaker, I intend to continue fighting until the Congress passes legislation that will do justice to our senior citizens.

The text of the Senior Citizens Transportation Act of 1970 follows:

H.R. 17744

A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, this Act may be cited as the "Senior Citizens' Transportation Act of 1970".

TRANSPORTATION IN INTERSTATE COMMERCE

SEC. 2. (a) Notwithstanding any other provision of law, no common carrier for hire transporting persons in interstate commerce shall, during nonpeak periods of travel, charge any eligible elderly person more than half the published tariff charged the general public in connection with any transportation which is requested by any such person.

(b) In any case in which a common carrier can show that it incurred an economic loss during any calendar year solely because of the requirement imposed by subsection (a), such carrier may apply to the head of the Federal agency having jurisdiction over the filing and publishing of the tariffs of such carrier for Federal financial assistance with respect to all or part of such economic loss. The head of any such Federal agency is authorized to pay to any such carrier (1) an amount not exceeding one-half the difference between the published tariff and the tariff charged elderly persons during the calendar year covered by the carrier's application, or (2) an amount not exceeding the aggregate of the economic loss of the carrier claimed under such application, whichever is less.

(c) The head of each such Federal agency is authorized to prescribe such regulations as he may deem necessary to carry out the provisions of this section, including but not limited to the defining of nonpeak periods of travel and regulations requiring uniform accounting procedures.

(d) The head of each such Federal agency is authorized to establish a commission of elderly persons to advise him in carrying out the provisions of this section.

(e) As used in this section, the term "eligible elderly person" means any individual sixty-five years of age or older, who is not employed full time.

TRANSPORTATION IN INTRASTATE COMMERCE

SEC. 3. Section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(d) In providing financial assistance under this Act, the Secretary shall give preference to applications made by States and local public bodies and agencies thereof which will adopt (or require the adoption of) specially reduced rates during nonrush hours for any elderly person in the operation of the facilities and equipment financed with such assistance, whether the operation of such facilities and equipment is by the applicant or is by another entity under lease or otherwise. As used in this subsection, the term 'elderly person' means any individual sixty-five years of age or older."

## ALABAMA'S ALLGOOD

(Mr. BEVILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BEVILL. Mr. Speaker, occasionally we in America are blessed with the services of men, who, by their vision, hard work, and love of country, leave a valuable legacy for future generations. Such a man is Miles C. Allgood, the most distinguished former Congressman of Mentone, Ala.

Often, Mr. Speaker, we tend to forget the work of dedicated public servants. I think it is good for us to stop from time to time and say thank you to these individuals.

I would like to insert in the RECORD at this time a letter written by Mr. J. Frank Machen, of Mentone. This letter appeared recently in the Voice of the People columns of the Birmingham News and spotlights the outstanding career of my good friend, the Honorable Miles C. Allgood. I hope every Member will take the time to read this interesting letter about a great American:

ALABAMA'S ALLGOOD

We have a great man among us.

Congressman Miles C. Allgood has returned to his home in this mountain village after spending the winter in the Southwest.

This remarkable man, now in his physically active and mentally alert nineties, reminds one favorably of Mr. Chief Justice Holmes, who kept up an energetic life and a voluminous correspondence far into his nineties.

He calls to mind the Roman, Cato, who as Cicero reminds us, learned to read Greek after he was ninety so as to enjoy the classics in their original language.

Congressman Allgood is one of Alabama's historically great men.

The public memory is short and needs an occasional jogging.

As representative to the United States Congress from this district for many years, Mr. Allgood is the man who first got President Roosevelt interested in coming to Alabama to see the possibilities of what is now the Tennessee Valley Authority.

He rode with the president in his private car, pointing out the potential spots for developing hydro-electric power, which has brought prosperity to this whole region.

In future histories it will be pointed out that by creating TVA in this area, Congressman Allgood did more than any other man to introduce and develop hydro-electric power to America. He was chairman of the committee which provided for the great Boulder Dam. Also, he made the speech on the site of the present Boulder Dam that turned the tide of committee opinion in favor of its construction.

Not only by his good works but also by his long and eventful life, Congressman Allgood has proven himself to be a heroic man.

We should be reminded occasionally—in The Hon. Miles C. Allgood, M. C., we have a great man among us!

J. FRANK MACHEN.

MENTONE.

## WORLD RESOURCES SIMULATION CENTER

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, decisionmaking to utilize resources for the betterment of our people and of people in other lands entered a new era with the advent of satellites and computers. Satellites which gather information on natural and manmade resources combined with computers which store and integrate this data for countrywide and worldwide peaceful development, provide the opportunity to make the United States and the world work better for human inhabitants.

My bill which I introduced on May 6, H.R. 17467, authorizes the National Aeronautics and Space Administration to make grants for the construction and operation of a World Resources Simulation Center to make available to Federal, State, and local agencies and to private persons, organizations, and institutions such information, which they will find valuable and useful in their planning and decisionmaking.

Significantly advanced comprehensive information gathering by satellite and human intelligence, well coordinated by computer and displayed visually for study, is a chief aim of this legislation.

The association at one computer center of pertinent satellite-obtained information with statistics and other data already available through Government and private sources, and its intermix and visual presentation to decisionmaking Government leaders in the executive and legislative branches, Federal, State, and local, will permit more intelligent use of national and world resources.

Dissemination, study, and use of this information by industry, commerce, labor and individuals, as well as by educational, health, conservation, and civic organizations, is contemplated as a contribution to a healthier society. University, college, and school work already begun in this field will receive strong impetus and strengthen constructive approaches to improving mankind's status, at the same time providing further evidence of U.S. dedication to peaceful resolution of world ills.

The natural, physical, and human resource data thus made available, will expand the decisionmakers' awareness of all possible alternatives for resource utilization, and can lead to better solutions and clearer directions in achieving national goals.

The spectacular achievement of sending human beings on manmade satellites to circle the earth's moon satellite and twice placing these humans on the moon, required a scientific development and a coordination and deployment of men and machines, with a dependence on computer technology on a worldwide scale of incalculable proportions. The National Aeronautics and Space Administration has demonstrated that many contributions of immense value to our improved health and well-being flow from the Nation's space program. One of these benefits now possible for the first time is establishment of the World Resources Simulation Center, as contemplated in this legislation.

Such problems afflicting our society today as the alarming increase in pollution of our air, water, and soil; shortages of food and housing; urban decay and inadequate mass transit facilities all require more concentrated and comprehensive attention, as we earnestly seek workable solutions. The program contemplated in H.R. 17467 will significantly contribute to such progress without in any way adding another Government department to accomplish tasks already assigned. Rather H.R. 17467 will enable agencies, both public and private, now engaged in these endeavors, to have at their disposal a new and productive information tool, which will help them gain clearer insight and make more competent judgment to accomplish their worthwhile purposes. It is my belief and conviction that this legislation and its implementation through the National Aeronautics and Space Administration will provide a dynamic and positive force giving new direction and impetus to our national aim of finding workable answers to many ills disturbing our economy today.

Efforts in this direction by such a distinguished man as Buckminster Fuller, who has prepared basic data on world resources development, have now proliferated at many educational institutions. This program, known as World Game, which constitutes an initial test operating program for the World Resources Simulation Center, shows signs of becoming a new teaching tool of significant proportion.

It is self evident that young people in every State in the Union are groping for new direction in this troubled world, and I am happy to report that on their own volition students and teachers are already engaged in the World Game and resource simulations which H.R. 17467 envisions on a comprehensive scale.

World Resource Simulation Seminars have been conducted with full documentation in New York and Illinois, and are now spreading to colleges and universities in California, Washington, Massachusetts, Minnesota, Ohio, Kansas, Connecticut, and other States, as well as Edmonton and Montreal, Canada, and Oxford, England.

That space technology can contribute not only to a better understanding of the universe, but to the betterment of mankind on spaceship earth, has long been felt. Now this possibility can become a reality. This is my purpose in introducing this legislation.

At this point in the RECORD, I ask unanimous consent to include the following material which is supplemental to the purposes of H.R. 17467.

**The following is taken from an article in the Reader's Digest, November 1969, entitled "Meet Bucky Fuller, Ambassador From Tomorrow" by Fred Warshofsky:**

Even the most rebellious students find a dynamism and understanding in Buckminster Fuller that they don't expect from anyone on the far side of 30. They are set afire by his current crusade, which, simply stated, is to use the science of design to reform our environment—but in accordance with nature's laws and not man's. The age-old assumption that political reform can bring about peace and plenty is fallacious, he contends. At the root of our troubles is the Malthusian and Darwinian assumption that there is not enough in the world to go around—not enough for even a majority of mankind to survive more than half of its potential life-span. This "you or me to the death" situation leads to showdown by arms. An alternative to politics—the design science revolution—alone can solve the problem.

To demonstrate this idea, Fuller is currently trying to involve the world's leading thinkers and as many students as possible in a Fuller creation called World Game. The goal of World Game is to "predict in advance, and solve before eruption, potential problems associated with world resources and bearing on human poverty and suffering."

This can be done, Fuller believes, by discarding assumptions that there is not enough to go around, and adopting Fullerian theories that we can do more with less. This is to be achieved, says Fuller, by upping the performance per each unit of invested world resources until so much more is accomplished with so much less that a high standard of living will be effected for all humanity. Fuller cites the communications satellite: weighing only a quarter of a ton, it now outperforms the communications capabilities of 150,000 tons of transoceanic cable.

Students and scientists all over the world are now playing World Game. This past summer, typically, after three days of lectures by Fuller on his views of the universe, 22 students spent their vacation in New York City determining a way to provide 2000 kilowatts of power per year to every man, woman and child on earth. The goal was determined when, after developing an inventory of the world's resources, it became obvious to the group that power was the key to making the world work for man. Where enough energy was available, hunger was banished and industry boomed.

The group's "solution" called for a world grid of hydroelectric power. The reasons: water to turn the generators is available in many of the low-power areas of the world; and hydroelectricity has no by-products to pollute the earth.

Eventually, World Game will be computerized so that the hundreds of different possible solutions to the world's problems can be delineated.

**The following is taken from an article in the Saturday Review cover story, May 2, 1970, entitled "Inside Buckminster Fuller's Universe" by Harold Taylor:**

The objective of the World Game is to work out ways of how to make humanity a continuing success at the earliest possible moment—in other words, how to make the world work.

Fuller started a pilot project for the game last summer at the New York Studio School of Painting and Sculpture with twenty-six students from physics, biology, art, architecture, and anthropology in a six-week session, during which he spent two weeks talking about his ideas. The main body of work was done in student research projects on contemporary social and cultural trends, using films, libraries, United Nations documents, and government reports in order to compile specific data about the whole Earth. For example, exact information was assembled on world population growth, the sources and extent of physical energy in the world, the uses of atomic energy as fuel for industrial production, and the amount of protein and food substances to keep the whole world alive at a high level of nourishment. Particular kinds of questions were asked about world trends and facts relevant to preserving the environment, such as how much copper, aluminum, and steel are involved in food production, what the world per capita consumption of fibers is, how much gasoline was burned by cars last year, what are the essentials a country must have in order to industrialize.

Answers to questions such as these became necessary to play the World Game, and the need for investigation of new questions and the invention of new questions and the invention of the questions themselves sprang from the fact that the students, individually and in teams, were out to solve practical world problems, one of which was how to feed the entire world at what the students called a "bare maximum."

Fuller's long-run plan for the project is to have students in universities around the world work at the problems in teams, exchanging ideas and information from country to country, and making proposals based on their studies to the United Nations and the leadership of their own and other countries. To this international information network will be added new information fed into computers from satellite scanners, which, as Fuller points out, are not only collecting shared information about weather trends on a whole-Earth scale, but are inadvertently telephotoing the whereabouts and number of beef cattle around the surface of the en-

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tire Earth, along with the exact condition of the world's crops at each season of the year.

The students in the Studio School World Game worked out preliminary solutions (scenarios) for satisfying what they considered to be the two most vital needs of the world population, electrical energy and food supply, and then went on to preliminary studies of world housing needs, medicine, income, communications, and transportation. They ended the six weeks with presentations of their findings in charts, drawings, graphs, and written statements, having made, in the course of working together, a chart four feet high and sixty feet long around the game room to present some of their basic data for use as they went along.

Each of the students has continued to work on the World Game after returning to his home campus; some are teaching it to others, some are making plans to include it in social science courses as a basic part of the curriculum.

## "THE OLD PRO"—A TRIBUTE TO ROCHESTER, N.Y., SPORTSWRITER AL WEBER

(Mr. HORTON asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. HORTON. Mr. Speaker, when we seek the real value of a man, we always look for the mark he has left. We look at what he has said and his influence on others.

For 40 years Al Weber has been leaving an indelible mark on the people of my 36th Congressional District in New York State. For 40 years Al Weber has covered the sports scene with a style as fresh and sparkling as the day he started.

In his inaugural address on the Capitol steps on January 20, 1970, President Nixon said "Greatness comes in simple trappings."

Al Weber exemplifies these words. His strength is in his words and through them he has had tremendous influence on thousands of young people through the years.

Al does not write for effect. He tells it like it really is. He writes in clear, concise English. There are no flowery adjectives or dangling participles.

When you read a game report or a column by Al Weber, you come away with the feeling that you, too, were really there.

As the former president of the Rochester Red Wings, an International League baseball club and the largest community owned team in the country, I work with Al and came to know him as a close personal friend.

I would like to share with you an article written by a fellow sportswriter of Al's in hopes that you can know him a little better, too. This article by Ralph Hyman, executive editor of the Rochester Times Union, appeared in the first issue this year of "Winging It," the official newsletter of the Red Wings. This newsletter is sent to the more than 8,000 stockholders of the Red Wings as a public service by IMPCO, a Rochester firm dedicated to boosting our local team:

### The Old Pro

(By Ralph Hyman)

In the newspaper game, we've got a name for Al Weber: "the Old Pro."

Some years ago—I think it was in 1955 in Milwaukee—I was standing around the batting cage at the All-Star Game, interviewing Red Schoendienst.

All of a sudden, Schoendienst excused himself. "Ted Williams is taking batting practice now. I never miss an opportunity to watch him."

All conversation stopped, while Red studied the artful swing of the great Williams.

It's like that with Weber. When we don't know—rookies or veterans alike—we ask Al.

If it's a question about sports, especially baseball, he knows the answer or where to get it. And if it's something to do with newspaper technique, he can lend the expertise of four decades of experience tempered by inherent good judgment.

Weber's from the "old school"—never went to college; in fact, never finished high school. After putting in a few innings at St. Michael's and East High, he went to work at The Times-Union and stayed. You might say he found a home!

Baseball is Weber's "bag." In his pictorial history of professional baseball in Rochester, *The Red Wings—A Love Story,* John L. Remington saluted the dean of sports writers:

". . . for four decades, Al has traveled through thick and thin with the Red Wings. Today, his sparkling prose seems just as fresh as the day he started. Weber and the Red Wings go together like hot dogs and mustard."

Weber does not write for effect. He tells it like it really is—clearly, sharply, with few adjectives and no dangling participles. He is a grammarian without really trying!

He's been covering spring training right from the beginning. He and Joe Adams, then writing baseball for the Democrat & Chronicle, drove to the first Red Wing camp together in 1931 at Greensboro, N.C.

"I'll never forget that year," Weber has reminisced. "George Sisler, Jr.'s father played with us. The young ballplayers would gather 'round in the hotel lobby evenings to hear his tales of the big leagues. It was like a grandfather telling his grandchildren what it was like way back when."

Weber isn't one for rattling off "the greatest" this and that. But one of his all-time favorite teams was the Red Wings of 1930, one of four straight pennant winners.

The magnetic Billy Southworth was the manager. Second baseman George (Specs) Toporcer was chosen for the second straight year as the International League's Most Valuable Player, despite the fact that James (Rip) Collins hit .376, 40 homers, and 180 (that's no typo!) runs batted in . . . nine in one game!

Southworth, who played and managed, hit .370. Red Worthington hit .375. Pepper Martin, who thrilled fans with his belly skids on the basepaths, hit .363; Ray Pepper .347; Toporcer, .317; and third baseman Joe Brown, .313.

Paul Derringer was the top pitcher, with 23 wins.

Weber is high on several managers: among them, Southworth, Harry (The Hat) Walker, and Earl (Bucky) Weaver. But "his kind" of manager was the late Johnny Keane, a prince among men, a brilliant strategist.

Keane's 1950 champion breezed to the flag, beating Montreal by seven games. They had four league leaders that year—Russ Derry hit 30 homers and drove in 102 runs; Don Richmond hit .333; and Tom Poholsky scored 18 pitching victories. One of Poholsky's victories was an epic 22-inning struggle in which he bested Jersey City, 3–2.

Nor will Weber ever forget the '52 Wings, managed by Harry, The Hat, and who beat Kansas City in the Little World Series. The star was relief pitcher Jack Crimian. The gutsy righthander shut the gates on Kansas City in almost every game as the Wings, down three games to one, came back to wrap up the title in three straight.

In '53, the Wings won the pennant under Walker with an amazing 27 victories in the final 29 games.

Weber classifies the '66 flag, under Weaver, as the "most unexpected."

"He did it with a bunch of kids who were coming up together: Mike Epstein, Mark Belanger, Mike Fiore, Tommy Phoebus. . . ."

The intriguing part of baseball, to Weber, is "its continuity."

"Day after day . . . it's like a novel unfolding. You never know how it's going to turn out."

## LETTER TO NIXON: ONE CALIFORNIA QUAKER WRITES TO ANOTHER

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, the Davis, Calif., Friends' Meeting has written a letter to Quaker President Richard Nixon which seems to me to give us all food for thought.

There is no way to peace—peace is the way.

Their conclusion is especially pertinent these days when our society is being torn down the middle.

I include the letter in the Record:

Davis, Calif.,
*May 11, 1970.*

Dear Richard Nixon: To express our concern we turn to the words of George Fox, early Quaker, for we are "forced in tender love to your soul, to write to you and to beseech you to consider what you do, and what the commands of God call for. He doth require justice and mercy, to break every yoke and to let the oppressed go free."

Our dreams and hopes have been for a peaceful and loving world in which all men and brothers. In reality we see our brothers slain, and we who remain are torn with anguish. We feel that the democratic process is threatened, that we are out of touch with our leaders, that those leading the nation into war have lost sight of the Asians as people, our brothers.

We are unable to meet our responsibilities as parents, teachers, friends. We feel impelled to disrupt our lives, called upon to act in ways we had never anticipated would be required of us.

George Fox knew "from whence all wars arise" but he said "I live in the virtue of that life and power which takes away the occasion of war."

We implore you to come to the realization that the present course upon which you have embarked is committed to the destruction of human life. Indeed the focus of our lives should be "to come into the covenant of peace."

There is no way to peace—peace is the way.

The Davis Meeting.

## THE BLOODBATH IS NO ANSWER

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, the recent tragic events in Augusta, Jackson, and at Kent State have demonstrated that we cannot conduct a brutal foreign policy without eventually turning the brutality in upon ourselves.

We have seen young Americans acting under color of law, gun down other young Americans with savage and almost random volleys of rifle fire.

Mr. Speaker, this must not happen again. There are other ways of settling

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our differences, there are better ways of controlling and dispersing crowds, and we had better begin to avail ourselves of them. We are now finding the police of Europe, of Japan, and of Hong Kong regarding our police and National Guard in amazement and horror.

This is intolerable.

A recent editorial in one of my district's outstanding newspapers, the Willows Daily Journal, discusses this problem in its usual perceptive and penetrating fashion. I insert the editorial in the RECORD at this point:

### THE BLOODBATH IS NO ANSWER

The "confrontation"—the "bloodbath"—has taken place, and President Nixon must be convinced it will not curb dissent about the Vietnam war, just as Governor Reagan must be convinced it will not restore order on the campus. In fact, as was to have been expected, the reverse is true.

It can be argued, and with considerable logic, that after all, Kent State students and "street youths" started the riot and they used force, reportedly hurling rocks the size of billiard balls at National Guardsmen they had surrounded. It can be argued that, unfortunate as was the incident, the demonstrators asked for what they got: four youths killed, 10 wounded.

Yet, even if at least one of the student victims, a girl, had not been involved in the rioting and opposed to it, few Americans could have stomached the scene of armed men on campus discharging a fusillade of lethal shots into a mass of students, no matter how great the provocation.

Furthermore, it must be apparent even to Governor Reagan who rode into office on a platform to reduce crime and violence, that a "bloodbath," whether he meant that unfortunate term literally or figuratively, is not only no answer; it compounds the problem.

Doesn't it seem obvious that thousands upon thousands of students who a year ago refused to join the revolutionaries are today taking enthusiastic part in the riots, simply because undue force by police and guardsmen have stirred their emotions and subdued their reason?

This is not to suggest that the campuses should be abandoned to the revolutionaries; that rioting, burning, destroying and plundering should continue by default. It should be met with force—but not with guns; not with loaded guns.

Riots such as those which have occurred recently are new to American campuses. They are an old story in other nations throughout the world.

A United Press International report states that European police "use everything from water cannon and police dogs to nausea gas but rarely employ firearms, much less bayonets, in controlling riots." They "long have sprayed demonstrators with water cannon, frequently with the water dyed to help track down the participants later. Tear gas and night sticks are a last resort."

The report says the Japanese riot police have developed "perhaps the most sophisticated form of riot control." They "emphasize restraint, patience and psychology in dealing with some of the most intense student disorders in the world.

"Police move in on rioters together and at a fast trot so the demonstrators are almost always outnumbered and hemmed in.

"The nucleus of Tokyo's riot control unit is a 3,200-man group that trains daily in riot control. A favorite tactic is to move back and forth through a crowd to break it up into small segments. Riot police carry huge metal shields and are experts in use of tear gas and water cannon. If necessary, Tokyo can mobilize 200,000 policemen to deal with a riot. A usual tactic is to deploy police in a defensive position until the students get tired of fighting."

From every indication, U.S. campuses face a long period of rioting, deplorable though the prospect may be. Shouldn't attention be paid to establishing large groups of specially trained police to deal with the rioting students and street people? Shooting, killing provide no answer. They act, rather, as a catalyst, pushing non-violent students into the arms of the revolutionaries and causing far greater disruption, destruction and bloodshed.

The problem, of course, will fall far short of being met by police alone no matter how well-trained and effective.

As Secretary of the Interior Walter J. Hickel pointed out the other day, the nation's leaders, and especially President Nixon, must make a major effort to communicate with the vast majority of students who are not revolutionaries but are joining them in greater numbers through frustration and resentment. The nation cannot long remain strong and constructive with two Americas of adults and youths, any more than with two Americas of white and colored.

## VIETNAM CREATES AN INTERNAL BRAIN DRAIN

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, for years we have been aware that our foreign policy has been depriving us of some of our best young blood. Six or 8 years ago the brightest young college graduates were flocking to the Peace Corps, to the Foreign Service, and to other Government departments. They do not do this any more. Nowadays a large proportion feel they cannot in good conscience have anything to do with the U.S. Government, with the exceptions of antipoverty efforts and those congressional offices that are working to change national priorities.

But this alienation is not confined to the young. A recent article in the Los Angeles Times reports that 12 of Harvard's most eminent scientists, men who have frequently served as government consultants in the past, have informed their former colleague Henry Kissinger that they will no longer work with any branch of the executive department.

The President speaks of the need to avoid humiliation. In whose eyes, Mr. Speaker? We have seen the Cambodian invasion create protest and outcry from the people and the governments of most of the advanced countries of the world. Now we find our most eminent citizens declaring that their consciences do not permit them to serve the executive branch of their own government. Is this not far greater humiliation than anything we could incur by admitting our mistakes?

I insert the article from the May 9, 1970, Los Angeles Times in the RECORD at this point:

### TWELVE HARVARD CONSULTANTS BREAK WITH KISSINGER—ANGRY OVER MOVE INTO CAMBODIA, GROUP PLANS TO SEEK STRONGER ROLE BY CONGRESS

(By Don Irwin)

WASHINGTON.—Incensed by the U.S. Cambodian operation, 12 former Harvard colleagues advised presidential assistant Henry A. Kissinger Friday that they would no longer work with the executive branch of government.

At a luncheon described as "painful," they told President Nixon's assistant for national security affairs that they were concerned that executive prerogatives had swamped those of the legislative branch and felt they should work to strengthen the hand of Congress.

Kissinger, who has called on members of the group to serve as consultants on special projects since he left Harvard to join the White House staff, promised to pass on to Mr. Nixon the message of the meeting.

#### NOT UNEXPECTED

Bitter as the message was for Kissinger, it was hardly unexpected. He is known to be dismayed by a steady deterioration of his relations with the academic community, where he built a distinguished career before he came to Washington.

"I'm not only a friend of Henry's, I remain an admirer and found this a very painful encounter," said Ernest R. May, dean of Harvard College, one of the group who has handled consultants' assignments for Kissinger.

Asked if Kissinger had been notified specificially that no one in the group would henceforth work for the executive branch, May replied: "I assume severance follows but it was not said directly; it was a painful lunch."

"We told him," May said, "first, that we could not comprehend the President's decision on Cambodia. It seemed almost as if the President hadn't known Cambodia was a country. To us the decision made sense only in such a narrow context that it was irrational.

"And it took no account of the role the public and Congress play in defining the national interest.

"We also told him that nearly all of us had been very strong believers in presidential prerogatives Most of us have worked inside government and have felt that the best role we could play was to give responsible advice confidentially to the executive branch

"Now we feel a lack of confidence in the executive branch. We feel the balance now needs to be tipped to the legislative branch."

Before they saw Kissinger the Harvard group visited on Capitol Hill with four senators who have been critical of the Cambodian venture: Sen. Mike Mansfield (D-Mont.), the majority leader, and Sens. Edward M. Kennedy (D-Mass.), Edward W. Brooke (R-Mass.) and Clifford P. Case (R-N.J.).

#### FORMER CONSULTANTS

The group included men who have served as government consultants since the Truman administration.

The other members were: George Kistiakowski, science adviser to President Dwight D. Eisenhower; Konrad Bloch, a Nobel Prize winner in biochemistry; Frank Westheimer, a member of President Lyndon B. Johnson's Science Advisory Council; William Capron, economist and assistant budget director in the Johnson administration; Thomas C. Schelling, economist and frequent adviser to both the State and Defense departments; Francis Bator, economist and deputy White House assistant for national security affairs in the Johnson administration; Adam Yarmolinsky, a lawyer and deputy assistant for national security affairs under President John F. Kennedy; Gerald Holton, physicist; Michael Walzer, political scientist, and Seymour Martin Lipset, sociologist.

## G.I. CONDEMNS WAR FROM GRAVE

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, one frequently hears it said on the floor of this body that our men in Vietnam support our presence in Vietnam, that they were itching to go into Cambodia and clean out the "sanctuaries," and that most of them would like nothing better than to push north to Hanoi or even Peking.

Those Members who believe this to be the case must select their GI's very carefully indeed. They certainly have not talked with the GI's I have talked with.

Today's Washington Post carries a story about a letter written by a 19-year-old Army medical corpsman and left with his parents to be opened in the event of his death. He was killed in Cambodia last week.

The letter says, in part:

> The question is whether or not my death has been in vain. My answer is yes . . . The war that has taken my life and many thousands before me is immoral, unlawful, and an atrocity unlike any misfit of good sense and judgment known to man. I had no choice as to my fate. . . . As I lie dead, please grant my last request. Help me inform the American people, the silent majority who who have not yet voiced their opinions.

Mr. Speaker, how many more 19-year-olds are we going to send to their deaths before we in Washington gain the courage to face up to our mistakes?

I insert the article from the Washington Post of May 19, 1970, in the RECORD at this point:

### LAST LETTER OF DEAD GI HITS WAR

SALAMANCA, N.Y.—"If you are reading this letter, you will never see me again . . . if you are reading this, I have died."

Army Spec. 4 Keith K. Franklin wrote those words Feb. 27, just before he left for Vietnam and a war he believed should never have begun. He wrote them in a letter left with his parents to be opened only in the event of his death.

Franklin, 19, a medical corpsman, died last Tuesday in Cambodia.

His parents opened the letter Saturday, a short time after they were notified of their son's death.

When he had handed the sealed envelope to them, the parents told him, "You'll be back. You'll read it then and have a good laugh about it."

But in the letter they found a premonition of death and bitterness against war and the "war-mongering hypocrites in Washington."

"If you are reading this letter, you will never see me again, the reason being that if you are reading this I have died," Franklin wrote. "The question is whether or not my death has been in vain. My answer is yes.

"The war that has taken my life and many thousands before me is immoral, unlawful and an atrocity unlike any misfit of good sense and judgment known to man. I had no choice as to my fate. It was predetermined by the war-mongering hypocrites in Washington," the letter said.

"As I lie dead," Franklin wrote, "please grant my last request. Help me inform the American people, the silent majority who have not yet voiced their opinions."

Franklin entered the Army in March, 1969. He is survived by his parents, two sisters and a brother.

By his own request he will have a civilian burial.

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## ADDRESS BY LAWRENCE F. O'BRIEN, CHAIRMAN, DEMOCRATIC NATIONAL COMMITTEE

(Mr. PATMAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, I take this opportunity to insert in the RECORD a speech which was delivered by the Honorable Lawrence F. O'Brien, chairman of the Democratic National Committee to the Woman's National Democratic Club.

The speech referred to follows:

### ADDRESS BY LAWRENCE F. O'BRIEN

I had some difficulty choosing a topic for this occasion. Ever since the Women's Liberation Movement declared criminal assault to be a *political* crime, there has been considerably more latitude in subject matter for those who occupy a political platform.

I'm going to forego that particular temptation, however, and talk to you today about economics—the dismal science made doubly dismal by the President's very special brand of economic double jeopardy: the paradoxical and unprecedented spectacle of inflation continuing to accelerate in the face of a rapidly mounting recession.

Six months ago, when Walter Heller talked here about the economic state of our nation, he coined a word that seems specially designed for the vocabulary of a non-economist like myself—Nixonomics.

Nixonomics means that all the things that should go up—the stock market, corporate profits, real spendable income, productivity—go down, and all the things that should go down—unemployment, prices interest rates—go up.

As a man responsible not only for his own personal exchequer, but for that of the National Democratic Party as well, I have a very special concern for the impact of Nixonomics.

Let's take a look at what 15 months of Nixonomics has meant to our economy:

For 32 consecutive quarters—ever since the fourth quarter of 1960—we had sustained economic growth in this country. For 32 quarters, the disposable per capita income in constant dollars—the real take-home pay of a household—went up.

The first decline in the decade occurred less than three months after Richard Nixon assumed the Presidency—in the first quarter of 1969.

For 34 consecutive quarters—ever since the first quarter of 1961—the Gross National Product rose. During the past six months, the GNP dropped from $730 billion to $724 billion, a loss—at an annual rate—of about three percent. This is an even *sharper* rate of decrease than in the last recession—which, by the way, occurred in the last year of the last Republican Administration.

For seven of the last nine months, industrial output has declined and corporate profits—which dropped in every quarter last year—are down 11 percent. Wages and salaries in the private sector are down for the first time since 1965.

For the last seven years of the Kennedy-Johnson Administrations, the stock market registered steady growth and expansion. Last week—despite relaxation in margin requirements—the Dow Jones industrial index dipped below 700 for the first time since April, 1963, for a loss of some 300 points off its 1968 high water mark. Standard and Poor's 500-stock index and other conventional indicators registered similar dramatic losses.

For large and small investors across the nation, it has meant losing close to a third of their invested savings. Stockholders have lost upward of $160 billion since President Nixon took office.

For eight straight years of Democratic Administration, unemployment—as high as 7½ percent during the Republican 1950s—declined steadily. When President Johnson left office, unemployment was at the lowest point since Harry Truman left the White House—3.3 percent.

In 15 months, Richard Nixon—the man who wisecracked in his election eve telethon that the only unemployment necessary to stop inflation was that of President Johnson's economic advisors—has managed to dissipate the hard-won employment gains of the Kennedy-Johnson years so that, today, close to five percent of the nation's working force is again on the street.

Four million people are unable to find productive employment in our fast slowing economy—and many more millions are working shorter hours for less pay while higher living costs take an increasing percentage of their spendable income. Nearly 1.5 million additional workers have become unemployed since the start of the Nixon Administration.

The cost to the nation is tremendous. An unemployment rate of 5 percent means a loss of $45 billion a year in goods and services—a sum that could provide two and a half million critically needed housing units, 120 times what we spend for law enforcement assistance to states and localities, 45 times as much as Mr. Nixon budgeted in the first year of his water pollution crusade, 30 times what the nation spends for higher education, 20 times the federal investment in elementary and secondary education, and three times the amount needed to wipe out poverty.

Let's take a look at some of the other record breaking economic achievements of this Republican Administration.

Item: In 1969, the Federal Reserve Board discount rate rose 12½ percent.

Item: In 1969, the bank prime rate increased 40 percent.

Item: In 1969, banks reported profits 18 to 56 percent higher than those of the previous year.

Item: In 1969, the cost of living was increasing 33 percent faster than it did during the most inflationary of the Kennedy-Johnson years—and over 400 percent faster than the best of those years.

Item: In 1969, the cost of crude industrial materials increased by eleven percent—they went up only two percent in 1968.

Item: In 1969, copper prices went up five separate times for a whopping total increase of 24 percent.

Item: In 1969, the combined impact of points and rising interest rates knocked twenty percent out of the purchasing power of the homebuying dollar.

Today, with interest rates higher than they have been at any time since the Civil War, families who buy a $20,000 house commit themselves to an additional $35,000 in interest alone—money that goes not to the seller, not to the builder, not to the worker, not to the architect—but to the banker. A family that bought this same $20,000 house the month that President Johnson left office would have saved $5,000 in interest alone.

Today the American housewife pays a penny more than she did last year for every egg she buys, over ten cents a pound more for frozen fish and over 13 cents a pound more for pork chops.

If a member of her family is unfortunate enough to be ill and enters one of Washington's hospitals, he will pay $65 for a semi-private room—25 percent more than the same room would have cost him a year ago.

Economists have long warned that there is a price to pay for controlling inflation—a trade-off between the nation's goal of full employment and the re-establishment of a stable dollar.

Nixonomics makes us pay the price—we pay through the nose. But we get nothing in return.

As a result, we have a simultaneous erosion of the dollar, decrease in production and increase in unemployment. Urgent housing and other needs are not met, workers are laid off, and the historic inequities in income distribution are perpetuated as the poor and the unskilled become the first battle casualties in the war against inflation.

We saw that the last percent in the unemployment decline—the drop from 4.5 percent to 3.5 percent—had a substantially greater impact among the hard-core un-

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employed than among other groups. Conversely, we are seeing a disproportionate jump in unemployment among this same group as the figures reverse and the last to be hired are the first to be fired. Consider, for a moment, the catastrophic impact the present recession has had on the JOBS program, the highly promising campaign initiated by the Johnson Administration to hire the hard-core unemployed.

In the battle against inflation, notes John Gardner, "It is not enough to smile bravely and tighten the belts of the poor."

A healthy economy is much more than a stable dollar and full employment; it is important not just in terms of the health and welfare needs—the human needs—of our citizens. Economics is not just how much, it is also what for.

A sound economy swells the federal pocket with funds that can be spent on air and water pollution, on law enforcement support, on education and manpower training and all the other programs to which a truly civilized society accords first priority.

If this nation to to meet its critical domestic needs, it must grow vigorously—and allocate wisely.

It is time that the American wage earner and the American consumer and the American investor demand that Mr. Nixon use the truly awesome power of the Presidency—the power he did not hesitate to use in expanding the war in Southeast Asia—in the critical domestic battle for a healthy economy.

It is time to abandon the low profile and the calculated neglect that have characterized the Republican approach to inflation and recession alike.

The chorus of concern is now rising from the ranks of impeccable Republicans, as well. Former Presidential Counselor and now Chairman of the Federal Reserve, Arthur F. Burns, and HUD Secretary George Romney have urged upon the Nixon Administration some form of voluntary wage-price controls to buttress the Administration's total reliance upon fiscal and monetary policies to curb inflationary pressures.

When you consider what the President has NOT done in the battle against inflation, it is only surprising that Burns and Romney waited this long to speak out against these misguided Republican economic policies.

There is, for example, considerable evidence that American corporations and labor unions respond affirmatively when the President asks them to act in the public interest by exercising voluntary restraint in pricing and wage policy.

Arthur Okun, former chairman of President Johnson's Council of Economic Advisors, has come up with some significant figures in this regard.

He listed key industries affected by "jawboning"—the industries that President Johnson challenged to hold fast on wage-price guidelines.

Mr. Okun's figures show that this moral pressure—this "jawboning"—is highly effective—Mr. Nixon's attacks on this policy notwithstanding. In 1968, these key industries raised their wholesale prices by an average of only one percent—substantially *less* than the price rise in those industries not affected by "jawboning."

During 1969—under the new look-the-other-way rules of Nixon-omics—these same key industries jumped their prices an average of six percent—*more* than the average rise in other prices.

Here is another example of Presidential inaction on the inflation front: last year our Democratic Congress provided the President with the authority to impose selective credit controls. Such controls, applied to business investment and inventory build-up, could have been of real help last year. They could have eased the credit crunch for consumers, for state and local government, and for the building industry—now suffering an 8.1 percent unemployment rate.

But the President publicly refused to use this anti-inflation weapon when it could have helped.

The President showed similar lack of leadership in fiscal policy.

Despite the demonstrable need in 1969 to continue the ten percent surtax, the President waited a full quarter of a year before making a recommendation to Congress—and when he finally did so, he recommended cutting both the amount and the applicable time of this valuable anti-inflation tool by fifty percent.

Had the President acted with decision and dispatch in these three key areas—jawboning, selective credit controls and tax policy—there is a good chance that today's economy would be on the way to the recovery so confidently and repetitively predicted by the President and his Republican advisors.

Instead, Republican leaders are reduced to following Senator Aiken's strategy for peace in Vietnam—"Let's declare Victory, and get out!"

An example of this technique translated into economic terms is House Minority Leader Gerald Ford's statement after a White House briefing on the economy in March of *1969*, and again in March of 1970. Inflation, the Congressman announced on both occasions, one year apart, has passed its peak, everything is under control.

Same precarious economy, same statement, same man. Only the date had been changed to protect the guilty.

And, of course, you recall Mr. Nixon's confident advice about the stock market. On April 28 he allowed as how stocks were a good buy. "Frankly, if I had any money I'd be buying stocks right now," the President said. And then the market promptly dropped another 10.82 points the same day. Those of us old enough to remember President Hoover's similar remarks might have thought it all a bad dream—except we aren't sleeping.

The collapse of the financial community's confidence in the policies of the Nixon Administration has become so acute that the U.S. Treasury nearly failed to execute a $3.5 billion borrowing—the first time this has happened in modern financial history. Only a hurriedly organized rescue operation by the Federal Reserve averted this financial disaster.

There *is* a way out of this economic bog. The President can still enlist the responsible majority of business and labor leaders in the effort to bring the wage-price spiral under control. It is high time this Administration involved itself in price and wage movement in key sectors of the economy.

It is high time the Administration took a hard look at the inflationary aspects of government policies with respect to procurement, subsidies, anti-trust enforcement, trade restrictions and the like.

Relying exclusively on monetary and fiscal policy—as the President is doing—is fighting inflation with one arm strapped behind our back. By excessive dependence on tight credit as the primary inflation control, the President is junking the healthy economic growth of the Kennedy-Johnson years and leading us back into the sluggish economy of the Republican 1950s.

The President has another essential duty: he must generate an atmosphere of confidence—an environment of positive action—surrounding his performance in all areas of national policy. By his words, and more importantly by his deeds, the President must demonstrate that he knows what he is doing . . . and where he is going.

The events of the past two weeks have brought to the surface a concern which many of us have felt with growing intensity for the past year . . . that the President lacks a vision—a set of fundamental beliefs—about where this country should be headed in these difficult and dangerous times.

A President who, in the period of ten days, suddenly reverses national policy and launches a surprise invasion of a neutral country—without consulting Congress or even some of his principal advisors—inevitably raises profound doubts about the quality of his leadership.

A President who tolerates in his Administration the most confusing and ambiguous pronouncements in such vital areas of national policy as the economy, urban affairs, dissent, equal rights, education and law enforcement inevitably raises profound questions about his ability to manage the executive branch, not to say anything about the rest of the nation.

Brought on by the deepening economic crisis which grips America, but fueled by the Nixon Administration's equally grave failures in almost all other policy areas, the American people are now asking: Is this any way to run a country?

The American people are now asking: How long can a Party and a President run a country on broken promises alone? In my opinion, two years is about the maximum. After that, they start losing elections.

And that's just what's going to happen this November. We Democrats are going to present the American people with some alternatives to the Nixon program . . . and the American people are going to present the Congress with some alternatives to the Nixon Republicans.

And after that . . . On to '72.

## THE MENTAL RETARDATION FACILITIES AND COMMUNITY MENTAL HEALTH CENTERS CONSTRUCTION ACT

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

(Mr. HARSHA. Mr. Speaker, on March 4, 1965, Mr. Martin A. Janis, director of the Ohio Department of Mental Hygiene and Correction, testified before the House Committee on Interstate and Foreign Commerce in support of legislation to provide staffing of mental health centers authorized by Public Law 88–164, the Mental Retardation Facilities and Community Mental Health Centers Construction Act.

At that time Director Janis stated, and I quote from his testimony:

> We can turn the flow of mental health services dollars to better use if, through passage of this bill, we are given necessary aid that will permit immediate development of the Community Comprehensive Mental Health Center.

Now, 5 years later, it gives me great personal satisfaction, as a representative of the Ohio congressional delegation, to report on the progress the State of Ohio has made in utilizing this "seed money" for construction funds for community facilities for the mentally ill and mentally retarded. Ohio has indeed fulfilled Director Janis' prohphecy that this legislation would stimulate local and State funding.

Let us examine the record. From 1965 through 1969 a total of $3.5 million was allocated to Ohio in Federal construction funds for community facilities for the mentally retarded. Ohio communities matched this with an additional $9.4 million to develop 17 projects, representing a total construction cost of $12.8 million. Included in these projects is the construction of training centers, sheltered workshops, and residential centers for the trainable mentally retarded. Ohio has more such training centers under construction than any other State in the Nation.

From 1965 through 1969 Ohio received $9.6 million in Federal construction funds for the construction of community mental health centers. This was matched by $10.3 million from Ohio communities to develop 16 projects, representing a total construction cost of $19.9 million.

Thus, in the construction of community mental health and mental retardation centers, "seed money" provided by the Federal Government from the enactment of Public Law 88–164 through 1969 represented a total of $13.1 million which was matched by Ohio communities with $19.7 million.

But this is only part of the story. The citizens of Ohio in November of 1968 amended the constitution of Ohio to provide for a permanent ongoing capital improvement fund for mental health and mental retardation projects to be administered by the Department of Mental Hygiene and Correction. As a result, for 1970 and 1971 the State of Ohio has provided $18.8 million for the construction of mental health projects and $16.5 million for the construction of mental retardation projects, which means that the State of Ohio is contributing as its share during the next 2 years a total of $35.3 million. In addition, local communities will match these funds with an equal amount. According to the best projection, the Federal funds for these 2 years made available to Ohio will approximate $3.8 million.

There is one project in my congressional district which I believe merits particular mention as it provides a perfect example of the stimulation that "seed" grants can bring about. The Clermont County Board of Mental Retardation has proposed the establishment of a new school facility to meet the needs of the mentally retarded of the county. This proposed facility will serve 200 retardees and will afford an opportunity to expand present diagnostic services and accelerate and sophisticate the various training programs now available to the retarded. Such a school is urgently needed if we are to provide minimal adequate facilities in this area.

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The support of the residents of the community for this project was strongly evident last fall when the voters approved two bond issues to provide for the construction of this modern facility and its yearly operating expenses. While the limited Federal funds allocated to the State of Ohio under Public Law 88–164 made Federal assistance in this instance impossible, the State of Ohio is now able to provide matching funds for projects such as this up to 50 percent of the approved total cost. Thus, funds to make this project a reality will be available.

The really remarkable progress which has been made in Ohio toward meeting the long-neglected needs of the mentally ill and the mentally retarded would not have been possible without the dedication and hard work of many knowledgeable leaders in the field of mental health, such as Mr. Janis on the State level and Mr. John Mackey of Clermont County on the local level. They, along with many other distinguished leaders in this field, are to be commended for their dedicated efforts to bring a better life and a more promising future to our mentally ill and retarded citizens.

In my remarks I have referred only to the outstanding progress which has been made in my own State of Ohio toward providing adequate facilities and training for the mentally ill and mentally retarded. I am confident that similar progress has been made in many of our other States. While the funds provided by Public Law 88–164 are not adequate to meet all of our extensive needs in this area, the "seed" money provided by the Federal Government under this legislation has been largely responsible for stimulating States and local communities to take necessary action to provide for matching funds to finance training centers, sheltered workshops, residential centers for the trainable mentally retarded, and other essential facilities. If we multiply by 50 the outstanding progress which the State of Ohio has made in this area, the result would be truly impressive.

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## SUPPORT NATIONAL GUARD

(Mr. HARSHA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARSHA. Mr. Speaker, I am deeply shocked and saddened by the death of the four young students at Kent State during the recent campus disturbances there. I am, however, equally concerned about the great deal of undue criticism of the National Guard troops assigned to duty at Kent that weekend.

Too many newspaper, radio, and television accounts distorted the facts of the tragedy and focused only on the day those four students died and others were wounded. Too often, they are quick to criticize the National Guard for firing into the crowd. This is unfair, for that weekend of campus disorders at Kent was the culmination of 2 years of sporadic outbursts of protest and sometimes violent confrontation. Furthermore, the Ohio guardsmen on duty there were under an unusual amount of tension and stress and were subjected to a great deal of violence and abuse by the protestors. There is evidence that what happened at Kent might not have been a completely spontaneous, purposefully peaceful demonstration prompted singularly by the movement of American troops into Cambodia.

I think it is vitally important to take all of these factors into consideration, especially the violently hostile attitude of the Kent State students toward the National Guard, to put the incident into the proper perspective.

As early as November 1968, the SDS was actively sponsoring protests at Kent State. The first was aimed against police recruitment on campus. Six months later, two more violent confrontations followed. In the first, on April 8, 1969, an SDS-led group of demonstrators clashed with the police during a protest in which the students demanded the abolishment of ROTC, a crime laboratory and a law enforcement training school at Kent. Many students were arrested on assault and battery charges and as a result, the SDS was banned from the campus. Eight days later another demonstration was held, after which four of the students charged with assault and battery in the previous melee were also charged with inciting to riot. These four were convicted, sentenced, and jailed on both counts for a total of 7½ months.

I find it particularly interesting to note that all of these demonstrations were directly leveled at our law enforcement and military segments of society. This obvious disrespect for the democratic methods of maintaining law and order and protecting our country has, I believe, grave significance on the events which followed:

On April 10 of this year, "Chicago Seven" radical, Jerry Rubin, addressed a rally at Kent. In it, he urged the audience to "kill your parents" and "break every law, we have got to all become criminals."

Nineteen days later, the four students jailed as a result of the 1969 demonstrations were released from the Portage County, Ohio, jail. Their release was, I might add, only 2 days before the disturbances began at Kent that ended in the fatal shootings. I understand that there are five sworn affidavits attesting to the fact that these same individuals, who had been barred from the Kent campus, were seen on it during the recent riots.

The events of that tragic weekend began on Friday, May 1, when disorders broke out in downtown Kent. It is important to note, however, that the National Guard was not summoned to the campus until the following night and only after demonstrators burned down the ROTC building and even attacked and injured the firemen trying to squelch the blaze. Students even used a machete to destroy the fire hoses and other fire fighting equipment. Certainly, such violence was beyond all justification, and under those circumstances, I think it was necessary to call in the National Guard to restore law and order and allow the university to remain open for the many students who were there for an education.

At the time the guard unit of about 50 men opened fire on the students the following Monday, they were surrounded by 400 to 500 demonstrators—with an additional 1,000 students standing or milling about in close proximity to the hard-core operators. These demonstrators were known to have walkie-talkie communications and they hurled such weapons as bricks, rocks, clubs, and railroad spikes at the guardmen, inflicting injuries upon many of them.

This spontaneous demonstration has even less credibility when one considers the fact that one-half ton of bricks and rocks were removed from the roof of one of the dormitory complexes. They had been piled there along with supplies of food and water, apparently as a fortification or place of retreat. This suggests that the demonstration was planned long before the Cambodian announcement. Sawed-off shotguns and rifles, together with other lethal weapons, were also confiscated. Such evidence cannot discount the reports of a sniper firing first at the National Gaurd causing them to return the fire in defense of themselves. A doctor who was a combat medical officer in the war, treated one of the wounded students and he says unequivocally that the wound was not from a military weapon, giving credence to the report that shots were fired by other than the National Guard.

With all due consideration to all of these factors that led to that tragic Monday, I do not believe that the National Guard can be blamed for what happened. Furthermore, they deserve our support, for they were doing what they had to do to restore law and order to the Kent campus. It is unfortunate that the consequences of the student violence were so high, but I believe that perhaps a difficult lesson was learned by all. We have given the responsibility to the National Guard to maintain law and order in times of turmoil and it is necessary we put full confidence and support behind them in their difficult task.

## VETERANS "JOB MART" — CREATIVE USE OF THE VA'S RESOURCES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, April 22 was more than Earth Day. For the Nation's veterans that day was much more important than the event which captured the attention of most of the press.

On April 22, approximately 1,300 veterans turned out for a 2-day "Job Mart" in Washington, D.C., held under the joint sponsorship of the Veterans' Administration, the District of Columbia Manpower Administration, and the District of Columbia Department of Veterans' Affairs.

The gathering of job-seeking veterans was the result of a "pilot program" directed at finding jobs for those men who have served their country in the military services. Project Director Richard Gillespie reported that some 3,000 jobs were available for qualified applicants that day. Veterans who did not receive referrals at the Job Mart itself will have their qualifications matched by computer with job orders in the Veterans Assistance Center. In my opinion, this program is one of the best examples of the creative use of talent, time, and money by the Federal Government.

Unfortunately, I was not able to attend the opening of the Job Mart but I have received a report on the activities of the 2-day affair from Mr. J. H. Hubbell, manager of the Veterans Benefits Office, which I know our colleagues will be interested in reading.

The report follows:

### VETERANS ADMINISTRATION NEWS

Approximately 1,300 veterans turned out for a two-day Job Mart held in the Old Pension Building on G St., N.W., April 22–23, under the joint sponsorship of the Veterans Administration, the D.C. Manpower Administration and the D.C. Department of Veterans Affairs.

VA Administrator Donald E. Johnson said that early indications are that it was the most successful job mart ever held, and that the Washington, D.C. effort will be regarded as a pilot program for the East Coast.

Project Director Richard Gillespie of the Veterans Benefits Office, 2033 M Street, N.W., said that some, 3,000 jobs were available for qualified applicants. Veterans who did not receive referrals at the Job Mart itself will have their qualifications matched with job orders in the U.S. Veterans Assistance Center computer job bank at 25 K Street, N.E., for possible future employment, Mr. Gillespie said. Thus, it will be some time before a complete evaluation of the project can be made, he added.

About 1,650 of the 3,000 jobs are available with the D.C. and Executive (White House) police forces.

More than 50 Metropolitan Washington business firms and Federal and district agencies had job interviewers on duty both days of the Job Mart.

James H. Hubbell, manager of the Veterans Benefits Office in Washington, noted that a number of those who appeared at the Job Mart were already employed but wanted to upgrade their present employment. In addition, he said, some were still members of the Armed Forces and were testing the labor market for future employment possibilities.

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VETERANS' ADMINISTRATION,
*Washington, D.C., April 30, 1970.*

Hon. JOHN P. SAYLOR,
*House of Representatives,*
*Washington, D.C.*

DEAR MR. SAYLOR: Your expressed interest in the Job Mart held on April 22 and 23, 1970, at the Old Pension Building at 440 G. Street, N.W., here in our nation's capital is sincerely appreciated.

In response to your request for a report on the Job Mart for insertion in the Congressional Record, I am happy to enclose a copy of the report which I have just submitted to the Administrator of Veterans Affairs, Donald E. Johnson.

His interest in the Job Mart is reflected not only by his request for the enclosed report, but by his leading participation in the ribbon-cutting ceremonies officially opening the Job Mart.

As you will note, this report goes beyond a mere chronicling of activities on April 22 and 23 to place the Job Mart in its proper perspective as a specially-promoted, single-event highlight of the on-going and continuing job counseling and placement efforts of the Veterans Benefits Office.

The principle thrust of the report, of course, relates to the most successful two-day Job Mart, including its purpose, the preparations involved, the pay-off participation by interested veterans, and the planned follow-thru that is already underway.

Thank you again for your interest in this particular project and for your continuing support of VA programs for the benefit of America's veterans, their dependents and survivors.

Sincerely,

J. H. HUBBELL,
*Manager.*

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### REPORT ON VETERANS JOB MART AT OLD PENSION BUILDING

(By J. H. Hubbell)

Having led the array of dignitaries who participated in the ribbon-cutting ceremony opening the April 22–23, 1970 Veterans Job Mart at the Old Pension Building in our nation's capital, you know of the generous and, of course, essential cooperation which our Veterans Benefits Office received from the District of Columbia Government, Civil Service Commission, Veterans Employment Service, and D.C. Urban League.

And having seen several hundred veterans in attendance during the opening hour, you can appreciate the invaluable assistance we received from countless nongovernmental sources in getting the word to area veterans about the Job Mart.

The Job Mart concept was pioneered by the Veterans Administration in San Francisco and Compton, California. I am especially proud, however, that the April 22–23 event here marked the first time that this approach to bringing veterans and jobs together was tried on the East Coast.

In order that they may be properly and officially credited and thanked for their participation in the Job Mart, I am including as part of this report a list of individuals and organizations who made especially significant contributions to the success of this event.

Not listed individually are the 23 key officials in Veterans Service Organizations, 46 officials in Civic Associations, and the clergy in 132 churches who responded promptly and fully to our request for their assistance in notifying veterans of the Job Mart, particularly its location and dates.

Illustrative of the close and continuing interest of Congress in the welfare of veterans, including their gainful employment, was the presence at the Job Mart of Capitol Hill officials.

Obviously, the advance publicity given the Job Mart by the community's news media contributed significantly to the turn out of more than 1,400 veterans during this two-day event.

Also a factor, however, were the more than 3,300 individual letters sent out in advance to area veterans by the District Unemployment Compensation Board, the D.C. Urban League, and the Veterans Benefits Office.

The Job Mart had two principal objectives, both of which were achieved as a result of the encouraging turn out of veterans.

The first was to give as many veterans as possible the opportunity to meet personally with prospective employers.

The second, and perhaps more important in terms of the long-range welfare of our returning Vietnam veterans, was to emphasize to area employers the genuine employment needs and desires of these patriotic young Americans.

I am sure you will be pleased to learn that 39 area employers were represented at the Job Mart. An additional 40 employers sent in Job Orders. Thanks to the cooperation of the Civil Service Commission, 19 Government Agencies were also represented.

Of the 1,400 veterans who attended the Job Mart, an estimated 600 were referred for selection for specific vacancies.

It should not be inferred, I hasten to point out, that the remaining 800 went away empty handed.

They also had an opportunity to talk with a Job Counselor or Employer. In most cases, however, these applicants were already employed and were visiting the Job Mart in hopes of upgrading their present employment, or they were still in service and were exploring future employment possibilities.

The success of the first Job Mart in our nation's capital would seem to suggest other Job Marts in the future.

Meantime, VA representatives at the Washington, D.C. United States Veterans Assistance Center, (USVAC), located at 25 K Street, N.E., under the direction of VBO, will follow-up with all employers represented, both government and private industry, to learn definitively how many veterans they hired. We also intend to ask them whether they would participate in future Job Marts. Of course, their suggestions as to how this type of approach to matching veterans and jobs can be improved will be welcomed and invited.

The veterans who attended the Job Mart and left their employment history statements will also be contacted and asked their reaction and whether they desire further employment assistance.

In conclusion, permit me to point out that while the Job Mart undoubtedly will result in employment for a number of veterans, this event, even if repeated, is not, and was never intended to be, a substitute for the day-to-day efforts of USVAC to find suitable ememployment for our returning Vietnam veterans.

That the nation's capital USVAC is succeeding in this vital task is evidenced by the fact that in the current fiscal year alone nearly 700 veterans have obtained employment following their visit to the USVAC.

### INDIVIDUALS AND ORGANIZATIONS MAKING EXTRAORDINARY CONTRIBUTIONS TO THE SUCCESS OF THE WASHINGTON, D.C., JOB MART, APRIL 22–23, 1970

Honorable Walter E. Washington, Mayor of the District of Columbia.

Horace R. Holmes, D.C. Manpower Administrator.

A. Leo Anderson, Director of the D. C. Department of Veterans Affairs.

The Honorable James E. Johnson, United States Civil Service Commissioner.

William C. Syphax, Veterans Employment Representative for the District of Columbia.

Lavell Merritt, Veterans Affairs Coordinator for the D. C. Urban League.

WFAN-TV.

WMAL and WMAL-TV.

WTTG-TV.

WTOP.

The Washington Post.

The Evening Star.

The Washington Board of Trade.

American Red Cross.

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## DECLINING AIR SERVICE TO THE NATION'S SMALLER CITIES

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. SAYLOR.** Mr. Speaker, several days ago Mr. John G. Adams of the Civil Aeronautics Board gave a particularly penetrating speech concerning the changing pattern of air service and the disastrous effects of the change on the service available to the residents of small cities.

Speaking before the Association of Local Transport Airlines in New Orleans, Mr. Adams called a spade a spade in relating the decline of passenger service to cities such as Johnstown, Pa., which is in my congressional district. He said, and I concur entirely:

> I am very uneasy about what appears to be a steady, piecemeal, and uncoordinated leaning by local service air carriers away from their service obligations to smaller cities, and I'd like to see it reversed before it becomes of runaway proportions.

Part of the problem faced by the little cities can be traced to the airline industrywide disease known as "jumboitis." In order, it seems, to take advantage of the economies of scale in the aircraft industry, carriers are relying more and more on the larger aircraft. On paper, I am sure this makes sense to the industry's accountants and bankers even though it works to the disadvantage of the commercial air traveler. Naturally it does not make economic or horsesense for a 100-plus passenger airplane to fly a short distance to pick up and/or discharge one or two passengers. On the other hand, it does not make sense in this day and age of technological wonders, for cities to be isolated. A policy of CAB encouragement of smaller plane based operations seems in order and long overdue.

Commissioner Adams does not express such a policy in his speech but it is clearly indicated. Since most of our colleagues represent cities in the small population range and face an uncertain air service future, I have added to my remarks the full text of Mr. Adams' provocative and valuable presentation and urge its close study by all Members of the House.

The speech follows:

### REMARKS OF JOHN G. ADAMS

I want to talk to you for a few moments about the changing pattern of air service which may be ahead of us during the next ten years—that is, during the decade of the 1970s. And particularly I want to talk a bit about the commercial aviation future of about 100 cities. I'm not talking about cities like New Orleans, and Atlanta, and Seattle, and Boston. I'm talking instead about four or five score towns and cities whose populations vary from perhaps 15,000 to 50,000. Towns in which the trunks lost interest one or two decades ago, and which many of you now, in your planning for the 70's, are speculating about abandoning.

The air carrier industry has problems today, not just your segment, but all of it.

One segment says the government has put in too much competition against it and thus reduced profit opportunities. Another says that illegal charters are killing them. A third one says that it needs a protected market and broadened authority.

Look at the local service sector of the industry. Your troubles are not minor. Your investment in flight equipment rose from $133 million at the end of 1965 to $541 million at the end of 1969, a quadrupling of the original level. Your debt rose from $110 million in 1965 to $550 million at the end of last year, a four-fold increase. Interest expense during the period increased by a factor of eight, rising from $5 million in 1965 to $41 million in 1969. These sizable increases in the flight equipment and related accounts reflect, in the main, the continuing acquisition of new jet powered aircraft throughout the period.

The law makes clear that the Board may not control air carrier equipment acquisition. Admittedly you often come in and make a presentation of your plans, but you are not seeking Board permission; you are just telling us of your program.

And, in moving as you did to an inventory of turbo props and pure jets, you increased your investment base, and thus your return requirement significantly. Thus in today's climate the $400 million increase in the investment base attributable to purchases of flight equipment over the past four years would, in theory, generate an additional subsidy requirement for return and taxes of between $50 and $60 million. This, obviously, has much to do with the economic pinch so prevalent among the local carriers today.

These equipment decisions also brought on other problems. In your case, too much competition has not been put against you. Rather, you are the competition put on previous non-competitive trunk segments of others. Nor are excessive or illegal charters to dilute your loads a problem with you. Rather, you suffer from decreasing load factors caused by the new equipment just referred to, plus other things. The average passenger load factor of your segment, which had reached 50.2% in 1966, dropped to 43.1% in 1969, with individual carriers ranging from 39.4 to 47.4%. And then the whole problem was compounded by three unexpected new factors. These were the staggering increase in the cost of money, and in the cost of services and labor, plus the unforecasted fall-off in traffic growth we have seen in the past year.

Clearly the present economic situation, whatever its various causes, is the most important single problem facing the local service industry.

What steps has the Board taken and can it take in the future to ameliorate the situation? What steps can and should be taken by the industry and by the Congress?

I am inclined to believe that short-haul fares are approaching the top limits to which they can reasonably go for the immediate future.

At least one of your presidents is of the firm view that the higher fares have driven passengers off the airlines and back to the highways in many short-haul markets, and I think he may be right. I have been told this in very harsh terms by Chamber of Commerce representatives in some of the smaller cities I have visited this past winter. So, where else do we look?

The Board's route strengthening policy has resulted not only in granting new routes in the local carriers' own general areas, but also, in many cases, in extending the local carrier out of its territory and into a major hub.

In 1969 Mohawk was extended from upstate New York points to the Twin Cities and to Chicago; North Central was given Twin Cities-Denver authority; Ozark was brought from Iowa and Illinois to Washington and New York; Piedmont was given a route to Chicago; Southern saw added to its system St. Louis, Chicago and Miami; and Texas International was extended north to Denver and west to Los Angeles. A year earlier Allegheny had been extended north to Albany, and southwest to Memphis, and somewhat earlier Piedmont and Southern reached Washington and New York.

The theory behind such awards was supposed to be that they would be highly profitable and would in part make up for losses sustained by the carrier in serving small communities and short-haul routes.

But what bothers me is what appears to be a tendency of some carriers to accept these lucrative awards and at almost the same time seek to get out altogether from the towns the award was supposed to pay them to serve. One of your members was before us a couple of months ago, within weeks of having begun such a new service, and said that he would concentrate on building this route but would probably shortly be before us for permission to drop some loss towns. In my opinion this just won't do.

To me "dropping" is not the solution; but "remodeling" may be.

There is no escaping the fact that services to large numbers of towns are going to be loss services at any reasonable fare, and many would be even at unreasonably high fares. The question presented is, who will pay the piper? If these loss services are to continue, they must be subsidized directly or indirectly by someone: the U.S. Government, the local community, or the stockholders. I think you will agree that in 1969 your stockholders provided a very substantial portion of this subsidy. We, that is, we the regulators, you the carriers, and the towns who are the users, are faced with a four-pronged dilemma—either raise fares to make the route profitable; let the carrier lose money on it; get out of the town; or subsidize it in some form or other.

If we can raise local fares no further, as I think we cannot on any broad scale sufficient to make a dent in the problem; and if your stockholders' ability to absorb these losses has reached its limit, as I think it has, we have before us only two other choices, discontinuation of service, or some more successful and satisfactory type of subsidization.

One of your presidents told me recently that if he could choose 15 towns on his system at which to discontinue service he could go off subsidy. And I suspect he was correct.

But if we did that—if we let him out of those 15 towns, and then did the same thing for eight other carriers, we might fairly quickly discover around 100 towns which would lose air service altogether.

This is not a solution I would favor, but it probably would end the federal subsidy program. And the primary purpose for which your segment was certificated—to bring air service to smaller cities—would disappear.

Further, I don't believe that the Congress which appropriates the subsidy funds, nor any of the involved state governors, nor the communities who depend on the service, are ready suddenly to reduce the total number of towns in this country which receive air service by about 20%. There must be some other way.

The two most promising things that I have been able to think of involve the extensive use of small aircraft One would be by the massive substitution of a third level of service over loss segments and to loss towns with some sort of subsidy type support involved. The other, of course, would be an expansion of the sort of small aircraft program within your own system that at least two of you have already started.

The beginnings of a "subcontract" type arrangement were first authorized in October 1967 when Allegheny was permitted to suspend at Hagerstown. Its service was replaced by Henson Aviation. Since then, Allegheny had made similar arrangements at 11 other points, Mohawk at two points and North Central at three points. Frontier had been authorized to suspend at two points, until three weeks ago, when the Board authorized that carrier temporary suspension at seven points in Montana and one in North Dakota. But this is only a scratch on the surface, and in each instance has been developed entirely by the private sector.

We remember when the appellation "feeder airline" was applied to the local service carriers. But you cannot economically "feed" thin markets with a DC–9, a Boeing 737, or even with a Convair 580. Your equipment acquisition program of the past five years has completely changed your identity. What must be done is to find a way to utilize economically small aircraft such as the Carstedt, which Apache is using at the Frontier points in Montana; the Twin Otter, used by Executive; or the Beech 99. And of course there are many other types of low cost small aircraft still in the developmental stage.

What I am suggesting is either a large scale use of small aircraft by your own company, or, and equally as interesting, a stronger movement in the direction of relieving the locals of service at loss points and the substitution of commuter type airlines in their stead, but with the local service carrier retaining the certificate responsibility, and required to resume service if the substitute faltered. And I think some sort of financial incentive both to the local carrier and to the substitute carrier would make sense.

What kind of additional points would be suitable candidates for this type of substitute service? First we might look at the number of cities which generate less than 15 passengers a day. Of the 517 points served by the local service carriers, at last count 120 points were generating less than 15 passengers a day. We are therefore talking about approximately 20% of the air transportation system of the 48 contiguous states.

In some cases a third level carrier could eventually operate these substitute services profitably, with an increase of schedules for the traveling public and to the advantage of the certificated carrier which is relieved of a loss segment.

In many other cases, however, owing to weather, terrain, sparse population and traffic patterns, such carriers cannot operate at a profit while charging any reasonable fare. I suspect this would be particularly true in some of the sparse areas of the southwest and west. And so I wonder if a plan could not be devised to recognize reasonable subsidy payments or guarantees by local carriers to commuters as legitimate operating costs of the local carrier. I think it would be simpler if the Board could avoid moving to a large scale subsidy program of an entirely new class of carriers. The local service carrier would have the responsibility of administering the payments and of ensuring that the air taxi was performing the agreed level of service, agreed to both by the communities, the carriers and the Board. The local service carrier could be paid for administration, and the total subsidy figure could be an amount necessary to make the air taxi whole, with a reasonable profit. The incentive to the local carrier would be his opportunity to get rid of the drag on profits these loss points now place on him. The plan could go even one step further by some sort of community participation in the subsidy through favored treatment of the commuter at municipal airport facilities.

In advancing this thought I do not mean that every town under a certain size or quantum of traffic should immediately be transferred from a route operator to be a commuter-served community. Many of them are part of strong segments and probably will and should stay as they are. But what I am talking about is the many towns where two round trips (four departures) of a very heavy airplane, 737, DC–9 or a turbo prop, may be boarding only two or three people each departure, and where the traffic support on either or both sides of the town is equally sparse. Their problem is often further complicated by stage lengths of less than 100 miles.

It is possible that such a proposal, if widely used, would require some re-examination of current statutory authorities, but I would hope that a sound program would receive a sympathetic hearing in the appropriate forums.

Also I am not unaware of the difficulties inherent in such a program due to the uneasiness of your pilots who may think their long term job opportunities are threatened by the elimination of heavy aircraft in favor of smaller, or, even, by the transfer of route segments in toto to non-company operations.

But all of these problems must be faced, and somehow solved.

I want to make it clear that I am not advancing any CAB approved plan for changing the type of service to 20% of our towns. These thoughts are purely my own. I am very uneasy about what appears to be a steady, piecemeal, and uncoordinated leaning by local service air carriers away from their service obligations to smaller cities, and I'd like to see it reversed before it becomes of runaway proportions.

Had I been a local service airline president in 1965–67, I am sure that I would have been in the forefront of those moving to jets. And were I a local president today, I would most likely be trying very hard to exploit those dandy new route awards the Board gave me, and at the same time I'd be trying to get out of loss segments and unproductive towns. I would be, just as you are, responsvie and sensitive to the demands of your lenders and your stockholders.

But I am not so situated. My mandate is different from yours. The law imposes on me, and on my four colleagues, a requirement to foster development of an air transportation system best suited to the needs of commerce, the postal service, and the national defense of the United States. At least from my point of view, such a pattern would require a continuation of some satisfactory type of air service to smaller cities, particularly those in some isolation who may already have lost their historic public transportation with the steady decline of rail service and, more recently, of bus service as well.

For us at the Board to meet this transportation mandate successfully in an era where tremendous financal streesses are being placed on the viability of all segments of the air transport system is not easy. And in the specific area I have been talking about today it will be particularly hard. No community wants to lose its airline, its airmail, its sign of progress. Yet no airline can go on forever losing money and in the massive amounts that some of you have experienced and can easily see continuing if there are no changes in the costs and losses inherent in your present route obligations and responsibilities. Federal subsidy was supposed to be a temporary developmental support, not a permanent way of life, so your problem is further complicated by the logical Congressional goal of seeking the reduction and ultimate disappearance of subsidy.

On April 13 I asked the Board to undertake an in-depth study looking towards the development of a nationwide plan for keeping air service in as many of the smaller towns as possible, a plan which may include subsidized third level service to many towns now bordering too few passengers to support service by large aircraft.

I am particularly aware of the problems of the small cities because I have visited many of them in the past two years. Moreover, either because of these visits or perhaps because I come from one of the less populated states, countless representatives from the western states and from small communities stop by my office when they are in Washington. And I don't sleep very well at night after a representative from a small city like Williston very bitterly talks to me about the time, money and effort they have put into developing a quarter million dollar annual market for a local carrier, then to be abandoned in favor of a third level operator of whose viability they are uncertain. Nor do I like to walk out of a Senator's office after hearing from him that a fine town like Jackson, Wyoming, has no rail or bus service, and only minimal air service except in the tourist seasons.

One must puzzle and worry, as I do, to see boardings at Topeka go down in five years from 60,000 to 11,000; to see all certificated air carrier service withdrawn from Waycross, Georgia, with its 20,000 citizens; to see all carriers seeking to discontinue at Wilmington, Delaware, and to see town after town—Williston, North Dakota; Burley, Idaho; Salisbury, Maryland; Elkins, West Virginia; Johnstown, Pennsylvania; Rutland, Vermont; Land O'Lakes, Wisconsin; and Winona, Minnesota, to name a few—disappear from the certificated airline map.

The problem of what kind of an air service pattern the 48 states will have in the next decade is before us now. No one local service carrier can solve it. But all of you can help. Bold and imaginative study, both in your own organizations, whether at San Francisco or Minneapolis, or Denver or Houston, or Utica, and everywhere else, will help. And a free flow of ideas between you, and between you and the Board, will help also.

It should be remembered that a successful pattern of small airplane operations to small cities is just as important a part of our total air transport system of tomorrow as will be the long haul routes of the 747's and the supersonics.

We must develop a logical and well understood plan to solve this dilemma; otherwise an irregular and unsatisfactory patchwork of deletion and suspension at much too high a cost in resources, with the community heartache and inconvenience which will result. We must not permit this to happen.

## STATEMENT OF INTERNATIONAL AFFAIRS COMMITTEE OF DEMOCRATIC POLICY COUNCIL ON CAMBODIA

(Mrs. MINK asked and was given permission to extend her remarks at this point in the Record and to include extraneous matter.)

Mrs. MINK. Mr. Speaker, one of our most esteemed citizens is the Honorable W. Averell Harriman, who among his other assignments is now chairman of the International Affairs Committee of the Democratic Policy Council. On May 7 Governor Harriman issued a statement criticizing President Nixon's invasion of Cambodia, and because of its insight I believe it should receive wide attention, and submit it at this point in the Record:

President Nixon's decisions to extend military operations into Cambodia and to resume temporarily the bombing of military targets in North Vietnam were serious mistakes of judgment. The domestic and international consequences were clearly predictable, yet Mr. Nixon proceeded on a course bound to divide our country still further, provoke a Constitutional crisis, aggravate our economic problems, and cause most of our friends and allies around the world to question our capacity for leadership.

The President must now bend every effort to minimize these consequences even though they cannot totally be undone. Our troops should be swiftly and permanently withdrawn from Cambodia. There is no conceivable military success in Cambodia worth the awful price we are paying at home and abroad. The existence of Cambodian sanctuaries has been known for years and the temptation to broaden the war long present. Whatever the President's intentions, the invasion across the Cambodian border cannot help but be seen as an expansion of the war and another fruitless effort to achieve by military action the "total victory" which is unachievable.

Most young people in this country do not believe in this war. They have worked long and hard to change policies through the democratic processes and now many have come to doubt that those processes work. It is they who must do the fighting, and their views are entitled to respect. Whatever the difficulties of the present and the mistakes of the past, this is no time to compound them—in Vietnam or in the United States.

For the Administration to ignore Constitutional processes and resort to further violence to solve essentially political problems at the very time when it is demanding respect for law and non-violent political action at home is bound to breed cynicism and disrespect among young and old alike.

The Cambodian venture is demonstrable proof that President Nixon does not have and never has had an effective plan for peace in Vietnam. The United States must disengage in Vietnam. We should speed up the pace of withdrawal and we should make it clear now that all United States forces will be withdrawn in an orderly and responsible manner.

Fifteen months after taking office President Nixon has reduced our forces by only 115,000. Between now and next spring he contemplates only an additional 150,000 men. And even this partial withdrawal of less than half our forces over nearly two and one-half years is dependent upon circumstances he does not and cannot control.

We cannot make our withdrawal contingent on military success in Cambodia, or Laos, or South Vietnam.

We cannot make our withdrawal contingent on what Hanoi does or does not do.

We cannot make our withdrawal subject to the veto of the Thieu government in South Vietnam.

We cannot indefinitely commit U.S. troops to support an unpopular and repressive government in South Vietnam nor should we allow ourselves to commit U.S. troops to maintain the new government in Cambodia.

The simple truth is that there is no way of achieving political victory in Vietnam through military actions. That is not the fault of the United States but the nature of the problem that exists there. The easy course is military escalation and appeals to patriotic sentiments. The politically difficult course is to have the courage and wisdom to face the hard facts and act upon them.

What kind of a political settlement that can be achieved is not clear. It is clear from President Thieu's own words that he is unwilling to consider any compromise and President Nixon has so far been unwilling to press the issue. His failure for months to appoint a high-level American negotiator, coupled with his actions of the past days, give little hope that negotiations are being seriously contemplated, let alone pursued. Surely we must know by now that expanding the war and bombing are not the way to a negotiated settlement.

## STATEMENT BY PAGE M. ANDERSON, LIFE-LONG REPUBLICAN, ON CAMBODIA AND VIETNAM

(Mrs. MINK asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

**Mrs. MINK.** Mr. Speaker, I am convinced that a majority of our citizens believe that President Nixon's recent actions in Vietnam and Cambodia are wrong.

This belief extends not only to Democrats but to lifelong Republicans who voted for Mr. Nixon in 1968.

Mr. Page M. Anderson, an attorney in Honolulu, Hawaii, recently wrote a most persuasive letter to the President explaining his disappointment with the President's actions and urging that our men be brought home.

For the benefit of my colleagues, I insert Mr. Anderson's letter at this point in the RECORD:

MAY 4, 1970.

The PRESIDENT,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: In the last election I voted for you with great anticipation. I thought then, as I do now, that the Vietnam War was the most unfortunate and ill-advised endeavor that the United States had ever undertaken. I voted for you because I hoped that you would be able to extract us from the morass easier than could any continuation of the old Administration. Subsequent steps, including withdrawal of troops, made me think that my hope was being fulfilled, although at a slower pace than would be advisable.

Your recent action in expanding the war and the apparent intent to get involved in Cambodia has dashed all such hope. I can only conclude that the military and the "experts" of the State Department have succeeded in breaking down your resistance and better judgment. Please understand that I am sure that your motives were of the highest, but that does not alter my view that your action was wrong and can only lead to an end just the opposite of your aim.

In 1942 I enlisted in the army and was discharged in 1946 as a Captain. I consider myself a loyal American and believe that America is the finest nation on earth. I have also been a life-long Republican, but this transcends party lines and dissent is necessary and the patriotic thing to do in this case. I listened carefully to your speech and to me it was not convincing. Whether or not the United States suffers its first defeat in war is not too important. What history will say as to the results of our venture into the Far East is. I am sure that it will disclose a sorry situation, with Vietnam as a devastated land, its economy ruined, its agriculture upset and almost destroyed, its people uprooted and relocated without regard to whether the new locations can furnish a livelihood or decent habitat, its land scarred and impregnated with dangerous and destructive chemicals, its people made dependent on the artificial and temporary support of a foreign nation's expenditures for military action. Complete victory over the Viet Cong would not be worth the price already paid. Now, and against the desires of most of the people of the United States and their representatives in Congress, you are expanding this situation into Cambodia, and history will disclose another black page if this is continued.

Your argument about saving American lives does not hold water. Obviously the best way to save American lives is to bring our men home.

There is so much to do at home in housing, ecology, civil rights, education, etc. We cannot afford to spend our resources in war in Asia. How much better also it would be to let things run their course in Vietnam and Cambodia and then, by financial and technical aid to whatever government emerges and the people, build up the country and guide it to our own desires at the same time. All we are doing by interfering now is solidfying reaction against the United States abroad and driving both nations into the arms of China.

Copies of this are being sent to the Senators and Representatives of Hawaii in Congress.

The statements made in this letter represent the personal opinion of the undersigned and are not to be taken as stating the position of the firm of which I am a member, or as the views of any of my partners or associates.

Very truly yours,
PAGE M. ANDERSON.

## POLICY OF THE PENN CENTRAL TO SHIRK RESPONSIBILITY TO THE PUBLIC

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

**Mr. TIERNAN.** Mr. Speaker, it was announced last Friday that the Penn Central has asked the Interstate Commerce Commission for permission to discontinue 17 of 43 trains between Providence and Boston. This, in my opinion, is a blatant example of the continuing policy of the Penn Central to shirk their responsibility to the public.

Just 2 days before the Penn Central filed its discontinuance notice with ICC, Mr. William Tucker, vice president in charge of the New England region, was in my office to discuss pending railroad legislation. Not a word was said about the impending discontinuances. Surely this high official of the Penn Central was aware of the notice. In further attempt to stay out of the fire, their discontinuance notice was not filed until Friday afternoon, May 15, so that the announcement would not be made to congressional offices until Monday, May 18.

I am including at this point a letter to the editor, which appeared in the New York Times of today. I concur with Mr. O'Neill in his statement that the railroads are not willing to furnish good service. Decrepid stations, dilapidated cars, and unbelievably poor ticket service, are the rule and not the exception.

For years we have heard the railroads tell us that they did not have enough money to operate efficient and clean passenger service. Certainly the Federal Government should be assisting the railroads toward this end. But now is not the time to cut the service off. The Senate has recently passed the Rail Passenger Service Act. While this bill, in my opinion, is far from being adequate, it is a step in the right direction. Private business cannot expect us to go to the public and ask for monetary assistance for railroads, when the owners of the rails continue to do everything possible to bring all passenger service to a screeching halt.

Help is coming to the railroads. But

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the truth is out. The Penn Central, for one, does not want help. They want out.

Mr. Speaker, the citizens of this country deserve better service. The Penn Central obviously cares only about their own profits. What is needed is a public-oriented management. I hope that we in the Congress can give this to our fellow citizens.

### For Railroad Shakeup

To the Editor:

With Congress about to make some move in the railroad situation, Penn Central's bold recent try at shaking off the last of its responsibility for direct passenger train service between the country's two chief transportation centers should remind us that perhaps it is time the American public finally stopped leaving the health of its railroads in the hands of managements that find them more valuable to themselves dead than alive. [Editorial, May 18.]

If awake at long last, I hope we can begin repossessing the tremendous assets in the form of land, money, mineral rights, takings by eminent domain and public carrier franchises entrusted years ago to companies once professing a willingness to furnish satisfactory rail passenger and freight service in return for these grants, subsidies, and lendings of power, but now bent on making an uncomplicated dollar in almost any business but that of running railroads.

Nearly all railroad managements are less interested in the carrying of people than in the carrying of freight. In fact, for quite a while the chief interest of these managements has been the highly profitable leasing and selling off of real estate, mineral rights and all loose assets, and in almost any other non-railroad activity that caught their attention.

### GRANTS OF LAND

The title of the railroad companies to the real estate, air rights and other assets being disposed of and leased—and to the proceeds of such past sales and leases—is in no way clear. The assorted public grants and lending of powers (by New York City itself along with other cities, states, and the Federal Government) were made by charters and agreements calling explicitly or by clear implication for the provision in return by the railroad companies, often in perpetuity, of satisfactory passenger and freight rail service.

If the roads aren't now willing to furnish that service, a solid share of their real estate holdings and assorted rights, and of the proceeds of past sales and leases of these, should promptly revert to the public ownership from which it came.

The values involved run into hundreds of millions of dollars and higher. With these once in hand, it should be no great trick to find agencies, public or private, willing to be endowed with shares of this stake and happy to apply them to the challenge of seeing if Americans, as well as Japanese, can't remember—or if need be, learn—how to make railroads work.

And if for once we can get off the defensive and begin putting our rights-of-way back in the hands of executives interested in seeing passenger service succeed rather than fail, perhaps we all might be pleasantly astonished by the speed with which inprovement could come.

Charles O'Neill.

Greens Farms, Conn., *May 6, 1970.*

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## TRIBUTE TO THE HONORABLE JOHN W. McCORMACK

(Mr. TIERNAN asked and was given permission to extend his remarks at this point in the Record.)

Mr. TIERNAN. Mr. Speaker, it was with a certain feeling of sadness that I learned of Speaker McCormack's unexpected announcement of retirement effective at the completion of his present term. I sincerely regret that he has made this choice but I respect and honor his wishes in this decision.

I have been a Member of this great institution for just a little over 3 years but in that short span of time, I have come to know John McCormack primarily as a man of singular high purpose and unselfish dedication.

I want him to know that I appreciate all the kindnesses and courtesies he has so willingly extended to me during my brief tenure and I thank him publicly for them.

John McCormack is my friend and I am hopeful enough to think that he also considers me as his friend. I look forward to continuing this friendship in the years ahead.

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## OPERATION FLORIDA SUNSHINE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, while recognizing the large differences of opinion in regard to the war in Southeast Asia, we as a nation must do all we can to help our wounded and hospitalized veterans of the Vietnam conflict.

Operation Florida Sunshine is a program designed to give rest and recuperation to those brave men wounded in the Vietnam conflict. The program, conceived in 1967 by Lt. Col. David F. Bird, Infantry, U.S. Army, is now entering its third year. Much of the success of this program belongs to the South Florida Chapter of the Disabled Officers Association and to its chapter commander, Lt. Col. Sydney G. Osborne.

I include the detailed account of the background on Operation Florida Sunshine in my remarks at this point:

### Background Information on Operation Florida Sunshine

LTC. David F. Bird, Inf., USA, Area Advisor, Miami Area, Third United States Army, a veteran of World War II, Korea and Vietnam, in 1967 conceived the idea of having wounded and hospitalized veterans of the Vietnam fighting brought to the Miami Area on a monthly basis during the off-season summer months. This for rest and recuperation. After approval of the Third United States Army this project was given the title, "Operation Florida Sunshine". The program is now entering it's third year.

Funds not being available for the welcoming, housing, feeding, and entertainment of these wounded veterans appeal was made to the hotels, restaurants, area transportation people, veterans organizations, civic and service clubs asking them to contribute time, funds and facilities to insure success of the operation.

That these young men who had suffered so much in the service of our country might know that their sacrifices were appreciated by the South Florida community, the establishment of an appropriate welcoming committee was deemed necessary. This was organized and placed in operation under the sponsorship of the South Florida Chapter, Disabled Officers Association. LTC Sydney G. Osborne, AUS. Retired, Chapter Commander and National Executive Committeeman of the national Association was appointed chairman. He continues to serve in that capacity. This committee now meets and greets each contingent of wounded veterans arriving in Miami under auspices of the program. Now, as many as fifty individuals representing different organizations frequently meet the incoming planes.

Present plans call for the soldiers to arrive the third Thursday of each month, and to return to their respective hospitals the following Monday. At times they arrive by Army plane, at other the Air Force, Air National Guard, or Air Reserve planes bring them. Upon arrival they first become guests of the Delta Air Lines in their VIP Room, Concourse One, Miami International Airport, there they are served refreshments and they and the members of the welcoming committee are introduced to each other.

After the welcoming ceremonies and the reception the wounded veterans are transported by bus donated by the American Sightseeing Tours Company to their hotels. They are also, during their stay, greeted by the Mayors of Both Miami and Miami Beach and are presented with keys to the cities.

Through October, 1969, hotel accommodations and services were the gift of the "Shower of Stars" hotel chain. Also, the Allison Hotel and the Lindsay Hopkins Hotel have contributed rooms and services. Registration for housing, some meals and hotel services began being handled by the Miami Beach Hotel Association in the Spring of 1970. The Miami hotelmen's group is adding their services.

In June, 1969, Lieutenant Colonel Bird was transferred from the Miami Area and left to take over an important assignment in Korea. Lieutenant Colonel Robert B. Maddux, CE, USA, succeeded Colonel Bird as Area Advisor.

Immediately upon his arrival Colonel Maddux evaluated the importance of "Operation Florida Sunshine." In spite of shortages of regular army personnel to perform necessary logistical services in connection with the project, he strongly recommended and urged Third Army to not only continue the operation, but to further expand its scope to embrace a round-the-year schedule of monthly visitations. Thus stepping the program up from a five or six month offseason effort to a twelve month operation. Receiving approval of the Commanding General, Third United States Army, Fort McPherson, Georgia, Colonel Maddux completed arrangements to successfully carry on the enlarged program.

Since its inception groups of wounded veterans have been flown into Miami and have been hosted for housing, meals, and entertainment by many diverse groups and individuals.

Outstanding in their entertaining of every group that has been brought to Miami since the beginning of the program has been the Zerick family of Kendall, Florida. Mr. and Mrs. Emery and Lura Zerick have the young veterans to their home where they enjoy informal and old-fashioned hospitality. The Zerick youngsters and nearby neighbors encourage the young veterans to relax and enjoy cook-outs, a swim in the pool, and just friendly conversation.

Organizations having the wounded soldiers as guests for a meeting, luncheon or dinner and for specially arranged entertainment include Lions, Kiwanis, Exchange, Optimist and Rotary clubs. Also, the Armed Forces League of Miami; Coral Gables, Miami Chapter of the Reserve Officers Association; Miami Chapter, The Military Order of the World Wars, Military Order of the Purple Heart; two Posts of the American Legion, a Veterans of Foreign Wars Post and three Chapters of the Disabled American Veterans.

Annually, the South Florida Chapter of the Disabled Officers Association honors those individuals and organizations who have contributed to the success of "Operation Florida Sunshine". Those who participate in one year receive the recognition and

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awards the following year at an Annual Awards Banquet.

It is understood that the Commanding General, Third United States Army is now desirous of expanding the program to different areas of Florida and possibly to other States.

Mr. Speaker, the residents of Miami are proud of the part they are playing in providing housing, meals, and entertainment to the wounded war veterans and we are all hopeful that other areas of Florida and other States will contribute to the expansion of this most worthy program.

It was my privilege to participate in the third annual awards banquet of the South Florida Chapter of the Disabled Officers Association and I include a commentary on that banquet at this point:

Promptly at seven o'clock on the evening of Sunday, April Fifth, 1970, Lieutenant Colonel Sydney G. Osborne, Chapter Commander of the South Florida Chapter, Disabled Officers Association and also National Executive Committeeman, Southern Area of the National association called the Third Annual Awards Banquet and Installation of Officers meeting to order in the Auxiliary Room of the clubhouse of the Harvey W. Seeds Post #29, The American Legion.

Present were about 150 people to applaud the nineteen recipients of special awards, fifteen of which were for contributions of time, money and effort in welcoming, hosting and entertaining wounded veterans of the Vietnam fighting who were brought to the Greater Miami Area as part of "Operation Florida Sunshine". Four awards were for medical, diagnostic and surgical services rendered to veterans of all our wars by the Miami United States Public Health Clinic; the Homestead Air Force Base Hospital, and the Veterans Administration Hospital at Miami.

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Leading the singing of the National Anthem was Captain Maurice Heck, Sergeant-at-Arms. Major Duncan T. P. Troutman, Past Chapter Commander led in The Pledge of Allegiance and Flag Salute. Lieutenant William A. Golkopf, Senior Vice Commander read the chapter's "Preamble". Lieutenant Theron B. Hermes, Charter Chapter Commander, Past National Executive Committeeman and present Chaplain gave the Invocation. Mr. Johnson E. Davis, Commander of American Legion Post #29 welcomed those present to their clubhouse. He was proud of their outstanding membership standing.

Colonel Osborne in his welcoming address expressed his great pleasure at having so many of those who had significantly contributed to the success of "operation Florida Sunshine" present and congratulated them on having built it into the successful community program it had become.

He stated, "You have, over more than 2½ years, in ever increasing numbers, enthusiastically demonstrated to the hundreds of hospitalized wounded veterans of the Vietnam fighting, brought to this area for rest and recreation, that theirs sufferings, sacrifices and services are recognized and appreciated."

"Your display of genuine old-fashioned hospitality in hosting these young heroes in your homes and at your clubs gave them assurance that they were indeed among true friends."

"—you who have hosted these wearers of the Purple Heart have been rewarded by enjoying the knowledge that you too, have served."

Upon being introduced as Master of Ceremonies, Major Walter S. Van Poyck, a Past Chapter Commander, Past Alternate National Committeeman and officer in many national veterans groups. A much decorated veteran of World War II spoke most inspirationally and reminded those who felt they would like to expand the programs of "Operation Florida Sunshine" that all they had to do to transfer words to deeds, was to become involved.

Honorable Claude Pepper, Congressman, from the 11th Florida Congressional District spoke most glowingly of "Operation Florida Sunshine" and of the leading part taken in it by the South Florida Chapter. At one point in his remarks he suggested that possibly the name should be changed to, "Operation Florida Sunshine and Gratitude".

Colonel D. George Paston, as the National Commander's representative brought greetings from him. Then, in his capacity of Chairman, of the National Legislative Committee he carefully and clearly discussed the status of pending legislation of interest to the retired disabled officer and his dependents. In spite of the present outlook for recomputation he held out hope for it's passage and urged all to continue to write their congressmen and senators.

Awards were then presented by the Chapter Commander, aided and assisted by Major Van Poyck, Master of Ceremonies and Captain Heck, Sergeant-at-Arms. Receiving them were: Colonel Ned F. Conner, MSC., USAF., Hospital Administrator, 4531st Tactical Hospital, Homestead Air Force Base; Dr. Tracy Levy, Medical Director, Miami Outpatient Clinic, United States Public Health Service; Dr. Albert Tomasulo, MD., Director, United States Veterans Hospital at Miami. Brigadier General David W. Hanlon, USA, represented and received an award for Lieutenant General A. O. Connor, Commander of the United States Third Army. Lieutenant Colonel Robert B. Maddux, CE., USA., Area Advisor, Miami Sector received a citation for carrying-on "operation Florida Sunshine".

Receiving awards for hosting and entertaining the various contingents of wounded veterans of the Vietnam fighting, brought to Miami, were: Mr. Tracy Horton, District Manager of Delta Air Lines; Mr. Daniel G. Powers, President, American Sightseeing Tours Company; Mr. and Mrs. Emery and Lura Zerick; Miss Gloria Kingsley; Captain Richard H. Carl, President, Coral Gables-Miami Chapter, Reserve Officers Association; Colonel Emrys C. Harris, Commander, Miami Chapter, The Military Order of the World Wars; Mr. Johnson E. Davis, Commander, Harvey W. Seeds Post No. 29, The American Legion; Mrs. Ruth Kessler, Adjutant, Sullivan-Babcok Post No. 32, The American Legion; Mr. John Protos, Commander, William A. McAllister Post No. 1608, Veterans of Foreign Wars of the United States; Mr. Fred C. Frazier, Commander, Disabled American Veterans, Miami Post No. 10; Mr. Johnny Clark, Commander, Disabled American Veterans, Hollywood Post No. 41; Mr. George Pfaffendorf, Commander, Disabled American Veterans, Hialeah-Miami Springs Post No. 43; Mr. Ed Ponzel, Chairman, "Operation Florida Sunshine Committee", Palm Springs Lions Club, Lions International-District 35-A; and Mr. Thomas Ivey, President, Northside Lions Club, Lions International-District 35-A.

After presentations of the citations the Commander recessed the meeting for five minutes after which, upon reassembling Colonel Granville B. Smith, Commander of the Manasota Chapter of the Disabled Officers Association located in Sarasota, Florida inducted the officers and executive committeemen in a brief ceremony.

In closing Colonel Osborne called upon all present to continue their patriotic services through the medium of "Operation Florida Sunshine" and urged that they recruit others to join voluntarily in expanding the project during the coming year.

Everyone next stood reverently, and each in his or her own way, offered a silent and heartfelt prayer for the safety of all our servicemen, wherever stationed. The meeting was adjourned at 10:15 P.M.

Mr. Speaker, as I did on that occasion, I again wish to offer my warm and personal thanks to all who have so enthusiastically participated in this effort to show the wounded veteran of the Vietnam conflict that we are truly grateful for the sacrifices they have undertaken.

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## SOCIAL SECURITY AMENDMENTS OF 1970

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, it is appropriate that we, this month, Senior Citizens Month, enact legislation responsive to the needs of our Nation's elderly.

We in Congress may be proud of the legislative achievements in social security, medicare, and medicaid but we cannot become complacent or unaware of the many yet unmet needs of those who depend on these programs for their very existence.

I wish at this time to commend the Committee on Ways and Means and their able chairman for their efforts in this difficult task and for the bill which we have before us today.

I was privileged to testify before this fine committee last October on their first day of hearings on amendments to the Social Security Act and at that time I offered many proposals which have been included in the bill we are considering today.

I have long advocated increasing cash benefits to an amount that would allow our older Americans to live with dignity and not be subjected to the humility of poverty due to an inability to work, inflation, and outdated laws.

From my days in the Senate, I have long advocated not only increasing these cash benefits, but increasing the base that these benefits cover.

I am pleased that this bill does both.

Although I have in the past recognized the necessity for a cost-of-living increase provision, I am against such a provision if it in any way would make comprehensive and meaningful reform more difficult. I am against such a provision if it is used as an excuse against periodic actions by Congress to implement farther reaching benefits and if it becomes, in effect, the only increase the elderly will get in the future. We have not yet provided adequately for those covered by social security to be satisfied with merely cost-of-living increases from here on in. Far more must be done.

I view this bill, instead, as another significant step toward meeting the needs of the elderly—another step and not the final step.

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## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

Mr. KLUCZYNSKI (at the request of Mr. ALBERT), for today and the remainder of the week, on account of official business.

**Mr. MATSUNAGA (at the request of Mr. ALBERT), for today, on account of official business.**

**Mr. BURTON of California, for May 25 through May 29, on account of official business.**

Mr. Byrne of Pennsylvania (at the request of Mr. Dent), for Thursday, May 21, 1970, on account of illness.

Mr. Hungate, for May 25 through May 27, 1970, on account of official business in the Ninth District of Missouri.

Mr. Burlison of Missouri, for today after 4 p.m., until Monday, May 25, 1970, an account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Whitehurst) to revise and extend their remarks and include extraneous matter:)

Mrs. Heckler of Massachusetts, for 10 minutes, today.

Mr. Miller of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. Daniel of Virginia), to revise and extend their remarks and to include extraneous matter to:)

Mr. Rooney of New York, today, for 10 minutes.

Mr. Lowenstein, today, for 30 minutes.

Mr. Reuss, today, for 30 minutes.

Mr. Rarick, today, for 10 minutes.

Mr. Gonzalez, today, for 10 minutes.

Mr. Farbstein, today, for 20 minutes.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Ichord, and to include extraneous matter.

Mr. Pelly to include the speech of President Nixon of September 25, 1968, with his remarks made today in the Committee of the Whole on H.R. 15424.

Mr. Mills, to revise and extend his remarks made during the debate today, and to include therewith tables and charts.

All Members who speak on H.R. 17550 (at the request of Mr. Mills), to revise and extend their remarks in the debate today and to include tables and charts.

Mr. Whitehurst, immediately following the remarks of Mr. Downing in the Committee of the Whole today on the merchant marine program.

Mr. Pickle to extend his remarks in the Record immediately preceding passage of H.R. 15424.

(The following Members (at the request of Mr. Whitehurst) and to include extraneous matter:)

Mr. Ruth in two instances.
Mr. Steiger of Wisconsin.
Mr. Findley.
Mr. Weicker in two instances.
Mr. Zion.
Mr. Esch.
Mr. Cowger.
Mr. Eshleman.
Mr. Beall of Maryland.
Mr. Don H. Clausen in three instances
Mr. Hunt in two instances.
Mr. Foreman in two instances.
Mr. Scherle in three instances.
Mr. Wyman in two instances.
Mr. Bow in three instances.
Mr. Duncan in two instances.
Mr. Reid of New York in two instances.
Mr. Michel.
Mr. Shriver in two instances.
Mr. Cramer in five instances.
Mr. Ruppe in two instances.
Mr. Schwengel.
Mr. Wold.
Mr. Hogan in two instances.
Mr. Horton.
Mr. Zwach.
Mr. Pollock.
Mr. Hammerschmidt in two instances.
Mr. Bob Wilson in three instances.
Mr. Derwinski in three instances.
Mr. Collins in three instances.
Mrs. May.
Mr. McCloskey in three instances.
Mr. Whitehurst.
Mr. Price of Texas.
Mr. Cunningham in three instances
Mr. Taft.
Mr. Bray in three instances.

(The following Members (at the request of Mr. Daniel of Virginia) and to include extraneous matter:)

Mr. Long of Maryland in two instances.
Mr. Symington.
Mr. Matsunaga.
Mr. Pickle in six instances.
Mr. Long of Louisiana in two instances.
Mr. Hungate in two instances.
Mr. Hicks.
Mr. Rarick in three instances.
Mr. Jacobs.
Mr. Johnson of California in two instances.
Mr. Andrews of Alabama.
Mr. Gonzalez in two instances.
Mr. Scheuer in three instances.
Mr. Powell.
Mr. O'Neill of Massachusetts in two instances.
Mr. Bennett.
Mr. Foley.
Mr. Fountain.
Mr. O'Neal of Georgia in two instances.
Mr. Friedel in two instances.
Mr. Udall in two instances.
Mr. Griffin in two instances.
Mr. Gettys in two instances.
Mr. Fuqua.
Mr. Ichord in two instances.
Mr. Conyers in three instances.
Mr. Brademas in 10 instances.
Mr. Ryan in three instances.
Mr. Rogers of Florida in five instances.
Mr. Dorn in two instances.
Mr. Hagan in two instances.
Mr. Anderson of California in two instances.
Mr. Hanley.

## ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 11372. An act to amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposes," approved June 18, 1956 (70 Stat. 290); and

H.R. 12878. An act to amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2624. An act to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes; and

S. 3818. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

## BILLS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 11372. To amend the act entitled "An act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Wash., and for other purposess," approved June 18, 1956 (70 Stat. 290); and

H.R. 12878. To amend the act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona.

## ADJOURNMENT

Mr. DANIEL of Virginia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 17 minutes p.m.), under its previous order, the House adjourned until Monday, May 25, 1970, at 12 o'clock noon.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2075. A letter from the Assistant Secretary of Defense (Installations and Logistics), transmitting a report of contracts negotiated by the Department of Defense under the authority of sections 2304(a)(11) and (16), for the period July-December, 1969, pursuant to the provisions of 10 U.S.C. 2304(e); to the Committee on Armed Services.

2076. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the reporting of weather modification activities to the Federal Government; to the Committee on Interstate and Foreign Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 11913. A bill to amend the Public Health Service Act to provide authorization for grants for communicable disease control; with an amendment (Rept. No. 91-1114). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Committee on Appropriations. H.R. 17755. A bill making appropria-

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tions for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1115). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 17601. A bill to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes; with amendments (Rept. No. 91–1116). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS: Committee on Ways and Means. H.R. 17473. A bill to extend the period for filing certain manufacturers claims for floor stocks refunds under section 209(b) of the Excise Tax Reduction Act of 1965 (Rept. No. 91–1117). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

**Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:**

By Mr. ADDABBO:

H.R. 17741. A bill to improve intergovernmental relationships between the United States and the States and municipalities, and the economy and efficiency of all levels of government, by providing Federal block grants for States and localities which take steps to modernize State and local government; to the Committee on Government Operations.

By Mr. BIAGGI:

H.R. 17742. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. BYRNES of Wisconsin:

H.R. 17743. A bill to amend the Tariff Schedules of the United States with respect to the method of determining what articles fall within the additional import restrictions set forth in part 3 of the appendix of such schedules; to the Committee on Ways and Means.

By Mr. FARBSTEIN:

H.R. 17744. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho (for himself and Mr. McClure):

H.R. 17745. A bill to amend the Tariff Schedules of the United States with respect to the rate of duty on whole skins of mink, whether or not dressed; to the Committee on Ways and Means.

By Mr. KOCH:

H.R. 17746. A bill to provide that the Federal office building at 26 Federal Plaza, New York, N.Y., shall be named the "Robert Francis Kennedy Federal Office Building" in memory of the late Robert F. Kennedy, Attorney General from 1961 to 1964 and a Member of the U.S. Senate from the State of New York from 1965 to 1968; to the Committee on Public Works.

By Mr. LEGGETT:

H.R. 17747. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. LONG of Louisiana:

H.R. 17748. A bill to enable the Secretary of Agriculture to develop the resources of the national forests, and for other purposes; to the Committee on Agriculture.

By Mr. McCARTHY:

H.R. 17749. A bill to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence; to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMACK:

H.R. 17750. A bill to declare the tidewaters in the waterway of the Fort Point Channel lying between the northeasterly side of the Summer Street highway bridge and the easterly side of the Dorchester Avenue highway bridge in the city of Boston nonnavigable tidewaters, to the Committee on Interstate and Foreign Commerce.

By Mr. OLSEN:

H.R. 17751. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for elderly people on a space-available basis; to the Committee on Interstate and Foreign Commerce.

By Mr. PATMAN (for himself and Mr. Burke of Massachusetts):

H.R. 17752. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. YATRON:

H.R. 17753. A bill to increase the availability of mortgage credit for the financing of urgently needed housing, and for other purposes; to the Committee on Banking and Currency.

By Mr. HOGAN (for himself, Mr. Fuqua, and Mr. Broyhill of Virginia):

H.R. 17754. A bill to exempt Federal Housing Administration and Veterans' Administration mortgages and loans from the interest and usury laws of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. BOLAND:

H.R. 17755. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. BARING:

H.R. 17756. A bill to declare that the United States holds in trust for the Reno-Sparks Indian Colony certain lands in Washoe County, Nev.; to the Committee on Interior and Insular Affairs.

By Mr. BIESTER:

H.R. 17757. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance benefits for the aged; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN (for himself and Mr. Denney):

H.R. 17758. A bill to require the Secretary of the Army to consider environmental benefits and their costs in making certain determinations with respect to water resources development projects; to the Committee on Public Works.

By Mr. CONYERS (for himself, Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Brown of California, Mrs. Chisholm, Mr. Corman, Mr. Derwinski, Mr. Dingell, Mr. Flood, Mr. Hungate, Mrs. Mink, Mr. Moorhead, Mr. Ottinger, Mr. Pirnie, Mr. Powell, and Mr. Quie):

H.R. 17759. A bill to provide for the issuance of a commemorative postage stamp in honor of Dr. Daniel Hale Williams; to the Committee on Post Office and Civil Service.

By Mr. CONYERS (for himself, Mr. Reuss, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Stokes, Mr. Tunney, Mr. Van Deerlin, Mrs. Green of Oregon, Mr. Horton, Mr. Burton of California, Mr. Helstoski, Mr. Thompson of New Jersey, and Mr. Clay):

H.R. 17760. A bill to provide for the issuance of a commemorative postage stamp in honor of Dr. Daniel Hale Williams; to the Committee on Post Office and Civil Service.

By Mr. FISHER (for himself, Mr. Berry, Mr. Camp, Mr. Dellenback, Mr. Dowdy, Mr. Wyatt, Mr. Talcott, Mr. Steed, Mr. Sebelius, Mr. Poage, Mr. Edmondson, and Mr. Winn):

H.R. 17761. A bill to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes; to the Committee on Ways and Means.

By Mr. HOLIFIELD:

H.R. 17762. A bill to define the authority of the President of the United States to intervene abroad or to make war without the express concent of the Congress; to the Committee on Foreign Affairs.

By Mr. PEPPER:

H.R. 17763. A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes; to the Committee on Education and Labor.

By Mr. SCHEUER:

H.R. 17764. A bill to provide for the establishment and coordination of programs to make housing available for the elderly; to the Committee on Banking and Currency.

By Mr. DELLENBACK:

H. Con. Res. 637. Concurrent resolution calling on United Nations to effect a cease-fire in Indochina, to call an international conference, and to establish an Indochina Relief Agency; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H. Con. Res. 638. Concurrent resolution joint meeting of Congress on American involvement in war in Southeast Asia; to the Committee on Rules.

By Mr. QUIE (for himself, Mr. Anderson of Illinois, Mr. Andrews of North Dakota, Mr. Brown of California, Mr. Button, Mr. Erlenborn, Mr. Fraser, Mrs. Hansen of Washington, Mr. Harrington, Mr. Horton, Mr. Keith, Mr. Kyl, Mr. Lujan, Mr. McKneally, Mr. Powell, Mr. Rees, and Mr. Zwach):

H. Con. Res. 639. Concurrent resolution expressing the sense of the Congress with respect to the establishment of a United Nations international supervisory force for the purpose of establishing a cease-fire in Indochina to aid efforts toward a political solution of current hostilities; to the Committee on Foreign Affairs.

By Mr. ROSENTHAL:

H. Con. Res. 640. Concurrent resolution expressing the sense of the Congress with respect to the action of the President of the United States in connection with the involvement of U.S. military forces in Cambodia and censuring the President for such action; to the Committee on Foreign Affairs.

By Mr. SCHWENGEL:

H. Con. Res. 641. Concurrent resolution expressing the sense of the Congress relating to the need for incentive payments in the Agricultural conservation program and the watershed protection and flood prevention program; to the Committee on Agriculture.

By Mr. STANTON (for himself and Mr. Collier):

H. Con. Res. 642. Concurrent resolution expressing the sense of the Congress that the President should establish a commission to examine the recent events at Kent State and other college campuses; to the Committee on Education and Labor.

By Mr. COHELAN:

H. Con. Res. 643. Concurrent resolution providing for a joint session of Congress; to the Committee on Rules.

By Mr. ROONEY of New York:

H. Res. 1042. Resolution to avoid further U.S. involvement in an Indochina war; to the Committee on Foreign Affairs.

By Mr. BIAGGI:

H. Res. 1043. Resolution investigation of

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the veterans hospital system; to the Committee on Rules.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolution were introduced and severally referred as follows:

By Mr. BRINKLEY:

H.R. 17765. A bill for the relief of Modesto Marcial Ferrer; to the Committee on the Judiciary.

By Mr. LONG of Louisiana:

H.R. 17766. A bill for the relief of Richard C. Walker; to the Committee on the Judiciary.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

491. By Mr. LONG of Louisiana: Petition of Louisiana AFL–CIO as per resolution adopted by its convention held in Baton Rouge, La., April 13–16, 1970, urging that action be taken to reduce these high-interest rates by the President of the United States, that the Congress of the United States take action immediately to force a reduction in the interest rates to a reasonable level in the interest of the people of the United States; to the Committee on Banking and Currency.

492. By the SPEAKER: Petition of the Presbytery of Potomac, Synod of Virginia, Presbyterian Church in the United States, relative to Cambodia; to the Committee on Foreign Affairs.

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# EXTENSIONS OF REMARKS

## BUFFALO ARMY NURSE TO GET STAR

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. DULSKI. Mr. Speaker, a native of my home city of Buffalo, N.Y., who has risen through the ranks to become the Chief of the Army Nurse Corps, Col. Anna Mae Hays, has been nominated by President Nixon to be one of the first two women generals in our Nation's history.

Congress authorized general officer rank for women 3 years ago, but this is the first time that a President has submitted a nominaion for this rank to the Senate for confirmation.

This is a great honor for Colonel Hays, and while she has been away from our city for a long time, we still consider her a Buffalonian. I know I can speak for Buffalonians, in general, that they are proud to have one of their own achieve this high and responsible position and honor.

Mr. Speaker, as part of my remarks I include the Associated Press story on the nominations which was published by the Buffalo Courier-Express on May 16:

BUFFALO WOMAN IS NAMED GENERAL IN A FIRST FOR U.S.

WASHINGTON.—President Nixon has nominated the first two women generals in the history of the U.S. armed forces, it was announced Friday.

The Pentagon said Col. Elizabeth P. Hoisington, director of the Women's Army Corps, and Col. Anna Mae Hays, chief of the Army Nurse Corps, have been selected by the President for promotion to the temporary rank of brigadier general.

FIRST TIME

Congress authorized general officer rank for women three years ago, but this is the first time that any woman in uniform has been picked to wear a star.

Col. Hoisington, a native of Newton, Kan., enlisted in the World War II Women's Army Auxiliary Corps in 1942 and was commissioned a year later. She became director of the WAC in August 1966.

Col. Hays, born in Buffalo, N.Y., Feb. 16, 1920, also entered the Army in World War II, first serving in 1942 as an operating-room nurse. She became chief of the Army Nurse Corps in September 1967.

When asked about her days in Buffalo, Col. Hays said, "I'm afraid I don't remember the city because I spent only a few years of my early childhood there. But, I do remember being told that there was plenty of snow around when I was born."

FROM NEWSMEN

Col. Hays learned about her nomination from a newsman after she had left her office for the day.

She seemed skeptical, saying, "I'll have to call somebody and find out."

She said she had left her office during the afternoon "because I had to get my uniform fixed."

About the only other thing that Col. Hays could say, in her surprise was, "My Goodness."

Col. Hoisington's Pentagon office was the scene of great jubilation.

The WAC chief told a reporter over the phone that about 25 of her male officer friends had come in to congratulate her, and "they all are kissing me."

NO INDICATION

Col. Hoisington said she had learned of her nomination only a few minutes before the public announcement and that she had had no advance indication of it.

Neither of the women colonels said they regarded their promotion as a strike for womankind.

"We've always gotten our due from the Army," said Col. Hoisington, who described herself as "an Army brat." Her father was a colonel and her three brothers all went to West Point.

"The army is my first love," she said.

PAVING WAY

Col. Hoisington said more and more women colonels are being named and "they are paving the way for others to follow."

Col. Hays, when asked about the drive for women's liberation, said "let's not talk about that."

She said she regarded her promotion as "recognition for service."

Col. Hoisington is 51, Col. Hays is 50.

Col. Hays, a widow, served in India during World War II, in Korea and Japan during the Korean war and later rose to head nursing positions in a series of Army hospitals, including Walter Reed.

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## ONE CENTURY LATER: THE REPUBLIC LIVES

### HON. ROBERT L. F. SIKES

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. SIKES. Mr. Speaker, as we approach Memorial Day, I wish to call attention to a touching editorial which appeared in the Pensacola News-Journal, Sunday, April 26. It refers to Confederate Memorial Day, which more and more is overlooked as new problems and new people crowd onto the scene. There are still many of us who carry in our veins the blood of those who fought in that tragic conflict in the 1860's. As the years pass, the right or wrong of it fade, but not the heroism and the courage. The editorial is one of the finest documents that I have read and I am pleased to submit it for publication in the RECORD:

ONE CENTURY LATER: THE REPUBLIC LIVES

There are those who think it should be forgotten—this brief, bitter, and bloody, but somehow glorious, period in American history.

There are those who would hide the flags, raze the monuments, and blot from the pages of history the only war America ever lost; lost because its people fought not other nations but each other, friend against friend, brother against brother.

There are those who say that the American Civil War—or the War Between the States—should not be remembered; the Southern dead not honored, the causes forgotten.

For, they say, the flag and the causes of the Confederacy symbolise only a shameful period of history, when white men held black men enslaved in chains and drove them to fields like beasts of burden.

They are wrong, these people. Wrong in their contention that any chapter in history should be forgotten, whatever cause; wrong most of all in their contention that the war was prompted by and fought by slave owners unwilling to give up the trade in human lives.

Certainly, the issue of slavery was one of the factors which led eventually to a break between the Northern and Southern states; but it seems somehow to have been forgotten that Abraham Lincoln, at the time of his election, had asked that a resolution be passed in Congress promising never to alter the Constitution to interfere with slavery where it was already established, and that the Confederate Constitution itself abolished the African slave trade.

The issue, in fact, revolved primarily around Article X of the United States Bill of Rights, which says: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, and to the people."

The war was fought in an attempt to halt the centralization of power in Washington, D.C., and retain it to the respective states and local government.

It is an issue not dead these 105 years after the war; indeed, now many former advocates of a strong federal government are becoming aware of the need for decentralization of power.

But it is not for the political reasons, of that time or this, that Southerners each year set aside one day to do honor to those who fought the battles of a war a hundred years gone.

The average foot soldier, indeed, was too poor to afford a slave, and often didn't want one; and usually too uneducated to understand the issue of states' rights.

What he understood was that he was fighting in defense of his home and his country, with no hope of reward, no pay, scanty rations and the probability of an unmarked grave.

The monument at Vicksburg, Miss., at the graveyard battleground perhaps expresses it as well as can be expressed:

*"Here brothers fought for their principles*
*"Here heroes died to save their country*
*"And a united people will forever cherish the previous legacy of their noble manhood."*

Today—Sunday—is Confederate Memorial Day in Florida.

We hope that all the people of the nation, North and South, black and white, can lay aside their differences, their notions of rights and wrongs, and remember only that these brave men, on both sides, fought for what they believed to be right.

Time has shown that the nation is stronger because of the Union victory, and time has convinced all but the most recalcitrant that slavery and its aftermath, racial prejudice, was and is wrong.

While the South, a budding republic caught in the chaos of disunity, crumbled from what many Southern historians dub an "overdose of states rights," America itself emerged victorious. The republic survived, its fabric made stronger by the strength, wisdom and bravery of men in blue and gray.

True, it is a time when the Confederate battle flag and the snappy tune "Dixie" spark anger and protest from persons with a shortsighted view of American history, but nothing can ever detract from the bravery, the courage and the spirit brought into this war by the men and women of the South; proud even in defeat.

Sometimes, wearing rags of butternut, they fought with cornstalks; their leaders were innovative and ushered into history modern techniques of warfare. Sometimes, barefoot, they ate gobber peas and drank parched corn coffee and filled their canteens with water from muddy ditches on bloodstained fields.

They were the Confederates, sons of the South.

And it is the kind of spirit and loyalty and duty to country we hope never fades from the mainstream of our cherished American republic.

## FRANK A. HERDA, JR., CONGRESSIONAL MEDAL OF HONOR WINNER

### HON. WILLIAM E. MINSHALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. MINSHALL. Mr. Speaker, in sharp contrast to the droves of youthful protesters thronging the corridors of House and Senate office buildings last week, I had one quiet, unassuming young visitor who was in Washington on a far different mission.

Frank A. Herda, Jr., had come to the Nation's Capital to receive from the President of the United States the highest honor our country can bestow, the Congressional Medal of Honor.

Both because of his innate courtesy and our friendship dating back 2 years, Frank stopped by my office with his parents and sister, Mr. and Mrs. Frank A. Herda and Miss Roseanne Herda of Parma, Ohio. In July 1968, I first met Frank when he was flown back to be treated at Walter Reed for the critical wounds he had received in Vietnam. I drove out to Andrews Air Force Base to meet his plane and I shall never forget that despite the fact that he was in such serious condition, he managed to look up at me from his hospital stretcher to muster a grin when he realized someone from home was there to welcome him. I was deeply moved by Frank's courage at the time. The outlook was not altogether good for his recovery and I followed the progress of his case as treatment progressed at Walter Reed, keeping his family advised.

As the story unfolded of how Frank Herda had proven his heroism in battle, I was even more deeply impressed with the devotion of this man to his country and to his comrades in arms. Certainly no one except his immediate family could have felt more pride and satisfaction than I did when I learned that Frank was to receive the Congressional Medal of Honor.

After days of talking with young people who, no matter how sincere they might be, appeared in many instances not to understand what our Nation really is, who even in a few cases sneer at patriotism and shrug off responsibility as American citizens, it was inspiring to sit down and talk with one of their peer group who was willing to make the supreme sacrifice for our Nation and for his friends. Frank Herda not only honors the flag, he has proven his willingness to defend it with his life.

There is much talk among young people of Frank Herda's generation of man's responsibility to mankind. They might look to this Medal of Honor winner as a man who was willing to pledge the truth of the verse from the New Testament, "Greater love hath no man than this, that a man lay down his life for his friends."

I am honored to include the citation read when Frank Herda received his medal from the President last week, and the front page story from the May 14 Plain Dealer recounting the ceremony:

The President of the United States of America, authorized by Act of Congress, March 3, 1863, has awarded in the name of The Congress the Medal of Honor to Specialist Four Frank A. Herda, United States Army, for conspicuous gallantry and intrepidity in action at the risk of his life above and beyond the call of duty:

Specialist Four Frank A. Herda, (then Private First Class), distinguished himself on 29 June 1968 while serving as a grenadier with Company A, 1st Battalion (Airborne), 506th Infantry, 101st Airborne Division (Airmobile) near Trang Bang, Republic of Vietnam. Company A was part of a battalion-size night defensive perimeter when a large enemy force initiated an attack on the friendly units. While other enemy elements provided diversionary fire and indirect weapons fire to the west, a sapper force of approximately thirty men armed with hand grenades and small charges attacked Company A's perimeter from the east. As the sappers were making a last, violent assault, five of them charged the position defended by Specialist Herda and two comrades, one of whom was wounded and lay helpless in the bottom of the foxhole. Specialist Herda fired at the aggressors until they were within ten feet of his position and one of their grenades landed in the foxhole. He fired one last round from his grenade launcher, hitting one of the enemy soldiers in the head, and then, with no concern for his own safety, Specialist Herda immediately covered the blast of the grenade with his body. The explosion wounded him grievously, but his selfless action prevented his two comrades from being seriously injured or killed and enabled the remaining defender to kill the other sappers. By his conspicuous gallantry at the risk of his own life in the highest traditions of the military service, Specialist Herda has reflected great credit on himself, his unit and the United States Army.

[From the Cleveland Plain Dealer, May 14, 1970]

#### PARMA MAN WINS MEDAL OF HONOR

A Vietnam veteran from Parma will receive the nation's highest military award—the Medal of Honor—from President Nixon in a White House ceremony today.

Former Army Spec. 4 Frank A. Herda Jr., 22, of 5815 Thornton Drive, is the first Greater Clevelander to receive the coveted medal for Vietnam action.

An Army spokesman said Herda saved two lives and was seriously wounded when he jumped atop a Viet Cong grenade June 29, 1968.

Herda, at the time, was a grenadier with the 101st Airborne Division patrolling mountains near Dak To close to the Laotian border.

Herda already has received the Distinguished Service Cross, the Silver Star and the Bronze Star for heroism in the four months and nine days he was in combat.

After treatment for wounds in Walter Reed Army Hospital, Washington, D.C., and being discharged last June, Herda enrolled at Cuyahoga Community College.

U.S. Rep. William R. Minshall, R–23, notified Herda's parents, Mr. and Mrs. Frank Herda, last July their son had been nominated for the Medal of Honor.

"The whole neighborhood felt a sense of honor when we learned of the award last week," said Mrs. Margaret Manti, 48, of 5811 Thornton, next door to the Herdas.

"It came as sort of a surprise," she added, "because Frank was always a quiet, shy type who kept busy at school or whatever he was doing."

Herda's parents accompanied him to Washington for the ceremony that will include presentation of Medals of Honor to 11 other Vietnam veterans.

He was drafted in September 1967, the day before his 20th birthday, and took basic training at Fort Knox, Ky.

As a student at Parma High School, where he was graduated in 1966, Herda spent three years in the school concert and marching bands.

Sixty-two servicemen have received the award for heroism in Vietnam and more than 3,000 have received it since it was first awarded in the Civil War.

Eighteen Greater Clevelanders have won the medal since 1863.

Pentagon statistics show the ratio of Medal of Honor winners in Vietnam is much lower than during the Korean war or World War II.

## YOUNG AMERICANS RISK SEVERE PENALTIES FOR VIOLATING FOREIGN DRUG LAWS

### HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BURTON of Utah. Mr. Speaker, the Department of State has written to

**all congressional offices of the alarming increase in the number of young Americans being held abroad for violation of foreign drug laws. In an effort to alert our citizens to this serious problem, I am putting the letter from the Department, and the accompanying fact sheet, in the RECORD. The letter follows:**

DEPARTMENT OF STATE,
*Washington, D.C., May 19, 1970.*

DEAR CONGRESSMAN: You may already have heard about the increasing number of young Americans who are under detention abroad for violating foreign drug laws. However, we view the problem so seriously that we wish to make doubly sure that all Members of Congress are fully informed. The number of young Americans under detention abroad at the end of March last year was 142. A year later it had risen to 522.

We believe that many young Americans who go abroad do not realize that they are subject to the laws of the countries which they visit; nor do they realize that in many countries the penalties for possessing drugs are severe while the penalties for trafficking can be very serious indeed. The fact sheet attached to this letter will give you an idea of what can happen to the boy or girl who is apprehended abroad on this type of charge. Prison conditions in many countries, particularly in the Far East, Middle East and Latin America are severe; an individual who must serve a jail term faces a most distasteful ordeal. A person who has been apprehended must often spend several months in prison awaiting trial. In many instances, this time of incarceration is not subtracted from the sentence imposed by the court.

Our consular officers do the best they can to assure American citizens fair treatment under the legal procedures of the country involved. They cannot, however, represent them legally nor request special treatment on the basis that they are Americans. Moreover, the consular officers are unable to expend any U.S. Government funds in their behalf.

The Department has taken several measures to warn young people about the penalties of violating foreign drug laws. These warnings have included TV and radio interviews by the Administrator of the Bureau of Security and Consular Affairs, Miss Barbara M. Watson; a press release which has been reprinted and widely circulated to almost 6,000 colleges and college newspapers; and instructions to our consulates abroad to use posters and notices in order to warn American boys and girls who are visiting their countries. Our purpose has been to alert them to the danger before they get into trouble.

I am sending you this letter because I believe you would want to know how serious the situation has become. Please feel free to use this letter and the enclosed fact sheet in any way you deem helpful in alerting your constituents to this problem.

Sincerely,

DAVID ABSHIRE,
*Assistant Secretary for Congressional Relations.*

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FACT SHEET: AMERICANS ARRESTED ABROAD ON DRUG CHARGES

1. Total Americans Arrested and Under Detention Abroad on Narcotics Charges:

*Arrests*

| | |
|---|---|
| During March 1969 | 57 |
| During March 1970 | 221 |

*Under detention*

| | |
|---|---|
| As of March 31, 1969 | 142 |
| As of March 31, 1970 | 522 |

2. Top 20 Countries in which Americans are Under Detention for Narcotics:

| Country | Arrests in March 1970 | Total under detention, March 1931 |
|---|---|---|
| Mexico | 52 | 145 |
| Spain | 20 | 63 |
| France | 23 | 33 |
| Japan | 10 | 26 |
| Jamaica | 3 | 25 |
| Sweden | 10 | 23 |
| United Kingdom | 16 | 22 |
| Italy | | 20 |
| Israel | 10 | 18 |
| Canada | 11 | 17 |
| Lebanon | 5 | 17 |
| Germany | 5 | 16 |
| Greece | 1 | 12 |
| Panama | 8 | 8 |
| Netherlands | 4 | 7 |
| Bahamas | 5 | 6 |
| India | 5 | 6 |
| Turkey | 1 | 6 |
| Bolivia | | 5 |
| Denmark | | 5 |

3. Representative Penalties for Possession and Trafficking in Narcotics:

Bahamas: Possession—Americans have been sentenced to from 3 months to 1 year in jail.

France: Possession—varies, but less than for trafficking. A minimum of 3-4 months pre-trial confinement; Trafficking—1-5 years jail.

Germany: Possession—One American sentenced to 2 years for possession of large amount of hashish.

Greece: Possession—Fine and sentence to few months jail. Trafficking—One American recently sentenced to 18 months, another to 5 years.

Italy: Possession—One American recently fined $317 and sentenced to two years jail. Trafficking—3 to 8 years.

Jamaica: Possession—minimum of 18 months.

Japan: Sentences are based on the quantity of narcotics involved. For small amounts, as are usually the case, sentences are light, are often suspended, followed by deportation. One American found with 600 grams of hashish was sentenced to two years. Most Americans arrested on narcotics charges are seamen.

Lebanon: Possession and use—1 to 3 years in detoxification asylum (usually a mental hospital). Trafficking—3 to 15 years.

Mexico: A minimum of 6-12 months pretrial confinement; then, sentence usually *under* 5 years unless more than one-half ton of drugs involved.

Spain: Penalty depends on quantity of drugs involved: Less than 500 grams—fined and released or released on bail until trial.

More than 500 grams—heavy fine plus minimum of 6 years jail.

Sweden: Possession—One American recently sentenced 1 year jail. Attempted sale—One American sentenced 1 year, 9 months. Permanent expulsion from Sweden usually follows release.

Turkey: Possession—3 to 5 years.

Trafficking—10 years to life.

U.S.S.R.: Trafficking—3 to 10 years.

4. Approximate Age of Persons Arrested for Narcotics Violations:

According to a sample of about ⅓ of the cases in our card file, by far the greatest number arrested are below 30 years of age.

5. Distribution of Arrest Reports:

Initial reports of an arrest are sent to the Department of Justice as well as the Department of State.

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## THE "BREATHE-IN" AT FULLERTON JUNIOR COLLEGE

## HON. RICHARD T. HANNA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

**Mr. HANNA. Mr. Speaker, last April 22, the students and faculty at Fullerton Junior College staged a dramatic and successful "Breathe-In." Two-thirds of the 8,500 member campus participated.**

**The "Breathe-In" was designed as an impressive demonstration of concern. It was that and much more. For not only was the point made well, it also reflected that people are willing to use alternatives to the polluting automobile if they are given the alternatives.**

**I believe the FJC "Breathe-In" tells the Congress that we had better begin producing these alternatives rather than just talking about them. I fully endorse and support their thinking.**

**I commend to the attention of my colleagues two letters from Mr. Lawrence O'Hanlon, who served as adviser to the FJC "Breathe-In":**

FULLERTON JUNIOR COLLEGE,
*Fullerton, Calif., April 22, 1970.*

Congressman RICHARD T. HANNA,
*House Office Building,*
*Washington, D.C.*

DEAR CONGRESSMAN HANNA: The students and faculty at Fullerton Junior College, in recognition of the threat to the life-support systems of our planet by the internal combustion gasoline engine in its present form, have joined together in large numbers to show their concern. The 2,000 signatures on the long scroll which accompanies this letter are of those students and faculty who pledged to travel to the college on April 22, today, either without using an automobile or by reducing their use of the automobile to a minimum.

Today, the scene in the parking lots of Fullerton Junior College is, to say the least, hard to believe. It is obvious that far more than the 2,000 who signed the pledge have participated in this activity, called the "Breathe-In." We estimate that about two-thirds of the 8,500 students and faculty at our college have participated. All of us, even those most optimistic about the degree of possible participation, are somewhat amazed to see the parking lots of Fullerton Junior College two-thirds empty on a Wednesday morning during full-time class sessions.

The theme of this activity has been that it is time *now* for action, not just words. Those who are participating today in our "Breathe-In" show by their own actions that they expect their legislators to act accordingly.

We ask that you include a report of today's activities at Fullerton Junior College in the *Congressional Record*, as one means of impressing upon your fellow Congressmen the urgency with which we regard the issue of environmental pollution. We assume also that you yourself recognize this urgency, and we look forward to seeing evidence of your personal efforts to enact legislation or to support whatever action necessary to bring the internal combustion engine, as well as all other similar threats to the survival of mankind, under control.

We demand action now!

Yours very sincerely,

LAWRENCE O'HANLON,
*Adviser, FJC "Breathe-In" Committee.*

SOME REFLECTIONS ON THE "BREATHE-IN"

First, we would like to extend both our thanks and congratulations to those who participated in and supported the "Breathe-In." We never really expected to see too much of a "dent" in the school parking lots, since we thought probably the "Breathe In" would just cut down on the overflow into nearby streets. The degree of participation, especially from the faculty, was most encouraging.

But the obvious questions arise—"What was accomplished?" "Was it just a lark?" There is no doubt that for many it was a matter of "fun and games" or an emotional catharsis for individual frustrations about pollution. But we believe that the "Breathe-In" was more than that. One positive result, for example, has been the formation of a student car-pool structure, one which will hopefully be the forerunner of a carefully planned car-pool clearing-house to be operational as part of the registration procedures for the fall semester. Other results may be less measurable—matters of states of mind, for example. In this regard, let us explain what thoughts remain in the forefront of our minds in the wake of April 22.

*The lack of options:* In conversation with the congressional field representative who came to accept the 2000 signature-pledges received for the "Breathe-In," he expressed the conviction that individual action was the key to solving the problems of pollution. Though the *general* truth of his statements can hardly be denied (for example, the individual responsibility regarding litter), we found difficulty in relating them to some of the *particular* situations in which we find ourselves. Before one can be blamed for polluting the air by using an automobile powered by an internal-combustion gasoline engine, he must have some alternative transportation choice which avoids or reduces such pollution. Obviously, few such alternatives are available at present. Public transportation is almost non-existent (though surprisingly there are a few RTD busses—usually empty—which pass regularly near FJC). Bicycle-riding is impractical for many because of distance, and even for short-runs, it is not very safe. (There even seems to be some question as to whether bicycles have the right-of-way on our streets. How about it, faculty lawyers?) Housewives have little alternative but to use detergents, judging by what we see on the shelves of the supermarkets. And usually we have no choice but to buy products which come in non-salvageable packaging. Even when the packaging is salvageable, usually no practical means exists for recycling it.

Therefore, we as individual consumers and citizens cannot be *totally* blamed for polluting the environment unless business and/or government offer us some alternatives, or at least the opportunity to develop some alternatives. Accordingly, we believe that it must be in the area of identifying and developing such options that our efforts must be directed. This, then, is the primary lesson that we have learned from the "Breathe-In." We intend to direct our own efforts toward the development of some practical alternative choices to those present acts of pollution in which we are now forced to engage.

In addition, we intend to focus our attention on those areas where we can have the most effect. Before we can realistically conceive of improving the problems of environmental pollution on a statewide or nationwide basis, we must make our college and our local communities into "working models" of improved environment. The question which we face, then, is, "How can we identify and develop practical working alternatives to existing local pollution problems?" The FJC car-pool project now underway is one such alternative, and we are searching for others. Will you join us in the search?

WALTER DUDEK,
LARRY O'HANLON.

## EARL WARREN, PIED PIPER OF THE NEW YORK LAWYERS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RARICK. Mr. Speaker, by this time, most Members are well aware of the "political" views of those New York attorneys who have swarmed over the House today in another "visit."

The fact that I was elected by the people of the Sixth District of Louisiana to represent them—and their views—seems to be of little persuasion to these New Yorkers. Their paramount reasoning apparently is that all Members should disrupt their schedules and give audiences to New York lawyers—who incidentally, do not extend the same courtesies of appointments to busy Congressmen as they would expect at their office.

Nevertheless, two different groups came by my office to present their one-sided opinions and simple solutions to the Vietnam conflict. That they disrupted the work of my staff seemed not to matter in the least. To them, my staff members were only serving the people of my district back home, and New York City issues should be given priority.

The New Yorkers must like it here, for they seem to come at the drop of a hat, almost as if on signal, to force their opinions down the throats of other Congressmen. They apparently were not satisfied with their already achieved successes in defeating the Haynsworth and Carswell nominations to the Supreme Court.

Mr. Speaker, I remind the Members that it is the average citizen back home who cannot run to Washington at every new moon, who deserves to be heard and represented.

Would it not be interesting to find out who is organizing and financing these trips and who is actually directing the so-called lawyers.

Certainly those Members from the Empire State are interested in New York City lawyers' views on the war in Southeast Asia, but I think most Members are primarily concerned with the views of their own constituents back home—and not those of manipulated individuals from a distant area.

Like many other Members who are attorneys, I believe in the adversary settlement of disputes—but in court and not in the street. I also hold sacred my oath as a lawyer to use my talent and training to aid in solving the problems of society—not to create or aggravate issues.

Mr. Speaker, Earl Warren's endorsement and support of this new field of legalistic lobbying should remind many just who has created the crisis America faces today.

I insert related newsclippings at this point:

[From the Washington Post, May 20, 1970]

WARREN PRAISES ANTIWAR LOBBYISTS

(By Haynes Johnson)

NEW YORK.—Led by some of the most eminent names in American life, a cross-section of New York's legal establishment—pin-stripes, Wall Street portfolios, impeccable credentials and all—is heading for Washington Wednesday to lobby against the Indochina war.

"You are inaugurating what I believe can become a rebirth of the tradition of active involvement by lawyers in pressing public problems," former Chief Justice Earl Warren told a cheering crowd of more than 1,000 lawyers today in the New York City Bar Association headquarters.

A similar group of 1,000 Washington lawyers will gather at 12:30 p.m. Wednesday at the New York Avenue Presbyterian Church to set up their task forces for a long-range lobbying effort against the war.

Speakers will include Francis T. P. Plimpton, president of the Association of the Bar of the City of New York, Sen. ——— and Rep. ———.

A spokesman for the Washington group, which calls itself Lawyers Against the War (LAW), said it plans to help organize lawyers in other states.

The 1,000 New Yorkers will leave for Washington at 6:30 a.m. in a chartered train. After arriving about 10:30, they will go to the Capitol, separate into about 150 small groups begin meeting with senators and congressmen. They plan to meet with every senator and about half the members of the House.

Among their ranks are former Supreme Court Justices, government officers, presidential advisers, judges, and men who represent the bluest of blue chip corporations.

They joined together after American intervention in Cambodia, slayings on college campuses, and a counter violent reaction in New York City where construction workers attacked antiwar demonstrators.

Their action to attempt to convince the Congress that it should reassert its constitutional role in regard to the Cambodian situation is virtually unprecedented.

Earl Warren, in his address to the lawyers today, said that so far as he can recall never in his 56 years as a lawyer "has any large aggregation of lawyers such as this gone to Washington in a body to make its political views known on a great issue before our elected representatives."

He also said, "There have been no crises within the memory of living Americans to compare with" the crisis America faces today.

"We are torn by frustration, distrust and rage to an extent unparalleled in my lifetime," he said. "And our people are confused and upset to the point that they are questioning the verities that have made our nation great—faith in our democratic institutions, faith in mankind, faith in individual liberties, a vision for the future, and courage to meet the problems which must be faced wherever they might be."

Warren said that because he was still a judicial officer, although in retirement, he would not suggest the answers to any of these questions. But, departing from his text, he said, "I think I know what your answers are and I'm almost certain I don't disagree with you." He added:

"I do want to tell you specifically why I'm so pleased that you are undertaking this pilgrimage. First, it is because you are brought together on an issue which is shaking the foundations of American life. Secondly, you are acting in the finest tradition of our profession and entirely in the spirit of our democratic institution."

That same theme was shouted by other speakers at the convocation held to launch the move to Washington. Among the speakers were New York's Mayor John V. Lindsay, Plimpton, Bernard Botein and Orville H. Schell.

These men were an indication of the range of the group. Schell is a senior partner in the firm of Hughes, Hubbard & Reed, bearing a One Wall Street address. Plimpton, in addition to heading the New York Bar, is senior partner in the firm of Debevoise, Plimpton, Lyons & Gates at 320 Park Ave. Botein is senior partner in Botein, Hais, Sklar & Herzberg of 200 Park Ave. and is a former residing justice of the New York State Supreme Court.

Plimpton stressed that this was not "a politically partisan group. To be sure, there are an inordinate number of permanent Democrats among the 27 sponsors of this gathering. However, there is a non-silent minority of at least six registered Republicans, including that stalwart Bruce Bromley and such dubious characters as John Lindsay and myself."

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He drew loud applause when he told the lawyers:

"When the President ordered American troops to invade Cambodia, he was acting on his own, in blithe and unilateral disregard of the Congress, which under the Constitution has the sole right to declare war . . ."

Botein said that as men who are wedded to the rule of law, "We, above all other people, realize that the rule of law in its broadest sense is eroded by government officials so unresponsive to lawful protest that in effect they refuse a fair hearing."

Lindsay recalled that Abraham Lincoln, newly elected to the Congress, left his law practice and travelled from Springfield to Washington in 1847 to denounce the American intervention in Mexico.

"Tomorrow," the mayor said, "You will leave your law practices to make a similar journey."

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[From the Sunday Star, May 17, 1970]

### One Thousand District Lawyers Joining Antiwar Rally

(By Robert Walters)

More than 1,000 Washington lawyers, many of them senior partners in some of the city's best law firms, will join their New York City colleagues Wednesday in a campaign "to reverse the administration's war policy in Indochina."

The Washington attorneys will meet at 12:30 p.m. at New York Avenue Presbyterian Church, 1313 New York Avenue, NW, to hear a series of speakers, including Francis T. P. Plimpton, president of the Association of the Bar of the City of New York, and Sen. Blank.

Earlier that day, a large delegation of New York City lawyers—originally estimated at 200 to 300 but now numbering 1,000 or more—is scheduled to arrive in Washington for an unprecedented effort to seek an end to the war in Southeast Asia.

They will spend the day meeting with members of Congress and the Nixon administration, and that evening will have a convocation, with speakers including former Chief Justice Earl Warren.

#### PHILADELPHIA GROUP DUE

A smaller delegation of Philadelphia attorneys also is expected to arrive in Washington on Wednesday, and there is talk within the legal profession of expanding the effort into a continuing nationwide drive.

In addition, 20 lawyers in the Department of Health, Education and Welfare revealed plans yesterday to lobby in support of the amendments tomorrow and to ask HEW Secretary Robert H. Finch to sign a petition urging President Nixon to withdraw all U.S. troops from Southeast Asia.

Organizers of the Washington effort, expected to attract 1,000 to 1,500 lawyers, said yesterday their initial concern would be to muster support for an antiwar measure pending in the Senate, sponsored by Senators and others.

That amendment expected to be considered in about a month, would deny the use of appropriated funds for U.S. military operations in Laos and Cambodia, and would permit the use of appropriated funds for U.S. military operations in Vietnam only until June 30, 1971.

In addition, the Washington lawyers plan "to provide support services—including office facilities, accommodations, appointments with congressmen and legal memoranda—for groups coming to Washington to work against the war," according to a statement.

"The group will also work on programs involving direct political action," the statement said.

#### DIRECT POLITICAL ACTION

"The expansion of the war in Indochina has been deeply troubling to all of us. As attorneys, we are supporting the efforts of senators, congressmen, students and others to bring the war to a prompt end."

Among the Washington attorneys participating in the effort are:

Edward Burling, senior partner in Covington & Burling; and John Douglas, a former assistant attorney general now with Covington & Burling;

John Pickering, senior partner in Wilmer, Cutler & Pickering; and Louis F. Oberdorfer, a former assistant attorney general now with Wilmer, Cutler & Pickering;

E. Barrett Prettyman Jr., a former White House Aide, and Seymour Mintz, both senior members of Hogan & Hartson;

Abe Krash, William D. Rogers and Stuart J. Land, all senior members of Arnold & Porter.

The Washington lawyers organized their anti-war effort following last week's announcement by the New York group, whose sponsors include the presidents of both the city and state bar associations; Mayor John V. Lindsay; Robert B. McKay, dean of New York University Law School; William C. Warren, retiring dean of Columbia University Law School, and Michael Sovern, dean-designate of Columbia Law School.

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[From the Washington Star, Washington, D.C., May 16, 1970]

### Warren Deplores Neglect of Rights

New York.—Former Chief Justice Earl Warren says many of the nation's problems today can be traced to neglect of the ideal of equality and a failure to enforce the Constitution's guarantee of civil rights.

"We have had many crises in prior years, but none within the memory of living Americans which compares with this one," Warren told a civil rights luncheon yesterday.

"Our problems have grown in size and intensity with the result that we are now torn by distress, frustration and dissent," he said. Contributing factors, he said, include war, unemployment, inflation, a deteriorating environment and "an atmosphere of oppression."

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# CAMBODIAN INVASION VIOLATES INTERNATIONAL LAW

## HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FRASER. Mr. Speaker, the number of legal scholars voicing their opposition to President Nixon's Cambodian invasion is increasing every day. Mr. Richard Edwards, Jr., a distinguished member of the District of Columbia Bar Association, has joined that opposition by preparing an excellent legal brief decrying our latest action in Southeast Asia.

The brief calls the invasion "a blatant violation of obligations the United States and South Vietnam have under international law." The Cambodian action further serves to mock the United Nations and its charter and seriously questions the American commitment to an international order based upon law, according to Mr. Edwards.

It is because of the gravity and importance of this legal crisis that I place into the Record the entire text of this brief.

### The Cambodian Invasion Violates International Law

(By Richard W. Edwards, Jr.)

The attack by United States and South Vietnamese armed forces across the Cambodian borders, announced by President Richard M. Nixon on April 30, 1970, is a most regrettable and blatant violation of obligations the United States and South Vietnam have under international law to the people of Cambodia. U.N. Secretary-General U Thant on May 5 described the invasion of Cambodia by the United States and South Vietnam as "the new war in Cambodia." He went on to say that "we are viewing a situation even more dangerous than the one created by the conflict which ravaged Indo-China before 1954."[1] This memorandum examines the neutrality of Cambodia, the actions of the participants in the new Indo-China conflict, and appraises the invasion of Cambodia by the United States and South Vietnam in terms of international law.

In July 1954 the Royal Government of Cambodia made a formal declaration of neutrality and peaceful relations at the time the Geneva Accords on Indo-China were concluded. The full text of the declaration reads:

"The Royal Government of Cambodia is resolved never to take part in an aggressive policy and never to permit the territory of Cambodia to be utilised in the service of such a policy.

"The Royal Government of Cambodia will not join in any agreement with other states, if this agreement carries for Cambodia the obligation to enter into a military alliance not in conformity with the principles of the Charter of the Unted Nations, or, as long as its security is not threatened, the obligation to establish bases on Cambodian territory for the military forces of foreign powers.

"The Royal Government of Cambodia is resolved to settle its international disputes by peaceful means, in such a manner as not to endanger peace, international security and justice.

"During the period which will elapse between the date of the cessation of hostilities in Viet-Nam and that of the final settlement of political problems in this country, the Royal Government of Cambodia will not solicit foreign aid in war material, personnel or instructors except for the purpose of the effective defense of the territory."[2]

The parties to the Geneva Accords of 1954 formally "took note" of the Cambodian declaration and were obliged under international law to respect Cambodia's neutrality.[3]

Under the terms of the Geneva Accords, the customary international law of neutrality, and the principles embodied in the United Nations Charter; the United States, South Vietnam, and North Vietnam had a duty to respect Cambodia's independence and territorial integrity and, in accordance with Cambodia's neutrality, not to establish bases for military forces on Cambodian territory. And, Cambodia had a reciprocal obligation not to permit its territory to be used by North Vietnam or South Vietnam as a base of operations for military actions.

In recent official statements attempting to justify the invasion of Cambodia, it is said that beginning about 1965 the North Vietnamese and Viet Cong began a series of violations of Cambodian neutrality. Perhaps as many as 40,000 North Vietnamese and Viet Cong according to official estimates have stationed themselves in areas of Cambodia adjacent to South Vietnam. It has been asserted that for five years areas of Cambodia have been used as bases for supply and command of forces challenging the South Vietnamese Government and, it is argued, the continued use of the "sanctuary areas" by the North Vietnamese and Viet Cong would pose a serious immediate threat to the "Vietnamization" program when U.S. military troops were withdrawn.

Cambodia by its own 1954 declaration had an obligation not to permit its territory to be used by North Vietnam as a base for military forces or in the service of an aggressive policy. Cambodia as a declared neutral in the Vietnam conflict had an obligation under customary international law to "use the means at its disposal" to this end.[4]

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Footnotes at end of speech.

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The United States has not claimed that Cambodia has failed to carry out its international obligations. The U.S. and South Vietnamese invasion of Cambodian territory came only a month and a half after a new government had come to power in Cambodia. Was the United States sure that the new government would be unwilling or unable, even with appeals to other countries not directly involved to provide assistance, to end the North Vietnamese intrusions? On April 25, 1970, only five days before President Nixon announced his decision to invade Cambodia, Secretary of State William P. Rogers in an address to the American Society of International law said:

"[I]t is encouraging to note that the Foreign Ministers of such nations as Indonesia, Thailand, and Japan are initiating consultations to determine what action they can take in the international community to protect and restore the independence and neutrality of Cambodia.[5]

The invasion by the United States and South Vietnam to clear the "sanctuary areas" in Cambodia, announced by President Nixon on April 30, came before the efforts of Cambodia and other neutral countries to remove the North Vietnamese forces and supplies had been tried and found wanting.

Even if the United States and South Vietnam had a right *as against North Vietnam* to destroy its supplies and capture its personnel using Cambodian "sanctuaries" as bases for attacks into South Vietnam, the U.S. and South Vietnam had no right *as against Cambodia and its people* to invade its territory, destroy its villages, kill and wound Cambodian people and drive them from their homes.

The official digest of U.S. international law practice, the *Digest of International Law* by Marjorie M. Whiteman, under the heading "Belligerent Remedies for Breach of Neutrality,"[6] reports only three cases in the last thirty years that might even remotely justify the U.S. actions. One case involved the removal by Great Britain of British prisoners from the German ship *Altmark* in Norwegian territorial waters. A second case was the action of the British and French in laying mines in Norweigan territorial waters in World War II. The third case involved the assertion by the United Kingdom during World War II of the right to destroy German aircraft using neutral Syrian airfields as staging points.

None of the three cases is at all comparable in magnitude to the invasion of Cambodia by the armies of the U.S. and South Vietnam. This invasion involves armies of thousands of men crossing a land frontier in a major engagement.[7] In the cases approved by the *Digest's* compilers the actual damage to the neutral state was minimal—a splash in its territorial waters. In the present case the destruction of Cambodian people and property has been large. At the time this memorandum is written, figures on the number of Cambodians—not North Vietnamese—who have been killed by United States and South Vietnamese troops are not available. The figures on the overall casualties of the operation are indeed large and growing every day, and it is safe to assume that a significant portion of the dead and wounded are Cambodian citizens.

The invasion by United States and South Vietnamese troops was, according to official U.S. statements, initiated without the consent of the Government of Cambodia. The subsequent "consent" of General Lon Nol does not absolve the U.S. and South Vietnam of responsibility. The "consent" of a general who has taken power in a recent coup does not give the U.S. the legal right to kill Cambodian people. The invasion violates the rights of the Cambodian people who live in a neutral state that is relatively powerless.

In a letter of May 5, 1970, from the Permanent Representative of the United States to the President of the U.N. Security Council, the United States accused North Vietnam of aggression and described the sending of U.S. and South Vietnamese troops into Cambodia an "appropriate measures of collective self defense by the armed forces of the Republic of Vietnam and the United States of America" permitted by Article 51 of the United Nations Charter.[8]

That article, indelibly etched into the minds of State Department legal officers, appears to be the perennial cornerstone of official justifications for violent U.S. military actions abroad. It must be borne in mind that Article 51 did not create new rights to take military actions. It only says that "nothing in the present Charter shall *impair* the *inherent* right of individual or collective self-defense . . ." (emphasis added) It has never previously been claimed that Article 51 permits an attack against the people and into the territory of a neutral state. Where an action would be unlawful under customary international law, which is clear in the Cambodian case, Article 51 does not provide a justification.

The attack by United States and South Vietnamese armed forces across the Cambodian border, announced by President Nixon on April 30, is a clear and most serious violation of obligations owed under international law to the Cambodian people.

In the debate on the Cambodian invasion it is well to keep in mind some broader concerns in addition to the violations of international law:

1. The action of the United States mocks the United Nations and the Charter which is its foundation. No serious attempt was made in the recent critical weeks to get the Security Council to address the violation of Cambodian neutrality by North Vietnam. There is a hint by U.S. officials that if the matter had been raised in the United Nations, the credentials of the Lon Nol Government might have been challenged. This is hardly an excuse, and raises some doubt about the judgment of the U.S. in relying upon Lon Nol as the chief representative of the Cambodian people.

2. The invasion and its aftermath weaken the posture of Cambodia (or at least the Lon Nol Government) as a neutral entitled to assert neutral rights. It has become a U.S. ally.

3. Issues relating to the future of Cambodia and who should govern that country have been raised to the international plane. The invasion further complicates the settlement of the Vietnam War by negotiation. Who are to sit at the table in Paris?

4. The invasion widens the area of combat geographically and brings the terrible suffering and inhumanity of war to a new population.

5. It can be anticipated that difficulties may be encountered in promptly withdrawing South Vietnamese and U.S. troops. There is a risk that the troops will not all be withdrawn, and there is the possibility of a Cambodian-South Vietnamese border dispute. What if South Vietnamese forces continue to occupy portions of Cambodian territory to protect the South Vietnamese capital of Saigon?

6. The secrecy and haste with which awesome decisions were made raises fundamental domestic questions about whether the President makes effective use of talents within the Executive Branch; about the standards of truthfulness, confidence, and respect between the Executive and Legislative Branches of the U.S. Government; and the limits of the President's authority to initiate and wage military actions.

7. On April 25 Secretary of State Rogers said, "We must take steps which will build international confidence in international law." The march into Cambodia leads in the opposite direction.

FOOTNOTES

[1] U.N. Press Release WS/449 (May 8, 1970).

[2] Document IC/46/ Rev. 2 (July 21, 1954) issued by the Secretariat of the Geneva Conference on Indo-China.

[3] In a diplomatic note to the Royal Cambodian Government of December 4, 1967, the United States stated that it "continues to respect the neutrality, sovereignty, independence, and territorial integrity of Cambodia." U.S. Department of State *Bulletin*, Vol. 58, p. 124 (January 22, 1968). The letter of the Permanent Representative of the United States to the President of the U.N. Security Council reporting the U.S. invasion of Cambodia states, "The United States wishes to reiterate its continued respect for the sovereignty, independence, neutrality, and territorial integrity of Cambodia." U.N. Doc. S/9781 (May 5, 1970). The actions of U.S. forces against Cambodian people, property, and territory deprive the quoted words of meaning.

[4] The phrase "use the means at its disposal" is a recurrent phrase in the definitions of the obligations of neutral states in the 1907 Hague Convention Respecting the Rights and Duties of Neutral Powers and Persons in Cases of War on Land and in the Harvard Draft Convention on the Rights and Duties of Neutral States in Naval and Aerial War. American Journal of International Law, Vol. 33, Special Supplement, p. 204 (1939). The commentary to the Harvard Draft states: "A neutral state is not an insurer of the fulfillment of its neutral duties. It is obliged merely to 'use the means at its disposal' to secure the fulfillment of its duties." Philip C. Jessup, who recently retired as a Judge of the International Court of Justice, was the reporter for the Harvard Draft.

[5] U.S. Department of State Press Release No. 132 (April 25, 1970).

[6] Volume 11, p. 190 (1968).

[7] The only cases cited in the *Digest* that are comparable in magnitude to the Cambodian invasion, where a belligerent has taken measures of "self help" allegedly because a neutral had failed to fulfill its responsibilities, were the German invasions of Norway, Denmark, and Romania in World War II. The compilers of the *Digest* treat these actions, properly, as violations of the international law of neutrality. Pp. 195–97.

[8] U.N. Doc. S/9781 (May 5, 1970).

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## DDT PRODUCTION BANNED IN SOVIET

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. OBEY. Mr. Speaker, in light of the difficulties we have had in banning the use of DDT in this country, I think it will be of interest to the Members of Congress to note that even the Soviet Union has now taken action to regulate the production of that hard pesticide.

I insert the following article for your attention:

DDT PRODUCTION BANNED IN SOVIET; RUSSIANS ALSO ACT TO CURB USE OF OTHER PESTICIDES

Moscow, May 13.—The Ministry of Agriculture disclosed today that it had banned the further production of the pesticide DDT which is used to protect food and fodder crops.

In reply to criticism leveled by the newspaper Komsomolskaya Pravda about careless use of such chemicals, the ministry also said that it was taking steps to restrict the use of other pesticides, including zinc phosphides, which were recently blamed for the killing of some rare wildlife.

A letter from the ministry printed in the newspaper, for years an advocate of conservation measures, said that "starting in

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1970, it is forbidden to produce preparations of DDT for the protection of food and fodder crops."

No further details were available on the DDT curtailment, and it seemed that the Ministry was not ordering a ban on the use of DDT already in stock.

The Soviet Union has said little about the threat to the environment from chemicals, possibly because the leadership up to now has felt that it was more important to take whatever steps necessary to insure a good harvest than to worry about how chemicals might affect the cycle of life in nature.

The Soviet media, for instance, paid nearly no attention to the steps taken by the United States Federal and state governments last year to take DDT out of wide use and the subsequent anti-DDT legislation in other countries.

### United States Acted in November

The United States Government announced last November that it planned to phase out most domestic uses of DDT over a two-year period. It began by ordering the halt of the use of DDT in residential areas by the end of 1969.

Secretary of Agriculture Clifford M. Hardin's order last Nov. 20 left the door open for the chemical's use in emergencies, such as epidemics of infectious diseases caused by insects that cannot be killed by other pesticides. The order affected "all DDT uses for shade-tree pests, pests in aquatic areas, house and garden pests, and tobacco pests, currently using 14 million pounds, or 35 per cent, of the total DDT used in this country."

Two months ago, the Agriculture Department banned the use of two pesticides, aldrin and dieldrin, in wet areas.

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## WATCHMAN'S BACK ON FREEDOM'S WALL

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. DERWINSKI. Mr. Speaker, certainly objective reporting and commentary is in the public interest at this time. One of the most thoughtful articles I have noted recently was carried on Friday, May 15, in Chicago Today by columnist John P. Roche. It follows:

### Watchman's Back on Freedom's Wall

(By John P. Roche)

President Nixon's decision to burn out the wasps' nests in communist Cambodia sanctuary was sensible and merits wide support. He did not "widen the war." Hanoi widened the war.

In February, for example, I pointed out that Hanoi was fighting a war for Indochina, while we were in grave danger of getting wholly engrossed in Viet Nam. "To concentrate on Viet Nam," I wrote, "to the exclusion of the rest of former French Indochina is as dangerous as concentrating on Berlin in isolation from Germany."

As we persisted in fighting a war in Viet Nam, a half-war in Laos, and no war in Cambodia, I confess I became gloomy. This led me to misjudge seriously President Nixon's judgment and courage—I hope he will accept my apologies—and to be convinced that we were mired in the swamp of isolationism.

The Cambodian speech struck a new note—or rather, an old note that has been muffled these last few years. In a broad, symbolic sense it represented Mr. Nixon's reassertion of the principle of American responsibility, the end of his flirtation with the proposition that the "cold war is over." It was hardly accidental, as they say in Moscow, that the President's action in Southeast Asia paralleled a new firmness in the Middle East.

Every President has to pay for an education on the subject of the cold war. Always he enters the White House with the suspicion, perhaps the hope, that the sources of trouble with the Russians was his predecessor's failure to communicate our willingness to implement detente. The Russians, for their part, break out their "President-testing" scenarios.

Meanwhile the Soviet offensive platoon goes to work. Its top priority over the last year has been the Middle East, and it has wasted no time on rhetoric.

The mission was to neutralize Israel's air supremacy over Egypt; the method: install SAM–3 missiles and put Soviet pilots in Egyptian MIGs.

The key to Israel's survival has been its ability to police the Arabs from the air; to pre-empt enemy ground operations and to maintain full intelligence on activities on the other side of the hill. As far as Egypt is concerned, this reconnaissance has now been imperiled if not destroyed. Will the Russians move to Syria and repeat the operation?

For the last year the Russians have been applying this split-level strategy (a variation on "talk-fight") to Mr. Nixon. Unlike many American liberals, the Russians are aware that if the American people go isolationist, it will be universal rather than selective in impact. (If we write off the Vietnamese, or the Khmers, we also will write off the Berliners and Israelis. Willy Brandt and Golda Meir have doubtless lost some sleep worrying about this chilling proposition.)

So President Nixon, and particularly Secretary of State William Rogers, have been encouraged by Moscow to think that "negotiations" can replace "confrontations."

The result was the great withdrawal syndrome of 1969 as the American people, led by their intelligentsia, tried to find a hole and crawl into it. And the President played soothing music.

Mr. Nixon's speech marked, I hope, the end of this witless flight from responsibility. While the focus was southeast Asia, let us trust that the message will go out to Jerusalem, to Berlin, to Tokyo, and that the watchman (in John Kennedy's words) is back on the wall of freedom.

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## POW WIVES REPLY TO VON HOFFMAN

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BOB WILSON. Mr. Speaker, under leave to extend my remarks in the Record, I include the following:

[From the Washington Post, May 17, 1970]

### POW Wives Reply to Von Hoffman

Nicholas von Hoffman with his vitriolic venom splattered the prisoner-of-war issue all over the pages of this newspaper last week. The League of Families of American Prisoners in Southeast Asia was stunned. They had long been seeking Washington Post publicity, hoping to arouse public opinion to the plight of their men. But not this way.

"How cruel!" one wife cried. "How could he use this issue to get across his personal point of view on the war? It's not fair."

Mr. von Hoffman's treatment of this issue was not fair. What's worse, it was not even accurate.

The League does not consider the prisoner-of-war issue political. It is a humanitarian issue that transcends whatever an individual feels personally about the war. The League is a loose-knit organization of all kinds of different people from different parts of the country with but one agonizing common bond—a relative missing in action or held prisoner in Southeast Asia. The League members themselves do not agree on the war. But there can be no disagreement on the POW issue.

Contrary to Mr. von Hoffman's insinuation that our government says North Vietnam has "kidnapped thousands of our servicemen" and holds them as 'hostages," we have made no such accusations. We do not even ask for the release of these men, although we continue to pray it will be possible soon. All the League asks is: 1) a complete list of those held prisoner; 2) adequate food and medical care for prisoners; 3) release of the sick and wounded; 4) impartial inspection of prison camps; and 5) free exchange of mail between the prisoners and their families.

Nobody has ever said that "there are thousands upon thousands of our men incarcerated in North Vietnamese camps." The facts are public knowledge. There are 1,500 men missing in action in Southeast Asia—about 800 in the North, 500 in the South, and about 200 in Laos. The 800 downed in North Vietnam are all fliers, none of them draftees as von Hoffman implied.

About 400 of the 1,500 are known to be prisoners, but these names were *not* provided by the Committee of Liaison With Families of Servicemen Detained in North Vietnam, as von Hoffman states. This simply is not true.

The Committee of Liaison was formed at the request of the government in Hanoi, and its members are among the most militant of the peace groups. Although 75 percent more mail has been sent from prison camps in the past year than in all the previous five years, only 16 new names have come out since last Thanksgiving. The Liaison Committee has said that every prisoner may write. But fewer than 200 have been heard from. The North Vietnamese say some men do not wish to write their families. It is impossible to believe that any American man imprisoned for years would deny his family the opportunity of knowing he is alive.

Mr. von Hoffman's comments about mail were misleading. POW next-of-kin have always been permitted to write letters. A six-line letter restricted to remarks about health and family members is permitted each month, although wives and parents have no way of knowing if they are received. Many have written letters for years but have never received a reply.

Packages for prisoners, however, were not accepted until Christmas of 1968. The following July, families were permitted to send a second package. It wasn't until February 1970 that families were told they could send a package every other month.

There have been American men imprisoned in Southeast Asia since March of 1964. Can you imagine the despair of a young mother who for six years has not been able to get a simple answer to her heartbreaking question: "Am I a wife or a widow?"

Perhaps Mr. von Hoffman should meet some of these families. It would give him much needed insight into a problem that cries out for editorial comment, demanding humane treatment for all prisoners-of-war, in accordance with the Geneva convention.

Let Mr. von Hoffman talk with these young wives who are living in a hellish limbo where they cannot buy or sell property; cannot borrow money for a son's college education. Let him talk to the children—the four-year-old boy who has never seen his father; or the seven-year-old girl who can't remember hers.

He should talk to one of the prisoners—one of nine released from North Vietnam in six years. Let him hear about the solitary confinement—of sitting on a bare board bunk with nothing to read, nothing to do, for hours, days, months on end. Let him hear about losing 50 pounds on the twice-a-day diet of pig fat and pumpkin soup; of never being allowed to communicate with another

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**human being, much less his family or the outside world.**

And he really should talk to H. Ross Perot, the Texas billionaire he accused of publicity seeking. Here is a man who did meet the families, was appalled by their problem, and tried to do something about it. Because he has money, he has accomplished more than the rest of us, but his motives are mistrusted. Mr. Perot has given the prisoners' families reason to hope. Von Hoffman's acid-dipped pen tried to tear that slim hope down.

The League of Families is not asking for any special privileges. All they ask is that the minimum standards of human decency be extended to those who are imprisoned, at the mercy of their captors. All they ask for themselves is the barest solace of knowing whether their husband, father, son, brothers, is alive or dead.

Why do the North Vietnamese refuse even this small concession to human decency? Even the peace groups are embarrassed by North Vietnam's continuing refusal to release the names of the prisoners they hold. No one knows why they persist in inflicting this unnecessary anguish on innocent families.

Why should wives have to travel around the world seeking the answer to that question that haunts them day and night: "Am I a wife or a widow?" Wives have appeared before the North Vietnamese delegation to the Paris peace talks, who looked them right in the eye and promised they would hear. They have not heard.

Why should wives have to deal through a Liaison Committee established by the enemy? Most of them are so desperate they would accept information from any source, but why should they be reduced to this? In no other armed conflict in history have the wives and families of military men been exploited in this cruel manner.

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For years these families suffered silently. The world knew nothing of their plight. By their silence, they hoped to protect their men from harsh treatment, torture, perhaps even death at the hands of their captors. But after five years, they wearied of the lack of progress on the prisoner-of-war question. They worried about the state of their loved ones—mentally and physically. They began to speak out.

Families and friends of the 1,500 men missing in action in Southeast Asia have written thousands of letters—to newspapers, congressmen and senators, to the presidents of the United States and North Vietnam, to the United Nations and the Red Cross, to foreign governments, to everybody they could think of who might add a voice to theirs in their search for information and their demands for humane treatment for prisoners.

They have spent a year of dedicated—and courageous—effort to make this issue known to the public and to urge support for their simple humanitarian aims. Articles like von Hoffman's completely undermine their efforts. It is articles like von Hoffman's that the North Vietnamese take delight in reading to their prisoners.

Only world opinion will persuade Hanoi to change its policy on prisoners. It is known that the North Vietnamese cannot believe that the American public really cares about "just 1500 men." The words von Hoffman used are the words Hanoi uses—"just 1500 men." To the League of Families these are not "just 1500 men." The plight of these men is a personal daily hell that each family member endures as best he or she can.

The only thing the families would like to ask Mr. von Hoffman is: "What would you be writing if it were your son, your brother, who was among the missing? What would you do after years of not knowing if he were alive or dead? Just what would you do?"

BARBARA P. ONDRASIK,
*Member, League of Families of American Prisoners in Southeast Asia.*
ROCKVILLE.

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## CONGRESSMAN HARSHA'S WASHINGTON REPORT

## HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. PEPPER. Mr. Speaker, in the April 28 edition of the West Union (Ohio) News there is a timely column by our colleague, Congressman BILL HARSHA, that appeared on the editorial page.

Congressman HARSHA writes about drug abuse, particularly the milder hallucinogen marihuana. I am pleased to note that he speaks favorably of a number of recommendations our Select Committee on Crime proposes in its "Marihuana Report."

Mr. HARSHA has done a service to the citizens of the Sixth District of Ohio by reporting on the marihuana controversy. I insert the text of Congressman HARSHA's column in the RECORD so that its many readers might benefit from his observations:

### WASHINGTON REPORT

(By Representative WILLIAM H. HARSHA)

There is an old cliche about drug addiction: One shot or one joint is too much and a thousand reefers or a thousand shots are not enough. The reasoning behind this concise assessment of drug abuse has often been re-worded into the many campaigns now being launched to stop its encroaching influence on our society. Indeed, the dangerous epidemic of drug abuse afflicting, for example, our educational levels from college to junior high school has stimulated serious National concern over the drug problem on the campus and elsewhere.

One extensive and thorough investigation of this subject, and marihuana in particular, was recently completed by the House Select Committee on Crime. The hearings conducted by the committee delved into the many facets of this drug, airing the pros and cons of legalization, the circumstances surrounding its use and the effectiveness of the existing penal laws and methods of rehabilitation for offenders.

The most revealing conclusion of this report characterizes marihuana as an "entry port to drug culture." In every instance, except for one, the drug addicts who testified before the committee were drawn further into a world of other more powerful narcotics—the type of never-neverland from which it is extremely difficult to escape—by a few enticing puffs of marihuana. This is extremely important. It's what the use of marihuana leads to rather than the temporary effects of this use of marihuana that is so dangerous.

The committee further concluded that the legal approach to the problem must be reconsidered and revised to effectively meet the many and varied challenges of coping with marihuana. It found that many of the current laws were not enforced and urged that a more uniform enforcement of the laws be implemented. In addition to this suggestion, however, is the committee's recommendation to "make the penalties relating to violations rational" first. One such application, of these concepts that the committee found already in existence is a law in Nebraska dealing with first-offenders on marihuana charges. Briefly, this law provides:

(1) a maximum of 7 days in jail; (2) segregation of user from all other prisoners; and (3) requirement to take a drug abuse education course. The ramifications of such a law are many. First, it would separate the first-time offenders—often young students—from the hard core criminals while they are in jail, thereby reducing the possibilities of introducing them to any further avenues of crime. Secondly, the educational provision of this law wisely allows society to take the time to explain to the violator why he has been apprehended and sentenced.

In one of my previous Washington Reports this year, I emphasized the grave importance of initiating effective educational programs for alerting all phases of society against the dangers of drug abuse. It would be ideal if we could reach potential drug experimenters and even potential addicts before they take their first puff of marihuana or whatever, but we should not abandon our educational campaign once they have been incarcerated on narcotics charges. That is why I view the provisions of this Nebraska statute favorably—as do my colleagues on the Select Committee on Crime. A uniform application of such a law could produce favorable results.

Another proposal related to the control of the narcotics problem I believe also merits serious consideration is one put forth by President Nixon. Recently, he suggested that the communications media could be used in a variety of ways to reach the public effectively about the dangers of drug abuse. One suggestion, for example, is the broadcasting of spot announcements on the disadvantages of drug usage similar to the ones now aired on the dangers of cigarette smoking. In addition, the initiation of a television series on this subject or the broadcast of more in-depth specials on narcotics could reach a broad audience of all ages and certainly better inform this audience on the real problems of drug abuse.

I am encouraged by these recommendations and I would hope the communications media and other influential organizations will seriously consider the possibilities of taking up the President's suggestion. Such an action would definitely be in the best interests of public service and could aid considerably in the campaign we are conducting to develop a solution to our drug problems.

Furthermore, I believe that the House Select Committee on Crime's investigation of marihuana offers valuable insight into a problem not so simply answered by more laws, more educational and rehabilitation programs unless an effective approach is taken with them. We do not know all the effects of this drug and others on an individual, and on society in general, but we must move ahead as this report recommends in the line of prevention, research and control as well as we are able at the moment.

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## JOBS PROGRAM IN OAKLAND, CALIF.

## HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. MILLER of California. Mr. Speaker, I am informed by the Office of Information, U.S. Department of Labor, San Francisco, that a consortium of three Oakland employers under the leadership of the Oakland Chamber of Commerce will hire and train 46 jobless, disadvantaged persons in a new JOBS—job opportunities in the business sector—program.

Kenneth C. Robertson, the Department's Regional Manpower Administrator, said his agency was investing $87,511 in the program—a joint venture of his agency and the National Alliance of Businessmen—NAB. NAB chairman in Oakland is Edward J. Daly; metro director is Charles J. Patterson.

I want to compliment Mr. Edward J. Daly, who is president of World Airways of Oakland, Calif., for the very fine work he has done as NAB chairman in Oakland. Mr. Daly is a very generous man who is conscious of the plight of his fellow men and does what he can to alleviate it.

The three firms comprising the new consortium are Owens-Illinois, Oakland, Kay Manufacturing, and Oliver Tire & Rubber Co.

Training courses up to 39 weeks in length will be given to trainees the employers select from candidates referred to them by the California Department of Human Resources Development.

Hourly wages on completion of training range from $2.93 to $3.32 an hour, depending on the job. Occupations include rubber tubing splicers, floor boys, machine coil assemblers, wooden frame builders, and box spring makers.

Unions participating in the new program include Local 414, Glass Blowers Association; Local 262, United Furniture Workers of America, AFL-CIO; and Local 64, United Rubber Workers of America.

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## A CLERGYMAN ON CAMBODIA AND UNREST ACROSS OUR NATION

## HON. FRANK T. BOW

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BOW. Mr. Speaker, the following sermon was delivered on Sunday, May 11, by the Reverend James Millar, rector of St. Timothy's Episcopal Church in Massillon, Ohio. It was subsequently printed in the Massillon Evening Independent. I wish to share it with my colleagues.

### LOCAL CLERGYMAN, WHO HAD TWO SONS IN VIETNAM, SPEAKS OUT ON WAR, VIOLENCE

Many thoughts crossed my mind this week—

As I tried to keep abreast of the goings on around us—

While trying to live as your pastor and friend—

And, as a responsible citizen who has some concern for the well being of all people.

All of us, I'm sure, were shocked by the tragic death of four young college students—on a campus—not too far from where all of us live.

It makes little difference now whether they were participants in a violent demonstration or merely spectators, soaking up that illigitimate thrill which comes from breaking the law.

They are dead, now—And their death has led to a national uprising which may cool down over the weekend, but will not subside completely until some solutions are found to a series of problems.

I may be wrong in my feelings about Vietnam—but I believe that people with much greater knowledge than I made the decision that we send our armed forces there.

It is difficult for me to believe that those we have put in power to make these decisions are less concerned about our young men dying there than I am.

As you know, I have had two sons in Vietnam for a total of 26 months. There wasn't any whimpering from them because of this demand for service to their country. They felt it their patriotic duty. (One came back with malaria, a purple heart and a bronze star and is now on duty in our nation's capitol.) And, at the present time, we have more than 16 of our young men directly or indirectly related to this parish serving in uniform.

I like to believe that their being in uniform is for an honorable cause and representing a great country. I will trust the judgment of our national leaders who know why it has to be.

I have difficulty in believing that Vietnam or Cambodia is the real cause of the unrest across our nation.

We are the victims of an outspoken minority (who have every right to express their convictions), but who themselves, I fear, create the climate which allows for the militant, the anti-American, the bums, to take over buildings, to destroy property, to desecrate the moral values which caused this nation to be born and which have held it together for 200 years. I see nothing wrong with the use of the word "bums." I have had three kids in four different colleges and I have seen members of the student body who fit this description—those who refuse to work, who look like bums, who dress like bums, and who talk like bums.

The everything-for-nothing-people who will take everything they can get for nothing and contribute no more than a warm body to a college campus.

I think, too, we older people have to get over a lot of our puritanical ideas, insofar as language is concerned. Our kids are using four letter words (as well as others) in perhaps too graphic a way, but they picked up a lot of this stuff from you and me—parents—many of whom pull no punches in a family hassle. So let's not be too upset when they bring the placards off their college room walls and parade them down the street.

The right to dissent must always be a part of our American system. This is a freedom which must be preserved at whatever cost. But let's not lose our heads in the manner of dissent! There are ways to do this. And when we take the law into our own hands—we are creating a kind of chaos which can only lead to the loss of all freedom, not only for the majority, but for the dissidents as well.

We are living in sober times and we ought to spend some time in self-examination. It could very well be that the sins of our generation, and before, are finally catching up with us! Our easy way of life! Our to-hell-with-the-other-guy philosophy! The attitudes (as well as the language) expressed by parents may not be too different from that expressed by our kids!

Bitterness begets bitterness!

Violence breeds violence! And it is wrong to think that everyone else is out of step except you and me.

Somehow or other we have to get the respect for authority it one time had. It must first of all be deserving of our respect and then be strong enough to keep it. For if truth with justice is to cover the earth—it must come from hearts which sow love and understanding—on a day-to-day basis—in a person to person relationship. And so I admonish you this morning—to do what you can, where you can, to affect a better world.

It begins in your home.

It ends when there are no more people to worry about.

Let's not bail out on our country!

Support that which you believe to be right—

And take every legal means to change that which is wrong.

This is the American way! Let's not lose it!

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## SOUTHEAST ASIA REPORT

## HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RHODES. Mr. Speaker, there has been widespread debate in recent weeks concerning our military operations in Southeast Asia, with the result that some of the more basic issues in that conflict have become clouded.

Let us look at the situation as we find it today: Whether we like it or not, we are in Vietnam. Most Americans want us out of Vietnam, including President Nixon. The question is how best to accomplish that goal, protect American troops in the process, and insure that millions of South Vietnamese will not be killed immediately following our departure.

When President Nixon was inaugurated there were approximately 546,000 American troops in Vietnam. The President reasoned that lasting peace in Vietnam must depend upon the ability of the South Vietnamese to determine their own form of government and to defend it against aggression from the north. While the President did not abandon the negotiating table, he directed that top priority be given to the training of the South Vietnamese so that they would be able to assume the burden of their own defense. This is the program of "Vietnamization."

The result of this policy has been the withdrawal of 115,000 Americans from South Vietnam to date, and the announced withdrawal of another 150,000 Americans by next spring.

I was in Vietnam a short time ago and am pleased to report on this situation firsthand. I have never seen finer or better equipped troops than I saw there. I have never seen higher morale or stronger dedication than I saw among the troops wearing the uniform of the United States of America in Southeast Asia. I can also report that these men are actively pursuing their objective of training the popular and regional forces of South Vietnam so that they may keep their country free once the Americans have gone.

Vietnamization is working. The 1st South Vietnam Infantry Division, for example, is an outfit that can stay on anybody's battlefield, and any American officer will tell you this is so. A number of other divisions are approaching that stage of training. This is in striking contrast to the situation I found there in 1964 when every South Vietnamese I met gave me the impression that the North Vietnamese were invincible on the battlefield. Today it is different. They have confidence. They know they can do the job because we have given them the arms and equipment with which to get the job done. So, while it takes time, Vietnamization is showing strong signs of success. It is working.

The true test of Vietnamization, however, will come when the second 150,000 U.S. troop increment has been removed

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from that country. Remaining in Vietnam will be American troops—mainly communications, maintenance, and supply personnel. This is when the danger may come. This is when the North Vietnamese may decide that they can strike quickly at our diminished force, humiliate the United States of America, and earn a cheap victory. The real mettle of the South Vietnamese will be tested when they try to defeat this attack which, I fear, will come from the North Vietnamese at the time when the balance of American troops in South Vietnam is such that the leaders of North Vietnam will deem the time proper and right for the success of such a mission.

The President of the United States knows that. The Secretary of Defense knows it. Practically everyone who is connected with defense problems in the Congress knows it. We have been worried about this fateful day when we might be faced with such a situation. We all want to do everything possible to insure that this attack, if and when it comes, will be unsuccessful.

The neighboring nation of Cambodia had for many months been an unwilling sanctuary for the troops of North Vietnam. At the end of the Ho Chi Minh Trail and the Sihanouk Trail supplies were cached, first in South Vietnam, but later in Cambodia, in sanctuaries which our troops and allies did not hit. They did not hit them because Cambodia was a neutral nation. As a result, the supplies in these areas were built up and the areas of South Vietnam nearest to Cambodia, particularly in the IV Corps Mekong Delta, became strongholds of the Vietcong and the North Vietnamese.

Not too many months ago the situation changed because Prince Sihanouk, then the ruler of Cambodia, was able to see that his people did not like the idea of so many Vietnamese being on their territory. He could see that there were so many of them and they were so well equipped that they were a danger to his own regime. Consequently, he started to cut off the supplies which came through the port of Sihanoukville. He asked the Soviet Union and Red China to order the North Vietnamese to leave, without success.

Subsequently, when he left the country, he was overthrown and another government took control. Not only did this government continue to cut off the supplies at Sihanoukville, but it also cut off the Sihanouk Trail. In addition, the Government let it be known that it expected the North Vietnamese and the Vietcong to quit using Cambodia as a sanctuary.

This put the North Vietnamese to the test because they had some extremely difficult decisions to make. One alternative, of course, was to withdraw troops before they used up their supplies. A second alternative was to keep their troops in place and try to supply them, using the Ho Chi Minh Trail. A third alternative was to attack, widen their area of domination, and increase their supply system's capability. Soon, movements of North Vietnamese into the interior of Cambodia and toward Sihanoukville made it apparent that Hanoi had chosen the third alternative, and was trying to turn all of Cambodia into a real supply-and-operations bastion of Communist aggression in the South.

Such a bastion would outflank the Mekong Delta and the Saigon area. The delta situation has so improved that American troops had been pulled out. The improvement had accelerated after the closing of Sihanoukville.

Sihanoukville supplied the IV Corps, which is the Mekong Delta of Vietnam and the III Corps, which is the area in which Saigon is located, with great quantities of goods and supplies. In fact, it is my understanding that the IV Corps got 75 percent and the III Corps got 50 percent of their supplies and equipment from Sihanoukville. Thus, this was a very important port. No wonder the North Vietnamese were most anxious to reopen it.

So the action which they took, after being faced with this decision, was to widen the area which they occupied in Cambodia and start a drive in the general direction of Sihanoukville.

It was at this time, and this time only, that the President of the United States and the President of South Vietnam went through what I am sure was rather agonizing reappraisal. As long as the troops who occupied these sanctuaries were in relatively small pockets, there was not an overwhelming danger that could not be contained even by our diminished American forces and the South Vietnamese.

However, when the North Vietnamese began to connect those pockets and build them into a continuous chain of supply depots, thereby increasing the supply capability of the Ho Chi Minh Trail, it became apparent that Cambodia was about to become a real arsenal for attack against the South Vietnamese and the remaining Americans. It was at this time that the President of the United States and the President of South Vietnam came to the conclusion that this constituted a risk to the lives of our men which they could not and would not take. So, as a result, the Cambodian operation was decided upon.

As a consequence of this operation, the threat to the continued withdrawal of American military personnel from South Vietnam has been met. The elimination of these sanctuaries, I believe, will prove to have saved American lives, allowed Vietnamization to proceed on schedule, and made possible the continued withdrawal of American troops.

As the first American troop withdrawals from Cambodia got underway, President Nixon characterized the operation to clean out these Communist sanctuaries as "an enormous success—far exceeding expectations." American and South Vietnamese units have already captured or destroyed enough equipment to supply 20 enemy battalions for upward of a thousand battalion-sized attacks, and the tally grows daily. I recently received a report that more enemy materiel had been either captured or destroyed in the first 2 weeks of the Cambodian operation than in the previous 19 months of the war.

By destroying the enemy's logistics systems, facilities, supplies, and equipment, the operation in Cambodia makes it impossible for the enemy to use these areas effectively for many months. While the North Vietnamese can conceivably replace these installations, it will prove to be extremely difficult. This is true because the rainy season will delay any reconstruction or reinstallation, and because all equipment and materials must be brought down from North Vietnam, since main Cambodian supply routes have now been cut off.

Meanwhile, the United States and South Vietnamese forces have been given vital additional time to prepare the South Vietnamese to handle their own defense. All of this has taken place in one of the swiftest military operations of this magnitude. Within no more than 8 weeks from its starting date, all U.S. forces will have been withdrawn from Cambodia.

Recently, however, in the wake of the wide-ranging national debate concerning the military action in Cambodia, various amendments have been offered in Congress which would deny to the President the use of funds to conduct various types of military operations or would curtail his authority in other respects. In effect, Congress, through its power of the purse, rather than the President, as Commander in Chief of our Armed Forces, would shape future military operations in a war in which we are already deeply involved.

I oppose this position. I believe that it would undercut the real hope we have for peace in Southeast Asia today.

Historically, it should be noted that President Wilson sent American troops into the Republic of Mexico in 1917 to attack the protected sanctuaries of Pancho Villa, who was using those bases to launch attacks upon American citizens. President Truman ordered American troops into Korea without prior consultation with Congress, as did President Eisenhower in Lebanon. Neither President Kennedy nor President Johnson consulted with Congress when plans were laid for the invasion of Cuba and the Dominican Republic.

With regard to the present conflict, there were no such amendments offered at the time American forces in Vietnam were increased from the 653 there when President Eisenhower left office, to over 16,000 by the late President Kennedy.

There were no proposals offered to limit the authority of President Johnson as Commander in Chief of the Armed Forces of the United States when he ordered the bombing of North Vietnam. There were no such limitations offered when this same President raised our troop level in Vietnam from time to time until it reached 546,000, as it was when President Nixon was inaugurated.

The mistakes of the past cannot be remedied by cutting the ground out from under the President today in the midst of an ongoing, inherited war. On the contrary, one of the worst mistakes we could make today would be to issue an open invitation to the North Vietnamese to return to their privileged sanctuaries

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and, henceforth, to use them freely as bases from which they could attack and kill our diminished forces. This is no way to protect American lives. It would actually give encouragement to the enemy at a highly critical juncture. In short, such an action, in my opinion, would prolong the war rather than hasten the day when American troops can return home.

I know of no one who wants to end this war and withdraw American troops more quickly or more urgently than I do. In addition to grounds of policy, I have some very personal reasons for wanting to end this war, one of which is in the form of my eldest son, who is now serving in Army intelligence in Vietnam. But I want to see American troops withdrawn after we have fulfilled our objective of seeing the process of Vietnamization through to its culmination; of seeing a courageous people choose their own national destiny in freedom. This will occur when the South Vietnamese can really defend themselves against North Vietnamese aggression. I am satisfied that we will be able to see this process through. I am satisfied that the actions which President Nixon has taken will bring us a step closer toward that end and, in turn, toward a just and lasting peace in Vietnam. I support the President in his efforts to achieve that long-awaited peace.

## THE TRAGIC DEATH OF WALTER REUTHER

### HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 11, 1970*

Mr. GALLAGHER. Mr. Speaker, the rational forces of reason in this Nation suffered a severe blow with the untimely and tragic death of Walter Reuther. At a time when amelioration of social problems by making the system work is a national priority, he is especially missed and mourned.

Walter Reuther was an outstanding man, his personal frugality and rigid ethical code turned his aggressive and imaginative leadership of the auto workers into what was one of the most respected moral forces of the past several decades. He was a shrewd negotiator and a hard bargainer; the economic success and security of the union's members are a constant testimony to his effectiveness. He clearly saw the dangers of allowing black Americans to be outside organized labor and he took courageous action to bring dignity and hope to all workingmen. In addition, he lent his valuable time to many international questions, especially for arms control and limitation.

Mr. Speaker, all those who believe in fulfilling the American dream have lost a great friend and powerful ally in the death of Walter Reuther. We desperately need men of his compassionate spirit today; we sorely miss the inspirational and effective leadership he gave to the continuing struggle to unite all men in understanding and brotherhood.

## VFW NATIONAL COMMANDER ANSWERS JUNIOR SENATOR FROM SOUTH DAKOTA

### HON. E. Y. BERRY

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BERRY. Mr. Speaker, on May 14 the junior Senator from South Dakota took occasion to make a speech on the Senate floor chastising the national commander of the VFW, Ray Gallagher of Redfield, S. Dak.

Mr. Gallagher does not have the privileges of the Senate floor to answer the Senator but has done so in a speech made in Deadwood, S. Dak., as reported by the Associated Press.

Mr. Speaker, I insert the report of the Gallagher speech in the CONGRESSIONAL RECORD. It is as follows:

GALLAGHER LINKS UNREST TO SENATORS

DEADWOOD.—In remarks Saturday night at the annual meeting of the South Dakota National Guard Enlisted Men's Association, Ray Gallagher, Redfield, national commander of the Veterans of Foreign Wars, charged that anti-war senators' continued attacks upon the United States are a main contributing factor in the student unrest in this country.

Gallagher commented on Sen. George McGovern's statement on the Senate floor May 14. "McGovern has complained that (national) Commander Milton Patrick of the American Legion and I were playing politics by supporting the Nixon policy.

"Our statement is in support of our convention mandates which include cleaning out the privileged sanctuaries of the enemy," stated Gallagher.

McGovern had criticized both Gallagher and Patrick claiming they could not represent the views of the members of their organizations.

Gallagher said, "If McGovern, as a member of our organization, were more familiar with our mandates, he would know that we speak for the members of our organizations."

It has been a long time since he has paid any heed to veteran organizations in their support of this and the preceding administration's foreign policy or attended any of their meetings, Gallagher charged.

"He indicates that as a member we do not speak for him. Likewise, I charge that as a South Dakota Democrat, and one who has been in close contact with the people of South Dakota, McGovern has long since failed to speak for me," Gallagher said.

Gallagher, who served as local campaign chairman for McGovern four years ago, told the Rapid City Journal earlier, there is nothing partisan when it comes to veterans of our country.

Gallagher supported President Nixon's move into Cambodia to remove the enemy from its heretofore privileged sanctuaries as a direct move to protect our allies and to provide for an orderly withdrawal of American troops from Vietnam.

He pointed out the Cooper-Church amendment and the McGovern-Hatfield amendments were further encouragement to the enemy and would limit the President's ability to conduct essential military operations against the enemy.

Some of these congressmen claimed we called them unpatriotic and un-American, said Gallagher. There is nothing in our statements to that effect, "But if McGovern has a guilty conscience, that's his problem," Gallagher said. "We don't say he is unpatriotic. We say he is wrong."

Gallagher told the National Guardsmen that "we still have many prisoners of war held by the enemy, and these senators fail to show any compassion for their families.

"It would appear those supporting these amendments are closing their eyes to the Communist aggression throughout Southeast Asia," he said. So far, he added, these senators have not criticized the enemy's invasion of the neutral countries of Southeast Asia.

The amendments referred to, presently in debate in the Senate, would compel a June 30 cutoff of U.S. operations in Cambodia.

In reference to McGovern's advice to Gallagher and Patrick about sticking to the job of securing bipartisan support for veterans programs, Gallagher "wondered if this were a veiled threat that veterans cannot be involved in government in other than veterans' benefits . . . that the congress might withhold benefits from the men who have served their country?"

Gallagher also was to have revealed at the evening banquet the contents of a wire sent by McGovern to National Guard commanders concerning their resolution which supported the Cambodian action.

Gallagher told the Guardsmen, "The anti-war senators' continued attacks upon the United States are a main contributing factor in the student unrest in this country."

## A TRIBUTE TO WALTER REUTHER BY FORMER CONGRESSMAN GEORGE M. RHODES

### HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. YATRON. Mr. Speaker, along with many of my colleagues I mourn the untimely and tragic death of Walter Reuther. His service to his union, to the labor movement, to the less fortunate and to the Nation is outstanding.

A high tribute was paid to Mr. Reuther in a recent article in the New Era, Reading, Pa., written by my distinguished predecessor, Congressman George M. Rhodes. Mr. Rhodes was a local and State labor leader before his election to the House of Representatives, where he served for 10 terms until his retirement at the end of the 90th Congress.

The article follows:

RHODES HAILS REUTHER AS "GREATEST" LABOR LEADER, MOURNS LOSS

(By George M. Rhodes)

In the tragic death of Walter Reuther the labor movement has lost a great leader and the people of our country have lost a dedicated and courageous fighter for social and economic reform and progress.

He was a practical idealist with outstanding ability and intelligence. To me Walter Reuther was the greatest of all labor leaders in U.S. history. He was honorable, decent, responsible and unselfish. There was never a taint of corruption or any doubt about his honesty and sincerity

Under Reuther's leadership the automobile workers were organized into the nation's largest industrial union which brought them good wages and many fringe benefits. Besides winning improved living standards for workers in the automobile industry, the auto union became a powerful force in promoting educational activities, particularly on social, economic and political issues.

Walter Reuther was most responsible for progress of the auto workers and for their cooperation with other unions in pushing legislation beneficial to all workers and to the nation.

To Walter Reuther belongs some credit for liberal and progressive legislation enacted by Congress in recent years. He was a tireless and forceful champion of improved social security, medicare, public housing, slum clearance, improved educational opportunities for the nation's youth and numerous other progressive programs.

He appeared many times before Congressional committees to press for these programs. He was an effective and highly respected witness who played an important role in having Congress enact legislation beneficial to all workers, the aged and handicapped, our retired senior citizens and the nation's youth. He was helpful in the election of liberal candidates to the Congress.

It was my pleasure and good fortune to know Walter Reuther as a very close personal friend. I shared his liberal and progressive views and philosophy. I admired him for his unselfish spirit and his devotion to the cause of social justice, decency and human progress.

Reuther projected a good image for the United States in non-communist nations and particularly in Western Europe where he was respected and held in the highest esteem as a great American. Millions of people will mourn the death of Walter Reuther and his lovely wife, not only in the United States but throughout the world.

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## THE SST: SUBSIDIZED POLLUTION

### HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. VANIK. Mr. Speaker, during the years Congress has been considering the feasibility and the wisdom of building a supersonic transport plane, we have heard much from those who would build the airplane, but relatively little from those who would be hurt by it.

This is not very surprising, since the benefits to its builders are quite clear and tangible right now, while its harmful impact on everyone else would be felt directly only if the plane were built and put in service. As a result, the builders have had a strong incentive to promote the SST, but no one has had a corresponding incentive to advocate its defeat.

In recent weeks, however, there has been a growing public effort to remedy this. Seven environmental organizations in northeast Ohio, for example, recently banded together to oppose the SST, urging that the $290 million budgeted for the project in fiscal 1971 be diverted to solving pollution problems instead of creating them.

The Cleveland area organizations that have urged the President to withdraw support for SST development are the Air Conservation Committee, Area Councils Association, Lake County Citizens for Clean Air, Citizens for Clean Air and Water, Mothers' March on Pollution, Northeastern Ohio Air Conservation Committee and the Task Force on Pollution.

If there is any remaining doubt about the environmental impact of the SST, it should be settled by the testimony of Russell Train and Gordon J. F. MacDonald, of the White House Council on Environmental Quality. They testified last week in hearings before the Joint Economic Committee, citing two major environmental problems of the SST for which no solutions are in sight.

In terms of airport noise, council chairman Train testified:

> The SST would be three to four times louder than current FAA sideline noise standards and four to five times louder than the 747.

Mr. Train continued:

> I doubt that communities adjacent to our large international airports will accept this added noise burden if it should extend beyond airport boundaries—a circumstance which seems likely in the case of most existing airport facilities.

The second major problem mentioned by Mr. Train is one he said has not received the attention it deserves—the question of the SST's effect on climate. Messrs. Train and MacDonald pointed out what they believe to be a significant risk involved in the introduction by the SST of large quantities of water vapor into the stratosphere. Mr. Train said :

> Clearly the effects of supersonics on the atmosphere are of importance to the whole world. Any attempt to predict those effects is necessarily highly speculative at this time. The effects should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports.

In view of these problems, I intend to oppose any Federal subsidy toward the building of the SST. I hope my colleagues will join me in voting against this new polluter before it gets away from us.

I include at this point an article concerning the SST from the Cleveland Plain Dealer of May 14:

> GERMAN VISITOR CITES SST PERIL
>
> (By William D. McCann)
>
> The supersonic transport (SST) plane is a "big mistake" which could create serious physical and psychological hazards to millions of persons, an expert on noise pollution said here yesterday.
>
> Dr. Walter Carlein, mayor of Baden-Baden, West Germany, and a member of the national board of directors for the West German noise abatement council, told The Plain Dealer:
>
> "It would be best for mankind if plans for the supersonic transports were halted now."
>
> Too much money has been invested by the United States and other nations for them to even consider a halt, he said.
>
> "So the best we can do is make sure that such planes are restricted to flying over the oceans," he added.
>
> U.S. transportation officials have promised STTs would not be allowed to fly supersonically over U.S. territory. Conservationists fear the promise will be broken when the planes are in operation.
>
> Dr. Carlein was here to speak to the two-day Michigan-Ohio Pollution Conference. It is cosponsored by Cleveland State University.
>
> Dr. Carlein said a giant passenger plane flying at supersonic speeds across a continent would create shock waves on the ground 40 to 50 miles wide the length of the continent.
>
> These could cause heart attacks and hearing impairment in humans and extensive structural damage to buildings, he said.
>
> The United States has invested some $640 million in its SST. The administration seeks another $290 million to continue the program for fiscal 1971.
>
> England and France are jointly building and test flying an SST. So is the Soviet Union.
>
> U.S. officials contend the SST should be built to preserve this country's aviation industry from foreign competition.
>
> Seven northeast Ohio conservation groups, representing several thousand persons, this week urged President Nixon in a letter to withdraw the $290 million request.
>
> "National priorities demand these funds be diverted to environmental medical research and to solving pollution problems, rather than creating them," the letter stated.

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## MASTER OF SCIENCE DEGREE FOR RADIOLOGIC ADMINISTRATORS

### HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. TAFT. Mr. Speaker, this Friday, May 22, 30 leaders in the field of radiation will meet to discuss a breakthrough in relieving the present shortage of medical personnel. They represent the American Medical Association, the American Hospital Association, the American Registry, the American Society of Radiologic Technologists, the American Association of Physicists, the American College of Radiology, the Public Health Service, the Atomic Energy Commission, and various hospitals and schools of medicine.

The results of a 4-year project conducted jointly by the University of Cincinnati Medical Center and the Bureau of Radiological Health of the U.S. Public Health Service will be presented. This project—the development of a master of science degree program for radiologic administrators is the first of its kind in the United States. These radiologic administrators will be qualified to manage the departments of radiology at the numerous hospitals of our Nation. This approach will free the physicians from the complicated and time-consuming duties connected with the management of our hospitals' departments of radiology and allow him to devote full time to his patients.

This is a first in the use of paramedical personnel in the field of radiology. It is not the only first, however, to have resulted from the activities carried out by the Public Health Service in Cincinnati. In 1913, a four-man team was sent to Cincinnati to study pollution conditions on the Ohio River. From that humble beginning, the environmental field control programs of the Public Health Service have grown. Public Health Service operations in Cincinnati have served as the birthplace of its research and technical assistance programs in which pollution, air pollution, milk and food protection, shellfish sanitation, radiological health, occupational safety, housing hygiene, and solid waste management.

It was the Cincinnati-based staff that developed the air pollution potential network, the instrumentation for measuring X-radiation from color television, that identified the presence of endrine during the Mississippi fish kills. These staffs are working on projects ranging from the conversion of cellulosic wastes to proteins, to the training of health educator aides to work in our inner cities.

It is difficult to find any department of government, industry, or universities working in the environment that does

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not have staff trained by the Cincinnati-based Public Health Service training programs. To date, over 80,000 individuals have received their advanced training in the environmental fields.

We wish to take this opportunity to express our appreciation of the valuable contributions that the Cincinnati staff of the U.S. Public Health Service have made to the health of our Nation.

## HIRE A YOUTH WEEK

### HON. RICHARD FULTON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FULTON of Tennessee. Mr. Speaker, the latest figures from the Bureau of Labor Statistics indicate that unemployment among American teenagers is almost 16 percent.

This report comes at a most regretable time. Thousands of American young people are about to leave their schools, colleges, and universities for the summer who will be seeking employment at a time when the unemployment rate for their age group is already intolerably high.

The situation is particularly acute here in the Nation's Capital where college students have turned for many years for meaningful summer employment in congressional offices and within the departments of the Federal Government. This year the jobs are just not to be had because of reductions in personnel and restricted hiring policies brought about by budget demands.

Nonetheless, the job market will soon be flooded with these youthful applicants seeking and needing work.

What is the solution?

One very good approach to this problem is being taken in my district of Metropolitan Nashville-Davidson County, Tenn., as well as other communities across the Nation.

Under the able, imaginative, and industrious leadership of a local young businessman, Mr. Don Hunt, a program has been launched to provide summer jobs for youth through local business and enterprise.

The program is "Hire a Youth Week." It is sponsored by the Nashville Area Chamber of Commerce which is giving it full support.

Mr. Speaker, I believe the goals of and opportunities offered by "Hire a Youth Week" are best outlined in a letter requesting support which was sent to hundreds of businesses and organizations in Nashville by Mr. Hunt, the chamber's "Hire a Youth Week" chairman and I include the letter in the RECORD at this point:

HIRE A YOUTH WEEK, MAY 18 TO MAY 23

Sponsoring agencies: Metropolitan Youth Employment Service, Council of Community Services, Mayor's Council on Youth Opportunity, Metro Action Commission, Metropolitan School System, Nashville Urban League, Youth Opportunity Center, Allegiance for Businessmen.

DEAR CITIZEN OF NASHVILLE: This letter was written to inform you of a serious problem effecting the city of Nashville this summer. This letter also contains a solution to this problem. It is our sincere hope that you will join with the thousands of Nashvillians who have already committed themselves to a course of positive action.

This summer for the first time, many Nashville young people will be unable to find either full-time and part-time employment. Many of these young people depend on the money earned during the summer vacation to pay for their education in the fall as well as to buy the clothes they will need during the school year. The problem has arisen for several reasons. First of all, due to slow economic conditions, many firms who normally hire our youth in the summer will be unable to do so this year. Second, our Metropolitan Government will not be able to hire 500 young people this year as they have in the past. Both of these conditions will have an adverse effect upon youth and our community when you consider the fact that many of our recreational areas will also be closed due to a shortage of funds.

There are many reasons why our youth must have the opportunity to find employment. In addition to the money reason, which is quickly apparent, there are several other very strong reasons. Our Chief of Police, Mr. Hubert Kemp, says, "Unless jobs are made available to our youth this summer, there will be a definite tendency for crime to increase in the streets during the summer months". Our President has said that, "Unless our youth are given the opportunity to participate in our basic economic system, and actually feel the pride of a dollar earned by an honest day's work, they can never really appreciate the aspects of our economy that have made the United States the greatest country in the world".

The problem—jobs for our youth. The solution—"Hire a Youth Week". Thousands of private citizens as well as all of our high-school students have joined forces to bring the critical job shortage into focus. During the week of May 18th to May 23rd, Nashville, with the cooperation of its news media, will celebrate "Hire A Youth Week". It is our sincere hope that you will join this campaign and do all you can to make everyone that somehow our youth must find jobs this summer.

We thank you for your patience in reading this letter. We will appreciate your help in making the "Hire A Youth" program a fantastic success. In closing, let me remind you that our youth are one of our greatest assets. However, their true potential can only be realized if we are willing to help them help themselves.

Please call and pledge today.

Sincerely yours,

DONALD A. HUNT,
*Chairman, Hire A Youth Committee.*

Mr. Speaker, America's young people today are pleading for understanding and for an opportunity to participate in American life in a meaningful way. No better opportunity could be afforded them than for programs such as "Hire a Youth Week" to be an unqualified success across the Nation.

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

## REPRESENTATIVE FREY SPEAKS ON THE YOUTH "INVESTMENT"

### HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. HASTINGS. Mr. Speaker, my colleague, Representative LOU FREY, JR., of Florida, made a speech on May 15 before the Mortgage Bankers Association of Florida at its annual convention on Grand Bahama Island.

It is an eloquent address, expressing the concern we all feel over what tomorrow holds for our country in the face of a great wave of disillusion sweeping over our youth today.

Representative FREY tells it like it is, bringing insight and understanding, rather than wrathful rhetoric, to a question, which, as he says, is basically one of protecting our investment in today's youth so that tomorrow's world does not end up morally and socially bankrupt.

I want to commend Representative FREY for his talk. It is forthright, full of good sense and offers a balanced appraisal of what our Nation faces. I believe my colleagues in the House will find it of much interest and deserving of their close attention. Therefore, I include the talk in the RECORD at this point:

REMARKS BY CONGRESSMAN LOU FREY, JR.

You depend on investments for a living. Today I would like to discuss another investment we all have, the youth of our country. At times, many of us wonder if this investment has gone sour.

Last Saturday in Washington, some 60,000 to 70,000 came to protest the movement of U.S. troops into Cambodia. This action, together with the Kent State tragedy, had triggered student protest throughout the nation, and as of this week, resulted in 286 colleges and universities being shut down until the end of the current term. During the last two weeks some of us met with these students to discuss issues they felt were important and to get a few words in ourselves.

Most of the students who came to our offices were not the radicals who don't believe in our system and who want to destroy it, but were instead intelligent, emotional, concerned, and highly frustrated youth. There was no question about the seriousness and depth of their feeling. For instance, three young clean-cut girls, when discussing the possible dangers, said, "We're ready to sacrifice our lives." Now, there is a long gap between saying and doing, but this feeling is present.

On Saturday, together with Congressmen Bill Steiger of Wisconsin and Pete Biester of Pennsylvania, fellow group leaders on last year's campus tour and report to the President, we watched the rally and spent a good part of Saturday afternoon wandering around downtown D.C. where the action was. We did this for two reasons. First we felt we had a responsibility to see for ourselves what was going on and not what someone else said. Second we had been requested to do so by people in the Administration. This was quite an experience. The atmosphere was completely different from the talks in our office and around the Capitol with small numbers of students during the week. To be frank, the continual flow of young

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Americans in their uniform of the day, spasmodically shouting obscenities and slogans, made me wonder about the future of this country. I couldn't help but think of scenes from Shirer's book *The Rise and Fall of the Third Reich*. When I heard the so-called speeches and read the handouts and student newspapers, my concern increased. For instance, a paper "The Student Mobilizer," vol. 3, No. 5, dated May 9, 1970, had a telegram from the North Vietnam National Union of Students asking for mass action to "stop Nixon's war of Escalation." Another paper termed, "The Daily Planet," Saturday, May 9, 1970, is headlined, "A Call to Impeach Nixon and Agnew" and in part said: "We see that America has become a brutal and malevolent state. We see that it is preoccupied with power, its people with keeping what they have and getting more."

"The Daily World," dated May 9, 1970, had as its front page story regarding the President the following: "The blood of Mylai reaches out to the blood of Kent, to the blood that has been shed by the youth in the ghettoes. His hands are stained with the blood of four more young Americans as fresh and innocent as the children the women the victims of the many Songmys of Vietnam."

After the rally at the mall the students were in the area around the White House. To prevent them from getting too close, city buses were parked end to end. Behind the buses in quiet rows were police with gas masks and guns. Police on rooftops had rifles, helicopters circled overhead in case of trouble. I kept asking myself, "Is this really America?"

Of course the news media were there. And in some ways it had its humorous aspects. Small men carried large heavy TV cameras on their backs while large men trailed them with light weight microphones interviewing demonstrators. As the speeches at the rally denounced the establishment, the demonstrators complained of no TV time to rebut Nixon. TV dutifully reported the words they used to condemn the establishment—with a pause of course, for a friendly commercial. The watching TV cameras were a signal for the marching students to start chanting slogans and show some action.

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New industries have been created. At the present rate I'd advise investments in tear gas masks, buttons, poster and sign companies—as they were doing a booming business. You could tell the experienced demonstrators by his emergency equipment including canteens and gas masks. The only thing missing was a score card. It wouldn't have shocked me to hear the public address system say, "Now demonstrating from Colgate, #6, Jones . . ."

The march was well organized. It had its commissary and medical units, its legal aid and marshalls. I heard one marshall say, "Go to the right if you don't want trouble. To the left is the pig line and tear gas." One marshall was practically hysterical, begging marchers to stay away from trouble areas. He would run back and forth grabbing the marchers and when he couldn't stop one group, he would race on to another group. Many students, when a serious incident was developing, would shout for all in the area to move on and not to start trouble. Although the air was charged, amazingly enough there were few incidents and these were caused mainly by the hard core radicals late at night.

The police did a great job; they enforced the law, yet did it using only the necessary, not excessive, force. Two incidents stick in my mind. We happened to be at an intersection blocked by demonstrators. The police tried to move them but it didn't work. So in an unmarked car, they moved in and unloaded needed equipment including gas masks. But the police didn't put the gas masks on. They just held them and went back to make the necessary arrests. All the time they talked and kidded with the students, keeping emotions at a low level.

Another time the policemen was clearing the streets. One young policeman dropped his stick in the middle of a crowd. For a moment everyone was tense. He leaned over and very slowly picked it up and jokingly said to the crowd, "If I lose that, they'll dock my pay, baby." The crowd laughed and moved on. In terms the students use, the police never lost their cool. I was very proud of the job they were doing under very trying circumstances.

There were a wide variety of students present. Of course, there were the hard core radicals, intent on overthrowing the government. But even here there were differences. We were in a group listening to several black panther spokesmen and they were chewing out the students for being more concerned with Cambodia and the death of the four at Kent State than the black problem. And let me tell you there was no question of the hardness of their position and the contempt for those who didn't agree.

The militant version of the women's liberation movement was present and apparently upset because the male students wouldn't pass out their literature. The kooks were present in all kinds of outfits, carrying Viet Cong flags, caskets and every other kind of anti-U.S. propaganda imaginable. It seemed that shirts with symbols were worn by every other person.

Yet some students we came into contact with were there more as spectators than as participants. A good example came when one student told his friend that trouble was starting up the street. His friend replied, "Let's go." The other student said, "Are you crazy? Why do you want to get in a fight?" The student replied, "Fight, hell—I just want to see what's going on."

There were other signs of normality, such as the wading and bathing in the pools, and boys and girls—oblivious to all—talking to each other, and I might add, not all about the war. The atmosphere at this march was somehow different from the October and November Moratoriums, perhaps because this time there were so many moderate students participating who had never before been involved in demonstrating.

As I said when I started, it's awfully hard not to shake your head, look with disdain on the long hair, dungarees, and dirty clothes and give up. Or even worse, give way to unreasoning anger and disgust. In all honesty, this was my initial reaction. Yet I ask each one of you here, if we lose our investment in the youth of this country, what future does this country have? The question is obviously rhetorical. Somehow, someway we must turn from the politics of confrontation, the hysteria which is building in our youth, the frustration of working Americans, and the rhetoric on both sides. We must come up with some answers.

Last year I was one of the group leaders of 22 younger Congressmen who toured over 50 college campuses to listen to students and report back to the President. I led the group which visited 20 campuses in the Southeast. In our report to the President we stated:

"We came away from our campus tour both alarmed and encouraged. We were alarmed to discover that this problem is far deeper and far more urgent than most realize, and that it goes far beyond the efforts of organized revolutionaries. By the same token, we were encouraged by the candor, sincerity and basic decency of the vast majority of students we met. Too often, however, we saw their idealism and concern vented in aimless or destructive ways."

This statement today is outdated. It is no longer merely urgent; it is now critical and can blow sky high at any moment. Cambodia is not the total problem; it's just the fuse that touched off the explosion. In a report on student attitudes entitled "Social Issues and Protest Activity: Recent Student Trends," the American Council for Education found that in 1969 more than ⅓ of the students felt that the individual could not do anything to bring about a change in our society. The report clearly pointed out that those freshmen entering college in the fall of 1969 were "more concerned with effecting social change, more oriented toward activism and more likely to exhibit characteristics which incline them to protest against the status quo." One can readily see the depth of their frustration and their feeling of futility.

Our major concern in the report we made to the President was the potential of radicalizing the moderate student. This is happening. However this is not happening only among students, but nationwide. It's becoming easier and easier to polarize Americans each day. We are using labels and being pushed from one side to another. You're black or white, labor or management, liberal or conservative, Southern or Northern, youth or Establishment. I don't like it. I deeply disagree with the New Left and *radical* students who are attempting by force to destroy our university system and our society.

Their mood and philosophy of life is not one of support for America and its traditions, of upholding moral and democratic values. Rather, it is one of defiance, hostility and opposition to our free society. These youth want to destroy, not to build. By their own admission, they don't believe in our system, see no way to improve it and are dedicated to destroying it and starting again. They are not concerned with the problems we face here and abroad, such as war, divil rights, hunger, poverty. These are just means to create the chaos necessary to pull our society apart. One of the tragedies of any movement of protest that refuses to find an outlet through legitimate channels of society and in cooperation with other groups is that it moves to more radical, bitter and extreme positions.

The New Left as it sometimes terms itself knows that if a revolution is to be brought about, they must discipline and organize their movement. FBI Director J. Edgar Hoover, in a message to all law enforcement agencies recently, pointed out the following:

"Never before in this country has there been such a strong revolutionary Marxist movement of young people so eager to destroy established authority. Furthermore, the New Left movement has made it emphatically clear that mere change and revision are not its objectives. Its immediate goal is the complete overthrow and control of our educational system. We all know what its ultimate goal is."

Although percentage wise, such people are few, they have had an effect much beyond their number. We must do more both legislatively and through law enforcement to curb such antagonizing activities.

My feelings on the student problem are obviously a political handicap. Because I oppose the radicals, because I believe college is no excuse for law breaking, because I disagree with college presidents who refuse to enforce the rules, vacillate or grant amnesty, and because I advocate stricter enforcement of the law, some students call me a right wing pig or anti-intellectual. Because I worry about the concerned students, because I am interested in their views even when I disagree (as on Cambodia), because I refuse to label all students as radicals, those on the other side say I'm soft on the students.

But it's time to stop this polarizing process. It's time to try harder. It's time to stop demonstrating and marching and instead work together. It's time to stop taking the law into our own hands, whether student or establishment. In the midst of the rally, I vowed that I was going to redouble my efforts to find answers. This was not the America I knew and loved. This was not the America I want to leave for my four children. There has to be a better way. Finding fault and pointing accusing fingers will not solve this problem. To put it in your language, it's not time to sell short. The investment in our youth will decide the fate of this country.

There are answers, obviously. The suggestions I'm about to make are only some possibilities which should be expanded and explored further. Yet if all of us start thinking and acting instead of just talking, I'm convinced that we can come up with answers. For you see, this system of ours does work. It has built a great nation, and can build an even greater one. When I heard these young men and women chanting slogans running down our country, I wanted to stop them and ask them if they thought they would be able to complain this way in North Vietnam, China, Cuba, or Hungary. This very system they were knocking was allowing them this right. I felt like asking them to listen to part of an address by Penn State President Dr. Eric A. Walker, who used their parents as his theme last September before a graduating class:

"These—your parents and grandparents—are the people who within just five decades—1919–1969—have by their work increased your life expectancy by approximately 50 percent—who while cutting the working day by a third, have more than doubled per capital output . . .

"These remarkable people lived through history's greatest depression. Many of these people know what it is to be poor, what it is to be hungry and cold. And because of this, they determined that it would not happen to you, that you would have a better life, you would have food to eat, milk to drink, vitamins to nourish you, a warm home, better schools and greater opportunities to succeed than they had . . .

"Because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places and have more of a chance to follow your life's ambitions . . .

"These are also the people who fought man's grisliest war. They are the people who defeated tyranny of Hitler, and who when it was over, had the compassion to spend billions of dollars to help their former enemies to rebuild their homelands . . .

"They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a very real possibility for millions of youngsters—where once it was only the dream of a wealthy boy . . .

"They have had some failures. They have found no alternative for war, nor for racial hatred. Perhaps you, the members of this graduating class, will perfect the social mechanisms by which all men may follow their ambitions without the threat of force—so that the earth will no longer need police to enforce the laws, nor armies to prevent some men from trespassing against others. But they—those generations—made more progress by the sweat of their brows than in any previous era, and don't you forget it. And if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills."

I think that these areas of emphasis are important: first, the colleges themselves must exert more leadership and control. Codes of conduct should be adopted, published, explained and quickly and fairly enforced. Vacillation just breeds trouble. If and when necessary, injunctions and other legal remedies should be used. There should be no hesitation to do what is right even if it is unpopular with the students, such as expulsion for serious violation of college rules. The purpose of the college should be reexamined and new directions given. It should be remembered that education is a privilege, not a right. Yet the colleges should not be afraid to meet and discuss problems with the students. Colleges in many cases have not been prepared for the seriousness of the student problems. Some administrators just don't seem to know what it's all about. Leaders are needed as presidents. No longer will a mere money-raiser do. Colleges can help to resolve the frustration by guiding students to constructive projects in the surrounding communities. Colleges must remember that there are students who are not involved in protest and that they also have rights—the right to attend classes in an open college.

A second area of concern is our government. It has not been responsive enough and where responsive has done a poor job of communicating with young people. There is not one central point to look to in our government for leadership and guidance. Many departments and agencies have programs, but there is no real coordination; also the young are totally unaware of the programs. We need this badly and I have requested that the President take the necessary steps to provide it. It doesn't matter if it's a new cabinet post, or agency, that's up to Mr. Nixon. It does matter that it be done. College students very badly need a dramatic symbol of our concern. As part of the program, a series of meetings between young people and government officials, including Congressmen, should be held state by state. If this is impossible, TV may be used. Not only would we learn a lot but the many Federal programs could be related and new ideas developed. From the meetings I've had, especially the last several weeks, I'm convinced they do a lot of good. I have also recommended that a high school intern program be established on a national basis, modeled on the one in our district. In our program, a junior from each high school, picked by the students themselves, comes to Washington for 7 days, not just as a tour but to see government in action. Sure it would cost money, but what a small price if we can convince our young people the system works. Let me read part of a letter from a sixteen-year-old intern who came to Washington convinced the system and all in it were crooked. This letter is typical of the response:

"Before we made our trip, lots of guys at school and other friends told me all about how Washington was such a grubby city and how many government officials are rotten to the core. But now that I've been there, I can tell everyone how mistaken they were.

"I've realized that the government is only as far away from the people as they choose to make it. But the people really do run the government. I tell you, this trip has shown me that our government is greater than any person could ever tell me. I now have great confidence in our government, and instead of facing the future with fear, I look forward with great optimism. You, as a representative of the government, have shown me the government is bound to change for the better."

One last idea regarding our government. Congress itself must face up to the problem of becoming more responsive to the needs of this country. It needs modernization—badly among the changes needed are reform of the ethical code, seniority system, committee system, and information-gathering system. Congress is a full time job now and it must be so treated. This, together with the reform legislation the Administration has requested in areas such as taxes, the draft, Presidential elections, voting age, will go a long way toward showing all Americans the system does function. The third area of concern is that of individual responsibiliy.

Each of us has an obligation to level with the young and demand the best from them. It seems fashionable today to sink to the lowest common denominator. For instance, if you can use an obscene four letter word to express yourself, do it. This proves little to me except the person talking has a limited vocabulary and very little respect for the people around him. Let's tell it like it is. When you honestly have a position, state it. I found that even though a student might disagree with me on Cambodia and Vietnam, there could still be mutual understanding and respect. Too many people say what they think people want to hear, including students. No one has all the answers, or even knows all the questions. This includes students and Congressmen. Let's challenge the young to get more involved in our system. This is a political year. Here's the opportunity for them to work, not just talk, about these beliefs. Let's not be afraid of open and honest debate. Let's encourage it. Encourage them, for instance, to go to class reunions to talk to the people who have fought 3 wars, survived a depression, the atomic age and are still going strong. There are plenty of people around who are willing to listen if approached in a reasonable and orderly fashion. Politics is where the action is. Demonstrations and marches are not accomplishing much but are polarizing this country. Work, unusually hard tough work in a political campaign, and more work, can bring about changes. Let's challenge the young to put their money where their mouth is.

The time to take action is now. This is a crisis, and must be faced as such. All levels of government and all Americans must address themselves to this problem. We cannot just turn our backs. If we cannot find the answer then the radicals will have won. They gained new footholds during the past two weeks, using the great majority of young people sincerely questioning our latest moves in the Vietnam War to their own advantage.

This energy and dedication to a cause can turn cities into battlegrounds or build new and better cities. It can destroy America or make this great country even greater. There has been too much rhetoric on both sides. Let's stop talking and start listening and working together. Let's deal quickly with the lawbreaker but give the concerned youth, willing to work within our system, the opportunity to do so. Let's get rid of the anger, hate and mistrust and try instead to understand all aspects of the problem and come up with some solutions. Let's respect each other's integrity and individuality and be willing to take that extra step. Admittedly it's hard—admittedly it's emotional. Admittedly there are some who hope we fail. This is one investment that cannot fail.

## "DEAL" REPORTED ON BILL ON COLLECTIVE BARGAINING

### HON. BENJAMIN B. BLACKBURN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BLACKBURN. Mr. Speaker, in the Monday, May 18, Evening Star, there was an article by Joseph Young regarding the possibility of complete compulsory unionism within the whole Federal service. It has been traditional that all citizens should be able to work for their Government without having to join an organization such as the union in order to secure a position as a Government employee.

I feel very strongly that the requirement that Federal employees join a union before they can secure a position in our Government violates one of our most basic freedoms. Earlier this session I introduced legislation with the cosponsorship of many Members of this body which would guarantee the right to refrain from joining Government employment unions to all employees.

I urge this House to favorably consider that legislation.

For the information of my colleagues, I hereby insert a copy of Joseph Young's column into the RECORD:

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### "DEAL" REPORTED ON BILL ON COLLECTIVE BARGAINING

(By Joseph Young)

There are reports on Capitol Hill of a "deal" between AFL-CIO President George Meany and the Nixon administration for support of legislation to grant all federal workers collective bargaining rights for pay and other benefits.

Such legislation could also provide for a "union shop" and compulsory unionism in all government offices and installations where unions represent a majority of employes.

This collective bargaining package already has been agreed to by the administration and the AFL-CIO and its affiliated postal employe unions on behalf of postal workers under the pending postal reform bill.

Reports are that Meany, in return for his key role in getting the administration and postal employe unions to agree on a postal reform settlement that ended the postal strike, also exacted promises from the administration for similar collective bargaining rights for federal classified and blue collar workers.

An alliance between the conservative Nixon administration and the AFL-CIO is rather a strange one.

But insiders at the negotiations ending the postal strike and taking the Nixon administration off the hook and still enabling it to gain labor's support for an independent postal system, say that Meany was the major figure in hammering out an agreement. The administration is very grateful.

Some AFL-CIO postal employe unions were not at all enthusiastic about abandoning their system of dealing with Congress for a collective bargaining system in which they will deal directly with postal management.

But Meany bluntly and brusquely got the unions to agree.

In return he got concessions from the administration.

AFL-CIO officials already have announced the drafting of proposed legislation to set up a collective bargaining system for federal employes.

What's in the draft has not been disclosed. But it is expected to include provisions for government unions to deal with government management on pay, fringe benefits and all other phases of working conditions, with impasses to be settled by compulsory arbitration.

If Meany's past utterances on the subject are followed, a union shop would be required in units where the unions represent a majority of the employes. Under such a system employes would have 30 days in which to become union members in order to retain their jobs.

Of course, the prospect of a union shop in government depends to a great extent on the outcome of the union shop provision in the postal reform bill.

Although both the House and Senate Post Office Committees have agreed to the provision that a union shop would be a negotiable issue under the collective bargaining system set up for the proposed new independent postal agency, many conservative members in Congress will try to knock out this provision when it comes up for a floor vote.

The National Right to Work Committee is spending considerable sums of money to defeat the provision and has stirred up lots of opposition to the concept of the union shop in government.

Bill of rights.—The Senate Judiciary Committee has approved the bill of Sen. Sam Ervin, D-N.C., to establish a "bill of rights" for government employes.

The Ervin bill would prohibit agencies from snooping into the private lives of government workers, forbid agencies from inquiring into the political views or sex lives of their workers and protect employes from being coerced into political or social activities sponsored by their agencies.

Help for lower echelons.—The Civil Service Commission has unveiled an eight-point plan for improving career opportunities for federal employes in the lower grades. The program mainly is aimed at minority groups but applies to all employes in move to help them get better and higher-paying jobs.

The program directs agencies to establish system to improve the training and education of employes in lower grades, provide career guidance and counseling, restruction jobs establish more meaningful consultation with employes, etc.

It all has a familiar ring. The CSC has been issuing such guidelines to agencies for years. Only tough investigative and enforcement policies by the CSC will bring about the desired results.

Payless paydays averted.—Congress has approved and sent to President Nixon an emergency resolution allowing federal funds to be used to pay government employes their salaries on schedule and thus avoid payless paydays.

The crisis arose when the recent federal pay raises were passed into law without the formality of appropriating funds to pay for them. The emergency resolution permits government agencies to make the salary payments from other funds until regular appropriations are voted.

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## COL. HAL FITZPATRICK WRITES ABOUT CAMBODIA ACTION

### HON. O. C. FISHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FISHER. Mr. Speaker, under leave to extend my remarks I include a letter from a constituents, Col. Hal L. Fitzpatrick, who recently returned from an assignment in Vietnam. He is obviously a knowledgeable man about the propriety of knocking out the supply dumps in Cambodia. In order that this knowledge may be shared with others who are interested, I am inserting it in the RECORD. The letter follows:

KERRVILLE, TEX., *May 16, 1970.*

Hon. O. C. FISHER,
*House of Representatives,*
*Washington, D.C.*

DEAR SIR: About two weeks ago, when I returned from a one-year tour of combat duty in Viet Nam, I was reasonably optimistic about our prospects there. I appreciated the opportunity to express that optimism and my support for the Administration's policies in the questionnaire which you sent out to your constituents.

My feeling of optimism was greatly strengthened by the President's action in attacking the enemy strongholds in Cambodia; like other officers in Southeast Asia, I had long been concerned by the threat which those complexes posed against all our current positions from Tay Ninh south, against the ARVN after our withdrawal, and especially against our own troops during the latter stages of the withdrawal. We must not play Dunkirk on the beaches of South Viet Nam.

The move into Cambodia not only made military sense; it also indicated that the President was placing the long-term welfare of the country and the immediate safety of our troops ahead of the short-term political problems posed by articulate and sometimes violent minorities in the country. It therefore created real hope for additional realistic actions to get us out of Southeast Asia as quickly as possible without creating a tragedy for ourselves or our allies.

Naturally, the Cambodian action was played up by our news media as an invasion comparable to the Normandy operation, if not the beginning of World War III, and the cut-and-run advocates were properly and loudly outraged. That was to be expected, and should have been no great cause for concern. What did concern me, however, was a TV program on which four United States Senators asked public support for a bill intended to limit the President's actions in Southeast Asia, complete with timetables. Even aside from the pernicious effects of the bill itself, the Senators displayed an appalling ignorance of the military realities of the situation. Such ignorance would have been amusing if displayed by a college sophomore; displayed by four powerful members of the United States Senate, it was frightening.

The truth is that the President needs, at this critical time, the fullest possible freedom of action, if he is to get us out of Southeast Asia as scheduled, without a catastrophe, and if he is to negotiate successfully with our enemies, both in Paris and at the SALT conference.

Though I have finished my own service in Southeast Asia, I have two sons of military age. As a father, as a soldier, and as a citizen, I respectfully urge you, sir, to oppose with all your strength any effort to limit the options open to the President.

Sincerely,

HAL L. FITZPATRICK,
*Colonel, USAF.*

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## SOMEDAY, PEACE WILL REIGN

### HON. JAMES H. (JIMMY) QUILLEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. QUILLEN. Mr. Speaker, in the last few weeks some of our young college and university students across the country have been lured into the position of supporting the professional anarchists and agitators in their attempt to consequently overthrow our Government.

And, undoubtedly, never have so few been heard by so many. Their "peaceful" demonstrations have turned into violence and the violence has resulted in the deaths of some students. Indeed, this is regretful and it is utterly useless.

As I have stated on many occasions, I strongly believe in the right to dissent. However, violent dissent, such as we have witnessed recently, should not be tolerated.

Mr. Speaker, there are many persons who are willing to protest if they are opposed to something, but how many of these persons are willing to express their opinions on matters they support?

I am convinced that the rabble rousers on our campuses today represent only a minority of our students; the silent students represent the majority.

This silent majority must become an aroused majority.

Recently, I was furnished a copy of an editorial which was written by Mr. John Coward, a 19-year-old native of Johnson City, for his school newspaper, the Pirate Press, at East Tennessee State University in Johnson City. Mr. Coward is a sophomore at the university and serves as editor of his university's newspaper. I feel his editorial accurately reflects the feeling of the silent student majority, and it is gratifying to me to know there are some students who have the courage to speak out, even if it may not be popular to do so in the particular circumstance.

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I submit Mr. Coward's editorial for the Record in order to contrast the radical thinking being emphasized by some of our students:

### Someday, Peace Will Reign

Kent State is a tragedy. Four students killed, several guardsmen and students injured, a building burned; it is all tragic. And it is all so very useless.

The students there and around the nation are mad. They don't want to fight in Vietnam, much less Cambodia. They don't like the war and they're vocal in their opposition to it. They don't want the war, so they protest.

They have every right to protest. They have a right to an opinion and to express that opinion. They should make their feelings known. But they have no right to turn to violence and destroy. They have no right to damage property or threaten lives.

Four students now lie dead. They were victims, probably innocent victims of the forces of chaos. The guardsmen were in danger, or so they thought, and they fired to protect themselves. The students were scared and confused, caught up in a useless battle. Four dead, 11 injured.

Demonstrations, are too emotional. They turn into riots too easily. They ask for trouble and get it.

The government expects the worst. They are frightened and bring in the troops. The showdown is almost unavoidable.

Then in a confused and pitiful moment, the battle begins and ends, the dead and injured fall.

It is not worth the price. Violence is trouble, it may be death. And for all its danger and high price, it is useless. Violence does little to help the cause. If anything, it makes the opposition more determined.

We would like to see an end to campus violence. But we are not optimistic. Someday, maybe, peace will reign. We hope it is soon.

## THE REAL F-111

### HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. TEAGUE of Texas. Mr. Speaker, my good friend and colleague, the Honorable Jim Wright of Fort Worth has written an article to the Washington Post which they have carried on their editorial page for Wednesday, May 20 concerning the F-111 which has become a most controversial aircraft due in a large part to the press and a general misconception on the part of the public.

The article which Mr. Wright has written I believe is one of the finest I have seen, and I join with my colleague in his statements.

The article follows:

### The Real F-111

(By Jim Wright)

Lest I appear to fly under false colors, let me acknowledge in all candor that I have a legitimate parochial interest in the F-111. It is built in my district and some 20,000 of my constituents are employed in its production. It galls hell out of me to see them and their product made the whipping boy of demagogues and the butt of street corner humor.

Like Dr. Jekyll and Mr. Hyde, there are two F-111s.

One is the real, honest-to-goodness, nuts and bolts machine. By any measure, it is one of the most extraordinary warplanes ever fashioned. It can do more things better than any other aircraft our defense industry has built. This real F-111 is little known outside the Air Force.

The other F-111 is the monster of popular fantasy, well known to the public—conceived in the mind of a senior senator, fabricated in a stormy set of hearings, flight tested on page one, and sent shivering into combat on the Huntley-Brinkley report.

For whatever reason, the substantial array of important and affirmative facts have escaped general publication. The facts are far from unimpressive.

Forgive me, then, if in the interest of balanced coverage I spend a few paragraphs accentuating the positive.

(1) Contrary to popular misconception, the F-111 has the best safety record (number of accidents per hours flown) of any new military aircraft built in this country since the early 1950s.

(2) It surpasses more of its original specifications than it fails, meets fully 99 per cent of them, including the most important ones.

(3) The F-111 can carry three times the bomb load for better than twice the distance as the next best tactical bomber in our inventory.

(4) Before the bombing of North Vietnam was discontinued, an F-111 detachment flew more than 50 combat missions there—all of them at night, 80 per cent in weather so bad no other aircraft were operating. Bombing accuracy was better than our other planes were achieving in daytime.

(5) Air Force pilots who have flown the F-111 are enthusiastic about it. The Russians apparently are impressed by its capability. It is the only American aircraft over which Soviet representatives have expressed specific concern in the SALT conferences.

(6) The House Armed Services Committee last week reported that no other aircraft in our inventory can "adequately substitute" for the F-111 and officially invited the Defense Department to order more.

Each of the above facts is part of the record, undisputed and clearly verifiable. Yet, most Americans have never read them. Professional viewers-with-alarm continue to refer to the swing-wing plane by such unfactual terms as "dangerous," "defective," and "subpar."

Take the question of safety. Many Americans, intelligent and otherwise well informed, understandably think that the F-111 has a bad safety record—not just bad, but very bad.

The facts reveal the exact opposite. It has the best safety record of any aircraft in the Century Series—nine of them, beginning with the F-100. This has been true at every stage of its development—for the first 5,000 hours of flight, for the first 25,000 hours, for the first 40,000—and it's true today.

The F-111 has had a total of 18 serious accidents—21 if you count the three lost in Vietnam. Each of these has been headline news throughout the nation. What isn't commonly realized is that, for the comparable number of hours in flight—and none of this in combat—the F-106 had 22, the F-105 had 34, the F-102 had 40, the F-104 had 51 and the F-100 had 59, more than three times as many as the F-111!

Or consider the matter of performance. Air Force experts say the F-111 is the best aircraft in the world today for delivering a payload on a heavily defended target, at night as well as daytime, and in the very worst of weather.

A revolutionary terrain-avoidance system, one of the F-111's numerous leaps forward in technology permits the plane to fly "on the deck" under enemy radar, avoid mountains or structures not visible to the pilot, and be gone before defending anti-aircraft can zero in on it.

The value of this unique all-weather capacity? In Asia, targets are weathered in as much as 70 per cent of the time in certain seasons. In Eastern Europe they may be protected by weather as much as 40 per cent of the time. The Battle of the Bulge in World War II was mounted during 19 straight days of weather so bad that Allied planes were grounded.

Or think about cost effectiveness. Four F-111's, on a 1,000 mile trip without refueling, can drop a given number of bombs on an enemy target. The exact figure is classified. But to deliver the same bomb load to the same distance, without F-111's, would require a total of 31 different aircraft including tankers, radar scramblers and fighter escorts.

The four F-111's can be maintained and operated for $5.2 million a year. The retinue necessary to perform the mission otherwise costs $37.8 million in annual operation and upkeep—seven times as much.

This plane has cost a lot of money to develop, no question about it. The aircraft now being delivered are running about $8.7 million each. If you go back and calculate all that we've invested from the inception of the program and divide it by the number of delivered aircraft, the average unit cost to date comes out at a lot more.

The basic fact is that the big cost in any new airplane embodying sophisticated technology is in the research and development phase and in the tooling up. Witness the C-5A. Let's face it, there just aren't going to be any more cheap new airplanes.

The only way this nation can realize cost effectiveness in any aircraft procurement program is by building enough to do the job for which the program was devised. The early estimate of $3.8 million a copy, on which the McClellan Committee harps, was based on a buy of 1,200 planes to be delivered at the rate of 24 a month. We're currently buying at the rate of eight a month.

With the F-111, we're just now approaching the pay-off stage on our investment. For an additional $1.5 billion—less than one-fourth the amount we've already put in the program—we can secure the additional 324 planes which the Air Force considers necessary. Average cost: $4.6 million, which compares favorably with unit cost on older aircraft of substantially less capability.

As for the investigation, it must be obvious to all who've followed it closely that Senator McClellan shot his arrow seven years ago before the first F-111 was even off the drawing board. Ever since, he's been trying doggedly to paint a target around the spot where the arrow hit. He reached his conclusion and then went searching for facts to support it.

His real target, of course, is Bob McNamara. The Senator is determined to crucify the former Secretary upon the gavel. If a needed warplane gets in the way, well, *C'est la guerre*.

Recent F-111 criticism centers around selective comparisons between actual performance and the optimistic goals originally set by DOD sponsors. That's like measuring one of us mature mortals against the man his mother hoped he'd be. I'd hate for Senator McClellan to gauge me by that yardstick!

More to the point, every aircraft ever built would suffer by the same comparison. None has met all its design objectives. The farther we set out to stretch untried technology, the bigger the expected "short fall." The amazing fact is that the F-111 meets more of its design specifications than any other modern aircraft.

In the real world we judge an article's worth by comparing it with similar things, not with what its inventor first hoped to achieve. We are balefully told, for example, that an F-111 requires about 770 more feet for take-off than its planners hoped. But the gloating detractors gloss over the more significant fact. The F-111 requires only one-half—repeat, one-half—the take-off distance consumed by any other combat aircraft with

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the single exception of the F-4 and less than the F-4.

And the landing distance, equally significant but never mentioned in any news account I've read is 19 per cent better than the specifications called for!

On balance, the F-111 is a damn fine airplane. It's time this fact were more generally recognized.

## A UNIQUE LETTER FROM THE FATHER OF ONE OF OUR FIGHTING MEN

### HON. GEORGE A. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. GOODLING. Mr. Speaker, once in a while a Congressman receives a letter that is unique because of its forthrightness and clarity, a letter that has the ring of conviction and sincerity.

Just recently I received such a letter from one of my constituents, a communication which is timely because it deals with the Cambodian situation.

Because this letter was sent to me by the father of a young man who is fighting in Cambodia, I feel it is deserving of insertion into the CONGRESSIONAL RECORD. I commend this letter to the attention of my colleagues:

MAY 11, 1970.

DEAR MR. GOODLING: As the parent of a fine son in Cambodia, I suppose you would guess that I am storming mad at President Nixon for sending him there. Quite to the contrary, and immediately after President Nixon's fine talk on sending troops into Cambodia, I told my wife that this was a move in the right direction. Being a veteran, perhaps I see some things different than those opposing this move.

Yes, my wife and I have many sleepless nights. Yes, we read all the news we can lay our eyes on. And, yes, we would rejoice if President Nixon would give the order for the boys to pack their bags and go home; however, down deep in my heart, I believe the President's decision was the right one.

I also believe the President and those in authority are far too lenient on our college students. It really makes my blood boil to see these hippies and others who cause trouble in our educational system get away with little or no punishment. Surely these people are only there to stay out of the war, and this just is not fair to the boys that must go.

May I say that most of the people I come in contact with share my views, and this includes parents who have children in colleges, but thank goodness their children are there for education and not disorder.

I realize you don't receive many letters from people who agree with the President, because these people just don't take the time to write, but be assured there are many more of this type than you realize.

Our only child, Jeff, graduated from high school in 1967, took a two-year college course in Williamsport, and graduated there with an associate degree in electrical construction. After graduation, he took a job in Danville, Pennsylvania, worked three months there, and then was drafted. Not once has he ever complained about the army.

I wrote to Jeff and asked his views on the President's decision. His answer was very much in favor of the President, as were the answers of most of his buddies. Jeff is very much in favor of doing all he can as quickly as he can so that he can get home as soon as he can. We pray that this will not be too long.

I might add that Jeff is no white collar boy over there. He is P.F.C. in the 14th Infantry Regiment (Part of the 25th Infantry Division) in the mortar platoon.

Sorry for taking so much of your valuable time.

Sincerely yours,

——— ———.

## COMMENTARY ON OUR SOUTHEAST ASIAN POLICY

### HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. McCLOSKEY. Mr. Speaker, I have just received a thoughtful commentary on our Southeast Asian policy from 426 San Franciscan attorneys. Included in their number are many of the ablest members of the legal profession in the San Francisco Bay area.

In view of the major issue we face next month, that of voting for a cutoff date for funding the war in Vietnam, I commend this statement to the attention of my colleagues:

The signers of this statement are San Francisco attorneys of varied experiences and political persuasions. Our common concern is the recent turn of events in Indochina.

The United States has now begun an offensive against the North Vietnamese sanctuaries across the border of Cambodia, and is now supplying arms to the Cambodian government. The President has stated that these initiatives are intended to facilitate withdrawal, to protect American lives, and to avoid the humiliation of a great power. He states that it is his continuing purpose to terminate the present war.

We respectfully record our dissent.

The war can be terminated at any time by our orderly withdrawal. Such a course would not risk American lives. We maintain full command of the air and the sea, and can bring home our troops at will.

The new offensive, limited in purpose though it may be, can only be explained as a further effort to achieve political results in Vietnam and Cambodia by the use of military force. The attack is not related to a planned withdrawal; on the contrary, it risks a greater involvement.

The lesson of Vietnam is that we cannot gain or keep military control of any area, in the absence of strong popular support, without a massive and sustained deployment of forces on the ground. An advance into new territory merely expands the area we are required to police.

In broader terms we have learned, or should have learned, that military operations cannot achieve our objectives in Vietnam. Our experience has been one of tragic and continuous failure.

We have failed to win a military victory, despite the commitment of overwhelming power.

We have failed to negotiate a peace, despite our willingness to make ever greater concessions.

We have failed to eradicate corruption or to build a popular and democratic government.

We have failed to protect the lives and property of the people of South Vietnam, although we originally intervened for this very purpose. Instead, in response to the military needs of the moment, we have spread explosive and chemical destruction up and down the nation, from which the land and the people may never recover.

Our failures in Vietnam itself, however, are but a part of the tragedy. The indirect damage caused by the war, on a worldwide scale, may well have more permanent impact.

We have countenanced an expansion of the war powers of the President beyond the fair intendment of the Constitution, to the point where Congress and citizens alike begin to fear for the future of the democratic process.

We have come close to alienating an entire generation of young people, who are compelled to fight in a war which most regard as futile, if not immoral. The strain of the war sharpens our existing divisions and strengthens the opponents of our essential institutions of law and government.

We have diverted our energies from pressing needs at home and abroad because of the war. While we have witnessed the proliferation of weapons of mass destruction and the rapid and dangerous deterioration of our environment, we have wasted our major resources on a war which is insignificant with respect to our national security, and irrelevant to our survival.

We cannot remedy past failures by compounding them, nor salvage our national pride by extending a war we cannot win. What we can do and should do is withdraw, so that we can start afresh. Then, and only then, can we effectively set about building a secure and inhabitable world.

## NIXON IS RIGHT

### HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FOREMAN. Mr. Speaker, one of New Mexico's leading daily newspapers, the Lovington Daily Leader, summarized President Nixon's announcement of the Cambodia action very ably in an editorial on May 1, 1970. I include the editorial for the review of my colleagues:

NIXON IS RIGHT

Last night President Nixon announced the most important decision he has made since he was elected a year and a half ago.

In a real sense, it is the first decision he has made that was not so strongly conditioned by decisions that had been made before him as to make everything he said merely a reaction.

He has chosen a stern and courageous path for the administration, and I believe that the nation—in spite of the many leaders who now wish to ignore our international responsibilities—will follow.

Certainly his decision, like some of those made by President Johnson before him, was non-political. From a practical standpoint, the political risks of such a decision at this time are too great to knowingly take. But he pushed that aside.

The United States must complete the duty it has accepted in Southeast Asia, costly and unpleasant as it is. Our president is being nothing more or less than a realist in a world where totalitarianism still flourishes.

It is not a case of merely saving face for a proud nation. We could—and should—swallow our pride if we are wrong. But, as Nixon says, "Does the richest and strongest nation in the history of the world have the character to meet a direct challenge by a group which rejects every effort to win a just peace, ignores our warning, tramples on solemn agreements, violates the neutrality of an unarmed people, and uses our prisoners as hostages?"

Last night holds the promise of being a turning point in a long and painful and tragic international involvement for the United States. We have not had our determination enunciated so clearly, so unmistakably, since that youngster of a president, John F. Kennedy, told the Russians to turn around and go home or get clobbered.

They did, to.

## A SALUTE DESERVED

### HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BIAGGI. Mr. Speaker, too often the various ethnic groups of our country are held up to unwarranted criticism and ridicule simply because negative group myths are perpetuated in newspapers, movies, radio, television, and on the bigoted lips of large numbers of Americans across the Nation.

The Italian-American Community in the United States has been a dominant victim of such activity in spite of its long history of cultural, scientific, political, and economic contributions to the American way of life. To a large extent, this has been so because negative aspects to which all groups are susceptible have been over-emphasized in the case of the Italian-American. Perhaps the Italian-American Community must share in the blame for this unfortunate situation. First, they have tolerated too long these affronts to their collective dignity and second, they have not acted forcefully enough to make known their achievements and concerted efforts at self-improvement.

While major accomplishments on the part of Italian-Americans are more easily made known to the world, the numerous basic programs which are undertaken by prominent citizens of the Italian-American Community principally to enhance the contributions of their succeeding generations are too often unannounced and unknown to but a few.

I, therefore, would like to bring to the attention of my colleagues a typical group effort that is widespread but relatively unknown in America—the Enrico Fermi Fund For Education. An editorial column from a recent edition of the Record of Yonkers aptly describes the aims and goals of the Enrico Fermi Fund—only one of the many positive undertakings of the total Italian-American Community in America.

The editorial follows:

#### A SALUTE DESERVED

This week in one of this city's largest halls, for the seventh time, a group of Italian-American citizens rewarded four deserving high school seniors with scholarships which will enable them, in part, to pay for their continuing education.

The program, we learned from the principal speaker, a well-known educator, is unique in respect to efforts being made by Italian-American groups in the entire United States. From his experience here, Dr. Peter Samartino, the speaker, indicated that he was going to generate as many other like projects as he could.

It is noteworthy that this educational effort by the Enrico Fermi Fund for Education each year gains in stature and is able to award more money and more scholarships than in the past. Just like one of Professor Fermi's explosive clouds, it is growing like a mushroom, spreading like an umbrella over those children of Italian-American heritage who have the ambition but might lack the money to continue their education.

The efforts of the Enrico Fermi Fund, unlike some unsavory operations of Italian immigrants and their despicable descendants among us, rarely achieves front page prominence in some newspapers, particularly the dailies which are content in displaying the achievements of gangsters on the front pages and relating educational efforts such as those of the fund to inside pages.

Through the efforts of so many of our prominent and good Italian-American citizens, the Fermi Fund will continue to prosper and send more and more deserving children on to higher education.

Educated members of our Italian-American community add greatly to the business and professional successes of this land of ours. May their numbers increase by the thousands—the hundreds of thousands.

## HIGHWAY HOAX

### HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BINGHAM. Mr. Speaker, severe imbalances have characterized our national transportation investments for many years. As a result, the quality of our total transportation system, particularly in and around major urban areas, has declined. The superhighways in which we are placing so much money and effort, are clogged with automobiles which more and better highways seem to attract. At the same time, mass transit facilities continue to decline.

Our procedures for allocating funds are a major cause of this deplorable situation, and I have, therefore, proposed that major changes be made in them. The highway trust fund should be transformed into a broad transportation trust fund, from which all modes of public transportation would be funded. In addition, the procedures for considering transportation legislation, particularly in the House, need to be revamped. Jurisdiction over transportation funding is currently divided among three committees in the House, making it impossible to coordinate funding levels or enact comprehensive transportation legislation.

Two recent editorials in leading newspapers have made a strong case for expanded use of the highway trust fund. The first, "Time to Close Out the Highway Fund," appeared in the Sunday, May 17, Washington Post. "King Auto" appeared in today's, May 20, 1970, New York Times.

Finally, a most provocative and informative book by Helen Leavitt, entitled "Superhighway, Superhoax," was recently published by Doubleday & Co. Mrs. Leavitt's book is a fascinating revelation of the scandal accompanying our highway mania. It was recently reviewed by A. B. C. Whipple in the book review section of the New York Times.

The two editorials, and the review of "Superhighway, Superhoax," follow:

[FROM THE WASHINGTON (D.C.) POST, MAY 17, 1970]

#### TIME TO CLOSE OUT THE HIGHWAY TRUST FUND

In the decade or so, the federal government has spent more than $40 billion in an effort to create the world's greatest highway system. It has succeeded, of course, and the interstate highway system, which will have cost more than $50 billion in federal and state funds by the time it is completed, is a great monument to the country's love of the automobile and the mobility it has brought. But it is time for Congress to look at the country's transportation needs in a broader context than just highways and this is the year in which that reexamination ought to begin.

The key to the interstate highway program has been the trust fund created in 1956 to receive and hold the revenue derived from taxes on automobiles, trucks, gasoline and other highway-related products. The money in that fund can be spent only on the interstate system and it is now going out to the states in 90–10 matching funds at the rate of about $4 billion a year. The authorization for this trust fund runs out on Sept. 30, 1972, and the House Public Works Committee is even now holding hearings on proposals to continue it through 1978. But there is an effort afoot among some congressmen either to abolish this fund and thus force highway appropriations to compete with other projects for the federal dollar or to transform this specialized fund into a broader trust fund for all kinds of transportation systems—airways, railroads, buses, subways, and so on, as well as highways.

There is, no doubt, a substantial segment of opinion in the country which holds that more highways are needed and that the taxes paid by those who use highways ought not to be used for anything else. Francis C. Turner, the federal highway administrator, expressed this position well when he told a House appropriations subcommittee recently, "The highway users—and I use that term to indicate not a specific group but highway users in general—who support with their taxes the highway trust fund and the highway program, are generally much opposed to the diversion of any of these funds for other forms of mass transit. . . . I think all of us recognize that any effort to tamper with the highway trust fund for a purpose other than highways would run into a great deal of opposition."

Among the things we would like to say about this argument is that, as highway users, we totally disagree with it and hope that any effort to continue the trust fund as it now exists runs into a great deal of opposition. The argument has a certain appealing simplicity but it is superficial and is one that if accepted would either result in a countryside covered with concrete and smothered in exhaust fumes or in a federal government unwilling to tax highway-related products. It is sort of like the argument that only those who currently use the schools should be taxed to pay for them or that only those who draw welfare payments should pay the taxes necessary to finance those payments.

The least that Congress can do in revising the highway trust fund is to write into it a provision allowing each state to choose whether its share shall go exclusively to highways or can be used on other transportation projects. What Congress really ought to do, as long as it desires to cling to the trust-fund approach, is to lump the highway tax money with the money raised by taxes on other forms of transportation in one big kitty and then let it be divided up between the competing needs of highways, airways, railroads, waterways, and mass tran-

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sit. A simple extension of the existing trust-fund situation would be an abdication by Congress to the highway lobby of its power to raise revenue and to decide what projects are most worthy of public support.

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[From the New York Times, May 20, 1970]

### KING AUTO

Hearings now being held by the House Public Works Committee provide a perfect opportunity to reopen the question why at this point in history the American people should be paying sixteen times as much for highways each year as they do for mass transportation. The disaprity would be great even if the population were ideally dispersed throughout this vast country. With close to 80 per cent of the people jammed into urban areas, it is wildly irrational.

The Highway Trust Fund, which makes possible an almost cancerous spread of concrete, rests on the thesis that the money it receives from automobile users in the form of gasoline taxes should be spent on facilitating their chosen mode of travel. This argument is the most obvious kind of special pleading. Revenues from cigarettes are not used to finance medical research that might lengthen the lives of smokers, and drinkers do not get bigger and better bars out of the taxes they pay on their whiskey. Why should gasoline taxes be reserved for highways?

Except for a newly passed scheme to finance airport improvements, the Highway Trust Fund is, in fact, unique—and with due respect to the contribution of the automobile, it has not been so unmixed a blessing as to merit the exceptional treatment. It has its virtues of privacy and convenience, but the automobile also accounts for some 60 per cent of air pollution. The superhighway's laid out to accommodate it are all too frequently destructive of the countryside, bulldozed across the land without regard for any other factor than brute efficiency—and all too often lacking even that. Not least, automobile worship and the federally supported proliferation of roads to serve it have completely undermined passenger rail carriers, which could be twenty times as efficient as highways and no threat whatever to the environment.

Congress has the option of abolishing the discriminatory Highway Trust Fund or making it serve the financial needs of other forms of transportation as well. The highway lobby—including organized labor as well as the automobile and construction industry—is far too powerful to encourage the hope that gasoline taxes will suddenly be diverted to the Treasury, to be parceled out, like other revenues, on the basis of nationally determined priorities. But until that is done, the least Congress can do is to enlarge the scope of the Fund to provide that "balanced transportation system" to which President and Congress alike are so fond of paying verbal tribute.

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[From the New York Times book review section]

### SUPERHIGHWAY—SUPERHOAX

(By Helen Leavitt)

(Reviewed by A. B. Whipple)

(NOTE.—Mr. Whipple is an editor of the Time-Life Books Division.)

A few years ago some highway engineers planned a new freeway for Washington, which would cut through an area containing some embassies, foreign restaurants, a bit of a slum and some renovated houses. One of those houses was owned by a lady named Helen Leavitt, and thus the highway engineers made a major miscalculation.

Hell hath few furies like a lady confronted with a highway through her living room, and the result in this case is a highly indignant book which should be read (at least in part) not only by those whose neighborhoods have been threatened but also by everyone who has bogged down in a traffic jam on a supposedly high-speed thruway (and who has not done that?). "Superhighway—Superhoax" is as one-sided and admonitory as it sounds. It is a slashing attack on the entire Interstate Highway System and on the philosophy of superhighway engineering itself.

Reading the book is a bit like driving cross-country. There are long arid stretches of statistics, transcripted remarks from interminable and countless hearings, committee reports and testimony in mind-dulling detail. And then there are striking glimpses of fascinating facts and compelling arguments. The reader, unlike the driver, can fly past the barren stretches and linger over such intriguing facts as these:

The Interstate Highway System has so far cost $33-billion, and it is only two-thirds completed. In other words, the United States has spent more in getting to California than in going to the moon.

Americans spend twice as much on highways as on education.

In 1967 the Air Force experienced 70 per cent more deaths in private off-duty motor vehicle accidents in the United States than from enemy action in Vietnam. (Mrs. Leavitt does not neglect to mention the already well-publicized statistic that automobiles have killed more Americans than all our wars combined.) You might try this one on your teen-age son: his chances of survival are greater in Vietnam than at home driving a car.

In car-truck collisions, for every truck driver killed 38 auto drivers are. (I wonder what the ratio is for those tractor-trailer drivers.)

When you buy a $3,000 car you are committing yourself to an expenditure of $11,000 over the next 10 years even if you can keep the car running that long. If you trade your car in every year, add $8,420. (These figures do not include financing costs.)

In Tokyo the carbon-monoxide situation is already so bad that traffic police have to take time out to inhale oxygen every two hours.

In some cities the school playgrounds have been made into parking lots for the teachers' cars.

But Mrs. Leavitt's major criticism is that the American superhighway program, "the largest public works program ever undertaken by man," with all its expense and destruction of city and countryside, has not accomplished its one objective: to keep traffic moving. The more highways we build, the more automobiles pour onto them and clog them.

"For the past 30 years," she claims, "the number of persons entering the central business district of our major cities has remained constant. Interestingly enough, the number of automobiles entering the same area has steadily *risen* over the same period of time." In other words, more people aren't clogging those highways. More cars are.

Evidently the more highways the engineers build, the more cars appear from nowhere to crowd them. Long Island is an impressive example of this frustrating balance of nature. The ground on that island is nearly covered with concrete. And yet such thoroughfares as the Long Island Expressway are known as "the longest parking lot in the world." Mrs. Leavitt estimates that a carborne commuter on Long Island moves at the rate of six to twelve miles per hour, which is a slight improvement over pedestrian locomotion but not as fast as a horse and buggy and a great deal slower than a Boston Whaler with an 18 h.p. motor.

This phenomenon has some complex political causes. Local mayors seize the opportunity to divert highways into their cities, which helps provide commuter thoroughfares but clogs and slows interstate traffic and has the longer-range effect of crippling such mass transit as railroads. And by the time the railroad has limped to a halt, the highway system cannot handle the former trainriders' cars. Commuters who are serviced (one is tempted to use the farmer's definition of the word) by the Penn Central Railroad have a vivid example of this.

Mrs. Leavitt is at her best at what she obviously enjoys most: exposing and condemning the superhighway proponents whom she calls the "highwaymen"—the construction firms, the auto manufacturers, the oil and rubber companies who band together to support more and more highways for more and more cars.

They are silly, of course, when they argue that superhighways could evacuate cities in time of war; anyone who has seen a rush hour in any city knows that it is impossible. And Mrs. Leavitt is understandably sarcastic about one highway proponent's claim that highways are good for fish because trout like to nap under bridges. But she lets her indignation run away with her when she caustically quotes the Clay Report's claim that the automobile "has restored a way of life in which the individual may live in a friendly neighborhood . . . it has made us one country and a united people." This is true. The problem is that we have let our cars get out of control.

The answer? Abolish the Highway Trust Fund, Mrs. Leavitt urges. It is a repository for all auto-associated taxes, which by law can be spent only on highways. She claims that when Federal and local auto taxes are added together, they amount to a slush fund of nearly $15-billion a year. And since most of this money can be spent only on highways. Parkinson's Law goes into effect: instead of questioning what our highway needs really are, our politicians merely decide how to spend the money.

Mrs. Leavitt makes sense to me when she argues that the tax money collected from auto drivers should be used for some of our other pressing needs instead of only for highways as it is today. If we use Highway Fund money only for highways, why not confine cigarette-tax money to a massive program to find a safe cigarette? To confine auto-tax revenues to highways, she says, is like earmarking all liquor-tax revenues for improving saloons. She urges that auto-tax revenues be put into the general treasury, and highway needs should compete with other pressing needs—for education, ghetto renovation and even mass transit, which our highways have done so much to cripple.

She quotes a "Prayer for America's Road Builders," which was intoned for a Virginia Road Builders Association meeting by the Rev. Raymond F. Wrenn, presumably with a straight face. It goes like this:

"O Almighty God, who has given us this earth and has appointed men to have domination over it; who has commanded us to make straight the highways, to lift up the valleys, and to make the mountains low, we ask thy blessing upon these men who do just that. Fill them with a sense of accomplishment, not just for the roads built, but for the ways opened for the lengthening of visions, the broader hopes and the greater joys which make these highways a possibility for mankind.

"Bless these, our Nation's road builders, and their friends. For the benefits we reap from their labors, we praise thee; may thy glory be revealed in us. Amen."

Mrs. Leavitt had better brace herself for counter-attack from armies of superhighway proponents, some perhaps motivated by greed but many others as dedicated to the public welfare as she is. Judging by her polemical style in this book, I'd say she is quite capable of taking them on.

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## THE PERVERSE IDEOLOGY OF VIOLENCE

### HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BOLLING. Mr. Speaker, the "Perverse Ideology of Violence" by Sidney Hook appeared in the Sunday, May 17, 1970, Washington Post and is a thoughtful analysis of a critical and little understood problem. It follows:

### THE PERVERSE IDEOLOGY OF VIOLENCE

(By Sidney Hook)

I cannot recall any period in American history in which there has been so much extenuation and glorification of the use of violence—not as episodic forays of symbolic character to call attention to shocking evils, but as a legitimate strategy in social, political and even educational reform.

Until recently, those who defended the role of violence in social change did so in the main from a revolutionary perspective that forthrightly repudiated democracy as a political system either as a sham, covering up class rule, or as an inadequate institutional expression of self-government.

What is comparatively novel in our time is the defense of violence by those who are not prepared openly to abandon the standpoint of democracy but who, out of design or confusion, contend that a "healthy" or "just" or "progessive" democratic society will tolerate violence, recognize its productive, even creative role and eschew any strategy for the control of violence by resort to the force of the civil authorities or to police power.

A report of one of the task force of the National Commission on the Causes and Prevention of Violence ("The Politics of Protest") concludes by repudiating the conventional wisdom of the so-called "two-pronged approach" to violence. (The first prong seeks to control or restrain violence, the second to meet genuine grievances by appropriate reform.)

On this view, once the demands made by those who are violent are distinguished from the causes of the violence, the major effort must go into meeting the demands, into reforming society, not into curbing violence.

It goes almost without saying that this sympathetic approach to manifestations of violence is limited only to particular groups and to special causes. It is not generalized to hold for all public violence, especially violence against good causes.

We are therefore not dealing with general principles of social action; we are dealing with a proposed strategy in a struggle for power—a strategy that appears to me both arbitrary and short-sighted.

There are certain common sense objections that are flagrantly overlooked in this rejection of the "two-pronged approach." First of all, to urge that we treat only the causes of violence, and not divide our energies by efforts to curb violence, overlooks the obvious fact that we do not always know what the causes of violence are when the facts of violence are quite manifest.

Second, even if we believe we know what the causes are, treating them properly, remedying the evils, changing the behavior patterns necessary to change the situation may require time.

For example, if the existence of slums is regarded as the chief cause of urban violence (something not really established), rebuilding the city ghetto or dispersing it cannot take place overnight. If violence meanwhile is not curbed, more buildings may be burned than can be constructed in the same time period. To this very day the scarred, desolate streets of our riot-torn cities are a gaunt and painful reminder of the ineffectuality of violence. And why is it assumed that violence will result in the mutual accommodation of interests rather than in further provocation and escalation of violence and counterviolence?

Thirdly, let us suppose we escape this danger and violence does not call into existence its own nemesis. Is there nothing illegitimate and blameworthy about the action even if it turns out successfully?

One of the most frequent confusions in the apologetic literature of violence is the identification of force and violence. Since all government and law must rest ultimately—although not exclusively—upon force, the universality of the actual or potential exercise of force prepares the ground for a slide to the view that violence, too, is universal and therefore an inescapable facet of all social life.

But violence is not simple physical force, but the illegal or immoral use of physical force. Force is neutral in meaning, though it is necessary to sustain or enforce legal rights wherever they are threatened. When James Meredith was denied the right to study at the University of Mississippi, when Negro children were prevented from attending school at Little Rock, it was force that protected and redeemed their right against the violence and the threat of violence of the Southern mob.

Where a party resorts to violence in order to breach the rules of the political game, to disrupt or destroy the game, it cannot justifiably equate its violence with the force used to sustain the rules so long as it professes allegiance to the political system defined by those rules.

Some resign themselves to the suicide of democracy by inactivity in the face of violence. But a democracy has the moral right to protect itself. Its legitimate use of force to preserve the rules of a democratic society, to enforce the rights without which democracy cannot function, may be wise or unwise, judicious or injudicious. But such use cannot sensibly be classified as violence.

#### SIMPLISTIC RATIONALE

The importance of considering the question of violence in a political context is apparent when we examine some typical syndromes of apologetic justification for violence.

1. The first was exhibited by Rap Brown in his now classic observation that "violence is as American as cherry pie." This piece of wisdom is the gist of the findings of several task forces of the National Commission on the Causes and Prevention of Violence, the most notable of which has been Prof. Jerome Skolnick's "Politics of Protest," to which I have already referred. They gravely inform us that violence is customary in American life, as if that made it more acceptable, as if it proved anything more than that the democratic process in America has often broken down in the past, as if the fact that something is authentically American necessarily made it as praiseworthy as cherry pie. Certainly, lynching is as American as cherry pie!

2. A second popular apologetic justification for violence may be called the Boston Tea Party syndrome. Since our patriotic American forebears dumped valuable property into the harbor and engaged in other acts of violence, why is it wrong, we are asked, for present-day rebels to follow suit?

The total disregard of the fact that the American colonists had no means of remedying their grievances by peaceful constitutional change is symptomatic of the grossly unhistorical approach to problems of social change.

To be sure, democratic institutions work slowly and, like all institutions, imperfectly. That is the price of democracy which the democrat cheerfully pays because he knows on the basis of history and psychology that the price of any other political alternative is much higher. The integrity of the process by which a minority may peacefully become or win a majority is all-important to him. If the democratic process functions in such a way as to violate the basic moral values of any group of citizens, they have a right to attempt to overthrow it by revolution, but they cannot justifiably do so in the name of democracy. And it is open to others to counter these efforts on the basis of their own revolutionary or counterrevolutionary mandate from heaven.

3. The third syndrome challenges the contention that a principled democrat cannot reform an existing democracy by violence without abandoning democratic first principles. This position asserts that existing means of dissent are inadequate, that the wells of public knowledge are poisoned, that the majority has been misled by its education, corrupted by affluence or enslaved by its passions.

Allowing for certain changes in time and idiom, this indictment against democracy is as old as the Platonic critique. (But Plato did not pretend to be a democrat.) That the institutional life and mechanisms of American democracy are inadequate is undeniable. But just as undeniable is the fact that in many respects they are more adequate today than they have ever been in the past; that dissent has a voice, a platform, a resonance greater than ever before.

#### REWRITING THE RULES

And what is the test of the inadequacy of existing democratic mechanisms to remedy grievances? That the minority has failed to persuade the majority? This is like saying that a democrat will be convinced that elections are truly democratic only when *he* wins them. Having failed to persuade the majority by democratic and constitutional means, the minority claims the right in the name of a hypothetical, future majority to impose its opinions and rule by violence on the present majority. And by a series of semantic outrages it calls this a democratic method of reforming democracy!

It is easy enough to expose this when it is—as it has often been in the past—a stratagem in the propaganda offensive of totalitarian groups. But the difficulty is greater when these contentions are put forward by individuals who sincerely believe themselves committed to democracy. What they are really saying in their sincere confusion is that in any democratic society that falls short of perfection—that is, in any democratic society in which they fall short of winning a majority—they have a democratic right to resort to violence—which is absurd. Unfortunately, as Cicero once observed, there is no absurdity to which some human beings will not resort to defend another absurdity.

4. The fourth syndrome in the contemporary apologetic literature of violence is the justification of the tactics of violent disruption and confrontation on the ground that the state itself employs force, and sometimes makes an unwise use of it either in war or in preserving domestic peace. Only an anarchist who does not recognize any state authority can consistently make this kind of retort—and even anarchists would not be likely to be much impressed by it if it were to be mouthed by raiding parties of the Ku Klux Klan and similar groups. In any society, democratic or not, where the state does not have a monopoly of physical force to which all other sanctions are ultimately subordinate, we face incipient civil war.

Nor is the situation any different when the state embarks upon actions that offend the moral sensibilities of some of its citizens. In a debate with Noam Chomsky at Oberlin College last year, I was asked by Prof. Chomsky:

"How can you reasonably protest against the comparatively limited use of violence by the SDS at Columbia University and elsewhere [of which incidentally he did not approve] in view of the massive use of violence by the United States in Vietnam?" It is a retort frequently heard when student and black militant violence is condemned.

For one thing this type of question overlooks the obvious fact that one can be opposed *both* to student violence on campus and to the American involvement in Vietnam just as one could bitterly resist *both* the Stalinist goon squads and Hitler's terrorists. And even if this were not the case, the comparison is specious and question-begging to boot.

### THE OTHER VIEW

The objection to violence in a democratic society stems from various sources—not all of them narrowly political.

The first reflects the civilized and humane belief that the amount of physical coercion of men over other men can be reduced although it cannot ever be eliminated. Even those who are wedded to violence as a strategy of social change profess to believe that their actions will produce a world that ultimately will be less violent. This is extremely unlikely although not inconceivable either theoretically or practically.

Another source of opposition to violence is the desire of men for continuity and predictability in their social life within the limits of what is humanly sufferable. It is the certainty of the law, the knowledge of what can be relied on as we go about arranging our affairs and tying them into the future, rather than our expectation that the delicate balance of justice will be precisely achieved in human relations, that is its chief desideratum.

Violence, especially chronic violence, upsets the normal expectations of orderly procedure. Unless a new pattern of stability is quickly reached, an atmosphere of impending chaos and catastrophe is generated that prepares the ground for the growth and tolerance of despotism. Despotism is not easily or freely chosen. It is accepted more readily when men become fearful of anarchy.

It is in the light of these considerations that we must examine what seems to be the most pervasive as well as the most persuasive argument for violence. This maintains that the threat of violence, and its actuality which is necessary to make the threat credible, are the most effective means of achieving reforms; that without the violent extremists, the moderate reformer has no chance to implement his program; that the prospects of reform are always enhanced by the fear generated through the threat of violence and its sporadic outbreaks.

Without doubt, there is some truth to this view. But it is a half-truth and a dangerous half-truth at that. From the abstract proposition that the threat or exercise of violence *may* faciliate enlightened social change or policy, it is the sheerest dogmatism to assume that in any particular situation violence or its threat will in fact serve a beneficial purpose. It may just as likely set up a cycle of escalating violence and counterviolence that will be more costly and undesirable than the reforms subsequently instituted. It all depends upon the case.

### PEACEFUL PROGRESS

It would be a fantastic misreading of European and American history to assert that the fear or actual outbreak of violence has been the sole, or even the most important, cause of reform. Vast amounts of social welfare legislation cannot be explained in terms of fear or violence. The motives and causes for their adoption are mixed, but among them an expanded social consciousness and sense of responsibility rank high.

No one in our times rioted for Social Security or the National Health Service or Medicare or the acceptance by the federal government of the revolutionary principle of a national minimum of welfare payments. Tremendous advances have been made on both sides of the Atlantic in the defense and extension of civil rights and liberties, in judicial and penal practice, liberalization of laws relating to marriage, divorce, birth control and abortion.

All of these measures, and many more, have been adopted in the absence of any credible threats of violence. Not a single one of the great landmark decisions of the U.S. Supreme Court (including its 1954 school desegregation decision and mandatory state political reapportionment a decade later) was made under the threat of the gun, the mob or the torch. It was not to violence or the threat of it that we owe their enactment, but to the growth of enlightenment, the enlargement of imagination and the development of the democratic idea.

Still, there is no need to deny that fear of violence does often have an influence upon the willingness to reform conditions. And up to a point it is altogether reasonable that it should have an influence. But this is not true to the same extent of overt, repeated *threats* of violence. And least persuasive of all is the brute outbreak of violence that imperils security of life, of one's home and property. For the consequence of such violence is the generation of hysteria and panic among its victims and all elements of the population who identify with them.

Mass hysteria and panic are blind. They mistake fantasy for reality and breed unreasoning, not intelligent, fear and hate. If enough people among the majority are swept up in these emotions, a reaction sets in, all the more intense for being delayed, that makes reforms more difficult to achieve, not less. It not only can stop the movement toward reform—it sometimes reverses it.

Whoever, then, calculates on the educational value of violence for the community is taking a foolish and criminally irresponsible risk. He risks the hardening of opposition to further reforms and a counterviolence that, as it escalates, moves the conflict toward civil war, the cruelest form of all wars.

In short, violence more often drowns out the voice of moderation, narrows options, destroys the center and polarizes the community into extremes.

The American Civil War is a case in point. It did not solve the Negro question. And since the Civil War, the greatest gains in the condition of the Negroes in the United States were won not in consequence of violence or the threat of violence but by the use of democratic administrative and legal processes fortified in recent times by the nonviolent civil rights movement headed by Dr. Martin Luther King.

The ghetto riots that periodically swept cities during the first three decades of this century brought no substantial reforms despite great loss of life. Anyone who compares the state of the U.S.A. before World War I and today will testify to the remarkable progress made—granted, of course, that this progress has still far to go to achieve the substantial equality to which all groups are entitled in a democratic community.

### THE CAMPUS CRISIS

That some good results from violence does not justify the violence unless it can be proved that the good so achieved was necessary, could not have been achieved more effectively and at a lesser cost in other ways, and did not result in evil that outweighed the good.

The truth of the matter is that most educational reforms in most institutions have come about without a show of force, where arguments have been the only weapons, where dissenters and protesters have evinced not only zeal but persistence in a good cause. Where violence has been used, a grievous wound has been inflicted on the fabric of the university community life. It may take a generation to heal it.

### REASON DROWNED OUT

Some faculty apologists for the student rebels have sought to play down the enormity of the offenses against intellectual and academic freedom by dismissing them as inconsequential. "Just a few buildings burned," they say. This is as if one were to extenuate the corruption of justice by the numbers of magistrates not bribed, or lynchings by their infrequency.

The sober fact is that violence has reached such proportions on the campuses today that the whole atmosphere of American—and many European and Japanese—universities has been transformed. The appeal to reason is no longer sufficient to resolve problems or even to keep the peace. In order to make itself heard in some of our most prestigious institutions, the appeal to reason must appeal to the police.

Violence in the academy is an out-growth of violence in the streets and cities of the country. That is where the gravest current danger lies. Were violence confined to the universities alone, its evils could not long continue if only because the state and society on whose support the universities ultimately depend would restrict and perhaps cancel their precarious autonomy.

In the democratic community at large, the resort to violence attacks that community at its foundations. And this regardless of the merit of the cause or the sincerity and self-righteousness of the *engages* and the *enrages*. For every such outbreak of violence makes other outbreaks more likely by serving as a model or precedent to some, or as a provocation to others—in either case escalating the violence.

In this connection, Alexander Hamilton was truly prophetic. In the Federalist Papers he warned us of this:

"... every breach of the fundamental law, though dictated by necessity, impairs that sacred reverence which ought to be maintained in the breast of rulers (the people, in a republic) toward the constitution of the country, and forms a precedent for other breaches where the same plea of necessity does not exist at all, or is less urgent and palpable."

Hamilton unerringly cited, on the basis of evidence from the past, the great danger of situations of this kind—the likelihood that citizens "to be more safe ... at length become more willing to run the risk of becoming less free."

In the end, then, the great paradox and the great truth is that in a democratic society freedom, which is often invoked to justify violence, is itself imperiled by the exercise of violence. The ideologists of violence in a democracy are the sappers and miners of the forces of despotism, the gravediggers—willing or unwilling—of the precious heritage of freedom.

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## SPEECH OF CALIFORNIA STATE CONTROLLER HOUSTON FLOURNOY

### HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. McCLOSKEY. Mr. Speaker, with respect to the concerns of our young people, the most perceptive words I have heard recently have been those of Cali-

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fornia State Controller Houston Flournoy in a speech he gave recently. In these Chambers, where so many of us have served this Nation as soldiers in World Wars I and II, Korea, or Vietnam, I think it particularly appropriate that we pay heed to Mr. Flournoy's comments:

### Remarks of Houston I. Flournoy

You are meeting on the brink of another election campaign, in the first year of a new decade, during a time of extraordinary tension and uncertainty for the American nation. The war in Vietnam, the Kent State slayings, the uncertainty of the national economy, the pollution of our environment, the testing of the Federal system of government, the youthful challenge of our political system, the all-too prevalent resort to violence, and other momentous problems are all too apparent as we start this new, perhaps critical, decade and approach our 200th birthday as a nation.

There are challenges aplenty for the seventies. Most fundamental, I believe, will be the challenge to our capacity to govern ourselves. Will we be able to sustain our fundamental assumption that man, capable of reason, can rule himself? Will emotion, self-interest, and intellectual laziness under the name of dogmatism triumph over reason, logic, common interest, a recognition of realities and a pursuit of pragmatic solutions?

If reason, logic, and a recognition of changing realities are to lead to pragmatic solutions and mutual understanding within this country, I hope that the Republican party will begin to analyze and understand some of the crucial problems that currently arouse and divide this country. For instance, do we really understand why the Vietnam war has roused such an outcry from the young people of this nation? Has something happened to destroy their willingness to defend their country? Why are they so different from those of us who fought in World War II or the Korean War?

To try and answer these questions, is it too much to ask that we put aside the cliches about the radical professors, the permissiveness of parents, the conspiracy within, and recognize that there is a gigantic difference between the impact of World War II and the impact of the Vietnam war? World War II was a war for survival, during which England's capacity to maintain the peace of the world was liquidated, with the result that the United States was thrust into that role—unaccustomed as we were—and we have become involved in both the Korean and the Vietnam wars as limited wars, for policy ends, not as wars for America's immediate survival. Is it too much to point out and understand that these last two wars have placed most of the burden upon a very limited portion of our population in terms of the sacrifice required? World War II was a war which affected everyone, in both military and civilian life. It was a total national effort. Even as a boy, I can remember gas rationing, victory gardens, sugar and coffee rationing, wage and price controls, tin foil drives, and, living close to an Air Force Base, I remember that we helped in the housing shortage by renting out spare rooms to Air Force personnel. Full scale military mobilization involved a substantially higher proportion of our population in the armed forces. Victory meant survival and freedom. Defeat meant subjugation or worse.

I remember the Korean War, too, both before and after I went there in the Air Force. From 1950–52 I was a graduate student at Princeton, and, to be honest, I don't believe that the Korean war intruded upon my personal life much at all, apart from reading and following the developments in the paper. In 1952, it intruded when the Air Force called me up to put in my two-year commitment under my ROTC commission. By then, the Korean war had settled down to a traditional story on the front page—a live, meaningful war primarily to those who were there and their families. Few were affected, few concerned, and most uninvolved personally.

As a result of that experience, I think I understand more of the feelings of the young people about the Vietnam war today than those of our population who would reflect upon the patriotism of our youth from the vantage point of World War II experiences—experiences which are as remote to the student generation as World War I and Kaiser Wilhelm are to me. When Lyndon Johnson escalated the American involvement in the war in Vietnam, it was almost exclusively *their* lives that were being affected. What risk does the most hawkish spokesman over 26 personally take? What inconvenience or self-denial is required?

Furthermore, while the goals of securing peace and non-Communist security for Southeast Asia are obviously desirable ones, it is equally obvious that they are not on the same plane as the goal of victory and survival in World War II. Therefore, to question the cost of achieving these latter-day goals is not to throw question upon our survival as a nation.

The war in Vietnam has become a tragic event in American history, even if, as I personally devoutly hope, President Nixon's most recent action in Cambodia ultimately proves to be a total success in stabilizing the situation and expediting the complete American withdrawal. It is tragic, fundamentally, because it has told us so much about ourselves. It has graphically demonstrated that perhaps we are losing our ability for humility, candor, emphathy, and that most devastating destroyer of false pride—the capacity to admit error. All sides to the Vietnam debate have participated in this demonstration. There are sides, not forums—much heat and little light.

It is not Vietnam that is most important in this regard, but it is over Vietnam that we have begun to display the characteristics that relate to so many other public policy issues and our capacity to resolve and understand them.

The confrontation with youth over Vietnam demonstrates, to me, that in great part their concern and challenge has been met with not only parental-like disdain, but also parental-like pre-occupation with presumably more important activities. On this question, like other social questions raised by our young people, I wonder whether there aren't at least two root causes for their complaint that "No one is listening"—the unwillingness to re-examine comfortable, convenient rationalizations of long standing; and the selfishness which relegates the anguished concerns of our youth to annoying irrelevancies.

The questions which the youth have been asking with persistence are not easy questions to answer. "Why was so much racial discrimination allowed to persist for 100 years after the civil war and so little done about it?" For questions like this, too many of our people have fallen into the convenient habit of not thinking about them at all, having reached some convenient rationalization some time ago. In addition, such questions are not questions that require an answer or examination as they pursue their daily lives, their jobs, their private goals, their quest for security or advancement, or a better standard of living. Therefore, they are not only consumptive of difficult, time-consuming analysis and discussion, possibly embarrassing, but also irrelevant to too many of our citizens.

The challenge of the 1970s for the Republican party and the nation, is whether we can reawaken our critical analytic rational capacities, and put them to work on the questions that affect our future as a nation, as a society, as a self-governing people with freedom and equal justice. It is this capacity that will provide the staying power for self-government. It is this capacity which will eschew a "tell them what they want to hear" politics, for a "tell them as it is" politics.

To open the dialogue necessary for self-government: to not only "hear" the other fellow, but to try and understand why he feels the way he does: to concede merit where merit is undeniable without necessarily conceding the conclusion: to seek common grounds of understanding: these are the qualities that I hope the decade of the 70s will restore to American life. This is what I think most of the students are crying for, to be "heard" in this way. They are now, I believe, about to take up the challenge of working through the system. I believe that they will be far more active in political elections, working for candidates, to support those who tell it like it is. I believe that more colleges and universities will follow Princeton's lead in rearranging their academic schedules to allow students time off to actively participate in the fall campaigns. I hope they do. For years at Pomona College I tried to stimulate students to active participation in politicals during what could only be called an "era of apathy."

The "era of apathy" is gone from the campuses. I hope the "era of violence" is ending, too. Let the "era of constructive political participation" begin. I believe it has. I believe our youth will be heard—I hope we are listening.

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## PROFILE OF A GUARDSMAN

### Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. MONTGOMERY. Mr. Speaker, of late much has been in the news concerning the abilities or inabilities and training or lack of training of the National Guard. Much of this criticism has come as a result of emotional statements following tragic events and not as a result of facts. I would like to share the following article concerning the activities of the National Guard over the last 2 years and the profile of a guardsman:

### The National Guard in Civil Disorders

Periodically in recent times, the National Guard has become the target of extensive adverse comment and criticism, resulting from its employment to halt civil disorders. Habitually, the negative comment is focused on such terms as "poorly-trained" or "trigger-happy," and almost always are written or uttered in the heated, highly-emotional aftermath of a specific incident, before the actual facts surrounding that incident are known. A factual examination of the Guard's performance, however, tells an entirely different story. It's a story of restraint in the face of extreme provocation and abuse, and of effective performance with minimum use of deadly force.

Between January 1, 1968, and May 1, 1970, National Guardsmen were called to duty on 191 occasions to aid civil authorities in the control of civil disorders. Those calls to duty involved 224,500 Guardsmen. That period included the massive riots of April, 1968, with their accompaniment of rioting, looting and burning. Yet the record shows that virtually no fatalities were caused by the acts of National Guardsmen during that entire period of nearly two-and-one-half years! A hasty review of records seems to show no more than *two deaths* attributable to a Guardsman!

Following is a profile of what might be termed the average Guardsman, drawn from

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official records. As the Guard's actual record of performance belies intemperately uttered charges of trigger-happiness, so is the real-life Guardsman considerably different from the individual pictured in some of the criticism. The description provided below may serve to put National Guardsmen into better perspective.

PROFILE OF A GUARDSMAN

First and foremost, he is a responsible member of his community, who took a dual oath to defend the Constitution of the United States and to defend his nation and his State. He is sworn to obey the orders of the President of the United States and of the Governor of his State.

He joined the National Guard when he was about 21 years old and currently is in the 22-25 age bracket (64 per cent of the Guard fits into that category). He currently is about 23 years old, is healthy and physically fit.

Educationally, he has completed high school (94 per cent of all Guardsmen have), and very likely attended college for a year or more (approximately 60 per cent have a year or more of college). In fact, about 11 percent of all Guardsmen possess college degrees, a recent survey revealed.

The chances are approximately 50-50 that he is married, and he may be one of the 21 per cent who are fathers. The chances are better than 80 per cent that his annual income exceeds $5,000 and better than 50 per cent that it exceeds $7,500. (Nearly one in seven have incomes exceeding $10,000 annually).

He most likely is employed in the managerial, professional or technical fields (about one-half of all Guardsmen fit that description, although he may be one of the one-in-five whose jobs involve physical labor of some kind.

He received 5-6 months of active duty training following enlistment, given by Active Army instructors at an Active Army Training Center. Since returning to his hometown unit for continued spare-time training, he has received *at least* 16 hours of training in civil disturbance operations and riot control. He *probably* has received more than that amount, particularly if his unit is in a State that has been subjected to numerous disorders.

As a typical Army Guardsman, the chances are good that he himself has served in a civil disturbance operation, particularly if his unit is headquartered in or near a large urban center or trouble-prone campus. Many Guardsmen have served repeatedly in disorder duties, such as those in Wisconsin, Ohio, California and the District of Columbia. Thus, the typical Guardsman is not an untrained, inexperienced amateur in this field, nor are his officers and non-commissioned officers.

The average National Guard officer, for example, is 30 years old, married, father of two, and with 13.4 years of civilian schooling. He has been in the National Guard nine years, has acquired a considerable range of experience in military leadership, and has received civil disturbance training specifically designed for leaders, as well as the normal training given his unit.

SUMMARY

In summary, National Guardsmen are mature individuals who are old enough to have developed an adult sense of duty and responsibility yet young enough to understand and sympathize with college students. In most cases, they themselves are students or have recently been students, and are aware of today's cross-currents of unrest and dissatisfaction. Attitude surveys show that they tend to reflect the same attitudes, in the same proportions, as other young men their age, although their service in the Guard has given them a deeper awareness of the full responsibilities of citizenship in a free society. They privately will express pride in their National Guard unit and understanding of its important role, although a large majority will not extend their service beyond the initial six-year tour. They almost universally regard civil disturbance duty as unpleasant and regard the use of unnecessary force against disorderly elements as repugnant. Analyses of attitudes show, however, that they have a remarkable depth of understanding of their oath, their responsibility and their role.

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## GOVERNMENT IS NOT GUILTLESS

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. DERWINSKI. Mr. Speaker, the Suburban Life of La Grange Park, Ill., a community newspaper serving the western suburbs of Cook County, has an intriguing policy of carrying a column devoted to the viewpoint of staff members. Associate Editor Dean Linton on Thursday, May 14, discusses in a very forthright and responsible fashion the contribution of government to the emotions of the day. His article follows:

GOVERNMENT IS NOT GUILTLESS

(By Dean Linton)

These past 10 days we have witnessed more disrespect for law and order by the various segments of our society than perhaps ever before in the history of our country.

Law enforcement agencies across the nation have been hard-pressed to cope with the disorders resulting from President Nixon's Cambodian decision and the tragic killing of four students at Kent State University in Ohio.

Dissent is one thing. Wanton destruction of life and property is another.

This disrespect for governmental authority, whether federal, state or local, has not just happened. It has been growing for some time, and not only with the younger generation.

Police have had to endure indignities in recent years which would not be tolerated 25 years ago. What has led to this change in society?

Dozens of contributing factors can be given, but many of our governmental agencies must share in some of the blame. Laws, both major and minor, are broken daily, with violators going unpunished.

Federal and state agencies get tangled in bureaucratic red tape and accomplish little until there is a hue and cry from the citizenry that can no longer be ignored. Such has been the case with America's enviromental pollution problems for years.

Young America is leading the way to combat the air, water and land pollution that we have ignored far too long. Military installations and sanitary districts have been among our worst polluters. How can any government get tough with industrial polluters when such conditions exist? Progress has been made, but not fast enough.

Last week a new federal policy position was announced which bans all hot water discharges into Lake Michigan which exceed a one-degree Fahrenheit rise over the existing water temperature. Seven or eight months of hearings and administrative work is expected before the policy can be adopted and enforced by Illinois, Wisconsin, Michigan and Indiana. Although slow in coming, this is a step in the right direction.

Laws go unenforced daily. Police cars pass parking violators and overweight trucks without action. Respected citizens who "don't want to get involved" fail to cooperate with police when complaints need to be signed. All too lenient judges give a slap on the wrist when stronger punishment is warranted.

All these breed disrespect for law, and without law there can only be the chaos which has occurred in recent days. A time of re-examination is needed by all. If we learn from our mistakes, all is not lost.

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## NATIONAL RETAILER OF THE YEAR

## HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. GOLDWATER. Mr. Speaker, I wish to take a few moments from today's proceedings to salute a fine American, who has been selected as the National Retailer of the Year by the Brands Foundation. The category was new-car dealerships. This award is a fine tribute to American free enterprise and I am pleased my constituent has been selected.

H. F. "Bert" Boeckmann II, owner and chairman of the board of Galpin Ford Motors, Inc. in Sepulveda, Calif., commented:

> Winning the Brand Names Award for top automotive retailer in the nation is most gratifying for the entire Galpin Ford organization. Many people have worked over the years to build this dealership into something special, where customer confidence is established over a long and happy relationship. It means a great deal to all of us.

Recognized as a "flagship" agency in the automotive industry, Galpin Ford Motors was founded in 1945 in the city of San Fernando, Calif. From a humble beginning with a total of eight employees and a total of 46 new cars sold in their first postwar year of business, the agency has developed into one of the moving forces in automotive retailing.

In 1953, Boeckmann joined Frank Ralpin in his small automotive business to earn funds for his education while a prelaw student at the University of Southern California. He soon showed a natural ability at sales, and Galpin sent him to the Ford Marketing Institute at Detroit, where he graduated in 1955. In 1957, he became general manager of the agency—at the age of 26.

He was chosen from the district in 1959 to attend Ford's Dealer Management School in Detroit, and in 1960 he became vice president of Galpin Ford. By 1964, Boeckmann held a majority interest in Galpin and became the organization's president and chairman of the board of directors.

From that point on, Galpin Ford began to move. Recognizing that location was a key factor in retail marketing, he scouted the entire San Fernando Valley for a new dealer site. Finally, a deal was closed on 5½ acres in the geographical center of the valley, in the community of Sepulveda. A new way of doing business was built into the blueprints for Galpin Ford Square, with the idea of an automotive complex which would serve, as nearly as possible, every transportation need of the car and truck buying public.

Since its opening in May 1966, Galpin Ford sales growth has continued at an ever-increasing rate. Soon the original 5½ acres was expanded, with the addition of a used-car facility and a complete body shop.

Galpin Ford was entered in the Retailer of the Year competition by the Brand Names Foundation's Advisory Council. After a screening of Galpin Motors by a reviewing panel, they were advised that Galpin Ford was chosen as a finalist in the automotive category, and was asked to prepare a presentation of material on the activities covering the 12 months of 1969.

After 3 days of intensive study and evaluation by a panel of judges, Galpin Motors, Inc., was named "Retailer of the Year" in the automotive category.

Boeckmann was recently elected to the position of chairman of the Western Regional Dealer Council and represents the western area of the Nation in meetings with top company officials in Detroit. He is also a member of the executive committee and chairman of the marketing committee of the National Dealer Council, a member of the executive committee of the Ford Import Dealers Association, and a member of the Motor Car Dealers Association of Southern California.

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## THE CAMBODIAN INVASION AND INTERNATIONAL LAW

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RYAN. Mr. Speaker, the executive editor of the Columbia Journal of Transnational Law has prepared an analysis of international law aspects of the Cambodian invasion. The paper specifically addresses the President's argument that, since the Cambodian sanctuaries were occupied by the North Vietnamese and, therefore, were not under the control of the Cambodian Government, the invasion was "not an invasion of Cambodia." From that questionable argument flows the contention that there was no breach of international law. The conclusion of the author is that, in fact, international law was violated. I commend this paper to my colleagues as a forceful, cogent, and informed analysis which makes eminently clear the enormity of the President's unilateral, unauthorized action.

The paper follows:

#### VIOLATION OF CAMBODIA'S NEUTRALITY—THE "SANCTUARY" ISSUE

The Executive, in defending its move into Cambodia, has maintained that the action was not an invasion because the area already was occupied by other troops and, therefore, the act was not a breach of international law.

Clearly, if our participation in the Vietnam War is illegal, then intervention in Cambodia is illegal. If the war is of dubious legality, then the Cambodian invasion further confuses the question and has the harmful consequence of intensifying the constitutional crisis at home, as recent events have proven. Even assuming the war is legal, the movement of American troops over Cambodia's borders was a breach of international law because Cambodia is a neutral state whose territorial integrity may not be violated except under certain limited conditions which were not present in this case.

#### I. PRINCIPLES OF INTERNATIONAL LAW: NEUTRALITY, SANCTUARIES AND FORCE

Cambodia has for years been recognized as a "neutral" state. This is a legal status which, according to long-standing international principles, as well as those established by the United Nations Charter, grants such a nation immunity from territorial violation by other warring nations. To maintain this status, the country claiming it must assert a policy of impartiality toward all the belligerents, one element being to keep any side from establishing or continuing a troop sanctuary within its borders. If one belligerent feels the neutral has failed to uphold that duty, international rules require the belligerent to take certain procedures to effect restoration of neutrality.

The elemental procedures which must be observed before intervention are that the belligerent first request the neutral to meet its obligations. If the neutral is unable to do that satisfactorily by itself, it may suggest aid in the form of matériel or it may invite the complaining belligerent into its country to help it re-establish its neutrality. Only if there is a showing of emergency—that is, a sudden, imminent and overwhelming threat to the belligerent's security which cannot be met except by the use of force in self-defense—may the belligerent violate the territorial integrity of the neutral, and then only in order to eliminate the threat by action proportionate to the danger it presents.

The principles ordering the limited conditions under which a neutral's sovereignty may be impinged upon represent guidelines evolved from international practice, treaties and tacit agreement over the centuries. At this stage in history, they are so well established as to be binding international law. (See treatises and texts by Oppenheim, Hyde and Friedmann-Lissitzyn-Pugh.) Like most of international law, the principles regarding neutrality stem from practical considerations, in this case that, during war, those not actively engaged in the fight must feel secure from invasion in order that the war not be expanded by the entrance of those merely seeking to guarantee protection from one side or the other. A second reason, and one of the origins of the theory of neutrality, is that non-belligerents must feel free to carry on normal industry and commerce, necessary to both sides.

The principle that no force may be used without a showing of imminent danger demanding self-defense is a concept originated in the nineteenth century and is the standard interpretation of these relevant sections of the Charter of the United Nations:

> All members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. (Art. 2, Par. 3)
>
> All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, in any manner inconsistent with the Purposes of the United Nations. (Art. 2, Par. 4)
>
> Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs. . . . (Art. 51)

An example of its application is the decision regarding Germany's invasion of Norway on the grounds that Great Britain had been planning to launch a front from that base. The defense was rejected at Nuremberg because there was no proof of immediacy or imminent need.

#### II. AMERICAN BREACHES OF INTERNATIONAL LAW

A. *International law was breached by the United States in its forceful, uninvited crossing into Cambodia before determining that that country could not maintain its own neutrality and without taking the necessary preliminary steps.*

1. Cambodia was still a neutral.

As outlined above, each belligerent must respect the territorial integrity of a neutral as long as it upholds its duties of impartiality toward all. These duties include either refusing to allow others' troops within its borders or disarming those sanctuaries remaining.

While it is understood that those measures had not been well enforced by Cambodia for many years, there is extensive evidence that the new government would have fulfilled its country's obligations, if given the opportunity and the aid it asked for. The present regime took power on the avowed stand that Sihanouk had been too weak regarding Vietcong infiltrators and that they would purge Cambodia of the compromising sanctuaries, in order to regain full neutrality. At the time U.S. troops invaded, Cambodian soldiers already were fighting the infiltrators and the leaders had requested arms aid to insure their military capacity.

It was clearly possible that by such force, plus diplomatic pressure, the Cambodians could have moved the Vietcong out of the sanctuaries. The least that can be said is that the situation had not yet crystallized, and the Cambodian government should have been given the opportunity to reestablish its neutrality before the United States violated its territorial integrity, with the result of killing civilians, destroying villages and rendering the landscape useless for years to come.

2. Neither request nor consent was given, to legitimize the impingement upon Cambodia's sovereignty.

Even if it had been proven that the Cambodians could not accomplish the task, the United States breached international law by ignoring the basic tenet of waiting to be asked into the country, or at least suggesting an invitation. The requirement of request or consent by the neutral is absolutely essential, according to every scholar of international law and every interpreter of international relations. It is included in each treaty touching on the subject, including SEATO, and was explicitly included in drafting the Tonkin Resolution. To have ignored such a fundamental principle was to have indicated total disregard for a foundation stone of world peace.

It cannot be said that Cambodia "tacitly" consented to our intervention to eliminate the sanctuaries, either because she had allowed the staging areas to exist within her borders or because she eventually acquiesced to the invasion.

To the contrary, it might as easily be argued, if one considers nonaction to represent an official position, that the United States and South Vietnam "agreed" to the sanctuaries because we did not take any of the recognized procedures to activate their elimination for the many years that they operated in Cambodia.

To the second point it must be answered that, since the primary concept in modern international law is prohibition of the use of force, no *ex post facto* acquiescence is acceptable. By analogy to municipal law: society does not excuse one who has assaulted another on the basis of his victim's forgiveness at any time, and certainly not while the attacker remains with a boot on his neck.

3. The use of force was unjustified.

There was no showing that waiting for an invitation or, at the least, consent would have been hazardous to troop security, due to some sudden development constituting an immediate and overwhelming danger, which

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is the sole justification for the normally forbidden use of force.

The Administration mentioned "new threats" on the evening of the invasion but failed to substantiate such a justification. On the contrary, investigations since have illustrated that the situation was no different from that tolerated by us for years under Sihanouk. The sanctuaries existed, certainly, and a steady stream of enemy continued to move in and out of Cambodia as usual, but there was no critical event underway or anticipated which necessitated our abrupt intervention, without waiting for Cambodia's approval.

B. *Even if entrance into Cambodia had been legally justifiable and such use of force permissible under the circumstances, United States forces should not have been involved. Further, the scope of the action was and remains illegal under international law.*

1. American troops should not have participated in the action.

If it is clear that a neutral country has failed to maintain its neutrality, then the belligerent whose survival is endangered has the right to eliminate the threat present by action proportionate to the danger presented.

In this case, allowing that Cambodia was not able to retain its status—and that proposition is very doubtful, as already discussed—then it was the security of South Vietnam, not that of the United States, which was threatened. If the policy of "vietnamization" has been as effective as claimed by the Administration, it must be aksed why American troops took the initiative . . . unless, as has been observed by the commentators around the world, our purpose was to broaden the war in Southeast Asia.

This aspect of the sanctuary issue may well result in serious damage to America's international reputation.

2. The extent of the destruction has not been proportionate to the danger presented by the sanctuaries.

The principle governing violation of neutrality is that such unusual action may be taken only proportionately to the threat presented. In this instance, the danger presented by the sanctuaries was that the Vietcong used them as staging bases to launch attacks into South Vietnam. Therefore, the scope of permissable entrance into Cambodia would be, under international legal principles, only to eliminate the staging centers.

A reasonable way to accomplish that objective would be pinpointed air strikes, as done to North Vietnam and Laos, because such a tactic is calculated to accomplish the purpose of destroying threat centers without causing excessive damage to civilian life and property. Any right of attack, if it exists, presumes eradication of the sanctuaries but certainly not devastation of peaceful village lands and homes.

Instead, the method employed has been ground troops, which have swept through the entire area of and surrounding the sanctuaries, indiscriminatingly laying waste everything in their path. This clearly is not a "proportionate" measure. Rather than limiting the destruction to isolated Vietcong headquarters and weapons caches, U.S. troops have converted large segments of the Cambodian countryside from village and farming populations into uninhabitable combat zones. Their defoliation and ruination techniques have rendered the wide circle surrounding their invasion barren stretches devoid of vegetation and unable to sustain life for years to come.

3. The military procedures in Cambodia should be limited to those objectives permitted by international law, i.e., destruction of the sanctuaries, only.

The right of elimination of a threat, the single exception to the general rule that a neutral country must not be invaded, cannot exist without limit. The right must be strictly construed; otherwise, it would be too easily abused and extended.

It must be insisted that if the United States chooses to ignore international law, our troops at least should be required to limit their attacks to individual staging areas. If such controls are not imposed, it can be foreseen that when the Vietcong move into western Cambodia or Thailand or further into Laos, the United States will use the recent action as a precedent to turn all those countries into wastelands of combat zones.

It is imperative that such a course be avoided for the safety of our troops, the sake of those countries, and the goal of world peace.

### III. SOME CONSEQUENCES OF BREACHING INTERNATIONAL LAW

North Vietnam's entrance into Cambodia's territory was a technical violation of her neutrality, in using her border areas as sanctuaries from South Vietnamese and American advances. Our violation of Cambodia's neutrality, on the other hand, has become less a battle against the Vietcong than retaliation against Cambodia. Our troops seem to be trying to destroy the whole band of Cambodian land along the Vietnam border. This may be tactically sound from a military view, but no interpretation of international principles implies a right of retaliation against a neutral for the other belligerent's use of its territory for sanctuaries.

By its brusque action, this country has shown its contempt for a smaller nation's sovereignty and right of self-determination, two of the most fundamental precepts of the United Nations Charter, as well as its utter disregard of the amenities of international relations. (U.N. Ambassador Goldberg understood this factor when he advised against a 1966 plan to invade Cambodia because it would "appear that the United States was 'contemptuous of the rights of nonwhite, weak countries.' " N.Y. Times, May 14, 1970, at 41, col. 1.)

It is possible that this aspect of the American move is the most serious, for it undermines the very foundations of modern world order. By refusing even a pretense at following the law, this government has set a disastrous example for its own people and the rest of the world's governments. It is hardly a coincidence that the Cambodian invasion was soon followed by increased civil disorders and student strikes across this country and an eerily similar invasion of Lebanon by Israel.

If the United States continues to illustrate such disregard for established international principles, we can expect an expansion of the war for purely military objectives and further breakdowns in respect for laws. How can citizens—of the world community or of our own nation—be expected to have respect for rules of order when their leaders exhibit none?

It is vital that we recall our forces from Cambodia and make creditable our policy of ending the war in Indochina. We must prove we want peace, to avoid civil and world war.

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## STAND FAST MR. NIXON

### HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FOREMAN. Mr. Speaker, I have just received a copy of a telegram sent to President Nixon on Monday, May 11, 1970 by Dr. Roger B. Corbett, president of New Mexico State University at Las Cruces, N. Mex.

Undoubtedly, Dr. Corbett is one of the most responsible, capable, effective university administrators in our country today. Dr. Corbett is an experienced, successful businessman, a dynamic civic leader, an accomplished educator and a respected gentleman. He directs one of the most forward looking, progressive, growing, educational institutions in America, New Mexico State University. He maintains an orderly university campus that provides the environment and academic climate for those desiring to improve their education. He maintains an open, understanding communication with the students. Our students appreciate Dr. Corbett. More importantly, they respect him.

I include his excellent telegram to President Nixon for the review of my colleagues:

NEW MEXICO STATE UNIVERSITY,
*Las Cruces, N. Mex., May 11, 1970.*

Hon. RICHARD M. NIXON,
*President, The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: For the future welfare of the United States, please stand firm against the young dissenters and radicals. The record is clear in South America. Government officials and University administration capitulated and now higher education is virtually worthless.

The record in this country is clear. Those universities which have allowed free speech and academic freedom without standards and responsibilities are now virtually the captives of their radical students.

It is a sad commentary that no democracy has lasted 200 years. Ours has approximately six years to go to reach the 200 year mark. Recent developments have cast grave doubts as to our making it.

Our only salvation is strong, resolute leadership. We must depend on you. Stand fast so the majority of our young people can obtain an education.

Faithfully yours,

R. B. CORBETT,
*President.*

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## ATLANTIC AMVETS SUPPORT PRESIDENT

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. SCHERLE. Mr. Speaker, Atlantic, Iowa, AMVETS Post No. 1, strongly supports President Nixon's recent decision concerning Indochina.

Their resolution asks that Congress "employ every means within their powers" to support the policies of our President regarding his decision to protect American troops in Southeast Asia.

These sentiments are expressed by many patriotic Americans.

The resolution follows:

THE ATLANTIC AMVETS POST NO. 1

We, the members of the Atlantic AMVETS Post No. 1, meeting in a regular session this date of 13 May, 1970, in Atlantic, Iowa, do strongly and wholeheartedly support President Richard M. Nixon, for his courageous

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address to our nation on Thursday, April 30, 1970, which will go down in history as the turning point for the war in South Vietnam and for the defeat of the Communists.

Whereas, President Nixon has ordered the destruction of the sanctuaries which the Communists have in Cambodia, this timely action being the first of this nature, since the time that President Truman fired General MacArthur because he wanted to bomb the privileged sanctuaries which the Communist were using beyond the Yalu River.

Whereas, we do strongly agree with the President when he says that, "We will not be humiliated. We will not be defeated. We will not allow American men by the thousands to be killed by an enemy from privileged sanctuary." Or as he says, again, "If when the chips are down, the world's most powerful nation—the United States of America—acts like a pitiful, helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world."

Whereas, the President spoke of the great decisions which led to victory in World War I, and which led to our victory in World War II. We do insist that the President is accurate in his analysis as it relates to the Communist activity in Indo-China, in that, their answer has been "Intransigence at the conference table, belligerence at Hanoi, massive military aggression in Laos and Cambodia, and stepped-up attacks in South Vietnam designed to increase American casualties."

Whereas, we join with President Nixon when he makes it clear to the world that he does not, and will not, accept surrender, and that immediate withdrawal which is being demanded by Hanoi, and by the Moratorium and hippie groups in the United States, does mean surrender!

We, the members of the Atlantic AMVETS Post No. I, meeting in a regular and duly authorized session this 13th day of May, 1970, DO HEREBY RESOLVE, that, our elected Senators and Representatives in the Congress of the United States, employ every means within their power to support the policies of our President (who is the Commander of The Armed Forces), for a complete victory over the communist Forces because we, as men who have fought for our country in our country's wars, know that this is the only way that life, liberty and the pursuit of happiness in the United States of American can be attained.

And, be it further resolved, that, we can assure the President that there are no doubts nor fear of defeat among the returned war veterans, nor among the grassroot Americans

airplane accident.

of this country the communications-media and the free press to the contrary.

BERDON FICKEL,
*Post Commander.*
CARROLL HAYES,
*Post Adjutant and Finance Officer.*

## CORPS OF CADETS AT TEXAS A. & M. UNIVERSITY STAGE DEMONSTRATIONS OF THEIR OWN

## HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. TEAGUE of Texas. Mr. Speaker, for the past several weeks we have been reading of campus demonstrations which have resulted in death, violence, and burning. We read very little of the students who do not engage in such activities. The information officer of the corps of cadets at Texas A. & M. University took it upon himself to apprise the President of the activities of the students at that university, and with leave to extend my remarks in the RECORD I wish to include the letter which was written to the President:

TEXAS A. & M. UNIVERSITY,
*College Station, Tex., May 14, 1970.*

Hon. RICHARD M. NIXON,
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Sunday afternoon there was a demonstration on our campus which probably escaped the attention of your office. As in the other demonstrations across the nation, the participants here were thousands of young, idealistic, intelligent and concerned Americans expressing the intensity of their feelings. There were, however, two striking differences between occurrences here and those elsewhere. First, there was a surprising absence of the photographers, cameramen and reporters who so readily covered other campus demonstrations; second, the purpose of this demonstration was a radical departure from those so widely publicized events elsewhere.

You see, Mr. President, these students were demonstrating their respect and love for their parents, as well as their patriotism, their faith in the American system, and their confidence in our future.

The occasion was Parents' Day and a morning program held to honor parents was attended by upwards of 4,000 students. A review by the Corps of Cadets drew in excess of 10,000 spectators in the afternoon. These events were witnessed by thousands of parents, friends and the local press. Sadly enough, elements of the national press corps were absent. On the other hand, one can only speculate on the amount of publicity the occasion would have received, had a small handful of individuals with far different purposes interrupted these proceedings.

The blame for the obvious disparity in the amount of attention given to this responsible, sincere point-of-view lies not only with the news media, but also with our elected public leaders. The 14,000 students at Texas A&M (Cadets and Civilians alike) are not an unusual minority. Their views are not peculiar to this region alone, nor are their admirers and supporters merely localized. But until the time that their actions receive more attention than an occasional "letter to the editor", or until their intentions and ambitions are recognized by public officials such as yourself, then the distorted and unfortunate image of the American student may continue.

In just another week, another such demonstration will take place on our campus. This time it will be the commissioning of officers for the Armed Forces and Final Review of the Corps of Cadets. At that time, it will be our pleasure to have the Army Chief of Staff, General William C. Westmoreland, as guest speaker and Reviewing Officer. It will indeed be interesting to see if this "demonstration" will pass as unnoticed as those in the past. If it does, it will not alter the ideas and beliefs of the participants. They do not thrive on publicity, and their faith and sincerity will remain constant in even the most difficult of situations. Nonetheless, it would be refreshing if such an event were to be in the spotlight for once.

Any attention which you, Mr. President, would give to these students in their activities would be an overdue reflection of the mood of many Americans. Your assistance, in any manner possible, would be sincerely appreciated, not only by the students here, but also by their friends, families and associates.

Most respectfully yours,
THOMAS C. FITZHUGH III,
Cadet Lieutenant Colonel.

## WALTER REUTHER LEFT LEGACY TO WESTERN NEW YORK

## HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. DULSKI. Mr. Speaker, a man of his times was lost to our Nation when Walter Reuther was killed recently in an airplane accident.

In due course, he will be given his proper place in our Nation's history for his inspiring leadership in many areas of our economy in addition to the work he did for workers in general and the union he headed for so many years.

The needs of his own workers had his first priority, but he did not neglect the rest of society in so doing. He was vitally and enthusiastically concerned with all that was going on in his native land, whether it be in the field of labor, of government, of public service, of the environment, indeed of virtually every phase of life one can name.

We in western New York came to know well of him and his work. The United Auto Workers has more members in western New York than any other union.

The role of Walter Reuther in my home city of Buffalo, N.Y., and in the surrounding area of western New York, has been well capsulized in a feature story in the Buffalo Evening News by the newspaper's veteran and very able labor affairs reporter, Ed Kelly.

Following is Mr. Kelly's thoughtful article from the May 16 edition:

### THE LEGACY WALTER REUTHER LEFT TO WESTERN NEW YORK

(By Ed Kelly)

Because the United Auto Workers has more members in Western New York than any other union, Walter Reuther left a larger imprint on this region than any other labor leader.

Buffalo knew him in both word and deed.

The late president of the UAW was here in 1949 to boost the morale of his union's members during their marathon strike against Bell Aircraft.

In 1952 he told a local rally of union political activists that, fundamentally, "the struggle for peace is the struggle to retain prosperity in America" because "dictatorship rides on the backs of unemployed people."

He was here twice in 1956, once to outline with characteristic eloquence the aims of labor at a testimonial dinner for a former UAW aide, once to whip up support for Democratic presidential candidate Adlai Stevenson.

#### KNOWN FOR HIS DEEDS

His last official appearance in these parts was in 1962 when he pleaded before the Greater Buffalo Advertising Club for a renewed commitment to social justice by American labor and management.

These were the messages by which Western New York knew Reuther personally. But it knew him far better by his deeds.

For the concepts generated and implemented in union councils and at the bargaining table by the UAW leader have permeated for decades much of this region's economic, political, civic and social-service life.

Reuther was an idea man. The UAW was his vehicle for converting those ideas into realities. And many of those ideas—bold, new, precedent-setting—helped transform dramatically the postwar living standards and way of life in Western New York.

MANY RODE UAW COATTAILS

Those ideas affected not only the members of Reuther's own union in this region, but members of many another union which rode to bargaining gains of their own on the coattails of the UAW.

The immediate and direct beneficiaries of Reuther's imaginative, dynamic leadership at the negotiating table are the more than 40,000 UAW members in the union's Western New York area, which includes Monroe County as well as the eight counties that make up the Eighth Judicial District.

These 40,000 members include nearly 30,000 who work in General Motors' Chevrolet plants in Buffalo and the Town of Tonawanda, in GM's Harrison Radiator plants here and in Lockport, in GM's Rochester Products plant and in Ford Motor's Buffalo stamping plant.

COST-OF-LIVING PIONEER

Every time these workers' pay envelopes are swelled by an increase to compensate for a rise in consumers' prices, they can thank Reuther and their union who in 1948 secured the first cost-of-living escalator clause in a national agreement negotiated with a mass-production industry.

Reuther left many another legacy to his union's members in this area—and to members of other unions which benefited from UAW pioneering.

They include the annual improvement factor which provides additional pay increments based on productivity increases (a UAW landmark in 1948); the non-contributory, fully-funded, jointly-administered pension fund (a UAW milestone in 1950), and the supplemental unemployment benefit, called SUB, the UAW breakthrough of 1955 which brought the guaranteed annual income into view for hourly-rated employes.

EXTENDED TO POLITICAL, CIVIC LIFE

Reuther's shadow touched more than the industrial life and economy of Western New York. It affected its political and civil life as well.

Reuther preached political activism in the UAW and saw to it that his union put its money and manpower where its mouth was at election time.

Consequently, UAW endorsements have been sought by many area politicians. Several officeholders in Buffalo, Erie County, the Legislature and Congress owe part of their victory to the backing of Reuther's union here.

Reuther's social consciousness moved many of his members into activities benefiting the community at large, like the United Fund campaign, safety drives, senior citizen programs, etc.

And the Buffalo high school-equivalency programs the UAW conducts for some members—under an innovative tuition-refund program which Reuther negotiated into auto contracts—enrich the lives of many workers and their families and redound to the welfare of all the community.

A FITTING EPITAPH

Walter Reuther spoke here in 1956 in the Town Casino. He addressed his message personally to his thousands of fellow UAW members in Buffalo, Jamestown, Niagara Falls, Lockport, Batavia, Rochester and all points between. He said:

"We took hundreds of thousands of nameless, faceless clockcard numbers and gave them the status of human beings. We helped win for them a dignity to which they were entitled as men. Before their union, men would leave their rights and hopes at the plant gates. When their union came, that ended.

"We dared to dream about a better tomorrow in which man's exploitation of man and his inhumanity to men could be ended. But we dared to do more than dream. We dared to build our dreams."

UAW members in Western New York could find no finer or more fitting epitaph for their departed leader than those words he spoke to them 14 years ago.

## TRAUMA IN SUBURBIA

## HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. NELSEN. Mr. Speaker, I have believed for some time that the unfortunate emphasis accorded by the press and mass media of communication to a handful of irresponsible militants has distorted the true picture of our fellow Americans of other races, religions, and generations. Insofar as Negro Americans are concerned, this view is echoed by Mrs. Mary Kyle, editor of the highly respected Twin Cities Courier, published in Minneapolis, Minn.

Mrs. Kyle points out in a May 2 editorial that:

> Not since slavery and the period immediately following Reconstruction has the black race been projected in such an unsavory light, thanks to cameras and notepads hot on the trail of radical sensationalism.

This is tragic, as the incident to which Mrs. Kyle alludes most certainly illustrates. I include the full text of Mrs. Kyle's editorial at this point in my remarks:

TRAUMA IN SUBURBIA

Columbia Heights parents and school board are taking their lumps for turning down a proposal that might have built one tiny bridge of understanding between teenagers of different racial backgrounds.

The proposed plan was innovative but not earth-shattering by any means. Ten white seniors from Columbia Heights would exchange schools and homes with ten Negro seniors from Minneapolis Central and Washburn for a week this Spring, and possibly get together to talk over experiences when the exchange program ended. Had the program been implemented, at least 20 students would be introduced to each other and their environments.

Neither set of ten would know all about the other race through that limited exposure. Nor would they discover all facets of variation between the inner city and suburbs. But they would be taking the first small step necessary to overcome racial distrust and animosity . . . "getting to know you." Almost certainly, the most astounding revelation for students and parents would come when the project ended and each had returned to his or her own everyday world. That's when they would wake up to the fact that teen-agers of any race are very much alike, and the American home is just that, no matter which complexion occupies what house.

But Columbia Heights went into a tizzy at the dire prospects awaiting their young should such a plan come to fruition. Under ordinary circumstances, this complete lack of understanding, coupled with abject fear of the unknown, would be ludicrous in the year of 1970. It just happens that circumstances have not been "ordinary" since the early 1960's. That's when the general news media went to work on the nation's non-white minority with imbalanced reporting, destined to go down in history as the age when journalism forgot to be responsible.

Not since slavery and the period immediately following Reconstruction has the black race been projected in such an unsavory light, thanks to cameras and notepads hot on the trail of radical sensationalism. Something less than two per cent of some 25 million Americans stay in the headlines and on the TV screen, while 98 per cent go quietly about the business of living and working for a better nation and world. Little more than token attention is given in the media to a point of view not expressed in raucous ranting and vulgar idiom. With rare exception, the words of a Roy Wilkins can be drowned out any day by the ravings of a felon. The antics of a destructive handful continue to be more newsworthy than the positive actions of a multitude.

Columbia Heights residents should know better than believe everything they read in the newspapers or see on the TV screen. But the public in general is influenced more by the written word and projected film image than most of us care to admit. White America never did know too much about its non-white counterpart. Thanks to the media, that limited knowledge is more distorted and non-factual today than ever before in history, despite greater coverage given minority groups.

It's regrettable suburbanites aborted a plan for interracial understanding. They and their youngsters are the real losers in choosing sterile isolation over broadening enrichment. Someday, perhaps, the young generation will search out the truth and be set free from foolish, unfounded fears. Meanwhile, the media has an obligation to do more than relect sensational events of an era. Mistakes of this past decade will not be corrected until journalism keeps those events, and the people who shape them, in clear perspective and unshakeable balance.

## SAUGANASH ECHOES SUPPORTS WAR ON WATER POLLUTION

## HON. ROMAN C. PUCINSKI

IN THE HOUSE OF REPRESENTATIVES

OF ILLINOIS

Mr. PUCINSKI. Mr. Speaker, recently, the Sauganash Echoes, a newspaper of substantial circulation in the Edgebrook area of my congressional district, carried an excellent article on my legislation proposing restrictions on phosphates in soap detergents.

In a column written by Rev. C. K. Richards, editor of Sauganash Echoes, the details of my "Detergent Pollution Control Act of 1970" were spelled out, and I was pleased to see Reverend Richards so strongly endorse the enactment of this legislation.

Reverend Richards added substantially to my own research on the menace of phosphates in soap detergents and the relationship to water pollution. Reverend Richards fortifies the arguments in support of this legislation, and he has performed a notable public service by calling this legislation to the attention of his readers. For this, I am most grateful. Reverend Richards' column is journalism at its very best.

Reverend Richards' column follows:

AH, DETERGENTS

(By Rev. C. K. Richards)

In a recent personal letter from U.S. Congressman Roman C. Pucinski the congressman informs me that he has introduced legislation to combat one of our most serious water pollutants—phosphates in detergents.

The bill is "Detergent Pollution Control Act of 1970."

The congressman also sent me a copy of his supporting statement in introducing the legislation.

Excerpts of Congressman Pucinski's statement follow (in quotes).

"Phosphates, a basic ingredient is 90 percent of all detergents and household cleaning products are being dumped into our lakes and streams at a fantastic rate. Recent studies have indicated that detergent sources account for 70 percent of the phosphate inputs that compose our municipal wastes in the United States. This fact coupled with the startling revelation that municipal wastes are responsible for over 60 percent of the pollutans that affect our lakes and streams makes very evident the urgent need to take effective action."

"It has been estimated that the phosphate inpute annually into Lake Michigan is over 15 million pounds and the lake retains over 95 percent of that amount."

"In a 1968 study conducted by the Federal Water Pollution Control Administration, it was determined that approximately 3,500 square miles of inshore areas of Lake Michigan were extensively polluted."

"Swimming beaches have been closed in Chicago, Milwaukee, and other areas when large mats of foul-smelling algae have been deposited on the beaches. This tragic situation is compounded by the health hazards that are posed by dead and rotting fish as well as the water being contaminated by the sewage."

"Although there are many other sources of pollutants to our environment, detergents are flowing into our water resources and creating havoc and destruction with our plant and animal life at a rapid pace."

"Unless we act to control the polluting of our water resources, we will continue to degrade our waters beyond the point of no return, and lose one of our priceless recreational and lifegiving bodies."

"My bill takes a very important step in ending pollution caused by phosphates in detergents by declaring that phosphorous would be banned in detergents by June 30, 1972, under the enforcement of the Secretary of the Interior."

"My bill also provides the Secretary of the Interior with the authority to establish standards of ability, biodegradability, toxicity, and of effects on the public health and welfare which must be met by all synthetic detergents. Under this section, the Secretary will prescribe and publish the standards in the Federal Register on or before June 30 1971. Detergents will be required to be in compliance with the standards a year later, after June 30, 1972,"

"I have introduced this legislation to combat one of the most devastating pollutants of our water resources. If we refuse to act to restore our waters to a pure state we will have destroyed a basic link in our ecological cycle. In our quest for growth we have bypassed the repair of the damage inflicted upon our natural resources. If we continue to do so, the problem will cease to exist and so will human beings."

A front page story in the Chicago Daily News (2-10-70) reports that a geochemist at the University of Kansas has found, through laboratory tests, that eight laundry products contained alarming levels of arsenic.

The U. of K. chemist found increased arsenic in the Kansas River after the water had circulated through homes.

It is stated that no major metropolitan area has water filtration plants fully equipped to remove arsenic from the water supply increasingly being polluted by enzyme detergents.

Congressman Pucinski's legislation needs—and deserves—our full support.

In terms of survival—the human species is surely moving toward the point of no-return.

The time to effectively minimize pollution is now.

Television detergent commercials should constantly remind us that the time to act is now.

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## SECRETARY LAIRD'S MISDIRECTED ATTACK ON HENRY FORD II

### HON. LUCIEN N. NEDZI

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. NEDZI. Mr. Speaker, the Ford Motor Co. and its board chairman, Henry Ford II, can usually take care of themselves. And they do a good job of it.

A recent incident, however, is worthy of note because it involved the Secretary of Defense, Melvin Laird. Mr. Laird made some uncalled for innuendos about Henry Ford a few days ago with the statement:

> I am against exporting American technology to the Soviet Union while they are sendin trucks to North Vietnam.

While it was true that the Ford Motor Co. had undertaken discussions with the Soviet Union concerning the construction of a truck factory in Russia, it is also true, and this must be underlined, that Henry Ford II had kept our Government apprised of his actions and made it clear that no deal would be consummated without approval of the State Department and the President himself.

Under leave to extend my remarks in the Record, I set forth below three editorials commenting on the questionable wisdom and fairness of Mr. Laird's comments:

[From the Detroit Free Press, May 9, 1970]

#### Laird's Mutterings Harm Ford and Free Enterprise

The tendency of some of our national administration leaders to shoot from the hip first and then think about it later was illustrated recently by Defense Secretary Laird's criticism of the Russian trip of Henry Ford II. It amounted almost to an accusation of treason.

Laird did not name either Ford or his firm but the reference was obvious. As Secretary of Defense, of course, Laird has a legitimate concern about the possibility that Russian-trucks built with American expertise might some day transport material for use by the North Vietnamese against us.

Ford, however, has made it clear all along that any business dealings between Russia and his firm would have to be cleared by the State Department and by the President himself. He has been giving detailed accounts of what he is doing and what the Russians are saying.

It may be that events will make it inadvisable for the Ford Motor Co. to offer even a little advice on how to construct the Russian plant at Kazan, much less participate in building it.

We are not, however, at war with Russia. Where it's possible we are attempting to break down our mutual suspicions of each other by swapping tourists, meeting to discuss nuclear disarmement, exchanging cultural programs and engaging in such trade as is to our mutual advantage.

It could be argued that a box of American toothpicks in Russia contributes to her military capabilities. They might prevent cavities among Russian soldiers. We have been shipping wheat to communist countries for years, and food is certainly important to an aggressor.

It is to our interest that people be fed, whether they love us or not, rather than yearn for our food because they have too little. Russia has large undeveloped areas and a transportation problem. She needs trucks, probably a lot more for civilian purposes than military.

If helping Russia build trucks would make her a more prosperous, more contented nation, the idea is worth taking a look at, which is all Ford has done so far. No deals have been made. It has probably done us all a lot of good to have the Russians eyeball an honest-to-goodness economic entrepreneur and his pretty wife and discover that capitalists are human, too.

Laird's dark mutterings do Mr. Ford and the free enterprise system a disservice.

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[From the Christian Science Monitor, May 16, 1970]

#### No Fordski Trucks

Repeatedly the question arises whether trade with the Soviet Union and its satellites harms American security—and whether it contributes anywise to the cause of world peace. The issue is raised again by the Soviet bid to the Ford Motor Company, seeking Ford know-how in building a major truck plant in Russia which would turn out 150,000 heavy trucks a year.

In turning down the Soviet offer, Ford officials said criticism of such proposed joint ventures by Defense Secretary Melvin Laird and others was an influencing factor.

Surely it can be noted, as did Mr. Laird, that heavy Soviet trucks are shipped by the boatload to North Vietnam, for use in carrying supplies down the Ho Chi Minh Trail. The prospect that trucks developed by American enterprise would carry war materiel to kill American troops is hardly a pleasing thought.

On the other hand, it can be argued that if Ford does not build the Soviet truck plant, some British, French, or Japanese auto concern probably will. The Soviet Union has the wherewithal to make attractive bids. Foreign firms are clamoring for business deals with Moscow. And there are no prohibitions extant against trade in nonmilitary items. It can be argued that Soviet trucks already are in Vietnam, and that the Vietnamese war would be finished before the Ford plant was finished. There is finally the prospect that the trucks might well be employed in transporting the ingredients of a Soviet consumer society.

As a general rule, world trade helps the cause of peace. It is an emphasis away from wars and confrontations. The Ford Company is miffed, as Henry II made clear at the annual stockholders meeting, that the Secretary of Defense had entered the argument. Mr. Ford said other kinds of business cooperation had been invited by Moscow, involving consumer products and nonstrategic technical information. Whether rejection of the truck bid ends any Ford cooperation with the Soviets remains to be discovered.

The Soviet economy has been running downhill, due to mismanagement. Ford know-how might have helped revive production in an important sector. On the ground that a consumer-prosperous country is less likely to be a bellicose country, one can reason that it is unfortunate that the truck deal has fallen through.

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[From the Washington Post, May 17, 1970]

#### A Cheap Shot at East-West Trade

Henry Ford has good reason to be mad at the United States government for blocking the deal he was weighing to help build a truck factory in Russia. Trucks can hardly be deemed "strategic." They involve no secret or special technology. They can and will be built in Russia without the Ford company's help. The auto magnate, who had gone to Moscow last month to open discussions, had done so in good faith. The State Department had encouraged him to proceed on a business basis. The Soviet government had made him an offer. There was no threat then of government intervention to spoil the deal.

Yet Defense Secretary Melvin Laird barged in, in a magazine interview. "Before giving away the technology to construct trucks in the Soviet Union, and establishing plants for them," he declared, "there should be some indication on the part of the Soviet Union that they're not going to continue sending the trucks to North Vietnam by shiploads for use on the Ho Chi Minh trail." This was a cheap shot. Ford was not going to "give away" anything. He was perhaps going to sell something that is easily available to the Russians elsewhere.

The link to Hanoi, aside from being an unwarranted aspersion on Henry Ford's patriotism, was silly. Soviet trucks will go to North Vietnam, regardless. By the Laird logic, all commerce and contact with the Soviet Union must be halted, since it all benefits the Soviets in some way. The trouble with that line is that commerce and contact can benefit Americans too. Short of a national interest that can be plainly demonstrated, there is no ground for the government to intervene in a private business decision.

Five years ago, Firestone was about to build a synthetic rubber plant for Rumania. A competitor, Goodyear, helped light a backfire and the deal was called off. Free traders and advocates of civilized East-West relations made common cause then to protest, and they should do so again.

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## SILENCING DISSENT

### HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. QUIE. Mr. Speaker, the ebb and flow of opinion on college campuses is most interesting to observe. In the 1950's, "guilt by association" was condemned by the intellectual community as the most despicable characteristic of McCarthyism. Yet, today demands emanate from the college campuses for the resignation of men who have ccme from those colleges to assume positions of responsibility in the government.

The Daily Republican Eagle published in Red Wing, Minn., carried a piercing editorial on this subject in its May 13 edition, which I draw to the attention of my colleagues. The editorial follows:

SILENCING DISSENT

The fury on the campuses over the U.S. war effort is understandable. But what is not understandable is the academic blackmail being used by previously respected educators and scholars who seem determined to purge campuses of those who support the war.

Take the example of Harvard and MIT, where professors are demanding that former colleague Henry Kissinger resign as the President's national security advisor. The only acceptable alternative, they say, is for Kissinger to somehow effect a reversal of U.S. policy in Indochina.

According to columnist Mary McGrory, the professors are saying that if Kissinger doesn't meet their demands, Harvard will never take him back. There also are hints that Kissinger might meet the fate of his predecessor, Walt Rostow, once of MIT, who has been banished to Texas to do paperwork for Lyndon Johnson.

One former colleague told Kissinger in a telegram that he stands to face disgrace for the rest of his life if he doesn't change his stance.

Since when has it subjected a man to disgrace to support his nation's foreign policy. And even if the policy were wrong, which we don't think it is, since when has academic freedom been so curtailed that there is no room in our nation's universities for a "wrong" point of view?

## ANNUAL PRESENTATION TO CONGRESS BY THE SMALLER BUSINESS ASSOCIATION OF NEW ENGLAND

### HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. EVINS of Tennessee. Mr. Speaker, one of the truly outstanding small business organizations is the Smaller Business Association of New England (SBANE), with a membership consisting exclusively of the owners of about 1,000 small business concerns located in the New England States.

Annually, these businessmen have visited Washington and called on the Congress—particularly the House and Senate Small Business Committee—to present their recommendations for legislation and administrative changes needed to help the small business community. These presentations represent the studied and informed views of the owners of these small business concerns. The members of our Small Business Committee have profited by listening to their suggestions.

Earlier this morning, SBANE presented their proposals for 1970 to the members of the House Small Business Committee and to the members of the congressional delegations from the New England States. Their suggestions and recommendations were limited to three areas which were believed to be of greater importance; namely, tax reform and improvements in tax policy relating to small business, assistance in antipollution grants and loans, and improvements in administration of programs of the Small Business Administration.

In this connection, I include in the RECORD herewith the SBANE recommendations dealing with small business problems within these three areas:

PROPOSALS FOR CONGRESSIONAL ACTION BY SMALLER BUSINESS ASSOCIATION OF NEW ENGLAND, INC., MAY 20, 1970

TAXATION

Limited increase in surtax exemption to $50,000

One of the three major problems confronting small business is its need for capital to sustain its operations and to provide for growth. This need is recognized by all who concern themselves with small business. The means for satisfying this need are twofold; infusions of capital from the outside and the retention of internally generated resources. The report of the President's Task Force on Improving the Prospects of Small Business recommends, among other things, the application of tax incentives to aid in accomplishing desired results. The report recommends that those suppliers of credit and equity capital to small business be provided with favorable tax treatment on the income from their loans and that a preferential rate for capital gains on investments in small enterprises be provided. Further, the report recommends the establishment of a ten-year carryover period for net operating losses during the first ten years of business existence and a deduction from taxable income for an addition to a "small business risk reserve." SBANE endorses these proposals. However, we also recommend that the exemption from surtax be increased for small businesses as a means of directly building up working capital.

Since 1938 corporations have paid a tax at a normal rate on the first $25,000 of income and at a surtax rate on the income in excess of $25,000. The difference in tax rate on the first $25,000 has since come to be known as the surtax exemption. The exemption has remained the same for 32 years and in view of the elimination by the Tax Reform Act of 1969 of multiple surtax exemptions, we believe this to be an appropriate time for a limited increase in the exemption to $50,000.

The simplest means of effecting an increase in the surtax exemption would be to make it applicable to all corporations; however, the following schedule indicates that to do so would result in a reduction in the revenue of approximately 368.9 million dollars. This estimate, as are all of the succeeding estimates, is based upon statistics taken from 1965 corporation income tax returns which were the latest data available to SBANE. We do not believe that a reduction in corporate income taxes of such a substantial amount is appropriate at this time as a matter of fiscal policy. In addition, over $258 million of the tax reduction would inure to the benefit of corporations having taxable income in excess of $50,000.

TAX EFFECT OF UNLIMITED INCREASE IN SURTAX EXEMPTION TO $50,000—UNCONTROLLED CORPORATIONS HAVING TAXABLE INCOME BY INCOME CATEGORIES

| Number of corporations | 43,735 | 20,913 | 9,187 | 73,825 |
|---|---|---|---|---|
| Taxable income (millions) | $26–50 | 50–100 | 100–150 | Total |
| Tax savings (millions) | $110.8 | $135.9 | $122.2 | $368 |
| Tax savings as percent of total tax savings paid by group | 24.9 | 24.6 | (1) | |
| Tax savings as percent of total tax savings by all | 30.03 | 36.84 | 33.13 | 100.00 |
| Average tax savings per corporation | $2,533 | 6,500 | 6,500 | |
| Tax savings as percent of total corporation tax revenues collected in 1965 | | | | 1.41 |
| Tax savings as percent of total taxes collected in 1965 | | | | .32 |

[1] Figure not meaningful due to limitations of data.

Since we believe that the increased exemption should apply only to smaller corporations, it becomes necessary to define what a smaller corporation is for this purpose. There are several criteria for distinguishing between smaller and larger businesses, such as gross assets, net worth, and gross sales. However, after a considerable amount of study, it would appear that to restrict the benefit of the increased surtax exemption using one of these standards would result in its inequitable application in many cases. Thus, we believe that a standard that is based on the tax itself would be most direct and equitable.

Accordingly, SBANE proposes an increase in the surtax exemption as follows:

1. Corporations having taxable income of $50,000 or less would have a surtax exemption of $50,000.

2. Corporations having taxable income of more than $50,000 but less than $100,000 would have a surtax exemption of $50,000

reduced by 50% of each dollar of taxable income in excess of $50,000.

3. Corporations having taxable income in excess of $100,000 would have a surtax exemption of $25,000.

Only a single surtax exemption would be available to members of a controlled group of corporations consistent with the provisions of the Tax Reform Act of 1969.

The application of this change in the surtax exemption to corporations having varying levels of income, is set forth below:

| | |
|---|---|
| Taxable income | $40,000 |
| Surtax exemption | 40,000 |
| Tax: 22% × $40,000 | 8,800 |

* * * * *

| | |
|---|---|
| Taxable income | 80,000 |
| Surtax exemption: | |
| Basic exemption | 50,000 |
| Less 50% (80,000—50,000) | 15,000 |
| Total | 35,000 |
| Income subject to surtax | 45,000 |
| Tax: 22% × $35,000 | 7,700 |
| 48% × 45,000 | 21,600 |
| Total | 29,300 |

* * * * *

| | |
|---|---|
| Taxable income | 120,000 |
| Surtax exemption | 25,000 |
| Income subject to surtax | 95,000 |
| Tax: 22% × $25,000 | 5,500 |
| 48% × 95,000 | 45,600 |
| Total | 51,100 |

We recommend that Congress consider phasing in the limited increase in surtax exemption over the period of time that the multiple surtax exemption is being phased out under the Tax Reform Act of 1969. Benefits of multiple surtax exemptions will be gradually reduced beginning in 1970 and will be completely removed by the end of 1975. We believe that the increase in revenue achieved by such phase-out should be considered in reaching a decision whether the limited increase in surtax exemption should be adopted.

SBANE's interest in the Small Business Administration dates back many years to the preceding agencies such as the Reconstruction Finance Corporation and the Smaller War Plants Corporation which were charged with some of the same responsibilities prior to the creation of the Small Business Administration in 1953.

SBANE's role in shaping the SBA Act is well known to the Congress and it is only natural that the Association should continuously scrutinize the functions and operations of the SBA and offer both deserved praise and constructive comment.

### INTERVIEW OF FORMER ADMINISTRATORS

To provide a more complete assessment of this agency and its problems, members of the Association have interviewed several former Administrators. Nearly every previous Administrator for the past two decades was interviewed for his evaluations of the agency as its roles and areas of concentration have varied.

This project was initially undertaken in an attempt to determine the cause of the excessive turnover of Administrators especially during the past 10 years. We thought that maybe a pattern could be determined as to why there had been as many as nine Administrators in the last 11 years. We had expressed alarm last year that this short term of leadership made it difficult for the agency to maintain continuity of direction and purpose.

During interviews with these past Administrators, it became evident that there was no single reason for their departure from the SBA except for more attractive offers in related fields of interest. Although job stability in the position of the Administrator was our initial reason for the interviews, they all had additional comments about the functioning of this Agency which we will share with you.

First, they mentioned the apparent shifting of the loan policy from a merit basis to one more socially motivated without the usual standard, business-like requirements especially with minority loans. Behind this concern over the SBA's loan procedures lies this question: What will happen to the SBA should facts reveal a high percentage of minority loan failures? The Congress has always held the SBA in high regard and provided good support. However, since the SBA is lending public money, what will happen to the future of the agency should the Congress react if it feels that SBA loans were instead grants or subsidies? It is the feeling of many that safeguards should be developed that will prevent the devastating effects of a possible over-reaction to the SBA on its financial programs.

For this reason, this Association recommends that minority loans be handled through a Special Management-Finance Group within the SBA with its own funding programs. In addition, we believe that the Office of Minority Business Enterprise, established within the Department of Commerce last year to promote and expand business ownership by minority groups, should be the complete responsibility of the SBA. Further, that the SBA should be properly manned to carry out these responsibilities rather than the past policy of manning new programs by shifting personnel into unfamiliar areas at the expense of other important programs.

### MINORITY ENTERPRISE STUDIES

Much has been said and written about minority entrepreneurship or compensatory capitalism. This Association has studied the report of Sam Harris Associates that evaluated the SBA and its role in minority economic development from August, 1968 to February, 1969. We were very impressed with this report and its recommendations, and we urge they be given careful thought and consideration.

We also recommend that the committee obtain a copy of a very interesting thesis by W. Bruce Springer, entitled, "The Prospects for Black Business Development." This recent Harvard graduate wrote this thesis after studying a vast number of census reports, studies and books on the subject of black business development.

It is interesting to note some of the similarities of the Harris Report and Springer's thesis.

The first is that SBA's past emphasis has been quantitative rather than qualitative. It would seem that the agency was more interested in the "numbers game" and promoting the establishment of "Mom and Pop" stores rather than emphasizing the growth and development of more stable, promising companies. Both studies also point up the need for more management and technical assistance in developing companies and recommend that the SBA put more emphasis on nonretail businesses, such as services, manufacturing, wholesaling and construction. Both Springer and Harris also recommend more attention be paid to the Local Development Company or "502" loan programs in the black community. We would recommend that, rather than devoting so much emphasis on starting marginal businesses, the SBA develop programs to upgrade existing operations.

SBANE agrees with Springer's recommendation that SBA should scrap its goal of 20,000 minority loans a year and replace it with programs that have qualitative dimensions; for example, $40,000,000 in minority loans a year, at least one-fifth of which is to be granted in loans of $100,000 or more as compared to the average minority loan during the first five months of 1969 which was $19,829.42.

The Harris report stated that 45% of the Minority Entrepreneurship Program (MEP) team members, who felt the effect of Project Own would be insignificant, gave the reason that the "size and volume of loans granted is too small."

We would also recommend that the SBA develop comprehensive data, on the distribution of its loans by size and type of business and, in addition, follow the progress of the companies carefully to determine a pattern and level of progress with which to guide future loan commitments.

Both the Springer and Harris studies represent exhaustive, intelligent appraisals of the SBA involvement in Project Own. The Association believes strongly that the SBA should be the agency to foster entrepreneurship and realizes the great challenges it faces. If the agency is to merely serve as a transfer of resources to marginal companies in the ghetto, then it is wasteful. In our opinion, programs should be developed to provide financial and technical assistance to develop larger, non-retail business firms for minority entrepreneurs and not the present emphasis on number of loans rather than number of dollars loaned.

Many recent studies have revealed the lack of sufficient management assistance follow-up to recipients of SBA loans. Many small businesses have failed after receiving financial assistance and then being left alone to face the many problems that confront beginning business during its formative years. The problem is further aggravated by lack of sufficient manpower to carry out the SBA's mounting responsibilities. To some the SBA is almost exclusively a lending institution. We believe this is wrong. The original Act calls for technical and management assistance programs, among others. We believe the only way this important function can be accomplished is by making the necessary manpower provisions.

### MANPOWER REDISTRIBUTION

We would, therefore, recommend that the manpower distribution of the SBA should be reduced in the Washington office in favor of more representatives in the field, particularly in management assistance. When a small business has a problem or needs assistance, he does not have the manpower or time to travel about to seek solutions. The SBA would be much more effective if it had more qualified management assistance representatives in the field to offer help to small businesses.

As of January 1, 1970, some 23% of the total SBA manning was in Washington. (Total 4,032—Washington 929—Field 3,103). Many states have but one or two specialists in procurement, management assistance and financial assistance available. A serious workload burden presently exists in many states particularly in the rural states.

With some 5,000,000 small businesses throughout the country, it is obvious that Washington is not "where the action is". Not only should the manpower be redistributed but the Administrator's major emphasis should be on visitations into the field to highlight SBA programs through an extensive program of public information.

### POLLUTION

Over 100 years ago a famous New England philosopher, Henry David Thoreau, sounded a warning of our environmental crisis by stating that machines "insult nature." In the ensuing decades man pushed westward industrializing and developing new technologies to meet society's demand for greater consumption and affluence. Now the frontiers are gone and man must truly pay the price of progress by improving the environment and quality of life or he faces extinction.

Business and the government should share the responsibility of improving our environment. For many small businesses cost of pollution control through capital expenditures will be substantial—it may even be insurmountable. Corrective deadlines will be difficult to meet especially in industries where the state of art in pollution control lacks sufficient technology.

What concerns small business most are the methods by which the government requirement will be carried out in directly dealing with the problem. Such government characteristics as overlapping responsibilities, excessive bureaucracy, impersonal, haphazard and unbending interpretation of government regulations and a lack of comprehension of the economic effects of control devices are matters of serious concern to small business everywhere.

One United States Senator has advocated what may be the best approach to alleviate these problems. Senator Edmund Muskie has submitted legislation to create an Environmental Control Administration, "an independent agency charged with the responsibility for developing and implementing Federal environmental quality standards, supporting basic research on problems of environmental quality, stimulating and supporting basic research, control techniques and providing technical assistance to State, interstate and local agencies which would reflect the national commitment we need if we are to avoid ecological disaster."

To determine the effect of our environmental quality programs on small business, SBANE recently surveyed its membership. Response was large, immediate and representative. It reflects the intense interest that small business has in this subject. The results of the survey are as follows:

28% indicated they are facing a pollution problem, or were not sure if they were causing pollution.

30% indicated they had no knowledge of federal or state requirements.

62% indicated that the Small Business Administration should give loans correcting pollution a priority.

59% felt that the Small Business Administration should create a separately funded loan program for pollution equipment and abatement.

Our survey indicates that many small businesses either already have or are in the process of solving their contribution to the problem. Some of those that have not yet begun to take corrective measures are hampered by a lack of technology in their particular problem area, or have not yet solved the problem of how to finance their pollution problem. It should be noted that not only will the private capital expenditure produce no financial return, but it will also increase operating costs on a continuing basis.

Based on SBANE's survey and frequent discussion of small business pollution problems, we strongly recommend the following programs to enable small business to meet the environmental crisis.

1. That the Small Business Committees hold hearings to determine the economic effects of environmental control on small business.

2. That the SBA loan program be specifically adjusted to give loans at special rates for pollution control and be placed equal to disaster loans on the loan priority list. Similar to Senator McIntyre's Bill, S. 3528.

3. That the SBA through its Technology Utilization Program, establish Field Specialists to assist small businesses in pollution control counselling.

4. The creation of tax incentives to spur business to correct pollution problems.

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## TIME FOR A NEW STRATEGY

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## HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. FINDLEY. Mr. Speaker, Farm Journal magazine, in its June editorial, does an outstanding job of bringing together all the items necessary for a new farm program which can help solve the problems created by the outdated, unwise, and wastefully expensive farm programs now in operation.

This leading national farm publication in its editorial entitled, "Time for a New Strategy," outlines the factors necessary for a farm program which will help the farmer, who is in unquestioned need of help, and at the same time turn away from programs which have been costly failures from both the farmer's viewpoint and the position of taxpayers. All are growing increasingly disappointed with farm program spending—too much of which is simply fattening the pockets of a few large landholders.

More farmers receive Farm Journal than any other farm publication in the Nation. It has gained the respect of this major segment of our agricultural producers by accurately reflecting their views on items of serious concern to them such as Federal farm program. We all need to consider proposed farm legislation in light of the editorial in the June issue which I am attaching to these remarks.

Before reading the editorial consider that the program provisions called for in it are nearly all contained in legislation now pending in the House Committee on Agriculture. The general farm program provisions suggested to help lead away from our current expensive government-payment-treadmill program is contained in my bill H.R. 9009 and similar legislation sponsored by 45 other Members of the House on a bipartisan basis. This legislation is also sponsored by 20 Members of the Senate. Steps toward improved farmer bargaining, also called for in the editorial, are contained in another bill I have introduced—H.R. 14496, the Agricultural Marketing and Bargaining Act. Here again, similar legislation has been introduced by six other Members of the House and four Members of the Senate.

The editorial calls for an active program for countryside growth and improvement, which is a program President Nixon is deeply committed to and I am confident will be generally favored by nearly all of us.

Unquestionably in this situation with the House Committee on Agriculture seemingly deadlocked, now is certainly an appropriate time for new strategy in gaining approval of a new farm program and the time is long overdue for a new direction for farm programs—one which leads away from the current heavy dependence on Federal checks by our Nation's farmers and away from the scandalously large Federal payments going to a few of our larger farmers or corporations who happen to own farm land. I am glad to add here the text of an editorial which so well outlines the current situation and at the same time provides an effective alternative to our current farm program impasse:

### TIME FOR A NEW STRATEGY

That farm program ruckus that's about to break out on the floor of Congress should be a dandy. It is full of intrigue.

There's crafty Bob Poage, head of the House Agriculture Committee, who will be booming his fog-horn voice across the chamber trying to sell Congress a program as much like the Freeman '65 Farm Act as possible.

Then there's Page Belcher, who a year ago, as the ranking Republican member of the House Agriculture Committee, was livid because the Nixon people failed to pay him much heed in naming a new Secretary of Agriculture. Now Belcher has suddenly emerged as the Administration's "broker" in farm bill maneuvering.

*The Farm Coalition, made up mainly of the same cast that rallied support for Freeman program strategy, will try to add more "supply management" and higher and bigger government payments to the farm bill.*

Lying in wait on the House floor are Congressmen Paul Findley and Silvio Conte who got the House to clamp a $20,000 limit on payments to big farmers in 1968. They were finessed out of that by the Senate, but these two will be back stronger and wiser than before.

*Then there's the big American Farm Bureau Federation which has stood patiently on the sidelines sharpening its knives for the infighting that's ahead.*

One could almost get entranced by the intrigue and the political warfare, and stand back enjoying the whole scene, if farmers' future weren't at stake. Viewed from that summit, what has happened thus far is a disappointment—and the prospects are tarnished with doubt that we'll get something to gird agriculture for the new 1970's.

A major disappointment to many is that the bill which is expected to emerge from the Ag committee's heaving and haggling is pretty much the same old knobby-kneed '65 Farm Act. It isn't likely to be sporting even a new dress—just a patch or two on the old garment.

Others are disappointed in the performance of the Nixon Administration thus far. The farm and small town people of the nation put Nixon in the White House in 1968 when their votes off-set the urban majority who voted otherwise—and one would assume that farmers expected a change. After all, Freeman's popularity as the co-architect and purveyor of '65 Farm Act programs had dipped about as low as a thermometer will go.

The election put the Administration in a position to help move onto the House floor with a new program and develop a new design for the 1970's. Leading Republican Congressmen wanted a change. Many Democrats were disillusioned with the '65 Act programs. The White House had a veto to use for "persuasion" against too many compromises.

Instead, the Administration walked into Bob Poage's tent at the House Agriculture Committee to "work something out." With wily Bob Poage on one side—a battle-scarred veteran of years of hard farm program infighting—and with the soft-handed neophytes of the Administration on the other side, it was like the wolf inviting Red Riding Hood into the house to "work something out."

When the compromising on program principles was done, it was the Administration that had made most of the concessions. Now unless there is a last-minute change, the Administration will walk onto the House floor with its feathers picked. It will already have done its compromising and essentially will be supporting Poage's bill.

*Bob Poage is a sincere person—he tells you forthrightly that he thinks his approach is best for farmers. But it embraces the principles that sent cotton down the chute, has* *left wheat growers clinging to government payments by their fingernails, and has heaped scorn on farmers.*

It might not be too late to write a really new farm program on the floor of the House. If they are listening, we hope that they will:

1. Set up a special program to help small farmers get bigger or ease into off-farm opportunities if they prefer. These are the people that need government help in a way that urban Congressmen can understand.

2. *Develop a separate program for commercial farmers—the ones who sell 90% of the nation's farm products and who need strong commercial markets and more freedom to plan their own management.*

3. Strengthen farmers' ability to bargain for fair prices in the framework of the private economy—instead of scurrying, tin cup in hand, for crumbs from the government table; which leads to becoming a regulated utility.

4. *Set up long-range reserves of land—which farmers would bid in—to meet the future needs of a country where 100 million more people will be added in the next 30 years.*

5. Develop an active program for countryside growth to invigorate rural towns and farm communities—making them better places to live and the nation better off.

## A BLONDE HURRICANE WITH TALMUDIC WISDOM

### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. **PUCINSKI**. Mr. Speaker, the very talented writer of the Chicago Tribune, Margo Coleman, has captured the poignant personality of a blonde "hurricane," Mrs. Mildred Hurwitz.

Mrs. Hurwitz has devoted most of her time and energy unstintingly to a most inspiring project—the sale of Israel bonds.

Indeed, the greatest measure of her success has been the fact that to date, she has sold $5 million worth of bonds.

Mrs. Hurwitz's success would be the envy of any corporate executive. She sets her sights on a high goal, and pursues it with the utmost efficiency, charm, verve, wisdom, faith, and a dynamism that never seems to stop.

This outstanding and lovely lady has earned the highest respect and admiration from all who know her, for she has set an example second to none.

Mr. Speaker, the Tribune article follows:

[From the Chicago Tribune, May 11, 1970]

A Blond Hurricane with Talmudic Wisdom

(By Margo Coleman)

What do you think of this line-up? Joey Bishop, Red Buttons, Sammy Davis Jr., Peggy Lee, Phil Foster and Mildred Hurwitz. *Mildred Hurwitz?*

Mrs. Hurwitz doesn't sing or tell jokes like the others—but she does just about everything else. While those other cats will merely perform at the Israel Bond 22d Independence anniversary celebration next Sunday, Mildred will have sold the bonds, handled the reservations, arranged the seating, planned the program, coordinated the events in advance of the gala, and supervised the decorations.

She is Women's Festival Chairman for the Israel Bond Salute of Stars, but to the staff at the bond office she's "the white tornado."

Blonde hurricane would be more like it. In gesture and speech Mildred Hurwitz whirls around like a lady with hyper-thyroid of the mind.

The diminutive yellow-haired Mrs. Hurwitz orchestrates her speech with emphatic whispers which rise to trumpet-like pronouncements. Both hands accompany her conversation as an index finger pokes the air or an open hand sweeps off somewhere to the side and heavenward.

The words spin out like Fast Forward on a tape-recorder. Her volume seems to be controlled by the degree of enthusiasm—which is generally high.

Mrs. Hurwitz is deeply committed to the cause of Israeli freedom. She says that "Freedom anywhere in the world hinges on whether or not Israel is pushed into the sea." It is her belief in the survival of Judaism which, she says, provides her with supercharged drive and energy.

"Plus," Mrs. Hurwitz says, "you set high goals."

Like 5 million dollars, maybe? She has personally sold that amount of Israel bonds since 1951.

How does a person sell 5 million dollars of *anything*?

"I believe in it," she responds. "And I do what I have to do." Mrs. Hurwitz says she is convinced totally of the need to assist Israel—"Otherwise, I couldn't sell anything to anyone."

Friends call Mildred "the queen of fund-raising." She has a tremendous number of friends, a male associate says, and is associated with a dozen or more organizations. "She's a proven dynamo," he adds, "and whatever she undertakes, she completes." Mrs. Hurwitz is known for always taking on more than one job at a time.

She says she's behind with her reading and often falls asleep at 6:30 in the morning. A public relations man at the bond office says that's because "She's too charged up to sleep."

The dimpled lady, whose manner suggests she starts each day with a bowl of pep pills, has not raised 5 million dollars by accident.

She feels that the old concept of "friendly persuasion" can be turned into "public persuasion." And she adds, "The larger the bond purchase, the better the seat in the Opera house."

She thinks "It is human nature that man rises to the highest level of activity in front of his peer group." A genteel translation of the idea that man writes the largest check possible before walking in front of 4,500 peers in the Opera house . . . all of whom know how the seats were assigned.

Mrs. Hurwitz is known as well for clothes. A designer wardrobe has not gone unnoticed. She's sort of Skokie's Joan of Arc in a Dior.

"The female in us should never be ruled out," she says. Mildred thinks that life should include "all the ingredients of living," and clothes is one of them.

Her collection of outfits includes works by French and American as well as Israeli designers. Mrs. Hurwitz explains that "I have a responsibility to the United States economy, too. I want to inspire and motivate the American economy, and buying clothes is one way to do it."

## HITLER'S PHONY QUOTATION ON LAW AND ORDER

### HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. ROUDEBUSH. Mr. Speaker, such "unempeachable" sources as Supreme Court Justice William O. Douglas and Parade magazine have been using a phony quote attributed to Adoph Hitler to make light of people in this country who would like a return to law and order.

The fictitious quote fits nicely into the liberal line because it equates anyone wanting law and order with Hitler.

Mr. John Lofton of the Republican Congressional Committee has researched the origin of the quote and finds it has no basis for accuracy and was never uttered by Hitler.

Mr. Lou Hiner, Jr., Washington correspondent for the Indianapolis News, has written an excellent column giving the complete story on the phony liberal quote devised to smear those who believe young adults in our colleges and universities should quit burning down buildings and act like responsible citizens.

Mr. Hiner's article follows:

Hitler's Phony Quotation on Law and Order

(By Lou Hiner, Jr.)

A quotation on law and order attributed to Adolf Hitler in 1932 has been getting widespread circulation in 1970 because of the troubles in this country.

The fact is, Hitler apparently never uttered the quote. John D. Lofton, of the Republican Congressional Committee, has thoroughly researched the quote and reports it to be "completely spurious."

As used by many persons, including Justice William O. Douglas in his controversial book, "Points of Rebellion," Hitler is quoted:

"The streets of our country are in turmoil. The universities are filled with students rebelling and rioting. Communists are seeking to destroy our country. Russia is threatening us with her might and the republic is in danger. We need law and order."

Lofton said the quote apparently was used in the "trade winds" column of Jerome Beatty, Jr., in the May 1969 Saturday Review. Beatty told him he got the quote from a monthly newsletter edited by Dixon Gayer, a journalism prof. at California state college at Long Beach.

In turn, Gayer told Lofton he got it from Prof. Leroy Hardy of that school's political science department. Hardy claimed he had copied the paragraph from the office door of Prof. Larry Adams of the political science department at the University of California at Santa Barbara. Adams couldn't remember where he picked up the quote.

The Hitler quote popped up again last July in an editorial in the Des Moines Register. The writer said he read it in a speech made by Sen. Edmund Muskie, D-Me., before the National Council on Crime and Delinquency.

Muskie was checked and said the quotation originally had been called to his attention by a "very reputable personal friend" who had clipped it out of a publication.

"My staff has been working with the Library of Congress in an attempt to trace the original source of the quote," Muskie told Lofton. "Although they have found similar statements by Hitler in the early 1930s, they have not been able to find the exact source. I regret this situation."

The Library of Congress thoroughly researched the Hitler quotation and could come up with nothing. The library also checked two authorities on Hitler, William L. Shirer and Dr. William Allen White.

Dr. White, a specialist on Nazi Germany, doubted the quotation, saying it was not typical of Hitler because it was too concise. He doubted whether Hitler would have mentioned the disorders in Germany since it was his Nazi party that was stirring them up.

Other users of the phony quote included: Solidarity, the United Auto Workers publica-

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tion; the South End, Black Panther-controlled newspaper at Wayne State University, Detroit; Chicago Tribune columnist Walter Troman; The National Register, a Catholic publication; The Atlanta Constitution; The Washington Post, and comedian Dick Gregory.

Gregory is even said to have embellished the Hitler quotation by adding these lines: "Yes, without law and order, our nation cannot survive. And we shall restore law and order. We shall by law and order be respected among the nations of the world. Without law and order our republic shall fail."

Thus may we end what some day might have become a familiar quotation.

## JOHN KENNETH GALBRAITH ON THE WAR

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RYAN. Mr. Speaker, John Kenneth Galbraith—author, professor, former Ambassador to India and Presidential adviser—has written a letter to the editor of the Washington Post which appears in today's edition of that paper. To its eloquent and articulate statement I can add little. More importantly, the thesis of Professor Galbraith's letter should be read and understood by every Member of Congress as well as the general public.

He points out that the war in Indochina is being perpetuated by the military bureaucracy which, in effect, controls the President and prevents him from listening to and heeding the opposition of the war weary public.

I include Professor Galbraith's letter at this point in the RECORD:

#### THE WAR: WHO WANTS IT?

Occasionally, on problems that have been long with us, we neglect to ask the most obvious and fundamental of questions. So it is with the war in Indochina. The question, a most important one, is this: Whence comes the support for it? Who wants it?

The experts on the area do not support it. They differ only on the desirable rate of withdrawal. The Congress can hardly be said to support it. The difference here is increasingly over how circumspect a man should be in his opposition. Few would hold that the war is popular in the universities or among the young—those who must fight it. I have just returned from a rather extensive trip through the South. On campuses there I would judge the opposition to be about on a par with Massachusetts, if more decorous. Until recently, the *genro* of cold war statesmen—Dean Acheson, John J. McCloy, Clark Clifford—could be assembled in support. They have deserted the cause. It is high doctrine on the left that businessmen support the war; this exercise in American imperialism is the ultimate expression of capitalism. But the stock market always goes down on news of an enlargement of the war and the stock market is not *always* wrong. It was businessmen who provided most of the money for the McCarthy campaign as I can affirm, for I helped raise it. Love for Gene ranked second to dislike for the war as motivation. The trade union leadership has been more constant in support of the war than business, but few would describe this conflict as a revolt of the working class. Those of us who have been close to the working levels (as they are called) of the civilian bureaucracy—State, USIA, even one suspects the much abused CIA—know that opposition there is widespread. In these last days it has come to the surface. Secretaries Rogers, Laird and Hickel have been variously credited with opposition, and Secretary Hickel has not, at this writing, yet been compelled to make the routine confession of support.

The clear answer cannot be escaped. This war is wanted only by the military power—not by individual servicemen and officers, but by the military bureaucracy. This bureaucracy controls the President, not the reverse, as it also controlled President Johnson. It derives added strength from its automatic spokesmen in Congress—L. Mendel Rivers, John Stennis, Strom Thurmond—and from the committee positions they occupy. But these men serve the Pentagon, not their people; they are, in effect, an extension of the military power. The constitutional crisis we face is not between the Congress and the President but between the civilian authority and that of the military to which the President has surrendered.

The outcome of this struggle is not in doubt—although many will disagree. The armed forces of the United States cannot have a war in opposition to the people of the United States. They cannot long exist in opposition to the people of the United States; our military tradition has always involved a close identification between the serviceman—the GI—and the people. And public opinion is ultimately controlling in this country not so much because of legal arrangements but because it cannot be controlled. No one who looks at the recently published Eisenhower papers can fail to see how well the importance of public opinion was understood by George Marshall, Dwight Eisenhower and the generals of that generation. The ultimate losers in this war, then will be the armed services. The causes of this loss will be the organization men who failed to follow the wise precepts of their predecessors, who thought the military power was somehow larger and greater than the people of the United States, and who believe they do not need the people. The military organizations they assume they serve will be the certain victims of their error.

## TRIBUTE TO WALTER REUTHER

### HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. EDWARDS of California. Mr. Speaker, the death of Walter Reuther has deprived the Nation of a great visionary and a great humanitarian. As one of the giants of the American labor movement, he never forgot and never allowed others to forget that the task of organized labor is unfinished. His thrust for social justice, his partisanship for the poor and the forgotten man, his tireless pursuit of a better world for all men, were a powerful antidote for complacency. He suffered the fate of many great men to be always ahead of his times. Let his dauntless optimism be a model and a guide for us during these deeply troubled times, and let his achievements be a reminder of what one man's will, fired with righteous anger and tempered with love, can accomplish in the world.

## COMBAT WATER POLLUTION WITH EFFLUENT TAXES

### HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention an article in the May 1970, Government Executive, describing a proposal to help curb water pollution. The proposal—imposition of a system of national effluent charges—is now being examined by the Senate Public Works Committee, and deserves similar treatment in the House.

The article follows:

#### WATER POLLUTION—WHO SHOULD PAY?

At the heart of the water pollution problem are the questions of who should pay and how can industry, the major polluter, be motivated to take the necessary steps to stop polluting the country's rivers.

Sen. William Proxmire (D-Wis.) believes that past efforts—which total over $5 billion spent by Government since 1957—have largely failed.

The reason, he believes, is because the present strategy—the two tenets of which include a policy of Federal subsidies for the construction of waste treatment plants and a Federal enforcement policy against individual waste dischargers—is inadequate to the task.

The new plants constructed since 1957 haven't kept pace with the rate of industrial pollution.

They have successfully reduced pollution in the country's rivers by roughly three percent, while industrial wastes dumped into rivers have increased by an astronomical 350 percent—stark testimony to the failure of Federal and state enforcement of existing laws.

Proxmire proposes a new strategy with two essential elements: (1) the imposition of a system of national effluent charges and (2) the development of regional agencies for planning and managing water quality.

"Under the present system there is an economic incentive to continue polluting the environment," Proxmire remarked. "It is simply cheaper in many cases for industry to pay a fine and continue polluting than to develop pollution control devices."

##### RENT USE OF WATER

Proxmire wants to make it profitable for industry not to pollute the water. He considers water a resource, like every other resource in the production process, which has to be paid for as a legitimate cost of production.

"The effluent charges I propose," he said, "would be levied as a form of rent for the use of the water to dispose of industrial wastes.

"Each polluter would be assessed based on the quantity of the water discharged and also on its relative strength and toxicity.

"There is no reason why the public should be made to pay the cost of cleaning up water which industry has used free of charge to carry away its waste."

Proxmire pointed out that since the charges would be levied on a per pound basis—perhaps at a rate of from eight cents to 10 cents—there would be direct incentive for polluters to reduce their waste production so that a major part of the charge would be eliminated.

The revenues from this—estimated to run around $1.5 billion annually—would be spent to build waste treatment plants for municipalities and to finance the establishment of permanent regional water management associations which would be empowered to develop—and enforce—comprehensive pollution control plans.

As to advantages Proxmire sees five:

It promises to sharply improve water quality in a short period.

It places responsibility on the polluter, not on the public, to pay for damage to the environment.

It encourages waste reduction rather than waste conversion.

It provides substantial new sources of sorely needed revenue to finance the construction of municipal waste treatment plants.

It provides strong economic incentives for the creation of regional water management associations.

"Industry can either support a system of effluent charges which will enable them to make their own decisions as how best to reduce waste production through changes in the production process, or they can continue to face increasing state and Federal pressure to stop all pollution by a date imposed upon them. It is a choice between force and freedom."

The system has worked in several cases. In Otsego, Mich., the City Commission charged the one major industrial plant for treating its 1,500-pounds-a-day waste.

At the end of the first month the firm was charged for what it actually dumped—900 pounds, down 600 pounds from the previous 1,500 average.

The second month it paid for dumping 733 pounds, down over 50 percent.

The third month the waste was down to 500 pounds a day, a 66 percent reduction. This was a level which the town's treatment plant could handle.

In Springfield, Mo., similar steps were taken with firms being billed in advance with prospective charges based on past records.

A meat packing plant faced with a $1,400 bill managed by the end of the first month to reduce its discharge bill to $225 by changes in its production process.

"The Achilles heel of the bill," Proxmire stressed, "is the per pound assessment. It must be high enough to motivate changes, or industry will simply be encouraged to bear the expense."

### BETTER THAN AVERAGE CHANCE

Asked about the bill's prospects in view of Nixon's clear water campaign, Proxmire stated that he believes it still has a better than average chance.

The Nixon proposals don't appear to have any substance behind them. They call for the outlay of $4 billion Federal dollars with a continuation of the old strategy.

The politics of enforcing fines on industry are important because of large campaign contributions made by companies. This is the Achilles heel of the Nixon program even though he calls for $10,000 a day fines to polluters.

Proxmire's bill is in committee now and is co-sponsored by 11 other Senators.

Backers believe it will stand up well in committee hearings, when the specifics of Nixon's program emerge, because of the strength of its logic.

They are dubious of Nixon's intentions, citing the fact that the Environmental Quality Council has met on the average of only once every three months (June, August and November 1969).

The fact that Proxmire's strategy will pay for itself, staffers reason, will have an irresistible appeal to even the most loyal Republican.

Proxmire hopes to get the bill out of committee and to the Senate by the end of the year with implementation into law by June 1971.

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## SDS AND OUR SCHOOL SYSTEM

### HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. ROUDEBUSH. Mr. Speaker, occasionally a letter of such outstanding quality and content is received by a congressional office that it merits distribution to the entire Congress.

One such letter I commend to the Congress was received recently from Mrs. W. N. Clasen, of Covington, Ind.

The letter is an emphatic commentary of the efforts by the Students for A Democratic Society—a misnomer if there ever was one—to destroy our public and private school system.

Mrs. Clasen has examined the evidence against SDS as uncovered by a congressional inquiry and makes some observations that I wish to bring to the attention of the entire Congress.

The letter follows:

COVINGTON, IND.,
*March 16, 1970.*

Mr. RICHARD L. ROUDEBUSH,
*Rayburn House Office Building*
*Washington, D.C.*

DEAR MR. ROUDEBUSH: The motivation behind this letter can be attributed to a recent opportunity to read the pamphlet "SDS Plans for America's High Schools", which you sent to Mr. Clifton Warner, Supt., North Vermillion School Corp., Perrysville, Indiana. I admit to having had a casual knowledge of this organization—primarily supplied to me through the usual media—newspapers, radio and television reports. However, after reading this report, I realize my heretofore information was meager, to say the least. I was formerly under the impression that this was an organization to be dealt with sternly and absolutely, yes; but now I am appalled to find out that a group with the open doctrine "The goal is the destruction of U.S. Imperialism and the achievement of a classless world—world communism", could be allowed to gain such control over our nation's youth.

How far out does the pendulum of law swing before it reverses and finds its way back to defend and uphold the very ideals this nation was built upon? Law and order is the issue here. Without proper and immediate direction from our Supreme Court, every lower court, every legislator, governor, college president, supt. of schools, right down to the "cop" walking the beat has his hands tied.

The youth are well led in these riots—or "demonstrations", as they are called. They fire bomb, break windows, burn buildings, stone the police and virtually nothing is done to punish the offenders. Until students are *irreversably* expelled for *any* participation in mob action; until the leaders of the mobs—SDS members, if you please, are jailed on charges that hold, these United States will see a continuation, even an *increase* in disruptive and destructive action for a long time to come.

The youth are notoriously idealistic, enthusiastic and easily led. They are presently following the Judas goat while we, the "silent majority", allow it to happen. The high school and college students of today are products of an affluent generation. Most of them have bright, eager minds, sound bodies and an irrepressible desire to "do good". They are really no different from the youth of *any* generation, except that they lack discipline and direction. They want to change all that is bad. GOOD! Let them first educate themselves and *then* set out to change the bad—armed with knowledge and wisdom—not rocks and bombs.

The Supreme Court can initiate the return to law and order by letting those adversaries know that individual rights can go only so far. When they infringe upon the rights of society, they have overstepped their bounds and the law must deal with them quickly and irrevocably.

As I mentioned before, the government pamphlet on the SDS prompted me to voice my opinion. Although I have a college education and consider myself "up" on current events, I realize now how very naive and uninformed I have been to date. This pamphlet, in fact, *all* information available on groups that would work to destroy our way of life, should be put in the hands of every American. Ignorance is as dangerous as misdirected idealism, if not more so! First things first—back to law and order!

I remain,
Sincerely concerned,
LINDA CLASEN.

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## PETER REICH WINS 1970 AVIATION-SPACE WRITERS AWARD

### HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. PUCINSKI. Mr. Speaker, recently a singular honor was bestowed on one of Chicago's foremost newsmen. Peter Reich, Aviation/Space Editor for Chicago Today, was awarded the 1970 space writing award of the Aviation/Space Writers Association.

His series of articles on the mission of Apollo 11—man's first steps on another celestial body—were acclaimed as the best description of that epochal moment written in the United States.

This is high praise indeed, and praise from men and women who know from personal experience the rigorous and intensely difficult task it is to "cover" space and aviation.

Mr. Reich's Apollo 11 series also was selected for first prize in the 1969 Associated Press Illinois writing competition last autumn.

Although Mr. Reich is the first Chicagoan ever to be so honored by his colleagues, he has received countless honors during his career. He has also won two Air Force Association "Newsman of the Year" awards for his work—the only newsman to be so honored. In addition, he has received four Associated Press writing awards.

He graduated from the Medill School of Journalism at Northwestern University in 1951 and prior to that he was a cadet at West Point with a class that included future astronauts, Edwin Aldrin, Frank Borman, Mike Collins, and Edward White.

Peter Reich represents the very top of his profession. His integrity and his genuine writing skill have marked him as an outstanding newsman. Tens of thousands of Chicagoans and people throughout the Midwest have relied on his coverage of space and aviation news. He has never disappointed them.

It is a pleasure to add my own personal note of thanks for a job superla-

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tively done to Peter Reich today and to share some of his background with my colleagues in the Congress.

Mr. Speaker, the story of Mr. Reich and some of the honors he has received in his young life, follow:

### For Apollo 11 Series: Our Man Wins Top Writer Prize

The nation's highest honor for writing about space has been won by Peter Reich, aviation/space writer for Chicago Today.

It is the 1970 space writing award of the Aviation-Space Writers association. Reich won it for his series of articles on the epic Apollo 11 moon mission last summer—mankind's first lunar landing.

Writers from newspapers and wire services thruout the country competed for the prize, which never before has been won by a Chicagoan. Reich will be presented his award at a dinner in Las Vegas next month.

Reich's Apollo 11 series also captured first place in the 1969 Associated Press Illinois writing competition last fall. The series included Reich's account of the Apollo 11 flight from blastoff thru recovery.

Chicago Today sent Reich to Cape Kennedy for an eyewitness account of the historic launch, then to Houston to cover the rest of the mission from the National Aeronautics and Space administration's command center there.

The award is the second national top prize on Chicago Today's record in the last 2 months.

In February, this newspaper received the prestigious Edmund C. Arnold award as the nation's boldest and most innovative newspaper in design and makeup. The Arnold competition is the successor to the famed Ayer Cup awards.

The A. W. A. honor is the second national award for Reich. In 1966, he received the United States Air Force association's national citation for distinguished aero-space reporting. The A. F. A. award covered magazines, radio, television, and lecture platform presentations as well as newspapers.

Reich also has won two Air Force association (Illinois wing) "Newsman of the Year" awards for his work—the only newsman to be so honored. He has received four Associated Press writing awards—for articles about a ride in a B-52 jet bomber, the death of an Atlas missile, and the training of infantry, in addition to the Apollo series.

A 1951 graduate of Northwestern university's Medill school of journalism, Reich was a cadet at West Point in 1948, along with several future astronauts, including Edwin (Buzz) Aldrin, Frank Borman, Mike Collins, and the late Edward H. White, II.

White died in the 1967 Apollo launch pad fire.

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### Biography of Peter Reich

Peter Reich has been a general assignment reporter and aviation/space writer for Chicago Today and its predecessor publications since 1952, when he graduated from the Medill School of Journalism, Northwestern University.

Reich has won numerous awards for his work. These include two "Newsman of the Year" citations by the Air Force Association (Illinois Wing), and the 1966 "Citation of Honor for Distinguished Aerospace Reporting" by the Air Force Association (United States). The latter, the highest award in its field, is given to only one newsman a year, and covers not only newspapers but radio, TV, magazines, and the lecture platform. Reich also is the only newsman to receive two "Newsman of the Year" citations.

He also has won four Associated Press writing awards—the first in 1958 for his story of a ride in a B-52 jet bomber; the second in 1963 for an article detailing the death of an Atlas missile; the third in 1966 for his series on "The Making of a Soldier, 1966"; and the Fourth in 1969 for his series on the Apollo 11 moon landing mission.

Several of Reich's stories have been read into the *Congressional Record.*

Reich has a number of "firsts" to his credit:

First Chicago newsman to fly thru the sound barrier. (1953, 1956)

First Chicago newsman to go thru the air force arctic survival school. (1958)

First Chicago newsman to ride in a B-52 jet bomber. (1958)

First Chicago newsman to experience zero-gravity and lunar gravity in the astronauts' training plane. (1964)

Chicago Today has sent Reich on assignments all over the world—from Cape Kennedy to Europe, South America, and even the South Pole. Reich toured Antarctica for a series of articles in 1962.

In addition to writing about aviation and space, Reich has appeared as guest expert on numerous radio and TV shows around the country.

He has delivered some 500 lectures on aviation/space to audiences around the country and in Europe.

He was elected to Sigma Delta Chi, professional journalism honorary.

He is listed in Who's Who in the Midwest and other reference biographies.

He lives at 5455 No. Sheridan Road, Chicago, Ill.

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## TRIBUTE TO HON. ALPHONZO BELL OF CALIFORNIA

## HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. McCLOSKEY. Mr. Speaker, our colleague, ALPHONZO BELL, was recently honored by an editorial in the Los Angeles Times. In view of his 10 years of service to the Nation, and my personal hope that that service will be continued, I take the liberty of inserting that editorial at this point in the RECORD:

[From the Los Angeles Times, May 19, 1970]

### Bell Deserves To Keep His Seat

Some segments of the Republican Party currently are engaged in trying to punish Rep. Alphonzo Bell (R-Los Angeles) because he had the courage to speak his mind about the way Mayor Sam Yorty campaigned for reelection last year.

We think these efforts are wrong and should be repudiated. They do the party a disservice.

Bell, a former state and county chairman of the Republican Party, has a long and distinguished record of service to his party and to his constituents in the 28th Congressional District. He was GOP state chairman in 1956-58.

It's true he is not a far-right conservative. But neither is he a leftist. For instance, he has a better record of supporting President Nixon's domestic policies last year than do such GOP conservatives as Rep. Del Clawson of Compton, Rep. Barry Goldwater, Jr. of Burbank or the late Rep. James Utt of Santa Ana.

There is reason to believe that the elaborate and hard-driving campaign against Bell is motivated to a large degree by those who think he erred in opposing Yorty and in supporting Councilman Thomas Bradley, a Negro in last year's mayoral election.

Surely it couldn't be that Bradley is a Democrat. For Yorty, too, is a Democrat and some of Bell's most ardent foes were found to be backing a Democrat (Yorty) last year.

And it would be a sorry scene if the GOP leaders in the district permitted themselves to be cast in the role of punishing those who support candidates, of whatever race, whom they personally oppose.

Now, if it's a matter of Bell's record in office, that is fine. That's what elections are all about. And on that score, Bell clearly deserves another term in Congress. He has earned the respect and support of Republican leadership in the House. And he holds important seniority on the House committees on education and labor, and on science and astronautics—both important to this area.

We think a relatively small handful of wealthy kingmakers in the party made a mistake when they selected John LaFollette to do their bidding in the congressional race. And as the heavily-financed campaign has developed, it has become clear that LaFollette is far less qualified to represent the district in Congress than is Bell.

We wholeheartedly endorse Alphonzo Bell at the June 2 primary election.

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## STUDENTS FORCE UNIVERSITY TO REMAIN OPEN

## HON. WILLIAM C. CRAMER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. CRAMER. Mr. Speaker, 2 days ago I urged my colleagues to support the Student Antiviolence Act aimed at protecting the rights of law-abiding students to an education in America without fear of violence or intimidation.

As a cosponsor of this badly needed legislation, I singled out for praise two law students who went into court and forced the University of Miami to remain open despite the efforts of the administration and campus militants to close the classrooms.

Today, I received a communication from another UM law student, F. Lawrence Matthews, outlining exactly what happened at the University of Miami. The events on this particular campus carry a message for all of us.

Here is the full text of Mr. Matthews' report:

### Report by F. Lawrence Matthews

The experience of the University of Miami in the days following the killing of four students at Kent State University was unique and provides a concrete example of how the great majority of students can protect their rights to attend classes and receive an education when the school administration surrenders its authority to the demands of a vocal, demonstrating minority.

The killings occurred on Monday. On Wednesday there was a mass rally in front of the Student Union on the Coral Gables, Florida campus in commemoration and protest. Henry King Stanford, President of the University of Miami, cancelled classes for one hour for this memorial. After the rally small bands of students refused to return to class and roamed the campus forcibly lowering all the American flags they could find.

By the next morning, the protest had become part of the nationally coordinated student strike. A small group of students blocked the entrances of the Ashe Administration Building. They were joined by several hundred students who either supported the action of the strikers or were curious as to the effect they would have. R.O.T.C. students who were in the crowd opposing the strike showed their opposition by wearing their uniforms. The protestors' chant was

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"On strike, shut it down." That morning the faculty senate had an emergency meeting and recommended that President Stanford suspend classes for four days. President Stanford decided to follow their advice and classes were suspended until Monday morning.

That afternoon, two law students, Arthur Cohen and George Kokus, believing that they had a right to attend the classes they paid for which could not be abridged by the University filed suit in the Circuit Court of Dade County. On Friday morning Circuit Court Judge Henry Balaban issued an order requiring the University to reopen or show cause why it should remain shut.

A full hearing was held on Saturday morning May ninth. After hearing President Stanford, the two students and several other witnesses, Judge Balaban decided that cause had not been established by the University and ordered the school to be immediately opened.

For years a small vocal minority has been making various demands on the school authorities at different campuses in this country. Often they are met with no consideration being given to the large number of students whose opinions differ. For probably the first time, students have gone to court and been able to force school administrators to protect their rights as students and individuals who desire to attend class and learn.

The effect on the campus was dramatic. After momentary confusion over its application, the effect of the order seemed to shock the general student body into an awareness that all students had rights which could be infringed. An attempt to continue the strike and shut down the school again on Monday May eleventh failed as only three out of eighteen thousand students showed up to try and close the administration building.

That same day over twelve hundred students in a three hour period signed a petition to keep classes open for those who wished to attend and make arrangements for those who wished to dissent to have the opportunity to make their dissent known peacefully. This petition was signed by campus radicals whose shirts had red fists stenciled on them and Cuban exile students, probably the first time these two groups have ever agreed on anything.

With many of our schools closed, swept with violence, and surrendering to the demands of the militant few, Arthur Cohen and George Kokus have, by their example, shown the peaceful majority that they can protect their rights in the courts rather than the streets and warned the different universities that it can be dangerous to ignore the right of students to get an education. Peaceful dissent, of course, must be protected, but dissent is not permission to invade the rights of others.

## IMPLICATIONS FOR POLITICAL RESPONSIBILITY AND PUBLIC POLICY

## HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. QUIE. Mr. Speaker, our colleague, WILLIAM STEIGER, addressed the Conference on Vocational Education and Training Under a Comprehensive Manpower Policy held at the University of Wisconsin, on May 14, 1970. His remarks were entitled, "Implications for Political Responsibility and Public Policy."

He reviewed the workings and shortcomings of our present manpower programs, various alternatives under consideration before the Education and Labor Committee, and gave a good summation of several points of view on the more controversial sections of the pending bills to reorganize Federal manpower programs.

I commend the speech to my colleagues:

### IMPLICATIONS FOR POLITICAL RESPONSIBILITY AND PUBLIC POLICY

(By WILLIAM A. STEIGER)

Recently, I've heard a number of people say we really don't need a manpower bill this congressional session. The administration, so the argument goes, has a good deal of authority to streamline program guidelines, improve the delivery service of the employment service and encourage more planning and coordination at the state and local level. At times when I think of the problems that we face in trying to arrive at the best legislation, I am almost ready to agree with the skeptics.

I think, you will concur, however, that failure to tackle the very real problems we now have in the manpower field may well result in more serious problems in the years ahead.

Manpower programs have by their very size, broad utilization and substantial expenditures of public funds, achieved strategic significance in our economic as well as social policies.

We now look to manpower programs, rightly or wrongly, to solve the problems of poverty, welfare, unemployment, crime, race, to name a few.

The Employment Act of 1946 said: "All Americans able to work and seeking work have the right to useful remunerative, regular and full-time employment, and it is the policy of the United States to assure the existence at all times of sufficient employment opportunities to enable all Americans to freely exercise this right." This was a statement of Congressional and National intent. In the intervening 24 years, we have been trying to put it into practice, with an erratic degree of success.

However, now, in 1970, the Nixon Administration has proposed, and the House of Representatives has approved, legislation requiring as a prerequisite for family assistance funds that every person who is able to work be given either training or a job, and, in addition, individuals who are working, but earning below the poverty level, must register for upgrading or higher degrees of employment. In order to receive family assistance, poor individuals must seek training and work and the goal of the program is to get people off welfare into self supporting roles.

The implications for our manpower policy are tremendous and quite frankly, I don't think our present structure is up to the demand.

At the same time, we are demanding that the poor take jobs, we are faced with rising unemployment affecting skilled, middle-class workers as well as the last hired, first fired. Prior to the recent economic slowdown we generally congratulated ourselves as a Nation at having reached such a low level of unemployment. We proclaimed that our economic and manpower policies were working and the low unemployment rate was proof. As Charles Killingsworth has pointed out, however, we failed to take a number of factors into account—the Vietnam buildup resulted in both a major expansion in the size of the Armed Forces and the number of blue collar jobs available. The unemployment figures did not reflect those who had simply given up looking for jobs. The less-educated, the nonwhite, the teenager, the resident of the central core of the big city or the depressed rural area still remained trapped by unemployment.

Now we face a slowdown in the economy and a deescalation of the Vietnam War with an accompanying cutback in the defense industry. Now the skilled, middle-class worker has taken a place in the unemployment compensation line along with thé sometime welfare recipient.

All this comes right at a time when there is decreasing willingness to accept unemployment as an inevitable result of economic or social conditions. Taxpayers balk at paying for more welfare. The poor are demanding jobs. The skilled worker, who considered himself secure in the world of work, finds his job threatened and intends to pressure the Government for equal assistance in locating and/or providing suitable employment.

Training, upgrading, retraining are being demanded. Our manpower system is really being called upon to perform.

There are two other important considerations for manpower programs, both related to education.

First, as Hugh Caukins, of the National Advisory Council on Vocational Education, has stated, "the number of men and women who are lifted out of unemployment through the manpower programs is almost exactly matched by the number of young men and women who enter the job market without the skills and preparation necessary to qualify for employment."

Secondly, we have developed a caste system of acceptable work in this country. The plumber or electrician who makes $20,000 a year is somehow second class because he doesn't wear a suit or carry a briefcase. Manpower training has come to be looked upon in some circles as the second-class way to go, if you can't make it in the regular system.

Given the very real problems manpower policy is expected to solve and the very real problems our present system faces, we need, it seems to me, a very substantial redirection of our manpower efforts to date.

This redirection must take two forms.

First, we must tailor our programs to meet the needs of the individual—not the project administrator or the job counselor, or the Washington bureaucrat who processes the papers.

At the same time, we must develop a mechanism for establishing and implementing a national manpower policy.

Let me address myself to the latter first.

Manpower policy and programs cannot stand in isolation to other national policies and programs. Education, the War on Poverty, Rural and Urban renewal, Housing, National goals are all affected by and affect manpower programs and policies.

I have touched briefly on the problems of education versus manpower training. To date we have treated one in virtual isolation of the other. In some cases, educators have held to the belief that only education can improve the lot of the individual—training is the key. They have looked with suspicion on manpower efforts which involve training outside of the classroom and have charged that a dual system of education was being developed. On the other hand, manpower experts have often contended that all of the education in the world is useless if there is no job at the end of the process. Furthermore, the manpower enthusiast argues, the education process has failed. Many of those coming through the system aren't trained for anything and can't find a job, thus manpower programs have to do both the education and the placing.

Obviously, common sense dictates that education and manpower programs be complimentary not competitive. School and work must be linked, not simply in the normal progression of school to job, but after formal schooling is completed and retraining or upgrading in skills is necessary.

Another aspect of manpower policy which requires national attention is the inevitable cutback, redirection, and even elimination of some industries as national policy, automation and foreign competition dictates

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changes. At present, it is widely recognized that there is a severe housing shortage in the country. The service related industries are short of employees. Health care is crying for qualified personnel. At the same time, our defense industry is being cut back, the space program is being de-emphasized. At the risk of oversimplifying the situation, at present there is no real mechanism for shifting Federal expenditures, providing for wide scale industry retooling, or directing manpower from one area which had priority to another which now demands national attention.

In a related area, imports are threatening domestic industries which employ millions of American workers. A sign of the significance of the impact imports are having can be found in the reversal in attitudes of labor unions over the last few years on the issue of free trade.

Traditionally, the majority of organized labor has regarded free trade as one of the workingman's best friends, pointing out that the worker is also a consumer and imports keep prices down thus helping the worker guard his purchasing power.

Now, writes Frank Porter in the May 10 Washington Post, the AFL-CIO has reversed its policy arguing "that the old concepts of free trade and protectionism have been outmoded by the spread of managed national economies that encourage exports and hinder imports as a matter of policy, by the internationalization of technology, the great rise of U.S. investments overseas and the proliferation of multinational companies . . ." Sentiment has been growing in so many circles that the most serious Congressional interest in years has been aroused with regard to import limitations.

Another matter which deserves national attention is the redefinition of jobs and the education and skills needed to handle them, as well as a redirection of national thinking as to what constitutes an acceptable job. Given the social stigma attached to some jobs, companies have been requiring more education, retitling the position, demanding more experienced applicants. For example, secretaries are referred to as executive assistants; garbage collectors as sanitary engineers, maids as household technicians. This is fine taken at face value.

However, while the change in title reflects no real change in the job description, the employer now requires his "executive assistant" to be a college graduate while his former "secretary" served him well with a high school education. The sanitary engineer may now need a high school diploma while the garbage collector needed no such document. Thus, we see while the basic job has not changed, the retitling may have screened more people out of the labor market.

Certainly existing jobs can be broken down or redefined so physically and mentally handicapped individuals can fill them or so individuals with intelligence, but without formal education, can not only fill them but rise according to their abilities.

These are just some of the problems which demand national attention, evaluation and coordination.

Congressman O'Hara's bill provides that the Secretary of Labor is responsible for coordination of pertinent activities of all Federal, state and local public agencies, as well as private agencies, and recommends to the President and to Congress shifts in programs and responsibilities.

The Administration's bill establishes an intergovernmental advisory Council on Manpower composed of Governors, mayors, and other appropriate elected heads of local government, to advise on federal-state-local relations under the Act.

Under my bill, as well as under the Administration's bill, funds are reserved to the Secretary of Labor to fund programs which have national implications.

However, none of the three bills before the Congress comes to grips with the questions of coordination at the federal level and of national overview of manpower related policies and problems.

There have been a number of suggestions made for addressing some or all of these problems. Among them:

1. Congressman Pucinski, Lowell Burkett and Howard Matthews have proposed that an independent national manpower advisory council be established. Basically, such a council would be representative of the operating departments and agencies involved in manpower, education and related fields, as well as the public. It would set national goals, evaluate on-going programs, prepare general guidelines, etc.

2. Walter Helms, appearing before our Committee, proposed creation of a Federal commission on Manpower, Education and Training to establish and monitor the operation of the Federal Institutes for Manpower, Education and Training. The Federal Institutes, relying heavily on automatic data and the information processing technology, would become the national focal point and clearinghouse for the study and dissemination of information concerning federal manpower, education and training policies and programs; they will develop and provide instructional technology and support personnel, and would monitor ongoing programs. The Commission would provide overall direction to the work of the institutes.

3. Leon Keyserling, quite naturally, feels the Council of Economic Advisors should be the main planner and coordinator.

4. The Domestic Council proposed by the Nixon Administration, and approved by the House, would have as its broad directives—assessing national needs, collecting information and developing forecasts, for the purpose of defining national goals and objectives. In addition, the Council would coordinate the establishment of national priorities for the allocation of available resources and maintain a continuous review and evaluation of the conduct of ongoing programs and propose reforms as needed.

While we must decide what form national goal setting should take, we are confronted with an existing set of manpower programs and policies which daily affect the lives of thousands of our citizens. And these day to day demands make it imperative that we move with dispatch to improve what we've got.

The rapid development of manpower programs in recent years has generally reflected a healthy period of innovation and progress in the manpower field. But each program was developed to meet an existing need at the particular time. Both authors and administrators felt that their program should be maintained, so when new problems arose the solution was to create a new program rather than revise existing ones. We have now reached a point where program proliferation is interfering with the development of long-range manpower planning, hampering the efforts of state and localities to adapt national programs to the widely differing circumstances within each community, and acting as a barrier to the effective linkage of educational, manpower, health and other services needed by numerous individuals prior to employment.

Various combinations of Federal, state and local agencies are now entangled in a confusing and frustrating competition to serve the same manpower clientele. The distribution formulas are different. Project-by-Project approval of programs remains cumbersome and time consuming. The needy individual is forced to adopt to program requirements rather than having a variety of services packaged to fit his needs. And there is almost a total lack of accountability.

But you know the problems. Our task is to find solutions.

I began my search about 2 years ago. The ultimate consideration in the structure and administration of manpower programs must be the packaging and delivery of all services needed by the individual. Some of these can be anticipated by the Federal government, most of them cannot. We need to ask, "What can Federal, state and local governments and related private agencies each do best?" and "How can we strengthen the capacity of each level of government to perform its role more effectively?" Wary of the performance of state and local governments in the past, every time decision making power has been shared with states and localities such as in CAPS, CAMPS and CEPS federal guidelines are omnipresent and often similar programs are launched which bypass these structures completely.

My bill, and the Administration's, attempts to deal with these problems. Let me underline "attempts" because if one thing is clear from the 27 days of hearings we have just completed in the House, none of the bills is of itself the ultimate solution.

I'd like to discuss some of the major provisions and some of the alternatives or changes which have been proposed.

### DECATEGORIZATION

During our hearings, Utah's Governor Calvin Rampton and Mitchell Sviridoff of the Ford Foundation discussed the federal guidelines that might be established in a decategorized system. Sviridoff counseled, "The Committee would be well advised to obtain from the Secretary at least a preliminary indication of how he intends to exercise his authority on decategorization and to make its own desires clear in the legislative history of the Act." We should know, he says, what the nature of the Secretary's planning guidelines will be. Will they mandate a wide variety of programs, taking note of the special needs of youth, of present New Careerists, of apprentices, of blue collar workers needing upgrading? Will they permit the latitude necessary for the development of plans relevant to diverse and varied states and localities?"

It is this latter question which concerns Governor Rampton. He warns that legislating decategorization won't insure its implementations. He says,

"The 1967 amendments to Title I-B of the Economic Opportunity Act authorized decateorization of those programs. Yet today, after nearly three years, Title I-B Programs remain structured essentially the same as prior to the 1967 amendments. Without the cooperation and commitment of Federal agencies, decategorization will remain nothing more than a nice phrase. . . . We find ourselves frequently confused between the top level advocacy of decategorizing and decentralizing manpower programs, and the day to day decision of the federal bureaucracy"

Both Hugh Caukins, of the National Advisory Council on Vocational Education, and Daniel Kruger of the school of labor and industrial relations, Michigan State, have suggested that monies presently set aside for manpower services for the socially disadvantaged under the Vocational Education Act amendments of 1968 be included in the MTA. "We anticipate," Caukins says, "That the legislation would mandate the use of these presently appropriated funds in approximately the present proportion as between the remedial and the preventive effort."

The scope of all three bills is limited to the consolidation of MDTA, the manpower programs under the Economic Opportunity Act and the Employment Service insofar as it is involved in such programs. To be truly comprehensive, several witnesses have suggested, we need to include WIN (and eventually Family Assistance which will replace it), and other manpower programs administered by the Department of Labor such as apprenticeship. In addition, vocational education and vocational rehabilitation should have an active role in the formulation and coordination of programs under this legislation. We all recognize that the broader the scope, the more difficulties involved in obtaining Congressional approval. It seems essential to me, however, that at the very least legislative history made clear that Family Assistance must be coordinated with comprehensive manpower activities.

### DECENTRALIZATION

Jim O'Hara's bill, as you know, would retain the Secretary of Labor's authority to contract for manpower and related services with state and local governments, as well as private agencies, as he sees fit. In all frankness, I do not see how this improves our present system one iota, and I agree with Garth Mangum's assessment that "the current contract negotiating and administering responsibility is beyond federal capability."

In applying the Nixon Administration's New Federalism to ongoing or new programs, the first decision always concerns the proper roles of state and local governments. There is no pat formula to be applied—that we know. Factors which must be carefully weighed include: the limits of the Federal government's capacity to effectively influence day to day operations at the state and local level; the ability and desire of state and local governments to not only handle the immediate responsibility in the particular field, but their capacity for improvement as well.

Essentially my bill and the Administration's proposal try to maintain Federal direction, control and evaluation, while permitting state and local initiative in planning an organizing of service, enhancing political accountability, enlisting local talent and improving administrative performance.

Two factors must be emphasized. First, I believe political accountability at both the state and local level is essential. Second, while my bill does not provide for a pass through to large metropolitan areas, I believe it is a necessity.

Striking the balance between the three levels is a precarious task. On the one hand we need to maintain flexibility. On the other, we must make it clear who has responsibility.

The O'Hara bill, I rule out, because it is too flexible in determining these relationships. The Administration's bill, on the other hand, sets down a rigid formula which must be adhered to in all 50 states and all SMSA's. In my bill, I tried to place the responsibility for state performance squarely with the Governor, while establishing a separate planning body. In trying to balance flexibility and responsibility at the local level, however, I could not devise a mechanism to accomplish the same goals. Hoping that some solution would be found during hearings and continued discussion, I decided to defer the question. I find now that I was not alone in my dilemma, and I am convinced that it will not be possible to establish one format to be used at the metropolitan area level.

Returning to the federal-state relationship for a moment, the Committee did hear substantial testimony to the effect that the organization of state government may not always lend itself to the creation of a Comprehensive Manpower Agency. In some states, constitutional changes would have to be made before such an agency could be created; in most the approval of the state legislature would be required. This, it seems to me, will unnecessarily hamper the state's full participation in the manpower field.

On the other hand, as Sviridoff has pointed out, "some states have already created or are in the process of creating comprehensive manpower agencies that combine the planning and operational functions. . . . these states might not be eligible for their full share of federal funds under the requirements of the proposed MTA."

Governor Rampton says, "I would go further in emphasizing that the individuality of states with their particular target populations, institutional structures, and legislative and constitutional mandates must be recognized. In that regard, I would suggest reconsideration of the tendency in H.R. 13472 to direct the organizational structure of state government. There are as many viable alternatives as there are states. Decentralizing administrative responsibility to the states while holding them accountable for their performance does not appear to require any particular model for all states to follow."

While the Administration's bill would permit the inclusion of vocational rehabilitation and vocational education in the Comprehensive Manpower Agency, the governor may not wish or may not be able to do so. He may want to provide a coordinating mechanism between manpower and education which could be hindered by the existence of competing agencies. "There is no reason for national uniformity, effectiveness rather than form is the objective," as Garth Mangum says.

Assuming the Committee could overcome the hurdle of letting the states participate to some degree in planning and operation, the next consideration is how much real authority the states will have. Under the present programs, even when the states play a role in determining priorities within their boundaries. The guidelines are handed down from Washington with little input by the states themselves. Daniel Kruger argues that, "if creative federalism is to work, the states must be involved in shaping the policies under which the manpower programs are to be conducted." He recommends the designation of an Associate Manpower Administrator for each state appointed by the Governor who acts on the Governor's behalf and has a positive initial input into Federal policy.

I envision a good degree of flexibility at the state level to develop their own plans and activities. Through the Federal-state contract executed prior to the development of the state plan and the designations of operating responsibilities, it is my intent to avoid the restrictive guidelines process by permitting variations in the contract based on the particular situation in each state.

The degree of authority and the amount of funds granted to metropolitan areas is another major point of contention. There are Congressmen who oppose the creative federalism concept, yet want the cities to have a good deal of responsibility for their own manpower programs. Others, including myself, don't feel the city can be isolated completely from the rest of the state, but realize that the cities have a large share of the manpower surplus and problems and need to have an important role in determining manpower policies.

The Governors suspect the cities and either want full responsibility for city programs or want to designate the local prime sponsor. The cities suspect the States as not being responsive to their needs. They want a direct relationship with the Federal Government. The Suburbs have more and more of the jobs, but they are leary of the central cities. They want to know if they will come under the city or the State plan.

First of all let me address myself to the concept of the Standard Metropolitan Statistical Area. Testimony before our committee has been on the whole negative with regard to using this as an absolute determining factor for the pass-through to metropolitan areas.

In some cases the SMSA is too large. Some states have already developed regional planning units which do not fit the SMSA mold. I originally thought of setting a population limit to insure that only the largest SMSA's representing the major metropolitan areas would be covered.

At this point, however, I agree with the Chamber of Commerce assessment that "there does not seem to be any satisfactory uniform solution." We need general standards guaranteeing funds, as well as planning and operating functions, to the largest metropolitan areas, but we need to be flexible on the area and mechanism used to carry out local responsibility.

Solving the geographic problem should be much easier than deciding who shall have ultimate responsibility in the area and how he goes about enlisting the cooperation of surrounding areas.

Under the Administration's bill, it is the intent that the Mayor be designated prime sponsor. The Mayors agree with this. The Governors, however, would like to have a hand in choosing the prime sponsor, and the National Association of Counties feels that the county administrative officer is the logical choice.

Stephen Berman, Vice Chairman of the Connecticut Manpower Executives Association, recommended creating a special regional evaluation and selection council to evaluate and choose the prime sponsor. The council would be composed of economists, manpower experts, employers, labor, government and community spokesmen. It would be appointed by the regional manpower administrator in collaboration with the regional directors of OEO and HEW.

Quite frankly, I lean toward the mayor of the central city. The problem then is how do you get the surrounding jurisdictions to cooperate.

Since cooperation cannot really be legislated, money has been suggested as the best carrot. Bonus plans or incentive grants which increase the manpower funds in a particular area may entice the suburbs to work with the central city. It seems to me that the states have a good deal of influence here. If they make funds available to the suburbs without regard to the central cities then surely efforts at cooperation will be greatly diminished. On the other hand, if the states withhold funds from the suburbs until cooperation is reached, they have a substantial tool at their disposal for furthering better working relationships between central cities and the surrounding areas. The Secretary of Labor has responsibility here as well. His authority to approve or disapprove all or parts of state plans gives him a significant effect on the cooperative mechanisms within states or between them.

As Mitchell Sviridoff has observed:

"The hostility that frequently breaks to the surface between these elements of our Federal system is certainly non-productive and often counter-productive. I am afraid, however, that these tensions will not be easily dissipated in the near future. They are built into the existing political and socio-economic systems, and no single piece of legislation, even one as important as the pending manpower legislation, will change that situation. This requires great care on the part of those who would decentralize Federal programs. Ignoring these tensions will not do; rather legislation must explicitly lay out and protect the powers and responsibilities of both levels of government in hopes of ensuring effective state and local roles and of minimizing conflict between the two."

This is an area where the Committee needs more constructive thinking and recommendations.

### PUBLIC SERVICE EMPLOYMENT

One other area where I see major storm clouds rising within our Committee is the question of public service employment. The question is not whether or not, but what scope.

The Committee has certainly received a good deal of testimony in support of the O'Hara proposal. Even the NAM thought a substantial program was in order.

Perhaps instead of reviewing the generalities on why such a large scale program should be desirable, I will simply pose some of the questions I have with regard to such a proposal.

First, cost. Hal Sheppard and others have argued that cost should not be a consideration. They say there are socially useful jobs which desperately need doing and the Government must come up with the money.

As I see it, every other program that has a constituency fields the same argument when appropriation time comes around. The authorization levels for most of our domestic programs is way over the appropriation level. I just don't see the Congress now or in the near future appropriating $5 billion for a Public Service Employment Program. Do we create the program all the same? Hold out the guarantee of employment which is not there? How can we do this again and be fair to those in need of work?

2. What type of jobs are we talking about? Make work or Career ladder types?

From all that I can gather those who envision a massive program include both types.

As a tool of economic policy, make-work positions seem the most feasible. They can be put into operation relatively quickly. They often involve deferable projects which can be held in abeyance until the economy slows and there is a need to channel workers into them. These would undoubtedly be temporary jobs to tide people over between the end of unemployment compensation benefits and an upturn in the economy when more jobs are opening.

Day to day public services such as health care, employment counseling, police and fire protection, do not lend themselves to great flexibility. The positions for the most part require a degree of skill and education. They cannot be turned on and off like a faucet. Public service of this type should be of the highest quality. Certainly, a portion of our unemployed have the ability to accept such positions. So does a sizable portion of our readily employable population. Should we preserve these jobs for the disadvantaged alone. If we preserve even a portion of them, will real career opportunities be provided or will the individual be handicapped by education and degree requirements needed to advance up the ladder?

3. This brings me to a third question. Do we know that the unemployed even want this type of job, particularly those such as health orderly, food service attendant, sewage treatment plant worker? At an Urban Coalition seminar several months ago, it was suggested that these really are the jobs that nobody else wants. They are not usually the jobs of the future, but the jobs most likely to be replaced by automation and new techniques.

4. Assuming $5 billion was allocated by Congress. How would this be used? How much would go for training, transportation and related services? How much would go for salaries? Certainly, the salaries of health care personnel would be higher than those of street sweeper, but what would be the scale? How long would the program last, indefinitely, or would it be renewable each year at the whim of Congress?

In short, what I am trying to say is that while some public service employment may be desirable as a part of our manpower policy, I don't find that anyone has really thought out the details very carefully. It seems to be imperative that some very detailed planning be done prior to enactment—not after, which has too often been the case with other programs. I would also emphasize that we have not even been able to get our manpower programs and policy working smoothly in the private sector. That is what the Administration's bill and mine are trying to accomplish.

Given our past track record, I don't hold a great deal of hope for getting an effective public service employment program at this time.

### TRIGGER MECHANISM

The trigger mechanism to increase expenditures for manpower programs by 10% when unemployment reaches 4.5% for three consecutive months, while not without precedent, is an innovation in the manpower field. Most of the criticism of it has come from those who say it is not enough.

Sar Levitan has proposed raising manpower funds 10% for each two-tenths percent increase over the 4.5% level.

It has been suggested that the Secretary of Labor be given the authority to increase apportionments to states and localities which experience rates of unemployment above 4.5% even if the national average is not at this level.

The Chamber of Commerce points out that the Administration's proposal "fails to highlight various groups in our labor force such as minority youths and center-city residents who have been experiencing unemployment rates far in excess of 4.5% for years". "This is the case," the Chamber emphasized, "even when some overall city unemployment rates are as low as 2%."

There are significant implications with regard to the triggering mechanism for the education and training aspects of manpower policy. In periods of rising unemployment in the private sector, there are two basic ways that increased spending could have some immediate effect—job creation in the public sector and upgrading and training through the education process. How fast could the increase find its way into the pipe line? In periods of relatively short term unemployment, say 6 months or a year, could the system gear up fast enough to have a significant impact? Could meaningful training be offered? Could qualified personnel be found and hired on a short term basis? How do we dismantle the system once it is geared up?

### EMPLOYMENT SERVICE

I agree with the Labor Department that the Employment Service, as an established institution with substantial funding and staff, should be forced to be a responsive and responsible agency of government. There is little to be gained by by-passing this system entirely, but I seriously question giving the Employment Service the exclusive claim to delivery of services.

The Employment Service has been an effective unit in some areas. In far too many others, it has remained unresponsive to the needs of the disadvantaged. The Labor Department has undertaken a number of projects which, from preliminary reports, seem to be redirecting the attitudes of the Employment Service, but such a change takes time.

From the clients viewpoint, it seems much more desirable to have the Employment Service compete with other agencies based on ability and competence for the right to deliver services. To deny the mayor the authority to identify competence, reward performance, and punish apathy through the allocation of resources is to withhold the legitimate authority he needs to be fully responsible for providing services in his area.

Finally, I would like to say a word about the role of the educational community and vocational education in particular in the total manpower effort and in the legislation pending before the committee.

I've already noted that I don't feel we can continue to put money into remedial manpower training while neglecting our preventive vocational education system. So my first suggestion would be that we fund the 1968 Vocational Education Act Amendments and get to work strengthening our vocational education system.

Secondly, I don't think we should by-pass our educational institutions in our remedial manpower programs. This is why I include a provision in my bill to require that wherever possible institutional training be arranged or provided through state education or training agencies.

Educators should be included in the planning process at both the state and local level and should participate in the operational phase as well. We've had too much unhealthy competition between labor and education at all levels.

It's time to put an end to it.

I cannot agree with those who fear that a dual school system will be created by the passage of comprehensive manpower legislation, but I think the language of the bill and the legislative history should make clear the positive role we expect education to play, not only in the remedial programs covered under the legislation, but in preventive programs as well.

Right now I'd say there is a 50-50 chance that the House Education and Labor Committee will report out a manpower bill during this Congress.

Decentralization and Public Service Employment are so controversial that an agreement may not be possible now.

The long and hard debate on Occupational Health and Safety legislation, not yet completed, has left Committee members less eager to tackle a complete revamping of our manpower programs.

The most significant factor, however, is that Members of the Committee and the Congress as a whole have simply failed to recognize the tremendous implications Family Assistance has for manpower policy and programs. With all the pious talk about making people get out and work for a living instead of welching off the American Taxpayer, few have given any thought at all as to our ability to accomplish this feat. The problems, as I have pointed out, would be staggering enough if only the unemployed were included, or if the work and training requirements were not mandatory in every case where the welfare recipient is eligible, but add to this the requirement that the working poor be served, and it is frightening to contemplate our present manpower structure performing under the load.

Too often in Congress we enact one program without the slightest awareness of the effect it will have on other programs.

But the Administration sent Family Assistance, Day Care and Manpower up in a package to emphasize their interrelation. In acting on Family Assistance, the House Ways and Means Committee which did not want to share jurisdiction with Education and Labor, simply enacted a massive day care program and replaced WIN with the Nixon proposal for manpower, even though the Education and Labor Committee was working on comprehensive bills in both fields. There is a tendency now to feel that since Family Assistance has passed there is no rush on manpower or even day care in some circles.

If the Employment Service is made the sole deliverer of manpower services under Family Assistance without the structure of the M.T.A., it will be extremely difficult, if not impossible, to dislodge this authority from either the Employment Service or the Ways and Mean Committee. Our efforts to achieve a truly integrated, comprehensive system, might well be squelched.

If the Education and Labor Committee

does not act soon, we will pay for our negligence. More important, the individual who needs help will pay as he has done time and again in the past, because the programs are not thought through or carried out with him in mind.

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## MINORITY BUSINESS ENTERPRISE

## HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. ROUDEBUSH. Mr. Speaker, two recent announcements by the banking industry illustrate some of the activitiy being generated in the private sector of the economy on behalf of minority business enterprise.

These articles will be of interest to the Congress. They follow:

### OWNERSHIP OF WATTS MANUFACTURING CO., A $1-MILLION-PLUS ENTERPRISE, TO TRANSFER LARGELY TO ITS MINORITY-GROUP EMPLOYEES

(NOTE.—Chase Manhattan Bank subsidiary will purchase the company from Aerojet General, its founder, then sell stock to employees over next 7 years; Watts company would become nation's largest minority employee-owned manufacturing business.)

LOS ANGELES, May 7.—A plan to transfer ownership of the $1-million-plus Watts Manufacturing Company, which was born in the aftermath of the Watts riots of 1965, largely into the hands of its minority-group employees, was announced today by the parent Aerojet General Corporation and the Chase Manhattan Capital Corporation, a subsidiary of The Chase Manhattan Bank.

The proposed purchase by employees would make the company the largest minority employee-owned and managed manufacturing enterprise in the United States.

Under the purchase plan, the Chase Manhattan unit, which is the small business investment arm of the New York-based bank, will purchase the Watts enterprise this year, placing 80 per cent of the company's stock in a trust fund for purchase by its employees over the next seven years.

Aerojet, a subsidiary of General Tire & Rubber Company, established the company in Watts following the destructive 1965 riots in the area. Its stated object was to create meaningful jobs for the hard-core unemployed within a competitive business environment. The step marked the first time a major corporation had started such a company in a ghetto area.

Disclosure of the purchase plan was made at a press conference here by Louis L. Allen, president of the Chase Manhattan Capital Corporation; Jack Vollbrecht, president of Aerojet General; and Leon Woods, president of Watts Manufacturing. Also participating was Dan A. Kimball, former Secretary of the Navy, who as chairman of Aerojet's executive committee sponsored the establishment of the Watts company in 1966 and will become Watts' chairman under the new purchase agreement. Mr. Woods and other members of the present management will remain with the company.

In the four years since it founded the Watts company, Aerojet has put approximately $1.8 million and many hours of management help into bringing Watts Manufacturing to the point where, according to Mr. Vollbrecht, "it is ready to turn over to the people who made it a success—its employees."

The company, which manufactures mail bags, tents, metal products, non-woven disposables, packaging materials and housewares, employs more than 200 persons, approximately 85 per cent of them black and 10 per cent Mexican-American, and had a sales volume in 1969 of $3.98 million.

In a joint statement, Mr. Allen and Mr. Vollbrecht declared: "Aerojet General created Watts Manufacturing three and one-half years ago after the demonstrations and riots in Watts showed us the degree of despair among the local citizens. Investigation showed that the residents there had few or no skills and no adequate public transportation to reach places of potential employment. Watts Manufacturing was established with, as its sole employment requirement, the provision that a person needed a job and wanted to work. Prior experience or skill was not necessary.

"Aerojet General has guided the company through its early years, maintaining a careful balance between taking close operational control and allowing sufficient independence for its management to gain the experience and maturity necessary to build a viable business.

"We now feel that the company has reached a level of maturity through which, with the proper financial arrangements and guidance, to be provided by Chase Manhattan Capital Corporation, it can become a productive institution in the community, turning out useful products, providing jobs and job training and serving as a significant portion of the economic base for the Watts community. Moreover, through the employee ownership feature local residents will have a greater stake in the success of the company and the community, as well as a concrete example of the type of locally owned enterprise that can be built."

Under the financial arrangement through which Watts Manufacturing will be purchased, Chase Manhattan Capital will put up $1.1 million, two-thirds of it as a 10-year term loan and one-third as equity to be liquidated as the shares are sold to employees. A group of Watts Manufacturing managers will make an initial equity purchase totaling $100,000 and the Equitable Life Assurance Society of the United States will provide a $250,000 15-year mortgage.

To date much of Watts Manufacturing's production has been carried out under U.S. government contracts and many of its employees, most of them unskilled at the start, have been trained under arrangements made with the Department of Labor.

Last month the company received a $700,000 contract from the General Services Administration to produce packaging equipment to be shipped to Southeast Asia. This was the largest contract awarded to date under the federal government's minority business procurement program.

However, according to Mr. Woods, future plans call for a major drive to obtain more commercial business, which would make the company less reliant on government support.

Chase Manhattan Capital Corporation, which signed the purchase agreement today, is a small business investment company formed by The Chase Manhattan Bank in 1962 under the Small Business Investment Act of 1958. Under Mr. Allen's leadership since 1967, the company has channeled significant portions of its loan and equity portfolio into minority-owned businesses, providing considerable financial counseling and management assistance to its entrepreneurs. At present about 20 percent of the companies financed by CMCC are in the minority-ownership category. The Chase Manhattan Capital Corporation's total investment in these minority businesses exceeds $3 million, more than the minority-business investment of any other small business investment company in the United States.

The policy of assisting minority-owned business is part of an overall policy of The Chase Manhattan Bank, coordinated by its Community Economic Development department. To date loans totaling approximately $6 million have been made for small business development to some 125 businesses in disadvantaged areas that did not meet normal credit standards.

(EDITOR'S NOTE.—Also participating are: Robert Brown, Special Assistant to President Nixon who serves on the White House staff for Minority Enterprise and Richard Sinnott of the Economic Development Office of the Department of Commerce.)

### BANKING INDUSTRY PLANS $1 BILLION IN LOANS TO MINORITY BUSINESSES BY 1975: AMOUNT INCLUDES LOANS THAT DO NOT MEET NORMAL CREDIT STANDARDS

WASHINGTON, April 30.—The nation's commercial banks intend to invest at least $1 billion in the new financing of businesses owned or planned by members of minority groups by 1975.

The $1 billion goal, which is part of a three-point program developed by The American Bankers Association's Committee on Urban Affairs, was revealed at a press conference here today by Thomas W. McMahon, Jr., executive vice president of The Chase Manhattan Bank, who is the committee's chairman.

"The loans that we are talking about," Mr. McMahon said, "often involve abnormal risk because the applicants lack the entrepreneurial 'know-how' or capital normally required to qualify for bank credit. The loans will be made—a billion dollars worth—at normal interest rates."

Other points in the bankers' three-part urban affairs program revealed here are:

Development of concerted local urban affairs programs by banks in "key cities" throughout the country, including "urban development seminars" conducted by visiting teams of specialists to provide guidance for local bank programs in urban lending, urban housing and urban manpower.

A policy statement by The American Bankers Association which "reaffirms" its commitments to "an aggressive policy of equal opportunity employment," local economic development, better housing, support of community organizations and cooperation with federal, state and local efforts "to overcome the highly complex and interrelated problems of our cities."

Mr. McMahon pointed out that many banks are already firmly committed to these principles and in fact have ongoing programs in all these areas. However, he said that "because of the increasing urgency of the challenges of our cities, The American Bankers Association feels that it is important to reaffirm its basic principles of urban involvement." Moreover, he said the A.B.A. is recommending that each bank adopt its own formal urban affairs policy statement consistent with local needs.

"Granting these loans," Mr. McMahon said, "involves far more than merely approving the credit of a customer who walks through the door of the bank and fills out an application." He pointed out that "because the applicants for many of these loans often lack the necessary experience to go into business on a standard-risk basis, granting these loans requires a significant investment in manpower by the lending banks to provide managerial counseling and assistance.

"The experience of bankers who have been engaged in this type of lending activity thus far has demonstrated that while there are indeed great risks involved, there is also a great opportunity for entrepreneurship and profit that frequently makes the risks worthwhile. Moreover, in terms of the potential economic impact on the nation's racial and urban problems, they are risks that we as bankers want to take."

Mr. McMahon pointed out that the term "minority enterprise" is frequently thought of as denoting only very small businesses

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located in and serving disadvantaged areas of the nation's cities. "We have to broaden that definition, however," he said, "to profitable, minority-owned manufacturing, retail and service businesses capable of competing in the economic mainstream."

Establishment of the $1 billion goal grew in part out of a limited survey of major banks conducted by the A.B.A. Urban Affairs Committee last December which revealed that 81 percent of the 188 banks responding have already initiated special efforts to make loans to minority-owned businesses which would not be granted under conventional lending standards. During the year ending June 30, 1969, 90 of the reporting banks had extended loans totaling almost $100 million for the creation or expansion of over 21,000 minority enterprises.

Mr. McMahon noted that since banks do not ordinarily segregate their loans by race or by neighborhood, dollar figures for the industry's present commitment are, at best, an approximation. Moreover, because so few banks were surveyed and loan records have not been maintained on a racial basis, he said, actual outstanding loans for the industry cannot now be ascertained.

"Under the 'key cities' program," Mr. McMahon said, "in each of some 50 cities identified for a 'sharply focused and localized effort' bankers collectively will be encouraged to organize a bankers committee on urban affairs." It is hoped that because of differences from city to city this approach will have maximum impact. Local bankers urban affairs committees already exist in New York, Philadelphia, and Chicago.

The A.B.A. Urban Affairs Committee, in addition to helping bankers in each city establish the necessary administrative mechanism to implement an urban affairs policy, would, through its various task forces, assist the local committees in their urban affairs efforts.

This assistance would include Urban Development Seminars in each city conducted by visiting banking specialists. They would provide broad outlines of action for senior managements and assist middle managements with detailed program organization, case studies, and information on how to work with government programs and community organizations.

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## REPORT ON GERMAN POLITICS

### HON. PHILIP E. RUPPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

**Mr. RUPPE. Mr. Speaker, with the Socialist Party of Willy Brandt now in power for the first time in the Bonn Republic, it is important for us to undertake fresh analyses of the recent political changes within Germany and of their implications for our foreign policy. I commend to my colleagues a report which offers not only such analyses, but also an examination of the recent campaign, which witnessed the introduction of campaign subsidies from the German Federal Treasury. Portions of this report appear in the spring 1970 issue of the British journal, Government and Opposition. The report follows:**

### GERMAN ELECTORAL POLITICS IN 1969

(By Joel M. Fisher and Sven Groennings)

#### I. CAMPAIGN ANALYSIS

Twin trends merit central focus in any analysis of German campaigning. One is the de-ideologization and pragmatism which have accompanied the development toward a two-party system. The other is the impact of technological change upon campaign management, style and strategy. In speaking of changes in campaigning, German political professionals often comment on the Americanization of German politics, and we shall have the American model in mind for comparative purposes.

Of course, the extent of Americanization is limited by structural circumstances. The intensity associated with an American presidential campaign is not fully reproduced in the German parliamentary system. Where the parliament elects the head of government, the campaign more closely resembles a series of Congressional contests. Where there are two ballots, with the citizens voting for parties *per se* on one, there is less emphasis upon personality. Where there is little patronage, there are fewer volunteers. Where the press is scholarly and somber, it stimulates less excitement. Where access to television is much more limited, the visual associations are muted. Where political involvement has within the memory of the living been dangerous, there is less active commitment of older people. Where the political tradition has been more reserved, zest raises doubts about wisdom. Despite the increased nationalization of German politics manifested in the widespread touring of chancellor candidates, the mood of the countryside did not reflect the constant pressure of full "Americanization."

This is not to say that Election '69 was not exciting. It involved the greatest expenditure upon any single campaign ever conducted outside the United States. There was an engaging possibiilty that the socialist party would gain the chancellorship for the first time since the Weimar Republic. The spectre of the allegedly neo-Nazi Nationalist Party winning parliamentary representation brought elements of outrage and even violent confrontation.

That public interest was at an all-time high was reflected in a record election turnout. Survey research conducted by the Allensbach Institute found improved public knowledge of both issues and candidates, as well as a growing political vocabulary and more questioning of office-seekers. This increasingly involved political culture was in part a product of the campaign; the 1969 campaign aroused the people more than any other since the war.

We turn now to the development of campaign strategy and to the actual conduct of the campaign, continuing to bear in mind both the trends in Germany and the impact of the American experience.

#### *Strategic thinking*

What was most distinguishing about the campaign strategies was the SPD's well-founded assumption that it really did have a fighting chance of pulling ahead of the CDU. It was a party of new confidence and exuberance, the pre-conditions having been established by earlier strategic decisions. In an economy and society of increasing diversification, continuing dependence upon a declining working class base would have doomed the party to unending defeats. In the mid-1950's the SPD realized that the requisites of eventually winning included dropping its Marxist identification and class rhetoric. In the era of the Cold War, it needed to be pro-West and anti-Communist and therefore to abandon anti-militarism. Requiring Catholic votes, it needed to disavow anti-clericalism. In a booming economy, it needed to soften its demands for state planning to calling for it only when necessary. At its 1959 party congress at Bad Godesberg, the party completed these changes, thereby altering its ideological path. Cognizant also of the need to adapt organizationally if it were to appeal to the increasingly numerous and affluent middle class, the SPD made itself more accessible to non-labor groups. It initiated communications with a variety of interest groups.

In campaigning, it dropped its suspicion of "American" sales techniques and began to award major contracts to public relations firms, thereby advancing competence in promotional methods. Concerned that its chairmen and chancellor candidates had been old-style party bureaucrats at a time that it was seeking to shed stereotypes and gain both a new image and new friends, the party took the unprecedented step of selecting as leader a man who had not advanced through the ranks of its bureaucracy. It chose, as its chancellor candidate of 1961 and 1965, and chairman beginning in 1964, the popular and youthful mayor of West Berlin, Willy Brandt. Thus the SPD entered the 1960's reborn in ideology, organization and leadership, becoming eclectic and pragmatic. It was adapting, daring and on the offensive.

The SPD needed also to gain legitimacy and developed a strategy for doing so. It pursued coalitions with the FDP and CDU. Because partisan conflict was least intense at the local level, it was here that it was easiest to form coalitions. Despite having a majority in Bremen, Hamburg and Berlin (the first two are states), the SPD invited the FDP to join it in governing each of these cities. In 1963–65 in Lower Saxony, where the SPD lacked a majority, there was also an SPD–FDP government. Revealingly, that coalition ended when the FDP opposed the SPD's proposal to appropriate public funds for the support of Catholic parochial schools and for teaching the Roman Catholic faith in the public schools. What followed was the precursor to the next year's national government, an SPD–CDU coalition. In Bonn, an era of CDU/CSU–FDP coalition finally ended in 1966 after increasing friction when the FDP refused to join its partners in raising taxes during a budget crisis. Chancellor Ludwig Erhard was to leave office. The CSU would not accept renewed partnership with the FDP. The SPD, which might have been joined by the FDP in governing with a bare majority, reluctantly found the latter too fractious and unreliable. SPD strategist Herbert Wehner insisted that it would be advantageous to govern with the CDU. At length, the "Great Coalition" of CDU/CSU–SPD was formed with the CDU's Kurt Kiesinger as Chancellor.

In 1969, for the first time in the Bonn Republic, the SPD faced the electorate from the governing benches. For the 33 months of the "Great Coalition" it held 9 of the 19 cabinet positions, and among these were several stars of the coalition. Brandt became respected as foreign minister. Professor Karl Schiller, the Economic Minister, credited with ending the 1966 recession, became the country's most popular politician, drawing crowds as large as Brandt's. Georg Leber, Minister of Transport and first trade union leader to enter a post-war cabinet, won general praise for developing his comprehensive national traffic system plan. Thus the SPD entered the campaign as a party which had demonstrated its governing competence.

"Comrade trend" gave the SPD further confidence. In 1953 it had 28.8% of the vote; in 1957, 31.8%; in 1961, 36.2%; in 1965, 39.3%. In the state elections it pulled up even with the CDU. Gaining steadily among young adults, upper income workers, and urban Catholics, it continued to be supported by most urban daily newspapers and the popular newsmagazine Der Spiegel. There was a solid basis for optimism that its strategy would bear the desired fruit in 1969. The SPD had achieved legitimacy among much of the middle class at the very time that the post-war generation became eligible to vote and society's concerns were moving beyond the quest for security toward a broadening of opportunities.

The SPD's election strategy called for attracting the middle class and the young by emphasizing both its constructive governing experience and the theme that, as a party of "ideas and action", it would rejuvenate Germany. Basic to its thinking was the fact that, of the 61 million people, two-thirds of the men and half the women were less than 40 years old. "We have the right men", proclaimed some posters, "Build the modern Germany", exhorted others, all in the vivid orange which was the SPD's campaign color. Some themes were directed against the CDU, among them the assertions that the CDU is in effect controlled by the CSU, that "Twenty years is too long" in governance and that it is "time for a change." In general, the themes were probably much more effective than the specific issues the SPD took to the public. However, the issue of educational reform ("Democracy must enter the universities") appealed greatly to the young.

In foreign policy, the SPD indicated a desire to be cautious yet constructive in improving relations with East Europe. It assumed that there would be no invasion, that markets could be gained, and that an accommodation to post-war borders would be realistic. Additionally, it favored up-valuing the currency, as requested by other countries and as was becoming necessary for a stable world economy; with some confidence it assumed that Germany could maintain its high level of employment and world markets even were its goods to be slightly more expensive abroad, and it assumed that making foreign travel a bit less expensive for Germans would be appreciated by the substantial and increasing numbers who travel. This issue was too complicated, however, to have much public impact.

One old issue advanced on behalf of the trade unions, mainly the 6,400,000 member Deutsche Gewerkschaftsbund (DGB), became very controversial and probably prevented the SPD from gaining as many middle class votes as it otherwise might have. This issue was co-determination, more specifically the extension of the mitbestimmung law which involves labor's right to participate in management decisions. The SPD had pushed hard for the 1951 co-determination law, covering almost 90 coal, iron and steel companies which employed nearly 1 million workers. The DGB wanted the 1951 law extended to cover all firms in the rest of Germany's economy which met at least two of the following three criteria: (1) employ more than 2,000 people; (2) had capitalization in excess of $18,500,000; and (3) had an annual turnover in excess of $37,500,000.

Far less confident, as it entered this election campaign, was the FDP, which had declined from its peak of 12.8% of the vote in 1961 to 9.5% in 1965. Long an annoying coalition partner, it had left the government in 1966 and for the first time was out of power as it faced the electorate. Its flighty coalition behavior had resulted in decreased support among both voters and financial backers. Because the CDU included many protestants and because of the changing character of the SPD, people wondered whether there was sufficient reason to continue such a protestant, anti-socialist party as the FDP. Most of its followers could probably feel at home in some other camp. Within the FDP, a leadership fight occurred between older and more traditional economic liberals around Erich Mende and mainly younger civil rights-oriented liberals led by Walter Scheel and Ralf Dahrendorf. The latter prevailed and pulled the party sharply to the left in what many considered to be a last desperate appeal to the classically liberal element in the SPD and to the young. For the first time, its program was closer to the SPD than to the CDU. In large part the FDP's appeal was negative, however, addressed to those dissatisfied with the Great Coalition. Most of its posters which did not outline any program asked: "Do you want to end the big party coalition? Vote for us;" or "Each vote for the FDP is a vote against the Great Coalition."

The other smaller party with a chance to win seats was the NPD. Its campaign was reported with keen interest by the world press, which considered receptivity to its bid a test of German's democratic spirit. It had never achieved the 5% of the national vote necessary to win seats in the Bundestag, but had recently gained representation in 7 of the 10 state legislatures. In the last state election of 1968, it had won 9.8% of the vote in Baden-Württemberg. It was a personalist party, having one principal spokesman, Adolph von Thadden. This leader's denials of Nazi inspiration were never fully credible. As in the case of the French Poujadists, the party's supporters were society's relative losers, namely small farmers, blue collar workers and lower middle class town folk. The NPD's main theme was "Security through Law and Order", and it advocated toughness in dealing with student protestors associated with the "new left", particularly the SDS (Socialistische Deutsche Studentenbund), an anarchist student movement of about 2,000 hard core members. Appealing to the disadvantaged, it proposed so much that those in other parties who calculated the budget requirements for fulfilling its goals found them ludicrous. Nationalist and Nationalist and autarchical, the NPD opposed European integration, advocated a greater German voice in NATO, and romantically called for German unification.

The CDU and its Bavarian counterpart, the CSU, entered the campaign as defending champions. Together they amassed 50.2% of the vote in 1957. Declining to 45.3% in 1961, they snapped back to 47.6% in 1965. The CDU was the dominant party of the Bonn Republic, providing all three of its Chancellors. It won the allegiance of most Catholics, businessmen, conservative farmers and residents of small towns. Always strong in the South, it had made substantial gains among protestants in the North. Women greatly preferred the CDU/CSU, and the fact that there were 3.6 million more women than men was a major advantage. Helpful also was the backing of most of Germany's newspapers, including the majority of the small regional papers and Axel Springer's chain, which publishes 6 million of the 23 million papers sold daily. It needed all the support it could get, knowing very well that the election might be very close and not automatically another "ratification" of the CDU.

The CDU chose two campaign foci: the leader and the record in power. Under CDU guidance, said party spokesmen, Germany had achieved security, stability, prosperity and international trust. Since 1949, the average wage of German workers increased from $60 to nearly $200 per month. As the voters went to the polls in 1969, their country was the world's second trading nation, with the world's strongest currency. Unemployment was a scant ½%, and 1.5 million foreigners were employed in Germany. There were 8 times as many jobs available as there were people unemployed (832,500:100,500). The party of the left, the SPD, could convey no classic economic grievance to the public. However, because its economics minister in the Great Coalition had prescribed the recession recovery of 1966, the SPD was able to neutralize the CDU record and to a considerable extent even claim credit for the prosperity.

The CDU campaign focused also on Kurt Kiesinger. Survey research had shown him to be twice as desired as any other man for the position of chancellor. Accordingly, the CDU's most prominently displayed poster was a portrait of its leader. The emphasis upon the one man was in sharp contrast to the SPD's team presentation. Conveying the centrality and cruciality of the position of chancellor, Kiesinger posters bore the words "Auf den kanzler kommt es an"—"it all depends on the chancellor."

This emphasis upon the single figure was traditional for the CDU. The party had been formed around Konrad Adenauer, who in the early days even attracted voters who were hostile to parties but who believed in the "National" goals associated with him and his office. Thus there had been a "Chancellor effect" and the electorate encouraged to vote for the "Chancellor Party." The Kiesinger campaign was reminiscent of the Adenauer electioneering in both style and themes. Similarly an authoritarian father and grandfather ("opa") image, Kiesinger even emphasized the continuation of the great Adenauer's policies.

There seemed to be nothing new in the CDU's campaign, no new ideas to spark the imagination. In previous campaigns, the principal CDU slogan had been "Keine experimente"—"no experiments", and in 1969 there continued to be remarks on this old theme. Allusions to order and security had the purpose of drawing the middle class to the "older and more cautious" party. The CDU waged its campaign largely against Willy Brandt and the SPD. It hoped to attract the liberals who were unhappy with the leftist taint of the FDP's foreign policy as well as the "little people" who might be tempted to vote for the NPD. To many, the CDU seemed fatigued by its many years in power and gave the impression that it was simply trying to hang on. Its leaders knew the CDU would do well at the polls, but ten days before the elections we spoke to some members of the central campaign staff who reflected on its lethargy and expressed fear that their party might just barely lose.

### *Electioneering*

Political campaigning in the United States has become the originator of practices adapted to the election battlegrounds of Europe. Beginning with the British campaigns of the 1960's, then the French elections of 1965, and even the German 1965 elections, political public relations, advancement, "campaign U.S. style" crept into political practice in country after country.

The summer of 1969 witnessed perhaps the most energetic campaign that had ever been conducted in West Germany. Party strategists took pains to bring their candidates into contact with as many voters as possible. Giant rallies were held where voters were told about, or even discussed, the issues of the day. Canvassing, once defined as "discuss thoroughly; solicit votes" was added to the techniques of the strategists. The parties conducted discussions and solicitations on the street, at front doors, in living rooms and, as U.S. politicians do on Labor Day Weekend, at vacation resorts.

Walter Scheel, chairman of the FDP, went to seaside resorts in Borkum, Helgoland, and the Bay of Lübeck, among other stops. He addressed holiday-makers, in groups and individually, directly on the beaches. Professor Horst Ehmke, a SPD candidate (and Bonn's Minister of Justice campaigned on city streets, addressing women, and offering them a rose. Chancellor Kiesinger sometimes came down from the sky in a helicopter, as if that were his usual method of transport. On the landing pad, the motorcade would wait, pennants waving, and blue lights flashing, to take him to the next speaking destination. Willy Brandt divided his time equally between duties in Bonn and campaigning in the afternoons. Upon leaving the Foreign Office, he would travel by car, helicopter or plane to his next scheduled appearance. In the late afternoon and evening he would continue to woo the voters.

For the SPD of Brandt, the 1969 campaign began in earnest almost a year before the elections themselves. The SPD maintained a central staff of nearly 150 members (and nationally had 3–400 staff—most not on a full time basis), which did not significantly increase in size by the fall. The CDU central party staff remained at nearly 100, with another 30–40 professionals working at the CDU headquarters in Munich. In the American manner there was a citizens' committee, organized by the novelist Günter Grass, called the "Social Democratic Voter Initiative." This was an innovation involving celebrities in discussions, a concept stemming from Grass' 1965 independent speaking tour for the SPD. There was no equivalent CDU citizen action organization. In each party there were staff members who not only had U.S. experience, but had actually been in America for the 1968 presidential elections.

In an American campaign, one envisages armies of rally and advance men preceding the candidates. This practice is in sharp contrast to the advance preparation of major German leaders. Chancellor Kiesinger, for example, had only two advance men, and they did not begin work until May, 1969. In Germany, by way of further contrast, there was little expendture on district level survey research. However, the breakdowns of national surveys permitted local candidates some reasonably well-founded operating assumptions. And, while SPD campaign planning began a year in advance, CDU preparations did not commence until February.

German campaigning did not resemble American as much as it did British campaigning in the sense that the mood of the countryside did not contain the constant pressures that are noticeable in an American election. Perhaps that is because there was proportionately less scheduled television, five minute spots or shows spread across the last several weeks of the campaign being the restriction. Television was still basically a new technique in these elections.

SPD spots stressed primary party themes, and were done in a slick, modern fashion. CDU presentations were more restrained, but changed in mid-stream to a more lively and even more relevant product. This was done in response to the success of the SPD shows, whose jarring emphasis upon modern technology (rockets to the moon) and split screen techniques would scare the German voter who still resisted the concepts of experimentation. Avoiding both extremes, Herr von Thadden spent most of his television time reading short speeches. The FDP chose quiet presentations.

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In the United States, great attention is paid not only to the national ticket, but also to local congressional or senatorial candidates whose campaigns are distinct and which include as extensive a utilization of television as they can afford. Most German television time, as in Britain, was for the major parties and their leaders. The local Bundestag candidate appeared rarely on television. Even without the extensive use of television, this was the first campaign in which all of the major parties used professional public relations. The underlying strategy for all parties continued to be based on extensive newspaper advertising. The SPD spent 5 million DM on this form of advertising just in the first quarter of the year. Outdoor advertising was also stressed; posters appeared on nearly each block of every city. Side by side with the outdoor advertising went an extensive use of mobile loudspeakers, normally mounted in Volkswagens traversing city streets. The SPD showed an exhibit of posters, photos and display screens entitled "Our Future" in 140 towns. In 1969, unlike 1957, neither party had its own distinctive jingle.

Following the American model and more recent British and especially Conservative practice, the parties utilized postcard portraits (without a message, but frequently signed), pictures with the major leaders, campaign buttons, brochures, a few party-oriented bumper and window stickers, small cards of greeting and pins. Centrally placed kiosks were among the principal distribution centers.

Women candidates were innovative also, soliciting votes in the general style of street campaigning. The SPD's Katharina Focke won after taking her campaign into Cologne's pubs. Frau Focke discovered that men, with rare exception, were ready to put down their beers and listen to a woman who had something to say about education, tax laws, and other issues of the day. Her victory, and those of 31 other females, indicates that the position of women in Germany is gradually changing.

It is frequently easy to describe campaign styles comparatively without effectively presenting the flavor of an election. To provide some illustration of the varied tones of this election campaign, we will describe three very distinct aspects of campaign behavior: SPD and CDU national leader rallies, the NPD rallies, and the activities of a new and young CDU candidate.

### *Brandt and Kiesinger rallies*

A longtime characteristic of Germany campaigns has been that the central personalities attend great numbers of rallies. 1969 was no exception. The CSU's Franz-Josef Strauss spoke to some 300,000 people, and the FDP's Walter Scheel to approximately 250,000. At general rallies, Brandt and Kiesinger each spoke to about 900,000. The latter's rally appearances were the most frequent of any candidate. As the focal figure in the CDU's publicity, he necessarily served as the workhorse of the campaign. Because the CDU's potential support was especially great in relatively small towns, Kiesinger held rallies in many of these places. He spoke at approximately 440, whereas Brandt spoke at only 160. Brandt's appearances, like his party's strength, were largely in the major urban centers, which provided larger audiences than those addressed by the Chancellor. Their main purpose was to activate the faithful.

Willy Brandt's rally in Bonn's Münsterplatz the Sunday before the election was a typical "pep" rally. Discussing no issues of public policy, he dwelt instead on two basic themes. The first, reminiscent of the 1952 Eisenhower campaign rhetoric against the enduring New Deal Democrats, was that after 20 years of power, it was time for a change. The second theme was that whereas the CDU with Keisinger was pursuing a Maoist-type of personality cult, modern Germany required teamwork—the kind of teamwork the SPD offered.

As is sometimes typical of German candidates, Brandt concluded his speech by quaffing a stein of beer in one great swallow in salute to the crowd, which as always cheered. The crowd was not large, and did not include many young people, but was genuine rather than contrived. Brandt enjoys crowds and genuinely returns their good will. He spoke slowly and deliberately, looking directly at his audience. It was a noon rally, early for Brandt. While he was buoyant, witty and clearly enjoying himself, he is the kind of person who becomes livelier with the hour—and he preferred that the rallies be later in the day.

In contrast to the Bonn appearance, the SPD meeting in Cologne three days prior to the election was perhaps a more typical mass gathering. Held at 4 p.m., a good crowd of some 4,000 turned out to hear the man many of them thought, or were afraid, would be the next German chancellor. In 45 minutes, Brandt introduced the local SPD candidates, some of the party leaders accompanying him, including Schiller, and returned to the theme that his team knew the solutions to some of the major problems of the country and was ready to lead the government.

The large gathering, with many young and middle-aged observers, cheered frequently but with no great enthusiasm. What was significant is that they were friendly, good natured and curious. When he finished, Brandt looked out at the audience, perhaps even over the crowd, to where shoppers continued to flow in and out of streetcars passing the square. Voice hoarse, he concluded, and with a wave of his arm jumped off the platform to walk back to his car. The motorcade was off to the next town.

Later that week Kurt Kiesinger spoke at a rally for the CDU faithful in Bonn's dignified Beethovenhalle. City police, some on horseback, surrounded the hall, but there were no disturbances. The themes were old. He praised Adenauer's policies and warned against assuming that there had been meanful change in Soviet foreign policy. Kiesinger looms large at the podium; he is a big man with big hands and powerful motions. In manner he is somewhat condescending, authoritarian and "schmaltzy" — qualities which do not greatly endear him to the young. There was repeated and wide-spread heckling by some CDU youths, as well as by young SPD infiltrators who cheered every mention of Brandt or an SPD–FDP coalition. There was also a peculiar brand of heckling from opponents of the nomination of Bonn candidate Alo Hauser, who was being challenged by the CDU's former major, Vilhelm Daniels. Shouts of "Daniels, Daniels" were frequent and seemed appropriate to the hecklers whenever there was reference to the CDU's excellence in leadership. The rally seemed symptomatic of a general malaise.

The rally appearances of Franz-Josef Strauss were similarly indicative of this CDU–CSU malaise. A week before the election, Strauss campaigned in Bavaria, at Bad Tölz—the city from which he had first been elected 20 years earlier. Some 2,000 middle aged and elderly CSU faithful crowded the Kurhaus. A band played on the stage; bunting and half a dozen pictures of Strauss completed the decorations of the hall. Preceded by the young, attractive CSU General Secretary, Max Streibl, the tired Party Minister spoke for 45 minutes on economic questions. It was, perhaps, a strange topic for this audience. He too appeared authoritarian in stature, and perhaps condescending, but there seemed nothing "schmaltzy" about Franz-Josef on his home ground. There was no heckling that night.

### *The NPD rallies*

At von Thadden's rallies there was normally trouble, but the NPD leader was prepared for it. Most of the bodyguards in this campaign were his, as was a bulletproof Mercedes-Benz, and he addressed his crowds from behind an equally protective glass cage. Fearing disturbances as much as disapprobation, some cities refused to rent municipal halls for NPD rallies. The Hotel Frankfurter Hof refused von Thadden accommodations, and some newspapers would not accept NPD advertisements.

As was expected, there were incidents. In Dortmund, a throng of 10,000, shouting "Sieg Heil", prevented von Thadden from being heard. Two men were shot in Kassel outside a home where he was staying the night. A large crowd in Nürenberg was dispersed by police with water cannon. In Essen, von Thadden was pulled from the podium by a young man dressed as one of his bodyguards.

On frequent occasions the major parties campaigned against the NPD, sometimes more than implicitly and as much perhaps as they did against each other. The government had considered seeking to have the NPD outlawed by the Constitutional Court. According to the Basic Law, only democratic parties may participate in elections. Some asserted that the NPD was undemocratic in structure as well as Nazi in philosophy. The cabinet decided not to proceed to the Court because it was concerned that failure to substantiate its allegations adequately might have the effect of legitimizing the NPD. The

CDU issued a pamphlet to its election orators entitled "Principles for Dealing with the NPD." In many places, citizens groups passed out anti-NPD leaflets near CDU and SPD kiosks. Given such an intensified atmosphere in the days before election, von Thadden threatened to appeal the returns in court on the grounds that his party had not experienced a fair chance to present its views to the voting public. Some agreed he had a valid point. However, time after time, the police did their best to protect him, using dogs, nightsticks, barricades and water cannon. At the Essen rally alone, the protective force of policemen totalled 900.

### *New constituency campaigning style*

One of the country's liveliest campaigns provides a case study in public relations innovations. It was that of CDU first-time candidate Horst Jöbges in the Rhineland industrial city of Krefeld. Jöbges was another of those who had visited the United States in 1968 to gain insights into effective campaigning. At 28, he was Germany's youngest parliamentary candidate. Fighting the prevailing assumption that wisdom accompanies age, he campaigned under a special handicap. Among his assets, however, were careful planning, immense emergency, ample funding, a willingness to be innovative, and the sense of many that he was likely to go far in German national politics.

On a giant banner, Jöbges' name in bright crimson greeted all who boarded trains in Krefeld. Publicity devices exceeded the normal variety of personal and party brochures. His assistants distributed a plenitude of intriguing pens whose inscription, "Unser Mann Für Bonn", changed to "Horst Jöbges—CDU" upon pressing to extend the ball point. For housewives there were dust clothes which bore similar messages. The most memorable publicity, however, was provided by a beer bus.

For three days, Jöbges rented a Parisian amnibus, vintage 1923, which was open in back, quite like a San Francisco cable car. Itself a curiosity, this relic on wheels was festively decorated. Along its sides were yellow and red psychedelic posters depicting the candidate, interspersed with portraits in conventional photographic style. In mid-day the bus traveled through downtown areas, with taped music helping to attract attention. In late afternoon it entered a brewery to take on a large keg of beer and a jazz band. Departing for the recently built suburbs, the bus would make three stops per hour. At each of these stops, the band moved onto the sidewalk, and two beauties passed out beer on the street corners and rushed the brew to nearby balconies. The candidate tapped the beer. An associate, using a microphone, invited the neighborhood to "come talk with your candidate; come drink with your candidate." At the conclusion of every stop, the candidate expressed his desire for the residents' support and the band boarded the bus to play "Auf wiedersehen." Children on bicycles followed the bus in great numbers, clutching their pennants and brochures. As those aboard the vehicle waved to adults, their good cheer was usually returned. The beer bus was a show, and while the older population tended to like it, the very young clearly loved it. Jöbges became a celebrity and came within 700 votes of winning. We can anticipate that next time, whether on the first ballot or because of a higher place on the second ballot, Horst Jöbges will enter the Bundestag.

### *Party finances*

The resources available to any candidate or party were leading determinants of success. Any strategy requires ability to communicate themes and issues and to convey images. Such communication is largely a function of financial resources, which also determine much of the appearance and tone of a campaign. In 1969 the funds available for campaigning were unprecedented and for the first time included large national treasury subsidies specifically intended to defray campaign expenses. Because government financing of election campaigns has become an issue in many countries, it is of general importance to analyze its effect in Germany.

One effect was to increase the combined spending of all parties by probably 30–40% over the 1965 campaign costs. Whereas the 1965 outlays were in the range of 65–83 million DM, the 1969 expenditures exceeded 100 million DM and perhaps even approached 125 million. The government subsidy of 96 million became by far the leading source of funds for each party.

A second effect was that each party, knowing how much money it would receive in subsidy, was able to plan its allocation of resources quite far in advance of the election. The 1969 campaign was not beset by the unpredictability of resources which so greatly hampered the campaign planning of Hubert Humphrey and the Democratic Party in 1968. Every party obtaining at least 0.5% of all valid votes registered at the previous Bundestag elections was entitled to state financial support.

These funds amounted to 2.50 DM per vote. Given 38.5 million votes in 1965, the subsidy for 1969 was 96 million DM. Each party was enabled to collect up to 60% of its final sum prior to election day.

A third effect of the federal subsidy program was to provide advantages to virtually all parties except the SPD, which was disadvantaged accordingly. Traditionally the socialists had been the party best supported by membership dues; it had nothing to gain from any policy awarding funds to the CDU and CSU in proportion to their vote. The FDP had several years earlier largely lost its charm with the interest groups sustaining it and has never developed much grass-roots financial support. These circumstances and its weak showing in the election returns are grounds for contending that the FDP would not have won seats in the new Bundestag had it not been for federal funding. One speculative implication of this analysis partially contradicts the statement that the subsidies are to the SPD's disadvantage: it is that an effect of the subsidy to the FDP was to create Mr. Brandt's new coalition situation. With regard to the NPD, it is our interpretation that rejection by the voters is particularly impressive, given the substantial government contribution to its publicity budget.

From its very beginning, the CDU had been far weaker than the SPD in gaining dues and voluntary contributions. As did the FPD, it originally solved its financial problems by means of dependence upon Conveyers, peak associations established by business firms. The CDU/CSU won the elections, grass-roots funding potential remained undeveloped, and the power of the Conveyers increased. After 1958, when the Federal Constitutional Court ruled against the tax deductibility of contributions to Conveyers, the CDU and FDP adapted to the situation by voting for annual subsidies to all parties rather than by attempting to build up their membership support. Eight years later the Court ruled it unconstitutional to subsidize general party activities. The CDU/CSU and FDP responded to the challenge as they had before; the parliament provided funds for campaigning. In 1969, as previously, these were the parties which relied most heavily upon state subsidies.

In the recent election both the SPD and the CDU gained more money from membership fees and contributions than ever before. In each party, dues are on a sliding scale upward with income. From this particular source, the SPD estimates having received 17 million DM, which probably is three times the dues received by the CDU. The latter, however, was again the main recipient of contributions from industry and private wealthy donors, with the CSU and FDP also as beneficiaries. Direct interest group contributions are not permitted. Minimally, the CDU invested some 37 million DM in the campaign; the CSU nearly 10 million; the SPD approximately 37 million; and the FDP at least 10 million, perhaps even as much as 15.

In conclusion, we have witnessed a noticeable influence of technique on pragmatism and ideology in the German policy. Survey research, involving identification of issues pertinent to specific groups or strata, was a major cause of increased pragmatism. The German elections were generally remarkable in the de-ideologization that in fact characterized the campaigns. Rhetoric was notably couched not in the traditional terms of ideology and doctrine, but in the more pragmatic terms of solving problems. In earlier German elections, candidates carried Theodore White's books around in their hands; for 1969 they utilized first-hand experience, observing the pragmatism as well as the techniques of the most recent American experience.

## II. ELECTION ANALYSIS

As West Germany's 38.6 million voters went to the polls to elect the 496 members of the sixth Bundestag, excitement mounted. Two days earlier German banks closed off international trading on the D-mark to discourage speculation on currency revaluation. The SPD favored this action; Franz Josef Strauss did not. Polls which were not released in Germany by agreement of the polling institutes for the last part of the campaign appeared in the foreign press. Amidst the commotion, polling stations opened Sunday to a glorious autumn morning. German families, as if out for a holiday outing, sauntered off to cast their vote. By mid-afternoon, between 80 and 85% of the eligible voters had already voted. The pattern was the same throughout the Federal Republic. In the most populous state, Northrhine-Westphalia, a 90% poll was expected.

### THE TWO BALLOT SYSTEM

Voters under the German system cast more than one vote. They have two, one for their constituency candidate, the other for a party. In practice, the number of seats won on the first ballot is subtracted from the total to which each party is entitled according to its proportion of the vote. The country is divided into 248 constituencies, each returning one member by direct election to the Bundestag. Two hundred forty-eight more deputies are elected from the party lists in a way giving each party a total number of seats proportional to the number of votes polled in the entire country.

To prevent a profusion of splinter parties in the Bundestag, electoral laws prescribe that no party can be represented without polling at least 5% of the votes cast or winning three first ballot seats. Any German, citizen for at least one year, who is 25 years or older, is entitled to stand for election in a constituency even if he has no connection with any political party. The state lists of candidates for election by second ballot are nominees of state party conventions. Some conventions have as many as 400 delegates; others only a score. The delegates are asked to approve candidates nominated by the party executive committees.

Electoral rules provide that only the names of the first five candidates appear on the ballot. The parties are careful to place their major figures at the head of their lists. These are the people who normally have the best chance of direct election in a constituency. Because a candidate who is successful both in his constituency and on the list only gets the constituency seat, his list position becomes free and everybody moves up a place. Thus if a party can expect to receive 12 list seats in a certain state, and if none of the

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first five candidates needs to claim the list seat, the 17th has a good prospect of being elected.

### *National returns*

The electors, of whom 2.5 million were first-time voters, had the choice of 13 parties and electoral groups with 2,635 candidates. Of the 38,658,363 eligible to vote in 1969, 33,548,458 cast their votes—a turnout of 86.8%. The CDU was helped by the high turnout, caused in part by excellent weather—which brought out the strollers, young and old—and by some wildcat labor strikes which had taken place in the weeks before the election. However, as Table 1 indicates, the SPD finally achieved political equipoise with the CDU. Gaining more than a million votes, the SPD would no longer be the underdog and classical loser. The party was now accepted as a legitimate political force.

TABLE 1.—GERMAN ELECTION RETURNS FOR MAJOR PARTIES 1965 AND 1969[1]

| Parties | Bundestag seats | | Total vote | | Percent | |
|---|---|---|---|---|---|---|
| | 1965 | 1969 | 1965 | 1969 | 1965 | 1969 |
| CDU/CSU | 245 | 242 | 15, 524, 068 | 15, 195, 187 | 47. 6 | 46. 1 |
| SPD | 202 | 224 | 12, 813, 186 | 14, 065, 716 | 39. 3 | 42. 7 |
| FDP | 49 | 30 | 3, 096, 739 | 1, 903, 422 | 9. 5 | 5. 8 |
| NPD | 0 | 0 | 664, 193 | 1, 422, 010 | 2. 0 | 4. 3 |

[1] These 1969 figures were released Oct. 16. Those reported earlier in the press indicate a slightly greater total vote.

### *First ballot analysis*

Of the 248 first ballot contests, the SPD won 127, slightly more than half. It gained 34 first ballot seats. The CDU won 87 such seats, winning a new one but losing 32. The CSU won 34 and lost 2. No other parties won first ballot contests. The evidence very strongly suggests that the SPD, long considered a bureaucratic party, had become a party of personalities; it offered the strongest candidates.

However, one CDU candidate with great improvement over 1965 was Kiesinger. The Chancellor was one of his party's three leading gainers, with a 6.3% advance. In his own district, he ran 3.2% ahead of his party. Similarly, Strauss on the first ballot was 3.1% ahead of his 1965 performance, while running 3.2% ahead of his CSU's second ballot total. To the contrary, some party leaders, among them Gerhard Schröder, were defeated, yet returned to the Bundestag because of high position on their state lists.

### *Second ballot analysis*

Impressively, the SPD gained more votes in 1969 than in 1965 from every state and achieved a greater percentage in all except the Saarland. The CDU/CSU increased its total vote in only three states: Hessen, where the SPD got 48.2% anyway, Niedersachsen and Baden-Württemberg. Its decline was sharpest in Hamburg and Northrhine-Westphalia. The latter, because of its great population, was a crucial state for all parties. Therefore the SPD placed both Brandt and Schiller on its Northrhine-Westphalia list.

Across the country the CDU failed to gain where the FDP lost, while the SPD won voters from both. If we divide the ten states into two regions, North and South, five each, we see that the SPD gained more in the North than in Southern regions, and that the CDU lost more in the North than in its Southern strongholds. Thus the SPD gained where it was already strong, while the CDU lost where it was weakest. Compared to 1965, the NPD made more gains in the South (especially the Saarland, Hessen and Bavaria) than it was able to achieve in the North. The FDP suffered significant losses in the South, especially in Hessen and Baden-Württemberg, while in the North losing most severely in Niedersachsen. Nationally the FDP lost much of its support to the SPD; some of the CDU's went to the SPD also. Apparently NPD gains cut into normal CDU support.

By way of ecological refinement, SPD gains continued to be mainly in urban areas, including suburbs; in many it gained more than the CDU lost. To elaborate, the SPD gained 4.8% in the state of Schleswig-Holstein, yet in its city of Flensburg advanced 6.7%. SPD gains in Northrhine-Westphalia were 4.2%, yet in three Cologne districts this party increased its support by an average of 9% while the CDU declined in the same area by an average of 10%. In two Düsseldorf districts, the SPD's totals were up an average of 4.5% while the CDU in the same regions decreased an average of 3.5%. In one Essen constituency, the SPD was up 5.9% while the CDU dropped 3.9%. Similar SPD tendencies were recorded in Mainz, Stuttgart, Munich, and greater Nürenburg.

Interring demographic characteristics associated with the change, we conclude that the SPD moved even beyond its 1965 inroads into Catholic labor areas. The evidence for Stuttgart, Münster and Cologne furthermore suggests that the SPD continued to advance among people associated with service industries. In the Bonn area, the SPD scored an 8.6% increase which many described as a "testimonial" that the area's government employees liked working for the SPD. We are confident that eventual analyses will also show continuing significant SPD advances among first-time and female voters and that they will confirm the hypothesis that this party is gaining quickly among upper-income workers. These trends suggest a further decline of class-based political subcultures in Germany.

### *Formation of government*

The elections produced a coalition situation: the CDU/CSU, with 242 seats, was seven short of a majority, while the SPD held 224 and the FDP 30. Partnerships were uncertain, and the resulting options three: CDU/CSU–SPD; CDU/CSU–FDP; SPD–FDP. Had the NPD won 0.7% more of the vote, thereby gaining representation, it almost certainly would have been necessary to renew the Great Coalition. Of this each party had tired. Having gained governing experience and legitimacy, the SPD had much less to gain from partnership than in 1966. It wanted to try to carry out its program and preferred during the FDP to stepping back into junior partnership.

With the Great Coalition eliminated, the determination of Germany's government ironically fell to the FDP, otherwise the election's greatest loser. In this situation it provides an example of the coalition maxim that strength is weakness. Some regretted that the election law had not been changed to provide single-member districts exclusively, thereby yielding a two-party legislature and preventing such an occurrence. There was serious doubt as to whether a party so deeply divided as the FDP could be a reliable coalition partner. Some thought it was on the verge of distintegration; others also doubted its ability to lead all members into any coalition. Given the FDP's inner tensions, there was speculation that the negotiations would be prolonged. Yet there was agreement within a week.

The CDU, interpreting the returns as reaffirmation of the public's wish for CDU/CSU leadership, considered it likely that it could form a coalition with the FDP. After all, Erich Mende and other FDP leaders had been cabinet members in the Adenauer-Erhard era and would feel at home with such an arrangement. Moreover, only about ten FDP members would be needed. The day following the election a number of CDU Bundestag members exuberantly drank champagne and thought up ten positions for the FDP, including cabinet posts, state secretaryships, the caucus vice chairmanship and Bundestag vice presidency, all of which might be guaranteed for four years.

Brandt's approach to the FDP was quicker and involved offers of the foreign ministry as well as the ministries of agriculture and interior. The CDU made an even stronger bid, but too late. The FDP's biases were pro-SPD, and its caucus endorsed this coalition with only three members abstaining. The election's biggest gainer and greatest loser joined forces. A minor shift of the electorate had led to a spectacular change in government.

With the Bundestag almost evenly divided, governing will not be easy. A margin so narrow becomes precarious on a day of bad colds or fogbound airports. Extenuating circumstances include the fact that the CDU, still the largest party, will control many committees, while the CDU's 21–20 majority in the upper chamber, the Bundestag, will enable it to delay and block legislation. In part to overcome the problem of having a bare majority, the SPD is considering conferring full voting rights upon Berlin's 22 deputies, ⅔ of whom belong to the SPD. Some have even suggested that if the minor partner becomes exasperating, the SPD could threaten it with dissolution of the government, new elections, which might finish the FDP, and electoral reform. Brandt, however, counts on both stability and increased prestige for the SPD. He is hopeful of doing so well that even if the FDP disintegrates or defects, his party will stand a good chance of winning a majority in new elections.

### *Party consequences*

A systemic consequence of the elections was a near-culmination of the trend toward a two-party legislature. Accordingly our focus will be on their significance for each of the giants, CDU/CSU and SPD.

For the CDU, departure from the governing benches will probably lead to adjustment at all levels of party organization. It cannot safely gamble on either a failure of the new coalition or sudden popular disenchantment with the SPD. To reverse the trend of increasing SPD support, many assumed the CDU would have to modernize. Without a "Chancellor effect" or the assistance of either government bureaucracy or federal public relations machinery, the long-neglected task of building grassroots organization and support will have to be faced. "It is time the party stood on its feet instead of its head", admitted CDU secretary-general Bruno Heck. To gain new adherents, it will need to develop new ideas.

Young members of the CDU hoped to undertake these changes in cooperation with younger leadership and had been discussing party renovation long before the elections. Some campaign staff quietly expressed the opinion that a period in opposition might be beneficial. At the CDU's post-election convention, held in mid-November, the opening assault began. The chairman of the Young Union consisting of CDU supporters under age 40, called for broad reforms in social and educational policy. Into the limelight came four men 20–28 years younger than Kiesinger, namely: Gerhad Stoltenberg, who received the most votes for the new presidium; Rainer Barzel, parliamentary whip; Helmut Kohl, premier of the Rhine-Palatinate; and Hans Katzer, spokesman for the Catholic labor sector from which there had been so many defections to the SPD. The convention re-

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elected Kiesinger chairman for a new two-year term, but to many the arrangement was a convenient cover for behind-the-scenes politicking. Just as much as he wishes to be the chancellor candidate in 1973, the next generation is determined to replace him with one of its own. Kiesinger will try to lead the parliamentary opposition, but is not really well-suited to this role. On one side of him will be the polemically most gifted opposition member, the CSU's Strauss, an aspirant to the chancellorship with whom all other aspirants must reckon as they compete for the leadership.

A thesis of the late Otto Kirchheimer was that Germany was experiencing a waning or vanishing of opposition. It was an analysis linked to the strategy of the SPD. Now that the SPD has succeeded, however, and commands the initiative, the burden is upon the CDU to demonstrate positively why it should be returned to power. That the CDU is cast in this situation leads us to speculate that there will be a re-emergence of opposition.

Indeed, in the debate following Chancellor Brandt's Government Declaration, Rainer Barzel indicated that the era of the Great Coalition was to be succeeded by "the great controversy."

Whereas the election outcome means adjustment for the CDU, it signifies opportunity for the SPD, a chance to change society and relations with other countries. It may be able to initiate an era of democratization in schools, universities and factories. As non-Germans, we wondered particularly whether it might become instrumental in changing the economic and political map of Europe. The SPD leaders will seek British entry into the European Economic Community (EEC), perhaps more forcefully and at a more appropriate time than did the Kiesinger government. In its spirit of "talk with anyone" it will be bolder in seeking dialogue and eventual detente across the chasm of Cold War borders. If the British and/or Scandinavians join the EEC, Germany will be strengthened both economically and politically much more than France. If the Cold War subsides, Germany will be the primary Western beneficiary. Thus either of the possible major peaceful changes in Europe will enhance the power of Germany—and they are neither mutually exclusive nor impossible.

It is the possible relationship to the communist countries which, depending upon one's outlook, is most promising or ominous. There is pressure from the SPD's young for rapid change. However, it seems certain that the party leaders will be cautions and pragmatic for several reasons: they are seasoned in foreign affairs and hardly naive in dealing with communists; they will be restrained by the experience of Czechoslovakia; initiatives might be fruitless; and it is doubtful that there is a popular basis for a radical departure. The Brandt government will not extend recognition to the German Democratic Republic (GDR: East Germany). Doing so could cause a backlash resulting in great gains for a party such as the NPD which appeals to nationalist sentiment, could make gains among refugees/expellees, and would then surely win seats in the Bundestag. The policy constraints are thus substantial.

Nevertheless, there are many opportunities, and they are enhanced by Brandt's own credibility. Formerly mayor of beleaguered Berlin as well as foreign minister, with a record of resistance to the Nazi Reich, he has the "credentials" for opening dialogue with the East while retaining Western trust. Brandt assumes there is no likelihood of the Eastern Oder-Neisse territories in Poland being returned. He also assumes it may be possible to reach political understanding without recognizing the present border if it is respected until finally determined in a peace treaty with the World War II victors. He assumes there is little immediate chance of German reunification and that it is not possible to extend recognition. However, he ponders the possibility of a middle ground, involving partial diplomatic recognition on the one hand and some trade, postal and telephone links and highway traffic on the other. Opening trade and communications with East Germany and bringing Britain into the EEC are possible; achieving increases in trade and industrial cooperation with Poland is likely. There will be a new tone to European politics accompanying the SPD's facilitative intentions.

In elevating Willy Brandt, the Germans have selected as their leader the most exciting political personality among Western leaders. He is a leader, moreover, who comes to power at a time of unsual opportunity in international relations. Germany is bypassing France, and de Gaulle, the last of the dominant European leaders, is gone. The Czech invasion is receding into the background, and there are indications that East European countries will be receptive to negotiations. The United States, while maintaining a fundamental interest in West Europe, has been slowly moving toward a very accommodating posture of allowing European policy to be shaped by European initiatives. Accordingly, Brandt becomes not only the leading political personality of Europe, but also Europe's man of greatest political potential.

Of course, the SPD must remain compatible with its coalition partner, the FDP, particularly because the new foreign minister is the FDP's Walter Scheel.

It is significant that the FDP election program called for recognizing the GDR without conceding that it is a foreign country, renouncing Bonn's claim to be sole representative of the German people, and abandoning the Hallstein Doctrine, which denied diplomatic recognition to countries recognizing the GDR. Thus there is a solid basis for SPD–FDP accommodation and initiative in foreign policy.

### *Conclusion*

We were aware, as the election returns flashed across the screen, that the kaleidoscope of European politics was taking a portentous new turn. That the real winner had been democracy itself, supported by the 95% of the people who voted for parties other than the NPD, was an outcome which instantly increased Germany's respect, trust and prestige in the world arena. The 1969 elections provided a political supplement to the economic evidence that Germany is the strongest country in Europe. The coincidence of esteem and strength with change to a government promising innovations in both domestic and foreign policy lead us to consider this the most significant election since 1949. Just as in that year, it is an especially important time for Europeans and Americans to engage in fresh and continuing analysis of change within Germany and of its implications for the formulation of foreign policy.

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## REPORT OF THE AMERICAN BAR ASSOCIATION COMMISSION ON CAMPUS GOVERNMENT AND STUDENT DISSENT

## HON. EDWARD G. BIESTER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. BIESTER. Mr. Speaker, I would like to call to the attention of the House the report of the American Bar Association Commission on Campus Government and Student Dissent:

### REPORT OF THE AMERICAN BAR ASSOCIATION COMMISSION ON CAMPUS GOVERNMENT AND STUDENT DISSENT

### I. BACKGROUND AND SCOPE OF THE REPORT

### *A. Confrontation on the campus*

Campus unrest is a major problem of national concern. The focal point of that concern is clearly related to confrontations that have occurred in unprecedented numbers during recent years between students and university and civil authorities. Within the past academic year alone, an estimated one hundred and forty-five institutions of higher learning were torn by violence, and nearly four hundred more endured some form of nonviolent disruptive protest.[1] In response to the gravity and urgency of public concern, the Board of Governors of the American Bar Association authorized the appointment of this Commission in August, 1969, and charged it with responsibility to develop legal standards, procedures, and administrative guidelines relevant to student unrest and campus violence. President Segal appointed the Commission in August.

Historically, college campuses have been important and proper centers of social criticism. During the last few years, however, and particularly during 1968–69, disruption and violence have occurred at many institutions. The assertion of non-negotiable demands, campus strikes and boycotts, and demands for amnesty to law breakers have become recurrent techniques of confrontation politics. Arson, willful destruction of property (including manuscripts and notes of faculty members), assault and battery, the occupation of buildings, interruption of classes, disruption of meetings, barring entrance to buildings, holding administrators captive, violations of injunctions, and other unlawful conduct have all entered an appearance on campus. Highly politicized student groups, sometimes aided by non-students, have been able to halt the normal operations of institutions and thwart university disciplinary proceedings. On a few campuses there is reason to believe that a determined core of revolutionaries seek the destruction of the university they attend if it cannot be transformed in the image that they desire. While disruptive protest has not been and is not characteristic of most colleges and universities, both the number and intensity of the disruptions cause deep concern in a nation that is now providing an opportunity for higher education to more students than any other society in history.

Of great concern also, are the grievances of university students and their opportunity to express these grievances. Many students question the values and priorities of higher education. They are concerned about the policies of the institutions that they attend, the inadequacy of channels of communication, the lack of responsiveness by administrators and faculty, the impersonality of university life, limitations on their freedom of expression, and their inability to participate directly in the decisions that affect their lives. Some charge that universities are hypocritical in that they fail to practice what they preach, especially in areas of faculty commitment to teaching, labor relations with non-academic employees, fundamental fairness in disciplinary hearings, and institutional concern for the social problems of the community.

In addition, as the Brock Report[2] has recently pointed out, there are fundamental differences concerning the proper function of a university in American society. Traditionally, most faculty members have struggled to keep universities apart from the divisive social problems of the nation, as neutral institutions seeking objective truth. Some students disbute the neutrality of higher education, asserting that modern universities have become the handmaiden of a

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military-industrial complex, both in their educational mission of teaching and research and their financial entanglements resulting from grants, contracts, and investments. Other students eschew such a characterization but assert that universities should reject neutrality and become, in the words of the Brock Committee, "partisans of the progressive forces in society."

Some claim that universities exist primarily for students. Others contend that society in general is the principal intended beneficiary of higher education. Although there is obviously some truth in both points of view, the difference in emphasis may assume considerable significance in evaluating demands and proposals for change.

The hierarchical nature of universities and the prereferred status of some members of the faculty runs counter to the egalitarian notions of some who assert that all who are affected are equally capable of participating in the decisions that confront the academic community and that no group is entitled to special privilege. Minority group students have special concerns about the relevance of the traditional degree programs for some, especially those who aspire to provide leadership for the disadvantaged.

Student concepts of the proper functions and structure of universities are expressed in demands that more courses deal directly with immediate social problems and values, that more study be undertaken directly in the community rather than in the classroom, that grading systems be modified or eliminated, and that special programs for the disadvantaged or minority groups be instituted. They seek greater student participation in university governance, more formalized disciplinary procedures in which basic rights of students are expressly recognized and new procedures that will produce prompt faculty or administrative response to articulated complaints.

Many college students are equally critical of American society's perception and response to the problems facing it. Many speak in terms of the "Establishment" and include within its ambit government, business, churches, the military, and the educational system. They are concerned about racial discrimination, poverty, hunger, the values of materialism, the draft, the war in Viet Nam, and the incapacity of the young to translate their concerns into effective political action. They disagree with the priorities that they claim the "System" has set for the allocation of societal resources to meet national needs, and they decry what they regard to be national aggrandizement in the conduct of our international affairs. They see the university not only as a forum in which to discuss these matters but also as an instrument to effect the societal changes that they deem to be necessary. They want to participate in the policies that will accomplish these changes, and they deny the legitimacy of efforts by the university to limit their political expression concerning these issues.

Obviously, not all students share all of these views, and the intensity of concern about different issues varies widely among the many campuses of the nation. At the same time, it must be recognized that a number of these grievances have considerable substance in fact. Impersonalism, inattention, and neglect have been evident in the curricula, procedures, and internal and community practices of many institutions.

It is ironic that many of the disruptive disturbances have taken place in institutions least deficient in their sensitivity to student concerns. Indeed, the Commission believes that the very excellence of a given university and its lack of repressive policies may be conditions conducive to unrest. Students may be less willing to assert perceived grievances if summary repression is the only foreseeable result. Complete apathy in a vigorous academic institution, however, is not to be expected or desired. It may sometimes be as much a cause of concern as confrontation itself. Expression of grievances may be desirable, but it is equally desirable that the tension be expressed in forms which are consistent with law.

There is also reason to suggest that some issues have been the subject of demonstration on campus not because the university has more (or even as much) influence or responsibility than other institutions for the determination of national and international policies, but simply because its very fragility and tolerance constitute an invitation to those who may seek to use these issues to attack the institutions of our society. No university, however progressive, can avoid confrontation with those who are determined to use it merely as an instrument of revolutionary politics.

The universities have responded to the disruptive disturbances and to the underlying student unrest in various ways. Internal disciplinary actions, the use of police or national guard, the use of court injunctions and criminal prosecutions have, in different circumstances, been used by various institutions to cope with disorders. In a substantial number of institutions there have been substantive institutional changes in response to the underlying merit of student grievances, from relatively minor changes in procedures to fundamental overhauls of academic programs, disciplinary machinery, and institutions of government. In some institutions, provision has been made for increased participation of students at various levels of university authority, including membership on the Board of Trustees. At other institutions, a careful consideration of the issue has resulted in a determination that the principle of administrative accountability is preferable to representation of all segments of the academic community in the decision-making process.

The reaction of higher education to campus unrest has not dispelled public concern. Student disruptions have already resulted in legislation in approximately one-half of the states and in the Congress, with additional legislative proposals now under consideration. The courts are reviewing university disciplinary actions and procedures in unprecedented numbers. Alumni and the citizenry in general are demanding that order be maintained, while students continue to protest over the allegedly slow pace of institutional reform.

The danger to higher education is apparent if violent disturbances continue to interfere with the educational missions of our institutions of higher learning or if members of our academic communities become more alienated from the universities and society of which they are a part. The importance of the orderly functioning of our universities is too great to tolerate the number and kinds of disruptions that have become commonplace. At the same time, there is a risk that certain efforts to maintain order may themselves be excessive and may indirectly contribute to disruptions infringing upon rights of students within a university freely to express their dissent and to be dealt with fairly when charges of misconduct are asserted against them.

### *B. Specific objectives of the Commission*

Principles and procedures must be developed that will insure freedom for dissent, while preserving the order required for those endeavors that constitute the reasons for the existence of universities. The Commission has resolved to concentrate its efforts in this Report on the formulation of those principles and procedures.[3]

The Commission has deliberately avoided detailed recommendations in part because of the formidable difficulties caused by the diversity of higher education in America and the complexity of the relationships within each institution.

More than seven million students are currently enrolled in nearly 2,600 colleges and universities in the United States. Two-thirds of these students attend public institutions that account for forty percent of all institutions of higher learning. The remaining third are unevenly distributed among 1,500 private institutions, and nearly sixty percent of these institutions have some degree of religious affiliation.

Private institutions share a common principal dependency on private financial support, but their particular dependency even in this regard varies greatly and they otherwise reflect almost every imaginable variety of educational ecology. They include giant universities heavily invested with major research and graduate programs, thousands of students from eighteen to thirty-five years, and campuses with widely differing degrees of decentralization and impersonality. At the same time, the complex of private higher education also includes theological seminaries, technical institutes, and proprietary colleges with concentrated financial dependency, specific doctrinal commitments, and such diverse educational circumstance that detailed prescriptions uniformly responsive to the situation of all private institutions alike are impractical and undesirable.

Variety in educational circumstances is equally obvious among public colleges and universities in which the greater number of students are enrolled. They, too, reflect major differences in size, resources, personnel, function, curriculum, facilities, governance, and tradition. They embrace the state and federally financed multiversities of more than 30,000 students drawn from great distances to large campuses of uncertain boundaries scarcely separating them from the city at large. They include small, two-year community colleges with purely local student bodies of eighteen and nineteen year olds, compact campuses, a liberal arts curriculum, and community boards of control administering small budgets from locally-dependent tax sources. At a time when public attention to campus unrest may tend to suggest that most of higher education is pursued in one or two kinds of institutions—such as the very large and impersonal multiversity or the small but permissive liberal arts college—it may be instructive to note that a quarter of the entire college student population is found in junior colleges.

This central theme of diversity in higher education means that this Commission's prescriptive statement of principles must appropriate restrict itself to a limited number of recommendations within the practical capacity of each institution to consider according to its own particular circumstances. Any attempt to provide detailed prescriptions would presuppose a nonexistent sameness in the circumstances of all institutions of higher education.

The present state of the law limits the power of state universities to restrict political expression and to administer summary discipline to a much greater degree than is true of private institutions, and our recommendations appropriately take those legal limitations into account. Furthermore, available evidence indicates that disruption and violence has been especially prevalent in some of the large academically selective institutions, and substantive and procedural standards therefore must also be formulated with the needs of these institutions in mind. Additionally, there is reason to believe that the need for formulating principles governing freedom of expression and the adjudication of charges of student misconduct may be the greatest in some of our small institutions which have not yet experienced the intensity of student concern manifested at other institutions. Thus, our recommenda-

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tions are meant to be useful to them as well.

The Commission is aware that its concern about the protection of legitimate dissent will be of limited value to a number of institutions that have already accepted the basic principles reviewed in this Report. And, again, there are necessarily a number of smaller, highly specialized institution that are unlikely to be faced with the prospect of violence by a politicized student group and may not need even the limited degree of institutionalized rules reflected in our recommendations.

A second factor that argues persuasively against any attempt to draft specific rules is the complexity of the relationships within any particular institution of higher learning. Few universities conform to the image of a monolithic institution in which power is concentrated in a small group of administrators who are capable of responding promptly to any crisis that may arise. In most institutions, the power of college administrators is shared with trustees, faculty, and others. Frequently, the authority of the president and his administrative subordinates is not commensurate with their responsibility. In all institutions, the relationships among students, faculty, administrators, trustees, boards of visitors, alumni, the communities in which they are located, and the public at large are complex and sophisticated. Special relationships with religious bodies or state legislatures may compound the difficulty of understanding how any given university functions.

The nature of these relationships in any one university are usually incapable of comprehension without an understanding of the traditions, informal understanding, indentures, corporate charters, or state and federal legislation, which make up the background for the daily operations of every university. Rapid growth in an era of change has resulted in a situation where many universities themselves have not yet been able to evaluate the degree to which such factors affect decision-making or the exact role of different groups in the formulation of policy. Many institutions are now engaged in such self-evaluation, and the deliberations may affect the kinds of specific rules that will be appropriate for any given institution.

The Commission's recommendations are based upon the premise that within a university it is possible for men of good faith to engage in free expression, and that it is possible for institutions of self-government, including university disciplinary proceedings, to operate effectively. These conditions exist in the overwhelming majority of American institutions of higher learning. Unfortunately, there are universities where, on occasion during recent years, different conditions have prevailed. For example, disciplinary hearings have been interrupted, hearings have been turned into politicized propaganda tirades, coercion has been exercised to preclude rational consideration and determination of the issues involved.

A university should not permit its fairly established procedures to be frustrated by conduct of this nature. University disciplinary proceedings are fragile instruments. A university does not have a career judiciary, or marshals, sheriffs or bailiffs to enforce its orders and maintain order. Any dedicated group of disrupters can interfere effectively with the deliberations of any university tribunal. Such a situation is akin to the type of insurgency which justifies martial law, and an institution may be required to depart from its normal procedures (such as closing a hearing to the public) when it is immediately threatened with disruption.

With these reservations, the Commission has divided its Report into two sections: The Protection of Freedom of Expression; and, The Maintenance of Order with Justice.

## II. THE PROTECTION OF FREEDOM OF EXPRESSION

### *Introduction*

During its 1968 Term, the Supreme Court of the United States for the first time in twenty-five years reviewed a case involving student freedom of expression. Its decision ended in granting relief to several public high school students who had been suspended for wearing black armbands on campus as a peaceful expression of dissent to American involvement in Viet Nam. After emphasizing repeatedly that the record in the case contained no evidence of intimidation or material disruption upon which the school might otherwise have properly relied as a basis for its disciplinary action, the Court went on to make certain observations that are of importance to the recommendations of this Commission:

"First Amendment rights, applied in light of the special characteristics of the school environment, are available to teachers and students. It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. This has been the unmistakable holding of this Court for almost 50 years."

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"Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved. In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views."—*Tinker* v. *Des Moines School District,* 393 U.S. 503 (1969).

This Commission's recommendations necessarily reflect the fact that public institutions of higher education are subject to the First Amendment, and that the Constitution itself thus provides a subsantial measure of protection for free speech on campus. While the precise scope of student political rights on campus remains uncertain (given the relative infrequency of litigation, the near absence of Supreme Court review and considerable disagreement among the lower courts) a reasonable basis does exist to project an outline of those rights "applied in light of the special characteristics of the school environment," and limited by "constitutionally valid reasons" for their fair regulation.

Our recommendations distinguish generally between public and private institutions because their needs and circumstances may differ sharply, especially for institutions with announced doctrinal commitments and specially limited vocational or religious objectives, and where the First Amendment may not apply. At the same time, our recommendations for public institutions may also be appropriate for many private institutions as well. To a considerable extent, this similar treatment of student expression in many private institutions as in public institutions reflect the fact that a clear distinction cannot always be made in a given case as a matter of law, educational policy, or institutional need. Increasingly, for instance, more and more private institutions rely upon governmental assistance to underwrite new construction, research, salaries, and student aid. The Supreme Court has said: ". . . when authority derives in part from Government's thumb on the scales, the exercise of that power by private persons becomes closely akin, in some respects, to its exercise by Government itself." Whether the First Amendment will be held to apply to certain private institutions or at least to certain aspects of their operations when they are financed and otherwise significantly involved with government has not yet been decided by the Supreme Court. Nevertheless, prudent planning requires the recognition that the Court may hold that the Amendment is applicable.

Beyond this, the "special characteristics of the school environment," referred to by the Supreme Court, very considerably among public and private institutions alike, with the consequence that the latitude of institutional regulation of student expression may be broader at some institutions than at others irrespective of whether they are public or private. Limitations on facilities, finance, and personnel in a small community college may, for instance, preclude the extent of political activity feasible to accommodate within a larger institution.

The difference in average age of students in a given college may make it educationally appropriate to provide for a degree of advice and consultation inessential to observe to the same extent at an institution with a largely graduate student body. Additionally, emergency circumstances within a given public institution may justify special measures essential to the restoration of order, just as they may do so in the larger society. In these and other respects, it may obviously be of secondary importance to determine whether a given institution is either private or public in a technical sense.

Finally, the Commission wishes expressly to note that not all of our suggestions necessarily reflect established legal requirements even as applied to public institutions. To a certain extent, this is unavoidable because the law is not entirely settled. More substantially, however, our recommendations attempt to report standards that may be seen as fair and feasible, faithful to the law as it has developed, and also responsive to the needs of students and the constraints of higher education.

### *A. Freedom of expression and political activity in public colleges and universities*

Students enrolled in public institutions of higher education are entitled to the same First Amendment freedoms that they hold as citizens. In the context of the campus itself, the fair exercise of those rights involves the following considerations.

#### 1. Freedom of Association

Students should be free to organize and to participate in voluntary associations of their own choosing subject to university regulations insuring that such associations are neither discriminatory in their treatment of other members of the academic community nor operated in a manner which substantially interferes with the rights of others.[4] Under appropriate circumstances, e.g., where university funds may be involved, or where support is provided other than through voluntary contributions of the members themselves, the university may reasonably require a reliable accounting procedure and a list of officers or other persons responsible for the overall conduct of the association. While a faculty advisor may be of benefit to an association and provision may be made to encourage this degree of faculty support, a voluntary student association ought not be subject to the control of its advisor nor should freedom of association be denied to groups unable or unwilling to secure assistance of this kind. Affiliation of a voluntary student association with extramural organizations is not by itself a sufficient reason to deny that student association the use of campus facilities, although reasonable provision may be made to safeguard the autonomy of a campus organization from domination by outside groups.

Freedom of association on campus may properly reflect personal or political interests of the members not necessarily related to the

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operation of the university or its regular instructional program. The right to voluntary association is not limited to those groups that necessarily hold interests coincident with those of the institution as such; but, campus organizations are under a strong obligation to avoid any representation that their actions necessarily reflect the views of the university.

Acts of intimidation or disruption of the university may properly be forbidden by rules applicable to all members of the academic community, including voluntary associations. Thus, violations of such rules by voluntary associations may properly result in the imposition of sanctions against an association corporately, and not merely against its members as individuals. In addition, a public institution may not forbid freedom of association because of misgivings about the general political or philosophical objectives of any particular group. Laws governing criminal solicitation, attempt and conspiracy are, however, equally applicable to students as to all others and overt acts in material furtherance of an illegal objective may be subject to university discipline as well as redress under general law. Upon proper consideration of this subject with legal counsel, whose assistance may be necessary to inform the institution on the scope of its authority in this area, specific regulation may then be provided.

### 2. Freedom of Speech and Assembly

Rules specifically applicable to speech and assembly on campus should be clear and specific to avoid the possibility of arbitrary enforcement and to avoid degrees of uncertainty which might otherwise inhibit the exercise of orderly and peaceful expression.

No rule should restrict any student expression solely on the basis of disapproval or fear of his ideas or motives. At the same time, the fact that students may pursue interests in political action through speech and assembly on campus does not abrogate their accountability as citizens to the constitutional laws of the larger society, and the university is entitled to reflect these constraints in its own regulations. Accordingly, willful defamation, public obscenity, certain incitements to crime, as well as other civil or criminal misconduct under laws applicable to a manner of speech or assembly directly damaging to the rights of others may be subject to institutional redress.

In addition, institutions of higher education have a serious obligation to protect the operation of the university from disruption and to protect the members of the academic community and all others authorized to use their facilities from harassment and coercion. Modes of speech or assembly that are manifestly unreasonable in terms of time, place, or manner may be forbidden by clear and specific university rules. Such rules are a condition rather than a limitation of freedom within the university. Thus, demonstrations, speeches or assemblies that are disruptive because they are staged in a manner that congests access or passage, or due to their noise or location, and expressions imposed on semi-captive audiences or offensively upon unwilling third parties may appropriately be forbidden.

Freedom of expression is not confined to oral or written communication alone, and symbolic conduct ought not be forbidden where it is neither disruptive by its manner nor otherwise violative of rules applicable to conduct as such. Freedom of expression on campus, moreover, ought not be restricted only to areas especially suitable for stationary assembly. An effective opportunity to reach others whose interest a student may desire to attract may appropriately extend to other facilities on campus to the extent that their normal operation is generally compatible with peaceful communication. Thus, the distribution of printed matter in places of general public access, and the exercise of other forms of expression which are not disruptive of the customary use of various university facilities should not be restricted.

In addition to being protected in the exercise of their own freedom of speech, students should be free to invite and to hear any person of their own choosing. Routine procedures required by a public institution before a guest speaker is invited to appear on campus, such as those applicable to other assemblies on campus, should be designed to insure only that there is an orderly scheduling of facilities and adequate preparation for the event. Institutional control of campus facilities thus should not be used as a device of censorship. Guest speakers, not otherwise associated with the university, are nevertheless accountable for their conduct under valid general laws, and the university may seek the assistance of those laws under appropriate circumstances. While a student organization ought not be held responsible for unforeseeable illegal actions by a speaker on campus at their invitation, sponsorship with knowledge of the speaker's intended or probable violation of the law, which violation does in fact occur in connection with that sponsorship, may appropriately result in disciplinary action against the sponsoring students.

### 3. Freedom of the Press

Freedom of the press is in a basic sense but a special aspect of freedom of speech. As a consequence, many of the rules protecting and limiting other modes of expression on campus will apply equally to the regulation of publications. Ideological censorship is thus to be avoided in the determination of printed matter available on campus; access to publications is not to be denied because of disapproval of their content; and regulation of student publications that operate on the same basis as other private enterprises should be subject only to the same control as those respecting the reasonableness of time, place, and manner of distribution. Similarly, valid general laws proscribing willful defamation, public obscenity, and other actionable wrongs apply equally to printed matter as to other forms of expression on campus. Finally, just as the institution has an obligation to discourage interference with speech, so also may it prohibit acts of vandalism or other misconduct that seeks to hinder the orderly distribution and availability of publications on campus.

As already noted, a student publication that operates on the same basis as other private undertakings may be subject only to the same control as they. The regular student press is often distinguishable from other publications, however, and frequently cannot be treated as though it were an enterprise financially and legally separate from the university. Student newspapers may be supported by compulsory student fees and other direct and indirect institutional subsidy. They may be legally integrated with the operation of the university in such a fashion that the institution is answerable under the law for actionable statements injurious to others. They may be associated with a department of journalism or other curricular discipline carrying academic recognition and supervision. In each of these instances and others, the integration of the student press and the university may make it appropriate that rules be provided for its fair regulation and protection.

The fact of institutional subsidy and liability does not warrant censorship of editorial policy or content in any broad sense. The university may provide for limited review, however, solely as a reasonable precaution against the publication of matter which would expose the institution to liability. Provision should be made to advise student editors and managers of laws applicable to the student press and to the institution, and the rules may provide that editors and managers are subject to an additional obligation to review copy with a person appropriately designated to furnish them counsel on any matter which the editors have reason to know may raise a substantial question of institutional liability. At the same time, editors and managers of student publications should be protected from arbitrary suspension and removal from office because of student, faculty, or administrative disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures.

Where the student press is supported by compulsory student fees or other significant university subsidy or where there is a generally accepted public identification with the particular institution, it may properly be subject to rules providing for a right of reply by any person adversely treated in its publication or in disagreement with its editorial policy or its treatment of a given event. Similarly, since the right of fair access to a publication supported by compulsory subscription may be essential to protect those thus compelled to support the press, provision should be made for the publication of news and views offered by persons who feel that they are not adequately represented in the coverage of that press, subject only to reasonable standards of newsworthiness and review of possibly actionable statements.[5]

Faculty or administrative supervision of publications integrated with academic credit and training in journalism should be limited to academic requirements and evaluation. As a matter of policy, provisions for review of faculty or administrative evaluations believed to reflect bias or prejudice extend equally to the protection of students in journalism.

University published and financed student publications should appropriately indicate that the opinions there expressed are not necessarily those of the university or the student body. Moreover, other student publications may fairly be required to indicate that they are not published or financed by the university, and that opinions expressed therein are without university endorsement.

### 4. Within the Classroom

The classroom is not an unstructured political forum. It is a center for the study and understanding of a described subject matter for which the instructor has professional responsibility and institutional accountability. Control of the order and direction of a class, as well as control of the scope and treatment of the subject matter, must therefore immediately rest with the individual instructor, free of distraction or disruption by students or others who may be in disagreement with the manner in which he discharges his responsibilities. Thus, disruption of the classroom itself or conduct within the classroom insubordinate of the instructor's immediate authority may appropriately be forbidden by the rules of the university. The rules may properly reflect the obligation of each student to respect the rights of others in the maintenance of classroom order and in the observance of that standard of elementary courtesy common to every intellectual discipline.

Given the fact that the classroom may not be utilized to ventilate grievances relevant even to the conduct of the class itself, at least when the instructor indicates his reluctance to depart from the assigned materials, universities should provide some orderly means outside of the classroom for the review and disposition of such grievances. Where such means are provided, or where students otherwise express their grievance with the conduct of a given course without disrupting the classroom itself, they should not be subject to instructional reprisal or punitive

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grading for doing so. To safeguard these prerogatives as well as to protect students from instructional evaluation based on political bias, individual prejudice, or other considerations not reflecting a professional assessment of educational performance, provision should be made for an orderly procedure of appeal from instructional evaluations allegedly reached on nonacademic grounds.

### *B. Freedom of expression and political activity in private colleges and universities*

Students enrolling in private institutions of higher education are generally subject to whatever extent of regulation each institution has determined to be appropriate to its own needs and circumstances. The Constitution does not require that a private seminary subordinate its belief in revealed truth to criticism within its own walls, nor does it forbid the dedication of private assets for secular purposes which the grantor or his trustees desire to limit specifically as they think best. A private college is generally free to determine to its own satisfication the nature and conditions of the educational service it wishes to offer. In a pluralistic society, the basic value of all of these institutions inheres in the fact that they offer alternatives which remain highly attractive choices to many people.

Correspondingly, the principal obligation of these institutions to those whom they encourage to enroll is primarily one of clear and honest disclosure. Where the institution thus makes clear its own expectations and provides an understanding of what it deems incompatible with its purposes as well as what it will attempt to provide, respect for its rules may be expected in the conduct of its students subject to whatever process of change the institution has otherwise established.

In practice, however, some private institutions (*e.g.*, a school with a fixed doctrinal or ideological objective) may also need to reflect their special characteristics in their staffing and admissions policies, as well as in their rules and publications. Otherwise, some students and faculty may come into the institution in spite of, rather than because of, the institution's special characteristics. Their displeasure with policies with which they disagree may result in controversy which in turn may trigger a disruption, despite the institution's attempt to make its policies clear in its rules and publications.

We have noted earlier in this Report that many private institutions neither feel a need for regulating student political expression in any manner differently from what we have recommended for public institutions, nor do they think it desirable to set themselves apart in this respect. Indeed, it deserves to be said that a number of private institutions do not maintain even that degree of restriction on student political activity which the law allows even to their public counterparts. The commission fully supports the many distinguished private colleges that have adopted such policies. The Report intends only to acknowledge that variation among the circumstances of all our institutions of higher learning makes it imperative to recognize that each institution must enjoy a substantial measure of freedom in reconciling these recommendations with its policies and objectives.[6]

## III. THE MAINTENANCE OF ORDER WITH JUSTICE

### *Introduction*

The interests of the public and higher education will be best served by entrusting the primary responsibility for the maintenance of order on the campus to the universities when they are willing and able to perform the function.

In most universities the maintenance of order does not constitute a major problem. Most students voluntarily abstain from disruptive activity. In most cases the normal channels of university governance are able to find solutions to disputes before controversy erupts into a disorder.

New techniques are being utilized on some campuses to accelerate decision-making where the normal institutional processes are felt to be too slow or inflexible to achieve a satisfactory solution within the time available. Undoubtedly, other alternatives for the resolution of campus disputes will be found as universities continue to engage in self-evaluation of their disputes resolution machinery.

Searching self-evaluation, the identification of valid grievances, and prompt attention to institutional shortcomings provide the most effective assurance for the maintenance of order. As in other fields of endeavor, prevention is to be preferred over therapy.

Not all confrontations can be avoided. On occasion disputes may concern issues which the university lacks the power to resolve. On matters within institutional competence there may be an honest difference of opinion on matters too fundamental to permit compromise, or the power to take effective action may rest in a person or body other than the immediate parties to the dispute. Finally, no university can avoid confrontation with those who openly espouse its destruction or those who assert non-negotiable demands. In such circumstances, a confrontation may result in a disruption if students are unwilling to conform their conduct to the requirements of law. In such cases, primary reliance should be placed on university disciplinary procedures, supported by university security personnel, for the maintenance or restoration of order and the prevention of future disturbances. The imposition of effective sanctions against students guilty of misconduct after prompt, fair disciplinary proceedings will normally be sufficient to maintain an acceptable level of order without the necessity of outside intervention.[7]

Nevertheless, conditions can arise where a university may be required to seek the assistance of civil authorities or civil authorities may, on their own initiative, determine that intervention is necessary in order to protect persons, property or the orderly functioning of the university or to put a halt to flagrant violations of law.

Both the use of internal disciplinary procedures and the intervention of civil authorities pose issues of great importance to the public and to institutions of higher learning. This portion of the Report deals with these matters.

### *A. University disciplinary procedures*

### Introduction

The Commission is concerned exclusively with appropriate procedures in cases where a substantial sanction, such as suspension or expulsion, may be imposed for alleged misconduct by a student. The recommendations of the Commission are not intended to apply to purely academic decisions by a university, nor do they apply to cases in which the penalties involved are not serious. Furthermore, the Commission recognizes that a student, with knowledge of his rights, may prefer and may choose to accept informal procedures for the determination of guilt or the imposition of a sanction.

For reasons stated previously, no attempt shall be made to suggest a model of universal utility. Instead the Commission recommends that institutions of higher learning structure their disciplinary proceedings in a manner reasonably calculated to accomplish several goals. The procedures established should facilitate a reliable determination of the truth or falsity of the charges. They should provide fundamental fairness to the parties, and they should be an effective instrument for the maintenance of order. The Commission rejects the proposition that one of the purposes of university disciplinary proceedings is to provide a forum to politicize a campus.

### 1. Principles for Achieving Reliability and Fundamental Fairness

#### a. The need for rules

A number of colleges and universities have instituted disciplinary proceedings against students on the basis of their "inherent authority" to maintain order on campus, in spite of the absence of any rule forbidding the particular conduct which formed the basis of the charge. Where the particular conduct involved substantial disruption and was otherwise of such a nature that the students could not reasonably have supposed that it would be condoned by the institution, the university's authority to proceed simply on the basis of its inherent authority has generally been upheld by the courts. On the other hand, one federal court of appeals has recently rejected the view that inherent authority alone is a sufficient basis for serious disciplinary action, further observing that the doctrines of vagueness and overbreadth that other courts have applied to invalidate certain university rules applicable to political activity "presuppose the existence of rules whose coherence and boundaries may be questioned."

Given the unsettled state of the law and the reasonableness of competing points of view on this subject, the Commission is not inclined to recommend either that a university may never act against a student other than pursuant to a published rule clearly furnishing the basis for a specific charge or that it may freely act against the student even in the absence of any clearly applicable and previously published rule. Rather, the Commission believes it more useful to state the various considerations according to which an institution may better determine what fundamental fairness may require in the circumstances of a given case:

(1) A college or university ought not be expected to formulate elaborately detailed codes of conduct comparable to the consolidated criminal statutes of a state. An attempt to differentiate among all possible offenses in comparable refinement is not within the resources of many colleges, it may detract from the educational character of an academic institution, and it may inadvertently encourage an adversary relationship in which professional quibbling is substituted for fundamental fairness.

(2) For most purposes, however, it is feasible for a college or university to describe its standards with sufficient clarity and to publish those standards in a form readily available to its students in a manner which, while not exaggerated in length, detail, or complexity, will provide fair notice of what is expected and what is forbidden.

(3) While it might be helpful to designate a responsible person or group of persons to furnish an authoritative advisory opinion upon inquiry by those wishing to know whether a proposed course of conduct would be deemed to violate a rule that is somewhat vague, or would be deemed to be inconsistent with the institution's inherent power to maintain order on campus, the value of such a procedure should be seen as complementary to published rules and not as a general substitute for rules.

(4) Where a rule has been adopted which is applicable to behavior involving some aspect of freedom of speech, association, or assembly, there is a special obligation that the rule be stated with clarity and precision.

#### b. The scope of rules

The Commission elsewhere in this Report records its view that university rules may appropriately overlap certain state and federal statutes, and that the concept of double jeopardy does not limit the scope of a university's rules. Thus, a student who disrupts a classroom in a manner that subjects him to a general statute applicable to assault and battery may also appropriately be subject to

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Footnotes at end of article.

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university disciplinary processes as well. Conversely, the fact that certain student conduct is not necessarily subject to any state or federal statute does not make it inappropriate for a college to forbid such conduct, as may ordinarily be true of cases of cheating on examinations or plagiarism. The relation of college rules to general laws is therefore largely coincidental, and the scope of university rules is appropriately determined by the announced objectives of the university and the extent to which it has reasonably determined that certain rules are fairly related to the accomplishment and protection of those objectives. Given the diversity of our institutions of higher learning and the fact that they are not all established for identical purposes, it is consequently not possible to describe uniform outside limits on the nature and scope of the rules that each may choose to maintain.

At the same time, the Commission recommends that a college or university ought not proliferate its rules beyond the point of safeguarding its own stated objectives. In this respect, a college rule that does no more than to duplicate the function of a general statute and to multiply the individual's punishment under general law without vindicating any distinct and separate concern of the academic community may be seen by many as a form of double punishment and lead to bitterness and recrimination. The Commission emphasizes, therefore, that the scope of university rules ought to be determined by each institution with reference to its own needs and objectives, and not with reference to the scope of state or federal jurisdiction.

### c. Equality of enforcement

The university has an obligation to apply its rules equally to all students who are similarly situated. This does not mean, however, that a university is required to refrain from prosecuting some offenders because there are other offenders who cannot be identified or who are not presently being tried for some other valid reason. In the absence of evidence of discriminatory enforcement, the university may properly try those offenders against whom charges have been brought although it is clear that there are other offenders who are not before the tribunal.

### d. Impartiality of the trier of fact

The truth or falsity of charges of specific acts of misconduct should be determined by an impartial person or group. Fundamental fairness does not require any particular kind of tribunal or hearing committee, nor does it necessarily require that the finder of fact comes from or (in the case of a group) be composed of any particular segments of the university community.

### e. Notice of the charge

A student accused of specific acts of misconduct should receive timely notice of the specific charge against him. The charge should be sufficiently precise to enable the student to understand the grounds upon which the university seeks to justify the imposition of a sanction and to enable him adequately to prepare any defense which may be available to him.

### f. Information concerning the nature of the evidence in support of the charge

If a student denies the facts alleged in the charges, he should be informed of the nature of the evidence on which the disciplinary proceeding is based. He should either be given the right to confront the witnesses against him or be provided with the names and statements of the witnesses who have given evidence against him. In cases where credibility is involved, fundamental fairness may require that a student be provided the opportunity to question his accusers.

### g. Opportunity to be heard

The student should be given an opportunity to respond to the evidence against him. He should be able to present his position, make such denial or explanation as he thinks appropriate, and testify or present such other evidence as is available to him. The technical rules of evidence applicable to civil and criminal trials are not applicable. A student may waive his right to a hearing either expressly or by his failure to appear without justification at the time set. Failure to appear without justification may itself be made punishable.

### h. Basis of decision

The trier of fact before whom the hearing is conducted should base its decision on the evidence presented at the hearing. A finding of guilt and the imposition of a sanction should be based on substantial evidence.

### i. Representation of accused

A student should have the right to be represented at the hearing by any person selected by him, such as a fellow student, a faculty member, a lawyer, or a friend from outside the university community.

The Commission understands the doubts of those who are concerned that the participation by a lawyer may make some disciplinary procedures unworkable, especially where the trier of fact is not a lawyer and legal counsel for him is unavailable. The Commission agrees that it would be most unfortunate if university disciplinary proceedings were to be conducted in the atmosphere sometimes characteristic of criminal trials.

It also recognizes, however, that a hearing on charges of misconduct is an adversary proceeding in the sense that the university is seeking to impose a sanction of substantial severity upon the student, and the student is seeking to avoid the imposition of the sanction. Frequently, there will be sharp controversy over questions of fact, under circumstances in which a young student may lack the expertise to investigate effectively or be too inarticulate to present his case adequately without professional assistance. In many cases there will be a need for counsel for the same reasons that counsel is needed in civil and criminal cases, juvenile proceedings, administrative hearings, or negotiations between private persons.

In complex cases where a student is represented by counsel, it may be essential to have a law trained hearing officer, and on occasion it may also be desirable for the university to present its case through counsel. It may be necessary for the university to utilize the services of members of a law school faculty, local attorneys in private practice, its general counsel, or lawyer alumni to meet such needs.

### j. Interim suspension

As a general rule the status of a student should not be altered until the charges brought against him have been adjudicated. Experience has shown, however, that prompt and decisive disciplinary action may be required in extreme cases before there is an opportunity to conduct a hearing, as in cases in which a student's continued presence on campus constitutes an immediate threat or injury to the well-being or property of members of the university community, or to the property or the orderly functioning of the university. The imposition of interim suspension should entitle the suspended student to a prompt hearing on the charges against him. Fundamental fairness may require an informal review of the decision to impose interim suspension in the absence of a prompt hearing on the charges.

### 2. Implementation of principles

It is clear that the principles discussed in the preceding section are not self-executing. The Commission also recognizes that some may think it desirable to broaden the procedural protection afforded students, while others may question the desirability of some of the principles enunciated above, at least in the case of some private universities.

The Commission has stated what it deems to be desirable standards. It recognizes that individual institutions of higher learning will have to develop their own procedures in response to their special needs. In doing so, they will be required to make difficult decisions in attempting to implement these general principles.

Some of the problems of implementation are clear:

Should the trier of fact be a faculty member, administrative official, alumnus, tribunal, hearing committee, or some other person or group? If the trier of fact is to be a group, of whom will it be composed and how will it be selected? Who may file charges; how should they be investigated; what standards should govern their disposition? What degree of specificity should be required; should consolidation of charges against different students be permitted; how should they be served; what time interval should usually exist between service of charges and hearing? Should the defendant be permitted to stand mute? Should evidence in support of the charges be normally presented by report, statements, or live witnesses? What quantum of proof should be utilized by the trier of fact as a criterion for determining whether there is "substantial evidence" of guilt? Will the hearing normally be open or closed; and what circumstances, if any, will justify a departure from the normal procedure? Should an appeal be permitted, and if so, what will be the scope of the appeal and to whom should it be addressed?

These are but examples of questions that may result in a wide range of responses in the different kinds of institutions of higher learning across the country. The Commission does not suggest that any one set of answers is best for all. The basic test must be the extent to which proposed procedures contribute or detract from the reliability of fact finding, fundamental fairness, and effectiveness.

### 3. Effectiveness

It is not sufficient that disciplinary procedures be reliable and fair. They must also be effective. Effectiveness is particularly dependent on the overall attitude of the university community itself. It assumes a widely shared commitment to the principle of institutional self-governance. It requires that misconduct be reported, that charges be filed by those who have the responsibility to do so, that the witnesses will testify if called, that findings of guilt be made when the evidence so warrants, and that penalties be imposed when guilt is found and sanctions are appropriate. There must be a general willingness to participate in the proceedings and to respect the finality of their results. It must be possible for proceedings to be conducted without fear of interruption or retaliation against those who participate.

In some universities the imposition of the sanction of suspension or expulsion has triggered new disorders. The university community must appreciate that its failure to police its own house will inevitably lead to intervention by civil authority.

### *B. Relationship between campus authority and civil authority*

### Introduction

In the words of the National Commission on the Causes and Prevention of Violence, members of the university community "cannot argue that of all Americans they are uniquely beyond the reach of the law." A citizen is not immunized from the law by virtue of his status as a student.

The Commission has earlier in this Report affirmed its belief that there are persuasive reasons why the interests of the public and the university community may be best served

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by entrusting the primary responsibility for the maintenance of order to universities when they are willing and able to perform the function. At the same time, it has recognized that there are circumstances in which the intervention of civil authorities may be required.

Intervention by public authority may take several different forms: the issuance of an injunction; selective arrests; the introduction of substantial numbers of police into the campus; civil suits for damages. All have advantages and disadvantages. Whether or when there should be recourse to any of these techniques raises questions of judgment and discretion, rather than issues of law. The Commission can do no more than to indicate some of the considerations that should influence the decision of what techniques should be utilized and when they may be most appropriate.

### 1. Injunctions

A number of institutions have sought injunctive relief for the purpose of quelling campus disturbances, with varying degrees of success. Some courts have granted injunctions upon the theory that the presence of an immediate threat to property or persons or a significant interference with the educational mission of the institution constitutes a threat of irreparable harm justifying injunctive relief. In at least one state, it is no longer necessary to allege that irreparable injury is threatened if the court finds that "a state of emergency exists or is imminent within the institution." In most instances, universities have been able to obtain a temporary restraining order upon an *ex parte* application by counsel.

There are a number of advantages to the use of injunctions in cases of student disorders: An injunction can be narrowly drafted to deal with a specific disturbance with much more precision than a general statute, thus responding more effectively to the disruption while avoiding unduly broad limitations upon freedom of expression. The injunction constitutes a public declaration by the courts of the unlawful nature of the actions taken or threatened by the disrupting students. The issuance of an injunction may generate a favorable public reaction to the position of the university. It may persuade moderate students to refrain from participating in the disruption. It imposes restraint upon the disrupting students by a non-university governmental entity. Students may obey a court order when they would ignore the orders of a university official. The injunction may provide students with an opportunity to end a disruption without losing face. If contempt proceedings are instituted to enforce the injunction, the hearing of the contempt citation will generally be accelerated on the court's docket, thus resulting in a speedier determination than might have occurred if the criminal processes had been utilized.

There are also disadvantages. It is frequently necessary to utilize local law enforcement officers to serve process. In most states, the injunction is not self-enforcing, although at least one state statute makes a violation of an injunction a crime in itself. Enforcement of an injunction through court proceedings may involve some of the same problems as those presented when police are used to quell a disturbance. A university that is not prepared to enforce the injunction through contempt proceedings should not seek one. To obtain an injunction in such a situation might permit a court decree to be flouted by students with impunity.

There may be significant procedural problems involved in establishing proof of notice of the injunction when the defendant is brought before the court in contempt hearings. There may be substantial problems of identification when large numbers of students are involved. Where the evidence is insufficient, there is a possibility that an acquittal may have the effect of re-enforcing the status of the offenders within the campus community. An improvidently secured injunction may have the effect of polarizing resistance to university discipline. Improper resort to the injunction for the purposes of restraining the exercise of First Amendment freedoms may result in lower court denials or appellate court reversals embarrasing to the university, and may contribute to the arguments of dissidents that the university does not respect basic constitutional rights.

In determining whether to seek injunctive relief, a university may wish to consider other factors as well. Violation of an injunction may be punishable even in circumstances where the injunction should not have been granted, but enforcement of the sanction of contempt in such a case may in practice contribute to a disrespect for the law. Indiscriminate use of injunctions may encourage disruptions if students conclude that they can engage in disruptive activity without fear of arrest or university disciplinary proceedings as long as they are prepared to yield to a court order when the university seeks injunctive relief. Certainly no institution should depend upon the injunctive relief as the sole remedy to assist it in dealing with disruptions or threats of disruptions.

It has been suggested that a statute conferring jurisdiction upon federal district courts to issue injunctions in cases of some campus disturbances would be desirable. A federal statute would provide a uniform procedure for the use of injunctions throughout the country. Necessarily, however, federal courts would be required to rely in the first instance upon the relatively small contingent of United States marshals to enforce their orders.

The Commission has reached no conclusion on the desirability of such a statute. If such a statute is enacted, however, the Commission believes that it should not preempt state jurisdiction and should not be aimed at students exclusively. Such a statute should follow the model suggested by the National Commission on the Causes and Prevention of Violence, authorizing universities, along with other affected persons, to obtain federal court injunctions against willful private acts of physical obstruction that prevent other persons from exercising their First Amendment rights of speech, peaceable assembly, and petition for the redress of grievances.

### 2. Criminal Sanctions

Arson, assault, breach of the peace, conspiracy, disorderly conduct, false imprisonment, inciting riot, malicious destruction of property, riot, willful interference with meetings, trespass, and unlawful entry are examples of the wide range of conduct that fall within the traditional ambit of the criminal law. In addition, a number of states have recently enacted new legislation dealing with civil disorders or specifically relating to student disturbances. Recently enacted statutes in different states make it a crime to refuse to disperse or leave a building or property when notified to do so by a designated official; prohibit interference with freedom of movement or the use of facilities; punish "willful disturbance," conduct that "impedes, coerces, or intimidates" university personnel, or "disruptive acts"; makes it a felony to enter and destroy records; or prohibit the possession of firearms or "molotov cocktails" on campus. Also, several states have modified their riot laws or enacted comprehensive riot control legislation. Additional state legislation authorizes designated university officials to require persons who are not students or employees to leave the campus or permit such officials to place the campus off limits to persons outside the academic community.

It is doubtful that most students realize the broad range of conduct that is subject to the criminal law. Local arrangements between "town and gown" and discretionary enforcement on campus of drug and alcohol laws have, with the passage of time, insulated some members of some campus communities from a recognition that their conduct is subject to all the laws of the jurisdictions in which they are located.

The criminal laws may be enforced in various ways. A university may request police assistance or police may enter a campus for the purpose of enforcing laws without the request or the consent of the university. Police intervention may precede or follow formal charges by a complainant or prosecutor.

Recourse to the initiation of criminal charges by a university should normally be limited to circumstances when it is impossible to deal with the problem adequately within the university. As the Commission has indicated earlier in this Report, normally an internal disposition of the problem will be most effective. In addition there are other factors which deserve consideration. In common with forms of the use of external authority, the assertion of criminal charges possesses the potential of generating more widespread disruption on the campus. Furthermore, the processes of the criminal law are rarely swift, and a prompt resolution of serious charges in the criminal courts is unlikely. In addition, the university loses control over the proceedings. The decision of whether to drop charges, accept a plea to a lesser offense, or award probation rests with prosecutors and judges, and their judgment may be properly affected by factors other than those of guilt or innocence of the accused.

There are communities, however, in which local police and prosecutors are prepared to ignore what transpires on the campus unless assured of university support. In such circumstances, it may be necessary for the institution to take the lead in invoking the criminal process when necessary because of conduct that endangers the university or members of its community.

The use of police may be limited to arrests, with or without warrant, of previously identified suspects sometimes after a disruption has occurred and subsided. In some cases this may be done without the necessity of introducing any substantial number of police officers into the campus, and after there has been time to discuss alternatives and reach agreement concerning the manner and time at which the arrests will take place. In other circumstances, however, there may be a need to introduce a substantial number of police onto the campus quickly to stop or prevent an unlawful activity, as in cases of violence or imminent threats of violence where the university is unable by itself to maintain or restore order.

There are clear dangers involved in ordering police to enter a campus in large numbers. The university should recognize that any massive intervention of police on the campus carries with it the possibility of "broadening support for the radical movement, polarizing campus opinion, and radicalizing previously uninvolved persons."

Nevertheless, a university and the members of its community may find themselves in a defenseless position, guarded by only a small cadre of security officers who have received little training in the maintenance of order. In the face of determined efforts at disruption by large numbers of persons. To permit wide-scale lawlessness may encourage students to believe that the law may be flouted with impunity, and that the role of police is confined to controlling conduct outside of the university.

The practicalities of the situation will often pose a dilemma. In its early stages a disturbance may be ended or an occupied building recaptured with a minimal use of force. But it is at this stage that there is often the least support for the use of off-

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campus assistance because of confidence that order can be restored through negotiations and other internal means. Intervention by the police involves possibilities of provocation and over-reaction that may result in an exacerbation of the controversy that gave rise to the unlawful activity. Inaction, on the other hand, may result in substantial damage to property, a heightened danger to members of the university community, and interruption of the orderly functioning of the university for an indefinite period.

The Commission is unable to state a general principle that will govern all circumstances. The attitudes of faculty, students, alumni, trustees, and the community in which the institution is located, the history of the relationship between the police and students in the community, the objectives of the disturbance, the number of students involved, and the seriousness of the disruption are among the factors that must be considered.

Any decision that a university makes in such a complex situation may be subject to criticism by someone. Responsible citizens should recognize the difficulty of the problem and give great weight to the judgment of the officials who are best able to make the difficult assessments required and who have the responsibility for the welfare of the institution and the maintenance of order.

Legislation has been introduced in the Congress to expand the federal criminal law to encompass specified acts of disruption in federally assisted institutions of higher learning. The Commission is unconvinced that there is need for federal criminal legislation at this time. Internal disciplinary procedures and state and local laws appear to provide effective techniques for the resolution of controversy and the maintenance of order. Serious consideration of the advisability of the intervention of federal law enforcement agencies and the federal courts should be deferred until there is sufficient experience with existing local institutional processes and laws to determine whether federal legislation is necessary or desirable.

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### 3. Civil Actions for Damages

Civil suits for damages should be brought in appropriate cases by a university or members of a university community for injuries arising out of student disturbances. In a number of institutions there has been substantial damage resulting from fires, smashed furniture, and injuries to equipment and buildings. Students have lost instruction that they otherwise would have received. Indirect damage has resulted from higher costs caused by increases in insurance costs and the reluctance of companies to write institutional types of insurance.

On occasion either a university or a member of the academic community may choose to bring suit for damages. Frequently, however, a private damage suit will not constitute a viable alternative because of problems of proof, docket delay, the uncertainty of collection on a judgment and other reasons.

### 4. The Importance of Planning

Many of the problems involved in the determination of the extent to which civil authority should be utilized and the form that it should take are readily foreseeable. Plans can be developed to deal with many contingencies. The advice of university counsel, prior consultation with local police and public officials, informing members of the university community of what action will be taken in different situations, can go far towards minimizing the adverse effects that sometimes have accompanied recourse to civil authority in the past. Few things are more important than for universities to establish contact with civil authorities and develop in advance understandings concerning the circumstances that will justify intervention and the manner in which they will react if intervention becomes necessary.

### 5. Double Jeopardy

The fact that a student has been subject to university disciplinary proceedings does not in any way preclude a subsequent trial of the student for the same conduct by public authorities if his conduct violated the laws of the jurisdiction. Likewise, the fact that a student has been tried in the criminal courts does not preclude the assertion of an appropriate disciplinary sanction against him by the university. There is no legal basis for the claim of "double jeopardy" in either case. The institution should recognize the possibility, however, of injustice resulting from the imposition of multiple sanctions for the same conduct. In cases where the university proceeds after state action has taken place, consideration should be given by the university to any prior state punishment in determining the appropriateness of a university sanction. A criminal court should properly consider the sanction already imposed by a university tribunal in determining what penalty it should impose. Prosecutors or university officials, as the case may be, should carefully consider whether it is desirable to proceed where a defendant has been acquitted in prior proceedings in court or before a university tribunal. These matters are, however, addressed to the discretion of responsible officials and do not give rise to any right of immunity from a different or additional finding or sanction made by the body that has initially delayed its exercise of jurisdiction.

### 6. Legislative Denial or Revocation of Financial Assistance

Provisions of several federal statutes and provisions in the legislation of several states either require or authorize institutions to deny financial assistance under specified programs to students who have engaged in specified types of disruptive conduct. The language of the statutes varies in a number of particulars. There is a considerable difference in denominating the kind of conduct that will justify the denial of assistance; whether a conviction is required, and, if so, by what kind of court; the programs of financial assistance to which the "cut off" provisions apply ; the period during which funds should be denied; whether an institution is required or permitted to initiate proceedings to terminate assistance; and similar matters.[8]

Some do not expressly require that a hearing be held before financial aid is terminated. The termination of financial assistance, however, constitutes a substantial sanction against an individual, and it is clear that such a determination should depend upon a finding that certain facts exist. In these circumstances, it seems appropriate that a hearing be conducted, and indeed, one may be required by the due process clause. The hearing, in common with a hearing in a disciplinary proceeding, does not necessarily have to have all the elements of a civil or criminal trial, but the student should be entitled to written notice of the proposed termination and a hearing at which he is confronted with the evidence supporting the proposed action, given an opportunity to rebut and explain it, and to present his own evidence. The decision should be based on the evidence that is produced at the hearing.

In addition to the legislation already enacted, a number of other proposals to curtail financial assistance to students involved in disruptions or to the universities at which they are enrolled have been introduced in the Congress during the last two years. One proposal would increase the time period during which funds could be denied, and deny benefits under the GI Bills and the children's allowance section of the Social Security Act, not covered by existing legislation. Legislation has also been introduced that would require the suspension of all federal financial assistance to any university that experienced campus disorders and that failed "to take appropriate corrective measures forthwith." Other proposed legislation would require federally assisted institutions to develop a plan for dealing with campus disorders and have it available upon request upon penalty of cutting off funds, and require institutions to deny assistance under federal programs to students involved in disorders on pain of withdrawal of federal aid.

The Commission views with deep concern these statutes and proposals for terminating financial aid to students who engage in disruptive activities and to the universities which they attend. A university might be required under such legislation to cut off financial aid on a basis of its own determination despite doubts as to the legality or constitutionality of its action. Termination of aid would be required without reference to relative culpability. These proposals could operate in a discriminatory manner because they apply only to those who receive federal financial aid, a specific class of needy students. Thus, the wealthy student who leads a campus disruption would be unaffected by the legislation while a follower could lose the financial assistance needed to complete his education. Proposals to withdraw all aid from institutions of higher learning could deny assistance to innocent students who need financial aid.

The Commission agrees with the conclusions of the National Commission on the Causes and prevention of Violence:

"Existing laws already withdraw financial aid from students who engage in disruptive acts. Additional laws along the same lines would not accomplish any useful purpose. Such efforts are likely to spread, not reduce the difficulty. More than seven million young Americans are enrolled in the nation's colleges and universities; the vast majority neither participate in nor sympathize with campus violence. If aid is withdrawn from even a few students in a manner that the campus views as unjust, the result may be to radicalize a much larger number by convincing them that existing governmental institutions are as inhumane as the revolutionaries claim. If the law unjustly forces the university to cut off financial aid or to expel a student, the university as well may come under widespread campus condemnation." [9]

### 7. Training for University Security Personnel

The need to resort to intervention by civil authorities depends in large part upon the ability of university security personnel to maintain order. Their ability to perform the tasks with efficiency and tact depends in part upon the training they have received. Funds should be made available for the development of training programs for university security personnel, and these programs should include a substantial component designed to make the officers sensitive to the aspirations and tactics of student groups.

## IV. CONCLUSION

Our institutions of higher learning are facing a crisis. They face frustration of the reasons for their existence by disruption within and the loss of their autonomy from intervention without.

There is widespread student unrest and demands that the role and structure of the university be reexamined. There is a deep public concern that order be maintained on the campus.

The challenge to the university community is one of self-evaluation and self-reform. Institutions of higher learning must assess the validity of the complaints asserted by students and make the changes which are required to meet the thrust of valid complaints and to serve the best interests of the institution. The process of self-evaluation and self-reform can only be accomplished within a climate of freedom of dissent and freedom from disorder.

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Footnotes at end of article.

The Commission appreciates that at a time when universities are undergoing a reexamination of their objectives and internal structures and when traditional allocations of power within the university are being challenged, that tension is likely, if not inevitable. But tension itself is not necessarily evil, and may be the hallmark of a sensitive progressive academic community.

Unavoidably, disruption will sometimes develop from periods of tension. All disruptions cannot be prevented, but they can be minimized and they can be dealt with effectively when they occur.

The manifest interests of universities and students require both that freedom of expression be encouraged and that order be maintained. The Commission's recommendations are designed to provide guidelines to suggest how these objectives should be pursued. It is sanguine that they are capable of achievement, and that our universities will meet the challenges that confront them.

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FOOTNOTES

[1] Bayer and Astin, *Violence and Disruption on the U.S. Campus,* 1968–1969, Fall 1969 EDUCATIONAL RECORD. The authors defined violent protest as any campus incident which involved (a) burning of a building; (b) damage to a building or furnishings; (c) destruction of files, records, or papers; (d) campus march, picketing, or rally with physical violence; and (e) the injury or death to any person. Nonviolent disruptive protest was defined as any campus incident which involved (a) occupation of a building; (b) barring of entrance to a building; (c) holding officials captive; (d) interruption of classes, speeches, or meetings; and (e) general campus strike or boycott of classes or of school functions. The characterizations are those of Bayer and Astin, not of this Commission.

[2] Report of 22 Congressmen, led by Honorable W. E. Brock, submitted to President Nixon on June 18, 1969, and inserted in the Congressional Record on June 24, 1969.

[3] In doing so, the Commission is not unmindful of the need to seek solutions to underlying causes of campus unrest and the need to reconcile differing views concerning student and faculty participation in university governance. The Commission will review the issue of governance when it has had the benefit of studies of this subject currently under consideration by several professional associations, including the American Association of University Professors and the American Council on Education Special Committee on Campus Tensions.

[4] Commission member Caruso prefers the following language: "Students should be free to organize and to participate in voluntary associations of their own choosing subject to university regulations insuring that such associations are neither unreasonably discriminatory in their treatment of other members of the academic community nor operated in a manner which interferes with the rights of others."

[5] Commission member Caruso would grant the same right of access to a publication which enjoys a generally accepted public identification with a particular institution, although not supported by compulsory subscription.

[6] Statement by Commission Members Clark, Dash, Shestack and Young: The Commission has set forth desirable standards, which the Constitution mandates, for the exercise of freedoms of assembly, speech and press in public colleges and universities. But we believe the Report falls short in not recommending those standards for so-called private colleges and universities. The relationships between "private" educational institutions and the government through grants, research projects and tax benefits have become so pervasive that few institutions (with perhaps the exception of seminaries) can be considered to be "private" enough to be excluded from the reach of the Fourteenth Amendment. Even if a college or university qualifies as "private," its role toward the individual student is so dominant and the student so limited in his ability to go elsewhere, that the individual should be afforded rights against such private dominance just as the individual is afforded rights against the state by virtue of the Fourteenth Amendment. While the Fourteenth Amendment has not generally been held to apply to cases of private dominance, the Amendment sets a standard to which our society should aspire. Colleges and universities should be among the first who opt for that standard. While we understand the desire of college administrators to maximize their options, at this mature stage of appreciation of individual rights, the standards of the Fourteenth Amendment should not be considered an undue burden for institutions of higher learning.

We believe also that the Report should have emphasized the need for colleges and universities to provide adequate means for receiving and considering the views of students. Otherwise, the freedom of association, speech or assembly which are afforded lose a considerable portion of their value, and incentive is given for disruptive forms of conduct. Since the subject of student participation in governance of educational institutions will be the subject of further Commission exploration, we shall not dwell on the point now.

[7] See page 8, *infra*.

[8] Sec. 706 of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1970, Pub. Law 91–153, 91st Cong., 1st Sess., provides an example:

"Sec. 706. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of, or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies at such institution: Provided, That such limitation upon the use of money appropriated in this Act shall not apply to a particular individual until the appropriate institution of higher education at which such conduct occurred shall have had an opportunity to initiate or has completed such proceedings as it deems appropriate but which are not dilatory in order to determine whether the provisions of this limitation upon the use of appropriated funds shall apply: Provided further, That such institution shall certify to the Secretary of Health, Education, and Welfare at quarterly or semester intervals that it is in compliance with this provision. . . ."

[9] Commission member Caruso dissents.

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# THE PRESIDENT, THE CONGRESS, AND THE WAR

## HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. RYAN. Mr. Speaker, the invasion of Cambodia by the U.S. troops has precipitated one of the most serious constitutional questions this Nation has faced—the question of the respective roles of the President and Congress with respect to warmaking.

Now Congress is beginning to assert its proper role which it has abdicated for too long. I have pointed out since the beginning of this tragic war that Congress has the power to control and end it through the appropriation process. At last this approach is receiving broad acceptance.

I include in the RECORD an article which appeared in the May 16 issue of New Yorker magazine. I commend it to my colleagues:

### THE TALK OF THE TOWN

### NOTES AND COMMENT

As the defeated British regiments marched past the files of French and American troops at Yorktown, the British bands, in detached resignation, played "The World Turned Upside Down." The same tune would have been an appropriate accompaniment to the events of last week. For the two-hundred-year-old American system came under its most serious attack in modern times, not from the poor, the blacks, or the students but from the White House—the fount, the pinnacle, the keystone of the established order. President Nixon became the first President in the history of the United States deliberately to order American forces to invade another nation on his own, without seeking congressional approval or support. This order was in disregard of the Constitution, the tempering strictures of our history, and the principles of the American democracy. It was, therefore, an act of usurpation.

Few prohibitions are more clearly set forth in the Constitution. It makes the President Commander-in-Chief, and explicitly states that only Congress shall have the power to declare war or raise armies. The Federalist Papers reaffirm what the law makes clear: the term Commander-in-Chief meant only that the President could direct the conflict after Congress had decided to make war. Hamilton wrote that the President's power would be much less than the power of the British King, for "it would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy; while that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies—all which, by the Constitution under consideration, would appertain to the legislature." This was no casual division. The fear of military power under the control of a central government was one of the most serious popular objections to the establishment of the new nation. The only way this could happen, the founders responded, was by a "continued conspiracy" between the executive and the legislature. In this case, Hamilton advised, "the people should resolve to recall all the powers they have heretofore parted with out of their own hands . . . in order that they may be able to manage their own concerns in person." As sophisticated men, the Founding Fathers foresaw some of the dangers that lay ahead. They recognized explicitly that formal declarations of war were going out of style, but they still required our legislature to declare war. They saw "how easy [it] would be to fabricate pretences of approaching danger," but they said that this would demand "a combination between the executive and the legislative, in some scheme of usurpation." In other words, the Constitution would protect the American people against the misuse of military power by prohibiting the executive from going to war without congressional approval and prohibiting Congress from directing the war it had started. Even this was dangerous, they acknowledged, but it was the best that could be done.

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For over a hundred and sixty years, the Constitution was followed. Congress declared the War of 1812, the Mexican War (even though there had been a somewhat provoked attack on our troops), the Spanish-American War, and both World Wars. In the period after the Second World War, things began to change. The development of Soviet atomic power, the military impotence of Western Europe, and the shock of Korea impelled us toward the creation of a large peacetime standing Army—the first in our history. It was seen that a sudden emergency might require instant action, with no time to go to Congress. This implied exception to Constitutional principle was based on the technological realities of atomic war, and it has been invoked only once—when we intervened in the Dominican Republic. That intervention, however, was based on the claim that action within hours was necessary to protect the lives of Americans trapped between the contending forces—simply a traditional rescue operation. This claim may well have masked other motives, but American forces were not committed to combat, and support of the congressional leadership was sought and received within hours of the order to intervene and before the Marines had actually landed. In Korea in 1950, President Truman acted pursuant to a resolution of the Security Council, whose powers had been confirmed by the Senate when it consented to ratification of the United Nations Charter. In addition, Truman met with the congressional leadership of both parties before ordering combat forces into action, and received their unanimous support, along with that of the defeated Republican nominee, Thomas Dewey. Nor was there any doubt of the overwhelming public and congressional approval of his action—at least in the beginning. (The same week, the draft was extended with only four dissenting votes.) Still, the Republican candidates in 1952—including Senator Nixon—were critical of Truman's failure to get more formal congressional approval. So President Eisenhower sought, and received, congressional resolutions authorizing him to act in the Middle East and in the Formosa Strait. President Johnson himself asked for a resolution at the time of the Gulf of Tonkin incident, and it was the literal verbal scope of this resolution that was construed as authorizing all subsequent action in Vietnam. Yet such a construction was clearly an evasion, and it was at this point that the great Constitutional principle began to decay.

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Now President Nixon has taken a giant step. Not only has he evaded the spirit of the Constitutional division of powers but he has deliberately ignored its plain meaning and intent. He has decided that he will go to war in Cambodia because he feels it necessary, no matter what Congress wants or what the people think. He has even implied that such willful disregard of the people and their elected representatives is an act of noble self-sacrifice, and has hinted that we should admire his courage in exceeding the limits of his Constitutional powers. The war in Cambodia was not an emergency. There was time enough to present the matter to Congress for a switch decision. Indeed, unconcealed debate within the executive branch went on long enough to permit the Vietcong to evacuate the threatened area. But the President did not follow the precedent of all his postwar predecessors by seeking assurance of congressional support, either formally or through meetings with the leadership. Rather, he made war by fiat. He has thus united in himself the powers that the Constitution divides and that have remained divided through our history. This comes from an Administration that proclaims its devotion to "strict construction."

This is not a technical, legal question. In import, it transcends the question of the wisdom of the war itself. The President, in effect, says, "I, and I alone, have decided to go to war in Cambodia." Where does he get that power? The Constitution denies it to him. He is not acting under the necessity of instant reaction. He has the power only because he asserts it, and because the armies follow. In a world in which conflicts are interrelated, there is no limit to the possibilities of his reasoning. He can invade Laos and Thailand, in both of which countries Communists are active. He can enter North Vietnam itself. He can attack China, which is both a sanctuary and a source of supply for the North Vietnamese. Nor is the Soviet Union exempt, since it, too, helps our adversaries in Vietnam. Such an assertion of authority is not among the prerogatives of a democratic leader in a republic of divided powers. Our democracy is not an elective dictatorship. It is a government in which all elected officials have carefully limited powers. Suppose the President said he was going to change the tax laws, because the rates were unjust. What an outcry we would hear. Yet how trivial such an act would be, compared to concentrating the power over war and peace in a single office. The light of democracy depends on a common acceptance, by people and government, of the limits of power. What if, two years from now, the President should cancel the elections, on the ground of national need? Would it be easy to revolt against an armed force of three and a quarter million men if they remained obedient to their Commander-in-Chief? The possibility now seems absurd. But it illuminates the fact that our system works only because men have felt constrained by its assumptions; courts and legislatures have neither guns nor treasuries to enforce their will. Now one of the most basic of these liberating assumptions has been swept away. It must be restored.

The first duty of resistance lies with the legislative branch. For years, its members have been abdicating their responsibility, watching almost without protest while their authority was eroded and their mandates were evaded. They have allowed their power to be usurped. Now they are scorned and ignored, because the President is confident that they have neither the courage nor the will to challenge his action—that each, looking to his own interest, will allow the common cause to decay. If this is a true judgment and the President's act is not repudiated, then they will have denied the oath they took to uphold the Constitution. For Congress is the people's guardian. The authors of the Federalist Papers reassured the doubtful that "in the only instances in which the abuse of the executive authority was materially to be feared, the Chief Magistrate of the United States would . . . be subjected to the control of a branch of the legislative body. What more could be desired by an enlightened and reasonable people?" What more indeed?

The other possibility is the Supreme Court. In 1952, President Truman seized the steel mills, because, he claimed, a steel strike was endangering the war effort in Korea. The Supreme Court decided that he had no such power and ordered him to return the mills. That opinion concluded, "The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times. It would do no good to recall the historical events, the fears of power and the hopes for freedom that lay behind their choice. Such a review would but confirm our holding that this seizure order cannot stand." How much more does this invasion transgress those same hopes and fears.

There are many ways to bring the issue to the Supreme Court. The Senate itself might instruct its leaders to bring an action to restrain the President or the Secretary of Defense from ordering further combat in Cambodia. This would be an unprecedented response to an unprecedented act. The issue is Constitutional, and is thus within the jurisdiction of the federal court. And surely no individual or institution has greater standing to bring such an action than the very body whose powers have been taken away. Another route lies through the recent Massachusetts statute that makes it unlawful to require any resident of that state to serve outside the United States in an undeclared war. The Attorney General of Massachusetts has been instructed by the law to bring an action in the Supreme Court in order to prevent such service from being required. In relation to Vietnam, the passage of the bill was a symbolic action. In the case of the Cambodian invasion, the law could be a vehicle for resolving a momentous issue. Would the Court decide? No one can be sure. But it alone can decide, and that is its responsibility. Discussing the Supreme Court, Hamilton wrote that it must have the power to invalidate all acts by the other branches of government which are contrary to the Constitution. "To deny this," he said, "would be to affirm that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers may do not only what their powers do not authorize but what they forbid."

The President has now declared himself superior to the people, to the legislature, and to the laws. We have lasted as a functioning democracy for almost two hundred years. The foundation of that democracy has been a vigilant regard for the principle that no one man or institution shall impose an unrestrained will on the decisions that shape the nation. If the American people now let this principle be eroded, while the capacity for resistance still remains, then we will deserve our fate. For we will have lost the ultimate protection of liberty, stronger than governments, more enduring than constitutions—the will of a people to be free.

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## TOM ROSS, CHICAGO SUN-TIMES WASHINGTON BUREAU CHIEF, SAYS "U.S. ALMOST RIPPING ITSELF APART"

## HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. PUCINSKI. Mr. Speaker, an old friend and a respected newsman has returned to Washington after a 2-year assignment as head of the Chicago Sun-Times overseas news bureau in Beirut, Lebanon.

Tom Ross is an old Washington hand. Returning to the United States after an absence of 2 years he stated in an interview that Americans are "crucifying themselves needlessly" if they believe that our problems are greater than those of the rest of the world.

Everywhere in the world there are more serious problems than we have here at home, but our sense of social conscience, our desire to put things right and secure a decent environment for everyone, impels us to rush headlong into change. As a result, our priorities get jumbled and our voices get louder. And concern suddenly turns into crisis.

Tom Ross is an eminently sensible man and his experience with the world abroad should have a refreshing effect on his view of our world here at home.

We welcome him back to Washington and congratulate him on his important new assignment as Washington Bureau Chief of the Chicago Sun-Times.

Mr. Speaker, Mr. Ross' highly appropriate comments about our national identity crisis are well worth reading, and I commend them to my colleagues today:

### U.S. ALMOST RIPPING ITSELF APART, THOMAS ROSS SAYS

(By Ron Powers)

America is "almost ripping itself apart in trying to deal with its problems," The Sun-Times' new Washington bureau chief, Thomas B. Ross, said Wednesday in a television interview.

Ross said that an American who, like himself, was returning after two years of absence would find a feeling of "an extreme amount of tension just below the surface."

However, Ross asserted, Americans are "crucifying themselves needlessly" if they feel the United States' social problems are greater than those of those rest of the world.

"Europe and the Middle East are almost placid by comparison," Ross said. "They are not critical of themselves, as we are, though they have their own racial bigotry, religious antipathy and governmental repression."

#### HERE FOR CONSULTATION

Ross is in Chicago this week for consultations and appearances before beginning his new duties in Washington Monday. His remarks Wednesday were on WGN-TV's The Jim Conway Show.

Ross's appointment was announced Saturday by James F. Hoge Jr., editor of The Sun-Times. Ross succeeds Carleton V. Kent, who will continue his coverage of national politics as The Washington Correspondent.

Ross, 40, returned to Washington April 1 from two years in Europe and the Middle East. He opened the first Sunday Times overseas news bureau in Beirut, Lebanon, in 1968. For the last seven months he has reported on Europe and the Middle East from a Paris base.

#### GREAT EXPECTATIONS

Ross told Conway that expectations of other peoples of the world were not always as high as those of Americans.

"We live on a completely different plane than other countries," he said. "There is not a free sense of justice in much of Europe. Repression by government authorities is commonplace, and accepted even by the left-wing intellectuals."

Therefore, Ross said, "to get our current climate of reform and violence in perspective we need to compare it with Europe's."

#### DISCUSSES MIDEAST

Turning to the question of the Soviet Union's involvement in the Middle East conflict, Ross said its extent was "considerable."

"Russian pilots are flying Egyptian planes, manning radar stations and conducting aerial reconnaissance," he said. "The question is, to what extent is this purely a psychological contribution and to what extent Russia is ready to go into battle."

He added, "I'm inclined to think, as our State Department does, that the Russians are mounting purely a psychological defense. Israelis are loathe to attack Egyptian installations because they are reluctant to kill a Russian."

#### LBJ, NIXON COMPARED

Asked to compare the administrations of Lyndon B. Johnson and Richard M. Nixon in their effects on the Washington press, Ross said

"Nixon is a much more removed President than Johnson was. Johnson liked to use the press as a sounding board for his ideas. Nixon is much more remote, though it doesn't necessarily follow that he is also more remote from the public realities."

After his television appearance, Ross summarized his ideas about his new job. He said he is convinced that it is necessary for a newspaper to have a strong Washington bureau rather than rely only on wire-service stories for coverage of the capital.

"Each city, particularly a major city such as Chicago, has its own unique problems and attitudes," he said. "It is important that the readers be represented by a press corps alert to and aware of these unique things.

"Contrary to what many people on the Eastern seaboard might think, for instance, people in Chicago are intensely aware of the international scene—more so even than the people of the East Coast, who have traditionally been internationalists."

#### REDS UPSET BALANCE

Ross appeared on the Extension 720 program on radio station WGN Wednesday night and again spoke on the situation in the Middle East.

He said: "In a certain fundamental sense I think it's almost impossible to redress the balance that has been upset by the introduction of the Russians.

"If the Israelis intend to maintain for any great length of time their self-imposed inhibition against moving into the areas where the Russians are present, and if the Russian presence can restrain the Israelis in this manner for a rather long period of time, I think their whole strategic advantage will have withered to such a point that I believe they will be terribly vulnerable militarily."

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## YOUTH'S GREAT CHALLENGE

## HON. RICHARD L. ROUDEBUSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. ROUDEBUSH. Mr. Speaker, the following article from the editorial page of the Peru, Ind., Tribune of April 12, 1970, will be of interest to the Congress:

### YOUTH'S GREAT CHALLENGE

Partisanship aside, an editorial distributed by Gov. Edgar Whitcomb's office merits thoughtful reflection as mindless violence again afflicts the American society.

Reprinted most recently in the Lawrence Journal, the editorial follows:

"In May of 1919, at Dusseldorf, Germany, the Allied Forces obtained a copy of some of the 'Communist Rules for Revolution.' As you read, stop after each item and think about the present-day situation where you live—and around the nation. We quote from the Red Rules:

"A. Corrupt the young. Get them away from religion. Get them interested in sex. Make them superficial, destroy their ruggedness.

"B. Get control of all means of publicity.

"1. Get people's minds off their government by focusing their attention on sexy books and plays and other trivialities.

"2. Divide the people into hostile groups by constantly harping on controversial matters of no importance.

"3. Destroy the people's faith in their natural leaders by holding the latter up to contempt and ridicule.

"4. Always preach true democracy, but seize power as fast and as ruthlessly as possible.

"5. Encourage government extravagance, destroy its credit, produce fear of inflation with rising prices and general discontent.

"6. Foment unnecessary strikes in vital industries, encourage civil disorders and foster a lenient and soft attitude on the part of government toward such disorders.

"7. By specious argument, cause the breakdown of the moral virtues, honesty, sobriety, continence and faith in the pledged words.

"C. Cause the registration on all firearms on some pretext, with a view to confiscating them and leaving the population helpless.

"Quite a list, but stop and think how many of these rules are being carried out in this nation today. How can any thinking person say that the Communists do not have any part in the chaos that is upsetting our nation.

"Coincidence? We think not!"

Obviously this editorial promotes the ultra-conservative view. Yet it should evoke reflective thought, especially by the young.

Surely youth's greatest challenge today is to focus reform efforts upon those things in our free society which genuinely cry for change—without being patsies for subversives who seek only to destroy all free societies.

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## RESOLUTIONS OF NATIONAL HOUSING CONFERENCE

## HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

*Wednesday, May 20, 1970*

Mr. JAVITS. Mr. President, on March 8, 1970, the National Housing Conference had its annual meeting in Washington, D.C. The National Housing Conference, founded in 1931, is the oldest national citizens organization devoted to housing and has worked for many years for the cause of more and better housing.

At the annual meeting, the conference adopted many resolutions relating to all areas of housing and I believe that these resolutions, together with the extensive review of housing legislation contained therein should be reviewed by all those interested in housing legislation.

I ask unanimous consent that the complete resolutions be printed in the Extension of Remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

### NATIONAL HOUSING CONFERENCE RESOLUTIONS ADOPTED BY THE MEMBERSHIP OF THE NATIONAL HOUSING CONFERENCE AT ITS ANNUAL MEETING, MARCH 8, 1970, WASHINGTON, D.C.

#### CHAPTER A. GENERAL STATEMENT OF PROBLEMS AND OBJECTIVES

1. America's cities are in a crisis resulting from the decay of decades and from failure to improve the quality of American life. Many of the people in the cities are ill-housed and live in despair and disillusionment. The need for decent housing is at the heart of the crisis. We must take vigorous and immediate action toward achieving our goal of providing good homes and good neighborhoods for all who are ill-housed. It is not enough to build new housing or rehabilitate existing housing. At the same time there must be an expansion of social programs and services for the people.

2. We must respond to the hopes and aspirations of the ill-housed and eliminate their human suffering and disillusionment which is contributing to unrest and violence in our cities. In these Resolutions, NHC presents measures which are essential to help solve these problems and alleviate the crisis in our cities. No single program can embrace the solutions to all of the cities' problems. This Report recommends programs designed especially to:

(a) Provide good homes for people of all incomes in wholesome living environments which are in keeping with our Nation's standards and aspirations;

(b) To take action to revitalize our cities and save them from blight and obsolescence; and

(c) To expand social programs, services and job opportunities to improve the quality of American life.

3. In 1968 Congress enacted the most far-reaching and comprehensive housing law in the history of the United States. The Housing and Urban Development Act of 1968 has as its underlying premise the fact that the United States is facing a serious housing shortage. Not only did the 1968 Act reaffirm prior pronouncements that our national housing goal is "a decent home and a suitable living environment for every American family," but it embodies into law an average national goal of 2,600,000 housing units as being needed annually for the next ten years to meet these housing shortages. Of the 2.6 million units, the goal states that 600,000 annually are needed for low and moderate income housing; also, that such housing is our highest priority.

4. NHC agrees with Secretary Romney that the housing shortage is at the most severe level since World War II. During recent years, national housing production has been grossly inadequate to meet the needs and demands of the American people. It has fallen far short of providing sufficient housing to cover the number of new family formations and the number of housing units lost from the housing supply as a result of destruction or deterioration. With the current inadequate supply of mortgage funds for housing, the volume of housing construction has been declining further, so that we are now at an annual production rate of about 1,200,000 dwellings. This is less than half of the housing goal established in the Housing Act of 1968.

5. As a result of fiscal restraints and tight money policies, housing suffers more than any other segment of the economy. During the 1966 period of tight money, the Council of Economic Advisers—in its 1967 Report—said that the housing industry bore 90% of the credit restraints. We are facing the same problem during the present period of tight money. There is a woefully inadequate supply of mortgage funds available now for housing. Housing cannot compete with others who are prepared to pay higher interest rates and offer greater returns, such as those who are building industrial plants, commercial and office buildings or who are providing consumer financing.

6. The increases in interest rates and housing costs have excluded people from the housing market who need homes but can no longer afford them. The situation was further aggravated by the recent increase in interest rates to 8½% on loans under the FHA and VA programs. The NHC disapproves of this increased interest rate on the grounds that it will contribute further to the inflation in housing costs, to a reduction in the amount of housing which can be produced under the interest subsidy programs, and to further the decline in total rental housing production. The NHC believes that there are other measures available to the Administration which could effectively reduce the inflationary interest rate on residential mortgages. As a result of the increase in housing costs beyond the reach of more families, 80% of all new housing units produced under $15,000 are mobile homes.

7. Characterized as a sequel to the Housing and Urban Development Act of 1968, the Housing and Urban Development Act of 1969 was passed by the Senate and House with an overwhelming bi-partisan vote of Congress. The 1969 Housing Act does not initiate major new programs but provides authorizations and extensions to make many of the programs of the 1968 Act more effective. However, even with enactment of the 1969 bill, many of the new programs established by the Housing and Urban Development Act of 1968 are still not fully implemented or operational. In these recommendations we are proposing additional measures which are needed to accomplish our goals—both (a) through new or amendatory legislation; and (b) through changes in policy and improvements in the administration of existing legislation.

8. While the law approves an average national goal of 2,600,000 units annually during the next ten years, NHC urges that the average national goal should be 3,000,000 units a year. NHC agrees an average of 2,000,000 units should be built annually for those above the low and moderate income groups who do not need federal assistance. However, instead of an average of 600,000 units annually for low and moderate income housing, NHC recommends a goal of at least 1,000,000 units annually for these income groups—of which half would be for the low income group. Due to the present crisis involving unprecedented high interest rates and housing costs, many families need some form of housing assistance even though they could afford housing without such assistance under normal conditions. Accordingly, this report recommends several special measures which are required at this time to enable such families to obtain adequate housing at monthly charges which they can afford.

9. In 1949, Congress established the national goal to provide a decent home and good environment for every American family. Now, 21 years later, we are no closer to achieving that goal. Instead of that goal becoming a reality, it is a promise which appears further from fulfillment now, due to the greater housing shortage and rising housing costs. There is a growing gap between the monthly cost of housing and the ability-to-pay of families. This is requiring them to pay higher and higher percentages of their income for housing. There is a special burden on very low income families who often spend more than one-third of their earnings to get housing which is overcrowded or substandard. Every American family has a right to obtain decent housing within its means and in a neighborhood of its choice. We need to give the highest priority to fulfill our commitment to this goal. In these resolutions we describe in detail all of the programs and actions required to achieve this goal.

10. In these times when there are so many competing demands for the use of federal funds and national resources, it is most significant that Congress further declared that these programs should have the highest priority. This Congressional determination is so important that we quote it in full as a necessary introduction to these recommendations: "The Congress declares that in the administration of those housing programs authorized by this Act which are designed to assist families with incomes so low that they could not otherwise decently house themselves, and of other Government programs designed to assist in the provision of housing for such families, *the highest priority and emphasis should be given to meeting the housing needs of those families for which the national goal has not become a reality;* and in the carrying out of such programs there should be the fullest practicable utilization of the resources and capabilities of private enterprise and of individual self-help techniques." (Italic added.)

11. This declaration by the Congress recognizes the need for a drastic realignment of past priorities in our federal budget and expenditures, since these housing programs were given a lower priority than other less urgent programs. Now the Congress has declared that these programs should be given the highest priority and there is a federal commitment to take all action necessary to achieve the goal of providing decent housing for families with incomes so low that they could not otherwise decently house themselves. To translate this highest priority into reality takes firm and courageous action—both by Congress and the President. NHC urges that action be taken to carry out this mandate.

### CHAPTER B. ACTIONS NECESSARY TO ACHIEVE OUR GOALS

1. *Annual Presidential Report.* The Housing and Urban Development Act of 1968 required an annual Presidential Report to Congress on progress toward meeting housing goals. NHC is in full accord with the emphasis placed by the first report filed by former President Johnson on the necessity of full funding for all programs in order to meet the housing goals established by law. However, NHC believes that the report failed to propose other necessary solutions for some of the basic problems which must be resolved if these national goals are to be achieved.

*First,* the assurance of adequate financing, at reasonable cost, for the necessary expansion of total housing production, particularly for the production of low and moderate income housing;

*Second,* the provision of adequate sites, at reasonable prices, to accommodate this unprecedented production growth of housing on a well-planned and economic basis; and

*Third,* the adoption of the additional measures recommended in this report.

President Nixon has not yet submitted his Presidential Report to Congress on progress toward meeting housing goals.

2. *Full Funding and Increases for All Programs.* The first imperative for meeting our housing goals is full funding and full use of all authorizations contained in the housing laws. We commend President Nixon and Secretary Romney for their action in requesting full funding for the interest assistance programs under Sections 235 and 236. We regret that there have been reductions in the amounts actually authorized in Appropriation Acts for these programs. In these unprecedented times of housing shortages, NHC strongly urges supplemental appropriations of all monies authorized but not yet appropriated. However, full funding of existing authorizations will not result in producing the intended volume of housing because of increases in interest rates and other housing costs. We recommend that the assistance authorization for all housing programs be increased to offset the advances in housing costs. We recommend further increases in authorizations for all programs to achieve our higher goals and to make up for deficiencies in recent production, as set forth in the chapters below.

3. *No gaps in Housing Production.* In keeping with Congressional goals, there should be no gaps or areas of unmet needs in our housing programs. Effective means must be developed so that housing will be available to families of all incomes. Each family whose income is too low to obtain decent housing should receive the amount of assistance it needs to get such housing. We must reach the unserved income group below the level now served by public housing or rent supplements, as more fully discussed below. Likewise, we must avoid a gap or area of unmet need in programs serving moderate and lower income families through private enterprise with federal aid consisting of (a) below market interest rates under Section 221(d)(3) and (b) interest assistance under Sections 235 and 236.

4. *Programs to Assure Adequate Financing for Major Increases in Housing Production.*

The record of the past two decades makes it clear that the flow of funds for residential mortgage financing has been and continues to be determined by federal monetary and fiscal policies. The principal sources of funds for residential financing are derived from net consumer savings as deposited in the institutions which make term mortgage investments at a fixed rate of return. This

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flow of savings under existing institutional arrangements is subject to sharp fluctuations based on competitive rates of return on other investment outlets. Thus, in 1966 and 1967 the primary sources of residential mortgage financing had great difficulty in financing the mortgage requirements of approximately $20 billion for the year on a total private housing production at an average annual rate of 1,250,000 units. By contrast, the total annual mortgage financing requirements involved in meeting the housing production goals by 1978 would be approximately $53 billion at current price levels, which no doubt understates the actual prospective requirements. Even on the assumption of continued growth in gross national product and in consumer savings, this indicated expansion of more than 2½ times the previous housing finance requirements indicates that a broadened base for residential financial investment must be developed. The studies of this problem made by the National Housing Conference through its broadly based committees have led to the following recommendations:

(a) Immediate implementation of the authority provided in the 1968 Act for guarantees by the Government National Mortgage Association (GNMA) of mortgage-backed bonds issued by the Federal National Mortgage Association (FNMA) and other institutions to raise new funds for residential mortgages. Such bonds would tap additional sources for investment in housing such as pension funds and comparable institutions which are not now attracted by mortgages with servicing responsibilities.

(b) GNMA should be provided whatever additional funds are needed to continue the Tandem Program. The $1.5 billion of special assistance funds authorized last year for use under Section 305(g) should be transferred for tandem use by GNMA under Section 305(c).

(c) We urge that FNMA be provided with whatever additional funds or authorizations are needed to continue its indispensible programs in providing a market for Federally-insured or guaranteed mortgages. FNMA has done an outstanding job in providing the financing for these mortgages. Last year, FNMA made purchases or commitments for over $12.5 billion of such mortgages. In accordance with its Charter, FNMA has established a special yield-related price for multi-family mortgages under Federally-assisted programs of Section 236 or rent supplements. Since the 8½% interest rate has been established, this has enabled FNMA to buy these mortgages at par until the recent auction (held on February 24) when the price went slightly below par. Fortunately, we have the Tandem Program to assure par purchases of these mortgages when FNMA does not take them at par.

(d) NHC applauds the passage of the Housing Assistance and Interest Control Act. This Act increases the authority of the Federal Home Loan Bank System to borrow from the Treasury from $1 billion to $4 billion. The Act requires the Secretary of the Treasury to use the authority, when alternative means cannot effectively be employed, to permit members of the Home Loan Bank System to continue to supply reasonable amounts of funds to the mortgage market whenever the ability to supply such funds is substantially impaired during periods of monetary stringency and rapidly rising interest rates. The Act also contains the following provisions:

(1) Regulation Q authority is given to the Federal Reserve Board and the Federal Home Loan Bank Board to establish flexible interest rate ceilings until March 22, 1971.

(2) The limit on FDIC and FSLIC deposit insurance is raised from $15,000 to $20,000.

(3) The President is given authority to establish credit controls both on a voluntary and mandatory basis. We endorse the full use of this authority as a means of channeling additional funds into housing production.

(e) Enactment of legislation requiring governmental trust funds to invest a portion of their loanable funds to finance housing, particularly for low and moderate income families. These investments would include mortgages insured by FHA or VA or bonds guaranteed by GNMA under the 1968 Housing Act and further secured by pools of insured mortgages. These bonds would relieve the investors of the burdens or costs of servicing the mortgages and would assure a full recovery of the funds invested. Among the public trust funds to be so invested would be Social Security Trust Funds and Veterans Administration Funds which are available for investment. NHC supports legislation authorizing the use of such VA funds for investment in VA-guaranteed mortgages.

(f) Private financial institutions should also be induced to invest a portion of their loanable funds in mortgages insured by FHA or VA or bonds guaranteed by GNMA to finance housing, with emphasis on projects which serve moderate and lower income persons and families. This would include private pension funds, insurance company funds and funds of financial institutions which benefit from federal support or assistance. These institutions should be induced to make such investments. In the case of institutions which obtain federal support or assistance, it would be appropriate to enact legislation imposing as a condition to such federal support and assistance the requirement that the institutions invest a certain proportion of their funds in new housing. This requirement can be imposed in a manner which would not work a hardship on the foregoing funds because the housing securities would provide an attractive return and assure a full recovery.

(g) Major institutions such as universities should be induced to invest portions of their endowment or other funds to improve the general area in which they are located. These institutions should recognize their responsibility to assist in upgrading the housing and environment of such areas in order to develop sound and attractive local communities.

(h) Through administration—or legislation, if necessary—there should be a change in the lending policies of the Federal Home Loan Bank so that federal savings and loan associations can borrow with greater certainty at lower costs and for longer terms than at present. There should also be an earmarking of a substantial part of such advances for exclusive use in purchasing mortgages to finance housing for low and moderate income families. We recommend legislation to authorize a subsidy for the Home Loan Bank system in order to cover part of the cost which it is paying to borrow money for the funds which it advances to member savings and loan associations. The rate on these advances should be reduced so that member savings and loan associations will have an adequate supply of mortgage money at reasonable interest rates. These advances should be conditioned on the requirement that the funds advanced to the savings and loan associations would be used to purchase mortgages at a reasonable interest rate. This will assure that the benefits of the interest subsidy are passed on to the consumer.

(i) We endorse legislation which would require the Federal Reserve System to purchase securities guaranteed by the Federal Home Loan Bank Board, FNMA or GNMA and utilized for new residential mortgage financing. This would be an addition to the Federal Reserve's present authority to make purchases on the open market. Since Federal Reserve's purchase of obligations would be directly from FNMA, GNMA, and the Federal Home Loan Bank Board, this would assure that the funds would be channeled directly into the mortgage market when needed during periods like this when we have monetary stringency and rising interest rates. These obligations would include participation certificates or other securities issued against the pool of mortgages or consolidated debentures or other obligations.

(j) We support S. 3503, the Middle Income Mortgage Credit Act introduced by Senator Proxmire for himself and 22 other senators. This bill would add a new section to the Federal Home Loan Bank Board to issue certificates in the amount of $3 billion a year to raise money for advances to member and non-member institutions. These advances would be used to assist families with incomes not in excess of $10,000 to buy homes or memberships in cooperatives whose appraised value does not exceed $25,000. These loans would bear interest at not more than 6½%. Secretary Romney recently pointed out that while 5 years ago two families in five could afford a median-priced house offered for sale, today only one family in five can afford the median-priced house. With only ⅕ of our citizens now able to afford a median-priced house, we believe that S. 3503 should be enacted to enable middle income Americans to buy modest-priced homes or memberships in cooperatives. NHC likewise favors Congressman Patman's bill (H.R. 14639) which is intended to accomplish the same objectives through the establishment of a development bank which would make loans available at a reasonable interest rate for low and moderate income housing.

(k) We support H.R. 13694, introduced by Congressman Barrett and Congresswoman Sullivan, which is similar to Senator Proxmire's bill described above. This bill creates a Home Owners Mortgage Loan Corporation (HOMLC) which would administer a revolving fund capitalized at $10 billion through appropriations of $2 billion a year for 5 years. It would make 30-year direct loans with a maximum of $24,000 bearing interest at not more than 6½%. Those eligible for loans would be:

(1) "Credit worthy" moderate income families unable to obtain mortgages at reasonable rates of interest; and

(2) Families with incomes not exceeding $12,000, except that HOMLC would have the power to vary the income limit.

Existing FHA insuring offices would process loan applications and existing lending institutions would service the mortgages for no more than ½ of 1%. The bills described in this and the preceding paragraph should be amended to provide for appropriate deductions on determining family income.

(l) We oppose FNMA's entry into the conventional secondary mortgage market as proposed in S. 2958. The Federally-insured mortgage programs need all of the FNMA funds which are available and the concentration of all of the FNMA staff. There should not be any diversion of FNMA money or time to the additional function of a secondary market for conventional mortgages. While we oppose FNMA's entry into the conventional secondary mortgage market, we recognize that there is a great need for such a conventional market. We recommend the use of the Federal Home Loan Bank Board (FHLBB) to provide a secondary market for conventional mortgages. Accordingly, we support S. 3508, introduced by Senator Sparkman, which would establish a Federal Mortgage Marketing Corporation to perform this function on behalf of FHLBB. Moreover, it is necessary to extend the powers so that the secondary market will become available not only to the members of the Federal Home Loan Bank system but also to commercial banks, mutual savings banks, and other nonmember institutions. However, this conventional secondary mortgage market should be limited to mortgages that comply with the current standards of eligibility under the FHLBB regulations as to mortgage amounts and the percent of mortgage in relation to value.

(m) We urge immediate administrative action and implementation to utilize all existing legislation—as described above—in order to increase the flow of funds into residential mortgage financing, so that housing will not continue to bear the disproportionate burden of fiscal restraints and tight money policies. Such administrative actions are necessary since housing cannot compete with others who are prepared to pay higher interest rates and offer greater returns, including industrial and commercial construction and consumer financing. Moreover, the Administration should take such additional measures as are necessary to shelter housing from the impact of the present high interest rates and monetary and fiscal restraints. These actions are required to implement the national housing policy and goals authorized by law.

5. *Study of New Type of Mortgage Security to Attract Investments*

(a) Some financial experts have proposed the creation of a new type of mortgage or investment security which would better attract money for fixed long-term investments in housing. They point out that many lenders have withdrawn from the residential mortgage market because:

(1) They anticipate that the dollars repaid on the loan will have a substantially lower value and purchasing power than the dollars loaned initially; and

(2) The amount of return is not attractive as compared with other rates of return available in the current market.

(b) We propose that a study be made of this problem so that recommendations can be made at a later date concerning the advisability of including provisions in mortgages or other housing securities which would meet this problem and attract necessary funds for investments in housing production. Among the measures to be explored are the following:

(1) A clause in the mortgage providing for adjustments yearly only on the amount of principal which is to be repaid, so that it reflects reductions in the value and purchasing power of the dollar as shown by the Department of Labor price index; or

(2) A clause in the mortgage providing for adjustments yearly in the amount of the monthly payments for both principal and interest based upon changes in the price index; or

(3) A clause in the mortgage providing for adjustments yearly only in the rate of interest which is to be paid on the unpaid balance of principal, so that it reflects changes in the prevailing interest rates of price levels from year to year.

(4) Any adjustment clauses must take into account the ability to pay of the occupants of the housing. While most people will enjoy an increase in their income to reflect increases in the price indexes so that they can afford to pay adjusted amounts on their mortgages, there will be people who have fixed incomes. In their cases special provisions must be developed to assure that they can afford to make the adjusted payments, such as through an extension of the mortgage term.

(c) In Latin American countries, some systems have been devised for adjustments in mortgage payments which have worked satisfactorily. However, inflationary conditions have been so great in those countries that mortgage adjustments were essential to obtain long-term loans to finance housing production. The proposed study should ascertain whether we need a system of adjustments in mortgage payments in this country taking into account present and future anticipated changes in the value of the dollar and its purchasing power.

### CHAPTER C. OBSTACLES WHICH IMPEDE NEW PROGRAMS AND MEASURES BY GNMA AND FNMA TO OVERCOME THEM

1. *Unavailability of Private Financing.* For over a year, we have been faced with a critical emergency which jeopardized the building of housing to serve lower income families through the new interest assistance program and the rent supplement program. Under these programs, the capital financing had been shifted to the private market where mortgage loans must be obtained at a fixed interest rate of 8½%.

Secretary Romney raised the FHA–VA interest from 7½% to 8½% on January 5, 1970. This was the second raise in interest rate in less than a year. Contrary to the expectations that discounts would go down about 8 points as a result of the increase in interest rates to 8½%—1 point for each ⅛ of a point in the increased interest rate—the actual reduction in discount was only about 5 points in the first FNMA auction held on January 5 which reflected the new higher interest rate. Thus, the average price accepted on proposed construction commitments was 96.15, which is a discount of almost 4 points.

NHC has long recognized that it is often impossible to sell such FHA insured mortgages at par in the private market. Therefore, if sponsors of projects are unable to obtain financing at par in the private market without paying discounts not covered by mortgage proceeds, the nonprofit and cooperative mortgagors would have no way to continue their initiation of low and moderate income housing. Likewise, many limited distribution sponsors are unwilling to undertake projects involving such discounts because of the limited return which they obtain on the projects.*

2. *The Tandem Solution.* To meet this need, the National Housing Conference was one of the first groups to advocate the tandem use of the Federal National Mortgage Association (FNMA)—which is no longer a part of the Federal Budget—and the Government National Mortgage Association (GNMA). We are pleased that the Housing and Urban Development Act of 1969 authorized GNMA to purchase mortgages—on any projects eligible for special assistance under Section 305—at a price equal to par. GNMA is authorized to sell these mortgages, either immediately or at any time, at a price lower than par if necessary to meet the range of market prices. NHC commends HUD and FNMA for implementing (even before the final enactment of the 1969 Act) the Tandem Plan for GNMA purchases at par of Section 236 mortgages and market-rate rent supplement mortgages under Section 221(d)(3) for nonprofit and cooperative mortgagors. This program should be extended to include mortgages of limited distribution sponsors under Section 236 and rent supplements.

*Thus, before the January 5, 1970 raise in interest rates to 8½%, on December 30, 1969, FNMA's special yield-related price was 96.23 for 236 and rent supplement mortgages—which is a discount of 3.77 points plus FNMA's charges of 1¾ points for commitment and marketing fees. On other multifamily mortgages, the discount was 7.77 points plus the points for FNMA fees.

After the increase in interest rates to 8½%, FNMA's special yield-related price returned to par on mortgages bearing an 8½% interest rate. With present restraints and the uncertainties in the mortgage market, there was no assurance that this price would continue in the future, so the tandem program was needed. At this time the price has again dropped below par, so the tandem program is now being used again. It is used whenever FNMA's price for these mortgages is below par.

Besides the use of the tandem approach to provide capital financing for projects receiving interest assistance under Section 236 and rent supplements under Section 221(d)(3), NHC now urges that the tandem approach should also be used for the GNMA purchase at par and resale at market price of all other mortgages now covered by the special assistance authorization. This is now authorized by Congress. The Administration should use this authority for all programs which Congress has previously determined have a sufficient public interest to merit such special assistance, such as market-rate mortgages under Sections 213, 221(d)(3), 221(d)(4) and 220.

These market-rate programs of rental and cooperative housing for moderate income families have been at a complete standstill, due to the discounts and financing costs. As to these multifamily mortgages which are eligible by law for special assistance, FNMA should buy them at the same yield-related price as it now pays for mortgages aided by interest assistance and rent supplements instead of charging an additional 4 point discount on these mortgages. These mortgages have the same lower servicing costs as multifamily mortgages aided by interest assistance or rent supplements.

We are pleased that the Administration accepted the NHC recommendation that the Tandem Program be extended to cover mortgages with interest assistance under Section 235. In the administration of this program, there should be safeguards to assure that the benefits of such financing are passed on to the consumer.

The 1969 Housing Act increases the GNMA special assistance ceiling per unit from $17,500 to $22,000. With dwelling units of four or more bedrooms, the ceiling is now $24,500. This action was necessary in recognition of cost increases, particularly for higher cost areas.

3. *Unavailability of Construction Financing.* Besides the unsatisfactory market for the permanent mortgage financing, programs have been stymied because of the unavailability of interim financing for the projects during construction. In tight money periods like the present one, it is often impossible to obtain construction financing at a reasonable price. Therefore, NHC has recommended in the past that FNMA issue a commitment which will cover both the construction financing and the permanent financing on the project. NHC applauds the action of FNMA in taking a 95% participation in the construction financing, with another mortgage institution taking the remaining 5% participation and handling the processing involved in construction loans; such FNMA participations are available in cases where either FNMA of GNMA issues a take-out commitment. The program for FNMA participation in construction assistance should be extended to cover all projects eligible by law for special assistance, instead of being limited to projects involving mortgages under Section 236 and 221(d)(3) rent supplements. As stated above, we also recommend that both the tandem program and FNMA's special yield-related price should be extended to cover permanent financing on all projects eligible for special assistance.

On 221(d)(3) BMIR projects where GNMA is purchasing the mortgage, GNMA should likewise take a 95% participation in the construction financing, as it is specifically authorized to do by law.

NHC also applauds the actions of the Federal Home Loan Bank Board in making special advances available to member savings and loan associations for both construction and permanent financing to produce housing for low and moderate income families.

### CHAPTER D. RENTAL AND COOPERATIVE HOUSING UNDER SECTION 221(D)(3)

1. *Objective and Need for 221(d)(3) Program.* One of the most successful efforts thus far made by this country to provide housing for low and moderate income families has

been the Section 221(d)(3) program providing financing at a 3% below-market interest rate (BMIR) for rental and cooperative housing. Since starting in 1961, this program became widely known and accepted as an effective way to produce low and moderate income housing. However, just as the Section 221(d)(3) BMIR program was reaching its greatest efficacy in 1968, HUD abruptly cut off funds and asked private sponsors to switch to the Section 236 interest assistance program. The 221(d)(3) program serves many moderate income people who will not be eligible for interest assistance under 236, so there is a continuing need for it.

2. *Opposition to Proposed Elimination of Programs Under Section 221(d)(3) and 202.* NHC strongly opposes the elimination of the 221(d)(3) BMIR program. This is done in complete contravention of an overwhelming Congressional mandate to continue this program. The House and Senate *again* made clear in the reports of the 1969 Housing Act that "The Committee sees no justification for halting the proven and successful BMIR program at this time, particularly in view of the fact that GNMA has approximately $2 billion in special assistance funds which were provided by Congress, largely for this program. The Committee urges the Department to review its policies and to make additional mortgage funds available for the BMIR program."

The 221(d)(3) BMIR program has not only the strong Congressional intent to keep operating, but has adequate monies in the Housing and Urban Development Act of 1969 authorized for that purpose. To help assure the workability of this program, Congress increased the maximum mortgage limits for Section 221(d)(3) by 15% in the 1969 Housing Act.

Congress realizes that the 221(d)(3) BMIR program cannot be phased out without creating a new gap and area of unmet need in the housing program. The interest assistance programs under Section 236 have lower income limits for eligibility than under Section 221(d)(3). Accordingly, it is necessary to continue the 221(d)(3) BMIR program as a permanent program to serve those of moderate income who will not be eligible under the interest assistance program, but who need help to obtain decent housing. A similar situation occurred several years ago when the rent supplement program was proposed; it had then been contemplated that the 221(d)(3) BMIR program would be phased out. However, the rent supplement program was finally enacted to serve the low income group instead of the same group which had been served by 221(d)(3); consequently, Congress determined that the 221(d)(3) program should be continued. Similar action is now required to avoid creating a new gap and area of unmet need in housing production.

NHC urges the discontinuance of efforts by HUD to force sponsors to forego use of Section 221(d)(3) BMIR and 202 funds. The latest example is HUD's statement as part of the "Tandem" guidelines, that with par financing available under Section 236 "Insuring office directors must make every effort to convert eligible Section 221(d)(3) BMIR and Section 202 proposals to Section 236 under the tandem plan." (FHA Circular 4442.7.) It is not feasible to convert a 221(d)(3) cooperative project to 236 in cases where presales have been made or where there is a single cooperative undertaking a multi-section development which had an initial FHA closing on some section. The income limits and monthly charges are different under 221(d)(3) than they are under 236, so there would be serious hardships and difficulties in any effort to convert such a 221(d)(3) cooperative to 236.

3. *Release of Money at This Time of Serious Housing Needs.* At a time when housing starts have reached a 20-year low and housing for the moderate income groups can no longer be supplied without federal assistance, money should be released for the 221(d)(3) BMIR program and the 202 program so funds can be allocated to stimulate a seriously depressed housing industry and to meet a critical shortage of housing in this income group. Likewise, funds should be released for 202 loans to finance housing for the elderly.

## CHAPTER E. HOMEOWNERSHIP PROGRAM UNDER SECTION 235

### *I. Summary of existing legislation*

1. *Objectives.* The new program under Section 235 provides financial assistance to enable lower income families to acquire individual or cooperative homeownership. This law responds to the urgent desire for homeownership among such families. They want the pride of owning their own home and the greater sense of security and dignity which it affords. Individual and cooperative ownership provides benefits not only to the owner, but to the community as well. Such owners take responsibility for maintaining and improving their homes. They acquire a stake in the community and participate in its affairs. The result is a more stable and wholesome living environment in which to rear children.

2. *Authorizations in the Housing Act of 1968.* (a) HUD is authorized to enter into contracts to make periodic payments to lenders who make FHA-insured home mortgage loans to lower income families. The payments will be in an amount necessary to make up the difference between 20 percent of the family's monthly income and the required monthly payment under the mortgage for principal, interest, taxes, insurance, and mortgage insurance premium. In no case, however, can payment under the mortgage exceed the difference between (i) the required payment under the mortgage for principal, interest, and mortgage insurance premium and (ii) the payment that would be required for principal and interest if the mortgage bore an interest rate of 1 percent. The amount of the payment on each mortgage will vary according to the income of the homeowner. The family's income is required to be recertified at least every 2 years and appropriate adjustments made in the assistance payment to reflect any changes.

(b) The assistance payment is available for a purchaser having an income at the time of his initial occupancy, not in excess of 135% of the maximum income limits that can be established in the area for initial occupancy in public housing. However, up to 20 percent of the funds authorized in appropriation acts for the program can be used to assist families with incomes above these limits but which are not in excess of 90 percent of the income limits for occupancy in a section 221(d)(3) below-market interest rate housing project.

(c) In calculating the income of the homeowner for the purpose of determining eligibility as well as the amount on which the 20 percent computation will be made, there will be deducted $300 for each minor child who is a member of the homeowner's immediate family and living with him. Also, income of minors will not be included in the homeowner's income for this computation. By administrative action pursuant to recommendations in the Senate Committee Report, there is a deduction of 5% of gross income to cover payroll deductions for social security taxes and compulsory pension funds.

(d) The amount of a home mortgage cannot exceed $15,000 ($17,500 in high cost areas). These limits are increased to $17,500 except that it may be $20,000 in high cost areas for families with five or more members. The same limits apply as an average to the blanket mortgage of a cooperative.[1]

(e) On individual ownership of single family homes, the minimum downpayment is $200 for families with incomes up to 135 percent of the maximum income limits that can be established in the area for initial occupancy in public housing and 3 percent in other cases.

(f) HUD is authorized to provide budget, debt management, and related counseling services to homeowners who purchase homes under the program.

(g) The housing, with a few limited exceptions, must be new or substantially rehabilitated housing, except that up to 25 percent of the amount of contracts authorized to be made before July 1, 1969 can apply to existing housing, with this percentage decreasing to 15 percent the following year, and 10 percent the third year.[2]

(h) The aggregate amount of contracts to make payments cannot exceed amounts approved in appropriation Acts. The payments pursuant to the contracts cannot exceed $75 million per annum prior to July 1, 1969. This amount is increased by $100 million on July 1, 1969 and by $120 million on July 1, 1970.[3]

(i) The 221(h) program—with a new limit of $50 million—is changed to allow the Secretary to reduce the interest rate on a home purchaser's mortgage under the program to as low as 1 percent where the purchaser's income justifies, with periodic adjustments between 1 and 3 percent to reflect changes in the homeowner's income. Under this program nonprofit mortgagors purchase and rehabilitate housing with financing under FHA insured mortgages and resell it to low-income families.

3. *Authorization in Appropriation Acts.* Of the $75 million authorized under Section 235 for interest-assistance contracts prior to July 1, 1969, $70 million of the contract authority has been embodied in appropriation acts. Of the $100 million authorized in the 1968 Act—this authorization has been increased to $125 million in the 1969 Housing Act—for fiscal 1970, $90 million has been appropriated thus far.

4. *Amendments in the Housing and Urban Development Act of 1969.*

(a) Assistance Payments Under Section 235 for Purchaser Assuming Mortgage:

Section 235(c) of the National Housing Act is amended to authorize homeownership assistance payments for home purchasers who assume mortgages insured under section 235(i) (one and two family dwellings and condominium units for lower income families) and who are otherwise eligible.

Section 235(b)(2), of the act is amended to make subsequent purchasers of cooperative units in section 235 projects eligible for homeownership assistance payments if otherwise qualified. Prior to this amendment, payments were authorized only for the initial two purchasers of a section 235 cooperative unit.

(b) Authorization for Assistance Payments Under Section 235:

Section 235(h)(1) of the National Housing Act is amended to increase, by $25 million as of July 1, 1969 and by $170 million on July 1, 1971, the aggregate amount of contracts that the Secretary may enter into to make periodic homeownership assistance payments.

(c) Assistance Payments With Respect to Existing Dwellings Under Section 235:

Section 235(h)(3) of the National Housing Act is amended to allow up to 30 percent of the total amount of contracts for homeownership assistance payments which are authorized by appropriation acts after June 30, 1969, and prior to July 1, 1971, to be made with respect to existing dwellings or dwelling units in existing projects. Prior to this amendment, only 15 percent of the total amount of contracts authorized by appropriation acts for fiscal year 1970 and only 10 percent of the total amount of contracts authorized by appropriation acts for fiscal year 1971 could be made with respect to existing housing.

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[1] Amended in 1969 Housing Act as described in paragraph 4(d) below.

[2] Amended in 1969 Housing Act as described in paragraph 4(c) below.

[3] Amended in 1969 Housing Act as described in paragraph 4(b) below.

(d) Increases in Maximum Mortgage amounts:

Authorizes increases in maximum mortgages under sections 235 and 221(d)(2) of twenty (20) percent.

*II. Recommendations*

1. *Additional Authorizations in Appropriation Acts.* NHC recommends that appropriation actions include the full amount of the additional and unused interest assistance contract authority under Section 235 which is contained in the 1968 Act, as increased by the 1969 Act. Therefore a supplemental appropriation should be made of the $40 million—consisting of the $35 million which is authorized but not yet appropriated for fiscal year 1970 and the $5 million authorized but not appropriated for fiscal year 1969. We urge the President to request Congress to make this supplemental appropriation of $40 million instead of the $25 million which was previously being recommended by the Administration.

There have been two increases in the FHA-VA interest rates since the passage of the 1968 Housing Act. The original schedule of interest assistance authorizations provided by the 1968 Housing Act was designed to produce an adequate supply of low income housing. However, these interest assistance authorizations were predicated on an interest rate of 6¾%. With the current interest rate at 8½%, the interest assistance funds must subsidize 1¾% of interest more than was originally contemplated. This means that interest assistance funds will produce much less housing unless appropriations are increased, not only by the $40 million authorized but not yet appropriated, but also by an additional amount sufficient to off-set increases in housing costs and achieve the program levels initially contemplated.

We further recommend advance authorizations in appropriation acts to cover each succeeding fiscal year, besides the current one, to allow more lead time for the planning and initiation of homeownership programs for lower income families. We commend President Nixon for requesting the inclusion in the 1971 Appropriation Act of the full authorization of $140 million for Fiscal Year 1971, together with an advance authorization of $140 million in contract authority for Fiscal Year 1972. However, NHC recommends that the full authorization of $170 million for Fiscal Year 1972 be included in the 1971 Appropriation Act.

2. *Increase in Legislative Authorizations.* NHC recommends increasing the legislative authorizations for interest assistance contracts under Section 235 to achieve an average annual rate of 300,000 units for a 5-year period. Initially the annual rate should be 225,000 units, but it should be accelerated each year until it reaches 375,000 units in the fourth and fifth years.

3. *Other Legislative Amendments.* NHC makes the following recommendations for other legislative amendments:

(a) The interest subsidy will pay only the excess of the mortgage payment above the amount which represents 20% of the family income. Statistics show that a median of 15.5% of income was spent for such mortgage payments, as distinguished from total housing expense, under the FHA 203 program. NHC recommends a requirement that one-sixth of income be spent for mortgage payments under Section 235. As an alternative, NHC recommends that a family be required to spend 20% of its income for all housing expenses under Section 235 which would include mortgage payments, utilities, and maintenance and repairs. This is necessary to assure that families will have enough income remaining to pay for food, clothing and other requirements for a decent standard of living. As to the present requirement that the owner spend 20% of his income for mortgage payments alone, it results in reducing or eliminating the amount of interest assistance available for many lower income families. This excludes them from assistance they need to achieve monthly payments which they can afford; thus it excludes them from the market for this housing and creates an unfilled gap in our housing program.

(b) The widely recognized increases in the costs of housing makes it increasingly difficult—and in some areas impossible—to provide housing for the lower income group intended to be served under Section 235. To enable the program to reach this lower income group, NHC recommends that interest assistance be increased for those families who need it by reducing the payment of such families to the amount that covers only the principal payments on the mortgage without any interest. For those who can afford to pay interest, they would pay at a rate which they could afford ranging from 0% to the market rate.

(c) The maximum income limits for Federal assistance under Section 235 should be established at the median income in the locality, with adjustments to reflect different sizes of families. As a result of increases in interest rates and housing construction and operating costs, there are more people who are now unable to obtain decent housing without Federal assistance. To enable the 235 program to reach these families, it is necessary to establish the proposed more realistic income limits which will avoid creating gaps and areas of unmet need in the housing program.

(d) NHC recommends the amendment adopted by the Senate which would have increased the maximum mortgage limits under Section 235 up to 45 percent in high cost areas. This Senate amendment was not accepted in Conference. We urge its adoption in the next Housing Act. The 20% increase in maximum mortgage limits in the 1969 Act is not adequate to allow construction of Section 235 housing in high cost urban areas.

4. *Administrative Actions.* NHC makes the following recommendations for administrative actions:

(a) In computing family income under Section 235, FHA should allow deductions of the type which have been long recognized in public housing, particularly since the income limits in the interest assistance program are now computed as a percentage of the local public housing limits. Moreover, this action would respond to the Senate Committee's report that fair standards and rules should be followed within HUD for determining such income. We are pleased to note that the Javits bill, S. 3025, includes provisions which adopt this recommendation, so that any family income which is excluded in applying public housing limitations shall likewise be excluded in determining family income for Section 235.

(b) NHC deplores the recent action of HUD and the Bureau of the Budget freezing the Section 235 (i) program for existing property to a 15% level of Section 235 funds available and urges the use of the full authority in the 1969 Act which raised the amount of Section 235 funds available for existing property to 30%. HUD has announced that the 15% level has been reached and that no more existing homes will be eligible for Section 235 (i) this fiscal year.

### CHAPTER F. RENTAL AND COOPERATIVE PROGRAM UNDER SECTION 236

*I. Summary of existing legislation*

1. *Objectives.* The new program under Section 236 provides financial assistance to enable lower income families to get rental housing or cooperative homeownership. This program is urgently needed to provide housing for families with incomes too high to qualify for public housing but too low to afford decent housing that could be produced in the private market. A tremendous unmet need exists for housing to serve moderate income families who cannot afford standard private housing without federal assistance. There is a long accumulated backlog of unfilled requests and applications for additional projects to serve this income group. Unlike Section 221(d)(3), the capital financing under Section 236—as well as Section 235—is shifted to the private market where the mortgage loans must be obtained at market interest rates. Federal assistance payments would make up the difference between the market rate of interest and 1%.

2. *Authorizations in the Housing Act of 1968.*

(a) Section 236 authorizes the program of federal assistance to rental and cooperative housing for lower income families. The assistance is in the form of periodic payments to the mortgagee financing the housing to reduce the mortgagor's interest costs on a market rate FHA-insured project mortgage.

(b) The interest assistance payments will reduce payments on the project mortgage from that required for principal, interest, and mortgage insurance premium on a market rate mortgage to that required for principal and interest on a mortgage bearing an interest rate of 1 percent.

(c) The interest assistance payments will reduce rental or occupancy charges to a basic charge. A tenant or cooperative member will either pay (1) the basic charge or (2) such greater amount as represents 25 percent of income for total housing expense, but not in excess of the charges which would be necessary without any interest assistance payments. Incomes of tenants or cooperative members will be reexamined at least every 2 years for the purpose of adjusting charges. Rental or occupancy charges collected in excess of the basic charges are to be returned to HUD for deposit in a revolving fund for the purpose of making other interest assistance payments.

(d) Tenants or cooperative members of these projects who pay less than the fair market rental charge for their units will generally have incomes, at the time of their initial occupancy, not in excess of 135 percent of the maximum income limits that can be established in the area for initial occupancy in public housing dwellings. However, up to 20 percent of the contract funds authorized in appropriation acts may be made available for projects in which some or all of the units will be occupied, at the time of the initial occupancy, by tenants or cooperative members whose incomes exceed the above limit but do not exceed 90 percent of the income limits for occupancy of Section 221 (d)(3) below-market-interest-rate housing.

(e) In determining income for the purpose of eligibility as well as the amount of rent or occupancy charges to be paid, a $300 deduction is permitted for each minor person in the family and any income of such minor is not counted. By administrative action pursuant to recommendations in the Senate Committee Report, there is a deduction of 5% of gross income to cover payroll deductions for social security taxes and compulsory pension funds.

(f) To qualify for mortgage insurance under the new program, a mortgagor must be a nonprofit organization, a cooperative, or a limited dividend entity of the types permitted under the section 221(d)(3) housing program. The mortgage limitations with respect to maximum mortgage amount are the same as for mortgages insured under the 221(d)(3) program. Interest assistance payments can also be made with respect to State-aided housing projects approved for receiving the benefits of the program prior to completion of construction or rehabilitation of the projects.

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(g) Contracts for assistance payments are authorized, subject to approval in appropriation acts, in the amount of $75 million annually prior to July 1, 1969. This amount is increased by $100 million on July 1, 1969, and by $125 million on July 1, 1970.*

(h) A project financed under the new program can include such nondwelling facilities as HUD deems adequate and appropriate to serve the occupants of the project and the surrounding neighborhood, as long as the project is predominantly residential and any nondwelling facilities contribute to the economic feasibility of the project. Where a project is designed primarily for occupancy by the elderly or handicaped it can include related facilities for their use, such as dining, work, recreation, and health facilities.

(i) A cooperative or private nonprofit corporation or association can purchase a project from a limited dividend mortgagor and finance the purchase with a mortgage insured under the program.

(j) Rent supplement payments may be provided for tenants in projects financed under Section 236, but no more than 20 percent of the units in any one project can receive rent supplement assistance.**

3. *Authorization in Appropriation Acts.* Of the $75 million authorized under Section 236 for interest-assistance contracts prior to July 1, 1969, $70 million of the contract authority has been embodied in appropriation acts. Of the $100 million authorized for fiscal year 1970—this authorization has been increased to $125 million in the 1969 Act—$85 million of the contract authority has been embodied in appropriation acts.

4. *Amendments in the Housing and Urban Development Act of 1969.*

(a) Interest Subsidy Authorization. Section 236(i)(1) of the National Housing Act is amended to increase, by $25 million as of July 1, 1969, and by $170 million on July 1, 1971, the aggregate amount of contracts that the Secretary may enter into to make periodic interest reduction payments on behalf of the owner of a rental or cooperative housing project designed for occupancy by lower income families.

(b) Interest Reduction Payments Under Section 236 on Certain Projects Financed Under State or Local Housing Programs. Section 236(b) of the National Housing Act is amended to authorize interest reduction payments with respect to part of a mortgage on a rental or cooperative housing project financed under a State or local program.

(c) Rent Supplements in Section 236 projects. Section 101(j)(1) of the Housing and Urban Development Act of 1965 is amended to authorize the Secretary of HUD to increase, where he deems desirable, the maximum percentage of rent supplement units in 236 projects from 20% to 40%.

(d) Increase in Mortgage Amounts for Section 236. The dollar limits for mortgages on multifamily housing insured under Section 236 and 221(d)(3) are increased by 15 percent.

### *II. Recommendations*

1. *Additional Authorizations in Appropriation Acts.* NHC recommends that appropriation acts include the full amount of the additional and unused interest assistance contract authority under Section 236 which is contained in the 1968 Act, as increased by the 1969 Act. Therefore, a supplemental appropriation should be made of $45 million—consisting of the $40 million which is authorized but not yet appropriated for fiscal year 1970 and the $5 million authorized but not appropriated for fiscal year 1969. We urge the President to request Congress to make this supplemental appropriation of $45 million instead of the $25 million which was previously being recommended by the Administration.

There have been two increases in the FHA-VA interest rate since the passage of the 1968 Housing Act. The original schedule of interest assistance authorizations provided by the 1968 Housing Act was designed to produce an adequate supply of low income housing. However, these interest assistance authorizations were predicated on an interest rate of 6¾%. With the current interest rate at 8½%, the interest assistance funds must subsidize an additional 1¾% of interest more than was originally contemplated. This means that interest assistance funds will produce much less housing unless appropriations are increased, not only by the $45 million authorized but not yet appropriated, but also by an additional amount sufficient to offset increases in housing costs and achieve the program levels initially contemplated.

We further recommend advance authorizations in appropriation acts to cover each succeeding fiscal year, besides the current one, to allow more lead time for the planning and initiation of homeownership programs for lower income families. We commend President Nixon for requesting the inclusion in the 1971 Appropriation Act of the full authorization of $145 million for Fiscal Year 1971, together with an advance authorization of $145 million in contract authority for Fiscal Year 1972. However, NHC recommends that the full authorization of $170 million for Fiscal Year 1972 be included in the 1971 Appropriation Act.

2. *Increase in Legislative Authorizations.* NHC recommends increasing the legislative authorizations for interest assistance contracts under Section 236 to achieve an average annual rate of 300,000 units for a 5-year period. Initially the annual rate should be 225,000 units, but it should be accelerated each year until it reaches 375,000 units in the fourth and fifth years.

3. *Other Legislative Amendments.* NHC makes the following recommendations for other legislative amendments:

(a) NHC recommends an amendment to the provision requiring that 25% of family income be paid for total housing expenses—including mortgage payments, real estate taxes, utilities, heat, and the estimated cost of maintenance and repairs. The proposed interest assistance would pay only the excess of total housing expense above the amount which represents 25% of family income. Statistics show that a median of 19.6% of income was spent for total housing expense under the FHA 203 program. NHC recommends that one-fifth of income be spent for total housing expense under Section 236 so that families will not be required to spend a disproportionate amount of their earnings for housing. This is necessary to assure that families will have enough income remaining to pay for food, clothing and other requirements for a decent standard of living. As to the present requirement that the owner spend 25% of his income for total housing expense, it results in reducing or eliminating the amount of interest assistance available for many lower income families. This excludes them from assistance they need to achieve monthly payments which they can afford. NHC is pleased that the House version of the 1969 Act accepted this recommendation and would have reduced to 20% the amount of an occupant's income required to be spent for total housing expense in a 236 project. The conferees did not adopt this provision, and NHC recommends its adoption in the next Housing Act.

(b) NHC recommends that Section 236 and Section 221(d)(3) should be amended to remove the 10% limit on the number of units in a project which may be occupied by moderate-income individuals as distinguished from families. All moderate-income individuals would then be treated in the same manner as those who are elderly or handicapped.

(c) The widely recognized increases in the costs of housing make it increasingly difficult—and in some areas impossible—to provide housing for the lower income group intended to be served under Section 236. To enable the program to reach this lower income group, NHC recommends that interest assistance be increased for those families who need it by reducing the payment of such families to the amount that covers only the principal payments on the mortgage without any interest. For those who can afford to pay interest, they would pay at a rate which they could afford, ranging from 0% to the market rate.

(d) The maximum income limits for Federal assistance under Section 236 should be established at the median income in the locality, with adjustments to reflect different sizes of families. As a result of increases in interest rates and housing construction and operating costs, there are more people who are now unable to obtain decent housing without Federal assistance. To enable the 236 program to reach these families, it is necessary to establish the proposed more realistic income limits which will avoid creating gaps and areas of unmet need in the housing program.

(e) If there is a need for financing for dwelling units in condominiums of a type which cannot be met under Section 235, NHC proposes an amendment to Section 236 which would meet that type of need subject to safeguards in the statute which would provide the following consumer protections to avoid excessive mortgages, prices and carrying charges on condominium units in multifamily projects:

(1) A limitation on the mortgage on each dwelling unit so that it will not exceed the certified cost of the project applicable to that unit;

(2) A limitation on the sales price so that it will not exceed the foregoing amount of the mortgage based on the certified cost, except that the purchaser may in addition make a payment for settlement costs not to exceed $200 for families whose incomes do not exceed 135% of public housing limits, or 3% of the sales price for other eligible families; and

(3) Assurance that the purchaser is not required to pay a larger percentage of family income for mortgage payments than he would otherwise be required to pay under Section 235 where the owner is required to spend 20% of his income for mortgage payments, in contrast to Section 236 where the payment of 25% of family income is to cover not only the mortgage payments but all other housing expenses.

In this program involving interest subsidies, the foregoing safeguards—which are similar to the safeguards applicable to cooperatives—are necessary to assure that the subsidy benefits the purchaser and the occupant of the dwelling.

(f) NHC recommends adoption of the following provisions adopted by the House but not accepted in the Conference on the 1969 Act concerning housing the elderly under section 236.

(1) Projects for the elderly or handicapped be administered, to the maximum extent possible, under the same terms as the Section 202 program;

(2) Computation of rents based on income will not apply to projects designed primarily for lower income, elderly or handicapped families;

(3) Verification for tenants in such projects shall be every five years; and

(4) "Exception income limits" for the elderly or handicapped shall be $5,500 for individuals and $6,600 for couples, in lieu of 90% of 221(d)(3) BMIR limit otherwise applicable.

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* Amended in the 1969 Act as described in paragraph 4(a) below.

** Amended in the 1969 Act as described in paragraph 4(c) below.

(g) NHC recommends adoption of the following provision adopted by the Senate but not accepted in the Conference on the 1969 Act: Allow per dwelling unit dollar limitations on maximum principal mortgage amounts to be adjusted each year in accordance with the changes in the "Price Index for New One-Family Houses Sold" published annually by the Bureau of the Census.

(h) NHC recommends enactment of S. 3239 introduced by Senator Javits to permit GNMA to purchase Section 236 mortgages in excess of statutory limits which reflect the effect of local tax abatement programs. This would follow the precedent of the present exception for section 221(d) (3) BMIR projects which receive local tax abatement.

4. *Administrative Actions.* NHC makes the following recommendations for administrative actions:

(a) In computing income under Section 236, FHA should allow additional deductions of the type which have been long recognized in public housing, particularly since the income limits in the interest assistance program are now computed as a percentage of the local public housing limits. Moreover, this action would respond to the Senate Committee's Report that fair standards and rules should be followed within HUD for determining such income, after deductions. We are pleased to note that the Javits bill, S. 3025, includes provisions which adopt this recommendation, so that any family income which is excluded in applying housing limitations shall likewise be excluded in determining family income for Section 236.

(b) FHA should establish cost limits which will be realistic and workable in high cost areas, including both high and low rise buildings. This is necessary to assure that housing under 236 can be constructed within the cities in closer proximity to places with employment and public transportation.

(c) As to the cost of periodic income recertifications of occupants, FHA should pay these costs from the surcharges collected from over-income families. At present, these costs are treated as a project expense which results in an additional charge to occupants.

## CHAPTER G. SPECIAL MORTGAGE INSURANCE ASSISTANCE UNDER SECTION 237

### *I. Summary of Existing Legislation*

1. *Objectives.* In the new Section 237, the 1968 Housing Act provides help to assure adequate housing for families of low and moderate incomes who—because of poor credit records, irregular income or seasonal employment—are unable to meet the credit requirements of purchasing single-family homes financed by a mortgage insured under Sections 203, 220, 221, 234, or 235(j) (4). This help is to be extended to those who appear able to achieve homeownership through the counseling assistance.

2. *Authorizations in the Housing Act of 1968.* (a) HUD is authorized to insure mortgages under the above-mentioned programs in an amount not to exceed $15,000 with increases not to exceed $17,500 in high-cost areas.

(b) Monthly payments, in combination with local real estate taxes on the property, must total 25% of the applicant's monthly income during the year prior to his application or the average monthly income during the three years prior to his application, whichever is higher.

(c) The Secretary is authorized to provide, or contract with public or private organizations to provide such budget, debt management and related counseling services to those obtaining housing under Section 237.

(d) The aggregate principal balance of all mortgages insured under Section 237 and outstanding at one time may not exceed $200 million.

(e) Authorizations are made in such sums as necessary to carry out the provisions in Section 237.

3. *Amendments in the Housing and Urban Development Act of 1969.* (a) Section 237(d) is amended to include families who are applying for section 235 homeownership assistance among the applicants under Section 237 who are to be given a preference for mortgage insurance and counseling services. Prior to this amendment, preference for Section 237 mortgage insurance—which is available to applicants who do not meet normal FHA credit standards—was limited to families living in public housing units (especially over-income families required to leave public housing) and families eligible for public housing who have been displaced for federally assisted urban renewal areas.

(b) Section 237(c) (2) was amended to increase the maximum insurable mortgage under Section 237 to $18,000 ($21,000 in high cost areas).

### *II. Recommendations*

(1) NHC recommends necessary appropriation of funds to enable FHA to provide budget, debt management, and related counseling services to those obtaining housing under Section 237. Thus far no such funds have been appropriated for this specific purpose, but FHA is performing Section 237 services with existing operating funds.

(2) NHC recommends that Section 237 be amended to extend its provisions to families purchasing memberships in cooperatives financed under Section 236. In meeting FHA credit requirements, such families should be entitled to the same benefits and assistance as families seeking home ownership under other programs.

(3) NHC urges the full and effective use of the authority in Section 237 in order to assist families who cannot meet the credit requirements for purchasing housing under Section 235. The accomplishment of the purposes of Section 235 and 236 requires a relaxation of credit requirements for individual or cooperative purchasers of such housing, together with the counseling services contemplated by Section 237.

## CHAPTER H. LOW RENT PUBLC HOUSING

### *I. Summary of Existing Legislation*

1. *Need.* There is a tremendous unmet need for additional housing to serve the low-income group who cannot be decently housed without the aid of Federal subsidies. Many of the ill-housed in this income group are living in the slum and ghetto areas of our cities. Their unmet need for adequate housing has contributed to the crisis in our cities. Cities throughout the country have recognized the urgency of building additional public housing. Applications for additional public housing units are now being submitted to HUD at an annual rate of about 140,000 units.

2. *Authorizations in 1968 Housing Act.*

(a) The Act provided an increase in the contract authorization for annual contributions of $100 million upon its passage and an additional $150 million on July 1, 1969, and July 1, 1970.[*] These increased authorizations would provide about 375,000 low-rent dwelling units over the 3-year period for the public housing program.

(b) The Act authorizes HUD to make grants to local housing authorities to assist in financing tenant services for tenants of public housing. Appropriations for the grants are authorized up to $15 million for fiscal year 1969, and $30 million for fiscal 1970.[**] The tenant services include: counseling on household management, housekeeping, budgeting, money management, child care, and similar matters; advice as to resources for job training and placement, education, welfare, health, and other community services; services which are directly related to meeting tenant needs and providing a wholesome living environment; and referral to appropriate agencies when necessary for the provision of such services.

(c) High-rise public housing projects for families with children are prohibited except where HUD determines that there is no practical alternative.

(d) HUD is prohibited from prescribing limitations on the types or categories of structures or dwelling units (other than those provided in the law) which can be leased under the public housing, Section 23 leasing program.

(e) An additional annual subsidy of $120 is authorized for public housing units occupied by large families or families with very low incomes. In the past a like subsidy has been limited to the elderly and displaced families.

3. *Authorizations in Appropriation Acts.* No appropriation has been made of the $15 million authorized for fiscal 1969 or the $30 million for fiscal 1970 to assist in financing tenant services in public housing. No further authorizations are required in appropriation acts to authorize annual contribution contracts.

4. *Amendments in the Housing and Urban Development Act of 1969.*

(a) Loans for Public Housing Projects.

Section 9 of the United States Housing act of 1937 (USH Act) is amended to increase from 90 to 100 percent the maximum amount of Federal loans or loan commitments authorized for financing the acquisition or development of a low rent housing project with respect to which annual contributions are to be made. Section 9 is used primarily to enable local housing authorities to obtain temporary financing for the acquisition or construction of a property by the sale of short-term notes backed by a Federal loan commitment. With a loan commitment of 100 percent of a project's acquisition or development cost, a local housing authority would be able to schedule the issuance of long-term bonds for permanent financing when most advantageous to itself and the Federal Government rather than just prior to acquisition or when development costs reach the 90-percent level.

(b) Public Housing Annual Contributions.

Section 10(b) of the USH Act is amended to clarify existing authority to fix the amount of the annual contributions to public housing projects at an amount in excess of the debt service requirements of the project so long as the fixed contribution does not exceed the maximum annual contribution authorized in that section.

Section 10(e) of the Act is amended to increase the authorization for annual contribution contracts under the low-rent public housing program by $75 million as of July 1, 1969, and by $20 million on July 1, 1970 (in addition to the $150 million increases already authorized for these dates).

(c) Notifications to Applicants for Admission to Public Housing Projects.

Section 10(g) of the USH Act is amended by adding to that section a new paragraph which requires every contract for annual contributions for a low-rent housing project to provide that the public housing agency shall notify promptly any applicant determined to be ineligible for admission to a project of the reason for such determination and provide the applicant, within a reasonable time after the determination is made, with an opportunity for a hearing on the determination. Applicants who are determined to be eligible for admission to a project shall also be notified promptly of the approximate date of occupancy insofar as this can be reasonably determined.

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[*] Amended by the 1969 Act as described in paragraph 4(b) below.

[**] Amended by the 1969 Act as described in paragraph 4(e) below.

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(d) Room Cost Limitations for Public Housing Projects.

Section 15(5) of the USH Act is amended to increase the statutory room cost limits applicable to low-rent public housing projects. The basic limits are increased from $2,400 to $2,800, and the limits for accommodations designed specifically for elderly families are increased from $3,500 to $4,000. The increment for high-cost areas is increased from $750 to $1,500 per room for elderly families and to $1,400 per room in any other case. The special limitations applicable to Alaska are increased from $4,000 to $4,500 for elderly families and from $3,500 to $4,000 in any other case.

(e) Management and Services in Public Housing Projects.

Section 15(10) of the USH Act is amended to provide that appropriations for upgrading management and services in public housing projects may be made (in the amount presently authorized) through the fiscal year 1971. Prior to this amendment, such appropriations were authorized only through fiscal year 1970.

(f) Elimination of Workable Program Requirement With Respect to Low-Rent Projects.

Section 101(c) of the Housing Act of 1949 and Sections 10(e) and 23(f) of the USH Act are amended to eliminate the workable program requirement for low-rent public housing and Section 221(d)(3) projects.

(g) Reduced Rentals for Very Low Income Tenants of Public Housing Projects.

Section 2(1) of the USH Act is amended to provide that rent in public housing projects may not exceed one-fourth of the family's income, as defined by the Secretary of HUD. To make it possible to serve very low income persons in public housing, additional assistance payments are authorized within the existing annual contributions framework. To provide necessary funds for this purpose, $75 million is added to the authorization for annual contributions contracts under Section 10(e) of the USH Act.

Subsection (b) provides that the requirement that rents fixed by public housing agencies may not exceed one-fourth of the low-rent housing tenant's income will not apply in any case in which the Secretary determines that by limiting the rent of a tenant there will result a reduction in the amount of welfare assistance which would otherwise be provided to the tenant by a public agency. The above requirements will become effective not later than ninety days following the date of the enactment of the Act.

Section 14 of the USH Act is amended to provide that any contract for annual contributions, loans, or both, may be amended or superseded for the purpose of insuring the low-rent character of the project involved so that the going federal rate on the basis of which such annual contributions or interest rate on the loans, or both, are fixed shall mean the going federal rate of the amending or superseding contract.

### *II. Recommendations*

1. *Necessary Appropriation.* NHC recommends the appropriation for the fiscal year 1970 of the $30 million authorized for grants to local housing authorities to assist in financing tenant services in public housing. We also recommend authorizations of the amount required for the special subsidies on housing for the elderly and displaced persons. There should be advance appropriations for all such grants for fiscal year 1971, since such an advance appropriation will allow necessary lead time for the initiation and planning of such programs. The full amount of the $75 million of annual contribution contract authority should be made available pursuant to the additional authorization in the 1969 Act to provide necessary funds to reduce rents and serve very low income tenants in public housing; and the Bureau of the Budget should repeal its limitation that only $33 million of this authorization can be used this year.

2. *Increases in Legislative Authorizations.* There is a need to increase the authorizations for public housing to an average annual rate of 200,000 units for a 5-year period. Initially, the annual rate should be 150,000 units, but it should be accelerated each year until it reaches 250,000 units in the fourth and fifth years. This should include public housing of the conventional type, along with turnkey housing and leasing programs.

3. *Other Legislative Amendments.* We should perfect the existing public housing programs in light of our experience. In the conventional public housing programs, this requires the following new federal aids to meet conditions that have been too long neglected:

(a) NHC approves the objective in the 1969 Housing Act to reduce the maximum percentage of a tenant's income which is required to be paid as rent by public housing tenants. However, NHC recommends that 20% instead of 25% of a tenant's income should be the maximum rent. The 25%-of-income requirement is too high for low income families to pay for housing in view of their need for more of their income for other essential living expenses.

(b) There should be an amendment authorizing the leasing of available private housing outside central cities for low-rent housing purposes. Parenthetically, state laws should likewise be amended to enable local authorities to lease such housing outside central cities.

(c) There should be a HUD authorization to make federal capital grants to cover the full amount of land and site development costs in excess of the reuse value of the improved land for new low-rent public housing projects which are not located in urban renewal areas; also HUD authority to make such federal grants for a write-down on buildings acquired for rehabilitation.

(d) The present law provides for disposition of public housing to residents when the housing is sufficiently separable for ownership by the residents. We recommend an amendment to authorize sale of an entire project—including turnkey housing—to a cooperative with a membership limited to those who will reside in the project and whose income meets the limits prescribed in Section 221(d)(3). The sale should be made subject to the continuance of the outstanding bonds of the local housing authority and the pledge of federal annual contributions as security therefor. In broadening the authorization for disposition of public housing, the amendment should require a finding that such disposition would not adversely affect the low-rent program of the public housing agency involved. The proposed NHC amendment would make it possible for residents of public housing to achieve cooperative home ownership and to produce better and more stable communities. Further, instead of requiring over-income families to move out, they should be allowed to acquire cooperative home ownership by paying a higher monthly charge which they can afford, based upon a percentage of their increased earnings. This amendment will give public housing tenants an incentive to better themselves. As to public housing tenants whose incomes have not increased, they can either be: (i) relocated in other public housing projects, with their moving expenses paid; or (ii) permitted to remain in the project—preferably as members of the cooperative—receiving the benefit of annual contributions so long as they qualify as low income families. When vacancies occur, they would be filled with over-income tenants from other public housing projects who desire to become cooperative owners. Section 205 of the Javits bill, S. 3025, contains an amendment which would carry out this recommendation. In determining the price and mortgage on the sale of a public housing project for cooperative ownership, the same definition of appraised value should be used as is involved under FHA cooperative programs, namely, "value of the project for continued use as a cooperative."

(e) Require the Secretary of HUD to make an annual determination of the change in the building cost index and, when indicated, to make appropriate changes in the dollar limitations on room costs consistent with the cost index changes. Provide that the only monetary limitation to be applied in project development shall be the statutory room cost. In other words, administrative limitations should not be imposed as is now the case. This would enable local authorities to meet the great need for large housing units to serve large families.

(f) Repeal the provision in the U.S. Housing Act of 1937, as amended, which requires a 20% gap between the lowest private and the upper public housing income limits for admission. Also, permit low-income individuals—in addition to low-income families—to be eligible for occupancy in low rent public housing.

(g) Make the necessary changes to permit construction in a municipality of low-rent public housing for those of low income who will later migrate to the municipality for employment in industries located there or in service activities. This would include new towns or municipalities outside of central cities. It would facilitate dispersal of population and reduction of the concentration of low-income families in central cities.

(h) In new and existing low-rent public housing projects, there is a great opportunity to provide social impetus and vitality not only to those living in the development, but also the neighborhood. The need is both for physical community facilities on a large scale and for skilled and dedicated personnel to operate them imaginatively. A program was authorized by the 1965 Act for two-thirds federal grants to assist communities in developing neighborhood facilities of all types, with preference to those in neighborhoods involving the anti-poverty program. While this affords a new opportunity to obtain needed physical facilities, the law should be amended to provide for necessary social and counseling services in such neighborhood facilities. Where funds or services cannot otherwise be obtained, local authorities should be permitted to use project funds for this purpose. Adequate funds for social and counseling services should be included in the project budget.

(i) Neither the program to lease privately-owned housing for public housing purposes, nor the rent-supplement program for those of public-housing incomes requires a local financial contribution in the form of exemption from local real estate taxes. Conventional public housing projects are therefore at a disadvantage in gaining acceptance by local governments, since these projects require tax exemption and 10% of shelter rents in lieu of taxes. To eliminate this disadvantage, NHC recommends that local housing authorities be permitted to make payments in lieu of taxes equal to full taxes. Federal annual contributions should be increased to cover the payment of a full tax equivalent.

(j) Until such time as full tax equivalent is paid on public housing as recommended above, there should be a federal payment to cover costs of sending public housing children to local schools; accordingly, NHC supports the provisions of the Elementary and Secondary Education Bill—which is now in conference after passing the House and Senate—which provides for such payments.

(k) When the local housing authority renews leases under the leasing program, there should be a price adjustment in the lease that takes into account price level changes.

(l) The 1965 Act repealed as to future projects the requirement of Section 10(c) of the United States Housing Act of 1937 that annual contributions to a public housing agency be reduced by any amounts by which the receipts of the agency exceed its expenditures. As a matter of fairness and to meet the needs of public housing agencies, NHC recommends that this repeal should also apply to public housing projects existing at the time of the 1965 Act, as well as future projects.

(m) The Section 23 leasing program should be amended to permit longer term leases as this will encourage more private owners to participate in the program. The leasing program should be available for use in connection with any FHA-insured housing so as to help achieve economic integration. It should also be available for use in connection with FHA-insured nursing homes.

(n) NHC recommends the removal of the 10% limit on the number of units in a project which may be occupied by low income individuals as distinguished from low income families.

(o) There should be no income limits for continued occupancy in public housing. Instead, people should be permitted to stay in public housing if they wish upon paying the prescribed percentage of their income—where permitted under state law—but not in excess of the economic rent.

4. *Administrative Actions.* NHC recommends and approves the following administrative actions by HUD:

(a) Additional annual contributions should be made to meet all costs except those which low income families can afford as rentals. This should include not only the debt service, but also adequate maintenance, conservation and operation of public housing, and additional services. It should also cover the cost of work required to comply with anti-air pollution legislation. The present needs and costs are higher than those which prevailed when the original annual contribution contracts were signed. If the annual contributions are not raised, local housing authorities will be forced to increase rents and income limits. This would jeopardize the continued achievement of the purpose of this program to serve low income families. Also, it will cause the deferment of necessary maintenance and repairs, thereby jeopardizing the physical condition and long-term life of the property. The present annual contributions were computed to assure their adequacy to meet debt service, but without provision for the increased later costs of maintenance and operation, or the need for additional services. There has been criticism of conventional public housing because of its failure to provide necessary services and because of its lack of conservation through renovation. Correction of these conditions should remove the cause of this criticism and produce a better living environment in public housing.

(b) The annual subsidy formula should be revised to permit the payment of the maximum annual contributions authorized by law with residual receipts being used either for project rehabilitation or improvement. At any time after completion of a public housing project, provision should be made for reopening development cost, if necessary, to make additional loans for needed rehabilitation, improvements, or other purposes, with annual contributions correspondingly increased.

(c) While we believe the proposal for private management of turnkey housing is of dubious merit, we favor trying this new approach to determine whether it will produce benefits or improve techniques in the management of public housing and the achievement of the program's social objectives. The proposal should be recognized as a pilot and experimental program to be determined by local housing authorities. Meanwhile, NHC reaffirms the wisdom of continuing the present tested management operations through local authorities. They have long experience in handling the operations and problems and social aspects of public housing management. Moreover, they are clearly motivated by the public interest in managing public housing to serve low-income families. Local housing authorities should be allowed the same budgets for their operations and management services on turnkey housing as are proposed for private management. NHC also recommends approval of experimental programs of local housing authorities for management of public housing by nonprofit organizations, since they likewise have motivations of public interest and social welfare.

(d) NHC is impressed by the early evidence of widespread community acceptance of the provision in the 1965 Act authorizing the use of suitable private housing for low-income families through lease or other arrangements between local authorities and the owners and operators of private housing.

(e) We again commend HUD for its flexibility in using existing legislative tools to develop a program which will enable low-income families to live in the same projects as families of moderate incomes instead of isolating families of each income group. Under this program, the low-income family can continue in occupancy when its income increases, but would no longer receive public housing subsidies; instead, it would get the benefit of a below-market interest rate. When the family becomes self-supporting, it would pay the full market rate of interest.

(f) The special subsidy for housing elderly and displaced persons is now available only in the event of a deficit operation. NHC recommends that this subsidy be made available generally in an amount equal to the difference between the rent paid per month and the average cost of operation.

(g) NHC recommends that the documentation required to qualify initially for the leasing program eliminate the unnecessary requirement for development of detailed hypothetical data as to the extent of the potential supply of units.

(h) The 1968 Housing Act emphasizes the importance of good public housing design to the low-income family and to the local community. The Nation is concerned not only with the quantity of new public housing, but also with its quality. We urge HUD to take all actions necessary to achieve higher design standards for public housing developments.

(i) NHC recommends necessary adjustments in public housing income limits in those localities which have failed to keep pace with the increases in costs and incomes; also, there should be a recognition of the larger income which larger families require. Thus, there is no justification for a public housing limit for a larger family which would make a welfare recipient ineligible for occupancy.

(j) NHC recommends a revision in the letters of intent used by the Housing Assistance Administration in its turnkey housing program which would make it mandatory for housing authorities to purchase the land and plans from the developer if—for any reason—the local housing authority and the developer fail to execute a contract to purchase.

(k) NHC suggests that local housing authorities draw down the purchase price of the completed improvements at the time of signing the turnkey contract of sale. This sum would then be deposited to the credit of the local housing authority with a banking institution in the community in which the project is being built and a Certificate of Deposit would be issued to the local housing authority bearing interest at the highest going rate. In consideration of making the deposit, the banking institution would agree to make the construction loan to the turnkey developer at an interest rate not more than 2 percentage points higher than the interest paid by the banking institution to the local housing authority on the Certificate of Deposit, plus normal operation and service charges and fees.

(l) NHC recommends that HUD resume authorizations of local housing authorities to lease units under the Section 23 leasing program to the extent that subsidy funds are available for this purpose. NHC deplores HUD's actions which have resulted in the administrative termination and repeal of this program authorized by the Congress.

(m) The section 23 leasing program should be administered in a manner which will permit longer term leases as this will expand the program including the encouragement of more new construction and rehabilitation.

(n) While local housing authorities are responsible for the management and upkeep of their properties and endeavor to improve the welfare of the residents and encourage their participation in community activities, the housing authorities cannot properly be charged with responsibility for the behavior of residents or their compliance with laws. There are some people whose behavior adversely affects the rights of others or their property or whose protests are accompanied by violence and destruction. The existence of these phenomena in public housing can scarcely be attributed as a responsibility of local housing authorities, any more than such behavior of people living in private housing is the responsibility of the private landlord.

### CHAPTER I. THE RENT SUPPLEMENT PROGRAM

#### *I. Summary of Existing Legislation*

1. *Objectives.* The Rent Supplement Program is an innovative approach to low income housing. It utilizes the free enterprise system and has been strongly endorsed by the home-building, real estate, and insurance industries. It provides incentives for people to escape from poverty and for the building of modest but decent housing for those who need it most.

2. *Authorization in the Housing Act of 1968.* The Act makes all previous authorizations for rent supplement contracts aggregating $150 million available for contract prior to July 1, 1969, but only to the extent that these contract authorizations are contained in appropriation acts. The Act provides for an additional $40 million in contract authority for rent supplements in fiscal year 1970 and an additional $100 million in contract authority for fiscal year 1971. The 1968 Housing Act provides that state aided projects are eligible for rent supplements if the projects are approved for such assistance prior to completion of construction or rehabilitation.

3. *Authorization in Appropriation Acts.* Of the $150 million authorized for rent-supplement contracts prior to July 1, 1969 only $72 million of the contract authority has been embodied in appropriation acts. Of the $100 million authorized for rent-supplement contracts for fiscal 1970, the appropriation act for fiscal year 1970 provides for only $50 million in rent-supplement contract authority.

4. *Amendments in Housing and Urban Development Act of 1969.* Authorizes Secretary of HUD to increase, where he deems desirable, the maximum percentage of rent supplement units in 236 projects from 20% to 40%.

#### *II. Recommendations*

1. *Additional Authorization in Appropriation Acts.* NHC recommends that appropriation acts include the additional rent supplement contract authorization of $128 million which are in the 1968 and 1969 Acts but which have not been included in appropriation acts. In making these recommendations, we again urge the need for advance authorizations in appropriation acts for each succeeding fiscal

year, besides the current one, to allow more lead time for the planning and initiation of rent supplement programs. President Nixon has requested $75 million for inclusion in the 1971 Appropriation Act out of $100 million authorized and has asked for an advance authorization in that Act of $75 million in contract authority for Fiscal Year 1972.

2. *Increase in Legislative Authorizations.* NHC recommends increasing the legislative authorizations for rent-supplement contracts to achieve an average annual rate of 100,000 dwelling units for a five year period. Initially the annual rate should be 75,000 dwelling units but it should be accelerated each year until it reaches 125,000 units in the fourth and fifth years.

3. *Other Legislative Amendments.* NHC makes the following recommendations for other legislative amendments:

(a) The rent supplement legislation imposes too great a burden on low income families by requiring them to pay rents equal to 25% of their annual incomes since rent supplements will pay only the difference between such a rental payment and the fair market rental. To eliminate this hardship, NHC recommends that this rent paying requirement be reduced to 20% of family income. A similar recommendation has been made elsewhere in these recommendations relating to the requirement that too high a percentage of family income be spent for housing under the interest assistance programs of Sections 235 and 236. NHC is pleased to note that the House adopted an amendment which accepted this recommendation, but it was not accepted in the Conference on the 1969 Housing Act. NHC recommends adoption of the House Amendment in the next Housing Act.

(b) Counseling and social services should be made available to residents of housing aided by rent supplements. Such services should be allowable housing costs in computing rent supplement payments.

(c) Instead of being allowed to use only 10% of rent supplement funds in the program involving a below-market-interest rate, NHC recommends that half of the rent supplement funds be authorized for use in such projects. This would make it possible to combine in one project (1) rent supplements for low income families and (2) below-market interest financing for moderate income families. In the interest assistance program under Section 236 where mortgages will bear a market rate of interest, it will be possible to combine up to 40% occupancy by low income families receiving rent supplements with moderate income families receiving interest assistance payments. These programs should be encouraged and expanded to help achieve the objective of economic integration.

(d) The present law limits rent supplements to lower income families who are living in substandard housing. NHC recommends that the law be amended to include overcrowded conditions—properly defined as to appropriate occupancy limits—as a substandard housing condition; and to permit any low income family to be eligible for housing aided by rent supplements so long as the family qualified as to low income, even though the family does not live in physically substandard housing. This would meet the needs of newly-formed families and those who are spending too much of their low income for housing.

(e) There should be a repeal of the requirement for a workable program or local government approval before rent supplements can be used in a locality.

(f) NHC urges the establishment of an additional rent supplement program for nonprofit or limited-profit mortgagors who own buildings which are not financed under Section 221(d)(3) or 236. When the buildings meet code standards—or are rehabilitated to meet such standards—rent supplements should be made available so that the housing can serve low-income families. Present rent supplement requirements for rehabilitation are often unworkable because they cost too much. Rehabilitation to meet code requirements should be acceptable. This will stimulate rehabilitation and provide standard housing quickly and reasonably for many low and moderate income families.

4. *Administrative Actions.* (a) Construction cost limitations were initially established in the rent supplement program which were unworkable in many high-cost cities that faced the greatest need for this program. Last year NHC recommended that there be sufficient increases in these cost limitations to make it possible to build rent supplement projects within these cities. FHA has approved some increases in these cost limits. However, these increases are insufficient due to cost increases, so NHC strongly recommends further increases in the cost limitations to keep pace with the increases in construction costs. Only through adequate construction cost allowances can the rent supplement program fulfill its purpose of serving low income families in these cities near the places of employment and public transportation.

(b) FHA has established lower limits as to the amount of rent supplements available for families in a project than the amount permitted by the statute. NHC recommends the repeal of these lower administrative limits. FHA should be prepared in appropriate cases to contract to pay the full amount of rent supplements on a project up to the statutory ceiling. Only in this way can the needs of many low income families be met, particularly in high cost areas.

(c) The standards under the rent supplement program should be upgraded to produce better-designed housing which will more adequately meet the needs of families, with attention to their comfort and convenience. Thus, the limit of one bathroom per dwelling unit should be removed, as this denies adequate sanitary facilities for larger families.

### CHAPTER J. HOUSING FOR FAMILIES RECEIVING PUBLIC ASSISTANCE; STUDY OF FEDERAL HOUSING ALLOWANCE PROGRAM; ALSO CODE ENFORCEMENT

1. Four million American families are receiving all or part of their income from public assistance programs. Many of these families are ill-housed, primarily because welfare grants in most cities are inadequate to pay the cost of standard housing. NHC urges the enactment of legislation which would establish and enforce minimum standards for housing occupied by recipients of public assistance. In addition, such legislation should provide that the Federal Government bear the entire cost for decent housing above the present inadequate public assistance allowances for shelter. Thus, families on public assistance would receive a federal housing allowance to supplement the local public assistance shelter allowance in order to cover the full charge for decent housing. Such federal housing allowances should be made in a manner (i) which will encourage rather than discourage ownership and (ii) which would provide security for the recipient against being subjected to the liens that are sometimes involved in local public assistance programs.

2. Even if programs are undertaken at the scale proposed elsewhere in these Resolutions, it will be years before many of the low income families will be able to obtain decent housing within their means. Therefore, NHC believes it is important to explore a broad program of federal housing allowances for low income families. Besides the initial program for federal housing allowances—described in the preceding paragraph—to supplement local allowances for welfare families, we propose that a study be made of the feasibility of extending a federal housing allowance plan to cover other families of low incomes. Among the measures to be explored in such a study are the following:

(a) The type of family which should be eligible for a federal housing allowance, including criteria that they live in substandard housing and pay a disproportionate amount of their income for housing; or that they are being displaced from adequate housing and are unable to obtain other suitable housing at charges they can afford.

(b) The amount to be paid as a federal housing allowance, e.g., the difference between (i) 20% of the family's income and (ii) the monthly cost of adequate housing available in the community.

(c) Adequate consumer protections to assure that federal housing allowances will not inflate housing charges by limiting the use of existing structures—which meet the foregoing standards—to cases where there are sufficient vacancies to avoid such increases in housing charges.

(d) Adequate measures to assure that housing allowances will be used solely to pay for housing costs, rather than being diverted for other purposes.

(e) Safeguards to assure that the federal housing allowances would result in adding to the supply of decent housing in the community through new construction or rehabilitation, except to the extent that decent vacant housing is available in a suitable neighborhood.

3. NHC recommends Federal grants to housing authorities or other public agencies—as described elsewhere in these recommendations—to bring housing up to minimum code standards and to make it available for families of low income, including those who are receiving public assistance.

4. NHC urges an acceleration of concentrated code enforcement in deteriorating areas, together with necessary public improvements to halt their decline. The costs of code enforcement programs—both for determining Federal grants and local grant-in-aid credits—should include all costs incurred for repair or installation of streets, sidewalks, streetlighting, trees, parks, open areas, recreational facilities, and other necessary improvements.

5. The 1969 Housing Act contains some provisions to meet these recommendations by enabling very low income people to live in public housing. This program is described in paragraph 4(h) of Chapter H. We urge that HUD fully utilize and implement the new legislation to meet the needs of this very low income group which was formerly below the reach of public housing. Also, the full amount of the authorization should be released by the Bureau of the Budget, instead of reducing from $75 million to $33 million the contract authority now available for annual contributions.

### CHAPTER K. REHABILITATION OF HOUSING

#### *I. Summary of Existing Legislation*

1. *Need.* NHC again reaffirms the importance of saving existing neighborhoods through rehabilitation and other conservation measures. It is sound policy to improve our present housing supply and conserve neighborhoods, rather than allow them to deteriorate until they require greater costs in demolition and reconstruction.

2. *Authorizations in 1968 Housing Act.*

(a) *Dwellings Eligible for Rehabilitation Grants and Loans.* The Act broadened the program of rehabilitation loans under Section 312 for repairs and improvements of dwellings. Instead of limiting the program to dwellings located in urban renewal and code enforcement areas, owners and tenants of dwellings are eligible for loans if the dwelling is located in an area certified by the local governing body as containing a substantial number of structures in need of rehabilitation and:

(1) If the locality has a workable program; and

(2) If the area is definitely planned for rehabilitation or code enforcement within a reasonable time, and the repairs to be assisted are consistent with the plan for rehabilitation or code enforcement.

The Act authorizes rehabilitation grants under Section 115 to low income homeowners whose properties are located in an area of the character described above, instead of limiting such grants to dwellings in urban renewal and code enforcement areas. The Act also authorizes the Secretary of HUD to make rehabilitation grants and loans to low income homeowners whose property has been determined to be uninsurable because of physical hazards. Such grants or loans may be made only to rehabilitate the property to the extent necessary to make it insurable under a statewide plan.

(b) *Increase in Rehabilitation Loan Authorizations.* The 1968 Act increases the amount authorized to be appropriated for rehabilitation loans. The increase for each fiscal year is from $100 million to $150 million; also, the program is extended to June 30, 1973. The Act limits eligibility for residential rehabilitation loans to persons whose annual income meets the locally applicable income limits for the Section 221 (d)(3) below-market-interest-rate program.*

(c) *Increase in Rehabilitation Grants.* The Housing Act of 1968 increases the limit on the amount of a rehabilitation grant to a low income homeowner from $1,500 to $3,000.**

(d) *Repeal of Urban Renewal Limit on Acquisition and Rehabilitation.* The Act removes the previous limits on the acquisition and rehabilitation of residential properties by local renewal agencies. Under prior law, such agencies could acquire and rehabilitate for demonstration purposes no more than 100 units or 5% of the total residential units suitable for rehabilitation in an urban renewal area, whichever was the lesser. This limit has been repealed.

3. *Authorizations in Appropriation Acts.* Nothing was appropriated in Fiscal Year 1969 and $45 million has been appropriated for Fiscal Year 1970.

4. *Amendments in the Housing and Urban Development Act of 1969.*

(a) Rehabilitation Grants. This section amends section 115 of the Housing Act of 1949 to increase the maximum rehabilitation grant authorized under that section from $3,000 to $3,500.

(b) Income Limitation Under Rehabilitation Loan Program. Section 312(a) of the Housing Act of 1964 is amended to remove the requirement limiting eligibility for residential rehabilitation loans to persons whose annual income is within locally applicable income limits for the section 221(d)(3) below-market-interest-rate program. However, priority will be given to applicants whose incomes are within those limits.

5. *Amendments in the Tax Reform Act of 1969 Relevant to Rehabilitation.* A special 5-year amortization deduction is now allowed to expenditures made on or after July 25, 1969, and before December 31, 1974, for the rehabilitation of buildings for low-cost rental housing. This rapid amortization is available only where the property is held for occupancy by families and individuals of low or moderate income determined in a manner consistent with the policies of the 1968 Housing Act. The aggregate rehabilitation may not exceed $15,000 per dwelling unit and the sum of the rehabilitation expenditures (over a 2-year period) must exceed $3,000 per dwelling unit.

### *II. Recommendation*

1. To provide additional tools that are needed to achieve substantial progress through rehabilitation, NHC recommends the following:

(a) Section 312 should be amended to increase to $500 million the annual appropriations in each fiscal year to carry out the program. Section 312 should broaden the category of eligible borrowers to include public bodies, cooperatives, nonprofit corporations and limited dividend companies in addition to owners or tenants who are now eligible.

(b) While the 1969 Housing Act increases to $3,500 the federal rehabilitation grants to eligible occupants who own their own homes in the rehabilitation neighborhood, NHC recommends an increase to $5,000.

(c) Where state or local governments allow tax abatement to encourage rehabilitation, there should be an annual Federal grant to reimburse them for the tax losses.

(d) Relocation assistance and payments should be available to anyone displaced as a result of a rehabilitation program.

(e) More realistic financing should be made available under FHA programs, particularly to serve those people of low and moderate incomes. This requires more practical and workable financing terms and allowances as follows:

(1) The formulas for determining mortgage amounts must recognize the actual cost of acquiring and rehabilitating properties that are structurally sound.

(2) There should be a contingency allowance built into the mortgage financing, which has been recently done by FHA. In rehabilitation the contractor is often not aware of potential problems until he opens the walls and ascertains actual conditions.

(3) The FHA requirements for rehabilitation should not require a specified percentage of mortgage proceeds to be used for rehabilitation, so long as property is brought up to code standards.

(4) In projects where the property is owned or controlled by the proposed mortgagor, cost savings may be achieved by stripping down the building and tearing out the interior walls before making estimates or getting bids for the rehabilitation work. In such cases, FHA should recognize the cost of gutting the building since this increases the value of the property for rehabilitation because conditions are known and unforeseen contingencies are minimized.

(5) To reduce the monthly charges to the level which moderate-income families can afford, it is necessary to eliminate present requirements for short amortization periods on rehabilitation projects. Where the rehabilitation property is in a central city, there is likely to be an increment in land value from which to repay the loan, even though demolition occurs well in advance of the remaining estimated life of the improvements. Thus, the property may later become part of a model city neighborhood or urban redevelopment area. At present, the statute limits the mortgages to a maturity not exceeding three-quarters of the remaining economic life of the building improvements. This limitation should be repealed. FHA should be authorized to permit up to 40-year maturities where appropriate.

2. There should be Federal grants to a local agency designated by the city government for a total coordinated plan for rehabilitation of the neighborhood and for carrying out the rehabilitation program contemplated by the plan. The local agency should enlist the participation of cooperative and nonprofit organizations and local housing authorities. The local agency would also act on behalf of eligible homeowners and tenants in the area in obtaining:

(a) Rehabilitation grants, interest assistance or rent supplements for them;

(b) Below-market-interest-rate loans or market-interest-rate loans for their rehabilitation work; and

(c) Contracts to perform the rehabilitation work, subject to supervision by the local agency.

3. HUD should fully utilize the authorizations in the 1968 Housing Act providing for the acquisition of property for rehabilitation and its disposition, with appropriate write-downs which reflect the proposed use of the property. A similar program is necessary outside of urban renewal areas.

4. The authorizations in Sections 236 and 221(h) should be fully funded and utilized to facilitate and accelerate the rehabilitation program.

## CHAPTER L. HOUSING FOR THE ELDERLY

### *I. Summary of existing legislation*

1. *Authorization in 1968 Housing Act.* The 1968 Housing Act does not provide for any increase in the authorization in the 202 program of direct loans at 3% interest to provide housing for the elderly.* Instead, the new 236 program of interest assistance is intended to make FHA-insured financing available for this program. There will be interest assistance to reduce monthly housing payments to the level achievable with an interest rate of 1% and without any FHA mortgage insurance premium. Under 236, projects can now be undertaken which will provide housing exclusively for the elderly. Such projects may include related facilities, such as dining, work, recreation and health facilities. The Act authorizes the refinancing of certain 202 projects in order to achieve the lower monthly charges resulting from refinancing with interest assistance.

2. *Authorizations in Appropriation Acts.* The contract authority in appropriation acts for 236 will now be utilized to finance housing for the elderly. For a description of the 236 authorizations in appropriation acts, see Chapter F which covers that program.

3. *Amendments in Housing and Urban Development Act of 1969.* The 1969 Act contains a clear mandate from Congress that the 202 program should be continued instead of being eliminated. The 1969 Act increases the total amount authorized to be appropriated for the 202 program of direct loans for housing for the elderly or handicapped by $150 million as of July 1, 1969.

### *II. Recommendations*

1. *Additional Legislative Authorization.*

(a) NHC urges that an average of 30,000 housing units for the elderly be provided each year for the next five years. This includes both the 202 and 236 programs.

(b) NHC recommends against phasing out the 202 program because it has not been demonstrated that the 236 program will fully and adequately meet the housing needs of the elderly. We anticipate a continuing need for the 202 program to avoid creating another gap and area of unmet need due to the lower income limits in the 236 program and its other restrictions. The 1969 Act accepts this recommendation by making an additional authorization for direct loans under the 202 program.

(c) NHC recommends that the authorizations under 202 and 236 should be available to acquire existing housing for the elderly, including projects developed with FHA insurance under Section 231.

2. *Other Legislative Amendments.* There is a need for special programs to provide federal grants for the following purposes in housing for the elderly:

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*Amended in 1969 Housing Act as described in paragraph 4(a) below.

**Amended in 1969 Housing Act as described in paragraph 4(b) below.

*Amended by 1969 Act as described in paragraph 3 below.

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(a) to assist in training professional personnel to manage programs for the elderly; and

(b) to provide working capital and seed capital to states and localities and to nonprofit organizations such as church groups, labor unions, fraternal and cooperative-servicing organizations.

(c) NHC recommends adoption in the next Housing Act of a provision that was passed by the House but not adopted by the Conference on the 1969 Housing Act which requires (1) that projects for the elderly or handicapped be administered, to the maximum extent possible, under the same terms as the Section 202 program, (2) that the requirement for computations of rents based on income will not apply to handicapped families, (3) that income verification for tenants in such projects shall be every five years and (4) that "Exception Income Limits" for the elderly or handicapped shall be $5,500 for individuals and $6,600 for couples, in lieu of 90% of 221(d)(3) BMIR limit otherwise applicable.

3. *Administrative Action.*

(a) The 202 and 236 cost limits should permit housing to be built within the cities where they are needed to serve the elderly. In view of high land costs, this should include high-rise buildings. The program should include rehabilitation as well as new construction. Tax abatement should not be required since it is often unavailable because of restrictions in state and local laws. Moreover, many cities are facing problems of inadequate tax revenues and are reluctant to grant tax abatements. Section 202 and 236 housing for the elderly should be permitted to pay full taxes, as is permitted in leasing privately-owned housing for public housing purposes and in the rent supplement program. Nursing facilities should be eligible for financing in housing for the elderly.

(b) In accordance with the statutory authority for loans equal to the total development costs, HUD should not require in the 202 or 236 programs that an approved sponsor make an investment to cover the cost of preliminary expenses, facilities, furnishings, equipment and working capital. Such costs should be included in the loan. It should not be necessary for a nonprofit sponsor to make a monetary contribution. Its contribution consists of its devotion of time, ingenuity, and energy in initiating and developing projects—all without compensation and motivated by public service.

### CHAPTER M. FINANCING NURSING HOMES, FACILITIES FOR GROUP MEDICAL PRACTICE AND NON-PROFIT HOSPITALS

#### *I. Summary of existing legislation*

1. *Objectives.* NHC again recognizes that a continuing desperate need exists for hundreds of thousands of nursing home beds, especially among the low-income elderly. This need has increased by demands generated through Medicare. Since local housing authorities have long experience in building low-rent housing for the elderly, they are well qualified to develop nursing homes for low-income persons. They should be authorized to coordinate programs of housing and nursing home facilities for the low-income group. This can be done effectively by amending the USH Act of 1937, to authorize annual contribution contracts with local housing authorities for nursing home facilities. In addition to these needs, many communities are facing serious shortages in full hospital facilities. Existing hospitals are unable to undertake needed expansion because of their inability to finance such costly additions.

2. *Authorization in 1968 Housing Act.* The 1968 Housing Act amends Section 232 of the National Housing Act to permit the cost of major items of equipment used in operating a nursing home to be included in the FHA-insured mortgage; also, to permit supplementary loans for the installation of such equipment in nursing homes previously constructed.

The 1968 Housing Act adds Section 242 to the National Housing Act which establishes a FHA program under which the Secretary of HUD will insure mortgages covering new or rehabilitated hospitals (including initial equipment). To be eligible for such insurance, the mortgage cannot exceed $25 million or 90 percent of replacement cost, and the hospital must be owned and operated by one or more nonprofit organizations. A certification is required from the State health agency that the hospital is needed and that State or local laws providing for minimum standards will be applied and enforced.

3. *Amendments in the Housing and Urban Development Act of 1969.*

Section 232 of the National Housing Act is amended to authorize insurance under that section of mortgages financing new or rehabilitated intermediate care facilities or combined nursing homes and intermediate care facilities. The purpose of this new program is to assist in the provision of facilities for persons who, because of incapacitating infirmities, require minimum and continuous care of the type provided by licensed or trained personnel but who do not need full nursing home care.

An intermediate care facilities project or a combined nursing home and intermediate care facilities project can be financed under the same terms and conditions as provided for a nursing home under the present authority. The mortgage is limited to a principal obligation not exceeding $12,500,000 or 90% of the estimated value of the property or project including equipment. The Secretary must require certification by the State agency designated by the Public Health Service Act as to the need for such facilities and appropriate standards for their operation. The Secretary must also consult with the Department of Health, Education, and Welfare as to the health and medical aspects of such facilities and as to the need and availability of such facilities in the area.

#### *II. Recommendations*

1. NHC recommends that Section 202 and the new Section 236 be amended to permit the inclusion of nursing facilities in housing projects for the elderly. In this way, elderly persons who need nursing facilities would not have to leave the community in which they are living. In public housing for the elderly, nursing facilities should likewise be included.

2. NHC further recommends that financing be available to nonprofit sponsors under Sections 202 and 236 which will cover the full cost of construction of nursing homes; also, that such projects should get the benefit of below-market-interest rates or subsidies which would reduce the interest rate to 1%. As stated above, we recommend a statutory increase in subsidy to enable a reduction in this interest rate to 0% for those who need it.

3. The 1966 Act included a program of FHA insurance for facilities used for group medical practice. NHC reaffirms its support of this program and urges its use to encourage the development of nonprofit cooperatives whose members will obtain the benefits of bona fide group medical practice at a reasonable cost. The program should operate in both urban and rural areas. NHC continues to recommend that mortgage amortization be permitted to commence after completion of construction of group practice facilities rather than at the time the mortgage is executed.

4. NHC continues to support the basic concept of the prior Patman Bill, H.R. 10188, which would remove obstacles that impede the broader development of group health plans and which would make financing available for group health programs providing hospitalization, out-patient and preventive care.

### CHAPTER N. COLLEGE HOUSING

#### *I. Summary of existing legislation*

1. *Objective and Need.* Our Nation has increasingly recognized its dependence upon higher education for its security, welfare, and continued prosperity. To meet the demands made by the expanding number of students and by required increases in faculties, additional housing must be provided for students and faculty. Congress recognized the appropriateness of meeting these needs for college housing nearly twenty years ago. In the Housing Act of 1950, it initiated low-interest loans for housing and educational facilities for students and faculties. Since 1961 there have been authorizations for loan increases at the rate of $300 million each year. Such increases are wholly inadequate to meet current needs. The study conducted under the auspices of the American Council on Education has indicated that approximately $1.5 billion per year of college housing will be needed for the next ten years. Recognizing that a portion of this amount may be derived from non-federal sources, the Council recommended that Congress authorize assistance which will enable a minimum of $1 billion of college housing a year for the next ten years.

2. *Authorizations in the 1968 Housing Act.* Instead of expanding the direct loan program for college housing, the Act contemplates financing in the private market, but it authorizes financial assistance to colleges by means of annual debt service grants. The new grant program is to be used to reduce the borrower's annual debt service payments on private market loans to the average annual debt service that would have been required if the loan were based on the rate charged on loans under the direct loan program. Annual grants can be made over a fixed period up to 40 years. The total amount of annual grant contracts is subject to approval in appropriation acts. The total amount cannot exceed $10 million, with this limit increased by $10 million on July 1, 1969. The new grant program is made available for loans involving the purchase of existing properties which are in need of little or no rehabilitation.

3. *Authorizations in Appropriation Acts.* There was an authorization of $5.5 million of annual grant contracts for college housing instead of the $10 million authorized in the 1968 Housing Act. For fiscal year 1970, $6.5 million has been appropriated. For fiscal year 1971 the President has requested $9.3 million of annual grant contracts. This will require an increase of $2.6 million in the legislative authorization.

4. *Amendments in the Housing and Urban Development Act of 1969.* Section 401(f)(2) of the Housing Act of 1950 is amended to increase, by $4,200,000 on July 1, 1970, the aggregate amount of contracts which may be entered into to make annual debt service grants to help finance college housing facilities.

#### *II. Recommendations*

1. *Additional Authorizations in Appropriation Acts.* NHC recommends that the authorized balance of annual grant contracts be included in the next supplemental appropriation act, together with an advance authorization of $10 million in annual grant contracts for the next fiscal year to give colleges more lead time for their planning and development of college housing programs.

2. *Increase in Legislative Authorizations.* NHC recommends a 5-year authorization of contracts for annual debt service grants which would be sufficient for $1 billion of private financing annually for college housing. Immediate legislation is necessary to increase the legislative authority by $2.6 million in order to support the budget request for fiscal year 1971.

### CHAPTER O. COOPERATIVE HOUSING

1. In urban areas where multifamily housing predominates, cooperatives provide an important means of achieving homeownership. This produces better communities where the control and responsibility rests with the people who have a stake and pride in their own housing development.

2. NHC approves the use of the 221(d)(3) below-market-interest-rate (BMIR), 236 interest assistance, and rent supplement programs in cooperatives. They will make it possible to reach lower income groups because of the economic savings and advantages of cooperatives. These are illustrated by the following savings:

(a) Lower closing costs with one closing—including one mortgage, one title policy, one insurance policy and one title transfer—on an entire project of many dwellings, rather than one for each dwelling.

(b) Lower transfer costs since it is unnecessary on a cooperative sale to incur the costs of title examinations and transfers, brokers' fees, refinancing and other charges.

(c) Lower construction costs which cooperatives have achieved through the economies of large scale building when many housing units are presold before construction starts.

The cooperative program has been successful for low and moderate income families assisted under programs with below-market interest rates. Even though these projects serve lower income families, there have been no failures among the consumer cooperatives in this program. NHC fully concurs in the Congressional mandates to encourage such cooperative ownership. It also concurs in the pronouncements by HUD and FHA encouraging cooperative housing under Sections 213, 221(d)(3) and 236, such as the recent notice to FHA Insuring Office Directors and Assistant Regional Administrators which stated: "In discussions with builders and lenders, the insuring office should encourage their participation in the above cooperative programs, not only because of the excellent experience which has been achieved from the FHA fiscal standpoint, but also because of the benefits both financial and sociological which flow to the users of this type of housing."

3. The need and demand for cooperative housing at a below-market interest rate greatly exceeds the amount of funds available. The below-market program of 221(d)(3) has demonstrated its success in meeting the housing needs of lower income families who cannot be served by private enterprise without Federal assistance. Cooperative housing represents over one-fourth of the accumulated backlog of projects awaiting funds under the 221(d)(3) (BMIR) program. This backlog of need should be met by the release of funds already available and increased authorizations recommended for the 221(d)(3), 235 and 236 programs.

4. We recommend that FHA recognize the presently uncompensated costs to cooperative projects resulting from the requirement of recertifying incomes. The cooperative should be reimbursed by retaining the costs of recertifications from "over-income" surcharges that are ultimately returned to HUD. In addition, FHA should allow portions of the "over-income" surcharges to be used by the cooperative for improvements that FHA may consider advisable and justifiable during the life of the project.

5. Twelve years ago Congress established a revolving fund of $225 million—which is now administered by GNMA—for the purchase, at par, of cooperative mortgages insured by FHA under Section 213. This financing has made it possible for middle-income consumers to join together to help themselves get good housing through their cooperatives. While there have been extensive mortgage purchases from the cooperative revolving fund, much of the money has been returned, so it now has an uncommitted balance of about $100 million. In 1968, the Administration impounded this fund and no further GNMA commitments can now be issued. NHC strongly recommends that the balance in the cooperative revolving fund be made immediately available fo the purchase of mortgages on cooperative projects. The 213 program meets an important need among those middle-income families and individuals who can only afford the lower monthly charges achievable through cooperative economies and financing. To lessen the budget impact and induce the Administration to utilize these GNMA funds for the purchase of Section 213 mortgages, we recommend that these funds be used under the Tandem Program. In this manner, the budget will reflect only the difference between GNMA's par purchase of the mortgage and the market price at which GNMA later sells the mortgage.

6. We recommend that HUD carry out the Congressional intent to distribute to cooperatives refunds of surplus income collected as premiums and deposited in the Section 213 mortgage insurance fund. This mortgage insurance fund on cooperative mortgages has been reconstituted by law as a mutual fund, so that excess premiums should be returned to the participating cooperatives.

7. (a) As recommended in this report and subject to the conditions stated therein, NHC urges the disposition of public housing and Federally-owned housing to cooperatives whose members will reside in such housing and enjoy the benefits of mutual ownership.

(b) In the disposition of housing acquired by HUD and its constituent agencies, a priority should be afforded to the residents so they will have the opportunity to acquire the properties through their cooperative. An FHA circular advised Insuring Offices that many acquired multifamily housing projects are particularly suitable for cooperatives and that negotiated sales would be made. This was successfully done in a pilot case.

(c) In the disposition of property by urban renewal agencies, there should be a recognition in the disposition plan that it is important to achieve cooperative ownership of multifamily housing in urban renewal areas. Accordingly, part of these areas should be considered for the development of housing to be so owned by the people. In making a disposition for this purpose, there should be a disposition condition that those who acquire the property agree to develop it for housing that will involve cooperative ownership.

(d) The FHA insurance program for supplemental loans should be revised, implemented and administered in a realistic manner which would achieve its objectives. Many cooperative and rental projects are faced by the necessity of making large expenditures to meet requirements of new laws enacted as part of anti-pollution and other health programs; moreover, many projects require rehabilitation and upgrading. Supplemental loans are also authorized to provide funds for necessary refinancing of membership resales which involve increases in equity. To facilitate administration of such supplementary loans to finance resales of cooperative memberships, such supplemental loans should be available not only to individual cooperatives but to a group or association of cooperatives or a nonprofit financing institution to serve cooperatives. Supplemental loans should be made for a period and at an interest rate to enable their amortization without an undue burden on the projects. GNMA should be authorized to use special assistance funds for the purchase of such supplemental loans at par. The supplemental loan provisions in 213(j) should be extended to include housing projects covered by mortgages insured under Sections 221(d)(3) or 236. NHC recommends amendatory legislation to implement the recommendations in this paragraph to the extent that they cannot be effectuated through administrative action.

(e) The Special Assistant for Cooperative Housing at FHA should be provided with adequate staff and funds to undertake a broad program for the encouragement and development of cooperative housing, including necessary training of cooperative leaders and managers. The Special Assistant and his staff should have responsibility for both the assisted and unassisted cooperative housing programs in carrying out the functions prescribed in the laws establishing this position. The recent HUD reorganization should be clarified to accomplish this.

8. The Tax Reform Act of 1969 contains the following provisions of special interest to the operation of a cooperative housing project:

(a) Section 216(b) of the Code is amended to provide that, in determining whether a corporation is a cooperative housing corporation, no account is to be taken of stock owned and apartments leased by governmental entities empowered to acquire shares in a cooperative housing corporation for the purpose of providing housing facilities. The effect of the amendment is to allow individual tenant-stockholders to deduct their proportionate share of interest and taxes even though more than 20 percent of the cooperative's income is derived from a governmental entity. This amendment applies to taxable years beginning after December 31, 1969.

(b) Section 1039 is added to the Code to provide for deferral of gain upon the sale of a limited distribution project financed under Sections 221(d)(3) and 236 to a cooperative or other nonprofit corporation. This important incentive is more fully described in paragraph 4 of Chapter CC.

### CHAPTER P. RURAL HOUSING, RENEWAL AND PLANNING FOR MULTI-COUNTY AREAS

#### *I. Summary of existing legislation*

1. *Objectives.* There is increasing national concern to make rural America more attractive and livable for all. To achieve this goal, programs must be initiated to encourage the young and better educated to continue living in rural America. Programs which provided the same kinds of financial assistance as are provided for urban housing and urban renewal should be available to rural areas for rural housing and rural renewal. We endorse those provisions of the 1968 Housing Act which make certain housing assistance equally available to rural areas, but other legislation is required as described below.

2. *Authorizations in the 1968 Housing Act.* Under new Sections 235 and 236, the Secretary was authorized to transfer to the Secretary of Agriculture a reasonable portion of the total authority to contract to make periodic interest reduction payments for use in rural areas and small towns. By agreement, the Secretary of Agriculture was delegated $2 million in contract authority under Section 235(k). However, projects under Section 236 will be processed by FHA.

3. *Authorizations in Appropriation Acts.* Elsewhere we have described the authorizations of interest assistance contracts under Sections 235 and 236 which are now available for housing in rural areas. In addition, the rural housing program of the Department of Agriculture was authorized to maintain a $5 million program of 3%, 50-year loans.

4. *Amendments in the Housing and Urban Development Act of 1969:*

The 1969 Act extends for a 4-year period ending October 1, 1973, the various rural housing authorizations which are scheduled to expire on October 1, 1969.

Section 517(c) of the Housing Act of 1949 is amended:

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(a) To remove the present $100 million limitation on the amount of new loan paper which may be held in the Rural Housing Insurance Fund at any one time;

(b) To authorize the Secretary of Agriculture to sell insured housing loans out of the Rural Housing Insurance Fund in blocks and to treat such transactions as a sale of assets for budgetary purposes; and

(c) To make clear that the Secretary of Agriculture may make commitments to make or insure rural housing loans on one or more properties upon application by the lender, builder, or seller and upon compliance with such requirements as he may specify.

Section 517 of the 1949 Act is amended (with conforming amendments to sections 518 and 519 of that Act) to abolish the existing Rural Housing Direct Loan Account and transfer all of its assets, liabilities, and authorizations to the Rural Housing Insurance Fund. It is the purpose of these amendments simply to consolidate the direct loan and insured loan programs of the Farmers Home Administration in a single Fund, without changing the nature or coverage of those programs; all of the funds, claims, notes, mortgages, contracts, property, collections, proceeds, and unexpended balances which were held in or applicable to the Account will as a result of the transfer be held in or applicable to the Fund, and any authorizations for the appropriation of funds, the availability of funds for direct loans and related advances, or the issuance of notes which were applicable to the Account will become applicable to the Fund.

A new Section 524 is added to the 1949 Act to authorize financial assistance to nonprofit organizations to provide sites for rural housing for low and moderate income families.

### *II. Recommendations*

1. *Additional Authorizations in Appropriation Acts.*

(a) NHC recommends that the housing repair grant provisions of Section 504(a) be funded to a level of $25 million for fiscal 1971. Since 1964 there have been no funds appropriated for housing repair.

(b) NHC urges that the farm labor housing grant provisions of Section 516(b) be funded at a level of $25 million for fiscal 1971.

(c) NHC recommends that the self-help housing technical assistance grants authorized by Section 523(b)(1)(A) be funded at the full limit of $5 million for fiscal 1971.

2. *Legislative Amendments Relating to Rural Housing.* NHC recommends the following legislation relating to rural housing programs:

(a) The 3%, 50-year loan program to supplement the new authority granted under the 1968 Housing Act should not only be continued but increased. The Secretary of Agriculture should be authorized to contract to maintain the interest rate throughout the duration of the loan. Also, the Secretary should be granted the power to reduce the interest rates to as low as 1% under this program.

(b) Repeal the provision, in Section 515(b) and terminate the administrative practice under Section 515(a) of the Housing Act of 1949, limiting mortgage size to $300,000 on multifamily rental or cooperative projects. Enact provisions permitting the Secretary of Agriculture to contract at the outset to finance all stages of a multifamily housing project.

(c) Increase the mortgage term to 50 years for rural housing loans under Section 515(b) of the Housing Act of 1949.

(d) Enact legislation creating the position of Special Assistant for Cooperative Housing in the Farmers Home Administration (FmHA) of the Department of Agriculture (a similar position to that created in the Housing Amendments of 1955 for urban cooperative housing) with similar powers, duties and adequate staff and budget; and the additional responsibility of mobilizing the support of rural area cooperatives of all types for the creation and continued successful operation of rural cooperative housing projects.

(e) Make applicable to all rural areas provisions similar to those of Title VI of the 1968 Housing Act which would: (i) authorize HUD to make planning grants to assist district planning agencies for rural and other nonmetropolitan areas; (ii) authorize grants of $20 million for fiscal 1969; and (iii) give the Secretary of Agriculture certain functions as to planning grants for districts, including a requirement that he be consulted before any such grant is made.

(f) Give the Secretary of HUD authority to waive rules and regulations of HUD programs so small cities and towns can get an equitable share of HUD programs.

(g) NHC recommends that the population ceiling on FmHA loans be raised from towns of 5,500 maximum to 25,000 population, with commensurate adjustments in administrative funds.

(h) NHC recommends that FmHA be authorized to lend money on tribal trust lands where the applicant can secure a lease equal to the life of the mortgage.

(i) NHC recommends that FmHA staff be expanded to enable the agency to actively promote rental housing to aid in meeting rural needs.

(j) NHC recommends the amendment of the FmHA Act to enable the agency to promote and finance nonprofit housing development corporations as housing delivery systems to small town and rural people.

(k) NHC recommends that legislation be enacted to assure that the American Indian—on and off reservations—is given the opportunity and choice to participate in all Federal housing programs.

(l) NHC recommends the establishment of a Rural Development Bank as provided in H.R. 15402, introduced by Congressman Patman.

3. *Recommendations for Administrative Actions.*

(a) Besides Congressional actions, there is a need for more effective executive actions and better coordination of Agriculture and HUD, and for consultation with industry and public interest groups. Such actions should be taken to assure that federal housing, community facility and planning aids for rural areas are equivalent to those available in cities and metropolitan areas.

(b) NHC recommends and urges the Secretary of Agriculture to stimulate and encourage programs under new and existing cooperative housing provisions to alleviate the housing ills in rural areas.

(c) NHC urges the Federal Housing Administration and the Farmers Home Administration (FmHA) to work out a plan for making housing credit available in small towns that are too large for FmHA to service (over 5,500), but not practical for FHA to service because of remoteness or other reasons. A serious credit shortage exists in many of these areas.

(d) The Administration should set realistic program levels for FmHA to enable FmHA to meet the critical housing shortages of rural America.

(e) NHC urges FmHA to expedite the self-help housing program authorized in 1968, including technical assistance funds under Section 524 and the land developments fund under Section 523. The procedures on Section 524 have not been issued and the procedures on 523 are proving too rigid for self-help groups.

(f) NHC recommends that the administrative requirement that FmHA supervisory personnel be recruited from among agriculture school graduates be eliminated.

(g) NHC recommends the elimination of FmHA local credit committees from dealings in housing loans.

(h) NHC urges that FmHA provide the same notification of mortgage payments due and escrow funds for taxes and insurances as are available to FHA borrowers.

(i) NHC urges that FmHA appoint an assistant administrator responsible for farm labor housing and that the whole program of farm labor housing be re-evaluated. FmHA has been unable to promote the program where it is needed.

4. NHC endorses the findings and, in general, the recommendations of the National Rural Housing Conference of 1969.

## CHAPTER Q. NATIONAL HOMEOWNERSHIP FOUNDATION; NATIONAL ADVISORY COMMISSION ON LOW-INCOME HOUSING; NATIONAL HOUSING PARTNERSHIP; AND ASSISTANCE TO NONPROFIT SPONSORS OF LOW AND MODERATE INCOME HOUSING

### *National Homeownership Foundation*

### I. Summary of Existing Legislation

1. *Objectives.* The 1968 Housing Act creates the National Homeownership Foundation to carry out a continuing program of encouraging private and public organizations to provide increased homeownership and housing opportunities in urban and rural areas for lower income families.

2. *Authorization in 1968 Housing Act.* The Act authorizes the Foundation to make grants and loans (not otherwise available from Federal sources) to such organizations to help defray organizational and administrative expenses, necessary preconstruction costs, and the cost of counseling or similar services to lower income families for whom housing is being provided. The Foundation can also provide technical assistance to the organizations. The Foundation is to be administered by an 18-member Board of Directors. Fifteen members are to be appointed by the President. The Secretary of HUD, the Secretary of Agriculture and the Director of OEO are the other three members. The board will appoint an executive director as its executive officer.

3. *Authorizations in Appropriation Acts.* Appropriations up to $10 million are authorized. The Foundation can also use donated funds. Nothing has been appropriated for fiscal year 1970.

### II. Recommendations

NHC urges that the Foundation be fully funded so that the Foundation can begin its vital assignment.

### *National Advisory Commission on Low-Income Housing*

1. *Objectives.* The 1968 Housing Act establishes a National Advisory Commission on Low-Income Housing to undertake a comprehensive study and investigate the resources and capabilities in the public and private sectors of the economy which may be used to fulfill more completely the objectives of the national goal of "a decent home and a suitable living environment for every American family."

2. *Assignment.* The Act directs the Commission to submit to the President and the Congress an interim report with respect to its findings and recommendations not later than July 1, 1969. and a final report not later than July 1, 1970.

### *National Housing Partnerships*

### I. Summary of Existing Legislation

1. *Objectives.* The 1968 Housing Act creates a national housing partnership for the purpose of securing the participation of private investors in programs and projects to provide housing for low and moderate income families. The Act provides for a federally chart-

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ered, privately funded corporation under the District of Columbia Business Corporation Act; also, for a National Partnership organized by the corporation under the D.C. Uniform Limited Partnership Act. The Corporation will serve as the general partner and managing agent of the National Partnership and each of its stockholders can be a limited partner. It will provide the staff and expertise for the Partnership in organizing and planning project undertakings in which the Partnership has an interest, and receive a fee for such services.

2. *Authority.* Both the Corporation and the National Partnership are authorized to engage in a broad range of activities appropriate to the provision of housing and related facilities primarily for low or moderate income families, with or without the use of Federal programs, and may enter into and participate in all forms of partnerships and associations. The National Partnership is expected to form partnership ventures with local investors for the purpose of building low and moderate income housing projects throughout the nation. Normally, it will be a limited partner in such undertakings, with an interest of not more than 25% of the aggregate initial equity investment for the project. The President has appointed the incorporators of the Corporation. The incorporators serve as the initial board of directors and have arranged for the initial offering of shares of stock in the Corporation and interests in the National Partnership. After such sale of the stock and interests in the National Partnership, the President will appoint three of the 15 members of the Board of Directors and the stockholders will elect the remainder. The President is authorized to create additional partnerships when he determines it to be in the national interest. National banks are authorized to invest in a corporation and other entities formed under this title.

### *II. Recommendations*

NHC recommends that the following actions be taken:

1. To encourage widespread participation and private investment in the National Housing Partnerships, tax incentives must be provided for undertaking housing developments to serve low and moderate income persons. In Chapter CC, we describe the favorable action taken in the Tax Reform Act of 1969 to provide such incentives.

2. To enable the sale of projects undertaken by the National Housing Partnership to cooperatives or other nonprofit corporations, there should be an implementation of the provisions of Section 236(j)(3) of the National Housing Act as described under the separate 236 heading. An important tax incentive providing for deferral of gain upon such a sale to a cooperative or other nonprofit corporation was added by the Tax Reform Act of 1969. It is more fully discussed in Chapter CC.

### *Assistance to nonprofit sponsors of low and moderate income housing*

### I. Summary of Existing Legislation

1. *Objectives.* The 1968 Housing Act has provisions to assist nonprofit sponsors of low and moderate income housing.

2. *Authorization in the 1968 Housing Act.*

(a) The Secretary of HUD is authorized to provide technical assistance with respect to the construction, rehabilitation, and operation of low and moderate income housing to nonprofit organizations.

(b) The Secretary can also make 80-percent, interest-free loans to nonprofit sponsors of such housing to cover certain preconstruction costs under Federally-assisted programs.

(c) The Low and Moderate Income Sponsor Fund is established for the purpose of making the loans with an authorization of appropriations of $7.5 million for fiscal year 1969 and $10 million for fiscal year 1970. The Fund will be a revolving fund and repayments of loans will be deposited in the Fund.

3. *Authorization in Appropriation Acts.* $500,000 was appropriated in the Supplemental Appropriations for fiscal 1969, and $2 million was appropriated for fiscal 1970.

### II. Recommendations

NHC urges that the full authorizations be appropriated and utilized for this program.

## CHAPTER R. MODEL CITIES

### *I. Summary of existing legislation*

1. *Objectives.* NHC reaffirms its endorsement of the model cities program to launch local programs for the upgrading of entire neighborhoods. This is done through the concentrated and coordinated use of all available Federal aids and local private and governmental resources, including the supplementary Federal grants for such model cities. We urge acceleration in the disbursement and release of funds under the present program.

2. *Authorizations in the 1968 Housing Act.* The Housing Act of 1968 provides for (a) an increased authorization of $1 billion for the fiscal year 1970 for supplemental grants and (b) $12 million for fiscal year 1969 for grants to plan model cities programs. Any amounts authorized, but not appropriated, may be used for any succeeding fiscal year commencing prior to July 1, 1971.

3. *Authorizations in Appropriations Acts.* (a) Of the $400 million authorized for supplemental grants to model cities for fiscal year 1968, $200 million was appropriated. For fiscal year 1969, there was an authorization of $500 million for supplemental grants but the amount appropriated was $312.5 million. For fiscal year 1970, $575 million has been appropriated instead of the $1 billion authorized by the 1968 Act. Of the $600 million authorized by the 1969 Act for fiscal 1971, the President requested $575 million, so there was no request for a total additional amount of $812.5 million previously authorized but not appropriated plus a $25 million reduction for fiscal 1971.

(b) Of the $12 million authorized for fiscal year 1967 for grants to plan model cities programs, there was an appropriation of $11 million. For fiscal year 1968, there was an appropriation of the $12 million which was authorized for such planning grants. No appropriation has been made of the $12 million of planning grants authorized for fiscal year 1969 or 1970.

4. *Amendments in the Housing and Urban Development Act of 1969.*

Section 111(b) of the Demonstration Cities and Metropolitan Development Act of 1966 is amended (with a conforming amendment in Section 111(c) of such Act) to authorize an additional $600 million in grant authority for model cities for the fiscal year 1971.

Section 111(b) of the 1966 Act is also amended to require that (for the fiscal year 1970 and thereafter) 10 percent of any appropriations for Model Cities supplemental grants be used in cities of less than 100,000 population and permits such use without regard to the statutory formula fixing the maximum Federal amount payable to any city at 80% of the aggregate required non-Federal contributions in connection with all Federal grant-in-aid programs which are carried out as part of the Model Cities program.

Section 111(c) of the 1966 Act is amended to provide that amounts authorized but not appropriated for any fiscal year may be appropriated for any succeeding fiscal year commencing prior to July 1, 1971.

### *II. Recommendations*

1. *Additional Appropriations.* NHC urges that the authorizations in the 1968 Housing Act be fully funded, including: (a) the $600 million of additional funds for supplemental grants during fiscal year 1971, together with the $812.5 million authorized for previous fiscal years but not appropriated; and (b) the $12 million of model cities planning funds for fiscal year 1971, together with the $25 million previously authorized but not appropriated.

2. *Increase in Legislative Authorizations.* NHC recommends a legislative increase in the appropriations for the model cities program for a 5-year period as follows: (a) additional supplemental grants at the rate of $1.5 billion a year; and (b) additional model cities planning funds at the rate of $50 million a year. We further recommend that there be advance appropriations for each fiscal year, besides the current one, to give cities more lead time for their planning and development of model city programs. While we are pleased to note the significant increase in cities now participating in the model cities program, we urge that the foregoing recommendation be adopted to enable participation by all qualified cities and counties which apply; also, to enable participating cities and counties to obtain the additional funds which they require.

3. *Other Legislative Amendments.* The model cities program cannot achieve its goals and provide necessary housing unless there are increased authorizations and programs—as recommended elsewhere in this report—as follows:

(a) To expand urban renewal activities.

(b) To increase the supply of adequate low and moderate income housing in the model cities. Such housing should not be limited to what will be developed in the model neighborhood area or the city itself. New housing and relating community facilities should be developed extensively on vacant land or other sites not involving substantial residential displacement.

(c) To increase Federal grant funds for water, sewer, and neighborhood facilities, and for open-space and urban beautification.

(d) To increase Federal grant funds for all other programs involved in model city areas, including those relating to health, education, welfare, mass transportation, training and other purposes relating to urban affairs; also, to specifically designate such categorical funds for these purposes which would be available for model cities.

4. *Other Recommendations.* To achieve the objectives of this program, full coordination is required between HUD—and all of its participating constituents—and all of the other Departments of the Federal Government who participate in the model cities program; also between the Federal Government and local governments. Each must effectively use all of its powers and available funds in doing its share of the total job. NHC recommends Presidential action and direction to assure that all participating Departments of the Federal Government fulfill their responsibilities under the programs for model cities and urban affairs, including (a) effective coordination and cooperation between them and (b) the priority handling of applications for assistance filed with the various Federal Departments by model cities.

## CHAPTER S. URBAN RENEWAL PROGRAM

### *I. Summary of existing legislation*

1. *Objectives.* Urban renewal is a major instrument of reform which deals primarily with the physical side of removing blight. Its objective is to eliminate slum, blighted or deteriorating areas and provide for the use and disposition of land in accordance with comprehensive urban renewal plans that meet community needs. Nearly 900 cities are reclaiming such blighted areas for redevelopment or rehabilitation under urban renewal programs. The backlog of urban-renewal-grant applications is in excess of $3 billion at the present time, despite HUD actions to discourage applications by the imposition

of more stringent requirements concerning program objectives and priority criteria. Each year about 60 additional communities are joining in the participation of the urban renewal program, after adopting workable programs for community improvement. There is a tremendous need for increased urban renewal authorizations to meet the requests of cities who are seeking to stop the insidious blight which is overwhelming their older neighborhoods.

2. *Authorizations and Limitations in the 1968 Housing Act.*

(a) An additional $1.4 billion of urban renewal grants was authorized by the Act for fiscal year 1970. In addition, there was an authorization of $350 million for urban renewal grants for projects in model city areas, which supplements the previous authorization of $250 million for this purpose.

(b) The Act provides for a new approach to urban renewal which is intended to facilitate more rapid rehabilitation and redevelopment of blighted areas on an effective scale. Financial assistance would be provided for a neighborhood development program which consists of urban renewal undertakings and activities in one or more areas that are planned and carried out on the basis of annual increments. Financing is based on the amount of funds needed to carry out the activities planned during a 12-month period in each of the urban renewal areas in the community's program. As to subsequent annual increments of the program, the community would receive financial assistance to the extent that funds are then available and the community's program is acceptable to HUD. This will permit the undertaking of urban-renewal-execution activities, land acquisitions and public improvements simultaneously with planning.

(c) The Act requires that a majority of the total number of housing units in a community's residential urban renewal project which receive Federal recognition after August 1, 1968, must be for low and moderate income families or individuals. As to housing units in urban renewal areas, at least 20% of the total must house low-income families or individuals, but HUD may waive this 20% requirement to the extent that these units are not needed in the community.

3. *Authorizations in Appropriation Acts.* For fiscal 1969, $750 million was authorized and appropriated for urban renewal grants. In addition, an advance appropriation was made of $750 million of the $1.4 billion authorized for fiscal 1970 in order to give communities more lead time for planning their urban renewal program. For urban renewal projects in model city areas, $312.5 million was appropriated for fiscal 1969, as compared with the $350 million authorized. Of the $250 million authorized for grants on urban renewal projects in model city areas for the preceding fiscal year, $150 million was appropriated. For fiscal year 1970, $750 million previously appropriated will be available plus $250 million of new appropriations.

4. *Amendments in Housing and Urban Development Act of 1969.*

(a) Urban Renewal Grant Authority: The first sentence of Section 103(b) of the Housing Act of 1949 is amended to increase the aggregate amount of capital grants which may be made under the urban renewal program by $1,700 million on July 1, 1970, and reserves 35 percent of available funds for fiscal year 1970 and fiscal year 1971 for neighborhood development programs.

(b) Extension of Urban Renewal Assistance to the Trust Territory of the Pacific Islands and to Indian Tribes and Eskimos: The Housing Act of 1949 is amended to make the Trust Territory of the Pacific Islands and the Indian tribes, bands, groups, and nations (including Alaska Indians, Aleuts, and Eskimos) of the United States eligible for:

(1) urban renewal loans and grants and for rehabilitation grants;

(2) demolition grants;

(3) code enforcement grants; and

(4) interim assistance grants.

(c) Extension of Period of Eligibility of Local Grants-in-Aid for Certain Urban Renewal and Neighborhood Development Grants: Section 110(d) of the Housing Act of 1949 is amended to permit, in the case of any urban renewal program for which an application is filed but not approved on or before the date of enactment of the Housing and Urban Development Act of 1969, credit for local grants-in-aid if construction of the public improvement or facility was commenced not more than 4 years prior to authorization by the Secretary of a contract for a loan or capital grants for the project. The period of eligibility otherwise applicable is 3 years. There are also other extensions of the period of eligibility of local grants-in-aid for certain projects.

(d) Inclusion of Enclosed Pedestrian Malls as Eligible Urban Renewal Activities: Section 110(c) of the Housing Act of 1949 is amended to include covered pedestrian malls and walkways (with related facilities) among the types of undertakings eligible for inclusion in urban renewal project costs.

(e) Rehabilitation Grants: Section 115 of the Housing Act of 1949 is amended to increase the maximum rehabilitation grant authorized under that section from $3,000 to $3,500.

(f) Local Grant-in-Aid Credit for Certain Facilities Built on Behalf of Public Universities: Section 110(d) of the Housing Act of 1949 is amended to make clear that medical facilities otherwise eligible for non-cash grant-in-aid credit may receive such credit if built on behalf of (as well as if built by) a public university.

(g) Replacement of Housing Units Where Project Involves Demolition or Removal of Residential Structures: Section 105 of the Housing Act of 1949 is amended to provide that if any urban renewal project which receives Federal recognition after the date of enactment of this Act includes the demolition or removal of any residential structures, there must be provided in the area within which the local public agency has jurisdiction by construction or rehabilitation standard housing units for occupancy by low and moderate income families at least equal in number to the number of units demolished or removed that were occupied by such families prior to demolition or removal. Replacement housing may be provided under Federal or State-assisted housing programs and may include units for low-rent housing in private accommodations assisted under Section 23 of the United States Housing Act of 1937. Where the Secretary of Housing and Urban Development deems it appropriate, he may take into account suitable housing outside the area within the jurisdiction of the local public agency for purposes of meeting this requirement. If the Secretary finds that the percentage of vacancies for all existing housing units in the area within which the local public agency has jurisdiction is 5 percentum or greater, he may waive this requirement to the extent that he determines that there are existing standard housing units available for occupancy by displaced low and moderate income families.

### *II. Recommendations*

1. *Additional Authorization in Appropriation Acts.* NHC recommends appropriations in the full amount previously authorized by law but not yet appropriated. However the Administration has requested only $1 billion for fiscal year 1971 and no advance appropriation for fiscal year 1972 although Secretary Romney recently testified before Congress that there was $3 billion in pending applications. NHC urges an appropriation for fiscal year 1972 of the $1.7 billion authorized by the 1969 Act. In addition, NHC urges a supplemental appropriation for fiscal year 1970 of $537.5 million of the previous urban renewal authorizations which have not been covered by appropriations, i.e., $400 million for urban renewal generally and $137.5 million for urban renewal projects in model cities areas.

2. When there are additional legislative authorizations as recommended below, there should be additional appropriations for each fiscal year and an advance appropriation for the succeeding fiscal year. This will follow the precedent established by the last Congress to give communities more lead time for planning their urban renewal programs.

3. *Increase in Legislative Authorizations.* NHC recommends an increase in the authorizations for appropriations for a 5-year period at an annual rate of $3 billion for urban renewal grants. Such an appropriation will make realistic the national objective of overtaking the decay in our cities and making urban renewal more immediately responsive to urban needs.

4. *Other Legislative Amendments.* NHC recommends the following amendments to urban renewal laws:

(a) On capital grants for urban renewal, code enforcement and other comparable programs, there should be an increase in the federal grant to ¾ from the present ⅔ which is paid to larger cities. The ¾ grants are now made only to smaller cities, but they are equally needed by larger cities. Further, where the community elects to finance survey and planning costs at its own expense, the project capital grants should be increased to ⅚ from ¾. Pooling all of such grants should be permitted for all urban renewal projects in the city. Where the urban renewal is located in a distressed area, existing law already provides for a larger urban renewal grant.

(b) Loan and grant contracts should be authorized for the purpose of assisting the acquisition and rehabilitation of scattered properties in residential neighborhoods designated for conservation, rehabilitation, or intensive code enforcement by an approved community renewal program. The cost of any new public improvements serving the rehabilitation properties should be recognized for appropriate grant-in-aid credits.

(c) Local public agencies should be authorized to make sales of industrial and commercial land for later development by nonprofit industrial development corporations or properly constituted public bodies on the same basis as is now authorized under economic development laws.

(d) There should be a broadening of the existing statutory provisions for recognition of real property tax losses—on the land as improved before the demolition occurred—by the locality in an urban renewal area as a local grant-in-aid credit. Such losses should be computed from the date of acquisition of the property to the completion of the redevelopment in accordance with the urban renewal plan for the project.

(e) Where a project is in execution, tax abatement should count as a noncash local grant-in-aid to the project when such tax abatement is granted to federally-assisted housing for the purpose of achieving lower rents and facilitating relocation unless there is a federal grant to reimburse the state and local taxing authorities for their tax losses.

(f) NHC supports special urban renewal provisions for central business districts which would:

(1) permit a waiver of residential requirements in renewing such districts;

(2) recognize that employment, commercial, industrial, and cultural functions of central business districts are of vital importance to community growth and revitalization; and

(3) require HUD to accept 100% of site improvements and supporting facilities as part of the gross project cost and as a local grant-in-aid.

(g) There should be an amendment to the urban renewal law allowing any public facility to be eligible for non-cash grant-in-aid credit covering the full cost of the facility: (i) if its development was occasioned by the urban renewal program as certified by the urban renewal agency; (ii) if it is located in a community having more than one urban renewal project; and (iii) if the community has a workable program and a community renewal program.

(h) There should be no limit in the amount of grants to a particular urban renewal demonstration project, under Section 314, so the Federal Government in special cases could pay up to 100% of the cost of the demonstration program.

(i) Non-cash grant-in-aid credits should be extended to cover air rights involved in the development costs for 221(d)(3) or 236 projects for low and moderate income families.

(j) Urban renewal grants of 75% should be available for the reclamation of otherwise unbuildable land which is located within metropolitan areas. Often there are large available areas of land which are not suitable for building because of problems which can be corrected by appropriate expenditures of public funds, and the use of appropriate reclamation and conservation techniques. This will provide convenient sites for housing and other community facilities needed by those now living within the overcrowded areas of central cities and provide sites suitable for other appropriate uses.

(k) Where state or local law requires abutting property owners to pay a portion of the cost of street repairs, federal urban renewal grants should be made to cover the owner's share when there is a showing of need.

(l) Under the Neighborhood Development Program (N.D.P.), non-cash grants-in-aid—otherwise meeting time requirements—should become eligible as soon as an area is recognized by HUD for overall study purposes, to the full extent which said facilities serve the study area, without any prerequisite for an approved urban renewal plan covering such study area.

(m) Costs of development of the initial application should be an allowable project cost.

5. *Administrative Action.*

(a) NHC recommends the following administrative actions in the Neighborhood Development Program:

(1) It should be flexibly administered, particularly as regards the requirements for actions on plans for areas larger than those proposed for the action year.

(2) Every effort should be made to develop administrative guidelines which will permit the program to function smoothly under existing state renewal enabling legislation.

(b) NHC recommends, in those cases of condemnation of real property and when a deterioration has taken place through no fault of the owner, that an effort be made to predicate the compensation of the property on the fair market value before the deterioration. If legislation is needed to insure that equitable compensation is made in such cases, NHC recommends that appropriate legislative measures be taken.

### CHAPTER T. INTERIM ASSISTANCE AND INTERIM REHABILITATION PROGRAMS IN SLUM AND BLIGHTED AREAS

#### *I. Summary of existing legislation*

1. *Interim Assistance for Blighted Areas as Provided for in the 1968 Housing Act.* The 1968 Housing Act authorizes the Secretary of HUD to contract to make grants aggregating up to $15 million in any fiscal year to cities or counties to assist them in taking interim steps to alleviate harmful conditions in slum or blighted areas of communities. To qualify, these areas must be planned for substantial clearance, rehabilitation, or federally-assisted code enforcement in the near future, and must need some immediate public action until permanent action can be taken. Grants may not exceed two-thirds of the cost of planning and carrying out an interim assistance program, except that three-fourths grants can be made to any community with a population of 50,000 or less. A community has to have an approved workable program to qualify for assistance.

2. *Need for Interim Rehabilitation Program.* In slum and blighted areas, there should be a fast program of interim rehabilitation to correct those housing conditions which directly affect health and safety. The people now living in substandard housing should not be expected to wait until permanent neighborhood improvement programs are developed. We need a program which will provide grants and loans which can be rapidly disbursed to eliminate health and safety hazards, without regard to the useful life of the buildings. The objective is to provide whatever assistance is needed to achieve monthly charges, after interim rehabilitation, which will be within the financial reach of the low income and moderate income residents. The emergency upgrading of structures should not involve increases in rents beyond the reach of the present tenants.

3. *Funds for Interim Assistance.* There have been no appropriation authorizations to implement the 1968 Act providing interim assistance to alleviate harmful conditions in slum or blighted areas. However, $15 million of urban renewal funds have been allocated for this purpose.

#### *II. Recommendations*

1. *Authorizations in Appropriation Acts.* NHC recommends expansion of the program through appropriate authorizations and additional urban renewal allocations for the interim assistance program in slum areas. This should include an advance appropriation and allocation for the next additional fiscal year to give cities and counties more lead time in planning interim steps to alleviate harmful conditions in slum or blighted areas. NHC further recommends that the amount of the appropriations—and legislative authorizations therefor—should be increased in response to the increasing needs evidenced by the appropriations which will be filed for interim assistance.

2. *Legislative Amendments on Interim Assistance.* All cities should be eligible for a three-quarters grant for the cost of planning and carrying out the interim program. Instead of limiting the larger grants to the smaller cities, the large cities should get such a grant and not be limited to a two-thirds grant.

3. *Legislation for Interim Rehabilitation Program.* NHC recommends legislation to provide for the above described program of interim rehabilitation to correct housing conditions which directly affect health and safety, without regard to the useful life of the buildings. The legislation should include the following:

(a) Amendments to the interim assistance law, so that it is broadened to include such interim rehabilitation of housing as is necessary to protect the health and safety of residents. This would make grants available to cities and counties which are undertaking such a program.

(b) With respect to interim rehabilitation to correct conditions which directly affect health and safety in homes located in slum and blighted areas, the following financial assistance should be extended to owners of homes who have low and moderate incomes: (i) rehabilitation grants under Section 115 in an amount not to exceed $3,500; and (ii) rehabilitation loans under Section 312.

(c) Federal code enforcement grants for interim rehabilitation of housing.

(d) Federal grants to urban renewal agencies to acquire slum buildings which are in violation of housing codes, and for interim rehabilitation to eliminate hazards. Public acquisition of properties for interim rehabilitation may be an early acquisition of part of the property that would later be involved in a permanent renewal program for the neighborhood.

(e) Section 312 should be further amended to provide loans to public bodies or agencies which take possession or control of any property—through receivership or otherwise—which violates code requirements or local laws concerning health or safety. This would cover property where the owner has failed to correct such violations within a period prescribed by local law. The loan should be made on the condition that it will be repaid from the income derived from the rehabilitated property, with appropriate liens or other rights that will be enforceable against the property.

Pursuant to the foregoing legislation, the assistance should be sufficient to achieve monthly charges, after interim rehabilitation, which will be within the financial reach of the present occupants or of others of low or moderate incomes.

### CHAPTER U. NEW TOWNS AND NEW COMMUNITIES

#### *I. Summary of Existing Legislation*

1. *Need.* Since 40,000,000 additional people will be living in cities during the next decade, we need new towns and new communities to help take care of this increased urban population, to provide for an orderly dispersal of population and relieve further city congestion. These new towns would be carefully planned as balanced communities. They would be largely self-contained with homes, apartments, schools, jobs, hospitals, recreational facilities and open spaces. They should be planned to minimize transportation needs by assuring employment for residents within or near the community. They should provide housing for all income groups, including those of low and moderate incomes. These new communities can provide a new kind of urban living which can offer an alternative to the sprawling growth that threatens to overwhelm our metropolitan regions with costly and inefficient development.

There is an urgent need for Federal guaranties to overcome major obstacles which have prevented greater efforts in this field, namely: (1) the large capital investments to acquire large land areas and install the basic facilities needed to prepare the land for development; and (b) the extended period for the planning and installation of site improvements, during which large expenditures must be made for debt service, taxes and overhead.

2. *Authorizations in 1968 Housing Act.* The Act authorizes HUD to guaranty obligations issued by new community developers to help finance approved new community developments. These guaranties should overcome the major obstacles which have prevented greater accomplishments in this field. With the security of Federal guaranties, investors should be willing to provide financing geared to the realities of internal cash flow in new community development projects. To encourage localities to use Federal aid programs in support of new communities, the Act includes a program of incentive grants. When Federally-assisted facilities are being constructed to serve a new community, the public agency will be eligible—in addition to the basic Federal grants—for a supplementary grant covering an additional 20% of construction costs. However, the total federal contribution to the cost of community facilities cannot exceed 80% of the cost of the facility. This would include facilities such as water, sewer and the open-space land. Appropriations for supplemental grants were authorized in the amount of $5 million for fiscal year 1969 and $25 million for fiscal year 1970.

3. *Authorizations in Appropriation Acts.*

For fiscal year 1970, $2,500,000 has been appropriated for supplemental grants to public agencies which install federally-assisted facilities to serve new communities.

4. *Amendments in 1969 Housing Act.*

Section 412(d) of the Housing and Urban Development Act of 1968 is amended to authorize appropriations for new community assistance grants through the fiscal year 1971.

### *II. Recommendations*

1. *Appropriations.* We recommend the full appropriation of the $25 million authorized for supplemental grants for fiscal year 1971; also, an advance appropriation for the next additional fiscal year in order to give more lead time for initiating and planning new communities.

2. *Increase in Legislative Authorizations.* We recommend that the aggregate limit on outstanding guaranties be increased by $1 billion above the present limit of $250 million. We further recommend an additional authorization of appropriations for supplemental grants of $30 million a year over a 5-year period. There should be additional authorizations which are earmarked for new communities to assure the availability to public agencies serving such communities of adequate grants for water, sewer, and other community facilities and for open-space-land programs.

3. *Other Legislative Amendments.*

(a) The 1968 Act should be amended to include public agencies or authorities instead of limiting the HUD guaranties to private developers. NHC believes that a public authority is an effective instrumentality to undertake necessary land acquisition and to carry out the development of a new town.

(b) The Bureau of Public Roads should be authorized to purchase excess land beyond the amount needed for the roads themselves. This would include land suitable for residential development which the Bureau should make available to rehouse displaced families. At large road interchanges, the Bureau should be authorized to acquire additional land for the development of new communities which can meet the needs of our growing population, including displaced families. Such land can generally be acquired by the Bureau at low cost at the time that land is being acquired for new road systems.

(c) The 1968 Act requires low and moderate-income housing to be included in new towns as a prerequisite for supplemental grants. There should be a similar requirement as a condition to a HUD guaranty of obligations issued by a new community developer.

4. *Support of Urban Growth Policy.* NHC joins with the National Committee for Urban Growth Policy in recommending the additional measures which should be taken to facilitate New Communities and the achievement of the urban growth policies set forth in the report of that Committee.

5. *Recommendations for Administrative Action.*

(a) In view of the critical need for this program to help take care of population increases, relieve city congestion and provide building sites, NHC urges HUD to utilize and effectuate the New Communities legislation and to act promptly on the appliactions which have been filed for United States guaranties of New Community Bonds. HUD should provide the guaranties required by developers to enable them to get financing for these new communities which are urgently needed.

(b) A priority should be established for sewer, water, and other grants to public agencies in New Communities.

## CHAPTER V. ADEQUATE SITES FOR EXPANDED HOUSING PROGRAM

### *I. Summary of Existing Legislation*

1. *Objectives.* One of the most serious impediments to achieving our housing goals is the lack of adequate building sites at reasonable prices. It will be impossible to provide the necessary additional supply of housing unless suitable improved sites are available, which include all of the public services and facilities necessary for a suitable living environment. There is a special and critical problem relating to the availability of improved land for low and moderate income housing; such housing is least able to compete for land because it cannot pay as high a price. In addition, restrictive zoning and other practices have precluded many suitable building sites from being utilized to house these income groups. To meet these problems and facilitate achievement of the necessary expansion of total housing production on a well-planned basis, the National Housing Conference recommends the legislative and administrative measures described below.

2. *Authorizations in Existing Legislation.* The following is a summary of some of the major provisions in existing legislation which can effectively be utilized to make improved land available for expanded housing production, particularly for those of low and moderate incomes:

(a) The urban renewal legislation authorizes the acquisition of land and its disposition, with appropriate write-downs based on the planned use of the land. The legislation recognizes the special needs for rehousing families who are displaced and those of low and moderate incomes. The urban renewal laws are an important tool which can be used to help provide an adequate supply of improved building sites at reasonable prices for housing, with emphasis on meeting the needs of persons of low and moderate incomes. (See paragraph 4(g) of Chapter S for an explanation of the provision in the 1969 Housing Act requiring a "one for one" replacement of housing demolished within the jurisdiction of the Urban Renewal Agency.)

(b) The 1968 Housing Act authorizes a program for new towns and new communities—as described in the preceding chapter—which should produce improved building sites for homes and apartments in carefully planned communities including all necessary public and community facilities. The law requires that low and moderate income housing be included in these new towns as a prerequisite for supplemental grants to public agencies in providing water, sewer and certain other public facilities.

(c) Under existing law, federal grants are available to public agencies for water and sewer facilities, neighborhood facilities, open space and programs for advance acquisitions of land as described below. When adequately funded—as recommended elsewhere in this report—this legislation should enable public agencies to provide the water, sewer and other public facilities required for the improvement of land, so that it will become suitable and available for residential construction.

3. *Amendments in Housing and Urban Development Act of 1969.*

It permits real property which is surplus within the meaning of the Federal Property and Administrative Services Act to be transferred to the Secretary of Housing and Urban Development at his request for sale or lease by him at its fair value for use in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income. Surplus real property can be sold on such terms by the Secretary if it is sold to (1) a public body which will use the property in connection with the development of a low-rent housing project assisted under the United States Housing Act of 1937, or under a state or local program found by the Secretary to have the same general purposes as the federal program under such act, or (2) a purchaser who will use the property in connection with the development of (i) rent supplement units, (ii) below-market-interest-rate moderate income housing or (iii) rental housing on behalf of which interest reduction payments are made under Section 236 of the National Housing Act. Prior to any sale or lease to a purchaser other than a public body the Secretary must notify the governing body of the locality where the property is located and no sale or lease may be made if, within 90 days, the local governing body formally notifies the Secretary that it objects to the proposed sale or lease.

As a condition to any sale or lease of surplus real property, the Secretary of Housing and Urban Development is required to obtain such undertakings as he may consider appropriate to assure that the property will be used in the provision of rental or cooperative housing to be occupied by families or individuals of low or moderate income for a period of not less than 40 years. If during such period the property is used for any purpose other than the purpose for which it was sold or leased, it will revert to the United States (or, in the case of leased property, the lease will terminate) unless the Secretary, after the expiration of the first twenty years of such period, has approved the use of the property for such other purpose. The Secretary must notify the Senate and House Committees on Banking and Currency whenever any surplus real property is sold or leased pursuant to this section.

### *II. Recommendations*

1. NHC recommends full funding and full use of all of the authorizations in existing legislation for the purpose of assuring that there will be an adequate supply of improved building sites available at reasonable prices to meet our housing goals, with special emphasis on the needs for such land at prices which would permit its use for housing persons of low and moderate incomes. The amount of the appropriations and authorizations for these programs (including urban renewal) should be increased commensurate with the tremendous need to increase the supply of improved building sites to enable the contemplated expansion of housing production.

2. NHC recommends necessary increases in the authorizations and appropriations for all the programs which provide Federal asistance for public services and facilities in the new areas where improved land is to be made available for housing including: water and sewer systems; neighborhood facilities; open space; the new towns and new communities program; mass transportation; health, education and welfare.

3. The additional improved building sites should be made available both within the cities and outside of the cities. We must make available for housing development extensive areas of vacant land or other sites which do not involve substantial residential displacement; such land must be provided with necessary public and community facilities and services. Existing legislation should be amended to the extent necessary to enable the write-down of improved sites in such new areas of vacant land so the improved land will be at a price which enables its use for housing, particularly for those of low and moderate incomes.

4. To help provide the measures necessary to accomplish the foregoing objectives, NHC supports and urges the passage of S. 3025, the "Urban Land Improvement and Housing Assistance Act of 1969," introduced by Senator Javits. This bill contains the following provisions to encourage improved land utilization and expanded housing programs:

(a) It would provide supplementary grants to localities not to exceed 50% of the local community's contribution to a federal or state program designed to improve land utilization and expanded housing assistance for persons of low and moderate income. Such a program could include restructuring of the real estate tax laws of the locality by grant-

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ing tax abatement for low and moderate income housing; adoption of nonrestrictive zoning ordinances; adoption and enforcement of building codes conformable to nationally accepted standards; and the establishment of a program of research and demonstration for the development of new construction systems and materials for low cost housing.

(b) It would provide grants to encourage the utilization of certain unused or locally held land.

(c) It would give incentive grants to states for the administrative costs of state agencies designed to carry out a program of construction and operation of low income public housing.

(d) It would provide technical assistance to any state land development agency during the first three years of its operation.

(e) It would provide information to Congress concerning the status of certain federal military installations located near metropolitan areas with an indication if such lands might be better used for housing and other industrial purposes to benefit persons of low and moderate income.

### CHAPTER W. PUBLIC AND COMMUNITY FACILITIES INCLUDING WATER, SEWER, NEIGHBORHOOD FACILITIES AND OPEN-SPACE LAND PROGRAMS

#### *I. Summary of existing legislation*

1. *Need*. There is a great and continuing need for Federal public facilities grants to assist in overcoming serious backlogs in replacing substandard or obsolete facilities—especially in the central cities—and eliminating water pollution and meeting the unprecedented demands for additional facilities and services generated by population expansion. These needs cut across whole metropolitan areas and involve central cities, new suburbs and the new communities still to come. This essential expansion in Federal aid could be a potent influence in resolving the present chaotic conditions created by the multiplicity of local governmental jurisdictions in most metropolitan areas. This multiplicity has led to suburban sprawl, land misuse, land speculation, and frequent failure to metropolitan area and regional planning as an effective tool for the control of new developments. Such a program could provide important leverage to establish coordinated local governmental approaches to control programs of area and region-wide significance. At the same time, it could foster decentralization of local governmental functions of strictly local application.

2. *Authorizations in 1968 Housing Act*. The Act only authorized funds to be appropriated for water and sewer facilities and the open-space land program. For water and sewer facilities an additional $150 million was authorized for fiscal year 1969 and $115 million for fiscal 1970. For the open-space land program, the 1968 Act authorized to be appropriated for the purpose of making grants, an additional $150 million (for a total ceiling of $460 million) prior to July 1, 1970. The limit on the amount of funds the Secretary of HUD is authorized to use for grants for technical assistance on open space was raised by $75,000. The Act provided that any appropriations made for water and sewer facilities, neighborhood facilities, and advance acquisitions of land programs not already appropriated may be appropriated for fiscal 1970. The Act extends the interim planning requirements under the basic water and sewer facilities grant program to October 1, 1969.

3. *Authorizations in Appropriation Acts*. For fiscal year 1969 there was an appropriation of $165 million for water and sewer grants, an appropriation of $75 million for open-space land grants, and an appropriation of $35 million for neighborhood facilities grants. For fiscal 1970, there was an appropriation of $135 million for water and sewer—plus $15 million carryover—$75 million for open space and $40 million for neighborhood facilities.

4. *Amendments in the Housing and Urban Development Act of 1969*.

(a) Authorization for Open Space, Urban Beautification, and Historic Preservation Grants: Section 702(b) of the Housing Act of 1961 is amended to extend the availability of approximately $84 million in unused authorization for open space, urban beautification, and historic preservation programs through the fiscal year 1971. Prior to this amendment the authorization would have expired at the end of the fiscal year 1970.

(b) Community Facilities Grants: Section 702(c) of the Housing and Urban Development Act of 1965 is amended to extend for one year (until October 1, 1970) the time within which a community may qualify for a basic water and sewer facilities grant even though its program for an area-wide system (though under preparation) has not been completed.

Section 708(b) of the 1965 Act is amended to authorize appropriations for grants for basic water and sewer facilities, neighborhood facilities, and advance acquisition of land through the fiscal year 1971. Prior to this amendment, these appropriations were authorized to be made only through fiscal year 1970.

Section 708(a) of the 1965 Act is amended to authorize the appropriation of an additional $100 million for basic water and sewer grants for fiscal year 1971.

#### *II. Recommendations*

1. *Additional Authorization in Appropriation Acts*. Based upon past Congressional legislative authorizations and actions, we anticipate that at least $165 million would be appropriated for each fiscal year for water and sewer grants. However, there should be advance appropriations for each succeeding fiscal year, besides the current one, to give public agencies more lead time for their planning and development of these programs. When the additional legislative authorization recommended below is made, we recommend an increase in the rate of appropriations to $2 billion annually for water and sewer grants, and for other public and community facilities as described below.

2. *Increase in Legislative Authorization*. NHC recommends a 5-year authorization of $2 billion annually for grants to local governments for basic water and sewer facilities and other types of public improvements and community facilities. Of the $2 billion, $250 million should be made available annually for the open space land program. The public improvements and community facilities should include those authorized by the 1965 Act such as neighborhood and public facilities, particularly in slum and ghetto areas. It should also include the acquisition of land to provide parks and recreational facilities in urban areas, so that they are closely accessible to the people who need them most.

3. *Other Legislative Amendments*.

(a) As recommended in these recommentions on other comparable programs, Federal grants to larger cities for public and community facilities should be increased to ¾ from the present ⅔'s, since their need is as grave as that of small cities. For neighborhood centers, parks and recreational facilities in slum and ghetto areas, the Federal grant should be 100%. Moreover, there should be annual Federal grants to provide for the staff and operating expenses of such facilities. The neighborhood facilities centers in such areas should be permitted to include swimming pools—either indoor or outdoor—and gymnasiums.

(b) We believe that the foregoing grants should be generally restricted to communities that are simultaneously providing adequate housing for low and moderate income families, where the need for such housing exists.

### CHAPTER X. URBAN PLANNING AND FACILITIES—COMPREHENSIVE PLANNING AND PLANNED AREA-WIDE DEVELOPMENT

#### *I. Summary of existing legislation*

1. *Need*. The increased concentration of population in and around metropolitan areas has been an urgent need for a coordinated development of resources and services for urban and rural areas and a need to facilitate comprehensive planning for these areas. Because of the problem of multiplicity of political jurisdictions and agencies involved with this planning, and because of the inadequacy of the operational and administrative arrangements available for cooperation among them, NHC believes that Federal programs are badly needed to achieve the additional participation and cooperation from the states and localities. The 1968 Housing Act contains the following provisions to meet this need:

(a) The Section 701 planning assistance grant program is extensively revised. The Secretary of HUD is now authorized to make comprehensive planning grants to State planning agencies for assistance to "district" planning agencies for any other nonmetropolitan areas. Consultation with the Secretary of Agriculture is required prior to approval of any district planning grants. The Secretary of Agriculture and, when appropriate the Secretary of Commerce, may provide technical assistance in connection with the establishment of districts and the carrying out of planning by them.

(b) Other new provisions authorize direct planning grants to Indian tribal planning councils or other bodies for planning on Indian reservations; to regional and district councils of government as well as those organized on a metropolitan basis; to regional commissions and economic development districts established under the Public Works and Economic Development Act of 1965; to cities, without regard to population, within metropolitan areas for planning which is part of metropolitan planning; and to official Government planning agencies for areas where rapid urbanization is expected as a result of a new community development assisted under Title IV of the Act. The Secretary is required to consult with the Secretary of Commerce before making any planning grant which includes any part of an economic development district.

(c) The definition of comprehensive planning is broadened to include planning for the provision of governmental services and for the development and utilization of human and natural resources. The inclusion of a housing element is required as part of the preparation of comprehensive land use plans. The use of private consultants, where their professional services are deemed appropriate by the assisted governments, is added to the stated purposes of the program.

2. *Authorizations in the 1968 Housing Act*.

(a) *Comprehensive Planning*. The Act increased the amounts authorized to be appropriated for the purposes of comprehensive planning by $35 million making a total not to exceed $265 million prior to July 1, 1969 and authorized to be appropriated an additional $125 million for a total not to exceed $390 million prior to July 1, 1970. Of the amount available prior to July 1, 1969, $20 million may be used only for district planning grants and that amount shall be increased by $10 million on July 1, 1969. All amounts appropriated must remain available until expended except that any funds so appropriated, not to exceed an aggregate of $10 million plus 5 percentum of the funds so appropriated, may be used by the Secretary for studies and research in comprehensive planning.

(b) *Planned Area-Wide Development*. Supplementary grants (designed to encourage areawide planning) are authorized for Federally-assisted projects in all multijurisdictional areas (not just metropolitan areas as

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previously provided) such as the rural planning districts proposed to be assisted with comprehensive planning grants under the comprehensive planning provisions of the law. Unused authorizations for appropriations for supplementary grants for fiscal year 1967 and 1968 are made available through fiscal year 1970.

3. *Authorizations in Appropriation Acts.* For fiscal year 1969, $43,338,000 was appropriated for urban planning grants. Out of $10 million requested for area-wide development grants for fiscal year 1969, none was appropriated for fiscal year 1970. $50 million has been appropriated for urban planning grants for fiscal year 1970. Again, nothing was appropriated for area-wide development grants.

4. *Amendments in Housing and Urban Development Act of 1969.*

Section 701(a) of the Housing Act of 1954 is amended to extend the availability of approximately $100 million in unused authorization for comprehensive planning grants through the fiscal year 1971. Under existing law this authorization will expire at the end of the fiscal year 1970.

### *II. Recommendations*

*Additional Authorization in Appropriation Acts.* NHC urges that full amounts be appropriated for supplemental grants for the orderly growth of our urban areas. These are needed to achieve more effective coordinated metropolitan area planning and program development. In addition, NHC urges that the $10 million authorized for a program of area-wide incentive grants be appropriated.

## CHAPTER Y. URBAN MASS TRANSPORTATION

### *I. Summary of existing legislation*

1. *Objective.* There is an urgent need to modernize, expand and reorganize the urban transportation systems. Adequate Federal grants are necessary to achieve this objective.

2. *Authorizations in the 1968 Housing Act.* The Act increased authorized appropriations for grants and other assistance to urban mass transportation by $190 million for fiscal year 1970. The amount of funds which can be used for research, development, and demonstration projects was increased by $6 million, commencing July 1, 1968; also the statutory limit on the funds available for this purpose is removed, commencing July 1, 1969. The definition of "mass transportation" was broadened to allow greater flexibility and opportunity for application of new concepts and systems.

3. *Authorizations in Appropriation Acts.* For the fiscal years 1969 and 1970 there were appropriations of $175 million each year. Of the total amount in legislative authorizations for mass transit grants, $70 million has not been appropriated.

4. *Amendments in Housing and Urban Development Act of 1969.*

Section 4(b) of the Urban Mass Transportation Act of 1964 is amended to authorize appropriation of $300 million for fiscal year 1971 for grants under that Act.

Section 5 of the 1964 Act is amended to extend until July 1, 1971, the interim program there authorized of 50 percent grants for mass transportation facilities and equipment in urban areas not yet able to meet full areawide comprehensive planning and programing requirements. These emergency grants are in place of the two-thirds federal grants available when all comprehensive planning requirements are met.

### *II. Recommendations*

1. *Additional Authorizations in Appropriation Acts.* NHC recommends an appropriation of the $70 million authorized by law for mass transit grants, but not yet appropriated. When the additional legislative authorization recommended below is made, we urge an increase in the rate of appropriations to $750 million annually for mass transportation grants. No funds were requested by HUD for fiscal year 1971 because under an agreement between HUD and the Department of Transportation (DOT), the administration of HUD's residual functions in mass transportation will be transferred to DOT, as will unobligated balances.

2. *Increase in Legislative Amendments.* NHC recommends that the authorization of appropriations for mass transit grants be increased to $750 million per year for the next five years. The expansion of the program is necessary to achieve the housing and urban development goals recommended in this report. We also urge an advance appropriation for each succeeding fiscal year, besides the current one, in order to give cities more lead time for planning their mass transit programs.

## CHAPTER Z. RESEARCH, TECHNOLOGY, TRAINING, AND TECHNICAL ASSISTANCE

### *I. Summary of existing legislation*

1. *Need for Basic Research and Training.*

(a) The housing industry has neither the organization nor the resources to support substantial research in the area of housing technology and research. Existing research is almost exclusively in the hands of material and large equipment suppliers and reflects the particular interests of these groups. It is necessary that federal financial support be given toward the development of new systems and overall construction techniques. The technological advances necessary to reduce housing costs must be accompanied by more uniform building codes in all areas of the nation. This will make it more feasible for developers and manufacturers to produce housing and materials for a national market.

(b) There is a shortage of trained professional and sub-professional personnel in the broad field of community development. This presents a serious problem in achieving effective action programs.

2. *Authorizations in 1968 Housing Act.* The Act recognizes the need for urban technical assistance, research, and training and provides assistance in the following areas:

(a) *Advances in Technology in Housing and Urban Development.* The Act authorizes such sums as may be necessary to be appropriated, commencing with fiscal year 1969, for studies of new and improved techniques and methods of applying advances in technology to housing construction and rehabilitation, and to urban development. Four-year contracts are authorized for such studies rather than two-year contracts as heretofore authorized.

(b) *Housing for Lower Income Families Through New Technologies.* The Act directs the Secretary of HUD to institute a program under which qualified public and private organizations will submit plans for the development of housing for lower income families, using new and advanced technologies, on Federal land which has been made available for that purpose or on other suitable land. The Secretary is to approve five plans, each of which shall have a technology and organization with a potential to produce at least 1,000 dwelling units a year. The Secretary is to seek the construction of that number of dwelling units a year over a five-year period for each of the various types of technologies proposed in approved plans. Mortgages financing the projects are authorized to be insured under the FHA experimental housing program.

(c) *Authorization for Urban Information and Technical Assistance Service Program.* The Act increases the authorization for grants to states to assist in the provision of urban information and technical assistance by $5 million for fiscal year 1969, and by $15 million for fiscal year 1970. Amounts authorized for these grants, but not appropriated, are authorized to be appropriated for any succeeding fiscal year commencing prior to July 1, 1970. In the Administration's budget requests for fiscal year 1971, the Urban Information and Technical Assistance program are combined with the Comprehensive Planning Assistance (701) program described in Chapter X.

(d) *Federal-State Training Programs.* The Act broadens the Federal-State training program to permit grants to states for the training of subprofessional—in addition to professional—persons who will be employed in the field of housing or community development. The trainees may be trained for employment by private nonprofit organizations or public organizations which have responsibility for housing and community development programs.

3. *Authorizations in Appropriation Acts.* Instead of the $20 million which the President requested for urban research and technology, there was an appropriation of $11 million for fiscal year 1969. Instead of about $4.5 million requested for the low income demonstrations program for that year, there was an appropriation of $2 million for this purpose; also there was an appropriation of $500,000 for urban fellowships. There was no appropriation for the urban information and technical assistance service programs. For fiscal year 1970, $25 million has been appropriated for urban research and technology and $500,000 has again been appropriated for urban fellowships.

4. *Amendments in Housing and Urban Development Act of 1969.*

(a) *Training and Fellowship Programs.*

Title VIII of the Housing Act of 1964 is revised to consolidate, under one authorization, that title's program of fellowships for city planning and urban studies and the community development training program. Specifically, the title:

(1) Consolidates the title by striking the headings which divide it into two separate parts;

(2) Amends Section 801(b) by including, as a purpose of the consolidated title, the provision of "fellowships for the graduate training of professional city planning and urban and housing technicians and specialists";

(3) Amends Section 810 by striking the first sentence (which authorizes appropriations for urban fellowships) and substituting a general authority for the Secretary to provide such fellowships;

(4) Substitutes for Section 802(d), which authorizes without fiscal year limitations $30 million in appropriations for community development training programs, a new section numbered 806 authorizing appropriations, without fiscal year limitation, of up to $30 million for the consolidated Title VIII program; and

(5) Amends appropriate sections of the title to strike inapplicable references to its several "parts" and substitute appropriate reference to the "title" or to the various "sections" thereof.

(b) *Extension of Urban Information and Technical Assistance Services Authorization.* Section 906 of the Demonstration Cities and Metropolitan Development Act of 1966 is amended to authorize appropriations for grants to help finance programs of urban information and technical assistance services through fiscal year 1971. Prior to this amendment, appropriations were authorized to be made only through fiscal year 1970.

### *II. Recommendations*

*Additional Authorizations in Appropriation Acts.* NHC recommends necessary appropriation authorizations to carry out all of the authorizations in the 1968 and 1969 Acts. In addition, NHC recommends that $1 million a year be appropriated for training under a 5-year program; and that the fellowships be increased to $2 million a year under a 5-year program.

## CHAPTER AA. OPERATION BREAKTHROUGH

### *I. Summary of Existing Legislation*

1. Last summer Secretary Romney initiated the Operation Breakthrough program.

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It is designed to achieve advances in design and planning of housing and to use modern techniques of production, marketing and management. Its purpose is to increase greatly the supply of quality housing, particularly for those of low and moderate incomes.

2. To initiate Operation Breakthrough, HUD solicited requests for proposals for several types of contracts: Type A for design, testing and evaluation, and prototype construction of complete housing systems which can lead to volume production. The program is planned in three phases: Phase I, Design and Planning; Phase II, Prototype Construction, and Phase III, Volume Production. HUD has made awards to 22 bidders for Type A contracts.

3. Type B contracts were solicited for research, development and design of innovative concepts for any individual or group of primary elements of building systems, materials and techniques, land use concepts and business considerations—including legal, financing, processing and management techniques. HUD is now studying proposed awards for Type B contracts.

4. HUD sought and has awarded contracts for eight prototype sites (from 5 to 30 acres each) to be brought under Government control and used to erect and display the prototypes which HUD selects. HUD intends that the sites will be an effective marketing device to spur demand for projects using the prototype dwellings.

5. Volume production is to be achieved with the aid of one or more of the HUD programs, including Sections 235 and 236. HUD intends to give priority in allocation of funds—under Sections 235, 236 and other programs—to projects using the prototype dwellings.

6. The 1969 Housing Act amended Section 1010(a) of the Demonstration Cities and Metropolitan Development Act to direct the Secretary of Housing and Urban Development to assure—to the extent feasible, in connection with the construction, major rehabilitation, or maintenance of any housing assisted under that section—that there is no restraint by contract, building codes, zoning ordinances or practice against the employment of new or improved technologies, techniques, materials, and methods or of preassembled products which may reduce the cost or improve the quality of such construction, rehabilitation, and maintenance. The purpose is to stimulate expanded production of housing under such programs, except where the foregoing restraints are necessary to insure safe and healthful working and living conditions.

### *II. Recommendations*

1. NHC favors the Operation Breakthrough program with its objective to add to the production resources necessary for the achievement of our housing goals; also, to help offset the inflationary rise in housing costs. Inflationary increases in housing and financing costs have adversely affected the consumer and made it impossible for many people who need homes to get them at prices or rents which they can afford.

2. NHC has always urged the prompt and full use of all funds authorized by the Congress for housing production. Accordingly, NHC urges that HUD take no action at this time which would withhold funds from use in current housing production in order to reserve them for the prototype housing which has not yet been produced and tested under Operation Breakthrough.

## CHAPTER BB. LOAN INSURANCE FOR MOBILE HOMES

### *I. Summary of existing legislation*

1. *Need.* During the last 2 years, there has been a great increase of interest in mobile homes as a source of lower cost housing. Sales of mobiles homes have increased substantially, from about 235,000 in 1967, to about 300,000 in 1968, and may total nearly 400,000 in 1969.

A recent survey conducted by the Bureau of the Census for HUD revealed that mobile homes contribute significantly to housing supply. However, while the production and sale of mobile homes have expanded greatly in recent years, so that an estimated 5½ million people live in about 1,800,000 mobile homes in the United States, the number and quality of mobile home parks have not kept pace. There is a great deficiency of suitable mobile home park spaces, and generally the ones that exist are improperly designed and provide inadequate community facilities.

2. *Amendments in the Housing and Urban Development Act of 1969.*

Section 207 of the National Housing Act is amended to increase the maximum amount of a mortgage which may be insured for a mobile home court from $1,800 to $2,500 per space and from $500,000 to $1,000,000 per project mortgage. The section also redesignates, for greater accuracy, the mortgage insurance program for "trailer courts or parks" as a program for "mobile home courts or parks."

Title I of the National Housing Act is amended to authorize the establishment of a new FHA program financing the purchase of a mobile home to be used by the owner as his principal place of residence. Under this program, a purchaser can obtain an FHA-insured loan in an amount not exceeding $10,000 which must be repaid over a maximum term of 12 years. The financing charge to the purchaser is to be prescribed by the Secretary of Housing and Urban Development and may vary depending on the amount and term of the loan. In addition, the Secretary is required (1) to prescribe minimum property standards to assure the livability and durability of the mobile home and the suitability of the site on which the mobile home is to be located, and (2) to obtain assurances from the borrower that the mobile home will be placed on a site which complies with the standards prescribed by the Secretary and with local zoning and other applicable local requirements.

### *II. Recommendations*

1. NHC recognizes the contribution which mobile homes can make toward meeting our national housing goals, particularly among lower income families. The rapid improvements in the quality and living space of mobile homes—and the use of modular and other modern production techniques—have enhanced the usefulness of such homes, particularly since the cost of other housing has increased beyond the financial reach of families of modest means.

2. NHC recommends that necessary safeguards be established for mobile home parks which will assure that the mobile homes are located in an area that has adequate sanitary and community facilities; also, to assure that the mobile home parks are planned in a manner which is not inconsistent with sound urban development of metropolitan areas. In many cases, mobile home courts are built just outside the cities and just beyond the reach of present zoning and building code authorities. Yet, population growth will result in the expansion of metropolitan areas to embrace the areas covered by the mobile home parks. Accordingly, it is necessary that the mobile home parks conform to the long-range plans of metropolitan areas. Likewise, it is necessary to assure that the mobile homes meet appropriate quality and space standards.

## CHAPTER CC. EFFECT OF TAX REFORM ACT ON HOUSING

On December 30, 1969, President Nixon signed the Tax Reform Act of 1969 into law. There are several provisions in the Act that drastically alter current tax consequences associated with housing and real estate development; also, the Act adds an important incentive for the production of low and moderate income housing and its sale to the occupants. A summary of these provisions follows:

1. Accelerated depreciation—i.e., 200 percent of the straight line rate—will only be permitted for new residential rental housing. However, there are recapture provisions which offset the tax benefits upon a sale to the extent described below.

2. Any excess of accelerated depreciation over straight line depreciation will be subject to recapture for approximately 16 years 8 months instead of the present 10 years. These new recapture rules do not apply; however, to the Section 221(d)(3) and 236 limited distribution programs to serve low and moderate income groups. For these programs, the recapture rules of existing law are retained without change—namely there is no recapture if the project is held for ten years. Thus, the new tax law retains the existing tax incentives for such housing constructed to serve those of low and moderate incomes.

3. Subsequent owners of new residential rental property are divided into two categories: those who acquired used residential property with a useful life of less than 20 years and those who acquired used residential property with a useful life of 20 years or more. Those in the first category are limited to straight line depreciation while those in the second category may depreciate the property at a rate not to exceed 125 percent of the straight line rate.

4. The new tax law provides for deferral of gain upon certain prescribed sales of Section 221(d)(3) and 236 limited distribution projects. On these federally-assisted projects to serve those of lower incomes where the investor is limited to a return on his investment, the Government will now encourage the sale of these housing projects to the lower income occupants, a cooperative or other organization which will operate the property for their benefit. To qualify for the deferral of a taxable gain upon such a sale of a housing project, the owner is required to reinvest the proceeds in another lower income housing project. The taxpayer's basis from the old property, to the extent of the reinvestment, becomes part of his basis for the new property. This provision provides a necessary tax incentive for the production of low and moderate income housing and for its sale to or for the benefit of the lower income occupants.

## CHAPTER DD. PROGRAMS AND POLICIES FOR GENERAL APPLICATION TO HOUSING

1. *Equal Opportunity for Housing.*

(a) Throughout its entire life NHC has been committed to equal opportunity for all American families to secure good housing in good neighborhoods. It again reaffirms this position. Equal opportunity in housing is now the law of the land—both by statute and by court decree. Yet this opportunity is still denied to millions of American families throughout every section of the land because of their race, color, creed or national origin, or because of the myth which exists as to their desire, or ability to pay for and maintain good homes. To overcome this denial of opportunity and to dissipate these myths, an urgent task is facing the nation.

(b) NHC has long supported the principle of a competitive housing market open to free bargaining by all American families without regard to racial or ethnic background. Many localities have been limited in achieving this objective, however, because of inadequate supplies of low and moderate cost living accommodations and by the congestion of many minority group families in limited sections of the community. To provide an adequate supply of housing, it is necessary to raise production to a minimum of 3,000,000 dwelling units per year.

(c) We urge the president and the Congress of the U.S. to take all steps toward providing an equal opportunity for housing. This includes full and adequate appropri-

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ations for the administration of the fair housing program under Title IV of the Civil Rights Act of 1968. Of the $8 million requested by the President for fiscal year 1969, Congress only appropriated $2 million for such expenses of administration. $6 million has been appropriated for Fair Housing and Equal Opportunity for fiscal year 1970. We strongly urge the larger appropriations required for sufficient staff to effectuate fully the foregoing open-housing objectives of achieving equal opportunity for all American families to secure good housing in good neighborhoods. We urge the Administration to take all necessary additional actions to achieve this equal opportunity objective. Strong affirmative measures should be taken to enforce the fair housing rights contained in Title IV.

(d) We should provide an opportunity for freedom of choice in our housing program. The choice of individual or cooperative homeownership or rental housing and the choice of city, suburban, new town or country living must not be limited by race, color, or religion.

2. *Relocation.*

(a) When homeowners or tenants are being displaced for urban renewal or other government action, there should be a Federal grant to provide adequate payments as equitable compensation to pay not only their moving expenses, but also to help them obtain decent homes elsewhere. In the case of a displaced home owner the amount of the payment should be sufficient to enable him to obtain adequate housing, without limiting such payment to $5,000 as is now provided in the Housing Act of 1968.

(b) When a small business is being displaced through urban renewal or other governmental action, affirmative action should be taken to assist its relocation either within the urban renewal area or elsewhere. If it is to be relocated within the urban renewal area, there should be a policy to establish a rental for the small business which it can afford. In order to achieve this, an appropriate write-down should be made in the disposition of property under the urban renewal program. While it is recognized that there are allowances under the present legislation to cover the cost of relocation by a business which is displaced through urban renewal, we recommend this additional action to better assure the continuance of a small business that is being displaced. NHC also recommends the full implementation and use of the 1965 amendments to the Small Business Act for businesses which are being displaced by urban renewal or other governmental actions.

(c) NHC supports the Uniform Relocation Assistance and Land Acquisition Act, H.R. 14898, which provides for uniform requirements and Federal assistance to displaced families and indiivduals and business establishments. However, NHC suggests that the bill be amended with respect to family and individual displacement and relocation, to incorporate comparable provisions contained in Section 210 of the Housing and Urban Development Act of 1969, namely, that within the jurisdiction of the renewal agency there shall be an equal replacement of housing units for those demolished or removed. Pending the passage of the new Uniform Relocation Assistance and Land Acquisition Act, administrative action should be taken to eliminate conflicting procedures and requirements that now exist—and establish uniform and equitable requirements—in the urban renewal program, model cities program and highway program.

(d) NHC applauds Secretary of Transportation Volpe's recent declaration that no Federal aid will be approved for construction of highway, airport or mass transit projects until adequate replacement housing is provided for all families to be dislocated. The new Replacement Housing Policy contains the following provisions:

(1) Specific written assurance that adequate replacement housing will be available (built, if necessary) before the initial approval or endorsement of any project.

(2) Construction will be authorized only upon verification that replacement housing is in place and has been made available to all affected persons.

(3) All replacement housing must be fair housing—open to all persons regardless of race, color, religion, sex or national origin. In addition, all replacement housing must be offered all affected persons regardless of their race, color, religion, sex or national origin.

NHC also commends the General Services Administration for its announcement of a similar policy requiring assurances of the availability of adequate housing before new Federal buildings are located in any area.

(e) NHC deplores the recent HUD discrimination against relocation payments to displaced persons who seek new homes in cooperatives. Neither Section 516 of the Housing Act of 1968 nor the regulations promulgated preclude replacement housing payments to those seeking replacement housing in cooperatives. However, in a circular, HUD states that such payments may not be made to a displaced person moving into a cooperative. This discriminatory action should be stopped. NHC recommends that HUD should make replacement housing payments to displaced homeowners who seek to purchase a home in a cooperative.

3. *Uniform System for Computation of Incomes by HUD.*

(a) HUD should have a uniform system for computing incomes which could be used by all constituent agencies administering housing programs which involve income limits. To be equitable, income limits should allow appropriate deductions and exemptions like those long recognized and utilized in the public housing program. The Senate Committee on Banking and Currency recognized the appropriateness of such uniformity in its Report on the 1968 Housing Act: "Although the statute is silent on defining income, the committee is aware of the necessity for the Secretary to establish procedures to assure that fair standards and rules are followed within HUD for determining income (after allowable deductions) for eligibility of low or moderate income families or mortgagors under HUD's various programs. These procedures would apply to those who receive the benefit of subsidies or below-market interest rates to enable them to obtain occupancy, homeownership, or cooperative housing membership."

(b) At the present time, the methods of computing income differ in HUD, although the constituent agencies are administering comparable housing programs involving income limits. For years, public housing has allowed appropriate deductions or exemptions in computing the family income, such as:

(1) Deduction of $600 from the income of a secondary wage earner thereby recognizing that there is at least this amount of additional expenses in earning such wages, so the earnings do not represent a full increment to family income;

(2) Deductions for expenses for the care of children or sick or incapacitated family members when these expenses are necessary to permit the wage earner to be employed;

(3) Deductions for social security taxes and compulsory pension funds; and

(4) Deductions for minors or dependent adults.

(c) Although these deductions or exemptions are allowed in the public housing program, they are not recognized uniformly in the FHA program involving rent supplements or below-market interest rates under Section 221(d)(3) or interest assistance payments under Sections 235 and 236. In the interest assistance programs the 1968 Housing Act provides for the deduction from family income of $300 for each minor child and the elimination of the earnings of all minor children. Pursuant to the Congressional intent as evidenced by the foregoing quotation from the Senate Committee Report, FHA has allowed a further deduction of 5% of gross income to cover payroll deductions for social security and compulsory pension funds. However, FHA has not allowed other deductions of the type which have been long recognized in public housing. FHA should allow such deductions, particularly since the income limits in the interest assistance programs are now computed as a percentage of the local public housing limits.

4. *Rehabilitation in Slum Areas not Intended as Containment Program.* Rehabilitation programs for slum areas are not intended to be containment programs which would restrict present residents so that they must continue to live there. They should have an opportunity to move into other areas. The NHC goals contemplate development of new and rehabilitated housing in other areas which would be available for the low and moderate income families now living in slum and ghetto areas. To help assure achievement of this objective, we recommend enactment of legislation providing that no program of subsidy, aid, or assistance by any agency of HUD—including sewer and water facility grants, open space grants, community facilities grants, urban renewal programs, model cities programs, mass transit grants, and FHA insurance—may be carried on within any jurisdiction if a reasonable share of housing will not be available for low and moderate income families. Such legislation would help assure the development of balanced programs of housing in new areas into which the residents of slum and ghetto areas could move.

5. *Adequacy of Housing and Neighborhood for Low and Moderate Income Families.* Federally-assisted housing should provide adequate space and facilities and meet proper standards for comfortable living. The housing should be in a suitable neighborhood. In this way, we can improve the quality of life in Federally-assisted housing as prescribed in the 1968 Housing Act. The following are among the measures necessary to achieve these objectives:

(a) Better design standards in housing developments.

(b) Dwelling units which provide adequate space and amenities rather than minimum space and facilities.

(c) More housing units of larger size, with more bedrooms and bathrooms, in order to meet the needs of larger families.

(d) Adequate recreational and community facilities with swimming pools, day-care and pre-school centers, all designed to create good neighborhoods.

(e) Air conditioning whenever appropriate, which will encourage families and their children to remain in their dwellings and off the streets during hot summers.

Housing communities should be pleasant places to live. They should respond to the needs of the residents, with attention to their comfort, convenience, and recreation. By providing children and adults with good homes and with opportunities to engage in wholesome and constructive activities, we can create better communities and reduce juvenile delinquency and crime. With Federally-assisted housing that conforms to the foregoing criteria, we can achieve economic integration, both through initial occupancy and through the upward mobility and continued occupancy of families whose incomes increase.

6. *Uniform System of Tax Exemption and Tax Abatement.*

(a) In some HUD programs there is no requirement for real estate tax exemption or tax abatement. This is true in the new leasing program for the use of privately-owned housing for public housing purposes. It is also true in the rent supplement program for

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those of public housing incomes. Yet, conventional public housing projects are required to have tax exemptions and they pay only 10% of shelter rent in lieu of taxes. We previously recommended that conventional public housing projects conform with those other publicly-assisted programs which serve low-income families. This would be accomplished by permitting their payment in lieu of taxes to be equivalent to full taxes.

(b) There should be a more practical and consistent policy concerning the requirement for tax abatement on privately-owned projects which are Federally-assisted either with (i) below-market-interest rates, (ii) interest assistance, (iii) rent supplements, or (iv) leasing programs under public housing. Tax abatement should not be required on these projects, even as a means of offsetting the higher costs that prevail in some cities. Such tax abatement is often unavailable because of restrictions in state and local laws; moreover, the cities often face serious problems of inadequate tax revenues and are unwilling to grant tax abatement. Cost limits should be made realistic so that these private housing programs can function in high cost areas without requiring tax abatement.

(c) Where state and local governments grant tax abatements on housing projects which are Federally-assisted in the manner described above, there should be an annual Federal grant to reimburse them for their tax losses.

7. *Disposition of Federally-Owned Housing Projects.*

(a) FHA has acquired ownership of rental housing projects upon which defaults have occurred. When requested, FHA should either lease these projects to local housing authorities for public housing or make negotiated sales of these projects for cooperative ownership by low income or moderate income families. Also, sales may be made to public agencies or nonprofit or other properly motivated organizations which will use them to provide housing for low or moderate income groups. The housing should be sold at a price and with a mortgage term and interest rate—on the purchase money mortgage accepted by FHA—which would enable the property to serve these income groups at monthly charges which they can afford. When necessary, financing should be made available to rehabilitate these properties. Such properties should be eligible for rent supplements and interest assistance payments. These recommendations also apply to other federally-owned housing.

(b) FHA has also acquired ownership of single-family homes on which defaults have occurred. In the disposition of this housing, FHA should meet the needs of those of low and moderate incomes. The housing should be sold to them at a price and with a mortgage term and interest rate—on the purchase-money mortgage accepted by FHA—which would be within the financial reach of the low and moderate income purchasers. Priorities should be established for sales which would accomplish this purpose, rather than granting priority to cash sales or sales involving conventional loans, as these generally involve purchasers with incomes above those at the low and moderate level. Legislation should be enacted if it is necessary to establish disposition policies in accordance with the foregoing principles.

8. *Support for Increased Grants to Meet Cities' Needs.*

(a) NHC favors increased Federal grant authorizations to meet the needs of cities, many of which are facing financial crises. These Federal grants should include all of the following:

(1) Necessary increases in supplemental untied grants under the Model Cities Program which give cities an incentive to develop programs for the improvement of entire neighborhoods.

(2) Necessary funding of the authorization for supplemental untied grants under the New Communities Program of Title IV of the Housing Act of 1968 where a balance has been achieved economically and racially; such grants give public agencies an incentive to provide adequate facilities for such New Communities.

(3) Federal grants to reimburse state and local taxing authorities for their tax losses when they grant tax abatement on housing projects which are Federally assisted.

(4) Necessary increases in the authorizations of Federal grants: (i) for urban renewal; (ii) for water, sewer and neighborhood facilities; (iii) for open-space and urban beautification; and (iv) to meet other vital needs including those relating to health, education, training, welfare, mass transportation and other purposes.

(b) We recommend development of a three-year demonstration program of untied Federal supplemental grants-in-aid to be used by cities, countries and other local public agencies. This will help relieve their financial plight. This should be done in a manner which would provide incentives to them to promote national policies relating to housing and urban development.

(c) All supplemental untied grants—including those under this new proposed demonstration program and those under the Model Cities and New Communities programs—should be made available for use by cities, counties and other local public agencies for purposes determined by them, without Federal accountability or program supervision.

9. *Acceptance and Accumulation of Applications for Programs.*

HUD has discouraged the submission of new applications in programs where a backlog of unsatisfied applications exists. NHC is strongly opposed to this discouragement of applications for HUD assistance. Even when there is an unsatisfied backlog of applications, HUD should continue to accept applications. There is no better way by which HUD can learn the needs and demands for programs which it administers, so that it can document and support requests for necessary Congressional authorizations and appropriations.

10. *Construction Work and Employment in Ghetto Areas.*

Increased construction volume will require substantial increases in the work force. The large pool of untrained unemployed or under-employed within the ghetto is a large source of additional manpower. There should, therefore, be an effective program to accelerate the training of unskilled groups and to broaden their opportunities for employment in the construction industry. NHC recommends an adequate expansion of the training program of the Manpower and Training Administration of the Department of Labor, together with the full amounts needed as appropriations. We recommend the Outreach program of the building and construction trade unions which has enlisted thousands of disadvantaged and minority workers in skill training in their trades in 53 cities. We urge further extension of these training opportunities for such workers to advance toward skilled employment.

NHC endorses the provisions of the 1968 Housing Act which direct the Secretary of HUD to require:

(a) That opportunities for training and employment arising in connection with the planning, construction, rehabilitation, and operation of housing be given to lower income persons residing in the area of the housing and

(b) That to the greatest extent feasible contracts for work pursuant to the housing programs shall, where appropriate, be awarded to business concerns located in or owned in substantial part by persons residing in the area of the housing. If bonding is not available to such contractors or subcontractors, HUD should take necessary actions to enable them to obtain adequate bonds. HUD should initiate a program which would assure the availability of bonds to such contractors, with necessary underwritings or re-insurance as is now authorized to enable persons to get other types of insurance in high-risk areas where such insurance would otherwise be unavailable.

In the foregoing programs, we recommend that bids be invited from local contractors which have the participation of minority groups either in an ownership, executive management or direction capacity. In housing construction where the contractor or sponsor incurs additional costs because of utilization of untrained workers from ghetto areas, this additional cost should be recognized as a public cost, with reimbursement therefor by the Manpower and Training Administration.

In the 1969 Housing Act, there is an extension of these requirements to cover all HUD programs providing financial assistance in aid of housing, urban planning, development, redevelopment, public or community facilities and new community development. Section 3 of the Housing and Urban Development Act of 1968 is amended to require the Secretary of Housing and Urban Development, in the administration of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, public or community facilities, and new community development to require (1) that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of projects assisted under such programs be given to lower income persons residing in the project area, and (2) that to the extent feasible, contracts for work to be performed in connection with any such projects be awarded to business concerns which are located in or owned in substantial part by persons residing in the area of the project. Prior to this amendment, these employment and work opportunity requirements were only applicable to the administration of the Section 235 homeownership program, the Section 236 rental assistance program, the Section 221(d)(3) below-market-interest-rate program, public housing, and the rent supplement program.

11. *Full Employment.*

All Americans able to work and seeking work have the right to useful and remunerative jobs. NHC recommends the measures necessary to achieve full employment with earnings adequate to enable people to maintain decent standards of living. When employment is not available in the private sector or training is required to give people necessary skills to get jobs, NHC favors programs of government assistance designed to encourage and stimulate opportunities for full employment of our citizens.

12. *Support for International Programs for Housing.*

(a) NHC is aware of the critical housing problems elsewhere in the world, particularly in the developing countries. We urge continuation and expansion of our Government's foreign aid programs for housing in the developing countries, particularly cooperative housing to provide ownership by moderate income families as contemplated by the Foreign Assistance Act.

(b) Further, we urge our Government to support efforts: (i) to elevate the importance of housing in the economic development process by supporting efforts to establish, within the framework of the United Nations, a specialized international agency dedicated to solving the housing problems of the developing countries; (ii) to increase U.S. financial support to U.S. universities and other institutions for research and training problems to help solve these housing problems and supply the trained personnel so badly needed.

(c) NHC applauds the leadership provided by the United States in the adoption

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of a resolution by the United Nations giving emphasis to a pilot demonstration program for the improvement of squatter areas; also for support of the United Nations resolution concerned with the campaign to focus world attention on housing including consideration of an International Housing Year.

(d) NHC recommends enlargement of the investment guaranty program for housing by increasing the available guaranty authority and by extending the 100% guaranties to other appropriate areas besides Latin America. We recommend legislation providing for the encouragement of cooperative and other homeownership by low and moderate income families in the cooperating countries and for the utilization of financing assistance of the types which have been proven effective in our domestic programs, particularly the establishment of national savings and credit systems specializing in housing and related fields.

(e) NHC supports the proposal for the creation of an International Housing Finance Corporation, which would be associated with the World Bank or the United Nations Development Program, to facilitate the mobilization of capital and the development of housing programs, particularly in the newly developing countries.

(f) NHC applauds the resolution recently adopted by the United Nations giving high priority to housing, planning and building in the XXV General Assembly meeting later this year.

13. *Appropriation Authorizations.*

(a) NHC strongly recommends Congressional appropriations of adequate amounts for the administration of all HUD programs, including the additional funds which are required for additional staff to administer the many new programs contained in the 1968 and 1968 Housing Acts. These funds are urgently needed to meet the critical problems of our urban areas and the shortage of adequate housing for persons of low and moderate incomes. We further recommend all of the additional appropriations described elsewhere in this report.

(b) Advance appropriations to provide lead time for initiating and planning programs in all authorizations in appropriation bills providing contract authority or funds. The authorizations should cover the succeeding fiscal year in addition to the fiscal year involved in the appropriation act. Appropriation acts have previously adopted this practice for the urban renewal and mass transit programs. It is equally necessary that this be done in all other programs involving private enterprise as well as public agencies, and we are pleased that President Nixon has made such a recommendation for advance authorizations on the Sections 235, 236 and rent supplement programs. The same practice should be followed in all other housing and urban development programs. This will give more lead time for the planning and initiation of programs. Such a practice in the housing program will help avoid the past difficulties experienced as a result of uncertainties and delays in providing funds and commitments. Through advance authorizations for two fiscal years, there will be an uninterrupted flow of funds and commitments at an early enough time to permit advance planning and work in the initiation of housing programs. We deplore the action taken by the President in discontinuing requests for advance appropriations for the succeeding fiscal year on programs where this practice was previously established such as urban renewal.

14. *Workable Program.*

In order to remove impediments to construction of low and moderate income housing, NHC recommends repeal of the requirement for a workable program or local government approval of projects receiving Federal assistance. However, in localities without a workable program, the Secretary of HUD must first be satisfied that: (i) there is a need for the project; and (ii) its location will provide a satisfactory residential environment. The 1969 Act accepts this recommendation on several programs.

15. *Preparation for Post-Viet Nam Period.*

In preparation for the termination of hostilities in Viet Nam, NHC recommends that we be ready to provide for the necessary expansion of peacetime development in order to assure steady employment for those formerly in jobs supporting our forces in Viet Nam. This should include the long-delayed construction of housing and urban development, together with the production of all materials and equipment required therein. It should also include plans for the use of abandoned defense housing or other installations. In the post Viet Nam period, we should fulfill the housing needs of those families for which the national goal has not become a reality. This would implement the highest priority and emphasis established for this program in the Housing Act of 1968.

16. *Recommended Change in Budget Concepts Concerning Mortgage Purchases.*

(a) NHC does not believe in the new concept of the Federal Budget which initially reflects expenditures for mortgage purchases in the same way as it reflects expenditures for grants, even though collections on mortgages are later credited as offsetting income. If several billion dollars of mortgages are purchased and retained by a government agency, all of this initially appears as an expenditure in the Budget during the fiscal year when the mortgages are purchased. This has an adverse effect on many public interest and social programs which are dependent upon the steady flow of mortgage financing at reasonable interest rates. The Budget should reflect only the actual cost to the Government of purchasing and holding these mortgages—this would be the differential in interest between the rate of the mortgages held by the Government and the rate on Government borrowings.

(b) *If* the present Budget concepts are retained which initially treat mortgage purchases as an expenditure in its entirety, NHC believes that there should be active encouragement of the sale to private investors of participations in mortgages held by GNMA or other Government agencies. Upon such sales, the funds realized can and should be offset against the expenditures for the purchase of the mortgages.

17. *Availability of Land and Support of S. 3025.*

NHC recommends such measures as are necessary to help assure the availability of enough land, at reasonable cost, to achieve our housing goals. These should include the establishment of appropriate reserves of land for future use to provide the housing, public facilities and recreational areas required to meet these goals. To this end, NHC urges passage of S. 3025, the Urban Land Improvement and Housing Assistance Act of 1969, introduced by Senator Javits.

18. *Increases in Housing Costs.*

We deplore the inflationary rise in housing costs, particularly the spiralling increases in interest rates and prices of building materials such as lumber. It is urgent that action be taken to achieve a reasonable and stable level of interest rates and housing costs. When interest rates and housing costs increase, many people who need homes can no longer afford them—even though they could have afforded them previously when the interest rates and housing costs were at more reasonable levels. NHC strongly recommends that necessary measures be taken to stop these inflationary increases in interest rates and housing costs which adversely affect the consumer and jeopardize achievement of the housing goals established by Congress and the higher goals recommended in this report.

19. *Insurance for Ghetto Areas.* NHC recommends that when a home is purchased in a ghetto area and the mortgage is FHA-insured, necessary federal action should be taken to assure that the home owner obtains all hazard insurance required for his protection. Likewise, on cooperative housing in ghetto or central city areas, federal action is needed to assure the availability of hazard insurance at reasonable costs which reflect the lower losses and risks on such cooperative housing.

20. *Private Investment in Lower Income Housing.*

NHC urges the partcipation of private investors in programs to provide housing for low and moderate income families. NHC recognizes that the tax savings which result from current rules of accelerated depreciation on improved real property are essential to insure the continued flow of such equity funds into investment in low and moderate income housing. NHC opposes any change in such rules which would reduce the already too-low return from investments in housing for families of low and moderate income.

21. *Reduction of Monthly Mortgage Payments.*

With the recent increases in interest rates, people have been excluded from the housing market who need dwellings but can no longer afford them at the higher interest rates. Elsewhere in this report, NHC recommends measures to increase the flow of funds into the housing mortgage market and to make mortgage financing available at more reasonable interest rates. We are pleased that FHA has taken action which accords with the recommendation which we previously made to reduce the monthly debt service on mortgages by providing for level amortization payments instead of the higher initial curtailments of principal which were applicable to certain mortgage insurance programs—e.g., those under Sections 220, 221(d)(4) and 207. By reducing the debt service payments, the level amortization plan will reduce the monthly charges to the consumer and help offset the current high interest rates.

22. *Housing for Indians.*

(a) Low and moderate income Indian families living on Reservations have long been denied the benefits of FHA-insurance homeownership. Such Indian families have not been able to obtain FHA-insured financing on individual homes. Also, it is difficult for them to obtain FHA-insured multifamily housing, such as nonprofit rental housing and cooperative housing under Section 221(d)(3) or Section 236.

(b) There is a great need and market for FHA-insured homes on the Reservations. Many Reservations are now undergoing economic improvement, through increased mineral development and the location there of factories and other sources of employment. Special efforts are needed to bring to the Indans the benefits of programs intended to serve people of low and moderate incomes.

(c) NHC supports S. 3330 introduced by Senator Metcalf to extend the housing assistance available through the Farmers Home Administration to Indians who lease rural non-farm land from their tribe for use only as a homesite. Similar authority now exists where farm land is leased.

(d) NHC recommends that the rehabilitation grant program under Section 115 be extended to include Indian Reservations; and that grant procedures be revised to make the program available to low income rural families of Indians so they can renovate and repair existing housing.

23. *Payment of Prevailing Wages.* In programs involving FHA mortgage insurance on multifamily housing where payment of prevailing wages is now required by law, such prevailing wages shall be established and paid based upon the requirements of the Davis-Bacon Act relating to such housing construction in the area.

### CHAPTER EE. NEED FOR EFFECTIVE INSTITUTIONS, ADMINISTRATION AND FEDERAL-LOCAL RELATIONS

In itself, the enactment of adequate legis-

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lation will not achieve the goals set forth in these recommendations; nor will it meet the needs of the American people or the crises in our cities. Laws are *not* self-executing. It is necessary to assure the establishment of effective institutions, administration, and federal-local relations. NHC recommends that HUD take the following actions to assure the effective execution of laws relating to the programs under HUD's jurisdiction:

1. HUD should redefine its role to concentrate on major policies and on constructive ledearship in executing federal laws and to grant greater local autonomy to local governments and agencies in undertaking and operating projects involving HUD aid. NHC believes this HUD role would constitute creative federalism. The expenditure of federal monies should be subject to broad federal guidelines. Through the years, there has been a continuing increase in the burden and detail of HUD controls over local operations in the conduct of HUD-aided programs. All HUD controls should be eliminated which are not required by federal law. We will never achieve the volume and expedition required in programs authorized by the Congress unless there is a decentralization of responsibility to the local agencies involved. The local agencies can properly be held to account for their responsibilities under programs. There is no reason to assume that there is any less integrity and competence in local officials than in federal officials.

2. As to matters involving public agencies or others which now require prior HUD administrative approval, HUD should expedite programs by waiving such prior approval in cases where the public agencies or others will certify and proclaim that they have complied with all of the enumerated administrative requirements of HUD. Upon such certification covering all applicable administrative requirements, the public agencies or others should be allowed to proceed with their program, subject to post audit by HUD that the public agencies or others have conformed with their certifications.

3. HUD should accelerate processing, production and decision-making by federal and local officials and by participants in *all* HUD programs, including the establishment of time schedules for all actions required. There should be a time limit for submission of applications by local agencies and a time limit for HUD action in approving or rejecting applications. However, qualified applications should not be rejected because of technical or insubstantial reasons, lack of money or lack of a priority status according to a schedule established by HUD; likewise, applications should not be rejected in order to remove them from the pending work load.

4. After applications have been approved and allocations made, there shall be a time limit for contracting and execution. With respect to requirements for HUD approval after a contract or commitment is issued, there should be a recognition that HUD has a certain period within which to act; and, failing such action on matters requiring HUD's approval, the proposal to HUD shall thereby be accepted and considered approved.

5. HUD should act promptly in making allocations and commitments of all authorizations and funds made available by Congress. Such allocations and commitments should be based upon:

(a) The requests that are received within a designated time which meet the applicable statutory requirements; and

(b) The respective needs for the communities involved. There should be no impounding or holdback of funds. The money should be allocated and committed as quickly as possible. All monies should be made available based upon the qualified requests that are received within a prescribed time limit. The guideline should be the need for the program in the community involved.

6. HUD should simplify its regulations and conditions attached to HUD aid and eliminate the detailed controls over project development and operations. Such controls are overly burdensome, costly, and time-consuming. They discourage initiative and innovation. They are inconsistent with the achievement of the goals established by law and the larger goals recommended in this report.

7. HUD should eliminate conflicting policies and requirements among its different units, as applied to comparable programs. For example, the methods of determining incomes under the public housing program are different from those under the rent supplement, interest assistance and below-market-interest-rate programs.

8. Civic organizations and citizens' councils have an appropriate role in furnishing advice and recommendations. Where a municipal government has been established whose officials are elected by the voters, the elected officials should give full consideration to the advice and recommendations of such citizens organizations; however, the final responsibility for decisions should properly reside in the elected officials on such programs as urban renewal, model cities, and neighborhood rehabilitation. Otherwise, there will be a division of responsibility which will seriously impede the progress of these programs that are vitally important to the community.

9. To help achieve the housing goals and enlist all available resources, HUD should encourage full participation in its programs by cooperatives and other nonprofit organizations and local public agencies, in addition to limited-dividend sponsors and builders.

10. HUD should consult with representative groups of local public agencies and private participants in each of its programs to identify problems which impede their progress and to develop workable solutions. For this purpose HUD should establish:

(a) A federal-local committee on public housing and urban renewal; such a committee functioned effectively for years until it was discontinued.

(b) A federal-city committee on the model cities program.

(c) Like committees of representatives from the participants in each program; thus, there should be a restoration of the committee of representatives of cooperatives participating in FHA programs.

Each such committee would meet periodically to give HUD first-hand experience concerning the operations of the HUD-aided program involved. Such consultation should result in quick and realistic action in eliminating obstacles and solving problems. Otherwise, such obstacles and problems are long neglected, often because they are not known or because HUD does not get proposals for solutions from those directly engaged in the program.

11. (a) In Section 5, the 1968 Housing Act directs the Secretary of HUD to make a report to the Banking and Currency Committees early in calendar years 1969 and 1970 identifying specific areas of program administration and management which require improvement. The report will describe actions taken and proposed for the purpose of making such improvements, and recommend such legislation as may be necessary to accomplish such improvements.

(b) Many of our recommendations in these Resolutions cover areas of administration on which HUD is required to report to the Committees, pursuant to the following provision in the 1968 Housing Act: "Each such report shall include, but not be limited to, the following areas of program administration and management: uniformity and standardization in program requirements, simplification of program procedures, ways and means of expediting consideration of proposed projects and applications for assistance, the provision of more useful and specific assistance to communities, organizations, and individuals seeking to utilize the Department's programs, and ways and means of combining or otherwise adapting the Department's programs to increase their usefulness in meeting the individual needs of applicants."

(c) We urge HUD to take the actions recommended in these Resolutions relating to areas of program administration and management which require improvement and to report thereon to the Banking and Currency Committees.

### CHAPTER FF. CREATION OF HEALTHY ENVIRONMENTAL CONDITIONS

Housing must be in a suitable environment. We now suffer from the tragic and dangerous effects of air and water pollution and unsafe and inadequate waste disposal. Likewise, recent studies reveal that the high noise level of our cities may prove as deleterious as other forms of pollution. Yet, little has been done to alleviate these pollution conditions which are growing worse.

#### *I. Summary of existing legislation*

Before the overt public concern with our environment, Congress passed several significant pieces of legislation aimed at controlling the environment. A summary of the more important laws follows:

1. *Clean Air Act of 1963.*

This Act provides for an expanded and strengthened program. It authorized legal actions to stop air pollution. It also authorized matching grants to state, local and interstate agencies for programs of air pollution prevention and control.

2. *Motor Vehicle Air Pollution Control Act—1963.*

This Act directed the Secretary of HEW to establish standards on the emission of substances from new motor vehicles or engines which contribute to air pollution. The Act prohibited the sale, manufacture for domestic sale, or importation of any vehicle or engine not in conformity with the regulations and provided fines of up to $1,000 for each new vehicle or engine manufactured or sold in violation of the regulations.

3. *Water Quality Act of 1965.*

This Act requires the states to establish and enforce water quality standards for all interstate waters within their boundaries. If a state fails to take necessary action by June 30, 1967, HEW can act and set federal standards. The establishment of water quality standards is designed to prevent pollution before it occurs, since it is now possible to determine whether discharges of wastes and sewage cause unacceptable pollution in an interstate body of water.

4. *Clean Waters Restoration Act of 1966.*

This Act provides that a federal grant could pay from 30 to 50 percent of the construction costs of a sewage treatment plant. The higher grants are conditional on state participation in the financing of treatment plants and the establishment by the state of quality standards for non-interstate bodies of water within its boundaries.

5. *Air Quality Act of 1967.*

This Act enlarged the existing federal responsibility for air pollution control. In most cases the Federal Government will not step in unless the States fail to act. The HEW Secretary is authorized in time of "imminent and substantial" danger to public health from air pollution, to seek a court injunction to halt further emissions into the atmosphere.

HEW is also authorized to designate air quality control regions throughout the nation. It can provide full federal financing for regional control commissions to be established by state governors. HEW can enforce air quality standards in the control regions, if the regional commissions fail to enforce an air pollution plan that complies with guidelines for air purity prescribed by HEW.

The Act further requires the registration of all fuel additives with HEW. Fuel manufacturers are required to notify HEW of the type, concentration and purpose of all additives used in their fuels.

The Act provides that automobile exhaust standards can be issued only by the Federal Government, except for California, which is permitted to enforce its own more stringent standards.

### *II. Proposed Legislation*

Seven environmental quality bills drafted by the Nixon Administration were introduced in the Senate on February 18 to implement the President's February 10 Environmental Quality Message. They were entitled:

(1) Water Pollution—Research and Development;

(2) Water Pollution—Facilities Construction;

(3) Water Pollution—Enforcement;

(4) Solid Waste Disposal;

(5) Clean Air Act Amendments;

(6) Parks and Public Recreational Procurement; and

(7) Environmental Financing Authority.

### *III. Recommendations*

NHC concurs with recent pronouncements of President Nixon that: "It is literally now or never . . . A major goal for the next ten years must be to restore the cleanliness of the air, the water, the broader problem of population congestion, transportation and the like."

NHC believes that we should have a ten-year goal to end air, water and other pollution and create health environmental living conditions. However, it is imperative that we should not let our concern for environment replace our priority concern to fulfill our housing goals. We must avoid the tendency to replace priorities instead of fulfilling them. We must not be diverted from our commitment to meet the need to provide decent housing for all Americans.

### CHAPTER GG. MAJOR PRINCIPLES WHICH SHOULD BE OBSERVED IN HUD'S PREPARATION OF PROPOSED LEGISLATION AND IN ADMINISTRATION

In testimony before Congressional committees, Secretary Romney presented the broad outlines of a new housing and urban development law which will be recommended by the Administration. Among the objectives stated by the Secretary was a comprehensive consolidation and standardization of HUD programs. NHC has not been afforded the opportunity to review the proposed legislation so we cannot speak specifically concerning its provisions. However, there are several major principles which we feel should be observed in connection with this proposed new legislation—and in the administration of HUD programs—such as:

1. In any proposed revisions of income limits or subsidy formulas, there should be a recognition of the increases in the costs of housing—due to increases in interest rates and housing construction and operating costs—which have made it impossible for more people to obtain decent housing without Federal assistance. To enable assisted private housing to reach these people, it is necessary to establish more realistic income limits. NHC recommends that the maximum income limits for Federal assistance under Sections 235 and 236 be established at the median income in the locality, with adjustments to reflect different sizes of families. Likewise, the maximum amount of subsidies should be increased to enable these programs to reach the low and moderate income groups who now require more assistance as a result of increases in housing costs.

2. The provisions applicable to different programs should not be standardized by accepting the lowest common denominator and the least favorable terms of existing laws. For example, in these past Resolutions, NHC has recommended a uniform system for computation of incomes and for the allowances of deductions or exemptions in computing income in assisted private housing and public housing programs. There have been reports that the proposed legislation would eliminate deductions in computing income which are presently allowable in assisted private housing under existing laws or pursuant to recommendations in Congressional committee reports, such as: the deduction of $300 for each minor child; and the deduction of 5% of income to cover payroll withholdings for social security or compulsory pensions.

Moreover, it has been reported that with respect to public housing, the proposed legislation would eliminate deductions in computing income which are presently allowable in public housing. NHC recommends against the elimination of such deductions which have been recognized as being a fair and reasonable method to help assure that housing payments reflect ability to pay and allow a family sufficient remaining income for food, clothing and other requirements for a decent standard of living. As set forth in paragraph 3 of Chapter DD, NHC recommends that there be a uniform system for computing incomes in privately-assisted and public housing and that this system should allow appropriate deductions like those long recognized and utilized in the public housing program, in addition to those applicable to assisted private housing.

3. New uniform formulas for housing programs should not be imposed retroactively on existing projects when this will cause hardships and serious problems. Thus, as part of a program to introduce a uniform formula for determining an occupant's contribution to housing expense, there have been reports that the proposed legislation would require residents to make higher payments on existing projects. Where projects have been built and occupied with Federal assistance under either private or public housing programs, there is no justification to impose retroactive requirements which will compel the residents in these projects to pay higher monthly charges. These people moved into these projects in good faith under laws and regulations then in force. They should be allowed to continue in occupancy under those laws and regulations. Increases in their monthly charges will result in great hardships. Such widespread rent increases will further contribute to inflation and a rise in the cost of living for these families; also it will adversely affect the image and position of HUD and the local sponsors or housing authorities who are managing housing projects since the residents will feel that there has been a complete disregard of their needs and welfare. Any new formulas for determining monthly housing charges should apply to new projects which will be occupied in the future and should not be made retroactive to apply on projects already built and occupied.

4. Simplification and standardization should not be achieved through sacrificing and repealing statutory provisions which were found necessary as a result of past experience. There are real distinctions between programs which result from their essential differences and needs. Where existing laws recognize the need for special provisions adopted to the special requirements of a program, these provisions should be continued. Thus, while a formula of appraised value is appropriate for profit-making rental projects, it is entirely inappropriate and unworkable for multifamily projects to be owned by nonprofit cooperatives. In the case of a profit-making rental project, the appraisal formula includes a capitalization of net income. However, there is no net income on a cooperative ownership project where owners get their benefits through use at nonprofit charges. Congress recognized this and other differences in the factors involved in cooperatives and prescribed a workable appraisal formula known as "the value of the project for continued use as a cooperative." This formula was first enacted more than 10 years ago. It was again enacted in the 1969 Housing Act for other cooperative conversion programs. Experience demonstrates the need to continue this tried and tested formula for the appraisal of multifamily projects being acquired for nonprofit cooperative ownership.

5. Simplification and standardization should not be achieved by sacrificing and repealing special incentives in existing laws designed to encourage objectives which serve the public interest. In the 1968 Housing Act and in the Tax Reform Act of 1969, Congress included special statutory provisions to encourage the disposition of rental projects for ownership by the occupants—an objective of major importance to the public welfare. The provisions of these laws were carefully prepared to recognize the practical problems and incentives involved in converting housing projects from limited-dividend rentals to ownership by the occupants. These provisions were also designed to facilitate private investment in the National Housing Partnership and its sale of rental projects for ownership by the residents. In the effort to achieve greater simplification and standardization, there have been reports that the proposed legislation eliminates some of the special provisions in the housing laws which are necessary to achieve the foregoing objectives.

MEMBERS OF THE NATIONAL HOUSING CONFERENCE, assembled in Washington, D.C., for their 39th Annual Meeting, on March 8, 1970, pause in their deliberations, to pay tribute to members who, through death, wrote "30" to distinguished careers in housing, urban development and related careers, since last they met.

*WARREN JAY VINTON*, economist, planner, policy maker, administrator, and destroyer of conclusions based on false assumptions, was active in the affairs of the National Housing Conference from its inception to almost the hour of his death in November of 1969.

Every far reaching Federal housing act adopted in the public interest since 1931, bears the imprint of Warren Vinton. He was the economic and sociologic planner of the Greenbelt towns in the mid 1930s. As a pioneer in low-rent public housing he helped draft the Wagner-Stegall Housing Act of 1937. From 1937 to 1949 he served as Chief Economist and Planning Officer of the United States Housing Authority, and from 1949 to 1957 as First Assistant Commissioner of the Public Housing Authority.

Following retirement from Federal service he was named to the Board of Directors of the National Housing Conference. As Editor of the feature section "National Housing Statistics", he played a major role in making the HOUSING YEARBOOK an instant and continuing success.

Believing that public service begins at home, he served six terms as mayor of his community, Somerset, Maryland. His many services in the fields of planning and education in the Washington, D.C. area are legion. He was active in the affairs of the American Institute of Planners, which honored him with its Distinguished Service Award in 1964; and as a Board member of the American Society of Planning Officials.

For a period of four decades, Warren Vinton stood as a giant in the creation and execution of national housing and urban development policies. For decades to come America will still be trying to catch up to the far reaching plans he spelled out so carefully. His voice is stilled, but his challenges to the status quo, sometimes abrasive, always constructive in the public interest, will carry on.

Members of the National Housing Conference extend their deepest sympathy to his family, and express their thanks for being permitted to share so fully in the life of Warren Jay Vinton.

*CHARLES ABRAMS*, a founder of the National Housing Conference, who always insisted that achievements that fell short of the impossible were no achievements at all, died on February 21, following a long illness. His loss seems irreplaceable.

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Compassionate, articulate challenger of the status quo, innovator, writer, teacher, lawyer, administrator, and courageous activist, Charley Abrams made men think, and sometimes move toward social progress. This gentle man will long live in the hearts and minds of people everywhere who believe in the basic goodness, integrity and dignity of the human spirit.

The National Housing Conference shall be forever grateful to him, for sharing his countless talents with us. We extend our sympathy to his wife, Ruth, to his daughters and other members of his family, and we thank them for sharing him with all of us for so many short and exciting years.

*HARRY C. BATES.* For several decades Harry C. Bates was "Mr. Housing" of the American Labor movement. As Chairman of the AFL–CIO Committee on Housing, all programs cleared through him.

When a small group of people assembled in 1931 to create the National Housing Conference Mr. Bates was there. When basic program and policy decisions were made in the years that followed, he gave the final word as to the position of organized labor. His death in 1969 leaves a massive void.

Mr. Bates was President of the Bricklayers, Masons and Plasterers International Union of America, starting as an apprentice bricklayer in Denton and Waco, Texas. He rose through the ranks of labor, first through his local unions in Waco and Dallas, and then in 1920 he was elected Ninth Vice President of the Bricklayers International. Fifteen years later in 1935 he was elected International President. He was a member of the AFL–CIO Unity Committee, participated in all negotiations that led to the establishment of the AFL–CIO, and on December 5, 1955 was elected Vice-President of the merged organization.

Members of the National Housing Conference at their 39th Annual Meeting in Washington, D.C., on March 8, 1970, join Mr. Bates' countless friends in expressing their sense of loss at his death, and their deepest sympathy to his family.

*JOHN CARROLL.* Massachusetts was a first in housing because John Carroll decided in the 1920s that families of low income deserved a decent home in which to live.

As President and Manager of the Cement Masons Union he brought labor support to his efforts. Because of his interest he was named to the Boston Housing Authority, where he served for many years as its chairman. Later he served as Chairman of the Housing Committee of the Massachusetts State Labor Council, and Chairman of the Greater Boston Labor Council. He organized the American Federation of Housing Authorities which played a major role in the enactment of early housing legislation. He helped make sure that the National Housing Conference was reorganized in 1944, and moved to Washington as the principal proponent of housing in the public interest.

When John Carroll left this world last January 7, the national housing program lost one of its greatest and most effective proponents. There is no way to replace him.

*HERSCHEL KRIGER*, a member of the Board of Directors of the National Housing Conference, was a leader for good housing in his State of Ohio and in the nation. He was a distinguished attorney in Canton, where he represented the United Steel Workers of America. He was active in the American Arbitration Association and served on its panel of labor, commercial and educational arbitrators. In 1966 he received the American Arbitration Award, and in 1966 the Federal Bar Association Award. Mr. Kriger was Chairman of the Canton, Ohio, Housing Commission at the time of his death. Members of the National Housing Conference, assembled for their 39th Annual Meeting in Washington, D.C., on March 8, 1970, extend their deepest sympathy to the family of their valued member, Herschel Kriger.

A motion was also adopted to extend the sympathy of the Board of Directors of the National Housing Conference to Hon. Luis A. Ferré on the passing of his wife, Doña Lorencita R de Ferré, the First Lady of Puerto Rico.

Ferré was a former Director of NHC and was scheduled to address this conference. Mrs. Ferré died on Thursday, P.M., March 5, 1970.

*JOSEPH A. "JOE" NEVIN,* NHC board member and 30-year veteran for good housing for disadvantaged Americans, died suddenly of a heart attack on June 16, 1969. Having retired from full-time work a few years past, Joe still served as a consultant to the Newark (New Jersey) Housing Authority and as a sound Board member and a staunch supporter of the National Housing Conference.

Joe was part of the land and the people of northern New Jersey. Newark, Jersey City, Elizabeth—these were the cities housing the people he knew best and for whom his life was a living dedication. There were times when he broke away to see how other folk lived, but he always sent back cards saying that "San Francisco, Denver, St. Louis or Miami are good places to visit but I don't want to live here!" He lived where he wanted with his people in Newark. Joe Nevin never sought to be administrator—the head of an agency. He was the support man who did the work, who questioned and polished executive decisions, adding his own wisdom to program action.

He fled from accolades. This was true when he served faithfully the Federal Housing Authority, the State Housing Board of New Jersey (a competitive exam, he came out first), and the Newark Housing Authority where he supervised that city's early beginnings of a vast urban renewal program. Joe's concern was the people and what happened to them.

Devoted husband, nurse, housekeeper to his wife, Mary, who suffered a long illness, words do not fit to express the loss that is the burden of *Lou Danzig* and our many friends in the Newark Housing Authority. The National Housing Conference weeps for itself in his death.

Members of the National Housing Conference at their 39th Annual Meeting in Washington, D.C., on March 8, 1970, mourn his death.

## CUBAN-AMERICAN SOLIDARITY DAY

## HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. PUCINSKI. Mr. Speaker, today we have the pleasure of having Mr. Joseph R. Julia, president of the Cuban Crusade and a group of his associates visit Washington to call our attention to the fact that today is Cuban-American Solidarity Day.

Mr. Julia has prepared an excellent statement marking this observance, and I should like to place it in the RECORD today.

Mr. Julia's statement follows:

### CUBAN INDEPENDENCE DAY, 1970

Crusade 1970—Message honoring Cuban Patriots Jose Marti, General Antonio Maceo Y Grajales, and Gen. Generoso Campos Marquetti

His Excellency President Richard M. Nixon, and administration, Honourable Speaker John W. McCormack, Congressman Dante B. Fascell and Members of the House and Senate: May 20th—Cuban American—or Latin American Solidarity Day is the very first day of Hemispheric Brotherhood. In order to reflect the true sentiments of the majority of Cubans and Americans, who, once having refreshed their memories as to the real meanings of past hemispheric struggles of liberation and historical facts that remain unchallenged today, we expose them for the universe to hear and see. The United States and its people in joining the Cuban patriots in their fight for freedom against Spanish tyranny and oppression of those days, did not exact their pound of flesh and colonize Cuba, as has always been and still is the case when large and powerful countries have aided small nations in their so-called freedom wars. America, instead, rejoiced together with Cuba on May 20th, more than half a century ago celebrating their hard won Freedom and aided a new democratic nation to be born, by helping them during their liberation battles and after economically.

And today more than ever, it is necessary for our nation to point out to the world and its people, our record referring to, in all of our international dealings with any nation, small or large, we have always *liberated or aided to liberate,* but we have never colonized.

May 20th, Anniversary of the Republic of Cuba's Liberation Day is the first and best example of the United States' fraternal behaviour towards a hemispheric brother's liberation struggle. Latin-America should know and must recognize this historical fact today. It will serve them as a sure guide to the big truth in the present day's ideological struggle. United States is your brother and not your master. The same is true for the rest of the world.

The above statements are self-evident truths forgotten under the stress of battle against an ever-aggressive opponent, who specializes in propaganda trickery, and who has enslaved nations, utilizing the false colours of liberators.

In the name of Americans, Cubans, Latin-Americans, and the people of the world at large, we challenge our totalitarian foes to produce just one May 20th in their so-named Liberation Wars of freedom throuout the world.

In one word, they *cannot*.

May 20th, Cuban-American Day or Latin-American Solidarity Day is the actual Anniversary of American's foreign policy principles, *Liberate and Aid, as against Dominate and Colonize.*

Americans, our duty and moral obligation is to hammer home these truths to world opinion by celebrating May 20th adequately and transmitting its strong message hemispherically and universally.

May 20th, 1970—Joseph R. Julia, president—Cuban Crusade.

## TRIBUTE TO CONGRESSMAN WILLIAM ST. ONGE

## HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. HORTON. Mr. Speaker, I was deeply saddened by the death of our colleague, William St. Onge. I wish to join my colleagues in expressing my condolences to Bill's family and all who knew him.

The contributions that Bill made to society are well documented. It is a record of which all who knew him can be proud. As his "next-door neighbor" in the Cannon Office Building, his passing is a special loss to me.

Bill was born in Putnam, Conn., October 9, 1914, an area that he served for life. He graduated from Tufts College in 1941, and from the University of Connecticut School of Law in 1948. During World War II, he served in North Africa and Europe.

Bill devoted his life to public service.

He was a man intimately acquainted with his constituency. He served as mayor of Putnam, judge of the city court of Putnam, prosecutor of the city court of Putnam, chairman and executive director of redevelopment agency of the city of Putnam, a member of the board of education, judge of probate, and State representative.

Bill and I came to the 88th Congress together. Since that time, I developed a deep respect for his talents and legislative ability. He was reelected to the 89th, 90th, and 91st Congresses. He served ably on the Judiciary Committee and the Merchant Marine and Fisheries Committee.

I am thankful that I had the privilege to know Bill. I shall deeply miss him as a colleague and friend.

## A FATHER WRITES HIS SONS

### HON. ED FOREMAN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. FOREMAN. Mr. Speaker, I have received a copy of a letter written by Mr. Rich Sims, of Las Cruces, to his two stepsons, Ray and Jerry Boles, which clearly expresses the feeling of many parents and others as we view the so-called student unrest of a highly publicized, very small, disruptive, destructive minority among some of the youth today. I include it for the review of my colleagues:

> DEAR RAY AND JERRY: You have both been in my thoughts almost constantly in the past few days. This letter has been anticipated since the Kent State incident several days ago; however, the thoughts and feelings have been in my mind for years.
>
> How proud I am to be your step-father.
>
> Randy, you have been a good productive citizen since you got out of school and now you are serving our country in the U.S. Navy; and, Jerry, you have passed your physical and while waiting to serve your country, you're working and paying your own way.
>
> These dissident students who are directly responsible for most of the violence and disruptions here at home are proving very emphatically that they don't have the capacity to govern a free democratic country. Thank God they are a minority of the students, although even if they were a vast majority, the group would still be a small minority of this still great and free country. Have they become so self-righteous that they think they are the chosen ones who have finally come along to take over the government of the United States through violence rather than in the voting booth?
>
> "While they are feverishly working to undermine, destroy and then take over the country you guys are going about the business of being good Americans, just as your mother, stepmother, your dad and I have done—and our parents and their's before them. And that includes working to make this a more productive and progressive country through free enterprise and serving our country militarily to preserve our rights, your rights and your children's rights to choose, as free people, how this country should be run through the only proven way ever discovered—the ballot box, with peaceful and fair elections, where the majority not the minority, governs.
>
> "You guys are great. You know what it means to be an American and even though you may not understand everything that is happening, your confidence in the older generation gives you the patience to wait till your generation is the majority in the polling places.
>
> "When your dad and I were your age, we didn't fully understand all that was going on, however one thing we knew for certain was that other people, Godless people were, trying to take our great nation from us from without, and I could safely assume that over 90 per cent of the men and women in America would have gladly given their lives to protect it; tens of thousands did. Your dad fought all the way up the Western Pacific to Iowa Jima in the Marine Corps to preserve your right to be free to choose how this country would be run, and soon it will be your responsibility. We know you will do it well.
>
> "Now a few radical dissidents are trying to take our country from us, from within through violence. They are impatient, too unjust, too unfair to try and do so as free men should, through the electorate. They are like Hitler, they want to take it period, by force or by any other way.
>
> "The dissident is a different kind of enemy and he fights in different ways, but it is your time to protect this country, you must do whatever necessary to stop him and you must do it soon, or there will be no more freedom and no more majority rule. You and your children will live under a dictatorship of some kind.
>
> "Your dad and I fought and worked for this country, we will do it again if we have to. I don't think you'll need our help but if you do you can count on us 100 per cent.
>
> "We all love you; we are proud of you. We are glad you are not part of that misdirected group and we know we are in good hands—YOUR HANDS."
>
> RICH SIMS.

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# SENATE—*Friday, May 22, 1970*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord our God, draw near to us as we draw near to Thee. Create in us a clean heart and renew a right spirit within us, that we may strive with fresh purpose and renewed determination for the things which pass not away, but endure as Thou endurest forever.

Impart to us the grace to stand for what is right, the grace to treat others as we would have others treat us, the grace of charity that we may refrain from hasty judgment, the grace of compassion toward the weak, the grace to use power for moral purposes, and the grace to labor in season and out, for that kingdom of truth and righteousness whose builder and maker is God. Amen.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

## MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MCMILLAN, Mr. ABERNETHY, Mr. DOWDY, Mr. FUQUA, Mr. CABELL, Mr. NELSEN, Mr. BROYHILL of Virginia, Mr. HARSHA, and Mr. HOGAN, were appointed managers on the part of the House at the conference.

## THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, May 21, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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## ORDER FOR ADJOURNMENT UNTIL MONDAY, MAY 25, 1970

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon on Monday next.

**The ACTING PRESIDENT** pro tempore. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for the Senate to adjourn to 11:30 a.m. on Monday next.)

## THE CALENDAR

**Mr. MANSFIELD.** Mr. President, without in any way infringing upon the Pastore rule of germaneness, so that it will not be applicable, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 889, 890, and 891.

**The ACTING PRESIDENT** pro tempore. Without objection, it is so ordered, and the Pastore rule of germaneness, as requested by the majority leader, will not be affected by the action of the Senate.

## CENTRAL AND WESTERN PACIFIC TUNA FISHERY DEVELOPMENT ACT

The bill (S. 3176) to authorize a program for the development of a tuna fishery in the Central and Western Pacific Ocean was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

### S. 3176

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That this Act may be cited as the "Central and Western Pacific Tuna Fishery Development Act".

SEC. 2. The Secretary of the Interior is authorized to carry out, directly or by contract, a three-year program for the development of the latent tuna resources of the Central and Western Pacific Ocean. The program shall include but not be limited to tuna exploration and tuna stock assessment, improvement of harvesting techniques, gear development, biological resource monitoring, and an economic evaluation of the potential for a tuna fishery in such area.

SEC. 3. In carrying out the purposes of this Act, the Secretary of the Interior shall consult and cooperate with the State of Hawaii, the governments of American Samoa and Guam, and the Office of the High Commissioner of the Trust Territory of the Pacific Islands, educational institutions, and the commercial fishing industry.

SEC. 4. The Secretary of the Interior shall submit to the President and the Congress, not later than June 30, 1973, a complete report with respect to his activities pursuant to this Act, the results of such activities, and any recommendations he may have as a result of such activities.

SEC. 5. There is authorized to be appropriated for the period beginning July 1, 1970, and ending June 30, 1973, the sum of $3,000,000 to carry out the purposes of this Act. Sums appropriated pursuant to this section shall remain available until expended.

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–887), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE OF THE LEGISLATION

The purpose of the bill is to authorize the Secretary of the Interior to institute a 3-year program for the development of latent tuna resources of the central and western Pacific. In doing so the bill also would authorize to be appropriated for the period July 1, 1970, to June 30, 1973, the sum of $3 million to remain available until expended.

### BACKGROUND AND NEED FOR THE LEGISLATION

Although research programs indicate that the central and western Pacific Ocean is a potentially rich harvesting ground for skipjack tuna, harvesting techniques have not been developed to allow proper development. In September of last year a study group of professionals prepared a report for the State of Hawaii entitled "Hawaii and the Sea," a section of which discussed the skipjack as the "last great underdeveloped tuna resource in the Pacific Ocean."

In Hawaii the inefficient pole-and-line, bait-fishing method is still being used. Although purse seine methods are being used effectively in the eastern Pacific, they have not yet been introduced in the central and western Pacific. Different environmental factors will require extensive field trials to develop techniques suitable for those areas.

Testimony before the committee indicates that most of the Pacific island groups are hardpressed economically, and a catch of only 100,000 tons of skipjack tuna at today's prices would bring fishermen almost $25 million and processors almost $62 million. At retail level this would have a value of $100 million.

The bill proposes an investment of $3 million for a 3-year research program. By one calculation, the payoff in 10 years of operation—assuming an industry yield of even a modest 30,000 tons of skipjack a year having a retail value of $30 million—would be an astounding $100 for each $1 invested in research.

### COST OF THE LEGISLATION

The bill would authorize to be appropriated for the period beginning July 1, 1970, and ending June 30, 1973, the sum of $3 million to carry out the purposes of this act.

## U.S. FISHING FLEET IMPROVEMENT

The Senate proceeded to consider the bill (H.R. 4813) to extend the provisions of the U.S. Fishing Fleet Improvement Act, as amended, and for other purposes, which had been reported from the Committee on Commerce, with amendments, on page 6, line 21, after the word "years", strike out "1970 and 1971", and insert "1970, 1971, and 1972,"; on page 7, at the beginning of line 3, strike out "'1971'." and insert "'1972'."; on page 7, after line 3, strike out:

SEC. 9. The Secretary of the Interior, in consultation with the Maritime Administrator, other interested Federal agencies, and interested professional and industrial organizations knowledgeable about United States commercial fishing vessels and their operations, and other persons, shall conduct a study (1) on the need for, and desirability of, measures to make available at lower costs insurance for such vessels and their employees, (2) on means and measures to improve the design of United States fishing vessels and equipment to make available as much information as possible to lower the costs of constructing or remodeling such vessels, (3) on the need for, and desirability of, provision for trading in existing fishing vessels, (4) on means and measures for improving the safety and efficiency of existing fishing vessels, and (5) on the need for, and desirability of, authorizing the establishment of a construction reserve fund for fishing vessels documented under the laws of the United States for the purposes of promoting the construction, reconstruction, or acquisition of fishing vessels. The Secretary shall submit, through the President, to the Congress a report together with his recommendations not later than January 1, 1971. There is authorized to be appropriated $125,000 for fiscal year 1970 and $100,000 for fiscal year 1971 to carry out the purposes of this section.

And on page 8, at the beginning of line 3, change the section number from "10" to "9".

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

**Mr. MANSFIELD.** Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–888), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

### PURPOSE OF THE BILL

The purpose of H.R. 4813 is to extend and to broaden the construction assistance program under the United States Fishing Fleet Improvement Act to include reconditioning, conversion, and remodeling; increase the authorization for appropriation from $10 million to $20 million per year; provide for a class differential rather than the present individual determination, and eliminate several time-consuming provisions resulting in savings of time and administrative costs.

### BACKGROUND AND NEED FOR THE LEGISLATION

Existing law prohibits the documentation of a foreign-built fishing vessel as a vessel of the United States and the landing of its catch at a U.S. port. Accordingly, a U.S. fisherman must have his vessel constructed here, even though the cost is much greater than that of his foreign competitors. As a result the average age of U.S. fishing vessels is over 20 years while most foreign vessels fishing off our coasts are newer and more modern.

The United States Fishing Fleet Improvement Act was designed to assist in upgrading the domestic fishing fleet to improve its competitive position. This is accomplished by paying a construction differential subsidy equal to the difference between the cost of construction of the vessel in the domestic shipyard submitting the low bid and the estimated cost of constructing the same vessel in a foreign yard.

Since August 30, 1964, when the act was last substantially amended, 119 applications for subsidies have been received. Contracts have been signed for the construction of 32 vessels with subsidies totaling $19,646,000. Of these, 25 have been delivered and seven are under construction. Invitations to bid have been issued on three additional vessels.

### EXPLANATION OF AMENDMENTS

The effect of the first two committee amendments is to provide 1 additional fiscal year authorization for appropriation and to authorize the Secretary to accept applications for 1 more year. This was done in recognition of the fact that one of the 2 fiscal years, 1970, in the bill as referred to the committee is about concluded. It is in keeping with the recognized need for an adequate time period permitting the program to move forward in an orderly fashion.

The third amendment struck section 9 in its entirety and appropriately redesignated the remaining section. This section would have authorized the Secretary to make cer-

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tain studies. Your committee did not feel such specific study authority was necessary or warranted by virtue of the associated costs.

## WILLIAM "BILL" DANNELLY RESERVOIR

The bill (S. 528) to provide that the reservoir formed by the lock and dam referred to as the Miller's Ferry lock and dam on the Alabama River, Ala., shall hereafter be known as the William "Bill" Dannelly Reservoir was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 528

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in honor of late Probate Judge William "Bill" Dannelly of Wilcox County, Alabama, and in recognition of his long and outstanding service to his county, State, and Nation, and his leadership in the modernization of the Alabama-Coosa Waterway, the reservoir formed by the Millers Ferry lock and dam on the Alabama River, Alabama, shall hereafter be known and designated as the William "Bill" Dannelly Reservoir. Any law, regulation, map, or record of the United States in which such reservoir is referred to shall be held and considered to refer to such reservoir by the name of the William "Bill" Dannelly Reservoir.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–889), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of this legislation is to change the name the Millers Ferry lock and dam, Alabama River, Ala., to the William "Bill" Dannelly Reservoir.

GENERAL STATEMENT

The Millers Ferry lock and dam is part of the Alabama-Coosa River system. The lock and dam is located in Wilcox County at mile 142.2 on the Alabama River. The reservoir formed by the lock and dam will be 105 miles long. The current name is taken from Millers Ferry, a little settlement near the site. Construction was initiated in April 1963 and is nearing completion.

Probate Judge William "Bill" Dannelly, a native Alabamian, was born in Camden, Wilcox County, Ala., in 1911. Judge Dannelly died in January 1969. Throughout his life, Judge Dannelly was active in the civic, religious and political life of Wilcox County. Judge Dannelly was elected judge of probate of Wilcox County in 1958 and reelected in 1964. As chairman of the board of commissioners and Wilcox County industrial committee, he was successful in locating several industries in Wilcox County. Also he was a member of the board of directors of the Coosa-Alabama River Improvement Association and served as a member of eight delegations appearing before congressional committees to expedite the comprehensive development of the Alabama-Coosa River system.

ESTIMATED COST TO THE UNITED STATES IF LEGISLATION IS ENACTED

Enactment of this legislation will not result in any cost to the United States.

VIEWS OF THE FEDERAL AGENCIES

The Department of the Army, Department of Interior and the Bureau of the Budget offer no objection to enactment of this bill.

COMMITTEE VIEWS

The committee notes the role that Judge Dannelly has played in the development of the water resources of the Alabama-Coosa River Basin and considers it desirable and fitting to designate one of the structures in the river system in his honor. Accordingly, early enactment of S. 528 is recommended.

## CLIFFORD R. HOPE

Mr. DOLE. Mr. President, hundreds of tributes have been paid Clifford R. Hope, Sr., who passed away last Saturday.

As has been stated by both the majority and minority leaders, Cliff Hope was an outstanding American. As has been stated by the senior Senator from Vermont (Mr. AIKEN), Cliff Hope was a leader in America in the field of agriculture.

I ask unanimous consent to have printed in the RECORD two editorials eulogizing Clifford Hope; one, from the Kansas City Times of May 20, 1970, entitled "Cliff Hope Knew Agriculture," and the other from the Wichita Eagle of May 19, entitled "Clifford R. Hope, Sr."

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Kansas City Times, May 20, 1970]

CLIFF HOPE KNEW AGRICULTURE

For many years the name of Clifford R. Hope was almost synonymous with agriculture in Congress. During his 30 years in the House of Representatives, from 1927 until his voluntary retirement January 3, 1957, the Kansan who died Saturday at Garden City served on the agriculture committee. He was its chairman in the 80th Congress, 1947–48, and in the 83rd Congress, 1953–54. Other years he was the ranking Republican on the committee.

Mr. Hope served in Congress in the long period when farm legislation was a major issue and when the farm programs were in the process of development. Unquestionably, he was a leader in what was known as the farm bloc. As a representative of a major wheat area (Southwest Kansas) Mr. Hope became a student of government farm programs. Never vindictive and always quietly persuasive, he became so highly respected in the agricultural field that his legislative influence was magnified many times. Urban congressmen freely admitted they followed Cliff Hope's advice. Despite all the controversies, he managed to get along with members of both political parties and it was said that he did more to make farm legislation nonpartisan than any other member of Congress.

A few years ago a member of Congress was asked what criticism he had of Clifford Hope.

"He's too much of a gentleman," was the reply.

That criticism, if it could be called such, typified the general regard for the Kansan who worked long and diligently, but quietly, to get parity income for the nation's farmers.

The esteem in which he was held perhaps could be no more practically illustrated than recalling that Clifford Hope was elected to 15 consecutive 2-year terms to Congress, serving longer than any other Kansan in the House of Representatives.

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[From the Wichita (Kans.) Eagle, May 19, 1970]

CLIFFORD R. HOPE, SR.

Clifford R. Hope Sr., died Saturday night at Garden City after a life filled with accomplishment and service to others and honors.

He served this state and his nation in Congress longer than any other Kansan ever has—30 years. Had he chosen to do so he doubtless could have continued that service until the day of his death, for he was not only respected by his constituents, he was revered and loved by them.

During the dusty, drouthy 1930s Hope was ranking Republican on the House agriculture committee, and he was instrumental in conceiving and bringing to being the farm programs that helped to restore a measure of prosperity to stricken farmers. His agricultural expertise and his quiet but authoritative manner won him the admiration of his congressional colleagues, and the prestige that he enjoyed in the House has rarely been exceeded by any congressman from any state.

After his three decades in Congress, Mr. Hope returned to Garden City, and quickly helped to organize Great Plains Wheat Inc., an organization to promote use and sales of wheat over the world. He was its first president. He continued active in community and regional affairs until his disabling illness in February.

He served so long in Congress that many Kansans had forgotten his three terms in the Kansas House of Representatives, his Army duty in World War I, and his practice of law, which he gave up when he was elected to Congress.

He was powerful in the councils of the Republican party in Kansas, and at the time of his death was one of its elder statesmen.

Cliff Hope was a remarkable citizen whose presence in Kansas enriched our state, and whose wisdom in Congress enlightened its actions.

## KANSAS DEPARTMENT OF THE AMERICAN LEGION RESOLUTION ON CAMBODIA

Mr. DOLE. Mr. President, I ask unanimous consent to have printed in the RECORD a resolution adopted by the Kansas Department of the American Legion, in Topeka, Kans., on May 17, 1970, expressing wholehearted support for the action taken by President Nixon in Cambodia, on the basis it will shorten the war and permit the President to extricate us from South Vietnam.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 14

Whereas, negotiations with the North Vietnamese and Vietcong delegations in Paris for a political settlement of the Vietnam conflict have failed to produce any results whatever; and

Whereas, the enemy has not only greatly stepped up its offensive military action in South Vietnam, but has also expanded the area of its aggressive operations into Laos and Cambodia; and

Whereas, the enemy's intensification of the conflict in the whole of Indochina seriously endangers the success of our Vietnamization program and threatens the safety of the remaining American and allied troops in South Vietnam; and

Whereas, the President of the United States has initiated a program for the elimination of enemy sanctuaries presently enjoyed and utilized to a high degree, thwarting our efforts to achieve victory in Vietnam; now, therefore, be it

Resolved, that the Kansas department of the American Legion in regular convention assembled in Topeka, Kansas, May 17, 1970, that we express the wholehearted support of the American Legion of the President's decision to eliminate Communist military sanctuaries in Cambodia and we call upon the Members of Congress and the American

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people as a whole to give it the same support; and be it

Further resolved: that the American Legion urges the President to take further action, as and when he deems it essential to the safety of our troops in South Vietnam and to the successful prosecution of that conflict, to eliminate, by military action all enemy sanctuaries, installations and areas wherever situated that afford actual or potential bases for enemy action against our forces and those of our allies; and be it

Further resolved: that the necessary military action be taken for the sole purpose of hastening the cessation of fighting and inducing the acceleration of those political conversations that will secure a lasting and honorable peace.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## GAMBLE IN CAMBODIA SHOWS TREMENDOUS PROMISE

Mr. DOMINICK. Mr. President, one of the most knowledgeable columnists we have on Southeast Asian affairs today is Joseph Alsop.

This morning's Washington Post publishes a very good article written by him entitled "Nixon's Gamble in Cambodia Shows Tremendous Promise."

I have had an opportunity to read the article and I think it sets out a great many of the facts which have been subject to dispute by many people during the past few weeks, at least.

I believe that this editorial would be valuable in the CONGRESSIONAL RECORD. So that everyone will have an opportunity to read it, I ask unanimous consent to have it printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

### NIXON'S GAMBLE IN CAMBODIA SHOWS TREMENDOUS PROMISE

(By Joseph Alsop)

First, some facts:

Item: The South Vietnamese and U.S. troops in Cambodia have taken above 10,000 individual and crew-served weapons—or about two years of resupply for all the 101 enemy battalions in the southern half of South Vietnam.

Item: They have also taken above 11.5 million rounds of rifle and machine-gun ammunition—or about a year and a half's supply for all these enemy battalions in III and IV Corps.

Item: Of rocket, mortar and recoilless rifle rounds, they have taken well above 50,000—or enough for about 6,000 of the little attacks by fire which are customarily reported as great enemy "offensives" when they are bunched together in a "high point." By the standards of the high points of the last six months, the North Vietnamese have therefore lost the essential ingredients for over eight years of these pseudo-offensives.

Item: Some 7,000 enemy troops have also been killed, and 1,731 have been taken prisoner, against negligible U.S. losses and quite small South Vietnamese losses. In numbers, the enemy losses are nearly equivalent to the whole of one of the three North Vietnamese divisions Hanoi had stationed in the Cambodian sanctuaries.

To these remarkable totals far more could be added. But there is enough here, first of all, to prove that President Nixon's courageous gamble in Cambodia is currently being as grossly misrepresented as the enemy's desperate offensive at Tet, in 1968. One case is in fact the reverse of the other.

Tet was initially portrayed as gigantic disaster for the United States and its allies. In the outcome, it proved to be a gigantic disaster for Hanoi. As to the Cambodian gamble, although the final outcome must be awaited, it is currently being portrayed as a sad failure. Yet on the basis of the results to date, it promises to be the most brilliant feat of U.S. arms since the Inchon landing in Korea.

Almost better still it promises to be a brilliant feat of South Vietnamese arms. Here there is another irony. The same disaster-mongers who misrepresented Tet and are now misrepresenting Cambodia, used to have an easy way of spending a dull day. On such days, they would describe the cowardice and incompetence of the South Vietnamese 25th Division.

In the present offensive, this was the point division and its officers and men have fought with conspicuous courage and efficiency. But so far as one knows, none of the disaster-mongers has made a public apology to the ARVN 25th, or indeed to any of the other South Vietnamese troops who have been doing equally well. Yet the general excellence of ARVN's performance in Cambodia again ought to be news by any standard, especially in view of the President's Vietnamization program.

There are some pretty ugly things one is tempted to say about all this. But it is perhaps better to examine the reasons the Cambodian gamble now has such tremendous promise.

It will no doubt come as news to many senators, but the fact is that even the enemy's troops really cannot go on fighting without guns and ammunition. In Cambodia, we have now scooped up all the guns and ammunition and many other things that were destined to nourish the enemy's war in III and IV Corps for much more than a year.

Unless Hanoi can perform miracles of resupply, therefore, the war in the lower half of South Vietnam should now begin to wither away by stages. Genuine miracles will be needed to avert this result, moreover, because there is no doubt, any longer, that virtually all the supply for III and IV Corps has been coming by sea, through the Cambodian ports, for a very long time.

This is proved by the labels in the caches in the sanctuaries; and this lends enormous significance to another crucial fact. The President's gamble has decisively closed the Cambodian ports to the enemy, and it can be flatly predicted they will be kept closed, no matter what happens.

No increase of effort on the Laos trails can possibly compensate the enemy for the loss of Sihanoukville. This loss, in fact, should be even more upsetting to the Hanoi war-planners than their loss of far more than a year's supply for their units in III and IV Corps.

The North Vietnamese troops in Cambodia, finally, have been giving every sign of desperate disorganization, to the point of repeated disobedience of the anguished orders of the high command. Despite further misrepresentation on this head, moreover, there is no shadow of a present threat to Phnom Penh.

But the future of the Lon Nol government at Phnom Penh remains the uncertain factor. This is what makes it needful to wait and see whether the Cambodian gamble will finally fulfill all of its present promise.

## REPUBLICAN VIEWS, SENATE SPECIAL COMMITTEE ON AGING REPORT

Mr. PROUTY. Mr. President, the Special Committee on Aging annual report, filed last week, is being released today. The entire document deserves careful review by each Member of the Congress.

It is not inappropriate that it should come in May, proclaimed by President Nixon as Senior Citizens Month.

As ranking minority member of the committee, I invite particular attention to the minority views of Senators FONG, MILLER, HANSEN, MURPHY, FANNIN, GURNEY, SAXBE, SMITH of Illinois, and myself.

I ask unanimous consent that a condensed version be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit No. 1.)

Mr. PROUTY. Mr. President, the thrust of the minority report is twofold. It calls for: First, immediate action to improve and protect incomes of older Americans, and second, initiation of a new national policy to widen choices and opportunities for older persons to participate in national and community life.

Legislation to assure that none of the elderly shall suffer from serious want deserves highest congressional priority. Creation of a new older Americans income assurance program, upgrading of social security benefits, and more equitable tax treatment of persons past 65 are all recommended in the interest of decent incomes for retirees.

Congress likewise should face up to its responsibility to bring inflation, the most universal problem confronting retirees, under control.

We believe there is need, further, for a penetrating review of policies in aging by all elements of society.

The desire and ability of older persons for extensive participation in the mainstream of American life should be given new recognition. Outmoded 19th-century concepts of aging should be abandoned and replaced by new attitudes and practices toward aging and older persons.

Multiplication of choices should be our objective.

New doors should be opened for volunteer service by retirees who want to participate in second careers.

There should be a reexamination of compulsory retirement patterns and employment practices so that older Americans who want to work, either full or part time, will not be penalized.

As former President Johnson observed:

> In our Nation, there are thousands of retired teachers, lawyers, businessmen, social workers and recreation specialists, physicians, nurses, and others who possess skills which the country badly needs.
>
> Hundreds of thousands not yet old, not yet voluntarily retired, find themselves jobless becaues of arbitrary age discrimination . . .
>
> In economic terms, this is a serious—and senseless—loss to the Nation . . . But the

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greater loss is the cruel sacrifice in happiness and well-being which joblessness imposes on these citizens and their families.

President Nixon expressed the feeling of countless older Americans when he said:

> Our older citizens should have the opportunity to remain active, either in income producing occupations or in the voluntary organizations of their communities.
>
> As Oliver Wendell Holmes said at the age of 90: "The work never is done while the power to work remains. For to live is to function—that is all there is to living."
>
> I pledge the full resources of the Presidency toward encouraging greater opportunities for participation by the aged in all pursuits of this society.

We owe a great debt to our senior citizens for their contribution to this Nation's affluence. We should not hesitate in meeting that obligation by assuring that all are adequately cared for. Nonetheless, no group takes more seriously the late President Kennedy's admonition:

> Ask not what your country can do for you—ask what you can do for your country.

Too often the chance to respond to this challenge is denied to senior citizens, who, understandably, rebel at being declared useless when they reach 65, 70, or any other arbitrary age.

Relatively few countries in the world have human resources equal to those found among millions of Americans past 65. These persons are often highly skilled, fully capable of great contributions to themselves and their Nation.

In fact, fewer than one-fourth of the world's nations have total populations equal to the number past 65 in the United States. Only two South American and three African countries have populations so large. Only eight of the 29 European countries have so many people.

The voice of older persons, as heard in many Committee on Aging hearings, cries out for opportunity to make their vast reservoir of talents available. We believe each of them should be given unlimited choices to do so.

Such a new, affirmative response, coupled with improvements in incomes, can bring real meaning to the term "golden years." This will require imagination, study and dedication by people in all walks and stations of life. We believe this effort should begin now.

At the same time, we reemphasize that many older Americans simply cannot wait. Our first order of business should be assurance of decent incomes for all older persons.

### Exhibit 1

### Condensation of Minority Views of Messrs. Prouty, Fong, Miller, Hansen, Murphy, Fannin, Gurney, Saxbe, and Smith of Illinois

#### INTRODUCTION

Few challenges facing America in the 1970's are as important as a new policy on aging—one leading to decent living standards, independence, and meaningful retirement years for all older Americans.

Multiplications of choices open to each older person in his or her continuing pursuit of rewarding experiences is essential.

National policy should encourage older Americans to make full use of their growing potential for economic, spiritual and social involvement in family, community and national life.

Solutions to problems of senior citizens must relate to changing patterns in the aging process. Life expectancy will continue to lengthen, not shorten. Individual physical and mental abilities will grow, not decline. Reasonable needs for income to afford necessities and niceties of life will expand, not contract. Capacity and desire to take care of one's own needs, and demands for more diversified opportunities to do so, will increase, not diminish.

If society continues to ignore dynamic progress in aging, it will compound an already serious problem.

Creation of sound national approaches to aging will require many changes in attitudes. Imaginative and intelligent responses will be required by all elements of society, including senior citizens themselves.

Modification of retirement patterns and employment rules in recognition of expanding capacities and desires of many older Americans for active participation, full or part time, in the Nation's economic life should be a major ingredient.

Development of adequate community service opportunities for older persons whose retirement brings a desire for new socially oriented careers should play an important part.

Society's responses to individual needs at all ages should recognize that most people will grow old. One preventive measure deserving high priority is expansion of work opportunities for person who have not reached retirement age, but are denied jobs because of age. They are thus forced into situations which make their retirement years a prospect of social and economic deprivation.

Obviously improvements in Social Security, private pension plans and other sources of financial support designed to assure adequate retirement incomes are imperative. These should offer greater flexibility so as to increase individual options.

Achievement of a golden age in aging will take time. No one knows this better than the older American who has been misled by overly optimistic promises or suffered dashed hopes as he competes unsuccessfully with other demands on our Nation's resources.

The magnitude of the problem, however, is no excuse for delay. Certain actions should be taken now. As a minimum, therefore, we urgently recommend early action by the Congress which will look to:

1. Automatic cost-of-living increases in Social Security benefits to prevent hardships due to inflation.
2. Across-the-board increases in Social Security benefits.[1]
3. One hundred percent of primary Social Security benefits to older widows.
4. Major liberalization of the Social Security earnings test so as to prevent discrimination against those who continue to work, full or part time, especially those with relatively low Social Security benefits.
5. Upward adjustments, actuarially determined, in Social Security benefits for those who defer retirement beyond 65, so that their continuation in the work force will not be penalized.
6. An Older Americans Income Assurance Program offering income supplements to the elderly who otherwise would not be able to attain a decent standard of living or would be forced onto public assistance.
7. Medicare coverage for persons past 65 not presently covered and in need of such coverage.
8. Improvements in medicare service and financing which will reduce excessive burdens imposed by current deficiencies.
9. Updating of retirement income tax credit provisions of the Internal Revenue Code.
10. Exclusion, subject to a reasonable ceiling, of medical and drug expenses from older persons income subject to Federal taxation.
11. Adequate financing for research in aging.
12. Sound governmental policies which will help bring inflation, the most universally serious problem for older Americans, under control.

#### NATIONAL POLICY IN AGING—A LONG VIEW

If we are to achieve the valid objectives of today's older Americans and acceptable roles for those who grow old in the future, it is necessary to develop broad new national policies in aging that recognize how outdated are 19th century stereotypes of older persons.

Implementation of humane and realistic policies will require major changes in attitudes toward aging on the part of government, business, education and all other elements of society including older persons themselves.

Recognition must be given to the expanded ability of persons at all ages to participate as fully as they desire in the Nation's economic and social life and to the growing emotional need of people in their sixties, seventies, and even their eighties for involvement in the mainstream of life.

There should be a reversal of social and economic patterns which force millions of older Americans, usually against their wills, into situations of rejection and dependence.

Rejection as first-class citizens capable of full participation in the responsibilities and rewards of active life is incompatible with the competence which most older people can bring to the challenges facing the Nation.

Dependence for many older Americans is especially abhorrent when, as is often the case, such dependence means inadequate incomes and denial of even minimal social opportunities.

In a nation where demand for skills, wisdom, and experience increases almost daily, it is totally inconsistent to erect barriers which restrict opportunities for individuals possessing such talents from making them available as fully as possible, either for hire or as volunteers.

There should be compassion toward older persons in need, but few older Americans really want compassion. They want to receive what is their's by right. First among these rights is the right to choose.

Maximization of choices open to each older person should be the objective of a new national policy on aging—choices with dignity and independence to which all senior Americans are entitled.

It is to be hoped that the 1971 White House Conference on Aging will seriously address itself to this question. It can be especially important because it is unrealistic to assume that creation of maximum choices can come overnight or without a massive, concerted effort. We cannot, however, ignore immediate consideration of present impediments to decent opportunities for older Americans. Their problems are too serious, too important.

Obviously there is no meaningful choice when millions of older Americans, through no fault of their own, are unable to pay for the barest necessities of life. Correction of this situation deserves highest congressional priority.

There is no choice when individuals are forced against their wills to leave their employment at an arbitrary age without regard for their abilities or desires. Compulsory retirement policies need careful reexamination

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[1] Senator Miller notes that a 15-percent increase in benefits went into effect on Jan. 1, 1970, so that an automatice increase in benefits to keep pace with increases in the cost of living should be adequate, with exceptions to be covered by an Older Americans Income Assurance Program. (See recommendation 6.)

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by every individual and organization with responsibility for employment practices.

There is little choice in retirement when policies of employers and even Federal programs, such as Social Security, prevent or discourage individual efforts to supplement income with part-time employment.

It is not uncommon for persons to enter retirement with the prospect of 20, 25, or more years remaining in their lives. Most, if not all of these years, may be accompanied by a zest for living which mitigates against nonparticipation.

Many older Americans have concluded that part-time work is essential to their own happy retirement and have accordingly maintained or resumed a modified role in the work force. Many more, particularly men, have been denied opportunities for such participation because of employer attitudes, or have passed up what they regard as desirable opportunities because of their fears as to the effect such work would have on their Social Security benefits.

We believe it is accurate to say that a high percentage of those now past 65 believe a comprehensive review of the Nation's retirement attitudes is in order. We believe that such reappraisal, looking at all factors, including economic, social, physical, emotional, spiritual and psychological, should make full use of what retirees themselves think as well as the results of research in these areas.

Countless other items of significance to the future of aging and older Americans deserve review. The time to begin reexamination and changes of attitudes is now.

The next three decades, if available evidence is even partially reliable will see further increases in length of life, in physical and mental abilities, and in social and economic appetites among older people as a result of continuing progress.

Serious students of the physiology of aging predict that by A.D. 2000 average life expectancy may be 90 or 100 years. Some researchers suggest even more dramatic shifts. In a century such as this, with serious plans developing for trips to Mars, who can ignore the optimism of science?

If an increase of 20 or 30 years in life expectancy is accompanied by probably improved levels of health and physical-mental potentials at all ages, it is obvious that present attitudes in aging, particularly regarding the proper patterns of retirement, will be completely inadequate. There is serious question as to whether many are not already out of date.

Recent years have seen emergence of a curious paradox in aging. Better health and education are raising abilities of older persons to participate in the Nation's mainstream—and their desire to do so. Simultaneously there has been a marked increase in pre-65 retirement.

If this were proof of America's success in solving the retirement income problem, there would be no grounds for complaint. Such is not the case. If, on the other hand, it represents a failure of society to meet the needs of a revolution in aging, it takes little imagination to see that additional increases in life expectancy will but compound an already serious problem.

Data reviewed by this committee shows that much of early retirement is by persons with lowest incomes—lowest incomes both before and after retirement. Decisions of many persons to "retire" have resulted from loss of jobs and inability to obtain other suitable employment. More have been encouraged to retire by suasions of various retirement programs, reinforced by social pressures to quit, even though personally reluctant to do so. Many, both underprivileged and affluent, have been forced out of their life work prematurely by rigid retirement policies.

Many older Americans have been and are resentful of the negative compulsion applied to them by society during their sixties and seventies. They rightfully feel they should have more choices as long as they live and are capable of enjoying the responsibilities and rewards of life.

Successful response to the highly varied economic, social, physical, and psychological needs of tens of millions of older Americans requires study, thought and imagination. Expansion of choices for each individual should be the objective.

Complexity of the problem, however, in no way justifies delay in congressional action on problems that are obvious and immediate.

### SOCIAL SECURITY

As has always been the case, the greatest problem for older Americans is income. Large numbers of persons past 65 obviously do not have the money necessary to meet the costs of decent standards of living. Others have experienced severe losses in purchasing power because of inflation during the last 10 years. Many who retired in comfort now find themselves in or near straitened circumstances.

Our Nation's most immediate goal should be steps to assure all older Americans at least a decent minimum standard of living.

This effort calls for improvements in private pension programs, successful implementation of President Nixon's campaign to bring inflation under control, expansion of opportunities for individuals to supplement retirement income through their own efforts, and a variety of other measures.

Few congressional actions would have more widespread immediate effect, of course, than improvements in Social Security.

The recently adopted 15-percent increase in benefits is commendable, but it only represents a beginning in necessary upgrading of the Social Security system.

One improvement which minority members of the Committee on Aging and the Republican Party have long advocated is provision for an automatic cost-of-living increase in benefits to provide immediate response to rising price levels when they occur.

As when introduced first in the Senate by Senator Jack Miller of Iowa, such an automatic escalation in benefits requires no increase in the Social Security tax rates. It would obviate the game of "catch-up" which has characterized Social Security since its inception, a game in which beneficiaries have been consistent losers.

Adoption of this proposal would give assurances to younger potential beneficiaries that their benefits would be payable in amounts at least equivalent to the dollars they are paying in current taxes. This becomes important to the whole system's integrity as evidence grows of reluctance on the part of younger people to support rising costs of the Social Security program.

It is time to quit playing political football with Social Security and the needs of the aging. Too often past increases, actually amounting to no more than living-cost adjustments, have been voted by the Congress only after delay has forced many beneficiaries into inexcusable financial difficulties. Such increases could have been made automatically within the fiscal competence of the Social Security system when the aging needed them most rather than when they offered political advantage to Members of Congress. It is such immediate responses to needs of beneficiaries that is recommended through the proposal for automatic living-cost adjustments.

Precedent has been set for such a policy in other federally supported pension programs. Why should it not be extended at once to the mass of older Americans relying on Social Security?

While living-cost increases are important in modernization of Social Security, they are not a substitute for increasing the overall adequacy of the system in its design to provide income for older Americans. There is also need for across-the-board increases.[2]

The plight of widows and discrimination against them in the Social Security benefit structure likewise deserve prompt attention.

Elsewhere in this Committee on Aging report and repeatedly in those published in the past, it has been observed that no group among the elderly is subject to more severe economic handicap than aged widows. One contributing factor is failure to pay the same Social Security benefits to surviving wives as is paid to surviving husbands. Normally the latter receive 100 percent of primary Social Security benefit on the death of their spouse; the widow, however, receives only 82½ percent. There seems to be no excuse for such discrimination and we recommend its prompt correction.

Two other changes in the Social Security system are of pressing importance if we are to increase choices available to older Americans.

The first of these relates to limitations on earnings by a beneficiary.

Current limitations of $1,680 per year on the amount one can earn without penalty is totally unrealistic. The provision that a beneficiary lose only half of earned income between $1,680 and $2,880 is awkward and cumbersome.

The present limitation discourages many who would like to supplement pension payments with income from part-time work. In times of inflation this can be most important. The restriction virtually prohibits gainful full-time employment by others, often including those whose incomes are lowest and those who derive their greatest satisfaction from employment.

There is evidence the earnings limitation sometimes reduces the amount paid to those who insist on working. Without it, they would receive more money for the same work.

It should be noted, too, that while a person may receive large income from other sources without penalty, the earnings limitation applies as much to those receiving minimum Social Security benefits of $64 a month as to persons receiving maximum benefits.

In any event, this earnings limitation as now applied is seriously and properly objected to by older Americans. Its substantial liberalization would be a major step in increasing choices available to them. We recommend early consideration of such a change.

A second step which would increase choices open to Social Security beneficiaries would be through expanding the program's flexibility for those who choose to continue work after 65.

Without flexibility in the system, it is difficult for individuals to tailor it to personal situations they face in later years of life.

Some flexibility has been gained by changes which permit persons to elect receipt of benefits before age 65. Lower payments are received when such election is made.

When a person elects to defer benefits until age 66 or 68 or 70, however, he gains virtually nothing. Indeed, without increasing his benefits, he is actually required to pay additional Social Security taxes. The inequity of such a practice is obvious.

This discrimination against the person who desires to continue employment not only goes against the personal preference of many senior citizens, but also against professional opinion as to what is best for older persons.

We advocate consideration of improvement in the Social Security system which would permit realistic annual increments in benefits for persons electing to postpone retirement to ages beyond 65.

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[2] See footnote 1.

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### INCOME ASSURANCE PROGRAM

Important as improvements in Social Security may be, it must be recognized that they have their limitations.

For this reason we urge that Congress give most careful consideration to development of an Older Americans Income Assurance Program, outside the welfare pattern, which will assure at least minimum income, through governmental supplements, to all the elderly who otherwise would not be able to receive a decent standard of living.

Whether such a program should be completely financed and administered by the Federal Government, or involve a combination of Federal and State funds may be subject to argument. The fact remains, however, that some such approach appears necessary if this Nation is to meet its obligation that all older persons enjoy decent standards of living.

One such proposal was offered in the 90th Congress and with modifications again in the 91st Congress by Senator Winston Prouty of Vermont. Senator Prouty's bill, S. 3554, provides that there be a Federal supplement to bring the total income of each unmarried person over 65 up to $1,800 a year and each married couple up to $2,400. The amount of subsidy would be the difference between other income of the individual or couple and the $1,800 and $2,400 respectively.

Some mechanism such as this seems to be the one way that the problem of income inadequacy can be met at a cost in keeping with the willingness of younger people to pay the bill, and this is particularly true if financing occurs out of the general fund rather than through Social Security taxes.

As an income supplement program, the cost to the taxpayer would be substantially lower than that required by any effort to raise Social Security minimum benefits to comparable levels. This is extremely important because there appears to be little disposition on the part of the Congress to raise minimums to such levels in the near future. Congressional reluctance is undoubtedly inspired by the feeling of younger people who must pay the taxes necessary for any Federal program which is financed through Social Security taxes.

Senator William B. Saxbe of Ohio has approached it in another way by offering an amendment to the Administration's proposed Family Assistance Act which would provide for supplements to a minimum of $155 monthly for persons age 72 or over.

However desirable it might be to promise older Americans that their basic economic needs can be met through raising Social Security minimum benefits now to $125 or $150 a month or more, it is grossly unfair to do so. Nothing in the 35-year history of Social Security suggests that Congress will take such dramatic action, regardless of how badly it might be needed. The obvious reason that such promises are unrealistic is the cost and destruction of the concept of Social Security as "insurance" rather than a welfare program.

Sympathetic as they may be to the importance of caring for their seniors, young workers appear unwilling to pay the increased Social Security taxes necessary to support such minimum Social Security benefits. Their attitudes are reflected in the hesitancy of the Congress to pass such proposals.

It is a fact that many young Americans, struggling to meet immediate family expenses, are paying Social Security taxes greater than their Federal income tax liability. Simultaneously, as much as 40 percent of income subject to Federal income taxes is exempt from Social Security taxation, much of it in the hands of persons most able to pay.

For the present, however, the one approach which would be responsive to the needs of the aged and do so with a price tag which could be borne by the young appears to be that offered by an income assurance plan. This could help those who need help most without creating a windfall for those now able to take care of their own financial needs.

A general income supplement program would also serve the many persons not now covered by Social Security, such as some school teachers, State and Federal government employees, and others whose employment is not or was not covered in the past by Social Security. Large numbers of these persons are among those with lowest incomes.

Efforts to provide some protection to persons not covered by Social Security began in 1965 with the Prouty amendment which authorized payments in the amount of $35 monthly (now $46) to such persons age 72 and over who had no other pensions. Even with all the limiting amendments imposed by Congress on this proposal, the problem's magnitude is indicated by the fact that over 600,000 persons qualified. For many it was the only source of cash income.

It should be noted that an income supplement program, however devised, would have an advantage as a mechanism to eliminate abject poverty among the elderly because it would avoid unearned increments to persons, some of them wealthy, who are not in need.

This is why the total net cost to the taxpayer, important to favorable consideration for any proposal, would be much lower than a comparable Social Security minimum benefit.

### MEDICARE

After 3 years of operation, the Medicare program obviously is beset by numerous problems. Since these are now under examination by congressional committees with legislative responsibility in these areas, it is unnecessary here to review the numerous shortcomings which have been encountered. Even with Medicaid as a supplement, however, it appears necessary for revisions in delivery of medical care under programs supported entirely or in part by Federal funds to see that they more satisfactorily meet the most critical medical needs of the aged.

Financial and service delivery problems are making it increasingly difficult for Medicare to fulfill promises made for the program. Simultaneously there have been numerous complaints from beneficiaries because of service inadequacies. Difficult as the task may be, it is evident that attention first must be given to correction of these deficiencies as a prelude to broadening provisions of the law. Such revisions should recognize, however, that there are many serious unmet medical needs among the elderly to which careful attention should be given.

One problem of particular concern to us is provision of long-term care to older persons with varying degrees of disability and illness. We believe it imperative that Congress address itself most carefully to this problem so as to ease the heavy burdens now imposed by protracted terminal illness and highly expensive, irreversible chronic disease.

The percentage of older persons, whose disability and illness needs can efficiently be met through institutional care such as offered in homes for the aged, nursing homes and similar institutions, is small. None-the-less the cost of their care remains one of the most frightening possibilities facing older Americans and their families.

We recommend, further, that Medicare be extended to all persons over 65, regardless of Social Security status, who are in need of such coverage. Many persons not now covered have financial need as great as those who are beneficiaries. Financing of such coverage should come from the general fund of the Treasury, otherwise those who pay Social Security taxes will be paying for a program not primarily designed as "Insurance."

### TAXATION

One serious problem facing many older persons, as revealed repeatedly in Committee on Aging hearings, is that created by rising taxes.

There are at least two other areas which are clearly subject to effective Federal tax relief.

We recommend updating of retirement income tax credit provisions of the Internal Revenue Code. The retirement income credit section of the code was enacted in 1954. It established for certain retirees a tax benefit similar to that others have by means of the tax-free income they receive from Social Security. The retirement income credit was computed on the maximum Social Security benefit. By the language of the tax code, however, the tax base still stands at $1,524 which was the appropriate figure 8 years ago. Since that time there have been several Social Security increases, but no comparable adjustment in the retirement income credit provision. The Congress should consider updating section 37 of the 1954 Internal Revenue Code to provide as nearly as possible equal tax treatment for all retirement income.

We urge action further to simplify that portion of tax return forms related to retirement income credit in recognition of the fact that its present complexity results in many older persons paying taxes in excess of the law's requirements.

We also recommend that medical and drug expenses of older people, including those related to dental services, be made deductible subject to a reasonable ceiling, from income subject to Federal taxation. This could be a reinstatement of deductibility for persons past 65 as applied to Federal income tax prior to 1967.

### RESEARCH IN AGING

If our objectives for all older Americans are to be achieved with reasonable speed, the Nation needs facts—facts about the present and facts about what may be in the future.

We strongly recommend increased support, financial and otherwise, for immediate expansion of research in the field of aging.

Doubtless almost all basic and applied scientific research is of benefit to the old as well as the young. There needs to be more careful determination, however, of how the products of such research may be applied to the particular problems of those in middle and later years.

There is need, too, for more effective research directed specifically at the implications of age in order to develop realistic and flexible national policies and attitudes toward aging which can more satisfactorily meet the needs of people.

Obviously the Nation needs more distinguished scholarship such as the work at the University of South Florida, University of Iowa, Drake University, Duke University and the Ethel Percy Andrus Gerontology Center at the University of Southern California. That it be the sense of the Congress that such gerontological centers be encouraged has been called for in Senate Concurrent Resolution 24 introduced by Senator George Murphy of California for himself and other minority members.

Research obviously should range far beyond the physical sciences. Possibly the greatest need may be for research in the economic and social aspects of the aging phenomenon.

Practical research should also permit full expression by older Americans themselves about their problems, desires and estimates of what is needed for the future.

### INFLATION

No review of today's needs of older Americans would be complete without reference to

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the most serious and universal economic problem they face—inflation.

President Nixon deserves highest commendation for placing control of inflation at the top of his domestic objectives.

Any effort to preserve the value of the older American's fixed income should be applauded. We urge the Congress to give the President full support in this campaign.

Minority members of this committee have repeatedly taken the lead in recognizing that the most universal and serious sources of problems of older Americans is the massive loss of real income through inflation.

We have maintained, with wide support from economic experts, that control of inflation can only be achieved through Federal policies which are fiscally sound and by roll call votes of Members of Congress which are consistent with such policies.

We reiterate our concern for reduction in and postponement of unjustifiable or low-priority Federal expenditures. It is essential that those in control of the Congress face up to their responsibilities and put an end to rising public deficits and debt, which lay the foundation for inflation and high interest rates.

Previous minority reports of this committee have discussed how inflation injures the worker in factory, shop, office, or on the farm. The facts are too evident to require repetition here now. The truth is all citizens, save possibly the very rich, are hurt by rising living costs. None suffer more, however, than older persons.

### SUMMARY OF RECOMMENDATIONS, MINORITY VIEWS, SENATE SPECIAL COMMITTEE ON AGING

The following are the *Minority Recommendations, Senate Special Committee on Aging,* as they appear in the introduction of Minority views signed by Senators Prouty, Fong, Miller, Hansen, Murphy, Fannin, Gurney, Saxbe and Smith (Ill.):

1. Automatic cost-of-living increases in Social Security benefits to prevent hardships due to inflation.
2. Across-the-board increases in Social Security benefits.[1]
3. One hundred percent of primary Social Security benefits to older widows.
4. Major liberalization of the Social Security earnings test so as to prevent discrimination against those who continue to work, full or part time, especially those with relatively low Social Security benefits.
5. Upward adjustments, actuarially determined, in Social Security benefits for those who defer retirement beyond 65, so that their continuation in the work force will not be penalized.
6. An Older Americans Income Assurance Program offering income supplements to the elderly who otherwise would not be able to attain a decent standard of living or would be forced onto public assistance.
7. Medicare coverage for persons past 65 not presently covered and in need of such coverage.
8. Improvements in medicare service and financing which will reduce excessive burdens imposed by current deficiencies.
9. Updating of retirement income tax credit provisions of the Internal Revenue Code.
10. Exclusion, subject to a reasonable ceiling, of medical and drug expenses from older persons income subject to Federal taxation.
11. Adequate financing for research in aging.
12. Sound governmental policies which will help bring inflation, the most universally serious problem for older Americans, under control.

## ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. Metcalf) laid before the Senate the following letters, which were referred as indicated:

### PROPOSED CONVEYANCE OF CERTAIN FEDERALLY OWNED LAND TO THE CHEROKEE TRIBE OF OKLAHOMA

A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to convey certain federally owned lands to the Cherokee Tribe of Oklahoma (with an accompanying paper); to the Committee on Interior and Insular Affairs.

### PROSPECTUS FOR ALTERATIONS AT VIRGINIA HEATING, REFRIGERATION AND SEWAGE DISPOSAL PLANT, ARLINGTON, VA.

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Virginia Heating, Refrigeration and Sewage Disposal Plant in Arlington, Va. (with an accompanying paper); to the Committee on Public Works.

### PROSPECTUSES FOR PROPOSED ALTERATION OF PUBLIC BUILDINGS

A letter from the Acting Administrator, General Services Administration, transmitting, pursuant to law, prospectuses for proposed alteration of public buildings (with accompanying papers); to the Committee on Public Works.

## REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. McCLELLAN, from the Committee on Government Operations, with an amendment to the title:

S. 2763. A bill to allow the purchase of additional systems and equipment over and above the statutory price limitation (Rept. No. 91–893).

## EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Sam Harry Wright, of the District of Columbia, who was confirmed by the Senate on November 26, 1969, as the representative of the United States of America on the Trusteeship Council of the United Nations, to serve on the Council with the rank of Ambassador.

## BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. CRANSTON:

S. 3872. A bill for the relief of Leona Lopez; to the Committee on the Judiciary.

By Mr. FONG:

S. 3873. A bill for the relief of Corazon Q. Quimino; and

S. 3874. A bill for the relief of Narcisa Caban Cabbab; to the Committee on the Judiciary.

By Mr. PEARSON (for himself, Mr. Magnuson, Mr. Pastore, Mr. Hartke, Mr. Prouty, Mr. Moss, Mr. Cannon, Mr. Packwood, and Mr. Hatfield):

S. 3875. A bill to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose box cars owned by the United States; to the Committee on Commerce.

(The remarks of Mr. Pearson when he introduced the bill appear later in the Record under the appropriate heading.)

By Mr. JAVITS (for himself, Mr. Jordan of Idaho, and Mr. Miller):

S.J. Res. 203. Joint resolution on wage and price stability; to the Committee on Banking and Currency.

(The remarks of Mr. Javits when he introduced the joint resolution appear later in the Record under the appropriate heading.)

## S. 3875—INTRODUCTION OF A BILL RELATING TO RAIL TRANSPORTATION OF FREIGHT FOR THE DEPARTMENT OF DEFENSE IN GENERAL PURPOSE BOXCARS OWNED BY THE UNITED STATES

Mr. PEARSON. Mr. President, I am introducing today a bill for myself and cosponsored by the distinguished chairman of Commerce Committee (Mr. Magnuson), Mr. Pastore, all the members of the Special Subcommitte on Freight Car Shortages, Mr. Hartke—the chairman—Mr. Prouty, Mr. Moss, and Mr. Cannon, also Mr. Packwood and Mr. Hatfield, designed to meet the basic cause of the critical boxcar shortage that persists today, not only in my region, but across the Nation. The plain fact is there simply are not enough boxcars.

This bill would enlarge our Nation's overall boxcar fleet by arranging for the construction and purchase of boxcars sufficient for the needs of the Department of Defense, thereby releasing those cars presently in use by DOD. This measure is vitally needed, Mr. President, because the Department of Defense is holding cars at many shipping points across the country and paying quite substantial demurrage charges on them; while at the same time, grain is overflowing the elevators and spoiling on the ground in the midwest, while coal, perishables and other products are also waiting to be transported from points across the Nation.

Mr. President, national defense purposes undoubtedly require at times that cars be held at various shipping points. This is understandable and justifiable. Accordingly, this bill would provide adequate cars for such purposes, would ease their administrative burdens while also

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[1] Senator Miller notes that a 15-percent increase in benefits went into effect on Jan. 1, 1970, so that an automatic increase in benefits to keep pace with increases in the cost of living should be adequate, with exceptions to be covered by an Older Americans Income Assurance Program. (See recommendation 6.)

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saving taxpayers money. Not only would this represent a wiser expenditure of Government funds, but it could ultimately produce a net savings in the national budget.

The important thing, however, is that funds will be spent in a positive way—in an effort to alleviate the critical boxcar shortage rather than for continued payment of excessive charges in the nature of parking fines on cars which are so desperately needed, but which are sitting idle at various places throughout the Nation.

This bill, Mr. President, is not intended to prejudice any current efforts within the Congress or the Executive which are directed at other aspects of the boxcar shortage problem. There is a pressing need to establish proper rates, demurrage charges, penalties, and other regulations to increase boxcar utilization. But this proposal, which has received support from east and west, deals with the basic problem of inadequate boxcar supply.

Mr. President, within a few weeks, combines and harvest crews will be moving into the Kansas wheat fields; but as farmers and grain dealers across the Midwest are well aware, it will be a long time before this new crop reaches the market.

Unfortunately, however, this is no new problem to the people of the Midwest. The first case to be held before the Interstate Commerce Commission—docket No. 1–1887—was a petition by farmers in the Dakota territory complaining of inadequate boxcar supply.

In my State today, it has been estimated that the economic loss due to the boxcar shortage runs in the neighborhood of $100 million per year.

But Mr. President, the problem is no longer sectional; it is a national problem of awesome complexity which affects not only market price structures, but international trade as well. The problem today is no longer seasonal; it is year-round.

Mr. President, on June 24 of last year, I made a statement on the Senate floor indicating that during 1968 the Department of Defense paid out demurrage fines on the order of tens of millions of dollars, possibly even $100 million. Since that date, the figure, I am informed, has decreased. The overall supply of cars, however, has been worsening for years, as the following chart indicates:

PLAIN, UNEQUIPPED BOXCARS

| Date | Ownership | Serviceable |
|---|---|---|
| Jan. 1, 1958 | 685, 276 | 653, 060 |
| Jan. 1, 1960 | 655, 418 | 608, 275 |
| Jan. 1, 1962 | 609, 487 | 559, 588 |
| Jan. 1, 1963 | 578, 834 | 532, 469 |
| Jan. 1, 1964 | 543, 898 | 505, 273 |
| Jan. 1, 1965 | 508, 713 | 474, 632 |
| Jan. 1, 1966 | 473, 798 | 444, 485 |
| Jan. 1, 1967 | 454, 761 | 427, 404 |
| Jan. 1, 1968 | 427, 206 | 397, 501 |
| Jan. 1, 1969 | 404, 592 | 376, 957 |
| Feb. 1, 1969 | 403, 241 | 376, 007 |
| Mar. 1, 1969 | 401, 864 | 374, 459 |

Mr. President, given the present financial condition of most of our Nation's railroads, it is simply unrealistic to expect that the railroads will be able to build or purchase adequate numbers of boxcars sufficient for the transportation of the essential commodities of this Nation. Accordingly, I urge that the Senate redirect our Government's vital resources toward the improvement of a grave situation rather than toward the aggravation of a worsening dilemma. I urge the Senate to give the consideration to the proposal.

Mr. President, I ask unanimous consent that the bill be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. Cook). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 3875) to amend the Interstate Commerce Act in order to provide for the rail transportation of freight for the Department of Defense in general purpose box cars owned by the United States, introduced by Mr. Pearson (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

S. 3875

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Part I of the Interstate Commerce Act (49 U.S.C. 1, et seq.), is amended by redesignating section 26 as section 27 and by inserting before such section a new section as follows:

"National Defense Freight Cars

"Sec. 26. (a) The Secretary of Defense (1) shall arrange for the construction and purchase of such number of general purpose box cars (not less than 10,000) as may be necessary to provide for the transportation of all freight tendered to railroads subject to this Part by the Department of Defense and suitable for transportation in such cars, in general purpose box cars owned by the United States or in general purpose box cars provided in exchange for such cars owned by the United States, (2) may enter into such agreements with such railroads as are necessary to provide for the maintenance and most efficient use of such cars owned by the United States, including exchange agreements, and to provide for necessary rate adjustments in order to recognize the United States' capital investment in such cars.

"(b) There is authorized to be appropriated for the purpose of section (a)(1) the sum of $120 million, such funds to remain available until expended."

## ADDITIONAL STATEMENTS OF SENATORS

### JOHN GRAVES

Mr. McGEE. Mr. President, all of us are saddened by news of the death of Mr. John Graves. We on the majority side of the aisle, in particular, knew and loved John, an able young man who had served us well as assistant secretary of the majority. His, of course, was a familiar face and a pleasing personality for all of us, no matter which side of the aisle we occupied. That John Graves is gone at such an early age seems most unlikely, but it is true. I will miss him, as I am sure all Senators will. And I should like to express a sense of loss at his passing, and condolences to his wife and children.

### NOT EVEN A MINIMUM STANDARD OF DECENCY

Mr. AIKEN. Mr. President, over a month ago, Republican Senators attending our weekly policy committee luncheon heard a most moving address by the wife of one of the 1,529 Americans held prisoner by North Vietnam.

Without any formal vote or resolution, all of us vowed to help this noble woman and the other wives, parents, and families of these prisoners.

Every day since then we have called attention to the despicable refusal of the North Vietnamese to observe even a minimum standard of decency with respect to these prisoners.

Each day we have demanded that every resource of our Government and of various concerned international organizations be utilized to persuade the captor government to observe the prisoner of war conventions to which that government is a signatory.

Our topic is not new, and our prose is not original. It may be boring and repetitious to a few, but we know we speak for most Americans.

This is the very least we can do. The wives, the parents, the children of these Americans held prisoner have not given up hope. Nor can we.

### SHOES SUFFER, SAYS SENATOR SYMINGTON

Mr. McINTYRE. Mr. President, the sad plight of our American shoe workers is well known to all my fellow Senators. One man who has long recognized the problem is the senior Senator from Missouri (Mr. Symington).

Last night in St. Louis, Mo., in speaking to the United Shoe Workers of Missouri, men who have suffered just as dearly as those in my State of New Hampshire, Senator Symington called for a properly balanced policy which would protect these men and their employers from what is now certain economic downfall.

Senator Symington realizes that what is desperately needed is a policy of protection which is both fair to our own workers and fair to foreign manufacturers—a policy which would result if S. 3723, which I introduced, was to become law.

Mr. President, I ask unanimous consent that this extremely important and timely speech by Senator Symington be printed in the Record.

There being no objection, the address was ordered to be printed in the Record, as follows:

The Quiet Invasion

At the end of World War II, America emerged from four years of conflict as the most powerful trading nation in the world. Our economy was by far the strongest on earth; and our currency ruled all financial markets.

Europe and much of the rest of the developed world was in ruins; and political and economic collapse threatened many States.

It became increasingly clear that unless the United States poured massive economic aid into these countries in order to help them back on their feet, the active radical

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parties, including those directly connected with the Comintern, could well take over.

Accordingly President Truman launched an unprecedented aid program, the Marshall Plan, which was designed to underwrite the recovery of Europe; and from its inception in 1948 over 16 billion American dollars were funneled to that part of the world through this program alone.

Never in the course of history has one nation given so much so freely, and asked so little in return.

To say the Marshall Plan was successful would be an understatement. With this transfusion of our dollars, Europe recovered rapidly. Stability and prosperity returned to the point where today the European Common Market has assumed the number one spot as the leading trading power in the world—a position once held by the United States.

In effect, therefore, our country, the architect of Europe's new prosperity, has bankrolled the reconstruction of Europe at very great expense.

The same story is true with respect to what we did for Japan, beneficiary since 1945 of over three billion dollars in United States economic assistance. Today this small island nation is second only to our country in Gross National Product among the nations of the free world.

From 1958 to 1968 world trade doubled; and during the past two years there has been additional record growth; but industry in this country has not benefited from this expansion as it should; in fact, our own balance of trade abroad has been, and is, deteriorating rapidly. This diminishing trade surplus results from a steady increase in imports to the point where in 1969 the United States had by far the largest balance of payments deficits in its history—6.9 billion dollars, more than double any previous year.

Of course part of the negative balance of payments situation is due to inflation here at home; but the real source of the problem goes far beyond that. It is a matter of record that Europe and other countries, particularly Japan, through the establishment of nontariff barriers after they have made tariff agreements with us, have taken unfair advantage of the previously agreed upon trade policies; have for example created clever new impediments to the entry of our exports into their markets, which impediments enable them to circumvent said tariff agreements.

As a result, it is becoming steadily more difficult for this country to compete in various types of goods, not only on the world market, but right here at home; and the basic reason for this unfortunate condition is the soaring influx of cheap labor imports which this Government allows to come in from abroad.

As our own exports decline because of inability to meet price competition from overseas, and as our imports therefore rise, the result can only be less production here at home; and therefore fewer jobs.

In its effort to promote free trade, the United States has made every reasonable effort to reduce, if not eliminate, non-tariff barriers. Directly contrary to that "good neighbor" policy, however, the European Common Market, along with Japan and other countries, have been establishing new discriminatory arrangements which are designed primarily to cut off imports from the United States.

One is reminded of the story about the good Samaritan who came upon a man being attacked by thieves. Disregarding his own safety, he rushed to the aid of the stricken wayfarer, chased the assailants away, nursed the battered victim back to health, and then gave him fine garments to replace his tattered clothing.

When the victim had sufficiently recovered to resume his way, however, instead of thanking the good Samaritan for saving his life, clothing him, and nursing him back to health, he beat the Samaritan over the head and fled with all of the latter's possessions.

Maybe this story is not strictly applicable; but one now has the right to ask just how long can the United States of America continue to defend the free world, almost by itself, and in addition finance the free world, almost by itself; and at the same time agree to policies which allow these other countries, through the lower prices they are able to offer as the result of far lower wages, to take work out of this country; work which represents the opportunity for decent jobs for our own people?

No industry in the United States today feels the pinch of this unfair foreign competition more than does the shoe industry.

Although because of advanced technology manufacturers of American footwear still enjoy a substantial productivity edge over most of their foreign competitors, the far lower standard of living characteristic of the other countries which produce shoes automatically gives the latter a tremendous market advantage.

As illustration, labor consumes some 30 to 40 percent of the cost of shoe production in this country. But it would actually be illegal if American industry paid its shoe workers as little as they receive in all other competing countries.

Our nation today enjoys the highest standard of living in the world; and of this we should be proud indeed. The average wage of footwear workers in the United States is $2.29 per hour in mid-1969 according to the U.S. Department of Labor; and that is low as against the average industrial wage in this country.

Nevertheless Italy, our leading shoe competitor, pays its shoe workers only $1.04 per hour; and in Spain, another leading exporter of leather footwear, the hourly wage earned by their shoe workers would not buy a dozen eggs in this country. It averages 56¢ per hour.

Japan, the world's leading vinyl footwear manufacturer, is little better. Its shoe workers average 58¢ per hour.

Is it any wonder that American producers find it increasingly difficult to compete with this foreign production?

Based on the above facts, it is not hard to see why, during the ten year period from 1960 through 1969, there was no growth whatever in domestic shoe production; whereas the importing of shoes increased over 600%.

In 1969, 196 million pairs of shoes were imported into this country, an increase of 11.5 percent over the previous year. That figure represents 34 percent of estimated domestic production.

As all of us here tonight realize only too well, this rising tide of shoe production is having widespread ramifications on our shoe industry here at home; and because Missouri has always been, as it is today, one of the leading shoe producing states, this development is of special interest to our own communities.

The closing of American shoe factories more than doubled in 1969; and twenty-five percent of all such factories have shut down since 1947.

What this means we are actually doing through our trade policies, therefore, is importing shoes while we export jobs.

One result of such short-sighted policy is that many American shoe firms have set up manufacturing divisions in other countries, claiming they must do so in order to meet competition.

This policy of, in effect, exporting jobs not only affects urban and suburban areas: it has a direct effect on the prosperity of rural America; and these are the reasons why.

The shoe industry is largely made up of small and medium-sized manufacturing components. As example, more than 40 percent of all shoe production in the United States is located in towns of 25,000 or less; because as automation replaces more and more farm workers, many shoe companies have located in rural communities, where they have found available labor of the best type; and today thousands of Missourians primarily interested in agriculture work in these plants so as to supplement their farm earnings.

In 1968 there were approximately 92 shoe plants in Missouri; and a majority of these were located in rural counties. These plants accounted for over 21,000 local jobs, with a total payroll of some $20 million.

In many rural Missouri communities, a footwear factory is often either the principal or the only industry, and its closing could spell economic disaster for an entire town.

To further illustrate the negative aspect of this segment of our foreign policy, in the decade prior to 1968, the number of jobs in the production of footwear in Missouri declined 26 percent.

Today the role of the rural communities in our society has never been more important. We know only too well how overcrowded are our cities, how they suffer from grave ills which it will take careful planning and a long time to eliminate.

Continued farm-to-city migration because of lack of jobs can only aggravate these already serious problems.

By the end of this century America will be forced to accommodate an additional 100 million people. Where are we going to put them? What are they going to do? Should we not try to maintain those policies which will give them worthwhile jobs at decent wages; and spread that work around so we do not get a further concentration of the population in the large cities?

The small towns of rural America hold much of the key to the future of this nation; and therefore they, along with the rural communities which support them, should be maintained and developed.

What better incentive could there be to remain on one's land than the possibility of a good job near at hand?

It is because of the broad and basic policies which now face America that I do not understand how our present trade policy with regard to shoe imports can be justified.

Let us hope also that we can make major improvement in the quality and design of our footwear. If we look at the shoes our wives are wearing, the chances are good that some of them have been imported from Spain or Italy. As a noted professor of political economy stated recently: "While there is no quantitative proof available, I think it clear that such factors as prestige, value, style, and higher quality are becoming crucial determinants for imported goods in the affluent United States marketplace."

In addition, let us all do our best to improve even further the efficiency of American plants. Many of the European and Japanese plants often built with our aid, are very new and very modern; so we in turn should continue to modernize our own factories, thereby maintaining technological superiority.

There are some who claim also that there is a shortage of some vital skilled trades within the shoe industry, such as stitchers and cement lasters. Perhaps new training programs could re-train upward those presently employed in the industry; and also attract young men and women who will be important to the shoe production of tomorrow.

These structural adjustments will take time, however. In the interim, why should

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American wage earners suffer loss of employment? Why should not all Government policies now concentrate on preserving and improving our towns and cities? Why should an entire industry suffer so heavily because of competition from foreign plants often, in effect, built with your taxes and mine?

There must of course be some "balance" to protection policies. We do not expect or desire complete restriction. Perhaps the so-called "crawling peg" quota system proposed recently by Senator McIntyre of New Hampshire would be wise. Under this system, a reasonable base number of imports is set—say the number of pairs of leather shoes imported in 1967; and in the future the amount of imports allowed into this country would increase at a constant percentage, as the level of domestic consumption increased. Imports would therefore be permitted a share of the market, but would not drive domestic producers out of business.

By leaving a small corner of the market to imports, domestic industry would be stimulated by the competition, and would be sure of maintaining the high quality and design standards which have for so long been characteristic of its work.

In summary, it is time for the United States to take a more firm and logical position with respect to its trade policies. We can no longer afford to agree to unilateral policies which not only curtail our exports to other countries, but enable those countries to take over our domestic markets.

Who will deny that it is time to get our economy moving again; and what we need now from this Administration is action, not more rhetoric.

In that way we can do more than preserve our footwear industry and the jobs that go with it. We can increase production and thereby increase the number of available jobs.

Let us never forget that our citizens being employed, on the right basis from the standpoint of wages, hours, and conditions of work, is one of the greatest of all steps towards a strong America—and a strong America is the best hope on this earth for peace and prosperity.

## SUPPORT FOR PRESIDENT NIXON'S MOVE IN CAMBODIA

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Florida (Mr. GURNEY), I ask unanimous consent that a statement by him in support of President Nixon's move in Cambodia and a telegram from William G. Conomos, editor and publisher of the Orlando Sentinel, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### STATEMENT OF SENATOR GURNEY

Mr. President, in the past 10 days, we have heard, I think it is fair to say, a huge outcry from the Americans who oppose our presence in Cambodia. I disagree with much of what I have heard, but I am prepared to stipulate that much of the criticism of the administration's position is sincere and rational. Some of it, however, is hysterical and irrational; I have in mind the destruction of schools, the assaults on police, and the name-calling, referring to the President as a "murderer," for instance. We have heard, as I said, from the opponents of the Cambodian decision. We are now beginning to hear from President Nixon's supporters.

The Orlando Sentinel printed a petition in its Sunday, May 10, edition. As of May 21, the petition had been signed by more than 90,000. The paper informs me that many thousands of additional signatures have come in.

ORLANDO, FLA.

Senator ED GURNEY,
*Washington, D.C.*:

I have sent the following telegram to President Nixon:

"The following petition was printed in Sunday's Orlando Sentinel and has been reprinted since then in the Sentinel and the Orlando Evening Star:

" 'WE PLEDGE ALLEGIANCE—A PETITION TO PRESIDENT NIXON

" 'We, members of the silent majority, object to demonstrations and desecrations to our flag promoted by professional revolutionaries.

" 'The television networks are filled with interviews of people talking about being "turned off" and alienated from their country

" 'We, the undersigned, have been alienated, too. We are alienated by the unpatriotic rabble we see on our television screens.

" 'If you are going to listen, don't forget that we, too, are Americans.

" 'We want you to listen not only to the angry man but also to the loyal, taxpaying, concerned Americans who believe that change must come only through constitutional means—not by violence and threats of violence from a small minority who attract the television cameras.

" 'Our message to you is that we also want the war in Vietnam to end, but we think your decisions in Vietnam, Cambodia are in the best interest of America.

" 'Do not fail us now in the face of a mob brought to a frenzy by enemies of our country. (End petition)

" 'By noon today we had counted more than 25,000 signatures to the petition and thousands of others remained uncounted. We will forward these signed petitions to you in a few days.

" 'The people of central Florida—and I think the people of the entire nation—want you to know that those who shout the loudest should not cause you to waiver from your goals of seeking a just peace in the world and keeping America strong.

" 'The signers of this petition will not march on the White House, they will not rampage with rocks, they will not close down our institutions. They speak softly with confidence in our system of Government and with the knowledge that they are, indeed.

" 'The SILENT MAJORITY.' "
WILLIAM G. CONOMOS,
*Editor and Publisher, Orlando Sentinel.*

## EARL BURTON, NEW HAMPSHIRE'S SMALL BUSINESSMAN OF THE YEAR

Mr. McINTYRE. Mr. President, on Tuesday I called to the attention of the Senate the fact that President Nixon has declared this week National Small Business Week. At that time I stated that it is the many small businesses and not the corporate giants which form the real backbone of our economy. I also said that it is only through creativity and determination that small businessmen have been able to survive the vicissitudes of our economic life.

Such creativity and determination are no better exemplified than by Earl Burton from my own State of New Hampshire, who has been chosen Granite State Small Businessman of 1970 by the New Hampshire Advisory Council of the Small Business Administration.

Mr. President, I think it is symbolic that the man accorded this honor is not engaged in the manufacture of computerware or spacecraft components or other esoteric products, but in the rather unglamorous business of rubbish disposal. However, it is an important business since the collection and proper disposal of waste is an essential ingredient in solving the environmental crisis which is causing us so much concern.

Mr. President, the Small Business Administration's announcement of the award to Mr. Burton details how he built this business on hard work and determination. I ask unanimous consent that the text of the announcement be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

### NEW HAMPSHIRE SMALL BUSINESSMAN OF 1970, EARL BURTON, OF HUDSON, OWNER OF EARL'S RUBBISH DISPOSAL SERVICE

The New Hampshire Advisory Council of the Small Business Administration has chosen as Granite State Small Businessman of the Year 1970 Earl Burton of Hudson, owner of Earl's Rubbish Disposal Service. A special committee, headed by Donn Tibbetts of radio station WGIR, Manchester, announced its decision after reviewing several nominations submitted by members of the Advisory Council.

"This type of business is neither exciting nor glamorous," says Chairman Tibbetts, "but here is a typical small businessman who has been successful through his own determination plus a significant assist from SBA." The choice is timely, to say the least, now that the environmental crisis has spurred all conscientious citizens to demand action for a clean environment.

Earl Burton organized his business in January 1963 and registered his operation as Earl's Rubbish Disposal Service. He started with used equipment which he ran almost day and night without help.

In May 1963, Earl purchased a new truck and business increased so fast that, by July, it was necessary to hire one employee. During the first seven months of 1964, contracts exceeded total sales of 1963. Another new truck was bought in May 1964 and a second employee hired in June of that year. By contract and for a monthly income of approximately $3,000, Earl's collected and disposed scavenger from seven large industries, four important restaurants, and several homes in the Nashua-Hudson area.

Request for service kept increasing. Funds were urgently needed to acquire more equipment, especially large rubbish containers costing $225 each, to place on customers' premises for storage between collections. Earl also built a garage to store his trucks and equipment. Short-term notes in Nashua banks required high monthly payments. Earl Burton also owned a home on School Street, Hudson, where he lived with his wife and family.

In the fall of 1965, Earl's Rubbish Disposal applied for a loan from the Small Business Administration. His bank stated that it had "no interest in participating in this loan at this time." Part of the loan was to repay short-term, high-interest notes which often kill new small business. But Burton's service was increasingly needed and successful. Management was well qualified, collateral adequate, records accurate, ability to repay evident. The loan was approved on November 29, 1965.

Sales, assets and services have increased constantly since then. Earl's business seems assured as scavenger increases between four and ten per cent a year in the United States, and public officials applaud every good performance by private enterprise of scavenger collection and disposal.

## TO INSURE AN ORDERLY AND SAFE WITHDRAWAL

Mr. HANSEN. Mr. President, the former Ambassador to Italy and former Member of Congress, Mrs. Clare Boothe Luce, in an article published in the Honolulu Advertiser of May 7, commented directly on the Cambodian matter.

Mrs. Luce said:

> If American servicemen are to be brought safely out of Vietnam, no other course was possible.

She stated that 40,000 Communist troops "were lying in wait" in the Cambodian sanctuaries, to commence "ambushing and machine gunning our departing troops" during the continuation of the President's withdrawal plan, and to further massacre the people of South Vietnam.

This prospect, Mrs. Luce stated, made the Cambodian decision necessary "to leave the unhappy South Vietnamese even a fighting chance to survive after we pull out. It also means that we have to use every damn bit of fire power we have, including the bombing of North Vietnam, to insure an orderly and safe exodus of American forces. This is the course the President has taken: he has 'widened the war' in order to narrow it for our withdrawing troops and our left-behind allies."

Mr. President, I ask unanimous consent that the article and a brief news report concerning the comments of John M. Allison, a member of the University of Hawaii faculty, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Honolulu Advertiser, May 7, 1970]

### PRO-NIXON

For good or ill, under the pressure of public opinion, the goal of military victory in Vietnam was formally abandoned by President Johnson, when the bombing of North Vietnam was stopped in 1968, and official peace negotiations with North Vietnam were undertaken in Paris. Also under the pressure of public opinion, and still hoping the policy would convince the North Vietnam negotiators of his honest intent to end the war, President Nixon made the decision to withdraw our fighting forces, over a period of time and in an orderly fashion. That withdrawal was proceeding on schedule, when, last week, President Nixon resumed the bombing of North Vietnam, and entered "neutral" Cambodia militarily.

If American servicemen are to be brought safely out of Vietnam, no other course was possible.

From the very hour when the decision was made to renounce military victory, and end as soon as possible American involvement in the war, it should have been clear to all thoughtful Americans, that there were only three ways U.S. forces could get out; they could go like shorn sheep; they could go like beaten and bloody goats; or they could go like wounded, but fighting, lions.

To leave like sheep—peaceful sheep—meant that our forces would leave as the result of the conclusion of more or less successful peace negotiations in Paris.

God knows that Kennedy tried, and Johnson tried, and Nixon has tried, to negotiate any kind of peace that would leave South Vietnam, and Southeast Asia, free from Communist annexation, and would not destroy our image and influence in the free nations of Asia.

Statesmen of other nations all over the world were urged to use their good efforts to persuade the North Vietnamese to negotiate. (They tried and failed.) The bombings in the North were halted long ago. Cease-fires were repeatedly offered, and even unilaterally initiated. And the "neutrality" of Cambodia and Laos was respected, despite the fact that North Viet forces were using those countries as military sanctuaries.

All American peace efforts have been to no avail. History records that the sole peace proposals North Vietnam has ever been willing to entertain are the virtual surrender of U.S. forces, and the virtual capitulation of the South Vietnam government. Kennedy and Johnson and Nixon have all rejected this total-victory-for-Ho formula as the basis of a viable peace. (Here we should remember that President Kennedy, who sent the first military advisers to Saigon, also, in 1962, sent 5,000 marines to Thailand to prevent a North Vietnam threat to use that country as another military base for the Communist conquest of Southeast Asia.)

Today, in the light of the history of the long-deadlocked Paris peace talks, it is hard to understand what is in the minds of those who continue to blame Nixon—as they did Johnson—for a U.S. failure to "negotiate peace." One cannot help suspecting that they either lack the political guts to call for a total U.S. surrender, and to advocate communism for all Southeast Asia, or they are really ignorant of the long history of the efforts of three presidents to end the war honorably.

When the policy of gradual withdrawal—to which Nixon had committed himself—failed to break the deadlock in the Paris negotiations, the President was faced with a bleak and tragic prospect: if he continued to weaken American forces in Vietnam, long before the last man left, the withdrawal might turn into an American Dunkirk, and we might be driven out, like beaten and bloody goats, by the forces of Ho. These forces, 40,000 strong, were lying in wait, in their Cambodian sanctuaries, only 35 miles from Saigon.

Hanoi has never renounced its goal of military victory. What if they came down, like the wolf on the fold, ambushing and machine gunning our departing troops, as they gathered at staging areas, and marched towards air fields on their way home? The bloodiest rout in all American history. And what would happen then to the loyal Vietnamese? Does anyone doubt that they would be massacred by the thousands? One only has to remember how the North Viets treated the men, women, and children of Hue when they "liberated" that unhappy city.

Nixon has refused to take this risk of an American Dunkirk.

Those who can stomach the idea, and who may even view it as a happy end to the Vietnam war, should have the guts to say so.

Only one course remained that could hope to insure the safe withdrawal of our troops—to go out like lions—wounued, but nevertheless, fighting. This meant, inescapably, cleaning out the Cambodian sanctuaries of the Vietnam enemy, lest he be tempted to seek the definitive military victory he has always demanded, by wiping out all Americans left in South Vietnam, and swarming like locusts over that unhappy country.

And no other course now can hope to leave the unhappy South Vietnamese even a fighting chance to survive after we pull out. It also means that we have to use every damn bit of fire power we have, including the bombing of North Vietnam, to insure an orderly and safe exodus of American forces. This is the course the President has taken: he has "widened the war" in order to narrow it for our withdrawing troops and our left-behind allies.

The President knows what brave and intelligent men have always known—that the only way out of a dangerous situation is to go right through it.

He also knows—he has said it himself—that his decision may cost him the presidency.

He is being supported, in this tragic hour, by former President Johnson. And no one with an iota of historical sense can doubt that Eisenhower and Kennedy, if they were alive, would also support him. And so would Lincoln and Churchill, who were also villified and ridiculed and burned in effigy by their own countrymen, for seeking to defend their nations.

I dare to hope that the majority of Mr. Nixon's countrymen will also support him, since the average American, thank God, does not have the vast conceit and arrogance it takes to insist that he knows better how to defend the nation than four presidents.

So let it be Johnson's war and now, Nixon's war. It will turn out better for us, by far, than the peace that men like Dr. Oliver Lee, of the UH, and Jerry Rubin, and their ilk, seek for our nation.

As for the Fulbrights, the Javits, the Goodells, and the Youngs, who must ride in office on the crest of the liberal left waves in their constituencies, one can only regret that they prefer to read "Profiles of Courage," rather than showing them, as President Nixon has done.

CLARE BOOTHE LUCE,
*Former Ambassador to Italy*
*and Member of Congress.*

### CLEVELAND'S WIRE TO NIXON IS CHALLENGED

A former diplomat, now on the faculty of the University of Hawaii, has challenged University president Harlan Cleveland's telegram to President Nixon opposing the move into Cambodia.

John M. Allison, director of the University's Overseas Career Program, sent the following telegram to Nixon:

"As a retired American ambassador to Japan and Indonesia, a former assistant secretary of state for Far Eastern affairs and a present member of the faculty of the University of Hawaii, I wish to disassociate myself completely from the telegram sent you by President Harlan Cleveland of the University.

"Having spent well over 30 years working in the field of American relations with Asia, I seriously question Mr. Cleveland's statement that 'this campus is so closely in turn with the fundamentals of American relations with Asia' and his using this alleged fact as a justification for his telegram.

"All of us are disturbed and anxious about the situation in Cambodia and all of Indochina, but I doubt that any of us at the University of Hawaii have enough knowledge about the tremendously complicated situation in that unhappy land to justify our attempting to put public pressure on our President."

## INDEFENSIBLE CAMPUS VIOLENCE

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Florida (Mr. GURNEY), I ask unanimous consent that a statement by him entitled "Indefensible Campus Violence" and a telegram signed by more than 750 Floridians be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### STATEMENT OF SENATOR GURNEY

Mr. President, in recent days, the Nation has been experiencing an almost unprecedented wave of protest about our presence

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in Cambodia. Most students in colleges have behaved rationally—regardless of their views on Cambodia. But there has been another side to the protests. A sizeable bloc of students have taken to the streets and have committed criminal acts, supposedly as a form of protest. I find this criminal conduct reprehensible and indefensible: I think it is incumbent on all of us in Congress, regardless of our views on Cambodia and Viet Nam, to do what we can to halt this violence. We can begin to do that by labeling criminal acts as criminal acts. It is insanity for these youth to think that they can influence Government policy by burning down ROTC buildings or by committing felonious assaults on policemen. We cannot and should not sympathize or attempt to justify such violence in any way. We must condemn it—promptly and emphatically.

I have received a telegram signed by more than 750 Floridians which emphasizes my point: these Floridians are upset—and rightfully so—at the disruptions which the handful of revolutionaries and malcontents are visiting on our campuses today and the harm they are doing to their fellow students.

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WAUCHULA, FLA.,
*May 13, 1970.*

EDWARD GURNEY,
*U.S. Senator,*
*Senate Office Building,*
*Washington, D.C.:*

We the undersigned citizens and taxpayers of the State of Florida wish to protest the apparent dictation of a few militant students at our State universities. We firmly believe the vast majority of students at these universities would prefer to be left alone to pursue their educations and that State officials and university administrators should recognize their rights and the rights of the people who pay the bills for the universities. We respectfully request an investigation of the sources of these disturbances. Are they fueled by militant professors, professional outside agitators or out and out subversives?

Concernedly,

Joseph A. Mancini, Dewey E. Whidden, Sr., Margaret S. Wefford, Doyle E. Carlson, Jr., Ann Sasser, Willie Senterfitt, Erura P. Gilbreath, Joyce M. Sutton, Don Henry, Billy Laypot, Virgil P. Weed, William H. Perdue, Emory L. Burnett, Linda Lauhon.

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Talmadege Jowers, Ralph Smith, Ruth Thomas, C. A. Rief, Jr., Samuel L. Osenbenger, Earle Micjerson, Audrey Gace, Faye Crawford, M. M. Carlton, Kay Blackmon, Carrie Slaughter, M. M. Moye, R. L. Mushrush, Edward Thompson.

Robert Mushrush, Joe Carlton, John D. White, Gary Mills, David Barrett, Letha Codry, Lucy J. Rhodes, Ralph H. Rhodes, Glenn S. Slaughter D. R. Harman, Mrs. Jimmy Hanchey, Mavis H. Conerly, Dayree Grimes.

J. W. Bennett, Joe Hanchey, Mrs. Jack Soles, James Watts, Mrs. Mabry Carlton, S. M. Goodwin, Hilah H. Cchrane, Mrs. Theron Royal, Mrs. S. M. Goodwin, Caudie Smith, Mrs. Catherine Garrison, Mrs. O. K. Norris, Mrs. W. R. Fewox, Jr.

Sam E. Holland, Martha Holland, Mrs. G. A. McDonald, Mrs. Dorothy Sates, Mrs. Geraldine Cogbun, W. B. Gaerett, Betty Bennett, Ethel L. Webb, Chas Perry, Irene Gramling, Jack Gramling, Mrs. Carolyn Gilliard, Maurice Gilliard, Julius Peters.

D. J. Cowart, Hill Blackmond, Mrs. Leland Wilkins, Charles H. Cannon, Judson R. Cannon, Mrs. E. S. Clavel, Mrs. J. F. Stewart, Mrs. Orin Tomlinson, Orin Tomlinson, Mrs. G. B. Sause, Wayne Jones, W. C. Ayers, O. L. Grice, Elvis Ayers.

J. H. Gibbs, W. O. Parker, H. L. Paker, Roy Burse, Billy Burse, Billy Woods, Jesse Burse, May Burse, Junior Burse, Edward Ayers, Tony Ayers.

Benito Travino, Benito Trevino, Robert E. Scott, Ed Belcher, Less L. Porter, J. A. Evers, Karen Johnson, Minnie Ayers, William Forrister, Larry W. Durrance, Thomas Wadams, W. L. Brown, D. S. Lawrence, Ervin Bodiford.

Noel Rowland, Frank Wingo, Gary Armstrong, J. F. Hancock, L. F. Hudgins, James Griffis, Domingo Jaquez, Rodolph Garza.

## DEPARTMENT OF AGRICULTURE 24TH ANNUAL AWARDS CEREMONY—ADDRESS BY SENATOR CURTIS

Mr. HRUSKA. Mr. President, on Tuesday, May 19, my distinguished colleague from Nebraska (Mr. CURTIS) had the honor of addressing the 24th Annual Honor Awards Ceremony at the U.S. Department of Agriculture. I would like to share his remarks and the names and accomplishments of the honorees with Senators.

I invite special attention to the Senator's remarks on public service:

> One cannot serve the public interest and the highest ideals and at the same time be disloyal to his Department, to his government, or to those who carry the responsibility for the overall policies of our government.

The events of recent weeks bring the wisdom of these words clearly into view. Loyalty and patriotism are needed in our great country today as they have never been needed before. I commend my fellow Senator from Nebraska for continuing to speak forthrightly on these issues that are so dear to the hearts of all Americans.

I ask unanimous consent that Senator CURTIS' remarks and the names of the award winners be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

### SPEECH OF SENATOR CARL T. CURTIS

Mr. Secretary, honorees at this ceremony, ladies and gentlemen, friends all, it was with a great deal of pleasure that I accepted the invitation to speak briefly on this occasion. My State of Nebraska has a special interest in the United States Department of Agriculture. Since agriculture is Nebraska's leading industry, it is natural that we are interested in all of the programs of this Department for the betterment of rural America, but we have some sentimental reasons that add to our interest in the Department of Agriculture. One of the first Secretaries of Agriculture was a distinguished Nebraskan, J. Sterling Morton. Secretary Morton was the founder of Arbor Day. His influence has probably caused the planting of more trees than the influence of any other man in all history.

Nebraskans are proud and happy over the fact that President Nixon chose as his Secretary of Agriculture another distinguished Nebraskan, an individual who is committed and dedicated to improving the economic position of the farmers of America, The Honorable Clifford M. Hardin.

Not every gathering in Washington is like this one. We are here to honor outstanding public service. We are here to properly recognize a number of individuals who have unselfishly rendered unusual service.

The men and women whom we honor today have set an example for all of their fellowmen at a time when character values are questioned in too many places. These people who are being honored have placed the public interest ahead of their own personal desires. These honorees have refused to let the humdrum, the frustration, the problems, and the discouragements that come to all mankind day after day chart their course of action. They have done a good job not because their task was easy, but because they applied themselves and rendered a superior performance when the task was difficult.

I observe from your program that these honor awards are going to individuals who are involved in a broad scope of activities, including such fields of endeavor as program administration; group achievement; management and general administration; equal employment opportunity; science, engineering, and technology; support personnel; and heroic action.

None of us has the time, and I am not equipped, to discuss the outstanding achievements that have taken place in each of these fields. No doubt there are many characteristics of acomplishment that run throughout all of these varied activities. These individuals whom we honor today possess qualities of character and performance that have made it appropriate for them to be so honored. I would like to mention four such qualities of character. I refer to knowledge, dedication, hard work, and loyalty. I believe that all of our honorees possess those virtues.

There never was a time, much less our present day, when basic knowledge was not of supreme importance. Responsible individuals must know what they are doing. They must possess knowledge. It is easy for us to observe how a successful surgeon or an astronaut must first of all know what he is doing. Even though it might be a little more difficult to dramatize, it is equally important that every employee and officer of the United States Government has a broad and increasing knowledge concerning all aspects of the job to which he is assigned. I am confident that our honorees possess such knowledge and for that I commend them and I congratulate them.

The public servants we honor today are honored because of their sense of dedication. They are honored because they have placed all of their talents, all of their abilities, all of their time, and all of their hopes and aspirations in an effort to achieve a job well done. Knowledge of the mind and dedication of the heart are most essential ingredients to success.

I would also like to commend our honorees today for the hard work that they have performed. Our generation has been greatly blessed with labor-saving devices. It is true that whether we work on the farm, in the factory, or in the office, man has been relieved of certain drudgery because of the technological progress that has been made and because of man's ability to utilize machines. The fact remains that nothing worthwhile can be accomplished without hard work. That was true in the years gone by—it is true now. I believe that it will be true for all time to come. It matters not whether we are called upon to work in an obscure office or a well publicized position on Cabinet level. We must choose long hours and hard work or choose failure. Laziness is man's enemy. We honor these hard workers today because they have overcome that enemy.

The great public servant must be a loyal public servant. One cannot serve the public interest and the highest ideals and at the same time be disloyal to his Department, to his government, or to those who carry the responsibility for the overall policies of our government. I do not imply that we should urge blind submission or abolish the right to disagree and dissent. I do say that without broad basic loyalty, there can be no teamwork. Without teamwork, no enterprise can serve the people of the United States. Loyalty and patriotism may not always be popular but they are virtues. The honorees today are honored because of their loyalty to the Department of Agriculture, the hard work that they have performed, their sense of dedication, and the vast knowledge that they have brought to their job. These people are living examples of what Phillips Brooks urged when he said, "Do not pray for easy lives. Pray to be stronger men. Do not pray for tasks equal to your powers. Pray for powers equal to your tasks."

In behalf of the Congress of the United States and all the people who are benefited by the Department of Agriculture, I congratulate each and every one of the recipients of these awards. You have earned this award. We are delighted that you are to receive it, and we commend you all.

### DISTINGUISHED SERVICE AWARDS

#### IN THE FIELD OF PROGRAM ADMINISTRATION

Alex C. Caldwell, Administrator, CEA; Washington, D.C. For outstanding leadership and sound judgment in developing a program of Federal regulation of rapidly expanding futures trading in agricultural commodities, and administering this program with a high level of economy and efficiency.

Arthur W. Greeley, Associate Chief, FS; Washington, D.C. For eminent leadership and service to America through the development and implementation of public policies having both domestic and foreign aspects, which has assured wise management and utilization of the Nation's natural resources.

Ralph W. Phillips, Director, International Organizations Staff; Washington, D.C. For valuable contributions to international collaboration in agriculure, exceptional skill in representing the United States in international forums, and for contributing significantly to international agricultural development.

Noel P. Ralston, Associate Director, Science and Education, SEC; Washington, D.C. For exceptional leadership and effectiveness in coordinating science and education programs of the Department, in developing policy and strengthening departmental relations with the universities, particularly in regard to cooperative extension, research administration and civil rights.

#### IN THE FIELD OF SCIENCE, ENGINEERING, AND TECHNOLOGY

Aaron M. Altschul, Director, High Protein Foods and Agribusiness Group, FEDS; Washington, D.C. For exceptional scientific ability and dynamic leadership in identifying and emphasizing the world problem of protein hunger, and initiating a wide variety of innovative programs for its solution.

Robert J. Anderson, Associate Administrators, ARS; Washington, D.C. For distinguished leadership in increasing efficiency of American agriculture and safety of the Nation's food through protecting the environment from contamination while achieving effective control of agricultural pests and diseases.

Ruth R. Benerito, Research Chemist, ARS; New Orleans, La. For notable contribution as teacher and researcher to the chemistry profession, particularly for basic research in physical chemistry and application of fundamental principles to solutions of applied research problems.

George F. Sprague, Investigations Leader, ARS; Beltsville, Md. For creative research in the theory and methodology of plant breeding and plant genetics, and for inspiring and foresighted leadership of a corn and sorghum improvement program that has won international recognition.

#### GROUP ACHIEVEMENT

Wurpeel Unit, ARS; Albany, Calif. For the conception, development, and extension to commercial use of a new peeling process which reduces by 75 percent the water pollution during potato processing, with concurrent operating economies.

### SUPERIOR SERVICE AWARDS

#### IN THE FIELD OF PROGRAM ADMINISTRATION

Harold E. Andersen, FS; Sandpoint, Idaho. For exceptional vision and dynamic leadership in the administration of the Kaniksu National Forest and for unusual initiative in directing its protection and development.

David H. Askegaard, REA; Washington, D.C. For creative thinking and effective participation in efforts to save the U.S. Treasury millions of dollars by developing supplemental, private financing for rural electric systems.

Wallace Barr, Jr., ES; Columbus, Ohio. For unusual imagination, initiative, and teaching ability in developing an educational program in marketing policy, greatly benefiting not only the citizens of Ohio but also the Nation as well.

Kenneth R. Bower, FHA; Des Moines, Iowa. For sustained strong leadership and noteworthy personal example in implementing and administering sound loan programs that are effectively improving the economic and social welfare of rural people in Iowa.

Merritt D. Burdick, SCS; Phoenix, Ariz. For dynamic leadership and initiative in formulating, coordinating, and managing an effective soil and water conservation program for the State of Arizona.

James H. Burnette, C&MS; Montgomery, Ala. For exceptional skill in the administration of inspection programs in Alabama and for outstanding ability to get along with people.

Claude T. Coffman, OGC; Washington, D.C. For outstanding legal services, exemplified by consistent sound judgment, unusual proficiency, and leadership in effectuating numerous agricultural programs and in the development of important legislation relating to the agricultural economy.

Kenneth G. Fooks, SCS; Chandler, Ariz. For superior leadership in resource conservation and development and for superior management of work unit operations in Arizona to provide exceptional service to the public.

Herbert L. Forest, C&MS; Washington, D.C. For effective leadership and administrative skill in the development and operation of highly complex dairy marketing programs to the direct benefit of dairy farmers, the dairy industry, and consumers.

Claude B. Freeman, ASCS; Washington, D.C. For providing dynamic leadership in the formulation of the highly effective price support program of the Department.

L. L. Gast, C&MS; Arlington, Va. For exemplary contributions in strengthening and maintaining public confidence in Government through strong leadership, ingenuity, and resourcefulness in developing policies, programs, and procedures for insuring integrity and effectiveness of major Federal programs.

Bruce M. Graham, SRS; Washington, D.C. For exceptional initiative and creative leadership in developing and implementing a sophisticated nationwide program of data collection for the Statistical Reporting Service, emphasizing modern statistical techniques and efficient operating methods in collecting data from a changing and complex agriculture.

Herbert C. Gundell, ES; Denver, Colo. For valuable service to an urban area and for adapting Extension programs and finding new educational methods to help Denver citizens meet problems of a large population of mixed cultures.

Robert L. Heffner, SCS; Rochester, N.Y. For pioneer work in New York, focusing soil survey information on urgent suburban problems, bringing soil and water conservation districts into the field of long-range community planning.

John W. Jeakins, ES; Broadus, Mont. For conducting a comprehensive educational program which has been responsible for the development of a better community, greater teamwork among citizens, and more opportunities for young people.

Walter E. Jett, ES; Marlington, W. Va. For significant contribution as a community educator in helping to develop rural resources, camps for youth, and a million-dollar livestock industry for Pocahontas County, W. Va.

Alvan M. McDowell, C&MS; San Francisco, Calif. For unusual professional competence in planning and implementing a program for a new market news service on ornamental crops while maintaining excellence in reporting some of the Nation's most important fruit and vegetable production areas and one of the largest wholesale markets.

Donald J. Novotny, FAS; Washington, D.C. For devising improved means of providing timely and more exact information on competition faced by U.S. wheats and feed grain in world trade.

Clyde R. Payne, ASCS; Jasper, Fla. For exceptional leadership in presenting and administering agency programs in Hamilton County, Fla., which resulted in increased program participation and better understanding of ASCS programs by producers.

Wilfred L. Phillipsen, FAS; Port-of-Spain, Trinidad. For superior initiative and performance in promoting the sale of U.S. agricultural commodities in the Caribbean area.

Larry E. Rackliff, FHA; St. Albans, Vt. For energetic and effective implementation of programs, substantial contribution to the area economy, and for achieving the best loan repayment record in New England.

Carolyn C. Russell, ES; Raleigh, N.C. For outstanding leadership in coordinating resources of industry, education, and government to effectively demonstrate improved living conditions for the disadvantaged through an exemplary educational program in low-cost housing.

Glenn D. Simpson, SRS; Washington, D.C. For keen perception in identifying technical and operational needs of his agency; for the vision to anticipate agricultural and technical development, and for the application of superior leadership and administrative competence in the Statistical Reporting Service.

Harold M. Stevens, ES; Lexington, Nebr.

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For exemplary leadership, innovative methods, and unusual ability to inspire and work with others, which have helped Nebraska farmers solve their pest control, soil testing, and livestock problems.

Bernice Strawn, ES; Corvallis, Oreg. For creative approach to motivation of unskilled mothers and development of a program to help them become employed, provide improved family life, and contribute to the economy.

Algot R. Swanson, SCS; Salt Lake City, Utah. For dynamic leadership and initiative in formulating, coordinating and managing an effective soil and water conservation program in Utah.

Henry F. Swanson, ES; Orlando, Fla. For imaginative and dynamic leadership in developing educational programs that achieve public understanding, economic betterment, and vital improvements for farming in one of the Nation's leading agricultural areas.

George C. Tucker, FCS; Washington, D.C. For valuable assistance to dairy farmers by enabling them to increase their marketing returns through improved organization and efficiency of dairy cooperatives.

Helen D. Turner, ES; Washington, D.C. For exemplary leadership in developing and implementing a nationwide food and nutrition educational program to help raise the nutritional level of socio-economically disadvantaged people.

Wilburn M. Williamson, ES, Sa Dec Province, South Vietnam. For unusual ability and skill in developing agricultural programs and human resources through creative Extension programs that increased agricultural production, improved living conditions, and aided pacification in Sa Dec Province, South Vietnam.

### IN THE FIELD OF MANAGEMENT AND GENERAL ADMINISTRATION

Fritz A. Albert, ES; Madison, Wis. For esteemed filmmaking skills, and for production of educational films to disseminate agricultural technology, inspire citizen action on environmental protection, document socio-economic development, and enhance classroom teaching.

Mildred H. Brown, ASCS; Washington, D.C. For unusual skill and leadership in initiating, developing, implementing, and evaluating recruitment and placement programs and for outstanding professional leadership in her specialized duties.

Audrey A. Cook, OMS; Washington, D.C. For professional competence and outstanding leadership as editor of The Farm Index magazine, greatly contributing to its effectiveness in disseminating research information.

Carl H. Dorny, SCS; Washington, D.C. For excellence in the development of budgetary and accounting systems and staff to service complex operating and scientific programs, and to maintain their financial integrity.

Daniel P. Dowling, OIG; San Francisco, Calif. For strong leadership, managerial skill, and professional competence in the creation of one regional office and the development of another while promoting and maintaining the high standards of service and excellence associated with the Office of the Inspector General.

Betty M. Elerding, FS; San Francisco, Calif. For exemplary achievement and outstanding leadership in promoting preretirement planning and retirement counseling both within and outside the Department of Agriculture.

Clarence J. Enzler, SEC; Washington, D.C. For sustained, highly superior service in the preparation of statements of unusual quality explaining agricultural policies at the highest national level for the Secretary of Agriculture and other top USDA officials.

Leonard H. Greess, OIG; Washington, D.C. For exceptional leadership and outstanding achievement in the organization and development of the Office of the Inspector General; for noteworthy innovations; and for assuming responsibilities far in excess of job requirements.

Joseph A. Hundley, FS; Albuquerque, N. Mex. For dynamic leadership and outstanding achievements in developing and promoting simplified practices of financial management, work planning, and reporting methods to meet management needs at greatly reduced cost.

Donald J. Hurst, OMS; Washington, D.C. For exceptional performance in directing the Office of Management Services' space and facilities management program, resulting in efficient handling of a number of major relocations of serviced organizations.

Glenn A. Kovar, FS; Pasadena, Calif. For enhancing the image of Forest Service through innovation in planning and executing information programs for all communication media resulting in such outstanding productions as the Lassie-Forest Ranger TV series.

Lawrence W. Modlin, ARS; Beltsville, Md. For superior production and effectiveness in the administration of the Crops Research Division's fiscal and personnel affairs.

Robert B. Rathbone, ARS; Washington, D.C. For outstanding leadership in improving communications with scientists, educators, consumers, and the general public; and for instituting new and more efficient management and personnel practices.

Bernhard A. Roth, SCS; Upper Darby, Pa. For imaginative and productive leadership in the development of public information activities designed to reach large numbers of urban people through radio, television, newspapers, and magazines.

Olin T. Seely, SCS; Alexandria, La. For meritorious staff leadership in business administration and personnel management toward a sound soil and water conservation program for Louisiana.

Audrey L. Warren, SEC; Washington, D.C. For sustained excellence and efficiency in performance of her duties as confidential secretary to two Secretaries of Agriculture.

Charles Gordon Webb, INF; Washington, D.C. For exceptional ability to organize and execute Department-wide information programs and for singular resourcefulness and creativity in working with agencies to develop maximum information support for Department policies and goals.

Rudolph A. Wendelin, FS; Washington, D.C. For his truly great artwork, dedicated to Smokey the Bear and the Forest Service in his uniquely unselfish and humble fashion.

### IN THE AREA OF EQUAL EMPLOYMENT OPPORTUNITY

Larry L. Boggs, FS; Pasadena, Calif. For exceptional initiative and unusual accomplishment in developing and conducting an equal employment opportunity program through recruitment and placement of minority group members in the Federal Service.

Carl A. Lindstrom, SCS; Washington, D.C. For creative and dynamic leadership in developing and advancing the equal employment opportunity program of the Soil Conservation Service.

Thomas C. Nelson, FS; Washington, D.C. For superior leadership and success in involving Tuskegee Institute and other southern Negro colleges in forestry programs in order to encourage more black students to enter the professions associated with forestry and wildland ecology.

Albert R. Nesuda, SRS; Washington, D.C. For outstanding achievement in providing job training, guidance, encouragement, and equal employment opportunity to a group of Washington, D.C., high school students.

### IN THE FIELD OF SCIENCE, ENGINEERING, AND TECHNOLOGY

Rudolph D. Anderson, SCS; Denver, Colo. For providing exceptional technical leadership to SCS employees and guidance to group leaders that has resulted in organization structures involving all but three counties in Colorado in multicounty resource planning and development.

Michael A. Barton, FS; Ely, Minn. For extraordinary action devoted to the preservation of water quality of near wilderness areas.

Burdette D. Blakely, SCS; Washington, D.C. For eminent leadership in the development of agronomic programs for conservation of natural resources throughout the United States and in many developing countries.

George E. Bohart, ARS; Logan, Utah. For pioneering research in the field of wild bee management which has greatly improved commercial alfalfa seed production and resulted in the establishment of a new multimillion-dollar entomological industry.

Gerald J. Coutant, FS; Missoula, Mont. For dynamic leadership in developing and promoting new concepts for the management and enhancement of the scenic environment in multiple use of resources on Federal, State, and private lands.

James W. Crowley, ES; Madison, Wis. For unusual talent in translating research into useful programs and masterful application of these programs to the betterment of dairying in Wisconsin and throughout the country.

Velmar W. Davis, ERS; Washington, D.C. For valuable service to the Department and to the Nation through timely and effective research leadership and economic evaluations of present and future utilization of production resources, particularly manpower and pesticides, in U.S. agriculture.

Harlan D. Ellis, C&MS; Kansas City, Mo. For outstanding leadership and assistance in organizing and developing a comprehensive meat and poultry inspection program for the State of Missouri while assigned under the Federal-State Employee Interchange Act.

Alfred L. Everett, ARS; Wyndmoor, Pa. and Irwin H. Roberts, ARS; Albuquerque, N. Mex. For important research resulting in the discovery of the cause and prevention of the cockle defect in sheepskins, a costly problem of the tanning and associated industries.

Jerry F. Franklin, FS; Corvallis, Oreg. For unusually productive forestry research and exemplary leadership in developing cooperative relations with national and international agencies and educational institutions, which are bringing credit and distinction to the Department.

Richard G. Garner, CSRS; Washington, D.C. For superior leadership and professional competence in planning, coordinating, and implementing cooperative food science and utilization research programs between the State agricultural experiment stations and the Department.

Hoover L. Lambert, FS; Asheville, N.C. For exceptional initiative, perception and ingenuity as supervisory technician while developing new procedures for difficult surveys, training personnel, and earning recognition for his expertise from industry, State organizations, and colleges.

Vincent P. Maier, ARS; Pasadena, Calif. For unusually imaginative research in elaborating the long-sought mechanism of delayed bitterness in citrus juices and in identifying the enzyme system that prevent bitterness in the intact fruit.

Donald H. Marx, FS; Athens, Ga. For original and basic research contributions leading to a fuller understanding of the role of mycorrhizae in protecting the fine roots of forest trees against pathogenic soil fungi.

Howard B. Petty, ES; Urbana, Ill. For dynamic leadership, creative efforts, and diligent service to farmers, operators, dealers, and county agents to assure wise and safe use of pesticides.

Thomas R. Richmond, ARS; College Station, Tex. For improving knowledge of cotton genetics and breeding through personal research, effective leadership of a research

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team, coordination of a regional research project, and training of scientists in genetics.

Henry T. Skinner, ARS; Washington, D.C. For extraordinary service to agriculture, particularly ornamental horticulture throughout the Nation, and for dignified scientific leadership that has brought the U.S. National Arboretum to its preeminent position of national and international influence.

J. Grady Smith, C&MS; Oklahoma City, Okla. For sustained excellence in the inspection of meat and meat processing operations contributing to the wholesomeness of the Nation's meat supply and for valuable contributions to the safety and welfare of food inspection personnel.

Russell L. Steere, ARS; Beltsville, Md. For conceiving a radically new technique for preparing biological specimens for electron microscopy, and for exceptional ingenuity in developing and perfecting sophisticated but inexpensive equipment for its use in biomedical research.

Raymon E. Webb, ARS; Beltsville, Md. For unique and effective contributions to vegetable research and for superior leadership to Federal, State, and industry groups in vegetable variety improvement and biological pest control.

Louie B. Whitaker, FS; Pineville, La. For significant contributions to research advancements in cattle range management and resource-use coordination on pine forest lands of the South.

### ACHIEVEMENT BY SUPPORT PERSONNEL

Beverly J. Ayers, FS; Missoula, Mont. For dedicated, imaginative, and efficient handling of audiovisual library work with resultant savings and outstanding service to users.

Clarence W. Brooks, SEC; Washington, D.C. For continued meritorious performance of duties as chauffeur to three Under Secretaries of Agriculture.

Edward C. Cornick, FAS; Washington, D.C. For diligent, cheerful, and highly effective handling of internal and public requests for information assistance, thus setting an outstanding example to other employees and enhancing the Department's public image.

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Mildred J. Griffin, SCS; Ames, Iowa. For sustained excellence of work performance contributing to the progress of the accelerated national cooperative soil survey program in Iowa.

Lillian R. Perry, C&MS; South St. Paul, Minn. For demonstrating exceptional initiative, resourcefulness, and overall proficiency in providing clerical and administrative support in the important nationwide programs affecting the marketing of livestock and the quality grading of the Nation's meat supply.

Dorothy J. Peterson, C&MS; Denver, Colo. For clerical excellence and expertise in obtaining and relaying volume and price information on grain marketing in the Denver area, and effective contribution to the market news reliability and prestige in an important market area.

Zella B. Speer, FHA; Oklahoma City, Okla. For distinctive performance of assigned duties contributing materially to the efficiency in the office which resulted in providing loan assistance to a large number of rural families in Oklahoma County.

Bernard N. Thompson, SEC; Washington, D.C. For exceptional service as executive aide to the Secretary of Agriculture in performing regular and special duties in an outstanding manner.

Ida H. Thornton, C&MS; Dallas, Tex. For exceptional resourcefulness in developing informational material to effectively reach low-income families, ethnic groups and senior citizens with facts essential to the effective use of Federal food assistance programs.

Phyllis E. Weaver, FNS; Washington, D.C. For sustained superior performance of secretarial duties, outstanding ability and initiative, and high level of work productivity.

### HEROIC ACTION

Donald L. Hanson, FS; Colorado Springs, Colo. and Thomas G. Petersen, FS; Colorado Springs, Colo. For exemplary alertness, courageous action, and unhesitating response in saving the life of a panic-stricken, burning motorist and preventing extensive losses in property and resource values within the Pike National Forest.

### GROUP ACHIEVEMENT

Amherst-Nelson Work Unit, SCS; Amherst, Va. For dynamic initiative and leadership to Government agencies and people in Amherst-Nelson Counties following the floods in August 1969, reflecting meritorious credit to SCS, USDA, and themselves.

Communist Areas Analysis Group, ERS; Washington, D.C. For sustained outstanding performance in the research, analysis, and interpretation of agricultural programs in the Communist countries of the world; and for the exceptional service rendered in making this information available to U.S. policymakers, farm groups, farmers, traders, and academic institutions.

Hancock County Office, FHA; Bay St. Louis, Miss. For meritorious contributions to the relief of victims among rural people of Hancock County during the aftermath of hurricane "Camille" under extremely adverse conditions.

PPBS Task Force for Market Development, FAS; Washington, D.C. For unusual initiative and effectiveness in developing, organizing, and planning a far-reaching and imaginative 5-year promotional program for expanding sales of agricultural products overseas.

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### WILLIAM A. JUMP MEMORIAL AWARD FOR 1970

Anthony W. Hudson, Director of Personnel, Bureau of Management Services, Personnel Division, Civil Service Commission. For outstanding contributions to the employment, training, utilization, development, and understanding of disadvantaged persons and lower level Federal employees.

Alfred M. Zuck, Director, Office of Evaluation, Manpower Administration, Department of Labor. For exceptional administrative and executive ability in the field of manpower administration including the evaluation and review of program designs, manpower policies, and legislative proposals.

The William A. Jump Memorial Award is presented annually to Federal employees under the age of 37 in recognition of outstanding service in the field of public administration. The Award is given in memory of William A. Jump who for many years was the distinguished Budget and Finance Officer of the Department of Agriculture.

The 1970 Award Committee: James E. Johnson, Vice Chairman, U.S. Civil Service Commission, Chairman; Joseph Young, Staff Writer of the "Federal Spotlight" Column for the Evening Star; Larry Jobe, Assistant Secretary for Administration, Department of Commerce; Mrs. Esther Lawton, Assistant to the Director of Personnel, Treasury Department; and Edward Hicks, Jr., Director of Personnel, Office of the Secretary, Department of Health, Education, and Welfare.

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### USDA WINNERS OF MAJOR NON-USDA AWARDS 1969–70

B. Jean Apgar, Research Chemist, Agricultural Research Service, Ithaca, N.Y. Winner of the 1970 Federal Woman's Award sponsored by the Civil Service Commission and Woodward and Lothrop to recognize women who have made outstanding contributions to the efficiency and quality of the career service of the Federal Government.

Ned D. Bayley, USDA's Director of Science and Education, Office of the Secretary. Selected by the National Civil Service League to receive the 1970 Career Service Award. This award annually honors 10 top career employees whose contributions to the public service have been significant.

Jay Justin Basch, Research Chemist, Agricultural Research Service, Wyndmoor, Pa. One of the 10 most Outstanding Handicapped Federal Employees of 1969 given honorary recognition by the Civil Service Commission for significant achievements in spite of severely limiting physical handicaps.

Carl B. Barnes, USDA's Director of Personnel. Winner of the 1969 Warner W. Stockberger Award sponsored by the Society for Personnel Administration to honor a person in public or private life who has made an outstanding contribution toward the improvement of public personnel management.

Steve A. Eberhart, Research Geneticist, Agricultural Research Service, Ames, Iowa. Selected by the Downtown Jaycees as one of the 10 outstanding young men in the Federal service to win the 1970 Arthur S. Flemming Award for meritorious work for the Federal Government.

Thomas P. Quigley, Reports Management Officer, Agricultural Research Service, Hyattsville, Md. One of six winners of the 1969 Paperwork Management Award sponsored by the Association of Records Executives and Administrators to recognize the significant accomplishments of Government managers who have successfully developed programs to reduce Federal Government paperwork costs.

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## WILL HARVARD HELP?

Mr. METCALF. Mr. President, too much national policy has been made, for too many years, in corporation board rooms rather than by Government officials. Therefore, I commend the persons and institutions who are a part of Campaign GM. They, today, are attempting to awaken corporate management.

Corporation advertising and public relations programs will not solve the problems facing this country. Such palliatives compound the problems, because they create false illusions. Restructuring and democratization of corporate government itself is overdue.

The universities which hold large blocks of common stock are in an excellent position to provide some leadership in this matter. Some of them have not been anxious to help in Project GM. I hope that before next year's round of stockholder meetings universities with such stockholdings will lead the way toward corporate change, rather than having to be led to the issue itself by students and recent graduates.

Mr. President, as an example of what could be done, I offer Harvard and the utilities.

The general investments of Harvard College, last June 30, totaled more than $869 million. This included $379 million in common stock. The $379 million common stock portfolio included $108.7 million in electric utilities, $13.7 million in gas utilities, and $12.5 million in telephone utilities.

The largest utility holding was 544,194 shares of Middle South Utilities. This compares with Harvard's holding of 287,149 shares of General Motors stock. This does not include the holdings in Middle South of the Harvard-Yenching Institute or of State Street Investment Corp., which handles investments for

Harvard. Altogether Harvard owns about a million shares of Middle South stock. But the Harvard College holdings alone are sufficient to make the college the largest, if a minor, stockholder in Middle South, which is a New York utility holding company whose subsidiaries are Arkansas Power & Light, Louisiana Power & Light, Mississippi Power & Light, and New Orleans Public Service.

I wonder how many students and faculty members in Cambridge are aware of the extent to which Harvard has been used by Middle South Utilities, to the detriment of utility consumers in the Deep South. During the sixties, Middle South went to the Securities and Exchange Commission to seek approval of a stock option plan for its key executives. The case for the stock option plan was made to the SEC by none other than George F. Bennett, the treasurer of Harvard College, president of State Street Investment Corp., deputy director of Harvard-Yenching, and a director of Middle South as well.

Bennett argued that the president of Middle South, who at that time received a salary of $95,000 a year, would "do everything he is doing in a more extraordinary way—scan the operating expenses more carefully—sharpen his pencil a little sharper on construction programs—make his people who are negotiating with labor a little tougher," and be certain his company was enjoying a "full return"—if only SEC would approve those options.

The SEC staff opposed the stock option plan. The staff contended that it would adversely affect ordinary stockholders and utility customers and that the company was in no way suffering from its inability to issue options.

The SEC overruled its staff. The SEC approved the stock option plan desired by Harvard and Middle South. And in the pro forma stockholder proxy vote which followed SEC action, Harvard cast its votes with Middle South management, in favor of the stock option plan. The Middle South president, with his $127,033 salary and his $43,981 retirement benefits, ought to be able to keep his pencil sharp, his earnings up, and his labor negotiators tough without options for himself and other utility insiders.

The then dean of Harvard's law school, Erwin N. Griswold, who is now Solicitor General, had been one of the most articulate opponents of stock option plans, especially for utility corporations. I recall the testimony Dean Griswold gave to the House Ways and Means Committee when I was a member of that body. Those who are interested in reading his testimony on the inequity of options will find it in the Ways and Means Committee hearings for December 7, 1959. My point here is that Harvard put its influence and votes where its and Middle South's business agent said to put it, despite substantial testimony against stock options from one of its most distinguished scholars.

Mr. President, I believe that Harvard could redeem itself by using its voting power and scholarship to help make some long overdue changes in our regulatory systems. Enough things are wrong with these regulatory systems to engage and challenge hundreds of collegians. I today cite but one example, and the part which one college played.

Mr. President, I ask unanimous consent to have printed in the RECORD the utility common stock holdings of Harvard College as of June 30, 1969.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

GENERAL INVESTMENTS—COMMON STOCKS

| Utilities | Shares | Market value |
|---|---|---|
| ELECTRIC | | |
| American Electric Power Co., Inc | 75,775 | $2,519,518 |
| Arkansas-Missouri Power Co | 50,000 | 631,250 |
| Boston Edison Co | 34,488 | 1,332,099 |
| Carolina Power & Light Co | 88,338 | 2,981,407 |
| Central Louisiana Electric Co. Inc | 151,320 | 3,347,955 |
| Cincinnati Gas & Elect Co | 116,228 | 3,007,399 |
| Columbus & Southern Ohio Electric Co | 23,773 | 849,884 |
| Commonwealth Edison Co | 63,629 | 2,759,907 |
| Consumers Power Co | 159,609 | 6,045,190 |
| Detroit Edison Co | 32,400 | 781,650 |
| Florida Power Corp | 137,768 | 6,457,875 |
| Florida Power & Light Co | 105,184 | 6,889,552 |
| General Public Utilities Corp | 117,370 | 3,139,647 |
| Houston Lighting & Power Co | 40,807 | 1,550,666 |
| Idaho Power Co | 70,400 | 2,112,000 |
| Illinois Power Co | 109,262 | 3,824,170 |
| Indianapolis Power & Light Co | 68,189 | 1,815,532 |
| Kansas Gas & Electric Co | 60,065 | 1,486,608 |
| Kansas Power & Light Co | 100,270 | 2,055,535 |
| Middle South Utilities, Inc | 544,194 | 12,516,462 |
| Missouri Public Service Co | 5,931,929 | 1,312,439 |
| New England Electric System | 161,180 | 4,130,237 |
| New England Gas & Electric Association | 65,701 | 1,346,870 |
| Niagara Mohawk Power Corp | 264,266 | 4,921,954 |
| Ohio Edison Co | 91,300 | 2,328,150 |
| Oklahoma Gas & Electric Co | 118,876 | 2,555,834 |
| Public Service Co. of Indiana, Inc | 122,004 | 4,758,156 |
| South Carolina Electric & Gas Co | 118,896 | 3,626,328 |
| Southern California Edison Co | 127,463 | 4,493,070 |
| Texas Utilities Co | 18,547 | 978,354 |
| Union Electric Co | 260,326 | 5,206,520 |
| Virginia Electric & Power Co | 35,757 | 960,969 |
| Wisconsin Electric Power Co | 252,015 | 5,953,854 |
| Total | | 108,677,049 |
| GAS | | |
| Consolidated Natural Gas Co | 27,900 | 798,637 |
| Equitable Gas Co | 23,401 | 836,585 |
| Indiana Gas Co | 73,253 | 1,794,698 |
| Mississippi River Corp | 81,080 | 1,652,005 |
| Mountain Fuel Supply Co | 42,504 | 1,269,807 |
| Peoples Gas Co | 144,673 | 4,882,713 |
| Southern Union Gas Co | 28,442 | 867,481 |
| Washington Gas Light Co | 58,000 | 1,624,000 |
| Total | | 13,725,928 |
| TELEPHONE | | |
| American Tel. & Tel. Co | 220,797 | 11,978,237 |
| Communications Satellite Corp | 10,010 | 510,510 |
| Total | | 12,488,747 |

## PRESIDENT'S MESSAGE ON PUBLIC SCHOOL DESEGREGATION—EMERGENCY SCHOOL AID ACT OF 1970

Mr. JAVITS. Mr. President, I was heartened and gratified by the will for massive and affirmative action to facilitate public school desegregation demonstrated by the President in his historic message to the Congress yesterday. I believe he bespeaks the feeling of millions of Americans concerned with fulfilling the promise of the 1954 Supreme Court decision on public school desegregation.

Also I believe that the President's expressed desire for early enactment of meaningful legislation is shared by a majority of the Members of the Congress from both parties, and am therefore hopeful that legislation along the lines of the President's objectives will receive the bipartisan support needed to assure timely consideration and enactment of the measures proposed.

However, while very much sharing the President's objectives, I do have some serious reservations concerning provisions in the administration's bill itself. As ranking Republican member of the Senate committee which would consider the bill—and as a longtime and active proponent of civil rights legislation—I shall do my best to perfect the bill introduced on behalf of the administration.

My intentions are to work with colleagues from both parties to modify the administration's bill in a number of respects so as to eliminate these areas of concern, so that the objectives so eloquently stated by the President in his message might be achieved through the timely enactment of effective legislation. This timely consideration is most important, for as the President pointed out in his message:

> In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet desegregated must do so by then.

Particular points of concern to me in the administration's proposal are:

The section concerned with the transportation of pupils is subject to serious misunderstanding. The section implies that the achievement of racial balance does not, in itself, serve an educational purpose. Educational experts who have testified before Senate committees, including Dr. James Coleman, a consultant to the administration in the drafting of its bill, have taken the position that racial segregation is a prime cause for much educational inadequacy and that racial integration does itself provide educational benefits for both white and black children.

Voluntary plans for the elimination of de facto segregation almost without exception require the transportation of schoolchildren in order to achieve their objectives; this transportation is often the most costly part of an effective program. While the Congress has reiterated in a number of statutes the proposition that Federal education aid programs should not "require" or "force" transportation of schoolchildren in order to achieve racial balance, so it is equally undesirable to prohibit Federal assistance for such transportation—even including that which is ongoing now. The consequence of the provision in the administration bill could be to negate the second category of aid which the President most laudably identified in his message—"aid to districts that wish to undertake voluntary efforts to reduce or prevent de facto racial isolation."

I am also concerned about the absence of sufficient incentives for large school districts to develop desegregation plans. Districts containing either 10,000 minority group children or 50-percent minority group children can qualify for assistance for "interracial educational programs" which falls short of achieving desegregation, without being required to demonstrate that there are no practicable desegregation plans which would qualify for assistance. The bill should more effectively encourage effort in these districts to achieve practicable desegregation.

The Congress, partially in response to administration urging, included in the comprehensive education bill signed into law by the President last month, Public Law 91-230, a number of provisions enhancing parental and public participation in decisions on education. The bill should include such a provision; for example, an earlier draft of the administration bill did include provision for an advisory committee, a proposal which, I believe, has merit.

The formula for distribution of funds to the States is inadequate to the need and requires revision in a number of respects, particularly with regard to so-called double counting.

What I have said should not be construed as disagreement with the President's objectives on public school desegregation and with his historic message. However, I feel a deep responsibility as to the means of achieving these objectives; and hope to be able to work them out with the administration and the majority in Congress.

## CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

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## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The BILL CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia?

There being no objection, the Senate resumed the consideration of the bill.

Mr. DOMINICK obtained the floor.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. GRIFFIN. Mr. President, in view of the fact that a sufficient number of Senators are in the Chamber at the present time, I should like to ask for the yeas and nays on the pending amendment to the committee amendment.

The PRESIDING OFFICER (Mr. ALLEN). Does the Senator from Colorado yield for that purpose?

Mr. DOMINICK. I yield.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Colorado yield?

Mr. DOMINICK. I yield.

Mr. WILLIAMS of Delaware. Is there a possibility that the amendment could be brought to a vote this afternoon? Some of us would like to go ahead and dispose of it.

Mr. GRIFFIN. I am sure that we will have a response from the other side. However, I have done some checking on behalf of Senators who have spoken to me, and I would say that there is a general disposition, as I sense it, to proceed to a vote on the pending amendment to the committee amendment. Whether it would be possible to vote this afternoon, I still have no way of knowing. I would have to check further, but I think that is a possibility.

I wonder if we may have some indication from the other side of the aisle whether there is a likelihood that we may vote on the amendment to the committee this afternoon.

Mr. BYRD of West Virginia. Mr. President, speaking for the leadership on our side of the aisle, I would have to say that we would not want to reach a vote this afternoon. A large number of Senators on this side of the aisle are not here today. A good number on the able Republican whip's side of the aisle are not here. Some of our Members have been told that there was little likelihood, if any, of a vote today.

I think I would have to protect those promises, and so, on that basis, I must say I would have to do everything within the rules of parliamentary procedure to prevent a vote from taking place this afternoon.

Mr. GRIFFIN. I think that answers the question of the Senator from Delaware.

Mr. AIKEN. Mr. President, may I ask, even if a great majority of the Members of the Senate are not willing to vote this afternoon, is it not possible to fix a time to vote on Monday, or Tuesday at the latest?

Mr. CHURCH. I see no objection to that. I would want to accommodate the desire to come to a vote. I hope we can work that out together.

Mr. GRIFFIN. We will take some further steps to see if that is a possibility.

Mr. CHURCH. I think that would be a very fair thing to do.

Mr. BYRD of West Virginia. I share the view of the distinguished Senator from Idaho that that would be a distinct possibility, and that every effort should be made toward that end.

### THE WAR AND THE CONSTITUTION

Mr. DOMINICK. Mr. President, there are a number of constitutional issues which have been raised in the course of this debate which deserve and require serious consideration. In order to put some of them in perspective, I would like briefly to address myself to a few of the more relevant points which have been raised.

First, let me say that I have been completely astonished at the fact that not one of the so-called protesters who have been sounding off in Congress and elsewhere about U.S. actions in Southeast Asia have made so much as a single outcry of protest over the 40,000 Communist troops in Cambodia threatening the capital city of that country and attacking and killing Cambodians.

Not a single individual protester that I can recall said one single word about the long-continued Communist violations of Cambodia's neutrality nor their invasions of Laos and Thailand.

They have seemed to pay not the slightest attention to President Nixon's explanation that he was taking the action he did against North Vietnamese bases in Cambodia to protect his plan to withdraw American combat troops from South Vietnam.

The President's action was not taken precipitously, as can be seen from a review of the many diplomatic moves that preceded it.

I should add here that I have not heard much comment about this from the protesters of the Cambodian action.

Here is the chronology—perhaps I should add by the State Department—of Cambodian developments in connection with diplomatic action.

In August 1969, Mr. Sihanouk installed Lon Nol as Prime Minister, with a mandate to deal with pressing economic problems.

In December 1969, Sihanouk wrote in Sangkum magazine of the danger of associating too closely with Communists: "The bird always gets swallowed." On various occasions since 1965, he had complained of the Vietcong presence in Cambodia.

And I might say in connection with that that I have firsthand knowledge of this because in May of 1967, after I had been in Vietnam and came back. I referred to the Cambodian sanctuaries which the North Vietnamese were occupying.

Mr. Sihanouk then made several unkind comments about my remarks. But he once again urged that the North Vietnamese get out of Cambodia.

On January 6, 1970, Sihanouk departed for France, leaving Cheng Heng as Acting Chief of State, after a setback in his attack on the Lon Nol Government in the National Assembly, and apparently also to avoid a scheduled visit by North Vietnamese Premier Pham Van Dong.

In early March 1970, anti-Vietnamese Communist demonstrations in Phnom Penh lead to sacking of North Vietnamese and Vietcong Embassies by the Cambodians.

On March 13, 1970, Sihanouk left Paris for Moscow and Peking, avowedly to seek Soviet and Chinese assistance in persuading the Vietnamese Communist to leave Cambodian territory.

This is exactly what he himself announced.

On March 16, 1970, the Lon Nol Government began negotiations with the Vietnamese Communists in Phnom Penh, concerning the Vietcong presence in Cambodia.

On March 18, 1970, the Cambodian National Assembly by unanimous vote declares Prince Sihanouk no longer Chief of State. Cheng Heng, president of the Assembly, stays on as Acting Chief of State. Lon Nol continues as Prime Minister.

I think it is important to note that this was a unanimous vote.

Sihanouk arrived in Peking and denounced the National Assembly action as an illegal coup de'etat.

He did this even though ostensibly this was done under their constitution and their own system of government.

On March 3, 1970, Sihanouk issued first of a series of messages calling for overthrow of the Lon Nol government.

On March 25, 1970, the Cambodian Ministry of Foreign Affairs notifies the Vietnamese Communist representatives of the Cambodian Government's desire to resume negotiations. The Communists reject the invitation and announce withdrawal of all but caretaker staffs from their embassies.

On March 31, 1970, Cambodian Government—headed by Lon Nol—informed the U.N. that it had asked the United Kingdom and the U.S.S.R. to reconvene the International Control Commission to protect Cambodian neutrality. The U.S.S.R. had refused to act. Informal Cambodian soundings at the U.N. indicated that there was little hope of getting Security Council action.

On April 3, 1970, the Vietnamese Communists began attacks against Cambodian forces in Svay Rieng Province, later expanded to other Cambodian posts in eastern Cambodia.

During March and April 1970, Sihanouk sent a series of messages to Communist regimes thanking them for their support.

April 14, 1970, the Cambodian Government issued the first of a series of appeals for foreign arms assistance.

It will be recalled that his first request was for 200,000 people to come in fully armed and equipped to help him against the Communists. Later he raised that number to 400,000, which was impossible, to equip, train, or to get into the area. The President of the United States has said that he has no intention of giving massive military support of that nature.

On April 18, 1970, the Vietnamese forces captured Saang, 18 miles south of Phnom Penh, which was later recaptured by Cambodian troops.

On April 25, 1970, Sihanouk signed a joint communique with Vietnamese Communist and Pathet Lao leaders, pledging unity and reciprocal support, and rejecting international proposals for a conference on Cambodia or Indochina.

On April 28, the Chinese Communists declared their "powerful backing" for the communique. I think we can see a lot of activity outlined here, not counting individual activities by other countries, designed to try to solve the Cambodian situation by diplomacy and agreement.

The North Vietnamese, or the Red Chinese and the Soviets blocked each of the moves and left the Cambodians to the merciless attacks of the Vietcong and North Vietnamese, at best involving the greatly expanded base areas for attacks on South Vietnamese, and at worst, the takeover of all Cambodia. When confronted with these attacks, the protesters fall back on the claim that the United States is engaged in a constitutionally unauthorized war in Vietnam because Congress has not formally declared war. Hence, the argument goes that since we are there unconstitutionally we should not be in the other areas of Southeast Asia.

Let us discuss this issue. Clearly the Constitution provides that only Congress has the power to declare war, but is a formal declaration of war by Congress the only means by which the United States can constitutionally engage in armed hostilities?

The facts surrounding our commitment of military personnel to armed combat in South Vietnam are too well known to require extended recitation. American military advisers were introduced by President Eisenhower and their number increased significantly by President Kennedy. Five years ago, President Johnson increased the commitment by dispatching division-sized units, and by the time President Nixon took office, over half a million American soldiers and marines were in Vietnam.

I am tempted to conclude that the legal principle of equitable estoppel precludes raising at this late date the question of the legality of this chain of events which extends over a nearly 20-year period, but the question is a valid and serious one, and I believe it deserves an honest and serious answer.

As we all know, the Constitution of the United States has served us faithfully for nearly two centuries because it is flexible enough to meet the changing requirements of a changing world. New problems, for example, have brought forth new views as to the role and power of Congress in meeting pressing domestic needs, the absence of explicit constitutional authorization notwithstanding. One can safely conclude that the framers of our Constitution would not recognize the commerce clause, so elastic has it become in the past 40 years. In fact, some of us today can hardly recognize it when a colleague suggests that one can find in that clause authorization for Congress to attempt to regulate the size of American families.

One hundred and eighty years ago, it was not unreasonable for the men gathered in Philadelphia to draft a new charter of government to conclude that the power to commit a nation of free men to war ought not be lodged in a single man. America was safely removed from the turmoils of Europe. At that time we did not have aircraft, submarines, or missiles. The experience of recent history suggested that wars—particularly those on the European Continent—were often fought for the personal benefit of kings at the expense of their people. We had no desire for a king, and no need for investing any man with kingly powers. Congress, it was decided, was the logical and safe repository for the power to declare war.

Wars at this time were rather formal affairs. Declarations were issued, troops were fitted out in ornate uniforms, battlefield formations were as stylized as a modern dance. One prepared for a war much as one prepared for an appearance at court.

Under such circumstances, a formal declaration of war was appropriate. But how appropriate is it today? Former President Johnson noted recently that one reason he did not ask Congress for a declaration of war against North Vietnam was that he did not know what secret treaties might have existed between Hanoi and Moscow or Peking. A formal declaration of war might very well have triggered the active belligerency of those Communist giants under the provisions of a treaty of which we were not aware. I might say that I presume this same situation still remains in effect.

Of course, there may not be any such treaties among the Communist powers and Hanoi. But, like Mr. Johnson, we do not know, and risks should be limited to what circumstances require, not enlarged to meet a constitutional formalism.

I do not suggest that the "war-declaring" power of the Congress—as opposed to the formal declaration of war—is a constitutional formalism. What I do suggest is that there are perfectly satisfactory constitutional means for Congress to exercise its war-declaring power short of the adoption of a formal declaration.

America's first war was a naval war with France which took place during the years 1798–1801. This was war in fact and in law. American warships and privateers engaged in armed hostilities on the open seas against the French Navy and merchantmen. Congress did not adopt a declaration of war against France, rather it adopted a series of enabling acts authorizing the President to take appropriate naval action against the French in reprisal for their interference with American shipping.

The Supreme Court held that this undeclared war was properly authorized under the Constitution and constituted a state of "imperfect"—or what we would call—"limited" war. Mr. Justice Washington, speaking for a unanimous Court, declared "that every contention by force between two nations, in external matters, under the authority of their respective governments, is not only war, but public war." A formal declaration was not required to clothe this limited war with constitutionality.

In 1802, Congress authorized President Jefferson to conduct limited war against the Bey of Tripoli, and in 1815, it similarly authorized President Madison to conduct limited war against the Bey of Algiers. Frequently throughout the 19th century, Congress authorized war without resorting to the formality of a declaration.

What I am suggesting is that formalities should not be allowed to obscure the substance of Congress' power to declare—that is, authorize—war. Certainly if those who served in the first sessions of Congress could recognize the desirability of adapting the means of authorizing war to the purposes for which that war was being conducted, we should not—180 years later—become so obsessed with formalisms that we cannot distinguish the substance from the form. Is the will of Congress any less clear, or its purpose any less certain, if it chooses to authorize war, not by a formal declaration, but by adopting a Tonkin Gulf Resolution, or when it debated and adopted a series of appropriations measures specifically designed to provide

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funds for the conduct of the war in Vietnam.

My only point is that Congress may authorize war without a formal declaration, and a war is not unconstitutional merely because it is not waged pursuant to a formal declaration.

I might interject another point which I think had not been considered very often. We are in South Vietnam at the request of the South Vietnamese Government. Exactly whom do we declare war against? The Vietcong? The North Vietnamese? If we declare war, do we have independent action? Would we have to get out immediately if the South Vietnamese asked us to get out? I think we would—and I think, as a matter of fact, we would probably be delighted to do so. There is a grave question as to whom we would declare war against if we came to such a formal declaration.

The focus of attention in the course of this debate has been on the power of the President as Commander in Chief to commit American forces to war without the approval of Congress. This is an issue on which the Constitution suggests one answer, and the precedents of nearly two centuries of experience suggest another.

The Constitution provides that Congress shall have the power to commit this Nation to war, whether by formal declaration or other suitable means. Yet, in spite of this clear delegation of power to Congress, history records that of the eight major wars we have waged since the adoption of the Constitution, only two may truly be said to be "congressional wars," or wars in which Congress took the initiative rather than being confronted with a fait accompli. Those were, of course, the War of 1812 and the Spanish American War.

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The war with Mexico was declared by President Polk when he moved troops into territory claimed by Mexico, although Congress adopted a declaration of war after the battles of Palo Alto and Resaca de la Palma had been fought. President Wilson had unilaterally adopted such a posture of hostility toward Germany that war was inevitable by the time Congress got around to declaring it, and one might say that President Roosevelt's less than neutral conduct toward Germany and Japan might very well have confronted Congress with no choice but to declare war if the Japanese had not struck Pearl Harbor first.

In that case, we were already at war when Congress finally decided that it was going to declare war.

President Truman did not make any pretense of relying upon a congressional declaration of war for authority to commit American forces to combat in Korea, and President Lincoln did not bother to wait for congressional approval before establishing a blockade and calling up the militia for the war against the Confederacy. And, of course, President Johnson did not ask for a declaration of war against North Vietnam.

What the historical record suggests is that Congress has rarely initiated war by declaration; it has mostly ratified wars underway or inevitable.

If, in fact, our major wars have been largely Presidential wars, is there any reason to wonder that there have been so many instances in which Presidents have committed forces to combat in minor engagements without the authority of Congress? The record is clear: From the undeclared Semniole War in 1816 to the pursuit of Pancho Villa in 1916, from the dispatch of 5,000 troops to quell the Boxer rebellion in 1898, to the landing of 21,000 men in the Dominican Republic in 1965, Presidents have acted to protect Americans abroad without first seeking the approval of Congress.

The authority of the President to commit troops in limited conflict is not, of course, unquestioned. There are Presidents who have doubted such authority and Congress has challenged it more than once. President Truman's commitment of troops in Korea in response to a U.N. resolution without prior approval of, or subsequent ratification by, Congress led to the Great Debate of 1951.

President Truman had relied upon his authority as Commander in Chief and upon resolutions of the U.N. Security Council declaring that armed aggression existed in Korea and calling upon U.N. members to assist in halting that aggression. He cited the history of actions by the Commander in Chief to protect American interests abroad. He characterized the U.N. Charter as the cornerstone of our foreign relations and singled out article 39 which authorizes the Security Council to recommend action to members to meet armed aggression.

The President's opponents noted that all treaties are not self-executing and that, until implemented by Congress, non-self-executing treaties confer no new authority on the President. Article 39, it was said, was not self-executing. Article 43, which provides expressly for the commitment of troops by members in accordance with their constitutional processes, had been implemented to the extent of Congress authorizing troop agreements (59 Stat. 619) but since no agreements had been entered into it was inoperative, so went the argument. Without any added treaty authorization, the President's action must be viewed solely in terms of his basic constitutional authority, it was said, and this authority does not extend to long-term commitment of troops in numbers ranging up to 250,000.

While various scholarly views were quoted on both sides of the issue—House Report No. 127, 82d Congress, first session—and the congressional debate raged from January to April, there was no legal resolution to the President's authority in light to the U.N. Charter or independent of it.

Nevertheless it is clear that Congress acquiesced in the President's action. See Rees, "The Limited War" (1964); Pusey, "The Way We Go To War" (1969).

Since judicial precedents are virtually nonexistent on this point, the question is one which must of necessity be decided by historical practice. Viewed in this light, congressional acquiescence in President Truman's action furnishes strong evidence that this use of his power as Commander in Chief was a proper one. This is particularly true because, while a treaty may override a State statute under the supremacy clause, *Missouri* v. *Holland*, 252 U.S. 416, it may not override a specific limitation on the power of the President or of Congress. *Reid* v. *Covert*, 351 U.S. 487.

There have always been those who challenged the authority of Presidents to take such actions. In recent weeks I have heard the testimony of Jefferson and Madison and Hamilton cited in condemnation of Executive usurpation. Indeed, I noted that the Foreign Relations Committee report accompanying Senate Concurrent Resolution 64 cited an annual message of James Buchanan. It is not often one hears President Buchanan quoted approvingly.

Also, these days, one does not hear too much about the Roosevelts, Theodore and Franklin, whose views on the Commander in Chief powers of the Presidency are no longer as popular as their views on social reform. And Woodrow Wilson and Harry Truman, whose strong actions in the realm of foreign affairs used to be cited with respect, are now relegated to the ranks of the usurpers. It appears that the only Presidents whose view of their powers under the Constitution are respected today are James Buchanan and Warren G. Harding, neither of which, in my opinion, were among our leading Presidents.

If history and precedent are—Buchanan and Harding excepted—relevant, it appears that there is a strong case to be made for the power of the President to commit American forces abroad without the explicit permission of Congress, although that commitment may lead to war.

I might say at this point that I personally do not like that idea, but I think the precedent is there.

This power is not unlimited, but it cannot be easily circumscribed. Just as there is a great deal more meaning in the commerce clause than a student of etymology would suspect, so too is there far more power encompassed in the Commander in Chief clause than many Members of Congress are prepared to admit.

It strikes me that it is appropriate to ask why the power of the President in the realm of foreign affairs has grown so great. Is it merely because Presidents are usurpers? Or is it because events have necessitated it?

President Wilson argued:

> When foreign affairs play a prominent part in the politics and policy of a nation, its Executive must of necessity be its guide; must utter every initial judgment, take every first step of action, supply the information upon which it is to act, suggest and in large measure control its conduct.

Is this an overstatement? Do the conditions of the world allow us safely to conduct our foreign policy on the floor of Congress? Can we safely attempt to substitute our judgment for that of the President when only he can have all the facts and only he can promptly act? Would the world be a safer place if our foreign policy were conducted by congressional committee?

Mr. President, these are questions to which we all have to search for answers. We must search in our own hearts, to determine whether or not this is the way we want to go.

Throughout our history, and certainly in this century, our Presidents have acted decisively and, for the most part, independently in response to evolving threats to the peace and security of the United States. It would be reckless, if not dishonest, to argue that they have done so without constitutional authorization or without good reason. We can have only one Commander in Chief at a time. The Constitution says he is the President, not the Senate, not the House of Representatives, not the fourth estate. A Commander in Chief has broad powers—powers which can be abused. But history teaches us that our Presidents have, almost without exception, been wise and prudent men. But, by their actions, they can commit us to war. That is a very real risk in our present system. But we should also remember that by their actions—prompt, decisive, informed—they can keep us out of war or out of a larger war, and that is a very real strength of our system.

To interject here for a moment, I had a telephone conversation the other day with a lawyer who is a very good friend of mine, who is not a politician, and who is a Democrat. His answer was that if we were under the parliamentary system, this body would then be able to have a vote of no confidence in what the President is going to do. If we had a vote of no confidence, and that were successful, then, under the English system, there would be new elections held immediately to determine what the temper of the country was.

But that is not what we do under our system. We do not have votes of no confidence. We elect a President of the United States to serve for a period of 4 years. We elect Members of the House of Representatives to serve for 2 years, and we elect the Members of the Senate to serve for six. We try to interrelate these bodies so as to achieve first, continuity, and second, responsibility, and then be able to determine how the execution of that responsibility is rated at the end of the term, not right in the middle of it.

The Constitution provides that the President shall be Commander in Chief of the Armed Forces. The courts have construed this clause to mean that once Congress has raised an army and navy, the President alone can deploy this force in the field. He, and he alone, determines movements, decides on tactics, controls strategy. The fleet sails and the army marches at his command, not at that of the Congress.

During the Civil War, Congress attempted to involve itself in the management of the war on the battlefield by means of a Joint Committee on the Conduct of the War. Lincoln refused to submit to this intrusion.

Congress cannot restrict the constitutional power of the Presidency in order to retaliate against the alleged usurpation of power by a President. The Constitution does not empower Congress to define the powers of the Presidency; it affords Congress no authority to add or detract from the powers bestowed by the Constitution on the President of the United States. If Congress believes that a President has exceeded his powers, it must employ the remedies provided by the Constitution, amongst which is Congress' right to appropriate funds with limitations on their use.

That is the role which my substitute amendment suggests—the amendment which is now lying on each Senator's desk, but which has not yet been called up. But such limitation, by its very nature, must apply to future actions. There is, of course, a political remedy. The people are the final arbiters of the propriety of official conduct, and if a President exceeds his constitutional powers or abuses his responsibility to the people, he can be defeated at the polls.

My analysis of the remedies available to Congress and to the people in the event of Presidential abuse of power is based on historical precedent. President Andrew Johnson was accused of exceeding his authority. In retaliation, Congress attempted to limit his power to remove members of the Cabinet, but the Supreme Court refused to allow Congress to restrict the constitutional prerogatives of the Presidency. Having failed before the Court, the Congress attempted impeachment. Again it failed. Finally, it was successful in the political arena. Grant, a man more amenable to the opinions of Congress, was elected to succeed Johnson.

At a time such as this, when passions are aroused and tempers are short, we should remember the constitutional lesson of the Andrew Johnson Presidency. Congress is not the final judge of the constitutional powers of the President. It cannot restrict those powers however convinced it is that they are being abused. Political passions cannot be allowed to overwhelm constitutional logic. A war is not unconstitutional because it is unpopular, and a President is not a usurper because he declines to agree with a majority of the Senate.

Although U.S. concern with the security of Southeast Asia dates from our involvement there during World War II, it was formalized in the signing and ratification of the Southeast Asia Collective Defense Treaty—so-called SEATO. The area covered by the treaty includes not only the territory of the Asian signatories but also the States designated in the protocol which was signed and ratified at the same time as the treaty. These are Cambodia, Laos, and the free territory under the jurisdiction of the State of Vietnam. Pursuant to its treaty obligation, the United States for some years maintained military advisers in Vietnam and provided other military assistance to the Republic of Vietnam.

When U.S. naval forces in the Gulf of Tonkin were attacked in August 1964, the President took direct air action against the North Vietnamese. He also requested Congress "to join in affirming the national determination that all such attacks will be met" and asked for "a resolution expressing the support of the Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO treaty." (H. Doc. 333, 88th Cong., second sess., p. 3.) Note that the nations covered by the SEATO treaty under the protocol included Cambodia, Laos, and the free territory under the jurisdiction of the State of Vietnam.

On August 10, 1964, Congress responded with a resolution which "approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." (Public Law 88–408, 78 Stat. 334.) It was in connection with this resolution that Congress noted that whatever the limits of the President acting alone might be, whenever Congress and the President act together, "there can be no doubt" of the constitutional authority. (H. Rept. 1708, 8th Cong., second sess., p. 4.)

In the debates in the Senate on this resolution, it is clear that the Commander in Chief was supported in taking whatever steps were necessary in his judgment to protect American forces. The floor leader, the distinguished Senator from Arkansas (Mr. FULBRIGHT), noted on August 6, 1964, that the resolution "would authorize whatever the Commander in Chief feels is necessary." He observed:

> In a broad sense, the joint resolution states that we approve of the action taken with regard to the attack on our own ships and that we also approve of our country's efforts to maintain the independence of South Vietnam.

When Senator COOPER inquired:

> In other words we are now giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?

Senator FULBRIGHT replied:

> I think that is correct.

The Gulf of Tonkin resolution expresses broad support for the Commander in Chief and recognizes the need for broad latitude to respond to situations which may develop. Of particular concern to the Congress, as well as to the President, was the protection of American forces and the security of South Vietnam.

While the Gulf of Tonkin resolution was the first major congressional affirmation of the President's actions in responding to the situation in Southeast Asia, it is not the only such affirmation. When bombing of military targets in North Vietnam was undertaken in 1965, the President requested a supplemental appropriation for the military. In his message of May 4, 1965, he emphasized:

> This is not a routine appropriation. For each Member of Congress who supports this request is also voting to persist in our effort to halt Communist aggression in South Vietnam. Each is saying that the Congress and the President stand united before the world in joint determination that the independece of South Vietnam shall be preserved and Communist attack will not succeed." (H. Doc. 157, 89th Cong., 1st sess.)

The requested resolution was adopted on May 7, 1965, Public Law 89–18, 79 Stat. 109.

Since that time, Congress has repeatedly adopted legislation recognizing the situation in Southeast Asia, providing

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funds to carry on U.S. commitments and providing special benefits for troops stationed there. There is long-standing congressional recognition of the U.S. commitment in Southeast Asia.

Finally, I come to the question, Is the current military operation in Cambodia a constitutionally authorized exercise of Presidential power?

Virtually everyone, I think, agrees that if American forces are constitutionally engaged in armed combat within a prescribed theater of operations pursuant to an acceptable congressional authorization, the President may employ those forces as he sees fit, and his tactical decisions are not subject to review by Congress, even though we might not like them. In considering the current operation in Cambodia, we must, then, ask two questions: First, are American troops in South Vietnam pursuant to an acceptable congressional authorization; and second, does the Cambodian sanctuary area constitute a constitutionally permissible area of operations pursuant to the original authorization?

We can dismiss the first question rather quickly: The SEATO Treaty, the Tonkin Gulf resolution, the Vietnam military appropriations bills, and the other acts and resolutions relating to the existence of hostilities in Vietnam clothe the action with constitutionality.

The real question is: Assuming the legitimacy of our presence in South Vietnam, did the President have the authority to extend the theater of operations into another country?

There are several arguments in support of such authority. The case of the steamboat *Caroline* appears on point. It is a rather interesting case, Mr. President, because it is right hand to the question with which we are dealing here.

In December of 1837, a group of British subjects and American citizens organized a raiding party in New York State for the purpose of launching an attack upon Canada, a British province. They arranged for the hire of the steamboat *Caroline*, an American vessel, to transport men and supplies from Fort Schlosser, N.Y., to the invasion site in Canada. New York authorities, fully aware of the intentions of the party, made no efforts to stop the endeavor. In fact, the authorities allowed the raiders to "steal" arms and ammunition from the State storehouses in broad daylight by the simple expedient of leaving them unguarded.

The weapons and supplies were loaded aboard the *Caroline*. On the night of December 29, a British boarding party crossed into U.S. waters where the *Caroline* was anchored, seized her, and set her afire. One American citizen was killed in the skirmish.

The United States filed a formal protest with the British Government demanding reparations and an apology for the attack. The Queen's Government refused. Lord Palmerston, the Foreign Secretary, stated the British legal position in language which is singularly appropriate to the circumstances surrounding our Cambodian operation. Wrote Lord Palmerston:

> The people of New York had begun to make war against her majesty's Canadian provinces. They had done so, apparently, with the connivance of the authorities of the State. Not only the New York territory of Scholosser had lost its neutral character, and had become enemy's land, but other portions of the territory of that State had assumed the same condition. One or other of two things must be—either the government of New York, Knowingly and intentionally, permitted the band of invaders to organize and equip themselves within the State, and to arm themselves for war, against British territory, out of the military stores of the State, or else the State government had lost its authority over the border district; and those districts were, for the moment, in open defiance of the power of the State government, as well as at war with the opposite British province.
>
> In the first case, the British authorities in Canada had a right to retaliate war for war. In the second case, they were no longer bound to respect as neutral that portion of a territory which, by shaking off its obedience to a neutral government, had ceased to be neutral, and could certainly not be entitled to the privilege of protecting persons who were actively engaged in making war upon her majesty's territory.

Secretary of State Daniel Webster accepted the British position, and the United States dropped its demand for reparations. The *Caroline* incident has since become a decisive precedent for the position at international law that a state may protect itself and its citizens from the threat of imminent attack by a preemptive military action. William Edward Hall in his "A Treatise on International Law" sets forth the rule in this language:

> If the safety of a state is gravely and immediately threatened either by occurences in another state, or aggression prepared there, which the government of the latter is unable or professes itself to be unable, to prevent, or when there is an imminent certainty that such occurrences or aggression will take place if measures are not taken to forestall them, the circumstances may fairly be considered to be such as to place the right of self-preservation above the duty of respecting a freedom of action which must have become nominal, on the supposition that the state from which the danger comes is willing, if it can, to perform its international duties.

What were the facts surrounding the threat posed by the operations of North Vietnamese and Vietcong forces in Cambodia? First, they were present in violation of the avowed neutrality of Cambodia. I might interpolate here, as I said eariler in my speech, that there were diplomatic efforts made by both Sihanouk and Lon Nol to get the Vietcong and the North Vietnamese out of Cambodian territory—all totally ineffective. Second, they were engaged in launching attacks upon the territory of South Vietnam and upon the personnel of the armed forces of South Vietnam and the United States. Third, they posed a serious threat to the integrity of South Vietnam and the safety of American and Vietnamese military personnel. Fourth, the Government of Cambodia was unable to resist their movement and prevent their attacks across the border.

As a result of these facts, it is clear that under international law South Vietnam and the United States had the right to attack those portions of Cambodia occupied by North Vietnamese and Viet Cong forces and to destroy their illegal base of operations. At international law, this right attached without regard to the attitude of the Cambodian Government. The attack would have been permissible even if the Cambodian Government had objected which it did not.

Just as the United States could not permit its territory to be used as a base of operations against British Canada, so too could Cambodia not permit its territory to be used as a base of operations against South Vietnam. And as the British had every right to enter into U.S. waters and destroy an American ship, so too did the United States and South Vietnam have every right to enter into Cambodia and destroy the Communist supply bases.

It might be argued that, although the United States had a right at international law to invade Cambodia and destroy the bases from which attacks were being launched against American forces, under our Constitution that right could be exercised only pursuant to an explicit authorization of Congress—that is, the right of retaliation at international law accrued to the United States, not to the President, and whether that right should be exercised was, under the Constitution, a question for Congress to decide.

This leads us back to further consideration of the Commander in Chief powers of the President. It would be agreed, I suspect, that the President, in the exercise of his Commander in Chief powers, would have the sole authority to decide which military operations within South Vietnam he regarded as appropriate in defense of American forces, that is, if he determined that an attack upon Communist forces in war zone C was necessary to save American lives, Congress would not presume to believe that he should seek its permission before he issued an order for the attack.

The question of the legality of the President's decision to attack Communist forces in the Cambodian sanctuaries arises because he ordered American forces across an internationally recognized frontier.

But what are the implications of that crossing? Is it a new war against a new enemy? Does it change the nature of the war, denote a new political objective, involve a new commitment? No, it does not. It is the same war against the same enemy in pursuance of the same political objectives.

American forces did not enter Cambodia either to oppose or to support the Cambodian Government. It entered to find and destroy the supply bases of the North Vietnamese—the enemy which we have been fighting for 5 years in South Vietnam. We incurred no new obligation by crossing the border. Neither the character of the war nor the identity of the enemy changed when we crossed from South Vietnam. It is the same war and the same enemy. I might add, even some of the same troops who have periodically used those bases as attack bases for incursions into South Vietnam.

What constitutional reason, Mr. President, should have prompted the President to seek from Congress permission for a tactical military operation which did not change the character of the war which we have been waging for 5 years, which did not involve new belligerents,

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which did not encompass new commitments?

Mr. President, the hard constitutional fact is that the President had every power as Commander in Chief to make the decision to attack the sanctuaries in Cambodia. His action was in accordance with international law, it was in accordance with precedent going back to the earliest days of the Republic, it was in accordance with sound military judgment and prudent diplomatic risk.

I am not arguing that it is impossible to quarrel with the wisdom of the President's action. That is a question upon which men of good will can easily disagree. What I am arguing is that it is impossible to argue that his action was constitutionally unauthorized.

American forces were being attacked by an enemy which was illegally operating from sanctuaries in a purportedly neutral country. The presence of these sanctuaries presented a threat to the safety of American forces in South Vietnam, or so the President determined—and under the Constitution he is the sole judge of the military necessities of the battlefield. In accordance with the internationally recognized right of self-defense and in compliance with the authority bestowed by the Constitution upon him as Commander in Chief of our Armed Forces, he decided to reduce the threat to the safety of American personnel by attacking those sanctuaries.

There is, Mr. President, one point of constitutional law upon which all of us agree: That every citizen is constitutionally authorized to criticize the President.

The Presiding Officer (Mr. YOUNG of Ohio) has often done so. The Senator now speaking has often done so. It depends upon the circumstances. And I would hate to have anyone even imply that we could not do that. But I like to recall the wise words of Benjamin Disraeli:

> It is much easier to be critical than to be correct.

Mr. President, no man in public life deliberately chooses to do the wrong thing. All of us are committed to the cause of peace, and no man has a stronger commitment than our present President, President Nixon.

Things are, I believe, going well in Vietnam. Over 115,000 Americans have come home from the war. Another 150,000 will come home in the next year. The Vietnamization program shows every sign of progressing according to the schedule laid down by the President.

The latest military reports, quoting from the Military Update of Cambodian Operations dated May 22, 1970, the following:

In this operation there have been over 7,400 enemy killed.

There have been over 1,700 taken prisoner.

There have been 10,253 individual weapons captured.

There have been 1,566 crew-served weapons captured.

There have been 13,020 rocket rounds captured.

There have been 21,304 mortar rounds captured.

There have been over 7 million rounds of small arms ammunition captured.

There have been over 2,000 land mines captured.

There have been over 5,600 bunkers destroyed.

There have been over 250 vehicles destroyed or captured.

These were being used not only to supply reserves but also, in fact, were being used, or would have been used, to continue war on American and South Vietnamese troops in South Vietnam. They were being used, in part, by the North Vietnamese and the Vietcong in attacking Cambodia.

This is very interesting. We do not hear anything about this.

Mr. President, the question of the legality of the U.S. position in Vietnam has been given searching study by the House of Delegates of the American Bar Asociation. I would like at this time to review for the record some of their findings.

By the Geneva Accords of 1954, the Commanders in Chief of the French forces of Indochina, on the one hand, and of the People's Army of Vietnam, on the other, established the 17th parallel as the military demarcation line between North and South Vietnam, with a demilitarized zone on each side of the line. They stipulated that the armed forces of each party were to respect the demilitarized zone and the territory of the other zone, and that neither zone was to be used "for the resumption of hostilities or to further an aggressive policy." The accords additionally provided for the creation of an International Commission, composed of India, chairman, Poland and Canada, to supervise the agreements.

In 1962 the International Commission reported, with approval, findings of its Legal Committee to the effect that—

> There is evidence to show that arms, armed and unarmed personnel, munitions and other supplies have been sent from the Zone in the North to the Zone in the South with the objective of supporting, organizing and carrying out hostile activities, including armed attacks, directed against the Armed Forces and Administration of the Zone in the South, and that the People's Army of Vietnam has allowed the Zone in the North to be used for inciting, encouraging, and supporting hostile activities in the Zone in the South, aimed at the overthrow of the Administration in the South.

These are findings which are in clear violation of the 1954 agreement signed by North Vietnam.

I continue to read from the House of Delegates report:

> The evidence further demonstrates that the aggression by North Vietnam against South Vietnam (the Republic of Vietnam) had been going on unabashedly since the signing of the Geneva Accords and that North Vietnam had consistently violated those accords from their inception. An official State Department report recites:
>
> While negotiating an end to the Indochina War at Geneva in 1954, the Communists were making plans to take over all former French territory in Southeast Asia. When Viet-Nam was partitioned, thousands of carefully selected party members were ordered to remain in place in the South and keep their secret apparatus intact to help promote Hanoi's cause. Arms and ammunition were stored away for future use.
>
> It is important to bear in mind that neither the Republic of (South) Vietnam nor the United States is a party to the Geneva Accords, and that while the United States participated in the discussions leading up to the accords, it did not sign the final declaration. However, during the last plenary session of the Geneva Conference on July 21, 1954, Under Secretary of State Walter Bedell Smith, head of the United States delegation, said in an official statement that his Government "would view any renewal of the aggression in violation of the aforesaid agreements with grave concern and as seriously threatening international peace and security."

On September 8, 1954, just a few weeks after the Geneva Accords were executed, the Southeast Asia Collective Defense—SEATO—Treaty was signed. Parties to it were the United States, Great Britain, Australia, New Zealand, Thailand, Pakistan, and the Philippines. The U.S. Senate ratified the treaty on February 1, 1955, by a vote of 82 to 1. It took effect on February 19, 1955.

Paragraph 1 of article IV of the SEATO Treaty provides that each party thereto "recognizes that aggression by means of armed attack in the treaty area against any of the parties or against any State or territory which the parties, by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes." By a protocol to the treaty executed on the same day, the parties "unanimously designated for the purposes of article IV the free territory under the jurisdiction of the State of Vietnam."

The SEATO Treaty was made by the parties in a reiteration of "their faith in the purposes and principles set forth in the Charter of the United Nations," nothing in which, according to Article 52 thereof, "precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action." Article 53 of the charter provides:

> No enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council.

These two articles are at the head of chapter VIII.

The preceding chapter VII deals with "Action With Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression." The first 12 articles—39 to 50, inclusive—of that chapter prescribe the measures to be taken by the Security Council to meet "any threat to the peace, breach of the peace or act of aggression." By the last article, 51, of that chapter, it is stipulated expressly:

> Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.

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It was clearly with these provisions of articles 51 and 52 of the Charter of the United Nations in mind that, in article IV of the SEATO Treaty, each party thereto agreed that it would "act to meet the common danger" in the event of "aggression by means of armed attack anywhere in the treaty area"—Southeast Asia and Southwest Pacific. "Enforcement action" is clearly action to enforce decisions of the Security Council under articles 39 and 50 of chapter VII of the charter. Equally clearly, "enforcement action" does not include measures of "individual or collective self-defense." So that when article 53 of the charter provides that—

> No enforcement action shall be taken under regional arrangements without the authorization of the Security Council.

It does not refer to such measures of "self-defense" as are contemplated under the SEATO Treaty, particularly in light of the explicit recital of article 51 of the charter that—

> Nothing in the present charter shall impair the inherent right of individual or collective self-defense.

The "Final Declaration of the Geneva Conference," issued on July 21, 1954, the same day on which the Geneva Accords were signed, states:

> The Conference recognizes that the essential purpose of the agreement relating to Vietnam is to settle military questions with a view to ending hostilities and that the military demarcation line is provisional and should not in any way be interpreted as constituting a political or territorial boundary.

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It was by no means contemplated, however, that there was to be no ultimate partition of Vietnam. On the contrary, the very next article, 7, of the final declaration provided expressly that the political problems of "independence, unity, and territorial integrity" were to be determined by free elections, internationally supervised. That article reads that—

> So far as Vietnam is concerned, the settlement of political problems, effected on the basis of respect for the principles of independence, unity and territorial integrity, shall permit the Vietnamese people to enjoy the fundamental freedoms, guaranteed by democratic institutions established as a result of free general elections by secret ballot . . . under the supervision of an international commission.

It will be recalled that by the protocol to the SEATO Treaty, South Vietnam—the free territory under the jurisdiction of the State of Vietnam—was promised protection as such under the treaty. Reference has since been made to South Vietnam as a "protocol state."

In addition to the reference in the contemporaneous protocol to the SEATO Treaty to—

> The State of Vietnam, the Republic of (South) Vietnam has been recognized as a separate international entity by approximately 60 governments around the world. It has been admitted as a member of several of the specialized agencies of the United Nations. In 1957, the General Assembly voted to recommend South Vietnam for membership in the United Nations, and its admission was frustrated only by the veto of the Soviet Union in the Security Council.

The right of self-defense under article 51 of the Charter of the United Nations is expressed to be unimpaired "if an armed attack occurs against a Member of the United Nations," and it has been asserted by opponents of United States policy in Vietnam that this amounts to explicit denial of such a right in the event of attacks against nonmembers of the United Nations. A thesis that members of the United Nations are not permitted to participate in collective self-defense to repel aggression, on the ground that the aggrieved nation is not a member of the United Nations, can hardly be supported on its face, in reason, logic, or law. Would proponents of this doctrine suggest that members of the United Nations would have no right to assist Switzerland in self-defense against a foreign invader?

But the right of self-defense has always existed independently of the charter, and that right is recognized expressly in article 51. It is quite obvious that the charter merely confirms, as to members of the United Nations, the innate right of self-defense appertaining to both members and nonmembers. Article 51 expressly retains, unimpaired, the "inherent" right of both individual and collective self-defense, thus implicitly recognizing the independent existence of the right of members to come to the aid of nonmembers in collective self-defense against aggression, or attack "to maintain international peace and security," the very first purpose of the United Nations itself, as stated in the charter.

On August 7, 1964, the Congress adopted, by a vote of 88 to 2 in the Senate and 416 to 0 in the House, the joint Southeast Asia resolution, in which the preambular clauses recite that:

> Naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels, lawfully present in international waters, and have thereby created a serious threat to international peace: these attacks are part of a deliberate and systematic campaign of aggression—

Against the South Vietnamese—

> and the nations joined with them in the collective defense of their freedom.

The resolution then states:

> The Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression; that the United States regards as vital to its national interest and to world peace and the maintenance of international peace and security in Southeast Asia; and that consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Keep in mind that protocol states include the territory of South Vietnam, Cambodia, and Laos, among others.

In an address delivered at Gettysburg, Pa., on April 4, 1959, President Eisenhower declared that his administration had reached "the inescapable conclusion that our own national interests demand some help from us in sustaining in Vietnam the morale and the military strength necessary to its continued existence in freedom." In a letter of December 14, 1961, to the President of the Republic of Vietnam, President Kennedy recalling that the Communist regime of North Vietnam had "violated the provisions of the Geneva Accords to which they bound themselves in 1954" and that "at that time, the United States, although not a party to the accords, declared that it 'would view any renewal of the aggression in violation of the agreements with grave concern and as seriously threatening international peace and security.'" assured him that "in accordance with that declaration, and in response to your request, we are prepared to help the Republic of Vietnam to preserve its independence."

In President Johnson's message of August 5, 1964, to Congress, reporting the Communist attacks on U.S. naval vessels in the international waters of the Gulf of Tonkin, he said:

> The North Vietnamese regime has constantly sought to take over South Vietnam and Laos. This Communist regime has violated the Geneva accords for Vietnam. It has systematically conducted a campaign of subversion, which includes the direction, training, and supply of personnel and arms for the conduct of guerrilla warfare in South Vietnamese territory . . . Our military and economic assistance to South Vietnam and Laos in particular has the purpose of helping these countries to repel aggression and strengthen their independence. The threat to the free nations of southeast Asia has long been clear.

The Lawyers Committee on American Policy Toward Vietnam questions whether President Johnson's deployment of U.S. forces to Vietnam can "be squared with our Constitution for, contrary to widely held assumptions, the power to make and conduct foreign policy is not vested exclusively in the President, but is divided between him and Congress." In his message of August 5, 1964, to the Congress, President Johnson went on to say unequivocally:

> As President of the United States I have concluded that I should now ask the Congress on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the free nations of the area to defend their freedom.

And the President forthrightly requested that Congress adopt "a resolution expressing the support of the Congress for all necessary action to protect our Armed Forces and to defend freedom and preserve peace in Southeast Asia in accordance with the obligations of the United States under the Southeast Asia Treaty."

Two days later, on August 7, in response to this message from the President, Congress adopted the resolution quoted above, and on August 10 the President signed it as Public Law 88–408.

Article 51 of the Charter of the United

Nations, which provides that "nothing in the present charter shall impair the inherent right of individual and collective, self-defense," requires that "measures taken by members in the exercise of this right of self-defense shall be immediately reported to the Security Council." That the Southeast Asia Collective Defense Treaty was made under and in accordance with the Charter of the United Nations, particularly article 51, is evidenced by the provision of paragraph 1 of article IV of the treaty—by which each party agreed to participate in defending acts of aggression in the treaty area—that "measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations."

On August 5, 1964, Adlai E. Stevenson, U.S. representative to the United Nations and the Security Council, advised the Council formally of two "deliberate armed attacks" by North Vietnamese torpedo boats against a naval unit of the United States on the high seas. He declared that "these wanton acts of violence and destruction" were simply part of "the sabotage of the international machinery established to keep the peace by the Geneva agreements—and the deliberate, systematic and flagrant violations of those agreements by two regimes which signed them and which by all tenets of decency, law and civilized practice are bound by their provisions," all of which, he said, "fit into the larger pattern of what has been going on in Southeast Asia for the past decade and a half."

Ambassador Stevenson assured the Security Council:

> We are in Southeast Asia to help our friends preserve their own opportunity to be free of imported terror and alien assassination, managed by the North Viet-Nam Communists based in Hanoi and backed by the Chinese Communists from Peiping. He affirmed solemnly "that the deployments of additional U.S. forces to Southeast Asia are designed solely to deter further aggression.

On February 7, 1965, Ambassador Stevenson, by a letter to the President of the Security Council, informed that body of "attacks by the Vietcong, which operates under the military orders of North Vietnamese authorities in Hanoi." He said the attacks were part of an overall plan "to make war against the legitimate government of South Vietnam" in "violation of international law and the Geneva Accords of 1954." He stated also that, as required by paragraph 2 of article IV of the Southeast Asia Treaty, the United States and Vietnamese Governments had consulted immediately and had agreed that it had become "necessary to take prompt defensive action" to resist "this continuing aggression." He reported further that the "countermeasures are a justified measure of self-defense," and that he was "reporting the measures which we have taken in accordance with our public commitment to assist the Republic of Vietnam against aggression from the north."

Of particular interest at this point is the reiterated assertion by the Lawyers Committee on American Policy Toward Vietnam, phrased variously throughout its submission, that—

> Only the Security Council . . . is authorized to determine the existence of any . . . act of aggression and . . . the measures to be taken to maintain or restore international peace.

To the statements quoted above, which were made by Ambassador Stevenson in his letter of February 7, 1965, he added significantly:

> We deeply regret that the Hanoi regime, in its statement of August 8, 1964, which was circulated in Security Council Document S-5888, explicitly denied the right of the Security Council to examine this problem.

### WHO DENIED IT? HANOI DID; NOT SOUTH VIETNAM

Less than 3 weeks later, in another letter to the President of the Security Council, Ambassador Stevenson transmitted to that body an extensive State Department report entitled "Aggression from the North: The Record of North Vietnam's Campaign To Conquer South Vietnam," the facts recited in which, Ambassador Stevenson submitted, "make it unmistakably clear that the character of that conflict is an aggressive war of conquest waged against a neighbor—and make nonsense of the cynical allegation that this is simply an indigenous insurrection."

Innumerable other reports, both formal and informal, were made to the Security Council by the representatives of the United States at the United Nations; and there was even one by President Johnson on July 28, 1965, bespeaking the continued efforts of Secretary General U Thant to find a solution of the Vietnamese problem through the United Nations. In the last of these reports available as this article is written—two letters of January 31, 1966, from Ambassador Goldberg to the President of the Security Council—it is requested "that an urgent meeting of the Council be called promptly to consider the situation in Vietnam." A draft resolution, calling "for immediate discussions without preconditions among the appropriate interested governments looking toward the application of the Geneva Accords and the establishment of a durable peace in Southeast Asia," was transmitted with the second of these letters for consideration by the council. Ambassador Goldberg said:

> We are firmly convinced that in light of its obligations under the Charter to maintain international peace and security . . . the Council should address itself urgently and positively to this situation and exert its most vigorous endeavors and its immense prestige to finding a prompt solution to it.

Despite all prior, and this formal urgent submission of the Vietnamese problem to the Security Council, it has never taken any action of any kind looking toward the restoration of international peace and security to Southeast Asia. Neither has the Council expressed the slightest criticism of any action taken by the United States in the SEATO area.

In its memorandum in opposition to the policy of the United States, the Lawyers Committee on American Policy Toward Vietnam asserts that—

> The conduct of the United States Government in Vietnam appears plainly to violate the terms of the Geneva Accords.

While the United States is not a party to the accords, it did by contemporaneous unilateral declaration agree, in effect, to respect them. But, as demonstrated above, the Geneva accords since their inception have been violated continuously by the Hanoi regime. It is an accepted principle of international law that a material breach of a treaty by one of the parties thereto dissolves the obligations of the other parties at least to the extent of withholding compliance until the defaulting party purges its breach.

It has been suggested that because the power to declare war is vested by the Constitution in the Congress alone, the deployment of U.S. forces to Vietnam by the President, without a formal congressional declaration of war, violates the constitutinal fiat. When the phrasing of this clause of the Constitution was being considered at the convention in 1787, its original form, vesting in Congress the power to "make" war, was changed to give it the power to "declare" war, "leaving the Executive the power to repel sudden attacks"—"he should be able to repel and not to commence war" and "to 'conduct' it which was an Executive function."

The President is, under section 2 of article II of the Constitution, the "Commander in Chief of the Army and Navy of the United States." Throughout the history of the United States, he has been deemed to have authority to deploy the country's military forces to trouble spots around the world, frequently in combat. The Department of State has a record of some 125 such instances.

In the last analysis, however, the exercise of the President's power as Commander in Chief in deploying forces of the United States to Southeast Asia for the defense of the Republic of Vietnam has had the repeated sanction of the Senate, as well as of the Congress as a whole, so that, although the situation now seems unquestionably to constitute war in its techncial sense, a formal congressional verbal declaration of war as such could not conceivably be essential to clothe the President's conduct with constitutional validity. This congressional sanction has been evidence by overwhelming majorities in the Senate's approval of the SEATO Treaty, in the adoption of the joint congressional Southeast Asia resolution of August 10, 1964, and in the passage of the appropriations necessary to carry on the defensive actions undertaken by the Executive.

First, as to the treaty. In it—paragraph 1, article IV—each of the parties "recognizes that aggression by means of armed attack in the treaty area against" any of them or against the "free territory under the jurisdiction of the State of Vietnam"—protocol—"would endanger its own peace and safety."

The "treaty area," under article VIII, includes "the general area of the Southwest Pacific not north of 21 degrees 30 minutes north latitude." The United States has historically owned tremendously important and valuable strategic territorial interests in that area. Aside from its trusteeship over the Marianas—

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except Guam—Marshall and Caroline Islands, the United States owns Guam, Wake, and the Samoan group. And yet the Lawyers Committee on American Policy Toward Vietnam has asserted that "SEATO is not a regional agency within the letter or spirit of the U.N. Charter," because "articles 51 and 53 envisaged regional systems which historically and geographically developed into a regional community not contemplating a regional system which fuses Southeast Asia with a country of the North American Continent"—"separated by oceans and thousands of miles from Southeast Asia."

In the cited paragraph of the treaty, the United States agreed that in the event of aggression in the treaty area it would "act to meet the common danger." In recommending ratification of the treaty to the Senate, its Foreign Relations Committee reported that—

> The committee is not impervious to the risks which this treaty entails. It fully appreciates that the acceptance of these obligations commit the United States to a course of action over a vast expanse of the Pacific. Yet these risks are consistent with our own highest interest.

The Senate ratified the treaty on February 1, 1955, by a vote of 82 to 1.

In light of all of the foregoing, it seems difficult to find anything in the nature of an adequate foundation for the ipse dixit of the Lawyers Committee on American Policy Towards Vietnam that—

> The "Southeast Asia Collective Defense Treaty"—connecting the United States with Southeast Asia, architectured by Secretary of State Dulles, is a legalistic artificial formulation to circumvent the fundamental limitations placed by the United Nations Charter on unilateral actions by individual members.

Undoubtedly the clearest and most unequivocal congressional sanction of the President's deployment of U.S. forces for the defense of South Vietnam is contained in the joint Southeast Asia resolution of August 10, 1964, reciting expressly "that the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression," and that the United States is "prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

The Lawyers' Committee on American Policy Towards Viet Nam quotes a passage from an article in the Washington Daily News of June 4, 1965, by Richard Starnes, read into the CONGRESSIONAL RECORD by Senator Ernest Gruening of Alaska, which states that the joint resolution was "passed in the fever of indignation that followed" the Gulf of Tonkin attacks, and then, again as their own ipse dixit, assert that "there is no evidence that Congress thought or understood that it was declaring war."

This statement is simply incorrect. When the President sent his message to Congress on August 5, 1964, recommending passage of "a resolution expressing the support of Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO treaty," he stated explicity that he "should now ask the Congress on its part, to join in affirming the national determination that all such attacks will be met, and that the United States will continue in its basic policy of assisting the free nations of the area to defend their freedom."

In the course of a colloquy on the floor of the Senate on August 6, 1964, between Senator JOHN SHERMAN COOPER of Kentucky and Senator J. WILLIAM FULBRIGHT of Arkansas, chairman of the Foreign Relations Committee which recommended passage of the resolution the following discussion—excerpts—took place:

> Senator COOPER. Are we now (by this resolution) giving the President advance authority to take whatever action he may deem necessary respecting South Vietnam and its defense, or with respect to the defense of any other country included in the treaty?
>
> Senator FULBRIGHT. I think that is correct.
>
> Senator COOPER. Then, looking ahead, if the President decided that it was necessary to use such force as could lead us into war, we would give that authority by this resolution?
>
> Senator FULBRIGHT. That is the way I would interpret it.

Senator Morse himself called the resolution "a predated declaration of war," which would, somewhat enigmatically, give "to the President what I honestly and sincerely believe is an unconstitutional power to make war without a declaration of war." The enigma in this puzzling concept seems to arise from the rather simple and logical hypothesis that the function of a legislative "declaration of war" is to authorize the Executive "to make war." Since, by Senator Morse's own statement, the resolution authorizes the President "to make war," it surely has the same legal effect as a congressional "declaration of war" in haec verba would have had.

Actually, while two or three members of the Senate expressed doubt as to whether the resolution was intended to go as far as it did, there was no real question about it. Senator Morse himself made extended speeches against it, repeatedly warning his colleagues as to its dire import, in such words as that it "does go beyond the inherent authority of the President to act in the self-defense of our country and does vest in him authority to proceed to carry out a campaign that amounts in fact to the waging of war."

In the course of a recent debate on the floor of the Senate on a bill for an appropriation in support of the military forces in Vietnam, Senator RICHARD B. RUSSELL, of Georgia, chairman of the Armed Services Committee, said:

> I knew that the joint resolution conferred a vast grant of power upon the President. It is written in terms that are not capable of misinterpretation, and about which it is difficult to become confused . . . The language could not have been drawn more clearly. Personally, I would be ashamed to say that I did not realize what I was voting for when I voted for that joint resolution. It is only one page in length. It is clear. It is explicit. It contains a very great grant of power.

During the hearings on that appropriation bill before the Senate Foreign Relations Committee on February 18, 1966, Senator Morse asked Secretary of State Rusk whether he thought that the vote on the Southeast Asia resolution "would have been the same if my colleagues in the Senate had contemplated that it might lead to 200,000 or 400,000 or 600,000 American troops in South Vietnam?" The Secretary replied:

> I doubt very much that the vote would be substantially different.

In response to that, Senator Morse commented that there would be "a chance next week to find out. He said:

> I intend to offer (a rescission resolution) as an amendment to the pending business in the Senate.

On March 1, Senator Morse offered his amendment to the military appropriation bill, to provide that—

> The "joint resolution to promote the maintenance of international peace and security in Southeast Asia . . . is hereby repealed.

To avoid any question as to the effect and meaning of a vote on his amendment, Senator Morse himself declared that it "would be a vote to make clear to the President that those who vote for the amendment disapprove of the continuation of the exercise of the power he has been exercising under the Tonkin Bay resolution." Senator RUSSELL said:

> The defeat of the proposal of the Senator from Oregon by the Members of the Senate . . . will leave the original joint resolution . . . unimpaired, in full strength and vigor, and with Congress, except for two Members of the Senate who voted against the 1964 resolution, solemnly and solidly behind the President in the steps that he has taken in Southeast Asia.

After full debate, Senator MANSFIELD of Montana, the distinguished majority leader, moved to table Senator Morse's amendment, and the motion was carried, 92 to 5. After some further discussion, Senator RUSSELL moved for passage of the appropriation bill, and his motion carried by a vote of 93 to 2.

One of the best means available to Congress, in my opinion, for the control of executive action is through the power of the purse—the ultimate necessity of congressional action for appropriations to provide funds to carry out executive functions. As stated by Senator Morse during the hearings on the military appropriation bill:

> A vote on this pending piece of business in the Senate really is a vote as to whether or not we are going to continue to support this program, because the only check, one of the best checks we have, is to say we are not going to finance it.

As stated, the bill was passed in the Senate by a vote of 93 to 2. The vote in the House was 392 to 4.

The legal authority of the President of the United States to conduct the present war, for "the maintenance of international peace and security in Southeast Asia," which, as Congress declared in its 1964 resolution, "the United States regards as vital to its national interest and to world peace," is surely sustained amply by the composite impact of that resolution, the terms of the SEATO Treaty ratified by the Senate and the appropriations made by the Congress to support the military actions in the treaty area.

That the memorandum of the Lawyers Committee on American Policy Toward Vietnam is grounded on an emotional attitude opposed to U.S. policy, rather than on law, is not only demonstrated by a look at the facts, but is emphasized as well by the memorandum's concluding paragraph:

> Should we not, twenty years after President Roosevelt's hopeful dream—twenty years after the advent of the nuclear age with the awesome potentiality of incineration of our planet and the annihilation of our civilization and the culture of millenia—Should we not "spell the end of the system of unilateral action . . . that has been tried for centuries—and has always failed"?

Contrasted with the tone and substance of that memorandum is the temperate statement of 31 professors of international law from leading law schools throughout the United States, which recites simply that they "wish to affirm that the presence of U.S. forces in South Vietnam at the request of the government of that country is lawful under general principles of international law and the United Nations Charter. The engagement of U.S. forces in hostilities at the request of the Government of South Vietnam is a legitimate use of force in defense of South Vietnam against aggression."

Contrasted also with the tone and temper of the memorandum of the Lawyers Committee on American Policy Toward Vietnam is the simple resolution adopted unanimously on February 21, 1966, by the House of Delegates of the American Bar Association on the joint recommendation of its Standing Committee on Peace and Law Through United Nations and its Section of International and Comparative Law. The resolution is supported by a brief report, which concludes "that the position of the United States in Vietnam is legal under international law, and is in accordance with the Charter of the United Nations and the Southeast Asia Treaty."

The road to peace cannot easily be traversed by a divided people. Never was there a greater need for unity, for confidence, for hope.

Mr. President, I believe the President when he says that it was necessary to attack Cambodian sanctuaries in order to guarantee the safety of American forces in South Vietnam. I have just put in the Record the cumulative results of what we have already captured there. Any one of those weapons was subject to use, if they had not been captured and destroyed, to attack both our Armed Forces and the South Vietnamese. In that connection—the necessity of attacking the Cambodian sanctuaries in order to guarantee the safety of American forces—Mr. Stewart Alsop has written an excellent article and incisive analysis of the situation which appeared in the most recent issue of Newsweek, which bears the date May 25, 1970. I ask unanimous consent that the entire article be printed at this point in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Newsweek, May 25, 1970]

## Mr. Nixon's Great Retreat

(By Stewart Alsop)

Washington.—In a queer sort of way, President Nixon and his bitterest critics are in collusion. Neither the President nor his enemies wants to talk about what the President is really doing in Vietnam. This exercise in mutual self-deception has wholly distorted the reality, and lent a strange never-never-land quality to the whole, bitter Vietnam debate.

What the President is really doing is to conduct a great military retreat—the greatest in American history. But for quite natural reasons he doesn't want to admit it—probably even to himself. So he wraps his retreat in thick layers of defiant, neo-Churchillian oratory.

The President's critics don't want to admit that the President is engaged in a great retreat either, because if they did they would have much less left to criticize. So they use the Nixonian rhetoric to prove that Mr. Nixon is not really retreating at all, but is instead expanding and prolonging an "outrageous" war.

This mutual self-deception accounts for the fog of unreality that has overhung so much of what has been said and written about the Cambodian operation. If you listen to the President, the Cambodian operation is the product of a great, historic Presidential decision, comparable to the great decisions of Wilson, Roosevelt, Eisenhower and Kennedy. If you listen to the President's critics, the Cambodian operation is an outrageous "invasion" of a small, neutral country (the 60,000 North Vietnamese already in Cambodia were presumably just having a big picnic) which will "sink the United States ever deeper in the Southeast Asian quagmire."

### DANGEROUS

Of course, the Cambodian operation is neither of these things. It is a limited spoiling attack, designed to protect the rear guard of the American retreat. Retreat, as Napolean or Marshal Rommel could attest, is a most difficult and dangerous military maneuver. All retreats present a common problem. How do you protect your rear guard, and thus prevent your retreat from turning into a rout?

In terms of this question, the Cambodian operation makes obvious military sense. In fact, the President had little real choice—he had to end the inviolability of the Communists' Cambodian sanctuaries one way or another, unless he was willing to halt his retreat or accept the risk of military disaster to his rear guard.

That Mr. Nixon is conducting the greatest retreat in American history is obvious on the face of it. When he became President, he inherited an American force in Vietnam of 525,000 men. Within a year, he will have withdrawn at least 265,000 men, and his rear guard will consist of two divisions, maybe only one. A year later, on the current schedule, there will be about 30,000 U.S. support troops left in Vietnam.

If withdrawing half a million men is not a retreat, what in heaven's name is it? Mr. Nixon's answer is "Vietnamization," but that is a euphemism.

### MEANINGLESS

It is not surprising that the President does not like to talk about his great retreat. Like all Presidents, he feels history breathing down his neck, and retreat is not a good way for a politician to get himself transmogrified into a great man. Retreating in the face of Communist power is in any case not the sort of thing a man who built his political career on a reputation as a hard-line anti-Communist likes to do.

So it is natural that Mr. Nixon—perhaps quite sincerely—should keep repeating like a metronome his promise not to be the first American President to preside over "defeat and humiliation." But the promise is meaningless. For it is silly to suppose that a division or two—much less 30,000 support troops—can provide a guarantee against defeat for our side in the war. All retreats, in the nature of things, involve the risk of defeat.

The Cambodian operation is designed to reduce the risk, and it will undoubtedly do so. As of this writing, at least, the operation is a very considerable military success. Much greater stores of weapons and supplies have been captured than in any previous operation. Those weapons and supplies cannot now be turned against our dwindling manpower in Vietnam—and after all, kids in uniform have no more desire to be shot at than kids on campuses.

But more important than the booty captured in Cambodia is the simple fact that henceforth the Communists, even if they make great effort to rebuild their bases, will know that the bases are no longer secure. Secure bases are absolutely essential to a successful guerrilla operation. To cite an example from personal experience, the French *Maquis,* in which this writer served for a couple of months in World War II, would have quickly faded into nothingness without the weapons and supplies parachuted into France by the Allied secret services.

Because of the Cambodian operation, the President may yet end up with the better of the argument with his natural enemies, the liberal Democrats. The Senate liberals are now lining up behind the amendment to deny all funds for combat in Vietnam after June 30 of next year, which is, of course, a receipe for turning the retreat into a rout. There is no doubt that most Americans ache in their bones to get out of Vietnam. But there are dangers to the Democrats in making Vietnam the central issue this year.

### SIMPLE PLAN

One danger is that the Cambodian operation will go well enough so that the President can rapidly accelerate his great retreat—an idea that has certainly occurred to the President. When you strip away all the rhetoric, the President's famous "plan" for Vietnam is very simple. It is to retreat as quickly as possible, provided that the retreat does not become a rout; and provided that the people who have been fighting on our side have at least a chance to avoid defeat at the hands of the Communists when our retreat is completed.

This is not very heroic, but it is perfectly sensible, and moreover there is a chance, and maybe a pretty good one, that retreat will not mean defeat. But the President has got to risk defeat—he has no choice. The spasm of national hysteria induced by the relatively minor Cambodian operation shows how little time the President has left. He must substantially complete his retreat from Vietnam within a matter of not too many months. Otherwise, this fat and flabby country, which was not fitted by history or temperament for the great-power role thrust upon it by the second world war, seems likely to go mad. Maybe it has gone mad already.

**Mr. DOMINICK.** In order to emphasize some of this, I shall recite, for the benefit of my colleagues who are listening, some of the things Mr. Alsop said:

> The Cambodian operation is . . . a limited spoiling attack, designed to protect the rear guard of the American retreat. Retreat, as Napoleon or Marshal Rommel could attest, is a most difficult and dangerous military

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> maneuver. All retreats present a common problem. How do you protect your rear guard, and thus prevent your retreat from turning into a rout?
>
> In terms of this question, the Cambodian operation makes obvious military sense. In fact, the President had little real choice—he had to end the inviolability of the Communists' Cambodian sanctuaries one way or another, unless he was willing to halt his retreat or accept the risk of military disaster to his rear guard.

Nothing could be more plain than that. Nothing could be more obvious that it is correct than simply watching what has already been seized and destroyed in the way of enemy ammunition.

Mr. Alsop goes on to point out:

> Within a year, (the President) will have withdrawn at least 265,000 men, and his rear guard will consist of two divisions, maybe only one. A year later, on the current schedule, there will be about 30,000 U.S. support troops left in Vietnam.

He goes on to say, in part:

> The Cambodian operation is designed to reduce the risk, and it will undoubtedly do so. As of this writing, at least, the operation is a very considerable military success. Much greater stores of weapons and supplies have been captured than in any previous operation. Those weapons and supplies cannot now be turned against our dwindling manpower in Vietnam—and after all, kids in uniform have no more desire to be shot at than kids on campuses.
>
> But more important than the booty captured in Cambodia is the simple fact that henceforth the Communists, even if they make the great effort to rebuild their bases, will know that the bases are no longer secure. Secure bases are absolutely essential to a successful guerrilla operation.

I said, Mr. President, that I was not going to read the entire article, and I will not. I include it in the RECORD because I think it is a very fine analysis.

Mr. President (Mr. YOUNG of Ohio), I believe the President when he says that he will withdraw all our forces from Cambodia by July 1. I believe the President when he says that he seeks a negotiated settlement to the war. It is, Mr. President, much, much easier to be critical than it is to be correct. I believe the time has come for the Senate to be more sparing in its criticism and more generous in its support of the President, while still asserting its right in determining future policy as to future actions involving American troops. I do believe there is ample precedent in the provision adopted last year with reference to Laos and Thailand to assert the role of Congress in sharing in the determination of where U.S. ground forces may be used in the future. For that reason, I offered my substitute which will accomplish this aim in terms of the President's own expressed intentions with respect to the use of U.S. ground combat forces in Cambodia.

Mr. President, this is a simple substitute. It states as follows:

> In accord with the expressed statements of the President of the United States, none of the funds authorized by this or any other Act shall be used after July 1, 1970 to finance the introduction or retention of American ground combat troops into Cambodia without the prior consent of the Congress, except to the extent that such is required, as determined by the President and reported promptly to the Congress, to protect the lives of American troops remaining within South Vietnam.

Nothing could be simpler, exercising in writing the effort to do something by way of sharing in the responsibility of determination of policy, at the same time leaving the President with a maximum of flexibility so that he can continue to use his efforts to be successful in our objectives and save the lives of as many American troops as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SPONG). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR JAVITS ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately upon disposition of the reading of the Journal on Monday next, the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed one-half hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON MONDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon completion of the remarks of the distinguished senior Senator from New York (Mr. JAVITS) on Monday morning next, the distinguished senior Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HANOI'S TOUGHENING STAND

Mr. CHURCH. Mr. President, one of America's leading experts on current events in Southeast Asia is Stanley Karnow of the Washington Post. He recently reported that Hanoi's reaction to our Cambodia operation was to stiffen its resolve to fight U.S. forces in Vietnam, Laos, and Cambodia. This toughening stand is part of the price we are paying for our venture into Cambodia. It challenges, as Karnow says:

> President Nixon's contention that his Cambodian venture will shorten the war.

This report is added evidence of how urgent it is to go no further into Cambodia. It underscores the need for Congress to backstop the President, in sharing with him the responsibility for setting the limits on the Cambodian front.

Mr. President, I ask unanimous consent to have the article by Mr. Karnow printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 15, 1970]

### UNITED STATES SEEN CAUSING STIFFER HANOI STAND

(By Stanley Karnow)

HONG KONG, May 14.—The American and South Vietnamese intervention in Cambodia seems to have stiffened Hanoi, reducing the prospects for a negotiated settlement of the widening Indochina conflict in the foreseeable future.

This view, which challenges President Nixon's contention that his Cambodian venture will shorten the war, is held by Western and Asian diplomatic analysts here as a result of their examination of North Vietnamese, Chinese and Soviet maneuvers and statements in recent weeks.

As these analysts see it, the U.S. thrust into Cambodia appears to have thwarted Soviet attempts to persuade the Vietnamese Communists to negotiate and has pushed them closer to China, which has long advocated a tough approach to the war.

A significant indication that the Chinese have registered gains in Hanoi was evident in the treatment they gave Le Duan, the first secretary of North Vietnam's Lao Dong (Workers Party), during his three-day visit to Peking this week.

Among other things, Le Duan was accorded a joint audience with Mao Tse-tung and his designated successor, Marshal Lin Piao, which one observer here described as "The Chinese equivalent of being received by Allah and the Prophet together."

In addition to having what a Chinese communique called a "very cordial and friendly conversation" with Mao and Lin, the North Vietnamese leader talked with Premier Chou En-lai and the Chinese army chief of staff, Gen. Huang Yung-sheng.

Analysts here believe that the Chinese probably pledged to step up their military and economic aid to Hanoi and the Vietcong in anticipation of a prolonged Indochinese conflict.

The fact that former Cambodian chief of state Norodom Sihanouk bluntly asked the Soviet Union to recognize his Peking-based government-in-exile yesterday further suggests that the Chinese and Vietnamese Communists are exerting pressure on Moscow to adopt a hard line.

Despite their protestations of support for Prince Sihanouk, the Russians have withheld official recognition of his exile government.

Analysts here believe that Sihanouk's appeal for Soviet recognition was not only encouraged by the Chinese, but also cleared with Le Duan at a meeting between the two men in Peking yesterday.

Moreover, it is thought, the question of Sihanouk's government as a symbol of Indochinese Communist resistance to the United States was raised by Le Duan in talks with Soviet party leader Brezhnev in Moscow Friday.

In contrast to the effusive description of his conversation with Mao, the Le Duan meeting with Brezhnev was perfunctorily portrayed by Hanoi as having taken place "in an atmosphere of fraternity and sincerity"—a signal in Communist jargon that the Moscow talks were a flop.

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The North Vietnamese leader apparently failed to move Brezhnev to assume a harder line in response to the U.S. incursion into Cambodia. Consequently, he found sympathy in Peking.

Piecing together the complicated chain of events that prompted Le Duan to urge the Russians to stiffen their position, analysts here see the American driven into Cambodia as well as the simultaneous U.S. air strikes against North Vietnam as a turning point.

Though they were preparing for the possibility of a U.S. move into Cambodia, the North Vietnamese still displayed a good deal of diplomatic flexibility throughout April.

For one thing, they left three diplomats ensconced in the Polish embassy in Phnom Penh after evacuating the rest of their mission in case Cambodian Premier Lon Nol agreed to reach an accommodation on the Vietnamese Communist sanctuaries in Cambodia.

As Lon Nol himself disclosed this week, Hanoi also sought through Chinese Communist intermediaries to come to terms with Sihanouk's successors on the issue of the sanctuaries.

About the same time, the Soviet delegate to the United Nations, Yakov Malik, proposed that a new Geneva conference be convened to "relax tensions in the Indochina peninsula."

The fact that Le Duc Tho, Hanoi's highest-ranking official at the Paris talks, was in Moscow at the time that Malik made his statement suggests that the North Vietnamese at least supported the notion of sending the Geneva conference proposal aloft as a trial balloon.

On April 19th, Le Duan arrived in Moscow to attend the celebrations marking the centenary of Lenin's birth. His speech calling for Vietnamese, Laotian and Cambodian "unity" against "U.S. imperialism" foreshadowed the "summit conference" of Indochinese leftists then being organized.

At that conference, North Vietnamese Premier Pham Van Dong showed relative moderation. He affirmed Hanoi's respect for the 1954 Geneva agreement and asserted that North Vietnam would continue to fight on the "diplomatic" as well as military and political fronts.

On April 29, apparently convinced that nothing dramatic was in the offing, Le Duan left Moscow for Peking en route home. He may have learned of the U.S. move into Cambodia on his arrival in the Chinese capital.

Sources here submit that Le Duan's primary aim on that trip to Peking was to persuade the Chinese to concede to some kind of "united action" with the Russians on the Vietnam problem. The North Vietnamese have been unsuccessfully pursuing that objective for years.

But when he received news of the American drive into Cambodia and the air strikes above the 17th Parallel, Le Duan's mission abruptly changed. Now he had to persuade the Russians to stiffen their position along Chinese lines.

He scrambled back to Moscow, only to discover that Brezhnev had gone to Czechoslovakia. For reasons that are still not clear, Le Duan went on to Warsaw.

A clue to the extent of Hanoi's hostility to negotiations at this stage—and a hint of what Le Duan intended to tell Brezhnev—was reflected in a Hanoi Radio broadcast denouncing United Nations Secretary General U Thant's May 5 proposal for an international conference on Indochina.

The proposal, the broadcast said, "only serves to encourage the U.S. imperialists" and further "shows that the U.N. is merely an American tool."

That denunciation, sources here recall, is the first time that the North Vietnamese have condemned without qualification a recommendation for an international conference.

At the same time, the North Vietnamese and Vietcong delegates postponed the weekly session of the Paris talks and Xuan Thuy, the chief Hanoi representative, returned home.

But the Russians still stuck to the notion of negotiations, as evidenced by statement in Paris on May 6 by Polish Foreign Minister Stefan Jedrychowski saying that Poland and presumably the Kremlin favored an enlarged Geneva-type conference on Indochina.

Back in Moscow two days later, Le Duan met with Brezhnev for the second time in three weeks and probably heard a repetition of the Jedrychowski thesis. That this disappointed Le Duan was plain from a Hanoi report on the meeting.

"The two sides exchanged views on problems concerning the intensification by the U.S. imperialists of their aggression against the Indochinese peoples," the Hanoi report said, adding that they also "considered measures" for strengthening their friendship.

Le Duan took off again for Peking.

In the opinion of analysts here, the Russians cannot plausibly continue to refuse to take a tougher position without losing prestige in Hanoi and handing the Chinese an ideal propaganda weapon with which to berate the "Soviet revisionist clique."

## IDAHO NEWSPAPERS SUPPORT COOPER-CHURCH AMENDMENT

**Mr. CHURCH.** Mr. President, two leading Idaho daily newspapers share my grave concern about our involvement in Cambodia. Each expresses support for the amendment of Senator Cooper of Kentucky and myself that would limit our intervention there.

The Idaho Statesman in an editorial on May 19, 1970, suggests:

> President Nixon's adamant opposition to the Church-Cooper amendment tends to undermine the credibility of his pledge to do what the proposal would require—remove U.S. troops from Cambodia by June 30.

Two paragraphs later the Statesman states that—

> in view of the domestic political situation the amendment might help the President more than it could hurt him.

The Lewiston Morning Tribune joins the Statesman in viewing the Cooper-Church amendment as one that should be viewed by the President as an aid, not a hindrance.

Its concluding sentence in an editorial of May 19, 1970, declares:

> If the Church-Cooper amendment should force a withdrawal from Cambodia by June 30 despite strong military pressure to remain, then the President would have abided by his timetable after all. And that would help more than anything else right now to repair his credibility around the world.

I ask unanimous concent that the two editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Idaho Statesman, May 19, 1970]

### Amendment Might Help President

President Nixon's adamant opposition to the Church-Cooper amendment tends to undermine the credibility of his pledge to do what the proposal would require—remove U.S. troops from Cambodia by June 30.

Supporters of the President are saying both that there is no question that Mr. Nixon will make good on that pledge, and that the President's hands should not be tied.

In view of the domestic political situation the amendment might help the President more than it could hurt him.

First, it should soothe the feelings of people who were distressed when he made the move into Cambodia. Secondly, it would provide assurance that the United States will not be pulled into a Vietnam style adventure in Cambodia.

The President says the purpose of the move into Cambodia was to aid the Vietnamization program—to buy time. He says all U.S. troops will be out by June 30. Other sources say that if future forays into Cambodia are needed, they can be made by South Vietnamese troops.

All this is basically consistent with the Church-Cooper amendment. There would be inconsistency, of course, if the President decided he couldn't have the troops out by June 30, or would rather not.

The fact that the President has taken a rather rigid position on the amendment tends to feed the suspicions of those who believe he would take the country into a prolonged war in Cambodia.

Language prohibiting U.S. air support for Cambodian forces or military instruction for Cambodians ought to be stricken. The President should be willing to accept the Cooper-Church amendment, in some modified form.

One of the reasons that the amendment has generated so much support is the question of the war-making authority of Congress. The Constitution says Congress has the power to declare war. No such power is given to the President, although it has been exercised on six occasions.

If President Nixon doesn't want to preserve the option of sending U.S. troops back into Cambodia, then the amendment would not tie his hands.

The amendment is not a "stab in the back" for U.S. troops as the national commander of the American Legion described it. The Idaho Legion, while challenging the amendment, made clear that it did not question Senator Church's motives.

If the amendment is a "stab in the back," then the President's declaration that he will have the troops out by June 30 would have to bear a similar label.

The basic issue is the future U.S. course involving Cambodia and on this question the President and the Senate backers of the amendment seem to be in basic agreement.

Should the amendment win approval, and should the President later decide he wanted to engage U.S. troops in combat in Cambodia, he could take his case to Congress. This is the proper way under the Constitution.

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[From the Lewiston (Idaho) Morning Tribune, May 19, 1970]

### The Credibility of the President

High ranking members of the Nixon administration are telling senators that the President's credibility around the world will be damaged if the Senate passes the so-called Church-Cooper amendment cutting off funds for further American operations in Cambodia after June 30.

The *Los Angeles Times* reports that three of Mr. Nixon's top advisors last week addressed a conference of Republican senators and warned them in effect that if the amendment should be approved it would be taken as a sign that the Senate does not trust the President to do as he promised and get all of the Americans out of Cambodia by that date.

The sign would be correctly read. Sen. Frank Church, one of the sponsors of the amendment, implied Sunday that the measure doesn't mean that at all, but he was merely being kind. The funds cutoff obviously never would have won the support it has if a large number of senators hadn't

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thought it was needed. It is politically risky to tie the hands of a President in wartime and senators don't often take risks they don't feel are necessary.

The question is not whether the President's credibility is being damaged; it already has been. The question is whether the blame can properly be pinned on the Senate. An operation which the President sold as a quick bit of surgery that would shorten the war is threatening to widen it. The move into Cambodia was justified by the President and his staff as a purely military tactic, but some military commanders in the field now are saying that the President's timetable is militarily unrealistic.

In a report from Cambodia yesterday, the AP's Peter Arnett quoted field commanders as saying it may not be possible to clean out the border area sanctuaries by the end of June. They said only about 30 per cent of the projected area has been covered and the easiest 30 per cent at that. Further, the North Vietnamese and Viet Cong no longer are running before the American-South Vietnamese advance; they are turning and fighting back.

The prospect of being dragged deeper into Cambodia despite the President's promise that we would not be has hurt his credibility far more than anything the Senate has done. And the announcement by the vice president of South Vietnam that the Vietnamese intend to stay in Cambodia for some time despite White House assurances that they would not hasn't helped.

Mr. Nixon took this country into Cambodia on the basis of bad advice from the military and there is a deep-running fear in the Senate that more bad advice might keep us there.

If the Church-Cooper amendment should force a withdrawal from Cambodia by June 30 despite strong military pressure to remain, then the President would have abided by his timetable after all. And that would help more than anything else right now to repair his credibility around the world.

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## LETTERS FROM TWO CONCERNED AMERICANS

Mr. CHURCH. Mr. President, American military intervention in Cambodia has generated an avalanche of protest mail at my office in Washington. Approximately 25,000 communications, some bearing dozens of names, have been received—the largest volume I have ever experienced on any subject since I came to the Senate nearly 14 years ago.

These letters come from professional people and blue-collar workers, farmers, and city dwellers, young and old, schoolchildren and university students. Many have a special quality about them. This afternoon, I wish to share two of these with my Senate colleagues.

The first is from a marine now in Vietnam, who writes that the Cooper-Church amendment, now the pending business before the Senate, offers "the first bit of hope" he has had since he first went to Vietnam 6 months ago:

> If the Vietnamese people are to be saved from extermination and the American people saved from civil war, "he writes," it will only be through the efforts of men such as yourself.

I shall place the full letter in the Record but withold the name of the marine.

The second letter is from the heartland of America, the Midwest. Steven Johnson of Madison, Ws., sent me, in his words:

> My two weeks' pay-check to be paid to the order of the Committee for the Amendment to End the War.

The Nixon administration is grievously mistaken if it believes that only a minority of voluble students is against our military policy in Indochina. My mail shows that political moderates among professional and nonprofessional adults in the United States are profoundly disturbed by our persistent war in Southeast Asia. The administration, since its Cambodian venture, will ignore this fact at its peril—and, consequently, at the peril of our beloved country.

I asked unanimous consent that the two letters I have referred to be printed in the Record.

There being no objection, the two letters were ordered to be printed in the Record, as follows:

Dear Sir: I just heard of the resolution you and some other Senators have introduced to cut off funds for this tragic war. I have been here in Vietnam for six months now and your resolution is the first bit of hope I've had in all that time. If the Vietnamese people are to be saved from extermination and the American people saved from civil war it will be only thru the efforts of men such as yourself. You have my humble thanks and prayers.

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Dear Senator Frank Church: I am sending you my two weeks pay check to be paid to the order of the Committee for the amendment to end the war. I am a junior in high school who is seventeen and about to turn eighteen in August 18th. I believe we think along the same lines. Only the name, age, and time are different.

Most Sincerely,

Steven Johnson.

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## LETTER FROM INDOCHINA

Mr. CHURCH. Mr. President, a perceptive reporter, Robert Shaplen, has been providing the American people for many years with informative insights into the fallacies of American policy in Southeast Asia. These analyses have appeared periodically in the columns of the New Yorker magazine.

In the May 16, 1970, issue, Mr. Shaplen again dispels the illusions constantly circulated by American and Vietnamese policymakers in Saigon. The disastrous economic situation, the endemic fragility of the dictatorial Thieu regime, and the shortcomings of the decision by President Nixon to invade Cambodia are persuasively detailed by Mr. Shaplen.

At the conclusion of the article, Senator Thai Lang Nghiem, described as "an ardent anti-Communist," gives a devastating analysis of his ravaged country and its military leaders:

Senator Nghiem is quoted as declaring:

> The people's confidence is now frozen, their hope has now disappeared. Early in this Year of the Dog, we are witnessing the bankruptcy of the regime's political authority, the failure of all efforts to build up a Second Republic. Many had hoped that the beaten path of failures would have served as an example to the new leaders, but they are now advancing along the same path, following the same political ground rules that were used by the old leaders. Old and new leaders come from the same social strata—those which used to be controlled by foreigners, the scum of society that floats on the surface of the boiling social pot . . . The heart of the matter is not the offensive of the Communists but the dirty nature of our own people, our own leaders. Our minds are dirty, our hearts are dirty. It is clear that we are up to our necks in corruption. It has entered our bloodstream, our lungs, our hearts. It is no longer an individual disease. It is systematized. It has got hold of the whole regime. Corruption comes from the organization of power. To stamp out corruption means to reorganize power—in this case, political power, political institutions. Power must be put back in the hands of the people. The New Year of the Dog is the New Year of general fatigue, of a feeling of pain after being beaten up.

Surely, Mr. President, this is a sobering and stunning statement by a member of the national legislature of South Vietnam.

I ask unanimous consent that Mr. Shaplen's article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

### Letter From Indochina

(By Robert Shaplen)

Saigon, May 7.—South Vietnam is now experiencing another one of the paroxyams that have shaken the country so often for so many years that one wonders how it can hold together, let alone fight a war. The latest convulsion has been brought on primarily by economic problems—soaring inflation, growing discrepancies in income, and the mounting cost of the war. All this has inevitably agitated the body politic. As many Westerners tend to forget, the Vietnamese, behind their façade of fatalism, are a highly volatile people, and the visible manifestations of the present troubles have been frequently violent emotional outbursts that have filled the streets with shouting mobs and that reached a climax this week with a bloody clash at the National Pagoda in which several people were killed. The significance of the demonstrations goes beyond recent complaints by students and by disabled veterans about repressive acts and privations imposed by the government, and even beyond the general resentment over the murder of Vietnamese citizens by Cambodians across the border or by Vietnamese Communists in this country. There is a rising undercurrent of anger over the war itself, and over both what the Americans have done and what they have not done. Even some of my most pro-American Vietnamese friends are beginning to wonder if the time has not come to stop associating with Americans and Vietnamize themselves personally. One of the popular newspapers is running a daily contest for which its readers submit details of atrocities committed by individual Americans—such as homicide, rape, or simply leaving the scene of an accident.

If the whole American venture in Vietnam can itself now be classified as a tragic accident, it is one whose scene we are not apt to be leaving soon. Widening the scope of the war, in Laos and Cambodia as well as in Vietnam, may, as President Nixon hopes, shorten the conflict, but few observers here—whether Vietnamese, Americans, or members of the foreign diplomatic community—really believe that it will. We seem to be nearing the moment of truth, and the truth is that consistent misunderstanding and mismanagement of the war from the outset have now brought us to the highly dangerous point of withdrawing our troops while broadening our commitment—a script worthy of Lewis Carroll. Years ago, the American military establishment, after warning against our becoming involved in a war on the Asian mainland, began to express resentment at being shackled and forbidden to attack Communist bases and sanctuaries outside South Vietnam. The generals were permitted to engage in limited bombing of the North, but that was stopped in order to get the Paris peace talks started. It seemed to me that there was at that time a certain logic—at least, military logic—in the pleas of the soldiers, which, in the case of Cambodia, were rejected because that country was officially neutral. We would be widening the war, it was maintained, instead of fighting a limited war, which was what President Johnson kept insisting we were doing, and we would sink lower in world opinion, which had already condemned our bombing of the North and our killing of civilians in the South. But now, at what we have been hopefully claiming is the penultimate moment, we have suddenly invaded Cambodia in an effort to destroy the vital Communist base areas, particularly the headquarters of COSVN—the Central Office for South Vietnam—from which the war in the Mekong Delta and in other parts of the South has been directed. And we have done this a month and a half after the unseating in Cambodia of Prince Sihanouk as chief of state and the takeover by the Lon Nol government, which has proved incapable of maintaining either Cambodia's territorial integrity or its neutrality. We are attacking when the situation in Cambodia is already grave and when the Communists have—as one could have predicted—dispersed most supply depots and headquarters, redeploying them, under Hanoi's orders, either deeper inside Cambodia or back into the South Vietnamese jungle. In fact, on March 18th, the very day of the coup against Sihanouk, a Communist document (it bore that date and was captured twelve days later near the Vietnamese border) said, "We must positively protect our agencies [base camps] and logistic installations in the border area by moving all of them to our territory [in the jungles of South Vietnam]." The document added, "The elements that may be selected to stay in the border area are to disperse their depots" and "be combat-ready for self-preservation and to fight back whenever the reactionary [Cambodian] troops attempt to destroy them."

If it is true that the government of Lon Nol did not know in advance about the American and South Vietnamese offensive, the attack clearly appears to be a violation—or, at best, a preemptory alteration—of the so-called "rules of engagement." Such rules, which are usually established by ranking civilian officials, up to the President, impose certain guidelines and restrictions on the military. In effect, they are a kind of top-level, top-secret martial law, and the American military men here have always professed to follow them, though there have been exceptions, justified by pleading the military necessity of "hot pursuit" or "protective reaction." These exceptions have included our bombing of, and occasional ground forays into, the Demilitarized Zone separating North from South Vietnam. Our resumption last week of the bombing of North Vietnam after our reconnaissance planes had reportedly been fired upon there was justified under the heading of "reinforced protective reaction."

President Nixon has cited the need "to go to the heart of the trouble" and "end this war rather than to have it drag on interminably" as the main justification for the attack on Cambodia, but eight weeks of such an operation—eight weeks is the period he has allotted to it, and this, of course, does not allow for its prolongation or its repetition—patently amounts to more than the President implied. No matter what the President has said about restricting the troops' area of action, what has taken place is a full-fledged invasion. If, as he said, "we will not allow American men by the thousands to be killed by an enemy from privileged sanctuary," one is left wondering why the sanctuary wasn't attacked sooner—at the height of the fighting along the Cambodian border several years ago, or at the height of Sihanouk's flirtation with the Communists—and in a more efficient manner. Wide sweep operations like the current one have failed more often than not throughout the history of the Vietnam war, and this one—so far, at least—appears, from the American military point of view, ineffective, too. The Allies may kill two or three thousand people and ultimately find some large caches of weapons and some underground installations, but it seems apparent that our potential gains are dwindling even as we get bogged down in mud. If the Allies were determined on this course of action in any case, they would surely have been far better off making swift, commando-type raids within a few days of the coup in as many different places as possible—especially in the areas east of the Mekong, where the Communists have moved quickly to gobble huge chunks of Cambodian territory. The Allied action will doubtless make things more difficult for the Communists temporarily, but Hanoi now has a better excuse and a better opportunity for retaliating as it sees fit in the course of its attempt to conquer the whole of Indo-China. Indeed, one of the first effects of our invasion seems to have been a rallying of pro-Sihanouk Cambodians to the new joint Sihanouk-Communist government-in-exile, thus creating an increased likelihood of a full-fledged Cambodian civil war. Hanoi and Peking would be the ones to pick up the pieces then.

To be sure, the difficulties that the Communists are facing all over Indo-China are not to be underestimated, as they are the first to admit. Besides the difficulty of moving supplies down the Ho Chi Minh Trail in the rainy season that is beginning this month, the North Vietnamese are fully aware of the other problems they are confronted with in prosecuting the war in South Vietnam. These problems stem partly from the gains that the Saigon government has made in its pacification program, which, with all its faults, has brought a widely increasing number of the population under government control. Though these people remain, for the most part, politically uncommitted, they can at least make a living without being drafted into the Vietcong or recruited by the Communists and taxed by both sides. The resulting manpower shortage for the Communists—particularly in the Mekong Delta, which contains about a third of South Vietnam's eighteen million people—has been exacerbated by heavy Vietcong losses, both in the main force and in the regional and local guerrilla units. Sizable elements of five North Vietnamese regiments that Hanoi has sent into the Delta have therefore been broken up into small groups to fill the shattered Vietcong ranks. These Northern replacements now make up about eighty per cent of the former Vietcong main-force units and more than half of some of the battered regional and local units as well. As strangers in the South, who know little or nothing of the terrain, the Northerners are often resented by the more independent-minded and easy-going Southerners. This has become apparent in sometimes startling ways. When I visited the Delta recently, I was told that the bodies of North Vietnamese soldiers killed in action were very often simply left lying in fields or floating in canals, whereas those of Vietcong regulars or guerrillas were always carried off, in keeping with a practice traditionally followed by the Communists, even under the most hazardous conditions, throughout the war.

Directives issued by the Central Office of South Vietnam—notably, its Resolution No. 9, which was issued late last year, and the more recent Resolution No. 14—have repeatedly stressed the theme of renewed guerrilla warfare that is likely to last for a long time. Resolution No. 14 carefully omits any references to such staples of earlier resolutions as "a decisive victory" to be gained "in the shortest possible time." Even if there should be a cease-fire, the new resolution says, "only guerrilla warfare can achieve our purpose in the complicated situation" that would follow. The Communists also acknowledge that "the people's confidence concerning the revolution became weaker" during 1969, and that this has led to "rightist tendencies" and to "a decrease in political struggles." Belatedly, the Communists say that they "failed to realize the importance of the coordination of guerrilla war with our three-pronged attack"—on the military, political, and diplomatic fronts. The truth of the matter is that the Vietcong simply haven't enough guerrillas to go around now, though we cannot assume that they will be unable to "re-guerrilla-ize" the situation once the Americans are gone. "The only way to cope with an enemy who has large numbers of troops and war facilities is to wage guerrilla warfare through the three strategic areas [the mountains, the lowlands, and the cities], to wear down and destroy the enemy on a continuing basis."

For the first time in many years, Hanoi is renewing emphasis in South Vietnam on the use of captured arms and ammunition and the manufacture of weapons—measures that hark back to the period after 1958, when the Second Indo-China War began, against the regime of the late Ngo Dinh Diem. So far, the Communists admit, "the expansion of the guerrilla-warfare movement has been slow and limited and has thus failed to meet the requirements of the general offensive and uprising campaign." For this reason, the word has gone out not to strike at a large number of objectives simultaneously but "to strike at a few objectives over a wide area." The husbanding of strength and the use of restraint instead of "going ahead with the military struggle when conditions are not ripe" is the 1970 formula set forth in the words of Le Duan, First Secretary of the Laodong (Workers') Party in North Vietnam. (Le Duan probably remains first among equals in the contest still going on over who will succeed the late Ho Chi Minh.) The Communists—despite the manifold problems they face, and despite their inability to compete with the economic inducements that the government can offer the population, thanks to American aid—retain an organizational edge. The V.C.I., or Vietcong infrastructure, composed of about fifty thousand people, including perhaps five thousand important Party leaders, has been weakened, but it remains intact. What the Communists are basically trying to do in the hamlets, villages, and cities is to create an "in-place" force that will lie low and wait for new opportunities to attack. In some localities, including Saigon, where the special police have greatly stepped up their efforts, the Communists have had some trouble doing this, but elsewhere—in other cities, in towns, and in ninety-five per cent of the hamlets that the government labels "secure," or almost so—there is no valid measure of V.C.I. strength, and surely not the American computers that rate the security of hamlets on the basis of answers to a hundred and thirty-nine questions. No computers, and no Americans, can really find out who among the Vietnamese are loyal to the government today, how many of these may be "in place" tomorrow, or which side of the flimsy fence the majority of the people are actually on.

What is probably true is that—in the words of John Paul Vann, the able and experienced head of the American-Vietnamese pacification program in the Delta—"tens of thousands of people here have made the decision that the war is over for them." They have come to feel that the pressure that the government—and especially its local militia, the Regional Forces and the Popular Forces—is putting upon them makes the risk of sup-

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porting the Communists too great. This does more than anything else to account for the presence in the Delta today of only an estimated seventeen thousand guerrillas, compared to twenty-six thousand a year or so ago, and for a decline there in the guerrillas' basic manpower reserve—which used to supply not only the Delta but the area north of Saigon, too—from three hundred thousand at the time of the 1968 Tet offensive to about a hundred and thirty thousand now. For every four men the Communists lose, only three are replaced, and most of these are "fillers" from North Vietnam, about half of whom reportedly suffer from malaria after the arduous trip south. Generally speaking, Vann points out, the North Vietnamese are easier to fight than the Vietcong, "because they are tied to their logistical tail, in their bases along the Cambodian border, and they haven't got the same popular support as the V.C." Also, he says, "having to attack quickly and then withdraw quickly, they are more vulnerable to air, ground, and artillery reaction, since they can't melt back into the population as readily as the Southerners."

During two recent trips I made through the Delta, one with Vann and one with George Jacobson—the deputy chief of the country-wide pacification program and a man with ten years' experience in Vietnam—I noted a number of developments that looked encouraging for Saigon, but I also saw some things that left me wondering how stable the situation really is. The population has been moving back into areas long held by the Vietcong, using canals and roads that had been closed for years, but though incidents of terrorism have been decreasing, they still occur. Economically, many of the people are better off than they were a year ago, thanks partly to a record rice crop, but prices are rising, and the advantages of the so-called "Honda economy"—the result of the American policy of flooding the country with all sorts of consumer products to soak up local piastres—are beginning to wane. Some farmers are hoarding rice for prices to rise still further, and others are selling rice to the Vietcong, who are willing to pay very well for it. Survival is the underlying theme, so there is a general wait-and-see attitude and a continuing amount of quiet accommodation with the Communists. This means, among other things, that the gathering of intelligence information under the South Vietnamese-American Phoenix program is still extremely uncertain and that there is a widespread unwillingness to act upon it. Once the Americans stop riding herd on this effort, it could easily come apart. So far, more Communists are being killed or are surrendering than are being caught in the intelligence nets, and some of those surrendering are suspected of being plants for the future "in-place" game. This spring, elections are being held for the offices of half the village councils and a third of the hamlet chiefs elected in 1967. In the Delta—and elsewhere, too—there have been more candidates and more enthusiasm this time than last. During the elections, some candidates and incumbents have been assassinated, and some suspected Communists have been elected, but by and large the Vietcong have not interfered with the voting process as much as had been anticipated.

Village-development programs—local projects for providing such things as irrigation pumps, bridges, and pig farms—are making considerable headway, but the real test of whether the Thieu government can gain support in the rural areas will come with the attempt to carry out Thieu's recently passed land-reform act. On paper, the act is historic. For the first time in a fifteen-year history of would-be land-reform programs in South Vietnam, tenancy has been legally eliminated and the farmer is able to own the land he tills. Since eighty per cent of the nation's arable land is in the Delta, the program is essentially tailored to conditions there. If it is successfully carried out nationwide, between eight and nine hundred thousand hectares of land (a hectare is about two and a half acres) will be distributed free to about a million tenant-farmer families over the next three years. More than half the total rice land in South Vietnam will be affected, and almost half the population (reckoned on the basis of six children to a family). The government is paying the former landlords two and a half times the value of the annual crop yield of the land transferred. Twenty per cent is paid in cash and the rest in government bonds, but to avoid further inflation the Americans, who are helping to finance the program, are providing dollars to be used by the government for the importation of non-luxury items. This, in turn, will help free piastres to pay off the landlords. Ten million dollars has so far been allocated and another thirty million is being sought in our Congress this year. Ultimately, the program will cost about four hundred million.

Each farmer in the Delta will be allowed to own three hectares of land, but in central Vietnam, where the average holding is smaller, the limit is one hectare. A landlord anywhere in the country who tills his own land can keep fifteen hectares. Farmers who were given land while it was controlled by the Vietcong will be allowed to retain it. Anyone receiving land is forbidden to sell it for fifteen years—a period that the Americans regard as too long, because it will freeze the pattern of small holdings and thus hold back mechanization. While the reform measure has great political significance, potentially altering the social and economic structure in the villages, and, Thieu hopes, inspiring new loyalty to the Saigon government, there are many hurdles to overcome. A Delta farmer who is tilling twenty hectares now, for example, may want to dispose of seventeen to his friends or relatives, and may pay off land-authority officials to arrange it. The province and district chiefs and the land registrars in the villages will be the key figures in executing the law. For example, it will be up to them to see that the distribution follows prescribed priorities; that the first to receive grants, after farmers now tilling their land, will be soldiers and veterans, relatives of war dead, and prewar cultivators. The margin for maneuvering and for payoffs and favoritism is a wide one, particularly in view of the urbanization process that has taken place in Vietnam of late years, since there are likely to be contests over land titles between those who now want to return to the countryside and those who have stayed there all along. In some parts of the country—notably, the "floating-rice-field" areas of the Delta, where members of the Hoa Hao religious sect have large holdings—"struggle movements" against the law have already been started, and the Vietcong can surely be expected to incite more trouble. In principle, a farmer owning his land and harvesting more rice than ever before, owing to the use of the new miracle-rice seeds developed in the Philippines under United States auspices, and now at last able to reduce or entirely avoid the influence of middlemen in disposing of his crop, should rally to the cause of a government that has made all this possible. But things never work out quite that simply in Vietnam, and it is still uncertain if land reform will at last succeed or will once again be subverted.

With all the misery and destruction the war has caused, Vietnam remains a land of transcendent beauty, and no part of it is more beautiful than the central coastal area reaching from Phu Yen Province up to Quang Nam Province. This is traditional revolutionary country, and many of the heroes of the nation's historic anti-Chinese and anti-French struggles were born here; since the days of the Vietminh, before the Communists came to be called the Vietcong—a name, incidentally, that they never have accepted, because they regard it as a propaganda tag invented by Diem—the Communists have been determined to gain and hold this area. It may turn out that they cannot hang on in the Delta, or they may decide to wait until the Americans are gone to prosecute a new guerrilla effort there, but they will be less ready to give up either in the central coastal region or in the highlands to the west.

I recently visited Phu Yen and Binh Dinh, the province just north of it, and I came away with the odd feeling that, despite some obvious changes, the situation was in many ways what it was five years ago, when American troops kept the Communists from cutting the country in two there by moving across from the coast to the Cambodian border. And in some respects the picture was disturbingly like the one I found in 1962, when I returned to Vietnam after an absence of ten years. This was particularly true in Phu Yen, a retrograde province that a year or so ago was rated as one of those most loyal to Saigon and is now rated as one of the least so. In 1962, when the Americans only had a handful of advisers in Phu Yen, about the only places the government held securely were the capital, Tuy Hoa, on the coast, and its airstrip. During 1968 and 1969, two Korean regiments were mainly responsible for the successful work of pacifying the lush inland valley region and resettling people there, but now most of the Koreans have moved on and things have deteriorated. Since the first of the year, members of a North Vietnamese regiment have been moving down from the hills and have abducted more than six hundred peasants from the province's central valley. These people—most of them men and women over forty, with a number of teen-age boys—have been seized at night in their homes and taken into the hills, where they have been given four or five days of indoctrination, in the course of which they have been told that the Americans have lost the war and are leaving. Then most of them have been sent back to their villages to lie low and "wait." About a fifth of those abducted have not been sent back; these have been primarily boys between twelve and sixteen, who have been either kept in the hills to help the Communists or sent to North Vietnam for further indoctrination and training. Similar abductions have taken place in a number of other provinces during the last several years, and it is estimated that between five and seven thousand young men have been sent to the North. This is the strongest indication Hanoi has offered that it means what it says about beginning another guerrilla war after the Americans go home. When the First Indo-China War ended, in 1954, some eighty thousand persons voluntarily went North, and some of these formed the nucleus of the "returnees" who were the vanguard of the war against the regime of Ngo Dinh Diem, which began in 1958.

Much of the blame for the decline of government influence in Phu Yen belongs to the province chief, Colonel Nguyen Van Ba. An old-fashioned, French trained officer, Ba has held his present job for four years, but he lost interest in it some months ago when he failed to be appointed a division commander. According to the Americans, Ba has been concerned about the abductions but has done little or nothing to prevent them. He depends on the remaining Koreans and a small element of the American 173rd Brigade for protection, and allows his Regional and Popular Force elements to do pretty much as they choose; many of these territorial troops, in fact, come into Tuy Hoa at night for their own safety and to help Ba's security forces there. During a conversation I had with Ba, he told me that the abductions had ceased a month earlier, but an hour after our conversation, when I drove out in a jeep to an insecure village near the

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first ridgeline of hills adjoining the valley, officials there told me that nineteen more people had been abducted only two nights before, by members of a thirteen-man band of Communists who had been visiting the several hamlets of that particular village almost nightly. Of ninety-four men, women, and children who had been abducted since January, all but twelve had returned. When I asked one of the hamlet chiefs about the current influence of the Communists—who by day, I discovered, were also collecting rice from the peasants working the fields—he replied, "The people don't believe what the Communists say, but they are intimidated and have to obey." It seemed to me that, partly because of its Vietminh history and partly because of its hilly geographical configuration, the Communists were making a test case of Phu Yen, and that they were succeeding in undermining the whole pacification process—and also demonstrating the vulnerability of the Vietnamization process when there is a failure of leadership.

The situation in Binh Dinh, though it was not as critical, was not very different from what I had found there on previous visits, and reminded me that over the last seven years I had seen the province change hands four or five times, always depending on how many Americans or Koreans were around to help the South Vietnamese and the provincial and local forces. Binh Dinh, which has a little less than a million people, is one of the most populous provinces in the country. The Koreans and most of the 173rd Brigade are there today, but they may all leave by the end of the year, and it is very doubtful whether the Vietnamese can then handle the security situation alone. Binh Dinh has always been a target for terrorism, and early in April, during the most recent flurry of Communist activity throughout the country, there were a number of assassinations, ambushes, rocket and mortar attacks, and hit-and-run ground attacks on Vietnamese bases, which together caused substantial damage and fairly heavy losses. The combined Allied forces hit back hard, costing the Communists even heavier losses, but although slightly more than half the hamlets are now considered to be completely or almost completely secure, and people are moving back into some that had been abandoned, the over-all situation is still rated as tenuous. And because of its long Vietminh history Binh Dinh, like Phu Yen, is a hard place to judge. "Whom can we trust enough to give guns to?" Tom Stephens, the American deputy province senior adviser, asked me.

Whatever happens in Laos and Cambodia, where the Communists, for the most part, are now in a position to call the tune, Hanoi remains fully aware that South Vietnam is still the main prize and the key to the control of Indo-China. It is equally aware that, except in perhaps ten or twelve of the country's forty-four provinces, the Communist forces are not now strong enough to sustain a pattern of attacks. The amount of matériel they have been sending down the Ho Chi Minh Trail—as many as a thousand trucks a day during February and March, each carrying three or four tons of arms and supplies—has demonstrated that the Communists are still thinking in terms of long-range resistance. The rate of troop infiltration over the last few months has tended to fluctuate. The reasons for this include manpower problems in the North, where Hanoi is still having trouble finding enough workers for its own agricultural and industrial development, and a desire to conserve military strength and deploy replacements more carefully in view of the extension of the battlefields into Laos as well as Cambodia.

During an upsurge of activity in South Vietnam that began on the night of March 31st, when the Communists launched about two hundred attacks throughout the country—mostly rocket and mortar assaults, with some ground fighting—they did not succeed in striking many of their chosen targets, such as the city of Can Tho, in the Delta, but they did manage to do considerable over-all damage. The next night, the number of attacks dropped to sixty, and over the next ten days diminished to ten or twenty a day. A fresh "high point" can come at any moment, though some intelligence experts do not expect it until August.

The Allied assault in Cambodia obviously makes it harder for the Communists to strike and then duck back across the border, as they have been accustomed to doing, but it also offers them new opportunities to strike within South Vietnam, since they can take advantage of the wider deployment of Allied troops. This is what they have always sought to do—force the Americans and South Vietnamese to concentrate their forces in one place and then hit in another. A key to the military success of the Cambodian operation will be their response to it in Vietnam in the next month. Some observers also anticipate a lot of new action across the D.M.Z., in the vicinity of which the Communists recently stepped up their activity, leading the Americans to respond with their brief air strikes in North Vietnam.

All in all, as long as the North Vietnamese and the Vietcong can be kept on the run by aggressive tactics on the part of the Americans and the Koreans, the two or three good ARVN divisions, and the improving territorial forces, the chances of another major offensive, or even a sustained smaller one, within South Vietnam are slight. And yet there is nothing to convince one that the South Vietnamese can carry the burden of the war against a strong, persistent enemy willing to suffer high losses. The contest depends largely on time, involving, on the Communists' side, their ability to restore the strength of the Vietcong and the guerrillas and to solve the problem of blending the North Vietnamese into their forces in the South, and, on the government's side, its ability to coordinate its efforts and weld a more mobile force. In this, each component—ARVN as the strike element, the Regional Forces as the aggressive provincial troops, and the Popular Forces and volunteer self-defense units as the defenders of the villages and hamlets—must learn what it is doing and how to work smoothly in conjunction with the others. At the moment, neither the Communists nor the South Vietnamese have succeeded in their aims, but the Communists seem more imaginative and better able to respond quickly to a changed situation.

None of this will matter if the political center in Saigon fails to hold, and the Communists know this, too. The turbulent events of the past two months haven't helped; in fact, the South Vietnamese and the Americans have only themselves to blame for letting things get out of hand. There seems no excuse for the sudden severe deterioration of the economic situation, or for the development of what amounts to a "war of nerves" between Thieu's government and the Americans over how to deal with it. Nor does there seem to be any excuse for the continued neglect of the disabled South Vietnamese veterans—something that was apparent months ago but ignored until it became uncontrollable, with the result that one-legged and one-armed men have been knocked around and tear-gased by police. Nor can the treatment of the student rebellion be condoned, though the Communists and other political factions, and a new, swinging "Honda set" as well, have obviously taken advantage of it to raise as much general havoc as possible. Over many years in Vietnam, I have seldom seen so much division within the American mission. One expects that among the Vietnamese, but in terms of our institutions we have proved ourselves as inept as they are at handling the problems involved in a war as complicated as this.

On the economic front, the price of rice and everything else is skyrocketing, and, owing to corruption along the channels of distribution, the rice is not always reaching the people who need it most—the soldiers. There is constant talk of devaluing the piastre, or of establishing a new "floating," or free, market rate, as the Philippines did recently. Some such adjustment is undoubtedly necessary, but this alone won't solve the problem. The hard fact is that the Vietnamese simply cannot afford to pay for the expensive war that the Americans are now handing over to them. Saigon officials say that the country needs at least an additional two hundred million dollars this year to help defray the current deficit in the defense budget alone, and they argue that it is ridiculous for us to hold back this relatively small amount when we are already paying for Vietnamization at the rate of some two billion dollars a year. "That two billion means nothing if the man firing the new M-16 rifle you've given him hasn't enough food for his family," one Vietnamese Minister said to me. There is absolutely no doubt that the average soldier and the average civil servant cannot get along on their salaries. Senator Tran Van Don, the head of the Senate Defense Committee, who is one of the leaders of the political opposition to Thieu, has been traveling extensively around the country the past few weeks and has talked with many soldiers. "Everywhere I go, the one word I hear is *doi—doi, doi, doi, doi,*" Don says. The word means "hunger."

The Americans nod their heads and agree that things are out of joint, but they keep insisting that the Vietnamese must put their own economy in order, cut down on corruption and blackmarketeering, prevent the outward flow of capital, limit unnecessary expenditures, and do a number of other things before any more aid will be granted. In a way, this is like telling a spoiled child that he has one day in which to learn to behave himself or he will be sent to reform school. Further, the Americans say that not until all these things are done can a sensible estimate be made of how much less it will cost to support one Vietnamese soldier than it has cost to support an American G.I. out here in the manner to which he is accustomed. (One guess is that the figure will be about seventy-five per cent less, which says something about what has sometimes been called "the beer-and-PX war.") At best, the situation will remain critical for the next two years—the shortest time in which the Vietnamese can hope to establish relative security after the American withdrawal. During this period, the Vietnamese will have to raise their income in part by increasing their exports and improving their miserable trade imbalance. Their receipts from taxes are virtually nil, but to reorganize a leaky tax structure at a time like this in such a way as to make the rich as well as the poor pay up overnight is a task that even the best of bureaucracies—and Saigon is one of the worst—would find difficult. Improvements can purely be made, but not enough of them can be made quickly enough to matter much.

Our criticisms particularly annoy the Vietnamese because they claim it is we who created the inflationary economy, by allowing the market to be flooded with luxury items to soak up piastres. Life has indeed been more comfortable for the private entrepreneur—the mason, the cyclo-driver, the whore—but not for those who are doing the fighting, in the field or in drab, fly-infested, un-air-conditioned offices. The whole economic problem, of course, is deeply enmeshed in politics, and here, too, the Americans are blamed—for having foisted an impossible Western system of democracy upon an underdeveloped country that can't possibly cope with it, espcially in the midst of a brutal war. If that criticism is justified, then the Vietnamese must also bear some of the blame.

Several months ago, President Thieu considered trying to introduce an economic-austerity bill in the National Assembly, raising taxes as much as sevenfold on some luxury items such as foreign cars. The House of Representatives refused to accept the bill, so Thieu, acting under a decree that dated back to the time of Diem, imposed the measure anyway. A senator, acting as a private citizen, brought suit against the government in the Supreme Court, charging that the decree was illegal. By then, the government realized that the measure had not been properly prepared anyway and was full of anomalies. The able but sorely tried Minister of Economics, Pham Kim Ngoc, prepared a new measure that would rectify the discrepancies and began drawing up a list of items whose importation would be completely prohibited, such as machines that the Vietnamese could make or assemble themselves, cosmetics, fruits, and whiskey. The revamped austerity bill was passed late in April by the House and is now before the Senate. Meanwhile, the Supreme Court has declared the earlier measure illegal.

The government's mishandling of the students' and veterans' problems grew steadily worse in April, during three weeks of demonstrations that were systematically broken up by police with tear gas—which they often threw into the wind and hence back into their own faces. The students were protesting initially against the reported torture of several of their number who had been arrested on charges of treason and subversive activities, and against the proposal that the accused be tried by a special military tribunal instead of by a civil court. Late in April, after Don's committee presented evidence to the Supreme Court that at least a third of the students had been beaten and tortured—or, in the case of the four girls, humiliated—that body ruled that such procedures were unconstitutional. The Court also clipped the wings of the military tribunal by ruling that its members had been illegally appointed and that its sentencing and appeal procedures were also unconstitutional. The government apparently got the message, for it admitted that some students had indeed been tortured—something that it had earlier denied vehemently. As things look now, the chances that any verdict of the military tribunal will be upheld are slight, even though the government claims to have firm evidence that at least four of the students had direct contact with the Vietcong. While the government attempted to mollify the students further by recognizing their union, their response was to take to the streets again. As of this week, the government has shut down all schools in the Saigon area.

The students have now become the spearhead of opposition to the government. The situation thus differs from that during the crises that occurred between 1964 and 1966, in which the Buddhists set the opposition course with the students following their example. Now some militant Buddhist leaders have joined the student-protest movement, while others, including Thich Tri Quang, the monk who led the 1963 campaign against Diem, are lying low. This week, students and militant Buddhists joined to forcibly occupy the National Pagoda, in the center of Saigon, in protest against the government—which, in turn, dispatched troops to oust them. On Wednesday, in a tragic echo of the Affair at Kent State, four people were killed by soldiers clearing the pagoda.

As for the veterans, what began as a legitimate protest against a lack of adequate housing and financial support for disabled ex-soldiers has become another *cause célèbre*, for government inaction resulted in other elements taking up the veterans' cause for their own purposes and helping them put shacks on government and private property. Belatedly, the government then moved to give the veterans more benefits, especially housing but, by this time they had joined with the students and other dissidents in a whole rash of demonstrations. On April 28th, at a soirée for ex-generals held by Senator Don (an ex-general himself), Duong Van Minh, the nominal leader of the anti-Diem coup in 1963, who is acting more and more like a man who wants to run against Thieu for President in 1971, expressed sympathy for both the students and the veterans. Minh warned that if the government continues its blindly oppressive policies, soldiers on active duty will soon join the fight—"a disaster that must be avoided."

A particular source of embarrassment here in recent months, for both the government and the Americans, has been the case of Tran Ngoc Chau, an able former province chief and former head of the government's pacification headquarters, who has many friends among the Americans. Chau, who left the pacification job and entered the National Assembly in 1967, subsequently had a number of contacts with a brother, Tran Ngoc Hien, a dedicated Communist who was arrested last year in a spy roundup here. Few people doubt that Chau remains a dedicated anti-Communist, but he has the misfortune of also being known as a dedicated opponent of Thieu, whose ire he has aroused by talk about a coalition government. In February, the military, under Thieu's orders, seizing the pretext of Chau's contacts with Hien and flouting his presumed immunity as an Assemblyman, dragged him from the Assembly building and before a military court that sentenced him to ten years' imprisonment. Chau maintained that he had reported his conversations with Hien to the C.I.A., and for this reason and others it was felt that our embassy should have come to his defense. The Supreme Court has, for the moment at least, rectified matters by throwing out the military verdict, but Thieu's unjust action, and our embassy's unjustified inaction, will remain on the record.

The Supreme Court has thus momentarily emerged as the conscience of the foundering Second Republic. Though it is by no means certain that the Court will be able to retain that role, what it has done so far adds up to one of the most encouraging developments since the 1967 Presidential elections. It is becoming more and more apparent that Thieu is moving in the direction of what some of his aides have politely described as "clear-sighted dictatorship." Most observers, however, doubt his ability to be either clear-sighted or, for that matter, an efficient dictator. More and more Vietnamese are blaming the Americans for having sponsored him and then nursed him to the point where he has isolated himself from almost everyone except his inner Cabinet and the few Americans who see him regularly. He speeks constantly of "national salvation," but he seldom mentions the necessity of adhering to legal principles and constitutional procedures, and so far various attempts he has made to form a political party of his own with "clear-sighted" aims have failed. The blunt truth is that Thieu is unsure of himself and mistrustful of almost all Vietnamese outside the palace, and that American efforts to build him up, give him confidence, and "bend" him to be more liberal have collapsed.

Several weeks ago, Vice-President Ky, who has been trying, partly at the suggestion of the Americans, to get Thieu to delegate some authority to him or to others, had a long talk with the President, during which they compared their situation to an automobile race. "Thieu said I wanted to go too fast," Ky later told me. "He said that I might reach the finish line first, but that there was also a chance that I would have an accident en route, while he could be sure of arriving safely. I asked him, 'What's the sense of entering the race in the first place if you don't try to win? And if you go too slow the spectators will want their money back.' " Ky told me that he had tried repeatedly to move Thieu to action, and that Thieu had often agreed but then had failed to follow through. "Some people say Thieu is a dictator," Ky said. "Actually, he is too weak to be a dictator. And he doesn't learn from his mistakes. What he most lacks is confidence in himself. As for those, like Don and Minh, who are willing to help him if he would let them, it's too late—not for them, but for Thieu."

In view of all that is happening in South Vietnam, the Cambodian adventure may well prove disastrous. I can think of no better summation than to quote from an open letter published a short time ago by Senator Thai Lang Ngheim, an ardent anti-Communist and the official spokesman for Senator Don's political group. "The people's confidence is now frozen, their hope has now disappeared," Nghiem wrote. "Early in this Year of the Dog, we are witnessing the bankruptcy of the regime's political authority, the failure of all efforts to build up a Second Republic. Many had hoped that the beaten path of failures would have served as an example to the new leaders, but they are now advancing along the same path, following the same political ground rules that were used by the old leaders. Old and new leaders come from the same social strata—those which used to be controlled by foreigners, the scum of society that floats on the surface of the boiling pot." Nghiem went on to speak of "the impotence and the blind, unjustified pride that have dominated our lives for so many years," and continued, "The heart of the matter is not the offensive of the Communists but the dirty nature of our own people, our own leaders. Our minds are dirty, our hearts are dirty. It is clear that we are up to our necks in corruption. It has entered our bloodstream, our lungs, our hearts. It is no longer an individual disease. It is systematized. It has got hold of the whole regime. Corruption comes from the organization of power. To stamp out corruption means to reorganize power—in this case, political power, political institutions. Power must be put back in the hands of the people. The New Year of the Dog is the New Year of general fatigue, of a feeling of pain after being beaten up."

## ORDER OF BUSINESS—RULE OF GERMANENESS

**Mr. BYRD of West Virginia.** Mr. President, is my understanding correct that there are no further speakers who wish to address their remarks to the unfinished business today?

In looking about the Chamber, I see no Senator who wishes to speak on the unfinished business.

I therefore ask unanimous consent that the Pastore germaneness rule be considered no longer operable at this point and that Senators may now transact routine morning business with the limitation on their speeches to be 3 minutes.

**The PRESIDING OFFICER** (Mr. SPONG). Without objection, it is so ordered.

## LETTERS ON CAMBODIA

**Mr. FULBRIGHT.** Mr. President, I have received a great many letters and telegrams and petitions during the last 2 weeks. I have well over 100,000 letters, although they have not all been counted.

This morning I received at my home

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two letters which I think are indicative of the point of view of many of our citizens.

One is addressed to me from a man in Georgia named Ben L. Powers.

It reads:

> May 17, 1970.
>
> DEAR SENATOR: The South has been lost in the past two years to the grand old Nixon party.
>
> You have been of very little help to your liberal Democrats.
>
> Please read the enclosed and get wise.
>
> Yours truly,
>
> BEN L. POWERS.

Mr. President, the letter encloses an article from an Atlanta newspaper, the Atlanta Journal-Constitution, reporting on the results of a poll with respect to the Cambodian expansion of the war.

I ask unanimous consent that that article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

> **JOURNAL-CONSTITUTION SURVEY FAVORS CAMBODIA OFFENSIVE: 83 PERCENT OF 4,552 AGREE—DISSENT HEAVIEST IN METRO AREA**
>
> President Nixon's decision to send American troops into Cambodia is approved overwhelmingly by those who responded to an Atlanta Journal-Constitution poll.
>
> Of more than 4,500 responses, 83 per cent favored the President's action and only 17 per cent were opposed.
>
> The questionnaire, published in last Sunday's Journal-Constitution, drew 4,552 answers from 140 of Georgia's 159 counties and from other states. Of those, 3,765 supported the President's decision and 787 were opposed.
>
> Greatest support for Nixon's action came from those counties outside metro Atlanta, with 2,042 indicating approval, 389 disapproval. In metro Atlanta, the vote was 1,533 for and 354 against the move.
>
> The 8th Congressional District in Southeast Georgia, voted 268–25 in favor of the Cambodian thrust.
>
> Many of those who responded to the question wrote additional comments on the ballot or on letters attached to the ballot. Several told of sons or husbands fighting in Vietnam or Cambodia.
>
> "I had much rather have them fight over there than in our own country," one woman wrote, adding, "My husband is over there for the third time and my son for the first time."
>
> Another said, "My son is there, so we are vitally interested. Why isn't everyone else?" And another, also supporting the President, wrote the poignant comment: "My son is missing in action."
>
> A young Atlanta woman, opposing the Cambodian action, wrote:
>
> "How could I approve of it? My husband will be going to Vietnam next month. He's only 19 years old and I am 20. I have plenty of bills, I have an allergy condition that does not allow me to work and I am pregnant for the first time and we've only been married a year."
>
> Many of those who returned the ballot took the opportunity to express strong disapproval of student demonstrations on college campuses and support of Vice President Spiro T. Agnew.
>
> The ballot was published only in those papers delivered to regular subscribers of The Atlanta Journal-Constitution to assure that the results would accurately reflect the feeling of regular readers.

Mr. FULBRIGHT. Mr. President, I also received a most eloquent letter from a housewife and mother. This letter is from New Jersey.

I would like to read it. It is very brief. I read it because I think it expresses more eloquently than I can a point of view with respect to war.

The letter reads:

> ELBERON, N.J.,
> *May 20, 1970.*
>
> DEAR MR. FULBRIGHT: I am writing you to express my opposition to the Nixon Administration's involvement in Vietnam and Cambodia. I support your views and believe you speak for the majority of the people. I can assure you that we mothers stand behind you.
>
> As a citizen of the United States and as a mother of two children, I raise my voice in opposition to this unconstitutional war. I do not believe the U.S. should be trying in vain to help a country that will not help itself. Why should our Sons, Husbands, and Fathers die for so unjust a cause?
>
> To ask a mother to send off to war the Son (sometimes scarcely more than a child) she has loved, guided, protected and cared for through sickness is to ask her to tear out her very heart. It is to ask her to cast aside her hopes and dreams as though ashes instead of a treasure. Is this war in Southeast Asia worth it? I do not think so.
>
> This war is destroying us by effectively dividing our country and in the meantime all our overwhelming problems at home go uncared for. It is like a garden that isn't cared for. First one weed sprouts, and then it becomes entangled with weeds. We should make the Nixon Administration see that we are for peace and they would surely have to end it.
>
> Then, we should get on with the overwhelming tasks of straightening up our homeland. We should help our own poor and starving people. We should make it a place where both black and white could live in peace. We should clean up our environment. We should seek to educate our young people of the dangers of drug abuse and crack down on the dope pushers. All of these problems outweigh in importance the war being fought in Southeast Asia. Yet, they all go unheeded because our tax dollars go into funding a war the majority of us neither chose or believe in.
>
> As for purposes of security, I believe we should make it strong from within by making it a place we can believe in again. We should restore our basic American ideals.
>
> We should let other countries help themselves and take care of just one country—ours. I believe in the policy of isolationism. Make our country strong by having all the people believing in it again and no country will want to start a war with us.
>
> My Son is only seven and already I fear for him. In a short while, he could be called to go to war. This dear child, this cherished gift of God. If the ones who smugly declare war realized the lives that are ruined and wasted by their acts; if they were the ones who had to fight on the frontline in Vietnam and Cambodia—I daresay there would be no war. If the hand that rocked the cradle really did rule the world, there would be no war.
>
> For the following specific reasons, I am in opposition to the war:
>
> 1. I protest the violation of the Constitution by the President, Richard M. Nixon, who undertook an act of war without formally consulting the elected representatives of the people.
>
> 2. I support those critics of the Administration who seek to bring an immediate end to the rapidly expanding war in Indo-China.
>
> 3. In memory of those who died in vain, both in the jungles of Southeast Asia and on college campuses, and because the Nixon Administration holds pride in more value than human life and democracy.
>
> I urge you to continue your attack on this tragic war. As a mother of two very dear children and as a patriotic American, I support you and bid you Godspeed.
>
> Respectfully yours,
>
> MRS. WM. C. PAULSEN, Jr.,
> *A Mother for Peace.*

Mr. President, I think this lady, whoever she is—I do not know her—has expressed a view that I believe to be uppermost in the minds of a great many women in this country and, no doubt, a great many men as well.

The PRESIDING OFFICER. Is there further morning business?

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SENATE JOINT RESOLUTION 203—INTRODUCTION OF SENATE JOINT RESOLUTION ON WAGE AND PRICE STABILITY

Mr. JAVITS. Mr. President, on May 19 I spoke on the floor of the Senate of my support for the income policy proposals of Dr. Arthur Burns.

A new and very alarming rise in the Consumer Price Index just announced this week makes Dr. Burns' proposal even more pressing. We see before us a 6-percent annual increase in the BLS cost of living which is very alarming for the country, and we have to consider some restraints upon unlimited wage and price increases. This country may have to go to controls. It does not like that, and I do not like that. But we must not allow ourselves to be injured as a nation by our sheer inability to control our economic situation in the face of war. We have been fighting this war without in any way recognizing economically that it is a war.

At the very least it is my belief that the recommendations made by the minority of the Joint Economic Committee in its report this spring should be put into effect.

Mr. President, it is for that purpose that I introduce a joint resolution, which I send to the desk for appropriate reference on behalf of myself, the Senator from Iowa (Mr. MILLER), and the Senator from Idaho (Mr. JORDAN).

The PRESIDING OFFICER (Mr. SPONG). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 203) on wage and price stability, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. JAVITS. Mr. President, the recommendation we made states that—

> The administration * * * announce the inflationary implications of unusually significant wage and price decisions. The Council of Economic Advisers should calculate and make public how much each price increase adds to the wholesale or consumer price index, and indicate other prices which would be adversely affected by such an increase. It should publish specific arguments why a

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particular industry feels it necessary to raise its prices, and suggest Government studies of situations where particular bottlenecks or unusual supply and demand conditions exist.

Similarly, on the wage front, the Council should publish the price implications of unusual collective bargaining agreements, including the timing of the wage increases under different assumptions, the productivity experience of workers in the industry, the industry's profit situation and whether industry officials feel the increases will necessitate price increases.

These activities should not be considered the foundation for more detailed intervention by the Government in individual wage and price decisions. However, we see no harm in opening up price and wage decisions which significantly affect the economy to the eyes of the public. Public scrutiny could well have a salutary effect in discouraging price and wage increases that would have inflationary consequences.

It is worth reiterating that we say these activities should not be considered the foundation for more detailed intervention by the Government in individual and wage-price decisions. However, we see no harm in opening up price and wage decisions which significantly affect the economy to the eyes of the public. Public scrutiny could well have a salutary effect in discouraging wage and price increases that would have inflationary consequences.

As the ranking minority member of the Joint Economic Committee, and as it became clear to me a few months ago that the administration's plans to deal with the economy was not bringing prices down as scheduled or stabilizing the existing price and wage structure, I wrote a letter to the chairman of the Council of Economic Advisers, Dr. Paul W. McCracken on April 27, 1970, urging that the recommendations of the minority which I have read to be implemented.

I ask unanimous consent that my letter to Dr. McCracken be made a part of the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 27, 1970.

Hon. PAUL W. MCCRACKEN,
*Chairman, Council of Economic Advisors, Executive Office Building, Washington, D.C.*

DEAR DR. MCCRACKEN: The relentless rise in the consumer price index must be a matter of concern for all of us, coming as it does at a time when unemployment is also rising and corporations are showing a marked earnings squeeze. It is particularly disturbing to find that prices for items of great consequence to the poor and to fixed income families—housing, public transportation and medical services—have been rising significantly faster than the consumer price index as a whole. It is also disturbing to note that the index will also affect the price of government-purchased goods and services, with all that this implies for the precarious Federal budget surplus.

I am writing, therefore, to ask for your comments on the proposal—which was adopted unanimously by the Republicans of the Joint Economic Committee and reflects the input of a caucus of Senate Republicans—that the Council of Economic Advisors publish the implications of major wage and price decisions.

The proposal recommends that the Council indicate how significant price decisions, up or down, in major industries could be expected to influence overall consumer and wholesale price levels, and how they might affect other prices in related industries. The Council would also give the arguments made by particular companies or industries why price increases made by them are deemed necessary.

Similarly, the Council would indicate the implications of collective bargaining proposals in significant industries. This would include calculations of the magnitude of these increases under different timing assumptions, the productivity experience in the industry, and whether industry officials believe such increases would bring about price increases.

These activities would be limited to informing the public, and would not involve the Administration taking a stand for or against any particular wage or price behavior.

I sincerely believe that an informed public debate resulting from such information, which the Council is in a position to publish, would be a significant step in the Administration's anti-inflationary campaign. I also believe that the vast force of public opinion has not been sufficiently mobilized in this anti-inflation campaign to date.

Sincerely,

JACOB K. JAVITS.

The **PRESIDING OFFICER**. The 3 minutes of the Senator from New York have expired.

Mr. **JAVITS**. Mr. President, I ask unanimous consent to proceed for an additional 3 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **JAVITS**. Yesterday, in a letter dated May 14, I received Dr. McCracken's reply. For the information of Senators, I ask unanimous consent that it be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CHAIRMAN OF THE
COUNCIL OF ECONOMIC ADVISERS,
*Washington, May 14, 1970.*

Hon. JACOB K. JAVITS,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR JAVITS: This is in reply to your letter of April 27 asking for the Council's comments on the recommendations included in the minority views of the Joint Economic Committee report on the subject of wage and price policy.

The recommendation to which you refer proposes that the Council of Economic Advisers report publicly on "the inflationary implications of unusually significant wage and price decisions." We have, of course, been aware of this proposal and have given it very careful consideration. For a number of reasons, however, we do not believe that action along these lines would be an effective way of restraining inflationary pressures.

The recommendation that the Council publicly assess the implications of important wage and price decisions is little different from the guidepost approach used until 1965 or 1966. There have been, of course, numerous efforts in the past few years to provide some form of legislative sanction for the review of important price and wage decisions. The latest of these was introduced last August and would provide for annual review of the guideposts by the Council and for the establishment of a Price-Wage Stabilization Board which would assess the consistency of important price and wage decisions with such guideposts. The Board would in turn publicize the results of its findings regarding any "price or wage behavior which does in fact threaten national economic stability" together with a recommendation for action by the President, Congress, or the parties concerned. In our testimony before the Subcommittee on Executive and Legislative Reorganization of the House Committee on Government Operations on September 23, 1969, we expressed our objections to this legislation both as regards the policy it sought to write into law and the manner in which it proposed to implement that policy. A copy of the statement is attached.

The recommendation in the Minority Report differs from the Reuss Bill in that it does not refer specifically to any formal guidepost and that it leaves the job of assessment in the hands of the Council rather than of an independent agency. The distinction is, however, one of form rather than of substance. In effect, the Council is being asked to resume monitoring private price and wage actions in much the same way as under the previous Administration, except that there would be no specific reference to guideposts as such. As a practical matter, however, there would have to be some rules by which the inflationary implications of any price or wage action is measured, whether or not it be called a guidepost.

The recommendation seeks to distinguish between "detailed intervention by the Government in individual wage and price decisions" and "opening up price and wage decisions which significantly affect the economy to the eyes of the public." It is difficult to detect any real difference in this apparent distinction. In the great majority of cases in which the previous Council and Administration intervened in price decisions, the only sanction was precisely public exposure and criticism. It is true that there were also numerous direct approaches to business executives or labor leaders preceding or accompanying the public expression of disapproval and that at times public confrontation was thereby avoided. Back of any such direct approach, however, the real threat was always that of bringing adverse public opinion to bear. The guidepost approach backed by the sanction of public disapprobation probably did have some effect at first, but this decreased rapidly as time went on and inflationary pressures became more severe. And in the crucial area of wages, in fact, virtually all efforts at intervention were abandoned after the airline mechanics' strike in 1966. The result in that case made it evident that any form of intervention by Government, including efforts to mobilize public opinion, was more likely to be counterproductive than helpful. Subsequently, there was strong public criticism of the excessive rate of increases in construction wages but this, too, proved futile.

Despite the clear inability to exert any meaningful influence on wages, and hence upon a major determinant of costs, the past Administration did continue to comment on and intervene in various price decisions. These efforts may have had some effect, decreasing as time went on, in a limited number of highly "visible" cases, such as steel, copper, aluminum and automobiles, that were seriously concerned about their public image. These industries, however, were exclusively those in which because of their structure a few leading concerns enjoyed a significant degree of discretion over their short-run price policies. Even in these, rising costs increasingly circumscribed the scope of discretionary absorption.

In the majority of American industries, however, neither direct Government intervention nor public disapprobation could be expected to exert any measurable influence over price trends either because competition was sufficiently vigorous to deny individual firms any significant discretion over short-run pricing policies, or because they were less concerned over their public image, or both. Review of the record indicates that no success was achieved, or could have been expected, in moderating price advances in such major industries as textiles, apparel, most food products and the like. The results of this policy were, therefore, not only discriminatory and inequitable, but also sharply limited in terms of potential area of influence.

As you correctly pointed out, moreover, the prices of such items as housing, public transportation, and medical services have been rising distinctly faster than the consumer price index as a whole. Increases have also been more rapid than the average for such items as restaurant meals, mortgage interest, and property taxes and insurance. Unfortunately these are precisely the kinds of items which would be least responsive to an approach of the kind recommended. Higher costs for housing, for example, reflect in large part the exceptionally rapid advance in construction wages which, as pointed out above, have persisted and accelerated in the face of strong direct or implied criticism by both this and the previous Administration. Finance, insurance, and taxes account for about 9 percent of the weight of the consumer price index and have contributed over one-third of the overall advance in the index over the past few years. None of the components of this group—interest rates, insurance premiums or local taxes—would be affected in any significant way by public analysis of their implications. Nor is it likely that increases in public transportation, such as the recent 50 percent boost in fares in New York City, could have been averted or moderated by any analysis which the Council could conduct. There has been no dearth of public criticism of the continuing rapid advance in the cost of medical services but there is no evidence that such criticism has had any restraining effect on either physicians' fees or hospital charges. These are all areas in which impersonal market forces exert so dominant an influence on price behavior that even the strongest manifestation of public disapproval would be virtually meaningless.

Finally, I must point out that the recommendation would impose an almost impossible burden on the Council. Objective assessment of either the justification of a price or wage increase or of its inflationary implications is an extremely difficult task. Careful, objective analysis in any important case would take months and a much larger staff than is available. Anything less than such thorough-going assessment could give rise to serious inequity.

In view of these circumstances, we have reservations about the probable effectiveness of this Minority Report recommendation. And in any case this would be no substitute for proper fiscal and monetary policies.

Sincerely,

PAUL W. MCCRACKEN.

Mr. JAVITS. Mr. President, in the reply, essentially Dr. McCracken referred to the position of the administration that it does not like "guideposts," which it characterizes as the policy which prevailed in 1965 and 1966—that is, criteria for wage and price increases. In the wage field, it will be remembered that this criterion was 3.2 percent increase per year. The letter also reiterated the fact that the administration does not like the "guideposts approach" because it thought they were not productive and that they were not likely to be complied with—the main theory being that the sanction of public disapproval would not be effective as to certain important aspects of the economy.

For example, one aspect mentioned in the letter was finance, insurance, and taxes, which account for about 9 percent of the weight of the Consumer Price Index, which contributed about one-third of the overall advance in the index over the past few years.

Also, it was pointed out that certain services like medical services, in which there had been extraordinary price increases, would not yield to this type of public scrutiny because it was divided in the hands of so many thousands upon thousands of people and institutions which charge the fees—hospitals, doctors, and other health personnel.

It gave other reasons, for example, that many of these increases, like the increase in the New York subway fare, were governmental and were subjected to very considerable scrutiny anyhow.

But what Dr. McCracken's suggestion failed to do was offer an alternative. The fact is that public disapprobation can have a restraining quality, even by the admission of his letter, on a large part of the economy, and because it will have a restraining influence on that part of the economy, it will tend to restrain other prices which it cannot affect as directly.

The main point is that we have been offered no viable alternative at the present time except to continue present policies, which have proven to be very unsatisfactory and which threaten our economy with grave danger. Hence, in order at least to try a new policy which would put a stop to the deteriorating wage and price spiral infecting the whole economy, I have offered this joint resolution, with the cosponsorship of two other members of the minority on the Joint Economic Committee, which requires the Council of Economic Advisers to publish:

One, the implications of unusually significant price decisions made or proposed in major industries during the preceding 2 weeks.

Two, the implications of unusually significant collective bargaining agreements entered into by major industries during the preceding 2 weeks.

Three, such other data on price and wage developments as the Council deems beneficial to the public interest.

I ask unanimous consent that the joint resolution be printed in the RECORD at this point as a part of my remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 203

Senate Joint Resolution on Wage and Price Stability

Whereas the goals of maximum employment, production, and purchasing power set forth in the Employment Act of 1946 affirm the need for price stability;

Whereas the level of inflation presently affecting the national economy is causing severe hardship and a loss of purchasing power for many citizens; and

Whereas an informed public debate in the fight against inflation, would mark a significant advance toward our economic policy goals: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That until December 31, 1971, the Council of Economic Advisors is hereby requested to publish, every two weeks, with whatever assistance may be required from other executive branch departments and agencies:

(1) the implications of unusually significant price decisions made or proposed in major industries during the preceding two weeks;

(2) the implications of unusually significant collective bargaining agreements entered into in major industries during the preceding two weeks; and

(3) such other data on price and wage developments as the Council deems beneficial to the public interest.

SEC. 2. (a) With respect to the data referred to in paragraph (1) of the first section, each analysis should indicate how the price decisions set forth therein can be expected to influence overall consumer and wholesale price levels, how they might affect other prices in related industries, and the arguments made by particular companies or industries why such price increases are deemed necessary.

(b) With respect to the data referred to in paragraph (2) of the first section, each analysis should indicate the magnitude of wage increases, under different timing assumptions, represented by the proposals set forth therein; the productivity experience and wage experience in the industry; and whether industry officials believe such increases would bring about price increases.

Mr. JAVITS. Mr. President, the enactment of this joint resolution could serve as a constructive first step toward the implementation of Dr. Burns' "incomes policy" and could have a significant effect on the inflationary price spiral that continues to erode the purchasing power of the dollar, drive interest rates upwards, and contributes to the continuing serious deterioration in our international balance of payments.

I shall, on Monday, undertake to make an even more detailed analysis of the economic situation as it relates to the Vietnam war, but I call attention to the fact that all the people of the United States have a right to ask, when under their very noses they see such a serious deterioration of the American economic system, What are we gentlemen in Congress going to do about it? I believe also that it is an obligation of the administration. It is for that reason that I have offered this joint resolution, with my colleagues, as a first step toward doing something about it.

## ORDER OF BUSINESS—UNANIMOUS-CONSENT AGREEMENT

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. THURMOND. I yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what will be the pending question before the Senate when morning business is closed?

The PRESIDING OFFICER (Mr. SPONG). The question before the Senate is the amendment of the Senator from Kentucky (Mr. COOPER) and the Senator from Idaho (Mr. CHURCH) to H.R. 15628, amendment No. 653.

Mr. BYRD of West Virginia. I thank the able Presiding Officer.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. Is that the pending

business, or a proposed amendment to the amendment?

Mr. SCOTT. Mr. President, this is, as I understand it, a revision of an earlier amendment offered by the same Senators, and is, therefore, a revision or substitute of the prior Church-Cooper amendment. Is it not?

Mr. GRIFFIN. Mr. President, we should not use those words. It is a proposed amendment to the committee amendment. Is that correct?

The PRESIDING OFFICER. The Senator from Michigan is correct.

Mr. GRIFFIN. It is not a substitute; it is a proposed amendment to the committee amendment—a perfecting amendment?

The PRESIDING OFFICER. It is a perfecting amendment in the nature of a substitute for part of the amendment of the committee.

Mr. GRIFFIN. Mr. President, if I may pose a parliamentary inquiry——

The PRESIDING OFFICER. The Senator will state the inquiry.

Mr. GRIFFIN. If the proposed perfecting amendment in the nature of a substitute to part of the committee amendment were to be adopted, that would preclude proposing amendments to other portions of the Church-Cooper amendment?

The PRESIDING OFFICER. No, it would not to other portions that have not been amended.

Mr. GRIFFIN. So that there would be eight lines, which might sometimes be referred to as preamble language, that would not then be subject to further amendment. Is that correct?

The PRESIDING OFFICER. A specific amendment relating only to those eight lines would not be in order.

Mr. GRIFFIN. Mr. President, if I may, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRIFFIN. If a broader substitute were offered later, which included that language but went beyond it, that could then make changes in the language of that proposed amendment; would that be correct?

The PRESIDING OFFICER. Subject to review by the Chair at the time the proposal is offered, the Chair would say that it is possible to do what the Senator has stated.

Mr. BYRD of West Virginia. Mr. President, by the verbiage "subject to the review by the Chair" the Chair merely intends to be sure that such a later amendment does not amend language in the preamble that has already been amended by the pending perfecting amendment unless an additional change of substance is intended to be made at the same time in a broader area than that of the preamble itself. Is that correct?

The PRESIDING OFFICER. Only.

Mr. SCOTT. Only.

The PRESIDING OFFICER. And subject to the review that the Chair would give to the submission of any proposal.

Mr. BYRD of West Virginia. Mr. President, I ask that the clerk again read the amendment last pending before the Senate.

The PRESIDING OFFICER. Subject to the fact that we are now, as the Senator from West Virginia knows, transacting routine morning business, the clerk will now report what was the business of the Senate prior to our going back into the morning hour, and will again become the business of the Senate when the morning hour is ended.

The LEGISLATIVE CLERK. The amendment by Mr. COOPER and other Senators, identified as amendment No. 653, as follows:

> Beginning on page 4, line 24, strike all to and including line 6, page 5, and insert in lieu thereof the following:
>
> "SEC. 47. LIMITATIONS ON UNITED STATES INVOLVEMENT IN CAMBODIA.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970, for the purposes of—".

Mr. BYRD of West Virginia. Mr. President, does the language which has just been read by the clerk constitute the pending question before the Senate when morning business is concluded?

The PRESIDING OFFICER. When the unfinished business is laid before the Senate.

## CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the additional period for the transaction of routine morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR ADJOURNMENT FROM MONDAY, MAY 25, UNTIL 10 A.M. ON TUESDAY, MAY 26, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in adjournment until 10 o'clock on Tuesday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

## AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. BYRD of West Virginia. I ask unanimous consent that the Senate return to the consideration of the unfinished business.

There being no objection, the Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the vote on the pending question occur on Tuesday next at 2 p.m.

Mr. CRANSTON. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Mr. President, may I say that this has been cleared with all interested parties.

Mr. CRANSTON. I do not object.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SCOTT. Mr. President, may I be recognized?

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SCOTT. If there is a question as to the division of time, we can take that up on Monday, or as we meet on Tuesday. I say this so there will be no assumption that we have overlooked the question of dividing time equally. It is simply left open to be determined later.

The PRESIDING OFFICER. The Senator from Pennsylvania is correct.

Mr. BYRD of West Virginia. Mr. President, I thank the able Senator from South Carolina for yielding.

The unanimous consent agreement later reduced to writing is as follows:

> *Ordered*, That the Senate proceed to vote at 2 p.m. on Tuesday, May 26, 1970 on the pending amendment (No. 653) by Senators COOPER, CHURCH, MANSFIELD, and AIKEN.

## A LETTER FROM CAMBODIA

Mr. THURMOND. Mr. President, there is no doubt that a large portion of our youth are behind the President. The mail from our fighting men in Vietnam and Cambodia strongly supports our Commander in Chief. I am confident our combat men are disgusted with those in our country who give aid and comfort to the enemy.

It is a pleasure for me to invite the attention of the Senate to a recent letter I received from a South Carolinian in Cambodia. This letter is from Robert E. Mimms, Jr. of Florence, S.C. He is with the 128th Assault Helicopter Company. I would like to read a portion of his letter. He states:

> I would like to express my approval of President Nixon's decision concerning Cambodia. It is easy for someone in the United States to condemn the recent turn of events, but here we find the situation different. I am with an assault helicopter company, and, thus, am afforded a first-hand view of most of the situation. Overall, just being able to go into Cambodia has given a great many people a new sense of purpose over here. It seems that we are no longer sitting on our hands waiting for them to decide the moves. More so, now we are finally on the move. It helps my mind. Also, militarily, we are delivering blows which may prove disastrous for our enemy.
>
> My only regret concerning the entire situation is the demonstrations reported taking place in the States. I feel they will, to a large degree, nullify our efforts in this drive. I think even more so, now, that the dissent will spur the communists into continuing their aggression even longer.

Mr. President, our Nation can be thankful for such dedicated and patriotic soldiers as Robert Mimms. I am proud to count him among the many others from South Carolina who support our Commander in Chief.

## FIFTY TELEGRAMS ON CAMBODIA

Mr. THURMOND. Mr. President, it is a pleasure to invite the attention of the Senate to the tremendous amount of mail I have received from all over the

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country in support of President Nixon's action to destroy the North Vietnamese sanctuaries in Cambodia.

Before leaving my office to come to the floor, I picked up a stack of telegrams which support the President. I have here in my hand about 50 telegrams which represent hundreds of individual people and many organizations. I am proud to say that most of these are from South Carolina.

Mr. President, I would like to read one of these telegrams and place the remainder in the Record.

Hon. Strom Thurmond,
*U.S. Senate Office Building,*
*Washington, D.C.*

Dear Senator Thurmond: Please be advised that a group of seven concerned citizens of Spartanburg Socar in a near spontaneous one day effort this date have obtained 1,387 signatures in support of the following petition in response of the end the war, television program viewed nationwide the evening of May 12, 1970, and the proposed end the war amendment we the undersigned would like to express our support for the President's Cambodian Vietnam policy. We too would like to see the war end; however our support of this policy is based on the belief that our President is motivated by the same single desire that stirs us all, that is, to bring peace to our world. Additionally, we feel that decisions of this magnitude, the decision to eliminate the enemy's sanctuaries, are best made by those having full access to all available information and those who possess the ability to weigh and evaluate it in a rational and objective manner. These issues cannot be resolved by mobs in the street over reaction caused by emotionalism can only weaken our position both at home and abroad. We support not blindly but with good reason the man elected to our highest office. Our petitions are still in circulation which we do not have the ability to recall due to the limited response time. However, we believe they too are being received favorably. We are placing in the mail tomorrow signed petitions documenting the grand total referred to above we earnestly entreat you to consider this response by your constituents.

Sincerely,

Joe G. Garrett, David G. Sherer, Charles J. Snook, James H. R. Brady, Ray C. Rogers, Jr., Milton B. Maness, Troy F. Stokes.

Mr. President, I ask unanimous consent to have these telegrams printed at this point in the Record.

There being no objection, the telegrams were ordered to be printed in the Record, as follows:

Georgetown, S.C.

Senator Strom Thurmond,
*Washington, D.C.:*

We support the policies our President is following to clear up the situation in Vietnam. Request that you do the same.

Thank you.

Retired Air Force: Col. David F. Blackwell, Col. and Mrs. Wm. C. Warren, Maj. S. E. McFadden, Lt. Col. and Mrs. L. B. Thompson, Mr. and Mrs. Therom Hines.

Mr. and Mrs. H. G. Deer, Mrs. H. W. Hiott, Mrs. J. H. Hope, Mr. and Mrs. W. W. Doar, Mary C. Bruorton, Mrs. O. L. Bruorton, Mr. and Mrs. Linwood Altman.

Mrs. R. B. Altman, Mr. and Mrs. Frank Marlow, Mr. and Mrs. Jim Fultono, Mr. and Mrs. Leland Gantt, Mr. and Mrs. Frank Stacey, Mr. and Mrs. George Prince, Mrs. Lucinda Grate, Mrs. Barbara Reese.

Mrs. A. W. Hough, Mrs. Mary Cooler, Mr. and Mrs. A. H. Lachicotte, Mr. and Mrs. H. S. Collins, Mrs Emogene Ennis, Mr. and Mrs. Fred Packham, Mr. and Mrs. B. G. Fields.

Mr. and Mrs. J. H. Clyburn, Mrs. St. Julian Lachicotte, Harry Watson, Mrs. Wm. McCall, Mrs. Ruby Hill, Mrs. Shelor Murrell, Miss Alma Hull.

Mr. and Mrs. Jim Powell, Mr. and Mrs. Don Richarbson, Mr. and Mrs. R. C. Darsey, Mr. and Mrs. Glenn Miller, Mr. and Mrs. Charlie Zemp, Mrs. Lucine Marlow.

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Greenville, S.C.

Hon. Strom Thurmond,
*U.S. Senate,*
*Washington, D.C.*

I do not approve the amendment that Goodell, Church, Hatfield, McGovern, Hughes will put before the House to curb President Nixon's plan to bring the war in Vietnam to a close as early as possible. He has the facts and interest of the U.S. uppermost in his mind and heart, and I'm sure all his decisions are arrived at from a long and prayerful search for the best for the United States and the troops without any thought of his political career. I believe in our President and will stand up for him against all others.

Mrs. Helen J. Doddridge.

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Spartanburg, S.C.

Senator Thurmond,
*Washington, D.C.*

Being in Omaha Beach Invasion and father of three boys one in Thailand and another in college, I wholeheartedly approve Presidents action of late. Only problem, it should have been earlier; and news media is helping cause more uprising beginning with bias news reporting on civil rights against South for past ten years.

Frank O. Ezell,
(*One of silent majority*).

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May 1, 1970.

Hon. J. Strom Thurmond,
*U.S. Senate,*
*Washington, D.C.*

(This telegram was sent to President Nixon.)

Mr. President: The undersigned being in full agreement with your action on the Cambodian situation wish to congratulate you for courage you have shown on this long overdue decision.

Vernon Smith, R. Infinger, J. Feathers, W. Parks, M. Nettles, C. Carroll, C. Mobley, H. Ray, H. Hux, D. Merritt.

R. Aderson, P. Doss, S. Wolfe, J. Johnston, J. Carroll, E. Smith, E. Harris, S. Woodson, E. Dubose, D. Hartman.

J. Muckenfuss, E. Losley, P. Hookom, R. Babson, T. Dubose, N. Stevensen, B. Blocker, E. Felkel, J. McCormick.

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Columbia, S.C., *May 5, 1970.*

Senator Strom Thurmond,
*U.S. Senate,*
*Washington, D.C.:*

Urge your strong support of President Nixon on Viet Nam and Cambodia policy. Urge that you do all in your power to stiffle Senators Fulbright and Kennedy.

C. Guy Castles, Jr., M.D.

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Florence, S.C., *May 2, 1970.*

Senator Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

Never have so few confused so many and never have so few positively accentuated the negative.

With the news media, the new left, the liberals and democrats it is rule or ruin.

I applaud your courageous support of our commander in chief. Sincerely.

Julian D. Dusenbury, and family.

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Rock Hill, S.C.

Hon. Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

Please support the President in Cambodia.

Charles Bollin.

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Rock Hill, S.C., *May 18, 1970.*

Hon. Strom C. Thurmond,
*U.S. Senate,*
*Washington, D.C.*

Dear Senator Thurmond: As a commercial traveler over this State a majority of the contacts I make are back of President Nixon and his stand on Cambodia 100%. We urge that you give our position consideration. Many of us ask the question "Where were these loudmouth advisers when the preceding Presidents were in office?"

Respectfully,

C. Steve Johnson.

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Columbia, S.C.

Senator Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

In a unanimous vote we express our gratitude for your complete support of President Nixon's Cambodian policy to shorten the Vietnam war.

Fleet Reserve Association Unit No. 202.

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Orangeburg, S.C.

Senator Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

We are against the amendment to limit the President's prosecutions of the war. We support the war policy of President Nixon and have confidence in the judgment of him and his advisers. We hope and think that you will actively oppose the planned move to limit his capacity to prosecute his plans in Southeast Asia.

William Gunn and Mrs. Naomi Gunn.

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Columbia, S.C.

Senator Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

We the ladies auxiliary of the VFW department of South Carolina support the President's policy toward the war in Vietnam

Ann Thomas, *President.*

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Columbia, S.C.

Senator Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

We have just viewed the telecast by the five Senators who are for the amendment to force the President to end the war. We strongly urge you to ask those five Senators what they intend to do and where they intend to relocate all of the people of South Viet Nam, Cambodia, Laos. We suggest these dislocated persons be sent to the perspective States of those Senators voting to hamstring the President's efforts to peacefully and honorably end this war in Viet Nam. We strongly urge you and beg of you to back the President of the United States in these efforts.

Acie Merrill,
*Town and County Builders.*
H. M. Mike Smith,
*Tri County Builders.*

---

Miami, Fla., *May 11, 1970.*

Senator Strom Thurmond,
*Washington, D.C.:*

Attention all Senators. Please note the following message: Bravo for your stand in Cambodia and the campus riots. Indications here are that even the Democrats are with you. I do not believe that the U.S. can clean this mess until we follow your plan and I suggest even more harsh terms to propose to the Communist in Moscow, Peiking, Viet-

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**nam and last but the closest Cuba. We must be aggressive in our fight against Communism including the Communist inspired riots on campus. The penalty for violent riots must be expulsion immediately from school and then jail. A strong stand must** also be taken with Castro, as he is no more than a puppet for Moscow and will infiltrate all Latin countries as we have seen.

May God be with you and give you strength and forsight in future crises against communism.

DON L. KETCHAM.

---

EGLIN AFB, FLA., *May 20, 1970.*

Senator STROM THURMOND,
*Washington, D.C.:*

Thinking and concerned young people support Nixon and his Cambodian policies.

GENE and DONNA BROOKER.

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CLEMSON, S.C., *May 20, 1970.*

Senator STROM THURMOND,
*Senate Office Building,*
*Washington, D.C.:*

You have my support in opposing the Church-Cooper amendment and backing President Nixon's action.

BERNARD E. DUNKLE.

---

COLUMBIA, S.C., *May 21, 1970.*

STROM THURMOND,
*Washington, D.C.:*

**We wish to commend you on your backing of the President's policies in Vietnam and our position in Cambodia. You have the strong support of our members both individually and as an organization.**

CHARLOTTE S. DODD,
*President, Ladies Auxiliary to the VFW, John W. Parker Post 8130.*

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COLUMBIA, S.C.

Senator STROM THURMOND,
*U.S. Senate Building,*
*Washington, D.C.:*

I support president Nixon one hundred percent concerning his deployment of troops into Cambodia.

RUSSELL MOON.

---

CHARLESTON S.C., *May 5, 1970.*

Senator STROM THURMOND,
*Washington, D.C.:*

Am completely in agreement with your support of president's decision to hasten end of war by offensive action. Although late, we feel that it will be effective and bring some peace to America.

LUTHER HAYNIE.

---

HUNTSVILLE, ALA.,
*May 15, 1970.*

Senator THURMOND,
*U.S. Senate,*
*Washington, D.C.:*

I am behind my Commander in Chief's actions. I appreciate your support.

Sgt. IRA W. WILCHER,
*U.S. Air Force, retired, South Carolinian from Charleston and an Alabamian also.*

---

NORTH ANDOVER, MASS.

Senator THURMOND,
*Washington, D.C.:*

Cambodia campus strikes and Wall Street do not match the disarray in Senate. Church-Cooper shames the Republic and betrays the office of the President. In God's name close ranks and if you value freedom, endure the fatigue of supporting it.

HENRY G. ARMITAGE, M.D.

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LYNFIELD, MASS.

Senator STROM THURMOND,
*Washington, D.C.:*

Thank you for supporting our President. We are with you all the way.

Mr. and Mrs. NELSON J. MCDERMOTT.

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GREENVILLE, S.C.,
*May 1, 1970.*

Senator J. STROM THURMOND,
*Senate Office Building,*
*Washington, D.C.:*

**Urge support of President's action to remove sancturies in Cambodia, necessary to protect our troops. Political motives must now be laid aside. Action taken is in line with legion foreign policy statement at national convention 1969.**

E. ROY STONE, Jr.

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COLUMBIA, S.C.,
*April 30, 1970.*

Senator STROM THURMOND,
*Washington, D.C.:*

We don't fully agree but understand it must be done. We support the President's decision.

Mr. and Mrs. W. R. ROURK.

---

PELZER, S.C.,
*May 4, 1970.*

Senator STROM THURMOND,
*Washington, D.C.:*

My wife and I firmly support the decision of President Nixon on the Cambodia operation.

Mr. and Mrs. DOUGLAS M. COX.

---

AUGUSTA, GA.

Senator STROM THURMOND,
*Senate Office Building,*
*Washington, D.C.:*

At last a man of action. Politics no, Nixon yes.

Mr. and Mrs. PAT M. TIDWELL.

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CHARLESTON, S.C.,
*May 1, 1970.*

Hon. STROM THURMOND,
*Senate of the United States,*
*Washington, D.C.:*

We support Nixon's decision tonight—hope you will.

NELL and WALTER CHASTAIN.

---

GREENVILLE, S.C.,
*April 31, 1970.*

Senator STROM THURMOND,
*U.S. Senate,*
*Washington, D.C.:*

Support Nixon.

KIRK R. CRAIG.

---

GREENVILLE, S.C.,
*May 1, 1970.*

Senator STROM THURMOND,
*Senate Office Building,*
*Washington, D.C.:*

Following copy telegram sent to President Nixon, "Your decision regarding Cambodia has our wholehearted support. It was an excellent presentation and we are with you 100 percent."

Mr. and Mrs. LEONARD M. WILSON.

---

AUGUSTA, GA.,
*May 1, 1970.*

Senator STROM THURMOND,
*Washington, D.C.:*

My wife and I as well as our friends are always your loyal supporters.

JOHN C. BEARD, Jr.

---

BURTON, S.C.

Senator STROM THURMOND,
*U.S. Senate,*
*Washington, D.C.:*

We are backing the President and proud of his courage.

THOROLF and JOE HANNEVIG.

---

CLEMSON UNIVERSITY,
*Greenville, S.C., May 9, 1970.*

Senator STROM THURMOND,
*Washington, D.C.:*

**As a concerned American as a taxpayer and as a university professor you have my complete confidence and unqualified support.**

RAY GRY.

---

CONWAY, S.C.

Re in regards CBS commentary
Senator STROM THURMOND,
*U.S. Senate,*
*Washington, D.C.:*

**Here we stand in Cambodia, interview Mr. Maxwell D. Taylor and Mr. James Gavin both former generals implicated an unfavorable position with respect President Nixon decision to enter Cambodia. I support the entering of Laos in addition to Cambodia if necessary. Supply lines are vital and must be destroyed at their source. I support and encourage your support to end this conflict, further I support:**

**First, unrestricted bombing of north by conventional methods.**

Second, the use of adequate U.S. support forces as long as necessary.

Third, cessation of useless peace negotiations in Paris.

Fourth, adequate training and use of ARVN forces.

GLENN WOODY.

---

CHARLESTON, S.C.

Senator STROM THURMOND,
*Senate Office Building,*
*Washington, D.C.:*

My son and I are with you all the way. We will do anything that you want us to do.

JOE GREEN AND SON.

---

COLUMBIA, S.C.

Senator STROM THURMOND,
*U.S. Senate,*
*Washington, D.C.:*

My entire family support you and President Nixon concerning Cambodia.

CHARLES W. BRIGHT,
*Colonel, U.S. Army, Retired.*

---

FLORENCE, S.C.

Senator STROM THURMOND,
*U.S. Senate Office Building,*
*Washington, D.C.:*

**100 percent behind President Nixon stand on Cambodia. Recommend strong action against rebellious college students.**

Lt. Col. W. E. O'HARRA,
*U.S. Army Reserve.*

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GEORGETOWN, S.C.

Senator STROM THURMOND,
*Senate Office Building,*
*Washington, D.C.*

SIR: You are right. Stick to your guns.

JAMES D. JOHNSTON.

---

CHESTER, S.C.

Hon. STROM THURMOND,
*U.S. Senate,*
*Washington, D.C.:*

We back Nixon decision on Cambodia.

Mr. and Mrs. A. M. WYLIE.

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CHATTANOOGA, TENN.

Senator STROM THURMOND,
*Washington, D.C.:*

Urge that you give the President your full support.

Dr. and Mrs. WILLIAM E. ROWE.

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GREENVILLE, S.C., *May 16, 1970.*

Senator STROM THURMOND,
*Washington, D.C.:*

I am against the Church-Cooper amendment. Please vote against it. Thank you.

LARRY JOE COOK.

---

VIENNA, VA., *May 18, 1970.*

Senator STROM THURMOND,
*Senate Office Building,*
*Washington, D.C.:*

**As a constituent of your State, I strongly urge you to vote against the Cooper-Church resolution. I am in complete agreement with President Nixon's Southeast Asia policies.**

Maj. RICHARD RASBERRY.

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Columbia, S.C., *May 18, 1970.*

Senator Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

Columbia Chapter Reserve Officers approve the action of the President in destroying Cambodian sanctuaries, saving future American lives and urge your support.

Col. Mahlon A. Skidmore.

---

Charleston, S.C.

Senator Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

Please don't sell U.S. aid down the river by supporting Church-Cooper bill re Nixon and Cambodia. Please support our President.

F. L. Parker,
Elizabeth M. B. Parker.

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Sumter, S.C.

Senator Strom Thurmond,
*Washington, D.C.:*

We support President Nixon's war policy.

Mr. and Mrs. L. W. Cannon.

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Charleston, S.C.

Senator Strom Thurmond,
*Washington, D.C.:*

Senator Thurmond, urge you push war effort to fullest extent now. Please do not disclose plans or intentions. All honest students are working for their education in class rooms, not on the Ellipse.

O. E. Engelman.

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Columbia, S.C.

Senator Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

After watching NBC program asking for support for the amendment to end the war in Viet Nam, we want to make known our wishes that our country fight to victory.

Mr. and Mrs. M. O. Mitchem.

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Spartanburg, S.C.

Hon. Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

The Veterans of Foreign Wars opposes the Cooper-Church and the Hatfield-McGovern amendments, and we urge you to speak and vote against them.

L. Hubert Thompson,
*Commander, Post 9539.*

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Bishopville, S.C.

Senator Strom Thurmond,
*Washington, D.C.:*

Seven thousand American Legion Auxiliary members support President's Asian policy and troops. Urge support President Nixon.

Mrs. S. F. Sherard, Jr.,
*State President, the American Legion Auxiliary.*

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Orangeburg, S.C.

Hon. J. Strom Thurmond,
*U.S. Senate Office Building,*
*Washington, D.C.:*

V.F.W. Post No. 2779, Orangeburg, S.C. absolutely supports the administration in the Cambodian offensive and strongly urges that strategic points be bombed in North Viet Nam as deemed necessary. We also oppose the Hatfield-McGovern bill along with the Cooper-Church amendments now in Congress.

Melvin Daye,
*Post Commander.*

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Orangeburg, S.C.

Hon. Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

Dear Sir: The V.F.W. Posts of District No. 9, Dept. of S.C. Support our President in the Cambodian affair and strongly oppose the Hatfield-McGovern bill on troop withdrawal and the Cooper-Church amendment.

Ralph C. Voreis.

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Dillon, S.C.

Senator Strom Thurmond,
*U.S. Senate Office Building,*
*Washington, D.C.:*

Wired President Nixon today as follows: "The Republican Party and the great majority of the citizens of Dillon County wholeheartedly support your actions in Cambodia. We will also support your actions against anarchy on the campuses of this country."

George L. Rogers,
*Chairman, Dillon County Republican Party.*

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Sumter, S.C.

Hon. Strom Thurmond,
*Senate Office Building,*
*Washington, D.C.:*

You have been a dynamic force in South Carolina and policies governing the entire country. In these unreal critical times we are proud that you are there supporting our President.

He needs your help. After hearing on television a group of supposedly wise men of Congress urging people to vote against the President's decision on Cambodia we had to send this message urging you to work even harder in your support of his policies.

Irvin J. and Dorothy C. Wynn.

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Columbia, S.C.

Senator Strom Thurmond,
*Washington, D.C.:*

Speaking for 10,000 members of Veterans of Foreign Wars in South Carolina, urge you vote and work against Cooper-Church-McGovern-Hatfield amendments.

Laurie L. Lane,
*State Commander, VFW.*

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Lawton, Okla.,
*May 13, 1970.*

Senator Strom Thurmond,
*Representative, South Carolina,*
*Washington, D.C.:*

I am a father, a veteran of World War II, Korea and Vietnam, I am a student at Oklahoma University. I am with the President. Back him.

Robert S. Collins.

Mr. THURMOND. Mr. President, in replying to these communications and the many others, I have reemphasized my support of the President. In my judgment, the President's action, which he promised to conclude June 30, will: Save American lives; reduce the possibility of a humiliating defeat; shorten the war; enhance success of the withdrawal and Vietnamization programs; and ultimately, I believe permit sustained self-determination of the South Vietnamese people. Full support to our President will insure this success.

## CAMBODIA'S PLEA FOR AID FROM ASIAN NATIONS

Mr. THURMOND. Mr. President, three important developments have taken place in recent days concerning the difficulties faced by Cambodia.

First. Cambodia has asked Asian and Pacific Ocean countries to provide arms and send troops to help her repel the North Vietnamese and Vietcong attacks on Pnompenh and elsewhere in that country.

Second, 11 governments attending an all-Asian Conference in Jakarta, Indonesia have called on all foreign forces to withdraw from Cambodia.

Third, President Nixon has endorsed the call of the Asian Conference for the withdrawal of all foreign forces from Cambodia as this is in line with his earlier declaration that U.S. troops would be out of that country by July 1.

Mr. President, I would like to hear some of the supporters of the Church-Cooper amendment stand up on this floor and call for the withdrawal of Communist forces from Cambodia with the same vigor they have demonstrated in calling for the withdrawal of U.S. forces.

Mr. President, I am going to repeat this statement. I would like those who are taking the opposite side, those who are pushing the Church-Cooper amendment, to respond to the request I am now making. If they are not in the Chamber now, they will have a chance to do so when they are in the Chamber sometime next week.

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. THURMOND. Let me read this again, and then I will be glad to have the Senator respond, if he desires.

Mr. President, I would like to hear some of the supporters of the Church-Cooper amendment stand up on this floor and call for the withdrawal of Communist forces from Cambodia with the same vigor they have demonstrated in calling for the withdrawal of U.S. force.

I am pleased to yield to the distinguished Senator from California.

Mr. CRANSTON. Mr. President, I rise to respond to the distinguished Senator from South Carolina.

I am a sponsor of the Cooper-Church amendment. I support it. I believe it is deeply in the national interest of our country. I now repeat calls I have made in the past for the withdrawal of Communist troops from Cambodia, from South Vietnam, and from Laos. I believe that they, indeed, are the first aggressors. I call upon them to withdraw, as I call upon American troops to be withdrawn.

Mr. THURMOND. Mr. President, we have heard a few weak words along this line, but we have not heard the determined effort, with vigor, to demand that the Communist forces withdraw from Cambodia as we have heard for the U.S. forces to withdraw.

President Nixon has made it clear that U.S. forces will be out of that country by July 1, so it seems to me we should be throwing the weight of the Senate behind demands for withdrawal of the North Vietnamese and Vietcong. Surely a concerted call for such a withdrawal could be made by all Members of the Senate, and the result would certainly enhance the chances of peace in the entire Indochina area.

Further, the Nixon administration has called for restoration of the peacekeeping machinery set up in 1954 to keep foreign forces out of Cambodia.

If necessary the Geneva Conference should be reconvened for this purpose in order to assure the integrity of the Cambodian Government and the complete withdrawal of all forces.

The Cambodian Government would certainly not need troops or arms if North Vietnam would withdraw their troops. One would think that Soviet Russia and Red China would call upon their friends in Hanoi to effect such a withdrawal if they are really interested in

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peace in Indochina as they so often claim.

Mr. President, two articles in the Nation's press on May 19, 1970, contain information on the three points I have just enumerated. In the May 19, 1970, issue of the New York Times an article by Henry Kamm, entitled "Cambodia Asks Asian and Pacific Nations for Troops," and an article in the May 19, 1970, issue of the Baltimore Sun by Paul W. Ward, entitled "Nixon Backs Asian Appeal on Cambodia," are well worth the attention of the Senate.

I ask unanimous consent that these two articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

### CAMBODIA ASKS ASIAN AND PACIFIC NATIONS FOR TROOPS

(By Henry Kamm)

PNOMPENH, CAMBODIA, May 18.—Cambodia has asked Asian and Pacific Ocean countries to send troops to help her repel the North Vietnamese and Vietcong attackers, but the initial reaction has been negative.

Highly placed Cambodian sources said today that the request for troops was sent Saturday to an 11-nation conference of Asian foreign ministers in Jakarta, Indonesia. In its closing communiqué yesterday, the conference, called to discuss the increased conflict in Cambodia, urged international diplomatic assistance for Cambodia.

The request for troops was sent over the signature of Premier Lon Nol, who acted after a meeting of the National Committee of Salvation. Although it has no official powers, the committee, headed by the First Deputy Premier, Prince Sisowath Sirik Matak, makes all vital decisions.

#### INDIVIDUAL ACTION POSSIBLE

High committee sources said that the lack of action by the Jakarta conference had not been regarded as a rejection of the request. They said it remained alive and a matter for the individual countries that had participated—Japan, Australia, New Zealand, South Vietnam, Thailand, South Korea, Indonesia, Malaysia, Singapore, Laos and the Philippines. Cambodia attended as a "special invitee."

The request for troops was the first made by Cambodia and a measure of the Government's view of the seriousness of the situation. Although American and South Vietnamese troops are fighting enemy forces in Cambodia, they are doing so on their own account.

The request for troops was believed to be motivated largely by the realization that the withdrawal of American air and logistics support by June 30—as decreed by President Nixon—will drastically reduce the operations of South Vietnamese troops in Cambodia and once more leave the weak Cambodian Army on its own.

#### HELP TERMED ESSENTIAL

The committee sources said the Cambodian Army would find it extremely difficult to assume the defense of the border regions. They said that Cambodian wanted to use the period until June 30 to prepare for that task but that help was essential.

For military manpower Cambodia looks principally now to the members of the Cambodian minority in South Vietnam who are serving as mercenaries under the American Special Forces, the Green Berets. About 2,000 of these soldiers have arrived here, followed by quantities of American equipment, and have been incorporated in special units into the Cambodian Army.

Cambodian sources said there had been an agreement in principle for the sending of more Cambodian volunteers from South Vietnam.

The sources also said that Cambodia was continuing her pleas to all countries for military equipment. An idea that is gaining favor in official circles is to ask the United States and South Vietnam to leave behind the bulk of their weapons and equipment when their forces end their offensives into enemy sanctuaries.

Cambodia, according to the sources, is planning to ask for help in training her soldiers. She would like to send units for instruction in such countries as South Vietnam, Thailand and even the United States.

#### LAOS OFFERS A PRECEDENT

There is precedent for such military assistance in the case of Laos. Many of her best units have been trained in Thailand with the help of American instructors.

Such training would involve American weapons, since both South Vietnam and Thailand are equipped almost exclusively by the United States. Cambodia would like to end her dependence on Chinese and Soviet arms, particularly because of the difficulties in procuring ammunition.

Officials note unhappily that the most substantial military aid received here so far has been shipments of Chinese-made automatic rifles captured by allied forces in South Vietnam. This increases Cambodia's dependence on Communist-made ammunition, they say.

If no help is forthcoming, the sources said, Cambodia is prepared to buy arms and equipment, particularly artillery and armor, anywhere, including the United States.

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### NIXON BACKS ASIAN APPEAL ON CAMBODIA

(By Paul W. Ward)

WASHINGTON.—The Nixon administration formally endorsed today an appeal by eleven Asian governments for withdrawal of "all foreign forces" from Cambodia and for the restoration of international machinery set up in 1954 to keep them out.

It also endorsed the group's appeal, made yesterday at the end of a two-day conference in Jakarta, Indonesia's capital, for action aimed at reconvening the Geneva conference which produced armistice agreements covering all of Indochina 16 years ago.

Meanwhile, Moscow broadcast a denunciation of the Jakarta conference's results, including what it called a "hypocritical appeal for an immediate cease-fire in Cambodia."

#### CALLED "UNTIMELY"

"This actually means," the broadcast said, "that the [Cambodian] military regime would be able to strengthen its power in the face of growing resistance on the part of the patriots."

It added that the Jakarta group's call for an immediate reconvening of the Geneva conference of 1954" was, and would remain "untimely as long as Cambodia is occupied by American forces."

On the other hand, it left unmentioned the group's call for the return to Cambodia of an international commission that was set up to supervise enforcement of the 1954 armistice agreement and that has been inoperative since last year. The commission is made up of Canadian, Indian and Polish delegates.

#### SUSPENSION ASKED

Prince Norodom Sihanouk, Cambodia's chief of state at the time, had called on the commission to suspend operations because he said, his government could no longer afford to pay its share of the commission's operating costs.

Five days after it had supplanted the Sihanouk regime on March 18, the Lon Nol government at Phnom Penh appealed for the commission's return to Cambodia. The appeal, addressed to Britain and the Soviet Union as co-chairmen of the Geneva conferees, has been endorsed by London but blocked by Moscow.

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## SUPPORT FOR PRESIDENT NIXON'S ACTION IN CAMBODIA

Mr. THURMOND. Mr. President, it is a pleasure for me to inform the Senate that I have received a great volume of mail from South Carolina in support of President Nixon's action in Cambodia. The last tabulation of this mail showed a large majority in support of our President.

A typical example of this support is a resolution passed by the "Forty and Eight Society" of Greenwood, S.C. I would like to quote a significant portion of this resolution. It states:

> That it does hereby endorse and commend the Honorable Richard M. Nixon, President of the United States and as Commander-in-Chief of the Armed Forces of the United States for his decision to protect the Armed Forces of the United States in South Vietnam by directing our Forces to enter that portion of Cambodia which is and has been a sanctuary and a base of operations for the North Vietnamese in carrying on their unwarranted invasion against the people of South Vietnam, and neutralize the area.

Mr. President, I ask unanimous consent to have this resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

### RESOLUTION OF VOITURE 435 LA SOCIETE DES QUARANTE HOMMES ET HUIT CHEVAUX, GREENWOOD, S.C.

Be It Resolved by Voiture 435 La Societe Des Quarante Hommes et Huit Chevaux, Greenwood, South Carolina, in meeting assembled this 6th day of May, 1970:

1. That, it does hereby endorse and commend the Honorable Richard M. Nixon, President of the United States and as Commander-in-Chief of the Armed Forces of the United States for his decision to protect the Armed Forces of the United States in South Vietnam by directing our Forces to enter that portion of Cambodia which is and has been a sanctuary and a base of operations for the North Vietnamese in carrying on their unwarranted invasion against the people of South Vietnam, and neutralize the area.

2. Be it further resolved, that it is believed that such action on the part of our Commander-in-Chief is in keeping with the plan for the vietnamization of the South Vietnamese and the withdrawal of the armed Forces of the United States from South Vietnam on the basis of a fair and just peace for the area.

3. Be it further resolved, that it is felt that the action of the President in this respect is in furtherance of a just peace for South Vietnam and in the world.

I, W. H. Cothran, do hereby certify that the above Resolution was duly adopted this 6th day of May, 1970.

W. H. COTHRAN,
*Acting Correspondant.*

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## REAL LEADERSHIP IN CAMBODIAN CRISIS

Mr. THURMOND. Mr. President, in an editorial published May 11, 1970, and titled "Real Leadership" the editors of the Augusta Chronicle newspaper in Augusta, Ga., have praised President Nixon for his clear and forthright explanation of U.S. policy regarding Cambodia.

Anyone who wanted the last detail on the motives and plans regarding U.S. efforts to destroy the Communist sanctuaries in Cambodia certainly should have been satisfied with the President's remarks.

The editors of the Augusta Chronicle chose well when they titled their editorial "Real Leadership" for that is just what the President demonstrated in handling this explosive subject.

It appears to me that some people in this country are only interested in attacking our President and if it is not Cambodia or Vietnam it will be something else.

This editorial commends the President for his clear and concise statement to the American people, and I ask unanimous consent that it be printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

### Real Leadership

At a moment in history when the American people suffer from division—aggravated by the emotional acts of anarchists and the subtle poison of Communist sympathizers—Friday night's press conference produce policy statements by President Nixon which should help clarify issues and correct misunderstandings.

It was a concise and statesmanlike handling of matters of concern to the American people—primarily the military operation to destroy enemy sanctuaries across the Cambodian border, the return of troops from South Vietnam and the mob violence on the Nation's campuses.

An overconcern for any isolated aspect of these varied situations might have led many a lesser official to overlook points essential to a national understanding, and to have concentrated unwisely on other points which by themselves did not reflect the entire picture. The President obviously had given much time to his preparation for this press conference, and as a result he placed the Administration's position in such sharp perspective that even his opponents must have been impressed.

Nor did the President fall into the trap of over-reacting to the shrill and automatic chorus of denunciation which has been incited among well-meaning students and liberals by those determined to destroy democracy in America. The President was conciliatory without any backing down whatsoever. His clear perception of the nature of seemingly opposed positions enabled him to extend a bridge of understanding to such critics as are open to dialogue. He pointed out, in this connection, that all his Vietnam actions since inauguration have been directed to deescalation of the Vietnamese war—from his troop withdrawal which are proceeding on schedule to the Cambodian operation which by blocking blood invasions can shorten the war and hasten reduction in military forces.

Thus he made it clear that the objectives of sincere critics are the same as his own, and that the differences are a matter of method.

Similarly, Mr. Nixon made it clear that his criticism of students was not at all a condemnation of dissenters—he upholds the right of dissent—but of criminals for whom he says his label of "bums" is too kind a word.

And, finally, Mr. Nixon swept away any misunderstanding about either "authorizing" or "muzzling" statements from officials in his Administration. This is an open administration, he reminded Americans (he had said it before) in which Cabinet members and other officers of the government are free to express their individual opinions.

To cap the entire effort to reconcile dissidents, insofar as they are open to reconciliation, Mr. Nixon's pre-dawn visit with students who were in Washington for a massive demonstration was a master stroke. In one spontaneous gesture, he removed any semblance of cause for complaining that he is oblivious to and unresponsive to the deep concerns felt by sincere demonstrators. Such a meeting must have been far more productive than a programmed confrontation in which agitators set the stage for an inflammatory approach.

The President's statements at the press conference will not change the mind of those who are irrevocably opposed to a democratic system. It may not change the minds of hardcore isolationists or pacifists, although it could cool their intemperance.

But with millions of Americans who are troubled over rumors and accusations and wondering which course is best, Mr. Nixon's words should help provide guidance in reaching rational judgments.

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## EDITORIAL IN THE EDGEFIELD ADVERTISER SUPPORTING PRESIDENT NIXON

Mr. THURMOND. Mr. President, the Nation's weekly press is one of the strongest pillars in this great Republic, which some people are trying to tear down.

Time and again, the voices speaking from our weekly newspapers have proven the wisest in times of crisis. Time and again, these voices have refused to yield on the basic principles which made America great.

Such a voice was heard May 6 in the town of Edgefield, S.C., when Editor Walton W. Mims of the Edgefield Advertiser, penned an editorial titled "The President Made a Decision That Every Citizen Should Make."

I will not attempt here to elaborate on this editorial or call attention to certain of its paragraphs for the words of the editor express, far better than could I, the message all America should hear.

Mr. President, I ask unanimous consent to have the editorial printed in the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

[From the Edgefield Advertiser, May 6, 1970]

### The President Made a Decision That Every Citizen Should Make

President Nixon has stood up full height in a new resolve of patriotic leadership. Under the circumstances and with the opposition that he faces, he has exemplified a greater courage than has been shown in the White House in many years.

It was a decision from the school of Southern patriotism and whatever it might have offered, in way of a Southern strategy was unintended in the greater drama of its fatefulness and necessity. The South unquestionably is with Mr. Nixon.

Just how far-reaching is the President's challenge in the Far East? In its unpredicted timing, it presents a direct challenge to Red China and Russia beyond what they have previously faced.

But there is a more imminent challenge. It is to the American Citizen to stand up for country on every campus, in every organization, in every community and circumstance.

What the Vice President referred to here as "conditions eroding the nation's values and principles" is just now the conditions of internal weakness, that are seen in campus and organizational protests and more quietly have appeared in the absence of public care for a long time.

The President, who acknowledged that he was placing his political future at stake, cannot ultimately succeed, and there would follow a catastrophe, unless his action awakens the people individually and collectively.

It is to understand now and to care about the meaning and values of freedom!

There are those who mindlessly think they benefit by the "erosion of values and principles" about which the Vice President spoke.

They are found not only on campuses where to compensate for their illusion about life they attach themselves to spectacular causes, but are found in all areas contributing to changes that have eroded American values and principles, and therefore to the enemy's cause.

The President's courageous action hints of a new will for victory in VietNam following years of wasteful warfare that has left over 40,000 American boys dead, and up to now with but little hope! With enough support he could order victory!

Here are his words in describing what is at stake:

"We live in an age of anarchy both abroad and at home. We see mindless attacks on all the great institutions which have been created by free civilizations in the past 500 years. Here in the United States, great universities are being systematically destroyed . . .

"If when the chips are down the U.S. acts like a pitiful helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world.

"It is not our power but our will and character that is being tested. The question all Americans must ask and answer tonight is: Does the richest and strongest nation in history of the world have the character to meet a direct challenge—

"Whether my party gains in November is nothing compared to the lives of 400,000 brave American men fighting for our country—

"I would rather be a one-term president than to be a two-term President at the cost of seeing America become a second-rate power and see this nation accept the first defeat in the proud 190-year history."

But, in spite of this very gerat call to victory in the Far East there were those in the Senate of the United States who called the action "unbelievable", "ghastly" and "unthinkable."

The President was speaking more for the South's kind of patriotism, and he perhaps knew that this great region would be solid with him.

Unfortunately there have been a few voices of dissent, and close to home a monopoly daily circulating in this area questions the President's logic.

When the Vice President speaking in Edgefield ten days ago said, "It is hard to straighten out a generation of problems that we have allowed to develop, but it can be done," there is little question about what he meant in the context of his speech and in the major confrontation of the Nixon Administration with the enemies at home—those who care too little about their country and those who care not at all. •

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It is time to intimidate the international sponsors of atheism and human slavery—a relatively few men conspiring to change the "values and principles" that have given ascendancy to America, and they would rule the world in the ancient form of barbaric darkness!

## SETBACK IN HANOI TIMETABLE BECAUSE OF CAMBODIA ACTION

Mr. THURMOND. Mr. President (Mr. Cook), the fact that President Nixon's Cambodia action is accomplishing just what he intended finds support in an article published in the May 20, 1970, issue of the Washington Post by John Wheeler of the Associated Press.

Filed from Phnom Penh, Cambodia, the article is titled "Cambodia Invasion Reported Upsetting Hanoi's Timetable." I ask unanimous consent to have it printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Washington Post, May 30, 1970]

### Cambodian Invasion Reported Upsetting Hanoi's Timetable

(By John T. Wheeler)

Phnom Penh, Cambodia, May 19.—A Communist source said today that the allied offensive in Cambodia might have upset Hanoi's timetable for Indochina.

The source, who is in frequent contact with the North Vietnamese high command, said Communist intelligence learned of the allied plans several days in advance and all major units were out of the path long before allied air and ground forces hit.

Reports from the field indicated that allied kill claims were overly optimistic but that North Vietnamese and Vietcong casualties had been serious nonetheless, according to the source. The heaviest blow was the large amount of stockpiled weapons and food captured, plus a major disruption of Communist communications in the onetime sanctuaries of eastern Cambodia.

If the North Vietnamese and Vietcong units had been conventional rather than guerrilla units, the allied thrust might have destroyed them. As it is, the source speculated, the Communists' timetable was considered to be knocked back, possibly for years, because of lost supplies and because the Communist-command troops now were fighting on more fronts.

The source claimed that the advance Communist intelligence permitted East Bloc diplomats to inform Lon Nol one day, before the invasion started. The Cambodian government was warned it was "playing with fire" if it went along with the invasion. The initial Cambodian reaction was to say any violation of its neutrality would be protested. Later the government gave tacit approval to the offensive.

The source also said that East Bloc Intelligence agents here closely investigated the March 18 coup that brought Lon Nol to power and concluded the United States played no part in it.

Mr. THURMOND. Mr. President, the article indicates that the Cambodian action is accomplishing just what the President intended—a setback in the North Vietnamese timetable in South Vietnam. Hopefully the result of this setback will be a further strengthening of the Vietnamization program so that when American forces disengage from combat next summer the South Vietnamese will be able to preserve their liberty.

That is all the United States wishes to accomplish in South Vietnam, a condition which will permit the 18 million people of that Asian country to determine their own fate.

In his address to the American people President Nixon noted that the North Vietnamese "began to expand these sanctuaries 4 weeks ago." This came after the change of government in Phnompenh. It is true the situation changed because of a political development.

At the same time, it is true that the chief reason for this strike was the result of a military buildup which took advantage of this political development.

While critics of the administration refuse to accept this fact, as logical as it may be, perhaps they will accept the report of the new government in Cambodia. This government, noting the buildup and increased Communist activity against Cambodian military units, filed a report with the United Nations Security Council in New York and asked that this report be circulated to Council members.

The report was contained in a letter dated May 1, 1970, from the Permanent Representative of Cambodia to the United Nations, and I ask unanimous consent to have it printed in the Record.

There being no objection, the report was ordered to be printed in the Record, as follows:

### Letter Dated May 1, 1970, From the Permanent Representative of Cambodia to the United Nations Addressed to the President of the Security Council

On instructions from my Government and further to my letter No. 1919 of 27 April 1970 (S/9769), I have the honour to state the following for the information of the members of the Security Council:

On 24 April 1970, at about 8 a.m., the Khmer National Defence Forces attacked from the rear a force of approximately sixty Viet-Cong and North Viet-Namese who were setting an ambush in the area of Kaun Sath, some ten kilometres south-east of Kampot. The Viet-Cong and North Viet-Namese withdrew, leaving behind nine dead, four Chinese rifles and six grenades and taking with them some twenty dead and wounded.

The same day, at about 9 a.m., the administrative post at Sre Cheng, twenty kilometres of Chhouk, in Kampot, came under violent attack by the Viet-Cong and North Viet-Namese. Overrun by the numerically superior enemy, the defenders evacuated the post. There were casualties on both sides.

The same day, at about 4 p.m., the Viet-Cong and North Viet-Namese pillaged the railway station at Banley Chas. district of Samrong, twelve kilometres south-west of Chambak, in Takéo. The stationmaster was taken prisoner and was released on 25 April 1970.

During the same day, operations continued for the purpose of clearing the town of Angtassom, which had been under attack by the Viet-Cong and North Viet-Namese since 23 April 1970. At about 6 p.m., paratroops of the Khmer National Defence Forces attacked the Viet-Cong and North Viet-Namese, who were trying to maintain their hold on the town. Hand-to-hand fighting ensued. The enemy left behind fifteen dead and took a number of dead and wounded with them. Cambodian casualties were light.

The same day, at about 7 p.m., the Viet-Cong and North Viet-Namese once again attacked the town of Kompong Trabèk, in Prey Veng. The Khmer National Defence Forces struck back vigorously, compelling the enemy to withdraw after suffering casualties.

During the night of 24–25 April 1970, the town of Mimot, in Phkar Rumchek, was subjected to two harassing attacks by the Viet-Cong and North Viet-Namese. Vigorous counter-action by the Khmer National Defence Forces compelled the enemy to withdraw, leaving behind one dead, one Chinese rifle and one grenade.

During the same night, the post at Sre Chea, some ten kilometers north of the town of Kompong Trach, in Kampot, which had been attacked by the Viet-Cong and North Viet-Namese at about noon on 24 April 1970, was subjected to another harassing attack by those forces, who were estimated at battalion strength, at about 2 a.m. Overrun by the numerically superior enemy, the Cambodian defenders evacuated the post. There were casualties on both sides.

On 26 April 1970, at about 9:30 a.m., the Khmer National Defence Forces fought a two-hour engagement with some sixty Viet-Cong and North Viet-Namese at the village of Tuol Trabèk, two kilometers south of Prasaut, in Svay Rieng. The enemy left behind five dead, including two Viet-Namese nationals from Chiphou, as well as one rifle and two rocket-launcher projectiles and took a number of dead and wounded away with them, Cambodian casualties were light.

During the night of 26–27 April 1970, the town of Chhlong, in Kratié, was once again attacked by the Viet-Cong and North Viet-Namese and the police station was set on fire. The fighting is continuing.

On 27 April 1970, at about 7 a.m., the village of Tuol Kandal, some ten kilometers south-west of Suong, in Kompong Cham, was attacked by about 100 Viet-Cong and North Viet-Namese. The Cambodian defenders struck back vigorously and suffered light casualties.

The Khmer Government and people are profoundly indignant at this escalating series of overt acts of criminal aggression committed inside Cambodian territory by the Viet-Cong and North Viet-Namese forces, who are thus violating the sovereignty, independence and territorial integrity of neutral, peaceful Cambodia and are trampling underfoot the 1954 Geneva Agreements and international law.

The Khmer Government and people call upon all countries devoted to peace and justice to bear witness to these facts and hold the Government of the Democratic Republic of Viet-Nam and the National Liberation Front of South Viet-Nam (Viet-Cong) fully responsible for any grave consequences which ensue from the present policy of aggression and expansionism.

They are entitled to take all necessary measures to ensure the defence and survival of their country, which can under no circumstances bow to the jungle law being imposed on it by the imperialist Viet-Cong and North Viet-Namese invaders.

I should be grateful if you would have this communication circulated as a Security Council document.

Mr. THURMOND. Mr. President, some will argue that our Cambodian action was in direct response to the pressure being placed on the new Cambodian Government by the North Vietnamese and Vietcong. This report to the United Nations certainly indicates such pressure was being applied.

However, the fact that the North Vietnamese had supplies and soldiers in such numbers in Cambodia that it was able to launch attacks in two directions certainly

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is strong evidence of the massive buildup they had accomplished there. The very fact they were diverted also made the U.S. and South Vietnamese attacks on these sanctuaries more timely.

Mr. President, the supporters of the Church-Cooper amendment and other critics of President Nixon have made much over the point that his action in Cambodia does not have the support of the American people.

Many of the major magazines and newspapers have since published public opinion surveys which show just the opposite. These surveys have already been placed in the RECORD so I will not duplicate them at this point.

One opinion report, however, which has not been placed in the RECORD to my knowledge comes from a group whose members have borne the hardship and heartbreak of past wars—the American Legion.

At a National Executive Committee meeting in Indianapolis, Ind., May 6 and 7, the National Security Committee of that 4 million member organization passed a resolution supporting President Nixon's orders to destroy these Communist sanctuaries.

I ask unanimous consent to have the resolution printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

VIETNAM RESOLUTION

Whereas, Negotiations with the North Vietnamese and Viet Cong delegations in Paris for a political settlement of the Viet Nam conflict have failed to produce any results whatever; and

Whereas, The enemy has not only greatly stepped up its offensive military action in South Viet Nam, but has also expanded the area of its aggressive operations into Laos and Cambodia; and

Whereas, The enemy's intensification of the conflict in the whole of Indo-China seriously endangers the success of our Vietnamization program and threatens the safety of the remaining American and allied troops in South Viet Nam; and

Whereas, The President of the United States has initiated a program for the elimination of enemy sanctuaries presently enjoyed and utilized to a high degree, thwarting our efforts to achieve victory in Viet Nam; now, therefore, be it

Resolved, by the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on May 6–7, 1970, express the wholehearted support of The American Legion of the President's decision to eliminate Communist military sanctuaries in Cambodia and we call upon the members of Congress and the American people as a whole to give it the same support; and be it

Further resolved, That The American Legion urged the President to take further action, as and when he deems it essential to the safety of our troops in South Viet Nam and to the successful prosecution of that conflict, to eliminate, by military action all enemy sanctuaries, installations and areas wherever situated that afford actual or potential bases for enemy action against our forces and those of our allies; and be it

Further resolved, That the necessary military action be taken for the sole purpose of hastening the cessation of fighting and inducing the acceleration of those political conversations that will secure a lasting and honorable peace.

Mr. THURMOND. Mr. President, this resolution and many others like it which millions of American people have endorsed in recent weeks support President Nixon in the proper exercise of his obligations as Commander in Chief.

In so doing, he is carrying out the will of a majority of the American people. In support of this claim, I submit the words of the President who, in his television address, April 30, 1970, stated as follows:

> A majority of the American people are for the withdrawal of our forces from Vietnam. The action I have taken tonight is indispensable for the continuing success of the withdrawal program.
>
> A majority of the American people want to end this war rather than have it drag on interminably. The action I take tonight will serve that purpose.
>
> A majority of the American people want to keep the casualties of our brave men in Vietnam at an absolute minimum. The action I take tonight is essential if we are to accomplish that goal.

Mr. President, the Commander in Chief of this great Nation has put his neck on the line for our fighting men in South Vietnam. We have a duty to support him in the difficult decisions he has had to make and in those he faces ahead. As long as he is Commander in Chief, it is folly to do otherwise.

In my view, he has acted wisely and courageously. It is also my belief a majority of the American people feel the same way.

## HAVE AMERICANS LOST THEIR CAPACITY TO BE SHOCKED BY OUTRAGEOUS CONDUCT?

Mr. THURMOND. Mr. President, James J. Kilpatrick made a good point in the May 19 Star when he wondered whether Americans had lost their capacity to be shocked by outrageous conduct.

By way of example, he mentioned Secretary Finch's nonreaction when a rowdy group of trespassers invaded his office and occupied it for several hours. He also pointed to Dr. Larsen's donothing attitude when some profane hoodlum threw a pie in his face at a Government hearing.

Mr. President, in view of the fact that the word "discrimination" has become such an effective and emotional rallying cry in recent years, one wonders why it has not occurred to the average "man on the street" that he is being severely discriminated against. What if John Doe, the average middle American, decided to force his way uninvited into the office of a major Cabinet officer, solely because he wanted to see this important man and spend the afternoon observing the activities there. How far would he get? How long would his presence be tolerated? Or consider this situation: John attends a hearing at which some matter of interest is being investigated. Suddenly he realizes that the presiding officer is saying something he does not agree with; so he grabs the nearest bucket of water and throws it in the man's face. Do the nearby police officers simply shrug it off? Is John allowed to walk away unimpeded?

Here is a more serious situation: The local bank bounces one of John's checks, much to his distress. In a spirit of revenge, he tosses a fire bomb into the lobby that night. This is arson—one of the most serious crimes known to common law. Would not the local authorities move heaven and earth to see that John was brought to justice?

Mr. President, the answers to these hypotheticals are obvious. No one doubts that in each case John would be immediately arrested and dealt with to the fullest extent of the law. Is this not discrimination then, Mr. President? Mr. Doe is made to answer for his indiscretions while other individuals under similar circumstances are allowed wide latitude merely because they represent a "cause" and because they manage to get a mob to accompany them.

There are many among us who are forever vigilant when it comes to seeking out and exposing alleged discrimination and lack of due process, whether real or imagined. Those who are sincere in this crusade should accord publicity to this curious lack of equal protection of the laws.

## ADMIRAL SMEDBERG'S LETTER TO THE RETIRED OFFICERS ASSOCIATION

Mr. THURMOND. Mr. President, in the course of yesterday's debate, a question was raised concerning the briefing which the President gave to Admiral Smedberg III, president of the Retired Officers Association. I was not present at that briefing, and I do not know what transpired or what the purpose of the meeting was. However, Admiral Smedberg's account of it was most interesting to those of us who are concerned about the military capability of this Nation. Admiral Smedberg's letter to the members of the ROA was inserted in the RECORD yesterday, but no attention was drawn to the real point of the letter; namely, the precarious state of the U.S. military strength. Neither the debate on the floor nor the news accounts about the incident gave any reference to the major thrust of Admiral Smedberg's concern.

The letter was put into the RECORD but the attachments were omitted. These attachments were of extreme importance in view of the current drive to tie the hands of the President as the Commander in Chief.

Admiral Smedberg as a result of his briefing included a number of background facts related to national defense. It appears that some have been reluctant to talk about these facts and reluctant to give them the full publicity which they deserve. As Admiral Smedberg said:

> The sobering, even startling, developments of the past few years relayed to us by the President, many of the details of which have been released by the Secretary of Defense, indicate that the U.S. is now very close to the point where its citizens must make a decision whether we are to continue as a first

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rate world power or be willing to settle for second best.

Mr. President, I ask unanimous consent that the entire letter of Admiral Smedberg and his memo entitled, "Background Facts Related to National Defense," be printed in the RECORD.

There being no objection, the letter and memorandum were ordered to be printed in the RECORD, as follows:

RETIRED OFFICERS ASSOCIATION,
*Washington, D.C., May 13, 1970.*

DEAR FELLOW OFFICER: Our Commander-in-Chief, the President of the United States, has made a difficult and courageous decision to attack and destroy North Vietnamese bases and war supplies along the South Vietnamese border inside Cambodia. His goals are understandable, particularly to military men; (1) to shorten the war, (2) to save American lives, (3) to enable his Vietnamization plan to carry on to a successful conclusion, (4) to permit self-determination of the South Vietnamese to continue to fruition, and (5) to minimize the prospects of a disastrous defeat as the strength of our forces in Vietnam grows less during his previously announced withdfawal program.

The order has been given, American military men are now in combat carrying out the Commander-in-Chief's orders, and some are dying in order that a larger number may live.

At home, opponents of the Administration, the "Doves", the Peace-At-Any-Price advocates, and those who have been persuaded that the United States has only to withdraw its forces from Southeast Asia in order for universal peace to exist throughout the world, are working right now to tie the hands of our President in this endeavor. Many well-meaning supporters of those policies seem to forget the additional jeopardy to which such actions will subject our troops in Vietnam.

President Nixon told me, and a few other officers of veterans and patriotic organizations, two days before his talk to the Nation, that the action he was soon to order was imperative if we were to escape the probability of total and humiliating defeat in Vietnam. Information from captured enemy documents, prisoner interrogation, aerial reconnaissance and other intelligence sources available to him had convinced him and his military advisors that our position in South Vietnam would soon be untenable, the Vietnamization program destroyed, and a humiliating defeat in Vietnam almost assured unless he ordered immediate and positive action to destroy the forces and massive supplies of arms, ammunition, food and equipment which had been stored in underground shelters in North Vietnamese "sanctuaries" on the Cambodian side of the border along the great length of South Vietnam. These stores were, he said, sufficient to supply several North Vietnamese divisions for six months.

I am convinced that the President had no alternative; to do nothing would almost certainly insure the loss of all that we have been fighting for in suport of free peoples everywhere, and the abandonment of the principles for which more than 40,000 American men have died in this war.

The voices of the organized minority are stridently raised against our President's action, giving great comfort and aid to the enemy.

I believe that, as a citizen who holds, or has held, a commission in the Armed Forces, you will want to add your support to those of us who have for too long been the "Silent Majority" by upholding our Commander-in-Chief in his resolve to bring about an honorable peace, maintain the integrity of this nation, fulfill its commitments to its allies, and honor those who have died in their efforts to preserve freedom for all peoples.

At the time of our meeting, the President gave us a detailed briefing on our general military posture. Beginning on page 3 I have briefly outlined some of his more pertinent and important points.

If you agree with the viewpoint I have expressed, I urge you as a private citizen to take immediate and positive action along the lines suggested on the following page.

Sincerely,
W. R. SMEDBERG, III,
*President, Vice Admiral, USN, Retired.*

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### BACKGROUND FACTS RELATED TO NATIONAL DEFENSE

(By W. R. Smedberg III)

On 28 April 1970 a small group of top officials of organizations which actively support an adequate national defense for the United States met with the President in the White House Cabinet room. I was honored to be one of that group.

The President talked for more than an hour of the particular problems bearing on our national security. This most unusual, if not unprecedented, talk to a group of mostly retired military and naval personnel, and the frankness with which he expressed his ideas, were positive proof of the trust and confidence our Commander-in-Chief places in those men and women who have given so many years of their lives to insure the security of this nation.

The President commented on trends which appear fashionable today, the viewing of patriotism with scorn, the downgrading of those in the military services, and the efforts to cut back on our national defense. He recognized, as do many military men, that military forces and military spending are looked upon in some quarters as inherently evil.

He recognized the high motives behind many of those who wish to take money from the defense budget in order to modernize ghettos, rebuild cities and clean our polluted air and water. The President believes that there must be major improvement in those areas, but he said that unless this country has adequate defenses, there may be no environment, at all, to worry about in the years ahead. Therefore, he feels that there must be proper balance between the required security needs of this country and the money spent in improving those areas which must be improved.

In my happy retirement I had thought that we were maintaining our deterrent capability and therefore our security. But the sobering, even startling developments of the past few years related to us by the President, many of the details of which have been released by the Secretary of Defense, indicate that the United States is now very close to the point where its citizens must make a decision whether we are to continue as a first rate world power or be willing to settle for second best.

The President laid the greatest stress on the fact that the Soviet's attitude, as expressed repeatedly, is one of expansion, whereas that of the United States is purely defensive.

Facts which I have learned and which I want to bring to your personal attention are:

1. At the time of the Cuban crisis, the United States had an overall 10 to 1 superiority in ICBMs. Now the Soviets are ahead in total numbers and greatly ahead in explosive power.

2. In the older category of multi-megaton ICBMs such as the Titan and comparable Soviet missiles, the Soviets in 1965 had a better than 4-1 advantage and they still maintain that position.

3. In 1965 the United States had 880 operational Minutemen missiles. The Soviet Union had nothing comparable. Today, the Soviets have over 800 such launchers operational and a projected force that could exceed 1,000 within the next two years.

4. In 1965, the Soviets had no operational launcher for its large SS–9 missile, which can carry a 25 megaton load. Today they have 220 operational systems and 60 or more under construction. The United States has no counterpart to this system.

5. The Soviets are continuing work on their anti-ballistic missile (ABM) deployment in the Moscow area and presently have a total of 64 launchers in place. The United States has none.

6. In the past year the Soviets installed over 120 additional ICBM sites; the U.S. none.

7. In the past year the Soviets built 8 new nuclear submarines with nuclear missile capability. We build none. We still have a superiority of almost 2½ to 1 in nuclear submarines capable of delivering nuclear warheads from the sea, but, by 1975, the Soviets will not only have equalled, but at the present rate of construction will have passed our sea-based nuclear delivery capability.

8. In 1965, neither a depressed trajectory ICBM nor a Fractional Orbital Bombardment System existed in either the Soviet or U.S. inventory. Today, the Soviets have tested both configurations and may have an operational version ready for deployment. The United States has developed nothing comparable to these systems.

9. In 1965, there was no development underway of a so-called Undersea Long-Range Missile System (ULMS) by either the United States or the Soviet Union. Today, the United States is spending relatively small sums in research and development of such a system. The Soviet Union is testing a new, long-range missile for possible Naval use.

10. In 1965, the Soviet heavy bomber force consisted of slightly over 200 aircraft. The U.S. heavy bomber force strength was about 780. Today, the Soviet heavy bomber force is slightly under 200. U.S. heavy bomber strength had declined to about 550.

These were sobering statements; in fact startling to me in both frankness and facts. Six years ago when I retired from the Navy, figures and statements such as these were "Top Secret." This new policy of the present Administration of disclosing such facts to the American people is worthy of the attention and commendation of all of our citizens. It may be possible that a potential enemy will gain some additional knowledge, but the probability is that these facts are known to his intelligence agencies already. They should, therefore, properly be known by all Americans. Only if each citizen is aware of the threats to our security can he support with confidence a defense adequate to guarantee our continuing security.

I think most of us around that Cabinet table were deeply impressed by the seriousness of the President. He had no cheerful smile after the first few minutes when he greeted us. We recognized that he felt the facts were grim and that he was doing his best to present them as they appeared to him, without camouflage or softening.

The President left no doubt but that his objective is to restore and then to maintain peace, but he understands, perhaps better than any man in America today, that one does not achieve or maintain peace from a posture of weakness.

Mr. HOLLAND. Mr. President, I thank the distinguished Senator from South

Carolina for placing these matters in the RECORD.

As in his case, I have received many wires, letters, and communications from my State indicating very strong support for the President. And I may, in the future, wish to place those letters in the RECORD. At this time, however, I want to make it rather clear for the record that it is not just in South Carolina and in Florida and in practically all of the South that this situation exists by placing in the RECORD the beginning part of an editorial from today's Chicago Tribune entitled "Strong Support for the President."

The editorial reads in part:

> That was a mighty impressive display of patriotism and loyalty to President Nixon that the construction workers put on in New York Wednesday. More than 100,000 strong, they marched down Broadway and demonstrated in front of City hall to show their "love of country and love and respect for our country's flag."
>
> They sang "The Star Spangled Banner" and "God Bless America"; they listened to fervent speeches defending Mr. Nixon's Viet Nam policy and attacking his campus critics; and they hanged one of the leading advocates of a blitz pullout from Viet Nam—New York's Mayor Lindsay—in effigy from a lamppost.
>
> Peter J. Brennan, president of the Construction Trades council, told the crowd that "history is being made here today because we are supporting the boys in Viet Nam and President Nixon."
>
> History was indeed being made. Here was the backbone of American labor cheering a Republican President and being showered with ticker tape in the inner sanctum, as it were, of corporate management. The rebuke to Mayor Lindsay was an eloquent testimonial to the fact that he does not speak for all Americans, even in New York—and he deserved it.
>
> According to a Gallup poll for Newsweek magazine, 50 per cent of the American people support the Cambodian operation and 39 percent oppose it (the rest have no opinion). In Chicago, a TRIBUNE poll resulted in an 80 per cent favorable showing for Mr. Nixon.

Mr. President, I note also that the leading item in the contributors' column of the New York Times today states eloquent support of the President and the President's policy from the pen of a clergyman. And I want this to appear in the RECORD.

This letter to the editor reads in part:

### TO BACK NIXON ON WAR

> To the EDITOR:
>
> As a clergyman who for fifty years in the parish ministry has been a member of most of the peace, interfaith and ecumenical agencies. I plead for understanding and support of President Nixon in his efforts to achieve peace.
>
> This will need an understanding by all Americans of the circumstances in Indochina with which he must deal. The southern border of North Vietnam is the DMZ, the whole western border is Laos and Cambodia. In spite of encirclement, Hanoi for years has been pouring men and supplies into South Vietnam by acts of invasion of two neutral countries.
>
> These were carried out without protest from the American peace groups, honorable and dishonorable. By their demands for the ending of American bombing of the source of that supply, these groups also gave immunity to this continual flow of thousands of soldiers, massive supplies to the aid of the Vietcong. Over a period of five years all of this produced only a stalemate and the constant attrition of human life.

### PRESIDENT'S PLAN

> When the President took office he said he had a plan to bring the war to a close. He began by bringing home 120,000 men during his first year, and has promised to bring home 150,000 more this coming year, with all home by the end of 1971.

* * * * *

> The decision that the centers of military strength and resources North Vietnam had established in occupied Cambodia first had to be destroyed was made to protect the safety of American soldiers as they await their return home and during their embarkation. The Cambodian action will provide nine months of protection for them and for the strengthening of South Vietnam forces.
>
> The President and the Defense Secretary have promised that all action in Cambodia will cease by the end of June. But the return of the American forces from the Far East will be determined not by slogans, or crowds, or mass confrontation of civilians in the capitals of the world; but by experience, knowledge and expertise in the logistics of moving great masses of men and material. Peace is not merely the ending of strife, but the tranquillity of order.
>
> This is the wise pathway to the achievement of the greatest measure of peace in our time—an accomplishment which is the purpose and prayer of all Americans. The President deserves our trust and support.

The letter is signed by the Reverend Russell J. Clinchy, Princeton, N.J., May 13, 1970.

Mr. President, I simply wanted these two articles to appear in the RECORD to show that support of the President is by no means limited to that part of the Nation which is supposed to think in a little more military terms, which supplies the Commandant of the Marine Corps, from my own State, the Chief of Staff of the Army, from South Carolina, the Chairman of the Joint Chiefs of Staff, from Alabama, and other great leaders of our military forces, but is also coming from such great sources of population as Chicago and New York, as stated in these eloquent articles.

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## RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD of West Virginia. Mr. President, I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to; and (at 3 o'clock and 16 minutes p.m.) the Senate took a recess subject to the call of the Chair.

The Senate reassembled at 3 o'clock and 26 minutes p.m. when called to order by the Presiding Officer (Mr. BYRD of West Virginia).

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## THE ANNUAL REPORT OF THE SPECIAL COMMITTEE ON AGING

Mr. CHURCH. Mr. President, the distinguished Senator from New Jersey (Mr. WILLIAMS) is necessarily absent today on business in his State. In his absence, he has requested that I submit remarks, which he had intended to deliver personally today, relative to the annual report of the Senate Special Committee on Aging.

The outstanding work of Senator WILLIAMS in the area of aging is well established. I have been fortunate to be associated with him and the fine work he has done in this field as chairman of the Senate Special Committee on Aging.

I ask unanimous consent that the remarks of the Senator from New Jersey and the material to which he refers be printed in the RECORD.

The PRESIDING OFFICER (Mr. COOK). Without objection, it is so ordered.

The statement by Senator WILLIAMS of New Jersey and the material therein referred to was ordered to be printed in the RECORD, as follows:

### A CALL FOR ACTION ON AGING: THE ANNUAL REPORT OF THE U.S. SENATE COMMITTEE ON AGING

(Statement by Hon. HARRISON A. WILLIAMS)

Mr. President, the United States Senate Special Committee on Aging has filed its annual report, "Developments in Aging: 1969."

I am happy to comment at this time, along with our ranking Minority member—the distinguished Senator from Vermont, Senator Prouty—on the meaning and importance of this document.

For one thing, the report issues an interim discussion of the major study by the Committee during the past 1½ years. I am referring to our inquiry into the "Economics of Aging: Toward a Full Share in Abundance."

That study has, in the opinion of many experts in the field of aging and in many other fields, provided the best evidence yet that a retirement income crisis exists in this nation and that it is worsening. Today's workers—the retirees of the future—have a major stake in ending that crisis.

In addition, the report discusses many issues which should receive careful attention during the local, state, and Federal planning which will culminate in the White House Conference on Aging in November 1971. As the report makes abundantly clear, many grave issues—and many splendid opportunities for fulfillment in the later years of life—should be on the agenda for attention in the months ahead.

Finally, the report discusses emerging problems areas, such as transportation needs and cutbacks in funding levels.

Mr. President, I hope that the report will receive widespread attention. It is much too lengthy for reproduction here, but the foreward to that report and the summary of its major findings and recommendations follow this statement.

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### FOREWORD

Are older Americans losing the struggle to secure and maintain adequate retirement income?

That question necessarily overshadows all other issues on the pages that follow. And rightly so.

Over the past year, the Committee on Aging has issued reports and taken testimony on the "Economics of Aging: Toward a Full Share in Abundance."

Never before has such intensive congressional attention been paid to what might be called the personal economics of the elderly in this Nation.

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We've paid attention, yes, to the national statistics.

But we have also heard directly from the elderly themselves, or from people who work with them every day.

We have met the widow who tries to live on less than $100, or even $60 a month.

We've heard, again and again, from elderly individuals and couples who say they must choose each day between food for the table or prescription drugs for their ailments.

We've listened to homeowners who say they can't afford to pay the property taxes that double or triple in just a few years.

Many who speak have been poor, or nearly poor, all their lives. Many did not become poor until they became old.

But, no matter what their prior history, more than one-third of all Americans past age 65 live in poverty or near poverty.

And for those whose incomes are well above such levels, retirement security is too often elusive.

Medicare covers less than 50 percent of total medical expenses of the elderly; the threat of losing the "nest egg" because of health problems is still very real.

Inflation takes a severe toll among those who try to live on fixed income.

For those ready to find a substitute for homeownership, there may be no rental units at prices they can afford.

The Committee on Aging has not yet completed its hearings on "Economics of Aging." It has not yet decided what its final recommendations will be.

But already it is clear that the committee has a major responsibility. It must alert the Nation to the fact that a retirement income crisis exists. Today, the great majority of this Nation's 20 million older Americans feel its consequence. And, unless major policy changes are made, the number will increase markedly.

Today's workers—men and women only 15 or 20 years away from retirement—thus have a major stake in the "Economics of Aging."

Vast as that subject is, however, it cannot encompass all developments in aging for 1969. Neither can this brief introduction.

Other major happenings and decisions are described on the following pages. But here, one additional issue is worthy of note. Very briefly, it is this:

There appears to be some danger that a psychology of retrenchment is taking hold in programs meant to serve the elderly. That psychology should be resisted, especially in view of the fact that a White House Conference on Aging is to be conducted in November 1971. What is needed in the months before that Conference is bold and farsighted planning and action, not a spirit of retreat or apology.

Concern about the future is caused partially by statements [1] attributed to high-ranking members of the Administration which took office in January 1969. In essence, the statements seem to suggest that the Federal commitment to the elderly be reduced in favor of a greater commitment to the youth of this Nation.

Sharp criticism [2] has been directed at such statements because the comparison of the Federal commitment has been inaccurate and misleading and because it is clear that there should be no "either-or" decisions made on behalf of one group at the expense of the other.

Fortunately, the present U.S. Commissioner on Aging has said that such reports do not accurately state the views of the present Administration.[3] In addition, the Commissioner has made other statements clearly indicating that he believes the U.S. Administration on Aging should fulfill a much more far-ranging mission than it now does.[4]

Such statements are heartening, but nevertheless there is reason for concern. Funding for the Administration on Aging suffered sharp setbacks during 1969. Housing programs for the elderly have apparently received lower priority, and may be in danger. Research on aging is underfunded. The Age Discrimination in Employment Act has not been implemented as fully as it should have been. And, despite Medicare, health care is sometimes not available—or too costly.

### CONTINUATION OF LETTER

Cost cutting in Federal programs may be necessary, of course. But the prospect of wholesale scuttling of programs—many of them just beginning to yield important social dividends after years of "tooling-in"—is something else.

The people of the United States now face a period of reevaluation in our thinking about Federal efforts on behalf of older Americans.

That period can be a healthful, stimulating interval leading to a productive and pioneering White House Conference on Aging to be held, at the request of Congress, in November 1971.

Or, that period can be one of uncertainty and lost opportunities. Gloomy as that prospect is, it is possible.

There are, however, strong arguments against it. For one thing, the field of aging has strong dynamics. It is growing as the number of older Americans grows. It grows, because our understanding of the social and personal meaning of aging is increasing. It grows because the United States wants a full and satisfying life for all its citizens, no matter how many, or how few, birthdays they have had.

For these reasons, we can be confident.

But for the next 15 months in particular, we should also be watchful.

**Harrison A. Williams, Jr.,**
*Chairman, Special Committee on Aging.*

## INTRODUCTION AND SUMMARY

A far-reaching and deepening retirement income crisis continues to be the No. 1 problem confronting most of the Nation's 20 million older Americans.

Moreover, the evidence is abundantly clear that this retirement income gap is not a transitional problem that, given present trends, will resolve itself in the foreseeable future.

Approximately 5 million senior citizens live in poverty; yet, many did not become poor until they became old.

Recognizing the need for comprehensive and prompt action to meet these formidable problems, the Senate Special Committee on Aging will seek innovative and far-reaching solutions in the finale of its overall study of the "Economics of Aging: Toward a Full Share in Abundance" during 1970.

The committee, however, also recognizes that health care problems are intensifying other problems affecting older Americans, despite the vital protection given by Medicare.

In addition, this report describes chronic problems faced by the older worker, the emerging awareness of neglected nutritional needs among elderly Americans, the special problem of transportation for aged Americans in both rural and urban areas, the potential usefulness of the model cities program to those in later years, and the place and problems of the elderly in rural America.

These developments—and committee studies—are taking place as advance planning begins for a White House Conference on Aging in November 1971.

### I. MAJOR LEGISLATIVE AND ADMINISTRATION ACTIONS

A 15-percent across-the-board increase in Social Security benefits provided a stopgap measure to prevent further erosion of retirement income because of inflation. Further improvements and reforms will be considered by the Congress during 1970.

Other major developments during 1969 include—

Enactment of the Older Americans Act Amendments of 1969 to provide new programs to meet the needs of senior citizens

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FOOTNOTES

[1] The Wall Street Journal of June 10, for example, gave prominent position to an article which began with these words: "The Nixon Administration is embarking on a determined but politically difficult campaign to shift the Federal welfare focus from aiding the aged to caring for kids." The same article quoted Robert Finch, Secretary of Health, Education, and Welfare, as saying: "I'd like to see a great chunk of resources put in at the lower end of the age spectrum and hold (spending) at the top end."

Parade magazine of June 15, 1969, in an article called: "As Secretary Bob Finch Sees It: Serve the Young First," quoted Secretary Finch as saying: "There are four times as many young people as aged in the United States, but Federal benefits and services of all kinds in 1970 will average about $1,750 per aged person and only $190 per young person." The article added "In the language of the moment, he (Secretary Finch) wants to 'realine the priorities'."

The Washington Post, in an article on September 9, 1969, entitled "New Health Plan Puts Emphasis on the Young," said: "Nixon Administration planners have devised a 5-year blueprint that would expand federally financed health care for the young, rather than for elderly persons who already have the benefits of Medicare."

[2] For example, Mr. Theodor Schuchat, retirement editor of the North American Newspaper Alliance, said the following in testimony before the U.S. Senate Special Committee on Aging: "He (Secretary Finch) does not explain that 85 percent of the Federal expenditures for older people currently come from trust funds to which the elderly themselves contributed heavily during their working years * * *. He (Secretary Finch) has tried to tell the American people that the Federal Government is spending $10 for each older person and only $1 for each child. The ratio of 10 to 1 that he apparently decries falls to a ratio of only 2 to 1, however, if we exclude the trust funds expenditures and stick to expenditures from general revenues.

Delegates present on the final day of the 22d Annual University of Michigan Conference on Aging made similar criticisms in a resolution passed on June 11. The resolution called upon President Nixon "to express the philosophy and the commitment of the present Administration to the interests and problems of the more than 20 million Americans now age 65 or over and the many other millions soon to reach that age."

[3] John Martin, present Commissioner of Aging and Special Assistant to the President on Aging, on June 29 issued a statement responding to the resolution approved at the annual Michigan conference on aging. (See footnote 2.) He said: "I can assure you that Secretary Finch has no intention of downgrading the aging. This whole idea arose out of some figures used in connection with the creation of an Office of Child Development in HEW. His comments were aimed at the importance of adequate attention to the earliest years of child life and he did not intend in any way to pit the needs of older Americans against those of younger Americans."

[4] See ch. 11 for additional discussion.

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and to increase substantially the authorizations for existing programs.

Reduction in appropriation levels for programs under the Older Americans Act in comparison with fiscal 1969.

Passage of a Tax Reform Act which will benefit many older persons by removing millions of elderly persons from the tax rolls through a new low-income allowance and by increasing the personal exemption deduction in three steps for persons 65 and older from $1,200 to $1,500.

A $4.8 billion authorization for housing and urban development programs through fiscal year 1971, including an authorization of $150 million in direct loans for housing for the elderly and an increase from $100 million to $125 million for amounts authorized in fiscal 1970 and 1971 in contract authority for the section 235 low-income homeownership program and the section 236 low-income rental assistance program.

Extension of the SOS (senior opportunities and services) and Mainstream programs under the Economic Opportunity Act.

Improvements in the civil service annuity program.

Announcement for the holding of a White House Conference on Aging in November 1971.

Appointment of John B. Martin as Commissioner on Aging and Special Assistant to the President on Aging.

Investigation of profiteering and laxity in the Medicare and Medicaid programs.

Announcement of an increase in premiums under part B (medical insurance) of Medicare to be effective July 1, 1970—from $4.00 per month to $5.30.

### II. COMMITTEE AND SUBCOMMITTTEE STUDIES

Members of the Senate Special Committee on Aging were involved in many of the developments listed above. In addition, the following hearings were conducted during 1969:

Economics of Aging: Toward a Full Share in Abundance:

Part 1. Washington, D.C., April 29–30, 1969.

Part 2. Ann Arbor, Mich., Consumer Aspects, June 9, 1969.

Part 3. Washington, D.C., Health Aspects, July 17–18, 1969.

Part 4. Washington, D.C., Homeownership Aspects, July 31-August 1, 1969.

Part 5. Paramus, N.J., August 14, 1969.

Part 6. Cape May, N.J., August 15, 1969.

Part 7. Washington, D.C., International Perspectives, August 25, 1969.

Part 8. Washington, D.C., National Organizations, October 29, 1969.

Part 9. Washington, D.C., Employment Aspects, December 18–19, 1969.

The Federal Role in Encouraging Pre-Retirement Counseling and New Work Lifetime Patterns: Washington, D.C., July 25, 1969.

Trends in Long-Term Care:

Part 1. Washington, D.C., July 30, 1969.

Part 2. St. Petersburg, Fla., January 9, 1970.

Part 3. Hartford, Conn., January 15, 1970.

Older Americans in Rural Areas:

Part 1. Des Moines, Iowa, September 8, 1969.

Part 2. Majestic-Freeburn, Ky., September 12, 1969.

Part 3. Flemming, Ky., September 12, 1969.

Part 4. New Albany, Ind., September 16, 1969.

Part 5. Greenwood, Miss., October 9, 1969.

Part 6. Little Rock, Ark., October 10, 1969.

Usefulness of the Model Cities Program to the Elderly:

Part 6. Boston, Mass., July 11, 1969.

Part 7. Washington, D.C., October 14–15, 1969.

Usefulness and Availability of Federal Programs and Services to Elderly Mexican Americans:

Part 4. Washington, D.C., January 14–15, 1969.

Part 5. Washington, D.C., November 20–21, 1969.

Hearings before the Special Subcommittee on Aging of the U.S. Senate Committee on Labor and Public Welfare, available from the Special Committee on Aging:

Amending the Older Americans Act of 1965—S. 268, S. 2120, and H.R. 11235, Public Law 91–69, June 19, 1969.

Hearing held by Select Committee on Nutrition and Human Needs in cooperation with the Senate Special Committee on Aging, Nutrition and the Aged, Washington, D.C., September 9–11, 1969.

### III. CONCLUSIONS OR RECOMMENDATIONS

*Chapter and conclusions or recommendations*

I. A far-reaching and deepening income crisis remains as major policy changes are made—the elderly of the future.

I. Major reform in the Social Security system is recommended in order that older Americans today and in the future may share in the economic abundance they have created.

In thus recommending, the committee is in complete agreement with the following basic conclusions of its task on the Economics of Aging:

A reasonable definition of adequacy demands that the aged population, both now and in the future, be assured a share in the growth of the economy.

Such assurance can best be provided, or can only be provided, through governmental programs, particularly the social insurance system of OASDHI, which carry commitments for future older Americans—the workers of today—as well as for this generation of the aged.

Use of general revenues, as a more equitable basis for financing part of the costs of an improved Social Security system, should receive serious Congressional consideration.

We should now be exploring methods whereby retirement benefits can be adjusted to reflect productivity, not just rising prices.

And at a minimum and without further delay, these urgently needed changes in the Social Security system should be made:

A widow's benefit at age 65 equal to 100 percent of the husband's benefit.

An increase in minimum benefits.

A higher base for taxing and crediting earnings.

A modernization and liberalization of the retirement test.

II. Coinsurance and deductibles continue to be a major problem to users of the Medicare program. Action should be taken by the Social Security Advisory Council at the earliest possible date to review costs of reducing or eliminating these features of Medicare, beyond estimates now available. The advisory committee should also provide a thorough analysis of the costs of combining parts A and B and removing the part B premium. Included in their presentation should be some discussion of the best possible use of general revenue funding to achieve these objectives.

II. More than 3 years have passed since establishment of an HEW task force on prescription drugs under Medicare. To date, the new administration has not offered legislation to carry out recommendations of the task force or its own review committee. It is urgent, however, that legislation be introduced at the earliest possible date for thorough evaluation before appropriate congressional units. This legislation should provide, as the Committee on Aging Advisory Committee recommended, for extension of Medicare benefits to cover those drugs that are important for treatment of chronic diseases that commonly affect the elderly.

II. "Nonassignment" is causing serious problems for many Medicare patients. Those physicians who *do* accept assignment, moreover, may decide in increasing numbers that they should discontinue the practice to ease their own work pressures. Serious consideration should be given to legislation or other steps which will provide incentives for physicians to take assignment.

The HIBAC recommendations on home health services would reduce costs to the Medicare program and to individual older Americans. Utilization review mechanisms for home health agencies should be developed, and the Social Security Administration should take additional steps to provide models for the development of home health services as major resources in communitywide health service systems.

II. Recognizing that older Americans are especially hard-hit by deficiencies in the Medicaid program—and yet fully aware of the alarming rise in costs of this program, the Senate Special Committee on Aging believes that thoroughgoing reform, rather than sporadic and highly damaging cutbacks, is required. Evaluations now underway—together with pledges by the present Administration to implement reforms—hold out the hope that such action will be undertaken.

II. The Senate Committee on Aging renews its recommendation that the Medicare requirement of 3 days of hospitalization before extended care can begin be reexamined, along with other barriers to full utilization of alternatives to costly hospital care. Incentives to expansion and utilization of prepaid group health practice should also be implemented.

*Chapter and Conclusions or Recommendations*

II. National discussion about the need for a national health insurance program can serve a vital function if it turns public, professional, and governmental attention to actions that must be taken to remedy deficiencies which have become more apparent as more and more Federal funds have been committed to health care.

The people of this Nation now have an opportunity to transform public concern into positive action and reform. Corrective action should begin with Medicare and Medicaid, and it should aim at long-range improvement, rather than hasty retrenchment.

III. A new national nutrition survey—now underway—should be used to document and dramatize food needs and problems of the elderly. Every effort should be made by the Administration on Aging—and by other appropriate Federal agencies—to get the facts to both the old and the young.

III. Lessons learned from the AoA nutrition projects are too important to be overlooked. Additional efforts should be made by the AoA—working in conjunction with State and local government, as well as private agencies, to establish permanent arrangements for meal service programs as an important part of community service programs for the elderly.

IV. Significantly, no funds were requested by the Administration for 202 (Direct Loan Housing Program) and the Appropriations Committees of the Congress accordingly deleted even the diminutive $25 million appropriation that 202 had received in fiscal year 1969.

VI. Transportation problems among older Americans have reached the critical stage in many metropolitan and rural regions of the United States. Federal agencies have made a beginning in identifying problems, initiat-

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ing research, and conducting pilot programs to test systems and concepts. The overall problem, however, is so serious that the following additional actions should be taken:

Technical assistance should be provided by appropriate Federal agencies to acquaint municipal governing bodies and private transportation managers with facts about transit barriers, special needs of the elderly and the handicapped, and new transportation concepts which would benefit, not only the elderly, but all persons who use public transportation.

The Urban Mass Transit Administration should submit to the Congress its recommendations for removing travel barriers and using existing and potential mass transit legislation to promote worthwhile social purposes, including those discussed in this chapter.

Provision should be made in planning the 1971 White House Conference on Aging for a preliminary report on transportation, to be prepared by a panel capable of giving adequate attention to sociological, technical, and psychological aspects of the subject. Every attempt should be made to show the relationship of transportation to service programs, existing or contemplated, for older Americans.

VII. Additional study will be given by the Committee on Aging to the elderly in rural areas of this Nation. Hearings thus far indicate that this subject should also receive intensive attention at the White House Conference on Aging in 1971 and in preliminary State conferences.

VIII. Additional attention will be given by this committee in the near future to the usefulness of the model cities program to the elderly. For this interim summary, it is enough to say that

(1) The new administration has taken steps which indicate an awareness of the need for the program to serve the elderly, and

(2) Additional attention must be paid, however, to unique problems and opportunities that exist among this vulnerable group.

IX. If current labor force participation trends continue, one out of every six men in the 55-to-64 age category will no longer be in the work force by the time he reaches his 64th birthday. Ten years ago this ratio was only one out of eight.

IX. Many older workers are unemployed because:

They are not equipped for the jobs in modern technology.

They lack the necessary training to move into gainful employment.

They live where jobs no longer exist.

They are seeking the employment of a bygone era.

Many of these older persons can become as productive as their younger counterparts with a flexible and comprehensive training program which is adequately funded and staffed.

Within the next 10 years, our Nation will have to train and retrain substantially more people for jobs than we do now, since industries will be changing manufacturing techniques and products more rapidly than 10 years ago. Ten years from now that pace will be even more accelerated.

IX. Although some progress has been made since the ADEA became operational, a great deal more remains to be done in order to achieve compliance with the act. A rapid increase in staff to enforce the act is urgently needed if the law is to be enforced effectively. Secondly, the study regarding the institutional and other arrangements giving rise to involuntary retirement should be undertaken as expeditiously as possible. If specific funding is necessary to undertake the study, it is incumbent upon the Department to request the needed appropriations.

IX. Although employment opportunities are limited for many disadvantaged older workers, several measures can at least help to equalize the older worker's opportunities for employment with those of others in the work force.

First, it is recommended that a Middle-Age and Older Workers Full Employment Act, similar to that introduced in the Senate (S. 4180) in 1968, be enacted and adequately implemented in order to provide a comprehensive program of employment services and opportunities for persons 45 years of age or older.

Second, there are effective ways of training and retraining older persons if we have the will to do it.

Third, additional efforts must be taken to encourage policies that will keep mature workers effectively informed about the labor market.

Fourth, the matter of pension rights needs prompt and definitive action.

Fifth, experimentation should be undertaken to provide workers 55 and over with extended unemployment benefits when they lose their jobs because of plant shutdowns, layoffs, relocations, or mergers.

IX. The 2-year period for the Senior AIDES program is drawing to an end, and limited funding may soon threaten others.

Therefore, a vital need exists for establishing the national program to continue and broaden the fine work so well demonstrated in the pioneering projects.

The committee renews its recommendations for enactment of legislation for a national Older Americans Community Service program.

XI. The cutback in the fiscal 1970 appropriations for programs for the aging represents a serious turn of events, which could possibly nullify to a substantial degree the accomplishments made under the Older Americans Act during its first 4 years. It is recommended that the funding for the AoA programs be increased substantially to fulfill the intent of the Congress as expressed in the 1969 amendments.

XI. Four years of successful operations have amply demonstrated the need for the title III programs, but significant increases in appropriations are necessary to enable many more older Americans to benefit from these successful projects.

XI. Many pilot programs have already demonstrated that older persons can make valuable contributions in a wide variety of public service type activities. However, without funds for RSVP, many older Americans will continue to be excluded from purposeful activities in their communities.

XI. The need for personnel with specialized knowledge in the field of aging is reaching emergency proportions. An immediate all-out effort on the part of Government and educational institutions is essential if the situation is to be improved. Implementation of the recommendations contained in "The Demand for Personnel and Training in the Field of Aging" should be the very minimum action taken to meet the need for trained personnel in programs serving the elderly. Omnibus legislation for this purpose should be introduced at the earliest feasible date.

XI. The variety of issues, policy questions, and research areas present cogent reasons for continuing work in the field of research and demonstration. Identification of such questions can be a significant step in continuing to expand our knowledge about the problems of the elderly and recommendations for improvement. To make this goal a reality, vitally needed funding will be necessary to meet the policy goals established in authorization legislation.

XI. At the end of 1969 only 23 months remained before the scheduled (White House) conference in November 1971. Because of the substantial number of activities to be planned, coordinated, and carried out during this time, it is essential that additional steps must be taken immediately to lay the groundwork for the conference. Additional funding and planning will be necessary to enable private organizations, individuals, and Federal, State, and local governments to plan and develop action programs to identify and make recommendations to meet the needs of older Americans.

XI. In terms of policy enunciation, the AoA commissioner has set major tasks for that agency. The role of AoA, however, remains ambiguous. Its funding levels are lower than required for healthy growth of State and community programs. It does not have the visability envisioned for it by the Congress. Serious thought should be given, before and during the White House Conference on Aging in 1971, to far-reaching proposals for constructive change that will enable the AoA to fulfill the vital missions assigned to it.

XII. It is increasingly apparent that legislation will be necessary to provide the impetus for the Federal Government to prepare older workers for their retirement years. Prompt enactment of the Federal employees Retirement Assistance Act, S. 2554, would be a major step in helping Federal employees make the crucial adjustments in preparing for their retirement.

XII. Several pilot programs conducted by the Federal Government and private nonprofit organizations have amply demonstrated the benefits to be derived from a preretirement planning program.

XII. As traditional work lifetime patterns change very rapidly and dramatically, new knowledge is essential to consider these issues in their proper perspective. It is recommended that Federal actions be taken in order to provide valuable pilot projects and research findings that will prove useful for future policy decisions in this crucial area.

## TERRORISTIC ACTIVITIES

**Mr. MILLER.** Mr. President, at 9 o'clock this morning, nine people were injured, one critically, in a bomb explosion in Ames, Iowa, which damaged the municipal building which houses the police department. On May 13, the police station in Des Moines, Iowa, was seriously damaged by a dynamite blast, with one person injured.

These terroristic activities in my own State are being repeated throughout the country, and they prompt me to call upon the Senate and House Committees on the Judiciary to act without further delay on President Nixon's proposals to strengthen the laws concerning illegal use, transportation, or possession of explosives, and the penalties for such activities.

These criminal incidents underscore the threats of self-proclaimed "revolutionaries" in our country who have no interest in our country except to destroy it.

Legislation incorporating these proposals was introduced on March 26. The sooner it is acted upon, the sooner our law enforcement officers can move more effectively to prevent or punish these crimes.

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## PERMISSION FOR COMMITTEES TO FILE REPORTS TOGETHER WITH MINORITY, INDIVIDUAL, AND SUPPLEMENTAL VIEWS, AND AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO RECEIVE MESSAGES FROM THE PRESIDENT AND FROM THE HOUSE OF REPRESENTATIVES

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the adjournment of the Senate following the completion of business today until the Senate convenes on Monday next that all committees of the Senate be permitted to file their reports together with any minority, individual and supplemental views and that the Secretary of the Senate be authorized to receive messages from the President of the United States and from the House of Representatives and that it be in order for them to be appropriately referred.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BYRD of West Virginia. Mr. President, Senators are reminded that there will be a vote on the pending question on Tuesday next at 2 p.m. I am authorized on the part of the majority leader to say that Senators on this side of the aisle will be notified by the majority leader's office with respect to the vote, but I think the RECORD should amply show there will be a vote at 2 o'clock on next Tuesday afternoon, and that the yeas and nays have already been ordered on the question.

## ADJOURNMENT TO MONDAY, MAY 25, 1970, AT 11:30 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. on Monday next.

The motion was agreed to; and (at 3 o'clock and 30 minutes p.m.) the Senated adjourned until Monday, May 25, 1970, at 11:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 22, 1970:

### U.S. MARSHALS

Edward S. King, of New York, to be U.S. marshal for the Western District of New York for the term of 4 years, Vice Alvin Grossman.

P. Ellis Almond, of North Carolina, to be U.S. marshal for the Middle District of North Carolina for the term of 4 years, vice Fred C. Sink, resigned.

### IN THE AIR FORCE

The following officer to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10 of the United States Code:

Gen. James Ferguson, 277-36-1469FR (major general, Regular Air Force) U.S. Air Force.

The following-named officers to be assigned to positions of importance and responsibility designated by the President in the grade indicated, under the provisions of section 8066, title 10, United States Code:

*In the grade of general*

Lt. Gen. Lucius D. Clay, Jr., 263-60-5244FR (major general, Regular Air Force) U.S. Air Force.

*In the grade of lieutenant general*

Maj. Gen. Richard H. Ellis, 221-07-7008FR (colonel, regular Air Force) U.S. Air Force.

Maj. Gen. Sam J. Byerley, 448-05-3942FR, Regular Air Force.

Maj. Gen. Robert J. Dixon, 216-16-4239FR, Regular Air Force.

Lt. Gen. Austin J. Russell, 490-44-8776FR (major general, Regular Air Force) U.S. Air Force, to be senior Air Force member, Military Staff Committee, United Nations, under the provisions of section 711, title 10 of the United States Code.

### IN THE NAVY

Rear Adm. John P. Weinel, U.S. Navy, having been designated for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, for appointment to the grade of vice admiral while so serving.

### IN THE MARINE CORPS

In accordance with the provisions of title 10, United States Code, section 5232, Maj Gen. John R. Chaisson, U.S. Marine Corps, having been designated for commands and other duties determined by the President to be within the contemplation of said section, for appointment to the grade of lieutenant general while so serving.

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# EXTENSIONS OF REMARKS

## TWO INTERESTING EDITORIALS RELATING TO THE WAR FRONT AND OUR CAMPUS DISORDERS

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. MICHEL. Mr. Speaker, the news media has been literally saturated in recent weeks with reports from the war front as well as the disorders on our campuses in certain sections of the country. Two editorials appearing in the May 13, 1970, edition of the Peoria Journal Star make some interesting observations relating to both items. I insert the text of the editorials in the RECORD at this point:

### BATTLEFIELD NEWS BOOSTS NIXON

(By C. L. Dancey)

With the original Cambodian announcement, President Nixon's public support sagged, according to poll samples, to a record low of 51 per cent.

After a week of campus demonstrations and a blizzard of TV "specials" containing what Spiro Agnew called with a good deal of accurate word choice—"revolutionary theater"—the polls shifted to where Nixon has suddenly surged to a support of two to one.

Does this mean that the demonstration technique is an effective political tool—but chiefly effective at repelling people, not convincing them?

Does this mean that the TV skeptics who sneered at the President's explanation and forecast of events and then generally treated every radical interview and its contrived propaganda pitch as "the true word" thereby succeeded chiefly in turning a lot of stomachs?

Both such things happened obviously to some extent, but the switch goes a good bit deeper than that.

It may be that a lot of Americans decided, upon exposure, that we really might not last too long adopting a new style of democracy—one in which foreign policy is made and changed day by day depending on what "cause" produces the biggest campus combination rock festival and rally.

However, counter-reaction was not the "gut" of the matter . . . not as to the war. (It may be reflected profoundly as to public attitude to schools as time goes on, but that's another matter.)

The reality of what actually happened on the fighting front—reality of continued low casualties and the reality of the huge war center that had been sheltered in the fake "neutral" area of Cambodia—had more influence with more people than all the kinds of propaganda put together.

The evidence turned out to be all on Mr. Nixon's side.

If it hadn't, he would have been finished, and it wouldn't have required a single campus rally.

Genuine events are what "is meaningful" in this world—not artificial ones. If college doesn't teach that, it misses the boat.

### COLLEGE PRESIDENTS PASSED THE BUCK

(By C. L. Dancey)

The Kent State tragedy was followed by a new record in irresponsibility and "passing the buck" when 37 college presidents tried to lay the blame for their campus problems at President Nixon's doorstep as all being caused by the Cambodian decision.

Thus these men avoid facing up to the areas of their own responsibilities and supposed competence to invade an area where they possess neither competence nor responsibility.

They are accessories to the "crime" of creating these conditions, trying to pass the buck on to a President in a troubled world.

This was not the first college riot nor the first ROTC building to be burned, and to seek out an immediate dodge in today's news for this particular one is copping out on the basic problem.

Beyond that, these folks ought to be grown up enough to realize that military strategy and foreign affairs present a task about like that of a football quarterback, with about the same percentages in terms of calling "long gainers", losses, and disappointing one and two yarders. It's a touchy business.

Hence, there is only one thing worse than an experienced professional strategist in terms of results. That is an inexperienced amateur strategist.

Sooner or later we all discover that presidents, joint chiefs of staff, the national security council, U.S. senators, and all are capable of making mistakes. This discovery is hardly the basis for assuming that half-educated students, or even college presidents are therefore supermen.

It ought to be the basis for greater humility, not greater arrogance.

It ought to make us aware of how likely WE are to make mistakes of how ignorant we are. It is hardly the basis for leaping into efforts to impose decisions made by people

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incompetent in the skills involved about situations of which they are massively short of information.

To react as if the difficulties of presidential decisions elevates the college man with his practice in finding paper answers to paper questions to a position of exalted wisdom is not logic—it is psychologic, and we've had about all of it we can stand.

## IMPROVED TANK CAR SAFETY

## HON. VANCE HARTKE

OF INDIANA

IN THE SENATE OF THE UNITED STATES

*Thursday, May 21, 1970*

Mr. HARTKE. Mr. President, we all know that there has been a great deal of discussion about ways to increase the protection provided, under accident conditions, for tank cars which transport hazardous materials over the Nation's railroads.

There have been many proposals and discussions about what the Federal Government should do in this field. I think it is noteworthy that private industry itself has taken steps to attack this problem under its own initiative and with its own funds.

A recent joint announcement by the Railway Progress Institute, the national association of the railway equipment and supply industry, and the Association of American Railroads reveals the launching of a joint research program, the goal of which is to find ways to maintain the maximum protection level for tank cars under abnormal conditions such as derailment or other accidents.

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This private industry project will be funded and manned jointly by the Nation's five major tank car builders and lessors whose representatives make up the Tank Car Committee of the Railway Progress Institute and the Association of American Railroads. It is my understanding that for the first 6 months of the project already under way, the five tank car companies have allocated $100,000 and the Association of American Railroads $30,000.

In announcing the research program, AAR President Thomas M. Goodfellow pointed out that a combination of railroads and tank cars provides very safe movement of hazardous materials under normal conditions and that the purpose of the research project is to find ways to increase protection under abnormal conditions, such as derailments. RPI President Nils A. Lennartson said that the project will endeavor to find "solutions that will contribute to the public interest" by pooling of the railroads and tank car industries' resources and efforts.

In the past I have been highly critical of the lack of industry initiative in undertaking more safety research, so I am pleased now to commend this initiative on the part of the railway supply industry and the railroads in this very important field of tank car safety. I ask unanimous consent that the text of the joint announcement of the project be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

WASHINGTON.—A joint research program to increase protection provided, under accident conditions, by railroad tank cars used in transporting hazardous materials was announced today by the Association of American Railroads and the Railway Progress Institute.

The importance of the program was underscored by AAR President Thomas M. Goodfellow and RPI President Nils A. Lennartson, who noted that raw materials that involve some hazard in transportation are being used increasingly by industry in manufacturing essential products ranging from plastics to fertilizers.

"Railroads, operating on private rights-of-way, are without question the safest routes for moving hazardous materials, and modern railroad tank cars certainly are the safest land vehicles ever developed for their transportation," said Mr. Goodfellow, adding:

"The combination of railroads and tank cars long since has provided the safest possible movement of hazardous materials under normal conditions and will continue to do so.

"Our goal now is to find ways to retain the highest possible protective levels for tank cars under abnormal conditions such as derailments or other accidents."

Mr. Lennartson said the program will be funded and manned jointly by the nation's five major tank car builders and lessors, whose representatives comprise RPI's tank car committee, and the AAR.

The RPI president reported that the project was initiated by the tank car firms to reflect their concern with the "potential danger that might develop if a tank car loaded with a hazardous material becomes derailed in a populated area."

"Within the AAR and RPI, we have the best technical expertise available to tackle this problem head-on," he said. "By pooling our resources and effort, we hope to find solutions that will contribute to the public interest and will help the railroad industry to continue to maintain its historic high standards of public safety."

Also contributing expertise to the project, Mr. Lennartson added, will be the newly formed Tank Car Research Committee, which includes large shippers and shipper organizations, such as the American Petroleum Institute, the Chlorine Institute, Compressed Gas Association and the Manufacturers Chemists Association.

Dr. William J. Harris, Jr., vice president of the AAR's research and test department, will administer the program, which calls for a thorough study of accidents involving tank cars and an analysis of their behavior characteristics in such accidents.

Most of the work on the project will be done at the AAR's Research Center in Chicago, located on the campus of the Illinois Institute of Technology.

Special equipment is being developed at the Research Center to test types of tank cars, as well as tank car heads and safety valves. Other areas of study, Dr. Harris said, will include the designs of tank cars, the steel used in them, their insulation, heat and heat reflection resulting from fire, and the shock impact from metal objects thrown into motion during an accident.

A special project review committee will oversee the program and approve budgets as the work progresses. Chairman of this committee will be Charles E. Coyl, vice president, General American Transportation Corporation, representing RPI, with Dr. Harris serving as vice chairman.

In addition to Mr. Coyl, the major tank car builders and lessors are represented on this committee by John S. Carlson, vice president, ACF Industries Incorporated; Robert B. Oppenheimer, vice president and general manager, North American Car Corporation; Arthur L. Berry, president, Transport Leasing Division of Pullman Incorporated, and Robert D. McEvers, vice president and general manager, Union Tank Car Company.

Dr. Harris and Carl A. Love, chief mechanical officer of the Louisville & Nashville Railroad and chairman of the AAR Mechanical Division, will represent the AAR on the committee.

Named project director was Earl Phillips, who will be on leave from his post as chief engineer for Union Tank Car Co. L. L. Olson, senior research engineer of AAR, will be deputy project director. A staff of seven full-time professionals from the railroad and tank car industries already has started work on the program.

The AAR represents most of the nation's railroads; RPI represents car and locomotive builders and suppliers of railroad equipment.

## AN ARTICLE WITH STRAIGHTFORWARDNESS AND OUTSPOKEN COURAGE

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. SCHERLE. Mr. Speaker, every now and then one reads an article that is noteworthy for its straightforwardness and outspoken courage. The following, written by Mr. Bob Roberts, a Honolulu radio announcer and writer, is respectfully submitted for your consideration.

### I'VE HAD IT—MAY 1970 SEES A CHANGE

(By Bob Roberts)

There's something that needs to be said about this country. And since no one seems to have the gumption to say it, I guess it's up to me . . .

I have had it up to here with persons who are trying deliberately to tear my country apart . . . And it's way past time to throw at me that tired old wheeze about being a flag-waver . . . And I got the right to be one the hard way.

I have had it with pubescent punks, wallowing in self-pity, who make a display of deploring their birth into a world which—to use their sissy expressions—they didn't make.

Well, I didn' make the world I was born in either. And neither did the men I know who are worthy of respect. They just went about and made something of it.

The men I grew up with were fetched up in a logging camp. They were the immigrant sons of every cast-off race there is. And they didn't have a lot of knowledge at home to start them off, either.

But, I can write you a song about the son of a Po Valley coal miner who became a nationally renown physicist; about doctors, lawyers, teachers, forestry specialists, conservation experts and men of cloth in the Seattle-Tacoma area who came out of that logging camp. And about the son of a Danish mechanic who is one of the best friends I've got.

So don't give me your whining, whimpering, self-pity about how this country is letting you down.

I have had it with hippies, brainless intellectuals, writers who can't write, painters who can't paint, teachers who can't teach, administrators who can't administrate, entertainers who fancy themselves sociologists, and Negroes who castigate us as "Uncle Toms" the very men who have done the most to demonstrate to all of us the most important quality in America . . . individual enterprise and responsibility . . . Dr. George Washington Carver, Archie Moore, Bert Williams, Booker T. Washington, Roy Wilkins, Justice Thurgood Marshall, Duke Ellington, Count Basie, Nat Cole, the Mills Brothers, and their father . . . and many more.

I've had it with those cerebral giants who think it's smart to invite drug advocates to lecture in their classrooms, and with teaching curiosities like that one in the Mercer Island School District who invited a Black Power spokesman to dispense a lecture on flag-burning.

I've had it with people who are setting about deliberately to rip up mankind's noblest experiment in decency.

And I'm going to tell you something. If you think you're going to tear down my country's flag and destroy the institutions my friends and members of my family have fought and died for, you're going to have to climb over me first.

And buddy, you'd better get up awfully early in the morning.

## CLIFFORD HOPE: AN OUTSTANDING AMERICAN AND AGRICULTURAL LEADER

### HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

*Thursday, May 21, 1970*

Mr. METCALF. Mr. President, a truly great American passed away in Garden City, Kans., last weekend. His death has been deservedly noted by many Members of Congress, and I cannot let it pass without paying a heartfelt tribute to him.

When I came to Congress as a Representative in 1952, "Cliff" Hope was chairman of the House Agriculture Committee. My State had, as it still has, farm problems. My new associates on both sides of the aisle in the House told me that I could find no more knowledgeable, objective, and helpful adviser on farm problems, large or small, than Mr. Hope.

This was completely true. His knowledge of farm programs was encyclopedic. He was a partisan of the farmers of America, a gentle, but effective and obliging man who took the time to give a freshman Representative from Montana his first groundings in the workings of the farm programs, the Department of Agriculture, and the many agencies whose programs affected my district.

Clifford Hope is one of the greatest names in American agricultural history. Some of us hoped he would serve as Secretary of Agriculture, under either a Republican or a Democratic President, as he might well have done. From the vantage of hindsight, it is clear that his appraisal of that possibility was correct: he concluded he could serve agriculture best as a leader in the House Agriculture Committee. He declined the distinction of being Secretary to continue to serve in the House. His contribution from the House rivals that of any Secretary in our history.

I extend my deep sympathy to his family, for I share their feeling of personal loss. Our country, and our farm people especially, have lost a really great man.

## FOOD PRICES FAR DOWN LIST

### HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. ZWACH. Mr. Speaker, for more than 40 years the farmers of America have been outside the mainstream of our economic affluence.

While their profits have been shrinking during all of this time, they are generally blamed for our increasingly high cost of living.

The housewife, going to shop, is made aware daily of the higher prices of her groceries, little noting that many of the items she buys in the supermarket are not in the food line and if they are many are in the higher priced convenience category.

I was pleased to read in the Washington Star of May 8 an article by John Cunniff putting food's share of our increased cost of living in proper perspective.

Mr. Speaker, with your leave, I would like to insert Mr. Cunniff's article in the CONGRESSIONAL RECORD:

#### FOOD PRICES FAR DOWN LIST IN LIVING-COST RISE

(By John Cunniff)

NEW YORK.—Everyone knows that the federal, state and local governments are firmly committed to curtailing the persistent increases in the cost of living. True or false?

Either way you answer, you will get an argument. A good many people blame government spending for the present inflation. Others are inclined to listen to governmental rhetoric, which is adamantly anti-inflation.

The facts may surprise a lot of people who firmly believe that the largest increase in the cost of living have resulted mainly from higher food prices, "and the government really can't be blamed for that," they say.

The fact is that food price increases were far down the list of contributors to the rising cost of living between 1967 and 1969. Topping the list was the personal tax bite, which rose about 28 to 31 percent.

##### TYPICAL BUDGETS

Recognition of this fact comes from none other than the federal government, which recently released budgets for typical urban families in 39 metropolitan areas across the country.

These budgets show that, next to taxes, the big increases were: Social Security taxes, insurance and contributions, 13 to 15 percent; medical care, 14 percent; clothing and personal care, 11 percent.

Higher food prices contributed 8 to 9 percent of the increase. Transportation costs also added 8 percent, and housing costs added 5 to 6 percent.

These budgets show that the so-called intermediate budget for an urban family of husband, wife, boy 13 and girl 8 was $10,077 in the spring of 1969, broken down this way: Food $2,288, housing $2,351, transportation $940, clothing and personal care $1,095, medical care $543, family consumption $601, personal taxes, $1,348, and Social Security, insurance and contributions $1,262.

The rapidly increasing role of taxes in the rising cost of living prompted the Chamber of Commerce of the United States to issue this reminder:

"The average American taxpayer will commence working for himself on May 9.

"Up to that date this year he will have worked just to pay his federal, state and local taxes, according to taxation experts of the Chamber.

##### IRONY OF TAXES

"They figure that Mr. Average works two hours and 49 minutes out of an eight-hour day to pay all of his tax bills."

What an irony that taxes are taking such a bite out of the budgets of ordinary Americans at the very time they complained about seeing too few results from their tax contributions.

The explanation isn't easy to come by, but it is generally agreed that bureaucratic waste makes a large contribution. Perhaps more so than in any other time in our history, this is the age of study, rather than the action committee.

Much of the tax money goes for purposes that are never observed directly by the ordinary American. The results of military spending, for example, are seldom observed in the average community. Despite their huge size, they have a low profile.

A good deal of tax money goes for obvious purposes, such as roads, schools, welfare, environmental protection, and so on, but it is in these very areas that many Americans are demanding that more be done.

In the view of some tax experts, the real explanation for the curious case of high taxes and poor results is that the federal government is draining off more than its share of funds.

Unable to see results in their own communities, many families conclude that the one effect of their tax money is to contribute to the rising cost of living. No wonder taxpayers are frustrated.

## VIETNAM

### HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 19, 1970*

Mr. O'NEILL of Massachusetts. Mr. Speaker, I received in my office today a letter from my friend, John Kenneth Galbrath. Included in his correspondence was a copy of a telegram sent to the President of the United States expressing the views of some of our Nation's leading scholars on the subject of Vietnam. These men express very well my own sentiments. I would like to join with them saying, "that real victory for the United States lies in a speedy military disengagement from Indochina." The following is the full text of the telegram:

#### VIETNAM

The following telegram was sent late last night to President Richard Nixon by eleven scholars at the East Asian Research Center. A copy was sent to Senator J. W. Fulbright, Chairman, Committee on Foreign Relations, United States Senate:

"Having supported your policy of Vietnam withdrawal, we are deeply worried by the expansion of the war. We are also distressed by the assumptions, underlying your decisions, that we may become a 'second-rate power' if we do not win a military victory in Vietnam, and that American 'credibility' and the future of 'free institutions throughout the world' are at stake in Southeast Asia. On the contrary we believe the Nixon doctrine must be pursued by withdrawing from Vietnam and that real victory for the United

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States lies in a speedy military disengagement from Indo-China.

"Jerome A. Cohen, Roger Dingman, Peter Duus, John K. Fairbank, Roy M. Hofheinz, Jr., Dwight Perkins, Edwin O. Reischauer, Henry Rosovsky, Benjamin I. Schwartz, Ezra Vogel, and A. B. Woodside."

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## ARKANSAS RIVER DEVELOPMENT PROMISES MANY BENEFITS

### HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. HAMMERSCHMIDT. Mr. Speaker, in the May 25 issue of U.S. News & World Report, there is an article of exceptional merit. It deals with the development of the Arkansas River for commercial navigation along a 450-mile course between the Mississippi River and Tulsa, Okla. This river transects the congressional district which I have the honor to serve. Its development affords great hope of actually improving the level of life over a vast rural area.

In the ultimate range, this public works project may indeed prepare countryside America in the vicinity of the Arkansas River as a most attractive area for industrial development and income generation. This in turn could beckon countless thousands of Americans now caught up in the frantic pace of "life under pressure" in urban America, especially the megalopolis centers.

I commend to my colleagues the articles in U.S. News, and include it at this point in the RECORD:

SEAPORTS FOR AN INLAND EMPIRE

A land with plenty of room and abundant resources is opening up here in mid-America. Its development promises relief for some of the population pressure that is threatening to overwhelm major U.S. urban areas.

Lifeline for this emerging region is the Arkansas River Navigation Project, a waterway soon to be open all the way from the Mississippi River to Tulsa. This shipping channel, 450 miles long, will give the sparsely populated Arkansas River Basin access to the sea and to 14,000 miles of navigable rivers and canals.

Commerce on U. S. inland waterways has increased fivefold since the end of World War II. The Arkansas River Basin, which includes parts of six States, is looking forward to getting a piece of this kind of action.

Tulsa, with 465,000 population in its metropolitan area, is alive with preparations for the beginning of navigation late this year or early in 1971.

"I have to keep pinching myself when I think of Tulsa becoming a port," says a banker who has been a prime mover in the project. "To think that this area was once a dust bowl and the Arkansas produced nothing but floods!"

*Taming a river.* The once-wild river has been tamed by upstream reservoirs that will provide an even flow of water for a channel 9 feet deep. A series of 17 locks will lift barges a total of 420 feet from the Mississippi River to the Port of Catoosa on Tulsa's doorstep.

The project's total cost of 1.2 billion dollars, financed from the U.S. Treasury, makes it the most expensive public-works project in the nation's history.

Tulsa's Port of Catoosa is just three miles east of the city's limits. Its development, at a total cost of 20 million dollars, is well under way. An industrial park of 1,500 acres will adjoin the port.

Tulsa officials say that the official estimate of 13 million tons of freight a year on the waterway, made some years ago, is on the low side. They see the Port of Catoosa alone handling 12.5 million tons by 1980. That is more freight than presently moves through any one of such busy river ports as St. Louis, Memphis and Pittsburgh.

*Prospects for growth.* Tulsa, as the head of navigation on the Arkansas, is seen as the funnel through which the varied products of a vast region will flow to market. At the same time, supplies for this region will come up the River. For example, steel for construction and fertilizer for grain farms are expected to be two major items handled in early days of navigation on the River.

The Arkansas River Basin stretches from the cotton lands of Arkansas through the unspoiled Ozark country, into the cattle ranges of Oklahoma and Kansas, and across the Great Plains wheat fields to the Colorado Rockies.

Cities of the Basin are young and vigorous, with plenty of room to grow. In addition to Tulsa, there is Little Rock, the capital of Arkansas with a metropolitan-area population of 323,000, Oklahoma City with 605,000, and Wichita, Kansas, with 405,000.

Resources include 65 different minerals, and one of the largest caches of energy fuels to be found in the U.S.

Coal and limestone are major resources along the waterway. This combination offers the base for steel plants and cement plants. A natural-gas field, 50 miles wide and 200 miles long, stretches along the River where it crosses the Oklahoma-Arkansas border.

Navigation was opened to Little Rock in October, 1968. It reached Fort Smith in the spring of 1970, and is expected to reach Tulsa by January, 1971.

A million tons of freight was forecast for the first year of operation to Little Rock. Actually, 2.225 million tons moved.

Expansion of industry. Little Rock's public port, with terminal and warehouse facilities, is in operation. A steel plant is going up in the industrial area that adjoins the port. A million tons of bauxite from Caribbean sources moved across private docks to nearby aluminum plants in 1969.

A few miles upstream, at Russellville, Arkansas Power & Light Company is building a nuclear power plant at a cost of 140 million dollars. When it starts producing power in 1973, this facility will increase the company's generating capacity by 20 per cent.

At Dardanelle, barges are unloading corn and other feedstuffs for the booming chicken and turkey industry of north-west Arkansas.

At Fort Smith, a community of 70,000, a subsidiary of the Kansas City Southern Lines Railway has set aside 2,000 acres for a port and industrial park. This is a furniture-manufacturing center.

At Muskogee, Okla., population 40,000, a port costing 4 million dollars is under construction.

Many of the nation's big corporations have picked sites for development along the Arkansas River.

On April 20, Kerr-McGee Corporation dedicated a 25-million-dollar uranium-processing plant near Sallisaw, Okla. This company also plans to establish a coal-mining facility costing 20 million dollars in the region.

Armco Steel, North American Rockwell, Skelly Oil, Sun Oil, and Phillips Petroleum all have plants, or will have, along the River.

Water-based recreation already is a booming industry along the waterway. More than a million visitors were counted in 1969 at 14 recreation sites around the Dardanelle reservoir.

Upstream are man-made lakes behind dams with such names as Eufaula, Tenkiller, Fort Gibson, Markham Ferry, Oologah and Keystone.

Access to markets. Water transportation brings this landblocked Basin into a network of 14,000 miles of adjoining inland waterways. Along these channels, everything from grain to iron ore moves at the cheapest rate offered by any form of transportation.

For a dollar, rivermen claim, you can move a ton of cargo 333 miles by waterway, compared with 66.7 miles by rail, and 15.4 miles by truck.

Railways and trucking companies say that water transportation enjoys an unfair advantage in the Government-built waterways. Rivermen counter that low-cost water transportation is a stimulus to rail and truck lines.

Their region, as Arkansas Basin leaders see it, has been handed the opportunity to develop without the mistakes that have led to overcrowding and pollution in other areas of the U.S. Arkansas Senator John McClellan promises:

"We don't intend to let the River become polluted. It is easier to prevent it than to remedy it."

Pollution standards have been set, and industries must promise to abide by these before their plans can be approved.

Emphasis is to be on balanced growth. A special study published May 11 by the Department of Commerce recommended that 32 port sites at small communities on the waterway be reserved now.

Over-all development is anticipated that will meet the guidelines laid down by President Nixon in calling for a national growth policy in his 1970 state-of-the-union message. Said Mr. Nixon:

"We must create a new rural environment which will not only stem the migration to urban centers, but reverse it."

This response to the President came from Jetah Taylor, lawyer in Ozard, Ark., who was one of the original boosters of navigation on the Arkansas River:

"There has been so much talk about the Government spending billions to build new cities. I think projects like this will develop our rural areas, and the people will come naturally. The people will do the building."

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## COPIAH-LINCOLN STUDENTS SUPPORT PRESIDENT NIXON

### HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. GRIFFIN. Mr. Speaker, there has been an enormous amount of publicity over the conduct and the expressions of students who oppose President Nixon's efforts to achieve peace with justice in Vietnam.

I would, therefore, like to call to the attention of the House a group of students who endorse President Nixon's action in Cambodia to protect American troops there and shorten the conflict.

There were 453 students and faculty members at Copiah-Lincoln Junior College, Wesson, Miss., who signed a petition—the text of which I shall include at the end of my remarks. These 459 students were contacted and only six indicated disapproval of our policy and refused to sign the petition. I feel this reflects the general attitude of students in my area.

The petition follows:

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To the Honorable President of the United States, Hon. RICHARD M. NIXON.

We want you to know that you have our wholehearted support in your efforts to protect the lives of Americans fighting in Vietnam and to bring them home as early as possible. Your recent action is in the highest tradition of our patriotic men. You displayed the greatest of courage in trying to help bring this conflict to an end. Speaking for the student body and faculty of Copiah-Lincoln Junior College, Wesson, Mississippi, we go on record as endorsing your latest action in Cambodia. May God be with our men and women in Vietnam and may God give you the courage to always do that which is right and just for America and for the world. We'll add our prayers to yours that this conflict will soon be over.

## THE SCHEUER HOUSING FOR THE ELDERLY BILL

### HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. SCHEUER. Mr. Speaker, today I am introducing the Scheuer housing for the elderly bill, landmark legislation aimed at meeting the critical housing needs of the elderly. National organizations for the elderly have studied my bill, have praised it highly, and have pledged their support.

It is a well-known fact that the elderly devote a larger portion of their income to housing than any other group in our population.

Where the elderly live in rent-controlled apartments, they find inflation jeopardizing their already barely minimal living standards. In New York City the mandate to raise rent 10.7 percent in all rent controlled apartments will leave many of our elderly homeless, and desperate.

Where the elderly have the old family home in the city they find the rising cost of upkeep prohibitive. Maintenance, repairs, and taxes have all increased dramatically within recent years. Hence, the cost of homeownership takes an increasingly larger share of retirement income.

Some 20 million people are suffering from the housing shortage and housing deterioration. These are the Americans who fought World War I, who suffered through the great depression of the thirties and who bore the children who fought World War II. They are the citizens who now find themselves confused by the rapidly changing social and economic picture in America. They have labored and suffered through the years of crisis and now face today's turbulent events forlorn, unaided, and alone.

This comprehensive legislative package for elderly housing provides:

First. Loans to help private nonprofit sponsors to build moderate cost housing units.

Second. Improved mortgage insurance terms.

Third. Loans for housing rehabilitation.

Fourth. Special funds for the beautification of housing developments.

Fifth. Training for administrators of housing developments.

Sixth. Grants for planning housing developments.

Seventh. For establishing post of an Assistant Secretary for Housing for the Elderly.

Eighth. For establishing a Presidential Commission on Housing for the Elderly.

And, as I consider the housing problems of the elderly, I am reminded of a phrase coined by a leading political figure. The phrase that comes to mind is "the silenced majority." And while the elderly may not be a majority of our people they are a sizable portion of our community. Twenty million people in the country today are over the age of 65. And by the end of the decade it is estimated there will be 24 million in the same age bracket.

Why do I say "silenced?" Because we do not hear their voices above the "whoosh" of space rockets as our space lobby burns up another billion dollars. Are their voices heard amidst the "bombs bursting in air" over Vietnam? The Defense Department packs more wallop on Capitol Hill than Housing and Urban Development.

Are their voices heard above the rumble of the bulldozer of the highway lobby? Billions are spent on highways as they drive their way through our cities, dislocating homes and making homeless those who have lived in their familiar neighborhoods for years.

Is it any wonder the senior citizen feels left out of the American dream?

Is it any wonder he feels neglected by our Government?

## COMMITTEE USES NASA COMPUTER

### HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. MILLER of California. Mr. Speaker, the Committee on Science and Astronautics, which it is my privilege to chair, is conducting a pilot project utilizing a computer console in the committee offices tied to NASA's College Park, Md., computer facility. Dr. Paine, Administrator of NASA, and I have initiated this program to evaluate the usefulness of an automatic information system between NASA and the committee. It is another means of communication between the Committee on Science and Astronautics and NASA. We believe that this will serve as a valuable addition to our more conventional means of dealing with the complex programs that the committee must review. So that the Members may be more familiar with this advanced communication system, I am including in the RECORD a press release discussing this project. The press release follows:

SCIENCE COMMITTEE USES NASA COMPUTER INFORMATION SYSTEM

Congressman George P. Miller (D–Calif.), Chairman of the House Science and Astronautics Committee, announced today installation in the Committee offices of a remote control terminal tied to a high speed computer at NASA's College Park, Maryland, computer facility. The system called RECON (the name stands for REconnaissance by remote COntrol) is part of a real-time, on-line, time-shared computer service serving 21 NASA research facilities throughout the United States.

Chairman Miller said, "To my knowledge this is the first time that an agency of the Executive Branch of the government has been tied directly by computer to a Committee of Congress. At the present time this system makes available to the Committee national and international science and technical literature within the NASA comprehensive information system. This is a pilot project which Dr. Paine, Administrator of NASA, and I have initiated to assess the value of such a system in work between the Science and Astronautics Committee and the space agency. We believe that this will be a useful adjunct to our normal means of communication between the Committee and the agency. We plan to evaluate this equipment over the next several months."

RECON helps earth-bound specialists retrieve valuable information in ways comparable to those in which other big computers have served astronauts on the Moon, and

1. Gives users thousands of miles apart equal and remarkably prompt access to the space agency's enormous central file of scientific and technical information and data.

2. Displays indexing terms and titles of documents in this big special information store in ways that help the user define precisely what he wants.

3. Guides each user via elementary logic directly to the documents that are most likely to meet whatever requirements he has specified.

4. Thereby facilitates active communication between NASA and the Science Committee researchers; reduces dependence on luck, personal acquaintance, and fallible human memories; and minimizes the possibility that anyone will needlessly duplicate a colleague's work.

RECON represents a major step toward more efficient dissemination and fuller use of accumulated information in many fields of knowledge. It enables a man at a remote console to conduct his own literature search by means of a dialogue with a computer at the NASA Scientific and Technical Information Facility in College Park, Maryland. The computer helps him pinpoint the object of his search.

A RECON user can type out questions at any one of the 21 terminals now connected to this computer. The computer flashes its replies to each user's inquiries on a cathode ray tube near his keyboard and on a teleprinter, on which a record of the findings can be kept. The replies consist of bibliographic data about the hundreds of thousands of technical documents that NASA has collected, indexed, and stored.

These documents are largely reports and journal articles that record the significant findings of Government, industrial, and academic researchers throughout the world regarding matters of interest to the aerospace community. As such literature is received, it is summarized and extensively indexed in two abstract journals: STAR (Scientific and Technical Aerospace Reports) and IAA (International Aerospace Abstracts). By merely pressing buttons, a RECON user can obtain the exact titles, dates, and other information on all documents described in those two journals that are likely to be useful to him.

## STUDENT PROTESTS CONTINUE

### HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. POWELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

*To all Concerned People:*

Dale (Flip) Pittman, a Vietnam veteran, who has been sitting out in Lafayette Park across from the White House, for two weeks,

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in support of the Student Strike in protest of the United States invasion of Cambodia and campus killings, has further pledged himself to march until exhaustion forces him to fall and not rise again.

This marathon will begin on Friday, May 22, at 2 PM, at the site of his former demonstration. Come and walk with him and talk with him; understand the intense and sincere dedication of many of today's youthful protestors.

He needs your support!

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## AMERICAN PRISONERS OF WAR

## HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. ICHORD. Mr. Speaker, on the first day of this month a House Foreign Affairs Subcommittee, chaired by my distinguished colleague, the gentleman from Wisconsin (Mr. ZABLOCKI) heard testimony describing the barbaric treatment of American prisoners of war held in North Vietnam, Laos and elsewhere in Southeast Asia and the agony suffered by their families at home.

I want to commend Congressman ZABLOCKI and his committee for their efforts to alleviate the suffering of our men held by the Communists and offer the full support of the House Internal Security Committee, which I have the honor to chair.

As you know, my committee in December of last year investigated involvement of the Students for a Democratic Society in the return of some POW's. The witnesses included Lt. Robert F. Frishman and PO2c Douglas B. Hegdahl, both former prisoners of the North Vietnamese. A full transcript of these hearings is now available for study.

Interestingly enough, even though these two brave men endured many brutalities, they deplored the fact that they were returned not through prescribed military and diplomatic channels but through negotiations by private citizens, in this case private citizens who are active in the work of pro-Hanoi American "peace" groups in this country.

Let me quote Lieutenant Frishman as he testified last December before the Committee on Internal Security:

> I am a military man and there are certain prescribed military channels through which we are supposed to be released. The reason they didn't release us that way is for propaganda and we don't want them to gain propaganda out of our release.
>
> The group that we were released to were contrary to our feelings and our reasoning of being over there and we certainly didn't want to participate in any type group like that.

On May 1, the witnesses invited by Chairman ZABLOCKI's subcommittee included these two former POW's, five wives of POW's, and Texas millionaire H. Ross Perot who has been most active in trying to improve the lot of our hapless men held prisoner by the North Vietnamese and the Pathet Lao.

The wives described their frustrations in trying to deal with the North Vietnamese, explaining insuperable difficulties even in ascertaining whether their men are dead, missing or captive.

But these wives also said they did not think their own Government has displayed adequate concern about the plight of their husbands.

I would like to quote from just one of them, Mrs. F. Harold Kushner:

> I have never lost faith in my husband, but at times I wonder if my country has lost faith in him. I come before you today to tell you that I am tired. I am tired of traveling and I am tired of publicly baring my private anguish. And I am most tired of Presidential platitudes and Congressional convocations. They no longer reassure me and they have never brought any relief to the men involved.

Mr. Speaker, this gallant lady asked the Congress to publicly and forcefully pledge itself to formulate and execute a plan of action which will return the men to their homes or as she put it "to the country for which they have sacrificed so much." Mr. Speaker, I join with Mrs. Kushner in urging my colleagues to insure that our Nation does not break faith with the men we have sent into battle.

Mr. Perot had some interesting suggestions. These included setting up a display in the Capitol Rotunda that depicts the horrors the POW's have to endure, a full-scale model of the tiny, filthy cells in which they must live and replicas of the devices employed to inflict torture on them. Perot suggested that too many Americans are not aware of how the North Vietnamese treat their prisoners and that such a display would bring it home, painfully so. Perhaps he is right. Maybe the American people and those of us in Congress need some such reminder.

I would also like to commend Senator BOB DOLE of Kansas and Congressman DAN DANIEL of Virginia for their efforts in bringing together a 12-member bipartisan congressional committee that sponsored the mass rally in behalf of our POW's on May 1.

Mr. Speaker, the North Vietnamese are responsive to world public opinion. If we vigorously assert our views they eventually will accede to demands for better treatment of the men they are holding prisoner. But quiescence and wishful thinking will accomplish nothing.

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## I HAVE SEEN POLLUTION DONE

## HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. BURTON of Utah. Mr. Speaker, Debbie Peterson is 10 years old, is in the fifth grade in Murray, Utah, and is concerned about pollution. Unlike many of us who talk about our concern, Debbie decided to act. So, she wrote a letter to me asking for my help. I thought it was such a good letter that I am putting it in the RECORD, with the permission of Debbie and her parents. The letter follows:

MURRAY, UTAH,
*May 4, 1970.*

Congressman LAURENCE J. BURTON,
*Longworth Building,*
*Washington, D.C.*

DEAR SIR: This is the first time I've wrote to someone like you. But I have wrote to you so you can help me stop pollution. I have seen pollution done, because my brother does it. There were these two fish my brother caught and he left them on these rocks on purpose. I told him to throw them away, but he said we dont need them and I said pollution and then he picked them up.

Sincerely,

DEBBIE PETERSON.

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## ANOTHER "EARTH DAY"

## HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mrs. HECKLER of Massachusetts. Mr. Speaker, I want to share with my colleagues the results of an exciting archeological expedition. This fascinating dig was undertaken by Stephen Keighley, of Wrentham, Mass., in my district.

The years he spent in studying a site near Wrentham were certainly profitable—he unearthed an Indian campsite with artifacts dating back an estimated 6,500 years.

As a tribute to Stephen Keighley, I would like to insert in the RECORD a fascinating article from the Attleboro Sun describing his most interesting find.

In referring to this digging of earth, I am reminded of another very recent "Earth Day," April 22, when the Nation's attention was focused on our dire and pressing environmental problems. There is much to be found beneath the surface of the earth which is worth preserving and much above the surface of the earth which is worth preserving. I hope that we are going to be as diligent in preserving the future as Stephen Keighley is in preserving the discoveries of the past.

The text of the article follows:

### INDIAN ARTIFACTS 6,500 YEARS OLD DISCOVERED IN RICH EXCAVATIONS IN WRENTHAM

(By Lola Jess)

What a thrilling experience to hold in one's hand tools that were used by people here in one's home town 6,500 years ago.

Stephen Keighley of Wrentham, had studied for years an area northeast of Lake Pearl, near the Eagle Brook Dam, because it seemed an ideal location for an Indian campsite. There were many fine springs, a good clay bed for manufacturing cooking utensils and it should have been a rich hunting ground, for it still has a goodly supply of game, including deer.

Keighley's dream was to find a place undisturbed by plows. After digging a few test holes, he discovered an Indian campsite, just below the surface, in the Fall of 1948. With dense brush and roots, excavating was very difficult, because pick and shovel could not be used. He wanted to find the artifacts in their original position, so depth below the surface could be measured accurately.

He found three potsherds 150 yards northeast of the dam, and believed this spot would reveal only an early ceramic culture (later it proved to be the ceramic-agricultural Indians of 1700 years ago).

#### PAINSTAKING WORK

The dirt had to be gently brushed away from each article discovered, while small roots were snipped and only a small hand trowel was used for digging—It was a slow, but methodical, one-man project but really paid off, after three years, with almost unbelievable results.

First it revealed a culture of 5,000 years ago, and then that amazing discovery of 6500 years ago that had been verified through

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radio-carbon tests by the Massachusetts Archeological Society of Attleboro and the Peabody Museum of Harvard.

The lowest excavated level is the Early Archaic Culture of 6,500 years ago when the travelers arrived by dug out canoes from the north, after the glacial era, bringing certain Eskimo traits.

Though not Eskimos (who arrived at a much later date), they may have had the same Asiatic origin. A savage state prevailed; hunting was with spears, darts and harpoons; fishing was with a line and sinker. Bows and arrows were not invented and they had no cooking utensils—they cooked on stone slabs or over open fires.

Among the artifacts discovered in this level are abrasive stones, oval scraper, truncated knife, hammer stone, spears and plumblines (sinkers for fishing).

There were three fire pits. They must have lived mostly on fish and aquatic animals, as there were no trees or soil for cover and food for land animals. The summers would be livable, but short, and the glacial sheet had not entirely disappeared from the land.

Probably moss and then small bushes would be the first signs of vegetation in the white glacial sand, which was covered by the yellow sand found between that layer and the loam of our time.

The second site, unearthed by Keighley was inhabited by the Mound Builders of 5000 years ago in the Stone Bowl Era. They came from the Great Lakes region, and introduced smoking to New England.

They made three types of pipes: straight, elbow and platform. It is thought that searching for a stone from which to make these pipes may have brought them to New England's steatite (soapstone) outcrops. It was not long before they began to create eating and cooking utensils, from cups to kettles.

They also used chlorite and granite, with different kinds of stone tools. They were great inventors. Among their tools were found spears, knives, pointed, truncated eared points, semilunar knives, fluted gouges, stemmed scraper, axe head and three scapstone sherds (fragments)

Eighteen fire hearths were uncovered by Keighley in an area of 600 square feet between 1948 and 1958. He could not work when the ground was frozen, and only when the water level was very low. In all the hearths he found charcoal, bone fragments and a trace of shell.

These hearths are bowl shaped, neatly lined with stones about the size of a man's fist. Before the days of dishes and flatware, it is said the Indians pounded their small food animals almost to a pulp possibly for tenderizing, and, as they chewed their meat, they removed the pieces of bone, as one would a prune pit.

CAMPSITE FOUND

The first campsite uncovered was probably created by racial descendants of the Stone Bowl Makers. Through contacts with the West, they learned of ceramics and the cultivation of corn and beans. This gave them lighter weight cooking utensils and a more varied food supply about 1700 years ago, in the Ceramic-Agricultural period.

Clay pottery passed through four stages of development from a pointed to a round based vessel. Most of the implements found have been of dark gray felsite or slate.

Lake Pearl was formerly a marshland with Eagle Brook running through it. After the Eagle Dam was built, it became a lake.

How did the Indians pass the time in their monotonous existence? A partial list of current tasks alloted to the men and women of their tribes of Northern Canada are: for men—cutting down trees, hauling wood, shaving up kindling and lighting the fire each morning. They also erected the tents and brought home most of the food, chopped holes in the ice (for fishing and water supply), took care of weapons and other equipment, broke trail and taught the boys.

The women's tasks were to chop and carry wood, keep fires going through the day, cook, repair tents and cover the floor, carry water, wash, feed and care for the children, deliver babies, tan skins, pick berries, make and repair the clothing and teach the girls.

It is probable that such duties were assumed or added, through the ages, as the situation or necessity appeared.

In the Bronson Museum of Attleboro on the fifth floor of the Bronson Building, are four dioramas, depicting man's early days in New England, with the earliest date 9000 years ago.

Could it be possible that some other dedicated archaeologist may at some future time, start at the 6,500 year level and find proof that some more primitive tribes, the Paleo-Americans, were catching fish in our Eagle Brook thousands of years before the Early Archaic?

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## TESTIMONY BY LT. GOV. JOHN C. WEST BEFORE THE WAYS AND MEANS COMMITTEE

## HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. GETTYS. Mr. Speaker, one of our most distinguished South Carolinians, Lt. Gov. John C. West, a resident of my congressional district, recently testified before the House Ways and Means Committee on legislation introduced by Chairman MILLS and almost 200 other House Members on the subject of restricting cheap textile imports which are on the verge of destroying our domestic textile industry and thousands of American jobs. The testimony of Lieutenant Governor West on the subject is outstanding and should be noted by all Americans everywhere because it points up one of the most serious problems in our economy today. It follows:

TESTIMONY BY LT. GOV. JOHN C. WEST

It is a privilege for me to meet with you today, and to be able to express our growing concern over the difficulties now confronting our domestic textile industry.

My remarks will be directed primarily at H.R. 16920, introduced by your distinguished Chairman.

I speak today in favor of this Bill and on behalf of three parties to this problem—the textile industry in general, the people of South Carolina who depend upon textiles for their livelihood, and the State of South Carolina itself. The fact that all three of these interests can be represented today in a single voice indicates in itself the extent of our concern, and the far-reaching impact which this situation has on our entire State.

On behalf of these general interests, I wish to thank the Committee members for this opportunity to be heard on a matter which goes to the very heart of the economic future of South Carolina and any other state which depends heavily upon the textile industry.

There is an old saying around our State which applies well to the present situation; it says that when the textile industry sneezes, the State of South Carolina catches cold, and when the textile industry catches cold, the State winds up with pneumonia.

Ladies and gentlemen, I am no diagnostician, but I would say that we are somewhere between a bad cold and pneumonia at the present time.

Whereas, for several years the textile industry itself has been warning of the consequences of uncontrolled imports, I come to you today because those consequences are becoming realities. There is no longer a question of what may happen, or what will happen, it is a simple matter of what is happening. Layoffs, reduction of work weeks, plant closings, and ultimate increases in unemployment are the realities in South Carolina which we are suffering as the result of the drastic increases in textile imports.

We are not a wealthy State; that revelation should come as no surprise to any member of this Committee. For decades, South Carolina and its southeastern neighbors have occupied the lower rungs of the statistical ladders in the important economic indices. Paralleling these economic shortcomings have been general deficiencies in educational achievement, health and social services, and other vital aspects of the State's human development programs.

During the past decade, South Carolina has participated as an active leader in efforts to reduce these gaps through economic progress. It has spearheaded many significant accomplishments. The same statistics which rank us near the bottom economically also indicate that we have grown rapidly, and built up sizeable momentum to strike for the ultimate success we seek. It should be pointed out, however, that as we bring in billions of dollars in new industry, and tens of thousands of new jobs, we have retained a distinctly textile-oriented economy.

Through the great industrial boom of the 60's, many new types of industries came into South Carolina, but modern textile and fiber operations continued to develop with faith that government would not allow the textile industry to be destroyed by low-cost competition. We were two-thirds textile oriented in South Carolina ten years ago. We are two-thirds textile oriented today, even with much broader diversification of other industries.

The ability of the basic textile industry has been crucial to the development of textile-related fiber and chemical plants, which have provided the bulk of the investment in new industry in the State in recent years.

Thus, while some may say that South Carolina is moving away from its total dependence upon textiles, it is at the same time involving textiles directly in the building of a new economy. It would be my unqualified position at the present time that a healthy textile industry is the very basis of future economic growth in South Carolina.

The facts which confront us today, however, indicate that the health of the South Carolina textile industry is in jeopardy. Textile imports last year reached an all-time high of 3.6 billion equivalent square yards, 10 percent higher than the 1968 level, and more than double the volume only six years ago. This increase in imports has not been absorbed by growing markets, more than 90 percent of it has directly displaced domestic products.

In these difficult times of general economic slowdown in all aspects of our nation's economy, it can be clearly seen that a continuing increase in textile imports will have a doubly depressing effect on the domestic industry. Already, the American textile industry reports that sales in 1969 were 0.9 per cent below the 1968 level although the level of textile consumer sales has continued to rise in the United States.

Profits and earnings are generally down. Entire segments of the industry are being taken over by imports. All of this is taking place despite the fact that the textile industry in South Carolina has responded to the challenge of modernization and has fought overseas competition with the full force of its technological capability.

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Please do not listen to anyone who says that American ingenuity is lacking in textiles. The truth is that the Carolinas have the most modern and productive textile industries in the world.

As the domestic industry suffers, however, the effects are being felt most directly by the individual textile worker in South Carolina. His work schedule is declining. Whereas, in 1968 he worked an average of 276 days, last year he had lost an average of seven days down to 269. Similarly, in March of 1968, the average textile work week was 42.6 hours. Two years later, it had dropped to 41.2 hours.

These reductions in work periods affect the entire industry. The most serious casualties, however, have come from the permanent layoffs. During the 13-month period ending February, 1970, a total of 2,400 textile workers lost their jobs in South Carolina, and during 1968 and 1969, eight plants went out of business altogether.

In a State which has 474 textile plants, and more than 150,000 textile employees, this type of economic erosion is a desperately serious development. Another 50,000 South Carolinians are employed in garment, man-made fiber and textile machinery plants which are located in South Carolina because the basic textile industry is located in the State. So, textiles account for over 200,000 South Carolina jobs. Left unchecked, the import crisis in textiles could directly affect the economic security of virtually every person in the State of South Carolina.

The problem, of course, is not limited to a single state or region. It is a national problem, and in wrestling with the immediate issues facing us, we must look to the future implications of these present difficulties. Under Japanese leadership, the textile industry of Southeast Asia is expanding vigorously, and is concentrating primarily on the United States market. At the present time, imports account for about 12 per cent of the U.S. textile market, and many leaders foresee a doubling—or even tripling—of this percentage within the immediate future. The textile trade deficit grew from $1.1 billion in 1968 to $1.4 billion in 1969 and the situation has worsened in 1970. Beyond the 200,000 jobs in South Carolina, we are talking about 2.3 million jobs in the United States, and we are confronted with the fact that more than 250,000 American jobs have been displaced by the current level of textile imports.

It is important to realize that we are discussing more than numbers in a statistical chart. We are discussing lives, and we are discussing some very important lives. We are discussing homes and families dependent upon textiles for generations.

We are discussing economic opportunity for many persons who may have difficulty finding employment outside the textile industry. Textiles is a business which relies heavily on semi-skilled workers, workers who do not have the type of occupational dexterity and mobility that others may have. Many of the textile workers in South Carolina are older—beyond the age they can undergo major retraining. Almost 40 per cent of them are women; 20 per cent of the textile workers in South Carolina—some 30,000 persons—are black.

As a State whose per capita income level is below $3,000, South Carolina can ill afford to suffer a further deterioration of its textile industry.

Far from denying these people jobs, our nation should set about to open new and better economic opportunities for all its people. There are more than 200,000 families in South Carolina whose income is less than $3,000 per year. Their future is dependent upon economic expansion—and not economic contraction—of our State. At a time when our State—and the nation—is seeking to solve the problems of its low-income citizens, it is distressing to observe the systematic deterioration of an industry which holds such a key to their future.

Our concern, however, goes beyond the welfare of the textile industry, and its employees. As I stated at the beginning of my remarks, I represent a third interested party to this problem—the State of South Carolina itself. The entire operation of our state government, including education, health, welfare, transportation, and all the many other facets of our concern, depends upon the continuing well-being of our textile industry.

As an example, the loss of 2,400 jobs due to increased imports has resulted in $12.2 million in lost payroll income, not counting many thousands of new textile jobs which would have opened up with textile expansion if imports had not crippled the industry.

The decline in the average work week from 42.6 hours to 41.2 hours over the past two years cost textile employees some $37 million in payrolls and resulted in heavy reduction in revenues for the State. These are tangible losses South Carolina has suffered—not just the textile industry and its people, but all those persons in South Carolina who receive services from the State. These are losses which are felt in the classroom, in the clinic, in the kindergarten. Often a teacher pay increase depends upon whether the textile business is good or bad.

Only a few weeks ago, an announcement was made in one of our coastal areas that a textile manufacturing corporation had delayed construction of a major plant because of the import problem. This plant would have provided 500 jobs in a section of our State which badly needs new employment opportunities. This one plant alone would have generated $3.6 million in new personal income, $1.7 million in new retail sales, $1.2 million in new bank deposits. This particular area of our State is part of the Coastal Plains Commission program, a three-state regional compact which has been designated by the federal government as a target area for economic development. And yet, we witness firsthand how economic expansion is being slowed directly by the problems of the textile industry.

The present administration—similar to the last—professes concern for our problems. The present administration—similar to the last—has refused, however, to take the necessary steps to do anything about our problems despite a promise, in writing, in a telegram sent to Senator Strom Thurmond in South Carolina on August 21, 1968, to provide "prompt relief". That was 21 months ago.

Administration spokesmen who have preceded me in testifying before this Committee have said nothing to indicate any real change in this do-nothing stance. Mr. Gilbert, the President's special advisor on this subject has recommended that no quotas be imposed. Secretary Stans is again asking for delay—just as in the past.

I submit, gentlemen, that the only way any results will be forthcoming is for this Congress to wield a sufficiently large legislative club to force—and I emphasize the word force—the administration to the recognition that the only alternative to acceptable administrative relief is definitive legislative relief.

The Japanese have made it abundantly clear that they will not move until they have to—and this makes sense from their point of view.

Unfortunately, our negotiators appear to need something of this same prod. This legislation offers them the most effective possible weapon if they really seek voluntary restrictions and yet all they seem to ask of the Congress is delay.

If what they need to reach agreement is only a little more time there is no real need for legislative delay. In the normal course of legislative action, Congressman Mills' Bill cannot become law for a substantial period of time—ample time for voluntary agreement—if that be possible.

As it makes its way through the legislative process, its increasing imminence will provide our negotiators with the best possible weapon they could possess—if a strong negotiating position is what they really want.

Should voluntary agreement prove impossible within the "little more time" sought by the administration, then Congressman Mills' Bill proceeding through the Congress without delay would then provide the legislative relief that is the only alternative to effective administrative action.

I respectfully urge that you act promptly and affirmatively on this Bill.

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## THE AMERICAN DREAM

## HON. HOWARD W. POLLOCK

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. POLLOCK. Mr. Speaker, never before in the history of our Nation has the distance between the American dream and the American reality been as great as it is today; never before have the divisions among our people been so pronounced. The reasons for this most unfortunate situation are varied and complex. Today, I would like to present for your consideration some brief observations on the present tumultuous state of our great Nation.

It seems to me that respect for law and justice is an important cornerstone of a free and orderly society. For one thing, a tradition of respect for just laws protects the collective entity of individuals called "the state" from anarchy precipitated by individual determinations of what the law should be. Of equal importance, a government of laws protects the individual from arbitrary action by the State. In a government of laws, governmental decisions are not made on the basis of whether an individual is black, white, or red, whether he is Protestant or Catholic, or whether his hair is long or short. Thus, just laws are safeguards of individual freedom, not weapons of repression.

If the citizenry loses its respect for just laws, the fabric of society will be torn asunder. In this situation, even vast numbers of police cannot maintain order. It is my belief that in the microcosmic world of the college campus, some students have lost sight of the coordinate goals of law and justice. Some students—admittedly only a few—have abandoned peaceful dissent, which is their constitutional right, in favor of violence and subversion. This is not freedom; it is anarchy. Such a situation cannot be tolerated in an orderly, democratic society, for when the dual conceptions of law and justice are abandoned, tragedy will almost certainly result. The truth of this statement is well illustrated by recent events. Lives have been lost, and property has been destroyed. Yet, we are no closer to solving the immense national issues that confront us. Instead, the divisions among our people have widened, and the relationship between

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America's youth and our older citizens has become more attenuated.

In seeking solutions, we should not cast blame too readily. It is too simplistic to blame our youth. For the most part, America's young people are better educated, better informed, and more intelligent than we were at their age. Moreover, most of America's young people want very much to employ their learning in the process of evolutionary change leading to a better life for all our citizens. Likewise, the vast majority of our police—the visible agents of society's need for order—enforce the law in a fair and impartial manner. Only a very few misguided individuals breach their public trust by engaging in the same acts of violence that they were hired to prevent. Those few students and police who violate the law should be made subject to the same criminal process which is used to try and punish so-called hard core criminals, for we cannot permit the establishment of two separate standards of justice in this country. However, in the process of punishing those who would tear our traditions as under, we should not lose sight of the great foreign and domestic problems confronting this Nation. To solve these problems, we must obtain the creative input of all segments of our society, for national decisions of great magnitude should reflect the interests of all our people. However, decisions of this dimension must not be dictated by mob pressure and violence. The history of this Nation illustrates that our system is responsive to the needs of the people; thus, mot tactics can never be justified. Those who disobey the law in the name of a higher personal law must be willing to accept the consequences unless and until the American people, through their elected representatives or through the courts, declare the law unjust. Otherwise, we will retrogress into a system of individual prerogative devoid of equal justice. The burden is on those who would contravene the rules to prove their case.

Mr. Speaker, I began my remarks today with the observation that in spite of America's vast wealth and her advanced technology, the possibility of achieving the American dream is more remote now than at any other time in the history of our Nation. In making this observation, I did not mean to imply that the American dream is unattainable. As long as it remains a vision in the minds of the American people, the American dream of equality and justice for all men can be transmuted into the reality of everyday existence. For this to occur, however, we must rededicate ourselves to basic democratic principles—principles which have the concept of evolutionary change built into them—and must renew our efforts to achieve the dream which motivated the Founding Fathers. In doing so, I can think of no better place to begin than with the Declaration of Independence. Written almost 200 hundred years ago, the Declaration has as much relevance today as when it was first inscribed:

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness—that to secure these rights, governments are instituted among men . . .

This is a beautiful dream; it is the American dream. No nation in the history of civilization has set its goals so high or had a better chance of achieving them.

## THOUGHTS OF A METHODIST MINISTER

### HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. ICHORD. Mr. Speaker, I have received a copy of a sermon given on Sunday, April 26, by Rev. Dr. Arthur C. Fulbright of the Wilkes Boulevard United Methodist Church in Columbia, Mo. It is entitled "I Give a Damn!!!" It deals with the course of Christendom, and expresses Reverend Fulbright's concern that a new breed of clergymen today are condoning, if not openly advocating, demonstrations, sit-downs, sit-ins, police heckling, street brawling and countless other dissident and disruptive practices.

Dr. Fulbright states that the root of the problem is spiritual. He interestingly observes:

> The masses began looking upon the churches not as soul-saving, society-saving stations but as small HEW societies. People are asking the church for relief when they need redemption, for reformation when they need regeneration, for pity when they need spiritual power, for hand-outs when they need an outstretched hand!!!

I share his sentiment when he says:

> Thank God Christian Ministers and laymen, both white and black are waking up, showing courage, refusing to surrender to confrontations, intimidations, manifestos and other pressures!!!

I recommend to my colleagues the reading of Dr. Fulbright's sermon which follows:

(A manuscript report of a sermon preached by the Reverend Dr. Arthur C. Fulbright, at the Wilkes Boulevard United Methodist Church, Columbia, Missouri, Sunday April 26, 1970, at 10:40 a.m.)

#### I GIVE A DAMN! ! !

St. John 21:15—"Jesus said . . . Do you love me . . .?"

Today, Christendom has joined the syndrome of *civil disobedience, social radicalism,* and the *secularization of the sacred,* a disease running rampant throughout our beloved nation! ! !

Ministers by the thousands, many of them in high echelons and prestigious pulpits, began denying the value of the church's major mission across the years and throwing out Christ centered traditional evangelicalism, joined the new movements, many of them Communist Front organizations, of civil disobedience, social radicalism, and the secularization of the sacred! ! ! *The pulpit moved far left of center! ! !* Draft evasion was excused! ! ! Demonstrations, sit-downs, sit-ins, police heckling, street brawling, and countless other dissident and disruptive practices—are condoned—if not openly advocated by this new breed of clergy.

We started equating the Christian mission with involvement in social issues under the devious delusion of reconciling the human race and rehabilitating society, with little or no concern for personal redemption and reconciliation with God in Christ! ! ! We said and we are saying, we must reconcile the alienated. But all we are doing is to "egg on" the alienated and alienate the reconciled! ! !

Soul saving—through the power and grace of Christ the Holy Spirit, went out! ! ! Social activism came in! ! ! Liberals in the Christian Church are now riding high! ! ! Superiors in the church echelon programs are telling the clergy to "get with this new social activism," with the threat that if we do not—we do not belong to the "new" Christian movement! ! !

So, we now have, in the new social activism program of our great beloved United Methodist Church "The Fund For Reconciliation." This movement for reconciliation funds was initiated in panic by the 1968 General Conference of the United Methodist Church. Now, some of that money has been used to fund subversive activities and violence-prone street gangs in their intention to divide, disrupt and destroy the Church I love and the American way of life in which I believe! ! ! The first $1,000 of the Missouri-East United Methodist Conference Fund for Reconciliation went to the Mid-City Community Congress, that organization whose Director, Ossie Pastard, sponsored and projected "the Black Manifesto" and the Sunday Church Confrontations in the City of St. Louis, Missouri.

Now, over in our neighboring city, Kansas City, Missouri, they set up some specialized ministries run by United Methodists who, according to *The Kansas City Star* (March 22, 1970), have now been accused of believing in "a theology of power and a sociology of violence." They are having a sickening controversy on this issue. Needless to say, thousands of "Fund for Reconciliation" dollars have been poured into that venture.

Today some of our leaders are still playing the worn out record "that" certain ethnic and racial groups are not responsible for their actions. Rather it is an oppressive society that is to blame, for which we should all wear sackcloth and ashes until the day we die. I reject such illogical and irresponsible reasoning!!!

For a long time now we have not been able to give dissident and militant elements in our midst, white or black, enough sympathy, enough "moral reparations" in special privileges and empowerment to satisfy them. Thus armed with license to break the law and infringe on the rights of others, far-left activist groups, both white and black, began mass demonstrations which evolved into riots and open reparations—all the way from an arbitrary lion's share to "whole hog" of all church funds, properties and future resources.

Just as it was inevitable that the anarchist fringe would turn against the government, school administrations, and everything else which represented authority and "establishment," these happy pagans, driven by unbelievable successes, were not going to pass up the Church. They were out to divide, disrupt and destroy anything that might interfere with "doing their thing." *We have thus been confronted by power tactics and coercion under intimidation and threat beyond credibility!!! However, Let it be Known: That enough of this so-called new theology, new morality emphasis—we want a change "now" back to the fundamentals of our evangelical Christian Faith!!! What Can We Do?!!! Plenty!!!* This is no time to decry, deplore, and depart. It is a time for self-examination and commitment—commitment to the restoration of moral and spiritual values!!!

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The need in the nation was recognized by our President Richard Milhous Nixon when he declared in his inaugural address, "We have found ourselves rich in goods, but ragged in spirit." He acknowledged also that the answer needed was of the spirit, for he suggested: "To a crisis of the spirit, we need an answer for the spirit."

Here's our predicament. Here's our need. Here's our challenge, our chance. Here's our hope, society's hope, the world's hope, put together in one verse of Holy Scripture: "If my people, who are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land." (II Chronicles 7: 14)

Until we get serious about dealing with the root of the problem, America will continue its moral and spiritual decline. *The root of the problem is spiritual,* and unless we are gripped by the desperate spiritual needs of our own lives and of the nation, and do something about it, God will surely come in judgment.

"Righteousness exalteth a nation: but sin is a reproach to any people." (Proverbs 14: 34) K.J.V.

Psychologists, psychiatrists, educators and churchmen, as such, are not going to make better people without the spiritual motivations, disciplines and resources of religion!!!

*Thank God, the counter-reaction has set in!!!* We churchmen now realize we went too far!!! *We give a Damn!!!* The overwhelming "silent" majority of laity are fed up and are becoming vocal where it really counts—withholding the wherewithal, the money, without which the exploiters cannot experiment and continue to damage the Church. Churches are discovering they do not have to accede to the "new" sophisticated extortion "give us this or we will see to it that your social conscience aches."

The Kansas City, Missouri Inner City Parish is in disarray after falling under critical scrutiny of "The House Committee on Internal Security" when it began exploring United Methodist aid extended the Black Panthers there!!! The Methodist Inner City Parish allegedly gave assistance to the Black Panthers by using church money for house rent and bail bonds!!!

The Reverend Dr. W. Paul Jones, associate professor of philosophy and religion at our United Methodist St. Paul's School of Theology, Kansas City, Missouri, and an activist-advisor of the Methodist Inner City Parish of Kansas City, Missouri, was quoted by *The Kansas City Star,* (March 22, 1970) as having said in a recent paper: "Our task at this moment is to work by infiltration and subversion, parallel structures and encounter, disruption and cooperation, replacement and negotiation, cooperative structures and alternative ones, so that we are irrevocably incarnated at those nameable critical points where the implications are widest for directing history."

A group of Kansas City United Methodist Ministers are now deploring these conditions and seeking to correct them. They were quoted by *The Kansas City Star* (March 22, 1970) as saying: "Money from local United Methodist Churches is being used to bring about the destruction of the Church itself. We are supporting their meetings of planning, their campaigns for support and their programs for division and destruction . . . We reject special interest groups that "use" the resources of the Church to the advantage of some at the disadvantage of others and for activities that are lowering the effectiveness of the ministry of the gospel and those who seek to proclaim it. . . ." *I salute these brethren of mine and thank God for their heroic stand!!!*

A growing crisis is developing in hundreds of local churches across Christendom. Groups of concerned laymen are organizing in protest against extreme socialistic programs that pander to Black Panthers and their like. This resistance is spreading, and our Church leadership in Christendom had better call a halt on all far-out schemes and ventures, or we are in very serious trouble!!!

Now, please don't accuse me of advocating any such rebellion locally or elsewhere. Wilkes Boulevard United Methodist Church itself meets all its financial apportionments and will continue to do so. In all my years as a Pastor, I have never had a Church default in its benevolent obligations. *I am simply saying that more of our leadership must wake up and prove their good faith!!!* However, let it be known that I am proud of the sound doctrine and spiritual dedication of my Wilkes Boulevard United Methodist people!!!

I think the worst thing today in the Church is that despite population explosion, few of our Churches are replacing their losses in membership. Why?!!! Well, we stopped renewing hearts and started redeeming social structures. *And we achieved nothing!!!* We became intent on being a "community center" rather than a "redemption center." Consequently, the masses began looking upon the Churches not as soul-saving, society-saving stations but as small H.E.W. societies. *People are asking the Church for relief when they need redemption, for reformation when they need regeneration,* for pity when they need spiritual power, for hand-outs when they need an outstretched hand!!!

Maybe you are wondering why I titled this sermon, "I Give A Damn!!!" I do so—because across the Christian Church the clergy and laity are waking up and repenting of their artificiality, their apostasy, and their apathy!!! They are becoming sincerely concerned about the Church and the glorious Gospel of Salvation through Christ our Lord and Savior!!!

Many of our leaders who went off half-cocked promoting this "new day," "new morality," "new Gospel," "new socialism" tripe are now coming back to the traditional Gospel, the age-old, Christ-given message of the Church. What the Church needs is an old-fashioned heart-warming revival of religious faith which calls men and nations back to God!!!

I am so hopeful—that by now Christendom has gotten over our "socialistic up-tightness" and our "secularistic hang-ups." I am hopeful that Christendom will now go forward to a fresh emphasis on Christian fundamentals—the love of God for all men, the saving Grace of Jesus Christ, and the present potential of the Holy Spirit in His Trinity—and reclaiming all men to a vital Christian experience, a Christian ethic, a Christian social culture, and a Christian world. I know all that sounds over-simplified, but it is the way God designed His program to work, and Christendom does make a come-back to the fundamentals of the faith, it can rectify many of its sins of the last two decades. If it does not, I will still give support and applause for those concerned laymen who "stay in the Church" and continue to work redemptively!!!

Thank God Christian ministers and laymen, both white and black, are waking up, showing courage, refusing to surrender to confrontations, intimidations, manifestos and other pressures!!! They are sick of these issues and impatient to get back to the mission that has always been ours.

I want us to help the poor, white or black, as they show initiative and seek to help themselves!!! I want us to increase our social concerns—especially in ecology, and work for a more Christian society. *But, I want us to do all this from the first established Christian premise of redeeming human personality and saving the immortal soul of man, whatever his (or her) station, race or nationality!!!*

I salute and applaud the increasing number of Christians, white and black, Bishops and Pastors, connectional men and theologians, laymen and women, young adults and youth, who have stopped looking for "New Days" in religion and started looking for "daylight"!!!

Maybe we have passed the darkest hour, and *Dawn* is almost here!!!—I pray that it may be so! ! ! *God's Day may be coming up over the horizon!!!* Amen!!!

ARTHUR C. FULBRIGHT,
*United Methodist Minister.*

## PUTTING "PROTEST" IN ITS PROPER PERSPECTIVE

## HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. BRAY. Mr. Speaker, the following front-page editorial from the May 14, 1970, issue of the Spotlight, of Indianapolis, Ind., expresses a view which I am sure is shared by a majority of Americans:

### SMALL PERCENTAGE OF COLLEGE YOUTHS PROTESTING

We, like millions of other middle-aged, law abiding, God-fearing Americans, are getting mighty sick and tired of college youths demonstrating.

We doubt if more than 10–15% of college boys and girls are honestly wanting to protest. It's more like "let's go along for the fun" sort of thing than a true conviction that our country is wrong.

Most grown-up men and women we talk to—good, home loving, conscientious citizens—feel that President Nixon is doing the very best he can to end the war in Vietnam. Most say "Give him time to prove his point." Amen.

It is indeed ironic that the greatest defenders of this most wonderful nation are the ones who have little chance of sending their children to college. And most of the kids who can't get financial aid to attend college are not in sympathy with the college Kooks.

Many folks tell us "The way to stop vandalism at colleges is for the authorities to see that the parents of any student involved in an act of destruction of property be made to pay for the damage." One loud mouth liberal can get a group started on a destructive course. When the damage has been done the ones who went along "for the fun" are really ashamed of what they have done. There must be some kind of just punishment for these non-thinking fellow travelers.

Recently at a university in Kentucky a student from the East Coast got up in the mess hall and yelled for attention. "What are we going to do about our murdered brothers and sisters at Kent State" he screamed at the top of his voice.

Whereupon an ex-Marine, who had returned from Vietnam to continue his education, walked over to the agitator, hit him with a full right to the chin completely rendering him hors de combat. Needless to say, that cooled that situation almost immediately.

We've said it before and we'll say it again—the Communist technique is to ex-

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**plore any and all situations that will bring embarrassment to the nation's leaders. One high-strung, explosive individual can lead hundreds of by-standers into going along with him unless he is checked at the very beginning. What is needed is more "committees of one" to stand up to revolutionary type individuals who get the dirty work started and then fade out when the confrontation begins.**

**President Nixon has said he has put his administration on the line by his action in Cambodia. This was an act of political courage and we feel it will prove out to be a great factor in shortening the Vietnam impasse.**

GEORGE P. CAFOUROS.

## GRID STAR LAUDED FOR DEFENSE OF FLAG

### HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

**Mr. BOB WILSON.** Mr. Speaker—

**I was born under that flag, I fought for that flag and I'm going to college today because of what it represents.**

These are the words of a dedicated patriotic young man who had the personal courage to stand up for his beliefs in the face of overwhelming odds.

All of us in San Diego are deeply proud of Bill Pierson, a senior at San Diego State College, father, Navy veteran, and football hero. Bill's friends characterize him as a quiet, hard-working student who is fed up with the small minority of violent radicals who have completely disrupted normal campus life. Last week, after several successive raisings and lowerings of the State College flag by Bill and a group of radicals, he raised Old Glory for a final time and stood guard over the flagpole for 3½ hours single-handedly defying a menacing group of dissidents determined to again lower the flag. Praise has poured in from all quarters since this incident, but during the moments which really counted, Bill Pierson had the personal fortitude—call it "guts"—to stand alone and defy a taunting mob with no regard for his own personal safety.

I know I speak for millions of Americans when I say, thank you, Bill for standing up for America when it really counted.

I am pleased to share with my House colleagues some of the recent news clippings which give more details on this incident and this remarkable young man:

[From the San Diego Union, Thursday, May 14, 1970]

GRID STAR LAUDED: DEFENSE OF FLAG WINS SUPPORTERS

San Diego State football star Bill Pierson continued to receive congratulations and honors yesterday from people throughout the area after making a lone, three-hour stand Monday against student militants to protect the campus flag.

Telephone calls, telegrams, and requests for proper addressing for letters and personal messages poured in throughout the day, yesterday.

The Exchange Club of Mission Valley-San Diego voted unanimously a resolution to honor Pierson next Tuesday at a breakfast meeting.

RALLYING POINT

American Legion Post 26 will honor the Aztec first string center tonight.

The Heartland Youth for Decency organization unanimously voted Pierson an honorary member.

San Diego State students phoned congratulations. One sophomore said. "At last the students have someone in the ranks they can identify with. We're hoping he hangs in there."

People offered money to help finance cost of a proposed injunction that Pierson and a group of San Diego State students are considering seeking against campus militants to prevent their further disrupting the campus or keeping students from classes.

PARENTS OFFER AID

Several parents with sons or daughters attending the University of California in Santa Barbara asked to help finance the legal costs of getting the injunction.

One mother said her son had just discovered he may not receive his diploma next month because of required class work lost on the UCSB campus.

A father called saying, "The country has been waiting for someone like this on an American college campus for too long.

"My friends and I would like to let him know we're behind him with money for that injunction, or with numbers if he needs help against harassment on the campus."

ONE MAN'S STAND

On campuses all over the nation bands of students have assaulted flag-poles with little opposition as they sought to dishonor the American Flag to satisfy their thirst for attention.

Not so last Monday at San Diego State. Standing between the flag and students who wanted to lower it was the imposing figure of Aztec football center Bill Pierson.

"I was born under that flag, I fought for that flag and I'm going to college today because of what it represents," he explained.

Pierson stood his ground for three hours. The flag waved on.

How sad it is that principles which mean so much to so many are defended by so few. Surely students who share Bob Pierson's convictions will not let him stand alone.

ARTICLE BY BOB ORTMAN

Bill Pierson, a Navy veteran of 26, is married and has a 3-year-old daughter, Dawn Christen. A B-average student, he is a month away from receiving a degree in marketing at San Diego State, where he was first-string center on the football team. The 250-pound native of Arlington, Tex., keeps busy.

"He has been so wrapped up in his studies," reported his wife, Barbara, "he was not aware of all that was going on."

Bill realized dissidents were stirring up strife on other campuses—"He had disgust for people who were demonstrating" remarked Barbara—but had not noticed that the pot was starting to boil on Montezuma Mesa.

Then a couple of months ago, Pierson had occasion to visit the administration building, and he discovered that student protestors had taken over the first floor of the structure.

"He's so emotional," said Barbara, lovingly. "He couldn't understand why someone just didn't go in and take them out. Conditions were filthy, appalling."

BILL MAKES SURE FLAG RAISED HIGH

His eyes opened by this incident, Bill started noticing that sometimes the flag wasn't flying the way it should. "He hadn't talked about it," said Mrs. Pierson, "but on several occasions, when he walked by the flagpole, the flag was at half mast, and he raised it.

"When the students were shot at Kent State, he felt it was a tragedy," she recalled, "but they shouldn't have been involved in the demonstration or riot."

With graduation so near, Pierson was distressed when Gov. Reagan closed all California state colleges and universities last week in an attempt to cool off antiwar fever and halt demonstrations protesting the Kent State shootings.

"Bill is not the type who stands on a bandwagon," said his wife. "He doesn't talk much about things. But to me and to our close friends, he had been very disturbed about the governor closing the schools. He finally decided, though, that the governor probably did the right thing."

JEERS, TAUNTS OF MOB HIT DEAF EARS

School reopened Monday, and it seemed like any other Monday, especially when Barbara, a department secretary on campus, was chased out of her building for the second time in two weeks by a bomb scare. When she returned an hour later, she learned that Bill was conducting a one-man stand-in at the base of the campus flagpole to prevent the flag from being lowered.

She found out later that "coming on campus, just from the parking lot to his class, the flag was raised and lowered about four times. He just went over and did it. It was not premeditated."

For 3½ hours Pierson stood guard and turned his other ear to the violent and obscene jeers and taunts of the mob.

"I just burst into tears, I was so proud of him," Barbara disclosed. "I received several phone calls from people telling me about it. I can't understand it—they were willing to call and to go by and see him and smile, but they wouldn't stand up with him."

After the fact, many people are standing up with him, although most of the students "are not that vocal," according to Barbara.

POOR RALLY ATTENDANCE CHEERS MRS. PIERSON

"They seem afraid," she said. "But one thing gives me a clue the students are not with the radicals. Only 300 or 400 attended a rally Wednesday, but at the same time the cafeteria and classrooms were packed. The students were just not interested.

"We have received hundreds of telegrams and letters. The PE department is complaining that they can hardly get any work done because of phone calls. I had to leave work a half dozen times yesterday to get away from the phone.

"Most of the letters and telegrams just say thanks or congratulations or we're proud of you," she added. "One was from a grandmother who wished there was some way she could help. Several were from people who have sons in Vietnam or sons who died in Vietnam. They're so proud he stood up for what their sons believed.

"Bill thinks it's astounding that one little thing, so unpremeditated, could create such a commotion."

"I consider myself an average citizen," said Bill.

[From The San Diego Union, San Diego, Calif., May 13, 1970]

GRID STAR GUARDS FLAG AT S.D. STATE

Bill Pierson, senior and football player at San Diego State, stood at the base of the campus flagpole for three hours yesterday during student demonstrations to protect the flag from being lowered or desecrated.

"I was born under that flag, I fought for that flag and I'm going to college today because of what it represents," he said.

"No one is going to desecrate it anywhere as long as I can defend and protect it."

The first-string center, who has been drafted by the New York Jets, commented on a vote by the Associated Student Council yesterday to bring the campus flag down to half-staff until the Asian war is ended:

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"There are more than 20,000 students at San Diego State and if the flag is lowered for any reason to half-mast for any length of time, then I think all students should have a chance to have a voice in the issue through a popular vote."

He said there "weren't more than 150 students" who tried to lower the flag yesterday and "not more than 800 or 900" who will go along with the protesters.

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### AT SAN DIEGO STATE: STUDENTS MAY ASK COURT TO HALT MILITANT DISORDER

(By Vi Murphy)

A group of San Diego State students will go to court to obtain an injunction against student militants if they persist in disrupting the college campus or obstruct classes, Bill Pierson, football star, said last night.

"There are a lot of us on campus who are fed up with this whole silly business of an administration letting a small group of radicals push around a campus of more than 23,000 students," Pierson said.

He estimated fewer than 100 militants had occupied the first floor of the business administration building and that fewer than 800 students on the campus support the disruptive forces.

Pierson said that because of campus disruptions and blocking of classrooms, some seniors may not get their college degrees at San Diego State next month.

"We have waited and waited for permissive college officials to get up enough courage to stand up to this handful of militants who may have already cost some of us our college degrees," Pierson said.

He added, "We have been told by some professors that continual disruptions by these radicals, who keep students from attending classes, will likely lose credits for some of us because we cannot get in the required number of hours or course work.

"I have worked for five years to get my degree in business administration and was due to graduate in June.

"Now because the radicals have the administration of San Diego State bluffed, more than 23,000 students are taking an academic whipping by a handful of people a lot of us have absolutely no use for."

Pierson said, "The strength is growing behind a student move to control student radicals through orderly court procedure by getting an injunction against their disrupting classes or the campus, then insisting the injunction be enforced and kept enforced."

"We have to do something while we still have college degrees we can salvage."

San Diego State officials verified Pierson's remarks about the growing student body backlash against the militants and noted tension is growing on the campus among students who do not wish to be kept from classes or harassed by the protestors.

#### GOING TO CLASS

Pierson said about 15 or 20 students rocked his car yesterday when he tried to enter the campus for classes "but stopped when I kept driving."

He said some harassment was not personal, "a lot of people got that kind of stuff when they tried to go to class."

Officials in the college's athletic department said Pierson is "normally a very matter-of-fact, unemotional person but he is fed up with this as are many students."

Officials in both the athletic department and in the administration said Pierson's lone stand at the base of the campus flagpole Monday to protect the flag had resulted in numerous telephone calls and telegrams praising the football star.

#### HELD OFF MILITANTS

Pierson, who has been drafted by the New York Jets, held off 150 militants for three hours, who were trying to lower the flag to half mast after he had run it back up to its original position.

"They yelled and cursed at me and threatened me if I didn't let them bring it down."

Pierson, a center on the football team, stands 6 foot 3 and weighs 250 pounds.

He said militants who occupied the first floor of the campus building have denied students access to classrooms on that floor.

#### SERVED IN NAVY

"They threatened to use high pressure fire hoses or shoot chemicals from hand fire extinguishers in the faces of anyone defying their ultimatum," he said.

"They may call that nonviolent but I've got another name for it," Pierson noted.

He said he served in the U.S. Navy from 1962 to 1965 on the U.S.S. Bon Homme Richard and has a brother in the Marines in Viet Nam, "who has already served two hitches in Viet Nam."

Don Doryell, head football coach at San Diego State, and Al Baldock, head offensive line coach, both praised Pierson's Monday action as "a fine example of the courage he possesses."

Said Pierson, "Everyone refers to SDSC students as apathetic. It's time the silent majority makes itself heard."

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## FREE TRADE PRINCIPLE UNDER CHALLENGE

## HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. FINDLEY. Mr. Speaker, respected editorial columns in Illinois recently voiced concern about trade protectionism that seems to be taking form in the Congress. The Chicago Tribune in an editorial May 15 noted the advantage which flows from the discipline of competition from foreign sources, while the Illinois State Journal of Springfield, Ill., on the same day stated that competitive challenge works ultimately to the benefit of the buying public.

These messages are timely and deserve the attention of all Members of this body. The texts of the editorials appear below:

### THE QUOTA QUANDARY

At the request of Secretary of Commerce Stans, the House ways and means committee has put off action on a bill to clamp a quota on textile imports. It has thus given the administration another month in which to do what it hasn't been able to do in more than a year; namely to persuade Japan and other textile producers to accept a voluntary limit on their exports to the United States.

The voluntary quota is Mr. Nixon's only visible means of escape from a dilemma into which he has talked himself. He has generally supported free trade and, on taking office, said he took "a dim view of the tendency to move toward quotas and other methods that may become permanent." Yet during the 1968 campaign he promised southern textile states that he would "rectify" the Johnson administration's "unfair" failure to protect them from foreign competition.

When Mr. Nixon appointed free trader Carl J. Gilbert, a year ago, as his representative for trade negotiations, it looked like a victory for free trade. But since then the free trade issue has become entangled in the inflation issue. Mr. Nixon's campaign against inflation has slowed down business and squeezed profits in many industries, including the textile industry. The clamor for protection has grown, along with pointed references to Mr. Nixon's campaign promise.

If textiles alone were at issue, then perhaps Mr. Nixon could accept legislation protecting the textile industry without abandoning his general commitment to free trade. But this isn't the case. The textile industry is supported, in its quest for statutory quotas, by other industries which also want protection—steel, plywood, oil, and beef, to name a few.

When all of the congressmen representing areas dependent on these industries are squeezed into one lobby, you have quite a crowd—and congressional courtesy requires that they stick by each other until they all have their quotas.

The breadth of this support, therefore, is the reason to be wary of it. For, if quotas are to be imposed on textiles, they will very likely lead to quotas on steel and so on; and, in the end, protectionism will triumph and the consumers (including those in the protected industries) will have to pay the bill in the form of higher prices.

Sen. Hollings of South Carolina, a backer of textile quotas, once complained that letting Mr. Gilbert handle trade talks "is like delivering lettuce by way of a rabbit." What Mr. Hollings seems to have overlooked is that as former chairman of the Gillette Razor company Mr. Gilbert himself faced a devastating challenge in the form of stainless steel razor blades from England. His company not only survived the challenge but moved ahead with new products of its own.

Not every threatened industry may be able to do as well as this, but surely most should. Import barriers not only deprive industry (and labor, not so incidentally) of the incentive to put out the best product in the most efficient manner possible, and therefore burden the consumer with unnecessarily high prices. They also invite the favoritism and scandal which so often go with arbitrary federal controls.

So the present dilemma is not just Mr. Nixon's personal one; it is also the country's. We hope members of Congress will remember this, even tho some of them might otherwise relish the White House's embarrassment.

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### FREE-TRADE PRINCIPLE: UNDER SERIOUS CHALLENGE

For 35 years the United States of America has based its trade policies on the theory that the free exchange of commodities and manufactured goods on the world market is the surest route to a healthy economy in our own country and for our friends abroad.

The doctrine is sound. The postwar growth of the economies in the industrial nations of the free world is evidence of what can be accomplished when trade barriers are kept low.

That very success is now bringing the free-trade principle under serious challenge. Aggressive producers in some nations—notably Japan and the Common Market countries of Europe—are succeeding so well in marketing their goods in the United States that our own industries are complaining.

To let this problem carry us back into the era of protectionism would be a grave mistake. Yet that is the direction in which the House of Representatives is moving with legislation that would establish import quotas to protect two of the U.S. industries which are hurting most from foreign competition—textiles and shoes.

Import quotas have a certain attraction for those looking for immediate, dramatic treatment for a painful ailment. In this case, however, the cure could have worse consequences than the disease. A move by our country to restrict imports is certain to invite corresponding restrictions by other countries of the goods we offer for export.

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The administration has proposed that U.S. manufacturers be offered tax incentives to encourage the overseas marketing of their products. Such a program to bolster our export trade would be defeated if we move with the other hand to restrict imports.

Rep. Wilbur Mills, the House Ways and Means Committee chairman, who is leading the fight for import quotas, would limit them at this time to the hard-pressed textile and footwear industries. It would be impossible to guarantee, however, that other industries would not demand the same consideration in the future once the protectionist policy were embraced.

Support for import quotas is coming from unexpected quarters. Even labor organizations are veering away from their traditional devotion to free-trade policies. This is ironic, since labor contracts driving wages up at a rate faster than increases in productivity have helped put U.S. goods at a price disadvantage in competition with imported products.

Congress should heed the administration's urging that import legislation be held back while efforts are continued to negotiate voluntary agreements that would help redress the problems afflicting our textile and shoe manufacturers. Voluntary agreements reducing imports would be far more preferable than the imposition of quotas, which would have a psychological effect to our detriment in the world marketplace.

Foreign goods find a ready market when they are of a quality equal to home-produced goods but cost less. This is the kind of competitive challenge to our industry that works ultimately to the benefit of the buying public. In the long run it is the shopper who suffers when restrictions are placed on the free flow of goods in the marketplace.

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## ST. REGIS WORKS TO PROTECT OUR NATION'S ENVIRONMENT

## HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. BENNETT. Mr. Speaker, the problems of pollution and protecting our environment have leaped into national prominence like no other issue in recent years. A Gallup Poll of May 13, 1970, reported that next to reducing crime, eliminating air and water pollution was the country's most important priority in 1970 and 1971. A similar poll conducted 5 years ago showed that pollution was not of major concern to Americans, and in fact was listed ninth among 10 problem areas. Congress in that past period was giving more attention to the pollution problems than was then being given by the public.

All of us are concerned about protecting our environment and I have been glad to work for all of the major measures Congress has enacted in this field. I am particularly pleased that one of the largest industrial plants in Florida, located in Jacksonville in the Third Congressional District which I represent, is really doing something constructive about its pollution and that it is doing this with a genuine feeling of concern for the general public.

The St. Regis Paper Co., a civic-minded participant in Jacksonville economic, social, and cultural activities for almost two decades, has a program to recognize its responsibility to the over 500,000 citizens of the community. The company's policy includes developing its assets to serve the public, utilizing the technological ability and facilities of its employees and plant, increasing the scientific and mechanical advances to protect the air and water at its mill and plant locations and cooperating and consulting with various governmental bodies for a clean environment.

St. Regis in Jacksonville has developed a $6 million water quality program and new air pollution devices in its antipollution program, which will help insure a better place to live for north Florida residents, and at the same time provide for great economic growth for our area.

I am pleased to bring this good news about our environment to the U.S. Congress and to the American people. I congratulate plant manager Denholm Smith and all of the Jacksonville St. Regis employees for their cooperative and constructive activities for a cleaner America. Articles explaining what this industry leader is doing in the antipollution field follow:

[From the Florida Times-Union, Jacksonville, Apr. 9, 1970]

### ST. REGIS OFFERS ANTIPOLLUTION PLAN

(By Tom Longhurst)

St. Regis Paper Co., rated the No. 1 polluter of the St. John River by the Jacksonville Pollution Control Department, is awaiting state approval on a $6-million water quality program aimed at meeting federal standards.

Plant Manager Denholm Smith told The Florida Times-Union Wednesday that the proposed program, which has been before state officials since Feb. 2, will remove 90 percent of the oxygen-robbing pollutants in the process waste water used by the mill.

An earlier proposal by the company which envisioned the construction first of primary treatment facilities, then after study, the completion of secondary treatment in time for the Jan. 1, 1973, federal deadline, was rejected by the state.

"The state insisted on seeing the total treatment plan now before they would consider approval," Smith explained. "This is what we are seeking approval on now."

Smith said that St. Regis is not waiting for approval from Tallahassee before acting, however.

"We are going ahead with the preparation of engineering drawings and specifications," he said. "We can't afford to delay any longer on this and hope to make the deadline for having these facilities in operation."

St. Regis discharges approximately 80-million gallons of effluent into the river each day. Some 60-million gallons consist of water withdrawn from the Broward River and used for cooling purposes. The remaining 20-million gallons contain the pollutants, which include wood fibers and other solids.

The plant will consist of a clarifier which will remove the solids, Smith said, and then the effluent will be pumped to two large aeration basins which will reduce the biochemical oxygen demand (BOD) before discharging it into the river.

He said the program is designed to be completed by July 1, 1972, a full six months before the federal deadline, and demonstrates the company's recognition of its obligations to the community and the environmental problems of the city.

The Mill effluent receives no treatment now, Smith said, but pointed out that until recently, none was required by the state until public concern over the deteriorating quality of the river stiffened old standards and regulations.

[From the Chronicle, Jacksonville, Fla., May 14, 1970]

### POLLUTION BAR AT ST. REGIS

Installation of a new air pollution control device was announced by Denholm Smith, resident manager of the St. Regis Paper Company's local kraft mill.

The equipment is a venturi-type scrubber designed to remove particulate matter from the exhaust of lime kilns. Lime kilns are designed to recover lime used in the paper-making process, and the new "scrubbers" are designed to remove the particulate matter from the gases given off in the burning process. The new scrubber replaces a similar but older type of pollution control device.

This is the second of the three lime kilns at the mill to have the new venturi-type scrubber installed. Pollution control equipment for the third lime kiln has been ordered and will be installed as soon as it is delivered. Each of the units costs approximately $125,000.

This installation is another milestone toward upgrading air quality at St. Regis based on a program approved by local and state pollution control agencies.

[From the St. Regis News, southern edition]

### JACKSONVILLE MAINTAINS HIGH AIR QUALITY STANDARDS

JACKSONVILLE. — St. Regis' Jacksonville Mill, since original construction in 1952, always has maintained high standards of air pollution control. However, with recent changes in air standards, improvements are necessary.

Concerned over the growing air pollution problems of Jacksonville and environs, St. Regis initiated the establishment in 1964 of the Air Improvement Committee composed of manufacturers, the City of Jacksonville and the County of Duval.

The committee financed a study of air pollution problems, and as a result of this study the Duval Air Improvement Authority (DAIA), an enforcement agency, was established.

The Authority has approved plans for more efficient air pollution equipment for the St. Regis Jacksonville Mill. Installation is ahead of schedule and should be completed in early 1972.

The City of Jacksonville consolidated government replaced the DAIA with the Air Pollution Board, which is now the local enforcement agency for the entire county.

Air pollution sources at the Jacksonville Mill include power boilers, which use oil as fuel; bark boilers; recovery boilers, which is the first step in reclaiming chemicals used in pulp-making; and lime kilns. Smoke stack density meters have been installed on all this equipment for 24-hour monitoring of the efficiency of their operation.

Air/fuel ratio controllers have been installed on the power boilers to ensure proper combustion. Both bark boilers have been recently upgraded at a cost of $350,000 for installing new bark-feeding equipment, new fans and draft controls, and flyash arresting equipment. The recovery boilers have been recently rebuilt, the electrostatic precipitators, that remove tiny particles and other wastes, have been overhauled and the capacity of the two larger units was increased by 50 per cent.

Two venturi-type scrubbers have been installed on two lime kilns replacing relatively inefficient collectors. A third scrubber has been budgeted for installation on the other kiln.

The Air Pollution Board restricts the use of oil for power boilers to a content of 1½ per cent sulphur. In September, 1970, this restriction will be reduced to one per cent sulphur. This restriction limits the amount of sulphur dioxide released to the atmosphere by all power boilers in the area.

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However, this low sulphur content oil will not pour at normal temperature. Therefore, it is necessary that heating equipment and insulation be installed on all of the oil pipes at a cost of $100,000. This more expensive fuel oil will cost an additional $300,000 per year.

### WATER TREATMENT

St. Regis has submitted a water pollution control program to the state Air and Water Pollution Control Commission and the company's Board of Directors for approval. This installation will be completed by mid-1972 and will cost almost $6 million.

A 300-foot-diameter clarifier will be installed to remove solid matter from the 20 million gallons of process water the mill uses daily. Solids will be compressed, dried and burned. Four aeration basins will be installed to pump oxygen back into the waste water before it flows into the St. Johns River. The approximately 50-million gallons of water that is pumped from the Broward River daily is used for cooling condensers in the power boilers, and therefore does not come into contact with pulp or paper processes.

Resident Manager Denholm Smith said, "Standards for both air and water quality appear to be changing almost daily—and always higher—making our job of correcting our pollution problems doubly difficult. It has been our recent experience that no sooner than we spend a large amount of investor's money for pollution control equipment, the rules change and we are in violation of new standards."

## CURIOSITY PLAYED A PART IN THE KENT TRAGEDY

### HON. FLOYD V. HICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

**Mr. HICKS.** Mr. Speaker, one of the best-read columnists in the State of Washington is the Bremerton Sun's Adele Ferguson. Recently she discussed the Kent State tragedy in terms of the human trait of curiosity. I believe it is worth reading, and commend it to the attention of my colleagues:

### THE TRAGEDY OF KENT

(By Adele Ferguson)

It doesn't take any Warren Commission-type investigation to look into the whys of the Kent University tragedy in Ohio.

What happened there was inevitable.

If it hadn't happened in Ohio, it would have happened someplace else.

When anyone commits an act of violence or goes where the action is to see someone else do it, there is a risk involved, no doubt about it.

Put uniformed men in as opposition to that violence, and the risk becomes greater, whether they are carrying loaded rifles or billy clubs.

What happened at Kent is somewhat like what happened at the Democratic Presidential convention in Chicago, except that no one was killed in Chicago. There wasn't even a shot fired.

But the police there were seasoned men, trained to deal with disorder. There was some indiscriminate clubbing of troublemakers and onlookers alike, but it's hard to tell the difference in a crowd through a storm of thrown rocks and bottles.

National guardsmen are not for the most part, trained riot troops. They are simply young men who probably couldn't afford to go to college or didn't care to, and are part-time soldiers, while holding down jobs.

Whether a rock in the face is sufficient reason to believe your life is in danger is a question the Guard must answer.

But the students at Kent wouldn't have been killed if they had been tending to their business, at their studies or in some place other than where the action was.

They suffered from that old human trait, curiosity. They had to see what was going on.

It happens all the time to people of all ages.

When auto accidents occur on the highways, state troopers are almost frantically busy keeping traffic moving and chasing away curious onlookers who are in hopes of seeing some blood.

Remember the time that jetliner was coming in to New York Airport with its landing gear locked and when word got out via radio, the roads to the airport were so jammed with curiosity seekers driving there in hopes of seeing a crash that emergency vehicles couldn't get through?

Whether it's an auto wreck, a house fire, a drowning or just two dogs fighting, the curious crowd will gather.

It has been said time and again that when several thousand students gather for a demonstration someplace and violence breaks out, that only a small percentage of them are doing it—the overwhelming majority are just onlookers.

Being onlookers at violent acts at Kent cost some students their lives, needlessly.

What the college must come to is expulsion of those who commit the violent acts.

It may not stop the violence, but it will move it off campus, to some other location, where other curious crowds will gather and inevitably find that when you go where the action is, you're bound to get some of it on you.

## QUESTIONNAIRE

### HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

**Mr. BROWN of California.** Mr. Speaker, I recently sent poll results and other information related to my activities in Congress dealing with environmental problems to persons who responded to my poll. The newsletter follows:

Over a half-million Californians responded to my recent questionnaire on a broad range of environmental issues, and the overall indication is that tougher, more positive government action should be forthcoming.

The top two issues on what the national priorities for 1970 should be were Vietnam and pollution. Here are the final statewide breakdown of answers.

Do you favor proposals to ban the internal combustion gasoline engine until it meets stringent exhaust emission standards?

Yes: 80 percent. No: 20 percent.

Do you feel the oil companies and automobile manufacturers should be required to act more quickly to solve the problems of air pollution?

Yes: 96 percent. No: 4 percent.

Do you favor a Federal Regulatory Commission on Environmental Quality?

Yes: 77 percent. No: 23 percent.

Do you favor stronger government efforts to regulate shoreline use to increase the amount of beach property available for public use?

Yes: 83 percent. No: 17 percent.

Would you support stronger government efforts to regulate use of undeveloped open spaces, including advanced acquisition of land for public use?

Yes: 82 percent. No: 18 percent.

Would you support a complete ban on all federal offshore oil drilling except in national emergency?

Yes: 77 percent. No: 23 percent.

Do you favor stronger governmental efforts to educate the public on the problems of over population?

Yes: 87 percent. No: 13 percent.

### SCIENCE COMMITTEE HOLDS ENVIRONMENTAL HEARINGS UNDER CHAIRMANSHIP OF GEORGE BROWN

Questionnaire results aided recent hearings conducted in Los Angeles and San Francisco by the Science, Research and Development subcommittee of the House Science and Astronautics Committee.

George Brown acted as hearing chairman in the two days in San Francisco, and during the four days we heard from over 50 witnesses, who gave their views on the topic, "Technology Assessment and Environmental Problems."

Certainly it became amply evident in the hearings that we need to develop an "ecological point of view" as well as new institutions to enable us to see more clearly the full range of factors involved in environmental planning.

The hearings also highlighted what appears to be increasing skepticism with the traditional and conventional beliefs that progress and economic growth are, in themselves per se, good.

It is clear that if we in California—and in this nation—are to achieve the kind of life to which we aspire, we may have to make some fundamental changes in our own life styles; in our views toward resource utilization, the application of our technologies, and the increasing growth of our population.

### PROPOSALS INTRODUCED BY GEORGE BROWN DURING THE 91ST CONGRESS

Anti-smog bills to:

(1) set up programs to develop smogless vehicles;

(2) remove lead from fuel;

(3) establish standards for used cars;

(4) toughen existing laws for both stationary and motor vehicle emissions;

(5) allow states to adopt stricter standards than those of federal government;

(6) utilize an excise tax to finance development of smogless cars and a massive urban transit system;

(7) allow states to use federal highway funds to purchase low emission cars.

A cleaner ocean from bills to:

(1) insure local hearings on offshore leases;

(2) halt all offshore drilling until stringent standards and platform codes are adopted.

Adequate power from bills to:

(1) certify future electric power needs be met without damaging environment;

(2) create a Commission on Nuclear Safety.

Stabilize population by bills to:

(1) set up a Commission on Population;

(2) create a National Institute for Population Research;

(3) establish a nationwide series of Population Research Centers;

(4) limit personal tax exemptions to first two children in a family.

Protect national park lands and our shoreline:

(1) establish National Commission on Coastline Development;

(2) acquire Point Reyes, the Santa Barbara Channel Islands, and other marine sanctuaries;

(3) protect natural value of Mineral King, San Joaquin Wilderness, Garner Valley;

(4) retain Golden Eagle Park entrance fees.

Strengthen government policies on environment by bill which:

(1) declare the public right to environmental quality;

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(2) establish a permanent Commission on Environmental Quality;

(3) withhold gov't contracts from polluters;

(4) call for international conference on environmental problems.

Other environmental bills to:

(1) formulate a comprehensive federal-state policy for optimal land use;

(2) protect wilderness areas from ecological damage caused by adjacent development;

(3) create an office of noise control in the Public Health Service;

(4) ban the SST until proven not a health hazard;

(5) establish a sonic boom damage fund;

(6) call for a major pesticides study, ban DDT and other chlorinated hydro-carbon pesticides for five years;

(7) create nationwide education program on environmental problems;

(8) protect wildlife, such as Calif. tule elks and the Alaska seals.

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### CONGRESSMAN GEORGE BROWN'S STATEMENT ON CAMBODIA

I have actively and publicly opposed the U.S. policy in Vietnam for the past 5 years. I am especially appalled at the action of the administration in "broadening the war in order to hasten the withdrawal of our troops." This irrational logic simply escapes me. In an immoral and futile war that the American people desperately want to bring to an end, the administration is playing the deadliest of "war games" in which no one can win and everyone will lose. This action in Cambodia, in my view, will merely prolong the war and cause much unnecessary suffering. It is obvious that the administration's program of "Vietnamization" is failing. It is equally obvious that the real answer is to withdraw American troops from the entire SE Asia area as rapidly as possible.

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### CONGRESSMAN GEORGE BROWN'S 5 YEARS OF VOTING NO ON THE WAR

| | Vote | |
|---|---|---|
| | Yes | No |
| May 5, 1965—$700,000,000 Vietnam supplemental appropriation | 408 | 7 |
| June 14, 1966—$17,900,000,000 fiscal 1967 Defense authorization | 356 | 2 |
| July 20, 1966—$58,100,000,000 fiscal 1967 Defense appropriation | 393 | 1 |
| Mar. 8, 1967—$4,500,000,000 fiscal 1967 supplemental authorization | 364 | 13 |
| Mar. 16, 1967—$12,200,000,000 fiscal 1967 supplemental appropriation for Vietnam | 385 | 11 |
| May 9, 1967—$21,500,000,000 fiscal 1968 Defense authorization | 401 | 3 |
| June 13, 1967—$70 300,000,000 fiscal 1968 Defense appropriation | 407 | 1 |
| Sept. 12, 1967—Defense appropriation conference report | 365 | 4 |
| Oct. 3, 1967—Military construction conference report | 377 | 33 |
| June 11, 1968—$4,000,000,000 Vietnam supplemental appropriation | 324 | 33 |
| July 11, 1968—$72,200,000,000 fiscal 1969 Defense authorization | 363 | 15 |
| July 29, 1968—$1,800,000,000 military construction appropriation | 350 | 32 |
| Mar. 27, 1969—$62,000,000 procurement of Army aircraft | 341 | 21 |
| Aug. 5, 1969—$1,550,000,000 fiscal 1970 military construction | 375 | 30 |

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## NAVIGATOR DIES IN VIETNAM

## HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. LONG of Maryland. Mr. Speaker, Lt. Robert W. Smith, a fine young man from Maryland, was killed recently in Vietnam. I would like to commend his courage and honor his memory by including the following article in the RECORD:

### NAVIGATOR DIES IN AIR CRASH

First Lt. Robert W. Smith, 25, of Annapolis, died in the crash of his F-4 Phantom jet in Binh Dinh province.

Lieutenant Smith, a navigator, leaves a three-month old daughter, Lowry, whom he never saw.

"I don't think he really enjoyed his job, but he felt it was his duty as an American," said his wife, Mrs. Nancy Sayer Smith.

"He loved to fly but he didn't like the killing aspect," she said.

A career officer, Lieutenant Smith had flown more than 150 missions since he arrived in Vietnam 6 months ago. He was stationed with 480th Tactical Fighter Squadron, of the Seventh Air Force.

Lieutenant Smith, a 1967 education graduate of the University of Maryland, had been the student commander of the college Air Force ROTC unit. He was commissioned upon graduation.

As a boy he had one ambition—to become a fighter pilot. He still continued his boyhood hobby of building model airplanes. More than 40 models decorate his Annapolis apartment, his wife said.

Born in Washington, he grew up in Oxon Hill and graduated from Oxon Hill Senior High School.

### ON EXTRA DUTY

Besides his wife and daughter, he leaves a son, Robert Sayer Smith, 2; his parents, Mr. and Mrs. Wilbur G. Smith, of Oxon Hill, and two sisters, Mrs. Jean Underwood, of Cherry Point, N.C., and Miss Nancy Smith, of Oxon Hill.

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## TENTH ANNUAL KANSAS FOURTH DISTRICT OPINION POLL

## HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. SHRIVER. Mr. Speaker, I include the following questionnaire which is being mailed to my constituents in the Kansas Fourth Congressional District this week. This is the 10th annual opinion poll which I have conducted since coming to Congress. It is very helpful to me to have the thinking of the people on the serious issues facing our country.

I am grateful, too, for the assistance of hundreds of volunteers throughout the fourth district who took the time to help address envelopes to be used for mailing the questionnaire.

The material follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, D.C.*

DEAR FRIEND: As your elected representative in Washington, I need your opinions on matters that affect you as a citizen of Kansas and of the United States.

I personally visit the people I serve as often as it is possible. Congress, however, is staying in session longer, sometimes until November or December, thereby, reducing the time available for going home for this purpose. Accordingly, I have utilized this annual Opinion Poll as one method of helping me find out your thinking on problems facing our country.

I invite you to take a few minutes to express your opinions through this questionnaire. It may be difficult to respond to many of the questions with a simple "Yes" or "No," but that is how each Member of Congress must decide when legislation comes up for a vote. Separate letters on these or any other issues are alway welcomed by me.

The time spent telling me how you feel on the matters contained in this questionnaire will provide guidance for months to come, and assist me in serving you and our country. Thank you for your help.

Sincerely,

GARNER E. SHRIVER,
*Member of Congress.*

1. Do you favor establishment of an all-volunteer army as recommended by the President's Commission?

2. Should college deferments be eliminated from the Selective Service law?

3. Do you favor lowering the voting age?

4. The Safeguard Anti-Ballistic Missile system (ABM) is currently planned to protect two of our missiles sites. Should we expand the system to other sites in order to safeguard our nuclear deterrent?

5. What should we do about Vietnam:

a. Carry on limited military action and pursue peace talks in Paris?

b. Follow the Nixon policy of gradually phasing out U.S. troops and replacing them with South Vietnamese?

c. Withdraw immediately?

d. Do you support the President's decision to conduct a military operation in Cambodia against North Vietnamese and Viet Cong sanctuaries?

6. Would you be willing to pay higher taxes, if necessary, to finance an all-out Federal attack on pollution of our environment?

7. Do you favor federal subsidies for railroad passenger service?

8. Do you favor wage and price controls as anti-inflation weapon?

9. Do you favor busing school children to achieve a better racial balance?

10. Should we elect the President by direct popular vote?

11. Should penalties for the use or possession of marijuana be reduced, and penalties for selling it be increased?

12. Do you feel economic equality for Kansas farmers can best be established by:

a. Maintaining present price support policies?

b. Returning to free market operations?

c. Providing increased bargaining power?

d. Long-term retirement of crop acres?

13. Do you favor legislation which would limit daylight savings time to the three summer months only?

14. In your opinion, what is the Nation's No. 1 need today?

Your signature is *not* required on this questionnaire.

Do you now receive Congressman Shriver's periodical newsletter?

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## FATHER HESBURGH ISSUES STATEMENT CONCERNING VIETNAM AND CAMBODIA

## HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. GAYDOS. Mr. Speaker, Father Theodore Hesburgh, president of Notre Dame University, is a man whose views and opinions on any given subject are received with respect and interest by many Americans.

On May 4, 1970, Father Hesburgh issued a statement concerning the military situation in Vietnam and Cambodia. I include the text of his statement in the RECORD and invite the attention of my colleagues to it:

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### STATEMENT TEXT

(By T. M. Hesburgh)

As Americans, proud of our national traditions and committed to the best ideals of our country, we declare that we see these traditions and ideals best realized by not continuing our military operations in Vietnam, Cambodia, and Laos.

1. We favor the withdrawal of our military forces at the earliest moment and the designation by the Congress of an ultimate date for complete withdrawal.

2. We favor the most serious efforts to repatriate our American prisoners of war at whatever cost. The nation should recognize its deep debt to them and their families for their continued suffering.

3. We favor the use of our persons and our financial resources to rebuild a new and hopeful society in Vietnam and all of Indo-China that has known nothing but wars for so many years.

4. We suggest that the people of this whole area must ultimately make their own effort to achieve the kind of society that they want; that whatever the good will of our past and future efforts, it is the Vietnamese, Cambodians, and Laotians themselves who will create the conditions for peace and a better society, something that no force of arms or military imperialism from North or South, East or West, has yet created.

5. Most fundamentally, may we state our deep convictions that our national priorities today are not military, but human. Our nation is unnecessarily and bitterly divided on issues at home and abroad. If the war abroad can be quickly and effectively diffused, then we can be united at home in our dedication to justice, to equality of opportunity, and to renewing the quality of American life—a task that will require our best personal efforts and even more of our financial resources than those squandered by us in recent years on a largely frustrating and fruitless venture.

6. Lastly, we realize that the above points would sound like empty rhetoric if we did not stand ready—as we do—to commit our persons, our talents, our honor, and our futures to help work for a better America and a better world in a peaceful and nonviolent manner.

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## FINANCIAL AID FROM BUFFALO HELPS MILWAUKEE GET TEAM

## HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

**Mr. DULSKI.** Mr. Speaker, the sports pages were filled earlier this year with stories about the plight of the Seattle major league baseball team.

The decision was made to shift the franchise to Milwaukee.

Since the decision was made, it has come to light that one of the prime factors that made the shift possible for the Milwaukee backers was a $3 million assist from a Buffalo-based corporation, Sportservice.

This company has played an active role in connection with professional baseball for many years as a concessionaire. It also has catering and parking concessions at many airports as well as many other enterprises, now extending worldwide.

The company has nearly 1,000 employees in Buffalo among its 67,000 full- and part-time employees in its worldwide operations.

Mr. Speaker, as part of my remarks I include a recent article by Larry Felser in the Buffalo, N.Y., Evening News which tells of the company's role in the Milwaukee franchise:

### $3 MILLION "ADVANCE" FROM BUFFALO HELPED MILWAUKEE GET THE BREWERS

(By Larry Felser)

Major League baseball returned to Milwaukee this season after a 4-year absence, but the void might not have been filled in the city except for a financial boost by Sportservice, the Buffalo-based concessions firm.

Sportservice advanced the Brewers about $3 million in operating funds.

This was disiosed in a recent interview with Jerry Jacobs, the youthful head of Sportservice.

"We felt that Milwaukee was, and still is, an excellent baseball city," said Jacobs. "There was an intolerable situation in Seattle and the ball club couldn't afford the trouble it had there."

Sportservice also had about $2 million in the Seattle club, but Jacobs emphasized that his corporations had no role in shifting the American League franchise to the midwest after one season in the Northwest's largest city.

#### LONG-TIME PRACTICE

The firm's financial aid to the clubs took the form of an advance on concession contracts. It is a long-time practice of the company, reaching back to the days when the financially-strapped Connie Mack was struggling to maintain the Athletics' franchise in Philadelphia.

There is a bit of old baseball lore that says Sportservice once subsidized all the teams in the old Texas League.

"It could be true," says Jacobs, who assumed command of the vast business after the death of his father, Louis M., Aug. 6, 1968.

Jacobs said his firm "guaranteed $12 million" in rent as an assurance Busch Stadium would be built in St. Louis several years ago. The entire cost of the stadium was about $40 million.

"I remember my father saying after that deal 'I wouldn't want too many more of those' ", says Jacobs.

#### ON GETTING INVOLVED

Why does Sportservice get involved in what financiers refer to as "high-risk investments?" Almost all capital used in sports operations come under this category.

"Good business," says Jacobs. "When we satisfy ourselves that the people we are dealing with are good businessmen and that the operation in which they are involved is sound, we go ahead with our investment.

"It has nothing to do with philanthropy. We are opportunists of longevity."

Jacobs said that in the Busch Stadium deal his father was "convinced that St. Louis was a fabulous sports town." The elder Jacobs satisfied himself that good tenants were guaranteed before he negotiated the contract. It was, by far, the most spectacular of baseball contracts at that time.

"August Busch and my father had done business for years." says the younger Jacobs. "It had been good business. That's what sports have succeeded on all these years.

#### 40 YEARS WITHOUT CONTRACT

"Arthur Wirtz, who owns the Chicago Stadium, and my father operated together for 40 years without a contract. I thing Arthur's son, Billy, and I will be the same way for another 40."

Wirtz is just one sports figure for whom a close association with the Jacobs family has been beneficial to both sides. Another is Bill Veeck, who rose from a shoestring operator of a minor-league baseball franchise in Milwaukee to one of the most successful figures in the major leagues. L. M. Jacobs, in effect, was his sponsor.

"We have invested in a lot of franchises through the years in baseball," says Jerry Jacobs, "but it's always been the policy of the corporation never to interfere with the operations of the club.

"Judge Landis, the late commissioner of baseball, once said that he never worried about the interests Sportservice had in so many baseball teams because he could trust that they wouldn't get involved in the actual baseball business."

#### EMPLOY ABOUT 67,000

Sportservice now employs about 67,000 people, full and part-time, throughout the world. There are between 900 and 1000 employes in the Buffalo area. The corporation's interests range from catering and parking concessions at major airports to the prestige account of the food concession at Great Britain's famed Ascot Race Track.

Jerry Jacobs is the owner of the Cincinnati Royals in the National Basketball League, a franchise operated by his brother, Max, 33, executive vice president of Sportservice, but he remains an unabashed baseball fan.

"It's a tremendous sport and I still think it has appeal for every age group," he says. "I disagree with these people who claim baseball is on its way out. I think it's going to improve and grow.

"For anyone who doubts that, I'd like to take them to Montreal to watch a game in Jarry Park. It's like no other event you've ever seen."

Jerry Jacobs, despite his international business interests, continues to live in Buffalo year round with his wife and five children. Jerry just turned 30.

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## THE DEADLY HUMOR OF THE CRIMINAL JUSTICE SYSTEM

## HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

**Mr. HUNT.** Mr. Speaker, the newspapers occasionally contain very significant information that might otherwise be lost amongst the accounts of campus demonstrations and protesting protesters unless special attention is given to it.

The Evening Bulletin of Philadelphia recently carried a story to which my attention was drawn by the caption: "Assistant DA Quits in Frustration: 'Criminals Laugh at System.'" Indeed, it might be humorous, as sick as it would be, if the results were not so tragic. As reported, Assistant District Attorney Robert G. Ginsburg of Philadelphia is leaving his position in frustration because of the mockery of justice perpetuated by none other than the judges themselves in their administration of the criminal justice system.

I think Mr. Ginsburg's first-hand observations as to the operation and effects of the system are particularly worthy of more than passing mention. He says that the system "is being taken advantage of by the criminal element"; that "the system is working totally against the decent people."

He goes on to say:

> A large percentage of judges are misinformed as to a person's responsibility for his acts and a lot of judges believe social conditions are the reasons people do what they do.

This, in my estimation, is the real crux of the problem for we have a goodly portion of judges who have the notion that they are society's social reformers and that the courts are the proper forum for carrying out social revolution rather than the policy-making legislative bodies. Says Mr. Ginsburg:

> Crime is a matter of choice, a criminal knows exactly what he is doing. If the judges would quit looking to excuse them (criminal defendants), then they would become a little more severe.

And, I might add, society would not have to continue to be victimized by known criminals who are the beneficiaries of parole or lenient sentences by permissive judges while the alleged "guilty social conditions" are being treated by the legislative branch.

It is no wonder why the law-abiding citizen also feels victimized by the Government whose paramount responsibility it is to protect its citizens' lives and property. The District of Columbia is a prime example where even in the most sophisticated of neighborhoods, persons fear for their safety if they walk on the streets at high noon. Observes Mr. Ginsburg:

> It is totally unnerving to prosecute a burglar, for instance, with five, six or eight prior convictions only to see him walk out of court the same day on bail to await sentencing or on a sentence of probation.

These repeat criminals walk freely among the public, with hardly a moment's hesitation to mug or rob an unsuspecting victim, and with nothing more than a slight slap on the wrist for prior infractions of the law and other people's rights for which the blame is laid to "social conditions."

I submit, Mr. Speaker, that so long as ill-defined "social conditions" are held to be the guilty party rather than the purposeful and deliberate criminal who ends up in the sanctuary of the criminal justice system, you and I and the rest of John Que Public will have little hope of being able to walk the streets of the District of Columbia or any other city in America without the pervasive fear for our personal safety.

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## ROTC: THE UNIVERSITIES' STAKE IN NATIONAL DEFENSE

### HON. LOWELL P. WEICKER, JR.

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. WEICKER. Mr. Speaker, I urge my colleagues to read the following statement made by John W. Bitner, chairman, Princeton University Joint Army-Navy-Air Force ROTC Advisory Council. Mr. Bitner raises some valid points which deserve the serious consideration of all Americans. The statement follows:

### ROTC: THE UNIVERSITIES' STAKE IN NATIONAL DEFENSE

It is time for Americans—all Americans—to take a close look at what is happening to the Reserve Officers Training Corps: the downgrading, even the elimination of the program in some of the nation's leading universities. The results can be far more serious than most citizens realize.

The roots of concern go deep into the American's attitude toward the military. National defense is, of course, essential; and it had better be in the hands of intelligent, well-trained men. But the nation has no place for a dominant military elite. Its defenders must understand the aspirations and peaceful pursuits of a free, self-governing people. And it is precisely in this light that the ROTC provides a sensitive balance.

For more than fifty years our country's ROTC program has leavened our officer corps, contributing to the strength of the civilian community and maintaining a bridge between civilian and military life. It is, and has traditionally been, the largest single producer of officers for our armed forces.

Since national security requires a well-trained officer corps, the nation is better off by far if much of that corps is composed of men with the sound academic training, disciplined individual thinking and the understanding social outlook that our foremost colleges and universities can contribute.

The truth of this was significantly underlined by a recent special committee of civilian educators and military officers, commissioned by the Secretary of Defense Melvin R. Laird to study problems of the ROTC program. The committee and its advisory panel included not only two generals and an admiral, but also nine university presidents or chancellors and other men of considerable academic and administrative stature representing leading universities in all sections of the country. The members of this committee advised Secretary Laird a few months ago: "most American colleges and universities do have a responsibility to share in the defense of the free society of which they are a part. It is in their institutional self interest to contribute to the leadership of the armed forces." The committee also unanimously agreed that "If ROTC were to be removed from the nation's campuses there would be grave danger of isolating the services from the intellectual centers of the public which they serve and defend."

That grave danger is here and now. Faculty and administrative actions have already caused ROTC to be terminated at a number of leading universities. Several other universities are making it increasingly difficult—in some cases perhaps impossible—for the services to remain on campus. Last year Princeton reduced ROTC from departmental status, removed academic credit for course offerings, reduced the status of ROTC instructors, and imposed restrictions on them and their families with respect to schooling, housing and other matters. Here, as in certain other schools, the conditions imposed seemed to make the situation untenable for ROTC.

It is disturbing that the attacks on ROTC have originated mainly within the very intellectual centers that provide its relevance to the national civilian-military balance. These attacks are spearheaded by sincere but emotional individuals who use the ROTC as a symbol against which to demonstrate their moral aversion to the Vietnam war without seeing the program in its larger context; and by groups bent on generating mass disruption through the use of force to block and wreck the actions of all those with whom they disagree. They seem to disregard the possibility that there might come a time once again when the United States would be called upon to defend itself or perish—or to defend an ally whose cause they considered just. For these people, as for all of us, to eliminate ROTC is to deliver a hostage to fortune.

Since such opponents of ROTC may not regard themselves as shareholders in the university's responsibilities to our Nation's defense, the burden of these responsibilities falls rather upon the trustees, the administration, and a fully informed faculty—and, perhaps, dedicated alumni. It is to these groups that we must look for the assurance that decisions are made in mature and broad perspective, and only after full consideration of all relevant factors.

In military service, as in other professional disciplines, sound fundamental training and leadership qualities should be acquired early in life from experts; and for a career officer corps, these qualities are best acquired at a time when the young man's understanding of his world is being broadened in all directions: in the arts of living and thinking as well as in the skills of command. This is the unique function of the ROTC on the college campus.

To the extent that a school rejects ROTC, the school shrugs off the challenge of that unique function. Even more disturbing: it abandons a significant area of academic freedom: the right of a student to choose whether or not he will train for a military career at the same time he proceeds with his liberal academic education.

Thus may a university help to defeat its own purpose. The erosion of ROTC is a threat not to the military, but to those Americans who fear and distrust the control of our Armed Forces by a narrow military point of view.

It is in the Ivy Group universities that the chipping away at ROTC is most alarming. No man is an island; nor is any intellectual center an island unto itself. The policies and decisions of such schools as those in the Ivy Group are watched by other schools, both large and small, all over the nation. When ROTC is shackled or banished by one institution, it becomes easier for other institutions to rationalize similar action, and to hasten the day when ROTC may be finished at the bellwether schools—and at others.

Officer Candidate Schools do not offer a satisfactory alternative to ROTC. Such commissioning programs are very useful when rapid expansion is needed in a national emergency. But the environment is not conducive to academic pursuits; the courses are brief; and in emergencies the faculties, quickly assembled, have no opportunity to relate the candidates to more than the restricted immediate objectives.

ROTC, on the other hand, embodies the strong asset of continuing contact between highly motivated military teaching staffs and critically-thinking, civilian-oriented facilities. Both bodies benefit from continued exposure to one another. None of the Services believes that the OCS concept alone could satisfy the continuing officer procurement requirement.

The trend against ROTC programs can still be reversed. Early in 1970 Princeton, after new discussions with Army ROTC officials, relaxed some of its restrictions; and—as this is written—the Army will probably stay. The future of Air Force and Navy programs at Princeton is still in doubt; but there is at least an opening for reconsideration and negotiation by all the concerned parties.

This is the direction that all colleges and universities should be taking now: not capitulation to minority demands, frequently based on motives that are emotional though sincere; but a new examination of the function and the challenge of ROTC in the American pattern of freedom, security, and intellectual elbow-room.

Certainly there is ample room for re-examination of campus-ROTC relationships by men of good will representing both points of view. Let us then have new in-depth discussions between the colleges and universities where there has been a deterioration or cessation of ROTC on the one hand, and appropriate military department officials on the other: discussions which, with the best overall interests of our nation in mind, should be aimed at re-evaluation of how the academic world and our armed services can best relate in meeting the Nation's defense training problems of our armed services. And let's have these discussions before more damage—possibly irreversible damage—is done.

## PHYSICIANS HONORED ON STAMPS

### HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. COLLIER. Mr. Speaker, in his remarks of May 7, the gentleman from Michigan (Mr. CONYERS) stated that "only two stamps commemorating the efforts of medical men have ever been issued" by the U.S. Post Office. He mentioned the stamp issued in 1947 with the painting "The Doctor" and one issued in 1964 in honor of Drs. Charles and William Mayo.

As I am confident that my colleague from Michigan would not want the record to be incomplete, I invite his attention to three other physicians who have been commemorated by means of postage stamps.

In 1959, Ephraim McDowell, who performed the first ovariotomy in 1809, appeared on a stamp.

Two stamps that honored physicians appeared in 1940. One bore the likeness of Crawford Williamson Long who, in 1842, first used ether as an anesthetic in surgery. The other memorialized Walter Reed, the famous Army medical officer whose efforts four decades earlier led to the practical elimination of yellow and typhoid fevers.

I wish the gentleman from Michigan success in his efforts to secure recognition for Daniel Hale Williams, who was the first surgeon to perform open heart surgery. Certainly the pioneers, who are all too often forgotten, deserve more than a footnote in history.

## DR. RODGER BELL AND DR. RONALD JARVIS OF THE INSTITUTE OF APPLIED PSYCHOTHERAPY RECEIVE THE ELOY ALFARO GRAND CROSS

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. RYAN. Mr. Speaker, I am including in the CONGRESSIONAL RECORD the formal presentation address of Dr. Herman A. Bayern, American Provost, the Eloy Alfaro International Foundation of the Republic of Panama; the investiture speech of Dr. L. Lester Beacher, Deputy American Provost and Chancellor of Philathea College, London, Ontario, Canada; the presentation and translation of the diplomas by Mr. Walter T. Mandel, director of public relations, Institute of Applied Psychotherapy; and the acceptances of Dr. Rodger Bell and Dr. Ronald Jarvis, when both of them received the highest honor of this foundation. The dual decoration ceremony took place in my congressional district on Wednesday, the 15th day of April 1970, at the headquarters of the Institute of Applied Psychotherapy, Inc., 251 West 92d Street, New York, N.Y., in the presence of more than 50 associates and guests.

The Institute of Applied Psychotherapy is a nonresidential therapeutic community that guides young men and women towards a pattern of constructive living through emotional education. Utilizing insights into their own personalities, achieved with the help of individual sessions, group workshops, and work therapy, the members gain a better understanding of themselves and others.

The workshops have a dual purpose: the first builds new levels of communication between parents and their children; the second deals with the emotional dynamics of drug prevention. Thus in addition to its other functions, the institute is a drug prevention center. Prevention is the most effective manner in which to eliminate the need for cure and rehabilitation.

After the invocation delivered by Dr. L. Lester Beacher, Dr. Herman A. Bayern delivered the formal presentation address which follows:

#### DR. BAYERN'S PRESENTATION ADDRESS

Dr. Bell and Dr. Jarvis, we are assembled here this morning, to honor both of you in a dual decoration ceremony, with the highest honor of this Foundation . . . the Eloy Alfaro Grand Cross and Diploma.

We are here this morning to honor you in testimony; firstly, in our faith in the ideals of American Democracy; secondly, in our devotion to the cause of universal education as the bulwark of these ideals; and thirdly, because of our confidence in the cooperation of all peoples of the Western Hemisphere in the preservation of human freedom and peace of all the peoples of the world.

Such was the pattern of life of our standard bearer, the immortal Eloy Alfaro, the great Democrat of Ecuador. As President of Ecuador at the turn of the century, he expanded and furthered educational institutions of his own country.

He appealed to the Spanish Monarch to establish peace, and to grant to the people of Cuba the freedom for which they yearned and bled. Now, those people of Cuba, pray once more that somehow, perhaps by Divine Guidance, they will again see their freedom restored—freedom which Dr. Castro and the Soviet Union wrested from them in direct violation of the Monroe Doctrine.

The Eloy Alfaro International Foundation of the Republic of Panama, gathers and encourages the permanent political and moral values of the Americas. Eloy Alfaro was the most outstanding Ecuadorian in the Western Hemisphere. The action and thought which he placed at the service of his country, were instrument and agency of the highest aspiration of half the globe. He worked for a broad land; he strove to raise the social level of the Indians; to spread education among his countrymen; to banish exploitation of man by man; to act for the defence of liberty, regardless of frontiers; to American public laws; and to free the flesh and the spirits from their chains.

The Eloy Alfaro International Foundation has neither political nor financial purposes. The finality is to pay tribute to the memory of Eloy Alfaro, and make available all knowledge of his life and works as a statesman and liberator. What Eloy Alfaro undertook and accomplished in half a century, constitutes the essential transformation of normal people.

Eloy Alfaro was a citizen not only of his native Ecuador, but of all the Americas. The personal integrity, the unwavering defense of the principles of truth, justice, and friendship among nations; the self sacrifice that marked about one-quarter of a century of unflagging service to his fellow man, extended way beyond the confines of his own country, Ecuador.

He was a rebel and a conspirator, but his rebellion and conspiracy were directed against hatred, injustice, discord and tyranny. He was the leader of a generation fired with the hope and desire that responsible political action would enhance the prosperity of their country and the welfare of their people.

Whenever there was a threat to the peace in the Western Hemisphere, Eloy Alfaro was the dynamic leader who brought about a peaceful settlement of such disputes.

General Alfaro sowed the seeds to Pan American cooperation and understanding. In 1907, he called a peace conference in Mexico City in which the United States participated, for welding all the Americas together, and to preserve for the Western Hemisphere, the Pan-American unity of freedom-loving people that would be the perpetual harbinger against the attempt of any form of despotism to plant the tyrant's heel on even the tiniest portion of the soil of our Pan-American nations.

Were General Alfaro alive today, he would be a zealous supporter of the United Nations. This great Ecuadorean statesman and dedicated leader would have left no stone unturned to assure all the peoples of the world hope, peace, and good will. That is our common heritage from our common Creator.

The public and private activities of both Dr. Bell and Dr. Jarvis, come within the framework of this kind of service to humanity, to education, and to country, and to the aims and pufposes of this Foundation.

In recognition of this, the ruling body of this Foundation grants both Dr. Rodger Bell and Dr. Ronald Jarvis, its highest honor—the Eloy Alfaro Grand Cross and Diploma. This was voted for both of you because of your immeasurable service to international goodwill, your outstanding contributions to world culture, and "in recognition of their outstanding service to their country and to mankind, in the fields of education and psychotherapy, and their outstanding activities in behalf of humanitarian causes, in keeping with the aims, ideals, principles, and purposes of this Foundation."

Both of these distinguished citizens, join a very select and elite group of Americans who have been honored similarly in the past. They include former Presidents John F. Kennedy, Franklin D. Roosevelt, Harry S Truman, President Richard M. Nixon, Vice President Spiro Agnew, former President Lyndon B. Johnson, former Vice President Hubert H. Humphrey, former General of the Armies Douglas MacArthur, F.B.I. Director J. Edgar Hoover, Senators Mansfield, Scott and Javits, Congressmen Emanuel Celler and William F. Ryan, Governor Nelson A. Rockefeller, Hon. John V. Lindsay, Dr. Marie L. Fetch, Dr. Hattie Grossman, the Hon. Stanley Fuld, Chief Justice of the Court of Appeals of New York

State, and the Hon. James E. Allen, U.S. Commissioner of Education, who typify the calibre of individuals who hold this high honor.

It now gives me personal pleasure, and it is an honor and a privilege for me to call on Dr. L. Lester Beacher, Deputy American Provost and Chancellor of Philathea College, who has been honored by many nations and colleges, an outstanding opthalmologist who did the original research and development on the contact lense and who has written many books and articles on this subject.

### INVESTITURE SPEECH OF DR. L. LESTER BEACHER

I am aware of the achievements of both Dr. Bell and Dr. Jarvis in their work with young people. Due to my long involvement in the field, I can appreciate the dedication and perseverance necessary to sit hour after hour in session, listening to people's troubles, in order to guide them to happier, fuller, lives.

In this world, very few people take time out to care for one another. These two young men have given unselfishly of themselves in the service of their fellow man. I am reminded of an incident on the New York subways during the rush hour period. A woman, looking very tired, was holding on to one of the straps and was being jostled about. A young man sitting in front of her got up and offered her his seat. The woman fainted. When she had composed herself, she thanked him. Then he fainted.

It now gives me great pleasure and happiness, as the Deputy American Provost of the Eloy Alfaro International Foundation, to carry out the determination of the Board of Dignitaries, to present you Dr. Bell, and to you Dr. Jarvis, the Eloy Alfaro Grand Cross.

### THE PRESENTATION AND TRANSLATION OF THE DIPLOMAS FROM SPANISH TO ENGLISH BY MR. WALTER T. MANDEL

It is hard to believe that only one year ago the Institute of Applied Psychotherapy began with six people in Dr. Bell's living room. It was then decided that the purpose of the Institute would be to help young people to lead creative, responsible lives.

The Institute has grown this past year to over fifty people, all of whom help each other in finding and pursuing their goals. Without the guidance of both Dr. Bell and Dr. Jarvis, none of this would be possible. I am sure that all the members of the Institute of Applied Psychotherapy, join me in saying thank you, Dr. Bell and Dr. Jarvis, for giving us the opportunity to create better and fuller lives.

At this time it gives me great pleasure to translate and present the Diplomas to both Dr. Bell and Dr. Jarvis.

"Thus one goes to the stars—Eloy Alfaro International Foundation, recognizing the special value of the services rendered by Dr. Rodger Bell and Dr. Ronald Jarvis, in support of the objectives of this institution, they have been awarded the Cross of the Eloy Alfaro International Foundation. In witness whereof, this diploma, with the seal of the foundation, is presented in the City of Panama, Republic of Panama, on the 25th day of June, 1969."

### ACCEPTANCE SPEECH OF DR. RODGER BELL, FOUNDER AND DIRECTOR OF THE INSTITUTE OF APPLIED PSYCHOTHERAPY, INC.

I want to express my sincere gratitude to the Eloy Alfaro International Foundation, Dr. Herman A. Bayern, American Provost, and Dr. L. Lester Beacher, Deputy American Provost, for the great honor conferred on me this morning.

I appreciate the unusual honor and privilege of having the Chancellor of Canada's Philathea College, Dr. L. Lester Beacher for being here today in order to make the investiture. I wish I could express the feelings inside of me now. It is a mixture of humility and pride. The names of all those who have helped me to turn a dream into a reality pass through my mind as I stand before you today.

At a time when the populace of the world is condemning the breakdown of family, religion and major institutions for young people, the Institute of Applied Psychotherapy is doing something about it.

The Institute is a non-residential therapeutic community staffed by young educators and psychotherapists who are dedicated to the prevention of drug addiction through emotional education. The Institute's uniqueness lies in the fact that it does not deal with the drug addict but rather with so-called normal young adults.

Through individual counseling, work projects, and group seminars, our members are taught a constructive, creative and exciting way of life.

One institute of fifty people is not enough. The urgency of problems facing young people today screams now. More emotional education is needed before America loses its youth to the pitfalls created by alienation.

I accept this award on behalf of all those who have lent me their talents and concern and who have given freely of their trust to allow me to be a catalyst in the forming of a pioneering and needed social institution. This award brings new inspiration and encouragement as I strive to attain these goals.

I wish to convey my best wishes to the Board of Dignitaries of the Eloy Alfaro International Foundation, who so generously selected me to join such a distinguished company of outstanding personalities, who have heretofore been honored by the Foundation.

I shall regard it as an impetus to accelerate my efforts to carry out the aims, purposes, principles, and high ideals of the Foundation.

### ACCEPTANCE SPEECH OF DR. RONALD JARVIS, CO-FOUNDER AND ASSISTANT DIRECTOR OF THE INSTITUTE OF APPLIED PSYCHOTHERAPY, INC.

I did not write a speech. I am not here today for a debate or lecture so I don't need facts and figures. I am here to express my feelings.

When I first learned that I was to receive this honor, I thought it strange. I was getting an award for doing that which I love most. I am doing something that has meaning and purpose to me and I would do anything for it. But then I started thinking about some of the great men who have also received this award and realized that they too were dedicated to a cause or a purpose that had great meaning to them. In thinking of this I realized that no man is born happy, secure or fulfilled. It comes from how you live your life and what you do. It is true that some of us are born into more favorable circumstances than others, and yet some of the greatest and happiest people have come from the deepest of life's pits. I truly believe that if we make something more important than ourselves, we free ourselves from petty fears and needs, enough so that they no longer have the power to stop us from growing and realizing our potential.

Although I feel privileged to be the youngest person ever to receive this honor, I cannot accept it for myself. I owe it all to Dr. Bell and all the people of the Institute. Without them, there would have been no purpose, and without Dr. Bell's help and support, it could not have been done. On their behalf I gratefully accept this award.

I want to say more, but I am a little overwhelmed. I'm afraid my attempt to do so would result in incoherent babbling. I want to thank Dr. Bayern, Dr. and Mrs. Beacher, Mr. Mandel, and the rest of our honored guests for being here. Thank you.

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## THE SILENT MAJORITY

## HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. BURTON of Utah. Mr. Speaker, recently, Dr. Eric Walker, president of Pennsylvania State University, addressing a graduating class, made the following comments in describing the silent majority:

> These are the people who within just five decades—1919–1969—have by their work increased your life expectancy by approximately 50 percent; who while cutting the workday by a third have more than doubled per capita output.
>
> These are the people who have given you a healthier world than they found. You no longer have to fear the epidemics of flu, typhus, diphtheria, smallpox, scarlet fever, measles or mumps that they knew in their youth.
>
> These remarkable people lived through history's greatest depression. Many know what it is to be poor, hungry, and cold. Because of this, they determined that it would not happen to you, that you would have a better life—food to eat, milk to drink, vitamins to nourish you, a warm home, better schools, and greater opportunities to succeed than they had.
>
> Because they gave you the best, you are the tallest, healthiest, brightest, and probably best looking generation to inhabit the land.
>
> And because they were materialistic, you will work fewer hours and earn more.
>
> These are also the people—your parents and grandparents—who fought man's grisliest war. They are the people who defeated the tyranny of Hitler, and who, when it was over, had the compassion to spend billions of dollars to help their former enemies rebuild their homelands. And these are the people who had the sense to begin the U.N.
>
> Representatives of these two generations, through the highest court of the land, fought racial discrimination to begin a new era in civil rights.
>
> They built thousands of high schools, trained and hired tens of thousands of better teachers, and, at the same time, made higher education a very real possibility for millions of youngsters instead of the dream of only a wealthy few.
>
> And they made a start in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation new meaning and setting aside land for you and your children to enjoy for generations to come.
>
> They also hold the dubious record for paying taxes—although you will probably exceed them in this.
>
> While they have done all these things, they have had some failures. They have not yet found an alternative for war, nor for racial hatred. But these generations—the Establishment—made more progress by the sweat of their brows than any preceding era, and don't you forget it. And if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the world's remaining ills.

XUM

## STAND TOGETHER

### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. FUQUA. Mr. Speaker, an article entitled "We Must Stand Together" appeared in the May 8, 1970, issue of the Florida Alligator, the student publication at the University of Florida in Gainesville.

Written by Bruce Alper, a junior at the university, it points out the viewpoint of what I feel is the vast majority of our young people today.

This is one of the most excellent articles on dissent and the problem on our college campuses today that I have seen. I commend it to the Congress for their information:

WE MUST STAND TOGETHER

(By Bruce Alper)

Those who march today on the campus and in the streets and employ violence and mob action are the real enemies of the freedom to dissent. Those who threaten and attack others who support the president, who believe in America and in peaceful change are not really dissenting from the Vietnam or Cambodian policies or from social injustice.

Those who claim their right to dissent is threatened and under attack by Vice-President Agnew, the police and others, are outright liars. The tables are now turned and the wheel has come full circle and now all—all, should be capable of seeing the truth starkly glaring down upon them.

I was informed on Tuesday, May 5, in Matherly Hall at 2:50 p.m. by a group using Hitlerite tactics of terror and mob action that I, indeed, no man, can support the president or attend classes or do anything not approved by such extremists.

One leader of the mob decreed, "we are ordering this classroom emptied and closed." Hitler too, emptied and closed the stores of the Jewish people for they too faced violent intimidation and mob action.

Each extremist of the left has the makings of another Hitler, of another Stalin, of another murderer. Each man who cherishes his freedom and liberty is a target of the extremists of the left, for they cannot allow us to disagree nor to go about our business as we may choose. Thus they declare our right—your right and mine—to dissent from violence and views of a treacherous group of hooligans is now ended. They demand unwavering devotion to their decree of the truth and personal subordination to their terrorist leadership.

We must realize that dissent is threatened but not the dissent of those against the Vietnam war or the recent action on Cambodia, but the dissent of those who support the president and who refuse to condemn America for they know it is a nation of justice, virtue, and honor.

We must stand together and oppose the left and its fascist tactics. When men march screaming "burn it down, shut it down" we are threatened with more than a conflagration of buildings. We are threatened with an inquisition against those who have faith in their country, who still trust our president and who will not be the willing tools of our enemies abroad.

A smaller inner core of experienced anarchists are playing upon the fears, the discontent, the unhappiness of others and using such persons for their own ends.

Those who truly and deeply disagree with American involvement in Asia on moral grounds are doing themselves a disservice by associating and participating in violent demonstrations. By using violence they negate their own personal abhorrence of violence and thus violence becomes glorified as good and just if it achieves their aims. But all along it is the inner core of anarchists and traitors who are wielding their unsuspecting followers to achieve their own selfish dreams and illusions of greatness.

Make no mistake about it the right to dissent of those who disagree with American policy is not threatened. It is the right of those who dissent from violence and who dissent from an unreasoning condemnation of this nation whose rights are threatened and being called into question.

Those men who use violence and burn ROTC buildings, thus interfering with the rights of others to serve their country as they wish—it is they who are traitors and criminals. They are traitors for they reject the nation and criminals because they want only and maliciously to destroy the property and rights of others.

To refuse to accept the views of the left and of others who disagree with the direction America is moving in is just as sacred and inalienable a right as is that to be a member of the left. But this freedom is scorned by the violent left.

The violent, the extremists and the anarchists are on notice that students will not be forced from a classroom if they desire to pursue their education. The violent can attempt to intimidate us, to frighten and threaten but we must never kow-tow to them. Not cowardice nor compliance is called for. What we who love this nation and abhor violence must do is to stand our ground and condemn the extremists.

Should it come to a clash of physical violence when we whose rights are being attacked have not only the legal right of self defense but the duty to fight this aggression against our freedom as Americans.

Only one person out of my entire class elected to leave and perhaps, join the mob on Tuesday. Those who remained, perhaps unaware of it at that moment, took a stand for freedom, for the right to dissent for justice and for America. As long as men will be steadfast in their dedication to uphold our liberty then our nation need not fear.

The enemies of freedom are now on notice that those Americans who cherish their liberty will not be intimidated or bullied by fascist mobs and extremists of the left. Rather, freedom will be preserved. The nation will not be forsaken by true patriots.

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## SMALL BUSINESS—VITAL TO OUR NATIONAL ECONOMY

### HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. JOHNSON of California. Mr. Speaker, once again the Nation is celebrating "National Small Business Week." In his proclamation designating May 17 through 23 as "Small Business Week, 1970," President Nixon succinctly pointed out the importance of small business to the American way of life:

The imagination, courage and hard work of small businessmen have, since our country's founding, been a great source of national vitality and inventiveness.

Small business is not and never has been a small matter in our national life. Operating or working in small business has not only been a good way to make a living—it has been a good way to help make a country strong and free and prosperous.

The principal Federal agency coordinating activities for "National Small Business Week" is the Small Business Administration, which has made remarkable progress in increasing the flow of assistance to small firms.

Of special significance is the development and progress of SBA's new program known as "Operation Business Mainstream." This program brings all SBA programs and services together in a coordinated effort to give maximum thrust to helping provide sound business opportunities for all minority individuals.

Because of the splendid record SBA has made in the State of California during fiscal year 1969, I want to take this opportunity during "National Small Business Week" to offer a special salute to SBA Administrator Hilary Sandoval, Jr., and his staff here in Washington and also to our very fine area administrator serving the Pacific coast States, Donald McLarnan, and his people in the State of California who are working so cooperatively with small business in seeking to enhance this vital segment of our business economy.

In the area of financial assistance alone, SBA made 754 loans totaling nearly $33.4 million to small companies in California during fiscal 1969. The Agency also greatly increased the amount and number of Government contracts going to small firms in California during the past fiscal year.

Greater emphasis was also placed on providing small firms in California with management and technical assistance to help them operate successfully and profitably.

California is a State with a large number of small firms. The work the Small Business Administration is doing, the zeal with which they are carrying out their important mission, deserves our support and commendation.

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## FIGHTING MEN IN VIETNAM AGREE WITH NIXON ON CAMBODIAN DECISION

### HON. JOHN WOLD

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. WOLD. Mr. Speaker, I would like to share with my colleagues the letter I have received from a young Wyomingite serving in Vietnam. The straightforward thoughts of Jeff Jones, specialist, fourth class, speak for themselves on the wisdom of the President's decision to destroy enemy sanctuaries in Cambodia:

Dear Mr. and Mrs. Wold: Sorry for the long delay but things have been pretty busy around here since so many Marines left.

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I'll be home in September but I think I'm going to come back here for six months.

Almost all of us here feel the same way. The move into Cambodia was great. It will save a lot more lives than you can imagine and the work here will progress twice as fast.

We all want to go home, naturally, but all of us would rather stay here than go home to the crazy people marching up and down the streets trying to destroy the things we are fighting for. Don't they realize every time they riot, the NVA produce another pamphlet and their will to fight against a divided nation increases?

Tell your colleagues who are dissatisfied with Mr. Nixon's Cambodia decision that there are more than 400,000 Americans here who are glad and damn thankful he had the guts to do it.

The best of luck and write when you can. See you in Sept.

JEFF.

## ROCHESTER'S LILAC TIME SETS HIGHLAND PARK ABLAZE WITH COLOR

### HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. HORTON. Mr. Speaker, in my home district springtime and lilac time are synonymous. The Monroe County Parks Department is the home of the world's finest lilac collection.

This weekend will be the opening of the lilac season, and I would sincerely hope that all my colleagues could have the opportunity to visit this world famous collection at Highland Park in Rochester, N.Y.

More than a half million persons visit the park each year to see the gentle slopes of Highland Park ablaze with the colors ranging from white and the most delicate shades of lilac to the deepest purple. The collection includes lilac varieties which date back to colonial days.

Since 1890 Highland Park has been pioneering new varieties of lilacs. As many of my colleagues may recall, a new lilac named in memory of the late Dwight David Eisenhower was presented to Mrs. Nixon for the White House gardens last spring.

Rochester is famed as the lilac capital of the world and once again I would like to extend an invitation for all of you to visit our community and the Highland Park gardens. I would also like to share with my colleagues an article on lilac time by Judy Adams, a reporter for the Rochester, N.Y., Times Union which appeared May 16, 1970.

A SCOTSMAN AND LILACS

(By Judy Adams)

It began one balmy Sunday in May, 1898.

The quiet laughter of people and the squeaking of carriage wheels signaled the movement of small groups toward the slopes of Highland Park.

It was a beautiful day. The sun was bright and warm and the smell of lilacs was in the light breeze.

No one knew it then, but that was Rochester's first Lilac Sunday.

The lilacs in the park were only a few years old. The first collection had been planted by a Scotsman named John Dunbar and two local nurseries had just added more bushes on the south slope. Now the lilacs were in bloom and the people of Rochester were taking a Sunday stroll or ride to view them.

There were 3,000 who came that day.

Many more thousands were expected to stream through Highland Park next weekend, 72 years later, during Rochester's 61st Lilac Sunday. (It didn't occur to city officials to dub it that until 1909.)

There are now about 1,600 bushes with about 550 varieties in the park. It's the largest and most famous collection in the world.

Weather has always played a role in the selection of the weekend when the blossoms would be at their best. Occasionally it has played the villain. So this year planners have cautiously scheduled the activities for Saturday, May 23, leaving Sunday open for a switch of dates in case the weatherman fails to cooperate.

Last year the turnout—which has been as high as 100,000—was kept to about 6,000 because of the cold, wet weather.

This year's activities start at noon Saturday with a luncheon at the Flagship Rochester for city, county and festival officials.

At 1:45 p.m., the Harvest Queens and officials will leave the Flagship by motorcade escorted the last part of the way to the park by the Bishop Kearney Marching Band.

The official program begins at 2:30 p.m. It will include introduction of the Harvest Queens and presentation of awards. At 3 p.m., there will be a "Music in Motion" performance by the Kearney Band, including highlights of their recent performance in Ireland.

The Monroe County Parks Band will play from 12:30 until 2:30 p.m. and from 3:30 until 5:50 p.m. on Saturday and from 2 until 4 p.m. on Sunday.

The lilacs will be floodlighted from dusk until 11 p.m. starting Saturday and continuing through the end of the week.

## CHESAPEAKE AND OHIO CANAL: INDUSTRIAL PARK OR RECREATIONAL PARK

### HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. GUDE. Mr. Speaker, in light of the important emphasis on the environment in public policy considerations today, I thought the following excerpt from a constituent's letter I received in my office this week provided an excellent commentary on a serious environmental problem of our National Capital area. I include here one citizen's questioning of our care and concern for the preservation of the capital area's rich beauties.

"The Washington Post" and "The Evening Star" said that the stretch-jets continued to be used at WNA. A "promise" had been made that they would be allowed "only for the duration of the controllers' strike."

We followed with interest your efforts with regard to environmental improvements along the Potomac and the Old Canal. Last night we hiked in the area of lock house . . . where the canal barge turns, near Brookmont. There were more than 30 too low flying jets over this so-called recreational park and towpath during *one hour!* Altitude regulations have ben disregarded there (as well as here in Cabin John) without any inhibition. Violations are the rule rather than an exception.

No music was allowed in the Amusements Park of Glen Echo. Are noise and pollution by aircraft directly over hikers and anglers allowed? City dwellers seeking fresh air and recreation have to swallow 30 times during one single hour the pollutants coming down in thick black streams. . . . The jets are *not* (or only seldom) flying over the river, as FAA callously continues to state.

This same appalling condition exists at the unique (and expensive) Turkey Run Park, on the other side from Glen Echo. The planes come from there directly to the Old Canal. Walkways and towpaths might as well be located in an "industrial park", instead of a "recreational park". The criteria for industry zoning are pollution and noise. These criteria prevail in this public property area.

There is *no precedent* in any big city, where the public's finest assets for recreation, study in history and nature, are allowed to be invaded by heavy industry. "Flying or mobile industry" are common knowledge now. The abuse here is unique.

## SOME COMMONSENSE ON CURRENT PROBLEMS FROM FRANKLIN, IND., DAILY JOURNAL

### HON. WILLIAM G. BRAY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. BRAY. Mr. Speaker, the following appeared in the Franklin, Ind., Daily Journal on May 18, 1970. I insert it to call attention to the remarkably good commonsense of the editorial, and also the editor's followup remarks in "County Chatter," as follows:

A MOCKERY

"Plain, outright murder," was how a respected Cleveland television commentator labeled the shootings at Kent State University.

The violence was a direct result of Governor Rhodes' sending in the Ohio National Guard "for the main purpose of suppressing student expression of protest and dissent," a local director of the Committee for a Sane Nuclear Policy wrote in a letter-to-the-editor.

"All people now see that the government is not only willing to kill Vietnamese and blacks, but its own students," charged a Boston College professor of political science.

At a time when Americans desperately need words of reconcilation and healing, such statements and others like them are worse than asinine. Whether made in the heat of emotion or out of cold calculation, they can only serve to further confuse and divide and inflame us.

There are enough people on both sides willing to capitalize on the unfortunate deaths of four kids who were at Kent only to get an education and who took no part in the riots—to use them in death as they would not be used in life. Responsible leaders and molders of opinion must not join the chorus of unreason.

The word "unfortunate," meaning an unlucky chance, is the proper word. What happened at Kent was an accident or aberration, unplanned and unexpected—but one that was made inevitable by the current general disregard for the standards of civilized behavior without which a free nation cannot remain free.

This is still America. We do not have a government which dispatches troops to fire on those who dissent with its policies. But it has never been, and must never become, a country where the right of free speech and petition of grievances extends to the destruction of property, the stoning of legally constituted authorities and the infringement on the rights and safety of others.

Those who claim that the government of the United States is at war with its own citizens make a mockery of the deaths of four innocent people and, wittingly or unwittingly, only lay the ground for more tragedy to come.

### County Chatter

(By Scott Alexander)

We're quick to judge the young generation these days and more often than not our judgments reflect harsh criticism rather than plaudits.

We forget, or perhaps tend to overlook many of the good things our young people do and often judge the many by the antics of a few.

Take right here on the "home front" for instance:

. . . Didja know that throughout the past several young college students (yep, even some of the so-called 'hippies') have been working voluntarily with children at the Gateway Learning Center . . .

. . . Didja know that as recently as last Thursday four young Greenwood lads—David and Steve Hagan, Larry Corrie and Danny Rehfeldt—voluntarily and without her knowledge mowed and trimmed the lawn of Mrs. Judy Baker whose husband Dennis drowned April 25 while canoeing in Putnam county . . . ?

. . . Or didja know that after members of the Indianapolis symphony orchestra and those attending a concert at the college gym were forced to invade Cline-Hoover halls due to the electrical storm, a group of college boys braved the storm to hustle chairs from the gym to the dormitory so that everyone could at least be comfortable?

. . . Didja know that several schools, scout troops and other young groups throughout the country are currently involved in a voluntary clean-up campaign in hopes of doing their bit for ecology?

. . . Didja know that over 90 per cent of our young people under 18 years of age DID NOT drop out of school and have high hopes of graduating this year or someday?

. . . Didja know that several Franklin College students are currently trying their best to open up communication lines with citizens of the Johnson county community by offering to provide programs for organizations when asked?

. . . And didja know that several youth groups, both at the college and in our churches and public schools have volunteered countless hours at the hospital, retirement homes, and to service-church organizations, staging programs, offering help and in general—simply involving themselves in community affairs during the past year?

We could go on and on—reciting the many contributions made by our young people to the community-at-large during the past year.

We could mention such things as choral programs, band concerts, sports activities, fund drives, etc. etc., but the list would be virtually endless.

Suffice it to say that the young people of our community—the great majority of them—are involved and interested in making a contribution.

Ask yourself—can you challenge their record?

How involved are you?

Or do you care?

When was the last time you gave of yourself in terms of time, talent and energy for the betterment of the community in which we all—young and old—have chosen to live?

An unfair question?

Perhaps, but we seriously doubt if the young people of our community would think so.

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## TESTIMONY OF MR. FRANKLIN D. SCHURZ BEFORE THE HOUSE POST OFFICE SUBCOMMITTEE

## HON. J. GLENN BEALL, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. BEALL of Maryland. Mr. Speaker, recently a House Post Office Subcommittee took testimony on proposed rate changes for second-class mail.

Among those testifying was Mr. Franklin D. Schurz, Jr., publisher of the Hagerstown Herald-Mail. Mr. Schurz is an active and public-spirited citizen of Washington County, Md., which is in my congressional district. He testified as vice chairman of the postal committee of the American Newspaper Publishers Association and I include his testimony in the Record, so that the Members of the House may have the benefit of his thinking on this important matter:

### Testimony of Franklin D. Schurz

My name is Franklin D. Schurz, Jr., publisher of the Hagerstown (Md.) Herald and Mail. I appear before your Committee on behalf of the Postal Committee of the American Newspaper Publishers Association. I am taking the place of our Committee chairman who was, unfortunately, detained by imperative business. I am accompanied by the ANPA General Manager Stanford Smith.

The ANPA is a national trade association of daily newspapers. Its membership includes 1,054 daily newspapers in all 50 states, with total circulation in excess of 90 per cent of total U.S. daily newspapers circulation. One-half of the members of our Association have circulations of less than 25,000 daily and about three-fourths have circulations of less than 50,000 daily. Among all second class mail users, these smaller daily newspapers are most adversely affected by the proposal now before you.

ANPA appeared before this Committee on Dec. 10, 1969, during hearings on another postal rate increase bill, H.R. 10877. At that time we did not object to the *amount* of the second-class rate increase; we objected to the *principle* of the surcharge on a per-piece basis. Now we object strenuously to both the *amount and the principle* before you.

At the December hearing we recognized the Post Office Department's need for additional revenue, but we objected to Bill H.R. 10877 for its departure from the long-standing policy of the Congress in enacting second-class postal rate increases in approximately equal percentages across the board to all users.

On that occasion, the legislation before your Committee called for a $\frac{3}{10}$ of one cent per copy surcharge on second-class mail outside the county of publication. Now we have a whole new situation. The surcharge per piece proposal as enunciated by Pres. Nixon in his April 16 message to Congress calls for an astounding 1.2 cents per piece surcharge—0.6 cents 45 days after enactment of this legislation and another 0.6 cents to take effect on Jan. 1.

As we did in December, we now oppose the introduction of the surcharge as a new element in postal rate-making. Our main contentions remain that the brunt of surcharges now proposed would be most onerous for small city daily newspapers—those newspapers which are almost entirely dependent on adequate mail service; those newspapers least able to pay; and those newspapers least able to change to alternative methods of distribution.

It is the rural population which is hurt by drastic increases in second-class postage rates. Publishers are forced to raise mail subscription prices when rates go up and some readers cannot afford the higher prices. Therefore, a less informed rural public results and people who live in remote areas are penalized as compared to city dwellers who receive their daily newspaper by carrier delivery and are not affected by a second-class mail increase.

We wish to point out again that the ANPA is not opposed to reasonable postal rate increases applied to newspapers. We have had nine increases in the past twelve years, the last of which took effect on Jan. 1, 1970. Additionally, the last postal rate increase enacted in 1967, although extremely costly to those of our members using the mails, received the support of ANPA.

However, postal service today seems to be worse than ever. Publishers are reporting examples of slower service to their subscribers. Aggravated by curtailed train schedules, manpower shortages, delays in adoption of improved mail-handling procedures, threats of nation-wide walkouts of postal workers, and improperly announced holidays, newspaper publishers have to rely on their own trucks to transport newspapers to outlying post offices while still paying full postage.

Again we recognize that, although service does not justify it, rate increases are necessary. However, the use of a surcharge on second-class mail is not. Our view is exactly the same as that expressed by the Chairman of this Subcommittee, Congressman Olsen, when you testified at the April 17, 1962 hearings before the Senate Post Office Committee. At that time, Mr. Chairman, you stated: "The one cent surcharge per piece is a totally new concept in postal rate-making which, I am completely convinced, is inequitable, unreasonable, and unrealistic. If permitted to become law, it would have a staggering economic impact on our already overburdened publishing industry. It could sound the death knell for many of our small town daily and weekly newspapers." At that time, Mr. Chairman, you also said this provision "should never be enacted into law."

Fortunately, the bill was enacted without the surcharge proposal.

Now the surcharge is before us again. The time is different, but the situation is exactly the same.

We have the additional point now that some form of postal reform is imminent and one of its goals is to modernize the unduly complex rate structure. To further complicate the existing rate structure now is unwise, particularly since it is also unfair to the small city daily newspapers.

A tabulation of the effect of this surcharge proposal on a large sample of ANPA members is attached to this statement. This shows that the proposed increase, while averaging 50% on second-class mail users as a whole, amounts to as much as 89% in the case of individual newspapers.

The situation for these small city dailies is pointed out in a letter from Mr. Kenneth B. Way, publisher of the Watertown (S.D.) Public Opinion to the Congressmen and Senators of South Dakota, as follows:

"If President Nixon's request to Congress to raise second-class postage rates by one-half is approved by Congress, it will be almost impossible financially to operate a daily newspaper in South Dakota, unless distribution to farmers was eliminated."

Another witness today is Mr. Otto B.

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Schoepfle, representing the Inland Daily Press Association. He will cite a number of other specific examples of the unfairness and extreme hardship the surcharge would bring about. We commend your attention to his statement.

No publication circulated to subscribers by mail could reasonably be expected to absorb rate increases in the magnitude now being discussed in one step or in two steps so close together. It simply takes time to adjust prices. The Congress has always recognized this fact by staging second class rate increases, usually over three years.

The ANPA would not object to such a phased second-class postal rate increase equitably applied to all mail users without imposition of the inequitable surcharge and therefore without penalty or preferment to any group within the second class mail category.

A clear line should be drawn between second-class mail and other classes. Second-class mail is solicited mail—requested and paid for by the subscriber, as contrasted with unsolicited mail.

Thank you, Mr. Chairman.

## NEARSIGHTED STUDENTS

### HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. RUTH. Mr. Speaker, Members of Congress, in the past weeks have been hearing and in most cases have been listening to the voice of the campus. But how many of us have recently heard the voice of a veteran of Vietnam?

The author of the following letter raises questions that are being ignored, or even forgotten, today as this country turns its attention more and more away from the problem and toward the dissenters.

The author is among a minority in this country that has both served in Vietnam and is now a student. In addition, his views are well stated and I share them with my colleagues.

The following letter was printed by Mr. J. H. Moore, editor of the Laurinburg, N.C., Exchange:

NEARSIGHTED STUDENTS

TO THE EDITOR: In the wake of the recent "uprisings" on our college campuses and elsewhere throughout our troubled nation, I believe that the time has come for some deep thinking on the part of both young and old. The youth of today, and I say "young" in a collective sense of the word, for I fear that this minority of trouble-makers is no longer the minority we were speaking of a year ago, but a rapidly growing movement which, if not curtailed, will result in a series of Administration compromises which can only end in the destruction of a nation "so conceived, and so dedicated that it might long endure."

It might well pay these young people to consider that the government which they are fighting so hard to take over is the same government that fought like hell to preserve these young people's freedom to behave in the very way in which they now are behaving. Under no other form of government would these factions exist. Under no other form of government would these "non-violent" demonstrations be met with the "minimum" force necessary to preserve peace. We can well remember the Hungarian revolt of the 1950's—or can we? Surely these students have taken time out from their protests to read their history books! Here was an instance where the United States had promised to help Hungary in its quest for political freedom, and then did "nothing" to help her. And what happened? Our country was publicly scorned for backing out on our commitment! And scorned by the very critics who are now scorning our involvement in Southeast Asia. But did the Communists use Guardsmen and tear gas to quell this disurbance in Hungary? No! They resorted to tanks and machine guns and slaughtered countless Hungarians in a successful effort to tell them to "cool it."

In a well publicized speech in the early 1960's, Nikita Khrushchev exclaimed, "we will bury you," with a finger pointed at the United States of America, Mr. Khrushchev seems to have been a fairly good prognosticator. There is no doubt in my mind that the Communists are cheering every demonstration, every protest, every picket line. In fact, I am confident that they have their cheerleaders on our college campuses raising the blood of our student leaders to a boiling point, and then quietly slipping into the crowd to watch the ball game as spectators.

Why can't our students realize that they are playing into the hands of the Communist World? They are being used as surely and as effectively as if they were Communist agents being given a free hand in our country.

To you students, where do you think all of this will get you? You say you are for world peace! Do you seriously and sincerely believe that if you are successful in assuming the reins of our government that your Communist neighbors are going to sit back peacefully and that it will mean the end to all war, tragedy, and heartache? Hell, no! Because you will have to "fight" to keep your country! The Communists may not attack you with infantrymen, tanks, and hydrogen bombs, but they will surely integrate with you, undermine you, and overtake you unless you do something to prevent it. Remember, their goal is not Vietnam, Indo-China, or the whole of Southeast Asia. Their goal is the entire world! You are fighting, and unfortunately now dying for what you believe, and if you succeed, "you" will become the "establishment", and you will continue fighting, and you will continue dying for what you believe. This is the pattern of our world, and this has been the pattern of our nation and every other nation. Since the first shot of the Revolutionary war almost two hundred years ago, hundreds of thousands of brave Americans has died in defense of our flag and "what she stands for!"

Our Administration has been trying to avoid the tragic sequence of events which led Europe, and then America into the bloodiest and most devastating war in the history of the world. Compromises with Nazis and Communists can lead only to more compromises, and finally the times when we have to put down our foot and say "no more!" No one in his right mind wants war. Everyone should strive for peace. But there are always advocates of change, and madmen such as Hitler, Mussolini, and Lenin, who "force" changes and new ideas on people who wish to leave well enough alone. Thank God there are free people with enough power to stop them.

The war in Vietnam "should" end. It is a cruel war, and it has brought strife at home as well. But it is necessary! Our present administration has vowed to bring our boys back home, and they are doing it. The loud-mouthed politicians who cry for an end—and immediate end—are only doing so because they know it's what we want to hear, and we are the ones who keep them in office. An immediate withdrawal of American troops without adequate "Vietnamization" would only prolong an agonizing situation which would surely confront us later.

Think!! American students, think of how you are dividing our great nation; and think of the inevitable outcome of your efforts!

E. F. GILL, Jr.

(NOTE.—A native of Laurinburg, Mr. Gill is a young gradute of Wake Forest University and a recent veteran of military service in Vietnam. He now makes his home in Fayetteville).

## CLEMSON UNIVERSITY GRADUATION

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. DORN. Mr. Speaker, our entire country can be proud of the Clemson University graduation exercises this year. While more than 400 universities across the Nation were closed or closing, Clemson graduated 664 students without any incident to mar this great occasion. Earlier on that day, 137 students were commissioned in the U.S. Army and the U.S. Air Force. The distinguished commanding general of the 3d Army, General Connors, addressed this group of outstanding young men.

I am personally proud of the distinguished president, faculty, and student body of Clemson. Dr. Robert C. Edwards, Clemson's president, delivered to the graduating class an outstanding and timely address which I commend to the attention of the Congress and to the American people, particularly those associated with the academic community:

CLEMSON UNIVERSITY GRADUATION

It is my privilege and satisfaction to welcome this class of graduates into the larger body of Clemson Alumni—an ever increasing group of distinguished ladies and gentlemen. This Alumni Family extends to you fraternal greetings and wishes you well!

As alumni and graduates of this institution, you now represent to the world the ideals and aspirations of Clemson University. As our representative, each of you is herewith charged to do your full part toward fulfilling the dream of Thomas Green Clemson—a dream that would have you encourage the love of truth and justice and would have you stand steadfastly against their detractors; a dream that would commit you to use wisely and well your knowledge and skill in service to all humanity.

For its part, your Alma Mater pledges to you that it will protect in every academic and ethical way the full measure of respect and acceptability which your diploma does now and must always carry.

On this particular day, there is a basic right which should be especially appealing to this audience. It is the right to learn—the right to acquire knowledge and to pursue truth without hindrance or interference from any source. It is a right that imposes no limitation except the obligation to act wisely and justly upon that knowledge and truth as it is acquired. This is a precept to which your University is unequivocally dedicated, and from which it shall not recede.

I particularly invite the Graduating Class to look around and see those who have gathered as spectators to honor you on this day. These people, and particularly your parents and grandparents, are remarkable people indeed.

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These are the people who within just five decades have increased life expectancy by approximately 50 per cent—who while cutting the working day by a third, have more than doubled per capita output.

These are the people who have given you a healthier world than they found. And because of this, you no longer have to fear epidemics of flu, typhus, diphtheria, small pox, scarlet fever, measles or mumps. And the dreaded polio is no longer a medical factor, while TB is almost unheard of.

Because they gave you the best care available, you are the tallest, healthiest, brightest, and probably the best looking generation to inhabit the land.

Because they were materialistic, you will work fewer hours, learn more, have more leisure time, travel to more distant places, and have more of a chance to follow your life's ambition.

They built thousands of high schools, trained and hired tens of thousands of better teachers, and at the same time made higher education a real possibility for millions of young ladies and gentlemen—where once it was only the dream of a wealthy few.

And they made a start—although a late one—in healing the scars of the earth and in fighting pollution and the destruction of our natural environment. They set into motion new laws giving conservation new meaning, and setting aside land for you and your children to enjoy for generations to come.

They made more progress by the sweat of their brows than in any previous era . . . *and don't forget it.* And, if your generation can make as much progress in as many areas as these two generations have, you should be able to solve a good many of the earth's remaining ills.

A problem remaining which is of paramount importance to our survival constitutes a challenge to you to rise to the stature of your predecessors in accomplishment.

Man is the only species which has achieved the power to destroy himself and all other life, and is steadily engaged in doing it. Rarely is any part of this destruction his deliberate objective, but rarely does he deliberately guard against it. His impact on natural environment on this little planet, which he shares with so many forms of life, has already been tremendous. He is now altering that environment however, at a rate the acceleration of which is almost staggering. No matter what aspect of the natural environment one considers, one finds that man is destroying or degrading it—land, rivers, forests, wildlife, and even the oceans and the atmosphere.

Man does possess the intelligence and the means to solve every one of these environmental problems. If he had put half the resources of brainpower, determination and money into mitigating the evil effects of his technology that he has put into the development and short-term application of that technology, we would already have a far better environment and a far better chance to survive. As it is, only an arounsed public, willing not only to accept but even to demand some very hard decisions, seems likely to produce the movement, the momentum, necessary to turn us around, or at least slow us up, in our precipitous rush to destroy this earth. Frankly, I would like to enlist in the conservation cause a large proportion of our finest minds, and you here today include many such.

Twenty-five years from now you can expect to be called on to account for what you have done, and what you have failed to do. It won't be I, or others of my generation, who question your performance. The questions will be asked by your own children.

All of us are asking more of life, both for ourselves and for others. The price is what it has always been, to give more of yourself to what you believe.

By staying alive all your lives, by being dedicated to an ever greenness of the mind and spirit, you will have learned to live, and you will be prepared to render your own accounting.

May strength, wisdom, and courage go with you!

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## VIRTUES OF CAPITAL

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. DERWINSKI. Mr. Speaker, the Chicago-South Suburban News, a publication orientated to the black communities in the metropolitan area, is known for the diversity of its views and its spirited editorial page. In its Saturday, May 9, edition a letter to the editor prominently emphasizes the virtues of capital which I insert into the RECORD at this point:

DEAR EDITOR: On Sunday April 19th Stokely Carmichael spoke to an audience on the west side of Chicago. He told his audience that, "According to Marx, a capitalist is someone who owns and controls the means of production . . . Marx says there is no hope for the capitalist. We must destroy him. Marx is absolutely correct."

When I studied fundamental economics, I learned that the only thing added to land to produce wealth is labor. And the part of wealth which man uses to help him produce more wealth is capital. The tools of production are capital. Labor is much more productive using capital than he is using his bare hands.

The land yields wealth only to labor. Capital cannot use itself. Labor must apply capital to land and natural resources to produce wealth. If only labor can produce capital, producers should own capital. If only labor can produce other forms of wealth, the producers should own the wealth.

The only reason non-producers can own wealth is because our system of taxation permits non-producing land title holders to charge other people to use their land. Therefore they are able to become the owners of wealth and capital without contributing any mental or physical labor to aid in the production of it. This is exploitation.

This ability to make an unearned income from land makes men greedy and many of them hold valuable land out of use or in underdeveloped use until the scarcity of available land inflates land prices and makes it increasingly expensive to live and do business.

Unearned incomes and inflated land prices can be eliminated if the community government will collect the full annual rental value of all land sites (whether in use or not) as public revenue and remove the taxes on buildings, products and incomes.

The presence of the people of the community and their commercial, industrial and recreational activity make some locations more productive than others and therefore more valuable. Economic justice calls for the community government to collect this community created location value of land as public revenue and allow the producers of capital to own the capital without being subject to confiscation by taxation, and compel all land title holders to become producers before they can acquire ownership of any of the means of production (capital). We must preserve capital; but we must destroy unearned incomes and put an end to confiscation of capital by taxation.

—*Marvin Saillard.*

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## COWGER TO RETURN TO VIETNAM

## HON. WILLIAM O. COWGER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. COWGER. Mr. Speaker, within the next month, I will, at the request of President Nixon, return to Southeast Asia on another factfinding inspection tour. I will be joining with Congressman FRED SCHWENGEL of Iowa and a team of experts who have had experience in Indochina. We originally went to Vietnam in November of 1967 and upon our return made a report to Congress and to President Lyndon B. Johnson.

I would also like to take this opportunity to present my views on the situation in Southeast Asia as expressed in two speeches I recently gave in Louisville: One at the Jewish Community Center, and the other before the Kentucky State Council of Machinists.

Mr. Speaker, we must first trace some recent history. In January 1961, when President Eisenhower turned over the reins of Government to President John F. Kennedy, we had 759 U.S. military observers in South Vietnam. At the time of the assassination of President Kennedy in 1963, our forces had been increased to 7,000. During the 1964 political campaign, President Johnson said, "I will not send American boys to do the fighting for Asian boys." Upon his election, President Johnson immediately started his escalation of the war to the point where we had a total of almost 550,000 Americans in Vietnam. Then came the election of 1968, and President Nixon pledged to disengage this country from that war. To date, 115,000 troops have been returned and an additional 150,000 are scheduled to leave Asia within the next year. Then recently came President Nixon's decision to destroy the North Vietnamese sanctuaries in Cambodia. Please remember that all major and minor Vietcong and North Vietnamese offensives have initiated from these off-limit bases in Cambodia and Laos.

By any standard, the Cambodian operation has been, to date, a tremendous military success, which will insure the orderly withdrawal of our troops scheduled for the next year. I am sure that the President, in making this decision, reckoned with the corresponding price of division in our country, not only among students, but among other groups across the country. I would hope that President Nixon will now pause, long enough, to request United Nations intervention in the widening Indochina conflict. The new Cambodian Government has requested intervention by the U.N. and Secretary General U Thant has called for an international conference on all of Indochina. The United States has for years poured hundreds of millions of dollars into the U.N. based on the premise that this organization will promote world peace. Now is the time for our Government to officially and formally request that a fact-finding team be sent to the Far East to advise this Nation and its allies the proper course of action toward peace. On Thursday, May 14, I joined with two of my colleagues in submitting a resolution in the Congress calling upon the President, acting through the U.S. Ambassador to the United Nations, to bring before the Security Council, the question of assuring the neutrality and territorial integrity of Cambodia.

I was not in the Congress when President Truman involved us in the Korean conflict that was finally terminated by President Eisenhower. Nor was I in the Congress when the Gulf of Tonkin resolution was adopted, endorsing President Johnson's escalation of the Vietnam war. I will never support any President who involves us in another undeclared war that we are then unwilling to win. Our country was attacked by Japan on Sunday, December 7, 1941. The very next day, Monday, December 8, Congress declared war, bringing to bear the full force and will of our country to defeat the enemy. I will not ask our young men to make a full commitment, even death, without asking the whole country to make that same commitment. Under a declared war, our Nation could use every means to bring that conflict to an early end, including embargoes, blockades and the full force of laws affecting treason and sedition. The Rap Browns, Jerry Rubins and Bobby Seales would find themselves immediately behind prison bars.

Mr. Speaker, these are my views, based on years of study, service in World War II, personal inspection of Vietnam, privileged information as a Member of Congress, and confidential interviews with worldwide political leaders. During this past week, I have had the opportunity to receive briefings from Secretary of State William P. Rogers, Assistant Secretary of State for Near Eastern Affairs, Joseph J. Sisco, Assistant Secretary of State for Far Eastern Affairs, Alexis Johnson, and Ambassador to the Republic of South Vietnam, Ellsworth Bunker. Based upon information I receive and opinions that I respect, I try to make a judgment. I am not always 100 percent right, but I make a 100-percent effort to be right.

## POSITION OF THE STUDENT CALIFORNIA TEACHERS ASSOCIATION

### HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. McCLOSKEY. Mr. Speaker, the Student California Teachers Association is headquartered in my district in Burlingame, Calif. They have asked me to insert in the RECORD the officially adopted position of their executive council, as follows:

> The SCTA wishes to go on record as strongly "opposing the expansion of American military involvement in Southeast Asia." We feel that the decision to commit American troops to Cambodia grossly violated the powers given to the President of the United States and, further, that it was not in keeping with his "promise" of withdrawal. Such action is nothing more than escalation and can result in nothing but continued American involvement in Southeast Asia.

## LETTER FROM A CONSTITUENT

### HON. EDWIN D. ESHLEMAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. ESHLEMAN. Mr. Speaker, following is a letter from one of my valued constituents, that I feel is well worth sharing with my colleagues in the House and other readers of the CONGRESSIONAL RECORD:

AN ANSWER TO YOUTH

(Editor, New Era: Following is a copy of a letter I sent to the editor of one of our leading national magazines in response to an address made last week. I feel it relates to the root causes of incidents like that which took place at Kent State and the polarization which has been building.)

You quoted from a letter written by your son in which he raised many questions about the future of the Republic. At the time I wondered how you would answer him.

It's really none of my business. I suppose I was thinking of you in your position as editor, answering all of our sons. I was thinking how we enlightened adults have so often ducked our responsibility to provide them with straight answers. We have become so impressed with how bright the now generation is—how zealously it pursues idealism—that we look in awe and bow our heads with humility when it speaks. In so doing, we equate brightness with wisdom. We confuse idealism and good judgment because we also confuse "relevance" and reality.

I would suggest, as one adult to another, that some of the idealism is really self serving; that it provides a beautiful escape hatch from the harsher realities of this world; that there is a great unwillingness to cope with things as they are, and a desire to deal with them on some other terms. Politics is the art of the possible—but some of this generation have rejected politics as we know them and substituted tyranny of the minority through politics of the street.

There is also good reason to fear that a part of this bright generation has developed a sneering attitude toward middle class values—a snobbery that is providing the building blocks for an intellectual establishment of limited membership.

Having said that, I would also suggest that as adults we should listen and that we should recognize genuine concern as it is expressed by those who will inherit this planet.

But we owe them a response that will restore some of the respect in you and in me that they so badly want and need. They know the world is in a mess. They don't expect us to lie face down before them and confess that we put it there and ask them how to bail us out. They're kids! They need some understanding of how we got there so that they might someday do better.

So, will you tell your son that the story of Vietnam didn't begin in 1954—the date at which most young people begin their chronology. Will you tell him that it had its roots in Yalta and Potsdam and the takeover of all Eastern Europe with menacing movements toward the Middle East. Will you remind him of the fall of China, and of the United States unilateral disarmanent after World War Two, which led to the invasion of Korea. With that background, he might better understand how four American Presidents (bright and idealistic, too) formulated a policy for Southeast Asia.

Will you tell him how we came to be the policeman of the world? That as a conquering nation with the world in our grasp, we chose instead to pour 100 billion plus dollars into Europe and Asia to restore peaceful economies; forbade the rearming of Japan, took the responsibility for maintaining the peace, pulling out of all occupied countries as rapidly as possible.

And please—will you point out that war is not a profitable enterprise for the American economy. Tell him not to be confused by catch phrases like "Military-Industrial Complex." We have no Krupp Munitions complex operating within cartels. Most industrialists do not see great rewards in government contracts. They do far better, operating in peace time, dealing in the private sector of the economy. The war in Vietnam is suppressing, not supporting the economy.

And will you tell him that Americans are a compassionate people—that his generation does not have a corner on the market.

Your son's letter undoubtedly reflects the convictions of many of our more thoughtful young people. Then let's have more adults who will be equally thoughtful; and in expressing their deep convictions, will add perspective and depth before formative thinking becomes hardened opinion.

DONALD G. GOLDSTROM.

## WHY THERE IS A SO-CALLED TIGHT MONEY MARKET

### HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. HUNGATE. Mr. Speaker, I am sure the following article concerning the Federal National Mortgage Association will give some indication as to why there is a so-called tight money market:

FANNIE MAE'S PUNY PROFITS SURE TO STIR STOCKHOLDERS

(By Robert J. Samuelson)

Unless events take a perverse and unpredictable turn, this week's annual meeting of the Federal National Mortgage Association is going to be an interesting affair. They always are when profits run downhill like an alpine skier. And FNMA's last quarter profits almost disappeared; they shrunk to a puny $18,000 from $48 million a year earlier.

Although not many people—aside from worried stockholders—probably noticed or cared, FNMA's eroding profit directly influences many things that excite people a great deal: housing, the availability of mortgage money, and mortgage interest rates.

Last year, FNMA (known in the housing vernacular as "Fannie Mae") supplied about 51 per cent of the commitments on mortgages backed by either the Federal Housing Administration or the Veterans Administration.

There is a good reason why FNMA sounds like a government agency; it once was. But in 1968, Congress decided to convert the mortgage lender, which relied on Treasury borrowings and was tied to appropriations, into a private company.

Though that shift freed FNMA from the limitations of budgetary restrictions, the government didn't relinquish all its control. The President still appoints five members of FNMA's 15-man board of directors, and the law binds it to support the mortgage market when it needs credit.

Which it does now. As interest rates rose last year, many traditional mortgage lenders—such as insurance companies—abandoned housing loans for more lucrative investments. The same withdrawal occurred during the "credit crunch" of 1966, and FHA-VA new home starts dropped 21 per cent. In 1969, with FNMA support, FHA-VA starts actually rose slightly (2 per cent).

Homeowners never deal directly with FNMA. Instead mortgage originators (mostly mortgage bankers, but also savings and loan

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associations and banks) make the loans and then resell them to FNMA. Each week, FNMA holds an auction, specifying an amount of mortgages it will buy, and then taking the mortgages offered at the lowest prices.

Thus, FNMA purchases the mortgages with the highest effective interest yields. All mortgages carry the same nominal interest rate—now 8.5 per cent, the FHA-VA rate, on every $100 of the loan. More mortgages, however, are customarily offered to FNMA than it wants to buy. To make the real yields higher, mortgage originators compete to sell their loans at a discount. FNMA will buy a mortgage at, say, $92 before purchasing at $95.

#### DISCOUNT PASSED ON

The mortgage originators, naturally, don't finance this discount. It is almost always passed on to either the buyer or seller of a home in "points," lump sum payments equal to one per cent of the face value of the loan. In effect, one "point" equals one dollar (per $100 at par) in FNMA discount.

Playing this sort of game, it is hard to see how FNMA can lose.

There are, however, crucial qualifications. Precisely stated, FNMA can never escape two risks:

First, to lend the vast quantities of money (last year's total loans amounted to $4.2 billion) it must raise funds in the nation's capital markets. Here, it must pay its own interest rates.

Second, mortgages customarily are written for 20 to 30 years (though many are terminated before the final maturity date), and FNMA is vulnerable to the traditional interest rate squeeze—lending long term at low rates and refinancing its maturing debts at increasingly high rates.

#### WHAT HAPPENED

In fact, this is precisely what has occurred.

Consider the situation in March:

The yield on FNMA's outstanding mortgage portfolio stood at 6.68 per cent after deduction of about one-half per cent to cover local service charges (the fees which the local mortgage originator receives for making the loan, then collecting the monthly installments, and forwarding them to FNMA).

By contrast, FNMA's outstanding borrowing costs stood at 7.67 per cent. The difference: more than a full percentage point. The mortgages FNMA is currently buying fetch yields around 9 per cent and, in time, they will narrow—and probably eliminate—the gap.

If interest income represented FNMA's only business, the company would now show a loss, not the small profit it does. The actual earnings resulted from fees that FNMA charges mortgage originators for granting commitments—a guarantee that FNMA will buy the mortgage at some specific time in the future.

With the commitment, the mortgage originator is free to look for more favorable lending conditions; he would rather sell to someone else at $97—or $100—than to FNMA at $95 and, given enough time, he may be able to do so. But FNMA exacts a price for being a credit source of last resort. A 90-day commitment costs ½ per cent of the loan's face value; a six-month commitment—where most are bunched—costs ¾ percent of the loan's face value.

Last year these fees accounted for FNMA's profit. They totaled $44.8 million absorbing some of the higher interest costs and leaving $34.2 million in net before-taxes earnings.

#### EMBARRASSING QUERIES

When FNMA's stockholders meet this Thursday in L'Enfant Theatre, there will undoubtedly be some embarrassing questions. After all, interest rates weren't always 8.40, the level of FNMA's last major borrowing.

The man who will try to deflect many of these queries is William Ross, former deputy under secretary of the Department of Housing and Urban Development who became FNMA's executive vice president earlier this month.

Sitting in his office, Ross gestures towards the low end of an interest rate chart when borrowing costs hovered between 5 and 6 percent.

"If we were so damned smart, we would have taken all we could get then," he says. "But like everyone else, we didn't believe what was happening." While the disbelievers watched, interest rates climbed inexorably.

#### SACRIFICE SHORT-TERM PROFITS

As a Congressionally-created hybrid between a federal agency and a private corporation, FNMA is supposed to sacrifice short-term profits for stability in the mortgage market. "There are times when our profits will be negligible, and others when they'll be substantial—with a balancing out," says Oakley Hunter, FNMA's president.

Just where "balance" occurs no one says. Nevertheless, the high-yielding mortgages FNMA buys today are the buds of future earnings. A decline in interest levels will enable FNMA to refinance many of its short, costly borrowing at lower, long-term rates. If so, today negative spread between borrowing and lending costs could become positive—and highly profitable.

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## HIGH INTEREST RATES

## HON. SPEEDY O. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. LONG of Louisiana. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

### HIGH INTEREST RATES

Whereas: Interest rates are the highest they have been in over one hundred years; and

Whereas: Skyrocketing interest rates are raising costs all along the line to the consumer—adding considerably to upward price pressures under the guise of fighting inflation and thereby building up high costs and prices for years to come; and

Whereas: The recent rise in the interest rate ceiling on FHA and VA mortgages from 7½% to 8½% is merely one example of how the consumer is being saddled for the future; and

Whereas: At the above rate on a 30 year, $20,000 mortgage, the rise in mortgage rate increases monthly payments on principal and interest by about 10%, thereby costing the home owner a total of $55,362.00 before he can call his home his own; and

Whereas: As interest rates soar, homebuilders postpone construction; state, parish and municipal governments put off building hospitals, roads and public buildings thereby causing increased unemployment; now therefore be it

Resolved: That the Louisiana AFL–CIO in its Fifteenth Annual Convention does hereby oppose the present administration's use of high interest rates as a guise to curb inflation and call upon the President of the United States to use the powers available to his office to order a reduction in these unnecessary high interest rates; and be it further

Resolved: That if such action is not taken to reduce these high interest rates by the President of the United States that the Congress of the United States take action immediately to force a reduction in the interest rates to a reasonable level in the interest of the people of the United States.

Respectfully submitted by the Executive Board, Louisiana AFL–CIO.

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## CIVIL SERVICE RETIREMENT

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. HOGAN. Mr. Speaker, May 22 marks the 50th anniversary of the Civil Service Retirement Act and of the system it created.

As a member of the Post Office and Civil Service Committee who is familiar with the fine programs carried out through the civil service retirement system, I would like to salute that system, those who work with it and especially those who are served by it.

Last October, I was most fortunate to see the President sign into a law a measure I cosponsored that assures the future of the civil service retirement fund. Today, I want to pledge that as a Member of Congress I shall continue to work toward maintenance and betterment of the retirement system.

In light of the golden anniversary of the system, I would like to bring to the attention of my colleagues and associate myself with an article appearing in the April–June 1970 Civil Service Journal.

That article follows:

### SALUTE TO PROGRESS: CIVIL SERVICE RETIREMENT SYSTEM, 1920–70

(By Andrew E. Ruddock)

In 1920, following years of struggle and controversy, Congress passed the Civil Service Retirement Act. President Wilson signed the measure on May 22 as union representatives, Government officials, and employees congratulated themselves and each other on the hard-won victory. Today, 50 years later, congratulations are again in order—this time for past as well as expected future performance.

Established, in the words of Fiorello H. LaGuardia, then a Member of Congress, as "a matter of justice to the employees and as a matter of efficiency to the Government," the civil service retirement system has pioneered in the pension field and importantly influenced development of other pension plans throughout the Nation.

Predating the social security and railroad retirement systems as well as all except three of our State systems, it is today vital, vigorous, and responsive to the changing temper of the times. Every Congress introduces scores of bills dealing with retirement and every Congress since the 66th, which created the system, has modified it. Almost without exception, the modifications have been to make it more liberal for the employee.

#### THEN AND NOW

Extremely flexible in terms of the options it makes available to employees, comprehensive in terms of the kinds of benefits it provides, and generous in terms of the level of benefits it assures those who work a full career in Government, the system now bears only slight resemblance to the original.

The 1920 model provided only for mandatory and disability retirement of employees who had completed at least 15 years of Federal service. It offered no survivor benefits at all, and paid a maximum annuity of $60 a month to employees with 30 years of service (a minimum of $15 was assured those with 15 years of service).

The 1970 model provides, in addition to old age (mandatory retirement) and disability benefits, immediate "discontinued service" benefits which can go to people not yet out of their forties. It also provides a deferred

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annuity right to those who complete as little as 5 years of service and leave before they reach retirement age, and optional retirement benefits for others who, as early as age 55, simply choose not to continue working for the Government.

Although not coordinated with social security, today's model provides survivor benefits—beginning after only 18 months of service—to help meet some but not all of the broad social objectives that social security serves for most of the Nation's non-Federal work force.

In contrast to the 1920 statutory maximum of $60 a month, some (a very few) of today's annuities exceed $2,000 a month and there is no statutory dollar maximum. The 1920 retiree was paid the same amount month after month until 1926, when Congress authorized a modest increase. In 1969 alone, annuitants received two separate cost-of-living increases, raising annuities by 9.1 percent—and we appear well on the way to another increase this summer.

The 1920 law required employee contributions at 2½ percent of basic salary and authorized the Secretary of the Treasury to invest these funds at interest and to accept donations or other moneys "which may be contributed by private individuals or corporations or organizations for the benefit of civil service employees generally or any special class of employees." Without requiring any Government contributions or making any appropriations other than for administrative expenses, it directed the Secretary of the Interior (whose department administered the law through the Commissioner of Pensions) to submit annual estimates of the appropriations required to continue the law in effect. Annuities were actually paid entirely from employee contributions for the first 8 years, with Government making its first contribution through an appropriation for the fiscal year 1929.

Today, employees contribute 7 percent of their basic pay (Congressional employees contribute 7½ percent and Members of Congress 8 percent), appreciably more than employees in most other contributory systems, and their agencies contribute matching amounts on a current basis. Government is responsible for providing, under a complex formula established by 1969 amendments to the retirement law, any remaining funds required to maintain financial stability of the system.

The 1920 retirement system covered about 330,000 employees in the classified civil service, 58 percent of Government's civilian work force. Today's model covers 2.7 million active employees, about 9 out of 10 of all civilians in the executive, legislative, and judicial branches.

On August 20, 1920, the day that retirement first became possible, 4,000 employees retired. Before the fiscal year ended, the number totaled 6,767. Many of them were in their eighties and some in their nineties. Their average annuity benefit was $568 a year.

Between 50,000 and 55,000 employees retire each year now. Their average age is around 60, and their annuity exceeds $3,600 a year. The average annuity of the person who retires today with 30 or more years of service exceeds $6,600.

More than 1.5 million people, over a fourth of them survivors, have received annuity benefits from the system through the years, and we are now servicing an active roll of more than 925,000 annuitants. Annuity disbursements total $2.6 billion a year—with significant impact on the national economy as well as the economic well-being of the individual recipients.

### HOW IT HAPPENED

A retirement system of this kind and scope did not "just happen," nor did it come about simply because employees thought that it might be nice to have a pension plan.

Passage of the Retirement Act was a direct and inevitable, though delayed, result of the passage of the Civil Service Act some 35 years earlier. Once a system of competitive appointment with tenure was established and the spoils system brought under control, the civil service began to age peacefully.

Despite the Civil Service Commission's early protestations that the merit system provided for dismissal for inefficiency and was not responsible for the problem of "superannuation," the superannuated were not dismissed because Government could not simply dump them into the streets with no resources. Born too soon for social security, lacking any kind of staff retirement plan, and unable to save enough to provide for their old age, employees clung to their jobs until separated by death.

Departments did the only thing they could do: They retired employees on the job, usually with full pay, "out of pure humanity and against all reason." The quotes are those of Secretary of War Newton D. Baker who told the Senate Committee on Civil Service and Retrenchment that this "leads to the clogging up of the service; it discourages and dispirits those already in the service."

The Secretary of the Interior reported that 10 percent of all employees in one of his Bureaus were veterans of the Civil War—which had ended 55 years earlier—and that the general situation was "pitiful."

The Secretary of Labor minced no words: ". . . it would seem to be high time to recognize the fact that the executive departments have a pension roll whether they like it or not, and that it is the most expensive, cumbersome, and in many ways inhuman sort of a pension system. What I refer to here is the water-logged payroll, which in all essentials produces a pension system without the retirement."

The Civil Service Commission, which as early as 1889 recommended some kind of retirement plan, testified that "A retirement law is urgently needed in the interests of efficient public service."

They were testifying on the Sterling-Lehlbach bills, companion measures introduced in the spring of 1919 by Congressman Frederick H. Lehlbach of New Jersey and Senator Thomas Sterling of South Dakota, who saw the measure become law 1 year later.

The argument that a sound retirement plan would promote efficiency in Government finally tipped the scales for a retirement system specifically designed to remove from the active work force, in a socially acceptable way, employees who because of age or disability could no longer produce. Though it was created primarily to meet this management need and only secondarily to meet the employees' need for continuing income in the later years of life, its objective was nevertheless a mutually shared one and drew strong support from employees and their organizations, Government executives, and outside groups concerned with good government.

Advocates included the United States Civil Service Retirement Association, which was organized to promote establishment of a pension plan, the National Civil Service Reform League, the American Federation of Labor, the National Federation of Federal Employees, the National Rural Letter Carriers Association, the National Federation of Postal Clerks, the Railway Mail Association, and others.

The issue of how costs were to be met was debated long and hotly, and was eventually compromised.

The first seriously proposed retirement bill, introduced by Representative Brosius of Pennsylvania in 1889, had provided that all costs would be met through employee contributions via a "tontine" plan, a last-man-take-all kind of arrangement named after an Italian banker, Count Tonti. Employee organizations in 1905 were expressing willingness to pay all costs, while in 1908 a special committee on personnel of a Presidential Commission appointed to study application of "business methods" in the executive branch proposed a plan based on monthly deductions from the salary of each employee to provide a fund for the purchase of annuity upon his retirement.

By the end of World War I, however, employees and the organizations representing them had come to believe, as did a number of other groups which studied the problem, that Government should pay either part or all of the costs.

Representative LaGuardia, who said he didn't believe in "panhandling arrangements," advocated a Government-pay-all plan. Many executive branch officials shared his view. The Chief Clerk of the Department of Commerce informed the Senate Committee that "I do not believe in the halfway plan of the Government pretending to give something to the employee and then making the employee pay for it. . . . I do not believe that the civil employee, any more than the Army or Navy man, should have to pay for his annuity." The Secretary of War agreed: "I do not think that the employees ought to make any contribution to the fund at all . . . The Government has to pay it in either case, and you will have to add it to the wages of the employees and then take it away from them, and that always creates trouble."

On the other hand, many in Congress felt strongly that Government should pay no part of any pension or retirement benefit for Federal employees. Some objected on the basis of cost and worried aloud about the high cost of Government, its huge (565,000) post-World War I work force, the crushing national debt ($24 billion), and the urgent need to "retrench." Others objected on the basis of principle. One of these was Representative Sam Rayburn who vowed, "I never will, as long as I live, vote to tax the people, all the people of his country, to pay civil pensions for a special class."

The joint contributory plan was clearly a legislative compromise between these schools of thought. One 1920 Congressional leader reported frankly that "We took the middle [joint contributory] course because . . . that was the only course that would enable us to get legislation through Congress." But another—Representative MacCrate of New York—argued for the principle of joint contributions in words that might have been delivered on the floor, or in the Committee rooms, of Congress yesterday.

"It is beside the question to talk of some part of the people supporting another part of the people under the terms of this legislation. . . . The Government is an employer dealing with employees who must be recompensed and dealt with as employees and not only as citizens of the Republic. When you suggest, therefore, that the employee shall pay the full amount of whatever he shall get at the end of his service, you are giving him nothing except a compulsory savings system, and you take from him the right to say how much he shall or shall not save. . . . [On the other hand] For the good of employees of this Government, I trust no one will ever suggest in their behalf that they make no contribution to the retirement fund. We hear now on every occasion when increased pay is justly due them that they get 30 days' sick leave and 30 days' vacation, and should they contribute nothing to the retirement fund, we would hear added 'and they get a pension.' It is difficult enough now to get fair pay for efficient service rendered to the Government, and in the future it will be well if employees can continue to say that 'We are contributing to this fund.'"

Accommodation to conflicting views still characterizes the system, as is clearly illustrated in the legislative history of the Oc-

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tober 1969 amendments to the retirement law. The Civil Service Commission and the Budget Bureau, as spokesmen for both the Johnson and the Nixon Administrations, urged enactment of measures, including increases in employee contributions, to strengthen the financial position of the retirement fund but advocated postponement of all benefit improvements. Employees and their organizations quite predictably opposed such action and Congress, equally predictably, sought a middle course. The Daniels-McGee Act (named for Representative Dominick V. Daniels of New Jersey and Senator Gale W. McGee of Wyoming), which eventually passed Congress and was approved by President Nixon, was a masterful and bipartisan accommodation to the divergent pressures for strengthened financing, improved benefits, and a more responsible approach to future changes.

### AN EVALUATION

How shall we evaluate the retirement system today?

Sound evaluation must necessarily be done in terms of objectives, so we can look first at the limited but still fundamental objective of the 1920 system: To remove the aged and the disabled from Government's active work force, and to do this in a socially acceptable way.

The old and the disabled *are* effectively removed, either by their own choice or by operation of the mandatory and disability retirement provisions of the system.

Superannuation is no longer a significant problem. Far from working into their eighties and nineties as in 1920, employees leave at early ages—even earlier than is general in industry. Most who retire from Government are under 65; only 8 percent of all retirees stayed until their 70th birthday. We are, in fact, a much younger service than in 1920.

Neither is the service any longer loaded down with employees who are too ill to work. The physically and mentally disabled are retiring at the rate of 15,000 to 20,000 a year—under a far less stringent definition of disability than is generally applicable in the private sector.

The 50,000 to 55,000 retirements that now occur each year undeniably help open up both appointment and promotion opportunities, "unclog the service," and relieve the "discouragement and dispiriting" of those already in the service. To this extent, the original management objective is being met.

Though low by today's standards, the 1920 annuity made removal of the superannuated and the disabled a "humane" and quite acceptable procedure, and the liberalizations that have occurred since that time have maintained an even higher standard of social responsibility. Today the retirement system makes the Federal employee these six promises:

(1) *A choice of times to retire.* It promises him that he may retire at his own option between ages 55 and 70, depending on length of service (age 55 with 30 years of service, age 60 with 20 years, age 62 with 5 years). Few other systems allow the employee so wide a range of personal choice. In addition, if he should lose his job for reasons other than misconduct, he is eligible for immediate monthly benefits, regardless of his age, provided he has 25 years of service or is 50 and has 20 years of service.

(2) *Generous career benefits.* It promises that if he works a full career with Government, his annuity will be adequate, even generous. A retirement system is generally considered adequate if it produces retirement income equaling one-half of pay after 30 to 35 years of service. Our system meets that test after 27 years of service by providing annuity equal to 50 percent of average pay during the 3 years of highest earnings, 35 years produces two-thirds of pay, and 41 years and 11 months produces 80 percent of pay.

(3) *Early vesting of benefits.* If he leaves Government after completing 5 years of service but before he reaches retirement age, he is promised a vested right to an annuity (payable at age 62) for that portion of his working years spent in Federal service. That annuity will provide a fair and proportionate part of his total retirement income. (If he chooses not to take advantage of this right, he may have refunded to him all the money he contributed to the retirement fund.) If all employer-sponsored retirement systems had such early vesting provisions, desirable interchanges of employees between Government and industry, and among employers, would be greatly facilitated.

(4) *Protection for his survivors.* The system promises the employee that if he should die in service after completing as little as 18 months of service, his widow and children will receive monthly benefits. The widow of a younger employee will receive 22 percent of his average pay, and the benefit in all cases will be at least 55 percent of the annuity to which the employee would be entitled if retired. If he should die after retiring, the benefit for his widow will generally be 55 percent of his annuity. All widow's benefits, unlike social security, are payable whether or not there are children. Each child's benefit is now $79 a month unless there are more than three children, in which case the maximum children's benefit is about $235 a month.

(5) *Benefit increases after retirement.* The system promises the employee that he will not be forgotten after he quits work. There have been numerous increases through the years for those who have already retired. Today every annuitant is assured prompt and automatic increases, related directly to rises in the cost of living, to preserve the basic purchasing power of his annuity. Moreover, since October 1969, an extra 1 percent is added to each such increase to help improve his standard of living.

(6) *Assurance of timely and complete payment.* Finally, the system promises the employee that there will always be enough money in the retirement fund to assure that the benefits due him can be paid in full and on time. Though civil service retirement benefits have never been repudiated, reduced, or delayed for lack of funds, we now have—in addition to the "full faith and credit" backing of the Government and a substantial and growing balance in the fund—the first effective, built-in provisions for maintaining the fund at a completely safe level. The system, thanks to the October 1969 retirement law amendments, is now soundly financed for the first time in its 50-year history—an anniversary event well worth noting.

Though it serves both employer and employee well, the system is, of course, not perfect. Nevertheless, it has gradually but consistently, for 50 years, changed to meet the needs of changing times and it has succeeded in fairly and equitably balancing divergent interests and needs. Although so different from the original as to be almost unrecognizable, the system still operates on the original fundamental premise that both employees and Government will contribute to a program designed for their mutual benefit, that employees will be able to retire in dignity and comfort at the end of a reasonable career, and that Government will be able to fill their places with younger and more vigorous workers.

I believe that the next 50 years will see the same pattern of dynamic, yet evolutionary, adaptation of the civil service retirement system to meet Government's changing manpower needs and policies and our Nation's changing concepts of social responsibility—but at a pace much faster than that anticipated in 1920 or actually experienced through 1970.

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## THE SST: HOW MUCH CAN WE STAND?

## HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. MATSUNAGA. Mr. Speaker, in spite of growing evidence that the supersonic transport would cause major degradation of the environment, the plane's backers are giving the same old answers, apparently hoping that Congress will overlook the facts and appropriate another $290 million.

A central element of the SST backers' strategy seems to be a concentration on the sonic boom problem, which they claim to have solved by promising that SST's will not fly at supersonic speeds over land. This strategy was evident in the regulation recently proposed by the Federal Aviation Administration, purporting to ban overland sonic booms. Whether this regulation, published in the Federal Register for April 16, 1970—page 6189—actually would ban the boom is moot, since the language of the regulation permits any flights "necessary for aircraft development."

But while the Department of Transportation tries to divert our attention to the sonic boom, a number of other problems are being swept under the runway. One of these—airport noise—is of particular concern to my constituents, since SST's are supposed to be used for transoceanic flights, presumably to places like Hawaii.

Airport noise is already bad enough at our heavily used airports, yet the SST would make more sideline noise than any existing commercial jet. As physicist Richard L. Garwin told the National Journal:

> It would be like 50 subsonic jets taking off simultaneously.

This is a kind of pollution nobody needs or wants, and nobody should have to pay for it through Federal appropriations. If we are serious about protecting the environment, we can start by rejecting the budget request for $290 million for the SST.

"How Much Can We Stand?" is the way the Honolulu Star-Bulletin summed up the SST issue. In an editorial on February 5, 1970, the Star-Bulletin cited growing international opposition to the SST for environmental reasons, and posed the question: Just what is the SST going to be good for?

Because this editorial admirably represents the opposition to the SST among Hawaiians, I include it in the RECORD at this point:

### HOW MUCH CAN WE STAND?

If a supersonic transport isn't allowed to fly over populated areas—and it's pretty evident it won't be allowed to—just what is it going to be good for?

Ocean travel, some of the experts will answer, or maybe over and under the Poles. Never mind the people on ships, the Eskimos and the relatively few scientists and explorers (how about the oil drillers on the North Slope of Alaska?). They can take it.

But let's say a New Yorker wants to come to Hawaii. When he can fly nonstop in a

DC-8 from the Big City to Honolulu, why get off in San Francisco and lose all the time on the ground that he would save on a San Francisco-Honolulu SST flight?

Because the United States has already announced that no SST's will fly over our populated areas. Now five European nations—Sweden, Switzerland, West Germany, The Netherlands and Norway—say they will have none of it. The Swedes don't like the idea of even having it fly by over water.

The British and French also attended the Paris meeting of the Organization for Economic Cooperation and Development, a group primarily concerned with protecting the environment. As partners, the British and French are building the supersonic Concorde. Naturally they tried to allay the fears of the others.

The Concorde—and the U.S. model, if it is ever built—at 10 miles high will generate a sonic boom of two pounds per square foot of pressure over a trail 50 miles wide. This is about what you would get, in noise, from an Air Force C-135 tanker flying 100 feet overhead.

The State and the air lines, in discussing noise levels at Honolulu International Airport, might look into what the people of Kalihi and Palama will be up against when one of the 1,800 m.p.h. monsters rises off the runway over their roofs.

## PART-TIME WORKING STUDENTS—NO TIME TO DEMONSTRATE

### HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. HUNT. Mr. Speaker, we are all aware that the local colleges and universities, as well as many in our home States, are or should be in the midst of examinations.

As far as the local colleges are concerned, it is apparent from the newspapers that a variety of unique arrangements have been made for those taking exams, including the repugnant extreme of canceling all exams in favor of giving students a "pass" for courses in which exams would otherwise have been given. At one local university, it has been brought to my attention that in addition to legitimate, commonsense reasons for being able to defer an examination, such as physical incapacity or death in one's immediate family, there has been added another category: "Conscience." Whether it is one's "conscience" as to the purported reasons for recent demonstrations or "guilty conscience" for not having pursued studies diligently would not seem to make a difference.

Despite the substantial number of students who have fallen victim to the "cop-out" syndrome, there is another class of students to which little attention has been paid but which makes a significant contrast to those who have been appearing in the news media. These are the part-time evening students, especially those going beyond undergraduate studies, for whom it is the rule rather than the exception to pay for their education out of pocket from earnings received from full-time jobs. Many have families and all have to sacrifice luxuries and other personal interests in order simply to take advantage of educational opportunities which many others, in less strained circumstances, take for granted. These students have another thing in common; they have the determination and ambition to advance their education by choice and are not looking for an out from other responsibilities.

I am informed of a recent instance where the part-time students at a local law school had options to take a final examination at the scheduled time, complete the exam at home over a period of several days, or defer the examination until a later date when, supposedly, one's conscience is less of an interference. Not surprisingly, the overwhelming majority of the students elected to take the exam at the time scheduled.

There is, I believe, a significant point to be made out of all this. It seems that there is a substantial correlation, on the one hand, between having to work for a living while availing one's self of higher education as an opportunity; and on the other hand, merely attending an institution of higher education—frequently as a matter of course and at someone else's expense—and participating in whatever protest is at hand.

Those who have "copped-out" of any productive role in society may find the going easier for a while within the sanctuaries provided by many institutions of higher education. But it is only temporary. Unfortunately, the standards for all are lowered in the meantime. It will continue to be true, nonetheless, that the serious students will get out of an educational opportunity what they put into it.

It is my opinion that the majority of our students are fine examples of American youth, but unfortunately are victims of distorted versions of academic freedoms.

## SPECIAL IMPACT PROGRAM

### HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. STEIGER of Wisconsin. Mr. Speaker, for the past several months I have been concerned about the payment of contingent fees by special impact program contractors in Los Angeles, Calif. It has come to my attention that several brokerage firms in Los Angeles have received significant commissions for rendering services of questionable value. I have therefore asked the General Accounting Office to make a formal determination of the legality of these payments.

The letter I have sent to Mr. Staats follows:

May 21, 1970.

Mr. Elmer B. Staats,
*Comptroller General of the U.S. General Accounting Office, Washington, D.C.*

Dear Mr. Staats: I am in receipt of your letter of April 17, 1970, on the question of the legality of the payment of contingent, fees by Special Impact Program contractors in Los Angeles, California. In your letter you declined to make an official determination on the issue as I requested in my letter to you of January 23, 1970. I am not satisfied with your response.

I am again asking GAO to make a formal determination of the legality of the payment of contingent fees by Special Impact Program contractors in Los Angeles to Dempsey-Tegeler, Inc. GAO has completed a field review of this situation for its report on the Special Impact Program in Los Angeles, and has the investigative capacity in Los Angeles to get any further information that it might need to make this determination, and most importantly, has an independence and expertise in the issue at hand.

I would appreciate your response at your earliest convenience. The matter of contingent fees in the Special Impact Program has troubled me since I first became aware of it.

With kindest regards,
Sincerely yours,
William A. Steiger,
*Member of Congress.*

## HON. JOSEPH T. MEEK

### HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. DERWINSKI. Mr. Speaker, a constitutional convention is being held in the State of Illinois to produce a new document for that great State. One of the 116 delegates to the convention is Joseph T. Meek of Western Springs, Ill.

Prior to his serving as a delegate to the constitutional convention, Joe Meek was one of the great business and civic leaders of our State and he was very properly commended by a resolution adopted at the constitutional convention, which I am pleased to insert into the Record to pay tribute to one of my most respected constituents:

Hon. Joseph T. Meek

Whereas, Joseph T. Meek recently retired from the Illinois Retail Merchants Association after serving as its President and as President of its predecessor organization from the turbulent years of the 1930's until the fall of 1969; and

Whereas, His excellent leadership and devotion to the retail industry has deservedly earned for him the title "Mr. Retail of Illinois"; and

Whereas, He served some thirty-five years as Legislative Agent before the Congress of the United States and the General Assembly of Illinois, and in this capacity, through honesty, devotion and untiring effort, Joe Meek did more than anyone in the State of Illinois to prove the value of the work of a true Legislative Agent in contributing to better government at the Federal, State and local levels; and

Whereas, He was honored at a banquet reception in Chicago on April 15, 1970, during the Annual Meeting of the Illinois Retail Merchants Association, with a "Salute to Joe Meek" for his outstanding service to retailing; and

Whereas, Joe Meek is a colleague of ours, serving at this Sixth Illinois Constitutional Convention as a prominent delegate from the Ninth Senatorial District; therefore, be it

Resolved, by this Sixth Illinois Constitutional Convention, that we today honor our colleague, Joseph T. Meek, by adopting this resolution wherein we, too, salute him for his many long and faithful years of service to the retailing industry, that we express our thanks to him for all that he has done to promote a better life for each of us through his many civic, religious and charitable activities, that we wish him the best of health, happiness and prosperity, and that we pray

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for him and for us that every day will be "Joe Meek Day".

Unanimously adopted this sixteenth day of April, 1970, by the delegates to the Sixth Illinois Constitutional Convention.

SAMUEL W. WITWER,
*President.*

## IN THE NATION: FOR WHITE READERS ONLY

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. RYAN. Mr. Speaker, recent news articles with datelines Augusta, Jackson, and Chicago describe shocking violence perpetuated by police against blacks. Six blacks are dead in Augusta, shot in the back. Two black youths are dead at Jackson State, victims of a fusillade of 140 bullets shot into a crowd of unarmed black college students. Two are dead in Chicago, victims of a shootout which appears really to have been a shoot-in.

Obviously, these incidents point out a dangerous tendency on the part of the police to shoot at blacks without provocation. And in this turn of events, the Nixon administration has helped create an atmosphere conducive to such incidents. Inflammatory statements by high administration officials, and the administration's retrogressive civil rights policy, have given encouragement to prejudice and repression, which themselves breed violence.

Tom Wicker in his column in the May 19, 1970, New York Times, describes the situation confronting black citizens in our Nation.

Mr. Wicker's column is both timely and necessary reading for all citizens concerned about the fate of our democratic society. It follows:

[From the New York Times, May 19, 1970]

IN THE NATION: FOR WHITE READERS ONLY

(By Tom Wicker)

WASHINGTON, May 18.—Suppose you were black. What would you think if you had read these items in your newspaper in the last ten days?

From Augusta, Ga.: Six black men are dead, all shot in the back by police rifles or shotguns. At least four may have been no more than bystanders at rioting last week that followed the death of a black youth in a jail where conditions are known to be so terrible for blacks that community protests have been regularly made for years. One of these protests was a letter to Attorney General John Mitchell. He never answered.

From Jackson, Miss.: At Jackson State College, two black students are dead and nine are wounded, including several girls. All fell before a thirty-second barrage of gunfire from state highway police who for unexplained reasons took over the task of quelling a student disturbance, although town police and National Guardsmen also were at hand. The highway police justified the shooting by contending that they were receiving sniper fire from a dormitory roof. No evidence or witnesses have been found to substantiate the sniper story, although there are dozens who refute it, and there is no explanation at all of why trained police officers, upon receiving what they thought was sniper fire from a rooftop, fired more than 140 bullets into a crowd of unarmed students standing on the ground in front of a girls' dormitory. At the moment, no national protest rally is being planned for the Ellipse in Washington.

THE CHICAGO SHOOT-OUT

From Chicago: Months after Fred Hampton, a Black Panther leader, was killed by Chicago police in what they described as a blazing gun battle with a band of armed Panthers, a grand jury has discovered that only one bullet was fired at the police raiders. It was the police who poured a massive fire into the apartment where Fred Hampton and others had been sleeping; it was the Federal Bureau of Investigation that provided the preliminary information, and it was police and city officials who later covered up the truth and concocted the story of the "shoot-out." Some Chicago newspapers as well helped carry out the distortion.

From Washington: The Justice Department has filed a brief in support of the proposition that Southern parents should get a tax deduction for making contributions to private academies set up as an alternative to desegregated public schools. As recently as January, Robert Finch, the Secretary of H.E.W., pledged to fight any such move, because he knows well that these academies can survive only through tax-exempt status; and that if they receive it, they will spring up throughout the South, thus effectively reestablishing a tax-supported dual school system.

SOMEONE TO TURN TO

Well, since I am white, I don't know for sure what I would think if I were black and read those news stories. But even the effort to put oneself in the other fellow's skin, under these circumstances, is frightening. It is bad enough to be, say, the victim of a crime, or to be in fear of crime and disorder, when you have recourse only to an ineffective police force and to a court system heavily overburdened. But at the least, in that case the law is on your side, or you believe it to be; there is someone to whom you can turn.

But suppose you feel that the armed policeman is not there to protect your life and rights but to do away with them? Suppose even the Federal Government is no longer trying to assert your rights in court and its highest law enforcement arm seems more interested in helping the police exterminate black militants than in impartially observing and enforcing the law? Suppose that, by all evidence available to you, the law does not even seem to be on your side—is at best indifferent and at worst hostile?

No wonder Dr. Aaron Shirley, up to now a moderate black leader in Jackson, said the other day that "if black folks have to die, they ought not to die so peacefuly." White men who read that as a threat instead of a desperate plea for rudimentary justice and humanity can make no answer that will not ultimately echo the Mississippi patrolman who said after the Jackson slaughter: "You better send some ambulances, we killed some niggers."

## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

## NEEDED: A BALANCED TRANSPORTATION SYSTEM

### HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. RYAN. Mr. Speaker, the House Public Works Committee is holding hearings on legislation which would extend the highway trust fund. Instead of continuing to build highways, the Federal Government should have a balanced transportation policy. The disparity between Federal money spent on mass transit and highways is glaring.

To date, $795 million has been spent on mass transit; while $34.2 billion in completed highway projects and $13.9 in incompleted highway projects or those projects under authority has been spent.

Since Congress has in no way illustrated its commitment to mass transit programs by appropriating adequate levels of funds, I have been introducing legislation for many years which would allow a State to elect to use its highway construction allocation for mass transit. In this Congress it is H.R. 48.

As I said in testifying before the Subcommittee on Roads of the House Public Works Committee on April 20, 1970:

> Either we do something about making adequate transportation available to all Americans, or one day the time will come when our present chaotic transportation scheme will really prove to be our Achilles heel and pitch us into national disaster.

Yesterday's New York Times had a cogent editorial on this subject. It follows:

[From the New York Times, May 20, 1970]

KING AUTO

Hearings now being held by the House Public Works Committee provide a perfect opportunity to reopen the question why at this point in history the American people should be paying sixteen times as much for highways each year as they do for mass transportation. The disparity would be great even if the population were ideally dispersed throughout this vast country. With close to 80 per cent of the people jammed into urban areas, it is wildly irrational.

The Highway Trust Fund, which makes possible an almost cancerous spread of concrete, rest on the thesis that the money it receives from automobile users in the form of gasoline taxes should be spent on facilitating their chosen mode of travel. This argument is the most obvious kind of special pleading. Revenues from cigarettes are not used to finance medical research that might lengthen the lives of smokers, and drinkers do not get bigger and better bars out of the taxes they pay on their whiskey. Why should gasoline taxes be reserved for highways?

Except for a newly passed scheme to finance airport improvements, the Highway Trust Fund is, in fact, unique—and with due respect to the contribution of the automobile, it has not been so unmixed a blessing as to merit the exceptional treatment. It has its virtues of privacy and convenience, but the automobile also accounts for some 60 per cent of air pollution. The superhigh-

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ways laid out to accommodate it are all too frequently destructive of the countryside, bulldozed across the land without regard for any other factor than brute efficiency—and all too often lacking even that. Not least, automobile-worship and the federally supported proliferation of roads to serve it have completely undermined passenger rail carriers, which could be twenty times as efficient as highways and no threat whatever to the environment.

Congress has the option of abolishing the discriminatory Highway Trust Fund or making it serve the financial needs of other forms of transportation as well. The highway lobby—including organized labor as well as the automobile and construction industry—is far too powerful to encourage the hope that gasoline taxes will suddenly be diverted to the Treasury, to be parceled out, like other revenues, on the basis of nationally determined priorities. But until that is done, the least Congress can do is to enlarge the scope of the Fund to provide that "balanced transportation system" to which President and Congress alike are so fond of paying verbal tribute.

## A RESPONSIBLE MESSAGE BY DR. FORREST J. ROBINSON, SENIOR MINISTER, FIRST UNITED METHODIST CHURCH OF WICHITA, KANS.

### HON. GARNER E. SHRIVER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. SHRIVER. Mr. Speaker, Dr. Forrest J. Robinson, senior minister of the First United Methodist Church of Wichita, Kans., last Sunday made a statement concerning the Cambodian situation which is deserving of attention of many concerned Americans throughout the country today.

Dr. Robinson spoke of the President's decision, the right to dissent, and the "growing tendency to short circuit democratic process with the substitution of violence."

I take this opportunity to commend Dr. Robinson for his leadership in bringing a responsible message to his congregation which should be heeded by others throughout America.

Under leave to extend my remarks in the RECORD, I include the statement made by Dr. Robinson on May 10, 1970:

STATEMENT BY DR. ROBINSON

The rapid developments of events of recent days precipitated by our president's painful and momentous decision concerning Cambodia, have added volatile fuel to an already raging fire.

The tragedy at Kent State University, the campus protests, the ranges of reaction from all across the country, are but evidence of ever deepening crisis.

As with many I have had many personal doubts concerning this new military action. With many, I totally deplore the Viet Nam war in the first place. Yet along with the vast majority, I must realize my ignorance concerning the many factors to which I do not have access and which influenced our president's immeasurably difficult decision.

Although I have been somewhat skeptical, I believe our president acted courageously and responsibly in the discharge of his duty, according to the dictates of his conscience.

We are in Cambodia. No amount of violence here at home today can alter that fact. Our president has assured us we will be out by July 1. In his honest judgment, this action will help to improve the safety of American troops remaining in South Vietnam during the withdrawal phase, will make possible the return of American troops at least on schedule and will ultimately shorten the war.

Our president, in what was surely one of the greatest personal political risks ever undertaken is acutely aware of the disagreement with the rationale for his action. However, I believe he has displayed mature and creative leadership by encouraging peaceful demonstration against his action. I believe it to be an affront to the intelligence to have it said that his decision came as a bowing to those with powerful, vested interest in the prolongation of this war.

Our freedom to dissent is priceless (Charles Sulzberger in the "Wichita Eagle" wrote graphically about the Russian people's despair over the lack of this freedom). We must not endanger it by an ever growing tendency to short-circuit democratic process with the substitution of violence. Let's pledge ourselves to act in Christian character, with responsibility and charity.

Only in this way will our democracy be preserved and ever strengthened. Let's prayerfully and responsibly support our president and our elected representatives in congress in the critical days ahead.

## NEWBERRY, S.C., SUPPORTS PRESIDENT NIXON

### HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. DORN. Mr. Speaker, the mayor and city council of Newberry, S.C., unanimously adopted a resolution supporting President Nixon's courageous action in Cambodia. Mr. Speaker, this splendid resolution is typical of the patriotic, dedicated Americans in my congressional district. I recommend this timely and great resolution to the attention of my colleagues:

RESOLUTION

Whereas, Richard M. Nixon, Commander-in-Chief of the Armed Forces of the United States of America has thoughtfully and painstakingly made the decision to send American troops into Cambodia to clean out major North Vietnamese and Viet Cong occupied sanctuaries which serve as bases for attacks on both American and South Vietnamese forces in South Vietnam, and

Whereas, The President of the United States of America has all the facts and is aware of the possible consequences if the enemy activity in these Cambodian sanctuaries is not halted, and

Whereas, we, the City Council of the City of Newberry, South Carolina, are of the unanimous opinion that the President of the United States of America is taking the necessary action to bring this war to a just conclusion.

Now, therefore, be it resolved, by the City Council of the city of Newberry, South Carolina, that President Richard M. Nixon, in his choice of action in Cambodia, has the wholehearted and unanimous support of the City Council of the City of Newberry, South Carolina, and we strongly urge all citizens to honor the President's request for support of our brave men who are fighting for the peace and freedom of all citizens of these United States and the free world.

Be it further resolved, that this resolution be forwarded to The President, with copies to the Senators of South Carolina and the Representative of the Third Congressional District of South Carolina.

Done this 15th day of May, 1970.

CLARENCE A. SHEALY, Jr.,
*Mayor.*

PRESTON MCALHANEY,
CLAUDE PARTAIN,
C. D. COLEMAN,
CARMAN BOUKNIGHT,
L. D. GARDNER,
CECIL E. KINARD,
*Councilmen.*

## PREPARED REMARKS OF THOMAS GRIFFITTS ELLISON DELIVERED BEFORE THE COMMITTEE ON FOREIGN AFFAIRS

### HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. McCLOSKEY. Mr. Speaker, I have just returned from hearing the testimony of Thomas Griffitts Ellison, a student at the University of Virginia, who served 2 years with the Marine Corps, including a 13-month tour of duty in the I Corps area of Vietnam between September 1966–October 1967. I commend Mr. Ellison's remarks to my colleagues:

REMARKS OF THOMAS GRIFFITTS ELLISON, USMC

Good afternoon, gentlemen: My name is Thomas Griffitts Ellison. I am chairman of Virginia Veterans for Peace and a fourth year student in the McIntire School of Commerce at the University of Virginia. I have not come here today primarily as an official spokesman of our organization, rather I wish to speak first as a concerned citizen, second as a concerned veteran who served in Vietnam in the Third Division of the United States Marine Corps, and third as a concerned student at a university where misunderstanding, not violence, brought violence. I neither purport to be an expert on constitutional law nor an experienced and well-versed student of diplomatic history. What I would like to speak about is the undeniably brutal effect our Nation's commitment to Indochina is having upon the Nation's youth, in particular, those who have fought in this undeclared war.

To illustrate this, I would like to relate the course of my own metamorphosis from the son of a Naval military officer to a combat marine in Vietnam to my present position as a veteran for peace. I was brought up in what ex-commandant of the Marine Corps General David M. Shoup terms a militaristic society. Our society is indeed militaristic: 20% of the adult population of this country are veterans of military service; in fact, over half of this Congress hold positions in the various services' reserves or in the national guard. General Shoup has analyzed our environment well. If I may quote: "Whole generations have been brought up on war news and wartime propaganda. The few years of peace since 1939, have seen a steady stream of war novels, war movies, comic strips, and television programs with war or military settings. To many Americans, military training, expeditionary service, and war are merely extensions of the entertainment and games of childhood." General Shoup's observation is further substantiated by Noam Chomsky in his book, No More Vietnams: "America has institutionalized even its genocide . . . the fact that the extermination of Indians has

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become the object of public entertainment and children's games."

In January 1966, I enlisted in the Marine Corps for two years. My motives were clear: I was incensed at the atrocities of the North Vietnamese against our captured pilots, and I felt a chauvinistic and patriotic urge to do something about this. Parris Island and subsequent infantry training at Camp Geiger had somewhat of a bewildering effect upon me and my comrades in arms. I gained a false sense of security from the corps. I became a trained killer, and unaware to myself, I became more of a racist than the most bigoted member of the Ku Klux Klan. But at that time I was not disillusioned. Indoctrination was effective. The world's problems could be solved through military reactions, and I would follow any orders given to me by a superior. In fact, had I been a National Guard member at the time of Kent State, I would have fired unhesitantly into the crowd when the order was given. In retrospect, the person I had become was frightening and dangerous. Any idealism or concern for humanity I once had was replaced by the role of a hard marine I then played.

An extension of psychological reconstruction was further enacted at the Marine Corps staging area. I was completely familiarized with the concept: "The only good gook is a dead gook." Very little differentiation was made between the South Vietnamese populace and Viet Cong or NVA troops. I almost swallowed this postulate completely. But I was fortunate enough to attend the naval Vietnamese language course. We were not only taught the basics of the language but also the culture. I then began to respect the Vietnamese as a people, contrary to the opinions that were institutionalized by superior non-commissioned and line officers who did not have the desire or did not have the opportunity to learn the truth about the Vietnamese.

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What happened to me and the other men in my outfit in I–Corps, has established itself well in my memory. I doubt I will ever forget the good and the bad times. The joy of a warm can of beer or "Winstons" in our C-rats while on operational status still brings a smile to my face. But I am not here to speak about smiles. Last week, 168 American lives were ended because of your inaction to end the war! Five-times-decorated Master Sgt. Donald Duncan states the case well. "Those people protesting the war in Vietnam are not against the boys in Viet Nam. On the contrary, what they are against is our boys being in Viet Nam. They are not unpatriotic. Again the opposite is true. They are opposed to people, our own and others, dying for a lie, thereby corrupting the very word, democracy."

The first K.I.A. I saw was death of a friend of mine in our very first fire fight. It was in the very same area Bernard Fall so appropriately named, "the street without joy." My friend died from a mis-aimed shot from within our own company perimeter. Subsequently, a very large logistical camp was named for him after we secured the area. I can assure you that he would trade whatever honor there is in that for his life.

Obviously, though contrary to the beliefs of many of our more powerful veterans' organization, there is nothing romantic about this war. "Wings of gold upon his chest," "duty, honor, and country" rallies, and other misguided, supposedly patriotic attempts to gain a lasting peace through waging an eternal war have not rallied the country to a new God-endowed manifest destiny.

However, I specifically came here today to speak about the dehumanization, resulting from militaristic conditioning and actual experiences in the combat zone of Viet Nam. The psychological imbalances and violent reactions of the Mike Sharps, the Charlie Whitmans, the Captain Medinas, and countless others are a result of many stimuli. I can empathize with these men. Of the over eighty active members of Veterans for Peace in Charlottesville, over half—including myself—carry the memories of their own personal My Lai-4's. Gentlemen, I can assure you, it makes it difficult to sleep at night.

I am not a psychologist. What makes me qualified to expound on the subject? Experience! Experience not gained from flying in by helicopter for a day or two, but experience gained from being an exhausted and frustrated combat marine for extended periods in the field.

Personally, I felt three areas in which stimuli acted in such a way that I believe I or any other Grunt (as we infantrymen proudly called ourselves) would be forced to the point where any one of us was perfectly capable of committing wholesale murder on innocent civilians in Viet Nam.

First, in the combat environment of Vietnam, no greater frustration can be experienced than not knowing who the enemy is. As one recent returnee stated, it is utterly impossible for a G.I., especially a scared G.I. in the dark, to make any differentiation between a V.C. and a civilian." The general policy of "shooting anything that moves" conditions one to fire at will, even if women and children are the targets. This problem is further illustrated by our unrealistic and inadequate attempts at pacification and Vietnamization. I worked in a civic action program for two and a half months.

I can say with some authority that relocation in Northern I—corps does not work. Why? "Our government faces a somewhat dual and contradictory problem in pacification. One day it is necessary to napalm a Vietnamese village to liberate it from V.C. infiltrators. The next day we begin to pacify the burned and embittered survivors. They must surely wonder if we are liberating them to death. But liberate them we will. And those who are too ignorant to realize they must be liberated must be pacified, so they will not interfere with the liberation of their more enlightened brethren whose enthusiasm for liberation has been greatly enhanced by their participation in the profits of the economic boom the United States has brought to their hapless land."

In addition, the people of Vietnam are not pacified. They are merely tired and apathetic.

Thus, we are asking one hell of a lot from our troops in demanding they fight for a populace which only wants an end to the hostilities, regardless of who the victor may be.

I know all to well the fear of not knowing whether or not a village was friendly. I also remember a desire to shoot to kill and ask questions later.

Secondly, many of us saw our buddies maimed, killed, and mutilated. Many of these deaths were the result of an absence of danger landmarks and poor leadership, specifically on Hamburger Hill, Hill 117, Operation Chinook, and countless other ventures. Frustration, despair, and a desire for revenge increased the potential for incidents similar to Song My. Those companies which suffered continual losses on the field because of traps, sniper fire, etc., were most likely to commit atrocities; whether on the scale of My Lai—4 or smaller is immaterial. Considering our previous conditioning to kill, I understand the satisfaction and the alleviation of frustration that is felt from finally getting involved in something other than a sweep and clear operation, where all you do is sweep and clear elephant grass, or search and destroy operations, where you mostly destroy vacated villages and desecrate Vietnamese religious shrines.

The third stimulus actually involves two conditions that not only exist in Viet Nam but prevail throughout the military establishment. One is the relationship between most officers and enlisted men, particularly in the Marine Corps. The other is the evidence of racism in and out of combat zones. In combat zones, it is relatively easy to dehumanize members of an alien race, which of course, results in the loss of our own civility. But racism exists outside of the combat zone, too. I will never forget one of my D.I.'s antagonizing a young black by continuously calling him "boy." But let me elaborate on both of these problems.

In view of the conditions of today's military services, I believe psychologically balanced and intelligent men make poor soldiers. men, in a theory X manner, could hardly be improved upon as a means of instilling jealousy and hatred. Enlisted men are indoctrinated to kill, kill and yet to be good non-combat soldiers, they must sublimate their aggression into forms of beahvior that the military can tolerate.

I can think of no better way to lose the respect of one's men than that displayed by Col. Joseph Bellas, when he commented on the Thanksgiving mess hall boycotts last fall. I quote: "They're young, they're idealistic and don't like man's inhumanity to man. As they get older they will become wiser and more tolerant." It is because of the attitudes of Col. Bellas and men like him that I am here today. If I must passively accept "man's inhumanity to man," then I should most assuredly prefer to regress to early childhood before I knew about redskins, krauts, Japs, and gooks.

The immorality of our presence in Viet Nam was adroitly stated by Maj. Gordon S. Livingston, M.D., ret., who criticized Col. Patton's inaccurate body count policy and was subsequently requested to resign from the Army: "In the end what I objected to was not so much the individual atrocities, for these can be found in any war; war itself is the atrocity. What compelled my stand was the evident fact that at an operational level most Americans simply do not care about the Vietnamese. In spite of our national protestations about self-determination, revolutionary development, and the like, the attitude of our people, on the ground, military and civilian, is one of nearly universal contempt. This arrogant feeling is manfested in a variety of ways, from indiscriminate destruction of lives and property to the demeaning handouts that pass for civic action.

Finally one need only listen to a conversation between Americans concerning Vietnamese to appreciate the general lack of regard. The universal designations for the people of Vietnam, friend or enemy, are gooks, slant eyes, slopes, and dinks. On the whole, this has no conscious pejorative conotation as used casually, but it does say something about our underlying attitude toward those for whose sake we are ostensibly fighting. How can we presume to influence a struggle for the political loyalties of a people for whom we manifest such uniform disdain is to me the great unanswered, indeed, unanswerable, question.

I am as guilty as the next man. I burned villages, fired at innocent civilians, and developed disdain for the people. It was quite conceivable that my outfit could have had the same breakdown of moral and psychological integrity that resulted in the massacres at My Lai-4.

In conclusion, I would like to make several observations concerning the present debate on the Church-Cooper and Hatfield-McGovern amendments. The organization I represent endorses unanimously the amendments as they now stand.

It has been said recently that those citizens and representatives of our nation who demand immediate legislation to force the President to act upon his own guarantees and promises of withdrawal of all American troops from Cambodia by July 1, are in fact, embarassing the President. We veterans of the armed forces of the United States wish to take exception to this rhetorical suggestion. On the contrary, it is the present administration of this nation, with its peace-through-extension-of-war policy, which is embarassing us!

The issue is simple. We have proudly served our country in her military ranks from the battlefields of Germany to the streets of Hue. Today, we have joined the battle on another front. In a word, we are now fighting in a constructive manner in order that our country demonstrate to us, its loyal sons, that it remains a polity of, by, and for the people.

Our legislators have failed us, the people because we have failed them. The citizens of this nation have succumbed to the balance of terror proposition that is in effect; the idea persists that declared wars are obsolete in the post-atomic era and Congress must allow the President full rein.

Certainly, this idea has no relevance to our present war in Indochina. To our organization, the members of which served under Mr. Nixon and former presidents, the question of limitation of presidential powers is moot. None of us wishes to limit his power as commander-in-chief during declared wars and national emergencies. Nonetheless, we do demand that the Congress retrieve the constitutionally delegated powers of war policy that the executive branch has obviously usurped. I believe this usurpation to be the crux of the issue.

Sophistries from the mouths of our elected legislators concerning the difficulties of the nuances of constitutional interpretation only aid the arguments of those extreme elements which espouse the proposition that truly representative Government is impossible and that anarchy must prevail. I believe our system can work, but only if the ruling echelon of the Administration and Congress is receptive to the desires of the people. If we cannot, by studying our own Constitution and laws, determine who has the right to make war, then those sacred ideals upon which this country was founded and for which we gave our youth and blood, have descended into a chaotic abyss from which there is little hope of retrieval.

Brig. Gen. William Wallace Ford stated in 1967, "the time has come, however to strike down the implication that whoever does not follow blindly and uncomplainingly in the steady expansion of this war is somehow unpatriotic. Stalwart heroes of the Army and of West Point, who also learned well the motto 'Duty, Honor, Country' have counseled against a land war in Asia, MacArthur, Ridgeway, Gavin, and former USMC Commandant Shoup. I besought my newly elected representative in 1964 to try to keep us from further involvement in Vietnam. I voted in 1964 for the presidential candidate who opposed escalation of the conflict. I am still trying. I consider it the highest patriotism." My presence here is, I believe, in this tradition of patriotism.

The proposal is plain. Are we, the people, truly represented by our elected officials? Is the mandate for redirection of national policy and plea for social change heard?

In essence, do you our elected representatives, in the name of a Nation once proud, right, and a haven for the oppressed of the world, have the courage to reassert yourselves as the constitutional body which decides the Nation's destiny in war and peace?

Thank you, gentlemen.

## WALTER REUTHER

### HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. ESCH. Mr. Speaker, all of us are saddened by the death of Walter Reuther. He was a man of strong feelings, who drew strong feelings about him in return.

I did not agree with all the proposals made by Mr. Reuther. But I have always admired his integrity, his burning desire to help the downtrodden, and his absolute insistance that change be made peacefully and within the system that has made this country great.

In the years prior to entering politics I spent considerable time in labor-management consulting work in the Detroit area. I came to know firsthand of Mr. Reuther's dedication to his country and the betterment of life for all.

His untimely passing is a distinct loss to his union, labor, and all of America. I fervently hope that the best of Mr. Reuther's works will be carried forward with dignity and fervor by those who must now carry the burdens he shouldered for so long. I deeply regret the passing of Walter Reuther. I wish his successor well.

## THE GOOD SHEPHERD

### HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. HANLEY. Mr. Speaker, in my judgment, the fiber of our Nation and of its communities has remained strong throughout history due in great part to the efforts of men and women who dedicated their lives to the stability and improvement of our society. The people in this category represent numerous vocations and professions, such as religious, social service, health, legal, public service, and so forth. Many of them through their lifetime evidence no regard for their own comfort or material gain, but instead devote all of their energy with the sole desire that these efforts will prove meaningful to their fellow human beings. As I see it, the only compensation enjoyed by this noble segment of our citizenry is the satisfaction which I would hope they enjoy within their hearts in recognition of the achievement of others resultant from their efforts.

One who falls into the category I have attempted to describe is a man whom through my lifetime I have held in great esteem, Rt. Rev. Msgr. Thomas J. Driscoll, retired pastor of my home city church, St. Patrick's, in Syracuse, N.Y., who, on April 16, 1970, God called to his heavenly reward. News of his death was indeed distressing, but to me there was solace in the thought that I know of no man who was better prepared to meet his Maker than Monsignor Driscoll. About a month previous to his death, Mrs. Hanley and I were privileged to enjoy an evening with him. It was interesting to note that he had set aside his traditional concern for administrative detail. He was lighthearted, relaxed, and thoroughly enjoying his retirement status. It appears to me that he was biding his time awaiting the call of God, whom he had served so well on earth. His funeral service was indeed appropriate to the greatness of this magnificent servant of God. I commend the eulogy provided by Rt. Rev. Msgr. William J. Walsh, as well as the homily at the vigil of his death, as presented by Father Edward J. Hayes:

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The movie, The Song of Bernadette, ends with the phrase, "For those who believe, no explanation is necessary. For those who do not believe, no explanation is possible."

I remember hearing an anecdote some years back about a parishioner of St. Patrick's who was assisting a recently arrived resident of Tipperary Hill in his desire to embrace the Catholic Faith. As the story goes, he spent half the time explaining the Catholic Faith to his friend, and the rest of the time explaining Msgr. Driscoll.

To paraphrase the words of the movie, "For those who knew and loved and respected Msgr. Driscoll, no explanation is necessary. For those who did not know him, perhaps no explanation is possible." We are gathered here tonight as those who knew and loved and respected him.

Tonight we shall not try to speak of Msgr.'s fifty-eight years of priesthood and his various assignments in the Diocese. We will leave that to tomorrow's homilist, Msgr. Walsh. We shall only speak as we knew him during his thirty years at St. Patrick's.

Msgr. Driscoll was a man of strength. He thought strongly. He spoke strongly. He acted strongly. One could not be indifferent to him. One necessarily reacts strongly to a man of such strength. Msgr. Driscoll's middle name was John. In so many ways, he was so like his namesake, John the Baptist, a man of unique strength. At times we might have wished he were more like the gentler, loveable, John the Evangelist. But like John the Baptist, he was what he was. He was strong in his love for the Church. Strong in his love of the priesthood. Strong in his love for St. Patrick's.

He was a man of definite leadership ability. He never left anyone in doubt as to what direction the parish and he were heading. One might question at times as one does with every leader, some or many of his individual decisions or his style of leadership. But there can be no questioning that for over 30 years, he provided good, solid, stable leadership for St. Patrick's.

He was a man of strength who expected and respected strength in others. He was a man of honesty and openness who could not tolerate anything else in others. He was not a respector of persons. He was the same with all, be they his Bishop or his assistant, be they his parishioner or civic leader. If his opinion were asked or if he felt it ought to be given, he said what he felt ought to be said.

As you know, for some years Msgr. Driscoll was a Diocesan Consultor. The Code of Canon Law states that "all persons whose . . . counsel is required must respectfully, truthfully and sincerely state their opinion on the matter." I feel certain that in the history of our Diocese, no priest has been more conscientious in this matter than Msgr. Driscoll.

He always looked for and expected the best from everyone. The effort he expected others to expend was not just their best, not even 100%, but as he so often put it, 100% plus.

We know, human beings being what they are, that to work with a man of such strength, of such expectations, of such decisiveness, requires exceptional tact and extraordinary flexibility. I suppose this is one of the reasons why over the years it has been Sisters of exceptional ability and extraordinary talent who have been stationed at St. Patrick's School. And what a boon this has been for the quality of education and especially for vocations to the convent.

In many of his plays, Shakespeare has developed the theme that the personality trait that is usually one's greatest asset, the source of one's greatness, is also usually one's greatest liability. Msgr. is no exception to this. But this is precisely what makes his short-

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comings, if not from too little zeal, but too much zeal, not from too little love for the faith and the parish, but perhaps too intensive a love.

What a heritage he has left us at St. Patrick's. In many ways he was ahead of his time. For instance, in regard to the liturgy. Many years ago he initiated active participation and the Offertory Procession. He taught us what it means to pray together. How intolerant he was of slovenly, hurriedly said prayers. He had the courage to do away with the taking up of a collection during Mass because it was not conducive to prayerful recollection. Courage, perhaps better said, he had faith in his parishioners and their generosity that they did not have to be coaxed or shamed to fulfill their financial responsibilities.

What an emphasis he put on family life. Proud as he was of St. Patrick's School, he reiterated Sunday after Sunday, that the school was not a substitute for and would not usurp the responsibilities of the parents. While there would be order in the school, the discipline of children was to be taught in the home. A good formal education would be given the children at school. But the education of children must begin and be furthered in the home. And that love of the faith, the love of the Mass, and the practice of the reception of the Sacraments, this was the primary responsibility of parents and that as the church has insisted, there would not be and was not any regimentation of these matters either during school hours or after school hours.

One of Msgr.'s proudest boasts was the number of vocations from St. Patrick's during his pastorate. How often he would speak of this in a beaming fashion. Yet, he was realistic enough to recognize that whatever his human contribution to such a mysterious divine calling, it was of an indirect nature. Never, as far as I know, and he boasted about this, did he ever speak to anyone individually, or to a class, or to the school as a whole about vocations. But he did speak about vocations by what he himself was, a dedicated priest. He did speak about it through his emphasis on family life, for it is there, he insisted, that one learns that the faith is worth living for, the faith is worth giving one's life for. He spoke about it through his love for his fellow priests.

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Priests were always welcome at St. Patrick's. They were welcome as guests, be they travelling missionaries or priests who came to Syracuse to establish a Retreat House and a Catholic College. They all enjoyed Msgr.'s hospitality. Priests were always welcome to visit. It was not an uncommon sight for us to see Msgr. in his room at his desk with his familiar green eyeshade, his suspenders and his undershirt, sitting at his desk piled high. Yet, he always had time for a visit. He enjoyed sitting back, lighting up his Perogi Italian cigar, and giving you all the time you wanted. He was a great host. And if you didn't drop by for a couple of months, he would inevitably greet you with the remark, "Hello stranger."

How he loved this parish church. He began renovations of it almost as soon as he came. For years he carried his vision of what he wanted the Church to be. But, insistent as he was on his "pay-as-you-go-plan" it was only after many years that his vision became a reality. When his dream went up in flames in the tragic fire of January, 1966, our hearts all went out to him. But that tragedy taught us what caliber of a man we had for a pastor. Though many felt that because of his age he wouldn't have the determination to see through the restoration, he never had a moment's hesitation, as he put it, if God would give him the strength, he would restore it even more beautifully than it was before. And this he did.

He had the magnificent ability to make the best of any situation. As we all know, he was not inclined to retire as our pastor. And yet, realizing the inevitability, he did. And he made the most of it. He continued to exercise his priestly work to the extent that he could.

There are many more things that could be said, many more that ought to be said. As individuals and as a parish, we all have so many personal memories of Msgr. For whether we sought it to be this way or it just happened, he was very much a part of the lives of all of us for these thirty-two years. And there were so many ordinary, uneventful occurrences that he with his dramatic ability transformed into exciting all-important parish events. Who can ever forget the dramatic saga of the cutting down of the blue spruce tree. But all this has become part of the folk lore of the parish. And they will not be forgotten. But I am sure they will continue to be told and re-told many times and in many places here on Tipperary Hill.

We are here tonight, not just as friends of Msgr., but as those who shared with him a unique faith, faith in Jesus of Nazareth who died and rose again, faith in the Son of God who said, "I am the Resurrection and the Life; he who believes in me, even if he die shall live." We believe that Msgr. and all of us will rise together at the Resurrection on the last day. We pray that even now God will bestow upon him his hundredfold for having left all and followed him during this life, and that one of the many mansions of which Jesus spoke of in his Father's house, will now be Msgr.'s "House by the Side of the Road."

EDITORS NOTE.— The above was given as a Homily at the Vigil of the death of Monsignor Driscoll on Monday, April 20th, 1970 by the Rev. Edward J. Hayes, a native son of St. Patrick's parish.

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### VICTORY OVER THE WORLD—OUR FAITH

(Eulogy for Msgr. Thomas J. Driscoll, given by Rev. Msgr. William L. Walsh, Tuesday, April 21, 1970 at St. Patrick's Church, Syracuse, N.Y.)

From his island exile in Patmos, St. John could see with the eyes of faith the final triumph of the crucified saviour over the world. Surely, human wisdom could have predicted no such triumph. Arrayed against the infant Church were the might of the Roman empire, the intellectual supremacy of Greece, the very vastness of the world which St. John and his brother priests had been sent to conquer. Against the might of Rome, they could offer only meekness, against the intellect of Greece only humility, against the vastness of the world and the limitations of time and space only the certitude of faith.

And that faitih indeed conquered Rome and Greece. Indeed, it use the engineering genius of Rome to provide transportation and communication, even as it used the intellectual prowess of Greece to formulate a philosophy. It penetrated the vast reaches of the earth and, as new lands were discovered, the faith was brought to their peoples by the successors of St. John and the other apostles.

Faith gave the martyrs the courage to accept torture and death. It made of purity a priceless gem in a world of debauchery. It inspired the noblest achievement in arts and letters. And, most of all, it comforted untold millions with the certainty of infinite justice, infinite mercy, and endless happiness in the possession of God Himself.

What, then, is this faith, that conquers the world, that is the ultimate victory. We learned long ago that it is God's free gift, the divine virtue whereby we believe in God and all that God has revealed to us through His Son, Our Lord and Saviour, Jesus Christ.

We are here today to honor the memory, to pray for the soul of a priest, a co-worker with St. John and all the hero priest of history, a sharer in the great priesthood of Jesus Christ, a man of many virtues but outstandingly a man of firm unshakeable faith. And that faith was the driving force, the guiding light of his life. It inspired his vocation in the midst of a devout family, a vocation which was nourished by the selfless lives and single-minded devotion of the priests and sisters of St. Lucy's, and by the spiritual and intellectual guidance of the seminary faculties at St. Charles and St. Bernard's, and which came to fruition with his ordination some fifty-eight years ago.

And that same firm faith made zeal of its triumph the mark of his priesthood. As a very young priest he served the People of God in St. Francis de Sales parish in Utica under the guidance of his great and good friend Monsignor Doody. When he was named pastor of St. Patrick's Taberg, his faith impelled him, despite a complete lack of means to begin the mission that is now the parish St. Joseph in Lee Center. His pastorates at St. Francis Xavier, Marcellus, and St. Cecilia, Solvay, were marked by that same magnificient faith that brought the people of God of those parishes ever closer to the Church and to the head of its divine founder. And then, some thirty years ago, he came to this great parish of St. Patrick. Again his firm, active, driving faith made him seek out the best for his people. The triumph of the faith for which he strove would settle for nothing short of the best. Particularly in the field of Catholic education did he insist upon the best and would accept no less.

But, if one phase of his ministry stands out above all else it was his zeal in fostering vocations to the priesthood and the religious life. There was, first of all, the example of his own life; there was guidance, there was material help when needed. There was always his own obvious love for the Church and its work. All these made easier for many the paths to the priesthood and to religious profession.

On the occasion of Monsignor Driscoll's twenty-fifth anniversary of ordination, the preacher quoted the inscription on the tomb of Sir Christopher Wren, the great architect who had designed St. Paul's Cathedral in London. The inscription reads, "If you seek his monument, look about you." Look not at the buildings or their adornment, beautiful as they may be. Rather, look at the people he has served and inspired. These are his monument, his eulogy. He would want no other.

The funeral of a priest brings the People of God together in a unique way. The bishops come to bless and bid a fond farewell to one who has lightened the awesome burden. His brother priests come to offer their grateful prayers for one whose fraternal love of them has made him their beloved companion. His parishioners come to thank God for the graces poured out on them through his hands. All come to beg God's mercy and welcome for one who strove so hard, to imitate His Son, whose faith has not its victory.

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## TRIBUTE TO WAVY-TV, INC.

## HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. WHITEHURST. Mr. Speaker, on September 13, 1969, WAVY-TV, channel 10, serving the Tidewater area of Virginia, showed a locally produced 1-hour documentary on drugs during prime time. The program was entitled "It Couldn't Happen Here." The viewers' response to the program encouraged the management of WAVY-TV to plan and develop a series of programs on drugs.

On April 9, 1970, President Nixon appealed to the Nation's radio and television executives to assist in a "subtle sell" to youngsters on the hazards of drug abuse. On April 18, 1970, WAVY-TV was able to launch, after approximately 6 months of development, a series of drug programs titled "Head Way," which probe and inform about drugs and drug abuse.

I am led to believe that this is the first locally produced program of its type in the country to be presented on a weekly basis.

The law enforcement agencies of the six cities and all counties in the Tidewater area are giving WAVY-TV their full cooperation. Physicians, educators, pharmacists, community organizations, churches, and former drug users and addicts are all participating.

I want to take this opportunity to commend WAVY-TV, Inc., in the CONGRESSIONAL RECORD for two reasons, Mr. Speaker. First, we are prone to criticize television vocally yet be apathetic when commendations are merited. Second, WAVY-TV, channel 10, in the Norfolk, Portsmouth, Newport News, Virginia Beach area, a LIN Broadcasting station, has been honored for public-service programing and community service on many occasions. Their main objective has been, not to seek aggrandizement or reward, but to help build a better community.

I am proud that WAVY-TV is located in the district which I am privileged to represent.

## A BILL INTRODUCED BY MR. REID OF NEW YORK

### HON. OGDEN R. REID

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. REID of New York. Mr. Speaker, I am introducing today a bill to provide that the United States shall reimburse the States and their political subdivisions for real property taxes not collected on real property owned by a foreign government and therefore exempt from taxation.

Many municipalities, especially those surrounding New York City, are the proud hosts to the representatives of foreign governments. At the same time, however, these cities are forced to assume the burden for unpaid taxes that rightfully should be shared by the entire Nation.

In my own congressional district, for example, the village of Pelham has property occupied by the representatives of two foreign governments to the United Nations. These parcels would bring in more than $2,500 in village tax revenue annually and $4,000 in school taxes were they not exempt. These are substantial sums in a small village that is almost entirely residential. While Pelham would like to welcome other U.N. ambassadors who have expressed an interest in locating there, the village is reluctant to lose additional tax revenue.

The same situation prevails in the city of New Rochelle. Representatives of four foreign governments occupy property in the city with an assessed value of approximately $300,000, resulting in unpaid taxes of about $150,000.

With tightened municipal budgets, rising tax rates, and school budgets defeated at the polls, it is my judgment that the entire country should share the increased tax burden placed on the residents of these affected cities.

I hope that the Committee on Foreign Affairs will be able to consider this measure at the earliest opportunity.

## "RIGHT TO WORK" NOT AN ISSUE IN POSTAL REFORM

### HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. UDALL. Mr. Speaker, I find that all congressional offices are being flooded right now with alarmist mail that threatens to undermine the efforts of the Nixon administration to reform the Post Office Department and put it on a business basis. If this should be the result, it would be an ironic turn for the President and his Postmaster General, who have worked so hard to improve the postal service for the people who use the mails and the employees who have labored so long in such an antiquated and bureaucratic system.

I am speaking of the mail being generated by the National Right to Work Committee.

Mr. Speaker, many of my colleagues in both parties have asked me to explain what this is all about. They are acquainted generally with the issue of postal reform, but they do not understand how this became entwined with the old "right to work" issue, last heard from in 1965.

Let me say here and now that "right to work" is not an issue in postal reform. The bill reported by the Committee on Post Office and Civil Service neither advances nor retards the "right to work" movement; it leaves it precisely where it is now. It retains the status quo. And for a bill as important as this, with as many problems to solve as this, that is precisely what it ought to do.

I know there are many conscientious Members of the House who feel strongly about the union shop question—they are strongly against such arrangements, or they are strongly for them. And I know that there are strong supporters of postal reform in both groups. Thus, I think it would be tragic, a mistake of the greatest proportions, to try to make this bill a vehicle for either cause.

If there are Members who feel we should go back and amend or repeal sections of the Taft-Hartley Act, then I believe they ought to introduce separate legislation and let the issue be decided on its own merits. I do not think they ought to risk the most significant reform in the history of the post office to advance their cause. And I direct that advice equally to stanch supporters of "right to work" laws and to those of my colleagues who want to wipe them out with repeal of section 14(b) of Taft-Hartley.

I might say that I am in a perhaps unique position to render such advice. I personally oppose "right to work" laws, but I voted in 1965 against repeal. I did so because there have been three referendums in my State, and they have all supported "right to work." For the stand that I took I won the backing of some labor friends and the rebuke of others. I also was commended by the National Right to Work Committee.

Sometime soon, if the Committee on Rules agrees, the House will have a chance to vote on one of the most important pieces of legislation to come out of the Post Office and Civil Service Committee in the history of the Congress, the postal reform bill. I am most hopeful we will be able to enact it into law.

In all the years I have been in Congress I have been bothered by the grossly inefficient manner in which this Nation operates its postal service. This has not been a result of bad people; for the most part, the people who have run our postal service have been dedicated public servants. Rather, it has been the result of a bad system, an irrational system which has denied to the management of the Post Office Department the authority to make decisions relating either to income or expenditures. The heavy hands of the Congress, the White House, and the national political parties have been ever in the works.

In order to change this system we have tried in this legislation to give management the prerogatives of management, and to give labor the kind of recognition, bargaining rights and status which are enjoyed by labor in private enterprise.

One of the thorny issues which immediately arose in the drafting of this legislation was how to treat the union security issue. There were those who wanted to go both ways. Some Members, strongly committed to the cause of collective bargaining, wanted to write in a provision calling for a national union shop. If they had prevailed, then every post office in the country could have adopted a union shop, and the "right to work" laws in 19 States could have been subverted to that extent.

Others, strongly committed to the "right to work" cause, wanted to seize this opportunity to write a national "right to work" law affecting all 750,000 postal employees. If they had succeeded, the laws of 31 States which permit union shops would have been subverted to that extent.

These contending views set the stage for long negotiations between the unions, who represent over half a million postal workers, and the administration. Out of these negotiations came an understanding which I think makes eminent good sense. What it says essentially is that we will not fight the "right to work" battle in this vital legislation. We will leave the Taft-Hartley Act and the labor laws of the 50 States exactly as they are today—no more and no less—and save the "right to work" bat-

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tle, if it must be resumed, for another day.

Let me spell this out a little further. Under the Postal Reform Bill, as reported by the Committee, the National Labor Relations Act would apply to employees of the U.S. Postal Service exactly as it applies to employees in private enterprise.

In simple terms, let's take the case of a steel company operating in Birmingham, Ala., and Pittsburgh, Pa.

Alabama is a "right to work" State. Therefore, the plant in Birmingham cannot have a union shop. Employees are free to join or not join a union as they see fit.

On the other hand, union-shop contracts are legal in Pennsylvania. Therefore, the plant in Pittsburgh, operated by the same company, could have a union shop if its employees through negotiations and an election supervised by the National Labor Relations Board worked out such a contract with management. In such case, all employees of the Pittsburgh plant would be required to participate in the bargaining unit—in other words, to join and pay dues.

Under the postal reform bill this same principle would apply to postal employees. Those who work in Alabama, Arizona, or any of the other "right to work" States would not be required to join a union as a condition of obtaining or retaining employment. Those who work the 31 non-"right to work" States could negotiate with the postal service to establish union security contracts if they chose to do so.

This is all that is involved. Those Members who favor "right to work" laws can vote for this bill, truly stating that they have not changed the Taft-Hartley Act in any way, shape or form, and that employees in "right to work" States will not be affected in any way. Members who favor repeal of section 14(b) of Taft-Hartley and believe in the union shop can vote for it with the clear knowledge that they have done nothing to change the status quo and that, where employees in private industry are permitted to negotiate union security contracts, the same will be true for employees of the U.S. Postal Service.

Mr. Speaker, I have been reading some of the literature of the National Right to Work Committee as well as the mail that has been generated by it, and I want to state flatly here and now that it is grossly misleading to characterize the postal reform bill as a bill "to authorize compulsory unionism." This is sheer nonsense, and Members should not be mislead by it. In fact, I find myself wondering why such a campaign has been generated over a bill which merely retains the status quo. I don't know the answer, but I suspect it may have something to do with fund-raising. After all, if businessmen are frightened into believing that "compulsory unionism" is on the march, they're more likely to contribute generously to the organization that is leading the fight against it.

If I seem just a little bitter in this regard, it is simply because a news release recently issued by the National Right to Work Committee has exceeded all bounds of propriety and honesty in attacking the honor of one of my colleagues on the Post Office and Civil Service Committee.

In a news release dated May 14, the National Right to Work Committee asserts that the gentleman from Nebraska (Mr. CUNNINGHAM) was defeated for renomination because he "voted to authorize compulsory unionism." This is outrageous, not only in the way Mr. CUNNINGHAM's vote in committee was characterized, but in the fact of that Nebraska primary. Mr. CUNNINGHAM can speak for himself, of course, but it is my understanding that this question hardly came up at all in the primary campaign. For the National Right to Work Committee to claim credit for his defeat is patently ridiculous.

For the edification of my colleagues who might have missed this gem in their mail I shall insert the text of the Right to Work Committee news release at the conclusion of my remarks.

Mr. Speaker, the arguments we are hearing about the postal reform bill and "compulsory unionism" sound very much like something out of "Alice in Wonderland." Is the National Right to Work Committee saying that President Nixon is in favor of "compulsory unionism?" That's what it sounds like, for the decision to keep this bill out of the "right to work" controversy was made by President Nixon and George Meany. I think their decision was a sound one. I hope and trust the majority of my colleagues in both parties—including both friend and foe of "right to work"—will concur in this view.

It is not always the popular thing to work too closely with a President of the opposite political party. But, while I have differences with President Nixon in many other areas, I have worked with him and his Postmaster General to carry out the postal reform legislation they have drafted. I believe it is right for the country, and I have given their cause a great deal of my time and energy for many, many months. I shall continue to do so.

When the postal reform bill was first reported by the Post Office Committee, I was surprised and pleased to receive a phone call from President Nixon thanking me for my efforts. The bill he thus endorsed had precisely the language now being impugned by the National Right to Work Committee. I think my colleagues ought to know that the President himself stands behind the decision to keep "right to work" out of postal reform. And I stand behind the President on that:

CONGRESSMAN CUNNINGHAM FIRST CASUALTY IN "POSTAL REFORM" RIGHT TO WORK FIGHT

WASHINGTON, D.C., May 14, 1970—Within two weeks of the time Cong. Glenn Cunningham (R-Nebr.) voted to authorize compulsory unionism for the nation's 750,000 postal workers, he became the first casualty in what shapes up as a bitter fight in the House and Senate over the Right to Work issue, Reed Larson, Executive Vice President of the National Right to Work Committee said today.

Larson was referring to Tuesday's primary vote in Nebraska in which the seven-term incumbent from Omaha was ousted by challenger John McCollister by a 25,428 to 20,187 vote margin. Cunningham was one of two members of the House Post Office and Civil Service Committee from Right to Work states (Rep. Morris K. Udall (D-Ariz.) was the other) to vote against an amendment to the postal "reform" bill that would have continued to guarantee Right to Work protection to postal workers they currently enjoy under a Presidential policy statement.

Offered by Cong. David N. Henderson (D-N.C.), the amendment stated: "Each employee of the Postal Service has the right, freely and without fear of penalty or reprisal, to form, join and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right." The amendment lost in Committee by a 14–8 count. The bill (H.R. 17070) has been approved by the House Post Office and Civil Service Committee.

"The Nebraska vote," said Larson, "is reminiscent of the election results following debate in the 89th Congress over repeal of Section 14(b) of the Taft-Hartley Act." Section 14(b) permits states to enact Right to Work laws barring compulsory unionism.

Larson said, "The will of the people as sensed by members of the 89th Congress during the 14(b) debate was confirmed by the voters. Some 50 of the 221 House members who supported repeal in the 89th Congress were among the missing when the 90th Congress convened. In every race where repeal of 14(b) was a major issue, voters rejected candidates who favored repeal; in no case was an incumbent who opposed repeal unseated by a challenger who favored repeal.

"In other words, the 14(b) victory confirmed what every reliable survey of public opinion has been saying for years: that by a margin of better than two to one, the American people favor voluntary over compulsory unionism."

The National Right to Work Committee is a coalition of employers and employees organized in 1955 with a single purpose: to protect the right of individual workers to join or not to join a union without losing their jobs.

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## A PUSSYCAT FOR THE PANTHERS

## HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. SCHERLE. Mr. Speaker, amid all the controversy engendered by the activities of the Black Panther Party, it is difficult at times to discuss the voice of reason. A recent editorial in the Omaha World-Herald reestablishes a sane perspective on the issue of a fair trial for Panther Chairman Bobby Seale, accused of the murder of fellow Panther Alex Rackley. I believe we can all profit from these words of commonsense. I insert this editorial in the RECORD:

A PUSSYCAT FOR THE PANTHERS

It isn't every day that the vice president of the United States denounces the president of Yale University and suggests that the alumni unite to get rid of him.

But then it isn't every day that the vice president of the United States is a whizbang like Spiro T. Agnew and the president of Yale University is as fatuous as Kingman Brewster.

What Brewster did to get on Agnew's list was give aid and comfort to the student redhots who have been trying to subvert justice in the case of the Black Panthers being tried in New Haven for murder and kidnaping.

When the students went into their initial frenzy, Brewster maintained the cool for which he has been celebrated in the ranks of university administrators.

**But as the ferocity of the student demonstrations mounted, Brewster went off the deep end. Where he had started counseling faith in the judicial system, he ended expressing skepticism that black revolutionaries could get a fair trial under the present system.**

And he went on to promise total university cooperation in housing and feeding the thousands of outside hellraisers expected in New Haven for a long May Day weekend of attempted intimidation of the court and jury.

Thus Brewster joins the long list of university nabobs who have thrown the prestige of their standing behind the fevered nonsense of adolescent mobs.

And Yale joins the lengthening list of previously prestigious institutions which no longer are quite so attractive as places for the nurture of young minds.

The Panther murder case centers on the death of Alex Rackley, a Panther member who wound up shot. One of the principal witnesses for the prosecution is George Sams Jr., a Panther who already has pleaded guilty to second-degree murder in the case.

In a bail hearing last week, Sams told of being present in a New Haven apartment where Rackley was tied spread-eagle on a bed while chairman Bobby Seale questioned him. Rackley was accused of being a police informer. The dialogue, according to Sams' testimony, went like this:

Seale: "Are you the pig?"

Rackley: "No, sir, chairman, I am not the pig."

Seale: "What do you do with a pig? A pig is a pig. Off (kill) the (obscenity)."

Whereupon three of the defendants took Rackley out and shot him, according to testimony. A second Panther named as an executioner also has pleaded guilty to second-degree murder and is expected to testify later.

Now it would seem that with eye-witness evidence like that in hand, a trial should be held to determine the truth of the allegations.

But according to the Yale students—and according to Yale President Brewster, apparently—the trial should not be held at all.

Perhaps Brewster is right and the Panthers in New Haven can't get a fair trial. If they can't, it is very likely because the students in Brewster's charge, and the outsiders of whom he is so solicitous, have created such a climate of intimidation that the jury might feel in danger of being overwhelmed by mob violence, and temper its judgment accordingly.

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## "PUGWASH" DIALOGS BETWEEN SOVIETS AND PRIVATE CITIZENS

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. RARICK. Mr. Speaker, meetings under the guise of peace dialogs and disarmament continue in the United States between Soviets and private U.S. citizens.

While peace and understanding between the East and the West are commendable, and to some may be profitable, many wonder what sovereign the private Americans, funded with tax-free foundation funds, represent and whether their goal is peace in the American vernacular or peace under the Communist rhetoric; that is, removal of all opposition to international communism.

Or are the Pugwash conferences merely SALT talks by the party not in power—a parallel government. We do not know but the Soviets must, otherwise they would not participate.

I include several news clippings and the Washington Report of the American Security Council for May 4, 1970, as follows:

[From the New York Times, Apr. 24, 1970]

SOVIET NAMES 10 FOR FORUM HERE

Moscow, April 23.—The Soviet Union today made public the names of its 10-man delegation that will take part in a public discussion with American public figures next week in New York.

The conference, organized by the Fund for Peace, a New York foundation, will take place on April 29 in the New York Hilton.

The Soviet group will be headed by Mikhail D. Millionshchikov, a Vice President of the Academy of Sciences and chairman of the Supreme Soviet of the Russian Republic. A 56-year-old physicist, Dr. Millionshchikov has been active in the Pugwash conferences of scientists from East and West.

Others in the delegation are: Georgi A. Arbatov, director of the U.S.A. Institute of the Academy of Sciences and a consultant to the Central Committee apparatus.

Nikolai N. Inozemtsved, Director of the Institute of World Economics and International Relations and former deputy editor of Pravda.

Gennadi Gerasimov, a commentator for the Novosti Press Agency.

Mikhail I. Zakhmatov, a department head in the U.S.A. institute, specializing in East-West trade.

Vitaly V. Zhurkin, a department head in the U.S.A. Institute dealing with American foreign relations.

Dmitri Muravyev, general secretary of the Institute of Soviet-American relations, a nongovernmental friendship society.

Aleksei Kudryavtsev, a specialist in urban planning and construction.

Yevgeni M. Primakov, Pravda correspondent for the Middle East.

Georgi Skorov, an expert on economic problems of developing countries.

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[From the New York Times, Mar. 16, 1970]

LEADING U.S. AND SOVIET CITIZENS TO HOLD TALKS HERE

Moscow, March 15.—The Soviet Union has agreed to send a prominent delegation to New York next month to join American public figures in an extraordinary public discussion of such problems as arms control, pollution, East-West trade and peace-keeping.

Joseph P. Lyford, president of the Fund for Peace, a New York foundation that has organized the National Convocation on the Challenge of Building Peace, made the announcement of Soviet participation after a week of talks with the authorities here.

He said that Premier Aleksei N. Kosygin had sent him a message asserting that "he supported fully the convocation and regarded it as an important step to improve Soviet-American relations."

BALL A CHAIRMAN

The American co-chairmen of the meeting are Najeeb E. Halaby, president of Pan American World Airways, and George W. Ball, former Under Secretary of State and delegate to the United Nations. Some of the most prominent figures in banking and finance are on the fund's directorate.

The convocation is to be held on April 29 at the New York Hilton. It is believed that this will be the first public discussion of important issues by prominent figures from both countries. The panel sessions will be open to the press and television as well as to the public, Mr. Lyford said.

In the past, Soviet and American scientists and educators have met privately at the Pugwash sessions—nongovernmental conferences to discuss security in the nuclear age—and other such off-the-record meetings. Soviet authorities have generally not agreed to public debates abroad because of concern that they would be pressured to allow similar public discussion in the Soviet Union. Mr. Lyford said there was no indication that the Russians planned to reciprocate this time.

ON LEAVE FROM COLLEGE

Mr. Lyford, on leave from the University of California at Berkeley, said that financial backing for the convocation, including the expenses of the 14 to 16 Soviet delegates, had been raised from "thousands of citizen-contributors and from more than 40 major United States corporations."

Among the corporations are American Airlines, the Bank of America, the Boeing Company, the Chrysler Corporation, Corning Glass and Hiram Walker & Sons.

This amount of support, Mr. Lyford said, is "an unmistakable indication that a large percentage of the American people—including the business community—is impatient for an end to the cold war."

"There is an obvious and growing public demand," he continued, "for some practical suggestions from the best minds in both the United States and the Soviet Union as to how all of us are going to survive in an age of nuclear weapons, pollution and threatened starvation in the underdeveloped nations."

According to the agreement worked out with three Soviet organizations, 14 to 16 persons will be sent to participate in the panel discussions. The Soviet side can also submit position papers on various aspects of the panels.

RICHARDSON TO SPEAK

Although this is a nongovernmental convocation, Mr. Lyford said that the Fund for Peace had received full cooperation from the State Department. Under Secretary of State Elliot L. Richardson has agreed to give the luncheon speech.

On April 30, the participants will continue their discussions outside New York City, and the Soviet side will make special appearances around the country as well. No specific itinerary has been decided.

The three Soviet sponsoring organizations are the Institute of the U.S.A. and the Institute on World Economy and International Relations—both divisions of the Soviet Academy of Sciences—and the Institute of Soviet-American Relations, one of the various Soviet "friendship" organizations.

So far, Georgei A. Arbatov, director of the Institute of the U.S.A., Nikolai N. Inozemtsev, director of the Institute on World Economy, and Academician Nikolai N. Blokhin, director of the Institute of Soviet-American Relations, have indicated that they would participate.

Among others expected are Dzherman M. Gvishiani, deputy chairman of the State Committee for Science and Technology, and Dr. Mikhail D. Millionshchikov, a specialist in arms control. The rest of the delegation will be announced before the end of this month, Mr. Lyford said.

Among the American participants are the following:

Zbigniew K. Brzezinski, director of Columbia University's Institute on Communist Affairs.

John Kenneth Galbraith, professor of economics at Harvard.

Jerome B. Wiesner of Massachusetts Institute of Technology, science adviser to President John F. Kennedy.

Adrian S. Fisher, former deputy director of the Arms Control and Disarmament Agency.

Cyrus Vance, former Deputy Secretary of Defense.

Richard N. Gardner, former Deputy Assistant Secretary of State.

Michael Blumenthal, president of Bendix International.

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Willis Armstrong, president of the United States Council of the International Chamber of Commerce.

Robert V. Roosa, former Under Secretary of the Treasury for Monetary Affairs.

Edward J. Logue, president and chief executive officer, New York State Urban Development Corporation.

Roger O. Egeberg, Assistant Secretary of Health, Education and Welfare.

Barry Commoner, director of the Center for Biology of Natural Systems.

Franklin A. Long, director of program on science, technology and society, Cornell University.

Athelstan F. Spilhaus, president of the American Association for the Advancement of Science.

Mr. Lyford said that it was hoped that the panel discussions would allow recommendations to be drafted for joint action programs by the two countries.

The Soviet side is expected to use the convocation to press in particular the Soviet criticism of American restrictions on East-West trade and to indicate Soviet unhappiness with the Nixon Administration's decision to deploy defensive and offensive missiles while talks on limiting strategic arms are continuing.

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[From Human Events, May 16, 1970]

## Pugwash Conference at Princeton: Leading "Peace" Workers Meet Secretly With Soviets

(By Alice Widener)

The Fund for Peace, a conglomerate of pacifist, leftist and world government organizations, says its creation was "spurred" by Dr. Jerome B. Wiesner, former science adviser to President Kennedy, Pugwash Group member and advocate of unilateral U.S. disarmament, and by Sen. ——. Both are waging campaigns against expansion of ABM and development of the MIRV. The Soviet Union is developing both nuclear weapons systems.

On April 29, at the New York Hilton, the Fund for Peace held a Second National Convocation on the Challenge of Building Peace under the co-chairman of Najeeb Halaby, president of Pan American World Airways and the Hon. George Ball. Among a star-studded list of sponsors were such prominent figures as Averell Harriman and Arthur J. Goldberg.

Timed to coincide with the SALT talks in Vienna between the U.S. and USSR, the Fund for Peace Convocation cooperated with the Pugwash Group and was attended by several Russians holding high posts in the Soviet government and Russian Communist party. The luncheon speaker was Under Secretary of State Elliot L. Richardson.

The press covered that event, but gave scant coverage to the all-day panel sessions and, to the best of my knowledge, no coverage at all of the private, secret Pugwash conference between Convocation principals and the Soviets at Princeton University Woodrow Wilson School on April 30.

There some extremely influential private American citizens met with the Soviets to discuss such sensitive subjects as arms control and disarmament. Among the Americans present were Dr. George Kistiakowsky, who will follow Secretary of Defense Laird in testimony affecting the military authorization bill before the Senate Armed Services Committee this month, and active Pugwash members Drs. Bernard Feld of Harvard and Franklin A. Long of Cornell.

Former Deputy Director Adrian S. Fisher of the U.S. Arms Control and Disarmament Agency took part and so did former U.S. Sen. Joseph Clark, now president of World Federalists US.A. In the Soviet group at the secret Pugwash meeting were Dr. Nikolai N. Inozemtsev and Dr. Georgy A. Arbatov and Mikhail D. Millionshchikov, all members of the Soviet Academy of Sciences.

All the Americans present are passionate "peace" advocates and most of them are bitter opponents of the American military-industrial complex. Dr. Franklin Long has said our national security should be taken out of U.S. government control and turned over to private groups. Dr. Bernard Feld has said scientists should raise their voices so as to remove our military from positions where they can influence the government.

Under our Constitution, the President is commander-in-chief of our military and Congress provides for the common defense; thus we are guaranteed civilian control over the military. For "the people" or "private groups" to take direct control would entail a revolutionary takeover necessitating a coup d'etat to alter our form of government. This is precisely what the Soviets want.

While our government is conducting Strategic Arms Limitation Talks with the Soviet Union, is it wise or proper for private American citizens, some of whom have been privy to classified information, to be trying to negotiate privately with Russian citizens who are government officials unable to act solely in a private capacity?

Of course the Princeton Pugwash secret meeting was legal; but was it appropriate or wise, especially since several of the American participants are advising members of Congress on arms control and disarmament?

The *Congressional Record* shows that in current debate on Capitol Hill concerning ABM and MIRV, Senators are relying heavily on "expert" advice from Pugwash Group members Jerome Wiesner, Bernard Feld, Paul Doty and Franklin Long

The Pugwash Group was set up in 1957 to bypass our government in private negotiations with Soviet and other Communist scientists and intellectuals. The stated aim now in 1970 of the Fund for Peace is to follow Dr. Wiesner's call for "building a peace constituency" in our country. Sounds fine, but the big question is: What kind of constituency?

Dr. Wiesner told the American Association for the Advancement of Science last December, that "anti-communism has become so virulent in the U.S. that it will almost certainly one day be viewed as a mental disease which led the nation to self-destructive acts."

Dr. Wiesner didn't say a word about virulent anti-capitalism among a handful of Kremlin dictators that led them to liquidate millions of Russians and enslave millions of Poles, Hungarians, East Germans, Ukrainians, Rumanians and Czechs behind an Iron Curtain. Neither Dr. Wiesner nor Sen. Fulbright has branded anti-capitalism as a mental disease.

Maybe the vast majority of us Americans, staunch anti-Communists, are indeed loony in the eyes of the Pugwash Group, but we're not loony enough, I hope, to clip the wings of the American eagle so that it is turned into a sitting duck.

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[From the Washington Report, May 4, 1970]

## A Profile of Defeatism: Dismantling The Nation's Defenses

History shows that soft thinking and fainthearted leadership form a path to national destruction. Students of the Roman civilization point to the Roman Senate's loss of the will to win as a major cause of the downfall of the empire. At the last, the Senate seemed to serve the barbarian aggressors rather than the national interest of Rome.

A generation ago, the representatives of the French people took refuge in a Maginot Line mentality, saying that the shift in the strategic balance to Nazi Germany would not endanger France. They rejected appeals for stronger defenses, arguing that new cycles of weapons took money needed for social purposes and insisting that there was no absolute security in more weapons. They sought peace through negotiation and favored concessions such as were made at Munich.

### ANTIPREPAREDNESS SENTIMENT

Today, many thoughtful Americans are deeply concerned that a similar mood is settling over the United States. They are alarmed at the growth of the anti-preparedness sentiment in the U.S. Senate and the impact of this sentiment upon sections of public opinion. They fear a rapid decomposition of American morale as a result of defeatism among men in high places—defeatism masked as a "struggle for peace."

For many months, senator after senator has chipped away at various features of the nation's defenses—at aircraft carriers, the C–5A transport, the Army's new battle tank, military aid to allies, anti-ballistic missiles, selective service, ROTC, fighter-bombers, and numerous other weapons and programs basic to the security of this nation. Companies which produce weaponry needed for national safety have been libeled as merchants of death. American soldiers in the field, fighting an utterly unprincipled enemy that resorts to trickery and terrorism, have been criticized for making the tough battlefield decisions that combat troops must make if they hope to stay alive.

This harassment of the nation's defense forces apparently is only the beginning. Some people, it seems, won't be satisfied until the American defense establishment is dismantled. In this connection, it is instructive to review the massive opposition to the ABM (anti-ballistic missiles) and MIRV (multiple warhead missiles).

### PRESSURE TO CUT DEFENSES

Pressure for a slowdown in America's defense effort is intense and comes from many sources. For example, a group of Americans met at Arden House, Harriman, N.Y., March 31–April 2 under the auspices of the American Assembly of Columbia University to consider arms limitation. At the conclusion of their meeting they issued a statement, saying: "We ask the President to defer for six months the impending deployment of multiple independently targetable re-entry vehicles (MIRV)."

The MIRV missiles constitute one of the few areas in which the United States is ahead of the Soviet Union. A U.S. halt at this time might probably give the Soviets a chance to catch up with the United States. Thus a halt could well be a military technological disaster for the United States.

The American Assembly describes itself as a "non-partisan educational institution." But consider the signers of the anti-MIRV statement. One of them was Adam Yarmolinsky, former assistant to Secretary of Defense Robert S. McNamara. Mr. Yarmolinsky was a guiding spirit behind the campaign to muzzle the military in the early 1960's. Another signer was Dr. George W. Rathjens of the Massachusetts Institute of Technology, a leading contributor to Sen. —— anti-ABM book published in 1969. Two other contributors to the —— volume also signed the American Assembly report. A close reading of the entire list of signers shows that it was a "stacked deck" and blatantly partisan.

### BUNDY'S VIEWS

Arguments against a strong stand on national defense find innumerable outlets. McGeorge Bundy, former adviser in the Kennedy and Johnson administrations and now president of the Ford Foundation, testified in Washington on the "arms race." Predictably, he urged suspension of deployment of offensive and defensive strategic weapons. He was quick to recommend American concessions, saying for instance, that "if we are to get an early limit on SS–9 (Russian missile) deployment, we ourselves must put MIRV on the bargaining table." Mr. Bundy's most curious statement, however, was his comment that "there are times and topics for toughness with Moscow, but the Strategic Arms Limitation talks in April is not one of them." That will strike many citizens as strange advice. Mr. Bundy recommends that the U.S. not be tough in talks that affect the security—the lives—of the American people. Does he imagine that the Soviets will cease to be tough in their demands?

An air of unrealism permeates the statements of anti-preparedness elements in the country. Congressman —— of —— said in April that he saw no need for the U.S. to maintain 15 aircraft carriers "since none of the communist nations have any attack carriers." One wonders whether Rep. —— meant what he said. Does he believe the U.S. should scrap the weapons system in which it has a clear lead over the Soviet Union? The interior logic of his statement is that the U.S. shouldn't maintain carriers because it has an advantage over the Soviets in carrier deployment. That's a sure prescription for second class status in the world, if not outright defeat by the USSR.

### NAIVETÉ IN THE SENATE

For naiveté, Americans have only to read the comments of Sen. ——. In a recent Senate debate on the ABM and MIRV, Sen. —— remarked: "I believe that the Soviet people certainly cannot want to continue the spending of billions of dollars on nuclear weapons when they could best put that money to better use."

Since when have the wishes of "the Soviet people" ever mattered for anything in the shaping of Soviet policy or programs.

Certainly, Sen —— must be aware that there is no representative government—no voice of the people—in the Soviet Union and that the party, military and organizational hierarchs make all the decisions, irrespective of what the people want. Indeed, there is no free press and no freedom of petition, so the real desires of the Soviet peoples cannot even be articulated or find expression at the national level. Thus Sen. —— question can be seen as an extraordinary piece of irrelevance, which is damaging because it obscures the nature of the threat facing the United States.

The thought processes of the members of the anti-preparedness bloc understandably strike realistic citizens as strange indeed. Take, for example, the statement of Sen. —— that "more nuclear weapons do not buy more security." Statements to this effect have been issued by many of the opponents of new defensive systems. What does Sen. —— mean? Is the statement logical? Suppose a senator were to say "more hospitals don't buy better medical care." Would anyone believe him? Logically, nuclear weapons are as to national security as hospitals are to medical care. In the case of weaponry, there is an additional element, namely that the adversaries of the United States—the enemies of American freedom—are increasing their stock of nuclear weapons. Relatively, therefore, the U.S. has a smaller stockpile of nuclear weapons. The logical conclusion to be drawn from this situation is that America's security is diminishing. Hence the need for the ABM, MIRV and other offensive and defensive systems.

### THE BREZHNEV VIEW

The intense antagonism to strengthened American defenses has even reached the point where the editors of *The New York Times* assert (as they did in reference to the opening of the SALT talks April 16) that "hopes for halting the nuclear missile race ride for the moment with the Soviet delegation." *The Times* followed this up with Leonid Brezhnev's statement that prospects for the SALT talks would be favorable "if American opinion succeeds in overcoming resistance by the arms manufacturers and the military." It is interesting to wonder what might have been the U.S. public reaction in 1941 if a leading American newspaper had indicated the U.S. was doing nothing to halt an arms race and quoted the Imperial Japanese government as saying that peace prospects would be good if American shipbuilders and the military could be overcome.

It is unfortunate that the editors of *The Times* don't share the realistic views of C. L. Sulzberger, *The Times'* chief correspondent. In a dispatch from Belgium this spring, Mr. Sulzberger declared: "The menace against America is being heightened while Moscow seeks to continue the impression that it sticks to the Khrushchev era strategy. . . . More and more ICBMs are aimed at the United States which is increasingly in the front line."

Such is the situation the United States faces in the world today. The American people live in a global environment of increasing danger from the nuclear-armed Soviet Union.

The facts of the changing strategic balance have been spelled out to the President, the Secretary of Defense, the House Armed Services Committee and authoritative strategic studies groups in the U.S. and Western Europe. Nevertheless, the anti-preparedness elements choose to ignore the accumulation of facts concerning the nuclear and missile threats. Perhaps the most extraordinary aspect of the entire anti-preparedness drive is the extent to which the disarmers are willing for the country to go. The battle against the ABM and MIRV—and the campaigns against conventional weapons such as aircraft carriers, transport planes and heavy tanks—is but a prelude to the central assault on America's basic deterrent power against communist aggression.

### THE M'GOVERN VIEW

Sen. —— revealed the full scope of the disarmers hopes and plans April 9 in debate in the Senate on an anti-MIRV resolution. For the first time, a member of the Senate anti-preparedness bloc called for dismantling of a key portion of the nation's defenses against Soviet aggression.

"I think we are forced to consider this year," said Sen. ——, "whether it would not be wise to allow the phasing out of the entire fixed site ICBMs. At the very least we should forgo expenditures on futile improvements in the Minuteman force pending an investigation of whether land-based missiles can be a viable component of our retaliatory forces in the future." He called for a flat prohibition on funds for the Minuteman procurement program.

There's no mistaking Sen. ——'s intent, for he emphasized that he favors "phasing out" the Minuteman. Hopefully, the meaning of this statement will not be lost on the American public. The Minuteman missiles are an absolutely indispensable element in the nation's defense against surprise Soviet nuclear attack on the United States. If the Minuteman force were eliminated, the American people would be naked to direct and disastrous destruction at the hands of the men in the Kremlin.

That a member of the U.S. Senate would make such an appalling proposal is a frightening revelation of the lengths to which the anti-preparedness bloc is prepared to go. It would almost seem that some members of this bloc have concluded that the struggle against the Soviet empire is hopeless and, secretly, are prepared to make the American people adjust and accommodate themselves to Soviet domination.

The —— statement plainly indicates that the pressure is on for unilateral disarmament by the United States—a one-sided abandonment of nuclear defenses which would leave the United States weak and ultimately helpless. It is hard to believe that the American people approve of unilateral disarmament or accept the idea of a Soviet victory in the cold war. Yet that is the direction in which Sen. —— and other disarmers and defeatists are pushing the United States. The American people must make their voices heard. They must support national defense programs if the Munich men of our time are not to triumph. (Anthony Harrigan, Managing Editor.)

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## BREWSTER AGAINST TIDE IN TWO WARS

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## HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. HUNGATE. Mr. Speaker, I am sure the following article will be of interest to many:

[From the Washington (D.C.) Post, May 17, 1970]

### BREWSTER AGAINST TIDE IN TWO WARS

(By J. R. Wiggins)

(NOTE.—The writer is the retired editor of The Washington Post and now publisher of the Ellsworth, Maine, American.)

Kingman Brewster, the president of Yale University, went to Washington last week to persuade Congress to get the United States out of the war in Southeast Asia.

Kingman Brewster, chairman of the Yale chapter of the America First Committee, went to Washington in February 1941, to persuade Congress to keep the United States out of war in Europe by defeating Lend-Lease aid to Britain (the Defense Aid Act of 1941).

Between these two Brewster visits to Washington lie nearly three decades of an era of American internationalism marked by Roosevelt's ingenious Lend-Lease program, by World War II, by the North Atlantic Pact, the North Atlantic Treaty Organization, the Truman Doctrine, the construction of the United Nations, the Southeast Asia Treaty Organization, the armed intervention in Lebanon, the defense of the Congo, the formation of Israel, the Korean war, the foreign aid program, the support of South Vietnam and a host of other acts and measures of American intervention.

Under five Presidents—Roosevelt, Truman, Eisenhower, Kennedy and Johnson—the United States used its power in behalf of small nations threatened by Communist aggression. It acted with others when possible. It acted alone when necessary. It used diplomatic means when feasible. It used military means when unavoidable.

The tide of internationalism was rising in America when Brewster went to Washington in 1941. He spoke for a failing cause. He claimed then to speak for the young; he does now. The rhetoric is very similar. These few paragraphs from his 1941 testimony against Lend-Lease, before the Senate Foreign Relations Committee, are illustrative:

"I assume that I have been invited here to present and explain the point of view of those many young citizens who oppose active official participation in the war abroad, especially as it is implied in the measure which you are considering.

"Although we are interested in today, quite naturally we young citizens are mainly concerned with the kind of world which we shall inherit, and more particularly the kind of America which you will hand down to us. If we are called upon as soldiers today, we shall, of course, willingly carry out the decisions and commands of those in authority. But we are deeply concerned with the kind of America that we shall live in as citizens tomorrow.

"We are willing, we are eager to give our lives and our deaths, if need be, in the service of the nation. But we do insist that those lives or those deaths be not wasted. I wish to express my gratitude to this committee for inviting one member of our generation to record his opinion at a time when the course of America's destiny for years to come is being determined.

"Fundamentally, we believe that the peace of this hemisphere has more to offer the world of tomorrow than any possible outcome of a devastating transoceanic war.

"This position is based upon the assumption that by adequate preparation on our part, the Americas cannot be successfully invaded from across the ocean. For all the attempts of certain people to make it look otherwise, this assumption does not rest on any faith in the word of the dictators. It springs, rather from a faith in ourselves.

"If a transatlantic war is to be waged, we would rather make the enemy cross the water to try to land. We cannot understand the logic of those who say we are not strong enough to hold any enemy from our own shores, yet say that we can wipe the strongest military power in the world off the face of Europe—and all without sending a single American soldier abroad."

". . . one thing is common to the great majority if not all people of my age. We are resentful of the deceit and subterfuge which have characterized the politics of foreign policy. We have not been moved by, rather we have been impatient with, the name-calling and accusation technique. Perhaps that is why we have listened to Col. Lindbergh whether we agree with him or not, and have admired his courage and straightforwardness.

"We resent the unwillingness of certain people to be honest and square with the public. We have resented the use of glib phrases just because they sound well even though they are loaded with dynamite which may determine our future. We resent the effort to hide from the American people tomorrow's consequences of what we do today."

". . . We cannot hope to proceed deliberately and proudly in a manner which will command respect and sacrifice of a whole generation until this decision has been made openly and freely. I speak for those young citizens who have decided in favor of American peace and sovereignty. Having made that decision, we are unalterably opposed to the measure under consideration . . ."

American involvement in World War II was only a few months away, but Kingman Brewster had strong support in the Senate Foreign Relations Committee from Sens. Johnson, Shipstead, Clark, LaFollette and others. Nevertheless, Congress approved the Defense Aid Act of 1941.

### UNKNOWN ALTERNATIVES

History, as Lord Acton noted, does not disclose its alternatives. No one can know what would have happened if the United States had withheld aid to Britain and avoided involvement in World War II. The Nazi colossus might still be astride Europe, reveling in the sway of the Third Reich from Norway to Italy, from Spain to Siberia. A European dark age might still prevail over the whole continent. The leaders of European intellectual life might still be in concentration camps or rotting in unmarked graves.

The United States might have developed the defensive system that Brewster advocated. The Americas might have become the bastion of freedom he foresaw, living in a hostile Nazi-dominated world. They might already have fallen prey to Nazism. They might have embraced a species of fascism themselves in order to make an adequate defense against totalitarian foes.

Or the Nazi system, by now, might have fallen of its own weight of evil and wickedness, at some colossal cost in terms of lives of civilized people and the culture that had existed for thousands of years in all of Europe. Who can say?

The United States did not accept the advice of the young Yale student who, in 1941, spoke so eloquently for his generation—and so accurately of the probable military involvement that would flow from aiding England.

Now he is back in Washington with more advice for Congress. This time it is the advice that Congress should not give military aid to countries in Southeast Asia, besieged by communism. He is sure, once more, that the contest does not involve vital American interests worthy of the risks. But this time, he speaks at what may be the close, instead of at the beginning, of America's era of internationalism.

There probably is more likelihod that he will be heard favorably. If he is heard and if his views are acted upon, the nation may come as near as a nation can to discovering the alternatives to its 1941 decisions. At least it will find out the consequences of withdrawal in Asia, and be better able to judge what might have been the consequences of withdrawal from Europe in 1941.

Then, the end of the age of American internationalism will have arrived and much, but certainly not all, that was done from 1941 to 1970 may be undone. The country will have an opportunity to accommodate itself to another version of the "fortress America" doctrine that Brewster advocated in 1941.

This is not to say that Brewster was an important or decisive figure in 1941, or that he is an important or decisive figure now. But his two appearances in Washington may be like bookmarks at the beginning and at the end of the international epoch in American history.

Perhaps the American world would have been able to adapt to the Nazi administration of Europe, and perhaps it will be able to accommodate to the Communist domination of Asia. There is no proof that the decision to accept Nazism in Europe would have been fatal for the United States, and no proof that the decisions to accept communism in Asia will be fatal to the United States. Just as millions of Europeans would have faced a melancholy future if the decision of 1941 had been different, so will millions of Asians face a melancholy future now if the decision is to withdraw American power.

What it will mean for the United States challenges prediction. No doubt the country will experience a sensation of relief at the termination of the sacrifice, the burdens and the glories of the age of internationalism. What happens after that will depend partly on what forces in the world assume the role that America abandons, and what role those forces are willing to concede to the lesser and littler America that survives.

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## ARTICLE FROM THE WALL STREET JOURNAL

## HON. TOM S. GETTYS

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. GETTYS. Mr. Speaker, the Wall Street Journal of May 8 carried an interesting and informative article reporting the response of the Financial Executive's Institute to a draft proposal of the Accounting Principles Board. The article points out that the highly respected FEI found that "inconsistency and extremisms" would result if the proposals involving "pooling of interest" in accounting treatment of mergers were adopted. A basic contradiction is found between the Accounting Principles Board's endorsement of pooling in principle and its proposals, which would eliminate virtually all poolings of interest.

Because of the very real impact which such a provision could have on our economy, this entire matter appears to deserve a good deal more study. Certainly, the FEI report cited in the article is a step in the right direction of such study. I hope that this study alerts the Accounting Principles Board and the Securities and Exchange Commission to the dangers of precipitate action in this area.

I submit the article from the Wall Street Journal to be included in the RECORD:

### PROPOSED STIFFER ACCOUNTING RULES SEEN ELIMINATING ALMOST ALL POOLINGS OF INTEREST

NEW YORK.—A leading group of corporate financial executives predicted that a proposed set of stiffer accounting rules would eliminate "virtually all" poolings of interest, the most popular method of accounting for business mergers in recent years.

The Financial Executives Institute, which includes the ranking financial officers of about 3,000 companies, charged that the accounting profession's top rule-making body, the Accounting Principles Board, "contradicts itself" by endorsing pooling in principle, but attaches restrictions that would eliminate "more than 95%" of all poolings.

In March the principles board circulated for public comment an "exposure draft" of new accounting rules for mergers. That draft stopped short of banning poolings completely—as some board members had urged—but among other curbs, it proposed that neither party to a pooling be more than three times the size of its merger partner.

The board's proposals have been widely opposed by businesses and in some accounting circles. Much of the opposition has focused on the three-to-one size test, generally regarded as the easiest point of compromise. Some critics have urged a nine-to-one ratio, but the Financial Executives Institute has characterized any size test as arbitrary.

For purposes of the ratio, a company's size is measured by how large a part of the surviving concern the company's former stockholders end up owning. Thus, if Company A, with three million shares outstanding before a merger, issues an additional one million shares to acquire Company B, the size test is met: Company B's former holders have one million shares, and Company A's original holders have three million.

### REITERATES "STRONG OPPOSITION"

The institute offered its comments in a letter to the accounting board reiterating "strong opposition" to the proposals. The institute said its estimate of how the size test would curtail poolings was based on a retabulation of a 1969 survey of member companies. That survey indicated that even a nine-to-one size test would eliminate more than 80% of all poolings, it said.

Officials of the institute contended that the accounting board had proposed its draft without any empirical study of the practical impact of the proposals. The institute asked that the board go no further without such a study.

The board is scheduled to consider the exposure draft at its meeting in late June. A two-thirds vote of the 18-member board is required to adopt the draft as a formal opinion binding on the nation's accountants.

Under existing rules, a pooling treats two merged companies as though they were always combined. The two concerns not only combine current results, but also restate past figures to reflect the merger. The acquiring company carries its newly acquired assets at the values given them on the old company's books, no matter how unrealistic. In addition, the acquiring company isn't required to amortize—deduct from future earnings—any excess it paid for a concern over the book value of its assets.

If a merger isn't a pooling, it must be accounted for as a "purchase." Under that method, according to the exposure draft, "all identifiable assets acquired . . . should be recorded at their fair values" when acquired regardless of the values they were given on the old concern's books.

FUNDAMENTAL ACCOUNTING CHANGE

According to the institute, this recourse to the "fair-value" method amounts to a fundamental accounting change transcending the merger issue. It shouldn't "be rushed into without considerable testing and probing," the institute said.

Under the exposure draft, "the difference between the cost of the acquired company and the sum of the fair values of the identifiable assets acquired less liabilities should be recorded as good will." The exposure draft stipulates that such good will, and all other acquired intangible assets, be charged against income over 40 years or less.

This mandatory write-off proposal also has aroused considerable opposition, including that of the institute.

As an alternative to the exposure draft, the institute urges that poolings be limited to mergers effected by the exchange of newly issued voting stock for voting stock and meeting certain other conditions. It also has urged more detailed disclosure of how poolings affect the earnings of the post-merger company.

The institute contends that these steps would deal with the alleged abuses of poolings "more severely than the exposure draft," but without "inconsistency and extremisms."

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## CONGRESSMAN PETE McCLOSKEY REPORTS TO YOU

### HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. McCLOSKEY. Mr. Speaker, since being elected to the 90th Congress, I have tried to send a newsletter to my constituents at least once a year and to submit a questionnaire on major issues. My newsletter of May 1970 is herewith submitted for the RECORD:

CONGRESSMAN PETE McCLOSKEY REPORTS TO YOU

MAY 1970.

DEAR CONSTITUENT: These are crucial times. During the next several weeks the Congress faces a number of critical issues, particularly with respect to war and peace in Southeast Asia and in re-ordering our national spending priorities.

We do this primarily through the appropriation process, a series of bills appropriating money for each agency of the government.

So that you may paticipate in this process of representative government, I have included a questionnaire on the back page of this newsletter, which I hope you will fill out and return, indicating what areas of spending should be cut in your judgment and what should be increased.

This year, total government revenues will be approximately $200 billion, with over $75 billion to be spent for defense, including an estimated $23 billion in Viet Nam. On the last page, I have set forth what we spent this year, the President's budget proposal for next year, and the critical areas where Congress must soon decide whether to spend more or less money.

Last year, we voted more money than requested in *social security* ($1.1 billion), *water pollution* ($586 million), and in *aid to education* ($313 million). This year, the critical areas include Viet Nam, Cambodia and Laos, the ABM, postal pay and rates, the SST, rapid transit, and new environmental initiatives.

I hope you will take the time to let me know of *your* priorities of spending by completing the questionnaire on the back page of this newsletter.

Respectfully,

PETE McCLOSKEY.

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WORK AND ACTION IN WASHINGTON

EFFORTS TO SPEED DISENGAGEMENT IN VIET NAM

The decision to send American troops into Cambodia has given sharp focus to the question of congressional authority and responsibilities in Southeast Asia.

Congress in effect delegated its power to declare war to the President under the Gulf of Tonkin Resolution of July, 1964. President Johnson in his capacity as Commander-in-Chief, used this authority to increase our troops in Viet Nam from 20,000 to 549,000, as well as to conduct an air and ground war in Laos which was not publicly disclosed until a few weeks ago. Now U.S. troops have been sent into Cambodia, a country whose neutrality and sovereignty we have recognized since the Geneva Accords of 1954. Our troop commanders have received orders to burn and destroy Cambodian villages as well as North Vietnamese troop sanctuaries.

For some months, I have urged that the Congress should face up to *its* Constitutional responsibilities to limit the Viet Nam war spending, not as an attempt to undercut the President's conduct of the war, but to specify clearly the spending priorities within which he is free to conduct foreign policy. After 8 years—Congress has still not assumed its obligation to decide when and to what degree the U.S. should engage in war—as specified in the Constitution:

*"Article I, Section 8 of the Constitution:* Congress shall have power . . . to declare war . . . to provide for the common Defense and general Welfare . . to raise and support Armies, but *no Appropriation of Money to that Use shall be for a longer Term than Two years. . . .*"

Alexander Hamilton, in the *Federalist Papers,* arguing for ratification of the Constitution: "The legislature . . . obliged to this provision, once *at least* in every two years, to deliberate upon the propriety of keeping a military force on foot; and to declare their sense of the matter, by a formal vote in the face of their constituents. *They are not at liberty to vest in the executive department permanent funds for the support of an army, if they were even incautious enough to be willing to repose in it so improper a confidence.*"

I have therefore sponsored and pushed for three specific congressional actions:

1. Repeal of the Gulf of Tonkin Resolution, under which Congress in 1964 gave the power to the President to repel "aggression" in Southeast Asia.

2. Amendment of the 1971 Military Procurement bill (now before us) to deny the use of *any* military equipment and assistance in Cambodia. This would not be effective until the start of the fiscal year (July 1, 1970), and thus would not interfere with the President's announced intention of withdrawal from Cambodia prior to June 30.

3. Limiting expenditures in the FY 1971 Defense Appropriation Bill (expected to reach the floor in June), to provide only those funds required for the orderly withdrawal of all combat and support troops from Viet Nam and Laos by June 30, 1971.

REFORMING CONGRESS—TARGET FOR OVERHAUL—SENIORITY, SECRECY, AND SENILITY

Several months ago, I wrote Republican National Chairman Rog Morton and Minority Leader Gerry Ford urging that we abandon the historic seniority system which has resulted in an average age of 74 for our ten most powerful committee chairmen, and three chairmen who are over 80.

Ford appointed 19 Members, including myself, to a Republican task force to recommend an alternative system of selection. We expect to agree shortly on a new method of selecting our leaders on ability rather than survival. The Democrats subsequently appointed a similar task force, and at long last, real congressional reform appears possible. If not, I suspect the voters will appropriately and properly change the makeup of Congress in November.

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ON THE HOMEFRONT

AN INDIVIDUAL CITIZEN CAN AFFECT THE LAW-MAKING PROCESS

Those who sometimes wonder whether it is worthwhile to write a Congressman may take some heart from the following story.

At a Constituent Day at Huddart Park on Saturday, Dec. 5, 1969, I was approached by Dr. Sid Liebes of Atherton with the suggestion that the Administration's pending population study commission bill be amended. Dr. Liebes felt that the powers of the commission should be broadened to include study of the impact of population growth on the environment and also appropriate means for slowing down population growth. He handed me a copy of the bill on which he had penciled in the suggested additions. They seemed reasonable, and I agreed to do what I could.

On returning to Washington the next day, I raised the question with the subcommittee chairman handling the bill, Congressman John Blatnik of Minnesota. John advised that the seven members of the subcommittee had already considered and rejected the suggested amendments, but that if I would write each of them a letter setting forth the reasons for the change, the subcommittee would reconsider them the next morning during the final drafting of the bill.

I hand-carried a letter to each member of the subcommittee that afternoon. The three Republican members and several Democrats agreed to the amendments. The full committee likewise agreed, and the bill, as amended, was passed by the House on February 18, 1970.

The Senate had previously passed the original bill, but in conference, the Senate conferees agreed to the House amendments, and on March 16, 1970, less than four months after Dr. Liebes approached his Congressman, the President signed his suggestions into law, specifically saying that he was "pleased with the amendments added by the House."

EARTH DAY, 1970

The April 22nd "Earth Day" which Senator Nelson and I co-sponsored resulted in the participation of over 2,000 colleges and 12,000 high schools throughout the United States, as well as thousands of elementary schools.

Congress took a day off in the middle of the week, and nearly every congressman returned to his district for a day of listening, rather than lecturing, to students, scientists and community leaders.

The result was a tremendous input of thoughtful suggestions on new environmental initiatives. I received several thousand letters from San Mateo County students and have inserted in the Congressional Record those which offered the most specific, helpful and concrete suggestions.

The writers of those letters are listed below:

Linda DeBusk, San Mateo; Susan Thompson and Sheryl Reinke, San Mateo; Mark Schlosser and Jim Trumbull, Menlo Park; Jean Bullis, San Bruno; Michael Souza, Burlingame; Denise Mercier, South San Francisco; Augustus Cacciotti, Belmont; Sharon Hammon, South San Francisco; Mark

Balestra, Atherton; Jack Saum, Millbrae; Gayle Stewart, Pacifica; Susan Paar, Menlo Park; Robbie Peffer, San Bruno; Wayne Stowell, Redwood City; Pete Arnstein, Atherton; Karen Foster, Atherton; Cathy Glahn, Redwood City; Kathleen Coleman, Woodside; Becky Pecchenino, Woodside; Theodore C. Alway, Portola Valley; Kathy Hubbell, Menlo Park; Brian Jaffe, Portola Valley.

The best letters from classes came from: Borel Middle School, Miss Bauderer's English classes, Menlo Park; Alta Loma Junior High School, South San Francisco; Portola Valley Intermediate School, Portola Valley; La Entrada School, Menlo Park; Sequoia Union High School, Redwood City.

### CONGRESSMAN PETE McCLOSKEY ASKS YOUR OPINION ON THE ISSUES

MAKE YOUR OPINION COUNT—JUST TEAR OFF THIS PAGE, FOLD, AFFIX STAMP AND MAIL

*Questionnaire*

1. Should Congress vote to rescind the Gulf of Tonkin Resolution?

2. Should Congress vote to limit funding of the Viet Nam War so that all troops must be withdrawn by June 30, 1971?

3. Should Congress vote to lower the voting age to 18?

4. Should Congress discard the seniority system?

5. Should a constitutional amendment be adopted requiring retirement of Congressmen and Supreme Court judges at age 70?

*Spending priorities*

The following table gives the federal appropriations during fiscal year 1970, and also the proposed 1971 budget (commencing June 30, 1970), which Congress is now considering. Please indicate in which areas you think we should spend more or less than the Administration proposal.

Keep in mind we are dealing with a budget of approximately $200 billion—the limit of taxpayers' dollars. If you increase some programs, you should decrease others or be willing to increase the national debt and/or taxes.

[Dollar amounts in millions]

| | 1970 appropriation | 1971 budget proposal | Approximate percent of budget[1] | We should spend— | | |
|---|---|---|---|---|---|---|
| | | | | More | Less | Same |
| Defense Department | $74,700 | $72,200 | 36 | ☐ | ☐ | ☐ |
| Vietnam war (estimated) | 23,000 | 17,000 | 9 | ☐ | ☐ | ☐ |
| ABM | 900 | 1,500 | .8 | ☐ | ☐ | ☐ |
| Health, Education, and Welfare | 57,600 | 64,800 | 33 | ☐ | ☐ | ☐ |
| Social security and income maintenance | 42,800 | 47,700 | 24 | ☐ | ☐ | ☐ |
| Education | 2,500 | 2,500 | 1.2 | ☐ | ☐ | ☐ |
| National Institutes of Health | 1,400 | 1,500 | .8 | ☐ | ☐ | ☐ |
| Cancer research | 187 | 202 | .1 | ☐ | ☐ | ☐ |
| Air pollution research | 96 | 106 | .05 | ☐ | ☐ | ☐ |
| Treasury Department | 19,100 | 19,100 | 10 | ☐ | ☐ | ☐ |
| Interest on national debt | 17,800 | 17,800 | 9 | ☐ | ☐ | ☐ |
| Department of Transportation | 7,800 | 11,100 | 6 | ☐ | ☐ | ☐ |
| Urban mass transit | 177 | 3,100 | 1.5 | ☐ | ☐ | ☐ |
| SST | 85 | 290 | .15 | ☐ | ☐ | ☐ |
| Veterans' Administration | 8,400 | 9,000 | 5 | ☐ | ☐ | ☐ |
| Department of Agriculture | 8,400 | 8,300 | 4 | ☐ | ☐ | ☐ |
| Department of Labor | 4,900 | 5,800 | 3 | ☐ | ☐ | ☐ |
| Department of Housing and Urban Development | 2,600 | 3,000 | 1.5 | ☐ | ☐ | ☐ |
| Housing assistance | $1,600 | $1,800 | 1 | ☐ | ☐ | ☐ |
| Open space funds | 75 | 75 | .03 | ☐ | ☐ | ☐ |
| NASA | 3,700 | 3,300 | 1.8 | ☐ | ☐ | ☐ |
| Manned flight exploration | 2,300 | 1,800 | 1 | ☐ | ☐ | ☐ |
| Atomic Energy Commission | 2,200 | 2,400 | 1.2 | ☐ | ☐ | ☐ |
| Post Office Department | 1,400 | 583 | .3 | ☐ | ☐ | ☐ |
| Department of Justice | 848 | 1,100 | .5 | ☐ | ☐ | ☐ |
| Law enforcement assistance | 268 | 480 | .2 | ☐ | ☐ | ☐ |
| Foreign aid | 1,800 | 2,300 | 1 | ☐ | ☐ | ☐ |
| OEO | 1,900 | 1,500 | .8 | ☐ | ☐ | ☐ |
| Peace Corps | 99 | 99 | .05 | ☐ | ☐ | ☐ |
| Department of Interior | 1,800 | 2,300 | 1.2 | ☐ | ☐ | ☐ |
| Water quality | 886 | 901 | .5 | ☐ | ☐ | ☐ |
| Recreation resources | 432 | 597 | .3 | ☐ | ☐ | ☐ |
| National parks | 149 | 134 | .1 | ☐ | ☐ | ☐ |
| National Park Service | 149 | 134 | .06 | ☐ | ☐ | ☐ |
| Judiciary | 127 | 132 | .06 | ☐ | ☐ | ☐ |
| Congress | 354 | 391 | .2 | ☐ | ☐ | ☐ |
| Executive Office of the President | 38 | 46 | .02 | ☐ | ☐ | ☐ |

[1] This budget is not 100 percent complete. Only the most important expenditures considered.

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## GEN. RONALD BROCK HONORED AT ERIE COUNTY AFFAIR

### HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

**Mr. DULSKI.** Mr. Speaker, the annual Erie County Armed Forces Week luncheon this year paid special honor to Lt. Gen. Ronald C. Brock, retired, a veteran of New York's National Guard who served his country well in World War II.

It was very fitting that this year's event should pay special honor to General Brock, who completed more than 40 years of military service prior to his retirement.

In advance of the Buffalo affair for General Brock, a fine tribute to him was published in the Buffalo, N.Y., Courier-Express in a column written by Anne McIlhenney Matthews.

Mrs. Matthews knows well of the general from her own Army service in World War II as an officer in the Women's Army Corps. She was one of four women selected from among 3,000 western New York applicants in 1942 to be in the first officer training class of 400.

Mrs. Matthews was one of the first six WAC's sent overseas during the war, being assigned first to Africa. During her service, she rose in rank to major.

Following is the text of Mrs. Matthews' column:

### NEW HONORS AWAIT GEN. BROCK

(By Anne McIlhenney Matthews)

There could be no better recipient of honors on Armed Forces Day in Buffalo than Lt. Gen. Ronald C. Brock (Ret.). He was Buffalo's only general in World War II and has a chest full of "fruit salad" to prove that he merited the promotion "the hard way"!

I well remember the October midnight that I toured the 106th Armory with him, softly whispering not to wake the soldiers lining the corridors in sleeping bags, and getting material to write about the coming dawn when the regiment would fade out of Buffalo en route to active duty in the South Pacific. He was a colonel then.

Three years later in Weisbaden when my sergeant greeted me daily with a report that a "Gen. Brock" was calling me, I tiredly responded that the only Gen. Brock I knew was a hotel in Niagara Falls! Since I was then mixed up with a lot of chores for a lot of generals there, including one with five stars named Eisenhower, I didn't return the call.

The sergeant was regular Army and was therefore horrified subsequently when I was "in" when the general called and, after delighted identification, I said: "When in . . . did you get to be a general!" That, he told me frigidly, was no way to talk to a higher rank.

#### RECALLS "COMING HOME" PARADE

We both returned from the war at the same time and it was a thrilling privilege to ride with "Ronnie" in the Jeep at the head of the Main St. parade for returnees and with the three stars of Gen. Jimmy Doolittle in second place!

Upon moving to Buffalo, Brock started his long and distinguished military career by enlisting on May 15, 1917, in the 106th Field Artillery Regiment, New York National Guard, at Buffalo, N.Y. Inducted into federal service as a sergeant, Gen. Brock served throughout World War I with the 106th Field Artillery Regiment, of New York's 27th Infantry Division. In the American Expeditionary Force in Europe, he participated in four major actions, St. Mihiel, Meuse-Argonne, Verdun and the Somme Offensive, returning to the United States in 1919.

Brock was commissioned a first lieutenant, NYNG, in April, 1921, and assigned to the 106th Field Artillery Regiment, where he played an active part in the reorganization of the regiment during the post World War I period.

During the years between World Wars, Brock held several command assignments and was progressively promoted through the commissioned grades until he achieved the rank of colonel in 1940, assigned to command the 106th Field Artillery Regiment here.

#### ACTIVATED IN 1940

Gen. Brock was ordered into federal service with the 106th Field Artillery Regiment on Oct. 15, 1940, and trained initially at Ft. McClellan, Ala. Immediately following the attack on Pearl Harbor, the 27th Infantry (New York) Division was alerted and moved to locations in Southern California and, shortly thereafter, to Hawaii where the division was responsible for the defenses of the Hawaiian Islands. Gen. Brock was at this time the commanding officer (colonel) of the 225th Field Artillery Regiment.

He was detached from this Command in December, 1942, and upon his return to the United States was promoted to brigadier general on March 12, 1943. This was a most important milestone in his military career, since he was the only New York National Guard officer promoted to general officer rank while on active duty during World War II.

Gen. Brock was assigned as division artillery commander of the 65th Infantry Division. He prepared his units for combat at various training posts in the United States and at the Artillery School, Ft. Sill, Okla

### IN CHARGE SOUTH OF LINZ

The 65th Division embarked for the European Theater in December, 1944 and, as a part of Gen. Patton's Third Army, participated in Ardennes-Alsace and Central Europe campaigns. At the conclusion of hostilities, the 65th Division had advanced to the Inn River, south of Linz, Austria, where Gen. Brock assumed command of the security forces of the area south of Linz, to the Danube River.

After the deactivation of the 65th Infantry Division on Aug. 30, 1945, Gen. Brock was detailed to SHAEF HQ. by the War Dept. as military adviser to the "Schuster Commission," with the mission of interviewing and documenting the careers of high Nazi officials and German generals. Completing this assignment in October, 1945, Gen. Brock was returned to the United States and released from active duty in 1946, and rejoined his original (27th N.Y.) division in the postwar reorganization phase.

Gen. Brock was promoted to major general in June, 1948, and under his leadership the 27th Infantry Division reached its highest peak in strength and training efficiency. In recognition of its outstanding record, the 27th Infantry Division was selected in 1955 to be converted to an armored division.

### CHANGED TO ARMORED UNIT

Gen. Brock accepted the challenge and, in three years, the 27th Armored Division, New York National Guard, was recognized as the largest and one of the best trained armored divisions in the National Guard of the United States. In February, 1957, Gov. Averell Harriman appointed Gen. Brock his chief of staff and commanding general of the New York Army National Guard.

In this position he commanded the 36,000 troops of the state military forces: the New York Army and Air National Guards, New York Naval Militia and the N.Y. Guard, which was organized as a reserve military force should the New York Army National Guard be called into federal service.

Gen. Brock in March, 1957, was designated chairman of the General Staff Committee on National Guard and Army Reserve Policy in Washington by Wilber Brucker, secretary of the Army. On Dec. 1, 1958, Gen. Brock was elected president of the New York Society of Military and Naval Officers of World Wars, one of the most distinguished military societies in the United States.

Gen. Brock, upon his retirement, concluded more than 40 years of distinguished military service to his state and nation.

The Armed Forces Day luncheon will be held on Thursday in the Connecticut St. Armory. County Executive B. John Tutuska, lieutenant colonel in the U.S. Army Reserve, is chairman.

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## DR. EDWARD C. ROZANSKI

## HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. DERWINSKI. Mr. Speaker, in observance of the Polish Constitution of May 3, the distinguished president of the Illinois Division of the Polish American Congress, Dr. Edward C. Rozanski, delivered an address in Cleveland, Ohio. Dr. Rozanski is an outstanding civic and professional leader and a recognized authority on Polish history. I insert in the RECORD a condensed version of his address in Cleveland because of its effective historical emphasis.

### ADDRESS BY DR. EDWARD C. ROZANSKI

The Constitution of the Third of May of the Kingdom of Poland, proclaimed in the year 1791, was a unique and noble document not only in the annals of Poland, but also in European history.

In many respects this document truthfully belongs to the great moments of Western civilization and culture. Although it is the essence of Polish political and civic thought, it is at the same time a new credo of citizenship and civil awareness of the Western European. An awareness nurtured, in greater measure, in Christian knowledge and tradition which embraced the great Greek-Roman humanism; then proceeded, throughout the centuries, to develop and perfect these currents of progressive thoughts.

When we look at the Constitution of the Third of May from the overall European point of view, we become aware that this great act of Malachowski, Kollataj, Staszyc, Krasinski, Niemcewicz, Potocki and other great sons of Poland, is in fact a democratic document proclaiming freedom, justice based on a responsible citizenry respecting each country and its people.

In the era of European absolutism, the 3rd of May Constitution was in fact a great revolutionary document strongly reminiscent of America's Constitution and Bill of Rights.

Yet this great revolutionary document, the Constitution of May 3rd was born without bloodshed, born of patriotism and love of country.

As a revolutionary document, the Constitution of May 3rd differs from many other revolutionary decrees. The French Revolution and even the Uprising of 1848 had for its purpose the curbing of the tyrannical powers of the monarchies, whereas the Constitution of May 3rd did not seek greater freedom for the people. Just the opposite—since freedom was already rampant, it sought to instill the understanding of civic obligations. It strengthened the powers of the king and his ministers, it limited the powers of the diet or senate giving it rules of conduct and procedure. This new approach to national problems is based primarily on the deep sense of civic obligation to the country.

Thus the Constitution of May 3rd, though a great revolutionary document, derives its strength and influence from the timeless fountainheads of the rebirth of Polish nationalism.

This is the great heritage of Polonia. Into the American way of life we have added these treasures of Polish political and civic thought.

In the broad historical panoply of the Polish nation, the Constitution of May 3rd did not occur spontaneously, on the spur of the moment, or by the immediate dictates of events.

It is, strictly speaking, the essence of Polish political thought the seeds of which were sown by Casimir the Great in the "Statutes of Wyslica." With unbelievable speed the Polish monarchy embraced democratic delineations. During the Jagiellonians, the Polish Diet already was limiting the powers of the king.

Verily, in the Polish monarchial democracy of the Piasts, Jagiellons and the elective kings, it was the democratic nobility that gave out the rights that went with noble titles. Yet taking into account the feudal system of Europe at that time and remembering that in England less than 6 percent of the people were favored with the rights and privileges of their nobility, in Poland over 14 percent were so endowed. Thus the Polish monarchial democracy had much greater praticipation than England, regarded to this day as the "mother of the world's parliaments."

The Constitution of May 3rd broadened the ranks of noble citizenry by including the townspeople. The peasant and serf became wards of the State.

Since the Constitution of May 3rd was the essence of Polish political thought—the 3rd of May observances give us the opportunity and the obligation of better understanding this political thought. It being the heritage of Polish people, it becomes our heritage as Americans of Polish descent.

It seems incredible that Polish historians have not properly emphasized and evaluated this masterpiece of Polish political thought.

When Polish history is studied in that light we suddenly begin to see new interpretations.

In the annals of political thought the greatest Polish exponents of the XV and XVI centuries were Paul Wlodkowic and Bishop Warzyniec Grzymala Goslicki.

Little do we know of these learned treatises. In fact too little mention is made of them in historical texts.

Yet Paul Wlodkowic, rector of the Jagiellonian University and personal ambassador of King Wladyslaw Jagiello to the Council of Constance, is in fact the father of international law.

While the Holy Roman Empire and other Christian nations were converting by fire, sword and massacre—Wlodkowic argued mightily at the Council, convincing the other Christian nations that the pagans also have human rights and should be sheltered from harm by the Papal throne.

This great Pole of the XV century taught that war only has justification when it leads to a just peace.

Although Wlodkowic did not name the guilty, yet by inference his criticism did not spare neither the Germans, the Holy Roman Empire or the Pope.

It is one of the most unusual events of European history that the conclave at Constance adopted and embraced the Wlodkowic thesis and philosophy.

Bishop Wawrzyniec Grzymala Goslicki was a contemporary of Andrew Frycz Modrzewski, Modrzewski's works were fairly well known in Poland since they dealt with the problems and "Corrections of the Commonwealth."

However, the thinking of Goslicki also embraced the people as a whole. Regrettably these were not remembered.

Yet Goslicki, a hundred and fifty years before the Declaration Independence, wrote and advocated what Thomas Jefferson so brilliantly worded in his preamble to the Declaration"—"that the People have the right to take whatever steps are necessary to obtain freedom based on the privileges and laws of all the citizenry."

French, English and American historians of constitutional reform agree that Goslicki's thoughts had a profound influence—particularly his Latin treatise "De Optimo Senatore" and in two English translations "The Excelent Senator" and "The Accomplished Senator."

This acknowledgement to Goslicki can only be found in limited educational texts not readily accessible. Polish bibliography has neglected Goslicki as they had Wlodkowic.

Thus in the Constitution of May 3rd Observances we should not only pay tribute to is originators, but to the great predecessors of the past.

The Constitution of May 3rd is our great national heritage. In American affairs we can say that it is our great worldly and enduring ethnic heritage as Americans of Polish descent.

That we in the Polish American Congress are not a group threatening the freedom of these United States of America . . . That we as loyal citizens have made great contributions to his country . . . That it is no longer enough to raise the deeds of Kosciuszko and Pulaski . . . We wish to hear more. Tens of thousands of Polish names are now part of the history of this nation. We know of the deeds of Krzyzanowski, Schoepf, Karge and Kalussowski—the talents of Modrzejewska, Stokowski, Rodzinski and thousands of educators, engineers and scientists like Ulam who have added their skills and knowledge to this land of the free.

Our heritage imposes upon us the sacred duty of serving the cause of our motherland and to strive that Poland may become truly free with borders on the Oder and Nysse on the West, and according to the Treaty of Ryga, in the East. We must also obligate ourselves to help our cousins across the seas economically as well as morally, to withstand their opposition to communism.

Maria Konopnicka said: "We need not tears, but strength!"

We—you and I, are that strength!

## TEACHER OF THE YEAR HONORED

## HON. CATHERINE MAY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mrs. MAY. Mr. Speaker, it pleased me very much to be informed by the White House this afternoon that Mr. Johnnie T. Dennis, a teacher of physics, math analysis, and the physics department head at Walla Walla High School at Walla Walla, Wash., had been selected by the President to serve on the Commission on Presidential Scholars.

The week has been a big one for Mr. Dennis and his family, because he is in our Capital City after being elected National Teacher of the Year for 1970. The award to Mr. Dennis, who I am proud to call a constituent, was presented by Mrs. Patricia Nixon at a ceremony at the White House on Tuesday of this week.

The National Teacher of the Year program, now in its 19th year, is sponsored annually by Look magazine and the Council of Chief State School Officers in Washington, D.C.

Mr. Dennis was chosen for the honor by a committee of eminent educators for his superior ability to inspire a love of learning and intellectual curiosity in students of varying background and skills. His selection symbolizes the importance of education and the accomplishments of gifted teachers everywhere.

It was my very distinct pleasure to participate in a reception and press conference for Mr. Dennis and his family, arranged by Senator Warren G. Magnuson, and held in the New Senate Office Building on Tuesday, May 19. Members of the congressional delegation from the State of Washington were joined by a number of dignitaries and friends in this reception, and under leave to extend my remarks in the Record, a transcript of the proceedings follows:

### Reception and Press Conference for the 1970 National Teacher of the Year

Senator Magnuson. This is a very happy occasion, particularly for the Senator from Washington, because the recipient of this award happens to come from not only my state, but a favorite part of my state: Walla Walla. We have here with us today Dr. James Allen, Commissioner of Education, and he and I are a little bit weary, I'll say to you people in the education field. We have just finished the Education Bill, the appropriation, and we hope to get up in the Senate this week if we can get in between the filibuster that's going on. He and I thought we did mark up a pretty good bill; it's one that everybody can live with, but the main thing is we are going to get it down to the White House before the first of June so that you people will know a little bit what you're going to have to do in the coming year, and not get involved like we did last year when it went on and on and on for months.

Now, Dr. Don Dafoe is here also to honor the recipient, who is Executive Secretary of the Council of Chief State School Officers, and Mr. Jack Squires—where is he? oh, there you are—who represents Look magazine and also represents Mr. Attwood your Editor-in-Chief who is sponsoring a part of this program. And then also from the State of Washington Dr. Chester Babcock who represents State Superintendent Louis Bruno. I understand Dr. Babcock nominated Johnnie for this award, is that correct?

Dr. Babcock. State Superintendent Bruno made the nomination.

Senator Magnuson. And then we have, of course, Mrs. Dennis. Will you stand up so everybody can see you? There she is.

And her daughters, Deanna and Maureen. Are they both here? There they are. And two sons Charles and Kevin. There are two of them that look like Title I students to me. And then Johnnie's brother and his wife, Warrant Officer Joseph Dennis and Mrs. Dennis from Fort Meade. You're stationed over there, aren't you?

Joseph Dennis. Yes, sir.

Senator Magnuson. All right. And then, as you know, the members of the Selection Committee who have screened 53 state teachers of the year who were candidates for the 1970 award, then they selected 5 finalists from those, and they then picked out our recipient here today, Johnnie T. Dennis. Now, are they here: The Selection Committee—stand up, those that are on the Selection Committee.

Thank you very much.

And then we have many other members representing the educational field. Now, I am going to ask Dr. Allen, if he will, to come up. We've got a little biography of Johnnie Dennis, and I think people would be glad if you would read that for us.

Congressman Meeds of my state (who just came in) does very able work over in the House in the education field. He's a member of the committee.

Dr. Allen. Thank you very much, Senator. Congressman Meeds I am pleased that you have included me and given me the honor to be included in these ceremonies. I want to say to the Senator that I never get weary of coming up and meeting with him and his committee when we are talking about more money for education; and as long as that can be possible I'll keep on coming, and I am always very pleased and very proud to have the opportunity to appear before him and his committee because of the deep interest he takes in the field of education.

I certainly want to extend my congratulations to Mr. Dennis on this recognition and high honor, of being the teacher of the year. And I congratulate the committee that selected him and the school system of Walla Walla where he has served so well. I am delighted to see his family here, and I just assume that the children have good excuses to be out of school today, but we welcome them here to Washington. And I extend also to you the welcome and congratulations of the Administration.

When we honor a teacher in this country, in any country, we honor the best among us. And we don't do enough, it seems to me, to recognize the great teaching force we have in this country, and the many, many fine teachers that daily serve millions of young people in our schools, in our colleges. So that I am delighted that the Council of the Chief State School Officers and Look magazine jointly sponsor each year this selection of Teacher of the Year, one whom we can honor, and in honoring him, honor the great profession of teaching and the wonderful school system that we have in this country.

The man we honor today is a man who not only teaches the disciplines of the academic world, which prepare our students to meet the challenges of making their livelihood, but also helps to equip them with the ability to grapple with the social environment in which they may exist in order to apply the formal knowledge they take with them from the classroom.

The son of a Mississippi sharecropper, Johnnie first moved to Walla Walla, the home of his wife Shirley, to attend Whitman College, receiving his B.A. degree in 1960. This was followed in 1965 by his M.S. degree in combined sciences which he earned at the University of Mississippi. For the past six summers, Johnnie has won National Science Foundation grants, being one of twelve high school science teachers in the nation chosen to participate in high energy physics research at the University of California Lawrence Radiation Laboratory during the past two years.

Johnnie's free time is spent narrowing the student-teacher gap, holing up with his children and with family projects in improving the quality of education in Washington state. This year, as we have indicated, he was also selected as the Washington Teacher of the Year. And, as I am sure the Senator would like for me to say, the Washington Congressional Delegation are proud to honor Johnnie.

Senator Magnuson. I was going to say that, but you can say it.

Dr. Allen. Well, I'll let you say it, and I'll let you carry on from here. I will just close by saying that it is an honor indeed for me to be here and to congratulate Johnnie and to congratulate all who had a part in his selection, and to wish you a good four days here in Washington. I look forward to seeing you at the White House later on this afternoon.

Thank you.

Senator Magnuson. Dr. Babcock was supposed to introduce Johnnie Dennis's family, but I took advantage of him and did it ahead of you. But we also have here Mrs. Dorothy Ann Dennis Wright, Johnnie's sister, and her husband, Dan Wright. We would like to see you.

Conrgessman Meeds, who plays an important part in the field of education, is a member of the House Committee on Education, is here and I want to ask him if he would like to not only honor our recipient here today but say a few words about the education and things of that kind.

Congressman Meeds. Thank you, Senator Magnuson. Mr. Commissioner, Johnnie Dennis, other people involved in the selection, ladies and gentlemen. It is a pleasure for me to be here today and to participate in honoring Johnnie Dennis who has brought great prestige and honor to our state by winning this award.

We sometimes think that we in politics, Senators and Congressmen, think that we greatly influence what happens in the world and in America (and I am sure we do), but I think there is no one that influences what happens in America and the world more than a good teacher. Because of the depth of the relationship, the time the teacher can spend with a student, it seems to me that a teacher has, next to a parent, the best opportunity to enrich the life and enhance the livelihood of a student.

And so, in the final analysis, I am sure that good teachers are the ones that really make impressions upon young people's lives and we're greatly indebted to you, Johnnie, for not only winning this award but mostly for being a good teacher.

Senator **Magnuson**. Johnnie, as long as you come from the state, I am going to ask Dr. Babcock to say something here.

Dr. **Babcock**. Thank you, Senator Magnuson, Congressman Meeds, Mr. Commissioner. I think I need not say that we are extremely proud, Johnnie; we are also extremey proud, as I am sure the gentlemen are from our state, that this is the second occasion on which the nation's Teacher of the Year has come from the State of Wasington.

I was glad to hear Sentor Magnuson mention the children. Kevin, the older one, is a straight-A student from kindergarten, and he is now in junior high school, and he is here with a very guilty conscience because he was not just quite sure he should miss a week's school. But after conferences with his teachers, it was decided it would be all right. Kevin, we hope you have conquered that guilt complex which you brought with you.

We're very proud of this young teacher, this young man, because he represents, I think, the kind of leaders that our young people need today. And so I join all the rest of you in extending congratulations to Johnnie Dennis as the Teacher of the Year. Congratulations, Johnnie.

**Johnnie Dennis**. Thank you.

Senator **Magnuson**. Now, Dr. Dafoe, do you want to make some introductions here of people in the national organizations who are here to honor Johnnie?

Dr. **Dafoe**. Well, I think, Senator, we will just let you proceed with the press conference pretty soon, and then at the end we will bring those people up. I would just like to make a comment. We have Jack Squires from Look—representing William Attwood as you mentioned. We are proud to be associated with Look magazine in this program which emphasizes teaching excellence. This is the nineteenth year; this is the tenth year that we have been associated with Look.

We think what it honors is the superior ability to inspire love of learning in children regardless of backgrounds or abilities. Johnnie Dennis possesses the attribute, and we honor him today as the symbol of what is right with American education.

Senator, we will let you proceed with the press conference; at the end we will call on these people representing the national organizations.

Senator **Magnuson**. Thank you. Now if we have forgotten anyone we will get at you later, but I think we all want to hear a little bit from the man we honor today. Again, we're all proud of your work; and I needn't emphasize, as Dr. Allen mentioned, the importance in this country in these times for the kind of teacher that you typify. It is so important your story will be widely told, but I am sure you have a few remarks to share with us today.

He says that he is a little nervous, but I doubt that.

Let us know how you feel about receiving this award, number one. And how happy we all are to have your family here and those who have worked with you and our own people from the state that have worked with you. And after that, some one may ask you a few questions, and I am sure you can field those. I will sit right behind you here in case you're short one, because I've been filled up with education the last two weeks here, three weeks. I think I can answer almost any question that Dr. Allen might put to me, or that I might put to him, and Dr. Babcock.

So, Johnnie, we're proud to have you here, and we want to welcome you.

(Applause.)

**Johnnie T. Dennis**. Thank you, Senator. And it isn't every day, I think, that a fellow from what the magazines say is from Owl Hollow, Mississippi gets a chance to talk to such distinguished gentlemen and guests.

I am thankful for this opportunity to share with you some of my ideas, but first I want to express my personal appreciation to the Council of Chief State School Officers and to Look magazine for their concerted efforts in perpetuating this recognition program which focuses the attention of the nation on the policy side of education once each year by this symbolic award, the National Teacher of the Year.

I am sure the finalists in the awards program this year, Mrs. Roberta Alward from Alaska; Mr. James Braboy from South Carolina; Mrs. Trudy Plummer of Ohio, and Mr. Theodore Molitor of Minnesota, as well as the teachers of the year for 1970 from the other states and U.S. possessions, join me in saying thank you.

You might wonder what it is that labels a person to be given such an award. Well, I'm not quite sure. I'm just thrilled to death with it, but I can say that in my case it's not the result of pulling one's self up by his bootstraps. It is a combination of many things. I'd like to mention a few.

One is a concern for my relationship with my God. Two, a beautiful wife who is truly a helpmate and four lovely children who have been very patient with a father who finds himself working many evenings away from the family. Three, good teachers everywhere who have helped me during conferences throughout the United States through participation with them in National Science Foundation institutes, and then our local and state organization. Four, local and state administrators who have helped us develop a good working relationship, teachers with administrators. And five, a very important part: the interested citizens of the state and local community who provide suggestions and the funds to make the educational programs a reality.

As we respond to all of these positive factors, all teachers can share in this award as teachers of the year. I think the primary concern here, however, is that of the students in our classrooms and in particular mine. I will attempt to outline some of the general ideas that I use and try to reveal to you some of my philosophy and hope that it will stimulate specific questions from you so that I can be at my best when I am fielding questions as opposed to lecturing. This is just not my cup of tea.

Believe it or not, kids in high school today are just like those we knew when you and I were in school. They are human and need to know that someone cares; not only by provision of funds, nice classrooms and good programs, but by individual attention each day and the reassurance that all is not lost if he fails. As a physics teacher, I use my subject matter as a vehicle to determine the needs of my students to the best of my ability, and to attempt to provide for those needs, and I do not treat the subject matter as an end of itself.

As teachers we attempt to do a twelve-month job in nine months as we work to help the students identify their strengths—God knows they are made well aware of their weaknesses from many other areas. We try to help the individual realize as much success as possible each day by continuing to impress upon him the importance of his solutions as a result of his own physical and mental activity.

The student is encouraged to outdo himself in mastering a skill or completing a task, as composed to competing with the brightest student in the classroom. The students are challenged to consider statements like "They are perpetuating the problems," and "They could end hunger in the United States." We ask the student if he is not a part of that nebulous "they" who always receives the blame.

We encourage the students to consider the power of individual action and discourage the lip service offered by many people concerning, one, the needs of the poor; two, the needs of those who are hungry; and three, the needs of those who do not have sufficient medical attention. We challenge the student to demonstrate his concern through positive action, whether he is given credit for his action or not.

Recently a group of our students took part in a controversial "hunger walk." This was sponsored by the local Lutheran churches in our community. The students took a hike for money for the hungry people, both in the United States and elsewhere. I don't think I've ever heard as much talk about the number of people in our country that are hungry as I did after the hunger walk. But there was a great deal of criticism, because some people can't see why in the world a person takes the time just to walk for the hungry; something positive should be done; something should be gained. But I think these students made a tremendous contribution.

Another example of this positive action that I mentioned is that by a group of Walla Walla college students who worked repairing and painting a structure in the city park while receiving a lecture and a barrage of hand bills from a group which yelled at them as they worked about the ills of the country. There are those who talk and those who act. I encourage my students, as much as I possibly can, that it is the individual action that is important.

This is the kind of action—the kind that I have just related—that I interpret as the result of responsible educational programs, not indoctrination but education.

Well, you might wonder what all this has to do with teaching science and mathematics. My students tell me that this is what it's all about. If they can associate basic concepts of physics and mathematics with the awesome unknown life that they face daily, they begin to feel the urgency to master needed concepts today. Sure, they are interested in tomorrow, but their primary interest is today, and building on the successes of yesterday and refraining from destroying all tomorrows.

Thank you.

(Applause.)

Senator **Magnuson**. Now, if any of you have any questions or comments you would like to ask our recipient today, he'd be glad to answer them.

Mr. **Dennis**. Attempt to answer them, yes, sir.

Senator **Magnuson**. Attempt to answer them, he said. Anybody have anything they want to add to this?

**Question**. I have a rather personal, profound question. You are a native of Owl Hollow, Mississippi. Whatever prompted a man to move from a place like Owl Hollow to Walla Walla?

Mr. **Dennis**. Well, first of all, I might clear something up. This statement Owl Hollow came from a biographical sketch I made myself, and I was really born in a near little town called Reinzi, Mississippi. That's about fourteen miles south of Corinth, and there were a couple of houses up in a little canyon and my parents fondly refer to this little canyon as Owl Hollow or Owl Holler, so suddenly there is a place in Mississippi called Owl Hollow and I am sure the Mississippi people are going out of their minds trying to find it.

But as far as what prompted me to leave that country, I really love the South but when I graduated from high school I wasn't able to get a job so I joined the Navy. And I found in the Navy that people felt a little differently about individuals. They encouraged us to develop our own abilities and to use them to the best of our ability and I kind of liked this. This is in the educational program of the Navy. And I met a lot of high school students who were coming into the Navy who needed training in the skills that are offered in the Navy. I liked to work with these people, and I felt that I would like to make teaching my life work.

As a young man, by the way, I grew up in Florence, Alabama. This is where I went to grade school and high school. As a young

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man, I don't feel that I had much of a chance to go to college because of the lack of funds, and fortunately the Navy provided me with this opportunity to go to college and to become a teacher. And I try every day to show how grateful I am by doing the best darn job I can do each day.

(Applause.)

Senator MAGNUSON. Anything further? Yes.

QUESTION. In your own words, sir, what one attribute would you say distinguishes the really good teacher from the mediocre teacher?

Mr. DENNIS. Well, first of all, I have never met too many mediocre teachers. I think our teachers in the United States are very good teachers. My students tell me that the things that makes them want to take my class—I'll put it that way—is that I have a concern for the individual and am truly interested in their problems and try to deal with those problems over my lunch hour, in the evenings, whenever I can get together with them.

Senator MAGNUSON. The lady in the first row there.

QUESTION. The newspapers are filled with stories of student unrest and teen-age riots and so on. Do you have these problems in your school, and also how do you feel educators in your school should deal with these?

Mr. DENNIS. That's a pretty big order. I think that these problems are in evidence everywhere, not only in the big city but in the small school; and I think administrators and teachers can deal with this problem best if they make cvery attempt to understand what got the problem started. And I think there are a lot of programs—there are at our local level—that are being tried to occupy the student with something that he is interested in—to make education more relevant as a partial answer to the demands of the riots.

But I think that we also have to be very careful about the very small percentage of people who are making what some people might call outrageous demands. We have a responsibility to all the children of all the people, and this is the thing that administrators as well as teachers have to keep in mind at all times.

Senator MAGNUSON. The lady in the back there.

QUESTION. I think you partly implied an answer to my question. But after Sputnik there was a tremendous upsurge toward science and the study of science in our schools. Now there seems to be a veering away from space and science, and I was wondering whether you think there are going to be fewer students who select science now rather than humanities, and how do you, as a science teacher, balance these out?

Mr. DENNIS. Well, we have a humanities course in our school, just initiated a couple of years ago, and we are making every effort to show the students that science is going to play a big part in the humanities program of our society in the future. And, as I mentioned in some of my comments, I think the students have to be aware of the development of some of the scientific attitudes as the result of development of society; and that maybe if we are creative enough we can use our knowledge of science to help solve some of the problems I mentioned here earlier. Our science students are very much concerned in the humanities also.

Senator MAGNUSON. Any further questions? Well, again, we all congratulate you, Johnnie. He is to be honored this afternoon by the President of the United States at 3 o'clock. I can't invite you all down there, but I imagine some of you will be down there when he receives this honor from the President of the United States.

Correction—Mrs. Nixon is going to be there and give the honor.

So I want to thank you on behalf of the Washington delegation for coming here today, Dr. Allen and Dr. Babcock; particularly my congratulations to Look magazine for what you are doing in this field. I think it's a stimulating thing. And surely the example that Johnnie Dennis gives to the other people in this profession is well worth all the effort . . .

JACK SQUIRES. I would like to announce that our editor-in-chief, William Attwood is en route here now. He is at White Sulphur Springs at an important convention. We expect him momentarily and if anybody is present at the later ceremony we would love to have you meet him and talk to him.

Senator MAGNUSON. You go right ahead, Doctor, with the other awards.

Dr. DAFOE. We have some special awards for Johnnie, and while people are getting up here, Senator, if I may add a note, I was cheered to hear your remark that you hope things will all be cleared by the first of June. That's going to make a much easier summer for some of us . . .

The first special recognition to Johnnie Dennis will be made by Dr. John Mayor, Director of Education, American Association for the Advancement of Science.

Dr. MAYOR. Senator Magnuson, Dr. Dafoe, and Johnnie Dennis, I am very proud to have the privilege of presenting you a membership in the American Association for the Advancement of Science. And this certificate, a part of which I would like to read has a heading American Association for the Advancement of Science:

This is to certify that Johnnie T. Dennis was elected a fellow of the American Association for the Advancement of Science. In testimony whereof, the President and the Executive Officer have hereunto set their hand and the seal of the Association the 19th day of May, 1970.

From the evidence we have, Johnnie, you represent the best of America and the best of education. You are very young, you have only started your career, may this be a beginning, and the best of luck. We need you in science education.

(Applause.)

Senator MAGNUSON. Dr. Dafoe said I could interrupt here just a moment. Two distinguished members of the Washington state delegation just came in, and I want to introduce first Congressman Tom Foley from the eastern part of Washington. And then I am going to ask Catherine May to pay her respects to her honoree today because she represents his district and she is quite familiar with the school system in Walla Walla. Catherine May.

Representative MAY. Thank you. I am very honored naturally to be able to claim in my district your wonderful young gentleman here that we have known about in my district for some time: Johnnie Dennis has been famous here. And to have him made National Teacher of the Year of course brings honor to all the people of our district. But much more important, Johnnie, to all the people of our state and to all of the teachers in the United States. That's all I wanted to say; I didn't want to take a lot of time within the ceremonies but I appreciate the chance to congratulate you personally on behalf of all the people of our state. Thank you.

Senator MAGNUSON. Tom, do you want to join here a minute and pay your respects to the Teacher of the Year?

Rep. FOLEY. Well, I am sorry that I can't claim the privilege that Mrs. May has of representing Mr. Dennis and having him as a constituent, but I am going to expand it a little bit and claim you from eastern Washington, not only from the state but from the half of the state that both Mrs. May and I represent.

The importance of the teacher as the key and central professional in our society, I think, is clear to everyone. What sort of society are we going to have in the coming decade will largely depend on the quality of our education, and nothing is more central to that than the performance of our teachers.

We are delighted from the Washington State Delegation to have the signal honor of having the Teacher of the Year come from our state. We know that he represents the best in educational performance, and we know that he is repeated many hundreds of thousands of times around the United States by teachers in all of the state; so I add to Mrs. May's congratulations my own very warm congratulations on this very happy occasion.

Dr. DAFOE. I am going to lay a little of that claim too. I went to school at the University of Idaho just across the border a few years back. We're proud, too.

Next I'd like to call on Mrs. Joe Ann Stenstrom, Assistant Executive Secretary, American Association of School Librarians. Mrs. Stenstrom:

Mrs. STENSTROM. Senator Magnuson, members of the Washington delegation, Dr. Dafoe and Mr. Dennis. I too am very personally pleased to be able to present you an award, because I am also from Washington state. I would like to present to Mr. Dennis on behalf of the American Association of School Librarians this book published by the American Library Association entitled "Books by Junior College Libraries." We highly recommend this for use with high school students in programs such as those in which Mr. Dennis is involved; and we hope that he will find it a useful guide to selecting sources of information for both he and his students. It is inscribed to you, Mr. Dennis, as Teacher of the Year. Our sincere congratulations.

Senator MAGNUSON. Dr. Dafoe is going to get a little bit weary of me interrupting here, but we have two other distinguished members of our delegation here, Johnnie, and I am sure they want to add their congratulations to your honor which you are going to receive today; and so I want to call on my distinguished colleague, Senator Jackson.

Senator JACKSON. Well thank you, Senator Magnuson. I regret we've got a hearing on that I am chairing down below. I was unable to get here until just now. From a personal point of view, I, of course, have nothing but the highest and greatest respect for the teaching profession. My oldest sister who passed away recently taught in the third grade in the Garfield School in the same classroom without interruption for 43 years. I think that's sort of a record, and I grew up in the tradition and therefore have a tremendous respect for those who follow this important profession.

I am reminded of just one example of the obvious importance of the role played by the teacher. In Budapest, Hungary, prior to World War II, there was a distinguished teacher of mathematics. This teacher had a profound influence on his pupils. This teacher was dedicated to excellence, and out of that classroom came five of the world's most famous scientists who have played an invaluable role in the security of our country and the free nations.

Out of that classroom was Dr. Theodore Von Neumann, the world's most famous mathematician; Dr. Theodore Van Karman, the world's most famous aeronautical engineer; Dr. Leo Szilard who played such an important role in the Manhattan Project; Dr. Eugene Wigner who is now at Princeton who played, and is playing, such an important role in the development of nuclear power plants. I don't know whether I named four or five—four?—there is one missing, but obviously he is famous.

I mentioned Theodore von Neumann—John von Neumann, Theodore von Karman, Leo Salard—well, Edward Teller, the father of the hydrogen bomb. This can of course be repeated in other areas of human endeavor, but I think in all of our concern about priorities, all of our concern about making a better society, we still it seems to me have a long way to go in providing for proper recognition for our teachers.

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In Europe the most important person in the community is the professor. We have yet to reach that point of recognition, and I think that if America is going to play its proper role in the world we need to do more than what we have already done in giving to our teachers and the profession the recognition they deserve. So I want to express my congratulations to Mr. Dennis and his family for what he has done and what he is doing. More than that, I want to commend him for his good judgment, after having been exposed to Whitman College in making the northwest his residence.

Senator Magnuson. I might suggest, Johnnie, just wait till they start coming out of Walla Walla. Congressman Hicks is here and I am sure, Johnnie, he wants to also congratulate you on this high honor.

Congressman Hicks. Thank you, Senator. It's a little difficult following Senator Jackson, but I am sure Mrs. May when she spoke told you that she spent some time teaching school. I spent a little longer; I spent seven years; and the reason that I left the classroom was that I didn't think that I was doing the job that should have been done for those youngsters. I have seen some very excellent teachers in the junior high schools and grade schools of our state and I have seen some very mediocre ones.

While I agree with Senator Jackson that in education, school teachers have not always received the recognition that they should, on the other hand you can't take mediocrity and freeze it into the system either. There are some wonderful things that can be done by really good teachers; I have seen them done. And there is some real harm that can be done by those who are there who meet the old adage of "those who can, do, and those who cannot, teach," and that's just wrong, but it's been true enough so that it gave such an adage currency.

I am more than pleased to do honor to a really fine teacher. Thank you very much.

Dr. Dafoe. Dr. Wallace A. Brodie, Past president, American Chemical Society.

Dr. Brodie. Senator Magnuson, Senator Jackson . . . Johnnie, I take great pleasure in representing the Chemical Society here to present to you subscriptions to two of our magazines on chemical education, one which is designed for the high school student and the other for the high school teacher. I present this to you with my great congratulations. I can't help but add, however, that but by pure laws of chance and coincidence I was born in Walla Walla. I was selected to do this, representing the American Chemical Society, without knowing—they didn't know this—that I was to talk to a man from Walla Walla. I graduated from Walla Walla High School 53 years ago, and I graduated from Whitman College, so I think I truly represent the community and our Congresswoman in extending our congratulations.

May I add one other point which was brought up in the discussion here asking about whether people were turning away from science. There are more young people turning away from science, more young people, than ever before. And there are more young people turning toward science than ever before, just because there are more young people.

Dr. Dafoe. Dr. Howard Hitchins, Executive Director, Department of Audio-visual Instruction, NEA.

Dr. Hitchens. Senator Magnuson, members of the Washington delegation. I am very pleased to represent the Department of Audio-visual Instruction, Mr. Dennis, in doing honor to you upon your selection as teacher of the year. I represent about 10,000 people who are out of the field of educational technology, and as a small token of the honor which we do you, we would like you to accept a year's subscription to our magazine, "Audio-Visual Instruction." Congratulations.

Dr. Dafoe. James D. Gates, Executive Secretary, National Council of Teachers of Mathematics. Jim.

Dr. Gates. Senator Magnuson, members of the Washington delegation, Dr. Dafoe. It gives me great pleasure to be here representing the National Council of Teachers of Mathematics to express my congratulations to you, Johnnie, as a science teacher and also a teacher of mathematics. It's extremely meaningful to us that a teacher of mathematics was selected during this, the year 1970, because this is the year we are celebrating as our Golden Jubilee Year. Our theme this year has been "Excellence in mathematics education for all." So it is very gratifying, Johnnie, to hear you remark earlier that you would express great concern that we take into account the individual differences, the concerns of every student.

I'd like to read our Certificate of Merit:

The National Council of Teachers of Mathematics: This certificate is presented to Johnnie T. Dennis in recognition of exemplary contributions to the improvement of mathematics education. Teacher of the Year, 1970.

Congratulations, Johnnie.

Dr. DaFoe. Ralph Gray of the School Service Division of the National Geographical Society. Mr. Gray.

Mr. Gray. Johnnie, the popular song says that what the world needs now is love, sweet love; but I believe that even as much as that is true, what the world needs now is teachers, good teachers. It's a great honor to share this stage with one of the best teachers, a teacher who has been accorded the accolade of being the Teacher of the Year; and as a token of the esteem of the National Geographic Society we want to present you with an honorary subscription to the magazine for the future, beginning with the May issue, which has a couple of science articles in it. Maybe not exactly your mathematical end of science, but there is one article about archeology and anthropology in Africa; and another one on natural history in this country.

We hope you will enjoy this through the year, as I know you will enjoy all the other honors that have been bestowed upon you today. And I would like to say that our editorial hats at National Geographic are off to Look magazine for maintaining this fine project of honoring a Teacher of the Year for each year. Johnnie, congratulations.

Dr. Dafoe. Dr. Thomas D. Fontaine, Deputy Assistant Director for Education, National Science Foundation.

Dr. Fontaine. Senator Magnuson, members of the Washington delegation, Dr. Dafoe. It is a special pleasure for me to be here. I think I will try to rival to some extent our good friend Dr. Brodie here. I welcome you, Fellow Mississippian. I am very appreciative of the fact that you explained where Owl Hollow was, because I had placed it in certain low hills where I was born.

In addition to this, of course, I think this is very nice on the 20th anniversary of the National Science Foundation that we have such a distinguished recipient this year for the teacher who represents the best, I am sure, in science and in mathematics. I would also at this moment too like to pay tribute to Senator Magnuson, who I am sure many of you know has really been the father of the National Science Foundation. So I think Senator Magnuson should take a special pride in the fact that his wisdom and the shepherding the National Science Foundation through many of its trial periods has paid off in such a significant way.

It was in 1954, Senator Magnuson, that the first summer institute for high school teachers was held in the state of Washington at the University of Washington. So it is with special pleasure I present to you, Johnnie, an investment in knowledge, which is the History of the Summer Institute Program of the National Science Foundation. Congratulations.

Senator Magnuson. I want to, before we adjourn, remind everyone that there are refreshments and coffee . . . I am sure that all of you want to meet Johnnie's fine family over here. We thank you all for coming. It's an event I am sure you wouldn't want to miss. So we stand adjourned. Thank you.

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## CONGRESSMAN McDONALD OF MICHIGAN ADDS NEW DIMENSION TO THE VOICE OF HIS CONSTITUENCY

### HON. ROGER H. ZION

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. ZION. Mr. Speaker, innovation and imagination are two ingredients which have made this country strong. Through their elected representatives, the voice of the people is heard daily in this Chamber.

It recently came to my attention, Mr. Speaker, that my colleague Mr. McDonald of Michigan, added a new dimension to the voice of his constituency. I received a copy of his annual questionnaire which provides answer blanks for not only the man and woman in the household, but for the young members of the family between the ages of 18 and 21.

It is refreshing to see this kind of thinking. Too often it is presumed that the head of the household does the thinking for the rest of the family. Here is an opportunity to gain an insight into the thinking of the family as a group of individuals. And it is individual thinking which contributes so much to this Nation.

Mr. McDonald's questionnaire deals with the issues of the day, and reflects the concern he has for the opinions of residents of the 19th District of Michigan.

Mr. Speaker, I commend Mr. McDonald for his fresh thinking, and take this opportunity to offer for printing in the Record a copy of the questionnaire:

QUESTIONNAIRE BY JACK McDONALD, MEMBER OF CONGRESS

1. Do you support the President's strategy to withdraw U.S. troops from Southeast Asia?
2. Do you favor abolition of the draft as now constituted and creation of an all-volunteer army?
3. Do you favor my bill (H.R. 15283) prohibiting federal agencies from selling mailing lists to the public?
4. Do you approve the use of federal funds for busing of schoolchildren to achieve racial balance?
5. American-flag ships carry approximately 6.4 percent of the total tonnage of U.S. trade. Would you favor increased federal shipbuilding subsidies to expand and modernize our merchant marine?
6. Which direction would you like taken with regard to an ABM system? a. Gradual installation of a limited network; b. An eventual full-scale network; c. No funding at all.
7. In addition to reducing federal spending, which policy would you favor to curb inflation? a. Increased taxes; b. Wage and price controls; c. Tighter credit.
8. There is much talk these days about "reordering our national priorities." In what order would you place these programs?

1. Crime Control.
2. Defense.
3. Education.
4. Pollution Control.
5. Space.
6. Urban Problems.

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## GREECE: CULTURAL FREEDOM IN THE GANGSTER STATE

### HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. FRASER. Mr. Speaker, I take this opportunity to focus our collective attention upon the tragedies brought by the military clique ruling Greece today.

We have seen much documentation of the terrible costs of the junta's totalitarian and reactionary activities. In the May 21, 1970, issue of the New York Review of Books, there is an excellent article which analyzes the consequences of the present Greek regime. Their repressive actions have stifled the artistic creativity of many of Greece's leading intellectuals and artists. The climate of fear and of intellectual sterility has deprived a once proud people of its cultural freedom and creative impulses.

As one Greek intellectual has said, "Creative spirit cannot be artificially induced nor can it be administratively guaranteed." The results of this repression is the destruction of hope—a most vital human resource.

Because of the gravity of this crisis, I include the entire text of the article "Greece: Cultural Freedom in the Gangster State," in the RECORD.

### GREECE: CULTURAL FREEDOM IN THE GANGSTER STATE

When preventive censorship was lifted last October after a two-and-a-half-year blackout, the newspapers of Athens (not including the organs of the military regime) began once more to report the news. They did so carefully, still refusing to make editorial comment so long as this new liberty was qualified by countless taboo subjects and forbidden attitudes, and vitiated by the martial law under which Greece has been living since 1967.

Instead of editorials, front-page cartoons expressed in capsule form, daringly at first, the paradox of press freedom in a land overshadowed by Law 509, which provides savage prison sentences for whatever the military court (on the evidence of soldiers, informers, and police spies) interprets as subversion—in a police state supported, not to say enforced, by a world alliance of free and not-so-free nations. The newspapers reprinted speeches and documents from the Council of Europe when Greece withdrew last December. Every day people were able to read the frightening exchanges in the courts martial and the defense speeches of students given eighteen years to life for passing out leaflets, or possessing explosives, or making some remark against the regime that was overheard, perhaps, at the next table in a restaurant.

Just as the most insidious enemy of truth is a half-truth, so the subtlest mockery of freedom is a controlled freedom. But give Greeks one grain of liberty and they will use it to advantage, until the mechanism of that mockery works itself out and brings on the retribution that was only in the wings.

Indeed only six weeks after censorship was lifted, the regime published a new press law decreeing sentences ranging from a few months to life imprisonment for defamation, obscenity, distortion of debates, quotation out of context from documents, insult to the royal family, reporting legal cases *sub judice*, articles inciting to sedition or undermining confidence in the national economy, reporting crimes and suicides, inaccuracy, negligence, and other offenses minutely listed in 101 articles, for which publisher, editor, and journalist are now held collectively responsible. In addition to laying out this minefield, the new law (which begins, "We, Constantine, King of the Hellenes, by the proposal of our Council of Ministers, have decided and do command: Article 1, The Press is free . . .") struck at the newspapers by abolishing the franchise on imported newsprint. This concession—granted in 1938 to facilitate freedom of expression in the press—remains in force however for those recently founded journals which are the mouthpieces of the regime, but whose circulation is still less than half that of the older papers.

Foreign observers have asked about this seemingly passive and peaceful, if perhaps exhausted, country: Why—if Greeks don't like being spied on, denounced, held indefinitely without trial, tortured, pressured to betray friends, imprisoned for their opinions, deported, forced into exile, forced out of work, censored, having their books and music and art work banned, or being made to acquiesce in the blunting and darkening of their children's minds in school—why don't they do something about it, instead of waiting for the Americans? Yet the prisons and concentration camps and guarded villages are full of Greeks who did do something because they knew the Americans would not. For the rest of the population, if they get too activist, there are NATO tanks and the American Sixth Fleet. Which is almost to say that for them there is silence.

To prevent them from becoming too active there is the terror. Not guillotines nor SS troops nor kangaroo courts—these are unnecessary: only pervasive economic pressure, which affects everybody's actions from morning till night, but which tourists don't see and Greeks for very good reasons don't talk about to foreigners. One false move, one indiscretion and not only a job is lost but also—because of close supervision by the police—the possibility of applying for other regular work. Not only is a university career cut short but entrance to any other advanced school in Greece is forbidden. And not only may a pension be lost but the relatives of the former pensioner may lose their jobs as well.

The phrase in the U.S. Constitution, ". . . no attainder of treason shall work corruption of blood," reminds us that two centuries ago the medieval hangover of guilt by kinship was still something to be guarded against by law. As regards many civil liberties, the Greece of 1970 is more primitive than the Thirteen Colonies of two hundred years ago, with the added danger that today the state possesses eyes, ears, and methods of control unimaginable in previous centuries. What is being tried out in Greece is not the mere brute oppression of a Vietnam war but a new and subtler form of oppression, something technologically organized, which seems to be working very well indeed.

In spite of this a few have spoken. Before censorship is re-established or worse, one paper in particular, *Ethnos*,[1] has staked its existence on the issue of press freedom. Theater and film reviews, articles on the youth revolution abroad and education at home, on the international press and the integrity of the Greek judiciary (heavily violated last spring), serialized historical studies of foreign interference during the last century and of Venizelos' fight against the Greek oligarchy and monarchy in the early years of this one, have all provided a medium for discussion of some of today's more burning issues.

Even the proceedings of the Senate Foreign Relations Committee on the appointment of the new ambassador to Greece were translated verbatim from the Congressional Record of last December 19—with dotted lines profusely interspersed wherever Senators Pell, Goodell, Fulbright, or McGovern spoke of the Colonels' regime in words that cannot be printed in Greece under the Colonels' press law. A series of brief interviews and letters called "If I were Dictator" has been giving a number of public and private figures the chance to let off steam and anathematize tyranny. Finally on February 2 *Ethnos* began a significant inquiry into the present state of cultural life in Greece. Leading figures in the intellectual and artistic world answered two questions: Was the past decade in Greece creative? Is the new decade likely to see a flowering or a decline?

Significant for what was said, and for what wasn't. Many of the artists and thinkers questioned kept silent despite strong convictions; silent about the real condition, not of politics or economics, of which it might be disastrous to speak openly, but of the arts themselves in Greece during the present critical years. Still, a few spoke; these are years when the brave stand up and are counted.

The public responded and joined forces as only Greeks will do when someone takes risks on their behalf. Though the cost of newspapers has risen twice since the New Year (the organs of the regime again excepted) and though the sale of *Ethnos* is forbidden in provincial towns by the army and *gendarmerie* despite a supposed guarantee in the press law; and though on three days in February news vendors in Athens itself were told by the police not to sell their copies of the paper—a sinister hint of what may yet happen—*Ethnos's* circulation has nearly tripled in the city. "We can't do without it now," one reader said. "We have to read what people dare to say. We need it every day now, it's like bread."

Alexander Xydis, art historian, critic, and Greek Ambassador to Syria until the Colonels dismissed him, was the first to give a precise reply to *Ethnos*'s question about the past decade, contrasting the state of things before the *coup d'etat* with their condition ever since. Does one have to be a Greek living in the Greece of Colonel Papadopoulos to sense the full implications of a statement ostensibly about graphic arts?

"I do not see one decade 1960–70 but a seven-year period 60–66 and a three-year period 67–69. During the first, notable young painters, sculptors, and engravers appeared on the scene, while the older established figures showed a renewal of their talent.

"There was more work and better quality. More exhibitions inside Greece, in Salonica, Volos, Patras, Heraklion, Hydra, and Mykonos, and more exhibitions of Greeks abroad, where some won prizes. A wide circulation of artists and their works within the country so that many more than just the inhabitants of central Athens became familiar with the living art of today. More artists commissioned to decorate public and private buildings. A homecoming of expatriate artists in great number. Newer and freer channels of communication with the outside world for artists, for their works, for art books and for a whole public eager to educate itself in the artistic field.

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[1] After this article was written, the newspaper *Ethnos* was closed down. On April 2, its chief editor was sentenced to five years imprisonment and other senior staff members received sentences ranging from two to four and a half years. The reason given by the junta was the publication of an interview with a former politician, J. Zigdes, urging the quick return of democratic rule. Mr. Zigdes himself was sentenced to four and a half years imprisonment for having given the interview.

"This continuous movement and exchange between artists and their unhindered dialogue with the public, which are the vital needs of art, took place quite freely, and a fertilizing pollen was thus transmitted in all directions, regardless of schools or political alignments.

"Today the artists, like all intellectual and creative people in Greece, are living in isolation, inside hermetically sealed aesthetic and political compartments, whose channels of communication with the outer world are suffocatingly controlled by ill-digested moral and aesthetic dogmas or else by calculations of expediency. Art has nothing to do with a dubious ephemeral expediency, and dogma drives out art—together with the artists—as bad money drives out good.

"Three years we have seen this axiom progressively confirmed. A slowing down or complete stoppage of exhibitions; the movement of artists and their works obstructed, both in Greece and on their way to other countries; prohibition of works, sometimes even names of certain artists; mediocre figures chosen to represent Greek art abroad; the mediocre selected or made to participate by *Diktat* in the Panhellenic Exhibition of 1969. Meanwhile the squares and gardens of our towns and villages are being filled with products by 'workers of art' in the most Soviet sense. [Last five words eliminated from printed text, in accordance with Greek press law.] Discrimination against and attacks upon the most valid currents in modern art are increasing. In competitions, exhibitions, and public commissions the reward goes every time to mediocrity. Mediocrity alone is recognized because it alone is harmless, poses no problems, lacks impetus, looks backward, does not overflow with that quality of which André Breton writes, *'La beauté sera convulsive ou ne sera pas.'*

"My reply to the second question: decline. But flowering (and consequently decline) cannot be forecast or artificially produced. Where the creative spirit is degraded, art dies and no administrative measure can revive it. Where it still lives but is pressed down, it will burst out sometime, somewhere. The artistic or creative spirit is, of all human activities, the most imponderable and explosive. It cannot be compressed or statistically recorded or mobilized or controlled or directed. If it withers in one country because of the environment, it may flower—perhaps through the same practitioners—in another. But woe to the country that has lost it."

The last sentence has a special poignancy for Greeks. Twenty-five years ago their country suffered its first bloodletting in art, thought, and literature. After the Fascist dictatorship of the late Thirties, there had been great hopes, during the subsequent four years of Nazi occupation, famine, and resistance, that after the war Greece would be able to liberalize its social structure and allow light into its educational system. Throughout the Forties a large proportion of the flower of the country's youth was systematically killed off; before the war was even at an end in Europe, Athens in December 1944 was the first testing ground of that world of wars in which we have been living ever since.

In one form or another the Resistance was betrayed by the foreign belligerents who tried variously to adopt it, and the old Establishment came back over its dead body. The Civil War was in the interest of a few and it lasted until 1950. But intellectuals and artists left Greece by the hundreds, many to make names and careers abroad; Greece was impoverished. Yet many came home again, especially in the years 1963–4, encouraged back by the progressive tendencies of George Papandreou's liberal government which they had not seen in Greece before. The second national bloodletting of youth, energy, and genius has taken place during the last three years.

The artist or intellectual in Greece today faces the choice of staying and being wiped out or going abroad and losing touch with everything that sustains him: to go is to stifle the overwhelming (and in the Greek case vital) parochial instinct—to go into the thin air and heavy earth of a foreign land where the exile will live perhaps a lifetime of yearning to return and thinking that those who stayed behind were luckier.

Luckier today? Unluckier tomorrow? In any case the writers, artists, and thinkers still in Greece have tightened ranks. Those of opposing political convictions have fused together under the oppression that makes them Greeks, creative artists, and thinkers first, leftists or rightists second. One of them has said, "As a race, as a society, we are still primitive enough to feel connected."

Such is the message of those voices that have made themselves heard in the loaded silence of Greece today. Perhaps only a small step has been made; others who were as outspoken last year are now in prison, whereas today such men are lucky enough to benefit by a slight relaxation of censorship and are able to reach a wider audience. What they are attempting is a stand against the generalized fear that has settled on the country and seeped into all aspects of national life. Others will take courage from their statements and from the many protests they have signed at considerable personal risk, just as they themselves took courage from the lone voice of their Nobel Prize winner George Seferis when he spoke out in March last year.

Rodis Roufos, the historian and novelist, on the morning of the *coup d'etat* three years ago resigned from a high position in the diplomatic service; he is one of the writers who have repeatedly and openly protested against the dictatorship and refused to publish under the conditions it imposes. Winner of the two highest Greek literary awards, he was among the forty finally selected out of five hundred candidates from countries throughout the world to attend the Harvard International Seminar last year. But he was unable to represent Greece: the Colonels took away his passport. The following is his reply to *Ethnos's* inquiry. The words in square brackets were vetoed by the paper's legal adviser as being too dangerous for publication under the press law.

"I am surprised that distinguished personalities have discussed the level of our cultural life without relating it to cultural freedom. Perhaps they see the connection, but pass over it in silence for reasons of expediency? That in itself shows to what depths our cultural life has sunk. Total silence would have been preferable to such self-censorship.

"Personally I do not think a sincere and responsible statement can be made about the Sixties, culturally, in Greece without dividing the period into two very dissimilar parts.

"Throughout the first our cultural life gave hopeful signs. I refer with nostalgia to the general intellectual, moral, and artistic atmosphere which was still developing around the middle of the decade: an atmosphere of free and civilized dialogue, exemplified and stimulated by such forward steps as the review *Epoches*, the introduction of our spoken language into official and academic spheres, and the spread of interest in a more serious and up-to-date educational system.

"Then came the split. . . . [Then came, if it is not sacrilegious to quote Seferis's beautiful line in this context, "the double-edged day when everything was changed."] Most of the leading intellectuals chose silence [rather than submit to censorship]. (I am not speaking of members of the Academy, most of whom seem to live in a roseate, beatific world of their own, quite unrelated to ours.) Others were deprived of all possibility of communication with the public [or even of their personal freedom]. No matter how much I may have disagreed with some of the latter, I believe that cultural life can only become fruitful through fearless discussion, criticism, and disagreement. One need only remember Germany's cultural achievements under the Weimar Republic as compared to what followed, or consider what happens today in the Soviet Union where writers are persecuted in the name of an official ideology.

"For sole consolation we are assured officially that we don't have dictatorship in Greece. What it would be like if we did is something I don't dare think about, since already under present conditions what is at stake is not the level of our cultural life but its very existence.

"As to the future, it depends on whether these conditions change or remain fixed that we shall either have once again a genuine—that is, free—cultural life, or else sink into the intellectual and artistic decay of those peoples whom History, in its onward march, has forgotten."

Hard and heavy words for a Greek to say, for Greeks to have to hear. Forgotten? The Greek race forgotten? Numbered among the tribes or nations that have had no history, have left no record of themselves?

Quite possible. It has already happened once. As far as territorial Greece is concerned, the limbo period commonly equated with 400 years of Turkish occupations lasted in reality closer to a thousand and a half, beginning around the fourth century A.D., or even earlier. And yet, in spite of backwardness and oppression, Greece has caught up in the last 150 years with the major social and political—advances made in the Western world since the Reformation. Foreign strategists and geopoliticians who say Greeks are not ready for democracy, or bleat that there is no one to take over from the Colonels, should remember that, for all its sometimes creaking or ferocious imperfections, parliamentary life has functioned longer and more steadily in Greece than in any other continental European country. England acquired universal male suffrage in 1885, Greece had it in 1864. And Greece preserved a strong and active parliamentary regime throughout a civil war when the country was gravely threatened from both within and without. Greeks have reason to be proud, and it is an insult to their capacities and achievements to be told that now a Communist threat, which has never been proved and which almost nobody believes, justified the destruction of their democratic liberties. To have lost all their hard-gained ground, to have all momentum stopped, and to contemplate the menace of a dark and still clinging past—such things for Greeks are immediate and desperate.

Most difficult to grasp outside Greece is the question of language. The ordinary speech of daily life, which is also the language of Modern Greek poetry and literature, is now forbidden in the schools from the fourth grade. Nine-year-olds, who would normally have to cope with an extremely complex but still coherent syntax, now, in addition, have to make sense out of the life around them in a language invented by Greek scholars of the late eighteenth century to translate the *philosophes* of the Enlightenment: a grammatically centrifugal macaronic put together out of the Byzantine liturgy, New Testament *koiné*, ancient Attic, and some Modern Greek, with centuries of Turkish, Latin, Italian, and French, and many technological accretions replaced by what their equivalents might have been in the fifth century before Christ.

Originally designed to equip Greeks with an intellectual apparatus and to inspire a subject people with an awareness of past glory, this "purifying" *katharevousa* became the salon speech of the rich, Europeanized Greeks of Constantinople who managed affairs of state under the Ottoman Empire. But when the subject nation rose up and won its territorial independence from that empire, *katharevousa* was turned into an effective instrument for keeping them subject and for reserving political independence, together with advancement and learning, exclusively for the rapacious oligarchy that replaced the Turks as rulers: a weapon aimed against a people at the ground level of childhood and the subterranean level of speech.

A hundred years ago however there began a strong counter-movement in favor of the spoken language, or *dimotiki*. This has paralleled every trend toward social, political, or educational reform, just as the reintroduction of *katharevousa* has accompanied every victory of reaction. In Greece the word, whether written or spoken, is an integral, dynamic part of the country's social and economic, let alone political and cultural, history. It is characteristic of the present state of things for instance that the two languages have received different names: *katharevousa* is now called "Greek" officially in the schools, and *dimotiki* "mother-tongue"; characteristic too the oversight that, as a result, this people's mother-tongue is now not Greek!

Such is the background to the following statement made by Anastasios Peponis, Director-General of the Greek Broadcasting Service under the Liberal-Center Government in 1964–5 imprisoned by the Colonels after the *coup d' état* and deported again in 1968. Last November, in the course of a lecture at the British Council in Athens on mass media, he quoted a dangerous sentence by the director of the BBC—"Television must be free"—and also mentioned, more dangerously, the benefit accruing to a country when poems by its Nobel Prize winner are made into songs by "a musician of genius." Peponis was referring to the collaboration of George Seferis and Mikis Theodorakis. George Seferis's warning of a year ago is still echoing through the country and Theodorakis has been in prison or under heavy guard for almost three years,[2] his music forbidden, and his records destroyed.

"We are moving backward. The root of the evil probably lies in the educational system. By the time they finish high school the young have still had no contact whatever with contemporary Greek writing, and know nothing of Greek literature. Any who are interested in the arts have made the discovery themselves and must cultivate it on their own. The educational reforms attempted in 1964 and 1965 faced the problem squarely for the first time.

"In the past decade the crucial issue of the culture—and the survival—of our nation has reached a state of total anarchy and chaos. I refer to the language question. The centuries-old language of Greek literature is still kept away from schoolrooms and treated as an enemy. Five years ago an attempt was made to promote it, first in education, then in broadcasting. But from 1965 on there has been only confusion and regression. Our children realize that the Anglo-Saxons, French, and Germans have one language each; they ask us how many are the languages of the Greeks, and there is no clear answer. How can any true culture flourish or have far-reaching influence when we haven't yet decided which is the nation's tongue?

"As to the next decade, a single look around the world shows up the ordeal threatening freedom, peace, mutual respect. Everywhere discouragement assails us. Speeches are full of promises, facts bloody and inhuman: violence, oppression, restriction—all in the name of ideals disproved by actual events.

"We cannot be hopeful, yet nor can we give up hope. Thought can still function, and under any circumstances the mind, in order to survive, must find outlets toward freedom and claim its responsibilities. We cannot accept art pressed into the service of this or that political expendiency. As long ago as 1945 Seferis wrote: 'The sound craftsman is one of the most responsible beings on earth. He bears the responsibility of a struggle between life and death. Out of the human experience that rages or lies still around him what shall he save? What can he save? What must he reject out of the shapeless human material which is frighteningly alive and follows him even into his dreams. In dreams begins responsibility.' "

Self-evident? Sentiments with which we would all agree, and certainly harmless? In Greece such words are dynamite. And though there are many who agree, there are some—with guns—who don't want to hear them spoken out loud; and just in case they should be, a number of special listeners are always interpersed through the audience of every lecture hall, who report to the Security Police immediately.

Education in particular is something one can't talk about in detail, because if one does one is dealing in facts—facts over which the press law keeps its watch: the expulsion and imprisonment of teachers, schoolbooks rewritten in an incomprehensible and self-contradictory syntax; compulsory speeches and compositions inspired by ultra-nationalistic, chauvinistic hatred of other creeds and countries; a special university code by which any student convicted of behavior incompatible with "national ideals" can be expelled for life from all Greek universities and higher schools; secondary schooling in some cases made impossible for children of political prisoners; and as an example of the scientific information purveyed to fifth graders in their experimental physics reader:

> The creations of God, which exist around us and which we apprehend with our senses, constitute *nature* [opening sentence]. . . . Water at 4 degrees C has more density and less weight whereas at 0 degrees it has less density and more weight. This strange phenomenon is worthy of marvel and proves yet once again the infinite wisdom of the Lord Creator. It has great meaning for man and for life in general. Imagine what would happen if water continued to contract at a lower temperature than 4 degrees! Ice would be heavier than the equal volume of water and would sink as soon as formed down to the lower levels of rivers, lakes and seas. The water's new surface would become ice as well, and that would sink and little by little all the water of lakes and seas would turn to ice. The fish and other aquatic creatures and plants would be destroyed because the sun would be incapable of melting the tremendous masses of ice that would accumulate. The zones of the earth would be uninhabitable, and cold and drought would prevail over the whole world."

In the year of moon-landings Colonel Papadopoulos's so-called "modern" educational system is like a time machine charging in the opposite direction.

After liberty and hope there is little left to lose. It has often been like this in Greece, which is poor in material things, and where a kind of sparseness has been traditionally, classically, the rule. When their country has been turned into a prison, some Greeks will always dare to walk a tightrope. Whatever may happen to them individually, it is their example which fertilizes and gives heart to others. It is not surprising that the statement by Nikos Hadjimichalis which follows should have been altered by *Ethnos's* legal adviser before the issue went to press. Like Roufos a Resistance-fighter at the age of seventeen, Hadjimichalis took part in the first exodus of intellectuals and artists in 1945; after fifteen years in France, practicing and studying architecture under Corbusier, he was one of the first to return. Square brackets indicate where material was substituted or deleted.

"When I came home at the beginning of the last decade, a general upward turn was just beginning to take shape in Greece. Many artists and scientists who had worked and studied abroad began to see horizons broadening and conditions improving here for new, modern, and creative work where their capacities would find fruitful soil. The dreadful gaps left by the crucial decade of the Forties were being gradually covered over and the hard immediate necessities of life ceasing to be so oppressive. In architecture the purely commercial sort of building that works to the detriment of the architect, of our country's interests even more so, was being abandoned in favor of solutions dictated by research. In the new prevailing climate we felt we were leaving the 'Balkan' period behind and creating works that belonged in a European context.

"I speak of a climate because no renewal can be fruitful if it is deprived of a surrounding atmosphere which strengthens, nourishes, affects and is in turn affected by it. Without such an environment the creative artist is cut off from his roots and remains suspended. And the more that people are deprived of intellectual and artistic nourishment, the more they fall into inertia, out of touch with the currents of life, until in the end they play no more part in history. Ruinous are the consequences of several generations of artists failing to express themselves; it is not that art or culture disappears but that life istelf turns into a vegetable state—to be dearly paid for in our time of lightning evolution.

"The creative climate of the first six or seven years of the past decade encouraged all intellectuals, artists, and scientists to work enthusiastically. And if I should be thought to have a personal prejudice, I would only call to witness the foreign and expatriate artists who came here then in respectful recognition of that favorable atmosphere. An example was the modern sculpture exhibition on Philopappos Hill. Inconceivable at any other period, it showed that we had already taken our place in an international movement; this was true of our artists and of our public too. Such events would have been repeated, with Greece finally becoming a steady pole of attraction and a bright focal center.

"This [creative] climate was unfortunately stopped short in the last years of the decade. Now the fever, the urge to create has collapsed. The homecoming movement has turned into a drain of talent away from the country. Isolated, exiled both inwardly and out, our artists cannot work. The loss of the urge [substituted: "ease"] and the breaking of the communication have brought both the creators and the public to the verge of extinction: the artists because they have lost heart and ceased to play a [leading] part in the formation of ideas and standards, and the public which, having reached a certain level that is now no longer renewed out of contemporary Greek problems [substituted: "an inquiring Greek art"], is being steadily degraded, and now risks losing everything it gained from its tradition and from the few years' experience of renewal.

["Let us not forget the harm done to our youth, to their education and their general upbringing. That damage has gone so deep that it will take years to heal it. As a result, now all our young people are turning to purely expedient careers, or else those who still hold to their ideals are leaving Greece.]

"These last years our cultural life has lost its reflexes. As for the new decade, I am very pessimistic. The people who made our country [inserted: "from Antiquity onward"] made their dreams into programs. [Today dreams are either persecuted or transformed into a nightmare.]

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[2] Since this article was written Theodorakis has been released.

"Our one hope left: may the[se] mute [and lost disastrous] years pass quickly before inflicting deeper wounds on the artists, the public, and the young, so that the exodus may turn into a creative starting point for [dynamic] development without interruptions or collapses, and with full knowledge that the lost time will only be made up with redoubled energy and effort."

A sample of reasoned and civilized opinion from different ways of life by men in their forties. Today the young in Greece, cut off from the youth revolution in the rest of the world, are reasoned and civilized in their own way; let one of them provide his short, fierce epilogue. A student, answering by letter the popular questionnaire in *Ethnos*, writes:

If I were a dictator I would have concentration camps, I would have deportees, I would keep the prisons filled with my opponents, so that everyone outside, at home, would be terrified and lose courage.

I would let you do this harmless journalism because it would be my policy to try and be as little provocative as possible. That way I would sugar-coat the pill, and little by little I would force *Ethnos* to stop publishing and you personally either to shut up or bow down. As for the cultural and intellectual leaders, my dictatorship wouldn't bother them too much once I had put them through a purge (I'd be keeping them in their jobs)—and let them write you their letters! But at least I'd have the honesty to say, *Yes, I and my buddies are dictators*. As for the democracy you were waiting for, I'd give it any form I liked—"modern" of course. Do you think I'd be interested in your opinion?

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## NATIONAL INSECURITY

## HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. RARICK. Mr. Speaker, I am very fortunate in representing a constituency which includes many distinguished and patriotic defenders of constitutional government from the legal profession of my State. From time to time, I have shared with the members legal opinions from our judiciary, addresses by district attorneys, and briefs from leaders in the Louisiana Bar Association.

One such outstanding attorney from my district, the Honorable Jack N. Rogers, of Baton Rouge, is not only a distinguished member of the legal profession and a former military officer, but is nationally renowned for his work in exposing communism and subversion in our State.

Recently Mr. Rogers delivered a speech on national insecurity to the Downtown Lions Club of Baton Rouge, La. Because I feel he succinctly presents the challenge which must be met by the legal profession to come up with solutions to the problems we face in America, I include Mr. Rogers' speech as follows:

### NATIONAL INSECURITY

(By Jack N. Rogers)

Today I want to tell you about a great and glorious dream and some current observations on its fulfillment in America.

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

This is the *dream* of *freedom*—a balance of *rights* and *responsibilities*.

There are five basic principles set forth in our American concept of freedom. These are:

1. Law and order.
2. Individual freedom and individual responsibility.
3. Free enterprise and free labor.
4. Responsible limited government, within the Constitutional framework.
5. Belief in the Almighty God.

This is the most idealistic concept of society put into effect in the history of mankind. It has produced more goods and more freedom for more people than any other system to date. All over the world, people are literally *dying* to come here and live under it! What is the state of the dream of freedom today, after 200 years of testing?

Let's start with "domestic tranquility." Since November, 1969, powerful bombs have exploded in New York in the Socony Mobil, IBM and General Telephone buildings in east midtown Manhattan, plus the Chase Manhattan, General Motors and RCA buildings. We have also had the incident in which two associates of black militant leader H. Rap Brown were killed by an explosion in a car in which they were traveling through Maryland. The same week we had a Greenwich Village town house leveled by what had been taken for a gas explosion but was actually an underground bomb factory being wrecked by a dynamite blast. We have had other recent bombings in Seattle and San Francisco and in Chicago and other inland cities.

The Communist conspiracy in America has clearly progressed well beyond the phase of intellectual appeal to "parlor pinks" and misguided "do-gooders."

Crime in America is increasing daily at a rate six times more rapidly than our population.

In *Baton Rouge* we have had, as of yesterday, 142 armed robberies since last November. There were two attempted rapes of LSU coeds on the campus night before last. Fortunately, this situation is late in reaching us here, it has been even worse than this for many years in the big cities of our nation.

Three months ago, a committee of Congress issued a detailed report on "SDS plans for America's high schools." The stated goal of the SDS is "chaos" and the "total shutdown" of our high schools.

In regard to "race relations," I think most observers agree that they are generally deteriorating, rather than improving. Such militant sects as the "Black Panthers" and the "Black Muslims" in ever increasing numbers openly advocate racial warfare against all white people. Notice sometime the "Muhammed's Mosque" here in Baton Rouge on Government Street.

On another aspect of "tranquility" we have for several years suffered right here in Baton Rouge a serious problem in labor-management relations, which only now is even beginning to improve.

A nation-wide mass "protest" against serving in the Armed Forces of our country is being planned for all the major cities in the nation a few short weeks from now.

We have recently witnessed the incredible picture of a respected judge of a United States District Court being openly reviled, cursed, insulted and even defied in his own court-room in Chicago, and now two different professional bar association groups are actually seeking to criticize and condemn the *judge!* Not the revolutionaries who caused the trouble, but the *judge,* for issuing "harsh" punishment!

These things are but a very few of the indications of our current state of "domestic tranquility."

What about the phrase "to form a more perfect Union?"

In our knowledgeable lifetimes, have you *ever* seen a *worse* federal-state relationship than that which has now come upon us through the two serious issues of school integration and court nullification of state statutes regarding voting and apportionment?

How about the "establishment of Justice?" Gentlemen, ask *any* lawyer who practices in the criminal courts, and I am one of them. You will be told that *never before* has the criminal court defendant had the great advantage he possesses today. The odds today of a defendant in a criminal case being convicted as charged are *8 to 1* against, and all the professional criminals and most of the amateurs are very well aware of it!

So much for the problems. We could go on stating them indefinitely. The more immediate questions are—*How* did we get in this mess and *what* can be done about it?

First, How did we get this way? I submit to you, gentlemen, that we have arrived at our present sorry state of affairs by four means, these are:

First: Irresponsibility in government—the sacrifice of sound principles for the sake of political expediency, graft, dishonesty, crackpot give-away schemes both domestic and foreign, refusal to prosecute treason and sedition, violation of the civil rights of the citizens by snooping, wiretapping and big-brother tactics, the condonation of violence and finally the actual *encouragement of irresponsibility* instead of the development of self-reliant, law-abiding citizens. Another irresponsibility of government has been to withhold or play down all news of Communist atrocities against U.S. service men which might well have counteracted the loss of faith in our nation engendered by the recent claims of murder against our own soldiers. Look at these photographs of American soldiers murdered by the Viet Cong. Some were tied and shot in the back of the head. Two of them had their heads chopped off and carried through the villages stuck on poles. You have not seen these pictures before. Why haven't these been shown to the public in the press or on network television?

Second: The substitution of personal prejudice and opinion for law, justice and reason in the decisions of our U.S. Supreme Court. This has been particularly true in the fields of race-relations, federal-state relations and Communist subversion. The court has now nullified the anti-sedition laws of all the states, and for years our federal prosecutors have carefully avoided enforcement of the U.S. Code in regard to both treason and sedition. At one time, in *102* cases considered by Justice Hugo Black in which the Communists were involved, he ruled in favor of the position taken by the Communists *102 times straight!* The records of Justice Douglas and Justice Brennan are almost as bad. What this means is that in 102 straight cases, Justice Black ruled in most of them that the lower court hearing the case was wrong and in all of them that the Attorney General of the U.S. or of one of the states was wrong in prosecuting the case. I for one do not believe that the lawyers for the Communist Party are that much better learned on the Constitution than are the Attorneys General of the U.S. and the various states, the U.S. District Courts, the U.S. Courts of Appeal and the state supreme courts.

Some of the results of these decisions are now being felt in the riot and violence situations we are experiencing. For instance, by decree of the U.S. Supreme Court, (Keyishian v. Board of Regents of the University of New York) (Jan., 1967) the East Baton Rouge Parish School Board now cannot fire a teacher for the "uttering of any treasonous or seditious words" or even the *"doing* of any treasonable or seditious act!"

This is only one field of law, and I can tell you that decisions of parallel foolishness and danger have been made by the U.S. Supreme Court in other fields, particularly criminal law and federal-state relationships dealing with schools, voting and race relations.

Third: We have suffered a long period of liberal "permissiveness," in which people who should be leading our citizens toward *responsible* citizenship, have instead condoned violence and law-breaking of all types in the name of various "liberal" causes. This is the result of a basic mis-evaluation of the nature of *freedom;* the taking of "freedom" to mean *license,* rather than a *balance* of rights and responsibilities. This has been strengthened by a pre-occupation with violence, encouraged by television which trains people that violence is a quick and simple way to resolve serious and long standing problems. This permissiveness has even been extended by much of our news media to the Communists. When was the last time you saw anything at all *critical* of Communists in Look, or Life, or on the network TV, or even in a movie on TV, unless it was an old one? This is simply a distortion of the news by failing to tell the whole truth! The public is entitled to expect *complete* fairness and objectivity in news reporting, particularly on network TV, where it is rare indeed today.

Fourth: We *have* suffered a certain amount of subversion, primarily Communist subversion, which has taken good advantage, with some success, of the paradoxes, anomalies, and even injustices of our pluralistic "free" society. On Feb. 16, 1967, J. Edgar Hoover testified before a sub-committee of the U.S. Congress as follows:

"The riots and disturbances of recent years have given Communists a golden opportunity to emphasize the Marxist concept of the 'class struggle' by identifying the Negro and other minority group problems with it. Communists seek to advance the cause of communism by injecting themselves into racial situations and in exploiting them (1) to intensify the frictions between Negroes and whites to 'prove' that the discrimination against minorities is an inherent defect of the capitalist system, (2) to foster domestic disunity by dividing Negroes and whites into antagonistic, warring factions, (3) to undermine and destroy established authority, (4) to incite Negro hostility toward law and order, (5) to encourage and foment further racial strife and riotous activity, and (6) to portray the Communist movement as the 'champion' of social protest and the only force capable of ameliorating the conditions of the Negroes and the oppressed.

"The cumulative effect of almost 50 years of Communist Party activity in the United States cannot be minimized, for it has contributed to disrupting race relations in this country and has exerted an insidious influence on the life and times of our Nation.

"The net result of agitation and propaganda by Communist and other subversive and extremist elements has been to create a climate of conflict between the races in this country and to poison the atmosphere."

Now what if we do nothing about these things? What can we expect?

We will, if the historical pattern of the past holds true, see an ever-increasing anarchy, steadily being matched by the growing control of a socialist bureaucracy. The anarchists, being encouraged, will increase their efforts in total contempt for the law. The victim, who tend to obey the law, will sink themselves to a contempt for the law that fails to protect them from crime and subversion. Those who seek quick remedies through violence will be greatly strengthened and will engage in increasing viligante activity, which will inevitably lead to serious excesses. In the end the so-called "good" people will *demand* a strong government to end the chaos and restore order. And they *may well get it,* the way they got it in Rome with Caesar, revolutionary France with Napoleon Bonaparte, in Italy, in Portugal, in Spain, in Nicaragua, in Argentina, and in Hitler's Germany. If the Communists continue to grow stronger, they could well win a take-over, but I think the other alternative is more likely to come first.

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At that point, what has happened to the "dream of freedom," in a socialist police-state? If we lose freedom here, it may not exist again on the earth for 1000 years!

So, what should we do about it? We must stop, yes even reverse, the trend of our society! We must re-dedicate ourselves and our institutions to the ideals of freedom set forth in our Constitution and our Declaration of Independence. We must train and re-orient our children and our people toward *responsible citizenship.* The keynote of freedom is not *controls* and *guarantees.* It is the responsible individual citizen!

We must pass new legislation as is necessary to deal with subversion, *within the Constitutional framework.* We must train, equip and above all give moral support to our police officers in their war with crime. We must reform our system of criminal justice and penology to bring about far swifter justice and some hope of rehabilitation for criminals. We must give our children a sound moral basis for their lives through religious training, good education and the maintenance of a sound family unit. We must do what can be done to eliminate conditions of poverty, in a pattern that does not encourage personal irresponsibility. We must end our military actions in Asia if and when, and only when, we can do it without violating our treaty obligations and our two hundred year commitment to freedom and human dignity. We must at least *start* the planning of long range programs of eugenics towards the producing of fewer defective human beings in our society. We must respect and obey the laws ourselves, and finally, we must *take part in political action* to elect to public office *only* those men who will appoint reasonable and unbiased men to the judiciary and who will firmly support law and order under the Constitution of the United States.

The alternatives are simple, either we can do these things within the framework of a free society, we can all buy mail-order rifles, or we can sit back and surrender to the inexorable tide of historical precedent.

I, for one, choose "perfect union", "justice", "domestic tranquility", "common defense", "general welfare" and the "Blessings of liberty"! In other words, I choose freedom, under the Constitution. It is the thing to which we, as American citizens, owe our ultimate loyalty. A lot of good men have died for it, how much less can we afford to do today?

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## TO COMMEMORATE EMINENCE IN SURGERY: A STAMP FOR DR. WILLIAMS

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. CONYERS. Mr. Speaker, today 29 cosponsors and I introduced a bill to provide for the issuance of a 6-cent postage stamp commemorating Dr. Daniel Hale Williams, the first surgeon to perform open heart surgery. I am joined in this resolution by my distinguished colleagues Mr. Addabbo, Mr. Anderson of Tennessee, Mr. Brown of California, Mr. Burton of California, Mrs. Chisholm, Mr. Clay, Mr. Corman, Mr. Derwinski, Mr. Dingell, Mr. Flood, Mrs. Green, Mr. Helstoski, Mr. Horton, Mr. Hungate, Mrs. Mink, Mr. Moorhead, Mr. Ottinger, Mr. Pirnie, Mr. Powell, Mr. Quie, Mr. Reuss, Mr. Rodino, Mr. Rosenthal, Mr. Ryan, Mr. Scheuer, Mr. Stokes, Mr. Thompson of New Jersey, Mr. Tunney, and Mr. Van Deerlin. In an age in which medical advancements in heart surgery are increasing and becoming widely acclaimed, this bill seeks to honor the memory of the distinguished black physician who pioneered medical operations involving the human heart.

On the warm and humid day of July 9, 1893, a brawl erupted in a Chicago barroom, leaving expressman James Cornish stabbed in the region of the heart. Shortly after being rushed to Provident Hospital, Cornish was examined by the 37-year-old founder of the institution, Dr. Daniel Hale Williams, who was only 10 years out of Chicago Medical College. Although the best medical opinion of the day suggested that heart wounds be left alone, Dr. Williams realized that without an operation, his patient would probably die. With the aid of five assistants, he set to work with no X-ray pictures to direct him, no trained anesthetist to assist him, no blood transfusions to keep the patient alive, no chemotherapeutic drugs to correct an infection, no artificial airway to keep the windpipe open, and no previous surgical experience in this area to guide him. Working swiftly and deftly, Dr. Williams entered the thoracic cavity and proceeded to perform a surgical exploration of the heart. Not only was the operation a success, but the patient, Mr. Cornish, recovered to live for over another 20 years.

Even before the historic operation, Dr. Williams had been heralded as one of the premier physicians of his day. A founder of the National Medical Association and its first vice president, he was also a member of the medical societies of Chicago and of the entire State of Illinois. In 1891 he realized what had been his consuming ambition, establishing a biracially operated institution, Provident Hospital, complete with a training school for nurses. As the hospital's reputation grew, so did that of the founder, and in 1893, President Grover Cleveland appointed Dr. Williams surgeon in chief of the Freedmen's Hospital in Washington, D.C. As head of the largest Negro hospital in the country, Dr. Williams proceeded to make innovations and expand operations. He reorganized the surgical services and established a nursing school. The hospital's horse-drawn ambulances patrolled the Capital streets, picking up black patients, some of whom had been turned away from white hospitals.

Despite his eminence in the surgical world, Dr. Williams, who created a method by which the living heart could be sutured, had his own heart broken by the weight of racial prejudices. Exhausted by his efforts to overcome the great odds against him, Dr. Williams retired into self-exile for almost a decade and a half before his death in 1931. A scholar and scientist, reserved and sensitive, he withdrew from active participation in medical and scientific affairs before the full flowering of his genius.

In the history of the Post Office, only two stamps commemorating the efforts of medical men have ever been issued. The doctor's stamp was created in 1947, and in 1964 a stamp was issued in honor of the brothers Charles and William Mayo. We who are the cosponsors of this bill think it most fitting that Dr. Daniel Hale Williams, a man who dedicated his life to the medical advancement of America, be similarly honored by an American stamp saluting both his achievements and his dedication.

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## COMMUNISM VERSUS FREEDOM: A PERSPECTIVE

### HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. PRICE of Texas. Mr. Speaker, with President Nixon's decision to send American troops and military supplies into Cambodia, the questions are being asked again: Why are we in Vietnam? Why are we so heavily involved in Southeast Asia? What possible interests in Southeast Asia could this country have that would cause us to make such bloody and costly sacrifices in that remote area of the world?

In my judgment, the answers to these questions are part of the answer to a larger question; namely, why has there been such a history of conflict in the world? Perhaps a new perspective is needed even to raise this question properly, a perspective gained through a withdrawal from the daily turmoil of life. Such a vantage point surely would be afforded in the peacefulness of outer space, a peacefulness existing because the reaches of space are yet untouched by man's conflicting ambitions. As the astronauts travel through this void, or walk on the surface of the moon, they must gaze at an earth that appears to be so quiet and beautiful. They must ask themselves the question, Why can't our planet be as peaceful as it looks?

I believe this question can best be answered by examining the existing situation in a historical perspective. Since the dawn of time, man has been at war with man. Although the struggle has taken different forms, depending on time, place, and circumstance, the underlying theme has been one of direct opposition of beliefs, of values, of life styles, of two opposing systems.

Some students of history have couched this conflict in basic terms of good against evil, God against the Devil, tyranny against freedom. Whatever its fundamental nature, however, since the early part of this century, the struggle has taken a highly ideological turn and has been characterized by a battle between communism and freedom.

In my lifetime, the Communists have waged a relentless war to extend their influence and control over men and nations. In the process, countries have been treated as pawns in a global chess game that has as its goal the eradication of freedom, and the establishment of a world order based on tyranny and atheism.

From the time they demonstrated their real objectives, the United States has attempted to counter and frustrate the Communist's conspiratorial designs whenever and wherever possible. Despite all efforts, though, the ideological map of the world has changed greatly in the last 25 years.

Although communism, as a form of government, emerged from the Russian revolution of 1917, it did not become a world threat until the close of World War II. After the war the Soviets consolidated a primary base of illegitimate power by ringing down the Iron Curtain in Europe. Behind this Iron Curtain millions of individuals in the 12 nations of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, Byelorussia, Rumania, East Germany, Yugoslavia, and Bulgaria, were forced to submit to the totalitarian will of the Communist state.

One of the first major postwar confrontations between the Soviet Union and the United States occurred in 1946. During World War II, Russia had agreed to withdraw its troops from Iran at the cessation of hostilities. After the close of the war, however, the Soviets refused to honor their agreement; they finally did so only after substantial political pressure was applied by the United States.

In the following year, the Russians and their East European allies aided the Greek Communist guerrillas in their attempt to forcefully overthrow the Greek Government. This endeavor was defeated by American military and economic aid which was channeled under the Truman doctrine to the embattled country.

During 1948, a direct confrontation between the Soviet Union and the United States occurred in Berlin. In June, in a bold attempt to force the United States, Great Britain, and France to relinquish their joint control of the city, the Soviets blockaded Berlin. The allies responded with a counterblockade and initiated a massive airlift to relieve the beleaguered city. One year later, Russia lifted its quarantine, and the Berlin crisis subsided.

These initial confrontations influenced the United States to reverse its traditional policy of avoiding permanent alliances. In 1949, the United States and 11 European nations signed the North Atlantic Treaty, and NATO was born. In this fashion, the countries of Belgium, Canada, Denmark, France, Great Britain, Iceland, Italy, Luxembourg, the Netherlands, Norway, Portugal, and the United States, with the subsequent additions of Greece, Turkey, and West Germany, banded together to safeguard the freedom of the Atlantic community.

During the same year, however, the Communist cause gained great impetus when China fell to a Communist revolution led by Mao Tse-tung. The United States continued to support Chiang Kai-shek and the Republic of China, which set up headquarters on Taiwan. Soon Taiwan and the offshore islands, notably Quemoy and Matsu, because a source of recurring international tension.

Faced with a new Communist threat from China, and fearing its growth in Asia and possible spread to Latin America and Africa, the United States instituted the point 4 program. This was a program designed to share U.S. technological skills, knowledge, and equipment with underdeveloped nations in an effort to help them develop their industrial, agricultural, political, and human resource potentialities. It also encouraged the flow of U.S. private investment capital to these nations.

Despite U.S. efforts, however, the strife continued, and in 1950, the most serious confrontation of the early cold war occurred. The scene was not Europe, but the Far East. In June of that year, North Korean forces, with the support of the Soviet Union and Communist China, invaded South Korea. The free world swiftly responded and the United States, on behalf of the United Nations, intervened and waged a relentless battle until a cessation of hostilities was finally agreed to in 1953.

During the latter part of the fifties, the cold war centered again in Berlin. In November 1958, Khrushchev initiated the second Berlin crisis by unilaterally renouncing the validity of the wartime agreements upon which the four country occupation of the city was based, and demanding a new settlement strictly on Soviet terms. The United States and its allies resisted Soviet pressures, however, and the crisis temporarily abated when Premier Khrushchev and President Eisenhower reached an understanding at Camp David in September of 1959.

When John F. Kennedy assumed the Presidency in 1961, this understanding evaporated. Once again Khrushchev began to build up international pressures over Berlin. The United States, Great Britain, and France resisted the pressures and prepared for all contingencies. A virtual stalemate thus existed until the fall, when Khrushchev abandoned his demands, and world tensions subsided once more.

In the following year, the Communists heated up the cold war again, this time almost to the boiling point. In September, Khrushchev placed intermediate-range ballistic missiles and medium-range bombers in Cuba, which had been secured as a forward Communist position by Castro's revolution of the late fifties. The United States responded by threatening to unleash its nuclear power against the Soviets if their offensive weapons were not removed from the island. After a week of crisis, the Russians removed their missiles and bombers and the world relaxed.

While the removal of these instruments of war from Castro's Cuba helped remove communism's sting from our shores, it did not help remove its influence from the Western Hemisphere. Since that time, both the Soviets and the Red Chinese have been using the island as a staging base to promote Communist revolutions in the countries of South America. The United States has reacted by refining some of its Latin aid programs and the Alliance for Progress. To date, our actions have helped combat the spread of communism in South America, but prevailing Latin economic and

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social conditions make any predictions of the future impossible.

Mr. Speaker, the United States has been waging the cold war for over 25 years. During that time we have joined with other nations of the free world and formed regional defense and security pacts. I have already discussed NATO; chief among the others, are SEATO and SENTO in Asia and the Pacific, and the OAS in South America.

While these agreements provide a broad-based bulwark against communism, the United States has not been content to rely solely upon them. In an effort to contain the spread of Chinese communism, for example, we have helped certain Asian and Pacific nations build their social, political, and economic institutions. South Korea, the Philippines, and Formosa proudly stand today as dramatic proof of the benefits of some forms of American foreign aid.

In this process of nationbuilding, we have also constructed an arc of defense posts in strategic areas of the world. Major U.S. strike bases are located in South Korea, Okinawa, Taiwan, the Philippines, South Vietnam, and Thailand, as well as the Pacific Islands of Guam, Mariannas, Marshall Islands, and Midway. This line of defense has been drawn in Asia and in the Pacific and not on the shores of the continental United States because, as aptly stated by Gen. Douglas McArthur, the islands of the Pacific are the stepping stones to our defeat. Thus, we will fight the enemy on our own shores only as a last resort.

The strength of this arc of defense is nowhere better illustrated than by our Okinawa airbase. We possibly have enough nuclear firepower located on the island to reduce Red China to a sandy beach. Moreover, it is estimated that it would take only 400 atomic weapons to insure this total destruction. Of course, we would not unleash this nuclear holocaust unless forced to, but I am convinced that the knowledge we have the power and would use it if necessary, helps keep the Communists in line.

Mr. Speaker, based on the nature and history of the cold war, I submit it is obvious that the Communists are fomenting revolution in Southeast Asia as a means of facilitating the achievement of their goal of world conquest and domination.

It was to frustrate these conspiratorial plans that the United States became heavily involved in the Asian conflict. In this connection, our actions in that wartorn area are also proof to the free world that this country will not permit the destiny of beleaguered nations that ask for our assistance to be forcefully decided by alien aggressors.

For the greater part of the last decade, we have fought the Communists in Vietnam. In my judgment, this conflict could have been resolved in our favor years ago if our then national leaders had had the will and resolve to permit the military to win the war. This was the subject of a personal policy statement which I recently delivered supporting my concurrent resolution which calls on the President to promptly and systematically pursue a new policy of total military victory in Southeast Asia.

Mr. Speaker, at present, the war drags on and on. American and Vietnamese deaths and casualties continue to mount in what has become the most lengthy U.S. military involvement in history.

While the Nation's press has taken the war off the front page of America's newspapers, it has not removed the war from the foreground of peoples minds. If the 18th Congressional District of Texas is any index, and I think it is, the American people still are vitally concerned about the progress of the war, and they hunger for a just peace with honor in Vietnam.

National policymakers speak in terms of these U.S. alternatives in Vietnam: Negotiations, total military victory, unilateral withdrawal, and Vietnamization. To date, the Paris peace talks have been marked by much heat but little light, and calumny, not serious negotiations, has been the rule. Total military victory has been rejected out of hand due to its supposed lack of "political acceptability." Unilateral withdrawal has been rejected because it would mean that the great American sacrifices in Vietnam have all been in vain; additionally, it would constitute proof to the world that the United States is unwilling to live up to and abide by its solemn international commitments.

Vietnamization, in contrast, has been chosen because it provides a means by which U.S. involvement can be reduced as the burdens of military conflict are transferred from American shoulders to Vietnamese ones.

As a former jet fighter pilot in the Korean conflict, I have long believed that whenever this Nation involves itself in foreign military conflicts, it should fight to win. Our Nation's youth should not be sent to fight in foreign lands if they are to be used for political cannonfodder. Their lives are far too precious for that.

Because of my strong feelings on the matter, I have long advocated that the United States pursue total military victory in Vietnam. Let the policymakers make policy; let the military win wars. If military action be diplomacy by other means, then let the military prosecute armed diplomacy with full force and vigor.

Throughout our involvement in Vietnam I have consistently and vocally adhered to this, by personal philosophy, while I watched the Nation follow a different policy. I have watched our youth march off to a war the policymakers would not let them win. I have shared the frustration of countless soldiers who, without being clothed with the armor of full military protection and influence of their Nation, daily risked their lives to bring freedom to the struggling people of South Vietnam. I have shared in the grief of families who lost their sons to a struggle in a far off land, a struggle we were willing to let our young die for, but a struggle our Nation would not devote our massive might to win—even though our cause was just. I have shared the anguish of those whose loved ones are inhumanely imprisoned by the North Vietnamese and the Vietcong, and whose continued treatment fails to meet even minimum standards of decency and humanity—a fate now shared by close friends whom I flew jet combat with in Korea.

Finally, I have shared the rage of patriotic Americans who have watched peaceniks, anarchists, and militant leftists attempt to sully the memories of our fallen soldiers by using their names for propaganda purposes.

When Richard Nixon assumed the Presidency, I waited eagerly for an indication of his thinking on the war. After spending some months quietly and systematically examining the situation, he declared that a peace with honor could best be achieved through Vietnamizing the war. In proclaiming his program, the President declared that its progress would depend on three factors; the conditions of the Paris talks, the rate at which the South Vietnamese could assume new military responsibilities, and the level of enemy activity.

After much deliberation, I supported the President's Vietnamization program. My support, however, was not without misgivings. I believed the three preconditions of Vietnamization to be less than sturdy foundations for a new American policy in Vietnam.

My reservations about the Paris talks have been consistently confirmed. The Communists are using it as a propaganda forum rather than a negotiations base. To date, the talks have been marked by invective, not progress, and there is little reason to think that such will not be the case in days to come.

Vietnamization, on the other hand, has worked better than I originally thought it would. The process has been facilitated due to the willingness and ability of South Vietnamese military forces to assume ever-increasing responsibilities for bearing the burdens of battle. Valiant RVN troops have been attacking the Vietcong and the North Vietnamese with a new and deadly ferocity. Vietnamization has given them the feeling that on their shoulders rests the fate of South Vietnam, and they are fighting courageously for the cause of freedom.

Recent events, however, have demonstrated that the enemy has not scaled down his activities in response to American troop withdrawals. On the contrary, the Communists are widening the Vietnam war to neighboring Laos, Cambodia, and Thailand. In the process they are attempting to generate new political and psychological pressures on Vietnam's neighbors. They are also trying to rekindle domestic U.S. antiwar agitation, and dramatically demonstrate that peace in Southeast Asia can be obtained only through negotiations rather than Vietnamization. The reason behind this is obvious, the Communists are attempting to achieve at the bargaining table what they have been so singularly unable to achieve on the field of combat.

At present, the spearheads of the wider war lie in Laos and Cambodia. In past years, Communist forces have made annual spring offensives into Laos. This year, however, by virtue of Hanoi's sending a 67,000-man invasion force into Laotian territory, the tiny country may become a very significant Asian battleground.

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Mr. Speaker, what is at stake in Laos is the very survival of a free Southeast Asia. A Communist victory would bode several things for the other countries in the area, none of them good from the point of view of the free world.

Should Laos fall, an additional 3 million people would be subjected to Communist rule. The Reds would have unrestricted use of the Ho Chi Minh Trail as well as heretofore unused supply routes and bases. Enemy activities and penetrations could be increased, new military and political pressures could be brought to bear on the United States, and all Southeast Asia would become riper for subversion and revolution.

In Cambodia, the present situation appears ominous, indeed. Prior to the recent coup that overthrew Prince Sihanouk and his pro-Red regime, Communist forces freely used Cambodia as a sanctuary from which infiltrations into South Vietnam were made at will. Since the coup, however, North Vietnamese and Vietcong have mounted a campaign to expand and solidify their position. As a result, the death toll in Cambodia has risen dramatically in the wake of the new Communist aggression.

The Communists surely would not be satisfied with the conquest of Cambodia; Thailand would become the next major target of attack. Since 1965, both Peking and Hanoi have threatened to start a so-called war of liberation against Thailand. The fact that Thailand has a 1,000-mile virtually indefensible border, would serve to whet their rapacious appetites even more.

Mr. Speaker, when all the pieces in the Asian puzzle are assembled the picture created is alarming indeed. The Communists in Vietnam are not engaged solely in a civil war for national liberation as they so loudly proclaim. They are, in fact, attempting to subvert and dominate Southeast Asia itself. In this connection, Secretary of State William Rogers has stated:

> More than 40,000 North Vietnamese and Vietcong troops have invaded and now occupy Cambodia.

In addition, he has declared this invasion to be a clear violation of the 1954 and 1962 Geneva accords, and has called upon the nations of the world to consider what counteractions might be taken.

Experience has shown us, however, that calling on the world community to act is really a ceremonial gesture; for the world community has proven in the past that it lacks the unity of purpose or the will to join in effective collective action to solve vital international problems such as the one posed by Communist aggression in Southeast Asia.

This aggression, when exposed to the naked light of truth, also validates the much maligned domino theory. Vietnam is no longer the focal point of revolutionary action. Laos and Cambodia are also visibly, undeniably, and appallingly menaced by Communist militaristic adventurism. This has not occurred by chance; neither has it occurred by circumstance. It is part of the fruition of calculated planning and is designed to facilitate the establishment of a new Communist sphere of influence in the world.

Should the Communists be permitted to gain control of Southeast Asia, the free world need talk no further about nations in Southeast Asia determining and maintaining their own forms of government without the pressure or presence of foreign troops. Should the Communists be permitted to gain control of Southeast Asia, the costly sacrifices of blood and treasure that this Nation has committed in the name of freedom in that troubled area of the world will also have been rendered in vain.

There are those who contend that we should not talk in terms of sacrifices, at least in the prospective sense, because we are winning the war. My response is simple. By what standards can it fairly be said we are winning the war? Infiltrations by North Vietnamese and Vietcong into neighboring countries are visibly and dramatically increasing. Despite U.S. troop withdrawals, more American soldiers were killed in action in 1969, the first year of the Vietnamization policy, than in 1967, when Lyndon Johnson's war policy was subjected to such heavy political attack. And so far this month, U.S. casualties are up about 60 percent from February and early March. Civilian deaths are still running at an awesome rate, and each passing day sees an ever-increasing number of refugees being added to the flood of displaced persons in Southeast Asia.

Dr. Henry Kissinger, the chief White House advisor on foreign affairs, stated the crux of the matter when he said: The guerrilla wins if he does not lose; the conventional army loses if it does not win. On this basis, this Nation stands in dire danger of losing the war in Southeast Asia.

The question of whether or not the Communists should be permitted to dominate Southeast Asia also raises vexatious troubles for the new Nixon doctrine. There are those who maintain that the Nixon doctrine precludes U.S. involvement in Cambodia and other threatened countries in the area. I take the opposite view that the very spirit of the Nixon doctrine demands that we take an active role in repelling Communist aggressors from these embattled countries. When he was in Guam, the President rightly stated that American forces must not be viewed as the first line of Asian defense and will not be committed automatically even in the event of outside aggression. I do not advocate automatic intervention; neither do I think we should retreat into a "new isolationism" as some have suggested. Rather, I think we should, in the President's words, "help where it makes a real difference and is considered in our interest."

I submit that it would make a real difference and it would be in our interest to involve ourselves more directly, wherever Communist aggression threatens in Indochina.

Mr. Speaker, to put matters in perspective, by weighing present conditions in Southeast Asia against the historical record of U.S. involvement, it becomes obvious that our present peace-seeking policies are gravely deficient. The Communists do not want any peace except on terms which will allow then to enforce their will on millions of helpless Asians. Bitter experiences demonstrate that where dealing with the Reds are concerned, there is no middle ground. Accordingly, I believe that President Nixon should declare a new strategy in Vietnam, a strategy designed to array our military might on bringing the conflict to a speedy close. Such a policy would have the salutary effects of accomplishing our oft stated objectives with a minimal loss of U.S. life and limb, and at a minimum cost to our national economy.

As I stated earlier, I have introduced a concurrent resolution calling on the President to issue new orders to our military forces and our allies in the field. Orders that will remain in force until North Vietnam totally surrenders. I have also urged him to institute a plan of action of day and night bombardment that will assure the total destruction of North Vietnam's military and industrial installations; population centers after appropriate notices of intention have been disseminated; agricultural production lands; dikes and facilities; transportation and communications lines connecting North Vietnam to neighboring countries; Haiphong Harbor; and other shore facilities. In addition, a program of tactical commando raids by South Vietnamese into North Vietnam should be implemented. Finally, a total air, land and sea embargo on commerce between North Vietnam and other nations should be established.

In regard to halting Communist aggression throughout Southeast Asia, particularly Cambodia, I have urged President Nixon to supply that embattled country with sufficient U.S. military equipment and supplies together with a force of U.S. military advisors to enable the Cambodian Government to withstand the enemy onslaught. At present, Cambodian troops are ill-equipped and ill-trained. They also need our guidance. One without the other would be insufficient.

In contrast to our bitter experience in Vietnam, the U.S. assistance I have outlined should be accompanied by massive round-the-clock airstrikes, designed to destroy all strategic hamlets, staging and support areas utilized by the Communists throughout the embattled area. Thus American power will be focused on problem areas at a minimum loss of American life and limb.

I think if these military policies were vigorously pursued, the aggressors would soon be defeated, and a well-earned peace could settle on the area for the first time in over 20 years. The Communists have demonstrated that freedom for Southeast Asia can only be purchased by force. Since they have sown the wind with discord and strife, let them now reap a whirlwind of righteous American power and wrath.

Before leaving this subject, Mr. Speaker, I would like to make the observation that achieving peace in Southeast Asia does not necessarily mean that the United States will totally withdraw

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its military forces from the area. More than likely, residual forces would remain, as they have remained after the close of earlier wars. For example, although World War II was concluded 25 years ago, we still have about 300,000 troops stationed in Western Europe and in NATO countries. Another 39,000 men are based in Japan. Moreover, despite the fact that Korean hostilities ceased 18 years ago, 64,000 U.S. soldiers still remain in South Korea. It is on this basis that I predict the current American involvement in Southeast Asia will probably take the form of a long-term American regional presence, even after peace is arrived at.

Mr. Speaker, the President has recently sent Allied forces on a tactical mission into Cambodia. The move was designed to clean out Communist sanctuaries and deny the Communists the unfettered use of Cambodian staging areas and supply depots. To date, the mission has far exceeded expectations. Enormous amounts of food, munitions, and medical supplies have been captured. Large numbers of enemy bunkers, staging depots, and command posts have been destroyed. Finally, thousands of enemy soldiers have been killed, and thousands more captured. Accordingly, I think the Cambodian mission will yield the dividends the President expects, and that it will be of material benefit in shortening the war and facilitating troop withdrawals.

Mr. Speaker, while our national attention and energies are focused on Southeast Asia, the Communists are dramatically increasing their presence and involvement in the Middle East. The Soviets are using Arab-Israel problems as a means of extending Communist influence in that part of the world. This is not a new happenstance; the Russians mounted a program of expansion in the Middle East in 1955. At that time they agreed to supply Egypt with arms from Communist bloc countries. Following this agreement, Russia became an outspoken supporter of Egypt on the international scene. In addition, during the Mideast war of 1956, involving Britain, France, and Israel, the Soviets seized on the volatile situation and exploited it. They initiated far-reaching economic and military aid programs for the Arab States, and in the course of the next decade were able to fashion considerable influence and control in Arab councils.

Today, the Soviets are renewing their expansionist efforts in the Middle East. They are supplying Arab States with military advisers, combat pilots, ground-to-air missile experts, modern airpower, armaments and munitions. If these ominous trends continue, and if Communist influence in the Middle East is consolidated, the area could become hostile territory to U.S. and allied military forces. Should this happen, NATO security and the global balance of power would be greatly affected. In addition, the natural resources of the oil rich Middle East could be denied to the United States and Europe, thereby placing potential economic strains on the free world.

To avert such an eventuality is why the United States must weigh the course of events in the Middle East carefully, and cast its weight in strategic places and at appropriate times. Moreover, the United States has a vested interest in helping the nations concerned work out a mutually agreeable resolution to the conflict, a resolution that will insure the territorial integrity of the countries involved and that will preserve the East-West balance of power in the Mediterranean.

Mr. Speaker, by way of summary, for 25 years the United States and the Communists have been locked in a titantic struggle that has spanned the globe. In the process some nations have been subverted, overthrown, and dominated by the Reds, while the sovereignty of other nations has been protected and preserved by the United States.

I predict this struggle will not be ended in Vietnam. Neither will it be decided in the Middle East. Instead, I believe it will continue until one side absorbs the other, until both sides destroy each other and the world, or until we learn to live together in peace.

For the present, however, I believe it is of crucial importance for Americans young and old to understand the nature, the background, and the present state of the struggle between communism and freedom. Understanding is necessary if the resources of this great country are to be fully focused on the battle at hand, a battle that has cost great losses of American life and treasure; a battle that will probably cost us more of the same in the years to come.

The mantle of world leadership falls heavy on the nation that wears it; the costs of freedom come high to the people who preserve it. Our Nation has not shirked its leadership responsibility in the past; our people have always proved equal to the sacrifices they have been called upon to make in the cause of freedom. I am confident such will be the case in the future.

Mr. Speaker, the United States is the only nation in the world today that possesses sufficient human, industrial, and military resources to lead the fight against communism. Should this generation of Americans decide that the battle between communism and freedom is not worth pursuing, and that the United States should surrender its leadership position, I believe this generation will not pass before the forces of communism dominate the world.

If the United States did not lead the fight for freedom, what nation would? If the United States faltered in its historic task, what nation would pick up the fallen standard?

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## MAN'S INHUMANITY TO MAN—HOW LONG?

### HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

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## ABA JOURNAL ARTICLE ENDORSES STATE OF THE JUDICIARY ADDRESS

### HON. FRED SCHWENGEL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. SCHWENGEL. Mr. Speaker, I recently introduced a concurrent resolution calling for a "State of the Judiciary Address" by the Chief Justice. In a recent article in the American Bar Association Journal, Mr. E. Barrett Prettyman, Jr., makes an excellent case for such an address. I would like to insert the article in the RECORD at this point for the benefit of my colleagues:

#### THE CHIEF JUSTICE SHOULD ADDRESS CONGRESS

(By E. Barrett Prettyman, Jr.)

In addressing the Fourth Circuit Judicial Conference in 1953, the then Deputy Attorney General of the United States, our present Secretary of State, William P. Rogers, made a suggestion that received too little attention at the time and deserves re-examination now. Toward the end of his talk, in discussing the necessity of fair treatment by the government of all its citizens, Mr. Rogers said:

"Somehow, we have failed to get this idea across to our people. For this reason, it seems to me it might be well for us to consider here tonight and in the days ahead a method of re-emphasizing to the people of the nation the great importance of the judicial process in a free nation. The work of the federal courts in this country has been outstanding. . . . But I doubt that the Congress and the people of the country fully appreciate the work of the federal judiciary. This might be a good time to consider a new and better way to see that this is done.

"With that in mind, I should like to suggest that Congress might well consider extending an invitation to the Chief Justice of the United States to appear each year before a joint session of Congress to report on the state of the federal judiciary. In this way both Congress and the public would be fully informed, from year to year, about the work and the progress of the federal courts of our nation. Such a plan, I think, might materially contribute to a better understanding among the three great branches of our government. For that reason, I believe that the initiation of it should deserve serious consideration."

At the time these remarks were made, there may have been practical—or political—reasons why the suggestion could not be carried out. Events since 1953, however, have proved the wisdom of his idea. Not only does the work of the judiciary need explaining to the country as never before, but a new and frightening set of figures on the growth of litigation in the federal courts bears witness to the need for long-range planning and Congressional action. It is time that the problems of our judicial system be presented, both to Congress and to the country, at the highest level.

As we enter a period of new leadership on the Court, I suggest we use the occasion for a number of innovative reforms and that the first be for the leader of the third co-ordinate branch of government to address a joint session of Congress each year on the "State of the Judiciary" in much the same fashion as

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the President presents the "State of the Union" to the same body.

### LITIGANTS KNOW TOO WELL THE STATE OF THE JUDICIARY

While it is true that the President's address ranges over a wide variety of topics, from armaments to agriculture, and that the Chief Justice's talk necessarily would be more limited, anyone who imagines that the predicament faced by our federal judicial system is too narrow or unimportant to warrant an address of this kind simply has not become cognizant of the multiplying problems affecting a great mass of litigants in this country.

The caseload in the federal courts has reached an all-time high. Continuing a trend begun ten years ago, new filings in the courts of appeals increased again in fiscal 1969—12.4 per cent over the year before. For the first time, these appeals shoved above the 10,000 level. New cases docketed numbered 10,248, so that even though the number of cases disposed of increased (to 9,014), the pending caseload reached an all-time high of 7,849 on June 30, 1969. Both the number of appeals docketed and the number pending have more than doubled in just seven years. Although nine additional appellate judgeships were authorized in 1968, four of these were still unfilled at the end of fiscal 1969. Thus, whereas there were ninety appeals docketed per judge in 1967, the number rose to ninety-four in 1968 and 106 in 1969. The heaviest increase was in habeas corpus appeals for federal prisoners, which increased 55 per cent in a single year.

Until fiscal 1969, new filings in the federal district courts had remained fairly constant for a number of years. But that year the combined civil and criminal cases newly docketed rose to 110,778, an increase of 8.4 per cent over the year before. The cases disposed of increased to 103,932 (as compared with 98,365 the year before), but since this was still 6,846 less than the number filed, the volume of pending cases reached 104,091 on June 30, 1969—the highest pending case figure on record. In the criminal area, Selective Service Act cases alone were up 81 per cent, the largest number since World War II.

Over-all both the courts of appeals and the fact that of 17,770 criminal cases pending at the end of the fiscal year, 3,521 had been pending more than six months but less than a year, 2,625 had been pending more than one year but less than two years, and the total number of cases pending more than six months had increased 30 per cent in a single year (although 40 per cent of these involved fugitive defendants).

Over-all both the Courts of appeals and the district courts faced an across-the-board case in judicial business in fiscal year 1969 of approximately 10 per cent. In spite of increased terminations, pending caseloads increased 19 per cent in the courts of appeals and 7 percent in the district courts.

Myriad problems stem from these extraordinary caseloads. There are too few judges, too few courtrooms, too few supporting personnel. It takes too long to prepare transcripts and records. Delays in criminal cases directly affect the fight against crime as well as the fair administration of justice, and delays in civil cases make the cost and inconvenience of litigation virtually prohibitive in many instances. Jurors by the thousands sit for days with nothing to do. Although probation costs the taxpayers only 99 cents a day compared with $9.17 a day for confinement in federal institutions, far too few probation and parole officers are available to handle the 21,000 persons submitted for supervision each year, much less those additional men under confinement who are potentially available for release. Problems of bail, judicial disability, the protracted case and a hundred other subjects plague our courts.

I do not mean to imply that progress has not been achieved or that substantial changes are not taking place. On the contrary, new appointments and innovations constantly are being made, and dedicated men all over the country are striving for new and better answers. But neither the problems nor the answers are being brought into focus for the country and the Congress, and action has seldom been galvanized even in the face of emergencies.

An annual address to the Congress by the Chief Justice would give the country its first realistic look at the state of its judiciary, pinpoint current and long-range problems, suggest solutions, as well as areas for study, and motivate the Congress to effective action.

### JUDGES LOSE TIME AND DIGNITY PLEADING WITH CONGRESS

The present system of presenting these matters to Congress is both unbecoming and unproductive. Suggested changes usually emanate from a committee of the Judicial Conference. The conference, which meets in March and September of each year, is made up of the Chief Justice of the United States, the chief judge of each circuit, a district court judge elected from each circuit for a three-year term, the Chief Judge of the Court of Customs and Patent Appeals and the Chief Judge of the Court of Claims. If the committee recommendation is approved by the full conference, it is sent to the Administrative Office of the United States Courts. That office drafts a letter to the Vice President of the United States and the Speaker of the House of Representatives. The letter is signed by the Director of the Administrative Office and begins, "At the direction of the Judicial Conference . . ." The Administrative Office thus acts as a kind of secretariat to the Judicial Conference.

The requests outlined in the letter are then assigned to the appropriate Senate and House committees. Administrative Office personnel work informally with the appropriate committee staffs in setting up hearings and agreeing upon appropriate witnesses to testify in support of the Judicial Conference's requests. The witnesses usually are the chairman of the Judicial Conference committees that originated the requests, but the practice varies widely, so that anyone from a Supreme Court Justice to the chairman of a local bar association committee may end up testifying in support of a particular measure. A great deal of judges' time is expended in preparing for and attending these legislative hearings, and yet the testimony is seldom reported in the press unless the issue is one of high controversy.

On judicial matters, Congress needs not only direction but the impetus that comes from public scrutiny, for often the reaction of Congress to a judicial dilemma is too narrow to suit the circumstances. For example, the caseload figures already cited laudably led to a bill, S. 952, that would create seventy new district court judgeships.[1] Although the bill would also establish circuit executives and district court executives who are urgently needed, it cannot supply the supporting court personnel—reporters, clerks, bailiffs, law clerks, marshals, probation officers and the rest—so essential to the proper administration of justice. The Judiciary Committee can authorize such personnel, but the funds can come only from the Appropriations Committee. As noted in a 1967 Senate Report:

"In particular, the record of the 5-year period from 1959 to 1964 belies the suggestion that the mere creation of additional judgeships is an adequate bulwark against burgeoning judicial backlogs. During that period, a 25-percent increase in the number of Federal district court judges resulted in but a 3-percent increase in the total number of civil cases terminated."[2]

A later committee report brought these figures up to date: "Since 1959 there has been a 40-percent increase in the number of Federal district judges, but only a 9-percent increase in the number of civil and criminal dispositions."[3] Only the clout supplied by national support probably would produce the personnel necessary to dispose of the courts' current backlog and cope with the needs of the future.

Even such a relatively noncontroversial matter as the need for additional Supreme Court law clerks can become mired in the Congressional pond. In 1967 the Supreme Court requested eleven additional law clerks—one for each Associate Justice and two for the Chief Justice. The request was turned down in committee. The request was renewed in 1968. How was the Court forced to handle the matter?

The Chief Justice sent a letter to the appropriate subcommittee of the Senate Committee on Appropriations, and Justices Stewart and White then appeared in person before the subcommittee to plead their cause. They pointed out that the request represented only $97,500 of a $2,207,500 budget. They also noted that while the number of law clerks employed by the Court had remained the same since 1952, the Court's caseload during this period had grown from 1,368 to 3,412, an increase of 149 per cent, or more than double the original figure. The request nevertheless was rejected again in committee.

In 1969 Justices Stewart and White again traveled to Capitol Hill, reducing their plea this time to an additional nine law clerks. By now the Court's budget was up to $3,183,200, of which the added law clerk cost would represent only 3 per cent. The Court's caseload had risen to 3,586. The following is typical of the good-natured colloquies that resulted from the Justices' appearance:

"Justice WHITE. . . . The increase in the Court's work is comparable to that experienced in the lower Federal courts where the additional burden has been met through adding judgeships, 20 in the courts of appeals and 98 in the district courts, and through increasing the number of law clerks from 196 in 1952 to 453 at the present time.

"Mr. ROONEY. Did this committee do that?

"Justice WHITE. Yes, sir.

"Mr. ROONEY. We may be slipping.

"Justice WHITE. They probably asked for more. . . .

* * * * *

"Mr. ROONEY. I am now beginning to wonder if we did not make a serious mistake last year in giving 55 additional law clerks to the circuit courts.

"Justice STEWART. I am not trying to imply for one minute they do not need all the help they have. I don't think you made a mistake at all.

"Mr. ROONEY. I thought Judge Murrah made a good case last year.

"Justice STEWART. I am sure he did.

"Mr. SMITH. You are not proposing more judges for the Supreme Court?

"Justice STEWART. No, sir; because the work is organized differently. That might just add to our problems. We have enough problems with nine members in the Court.

* * * * *

"Mr. ROONEY. Few of those jailhouse written appeals and pauper cases ever succeed. Is that not the fact?

"Justice STEWART. I think the percentage is quite low, Mr. Chairman.

"Mr. ROONEY. That is a fair statement.

"Justice STEWART. But the work involved is quite high.

"Mr. ROONEY. It is a matter of reading. Some of those gentlemen are very, very fine penmen.

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Footnotes at end of article.

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"Justice Stewart. Yes, they are, and very imaginative ones, also.

"Mr. Rooney. Some of that script is very, very interesting. It would seem as though the gist of this argument is because we have all of these pauper appeals coming out of the jailhouses, very few of which succeed, we should give you nine additional clerks.

"Justice Stewart. That was not the gist of my argument, Mr. Chairman. The district courts and courts of appeals are inundated by these pauper cases as well.

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"Mr. Joelson. Mr. Justice Stewart, did I hear that the Gideon case originated as one of these miscellaneous cases?

"Justice Stewart. Yes, sir. I pointed that out as one that was of great importance in the jurisprudence of the Nation, and that case originated with a half legible scrawl written from a prison in Florida.

"While the numbers of meritorious cases are not large in terms of percentages, the importance of some of those cases is very great.

"Mr. Rooney. Every once in a while one succeeds, so that encourages all the others to get busy.

"Justice Stewart. I am afraid that is true . . ."[4]

### LEVITY FOR CONGRESS, THREE CLERKS FOR THE COURT

The levity of these remarks—and heaven knows most Congressional hearings need this type of levity—should not obscure the fact that the basic method of proceeding is not effective. Incidentally, Congress pared the nine law clerks requested by the Court to three. The public is not informed of the Court's problems, nor is the Congress as a whole made sufficiently aware of them. The net result is an embarrassing and frustrating turndown for the Court on what surely should have been a routine request.

The problem of law clerks is not one only for the Supreme Court. As Chief Judge Clement F. Haynsworth, Jr., of the Fourth Circuit pointed out to the Subcommittee on Improvements in Judiciary Machinery of the Senate Judiciary Committee in 1967, the need for more law clerks in the courts of appeals began to be felt as far back as 1964. The discussion between Judge Haynsworth and Senator Tydings says a great deal about why a presentation to Congress by the Chief Justice would have been very much in order on this and other subjects:

"Judge Haynsworth . . . [I]f we, in the field, recognize the need for more clerks, our request must first go to Judge Levin's committee, and if this request is submitted in the fall, even though his committee approves it and the Conference approves it, it can't get into our budget request until the second fiscal year next after that; there can be a delay of almost 2 years in the process. But what is worst of all, we in the field don't know what to ask for until we are in a condition of extremity . . .

". . . I really think the fault lies as much with the judges, because they haven't known what to ask for and what to insist upon. What we do is to come in and ask for help on the basis of last year's work load. . . . This puts us way behind the present need. . . . As of now, I could say to you that I believe that the trend of the increasing loads will go on, but I can produce no factual data to support a reasonable projection of what the caseload will be next year. And yet I think the courts should come to you on the basis of a reasonably supported projection: this is what we will have next year. . . .

"Senator Tydings. It seems to me that the Judicial Conference is approaching Congress on these matters from the wrong position. It should approach the Congress on the basis of what judges require to do the job, and not on the basis of what they think the Appropriations Committee will give them. This timidity on the part of judges, including Justices of the Supreme Court—'don't ask for too much, or you will ruffle the Appropriations Committee'—while the backlog continues to mount is not helpful. I think that the Judicial Conference has the responsibility to the people of the country to attack this problem of backlog."[5]

### CHIEF JUSTICE COULD FORECAST THE DECADES BEYOND

I would agree with Senator Tydings about the timidity of judicial pleas for help and with Judge Haynsworth about the need for basing requests to Congress on forecasts rather than hindsight. But the answer to both would be a well-constructed, well-supported, forceful and public presentation to the Congress that the country as well as congressmen could evaluate. Nor should the Chief Justice be restricted to the needs and problems of the immediate future; he could forecast the years ahead, the decades beyond, and offer suggestions for basic changes that would help meet the needs and obviate the problems.

The Chief Justice should not restrict himself to such mundane topics as law clerks. His address could range over as broad a field as the courts encompass. The entire problem of criminal sentencing, for example, seems ripe for review. Programs for referees in bankruptcy and probation officers might be proposed. The issue of multidistrict cases still has not been resolved finally. The Chief Justice might support a type of certiorari plan for the courts of appeals in postconviction applications, or the subpoena power for circuit councils. Even a partial list of the table of contents of a recent Senate report indicates the extremely serious and wide-ranging nature of its recommendations, all of which might be commented upon by the Chief Justice: United States commissioner system; federal jury selection legislation; appellate review of sentences; omnibus judgeship bill; a national law foundation; administrative reforms in the federal courts; the Federal Judicial Center; preventive detention; judicial disability, retirement and tenure.

### THE EXTRAORDINARY STATE OF SOME JURISDICTIONS

Not all issues in the address, however, would have to be national in character. In some instances, the Chief Justice might deem it wise to consider extraordinary problems relating to a single jurisdiction. By way of example, in the spring of 1967, it became apparent to Chief Judge Edward M. Curran of the United States District Court for the District of Columbia that, because of a variety of circumstances, the court's criminal caseload had reached epidemic proportions. In January of that year, 1,086 criminal cases were pending, 400 more cases than on the same date the previous year, and by July 1,400 criminal cases were pending, with 1,091 in a triable status. Chief Judge Curran contacted the chief judge of the circuit, who in turn wrote to the chief judges of all the other circuits. The net result was that by May 1968, ten visiting judges from other circuits had been assigned to the District of Columbia Circuit to sit for various periods, despite the fact that too few courtrooms and quarters were available to them. In that same month, Chief Judge Curran took time from his busy schedule to testify at length on his predicament before a Congressional subcommittee and to recommend the creation of a new felony court for the District of Columbia.

Situations of this sort, unfortunately, are not unique. In Brooklyn during 1968, for example, the time lag between indictment and completion of trial was twenty-two months. Therefore, even though the problem at any one time may appear to involve only a single jurisdiction, the Chief Justice might well want to make his views known to the entire Congress, either in relation to specific situations or concerning the entire predicament.

In some instances, the Chief Justice might even range outside the federal system. For example, Judge Henry N. Graven testified before a Congressional subcommittee:

"In some districts there appears to be a connection between State court congestion and Federal court congestion. Where the State courts are particularly congested the attorneys may tend to bring their cases in the Federal court wherever possible. . . . It would seem that relief of congestion in the State courts in the New York City area would tend to relieve the congestion in the southern district of New York."[6]

It was this type of argument that resulted in the introduction by Senator Tydings in both the 89th and 90th Congresses of the National Court Assistance Act, designed to help state courts develop new methods of judicial administration to cope with rising caseloads and backlogs. An amendment was added to allay fears that the Office of Judicial Assistance proposed by the bill would interfere unduly with the states' administration of their own courts. Nevertheless, the bill was rejected by the Conference of Chief Justices and finally was dropped by Senator Tyding's subcommittee. The entire interrelationship between state and federal judicial problems might well be probed by the Chief Justice in his address to the Congress.

The question of which subjects may properly be commented on by the Chief Justice and which should be left for Congressional determination is a delicate one, and some mistakes may be made. But this problem is inherent in the present system, and if the Judicial Conference is going to concern itself with a certain subject, there would seem to be little reason for hiding this fact by not allowing the Chief Justice to report on the results of the conference study. The problem is not whether the Chief Justice should address Congress on the subject but whether the judges should have taken up the subject in the first place.

### A Proper Subject for Support That Luckily Stood on Its Own

An example of perfectly proper support for a pending bill would have been the Chief Justice's espousal before Congress of the Federal Judicial Center. In 1966 the Judicial Conference unanimously adopted a resolution authorizing the Chief Justice to appoint a committee to study the possibility of such a center. That committee, under the chairmanship of retired Associate Justice Stanley Reed, reported favorably to the conference in March of 1967, and the conference in turn unanimously approved the report. S. 915 was introduced in Congress to establish the center, which was to go beyond the mere need for judges and act on a wide range of court problems, including methods of docket and calendar control, the expeditious handling of cases on appeals, the geographical organization of our entire federal court system, etc. Fortunately, the bill was passed and became law.[7]

Chief Judge John R. Brown of the Court of Appeals for the Fifth Circuit has described to a Congressional subcommittee the frustrations involved in supporting this type of legislation:

"I know there are four or five [judges] from the Fifth Circuit that have been writing letters every year. We haven't expressed ourselves as forcibly as we should. But this demonstrates the need for a planning agency. We keep talking—the Chief Justice makes speeches to the American Law Institute, and every time he gets up to make a speech he says, 'We cannot meet the problem by adding more and more judges.' I said it, you said it, and I think the President said it. But it is like Mark Twain and the weather, nobody does much about it."[8]

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Footnotes at end of article.

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If the need for the Federal Judicial Center was so pressing—and it clearly was—the Chief Justice should have been addressing his support to the Congress rather than to the American Law Institute. That such support, properly presented, can be meaningful is demonstrated by the fact that without it, the National Court Assistance Act and the proposal for a National Law Foundation both died in the 90th Congress and have not been revived in the 91st.

An address by the Chief Justice would not eliminate the necessity for Congressional hearings or do away with the appearance of witnesses or the presentation of supporting data. But in much the same way that a prehearing conference can eliminate some issues and narrow others, an address by the Chief Justice would tend to focus everyone's attention on the priority items and provide an impetus for Congressional action. It would, in short, turn the flashlight into a spotlight. When I originally made this suggestion in a brief article in the *Washington* Post of January 4, 1970, the paper editorialized that the idea was a "useful" one and that the judiciary needs more of a voice than it has had in the past. The newspaper thought, however, that without waiting for Congress to issue an invitation to the Chief Justice, the Judicial Conference itself should submit an annual "State of the Judiciary" report that would be as influential as the Joint Economic Report or the findings of top-flight Presidential commissions.

But this sort of annual report is already in existence and has been for many years. It is issued by the Administrative Office and ran to 319 pages in fiscal 1968; it deals with many of the problems I have discussed, and most of the figures I have cited were derived from it. Yet the fact is that the report is virtually ignored by everyone except one or two Congressional subcommittees and those who are already pressing for reform.

### A REPORT MUST BASK IN SOMEONE'S SUN

A report does not become "influential" simply by being designated as such. It becomes influential by the nature and quality of the people who present it, the people who receive it and the forum in which the presentation is made. If influence is what is needed—and I think it is—surely an address by the Chief Justice is the more direct and natural way to achieve it.

Some congressmen agree. Following publication of the *Washington Post* article, Senators Birch Bayh and Edward Kennedy and Congressman Allard Lowenstein introduced concurrent resolutions inviting the Chief Justice to address a joint session of Congress. In addition, the American Bar Association has asked the Chief Justice (and he has accepted) to speak at the annual meeting of its House of Delegates on the needs of the judiciary. This latter course, although helpful and much to be recommended over no forum at all, will not receive the wide attention that would necessarily attend a speech presented to Congress.

An address by the Chief Justice to the Congress each year, or at the commencement of each new Congress every two years, would be proper and meaningful from a number of standpoints. It would be a dignified approach from the head of one co-ordinate branch of government to the branch responsible for both legislation and appropriations. It would inform the public of problems in an area now largely hidden from public view, and so it would furnish impetus for appropriate remedies. It would force the judges to face the failings of their system and to evolve new ideas for dealing with them, and then provide them with an appropriate forum for the expression of those ideas. And, as Mr. Rogers pointed out sixteen years ago, it would provide an opportunity to demonstrate the extraordinary vigor and strength of our federal courts, the absolute necessity for an independent judiciary and the all-important role of the judicial branch in protecting society and human rights.

FOOTNOTES

[1] The bill passed the Senate on June 16, 1969, and hearings have been completed in the House.

[2] S. Rep. No. 181, 90th Cong., 1st Sess. 8 (1967).

[3] S. Rep. No. 262, 91st Cong., 1st Sess. 9 (1969).

[4] *Hearings Before a Subcomm. of the House Comm. on Appropriations,* 91st Cong., 1st Sess. 8, 12, 13–14, 15 (1969).

[5] *Hearings Before the Subcomm. on Improvements in Judicial Machinery of the Senate Comm. on the Judiciary,* 90th Cong., 1st Sess. 213 (1967).

[6] *Hearings Before a Subcomm. of the Senate Comm. on the Judiciary,* 90th Cong., 2d Sess. 188 (1968).

[7] 28 U.S.C. §§ 620–629. The center, of which former Justice Tom C. Clark is the director, already has had a favorable impact on the administration of justice. For example, it has induced five federal district courts in large metropolitan areas to change from the master calendar to the individual calendar.

[8] *Hearings on S. 915 and H.R. 6111 Before the Subcomm. on Improvements in Judicial Machinery of the Senate Comm. on the Judiciary,* 90th Cong., 1st Sess. 219 (1967).

I would also like to insert in the Record, the concurrent resolution which I introduced:

H. Con. Res. 574

*Resolved by the House of Representatives (the Senate concurring)*, That a select joint committee, of whom two members shall be Members of the House of Representatives, appointed by the Speaker of the House of Representatives, and two members shall be Members of the Senate appointed by the President of the Senate, shall convey to the Chief Justice of the United States an invitation to address the two Houses of Congress on such matters relating to the judicial branch of the Government as he may deem appropriate.

Sec. 2. In the event of the acceptance by the Chief Justice of the invitation provided for in the first section of the resolution, the two Houses of Congress shall assemble in the Hall of the House of Representatives, at such time as the Speaker of the House of Representatives and the President of the Senate may agree upon, for the purpose of hearing the address of the Chief Justice.

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## INFLATION AND THE MORTGAGE

## HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 20, 1970*

Mr. LONG of Maryland. Mr. Speaker, On Monday, May 18, my distinguished colleague, Henry Reuss, addressed the Mortgage Bankers Association of America in New York. In his address, Representative Reuss surveys the current economic situation—a million Americans out of work, in a period of "deliberately slowing economic growth." Mr. Reuss points out that this situation feeds inflation as curtailed demand and decreasing productivity oblige business to maintain high prices "because overall profits are being squeezed." I take pleasure in sharing with my colleagues Henry Reuss' penetrating analysis of economic conditions and his proposals for remedying these conditions.

The statement follows:

### Inflation and the Mortgage

(Remarks of Representative Henry S. Reuss)

It is a pleasure to appear before the Mortgage Bankers Association of America. Its 2000 members do the job of finding somebody who needs a real estate loan, and then finding somebody with the money to make the loan. You are today servicing more than $75 billion worth of mortgages, $57 billion of them on single family properties. You have been the prime mover in supplying adequate housing for low and moderate income families.

We need 2.6 million housing units a year over the years ahead, rather than the 1.1 million we are now producing. If you did not exist, it would be necessary to invent you.

If all were going well with you, I wouldn't bother to be here. But I happen to agree with what your President Robert H. Pease recently said. "We are in a real honest-to-goodness housing crisis!"

Since Mr. Pease said that in February, the stock market has been in deep trouble. Inflation has grown worse, the stagnation in the economy in general and the housing market in particular has grown worse. And then, to top it all, we entered Cambodia.

I'm not here to cry havoc. But we cannot afford to disregard the words a few days ago of a former Nixon economic aide, Pierre Rinfret, who said of our present economic crisis: "You are witnessing the end of the American economy as we have known it. We will have the worst of all worlds—high inflation, high money rates and high unemployment."

So it is time we asked ourselves this morning: How did we get into this inflationary morass? How do we get out of it? And finally, how do we assure, in both the short run and the long run, a healthy mortgage banking industry?

We have had a great piece of legislation on the books for 25 years called the Employment Act of 1946. Its goals are full employment without inflation. In the first half of the 1960's, we applied sound economic policies with great success. For year after year, we achieved unprecedented prosperity, uninterrupted growth, a better standard of living for all Americans, and stability in the economy.

Yet after 1965, we forgot the lesson we should have learned. We failed to take the simple steps so clearly called for to ease the strains brought on by the tragic and unnecessary war in Vietnam. By the time the surtax was enacted in 1968, three years after the Council of Economic Advisers had first recommended it, inflation had taken hold.

That was the fault of us Democrats. In case you haven't heard, we paid the penalty for our foolishness in November, 1968.

President Nixon inherited that inflation. We must forgive him for that.

But he has made it worse. He will not be forgiven for that.

The 4 percent inflation he inherited has turned into a 6 percent inflation. The 3.3 percent unemployment that he inherited has turned into a 4.8 percent unemployment. A million Americans are today out of work as a result of current economic policies.

Administration spokesmen keep saying that they are encouraged by the current economic picture, and that the battle on inflation has been won. There is much talk of easy money, at a time when we are experiencing the highest interest rates in 100 years. Instead of the budget surplus which we need in fiscal 1971, Secretary of the Treasury Kennedy is now talking in a relaxed manner about a $4–5 billion deficit.

For myself, though I hear these hosannas about how inflation has been ended, I don't

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believe it. Furthermore, I don't think most Republicans believe it either. That infallible indicator of Republican sentiment, the Wall Street stock market, has been registering further profound losses at the news of continued increases in the cost of living, and the continued escalation of the IndoChinese war.

Ruining the home-building industry and the mortgage industry by high interest rates, and deliberately slowing economic growth so that a million men are unnecessarily unemployed, don't *fight* inflation—they *add to* inflation.

By reducing demand, the supply of homes and goods is reduced. Unemployment and stagnation mean higher unit costs, lessened productivity, and an incentive to business to keep unit prices up because overall profits are being squeezed.

At the recent Joint Economic Committee hearings, I asked the Budget Director whether it wouldn't make more anti-inflationary sense to keep workers at work, making homes and useful consumer goods which could then be sold to other people and sop up inflationary purchasing power in the process. I'm still waiting for my reply.

The reason Wall Street does not believe in the Administration's so-called war on inflation is that it is simply not believable. Stagnation and unemployment are not a policy—they are a disaster! And they ignore the real causes of our inflation—war, other wasteful spending, misallocation of credit, the wage-price spiral.

First and foremost, war. Our budgetary outlays on non-productive items is the largest single cause of inflation.

Swollen military expenditures keep millions of soldiers and scientists from productive activity. We pay them incomes, but they produce nothing we can use in exchange. Heavy procurement of military goods has shifted scarce labor and factory facilities from the production of civilian goods, and has thus increased price pressures.

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Nor is there a reason to believe that even our extrication from Vietnam will much change matters, unless we act now to cut military spending. Former Budget Director Charles Schultze, in his searching Brookings Institution study on "setting national priorities" says of the 1971 Administration budget:

"There is no reason to expect the trend [to high defense spending] automatically to be different when the Vietnam conflict is over. To reverse the trend, if that is desirable, will require a major conscious effort, not only by public officials, but by the body politic as well."

Those of us in the Congress who believe there must be some limits to military spending have renewed our attack on the ABM. What started as a $1–2 billion program can mount to a $20–30 billion program before we are through. If Congress appropriates $152 million this year for a nuclear reactor for an aircraft carrier, we will commit ourselves to future spending of $500 million for the carrier itself, another $600 million for its planes, $800 million for escort vessels, and well over $100 million a year for operating costs. This is folly.

But most of all, we need to end the madness in Southeast Asia—steadily, in an orderly manner, and totally.

Take another big expenditure item—the SST. In the budget this year, we have a paltry $106 million for *controlling* air pollution the country over, and almost three times that much—$290 million—for *making* air pollution via the sonic-booming, noise-making, air-polluting SST. Money and credit that ought to be spent making mass transit vehicles, and air and water pollution control equipment, is instead frittered away on such marginal ventures.

Or take the so-called farm program. Some $5 billion a year in farm subsidy payments is funneled directly into higher consumer prices. Paying $178,000 a year to Senator Eastland not to grow cotton is but one example of subsidizing people who don't need it at the taxpayer's expense.

Or take natural resources programs. In the 1971 budget, we are devoting $143 million to the National Park Service which safeguards our priceless outdoor recreational resources. In that same budget is ten times as much for the U.S. Army Corps of Engineers, $1.4 billion, much of it wasted on wholly uneconomic river projects.

The project to extend the Trinity River Seaway hundreds of miles up from the Gulf of Mexico to Fort Worth, Texas is a beautiful example. Somebody has estimated that it would be less costly to move the city of Fort Worth down to the Gulf of Mexico! The Tombigbee River program in Alabama, just started in this year's budget, is designed to provide an alternative route to the Mississippi, which it parallels, in case somebody drops an A-bomb on the Mississippi. Presumably our adversaries would in such a situation refrain from dropping an A-bomb on the Tombigbee project, on the ground that it is easier to just let us spend ourselves into bankruptcy.

If you believe, as I do, that money spent on the environment and on education and on health and on job training is well spent, you have to match your words with deeds by trying to cut extravagance where you find it. That is what I try to do.

Eliminating waste is not just a current necessity in order to bring inflation under control. It is even more of a necessity in years to come, when we will need that budget surplus—that fiscal dividend—at least in part to avoid the Federal Government's sopping up all the credit in this country, so that some is left for the operation of the private mortgage market, the way we get our homes built in this country.

A second leading cause of our twin problems of inflation and tight money is the misallocation of our credit resources.

Since January 1969, and until very recently, the monetary authorities have deliberately cut back on the creation of new money. For more than a year, the rate of new money creation has been pretty close to zero. And the effect on the home-building industry has been catastrophic.

But has this monetary tightness prevented the big New York, Chicago and San Francisco banks from increasing their lending to borrowers other than housing? Not at all.

They all have evolved adept ways of buying their way out of tight money. In the extremely tight-money year of 1969, for example, the large city banks increased their lending to business by more than 12 percent—for unnecessary capital expansion at a time when only 80 percent of the plant and equipment in this country is being used, for conglomerate take-overs which further the concentration of economic power, for gambling casinos in the Bahamas, and all the rest.

This extra borrowing power was obtained because the big banks had the ability to suck in money from all over—by repatriating Eurodollars from abroad, by draining the smaller banks through the Federal funds market, by issuing promissory notes at top interest rates through subsidiaries of one-bank holding company systems. Big business, to whom most of these loans are made, doesn't mind the high interest rates, since Uncle Sam picks up half the cost via an income tax deduction.

Thus inflationary over-expansion continues apace, unchecked by tight money. Thus marginal users of credit are able to get hold of the lion's share of lending dollars, taking it away from housing, from small business, and from state and local governments.

What this country needs to fight the misallocation of credit are quantitative ceilings on bank lending for such purposes as unnecessary plant expansion or conglomerate take-over. The Congress gave the President these powers last December. But they have not been used. Alternatively, we should employ the variable bank reserve requirements recently suggested by Federal Reserve Board Governor Andrew Brimmer. He would have a low reserve requirement, perhaps zero, on bank lending to financial intermediaries like mortgage bankers who are aiding housing. He would have a high reserve requirement, like 100 percent, on bank loans for frivolous purposes.

Almost every other major country uses such credit control procedures. We used them ourselves successfully in the Korean war days. The big banks of our central cities don't like them. But about 200 million American consumers and taxpayers would like them very much. It's about time some attention was paid to their interest.

A third type of inflation that is readily discernable is the cost-push wage-price spiral. Particularly in concentrated industries like automobiles, steel, rubber and oil, management can and does increase prices pretty much without check. And labor is able to and does demand wage increases which add to the spiral. The prevailing rate of wage increases is now close to 10 percent, at a time when productivity increases are close to zero.

The President's decision, made six days after his inaugural, not to invoke any form of wage-price guideposts used so successfully in the early 60's is a great mistake. Relying merely on tight money, and on putting a million men out of work—and nothing else—is a good way to promote recession, but is no way to fight inflation. So we have both inflation and recession.

To break the wage-price spiral, we should revive the wage-price guideposts, after consulting with labor and management. A special board should thrust the spotlight of publicity upon their voluntary observance.

To expect labor to abide by a policy of moderation in wage increases, the government has to make it clear that it means to break the inflationary spiral. If this means that during the three to six months period required to work out a set of voluntary guideposts, we must impose a temporary freeze on price increases, and on wage increases, which cause price increases, so be it. The consequences of failing to act are in my judgment much worse than the consequences of prompt action.

If the government wants to counsel moderation for the wage earner, patriotism, I suggest, should begin at the highest level. It would be an excellent idea if the President would heed the advice—it was Secretary Romney's, and I applaud him for it—to put part of his recent salary increase back into the Treasury. He should ask other highly paid executives in and out of government to do the same. Specifically, he should ask Congressmen to put part of our 41 percent salary increase back into the Treasury; and specifically, I would be delighted to take part in such a program of symbolic belt-tightening.

If I sound like a broken record in harping so long on inflation, it is because I agree with your President Robert Pease when he says, "If there is any single problem that this country faces, it is the problem of inflation. Until we stop inflation, we'll never return to normal investment channels."

But that doesn't mean that all we should be doing is to stop inflation. A sound housing and mortgage market requires specific legislative steps. We of the House Banking and Currency Committee have just reported out a bill which contains a number of affirmative and constructive actions. I would like to describe a couple of those actions.

We have set up a secondary mortgage market for conventional mortgages under FNMA. Such a secondary market can improve the mortgage investment industry not only by putting mortgage bankers in possession of new funds, rather than compelling them to eat the mortgages they have financed for 40 years. Perhaps even more important, it can develop a standardized piece of paper which can make the conventional mortgage, with its conventional insurance features, as standardized a document as the FHA document. And that will be all to the good.

We helped out GNMA, too, by mandating an immediate infusion of 1.5 billion dollars. And this is to be made available not just for single family dwellings, but throughout the subsidized housing market—Section 235 and 236 housing, rental units, condominiums, the whole works.

Despite the bitter tea and the crust of bread which you gave me for breakfast in these troubled times, I've enjoyed being with you. I hope you will invite me back when you are ready for the crepe suzettes!

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## ADDRESS BY GEN. LEONARD F. CHAPMAN, JR., COMMANDANT, U.S. MARINE CORPS

### HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

*Friday, May 22, 1970*

Mr. THURMOND. Mr. President, Gen. Leonard F. Chapman, Jr., commandant of the U.S. Marine Corps, recently delivered an enlightening address to the Society of Sponsors of the U.S. Navy, in Washington, D.C. He made it crystal clear that the U.S. supremacy of the sea which is so essential to our national security is history.

It is beyond my comprehension that there are certain elements in our society who would capitulate to the Communists on any front when there is more evidence than ever before that the Soviet Union is determined to dominate the world. Control of the seas is only one of the many areas affecting our national security where the U.S.S.R. is steadily overtaking America.

Mr. President, the Soviets are rapidly deploying a modern Navy and a maritime fleet throughout the world while the seapower of the United States is steadily declining. General Chapman noted also that the Soviets are capable of putting a Soviet marine landing force ashore by helicopter assault. It is a well known fact, as General Chapman points out in his address, that Admiral Gorshkov, of the Soviet navy, said some time ago:

> Sooner or later the U.S. will have to understand that it is no longer master of the seas.

In his address, General Chapman emphasized that—

> Sleek and fast new cruisers, destroyers and large torpedo boats—all missile armed—have shown themselves in strong formations in the Mediterranean, the Indian Ocean, and even the sea historians love to call "an American lake"—the Carribean. More than 350 Soviet submarines, nuclear as well as conventional, show themselves little, but make their presence felt all over the world.

It is obvious that the greater the Soviet threat becomes in strategic power, the more anxious the leftwing extremists in our country are determined to risk our security by relegating the United States to a second-rate nation through unilateral actions and capitulation. The many unilateral actions already taken by the United States which weaken our defense posture, are countered by Soviet measures to increase their strategic power. Seapower and ICBM's are only two of the most significant.

It is unfortunate for our Nation that the media of our country do not saturate the public with addresses, such as General Chapman's, in the same manner in which coverage is given of violence, disorder, and antimilitary protesters. Nevertheless, I commend General Chapman for his efforts to alert the American people to the real threat to our survival as a free Nation.

I ask unanimous consent that General Chapman's address be printed in the Extensions of Remarks.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY GEN. LEONARD F. CHAPMAN, JR., COMMANDANT OF THE MARINE CORPS, TO THE SOCIETY OF SPONSORS OF THE U.S. NAVY, WASHINGTON, D.C., MAY 7, 1970

Ladies—and gentlemen too, but it is primarily you ladies I address this afternoon—I am delighted to be here.

I was honored and pleased to receive your invitation. And now, I must confess, it is with no small amount of personal pride that I stand before you. I feel very close to your distinguished Society. Even with my obvious lack of proper qualifications for full membership, I am happy to be able to lay claim to at least a close association. My wife, Emily, joined your honored ranks last December at Quincy, Massachusetts, when she sponsored the new USS PORTLAND. And in spite of the rigors of a ship-launching in the New England winter, I think I learned to understand the special feeling that comes with being a Navy Sponsor. It is the sharing of that feeling that gives me personal pride this afternoon.

Each one of you has served as the spark that ignited the life of a United States ship. In a country flanked by the two greatest oceans of the earth, that's an honor more structural than ceremonial. And that honor is well positioned. I think it fitting that our tradition calls for the hand of a woman to begin the life of a ship. It is, after all, the hand-of-woman that forms the spirit of the men who sail in ships, so it is that gentle hand that constantly touches the spirit in those ships. And in this country, ships are still the transports and protectors of a free life.

The sea is still a major national strength of the United States. It is a larder of resources—animal, vegetable, and mineral. It is a means of communications and trade with the rest of the world—and with other American communities separated by the sea. And it *can* be a ring of security, if used properly.

Our history is a testimonial to the good application of oceanic values. It is a step by step narrative of understanding and developing maritime strength. Long before we were able to realize our destiny across the breadth of this continent, the American flag was well known in the ocean-serving ports of the world. Our flag came to mean free commerce by free men. But it was more than just the sign of a merchant nation. It was a banner of protection, a flag of strength and purpose. How strong that protection could be, became a point made early in our history. A point carefully maintained. It had to be. To a country surrounded by deep water freedom of the seas was—and still is—the very foundation of national liberty. We worked hard to maintain that foundation.

In our seagoing work we learned and accomplished much. Americans were the first to travel under the sea, and the first to fly over the sea. We joined our two coastlines by constructing the Panama Canal. For all practical purposes the two great oceans that flanked us became one. And we prospered.

That's our history.

It's a good history, a comfortable history. 156 years have passed since a foreign enemy has stepped upon our continental shores—or even seriously threatened us. 105 years have gone by since Americans have known the agony of war in their own fields, on their own ground. Long years, necessary years, to work out a philosophy that called for a government to serve the people, not the people to serve a government.

The North American continent was the perfect arena in which to test this noble hope. Isolated by our oceans, we were left alone to grow as a nation and to mature as a people. Our government was free of external pressures. It had time to grow into a sophisticated institution dedicated to the people it served. We were isolated from the rest of the world—except as we chose to break that isolation—and we liked it that way. We learned to count on that isolation. It has been a good history, a comfortable history. But it is, I'm afraid, *past* history.

This is 1970, a new decade well into the last half of the 20th century. It is a time of new thoughts and new happenings. A time when old values are being questioned, and new values are being tested. There is in this new time, I am told, a new quest mounted and riding. It seeks peace and love, justice and truth; and the hope for a future without war, without conflict, and *with* freedom.

That's a fine quest, but I take exception to its age. I recognize it as an old friend—an old comrade of the people called Americans by the rest of the world. It is, after all, what we're all about. And it's what we've been all about for nearly two centuries.

But this is indeed a new time, a rebirth of our traditional search for a better way to share this nation's abundance of hope with all citizens. A time when we are finding new ways to bring to the front the great reservoir of talent and abilities offered by all Americans. This is also a time when we have grown larger while our world has grown smaller. Our oceans, our sacred protectors have been technically narrowed to little more than shallow moats. Space has diminished, and time has compressed. We no longer enjoy the luxurious choice of isolation from the rest of the world except as we would wish. This is a new time for American efforts, all efforts including security. It is a new decade for American defense.

There is a defense establishment in this country, there always has been. It's a part of the overall *People Establishment* that has always *been* the United States. It has grown from militia regiments that used to muster and drill with powderhorns and squirrel rifles, to highly specialized air and ground units ready at a moment's notice. And the handful of sailing ships of stout oak and iron men, has grown to a modern fleet of ships of steel that require crews of like texture. And there *is* a military industrial complex. There must be. The needs of the modern forces of defense are demanding and—at the very least—complex.

These institutions, if that's what they are, are products of the times. They have developed because of a need at this point in history when our protective oceans have become streams—a phenomenon caused by the charted and built-in military industrial complexes of the two giants on the other sides of those streams.

Now, at this time, we cannot reestablish our first line of defense at our water's edge, or 3 miles offshore, 30 miles, or even 300 miles. To attempt such a thing would be as ridiculous as hiding behind a paper shield.

XUM

A few years ago, the chief of the Soviet Navy, Admiral Gorshkov, stated publicly: "The flag of the Soviet Navy now proudly flies over the oceans of the world. Sooner or later the United States will have to understand that it no longer has mastery of the seas."

In July of last year, Admiral Gorshkov updated his statement in a radio address to the Soviet public. "For the first time in history," he said, "the Soviet Nation has acquired a powerful ocean-going navy. It has become the world's greatest naval power capable of taking its line of defense out onto the ocean."

That ocean Admiral Gorshkov is talking about, ladies and gentlemen, is our moat.

The 1970 updated statement of Soviet naval strength has been far more graphic than the words of past years. Last month the Soviet Navy conducted a world-wide naval exercise involving more than 200 ships.

They have also begun a new decade.

There is no doubt that Russia has developed its navy to the point that it dares challenge our position on the seas. Sleek and fast new cruisers, destroyers, and large torpedo boats—all missile armed—have shown themselves in strong formations in the Mediterranean, the Indian Ocean, and even the sea historians love to call "an American lake"—the Caribbean. More than 350 Soviet submarines, nuclear as well as conventional, show themselves little, but make their presence felt all over the world.

Not long ago a prototype helicopter carrier of the Soviet Navy was observed in the Eastern Mediterranean. Obviously fitted out for, and maneuvering as, an antisubmarine warfare ship, she has an additional utility that I find particularly interesting. She is capable of putting ashore by helicopter assault, a Soviet Marine landing force.

Yes, Russia does have Marines. Properly called Soviet Naval Infantry, they have reemerged after years of deactivation as an elite, well trained embryo force. Cruising with Russian ships throughout the world, this force of naval infantry gives a new depth to Soviet foreign policy.

Transported in tank landing ships, much like our own LSTs, the Soviet Marine battalions each number about 600 men. Equipped with amphibian tanks, and seagoing tracked amphibian personnel carriers, their presence wtih the fleet gives the Soviet Navy the ability to protect its strength ashore. Their existence provides Russia with a force in readiness capable of establishing a beachhead, and forcing entry onto any shore far beyond the land mass of Europe. This, backed up by powerful land and air forces able to exploit an amphibious landing, adds a new dimension to the problem of security through seapower.

XUM

And despite recent internal turmoil and confrontations with the Soviet Union, Communist China continues to grow in its strength. Already possessing a nuclear ability and increasing missile power, Red China introduced herself to the space age last month when she launched her first space satellite. Blessed with good warm water ports, and always looking for other means of world influence, it is only a matter of time before she too looks seaward.

But the sea is not primarily a place of war. It is, in its truest form, a means of commerce and world communications that supports civilized life. True seapower is not calculated only in the number of weapons a nation can keep afloat. Seapower is strength at sea, and that strength is measured in the depth of control a country is able to exercise over the use of deep water for its needs.

Right now the naval power of the United States and the naval power of the Soviet Union face each other in a contest of presence. And we pray that it will remain just that. But if the naval powers of our two countries struggle only in the ability to present themselves on the seas, then our merchant fleets have been struggling in the reality of world trade since the end of World War II. And in the process of that competition, the Soviet Union is not only gaining from her efforts—*we* are rapidly losing ground in a let-down of our own endeavors.

In 1960 the United States had 2,926 commerce carrying ships actually plying the seas, as opposed to 873 Russian merchantmen. At the close of 1969 we had shrunk to 1,008 ships while the Soviet Union had increased her merchant marine to 1,634 cargo-carrying bottoms. But even more signficant is the fact that in 1969 this country put 21 new ships to sea, while Russia added 89 to her merchant fleet.

The contest goes on. Now it is obvious that the Soviet Union intends not only to maintain its lead over us, but to finally overwhelm us in the field of ocean trade.

In 1950, 42.3 per cent of all American trade was being carried in American ships. Last year that figure slipped to a meager 6.4 per cent.

Merchant shipping has more than just a partial relationship to this nation's security. It is the life blood of defense to a country surrounded by deep water. If Japan or Germany could have stopped our logistics shipping in World War II, the final outcome of that conflict might have been quite different. With this in mind, I think it significant 'that the Soviet Union has now surpassed our own merchant Marine *in the number of active, individual cargo-carrying vessels;* and their naval arm poses a greater potential threat to our logistics shipping than we've ever faced before.

Now I want to make it very clear, I'm not inferring that we are in immediate danger of invasion from the sea. But as a Marine—a soldier by profession, a *soldier of the sea* by specialty, I am pointing out that as we look inward, other nations look outward and press to new frontiers. As other naval forces build up, we must keep our Atlantic and Pacific moats as narrow for us, as they have become to any potential adversaries.

We are, I think, at a parity in nuclear and ICBM capabilities—both in hardware and in human desire. We sincerely hope, and really don't believe, that any nation would be insane enough to unleash the destruction of mankind. That same parity covers—to a lesser degree—the possibilities of a full confrontation of large armies and air forces in massive land war. This parity shall remain as long as we can maintain a sufficient defense against any threat.

And the eventual worldwide disarmament of major weapons of destruction remains an American hope. It is a good hope, one worth working for and praying for. But this *is* 1970, and the sea still laps at all shores, a sea that can strangle as well as support. The oceans of the world must remain free to us, if we hope to remain free in the world.

And there is still the war in Vietnam.

In this new decade, the most significant change to the war in Vietnam is the growing ability of the people of the Republic of Vietnam to defend themselves. The process called "Vietnamization" is working; we feel it more and more every day.

Not many months ago the Marine Corps was short by only one regiment of having three full Marine divisions, with equivalent air and other supporting units, actively committed in Vietnam. We now have only one Marine division, one Marine aircraft wing, and the support required for those organizations, actually left in that country.

If anyone—from either side of the spectrum—questions our intentions or accomplishments in this war, I invite them to look at our position now. We are redeploying our forces from a much stronger Republic of Vietnam, and Hanoi is still unable to make any gains against the South Vietnamese people.

But even though Vietnamization *is* working, and our commitment to that small nation is beginning to find a fulfillment—the shadow of this war falls heavily on this new decade of American defense.

That shadow cannot be permitted to dull our senses in maintaining our security. We must face reality with real unerstanding and purpose.

Not only are we redeploying our forces from Vietnam, over the past several years the number of our overseas line of outposts has steadily decreased. We again look to our oceans to buffer us as moats. But because we *tire* of the need to be prepared, and the constant threat of confrontation, this does not mean the threat of confrontation diminishes. It will require great and sure strength to maintain our security, and the sea can still provide a ring of security—if used properly.

Our oceans can no longer delay a threat by their mere presence. This is a fact we must learn to live with. But the sea can serve as a means of readiness for a well balanced Navy-Marine Corps Team. Now I'm not talking about a holding force merely prepared to buy time while we fill out our strength at home. That, too, is past history, hardly a reality of the '70's.

The Navy-Marine Corps Team of this new decade must be a complete force—a highly mobile line of outposts—capable of moving to any critical area instantly. The mobility and proven worth of carrier-based aviation, submarines, surface vessels, and Fleet Marine Forces, can keep our oceans broad—can keep any fight from our own shores.

But there is another area in which we must be most careful in our defenses. It is an area that no enemy has ever been able to penetrate, and yet, the danger that penetration could be made always exists. I'm talking about *quality*, ladies and gentlemen, but not in hardware—but in people.

Certainly we will continue to require top quality equipment, weapons, aircraft and vessels. But they will be only as good as the men who employ them. That is our real defense, the Americans who will offer themselves in service to this country.

If we are to eliminate the draft, cut defense spending, and still hope to meet the increasing demands of the security of this country, then every American who wears a uniform must count full measure. Each individual must offer quality service, professional ability—and most of all *dedication*.

But dedication is hardly a one-way street. Like loyalty, it can't be purchased. And like loyalty, it must pass from the serving to the served, and back again the serving. It must be an interaction between Americans, those in uniform, and those who are served by uniforms.

You ladies and gentlemen, and all the citizens of this nation, must reestablish a dignified and respected place in our society for the young Americans who serve you now and who will serve you in the future. They are this nation's defense—*they are* this nation.

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## CONSERVATION

## HON. LEE METCALF

OF MONTANA

IN THE SENATE OF THE UNITED STATES

*Friday, May 22, 1970*

**Mr. METCALF.** Mr. President, one of the speakers at the recent meeting of the Montana Conservation Council, in Missoula, was a former Montanan and, I am proud to say, an alumnus of my office, Mr. James N. Smith, director of conservation services for the Conservation Foundation, in Washington, D.C.

Although he addressed himself primarily to the progress and the prospects of environmental quality in Montana, his remarks are meaningful for the rest of the Nation. Mr. Smith finds several reasons for "guarded optimism." One is the interest—which I would say is long overdue—of the press in the problems of environment. Another is a State administration which shares that interest. Then there are the youngsters.

I ask unanimous consent that the address by Mr. James N. Smith be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

### FORUM ON ENVIRONMENTAL QUALITY—PROGRESS AND PROSPECTS

(By James N. Smith)[1]

I have been asked to address my remarks this morning to the central theme of your meeting—the progress and the prospects of environmental quality in Montana.

As a native son, but one who has long since expatriated, this is both an enticing and intimidating assignment. Enticing, because it is always a great temptation to come back home and tell everyone what their problems are. And there are a lot of things I would like to say to you about the quality of Montana's natural environment and some of the disappointing things that seem to have happened.

But none of this would come as news to you. You know your problems far better than I, and you would be right in reminding me that even though I grew up in Montana and graduated from this Univeristy, I have not lived here for a very long time and am, in a very real sense, an outsider.

This does not mean that I care less for the state or that I do not have my own ideas as to what the state should be. But what I would like Montana to be and what a great many other interested outsiders might expect of it, may not bear much relevance to those of you who make your homes here and your living.

If I had my way, I think I should like to return to Montana and find it much as it was some 20 to 25 years ago when I was growing up here. I would like to find much of the National Forest still primitive—unpenetrated by roads and unscarred by cutting. I would like to find again some of the colorful quaintnesses that I remember—Indians in braids and blankets, and teepees on the reservation.

Not living there, I take no particular pleasure in knowing that the state now has its share of Interstate juggernauts ripping through the terrain. Nor am I enamoured with the prospects of new mineral discoveries in the Lincoln Country or the potential for exploiting the lignite resources of eastern Montana—or even the idea of a multi-million dollar resort development in the Galletin. These changes and prospects for change offend my romantic sense of the state.

This is all very fine, of course, providing you don't happen to live there anymore and depend on the area and its economy for your livelihood—or if you don't happen to be an Indian and live in one of those teepees—or if you are lucky enough to be among that growing group of affluent Americans who have the means and mobility to seek their emotional and spiritual sustenance in the "wilds" of Montana and then return to the urban environment to restore their financial and professional assets. This is selfish and unrealistic.

Montana is not a static condition. It cannot stand still either to indulge the sentimentality of youthful remembrances or the dreams of pristine retreats from the pressures of urban living for those who can afford to "get away from it all." It has to be, first, a viable and respectable environment for those who live here and this, of course, implies a progressive economy and a decent standard of living.

But there are many, myself among them, who begrudge every cultural and economic change which makes an in-road into the kind of environment, either real or fancied, that we would like for Montana.

Ours, however, is not the only misconception of what Montana should be. Even more damaging is that peculiar syndrome which might be characterized as the "frontier ethic." It believes, essentially, that Montana is still on the vanguard of the frontier and that it is every man's inalienable right to plague, plunder and pollute, so long as a few bucks are gained in the process. It is the kind of intellect which believes that nature's resources are a conquest to be exploited in the most expedient and profitable way, and damn the environmental consequences—whatever that might be. There are always plenty more resources just over the mountain.

The harsh fact, of course, is that we are running out of mountains. By and large, the American public is waking up to this reality. This realization is what the new environmental awareness or new conservation movement is all about. People see the limits of their resources and the consequences of their profligacies of the past, and are ready to come to terms with the environment in which they must live and treat with some sympathy and respect.

But not the latter-day frontiersman. He is still Daniel Boone in the wilderness—out to stalk the resources of the land and exploit them for whatever they are worth. Ironically, he shows up most often in some very unfrontiersman-like places—the local Chamber of Commerce, the board rooms of business and industry, and even in the state legislature. His ethic is expressed in such shibboleths as: The conservationists are taking away our jobs; planning and land-use controls are a socialist conspiracy; What's good for Montana industry is good for the state; and so on, ad nauseam.

This is nonsense, of course, but the "frontier ethic" has been a pervasive influence on the state and continues to take its toll. It is the exact antithesis of those who would keep Montana unchanged, and herein is the cause of what may be a growing impasse between two dominant influences in the state.

Montana cannot afford a polarization between those who would keep it exactly like it is and those who would desecrate the entire state for a few new jobs and some short-run financial returns.

Regardless of the influence from either group, the state will grow and it will develop. There are already signs of its impending change in the indication of potential new mineral and coal exploitation, and the prospects of a major new recreational industry.

Missoula will certainly never be a Chicago or probably even a Denver, but I doubt if many people here want it to be. It will grow, though, in spite of itself, and the challenge to the citizens and the government of Montana, and especially to you here today, is to make sure that the growth that does come to the state is planned and developed in a way that protects the natural qualities of the environment.

This is no small challenge, but it is essential to the future of this state and the well-being of those who live here. The thing to remember is that development can take place which does not lay waste to the land and pollute the atmosphere. There are control devices that can be built into the physical plant to collect and reduce the wastes before they are released into the air or the water. There are methods for harvesting and reforesting the timber resources of the state which would protect the forest resource and assure a continued sustained timber industry to the future economy of the state. There are ways to plan and design for the location and construction of new homes, plants, roads and other public facilities to avoid their having a destructive influence on the environment.

Unfortunately, things have not been accomplished in this way in the past in Montana or, for that matter, in most places in the United States. Much of what has been constructed and developed in the state in the last couple of decades seems to have been done with a view to the maximum exploitation of the resources and the minimum regard for the environmental effects. I don't want to go into a long litany of abuses, but there are a few outstanding examples that I can't resist.

The shocking condition of the air quality here in Missoula is one. During certain atmospheric conditions, pollution can reach levels here that even Chicago and New York City seldom achieve. Suspended particulates in the air over Missoula average almost 162 micrograms per cubic meter. The National Air Pollution Control Administration has suggested that levels in excess of 80 micrograms per cubic meter are injurious to human health and welfare, and the state's own requirement is 75.

But Missoula has had this problem for a long time and, although no one likes it, very little seems to be done about it. Given its adverse health effects, if the local Chamber of Commerce wanted to perform a real service, it might erect signs at the airport, reading, "Welcome to Missoula! While you visit us, for your own health and safety, please wear a gas mask at all times."

A particularly enterprising scientist here at the University has detected fluoride emissions from the Anaconda Company's aluminum refining plant at Columbia Falls by associating it with the effects of plant and tree damage surrounding the refinery, and reaching even into parts of Glacier National Park. This appears to be a classic example of a project that was developed to stimulate one element of the Montana economy, and may very well end up by diminishing one of the state's proudest and most valued resources—Glacier National Park.

The exploitation of the timber resources in western Montana left its mark on the land—great swatches of forest stripped bare, giving a strange and unpleasant pie-bald effect to the mountain scenery. I have seen something of the debate that is raging here over the efficacy of open-cutting and forestry management, and I don't want to enter into it. I am no forester. But one doesn't have to be an expert in silviculture to observe that a great deal more energy and resources go into the cutting of timber than go into the managing and reforesting of the resource. Or, to put it quite simply, the Forest Service and the lumber industry would rather cut than plant.

Montana has some new Interstate highways. It also has a Stream Preservation Law which has been on the books since back in 1963. Its intent is to protect the state's streams and rivers from encroachment and damage to the fish and wildlife habitat by highway construction. It is an exemplary piece of legislation. Other states, as well as the Federal government, have looked to it as a guide and a model. If the section of Interstate between here and Garrison is any example, however, there is good reason to believe that it's a model law—and nothing more. In my experience, I have hardly seen a worse example of how a highway can alter, damage and, in some areas, obliterate a stream bed. Clearly, something went wrong in the implementation of the Act.

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[1] The views expressed herein are the author's, and do not necessarily reflect the position of the Conservation Foundation.

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If the progress has been faltering, what are the prospects for environmental quality in the state in the years ahead. This, of course, is hard to determine. It will depend so much on the will and wisdom of the citizens of Montana. It will depend on what values they place on their resources and how cheaply they give them up. It will depend on the leadership of the state and whether that leadership will work toward the kind of protective controls that are needed if the state is going to achieve a balance between growth and environmental quality.

It will depend, too, on groups such as the Montana Conservation Council, and the kind of pressure and influence it is able to exert on the decision-making processes within the state.

I don't know what the prognosis will be, but if I had to guess, I would say that things don't look too bad.

There are a couple of reasons for guarded optimism. One of these is the Montana press, or at least parts of it. I am amazed and delighted to see the kind of critical and probing news coverage and editorial policy that is appearing on the Montana journalism scene. For one who grew up here under a tradition of company-controlled news on a statewide basis, this is indeed a refreshing and promising development. The public and their elected officials can only make intelligent judgments on issues when they are well informed. The focus which several of the dailies have given to the state's environmental issues and the critical judgments that they display can only serve to illuminate the issues and inform the public on the environmental impacts of private and public decisions.

Another is a state administration which does not seem to regard the concept of planning as anathema, and is willing to approach the issues of growth and development with a cautious regard for environmental considerations.

Youth is another encouraging sign. The new involvement of young people (especially college students) in the environmental issue here, as elsewhere in the United States, can only be a positive influence on the environment. The Conservation Foundation has been one of the original incorporators of the Environmental Teach-In, which has culminated in Earth Day activities at thousands of campuses all over the U.S. We helped to set up the national office and get the program going. From this experience, I can personally testify that this phenomenon of youth involvement promises to be one of the healthiest things to happen to the environmental movement since Teddy Roosevelt.

I am most encouraged, though, by the demonstration that Montana citizens do really value their environment and want to protect and preserve its quality. The caution and skepticism with which the announcement of potential mineral development in the Lincoln County seem to have been received are a healthy indicator of an informed and interested citizenry. Twenty years ago, this news would have been greeted with about the same forethought and restraint as the California Gold Rush!

I suppose what I am suggesting is that *maybe* there are some good indications on the horizon that the "frontier ethic" has seen its last days: That Montana is in a process of social and cultural maturing which rejects the old saw that new is better, that bigger is best, that more is good; That perceives, like John Kenneth Galbraith, that ". . . The penultimate Western man, stalled in the ultimate traffic jam and slowly succumbing to carbon monoxide, will not be cheered to hear from the last survivor that the gross national product went up by a record amount."

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## YOUNG PEOPLE WANT TO STAY WITHIN THE SYSTEM AND MAKE IT WORK

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## HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. BURTON of Utah. Mr. Speaker, the Washington Post yesterday—May 21—carried on its editorial page a section of a speech that Postmaster General Winton Blount gave last week before a meeting of bankers in Wilmington. I thought it quite perceptive and include it herewith:

### GENERAL BLOUNT ON THE YOUNG

(By Winton M. Blount)

(NOTE.—In an address before a meeting of bankers in Wilmington, last week, Postmaster General Winton M. Blount discussed the relationship between the generations in this country. He had some harsh remarks to make about the peace candidates around whom the young at one time rallied and he concluded with a spirited defense of the President's decision to move against the enemy sanctuaries in Cambodia. In the section of his speech we print here, the Postmaster General made some remarks about the current condition of the young that deserve more attention than they got in the turmoil of recent events.)

Whatever the questions, whatever the answers, we have been on a collision course with reality in America. We came to reality in a burst of gunfire in Ohio two weeks ago and, as the country held its breath in that dark silence, we understood finally that America cannot move to the third century of its freedom at war with its children. . . .

I think the significance of the past ten days rests in the fact that Americans are beginning to lower their voices. One might wish that we could have the time now to breathe and examine where we are without the pressures of publicity and the passions of politics, but we cannot. Still, I think our young people are ready to believe that the promise to listen to the voices that have despaired of being heard—that that promise stands, and it will be kept. . . .

It is important to listen to the questions they are asking and also to examine the answers they are offering. There is a vast basis for mutual understanding with the young: there are vast differences as well. But difference is the driving force in the dialetical process that takes us forward. So let us understand those differences, and respect them.

When we see war as a political reality, they see peace as a moral imperative. When we speak of making the world safe for democracy, they speak of making the world safe for humanity. When we point to history and the lessons of past wars, they point to the future and answer with the hope that we can put wars by. When we point to what has been accomplished, they point to what remains to be accomplished.

It is a simple matter to see in our differences that the young are naive, that their view of the world suffers from a superabundance of idealism, and a lack of reality and the hard lessons that come with responsibility. And if we see only in these terms, then we miss the more important fact that beyond our differences we share a vast community of interest. . . .

It is from this base that we can reach out and help the young to grow and come to civic maturity. And it would be wrong to ignore what has already been accomplished here, both with and for the young.

This administration has gotten the first positive changes in the draft system, and draft reforms continue. This is a matter which has been discussed with students. So are the SALT talks underway in Vienna. So is de-escalation in Southeast Asia. So is the effort to lower the voting age.

I think that as the young make demands, they should recognize that there is movement—that there is progress.

These are all matters which concern them. These are matters which affect their welfare, and these issues have been discussed with students and other young people.

So there has been communication. But we can have more. We can listen to their ideas. And I think we can and must expect them to listen to ours. They have not always done this. We can weigh their concerns. We can explain our actions. We can take them into those councils where decisions are made.

Good universities have done this for years. President Nixon has asked his department heads to do this, and we have done so, and we will do more. But let business do it as well. Let industry do it. Let local government do it. Let us together find ways to bring these people into their society.

Last March, a group of students from Princeton asked if they could visit me in my office, and I invited them down. Last Friday they came.

They were naturally very much concerned about Cambodia. But in a deeper sense they were concerned about America—concerned about our priorities, and about the assumptions on which we base those priorities. And they were concerned about their place—their future in America.

I was greatly impressed with their understanding, with their ability to advance an argument, and their ability to analyze differences of opinion. I was impressed with their willingness to listen.

We reached no agreement in our discussion. We clarified some disagreements. But the most hopeful note, it seemed to me, came at the end. I asked them if young people felt so closed out and alienated that we could no longer find a mutually acceptable basis for action, and they said no. They said generally that young people wanted to try again, to stay within the system, and make it work.

I think there is cold political comfort here. They indicated they will try to change the Congress to their liking—that they will be in opposition to many of the policies of the Nixon administration. I think we would be very foolish to underestimate the effect they are going to have in the upcoming elections, and in 1972. The brains, the devotion, and the energy they can bring to their cause is a formidable combination. So they are going to try to make their views prevail. Some of them are going to be disillusioned if they aren't completely successful . . .

They must understand that those who have power are going to try to hold it. Those who decide are going to defend their decisions. This doesn't mean they are invulnerable, that power can't be transferred, and decisions changed. They can.

But it has to happen in the center. It has to happen through the system. It has to happen at the ballot box. I don't think our troubles are over. The radicals on both fringes can't survive without turmoil and bitterness and they're going to try to create more of it. But I think we've turned the corner. There was a silent majority too among the young, and among the students, and they are speaking out now. I think we're going to get an accommodation with this generation.

## BRIGHT FUTURE FOR NEGRO COLLEGES

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. MIKVA. Mr. Speaker, at a time when integrated higher education has become widely accepted in our Nation, it is all too easy to forget the unique contribution which black colleges have made and are making to the education of black Americans.

A column which recently appeared in the Chicago Tribune by Mr. Bob Cromie, one of Chicago's most talented journalists, underlined the continuing importance of black colleges and the necessity that they continue to be supported. By documenting the contribution which the black colleges have made in the person of one distinguished graduate—Dr. Norman Christopher Francis—Mr. Cromie gives us a feeling for the potential that exists in black colleges for constructive contributions to the betterment of black Americans and ultimately all Americans.

I insert Mr. Cromie's column at this point in the RECORD:

#### BRIGHT FUTURE FOR NEGRO COLLEGES

(By Bob Cromie)

Dr. Norman Christopher Francis is the first black president of a Catholic university in the United States, and the first male president and first lay president of Xavier of New Orleans—the institution from which he was graduated in 1952.

Dr. Francis, who has a law degree from Loyola of the South, was in town last week to help promote the United Negro College Fund drive, a campaign which helps provide support for 36 member colleges and universities. In Dr. Francis' view, it is vitally important that the Negro college continue and remain healthy.

"My personal feeling is that the last untapped resource we have in this country may be the black American," Dr. Francis said. "Look at the figures. There are 300,000 black youngsters in college today, and there ought to be 750,000. We need every college we can get to educate all the youngsters. A bridge between equal opportunity and the young black is needed, and we believe the black college can provide it better than any other institution.

"It is necessary for the teacher to believe that a student can be educated, and we stand as a monument to the fact that we believe this. When a student leaves us after four years he can enter any graduate school in the country and do the work."

Dr. Francis enrolled in Xavier because the college in his own home town wouldn't admit him because of his color.

"Xavier gave me a chance," he said. "It was the only all-black Catholic university anywhere in the United States. Then I became the first black to enter Loyola of the South in 1952. They told me afterwards that they didn't think I could make it."

Dr. Francis has some impressive statistics to back up his claim that the education given by black institutions of higher learning is a good one: Seventy-five percent of all black Ph.Ds, for example, did their undergraduate work in black schools, and 95 per cent of that 75 percent went on to white graduate schools. Further, 65 per cent of the blacks now holding jobs in state and local government came off black campuses.

Xavier, Dr. Francis says, is called a black university, but has about 10 per cent white enrollment—one reason being that it offers the only college of pharmacy in the New Orleans area. Last year there were 15 graduates from the school of pharmacy, three-quarters of them black, and Walgreen's drug stores tried to hire the entire lot.

"Any time you see a black pharmacist in a neighborhood store in Chicago," says Dr. Francis with a grin, "there is a very good chance that he came from Xavier. In fact they are our best recruiters, and within three years we expect to be graduating about 65 pharmacists.

Dr. Francis became president of Xavier in 1968, and enrollment is now 1,350, an increase of some 300 in the last three years. He reports no major student unrest on the Xavier campus.

I asked if Xavier had had any *real* trouble on campus, and Dr. Francis thought for a moment.

"Last year," he said, "we had a couple of fires in trash cans in the men's rest rooms."

## HALF FARES FOR SENIOR CITIZENS—ANOTHER WAY OF PROVIDING JUSTICE FOR SENIOR CITIZENS

### HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. FARBSTEIN. Mr. Speaker, I have today introduced H.R. 17744 a bill to provide senior citizens with half fare rates on all public transportation in the United States, including airplanes, trains, buses, and all local transportation during nonpeak hours.

Senior citizens are physically less mobile and thus need public transportation more than other age groups; yet they are also less economically able to afford such transportation. The result is that many senior citizens are forced to forego a richer life.

This legislation would provide half fares in a manner similar to the airlines youth fares, except that elderly persons would be able to reserve their seats in advance.

Half fare rates during nonpeak periods would enable senior citizens to escape the loneliness of exile in one's own home and permit them to get away from their daily routine once in a while, and visit friends or recreational facilities away from their homes. It would also enable underutilized transportation facilities to increase the number of passengers they carry and thus increase revenue. In spite of the fact that it would be best for them, as well as the senior citizen, most transportation companies have refused to adopt half fare rates.

This is but one of many examples of the lack of concern demonstrated by large sectors of society toward our elderly persons. There is a lot of talk about the silent majority. Well, I believe our senior citizens are the forgotten minority. Their problems go unheeded, or if they are talked about, it is only in piecemeal terms.

As a Member of Congress, I have placed a very high priority on securing justice for senior citizens. I have introduced, and have been fighting to obtain the enactment of legislation to provide a sizable increase in social security benefits, to secure a minimum monthly benefit of $120 for an individual and $180 for a married couple, and to obtain automatic increases in benefits to compensate for any increase in the cost of living.

I have also introduced legislation to make other badly needed reforms in the system including, elimination of the limitation on earnings for social security recipients, elimination of the current practice of deducting from veterans and other Government pensions any increase an individual receives from social security, extension of eligibility under the Prouty amendment to retired teachers, and the extension of medicare to include other badly needed services such as prescription drugs and home maintenance worker services.

I am pleased that the social security bill passed today by the House of Representatives provides reforms in a number of these areas, and that my efforts may have in part contributed to what is in the bill. But I must admit that I am not totally satisfied with the bill. It provides a 5 percent increase in benefits. I believe this is totally inadequate. What is needed is a 35 percent increase. Nor is a minimum payment established. The bill provides for an increase in the limit on earnings. I believe the limitation should be abolished altogether or raised far above the limit provided in the bill. The bill also provides for the inclusion of new services under medicare but leaves out home maintenance workers services or prescription drugs.

I am particularly pleased that the bill as passed included an automatic cost-of-living provision. This is something I voted for and have long advocated.

Mr. Speaker, I intend to continue fighting until the Congress passes legislation that will do justice to our senior citizens.

## THERE IS NO GENERATION GAP FOR PATIOTIC YOUTH

### HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. RARICK. Mr. Speaker, the mob action and violence which continues unbridled in the United States is drawing reaction from American youth serving our country in Vietnam. Unfortunately, the many letters and voices from the loyal youth at the battlefront are not given as widespread "interpretative commentating" by our national communications system as is given to "dissent" and "free speech" by the mob movement here on the homefront.

The disagreement between the patriotic youth who serve their country and the emotional ones at home who permit their exploitation as members of the mob should belie the generation gap theory. There is no generation gap—rather it is a commonsense gap or an misunder-

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standing gap among members of the same generation.

Those youth who have been liberally educated to believe we live in a democracy fall easy prey to mob actions as a solution to problems of disagreement. Unfortunately, solutions arrived at in passion and frustration by mob action—simple at the moment—offer no enduring contribution. That is why civilized governments elect representatives.

The structure of our Republic and the understanding of all who love their country and individual liberty is that our country is a republic, and mobs are not given political significance.

James Madison's notes on the arguments at the Constitutional Convention indicates that our Founding Fathers discussed several forms of government but concluded the United States was not to be a democracy; one reason being that the democracy is self-destructive of individual liberty because of the mob.

I include letters from several servicemen, the "War Department Training Manual on Citizenship," an article on the defense of nihilism, and several editorials:

[From Daily Reveille, May 15, 1970]

### Cambodia From a Sailor's View

To the Editor of the LSU Reveille:

I write this letter because my stomach is hurting. A lot of you have the same feeling, but for the opposite reasons. You, because Americans have entered Cambodia. You feel like protesting, expressing your displeasure with this action.

Well, I want to express a little displeasure, too! I'm for the President's action, because it might save my life. I'm a PBR sailor on the Van Co Tay river in Vietnam. Up to a month ago, I had spent six months on the Van Co Dang river. These two rivers form the "Sling Shot" around the Parrot's Beak region where ARVN and American troops are operating in Cambodia.

Since January, the NVA and VC troops have slipped in and out of Cambodia and have been giving my division hell! And there was nothing we could do because as soon as they hit us they slipped back into Cambodia.

I say, "Thank you, Mr. Nixon!" Some of you may say that if Americans weren't here, I wouldn't have to sweat getting killed by these little yellowmen—running in and out of a couple of primitive, backward, corrupt countries.

Well, I wish I could show you some of the little girls three and four years old, who, as infants have had their arms, or eyes, or ears cut off because the VC terrorists decided to teach their parents a lesson, for some reason. I wish I could show you young children who know nothing about communism or democracy, going to school to learn to read and write, being blown to bits by a communist rocket that was carelessly aimed.

I wish I could introduce you to Duc and Khang and Phong. These are sailors who ride with us and fight with us. Duc is 18 now. When I first came to this country, he was 17 and he could shoot and clean an M60 machine gun better than any American around. He doesn't understand why the NVA and the VC want to kill him, but as long as they keep trying he keeps our M60s clean and ready to go.

These people don't really understand what communism is; that is except for people like Khang. Khang was born near Hanoi. I think he is 22 now. He is older than most of these Vietnamese on our boats. He had gone to Saigon University for a couple of years before enlisting in the Vietnamese Navy.

Khang came south when the communist opened the gates for all those in what had become North Vietnam who wanted to leave. Millions left. The gates were forced closed against the millions of others who wanted to flee the communist rule. Khang told me that his brother and a sister have been killed since he and his family left everything in the North to start a new life in the South.

His brother, a lieutenant in the South Vietnamese Army, caught a B40 rocket in the stomach, his sister was killed during the fighting in Siagon Tet of '68. Khang has reason to hate the communists! He does.

But to some of you back home, these are other peoples problems. You think you don't have to worry about things like this back "in the world." Well, Jack, look around. What is happening now is the start. And man it is going to get a whole lot worse if some people don't open their eyes.

Right now Americans are being killed by other Americans. I don't mean just the few who are killed in "dissent turning to violence." I mean the hundreds and thousands who are being killed here because the communists have had their confidence bolstered by the protesters and the violence and a slanted news media in the United States.

I want to come home to my wife and my 8-month-old son. I want to return to LSU and finish the two semesters I have left there. I want to live and work in the United States, but not the way it sounds now. It's almost safer here. Here, it's almost over, one way or another. There, it's just beginning.

David Simmons.

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[From the Flint (Mich.) Journal, May 17, 1970]

### Protests Puzzle Sergeant: Cannot Understand Vietcong Flags in the United States

(By William A. James)

"I'm not against demonstrations," he said. "I don't want to fight over there any more than the next man. But I can't understand kids putting up Viet Cong flags.

"Flags stand for something. Our flag stands for a lot of good guys I know who have died. Those Viet Cong flags represent the people who are killing us. I just can't understand it."

That is what Air Force Sgt. William G. Woods thinks about some of the activities on campuses across the country.

Woods, 25, is the son of Mr. and Mrs. Woodrow Woods, 4318 Roberts St. He's a high school graduate who has spent 2½ years in Vietnam. Two out of three recent weeks he spent in Cambodia.

"The demonstrations do have an effect," he continued. "It makes them (the men in the field) wonder—none of us want to be fighting. But we are there. It seems like people could at least give us some support."

Woods, a native of Beckley, W. Va., graduated from Stratton High School there in 1962. He enlisted in the Air Force in January, 1963, He says he wants to make a career of it.

When President Kennedy was assassinated in 1963, Woods was selected because of his appearance and bearing to march in the funeral procession as a member of the Air Force Color Guard.

Although he has spent 30 months in Vietnam, Woods said he didn't volunteer to go. He served there from October, 1965, to October, 1966; from January, 1967, to March, 1967; from December, 1967 to February, 1968, and from May, 1969, until a week ago.

"It's tough," he said about Vietnam duty. "But it's not as bad as it was in 1965. There are more conveniences now; living conditons are better, and it's not quite so hazardous."

He spoke favorably of the American drive into Cambodia.

"I think invading Cambodia is the best thing to have happened in the war," he said. "The enemy was getting resupplied so easily. It was a ticklish situation. You couldn't call in artillery or air strikes.

"For the first time, we can go after them. We can finally get to the enemy."

His job in Indochina has been to help call in air strikes in support of infantry units. He has been a member of the 619th Tactical Control Squadron.

When the troops were moved to within five miles of the Cambodian border about three weeks ago, Woods said they all knew what was up.

The unit waited two days before it moved across the border. He said he doesn't remember the exact day.

"We don't pay much attention to the calendar over there," he remarked.

Woods continued:

"We'd been told to stay out of Cambodia and Laos ever since I was there in '65," he said. "You knew they (the enemy) were there, and they knew you couldn't bother them."

He said most North Vietnamese and Viet Cong supplies had been coming through Cambodia and Laos.

During his two-week stint in Cambodia, Woods said, his unit encountered enemy soldiers almost daily.

"We ran into several hard-core North Vietnamese Army (NVA) units which slowed us down quite a bit," he said. "But we weren't taking too many casualties."

He said the Cambodians have little defense.

"I doubt they could stand a week without support," he said.

Woods said there are many military-age Cambodian men who have either volunteered for duty with the North Vietnamese or have been kidnapped by the NVA.

He said some Cambodian units included several 15 and 16 year-olds.

"They shouldn't be fighting," he said. "They're tough, though. But I just can't see 15-year-olds sent into battle to kill."

Woods said the Cambodians at first resented United States intervention, and hated the Vietnamese. But they seem to have accepted both now, he said.

He said the Cambodians have been feuding with the Vietnamese for centuries. There is a race distinction, he said. The Cambodians are darker. And the cultures of the two countries are quite different, he said.

"Cambodians still have difficulty recognizing South and North Vietnamese," he said. "And they make little or no distinction between the politics of the Vietnamese peoples."

Woods said that until recently the Cambodians didn't seem to be sure what would happen to them in either event—that is whether they were overrun by South or North Vietnamese.

He attributed recent massacres in Cambodia to the basic distrust by Cambodians of any Vietnamese.

Asked if there has been an increase in the amount of South Vietnamese involvement in the war over the past three years, Woods replied:

"In 1965, we were doing all the fighting—now there are a couple South Vietnamese regiments which are pretty good. I think they'll be able to carry the weight."

But he said South Vietnamese troops don't measure up to U.S. standards.

"I was never impressed with the Vietnamese forces," he said. "They just don't seem to have the desire to get out there and hit it.

"We do have a few Vietnamese military units that are really good. Some day I'm sure the Vietnamese can handle it—a year, maybe two. And I believe they should handle it."

Asked if he thought U.S. troops should be in Vietnam at all, Woods replied that the United States did have a commitment to assist the South Vietnamese.

"We had a commitment, as far as it went—that is to furnish supplies and some advisers to help the South Vietnamese," he said. "This was all right.

"Somehow, somebody got the idea we could do it better than the South Vietnamese, so now we've got a big mess on our hands."

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Asked about a way out, he replied:

"Finish what we started. If we pulled out today, I think world opinion would be against us."

And, he said, the South Vietnamese would be quickly overrun.

"I don't think the war will ever be settled at the peace table the way things are now," he said. "The North Vietnamese will have to realize that they can't possibly win a ground war. Then they will be willing to negotiate.

"Morale, on the whole, is pretty high. This (Cambodian invasion) gave everybody a shot in the arm. It's kind of hard to fight anybody when you've got one hand tied behind your back.

"This is going to save a lot of lives. I believe the level of fighting in Vietnam will go down considerably because of this."

Woods, who was wounded by shrapnel from a mortar round in 1965, has been nominated for a Bronze Star for recent action in Vietnam.

Home on furlough, he will report to Bergstrom Air Force Base, Tex., June 7.

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[From the Baton Rouge (La.) Morning Advocate, May 7, 1970]

### Revolutions Are No Trifles

The shooting to death of two young men and two young women by National Guardsmen at Kent State University in Kent, Ohio, was a terrible and deplorable thing. It is one of the worst stains on any page of this country's history.

So confused was the situation on the beleaguered campus that the truth of what actually happened, what caused guardsmen to loose a fusillade of bullets into a crowd of students—whether it was the result of an order, a misunderstood order, in self-defense or out of sheer panic—may never be known.

What is certain is that when two groups of youngsters chase each other playing Good Guys and Bad Guys—both sides armed, one with stones and the other with guns—someone is going to get hurt.

Before assessing responsibility for the deaths, however, it should be remembered why the Guard was present in the first place. Consider these events which took place in a small town of 18,000 with a university population of 20,000 during two nights preceding the tragedy:

On the first night, students swarmed into the downtown business area, tearing down signs, demolishing phone booths and smashing store windows and painting revolutionary slogans on their walls.

On the second night, students set fire to the ROTC building on the campus. When firemen arrived, they pelted them with rocks and slashed their fire hoses with machetes—not pen knives but machetes. The building was destroyed.

Students also set fire to two other small structures on the campus, broke lights and destroyed parking meters in the parking lot, scooping up the scattered change.

Students also allegedly threatened to kill reporters from a local newspaper if they took pictures and telephoned threats to merchants to display "peace" signs in their windows "or your stores will be burned."

How does Vietnam or Cambodia or black studies or curriculum reform or any other excuse justify this senseless destruction and gangster behavior?

National Guardsmen are not trained to deal in psychological persuasion against rampaging rioters. These men—boys, really—were already under strain from duty during a violent Teamsters' strike in Cleveland.

The ultimate blame for what happened at Kent rests squarely on a small core of instigators—some of them students at Kent, some of them from outside—and indirectly on the masses of students who, while they did not actively participate in the disturbances, watched and applauded from the sidelines.

Beyond them, blame falls on faculty and administrators—not just at Kent but at a dozen other colleges and universities. For too long, the one has egged on the dissenters and the others have permitted law-breakers to go unpunished out of fear of "radicalizing" the other students.

Now, we are all radicalized.

Almost exactly two centuries ago, in 1770, nervous British soldiers fired into a crowd of rioters in Boston, drawing the first blood of the American Revolution.

If there be any who believe that a second revolution has begun at Kent State University, let them ponder the words of John Adams, who defended the soldiers at their trial:

"Revolutions are no trifles," wrote Adams years after the war. "They ought never to be undertaken rashly; nor without deliberate consideration and sober reflection; nor without a solid, immutable, eternal foundation of justice and humanity; nor without a people possessed of intelligence, fortitude and integrity . . ."

How much reflection, how much humanity—how much intelligence—was displayed by the rioters at what radicals will undoubtedly call the Kent Massacre of 1970?

Young people have shouted long and raucously that they are going to "turn this country around" and set it straight. The time is overdue for them to turn around and take a sober, reflective look at themselves, at what they have done, at what they may yet do to their country.

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[From the Jackson (Miss.) Clarion-Ledger, May 17, 1970]

### Misplacing the Blame Over Deaths at Kent State University

(By Florence Sillers Ogden)

So President Nixon and Vice President Agnew are responsible for the tragedy at Kent State? Such outrageous accusations by self-constituted judges make my blood boil. How unjust can people get?

President Nixon and Vice President Agnew have said what ought to be said, and should have been said before. Let us be thankful that we at last have leaders who have the courage to speak out against anarchy and revolution; leaders who put their country before a second term in office . . .

For those who would fix blame, call names, why not Black Panthers, Communist agitators, SDS, Dellinger, Bobby Seale?

For those who have the gall to blame Mr. Nixon and Mr. Agnew for death at Kent, do they know the demands the SDS made on the university? Let me repeat the demands as told by Victor Riesel in his column of May 10th. Here are the four points:

1. Elimination of the ROTC.

And why? Anyone knows that answer.

2. End Project Themis Grant to the Liquid Crystal Institute.

This is an institute of science to develop "liquid crystal detectors" to measure heat—that is, to detect campfires in jungles, to seek out hidden Viet Cong troops, hidden supplies, hideaways.

It might interest you to know that the institute at Kent is one of only two in the U. S. A. Someone wants to be rid of this institute of detection. Who? President Nixon?

3. Abolishment of the Law Enforcement School which trains students for police careers. Someone wants to be rid of this school. Who? Vice President Agnew?

4. Abolish the Northeast Ohio Crime Laboratory.

Someone wants to be rid of this laboratory. Who? Attorney General Mitchell?

Do you think the real students of Kent University thought this program up? Do you think the administrators could, in their wildest dreams, meet these demands?

Why can't the American people, and especially the news media, understand that this is a communist-hatched plot bent on the destruction of Kent University and of the United States. It is a plot bent on converting Kent State, a conservative, middle class seat of learning, into a far-left institution, if not destroying it entirely.

Who can be so blind as not to see that these campus riots are planned and led by professional agitators?

Competent observers know that for some time Kent State has been the target of the SDS in that peaceful, undisturbed area. Students of Kent were whipped into a frenzy by outside agitators, anarchists, revolutionaries.

We have seen it happen over and over again in colleges and universities all over America. Yet the administrators of our universities and colleges in the South, and right here in Mississippi, insist on lending their rostrums to all agitators who have the gift of speech to persuade young minds. They call it academic freedom. We old heads call it freedom to brainwash, license to betray.

Now death has resulted. And they blame it on the President and the Vice President of the United States!

Secretary of Health, Education and Welfare Robert H. Finch has said that "the rhetoric of Vice President Agnew contributed to heating up the climate in which the Kent students were killed." What a stab in the back.

Of all the irresponsible statements ever made by a member of any president's cabinet by a fellow member, this is the most irresponsible, the most venomous. It is time for Mr. Finch to hand in his resignation—and pronto!

Why not link the deaths at Kent with the SDS rhetoric, which has been so blatant for so long? With Mark Rudd, Bernardine Dohrm et al who have been asking for blood, for revolt, for destruction of buildings and for armed rebellion at Kent. Their cry is bold letters on SDS pamphlets, "The war is on at Kent." They asked for it, and they got it.

Students are not the only young people who are dying today. Eighty-two policemen died this past year. After all, they are people, too, and most of them are young and entitled to live. The young men who "stand tall" in Vietnam are dying, as young men through all the ages have died for their country. Are Nixon and Agnew to blame? Why not blame Eisenhower and Kennedy? The signers of the Tonkin Gulf resolution—Fulbright and others? President Lyndon Johnson, who sponsored the Tonkin Gulf thing?

The soldiers of the National Guard, called to duty at Kent State, are young, too, most of them no older than the thousand who attacked, drove them into a box between a heavy iron fence on one side and a thousand frenzied, rock-slinging students on the other side. Does the American public expect these young men, called to duty by high authority, to stand and take this sort of attack without fighting back?

True, it ended in tragedy, but it ended. How else could it have ended except in possible death to one side or the other?

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[From the War Department Training Manual No. 2000-25]

### Citizenship

(Prepared under direction of the Chief of Staff)

This manual supersedes Manual of Citizenship Training.

(Note.—The use of the publication "The Constitution of the United States," by Harry Atwood, is by permission and courtesy of the author.)

#### DEMOCRACY

A government of the masses.

Authority derived through mass meeting or any other form of "direct" expression.

Results in mobocracy.

Attitude toward property is communistic—negating property rights.

Attitude toward law is that the will of the majority shall regulate whether it is based upon deliberation or governed by passion, prejudice, and impulses, without restraint or regard to consequences.

Results in demagogism, license, agitation, discontent, anarchy.

REPUBLIC

Authority is derived through the election by the people of public officials best fitted to represent them.

Attitude toward property is respect for laws and individual rights, and a sensible economic procedure.

Attitude toward law is the administration of justice in accord with fixed principles and established evidence, with a strict regard to consequences.

A greater number of citizens and extent of territory may be brought within its compass.

Avoids the dangerous extreme of either tyranny or mobocracy.

Results in statesmanship, liberty, reason, justice, contentment, and progress.

Is the "standard form" of government throughout the world.

"A republic is a form of government under a constitution which provides for the election of (1) an executive and (2) a legislative body, who working together in a representative capacity, have all the power of appointment, all power of legislation, all power to raise revenue and appropriate expenditures, and are required to create (3) a judiciary to pass upon the justice and legality of their governmental acts and to recognize (4) certain inherent individual rights.

"Take away any one or more of those four elements and you are drifting into autocracy. Add one or more to those four elements and you are drifting into democracy."—*Atwood*.

121. Superior to all others.—Autocracy declares the divine right of kings; its authority can not be questioned; its powers are arbitrarily or unjustly administered.

Democracy is the "direct" rule of the people and has been repeatedly tried without success.

Our Constitutional fathers, familiar with the strength and weakness of both autocracy and democracy, with fixed principles definitely in mind, defined a representative republican form of government. They "made a very marked distinction between a republic and a democracy * * * and said repeatedly and emphatically that they had founded a republic."

### NIHILISM—FORERUNNER OF HIPPIE MOVEMENT PRECISELY DEFINED

Nihilism, the name commonly given to the Russian form of revolutionary Socialism, which had at first an academical character, rapidly developed into an anarchist revolutionary movement. It originated in the early years of the reign of Alexander II., and the term was first used by Turgueniev in his celebrated novel, *Fathers and Children*, published in 1862. Among the students of the universities and the higher technical schools Turgueniev had noticed a new and strikingly original type—young men and women in slovenly attire, who called in question and ridiculed the generally received convictions and respectable conventionalities of social life, and who talked of reorganizing society on strictly scientific principles. They reversed the traditional order of things even in trivial matters of external appearance, the males allowing the hair to grow long and the female adepts cutting it short, and adding sometimes the additional badge of blue spectacles. Their appearance, manners and conversation were apt to shock ordinary people, but to this they were profoundly indifferent, for they had raised themselves above the level of so-called public opinion, despised Philistine respectability, and rather liked to scandalize people still under the influence of what they considered antiquated prejudices. For aesthetic culture, sentimentalism and refinement of every kind they had a profound and undisguised contempt. Professing extreme utilitarianism and delighting in paradox, they were ready to declare that a shoemaker who distinguished himself in his craft was a greater man than a Shakespeare or a Goethe, because humanity had more need of shoes than of poetry. Thanks to Turgueniev, these young persons came to be known in common parlance as "Nihilists," though they never ceased to protest against the term as a caluminous nickname. According to their own account, they were simply earnest students who desired reasonable reforms, and the peculiarities in their appearance and manner arose simply from an excusable neglect of trivialities in view of graver interests. In reality, whatever name we may apply to them, they were the extreme representatives of a curious moral awakening and an important intellectual movement among the Russian educated classes.

In material and moral progress Russia had remained behind the other European nations, and the educated classes felt, after the humiliation of the Crimean War, that the reactionary regime of the Emperor Nicholas must be replaced by a series of drastic reforms. With the impulsiveness of youth and the recklessness of inexperience, the students went in this direction much farther than their elders, and their reforming zeal naturally took an academic, pseudo-scientific form. Having learned the rudiments of positivism, they conceived the idea that Russia had outlived the religious and metaphysical stages of human development, and was ready to enter on the positivist stage. She ought, therefore, to throw aside all religious and metaphysical conceptions, and to regulate her intellectual, social and political life by the pure light of natural science. Among the antiquated institutions which had to be abolished as obstructions to real progress, were religion, family life, private property and centralized administration. Religion was to be replaced by the exact sciences, family life by free love, private property by collectivism, and centralized administration by a federation of independent communes. Such doctrines could not, of course, be preached openly under a paternal, despotic government, but the press censure had become so permeated with the prevailing spirit of enthusiastic liberalism, that they could be artfully disseminated under the disguise of literary criticism and fiction, and the public very soon learned the art of reading between the lines. (*Encyclopedia Britannica* (11th Edition), 1911, Vol. XIX, pp. 686–7)

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## CONGRATULATIONS ON ISRAEL'S 22D ANNIVERSARY

## HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. MIKVA. Mr. Speaker, 22 years ago a nation was born in the Near East that was not a new nation: Israel. Its birth, like every human birth, was marked in pain and blood, hope and promise.

There was hope for every Jew, regardless of the language he spoke, or the color of his skin, or the crest on his passport, that his homeland would live again. There was promise of a new and democratic state, offering freedom from the age-old discriminations and persecutions, and a chance to build a society with the wisdom of the past and the tools and techniques of the future.

Twenty-two years later that hope and promise proudly live on in Israel. But the pain and blood remain. But despite the constant turmoil, Israel has forged a democratic homeland. The establishment of the first Jewish state in more than 2,000 years fulfilled a dream that had been so long unfulfilled. And from the birth of the state a vigorous, modern nation has emerged.

Bolstered by skilled physicians, economists, lawyers, and scientists—many of whom escaped the Nazi scourge—Israel has developed a strong economy. Through irrigation projects, Israel now can feed nearly all of its citizens without importing food. A well-developed industrial base has permitted the young state to trade extensively in the world markets.

Israel has also cultivated a democratic political system—one of the few in the Middle East. The thoroughly democratic government allows direct elections of candidates from a wide variety of political parties. A sophisticated press also permits vigorous and partisan debate among the various parties.

In concert with its great heritage the new nation has also developed cultural institutions in the short span of 22 years. The Hebrew language theater, the national ballet and symphony, and Israel's fine universities are known throughout the world.

With every heartfelt good wish on this anniversary of her nationhood goes an unspoken prayer for peace between Israel and her neighbors. May this most unmilitary of peoples cease having to prove to the world the terrible efficiency of its armies. May there be a new reverence for life throughout these lands that cradled our civilization. May the fields of Israel, and of its neighbors, bring forth harvests only in peace.

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## EXTENDING THE HIGHWAY TRUST FUND—TODAY'S TRANSPORTATION FUNDING IMBALANCE AND THE NEED FOR A SINGLE TRANSPORTATION TRUST FUND

## HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

(Mr. KOCH asked and was given permission to address the House for 1 minute.)

Mr. KOCH. Mr. Speaker, one of the most important congressional hearings now taking place on the Hill is on the country's highway program. The House Public Works Committee is now considering legislation which would extend the highway trust fund to 1978 as part of a comprehensive highway program to continue at least until 1985. And the committee has before it a $320 billion highway needs study submitted by the highway administration for the next decade. With the mass transit needs being what they are, combined with the Nation's demographic projections for the future, it is irresponsible to propose that $320 billion be spent on highways.

I have testified before the committee urging that the concept of a balanced transportation system be incorporated in the law by establishing a single transportation trust fund.

We know that nearly 80 percent of the people of this country are jammed into urban areas and that highways for the cities' transportation problems are not the answer. What we need for the cities is mass transportation and that means subways and buses. It is irrational that this Congress should plan to spend in fiscal year 1971 $4.5 billion for highways and only $285 million for mass transportation. Furthermore, it is shocking that the Department of Transportation has an estimated 5,400 individuals working in its highway administration but only 57 employees in the urban mass transportation administration.

If we are to get a balanced transportation program—if we are to get a single transportation trust fund, we cannot extend the highway trust fund to 1978. I urge our colleagues to appear before the House Public Works Committee now and testify in opposition to the extension of the highway trust fund and to put forward the new approach of a single transportation trust fund to meet the needs of the decades to come.

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## SMALL BUSINESS WEEK OF 1970

## HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. HOGAN. Mr. Speaker, I take this opportunity to salute the small businessmen in this country in this week which President Nixon has proclaimed as "Small Business Week of 1970."

I am very pleased to see this time set aside to call to the attention of all Americans the valuable contribution made by the over 5 million small businesses in this country. Many tend to think the strength of our business economy lies with those multimillion-dollar concerns which are known nationwide. Little do people realize that the small business concerns, in addition to providing services and products of every nature for the American public, contribute approximately 40 percent of the Nation's jobs and the gross national product.

Actually, the contribution of small business—the heart of our economy—goes beyond dollars and cents, products and services, as President Nixon pointed out in his message to Congress in late March:

"It can mean for the Nation a source of independent innovation which continually offers new products and services needed by any economy if it is to remain vital.

"It can mean a chance for a young American to bring not only his talent but his individuality to the challenges of the business world.

"It can also mean an opportunity for dignity and for economic and social progress for many Americans previously without access to the economic system of our Nation. Small business is a way to become a part of that system—and, after seeing it work, believe in it, in its promises and in its challenges."

Being aware of the importance of a healthy small business community to our country's economy and welfare, President Eisenhower 17 years ago established the Small Business Administration to look out for the interest of and to administer Government programs aiding the growth and development of small businesses. Similarly, both the House of Representatives and the Senate have established Small Business Committees to see that the needs and interests of the small businessmen received full consideration and attention by the Congress. The SBA and congressional committees can appropriately take credit for advancing the interest and status of this important segment of the economy over the past several years. Even now these units are working together to develop and institute certain recommendations of the President's Task Force on Small Business and President Nixon's recommendations to Congress earlier this spring. These proposals for various new methods of assistance at the Government level as new small business incentives at the private sector level, deal basically with three major problem areas as determined by the Task Force—

> The need for capital and for recognition of the special financial problems small firms may face in their early years;
>
> The need for sound management counseling; and
>
> The need for people and especially for trained people.

In conclusion, I feel confident that the efforts of our leaders will resolve these and other problems presently facing the small businessman, and that in years to come small business will continue to grow in strength and purpose. On this occasion I would like to rededicate myself to the task of assuring that they will continue to play a fundamental role in the economy of our Nation.

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## UNSPOILED COPIAH COUNTY, MISS.

## HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 21, 1970*

Mr. GRIFFIN. Mr. Speaker, the March-April issue of Mississippi Game and Fish, the official publication of the Mississippi Game and Fish Commission, features an interesting article on Copiah County.

Written by James Watts, the article points up the recreational opportunities in Copiah County made possible by the foresight and hard work of its citizens. A clean, wholesome, unspoiled area available to every citizen is a worthy national goal. The people of Copiah County have shown that it can be done and they deserve the commendation of all interested in maintaining environmental quality.

I am pleased to call to the attention of the House Mr. Watts' article which follows:

### CALLING PAN OR UNCOMMONLY UNSPOILED COPIAH COUNTY

(By James Watts)

Thousands of sportsmen believe Copiah County is already "the greatest," while others think the county has not yet reached its wildlife potential, but the latter group doesn't deny the ever present high quality that has long attracted outdoorsmen for hundreds of miles.

The sounds of whirring wings, snorting bucks and splashing bass are all prevalent and common to this southwestern Mississippi county. Even the adjectives used by sportsmen to describe this area—"unspoiled, clean, natural, clear, beautiful"—paint a picture worthy of the "wildlife pedestal" many naturalists say Copiah County deserves.

Amid the deep darkness of Homochitto National Forest sportsmen can be found rambling after the racoon by night or scanning the hardwood for squirrels by day. They may be over a crappie bed on Lake Copial, or checking their trot lines on Pearl River. They have different wants and they come armed with cameras, beagles, yelpers, binoculars, pointers and sleeping bags, but they have one thing in common and that is their admiration for Copiah's great outdoors.

The word "Copiah" comes from an Indian name which means "calling panther" and legend holds that panthers were once a part of Copiah's wilds. Bordered by the famed Pearl to the east, Copiah County is located in the Brown Loam soil area and ranks seventh in area and 23rd in population among the 82 counties of the State.

The county was organized in 1822, five years after Mississippi was admitted to the Union, and was the State's 18th county. Coar's Springs became the temporary seat of justice of Copiah County in 1819. The historic old town of Gallatin next became the county seat and then to its present site, Hazlehurt. Other county communities include Beauregard, Crystal Springs, Gallman, Georgetown and Wesson.

Copiah County's wilds are probably most famous for a 6,500-acre tract of land known as Copiah County Game Management Area or "Henneberry," the name of the land's owner prior to the Commission obtaining it in 1949. The Copiah County trace represents almost one-half of State owned game lands. The other 7,253 acres are located in Marion County in Hugh White Management Area.

The Commission has under lease another 1,135,811 acres in strategically located areas, but it is only under lease. It's now easy to look behind and realize that other lands should have been purchased years ago, but it simply was not done for various reasons. However, the present Game and Fish Commission is working closely with legislative officials in an effort to buy additional prime hunting ground.

The George F. Henneberry story is a remarkable one to say the least. A world traveler and renowned entertainer, Henneberry was a multi-millionaire and the printer of Sears and Roebuck's catalogue. He hunted in Africa, Asia and South America. He was a small man, but made up for his minute size with wealth and unsurpassed vitality and vigor.

Henneberry's connection with Copiah County was through wealthy friends who also used the picturesque area as a get-away-from-it-all haven. Between 1939 and 1945 Henneberry bought up the lands of 17 small farmers and landowners and the result was his private 6,500-acre retreat. The wealthy lithographer added rooms to a stately old plantation home that dates back more than 100 years. He furnished it with elegant furniture and even added bathrooms that represented the first indoor plumbing in rural Copiah County.

Henneberry, whose permanent home was in Chicago, visited his second home for months at a time. He brought with him food, drink and friends, while employing cheap labor to plant and develop his land for game bird management purposes. The land, which borders Claiborne County in southwest Copiah, was then, and remains, managed primarily for quail, although all Mississippi game species, are common to the area.

In 1948 Henneberry died a tragic death at the age of 60 in an Illinois automobile accident. It was the following year that the Commission acquired the land after Warren A. Hood, one of today's most prominent Mississippians, came to Commission Director R. M. Freemen, who is the father of today's Fisheries Chief Barry Freeman, with an idea.

At that time Hood was in the saw mill business and wanted the merchantable timber off the Henneberry property. Hood had negotiated with Mrs. Henneberry's attorney before coming to the Commission with his proposal. A few months later an agreement was reached and under a Pittman-Roberson land acquisition project the Commission got the land for $87,962 or about $15.00 per acre and Hood bought the timber. Hood, in turn, sold back to the Commission the merchantable hardwood for $6,000.

Hood had a three-year contract to harvest the merchantable pine above 10 inches in diameter. The Commission obtained the land, one-eighth of the owner's non-participating royalty interest in the minerals and Henneberry's house and its furnishings.

A native of the Dentville Community of Copiah and now a resident of Jackson, Hood is now one of Mississippi's wealthiest men and one of the most active conservationists in the State. He owns or has under lease nearly 9,000 acres that partially join the management area and all of it is managed for maximum production of game and fish.

The two-story home remains today in "mansion" form and, after recently being renovated, is being used for meetings of law enforcement personnel, biologists, the 11-man Game and Fish Commission and other groups when authorized.

In years past the 17-room, antebellum structure has been used to its fullest. It has played host to governors and their wives, United States Senators and Representatives, out-of-state celebrities and hundreds of Game and Fish Commission friends.

"Henneberry" was closed to hunting for five years after the Commission acquired it. Today, all game is hunted on the area with the exception of turkey, although their population is growing steadily.

The very nature of the land makes it outstanding quail country. The way the land was farmed in the past and the way it has been developed since have contributed greatly to the management area's success. Numerous ponds, water holes, hedgerows and fields of corn, brown-top millet and soy beans dot the countryside. Two of the most scenic streams in the State cross the area in Foster's Creek and Mill Creek. About one-half the area's total lands are in timber.

The estimated quail kill on "Henneberry" this year was 1900 down from last year, but still an outstanding figure for the number of acres hunted. Squirrel hunting was fair to good, rabbit hunting was good, dove hunting was down but good (3,000 in the first two days), and deer hunting was excellent with 61 bucks being taken by white-tail hunters.

Plans for the management area's future include more intensive management for game animals, with special interest on the turkey, and construction of two or three 25 to 50 acre lakes. The Commission is presently working toward financing lake construction.

Those persons who contend Copiah County is still under developed in regards to wildlife and fisheries usually have one of two things on their mind. One, for several years an "International Garden" proposal has been discussed in the Magnolia State and an area of Copiah County along Baycu Pierre has, since the proposal's initiation, been in the forerunning for the most desirable location. And, two, Copiah County is in need of more public fishing waters, although all residents and visitors of the county have access to some of the State's finest small lakes and ponds.

If the garden ever becomes a reality, and predominant supporters appear optimistic for its development in the next few years, the wants of both these groups would be complete. Included in the general plan for the International Botanical Gardens and Nature Preservation Area is a 3,000-acre reservoir complete with boat ramps, a marina, campgrounds, skiing, swimming and fishing. The complete area calls for 6,000 acres that would include "a tree farm of international trees, shrubs and flowers representative of all countries of the world and all states of the Union."

A handsomely printed booklet discussing the International Garden was distributed to members of the State Legislature some two months ago when Mississippi State University specialists reported on the results of the feasibility study. The 1969 Legislative Session asked Mississippi State University to make the study.

The committee appointed by Mississippi State University President William L. Giles reported that it "feels that an International Garden is feasible and desirable if developed in a proper manner . . ." as outlined in the prospectus.

The report included plans for construction of desert, arctic and tropical climatrons to reproduce the three types of climates. The tropical climatron will cover 24,500 square feet, the desert climatron 6,500 square feet and the arctic climatron 4,500 square feet. The arctic climatron would be 80 per cent underground to aid in cooling.

Other things to be included, according to the report, would be a convention center, high intensity recreation areas, access roads to all areas of the garden, motels and restaurants.

The reason the Bayou Pierre area is considered a prime location for the gardens is its accessibility to Interstates 55 and 20 and the Natchez Trace; the fact that part of this beautiful area has never been disturbed by man, the natural, rolling contour of the land; and the area's rich soils and immaculate streams that remain unspoiled and unpolluted.

Prominent spokesmen for the development of this particular area include Mississippi's Third Congressional District Representative Charles Griffin of Utica, State Representative Bob Anderson of Wesson and Crystal Springs banker R. L. Davis. They point to other factors such as the monetary returns on such a nationwide tourist attraction and the improvement of Mississippi's world image. They mention numerous other values under headlines of recreational, educational, scientific, economic and cultural.

Some 20 to 30 years ago Copiah County hunting was almost exclusively for small game. The picture changed drastically by about 1955 because by then the small truck farms that once dominated the county were sharply declining. The chief products of these farms had been tomatoes and cabbage and the population of quail, rabbits and squirrels was probably at an all time high.

As crop farming decreased and cattle farming and timber growth increased, bird population declined, but deer and turkey herds began to flourish. Since the large game population increase, Copiah County has probably never been better balanced.

Some say they expect a decline in larger game in the next few years because paper companies that now own much of the county are initiating "clear cutting" operations followed by reseeding. Squirrel populations, also, will obviousy be hurt by the new timber management procedures.

The efforts of the Copiah County Hunting and Fishing Club have brought about much achievement for the 30,000 residents of the county. During the late 1950s the club was responsible for the construction of probably the county's best lake, Lake Copiah Recreation Area, some two miles south of Crystal Springs with 185 acres of surface water, has produced some of the State's largest bream, with crappie and black bass also being plentiful.

The lake's facilities include boat launch ramps, sand beaches, a club house and picnic areas. The dam of the lake is one of the largest dirt dams in the State, excluding reservoirs. It is 1,000 feet long, 225 feet wide at the base and 22 feet wide at the top. The dam is 53 feet high and the water depth averages some 12 feet. Concrete spillways have also been constructed to take care of excess water from natural springs in the bottom of the lake.

Well known Copiah Countian Robert Harper is presently serving as president of the lake association.

At the south end of the lake is one of Mississippi's most beautiful encampments in Camp Wesley Pine, a Methodist camp that accommodates 320 persons for living purposes. The camp is complete with dormitories for men and women, dining hall, game rooms, a modern swimming pool, volleyball courts, a softball field and a tabernacle that seats 500 persons.

A Methodist minister, J. R. Cameron is the camp's superintendent. Cameron and his wife have managed the activities of the camp since it opened in 1960.

Another outstanding camp in the county is that of the Boys Club of Jackson, located in southwestern Copiah. This camp is operated primarily for underprivileged boys and can accommodate some 60 persons. The camp is located on a 60-acre lake that has produced dozens of seven and eight-pound bass.

Wealthy Copiah Countian John J. Hay donated some 200 acres of land, the lake and all the lodgings around the lake for the specific purpose of providing for the youths who attend the camp each year.

Other good fishing areas in Copiah County include Foster's Creek, White Oak Creek, Copiah Creek, Brushy Creek, all of which are in the watershed of the proposed International Garden area, and Pearl River.

Sportsmen have spent many enjoyable hours on the banks of these creeks and on Pearl River fishermen can catch just about all the catfish they want. In the fall of the year bass, crappie and bream fishing is also good on the history laden Pearl. Two more outstanding lakes are Lake Chatauqua, 25 acres of water in the City of Crystal Springs, and Lake Hazle, 20 acres in the City of Hazlehurst.

Copiah County has been bestowed with much in wildlife and fisheries and a lot of people are responsible. The county has four dedicated employees of the Game and Fish Commission in Philip Strong, the law enforcement division's training officer; Ed Givens, the manager of Copiah County Game Management Area; and Herbert Deaton and Frank Hood, the county's two wardens who are both college graduates.

State Senator Thomas Douglas of Hazlehurst, Representative Anderson, former State Senator Frank Barlow of Crystal Springs, the late J. R. Hall who was a warden for 20 years and one of the county's most popular citizens, prominent cattlemen S. M. Ramsey and Garland Brooking, and supervisors George Marx and P. D. Armstrong, have all done much to improve the chances of bag limits in Copiah County and all are many sportsmen's favorites.

XUM